

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

January 9, 2003

The regular meeting was held in the Scott County Fiscal Courtroom on January 9, 2003. The meeting was called to order by Chairperson Sara Sutton at 7:00 p.m. Present were Commissioners Barry Brock, Pete Gritton, Robert Hopkins, Omer Lee, William Peters, John Sharpe, Elizabeth Williams, Planning Director Kelley Klepper, Planner Rachel Phillips, Engineer Brad Frazier, and Attorney Charlie Perkins. Absent was Commissioner David Kenley.

Motion by Gritton, second by Hopkins, to approve the December invoices. Motion carried.

Motion by Sharpe, second by Peters, to approve the December 12, 2002 minutes. Motion carried.

Motion by Gritton, second by Sharpe, to approve the December 17, 2002 minutes. Motion carried.

With the addition of a personnel matter under Staff Reports/Other Business, motion by Williams, second by Gritton, to approve the January agenda. Motion carried.

Consent Agenda

Representatives of the Canewood Unit 5, Burge Property, Greer Property, Shields Retail Center, and Canewood Unit 2 Townhomes applications agreed to staff's conditions of approval, and no concerns about the projects were expressed by the Commission or the public.

Motion by Williams, second by Gritton, to approve the five applications on the Consent Agenda subject to their respective conditions of approval. Motion carried.

ZMA-2002-80 Mary Risk Property – U.S. 25 South – Rezoning request for 22.96 acres from A-1 Agricultural to R-2 PUD General Residential, located on the east side of U.S. 25 S., south of U.S. 460 bypass, east side (terminus) of Berkshire Lane. PUBLIC HEARING

Chairperson Sutton opened the public hearing.

The applicant submitted documentation regarding notice requirements. Mr. Klepper submitted a letter for the record from the Brigadiers requesting notification of future applications. He then reviewed the staff report, which recommended approval of the zone change. He discussed the issues regarding the two proposals: either duplexes and triplexes or a senior residential community. He also recommended approval of the variances.

Commissioner Hopkins asked if any of the adjoining properties are a working farm operation. Mr. Klepper stated that the Brigadier property is a working farm. He added that a sizeable portion of the applicant's property is designated Greenbelt, so they have satisfied the intent of the Goals and Objectives of the Comprehensive Plan and other adopted ordinances regarding buffering and setbacks.

Discussion continued to the surrounding properties, buffers, access, and the wellhead protection area.

Bruce Lankford, representing the applicant, noted that the application is in agreement with the Comprehensive Plan. He introduced Fred East ridge, engineer, and stated that they would work with the Brigadiers, adjoining property owners, when any development plans are submitted. He stated that the applicant is in agreement with the conditions of approval.

Chairperson Sutton closed the public hearing.

Motion by Gritton, second by Brock, to recommend approval of the zone change from A-1 Agriculture to R-2 PUD, on the basis that it is in agreement with the Comprehensive Plan, and subject to the five conditions of approval, including approval of the variance requests. By roll call vote, motion carried 7-0.

ZMA-2002-82 Rogers Property – Rezoning request for 0.96 acres from R-2 PUD Single Family to B-4 Community Commercial located on the north side of Paris Pike (U.S. 460 E.), east of I-75, north of Crumbaugh Road. PUBLIC HEARING

Chairperson Sutton opened the public hearing.

Ms. Phillips stated that the application will not be heard because documentation of notice requirements were not submitted.

Chairperson Sutton continued the matter to the February meeting.

PSP-2002-56 McCullagh Cluster Subdivision – Preliminary Subdivision Plat for a 30-lot rural residential development (29 cluster lots, 1 agricultural lot), located on the east side of Leesburg-Newtown Pike, north of U.S. 460 (Paris Pike), northeast of Thistle Way.

Mr. Klepper reviewed the staff report. He noted the concern at the workshop regarding accessibility to the parent tract. He reviewed the series of actual physical, legal connections between the public road and the preserved acreage. He discussed the water/sewer and landscaping issues, and noted the letter from Barbara Lyon opposing the project.

It was noted that the plat states that all homes in the development shall be “engineered log home structures.” Brent Combs of Thoroughbred Engineering stated that a model log home will be placed near the existing mobile home so that the existing septic system can be used. The mobile home will eventually be moved.

Commissioner Sharpe asked about the general layout. Chairperson asked about the installing fire hydrants on a 4” water line. Mr. Klepper stated that the hydrants will probably be installed, but not functional until the eventual upgrading of the water line to 6” or 8”. Concern was expressed over homeowners believing that the hydrants are functional when they may not be. Mr. Perkins suggested requiring a note on the plat stating that potential homebuyers should confirm the availability of sufficient water for fire protection with Kentucky American. It was agreed that a thirteenth condition of approval be added to that effect.

Commissioner Sharpe asked whether the access to the preserved acreage will be gravel or blacktop. Mr. Klepper replied that it will be up to the developer because it is strictly a driveway.

Rebecca Benton, Leesburg Pike resident, expressed concern about increased traffic on Leesburg-Newtown Pike, the excessive speed of the traffic, and overcrowding of the school. Mr. Klepper responded that the school system deals with capacity issues when they arise by either redistricting or new school construction in areas most affected by growth, as in the case of the new Anne Mason Elementary. Regarding the increase in traffic, he stated that the County will reassess the road when they resurface. Regarding excessive traffic speed, he stated that should be addressed by the Sheriff’s Office.

Sharon McMillan, Leesburg Pike resident, asked about the “engineered log home structure.” Brent Combs replied that most people refer to them as “log home kits.” Mr. McMillan expressed concern about the 4” water line not being able to provide adequate fire protection, and the location of the lagoon systems being offensive. He expressed concern about West Nile disease carried by the mosquitoes that breed in the lagoons, and the new road being adequate for

school buses. He felt that the preserved area is not very suitable for farming and fears that it will grow up in weeds. In general, he felt that the development will be a blight on the area.

Charles Graves, adjoining property owner, expressed concern about a sinkhole and pond, low water pressure, the poor condition of Leesburg Pike, emergency services protection, the lagoon systems leaking, and general residential growth in rural areas.

Connie Pierson, area property owner, asked about location of the road off Leesburg Pike. She expressed concern about increased traffic, increased stormwater runoff, and the possibility of leaking lagoon systems.

Ellis Blinsky, Leesburg Pike resident, stated that he is opposed to the project because of the same concerns expressed by the other residents.

Sharon McMillan reiterated reasons why he thought the Commission should deny the project.

Commissioner Williams asked Brent Combs about the sinkhole on the property. Mr. Combs stated that the access to the preserved tract could be moved. It was agreed that a 25' access easement would be placed adjacent to lots 15 and 16 connecting the preserved tracts. Bruce Lankford, representing the applicant, agreed to the 25' access easement. The size of the water lines in rural areas was discussed.

Commissioner Williams requested a change in wording to condition #3, to read "including ~~regarding~~ the location of fire hydrants."

It was noted that a fourteenth condition be added stating that the access easements to the preserved areas be shown on the plat.

Motion by Williams, second by Brock, to approve the Preliminary Subdivision Plat subject to the twelve conditions of approval, plus the two additional conditions regarding fire protection and the access easements. Motion carried.

PSP-2002-67 Coal Ridge Cluster #3 – Preliminary Subdivision Plat for 22 cluster residential lots plus the parent tract, located on the north side of Coal Ridge Lane, northwest of Leesburg-Newtown Pike, south of Werk Lane.

Ms. Phillips reviewed the staff report, including the road, sewer, and cul-de-sac length issues.

The location of the lagoon system was noted.

Rebecca Benton, adjacent property owner, noted that the horse trail is not accessible because of the disrepair of the plank fence. She also expressed concern about the lagoon system and stormwater runoff from the road. She expressed her general feeling that residential areas are not compatible with agricultural operations.

The owner of lot #2 in Coal Ridge cluster #1, which is directly across from this proposed development. He described existing problems with stormwater runoff in front of his house.

Charles Graves, area property owner, asked about fencing. He also expressed his feeling that cluster lots do not save farmland.

Commissioner Williams asked whether lagoon systems are required to be visually screened. Ms. Phillips stated that the Health Dept. requires protective fencing, but that there are no screening requirements. Shawn Adams, applicant, offered to screen the lagoon if it is visible from the Herndon property.

Motion by Sharpe, second by Lee, to approve the Preliminary Subdivision Plat subject to the ten conditions of approval, plus the eleventh condition that the lagoon be screened if visible from Herndon property, and including the variance regarding the length of the cul-de-sac. Motion carried.

PSP-2002-83 Harmony Ridge Subdivision – Preliminary Subdivision Plat for 310 single family detached residential lots, located on the south side of Lemons Mill Road, west of Lisle Road, east of McClelland Circle (U.S. 460 bypass).

Mr. Perkins left the room due to his father being an adjacent property owner.

Mr. Klepper reviewed the staff report, including the multiple access points, traffic calming devices and open space. He discussed the adjacent properties and landscape and buffers requirements of the *Subdivision and Development Regulations* and *Zoning Ordinance*. He also noted that previously approved buffers, including Canewood, Rocky Creek, and the Offutt Farm, were part of the rezoning and concept plan, not part of the preliminary subdivision plat review. Discussions regarding buffers by the urban and rural land use committees were discussed. Commissioner Sharpe felt that the Comprehensive Plan clearly dictates that farmland should be protected. Commissioner Williams felt that the residences also need protection from the spraying of crops. Commissioner Peters felt that the agricultural uses were there first and deserve protection from the development. Directing staff to draft buffering regulations was discussed.

Motion by Hopkins to postpone the matter to give staff time to draft a buffer ordinance.

Joe Brester, applicant, described his development experience and this current project. He met with the owners of Amerson Orchard, one of the adjacent properties. They wished to have an 8' fence with barbed wire on top, with rows of trees, installed on the property line. He felt that such a fence would not stop children from getting to the orchard property. He felt that such a tree row would not be feasible because of required utility easements and not having access to the trees once lots are sold. Mr. Brester offered to install a 6" chain link fence with a ring of barbed wire on top of it, but felt that residents would not care to look at barbed wire.

He hoped the Commission did not postpone the matter because delays will cut into the prime construction season.

Paul Kleinhenz, adjacent property owner, stated that his concern is that children/adults or pets will come into the orchard after he sprays with a particular chemical that has a 4-day re-entry interval. He felt an 8' fence will help in keeping people out, but agreed that the tree row may not help the matter. It was agreed that a 6' foot chain link fence with barbed wire on top and an adequate number of security lights will be installed. These requirements will be added to the Conditions of Approval. Mr. Klepper requested that a note be added to the plat stating that the adjacent property is agricultural and agricultural practices do occur.

Mr. Hopkins withdrew his motion to have staff draft a buffer ordinance and postpone the matter.

Motion by Brock, second by Sharpe, to approve the Preliminary Subdivision Plat subject to the eighteen conditions of approval, plus the 19th condition that the applicant install a 6' chain link fence with barbed wire on top, the 20th condition that an agreed upon number of security lights be installed, and the 21st condition that a note be added to the plat stating that the adjacent property is agricultural with agricultural uses. Motion carried.

Motion by Brock, second by Gritton, to direct staff to study the issue of buffering between agricultural and residential uses. Motion carried.

FY 2001-02 Audit

Mr. Klepper reported that the audit indicated everything was in order. He had copies available for any interested Commissioners.

Update on Building Department

Mr. Klepper reviewed information put together by Commissioner Brock supporting the reorganization of the Building Inspection Dept. He described how the change will work and be advantageous.

Commissioners Williams and Hopkins spoke in support. Commissioners Peters and Sharpe had concerns about the change. The organization of the Board of Adjustments was discussed.

After significant further discussion, **motion by Brock, second by Gritton, to approve and authorize entering into a contract with the City of Georgetown and Scott Fiscal Court to reorganize Building Inspection to be under the direction of Mr. Klepper, hire an additional full-time planner, and increase Mr. Klepper's salary by \$8,000 per year. Motion carried 6-1 with Peters dissenting.**

Update of previously approved projects and agenda items

Motion by Gritton, second by Brock, to go into Executive Session. Motion carried.

Motion by Williams, second by Peters, to come out of Executive Session. Motion carried.

Motion by Williams, second by Hopkins, to accept the performance evaluation of Mr. Klepper, and to commend him on the good job he is doing. Motion carried.

Commissioner Sharpe recommended acknowledging former Commissioner James Thomason for his time on the Commission.

Motion by Sharpe, second by Peters, to recognize James Thomason for his work on the Commission with a plaque. Motion carried.

Mr. Klepper noted that Commissioner Williams and new Commissioner Kenley will need to be re-appointed in February. He also noted that election of officers will take place at the February meeting.

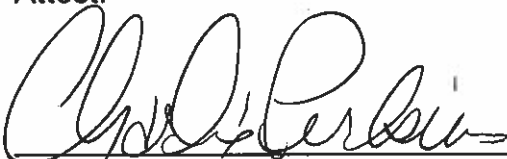
The meeting was then adjourned.

Respectfully,



Sara Sutton, Chairperson

Attest:



Charlie Perkins, Secretary