

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

February 12, 2004

The regular meeting was held in the Scott County Courthouse on February 12, 2004. The meeting was called to order by Chairperson Sara Sutton at 7:00 p.m. Present were Commissioners Mike Bradley, Barry Brock, Pete Gritton, Robert Hopkins, Omer Lee, William Peters, John Sharpe, and Elizabeth Williams, Planning Director Kelley Klepper, Planner Rachel Phillips, Engineer Brad Frazier, and Attorney Charlie Perkins.

Chairperson Sutton presented a Resolution to Commission Pete Gritton honoring him for his twelve years of service on the Commission.

Mr. Frazier announced that the grant for the Dry Run drainage basin study has been approved by the Kentucky Division of Water and the EPA.

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

Motion by Williams, second by Gritton, to approve the January 8, 2003 minutes. Motion carried.

Motion by Hopkins, second by Peters, to approve the February agenda. Motion carried.

Postponements/Withdrawals

Chairperson Sutton reported that the Whitaker Zone Change (Lemons Mill Road and Bypass) and Leesburg Landing applications have been postponed to the March meeting. Motion by Brock, second by Lee, to accept the items for postponement. Motion carried.

Consent Agenda

Representatives of the Lefler Property application agreed to its conditions of approval, and no concerns about the project were expressed by the Commission or the public.

Motion by Williams, second by Bradley, to approve the application on the Consent Agenda subject to its conditions of approval. Motion carried.

ZMA-2004-03 West Woods (Smith Property - Wright Lane/U.S. 25) - Rezoning request for 422 acres from A-1 Agricultural to R-1C PUD - Single Family Detached Residential Planned Unit Development, located on the north side of Wright Lane, west side of Cincinnati Pike (U.S. 25 North), north of Northern Elementary. PUBLIC HEARING

Chairperson Sutton recused herself from discussion and voting and left the room due to her relationship with the applicant.

Vice-Chairman Brock opened the public hearing. It was noted that the applicant submitted the required notice documentation.

Mr. Klepper reviewed the staff report. He noted that the request is to R-1B PUD rather than the R-1C PUD as stated in the staff report. He reviewed the general layout of the proposal and noted the accompanying affidavits. He stated that the Comprehensive Plans from 1979 and 1985 to the present discuss development in the non-prime agricultural areas and the rural planned unit development. None of the Comprehensive Plans mention the creation of an urban services boundary. He reviewed the other developments in the area, which allow for 2,500 to 3,000 single family and some multi-family units.

Mr. Klepper discussed the applicant's assertion that the property included in this application was part of the original approval for Mallard Point. He stated that after a thorough review of the records in the Planning Office, staff has been unable to locate any documentation regarding an urban service boundary for the Mallard Point area.

He reviewed in detail the issues in the Comprehensive Plan regarding development in the area and the KRS 100 statutes that pertain to rezoning requests. He stated that it is staff's recommendation that the application is not consistent with the Comprehensive Plan. He also expressed concern that, at the time the trunk line for GMWSS is installed along U.S. 25 N. to Sadieville, additional properties will ask for similar consideration. He recommended that a small area plan for the corridor be done as recommended by the Comprehensive Plan.

He noted two files from David Ashley, Commission Attorney at the time of the original Mallard Point approval, recently located in Mr. Perkins' office regarding discussions and maps of Mallard Point and Harbor Village that do not make reference to any property north of Mallard Point.

Commissioner Williams made reference to the Comprehensive Plan requiring such a development to utilize a major feature and require the transfer of

development rights for densities above one unit per five acre. She expressed concern about the increase in traffic on U.S. 25, that neither the applicant nor his engineers have record of the approval, and that there is no reference to the approval in the Comprehensive Plan.

Commissioner Gritton asked about the course of action if documents are lost. Mr. Perkins stated that he would not be comfortable saying that the records could be reconstructed with nothing to start with, although the Commission could make a finding stating they are convinced of the applicant's assertions, which may or may not hold up in court.

John Lankford, representing the applicant, noted that the various people who submitted an affidavit attesting to the approval are not currently involved in the project.

At Mr. Lankford's request, Mr. Perkins swore in Mark Smith, applicant, before Mr. Lankford questioned him on the matter.

Mr. Smith described the proposal, stating that the 3-phase project was approved in 1982-83. He stated that this proposal is the final phase and contains 7-1/2 miles of walking trails and three park areas throughout the project, which give it the focal point required by the Comprehensive Plan. He stated that the project was approved under the part-time Planning Director, Mr. Steve Mooney, and the part-time Hearing Officer, Mr. David Ashley. He described the history of the land acquisition and the stated that the northern-most property was considered for entry-level housing. He stated that two conditions were placed on the approval: 1) each phase would be brought to the Planning Commission individually for restrictions, and 2) they would not "leap-frog" the development, meaning all property would have to be contiguous. He stated that they were required to upgrade the water lines to handle all three phases.

Mr. Smith read the affidavits attesting to the 1982-83 approval of this development.

Commissioner Williams asked Mr. Smith why neither he, his engineer, nor his attorney have any record of the approval. She felt that because of that and the absence of any mention of the approval in any of the meeting minutes indicates that there may not have been an approval.

Mr. Smith continued discussion on the dates of approval and Comprehensive Plan references.

Commissioner Brock asked if they had calculations for the trunk line for sanitary sewer that would account for all three phases of the proposed development. Mr. Smith replied that it was planned that each development have its own separate sewer line. Commissioner Brock asked why this development is not shown in

the Comprehensive Plan. Mr. Smith replied that since it was already approved it did not occur to him to make sure it was included in the Comprehensive Plan.

Commissioner Sharpe asked about the surrounding properties and the remaining units in Mallard Point and Harbor Village.

Commissioner Williams felt that the affidavits were not sufficient proof of a prior approval. Mr. Smith addressed the affidavits, maintaining that they are sufficient proof. Discussion continued on that issue between Commissioner Sharpe, Commissioner Williams, and Mr. Lankford. Commissioner Bradley felt that the absence of any mention in the Comprehensive Plan about approval of the proposal is proof that it didn't happen.

Mr. Klepper cited a statement from the 1991 Comprehensive Plan: "It is possible incorporation may occur within the next fifteen years, at which time an urban service boundary should be designated. " That statement indicates that no urban service boundary was designated prior to 1991, which is contrary to the applicant's claim.

Discussion continued on the search for records.

Vice-Chairman Brock asked for comments from the public.

Jeffrey Abshire, Wright Lane property owner, expressed concern about the visual impacts of the homes, the safety of the Northern Elementary students with increased traffic, and the safety of livestock and children. He expressed his general disapproval of the proposal.

Elizabeth Goble, adjoining property owner, expressed concern about the proposed road along her property line and the safety of her horses at her riding stable. Commissioner Williams stated that if the proposal is approved, a buffer would have to be placed between the development and her property.

Bob Griffith, nephew and one of the heirs of the original farm owner, Walter West, stated that Mr. Smith attempted to buy the property from Mr. West several times and Mr. West did not wish to sell it to him. Mr. Griffith also noted that there have been negative impacts from Ms. Goble's adjacent riding stable.

Commissioner Sharpe asked how a preliminary plat could have been approved for the property if Mr. Smith did not own it. Mr. Smith replied that Steve Mooney, former Planner, asked for a master plan that included their entire urban service area. He stated at the time, he did not own all of the Harbor Village property either.

Mr. Smith discussed infrastructure and services for the area and land prices.

Mr. Perkins stated that a development proposal for property in which the applicant had no ownership is highly questionable. He felt it is premature to even discuss densities and other issues. He stated that research needs to be done to determine if ownership is necessary to receive any type of formal approval.

An employee of the adjacent riding stable stated that the noise and hayride referred to by Mr. Griffith are during the month of October only when the stable sponsors a haunted trail.

Elizabeth Goble asked Mr. Griffith why he didn't inform her that the property was to be developed when he attended the meeting where she received approval for her riding stable. Mr. Griffith stated that he had no knowledge of it at that time.

Mr. Lankford stated that he had a statement for the record from his father, Bruce Lankford, attorney for the applicant who was unable to attend the meeting. However, it was decided to continue the public hearing to the March meeting.

Vice-Chairman Brock continued the public hearing to the March meeting to allow time for further research of the records.

Chairperson Sutton returned to the meeting.

PDP-2003-87 Forest Oaks, Lot 4 - Preliminary Development Plan for a 1,616 sq. ft. triplex unit on lot 4 in Forest Oaks, located on the north side of Tanbark Drive, east of U.S. 62/Cherry Blossom Way.

Ms. Phillips reviewed the staff report. She stated that the concerns regarding the parking lot configuration and aisle width have been addressed. The Technical Review Committee re-reviewed the plan and gave their approval.

The applicant agreed with the ten (10) conditions of approval.

Motion by Williams, second by Gritton, to approve the Preliminary Development Plan subject to the ten conditions of approval. Motion carried.

Proposed amendment to the *Zoning Ordinance* regarding Type I & II daycare facilities in residential areas. PUBLIC HEARING

At Mr. Klepper's request, Chairperson Sutton continued the matter to the March meeting.

Discussion of proposed legislation (HB 388) regarding continuing education, conflict of interest, and Comprehensive Plan issues

Mr. Klepper reported on the meeting he attended in Frankfort regarding HB 388. He stated the bill as currently written will require the Planning Office to notify utility districts, the Bluegrass ADD, and adjacent counties of Comprehensive Plan changes. It removes the requirement for an increase in continuing education hours. It still requires that Planning Commissions adopt a Code of Ethics, with which our Commission already complies. It recommends that Comprehensive Plans plan for twenty years into the future.

He stated he will keep the Commission informed of the bill's status.

Commissioner Sharpe expressed his concern about small area plans needing done and recommendations of the Comprehensive Plan being instituted, such as the agricultural and education committees. That was discussed in relation to the FY 04-05 budget.

Election of Officers - Chair, Vice-Chair, Executive Committee (2)

Mr. Klepper reported that Chairperson Sutton is a joint City-County appointee. It is unclear by the City and County ordinances whether she is eligible for another term when her current term ends in May.

After discussion, the following nominations for officers were made: Barry Brock, Chairman; Sara Sutton, Vice-Chairperson; Robert Hopkins and Mike Bradley, Executive Committee.

Motion by Gritton, second by Lee, to elect the nominated Commissioners to the respective offices for 2004. Motion carried.

Approval of FY 04-05 Budget

Mr. Klepper reviewed the proposed FY 04-05 budget. Items of note were two new positions -- a Planner I and an entry level Development Inspector. He also noted the new aerial photo project which is being requested for funding over two years.

Motion by Gritton, second by Bradley, to approve the proposed budget for FY 04-05 as presented by staff. Motion carried.

Update of previously approved projects and agenda items

Mr. Klepper reported that the Manufacturing Housing ordinance goes to Fiscal Court on February 13, 2004 for first reading, and to City Council on February 17, 2004 for first reading. He stated that Ms. Phillips did an outstanding job on her presentation of the ordinance.

He stated that the County, Sadieville, and Stamping Ground zoning maps will be presented to their respective legislative bodies this month.

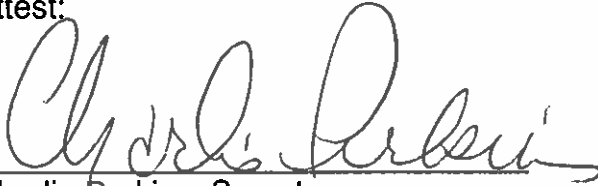
The meeting was then adjourned.

Respectfully,



Sara Sutton, Chairperson

Attest:



Charlie Perkins, Secretary