Grant County Planning Commission
November 22nd, 2004

The November 22 2004 regular meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Bill Marksberry, William Covington, Howard Brewer, Nancy Duley, Brooke Rider, Marlon Kinsey, Dan Scroggins, Marvin Faulkner, Rick Dalton, Attorney: Tom Neinaber, Engineer: Ray Erpenbeck, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1: OCTOBER MINUTES

Howard Brewer made a motion to approve the meeting minutes for October, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: OCTOBER FINANCIAL REPORT

Dan Scroggins made a motion to approve the October financial report, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: ADMINISTRATORS REPORT

Jonathan Britt told the Commission that there would be a continuing education training session in Scott County on December 7th at 6pm. He said that the session would be given by David Pike and would be a 2 hour seminar.

Jonathan Britt informed the Commission that no zone change application, site plans or subdivision plats had been filed for the December meeting and the Commission needed to decided whether to have a meeting in December or to cancel the regular meeting.

Dan Scroggins made a motion to cancel the Commissions December meeting, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 4: ZONE CHANGE – Larry & Peggy Spillman

APPLICANT: Larry D. & Peggy J. Spillman

GENERAL LOCATION: Located on the South side of Kendall Road, 0.3 miles SW of Elliston-Mt. Zion Road

REQUEST: Agricultural – One (A-1) to Residential – One A (R-1A)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Peggy Spillman stated that with the residential expansion in Grant County and the Mt. Zion area they had been approached to sell some lots from their farm. She said that the Comprehensive Plan says that Grant County will have more residential areas with the decrease in farming. She said that they were asking for 3 lots to be rezoned from Agricultural One to Residential One A and they believe that it is compatible with the land use in that area. She also stated that there would be deed restrictions that would require the homes to be 1600 square feet for single story homes and 2300 square feet for two story home.

Chairman John Lawrence asked if anyone wished to speak for or against the request.

Janette Goderwis said that her big concern was with the road construction. She asked if the road would be widened and she said that Kendall Road was a small road with a lot of traffic and people walk and ride their bikes on the road and there are no speed limit signs. She said that if a car meets a school bus they have to get completely over so that there is enough room for the bus to pass. She also said that they had a board fence along their property and asked if the road is widened who would pay to replace the fence. She asked if the 1 acre lots would allow for leach lines or would sewer have to be put in for the property and also asked if the water line would support the new homes. She said that another concern was the growth in the schools she said that the school bus that picks up her kids holds 75 students and the school says that that bus is at capacity now. She asked

if there would be another bus for that route if these new homes were built. She said that they had moved to Grant County to be in the country. She said that they moved 10 miles from the exit so they would not have 1 acre lots across from them. She said that she would like to ask the question to the Spillmans would they want this across from their home. She said that she does not have a problem with 5 acre lots but she does have a problem with the possibility of 1 acre lots. She said that there were several residents from Kendall Road in the audience and she was speaking their concerns also.

Peggy Spillman said that all of the homes would be stick built, she said that the land did perk. She said that they would not like this across from them and that the land across from their home was going to be sold and they purchased it so that they would not have a house across from them.

Chairman John Lawrence declared the public hearing closed.

Jonathan Britt stated that the water line was adequate for the 3 new homes. He said that the Residential One A zone allows for only stick built homes, he said that if a mobile home were to be placed on the property it would have to be better than a stick built home.

Nick Kinman asked what the 25 ft. dedication along the roadway was.

Jonathan Britt said that if approved, any subdivision must dedicate 25 ft. of right-of-way along the road.

Dan Scroggins asked what the Comprehensive Plan said about this property.

Jonathan Britt said that it does talks about a mix of Agricultural and Residential One areas but it does not specifically say yes or no about a specific property.

Dan Scroggins said that now they are only talking about 3 lots but what's to stop any land owner from seeing them divide and then deciding to divide their land then there's not enough water or sewage and all these lots are on a one lane road. He said that he doesn't see a problem with 1 acre lots in the country but has a problem with the precedent that this may set by allowing 1 acre lots in a predominately agricultural area.

Jonathan Britt read the staff recommendation, which was denial of the zone change request because the zone change application does not appear to be in compliance with the Adopted Comprehensive Plan. Finding of Fact: 1. The placement of three (3) additional single family dwelling units could have an adverse impact on the availability of police and fire protection due to the location and distance from such services. 2. The addition of three (3) single family dwelling units could have an adverse impact on the transportation system of the area due to the narrowness of the current roadway. 3. The general development pattern of the area leads itself to either an Agricultural zone or a Rural Residential zoning classification due to the current land uses in the general area.

Jonathan Britt said that the difference between the Rural Residential and the Residential One A zone is that the lots area bigger which allows for a buffer area between the Agricultural and the Residential areas. He said that Rural Residential Zoning would be better for the property if it was not Agricultural.

Howard Brewer stated that from his own experience whenever a there is a subdivision of a farm and any kind of a financially stable house is built on the lot the taxes that will be paid on that house will be more than the taxes paid originally on the farm. He said that he wouldn't worry too much about the school system. He also said that he has been on the Commission since January and this is the 1s time that he has seen the 25 ft. dedication on the front of the property. He asked who would own the 25 ft.

Jonathan Britt said that the 25 ft. is a subdivision matter and not a zone change matter and should not be debated or discussed during the zone change hearing.

John Lawrence said that the purpose for the 25 ft. requirement is to allow for possible widening of the road. He said that that has been a requirement for 6 or 8 years.

Howard Brewer asked if it was just required on County Roads.

John Lawrence said that it was required on all roads.

Jonathan Britt said that if there is insufficient right-of-way when dividing property that is not Agricultural it is required that right-of-way be dedicated.

Howard Brewer asked Tom Neinaber if requiring the Spillmans to give 25 ft. was acceptable and if the others on Kendall Road had given up 25 ft.

Tom Neinaber said that he did not know if the other people on Kendall Road had given up 25 ft. He said that the Commission can require that the individual's property that is being subdivided dedicate enough property for road expansion so that in the future the County has a dedicated right-of-way and they don't have to condemn any property to widen the road. He said that in some counties they also require the property owner to post enough cash to cover the cost of widening the road along their property along with the dedication of the right-of-way.

Howard Brewer said that if this goes through and the Spillmans give up 25 feet and the other property owners haven't and they say that they want the road widened and 1 or 2 of the property owners don't want to give up the property the County would have to condemn the property and take the property for the road. He asked Tom Neinaber if that was correct.

Tom Neinaber said that was correct.

Mrs. Goderwis said that they had a barn near the road and they would like to keep the barn if the road is widened.

Audience member – said that they had moved from Kenton County to get acreage and they have 3 young kids and there is a blind spot in the curve on the road. He also asked if the road was widened would his barn be taken.

Peggy Spillman asked what classified a property as agricultural, was it that farming had to bring in a certain percentage of income or was it the number of acres.

Jonathan Britt said that the Agricultural Zone has a size requirement and nothing to do with farming.

Audience member – said that she had moved from Connecticut and would hate to see development come into the area. She also said that people speed up and down the road.

Brooke Rider asked how many homes were on the road between this property and Elliston Mt. Zion Road.

Mr. Spillman said that there were so few that he had to buy a water meter for his barn in order for there to be enough homes for the road to get water lines.

Peggy Spillman said that most of the homes are South of this property.

Jonathan Britt asked if most of the traffic went to the main road or to Arnolds Creek Road.

Peggy Spillman said that traffic went to several areas from that location.

Audience member – said that most of the traffic goes to Hwy. 1942 if they are going North.

Audience member – said that it is hard to get to Warsaw Road from this location.

Audience member – said that the road along this property is the flattest and straightest and is the only place for the kids to ride their bikes and walk.

Mrs. Goderwis said that there were 13 children under the age of 13 in the area of this property.

Vernon Webster asked if 3 or 4 lots was considered a subdivision.

Jonathan Britt said that 3 lots was considered a subdivision.

Marlon Kinsey made a motion to deny the request based on the following findings of fact: 1. The placement of three (3) additional single family dwelling units could have an adverse impact on the availability of police and fire protection due to the location and distance from such services. 2. The addition of three (3) single family dwelling units could have an adverse impact on the transportation system of the area due to the narrowness of the current roadway. 3. The general development pattern of the area leads itself to either an Agricultural zone or a Rural Residential zoning classification due to the current land uses in the general area. Dan Scroggins seconded the motion. A hand vote was taken, Vernon Webster: no, Nick Kinman: no, Bill Marksberry: no, William Covington: yes, Howard Brewer: no, Nancy Duley: no, Brooke Rider: yes, Marlon Kinsey: yes, Dan Scroggins: yes, Marvin Faulkner: no, Rick Dalton: yes. Motion denied.

Nancy Duley made a motion to approve the request based on the following findings of fact: 1. The placement of three (3) additional single family dwelling units may not have an adverse impact on the availability of police and fire protection due to the location and distance from such services. 2. The addition of three (3) single family dwelling units may not have an adverse impact on the transportation system of the area due to the narrowness of the current roadway. Howard Brewer seconded the motion. A hand vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, William Covington: no, Howard Brewer: yes, Nancy Duley: yes, Brooke Rider: no, Marlon Kinsey: no, Dan Scroggins: no, Marvin Faulkner: yes, Rick Dalton: no. Motion passes.

ITEM 5: LUBRECHT LAND DIVISION – PRELIMINARY PLAT

David Wallace, representing the property owners, stated that they would be presenting the preliminary and final plat of this subdivision to the Commission.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Jonathan Britt stated that since the lots use flags less than 40 feet the Commission would have to approve the use of the 20 foot flags.

Nick Kinman asked how the roads to the homes would be maintained.

Mr. Wallace said that there would be 2 to 3 driveways and would be private driveways.

Dan Scroggins asked what would happen if one of the property owners decided not to keep up the joint driveway.

Mr. Wallace said that there would be a joint driveway agreement created and signed by the property owners.

Mr. Wallace said that the topographics of the land would not allow a publicly dedicated street to work.

Jonathan Britt stated that the property does not have to be subdivided. He said that because of the lay of the land there are properties that just can't be divided.

Mr. Wallace asked why they didn't just take flag lots out of the regulations.

Jonathan Britt said that flag lots are useful if used correctly but this is not a proper use of the flag lots.

Nick Kinman said that he felt they were just trying to sell lots without building a road.

Logan Murphy said that with the geometrics of the property if a street were to be built the lots would be very poor.

Nick Kinman said that the property owners would still fight over who was to maintain the driveways.

Dan Scroggins asked if there would be a liability on the Commission is they approve the plat.

Mr. Neinaber said that the developer can put to record a driveway easement document with maintenance agreements. He said that the Commission can deny the plat if the technical language of the regulations is not met. He said that the Commission could require driveway agreements with maintenance agreements be put on the properties.

Mr. Wallace said that the owners would agree to driveway agreements with maintenance requirements.

Dan Scroggins said that he would like to see very detailed language on each property owners responsibility.

Dan Scroggins made a motion to table the plat until a detailed driveway agreement is presented with maintenance responsibilities detailed, Rick Dalton seconded the motion.

Brooke Rider asked if they could require a topographic map of the land to see if the flag lots are really necessary.

Dan Scroggins withdrew his motion, Rick Dalton withdrew his second.

Dan Scroggins made a motion to table the plat until a driveway agreement is presented with maintenance responsibilities detailed and a topographic map of the area presented to the Commission, Rick Dalton seconded the motion. A hand vote was taken, Vernon Webster: no, Nick Kinman: yes, Bill Marksberry: yes, William Covington: yes, Howard Brewer: not voting, Nancy Duley: yes, Brooke Rider: yes, Marlon Kinsey: yes, Dan Scroggins; yes, Marvin Faulkner: yes, Rick Dalton: yes. Motion passes.

ITEM 6: STEERS ESTATES SECTION 5 – FINAL PLAT

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Marvin Faulkner made a motion to approve the plat, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: LUBRECHT LAND DIVISION – FINAL PLAT

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ITEM 8: CONVEYANCE PLATS – OCTOBER

Dan Scroggins made a motion to approve the October Conveyances, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: EXECUTIVE SESSION

none

ITEM 10: OTHER BUSINESS

A: RESOLUTION 2004-15

The Commission reviewed Resolution 2004-15 regarding KRS 147A.027. Jonathan Britt stated that this Resolution would approve the training completed by the Commission, Planning Staff of the County and Cities and the Board of Adjustment members.

Vernon Webster made a motion to approve Resolution 2004-15, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes

B: RESOLUTION 2004-16

The Commission reviewed Resolution 2004-16 regarding KRS 147A.027. Jonathan Britt stated that this Resolution would could allow the Planning Commission office to obtain a credit card with a purchase limit of $2,500.00.

Nick Kinman made a motion to approve Resolution 2004-16, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes

ITEM 11: ADJOURNMENT

Nick Kinman made a motion to adjourn, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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JOHN LAWRENCE, CHAIRMAN - DATE **NICK KINMAN, SECRETARY – DATE**