

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

May 12, 2005

The regular meeting was held in the Scott County Courthouse on May 12, 2005. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, John Carter, Melissa Gregory, Robert Hopkins, John Lacy, William Peters, and Elizabeth Williams, Planning Director Kelley Klepper, Planner Rachel Phillips, Planner Lance Estep, Engineer Ben Krebs, and Attorney Charlie Perkins. Commissioner Jimmy Richardson arrived later in the meeting.

Motion by Lacy, second by Carter, to approve the April invoices. Motion carried.

Motion by Carter, second by Williams, to approve the April 14, 2005 minutes. Motion carried.

With the addition of DJTQ Properties as Item E under Development Plans New, motion by Williams, second by Peters, to approve the May agenda. Motion carried.

Postponements/Withdrawals

Mr. Brock noted that the Cedar Hill Estates, Hannson Place, Phase 2, Lots 8, 9, 10, and 15, and Rawlins Truck Wash - Building Addition applications have been postponed to the June meeting.

Motion by Williams, second by Carter, to accept the postponement of the three items noted above. Motion carried.

Consent Agenda

Representatives of the Thoroughbred Acres, Unit 11, Sexton Office/Warehouse Complex, Thoroughbred Acres, Unit 11-2, and TMMK Training Facility applications agreed to their respective conditions of approval, and no concerns about the projects were expressed by the Commission or the public.

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

PSP-2005-14 Harbor Village - Phase 3 - Preliminary Subdivision Plat for 85 single family detached units on 57.67 acres, located on the east and west sides of Lakeside Drive, south side of Harbor Village Drive, west of U.S. 25 N. and west of Roger's Gap Road (KY 620).

Ms. Phillips reviewed the status of the application.

She provided the Commission with: 1) a copy of a letter from the attorney for the homeowner's association stating that the association agrees to the elimination of the planned lake, and 2) two letters from homeowners who are opposed to the elimination of the planned lake.

Harold Sims, representing the applicant, addressed the revised plan that was submitted, stating that the lakes were never "written in stone" and that lakes in the open areas are being substituted with parks and walking trails. He stated that parks will serve more people than would a lake. He stated that, after the last Planning Commission meeting, notice of the next homeowners meeting was sent to all 148 of the homeowners, and the meeting was sparsely attended. The members present made the decision that the planned lake be removed from the plan.

Commissioner Williams asked if the officers of the homeowners association made the decision to agree with the elimination of the lake, or if a vote of the 148 homeowners was taken and a majority of them agreed. Mr. Saunders, applicant, stated that the five homeowners who are on the board of directors of the association made the decision. Chairman Brock reminded the Commission that the direction to the applicant from the last meeting was to submit a letter from the homeowners association informing the Commission of their decision. How they reached that decision is not under the authority of the Commission.

Commissioner Williams felt that the decision should have wider acceptance with the residents of Harbor Village. Commissioner Bradley agreed, and stated that if the association is run like a corporation, evidence such as minutes of the meeting outlining how the decision was reached would give more weight to the recommendation.

Mr. Sims stated that the applicant did as directed by the Commission. He stated that there were also financial and liability issues to consider when deciding whether to eliminate the planned lake.

Lori Wise, Harbor Village homeowner for 13 years, stated that they were promised two more lakes would be constructed in the subdivision. She commented on the make up of the board. She stated that there was not a quorum of all the homeowners at the last meeting, and they are requesting another meeting so that more homeowners may attend. She stated that the

existing playground is not maintained, liability has not been a problem with the existing lake, and more people use the lake than the playground.

John Perkins, Lakeside Drive resident, stated that his lot backs up to where the planned lake would be located. He stated that at the last homeowners meeting, the few residents who attended were informed that a lake would not be constructed. He stated that there was no discussion about the cost of insurance or about the open space being given to the homeowners association. He stated that he does not want a park backing up to his property. He asked if construction of the park would be the responsibility of the applicant or the homeowners association. He also asked if there are regulations requiring developers to construct lakes or other amenities within a certain timeframe.

Chairman Brock replied that the applicant is specifying the open space as simply open space, not a park. He stated there are no time limits on when construction of lakes, etc. has to be done. Mr. Sims stated that the applicant indicated he would donate \$10,000 to the association for them to develop the open space/park area as they wished. He added that the ultimate plan for the open space was to convey it to the homeowners association.

Tammy Nava, area resident, felt that the lake should be developed as originally promised and that verbal agreements in Kentucky are legally binding. She also felt that a lake would require less maintenance than a park.

Janie Kemp expressed concern that a park would destroy wildlife and trees in the area.

Margaret Daniel, Harbor Village resident for 13 years, expressed support for construction of the planned lake. She felt that a quorum of the entire homeowners association should be in agreement with any change in plans.

Chairman Brock reiterated that the Commission has no authority over how the homeowners association reaches a decision.

Roy Cornett, Scott County resident and real estate appraiser, stated that home values in Harbor Village would be boosted with construction of the planned lake.

Mr. Sims disagreed, stating that without the lake, the bigger lots and green space will also boost home values.

Jerry Hobbs, Harbor Village resident, had questions about lot sizes.

Another Harbor Village resident stated that they were unable to attend the homeowners meetings because they work third shift. She stated that anyone who has purchase their home in the past few years has been told that the planned lake would be constructed.

Mr. Sims stated that the homeowners meetings have been on Sunday afternoons. He added that Mr. Saunders states in his contract for lots in Phase 2 that there may or may not be a lake on the site.

Commissioner Richardson arrived at the meeting.

Commissioner Williams expressed concern that the proposed exchange of the planned lake for open space is reducing open space by approximately 80%. She felt that the larger lot sizes in the proposed phase are not compensation to existing homeowners who were promised a lake.

Jeff Atwood expressed concern about the size of the proposed park compared to the size of the planned lake.

Another Harbor Village homeowner stated that she has talked to several people who have bought lots because of the promise of the lake.

Bill Stark, Georgetown resident, felt that a representative form of government such as the homeowners association should make decisions in the best interest of the community. Commissioner Bradley stated that the decision of the homeowners association is only one piece of evidence in determining how the Commission votes.

Discussion continued on the matter. Mr. Sims stated that the planned lake has never been shown on a legal, recorded plat. A Harbor Village homeowner responded that the purpose of a master plan is to show what is intended for the property. He also felt that the membership on the board of the homeowners association does not fairly represent the homeowners.

Motion by Hopkins, second by Lacy, to approve the Preliminary Subdivision Plat for 85 single family lots subject to the thirteen (13) conditions of approval. By roll call vote, motion failed 5-3 with Williams, Peters, Carter, Bradley and Gregory dissenting.

Motion by Williams, second by Peters, to deny the Preliminary Subdivision Plat for 85 single family lots because the major change from the master plan is not substantiated and would change the character of the development. Motion carried 5-3 with Hopkins, Richardson, and Lacy dissenting.

PDP-2005-11 DJTQ Properties - Final Development Plan for 11,811 sq. ft. restaurant on 1.17 acres, located on Lawson Drive and Osborne Way.

Mr. Estep explained that because of the premature construction activity on the site, final development plan approval was required by the Commission. He

stated that nothing on the plan has changed and recommended approval of the final plan and removal of the prior condition that required the applicant to return to the Commission for approval.

Doug Maxim, CMW Engineers and representing the applicant, stated that they did not instruct the contractors to begin work when they did. As soon as they were aware that work had begun prematurely, they made them stop. He informed the Commission of the status of project. He agreed with the conditions of approval.

Motion by Williams, second by Carter, to approve the Final Development Plan with the note that the requirement to report again to the full Commission be removed. Motion carried.

Proposed amendments to Art. II, Sec. 2.53 of the Zoning Ordinance regarding regulation of signs PUBLIC HEARING

Chairman Brock re-opened the public hearing.

Mr. Klepper stated that the comments from the workshop have been noted on the paper he submitted to the Commissioners. He read additions regarding signage at the interstate areas, sight triangles, and signs in agricultural zones. He noted that real estate signs are not addressed, but stated that if the Commission adopts the proposed ordinance and it is presented to City Council in late June, real estate signs could be addressed at the June Commission meeting and be included in the ordinance when it goes before City Council.

He noted further revisions and stated that the amortization period has been left at five years.

Wall signs in the downtown district and pole signs were discussed. Commissioner Williams felt that pole signs in Neighborhood Commercial areas should be shorter than in Highway Commercial areas. That issue was discussed.

Commissioner Bradley asked about the economical impact of the five-year amortization clause. Mr. Klepper replied that when the courts consider the legal aspects of amortization clauses, they are considering economic impacts. Commissioner Bradley felt that, as a sign owner, five years is much too short a period for requiring replacement. He stated that he could compromise with an 8-10 year period. Commissioner Williams stated that she could support that time frame. The setback from the right-of-way was discussed.

Bill Stark felt that most of the existing non-complying signs have lived most of their useful life, and the expense of a new sign can be used as a tax deduction

the first year. He felt that older signs are outdated and may be costing the businesses money that they do not realize. He felt that regulations are imposed for the good of the entire community. He added that it is feasible that signs old enough to have an historical significance can still be used through obtaining a variance through the Board of Adjustments.

Mr. Perkins stated that the criteria to be able to obtain a variance for historic signs would need to be included in the ordinance.

Discussion continued on the amortization clause.

Commissioner Lacy felt that the size of signs allowed in an agriculture zone may be too small at 24 sq. ft. That issue was discussed.

Political signs, signs in B-1 zones, size limitations, and directional signs in the B-3 district were discussed.

Chairman Brock closed the public hearing.

Motion by Williams, second by Carter, to recommend approval of the proposed sign ordinance as written, including the changes made from the last meeting (including those for neighborhood commercial). By roll call vote, motion carried 6-2 with Richardson and Bradley dissenting.

Mr. Klepper stated that the final version will be given to the Commission at the June meeting, and if there are any items that the Commission feels are different from what they approved, they can be corrected and it can be delayed going before City Council if necessary.

West Georgetown Small Area Plan PUBLIC HEARING

Chairman Brock re-opened the public hearing.

Ms. Phillips briefly reviewed the plan, including revisions that were made regarding the incentive zoning program. If approved, additional ordinances setting forth specific design guidelines, etc. will be needed to implement the program.

Commissioner Williams asked that the study area be more specifically defined.

Commissioner Lacy expressed concern about density and urban sprawl.

Roy Cornett, representing the Buchanan Farm, expressed concern about their B-2 area being changed to B-4. He felt that it should remain B-2, similar to the commercial zoning in Canewood. Mr. Klepper stated that a change to B-4 would

apply to both properties. Mr. Cornett also expressed concern about the property owners not being notified that their properties are being discussed, and about the boundaries of the study area along KY 227. Ms. Phillips clarified that the study area boundary is limited by the USB.

Commissioner Williams asked about the on street parking. Mr. Estep explained that on street parking serves as a traffic calming measure.

Chairman Brock closed the public hearing.

Motion by Williams, second by Bradley, to recommend adoption of the West Georgetown Small Area Plan, incorporating the revision regarding implementation guidelines. By roll call vote, motion carried 7-1 with Lacy dissenting.

Revised Fee Schedule

Mr. Klepper reported that the fee schedule has not been updated for two years. He reviewed the increases and stated that they would boost the Commission's contribution to its annual budget from 14% to 20-25%.

Motion by Richardson, second by Lacy, to adopt the revised fee schedule. Motion carried.

KAPA Award

Mr. Klepper reported that the Planning Commission has received the award for innovative use of technology in the planning field, specifically for the application of GIS in planning.

Interlocal Agreement with GMWSS - Computer Services

Mr. Klepper reported that our agreement with LexTech for computer services has been terminated. After careful review, he recommended entering into an Interlocal Agreement with GMWSS and their computer technician, Shawn Derrington. The hourly rate of \$30 will be payable to GMWSS. He asked for approval, and if approved, that Mr. Perkins draw up the Interlocal Agreement.

Motion by Williams, second by Peters, to approve entering into an Interlocal Agreement with GMWSS for computer services. Motion carried.

Paperwork Retention Policy

Mr. Klepper explained the need to set a policy for destroying old financial records. He recommended a time period of seven (7) years for storing the records. Commissioner Williams suggested shredding the documents.

Motion by Lacy, second by Carter, to adopt a policy that financial records be kept for seven (7) years, at which time they can be destroyed. Motion carried.


Personnel

Mr. Klepper announced that Lance Estep has accepted a position as a Transportation Planner in Greenville, South Carolina.

He noted the status of the interview process to fill Mr. Estep's position and also the open GIS Technician position.


The meeting was then adjourned.

Respectfully,



Barry Brock, Chairperson

Attest:



Charlie Perkins, Secretary