GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION AGENDA November 14, 2019 6:00 p.m.

I. COMMISSION BUSINESS

- A. Approval of October invoices
- B. Approval of October 10, 2019 minutes
- C. Approval of November agenda
- D. Items for postponement or withdrawal
- E. Consent Agenda

II. NEW BUSINESS

- A. FSP-2019-41 <u>Devers Property</u> Final Subdivision Plat to subdivide a 5.01-acre lot from a parent tract of 33.9 acres located north of 1345 White Oak Road.
- B. FSP-2019-42 <u>Snowball Trust Property</u> Final Subdivision Plat to divide one tract into four tracts, creating three 5.01-acre tracts and a 32-acre remainder tract located at 4476 Frankfort Road.
- C. ZMA-2019-43 <u>Bevins Zone Change</u> Zone change for 7.46 acres from A-5 to B-2 located at New Coleman Lane west of Meade Tractor. PUBLIC HEARING
- D. PDP-2019-45 <u>Bluegrass Campground</u> Preliminary Development Plan for 100 RV camping sites, water park, cabins, and other recreation facilities located at 269 Connector Road.



GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES October 10, 2019

The regular meeting was held in the Scott County Courthouse on October 10, 2019. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners Regina Mizell, James Stone, Charlie Mifflin, Frank Wiseman, and Steve Smith, Director Joe Kane, Planner Mikaela Gerry, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioners David Vest, Byron Moran and Jeff Caldwell.

Motion by Mifflin, second by Smith, to approve the September invoices. Motion carried.

Motion by Mizell, second by Smith, to approve the September 12, 2019 minutes. Motion carried.

Motion by Smith, second by Stone, to approve the October agenda with two additional items added. Motion carried.

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

PDP-2019-31 <u>Hotel Development – Ikebana Path</u> – Preliminary Development Plan for a 93-room extended stay hotel on 1.8 acres located southeast of Blossom Park Drive and Ikebana Drive.

Mr. Kane stated the project is located next to the old Golden Corral building. The property is zoned B-5. He stated the property has access from Ikebana Drive.

He stated when the application was submitted there were concerns about the height of the building, dumpster location, parking layout, entrance and the proximity to the homes in Cherry Blossom.

He stated the revised plan had moved the dumpster and entrance away from the homes and expanded the buffer in between.

He stated that a reservation of right-of-way was requested to be shown on the development plan, due to the Northeast Georgetown traffic study proposing a possible extension of Connector Road along the Southern boundary of the property.

He stated the current plan complies with all the regulations. He stated the only remaining issue is the traffic, especially the traffic at the Connector Road and Blossom Park Drive intersection. He stated the traffic study showed that in the AM peak the traffic is functioning at a service level C and the PM peak is functioning at a service level F.



He stated a hotel is one of the lower activity level businesses that could be built in that area.

He stated the state has made some recent improvements to Connector Road. He stated they have repaved and restriped the road, added turn lanes and proposed to make Oxford Road intersection at Connector Road a right-in and right-out only.

He stated Planet Fitness constructed a road from Oxford Road to Blossom Park Drive to help with connectivity.

Commissioner Wiseman questioned the traffic study and how the hotel would affect traffic. Mr. Kane stated that the traffic study was based on Planet Fitness and the proposed hotel in the B-5 zone. He stated that Planet Fitness would be approximately 30% of the total traffic generated.

Commissioner Mifflin questioned the location of the reserved right-of-way on the property. Mr. Kane stated part of the planned road corridor is on the Spade Corporation, Cherry Blossom and Mill Apartment property.

Bruce Simpson, applicant's attorney, stated the applicant met with the neighbors a few months ago. He stated the property has been zoned commercial since 2000. He stated the surrounding homes and some businesses on Connector Road have developed since the zone change of the property.

He stated the proposed hotel is an extended stay Marriott that will have businesspeople staying from several days to weeks. He stated they used the highest level road for a hotel when preparing the traffic study. He stated they also did not add in the new road connection between Blossom Park and Oxford Drive when preparing the traffic study. He stated the state has made the changes and updates to Connector Road since the applicant met with them.

Neil Thompson, Cherry Blossom resident, stated the changes to Connector Road did not help the traffic situation.

He stated he does not understand the concept of different hotel levels and the differences in traffic they generate.

He questioned when the traffic study was completed. It was stated that it was completed in July. He stated that the study was completed before Planet Fitness opened.



Mark Webb, 131 Birkdale, stated the Connector Road changes did not help the traffic situation. He questioned if another development would be approved before the traffic situation is corrected.

Linda Angel, 100 Spyglass Drive, stated she has concern with the proposed lighting and traffic issues.

Patricia Fannin, Birkdale Drive, HOA President, stated she still has concern with the traffic even though she favors the proposed Marriott. She questioned if a roundabout had ever been considered to help keep the traffic flowing.

Brenda Holt, 202 lkebana Drive, stated she approves of the proposed Marriott but still has concern about the traffic situation.

Mr. Simpson again stated the plan meets all regulations and the applicant wants to accommodate all the concerns of the neighbors.

Jihad Hallany, Vision Engineering, stated that a roundabout is not appropriate for the area according to the state.

Commissioner Smith stated that due to Connector Road being a state road the Commission can only request help with the traffic situation.

Chairman Sulski stated he has requested a traffic light numerous times for the area.

Mr. Perkins stated the Commission should keep requesting help with the traffic problems on Connector Road.

Chairman Sulski asked Mr. Perkins if he could send another letter to the state requesting a traffic light.

Commissioner Wiseman stated he feels just because a development plan meets all the requirements that the commission can still say not right now.

Mr. Perkins explained that there needs to be a serious situation to justify denying an application when all criteria is met.

Commissioner Mifflin stated that the applicant has completed the items the commission requested.

Mr. Thompson stated that when the plan was first on the agenda it had a recommendation of denial. He questioned if that is still the staff's recommendation.

Mr. Kane explained that the applicant had made the changes staff recommended.



Commissioner Wiseman questioned if developments do not comply with conditions, how should the commission address that.

Mr. Kane stated that they must comply with the conditions of approval.

After further discussion, Motion by Stone, second by Mifflin, to approve the Preliminary Development Plan (PDP-2019-31) subject to seven (7) conditions of approval. Motion carried 4-2.

ZMA-2019-38 Ramsey Property Zone Change – Zone change for 1.137 acres from A-1 to R-1A located at 2394 Cincinnati Pike.

Chairman Sulski opened the public hearing.

Ms. Gerry stated that the tract is 6.137 total acres. She stated the applicant plans to keep the existing residence on the 1.137 acres and build a house on the other 5 acres.

She stated that the applicant has stated that they will connect to Delaplain Disposal for sewer.

She stated that the Comprehensive Plan shows that area remaining rural residential. She stated that the current zoning is appropriate. She stated that there has not been a major change in the area to justify a zone change.

Jacob Walbourn, applicant's attorney, stated that the applicant has a medical condition and needs a handicapped-accessible home. He stated that the current home on the property has a long-term tenant and the applicant does not want to make them move.

He stated the applicant wants to build one home on the proposed 5-acre remainder parcel. He stated the applicant went before the commission regarding this matter several years ago.

He stated several of the neighbors are present at the meeting to support the applicant. He stated he has a petition to submit from the neighbors to show their support.

He stated that he feels the comprehensive plan does not specifically state the acreage considered rural residential.

He stated the application would not burden any infrastructure for the proposed home but would provide housing for the applicant.

He stated the proposed zoning would be appropriate and would fit the surrounding area.



He stated according to state law you must own at least 10 acres to be taxed as a farm.

Chairman Sulski questioned Mr. Perkins on his thoughts about the application. Mr. Perkins stated he agreed with Ms. Gerry and her presentation on the application, but he also agrees with the applicant that the area is no longer agricultural in nature.

Chairman Sulski questioned Commissioner Smith if he would farm the applicant's land. Commissioner Smith stated he would not farm the land by itself.

Pamela Wise, neighbor, stated she was the original owner and developer of the land and created Wise Path.

Chairman Sulski closed the public hearing.

After further discussion, Motion by Wiseman, second by Mizell, to recommend approval of the rezoning request (ZMA-2019-38) on the basis that the current zoning is inappropriate for the area. By roll call vote, motion 5-1.

PSP-2019-39 & PSP-2019-40 <u>Harbor Village Phase 3C Amended & Phase 4</u> – Amended Preliminary Subdivision Plat for Unit 1, Phase 3 and Phase 4 located west side of US 25 (Cincinnati Pike) at Rogers Gap.

Mr. Kane stated this application is for the property at the back of Harbor Village. He stated Harbor Village was originally developed around the same time as Mallard Point. He stated originally the two developments were supposed to be connected with a road.

Mr. Kane reviewed the history of the subdivision.

He stated the 2012 amended plan approved by the Planning Commission was appealed to Circuit Court by several homeowners of the subdivision. He stated in 2017 the case was decided in favor of the Planning Commission.

He stated in 2018 a new buyer submitted an Amended Preliminary Plat. He stated it was similar to the 2005 plan but removed lake three and replaced the lake with a large buildable lot and two smaller HOA stormwater lots. He stated as part of the conditions of approval and before Phase 4 could be approved, the Planning Commission had requested an amendment of the Master Plan.

He stated that due to the topography the applicant has requested moving the road connecting phase 3 and 4 and by doing that they lose a couple of lots.



He stated that since there would be common area, lots should join the existing HOA or create a new HOA.

He stated the Planning Commission's concern with Phase 4 is the lack of a second entrance. He stated that including Phase 3 there are 239 platted lots preliminary approved.

Nathan Billings, applicant's attorney, stated that the applicant requests to postpone the Preliminary Subdivision Plat for Phase 4.

He stated that by moving the road connection the applicant will lose three lots in phase 3.

He stated that according to Harbor Village HOA documents, the HOA would have to amend their documents for phase 3 to join the existing HOA. He stated either phase 3 will join the existing HOA or a new HOA will be formed.

Gary Kincaid, 108 Lakeside Court, stated he has concern with traffic and there being only one entrance to the subdivision.

Mr. Billings stated that the applicant is working on joining Harbor Village and Mallard Point.

Chairman Sulski stated that before Phase 4 will be heard the second access needs to be completed.

Mr. Billings stated that there is land between the two subdivisions and an agreement must be reached before the access to Mallard Point can be completed.

Commissioner Mifflin stated that originally Harbor Village and Mallard Point were the same developer.

Commissioner Smith questioned Mr. Krebs if both phases are in the Dry Run watershed. Mr. Krebs stated that the area is in the Dry Run watershed.

Commissioner Smith questioned if there is enough storm water control proposed. Mr. Krebs stated that the applicant must meet the stormwater requirements.

Mr. Billings stated that phase 3 has larger lots so more land will stay greenspace.

Mr. Hallany stated that the applicant has went through several steps including Corps of Engineers, culvert approval, Kentucky Division of Water, and Fish and Wildlife along with the stormwater design.



After further discussion, Motion by Mizell, second by Mifflin, to approve the Preliminary Subdivision Plat (PSP-2019-39) subject to twelve (12) conditions of approval and two (2) variances. Motion carried.

Homestead Unit 8 Plat Revocation

Mr. Kane stated a homeowner from Homestead Subdivision has requested to revoke a minor consolidation plat. He stated the homeowner owns two lots and had previously consolidated them. He stated the homeowner had not built anything on the lots and now wants to divide the lots.

After further discussion, Motion by Mizell, second by Smith, to approve the revocation of Homestead Unit 8 plat for lots 251 and 252. Motion carried.

Discussion of Conditions of Approval Tri-Village Storage

Mr. Kane stated that the office has received a complaint against Tri-Village Storage. He stated on the conditions of approval, building A was to not have any opening onto the access road.

He stated the building is currently being built. He stated he thought the Planning Commission had not wanted any garage style doors on the front of building A.

He stated when the conditions of approval were signed, Mr. Perkins had written no units in building A opening on access roadside. He stated there was an amendment to the conditions of approval.

Mr. Perkins stated Harold Simms requested a clarification six days after the meeting regarding the style of door. He stated he wrote on the applicant's copy what his interpretation of the condition had intended. He stated he wrote overhead door openings. He stated Mr. Simms was to send a copy of the conditions to Mr. Kane.

Mr. Simms stated his client thought that when she was signing the conditions of approval, she was agreeing to no overhead doors on the front of building A.

He stated there will be landscaping and sidewalk along the front to keep customers from parking along the front of the building. He stated his client submitted building plans and received a building permit.

Chairman Sulski questioned if the project should be stopped until the matter can be heard again by the commission.



Greg Johnson, neighbor, stated he understood no openings on the front of the building due to his concern of trucks blocking the access road.

After further discussion, it was decided to schedule an Executive Committee meeting to discuss the matter.

The meeting was then adjourned.

Attest: Mark Sulski, Chairman

Charlie Perkins, Secretary



DEVERS PROPERTY FINAL SUBDIVISION PLAT

Staff Report to the Georgetown-Scott County Planning Commission NOVEMBER 14, 2019

FILE NUMBER:

FSP-2019-41

PROPOSAL:

Final Subdivision Plat to subdivide a 5.01-acre lot

from a parent tract of 33.9

acres.

LOCATION:

North of 1345 White Oak

Road

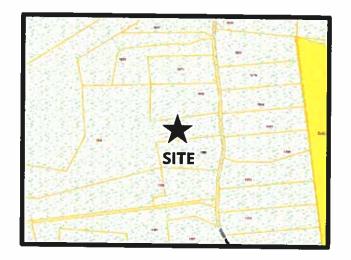
OWNER:

J.T. & Shirley Devers

CONSULTANT:

Joel Day

Meridian Associates, LLC



STATISTICS:

Zone

A-1 (Agricultural)

Surrounding Zone(s)

Α-1

Site Acreage

33.9 acres (Tract 3A: 5.01 acres; Tract 3B: 28.89 acres)

Access

White Oak Road

Variances/Waivers

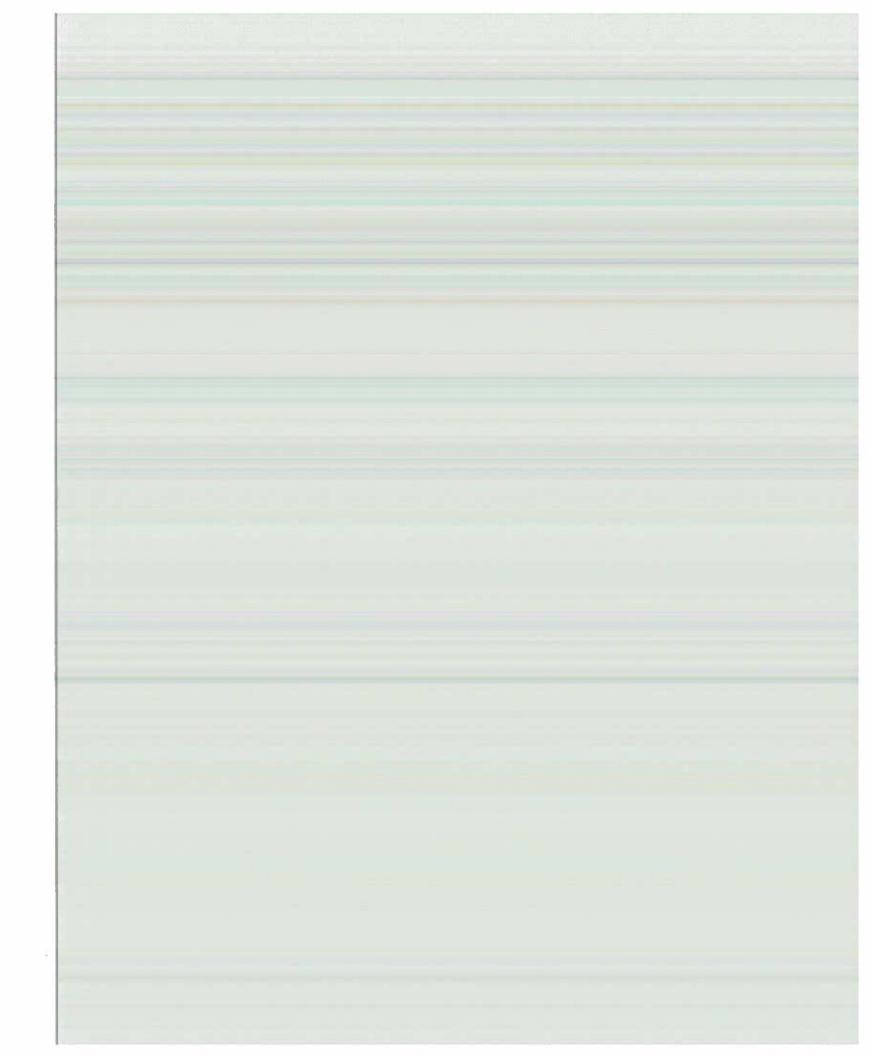
None

BACKGROUND:

The application before the Planning Commission is a Final Subdivision Plat to subdivide a 5.01-acre lot from a parent tract of 33.9 acres. The remainder tract will be 28.89 acres in size. The Project Site is zoned A-1. The property depicted on this plat was part of a previous minor plat that was recorded in 2001.

Access:

Tract 3A (5.01 acres) is proposed to have a new entrance from White Oak Road. Tract 3B's road access is proposed a 15-foot access easement across a third parcel located at 1345 White Oak Road which appears to also be owned by the Applicant. This plat would create a second parcel utilizing a driveway/access easement. Current regulations allow a maximum of three lots to utilize a driveway/access easement before it must be brought up to county road standards.



Setbacks:

Any new structures constructed on the two proposed lots will need to meet the A-1 zoning district's setback distance of 50 feet.

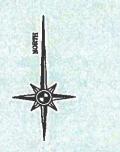
RECOMMENDATION:

Staff recommends **approval** of the Final Subdivision Plat to subdivide the Duncan Property into two tracts with the following conditions of approval:

Conditions of Approval:

- 1. All applicable requirements of the Zoning Ordinance and Subdivision & Development Regulations.
- 2. Any revisions or amendments to the approved Preliminary Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
- 3. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
- 4. This Preliminary Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.





1 INCH = 200 FEET

PROPOSED DRIVEWAY MUST CROSS A "BLUE-LINE" STREAM AND WILL REQUIRE STATE AND/OR LOCAL PERMITS FOR CONSTRUCTION OF A STREAM CROSSING.

ANY RESIDENCE CONSTRUCTED ON TRACT JA SHOULD BE CONSTRUCTED OUTSIDE OF ANY FLOQUING AREA AND TWO FEET ABOVE ANY FLOQU ELEVATION AS DETERMINED BY BEST AVAILABLE INFORMATION.

PRELIMINARY ONLY-NOT FOR RECORDING OR USE IN TRANSFER

1 SETTIFY THAT THE SENANCE INSPOSAL SYSTEMACY INSTALLED ON PROPOSED FOR INSTALLATION ON THE PROPORTY SHOWN MERCON MEXTS THE REQUIREMENTS OF THE CONTROL STATE HEALTH DEPARTMENT AND IS MEXICAL PROPORTION.

PRELIMINARY ONLY—NOT FOR RECORDING OR USE IN TRANSFER

WALL BY OFFICE PARTIES.

CROSS-SECTION OF WHITE OAK ROAD

1" = 10" HORIZONTAL 1" = 1" VERTICAL

THE PURPOSE OF THIS PLAT IS TO DEPICT THE DIVISION OF THE SUBJECT PROPERTY AND THE CREATION OF DIVE NEW ACCESS EASEMENT.

FURTHER SUBDIVISION OF THIS PROPERTY WILL REQUIRE REVIEW
AND APPROVAL BY THE GEORGETOWN-SCOTT COUNTY JOINT
PLANNING COMMISSION.

CURRENT ZONING OF THE SUBJECT PROPERTY IS AGRICULTURAL (A-1).

HALESS OTHERWISE DETERMINED BY CONDITIONS OF DEED OR CONTRACT/ADREDIADIT SUPERSCRING THIS PHAT, THE PRIVATE ROAD/JOINT ENTRANCE/SHARED ACCESS SHOWN SHALL BE JOINTLY MAINTAINED BY THE OWNERS OF EACH TRACT SERVED BY SAME TO THE OTHER OF THAT OWNERS'S USE. CLIRIENT LOCAL REGILLATIONS RESTRICT THE USE OF OME ACCESS/ORN/EMAY TO NO MORE THAN THERE TRACTS UNLESS UPGRAZED TO COUNTY ROAD STAMDARDS.

NO PREMOUSLY ESTABLISHED UTILITY EASEMENTS OR DRAINAGE EASEMENTS ARE CUMINATED OR OTHERWISE ALTERED BY THIS DIVISION. NO TEMPORARY OR PERMANENT STRUCTURES ARE TO BE

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN HEREON AND THAT I HEREBY ADOPT THIS FLAM OF SUBDIVISON, ESTABLISH SETBACK LINES, AND DEDICATE ABY PUBLIC RICHTS-OF-WAY AND/OR EASSLIENTS RIBICATED UPON THIS I HEREBY CERTIFY THAT THAT GEORGETOWN MUNICIPAL WATER AS SHERR SERVICE (COMMISS) HAS THE CAPACITY WITHIN THE AS SELECT SERVICE (COMMISS) HAS THE CAPACITY WITHIN THE AS SHOWN HEREON WITH DOMESTIC MATTER SERVICE. PROVISION OF SERVICE WILL BE CONTROLOUT UPON THE RELEVAN AND APPROVAL OF ALL BE CONTROLOUT UPON THE RELEVAN AND SERVICE AND THE ASSOCIATION OF SECONDARIOS FOR THE PROPOSED SERVICE AND SECONDARIOS OF THE PROPOSED SERVICE AND ASSOCIATION OF THE DEVELOPER, WITHOUT PERMEURESMENT, BRAIT TO CHIESS OF APPROVAD SPECIFICATIONS AND WITH APPROVAL BY GAMESS OF THE AS-BUILT IMPROVEMENTS; AND, HEREBY DEDICATED TO

PRELIMINARY ONLY-NOT FOR RECORDING OR USE IN TRANSFEL

UTILITY CERTIFICATION

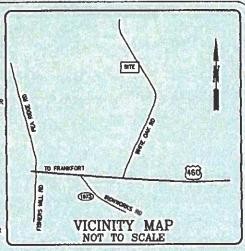
BAILEY

D.B. 256, Pg. 340

CAB. 8, SL 358

I HEREBY CERTIFY THAT THE UTILITY EASEMENTS DEPICTED HEREON ARE ADEQUATE TO PROVIDE SERVICE. OWNERS AND PROSPECTIVE OWNERS SHOULD NOTE THAT CUSTOMARY CHARGES APPLY, AND, THAT ADDITIONAL EASEMENTS AND/OR CONCESSIONS MAY BE NECESSARY IN ORDER TO SUPPLY SERVICE.

PREJAMINARY ONLY-NOT FOR RECORDING OR USE MATRANSFER FOR: AT&T DATE



LEGEND

- 1/2" x 18" STEEL REBAR W/10 CAP MARKED "MERIDIAN/2538" SET
- IRON BAR FOUND-AS NOTED
- SURVEYOR'S MAG-NAIL-SET
- SURVEYOR'S MAG-NAIL-FOUND
- JUTILITY POLE

S 84'21'58"E 711.38" D.B. 391, Pg. 49 CAB. 1, SL. 341A J.T. DEVERS SHIRLEY DEVERS D.B. 259, Pg. 702 CAB. 7, SLIDE 30 N 83'53'43"E 768.71" S 04'33'17"W 100.86" SHAW D.B. 292, Pg. 801 S 02"29'57"W 75.19' (34) PROPOSED ENTRANCE 5.01 Ac. S 0115'47"E 104.93" (39) S 8714'10"W 704.68" 28.89 Ac. J.T. DEVERS O - EXISTING ENTRANCE* D.B. 259, Pg. 702 CAB. 7, SLIDE 30 D STRATTON D.B. 376, Pg. 411 CAB. 11, SLIDE 204 STRATTON D.B. 376, Pg. 411 CAB. 7, SLIDE 30

MERIDIAN ASSOCIATES, LLC SURVEYORS

120 EAST MAIN STREET, GEORGETOWN, KY 40324
TELEPHONE (502) 863-6070 - jdaypls@bellsouth.net

OCT. 30, 2019



DEVERS PROPERTY

1345 WHITE OAK ROAD, STAMPING GROUND, SCOTT COUNTY, KENTUCKY
J.T. DEVERS & SHIRLEY DEVERS - D.B. 259, Pg. 702 - CAB. 7, SLIDE 30
THIS PLAT REPRESENTS A BOUNDARY SURVEY & COMPLIES WITH 201 KAR 18:150

NOT VALID UNLESS THIS PRINT CAPITES THE ORIGINAL SEAL AND SIGNATURE

SNOWBALL TRUST PROPERTY Staff Report to the Georgetown-Scott County Planning Commission November 14, 2019

FILE NUMBER: FSP-2019-42

PROPOSAL: Final Subdivision Plat to

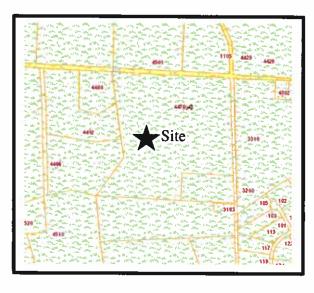
divide one tract into four tracts, creating three 5.01-acre tracts and a 32-acre

remainder tract.

LOCATION: 4476 Frankfort Road

APPLICANT: Alvin Humphries

SURVEYOR: Jared Stevens



STATISTICS:

Zone A-1 (Agricultural)

Surrounding Zones A-1 (Agricultural)

Acreage Tract 2 (new): 5.01 acres
Tract 3 (new): 5.01 acres

Tract 4 (new): 5.01 acres Remainder: 37 acres

Kemainde Lilse Agricultur

Proposed Use Agricultural/Residential

Access Fishers Mill Road and Frankfort Road

Variance Requested None

BACKGROUND:

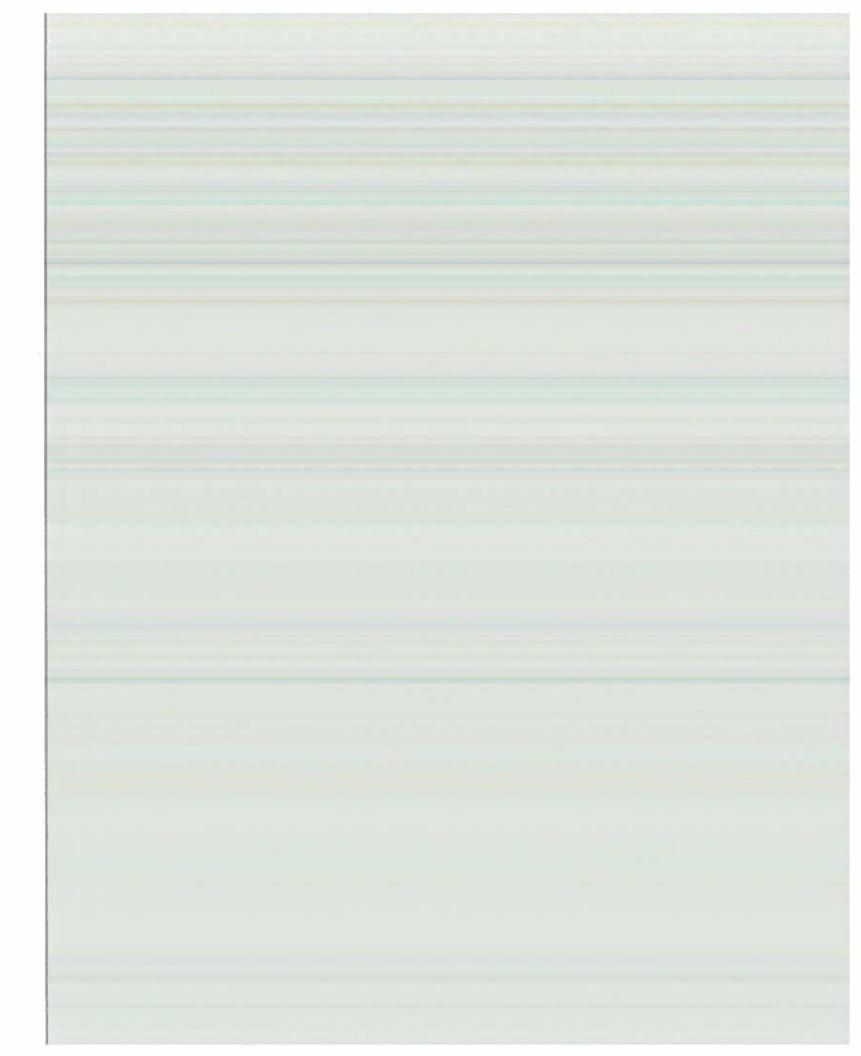
The subject property contains 47+ acres and is located at 4476 Frankfort Road. The subject property and land surrounding is zoned A-1, Agricultural. The proposed subdivision will create three new 5.01-acre tracts, and a 32-acre remainder tract.

This application is considered a major subdivision and is required to be reviewed by the Planning Commission because the property was previously subdivided after 1999. That plat required all further subdivisions to be approved by the full Planning Commission.

Plat Review:

The proposed subdivision meets all planning requirements at this time. All tracts show the required 50-foot setbacks on all property lines and have at least 250 feet of width at the building line. The Health Department will need to conduct a site evaluation for the newly configured tracts to certify that an on-site septic system is feasible but have not indicated any anticipated problems.

The remainder tract has an existing entrance off Frankfort Road. The plat is proposing a 30-foot access easement from the existing entrance to serve Tract 2, Tract 3 and the Remainder Tract. Only three users have been assigned to this access, which complies with the *Subdivision Regulations*. An entrance has also been proposed off Fishers Mill Road to access Tracts 4, which was approved and verified as a feasible entrance in a previous plat.



RECOMMENDATION:

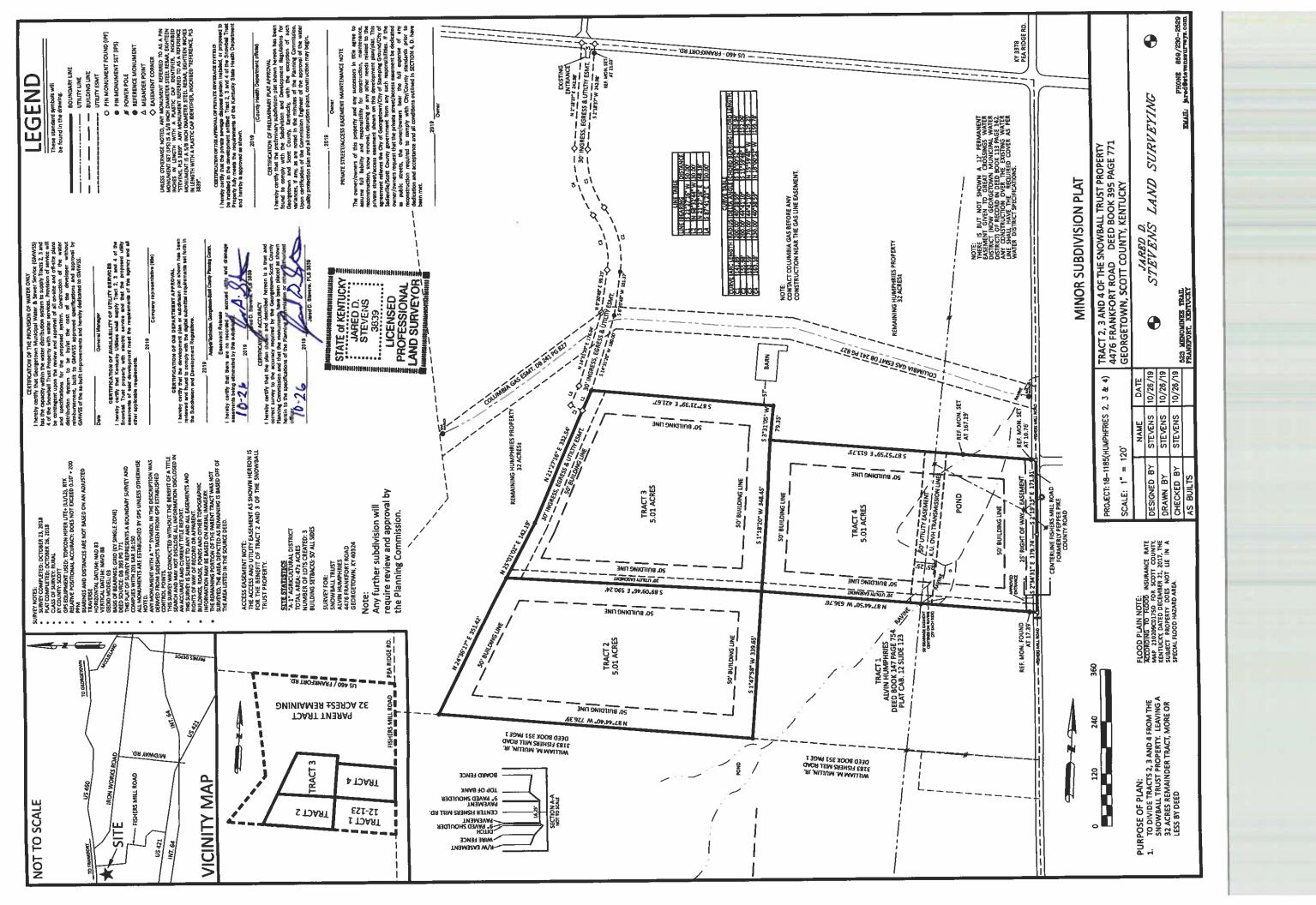
Approve the Final Subdivision Plat to create three 5.01-acre tracts and a 32-acre remainder tract with the following conditions of approval:

Conditions of Approval:

- 1. Any future subdivisions, revisions, or amendments to the approved subdivision plat must be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).

- All applicable requirements of the *Zoning Ordinance*.
 All applicable requirements of the *Subdivision & Development Regulations*.
 Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved subdivision plat.
- 5. This preliminary subdivision plat is valid for a period of two years in accordance with Section 306 of the Subdivision and Development Regulations.





BEVINS ZONE CHANGE Staff Report to the Georgetown-Scott County Planning Commission November 14, 2019

FILE NUMBER: ZMA-2019-43

PROPOSAL: Zone change for 7.46 acres

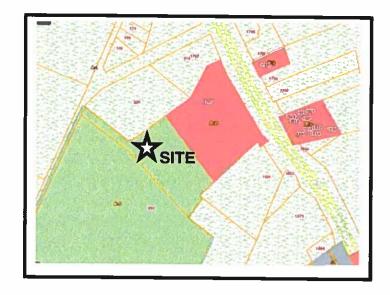
from A-5 to B-2.

LOCATION: New Coleman Lane; West of

Meade Tractor Supply

APPLICANT: James B. Bevins

CONSULTANT: Jared Stevens



STATISTICS:

Existing Zone A-5 (Rural Residential) Proposed Zone B-2 (Highway Commercial)

A-1 (Agricultural), A-5 (Rural Residential), B-2 (Highway Commercial) **Surrounding Zones**

Acreage 7.46 acres

Outdoor storage for Meade Tractor Supply Proposed Use

New street required

No

Water/sewer available

Yes/No

Access Via New Coleman Lane

Variance Requested

None

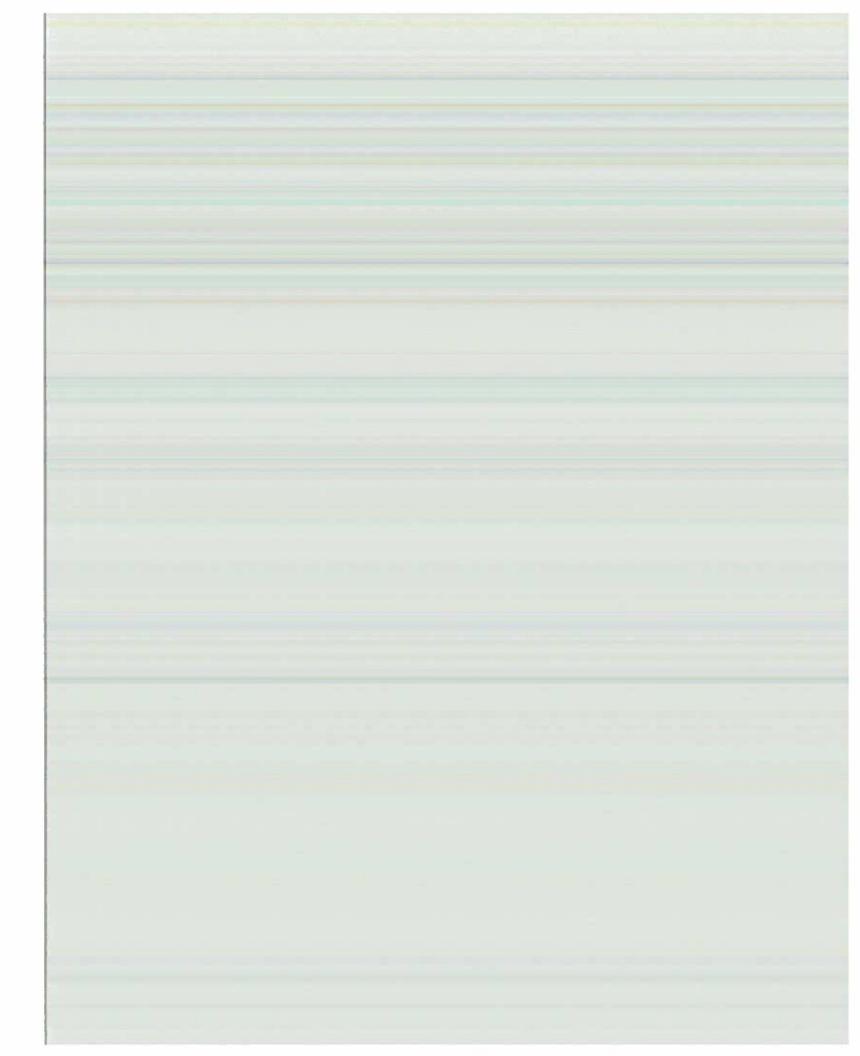
BACKGROUND:

The subject property is 7.46 acres located west of Meade Tractor Supply and south of Central Church of God with access off New Coleman Lane. The Applicant is seeking to rezone this property to B-2 (Highway Commercial) to provide additional outdoor storage area for Meade Tractor Supply.

The property is located in southern Scott County, south of New Coleman Lane, west of US 25 (Lexington Road) and east of Ironworks Pike (KY 1973). The subject property is within an area that has been examined as part of a US 25 Small Area Plan that was completed in 2002 and again in the US 25 Small Area Plan completed in 2013. It is located 1 1/2 miles south of the City of Georgetown and 1/2 mile north of the Scott/Fayette County line. Access is from New Coleman Lane.

The subject property was rezoned from A-1 (Agricultural) to A-5 (Rural Residential) in 2016 as part of a 53acre tract that was intended to be subdivided into eight 5 to 10-acre tracts. The project never came to fruition, but the parent tract was subdivided in 2017 into a 7.46-acre tract with a 46-acre remainder tract that created the Project Site.

Meade Tractor Supply, located at 1797 Lexington Road, adjoins the Project Site to the east and was rezoned from A-1 (Agricultural) to B-2 (Highway Commercial) in 2013.



CONCEPT PLAN REVIEW:

The Applicant is proposing to use the site for additional outdoor storage for Meade Tractor Supply. The Project Site would consist of a gravel storage area with a 15-foot landscape buffer surrounding the site, and a proposed 6-foot security fence. Access would be from an existing entrance on New Coleman Lane, and an existing gravel drive that connects the Project Site to Meade Tractor Supply. Outdoor Storage is a conditional use in the B-2 (Highway Commercial) district, so the Applicant would be required to go to the Board of Adjustment to request approval for the proposed use if the zone change is approved. GMWSS indicated that the Project Site would be unable to connect to sanitary sewer. There are no proposed structures shown on the concept plan.

ZONE CHANGE REVIEW: B-2 (Highway Commercial) is the primary commercial zoning district in the Georgetown-Scott County Zoning Ordinance and exists as a district to support general commercial activity including retail stores, restaurants, motels, service stations and auto-related establishments, planned development projects and adult oriented uses, subject to locational standards. The B-2 District requires uses that propose outdoor storage or processing to obtain a conditional use permit from the Board of Adjustment. Any zone change request is required to meet the following standards:

Kentucky Revised Statues 100.213 Findings necessary for proposed map amendment – Reconsideration.

- 1. Before any map amendment is granted, the planning commission . . . must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
 - a. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
 - b. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

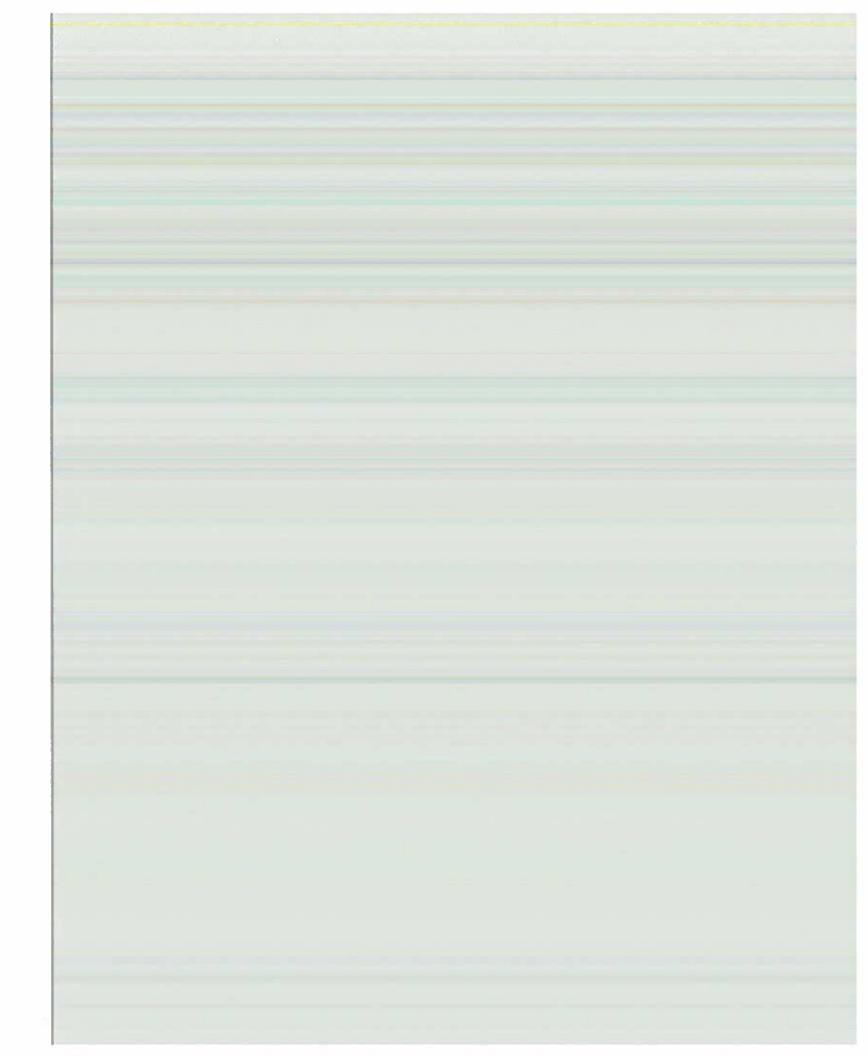
Part 1: The Comprehensive Plan provides guidance for consideration of zone change requests. The Comprehensive Plan's Future Land Use Map shows the subject property having an agricultural land use. The B-2 district is a commercial designation meant for uses that serve general commercial uses in urban areas. Some isolated cases of new B-2 districts have been approved in the county subject to the limitations of neighborhood commercial usage and with the intention that the commercial areas in the county serve the local surrounding rural community.

The application is not in conformance with the Comprehensive Plan or the US 25 Small Area Plan Future Land Use Map for the area. The area is zoned A-1 (Agricultural). The Comprehensive Plan consistently emphasizes that the areas along US 25 south of the Bypass and Greenbelt area should not be commercialized. The residential uses planned south of the Georgetown southern bypass are intended to provide a buffer between highly commercialized areas and the prime agricultural areas located in southern Scott County. The Comprehensive Plan states the following in Chapter 2: Community Form:

Commercial development outside of the bypass or adjoining the greenbelt should be located at major intersections with arterial roads or other signalized intersections. The majority of the property outside of the bypass and adjacent to the Greenbelt is best suited for residential development where a transect of decreasing intensity can be established as the development approaches the Urban Service Boundary.

Commercialization at and around the U.S. 25 and U.S. 460 intersection is encouraged and the Comprehensive Plan designates those properties as Commercial. At this point in time, the available property designated for

ZMA-2019-43, BEVINS PROPERTY, PAGE 2 of 5



commercial use is underutilized. It is not appropriate to create additional Commercial zoned property outside the Georgetown USB in an area where the existing commercial property is underutilized.

Staff feels that the proposed zone change is not in agreement with the Comprehensive Plan and does not meet the findings required for Part 1. Therefore, 1(a) and 1(b) will need to be assessed.

Part 1(a) states that the existing zoning classification is inappropriate, and that the proposed zoning classification is appropriate. The Project Site is currently zoned A-5 (Rural Residential) and is located in the county outside of city or urban service boundary limits.

The area outside the Georgetown USB in the southern portion of the county is prime farmland as designated on USDA soil maps and has been utilized for agricultural uses for over a century. The large prime farm parcels south of Georgetown and south of the southern Greenbelt are intended to remain zoned agricultural based on past and current Comprehensive Plan maps and policies. Agricultural zoning allows farming and rural residential uses. Other uses that are compatible with agricultural areas are allowed subject to a conditional use permit. Those conditional uses are churches, libraries, schools, institutions and clubs, public and private recreational areas, commercial home occupations and other similar uses.

The Comprehensive Plan has anticipated the issue of commercial and industrial development in rural areas. It has relied on the Urban Service Boundary (USB) concept as a core planning principle. The USB is a boundary around the city limits of Georgetown, Sadieville and Stamping Ground that includes the incorporated areas along with a surrounding expansion area large enough to accommodate urban growth for the future planning period. The Comprehensive Plan establishes a policy that the cities will provide municipal services within their USBs. Urban services include police and fire protection as well as water and sewer service, utilities and garbage collection.

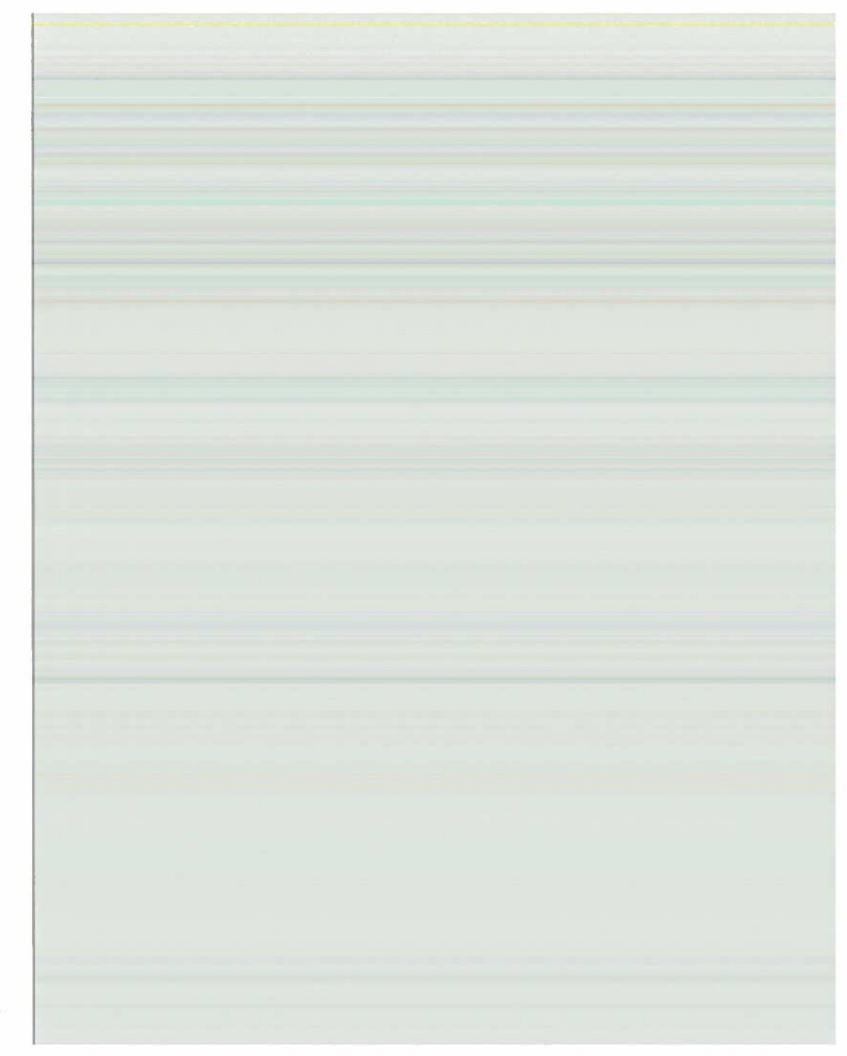
Large scale urban uses are limited to areas within the Urban Service Boundaries and are conditioned upon annexation. The principle behind this policy is that urban service can be more efficiently and effectively provided if urban areas are compact and contiguous rather than spread out over large areas.

The B-2 Highway Commercial zoning district is the broadest and most general category and allows a great number of commercial uses. This district is applied to most commercial districts in the city of Georgetown.

Zoning is also based on the principles of equal treatment and due process. If a zone change is permitted that does not conform to the Comprehensive Plan or its core planning policies, it would set a precedent for future decisions. The B-2 zoning category, since it is broad and general, would allow car lots, office buildings, mobile home and other sales lots, automotive parts and repair, restaurants with drive-thrus, and major planned commercial developments including big box stores and other similar uses. The B-2 district allows buildings with a maximum height of six stories or 75 feet and a maximum of 50% building area coverage. Zoning stays with the property long term. Once zoned a property could be sold and developed legally for other more intense uses that are permitted in the new zone district.

The Findings of Fact adopted by the Planning Commission in 2013 stated "Bevins has sufficient property available at the proposed site". The Applicant is now proposing to nearly double the area for his business, but Staff has concerns about what will happen with the property if the business were to contract, or the Applicant no longer needs the additional space that was not viewed as a need six years ago. Below are some examples of commercial sites found within Georgetown city limits:

The Shoppes at Cherry Pointe – 17 acres Walmart – 22 acres



Kroger – 13 acres

Approval of an additional large new B-2 district could open up the area to future applications and approvals that could over time transform the US 25 corridor into a general commercial area from the Fayette County line to the city of Georgetown, with the only clear limiting factors being existing floodplain, environmentally sensitive features and driveway access. This could also set a precedent for other similar rural corridors such as US 460 (Frankfort Pike), US 62 (Paynes Depot Road and Cynthiana Road) to name a few similarly situated examples where State road projects have already been completed that have increased the width and capacity of the roads.

It is staff determination that condition <u>a</u> does not apply. Therefore, condition <u>b</u> must be assessed.

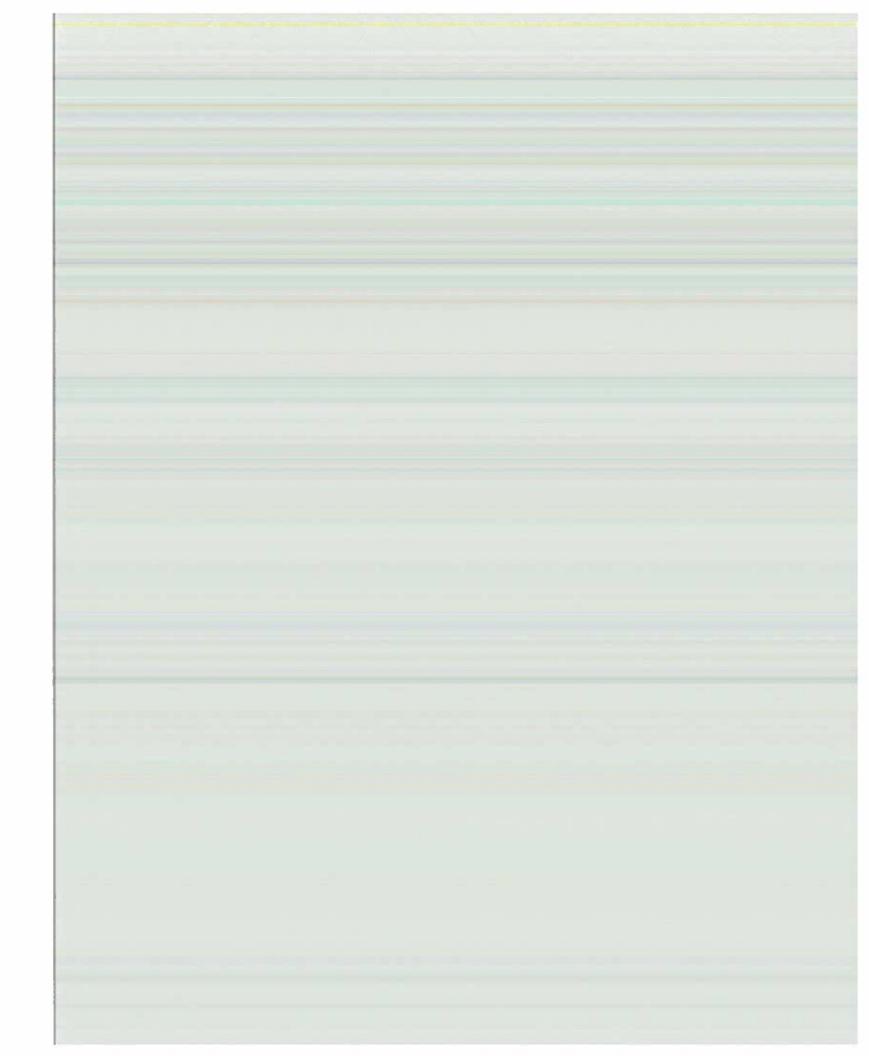
Part 1(b) states that there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area. The most recent comprehensive plan was adopted in 2016, which fully considered the Meade Tractor Supply zone change that was approved in 2013. Approval of the zone change in 2013 does not justify the expansion of commercial development in an area that is deemed inappropriate by the Comprehensive Plan.

Surrounding Land Uses

The majority of land surrounding the subject property is zoned agricultural (A-1) or Rural Residential (A-5). The Meade Tractor Supply Lot is to the east, Bluegrass Baptist Church and Central Church of God to the north, and rural residential uses to the west and south. There are four areas zoned B-2 Highway Commercial in close proximity to the subject property. There are two small lots on the east side of US 25 opposite the Bevins Property. They are the Sexton property, a 0.87-acre parcel that formerly contained a small trailer park and at one point an auto sales lot; the creekside rental home property, a 2.5-acre parcel that contains a number of mobile homes and farm cottages and a daycare. These uses all require conditional use permits in the B-2 zone district. Both of these parcels were zoned B-2 at the time of the creation of the first zoning map for Scott County at the time of the adoption of county zoning in 1970. Based on surrounding land uses and the recently completed US 25 Small Area Plan, the B-2 commercial designation is inappropriate for those properties.

The third area is adjacent to the Fayette county line and contains the Dwyer commercial lots on the east side of US 25 at the county line and Sams Restaurant, Burgess Tire Company and the former Interstate Transformer factory on the west side of US 25. Again, the majority of the area was zoned based on existing use at the time of the first adoption of county zoning in 1970. It is common practice when adopting a new zoning map to zone properties based on their existing use, in order to keep at a minimum, the number of non-conforming uses in place when a new zoning map is being implemented.

There have been two commercial zone changes that have occurred in the area since 2002. The first was the Dwyer commercial lots, which were rezoned from B-1 (Neighborhood Commercial) to B-2 (Highway Commercial) in 2002 and the second was the Meade Tractor Supply lot. The Urban Committee of the 2001 Comprehensive Plan update reviewed this and similar types of requests based on the nature and location of the request within an "urban-type" setting. The committee voted 6-5-1 to approve the re-designation from neighborhood commercial to highway commercial. They found that the majority of the current land uses within the surrounding area were either established prior to the adoption of zoning and continued to operate as legal non-conforming uses or were zoned in the 1970's-80's with minimal reviews and regulations in place.



They further based their decision on the 2002 US 25 Small Area Plan which produced the following major findings:

- 1. It is not recommended that the current zoning boundaries for more intensive development be expanded. Additional development and redevelopment should occur within existing zoned and developed properties.
- 2. For those properties designated and/or zoned commercial, development should be limited to neighborhood or community commercial types of uses. Properties should be developed in accordance with the standards established in either the B-1 Neighborhood Commercial or the B-4 Community Commercial districts with respect to signage, landscaping and buffering, setbacks, and building height.
- 3. Some B-2 Highway Commercial use may be suitable in the primary study area; however, these should be limited in number and scale. Restrictions should be placed on uses based on surrounding agricultural and residential land uses, and the potential for environmental concerns with Cane Run Creek and its tributary. Automotive and truck service/repair (including painting and body work), truck rental, mini or self-storage building complexes, convenience stores with gasoline pumps (where adjacent to Cane Run Creek and its tributary), mobile home sales and service, lawn care centers that require on-site storage of fertilizers and chemicals, and I-1 Light Industrial Use should be discouraged and/or prohibited.

The Dwyer commercial property rezoning was approved in 2002 under strict conditions including:

- Connection to sanitary sewers
- All requirements of the US 25 Small Area Plan including site design standards.

As well as the following self-imposed restrictions:

- If the use is auto-related, oil change and mechanical repair operations will be prohibited.
- Signage will conform to B-1 standards.
- No temporary structures will be allowed.
- Cross access easements be provided between lots.
- Floodplain will be designated C-1 Conservation.
- Small Area Plan will be followed for entire intersection.

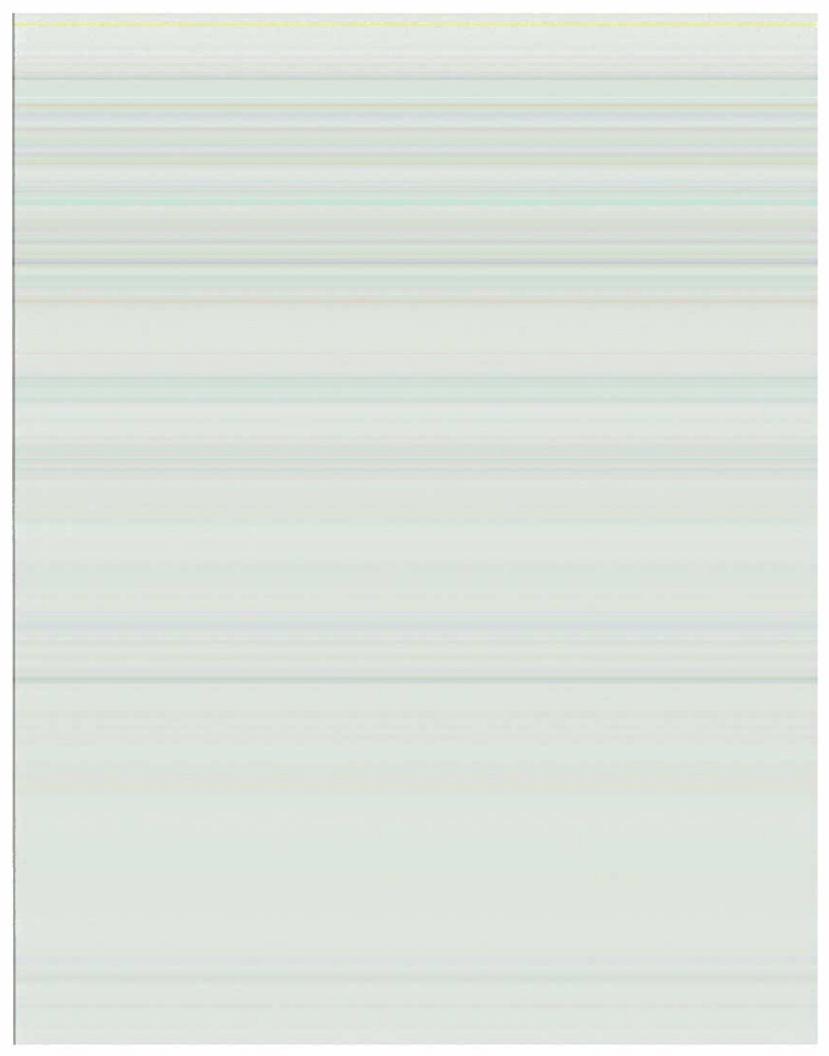
The Meade Tractor Supply lot that is adjacent to the Project Site was rezoned in 2013 from A-1 (Agricultural) to B-2 (Highway Commercial) primarily because the Commission found that the business was a "farm-community need" and that the use was vital to the community. The agricultural zoning district does not allow for farm-related businesses of that scale, and the Commission found that the Comprehensive Plan did not anticipate the need for farm-related businesses in the county. The community need was met with the zone change in 2013. The Applicant has not supplied documentation for the need of an additional 7-acres or justification for the continued expansion of a commercial use in an area outside of the urban service boundary.

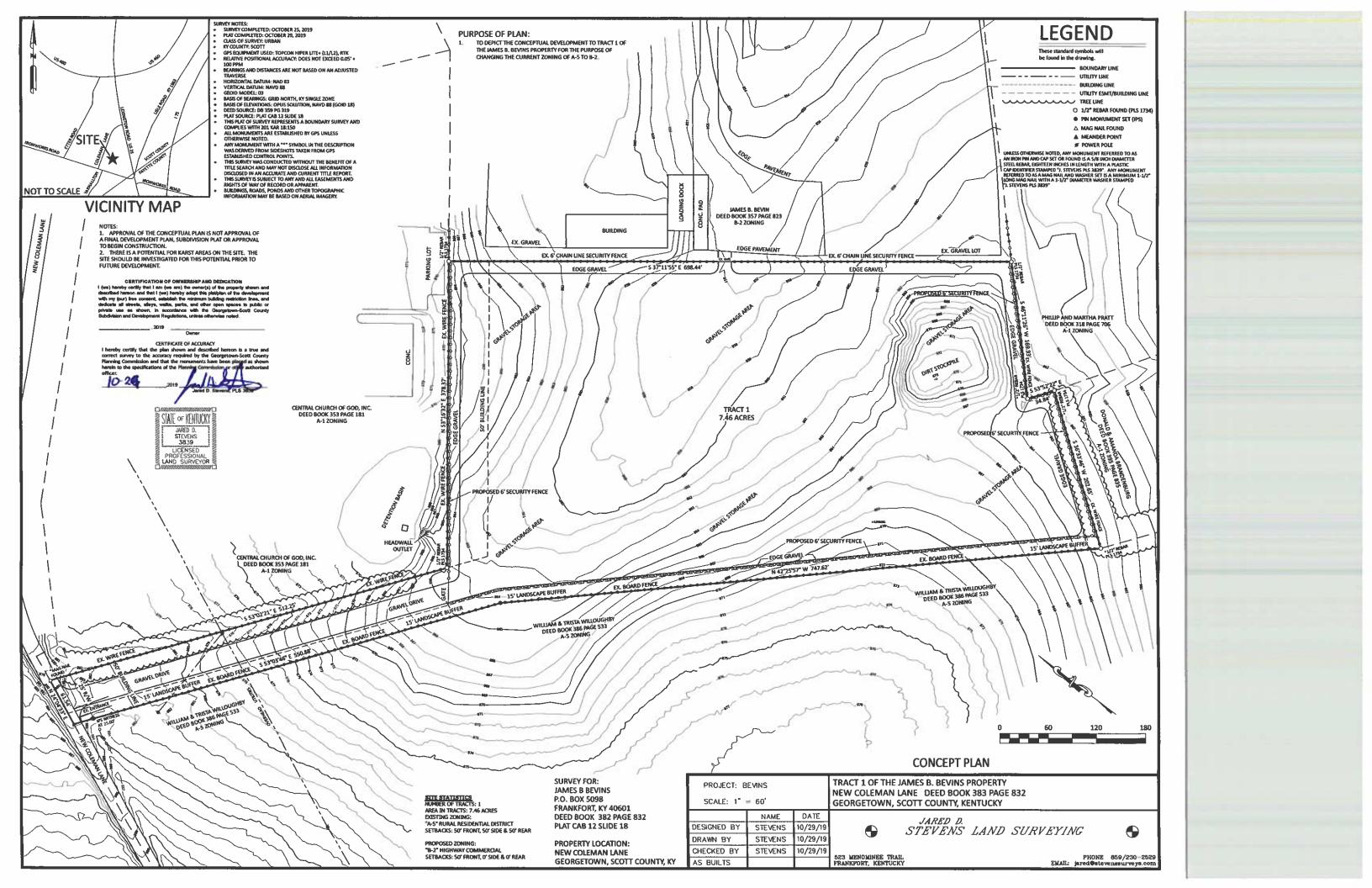
It is staff determination that condition \underline{b} does not apply.

Based on the above, Staff finds that the existing A-5 zone designation for the Project Site is appropriate, and that the requested B-2 zone is inappropriate and does not satisfy the requirements of KRS 100.213.

RECOMMENDATION:

Based on the finding that the requested zone change does not satisfy the requirements of KRS 100.213, **Staff recommends denial** of the zone change request from A-5 to B-2 for 7.46-acres.





BLUEGRASS CAMPGROUND PRELIMINARY DEVELOPMENT PLAN

Staff Report to the Georgetown-Scott County Planning Commission NOVEMBER 14, 2019

FILE NUMBER:

PDP-2019-45

PROPOSAL:

Preliminary Development Plan for 100 RV camping sites, water park, cabins, and other recreation

facilities.

LOCATION:

269 Connector Road

OWNER:

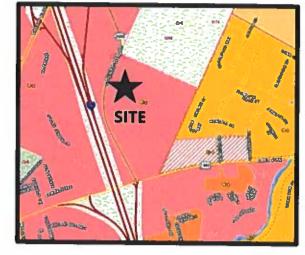
Bluegrass Camp Ground,

LLC

CONSULTANT:

Morgan Dye

Thoroughbred Engineering



STATISTICS:

Zone

B-2 (Highway Commercial)

Surrounding Zone(s)

A-1, B-2, & R-2

Site Acreage Building Area 21.74 acres (Phase 1: 15.63 acres; Phase 2: 6.11 acres) 25,250 square feet (Phase 1: 2,500 SF; Phase 2: 22,750 SF)

Max. Building coverage

50%

Building Coverage

2.6% (Phase 1: 0.4%; Phase 2: 8.5%)

Vehicular Use Area

412,985 SF (Phase 1: 350,425 SF; Phase 2: 62,560 SF)

Phase 2 Parking Provided

117 spaces (8 handicap accessible)

Access

Connector Road

Variances/Waivers

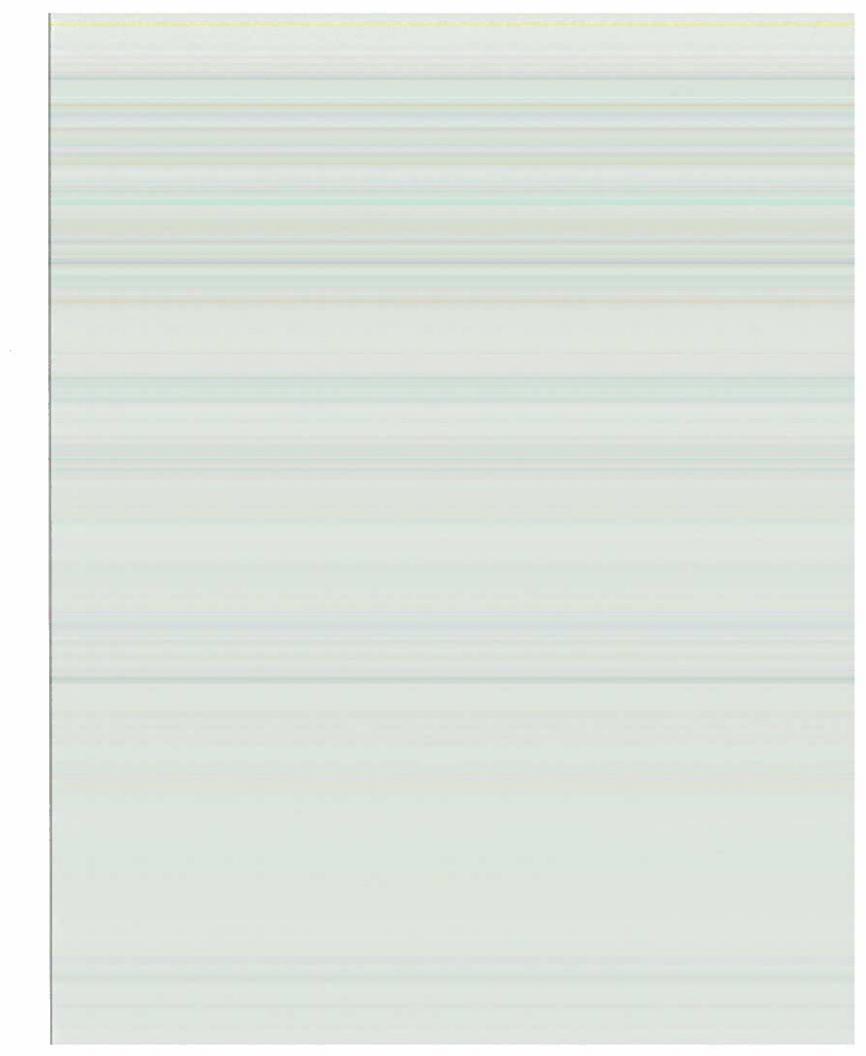
- 1. Waiver to omit a sidewalk along Connector Road.
- 2. Waiver to move the eastern landscaping buffer shown on Phase 2 30 feet

to the west.

3. Waiver to allow the use of gravel for the RV/trailer parking areas.

BACKGROUND:

The application before the Planning Commission is a Preliminary Development Plan for a 100 recreational vehicle (RV) campground, water park, ten (10) cabins, and recreational areas. The Georgetown Board of Adjustment granted approval of the Applicant's proposed use of the property for



"an RV and trailer campground that would include cabins, recreation courts and a water park" at their regularly scheduled October meeting. The Applicant has submitted a minor subdivision plat for review to reconfigure the existing commercial lots to work with the proposed development. The Project Site is a 21.74-acre area that is zoned B-2 (Highway Commercial). The Applicant intends to phase the proposed development, with the RV/trailer campground as the first phase, and the waterpark, cabins, and recreation areas as the second phase.

Vehicle Access & Pedestrian Circulation:

The Project Site has an existing entrance from Connector Road that is currently used as the access for the Bluegrass RV storage development that was approved in 2018. There is an access easement that runs along the northern property boundary of the proposed development. The easement will also be used to provide access to Phase 2 of the development.

Staff has expressed concerns about the entrance to the Applicant. Particularly, staff is concerned with the types of vehicles that will primarily be entering and exiting the site and the conditions of Connector Road. RVs and fifth wheel trailers are large vehicles that need to slow down considerably in order to safely turn into and out of a site like the proposed development. The entrance shown in this application will not only serve this development with its 100 RV/trailer sites, water park, and recreational facilities. The entrance will also serve the RV Storage / self-storage development. The RV storage area has space for 89 RVs and the self-storage was approved for 340 storage units.

Staff thinks turning lanes should be provided by the Applicant on Connector Road and the exit in order to safely facilitate turning into and out of the Project Site and reduce potential conflicts and traffic delays. The Applicant has told staff that a Transportation Engineer is working on a letter regarding the entrance to the proposed development, but at the writing of this staff report, no letter has been received.

There are challenges with providing pedestrian access to the Project Site. The Applicant is requesting a waiver to providing sidewalks along Connector Road. Staff supports this waiver, because of the topographical challenges present along the eastern side of Connector Road along the Project Site.

Internally, the development plan does show sidewalks to help convey pedestrian traffic along the access roads to the water park and recreation areas.

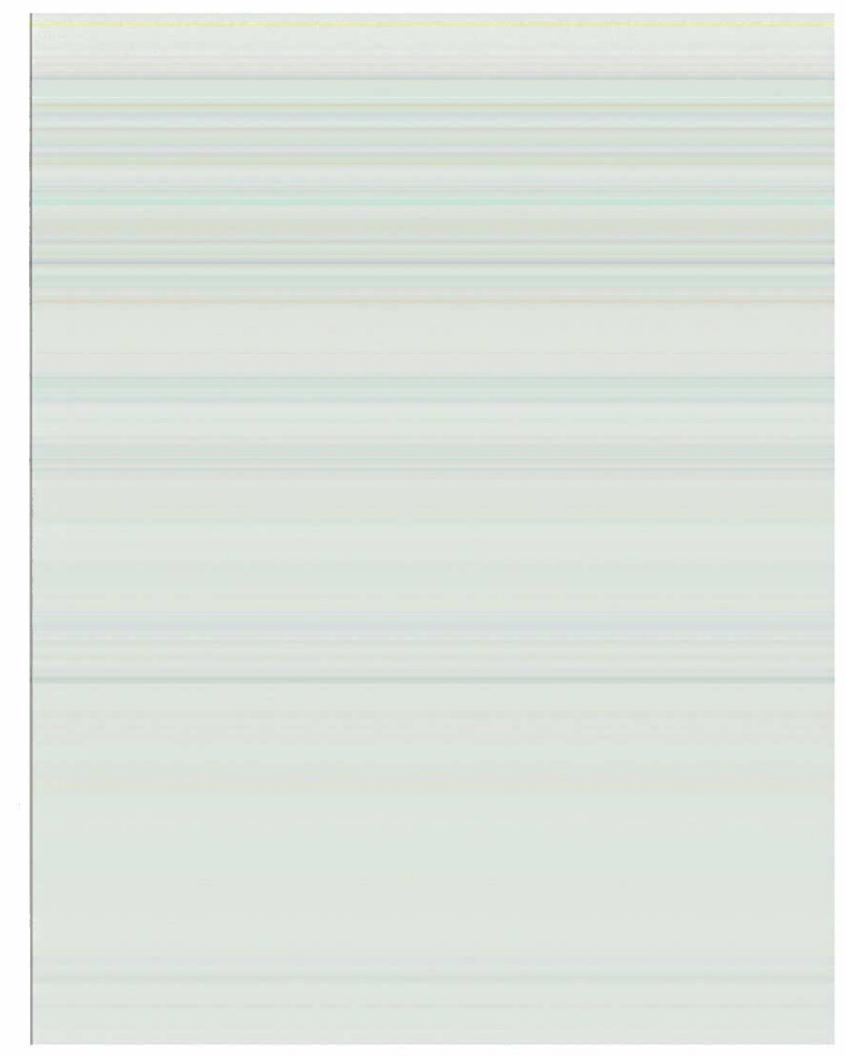
The development plan shows an adequate amount of parking to serve both phases of the proposed development.

Land Use Buffers and Landscaping:

Section 6.12: Property Perimeter Requirements

As a commercially zoned property adjoining both residentially zoned property and agriculturally zoned property, there are perimeter landscaping and buffering requirements per rows 2 and 9 of the table found in Section 6.12 of the *Landscape and Land Use Buffers Ordinance*.

• The eastern boundary, which is a part of Phase 2, will need a buffer area 15 feet wide populated with trees and other items as described in the ordinance. The location of the buffer is proposed



to be moved west 30 feet from where it would typically be located to allow an access easement along the eastern property line. Staff supports a waiver to allow this buffer to be moved as it allows the Applicant to use an existing paved driveway where the buffer would typically be located. The development plan shows appropriate trees and fencing to meet the requirements of the ordinance.

• The northern boundary, which is part of Phase 1, will need a buffer area 15 feet wide populated with trees and other items as described in the ordinance. The development plan meets this requirement.

Section 6.13: Vehicular Use Area Perimeter Requirements

Vehicular Use Areas (VUAs) must be screened from any adjoining property in any zone other than industrial or agricultural by:

- A buffer at least 5 feet wide
- That buffer shall contain 1 tree per 40 feet of boundary of the VUA. These trees can be small, medium, or large species. The buffer must also have a 3-foot average height continuous planting, hedge, fence, wall or earth mound.

VUAs must be screened from adjoining rights-of-way by:

- A buffer at least 5 feet wide
- That buffer shall contain 1 tree per 40 feet of boundary of the VUA. These trees can be medium or large species. The buffer must also have a 3-foot average height continuous planting, hedge, fence, wall or earth mound.

Phase 1 appears to meet the requirements of Section 6.13 of the *Landscape and Land Use Buffers Ordinance*. Phase 2 needs a 3-foot average height continuous planting, hedge, fence, wall or earth mound along the southern side of the parking lot.

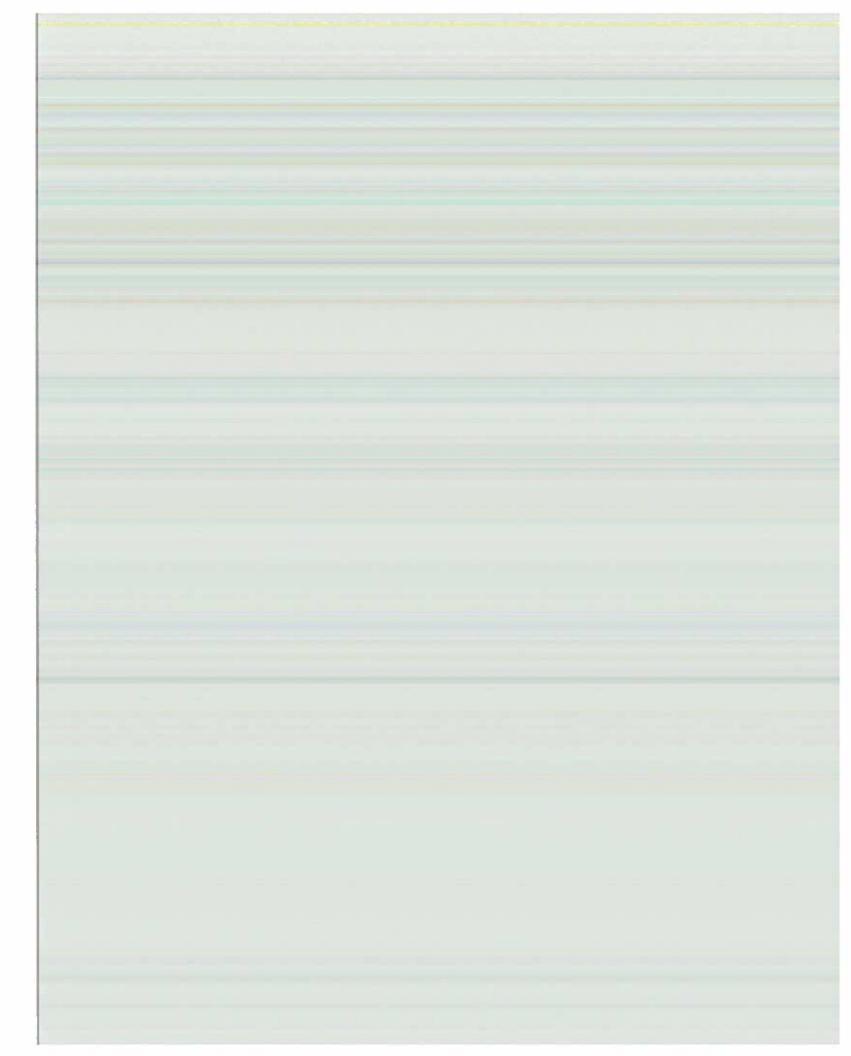
Section 6.22: Interior Landscaping for Vehicular Use Areas

The Landscape and Land Use Buffers Ordinance requires an interior landscaped area 10% the size of the VUA and for those areas to be populated with 1 tree per 250 square feet of interior landscaped area.

Phase 1 of the plan lists a VUA of 350,425 square feet which means 35,043 square feet of interior landscaped VUA are required with 141 trees planted in that area. The site statistics show an incorrect number for the amount of interior landscaped VUA being provided. There are twenty-one (21) 1,500 square feet interior landscaped areas (ILAs) shown on Phase 1 for a total of 31,500 square feet of ILA, which does not meet the requirements of the ordinance. The development plan has sufficient additional areas that could be counted as ILA to meet the requirements of interior landscaped VUA. This means there is also enough area for the Applicant to include the number of trees required by ordinance in these areas. Staff does not support any variances to either the interior landscaped area or the number of trees required therein.

Phase 2 of the plan lists a VUA of 62,560 square feet which means 6,256 square feet of interior landscaped VUA are required with 26 trees planted in that area. The site statistics show 6,655 square feet of interior landscaped area with 35 trees, which meets the minimum requirements.

Overall, the preliminary development plan shows 412,985 square feet of VUA which is almost 9.5 acres.



Section 6.2215: Minimum Canopy Requirements

The Applicant is not proposing to preserve any existing trees on the site, so 24% canopy coverage will be required. Both phases are proposed to meet the canopy coverage requirements for the site.

Staff expects each phase of the proposed development to meet all requirements as a stand-alone project, because circumstances change, and future phases may not be constructed. Staff will verify compliance with all aspects of the *Landscape and Land Use Buffers Ordinance* on the specie-specific Landscaping Plan in the Final Development Plan(s).

Additional Items:

When the Bluegrass RV Dealership was proposed for development, it was approved by the Planning Commission for the first phase to be allowed to not meet the canopy requirements. The agreement was that when the <u>area</u> proposed for the second phase was developed, it would provide the remaining canopy coverage to bring the dealership into compliance. This is indicated by condition #6 of the conditions of approval from FDP-2017-05 which state, "Future development of the remainder of the Project Site shall bring the total canopy coverage of the Project Site up to 20%." This was a condition that was discussed when the Final Development Plan went before the Planning Commission and was signed off on by the Applicant at that meeting.

The area in this Preliminary Development Plan labeled as Phase 2, is located on the remainder of the area that was originally part of the RV dealership. The Applicant has indicated that they believe the condition from FDP-2017-05 only applies to a future phase of the dealership, but the language in the condition specifically references the remainder of the Project Site. This was done because developers frequently change how future development areas are to be used. In order to meet the agreed upon condition, the Applicant will need to provide the necessary tree canopy on either the Phase 2 site (above and beyond the 24% required for Phase 2) for this application or provide the necessary canopy on the current RV dealership site.

RECOMMENDATION:

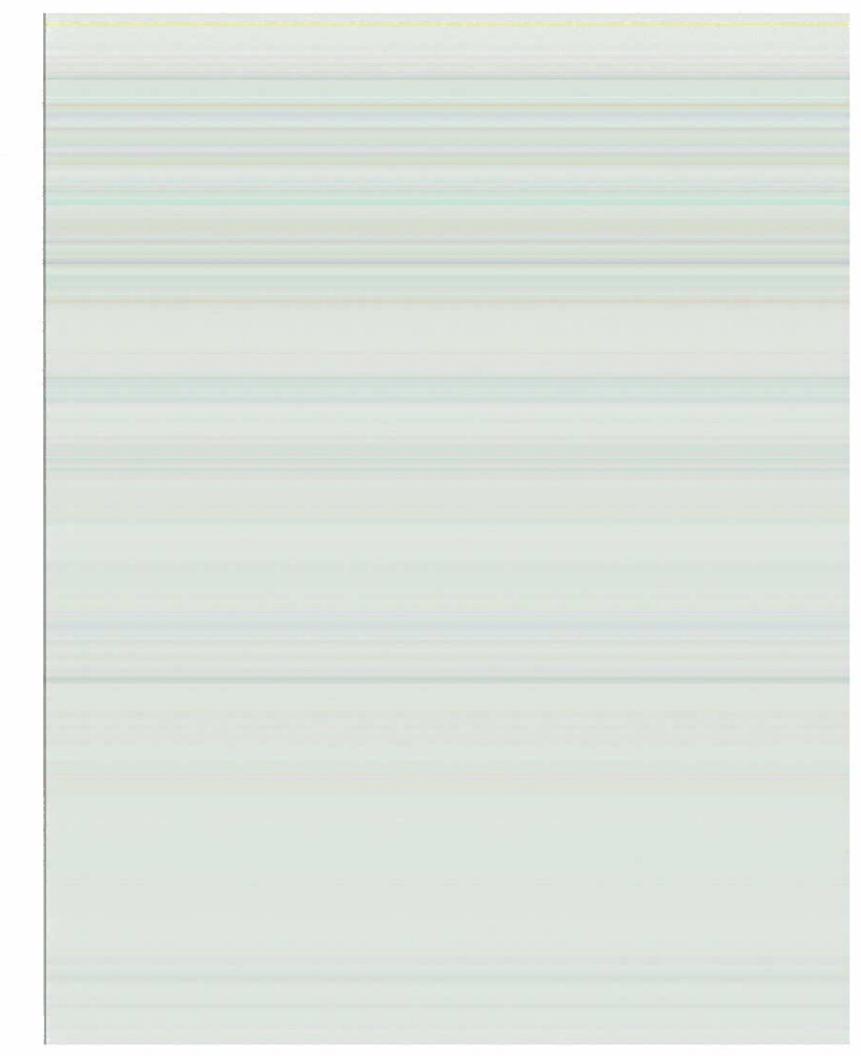
Staff recommends **approval** of the Preliminary Development Plan with the following waivers and conditions of approval:

Waiver:

- 1. Waiver to omit a sidewalk along Connector Road.
- 2. Waiver to move the eastern landscaping buffer shown on Phase 2 30 feet to the west.
- 3. Waiver to allow the use of gravel for the RV/trailer parking areas.

Conditions of Approval:

- 1. All applicable requirements of the Zoning Ordinance and Subdivision & Development Regulations.
- 2. Any revisions or amendments to the approved Preliminary Development Plan shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
- 3. Prior to any construction or grading, a Final Development Plan, including all required construction plans, shall be approved by the Planning Commission staff and the applicant shall schedule a Pre-Construction Meeting with the Planning Commission Engineering Department to PDP-2019-45, Bluegrass Campground, Page 4 of 5



- review construction policies and to establish inspection schedules. This includes a Grading Permit with fee and a Land Disturbance Permit with erosion control surety.
- 4. The Final Development Plan will need to comply with all stormwater management requirements.
- 5. Prior to (as part of) the Final Development Plan approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plan.
- 6. This Preliminary Development Plan approval is valid for two years, subject to the requirements of Article 406 section A of the *Subdivision and Development Regulations*.
- 7. All requirements of the Georgetown Fire Department.
- 8. The Applicant shall provide the additional tree canopy either on the Phase 2 site or the RV dealership site to bring the dealership's tree canopy coverage to 20% in accordance with the Conditions of Approval for FDP-2017-05.
- 9. The Final Development Plans for each phase will need to independently comply with all requirements of the *Zoning Ordinance* and *Subdivision and Development Regulations* including the *Landscape and Land Use Buffers Ordinance*.
- 10. The Applicant shall obtain KYTC approval and construct turn lanes (left and right) including decel lane on Connector Road for the entrance. Entrance/exit shall be striped to include 2 exit lanes and queue storage as determined necessary by traffic analysis.

