

MINUTES

A meeting of the Winchester-Clark County Planning Commission was held at 7:00 p.m. on Tuesday, October 6, 2020, in the City Commission Chambers of City Hall, Winchester, Kentucky and via Zoom virtual courtroom, with Commission Chairman, Dwain Wheeler, presiding.

Those present were:

Dwain Wheeler, Chairperson
Stefan Fink, Secretary
Sarah Glenn, Treasurer
Terry Mynk
Tim Nance
Christopher Thacker
Shane Wiseman, Vice Chairperson
Robert Jeffries, Planning Director
Bill Dykeman, Legal Counsel
Kim Mathias, Recording Secretary

Mr. Aaron Pelfrey was absent.

The meeting was called to order by Chairperson, Dwain Wheeler at 7:00 PM.

The minutes of the meeting held on September 1, 2020 were presented. A motion was made by Mr. Wiseman to approve the minutes as presented. After second by Mr. Nance the minutes were approved as presented with unanimous vote.

The Treasurer's Report was presented with a reconciliation report and financial reports for September 2020 for review and approval by the Commissioners.

The following accounts were presented for approval:

KaCo (insurance)	\$11000.00
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Upon motion by Mrs. Glenn, second by Mr. Fink, and with unanimous vote, the Treasurer's report was accepted into record and accounts were approved to pay.

Mr. Wiseman made a motion to nominate the following Commissioners to serve as officers for the Planning Commission for the term of one year:

Chairman – Dwain Wheeler

Vice-Chairman – Shane Wiseman
Secretary – Stefan Fink
Treasurer – Sarah Glenn
Bluegrass ADD Representative – Christopher Thacker

Upon second by Mr. Nance, with unanimous vote the motion carried.

The public was invited to be heard for any matters not on the agenda.

The Commissioners and Staff discussed how the Planning Commission would like to move forward with the proposed Solar Facility text amendment. After discussion of the matter Mr. Wheeler made the following motion: I move to form a committee of public individuals and one to two Commissioners to assist the Planning Commission in moving forward with the proposed Solar Facility Ordinance text. After second by Mr. Fink and with unanimous vote the motion carried.

A motion was made to take the following off the table by Mr. Thacker.

- Major Subdivision Plat 5609 Colby Road
- Zoning Map Amendment 1995 McClure Road
- Zoning Map Amendment 1305 Irvine Road

After second by Mr. Fink and with unanimous vote the motion carried.

After review of the staff report for the Major Subdivision Plat located at 5609 Colby Road, the Applicant, Porter Roberts and Alan Curtis, Road Department, were sworn in and available to answer questions from the Commissioners. Comments and concerns received electronically were introduced into the minutes.

There were no comments in favor.

The following individual was sworn in and presented comments in opposition of the proposal:

Mr. Andrew Carpenter, residing at 1974 Venable Rd, Winchester
Mr. Jerry Dukes, residing at 2736 Venable Rd, Winchester
Mrs. June Huber, residing at 5383 Colby Rd, Winchester

After review and comments by each member and discussion of the matter, Mr. Thacker made the following motion: I make a motion to approve the Preliminary Subdivision Plat for the property located at 5609 Colby Road, dividing the 54.148 acre property into 12 tracts as shown and described during the meeting, based on the fact that the tracts will remain zoned Agricultural and meet the dimension and

area requirements, each tract will have at least 250 feet of public road frontage, and the driveway access for each tract will be approved by the governing body having jurisdiction (Venable Road approved by the Clark County Road Department / Colby Road [KY 1927] approved by the State HWY Department). After second by Mr. Fink and with unanimous vote the motion carried.

The staff report for the Zoning Map Amendment located at 1995 McClure Road was reviewed. There were no comments in favor or opposition.

After review of the staff report and comments by each member and discussion of the matter, Mr. Fink made the following motion: I make a motion to forward a recommendation to the Clark County Fiscal Court to approve the Zoning Map Amendment rezoning the property located at 1995 McClure Road, the proposed R-1C Zoning is found to be compatible with the Winchester/Clark County Comprehensive Plan as it is anticipated for single family use, the proposed zoning is found to be more appropriate for the property and the existing agricultural zoning is found to be inappropriate for the property, and the adjoining property found along the south property line is zoned R-1C Single Family. After second by Mrs. Glenn and unanimous vote the motion carried.

Mr. Wiseman made the following motion: I make a motion to approve the Preliminary Development Plan for the proposed R-1C Single Family Major Subdivision proposed and known as Mallard Cove Unit 1, located at 1995 McClure Road. Consisting of 35 single family residential tracts in total, 14 tracts are subject to the zoning map amendment application rezoning the tracts from A-1 to R-1C and based on the fact that the parcels meet the dimension and area requirements listed in Article 6.45 of the Winchester/Clark County Zoning Ordinance. After second by Mr. Fink and unanimous vote the motion carried.

The staff report for the Zoning Map Amendment located at 1305 Irvine Road was reviewed. There were no comments in favor or opposition.

After review of the staff report and comments by each member and discussion of the matter, Mr. Wiseman made the following motion: I make a motion to forward a recommendation to the Clark County Fiscal Court to approve the Zoning Map Amendment rezoning the property located at 1305 Irvine Road based on the fact the future land use map located in the Comprehensive Plan is found to be incorrect and a mixed use development including commercial, multifamily, and single family use is found to be more appropriate for the property instead of the single family use anticipated on the Future Land Use Map. This is based on the fact that major changes to the area were not anticipated in the Comprehensive Plan. The proposed zoning is found to be more appropriate for the property and the existing agricultural

zoning is found to be inappropriate for the property as defined by KRS Chapter 100.213. After second by Mr. Fink and unanimous vote the motion carried.

Mr. Fink made the following motion: I make a motion to approve the Preliminary Development Plan for the proposed Commercial, Multifamily, and Single Family Development as proposed for the property located at 1305 Irvine Road subject to the rezoning of the property to Planned Development Zoning and based on the fact that the proposed mixed use development is an appropriate use for the property and surrounding areas. After second by Mr. Nance and unanimous vote the motion carried.

A public hearing was held to review a Final Development Plan consisting of two additional storage buildings and a gravel parking area to be located at 6174 Lexington Road.

The applicant (William J. Swope II) submitted a final development plan consisting of two additional storage buildings to be built towards the rear of the property located at 6174 Lexington Road. The property is currently zoned B-4 General Business District. The development plan shows the existing gravel drive and parking area being expanded, in addition to the two proposed storage buildings. Landscaping requirements are 1 tree/40 feet, or fraction thereof plus a three-foot average height continuous planting hedge, fence, wall, or earth mound. The gravel parking area will need to be installed to County Fire specifications, to hold the heaviest truck (43 thousand pounds).

After presentation of the staff report the applicant, Mr. William J. Swope II was sworn in and available to answer questions.

After review and comments by each member and discussion of the matter, Mrs. Glenn made the following motion: I make a motion to approve the Final Development Plan for the development of a boat storage building located at 6174 Lexington Road contingent upon the landscaping as shown on the development plan being installed along Lexington Road. After second by Mr. Wiseman and with unanimous vote the motion carried.

A public hearing was held to review a Preliminary Planned Development project resubmittal expanding the Royal Oaks subdivisions, including multi-family and single family residential use at 300 Royal Oaks Drive and 2395 Paris Road.

The applicant (Mr. George Stamper, Deer Lawn Development, LLC) submitted a preliminary plat review for a residential planned development project consisting of:

407 Single Family Units
30 Duplex Units
128 Multi-Family Units (16 buildings with 8 units each)

The proposed planned development project will expand the Royal Oaks Subdivision, eventually connecting the three subdivisions as shown on the plan. The development would be divided into 24 phases (Phase 1A through Phase 4B).

After presentation of the staff report, the applicant (Mr. George Stamper, Deer Lawn Development, LLC) and Mr. Brian Ward (Engineer) were sworn in to answer questions about the development.

Mr. John Rompf, JR, legal representative for the Homeowners Association, was sworn in. Mr. Rompf asked Mr. Ward several witness questions regarding various requirements. Mr. Rompf then introduced a PowerPoint presentation into the record.

The floor was then open for public comment. There were no comments in favor of the development.

The following individuals were sworn in and made comments and asked questions in opposition of the development:

Mr. Jim Newman, residing at 106 Royal Oaks Dr, Winchester
Mr. Bruce Manly, residing at 324 Briarwood Ln, Winchester
Mr. Chris Aaron, residing at 312 Briarwood Ln, Winchester
Mr. Phillip Brodus, residing at 111 Teakwood Ct, Winchester
Mr. Rob Pedigo, residing at 220 Ashton Oak Way, Winchester
Mrs. Jessica Pedigo, residing at 220 Ashton Oak Way, Winchester
Mr. Frank Kraus, residing at 219 Ashton Oak Way, Winchester
Mrs. Sheila Anderson, residing at 114 Teakwood Ct, Winchester
Mr. Thadius Moore, residing at 226 Plantation Dr, Winchester
Ms. Cassandra Clem, residing at 226 Ashton Oak Way, Winchester

The following were introduced into the record:

Petition regarding proposed Residential Development East of Royal Oaks Estates
Petition to consider postponing the public hearing until such meeting can take place in a space large enough to accommodate the public
Letter from Mr. John Rompf, Jr. representing the HOA requesting a continuance of the proposed hearing on multiple grounds

After all comments and concerns were presented by the public, Mr. Stamper and Mr. Rompf, Jr were given the opportunity for rebuttal.

After review and comments by each member and discussion of the matter, Mrs. Glenn made the following motion: I make a motion to deny the Preliminary Plat for the Planned Development Project for the Royal Oaks Subdivision based on the fact that the new expansion includes 16 apartment buildings consisting of 8 units in each building, a total of 128 multifamily units that were not part of the original Planned Development Projects, or a part of the amendments made in 1999 and 2000 and it constitutes an abrupt change in use. After second by Mr. Nance and with unanimous vote the motion carried.

In Other Business, the Commissioners reviewed the Final Plat for the property located at 12773 Ironworks Road and known as Eskippakithiki Overlooks.

After review and comments by each member and discussion of the matter, Mr. Thacker made the following motion: I move to approve the Final plat for the property located at 12773 Ironworks Road and known as Eskippakithiki Overlooks. After second by Mr. Wiseman and with unanimous vote the motion carried.


Mr. Jeffries referenced a letter received by Mr. Robert Blanton requesting the Commission and Court work together with the Clark County GIS to identify errors and correct the information contained in the planning documents.

There being no other business, Mr. Nance motioned to adjourn the meeting. After second by Mr. Fink and with unanimous vote the meeting was adjourned at 11:19 PM.

The next Planning Commission meeting will be held on Tuesday, November 10, 2020.

Prepared by: Respectfully submitted,


Kim Mathias, Recording Secretary


Stefan Fink, Secretary