

ON MONDAY, NOVEMBER 2, 2020, THE BOARD OF ADJUSTMENT HELD THEIR REGULAR SCHEDULED MEETING AT THE WOODFORD COUNTY COURTHOUSE IN THE 2ND FLOOR COURT ROOM AT 6:30 P.M.

MEMBERS PRESENT: Tim Turney, Ken Winkfield, Lonnie Estes.

MINUTES: A motion was made by Mr. Winkfield, as seconded by Mr. Estes, to approve the October 5, 2020 minutes, as submitted. The motion carried with three aye votes.

Application #11-014-2020 – Conditional Use Permit – EQP 2011 LLC (owner) and James Cousins (applicant) – 120 A.P. Indy – B-1/B-4 Districts - Article VII, Section 713.4(D) – Applicant is seeking a Conditional Use Permit for a drive-thru in the B-1 (Neighborhood Business) portion of the property for a coffee shop.

Chairman Turney declared the hearing open and called upon Joshua Stevens, Building and Zoning Inspector, for comments. Mr. Stevens noted that the applicant was requesting a Conditional Use Permit (CUP) to allow a drive-thru on the B-1 zoned portion of the property for a proposed coffee shop. Currently there is no building on this lot. The applicant intends to purchase the property and construct a coffee shop, pending Board of Adjustment approval. The subject property is split zoned B-1 & B-4, as shown by the attached aerial photo. The property is approximately one acre located on the south side of Lexington Street approximately 1.25 miles east of downtown Versailles. The principle use of the property is Business. The proposed coffee shop drive-thru will allow for a safe means of business with the ongoing pandemic and is allowable per Article VII Section 713.4 (D) because the property abuts a state highway. All required public notifications were met. It appeared there was adequate findings and facts to approve this Conditional Use Permit based on noted ordinances and conditions.

If approved, Mr. Stevens suggested the following conditions and highlighted two of them.

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 coffee shop.**
3. **The Conditional Use Permit shall be personal with James Cousins and shall become null and void upon the sale, rent or lease of the property to any other party.**
4. The applicant shall return to the Board prior to ANY changes to the approved conditions.
5. 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. Hearing none, Chairman Turney called upon the applicant for comment.

Jeff Owens, Architect for the project, was present. Mr. Owens noted regarding the last condition that was mentioned; there would be two suites inside the building and that the Cousins would only be occupying one of them (closer to Lexington Road) and the other one would be leased.

Chairman Turney asked if there were any questions. Hearing none, and no one from the public was in attendance, Chairman Turney closed the hearing and asked for a motion to approve or deny.

A motion was made by Mr. Winkfield, as seconded by Mr. Estes, to approve, based on the staff report record and with the five conditions as listed, Application #11-014-2020 – Conditional Use Permit – EQP 2011 LLC (owner) and James Cousins (applicant) – 120 A.P. Indy – B-1/B-4 Districts - Article VII, Section 713.4(D) – Applicant is seeking a Conditional Use Permit for a drive-thru in the B-1 (Neighborhood Business) portion of the property for a coffee shop. The motion carried with three aye votes.

Application #11-015-2020 – Conditional Use Permit – Elkwood Farm, LLC (owner) and Bluegrass Distillers, LLC (applicants) – 158 West Leestown Rd – A-1/I-1 Districts – Article VII, Section 701.4 (M) and 701.8 (A,B,C,D,F,G) – Applicants are seeking a Conditional Use Permit for an Agricultural Enterprise and Tourist Destination (expanded) for a distillery with accessory uses.

Chairman Turney declared the hearing open and called upon Pattie Wilson, Planning Director, for comments. Mrs. Wilson noted that the Applicants were requesting a Conditional Use Permit (CUP) for an Agricultural Enterprise and Tourist Destination (Expanded) for a distillery with accessory uses. This application is only for the agriculturally zoned A-1 area of the property. The site is located at the northwest corner of I-64. US 421 (W. Leestown Road) and Ky Hwy 341 (Georgetown Road) on the north side of the City of Midway. The subject property was purchased by the Mitchell's in the late 1930's. Bluegrass Distillers, LLC has an option to purchase the front 61.67 acres of the farm with 97.59 acres remaining in Woodford County. (There is additional land on the north side of Elkhorn Creek in Scott County). In 1992 the Mitchell's requested approximately 60 acres be rezoned to Light Industrial (I-1). The Planning Commission did not feel it was appropriate to rezone the area where the existing structures were due to their historical significance so they excluded about 8.5 acres from the original request. In the 61.67 acres under option, there are about 41.5 acres of I-1 zoned land. The remaining portion under contract consists of 20.5 acres and is zoned Agriculture (A-1), the subject of this request. The original I-1 boundary and area south of it lie within the Midway Urban Service Boundary but none of the farm is located within the Midway City Limits. Twenty-four acres of this farm, including seven contributing structures, were nominated to the National Register of Historic Places in December 1993 and they were accepted in January 1994. The main residence was constructed around 1835 and designed by noted Kentucky architect, Gideon Shryock. This designation has had a historic impact on the applicant's overall proposed use of the property for an Agricultural Enterprise and Tourist Destination, including the construction of a distillery. Therefore, they are now seeking a Conditional Use Permit for an Agricultural Enterprise and a Tourist Destination.

Mrs. Wilson noted that the Agricultural Advisory Review Committee (AARC) made a site visit on October 7th and had a Public Meeting on October 14th via Zoom and made a unanimous recommendation to the Board of Adjustment. A complete copy of the record associated with this AARC review is attached to the CUP application including recommended conditions.

Mrs. Wilson noted that there were numerous Ordinances that the Applicant was requesting the permit under and those were provided in the report to the Board. All public notifications were met and the

request for this Conditional Use Permit did appear to meet the necessary criteria with the following suggested conditions:

1. The Versailles-Midway-Woodford County Zoning Ordinance allows for the requested Conditional Uses per noted ordinances herein.
2. **The AARC reviewed and has recommended the request after a Site Visit on October 7, 2020 and a Public Meeting on October 14, 2020 (Minutes attached hereto) including the following conditions:**
 - a) **Amplified music must end by 10 PM.**
 - b) **All events must end by 11 PM.**
 - c) **Outdoor lighting must be directed downward and shielded.**
 - d) **Any new structures built keep with the character of the existing buildings.**
 - e) **Need to have a plan to manage water runoff from any paved areas.**
 - f) **Given the size of the agri-tourism parcel and the layout of the different existing barns and sheds that will be integrated into the experience, applicants will likely face visitor management issues (e.g., safety, trespass). Therefore, boundary “no trespassing,” signs must be posted on the east side of the property which borders the nearest private residence/farm.**

The AARC also recommend the following as suggestion:

- i) Recommend placing a fence to separate the 3-sided machine shed on the east side of the house which is going to become a “play area” from the acreage that is going to be in crop production. This is because there are no site lines from the house to this area.
 - ii) Recommend having an insurance representative familiar with farms do a liability walk through to identify “attractive nuisances” that may become visitor hazards, especially for younger children.
 - iii) Recommend that visitors receive a “walking map” of permitted areas and that visually attractive informative trail signs be designed and placed throughout the property.
3. **An existing entrance (Firegate #23A) on the western side of the farm that currently serves as access to the Midway Waste Water Plant has been conditionally approved by the KDOT for major access to the property.**
4. **The applicant will adhere to the other conditions established by the Tourist Destination ordinance (attached hereto) with expanded seating for the snack bar.**
5. **This property is subject to all requirements of the Versailles-Midway-Woodford County Zoning Ordinance, including a Final Development Plan and Site Construction Plans.**
6. The C.U.P. is granted only for the uses and areas noted herein and as shown on associated maps. Any future structures or additions shall conform to the standards of the Zoning Ordinance.
7. The C.U.P shall be personal with Bluegrass Distillers, LLC and shall become null and void upon sale or transfer of the property.
8. The applicant 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 C.U.P.
9. The Applicants shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector, Kentucky Department of Building and Housing, and the Woodford County Health Department prior to hosting any events.

10. The Applicants shall return to the Board prior to any changes in the scope or area of the approved conditions.
11. This C.U.P shall be reviewed annually for compliance with all noted 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. Hearing none, Chairman Turney called upon the applicant for comment.

Sam Rock with Bluegrass Distillers was present and thanked the Planning staff for their time and guidance with the application. Mr. Rock noted that their goal was to bring back the life of the original house and buildings. Mr. Rock noted that they wanted to make the distillery close enough to make the house relevant because they want to use the house as the tasting room. Mr. Rock noted that the use of the distillery was consistent with the Ordinance and Conditional uses in the Ag zone because it was truly an agricultural processing plant; there is nothing more in Kentucky that is more Ag than a distillery. They will be growing the grain on the land and will be able to show people the whole process. They believe it is a great use of the land and will be a great tourist destination and agree with the recommendations/conditions of the Ag review Board. Mr. Rock noted that the barrel warehouses can be placed in the Industrial Zone.

Chairman Turney asked what the proposed square footage of the distillery would be. Mr. Rock stated that it would be approximately 10,000 SF. Chairman Turney asked how many barrels they projected to produce and store a year. Mr. Rock noted that they would probably produce 1,000-2,000 a year for the first couple of years; they have the ability to produce twenty barrels a shift. They have been in business since 2013 and in a good month they produce twelve barrels.

Chairman Turney asked if there were any other questions. Mr. Estes asked the sellers (Mitchell Family) if John or Ollie Mitchell was involved in the sale because of a possible conflict. The Mitchell family stated no. Chairman Turney asked if anyone from the public wished to speak.

Courtney Roberts, vice-chair of the Woodford County Economic Development Authority, was present and noted they were in support of this project. The EDA Board has been very excited to see the project come to fruition and to have this use on the land. It will be a great thing for the City and County.

Lucas Witt, Interim Director of Woodford County Economic Development Authority and also with Fortune Solutions LLC out of Lexington was present. Mr. Witt noted that it was important to work with existing industries to make sure they continue to prosper. Mr. Witt noted that from there you would want to have strategic and well-fitting new growth to the community and he believes that Bluegrass Distillers checks all of those boxes. There will be significant capital investment to a wonderful property and new job growth. They have enjoyed working with them.

Chairman Turney asked if anyone else wished to speak, hearing none, Chairman Turney 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. Estes, to approve, based on the record and with the eleven conditions as listed, Application #11-015-2020 – Conditional Use Permit – Elkwood Farm, LLC (owner) and Bluegrass Distillers, LLC (applicants) – 158 West Leestown Rd – A-1/I-1 Districts – Article VII, Section 701.4 (M) and 701.8 (A,B,C,D,F,G) – Applicants are seeking a Conditional Use

Permit for an Agricultural Enterprise and Tourist Destination (expanded) for a distillery with accessory uses. The motion carried with three aye votes.

Application #11-017-2020 – Conditional Use Permit – Franklin T. and Mary E. Lassiter – 534 Shady Ln – R-1B District – Article VII, Section 706.4 and 705.4(H); Article V, Section 507 and Definition 212 – Owners are seeking a Conditional Use Permit to operate a Bed & Breakfast/Inn consisting of 2 guest rooms as a vacation rental.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Applicants were requesting a Conditional Use Permit (CUP) to operate a two bedroom Bed & Breakfast/Inn. The subject property is listed as a 1 story single family residence built in 1955. The property is approximately 2.5 acre currently zoned R-1B (Low Density Residential). The property is listed as being 2 bedroom 1 bathroom approximately 910 square feet. The owner purchased the property in 2007. In March of 2016 a building permit was obtained for a garage which has since been completed. The principle use of the property is rental property. The B&B will be the new primary use and will be limited to a maximum of 4 guests with two bedrooms and one bathroom available. The property appears to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate parking spaces to accommodate the proposed B&B. All public notices have been met and it appeared that to meet all of the necessary criteria listed above and within the associated Ordinances.

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

1. **The Applicant will operate no more than two (2) guest rooms, to be occupied by no more than two (2) guests at a time, for a total of four occupants.**
2. **Guests will park cars in the driveway as shown in aerial photo, or private parking garage nearby.**
3. This property is subject of all requirements of the Versailles-Midway-Woodford-County Zoning Ordinance, more specifically; B&B/Inn Conditions, Article V Section 507.
4. **The C.U.P shall be personal with Franklin & Mary Lassiter and shall become null and void upon sale or transfer of the property.**
5. The Applicant shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector and the Woodford County Health Department prior to operation of the B&B, if required.
6. The Applicant shall return to the Board prior to any changes in the scope or area of the approved conditions.
7. This C.U.P shall be reviewed annually for compliance with all noted 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. Estes noted that in the Ordinance it states that the dwelling or structure must be occupied by the owner. And it was his understanding that this structure was a rental property. Mrs. Wilson noted that it further states that the owner or agent must reside on the property and be present if they have events.

Chairman Turney called upon the applicant for comment.

Mary Lassiter was present and noted that on two acres is the small house that had a tenant for 31 years and she passed away last year. There is also a large garage on the property and a barn with an apartment in it. There is a long-term renter in the apartment and she will be the agent for the proposed B&B/Inn. There will not be signage or any traffic impediment.

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. Estes, to approve, based on the record and with the seven conditions as listed, Application #11-017-2020 – Conditional Use Permit – Franklin T. and Mary E. Lassiter – 534 Shady Ln – R-1B District – Article VII, Section 706.4 and 705.4(H); Article V, Section 507 and Definition 212 – Owners are seeking a Conditional Use Permit to operate a Bed & Breakfast/Inn consisting of 2 guest rooms as a vacation rental. The motion carried with three aye votes.

Application #11-018-2020 – Conditional Use Permit – Jon Hall (owner) and Eric Carrico (applicant) – 108, 110 and 112 N. Main St – OHB-2 District – Article VII, Section 714.4 (D) – Applicant is seeking a Conditional Use Permit to operate an 8 unit Hotel on the 2nd and 3rd floors for short term rental.

Chairman Turney declared the hearing open and called upon Mr. Stevens for comments. Mr. Stevens noted that the Applicant was requesting a Conditional Use Permit (CUP) to operate a Hotel/Motel for short term rentals for a total of 8 units on the 2nd and 3rd floors of the existing historic Woodford Hotel. The subject property is listed as a 3 story mixed use building built in 1800. The property is currently zoned OH/B-2 (Old Historic)(Central Business District). The property is listed as containing 29 rooms and is approximately 22,575 square feet. The owners purchased the property in 2007 and the applicant Mr. Carrico intends to purchase the property if the CUP is approved. Currently there are two offices, a photography studio, and two beauty salons in the commercial spaces. The property was listed on the National Register of Historic Places as part of the Downtown Versailles Historic District in September 1975. The existing principle use of the property is mixed use long term rental apartments on the upper floors and businesses on the ground floor. The short term rentals will be the new primary residential use portion and will be limited to a maximum of 8 units with a maximum of 32 occupants located on the 2nd and 3rd stories. The property appeared to be of sufficient size to accommodate the proposed use. The Site Plan shows that there is adequate parking spaces to accommodate the proposed hotel with public parking nearby. All public notices have been met and it appeared that to meet all of the necessary criteria listed above and within the associated Ordinances.

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

- 1. The Applicant will operate no more than eight (8) units, to be occupied by no more than thirty two (32) guests at a time, on the 2nd and 3rd stories.**

2. **Guests will park cars in the designated street parking as shown in aerial photo, or public parking lot nearby.**
3. This property is subject of all requirements of the Versailles-Midway-Woodford-County Zoning Ordinance.
4. **The C.U.P shall be personal with Eric Carrico and shall become null and void upon sale or transfer of the property.**
5. **The Applicant shall obtain all necessary permits from the Versailles-Midway-Woodford County Building Inspector, the Department of Housing Buildings and Construction, the Board of Architectural review, and the Woodford County Health Department prior to operation of the Hotel, if required.**
6. The Applicant shall return to the Board prior to any changes in the scope or area of the approved conditions.
7. This C.U.P shall be reviewed annually for compliance with all noted 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. Hearing none, Chairman Turney called upon the applicant for comment.

Eric Carrico was present and noted that he and his wife have other short term rentals and they have horses and over the years have spent time in Versailles meeting their guests and enjoy downtown Versailles. They have experience performing the work and managing guests and look forward being downtown.

Chairman Turney asked if there were any questions. Mr. Winkfield asked what the length of stay was for short term rental. Mr. Carrico noted that some people will take a day up to ten days but it is driven by events. Mrs. Wilson noted that the Zoning Ordinance did not define short term rental so the fact that it was a hotel and that still serves the purpose that he was trying to rent it out for a day, a long weekend, or a week, it still met that requirement and that is why it fell under hotel/motel.

Chairman Turney asked 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. Estes, to approve, based on the record and with the seven conditions as listed, Application #11-018-2020 – Conditional Use Permit – Jon Hall (owner) and Eric Carrico (applicant) – 108, 110 and 112 N. Main St – OHB-2 District – Article VII, Section 714.4 (D) – Applicant is seeking a Conditional Use Permit to operate an 8 unit Hotel on the 2nd and 3rd floors for short term rental. The motion carried with three aye votes.

A motion was made by Mr. Winkfield, so moved by Chairman Turney, to adjourn at 7:07 p.m. The motion carried with three (3) aye votes.

Tim Turney, Chairman
TT/ko