

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
April 13, 2023**

The regular meeting was held in the Scott County Courthouse on April 13, 2023. The meeting was called to order by Chairman Charlie Mifflin at 6:00 p.m. Also present were Commissioners Rhett Shirley, James Stone, Duwan Garrett, David Vest, Dann Smith, Harold Dean Jessie and Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Mary Singer and Brad Green.

Motion by Jessie, second by Shirley, to approve the March invoices. Motion carried.

Motion by Stone, second by Smith, to approve the March 9, 2023 minutes. Motion carried.

Motion by Garrett, second by Smith, to approve the April agenda. Motion carried.

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

Postponements/Withdrawals

Chairman Mifflin stated that the applications for Big Pine Land (ZMA-2022-57) is withdrawn, Marston Property (FSP-2023-01), Redwood Apartment Neighborhood (PSP-2023-07) and Pleasant Valley Condos (ZMA-2017-37 & PDP-2018-18) are postponed until the next regularly scheduled meeting.

Consent Agenda

A representative of AWG (American Welding & Gas Supplies) (PDP-2023-05) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Jessie, second by Smith, to approve the application. Motion carried unanimously.

A representative of Arnold Estate (FSP-2023-08) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Garrett, second by Shirley, to approve the application. Motion carried unanimously.

FSP-2023-09 Courtney Estate Property – Final Subdivision Plat to subdivide a 17.05-acre tract into three (3) parcels located at 2603-2630 Weisenberger Mill Road.

Ms. Ketz stated that the Planning Commission previously heard this property in May 2022 and now are subdividing one of the parcels. She stated the property is zoned A-1.

She stated there is a shared access easement for parcels 5-A, 5-B, and 5-C. She stated there is an existing family cemetery that the access easement serves.

She stated there is a floodplain on the property, but the property still has buildable space.

Rita Jones, applicant's realtor, stated the family is trying to settle the estate and divide the property. She stated there is one additional proposed entrance that will serve parcels 5-B and 5-C.

Douglas Elam, 2390 Weisenberger Mill Road, questioned if lots 5-A, 5-B, and 5-C are the proposed new lots. Ms. Ketz clarified that after all subdivisions 7 lots were created.

Mr. Elam stated that the aerial view is not current and that the tree line is gone. He stated the tree removal has changed the character of the road.

He questioned if this is a minor or major subdivision. Mr. Kane clarified this is a major subdivision because it was previously divided, and does not require a development plan.

Commissioner Jessie questioned if there is a way to save vegetation when subdivisions occur. Mr. Kane stated it is encouraged but there are no regulations that state that you cannot cut a tree on your property.

Mr. Elam questioned if there are regulations along the creek. Mr. Kane stated there are regulations in a floodplain. Mr. Krebs stated you do not have to get a permit to cut trees in the floodplain. He stated this application is in an agricultural zone and he is not aware of anything in Scott County that would prevent someone from clearing trees. He stated this application is not in a conservation zone.

Commissioner Jessie questioned if changes could be made to limit vegetation removal. Mr. Kane stated changes would have to be made to the ordinance. Mr. Krebs stated if this was in any other zone but agricultural there would be limits on removal.

Ms. Jones stated that along Weisenberger Mill were honeysuckle bushes. She stated when Ms. Courtney used to pull out of her driveway, she had a hard time seeing because of the trees. She stated they removed trees to improve sight distance for the new proposed driveway.

Mr. Elam stated his concern is preserving the trees along the creek. He stated that hopefully changes can be made that would address that.

Commissioner Jessie and Commissioner Shirley stated that maybe in the future that could be addressed. It was discussed that Division of Water or Fish and Wildlife may have some regulations.

Roy Cornett, 126 E Main Street, stating owning property in the county he does not want to have to get permission to cut down a tree on his farm.

Mr. Elam proposed that the Army Corp of Engineers may have regulations.

After further discussion, **Motion by Jessie, second by Smith to approve the Final Development Plan (FDP-2023-09) subject to (6) conditions of approval. Motion carried unanimously.**

PDP-2023-10 Scott County Humane Society – Preliminary Development Plan for a 5,100 SF building with a 1,500 SF covered-open air area located at 1376 Lexington Road.

Mr. Summers stated the property and surrounding properties are zoned A-1. He stated the site is approximately 4.5 acres. He stated access is from Lexington Road. He stated the application meets all requirements and does not request any waivers/variances for this application.

He stated in November 2020 the applicant received a conditional use permit for this site.

He stated previously fencing was discussed around the proposed development. He stated the Planning Commission has recommended approval of a text amendment which would require fencing but at this time it has not been adopted by the County. Mr. Perkins stated generally it would be what is currently in place but if the applicant does not act on the plan until after the amendment takes effect, the development would need to follow the amendment.

Greg Smorstad, Banks Engineering, questioned if the new fence regulation passes who is responsible for installing the fence. Mr. Kane stated the developer is responsible for installing the fence. Mr. Summers stated that the conditional use permit is what would make this application need to install a fence when the ordinance passes.

Jeani Burge, Scott County Humane Society Board Member, questioned if they would have to fence the whole property and what type of fencing would be required. It was stated it would need to be a 6-foot diamond mesh fence. Ms. Burge stated that could be expensive for 4.5 acres. Mr. Summers stated the southern and eastern side of the property would require fencing.

Mr. Smorstad stated he has not had this type of situation happen before. Mr. Perkins read the ordinance and it was discussed.

Commissioner Shirley questioned the applicant if they planned to fence any other area not shown on the development plan. Ms. Burge stated they planned to fence off the dog run area.

Roger Quarles, 1689 Lemons Mill Road, stated he is the adjoining landowner. He stated he was part of developing the ordinance and is concerned that someone is already trying to figure out how to get out of the requirement.

He stated he also has concerns about noise. He asked if there could be a limit on dogs being out after 5:00 pm.

Commissioner Jessie stated he feels the applicant has tried to be a good neighbor by limiting the times when dogs would be outside.

Commissioner Jessie asked for clarification that presently the new ag buffer ordinance has not been adopted but by the time the final development plan comes back it might be adopted.

After further discussion, **Motion by Jessie, second by Smith to approve the Preliminary Development Plan (PDP-2023-10) subject to (8) conditions of approval. Motion carried 6-1 with Stone dissenting.**

PDP-2023-11 MLS Powersports (Commonwealth of KY Unit 3, Tract 1) – Preliminary Development Plan for 47,075 SF Commercial Building with a 24,000 SF future expansion on 41.66 acres located at NE corner of Cherry Blossom Drive and Cynthiana Road.

Mr. Kane stated the property is zoned B-5 and C-1. He stated the site is between Lanes Run Business Park, Barkley Meadows, Toyota and Pleasant Valley across the street.

He stated the property includes a floodplain area. He stated a future storage building to the west will be built but not in phase 1. He stated that the storage area will have gravel and will be fenced.

He stated the main access will be from Cynthiana Road with a secondary proposed access from Barkley Lane.

He stated the B-5 zoning has additional standards. He stated there are additional landscaping and setbacks from residential areas and the preliminary development plan meets the requirements.

He stated there is triple road frontage for the lot and the applicant is requesting a variance to allow loading and unloading from the rear of the building which is a secondary front yard facing Barkley Lane.

He stated the applicant is requesting a variance to allow gravel in the temporary storage area.

He stated the applicant also is requesting a variance to allow no new sidewalks along Cynthiana Road or Barkley Lane.

He stated staff supports the application but without direct access to Barkley Lane at this time. He stated Barkley Lane is not built to withstand truck traffic. He stated the staff thinks the one entrance off Cynthiana Road is sufficient at this time.

He stated state approval will be needed for the new entrance. He stated as a condition of approval staff is requesting a turn lane into the development from Cynthiana Road.

He stated he has added a condition of approval to limit noise from the proposed vehicle test trail around the property.

He stated a photometric plan should be submitted with the Final Development Plan since the property adjoins residential area.

Commissioner Jessie questioned if the entrance gates on Barkley Lane that were discussed at workshop be limited. Mr. Kane stated a condition of approval could be added to limit commercial use of the existing entrance. Commissioner Jessie questioned how it would be enforced. Mr. Kane stated they could be shut down since it would be a violation of the development plan. Mr. Perkins stated that the condition of approval 2 states no new connection to Barkley Lane.

Greg Smorstad, Banks Engineering, stated the applicant agrees with the conditions of approval but would like to ask the Planning Commission to consider allowing the connection to Barkley Lane. He stated after TRC comments the owner changed the plans to show truck traffic using the entrance from Cynthiana Road with a driveway around the building and to the back of the building. He stated the driveway connection to Barkley Lane lines up with Meadowlark Trail. He stated the applicant is only developing approximately 10 acres of the total 41 acres. He stated the site would have low traffic flow. He stated to the west of the entrance is where the road narrows.

Pat Mitchum, 114 Meadowlark Trail, questioned if recycle trucks still travel Barkley Lane. She stated she has concerns about safety.

Chairman Mifflin stated the Planning Commission has questions about the applicant's plans for the Barkley Lane connection. Mark Smith, the applicant, stated they have no use for Barkley Lane beyond their property. He stated they would just like to have a second entrance in case there is a problem on Cynthiana Road that would limit access to the store. He stated he thinks it would be more employee use instead of customer or truck use.

It was discussed by the Planning Commission that the possibility of Barkley Lane being abandoned in the future. Mr. Kane stated when the Business Park expands into Phase 3, Barkley Lane may have portions dug up or abandoned.

After further discussion, **Motion by Jessie, second by Smith to approve the Preliminary Development Plan (PDP-2023-11) subject to (10) conditions of approval and (3) waivers. Motion carried unanimously.**

Text Amendment – RV Campgrounds

Chairman Mifflin opened the Public Hearing.

Mr. Summers stated he will give a summary since there has been a new Planning Commissioner since the last presentation. He stated this is a text amendment to RV campgrounds. He stated staff were directed by Fiscal Court to draft some regulations to clarify regulations for neighbors and developers.

He stated under definitions Mobile Home Camp had been relabeled to RV Campground. He stated Agricultural Use, Recreational had been amended to include RV Campgrounds of 20 acres or larger.

He stated under Section 2.51.1 amendments were proposed to provide consistent language. He stated RV Campground would be a right in the A-1R zoning district and by a Conditional Use in the B-2 zoning district. He stated new RV Campgrounds would no longer be allowed as accessory uses in recreational areas.

He stated regulations were clarified about open space location and proximity to campsites. He stated setbacks were established for structures and campsites.

He stated gravel should not be used for campgrounds located within the Urban Service Boundaries.

He stated municipal water service must be available with adequate fire protection.

He stated maximum densities were set with 10 RV sites per gross acre when served by public sanitary sewer and 1 RV site per 1.75 net acre when not served by public sanitary sewer.

He stated the amendment clarifies what counts towards the maximum allowable density.

He stated that a development with less than 200 sites only requires one public road connection.

He stated that stream riparian buffer requirements must be complied with, and all campsite pads shall be out of the 1% annual flood chance area along with septic systems.

He stated in the A-1R regulations it was changed that RV Campgrounds are now permitted by right.

He stated it was clarified that RV Campgrounds can have a density higher than 1 unit per 5 acres.

Commissioner Jessie questioned if there is a limit to the number of nights that someone can stay in an RV Campground. Mr. Summers stated there is not a limit in the ordinance.

He stated a 6-foot no climb fence along the boundary and a 50-foot landscape buffer would be required.

Commissioner Vest stated he was concerned with the 1.75-acre requirement when not served by public sewer.

Mr. Summers stated in the C-1 district that RV Campgrounds are not allowed. He stated in the B-2 zoning district the language was changed from trailer camps to RV Campgrounds.

Dick Murphy, representing Kentucky Bluegrass Experience Resort, stated his client, Andrew Hopewell, owns 140 acres at 4826 Ironworks Road and wants to develop the Kentucky Bluegrass Experience Resort. Mr. Murphy stated they have four things they would like to see changed in the ordinance.

Mr. Murphy stated the property has two miles along South Elkhorn Creek that can be used for recreation.

He stated they have concern about the density requirement for sanitary sewers. He stated they would like to see it changed to maximum density of one RV site per 1.75 acres when not served by public sanitary sewer or a system approved by the state.

He stated they will present a type of system that will be better than septic and equivalent or better than municipal water service. He presented a letter from the State regarding wastewater disposal. He stated their system will work as well as a municipal system.

He stated he would also like to see the language changed in Section 4.11 regarding caretaker's residence shall not be permitted on less than five acres unless as part of a RV Campground served by public sewer or a system approved by the state.

He stated he had concern about the proposed fencing requirements. He stated 80% of the property line borders South Elkhorn Creek. He stated Mr. Hopewell agrees with fencing his property that adjoins other land but not the part that adjoins the creek. He stated they are requesting that a fence is not required where there is a stream or other natural buffer.

Commissioner Jessie questioned if this development is all in Scott County. Mr. Murphy stated part of the development is in Woodford County. Commissioner Jessie questioned if the water system was approved in Woodford County. Mr. Murphy stated they had not presented it to Woodford County yet.

Mr. Murphy stated he is requesting that the requirement of 200 or more RV sites be changed to 400 or more RV sites to need two public road connections. He stated an RV Campground generates less traffic than a single-family home. He stated an RV Campground with 500 or more sites, he is requesting that be changed to 600 or more sites before a third public road connection is required.

Andrew Hopewell, Kentucky Bluegrass Experience Resort, stated his family loves RV camping and he wants to bring it to Kentucky. He stated he wants people to experience Kentucky.

Chairman Mifflin questioned the location of the project. Mr. Hopewell clarified the location on the map of the portion in Woodford County and the portion in Scott County. Mr. Hopewell stated he would like to start building the Scott County portion first and he stated access would be from Woodford County. He stated he is located 0.3 miles from I-64.

Chairman Mifflin questioned the status of the project in Woodford County. Mr. Hopewell stated they are still in a legal battle.

Mike Dunn, Fuji Clean USA, stated he does advanced wastewater treatment around the country. He gave a brief explanation of a conventional septic system versus the advanced Fuji Clean system.

Mr. Murphy stated the minor adjustments they are requesting to the ordinance would be step one of many steps for the possibility of this RV Campground to be developed. He stated the 1.75-acre requirement affects their development the most.

Roy Cornett, 126 East Main Street, stated his family owns an RV Campground in Florida. He stated the requirement for municipal sewer would stop any RV Campground development in the county.

Mr. Kane suggested continuing the public hearing until the next meeting to define the ordinance concerning density and number of entrances.

After further discussion, **Motion by Chairman Mifflin to continue the RV Campgrounds Text Amendment Public Hearing until the next regularly scheduled meeting.**

Chairman Mifflin adjourned the meeting.

Attest:

Charlie Perkins, Secretary


Charlie Mifflin, Chairman