

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
August 8, 2019**

The regular meeting was held in the Scott County Courthouse on August 8, 2019. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners Frank Wiseman, Byron Moran, Regina Mizell, James Stone and David Vest, Director Joe Kane, Planners Matt Summers and Mikaela Gerry, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Charlie Mifflin and Jeff Caldwell.

Motion by Mizell, second by Stone, to approve the July invoices. Motion carried.

Motion by Moran, second by Wiseman, to approve the July 11, 2019 minutes. Motion carried.

Motion by Mizell, second by Smith, to approve the August agenda. Motion carried.

All those intending to speak before the Commission were sworn in by Mr. Perkins.

Postponements/Withdrawals

Chairman Sulski stated that the application for Hotel Development - Ikebana Path (PDP-2019-31) has been postponed to the regular September meeting.

FSP-2019-17 Jones Property - Final Subdivision Plat to divide one tract into four tracts, creating one 6.14-acre tract, one 5.88-acre tract, one 5.04-acre tract and a 5.16-acre remainder tract located on Willow Brook Lane.

Ms. Gerry stated the property is zoned A-1. She stated the master plan and preliminary development plan were approved in 2001 and that the final subdivision plat was never recorded. She stated the future concept plan shows the project site designated as a future cluster subdivision. She stated the existing cluster subdivision was approved as Phase 1 of Willowbrook Subdivision.

She stated the applicant would have to extend Willow Brook Lane to county road standards for access to the project site.

Mike McMurray, 107 Ashwood Circle, presented his interpretation of John Sharpe's understanding of Willowbrook's cluster subdivision. He stated his conclusion is that 151 acres of the Sharpe property is dedicated with 100 acres used for Willowbrook and the other 50 acres being reserved for each of Mr. Sharpe's sons.

He stated on the future development plat a total of 165 acres is reserved for open space.

He stated he agrees with John Sharpe's conclusion that no building rights are available for Ms. Jones.

Sherri McMurray, 107 Ashwood Circle, stated she is the Vice-President of Willowbrook's HOA. She stated that the HOA had been promised that the land surrounding Willowbrook would remain agricultural.

She stated that Willowbrook subdivision contributes over a million dollars in taxes to Scott County.

She stated that Ms. Jones has not set building requirements, fence maintenance, or any easements.

She stated that the plat was recorded in 2003 for the parcel of land that included easements.

Ms. McMurray stated that the open space remaining from Phase 1 of the Willowbrook Subdivision is controlled by the HOA.

She stated that the HOA has met with the county attorney, and the area between the end of Willow Brook Lane and the start of the Jones property, is common area owned by the HOA.

She stated the HOA has met with three attorneys and that all agree that Ms. Jones does not have the right to extend Willow Brook Lane into her development.

Chairman Sulski questioned Ms. McMurray if she had statements from the attorneys. She stated she did not but would obtain them if needed.

She stated if the application was approved the HOA would pursue legal counsel.

Commissioner Wiseman questioned if common area and greenspace meant the same to the HOA. Ms. McMurray stated that the common area was given to the HOA when the corporation dissolved. She stated some greenspace was a part of the common area and the 100 foot of property is greenspace.

Commissioners questioned who was responsible for the taxes of the 100 foot of property. Ms. McMurray stated it is tax exempt because it belongs to the HOA.

Commissioner Moran questioned if the HOA had a deed to the property. Ms. McMurray stated that the HOA is not aware of a deed.

Heather Sapp-Goodin, 100 Willow Brook Lane, stated she chose to live in Willowbrook because of the restrictions. She stated she has a concern about the property value if the proposed lots have no restrictions.

Sandra Daukas, 104 Ashwood Circle, stated that Ms. Jones had spoke with some of the neighbors before wanting to buy the two acres in the common area. She stated Ms. Jones wanted to consolidate the acreage with the lots she owned to sell. She stated Ms. Jones was willing to follow the HOA restrictions for those lots but not the current proposed lots. She stated in August 2018 the HOA voted not to sell the common area to Ms. Jones, but that Ms. Jones continued to call asking the HOA to sell the common area. She stated that she is not opposed to the proposed lots if they follow the HOA restrictions.

Commissioner Wiseman questioned Ms. Daukas, if the proposed lots had the HOA restrictions, would she support the lots. She stated she would but did feel that the HOA's restrictions on animals might not apply to 5-acre lots.

Commissioner Wiseman questioned if the adjoining 5-acre tract resembled the HOA's restrictions. Jodie Bingham, 743 Cane Run Road and owner of the adjoining 5-acres, stated that she has lived there for 15 years. She stated her home was built in 1978 so it does not follow the HOA building requirements but that she tries to keep her place looking nice.

Commissioner Mizell stated that she thought Ms. Jones had previously agreed to some of Willowbrook's restrictions.

Michael Daukas, 104 Ashwood Circle, stated that it seems the HOA is having to prove what they own.

Mr. Perkins stated that the HOA does not have to prove ownership. He stated the recorded plats explain the history and access of the proposed lots.

Beckham Sharpe, 104 O'Conner Court, stated that he is the adjoining property owner. He stated he had not found any further information about the property.

Rita Jones, applicant, stated that she found errors in the information that Mr. McMurray presented.

She stated she did approach the HOA to buy land to consolidate to her 5-acre lot she owned. She stated she has since sold the 5-acre lot.

She stated she has not seen information that shows her not having access to her property.

She stated when she asked the HOA about buying the surrounding land, she was going to make the lots 1.75-acre cluster lots. She stated those lots would have been part of the HOA. She stated the HOA restrictions do not apply to a 5-acre lot.

She stated she will restrict double or single wide trailers. She stated the homes will have a minimum of 1800 square feet.

Commissioner Smith questioned Ms. Jones if there were any restrictions on the property when she purchased it. She stated none that she was aware of.

Chairman Sulski questioned Mr. Perkins if there were any restrictions that he has seen reviewing the plats and deeds. Mr. Perkins stated restrictions would have been set by a former owner of the property and attached to the deed. He stated he did not see restrictions on any of the documents.

Commissioner Smith questioned Ms. Jones why she did not propose a cluster subdivision. She stated she does not own enough land to build a cluster subdivision.

Commissioner Vest questioned Ms. Jones if she would implement any of Willowbrook's restrictions. She stated the lots will not be seen by Willowbrook residents except a few lots will back up to one of the 5-acre lots.

Ms. Daukas stated she is not against animals or farming equipment. She wants the restrictions on the appearance of the house, barn, and fence.

Ms. Sapp-Goodin stated she prefers the 22-acres to be sold as a farm.

Commissioner Wiseman stated he thinks his home value is based on the appearance of his home not his neighbors.

Ms. Sapp-Gooding stated she has concern regarding what new neighbors might do with the property. She stated she still prefers the land to remain a farm. She stated she does not trust what Ms. Jones says.

Ms. Jones stated she did talk to some of the HOA members over the phone but never met any of them in person. She stated the Willowbrook property used to be a farm too. She stated she would be willing to sell the 22-acres as a whole lot.

Commissioner Smith stated he feels that John Sharpe probably meant to continue the cluster subdivision.

Commissioner Vest questioned if there are any laws that would prohibit the 5-acre lots or if any restrictions could be put on the lots. Mr. Perkins stated that the lots should be treated like any other 5-acre lot that is presented to the Planning Commission.

Commissioner Wiseman stated if the whole 22-acres was sold instead of 4 separate lots, that could possibly keep 3 more houses out of Scott County.

After further discussion, **Motion by Mizell, second by Smith, to approve the Final Subdivision Plat (FSP-2019-17) subject to seven (7) conditions of approval. Motion carried 4-3.**

FSP-2019-32 Duncan Property – Final Subdivision Plat to subdivide a 5.00-acre lot from a parent tract of 161.60 acres located at 1279 Burton Pike (KY620).

Mr. Summers stated the property is zoned both R-1A and A-1. He stated the property is between Mallard Point and Burton Pike. He stated the R-1A portion was part of the original rezoning of Mallard Point. He stated the concept plan for Mallard Point included this land.

He stated the access would be from Burton Pike. He stated the two different zonings make the setbacks more difficult. He stated if approved, he recommends the applicant follow the A-1 setback requirements.

Malinda Jones, 1622 Burton Pike, stated she has concern about flooding due to the recent building on Burton Pike.

Mr. Krebs stated that due to the lot being in the county and not being a development, storm drainage plans are not required.

The question was asked who is responsible for the flooding on Burton Pike. It was stated the road is a state road and the state would need to be contacted.

Tabor Walls, applicant, stated that her contractor has talked about installing storm drains.

Ms. Jones questioned if the property owner was going to develop the property. Chairman Sulski stated any applications would be brought before the Planning Commission.

After further discussion, **Motion by Wiseman, second by Stone, to approve the Final Subdivision Plat (PDP-2019-32) subject to four (4) conditions of approval. Motion carried.**

## BGADD Regional Cooperation Resolution

Mr. Kane stated this is a Planning Commission resolution to endorse a Bluegrass Tomorrow Land Use Resolution. He stated there are 18 counties in the Bluegrass Tomorrow area that surround Lexington. He stated the plan is based on 7 principles developed by the Bluegrass Tomorrow working group. He stated the resolution is a start for the surrounding counties to communicate about their planning and land use regulations.

Chairman Sulski questioned if the Comprehensive Plan and Local Ordinances would overrule the resolution. It was stated the principles in the Resolution were just a guide, but our local laws would govern the planning process.

Chairman Sulski stated that he would like to hear opinions from City Council and Fiscal Court members regarding the ordinance.

Commissioner Smith stated that he feels the Planning Resolution would help coordinate plans that involve multiple counties.

Commissioner Moran questioned how many people are on the Board for Bluegrass Tomorrow. It was stated there are 52 members with Claude Christensen being the chairman.

Claude Christensen stated that Bluegrass Tomorrow is a cooperation between the 18 counties to improve the quality of life for residents.

Mr. Christensen stated the mayor has seen the agreement and that it was approved in December 2018 by the Bluegrass Tomorrow Board.

Chairman Sulski questioned if the public should be made aware of the agreement. Mr. Christensen stated some surrounding counties and cities have already adopted the agreement.

Commissioner Moran questioned how the information is shared among the counties. Mr. Christensen stated that Bluegrass Area Development District has a regional Planning Committee that meets every other month and that Planners share information with each other. He stated that counties are now more willing to share their Comprehensive Plans.

Chairman Sulski stated that he has concern that the agreement would make Scott County lose its identity.

After further discussion, **Motion by Smith, second by Moran, to approve the Bluegrass Regional Land Use Resolution. Motion carried 6-1, with Chairman Sulski voting no.**

The meeting was then adjourned.

Attest:

  
Charlie Perkins, Secretary

  
Mark Sulski, Chairman