

ON THURSDAY AUGUST 11, 2022, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR REGULAR SCHEDULED MEETING AT 6:30 PM IN THE 2<sup>ND</sup> FLOOR COURTROOM OF THE COURTHOUSE.

Madam Chair Perry called the meeting to order at 6:30 p.m.

### **PLEDGE OF ALLEGIANCE**

**Members Present:** Randal Bohannon, Patty Perry, Tim Parrott, Chad Wells, Rich Schein, Chantel Bingham, Jeri Hartley, Floyd Greene, Barry Drury.

**Minutes: Motion was made by Mrs. Hartley, as seconded by Mr. Greene to approve the July 14, 2022 minutes, as submitted. Motion carried with nine (9) aye votes.**

### **NEW BUSINESS**

#### Final Development Plan - CH Holding Company – 105, 115, 125 Park St – B-2 District

Madam Chair called upon Steve Hunter, Planning Director, for comments. Mr. Hunter noted that the plan was located in the Central Business District and the applicant was proposing three 2-story retail structures on three lots. Mr. Hunter noted that all deficiencies had been addressed and if the Commission were to approve it would need to be contingent upon the Consolidation Plat being recorded. Mr. Hunter shared a zoning map on the monitor for public view.

Madam Chair asked the Commission if they had any questions for Mr. Hunter. Mr. Schein asked if there would be residential on the second floor and Mr. Hunter stated that there would be.

Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mr. Wells, as seconded by Mrs. Bingham, to approve contingent upon the Consolidation Plat being recorded, the Final Development Plan - CH Holding Company – 105, 115, 125 Park St – B-2 District. Motion carried with nine (9) aye votes.**

#### Final Record Plat – Legends at Versailles – Unit 3 - 13 Lots – 906 Troy Pike – R-1A/PUD District

Madam Chair called upon Mr. Hunter for comments. Mr. Hunter noted that the purpose of the Plat was to sub-divide 13 lots on the northeast corner of the development. Mr. Hunter noted that all deficiencies had been addressed and the Plan was in order for Commission's action with one noted contingency. The Plat would need to be approved contingent on the completion and testing of waterline infrastructure.

Rick Nunnery with EA Partners was present and noted that the Plat was for 13 more units in the Legends to be platted. Mr. Nunnery noted that all water infrastructure was installed and they are in the process of completing testing.

Madam Chair asked the Commission if they had any questions for Mr. Hunter or Mr. Nunnery. Mr. Schein asked if this would be tied into Edmonds Crossing to the north and Mr. Nunnery noted that it would eventually connect. It does not connect to the east.

Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mrs. Hartley, as seconded by Mr. Parrott to approve the Final Record Plat – Legends at Versailles – Unit 3 - 13 Lots – 906 Troy Pike – R-1A/PUD District, contingent upon the completion and testing of waterline infrastructure with approval by City Public Works. Motion carried with nine (9) aye votes.**

1<sup>st</sup> Amended Final Development Plan – Good Truck Properties, LLC – Arby’s – 467 Lexington Rd – B-4 District

Madam Chair called upon Mr. Hunter for comments. Mr. Hunter noted that the purpose of the Amended Development Plan was to rebuild an Arby’s restaurant with new configuration consisting of 2568 SF and 20 parking spaces. Mr. Hunter noted that all deficiencies had been addressed and the Plan was in order for Commission’s action.

Madam Chair asked the Commission if they had any other questions or comments. There was discussion regarding the landscaping shown and Mr. Schein questioned the required tree in an island. Madam Chair closed the public hearing and asked if anyone was prepared to take action.

**Motion was made by Mrs. Bingham, as seconded by Mrs. Hartley to approve the 1<sup>st</sup> Amended Final Development Plan – Good Truck Properties, LLC – Arby’s – 467 Lexington Rd – B-4 District. Motion carried with nine (9) aye votes.**

**PUBLIC HEARING** - Zoning Map Amendment and Preliminary Development Plan/Preliminary Subdivision Plan – Springs of Versailles, LLC (Estate of Josephine Barrows) – 581 Falling Springs Blvd – 93.52 Net Acres - A-1 to R-1B/PUD District

Madam Chair opened the public hearing. Mr. Wells recused himself.

Madam Chair called upon Mr. Hunter for comments.

Mr. Hunter summarized the Zone Change Staff Report. Mr. Hunter noted that a Zoning Map Amendment, Preliminary Development Plan, and Preliminary Subdivision Plat were submitted with the application. The applicants were proposing to rezone a tract of land containing 95.21 acres, located at 581 Falling Springs Blvd (KY-2113), from Agriculture (A-1) to Single Family Residential (R-1B) & Planned Unit Development (PUD) in order to develop the property as a Single-Family Residential neighborhood within the city limits of Versailles. Staff provided the Commission a copy of the plats submitted and traffic impact summary as well as the Comprehensive Plan justification statement. Mr. Hunter reviewed the zoning land use map. The subject property is located within the Versailles Urban Area in the *Contemporary Neighborhood District* (CND). The focus of this type of District is to ensure that existing neighborhoods continue to be developed and maintained consistent with approved zoning or subdivision plans. New neighborhoods

may be designed in a variety of ways to provide City and County residents with a variety of housing options. Mr. Hunter noted that in Article V of the Versailles Zoning Ordinance, section 503.3 - Development Plans states: General Provisions Subject to the provisions of this Article, a Preliminary Development Plan shall be submitted with a Zoning District Map Amendment. The Preliminary Development Plan is intended to demonstrate to the Planning and Zoning Commission the character and objectives of the proposed development. The applicant is proposing 259 R1-B with PUD Overlay, Single Family Residential lots and five (5) additional lots for Open Space and/or Stormwater Areas as shown on the Preliminary Development Plan. Two existing stub streets to the north (Flint and Dylan) will be extended and interconnected to serve the proposed development. Three new stub street locations will be developed to serve the undeveloped tracts to the south of the project area. The applicant submitted the Preliminary Development Plan to satisfy the Zoning Ordinance requirements. Mr. Hunter noted that the Preliminary Plat and Preliminary Development Plan did go before Technical Review and there were fifteen items addressed and three comments and have been provided to the Commission; all deficiencies were addressed. All Goals and Objectives and Area Wide Policies were reviewed in the Comprehensive Plan. Staff reviewed and provided the pertinent information for Land Use Districts and noted that the property lies in the Contemporary Neighborhood District. Mr. Hunter noted that the Zoning Ordinance limits R-1B zoning districts to a maximum of 4 units per gross acre. Given the size of the proposed R-1B area of the property being 95.21 gross acres, a maximum of 380 units would be permitted on this property. The Preliminary Development Plan proposes 259 single family residential lots (2.72 units per acre), well within the maximum allowed. Mr. Hunter noted that staff reviewed the water and sewer capacity, fire and police services, recreation facilities/open space, residential lot assessment and school capacity. Mr. Hunter reviewed the R-1b Zoning District and noted that the PUD overlay allowed for deviation of zoning ordinance and subdivision regulations if deemed necessary. The PUD in this case is being used to deviate the minimum lot size from 10,000 SF down to different sizes. There are some proposed lots between 8000-9000 SF, however there are some proposed greater than 10,000 SF; all lots adjacent to Adena Woods are greater than 10,000 SF. The proposal is also deviating the minimum lot width from eighty to seventy feet and the combined side yard setback is eight feet on each side with no averaging allowed. Mr. Hunter provided the information for Findings necessary for a Zoning Map Amendment and noted that the Commission's attorney was present to answer any questions related to the Findings.

Mr. Hunter entered the following exhibits into the record:

- A. Zone Change, Preliminary Plat and Preliminary Development Plan Application
- B. TRC Agenda – June 14, 2022
- C. Letter of TRC Deficiencies – June 14, 2022
- D. TRC Minutes - June 14, 2022
- E. TRC Agenda – July 19, 2022
- F. Letter of TRC Deficiencies – July 20, 2022
- G. TRC Minutes - July 19, 2022
- H. Notice to Woodford Sun
- I. Copies of Notification Letters to Neighbors (Adjoining)
- J. Photographs of Zone Change Signs (3)
- K. Staff Report

- L. P&Z Meeting Agenda – August 11, 2022
- M. City Public Works Letter for Water/Sewer
- N. Traffic Summary – EA Partners

Chair Perry asked if any members had questions for Mr. Hunter. Hearing none, Chair Perry called upon the applicant.

Al Gross and Rick Nunnery with EA Partners were present. Mr. Gross noted that The Springs of Versailles was in essence the same as the Legends which was a subdivision developed on KY 33/Troy Pike. Mr. Gross distributed copies of a color plat of what was being proposed. Mr. Gross noted that the plan depicts two phases of approximately 130 lots and that breaks down to about 15-20 lots annually; roughly 20 years of development. The proposal is in agreement with the Comprehensive Plan. Mr. Gross distributed their justifications and Findings of Fact. Mr. Gross noted the property consisted of 95.21 gross acres; the density of 2.72 units per acre is very similar to the adjoining neighborhood. Mr. Gross noted his firm did Adena Woods development several years ago. Justification for the request is in substantial compliance with the Comprehensive Plan. The property is capable of being served by Urban Services as it is inside the Urban Service Boundary and the City Limits of Versailles and the future Land Use Map recommends the property be zoned Contemporary Neighborhood District as noted by the Planning Director. The proposed Zone and Plan complies with the specific Goals and Objectives as outlined by Mr. Gross. The proposed use R-1B/PUD Low Density Residential is permitted within the Contemporary Neighborhood District and the Zone Change application was in agreement with the Land Use element of the 2018 Comprehensive Plan. The City of Versailles verified that public water and sewer were available to the property. Storm water drainage from the property was adequately addressed. The applicant will comply with the Stormwater Management of Versailles-Midway-Woodford County Subdivision Regulations. Mr. Gross noted that he was aware that the PUD was a concern for the community in attendance and addressed several concerns. Mr. Gross noted that the only thing they are proposing with the PUD overlay designation is for multiple home styles and price points, with a mixture of 70' and 80' lots, and the side yard will not allow averaging. The lots will look very similar to the Legends. The development will not diminish adjacent property value nor will it put a strain on the surrounding infrastructure and they have provided a 50' Landscape buffer along the Urban Service Boundary.

Mr. Gross noted that the Zone Map should be amended for the subject property to be rezoned to R-1b/PUD to provide Single Family Home opportunities in Versailles and Woodford County within the Urban Service Boundary because it is in agreement with the 2018 Comprehensive Plan. In the 2018 Comprehensive Plan the subject property is planned for a Contemporary Neighborhood District. The proposed zone and plan are in agreement with the Contemporary Neighborhood District as well as numerous other aspects of the 2018 Comprehensive Plan. Additional housing is needed to support Versailles growing population, which according to the Census Bureau of April 1, 2020 the population of Versailles was 10,347, already exceeding the Comprehensive Plan's Year 2030 population projection. The proposed Zone Map Amendment request allows for additional housing types that are complimentary to the existing land uses and zoning on adjacent properties. The PUD designation allows for multiple home styles and price points, by providing varying lot widths, while keeping density well below the maximum density of 4 units per acre in a traditional R-1B Zone. The proposal will not diminish adjacent property values. The development will not put any strain on the surrounding infrastructure and expands the existing collector street system to undeveloped land within the Urban Service Boundary. The project is respectful of the adjacent Rural Residential properties to the south and proposed a 50' Landscape buffer

along the Urban Service Boundary. The proposed development plan follows many of the specific recommendations of the Comprehensive Plan in its discussion on how to grow successful neighborhoods. Open space will be provided within the property and along Falling Spring Boulevard where a meandering, 10' walking trail will be constructed to become part of the City of Versailles Trail System. The project's primary access, including all construction traffic, will be from Falling Springs Boulevard, where an existing entrance with fully developed turn lanes are present. By continuing the existing collector and local streets through this development, they are utilizing a people first street pattern design with efficient roadways and pedestrian infrastructure. This creates the proper road connections and extensions to enhance emergency services accessibility while creating inviting streetscapes.

Chair Perry asked if any members had questions for Mr. Gross. Mr. Drury asked if the Legends Unit 1 was a PUD or R-1B. Mr. Gross noted that it was a PUD. Chair Perry asked for clarification on the absorption rates. Mr. Gross noted that he compared it to the Legends and they had built on 64 lots, and that had been going on since approximately 2017. Mr. Gross noted that it works out to be about 15-20 homes a year. Mrs. Hartley asked if Adena Woods and Adena Trace contain around the same number of lots as the proposed development. Mr. Gross did not have the exact number but Mrs. Hartley thought it was combined to be approximately 200 lots. Mr. Gross noted that the density is very similar and once developed he was confident that you would not know which subdivision you are driving in and out of. Mr. Nunnery noted that Adena Woods was approximately 35 acres. Mr. Drury asked what the average square footage for in Adena Woods and Adena Trace were. Mr. Gross did not have those numbers. Mr. Gross explained when averaging, the number is around 11,000 SF. Mr. Gross always noted that the smallest home in the covenant was 1850 SF. Chair Perry asked what the footprint was for the lots with the landscape buffer. Mr. Gross did not have the specific answer.

Chair Perry noted that each speaker would have five minutes to make comments and asked the public to not be repetitive.

Linda Sudduth noted that her son lives in Adena Woods and provided an enlarged plat for review. Mrs. Sudduth stated that they do not think the proposal was the same as Adena Woods or Adena Trace and are opposed to it. She noted that with the PUD the developers can do what they want to do; they can have multi-family, business and commercial in the development. Mrs. Sudduth noted that they moved here because Woodford County is unique, has beautiful farmland, horses and they don't like to see it changed. They believe there are plenty of houses and planned houses. Mrs. Sudduth wants to see more drainage studies done because of the recent floods and noted that her son had dealt with water runoff before the development is even started and believes that it would increase the problem. Mrs. Sudduth commented that one person had recused himself and that other members need to do the same, if they have special interest like realty, and might benefit from this. Mrs. Sudduth questioned that if it would really take twenty years to develop, she didn't think so. There will be traffic on Adena Woods streets.

Van Sudduth of Troy Pike referred to the enlarged plat as the previous speaker. Mr. Sudduth addressed the lot sizes in Adena Woods and the proposed lot sizes. Mr. Sudduth was opposed to the PUD. Mr. Sudduth noted that more retention is needed to help control storm water because of existing water on Lane Circle. Traffic will be an issue with the proposed density. Home values will be less because the proposed homes will be smaller.

Neill Kahle noted that his concern was the width of the lots and traffic going to Southside School on KY33; make sure to address this. Will Phase II remain farmland during the construction of Phase I?

Will Sudduth noted that he commutes to work in Lexington and was concerned with traffic. The density is not comparable to Lane Circle and he was told fifteen years ago that it would be the same neighborhood. He has been spending the past years trying to mitigate the water issue and this would destroy the backyards.

Scott Parkinson noted that he loves his neighborhood and Versailles. He moved here because it's beautiful and the new development will destroy that and if he wanted to live in Lexington, he would move to Lexington. The greenspace will be gone and agreed that property values will decrease. Concerned with the traffic thru the existing neighborhood. Mr. Parkinson stated that he did not want it in his back yard. Asked the Commission not to approve the PUD.

Brody McCoun questioned if the development would have an effect on adjoining property values. Asked the Commission not to rezone the 93 acres on Falling Springs Boulevard from A-1 to R-1B. The rich farmland, small town charm and beautiful scenery is what makes the community unique. Reiterated what Mr. Parkinson said. Mr. McCoun noted that there was not a shortage of housing in Versailles, plenty of single family housing and apartments on Falling Springs Boulevard, not to mention that Versailles City Council paved the way for 522 new housing units to be built near the parkway and Lexington Road. The schools are overcrowded. Concerned with farmland being lost to subdivisions and the decision made tonight will affect the community for years to come. Mr. McCoun asked the Commission to protect the beauty of the farmland and what makes the community special, just because you can do something, doesn't mean you should.

John Novak noted that he was opposed to the development because it was too high density for the area and it will create a lot of problems; traffic, extra kids in the schools, stormwater issues.

Pete Petersen asked why someone recused themselves. Mr. Wells noted that it was not required that he answer but stated that the development was practically in his backyard and thought the best thing personally. Mr. Petersen stated that the question would be why would someone recuse themselves and someone not. Mr. Petersen questioned why the green space/buffer chosen to be placed where it was. Mr. Petersen noted that the lots are not the same. Mr. Petersen was opposed to the PUD. Mrs. Hartley noted that the reason someone wouldn't recuse themselves because there wasn't a need to. She noted that she lives in Adena Trace and had lived in Adena Woods when it was part of the Barrows farm. Her parents and sister live there and she has a deep concern for the neighborhood and Versailles because she doesn't make money off everybody. Mrs. Hartley noted that she was a real estate agent and people ask her to help them all of the time and she doesn't get paid. Mr. Petersen asked Mrs. Hartley to recuse herself from ever selling a property in the proposed development or recuse herself from the hearing. Scott Schuette, Planning Commission Attorney, noted that there was no requirement for Mrs. Hartley to recuse tonight.

Dan Call noted that Versailles had approved over 500 homes at the Bluegrass Parkway as well as 250 homes at the Legends when the neighborhood is finale. Now under consideration is 250 new homes on the land to be rezoned. How does the community, City, County and schools support a thousand families and children? What plans do the four entities have in place to support the increase in needs? Concerned about overcrowding in schools, infrastructure costs, and increase in taxes. Need to preserve Woodford County and Versailles. Questioned if environmental impact study had been done, if not, it must be considered. Mr. Call noted that he had hoped decision had not already been made because why would a developer invest so much money in a parcel of land if they were not already somehow assured that the zoning would change to allow them to build a new residential community. Mr. Call noted that it was his understanding that the City of Versailles had already annexed the property. Mr. Call asked the Commission to take into consideration what the residents and citizens of Woodford County had to say. The development needs to slow down and so much has been approved already and more information is needed on the effect of development.

Kristi Grider was concerned with flooding on Lane Circle and overcrowding in the schools and possible redistricting. Completely opposed to the development and will lose the small town charm. Mrs. Grider stated that she was in business looking for farmland if it needs to be sold.

Diana Sage noted she was opposed to the development because of run off and have had water issues since Adena Trace was built. There is standing water on Falling Springs Boulevard and traffic is a concern because there have been fatalities on that road. Opposed to the PUD.

Glenn Graetz noted that he did not live in Adena Trace or anywhere close to it. Mr. Graetz noted that he was baffled that someone could state that the infrastructure could not be stressed because it is already stressed at Southside school pickup. Concerned with the price point and the term affordable housing. Questioned the criteria when someone should recuse themselves. Mr. Schuette noted that a request can be made and that person can accept or deny the request. Mr. Graetz requested that anyone who is in the real estate business, recuse themselves. Mr. Graetz noted that more people want to move here, but if this keeps happening then there will be a lot more that will want to leave.

Chip Ruble concerned with the storm water runoff on proposed development and noted that the sink hole gets overwhelmed. Questioned if the bike path will go to McCowans Ferry Road/High Street at the light? Moving the green space to honor the existing neighborhood is a good idea. Schools and infrastructure will be affected. Need better ways to get around town due to traffic.

Mr. Gross noted that the proposal was in complete compliance with the Comprehensive Plan. This is not a high density development and encouraged the Commission to think about the Comprehensive plan and future of the community, its housing needs and the neighbors that have spoken are emotionally driven based on some of their comments. This property is infrastructure ready with fine road in front of it and new sewer facilities that run through it. Storm water management is ample, if not excessive as proposed on the property.

Chair Perry closed the public hearing. Mr. Schuette asked the Commissioner that was requested to recuse themselves to either accept or deny. Chair Perry asked Mrs. Hartley if she accepted or denied the request. Mrs. Hartley asked Mr. Schuette on what grounds would she accept. Mr. Schuette noted that the reason would be direct or indirect financial interest. Mrs. Hartley asked if because of her profession is that probable or improbable and Mr. Schuette suggested going into closed session to discuss.

Chair Perry adjourned to closed session.

**Motion by Mr. Schein, as seconded by Mr. Bohannon to adjourn from closed session.**

Chair Perry asked Mrs. Hartley if she wished to recuse herself from Zoning Map Amendment and Preliminary Development Plan/Preliminary Subdivision Plan – Springs of Versailles. Mrs. Hartley reject that request.

Mr. Schein asked Mr. Hunter to clarify a PUD and to what extent when you enter a PUD, what conditions are you held too or you have the possibility of doing something different down the road. Mr. Hunter noted that the PUD is a zoning overlay so the base zoning is intact with all its rules under the R-1B. The PUD allows an applicant to submit deviations from the zoning/subdivision standards and those are contained in the Development Plan and Preliminary Subdivision Plat. In his opinion, when the developer shows that they are going to deviate the minimum lot size, those are commitments into the general Development Plan. Mr. Hunter noted that if the zoning as successful contingent on the general Development Plan then it locks those standards in and to change the standards they would need to come back to the Planning Commission and amend the Development Plant or PUD layer. Mr. Drury asked if the storm water calculations were based on 100 or 1000 year flood. Mr. Nunnery noted that there are four sets of storms in the Subdivision Regulations which the engineers have to adhere too, to meet pre-development flows and post development scenarios. In addition, they analyze on a 100 year, 24 hour calculation to protect the houses. Mr. Gross noted that it was designed for major rainfall but will do whatever the City or TRC requests. Mr. Gross noted that there are adequate natural resources on the property to manage any storm. Mr. Drury asked if the development would help alleviate the drainage/water issues on Lane Circle. Mr. Gross noted that he did not know if it would but if there was a chance to help, they would.

Chair Perry asked if there were any other questions, hearing none, Chair Perry asked if anyone was prepared to take action.

**Motion was made by Mr. Schein, as seconded by Mr. Drury to recommend tabling Zoning Map Amendment and Preliminary Development Plan/Preliminary Subdivision Plan – Springs of Versailles, LLC (Estate of Josephine Barrows) – 581 Falling Springs Blvd – 93.52 Net Acres - A-1 to R-1B/PUD District, to review information and comments provided at the hearing. Motion carried with eight (8) aye votes.**

**FINANCIAL REPORT AND BILLS – July**

The reports were accepted

**MONTHLY BUDGET REPORT - July**

The report was accepted

**REPORT TO COMMISSION - July**

The report was accepted.

**COMMUNICATIONS:**

Mr. Hunter noted that he will continue to serve on the City's adhoc committee that Mrs. Wilson served on. The committee put out an RFQ for a traffic plan and they have accepted a bid and they noted that the Planning Commission manage the study or expand it. Mr. Hunter will be meeting with them on August 12<sup>th</sup> and will obtain more information and may need guidance from the Commission.

Mr. Hunter noted that he had met with the Ag Review Committee regarding text amendment changes that relates to Tourist Destination and Tourist Destination Expanded.

**Motion was made by Mr. Drury, as seconded by Mrs. Hartley to adjourn the meeting at 8:28 p.m. The motion carried with eight (8) aye votes.**

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**Patty Perry, Chair**

**PP:ko**