

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
AGENDA**

**February 11, 2016
6:00 p.m.**

I. COMMISSION BUSINESS

- A. Approval of January invoices
- B. Approval of January 14, 2015 minutes
- C. Approval of February agenda
- D. Items for postponement or withdrawal
- E. Consent Agenda

II. NEW BUSINESS

- A. PDP-2016-03 MVH Industrial Piping - Preliminary Development Plan for parking expansion and future building expansion on two (2) acres adjacent to existing operation, located at 200 Endeavor Drive in the Lanes Run Business Park.
- B. PDP-2016-04 Lena Wise Property - Preliminary Development Plan for a 7,521 sq. ft. dog kennel on 4.52 acres zoned A-1 (Agriculture), located at 1364 Lexington Road.
- C. PDP-2016-05 Lloyd Road Wireless Communication Facility - Preliminary Development Plan for a 195' lattice tower with a 4' lightning arrestor located on a 10,000 sq. ft. lease area zoned A-1, located on Stamping Ground Road, north of Lloyd Road.
- D. PDP-2016-06 Toyota Container Yard Parking Addition - Preliminary Development Plan for a 270-space parking lot addition on three (3) acres within the Toyota Motor Manufacturing Plant.

III. OTHER BUSINESS

- A. Update of previously approved projects and agenda items

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
January 14, 2016**

The regular meeting was held in the Scott County Courthouse on January 14, 2016. The meeting was called to order by Chair Rob Jones at 6:00 p.m. Present were Commissioners Jeff Caldwell, Janet Holland, Byron Moran, John Shirley, Steve Smith, Mark Sulski, and Frank Wiseman, Director Joe Kane, Planners Megan Chan and Matt Summers, Engineer Brent Combs, and Attorney Charlie Perkins. Absent was Commissioner Regina Mizell.

Motion by Sulski, second by Holland, to approve the December invoices. Motion carried.

Motion by Shirley, second by Caldwell, to approve the December 10, 2015 minutes. Motion carried.

With the change of hearing New Business before Old Business, motion by Smith, second by Holland, to approve the January agenda. Motion carried.

Postponements/Withdrawals

There were no items for postponement or withdrawal.

Consent Agenda

A representative of the Santa Barbara Fortiline application agreed to their conditions of approval and there were no comments from the public or Commission. Motion by Holland, second by Wiseman, to approve the Santa Barbara Fortiline application. Motion carried.

Chairman Jones announced that on Tuesday, January 26 at 6:00 p.m., there will be a Comprehensive Plan kick-off meeting, to be held at the Scott County Extensive Office. He encouraged everyone to attend and Mr. Kane passed out flyers about the meeting.

PDP-2015-40 Canewood Unit 2 Townhomes – Amended Preliminary Development Plan for 27 townhome units located east of Canewood Center Dr.

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

Mr. Kane reviewed the staff report. He stated that the type of unit has been changed to a townhome which will face the street rather than a rear greenspace. He stated that the main issue is the landscape buffer between Mission Path and the adjacent commercial area. It was to be installed at the time of development, but has not been installed yet. He also stated that sidewalks need to be discussed because of the new townhome layout.

Mr. Kane stated that there will be no change in the platted lots.

Regarding the sidewalks, he stated that the only way to access them is to walk on the alleyways. He suggested that an internal sidewalk loop be installed along Mission Path and Stone Wall Path providing an off-street pedestrian connection from the townhome area to Canewood Center Drive. Public sidewalks were not required on the previously approved plan because of the courtyard-type layout.

He noted that the conditions of approval include providing an agreement between the HOA and purchaser that establishes who is responsible for the construction of unfinished infrastructure and the landscape buffer, and also the installation of the sidewalk loop along Mission Path and Stonewall Path.

The guest parking spaces were discussed.

Commission Wiseman felt that there is no advantage to requiring a sidewalk beside the current concrete area. Mr. Kane stated that to have a pedestrian walkway off the main road will be safer after the development builds out.

Mr. Kane noted that standard conditions #7 and #8 have been completed with the prior approval, but rather than deleting them, he suggested adding "if needed," because new construction plans may or may not be required.

Rory Kahly, representing the applicant, agreed with the first ten conditions of approval. He stated that this fourth amended development plan is simply to change the units' footprint, and to require a sidewalk loop (condition #11) would be very problematic in that a loop would go onto other homeowner's established lots. He added that the development was approved with no curb and gutter, and there are swales and inlets that are flush with the asphalt. The addition of sidewalks would be difficult without disturbing the drainage system.

Discussion continued on the sidewalks. Mr. Kahly stated that there are no easements set up for sidewalks.

Bonnie Orthmeyer, Stonewall Path resident, was sworn in by Mr. Perkins. She expressed concern about parking and one-car garages, as parking is at a premium now with two-car garages. Mr. Kahly pointed out the shared parking. Ms. Orthmeyer stated that she lives next to one of the spaces, and it is not a full size space and not paved. Mr. Kahly stated that the space next to her unit is not a shared parking space, but one of the slabs for more garages, and they will be removed. Ms. Orthmeyer stated that many people use those slabs, so if they are removed, the parking problem will worsen.

Paul Haddix, applicant, stated that the townhome design with one-car garages was approved by the board of the HOA. Ms. Orthmeyer stated that she was surprised that they were approved because of the parking problem.

Another area resident and former HOA board member, expressed concern about residents not belonging to the HOA. He stated that when the original builder left the development, he did not install the final course of asphalt on the road. Hence, each homeowner was assessed \$1050 in order to pave the road. He asked that no more issues like that arise that will be left to the homeowners to resolve. Mr. Kane stated that there is a new City ordinance that requires each homeowner to belong to the HOA, but these 27 townhome lots were already incorporated into the existing HOA.

Mr. Haddix stated that his email from Ms. Oliver of the HOA indicated that they have as part of their budget to finish paving Stone Wall Path. The only paving left would be Tiburon Path, and he'll work out with the HOA whether he does the paving, or they do a special assessment on the lots he will be purchasing along with the existing lots.

Mary Howard, Stone Wall Path resident, expressed concern about sidewalks. She stated that there are many residents who walk. She stated that there is a bus stop at the roundabout, and there is concern for the safety of the kids who walk there in the mornings.

Commissioner Smith asked if the shared parking areas could be increased from five spaces to eight or ten spaces. Mr. Kahly responded that they would have to look at the storm sewer system running along Mission Path to make sure the inlets or swales are not covered. He noted that the requirement has been met.

Commissioner Shirley suggested that the HOA amend their restrictions to require residents to park in their garage. Ms. Howard stated that she has a truck that will not fit in her garage.

Commissioner Holland asked if a solution could be reached if the application was postponed until the February meeting. Mr. Kahly stated that if four additional parking

spaces can be added with a minor amendment to the plan, Mr. Haddix could move forward. Mr. Perkins suggested adding a condition of approval requiring the applicant to work with staff to add the four additional spaces where reasonable, and to also include representatives of the HOA in the process. Mr. Haddix agreed to Mr. Perkins suggestion.

The sidewalk issue was discussed further. Commissioner Sulski felt that the sidewalks should be required. Commissioner Shirley stated that there are other issues involved. The infrastructure has been completed as approved. Storm sewers are complicated, involving elevation changes, etc., and these are private, uncurbed streets, which makes it very difficult to install sidewalks after all other infrastructure has been completed. He felt that the practical solution would be to stripe the edge of the road to provide a pedestrian lane, making an attempt to provide a safer environment.

Commissioner Smith noted that a large truck like Ms. Howard's may not fit in the shared parking spaces.

Commissioner Smith suggested amending condition #11 to state that the applicant will work with staff on the sidewalk issue. Mr. Perkins stated that it is difficult to require someone to install sidewalks on property that is not his.

After further discussion, **motion by Sulski, second by Wiseman, to postpone the application to the February meeting so that the applicant can work with the HOA to address safety concerns and the shared parking. Motion denied 3-4 with Moran, Shirley, Holland, and Caldwell dissenting.**

After further discussion, **motion by Shirley, second by Holland, to approve the Amended Preliminary Development Plan, subject to the ten (10) conditions of approval, with the words "if needed" added to conditions #7 and #8, and replacing condition #11 with the requirement that the applicant work with staff to add four additional shared parking spaces where reasonable. Motion carried 6-1 with Sulski dissenting.**

PDP-2015-32 Georgetown East – Wireless Communications Facility - Preliminary Development Plan for a 195' monopole cell tower with a 5' lightning arrestor, located on a 98' x 98' fenced area within a 100' x 100' lease area, located on the north side of Crumbaugh Road, east of Glen Creek Road.

Mr. Summers reviewed the staff report. He stated that the tower will have four antennae sites available for other carriers, which will reduce the need for additional towers in the area in the future. He reviewed the 10,000 sq. ft. lease area in detail, showing the generator, co-location sites, required buffer area, fencing, and landscaping.

Mr. Summers stated that approval is based on: 1) whether it agrees with the Comprehensive Plan, 2) whether it meets the *Zoning Ordinance*, and 3) whether it meets the *Subdivision and Development Regulations*. He then reviewed the requirements of the *Zoning Ordinance* and stated how this application complies, which is outlined in the staff report.

Regarding the Comprehensive Plan, he read the fundamental guiding principal for rural land use, which states "that the actions taken and decisions made should result in a proper balance between the needs of development associated with community growth, and the continuing need to preserve and protect Scott County's rural, agricultural, and historical assets for the benefit of the community as a whole." He stated that it is up to the Commission to determine whether the application meets that principal.

He noted that environmental effects of radio frequency emissions are handled solely by the FCC, as stated in local, state, and federal law. He presented a map created by the GIS Department that showed the roughly two-mile radius impacted by the cell tower, which includes approximately 2,663 parcels of land in Scott County.

Mr. Summers stated that numerous letters and communications were received from the public and area property owners about this application. He stated that the tower will not have lights on it unless they are required by the FAA. The noise produced by the generators will be roughly 63 decibels at 23 feet, which is roughly speaking volume in a normal conversation. Over the distance of 282 feet between the tower site and the neighboring property owner, the diesel generators will unlikely be heard.

He then reviewed each concern of the neighbors. Briefly, the tower is not located in an environmentally sensitive area. Regarding the scenic view, another cell tower is in view, albeit further away, and the proposed landscaping will buffer the lease area. Property values will not be negatively impacted as shown by a study submitted by the applicant. Sufficient effort to co-locate was made as documented by the applicant. The tower height is under 200 feet. Since the tower is outside of environmentally sensitive areas and the floodplain of the North Elkhorn Creek, it will have no adverse effect on the creek. The existing trees and vegetation between the proposed tower and the creek will remain, and new trees will be planted.

He presented a map showing the location of area residents who submitted letters of opposition to the proposed tower.

He recommended that if the application were approved, three standard conditions of approval be attached.

Commissioner Wiseman asked why the location was in a low area. Mr. Summers replied that the applicant will address that issue; however, it has to do with finding a suitable location in the search area, as well as an agreeable landowner.

David Pike, representing the applicant, distributed hearing binders to the Commission, Mr. Perkins, and any member of the public who desired one. He proceeded to review the case, which he stated is completely different from every other type of zoning case that the Commission has considered. He stated there are a different set of rules regarding what can and cannot be considered.

Mr. Pike stated that all exhibits required by local ordinance and by KRS have been submitted, and all have been appropriately verified. All local procedural guidelines and KRS guidelines have been satisfied.

He noted several issues in the staff report, including the fact that no variances are being requested, and its compliance with current building and wind loading standards at the national and state level. He failed to see how the application can be denied on the grounds that it does not comply with the Comprehensive Plan when cell towers are not dealt with in the Plan. He stated that it complies with the landscaping ordinance and addresses the portion of the Comprehensive Plan relating to rural and urban landscapes and natural habitats. It appears to meet the conditions of the *Zoning Ordinance* and the *Subdivision and Development Regulations*.

He reiterated that the application is not located in the floodplain or any other environmentally sensitive areas as defined by the Comprehensive Plan, that there are other cell towers visible from the site, and that there are no existing structures available to co-locate on to fill their gap in coverage.

Mr. Pike then reviewed his written presentation. He stated that the monopole tower (which has no guy wires) is being built extra strong to support additional antennas, thereby reducing tower proliferation. It also makes it much easier for other carriers to improve their service in this vicinity. He discussed the search area at length, property values, structural requirements and design, foundation stability, floodplain and environmentally sensitive areas, height, compliance with local regulations, and his view of the law, including claims that towers are unsightly or unwanted are not grounds for denial. He continued reviewing federal law and KRS regulations regarding utility provision and radio frequency emissions, both of which cannot be considered by the Commission.

He stated that approximately 70% of all emergency calls are made from cell phones, and that over 55% of all children live in households with only a cell phone.

He asked that the experts who are present be able to adopt their previously adopted reports as their sworn testimony. No objection was heard from the Chairman Jones.

Commissioner Wiseman asked why the tower is located in a low rather than high area. Mr. Pike replied that being on a high area is important for transmitting radio signals, but not for cell towers. Cell towers are located to serve increasingly smaller areas because

the increasing number of wireless devices can overwhelm a tower servicing too large an area.

Chairman Jones asked why the 300' Verizon tower that was recently approved in Stamping Ground had to be so much taller than this tower. Jalil Arbabshirani, engineer for the applicant, stated that the 300' was needed to serve a larger area. Sites are carefully studied so that coverage does not overlap too much and create interference. Cell towers can only handle a certain capacity, and the higher density area east of Georgetown prevents the tower from serving a larger geographic area.

Chairman Jones asked why, if the 911 issue is a major concern, why a permit has never been issued for the tower in Stamping Ground. Mr. Pike stated that it was strictly budgeting requirements. He stated that there are many approvals that are needed beyond Planning Commission approval, and sites do not get put into the pool to be scheduled for funding until all the approvals are obtained. Once all those approvals are obtained, then the tower is put into a queue to be built. In the case of the Stamping Ground tower, it may still be built at a later date.

Curtis Woodson, Glen Creek Drive resident, distributed a map to clarify his presentation. He stated that the land surrounding the cell tower site is prime farmland with some of the richest soil in the state. It is almost completely surrounded by the North Elkhorn Creek. He described the land in detail, including the historically significant stone fences and several historic homes. He stated that the neighbors have studied the Comprehensive Plan, met with Planning staff, and educated themselves on what is important and dear to the residents of Scott County. They are aware of the carefully worded description of how residents wish to achieve and maintain a balance between the protection of the cherished resources of Scott County and the pursuit of healthy development that is necessary for livelihoods and cultural growth.

Mr. Woodson stated that they have studied the applicant's voluminous application which contains not only required information, but also extraneous material meant to persuade reviewers of an apparent dire need for the neighbors to tolerate construction of a cell tower within the boundaries of one of the County's most prized, scenic, and historic landscapes. He felt that the attempts of persuasion are uncompromising and border on intimidation.

He stated that the neighbors have familiarized themselves with the local regulations and fully understand the technical concerns of the developer and his investment, while the concerns for the aesthetics, location, and community impact must rest solely with the residents and public servants of the County. With regard to growth and development, the neighbors understand that all of those concerns must be given equal consideration in order to determine and achieve a necessary balance. The needs of the entire County and its residents are equally as important as those of an individual landowner and the corporate developer.

Mr. Woodson continued, stating that the cell tower is proposed to be placed on a prominent bank of the Elkhorn Creek within a peninsula that is effectively a nature preserve in the middle of land that has been designated as a proposed rural historic planning area by the Comprehensive Plan. He described the tower's immensity and the antennas that will protrude horizontally on all sides at the top 50' feet, which will further exaggerate the imposing, obstructive view of the tower.

Ruth Rowles, Crumbaugh Road resident, addressed the monetary advantage to the property owner. She described how lease terms are often accepted as they are initially offered because many landowners are not aware of the true market value of their leases. As a result, it is the tower companies themselves who may benefit the most when a new lease is signed. It may even be an incentive for a tower company to favor one site over another when technical reasons may dictate otherwise. She stated that the lease signed by Mr. Burke, landowner of the lease area for this proposed cell tower, signed a lease that is to be automatically renew every five years at the exact same terms and conditions that are in effect initially.

Ms. Rowles continued that a tower with a favorable lease agreement such as this one represents a lucrative though somewhat speculative potential for attracting additional income from co-locators. This potential for income, when compared to the less desirable expense of renting space on an existing tower, may be the main reason why required co-location attempts often seem to be evasively ignored by applicants. She stated that current regulations do not require disclosure of the agreement between PI Telecom and Verizon.

Ms. Rowles described the different types of towers and optimal versus acceptable cell coverage. She stated that the community's slogan "Where tradition and progress meet" does not mean "Where tradition and progress mix, merge, overlap, and become indistinguishable."

Commissioner Holland expressed concern about Mr. Woodson's assertion that barbed wire would be used on the perimeter of the lease area. Mr. Woodson stated that the plan shows a chain link fence, and does not show a barbed wire deterrent above the fence. However, the applicant has not specifically stated that they will not use a barbed wire deterrent.

Chris Irwin, Glen Creek Road resident, stated that Mr. Burke's financial gain is at the entire County's expense of being forced to tolerate construction of an industrial structure in close proximity to our nationally registered historic homes and districts. The County is being asked to lay aside our hope to protect and enhance one of the proposed rural historic planning areas, for the neighbors to accept a likely decrease in the value of their property, to sacrifice aspirations of creating scenic byways near our major urban areas, and to compromise and potentially jeopardize and pristine, environmentally sensitive area within the creek conservation corridor.

Mr. Irwin stated that it is the job of the Planning Commissioners, as public servants, representatives of the residents, and neighbors themselves, to decide what development is in the best interest of Scott County. The Comprehensive Plan is the detailed plan that guides them in making those decisions.

Tim Tillotson, Glen Creek Drive resident, referring to the fact that other towers can be seen from the area, stated that that does not make it appropriate. He then cited subsections of the *Zoning Ordinance* which grant the Commission authority to deny the application. The subsections addressed:

- 1) Furthering public health, safety, and general welfare, to which Mr. Tillotson felt that the applicant may be more interested in profits and competitiveness in that their Lease Agreement with the landowner requires that no other competing cell towers be hosted by the landowner within a 5 mile radius of the proposed tower site. He stated that that is an effort to sub-regulate facilities in our county and is in conflict with the tower's supposedly effective communication radius of 2 miles.

He noted that there are probably no members of the public present in favor of the application in order to help their health, safe, and welfare or to improve their unacceptable Verizon cell phone service.

He provided a handout that that states the applicant's claim that there is a woeful deficiency of the service to the east and southeast of Georgetown. However, Verizon's own Coverage Locator indicates otherwise.

- 2) Agreement with the adopted Comprehensive Plan. Mr. Tillotson stated that that issue will be addressed later in his presentation.
- 3) The dismantling plans provided in the land lease agreement. Considering the tower's location next to the Elkhorn Creek, the terms of the agreement regarding dismantling, as listed in Mr. Tillotson's written presentation which is part of the record, may not be acceptable to the Commission.
- 4) Whether the community's need for a tower would balance the community's required concessions and sacrifices. Mr. Tillotson stated that the applicant provided a written statement that said ". . . Applicants have considered the likely effects of the installation of the proposed [facility] on nearby land uses and values and have concluded that there is no more suitable location . . ." He felt that the sincerity and adequacy of that effort is a matter of interpretation.
- 5) Efforts to co-locate on an existing tower. Mr. Tillotson stated that no required documentation was submitted regarding three co-location requirements that are listed in his written presentation. He provided a handout addressing that issue in detail.

Mr. Tillotson then addressed the Comprehensive Plan, including issues regarding balance between development and rural and historic preservation, protection of environmentally sensitive areas and scenic and historic character. He noted the benefit to tourism provided by scenic and historic character. He provided a map of historic resources, and noted that there is an 80' drop from the proposed site to the creek, making it on high ground, not low ground. He addressed the Proposed Rural Historic Planning Area, stating that the proposed tower would likely jeopardize future plans for enhancing, protecting, and showcasing the area's historic significance. He listed the nationally registered homes in the vicinity, and noted that the Comprehensive Plan states that *"Scott County's historic buildings and landscapes face many threats . . . [including] changes to a building's historic setting."*

He then provided a handout regarding the Environmental Element of the Comprehensive Plan. He reviewed its references to the Creek Conservation Corridors and Riparian Habitats that support denial of the proposed tower, including the statement that such areas are *"natural [and] cultural characteristics of the land that have value to Scott County and need special treatment to protect that value."*

He addressed the lack of an Erosion Control Plan and the presence of Hazardous Material (diesel generator) adjacent to the Elkhorn Creek. He summarized the most recent Goals and Objectives that support denial of the tower.

Mr. King Offutt, Paris Pike resident and owner of land directly across the creek from the proposed location, stated that he is a licensed geologist, an attorney, and is studying environmental law at Tulane University. He addressed the background and history of the corridor with the federal, state and local government. He stated that over the years, various federal, state, and local agencies have asked his family to spend money to protect the Elkhorn Creek Corridor, the Miller's Run Historic District, and the Miller's Run Corridor. They've asked them to plant native grasses, to plant indigenous trees, to remove their cattle from the creek, to run fence lines to keep cattle out of the creek, and to run thousands of feet of water lines to protect this most precious resource of Scott County.

He stated that they have spent hundreds of thousands of dollars, and been reimbursed 40% of that money from various organizations. They have been agreeable to make this investment in the creek and land as good stewards of the land. He stated with the reimbursements, the tax dollars of this community have helped pay to conserve this resource.

Mr. Offutt disagreed, as a lawyer, with Mr. Pike's assertion that wildlife cannot be discussed. He stated that there can be no discussion of radio waves, or radio wave impact on wildlife, but other impacts on wildlife can be discussed. He stated that the tower is being located next to the creek is because that area is wasteland to the property owner. There are old washers, dryers and refrigerators there. The remainder of the property is tilled for farming. Locating the tower next to the creek is a 1950's way of

thinking about natural resources, and the Comprehensive Plan says the Commission has the right to deny the application.

He quoted from a guidance document from the U.S. Fish & Wildlife Service called *Revised Volunteer Guidelines for Communication Tower Siting, Construction, Operation, Retrofitting, and Decommissioning*. Paraphrasing, he stated that the document recommends co-location or placed within antenna farms, and if that is not possible, recommends that they should be located in degraded areas such as quarries, strip mines, environmental hazard areas, or other areas where migratory bird habitat is poor or marginal. Further, that surrounding habitats should be noted, with towers not placed near, amongst other things, ridgelines, hills, rivers, other waterways, wetlands, or areas used by migratory water fowl or raptors.

Mr. Offutt stated that the applicant paid for a report that said that the proposed site could not conform to that U.S. Fish and Wildlife Service recommendation, but somehow concluded that this site will not have a significant effect on migratory birds; however, the presence of migratory birds cannot be ruled out. He stated that there are Canada geese, ducks, hundreds of Sandhill cranes, hawks, pileated woodpeckers, and herons flying the Elkhorn Creek corridor every day. In the case of the Sandhill cranes and pileated woodpeckers, they appear seasonally as they migrate. Blue herons nest in the sycamores by the creek and wild turkeys and deer travel the corridor.

He noted the 20+ acres of floodplain on their land and the 15 acres of native grasses they planted adjacent to the Elkhorn Creek and Miller's Run, which are also to be avoided by development according to the U.S. Fish and Wildlife Service. He stated that he does not want the tower in the area, but an alternative would be to move it 1500' to higher ground on the same landowner's property.

Mr. Offutt concluded saying that the application violates the Comprehensive Plan and is an offense to the concept of continuing to preserve and protect Scott County's rural, agricultural, and historic assets.

Grover Hibberd, Glen Creek Dr. resident, stated that Martin Brown, the applicant's witness who stated that nearby property values are not impacted, did not provide the study or elaborate on the actual number of studies done. He stated that "numerous" studies have been performed, but "numerous" could mean an insignificant or irrelevant number like two or three. He felt it is irresponsible to suggest that studies performed in the Louisville area would apply to all other areas in the state, and that to claim that the presence of a cell tower does not affect the value of property is an absurdity.

Mr. Hibberd discussed property values on Crumbaugh, Glen Creek, Amy Lane, and Johnson Mill, which total approximately \$36 million dollars. He asked the Commission for consideration for the area residents.

Mark Davis, Crumbaugh Road resident, stated that he receives emergency calls at all hours in his job, and his Verizon cell phone service has been sufficient. He has chosen to give up faster internet for the beauty of living on Crumbaugh Road. He stated that he was not aware of any calls for better service due to not being able to make emergency calls.

Zack Land, Crumbaugh Road resident adjacent to the site, stated that the proposed tower will be 344' from his house. He chose to build his home on the back of the farm to enjoy the views and wildlife and to be somewhat secluded. He described the property, access to the tower site, size of the crane to install the tower, and the width and curves of Crumbaugh Road for large trucks accessing the site. He stated that there are sinkholes and springs on the property. He expressed concern about pylon driving or other means that could affect his basement, or disrupt the natural flow of the spring water into the creek.

Mr. Land stated that according to the Pennsylvania Association of Homebuyers, 94% of homebuyers are less interested and would pay less for a property located near a cell tower. Seventy-nine percent stated that under no circumstances would they purchase or rent within a few blocks of a cell tower. He stated that a cell tower has a 100% chance of being struck by lightning once a year. He addressed the fiber optic line that will be run through the neighbors' properties to the tower.

Katie Land, Crumbaugh Road resident adjacent to the site, stated that their farm has been in the family for generations, and they plan to keep it that way. She stated that the radio frequency waves have not been proven to cause cancer, but they also have not been proven to not cause cancer. Chairman Jones asked Mr. Perkins if this testimony can be heard. Mr. Perkins stated that it can be heard, but not considered in their decision. Ms. Land continued to cite studies which indicate that living near a cell tower causes increased rates of cancer.

John Bell, Elmwood Stock Farm across the creek from Mr. Land, stated that they provide 500 families with the majority of their fruit and vegetable needs from May to October every year, as they come to the farm and other pick-up locations on a weekly basis. He expressed concern about the pollination of their crops because they require bees and insects. He stated that there is documented evidence that there can be a detrimental effect on the habitat for not only birds of hunting size, but small birds that consume insects, and on the insects and bees in an environment such as the Elkhorn Creek Corridor. His farm is certified organic, which means that the first line of defense against disease or other problems is prevention. Since 2000, they have built buffer zones around the farm to foster a habitat for predatory insects and small birds that eat insects. He stated that the U.S. Fish and Wildlife Service has stated that there is documented effect from the cell tower on bees and small birds.

Dr. William Offutt, Crumbaugh Pike resident, asked that the fiber optic cable noted by Mr. Land be examined. He pointed out the fully developed woods that will be cleared in

order for the cell tower to be constructed, and stated that that will have an impact on drainage.

Ruth Rowles stated that she has a doctorate in geography with an area of expertise in GIS and has worked for many years in State government. She stated that when this issue arose, she compiled a GIS database of all the cell towers in Scott County. She addressed the Crown Castle tower which is substantially higher than the proposed tower. She stated that it appears to have only one antenna array, and was excluded from consideration for co-location.

She expressed concern about and discussed a radio line that appears to end at her property and the telecommunication right-of-way that is on her property. She stated that the fence line between her property and Mr. Burke's property has mature trees which serve as a visual buffer. She urged the Commission to require that those trees be preserved during construction if the tower is approved. She expressed concern that KU and other utilities did not submit comments on the application at the Technical Review Committee meeting. She urged the Commission to deny the application based on the lack of evidence of a thorough attempt at co-location.

Mr. Pike commended the opponents for their presentation, but stated that in the final analysis, the cell tower is within the law. He stated that the application is supported by the *Zoning Ordinance*, and the following items are not substantial evidence: lay opinion, unsupported opinion, references to the internet, and generalized expression of concern with aesthetics. He stated that the public has no authority to inquire about how a utility is going to provide service at a location. He stated that when those issues are disregarded, nothing is left.

He stipulated that no barbed wire will be placed on the site. Regarding abandonment, he stated that our own regulations do not require the removal of a foundation, just the tower. He stated that the configuration of a search area in one location cannot be compared to a search area in another location. Regarding historic properties, there is no authority in the regulations for the Commission to consider that issue in connection with a cell tower case. He stated that many of the concerns come back to aesthetics, which cannot be considered by the Commission. He stated that even though the Commission may want to be responsive to the neighbors' concerns, it is against the law.

He stated that all the generators that will be deployed will meet all state and federal requirements, which are fully enforceable. He stated that there is nothing in the Comprehensive Plan that addresses endangered species, and that the tower cannot be built legally until approval is received from Fish and Wildlife, which he expected within the next month or two months.

Mr. Pike stated that whether people can see the tower or not is irrelevant to the Commission. While regulations remain as they are, he stated that the applicant expects an approval.

Mr. Offutt stated the Commission can absolutely deny the application because 1) if it finds that it does not continue the need to preserve and protect Scott County's rural and historical assets; and 2) *Res ipsa loquitur*, Latin for "the things speaks for itself," which is, why has this hearing been held if the Commission can't deny it?

Mr. Tillotson stated that despite the length of his presentation, there were two issues on which the Commission can deny the application: 1) disagreement with the Comprehensive Plan, and 2) omission of required documentation regarding co-location attempts.

Katie Land stated that she knew before her presentation that the Commission cannot consider the healthy issues of radio frequency emission, but the Commission can move a cell tower, but cannot fix cancer.

John Mullholland, who was sworn in by Mr. Perkins, resides on Crumbaugh Road. He stated that a Verizon representative visited his farm and stated that they could possibly piggyback off the tower on East Main Extended. He asked Mr. Pike if he had evidence that they tried to locate off of the East Main Extended tower.

Mr. Land asked who signed off on the entrance. He stated that it does not comply with sight distance regulations. Brent Combs, Planning Commission Engineer, stated that it has not been approved yet. It is a preliminary approval and the entrance will be approved with the final plan. If it is not an acceptable entrance, it will be moved. Mr. Land stated that regardless of where it is moved to, there is not enough sight distance to meet the regulations. Mr. Combs stated that it will be placed in the best place possible, because a tract of land has to have access.

Mr. Pike reminded the Commission that lay testimony cannot be considered, and under federal law, expert opinion trumps any lay opinion in the case of cell towers. He briefly reviewed their co-location reports which indicated that no other towers could fill their service gap. Mr. Tillotson stated that the addition to the application that includes these reports was submitted after the deadline for the application changes. The neighbors did not have the opportunity to review the reports, and reminded the Commission that there were critical errors, including the location of the tower, in their expert's opinion in the report.

Commissioner Holland commended the neighbors on their presentation.

Mr. Perkins stated that the Commission needs to consider facts, possible factual errors such as Mr. Tillotson asserted, and possibly flawed reports such as the property valuation report that was done long distance. He stated that aesthetics cannot be considered; the district being a "proposed" historic district is irrelevant because it is not an historic district; and the lease agreement is irrelevant. He stated that the issues that concern him are the errors in the map showing the co-location studies, a property valuation report done by someone who has not seen the properties, and whether the

area is an environmentally sensitive area. He stated expert opinion outweighs lay opinion; however, if a lay witness points out errors in the expert opinion, then that should be considered. If it is clear that there is a gap in coverage, this location satisfies that gap in a way that complies with regulations, and the opposing information is "not in my backyard," then if the Commission denies the application, the applicant will win in court. But if supporting documentation and testimony is in error, then that needs to be considered. To offset substantial evidence, the Commission has to have substantial evidence that refutes it.

Commissioner Holland asked the neighbors to get involved in the Comprehensive Plan update.

Commissioner Smith asked Mr. Summers if it is correct that some of the reports were submitted after the deadline. Mr. Summers replied that it is not unusual for applicants and opposition to submit supporting documents after the corrections deadline.

Mr. Perkins stated that KRS requires the Commission to make a decision within 60 days or the application is approved. The only way to extend the 60 days is for the applicant to sign an extension. The applicant has signed an extension which expires tomorrow (Friday, January 15).

Jeannie Greynolds Stevens, Crumbaugh Road resident, was sworn in by Mr. Perkins. She stated that she is a descendent of the Crumbaughs. She stated that the location of the cell tower on one of the maps is shown on her family's property.

Mr. Tillotson asked Mr. Perkins to clarify that his testimony on the application's non-compliance with the Comprehensive Plan is not lay opinion, but facts that are clear in the Comprehensive Plan.

Dr. Offutt asked about the 60 day limit. He reminded the Commission that the local, state and federal funds that have been spent to preserve the riparian area, for which they have documentation, was not just to preserve nature, but as recognition of a riparian area for all sorts of insects, birds, and animals.

Commissioner Wiseman stated that Mr. Pike made reference to the fact that there is nothing in our ordinance related to telecommunication facilities, yet later he, and Mr. Woodson, made references to somewhere in the ordinance that related to them. He asked for clarification. Mr. Kane stated that there are regulations in the *Zoning Ordinance*, but the Comprehensive Plan has general statements about historic and environmental areas, not specifically telecommunication towers.

Commissioner Smith asked Mr. Pike if it is possible that Verizon would locate the tower closer to Crumbaugh Road. Commissioner Wiseman asked the neighbors if it would make a difference, and they replied that it would not.

Mr. Tillotson stated that if they moved the location, that would be a new application. The overall concerns that they have expressed in their presentations are environmental, which is justification to deny the application. However, if they move the tower to the higher ground, they would still object because it would still not be in compliance with the Comprehensive Plan.

Mr. Pike stated that the neighbors cannot prohibit service, and if the tower is moved, it will be closer to the property owners on Crumbaugh Road. He stated that if the Commission wishes the tower to be moved 200' closer to Crumbaugh Road, they will agree to that.

Discussion continued on moving the tower. It was clarified that maps from a website cannot be relied upon. Dr. Offutt asked why the tower isn't moved to the top of the hill. Mr. Pike again agreed to move the location to the top of the hill. Mr. Perkins stated that a statutory provision is that the Commission can suggest relocation and the applicant can agree with re-applying.

Commissioner Smith stated that John Bell's farm is one of the largest organic farms in the state, if not the nation, and they have worked long and hard to achieve what they have. Mr. Perkins stated that the Commission would have to specify what damage the proposed tower would do to the farm or why the organic farm is more important than the propose tower.

Commissioner Smith asked if moving the tower 400' is possible. Mr. Pike stated that 200' is as far as they would move it.

Chairman Jones closed the public hearing.

Commissioner Moran how the final approval would proceed. Mr. Kane stated that it would be done in house by staff.

Chairman Jones felt that the Commission should do what the law dictates. Commissioner Smith stated that our regulations should be changed to address telecommunication towers in more detail. Commissioner Holland expressed concern about the concerns of Mr. Perkins. He noted the property valuation and riparian area issues, which he felt could be resolved. The other issue would be non-compliance with the Comprehensive Plan, which brings up the question of why other cell towers are not violating the Comprehensive Plan.

Commissioner Sulski wished to make a motion to deny the Preliminary Development Plan based on the wrong location on the map, lack of proof of co-location attempts, and the use by the applicant of comments like "we have to approve," "we can't deny," and "legally we have no choice but to approve." He felt for Mr. Pike to bully this Commission is unacceptable, and he wished to deny the application and defer to a higher court.

Mr. Perkins stated that the only specific he mentioned was the misplaced pin on the map. He asked that the matter be better thought out if he has to defend it in court.

Motion by Sulski to deny the Preliminary Development Plan based on the wrong location on the map, lack of proof of co-location attempts, and the sloping of the bank.

Commission Shirley stated that he has been a big proponent of establishing historic districts in Georgetown and Scott County. Hopefully the area neighbors will participate in the Comprehensive Plan update to help in this effort so that this situation does not arise again. He agreed with Commissioner Sulski in denying the application even if it goes to court.

The above motion was seconded by Shirley. By roll call vote, motion carried 6-1, with Moran dissenting.

The meeting was then adjourned.

Respectfully,

Rob Jones, Chair

Attest:

Charlie Perkins, Secretary

MVH INDUSTRIAL PIPING
Staff Report to the Georgetown-Scott County Planning Commission
February 11, 2016

FILE NUMBER: PDP-2016-03

PROPOSAL: Preliminary Development Plan for parking expansion and future building expansion on 2 acres adjacent to existing operation

LOCATION: 200 Endeavor Drive in the Lanes Run Business Park

APPLICANTS: Brad Kelley, MVH Industrial Piping

ENGINEER: Brian Hayes, Throughbred Engineering



STATISTICS:

Zone:	I-1 Enhanced
Surrounding Zones:	BP-1, I-1 Enhanced
Acreage:	approx. 2 acres
Gross Bldg. Area:	Future 10,500 square foot, 17,390 square foot parking expansion area
Parking Required:	11 spaces
Parking Provided :	22 spaces,
Water/sewer available:	Yes/Yes
Access:	Via Cynthiana Road to Corporate Blvd.
Variance Requested:	None

BACKGROUND:

The subject property is a 2-acre parcel, zoned I-1 (Industrial Enhanced Business, Research and Technology Park) in the Lanes Run Business Park. The subject property is located adjacent to an existing 2-acre parcel that contains a 10,500 square foot industrial building and parking and storage areas on the east side of Endeavor Drive, west of Cynthiana Road in northeast Georgetown. The subject property is currently vacant, but is proposed to be consolidated with the adjoining 2-acre parcel and used for expansion of the existing parking and loading area for MVH Industrial Piping and for future building

KEY ISSUES/COMMENTS:

expansion. The applicant has stated that the sole purpose of the application is to expand and consolidate the land owned by the current owner (MVH Industrial Piping) to create additional on-site parking and a loading and unloading area. The existing business has an entrance whose grade is too steep for easy truck access and whose parking lot is too narrow to provide adequate truck loading and unloading and circulation. The proposed additional drive and circulation will allow for additional employee parking and adequate truck access and unloading area. Existing and surrounding zoning is I-1 Enhanced, with BP-1 to the east.

The proposed use is permitted in I-1 zoning. The subject property is in the Lanes Run Business Park and zoned I-1, enhanced, so is required to meet the BP-1 performance standards. To achieve the desired campus-type and open space setting, building size and design are regulated. The development is proposed in two phases, construction of the access and parking areas first and construction of the building at a later date.

Building Standards

The subject property shows a future building that is approximately 60' x 175'. Since the building itself is not planned in this initial phase, the building design and materials will need to be approved at a later date prior to construction by the Planning Commission and Business Park Authority. The building as shown will meet minimum setbacks and the maximum building coverage area. It is recommended that an amended Final Development Plan be required for review and approval by Planning Commission staff at the time the future building is proposed. At that time, review and approval of the proposed design and building materials will be required by the Business Park Authority Board.

Parking and Circulation and Landscaping

The proposed parking lot will be consolidated with the adjoining lot and business and serve to provide expanded parking and vehicle circulation for that business. The parking lot will be expanded 16,600 square feet. This will include an expansion of employee parking from 18 to 22 spaces and an expansion of the loading and unloading area by 11,600 square feet. No internal VUA landscaping is required in loading and unloading areas. Internal VUA landscaping is required when a public or employee parking lot is expanded to 6000 square feet or 20 spaces. The proposed parking lot will require interior VUA landscaping. In addition landscaping is required on the VUA perimeter facing Endeavor Drive and a minimum of 10% canopy coverage is required.

The applicant has provided a plan and calculations for interior VUA areas and landscaping. The plan appears to be able to meet all the requirements of the Landscape and Land Buffers Ordinance. A specie-specific landscape plan will be required along with Final Development Plan submittal. No landscaping variances have been requested or are being recommended.

BIT Park Approval

The Georgetown Business Park Authority approved the entrance and parking expansion on February 4, 2016. The applicant will have to come back at a later date for approval of the future building design.

Stormwater

A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer prior to approval of the Final Development Plan.

Water and Sewer

The Final Development Plan shall include a Certification of Sewer by Georgetown Municipal Water and Sewer Service. Discharges of effluent shall be regulated by applicable local, state and federal agencies. There will be a hydrant required to serve the future building. Approval will be required by the Georgetown Fire Department of any future expansion.

Lighting and Signage

All signs shall be externally illuminated. No message board or scrolling type signs are permitted. Any freestanding monument sign shall be set back at least 10 feet from the edge of right-of-way, shall meet the I-1* size and design standards and shall require approval by the Business Park Authority.

Proposed building or parking lot lighting shall meet the standards for the I-1* District. Maximum height of any lighting structures shall be 25'. Lighting structures are to be dark or neutral color. All parking, road and security lights shall be cut-off luminaries.

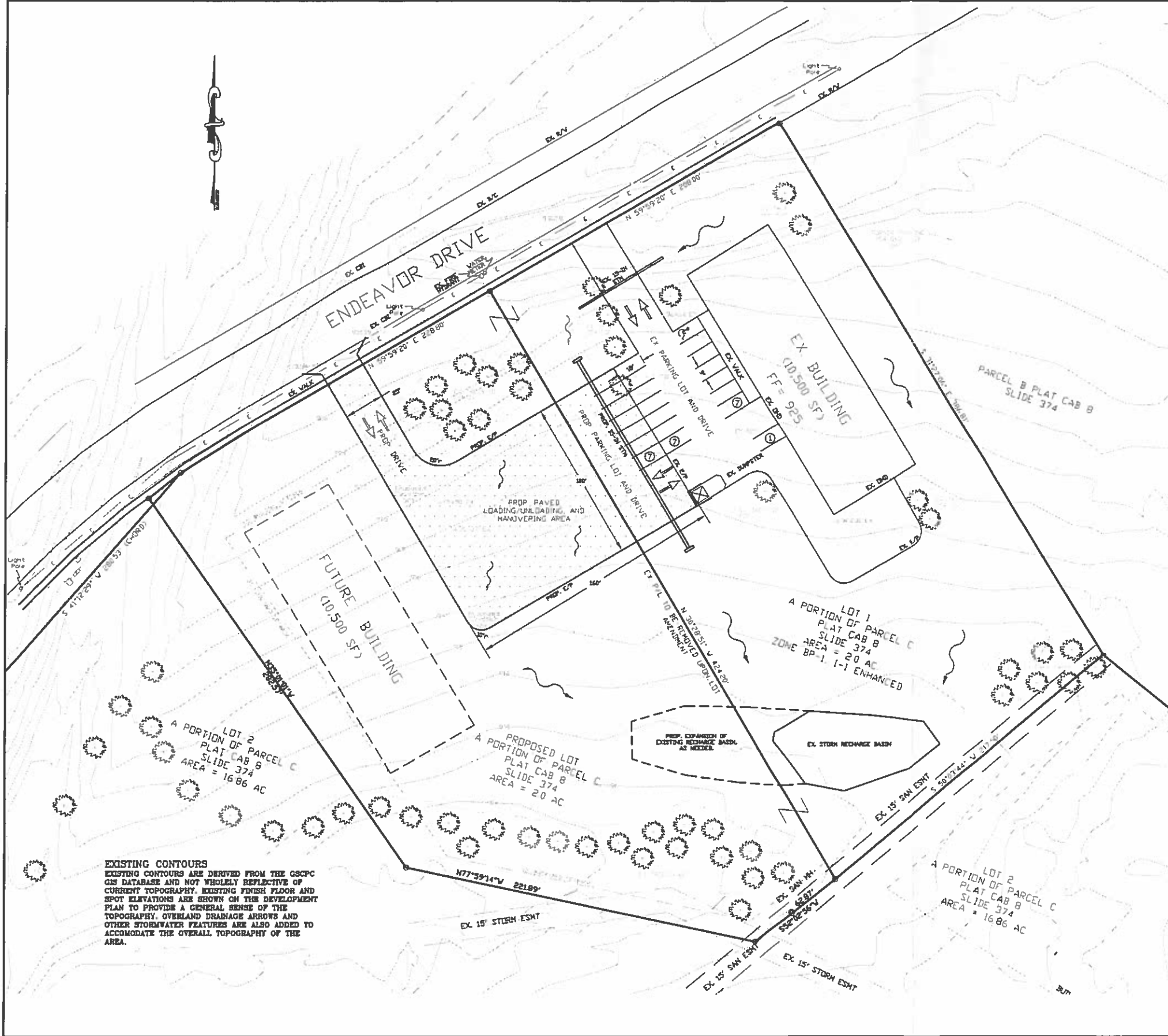
RECOMMENDATION:

Staff recommends **Approval** of the Preliminary Development Plan for an expanded parking, loading and unloading area and a future 10,500 SF industrial building, with the following conditions of approval:

Conditions of Approval:

1. A Final Development Plan shall be submitted for review and approval of Planning Commission Staff for phase one construction. An amended Final Development Plan shall be submitted for review and approval of Planning Commission staff for any future phases, including the proposed future building.
2. Any future phases including signage, building design and materials will require review and approval of the Business Park Authority Board.
3. No outdoor storage of materials is permitted. Existing outdoor material storage should be removed or screened from the road.
4. The applicant shall be responsible for providing landscaping which meets the minimum requirements of the Landscape and Land Use Buffer Ordinance on the Final Development Plan. A specie-specific landscape plan shall be included with the Final Development Plan.
5. A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer prior to approval of the Final Development Plan.
6. Lighting fixtures shall meet the I-1* standards.
7. All applicable requirements of the Georgetown Fire Department.
8. All applicable requirements of Georgetown Municipal Water and Sewer Service.
9. All applicable requirements of the *Subdivision & Development Regulations*.

10. 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.
11. 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.

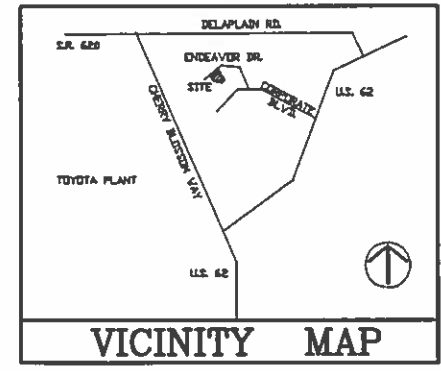


LAND OWNER(S):
LANES RUN BUSINESS PARK
GEORGETOWN DEVELOPMENT AUTHORITY

DEVELOPER(S):
MVH INDUSTRIAL PIPING
200 ENDEAVOR DR.
GEORGETOWN, KY 40324

ENGINEER(S) OF RECORD:
BRIAN K. HAYES, P.E.
KY #23195

LAND SURVEYOR(S) OF RECORD:
KENNETH JOHNSON, PLS
KY #3325



PURPOSE OF PRELIMINARY DEVELOPMENT PLAN

THE PURPOSE OF THIS DEVELOPMENT PLAN IS TO EXPAND AND CONSOLIDATE THE LAND OWNED BY THE CURRENT OWNER WITH THE SOLE INTENTION OF CREATING ADDITIONAL OFFSITE PARKING AND A LOADING/UNLOADING AREA. THE ADDED FEATURES ARE DONE IN SUCH A WAY AS TO PROVIDE A SEAMLESS INTEGRATION OF ANY FUTURE BUILDINGS, IF ANY.

NO ADDITIONAL BUILDINGS ARE PROPOSED AT THIS TIME.

NO OUTSIDE STORAGE IS PLANNED FOR THE EXPANDED PARKING. NO ADDITIONAL DUMPSTERS ARE PLANNED.

PROPOSED USE OF DEVELOPMENT

THE PROPOSED USE OF THE AMENDED DEVELOPMENT IS TO REMAIN THE SAME AS THE CURRENT USAGE: OFFICE AND WAREHOUSE.

FUTURE USE IS INTENDED TO REMAIN COMPLEMENTARY TO THE CURRENT USAGE AND THAT OF ITS CURRENT ZONING.

INTENT TO COMPLY (STORMWATER)

AS PART OF THE AMENDED DEVELOPMENT PLAN, THE OWNER AND THE ENGINEER OF RECORD INTEND TO COMPLY WITH ALL APPLICABLE STORMWATER QUALITY AND QUANTITY STANDARDS AS NOTED IN THE CURRENT DESIGN STANDARDS AND REGULATIONS.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN 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, ALLEY, 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.

_____, 20_____
(OWNER'S SIGNATURE)

CERTIFICATION OF GEORGETOWN DEVELOPMENT AUTHORITY APPROVAL

I (WE) CERTIFY THE DEVELOPMENT PLAN OR SUBDIVISION PLAT SHOWN HEREIN HAS BEEN REVIEWED AND FOUND TO COMPLY WITH THE GEORGETOWN DEVELOPMENT AUTHORITY GUIDELINES, INCLUDING ANY CONDITIONS OF APPROVAL OR EXCEPTIONS, NOTED HEREIN.

_____, 20_____
(DEVELOPMENT AUTHORITY SIGNATURE)

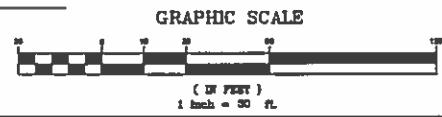
SITE SUMMARY:

SITE AREA	2,00± ACRES (EXISTING) 2,00± ACRES (ADDITIONAL) 4,00± ACRES (TOTAL)
ZONING USE	BP-1 AND I-1 ENHANCE INDUSTRIAL
FRONTAGE	208 FT (EXIST) 2,474 FT (ADDED) 455± FT (TOTAL)
BUILDING SETBACK	FRONT: 50 FT SIDE: 25 FT BACK: 25 FT
BUILDING COVERAGE	10,500± SF (12% OF LOT) (EXISTING) 21,000± SF (12% OF LOT) (FUTURE)
MAX. COVERAGE	40% OF LOT
BUILDING HEIGHT	28 FT
MAX. HEIGHT	3 STORIES OR 40 FT
SIGNAGE	GROUND MONUMENT: 6-FT HEIGHT 100-SF MAX 10-FT SETBACK
MAX. EMPLOYEES/SHIFT	7
PARKING REQUIRED	11 SPACES
PARKING PROVIDED	18 SPACES (EXISTING) 22 SPACES (PROPOSED)
PARKING SPACES	9' WIDE x 18' DEEP (TYP.)
VEHICULAR USE AREA (VUA)	5,900 SF (EXISTING) 5,000 SF (NEW PAVO) 11,600 SF (NEW LOADING)
INTERIOR LANDSCAPING AREA	0 SF (EXISTING) 0 SF (PROPOSED)
PERIMETER LANDSCAPING	1 TREE PER 40'
EXISTING TREE CANOPY	9,226 SF (0.3% OF 4 AC)
REQUIRED TREE CANOPY	9,712 SF (0.3% OF 4 AC)
ADDITIONAL TREES ADDED PER PERIMETER LANDSCAPER PLAN	

CERTIFICATION OF PRELIMINARY DEVELOPMENT PLAN APPROVAL

I HEREBY CERTIFY THAT THE DEVELOPMENT PLAN SHOWN HEREIN 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.

_____, 20_____
(CHAIRMAN, SCOTT JUDIT PLANNING COMMISSION)



EXISTING CONTOURS
EXISTING CONTOURS ARE DERIVED FROM THE GSCPC GIS DATABASE AND NOT WHOLLY REFLECTIVE OF CURRENT TOPOGRAPHY. EXISTING FINISH FLOOR AND SPOT ELEVATIONS ARE SHOWN ON THE DEVELOPMENT PLAN TO PROVIDE A GENERAL SENSE OF THE TOPOGRAPHY. OVERLAND DRAINAGE ARROWS AND OTHER STORMWATER FEATURES ARE ALSO ADDED TO ACCOMMODATE THE OVERALL TOPOGRAPHY OF THE AREA.

AMENDED DEVELOPMENT PLAN
MVH INDUSTRIAL PIPING
200 ENDEAVOR DRIVE, GEORGETOWN, KY 40324

SCALE:	DATE:
1" = 30'	01/27/18
REVISED:	DRAWN BY:
	BKH
FILENAME:	JOB NUMBER:
MVH PDP	225

THOROUGHBRID ENGINEERING
146 S. BROADWAY ST. GEORGETOWN, KY. 40324 (502) 863-1766
WWW.THOROUGHBRID.CONSUING

LENA WISE PROPERTY
Staff Report to the Georgetown-Scott County Planning Commission
February 11, 2016

FILE NUMBER: PDP-2016-04
PROPOSAL: A 7,521 SF dog kennel
LOCATION: 1364 Lexington Road
APPLICANT: BTW2, LLC
CONSULTANT: Jason Banks, Banks Engineering, Inc.



STATISTICS:
Zone A-1 (Agricultural)
Surrounding Zones A-1 (Agricultural) & B-2/Greenbelt
Acreage 4.52 acres
Access US 25 (Lexington Road)
Variance/Waivers None

BACKGROUND:
The Applicant is proposing the creation of a 7,521 SF dog kennel. The Applicant received approval through the Scott County Board of Adjustment for the conditional use of a kennel and a reduction in the side yard setbacks (S-2015-25).

The Project Site sits just outside of the city limits and urban service boundary for Georgetown.

Access:
The Project Site is shown to have vehicular access from Lexington Road. The parking area for the Project Site contains 20 parking spaces with two of those being handicap accessible spaces. The Applicant is showing a sidewalk along the frontage of the property, with a note that the sidewalk will match the width of the sidewalks on adjacent properties.

Landscaping:
Landscaping of the perimeter of the property and the exterior of the kennel are key to reducing the potential off-site impacts. The perimeter of the Project Site has existing trees, which have been marked on the development plan to remain. These trees have a canopy area of approximately 11,900 SF.

Section 2.56 (C) of the Zoning Ordinance requires outside areas used in conjunction with the kennel to be screened by a row of evergreen trees no more than 30' on center. The trees shown on the Preliminary Development Plan for screening the outside areas of the kennel are shown to be closer than the required 30' on center. However, there is a gap of roughly 65' on the southeast side of the proposed

kennel. This gap should be filled with either additional trees, or by spacing out the shown trees a little more, but not exceeding the 30' on center the ordinance requires. It should also be noted that these trees are proposed to be planted on a berm to increase the screening of the kennel and associated uses from neighboring properties.

The Vehicular Use Area (VUA) is 16,990 SF. The Landscaping Ordinance requires a VUA of this size to have an interior landscaped area of at least 1,699 SF with 7 trees. The Applicant is showing 1,745 SF of interior landscaped area with 7 trees on the development plan.

The parking area is also screened appropriately from Lexington Road. The screening is showing the required 3' continuous hedge and 1 tree per 40'.

The landscaping shown meets the canopy requirements. The development plan shows enough trees to be preserved to cover approximately 6% of the Project Site. Between the evergreens, and the trees required by the VUA, the applicant is showing roughly 17% canopy coverage in new trees. The Applicant is required to have at least 12% for the agricultural district. Between the preserved trees and the proposed new trees, the Applicant is showing roughly 23% canopy coverage.

ADDITIONAL COMMENTS

Since dogs will be kept at the facility overnight, Section 2.56 of the Zoning Ordinance requires the kennel be soundproofed. The Applicant has included a note on the development plan that the building will be soundproofed. The Applicant agreed, as a condition for the Conditional Use Permit, for the kennel to keep all dogs indoors during any events held on neighboring properties if the kennel is given 24 hours' notice.

There is an existing 1 story brick residence on the property, which the Applicant is proposing to let the Humane Society use. Behind this house is an existing concrete pad the Humane Society is proposing to use to hold a 20' x 8' storage trailer. Moving this storage trailer to the Project Site will require a permit through the Building Inspection Office.

RECOMMENDATION:

Approve the Preliminary Development Plan for the construction of a 7,521 SF dog kennel with the following conditions of approval:

Conditions of Approval:

1. A Final Development Plan shall be submitted for review and approval of Planning Commission Staff.
2. Any revisions or amendments to the approved Preliminary Development Plan must be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. A species-specific landscape plan shall be included with the Final Development Plan.
4. A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer prior to approval of the Final Development Plan.
5. A Lighting and Photometric Plan shall be included with the Final Development Plan.
6. All applicable requirements of the *Subdivision & Development Regulations*.

7. 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.
8. 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.
9. The Applicant shall adhere to all conditions set by the Scott County Board of Adjustments.
10. The kennel shall be soundproofed to minimize the off-site impacts on the neighboring properties.

**Lloyd Road Wireless Communications Facility
Staff Report to the Georgetown-Scott County Planning Commission
February 11, 2016**

FILE NUMBER: PDP-2016-05

PROPOSAL: Preliminary Development Plan for a 195' lattice tower with a 4' lightning arrestor (total 199' tower height) located on a 10,000 sq. ft. lease area zoned A-1

LOCATION: Stamping Ground Road Parcel # 111-10-001.000

APPLICANT: Skyway Tower, LLC and Cellco Partnership DBA: Verizon Wireless

CONTACT: David A. Pike, Pike Legal Group, PLLC



STATISTICS:

Zone	A-1
Surrounding Zones	A-1
Acreage	10,000 sq. ft. Lease Area 52.46 Acres Parent Tract
Tower Height	199 ft.; 195 ft. lattice support tower with 4 ft. lightening arrestor
Water/Sewer Available	N/A
Access	Access & Utility Easement from Stamping Ground Road
Waiver Requested	None

BACKGROUND:
The applicant requests approval for a 195' tall lattice tower with an additional 4' lightening arrestor on a 10,000 sq. ft. lease area, located on the north side of Stamping Ground Road (KY 227) between Viley Lane and Lloyd Road (GIS Parcel # 111-10-001.000). The site is an agricultural parcel with no residence and a single barn. Per the submitted wireless communications facility plan, the following minimum yard setbacks will be provided:

Front Yard:	601' (tower) / 592' (platform) / 587' (generator)
Side Yard (east):	659' (tower) / 642' (platform) / 638' (generator)
Side Yard (west):	717' (tower) / 746' (platform) / 745' (generator)
Rear Yard:	475' (tower) / 495' (platform) / 517' (generator)

The closest residence is 699' north of the tower. The nearest residence to the west is over 900' away, the nearest residence east of the tower is in excess of 1000' away from the proposed tower, and the nearest residence to the south is approximately 2,000' away.

The applicant has proposed a 30' variable width access and utility easement from Stamping Ground Road (KY 227) running along the existing driveway through the middle of the property to the lease area. This driveway is proposed to be graveled.

APPLICATION REQUIREMENTS, Zoning Ordinance, Section 2.55 (F):

As part of the uniform application requirements, the Applicant has provided copies of the following, all of which are stored in the project file and available for review:

1. The full name and address of the applicant. **Included.**
2. The applicant's articles of incorporation, if applicable. **Included.**
3. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations. **Included.**
4. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas. **Included in note on site survey (Sheet B-1.1).**
5. Clear directions from the City of Georgetown (i.e., the county seat) to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions. **Included.**
6. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the Scott County Clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal. **Included.**
7. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower. **Included.**
8. A (site) development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system. **Included.**
9. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas. **Included.**
10. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky. **Included.**
11. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower. **Included.**
12. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

- a. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
 - b. Given the telephone number and address of the local planning commission; and
 - c. Informed of his or her right to participate in the planning commission's proceedings on the application. **Included.**
13. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners. **Included.**
 14. A statement that the chief executive officer of the appropriate and affected local government and the legislative body (City of Georgetown, Scott County Fiscal Court, Town of Stamping Ground, Town of Sadieville) have been notified, in writing, of the proposed construction. **Included.**
 15. A copy of the notice sent to the chief executive officer of the appropriate and affected local government and the legislative body (see #14). **Included.**
 16. A statement that: a. a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted in a visible location on the proposed site; and b. a written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site. **Included.**
 17. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed. **Included.**
 18. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use and zoning for the specific property involved. **Included.**
 19. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure (i.e., co-locate), including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.

Included. The applicant submitted a document by Martin C. Brown of Galloway Appraisal, finding that wireless communication facilities "will not have an adverse impact of property values." Mr. Brown states that numerous neighborhood impact studies have been done to address this issue and that they "have never found that a wireless communication tower has had a negative impact on value of properties in close proximity to these structures. We have not found that such structures have a negative influence on the rate of increase in values of properties so located."

The Applicant has also submitted a site selection report as part of the application describing the process by which the project site was chosen. The applicant's engineers

identified a service gap in this part of the county. There were no suitable tall structures providing opportunities for co-location, or nearby existing wireless communications facilities that were reported to provide adequate service coverage to satisfy the identified need.

20. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located. **Included.**
21. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
 - a. all of the planning unit's jurisdiction; and
 - b. a one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers. **Included.**

TELECOMMUNICATION TOWER DESIGN STANDARDS ANALYSIS, Zoning Ordinance, Section 2.55 (J):

1. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones. **The proposed tower is located within an A-1 zoning district.**
2. Lattice and guyed cellular antenna towers constructed in an agricultural zone shall be located a minimum distance of 250 feet from all existing residential structures. **The proposed tower is shown at least 650 feet from the nearest residential structure, and over 500 feet from the nearest barn.**
3. Setback for all structures constructed in connection with cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property lines or lease line equal to the setback of the respective district plus one-half (1/2) the height of the tower. **The tower described in the application is 199 feet tall. The A-1 zoning district has a setback of 50 feet from all property lines. To satisfy the setback requirement, the tower needs to be at least 149.5 feet from all property lines: $(199 \text{ ft}/2) + 50 \text{ ft} = 149.5 \text{ ft}$. The proposed tower is shown to be located roughly 480 feet from the nearest property line.**
4. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Subsection K. **The applicant has requested a 199' tower, so no variance is required.**
5. The cellular antenna tower shall be constructed in compliance with the current ANS/EIA/TIAK 22-F standards and other applicable State standards. **The applicant has provided documentation stating they are compliant with current standards.**
6. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations. **At the TRC meeting, the Applicant indicated that marking and lighting are not necessary on this proposed tower for aviation safety.**

7. The site shall be unstaffed or unmanned. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points as shown on the approved development plan subject to the entrance requirements outlined in the Subdivision & Development Regulations or of KYTC-District 7 (where applicable). **This site will be unmanned and accessed via the gravel drive from Stamping Ground Road (KY 227). It may be beneficial to ask for additional information from the Applicant regarding the frequency of access to the site.**
8. Woven wire or chain link (80% open) or solid fences made from wood or other materials (less than fifty (50) percent open) shall be used to enclose the site. Such fences shall not be more than eight (8) feet in height. The use of barbed wire or sharp pointed fencing shall be prohibited. **The applicant proposes a 6-foot tall chain link fence to enclose the site. A note indicates that no barbed wire will be installed.**
9. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of ten (10) feet on center.... A break in the hedge, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles. **The Preliminary Development Plan includes a landscape plan (sheet L-1) which demonstrates compliance with this requirement.**
10. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable Subdivisions & Development Regulations and be at least constructed of gravel or other durable surface. The Planning Commission may require alternative surface materials based on grade, construction and potential for erosion. **The Applicant is proposing a 12' wide gravel access drive to replace the existing dirt road.**
11. There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, State or local agency. Such signs shall not exceed five (5) square feet in area. **No signage is proposed.**
12. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three service providers. **In addition to the applicant's needs, the proposed tower will be able to accommodate three additional service providers.**
13. All option and site lease agreements shall not prohibit the possibility of co-location. **The applicant has submitted the required documentation.**

STAFF COMMENTS:

Section 2.55 (K) of the *Zoning Ordinance* requires approval or disapproval of the application to be based on an evaluation of the proposal's agreement with the *Comprehensive Plan, Zoning Ordinance, and applicable Subdivision & Development Regulations*. As demonstrated above, the proposal meets the conditions of the *Zoning Ordinance* and the *Subdivision & Development Regulations*. As is standard practice, any elements typically included in construction documents that were not addressed in the Preliminary Development Plan will be addressed during the Final Development Plan. This type of detail includes final drainage plans.

The *2011 Comprehensive Plan* fundamental guiding principal for rural land use is “that actions taken and decisions made should result in a proper balance between the needs of development associated with community growth, and the continuing need to preserve and protect Scott County’s rural, agricultural, and historical assets for the benefit of the community as a whole.”

No numbers were provided as to the impacted parcels or number of individuals who would be served by this new facility. However, the Applicant has stated that this proposed wireless communications facility will “remedy a significant service capacity gap in this part of the county” and that “local demand for wireless services is starting to exceed the capacity of our existing sites in this area to handle. Customers from this area are now reporting that during peak use times they can’t connect to the network, or reflexively that calls to customers within this service area are not getting through. This means that this geographic area is no longer being serviced effectively” (Application Exhibit O, Radio Frequency Engineer Report).

The most significant benefit to the community would be increased service, while the offsets have not been demonstrated by the application or raised by neighboring property owners or members of the general public. The *Comprehensive Plan* makes no specific reference to wireless communications facilities, but it does discuss overall balance of needs and protection of rural character. Similar towers are found throughout the county, and there are no special districts or additional setbacks which would prohibit placement of the wireless communications facility on the proposed site.

The Applicant has requested that all discussion and comments at the Planning Commission meeting exclude environmental effects of radio frequency emissions. The Applicant rightly states that both local ordinance, and state and federal law are all very clear that this is to be handled solely by the FCC.

RECOMMENDATION:

Based on the above findings that the application is in compliance with the *Comprehensive Plan, Zoning Ordinance, and Subdivision and Development Regulations*, staff recommends approval with the following conditions:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and the *Subdivision & Development Regulations*.
2. The Final Development Plan shall adequately address upstream site drainage.
3. As part of the Final Development Plan approval, the Applicant must provide the Planning Commission staff (GIS division) with a digital copy of the approved plan.
4. Any revisions or amendments to the approved Preliminary Development Plan must be reviewed and approved by the Planning Commission staff (minor) or by the Planning.



GALLOWAY APPRAISAL
Real Estate Counselors & Appraisers

Offices Located In:
Louisville, KY
Lexington, KY

— Since 1969 —

February 1, 2016

Mr. David A. Pike, Esq.
Attorney at Law
1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165

Re: Site: Proposed Wireless Communication Facility: Lloyd Road
Stamping Ground Road, Scott County, Georgetown, KY

Dear Mr. Pike:

It is proposed to construct a wireless communication facility on parcel 111-10-001.000 owned by Gene L. Butcher, Jr. You have asked us to render an opinion as to the potential impact of the proposed tower, if any, on the value of property within the immediate area of the site. It is our opinion that the proposed facility will not have an adverse impact on property values within the subject area.

We have completed numerous neighborhood impact studies to address this issue. These studies were conducted in proximity to self-supporting monopoles, lattice towers, water towers, radio towers or other large objects in the skyline.

The methodology requires an initial site and neighborhood inspection to determine the *dynamics* of the specific market area. The inspection is used to determine the general character of the neighborhood, i.e., residential, industrial, commercial, office, mixed, etc. We make this inspection to determine if the market dynamics could have an impact on value separate from the presence of the tower. Our investigation determines the age and condition of the housing stock, levels of new construction, and population trends.

We locate existing towers in the general vicinity of the proposed tower and determine the dates of erection of these towers. We then track the sales, before and after the date of construction of the tower, of single-family homes located in close proximity (500 feet or line of sight) of these towers. The best data comes from back-to-back sales of the same house. We then chart these sales on a time line in order to determine the trending of the sales price of the homes. From this data, we are able to calculate the average annual rate of increase or decrease in values.

PRINCIPAL OFFICE

2525 Nelson Miller Parkway • Suite 101 • Louisville, Kentucky 40223 • (502) 589-4976 • FAX (502) 585-3778

As a check to the data, we ascertain from the local taxing authority the average annual rate of increase in values for all property types in the county. We use this rate as a base line for comparison to the rate from the charted sales.

As a control, we locate a group of similar homes (price and size) not in proximity or line of sight of the tower and track and chart these sales in the same way we charted the homes in proximity to the tower. We calculate the average annual rate of increase or decrease in value and compare the countywide rates and the control group rates to the properties in close proximity to the tower.

Where the data is available, we use the same groups of houses to examine the ratio of sale price to listing price and days on the market.

These studies have been conducted in highly developed urban neighborhoods, sparsely populated rural agricultural areas, areas of lower priced houses (\$50,000 to \$75,000), and higher priced houses (up to \$1,000,000). We have never found a case of a decrease in values.

We are thus able to conclude whether or not the properties in proximity to the tower suffered any impact from the presence of the tower. In addition, we can determine if these properties increased in value at least as fast as the properties countywide.

We have never found that a wireless communication tower has had a negative impact on value of properties in close proximity to these structures. We have not found that such structures have a negative influence on the rate of increase in value of properties so located.

Wireless communication facilities are an essential part of the communication utility. "Gas, electricity, water, telephone, cable and internet service, and storm and sanitary sewers are essential to meeting the accepted standard of living in most municipal areas. A deficiency in any of these services tends to decrease property values in a market area."¹

"In recent years, the growth of the telecommuting work force has made rural and exurban areas far from urban and suburban employment centers into feasible residential communities by eliminating the commute. On a national level, the combination of telecommuters and the self-employed individuals working at home makes up a small percentage of the total workforce, but the number of home workers increased 23% between 1990 and 2000 and more than 40% between 2000 and 2009. The impact of telecommuting on the supply and demand for housing in a residential district can be significant, depending on the demographics of the area."²

Sincerely,



Martin C. Brown, Associate
Stonewall LLC

¹ The Appraisal of Real Estate, 14th Edition, 2013, by the Appraisal Institute, Chicago, Illinois, pg. 170.

² The Appraisal of Real Estate, 14th Edition, 2013, by the Appraisal Institute, Chicago, Illinois, pg. 174

RÉSUMÉ

MARTIN C. BROWN
7101 CANNONADE COURT
PROSPECT, KENTUCKY 40059
(502) 228-2159

EDUCATION

1971 University of Louisville School of Law, J.D.
1965 University of Louisville, B.A., Political Science

EMPLOYMENT

1990 to Present

GALLOWAY APPRAISAL

Prepare market analysis and feasibility studies for proposed commercial and residential projects. Responsible for appraisals for all types of commercial properties. Created the health care appraisal division for Galloway Appraisal. Clients include all of the major Louisville banks as well as Figgie International and Hillhaven Corporation.

1990

MAIN STREET REALTY, INC.

Position - Director of Development

Responsible for market analysis and feasibility studies for new projects. Project manager for new developments and existing residential projects. Projects included adaptive re-use of 700,000 s.f. warehouse, Florida ocean-front residential, and single family subdivision.

1987-90

INDEPENDENT CONSULTANT

President of Martin C. Brown and Assoc.

Performed market analysis, feasibility studies, and site selection services for the real estate industry.

1985-87

NTS SECURITIES, INC.

Position - Regional Vice President

Responsible for marketing the public Real Estate Limited Partnerships of NTS Securities. Increased production from existing broker/dealer relationships and added new broker/dealers to the distribution network. Acquired Series 63 and 22 licenses.

1983-85 NTS DEVELOPMENT COMPANY
Position - Vice President of Acquisitions

Responsible for all phases of the acquisition process for limited partnership properties and for the corporate account. Produced market analysis of target markets per product type. Negotiated the acquisition of selected sites and managed the entitlement process. Created an acquisition team and support staff. Instituted and formalized the acquisition process at NTS. Acquired over three thousand acres of developable land at an estimated value of \$23.5 million.

1980-83 BROWN-NOLTEMEYER COMPANY
Position - Vice President of Operations

Responsible for construction management of over 600 multi-family units, a 90,000 square foot office park, and a 110,000 square foot shopping center with an aggregate value of \$35 million. Asset management responsibility for all company properties including office, office-service, warehouse, retail and residential. Tenants included Humana Inc., Kroger Co., Liberty Mutual Insurance Co., T.J. Maxx, and other national concerns.

1971-80 PRIVATE PRACTICE OF LAW
Large portion of practice involved real estate.

1969-71 PROBATION OFFICER, JUVENILE COURT
Position held while attending night law school.

1965-69 TRAVELERS INSURANCE COMPANY
Position - Claims Adjuster

REFERENCES FURNISHED UPON REQUEST

PARCEL # 111-10-001.000
 GENE L. BUTCHER JR.
 1482 CINCINNATI ROAD
 GEORGETOWN, KY 40324
 D.B. 272, PG. 59
 ZONED: A-1

(A1)

PARCEL # 109-40-001.000
 GROVERLAND FARM
 c/o ROBERT E. MILWARD
 P.O. BOX 516
 GEORGETOWN, KY 40324
 ZONED: A-1

(B1)

PARCEL # 111-10-002.00
 MILLCENT BUTCHER CONWAY
 1553 STAMPING GROUND ROAD
 GEORGETOWN, KY 40324
 D.B. 163, PG. 258
 ZONED: A-1

(C1)

PARCEL # 111-30-001.000
 ROBERT HALL JR. &
 BONNIE P. HALL
 1594 STAMPING GROUND ROAD
 GEORGETOWN, KY 40324
 D.B. 339, PG. 766
 ZONED: A-1

(D1)

PARCEL # 085-20-001.000
 HORACE GAINES
 C/O SUSAN GAINES JACKSON
 231 ANDERSON ROAD
 GEORGETOWN, KY 40324
 ZONED: A-1

(E1)

PARCEL # 084-20-009.000
 SUSAN HUMPHREY
 c/o ELIZABETH MILWARD COLEMAN
 P.O. BOX 516
 GEORGETOWN, KY 40324
 ZONED: A-1

(F1)

PARCEL # 084-20-008.000
 JAMES M. CLOUGH &
 CHESTER P. KIEHL
 1697 STAMPING GROUND ROAD
 GEORGETOWN, KY 40324
 D.B. 296, PG. 296
 ZONED: A-1

(G1)

PARCEL # 084-20-006.000
 SHAWN A. & KERRI A. TURNER
 1739 STAMPING GROUND ROAD
 GEORGETOWN, KY 40324
 D.B. 273, PG. 716
 ZONED: A-1

(H1)



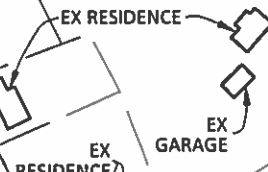
EX BARN



EX RESIDENCE



EX BARN

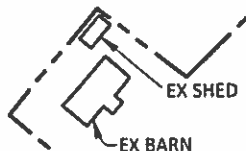


EX RESIDENCE

EX GARAGE

EX GARAGE

EX RESIDENCE



EX SHED

EX BARN



EX BARN

(B1)

(H1)

(G1)

(F1)

(A1)

(C1)

(E1)

(D1)

STAMPING GROUND ROAD - KY-227

500' RADIUS

PROPOSED LEASED PREMISES
 (10,000 S.F.)

PROPOSED 15' UTILITY EASEMENT

PROPOSED 30' / VARIABLE
 WIDTH INGRESS / EGRESS &
 UTILITY EASEMENT

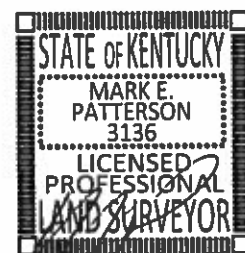
200' RADIUS FROM
 PROPOSED 30' / VARIABLE
 WIDTH INGRESS / EGRESS &
 UTILITY EASEMENT

GENERAL NOTE:

- ALL INFORMATION SHOWN HEREON WAS OBTAINED FROM THE RECORDS OF THE SCOTT COUNTY KENTUCKY PROPERTY VALUATION ADMINISTRATION OFFICE ON 8.18.2015 AND UPDATED FROM THE PVA WEB SITE ON 11.11.2015. THE PROPERTY VALUATION ADMINISTRATION RECORDS MAY NOT REFLECT THE CURRENT OWNERS AND ADDRESSES DUE TO THE INACCURACIES AND TIME LAPSE IN UPDATING FILES. POD AND THE COUNTY PROPERTY VALUATION ADMINISTRATION EXPRESSLY DISCLAIMS ANY WARRANTY FOR THE CONTENT AND ANY ERRORS CONTAINED IN THEIR FILES.
- THIS MAP IS FOR GENERAL INFORMATIONAL PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY.
- NOT FOR RECORDING OR PROPERTY TRANSFER.

CERTIFICATE

I HEREBY CERTIFY THAT THIS EXHIBIT PERTAINING TO THE ADJOINING PROPERTY OWNERS PER PVA RECORDS WAS PREPARED UNDER MY DIRECT SUPERVISION. NO BOUNDARY SURVEYING OF ANY KIND HAS BEEN PERFORMED FOR THIS EXHIBIT.



MARK PATTERSON, LPLS #3136 DATE 11-11-15



EXHIBIT

REV	DATE	DESCRIPTION
A	11.24.15	ISSUED FOR REVIEW
B	12.17.15	OLC COMMENTS
D	12.21.15	ISSUED AS FINAL

SITE INFORMATION:
LLOYD ROAD
 STAMPING GROUND ROAD
 GEORGETOWN, KY 40324
 SCOTT COUNTY
 TAX PARCEL NUMBER:
 111-10-001.000
 PROPERTY OWNER:
 GENE L. BUTCHER JR.
 1482 CINCINNATI ROAD
 GEORGETOWN, KY 40324
 SOURCE OF TITLE:
 DEED BOOK 272, PAGE 59

SITE NUMBER:
 KY-03061

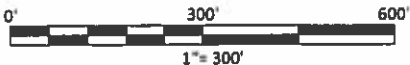
VERIZON SITE NAME
 LV LLOYD ROAD

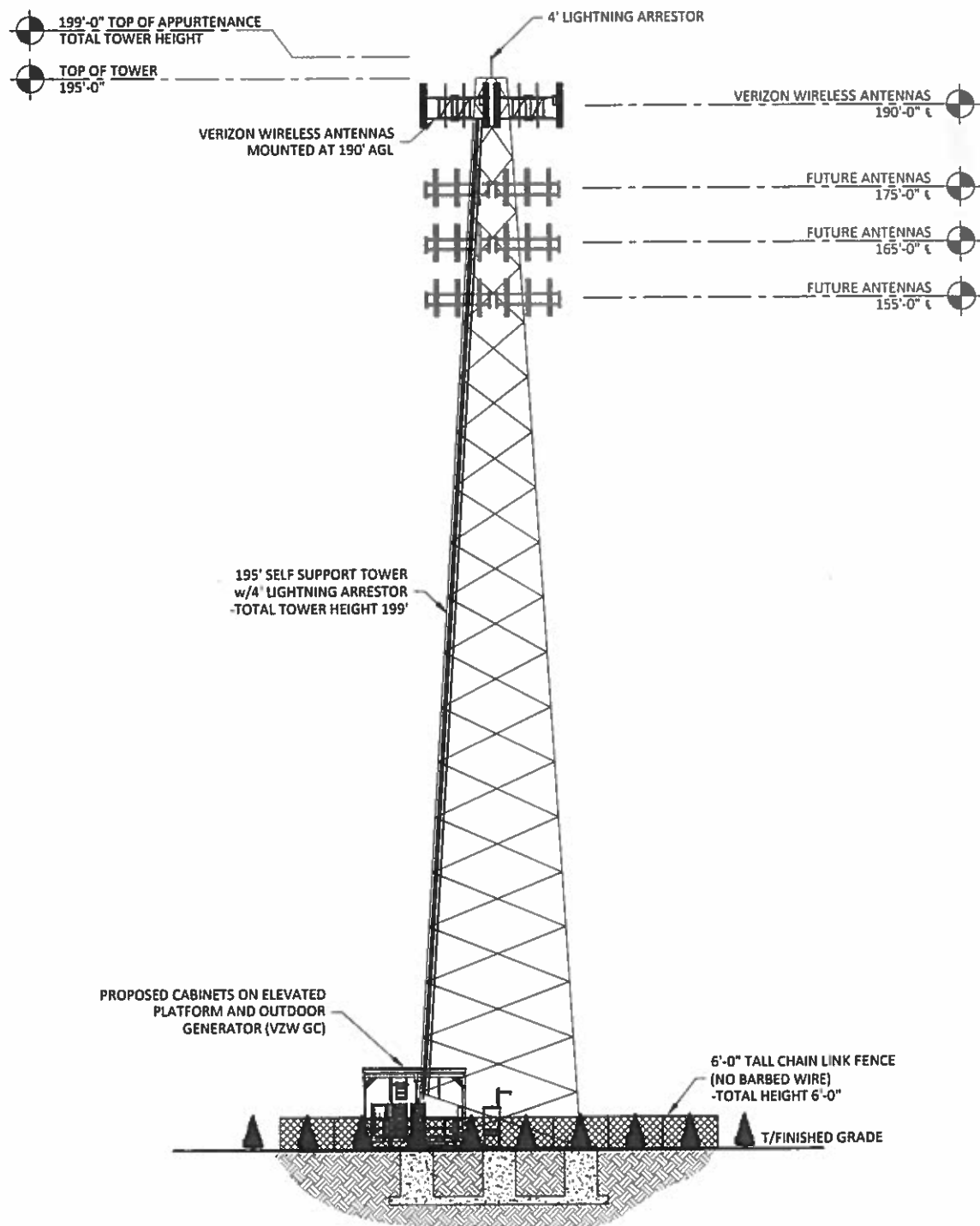
POD NUMBER: 15-7034

DRAWN BY: DAP
 CHECKED BY: MEP
 DATE: 11.11.15

SHEET TITLE:
**500' RADIUS &
 ABUTTERS MAP**

SHEET NUMBER:
B-2





TOWER ELEVATION
SCALE: N.T.S. 1
TE-1

NOTE:

- IT IS THE INSTALLING CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL ANTENNA INFORMATION AGAINST FINAL RADIO ENGINEERING PLAN PROVIDED BY CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS (VZW GC)

POD
POWER OF DESIGN
11490 BLUEGRASS PARKWAY
LOUISVILLE, KY 40299
502-437-5252

SKYWAY TOWERS
3637 MACADA LANE
TAMPA, FL 33618
(813) 960-6200

STATE OF KENTUCKY
MARK E. PATTERSON
26,300
PROFESSIONAL ENGINEER
EN PERMIT: 3594

ZONING DRAWINGS

REV.	DATE	DESCRIPTION
C	12.17.15	OLC COMMENTS
0	12.21.15	ISSUED AS FINAL
1	1.21.16	TRC COMMENTS

SITE INFORMATION:
LLOYD ROAD

STAMPING GROUND ROAD
GEORGETOWN, KY 40324
SCOTT COUNTY

TAX PARCEL NUMBER:
111-10-001.000

SKYWAY TOWERS SITE NUMBER:
KY-03061

VERIZON WIRELESS SITE NAME:
LV LLOYD ROAD

POD NUMBER: 15-4211
DRAWN BY: POD
CHECKED BY: MEP
DATE: 9.14.15

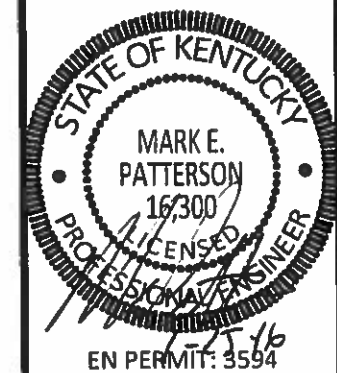
SHEET TITLE:
TOWER ELEVATION

SHEET NUMBER:
TE-1



SKYWAY TOWERS

3637 MACADA LANE
TAMPA, FL 33618
(813) 960-6200



ZONING DRAWINGS

REV.	DATE	DESCRIPTION
C	12.17.15	OLC COMMENTS
0	12.21.15	ISSUED AS FINAL
1	1.21.16	TRC COMMENTS

**SITE INFORMATION:
LLOYD ROAD**

STAMPING GROUND ROAD
GEORGETOWN, KY 40324
SCOTT COUNTY

TAX PARCEL NUMBER:
111-10-001.000

SKYWAY TOWERS SITE NUMBER:
KY-03061

VERIZON WIRELESS SITE NAME:
LV LLOYD ROAD

POD NUMBER: 15-4211

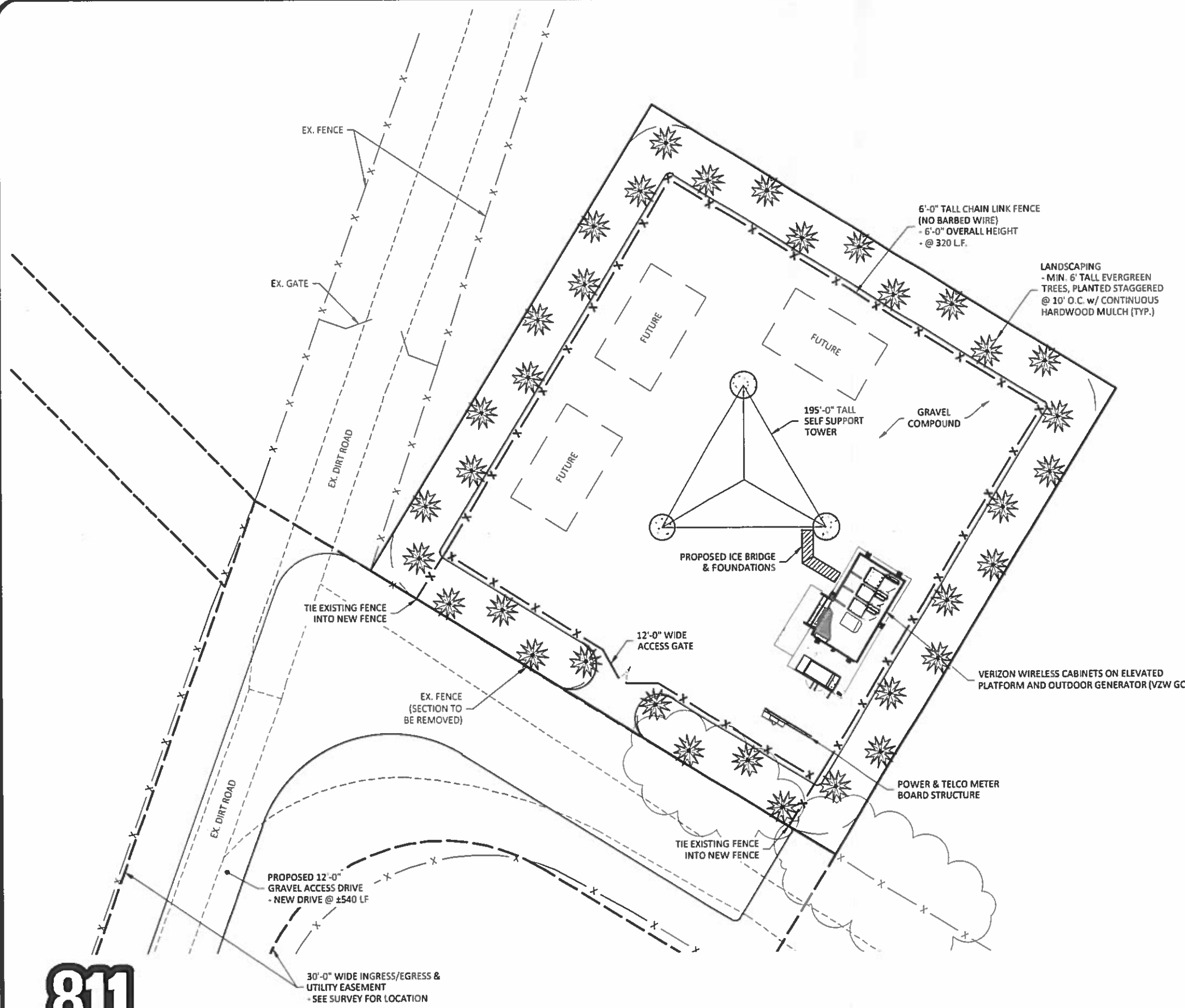
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CHECKED BY: MEP
DATE: 9.14.15

SHEET TITLE:

DETAILED SITE PLAN

SHEET NUMBER:

C-3



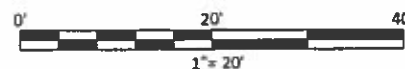
LEGEND

- PROPOSED LEASE LINE
- PROPOSED EASEMENT
- PROPOSED GRAVEL
- PROPOSED FENCE
- EXISTING GRAVEL
- EXISTING FENCE



Know what's below.
Call before you dig.

*NOTE:
GENERAL CONTRACTOR IS TO ENSURE
THERE IS NO DISTURBANCE OF PROPERTY,
SOIL, ETC. OUTSIDE OF THE STAKED LEASE
AREA WITHOUT APPROVAL FROM
VERIZON WIRELESS CONSTRUCTION
MANAGER



DETAILED SITE PLAN

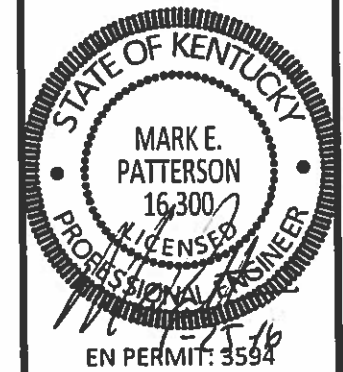
SCALE: 1" = 20'-0"





SKYWAY TOWERS

3637 MACADA LANE
TAMPA, FL 33618
(813) 960-6200



ZONING DRAWINGS

REV.	DATE	DESCRIPTION
C	12.17.15	OLC COMMENTS
0	12.21.15	ISSUED AS FINAL
1	1.21.16	TRC COMMENTS

SITE INFORMATION:
LLOYD ROAD

STAMPING GROUND ROAD
GEORGETOWN, KY 40324
SCOTT COUNTY

TAX PARCEL NUMBER:
111-10-001.000

SKYWAY TOWERS SITE NUMBER:
KY-03061

VERIZON WIRELESS SITE NAME:
LV LLOYD ROAD

POD NUMBER: 15-4211

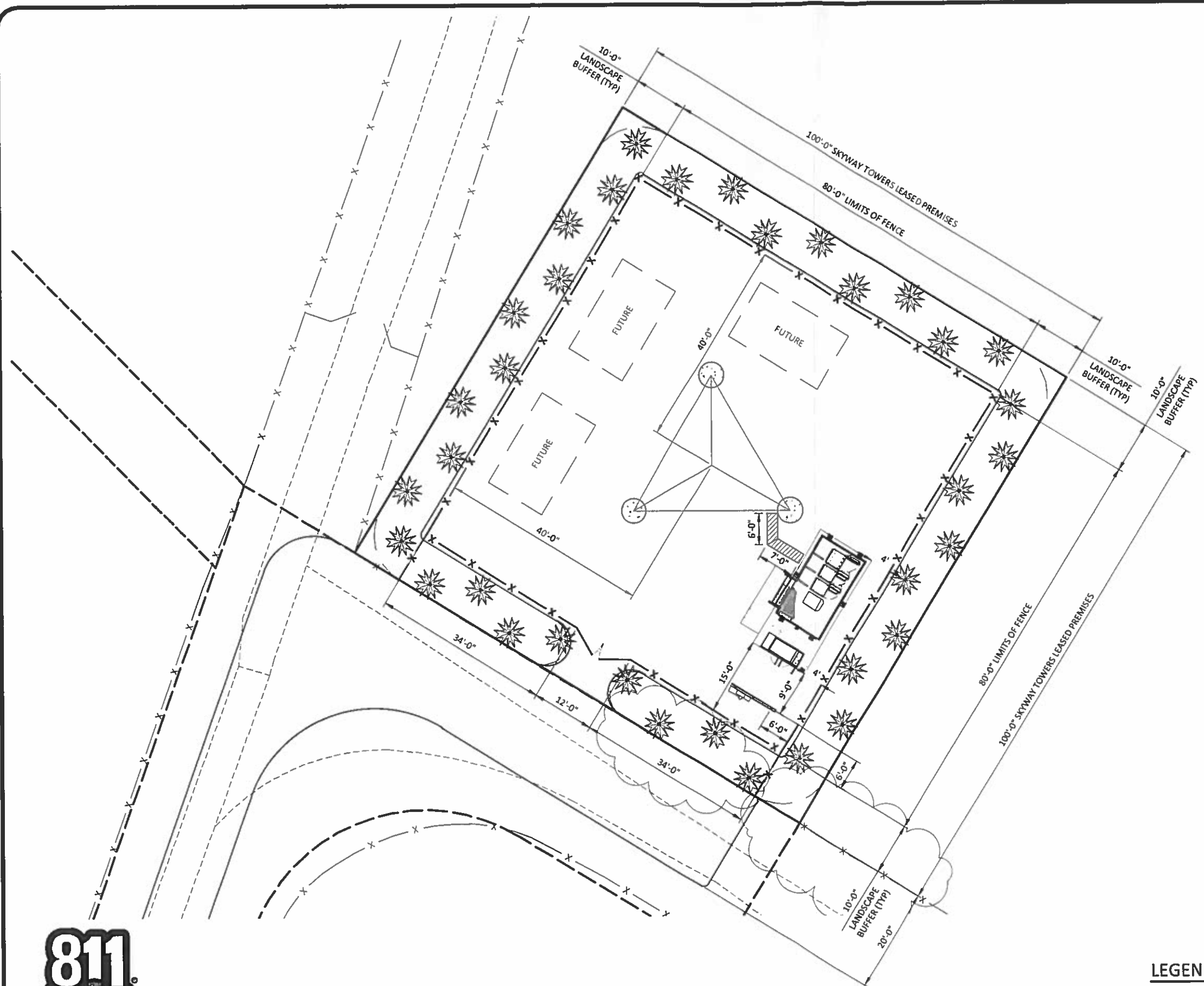
DRAWN BY: POD
CHECKED BY: MEP
DATE: 9.14.15

SHEET TITLE:

DIMENSIONED SITE PLAN

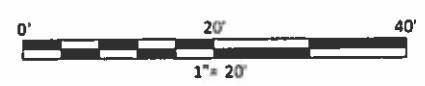
SHEET NUMBER:

C-4



Know what's below.
Call before you dig.

*NOTE:
GENERAL CONTRACTOR IS TO ENSURE
THERE IS NO DISTURBANCE OF PROPERTY,
SOIL, ETC. OUTSIDE OF THE STAKED LEASE
AREA WITHOUT APPROVAL FROM
VERIZON WIRELESS CONSTRUCTION
MANAGER



DIMENSIONED SITE PLAN

SCALE: 1" = 20'-0"



LEGEND

- PROPOSED LEASE LINE
- PROPOSED EASEMENT
- PROPOSED GRAVEL
- - - - - PROPOSED FENCE
- - - - - EXISTING GRAVEL
- - - - - EXISTING FENCE

**Toyota Container Yard Parking Addition
Staff Report to the Georgetown-Scott County Planning Commission
February 11, 2016**

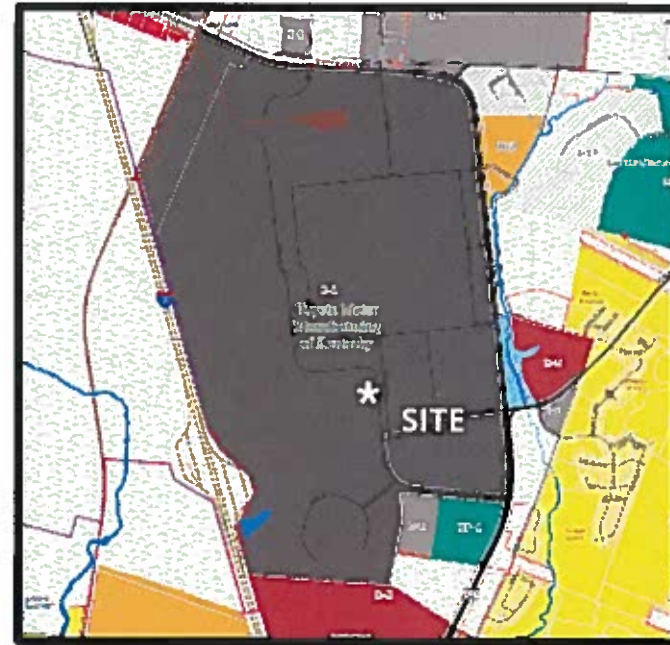
FILE NUMBER: PDP-2016-06

PROPOSAL: Preliminary Development Plan for a 270-space parking lot addition on 3 acres within the Toyota Motor Manufacturing Plant

LOCATION: TMMK Container Yard

APPLICANT: Toyota Motor Manufacturing, Kentucky, Inc.

ENGINEER: Brian Ward, Palmer Engineering



STATISTICS:

Zone	I-2
Surrounding Zones	I-2
Acreage	3.0 Acres (Addition) 52.46 Acres (Parcel)
Proposed Use	Parking Lot Expansion
Water/Sewer Available	Yes/Yes
Access	Via Outer Ring Road
Waiver Requested	None

BACKGROUND:
The subject property is located within the Toyota Motor Manufacturing Plant along the Outer Ring Road on the southwest portion of the property. The property is zoned I-2, Heavy Industrial. The application proposes an addition of 270 parking spaces not previously approved. The container yard was previously approved on a separate development plan.

Because the site location is central to the Toyota property, the notification buffer was applied only to the 3-acre portion of the project site. When the required 500-foot buffer is applied to the 3-acre portion of the project site (rather than the entire property), the notification policy would require the Applicant to only provide mailed notice to themselves. Therefore, the notification mailing requirement was waived. The Applicant was required to post required signage.

SITE REVIEW:

The vehicle use area (VUA) is 81,421 square feet and contains 270 parking spaces. The spaces are to serve employees using the existing buildings and is located in an area between existing roads and parking areas. At the Technical Review Committee meeting, the Applicant indicated existing pedestrian circulation is working for the plant on site, and did not indicate a desire for any additional sidewalks. Because the parking is for employees and not public access, staff finds that the Applicant should be able to model this lot off their existing lots in the vicinity. The landscaping will satisfy the vehicle use area and canopy standards for the site. The following table shows the landscape statistics:

Site Vehicle Use Area (VUA):	81,421 SF	
Vehicle Parking Spaces Provided:	270 spaces	
Motorcycle Parking Spaces Prov'd:	5 spaces	
Interior VUA Landscaping Req'd:	8,142 SF	(10% of VUA)
Interior VUA Landscaping Prov'd:	8,204 SF	
Interior Trees Required:	33 trees	(1/250 square feet)
Interior Trees Provided:	33 trees	
Site Tree Canopy Required:	13,068 SF	(Calculated as 10% of the 3-acre site for new growth trees in the I-2 zone)
Site Tree Canopy Provided:	13,200 SF	(33 x 400 SF for medium sized tree)

The Preliminary Development Plan indicates that 33 Acer Rubrum "October Glory" trees will be planted in the interior vehicle use area landscape islands. Medium sized trees, such as the October Glory are calculated as 400 square feet of area each toward the site tree canopy requirements. This size and number satisfies the interior tree and canopy standards. In order to encourage the required landscape areas to be properly dispersed, the Final Development Plan shall demonstrate that all required landscape areas shall be between 64 SF and 1,500 SF as required by the *Landscape Ordinance*.

Preliminary stormwater plans have been analyzed by the Planning Commission Engineer and there appears to be sufficient area to meet the requirements of the Stormwater Ordinance. Final stormwater plans and calculations will be reviewed at time of Final Development Plan review. The development will be required to conform with the adopted stormwater manual for the City of Georgetown and a post-construction stormwater maintenance plan or agreement will be required.

RECOMMENDATION:

Based on the above findings that the application is in compliance with the *Zoning Ordinance* and *Subdivision and Development Regulations*, staff recommends approval of the Preliminary Development Plan for the Toyota Container Yard Parking Addition with the following conditions:

Conditions of Approval:

1. 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.

2. Any revisions or amendments to the approved Preliminary Development Plan must be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
4. All requirements of GMWSS regarding the provision of sanitary sewer.
5. All applicable requirements of the Georgetown Fire Department.
6. 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.
7. A Final Stormwater Management Plan must be submitted and approved by the Planning Commission Engineer prior to approval of the Final Development Plan. All stormwater and runoff shall be managed so as not to create additional off-site impacts.
8. The Applicant shall submit a specie-specific landscape plan with the Final Development Plan. This plan shall satisfy the Vehicular Use Area interior and perimeter requirements as well as the overall canopy standards for the I-2 zone district. It shall also demonstrate that all required landscape areas shall be between 64 SF and 1,500 SF as required by the *Landscape Ordinance*.

