

ON MONDAY, APRIL 5, 2021, THE BOARD OF ADJUSTMENT HELD THEIR MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

Chairman Turney called the meeting to order.

MEMBERS PRESENT: David Prewitt, Tim Turney, Ken Winkfield, Lonnie Estes, Bart Shockley.

MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve the February 1, 2021 minutes, as submitted. The motion carried with four (4) aye votes.

Application #04-003-2021 – Conditional Use Permit – Stripes Real Estate, LLC (Adrian Mansergh-Wallace) – 100 South Gratz Street – R-2 District – Article VII, Section 708.4(A) & 705.4(H); Article V, Section 507; Definition 212 – Owner is seeking a Conditional Use Permit to operate a Bed & Breakfast/Inn consisting of 2 bedrooms as a vacation rental.

Chairman Turney declared the hearing open and called upon Joshua Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the owner was requesting a Conditional Use Permit (CUP) to allow the operation of a two bedroom Bed & Breakfast/Inn located on the property known as 100 South Gratz Street. The property is listed as a three bedroom, three bathroom home. The building was constructed in 1889. The current owner purchased the property in 2020. In 1989 the property was granted three variances from required setbacks due to adoption of zoning regulations after existing structure was built. Another dimensional variance was granted to the property in 1997 for an addition permit that was completed in the same year. The principle use of the property is single family residential. The B&B will be the new use and will be available during the spring and summer months.

Mr. Stevens provided in the staff report the appropriate Ordinances for the request as well as all associated definitions. All public notifications were met.

Mr. Stevens provided six suggested conditions to be included if the Board approves the request and highlighted two of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B.
3. **The Owner, Lessee, or Owners agent must reside on the same property as the B&B.**
4. **The Conditional Use Permit shall be personal with Stripes Real Estate LLC (Adrian Mansergh Wallace) and shall become null and void upon the sale, rent or lease of the property to any other party.**
5. The applicant shall return to the Board prior to ANY changes to the approved conditions.
6. This Conditional Use Permit will be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.

Chairman Turney asked if any members had questions regarding the staff report. Mr. Shockley noted that there was a discrepancy in the number of bedrooms in the report and application. Chairman Turney noted that the applicant can address that when he speaks. Chairman Turney called upon the applicant for comment.

Adrian Mansergh-Wallace, owner, noted that when he purchased the house there were three bedrooms and they plan to convert another room on the ground floor into a bedroom.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak.

Pam Yount, neighbor at 106 S. Gratz Street, Ms. Yount noted that she and her husband, who was also present, had concerns regarding noise coming from the deck and pool areas; their add for the B&B already appeared on the website and advertised 10 guests, three bedrooms, five beds, and three baths; there is very limited parking and was concerned about other people parking in front of her residence, even though it is a public street. Mrs. Yount also noted that she didn't want to be disrupted or inconvenienced. She has pets to contend with and will have more barking. The website stated that the owner lives five minutes away and that concerned Mrs. Yount as well as the possibility of parties.

Mr. Wallace stated that the use would be a B&B and noted that because of his connection to Coolmore, they get a lot of International people that come to Kentucky and wanted to offer people a place to stay to enjoy the bourbon tour and racing. Mr. Wallace agreed to amend the Air B&B website to decrease the number of guests. Mr. Wallace noted that there was enough parking for people in the driveway, in the front and rear of the property.

Mrs. Yount noted that parking at the rear of the property would be on Standish Place and is a single lane and would be questionable for a vehicle to get through. Mrs. Yount noted that she was not opposed to Mr. Wallace doing the B&B but she didn't want to be inconvenienced or being done at her expense. Chairman Turney and Mrs. Wilson noted that there is the opportunity to come back to the Board to address any issues if any arise.

Chairman Turney closed the hearing and asked for a motion to approve or deny.

A motion was made by Mr. Shockley, as seconded by Mr. Winkfield, to approve, based on the staff report record and with the six (6) conditions listed, Application #04-003-2021 – Conditional Use Permit – Stripes Real Estate, LLC (Adrian Mansergh-Wallace) – 100 South Gratz Street – R-2 District – Article VII, Section 708.4(A) & 705.4(H); Article V, Section 507; Definition 212 – Owner is seeking a Conditional Use Permit to operate a Bed & Breakfast/Inn consisting of 2 bedrooms as a vacation rental. The motion carried with five (5) aye votes.

Application #04-004-2021 – Conditional Use Permit – Rocking M, LLC – 301 Lansing Ln – A-1 District – Article VII, Section 701.4(I) & 701.8(A&B) – Owners are seeking a Conditional Use Permit to expand an Agri-tourism/Business Enterprise involving a horse farm, farm tours and events in an additional horse/tobacco barn and silos.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the owners were seeking a Conditional Use Permit to expand their operation of an Agri-tourism/Business Enterprise involving a horse farm, farm tours, and events in an additional horse/tobacco barn and silos. The subject property is an existing 300+ acre farm zoned A-1 (Agriculture). The property is located on the south side of Weisenberger Mill Road, on both the east and west corners of Lansing Lane approximately 1 mile southeast of Midway. The existing barn was previously a tobacco barn, then converted into a horse barn and has two large silos out front. There is also an existing barn with a round pen where events are held and farm tours are conducted from what was approved as a CUP in July of 2018. The Agricultural Advisory Review Committee (AARC) met on February 3rd, 2021 to review the proposal and recommended unanimously to forward the request onto the BOA for further review as a Conditional Use. Mr. Stevens noted that the Owners property appears to be of sufficient size to accommodate the proposed uses. The Site Plan shows that there is adequate space to accommodate the proposed Agri-tourism/Business Enterprise and associated parking, as permitted by Article VII, 701.8(A) and 701.4(I), as long as the Conditions proposed by the Owners and supplemented by the AARC are adhered to.

The request appeared to meet all of the necessary criteria and the associated Ordinances. All public notifications were met.

Mr. Stevens provided thirteen suggested conditions to be included if the Board approves the request and highlighted six of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. Owner shall comply with all federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the Applicant as a result of the approval of the CUP.
3. Owner's Conditional Use Permit shall become null and void upon the sale or transfer of the property.
4. Owner shall return to the Board prior to ANY changes to the approved conditions with the CUP.
5. **Seasonal events shall be based on existing and future agriculture on the farm with events between April 1 and October 31 of the calendar year.**
6. **Guests to be limited to 100 for any one event.**
7. **No outside music.**
8. **Music to cease at 10:00 p.m.**
9. **Maximum of 40 events per year.**
10. **At the time of events, small directional signs shall be placed so guests will know where to enter and park.**
11. Owner agrees to conduct events in conformance with site plan and business plan submitted with the application, as recommended by the AARC.
12. This CUP shall be reviewed annually for compliance with all conditions, and then when necessary by the Board, to ensure compliance with these conditions.

13. The applicant shall obtain all necessary permits, if any, from the Versailles-Midway-Woodford County planning & Zoning and the Woodford County Health Department prior to operation of the event barn.

Chairman Turney asked if any members had questions regarding the staff report. Chairman Turney noted that the application stated guests to be limited to 200 and the Ag Review Board recommended 100 guests. Pattie Wilson, Planning Director, noted that it was a typo and the applicant can address the discrepancy. Chairman Turney called upon the applicant for comment.

Rob Maclin, owner was present and noted that the number of guests would be 100 and had no further comments.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak, hearing none, he closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve, based on the record and with the four (13) conditions as listed, Application #04-004-2021 – Conditional Use Permit – Rocking M, LLC – 301 Lansing Ln – A-1 District – Article VII, Section 701.4(I) & 701.8(A&B) – Owners are seeking a Conditional Use Permit to expand an Agri-tourism/Business Enterprise involving a horse farm, farm tours and events in an additional horse/tobacco barn and silos. The motion carried with five (5) aye votes.

Application #04-005-2021 – Conditional Use Permit – Brown Forman Corporation D/B/A/ Woodford Reserve – 1220 Georgetown Road – A-1/CO-1 Districts – Article VII, Section 701.4(I) & Special Provision 701.7(F)(G) – Owner is seeking a Conditional Use Permit to allow for the expansion of their barrel storage warehouse and transfer facility to complement their Woodford Reserve distillery plant, as an Agricultural Enterprise.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that Woodford Reserve (Applicant) is seeking a Conditional Use Permit (CUP) to allow the construction and expansion of existing bourbon barrel storage warehouse and transfer facility to complement the Applicant's Woodford Reserve distillery plant, as an Agricultural Enterprise, to meet the worldwide demand for Applicant's brand. The project will be constructed over a period of 10-15 year period with two barrel storage buildings being constructed every two years. All land not developed shall continue to be used for farming. The subject property is a proposed 147 acre tract of land zoned A-1 (Agriculture). The property is adjacent to the existing storage and transfer facility located at 1214 Georgetown road, north of the City of Midway on the eastern side of Georgetown Road, west of South Elkhorn Creek approximately one mile north of I-64. The principal use of the property is Agriculture. Mr. Stevens noted that the Agricultural Advisory Review Committee (AARC) met on March 10, 2021 to review the proposal and recommended unanimously to forward the request on the BOA. The minutes of this Public Meeting are attached hereto. The agreed upon conditions have been incorporated below. The request for the CUP appeared to meet all of the necessary criteria listed and within the associated

Ordinances. Mr. Stevens noted that the applicant's property appears to be of sufficient size to accommodate the proposed use.

Mr. Stevens provided the appropriate Ordinances for the request as well as all associated definitions. All public notifications were met.

Mr. Stevens provided seventeen (17) suggested conditions to be included if the Board approves the request and highlighted ten (10) of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. Applicant shall comply with all federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the Applicant as a result of the approval of the CUP.
3. Applicant's Conditional Use Permit shall become null and void upon the sale or transfer of the property.
4. Applicant shall return to the Board prior to ANY changes to the approved conditions.
5. The Applicant shall submit a Final Development Plan to the Planning Commission and once approved it shall be complied with as per Article V, Section 503.
6. **Applicant agrees to use only down box lighting which will not illuminate from the applicant's property.**
7. **Applicant agrees to use directional signage only and include "No Visitors" language on all signage. Especially at fencing along South Elkhorn Creek given the likelihood of increased recreational users on the creek in the future.**
8. **Applicant agrees to limit truck traffic to 7AM –7PM Monday through Friday and during construction limit traffic and outdoor activities to 6AM-7PM seven days a week.**
9. **Applicant agrees all outdoor activities will be at least 300 feet from any adjoining property lines, including that of the farmer leasing the remainder of the property.**
10. **Applicant agrees to maintain existing landscaping and to plant new landscaping based on the final development plan.**
11. **Applicant agrees to maintain all improvements to ensure compliance with all local, state and federal regulations applicable to bourbon storage facilities.**
12. **Applicant agrees that reflective roofs shall not be used on the rick houses.**
13. **Applicant agrees to develop the property in conformance with its development and site plan.**
14. **Applicant agrees to construct on-site containment facilities to prevent contamination of South Elkhorn Creek including underground spillage control and a retention pond with a 3 million gallon capacity.**
15. **Applicant agrees to construct and maintain individual storm water management basins at strategic locations to address storm water runoff so that it does not exceed the current rate of runoff of the current agricultural activity.**
16. Applicant agrees to transport its bourbon barrels produced at its McCracken Pike distillery to this facility along New Cut Road, US 60 and I-64.

17. Applicant shall obtain all building permits required through the Department of Housing, Buildings and Construction as well as the Versailles-Midway-Woodford County Planning Commission, prior to construction.

Chairman Turney asked if any members had questions regarding the staff report. Hearing none, Chairman Turney called upon the applicants for comment.

Steve Ruschell, Attorney for Brown Forman, and Donna Willis, Product Manager/Plant Director for Woodford Reserve were present. Mr. Ruschell noted that they had been before the Board in 2016 and requested to construct twelve rick houses (barrel warehouses) on the adjacent property. Mr. Ruschell noted that they are having to project demand for seven, ten and fifteen years. Mr. Ruschell noted that due to geotech findings they are only able to get nine rick houses on the original property; of those nine, only four are currently built. They are not visible from Georgetown Road due to the ridgeline. Adjoining land had become available to Brown-Forman and they were requesting to construct ten rick houses on the property and construction will be based on demand. There will be a 3 million gallon storage basin to make sure nothing gets to the creek. Mr. Ruschell noted that they are not requesting a zone change and want to leave it zoned agriculture. Mr. Ruschell noted that they had given notice to neighbors. The land will be used agriculturally until construction begins. Chairman Turney asked if the original Conditional Use Permit needed to be amended because they are only placing nine rick houses on the property instead of twelve. Mrs. Wilson noted that they would not have to amend the permit because they were decreasing the number that was approved but would have to amend their Development Plan at some point. Chairman Turney asked if the other five rick houses be built before any of the ones that were being requested with this application. Ms. Willis stated that they expect the remaining five rick houses would be built before 2025. Ms. Willis noted that there is only truck traffic and employees onsite.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak.

Mr. Shockley asked if the 3 million gallon basin be enough to contain all of the barrels if there were to be a catastrophe. Ms. Willis noted that she believed that is all they are required to do but would need to do further research.

Amy Perry, neighbor to the adjacent farm, noted that Brown-Forman had been excellent neighbors and make an excellent product.

Chairman Turney closed the hearing and asked for a motion to approve or deny the request.

A motion was made by Mr. Estes, as seconded by Mr. Shockley, to approve, based on the record and with the seventeen (17) conditions as listed, Application #04-005-2021 – Conditional Use Permit – Brown Forman Corporation D/B/A/ Woodford Reserve – 1220 Georgetown Road – A-1/CO-1 Districts – Article VII, Section 701.4(I) & Special Provision 701.7(F)(G) – Owner is seeking a Conditional Use Permit to allow for the expansion of their barrel storage warehouse and transfer facility to complement their Woodford Reserve distillery plant, as an Agricultural Enterprise. The motion carried with five (5) yeay votes.

Application #04-006-2021 – Dimensional Variance – JPG Rental and Storage, LLC – 1051 Tyrone Pike – I-2 District – Article VII, Section 719.7 & 718.7(A) - Owner is seeking a 50’ setback variance from the required 100’ minimum setback when structures in an industrial zone adjoin a residential zone.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Applicant was seeking a 50 foot variance from the required setback of 100 feet from residential zones. The property is located near the intersection of Tyrone Pike and Falling Springs Boulevard, and is zoned I-2 (Heavy Industrial). The property has been developed recently and has plans to add industrial businesses. The buildings planned for this lot are self-storage units set 24’ apart with a gated entry and exterior parking lot. The buildings vary in size from 12,800 square feet to 19,800 square feet. There are no records of any prior variances granted to this property.

Mr. Stevens noted that the application did appear to meet the four necessary criteria. Mr. Stevens provided the appropriate Ordinances for the request. All public notifications were met.

Mr. Stevens provided six (6) suggested conditions to be included if the Board approves the request and highlighted four (4) of those:

1. This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance.
2. The owner shall comply with all other federal, state and local regulatory entities and shall provide copies to the Planning Commission office of any and all permits issued on behalf of the owner as a result of the approval of the Variance.
3. **The approved variance is granted only for the proposed set back shown on the “Site Plan” attached to the application. Any future structures or additions shall conform to the standards of the Zoning Ordinance.**
4. **The applicant shall apply for a building permit with the Versailles-Midway-Woodford County Planning & Zoning office prior to any construction.**
5. **The rear of the property in view from the residential zone shall be kept free off all trash and debris with no parking allowed.**
6. **All exterior lighting shall be kept pointed downward and shielded.**
7. No garage doors facing Abbey Alley.
8. No outdoor parking behind rear of building along Abbey Alley.
9. Shall construct 6’ privacy fence along rear of property.

Chairman Turney asked if any members had questions regarding the staff report. Mr. Prewitt asked if staff had received any letters or comment from neighbors. Mrs. Wilson noted that nothing was received but that a representative for a neighbor was at the meeting and may want to address concerns. Chairman Turney called upon the applicant for comment.

Jon Gay, Attorney for the applicant was present. Mr. Gay noted that they were aware of concerns from Anderson Wooldridge regarding proper screening and have addressed those with their representative. Chairman Turney asked with or without the setback, did it increase or decrease the number of units on

the property. Mr. Gay noted that it would increase the number of units but would not allow for vehicle storage. Mr. Gay noted that there would be an apron behind the units and vehicles would not be able to drive behind them.

Chairman Turney asked if there were any questions or if anyone from the public wished to speak.

Jon Strom, representative for Anderson Wooldridge, noted that they had spoken to Mr. Gay and were in support of the proposal and presentation.

Chairman Turney asked if any members had questions, hearing none, he closed the hearing and asked for a motion to approve or deny.

A motion was made by Mr. Winkfield, as seconded by Mr. Prewitt, to approve, based on the staff report record, with the nine (9) conditions as listed, Application #04-006-2021 – Dimensional Variance – JPG Rental and Storage, LLC – 1051 Tyrone Pike – I-2 District – Article VII, Section 719.7 & 718.7(A) - Owner is seeking a 50' setback variance from the required 100' minimum setback when structures in an industrial zone adjoin a residential zone. The motion carried with five (5) aye votes.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 7:18 p.m. The motion carried with five (5) aye votes.

Tim Turney, Chairman
TT/ko