

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
August 11, 2016**

The regular meeting was held in the Scott County Courthouse on August 11, 2016. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Johnny Cannon, Byron Moran, John Shirley, Steve Smith, and Mark Sulski, Director Joe Kane, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent were Commissioners Regina Mizell and Frank Wiseman.

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

Motion by Caldwell, second by Moran, to approve the July 14, 2016 minutes. Motion carried.

With the corrections of the Wise Property rezoning request being to I-1 instead of B-2 and the Hiserbob application not being an auto parts building, motion by Smith, second by Sulski, to approve the August agenda. Motion carried.

Postponements/Withdrawals

Chairman Jones stated that the Smith-Wainscot Duplexes (PDP-2016-29) application has been withdrawn, and the Haddix Property (PDP-2016-44) application has been postponed to the September meeting.

**Motion by Shirley, second by Caldwell, to approve the withdrawal and postponement. Motion carried.**

Consent Agenda

A representative of the Barnett Property application (FSP-2016-45) agreed to their conditions of approval and there were no comments from the public or

Commission. Motion by Shirley, second by Sulski, to approve the Barnett Property application. Motion carried.

A representative of the O'Reilly Auto Parts application (PDP-2016-50) agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Sulski, second by Smith, to approve the O'Reilly Auto Parts application. Motion carried.

ZMA-2016-36 Wise Property Zone Change – Rezoning request for .59 acres from R-1A to I-1, located at 3519 Main Street in Stamping Ground.

Chairman Jones opened the public hearing.

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

Mr. Summers reviewed the staff report. He stated that the site has not been used for single-family for a number of years, if ever. The R-1A zoning is inappropriate for the site, and I-1 zoning is appropriate. It is located adjacent to property already zoned I-1, and the adjacent R-1A property is the water treatment plant owned by GMWSS. The property is currently used for industrial purposes.

He stated that the proposed zone change is in conformance with the Comprehensive Plan, and he recommended approval of the request.

He then reviewed setbacks, access and landscaping for compliance with development regulations. He stated that the driveway and parking area need to be paved and the parking spaces delineated so that there can be handicap access. He stated that there are no sidewalks on this section of Main Street, and that sidewalks are desired by the community and have been part of the Stamping Ground design audit and Bike-Ped plan (still in draft form). He felt it is appropriate that sidewalks be a condition of approval, at least by a specific date if they are currently cost-prohibitive.

Mr. Summers also recommended that the required landscape buffer between industrial and residential zones be installed.

He recommended approval with four conditions, including the landscape buffer being installed within six (6) months of the final approval, and the sidewalk being installed within two (2) years of the final approval.

The sidewalk and landscaping issues were briefly discussed.

Bruce Lankford, representing the applicant, agreed with the landscaping requirements. He stated that the applicant would like for the gravel driveway to remain until the day he can afford to pave it.

Regarding the sidewalk, Mr. Lankford stated that it is approximately 1/4 mile from where the sidewalk ends at the Dollar General Store to the beginning of this property. There are no sidewalks on either side of the road for that distance. Also, there is a ditch beside the road, and then a small embankment, which necessitates grading in order to construct a sidewalk. There is also a large tree in the area where a sidewalk would be located, as well as a sewer line.

The sidewalk issue was discussed. It was suggested that the sidewalk be required when sidewalks are constructed on adjacent properties. Commissioner Shirley asked if the paving of the driveway could be bonded the same as streets are bonded. Mr. Combs suggested that even if the driveway is gravel, that it be inspected to ensure that it is sturdy enough to not rut and cause drainage problems. Commissioner Jones asked Mr. Perkins about the requirement for ADA compliance. Mr. Perkins stated that he didn't know if the site can be ADA compliant when it's gravel. He stated that the applicant will have to work with staff on that issue. He stated that the land use restrictions will be part of the deed.

Commissioner Shirley felt that the applicant could be given one year to pave the driveway, and if not feasible at the end of the year, he can ask for a one-year extension. Mr. Lankford agreed that the applicant will have the driveway paved by January 1, 2018. It was also agreed that the applicant will construct the sidewalk when the adjacent property constructs a sidewalk.

Chairman Jones closed the public hearing.

**Motion by Sulski, second by Caldwell, to recommend approval of the Wise Property Zone Change on the basis that it complies with the**

**Comprehensive Plan, and subject to the four (4) conditions of approval as amended above. By roll vote, motion carried 7-0.**

ZMA-2016-41, PSP-2016-42, and FSP-2016-43 Risk Property Zone Change - Rezoning request from A-1 (Agriculture) to A-5 (Rural Residential) for 83.7 acres, and Preliminary Subdivision Plat for ten (10) residential cluster lots, and Final Subdivision Plat for five tracts between 5-10 acres, located south and east of Stonecrest subdivision.

Ms. Chan reviewed the staff report. She stated that the applicant submitted two plats for consideration: 1) ten residential cluster lots plus one preserved area, and 2) five rural residential tracts of 5+ acres. The applicant wishes to postpone review of the ten cluster lots and preserved area, and move ahead with the five rural residential lots.

Chairman Jones opened the public hearing.

Ms. Chan stated that the Commission can determine if the rezoning is appropriate for the entire 83.7 acres, for the 25+ acres containing the rural residential lots, or not appropriate at all. And depending on that answer, it is appropriate to approve these five rural residential lots.

She stated that one issue to consider if the 5-acre tracts are approved is that the odd shaped portion of the preserved lot to the west will be created. Also, if that lot is part of the cluster development, there is a requirement that it be contiguous to the other preserved tract.

She stated that the rezoning request is in compliance with the Comprehensive Plan, in that the 2006 Plan designated the Risk farm as Greenbelt. The Greenbelt area was defined as containing agricultural and rural residential uses. In addition, it would help define the boundary of the Urban Service Boundary and the Greenbelt by requiring installation of a landscape buffer along the southern edge of the property adjoining A-1 land.

She then briefly reviewed issues regarding public services and the Royal Spring Aquifer. She recommended approval of the zone change, stating that the Commission should consider whether the change is appropriate for the entire 83.7 acres if it is not known exactly how it will be developed. If they

determine that it is not appropriate, they could approve the change for the 25 acres only.

Ms. Chan then reviewed the landscaping requirements, which depend on the layout of the development, and when it occurs, on the cluster portion of the site.

She then addressed the access from Risk Ln. and Wisteria Ln.

Tony Justice, Trinity Surveying and representing the applicant, stated that the applicant wishes to withdraw the cluster subdivision application and the zone change request for the cluster portion of the site. She wishes to move forward with the 25-acre portion to be divided for 5-acre tracts only. Ms. Chan stated that the only concern then is the "remnant" lot that will be created on the western portion of the site. This lot, while technically contiguous, is not effectively contiguous and impacts access for the site.

Access to the "remnant" lot was discussed. Since the cluster proposal is not now being considered, the "remnant" lot will effectively be just a sixth lot, and cannot be counted as a preserved area for any cluster subdivision in the future.

Commissioner Jones expressed concern about the water retention on the "remnant" lot and access to the five-acre lots.

Betty Justice, Trinity Surveying and representing the applicant, stated that the applicant has four of the five 5-acre lots under contract pending approval of the zone change and subdivision plat. She withdrew the cluster portion of the site due to concern that consideration of them will delay approval of the 5-acre lots. There is a time constraint on their contracts for sale.

Tom Miller, attorney for Southeast Properties (Cane Run Farm), which is adjacent to the southern boundary of the site, expressed concern about the stormwater retention on the site. He presented photographs of flooding after a heavy rain, stating that it did not flood prior to construction in the area. He described the horse farm operation on their farm, stating that the field that floods is used for hay. If the hay is washed out, it costs thousands of dollars to replace. He stated that the stone fence has even washed out by water from the Risk property since construction on the residential site to the north.

Mr. Miller expressed concern about the stormwater plan being determined at the time of the construction plan submittal. He asked that a condition be placed on the approval that a detention plan be reviewed and approved giving the property owners downstream the opportunity to comment on it. It appears that substantial work needs to be conducted whether it is five lots or more than five lots.

Mr. Combs stated that the Ball Homes development has a very large detention pond, but he could not find the calculations on it. He described how the pond works and where the water comes from. He stated that plans for the 5-acre tracts would include calculations that show that the flow leaving the site is not more than it is at present.

Discussion continued on stormwater drainage. Mr. Miller expressed concern about there being contracts on the lots before an approved plat is recorded with an approved drainage plan.

Pete Short, Wisteria Lane resident, stated that he was told there would be an access road from the bypass to alleviate traffic on Aberdeen Way and that there would be a playground, neither of which have been constructed. He stated that he bought his home because it was on a cul-de-sac, and now it is going to be opened up and extended.

Ed Bringardner, adjacent property owner, expressed concern about how the corner of two of the homes in Stonecrest subdivision are 20' from the fence. Mr. Perkins stated that he needs to contact the office to research what was approved on that plat.

Chairman Jones closed the public hearing.

Mr. Perkins reminded the Commission that the cluster and 5-acre tracts are development after the rezoning, and the staff report was clear that the zone change is in compliance with the Comprehensive Plan. The other issues being discussed are not part of the rezoning issue. He felt that making the applicant return for the other half of the zone change is not appropriate. Regarding the stormwater drainage issue, he agreed that a problem exists and needs to be addressed, but he felt that five houses on five acres will have little impact. He

stated that the drainage plan will prevent stormwater runoff from the property from being increased.

The western tract being part of the cluster development preserved area was discussed. Again, Mr. Perkins stated that that issue will be part of the cluster development.

Commissioner Shirley wished to add a condition stating that no future development will add to the area drainage problem. Mr. Combs stated that he will review stormwater plans at the Final Subdivision Plat stage.

Commissioner Shirley did not feel comfortable rezoning the entire property at this point because of the problems that have been discussed. He felt that more testimony will be heard about the development issues of the cluster development if it is not already rezoned to A-5.

Mr. Perkins felt that the applicant will be made to go through an expensive rezoning process again for the cluster portion when staff has already determined that it is in compliance with the Comprehensive Plan. All the issues discussed are development issues that will come back to the Commission, not rezoning issues.

**Motion by Smith, second by Caldwell, to recommend approval of the rezoning request from A-1 to A-5 for 83.7 acres on the basis that it is in conformance with the Comprehensive Plan. By roll call vote, motion carried 7-0.**

Commissioner Smith supported approval of the Final Subdivision Plat for the five 5-acre tracts subject to the seven (7) conditions of approval, plus the eighth (8) condition that staff review and approve the stormwater drainage plan and it be noted on the plat. The applicant agreed with the conditions.

**Motion by Smith, second by Caldwell, to approve the Final Subdivision Plat (FSP-2016-43), subject to the eight conditions of approval. By roll call vote, motion carried 5-2 with Sulski and Jones dissenting.**

PSP-2016-47 Canewood, Unit 1-C, Section 4 – Amended Preliminary Subdivision Plat for 10 lots, located at the termination of The Masters, west of Canewood Blvd.

Mr. Kane reviewed the staff report, explaining that only 14 of the previously approved 35 lots in Unit 1-C, Section 3 were platted because the right-of-way for the Georgetown bypass was uncertain. The right-of-way is now established and the remaining lots have been re-configured and are being called Unit 1-C, Section 4.

The applicant has reconfigured the extension of The Masters and is now proposing ten lots around two cul-de-sacs. He stated that there is now a sound wall along the bypass and a tree protection easement that runs along the existing lots and was shown on the previous plats. He described the changes in the layout and lot sizes in detail.

Mr. Kane stated that the applicant has requested a reduction in the rear yard setback from 25' to 15'. He recommended denial of that request with the exception of the two internal lots where the cul-de-sacs create two double frontage lots. In order to accommodate those homes facing the primary street (The Masters), a 15' rear yard setback is necessary.

Rory Kahly, EA Partners and representing the applicant, agreed with the conditions of approval.

Bill Burke, The Masters resident, stated that he purchased his home in 2005 with the understanding there would be eight homes on two cul-de-sacs. He described the changes and activity that have taken place, including the location of the bypass, trash and unwanted pets have been dumped in the area, cars being parked there, his yard being used as a path to the Elkhorn Creek. He stated that the sound wall doesn't stop the sound coming across the creek or at the gap in the wall. He is now concerned about 10 homes being built instead of eight, and the setbacks being different, making the homes look different than every other home in Canewood.

Mr. Burke stated that an ordinance was passed by the City requiring new homes built in a subdivision to follow existing HOA guidelines in that



subdivision. He stated that their HOA has established setbacks, lot sizes, and style of homes.

Mr. Kane stated that he scaled the 2001 plat, and it appears to have eleven (11) houses in the area. The road configuration was different, but the lot sizes, width, and configuration matches what was approved in 2001. He stated that the HOA restrictions apply, but must be enforced by the HOA, and that the tree protection buffer is in place, and will be maintained in this section the same as the previous section.

Mr. Kahly stated that the front yard setback is still 30'. The two corner lots will face The Masters and their rear yards will have a 15' instead of a 25' setback. That is the only different standard that is being granted. He stated that the 2002 plat showed eleven lots beyond what was built and recorded previously. This plat reduces that by one lot.

Commissioner Smith asked if the homes will be built to the same design specifications. Mr. Kahly stated that they will be, that Snap Hook Development is aware of the Canewood specifications.

Mr. Burke felt that it is difficult to say there is a decrease in lots because of the construction/location of the bypass. He stated that the cul-de-sac is smaller and the lots have been moved forward.

Jane Walker, President of the Canewood HOA, was sworn in by Mr. Perkins. She thought the size of the cul-de-sacs has been decreased.

Mr. Kahly stated that the size of the cul-de-sacs is regulated by the Subdivision Regulations. Ms. Walker stated that there are different size cul-de-sacs within Canewood, depending upon the section and lot sizes. Mr. Combs stated that the standard size is 45' pavement, 50' including right-of-way, and that there should not be parking on any cul-de-sac within the City limits.

Mr. Kahly listed the plats that were used to determine the acreage remaining to be developed off the golf course property and to create this subdivision plat. He was confident that the boundary is correct regardless of what right-of-way was used for the bypass.

Commissioner Jones felt the plat meets the regulations and any remaining issues are between the developer and HOA.

Angie Tedder, The Masters resident, asked if the Commission can vote on either eight lots or ten lots. She expressed dissatisfaction in not being able to amend the plat as the neighbors wish.

Commissioner Sulski asked about lot size regulations. That issue was discussed at length.

Mr. Burke felt that this new section as presented will not look like the existing Canewood Subdivision.

Mr. Perkins asked Mr. Kahly if, regarding lots 7 and 12, they can comply with the 25' rear yard setback required by the HOA, even if the Commission approves a 15' rear yard setback. He stated that that will be up to the developer.

**Motion by Sulski, second by Shirley, to deny the application because of the requested rear yard setback variance. By roll call vote, motion carried 5-2 with Moran and Jones dissenting.**

ZMA-2016-48 Bevins Rural Residential Zone Change and Subdivision Plat - Rezoning request from A-1 (Agriculture) to A-5 (Rural Residential) for 53.51 acres, and Preliminary Subdivision Plat for eight (8) 5+ acre tracts, located on the northeast corner of New Coleman Lane and Ironworks Road.

Chairman Jones opened the public hearing.

Mr. Summers reviewed the staff report, stating that the rezoning request is in conformance with the Comprehensive Plan and the 2013 US 25 Small Area Plan. He therefore recommended approval.

He then addressed the Preliminary Subdivision Plat for the property. He reviewed access points, the tree preservation area, landscaping, fencing, the overhead utility easement, and setbacks. He stated that New Coleman Lane is only 15' wide, and County road standards require it to be 18' wide at a

minimum. He stated that the applicant will be responsible for widening their half of the road by 1-1/2 feet along their frontage.

Mr. Summers noted that the applicant has requested that a list of landscaping material and the number of trees that will be planted be allowed instead of submitting a landscaping plan/drawing prior to approval of the Final Subdivision Plat. Mr. Summers felt that a list would suffice because the ordinance indicates where the trees will be located and how far apart they will be spaced.

Bruce Lankford, representing the applicant, asked for approval of the zone change and then for discussion on the Preliminary Subdivision Plat.

Chairman Jones closed the public hearing.

**Motion by Sulski, second by Shirley, to recommend approval of the rezoning request from A-1 to A-5 for 53.5 acres, based on its consistency with the Comprehensive Plan. By roll call vote, motion carried 7-0.**

Mr. Lankford stated that the applicant will comply with the landscaping ordinance. Regarding fencing, he stated that the existing fence on the eastern boundary of the property is not the fence that has been identified. Each property owner owns half the fence, and he asked if it has to be torn down and replaced when it is in serviceable condition. Mr. Bevins, applicant, stated that the adjacent property is currently in corn fields. Commissioner Smith felt that a question about the fence arises when it is in disrepair. Mr. Perkins felt that if the fence is in good condition, the requirement can be waived.

Mr. Lankford addressed the widening of Coleman Lane. Three of the four entrances are existing. He felt that widening the entire frontage of the property for the addition of one entrance is excessive and asked that the road widening requirement be waived. The applicant got an estimate of \$28,000 to widen it.

Kyle Fannin, Pastor of Bluegrass Baptist Church which owns the property on the corner of New Coleman Lane and U.S. 25 S, stated that Fiscal Court informed him that the road is not up to County standards, and he felt the County should upgrade their roads to their own standards.

Discussion continued on the road widening. No agreement was reached. Mr. Lankford asked for preliminary approval and an agreement that the road widening issue will be resolved at the Final Subdivision Plat stage. Mr. Perkins felt that it is not appropriate to defer a requirement that is standard for everyone.

After further discussion, Mr. Lankford agreed to the road widening condition at this Preliminary Plat stage, but stated that they feel the requirement is an overreach by the Commission and it will be addressed again at the Final Plat stage.

**Motion by Cannon, second by Sulski, to approve the Preliminary Subdivision Plat subject to the eleven (11) conditions of approval, including the understanding that the existing fence will not need to be replaced. Motion carried.**

PDP-2016-49 Hiserbob, LLC – Preliminary Development Plan for a 10,697 sq. ft. auto parts building, located at 499 Triport Road.

Commissioner Shirley left the meeting.

Mr. Summers reviewed the staff report. He stated that all issues regarding setbacks, building coverage, outdoor storage, landscaping, etc. are in order. The only issue of concern is the requested waiver regarding a gravel vehicular use area. The applicant has proposed a concrete entrance, parking spaces, and aprons around the loading bays. The remainder of the vehicular use area is proposed to be gravel.

Mr. Summers recommended approval of gravel in those perimeter areas shown to be used primarily for storage. He recommended paving for the majority of the area which will see the most traffic.

He also recommended that the Final Development Plan and Construction Plans be subject to any restrictions of the Scott County Board of Adjustment.

Commissioner Smith suggested noting on the plan that the gravel is allowed due to the heavy equipment, often with steel tracks, that is not appropriate

for blacktop. Mr. Summers added that it is also allowed because there is very little traffic in the areas.

Aaron Jamison, applicant, agreed to the conditions of approval.

**Motion by Sulski, second by Moran, to approve the Preliminary Development Plan, subject to the eight (8) conditions of approval and including the requested variance regarding the use of gravel. Motion carried.**

Amendment to By-laws regarding attendance

Mr. Kane reported that Mr. Perkins had concerns about amending the by-laws regarding attendance of the Commissioners when they are appointed by the legislative bodies. He wished to look further into the matter. It will be discussed at the September meeting.

The meeting was then adjourned.

Respectfully,

  
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Rob Jones, Chair

Attest:

  
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Charlie Perkins, Secretary