

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

**January 12, 2006**

The regular meeting was held in the Scott County Courthouse on January 12, 2006. 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, Helen Mitchell, Jimmy Richardson and Elizabeth Williams, Planning Director Rachel Phillips, Planners Drew Ardary and Rhonda Cromer, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent was Commissioner John Lacy.

Chairman Brock presented a plaque to former Commissioner William Peters in appreciation of his service on the Commission.

Chairman Brock welcomed Helen W. Mitchell as the new Planning Commissioner.

Motion by Carter, second by Williams, to approve the December invoices. Motion carried.

Motion by Gregory, second by Richardson, to approve the December 8, 2005 minutes. Motion carried.

With the addition of Executive Committee Appointment and Approval of Holiday Schedule for the Planning Office under Staff Reports, Other Business New, motion by Williams, second by Gregory, to approve the January agenda. Motion carried.

Postponements/Withdrawals

Mr. Brock reported that the Rite-Aid Pharmacy and Cherry Blossom Village Townhomes, Phase IV applications have been withdrawn, and that the Brooklane Estates, Habitat for Humanity, and Billy Perkins Farm - Sulphur Wells Road applications have been postponed to the February meeting.

**Motion by Hopkins, second by Carter, to accept the two items for withdrawal and three items for postponement. Motion carried.**

## Consent Agenda

There were no items eligible for the Consent Agenda.

ZMA-2005-67 Mission Gear Indoor Racing - Rezoning request from A-1 Agriculture to B-2 Highway Commercial for 18.5 acres located on the north side of Porter Road (KY 32), west of I-75, west of U.S. 25. PUBLIC HEARING

Chairman Brock opened the public hearing.

Ms. Phillips reviewed the status of the application. She stated that it was determined that the proposed retail use is an accessory to the indoor racing facility and therefore does not require B-2 zoning. The applicant still wishes to request B-2 zoning to allow for the possibility of future commercial uses. The area neighbors have expressed concern about the noise levels.

She stated that staff has recommended approval because it is consistent with the Sadieville Comprehensive Plan. The applicant may develop the indoor racing facility and accessory retail use with a lagoon system, if approved by the Health Department, but no further commercial development may occur until a sanitary sewer connection has been made.

Ms. Phillips noted that condition #9 regarding the Scott County Board of Adjustments no longer applies and is therefore deleted.

She added that an additional condition (#16) requires the applicant to conduct a noise level test to determine the ambient noise from adjacent I-75. Once this is determined, the noise level of this site shall be limited to the I-75 noise level. Prior to final development plan approval, the applicant shall demonstrate that the development of this site shall not generate noise levels greater than the I-75 test.

Requiring the condition regarding noise at the zone change stage was discussed. Chairman Brock asked Mr. Perkins whether our condition takes precedence over Sadieville's noise ordinance since they are not the same. Mr. Perkins suggested that Sadieville's ordinance, which addresses late night and early morning hours, should prevail during the hours and under the conditions that it applies; but during hours when it does not apply, the Planning Commission requirement should cover those times. He also discussed how the noise test should be done.

Brian Shirey, applicant, felt that the condition regarding noise is unacceptable because of the topography of the area. He also questioned who would monitor the noise. He felt that the Sadieville noise ordinance is sufficient. He reviewed the reasons why the zone change should be granted.

Mr. Shirey and Mr. Perkins discussed the noise test, noise condition, and noise ordinance.

Fenton Fogle, closest neighbor to the proposed site, submitted a petition containing 133 names of people who are opposed to the motor cross use. Chairman Brock clarified with Mr. Fogle that the signers of the petition oppose the use, not the zone change. Mr. Fogle strongly opposed the proposed project.

Sharon Straitiff, Porter Road resident, 3-1/2 miles from the site, also opposed the project. She felt that granting the zone change will allow the applicant to develop the property however he wishes. She had concerns about the suitability of further development.

Mr. Perkins discussed the procedures that must be followed for different types of future uses/development.

Mr. Shirey stated that his intention for future development will be to attract tourism and provide services needed by Sadieville.

Another area resident asked the Commission to consider the neighbors' vision for the area and not just that of the applicant.

Laura Ray Warren asked if the neighbors have further recourse if the zone change is recommended for approval. If not, then she asked the Commission to recommend denial of the zone change so that the property is not developed further in an inappropriate manner. She stated they have major concerns about safety, traffic, and sanitation, among others. Ms. Phillips discussed the process that the applicant will have to follow for future development.

Claude Christiansen, Sadieville City Commissioner, stated that the City of Sadieville would like to be on record as being in support of the zone change.

Brenda Fogle, Porter Road resident, expressed concern about the intersection of Porter Road and U.S. 25 N., noise from the proposed development, and decreased property values. She asked that the Commission deny the application.

Brian Hayes, Porter Road resident, felt that there will be a noise impact and that the sanitary sewer service should be in place before any development occurs.

Christy Hogan, Finnell Road resident, felt that the proposed business will positively affect more people than it will negatively affect.

Commissioner Bradley asked if the condition requiring a noise level test could be further refined at a later date. Mr. Perkins suggested including the condition at this stage and dealing with it further, possibly refining it, at the development plan

stage. Mr. Shirey felt that it will be difficult to get a fair test because of the topography. The noise issue was further discussed.

Ms. Phillips reminded the Commission that they can require full Commission review of the Final Development Plan. It was suggested that condition #16 be modified to state that the specific testing requirements for noise be determined at the Final Development Plan stage. The seventeenth (17<sup>th</sup>) condition could be that the Final Development Plan must be reviewed by the full Commission for approval.

One of the residents stated that a company she contacted that does noise testing indicated that they would use data from the motorcross facility in Maysville to compare with noise from I-75.

The Commission continued discussion on the noise test.

Arlene Bidwell, Eagle Spring Road resident, expressed her disapproval of the application.

Chairman Brock closed the public hearing.

**Motion by Gregory, second by Bradley, the recommend approval of the zone change from A-1 to B-2, based on its consistency with the Comprehensive Plan, and subject to the seventeen conditions, the 17<sup>th</sup> being that the Final Development Plan be reviewed by the full Commission By roll call vote, motion carried 6-1 with Carter dissenting.**

Chairman Brock informed the public that the zone change now must be heard by the Sadieville City Council.

PSP-2005-72 Duncan Property - Preliminary Subdivision Plat for 103 single family residential detached housing units on 177.8 acres, located on the north side of Barkley Lane and the west side of Cynthiana Road (U.S. 62).

Ms. Phillips reviewed the staff report. She recommended denial based on the current condemnation proceedings being conducted by the City of Georgetown and because the application is no longer compatible with the overall development of the area.

Commissioner Williams agreed with staff's recommendation, stating that the Commission should not approve anything that would impede the City's economic development efforts.

Mr. Perkins stated that the condemnation proceedings are well underway.

Tom Hatfield, EA Partners, felt that the City had ample time to acquire the property, and that the Preliminary Subdivision Plat meets all requirements. He stated that the development is on the southern end of the City's business park and will not be surrounded by it. He felt that developing this 30+ acres as residential will not inhibit the growth of the business park.

Russ Dunn, applicant, stated that he has worked in Georgetown for many years, has an interest in quality development here, and they have complied with all requirements for a Preliminary Subdivision Plat.

Mr. Perkins explained the condemnation process. Mr. Dunn cited information disputing the City's right to condemn. Chairman Brock stated that the Commission has no authority in the condemnation case.

Mr. Hatfield asked that the Commission approve the plan with the condition that no construction plans will be reviewed until the condemnation suit is settled.

**Motion by Williams, second by Hopkins, to deny the Preliminary Subdivision Plat based on its incompatibility with the overall development of the area, because the on-going condemnation is still proceeding, and development of this property is not advisable. With the growth of the business park toward this area, it is unlikely that this property will be suitable for residential use. In the event that the condemnation fails, the applicant may re-file the plan with no additional fee.**

Commissioner Richardson felt it is only fair to the applicant to approve the application.

**By roll call vote, motion failed 4-3 with Richardson, Bradley, Carter, and Gregory dissenting.**

**Motion by Richardson, second by Carter, to approve the Preliminary Subdivision Plat subject to the sixteen conditions of approval, with number one being that no further action be taken until the condemnation suit is concluded. By roll call vote, motion carried 5-2 with Hopkins and Williams dissenting.**

PSP-2005-77 Hunterfield - Preliminary Subdivision Plat for 9 rural residential lots, located on the southwest side of Carrick Pike, east of Mt. Horeb Road, north side of the Fayette County line.

Ms. Phillips reviewed the staff report, including the requested waiver that the road improvements be bonded prior to a final subdivision plat approval. A letter of credit or bond for the improvements would not be renewed after one year; the

improvements would have to be made within that time. That issue would constitute condition #1.

Condition #2 would state that improvements to Carrick will consist of 18' wide pavement with shoulders, ditches, etc.

It was noted that the fencing requirement also applies to the property line between lots 7 and 9. Condition #13 would state that the fence is not bondable; it must be installed prior to final subdivision plat approval.

Tom Hatfield, EA Partners and representing the applicant, agreed with the conditions of approval, including the addition to #1 and the additional numbers 2 and 13.

Kim Walker, adjacent property owner, expressed concern about the drainage problem on the road in front of the development and asked that it be examined. The road improvements were briefly discussed.

**Motion by Carter, second by Gregory, to approve the Preliminary Subdivision Plat subject to the thirteen conditions of approval. Motion carried.**

PDP-2005-44 House of God - Preliminary Development Plan for a 4,200 sq. ft. church on 0.456 acres, located on the south side of Bourbon Street, southwest of Martin Luther King Drive, east of Chambers Avenue.

Commissioner Mitchell recused herself from discussion and voting.

Ms. Phillips reviewed the status of the application. She stated that the applicant was requested to further study the drainage issue, and she described the drainage plan. She also reviewed the parking issue, stating that the applicant is requesting a parking waiver to reduce the amount of on-site parking and to allow off-site parking at Georgetown Tool & Mfg. on Chambers Ave.

The applicant's engineer was not available to answer questions.

Commissioner Williams expressed concern about the parking waivers and felt that the drainage issue has not been resolved to satisfaction. Mr. Krebs discussed the drainage plan.

Joel Day, representing the engineer, stated that they are willing to provide approved construction plans, including plans for underground stormwater storage, prior to the final development plan if they can obtain preliminary approval. He also stated that porous pavement could be used.

Tyrone Johnson, pastor of the House of God, stated that the congregation is only approximately 50 people and that the parking issue should not be a problem. He stated that they have spent a considerable amount of money on the drainage issue and need preliminary approval before they can justify additional expense.

Clarence Harris, adjacent property owner, described the drainage problem.

James Johnson, Church of God member and Martin Luther King, Jr. Drive resident since 1981, did not feel that flooding is an issue in the area. He also felt that the cross-parking agreement should satisfy the parking issue.

Commissioner Bradley suggested amending condition #1 to read that “. . . does not cause any adverse effect such as flooding onto to any surrounding properties.”

Tammy Nava, Georgetown resident, asked what conditions will occur after a hard rain and what stormwater facilities are proposed.

Mr. Day stated that the drainage should be equal to or improved over what currently exists.

**Motion by Carter, second by Bradley, to approve the Preliminary Development Plan, subject to the eleven (11) conditions, including the amendment to condition #1 stating that the stormwater drainage plan “. . . does not cause any adverse effect such as flooding onto to any surrounding properties.” A twelfth condition was added stating that the Final Development Plan shall be reviewed by the full Planning Commission. By roll call vote, motion carried 5-1 with Williams dissenting.**

PDP-2005-73 Falls Creek Phase 2 Townhomes - Preliminary Development Plan for 46 townhouse units on 4.84 acres, located on the east side of U.S. 25 N., north and south side of Champion Way, west side of Norfolk Southern Railroad.

Ms. Phillips reviewed the staff report. She stated that all development issues have been addressed and recommended approval.

Matt Carter, Vision Engineering, agreed with the conditions of approval.

There were no concerns from the Commission or public.

**Motion by Richardson, second by Carter, to approve the Preliminary Development Plan subject to the seventeen (17) conditions of approval. Motion carried.**

PDP-2005-74 Mason Car Wash - Preliminary Development Plan for a 3,400 sq. ft. car wash on 1.17 acres, located on the west side of Connector Road, east of I-75, north of Paris Pike (U.S. 460 E).

Ms. Cromer reviewed the staff report, including issues regarding access and the landscaping variance.

Brent Combs, Thoroughbred Engineering and representing the applicant, agreed with the eight (8) conditions of approval.

**Motion by Carter, second by Williams, to approve the Preliminary Development Plan subject to the eight (8) conditions of approval, and including the requested variance to reduce the required landscape buffer. Motion carried.**

PDP-2005-76 Camp Creek Campground - Preliminary Development Plan for a 74-site campground on 151 acres, located on the northwest side of Eagle Springs Road.

Mr. Ardary reviewed the staff report, including issues regarding topography, parking, waste disposal, the bridge over Eagle Creek, floodplain, and landscaping. He noted that condition #3 has been deleted.

Commissioner Williams felt there should be buffering between the proposed site and the neighbors.

A seventeenth condition was added requiring approval by the Department of Transportation for the entrance from Eagle Springs Road.

Commissioner Carter asked if the sewer system for the proposed camp store and shower facility will be connected to the sanitary holding tank at the dump station. Mr. Ardary stated that that will need to be worked out and approved by the Health Department.

Martha Biddle, applicant, discussed the process they have followed in their attempt to develop the property and how the property is ideal for a campground use. She stated that they also own the property across the creek, so it is not a problem if campers cross the creek. She described different features of the property and areas that they will protect, including stone walls. She cited statistics about the economic impacts of campgrounds and how it is a family-oriented activity. Spencer Biddle, applicant, stated that by State regulations, they could accommodate over 150 campsites, but because of the topography, they have limited it to 74.

It was noted that there will be no alcohol allowed.



A nearby property owner, expressed concern about the campground causing a decrease in his property value because of the increased traffic and about high insurance premiums because of the level of service in Sadieville. He asked if firearms or a shooting range, ATV's or dirt bikes will be allowed. He asked if the grounds will be policed for trash, alcohol, fires, and prohibited equipment. He expressed concern about hunting in the area, the floodzone, sewage in the creek, and bathroom facilities for campers in the primitive area. He asked if there is a need for another campground in the area. He asked if he is liable if someone gets hurt on his property even with his no trespassing signs posted.

Dave Hambel, Eagle Spring Road resident, presented a petition with names of people who oppose the application. He stated that he has not been notified of any of the hearings. He stated that the 12' road does not have shoulders or guardrails and is not safe for campers. He submitted a photograph of a flood in 1995 and stated that most of the campsites will be under approximately 12' of water. He also expressed concern about the campground lowering neighboring property values.

It was noted that only adjacent property owners are required to be notified. Mr. Ardary stated that documentation regarding notice requirements had been submitted.

Ms. Biddle stated that all requirements regarding the floodplain are being followed. She stated that the campground will operate from May through October, which is not generally during the heavy rainy season. If the campsites are flooded when the campground is in operation, they will close the campground.

Del McMaine, area resident, also expressed concern about the flooding of Eagle Creek.

Arlene Bidwell, Eagle Spring Road resident, expressed concern about the inability of that road to accommodate RVs, trash in the area, damage to neighboring properties (especially causing deep ruts in the yards after rains), flooding, the dump station being located in the floodplain, and preservation of wildlife.

Mike Jones, Eagle Spring Road resident, expressed concern about security in the area with so many campers coming in.

Gail Jones, Eagle Spring Road resident, described how fast the creek rises and the trash that is washed down the creek. She expressed concern about gas fumes from the RVs on the site, which, because of the topography, gets little air movement. She expressed concern about how narrow the road is and the fact

that the newly installed water line is three feet from the side of the road. She is also concerned about fire safety.

It was clarified that the Commission is voting on the development plan, not the ability to develop a campground on the site. That determination will be made by the Board of Adjustment.

Commissioner Williams felt that the proposal should be scaled down because of the width of the road, the amount of buffering, the flooding, and other concerns expressed by the neighbors. She felt that the road is incapable of handling large RVs, and that phasing the project might be considered. Ms. Biddle stated that it is their intention to phase the project. Building the bridge and installing electric is the plan for the first year. The second year, they will work on the roads and the campsites. The third year, they will construct the bathhouses. In the interim, tent camping will be allowed.

Commissioner Williams stated that she felt RVs should not be allowed until Eagle Spring Road is upgraded.

Robert Bidwell, Eagle Spring Road resident, asked who will be responsible for repairing his property when damaged, particularly ruts in his yard made by RVs.

An area property owner expressed concern about security, and stated that Sadieville has only one policeman.

Another adjacent property owner described how close the neighbors are and how peaceful the neighborhood is.

Commissioner Williams suggested the applicant amend their plan to be smaller, with all campsites and facilities outside the floodplain, with better visual buffering from adjacent properties and better buffering for security, and to not allow RV camping until Eagle Spring Road is upgraded in the future.

The options of the Commission were discussed. Commissioner Williams stated that she was not comfortable approving the plan as presented and that the neighbors' concerns should be considered.

Commissioner Carter expressed concern about the volume of traffic on the road and the impact on the neighbors' quality of life.

Commissioner Richardson felt that the matter should not be postponed.

**Motion by Williams, second by Carter, to deny the Preliminary Development Plan based on the evidence presented regarding detriment to the surrounding neighbors, the inadequacy of the road to handle large**

**vehicles, safety of the neighbors and children, and flooding. By roll call vote, motion carried 7-0.**

#### PDR Program

Ms. Phillips introduced Cindy King from the Scott County Conservation District.

Ms. King reported that 144 property owners have indicated interest in any type of farmland preservation. She stated that the Conservation District wishes to address this issue, including a Purchase of Development Rights program, and requested that the Commission keep this issue in mind and work with them on it during the upcoming Comprehensive Plan process.

Tim DeWitt of the Bluegrass Conservancy stated that they are in the process of putting together a strategic plan for the entire region. He stated that they are creating an inventory and analysis of all quality agricultural lands within an 11-county region, including historic, environmental, and scenic resources. He stated that they are working with the American Farmland Trust and also asked the Commission to work with them for a farmland preservation strategy during the coming year.

Carolyn Oldfield of the USDA/RCS also asked for cooperation in regional efforts.

**Motion by Carter, second by Williams, to endorse the farmland preservation efforts by the Scott County Conservation District. Motion carried.**

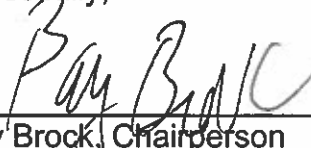
#### Personnel

Motion by Carter, second by Williams, to accept staff's appraisal of Earl Smith, GIS Analyst, and to accept permanent employment status of Jeremy Manning, GIS Technician. Motion carried.

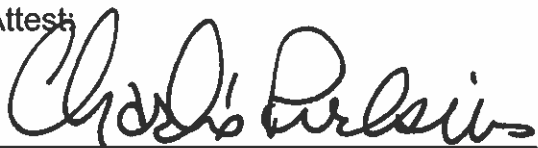
#### Update of previously approved projects and agenda items

The meeting was then adjourned.

Respectfully,

  
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Barry Brock, Chairperson

Attest

  
\_\_\_\_\_  
Charlie Perkins, Secretary