

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

DECEMBER 14, 2006

The regular meeting was held in the Scott County Courthouse on December 14, 2006. The meeting was called to order by Chairperson Barry Brock at 6:00 p.m. Present were Commissioners Mike Bradley, Melissa Gregory, Robert Hopkins, John Lacy, Helen Mitchell, Jimmy Richardson, and Elizabeth Williams (arrived late), Planning Director Michael Sapp, Assistant Director Robert Hewitt, Planners Drew Ardary and Rhonda Cromer, Engineer Ben Krebs and Attorney Charlie Perkins. Absent was Commissioner Janet Holland.

Motion by Lacy, second by Richardson, to approve the November invoices. Motion carried.

Motion by Gregory, second by Hopkins, to approve the October 24, 2006 minutes. Motion carried.

Motion by Hopkins, second by Lacy, to approve the November 9, 2006 minutes. Motion carried.

Motion by Gregory, second by Mitchell, to approve the December agenda as presented. Motion carried.

Postponements/Withdrawals

Mr. Brock reported that the Lemons Mill Development, Crestwood Ironworks, LLC, Mintwood Estates, Golf Townhomes of Cherry Blossom, Phases A, B, and C, applications have been postponed to the January meeting, and the Verizon Wireless Cell Tower application has been postponed to the April meeting. It was noted that the Crestwood Ironworks application is continued rather than postponed.

Motion by Richardson, second by Gregory, to accept the five items for postponement/continuance. Motion carried.

Consent Agenda

Representatives of the Georgetown Community Hospital application agreed to their conditions of approval, and no concerns about the project were expressed by the Commission or the public.

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

PSP-2006-52 Gunnell Road Subdivision – Preliminary Subdivision Plat for nineteen (19) rural cluster residential lots and one preserved tract on 100.334 acres, located on the west side of Gunnell Road, approximately ¼ mile north of U.S. 62 (Cynthiana Road).

Mr. Ardary reviewed the staff report, including issues regarding access and the trail system. He stated that the proposal complies with all cluster regulations.

Bruce Simpson, attorney representing the applicant, stated that the development will be a higher end project with homes starting around \$500,000. He addressed the proposed sanitary sewer system and the project's compliance with the Comprehensive Plan.

Scott Drake, engineer representing Commonwealth Wastewater Systems, described the proposed wastewater system in detail with a Powerpoint presentation.

A concerned neighbor asked if the system will contaminate a nearby blue line stream. Mr. Drake stated that he foresees no problems with the system working on the soil on the site, and that the site is far enough away from the blue line stream that there will be no contamination from the system. Mr. Simpson added that the results of the soil test are available.

It was noted that there is 24-hour storage in each home, and several days' storage at the treatment facility in the event of a power outage. In addition, backup generators are kept at the facility.

Chris Adkins, adjacent property owner, expressed concern about water in the sewage system freezing since the pipes are only 8" deep. Mr. Drake explained that when being pumped through the system, the water is warm and moving. When the pump stops, the water in the pipe drains back into the tank, so residual water is never left in the pipes to freeze.

A Morris Road resident expressed concern about the sewer system and felt that lot sizes should be a minimum of five acres.

Sara Parrish, Gunnell Road resident, asked how the property was deeded and how it will be maintained. Mr. Simpson responded, stating that the property is zoned A-1 (Agriculture), which permits the cluster lots. The Homeowners Association will own the preserved tract and will lease it out for farming.

Ken Sturgill, Gunnell Road resident, expressed concern about negative impacts of the sanitary sewer system to the blue line stream and area livestock. He asked if the Health Department has approved the system. That issue was discussed briefly. Mr. Sturgill was not satisfied that the sewer system is not an environmental threat.

Another Gunnell Road resident asked for clarification of the acreage and number of lots.

Ronald Headley, Gunnell Road resident, felt that the applicant is not developing the property with the intent of the cluster ordinance. He expressed concern about the topography of the preserved tract, soil erosion, increased traffic on an inadequate road, fencing, and liability.

It was noted that a 27th condition of approval should be added that states that the sanitary sewer system is solely for the use of the homes in the cluster subdivision. Mr. Ardary reviewed the fencing requirements.

Mr. Simpson stated that a note will be placed on the plat stating that the on-site sewage treatment system is exclusively for the use of the nineteen (19) cluster lots. He noted that this manner of sewage treatment is heavily regulated by the State, and back-up measures exist to ensure proper maintenance of the system.

Commissioner Lacy addressed the fencing issue and expressed support for the proposed sewage treatment system. It was agreed that the system would be limited to the 19 cluster lot residences, plus one potential residence on the preserved tract.

Road improvements and landscape buffering were briefly discussed. It was noted that condition #22 was no longer valid and thus deleted. Chris Derickson, representing the applicant, testified that notices of this hearing were mailed to all appropriate parties on November 27 or 28. Notice requirements were discussed for the record.

Motion by Lacy, second by Williams, to approve the Preliminary Subdivision Plat, subject to the 26 conditions of approval (#22 deleted, #26 stating that the sewage treatment plant is exclusively for the use of the 19 cluster lot residences, plus one preserved tract residence). Motion carried.

PSP-2006-75 Crestwood Ironworks, LLC – Preliminary Subdivision Plat for twenty-one (21) cluster residential lots on unknown acres zoned A-1, located on the south side of Ironworks Road near Etter Lane.

Bruce Lankford, representing the applicant, submitted the notice requirements, and the application was continued to the January meeting.

PSP-2006-80 Duncan Property – Preliminary Subdivision Plat for 164 detached, single-family residential units on 51.25 acres, located on the north side of Barkley Lane and west side of Cynthiana Road (U.S. 62).

Ms. Cromer reviewed the staff report, stating that this amendment to a previously approved plat adds 19.07 acres, sixty-one (61) single-family lots, and revises the street and lot layout. She reviewed the requested variances, the proposed landscaping and open space.

It was noted that the requested variances are consistent with the previously approved plat.

Tom Hatfield, EA Partners and representing the applicant, agreed with the ten (10) conditions of approval.

Lydia LeBlanc, adjacent property owner, asked if fencing is required between her property and the proposed development. Mr. Hatfield replied that there is a fencing requirement between agriculture and residential properties.

Kim Menke, Toyota Motor Manufacturing, an adjacent property owner, and also Chairman of the Lanes Run Business Park Authority, expressed their opposition to the proposed development because of its proximity to the Lanes Run Business Park. He stated that the BP-1 zoning classification was developed to provide for an appropriate transition between industry and residential uses, and this property was intended for that transition. He stated that the City of Georgetown has attempted to acquire this property from the applicant at a profit to him. He felt that approval of this application will restrict the ability of the Lanes Run Business Park and reduce its potential for property sale and the diversification of the local economy. He also noted the intention of Bluegrass Community and Technical College to locate in the business park, and this type of proposed development could affect their plans.

Mr. Perkins added that the City's attempt to obtain the property through condemnation was unsuccessful due to their intention to subsequently resell or re-lease the property.

Commissioner Williams felt that residential development of the property would be a detriment to industrial/commercial development. She felt that plans of the

Bluegrass Community College should be supported to give local students local educational opportunities. She felt that the business park has been developing for several years, and every opportunity to ensure its success should be given.

Bruce Lankford, representing the applicant, stated that the applicant has applied with all regulations and asks the Commission to grant approval.

Ms. Cromer addressed the fencing issue. The applicant agreed to construct a fence (#9 diamond mesh with plank on top, 8' on center posts) along the northern property line. That agreement was made condition of approval #11.

It was suggested that a 10' landscape buffer be required. The applicant felt that since the development is not high density, it should not be subject to a high density buffer, especially since the buffer would have to be shared with a utility easement. Ms. Cromer stated that typically the landscape buffer would be farthest from the home, and the utility easement adjacent to that.

It was clarified that condition #11 would require #9 diamond mesh fence between this property and any adjacent property currently zoned A-1. Condition #12 would require a 10' landscape easement along the rear property lines of lots adjacent to A-1 property.

The applicant asked if the existing tree line on the western property line could count as the landscape buffer. It was agreed that if the trees are an acceptable species and healthy, they can remain.

The applicant agreed to the additional conditions (#11 and #12).

Commissioner Bradley clarified that the Commission has no authority to deny the application, even though they agree with Mr. Menke's opposing arguments.

**Motion by Bradley, second by Lacy, to approve the Preliminary Subdivision Plat subject to the twelve (12) conditions of approval, as noted above.
Motion carried 6-1 with Williams dissenting.**

PSP-2006-81 Juett Cluster Subdivision – Preliminary Subdivision Plat for twenty-one (21) cluster residential lots, one non-buildable lot, and two preserved tracts on 117.2 acres zoned A-1, located on the south side of Rogers Gap Road and west side of Highview Path.

Ms. Cromer reviewed the staff report. She noted that Highview Path is privately owned and failing. The road is proposed for dedication to the County. She recommended that prior to Final Subdivision Plat approval, the applicant bring the road up to standard and obtain County road acceptance. She reviewed the proposed upgrades to the road.

Commissioner Lacy expressed concern about the proposed communal lagoon system. Mr. Juett replied that the Health Department recommended this system and he is awaiting their testing and recommendation. Discussion continued on the lagoon system with Brent Combs, Thoroughbred Engineering, and Mr. Juett.

Al Tackett, adjacent property owner, asked about ownership of the road if accepted by the County. His concern was briefly discussed.

Motion by Lacy, second by Richardson, to approve the Preliminary Subdivision Plat, including the requested variance regarding the cul-de-sac length, subject to the fifteen (15) conditions of approval. Motion carried.

PDP-2006-84 RCV Georgetown, LLC – Preliminary Development Plan for a 6,889 sq. ft auto parts retailer and a 2,754 sq. ft. commercial retail building, located on the north side of Paris Pike (U.S. 460 E.), between Cherry Blossom Way and I-75.

Mr. Ardary reviewed the staff report, including issues regarding access, the requested variance regarding the north setback, and landscaping.

There were no concerns from the public or Commission.

Motion by Hopkins, second by Williams, to approve the Preliminary Development Plan, including the requested variance to reduce the north front setback, subject to the fifteen (15) conditions of approval. Motion carried.

Mallard Point – waiver of conditions requiring fencing and tree planting

Mr. Sapp reported that he met with the current developer on site and felt that there is valid reason to waive the original requirement regarding fencing and tree planting. A letter from the developer was obtained requesting the waiver; however, the letter does not refer to the same lots as originally discussed. Mr. Sapp will bring the matter before the Commission again at the next meeting after clarification is made.

Tractor Supply waiver of right-of-way requirement

Mr. Sapp reported that the applicant has requested a 40' right-of-way on Connector Road as required by the State, instead of the 60' right-of-way as requested by staff. He stated that he spoke with a representative at the State who agrees with the eventual need for a 60' right-of-way, but they cannot document that support. An agreement has been reached with the applicant that

they will provide a 50' right-of-way and be allowed to push their building back two more feet into the rear setback.

Christie Blakely, Tractor Supply Company, verified that agreement.

Motion by Richardson, second by Gregory, to approve the 50' right-of-way on Connector Road and to allow an increase in the encroachment into the rear setback. Motion carried.

Woodland Estates – reconsideration of location of construction entrance

Mr. Hewitt reviewed the staff report, explaining that the Commission required a construction entrance on U.S. 460, which would be the existing gravel drive leading to a barn. The applicant's request for a permit from KYTC-District 7 for that construction entrance was denied, due to inadequate sight distance. As a result, they requested to relocate the construction entrance to Pea Ridge Road, which was approved by District 7.

Bart Asher, representing the applicant, reported on the discussions with KYTC-District 7.

Sara Henrich, Pea Ridge Road resident, presented letters and other information indicating that a construction entrance off U.S. 460 was approved, just not in the exact location that was requested. She reported on her discussions with District 7 and maintained that the entrance should still be required on U.S. 460. She presented photographs of Pea Ridge Road indicating its inadequacy to handle construction traffic.

Terry James, Pea Ridge Road resident, discussed the KYTC correspondence and strongly opposed the construction entrance being located on Pea Ridge Road. He took issue with the manner in which the application was originally approved and felt that relocating the construction entrance because they cannot get a permit is not a valid reason.

Missy Winchell, Pea Ridge Road resident, expressed concern about the applicant developing the subdivision properly if they cannot move a construction entrance on U.S. 460. She reminded the Commission that the speed limit on Pea Ridge is 55 mph and asked that they not allow the construction entrance on that road.

Mr. Hewitt referred to the latest correspondence from KYTC-District 7, a letter dated November 20, 2006, which required the construction entrance to be located on Pea Ridge. Commissioner Williams agreed that that letter should be given priority consideration. Commissioner Bradley felt that KYTC did not consider the third option of moving the entrance 300' further west on U.S. 460.

Mr. Asher stated that the third option is in a low area, and a construction entrance would have impacted the drainway and possibly flooded U.S. 460. There is also a rock wall at that location. He stated that the representative from the State, while inspecting the site, felt the entrance should be on Pea Ridge. Mr. Asher noted that the applicant will be widening Pea Ridge which will make it safer.

Mr. Perkins suggested that if the Commission approves the construction entrance on Pea Ridge, it should be conditioned on Mr. Baker of KYTC submitting a letter for the record stating his preference of the Pea Ridge location to any location on U.S. 460.

Ms. Henrich stated that Mr. Baker indicated to her that he had no preference, and if the approval is based on that condition, the residents will meet with him to inform him of their feelings that it should be a safety issue, not a financial issue.

Mr. Maffet supported Mr. Perkins suggestion and felt that staff should communicate with Mr. Baker again.

Mr. Krebs suggested additional widening on Pea Ridge Road. The money that the applicant would save on making an entrance off U.S. 460 could be used to do further upgrades to Pea Ridge.

Motion by Williams, second by Gregory, to waive condition #17 which requires the construction entrance to be on U.S. 460. By roll call vote, motion carried 7-0.

Mr. Krebs suggested asking for additional widening, beyond the current 2', to be more appropriate for a road with a 55 mph speed limit. Bennie Maffet, applicant, discussed upgrades to Pea Ridge and felt that widening to 9' from center with 2' shoulders will make the road substantially safer. He stated that a request could be made to have a speed study done by the State, which could result in reducing the speed limit.

Filing and Deadline Schedule for 2007

Motion by Richardson, second by Gregory, to approve the new filing and deadline schedule for 2007. Motion carried.

Election of Officers

Motion by Gregory, second by Lacy, to re-elect the current officers as follows: Chairman – Barry Brock; Vice Chairman – Mike Bradley; Executive

Committee – Mike Bradley, Robert Hopkins, Jimmy Richardson. Motion carried.

Request for consulting services for Old Oxford traffic study

Chairman Brock reported on the recommendation from the committee comprised of staff and several City Council members studying the traffic issue in the Old Oxtord/Connector Road area. They recommend hiring a traffic consultant to complete a traffic study, and that the Planning Commission administer the hiring process and handling of funding for the project. Mr. Sapp stated that a consultant was contacted who submitted a scope of services for the project, and he reviewed those services. He stated that the study is projected to cost between \$225,000 and \$230,000. Fiscal Court and City Council will be asked for the funding, then an RFP will be sent out. The timeframe for the project would be 6-9 months, and it would help accelerate the improvements being placed on the State's Six-Year Plan.

Motion by Lacy, second by Williams, to recommend to the legislative bodies that the Planning Commission administer the proposed traffic study. Motion carried.

Update of previously approved projects and agenda items

The meeting was then adjourned.

Respectfully,



Barry Brock, Chairperson

Attest:



Charlie Perkins, Secretary