

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
February 12, 2015**

The regular meeting was held in the Scott County Courthouse on February 12, 2015. The meeting was called to order by Vice Chairman Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Janet Holland, Regina Mizell, Byron Moran, John Shirley, Steve Smith, Mark Sulski, and Frank Wiseman, Director Joe Kane, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins.

Motion by Shirley, second by Holland, to approve the January invoices. Motion carried.

Motion by Mizell, second by Moran, to approve the January 8, 2015 minutes. Motion carried.

Motion by Caldwell, second by Smith, to approve the February agenda. Motion carried.

Postponements/Withdrawals

The Hill-n-Dale Zone Change application was withdrawn.

Consent Agenda

Representatives of the Everybody's Auto Sales North and Taco Bell applications agreed to their respective conditions of approval and there were no concerns expressed by the Commission or public. Motion by Smith, second by Holland, to approve the two items on the Consent Agenda. Motion carried.

ZMA-2014-36 Winding Oaks Cluster Subdivision – Rezoning request for a cluster subdivision with twenty-seven (27) residential cluster lots, three (3) preserved tracts, and two (2) non-buildable HOA lots on 150.51 acres zoned A-1, located on the south side of Ironworks Road, east of Cane Run Road. PUBLIC HEARING

Acting Chairman Jones continued the public hearing from the December meeting.

Mr. Kane stated that a traffic study and a geotechnical report were requested at the last meeting from the applicant. Those reports were provided to the Commission and posted on our website. He stated that the Level of Service was

not decreased at the proposed entrance to the subdivision, and the geotechnical study conclusion was that any sinkholes or karst features can be mitigated on the site and would not affect the constructability of the subdivision. He stated that after a meeting with the State on site to determine if there is a better location for the entrance, the State suggested moving the entrance to the east. Based on that, the application submitted a revised preliminary plat. The entrance is now located where a section of an historic rock fence will have to be removed and relocated on site.

Mr. Kane reported that a section of the Zoning Ordinance requires that septic tanks be located at least 500' from any sinkhole. He discussed the issue with Gene Thomas of the Health Department, and Mr. Thomas stated that State regulations require septic tanks to be at least 70' from any sinkhole, and State regulations are the final authority on septic issues.

Mr. Kane then reviewed the revised plan, including the drainage and sinkhole issues. Regarding traffic, he noted that the minimum acceptable Level of Service in the Comprehensive Plan is Level of Service C for unsignalized intersections and for rural roads.

Those intending to speak before the Commission were then sworn in by Mr. Perkins. It was also noted that the new Planning Commissioner, Mark Sulski, was sworn in.

Bruce Lankford, representing the applicant, introduced Tony Barrett, landscape architect for the project, and submitted his resume for the record.

Mr. Barrett of Barrett Partners reviewed the changes in the plan since the December meeting, including moving the entrance location and reconfiguring several lots to better address the sinkhole areas.

Diane Zimmerman of the Jacobs Group prepared the traffic impact study and reviewed the highlights. She stated that the proposed entrance will operate at a Level of Service A in both the a.m. and p.m. peak hours. Therefore, no improvements, including turn lanes, are needed at the intersection. She explained the Levels of Service, Level of Service A being the optimum service.

Malcolm Barrett of Malcomb Barrett, LLC, completed the geotechnical report. He presented a map showing nine possible sinkhole areas. They performed tests for open cavities on the several that are near the area of development. He explained their method of study and stated that they found stable rock that can be built upon.

Andy Holmes, Midwest Engineering, addressed the drainage issue. He stated that two questions were asked of him: could the area be developed in a manner as to not discharge stormwater to the north across Ironworks Road and to the

property to the east. He stated that it can be developed without discharging water in those directions. He explained that a swale can be made that will intercept water before it crosses the property line in both directions.

Bruce Simpson, attorney representing Kim Jedlicki, adjacent property owner, questioned Mr. Holmes about the stormwater management plan. He addressed the application's conformance with the Comprehensive Plan and Zoning Ordinance. He cited the Zoning Ordinance provision that a Development Plan is required for all zone changes, and stated that a Preliminary Subdivision Plat was submitted for this zone change application instead of a Development Plan.

Mr. Simpson addressed the karst topography, stating that a presentation will be made that shows that 27 septic tanks in an area with sinkholes is environmentally hazardous. He cited recommendations in the 2011 Comprehensive Plan that he felt had not been considered, including stormwater management practices, protection of karst topography, and protection of environmental aesthetics and historic character.

Brad Johnson, CDM Engineers, reviewed his traffic study. He stated that approximately 500' of stone fence would need to be removed in order to ensure adequate sight distance. He showed photographs illustrating driving concerns and habits on Ironworks Road.

Sara Smith, President of Smith Management Group, environmental consulting firm, reviewed her environmental study of the property. She stated that three issues were identified in our regulations: 1) protection of surface and ground water, 2) preservation of features that define Scott County, and 3) preservation of high quality farmland. She addressed each of those issues and how they are not promoted by this proposed development.

Bruce Lankford, representing the applicant, stated that Mr. Simpson asserted that a development plan was required, but the regulation states that it is at the Commission's discretion whether a development plan is required. Mr. Kane replied to Mr. Lankford that he was satisfied with what the applicant submitted. Mr. Lankford addressed the application's compliance with the Comprehensive Plan, stating that it only has to comply with one of three conditions, which it does. He further stated that the applicant's traffic engineer and geotechnical engineer found that the traffic issue and the sinkhole issue can be mitigated without adverse impacts.

Mr. Lankford asked Mr. Johnson if he had worked with Mr. Simpson prior to this work. He replied that he had many times.

Malcolm Barrett stated that his study was begun in October/November of 2014, so that it was not a short-term effort. He stated that through design and engineering, they make septic tanks work in the poor soils for septic systems typical in

Kentucky. He stated that stormwater runoff can be mitigated, as well as soil erosion.

John Manning, Locksley Court resident, was concerned about the safety of and traffic on Ironworks Road.

Daniel Nohum, Cane Run Road resident, expressed concern about the stormwater runoff and the sinkholes. He also wished that the rural character of the area be preserved.

Andrew Burgoon, Locksley Court resident, felt that the applicant did not do enough to prove to the area residents that there would be no adverse impacts from the development.

Sandy Jors, Knight Court resident, stated that she wants to retire in her home and cannot afford to move.

Emily Gammon, Enid Court resident, stated that there are more people opposed to the development than are at the meeting. She distributed a petition to the Commission signed by those opposed and asked the Commission to consider the wishes of the people who live in the area.

Theresa Morton, Cane Run Road resident, stated that it is a farming community and the farmers/farmland need to be respected.

Kim Jedlicki, adjacent property owner, stated that the information presented was in the interest of transparency and more information. She noted points in the staff report with which she disagreed.

Lynn Martin, Moores Mill Road resident, felt that the cluster concept does not preserve viable farmland.

Troy Rankin, Stone Road resident and future farmer of the Jedlicki property, felt that the karst areas are stable because the area has been farmed. But twenty-seven (27) foundations requiring digging and blasting, and the eroding stormwater runoff created by those homes, can change the stability of the karst area. He also agreed with Mr. Martin that cluster development does not preserve farmland, and that the runoff will have a negative impact on agriculture.

Mr. Simpson stated that some of his points in arguing against the proposed development were not rebutted by the applicant's witnesses.

Acting Chairman Jones closed the public hearing.

Commissioner Holland asked staff if, based on Mr. Simpson's comments, the matter was at a point where it can be voted upon. Mr. Perkins replied that the

main determination the Commission needs to make is whether the application is consistent with the Comprehensive Plan. Regarding that and other conflicting evidence, the Commission must decide what side is more credible. He added that he was not comfortable not having more time to work through some of the conflicting issues, but that however the Commission votes, they need to state the reasons why they are voting as they are.

Commissioner Smith expressed concern about the testimony regarding the preserved tracts not being viable farmland. He preferred to see the preserved tracts in one contiguous tract, and did not want to set a precedent for that situation. He reminded those present that the application can still develop 30 five-acre tracts without needing a zone change.

Commissioner Shirley asked Mr. Kane if the applicant's Preliminary Subdivision Plat conforms to the Comprehensive Plan. Mr. Kane replied that it does conform because of the guiding principle of the rural element of the plan, which is to manage growth in a manner that balances the needs of development associated with community growth and the continuing need to preserve prime farmland. That balance is implemented through the five-acre minimum lot size and the cluster ordinance, and other ordinances regulate the protection of farmland and karst areas. He added that the utilities are in place, the road functions at the level of service that was established in the Comprehensive Plan, it's adjacent to developed residential areas, and being a cluster subdivision, it protects 90+ acres of open space. He stated that the rock fence will have to be rebuilt, and the Health Department will need to be approve the location of the septic systems.

Commissioner Smith asked if 500' of rock wall will have to be moved because of sight distance. Tony Barrett stated that he did not have a measurement, but he felt that distance would be close. He stated that the wall would probably be incorporated into their entrance.

Commissioner Wiseman felt that more development is not needed in Scott County, that the need for farmland preservation trumps the need for development.

Commissioner Holland felt that the plan does conform with the Comprehensive Plan, but that clearly adjustments can be made to reflect the current conditions and concerns.

Motion by Holland, second by Mizell, to recommend approval of the rezoning request from A-1 to A-5 on the basis that it complies with the Comprehensive Plan. By roll call vote, motion denied with Wiseman, Moran, Shirley, Smith, and Jones dissenting.

With that motion failing, Mr. Perkins advised the Commission on sending a recommendation or no recommendation to Fiscal Court.

Motion by Smith, second by Wiseman, to deny the rezoning request from A-1 to A-5 on the basis of the proposed Findings of Fact (presented by the opposition's attorney and entered into the record) 2.b and 2.c, 3.a and 3.b (omitting 1, 2.d, 3.a.1 and 3.b.1). By roll call vote, motion carried 5-4 with Sulski, Holland, Caldwell, and Mizell dissenting.

Landscape Ordinance Amendment

Mr. Summers presented the proposed changes and historical changes to the VUA landscaping standards. Currently, 10% of the VUA area is required to be landscaped, and 2 trees are required for every 250 sq. ft. of landscape area within the VUA. This translates to one tree in the interior VUA for every 1,250 sq. ft. of VUA.

He briefly reviewed the VUA landscape requirements in other cities in Kentucky and also canopy coverage standards.

The amendment being recommended is to reduce the number of required trees in the VUA landscape area from 2 trees for every 250 sq. ft. to one tree per 250 sq. ft.; to enact a tree canopy standard similar to the Louisville standard to encourage protection of existing trees and promoting additional canopy area; and to require a tree protection plan or landscape plan with all development plans.

The amendment also recommends strengthening the language in the Landscape Ordinance and the Subdivision Regulations to require a landscape plan or a tree protection plan with all development plans and subdivision plats when they are initially submitted. This will give staff more time to review the plan and provide comments at the Technical Review Committee meeting. It will also allow time to identify existing trees that can be preserved, which will be recorded on the final plat.

Discussion continued on the proposed amendment. Commissioner Smith felt that preserving trees should reduce the number of trees a developer has to plant.

Commissioner Shirley felt the current regulations may be requiring too many trees in some cases.

It was agreed that staff would put the recommendation into writing and advertise as a public hearing for the March meeting.

Subdivision Regulations Amendment – Digital Submittal

Mr. Kane reported that digital submittals with certain layers are currently required for all plats and plans before they are recorded so that they can be entered into

the GIS system. The current digital submittal ordinance needs to be amended to address outdated practices such as allowing floppy disks and not allowing email submittals, to require additional layers (such as stormwater structures), and to also require digital submittals for minor plats. These additional requirements should not be a burden on engineers/surveyors because all plats and plans are digitally drawn.

Mr. Kane stated that a public hearing on the proposed amendments will be held at the March meeting.

Mr. Combs added that the change will affect surveyors in that minor plat surveys will have to use state plane coordinates to tie into the county's monument system. It will be an extra cost that will be passed on to the property owner. He estimated that it will cost approximately \$200 more for a survey.

FY 15-16 Budget

Mr. Kane reported that the FY 15-16 budget needs to be submitted to the County by March 3, which is before the next regular meeting. He reviewed the budget process for the new Commissioners, and stated that a special meeting will need to be held to review and approve the new proposed budget.

Motion by Smith, second by Shirley, to hold a special meeting on Thursday, February 26 at 4:30 p.m. in the Planning Office. Motion carried.

Ms. Chan reminded the Commission of the public meeting on the bike and pedestrian plan on Wednesday, February 25 at 6:00 p.m. Chairman Jones encouraged the Commission to attend.

Respectfully,



Rob Jones, Vice-Chairman

Attest:



Charlie Perkins, Secretary