

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
August 12, 2021**

The regular meeting was held in the Scott County Courthouse on August 12, 2021. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners Steve Smith, James Stone, Charlie Mifflin, Duwan Garrett, and Dann Smith, Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Mary Singer and David Vest.

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

Motion by Garrett, second by D. Smith, to approve the July 8, 2021 minutes. Motion carried.

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

All those intending to speak before the Commission were sworn in by Mr. Perkins individually prior to their comments and questions.

Postponements/Withdrawals

Chairman Sulski stated that the application for Singer Property (ZMA-2021-12) was postponed until the next regularly scheduled meeting.

PSP-2021-20 Village at Lanes Run – Phase 3, Section 2 – Amended Preliminary Subdivision Plat for Phase 3, Section 2 of Villages of Lanes Run located east side of Old Oxford Road and north of Lanes Run Creek.

Mr. Kane stated this subdivision was approved in 2004. He stated this application removes the alleys, changes the open space, and adds 6 more lots.

He stated the lots increase in size as you go towards the east and the Urban Service Boundary. He stated removing the alleys freed up enough space to be able to add 6 more lots.

He stated the application had been postponed before to allow time to redo the open space. He stated he had requested that changes be made to the open space to make it more accessible.

He stated staff's main concern is the double frontage lots along Old Oxford Road. He stated that area has numerous easements and utilities, and staff will not support variances for the lots.

He stated previous conditions of approval still apply to this application. He stated the applicant will be responsible for improvements at the proposed new entrance including adding turn lanes and widening of Old Oxford Road.

Commissioner Mifflin questioned if Rocky Creek and Phase 1 have a trail system in place. Mr. Kane stated that they have open space areas.

Commissioner Mifflin questioned if lots 110, 111, and 119 will be buildable lots. Mr. Kane stated the applicant will have to get a geotechnical study done before construction begins.

Jason Banks, Banks Engineering, stated the applicant agrees with Mr. Kane's staff report. He stated to answer Mr. Mifflin's question there is an existing pond on those lots presently and a geotechnical engineer will be consulted to determine if they are buildable lots or not.

Gary Amos, 138 Rocky Creek, questioned if the open space associated with the creek had been eliminated. Mr. Kane stated the applicant amended a small area of open space, but the space along the creek will not be disturbed.

Mr. Amos questioned the access to Rocky Creek Reserve. Mr. Kane stated there will be one access road to Rocky Creek Reserve. Mr. Amos stated due to current construction and vehicles parked along the street it makes it difficult for two vehicles to pass. He asked if anything could be done about the vehicles parked on the street. Mr. Kane stated that streets are designed to allow parking on one side of the street.

Alison Bjork, 135 Rocky Creek Road, questioned where the main entrance will be for the application in proximity to her home. Mr. Kane stated the access will be from Old Oxford Road but eventually there will be a connection to Rocky Creek.

Commissioner Smith questioned if the applicant is confident that homes will fit on the lots that back to Old Oxford Road. Mr. Banks stated that the builder has a house plan that will fit on the lots.

After further discussion, **Motion by S. Smith, second by Garrett to approve the Preliminary Subdivision Plat (PSP-2021-20) subject to twelve (12) conditions of approval. Motion carried.**

FSP-2021-25 Fairfield Farm Subdivision – Final Subdivision Plat to subdivide an existing lot into three (3) lots in Fairfield Farms subdivision located at 3684 Frankfort Road.

Mr. Kane stated that Fairfield Farm was approved in 2005 with a condition that any further subdivision could only be accessed from the interior road not US 460. He stated the request is to subdivide Lot 10 that presently has a home, garage, and barn on it into three lots. He stated the remainder piece to the west of Fairfield Farms Road will remain unbuildable due to the size.

He stated staff's main concern is Fairfield Farm Road that was built in 2005. He stated tracts 10C and 10D will be accessed from Fairfield Farm Road. He stated where the lots are proposed is the best part of the road and it deteriorates more further back where houses are already built. He stated the new proposed lots should join the HOA and share in the cost of the upkeep of the private road.

He stated as part of the conditions of approval a geotechnical study needs to be done on Tract 10C and 10D if the application is approved.

Chairman Sulski questioned if the applicant can repair the road before subdividing the tract.

Laura Guthrie, applicant, stated they became involved with this project after one of the heirs of the farm approached them after a developer wanted to buy the property.

She stated they did pave the road, but they were caught by the recession and 50% of the lots were not sold therefore the road could not be accepted by the county. She stated in the HOA bylaws the homeowners are each responsible for maintaining the road.

She stated her main concern is the 2+acres that is just sitting. She stated she would like to attach the 2+ acres to one of the other tracts.

Commissioner Smith questioned if the HOA is active. Mrs. Guthrie stated that all the homeowners talk but have never collected HOA dues.

Mr. Perkins stated that the road is the responsibility of the homeowners.

Richard Dugas, 111 Fairfield Farm Road, stated that he is speaking for the neighbors and presented a letter signed by all nine homeowners stating that the road was not built to county standards by Hobson Properties. He stated he had spoken to JR Brandenburg with the County Road Department several times and was told the road was not built to county standards.

He stated the school system has never allowed a bus on the road. He stated Hobson Properties stopped maintenance on the road in 2016.

He stated the homeowners feel that Hobson Properties should not be allowed to add additional lots that will use the road. He stated either the homeowners own the road and can control access to the road or Hobson Properties owns the road and is responsible for road maintenance.

He stated the homeowners are concerned that if the additional lots are approved, would those lots abide by the current deed restrictions. He stated the current lot owners were told that the road would become a county road when they purchased their lot.

He stated a HOA was never formed for Fairfield Farms and Hobson Properties never informed the homeowners that they are now responsible for the road.

Eric Brown, 123 Fairfield Farm Road, stated that he had concern about the road, but Mrs. Guthrie assured him that the road was built to county standards at his closing. He stated he feels the homeowners cannot be responsible for maintaining the road when it was not constructed correctly.

He stated he feels the developer needs to add fire hydrants if additional lots are approved.

He stated he is a geologist and stated he has concern about homes being built on the proposed lots. He stated he also has concern about where septic could be installed with the current sinkholes on the lots.

He stated he also has concern that he does not see electric easements on the plat. He stated the restrictions has all electric lines underground.

Mr. Dugas stated he just wanted to point out that the applicant is planning to sell the lots and that money could be used to fix the road.

Chairman Sulski stated that utilities will not sign the plat until their requirements are met. Mr. Krebs agreed that water and electric will not approve the plat until their requirements are met.

Mr. Krebs stated that he was working at the Planning Commission when the original road was built. He stated the road was built to the minimum county road standards. He stated after observing several subdivision roads deteriorating, he petitioned Fiscal Court to raise their standards. He stated all the roads had to be redone that were built before the requirements changed.

Chairman Sulski questioned if the two proposed lots were sold can they legally be added to the HOA that was never formed. Mr. Perkins stated that as the HOA was written the rules only applied to lots 1 – 9 but since the proposed lots would be sharing the same road the HOA should also apply to the new lots. He stated that since Mr. Krebs stated that the road was built to the county standard at the time even though the road failed it will never meet county standards. He stated our regulations state that for any road with 3 or more lots must meet county road standards. Mr. Perkins stated in the original Fairfield Farm restrictions it states that the lots must be accessed from Fairfield Farm Road. He stated that the lots should be accessed from Frankfort Pike.

Chairman Sulski questioned if the proposed two lots were approved would the applicant have to make the road in front of those lots meet county road standards. Mr. Perkins stated that would work for the proposed lots but still leaves the other 9 lots with a substandard road.

Mr. Krebs stated that Scott County Schools does not put busses on roads that are private roads. Mr. Dugas stated that he watches a school bus run in the back of Victoria Estates that the road is in worse shape than Fairfield Farm Road.

Mr. Dugas stated a solution would be to core the road. Mr. Brown stated that he had spoken to an employee of LE Gregg that was present when the road was built. He stated that the recommendations that was given to Hobson Properties was not followed when building the road.

Chairman Sulski stated that if the proposed lots were approved the applicant would have to bring the road in front of Lot 10 to current county standards. Mr. Dugas stated that would fix the road to his driveway and about 10' short of lot 1's driveway.

Chairman Perkins stated that the applicant could apply for entrance permits from KYTC for access for the lots from Frankfort Road.

Mrs. Guthrie stated that the deed restrictions is only 11 pages long not 28 pages long as stated earlier. She stated that Hamilton Hinkle built the road, and she was told it was built to county road standards. She stated that John Lankford, her attorney, stated that lots 10D and 10C would be part of Fairfield Farms. Mr. Perkins stated that the Planning Commission cannot force a HOA to accept additions to their HOA.

Mr. Dugas stated that the homeowners are willing to discuss with Hobson Properties regarding repairs to the road.

Chairman Sulski stated that the Planning Commission enforces zoning issues. He stated he understood the homeowner's frustration but that it sounds like they need legal representation to get involved to solve their problem.

Mr. Brown questioned if Mrs. Guthrie would finish the road for the two lots. Mr. Perkins stated that this is a private matter between the homeowners and Hobson Properties.

Mr. Dugas clarified that the homeowner's do want the proposed lots as part of Fairfield Farms. He stated the homeowners want the lots to follow the same deed restrictions.

Mrs. Guthrie questioned if she sold the whole tract 10 would that solve the problem. It was stated that whether it is denied or withdrew tract 10 could still be sold.

After further discussion, **Motion by S. Smith, second by D. Smith to continue Fairfield Farm Subdivision (FSP-2021-25) until the next regularly scheduled meeting.**

ZMA-2021-26 Bell Property - Zoning Map Amendment to change the zoning district from A-1 to R-1C located at 3520 Paris Pike.

Chairman Sulski opened the public hearing.

Mr. Summers stated the project site is approximately 43 acres and is a portion of the farm. He stated the plan is for 154 lots but two are non-buildable. He stated the site would have access from Watercrest Way and two connections from Village at Lanes Run. He stated the applicant is not requesting any variances.

He stated the applicant is exceeding the minimum lot size requirement. He stated the average lot size is 9800 square feet.

He stated lots 116 and 117 are shown as wetlands on the concept plan.

He stated there is a 20-foot landscaping buffer shown on the rear property line of lots 109 - 127 and lot 154.

He stated staff is recommending a traffic study to be submitted with the Preliminary Subdivision Plat since an adjoining neighborhood is under construction.

He stated approximately 90 acres of the Bell farm is in the Lanes Run Historic District. He stated much of the 859-acre area has been developed.

Jonathan Hale, Thoroughbred Engineering, stated that the staff report covered everything.

Chairman Sulski closed the public hearing.

After further discussion, **Motion by S. Smith, second by Mifflin to recommend approval of the rezoning request (ZMA-2021-26) on the basis that it complies with the comprehensive plan. Motion carried unanimously.**

#### Update of Open Records Rules and Regulations

Mr. Kane stated that at Monday's workshop updating the Open Records Rules and Regulations was discussed.

**Motion by Mifflin, second by S. Smith, to update the Open Records Rules and Regulations. Motion carried.**

#### Comprehensive Plan Update Discussion

Mr. Kane stated that on September 3, 2021 he would like all Commissioners to attend the Fiscal Court meeting. He stated City Council members and Fiscal Court members would be in attendance. He stated staff will be making a presentation regarding the zoning ordinance and subdivision regulations. He stated after the meeting he would like to start forming a steering committee regarding updating the Comprehensive Plan.

Chairman Sulski adjourned the meeting.

Attest:

Handwritten signature of Charlie Perkins in blue ink, written over a horizontal line.

Charlie Perkins, Secretary

Handwritten signature of Mark Sulski in blue ink, written over a horizontal line.

Mark Sulski, Chairman