

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
May 12, 2016**

The regular meeting was held in the Scott County Courthouse on May 12, 2016. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Regina Mizell, Byron Moran, John Shirley, Steve Smith, and Frank Wiseman, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent were Director Joe Kane and Commissioners Jeff Caldwell and Mark Sulski.

Chairman Jones read a Resolution acknowledging the Commission's gratitude for the service of Janet Holland, whose terms on the Commission have come to an end. Janet served for eleven years and exemplified the involved citizen who provided serious and well considered questions and opinions. **Motion by Shirley, second by Smith, to adopt the Resolution acknowledging the Commission's appreciation for Janet's active service, support, and leadership. Motion carried unanimously.**

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

Motion by Smith, second by Moran, to approve the April 14, 2016 minutes. Motion carried.

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

Postponements/Withdrawals

Chairman Jones stated that the Clark's Pump 'n Shop Store, Canewood Center Drive Restaurant & Bar, and Overlook at Elkhorn Creek Phases III & IV applications have been postponed to the June meeting. The CSI Group Global HQ and Habitat for Humanity applications have been withdrawn.

**Motion by Shirley, second by Mizell, to approve the postponements and withdrawals. Motion carried.**

Consent Agenda

A representative of the Delaplain Industrial Park Lot 3 application agreed to their conditions of approval and there were no comments from the public or Commission.

Motion by Shirley, second by Wiseman, to approve the Delaplain Industrial Park Lot 3 application. Motion carried.

A representative of the Delaplain Industrial Park Lot 3, Parcel 4 application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Wiseman, second by Smith, to approve the Delaplain Industrial Park Lot 3, Parcel 4 application. Motion carried.

A representative of the Smith Property – Eagle Bend application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Smith, second by Moran, to approve the Smith Property – Eagle Bend application. Motion carried.

A representative of the DWH Land Property application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Smith, second by Wiseman, to approve the DWH Land Property application. Motion carried.

ZMA-2016-21 Cyron Holdings – Zone change request for approximately 5.9 acres from A-1 to I-1 and Conceptual Development Plan for a 50,000 sq. ft. facility and potential 24,000 sq. ft. addition, located on the southeast corner of Barkley Lane and Delaplain Rd. PUBLIC HEARING

Chairman Jones opened the public hearing.

Everyone intending to speak before the Commission was sworn in by Mr. Perkins.

Mr. Summers reviewed the staff report, stating that the request is in agreement with the Comprehensive Plan. He addressed the Conceptual Development Plan, stating that, because the site is surrounded by the BP-1 zoning of the Lanes Run Industrial Park which has specific design standards, the applicant has agreed to comply with those standards.

Regarding vehicular access, he explained the applicant's proposal to make Barkley Lane their private driveway. They will need to work with the City and/or County to acquire the right-of-way, and if acquired, will widen the road for truck use. The street beyond their frontage would be abandoned.

Landscaping will be addressed at the development plan stage.

He recommended approval subject to nine (9) conditions.

Chairman Jones asked if a traffic study was required. Mr. Summers stated that it will be done at the development plan stage.

John Rompf, representing the applicant, stated that they agreed to abide by the BP-1 performance standards (except the requirement to have 25 acres).

Betsy Groff, adjoining property owner, expressed concern about the hours of operation, stormwater drainage, noise, lights, and increased traffic. She also expressed concern about the bridge at the end of Barkley Lane, which is not well maintained. She stated that heavy rains flood the bridge and water backs up. If the bridge deteriorates further, brush and debris will clog it up more, causing more flooding that will back up into the floodplain.

Paul McQuirtor, owner of Cyron Holdings, stated that the hours of operation will probably be daytime hours. He didn't foresee that that would change in the immediate future. He stated that the performance standards of the BP-1 zone address the lighting, noise, and drainage issues.

Mr. Combs stated that the regulations specify that water leaving the site after development cannot be more than what leaves the site before development. He stated that the abandonment of Barkley Lane beyond this property would almost certainly include the removal of the old bridge, which would help water back-up situation.

Mr. McQuirtor stated that the type of businesses will include warehousing, assembly, and repair of tools. The extent of the noise would be from tractor-trailer trucks coming onto and leaving the site.

Chairman Jones closed the public hearing.

**Motion by Shirley, second by Mizell, to recommend approval of the rezoning request from A-1 to I-1 based on staff's recommendations, including its compliance with the Comprehensive Plan. By roll call vote, motion carried 5-0.**

PDP-2016-23 Lena Wise Property – Preliminary Development Plan for a 2,400 sq. ft. large animal working facility, zoned A-1 (Agriculture), located at 1364 Lexington Road.

Mr. Summers reviewed the staff report. He noted that this is an amendment to the previously-approved application for a 7,521 sq. ft. dog kennel. This application proposes a 2,400 sq. ft. large animal facility and a 12' wide gravel driveway extending to the back of the lot to serve that facility.

He stated that concern was expressed about potential noise from this facility. He stated that the applicant can better address that issue.

He recommended approval of the Preliminary Development Plan and the waiver to allow the gravel driveway as the driveway will get minimal use so chances of dust impacting the neighbors is minimal. The gravel driveway will also have less impact on stormwater.

Scott Weakley, applicant, stated that they had a large animal clinic at their previous site, which is being sold. They would like to move the clinic to provide the service to the local farmers. He stated that the barn would be primarily enclosed, but some areas might be open to allow air flow and ventilation. He described the clinic operation, which will be a Morton-type building. He stated that the livestock will not make much noise if they are in the pasture.

Mr. Weakley stated that one reason for the gravel is to prevent horses from slipping on pavement when being unloaded from a trailer. Normal operating hours will be from 7:30–5:00, but emergencies sometimes occur. He stated that Scott County has been identified by the USDA as an area in need of large animal veterinary services, and that they have recently hired a veterinarian who will specialize in large animals.

Chairman Jones asked about fencing. Mr. Weakley stated that in the future they hope to construct paddocks, a fenced unloading area, and a fence between the kennel facility and the large animal facility.

Roger Quarles asked about the septic system. Mr. Weakley stated that bathroom facilities will be in the kennel building. Mr. Quarles stated that noise from the operation will negatively impact his adjacent commercial venture for weddings and picnics. He expressed concern about drainage onto his property and animals getting loose. He asked that a perimeter fence be required and that the same noise mitigation measures be required for the large animal facility as were required for the kennel. He added that a 6' fence is necessary to contain animals that are agitated, not a regular farm fence.

Mr. Weakly agreed that the existing fence is not substantial enough and that a better fence needs installed. The location of the fence and the type of building were discussed.

Scott Trisch, Mr. Weakley's partner, stated that both their property and Mr. Quarles' property are zoned A-1. They are using their property for agricultural purposes, yet Mr. Quarles is concerned that his wedding business will be impacted. Mr. Trisch felt that they could rightfully be concerned that his wedding business (loud music, etc.) could upset their animals.

Mr. Quarles stated that they were granted approval and invested money in the wedding business before the dog kennel and large animal facility were proposed.

Commissioner Shirley felt that the large animal facility is more of an agricultural use than a wedding business.

Commissioner Smith stated that there is a need for a large animal services in Scott County. He often has to take animals to Harrison County for treatment.

Mr. Quarles stated that he is simply asking that the same restrictions be placed on this facility that were placed on the kennel.

It was agreed that a condition #10 would be added requiring a fence to be constructed as proposed.

Stormwater drainage was discussed.

**Motion by Shirley, second by Wiseman, to approve the Preliminary Development Plan subject to the nine (9) conditions of approval plus the tenth (10) condition regarding appropriate fencing, and including the waiver regarding the gravel driveway. Motion carried.**

ZMA-2016-24 Bluegrass Baptist Church Zone Change – Zone change request for approximately 3.3 acres from A-1 to B-2 Highway Commercial and Conceptual Development Plan for a 12,000 sq. ft. equipment and tool rental facility, located on the southwest corner of U.S. 25 S. and New Coleman Lane. PUBLIC HEARING

Chairman Jones opened the public hearing.

Ms. Chan reviewed the staff report. She stated that the property is located south of the Greenbelt and the Urban Service Area which has historically been intended to remain agricultural, through the Comprehensive Plan and the 2013 US 25 Small Area Plan. She stated that the proposed zone of B-2 would allow any commercial use and at 50% building coverage of the site. She stated that there are constraints on this site with the need for an on-site septic system, so that does limit the way they could use it.

She described the proposed conceptual plan for a tool rental facility. She then reviewed the permitted uses, conditional uses, setbacks and other standards in the B-2 zone.

Ms. Chan then reviewed the Comprehensive Plan criteria for granting zone changes. As outlined in detail in the staff report, she reviewed why this application does not comply with any of the criteria. Staff recommended denial of the zone change on those grounds.

Chairman Jones asked about sanitary sewer. Ms. Chan stated that the applicant intends to use on-site septic because they do not have access to public sewer. Chairman Jones then asked if New Coleman Lane is acceptable for use by tractor trailers. Mr. Combs stated that the new section is probably acceptable.

Kyle Fannin, Pastor of Bluegrass Baptist Church, reviewed the history and growth of the church. He stated that this 3.3 acres would soon be outgrown by the church, and noted their unsuccessful attempts to purchase adjacent property. They subsequently purchased 18 acres on Ironworks Road, and recently had a Preliminary Development Plan approved for their proposed facility on that property.

Pastor Fannin felt they have justifiable evidence to support the zone change. He felt that there have been major changes of economic, physical, or the social nature of the area which were not anticipated in the adopted Comprehensive Plan. He presented maps/photos from 2005 and 2016 showing changes that have been made in the area, including a two lane road that took part of their property and Bevins Motor Company. He showed photos of other B-2 uses in the area.

Brian Fulcher, Associate Pastor of Bluegrass Baptist Church, stated that as former Pastor of New Hope Independent Baptist Church, that congregation purchased the property in 2004 from Bill Bevins. Their intent was to build on the property, which was five acres at that time. After right-of-way was purchased by the State for the road widening, and another transaction with Bill Bevins, the church had 3.43 acres. In 2011, the church voted to dissolve as a congregation and give all of its assets to Bluegrass Baptist Church. He joined the staff in 2012. He continued to describe the history of their plans to expand.

Pastor Fulcher felt that A-1 zoning for the property is out of place and that B-2 zoning would benefit the citizens of Scott County.

David Culton, Bypass Rental, opposed the proposed business for the property because it is a corporate competitor of his business, and his business was denied on B-2 zoned property in Georgetown. He was told that his business belonged on I-1 zoned property.

Peggy Blanton, Coleman Lane resident, stated that the notification letter did not state that the proposed use is for an equipment rental company. She opposed the application because that type of use will negatively impact the rural environment

they chose to live in when they purchased their property. She expressed concern about New Coleman Lane handling the weight of tractor trailer trucks.

John Sosbie, an attorney with an interest in agricultural property, clarified that Sunbelt Rental rents industrial and farm equipment. He felt farm rental equipment would be useful in an agricultural area.

Ms. Chan stated that Bypass Rental was denied because of the outdoor storage. The Board of Adjustment ultimately ruled that outdoor storage needs additional screening and other concerns addressed when in a B-2 zone.

In response to Pastor Fannin's comment that approving the zone change is common sense and would not change the character of the area, Ms. Chan stated that it would change the character by allowing commercial zoning to extend further. There are other uses allowed within A-1 zoning, not just agriculture. Rural residential use and several conditional uses are permitted, such as veterinary clinic, church, and school. So other uses are allowed, just smaller-scaled uses that would not promote expansion of B-2 uses.

She stated that in reading Sunbelt Rental's information, she gathered that rental of agricultural equipment is not their primary focus. Their primary focus is commercial in nature and they should be located in an urban area. Chairman Jones asked if I-1 zoning is more appropriate for these types of rental businesses. Ms. Chan felt that I-1 or B-2 could be appropriate, but in B-2 Sunbelt will encounter the same issues that Bypass encountered and will need a conditional use permit for outdoor storage, or contain all the equipment indoors.

Mr. Culton stated that the Board of Adjustment stated that Bypass Rental is more suited to I-1 (Light Industrial) zoning because of the outdoor storage. Ms. Chan added that the Board of Adjustment met twice, and at the second meeting determined that B-2 zoning was not appropriate, that they needed to be in an I-1 zone.

Pastor Fannin stated that Bevins Motor Company has outdoor storage, so another business with outdoor storage will not change the viewshed. He maintained that rezoning the property to B-2 is common sense. He stated that slaughterhouses, junkyards, and kennels are also conditional uses in the A-1 zone.

Ms. Chan stated that as a planner, the planning and zoning side of an issue is what is considered, not an entity's business deal.

Commissioner Wiseman stated he was recently looking for 4 acres of farmland to rent, so that it is not true that the property cannot be used for agriculture. Mr.

Culton stated that Sunbelt rents more equipment for commercial, contractor, and homeowner use, not necessarily agricultural use.

Commissioner Wiseman stated that there was justification for approving Bevins Motor Company because of its relationship to agriculture. He felt that the Commission "has its finger in the dike," and if this application is approved, the dam will be torn down. Pastor Fannin stated that the Commission is competent and can review case by case, and no other properties are in the same set of circumstances as this property. He stated that this is an isolated case with extraneous circumstances.

Chairman Jones stated that several more properties further south on U.S. 25 could follow suit and ask for rezoning to B-2. He stated that a Small Area Study was done and approved that recommended the area remain agricultural.

Commissioner Shirley stated that the Bevins zone change was approved the day of or night before the U.S. 25 Small Area Study was completed and adopted. The Commission supported the vast majority of citizens who wanted the corridor to remain agricultural. The community said they did not want the road to look like Nicholasville Road in Fayette County. Taxpayer money was spent to formulate a plan supported by the community.

Pastor Fannin felt that the church members' opinion should have been given more weight since they own the property. He stated that the issue is not about money, but they do want to maximize their investment. He emphasized that there have been significant changes to this property, both physically and economically, as they have demonstrated.

Commissioner Smith stated that he supported the Bevins zone change because it was crucial that they remain in the county, as they are the only farm dealership here. He stated that agriculture provides the viewscape that most people want to preserve, whether it's cattle, sheep, horses, or crops. If agriculture is not doing well, our viewsapes are not doing well. The justification for approving Bevins was an effort to help that agricultural industry and every farmer in the county was supportive. He felt that most of the public would be supportive also if they realized how critical that support is to agriculture. He stated that there was no intention when it was zoned to B-2 to create a B-2 zone from there to Lexington. Approving this current zone change may do that.

Jessica Noto, Bluegrass Baptist Church member, stated that a variance is approved when not approving it causes undue hardship. Ms. Chan stated that this is a zone change application, not a variance.



Commissioner Smith stated that it would be especially unfair to Bypass Rental given that they had to locate on industrial property.

Pastor Fannin felt that by approving the application, the Commission is not opening up the floodgates to commercial development for everyone on U.S. 25. He stated that if they cannot sell this property for commercial use, then the quality of the church they are building on Ironworks and Coleman Lane will suffer.

Amy Barron, realtor for the applicant, stated that the property was never appraised for residential use as it is doubtful that anyone would want to build a house next to Bevins Motor Company. She asked if Sunbelt Rental were not buying the property if it is rezoned, would the Commission allow another B-2 use. Commissioner Shirley felt that many of the permitted uses that could locate on the property and further south of U.S. 25 are inappropriate.

Discussion continued on what type of business would be appropriate on the site.

John Sosbie felt that the economic and physical changes have already happened in the area, which justifies the zone change.

Paul Carrico, Bluegrass Baptist Church member, listed other commercial sites that are visible coming into Georgetown on U.S. 25 from the south. Pastor Fannin stated that Coleman Lane would be a good cutoff point for commercial development.

With no other comments from the applicant or public, Chairman Jones closed the public hearing.

Chairman Jones sympathized with both sides of the issue.

Commissioner Shirley felt strongly that approving the application will open the floodgates to development and go against the wish of the community to preserve the remaining open space on U.S. 25 South. He stated that it is directly against the Comprehensive Plan and U.S. 25 Small Area Plan, and would cause the planning staff and community to feel like their efforts are meaningless.

Commissioner Wiseman asked if the matter could be continued because it is late and he preferred to have more time to consider his vote.

The time limit on taking action on a zone change was researched and discussed by Mr. Perkins. It was agreed to continue the matter to a special meeting on Monday, May 16, at 4:30 in the Planning Office.

**Motion by Wiseman, second by Smith, to postpone the vote and continue the meeting to Monday, May 16 at 4:30 p.m. in the Planning Office. By roll call vote, motion carried 5-0.**

Kennel definition – PUBLIC HEARING Continued

Ms. Chan stated that more siting, location, and performance standards for kennel operations need to be discussed.

Commissioner Shirley felt that action should be taken soon. He proposed allowing a maximum of 10 dogs with a 500' setback in the County, and allowing a kennel only in B-2 commercial or industrial districts within City limits, both with other noise, etc. restrictions.

Commissioner Shirley asked Scott Weakley, Veterinarian, how these regulations will affect his business. Mr. Weakley stated that he has several clients who have 10-12 female dogs for breeding, but not in Scott County. Several clients in Scott County have 4-5 dogs, but it is not a commercial business. He knows several people who foster dogs, but not usually more than 3-5 at a time. He felt the regulations being discussed are reasonable.

Chairman Jones noted that the City of Stamping Ground already limits the number of dogs to five. Mr. Perkins stated that the City of Stamping Ground would have to adopt this ordinance themselves, if they wish.

Commissioner Wiseman felt the fine for non-compliance should be a fine imposed each week, instead of each day. Commissioner Shirley suggested 10 days.

It was agreed that the last sentence in Section 7 would read: Each day's continuance after a 10-day warning will be a violation of this ordinance and constitute a separate offense.

It was agreed that Staff will amend the proposed ordinance to reflect the changes discussed, and present it for action at the meeting on Monday, May 16.

Brian Hayes, northern Scott County resident, stated that it would be difficult in northern Scott County to find property with capacity for a 500' setback. That issue was discussed again. Chairman Jones and Commissioner Mizell supported the 500' standard. Commissioner Wiseman suggested 300'. Commissioner Shirley agreed with 300'. Ms. Chan suggested 10 acres and a 300' setback.

**Motion by Jones, second by Mizell, to approve a 500' setback in the proposed kennel ordinance. The motion tied 3-3.**

It was agreed that staff would provide a 500' and a 10-acre/300' option and the Commission would take action on the matter at the May 16 meeting.

Chairman Jones closed the public hearing and continued the matter to the Monday, May 16 meeting.

Election of Officers

**Motion by Wiseman, second by Mizell, that Chairman Jones remain Chairman by acclamation. Motion carried.**

**Motion by Shirley, second by Moran, to elect Commissioner Smith as Vice Chairman. Motion carried.**

Chairman noted that since the Chair and Vice Chair are from the County, two City Commissioners are needed for the Executive Committee.

**Motion by Moran, second by Wiseman, to elect Commissioner Moran to the Executive Committee.**

The second seat was available to either Commissioner Caldwell or Sulski. Chairman Jones expressed concern that if two Toyota employees are on the committee (Moran and Caldwell), it may cause problems with maintaining a quorum and periodic conflicts of interest. After discussion, it was decided to postpone election of the second Executive Committee member to the Monday, May 16 meeting.

The meeting was then adjourned.

Respectfully,

Attest:

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Rob Jones, Chair

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Charlie Perkins, Secretary