

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
April 14, 2016**

The regular meeting was held in the Scott County Courthouse on April 14, 2016. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Janet Holland, Regina Mizell, Byron Moran, Steve Smith, Mark Sulski, and Frank Wiseman, Director Joe Kane, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent was Commissioner John Shirley.

Motion by Holland, second by Mizell, to approve the March invoices. Motion carried.

Motion by Caldwell, second by Moran, to approve the March 10, 2016 minutes. Motion carried.

Motion by Sulski, second by Wiseman, to approve the April agenda. Motion carried.

Postponements/Withdrawals

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

Consent Agenda

A representative of the Core Controls application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Mizell, second by Holland, to approve the Core Controls application. Motion carried.

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

A representative of the Creform Corporation application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by

Caldwell, second by Mizell, to approve the Creform Corporation application. Motion carried.

PSP-2015-13 Winding Oaks Cluster Subdivision – Preliminary Subdivision Plat for 29 residential cluster lots, one preserved tract, 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.

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

Mr. Kane reviewed the staff report, noting that the property was rezoned to A-5, Rural Residential. He reviewed the minor revisions that were made to the preliminary plat that was submitted with the zone change request. The new plat shows that both barns will be preserved and a small open space HOA area is added at the intersection of the entrance road and the cul-de-sacs. He addressed the sinkhole and stormwater drainage issues.

Mr. Kane stated that one of the requested variances is for two non-buildable HOA lots, instead of one preserved tract required by the Subdivision Division Regulations. He stated that both lots would set aside land that would provide a buffer area, improve the subdivision, and not impact the farmability or usability of the preserved tract. The second requested variance is to increase the length of the cul-de-sac beyond the 1200' maximum. He recommended denial of the request because there is no justification provided and the extra length would push the buildable areas of the two end lots close to the existing blue line stream.

He then addressed improvements to Cane Run Road. The applicant has requested to make improvements only along the frontage from the cluster lots to Ironworks. There is a gap in the applicant's property to the south, and then the preserved area. Mr. Kane felt that widening the entire frontage should be required.

Mr. Kane then addressed whether a permit is needed from the Army Corps of Engineers because of the blue line stream. The final determination has yet to be made, so a condition of approval has been added that all requirements of the Division of Water and the Army Corps of Engineers must be met.

Tony Barrett, Barrett Partners and representing the applicant, asked that the cul-de-sac length be kept at 1400'. He provided two exhibits showing how the last five lots could be built on. He felt that the length would not cause a safety concern, and stated that if the road was shortened and the lots bumped out in another area, it would infringe on those other features of the property that they wish to preserve. It would also be preferable if each lot has its own access to the public street.

Mr. Barrett then address the improvements to Cane Run Road. He asked that the improvements be limited to the section from Ironworks Road to the end of the cluster lots. He stated that the vast majority of traffic will be turning right out of the subdivision toward Ironworks and that there will be no substantial traffic increase south of the entrance.

Bruce Lankford, representing the applicant, addressed the cul-se-sac length, stating that it would be a mistake if it were shortened, causing the need for shared driveways. He stated that widening Cane Run Road south of the entrance would destroy a fence row with several large trees.

Kim Jedlicki, adjoining property owner, stated that the first application before the Commission was denied because the preserved area was not one contiguous parcel. In this current application, a variance is being requested so that the preserved tract can be in two parcels again. Regarding the length of the cul-de-sac being greater than the allowable 1200', the applicant previously stated that the cul-de-sac requirement could be met. She expressed concern about the stormwater runoff of the additional 200' of the cul-de-sac.

Mr. Lankford stated that the additional 200' of the cul-de-sac is a trade-off in that the 200' will allow a better development and better access to the lots on the cul-de-sac by avoiding shared driveways.

Chairman Jones stated that the letter from Mr. Barrett stated that the length of the cul-de-sac is actually 1492', which is one-quarter more than the allowable length. Mr. Lankford felt that the 1200' requirement is somewhat arbitrary and Chairman Jones agreed. Mr. Lankford felt that the trade-off is well worth the extra length.

Commissioner Wiseman asked Mr. Kane if there was justification for the 1200' requirement. Mr. Kane stated that generally limiting the length provides better connectivity to adjoining parcels (so that stubouts are constructed to eventually connect to adjacent properties) which provides better emergency access and slows traffic.

Mr. Combs stated that he did not know why the limit is 1200', but agreed with Mr. Kane about providing better emergency access and also taking less time to reach the exit in case of an emergency situation. He suggested that an extra "bulb" be placed in the middle of the cul-de-sac to provide a turnaround.

Commissioner Sulski was not in favor of shared driveways and felt that shortening the cul-de-sac will not slow down traffic. Chairman Jones felt that the regulations should be followed. Mr. Perkins stated that there should be good reasons for regulations, and the reason for the 1200' was probably related to the average length of a city block.

Mr. Barrett stated that Mr. Combs's solution of installing a "bulb" is acceptable. He asked that the variance for the cul-de-sac length be granted subject to Fire Department approval, and if they do not grant approval, the applicant will construct a "bulb" as a turnaround at the midway point of the cul-de-sac. It was agreed that a bulb would be located between lots 23 and 24/15 and 16.

Commissioner Smith asked about the widening of Cane Run Road south of the cluster lots. Mr. Combs stated that, while the road widenings are usually required because of increased traffic, and the traffic will increase minimally south of the cluster lots, if the property to the south of the preserved tract develops in the future, the opportunity will be lost for the frontage of the preserved tract to be widened. He proposed requiring added payment and not a full road widening, thereby saving the mature trees.

Mr. Lankford noted that variances are part of the regulations, so that granting them is still following the regulations.

Motion by Sulski, second by Holland, to approve the requested variance allowing two non-buildable HOA lots. Motion carried.

Matt Welch, applicant, stated that the length of the cul-de-sac is only a concern about safety. He stated that if the County Fire Department approves the plan as shown, the "bulb" as discussed would not be necessary. Should they deny the 1200' cul-de-sac, then he would construct the bulb. Mr. Perkins read condition #19 which states it in that manner.

Mr. Welch was sworn in by Mr. Perkins.

The midpoint turnaround was discussed. Mr. Welch agreed that, if the Fire Department does not approve the plan without the bulb, then he will construct an island in the middle of the bulb.

Motion by Smith, second by Wiseman, to deny the requested variance waiving the requirement to widen Cane Run Road south of lot #30. Motion carried.

Motion by Sulski, second by Holland, to approve the Preliminary Subdivision Plat subject to the eighteen (18) conditions of approval, plus the nineteenth (19) condition to require a turnaround bulb with island at one-half the street length from the intersection, or get approval from the emergency services for the additional 292' length of the street. By roll call vote, motion carried unanimously.

PDP-2016-15 Bojangles – Preliminary Development Plan for a 3,808 sq. ft. restaurant with drive thru on 1.14 acres zoned B-2 (Highway Commercial), located on the northwest corner of Lexington Road and Lusby Path.

Mr. Kane reviewed the staff report, noting that two lots are being consolidated for this application. He stated that all requirements regarding parking, setbacks, and landscaping are being met. A variance regarding a sidewalk along Lusby Path is being requested because of the width of the private access easement along that private road. A 6' sidewalk cannot be constructed without taking away from the perimeter landscape buffer that is required. The variance is to reduce the width from 6' to 4'.

He stated that he included an eleventh condition requiring the installation of an accessible bike rack, to which the applicant agreed. He noted that an entrance permit will need to be obtained from the State. He also noted that because the development includes two lots with a shared access easement, he has asked that the proposed monument sign have space for both lots. The applicant has agreed to that.

Commissioner Smith asked if a connection to Victory Life Church was discussed. Mr. Kane stated that he had discussed the matter with a representative of the church, and they do not want the connection to be made at this time.

Chairman Jones asked if the plan could be shifted 2' to the north to accommodate a 6' sidewalk along Lusby Path. Bob Cornett, Roberts Group and representing the applicant, stated that when parking is against the sidewalk, 18" to 2' of bumper overhang on the sidewalk. But when the parking lot is not up against the sidewalk, 4' is adequate. He stated that the sidewalk along the backside of the lot is 4', and the sidewalk along Lexington Road is 5'.

Commissioner Sulski asked if the sidewalk along Lusby Path can be connected to the sidewalk on the property to the west. David Lusby, adjoining property owner, stated that the sidewalk shown on that site will be removed and improved in the future when that site develops.

Ralph Tackett, representing the Victory Life Church, was sworn in by Mr. Perkins. Mr. Tackett stated that they would like to have the connecting road blocked off so that traffic does not cut through their parking lot. Mr. Cornett stated that some type of barricade will be placed at the end of the asphalt because it drops 3' to 5' down to the parking lot.

Chairman Jones asked if a sidewalk could connect the properties. Mr. Tackett stated that then people would park in their lot and walk to the restaurant.

Mr. Cornett stated that the barricade will be noted on the construction plans.

Motion by Moran, second by Smith, to approve the Preliminary Development Plan subject to the ten (10) conditions of approval, plus the eleventh (11) condition regarding provision of a bicycle rack, and including the requested variance regarding the sidewalk. Motion carried.

FSP-2016-17 Harrison & Wright Properties – Final Subdivision Plat to create one new 8.8-acre tract and to transfer land to enlarge an existing tract from 5 acres to 7.592 acres, located at 6143 Owenton Road (east side, KY 227), west of Plummer Road.

Ms. Chan reviewed the staff report, explaining the transfers in land. She stated that Mr. Combs visited the site and did not see a problem with sight distance at the proposed entrance on Plummer Road. All setback requirements have been met.

Chuck Harrison, applicant, stated that he wished to square up the property and to address a water issue.

With no other comments, **motion by Caldwell, second by Sulski, to approve the Final Subdivision Plat subject to the four (4) conditions of approval. Motion carried.**

PDP-2016-18 Bluegrass Baptist Church – Preliminary Development Plan for a 12,555 sq. ft. church on 17.83 acres zoned A-1, located on the northwest corner of Ironworks Road and New Coleman Lane.

Mr. Summers reviewed the staff report. He stated that the applicant received a conditional use permit from the Board of Adjustment with the condition that they preserve the existing tree line to screen the use from the adjacent properties, which are agricultural and rural residential.

He reviewed issues regarding access, parking, landscaping, and traffic. The applicant was required to provide a traffic study which showed that the Sunday peak hour trips for Phase 1 of the project will not decrease the level of service for Ironworks Road and that no turn lanes or other traffic improvements were necessary with this phase. He stated that a new traffic study will be required with each new phase.

Mr. Summers added that because no entrances are proposed on New Coleman Lane for Phase 1, he is not recommending that the applicant widen that road at this time.

However, when the applicant submits plans for Phase 2 which shows an entrance on New Coleman, they will need to widen the road to County standards at that time. He stated that he has concerns about the scale of the future phases, but recommends approval of Phase 1 as it meets all requirements.

Chairman Jones asked about the future plan for a residence and whether the conditional use permit included that use. Mr. Perkins stated that a related use would be reasonable, but didn't know if the Board of Adjustment discussed that issue. Mr. Summers stated that the residence was shown on the plan that the Board of Adjustment considered. He stated that when plans for Phase 3 are submitted, the Board of Adjustment could be asked to clarify whether they intended to approve that use.

Brian Fulcher, Associate Pastor of the church, read a letter from the Pastor that briefly outlined their need to expand. Pastor Fulcher stated that the building will not be not traditional, and will be aesthetically-pleasing and fit into the surrounding agricultural landscape.

Susan Byers, Ironworks Road resident, stated that she and her husband put their farm into the PDR program because they believe in the County's commitment to preserve prime farmland for future generations and to maintain a green buffer in the south end of the county. She stated that this type of large, non-agricultural development is very destructive to that commitment. She stated that when the plan is complete, it will have 6 acres under roof on an 18-acre parcel. The recently approved stockyards on Ironworks is 5 acres under roof on a 120-acre parcel. She felt that a development of that size is not needed in the agricultural zone in Scott County and is incompatible with the goals of the community.

Bill Britsch, adjacent property owner, submitted photographs of the site taken from his home. He expressed concern about noise and light pollution, particularly if softball and soccer fields are constructed. He stated that they can hear ballgames from the Christian Church that is across U.S. 25 approximately a half mile away. He asked that a substantial buffer or natural privacy fence be required along his property line.

Gussie Britsch, adjacent property owner, asked the applicant when they intend to start construction on Phase 1. She felt that the scale of the development is inappropriate for the area. She stated that there are very mature trees on the site, and asked how far from the property line they can build a school or place ball fields. She also expressed concern about drainage and the sinkhole.

Mr. Summers stated that no lighting was shown on the development plan, but he included a condition that a photometric plan be submitted and approved to make sure there are no negative lighting impacts off site.

Chairman Jones stated that the sinkhole should be shown on the plan. Mr. Perkins stated that sinkholes cannot be built upon, and it needs to be shown on a final plan.

Chairman Jones asked if future phases include a school. Mr. Summers stated that the conditional use permit did not include a school.

Regarding setbacks, Mr. Summers stated that the applicant has increased the 50' setback by 10' due to the 40' height of the proposed building. He stated that setbacks apply to anything under roof, so the parking lot and ball fields could be close to the property line.

Arthur Jones, Thoroughbred Engineering, stated that the applicant does not plan to have a school on the site, but rather classrooms for bible study inside the proposed buildings. He stated that the pastor's quarters is counseling center that is not necessarily tied to the church. Regarding a sinkhole, he stated that no sinkhole was identified on the property during the geotechnical exploration.

Mr. Jones was sworn in by Mr. Perkins.

Ms. Britsch asked if a counseling center was approved by the Board of Adjustment. Mr. Jones stated that the counseling center would be a 1500 sq. ft. or less building that looks like a house for people who would come for counseling during the day. Mr. Perkins asked if it is pastoral counseling or some other counseling. Mr. Jones (?) stated that it would be pastoral counseling. Mr. Perkins stated that that would be accessory to the church.

It was clarified that any approvals at this meeting are for Phase 1 only. Any future phases must be noticed and come back to the Commission.

Mr. Jones stated that the height of the building will not be 40', that it will be much lower at this time. He stated that they will work with the adjoining property owners on the lighting and with the natural barriers.

Mr. Britsch asked how close the parking lot will be to the property line. It was stated that there is a landscape buffer along A-1 property.

Pastor Fulcher replied to Ms. Britsch that the start date for Phase 1 has not been determined, but they hope within the next twelve months. As far as the natural

privacy fence, they will try to accommodate that request as soon as they can, but budget constraints are a factor.

Chairman Jones reminded Pastor Fulcher of the sunset clause.

Commissioner Wiseman expressed concern about the change of character to the neighborhood. He felt that a natural privacy fence should be required regardless of cost. Mr. Summers said that a condition of approval could be added requiring additional landscaping. Mr. Kane reviewed the landscaping requirements, which require 15' landscape buffers between agricultural uses and commercial, industrial, and professional office uses. Mr. Perkins felt that because the parking is similar to a large-scale commercial use that the requirement would apply.

It was clarified that the neighbors preferred a natural, living buffer rather than a fence. Mr. Kane stated that the regulations have three options for the buffer. The three options are contained in table G.12 of the Landscaping Ordinance.

The lighting plan was briefly discussed.

It was agreed that a condition of approval would be added regarding the natural buffer adjacent to the Britsch property. It was also agreed that the buffer would apply to all adjoining agricultural property, and that the existing trees and vegetation would remain and open areas would be filled in.

Commissioner Wiseman asked that a condition of approval #16 be added requiring a land use buffer between this property and adjacent agricultural property meeting the requirements of the Land Use Buffer Ordinance.

Motion by Smith, second by Caldwell, to approve the Preliminary Development Plan subject to the sixteen (16) conditions of approval. By roll call vote, motion carried unanimously.

Kenel definition – PUBLIC HEARING

Mr. Kane explained that the text amendment to the Zoning Ordinance expands the definition of kennel. Currently it is defined as a commercial business for the sale or temporary boarding of three or more dogs over the age of six months, not including those owned by the resident or property owner. The proposal is to expand the definition to include any person or organization, for profit or otherwise, keeping more than a total of ten dogs over the age of six months on the premises.

The amendment expands the definition to include not just commercial operations, but any operation, whether that be a rescue or personal ownership of dogs. The keeping of more than ten dogs would require a conditional use permit from the Board of Adjustment.

Mr. Kane stated that a separate animal control ordinance is being worked on by the County Attorney.

Commissioner Sulski expressed concern about whether the amendment hinders the noise ordinance. Mr. Perkins stated that the amendment does not affect the noise ordinance. Whether one dog or ten dogs cause a noise problem, then there is a noise problem. Mr. Perkins also clarified that this is a County ordinance that will be passed on to Fiscal Court for their approval or denial.

Chairman Jones felt that a specific number of dogs someone can own or board should not be set. Limiting the ordinance to subdivisions was mentioned. Mr. Combs noted that the ordinance only states that if a certain number of dogs is exceeded, then they need a conditional use permit, which could be denied if provisions aren't in place to mitigate noise and other impacts.

Bob Gamble, Craigmoor Estates Drive resident, asked if anyone on the Commission has heard 40-50 barking at the same time. He felt that the proposed amendment will not stop the situation near his home.

John Logan, Craigmoor Estates resident, stated that the process the neighbors have been going through for 20 years is because the subdivision is classified as A-1. He stated that an ordinance is needed that will address the problem without loopholes. He described how the dog business is lucrative and growing and needs addressed before the negative impacts worsen.

Discussion continued on rural subdivisions. Mr. Logan stated that the people in rural neighborhoods pay County taxes and deserve the same protection against the negative impacts of kennel operations that City residents would receive. As a realtor, he stated that it affects property values anywhere from 10 to 20%, depending on how far from the kennel the house is.

Mr. Logan also recommended that the Commission eventually look at animals other than dogs.

Joann Lightening, Craigmoor Estates resident, described the start-up of the kennel adjacent to Craigmoor Estates and the actions of the owner.

Chairman Jones asked if rezoning Craigmoor Estates to A-5 would rectify their situation. Mr. Gamble asked if requiring kennels to have 10 acres or more would help. Commissioner Smith felt the ordinance as proposed will solve the problem. Mr. Gamble stated that the owner will simply become an adoption home and not a business. Mr. Perkins stated that this ordinance will not affect this owner because she's under court order to reduce her number of dogs to 15 by June, 2016. Mr. Gamble felt that after June, she can apply to have as many dogs as she wishes. Mr. Perkins stated that she would need Board of Adjustment approval, and likely would not receive it.

Discussion continued on possible changes to the proposed amendment, such as limiting it to tracts of land 10 acres or more. Commissioner Smith felt that they could be limited to commercial or industrial zones. Mr. Kane stated that currently, a kennel owner must declare the maximum number of dogs they will care for, and there is a 100' setback.

Roger Quarles, Lemons Mill Road resident, stated that he is also a neighbor to a dog kennel, and stated that the Planning Commission allowed a variance to reduce the setback for a dog kennel from 100' to 45'. He stated that dogs are not an agricultural production animal in Scott County or anywhere in the state. They are only pets and a commercial operation. He felt that commercial operations in agricultural areas should be set back a minimum of 1500' from any property line. He supported limiting the number of dogs to 10 before needing Board of Adjustment approval. He felt there are three options: 1) contain the dogs at all times in a soundproof building; 2) set the facility back 1500' from all property lines; or 3) locate kennels in a commercial or industrial zone. He encouraged the Commission to take the time to draft a recommendation that addresses the many issues that have been discussed.

Mr. Gamble stated that he has discussed the problem with the Health Department, and they indicated that they will be happy to do health inspections, which the Commission could also consider.

Commissioner Smith felt the amendment as proposed is a good start, and can be looked at again during the Comprehensive Plan update.

Mr. Kane suggested that if the ordinance as written is sent to Fiscal Court, the Commission could then amend the minimum acreage and/or setback requirements. Mr. Perkins felt that the ordinance should be finalized before being recommended to Fiscal Court.

It was noted that any existing kennels will be grandfathered in.

Commissioner Wiseman wished for the matter to be continued so that he can think about the information that has been presented.

Motion by Sulski, second by Moran, to continue the public hearing to the May meeting. By roll call vote, motion carried 6-1 with Holland dissenting.

FY 14-15 Audit

Mr. Kane asked for action to be taken on the FY 14-15 audit that was discussed at the workshop on April 11.

Motion by Sulski, second by Moran, to accept the FY 14-15 audit. Motion carried unanimously.

Election of Officers

It was agreed to postpone the election of officers to the May meeting.

The meeting was then adjourned.

Respectfully,

Rob Jones, Chair

Attest:

Charlie Perkins, Secretary