

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

OCTOBER 11, 2007

The regular meeting was held in the Scott County Courthouse on October 11, 2007. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, Melissa Gregory, Janet Holland, John Lacy, and Jimmy Richardson, Planning Director Michael Sapp, Planners Drew Ardary and Rhonda Cromer, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Greg Hampton, Robert Hopkins, and Ralph Tackett.

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

Motion by Gregory, second by Holland, to approve the September 13, 2007 minutes. Motion carried.

With the addition of the Springview waiver request under Other Business, motion by Richardson, second by Lacy, to approve the October agenda. Motion carried.

Postponements/Withdrawals

Mr. Brock reported that the Windsor Path Wellness Community application been postponed to the November meeting.

Motion by Lacy, second by Richardson, to accept the one item for postponement. Motion carried.

Consent Agenda

A representative of the Tire Discounters application agreed to their respective conditions of approval, and no concerns about the projects were expressed by the Commission or the public.

Motion by _____, second by _____, to approve the one (1) item on the Consent Agenda subject to its conditions of approval. Motion carried.

NO MOTION WAS MADE FOR CONSENT AGENDA.

PDP-2007-01 Brown Property Townhomes – Preliminary Development Plan for 10 townhouses in three buildings on 1.1 acres, located on Royal Spring Avenue, which is approximately 1000' south of West Main Street.

Mr. Ardary reviewed the staff report. He reported that the application has been revised since it was heard and denied by the Board of Adjustments. He addressed the issues of stormwater drainage, access via South Royal Springs Avenue, Comprehensive Plan policies supporting the proposal, traffic impacts, and parking.

Commissioner Bradley asked about design standards which could allow a higher density, as referred to in the staff report. Mr. Ardary responded that the applicant is proposing a one-story building. However, the zoning district allows two-story residential structures, which could increase the density.

Commissioner Richardson asked about the stormwater runoff toward Ely Alley. Mr. Krebs explained how the runoff will be reduced. Brent Combs, Thoroughbred Engineering and representing the applicant, confirmed that the water runoff will not increase toward Ely Alley.

Sam Rock, applicant, was available to answer questions.

Mary Necamp, South Royal Springs Avenue resident, read a resolution passed by City Council on June 11, 2007, expressing concern about the Planning Commission and Board of Adjustment approving this development. She expressed concern about traffic and the character of the neighborhood.

Susan Craft, West College Street resident, expressed concern about excessive development in Georgetown and felt that projects such as this development should be located in more appropriate areas.

Dan Holman, South Broadway resident, expressed concern about the parking lot being located in the R-1B zone. Mr. Ardary stated that the parking lot is permitted as an accessory use in the R-1B zone. Mr. Holman asked why the 2001 Comprehensive Plan is being used for support. Mr. Ardary stated that when the application was submitted, the 2001 Plan was still in effect, as the 2007 update was not yet approved. Mr. Holman also expressed concern about incompatibility with the old neighborhood.

Steve Price, Rucker Avenue resident, also expressed concern about the compatibility with the surrounding neighborhood, the concerns of the Fire Department. Mr. Sapp addressed the issue of Fire Department access, stating that their opposition to this project has been satisfied by the applicant. That issue was discussed further.

Paula Mulberry, South Royal Springs Avenue resident, expressed concern about increased traffic.

Susan Craft expressed concern about which Comprehensive Plan should be applied to the application. Mr. Sapp stated that the Comprehensive Plan is a guideline; the *Zoning Ordinance* is law. Mr. Perkins added that the regulations in place when the application is filed are what govern the application.

Mr. Price felt that the application is not compatible with the surrounding area.

Discussion continued on what regulations/guidelines govern the application.

Mr. Rock further discussed the fire department access issue. He submitted a letter from the Fire Department and minutes from the Board of Adjustment hearing for the record. He stated that character compatibility is a variance issue, not an issue to be considered with a development plan.

Mary Necamp also discussed the fire department access issue.

Mr. Price disputed Mr. Rock's assertion that character compatibility is not an issue for the Planning Commission to consider. Mr. Sapp stated that the compatibility issue is resolved in the listing of permitted uses for a zoning classification. As long as the use is one of the permitted uses, compatibility is not addressed through development plan review.

Commissioner Lacy expressed concern about the parking area and fire hydrant encroaching into the sinkhole area, and the sinkhole being in close proximity of the Royal Spring aquifer.

Mr. Price also expressed concern about the environmental impacts.

Motion by Lacy, second by Richardson, to deny the Preliminary Development Plan on the grounds that the application would overdevelop an environmentally sensitive area. By roll call vote, motion carried 4-1, with Bradley dissenting.

PDP-2007-43 Scott County Safe Storage – Preliminary Development Plan for a 45,900 sq. ft. mini storage facility on 2.6 acres zoned B-2, located east of Lexington Road (U.S. 25 S.) and south of McClelland Circle (U.S. 460 bypass).

Ms. Cromer reviewed the staff report, including the access easement/Harmony Christian Church playground issue. She listed the

suggestions that have been made to resolve the problem of children having to cross the access easement.

She stated that the application meets all *Zoning Ordinance* and development regulations, and is recommended for approval.

Denise McClelland, attorney representing the applicant, stated that the situation that is cause for concern by the Harmony Christian Church staff is self-imposed; therefore, any remedy should not be the financial burden of the applicant. She submitted for the record documentation tracking the history of the previous development plan approvals.

Ms. McClelland presented photographs showing the area of the easement. She suggested ways in which the church could resolve the problem, including the relocation of the playground to another area of their property, and the placement of rubber matting on the concrete. The issue appears to be the cost of doing so.

Perry Ryan, attorney for and member of Harmony Christian Church, stated that the entrance to the storage units is located at the "mouth" of the church parking lot, which suggests the applicant may be intending that the church parking lot be the primary entrance to his storage units instead of Mary Lynn Drive. Mr. Ryan stated that the church may wish to submit a revised plan of their property, and then the Commission can consider the two plans in tandem with one another.

Ms. McClelland stated that they are opposed to a continuance because the problem has been self-imposed by the church, a continuance could mean an indefinite delay, and they have already had opportunities to make proposals.

The Commission wished to go forward with hearing the application.

Mr. Ryan submitted a document outlining the objections of the church: 1) the proposal depends upon the church parking lot as a route for u-hauls. An easement, by law, cannot be enlarged or extended, and the use of an easement must be reasonable and as little burdensome to the landowner as the nature and purpose of the easement will permit. 2) The additional traffic created by development of the storage units causes safety concerns for pedestrians and children of Harmony Christian Church and Providence Christian Academy. The staff report and Ms. McClelland suggest relocating the playground. He stated that the State of Kentucky requires that a playground with a concrete floor must have a foam rubber surface placed on it. He stated that the lowest of two estimates on installing a rubber flooring was over \$18,000. He stated that another location would require a retaining

wall to be constructed. 3) The large vehicles and heavy traffic using their parking lot will damage it.

Mr. Ryan requested, if the Commission approves the plan, that a note be placed on the plan requiring speed bumps, clearance bars, and signage warning that children are present.

That request and their request to close the easement after hours were discussed.

Commissioner Bradley expressed concern about maintenance of the easement on the church property when the majority of the traffic using it will be by the applicant. Mr. Perkins stated that each party bought their property knowing that obligation.

The effect of a zone change on the church property was discussed.

Teresa Ryan asked how Garth Elementary closes S. Hamilton Street during certain times since it is a public street. Mr. Perkins replied that City Council has that authority since it is a public street.

Ruby Newman asked why the easement on the church property cannot be closed since there is another access through Mary Lynn Drive. Mr. Perkins discussed that issue. Ms. Newman asked if heavy traffic can be prohibited since construction traffic can be prohibited. Mr. Perkins stated that prohibited construction traffic has been a fairly regular practice.

Kim Burgess, one of the directors of Providence Christian Academy, stated that the stop signs are ignored by drivers, making the situation even more dangerous. She has reported numerous occurrences, but has been informed that the police cannot enforce traffic violations on private property.

Christie Smith, preschool director at Providence Christian Academy, stated that even if the playground were relocated, the children would still be at risk because drivers drive in other areas of the parking lot, not just the access easement.

Barry Hill, Providence Christian Academy parent, also described how dangerous the traffic is passing through the property.

Bill Wells asked if the church can restrict access to their parking lot and if there is a limit to the number of speed bumps they can install. Mr. Perkins replied that they can restrict access to their parking lot, and there are probably standards or guidelines for speed bumps.

Jo Reed, Providence Christian Academy teacher, stated that there have been drivers parked and watching the children on the playground. She stated that the church has provided a use for a previously empty building, and challenged the Commission to help them make it successful.

Jeff Harris, Providence Christian Academy parent, stated that the safety of the children is the only concern of the parents and staff of the church and school.

Karen Cook, Providence Christian Academy parent and church member, asked the Commission to consider the safety of the children.

Dean Scott, Harmony Christian Church, asked the Commission to consider the problem of the church in any way they can.

Debbie Burke, area resident, stated that the public schools do everything they can to protect their children, and asked the Commission to help the church and Providence Christian Academy to protect the children of this school.

Neil Marshall, neighboring property owner, opposed the second phase of the storage units because of the stormwater runoff. He described flooding problems that have occurred since development of the area. He submitted photographs for the record of flooding. Mr. Krebs stated that clogged pipes in the area have been cleaned out recently, and that U.S. 25 has contributed to the problem, but this development will not cause further flooding.

Motion by Richardson, second by Gregory, to approve the Preliminary Development Plan subject to the thirteen (13) conditions of approval. Motion carried 4-1 with Bradley dissenting.

PDP-2007-47 Toyota Tsusho Addition – Preliminary Development Plan for a 7.657 acre expansion, located on the east side of Triport Road, northeast of East Yusen Drive, north side of Commerce Court.

Mr. Ardary reviewed the staff report. He recommended approval subject to fifteen (15) conditions of approval, with a note that condition #4 is amended to require a Certificate of Occupancy.

Charles Coyle, Force Design and representing the applicant, agreed to the conditions of approval.

Ron Paulson, Toyota Tsusho, also agreed to the conditions.

Sharon Pennington, Sims Road resident and adjacent property owner, asked if the applicant intends to develop land across the railroad tracks. Mr. Coyle stated that there will be no new entrance to their facility and no expansion toward the railroad.

Motion Lacy, second by Holland, to approve the Preliminary Development Plan subject to the fifteen (15) conditions of approval. Motion carried.

Resolution to approve the Interlocal Cooperation Agreement to participate in the Kentucky League of Cities Workers' Compensation Trust

Mr. Sapp explained the need for the resolution.

Motion by Richardson, second by Lacy, to approve the resolution to participate in the Kentucky League of Cities Workers' Compensation Trust. Motion carried.

Ward Hall sidewalk waiver

Bruce Lankford, representing Barlow Homes, requested a waiver of the sidewalk requirement for the south side of the streets that run on the south side of the Ward Hall Foundation property, U.S. 460, and the west side of Paynes Depot. The justifications for the waiver are that removal of the sidewalk will enhance the buffer area, comply with an agreement with the Ward Hall Foundation which says that the sidewalk can be eliminated on this side of the road, better delineate the boundaries of the properties, and discourage pedestrian access to the buffer area and Ward Hall Foundation property.

Motion by Holland, second by Gregory, to approve the sidewalk waiver for Ward Hall development. Motion carried.

Springview waiver

Bruce Lankford, representing Larry Covington, owner of the Springview development in Stamping Ground, entered for the record a letter from the Fire Chief indicating he would approve this request. The request decreases from 30' to 20' the access area that accesses lots #6, 7, 8, 9, and 10. This will allow the units to have a larger front yard and enhance the appearance of the development.

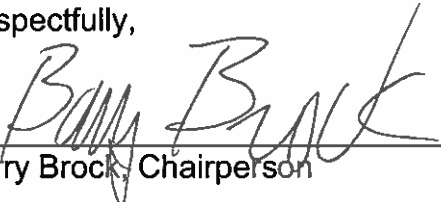
Motion by Bradley, second by Lacy, to approve the requested waiver for the Springview development. Motion carried.

Update of previously approved projects and agenda items

Mr. Sapp updated the Commission on the Board of Adjustment planner position.

The meeting was then adjourned.

Respectfully,



Barry Brock, Chairperson

Attest:



Charlie Perkins, Secretary