

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

April 24, 2006

The special meeting was held in the Development Services Building on April 24, 2006. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, Melissa Gregory, Janet Holland, Robert Hopkins, Helen Mitchell, Jimmy Richardson and Elizabeth Williams, Planners Drew Ardary and Rhonda Cromer, and Engineer Ben Krebs. Absent was Commissioner John Lacy and Attorney Charlie Perkins.

PDP-2006-33 Balance Dynamics Motorcycle Training Center - Preliminary Development Plan for a 1,800 sq. ft. motorcycle training facility located on 5.53 acres zoned I-1 Light Industrial at the terminus of Spring Court in the Georgetown Industrial Park.

Ms. Cromer reviewed the staff report, noting that approval from the Royal Spring Aquifer Wellhead Protection Committee must be obtained prior to obtaining a grading permit. Condition #6 will be modified to reflect that requirement.

Commissioner Williams expressed concern about the noise generated by the motorcycles. Ms. Cromer stated that there are no residential neighborhoods close enough for noise from the motorcycles to be heard. Commissioner Williams stated that, according to the Comprehensive Plan, no noise from the operation is permitted to be heard on adjacent properties.

Diane Walsh, applicant, stated that there will be virtually no noise off the site. They use very small, low-powered (125-250 cc) motorcycles. She stated that one of their models can barely be heard when riding on it. She stated that the operation is a "sister" branch to the Division of Motor Licensing. The motorcycles are owned and maintained by the State of Kentucky. This facility will be one of 18 in the state that provides motorcycle safety training. She stated that 95% of the courses are given on Saturday and Sunday, and during the week one or two private students may use the facility.

Paul Clanahan, Amerson Orchard across McClelland Circle, expressed concern about a 250 cc motorcycle being large enough to be loud. Ms. Walsh stated they are not large enough to drive on a highway. Discussion continued on that issue.

Obey Wallen, realtor for the applicant, testified that noise will not be a problem on or off the site.

Mr. Krebs had no problem with a grading permit being issued prior to Final Development Plan approval if the applicant realizes that he is grading at his own risk if for some reason all the signatures cannot be obtained on the final plan.

Commissioner Williams still had concerns about the noise impact on the area residents. Commissioner Bradley stated that he has worked next door to a similar testing site, and there is less noise than normal car traffic. Commissioner Hopkins felt that the noise from the site will be no more than noise from traffic on the bypass and the railroad tracks.

Motion by Bradley, second by Holland, to approve the Preliminary Development Plan subject to the ten (10) conditions of approval, and including approval of the grading permit prior to Final Development Plan approval. Motion carried 6-0-1 with Williams abstaining.

It was clarified that condition #6 regarding grading should be amended to delete, “. . . and the Final Development Plan.”

PSP-2006-28 Ward Property Phase II - Preliminary Subdivision Plat for 78 lots on 26.31 acres, located on the south side of U.S. 460 W. (Frankfort Pike), west side of Paynes Depot Road.

Mr. Ardary reviewed the staff report, including issues regarding buffering, open space, road layout, and curbs.

He stated that the buffer will be on the residential side of the property line, but will be maintained by the Ward Hall Foundation.

Bruce Lankford, representing the applicant, reported that an agreement has been reached between the Ward Hall Foundation and the developers on the buffer. Dave Stewart, Chairman of the Ward Hall Foundation, stated that the Ward Hall Foundation will obtain title to the entire open space, which they will maintain. It was his understanding that they will not be responsible for maintaining the trees on the south side of the road. Mr. Lankford agreed with his understanding.

Discussion continued on the buffer area. Jim Barlow, developer of the adjoining Buchanan Property, discussed the exchange of property and buffer agreement. Mr. Stewart described in more detail the landscaping and maintenance arrangements. He asked for a waiver on construction of a sidewalk on the north side of the road (Street A) because of the increase in liability to the Ward Hall Foundation and the interference it would cause in the buffering plan.

It was clarified that the open space, for which title will be held by the Ward Hall Foundation, will count toward the density of this Ward Hall Property Phase II application.

Motion by Williams, second by Gregory, to approve the Preliminary Subdivision Plat with the parcel exchanges as shown on the plat, subject to the sixteen (16) conditions of approval, and including the two variances: 1) the sidewalk on the north side of "Street A" will be waived, and 2) the open space which will be deeded to the Ward Hall Foundation counts toward the open space requirement for the Ball Home development. Motion carried.

PSP-2006-30 Buchanan Property - Amended Preliminary Subdivision Plat for 136 single family detached residential units on 60.053 acres, located on the south side of U.S. 460 W. (Frankfort Pike), northeast and southwest sides of McClelland Circle.

Mr. Ardary reviewed the staff report, noting that the plan complies with the West Georgetown Small Area Plan. He reviewed issues regarding open space, landscaping, pedestrian connections to the park areas,

It was noted that condition #22 does not apply.

Bruce Lankford, representing James Barlow, applicant, noted for the record that if there is in the future any donation of property or an exchange of property with the Ward Hall Foundation, they wish to receive the same benefit of that open space counting toward the open space requirements for their development. That request was made condition #22.

Motion by Williams, second by Mitchell, to approve the Preliminary Subdivision Plat for Site 1 and Site 2, subject to the twenty-one (21) conditions of approval, plus the revised condition #22. Motion carried.

Pioneer Plaza Self Storage Update

Chairman Brock updated the Commission on the appeal that was heard by the Executive Committee of the denial of the Pioneer Plaza Self Storage at the April 13, 2006 meeting. The application will be re-heard at the May 11, 2006 meeting, based on the fact that some of the findings were inaccurate.

Moratorium Recommendation

Chairman Brock provided the Commissioners a copy of the moratorium recommendation that will be considered at the May 1, 2006 special meeting.

Update on Hiring of Planning Director

The status of the search for a new Planning Director was discussed.


The meeting was then adjourned.

Respectfully,



Barry Brock, Chairperson

Attest:



Charlie Perkins, Secretary

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

APRIL 13, 2006

The regular meeting was held in the Scott County Courthouse on April 13, 2006. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, Melissa Gregory, Janet Holland, Robert Hopkins, John Lacy, Helen Mitchell, Jimmy Richardson and Elizabeth Williams, Planning Director Rachel Phillips, Planners Drew Ardary and Rhonda Cromer, Engineer Ben Krebs, and Attorney Charlie Perkins.

Chairman Brock reported that this is Rachel Phillips' last meeting. He commended her for her outstanding service and wished her well in her new job. He presented her with her AICP Certification and Ethics Code in frames.

Chairman Brock then welcomed Janet Holland as the new Planning Commissioner, replacing John Carter as the joint appointee.

Motion by Williams, second by Mitchell, to approve the March invoices. Motion carried.

Motion by Richardson, second by Lacy, to approve the March 9, 2006 minutes. Motion carried.

With the additions of 1) an update on the private street regulations, 2) the setting of a special meeting, and 3) a discussion of a possible moratorium on development under New Business, motion by Williams, second by Gregory, to approve the April agenda as amended. Motion carried.

Postponements/Withdrawals

Mr. Brock reported that the Brooklane Estates, Morgan Manor, and Elk River Apartments Phase II applications have been postponed to the May meeting.

Motion by Hopkins, second by Williams, to accept the three items for postponement. Motion carried.

Consent Agenda

Representatives of the Thoroughbred Acres Unit 13, Mukherjee Property, Holiday Inn, Falls Creek Mixed Use Center, Ellis Garden Center, Graul's Used Cars, Cherry Blossom Village Townhomes Phase 3, and Wigglesworth Property

applications agreed to their respective conditions of approval, and no concerns about the projects were expressed by the Commission or the public.

Motion by Williams, second by Richardson, to approve the eight items on the Consent Agenda subject to their respective conditions of approval. Motion carried.

FSP-2006-20 James Property - Final Subdivision Plat for a one-lot rural residential subdivision on 6.08 acres, located on the northwest corner of J.B. Lear Lane and Glass Pike.

Mr. Ardary reviewed the staff report, including the variance request to reduce the site distance at the entrance from 350 feet to 312 feet.

Brent Combs, Thoroughbred Engineering and representing the applicant, agreed with the conditions of approval.

Motion by Williams, second by Bradley, to approve the Final Subdivision Plat, including the requested variance regarding site distance, and subject to the four (4) conditions of approval. Motion carried.

PSP-2006-28 Ward Property Phase II - Preliminary Subdivision Plat for 78 lots on 26.31 acres, located on the south side of U.S. 460 W. (Frankfort Pike), west side of Paynes Depot Road.

Bruce Lankford, representing the applicant, submitted documentation regarding notification requirements. He reported that the applicant has been working on the issues discussed at the Planning Commission workshop, and asked that the application be heard at the special meeting that is scheduled for Monday, April 24, 2006.

Chairman Brock continued the application to the April 24, 2006 meeting.

PSP-2006-30 Buchanan Property - Amended Preliminary Subdivision Plat for 136 single family detached residential units on 60.053 acres, located on the south side of U.S. 460 W. (Frankfort Pike), northeast and southwest sides of McClelland Circle.

Bruce Lankford, representing the applicant, submitted documentation regarding notification requirements, and requested that this application also be continued to the April 24, 2006 meeting.

Chairman Brock continued the application to the April 24, 2006 meeting.

PSP-2006-32 Villages of Elkhorn Green Amended - Preliminary Subdivision Plat for fifty-eight (58) single family residential lots on 18.72 acres, located on the south side of U.S. 460 E, west of Crumbaugh Pike, north of Elkhorn Creek.

Ms. Cromer reviewed the staff report, stating that this amendment shifts several lot lines and has a net gain of three (3) lots, which is well below the maximum allowed.

Sara Tuttle, Strand Associates and representing the applicant, agreed with the conditions of approval.

Melissa Mayhew who owns property that was formerly known as the Stevens property, expressed concern about the residents in Elkhorn Green using her driveway. She also stated that the new road is within 6" of the trunk of a tree in the required buffer area. Those matters were briefly discussed.

Kim McCumbers, adjacent property owner, expressed concern about the agreement that was made between the developer and three adjacent property owners regarding providing access to the cul-de-sac and utility easements for any future development of those three properties. She stated that if this plan is approved, the Mayhews and Deskins have access, but she will not. That matter was discussed. Chairman Brock stated that if the Deskins property develops, it will be the responsibility of the Planning Commission to make sure that easement is continued across that property. Ms. McCumbers felt that the easement shown on the plat should be moved to provide her property direct access as promised. Chairman Brock noted that the area to which she is requesting the easement be moved is not part of this application.

Sara Tuttle stated that the applicant has always agreed to give access for development of the three properties, but never agreed to give individual access to each parcel. She was certain that individual access was never intended because the topography of the property where Ms. McCumbers is requesting access makes it not feasible to construct. She noted that the street layout shown on this plat was previously approved. Mr. Perkins read the condition of approval addressing the matter.

Discussion continued on access to the three adjoining tracts. Conditions of approval from prior applications were examined.

David Moore, with Kim McCumbers, felt that the question is the location of the proposed road, which has already been approved.

Another adjacent property owner of a lot on the former Stevens property asked about the required fencing along the property line. The applicability of the conditions regarding fencing and landscaping was discussed.

Sara Tuttle felt that previous conditions need to be examined to determine if certain conditions replaced previous conditions. Mr. Perkins suggested approving the Preliminary Subdivision Plat subject to review of the previous conditions regarding the matters discussed tonight, and requiring the conditions that are determined still applicable to be part of the Final Subdivision Plat. Mr. Krebs stated that the roads may be constructed before the Final Subdivision Plat comes back.

Ms. Tuttle felt that a review of the conditions would not be helpful in the matter regarding access. She stated that Ms. McCumbers has the option of developing with temporary access off Crumbaugh Pike until access through Elkhorn Green becomes available.

Mr. Krebs stated that if the approved construction plans need amended, then they do not comply with the water quality and road construction ordinances enacted by the City in 2003. Chairman Brock stated that after a conclusion is reached on the location of the access easement, then that issue can be addressed along with the fencing and landscaping issue.

Commissioner Williams felt that the application should be postponed until the May meeting so that minutes and tapes from previous meetings can be reviewed. Commissioner Bradley agreed.

Ms. Phillips stated that if there are changes to an approved preliminary plan, then the new construction plans need to comply with current requirements. Ms. Tuttle stated that as long as there are no cross section changes in the road, they agree to comply with the current water quality and road construction ordinances. Mr. Krebs confirmed that the new requirements involve techniques, testing requirements, the possible addition of a water quality unit, etc., but road and sidewalk widths would still comply with the original preliminary plat. Chairman Brock suggested that a variance be required with this application stating that the original cross section will be used.

Motion by Lacy, second by Bradley, to postpone the application to the May meeting to provide adequate time to review previous conditions and requirements. Motion carried.

PDP-2006-15 Kelley-Owens Property - Preliminary Development Plan for six, one-story office buildings located on 7.02 acres on property zoned P-1 (Professional Office), located on the south side of McClelland Circle (U.S. 460 bypass), west of Lexington Road (U.S. 25 S).

Ms. Cromer reviewed the staff report, including issues regarding possible improvements to McClelland Circle, ingress/egress into the site from Bevins Lane, and parking.

It was noted that condition #9 was amended to delete "(eliminating one of the two entrances)."

Rory Kahly, EA Partners and representing the applicant, agreed with the conditions of approval as amended, stating that they will work with staff on the ingress/egress issue.

Motion by Richardson, second by Lacy, to approve the Preliminary Development Plan subject to the fifteen (15) conditions of approval, including the amendment to condition #9. Motion carried.

FDP-2006-22 House of God - Final Development Plan for a 4,200 sq. ft. church on 0.456 acres, located on the south side of Bourbon Street, southwest of Martin Luther King Drive, east of Chambers Avenue.

Commissioner Mitchell recused herself from the application.

Mr. Ardary reviewed the staff report, which recommended denial based on the plan continuing to show stormwater being drained onto the adjacent properties. He recommended that an additional condition of approval require the applicant to provide a letter ensuring that the engineering is designed to meet specifications.

Mr. Krebs stated that the applicant has addressed most of the concerns, but he still has concerns about the geo-technical report and how much water the site can actually infiltrate. He feels that there will be no negative impacts to the property downstream due to flooding. He has concerns about the back-up pump system, but felt that all other problems can be addressed at the construction plan stage.

Andy Holmes, Engineering Associates, agreed with the request for a post-construction condition that requires a certification of the proposed design. He then explained in detail the stormwater drainage plan, which he stated is a very conservative, expensive design that should reduce the amount of runoff from what is occurring now on the property. He explained the slow-discharge pump system. He stated that geo-technical reports routinely make blanket statements about extreme circumstances to protect their liability, but the report for this site specifically states that they found no evidence of sinkhole development on this property.

Commissioner Williams expressed concern about landscaping. Mr. Holmes then reviewed the landscaping plan. Maintenance of the drainage/filter system was discussed.

Mr. Harris, homeowner across the street from the site, still had concerns about the stormwater drainage. Mr. Holmes addressed those concerns.

Commissioner Richardson asked Mr. Krebs if he is satisfied that there will be no negative impacts to the neighbors. Mr. Krebs stated that he is satisfied that Mr. Holmes has answered all his concerns. He knows of nothing else that Mr. Holmes could do, but feels there is always negative impact with development, and not necessarily caused by heavy storms.

Motion by Bradley, second by Lacy, to approve the Final Development Plan subject to the nine (9) conditions of approval (the ninth condition being that the applicant will provide certification by the engineer that installation was per approved plan). By roll call vote, motion carried 5-2 with Richardson and Gregory dissenting.

PDP-2006-31 Pioneer Plaza Self Storage - Preliminary Development Plan for a 35,700 sq. ft. mini-storage on 3.3 acres, located east of Lexington Road (U.S. 25 S), south of McClelland Circle (U.S. 460 Bypass).

Mr. Ardary reviewed the staff report, including issues regarding the steep slope on the east side of the property, landscaping, and providing access through the gated entry to emergency services. He recommended approval based on the application being a permitted use in a B-2 zone.

Commissioner Williams felt that the project is infill development that is incompatible with the surrounding uses. She expressed concern about the property lying "almost directly" over the Royal Spring Aquifer, the topography of the site being unsuitable, the lack of a traffic light at the intersection of U.S. 25 and Mary Lynn Drive, the inadequacy of the access road to handle large truck and tractor trailer traffic that the warehouses will generate, and what could potentially be stored in the units. She felt that the proposed use is better suited to Light Industrial zoning.

Brent Combs, Thoroughbred Engineering and representing the applicant, agreed to the ten (10) conditions of approval. He stated that the turn lanes into Mary Lynn Drive meet State requirements. He stated that the 24' wide concrete road on the north side of the property is owned and maintained by the applicant. He stated that the detention pond for Pioneer Plaza was designed to handle the runoff from this site and that the turning radius required by large trucks is adequate. He stated that the office building will be moved further away from the access drive.

Commissioner Williams felt that the left turn on U.S. 25 into Mary Lynn Drive is at a point where two lanes merge into one and is generally unsafe. She felt that the proposed project is too close to the two neighboring churches, is not in the best

interest of the community, and that more commercial or professional office space will be needed in the near future. She felt that the access road should be upgraded to public road standards, even if it is to be privately maintained.

Brent Combs stated that in his experience, mini-warehouses generate much less traffic than commercial uses.

Chairman Brock asked if the area property owners were notified of the proposal.

Commissioner Williams expressed concern about hazardous materials being stored that could cause an environmental problem with the Royal Spring Aquifer. Mr. Combs stated that other mini warehouse owners require tenants to sign a document saying they will not store certain items, and that could be done with this project. Commissioner Williams felt that the owner would not be able to enforce the rules 100% of the time and that the risk is too great over the aquifer.

Mr. Perkins stated that the proposed use is permitted in the B-2 zone.

Mr. Combs noted that the total square footage of the buildings is 35,700, not 26,500 as stated in the staff report.

Commissioner Bradley asked if there is flexibility in determining permitted uses. Mr. Perkins replied that specific findings of fact must be made that find the use inappropriate. He stated that the findings must be a specific type of conflict, such as inadequate water availability.

Commissioner Williams recalled applications being denied because they were not compatible with the surrounding area. Mr. Perkins replied that specific findings were made that found the applications unsuitable.

There was brief discussion on parking.

Motion by Hopkins, second by Richardson, to approve the Preliminary Development Plan for a 35,700 sq. ft. mini storage facility subject to the ten (10) conditions of approval. By roll call vote, motion failed 3-5, with Williams, Mitchell, Bradley, Holland, and Gregory dissenting.

Motion by Williams, second by Bradley, to deny the Preliminary Development Plan for a 35,700 sq. ft. mini storage facility based on its incompatibility with the surrounding uses, its location in the Royal Spring Aquifer, and the inadequacy of the access road. By roll call vote, motion carried 5-3 with Hopkins, Richardson, and Lacy dissenting.

Update on Private Street Regulations

Chairman Brock reported that the Committee consists of himself, Tom Bradley with Thoroughbred Engineering, Ben Krebs, Brad Frazier, City Engineer, and Doug Smith. He stated that they are waiting on information from the Fire Department and will submit a final draft to the Commission in the near future.

Special Meeting Date

Chairman Brock reported that a special meeting will be held on April 24, 2006 at the Planning Office at 6:00 for the purpose of reviewing one new application, and also the Ward Hall Property and Buchanan Property applications.

Discussion of Possible Moratorium on Residential Development

Commissioner Bradley felt that with the absence of a Planning Director, the remaining staff being completely overwhelmed with work, ordinances in critical need of updating, and being in the midst of a most important Comprehensive Plan update, the Commission should consider imposing a moratorium on residential development until the Comprehensive Plan is adopted.

Commissioner Williams agreed, stating that there is not a shortage of lots already platted so that construction would not be noticeably affected, and the Comprehensive Plan may be the most significant yet for the future of the community.

Mr. Perkins stated that the legislative bodies will have the final decision, but it is most appropriate being recommended by the Planning Commission. He suggested holding a public hearing on the matter, taking testimony, and making a formal recommendation with time limits, restrictions, etc. to City Council.

Mr. Perkins discussed the details of imposing a moratorium.

Motion by Bradley, second by Lacy, to hold a special meeting for the purpose of discussing a moratorium on residential development. Motion carried.

It was decided that a special meeting date will be set at the Executive Committee meeting on April 17, and proper notice will be placed in the newspaper.


The meeting was then adjourned.

Respectfully,



Barry Brock, Chairperson

Attest:



Charlie Perkins, Secretary