

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

FEBRUARY 8, 2007

The regular meeting was held in the Scott County Courthouse on February 8, 2007. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, Melissa Gregory, Greg Hampton, Janet Holland, Robert Hopkins, John Lacy, Helen Mitchell, and Jimmy Richardson, Planning Director Michael Sapp, Planners Drew Ardary and Rhonda Cromer, Engineer Ben Krebs, and Attorney Charlie Perkins.

Chairman Brock welcomed Greg Hampton, the new Commissioner representing the City of Georgetown, and noted that he was sworn in by Mr. Perkins.

Chairman Brock then presented a plaque to former Commissioner Elizabeth Williams in appreciation for her public service. He stated that she always had the best interest of the citizens in mind, was extremely dedicated, and has done a wonderful job. Ms. Williams thanked the Commission, staff, and former Mayor Varney for giving her the opportunity to serve.

Motion by Lacy, second by Gregory, to approve the January invoices. Motion carried.

Motion by Gregory, second by Holland, to approve the January 11, 2007 minutes. Motion carried.

Motion by Bradley, second by Richardson, to approve the February agenda as presented. Motion carried.

Postponements/Withdrawals

Mr. Brock reported that the Mintwood Estates, Golf Townhomes of Cherry Blossom, Phases A, B, and C, and Sunrise Estates applications have been postponed to the March meeting. Bruce Lankford, representing the Crestwood Ironworks application, stated that the applicant is withdrawing the application and will re-submit at a later date.

Motion by Lacy, second by Gregory, to accept the three items for postponement and the one item for withdrawal. Motion carried.

Consent Agenda

A representative of the Lemons Mill Development application agreed to their conditions of approval, and no concerns about the project were expressed by the Commission or the public.

Motion by Richardson, second by Holland, to approve the item on the Consent Agenda subject to its conditions of approval. Motion carried.

ZMA-2007-2 Lusby & Welch Zone Change – Rezoning request for 5.5 acres from A-1 (Agriculture) to B-2 (Highway Commercial), located on the northeast side of McClelland Circle (U.S. 460 bypass). PUBLIC HEARING

Chairman Brock opened the public hearing. Mr. Lankford submitted documentation regarding notice requirements.

Ms. Cromer reviewed the staff report, including issues regarding access, topography, and conformity with the Comprehensive Plan. She felt that the proposal does not conform with the Comprehensive Plan, which designates the property as residential. She outlined the policies of the Comprehensive Plan that support residential and the requirements of KRS 100 that have not been met in order for a change to B-2 Highway Commercial to be considered (see staff report).

Bruce Lankford, representing the applicant, felt that the Transportation requirement of the Comprehensive Plan which discourages non-residential traffic from passing through residential uses would be better met by the property being changed to B-2. He also felt that the adjacent City water park constitutes a major change in the area which qualifies a change to the Comprehensive Plan.

Mr. Lankford stated that the grading situation can be resolved with staff and the engineers. He stated that access to the site is through the properties to the north and east, which are also controlled by the applicants, and therefore can be constructed however required.

Commissioner Bradley felt that there have been major changes to the area, including some property depreciation, that warrant a change to the Comprehensive Plan. He also felt that the access issue, the separation of the property from the adjacent residential, and its proximity to the bypass support the request for B-2.

Commissioner Hopkins questioned whether commercial acreage in addition to the existing 23 available acres is needed.

Steve Price, Georgetown resident, expressed concern about environmental and economic impacts of further land development.

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

Motion by Bradley, second by Richardson, to recommend approval of the rezoning request from A-1 Agriculture to B-2 Highway Commercial for 5.5 acres, based on finding that there have been significant economic and physical changes to the area which have substantially altered the basic character of the area. By roll call vote, motion carried 5-3 with Hopkins, Mitchell, and Lacy dissenting.

PSP-2006-86 December Estate – Preliminary Subdivision Plat for seventy-seven (77) cluster residential lots, seven (7) preserved tracts, and one 37-acre remnant tract that is not part of the cluster development on 457.6 acres zoned A-1, located on the south side of Ironworks Road and east of the Fishers Mill cluster development.

Ms. Cromer reviewed the staff report, including issues access, density, traffic, and the requested variance regarding the cul-de-sac length.

Commissioner Lacy asked about the proposed septic system. Ms. Cromer replied that preliminary approval has been received.

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

Commissioner Bradley requested that condition #9 regarding the Homeowner's Association be amended to read, "If the roads are to remain private, a Homeowner's Agreement is required . . ." Staff agreed to the amendment. It was clarified that the 35-acre tract is not part of the preserved acreage for the development.

Bobby Elliot, Ironworks Road resident and operator of a riding facility near the proposed development, opposed additional traffic on Ironworks Road. He stated that there are five or six horse operations within three to four miles, and it is already dangerous with the current volume and speed of traffic when horse vans exit onto Ironworks. He opposed the loss of farmland and felt that remaining farms will lose value.

Laura Welsh, Ironworks Road resident, expressed concern about the road frontage. She stated that site distance is extremely inadequate at that location.

Clara Fengers, adjacent property owner, expressed concern about the safety of her horse operation. She also stated that residents of Fishers Mill Landing will cut through this proposed development via the connection to Lantern Trail, increasing traffic on Ironworks even more.

Marsha Beasle, soon-to-be Lantern Trail resident, stated that she will cut through this proposed subdivision to get to Ironworks. She added that residents of this proposed subdivision will cut through Fishers Mill if they are headed toward Leestown Road or I-64. She expressed concern about the validity of the traffic study if it did not include residents of Fishers Mill Landing. She stated that Lantern Trail is a private road that could now potentially be damaged by traffic from this proposed subdivision.

Richard Circle, Lantern Trail property owner, expressed the same concerns as Ms. Vesong.

Tiffany Lance, Fishers Mill Landing resident, expressed concern about the identity or division of different neighborhoods and how that relates to the upkeep of private roads. She also expressed concern about the validity of the traffic study.

Sam Browning, Ironworks Road farm owner, stated that the development will be a hardship on his horse operation.

Kimberly Tyler, Fishers Mill Landing resident, expressed concern about property values declining and increased traffic.

Betty Ann Monroe, adjacent farm owner, expressed concern about the increased traffic and loss of privacy. She stated that the developers of the property are not local and have no understanding of the feelings and values of the community here.

Lou Beasle felt that the traffic study could not have taken Fishers Mill residents into consideration.

Tiffany Lance stated that she moved with her family to Fishers Mill to escape urban traffic, etc., and asked the Commission to deny the application to preserve the landscape and rural character. She also felt the access points are unsafe.

Timothy Tyler, Fishers Mill Landing resident, also asked that the rural character be preserved.

Mike Nora, area resident, expressed concern about emergency services being able to serve the area.

Laura Welsh felt that Scott County should start taking a stance against excessive development to preserve agricultural land.

Jeff Monroe addressed the number of accidents that have occurred on Ironworks and how it will increase if this development is approved.

Shelby Smart, Lantern Trail resident, opposed the application due to traffic concerns, including the existing problem at the creek crossing.

Joe Wood, Ironworks Road resident whose family has been in Scott County since the 1700's, opposed the application, citing traffic problems and the high voltage power lines running through the area.

Another long time area resident stated that he has had offers over the years for his property, but was not willing to sell the rural land.

Lois Wobbles, Lantern Trail resident, expressed concern about how the road will be maintained with the additional traffic, and asked the Commission to deny the application.

Ms. Cromer was asked how it would affect the proposed subdivision if the connection to Lantern Trail was not made. Ms. Cromer replied that until the proposed roads are accepted and maintained by the County, the Homeowners Associations have a right to work out a cross access or maintenance agreement if they feel that one neighborhood is getting more traffic than the other. She stated that there is a condition of approval prohibiting construction traffic from using any road in Fishers Mill Landing. She stated that to not allow the connection to Lantern Trail should not be encouraged because of the need for it in the event of an extreme emergency.

Brad Johnson, Wilber Smith Associates who performed the traffic study, stated that they did consider 100% of the traffic from the proposed subdivision using the entrance onto Ironworks. He stated that additional traffic will not create Level of Service problems at that intersection, and that the site distance requirement is met.

Commissioner Bradley stated that a certain number of drivers will cut through the proposed subdivision to get to Ironworks. Mr. Johnson agreed, but stated that those drivers would reach Ironworks anyway; this development just gives them a new avenue to get there, and there is additional capacity at the intersection to accommodate them.

Joe Wood and Richard George, Lantern Trail residents, expressed concern about the cars coming from Fishers Mill Landing not being included in the numbers used to calculate the Level of Service at the Ironworks intersection. Mr. Johnson stated that they did take those cars into consideration.

The traffic study was discussed further.

Bruce Lankford, representing the applicant, stated that the application meets the regulations, and the same arguments were made for the residents of Fishers Mill Landing when that subdivision was proposed. He stated that rural property owners have two alternatives to continuing to farm the land: subdivide into five-acre tracts or cluster lots. He asked that Mr. Perkins explain the rights of rural property owners to the audience. Mr. Perkins explained how cluster lots have many more requirements than five-acre tracts.

Mr. Lankford felt that the requirements on rural growth are an attempt to manage it, despite the feelings of the neighbors.

Harry Borders, adjacent property owner, asked if the reserved tracts can be further subdivided in the future. Mr. Brock stated that they cannot be further developed.

Mr. Perkins addressed the issue of the connection to Lantern Trail creating additional traffic on the private roads of Fishers Mill Landing. Chairman Brock stated that a note on the plat could state that a future public right-of-way would be provided (the connection to Lantern Trail) if the roads in Fishers Mill Landing ever become public.

Commissioner Lacy suggested that upgrading the fencing/buffering along the cluster lots (condition #7) to diamond mesh with posts spaced on 8' centers, which may ease some concerns of the adjacent property owners.

Chairman Brock noted the additional condition (#6) regarding road construction. Condition #4 requiring a road section for Lantern Trail could be changed to requiring a note on the plat stating "no access shall be provided from December Estates to Fishers Mill Landing until such time that the roads in both subdivision become public" and a note on the plat will indicate future right-of-way and it will be bonded to ensure the improvement will be made.

The applicant agreed to the proposed amendments to the conditions of approval.

Motion by Lacy, second by Holland, to approve the Preliminary Subdivision Plat, including the requested variances regarding road length, subject to the fourteen (14) conditions of approval, including the amendments to condition #7 regarding fencing requirements and to condition #4 regarding the connection to Lantern Trail. By roll call vote, motion carried unanimously.

PSP-2006-92 Price Farm – Preliminary Subdivision Plat for 443 detached, single-family residential lots on 126.79 acres zoned R-1C (PUD), located on the northwest side of Old Oxford Road.

Ms. Cromer reviewed the staff report, including the issue regarding the requested variances. She recommended approved subject to fourteen (14) conditions of approval.

Bruce Lankford, representing the applicant, asked for clarification of condition #4 regarding construction traffic using the non-dedicated roads. Ms. Cromer replied that the roads in Pleasant Valley are currently private and maintained by the developer, and if construction traffic for Price Farm uses those roads, there should be a formal agreement between both developers and provided to Planning staff showing that they have agreed to accommodate the construction traffic and will participate in repairing any damage the trucks may cause.

Mr. Lankford stated that the applicant may opt to not use the private roads for construction traffic. He asked that if the condition remains, it be with the understanding that if the applicant does not use the roads, no agreement is necessary. Chairman Brock stated that that is correct.

Mr. Lankford clarified condition #3 regarding temporary safety measures for construction traffic on Old Oxford Road. He then agreed to the conditions of approval.

Rita Jones, adjacent property owner, expressed concern about backyards facing Old Oxford Road. She asked about fencing and buffer. Commissioner Lacy felt that a fence should be required along Old Oxford Road. The applicant agreed and stated that the details would be worked out with staff.

Steve Price, concerned citizen, felt that the Commission can deny the application if it complies with the regulations, but they find that the regulations are wrong.

Motion by Bradley, second by Gregory, to approve the Preliminary Subdivision Plat subject to the fourteen (14) conditions of approval, plus the fifteenth (15th) condition requiring a diamond mesh fence on 8' centers to be constructed along Old Oxford Road. Motion carried.

PDP-2007-01 Brown Property Townhomes – Preliminary Development Plan for 10 townhouses in three buildings on 1.1 acres, located on Royal Spring Avenue, which is approximately 1000' south of West Main Street.

Mr. Ardary reviewed the staff report, including issues regarding the depression area on the west side of the site, the R-2 and R-1B zoning classifications on the

site, compliance with Comprehensive Plan infill policies, traffic impacts, parking, and landscaping.

Nathan Brown, applicant, addressed the R-1B area and stated that they will install a privacy fence around the east and south sides of the units to soften the impacts of the development. He stated that the units will be sold as individual homes, not be used as rental property.

Brent Combs, Thoroughbred Engineering, addressed stormwater retention.

Linda Taylor, adjacent property owner, felt that 10 units on the property is excessive.

Ann Lee, S. Broadway resident, expressed concern about stormwater runoff. She described the flooding problems that she has experienced. Mr. Krebs stated that this site should not contribute to the problem.

Susan Craft, West College Street resident, expressed concern about the number of units and the additional traffic.

Mike Nohr, Lexington Avenue resident, expressed concern about property values of the single-family residences declining.

Steve Price, area resident, expressed general opposition to the project. He asked Ms. Janice Farley, area resident, if she were notified about this meeting. Ms. Farley replied that she was not. Brent Combs, representing the applicant, stated that he personally collected the addresses of all property owners within a 500' radius at the PVA office, then placed those 100+ letters in the mailbox before the notification deadline.

Janice Farley stated that she owns an historic home on the corner of Clinton and Broadway. Mr. Combs stated that he did send a notice to her at Farley Apartments, 315 S. Hamilton, where she lives. Mr. Perkins stated that the requirement is that the notification be sent, not that it be received, because the applicant has no control over the Post Office or any type of circumstance that would prohibit the letter from being delivered. Ms. Farley stated that she was not notified until the preceding day by Mr. Price.

Chairman Brock asked if the notification that Ms. Farley received is sufficient enough in the Commission's mind to proceed, or if it was insufficient and the application should be postponed.

Sam Rock, one of the applicants, felt that since Ms. Farley is present and able to register her opposition to the application, she should do so. Ms. Farley stated that the only information she has on the application is what she is hearing at this meeting, and therefore does not know whether she agrees with it or not.

After further discussion on the matter, **motion by Richardson, second by Lacy, to continue the matter to the March meeting. Motion carried.**

It was noted that no more notices will be sent.

Mallard Point – waiver of conditions requiring fencing and tree planting

Mr. Sapp reviewed the request from the Homeowners Association that they not have to abide by the original condition requiring a four-plank fence and trees. A letter from the developer was required making the same request. Mr. Sapp stated that the letter was received from the developer, and asked the Commission to consider the waiver.

Motion by Richardson, second by Lacy, to approve the waiver of the condition requiring a four-plank fence and trees on Woodduck Ln. Motion carried.

Set special meeting date for budget review

After discussion, a meeting was set for Thursday, February 22 at 10:00 a.m. at the Planning Office to review and vote upon the proposed FY 07-08 budget.

Amendments to the Cluster Ordinance

Mr. Brock provided proposed amendments to the cluster ordinance which will be reviewed at the March meeting.

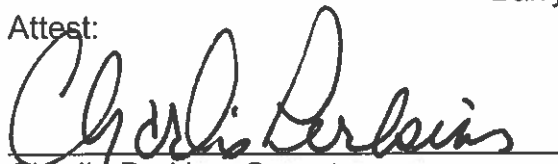
The meeting was then adjourned.

Respectfully,



Barry Brock, Chairperson

Attest:



Charlie Perkins, Secretary