

**SPECIAL MEETING
GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
AGENDA
DECEMBER 10, 2020
6:00 p.m.**

I. COMMISSION BUSINESS

- A. Approval of November invoices
- B. Approval of November 12, 2020 minutes
- C. Approval of December agenda
- D. Items for postponement or withdrawal
- E. Consent Agenda

II. OLD BUSINESS

- A. PDP-2020-41 The Villages at Falls Creek Amended Master Plan – Request to amend the Master Plan for remaining lots in Phase 2 located east side of Falls Creek Development.

IV. OTHER BUSINESS

- A. Small Cell Tower Ordinance - REVISED
- B. Approval of 2021 Application Deadlines
- C. Update of Previously Approved Projects and Agenda Items

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
SPECIAL MEETING
MINUTES
November 12, 2020**

The special meeting was held online via Zoom on November 12, 2020. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners James Stone, Charlie Mifflin, Steve Smith and David Vest, Director Joe Kane, Planner Matt Summers, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Byron Moran and Duwan Garrett.

Motion by Mizell, second by Smith, to approve the October invoices. Motion carried.

Motion by Vest, second by Mizell, to approve the October 8, 2020 minutes. Motion carried.

Motion by Vest, second by Smith, to approve the November 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 The Villages at Falls Creek Amended Master Plan (PDP-2020-41) has been postponed until the next regularly scheduled meeting.

Kathleen Zazycki stated her concern that she did not receive notification of the application.

Consent Agenda

A representative of the Snowball Trust Tracts 6 & 7 application (FSP-2020-42) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Smith, second by Mizell, to approve the application. Motion carried.

PSP-2020-43 Harbor Village Phase 4 – Preliminary Subdivision Plat for Harbor Village Phase 4 located west side of US 25 (Cincinnati Pike) at Rogers Gap Road.

Mr. Kane stated this application is for 87 lots. He stated the Concept Plan and Zone change was approved in 1988. He stated that Mallard Point and Harbor Village originally had the same developer.

He stated the concept plan has been amended several times and originally showed three lakes. He stated in Phase 1 the current lake was constructed. He reviewed the history of the subdivision and its multiple amendments. He stated in 2019 Phase 3 was approved and Phase 4 was continued until a second road connection to Mallard Point was available.

He stated there are three issues that do not meet current regulations, the block length, the width and profile of the road, and the number of lots with only one entrance. He stated staff recommends denial unless the road connection to Drake Lane is a full width paved entrance.

Mr. Perkins requested clarification on the recommendations. Mr. Kane stated if the second entrance is for emergency only, staff recommends denial but if the second entrance meets current standards, staff recommends approval.

Chairman Sulski stated he understood the recommendations differently. Mr. Kane stated if there is no second entrance, the recommendation is denial. He stated if a waiver for an emergency only second entrance is granted, he requests that a justification is stated for the record and that the conditions state the emergency entrance construction details.

Nathan Billings, attorney for the applicant, gave a brief review of the history of Harbor Village. He stated the Amended Master Plan submitted in 2019 had minor changes. He stated the proposed connection to Mallard Point for Phase 4 has shifted east. He stated otherwise the plan was basically the same as presented last year.

He stated the developer is not seeking approval of 119 lots previously in concept, and instead is asking for approval of 87 lots.

He stated a permanent road connection is not practical since a right-of-way was never required on plats for Mallard Point. He stated applicant does agree to suggested variances from staff recommendations. He stated that he does have an approval letter from the County Fire Department for an emergency use only road connection.

He stated that making Phase 3 and 4 part of the existing Homeowner's Association might require the HOA to change some of their rules. He asked that instead the Planning Commission require HOA documents that cover the ownership and maintenance of all common areas.

He stated during the time the applicant was seeking Phase 3 approval last year a neighboring property was transferring a parcel to their sons that eliminated a possible connection between the subdivisions.

He stated the 2012 proposed Master Plan did not show a connection between the subdivisions but a record of approval or disapproval could not be found for the 2012 Master Plan either way.

He stated Tract 1 of the Wilhoite property approved last year has a major elevation change to Drake Lane that would prohibit a road connection. He stated Parcel 2 created a 35' private access easement to Drake Lane and left Harbor Village without an available connection to Mallard Point. He stated there are ongoing negotiations with the Wilhoite family to be able to use that private access easement for emergency use only. He quoted the Subdivision Regulations, that state the requirement of a second entrance if over 200 lots, if physically feasible. He stated that in this situation, it is not physically possible to have a second public road entrance.

Mr. Wilhoite stated he has been in discussion with Flying Dutchman Properties. He stated he had questions about the road requirement and if he could have assurance that it would remain emergency only in the future.

Mr. Kane stated for an emergency access to change to a public street, it would have to be approved by the Planning Commission. Mr. Perkins stated that the Wilhoite's would also have to agree to change the access.

Mr. Wilhoite questioned if the County could change the access in the future. Mr. Perkins said it not likely to happen but that the County could if it was deemed necessary.

Mr. Wilhoite stated that he has discussed paving his driveway with Mallard Point Homeowner's Association and once construction is complete it will be paved.

Chairman Sulski questioned Mr. Wilhoite if a road between the subdivisions could be possible. He stated the road would be close to his house.

John Talbot stated he is with Bruce Kohnz, President of Mallard Point HOA, and Mark Smith, the original developer of both subdivisions and Director of Mallard Point HOA.

Mr. Talbot questioned if Scott County Fire Department was aware the emergency access would be shared with two driveways. Mr. Billings stated that the engineer Daniel Rehner of Thoroughbred Engineering handled the discussion. Mr. Rehner stated that he presented the same exhibit to the Fire Department that the Planning Commission is seeing and stated that the Fire Department did look at the property.

Mr. Talbot stated that these two subdivisions are entirely separate. He stated that homeowners do not want a connection between the subdivisions and have concerns if they were to be connected.

Mark Smith stated the original master plan showed what he thought the subdivisions might eventually look like. He stated the connection shown between the two subdivisions was because he owned both properties at that time. He stated if both properties were connected there would have been a gate between them.

He stated Mallard Point having one entrance with a gate allows them to see who has been there if a problem ever arose. He stated both subdivisions have never had an event happen where another entrance was needed.

He stated the HOA has a concern about the watershed if Harbor Village was connected to Mallard Point. He stated if a connection is approved the HOA requests an environmental impact study to be done.

He stated during the different property owner changes, a requirement was not made to any of the developers that both subdivisions had to be attached.

Bruce Kohnz stated that if he is understanding correctly a connection between the subdivisions was never approved only suggested on a concept plan. He stated he has concern that a connection could interfere with the subdivision security or would turn into a full street.

He stated he had concern with Harbor Village connecting to Mallard Point's sewer system.

Mr. Billings stated he can create a private access easement only for emergency use.

Dan Kahl, Mallard Point resident, stated he had concern about the impact on the watershed if the subdivisions connect.

Gary Hobbs, Harbor Village resident, questioned who would maintain the gate if installed. Mr. Billings stated that they propose the HOA would maintain the gate and signage.

Mr. Hobbs had questions about the HOA for the new phase of Harbor Village. Mr. Billings read from the original HOA covenants that stated the original developer must own property in the new phase for that phase to have the same HOA. He stated to submit property to that HOA would require the document to be amended. Mr. Billings stated that he could draft restrictions for a new HOA to be established.

Brad Olson, Harbor Village resident, stated that his question about the HOA was answered by Mr. Hobbs question. He stated that creating another HOA would seem like two separate subdivisions beside each other. He stated he would like to talk to the HOA about how both HOA's could be merged into one.

Mr. Kohnz stated he feels trespassing would be hard to control if the access existed.

Mr. Rehner stated approximately 2 acres would drain towards Mallard Point, but the impact would be minimal. He stated the applicant would have to meet all the requirements of the stormwater regulations for Georgetown-Scott County.

Rhea Compton, Harbor Village HOA Secretary, stated they have asked the applicant to join their HOA. She stated they are trying to update their bylaws and are willing to work with the applicant.

Mr. Billings stated he was not aware that the HOA had tried to contact him recently. He stated he had never been informed that the HOA was willing to spend the money to get signatures of homeowners in order to update the bylaws.

Ms. Compton stated that there has been a miscommunication between everyone concerning the HOA's.

Chairman Sulski questioned which phases are part of the original HOA and which phases would be part of the new HOA. Mr. Billings stated Phase 1 and Phase 2 are part of the original HOA and Phase 3 and 4 would be part of the new HOA.

Mr. Talbot stated that Mallard Point HOA hopes that if the application is approved, they wish it is without a connection. He stated if the application is approved, they would like a drainage study completed.

Commissioner Mifflin questioned how the HOA was handled for Mallard Point as new developers have built there. Mr. Talbot said an amendment to the bylaws was added.

Mr. Billings reintegrated again the applicant is willing to work with the existing HOA.

Scott Romano, Harbor Village resident, stated it would take 51% of the homeowners to change Harbor Village's HOA bylaws.

He questioned if there is another way to get an access easement for Harbor Village and possibly connecting to the bypass. Mr. Billings stated because of the earlier concept plan and discussions with the Planning Commission, they have not looked at other property for an access easement. He stated another road would be longer, harder to obtain and would not provide benefit to both subdivisions.

Mr. Rehner stated connecting to the bypass would be 4000 foot to 5000 foot road compared to 300 foot to connect to Drake Lane.

Chairman Sulski questioned if the applicant is willing to do a stormwater study.

Commissioner Mifflin stated if Mr. Smith still owned both properties, he does not think stormwater would be an issue nor any of the other concerns.

Chairman Sulski stated he feels the application would meet the stormwater requirements.

Commissioner Smith and Chairman Sulski questioned what an emergency gate would look like.

Commissioner Mifflin questioned what a previously approved emergency gate for Toyota Tsusho looks like.

Commissioners questioned if the road has ever been shut down. Mr. Smith stated once Mallard Point Drive had work done but one lane at a time was shut down.

Chairman Sulski questioned earlier that someone stated that the notification link into the Zoom meeting did not work. Mr. Billings stated that the link on the website did work.

Mrs. Lewis, president of Harbor Village HOA, stated that she has texted and emailed any board meeting change.

Mr. Kahl stated that he emailed the link that did not work to the Planning Commission. Mr. Rehner stated he checked the link and it did work for him.

Mr. Wilhoite questioned what an emergency access is. Mr. Kane stated for emergency vehicle use only.

Mrs. Lewis stated again that notifications were given for board meeting changes.

Commissioner Smith questioned the sewer connection to Mallard Point. Mr. Kane stated that he had put in his staff report the sewage would be going to Mallard Point Disposal System.

Mr. Kuhn stated that his question about the sewer was not answered. Mr. Smith stated that he would assume some would go to the pump station in Harbor Village and some to Drake Lane in Mallard Point. Mr. Billings stated that for preliminary plat approval all the technical details do not have to be completed. Mr. Rehner stated that the design is not finalized, but GMWSS would have to approve the plans and grant them

availability before the next step. Mr. Billings stated that the applicant is not seeking sewer access through the Wilhoite property.

Mr. Kahl questioned a sentence in the staff report regarding transmitting sewage into the Mallard Point system. Mr. Rehner stated that the design is not complete yet for the sewage.

Commissioner Mifflin questioned the second condition of approval regarding an emergency access and requiring it to be paved. Mr. Kane stated that the hard surface should go all the way to Drake Lane and be able to support fire truck use.

Commissioner Mifflin questioned who is responsible for the construction of the driveway. Mr. Billings stated it would be the applicant's responsibility to acquire the easement and to maintain it.

Commissioner Smith questioned if there is an emergency second access to Mallard Point currently. Mr. Smith stated there is no other roadway.

Commissioner Mifflin stated he thought someone had stated there is an emergency access road. Mr. Smith stated there is a private driveway that goes thru his property.

Mr. Kuhn stated that he thinks trespassing will occur with an emergency access.

Mr. Billings stated that during negotiations the possibility of the applicant paving the Wilhoite's driveway as compensation had been discussed. He stated that the applicant and the Wilhoite's can agree upon an access easement without Mallard Point's approval.

Mr. Kane stated that there are no fencing requirements between residentially zoned properties. He stated that the zoning ordinance prohibits an access easement serving more than three lots. Mr. Perkins stated that the access easement could not be public unless it met county road standards.

Commissioner Smith stated that he feels an emergency access hopefully would never be used but would be good to have if needed.

Chairman Sulski questioned the density of the other three phases of Harbor Village. Mr. Billings stated that the density is less than what was originally proposed.

The type of emergency gate was discussed again. Mr. Billings stated that he has done these before in other developments. He stated one was a mechanical gate that used a code to access and the other was a farm type gate. Commissioner Vest stated the gate can be whatever the individual prefers.

After further discussion, **Motion by Mifflin, second by Stone, to approve the Preliminary Subdivision Plat (FSP-2020-42) subject to twelve (12) conditions of approval, three (3) variances and the deletion of the second sentence of condition (6) six. Motion carried.**

Kentucky Model Solar Zoning Ordinance

Mr. Summers stated last month they discussed the model ordinance and he was asked to see what setbacks other communities have. He stated Winchester and Owensboro both use the setbacks listed in the model ordinance. He stated Bowling Green has applied 1000 feet from property boundaries and 2000 feet from residences, schools, and hospitals. He stated these are the same setbacks the state has for the same type of facilities.

He stated in his research he found Virginia's model ordinance used local government's requirements for the zoning district.

He stated he found a Minnesota non-profit model ordinance required 150 feet setback from residences and 150 or 100 feet from the centerline of state or local roads.

He stated he thought requiring setbacks like Winchester or Owensboro would be most appropriate.

Commissioner Mifflin questioned the setbacks when two participating landowners share a property line. Mr. Summers stated for large solar farms they may have multiple farm owners and would not need a setback.

He stated he would prepare a model ordinance using the Kentucky Resource Council's model to present at the next meeting with the hope of having a public hearing at the January meeting.

Commissioner Vest stated he thinks 150 to 200 foot would be more appropriate. Mr. Summer stated he will try to prepare an exhibit showing what a 50, 100, and 150 feet setback would look like.

He stated landscaping buffers should help conceal the solar farms from surrounding neighbors.

The meeting was then adjourned.

Attest:

Mark Sulski, Chairman

Charlie Perkins, Secretary

VILLAGES OF FALLS CREEK AMENDED MASTER PLAN

Staff Report to the Georgetown-Scott County Planning Commission
November 12, 2020 postponed
December 10, 2020

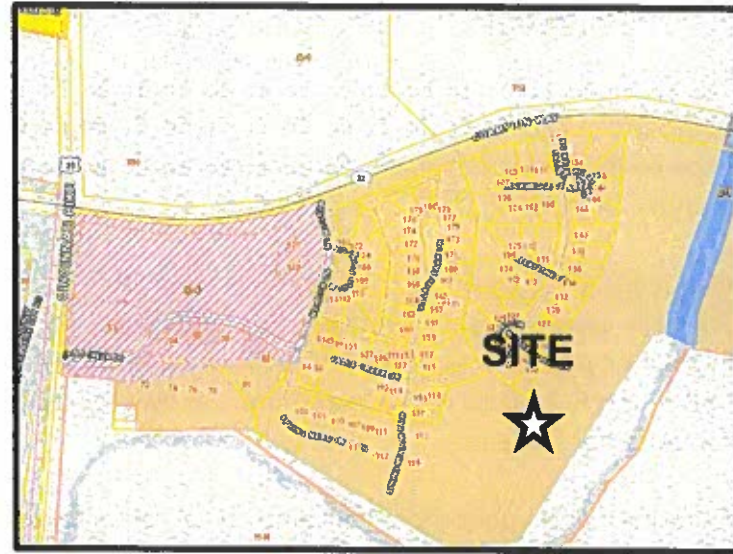
FILE NUMBER: PDP-2020-41

PROPOSAL: Request to Amend Master Plan for remaining lots in phase 2.

LOCATION: East side of Falls Creek Development

APPLICANT: Oxford Place, LLC

ENGINEER: Brent Combs, PE
Thoroughbred Engineering, Inc.



STATISTICS:

Zone	R-1C (PUD)
Surrounding Zones	R-1C (PUD)
Acreage	84 acres (Phase 2 Remainder approx.. 30 acres)
Dwelling Units Existing	246 Dwelling Units built or approved
Dwelling Units Proposed	92 Dwelling Units (23 single family lots, & 10 attached duplex units, 32 attached townhomes 6-8 unit buildings; 27 remaining area)
Dwelling units per acre	4.90 units/acre
Water/sewer available	Yes/Yes
Access	Falls Creek Drive
Variances	None

BACKGROUND:

The applicant is requesting to amend the Master Plan for the Villages of Falls Creek to allow single-family lots, attached duplex townhome lots and attached townhomes in 5-8 attached unit buildings in an area of the development known as phase II, (along Dry Run Creek) previously planned for only detached single-family lots. The original Master Plan was approved in September 2005. The 2005 Master Plan designated the area of

Phase II, being considered with this application, as planned for 52 single-family lots on 60' wide and 70' wide lots. Updated FEMA flood maps were adopted for this area in 2013. This significantly increased the amount of floodplain along Dry Run Creek and rendered many of the lots previously planned for phase 2, unbuildable.

Multiple incremental plan changes have occurred over time in the Villages of Falls Creek development and the project has evolved from a standard mixed-use Traditional Neighborhood Development with the multi-family dwelling units integrated into mixed use buildings in the commercial center and townhomes surrounding the commercial center, into a project which includes multiple building types spatially segregated into separate areas, but still unified by blanket architectural material and design standards. The commercial center no longer includes the originally proposed commercial/residential mixed-use buildings, instead two large multi-family areas have been approved with 72 and 80 multi-family each, in stand-alone apartment projects named the "Traditions" and the "Heritage".

The applicants have previously requested multiple changes to the original plan as laid out in the zone change approved concept plan in 2004. Many changes were approved by the Planning Commission and then abandoned by the applicant. The one constant has been that the applicant has been held to the maximum number of dwelling units overall of 338.

Original Master Plan:

The Falls Creek Development was originally approved as a mixed-use, Traditional Neighborhood Development in 2004 as part of Drake Property rezoning (ZMA-2004-23). In 2004, the Drake Property was rezoned from A-1 to B-4 and R-1C PUD with a maximum 338 dwelling units approved based on the maximum R-1C density of 4.4 units per net acre.

A Traditional Neighborhood Develop (TND) refers to a style of development replicating pre-World War II small town patterns, focused on creating a walkable, not automobile centered, public sphere, with front porches and street trees. Uniform street and building standards are used to control building form and placement. Different building types are intended to fit seamlessly into the neighborhood because they all are similar scale and built with similar materials and oriented to a public street in a consistent way. Building types are meant to add interest and enliven the public sphere (street) rather than be segregating into separate zones, each with its own setback, height and building rules, requiring buffers or screening and automobile trips between each zone.

The original Concept Plan anticipated a mixture of housing types and sizes with unifying architectural controls that would be established in the Homeowner Association documents. The original Master Plan proposed 150 single-family homes on a range of lot sizes from 5,000 square feet and larger; 25 townhouse units, and 163 apartment units and 165,000 square feet of retail and office space in a town center area, zoned B-4. Ninety-eight (98) of the one hundred sixty-three (163) apartment units were proposed in mixed use buildings in the town center area. The remainder of the apartments were shown east of Dry Run Creek outside of the main Falls Creek development. The townhouses were proposed south of the town center (B-4) commercial area.

In September 2005, the original Master Plan was amended to increase the proportion of the development that would-be townhouses. An area of the development west of the current subject property was revised to allow for 46 townhomes where previously 19 single-family lots were shown on the Concept Plan. The revision of the plan did not increase the original density approved; however, it reconfigured the location and type of units (single-family to multi-family).

In January 2006, a Preliminary Development Plan (PDP-2005-73) was approved for 43 townhomes in this area, known as Falls Creek Phase 2 Townhomes. These townhouses were never constructed and in June 2008 an Amended Preliminary Development Plan (PDP-2008-26) was approved for an Assisted Living Facility with seventy (70) dwelling units in the same location. This project was then later amended to ten apartment buildings with a total of eighty (80) dwelling units (PDP-2015-08). This amendment required the Applicant transferring all but 3 of the apartment units from the mixed-use commercial area to this apartment development. Construction is complete on phase one of the apartment buildings (The Heritage).

In 2011, the Applicant was approved to convert thirteen (13) single-family lots into twenty-six (26) multi-family units (PDP-2011-17). A series of amendments to Falls Creek were allowed over time to change the specific type and orientation of building in areas planned for townhome, mixed use and commercial buildings, because the general use of these areas were shown on the original Master Plan. This resulted in the elimination of all the mixed use buildings and an increase in the standalone multi-family buildings in the development.

Table 1 shows the changes in building type approved in Falls Creek with the final column being the proposed changes in the current Amended Master Plan. All of the Phase 1 single-family lots have been platted, and over half of the 68 currently platted lots have homes built (or being built) on them. Phase 2 has preliminary approval from the Planning Commission, but zero (0) lots have been platted in Phase 2. All of the currently approved duplexes and townhomes have Final Development Plan Approval and are constructed. Of the 163 apartment/high-density dwelling units that have received Planning Commission approval, only forty (40) have received Final Development Plan approval, and all forty (40) of these have been constructed. Phase 2 was last shown with 52 single-family lots preliminarily approved.

	Concept Plan (2004)	Amended Master Plan (2005)	Amended Townhome/Mixed Use Center (2011)	Amended Heritage Approval (2015)	Amended Master Plan Request * (2020)
Single-family lots	150	132	116	120	118
Townhomes/Duplex's	25	60	93	55	68*
Apartments-total	163	163	129	163	152
Mixed-use Center	98	98	26	11	0
Stand-alone-other	65	65	103	152	152
Grand Total	338	338	338	338	338

Table 1.

*Estimated. May vary depending on final layout.

KEY ISSUES/COMMENTS:

Common Scheme of Development:

City of Georgetown Ordinance 2015-014 requires the Applicant to receive approval from the Planning Commission when amending the Common Scheme of Development in existing developments or subdivisions. This ordinance requires the Applicant to:

1. Show that market conditions have changed substantially, necessitating a change in the Common Scheme of Development for the existing development or subdivision;
2. Submit a sworn statement that the Applicant has notified in writing every owner of every lot within the existing development or subdivision.

There are other provisions related to Homeowner's Associations that the Applicant will also need to comply with. Staff has received a signed affidavit that the Applicant has complied with the notification requirement of the ordinance. The Applicant intends to make a presentation to the Planning Commission regarding the market conditions. A copy of the applicants argument is attached.

Staff does not oppose the substance of the requested change in the Common Scheme of Development for this area. These lots have not been platted, and there has been a change in the floodplain boundary along Dry Run Creek. An updated flood study was completed by FEMA since the original approval, and many of the original lots shown on the Concept Plan would be unbuildable. This alone warrants an updated Master Plan.

The idea of attached townhomes is not incompatible with a TND concept and can be done in a sensitive manner. This area, however, does partially back up to lots that have been sold and built upon, as single-family lots. There are individuals who purchased lots in Phase 1, Units 1 & 5, some of whom built homes with the understanding that they were purchasing lots in a single-family area of a mixed-use development. It is the responsibility of the applicant to provide reasonable justification for this proposed change.

Please note, the ordinance requires that the Planning Commission determine that the changes in the market conditions be "substantial". It also requires that these substantial changes "necessitate" a change in the Common Scheme of Development. The Applicant will need to show the Commission that the proposed change from single-family lots to duplex lots are absolutely needed because of significant changes in the market conditions. This standard is different than a desired change for convenience or increased value.

Issues to Consider:

The most recent Master Plan for Falls Creek was completed and approved in 2005. There have been amendments made to this plan in the intervening years, as described above, but these have not been reflected in an updated Master Plan. Falls Creek was approved as a Planned Unit Development (PUD). Planned Unit Developments allow for some diversion from the requirements of the Zoning Ordinance, as can be seen in this development with the mixture of apartments, duplexes, and townhomes that are typically not permitted in this zoning district.

The appropriate process for a Planned Unit Development is for the Applicant to amend the Master Plan first to reflect the newly formed vision for the Falls Creek Development. The next step is for the applicant to build the development in accordance with that Master Plan. Staff has requested this Master Plan with the intention of approving a guide to the final build out of the development. Following approval of the updated Master Plan a Preliminary Subdivision and/or Preliminary Development Plan will be required for review and approval of the Planning Commission of the remaining property prior to future development of remaining areas.

The area 15.697 acres originally planned for Apartments east of Dry Run on the 2005 Master Plan is now shown as future development with the 27 remaining residential credits. This area is functionally outside the Falls Creek neighborhood, since it is cut off from the built out areas by Dry Run Creek and the existing mature treelines on either side of the creek. Access will likely come from the east side, from the railroad side of the

property, since the slopes and the floodplain make the cost prohibitive or impossible for road access from the north and west sides.

Single-family lots are shown behind all the existing platted lots and north of the existing stub road to this area from Falls Creek Drive on a cul-de-sac public street. These lots are similar in size to those proposed in the 2005 Master Plan (60' width) and are fewer in number due to the increase in floodplain area. A large 2.880-acre park is shown along Dry Run Creek in the northeast corner of the development, with a trail/path within its perimeter. It is recommended the road right-of-way still include a sidewalk on both sides, which could be connected to the walking path in at least a couple of locations.

A road, also ending in a cul-de-sac is shown to the south of the stub road that has five attached townhome, "duplex" lots (80' width) backing up to the creek. Floodplain boundary changes would make much of this area unbuildable. A park area has been removed along Falls Creek Drive, along with a note that walking trail would be relocated to creek. It is recommended that public access to the creek be maintained behind the duplex lots.

8.96 acres of open space is shown. The original plan indicated 7.7 acres of open space. The developers of this property do not own all the way to the creek. For unknown reasons Whitaker Land Company owns some land on the west side of Dry Run Creek. There is additional land in the floodplain that will be open space, that is not owned by the developers of Falls Creek.

Previously, the Applicant compared the Falls Creek Development to Norton Commons in Louisville. While the two developments are both Planned Developments with a mixture of residential densities and commercial areas, there are not many other similarities. Norton Commons is roughly 600 acres in size with many parks, pools, schools, a YMCA, and a church in addition to the residential and commercial components. Falls Creek is roughly 84 acres with some open space provided throughout the residential areas. The Master Plan for Norton Commons does allow for a mixture of uses and densities in certain areas. However, one of the main differences between this plan and Falls Creek is that the Norton Commons Master Plan displays and describes that a variety of uses will be permitted in each area. Individuals purchasing lots in this development do so with the understanding of the potential uses and structures that could occur on property nearby.

Layout:

The current application is to allow for attached townhome and single-family development where previously only single-family homes were planned. This application, if approved, will require a Preliminary Subdivision Plat and/or a Preliminary Development Plan be submitted for Planning Commission approval prior to building in the remaining areas.

Although the idea of attached dwelling units is not incompatible with TND development, or the original Falls Creek Plan, staff has a number of concerns with the proposed plan.

The proposed area shown with 5-8 attached townhome buildings is very tight, with the buildings in a variety of orientations to the street. The series of units to the south is served by surface parking and the four others by rear access garages. Two buildings face each other, with only a narrow pedestrian walkway (25' wide) separating the front facades. The applicant has built single-family lots in other areas of the development with rear access garages on alleys. The existing alleys are still in need of final asphalt surfacing, and since these are private streets, Planning Commission holds no surety to guarantee they are completed. It is recommended

that the existing private alleys be complete prior to approval of any new private alleys and future alleys have a surety submitted to make sure they are completed in a timely manner.

Staff would be in support of attached duplex townhomes on fee simple lots south of the stub street from Falls Creek Drive, but the layout proposed is too densely packed. It is recommended that all townhomes be front facing to a public street. Rear access garages are preferred, but if they are front facing the garage should be setback at least four feet from the front façade of the remainder of the townhome. Any townhome areas should be subject to the same HOA restrictions as the previous developed residential areas.

It is further recommended that the open space network be contiguous and continue along the back of the lots along the creek to provide public access to the creek. In addition, staff would recommend the maximum number of dwelling units in the remaining area shown west of Dry Run Creek be capped at 52 dwelling units, the number shown in this area on the 2005 Master Plan.

PROCEDURE:

The Planning Commission will take two (2) separate votes for the associated applications:

1. The Planning Commission will need to vote on whether or not to allow an amendment to the Common Scheme of Development.
2. The Planning Commission will need to vote on whether or not to approve the Amended Master Plan (PDP-2020-41).

FINDINGS:

1. The remainder land in the Villages of Falls Creek has been affected by a change in the floodplain boundary due to update FEMA flood maps.
2. Many of the lots shown in the 2005 Master Plan cannot be built due to the floodplain changes.
3. TND development is predicated on a mixture of housing types and uses planned in a harmonious and interconnected scheme.
4. The Applicant will need to comply with City of Georgetown Ordinance 2015-014 for the change in the Common Scheme of Development for Falls Creek. The Applicant has met the notification requirement, and is intending to show that market conditions have changed at the Planning Commission meeting.
5. The applicant must justify changing the Common Scheme of Development for these lots when there are other areas in the development approved for multi-family that have not been built.

RECOMMENDATION:

If the Planning Commission approves the change in Scheme of Development, staff recommends **Approval** of the Amended Master Plan for Falls Creek. Staff recommends the Planning Commission attach the following conditions:

1. All previous applicable conditions from the zone change for Falls Creek (ZMA-2004-23).
2. Single-family lots shall be built north of the existing stub road from Falls Creek Drive. South of the existing access from the existing stub road attached single-family townhomes shall be permitted on fee simple lots with building fronts facing onto a public street.
3. All attached townhomes will be constructed to be no more than 40% of the lot area.

4. All previous architectural standards for Falls Creek shall apply to all phases.
5. The maximum number of dwelling units in the remaining area of phase II shall not exceed the number of units previously approved in the 2005 Master Plan. That plan approved 52 single-family dwelling units.
6. A Preliminary Subdivision Plat and/or Development Plan shall be submitted for review and approval of the Planning Commission for all remaining areas prior to development.
7. Any revisions or amendments to approved Preliminary Plats and Plans must be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
8. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
9. Prior to (as part of) the Final Plat approval, the applicant shall provide the Planning Commission staff (GIS Division) with a digital copy of the approved Plat.

Justification to Support change in market conditions
to Satisfy change in Scheme of Development Ordinance ..

Submitted by Joey Smith
12/4/20

In 2005 the Applicant provided a concept plan for the Drake Farm which showed a mixture of apartments, townhomes, detached single family homes and commercial area. The Applicant now seeks to deviate from the original concept plan for this final remaining section of the farm by building townhouses instead of detached single-family houses. This deviation is caused, in large part, to the fact that market conditions have substantially changed in the fifteen years since the last concept plan was proposed for the Drake Property and the Applicant believes that residents of the area need expanded housing choice options – namely townhomes.

Across the Country, there is a continuing and significant decline in the percentage of adults who desire detached homes. Although some of this change has been caused by more stringent lending regulations and financial pressures such as student loans, much of this change can be attributed to a lifestyle choice. Many residents are foregoing or delaying homeownership due to a desire for increased job flexibility and upward mobility, freedom from maintenance, or access to the recreational and social aspects a planned community provides. Throughout the country generally and in Scott County in particular, there is a significant need to provide multiple and varied housing choices for residents. By permitting townhomes in the Drake development, residents will have expanded housing option from which to choose making the area an attractive location for many.

Goal HO1 of the 2016 Comprehensive Plan states that the community seeks to “Provide a full-spectrum of quality housing options for all residents” (p. 131, 2016 Comprehensive Plan). If you approve this change you will help provide the residents of Scott County with the desired “full-Spectrum of quality housing” when it comes to where and how they chose to live.

In order to maximize the effectiveness and value of a townhouse development, the density must be increased, however it is important to note that the Applicant has not increased the density on the proposed Preliminary Subdivision Plat above the allowable density of units per acre. Additionally, the layout shown on the master plan provides more open space than is required by local zoning and subdivision ordinances amended master plan.

Goal and Objective HO 1.4 of the 2016 Comprehensive Plan (p. 132, 2016 Comprehensive Plan) encourages homebuilders and planners to “Provide greater flexibility in land use regulations to adapt to shifting housing demands.” The Applicant’s proposed Preliminary Subdivision Plat meets a growing need in Scott County and across the country by providing increased housing

choice for residents; meets the goals and objectives of the 2016 Comprehensive Plan; and does so at a density below the zoning ordinance requirements and with ample parking and open space. Market changes such as a country wide need for increased housing choice and the increased development of single family detached housing neighborhoods immediately adjacent to the Drake Development have shown that townhomes are a more viable and preferred option for this location.

In Addition:

Floodplain changed raised by FEMA greatly reducing number of buildable lots (loss of over \$500K in Lot sales to developer)

There are currently Way Fewer Builders in todays mkt

It has become more difficult to compete with large track builders

Duplexes / Townhomes provide a niche market allowing non track developers and builders to survive in marketplace

Cost of construction is up by on average 3%/ year and by more than 50% over the last 15 years making it too expensive for many to afford a single family detached home.

An increasing percentage of baby boomers would rather live in a maintenance free 1st floor master attached townhome than a detached (more expensive) single family home

Generation Xers are more likely to purchase a less expensive townhome than a more expensive detached single family home for their 1st home purchase.

PDP-2020-41

Change in Scheme of Development Justification

The current approved Master Plan shows single family lots in this Phase 2 area that is requested to be amended. The change in scheme of development, for this request, is to include 7 duplex lots within this area. We feel that these duplex lots are appropriate for following reasons.

1. Since the property was zoned, and Master Plan approved, the FEMA flood elevation raised approximately 3 feet, eliminating 5.25 acres of proposed lot area.
2. The cost of housing in the last 20 years has nearly doubled and building attached homes are a way to keep housing costs to more Affordable levels.
3. There is an abundance of seniors who would rather have attached style maintenance-free living than single family style houses.
4. Throughout the most recent comprehensive plan, there are many references to the fact that the Planning Commission and staff support diversified style housing types.

Sincerely,

Oxford Place, LLC
Applicant



VICINITY MAP

CURRENT APPROVED UNIT COUNT	
PH1, UNIT 1	14 SF LOTS
PH1, UNIT 2	8 SF LOTS
PH1, UNIT 3	21 SF LOTS
PH1, UNIT 4	22 MF UNITS
PH1, UNIT 5	+3 SF LOTS
THE HERITAGE	80 MF UNITS
THE TRADITIONS	72 MF UNITS
TOTAL APPROVED	248 UNITS
REMAINING	92 UNITS

PHASE 2 UNIT COUNT BREAKDOWN				
Area	Size	Classification	# Units	Density
①	5.021 Ac	SINGLE FAMILY	23 LOTS	4.58 UNITS/AC
②	1.735 Ac	2 UNIT ATTACHED SINGLE FAMILY	5 LOTS	5.76 UNITS/AC
③	4.512 Ac	MIX OF 2 & 6 UNIT ATTACHED	32 UNITS	7.09 UNITS/AC
④	2.880 Ac	OPEN SPACE (0.193 Acre on 2005 plan)		
⑤	15.697 Ac	REMAINDER FLOODPLAIN		
	5.68 Ac			
TOTAL SIZE	16.101 GROSS AC			
R/W	1.953 AC			
	14.148 NET AC			
				65 UNITS = 4.59 UNITS/AC



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 IBC SPECIAL INSPECTIONS, MATERIAL TESTING,
 CM-CO-CONSTRUCTION SERVICES



**AMENDED MASTER PLAN
 FALLS CREEK DEVELOPMENT**
 CHAMPION WAY, GEORGETOWN, SCOTT COUNTY, KENTUCKY

PROJECT NO.	DATE	DESIGNED BY	DATE
200258	08-28-20	ABC	ABC

ISSUED FOR REVIEW

REVISION	DATE
	08-22-20
	10-21-20
	12-1-20

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
APPLICATION DEADLINES
2021**

FILING DEADLINE	TECHNICAL REVIEW MEETING	CORRECTIONS DEADLINE*	PLANNING COMMISSIONER WORKSHOP**	PLANNING COMMISSION MEETING
December 1, 2020	December 15, 2020	December 30, 2020	January 11, 2021	January 14, 2021
<i>January 4, 2021</i>	January 12, 2021	January 27, 2021	February 8, 2021	February 11, 2021
February 1, 2021	February 9, 2021	February 24, 2021	March 8, 2021	March 11, 2021
March 1, 2021	March 9, 2021	March 24, 2021	April 5, 2021	April 8, 2021
April 1, 2021	April 13, 2021	April 28, 2021	May 10, 2021	May 13, 2021
May 3, 2021	May 11, 2021	May 26, 2021	June 7, 2021	June 10, 2021
June 1, 2021	June 8, 2021	June 23, 2021	July 6, 2021	July 8, 2021
July 1, 2021	July 13, 2021	July 28, 2021	August 9, 2021	August 12, 2021
August 2, 2021	August 10, 2021	August 25, 2021	September 7, 2021	September 9, 2021
September 1, 2021	September 14, 2021	September 29, 2021	October 11, 2021	October 14, 2021
October 1, 2021	October 12, 2021	October 27, 2021	November 8, 2021	November 10, 2021
November 1, 2021	November 9, 2021	November 24, 2021	December 6, 2021	December 9, 2021
December 1, 2021	December 14, 2021	December 29, 2021	January 10, 2022	January 13, 2022

* Deadline to file revised plans and information for Planning Commission Meeting.

** Developer must attend this meeting to discuss appeal of staff recommendation(s).

Dates in bold italics have been moved from their regular scheduled dates due to observed holidays.

Meeting Times: Planning Commission Meeting 6:00 p.m.; Commissioner's Workshop 4:30 p.m.; TRC- Varies

(All times are tentative and subject to change; please contact the Commission office for further information.)