

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
August 10, 2023**

The regular meeting was held in the Scott County Courthouse on August 10, 2023. The meeting was called to order by Chairman Charlie Mifflin at 6:00 p.m. Also present were Commissioners James Stone, Duwan Garrett, Dann Smith, Harold Dean Jessie, David Vest, Mary Singer, and Brad Green and Director Joe Kane, Planner Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner Rhett Shirley.

Motion by Singer, second by Smith, to approve the July invoices. Motion carried.

Motion by Stone, second by Garrett, to approve the July 13, 2023 minutes. Motion carried.

Motion by Singer, second by Smith, to approve the August agenda. Motion carried.

Postponements/Withdrawals

Chairman Mifflin stated that the application for Price Property (FSP-2023-25), Cherry Blossom Village Phase 2 Addition (PSP-2023-26), Wawa Georgetown (PDP-2023-30), The Village at Georgetown (PDP-2023-34), and Online Transport (PDP-2023-38) have been postponed until the next regularly scheduled meeting.

Consent Agenda

A representative of Eckart Supply (PDP-2023-31) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Jessie, second by Stone, to approve the application. Motion carried unanimously.

Commissioner Shirley has joined the meeting.

A representative of Moonlight Investment LLC (PDP-2023-32) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Garrett, second by Smith, to approve the application. Motion carried unanimously.

A representative of Bluegrass RV – Storage Area (PDP-2023-39) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Singer, second by Shirley, to approve the application. Motion carried unanimously.

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

FSP-2023-28 Mary Risk Farm – Final Subdivision Plat request for a three (3) five acre lots and a remainder lot in the area of a formerly approved cluster subdivision for ten (10) residential cluster lots and five rural tracts on 83.7 acres zoned A-5 located south and east of Stonecrest Subdivision.

Mr. Kane stated this property was approved for a cluster subdivision and rezoned in 2017. He stated at the same time the applicant was approved for five 5-acre lots that were platted and built on. He stated the cluster subdivision was never done. He stated with this application they are abandoning the cluster subdivision and requesting three 5-acre lots with a remainder lot.

He stated the lots are adjoined by an access easement that is a buffer behind the Stonecrest Subdivision lots.

He stated the lots would be accessed from Wysteria Lane and meet all of the rural lot requirements.

He stated that the Stonecrest Subdivision was anticipated to have multiple phases and that's why Wysteria Lane was extended onto the Risk property. He stated the Greenbelt runs through the property, so the applicant is limited to a cluster subdivision or 5-acre lots. He stated he thinks the applicant did not want to further extend Wysteria Lane for a cluster subdivision, so the applicant has applied for the 5-acre lots.

He stated if this application is approved the previous plat will be vacated.

He stated a portion of the property is within the Royal Spring Aquifer and the applicant will have to follow any recommendations of the Wellhead Committee for septic.

Chairman Mifflin asked for clarification for access to the lots.

Danny Caldwell, 1520 Lexington Road, stated he was under the impression the applicant could only do the cluster or 5-acre lots. He questioned why the applicant never installed trees in the buffer between the existing lots and his farm. He stated since the property was in the Greenbelt, he thought it could not be developed. He stated he had concern with water runoff problems from the property.

Mr. Kane stated the original application was for 5-acre lots and a cluster subdivision.

Mr. Caldwell questioned the location of homes and buildings on the existing 5-acre lots. Chairman Mifflin stated there is a 50-foot setback for those lots.

Mr. Caldwell questioned why there is not a tree buffer along the property and why they are allowed to dump water onto his property.

Commissioner Shirley questioned if the previous plat is void is that why the conditions of approval were not completed. Mr. Kane stated the cluster subdivision was never built that has the condition of the tree buffer. He stated the five acre lots have a 15-foot landscape buffer and that was planted. He stated

there are pictures in the file of the trees installed where there were no trees. He stated the rules are different for 5-acre lots and cluster subdivisions. Mr. Caldwell stated that lot 4 and 5 never had a tree buffer installed. He stated preserved parcel A also has no plantings.

Hill Parker, representing applicant, stated the applicant paid for the installation of the fence and trees.

Attorney Perkins questioned if the applicant is proposing 5-acre tracts adjacent to another rural use why landscaping is required unless it is required because of the Greenbelt. Mr. Kane stated it is because it is zoned A-5. It was questioned if landscaping would be required on parcel 4. Mr. Kane stated he would have to check the landscape ordinance but thinks it only applies to the 5-acre lots.

Mr. Caldwell stated they have their property double fenced due to horses. He stated everyone uses their fence as the property line, but it is not. He states there are no trees on the applicant's side of the fence. He stated they are not opposed to the development.

Commissioner Green questioned what happens if no buffer is installed. Mr. Parker stated there is a Kentucky law stating that if you have livestock you are supposed to fence your property even if there is a fence. Mr. Kane stated after property is sold if the trees die or are cut down you cannot enforce the landscape buffer.

Commissioner Singer questioned the image showing trees. Mr. Caldwell stated his main concern is the stormwater that comes from the development.

Commissioner Jessie questioned how conditions of approval could be enforced. Mr. Kane stated when there are sensitive items the Planning Commission can require the applicant to come back before the Planning Commission for Final Development Plan approval.

After further discussion, **Motion by Singer, second by Green to approve the Final Subdivision Plat (FSP-2023-23) subject to (8) conditions of approval with the additional condition of approval that all landscaping requirements be met between the A-5 and A-1 zone. Motion carried 7-2 with Jessie and Vest dissenting.**

ZMA-2023-29 Best Pets Animal Clinic – Zoning Map Amendment to change the zoning district from R-2 to P-1 located at 529 East Washington Street.

Chairman Mifflin opened the public hearing.

Ms. Ketz stated the property is located just north of the intersection of Paris Pike and East Washington Street and west of MLS Powersports. She stated according to the 2016 Comprehensive Plan that area was designated residential, but that building has never been used as a residence instead having commercial uses. She stated the surrounding buildings have also been used for commercial purposes.

She stated if the application is approved the applicant would have to go before the City Board of Adjustments for a conditional use permit to run an animal clinic.

Chairman Mifflin closed the public hearing.

After further discussion, **Motion by Jessie, second by Smith to recommend approval of the rezoning request (ZMA-2023-29) on the basis that it complies with the comprehensive plan. Motion carried unanimously.**

PDP-2023-33 Pure Air Kentucky - Preliminary Development Plan for a three-unit, 6,000 SF warehouse and contractor building located at 117 Eastside Drive.

Ms. Ketz stated the property is zoned B-2 and 0.50 acre. She stated the applicant is requesting a waiver for the parking metric since no full-time employees will be on the property. She stated the warehouse is for individual contractor storage.

She stated on the western property line the proper perimeter landscaping is proposed and the tree canopy requirement is met.

Austin Swiney, Banks Engineering, stated he is the civil engineer for the project.

Chairman Mifflin questioned that it is one warehouse with three units. He asked if each unit will be used by a different contractor. Mr. Banks stated that is correct. He stated one unit will be used by the owner and two units will be rented out.

After further discussion, **Motion by Garrett, second by Shirley to approve the Preliminary Development Plan (PDP-2023-33) subject to (7) conditions of approval and (1) waiver. Motion carried unanimously.**

PDP-2023-35 Bierman Properties Development - Preliminary Development Plan for 4,914 square feet building, truck scale and associated gravel parking located at 1949 Lexington Road.

Mr. Kane stated this application is for an Amended Development Plan approval for expansion. He stated that currently it is a construction material recycling facility. He stated they recycle concrete and asphalt behind the old transformer factory but own the whole lot. He stated they subdivided and sold the building previously. He stated they plan to move their truck scale from the rear to the side yard and add a 4,914 square foot maintenance building for their offices. He stated the property is zoned I-2.

He stated the applicant will be required to add a landscape buffer to the north side and a VUA buffer along the front.

He stated the applicant is requesting a waiver for the gravel parking storage area for the roll-off dumpsters and equipment. He stated the area for employee parking is shown on the plan as paved but the area getting to parking as not paved. He stated the drive aisle would need to be paved.

He stated the only other issue is that there is no sewer service currently, but the applicant would have the opportunity when the south sewer project is completed. He stated that could be an added condition of approval if the Planning Commission would like to.

Steve Baker, Midwest Engineering, stated the applicant planned to run equipment over the driveway and did not want to pave it, but he felt the applicant would agree to pave. He stated he felt the applicant would want sanitary sewer, but he could not speak for the applicant.

After further discussion, **Motion by Singer, second by Smith to approve the Preliminary Development Plan (PDP-2023-35) subject to (7) conditions of approval and (1) waiver and an additional condition of approval that the applicant will connect to sewer if it becomes available. Motion carried unanimously.**

PDP-2023-36 Grace Christian Gymnasium – Preliminary Development Plan for a 23,000 SF gymnasium and CrossFit facility located at 1648 Lexington Road.

Ms. Ketz stated the applicant wants to add additional building but has requested a waiver to add additional parking due to the fact the gymnasium and church would not be used at the same time. She stated that currently there are approximately 51,000 square feet of buildings and 411 parking spaces.

She stated staff recommends that four parking spaces south of the building entrance be converted to ADA parking.

She stated staff also recommends that the Final Development Plan include curb cuts and marked walkways between the proposed and existing building and parking lots.

She stated the applicant is proposing a stormwater detention basin that would have to meet all stormwater requirements.

She stated the applicant is proposing additional VUA interior landscaping. She stated that at TRC she pointed out some trees and hedges are missing and need to be replaced.

She stated there are some utilities in the area. She stated Kentucky Utilities has a line in the area that would have to be moved at the applicant's expense. She stated GMWSS might require the applicant to connect to sewer when it becomes available. She stated the Scott County Fire Department may require the building to install a sprinkler system and another fire hydrant.

She stated the southern area of the property and 800-900 feet of the driveway is within a floodplain. She stated there is an existing bridge for access, but it is 3 feet below floodplain elevation. She stated there is another bridge to the property beside the church, but that owner has been using the church bridge for access. She stated that bridge is to be removed for the development.

She stated a daycare is defined as a "Critical Facility" and must have an access plan if the property is flooded. She stated as part of approval an Emergency Access Plan must be updated with access in case of an emergency.

Commissioner Singer asked for clarification of how an Emergency Access Plan was not required before. Mr. Krebs stated the daycare did not go through formal approval. Mr. Krebs stated his understanding was that previously the church stated they had access through an adjoining neighbor in case of an emergency.

Commissioner Jessie asked for clarification of possibilities for an emergency exit.

Daniel Rehner, Thoroughbred Engineering, stated the applicant agrees with the conditions of approval. He stated the applicant will contact the adjoining property owners to get an agreement for emergency access. He stated the applicant will connect to sewer when it becomes available. He stated he was not involved previously when the applicant developed but will work with the Division of Water regarding the bridge. He stated that the applicant is drafting a plan for access. He stated the gymnasium will not be used during church services.

Commissioner Singer questioned if the gymnasium will be for public use. Mr. Rehner stated it would be mainly for church members.

Chairman Mifflin questioned the sidewalks on the plan. Mr. Rehner stated the sidewalks are for future installation, the building would be built first.

Commissioner Jessie questioned the location of Mr. Caldwell's property in relation to the church property. Mr. Caldwell pointed out his property on the map. He stated he is not opposed to this development.

After further discussion, **Motion by Singer, second by Garrett to approve the Preliminary Development Plan (PDP-2023-36) subject to (12) conditions of approval and (1) waiver and the additional condition of approval must connect to sewer if available. Motion carried 7-2 with Shirley and Jessie dissenting.**

PDP-2023-37 Amen House - Operations Center - Preliminary Development Plan for a 5,000 SF charity operations center and warehouse located at 706.5 Bourbon Street.

Ms. Ketz stated the property is zoned B-2 and R-2. She stated the driveway area is the R-2 zone. She stated the parcel is 1.5 acres. She stated the applicant is proposing 20 parking spaces with one of the parking spaces being ADA compliant.

She stated the applicant is requesting three waivers. She stated a front yard setback, interior landscape and tree requirements.

She stated she is submitting public comments regarding the application for the record.

She stated the building will be built in two phases. She stated the first phase will be warehouse storage and the second phase will be food prep/kitchen space.

She stated the applicant is proposing a driveway from Bourbon Street. She stated technically there is road frontage onto East Washington Street. She stated the applicant is requesting to reduce the front yard setback along East Washington Street.

She stated a stormwater basin is proposed in the eastern corner of the project site.

She stated the applicant would be required to have landscaping along the property on Bourbon Street and the adjoining R-2 properties. She stated the applicant will meet the canopy requirement.

She stated staff does not support access from Bourbon Street due to part of it being one-way and the road not being suited for commercial use.

She stated staff proposes access through the MLS Powersports site. She stated the applicant owns the property but is allowing MLS to remain until their new site is finished. She stated staff proposes a second option for access onto East Washington Street or going around the site and accessing from Paris Pike.

Commissioner Jessie questioned if the applicant was aware of the problems with the Bourbon Street access. Ms. Ketz stated it was discussed at the workshop.

Mr. Rehner stated the applicant agrees with the conditions of approval. He stated the applicant has tried obtaining other access onto Bourbon Street, but the east side owner has not responded.

He stated the application is tied to grant funding and there is a 6-month time limit for it being used.

Several possible access locations were discussed. Commissioner Garrett stated he feels the Bourbon Street access would destroy that community and surrounding area.

Attorney Perkins stated that access onto East Washington Street looks more appropriate. Ms. Ketz stated it is built for the heavier traffic but there is sanitary sewer and would require some heavy grading.

Mr. Rehner stated depending upon the depth of the sanitary sewer that may be impossible to use that access.

Commissioner Jessie questioned Commissioner Garrett about the location of the cemetery on Bourbon Street. Commissioner Garrett stated that if the applicant used Bourbon Street for the entrance that would impact the cemetery.

Barry and Barbara Tilford, 700 Bourbon Street, stated his mother's house is the historical Ed Davis house and it is less than 50-foot from the proposed entrance location. Mr. Tilford stated he has safety concerns about bringing people to the neighborhood. Ms. Tilford stated she used to be able to sit on her porch, but she is unable to now because of the traffic in the neighborhood. She stated she is concerned for her safety.

Dan Holman, 503 S. Broadway, stated he has been renovating a house on Bourbon Street and is concerned about the character of the street if an entrance is approved. He stated there are other options for entrance. He stated he had traffic safety concerns due to Bourbon Street being one-way.

Chris Wilson, 1058 Paris Pike, stated he thinks the property is in a terrible location. He stated he feels the applicant should wait to build until after MLS Powersports moves.

Commissioner Shirley asked for clarification of the grant. Michele Carlisle, Amen House, stated the Amen House used grant money to purchase the property. She stated the second phase of the funding is a community block grant that says within 6 months it is out to bid and within 7 months they have to be under contract, or they lose the money. She stated they have explored different options to access the site.

Commissioner Shirley questioned if the grant is all at once or in sections. Ms. Carlisle stated the grant is not all at once but was not sure of the timeline.

Commissioner Shirley questioned if the construction could begin through the MLS site to acquire the funds. Ms. Carlisle stated their contract states the Amen House cannot interrupt business operations. Commissioner Shirley stated he does not support a construction entrance on Bourbon Street.

Attorney Perkins questioned if the entrance on Bourbon Street could be temporary.

Steve Price, resident, stated based upon the most recent Comprehensive Plan more pedestrianism should be followed instead of vehicular transportation and that people should farm more.

After further discussion, **Motion by Singer, second by Vest to approve the Preliminary Development Plan (PDP-2023-37) subject to (8) conditions of approval and (3) waivers with an additional condition of approval of no vehicular entrance from Bourbon Street. Motion carried 8-1 with Stone dissenting.**



Chairman Mifflin adjourned the meeting.



Charlie Mifflin, Chairman

Attest:



Charlie Perkins, Secretary