

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

September 13, 2001

The regular meeting was held in the Scott Fiscal Courtroom on September 13, 2001. The meeting was called to order by Chairman Sara Sutton at 7:00 p.m. Present were Commissioners Barry Brock, Pete Gritton, Robert Hopkins, William Peters, John Sharpe, Elizabeth Williams, Planning Director Kelley Klepper, Planner Steven Biel, Engineer Brad Frazier. and Attorney Charlie Perkins. Absent were Commissioners Omer Lee and James Thomason.

Motion by Gritton, second by Hopkins, to approve the August invoices. Motion carried.

Motion by Sharpe, second by Brock, to approve the July 26, 2001 Special Meeting #1 minutes. Motion carried.

After noting one correction regarding the vote on the Moore property, motion by Gritton, second by Hopkins, to approve the July 26, 2001 Special Meeting #2 minutes. Motion carried.

Motion by Hopkins, second by Brock, to approve the August 9, 2001 minutes. Motion carried.

Mr. Klepper added to the agenda under Staff Reports/Other Business an update on the Planner and GIS Analyst search. Motion by Gritton, second by Sharpe, to accept the September agenda. Motion carried.

Postponements/Withdrawals

Chairperson Sutton reported that Bruce and Anita Jackson have requested postponement of their application to the October meeting and that the BellSouth Central Office Addition is being postponed until October.

Consent Agenda

Representatives of the Zion Hill Baptist Church, Mallard Point Baptist Church Parking Lot, and Kentucky Savings Bank applications agreed to staff's conditions of approval, and no concerns about the projects were expressed by the Commission or the public.

Motion by Williams, second by Peters, to approve the three applications subject to their respective conditions of approval. Motion carried.

PDP-2001-48 UniSite Communications Tower - Preliminary Development Plan for a 250' cellular telecommunications tower located on the east side of Fisher's Mill Road, south of U.S. 460 (Frankfort Pike).

Mr. Klepper reviewed the staff report. He expressed concern over the effects of the tower in the proposed location without having an actual need at this time. He also questioned why a 150' tower would not be sufficient. He stated that state law limits the discretionary powers of local governments in reviewing and siting of cell towers.

Charlene Minerich, representing the applicant, supplied the Commission with an information packet, which showed the proposed location of four carriers on the tower. She stated that the tower cannot be approved or constructed until a carrier is found to be a co-applicant on the application to the PSC, as required by the State.

The information also included a letter from their engineer justifying the need for the height of the tower. She reviewed those justifications in detail.

Commissioner Williams expressed concern about the need for the tower at this time. Ms. Minerich explained why they chose the proposed site and how the process of obtaining the many approvals that are required works.

Mr. Klepper stated that Ms. Minerich's response regarding the need for the 250' height satisfies his concerns. The fact that a carrier has not yet been identified is still of some concern. He discussed the regulation that allows companies to build the towers 50% higher in the future.

Discussion continued on obtaining carriers and weight loading.

Sandra Stakelin, Fishers Mill Road resident, asked why the area residents were not notified of the proposal. Mr. Klepper replied that there are no notification requirements at this time, but the agenda was posted on the website and published in the newspaper. Ms. Minerich stated that she provided the company

with the names and addresses of area residents and after notification, they would have a 60-day period to respond to the PSC.

Bob Stakelin, Fishers Mill resident, asked on which property the tower will be located, to which was replied the Gibson property.

Mr. Perkins read the conditions of approval, which are the same as the upcoming Crown Communications application.

Motion by Hopkins, second by Sharpe, to approve the Preliminary Development Plan for a 250' cellular telecommunications tower subject to the five conditions of approval. Motion carried.

PDP-2001-52 Crown Communications - Wireless Communications Facility - Preliminary Development Plan for a 160' cellular telecommunications tower located on the east side of Barkley Road, north and west of U.S. 62 (Cynthiana Pike).

Mr. Klepper reviewed the staff report, which recommended approval based on the fact that the previously approved tower site is no longer valid, they have demonstrated that there is a need for this site, and that they have met all requirements of our ordinance.

The applicant agreed with the five conditions of approval.

Debbie Reese, Barkley Road resident, asked why the Toyota site is no longer valid.

David Pike, representing the applicant, stated that notice was provided to all adjoining land owners; a sign on the property and a notice in the newspaper included the phone number of the Planning Commission; the carrier that will use the tower is Cingular Wireless and their representative was present at the meeting. In response to why the previously approved Toyota site is no longer valid, he stated that the site did not meet the requirements of the National Environmental Protection Act based on some soil contaminants being present.

Ms. Reese expressed concern about deed restrictions that apparently were meant to prohibit cell towers on this site. Mr. Pike stated that they researched the matter, and utility uses are permitted on the site. He discussed regulations regarding the lightning arrestor and height of the tower.

Bill Fightmaster, area resident, stated that not everyone east of the site was notified. Mr. Pike stated that all property owners within 500' of the tower should have been notified. He then described their process in locating sites and determining tower height.

Debbie Reese asked if lower towers mean more towers. Mr. Pike stated that this tower is designed specifically for the needs of Cingular, and discussed the providing of service in detail.

Bill Fightmaster disagreed with Mr. Pike's statement that it is not a residential area.

Motion by Williams, second by Brock, to approve the Preliminary Development Plan subject to the five conditions listed in the staff report and PSC approval. Motion carried.

PSP-2001-43 Logan Property - Preliminary Subdivision Plat for a 41-lot rural residential development (40 cluster lots and 1 preserved lot), located on the west side of Fisher's Mill Road, south of U.S. 460 W.

John Logan, applicant, submitted documentation of the notice requirements.

Mr. Klepper reviewed the staff report, stating that this request is for the first phase of 8 lots. He discussed the need for a setback variance for lots 6 & 7, and the landscape buffering. John Logan, applicant, stated what his intentions are for the property.

Commissioner Sharpe expressed concern about the septic systems. Joel Day, Meridian Associates and representing the applicant, Mr. Logan, and Charlie Perkins addressed his concerns.

Saundra Stakelin, Fisher's Mill Road resident, asked why lots less than two acres are now being approved, after the controversy during the Fisher's Mill Landing hearing. Chairman Sutton explained that the Health Department resolved that issue and continue to support the one-acre lot size.

Ms. Stakelin also expressed concern about the buffering along their farming operation. She requested the Commission to consider requiring a chain-link fence and trees of substantial size, and also expressed concern about an upgrade in the road. Mr. Klepper addressed her concerns, including the type and size of trees that can be planted, fencing, and the road upgrade.

Bob Stakelin emphasized their concern about the size of the trees required. Maintenance of the fence was discussed.

Commissioner Williams asked Mr. Logan for the record if mobile homes will be prohibited. Mr. Logan stated that he will not allow mobile or modular homes.

Commissioner Sharpe asked if the final plat for the first phase can be reviewed by the full Commission because of the septic system issue. Chairperson Sutton added that request as the fourteenth condition of approval.

Motion by Sharpe, second by Brock, to approve the Preliminary Subdivision Plat subject to the 14 conditions of approval. Motion carried.

Report on Wellhead Protection Manual PUBLIC HEARING

Chairperson Sutton opened the public hearing.

Billy Jenkins, Operations Manager of GMWSS, explained the need for the plan. Brad Frazier stated that the manual recommends a 10-acre lot size, but that recommendation will not be part of the recommendation, if the Commission decides to recommend acceptance of the manual.

Commissioner Sharpe asked if cluster lots were discussed in the meetings. Mr. Frazier said they were not.

Commissioner Hopkins asked if residential areas in the aquifer recharge area were discussed because of the use of fertilizers, etc. Mr. Frazier stated that it does not address how zoning is applied.

There being no questions from the public, Chairperson Sutton closed the public hearing.

Motion by Brock, second by Gritton, to recommend acceptance of the Wellhead Protection Manual as presented. By roll call vote, motion carried 6-0.

Maintenance Agreement with DC Elevator Company, Inc.

Mr. Klepper explained the agreement.

Motion by Williams, second by Hopkins, to accept the maintenance agreement with DC Elevator Company, subject to final review by Mr. Perkins. Motion carried.

Update of previously approved projects and agenda items

Update on filling Planner and GIS positions

Mr. Klepper stated that the Planner position has been offered to and accepted by Rachel Phillips. The interviews for the GIS position are scheduled for September 14th and 17th.

Motion by Gritton, second by Hopkins, to accept the recommendation to hire Rachel Phillips for the Planner position.

Bill Fightmaster, Oxford Road resident, asked when work would start on the drainage system in Forest Oaks Subdivision. Mr. Frazier reported on the status of that work.

The meeting was then adjourned.

Respectfully,



Sara Sutton, Chairperson

Attest:



Charlie Perkins, Secretary