

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
December 8, 2022**

The regular meeting was held in the Scott County Courthouse on December 8, 2022. The meeting was called to order by Chairman Mark Sulski at 6:00 p.m. Also present were Commissioners Charlie Mifflin, James Stone, Duwan Garrett, Brad Green, Mary Singer, David Vest, Dann Smith, and Director Joe Kane, Planner Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Commissioner Rhett Shirley and Planner Matt Summers were absent.

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

Motion by Garrett, second by Singer, to approve the November 10, 2022 minutes. Motion carried.

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

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

Consent Agenda

A representative of the Dearinger Tract 2 Property (PSP-2022-52) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Mifflin, second by Vest, to approve the application. Motion carried unanimously.

Mark Sulski Resolution

Motion by Singer, second by Mifflin, approving a Resolution recognizing Mark Sulski and thanking him for his service as a member and chairman of the Georgetown-Scott County Planning Commission.

PDP-2022-40 Living Waters Fellowship Addition – Preliminary Development Plan to construct two connected 3,000 sq. ft buildings (6,000 sq. ft. total) for a proposed child daycare and meeting space located at 172 Gunnell Road.

Ms. Ketz stated the proposed additional building is on 5.6 acres. She stated the applicant is requesting 4 variances/waivers. The first being to reduce the ILA from 10% to 4.8%, reduce the tree canopy from 13% to 5.38%, waiver for gravel parking lot/storage area, and waiver for VUA perimeter landscaping around the 3,996 SF drop off path.

She stated in October 2021 the Scott County Board of Adjustment approved a childcare center. In April 2022 the Scott County Board of Adjustment approved a new building for daycare and school adjacent to the church building.

She stated after the August meeting there was discussion about the use, and she presented a summary of findings from the Planning Commission attorney. She stated a petition was submitted by the neighbors regarding the conditional use permit and their concern about the traffic, safety, and conditions of Gunnell Road.

She stated the Planning Commission must make an interpretation of the BOA's intent based upon the provided evidence.

She stated the gravel parking lot was installed without a development plan. She stated utility lines are located under the gravel lot.

She stated that currently there is an interior landscape deficit of 1,414 square feet and a deficit for interior landscape trees of four.

She stated if the preliminary development plan is approved, staff will support a waiver for the gravel parking lot and the ILA, but not the VUA perimeter landscape requirements. She stated condition of approval nine states that all ILA should be installed within the paved parking lot area.

Commissioner Mifflin asked for clarification about the application stating for a school and the number of kids.

Donnie Fryman, Youth Minister for Living Waters Church, stated the church is agreeable to the addition of 4 trees to meet landscaping requirements.

He stated at workshop Commissioner Shirley and Stone had questions. He stated he brought paperwork to answer those questions about the licensing requirements. He stated that currently the church is licensed as a childcare facility with a capacity of 48 kids. He stated potentially they will be able to have 32 more kids. He stated they plan to be at full capacity within 5 to 8 years starting at the elementary school level and following those kids forward.

Harold Simms, attorney for neighbors, stated the applicant had a conditional use permit to operate a childcare center not a school. He stated a change of daycare to a school would impact the neighborhood.

Tom Probst, 284 Gunnell Road, stated that a school was approved by the BOA but questioned what kind of school. He stated that a petition by the neighbors against the application has been submitted.

Bill Parker, 177 Gunnell Road, stated that if the application is approved, he hopes that the waivers are not approved. He stated the application will change the area.

John Sosbe, attorney for applicant, stated that the BOA approved the amended conditional use permit in April 2022. He stated that the neighbors submitted a petition after the fact and should have been done when the application was before the BOA.

Mr. Parker stated that part of the confusion was from the notices. He stated a school would impact the neighbors.

Mr. Simms stated that the applicant did not have a conditional use permit for a school. He stated the applicant asked to expand.

Mr. Sosbe stated that the BOA knew the application was for a school.

After further discussion, **Motion by Singer, second by Vest to recommend approval of the preliminary development plan (PDP-2022-40) subject to ten (10) conditions of approval and two (2) waivers with removal of the words gravel storage area. Motion carried 5-3 with Stone, Garrett, and Green opposed.**

PDP-2022-53 Online Transport – Preliminary Development Plan for an 11,200 SF maintenance/office building and a 288,017 SF gravel storage area located at 656 Old Delaplain Road.

Mr. Kane stated this is the corner lot at the intersection of Old Delaplain and Sims Road. He stated the applicant received preliminary approval in November of 2016, but the preliminary approval has expired. He stated the site is 9.95 acres and the entrance is off Old Delaplain Road. He stated the owner also owns property around the site and the adjoining parcel to the west.

He stated the owner had been using the property since the early 2000's to park semi-trucks. He stated before any changes are made to the property a development plan must be submitted. He stated that currently the surrounding property zoned A-1 is grandfathered and has been used to park semi-truck trailers for 20 +/- years.

He stated the subject property is zoned I-1 with the surrounding property being A-1 and I-2. He stated they would have to rezone the surrounding lots if they want to make any improvements to the surrounding A-1 zoned land.

He stated since the applicant also owns the adjoining property, which would allow them to waive the landscape buffer on the shared lot line. He stated to meet the landscape requirements the staff has requested to clear some of the undergrowth along Sims Road and plant a new hedge.

He stated since the area for the semi-truck storage will be gravel, the applicant has requested a waiver. He stated the applicant also requested a variance to reduce the number of interior VUA trees required from 15 to 10 in the area of the paved employee parking lot.

He stated further development of the adjoining properties used by the Applicant are prohibited unless Preliminary and Final Development Plan approval is obtained.

Brad Boaz, engineer for the applicant with CMW Inc., stated the applicant agrees with the conditions of approval.

Steve Watson, 714 Delaplain Road, stated on Sims Road there is a closed entrance due to previously semi-trucks traveling down Sims Road. He stated the semi-trucks block the traffic due to the width. He stated the onsite lights that were installed came into his home during the night. He stated the applicant did not install a buffer that they proposed before when they came before the Planning Commission. He stated they are open 24 hours a day, 7 days a week so he hears constant noise. He stated he had concern about the dust that comes from the gravel drive.

Commissioner Singer questioned about the buffer of evergreen trees that Mr. Watson stated was a previous condition. Mr. Kane stated it was condition number 10 previously added in 2016.

Commissioner Singer asked for clarification about the entrance. Mr. Kane stated a semi-truck coming out would have to get through the traffic light for another semi-truck to enter. He stated they did propose to widen the driveway entrance for two trucks to be able to pass each other but the entrance is close to the traffic light.

Chairman Sulski questioned if this was the same applicant who installed gravel without permission previously. Mr. Boaz stated the applicant thought gravel would be better than paving the whole area and causing drainage problems. He stated the gravel area is intended for semi-truck storage areas only.

Mr. Boaz thought the existing entrance is the best option for access. He stated the applicant could remove some of the undergrowth and install evergreens.

Chairman Sulski questioned if some of the area could be paved to help the neighbors. Mr. Boaz stated that could cause additional stormwater problems. Mr. Krebs stated if more is paved the detention pond would have to be increased. He stated he has not reviewed their final stormwater plan.

Mr. Watson stated in the last two years, and he has lived there since 1977, he has seen water standing two feet deep in the business buildings on the road downstream from the property.

Commissioner Stone questioned if the semi-trailers constantly sit there. Mr. Watson stated they are in and out, but some are always sitting there. He stated some trailers are sitting on grass.

Chairman Sulski questioned if the applicant had increased site activity and business operations. Mr. Kane stated if you refer to old aerial views, they have been using the area since the early 2000's. He stated staff caught the gravel in 2016 and that is why they came to the Planning Commission then. Mr. Watson stated they have added more gravel for storage and increased activity since 2016.

Commissioner Green asked for more clarification about the gravel and the location. Mr. Kane stated the only area without any gravel is the within portion that is zoned I-1.

Commissioner Singer asked for clarification about the location of the grandfathered portion. Mr. Kane stated the remaining A-1 zoned property would be considered grandfathered. He stated they have been using the property to store trailers back to the early 2000's. He stated in the current regulations you could not be using property zoned A-1 to store trailers.

Attorney Perkins stated if they have more than 10,000 SF they have been using for existing business for more than 10 years without enforcement would be grandfathered. He stated if they have obviously expanded then staff can stop it.

Sam Hamlin, applicant Online Transport, stated they own 35 acres.

Commissioner Singer questioned if the applicant is willing to pave some of the area. Mr. Boaz stated they are paving the main driveway since that is where most of the dust comes from.

Commissioner Mifflin questioned if the detention area is a natural low spot. Mr. Boaz stated water does drain toward that area. Commissioner Mifflin stated he had thought maybe the entrance could be moved over.

Commissioner Green questioned if the building was a shop. Mr. Boaz stated the building is an office/shop.

Mr. Watson stated the traffic problem is at the traffic light at the intersection of Sims Road and Cherry Blossom.

Chairman Sulski stated he thinks the site should be paved and more of a buffer installed.

Mr. Krebs stated that the Sims and Old Delaplain Road intersection close to Cherry Blossom is the problem area. Mr. Watson stated he has talked to District 7 about the problem and there is no plan to fix the traffic issue.

After further discussion, **Motion by Sulski, second by Smith, to deny the Preliminary Development Plan (PDP-2022-53) requesting the applicants to bring the entire site into compliance with current regulations. Motion carried 7-1 with Vest opposed.**

Approval of 2023 Application Meeting Schedule Deadlines

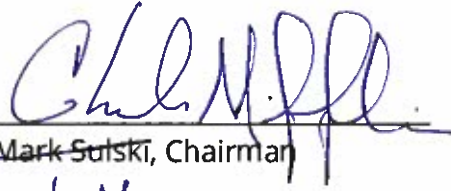
Motion by Singer, second by Mifflin, to approve the 2023 Application Meeting Schedule Deadlines. Motion carried unanimously.

Chairman Sulski adjourned the meeting.

Attest:



Charlie Perkins, Secretary



Mark SUTSKI, Chairman

CHARLIE MIFFLIN