

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
August 11, 2022**

The regular meeting was held in the Scott County Courthouse on August 11, 2022. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present also were Commissioners Charlie Mifflin, James Stone, Mary Singer, Rhett Shirley, David Vest, Brad Green and Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs and Attorney Charlie Perkins. Commissioners Duwan Garrett and Dann Smith was absent.

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

Motion by Singer second by Mifflin, to approve the July 14, 2022 minutes. Motion carried.

Motion by Mifflin, second by Shirley, to approve the August agenda. Motion carried.

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

Consent Agenda

A representative of the Varellas Property #1 (FSP-2022-37), Varellas Property #2 (FSP-2022-38) and Varellas Property #3 (FSP-2022-39) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mifflin, second by Singer, to approve the applications. Motion carried unanimously.

ZMA-2022-33 105 Rogers Gap Road – Zoning Map Amendment to change the zoning district from R-1B to A-1 located southeast of the intersection of Cincinnati Road (US-25) and Rogers Gap Road (KY-620), west of I-75.

Chairman Sulski opened the public meeting.

Ms. Ketz stated the parcel is 12.4 acres. She stated the parcel was platted as part of the Deer Run subdivision in the late 1990s and originally was supposed to be open space for Deer Run.

She stated the 2017 Comprehensive Plan defined the area as rural residential. She stated the request is consistent with the Community Form chapter. She stated staff agrees that the proposed use agrees with rural residential uses.

She stated there are no issues with access to the site, but the concept plan does not show building setbacks. She stated the appropriate setbacks for the A-1 zoning district would apply.

Commissioner Mifflin questioned Phil St John, applicant, if any of the buildings are currently on the property. He stated no they are not.

Commissioner Mifflin questioned if KYTC had been contacted about the proposed entrance and Mr. St John stated not yet.

Commissioner Mifflin questioned Mr. St John if he agreed to the conditions of approval and Mr. St John stated he did.

Chairman Sulski closed the public meeting.

After further discussion, **Motion by Mifflin, second by Vest to recommend approval of the rezoning request (ZMA-2022-33) on the basis that it complies with the comprehensive plan. Motion carried unanimously.**

FSP-2022-36 Rita Jones Property - Final Subdivision Plat to subdivide a 33.2-acre tract into three parcels and a 10.52-acre remainder parcel located at 495 Davis Turkeyfoot Road.

Ms. Ketz stated the property is bordered by Davis Turkeyfoot Road and Hinton Cemetery Road. She stated parcels 1 and 2 have a proposed entrance off Davis Turkeyfoot Road and parcels 3 and 4 have a shared access off Hinton Cemetery Road. She stated the entrances have been approved by the Scott County Roads Superintendent.

Rita Jones, applicant, stated the property is mostly woods and there used to be a home where Davis Turkeyfoot and Hinton Cemetery Roads meet. She stated parcel 2 has a single wide home that will be removed. She stated she is not allowing single wide or double wide homes on the property.

Commissioner Mifflin questioned if a fire hydrant was close to the property. Ms. Jones stated there is not but hopes that Kentucky American Water will be able to provide one.

Margaret Rice, 500 S Hamilton Street, stated she is a nearby property owner and stated she is glad no mobile homes will be allowed on the property. She questioned how septic would be handled on the property. She stated she has concern if the four properties have a lagoon system. She questioned the access easement for parcels 3 and 4.

Sandra Waters, 451 Cook Road Tennessee, stated she is an adjoining property owner. She stated she would like a copy of the access permits for the tracts. She stated that the property currently does not have water and would like to know where Kentucky American Water will access the property to provide water.

Rita Thompson, 124 Lankford Drive, stated she owns the farm adjacent to the property. She questioned how many homes can be built on the tracts. Ms. Ketz stated one home per parcel and tracts 3 and 4 could have a second home approved by conditional use.

Ms. Thompson questioned who approves fire hydrants for the property. It was stated that decision would be from Kentucky American Water Company.

Kevin Farly, 185 Davis Turkeyfoot Road, stated he is an adjoining property owner. He stated he has concern if there is a lagoon system. He stated the closest fire hydrant he is aware of is located at Turkeyfoot Christian Church. He stated he also has concern about traffic on the road.

Ms. Jones stated she assumes there will be only four homes. She stated if parcel 3 and 4 requested an additional home they would have to get approval. She stated previously there had been 3 homes on the land.

She stated parcels 3 and 4 will share an entrance and both be responsible for maintaining the entrance.

She stated Kentucky American Water is along Davis Turkeyfoot and Hinton Cemetery Road to her knowledge.

She stated she owns another home further down Davis Turkeyfoot Road and said obtaining a fire hydrant would help her insurance bill and of the other neighbors.

She stated she has not had perc tests performed but she feels she knows the area well enough to believe it will either be a fill and wait scenario or lagoon system.

Chairman Sulski questioned where you find the approved entrance permits. Ms. Ketz stated the permit would be documented on the final subdivision plat.

Chairman Sulski questioned if the road could be widened. Ms. Ketz stated both roads are county roads, but she is not aware of any proposed improvements.

Ms. Waters questioned if there would be deed restrictions for the parcels. Attorney Perkins stated there will be restrictions only if the seller imposes restrictions on the parcels.

Commissioner Singer questioned Ms. Jones if she planned any other deed restrictions. Ms. Jones stated she did not besides no mobile homes.

Ms. Waters stated her main concern is the lagoon system. Attorney Perkins stated that is decided by the Health Department.

Mr. Farly stated during a torrential rain a lagoon system can overflow and it would flow towards his property.

After further discussion, **Motion by Stone, second by Singer to approve the Final Subdivision Plat (FSP-2022-36) subject to five (5) conditions of approval. Motion carried unanimously.**

PDP-2022-40 Living Waters Fellowship Addition - Preliminary Development Plan to construct a 6,000 SF building for a daycare and meeting space located at 172 Gunnell Road.

Ms. Ketz stated that she wanted to clarify that the applicant intends to operate a school out of the proposed addition as opposed to it being a space for meetings.

She stated the parcel is 5.6 acres. She stated the applicant is requesting four waivers. She stated in 2006 the preliminary development plan was approved for the site.

She stated the applicant was granted two conditional use permits to operate a daycare and a school. She explained the location of the additional building for the school and the drop off route with playground on the plat.

She stated the applicant requested a waiver for the landscaping on the drop off path and she stated the waiver is not applicable due to the location on the site.

She stated on the northeast side of the property an additional gravel parking lot has been added without a development plan sometime since construction of the site. She stated if the parking lot is approved it should comply with all regulations including landscaping requirements, parking space size, and drive aisle standards. She stated a gravel migration plan should also be submitted as part of the Final Development Plan.

She stated since the preliminary development plan approval in 2006, the site has had two of the parking lot landscape islands removed and plantings on two more islands removed. She stated the applicant has requested a variance to the parking lot landscape requirements and instead of the required 10% they are requesting 4.8%. She stated that staff does not agree with variance.

She stated the applicant has requested a variance for tree canopy coverage. She stated in 2006 tree canopy was not required but is today. She stated the applicant requests a variance to not have to add additional trees to the site. She stated that staff does not agree with the request. She stated staff believes replacing trees in the paved parking lot area, and along the north and east perimeter of the gravel parking lot would be sufficient to satisfy the regulations and not require a variance.

She stated staff recommends approval with a waiver for the gravel parking lot/storage area and if approved a waiver for the ILA, but not to the VUA perimeter requirements to the gravel lot/storage only.

Commissioner Mifflin questioned if the BOA approval for the daycare is with the existing property, or this proposed addition. Ms. Ketz stated the first BOA approval was for the existing property and the recent BOA approval is for this application.

Darryl Gaunce, pastor, stated he does not agree with the conditions of approval. He stated the gravel parking lot is used to store the church bus and van. He stated the landscaping along the road is in a utility easement and it is useless to put landscaping there.

He stated one of the areas in the parking lot they had a tree there twice and it died, and they did not replace it again. He said the other area showing trees is in front of the church door but the leaves got in the building and they were removed.

He stated the parking lot planting by the handicap spots was removed to make it accessible for his handicapped parishioners and that truck drivers use it to turn semi-trucks around and then hit the trees with the trailer.

He stated that public schools do not have landscaping in their parking lots and that he does not want a lot of landscaping due to safety concerns.

He stated the gravel parking lot has been there for two years and the church maintains it if the gravel migrates.

Commissioner Singer questioned the age of the children attending the daycare/school. Mr. Gaunce stated there will be infants up to middle school age. He stated approximately 80 total kids will attend.

Commissioner Singer asked for clarification about the steppingstones Mr. Gaunce had mentioned. He stated there is a double row of steppingstones in front of the building instead of landscaping.

Chairman Sulski questioned since the parking lot already exists how to address the landscaping. He questioned the engineer if trees could be put in other areas. Fred Eastridge, Thoroughbred Engineering, stated the applicant agreed to planting more trees. Mr. Gaunce stated he could put trees on the edge of the parking lot, but he does not want bushes. Commissioner Green stated if the parking lot is only for bus storage, then why does the lot need to be so big. Mr. Gaunce stated he does still need access to the back of the building. Commissioner Mifflin stated the parking lot's low spot would have the gravel migrating towards the building. He stated he agrees with approving waiver for the gravel lot not requiring gravel migration prevention. He stated he thinks landscaping does need to be added.

Chairman Sulski left the meeting. Commissioner Mifflin as Vice Chairman, ran the meeting in Chairman Sulski's absence.

Commissioner Mifflin stated that staff can work with Mr. Gaunce on the landscaping placement. He stated that some trees need to be put out and a hedge around the parking lot installed. Mr. Gaunce stated he could install hedges along the edge of the storage lot and he could put trees out.

Tom Probst, 284 Gunnell Road, stated he has a concern about the additional traffic the school would add. He stated the parking lot is in a neighborhood not an industrial site. He stated he had concern about the noise a school would create and the extra trash in the neighborhood.

He questioned that originally there was a variance requested for height. Mr. Summers explained the height requirements according to the zoning ordinance.

Bill Parker, 177 Gunnell Road, stated he lives across the street from the church. He stated he does not care about the height if it is not taller than the existing building. He stated he has concern about water runoff. He stated he would like for the Commission to not decide tonight so that he could look at the plans.

He stated that he does not think a long-term storage lot should be on the property. He stated that due to student safety concerns that the shrubbery might not be a good idea.

Commissioner Stone stated that he thought there are details about the school that has not been discussed.

Fred Eastridge, Thoroughbred Engineering, stated that a lot of the details were addressed by the Board of Adjustment.

Mr. Probst stated that he feels that city life is trying to come to the country, and he lives in the country to get away from that. He stated that he did not receive a notice about the Board of Adjustment meeting.

Mr. Parker stated he does not remember getting a notice before about the Church development.

Mr. Krebs stated there is a proposed detention pond, but he has not seen the final plan yet. He stated they will have to follow regulations.

Commissioner Singer questioned if any changes can be made to the conditions after the discussions on the trees and hedges.

Mr. Eastridge stated that drainage and traffic are two things that are misunderstood. He stated the applicant would have to follow regulations for drainage on the site.

Commissioner Green asked about a buffer for the back of the building. Ms. Ketz stated that there is not a required buffer for two adjoining agricultural properties.

Mr. Probst stated his main concern is about the additional traffic.

Mr. Parker stated Gunnell Road is a county road. He stated that he would like to request again that a decision is not made tonight.

Mr. Gaunce stated that the daycare's hours will be from 7:00 am to 6:00 pm and will not be affected by Toyota traffic.

Commissioner Shirley asked for clarification about when the church started. Ms. Ketz stated it started in 2006 and the first conditional use for the daycare was in 2021 and second was in 2022. Commissioner Vest clarified that the church could run a daycare/school without building expansion.

Mr. Parker stated he does not remember getting a notification before until this meeting and would like time to review the plans. Mr. Eastridge stated notifications are sent out 14 days before the meeting to give neighbors time to look at the plans and ask questions.

Mr. Parker stated if the septic must sit a year why is there such a time issue. Mr. Gaunce stated it is a fill and wait. He stated it was filled on July 5, but they can go ahead and put the tanks in with an alarm that indicates when the tanks need to be pumped until the leach fields are ready.

After further discussion, **Motion by Singer, second by Vest to approve the Preliminary Development Plan (PDP-2022-40) without condition of approval #9 and amend condition of approval #7 to clarify that the plantings do not have to align with 2006 site landscape plan, they just need to adhere to current regulations. No action taken due to a tie vote. Vice Chairman Mifflin voted for and Commissioners Shirley, Green and Vest voted against. Application will be continued until the regular September meeting.**

Vest,
Singer

STONE

Vice Chairman Mifflin adjourned the meeting.

Attest:



Charlie Perkins, Secretary



Mark Sulski, Chairman