

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

JULY 8, 2010

The regular meeting was held in the Scott County Courthouse on July 8, 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.

Motion by Lacy, second by Holland, to approve the June invoices. Motion carried.

Motion by Tackett, second by Tilford, to approve the June 10, 2010 minutes. Motion carried.

With the addition of Item D. Discussion of Health Insurance, Item E. Ruben Development/Violets Trace Subdivision, and Item F. Personnel/budget Discussion under Other Business, motion by Richardson, second by Waite, to approve the July agenda. Motion carried.

Postponements/Withdrawals

Chairman Bradley stated that the Saunders Property has been withdrawn and the Gayla Farms application has been postponed to the August meeting. Motion by Lacy, second Holland, to withdraw/postpone those two items. Motion carried.

Consent Agenda

A representative for the Chick-fil-A application agreed with their conditions of approval and there were no concerns expressed by the Commission or public. Motion by Hampton, second by Woodrum, to approve the one item on the Consent Agenda. Motion carried.

ZMA-2009-16 Land and Timber Zone Change – Rezoning request from A-1 and B-1 to B-2 for 13.748 acres, located on the northeast corner of Rogers Gap Road and U.S. 25 N. PUBLIC HEARING

Chairman Bradley opened the public hearing.

Mr. Perkins clarified that the matter is being reheard because there was miscommunication about when the 90-day time period started during which the recommendation needed to be heard by Fiscal Court. Procedural issues were discussed.

Ms. Skinner reviewed the staff report, which recommended approval.

Jeff Francisco, applicant, stated that he plans to construct a convenience store and small office.

Michael Tackett, representing the applicant, noted the change in the plan from the previously approved plan.

Ms. Skinner read the minutes of the meeting where that plan was approved. It was noted that the required notification was sent again for this hearing. Chairman Bradley asked if a B-2 use can be approved for a B-1 zone if it appears that it fits into that zone. Mr. Perkins replied that normally that is a Board of Adjustment matter, but could possibly be made part of the zone change process.

Mr. Shorkey felt it is more a question of increased acreage rather than a change of zone, and asked if they can request the use of a less intense B-2 use for B-1 zoning on 5.227 acres. Mr. Perkins stated that in the past that has, in effect, been done, but the notification was for a change to B-2 zoning. He suggested continuing the public hearing until later in the meeting so that he can research the matter.

ZMA-2010-15 Tackett Zone Change – Rezoning request for .26 acres from R-2 (Medium-density Residential) to B-1 (Neighborhood Commercial), located on the north side of E. Washington Street, east of Chambers Ave. PUBLIC HEARING

Chairman Bradley opened the public hearing.

Mr. Kane reviewed the staff report, explaining that the property is a lawfully nonconforming use, if its commercial use does not cease for more than 1 year. He recommended approval of the rezoning request to B-1 on the grounds that it is general conformance with the Comprehensive Plan.

Bruce Lankford, representing the applicant, submitted the documentation regarding the notification requirements.

Carl Tackett, applicant, stated that he originally applied to the Board of Adjustment for a conditional use permit to open his business, but preferred to obtain the zone change so that that process is not necessary every time there is a change of business in this location.

With no further comments from the applicant or public, Chairman Bradley closed the public hearing.

Motion by Lacy, second by Hampton, to recommended approval of the rezoning request from R-2 to B-1 for .26 acres on the grounds that it is consistent with the Comprehensive Plan and subject to the six (6) conditions of approval. 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.

Glenn Hoskins, representing the applicant, explained the reason why they are requesting their 2006 approved development plan be withdrawn and stated that they have submitted a new development plan that will be heard by the Commission in August.

Chairman Bradley asked why they are not simply submitting an amended plan which would override the previous plan. Mr. Hoskins stated that they do not wish to be bound by the conditions of approval of the 2006 plan, which included the requirement to complete Ikebana Path, and also that the layout is not consistent with their overall plans for the project.

Commissioner Woodrum expressed concern that the signature of the former partner who obtained the 2006 approval and is now releasing any authority in the project, is not notarized. After discussion about the matter, it was agreed that Mr. Hoskins would notarize the signature on the affidavit.

Motion by Lacy, second by Richardson, to allow Golf Townhomes of Cherry Blossom, Phases A, B, and C Amended, to void its application PSP-2006-79. Motion carried.

PDP-2010-13 Laurie 1025, LLC – Amended Preliminary Development Plan for a 4,384 sq. ft. mattress store, located on the north side of U.S. 460 (Paris Pike), between Cherry Blossom Way and I-75.

Ms. Skinner reviewed the staff report, including the issue regarding the cross access easement with the Winner's Circle Motel.

Chairman Bradley expressed concern about the access easement not being closed off. He felt that the access will be used by default without permission. Mr. Perkins added that if there is no access allowed, then the development plan should not show access so that it does not appear that the Commission has approved it.

Chairman Bradley felt that curbing or landscaping should be required if the access is not allowed. Brent Combs, Thoroughbred Engineering, stated that he was under the impression that since the access easement has been there for 30 years, there was no way it can be closed off. It was agreed that a court would have to decide the matter.

Condition #9 regarding the access easement with the Winner's Circle was amended to read, "Prior to Final Development Plan approval, applicant shall provide a cross access easement or equivalent for the Winner's Circle Motel property or note that no access is allowed."

Motion by Woodrum, second by Holland, to approve the Amended Preliminary Development Plan subject to the ten (10) conditions of approval, including the amendment to condition #9. Motion carried.

Commissioner Richardson noted that he abstained from voting on the application.

ZMA-2009-16 Land and Timber Zone Change – Rezoning request from A-1 and B-1 to B-2 for 13.748 acres, located on the northeast corner of Rogers Gap Road and U.S. 25 N. PUBLIC HEARING

Discussion continued from earlier in the meeting.

Mr. Perkins suggested that if the Commission finds that the proposed use is appropriate, and the applicant feels it suits the needs of his property, then part of the findings would be that B-1 zoning provides a more appropriate use for the area than B-2 and is in compliance with the Comprehensive Plan. Mr. Francisco agreed to accept the limitations of B-1 zoning that might not exist for B-2 zoning.

Motion by Lacy, second by Richardson, to recommend increasing the acreage of the current B-1 zone from 1.137 acres to 5.227 acres, based on the findings that the B-1 zoning is more appropriate for the area, it is in conformance with the Comprehensive Plan, and the applicant agrees with the findings, and subject to the five (5) conditions of approval. By roll call vote, motion carried 9-0.

PDP-2010-14 Windsor Gardens Expansion – Amended Preliminary Development Plan for a 7,465 sq. ft. expansion, located on the northwest side of McClelland Circle (U.S. 460 bypass), south side of Fairfax Way.

Ms. Skinner reviewed the staff report.

Brent Combs, Thoroughbred Engineering, addressed the stormwater runoff issue.

Motion by Waite, second by Woodrum, to approve the Amended Preliminary Development Plan subject to the nine (9) conditions of approval. Motion carried.

Revision to Article VI of the *Subdivision and Development Regulations* regarding bonding/sureties

Mr. Krebs reported that meetings were held with a 15-member committee representing different community groups regarding the bonding process. Meetings were then held with Mr. Perkins to review the proposed changes, which he then summarized.

Chairman Bradley praised Mr. Krebs for the work, stating that the changes will prevent many problems that have been encountered.

With no concerns expressed by the Commission, **motion by Richardson, second by Lacy, to recommend the proposed revisions to Fiscal Court. By roll call vote, motion carried 9-0.**

Motion by Hampton, second by Tackett, to recommend the proposed revisions to City Council. By roll call vote, motion carried 9-0.

Mr. Krebs announced that this will be his last Planning Commission meeting as he has taken a position with Fayette County. He stated that it has been a pleasure and a good opportunity working for the Commission. Chairman Bradley thanked him for his work and the dedication he has shown over the years, and wished him luck in Fayette County.

Discussion of Liability Insurance

Mr. Smith reported that a quote had not yet been received from KACo. David Livingston, insurance agent, reported that Travelers and Scottsdale do not insure joint Planning Commissions on a stand-alone basis.

Commissioner Woodrum suggested setting a deadline to decide on a carrier. It was agreed that the insurance committee would meet on Friday, July 16 to make a final decision with the information available.

Update of previously approved projects and agenda items

Mr. Smith reported that over 2,000 postcards were mailed to property owners adjacent to floodplains notifying them of the public hearing regarding the updated floodplains.

Discussion of Health Insurance

Chairman Bradley requested that a committee be formed to investigate health insurance options in light of rising costs. It was noted that staff is in the process of using a new on-line application system called FormFire in order to obtain quotes from all the major carriers.

It was agreed that Commissioners Waite, Woodrum, Hampton, and Bradley would serve on the committee and meet when quotes are received.

Discussion of Ruben Development/Violets Trace Subdivision

Mr. Krebs explained that the developer's bank would not renew their Letters of Credit and sent the Planning Commission a check for the amount of the credit. Since then, most of the work needing done has been completed, but not all. Mr. Perkins stated that the question now is 1) whether the Commission should proceed to finish those public improvements for which the Letter of Credit was called, even though the subdivision is not 80% occupied, and 2) how should the Commission contract for the work to be done.

After discussion of all the issues involved, **motion by Waite, second by Holland, to authorize staff to prepare to have the final, required work done even though the subdivision is not 80% occupied, contracting with the developer to complete the work, and retaining the excess funds as a warranty for one year after the work is completed and accepted. Motion carried.**

Discussion of Personnel/Budget

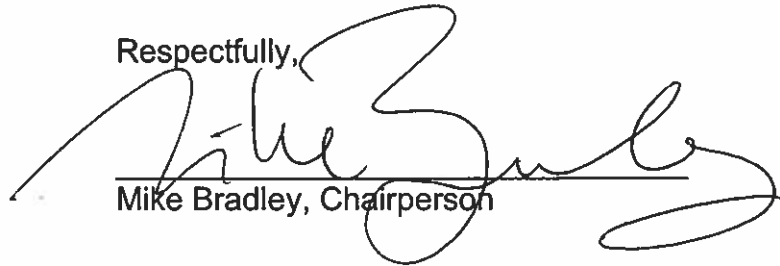
Motion by Richardson, second by Hampton, to enter into Executive Session. Motion carried.

Motion by Richardson, second by Waite, to return to Open Session.

Motion by Lacy, second by Woodrum, to accept the FY 10-11 budget proposed by the Executive Committee. Motion carried unanimously.

The meeting was then adjourned.

Respectfully,



Mike Bradley, Chairperson

Attest:



Charlie Perkins, Secretary