

GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
AGENDA
FEBRUARY 8, 2024
6:00 p.m.

I. COMMISSION BUSINESS

- A. Approval of January invoices
- B. Approval of January 11, 2024 minutes
- C. Approval of February 8, 2024 agenda
- D. Items for postponement or withdrawal
- E. Consent Agenda

II. NEW BUSINESS

- A. FSP-2024-01 Sanderson Property - POSTPONED
- B. FSP-2024-02 Wilder Property - Final Subdivision Plat to subdivide two 5-acre parcel and one 27.8-acre parcel from a 134-acre leaving an 85-acre remainder located at 2301 N Yarnalton Pike.
- C. FSP-2024-03 Tevis Property Tract 11 - Final Subdivision Plat to divide one five-acre tract, leaving a 42.8-acre remaining tract located at 2139 Fishers Mill Road.
- D. FSP-2024-04 David Jacobs Property - Final Subdivision Plat to subdivide one 5-acre tract from a 310-acre farm, leaving a 305-acre remainder located at 157 Green Lane.
- E. FSP-2024-05 Ball Investments LLC - Final Subdivision Plat to subdivide a 51-acre farm into four parcels located on Barkley Road.
- F. PSP-2024-06 Drake & Ditardi Partnership - Preliminary Subdivision Plat to subdivide the combined commercially zoned properties into 7 lots located at NW corner of East Main and McClelland Circle.
- G. PSP-2024-07 Cherry Blossom Village Tract 11B - POSTPONED

III. OTHER BUSINESS

- A. Update to Bylaws
- B. Approval of FY 24-25 Draft Budget
- C. Approval of Audit 22-23

**GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION
REGULAR MEETING
MINUTES
January 11, 2024**

The regular meeting was held in the Scott County Courthouse on January 11, 2024. The meeting was called to order by Acting Chairman Mary Singer at 6:00 p.m. Present were Commissioners James Stone, Duwan Garrett, Dann Smith, Rhett Shirley and Director Joe Kane, Planner Elise Ketz, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Commissioners Charlie Mifflin, Harold Dean Jessie, David Vest, and Brad Green.

Motion by Shirley, second by Smith, to approve the December invoices, December 14, 2023 minutes and January agenda. Motion carried.

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

PDP-2023-58 Bluegrass RV Campground - Preliminary Development Plan for a 75 space RV Campground with associated landscaping and parking located at 3036 Paris Pike.

Ms. Ketz stated the parcel is zoned B-2. She stated the site would be accessed from either US 460 (Patriot RV) or Connector Road (Dan Cummins).

She stated the site previously was approved for an RV campground. She stated at the first application in February 2022 a traffic study was completed but since this proposed application is for less RV spaces than the 2022 application it should have less impact to traffic. She stated an email dated April 2022 from KYTC agreed to US 460 as the entrance and Connector Road as an exit.

She stated a buffer would be required between the residential property and the campground and additional landscaping would be needed in the VUA areas.

She stated the applicant has requested a variance for the size of interior landscaping. She stated that staff does support this request.

She stated the applicant must add additional tree canopy to bring the coverage to 20% in accordance with the Conditions of Approval of the previous Final Development Plan approved in 2017 for the Patriot RV site.

Brad Boaz, CMW Engineering, stated the applicant agrees with the conditions of approval.

Commissioner Shirley questioned if the sites would have electricity and would there be a restriction on generator use. Mr. Boaz stated that had not been discussed with the applicant.

After further discussion, **Motion by Garrett, second by Stone to approve the Preliminary Development Plan (PDP-2023-58) subject to (11) conditions of approval and one waiver. Motion carried unanimously.**

PDP-2023-59 Woodland Airstream Dealership – Preliminary Development Plan for a 12,123 SF Airstream dealership and service center with outdoor display area located at 120 Wahland Hall Path.

Ms. Ketz stated the property is zoned B-2 and is 6.27 acres with access to Paris Pike via Elkhorn Meadows Drive and Wahland Hall Path.

She stated the applicant proposes 30 passenger vehicle spaces and 79 display spaces.

She stated the applicant has requested five variances and based on workshop comments, the applicant has made changes to the landscaping plan. She stated staff has made changes to the proposed variances in accordance with the new landscaping plan.

She stated the proposed development is for the northern half of the property. She stated the applicant has requested a landscaping waiver to calculate requirements based on the areas that are regularly used instead of display areas for interior VUA.

She stated the applicant has requested to waive the perimeter landscaping along the north, west, and east property lines in favor of using VUA perimeter landscaping. She stated the VUA perimeter landscaping would allow for greater visibility and staff supports the waiver request.

She stated the applicant requested a variance to reduce the number of required interior trees.

She stated the applicant requested a reduction in the required tree canopy area and to only put trees on the developed half of the site instead of the whole lot.

Keith Holz, OHM Advisors, stated the applicant is trying to avoid a lot of limbs hanging down from trees to protect the trailers. He questioned if the applicant could use more ornamental trees to meet the landscaping requirements.

Commissioner Jessie has joined the meeting.

After further discussion, **Motion by Garrett, second by Smith to approve the Preliminary Development Plan (PDP-2023-59) subject to (9) conditions of approval and (4) waivers. Motion carried unanimously.**

ZMA-2023-60 Bierman Properties – Zone change request for 2.28 acres from A-1 (Agricultural) to I-2 (Heavy Industrial) located at 1879 Lexington Road.

Acting Chairman Singer opened the public hearing.

Mr. Kane stated this is a portion of parcel located behind Crestlawn Cemetery and adjacent to an existing I-2 zoned property used by Innovative Crushing Material Recycling.

He stated access currently is through the cemetery. He stated the applicant's plan is to buy the property and to consolidate it with the existing business to expand.

He stated a small area study was completed in 2013 and water quality was a concern in the area. He also stated no additional expansion of industrial use and instead a recommendation of a reduction industrial use was adopted. He stated the area has not had substantial changes to justify the rezoning of the area.

He stated that staff does not support the rezoning request. He stated currently the area is zoned appropriate and no changes have occurred to justify a zone change. He stated maintaining the current zoning and not expanding industrial use along Lexington Road is what the Comprehensive Plan recommends for the area.

He stated that currently the site is buffered well from adjoining properties and that development may eliminate the buffer.

Acting Chairman Singer questioned what would happen to the subject property if rezoning does not occur. Mr. Kane stated it would have to be consolidated with an adjoining piece of land for agricultural use or could be an expansion area for the cemetery.

Commissioner Shirley questioned the distance of the notification list and if staff received any calls regarding the rezoning. Mr. Kane stated he received one phone call.

Keith Winstead, Thoroughbred Engineering, stated that basically this land is abandoned and not being taken care of. He stated there is no access except through the cemetery. He stated the property would be consolidated with the existing I-2 property. He stated the land would be for more storage. He stated they planned on installing a 10-foot fence to buffer between the zones if approved.

Mark Yonts, lawyer, stated he is representing Bierman Properties. He stated the owners of the cemetery have a lease agreement with Bierman Properties and it is the only profitable way for the owners to get revenue for the property. He stated the request is not to expand the business but to use the property for storage.

Acting Chairman Singer closed the public hearing.

After further discussion, **Motion by Jessie, second by Smith to deny approval of the rezoning request (ZMA-2023-60) based on staff recommendation that rezoning does not comply with the comprehensive plan. Motion carried unanimously.**

Bylaws Discussion

Mr. Kane presented a proposed change to the Bylaws regarding the length of speakers during meetings. He stated he based his recommendation off surrounding communities and is proposing putting a three-minute time limit on speakers especially during highly controversial topics. He stated a time limit could be at the chairman's discretion. The Planning Commission discussed possible revisions and will take action at the next scheduled meeting.

Acting Chairman Singer adjourned the meeting.

Attest:

Charlie Mifflin, Chairman

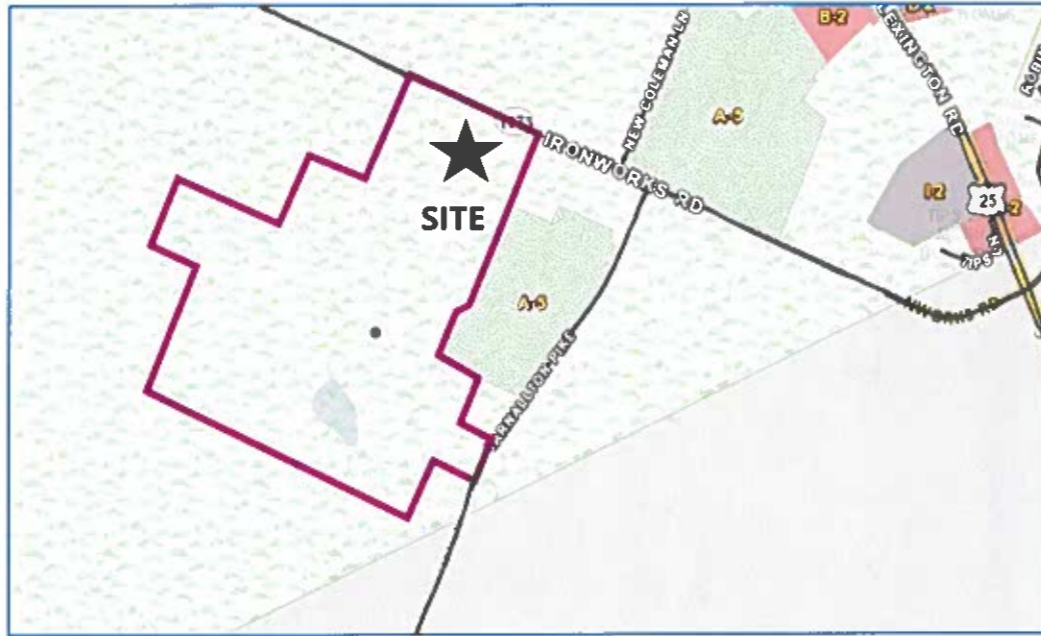
Charlie Perkins, Secretary

**WILDER PROPERTY
FINAL SUBDIVISION PLAT**

**Staff Report to the Georgetown-Scott County Planning Commission
February 8, 2024**

FILE NUMBER: FSP-2024-02

PROPOSAL: Final Subdivision Plat to subdivide two 5-acre parcel and one 27.8-acre parcel from a 134-acre leaving an 85-acre remainder



LOCATION: 2301 N Yarnallton Pike
(Farm Address)
2100-2150 Ironworks Road
(Proposed Parcel Addresses)

OWNER: Earnest Edward & Beverly Wilder

CONSULTANT: Joel Day, Meridian Associates

STATISTICS:

Zone:	A-1 (Agricultural)
Surrounding Zone:	A-1
Existing Farm Acreage:	134.9 acres
Proposed Subdivision Acreage:	Parcel 8: 5.0 ac, Parcel 9: 5.0 ac, Parcel 10: 27.8 ac & Remainder: 85 ac
Access (Direct):	Ironworks Road [KY-1973]
Access (Arterial):	N Yarnallton Pike

Variations/Waivers:

1. Variance to the separation distance between entrances of two adjacent five-to-ten-acre parcels from 300 feet to 275 feet.

BACKGROUND:

The application before the Planning Commission is a Final Subdivision Plat to subdivide a two 5-acre parcels and one 27.8-acre parcel from a 134-acre farm leaving an 85-acre remainder at the property addressed 2301 N Yarnallton Pike. This application is considered a major subdivision and is required to be reviewed by the Planning Commission because the property was previously subdivided after 1999.

The two 5-acre parcels will share use of a proposed entrance off Ironworks Road [KYDOT Permit 07-2019-00337], the one 27.8-acre parcel will use a proposed entrance off Ironworks Road [KYDOT Permit 07-2019-00334], and the remainder will have continued use of two existing farm entrances off Ironworks Road and N Yarnallton Pike. A variance is required for the entrance locations due to them being closer to one another than 300 feet.

Plat Review:

The proposed subdivision meets the requirements in the *Subdivision and Development Regulations*. All tracts show the required 50-foot setbacks on all property lines and have at least 250 feet of width at the building line. The Health Department will need to conduct a site evaluation for Parcels 8 and 9 to certify that an on-site septic system is feasible.

Access:

The plat shows two proposed entrances, one located along the shared property line between Parcels 8 and ("Entrance A") and one located south of an existing entrance to the larger farm ("Entrance B"). The Applicant is requesting a variance to the separate distance between driveways from 300 feet to 275 feet for the Entrance A.

Per the *Subdivision & Development Regulations*, every two adjacent five to ten-acre lots in one subdivision shall have shared access and access separation of at least 300 feet. While there is no conflict with this requirement between Entrance A and the existing farm entrance to the south, there is an entrance to a five-acre parcel (adjoining Parcel 8 to the north) which was subdivided from the Wilder Property that is 275 feet from the proposed entrance. Entrance A is located furthest south while still splitting the property line between Parcels 8 and 9. There is a sight distance greater than 250 feet north of the entrance along Ironworks Road and given this sight distance, Staff recommends in favor of granting this variance.

Entrance B is located 290 feet south of an existing farm entrance to the remainder. Given its size exceeding 10-acres, the separation distance requirement is not applicable. There are notes indicating which tracts have access to each easement. If so desired, the Applicant could remove the proposed entrance 290 feet south of the existing farm entrance and state that Parcel 10 and the remainder share the existing entrance. Any changes, if proposed, need to be noted on the final plat.

RECOMMENDATION:

Staff recommends **approval** of the Final Subdivision Plat. If the Planning Commission approves the application, staff recommends including the following waivers, variances, and conditions of approval:

Variance:

1. Variance to the separation distance between entrances of two adjacent five-to-ten-acre parcels from 300 feet to 275 feet.

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. Any revisions or amendments to the approved Preliminary Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
4. This Preliminary Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.

**TEVIS PROPERTY
FINAL SUBDIVISION PLAT**

**Staff Report to the Georgetown-Scott County Planning Commission
February 8, 2024**

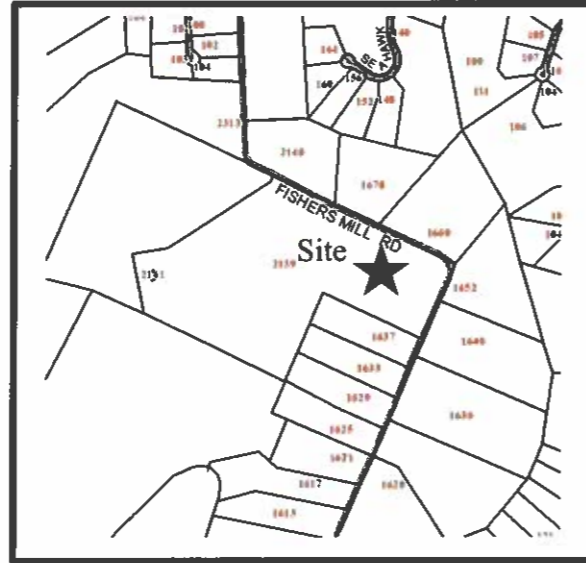
FILE NUMBER: FSP-2024-03

PROPOSAL: Final Subdivision Plat to divide one five-acre tract, leaving a 42.8-acre remaining tract.

LOCATION: 2139 Fishers Mill Road

APPLICANT: Tim & Diane Tevis

SURVEYOR: Bart Asher



STATISTICS:

Zone	A-1 (Agricultural)
Surrounding Zones	A-1 (Agricultural)
Acreage	Tract 11 (new): 5.00 acres Remainder: 42.8 acres
Proposed Use	Agricultural/Residential
Access	Fishers Mill Road
Variance Requested	None

BACKGROUND:

The subject property contains 47.2 acres and is located on Fishers Mill Road in southwestern Scott County. The subject property and land surrounding is zoned A-1, Agricultural. The proposed subdivision will create one new 5.00-acre tract with a proposed new entrance from Fishers Mill Road. The remaining 42.8-acre tract will continue to use the existing entrance from Fishers Mill Road.

This application is considered a major subdivision and is required to be reviewed by the Planning Commission because the property was previously subdivided after 1999. That plat required all further subdivisions to be approved by the full Planning Commission.

Plat Review:

The proposed subdivision meets all the dimensional and area requirements for the A-1 zone district. All tracts show the required 50-foot setbacks on all property lines and have at least 250 feet of width at the building line. The Health Department will need to conduct a site evaluation for the newly configured tract to certify that an on-site septic system is feasible but have not indicated any anticipated problems.

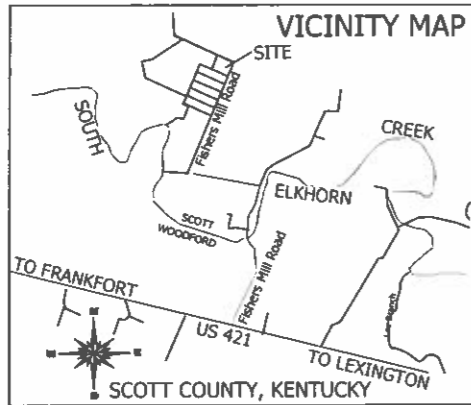
The surveyor has indicated there is at least 250 feet of sight distance in both directions at the proposed entrance. This is an acceptable sight distance for this road. The Planning Commission Engineer and County Road Supervisor will need to verify site distance at the proposed entrance location prior to Final Plat approval.

RECOMMENDATION:

Approve the Final Subdivision Plat to create one 5-acre tract leaving a remainder tract of 42.8 acres with the following conditions of approval:

Conditions of Approval:

1. Any future subdivisions, revisions, or amendments to the approved subdivision plat must be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
2. Proposed entrance location shall be approved by the Planning Commission Engineer and County Road Supervisor prior to Final Plat approval.
3. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
4. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved subdivision plat.
5. This preliminary subdivision plat is valid for a period of two years in accordance with Section 306 of the *Subdivision and Development Regulations*.



- ### LEGEND
- These standard symbols will be found in the drawing.
- BOUNDARY LINE
 - - - UTILITY LINE
 - - - BUILDING LINE
 - - - UTILITY ESMT
 - PIN MONUMENT FOUND (IPF)
 - POWER POLE
 - PIN MONUMENT SET (IPS)
 - ⊕ IRON SPIKE SET
 - ⊕ IRON SPIKE FOUND
 - △ MEANDER POINT

PURPOSE:
The purpose of this plat is to subdivide 1 tract (Tract 11) off of the parent tract.



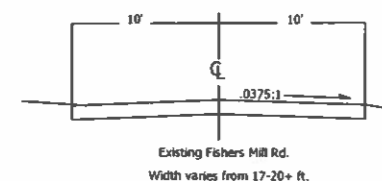
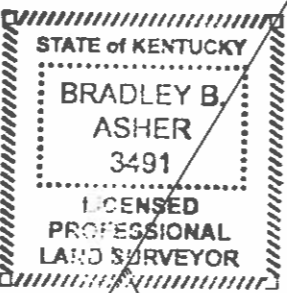
SURVEYORS CERTIFICATION
I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY ME OR PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDESHOTS. THIS IS A RURAL SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY HEREIN IS THE INDICATION OF THIS CLASS.

Bradley B. Asher
DATE: 1/23/24

UNLESS OTHERWISE NOTED, ANY MONUMENT REFERRED TO AS AN IRON PIN AND CAP SET IS A 1/2 INCH DIAMETER STEEL REBAR, EIGHTEEN INCHES IN LENGTH WITH A PLASTIC CAP IDENTIFIER STAMPED "B. ASHER 3491"

BUILDING SETBACKS
50 FT ON ALL SIDES
B.L. - BUILDING LINE
U.E. - UTILITY EASEMENT

SURVEY NOTES:
DATE OF SURVEY: 12/31/2023
DATE OF PLAT: 12/31/2023 - Rev 1/19/2024
CLASS OF SURVEY: THIS IS A RURAL SURVEY
ERROR OF CLOSURE: THE METHOD OF SURVEY WAS RANDOM TRAVERSE WITH SIDE SHOTS AND THE ERROR OF CLOSURE IS 1:67443
DEED SOURCE: DEED BOOK 220 PAGE 722
BASIS OF BEARINGS: GRID NORTH AS PER STATE PLANE COORDINATES, KY NORTH ZONE, NAD 83
TOTAL STATION - TOPCON GTS 3C
BEARINGS AND DISTANCES ARE NOT BASED ON AN ADJUSTED TRAVERSE
THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COMPLIES WITH 201 KAR 18:150
ALL MONUMENTS ARE ESTABLISHED BY TOTAL STATION
THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT DISCLOSE ALL INFORMATION DISCLOSED IN AN ACCURATE AND CURRENT TITLE REPORT.
THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR APPARENT.
BUILDINGS, ROADS, PONDS AND OTHER TOPOGRAPHIC INFORMATION MAY BE BASED ON AERIAL IMAGERY.



SITE STATISTICS
ZONING A-1 (AGRICULTURAL)
TOTAL SITE ACREAGE PARENT TRACT (TEVIS) = APPROX. 47.82 ACRES BEFORE DIVISION
TOTAL SITE ACREAGE PARENT TRACT (TEVIS) = APPROX. 42.82 ACRES AFTER DIVISION
TOTAL SITE ACREAGE TRACT 11 AFTER DIVISION = APPROX. 5.00 ACRES (INCLUDES AREA IN R/W EASEMENT)
TOTAL AREA IN RIGHT OF WAY EASEMENT = APPROX. 0.51 ACRES
ALL LOTS ZONED AGRICULTURAL

CERTIFICATION OF OWNERSHIP AND DEDICATION
I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat/plan of the development with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as shown, in accordance with the Georgetown-Scott County Subdivision and Development Regulations, unless otherwise noted.

1/23/24 *Tim & Dianne Tevis*
Date (signature of owner or owners)

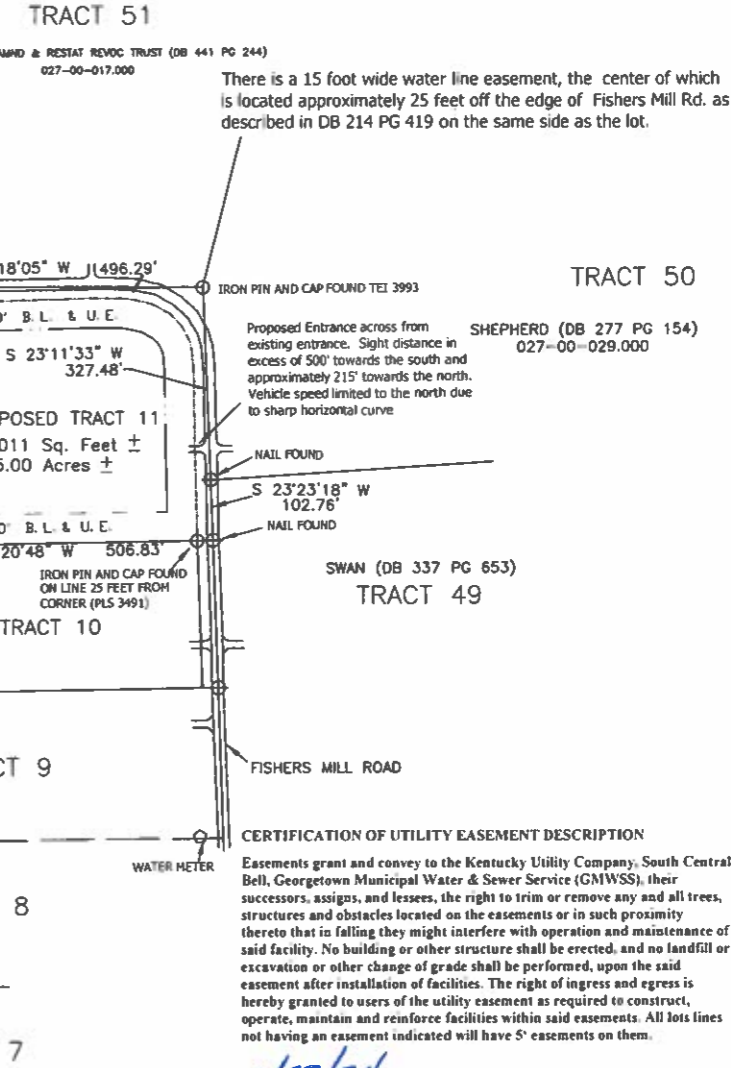
CERTIFICATE OF PRELIMINARY PLAT APPROVAL
I HEREBY CERTIFY THAT THE PRELIMINARY SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION AND DEVELOPMENT REGULATIONS FOR GEORGETOWN AND SCOTT COUNTY, KENTUCKY, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION. UPON CERTIFICATION OF THE COMMISSION ENGINEER OF THE APPROVAL OF THE WATER QUALITY PROTECTION PLAN AND ALL CONSTRUCTION PLANS, CONSTRUCTION MAY BEGIN.

DATE: _____
CHAIRMAN GEORGETOWN-SCOTT CO. PLANNING COMM.

CERTIFICATION FOR WATER ONLY SERVICE - Outside City Limits

I hereby certify that Georgetown Municipal Water & Sewer Service (GMWSS), by and through the City of Georgetown, KY, has facilities within the water distribution system to supply the property located at _____ with water service. Certification for water service outside the city limits of Georgetown, KY is limited to domestic service only. Fire flow protection is not guaranteed. Provision of development, construction, and service is contingent upon the developer obtaining a current approved Availability of Capacity Request from the GMWSS Board of Commissioners; and GMWSS review and approval of all plans and specifications for required on-site and off-site improvements including but not limited to water lines, elevated storage tanks, booster pump stations, and related appurtenances for the proposed system. Construction of the proposed water distribution system shall be at the cost of the developer without reimbursement by GMWSS and constructed according to GMWSS and Kentucky Division of Water approved plans and specifications. Easements required for the proposed water distribution system shall be acquired by the developer and dedicated to GMWSS.

Date
General Manager



There is a 15 foot wide water line easement, the center of which is located approximately 25 feet off the edge of Fishers Mill Rd. as described in DB 214 PG 419 on the same side as the lot.

Proposed Entrance across from existing entrance. Sight distance in excess of 500' towards the south and approximately 215' towards the north. Vehicle speed limited to the north due to sharp horizontal curve.

CERTIFICATION OF UTILITY EASEMENT DESCRIPTION
Easements grant and convey to the Kentucky Utility Company, South Central Bell, Georgetown Municipal Water & Sewer Service (GMWSS), their successors, assigns, and lessees, the right to trim or remove any and all trees, structures and obstacles located on the easements or in such proximity thereto that in falling they might interfere with operation and maintenance of said facility. No building or other structure shall be erected, and no landfill or excavation or other change of grade shall be performed, upon the said easement after installation of facilities. The right of ingress and egress is hereby granted to users of the utility easement as required to construct, operate, maintain and reinforce facilities within said easements. All lots lines not having an easement indicated will have 5' easements on them.

1/23/24 Date
Tim & Dianne Tevis
Owners

CERTIFICATE OF ACCURACY
I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Georgetown-Scott County Planning Commission and that the monuments have been placed as shown hereon to the specifications of the Planning Commission or other authorized officer.

1/23/24 (date), 2024
Bradley B. Asher
Registered Professional Surveyor

TEVIS PROPERTY REVISED PRELIMINARY SUBDIVISION PLAT TRACT 11

Owner/Developer of Parent Tract Tim & Dianne Tevis 2139 Fishers Mill Road Midway, Kentucky Ph: 502-863-4772	PROJECT: TEVIS		TRACT 11 OF THE DIANNE MILLS TEVIS PROPERTY DEED BOOK 220 PAGE 722 AND DEED BOOK 281 PAGE 564 2139 FISHERS MILL ROAD SCOTT COUNTY, KENTUCKY	
	SCALE: 1" = 100'			
DESIGNED BY	NAME	DATE		
DRAWN BY	ASHER	12/31/23		
REVISION DATE		1/19/24		
AS BUILTS				

BRADLEY BART ASHER SURVEYING SERVICES
LAND SURVEYING AND CIVIL ENGINEERING
1017 FISHERS MILL RD
MIDWAY, KENTUCKY
PHONE (602) 646-2685

**JACOBS PROPERTY
FINAL SUBDIVISION PLAT**

**Staff Report to the Georgetown-Scott County Planning Commission
February 8, 2024**

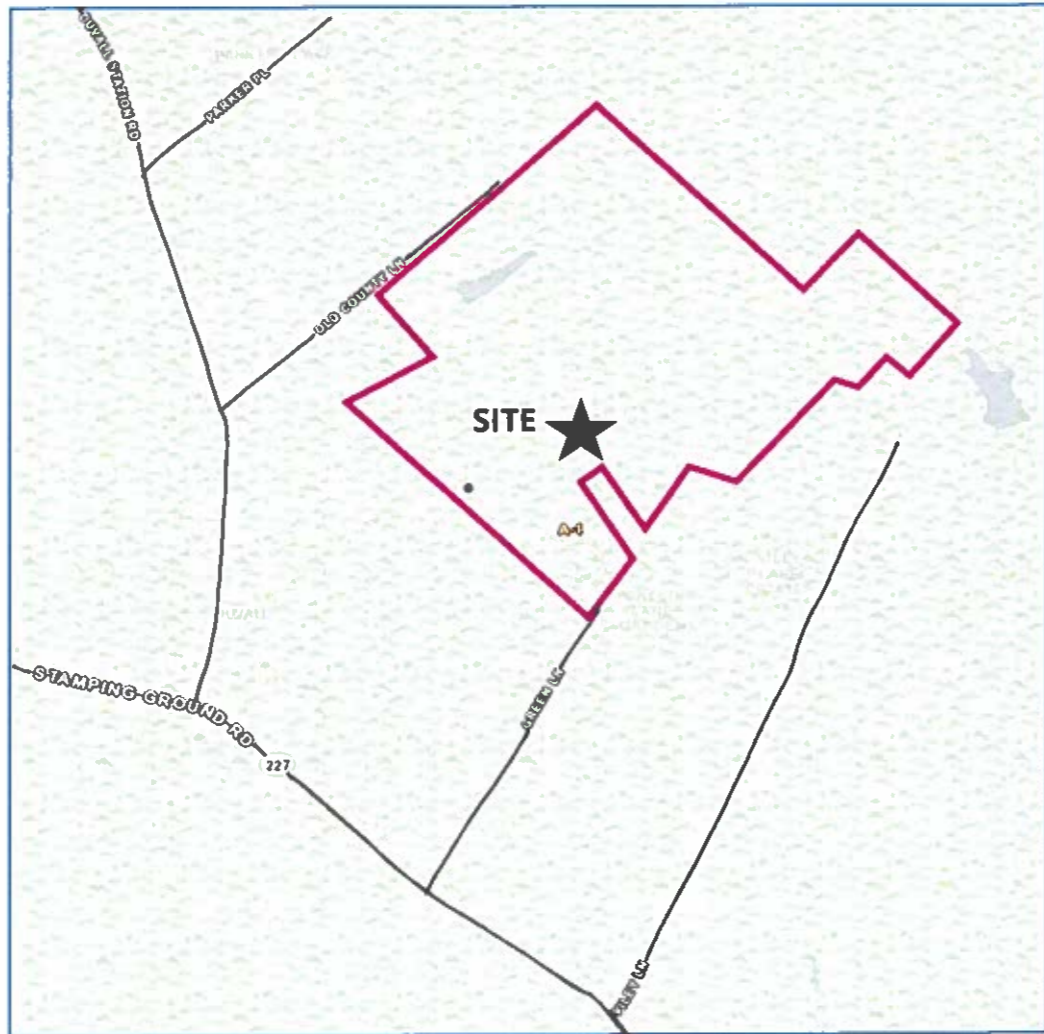
FILE NUMBER: FSP-2024-04

PROPOSAL: Final Subdivision Plat to subdivide one 5-acre tract from a 310-acre farm, leaving a 305-acre remainder

LOCATION: 157 Green Lane

OWNER: David Jacobs (Jacobs Farms LLC)

CONSULTANT: W. Tom Leach
Tom Leach Land Surveying



STATISTICS:

Zone:	A-1 (Agricultural)
Surrounding Zone:	A-1
Existing Farm Acreage:	310.4 acres
Proposed Subdivision Acreage:	Tract 1 : 5.0 acres, Remainder: 305.4 acres
Access (Direct):	Green Lane
Access (Arterial):	Stamping Ground Road [KY-227]
Variances/Waivers:	None

BACKGROUND:

The application before the Planning Commission is a Final Subdivision Plat to subdivide one 5-acre tract from a 310-acre farm, leaving a 305-acre remainder at the property addressed 157 Green Lane. This application is considered a major subdivision and is required to be reviewed by the Planning Commission because the property was previously subdivided after 1999.

Plat Review:

The proposed subdivision meets the requirements in the *Subdivision & Development Regulations*. All tracts show the required 50-foot setbacks on all property lines and have at least 250 feet of width at the building line. The Health Department will need to conduct a site evaluation for the newly configured tracts to certify that an on-site septic system is feasible.

Access:

Tract 1 is proposed to use an existing entrance and access easement for an existing 5-acre parcel to the south. Green Lane is a county-maintained road, so any new entrances require review and approval by the County Roads Superintendent.

RECOMMENDATION:

Staff recommends **approval** of the Final Subdivision Plat. If the Planning Commission approves the application, staff recommends including the following waivers, variances, and conditions of approval:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. Any revisions or amendments to the approved Preliminary Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
4. This Preliminary Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.

**BALL INVESTMENTS PROPERTY
FINAL SUBDIVISION PLAT**

**Staff Report to the Georgetown-Scott County Planning Commission
February 8, 2024**

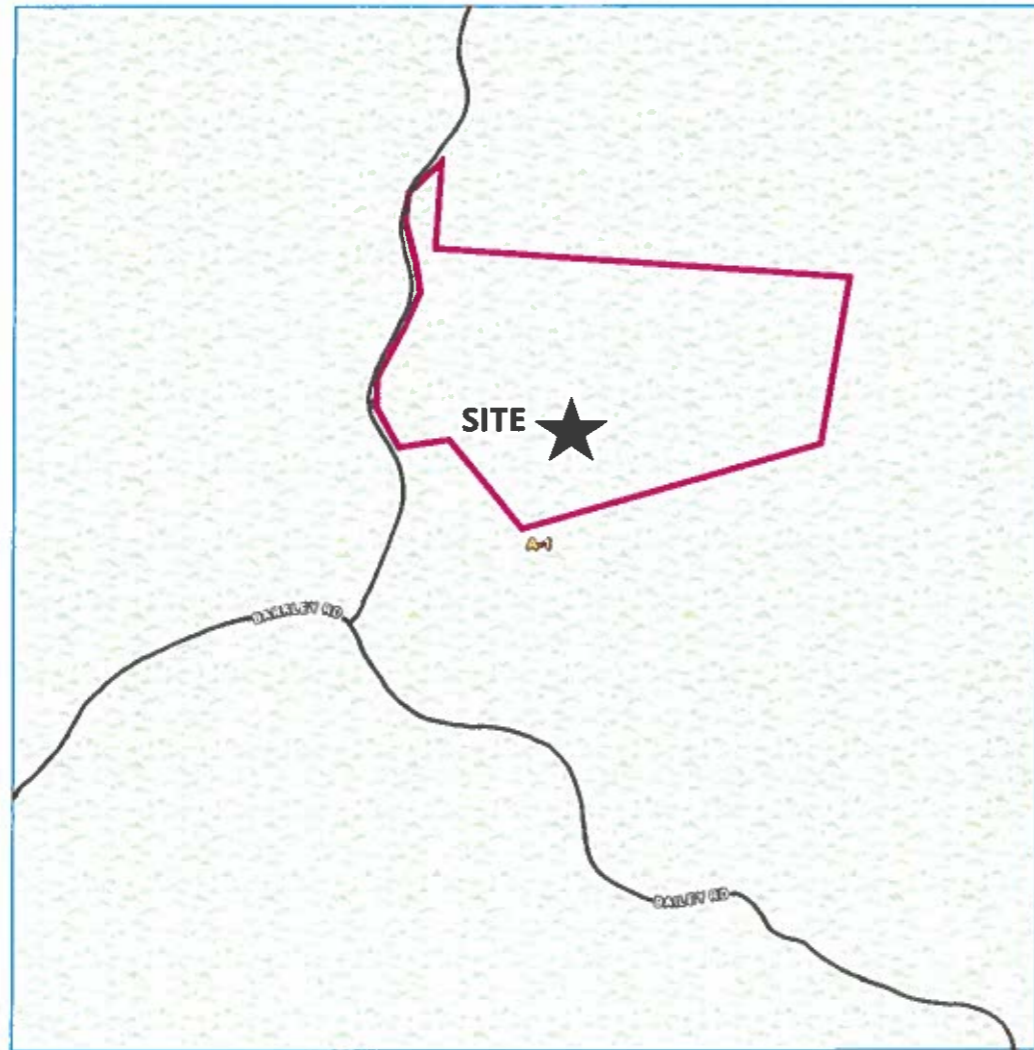
FILE NUMBER: FSP-2024-05

PROPOSAL: Final Subdivision Plat to subdivide a 51-acre farm into four parcels

LOCATION: Barkley Road

OWNER: Marvin Ball, Ball Investments LLC

CONSULTANT: Pat Darnell, Darnell Engineering



STATISTICS:

Zone:	A-1 (Agricultural)
Surrounding Zone:	A-1
Existing Farm Acreage:	51.25 acres
Proposed Subdivision Acreage:	Parcel 1 (Remainder): 13.18 ac, Parcel 2: 12.03 ac, Parcel 3: 11.48 ac, & Parcel 4: 12.75 ac
Access (Direct):	Barkley Road
Access (Arterial):	Barkley Road
	0.2 miles North of Barkley Road – Bailey Road Intersection
Variances/Waivers:	None

BACKGROUND:

The application before the Planning Commission is a Final Subdivision Plat to subdivide one 51.25-acre farm into four parcels measuring 13.18-acres, 12.03-acres, 11.48-acres, and 12.75-acres of a property accessed off Barkley Road, north of the Barkley Road – Bailey Road Intersection. This application is considered a major subdivision and is required to be reviewed by the Planning Commission because the total number of proposed parcels exceeds three.

Plat Review:

The proposed subdivision meets the requirements in the *Subdivision & Development Regulations*. All tracts show the required 50-foot setbacks on all property lines and have at least 250 feet of width at the building line.

Access:

Parcels 2, 3, and 4 are proposed to each have their own entrance off Barkley Road, with Parcel 1 using an existing entrance off Barkley Road. All parcels exceed the lot size required for 300 feet of separation between entrances (as each measure greater than 10-acres). After reviewing the entrance locations, there is concern about the sight distance when looking south from Parcel 2's entrance. The Applicant has agreed to clear enough trees to obtain the necessary minimum of 250 feet of sight distance. Barkley Road is a county-maintained road, so any new entrances require review and approval by the County Roads Superintendent.

RECOMMENDATION:

Staff recommends **approval** of the Final Subdivision Plat. If the Planning Commission approves the application, staff recommends including the following waivers, variances, and conditions of approval:

Conditions of Approval:

1. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
2. Any revisions or amendments to the approved Preliminary Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
3. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
4. This Preliminary Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.
5. All new entrances require County Roads Superintendent approval. The Applicant shall clear enough trees to obtain the necessary 250 feet of sight distance minimum prior to Final Plat approval.

**944 E. MAIN STREET DRAKE AND DITARDI
PRELIMINARY SUBDIVISION PLAT**

**Staff Report to the Georgetown-Scott County Planning Commission
February 8, 2024**

FILE NUMBER: PSP-2024-06

PROPOSAL: Preliminary Subdivision Plat to subdivide the combined commercially zoned property into 7 lots.

LOCATION: NW corner of East Main and McClelland Circle.

OWNER: Drake and Ditardi

CONSULTANT: Keith Winstead, Thoroughbred Engineering



STATISTICS:

Zone	B-2/B-5 (Highway Commercial/Planned Commercial Park) C-1(Conservation)
Surrounding Zones	B-2/B-5/C-1
Site Acreage	33.74 acres (zoned B-2/B-5 and C-1)
Access	McClelland Circle, East Main Street
VariANCES/Waivers	None

BACKGROUND:
The application before the Planning Commission is a Preliminary Subdivision Plat to subdivide the commercial area northwest of the intersection of East Main extended and McClelland Circle. The site currently exists as a large 33.74-acre parcel with split commercial (B-2/B-5) and Conservation (C-1) zoning. The application proposes to subdivide the property into seven (7) lots as part of the planned commercial development of this area.

The Planning Commission recently approved a Preliminary Development plan for one of the proposed lots (Lot 7) for a Wawa Convenience Store/Gas Station. Commercial Lots #3, 4, 5 and 6 include some split zoning of B-2 and B-5 and some C-1 area. It is recommended that the zoning be corrected to provide for only one commercial zone on the lots, either B-2 or B-5. A zoning map amendment is required before commercial lots 3-6 are usable or could be developed for commercial uses.

LAYOUT:

The existing streets providing access to this site are: East Main Street (City) and McClelland Circle (KYTC). The plat shows a private street and commercial driveway will be providing access to lots 2 thru 6. Lot 1 could be accessed directly from East Main Street.

ACCESS & CIRCULATION:

The Applicant did previously provide a traffic study for the development taking into account the future commercial components of this project. The applicant has agreed to install all required improvements at the two entrances to the project and to the intersection of East Main Street and McClelland Circle as stipulated in the previous Preliminary Development Plan approval for the WaWa project proposed on lot 7.

The existing private street/driveway providing access to this site will need to be constructed and all utility and access easements dedicated before platting and development of the individual lots. Each lot once created and plated will require Development Plan approval prior to construction of commercial buildings on the lots. The private street will require a maintenance agreement at the time of platting.

The applicant is requesting early mass grading and infrastructure/utility work be approved on the site for the future commercial lots. Staff is in support of approval of early grading and shared infrastructure and utility installation. This will allow the shared access and utilities to be installed to allow for the platting of the individual lots. A Preliminary and Final Development Plan will still be required for review and approval by the Planning Commission Board and staff for the individual lots prior to development.

RECOMMENDATION:

Staff recommends **Approval** of the Preliminary Subdivision Plat with the following variances and conditions of approval:

Conditions of Approval:

1. Road improvements required to serve the development shall be constructed at the applicant's expense, and shall be included as part of Final Development Plan approval. Access and utilities shall be in place prior to Final Plat approval of the individual commercial lots. Early grading and utility installation shall be permitted after staff approval of plans and payment of fees and issuance of grading and land disturbance permit.
2. Commercial lots 3-6 shall not be platted until a rezoning occurs amending the commercial zone line to be contiguous with the lot boundaries.
3. All applicable requirements of the *Zoning Ordinance* and *Subdivision & Development Regulations*.
4. Any revisions or amendments to the approved Preliminary Subdivision Plat shall be reviewed and approved by the Planning Commission staff (minor) or by the Planning Commission (major).
5. Prior to (as part of) the Final Subdivision Plat approval, the applicant shall provide the Planning Commission staff (GIS division) with a digital copy of the approved plat.
6. This Preliminary Subdivision Plat approval is valid for two years, subject to the requirements of Article 306 section A of the *Subdivision and Development Regulations*.
7. All applicable requirements of the Georgetown Fire Department.
8. All applicable requirements of Georgetown Municipal Water and Sewer Service.

PLOT DATE: 1/23/2024 10:01 AM
C:\USERS\CTIPTONDOR\BOX (RTCS)\THOROUGH-BRED ENGINEERING\ACTIVE PROJECTS\944 E MAIN 900 E MAIN DEARINGER DR\DR\SUBDIVISION PLAT_02.DWG



VICINITY MAP

PURPOSE

THE PURPOSE OF THIS PLAT IS TO ILLUSTRATE THE SUBDIVISION OF WB 006, PG 350 THE PROPERTY LOCATED AT 944 E MAIN ST EXT, GEORGETOWN, KY 40324, INTO THE FOLLOWING SEVEN PARCELS.

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAT/PLAN OF THE DEVELOPMENT WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS SHOWN, IN ACCORDANCE WITH THE GEORGETOWN-SCOTT COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS, UNLESS OTHERWISE NOTED.

Table with columns: OWNER OR OWNERS, DATE

CERTIFICATION OF GIS DEPARTMENT APPROVAL

I HEREBY CERTIFY THAT THE DEVELOPMENT PLAN OR SUBDIVISION PLAT SHOWN HAS BEEN REVIEWED AND FOUND TO COMPLY WITH THE DIGITAL SUBMITTAL REQUIREMENTS SET FORTH IN THE SUBDIVISION AND DEVELOPMENT REGULATIONS.

Table with columns: GIS ANALYST/TECHNICIAN, GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION, DATE

CERTIFICATION OF UTILITY EASEMENT DESCRIPTION

EASEMENTS GRANT AND CONVEY TO THE KENTUCKY UTILITY COMPANY, GEORGETOWN MUNICIPAL WATER & SEWER SERVICE (GMWSS), COLUMBIA GAS OF KY, AT&T, THEIR SUCCESSORS, ASSIGNS, AND LESSEES, THE RIGHT TO TRIM OR REMOVE ANY AND ALL TREES, STRUCTURES AND OBSTACLES LOCATED ON THE EASEMENTS OR IN SUCH PROXIMITY THERE TO THAT IN FALLING THEY MIGHT INTERFERE WITH OPERATION AND MAINTENANCE OF SAID FACILITY. NO BUILDING OR OTHER STRUCTURE SHALL BE ERRECTED, AND NO LANDFILL OR EXCAVATION OR OTHER CHANGE OF GRADE SHALL BE PERFORMED, UPON THE SAID EASEMENT AFTER INSTALLATION OF FACILITIES. THE RIGHT OF INGRESS AND EGRESS IS HEREBY GRANTED TO USERS OF THE UTILITY EASEMENT AS REQUIRED TO CONSTRUCT, OPERATE, MAINTAIN AND REINFORCE FACILITIES WITHIN SAID EASEMENTS. ALL LOTS LINES NOT HAVING AN EASEMENT INDICATED WILL HAVE EASEMENTS ON THEM.

Table with columns: OWNER, DATE

CERTIFICATE OF ACCURACY

I DO HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY. THE ACCURACY REQUIRED BY THE SCOTT COUNTY/GEORGETOWN PLANNING AND ZONING COMMISSION AND AN URBAN CLASS SURVEY THE MONUMENTS ARE AS SHOWN METHOD OF SURVEY WAS CONDUCTED BY GPS "RTK" (REAL TIME KINEMATIC) POSITIONAL ACCURACY IS LESS THAN 10 TO 200 PPM. THE HORIZONTAL DATUM IS NAD 1983. THE BEARINGS SHOWN HEREON ARE BASED ON THE KENTUCKY NORTH ZONE STATE PLANE COORDINATE SYSTEM DERIVED FROM A GPS SURVEY. THE DIRECTIONS AND DISTANCES SHOWN ON THE PLAT ARE NOT BASED ON AN ADJUSTED SURVEY. ALL PROPERTY CORNERS INDICATED HAVE BEEN MONUMENTED WITH AN IRON PIN (1" LENGTH, 5/8" DIAMETER) AND CAP STAMPED #3870 UNLESS OTHERWISE NOTED HEREON.

08-16-2023

KEITH S. WHISTEAD, PLS 3870 THOROUGH-BRED ENGINEERING PO BOX 481 LEXINGTON, KY 40568 PHONE: (859) 786-0383

ADDITIONAL SURVEYOR'S NOTES

- 1) METHODOLOGY: THE BOUNDARY SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND IS AN URBAN CLASS SURVEY THE MONUMENTS ARE AS SHOWN METHOD OF SURVEY WAS CONDUCTED BY GPS "RTK" (REAL TIME KINEMATIC) POSITIONAL ACCURACY IS LESS THAN 10 TO 200 PPM. THE HORIZONTAL DATUM IS NAD 1983. THE BEARINGS SHOWN HEREON ARE BASED ON THE KENTUCKY STATE PLANE NORTH ZONE COORDINATE SYSTEM DERIVED FROM A GPS SURVEY. THE DIRECTIONS AND DISTANCES SHOWN ON THE PLAT ARE NOT BASED ON AN ADJUSTED SURVEY. ALL PROPERTY CORNERS INDICATED HAVE BEEN MONUMENTED WITH A 5/8" IRON PIN (1" LENGTH, 5/8" DIAMETER) AND CAP STAMPED PLS #3870 UNLESS OTHERWISE NOTED HEREON.
- 2) ACCURACY: THE TRIMBLE R12 RECEIVER HAS A STATED VERTICAL ACCURACY OF +/- 10 CM AND THE QUANTUM F90+ DRONE IS +/- 1 CM.
- 3) CURRENCY: DATA REGARDING UTILITIES WERE OBTAINED FROM OTHERS.
- 4) DUE TO THE ABOVE, THOROUGH-BRED ENGINEERING, ASSUMES NO LIABILITY WITH REGARD TO INFORMATION PERFORMED BY OTHERS SHOWN OR OTHERWISE INFERRED. NOTHING CONTAINED HEREIN SHALL BE HELD AS A LEGAL WARRANTY, EXPRESSED OR IMPLIED.
- 5) THE FEMA FLOOD MAP FOR THE SELECTED AREA IS NUMBER 21200C01830, EFFECTIVE ON 12/21/2017.
- 6) ZONING, BUILDING, HEIGHT, PARKING, LANDSCAPE, SCREENING, USES, AND SETBACK REQUIREMENTS FOR THE SELECTED AREAS CAN BE FOUND IN SCOTT COUNTY, KENTUCKY.

SURVEY NOTES

SURVEY PERFORMED BY: THOROUGH-BRED CLASS A SURVEY (URBAN)

ENGINEERING EQUIPMENT: TRIMBLE R12 GNSS RECEIVER TRIMBLE TSC7 DATA COLLECTOR QUANTUM F90+ DRONE

COORDINATE SYSTEM: KY NORTH BASE NAD 83 VERTICAL BASED ON NAVD88

Site Statistics: PVA #: 190-30-050.000 #190-30-050.001

Zoning: B-2, B-5 & C-1 Property Size: 33.74 Acres Setbacks: Front: 50' C-1 Front: 50' B-2 Side: 50' B-5 Side: 0' Rear: 50' B-5 Rear: 0'

PROPERTY OWNER: DRAKE & DITARDI PARTNERSHIP C/O PHILLIP DRAKE 11211 N 44TH CT PHOENIX, AZ 85028-3006

PROPERTY LOCATION: 944 E. MAIN ST GEORGETOWN, KY 40324-8540 WB 6, PG 350 PC 12, SL 346 PC 12, SL 267

NOTES

1. PLAT IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAY OF RECORD WHETHER DEPICTED HEREIN OR NOT.

FLOOD PLAIN NOTES

- 1. NO FENCES OR PERMANENT STRUCTURES WILL BE ALLOWED IN THE FLOODPLAIN.
- 2. FLOODPLAIN LINE IS FROM FIRM PANEL 21200C-0181-D WITH EFFECTIVE DATE DECEMBER 21, 2017.

SURVEYOR NOTES

- 1) ANY FURTHER DIVISION OF THE PROPERTIES SHOWN HEREON WILL REQUIRE REVIEW AND APPROVAL OF "350P" THE GEORGETOWN SCOTT COUNTY PLANNING COMMISSION.
- 2) PROPERTY IS SUBJECT TO ANY EASEMENTS OF RECORD NOT SHOWN HEREON.

PRIVATE STREET/ACCESS EASEMENT MAINTENANCE NOTE

THE OWNER/OWNERS OF THIS PROPERTY AND ANY SUCCESSORS IN TITLE AGREE TO ASSUME FULL LIABILITY AND RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE, RECONSTRUCTION, SHOW REMOVAL, CLEANING OR ANY OTHER NEEDS RELATED TO THE PRIVATE STREET/ACCESS EASEMENT SHOWN ON THIS DEVELOPMENT PLAN/PLAT. THIS AGREEMENT RELIEVES THE CITY OF GEORGETOWN/CITY OF STAMPAING GROUND/CITY OF SADVILLE/SCOTT COUNTY GOVERNMENT FROM ANY SUCH RESPONSIBILITIES IF THE OWNER/OWNERS REQUEST THAT THE PRIVATE STREET/ACCESS EASEMENT BE DEDICATED AS PUBLIC STREETS. THE OWNER/OWNERS BEAR THE FULL EXPENSE OF ANY RECONSTRUCTION REQUIRED TO COMPLY WITH CITY/COUNTY STANDARDS PRIOR TO DEDICATION AND ACCEPTANCE AND ALL CONDITIONS OUTLINED IN SECTION 4. D HAVE BEEN MET.

Table with columns: OWNER, DATE

Table with columns: OWNER, DATE

CERTIFICATION OF PRELIMINARY PLAT APPROVAL

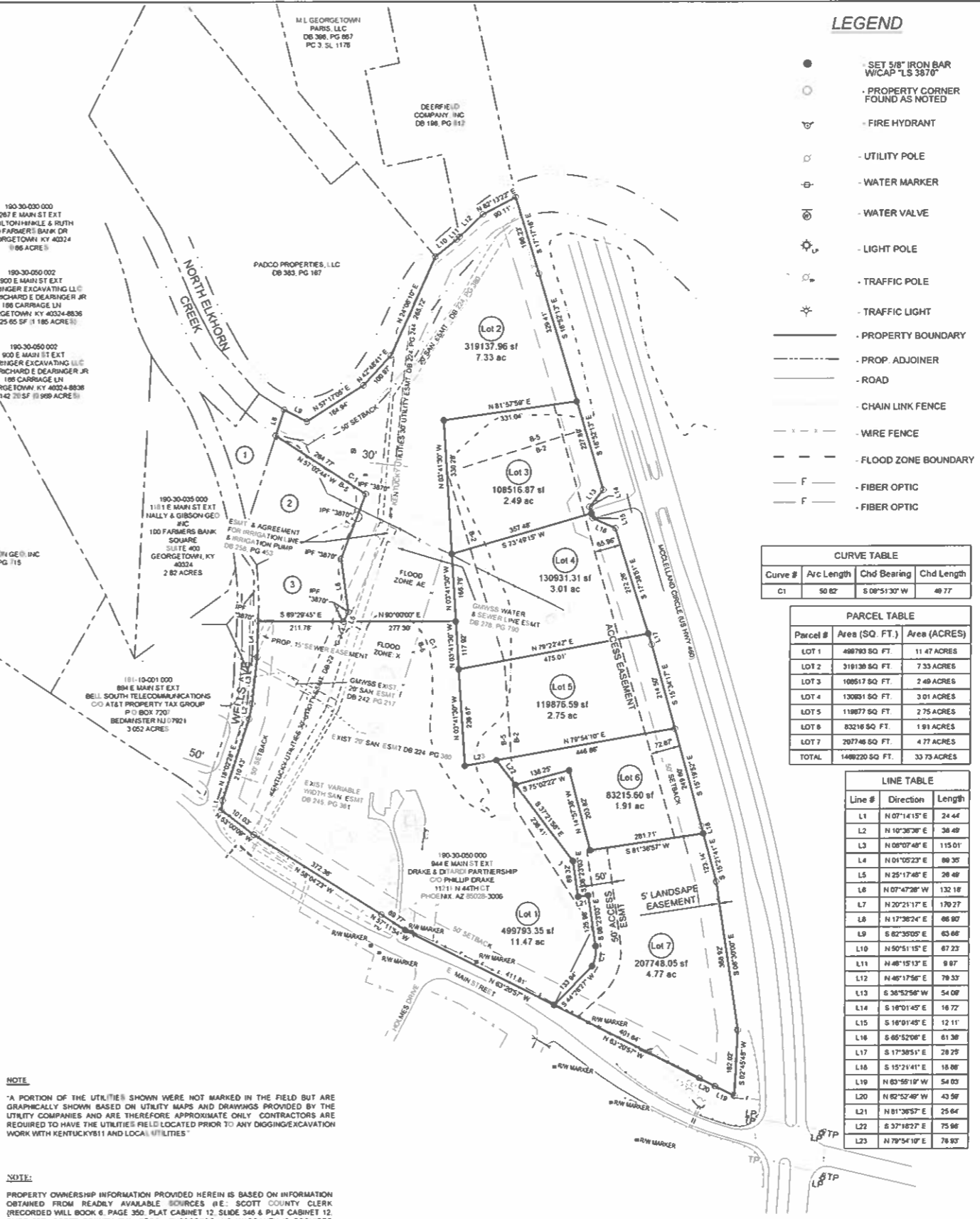
I HEREBY CERTIFY THAT THE PRELIMINARY SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION AND DEVELOPMENT REGULATIONS FOR GEORGETOWN AND SCOTT COUNTY, KENTUCKY, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION UPON CERTIFICATION OF THE COMMISSION ENGINEER OF THE APPROVAL OF THE WATER QUALITY PROTECTION PLAN AND ALL CONSTRUCTION PLANS. CONSTRUCTION MAY BEGIN.

Table with columns: CHAIRMAN, GEORGETOWN-SCOTT COUNTY PLANNING COM, DATE

CERTIFICATION OF PRELIMINARY PLAN APPROVAL

I HEREBY CERTIFY THAT THE PRELIMINARY DEVELOPMENT PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION AND DEVELOPMENT REGULATIONS FOR GEORGETOWN AND SCOTT COUNTY, KENTUCKY, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION. THIS APPROVAL DOES NOT CONSTITUTE APPROVAL TO BEGIN CONSTRUCTION OR OBTAIN A BUILDING PERMIT.

Table with columns: CHAIRMAN, GEORGETOWN-SCOTT COUNTY PLANNING COM, DATE



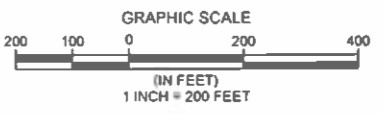
LEGEND

- SET 5/8" IRON BAR W/CAP "LS 3870"
- PROPERTY CORNER FOUND AS NOTED
- ⊕ FIRE HYDRANT
- UTILITY POLE
- ⊖ WATER MARKER
- ⊕ WATER VALVE
- ⊕ LIGHT POLE
- ⊕ TRAFFIC POLE
- ⊕ TRAFFIC LIGHT
- PROPERTY BOUNDARY
- - - PROP. ADJOINER
- - - ROAD
- - - CHAIN LINK FENCE
- - - WIRE FENCE
- - - FLOOD ZONE BOUNDARY
- F FIBER OPTIC
- F FIBER OPTIC

CURVE TABLE with columns: Curve #, Arc Length, Chd Bearing, Chd Length

PARCEL TABLE with columns: Parcel #, Area (SQ. FT.), Area (ACRES)

LINE TABLE with columns: Line #, Direction, Length



THOROUGH-BRED DESIGN | ENGINEER | CONSTRUCT
PRELIMINARY SUBDIVISION PLAT
DRAKE & DITARDI PARTNERSHIP
944 E. MAIN ST.
GEORGETOWN, SCOTT COUNTY, KENTUCKY
PROJECT NO 000000 DRAWN BY CBT
DATE 1/22/24 REVIEWED BY KGW
ISSUED FOR REVIEW
REVISION ORIG DATE 1/22/24
PLAT SHOWN HEREON REPRESENTS A BOUNDARY SURVEY AND COMPLES WITH 201 KAR 18 150

**BYLAWS
OF THE
GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION**

ARTICLE I. OBJECTIVES: The objectives and purposes of the Georgetown-Scott County Planning Commission, are those set forth in Kentucky Revised Statutes Chapter 100, as amended, and otherwise provided by law, and as determined by actions of the Scott County Fiscal Court, the Georgetown City Council, the Stamping Ground City Council, and the Sadieville City Council by Ordinance of record in the Scott County Court Book K-9, Page 59 of February 13, 1970.

ARTICLE II. OFFICERS AND THEIR DUTIES:

SECTION 1. The officers of the Planning Commission shall consist of a Chair, Vice-Chair, and a Secretary.

SECTION 2. The Chair shall be the presiding officer at all meetings and hearings of the Planning Commission, except as otherwise provided, and shall perform his, or her duties, guided by *Robert's Rules of Order* subject to applicable State and local law.

SECTION 3. The Chair's general duties are: to open and call all Commission meetings to order; to announce the business to be conducted; to recognize members entitled to the floor; to state and put to vote all questions, properly before the Commission in the course of Commission proceedings; and to announce the results of all votes, to make proceedings as efficient as possible; to maintain order in meetings; to determine points of order pertinent to pending business; and to authenticate, by signature when necessary, all acts, orders, and proceedings of the Commission. On all votes, the Chair's vote shall be cast last so as to limit the appearance of undue influence by the Chair on the votes of other members.

SECTION 4. The Chair shall be a citizen-member of the Commission. He, or she shall conduct business only for the benefit of the Commission and the public trust, which it serves, reflecting no personal prejudice in any matter.

SECTION 5. The Vice-Chair shall assist the Chair in any way possible subject to the Chair's request. Upon the absence of the Chair, the Vice-Chair shall preside.

SECTION 6. The duties of the Secretary are as follows: to keep records and minutes of each meeting or hearing of the Commission; to keep a roll of the members and to call this roll when required; to notify officers and committees of their appointment and

to furnish committees with all papers and other material referred to them; to insure compliance with the current Accounting Policies and Procedures, unless otherwise specified by the Chair; to record the number of votes for and against each question put to vote; to indicate absences or disqualifications from voting, when a question is put to vote; and other duties, which may be assigned by proper Commission action .

The duties of the Secretary may be assigned to a person or persons, who are not members of the Commission.

SECTION 7. Executive Committee. The Executive Committee, to be designated at the regularly held meeting in March, shall be made up of the Chair, Vice-Chair, and three other appointed commissioners. At least two members shall be from city appointed seats and at least two members shall be from county appointed seats. The joint city/county appointee may be appointed to the Executive Committee as either representative of either the City or County. Appointment to the Executive Committee shall be for a term of one (1) year. Its purpose shall be to assist the Director in management of official business between regular meetings of the Commission.

Such duties shall include:

- A. May make such decisions, which cannot wait to be put before the entire membership of the Commission, and as are required to maintain administrative decisions of the Commission office, excluding substantive planning and zoning decisions prescribed to the entire Commission. If the Executive Committee cannot reach a decision by simple majority, then the matter shall be heard by the full Commission.
- B. To assist the Director with budget preparations and an overall work program for the following fiscal year.
- C. To assist the Director in reviewing proposed budget changes, contracts and/or consulting and professional service agreements for approval.
- D. To assist the Director in administration of personnel policies within the Commission's Employee Handbook, including recommendation of potential disciplinary action against an employee.
- E. To serve as an appeals and/or interpretation board on staff decisions, upon request by an applicant or Director, as described in the Georgetown-Scott County Subdivision and Development Regulations.

- F. The Executive Committee minutes shall be included in the Planning Commission packet no later than the second regular Commission meeting following the Committee for which the minutes were taken.
- G. Compensation to the members of the Executive Committee, if any, shall be determined according to the Commission's adopted annual budget.

ARTICLE III. NOMINATION AND ELECTION OF OFFICERS:

SECTION 1. Nominations of officers shall be made at the regularly held meeting in March. All officers shall be eligible for re-election at the expiration of their office.

SECTION 2. Election of officers shall take place immediately following nominations.

SECTION 3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be elected and shall serve for a term of one (1) year, or until a successor shall take office.

ARTICLE IV. MEMBERSHIP:

SECTION 1. Appointments, removals and vacancies shall be accomplished according to State law.

SECTION 2. When a vacancy occurs other than through expiration of the term of membership, it shall be filled for the remainder of that term according to State law.

ARTICLE V. MEETINGS:

SECTION 1. Regular Meetings. Meetings shall be held at the date, time and location established from time to time by the Commission, according to law.

SECTION 2. Quorum. A quorum is a simple majority of the Commission's nine (9) members. For the purpose of establishing quorum, a member shall not be counted if he, or she is disqualified under Article VII from participation on a particular question, or agenda item.

SECTION 3. Vote Necessary for Action.

(A) A simple majority vote of a quorum shall be necessary to transact any official business.

(B) A simple majority vote of the total required membership of the Commission shall be necessary to adopt or amend the Commission's bylaws.

(C) Action taken in the adoption and recommendation of Comprehensive Plan goals and objectives, or supporting sections, shall be governed by applicable State law.

SECTION 4. Special meetings. Special meetings may be called by the Chair. Special meetings shall be called by the Chair upon written request by five (5) members [quorum] of the Commission. The Chair shall notify in writing all members of the Commission according to State law. This notice shall contain the date, time, place, and subject of discussion. Pursuant to State law, a notice of a special meeting shall specify the purposes for which that meeting is called. No other business shall be considered.

SECTION 5. Open Meetings. All meetings and hearings at which official action is taken shall be open to the general public, except where closed session is appropriate under KRS Chapter 61, and subject to notice requirements in Article X of these bylaws.

ARTICLE VI. ORDER OF BUSINESS:

SECTION 1. The order of business at regular meetings shall be:

(A) Administration of oath may be administered by the presiding officer or anyone qualified as a Notary Public in the Commonwealth of Kentucky, (B) Roll call, (C) Approval of monthly invoices, (D) Approval of previous meeting's minutes (E) Approval of current meeting's agenda, (F) Approval of items for postponement and withdrawal, (G) Approval of the consent agenda items, (H) Old business, (I) New business, (J) Other business, (K) Adjournment.

ARTICLE VII. CONFLICT OF INTEREST:

SECTION 1. Disqualification. A Commission member having a direct, or indirect financial interest in the outcome of any question before the Commission shall not participate in the discussion on the matter. That member shall not be counted for purposes of determining the existence of a quorum necessary to hear and act on that matter.

SECTION 2. Definition. Direct or indirect financial interest shall include financial interest of members of the Commissioner's family in direct line (grandparents,

children, siblings, etc.) and siblings of parents. Examples of Commission actions that constitute direct or indirect financial interest include but are not limited to:

- A. A development proposal for a property in which a Commissioner has financial interest.
- B. A policy decision which will substantially affect the development potential of a property in which a Commissioner has financial interest.
- C. A development proposal or policy which will result in known financial benefit (e.g., through contract or employment) from related activities.
- D. A development proposal that would provide a direct financial competition with a development in which the Commissioner has financial interest.
- E. A development proposal that would substantially impact the value of a nearby property in which the Commissioner has a financial interest.

These examples provide guidelines for conflict of interest determination.

SECTION 3. Procedure. A Commissioner with a potential conflict of interest shall disclose the nature of that interest to the Chair at such time as he, or she becomes aware of it. The Chair shall state for the record the disqualifications of the member at the beginning of the discussion or hearing on the matter in which the potential conflict arose.

Any person during the course of a Commission meeting can raise the issue of a Commissioner's conflict of interest. At the time the conflict of interest is asserted, the Chair shall suspend the discussion, or hearing until the question of conflict is resolved. If the Commissioner acknowledges a conflict, he or she shall be disqualified under Section 1. Upon the Commissioner's disqualification, the meeting shall continue if a quorum is present. If there is no quorum, the discussion or hearing shall be continued until such time as a quorum is present.

If the Commissioner denies the existence of a conflict, the Chair may rule on the question and upon ruling, take appropriate action under these bylaws. In the event there is insufficient information upon which the Chair may rule, he or she shall conduct an evidentiary hearing before the Commission. At the close of the evidence the Commission shall vote either "Yes, there is a conflict" or "No, there is no conflict" under these bylaws. Upon completion of the vote the Chair shall take appropriate action. After resolution of the assertion of conflict of interest, the discussion or hearing shall be resumed.

SECTION 4. Non-financial Conflict of Interest. A Commissioner shall also be disqualified, or shall abstain, under the same rules as in Sections 1 and 3, for cause, defined as the apparent inability to render an impartial decision. In no event shall a Commissioner speak for, or against a matter before the Commission as a representative of any organization other than the Planning Commission.

SECTION 5. Occurrence of Conflict of Interest After Commission Action. This section applies when the issue of conflict of interest is raised by any person after the Commission has taken final action on a matter. The Chair shall determine whether the assertion of conflict of interest, if true, would have, more likely than not, affected the outcome of the Commission's prior action. If it appears that the conflict, if true, would not have affected the outcome, the Chair shall report the assertion of conflict and his, or her determination to the Commission. The Commission on motion and second with majority vote may override the Chair's finding and set the matter for evidentiary hearing.

If it appears that the conflict, if true, would have affected the outcome, the Chair shall report the assertion of conflict to the Commission and schedule a hearing before the Commission on the question of whether the conflict of interest existed at the time of the prior action and whether it affected the prior Commission action. If the Commission, after evidentiary hearing, finds that the conflict did affect the prior Commission action the record of that determination shall be forwarded to the appropriate legislative body for inclusion in the record of the prior action of the Commission.

SECTION 6. Guidance from the APA. The Chair and the Commission shall seek guidance from the APA's "Ethical Principles in Planning," adopted in May 1992, in determining the existence of conflicts of interest. See Appendix One, below.

ARTICLE VIII. ADMINISTRATION OF FUNDS:

SECTION 1. The Commission shall have the right to administer funds as set out according to State law and within the Accounting Policies and Procedures.

SECTION 2. The Commission shall undertake an annual audit in accordance with Kentucky Revised Statute 100.177 and according to accepted practices for like agencies, including presentation to the Commission and their adoption of a report outlining the findings and recommendations of that audit.

ARTICLE IX. EMPLOYEES:

SECTION 1. Creation of Employee Positions. The Commission may create such employee positions as it deems appropriate, assigning to each position duties, responsibilities and compensation. This action shall be taken according to law.

SECTION 2. Employment of Staff, or Outside Services. The Commission may employ staff and/or contract outside services in the performance of its objectives and purposes according to law and as set out above. Such employment shall be made by the director to begin the employee's six month probationary period, and a majority of the total membership of the Commission shall approve an employee's permanent employment status at the conclusion of the six month probationary period.

SECTION 3. Supervision of Staff and Outside Services. The Director of Development Services, subject to the oversight of the Commission, shall supervise all staff and outside contractors.

ARTICLE X. HEARINGS:

SECTION 1. In addition to those required by law, the Commission may hold public hearings at its discretion when such hearings are in the public interest.

SECTION 2. Notice of such hearings shall be given to the Commission and public according to law. For information on the Commission's notice requirements, reference should be made to the notice provisions of Kentucky Revised Statutes Chapters 424 and 100 and to local ordinance.

SECTION 3. Procedure: The Chair shall conduct the disposition of agenda items in the following manner:

a. Call Item . The Chair shall call items in the order provided by the Agenda unless the Chair, in their sole discretion, determines to dispose of agenda items more efficiently.

b. Staff Presentation . The Chair shall call the Planning Department staff to present its staff report to the Commission.

c. Questions of Staff . The Chair shall permit Commission members to ask questions of staff.

d. Applicant's Presentation . The Chair shall provide the applicant an opportunity to make a statement. Presentations for items shall be limited to three (3) minutes per person, unless the Chair, in their sole discretion, determines additional time is necessary to provide the public with information on a matter before the board.

e.

e. Questions of the Applicant . The Chair shall permit Commission members to ask questions of the applicant.

f. Public Comment . The Chair shall call any members of the public who have signed up to speak on an item. Persons providing public comment for items before the Commission shall be sworn in. Comments on items shall be limited to three (3) minutes; provided, however, the Chair may, in their sole discretion, waive such time limitations in the interest of advancing relevant public discourse. Any unused portion of that three-minute allotment is not transferable to another person. The Chair shall permit Commission members to ask questions of the members of the public following their comments. Commission members shall not debate an item with the public.

g. Affiliated Groups . If a group of affiliated persons speaks on an item, the Chair may also request that one spokesperson from the group address the Commission.

h. Commission Discussion . The Chair shall entertain discussion among the Commission members, including any requests by a Commission member to ask questions of any person who has spoken or requested to speak on an item. The Chair may end the discussion by calling the question, provided, however, a majority of the members of the Commission may vote to overrule the Chair.

i. Motion . The Chair shall entertain a motion to dispose of the item.

j. Vote . If the motion is seconded, the Chair shall request a vote.

~~The matter before the Commission shall be presented by the Commission staff. Parties in interest, proponents and opponents, shall be afforded reasonable opportunity to address the Commission.~~ In the event of an appeal of a Commission action, or other legal action, all statements, exhibits, or other submissions offered on the Commission record shall be submitted on the record in the court having jurisdiction over that appeal or action.

SECTION 4. A record shall be kept of those speaking before the Commission.

SECTION 5. The Planning Commission may appoint one or more of its members to act as a hearing examiner or examiners.

ARTICLE XI. AMENDMENTS:

, SECTION 1. These bylaws may be amended at a properly convened meeting by a vote of a simple majority of the total membership of the Commission.

Adopted by: The Georgetown-Scott County Planning Commission at its regular meeting held March 14, 2019.

Approved by:

Chair

Attested by:

Secretary

Appendix One:

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

Exercise fair, honest and independent judgment in their roles as decision makers and advisors;

Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.

Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;

Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;

Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

Serve as advocates only when the client's objectives are legal and consistent with the public interest.

Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

Not use confidential information acquired in the course of their duties to further a personal interest;

Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

Not misrepresent facts or distort information for the purpose of achieving a desired outcome;

Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;

Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.¹

¹ These principles are recommended by the American Planning Association [APA], 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601, for all participants in the planning process, including decision makers, and is found at the APA website: <http://www.planning.org/ethics/ethicalprinciples.htm>