

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
AGENDA**

**September 8, 2016
6:00 p.m.**

I. COMMISSION BUSINESS

- A. Approval of August invoices
- B. Approval of August 11, 2016 minutes
- C. Approval of September agenda
- D. Items for postponement or withdrawal
- E. Consent Agenda

II. OLD BUSINESS

- A. PDP-2016-44 Haddix Property – Preliminary Development Plan for a six-unit apartment building on an existing multi-family residential lot, located at 105-115 North Pawnee Trail. WITHDRAWN

III. NEW BUSINESS

- A. PSP-2016-51 Abbey at Old Oxford (Price Farm) – Preliminary Subdivision Plat for 129 townhomes and 373 single-family lots on 125.69 acres, located on the northwest side of Old Oxford Road. POSTPONED
- B. PDP-2016-52 Bluegrass Baptist Church (New Coleman Lane) – Preliminary Development Plan for a 9,500 sq. ft. church on 3.43 acres, located on the southwest corner of New Coleman Lane and U.S. 25 S. (Lexington Road).

IV. OTHER BUSINESS

- A. Amendment to by-laws regarding attendance
- B. Ward Hall Subdivision – discussion of tree preservation buffer
- C. Carrick Pike Estates Lot 26 – discussion of access
- D. Comprehensive Plan Goals & Objectives special meeting scheduling
- E. Update of previously approved projects and agenda items

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
August 11, 2016**

The regular meeting was held in the Scott County Courthouse on August 11, 2016. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Johnny Cannon, Byron Moran, John Shirley, Steve Smith, and Mark Sulski, Director Joe Kane, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent were Commissioners Regina Mizell and Frank Wiseman.

Motion by Sulski, second by Shirley, to approve the July invoices. Motion carried.

Motion by Caldwell, second by Moran, to approve the July 14, 2016 minutes. Motion carried.

With the corrections of the Wise Property rezoning request being to I-1 instead of B-2 and the Hiserbob application not being an auto parts building, motion by Smith, second by Sulski, to approve the August agenda. Motion carried.

Postponements/Withdrawals

Chairman Jones stated that the Smith-Wainscot Duplexes (PDP-2016-29) application has been withdrawn, and the Haddix Property (PDP-2016-44) application has been postponed to the September meeting.

Motion by Shirley, second by Caldwell, to approve the withdrawal and postponement. Motion carried.

Consent Agenda

A representative of the Barnett Property application (FSP-2016-45) agreed to their conditions of approval and there were no comments from the public or

Commission. Motion by Shirley, second by Sulski, to approve the Barnett Property application. Motion carried.

A representative of the O'Reilly Auto Parts application (PDP-2016-50) agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Sulski, second by Smith, to approve the O'Reilly Auto Parts application. Motion carried.

ZMA-2016-36 Wise Property Zone Change – Rezoning request for .59 acres from R-1A to I-1, located at 3519 Main Street in Stamping Ground.

Chairman Jones opened the public hearing.

All those intending to speak before the Commission were sworn in by Mr. Perkins.

Mr. Summers reviewed the staff report. He stated that the site has not been used for single-family for a number of years, if ever. The R-1A zoning is inappropriate for the site, and I-1 zoning is appropriate. It is located adjacent to property already zoned I-1, and the adjacent R-1A property is the water treatment plant owned by GMWSS. The property is currently used for industrial purposes.

He stated that the proposed zone change is in conformance with the Comprehensive Plan, and he recommended approval of the request.

He then reviewed setbacks, access and landscaping for compliance with development regulations. He stated that the driveway and parking area need to be paved and the parking spaces delineated so that there can be handicap access. He stated that there are no sidewalks on this section of Main Street, and that sidewalks are desired by the community and have been part of the Stamping Ground design audit and Bike-Ped plan (still in draft form). He felt it is appropriate that sidewalks be a condition of approval, at least by a specific date if they are currently cost-prohibitive.

Mr. Summers also recommended that the required landscape buffer between industrial and residential zones be installed.

He recommended approval with four conditions, including the landscape buffer being installed within six (6) months of the final approval, and the sidewalk being installed within two (2) years of the final approval.

The sidewalk and landscaping issues were briefly discussed.

Bruce Lankford, representing the applicant, agreed with the landscaping requirements. He stated that the applicant would like for the gravel driveway to remain until the day he can afford to pave it.

Regarding the sidewalk, Mr. Lankford stated that it is approximately 1/4 mile from where the sidewalk ends at the Dollar General Store to the beginning of this property. There are no sidewalks on either side of the road for that distance. Also, there is a ditch beside the road, and then a small embankment, which necessitates grading in order to construct a sidewalk. There is also a large tree in the area where a sidewalk would be located, as well as a sewer line.

The sidewalk issue was discussed. It was suggested that the sidewalk be required when sidewalks are constructed on adjacent properties. Commissioner Shirley asked if the paving of the driveway could be bonded the same as streets are bonded. Mr. Combs suggested that even if the driveway is gravel, that it be inspected to ensure that it is sturdy enough to not rut and cause drainage problems. Commissioner Jones asked Mr. Perkins about the requirement for ADA compliance. Mr. Perkins stated that he didn't know if the site can be ADA compliant when it's gravel. He stated that the applicant will have to work with staff on that issue. He stated that the land use restrictions will be part of the deed.

Commissioner Shirley felt that the applicant could be given one year to pave the driveway, and if not feasible at the end of the year, he can ask for a one-year extension. Mr. Lankford agreed that the applicant will have the driveway paved by January 1, 2018. It was also agreed that the applicant will construct the sidewalk when the adjacent property constructs a sidewalk.

Chairman Jones closed the public hearing.

Motion by Sulski, second by Caldwell, to recommend approval of the Wise Property Zone Change on the basis that it complies with the

Comprehensive Plan, and subject to the four (4) conditions of approval as amended above. By roll vote, motion carried 7-0.

ZMA-2016-41, PSP-2016-42, and FSP-2016-43 Risk Property Zone Change - Rezoning request from A-1 (Agriculture) to A-5 (Rural Residential) for 83.7 acres, and Preliminary Subdivision Plat for ten (10) residential cluster lots, and Final Subdivision Plat for five tracts between 5-10 acres, located south and east of Stonecrest subdivision.

Ms. Chan reviewed the staff report. She stated that the applicant submitted two plats for consideration: 1) ten residential cluster lots plus one preserved area, and 2) five rural residential tracts of 5+ acres. The applicant wishes to postpone review of the ten cluster lots and preserved area, and move ahead with the five rural residential lots.

Chairman Jones opened the public hearing.

Ms. Chan stated that the Commission can determine if the rezoning is appropriate for the entire 83.7 acres, for the 25+ acres containing the rural residential lots, or not appropriate at all. And depending on that answer, it is appropriate to approve these five rural residential lots.

She stated that one issue to consider if the 5-acre tracts are approved is that the odd shaped portion of the preserved lot to the west will be created. Also, if that lot is part of the cluster development, there is a requirement that it be contiguous to the other preserved tract.

She stated that the rezoning request is in compliance with the Comprehensive Plan, in that the 2006 Plan designated the Risk farm as Greenbelt. The Greenbelt area was defined as containing agricultural and rural residential uses. In addition, it would help define the boundary of the Urban Service Boundary and the Greenbelt by requiring installation of a landscape buffer along the southern edge of the property adjoining A-1 land.

She then briefly reviewed issues regarding public services and the Royal Spring Aquifer. She recommended approval of the zone change, stating that the Commission should consider whether the change is appropriate for the entire 83.7 acres if it is not known exactly how it will be developed. If they

determine that it is not appropriate, they could approve the change for the 25 acres only.

Ms. Chan then reviewed the landscaping requirements, which depend on the layout of the development, and when it occurs, on the cluster portion of the site.

She then addressed the access from Risk Ln. and Wisteria Ln.

Tony Justice, Trinity Surveying and representing the applicant, stated that the applicant wishes to withdraw the cluster subdivision application and the zone change request for the cluster portion of the site. She wishes to move forward with the 25-acre portion to be divided for 5-acre tracts only. Ms. Chan stated that the only concern then is the "remnant" lot that will be created on the western portion of the site. This lot, while technically contiguous, is not effectively contiguous and impacts access for the site.

Access to the "remnant" lot was discussed. Since the cluster proposal is not now being considered, the "remnant" lot will effectively be just a sixth lot, and cannot be counted as a preserved area for any cluster subdivision in the future.

Commissioner Jones expressed concern about the water retention on the "remnant" lot and access to the five-acre lots.

Betty Justice, Trinity Surveying and representing the applicant, stated that the applicant has four of the five 5-acre lots under contract pending approval of the zone change and subdivision plat. She withdrew the cluster portion of the site due to concern that consideration of them will delay approval of the 5-acre lots. There is a time constraint on their contracts for sale.

Tom Miller, attorney for Southeast Properties (Cane Run Farm), which is adjacent to the southern boundary of the site, expressed concern about the stormwater retention on the site. He presented photographs of flooding after a heavy rain, stating that it did not flood prior to construction in the area. He described the horse farm operation on their farm, stating that the field that floods is used for hay. If the hay is washed out, it costs thousands of dollars to replace. He stated that the stone fence has even washed out by water from the Risk property since construction on the residential site to the north.

Mr. Miller expressed concern about the stormwater plan being determined at the time of the construction plan submittal. He asked that a condition be placed on the approval that a detention plan be reviewed and approved giving the property owners downstream the opportunity to comment on it. It appears that substantial work needs to be conducted whether it is five lots or more than five lots.

Mr. Combs stated that the Ball Homes development has a very large detention pond, but he could not find the calculations on it. He described how the pond works and where the water comes from. He stated that plans for the 5-acre tracts would include calculations that show that the flow leaving the site is not more than it is at present.

Discussion continued on stormwater drainage. Mr. Miller expressed concern about there being contracts on the lots before an approved plat is recorded with an approved drainage plan.

Pete Short, Wisteria Lane resident, stated that he was told there would be an access road from the bypass to alleviate traffic on Aberdeen Way and that there would be a playground, neither of which have been constructed. He stated that he bought his home because it was on a cul-de-sac, and now it is going to be opened up and extended.

Ed Bringardner, adjacent property owner, expressed concern about how the corner of two of the homes in Stonecrest subdivision are 20' from the fence. Mr. Perkins stated that he needs to contact the office to research what was approved on that plat.

Chairman Jones closed the public hearing.

Mr. Perkins reminded the Commission that the cluster and 5-acre tracts are development after the rezoning, and the staff report was clear that the zone change is in compliance with the Comprehensive Plan. The other issues being discussed are not part of the rezoning issue. He felt that making the applicant return for the other half of the zone change is not appropriate. Regarding the stormwater drainage issue, he agreed that a problem exists and needs to be addressed, but he felt that five houses on five acres will have little impact. He

stated that the drainage plan will prevent stormwater runoff from the property from being increased.

The western tract being part of the cluster development preserved area was discussed. Again, Mr. Perkins stated that that issue will be part of the cluster development.

Commissioner Shirley wished to add a condition stating that no future development will add to the area drainage problem. Mr. Combs stated that he will review stormwater plans at the Final Subdivision Plat stage.

Commissioner Shirley did not feel comfortable rezoning the entire property at this point because of the problems that have been discussed. He felt that more testimony will be heard about the development issues of the cluster development if it is not already rezoned to A-5.

Mr. Perkins felt that the applicant will be made to go through an expensive rezoning process again for the cluster portion when staff has already determined that it is in compliance with the Comprehensive Plan. All the issues discussed are development issues that will come back to the Commission, not rezoning issues.

Motion by Smith, second by Caldwell, to recommend approval of the rezoning request from A-1 to A-5 for 83.7 acres on the basis that it is in conformance with the Comprehensive Plan. By roll call vote, motion carried 7-0.

Commissioner Smith supported approval of the Final Subdivision Plat for the five 5-acre tracts subject to the seven (7) conditions of approval, plus the eighth (8) condition that staff review and approve the stormwater drainage plan and it be noted on the plat. The applicant agreed with the conditions.

Motion by Smith, second by Caldwell, to approve the Final Subdivision Plat (FSP-2016-43), subject to the eight conditions of approval. By roll call vote, motion carried 5-2 with Sulski and Jones dissenting.

PSP-2016-47 Canewood, Unit 1-C, Section 4 – Amended Preliminary Subdivision Plat for 10 lots, located at the termination of The Masters, west of Canewood Blvd.

Mr. Kane reviewed the staff report, explaining that only 14 of the previously approved 35 lots in Unit 1-C, Section 3 were platted because the right-of-way for the Georgetown bypass was uncertain. The right-of-way is now established and the remaining lots have been re-configured and are being called Unit 1-C, Section 4.

The applicant has reconfigured the extension of The Masters and is now proposing ten lots around two cul-de-sacs. He stated that there is now a sound wall along the bypass and a tree protection easement that runs along the existing lots and was shown on the previous plats. He described the changes in the layout and lot sizes in detail.

Mr. Kane stated that the applicant has requested a reduction in the rear yard setback from 25' to 15'. He recommended denial of that request with the exception of the two internal lots where the cul-de-sacs create two double frontage lots. In order to accommodate those homes facing the primary street (The Masters), a 15' rear yard setback is necessary.

Rory Kahly, EA Partners and representing the applicant, agreed with the conditions of approval.

Bill Burke, The Masters resident, stated that he purchased his home in 2005 with the understanding there would be eight homes on two cul-de-sacs. He described the changes and activity that have taken place, including the location of the bypass, trash and unwanted pets have been dumped in the area, cars being parked there, his yard being used as a path to the Elkhorn Creek. He stated that the sound wall doesn't stop the sound coming across the creek or at the gap in the wall. He is now concerned about 10 homes being built instead of eight, and the setbacks being different, making the homes look different than every other home in Canewood.

Mr. Burke stated that an ordinance was passed by the City requiring new homes built in a subdivision to follow existing HOA guidelines in that

subdivision. He stated that their HOA has established setbacks, lot sizes, and style of homes.

Mr. Kane stated that he scaled the 2001 plat, and it appears to have eleven (11) houses in the area. The road configuration was different, but the lot sizes, width, and configuration matches what was approved in 2001. He stated that the HOA restrictions apply, but must be enforced by the HOA, and that the tree protection buffer is in place, and will be maintained in this section the same as the previous section.

Mr. Kahly stated that the front yard setback is still 30'. The two corner lots will face The Masters and their rear yards will have a 15' instead of a 25' setback. That is the only different standard that is being granted. He stated that the 2002 plat showed eleven lots beyond what was built and recorded previously. This plat reduces that by one lot.

Commissioner Smith asked if the homes will be built to the same design specifications. Mr. Kahly stated that they will be, that Snap Hook Development is aware of the Canewood specifications.

Mr. Burke felt that it is difficult to say there is a decrease in lots because of the construction/location of the bypass. He stated that the cul-de-sac is smaller and the lots have been moved forward.

Jane Walker, President of the Canewood HOA, was sworn in by Mr. Perkins. She thought the size of the cul-de-sacs has been decreased.

Mr. Kahly stated that the size of the cul-de-sacs is regulated by the Subdivision Regulations. Ms. Walker stated that there are different size cul-de-sacs within Canewood, depending upon the section and lot sizes. Mr. Combs stated that the standard size is 45' pavement, 50' including right-of-way, and that there should not be parking on any cul-de-sac within the City limits.

Mr. Kahly listed the plats that were used to determine the acreage remaining to be developed off the golf course property and to create this subdivision plat. He was confident that the boundary is correct regardless of what right-of-way was used for the bypass.

Commissioner Jones felt the plat meets the regulations and any remaining issues are between the developer and HOA.

Angie Tedder, The Masters resident, asked if the Commission can vote on either eight lots or ten lots. She expressed dissatisfaction in not being able to amend the plat as the neighbors wish.

Commissioner Sulski asked about lot size regulations. That issue was discussed at length.

Mr. Burke felt that this new section as presented will not look like the existing Canewood Subdivision.

Mr. Perkins asked Mr. Kahly if, regarding lots 7 and 12, they can comply with the 25' rear yard setback required by the HOA, even if the Commission approves a 15' rear yard setback. He stated that that will be up to the developer.

Motion by Sulski, second by Shirley, to deny the application because of the requested rear yard setback variance. By roll call vote, motion carried 5-2 with Moran and Jones dissenting.

ZMA-2016-48 Bevins Rural Residential Zone Change and Subdivision Plat – Rezoning request from A-1 (Agriculture) to A-5 (Rural Residential) for 53.51 acres, and Preliminary Subdivision Plat for eight (8) 5+ acre tracts, located on the northeast corner of New Coleman Lane and Ironworks Road.

Chairman Jones opened the public hearing.

Mr. Summers reviewed the staff report, stating that the rezoning request is in conformance with the Comprehensive Plan and the 2013 US 25 Small Area Plan. He therefore recommended approval.

He then addressed the Preliminary Subdivision Plat for the property. He reviewed access points, the tree preservation area, landscaping, fencing, the overhead utility easement, and setbacks. He stated that New Coleman Lane is only 15' wide, and County road standards require it to be 18' wide at a

minimum. He stated that the applicant will be responsible for widening their half of the road by 1-1/2 feet along their frontage.

Mr. Summers noted that the applicant has requested that a list of landscaping material and the number of trees that will be planted be allowed instead of submitting a landscaping plan/drawing prior to approval of the Final Subdivision Plat. Mr. Summers felt that a list would suffice because the ordinance indicates where the trees will be located and how far apart they will be spaced.

Bruce Lankford, representing the applicant, asked for approval of the zone change and then for discussion on the Preliminary Subdivision Plat.

Chairman Jones closed the public hearing.

Motion by Sulski, second by Shirley, to recommend approval of the rezoning request from A-1 to A-5 for 53.5 acres, based on its consistency with the Comprehensive Plan. By roll call vote, motion carried 7-0.

Mr. Lankford stated that the applicant will comply with the landscaping ordinance. Regarding fencing, he stated that the existing fence on the eastern boundary of the property is not the fence that has been identified. Each property owner owns half the fence, and he asked if it has to be torn down and replaced when it is in serviceable condition. Mr. Bevins, applicant, stated that the adjacent property is currently in corn fields. Commissioner Smith felt that a question about the fence arises when it is in disrepair. Mr. Perkins felt that if the fence is in good condition, the requirement can be waived.

Mr. Lankford addressed the widening of Coleman Lane. Three of the four entrances are existing. He felt that widening the entire frontage of the property for the addition of one entrance is excessive and asked that the road widening requirement be waived. The applicant got an estimate of \$28,000 to widen it.

Kyle Fannin, Pastor of Bluegrass Baptist Church which owns the property on the corner of New Coleman Lane and U.S. 25 S, stated that Fiscal Court informed him that the road is not up to County standards, and he felt the County should upgrade their roads to their own standards.

Discussion continued on the road widening. No agreement was reached. Mr. Lankford asked for preliminary approval and an agreement that the road widening issue will be resolved at the Final Subdivision Plat stage. Mr. Perkins felt that it is not appropriate to defer a requirement that is standard for everyone.

After further discussion, Mr. Lankford agreed to the road widening condition at this Preliminary Plat stage, but stated that they feel the requirement is an overreach by the Commission and it will be addressed again at the Final Plat stage.

Motion by Cannon, second by Sulski, to approve the Preliminary Subdivision Plat subject to the eleven (11) conditions of approval, including the understanding that the existing fence will not need to be replaced. Motion carried.

PDP-2016-49 Hiserbob, LLC – Preliminary Development Plan for a 10,697 sq. ft. auto parts building, located at 499 Triport Road.

Commissioner Shirley left the meeting.

Mr. Summers reviewed the staff report. He stated that all issues regarding setbacks, building coverage, outdoor storage, landscaping, etc. are in order. The only issue of concern is the requested waiver regarding a gravel vehicular use area. The applicant has proposed a concrete entrance, parking spaces, and aprons around the loading bays. The remainder of the vehicular use area is proposed to be gravel.

Mr. Summers recommended approval of gravel in those perimeter areas shown to be used primarily for storage. He recommended paving for the majority of the area which will see the most traffic.

He also recommended that the Final Development Plan and Construction Plans be subject to any restrictions of the Scott County Board of Adjustment.

Commissioner Smith suggested noting on the plan that the gravel is allowed due to the heavy equipment, often with steel tracks, that is not appropriate

for blacktop. Mr. Summers added that it is also allowed because there is very little traffic in the areas.

Aaron Jamison, applicant, agreed to the conditions of approval.

Motion by Sulski, second by Moran, to approve the Preliminary Development Plan, subject to the eight (8) conditions of approval and including the requested variance regarding the use of gravel. Motion carried.

Amendment to By-laws regarding attendance

Mr. Kane reported that Mr. Perkins had concerns about amending the by-laws regarding attendance of the Commissioners when they are appointed by the legislative bodies. He wished to look further into the matter. It will be discussed at the September meeting.

The meeting was then adjourned.

Respectfully,

Rob Jones, Chair

Attest:

Charlie Perkins, Secretary

BLUEGRASS BAPTIST CHURCH
Staff Report to the Georgetown-Scott County Planning Commission
September 8, 2016

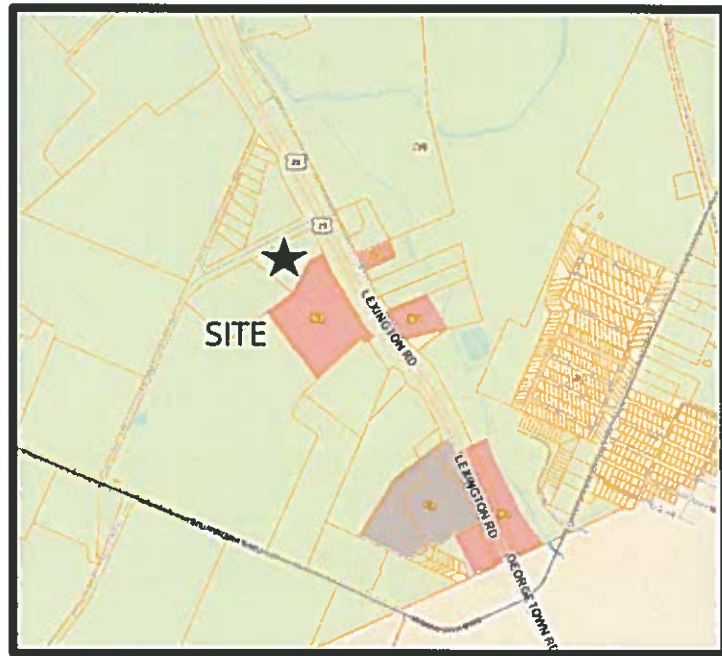
FILE NUMBER: PDP-2016-52

PROPOSAL: Preliminary Development Plan for a 9,500 SF church building and 1,250 SF accessory structure.

LOCATION: 210 New Coleman Lane

APPLICANT: Bluegrass Baptist Church

ENGINEER: Arthur Jones, Thoroughbred Engineering



STATISTICS:

Zone	A-1 (Agricultural)
Surrounding Zones	A-1 (Agricultural), and B-2 (Highway Commercial)
Site Acreage	3.43 acres
Proposed Use	Church, Conditional Use Permit S-19-08
Sq. Ft. of Buildings	12,334 SF (main & accessory)
Max. Building Coverage	20%
Prop. Building Coverage	9%
Prop. Building Height	32 feet; requires 2 increase to side yard setback
Parking Required	71 spaces
Parking Provided	71 spaces; 67 standard spaces, 4 handicap spaces
New street required	No
Water/sewer available	Yes/No
Access	1) existing entrance from New Coleman Lane 2) proposed entrance from New Coleman Lane
Variance Requested	None

BACKGROUND:
The subject property is a 3.43-acre parcel, zoned A-1, Agricultural, located southwest of the intersection of U.S. 25 and New Coleman Lane. The subject property is undersized for the district because approximately 1½ acres of land was lost to road right-of-way for the widening of US 25 and the realignment of New Coleman Lane.

The subject property is south of the City of Georgetown's greenbelt in the rural service area and approximately ½ mile north of the Scott/Fayette County line. Access is shown from an existing and a proposed entrance from New Coleman Lane, which intersects with US 25 (Lexington Road).

The property is within an area that has been studied as part of a US 25 Small Area Plan that was completed in 2002 and again as part of the US 25 Small Area Plan completed in 2013. The Future Land Use Plan proposed as part of the 2013 Small Area Plan designates the subject property for Agricultural (A-1) uses. Churches are a Conditional Use within the A-1 zone district; this proposed church does have a Conditional Use Permit (CUP) that was granted in 2008.

The Associate Pastor, Brian Fulcher, previously obtained a CUP to operate a church on the property with application S-19-08 to the Scott County Board of Adjustment. At the time, the church was under a different name (two churches have since merged), and the proposed structure was smaller than that now proposed, but the use is the same as previously approved under the CUP.

PRELIMINARY DEVELOPMENT PLAN REVIEW:

Setbacks and Building Standards:

The A-1 zone district requires the following standard setbacks:

Front: 50 feet, 100 feet required along US 25

Side: 50 feet

Rear: 50 feet

The proposed building location meets the setback requirements. The structure is proposed with a height of 32 feet. This is two feet over the traditional 30-foot maximum, requiring an additional 2-foot increase to the 50-foot side yard setbacks. The setbacks have been adjusted to show the 52-foot requirement.

The 9,500 square foot structure will create approximately 9% building ground coverage for the 3.43-acre site, under the 20% maximum building ground coverage allowed in the agriculture zone district.

No details have been provided to describe the building materials or show elevations.

Vehicular Access & Pedestrian Circulation:

Driveways & Access: The site will have two access driveways off New Coleman Lane. The first is an existing 24-foot wide driveway on the western side of the property. The second is a proposed 25-foot wide driveway located near the mid-point along New Coleman Lane and across the street from an existing entrance. The parking lot will include a drop-off zone near the main entrance for the church. Ample aisle width and turn around spaces have been provided.

Parking Spaces: Based on the parking standard of 1 space per 3 seats in the assembly area, a total of 71 parking spaces are required. The Preliminary Development Plan provides 71 total spaces; 67 standard parking spaces and 4 handicap accessible spaces. All standard stalls are shown at 9 feet by 18 feet. No compact spaces have been shown.

Sidewalks: A 6-foot wide sidewalk has been shown around the northern and eastern sides of the building adjoining the parking lot and extending to the pavilion at the southern corner of the lot. No sidewalk has been shown connecting to the accessory structure (1,250 SF) to the south of the building. Depending on the proposed use of the structure, a sidewalk may be beneficial.

Land Use Buffers and Landscaping: The *Landscape Ordinance* provides standards for Property Perimeter Buffers and Vehicle Use Area Landscaping.

Property Perimeter Requirements; Section 6.12:

- No property perimeter buffering is required for this application.

Vehicle Use Area Perimeter Requirements; Section 6.13: Rows 1 and 2

- Requires VUA perimeter screening for areas greater than 1,800 SF or used by 5 or more vehicles.
- Driveways are considered VUA areas.
- VUA perimeter screening is required when facing public and private streets.
- Minimum Buffer Area: 5' to edge of paving where vehicles overhang, 4' minimum from edge of paving and 3' (that prohibits any vehicular overhang) for other areas, on boundary of portion of vehicular use area applies to VUA portion facing adjacent property, public or private street right-of-way, access road, or service road.
- Materials: 1 tree/40' of boundary of vehicular use area or fraction thereof.
 - When VUA faces a public or private street right-of-way, access road, or service road, trees must be from Group A, or B, plus a 3' average height continuous planting, hedge, fence, wall or earth mound or a 3' decrease in elevation from the adjoining property to the vehicular use area (Table 6.13, Row 2).

The Applicant has satisfied the requirements from Section 6.13 (listed above). A total of 11 VUA perimeter trees are required and provided. A three-foot tall shrub planting has been provided. On the Planting Schedule, the Applicant will need to adjust the remarks for the Large Trees to state "40 feet on center." Right now it states 60 feet on center, but the plant material is shown at 40 feet as required. The numbers provided are therefore correct.

Interior Landscaping for Vehicle Use Areas; Section 6.22:

- Requires interior VUA landscaping for all lots greater than 6,000 SF or used by 20 or more vehicles. Loading areas and driveways are counted since this is not an industrial site.
- For each 100 sq. ft., or fraction thereof, of vehicular use area, ten (10) sq. ft. of landscaped area shall be provided.
- 1 tree/250 SF of interior VUA area is required.

The Applicant has satisfied the requirements from Section 6.22 (listed above). A total of 12 VUA interior trees are required and provided.

Section 6.14: Minimum Canopy Requirements

For the 3.43-acre site, a total canopy coverage of 22,404 square feet is required (a total of 15% of the site if all new planting). A total of 13,050 square feet (8.7%) of new canopy installed (at maturity) and 10,000 square feet (6.7) of existing canopy will be preserved, for a total of 23,050 square feet (15.4%).

Additionally, the US 25 Small Area Plan recommended increasing the landscape buffers along US 25 to 25 feet in width to reduce impervious surfaces and provide additional screening and landscaping along the major corridor and entryway. As shown on this plan, the proposed building and parking lot sit on the rear half of the property. The front is planned for septic field and recovery. It will also likely provide the location for a detention area.

All plant material shown have been confirmed as acceptable for the locations proposed.

Stormwater: A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer prior to approval of the Final Development Plan. Curb and gutter have not been shown on this plan. It would be typical to provide curb and gutter for this site, but no grading or detention details have been indicated. The Applicant has indicated that the development will meet the stormwater regulations.

The 2013 US Small Area Study found that Cane Run Creek and its tributary in the area were listed on the Kentucky Division of Water 303d list of impaired waterways in 2010 and are a local and State environmental concern and a high priority for cleanup.

Lighting and Signage: A photometric plan will be reviewed as part of the Final Development Plan review. Staff recommends that all exterior lighting should be designed to minimize off-site impacts.

Signage: No signage has been indicated on the plan. All signage will require a sign permit from the Building Inspection department.

RECOMMENDATION:

Staff recommends approval the Preliminary Development Plan for a 9,500 SF church building, and 1,250 SF accessory structure at 210 New Coleman Lane, with the following conditions of approval:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer prior to approval of the Final Development Plan.
3. A photometric plan will be reviewed as part of the Final Development Plan review.
4. Prior to (as part of) the Final Development Plan approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plan.
5. Prior to any construction or grading, a Final Development Plan, including all required construction plans, shall be approved by the Planning Commission staff and the applicant shall schedule a Pre-Construction Meeting with the Planning Commission Engineering Department to review construction policies and to establish inspection schedules. This includes a Grading Permit with fee and a Land Disturbance Permit with erosion control surety.



VICINITY MAP

STANDARD REQUIREMENTS

1. SITE SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THIS PLAN. ANY DEVIATION FROM THE PLAN, INCLUDING LANDSCAPING, SHALL FIRST BE APPROVED BY THE PLANNING DIRECTOR AND THE COMMISSION ENGINEER. MAJOR MODIFICATIONS OF THE PLAN SHALL FIRST BE APPROVED BY THE PLANNING COMMISSION.
2. STORM DRAINAGE FACILITIES, INCLUDING RETENTION BASINS, SHALL BE MAINTAINED FOR PROPER FUNCTIONING FREE OF ANY DEBRIS, SILT, OR TRASH.
3. A CERTIFICATE OF OCCUPANCY SHALL NOT BE ISSUED AND THE BUILDING SHALL NOT BE OCCUPIED UNTIL ALL SITE IMPROVEMENTS SHOWN ON THE FINAL DEVELOPMENT PLAN LISTED IN THESE CONDITIONS ARE EITHER INSTALLED OR A BOND OR IRREVOCABLE LETTERS OF CREDIT IS ISSUED TO THE PLANNING DIRECTOR FOR 125% OF THE COST OF THE WORK REMAINING TO BE DONE, AS SUBSTANTIATED BY COST ESTIMATES APPROVED BY THE PLANNING DIRECTOR. LANDSCAPING MUST BE COMPLETED BY THE LANDSCAPE INSPECTOR OR BONDED AS DESCRIBED ABOVE.
4. THERE SHALL BE NO GRADING OR CONSTRUCTION UNTIL THE FINAL DEVELOPMENT PLAN HAS BEEN APPROVED AND SIGNED BY THE PLANNING COMMISSION, EXCEPT AS CONSTRUCTION DRAWINGS ARE APPROVED BY THE PLANNING DIRECTOR FOR SITE DEVELOPMENT. THE BUILDING PERMIT SHALL NOT BE ISSUED UNTIL THE FINAL DEVELOPMENT PLAN IS APPROVED AND SIGNED.

DATE: _____

OWNER'S SIGNATURE: _____

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN PLAT OF THE DEVELOPMENT WITH MY (OUR) OWN FREE CONSENT. ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN, IN ACCORDANCE WITH THE GEORGETOWN-SCOTT COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS, UNLESS OTHERWISE NOTED.

DATE: _____

OWNER'S SIGNATURE: _____

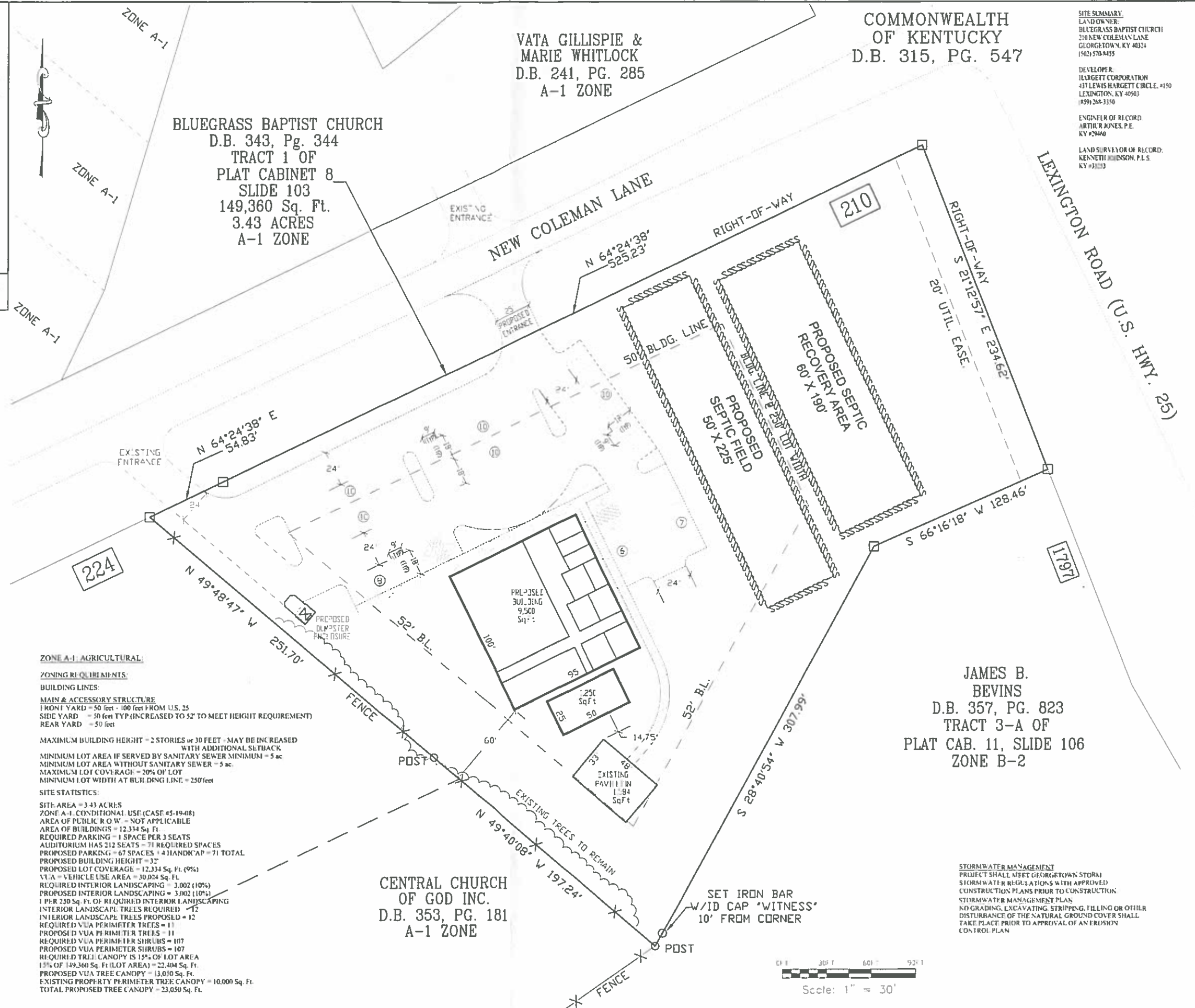
CERTIFICATION OF PRELIMINARY DEVELOPMENT PLAN APPROVAL

I HEREBY CERTIFY THAT THE DEVELOPMENT PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION AND DEVELOPMENT REGULATIONS FOR GEORGETOWN AND SCOTT COUNTY, KENTUCKY, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR CONSTRUCTION AND OBTAINING BUILDING PERMITS.

DATE: _____

(CHAIRMAN, SCOTT JOINT PLANNING COMMISSION)

RECEIVED
AUG 29 2016
PLANNING COMMISSION



ZONE A-1: AGRICULTURAL

ZONING REQUIREMENTS:

BUILDING LINES:

MAIN & ACCESSORY STRUCTURE
 FRONT YARD = 50 feet - 100 feet FROM U.S. 25
 SIDE YARD = 50 feet TYP. (INCREASED TO 52' TO MEET HEIGHT REQUIREMENT)
 REAR YARD = 50 feet

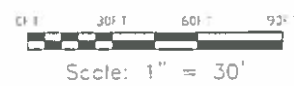
MAXIMUM BUILDING HEIGHT = 2 STORIES OR 30 FEET - MAY BE INCREASED WITH ADDITIONAL SETBACK

MINIMUM LOT AREA IF SERVED BY SANITARY SEWER MINIMUM = 5 ac
MINIMUM LOT AREA WITHOUT SANITARY SEWER = 5 ac
MAXIMUM LOT COVERAGE = 20% OF LOT
MINIMUM LOT WIDTH AT BUILDING LINE = 250 feet

SITE STATISTICS:

SITE AREA = 3.43 ACRES
 ZONE A-1, CONDITIONAL USE (CASE 45-19-08)
 AREA OF PUBLIC R.O.W. = NOT APPLICABLE
 AREA OF BUILDINGS = 12,334 Sq. Ft.
 REQUIRED PARKING = 1 SPACE PER 3 SEATS
 AUDITORIUM HAS 212 SEATS = 71 REQUIRED SPACES
 PROPOSED PARKING = 67 SPACES + 4 HANDICAP = 71 TOTAL
 PROPOSED BUILDING HEIGHT = 32'
 PROPOSED LOT COVERAGE = 12,334 Sq. Ft. (9%)
 V.I.A = VEHICLE USE AREA = 30,024 Sq. Ft.
 REQUIRED INTERIOR LANDSCAPING = 3,002 (10%)
 PROPOSED INTERIOR LANDSCAPING = 3,002 (10%)
 1 PER 250 Sq. Ft. OF REQUIRED INTERIOR LANDSCAPING
 INTERIOR LANDSCAPE TREES REQUIRED = 12
 INTERIOR LANDSCAPE TREES PROPOSED = 12
 REQUIRED VUA PERIMETER TREES = 11
 PROPOSED VUA PERIMETER TREES = 11
 REQUIRED VUA PERIMETER SHRUBS = 107
 PROPOSED VUA PERIMETER SHRUBS = 107
 REQUIRED TREE CANOPY IS 15% OF LOT AREA
 15% OF 149,360 Sq. Ft. (LOT AREA) = 22,404 Sq. Ft.
 PROPOSED VUA TREE CANOPY = 13,050 Sq. Ft.
 EXISTING PROPERTY PERIMETER TREE CANOPY = 10,000 Sq. Ft.
 TOTAL PROPOSED TREE CANOPY = 23,050 Sq. Ft.

CENTRAL CHURCH OF GOD INC.
D.B. 353, PG. 181
A-1 ZONE



VATA GILLISPIE & MARIE WHITLOCK
D.B. 241, PG. 285
A-1 ZONE

BLUEGRASS BAPTIST CHURCH
D.B. 343, Pg. 344
TRACT 1 OF PLAT CABINET 8
SLIDE 103
149,360 Sq. Ft.
3.43 ACRES
A-1 ZONE

COMMONWEALTH OF KENTUCKY
D.B. 315, PG. 547

SITE SUMMARY
 LANDOWNER: BLUEGRASS BAPTIST CHURCH
 210 NEW COLEMAN LANE
 GEORGETOWN, KY 40324
 (502) 578-8435

DEVELOPER: HARGETT CORPORATION
 437 LEWIS HARGETT CIRCLE, #150
 LEXINGTON, KY 40503
 (502) 268-3350

ENGINEER OF RECORD: ARTHUR JONES, P.E.
 KY #29440

LAND SURVEYOR OF RECORD: KENNETH HINDSON, P.L.S.
 KY #31253

JAMES B. BEVINS
D.B. 357, PG. 823
TRACT 3-A OF PLAT CAB. 11, SLIDE 106
ZONE B-2

STORMWATER MANAGEMENT
 PROJECT SHALL MEET GEORGETOWN STORMWATER REGULATIONS WITH APPROVED CONSTRUCTION PLANS PRIOR TO CONSTRUCTION. STORMWATER MANAGEMENT PLAN NO GRADING, EXCAVATING, STRIPPING, FILLING OR OTHER DISTURBANCE OF THE NATURAL GROUND COVER SHALL TAKE PLACE PRIOR TO APPROVAL OF AN EROSION CONTROL PLAN.

THOROUGHMAP ENGINEERING
146 S. BROADWAY, GEORGETOWN, KY 40324 • SURVEYORS • ENGINEERS • PLANNERS (502) 863-1786

SCALE:	1" = 30'
DATE:	07/28/2016
DRAWN BY:	JAF
REVISION DATE:	3/6/1

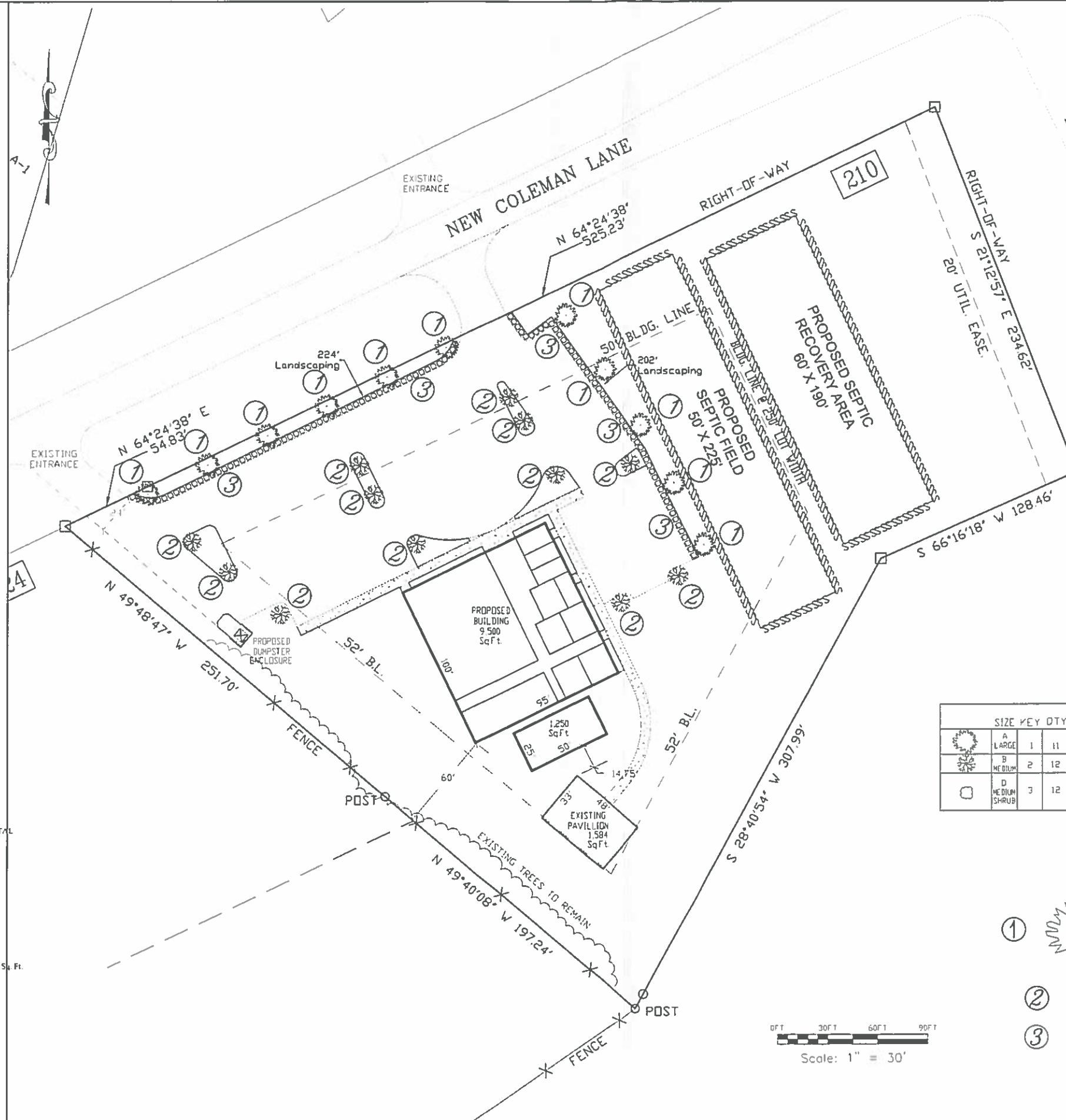
PRELIMINARY DEVELOPMENT PLAN
BLUEGRASS BAPTIST CHURCH
210 NEW COLEMAN LANE
GEORGETOWN, SCOTT COUNTY, KY

LANDSCAPE NOTES:

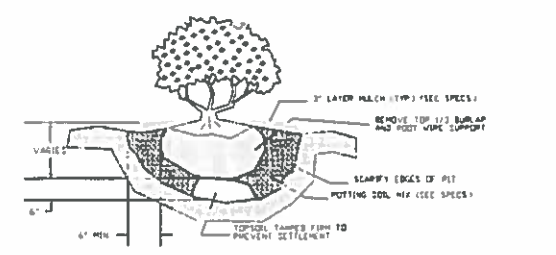
1. THIN BRANCHES AND FOLIAGE BY 1/3 RETAINING NORMAL PLANT SHAPE, BUT NEVER CUT THE LEADER. REMOVE ALL BROKEN, DISEASED OR WEAK BRANCHES AND MAKE ALL CUTS FLUSH WITH AS LITTLE STUB AS POSSIBLE.
2. PLANTS SHALL RETAIN SAME RELATION TO FINISHED GRADE AS IT BORE TO PREVIOUS EXISTING GRADE.
3. DO NOT BREAK ROOTBALLS AND DO NOT ALLOW AIR POCKETS TO FORM WHILE BACK-FILLING.
4. TREES SHALL BE REMOVED AND REPLACED IF DEFOLIATION OR BROWNING OCCURS WITHIN 3 DAYS OF PLANTING.
5. MULCH ALL PLANTS AND PLANT BEDS AS PER DETAILS. SAUCERS SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING. EXTEND MULCH BEYOND SAUCER BERM AS SHOWN.
6. ALL ROOTBALLS REMOVED FROM CANS SHALL BE SCARIFIED PRIOR TO BACKFILLING AND SCARIFY ALL EDGES AND WALLS OF PLANT PITS 4-INCHES DEEP.
7. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF PLANT MATERIAL AS PER PLANS AND SCHEDULE IS FOR CONTRACTOR CONVENIENCE ONLY.
8. PLANT MATERIAL LOCATIONS TO BE STAKED ON SITE. RECEIVE APPROVAL FROM LANDSCAPE ARCHITECT BEFORE INSTALLATION.
9. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED.
10. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES BEFORE COMMENCING CONSTRUCTION AND SHALL BE RESPONSIBLE FOR ANY DAMAGE DURING CONSTRUCTION.
11. MAINTENANCE FOR PLANT MATERIAL SHALL INCLUDE WATERING, SPRAYING, MULCHING, MOWING OF LAWNS, FERTILIZING, PRUNING, ETC., AND IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR UNTIL FINAL APPROVAL BY LANDSCAPE ARCHITECT AND OWNER.
12. THE OWNER SHALL PROVIDE WATERING, AND THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE FIRST YEAR'S MAINTENANCE.
13. ALL PLANT MATERIAL ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT AND OWNER BEFORE, DURING, AND AFTER INSTALLATION.
14. ALL PLANT MATERIAL SHALL CONFORM TO THE SIZE AND QUALITY AS SPECIFIED IN "AMERICAN STANDARDS FOR NURSERY STOCK" - CURRENT EDITION.
15. ALL DISTURBED AREAS NOT TO BE PLANTED ARE TO BE SEEDED UNLESS OTHERWISE NOTED. SEE SEED MIXTURE ON PLANTING SCHEDULE.
16. ENTIRE AREA OF ISLAND TO BE 3" MULCH BED OVER TOPSOIL. TOPSOIL EXTENDS FROM MULCH TO SUBGRADE.
17. A 12" STRIP OF SOD SHALL BE PLACED ALONG BACK OF CURB IN ALL DISTURBED AREAS WITH THE EXCEPTION OF ISLANDS.

ZONE A-1, AGRICULTURAL

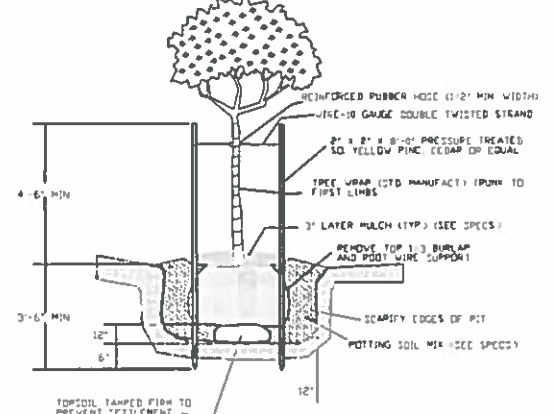
SITE STATISTICS:
 SITE AREA = 3.41 ACRES
 ZONE A-1, CONDITIONAL USE (CASE #5-19-08)
 REQUIRED PARKING = 1 SPACE PER 3 SEATS
 AUDITORIUM HAS 212 SEATS = 71 REQUIRED SPACES
 PROPOSED PARKING = 67 SPACES + 4 HANDICAP = 71 TOTAL
 PROPOSED LOT COVERAGE = 12,334 Sq. Ft. (9%)
 VUA = VEHICLE USE AREA = 30,034 Sq. Ft.
 REQUIRED INTERIOR LANDSCAPING = 3,002 (10%)
 PROPOSED INTERIOR LANDSCAPING = 3,002 (10%)
 1 PER 250 Sq. Ft. OF REQUIRED INTERIOR LANDSCAPING
 INTERIOR LANDSCAPE TREES REQUIRED = 12
 INTERIOR LANDSCAPE TREES PROPOSED = 12
 REQUIRED VUA PERIMETER TREES = 11
 PROPOSED VUA PERIMETER TREES = 11
 REQUIRED VUA PERIMETER SHRUBS = 107
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 TOTAL PROPOSED TREE CANOPY = 23,050 Sq. Ft.



SEED DISTURBED AREAS	FESTULA ARUNDINALEA	KENTUCKY 31 FESCUE	SEED TO GRASS 7#/1,000 SF	65% SEED MIX. SEE SPECS
	AGROSTIS ALBA	RED TOP	SEED TO GRASS 7#/1,000 SF	10% SEED MIX. SEE SPECS
	FESTULA RUBRA	CREEPING RED FESCUE	SEED TO GRASS 7#/1,000 SF	20% SEED MIX. SEE SPECS
	TRIFOLIUM REPENS	WHITE CLOVER	SEED TO GRASS 7#/1,000 SF	5% SEED MIX. SEE SPECS



TYPICAL SHRUB PLANTING/NO SCALE



TYPICAL TREE PLANTING AND STAKING NO SCALE

PLANTING SCHEDULE

SIZE KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS	CANOPY CREDIT
A	1	QUERCUS RUBRA	NORTHERN RED OAK	1 3/4" CAL.	B&B	50" DC UNSHEARED	11 X 750 SF
B	2	GLEDITSIA TRIACANTHOS	HONEY LOCUST (THORNLESS)	1 3/4" CAL.	B&B	25" DC UNSHEARED	12 X 400 SF
D	3	ELDONYMUS ALATUS "COMPACTA"	DWARF BURNING BUSH	24"-30" HT.	B&B	4" DC	N/A
TOTAL							13,050 SF

NOTE: DEVELOPER MAY SUBSTITUTE TREE TYPES, WITH APPROVAL FROM THE GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION.

- ① (1) LARGE CANOPY TREE = 750 Sq. Ft. OF CANOPY CREDIT
- ② (2) SMALL CANOPY TREE = 400 Sq. Ft. OF CANOPY CREDIT
- ③ (3) HEDGE

THOROUGH BREED ENGINEERING
 148 S. BROADWAY, GEORGETOWN, KY. 40324 • SURVEYORS • ENGINEERS • PLANNERS (502) 863-1766
 PRELIMINARY LANDSCAPING PLAN
BLUEGRASS BAPTIST CHURCH
 210 NEW COLEMAN LANE
 GEORGETOWN, SCOTT COUNTY, KY
 DATE: 07/29/2016
 DRAWN BY: JAF
 REVISION DATE:
 LIB NUMBER: 361

RECEIVED
 AUG 29 2016
 PLANNING COMMISSION

**BYLAWS
OF THE
GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION**

ARTICLE I. OBJECTIVES: The objectives and purposes of the Georgetown-Scott County Planning Commission, are those set forth in Kentucky Revised Statutes Chapter 100, as amended, and otherwise provided by law, and as determined by actions of the Scott County Fiscal Court, the Georgetown City Council, the Stamping Ground City Council, and the Sadieville City Council by Ordinance of record in the Scott County Court Book K-9, Page 59 of February 13, 1970.

ARTICLE II. OFFICERS AND THEIR DUTIES:

SECTION 1. The officers of the Planning Commission shall consist of a Chair, Vice-Chair, and a Secretary.

SECTION 2. The Chair shall be the presiding officer at all meetings and hearings of the Planning Commission, except as otherwise provided, and shall perform his, or her duties, guided by *Robert's Rules of Order* subject to applicable State and local law.

SECTION 3. The Chair's general duties are: to open and call all Commission meetings to order; to announce the business to be conducted; to recognize members entitled to the floor; to state and put to vote all questions, properly before the Commission in the course of Commission proceedings; and to announce the results of all votes, to make proceedings as efficient as possible; to maintain order in meetings; to determine points of order pertinent to pending business; and to authenticate, by signature when necessary, all acts, orders, and proceedings of the Commission. On all votes, the Chair's vote shall be cast last so as to limit the appearance of undue influence by the Chair on the votes of other members.

SECTION 4. The Chair shall be a citizen-member of the Commission. He, or she shall conduct business only for the benefit of the Commission and the public trust, which it serves, reflecting no personal prejudice in any matter.

SECTION 5. The Vice-Chair shall assist the Chair in any way possible subject to the Chair's request. Upon the absence of the Chair, the Vice-Chair shall preside.

SECTION 6. The duties of the Secretary are as follows: to keep records and minutes of each meeting or hearing of the Commission; to keep a roll of the members and to call this roll when required; to notify officers and committees of their appointment and

to furnish committees with all papers and other material referred to them; to insure compliance with the current Accounting Policies and Procedures, unless otherwise specified by the Chair; to record the number of votes for and against each question put to vote; to indicate absences or disqualifications from voting, when a question is put to vote; and other duties, which may be assigned by proper Commission action .

The duties of the Secretary may be assigned to a person or persons, who are not members of the Commission.

SECTION 7. Executive Committee. The Executive Committee, to be designated at the regularly held meeting in March, shall be made up of the Chair, Vice-Chair, and one appointed commissioner from the City and one appointed commissioner from the County. The joint city/county appointee may be appointed to the Executive Committee as either representative of either the City or County. Appointment to the Executive Committee shall be for a term of one (1) year. Its purpose shall be to assist the Director in management of official business between regular meetings of the Commission.

Such duties shall include:

- A. May make such decisions, which cannot wait to be put before the entire membership of the Commission, and as are required to maintain administrative decisions of the Commission office, excluding substantive planning and zoning decisions prescribed to the entire Commission. If the Executive Committee cannot reach a decision by simple majority, then the matter shall be heard by the full Commission.
- B. To assist the Director with budget preparations and an overall work program for the following fiscal year.
- C. To assist the Director in reviewing proposed budget changes, contracts and/or consulting and professional service agreements for approval.
- D. To assist the Director in administration of personnel policies within the Commission's Employee Handbook, including recommendation of potential disciplinary action against an employee.
- E. To serve as an appeals and/or interpretation board on staff decisions, upon request by an applicant or Director, as described in the Georgetown-Scott County Subdivision and Development Regulations.

- F. The Executive Committee minutes shall be included in the Planning Commission packet no later than the second regular Commission meeting following the Committee for which the minutes were taken.
- G. Compensation to the members of the Executive Committee, if any, shall be determined according to the Commission's adopted annual budget.

ARTICLE III. NOMINATION AND ELECTION OF OFFICERS:

SECTION 1. Nominations of officers shall be made at the regularly held meeting in March. All officers shall be eligible for re-election at the expiration of their office.

SECTION 2. Election of officers shall take place immediately following nominations.

SECTION 3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be elected and shall serve for a term of one (1) year, or until a successor shall take office.

ARTICLE IV. MEMBERSHIP/ATTENDANCE:

SECTION 1. Appointments, removals and vacancies shall be accomplished according to State law.

SECTION 2. When a vacancy occurs other than through expiration of the term of membership, it shall be filled for the remainder of that term according to State law.

SECTION 3. Attendance.

(A) Planning Commissioners shall maintain regular attendance at Planning Commission meetings and workshops. Regular attendance shall be defined as attendance at more than 75% of Planning Commission meetings in a 12-month period.

(B) Absence by Planning Commissioners at more than three (3) regular or special called meetings and more than three (3) Planning Commission workshops in a 12-month period shall be grounds for an Executive Committee hearing on removal from office.

ARTICLE V. MEETINGS:

SECTION 1. Regular Meetings. Meetings shall be held at the date, time and location established from time to time by the Commission, according to law.

SECTION 2. Quorum. A quorum is a simple majority of the Commission's nine (9) members. For the purpose of establishing quorum, a member shall not be counted if he, or she is disqualified under Article VII from participation on a particular question, or agenda item.

SECTION 3. Vote Necessary for Action.

(A) A simple majority vote of a quorum shall be necessary to transact any official business.

(B) A simple majority vote of the total required membership of the Commission shall be necessary to adopt or amend the Commission's bylaws.

(C) Action taken in the adoption and recommendation of Comprehensive Plan goals and objectives, or supporting sections, shall be governed by applicable State law.

SECTION 4. Special meetings. Special meetings may be called by the Chair. Special meetings shall be called by the Chair upon written request by five (5) members [quorum] of the Commission. The Chair shall notify in writing all members of the Commission according to State law. This notice shall contain the date, time, place, and subject of discussion. Pursuant to State law, a notice of a special meeting shall specify the purposes for which that meeting is called. No other business shall be considered.

SECTION 5. Open Meetings. All meetings and hearings at which official action is taken shall be open to the general public, except where closed session is appropriate under KRS Chapter 61, and subject to notice requirements in Article X of these bylaws.

ARTICLE VI. ORDER OF BUSINESS:

SECTION 1. The order of business at regular meetings shall be:

(A) Administration of oath may be administered by the presiding officer or anyone qualified as a Notary Public in the Commonwealth of Kentucky, (B) Roll call, (C) Approval of monthly invoices, (D) Approval of previous meeting's minutes (E) Approval of current meeting's agenda, (F) Approval of items for postponement and withdrawal, (G) Approval of the consent agenda items, (H) Old business, (I) New business, (J) Other business, (K) Adjournment.

ARTICLE VII. CONFLICT OF INTEREST:

SECTION 1. Disqualification. A Commission member having a direct, or indirect financial interest in the outcome of any question before the Commission shall not participate in the discussion on the matter. That member shall not be counted for purposes of determining the existence of a quorum necessary to hear and act on that matter.

SECTION 2. Definition. Direct or indirect financial interest shall include financial interest of members of the Commissioner's family in direct line (grandparents, children, siblings, etc.) and siblings of parents. Examples of Commission actions that constitute direct or indirect financial interest include but are not limited to:

- A. A development proposal for a property in which a Commissioner has financial interest.
- B. A policy decision which will substantially affect the development potential of a property in which a Commissioner has financial interest.
- C. A development proposal or policy which will result in known financial benefit (e.g., through contract or employment) from related activities.
- D. A development proposal that would provide a direct financial competition with a development in which the Commissioner has financial interest.
- E. A development proposal that would substantially impact the value of a nearby property in which the Commissioner has a financial interest.

These examples provide guidelines for conflict of interest determination.

SECTION 3. Procedure. A Commissioner with a potential conflict of interest shall disclose the nature of that interest to the Chair at such time as he, or she becomes aware of it. The Chair shall state for the record the disqualifications of the member at the beginning of the discussion, or hearing on the matter in which the potential conflict arose.

Any person during the course of a Commission meeting can raise the issue of a Commissioner's conflict of interest. At the time the conflict of interest is asserted, the Chair shall suspend the discussion, or hearing until the question of conflict is resolved. If the Commissioner acknowledges a conflict, he or she shall be disqualified under Section 1. Upon the Commissioner's disqualification, the meeting shall continue if a quorum is present. If there is no quorum, the discussion or hearing shall be continued until such time as a quorum is present.

If the Commissioner denies the existence of a conflict, the Chair may rule on the question and upon ruling, take appropriate action under these bylaws. In the event there is insufficient information upon which the Chair may rule, he or she shall conduct an evidentiary hearing before the Commission. At the close of the evidence the Commission shall vote either "Yes, there is a conflict" or "No, there is no conflict" under these bylaws. Upon completion of the vote the Chair shall take appropriate action. After resolution of the assertion of conflict of interest, the discussion or hearing shall be resumed.

SECTION 4. Non-financial Conflict of Interest. A Commissioner shall also be disqualified, or shall abstain, under the same rules as in Sections 1 and 3, for cause, defined as the apparent inability to render an impartial decision. In no event shall a Commissioner speak for, or against a matter before the Commission as a representative of any organization other than the Planning Commission.

SECTION 5. Occurrence of Conflict of Interest After Commission Action. This section applies when the issue of conflict of interest is raised by any person after the Commission has taken final action on a matter. The Chair shall determine whether the assertion of conflict of interest, if true, would have, more likely than not, affected the outcome of the Commission's prior action. If it appears that the conflict, if true, would not have affected the outcome, the Chair shall report the assertion of conflict and his, or her determination to the Commission. The Commission on motion and second with majority vote may override the Chair's finding and set the matter for evidentiary hearing.

If it appears that the conflict, if true, would have affected the outcome, the Chair shall report the assertion of conflict to the Commission and schedule a hearing before the Commission on the question of whether the conflict of interest existed at the time of the prior action and whether it affected the prior Commission action. If the Commission, after evidentiary hearing, finds that the conflict did affect the prior Commission action the record of that determination shall be forwarded to the appropriate legislative body for inclusion in the record of the prior action of the Commission.

SECTION 6. Guidance from the APA. The Chair and the Commission shall seek guidance from the APA's "Ethical Principles in Planning," adopted in May 1992, in determining the existence of conflicts of interest. See Appendix One, below.

ARTICLE VIII. ADMINISTRATION OF FUNDS:

SECTION 1. The Commission shall have the right to administer funds as set out according to State law and within the Accounting Policies and Procedures.

SECTION 2. The Commission shall undertake an annual audit in accordance with Kentucky Revised Statute 100.177 and according to accepted practices for like agencies, including presentation to the Commission and their adoption of a report outlining the findings and recommendations of that audit.

ARTICLE IX. EMPLOYEES:

SECTION 1. Creation of Employee Positions. The Commission may create such employee positions as it deems appropriate, assigning to each position duties, responsibilities and compensation. This action shall be taken according to law.

SECTION 2. Employment of Staff, or Outside Services. The Commission may employ staff and/or contract outside services in the performance of its objectives and purposes according to law and as set out above. Such employment shall be made by the director to begin the employee's six month probationary period, and a majority of the total membership of the Commission shall approve an employee's permanent employment status at the conclusion of the six month probationary period.

SECTION 3. Supervision of Staff and Outside Services. The Director of Development Services, subject to the oversight of the Commission, shall supervise all staff and outside contractors.

ARTICLE X. HEARINGS:

SECTION 1. In addition to those required by law, the Commission may hold public hearings at its discretion when such hearings are in the public interest.

SECTION 2. Notice of such hearings shall be given to the Commission and public according to law. For information on the Commission's notice requirements, reference should be made to the notice provisions of Kentucky Revised Statutes Chapters 424 and 100 and to local ordinance.

SECTION 3. The matter before the Commission shall be presented by the Commission staff. Parties in interest, proponents and opponents, shall be afforded reasonable opportunity to address the Commission. In the event of an appeal of a Commission action, or other legal action, all statements, exhibits, or other submissions offered on the Commission record shall be submitted on the record in the court having jurisdiction over that appeal or action.

SECTION 4. A record shall be kept of those speaking before the Commission.

SECTION 5. The Planning Commission may appoint one or more of its members to act as a hearing examiner or examiners.

ARTICLE XI. AMENDMENTS:

SECTION 1. These bylaws may be amended at a properly convened meeting by a vote of a simple majority of the total membership of the Commission.

Adopted by: The Georgetown-Scott County Planning Commission at its regular meeting held _____, 2011.

Approved by:

Chair

Attested by:

Secretary

Appendix One:

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

Exercise fair, honest and independent judgment in their roles as decision makers and advisors;

Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.

Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;

Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

Serve as advocates only when the client's objectives are legal and consistent with the public interest.

Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

Not use confidential information acquired in the course of their duties to further a personal interest;

Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

Not misrepresent facts or distort information for the purpose of achieving a desired outcome;

Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;

Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.¹

¹ These principles are recommended by the American Planning Association [APA], 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601, for all participants in the planning process, including decision makers, and is found at the APA website: <http://www.planning.org/ethics/ethicalprinciples.htm>