

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
SPECIAL MEETING
MINUTES
May 13, 2021**

The special meeting was held at John L. Hill Chapel on May 13, 2021. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners Steve Smith, James Stone, Charlie Mifflin, David Vest, Duwan Garrett, Mary Singer and Dann Smith, Director Joe Kane, Planner Matt Summers, Engineer Ben Krebs, and Attorney Charlie Perkins.

Motion by S. Smith, second by Singer, to approve the April invoices. Motion carried.

Motion by Vest, second by Stone, to approve the April 8, 2021 minutes. Motion carried.

Motion by Garrett, second by Stone, to approve the May agenda. Motion carried.

All those intending to speak before the Commission were sworn in by Mr. Perkins individually prior to their comments and questions.

Postponements/Withdrawals

Vice-Chairman Smith stated that the applications for Cherry Blossom Village, Phase 9 (PSP-2021-10), Singer Property (ZMA-2021-12), and Wylbedun Farm Mixed Use Subdivision (PSP-2021-17) has been postponed until the next regularly scheduled meeting.

Consent Agenda

A representative of the RSGG Properties, LLC (FSP-2021-13) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by S. Smith, second by Mifflin, to approve the application. Motion carried.

A representative of the Morris Farms (FSP-2021-14) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mifflin, second by Vest, to approve the application. Motion carried.

A representative of the Hinkle Property (FSP-2021-15) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by S. Smith, second by Singer, to approve the application. Motion carried.

ZMA-2021-16 105 Hiawatha Trail – Zoning Map Amendment to change the zoning district from R-1B to R-2 located at 105 Hiawatha Trail.

Chairman Sulski opened the public hearing.

Mr. Summers stated the surrounding properties are zoned R-1B, R-3, and B-2. He stated this lot was separated from the lot at 661 South Broadway. He stated the site is part of the South Broadway Neighborhood District on the National Register of Historic Places. He stated the lot would have access from Hiawatha Trail.

He stated the applicant has made changes and improved the landscape buffer between the proposed development and the neighbors.

He stated in order for the application to be rezoned it must agree with the comprehensive plan, be found to be zoned incorrectly or that there have been economic, physical, or social changes to the area that were not anticipated by the Comprehensive Plan.

He stated the site is adjacent to the South Broadway Neighborhood District and could alter the character of the neighborhood.

He stated that the Wellhead Protection Committee would have to approve any future development plan application due to the proximity to the aquifer recharge area.

He stated he did not support the rezoning until the recent changes had been made to the concept plan of moving the development to the west away from the single-family homes and improving the buffer between. Staff found the application was in agreement with the Comprehensive Plan and recommended approval, but acknowledged there were parts of the plan that do not support the application.

Chairman Sulski questioned if the neighboring properties could subdivide their property like how this lot had been created. Mr. Summers stated theoretically the lots could be divided but there would be a problem of how to get access to the lot.

Mark Smith, applicant, stated that when Ms. Roberts, the previous owner of the lot, divided the lot she removed the lot from the South Broadway Neighborhood District since the lot does not have access to South Broadway. He stated she offered to sell the lot to the neighbors before him, and they declined.

He stated the area already has R-3 nearby and he thought R-2 would be a good transition to the R-1B of the single-family homes.

He stated that infill sites are encouraged in the Comprehensive Plan.

Commissioner Singer questioned how Ms. Roberts separated the lot from the South Broadway Neighborhood District. Mr. Smith stated she had a plat prepared and approved by the Planning Commission. Mr. Summers stated the lot is still on the National Register of Historic Places even though it had been subdivided.

Brent Combs, Thoroughbred Engineering, stated that the TRC comments did not include the comment of not rezoning the whole site to R-2. He stated if that were on the comments, he would have made changes sooner.

John Sosbe, attorney for the neighbors, stated that the requirements for a zone change are not met in this circumstance.

He stated the multi-family zoning that surrounds the area predates the Comprehensive Plan.

He stated other surrounding lots could possibly subdivide their lot and would also affect the historical neighborhood.

He stated the lot was not attempted by the previous owner to be sold to the public. He stated Ms. Roberts just offered to sell the lot to a select few people including the current owner a developer. He stated the lot did not sit for a period before selling that would justify changing the zoning of the lot.

He stated the development would create more water running downhill and would increase the runoff problem for the Royal Spring area.

He stated the lot does not have sewer access and would affect the neighbors to be able to get sewer access for the lot.

He stated the neighbors that have lived in the area for years expected a single-family home might eventually be built in the location but not multi-family units.

Michael Krueger, 661 S Broadway, stated he was offered to buy the lot when he bought his house but that was more than he could afford. He stated he was led to believe it would stay a single-family home lot.

He stated he has concerns about lighting and runoff.

Commissioner Mifflin questioned if the lot had already been divided when Mr. Krueger bought his home. Mr. Krueger stated he had thought it had been subdivided in July when he made the offer on the home but in September his closing was delayed a week because the lot had not been finished.

Joey Smith, neighboring property owner, questioned if there was sewer, water and electric availability. Mr. Combs stated there is a manhole on property and water and electric on Hiawatha Trail.

Mark Smith stated that he will have to wait for sewer availability before he could develop the property but at the TRC meeting utilities said service was available.

Commissioner Singer questioned about runoff and litigation issues. Mr. Summers stated since the property is in the Wellhead area that the Wellhead Protection Committee will have to approve the development. He also stated that the application will have to conform to stormwater regulations.

Suetta Dickinson, 627 S Broadway, stated that a zone change would change the character of the area. She requested the Planning Commission to deny the zone change application.

Robert Culbertson, 655 S Broadway, stated he has lived in his home since 1988. He presented pictures of the area to the Commissioners and stated how he would lose his privacy if the zone change were approved. He stated he had concern about water runoff and the area that might possibly be a sinkhole.

Chairman Sulski questioned if heavy rains effects Mr. Culbertson's lot. He stated during heavy rains he might get water in the basement.

Commissioner Singer questioned Mr. Smith about the height of the current landscaping between the lot and neighbors. He stated there a lot of vines in the trees and plans to remove most of the vines but leave as many trees as possible. Mr. Culbertson stated there is dense vegetation in between the lots.

Commissioner Singer stated she understands the potential problems that could develop from water runoff off the lot but stated she understands that is more of an issue for final development plan approval.

Mr. Smith stated runoff would be addressed at the final development stage. Mr. Krebs stated that the development would have to follow the stormwater regulations if approved.

Commissioner Singer and Mifflin questioned if approved and there are stormwater problems, could the development be stopped. Mr. Krebs stated this is a meeting about the zoning. He stated stormwater issues would be addressed in the future.

Mr. Smith stated he always follows the regulations on his developments.

Mr. Combs stated that if the stormwater could not be controlled the project would be stopped. He explained there are several options to manage stormwater.

Commissioner Mifflin questioned where the sewer is located on the property. Mr. Summers stated it goes through the property.

Cathy Culbertson, 655 S Broadway, explained the family connection among the neighbors living in the area.

Maureen Prather, 647 S Broadway, stated the neighborhood is living in the city but like having the country in their backyards. She stated that if the neighbors knew the lot was going to be sold, they could have bought the lot.

Ann Bevins, 126 Christal Drive, explained the history of S Broadway and the National Register of Historic Places.

Julie Stone, 657 S Broadway, stated she was not aware Ms. Roberts was going to sell the lot to a developer. She stated they did not buy it since they did not want more property to care for but if they had known what would happen, they would have bought it.

Deborah Krueger, 661 S Broadway, stated she thought a single-family home would be built on the lot. She stated she was surprised when the lot was sold to a developer.

Tom Prather, 647 S Broadway, stated he understood it was a hard decision to make deciding whether to recommend approval or denial of the application, but asked the Planning Commission to take care of the neighborhood.

Brett Smith, 651 S Broadway, stated they bought their house for the greenspace. He stated they would not have bought their house if they knew what was coming.

Mr. Sosbe stated that the Planning Commission must find within the Comprehensive Plan to approve the application. He stated it is the Planning Commission's choice of preserving the neighborhood.

John Talbott, representing the applicant, stated the main issue for this zone change, is determining the correct density for the area. He stated if the zoning is left R-1B then there is no control over stormwater issues.

Mr. Culbertson questioned Mr. Perkins about the application having parking for R-2 on a R-1B lot. Mr. Perkins stated being a single lot he thought it was doable but would like to research more before giving a definite answer.

Commissioner Singer asked for a better description of the landscape barrier. Mr. Smith stated the lot is very dense currently and he will do above what is required by the landscaping ordinance. He stated he will build a six-foot fence along with having trees.

Commissioner S. Smith stated it sounds like the neighborhood would like to keep this as a neighborhood park. He questioned Mr. Smith if he would be willing to discuss with the neighbors. Mr. Smith stated he would but reminded that Ms. Roberts did approach several people about buying the lot.

Commissioner Mifflin questioned if any trees could be left on the property. Mr. Smith stated he will preserve as many trees as possible.

Commissioner S. Smith stated he suggests to Mr. Smith to talk to the neighborhood and see if they can reach an agreement.

Ms. Dickinson stated she assumed since she lives down the street that is how she missed out on the knowledge of the selling the lot. She stated she thinks the neighborhood should not have to be responsible for keeping the lot the same.

Chairman Sulski closed the public hearing.

Commissioner S. Smith stated that the neighborhood has enjoyed the lot for many years.

Commissioner Garrett stated that as a child he remembers the area well and would like to see preservation of the neighborhood.

Mr. Perkins explained that the zone change application is when the Planning Commission has discretion, once a zone change is approved by City Council and comes back to Planning Commission with a development plan, then if the applicant meets all the criteria most likely it would be approved.

Commissioner Mifflin stated he is torn trying to decide.

Commissioner Vest stated he is sure Ms. Roberts never intended for this to happen. He stated he feels the lot is going to be built on whether it is townhomes or a single-family home.

Commissioner Singer questioned if she is understanding correctly that once a zone change is approved it would be hard to stop development. Mr. Perkins stated that is correct.

Mr. Perkins stated the Planning Commission is supposed to follow infill from the Comprehensive Plan but at the same time preserving Historic areas is also supposed to be considered.

Commissioner Mifflin stated the availability of utilities concerns him if they must come through neighbors back yards. Mr. Summers stated typically utilities do not get involved on zone changes.

Commissioner S. Smith stated that he feels that the neighborhood does not want it and it helps him to decide.

Chairman Sulski stated how many applications have been heard and the neighborhood always says not in my backyard.

Mr. Perkins stated decisions must be made on are we protecting the resource and is it an appropriate transition between zones.

After further discussion, **Motion by Singer, second by Garrett, to recommend denial of the zone change request due to not being consistent with the Comprehensive Plan as it does not place priority on preserving existing residential structure of historic value and retaining neighborhood characteristics as it touches into a historic neighborhood. By roll call vote, motion carried 7-1, with Vest in dissent.**

Chairman Sulski adjourned the meeting.

Attest:



Charlie Perkins, Secretary



Mark Sulski, Chairman