

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

**JULY 12, 2007**

The regular meeting was held in the Scott County Courthouse on July 12, 2007. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, Melissa Gregory, Greg Hampton, John Lacy, Jimmy Richardson, and Ralph Tackett, Planning Director Michael Sapp, Assistant Director Eric Larson, Planners Drew Ardary and Rhonda Cromer, and Engineer Ben Krebs. Absent were Commissioners Janet Holland and Robert Hopkins, and Attorney Charlie Perkins.

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

Motion by Richardson, second by Tackett, to approve the June 14, 2007 minutes. Motion carried.

Motion by Hampton, second by Bradley, to approve the July agenda. Motion carried.

Postponements/Withdrawals

Mr. Brock reported that the Brown Property Townhomes and Windsor Path Wellness Community applications have been postponed to the August meeting.

**Motion by Lacy, second by Gregory, to accept the two items for postponement. Motion carried.**

Consent Agenda

Representatives of the Lake Forest Phase 1, December Estate, Sexton Warehouse Phase II, Great Crossing Garden Center, and Grace Christian Center applications agreed to their respective conditions of approval, and no concerns about the projects were expressed by the Commission or the public.

**Motion by Richardson, second by Bradley, to approve the five (5) items on the Consent Agenda subject to their respective conditions of approval. Motion carried.**

ZMA-2007-21 O'Reilly Automotive, Inc. – Rezoning request from B-1 to B-2 for a 1.832- acre tract for an auto parts retailer, located on the northwest corner of S. Broadway (U.S. 25 S.) and Hawthorne Drive. PUBLIC HEARING

Chairman Brock opened the public hearing (continued from the June meeting).

Mr. Ardary reported that the notification requirements have been met. He then reviewed the staff report, which included Comprehensive Plan policies which support the proposal, and issues regarding traffic generation, design standards, lighting issues, and traffic circulation.

He recommended approval subject to three conditions.

Rick Johnston with Geotech Engineering, and Scott Linhart and Robbie Stivers with O'Reilly Auto Parts, were present. Mr. Linhart agreed with the conditions of approval, but stated that they wish to have two entrances into the property, including one on S. Broadway.

John Zumora, Hurston Court resident, stated that they distributed information on the proposal to many of the neighbors in the immediate area and most of them were unaware of this meeting. He was dissatisfied with the notice requirements, the traffic count, and the entrance being on Hawthorne.

John Pomrick, Bradford Place resident, stated that he checked the zoning when he purchased his home, and was satisfied with the property being B-1. He opposed a change to B-2 because of the affect on property values and increased traffic.

Harry Hargis, Hurston Court resident, felt that B-1 is appropriate. He stated that Hawthorne is overused now as a shortcut to the bypass, and this proposal will increase the problem.

Lynn Brooks, Hawthorne Drive resident, expressed concern about the increase in traffic, stating that it is already difficult at times to turn at the Hawthorne/ Broadway intersection.

Missy Clay, Hawthorne Drive resident, stated that she has a young child and has concerns about the increase in traffic.

Ivy Willis, Hawthorne Drive resident, also opposed the zone change.

Bonnie Zumora, Hurston Court resident, opposed using Hawthorne Drive to access the property.

Another resident suggested locating the facility at Indian Acres Shopping Center.

Mr. Ardary reviewed the permitted uses in B-1 and B-2 zones.

Several neighbors again expressed concern about the increased traffic.

It was clarified that even the northern tract of the property will not have access to N. Broadway. One of the neighbors stated that if the property to the south, across Hawthorne Drive, also has access to Hawthorne only, the traffic situation will be even worse, comparing the situation to the CVS Pharmacy/Showalter Drive area.

With no other comments, Chairman Brock closed the public hearing.

**Motion by Gregory, second by Hampton, to recommend denial of the rezoning request due to the negative traffic impacts on the adjacent neighborhood. By roll call vote, motion carried 4-2, with Tackett and Richardson dissenting.**

PSP-2007-27 Stonecrest Unit 1-B Townhomes – Preliminary Subdivision Plat for 19 lots on 4.04 acres zoned R-2 PUD, located in the Stonecrest Subdivision off Berkshire Lane, south of the U.S. 460 bypass.

Mr. Ardary reviewed the staff report, including issues regarding access and the park site.

Linden Platt, Eagle Engineering and representing the applicant, stated that they will work with staff on pedestrian access to the park. He agreed with the conditions of approval.

Ed Bringardner, adjacent property owner, wanted clarification for the record that the fence on the common property line will be maintained to protect their farming operation. He stated that they have a private agreement regarding that issue. Mr. Brock stated that the Planning Commission cannot enforce a private agreement, although protection of adjacent farming operations is typically a requirement. Mr. Platt stated that runoff drains to the north, so it should not affect the Bringardner property. Commissioner Lacy stated that #9 diamond mesh fencing is usually required to catch debris, etc., plus a landscape buffer. It was decided that an eighteenth condition would be added to require #9 diamond mesh fencing, posts on 8' centers and a landscape buffer for this application.

Charles Grogan, Berkshire Road resident, stated that he was told that a road would be constructed on the Bringardner property to connect to the bypass. He was concerned about emergency access into/out of the subdivision. Mr. Ardary stated that a stub street exists, but will not be extended until the property owner develops.

After discussion with Charles Bringardner, adjacent property owner, it was agreed that since the private agreement addresses the fencing and buffer issue, the eighteenth condition would not be necessary.

**Motion by Lacy, second by Richardson, to approve the Preliminary Subdivision Plat subject to the seventeen (17) conditions of approval.  
Motion carried.**

PSP-2007-29 Ishmael Property – Preliminary Subdivision Plat for three tracts on 36.97 acres zoned A-1, located on N. Mt. Gilead Church Road.

Ms. Cromer reviewed the staff report, which recommended approval subject to four conditions.

Bruce Lankford, representing the applicant, addressed condition #1 regarding road improvements. The area required to be upgraded was clarified. Ms. Cromer stated that staff requested improvements along the entire property owned by the applicant. Mr. Ray Ishmael, applicant, stated that some of the property along the road is too steep to reasonably improve. It was agreed that only the road along Tract #6 would need to be improved.

**Motion by Bradley, second by Richardson, to approve the Preliminary Subdivision Plat subject to the four conditions of approval, with condition #1 being amended to require road improvements only along Tract #6.  
Motion carried.**

PDP-2007-11 Whispering Hills RV Campground – Preliminary Development Plan for 233 RV campsites on 35.53 acres zoned A-1, located on the south side of Rogers Gap Road, east of I-75 and west side of Highview Path.

Ms. Cromer reviewed the staff report, including the issue of KYTC-District #7 requiring a right turn lane on Rogers Gap Road into the development, which necessitates crossing over a GMWSS water line. She also discussed issues regarding the sanitary sewer system, drainage plan, and sinkholes.

Mr. Pat Juett, applicant, agreed to the conditions of approval.

Discussion continued on lot sizes and maximum length of stay.

Commissioner Lacy asked about landscape buffering along Rogers Gap Road. Mr. Juett stated that they intend to install a buffer, but it is not shown on the plans yet. It was agreed to add a condition (#12) requiring a fence along Rogers Gap Road and landscaping per the cluster subdivision requirements.

**Motion by Richardson, second by Bradley, to approve the Preliminary Development Plan, subject to the twelve conditions. Motion carried.**

PDP-2007-16 Sycamore Place – Preliminary Development Plan for multi-family housing (four units) on 1.01 acres zoned R-2, located on McFarland Court off of McFarland Drive.

Ms. Cromer reviewed the staff report, including issues regarding public and emergency access, possible wetlands and environmental impacts.

Tom Bradley, Thoroughbred Engineering and representing the applicant, agreed with the conditions of approval.

Mark Singer, Gano Avenue resident and City Councilman, stated that a Kentucky Avenue resident asked him to relay their concerns to the Planning Commission. They have concerns about construction traffic on the street, emergency access, the possible wetlands on the site, and the public right-of-way.

Mr. Bradley responded that the applicant must show that McFarland Drive is a dedicated right-of-way. He stated that Brent Combs of Thoroughbred Engineering indicated that he has documentation that makes reference to a plat for the adjacent property which shows the right-of-way. Ms. Cromer added that Mr. Combs stated that he has actual deeds which would be legal documents.

The environmental/drainage concerns were discussed. Chairman Brock stated that documentation regarding the wetlands from the Corps of Engineers would need to be submitted.

**Motion by Bradley, second by Gregory, to approve the Preliminary Development Plan subject to the thirteen (13) conditions of approval. Motion carried 4-2 with Tackett and Lacy dissenting.**

Joe Alexander Property – Appeal of conditions of approval

Kathy Alexander, applicant, asked the Commission to reconsider the fencing requirement for their property on Owenton Road. She stated that four out of five of the surrounding property owners have agreed to a waiver. The Gardners have not waived the requirement, and she feels that their property does not qualify as “active agricultural activities.” She stated that there is an existing fence that is in good shape except for one place in need of repair, and they are waiting for a decision from the Planning Commission before they make the repairs. She stated that the Gardners in December 2006 agreed to a less expensive fence than the #9 diamond mesh that was required,

and that they would pay for 50% of it. Since then, they have changed their mind. She stated that she is willing to replace the damaged portion of the existing fence with the same "goat" fencing that is there now, and extend it further.

Dick Rawdon, representing the Gardners, presented photographs showing where the Alexanders have graded part of a hill and pushed the dirt onto the Gardner's property, damaging the fence and some trees. He asked the Commission to uphold the original fencing requirement. Ken Gardner stated that if the fence had been installed as originally required, the damage would not have been done. Mrs. Gardner stated that the Right-to-Farm Act was noted in the requirements which was to protect their way of life.

Ms. Alexander stated that the damage was not intentional, and they have been making arrangements to have it repaired.

Chairman Brock felt that the #9 diamond mesh requirement should be amended to a woven wire fence along the entire length of the property. Commissioner Lacy stated that it would compromise more trees.

Discussion continued on the matter. It was agreed by both parties that a woven wire fence, with barbed wire on top, would be installed along the entire common property line. The fence would be installed on posts where the trees were removed, and nailed to trees where trees exist. The Alexanders would not be responsible for removing any of the existing fence. The approved conditions of approval will be amended to change the type of fence from #9 diamond mesh to woven wire.

**Motion by Lacy, second by Richardson, to amend the conditions of approval for the Alexander Property to require a woven wire fence instead of #9 diamond mesh. Motion carried.**

#### Cluster Ordinance revisions - PUBLIC HEARING

Chairman Brock continued the public hearing.

Chairman Brock suggested amending the cluster regulations in conjunction with all rural land use regulations. Commissioner Lacy agreed, stating that a Rural Land Use Map is needed and that the Comprehensive Plan policies need to be reconsidered. He stated that Fayette County has a 40-acre minimum lot size; Woodford County has a 30-acre minimum lot size; Bourbon County has a 2-lot maximum subdivision requirement. Those regulations have caused an increase in Scott County's rural development. He stated that the Rural Committee has been working on a Transfer of Development Rights program.

Commissioner Richardson addressed the need to be sensitive to property rights.

It was decided to review the proposed revisions even though rural land use policies may undergo major changes that affect the cluster regulations.

Cathy Taylor, farmowner, urged the Commission to be very careful in placing too many restrictions on farmowners.

Bruce Lankford, attorney, discussed the proposed amendment that requires the preserved tract to remain intact as one tract. Ms. Cromer stated that the preserved tract retains one dwelling unit credit. If the preserved tract can be subdivided, all but one of the smaller preserved tracts would need to be designated non-buildable.

Discussion continued on that issue (item C of the proposed amendments). Ms. Cromer added that tracts less than approximately 35 acres are not eligible for cluster lots, so they are being divided into 5-acre tracts. She said the Commission may want to consider a policy that allows someone with 30 acres, for example, to develop their six (6) cluster lots and keep the remaining acreage as a preserved tract (even if less than 25 acres). It was noted that the Health Department requires 1-3/4 acres for a cluster lot.

After discussion on environmentally sensitive areas, it was agreed to amend item H to read: Environmentally Sensitive Areas may not be included within the cluster lot development without a variance; those areas must be part of the preserved acreage.

*allowing an increase in the maximum size of the lot to the extent*  
**Motion by Lacy, second by Richardson, to accept the proposed text amendments to the Cluster Regulations as presented, with the changes in red, including the change to Item H as noted above. By roll call vote, motion carried 5-1 with Bradley dissenting.**  
*require to include the environ-mentally sensitive area;*

Chairman Brock closed the public hearing.

Update of previously approved projects and agenda items


Mr. Sapp reported on the upcoming continuing education seminar on August 11.

The meeting was then adjourned.

Respectfully,

  
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Barry Brock, Chairperson

Attest:

  
\_\_\_\_\_  
Charlie Perkins, Secretary

*[addition approved by motion & vote CP]*