

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
May 11, 2023**

The regular meeting was held in the Scott County Courthouse on May 11, 2023. The meeting was called to order by Chairman Charlie Mifflin at 6:00 p.m. Also present were Commissioners Rhett Shirley, James Stone, David Vest, Mary Singer, Brad Green, Harold Dean Jessie and Director Joe Kane, Planners Matt Summers and Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Duwan Garrett and Dann Smith.

Motion by Shirley, second by Singer, to approve the April invoices. Motion carried.

Motion by Stone, second by Shirley, to approve the April 13, 2023 minutes. Motion carried.

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

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

Postponements/Withdrawals

Chairman Mifflin stated that the applications for Marston Property (FSP-2023-01), Redwood Apartment Neighborhood (PSP-2023-07) and Pleasant Valley Condos (ZMA-2017-37 & PDP-2018-18) are postponed until the next regularly scheduled meeting.

Consent Agenda

A representative of Sams Property (FSP-2023-12) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Jessie, second by Singer, to approve the application. Motion carried unanimously.

A representative of Popeye's (PDP-2023-13) agreed with their conditions of approval, and no comments were made by the Commission or Public. Motion by Singer, second by Vest, to approve the application. Motion carried unanimously.

ZMA-2023-14 112 West Penn (BGAR Properties) – Zoning Map Amendment to change the zoning district from R-2 to B-1 located south side of West Penn, west of North Broadway.

Chairman Mifflin opened the Public Hearing.

Mr. Kane stated this is an almost half-acre lot on West Penn Avenue located off of North Broadway. He stated the building has been on the property around 50 years and has been vacant for approximately 10 years.

He stated staff met with the applicant and recommended changing the requested zoning from B-2 to B-1. He stated flood plain touches the western part of the lot. He stated there are two residences on the left side of the street and one at the end of the street on the right side. He stated there are two industrial buildings and the mill on the street.

He stated that currently the property is zoned B-2 on the north side of the street and R-2 on the south side of the street. He stated the property has had non-conforming previous uses on the property. He stated the property had been used commercially in the past. He stated a Board of Adjustment case from 2014 set the standard for non-conforming uses. He stated by changing the zoning to B-1 it would make the lot legal and the building could be torn down and replaced. He stated staff thinks this would improve the area and would add a buffer for the residential.

He stated the property is shown commercially on the Future Land Use map. He stated by changing the zoning the site could be brought into conformance.

A turn-around area was discussed, and a question of whose property it is on. Mr. Kane stated most seems to be on the applicant's property instead of the residential property.

Chairman Mifflin stated that the map looked like the building is over the setbacks. Mr. Kane stated the applicant would have to meet the setbacks on the preliminary development plan or request a variance.

A question was asked if the property stayed R-2 could the property be turned into apartments. Mr. Kane stated it could be 3 apartments.

Commissioner Garrett has joined the meeting.

Commissioner's Shirley and Singer discussed the previous Board of Adjustment case for the property.

Harold Simms, attorney for the applicants, stated that his clients agreed with staff after meeting with them. He stated his clients are proposing a batting (sports training) facility. He stated it would be a metal building with appropriate sound proofing and a retaining wall would be built between the property and 110 West Penn Avenue. He stated the applicant's engineer is working on the preliminary development plans and is trying to figure out a turnaround and enough parking spaces to meet the requirement. He stated this application is an appropriate use for the property and it satisfies the Comprehensive Plan.

Commissioner Jessie questioned why the applicant must provide the turnaround for the street. Ross Bowen, applicant, stated the turnaround will be part of their parking lot.

Mr. Simms stated the next-door neighbors at 110 West Penn Avenue understand that once this property is developed, they can no longer use the property to store vehicles waiting to be worked on.

Stephen Wire, 306 South Broadway, stated he is a neighbor and has complained about the non-conforming businesses located on the street and the surrounding area. He stated he is not opposed to the zone change but wants to make sure the issues are addressed before a zone change occurs. He stated he is concerned about the water flow, buffer, and traffic congestion.

Mr. Bowen stated that the fact they are at the Planning Commission and trying to do this business correctly should reassure the neighbors that they are trying to do the right thing.

Mr. Wire stated he is concerned about the buffer and if it will keep him from hearing or seeing the business.

Chairman Mifflin questioned the location of the property line between 110 and 112 West Penn. The applicants stated the property line is 4-foot from their building.

David Stuart, West Penn Avenue, stated he does not have a problem with the applicant's plan but does have concerns. He stated he understood if the business failed it would revert to R-2 zoning. It was explained that it would stay B-1 zoning if approved. He stated his concern would be what type of business would come in next if this proposed business failed.

Mr. Stuart stated another concern he has is regarding the water flow and that he has damaged property from trucks turning around. He stated aggregate was added to 110 West Penn Avenue and he is concerned if a retaining wall is going to be built between the lots. He stated another concern is the type of lighting that will be on the building.

Chairman Mifflin closed the Public Hearing.

After further discussion, **Motion by Jessie, second by Singer to recommend approval of the rezoning request (ZMA-2023-14) on the basis that it complies with comprehensive plan. Motion carried unanimously.**

Text Amendment – RV Campgrounds

Chairman Mifflin opened the Public Hearing.

Mr. Summers stated that after the discussion at the April meeting, the staff is recommending the sites not on public sewer have a maximum density of 5 sites per 1 acre. He stated the staff is also recommending semi-annual inspections of the private sewer system. He stated the campground could be closed until the reports are provided or if any problems are found with the private sewer system.

He stated that amendments specified campgrounds must have access from a collector or arterial road at least 20 feet in width with shoulders. He stated secondary access can be gated and internal driveways would need to meet the minimum standards of the applicable jurisdiction. He stated RV campgrounds must be able to be served by a public water system.

He stated Mr. Murphy questioned at last month's meeting about requiring fencing if the property bordered water. He stated staff would entertain granting waivers.

Dick Murphy, representing Kentucky Bluegrass Experience Resort, stated that they think this proposed ordinance can be worked with. He stated he was glad to see the changes regarding public water system, fencing along property border, and private sewer system.

Roy Cornett, 132 Treetop Court, stated that parts of the ordinance would not work in the northern part of the county. He stated for example requiring fire hydrants if the area is lacking water pressure. He questioned the 5-acre density and public water requirement. He stated he still has concern about the requirement for a second access if you have over 200 RV sites.

A further discussion of the requirement of having fire hydrants occurred. Mr. Summers stated that the requirement is if the fire department requires the fire hydrants.

The Planning Commission asked for clarification on how the metric over 200 sites requiring additional access was reached. Mr. Summers stated it was based on the Subdivision Regulations. The Planning Commission had further discussion on the number of entrances that would be required. The possibility of having a wider entrance or second access was discussed.

After further discussion, **Motion by Chairman Mifflin to continue the RV Campgrounds Text Amendment Public Hearing until the next regularly scheduled meeting.**

Discussion of the A-5 Zoning District

Mr. Kane stated that the staff is having problems with applicants getting around the A-5 zoning district for any major subdivision. He stated the definition of a major subdivision is lots between 5 and 10 acres or cluster lots. He stated it was not intended for larger farm lots. He stated the problem has been applicants dividing two lots from a large lot then returning and dividing two more lots. He stated staff is seeing multiple minor lots from the same parent tract. He stated staff has proposed making the language clearer or allowing one minor plat and if you return, it will require a zone change. He stated staff has been hesitant to request the zone change because of the new fencing requirement.

Mr. Kane proposed changing the language of a major subdivision might possibly help. He stated leaving the language as is might encourage more 10 acre lots, but he stated that would eat up more farmland. He stated the other possibility that it might encourage more cluster subdivisions.

Mr. Perkins stated that he thinks changing the language would be the best choice. After further discussion, it was decided for staff to explore the possibility of changing the ordinance.

Chairman Mifflin adjourned the meeting.

Attest:



Charlie Perkins, Secretary



Charlie Mifflin, Chairman