

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

**JULY 9, 2009**

The regular meeting was held in the Scott County Courthouse on July 9, 2009. The meeting was called to order by Chairperson Mike Bradley at 6:00 p.m. Present were Commissioners Greg Hampton, Janet Holland, Jimmy Richardson, Ralph Tackett, Bias Tilford, Melissa Waite, and Steve Woodrum, Planners Brian Shorkey, Joe Kane, and Bonnie Skinner, Engineer Ben Krebs, and Attorney Charlie Perkins. Absent were Director Michael Sapp and Commissioner John Lacy.

Those in attendance intending to speak before the Commission were sworn in by Ms. Skinner.

Motion by Holland, second by Tackett, to approve the June invoices. Motion carried.

Motion by Waite, second by Holland, to approve the June 11, 2009 minutes. Motion carried.

With the addition of Continuation of the discussion on Cherry Blossom Road improvements as Item B under Other Business Old, and the addition of Discussion of the Board of Adjustment appointment as Item E under Other Business New, motion by Hampton, second by Holland, to approve the July agenda. Motion carried.

Postponements/Withdrawals

There were no items for postponement or withdrawal.

Consent Agenda

A representative of the Stonecrest Property application agreed to their conditions of approval and there were no concerns expressed by the Commission or public. Motion by Richardson, second by Waite, to approve the one item on the Consent Agenda. Motion carried.

ZMA-2009-5 The Enclave Subdivision – Rezoning request from R-1C PUD to R-2 PUD and Conceptual Development Plan for 25.73 acres located on the northwest corner of the intersection of Frankfort Road (U.S. 460 W.) and Paynes Landing Blvd. PUBLIC HEARING

Mr. Shorkey reviewed the staff report. The concept plan proposes 127 single-family homes and no townhomes, which is well below the 261 units allowed in the R-2 zoning. Staff recommended approval based on four findings listed in the staff report.

Bruce Lankford, representing the applicant, reported that compromises have been made with the Bevins's and Obey Wallen, which have been incorporated into the current Concept Plan. He requested that compliance with the Concept Plan be a condition of the rezoning request. He stated that design standards for the homes on Paynes Landing Blvd. include a minimum of three sides constructed in brick and at least 1500 sq. ft. in size. Homes along U.S. 460 will have two sides constructed of brick and be at least 1400 sq. ft. in size. All remaining units will have the front constructed of brick and be at least 1400 sq. ft. in size.

Obey Wallen, representing the neighbors, stated that the 30-40 people who attended the July 8 meeting indicated they were satisfied with the rezoning request as presented with this current Concept Plan and design standards. Mr. Bill Bevins agreed with Mr. Wallen.

Mr. Lankford stated that David Stuart, who represents Ward Hall, also had concerns about the proposed plan. Mr. Wallen stated that Mr. Stuart indicated to him that he felt the proposed plan was satisfactory.

Mr. Lankford stated again that they are requesting the zone change to be granted based upon the condition that the development follow this Concept Plan. If there is ever a change in the plan, it will have to come before the Planning Commission.

Chairman Bradley expressed concern about the Planning Commission having authority over square footage of houses or construction materials. Attorney Perkins stated that in the past, it was determined by one Circuit Judge that the Planning Commission cannot enforce such standards. However, he felt that 1) Mr. Lankford and the neighbors who are in agreement should have their own written agreement on the matter regardless of any authority the Planning Commission may or may not have; and 2) the condition should be attached to the subdivision plat, not the rezoning.

After further discussion of the matter, Attorney Perkins suggested adding to the conditions of approval that the applicant has stipulated under oath that they have committed to the agreed upon design standards and that failure to follow these standards will be considered a misrepresentation and grounds for denial the subdivision plat.

Mr. Lankford added that subdivision restrictions will be filed that will address the same standards.

It was clarified by a show of hands that Mr. Wallen represented many of the neighbors. The structure of the private agreement was discussed. John Shirley, President of the White Oak Village Homeowners Association, addressed that issue also. He stated that everyone from White Oak Village who was present at the meeting on July 8 were in agreement with the proposed plan.

Critt Murphy, representing the applicant, stated that they made every effort to satisfy the neighbors.

Mark McCain, Engineer for the project, noted the park shown on the plan.

Julie Lush, Canewood resident, asked how the density was calculated and why the traffic estimates are different from the previous estimates. Mr. Shorkey explained how he arrived at the figures. Ms. Lush also asked about the tree line along the golf course and if the adjacent Canewood residents can be involved in the written agreement. That matter was discussed.

Bill Chase, Paynes Landing Blvd. resident, expressed concern about traffic being unable to turn left onto U.S. 460 and street lighting. Chairman Bradley stated that KYTC-District 7 has authority over the placement of traffic lights on U.S. 460. Mr. Shorkey added that they are a part of our Technical Review Committee and will review that issue when the Preliminary Subdivision Plat is submitted.

Scott McKenzie, Valhalla Place resident, expressed concern about the tree line bordering this property and Canewood Subdivision being damaged. He also asked about the rear yard setback for the homes bordering Canewood.

Lesa McKenzie, Valhalla Place resident, expressed concern about not being notified of this hearing and the tree line being damaged. She also expressed concern about the enforceability of restrictions.

Mr. Lankford reviewed the notification requirements, noting that they have been met.

Todd White, Glass Circle resident, also expressed concern about the enforceability of restrictions. It was clarified that only single-family homes can be built, which can be enforced by the Planning Commission.

Mr. Perkins reviewed the authority of the Planning Commission.

Dennis Clark, Paynes Landing Blvd. resident, asked if the homes will have garages. Mr. Lankford agreed to put into the agreement that the homes will have a porch and garage. He noted that those types of issues will be addressed in the deed restrictions, which have not yet been written. He agreed

to have the deed restrictions ready with the Preliminary Subdivision Plat. It was also clarified that the Concept Plan indicates that the homes will have garages.

Mr. Clark also stated that it will be difficult to turn left onto U.S. 460 from Paynes Landing Blvd., and that he wishes to be informed of the agreement between the developer and neighbors.

Chairman Bradley closed the public hearing.

Chairman Bradley suggested a condition (#7), which was modified by Mr. Perkins, that reads: Exhibit A is stipulated by the applicant to become part of the subdivision plat. This exhibit has been relied upon by the public hearing and any deviation from that exhibit shall be grounds for denial of the subdivision plat.

Commissioner Waite asked about maintenance of the tree line. Mr. Shorkey stated that the tree line will be incorporated as part of the landscaping plan, which means that damage to the tree line would be included in any bond for landscaping.

Mr. Lankford also agreed to the condition (#8) regarding the tree line being incorporated into the landscape plan.

**Motion by Waite, second by Tilford, to recommend approval of the rezoning request from R-1C PUD to R-2 PUD on the basis of the four reasons listed in the staff report, and subject to the six (6) conditions of approval, plus the two added conditions regarding Exhibit A and the tree line. Motion denied 3-4 with Tackett, Woodrum, Richardson, and Holland dissenting.**

It was noted that deed restrictions and a Homeowners Association were agreed to be in place by the preliminary subdivision plat stage. That was agreed to be condition #9: Prior to consideration of the Preliminary Subdivision Plat, the applicant will submit the proposed deed restrictions and Homeowners Association and related documents.

**Motion by Waite, second by Holland, to recommend approval of the rezoning request from R-1C PUD to R-2 PUD on the basis of the four reasons listed in the staff report, and subject to the six (6) conditions of approval, plus the three added conditions regarding Exhibit A, the tree line, and the deed restrictions/Homeowners Association. By roll call vote, motion carried 5-2, with Tackett and Woodrum dissenting.**

Chairman Bradley opened the public hearing.

Ms. Skinner reviewed the staff report. She stated that it is in agreement with the Comprehensive Plan and staff has no concerns.

Bruce Lankford, representing the applicant, stated that the request is a “clean-up” to make this small area conform with the rest of the property.

There were no comments from the public or Commission. Chairman Bradley closed the public hearing.

**Motion by Woodrum, second by Holland, to recommend approval of the rezoning request from A-1 to B-2 based on its consistency with the Comprehensive Plan and subject to the one condition. By roll call vote, motion carried 7-0.**

PDP-2009-12 Old Friends, Inc. Preliminary Development Plan for eight temporary dwelling units on five acres in a cluster development, located on the west side of Paynes Depot Road, one mile south of McClelland Circle.

Mr. Kane reviewed the staff report, including the three requested variances and issues regarding parking and the pavement system, the septic system, and the design of the two multi-family buildings.

It was noted that the landscape screening on the south side of the property extends to the back of the buildings. It was agreed that it need not extend to the end of the property and that a variance to that effect should be added.

Brent Combs, Thoroughbred Engineering and representing the applicant, agreed with the ten (10) conditions of approval.

**Motion by Hampton, second by Holland, to approve the Preliminary Development Plan, including the three (3) variances, plus the fourth variance regarding the landscape buffer, and subject to the ten (10) conditions of approval. Motion carried.**

PDP-2009-14 Bolton Cell Tower – Preliminary Development Plan for a 199’ high, self-supporting cellular/microwave tower, located south of the intersection of Frankfort Road and Stamping Ground Road.

Mr. Shorkey reviewed the staff report, stating that all the cell tower requirements have been met.

Todd Briggs, representing the applicant, agreed with the conditions of approval. He added that all notice requirements have been met.

Lynn Aulick, nearby neighbor, questioned the location of the cell tower and asked why he received notice since he is more than 500' from the tower. After Mr. Shorkey explained the notice requirements, he had no concerns about the application.

Chairman Bradley expressed concern about the Sprint cell tower that was approved nearby but never constructed. Mr. Perkins stated that it would make sense to make that applicant co-locate since circumstances are not as they were when they received approval. That issue was discussed at length. It was agreed that since the previous applicant has not been back for final approval, action can be taken on this application, and when the previous applicant returns with a final plan, staff is instructed to inform them that they can now co-locate on this structure.

A sixth condition was added requiring a 15' concrete or paved apron at the entrance on U.S. 460.

**Motion by Richardson, second by Woodrum, to approve the Preliminary Development Pan subject to the six conditions of approval. Motion carried.**

#### Discussion on swearing-in process

Commissioner Tilford suggested not requiring speakers to sign in. Mr. Perkins felt that the sign-in sheet will be helpful if a case ever goes to court.

After further discussion, it was decided that the sign-in process will remain as is until better ideas are brought forth.

#### Cherry Blossom road improvements

Glenn Hoskins, representing Cherry Blossom Development Company, stated that it has been typical to require developers along Oxford Drive to widen the road to appropriate standards, usually 24'. He presented photographs showing the road from the main entrance of Cherry Blossom Village north beyond the hill. He asked for an amendment to the conditions of approval that require the widening of Oxford Drive to 24'. He stated that Columbus Gas has installed a gas line along the east shoulder of the road, which adds a tremendous expense to widening the road. He proposed that they pay to the City the cost of the road widening, and let the City Engineer and Planning Commission staff determine the best way to use the money on this part of Oxford Drive, which may include widening in certain places, but not the entire stretch of the road.

Mr. Krebs felt there could be merit to the request. Commissioner Waite felt it should not be left to the City to do the widening.

Commissioner Woodrum stated that the letter from the City Engineer was not fully in support of the proposal. He expressed concern about approving a request because of a change in circumstances, a risk that should fall on the developer.

Tom Bradley, Thoroughbred Engineering and representing the applicant, stated that the City Engineer felt that other things can be done, such as increasing the sight distance, to improve the safety of the road. He stated that a minimal widening will only cause drivers to drive faster. At the time the conditions of approval were adopted, widening was the only idea that was discussed to make the road safer.

Discussion continued on the cost of the improvements and why the gas line was installed before the road was widened. Mr. Perkins felt that if both the Planning Commission and the City Council agree to the change, and it is specified that the money will be used to upgrade Oxford Drive, then it could be supported.

Mr. Perkins suggested putting the matter in contractual form so that specifics can be spelled out. After further discussion, it was agreed that the proposal needs to be put in writing and discussed at a meeting with the City Engineer.

Chairman Bradley suggested continuing the matter to the August meeting.

**Motion by Tilford, second by Holland, to continue the matter to the August meeting. Motion carried.**

#### Watson Original Signs & Graphics discussion (403 S. Broadway)

Steve Watson, applicant, requested an amendment to his original development plan. They originally showed a sidewalk along West Jackson Street, which was meant for school children on the way to Garth School. After being on the site for seven or eight months, he stated that no children walk along West Jackson to the school. He stated that the proposed sidewalk ends at a neighbor's yard, and the City has no plans to extend the sidewalk to Ely Alley. He asked that the requirements for a sidewalk be waived.

He submitted a letter from the City Engineer in support of the request, based on the lack of pedestrian traffic. He addressed the specifications of the sidewalk on North Broadway. The sign bollard was also discussed.

Mr. Krebs felt that the S. Broadway sidewalk is the best option. Regarding the sign base, Mr. Shorkey stated that it is part of the development plan and he did not feel there is substantial reason to require removal.

Commissioner Woodrum felt that the applicant volunteered to construct the sidewalk on W. Jackson Street partly because the building was so close to the road, not only because of pedestrian safety. Now that he has constructed the sidewalk on S. Broadway instead, he felt that the applicant should take the sign base down since he was accommodated on the sidewalk issue. He added that the Board of Adjustments expressed concern over the sign base because of it being a danger and a non-conforming use. Mr. Watson stated that he has a permit to install a new sign on the base.

Chairman Bradley recalled discussion that the sign base is a non-conforming use and could not be re-used. Mr. Shorkey noted conditions of approval that did not prohibit re-use of the base.

Discussion continued on the sign base.

**Motion by Bradley, second by Woodrum, to approve the removal of the requirement to construct the sidewalk on W. Jackson Street in lieu of the City Engineer's recommendation that the sidewalk be constructed on S. Broadway and remove the sign base.**

There was question whether the sign base issue is a matter for the Board of Adjustments. Commissioner Woodrum discussed the sidewalk issue as it was presented to the Board of Adjustments and it being part of the variance to construct the building closer to the lot line.

Discussion continued on the matter. The fact that the sign base is shown on the development plan negates it being a non-conforming use.

Mr. Watson asked that the sign be considered as a separate issue.

**Motion tied 4-4 on the above motion.**

**Motion by Waite, second by Holland, to approve the sidewalk construction on S. Broadway instead of on W. Jackson Street. Motion carried 6-1 with Woodrum dissenting.**

Thunder Vallies Animal Hospital discussion on removal of two notes on the plan

Ms. Skinner reported that the Scott County Board of Adjustments recently approved the Thunder Vallies Animal Hospital at 1647 Cincinnati Road, which included the directive that the applicant come back before the Planning Commission to have two notes taken off the plan. It was originally approved in 1998 after the Board of Adjustment approved the location for a veterinary clinic. None of the Board's conditions at that time noted overnight housing of animals. At some point in the development plan stage, two notes



were added stated there could not be a kennel operation on the site and all animal activity should be contained in the building.

The applicant is requesting that those notes be removed so that she may continue operating the kennel that she has operated for five years.

Commissioner Woodrum stated that there have been no complaints about the site and no enforcement action.

**Motion by Woodrum, second by Tackett, to approve the removal of the two notes on the plan. Motion carried.**

#### Upcoming expiring Letters of Credit/Bonds

Mr. Krebs reported that Land and Timber, Inc. has two LOC's coming due. They are at 50% occupancy, and he asked the applicant to make the request to the Planning Commission because he has no reason to grant an extension. He recommended that if the extension is granted, it be no longer than one year.

Mr. Krebs described the work that has been completed.

**Motion by Waite, second by Richardson, to extend the Letters of Credit to November 1, 2009. Motion carried.**

#### Board of Adjustments appointment

Mr. Shorkey reported that there is a vacancy on the Georgetown Board of Adjustments. The appointment was not made by the Mayor and City Council in the 60 days allotted by KRS. Therefore, the appointment falls to the Planning Commission. He reviewed the options in filling the vacancy.

Commissioner Woodrum supported the re-appointment of Nicholas Korsak to fulfill his unexpired term, explaining that he was a valuable board member and only resigned to take care of his ailing wife.

Commissioner Richardson felt that in all fairness, the newly enacted procedure involving advertising vacant positions should be followed.

After further discussion, **Motion by Tilford, second by Richardson, to advertise the vacancy (giving Mr. Korsak the opportunity to reapply) and follow the same procedure as with the earlier Planning Commission vacancy. Motion carried 6-1 with Woodrum dissenting.**

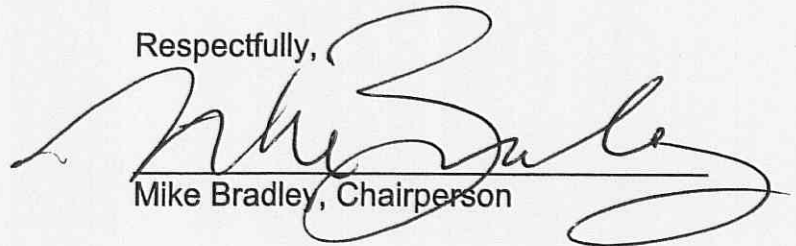
It was agreed that the position would be advertised for 14 days.

Mr. Shorkey recommended that the continuation of the Cherry Blossom road improvement (Oxford Drive) discussion be continued to September instead of August because there are no other applications or items on the August agenda.

**Motion by Waite, second by Woodrum, to move the continuation of the Cherry Blossom road improvements (Oxford Drive) to September instead of August. Motion carried.**


The meeting was then adjourned.

Respectfully,



Mike Bradley, Chairperson

Attest:



Charlie Perkins, Secretary