

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

**JUNE 8, 2006**

The regular meeting was held in the Scott County Courthouse on June 8, 2006. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, Melissa Gregory, Janet Holland, Robert Hopkins, John Lacy, Helen Mitchell, Jimmy Richardson and Elizabeth Williams, Planners Drew Ardary and Rhonda Cromer, and Engineer Ben Krebs. Absent was Attorney Charlie Perkins.

Motion by Lacy, second by Holland, to approve the May invoices. Motion carried.

With one name correction, motion by Richardson, second by Mitchell, to approve the April 24, 2006 minutes. Motion carried.

Motion by Williams, second by Bradley, to approve the May 1, 2006 minutes. Motion carried.

Motion by Lacy, second by Holland, to approve the May 11, 2006 minutes. Motion carried.

With the addition of the Blue Sky Arts Studio request under Staff Reports – New, Item F, motion by Williams, second by Lacy, to approve the June agenda as presented. Motion carried.

Postponements/Withdrawals

Mr. Brock reported that the Brooklane Estates, Lynn Street Residential, Mission Gear Indoor Racing, Richardson Medical Office Building, Victory Life Church, Kiser Property, and Icon Properties applications have been postponed to the July meeting.

**Motion by Gregory, second by Richardson, to accept the seven items for postponement. Motion carried.**

Consent Agenda

Representatives of the Living Water Fellowship and J.R.N. Stores (KFC) 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 Gregory, to approve the two items on the Consent Agenda subject to their respective conditions of approval. Motion carried.**

ZMA-2006-34 MSM Metal Fabrication - Rezoning request for 12.51 acres from A-1 (Agriculture) to I-1 (Light Industrial) located on the west side of U.S. 25 N., west of I-75, south of Rogers Gap Road, north of Delaplain Road. PUBLIC HEARING

Chairman Brock opened the public hearing. Ms. Cromer reviewed the staff report, recommending denial based on the request being inconsistent with the Comprehensive Plan. She provided excerpts from the Comprehensive Plan demonstrating that the request is in direct conflict with several adopted policies.

Shawn Skeens, applicant, stated that she and her husband have cleaned up the property and repaired the buildings since they have managed it. She described the existing operation of metal fabrication, training welders, etc. She stated that the property is already served by water, sewer, and electric. Access is already sufficient and truck traffic is not increased by the business. Drainage pipes are present for stormwater drainage. She felt that A-1 zoning is inappropriate because of all she described. She stated that emergency services would be needed if the property remained A-1 and a school or church were located there.

John Simpson, Mallard Point resident, reviewed the history of violations on the property. He supported the staff recommendation for denial, feeling the use is inappropriate for the site.

John Woodall, attorney for several objectors of the application, expressed their opposition to a request that does not agree with the Comprehensive Plan.

Carl Tackett, real estate appraiser, submitted photographs of a large number of trucks on the site, which he feels contributes to the high volume of traffic on U.S. 25. He also submitted letters of opposition from area residents. He supported denial of the project.

Terri Hill, Deer Run Estates resident, stated that they built their home after being informed that the trucking operation on the site had ceased operation because of the A-1 zoning, and that the property would remain A-1. She stated that noise could be generated, scrap metal could accumulate, or a junk yard could appear. She expressed concern that the site could be used for adult uses in the future if rezoned. She requested that the Commission deny the application.

Brent Combs, Thoroughbred Engineering, stated that restrictions could be placed on the zone change to prohibit other uses.

Tammy Damron, adjacent property owner, stated that the current owner has cleaned up the property, but they hear everything that occurs on the property at all hours. She also stated that runoff from the site goes into her pond. She asked what uses could occupy the site if it remains A-1. Chairman Brock stated that most uses would need to go through the Board of Adjustments.

Beth Green, Deer Run resident, stated that her property backs up to the site, and last fall she heard tractor trailer trucks entering and leaving the property at all hours of the night.

With no further comments from the Commission or public, Chairman Brock closed the public hearing.

**Motion by Williams, second by Mitchell, to deny the rezoning request based on the findings of fact that industrial use is in direct conflict with the Comprehensive Plan and that A-1 remains the appropriate zoning for the area. By roll call vote, motioned carried 8-0.**

PDP-2006-11 Elk River Apartments Phase II - Preliminary Development Plan for a 44-unit apartment building located on Rykara Path, south of Castleford Drive, north of the North Elkhorn Creek.

Mr. Ardary reviewed the staff report, noting the parking, pump station and trail issues. He noted that in order to comply with the required parking ratio, the applicant is reducing the number of bedrooms in each unit from two to one, with the second bedroom indicated as an office.

Commissioner Williams felt that the floor plan shown on the plat indicates that the units should still be classified as two-bedroom. Mr. Ardary stated that the parking ratio for Phase I of this development was 1.6, instead of the required 2.5 spaces for two-bedroom units. Commissioner Bradley stated that on a recent site visit, the parking lot had very few cars, indicating that the applicant's assertion that residents in this development don't require 2.5 parking spaces per unit is probably correct. However, the occupancy rate is not known.

Kean Ashurst, Hall-Harmon Engineers, stated that the most feasible way to deal with the parking issue was to reduce the number of bedrooms.

Commissioner Williams felt that the 2.5 parking ratio should be required.

Judy Kushner, Colony resident and adjacent property owner, recalled that the applicant was required to compromise on the parking ratio. She expressed concern about the pump station overflow. Chairman Brock read the letter from GMWSS stating that "the pump station has the available capacity to accept the

flow from the additional 44 units.” Ms. Kushner was concerned about the pump station providing enough capacity for the total 227 additional units which are in the process of being built.

Commissioner Williams had continued concerns about the units still being used as two-bedroom units, and therefore the parking being inadequate.

Chris Dischinger, representing the applicant, stated that the room shown as an “office” has no door or closet. He added that most of the two-bedroom units in Phase I are occupied as a one-bedroom. Their intent was to not reduce the size and livability of the units. He stated that reducing the two bathrooms to one decreases the marketability of the units.

On-street parking was discussed.

The applicant agreed with the conditions of approval.

**Motion by Lacy, second by Richardson, to approve the Preliminary Development Plan subject to the seventeen (17) conditions of approval. By roll call vote, motion carried 6-2 with Williams and Gregory dissenting.**

FDP-2006-41 Majestic Village - Final Development Plan for 50 single-family attached units on 7.07 acres, located south of East Main Extended, east of McClelland Circle, north of Lemons Mill Road.

Ms. Cromer reviewed the staff report. She stated that the applicant has addressed the concerns voiced at the previous meeting by providing the required amount of open space, relocating and redesigning the retaining walls, and increasing the size of the parking pads.

Ms. Cromer noted the construction entrance and recommended approval of the requested variance to reduce rear yard setbacks.

Commissioner Williams expressed concern about the open drainage ditch between this development and the existing Mansion Estates. She reviewed the original approvals for Mansion Estates and stated that there was no indication that there would be an open drainage ditch. She asked if the drainage systems for the two developments could be combined.

Brent Combs, Thoroughbred Engineering, stated that they have submitted a proposal to Mr. Krebs for installing pipes in the open swale that will be covered with dirt and will carry runoff from the street and pond. He added that runoff from the residents’ yards will still flow through the open swale, but the amount of water in the ditch will decrease.

Charlie Clifton, Mansion Estates resident, also expressed concern about the drainage ditch, stating that it is approximately 6-7 feet deep, 14' wide, and holds a foot of water during rains. He further described the poor condition of the ditch.

Kerry Apple, Santa Barbara Blvd. resident, described the poor condition of the ditch, including mud, odor, and trash. She requested that the problems she described be solved before final approval is given for Majestic Village. She also submitted photographs of the problems for the record.

Commissioner Williams also submitted photographs showing rebars protruding from the ground and a collapsed culvert.

<sup>Rob</sup>  
Ron Tackett, Mansion Estates resident and president of the homeowners association, expressed concern about the plan to bury a pipe in the drainage ditch. He also asked that the problems be solved before the applicant is allowed to proceed on Majestic Village.

Ms. Witt, Santa Monica Blvd. resident, stated that three days after moving into her home, her car, plus two others, were broken into. She was told by the developer that street lights would be installed, but that has not occurred. She also described the construction debris that is blowing through the neighborhood.

Jay Jones, general manager of Brian Korressel's construction company, stated that he has been working to address the issues brought up by the neighbors. He stated that installation of the street lights in Phase I is scheduled for the week following this meeting. He stated that he has had the drain pipes cleaned out, and he will remove the rebar that was mentioned the day following this meeting.

Marilyn Pike, Mansion Estates resident, stated that she feels unsafe in the neighborhood. She agreed that Majestic Village should not be approved until Mansion Estates is completed. She described the poor condition of the pond, the medians, and the subdivision in general.

Another Mansion Estates resident stated that the Bradford Pears and Water Maples in the street medians will cause problems in the future. She stated that the residents were promised that the street lights would be installed as soon as the roads were paved. She stated that there is a hole in one of the storm drains large enough for a person to slide into. She expressed concern about the renters not being held responsible for upkeep of the property. She described the poor condition of the pond and the common area.

Leo Cavalleris, Lucas Brothers Financial Consultant and Investigating Counsel, stated that the "3:1 slope on Lucas Property" note on the plat needed to be removed. He submitted photographs of the pond and mature trees showing the limited access available for the construction entrance. He stated that according to the topography map, the open space is 20' above the rear yards.

Mr. Cavalleris continued showing photographs and discussing the topography, utility poles, retaining wall and privacy fence, the topography of the retention basin in Mansion Estates. He asked that a bond be required for the items discussed. Chairman Brock stated that a letter of credit is being held for Mansion Estates.

Mr. Cavalleris then noted delinquent taxes, mortgages, and liens on the applicant's properties.

Mr. Clifton asked the Commission to deny the application.

Linda Mayhews, Santa Barbara Blvd. homeowner, felt that the applicant's track record should compel the Commission to deny further development by him.

Brent Combs, Thoroughbred Engineering, discussed the grading plan adjacent to the open space. He stated that the applicant constructed the drainage ditch per the approved plans; then the homebuilders filled in much of the ditch; then the utility companies installed the utilities, which at that point restricted what could be done to fix the ditch.

Commissioner Williams suggested that Mr. Combs work with Mr. Krebs on resolving some of the problems before approving this application.

Commissioner Bradley felt that the problems are severe enough in Mansion Estates that the applicant should not receive approval for further development.

Mr. Clifton stated that he has offered to spend time with Mr. Korressel at the site to discuss the problems, but Mr. Korressel has never accepted his offer. Other neighbors discussed their efforts to have the problems corrected.

**Motion by Richardson, second by Holland, to postpone the application until the drainage issues are resolved and staff and the Executive Committee are satisfied that the overall plan is acceptable. Motion carried.**

PDP-2006-47 Wyndamere Phase II and III - Preliminary Development Plan for Phase II and III for a 210 unit multi-family development on 19.5 acres, located south of Paris Pike (U.S. 460 E.), west of Elkhorn Green Place.

Mr. Ardary reviewed the staff report, including issues regarding floodplain encroachment, pedestrian connections to the future commercial development, landscape buffer, the tree preservation area, and continuation of the trail system.

He recommended approval of the requested variance to reduce the parking ratio from 2.5 to 2 spaces per unit.

Commissioner Richardson asked where the development encroaches into the floodplain. That issue was discussed.

The parking issue was discussed further.

Mr. Fuller clarified that the number of lots in the future Phase 4 will be the subject of a future development plan. He also clarified the separation distance between multi-family buildings as required by the *Subdivision and Development Regulations*. He clarified the approved number of units referred to in previously approved conditions as referred to in Condition of Approval #1.

Mr. Fuller requested approval for a grading permit prior to final development plan approval. Condition #6 was amended to read "A grading permit may be issued prior to Final Development Plan approval provided that all engineering and floodplain information is provided to the satisfaction of the Planning Commission Engineer."

Mr. Fuller agreed to the conditions of approval as clarified and amended above.

**Motion by Hopkins, second by Gregory, to approve the Preliminary Development Plan subject to the seventeen (17) conditions, including the amendment to condition #6, and including the requested variance regarding parking. Motion carried.**

#### Blue Sky Art Studio request

Brent Combs, Thoroughbred Engineering, requested that the condition requiring the Final Development Plan be heard by the full Commission be waived if the Commission is satisfied that the concerns have been addressed by the evidence presented at this meeting.

Colleen London, applicant, presented an agreement signed by the neighbors regarding the fencing requirement. Chairman Brock suggested that a copy of the agreement be attached to the Final Development Plan and a note be added to the Final Development Plan that the agreement between the neighbors must be complied with as a condition of approval.

**Motion by Richardson, second by Bradley, to waive the condition that the Final Development Plan be reviewed by the full Planning Commission and that the agreement with the neighbors regarding fencing apply to the Final Development Plan. Motion carried.**

### Discussion on Moratorium

Chairman Brock reported that the Georgetown City Council postponed discussion of the moratorium to June 13, 2006.

Commissioner Williams felt that the Commission should continue with their request for a moratorium.

The status of the Comprehensive Plan and general workload was discussed.

### Private Street Standards

Chairman Brock provided the Commission with the proposed private street standards that were written by the committee appointed to review them. He stated that action on the proposed standards will be taken at the July meeting.

### Revised Fee Schedule

Chairman Brock presented the proposed fee schedule which increases most fees by 50%.

**After brief discussion, motion by Bradley, second by Lacy, to approve the revised fee schedule.**

### Amended FY 06-07 Budget

Chairman Brock reported that City Council is still reviewing the FY 06-07 budget, and the final budget will be provided at the July meeting.

### Personnel Handbook - Moving Expenses

Chairman Brock stated that the policy for reimbursing moving expenses for new employees should be added to the Personnel Handbook. The policy limits the amount to \$500, unless negotiated otherwise.

**Motion by Lacy, second by Holland, to approve the policy for reimbursing moving expenses and adding it to the Personnel Handbook. Motion carried.**



Set date for special meeting

Chairman Brock reported that the Brooklane Estates and Richardson Medical Office Building applicants have requested to be heard at a special meeting. The meeting was set for Monday, June 26, 2006 at 6:00 p.m. in the Planning Office.

**Motion by Richardson, second by Lacy, to hold a special meeting on Monday, June 26, 2006 at 6:00 p.m. in the Planning Office. Motion carried.**

The meeting was then adjourned.

Respectfully,



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Barry Brock, Chairperson

Attest:



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Charlie Perkins, Secretary