

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

April 8, 2004

The regular meeting was held in the Scott County Courthouse on April 8, 2004. The meeting was called to order by Chairperson Barry Brock at 7:00 p.m. Present were Commissioners Mike Bradley, Robert Hopkins, John Lacy, Omer Lee, William Peters, Sara Sutton, and Elizabeth Williams, Planning Director Kelley Klepper, Planner Rachel Phillips, and Attorney Charlie Perkins. Absent were Commissioner Sharpe and Engineer Brad Frazier.

Motion by Peters, second by Lacy, to approve the March invoices. Motion carried.

Motion by Bradley, second by Lee, to approve the March 11, 2004 minutes. Motion carried.

Motion by Hopkins, second by Peters, to approve the March 25, 2004 minutes. Motion carried.

Motion by Sutton, second by Williams, to approve the April agenda. Motion carried.

Postponements/Withdrawals

Chairperson Brock reported that the Doug Smith Retail Center application has been postponed to the May meeting.

Consent Agenda

There were no items on the Consent Agenda.

ZMA-2003-88 Whitaker Zone Change (Lemons Mill Road and Bypass) - Rezoning request for 59.39 acres from I-1 Industrial to B-2 Highway Commercial and R-3 PUD Residential, located on the east side of Cincinnati Southern Railroad, west side of the bypass, southeastern side of Carley Drive. PUBLIC HEARING

Chairman Brock opened the public hearing and reported that documentation regarding notice requirements was received at a previous meeting.

Attorney Charlie Perkins arrived the meeting.

Ms. Phillips reviewed the staff report. She reported staff's concerns regarding locating residential development within an industrial park and locating commercial development on the bypass. Based on the proposal's non-conformance with the Comprehensive Plan and the potential adverse effects, for both the residential and industrial uses, of conflicting traffic, noise and safety issues, staff recommended denial of the proposal.

Bruce Lankford, representing the applicant, stated that the applicant is aware of the Planning Commission's position and has no comments at this time.

Steve Pelphrey, Comptroller for Cardinal Brands in the Georgetown Industrial Park, stated reasons of traffic, infrastructure, security, and safety for their opposition to the proposal.

Commissioner Williams noted the other letters of opposition from International Crankshaft and the Scott County Industrial Forum.

Mr. Lankford reminded the Commission of the Lexington Cartage application that was denied for the property. He stated that another prospective industrial use learned of that denial and ended negotiations to locate on the property. He also stated that PBS Chemical Company was unable to expand their facility at the industrial park. He stated that this current application was filed in good faith because it is not an environmental threat to the Royal Spring Aquifer as other applications have been. He felt that there are sufficient illustrations of residential property adjacent to industrial property to indicate their compatibility.

Commissioner Hopkins felt that other compatible industrial uses can be found for the property.

Commissioner Williams asked about infrastructure. Mr. Lankford replied that all services are available.

Ralph Ruschell, also representing the applicant, stated that the property has been for sale for 20 years. They have decreased the price of the land, and now with the City's business park, competition for tenants/buyers is greater.

Commissioner Williams felt that the concerns of the existing industrial uses should be considered first. Commissioner Sutton felt that any change in land use recommended by the Comprehensive Plan, as this proposal is, should be addressed through the Comprehensive Plan process.

With no other comments from the Commission, applicant, or public, Chairman Brock closed the public hearing.

Motion by Williams, second by Hopkins, to recommend denial of the zone change request on the basis that it is not consistent with the Comprehensive Plan; it would create a traffic hazard; it would compromise the existing businesses in the industrial park; it would remove needed industrial property; and there is a sufficient supply of existing residential and business property elsewhere in Georgetown. By roll call vote, motion 8-0.

FSP-2004-14 Price Property - Final Subdivision Plat for one (1) rural residential lot, located on the east side of Browns Mill Road, south of Leestown Road (U.S. 421), west of the Fayette County line.

Ms. Phillips reviewed the staff report, including the entrance issue. The applicant requested a variance to allow an additional entrance on Browns Mill Road. Staff recommended denial due to lack of justification as outlined in the *Subdivision and Development Regulations*.

Brent Combs, Thoroughbred Engineering and representing the applicant, stated that a potential buyer for Tract 2A wishes to have a private entrance, instead of sharing an entrance with Tract 2B. He stated that site distance is sufficient for each entrance. The potential buyer is also requesting that only one other house be built on the remainder of the property. If the seller agrees to that, Mr. Combs asked if the proposed entrance could be approved because it would only serve one resident. Chairman Brock stated that any such deed restriction could be rescinded by a subsequent owner.

Jim Broadmoor, real estate agent for the applicant, gave the history of the application. He stated that the additional entrance would make Tract 2B more marketable. He added that the intention of the owner is to place a restriction on the plat stating that only one residence can be built on Tract 2B.

Mr. Combs asked if the existing entrance can be moved if the additional entrance is not approved. Ms. Phillips stated that it can be moved as long as it meets site distance requirements. Chairman Brock added that a note should be placed on the plat stating that the original entrance would be closed.

Mr. Combs conferred with Mr. Broadmoor and decided to ask for approval for the plat with the single entrance as shown.

Motion by Peters, second by Sutton, to deny the variance request for an additional entrance on the basis that it is not justified by the *Subdivision and Development Regulations*. Motion carried.

Motion by Sutton, second by Bradley, to approve the Preliminary Subdivision Plat subject to the ten (10) conditions of approval. Motion carried.

PSP-2004-15 Bradford Place - Unit 4 - Preliminary Subdivision Plat for seventy-seven (77) single family detached residential lots, located on the southeast side of Hemingway Place, south of West Showalter Drive, northwest of McClelland Circle.

Ms. Phillips reviewed the staff report, stating that all issues have been addressed. She noted the variance request to allow a 45' R.O.W., stating that it is consistent with the existing streets.

Rory Kahly, EA Partners and representing the applicant, agreed with the twelve (12) conditions of approval.

Motion by Sutton, second by Hopkins, to approve the variance request regarding the 45' R.O.W. because it is a continuation of the existing R.O.W. and will not create a negative traffic impact, and to approve the Preliminary Subdivision Plat subject to the twelve (12) conditions of approval. Motion carried.

PSP-2004-16 West Woods (Smith Property - Wright Lane/U.S. 25) - Preliminary Subdivision Plat for 78 single family residential lots and 26 rural residential lots (22 10-acre lots, four 40-acre lots), located on the north side of Wright Lane, west side of Cincinnati Pike (U.S. 25 North), north of Northern Elementary.

Mr. Klepper reviewed the staff report. He stated that the dam breach analysis will be included in the construction plans if this application is approved. He stated that Fiscal Court has approved the first reading of the zone change for the 23.5 acres of R-1B PUD. He stated that the proposal provides a 3-acre park, fencing along the boundary of the single-family lots on the south side of the road, and preservation of the existing tree line. He addressed the location of the road along the Whispering Woods property line, stating that there is a 50' R.O.W. next to the property line, with the road being 18' of pavement within that. At a minimum, there will be at least 16' between the pavement and the Whispering Woods property line. The A-1 lots adjacent to the road have a 50' setback, so any structure will be at least 100' from the Whispering Woods property line. All conditions of the zone change are being met.

Bruce Lankford, representing the applicant, agreed with Mr. Klepper's statements.

Commissioner Williams asked if, where the existing road is adjacent to the property to the south, there is enough room to install shrubbery or fencing. Mark Smith, applicant, stated that there is a woods there now.

Elizabeth Goble of Whispering Woods, adjacent riding stable, asked if Mr. Smith could fence the property before construction begins to prevent accidents involving her horses. She also asked if the bulldozers and dump trucks could not operate along the fence line during her business hours so that her horses are not spooked and customers hurt. Ms. Goble also expressed concern about her horses getting into the subdivision since the homes are only partially fenced and the existing fence has been taken down.

Mr. Smith stated that the property Ms. Goble wishes to be fenced does not adjoin his property. He stated that he would share 50/50 in the cost of a fence she wishes to construct on their common property line. Regarding the restriction of hours that heavy equipment can operate, he cannot limit the hours that the construction crews can work.

Ms. Goble felt that the type of fence should be decided upon and installed before construction begins. She stated that she was not asking for heavy equipment to not operate during business, but that they operate outside a buffer zone during business hours.

The type of fence required by the Kentucky Fence Law was discussed.

Discussion continued on the fence and road location.

The applicant agreed with the sixteen conditions of approval.

Motion by Hopkins, second by Lee, to approve the Preliminary Subdivision Plat for 78 single family residential lots and 26 rural residential lots subject to the sixteen conditions of approval. Motion carried.

Discussion regarding subdivision plats for Pioneer Plaza and First Baptist Church

Mr. Klepper reviewed the status of the easement situation on the Pioneer Plaza property that was discussed at the special March 25, 2004 meeting.

He stated that Mr. Risk, as owner, signed the 3rd plat which cuts the easement off from the First Baptist Church property. Mr. Bob Riddle of Georgetown Water and Sewer also signed the plat. However, First Baptist Church, who was affected by losing access to the easement, was not aware of and did not sign the plat.

Bruce Lankford, representing GMWSS, stated that he intends to present the matter at the next GMWSS Board meeting on April 20, 2004 to learn of their intentions regarding condemnation of the property.

Mr. Lankford reviewed the condemnation procedure.

Mr. Perkins explained that even if the 3rd plat is declared void, the problem remains because the pipe was installed outside of the easement that was recorded on the 2nd plat. He felt that condemnation by the City would be the quickest and easiest solution. The easement would be made available for construction to continue fairly quickly, and the compensation matters could be dealt with after that.

Madeleine Baugh, representing First Baptist Church, stated that the church would not object to the matter being continued to the May meeting to wait for GMWSS's decision on condemnation. Mr. Perkins stated that if GMWSS recommends condemnation on April 20, the matter would go to Georgetown City Council the first Thursday in May, before the Planning Commission's next meeting. Bryan Beauman, representing Mark Gray, agreed to that.

Brent Combs, Thoroughbred Engineering, stated that he failed to realize that First Baptist Church needed to sign the third plat. He was not intentionally directed to not obtain their approval.

Motion by Peters, second by Williams, to continue the matter to the May meeting. Motion carried.

Update of residential development in the Urban Service Boundary

Mr. Klepper reported updated statistics on available lots with in the Urban Service Boundary. He stated that there are 10,611 available lots, of which 2,900 have been platted to date.

Update of previously approved projects and agenda items

Mr. Klepper announced that he is pleased to have Sabra Garmon as the new Development Inspector.

He also announced that Ms. Phillips will be supervising Preston Lacy, a junior at the University of Kentucky, as an intern in the office through the summer.

The meeting was then adjourned.

Respectfully,



Barry Brock, Chairperson

Attest:



Charlie Perkins, Secretary