

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
DECEMBER 9, 2021**

The regular meeting was held in the Scott County Courthouse on December 9, 2021. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Present were Commissioners James Stone, Charlie Mifflin, Duwan Garrett, David Vest, Mary Singer, Rhett Shirley, and Dann Smith, Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner Steve Smith.

Chairman Sulski presented a proclamation in honor of the late Bruce Lankford. Motion by Mifflin, second by D. Smith to approve Resolution 21-02 in memoriam of Bruce Lankford.

Motion by Stone, second by Singer, to approve the November invoices. Motion carried.

Motion by Garrett, second by Stone, to approve the November 10, 2021 minutes. Motion carried.

Motion by Singer, second by Vest, to approve the December agenda. Motion carried.

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

Postponements/Withdrawals

Chairman Sulski stated that the applications for 1058 Paris Pike Rezone (ZMA-2021-37), Penn Alley Townhomes (PDP-2021-44), and Regal Springs (PDP-2021-45) are postponed until the next regularly scheduled meeting and Cynthiana Road (ZMA-2021-47) is withdrawn.

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

Mr. Kane stated the application was previously heard in August by the Planning Commission. He stated the application is to divide an existing 21-acre tract into three lots.

He stated the proposed lots meet all requirements.

He stated the main concern is the deteriorating road. He stated when the road was built it met the requirements. He stated the question is whether to approve additional lots that would use the existing substandard road.

He stated by approving the additional lots that would access Fairfield Farm Road, those lots could help pay for repairs to the road by being added to the existing HOA.

He stated the other concern is a karst area on Tracts 10B and 10C that should be labelled unbuildable until a further geotechnical study is completed.

Commissioner Mifflin questioned if a decision had been reached by the homeowners and developer of the subdivision.

Harold Simms, representing applicant, stated that he has contacted Hamilton Hinkle to verify the price of repairing the road.

He stated that the applicant is willing to pay the portion for the two new lots to repair the road.

He stated that an official Homeowners Association is being formed and the lots would be a part of the HOA.

He stated the quote for paving has increased approximately \$20,000.00 and each lot would be responsible for approximately \$11,000.00 each for repairs to the road.

He stated the disagreement between the homeowners and the developer about the road repair could have been avoided if a HOA was started like it was supposed to when the original lots were developed.

Commissioner Singer questioned if the road would not be repaired unless these lots were approved. Attorney Simms stated that for the county to maintain the road, the road would have to be brought to county standards.

Richard Dugas, 111 Fairfield Farm Road, stated that in August all nine homeowners submitted a letter in opposition to the additional proposed lots. He stated there is not a Homeowners Association, but it is the residents understanding that you cannot add additional homes to a road that does not meet the county standards.

He stated the residents met with the developer. He stated the road will not be repaired even if the additional lots are approved. He questioned if legally, could he make repairs to the road. He stated he felt if the additional lots are approved, even though the road is substandard, that would be setting a bad example for future developments.

Commissioner Mifflin asked for clarification of Mr. Dugas opposition to two additional homes. Mr. Dugas stated if approved he would be looking out his front door and looking at the back of another home.

Commissioner Mifflin questioned if the additional lots are not approved who is going to fix the road. Mr. Dugas stated the road will continue to deteriorate. He stated the residents are caught between regulations and the road continues to decline.

Attorney Simms stated that the applicants are willing to pay the cost of road repairs for two lots.

Deni Hamilton, realtor, stated she feels that the homeowners were given the deed restrictions when the lots were sold. She stated due to the recession the lot sales took much longer than anticipated. She stated the Guthrie's incurred costs during that time that took longer to regain than planned.

She stated that she feels to penalize the Guthrie's over the real estate recession and the fact a Homeowners Association was never formed would be wrong.

Mr. Dugas reiterated that the road was not going to get fixed.

Chairman Sulski questioned if the application meets the requirements. Mr. Kane stated the lots meet the requirements, but the road does not meet the requirements.

Attorney Perkins stated that no more than three lots can be on a gravel driveway so if the two proposed lots are approved the developer must bring the road to county standards for those two lots access points.

Attorney Perkins explained deeded right-of-way for Commissioner Mifflin.

Commissioner Mifflin questioned if the cost of the road could be figured at the original county road standards.

Mr. Dugas stated the homeowners are willing to pay some of the cost, but an agreement could not be reached between the Guthrie's and the homeowners.

Chairman Sulski questioned who is responsible for starting the HOA. Attorney Perkins stated it can be done by the developer or the homeowners.

Commissioner Shirley questioned if an accident happened on the road and the road condition was the cause, who would be responsible. Attorney Perkins stated the deed restrictions would be the official document regarding responsibility of the road.

Attorney Simms stated state law says the county cannot accept the road if the road does not meet the standards. He reiterated the Guthrie's built the road to county standards at the time of development.

After further discussion, **Motion by Singer, second by D. Smith to recommend approval of the Final Subdivision Plat (FSP-2021-25) subject to five (5) conditions of approval with the modification of condition four to read that tracts 10C, 10D, and parcel A shall have access from Fairfield Farm Road and shall bring through their access up to current county standards and be responsible for future maintenance on the new section only. Motion carried 5-3.**

ZMA-2021-34 Leaf & Barrel – Zoning Map Amendment to change the zoning district from A-1 to B-1 located at 1442 Delaplain Road.

Chairman Sulski stated this is a rezoning continuation from last month.

Mr. Summers stated the property is located within the Urban Service Boundary and designated for commercial use on the Future Land Use map. He stated the Comprehensive Plan supports the application.

He stated if the Planning Commission does recommend approval of the rezoning request, that guidance should be given to the applicant regarding public sewer.

Zach Cato, representing applicant, stated there is no new development proposed on the site. He stated the applicant is reusing the existing site.

He stated the neighborhood has held two meetings and another meeting was held via Zoom with the neighbors and himself. He stated approximately 13 to 14 people were on the call. He stated the neighborhood appointed Brad Green as their spokesperson. He stated his interpretation is that the neighborhood does not want commercial use in the area.

He stated some of the neighborhood concerns were lighting, signage, noise, screening, traffic, impaired drivers, future expansion, and aesthetics of the property.

He stated the Executive Director of the Tourism Commission sent a letter of support for the applicant.

He stated the News-Graphic ran a poll asking the community if they support a cigar bourbon lounge. He stated the results were 57% in support of the business.

He stated he looked at the 2006 Future Land Use map and the area showed commercial use at that time.

He stated bringing public sewer to the property would be costly. He stated no other property owners have expressed interest in developing or being annexed into the City.

Brad Green, 2609 Oxford Village Lane, representing the neighborhood, stated the area is a residential rural community. He stated they are a community of small families and farms.

He stated the neighborhood has no plans to be annexed into the city. He stated the comprehensive plan is a guide not a law regarding business. He stated the neighborhood plans to be very involved in the upcoming Comprehensive Plan and wants the Oxford area removed from the Urban Service Boundary.

He stated approving the rezoning may lead to loss of farmland in the future. He stated the home should remain a home instead of becoming a business.

He stated the applicant previously stated they would like to mimic Jake's Cigar Bar. He stated Jake's Cigar Bar website includes outdoor activities which the neighborhood is opposed.

He questioned how long before sewer would be available at the location.

He stated approving the zone change would let the small lot have two businesses on it and that the area is dark at night and any light will be magnified.

He stated the added traffic, noise, and lighting would be unwelcome to the neighborhood if the application is approved.

Commissioner Singer questioned if Mr. Green agreed with Mr. Cato's statement about the meetings. He stated they had a good discussion but ultimately do not agree.

Commissioner Mifflin stated the area used to have businesses.

Commissioner Mifflin questioned if the acreage is a problem with no sewer availability. Attorney Perkins stated the Health Department will have to approve the plans.

Commissioner Mifflin questioned if the applicant has had a discussion with the health department yet. The applicant stated they have not gone far enough to have the Health Department to the site.

Commissioner Singer questioned if the lumberyard used the same septic system. The applicant stated there is no running water at the lumberyard.

Mr. Kane clarified that the 5-acre minimum is for new lots or new businesses. He stated this is an existing lot so if the Health Department approves it for septic system, it can be used.

After further discussion, **Motion by Stone, second by Shirley to recommend approval of the rezoning request (ZMA-2021-34) on the basis that it complies with the comprehensive plan. Motion carried unanimously.**

FSP-2021-39 Humphries Property Tract 8 - Final Subdivision Plat to subdivide one (1) 6.40-acre tract leaving a remainder of 9.5 acres located at 4476 Frankfort Road.

Mr. Summers stated the application has changed since workshop. He stated the applicant was told by KYTC that the proposed driveway would not be approved. He stated the applicant has made the change to make the road to county road standards including a turnaround area.

He stated a neighbor pointed out there is more than one residence on the site. He stated the remaining lot is 9.5 acres and that he had contacted Code Enforcement to verify the number of residences on the lot.

Jared Stevens, representing applicant, stated he would like to discuss condition six to see if a bond could be submitted so the plat could be recorded. Mr. Stevens proposed a bond of 125% of the estimated building cost.

Commissioner Mifflin questioned the number of residences on the lot. Alvin Humphries, applicant, stated the guest house has been on the lot for 42 years. He stated there are two septic systems on the lot.

Attorney Perkins stated you cannot take away from the lot and make the acreage problem worse. Mr. Humphries stated he agreed with making the new lot less acreage and leaving the existing lot at 10 acres. Mr. Kane stated the Planning Commission could propose a preliminary approval with the condition that the lot line changes to leave the remaining lot at 10 acres.

After further discussion, **Motion by Singer, second by D. Smith to approve the Final Subdivision Plat (PDP-2021-39) subject to nine (9) conditions of approval with the addition of a letter of credit for 125% of the estimated cost for condition 6 and the addition to condition 9 to redraw the division lines to leave 10 acres in the lot with 2 dwellings that staff may approve. Motion carried.**

ZMA-2021-46 1106 Horseshoe Drive – Zoning Map Amendment to change the zoning district from R-2 to B-2 located at 1106 Horseshoe Drive.

Chairman Sulski opened the public hearing.

Commissioner Singer left the meeting.

Mr. Kane stated the application is to change 0.716 acres of a larger tract. He stated this portion is a remnant of the large lot the remainder of which is zoned B-2. He stated on the concept plan they propose to continue using the house as part of the business and add a parking lot in front.

He stated the property from McClelland Circle to Elkhorn creek is zoned commercial except for the homes on Horseshoe Drive. He stated on the Future Land Use map the area is designated residential but should be looked at with the upcoming Comprehensive Plan update since the area has commercial use.

He stated the main reason for rezoning is the site is a part of a larger tract that already was rezoned commercial. He stated if you refer to the Goals and Objectives of the Comprehensive Plan the proposed zoning fits the area.

Zach Cato, representing applicant, stated there is no new development proposed at the site. He stated the owner thought the property was all zoned B-2. He stated the applicant is not planning to build a parking lot. He stated the concept plan was just to show that there is room for a parking lot.

Chairman Sulski closed the public hearing.

After further discussion, **Motion by D. Smith, second by Mifflin to recommend approval of the rezoning request (ZMA-2021-46) on the basis that it complies with the comprehensive plan. Motion carried unanimously.**

Short Term Rental Ordinance & Zoning Ordinance Text Amendment

Chairman Sulski stated that the Short-Term Rental Ordinance & Zoning Text Amendment is continued until the next regularly scheduled meeting.

Approval of 2022 Application Deadlines

Motion by Stone, second by Garrett, to approve the 2022 Application Deadlines. Motion carried.

Chairman Sulski adjourned the meeting.

Attest:



Charlie Perkins, Secretary



Mark Sulski, Chairman