

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES**

MAY 13, 2010

The regular meeting was held in the Scott County Courthouse on May 13, 2010. The meeting was called to order by Chairperson Mike Bradley at 6:00 p.m. Present were Commissioners Greg Hampton, Janet Holland, John Lacy, Jimmy Richardson, Ralph Tackett, Bias Tilford, Melissa Waite, and Steve Woodrum, Interim Director Earl Smith, Engineer Ben Krebs, Planners Brian Shorkey, Joe Kane, and Bonnie Skinner, and Attorney Charlie Perkins.

Those in attendance intending to speak before the Commission were sworn in by Mr. Perkins.

Mr. Smith announced that the GIS Department won the Special Achievement in GIS Award for 2010 from ESRI. Only 150 GIS users receive the award out of 100,000 users worldwide. Georgetown is the first community of our size in Kentucky to receive the award.

After one question about cleaning and grounds maintenance, motion by Lacy, second by Tackett, to approve the April invoices. Motion carried.

It was agreed that approval of the April 8, 2010 minutes would be postponed to the June meeting in order to have time to determine who made the motions. (The meeting was not recorded.)

Motion by Richardson, second by Holland, to approve the April 12, 2010 minutes. Motion carried.

Motion by Waite, second by Holland, to approve the April 19, 2010 minutes. Motion carried.

With the addition of Insurance Discussion as Item C under Other Business – New, motion by Waite, second by Lacy, to approve the May agenda. Motion carried.

Postponements/Withdrawals

Chairman Bradley stated that the Saunders Property application has been postponed to the June meeting. Motion by Richardson, second Holland, to postpone the Saunders Property application. Motion carried.

Consent Agenda

There were no items eligible for the Consent Agenda.

ZMA-2010-09 Harrod Brothers Funeral Home Zone Change – Rezoning request from R-2 to B-2 for 1.82 acres, located at 3270 Main Street in Stamping Ground.
PUBLIC HEARING

Chairman Bradley recused himself from voting and discussion due to a conflict of interest in this matter. Vice Chairman Lacy opened the public hearing.

Ms. Skinner reviewed the staff report, stating that staff does not support the zone change because it is not in conformance with the Comprehensive Plan.

Skip Gaines, Attorney representing the applicant, reviewed the history of the funeral home property and business and briefly described the proposal for a Dollar General Store on the site. He stated that the current zoning of R-2 does not permit the current use of a funeral home, and believes that the property has been incorrectly zoned.

Mr. Gaines felt that if the Comprehensive Plan is looked at as a whole, it encourages more retail opportunities, jobs, parking, and improved streetscape on the Main Street corridor in Stamping Ground. It also states that modest commercial expansions are allowed, and one of the goals is to provide the commercial and service-related needs of the City and the surrounding area, and to promote self-sufficiency. He also noted that infill development is encouraged.

Commissioner Woodrum stated that a funeral home in a residential area is a conditional use, and that it is not inappropriate because it's been an on-going use since before zoning existed.

Billy McIntosh, adjacent residential property owner on Burch Street, expressed his objection to living next to commercial property, citing the safety of his children, trash, and declining property values if the commercial use fails.

Coleman Johnson, adjacent residential property owner on Main Street, expressed his objection to the proposal, stating that it would downgrade the value of his property and create traffic and trash problems.

Bill Stark, Main Street resident, expressed his concerns about the request. He stated that after the applicant's lease has expired, any type of commercial use could locate there.

Brad Landry, Sr., Stonetown Road resident, asked if the applicant has looked for other locations in Stamping Ground. Will Harrod, funeral home owner, stated that they have, but are only interested in the funeral home property.

Vice Chairman Lacy closed the public hearing.

Commissioner Tilford asked Mr. Stark if he objected to the rezoning request in general, or to the Dollar General Store in particular. Mr. Stark stated that he objects to the site being paved and trucks coming to the site, and the use in general.

With no further discussion, motion by Richardson, second by Tilford, to recommend denial of the rezoning request on the basis that it is not in conformance with the Comprehensive Plan. By roll call vote, motion carried 8-0.

PSP-2010-04 Gunnell Road Subdivision (formerly Glen Meadow Subdivision) – Amended Preliminary Subdivision Plat for fourteen (14) five-acre and larger lots, located on the west side of Gunnell Road, approximately ½ mile north of U.S. 62 (Cynthiana Road).

Mr. Kane reviewed the staff report. He stated that the applicant was unable to obtain the required sight distance for all of the proposed entrances, and is asking for approval of a revised plan that meets the sight distance standards, but at the cost of exceeding the current County standard of no more than three lots per driveway/access easement. They are also asking for the removal of the condition to improve Gunnell Road to County standards, feeling it is unjustified based on the minimal traffic impact anticipated by the subdivision.

Mr. Kane then explained the revisions on the current plan. He stated that staff supports the variance to allow more than three lots per driveway/access easement, but does not support the variance to waive the required improvements to Gunnell Road.

Chairman Bradley expressed concern about granting a variance to allow more than three lots per driveway/access easement. Mr. Kane stated that the topography of the site would make the construction of cul-de-sacs difficult. Discussion continued on the access easements. The applicant stated that constructing one road that accesses all the lots would detract from the rural character of the subdivision.

Dave Korengel, applicant, stated that condition of Gunnell Road necessitates 25 mph instead of the 35 mpg used to calculate sight distance. He also felt that if the road is widened, speeds will increase. Discussion continued on the speed limit.

Mr. Kane summarized a letter from a neighbor who felt the road should not be widened because when it tapers down, it will not be safe.

Mr. Korengel felt strongly that widening the road will not solve any problems, but rather have a negative impact on the property and negatively alter the rural character of the area.

Rhonda Evans, neighboring property owner, stated that drivers drive at excessive speeds and felt that the road is too dangerous for increased traffic.

Motion by Lacy, second by Waite, to deny the application and both variances based on the fact that the Commission has been strict in their adherence to the standards for which the applicant is requesting variances. By roll call vote motion carried 9-0.

PSP-2010-07 Golf Townhomes of Cherry Blossom, Phases A, B, and C Amended – Amended Preliminary Subdivision Plat for Golf Townhomes of Cherry Blossom (Phases A, B, and C), located on the east side of Riviera Drive, west of Lanes Run Creek, northwest of Old Oxford Road.

Mr. Kane reviewed the staff report, including the requested variance and amendments. Staff supported the request for a reduction of the front setback from 30 to 20 feet and the request to allow attached duplex townhomes in Phase C.

Regarding the request to allow the ten lots along the existing Riviera Drive to be platted and built on, he recommended that they connect the end of Riviera Drive to a short section of Ikebana Path, which would need to be constructed from Riviera Drive west to the shared property line with the Howard property. Any further approval of townhomes on Riviera Drive would require the connection to Old Oxford Road.

Brent Combs, Thoroughbred Engineering and representing the applicant, asked that the condition requiring the construction of Ikebana Path west to the Howard property line be modified to stipulate it be constructed when Ikebana is extended from Golden Corral to the property, or when the corner townhome is constructed. The applicant agrees to a turnaround to accommodate the traffic on Riviera Drive, but feels that the connection to Ikebana would not be helpful to the ten townhomes already constructed in Phase C. He noted that the Homestead was approved with a single access point for up to 250 units.

Mr. Krebs felt that the connection should be required. Mr. Combs stated that there is already an approved preliminary plat without the variances. He wanted clarification that if they request the front setback variance only, they can proceed without constructing the connection to Ikebana Drive.

There was a question of the previous plat being approved without the consent of the owner of the property. Mr. Combs stated that this proposed plat has been submitted by the owner. Chairman Bradley stated that if the validity of the conditions approved with the previous plat is in question, then they can be included as conditions with this plat.

Motion by Bradley, second by Waite, to postpone the application to the June meeting in order to ensure that all the conditions from the previous approval are also conditions of this application. Motion carried.

PSP-2010-08 The Enclave – Preliminary Subdivision Plat for 127 detached, single family homes zoned R-2 PUD, located on the northwest corner of the intersection of Frankfort Road (U.S. 460) and Paynes Landing Blvd.

Mr. Shorkey reviewed the staff report, including the requested variance to waive the requirement for sidewalks on the four private access drives. He stated that staff partially supports the variance, but wishes to see sidewalks on the private drive on the south end of the property.

Bruce Lankford, representing the applicant, agreed with the conditions of approval, including the partial variance regarding sidewalks.

Motion by Woodrum, second by Lacy, to approve the Preliminary Subdivision Plat subject to the eight (8) conditions of approval, and the amended requested variance regarding sidewalks. Motion carried.

Land and Timber Subdivision Regulation waiver request

Mr. Shorkey reviewed the request for the applicant to subdivide a 35-acre tract from the reserved, open area of Cedar Hills. He presented a map of the property and explained the history of the subdivision. The requested waiver is a relief from language that was adopted in the Cluster Ordinance in 2007 that requires the preserved open space be in one contiguous parcel. Prior to the 2007 amendment, the preserved open space could be in separate tracts.

He explained the need for the waiver, and recommended that if the waiver is approved, it be with the condition that requires the private access to be brought up to County road standards up to the point that the new tract would have access.

There was discussion to clarify the issue and the reason for the regulation.

Jeff Francisco, applicant, stated that he is trying to maintain as much reserved space as possible.

James Brine, Summeridge Road resident, stated that he would not oppose the request if he knew the intended use of the property. He also expressed concern that the farm access used by the property owner will come off of the private access easement used by the residents, and that property owner will not be responsible for contributing to the maintenance of the private access easement.

Deby Oliver, Summeridge Road resident, re-iterated what Mr. Brine stated. She asked for assurance that the private road will be brought up to County standards if the request is approved. Chairman Bradley stated that even if the road is brought up to County standards, it is still a private road.

Mr. Francisco clarified that the new property owner will share in maintenance of the road. He stated that he will investigate whether it is possible to have the farm access come off of the County road.

The condition of the road was discussed. Mr. Perkins asked if the participation of the farm owner in maintenance of the private road will be in writing. Mr. Francisco stated that it would.

David Calhoun, Summeridge Road resident, expressed concern that when the road is constructed, they will encroach on his property and leave any trees they tear down. He also felt that they have no guarantee that the road will be paved. Mr. Perkins stated that those issues can be made part of the approval, and the items in the Homeowners Association documents that are applicable to the farmowner should be in writing and signed off on by all parties.

Emily Calhoun, Summeridge Road resident, stated that they were told Summeridge would be a County road. She expressed concern about the road being damaged by construction trucks.

Kim Smith, Summeridge Road resident, expressed dissatisfaction with the condition of the road. She also expressed concern about her property value.

Christy Smith, Summeridge Road resident, expressed concern about the farmowners hunting. Chairman Bradley stated that that issue is not under the authority of the Planning Commission.

Dan Stanyk, neighborhood resident, expressed concern about the access to his property, hunting, and the safety hazard of garbage trucks backing up in the development.

Scott Smith, Summeridge Road resident, felt that the farmowner needs their permission to use the private road. Mr. Perkins clarified that it was set up as an easement to the farm property.

Billy Trent stated that he has hunted on the property for ten years, and that one house will not generate any more traffic than if a house were built on one of the lots.

Chairman Bradley noted that with a fourth lot accessed by the stub road, he will need to upgrade the road to County standards. Mr. Francisco acknowledged that he will look to find another access, but wished to proceed with the variance request. The Commission felt that they should see a definite plan before voting on the variance.

Motion by Tilford, second by Waite, to postpone the application to the June meeting to give the applicant time to submit an amended plan. Motion carried.

Update of previously approved projects and agenda items

Mr. Smith explained the new pictometry that he provided the Commission, noting that it is being used by all the local City and County departments.

He also noted that more information, such as staff reports, is being put on the website.

He reported that he is working on goals and objectives for the office, an Operating Procedures Manual, cross-training of staff, and monthly H.B. 55 sessions for continuing education credit hours. He stated that 92 elementary school students are coming into the office for a half hour presentation on what the office does.

Discussion of Liability Insurance

Chairman Bradley reported that obtaining liability insurance is being investigated. Some confusion exists as to whether the Commission is covered. According to David Livingston, insurance agent, Planning and Zoning Commissions are excluded from the City and County policies. Commissioner Woodrum was informed by the Kentucky League of Cities that the City appointees are covered by KLC.

David Livingston, insurance agent, gave a presentation on getting coverage from the Kentucky League of Cities.

Mr. Perkins stated that in the past, we have been informed that the Commission was covered under the City and County policies. He added that since the Commission has been in existence, there have been no liability judgments against us.

It was decided to invite representatives of KLC and KACo to the June meeting to clarify the issues.

Vehicle insurance was briefly discussed.

The meeting was then adjourned.

Respectfully,

Mike Bradley, Chairperson

Attest:

Charlie Perkins, Secretary