

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

**September 9, 2004**

The regular meeting was held in the Scott County Courthouse on September 9, 2004. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, John Carter, Robert Hopkins, John Lacy, Omer Lee, William Peters, and Elizabeth Williams, Planning Director Kelley Klepper, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Planner Rachel Phillips.

Chairperson Brock presented a plaque to former Commissioner John Sharpe in appreciation of his 10 years of service on the Planning Commission.

Motion by Williams, second by Bradley, to approve the August invoices. Motion carried.

Motion by Lacy, second by Lee, to approve the August 12, 2004 minutes. Motion carried.

With the addition of a personnel issue under Other Business -- New, and the amendment of hearing the Jones Property application after the Kohl's application, motion by Williams, second by Bradley, to approve the September agenda. Motion carried.

Postponements/Withdrawals

Mr. Brock noted that the following items are postponed to the October meeting: 1) Fisher's Mill Landing, Phase 2-C, 2) Pleasant Valley Subdivision, and 3) the consideration of the amendment to Appendix III of the *Subdivision & Development Regulations* regarding the City of Georgetown-City Engineer's Certification for Street Lights

**Motion by Hopkins, second by Carter, to accept postponement of the three items mentioned above. Motion carried.**

Consent Agenda

Representatives of the Tutt Property and H & T Automotive applications agreed to their respective conditions of approval, and no concerns about the projects were expressed by the Commission or the public.

**Motion by Williams, second by Carter, to approve the two applications on the Consent Agenda subject to their respective conditions of approval. Motion carried.**

FSP-2004-35 Scarborough Property - Final Subdivision Plat for two rural residential lots on 39.44 acres, located on the southeast side of Roger's Gap Road, east of Cincinnati Road (U.S. 25), southwest of Turkey Foot Road.

Mr. Klepper reviewed the issues involved in the application, including the placing of a mobile home on the property without verification of the number of residences already utilizing the gravel driveway. He stated that Clay McKnight, attorney for the applicant, has stated that the applicant is willing to note on the plat that the frame house on Tract 3-A is not to be used as a residence. It would be a farm office or manager's office, but not continue as a residence. Staff is willing to approve the subdivision with this restriction. The original ten conditions of approval would apply.

Mr. Klepper read the ten conditions. The first condition was deleted, and a last condition was added regarding a note on the plat stating that the frame house will not be used as a residence.

Mary Scarborough, applicant, stated that it is possible that the frame house will be a residence, and the mobile home will be an office. Chairman Brock stated that either way would be acceptable, as long as the note on the plat reflects that.

Ms. Scarborough agreed to the conditions of approval.

**Motion by Bradley, second by Carter, to approve the Final Subdivision Plat subject to the eleven conditions of approval. Motion carried.**

PSP-2004-49 Drake Property (Smith Property - Champion Way) - Preliminary Subdivision Plat for 151 single family detached residential lots, located on the east side of U.S. 25 North, north and south sides of Champion Way, west side of the Norfolk Southern Railroad.

Mr. Klepper reviewed the staff report, including issues regarding the traditional neighborhood design, open space and walking trails. Staff commended the applicant on the building plans and the layout of the development. He noted a portion of condition #11 regarding a retaining wall that is to be deleted.

Bruce Lankford, representing the applicant, agreed with the sixteen conditions of approval.

Commissioner Hopkins asked about the acquisition of additional adjacent property. Mr. Lankford stated that that has not yet been resolved.

**Motion by Hopkins, second by Lee, to approve the Preliminary Subdivision Plat subject to the sixteen (16) conditions of approval as amended. Motion carried.**

PDP-2004-40 Kohl's - Preliminary Development Plan for a 96,016 sq. ft. retail building, located on the south side of Magnolia Drive, east side of Connector Road.

Mr. Klepper reviewed the status of the Preliminary Development Plan and the issues of concern regarding the Big Box regulations, including location of the customer entrances, community spaces, delivery truck access, safety, traffic circulation, truck turning radius, and cross-parking agreements.

Commissioner Williams cited a statement of purpose from the Big Box regulations and reasons why she supports compliance with the regulations.

Commissioner Hopkins felt that Big Box buildings should be constructed in such a way as to be easily re-occupied if the original occupant leaves. He also expressed concern about the parking.

Patrick Cairns, representing the applicant, addressed the parking issue and the truck traffic route. He noted that deliveries are made at night, thereby alleviating any safety concerns.

Bob Dorran, Engineer for Kohl's, agreed with Mr. Cairns that the truck access location is what works well for Kohl's. He stated that the plan is a result of 40 years of experience in site development. He stated that having to put in a side customer entrance would affect their operation significantly, as cash registers are located for convenience, loss prevention, and visibility. Deviating from their plan would cause long lines at cash registers which affects sales.

Mr. Cairns stated that they cannot re-design the building for each different community. They wish to protect their design so that customers have the same shopping experience all over the country.

Commissioners Hopkins and Williams pointed out that Wal-mart re-designed their building to comply with our regulations and are actually replicating it in other communities.

Mr. Cairns noted the changes that they have made.

Discussion continued on the matter. Mr. Cairns stated that rotating the building 90 degrees to face Magnolia Drive is not feasible because of the topography of the site.

Drainage and parking were discussed.

Mr. Klepper stated that staff is willing to continue to work with the applicant.

Bruce Lankford, representing the property owners, discussed the possibility of obtaining variances or waivers. Attorney Perkins felt that some of the issues being discussed would go beyond normal variance requests to the point of defeating the purpose of the Big Box ordinance.

After further discussion, it was agreed to continue the matter to a special meeting on September 30, 2004, at 6:00 p.m. to allow time to possibly work out a mutually acceptable plan.

PSP-2004-52 Jone's Property (Lowe's) - Preliminary Subdivision Plat for four (4) lots plus the extension of the existing public road, Magnolia Drive, located on the east side of Connector Road, southeast of Oxford Drive, west of Old Oxford Road.

Because the Kohl's application was continued, this application was continued also to the special meeting on September 30, 2004.

PDP-2004-43 Hannson Place, Lot 1 - Preliminary Development Plan for a six (6)-plex unit on Lot 1 of Hannson Place, located on the south side of Frankfort Road (U.S. 460 W), east of Elizabeth Street.

Mr. Klepper reviewed the status of the application.

Brent Combs of Thoroughbred Engineering addressed the parking issue. He proposed an alternative layout and also showed how this plan is similar to other parking layouts.

Commissioner Williams felt that the number of units should be reduced from six to five. She had concerns about safety with the parking lot being so close to the street.

After further discussion, Mr. Klepper suggested postponing the application to the October meeting to allow time to explore additional options for the parking configuration.

**Motion by Hopkins, second by Williams, to postpone the matter to the October meeting. Motion carried**

PDP-2004-47 Kinzer's Automotive - Preliminary Development Plan for an 1,800 sq. ft. automotive repair facility, located on the west side of Chambers Avenue, north of Bourbon Street.

Mr. Peters recused himself from discussion and voting due to his relationship with the property ownership.

Mr. Klepper reviewed the staff report, including the issue of when the property was able to begin operation. In accordance with a recently adopted City ordinance, anyone currently in violation of any ordinance is prohibited from filing any applications with the Planning Commission, City Council, or Building Inspection. As of August 6, 2004, the applicant was conducting business on the site, prior to receiving approval. As of this date, September 9, 2004, the applicant has ceased operation. It was agreed to hear the application.

There were no other outstanding issues and staff recommended approval subject to the conditions of approval.

Richard Kinzer, applicant, stated that he was not aware that he was in violation by beginning operation. He agreed with the conditions of approval.

**Motion by Williams, second by Lacy, to approve the Preliminary Development Plan for the automotive repair facility, subject to the conditions of approval. Motion carried.**

Commissioner Peters returned to the meeting.

Revisions to the notification requirements for zone change requests, plats and plans PUBLIC HEARING

Chairperson Brock opened the public hearing. Mr. Klepper stated that the proposal has been sent to the engineers, surveyors, and attorneys who regularly work with staff. He then reviewed the proposal, which expands notification requirements beyond what is required by KRS 100 and 424.

The Commission discussed the proposal and suggested making the distance requirements of 500' (urban) and 1,000' (rural) also apply to major subdivision and major development plans.

Chairperson Brock closed the public hearing.

**Motion by Williams, second by Peters, to adopt the revisions of the notification requirements, including the change making the distance requirements also apply to major subdivision and major development plans. By roll call vote, motion carried 8-0.**

Update of previously approved projects and agenda items

Mr. Klepper introduced Lance Estep, the new Planner.

Planning Commission meeting date change - October 11

Chairperson Brock noted that the next Planning Commission date has been moved from October 14 to October 11 due to a scheduling conflict. There will be no Planning Commission workshop that week.

Personnel Matter

Mr. Klepper addressed the personnel policy regarding maximum vacation time accrual. He stated that he wishes to re-review the policies regarding comp time, overtime, and non-exempt status in light of his accrued comp time and vacation. He is unable to take the comp time and vacation that he has earned because of the work load and night meetings that he must attend. With the upcoming Comprehensive Plan review, night meetings will only increase.

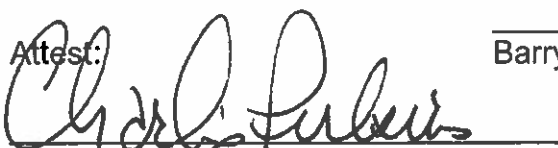
Chairman Brock stated that the Executive Committee agreed that Mr. Klepper should be authorized to cash in one-half of the hours that he has accumulated to date, and that at some point in the future, new personnel policies will address this matter.

**Motion by Hopkins, second by Peters, to authorize compensation for one-half of Mr. Klepper's accrued vacation hours. Motion carried.**

The meeting was then adjourned.

Respectfully,

  
\_\_\_\_\_  
Barry Brock, Chairperson

Attest:  
  
\_\_\_\_\_  
Charlie Perkins, Secretary