

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

**January 9, 2014**

The regular meeting was held in the Scott County Courthouse on January 9, 2014. The meeting was called to order by Chairman Greg Hampton at 6:00 p.m. Present were Commissioners Jeff Caldwell, Cindy Foster, Janet Holland, Rob Jones, Byron Moran, John Shirley, and Steve Smith, Acting Director Joe Kane, Planner Megan Enyeart, Engineer Brent Combs, and Attorney Charlie Perkins. Absent was Commissioner Frank Wiseman.

Chairman Hampton welcomed new Commissioner Byron Moran and stated that he was sworn in by Attorney Perkins.

Motion by Jones, second by Holland, to approve the December invoices. Motion carried.

Motion by Shirley, second by Holland, to approve the December 12, 2013 minutes. Motion carried.

With the addition of PDP-2013-38 - Bluegrass Baptist Church, which is being postponed, motion by Foster, second by Caldwell, to approve the January agenda. Motion carried.

Postponements/Withdrawals

Chairman Hampton stated that the PDP-2013-38 - Bluegrass Baptist Church application has been postponed to the February meeting. Motion by Shirley, second by Jones, to accept the postponement. Motion carried.

Consent Agenda

There were no items for the Consent Agenda.

Those intending to speak before the Commission were sworn in by Mr. Perkins.

PDP-2013-36 Action Equipment Solutions, Inc. – Amended Development Plan for a 6,000 sq. ft. warehouse expansion on 1.49 acres, located on Demand Court in the Lanes Run Business Park.

Ms. Enyeart reviewed the staff report, including the requested variances.

She recommended approval of the 10' setback variance due to the site elevation and screening. She also recommended approval of the parking variance, but asked that all 18 parking spaces be shown on the Final Development Plan.

Tom Moon, representing the applicant, briefly described the operation.

**Motion by Smith, second by Foster, to approve the two requested variances regarding the 10' setback and 18 parking spaces. Motion carried.**

**Motion by Jones, second by Caldwell, to approve the Amended Development Plan, subject to the ten (10) conditions of approval. Motion carried.**

PSP-2013-37 Village at Lanes Run, Amended Master Plan and Preliminary Subdivision Plat, Phase 2, Section 3 – Amended Preliminary Subdivision Plat to reduce the minimum lot width from 65 ft. to 60 ft. and remove proposed alley system within Phase 2, Section 3 of a previously approved plat, located in the Village of Lanes Run, east of Old Oxford Road.

Ms. Enyeart reviewed the staff report. She stated that there are four major issues to consider: 1) Reducing the minimum lot width to 60'. She stated that is consistent with other phases in Lanes Run. 2) Increasing the number of lots from 56 to 61. She stated that the total number of lots in Lanes Run would still be well within the density that is allowed in the R-1C zoning district. 3) Removing the alley system. She stated that removal of the alleys would be consistent with the recent removal of alleys in adjacent phases. 4) Open space/tree preservation area. This issue was discussed at length.

Ms. Enyeart presented two options for the location of the open space/tree preservation area that entail different lot configurations and/or providing a public access easement.

Tony Justice, representing the applicant, preferred the option where the individual lot owners would be responsible for maintenance of the open space on their property, but he preferred that the public access easement be created on the other side of the creek.

Mark Hammel, Rocky Creek resident, asked that consideration be given to the green space as shown on the original subdivision plat. He suggested that a conservation easement be placed on the areas that are to remain natural, and that easement can be given to the Army Corps of Engineers so that the homeowners association is not burdened with the liability of open space. He was supportive of a public access trail.

Bill Benysh, Rocky Creek resident, felt that there is no market for more homes in the area, as there are so many vacant lots now.

Ransom Holbrook, Village of Lanes Run resident, expressed concern about the conservation easement being lost on both sides of the creek if not required now with responsibility lying with an entity other than a homeowners association. He was also supportive of a public access trail, even if it means smaller lots.

John Miller, Rocky Creek resident, agreed with Mr. Hammel, and supported a public access trail, keeping the lot sizes the same and the green space.

Discussion continued on the options for open space. Dedicating the open space/tree preservation area to the Corps of Engineers was discussed, with the feeling that their oversight may be more effective in its proper maintenance. Mr. Perkins suggested exploring that idea and making a final determination at the final plat stage.

It was agreed by the applicant and the Commission to amend Condition of Approval #4 to read: Location of open space/tree preservation area and responsibility for maintaining them to be researched and developed for determination at final plat stage.

It was clarified to the Commission that the lot sizes/depth and access are also part of the consideration for the final plat.

A twelfth Condition of Approval requires the final plat to come back before the full Commission.

**Motion by Smith, second by Holland, to approve the Preliminary Development Plan subject to the twelve (12) conditions, including #4 as amended above. Motion carried.**

#### Revocation of plat consolidating two lots in the Lanes Run Business Park

Mr. Kane explained that there were issues with who originally signed a consolidation plat in the Lanes Run Business Park. In order to clarify the title to sell the lots, the original consolidation plat needs to be revoked. Mr. Perkins further explained the matter.

**Motion by Shirley, second by Smith, to approve the revocation of the consolidation plat for lots 5A and 5B on Supply Court, of record in Cabinet 9, Slide 125 in the County Clerk's Office. Motion carried.**

Update of previously approved projects and agenda items

Mr. Kane reported that the McIntosh dog kennel, which was denied a Conditional Use Permit to operate, including two appeals, continues to operate. Mr. Perkins stated that the Commission needs to either file a civil suit asking for permanent injunction, or take the matter to District Court for a criminal violation of the *Zoning Ordinance*. He noted that all the proceedings and appeals were with the Board of Adjustment, but the statutes say the Planning Commission has enforcement authority. He discussed the difference in criminal and civil charges.

After discussion on the matter, **motion by Shirley, second by Moran, to authorize staff to file either criminal or civil action in the McIntosh dog kennel case. Motion carried 6-1 with Jones dissenting.**

Mr. Kane then reported that he and Mr. Perkins will meet to discuss the sunset clause ordinance and draft a final recommendation on how to proceed on the matter.

He reported that he will be getting in touch with Judge Executive Lusby to find out the County's budget recommendations for FY 14-15. He stated that receipts are up 30%, and there is savings in temporarily having two vacant positions.

He informed the members that we have two standing reservations for the monthly Chamber of Commerce luncheon. He stated that if anyone wishes to attend with him or another staff member, to call the office in advance.

He then invited the Commissioners to a webinar on green infrastructure that will be held in the office on Tuesday, January 14 at 1:00 and will earn attendees two hours of H.B. 55 education credits.

Mr. Combs reported that all four legislative bodies have adopted the floodplain ordinance.

The meeting was then adjourned.

Respectfully,

Attest:

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Greg Hampton, Chairman

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Charlie Perkins, Secretary