

ON THURSDAY, DECEMBER 16, 2021, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD A SPECIAL 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:** Patty Perry, Tim Parrott, Chad Wells, Rich Schein, Barry Drury, Floyd Greene, Chantel Bingham, Jeri Hartley. **Absent:** Randal Bohannon.

### **NEW BUSINESS**

**PUBLIC HEARING - Zoning Map Amendment/Preliminary Development Plan/Preliminary Subdivision Plan – Northside Homes, LLC - 314 N. Winter Street – 8.33 Gross Acres - R-1A to R-1B and R-1C Districts**

Madam Chair opened the public hearing and called upon Kim O'Reel, Administrative Secretary, for exhibits. Mrs. O'Reel read the following exhibits into the record:

- A. Zone Change Application
- B. Preliminary Development Plan - TRC
- C. TRC Agenda – November 16, 2021
- D. TRC Minutes - November 16, 2021
- E. Letter to Engineer of TRC Deficiencies – November 16, 2021
- F. Notice to Woodford Sun – December 1, 2021
- G. Copies of Notification Letters to Neighbors – December 1, 2021
- H. Photograph of Zone Change Signs
- I. Staff Report – including 7 attachments
- J. P&Z Meeting Agenda – December 16, 2021

Madam Chair called upon Ed Holmes, contracted Planner with EHI Consultants, to present the staff report. Mr. Holmes noted that the Planning Commission had retained him to write a staff report for this proposed zone change. Mr. Holmes noted that the owner/applicant was Northside Homes, LLC and the property was in the jurisdiction of City of Midway. The applicant was requesting that the zone of the property known as 314 North Winter Street consisting of a total of 8.33 acres be rezoned. The existing zoning consists of a total of 8.07 acres zoned R-1A, Low Density Single Family Residential and .26 acres zoned R-1C, Medium Density Residential. The request was for 3.75 acres of the property to be rezoned R-1B, Medium Density Residential, and another .81 acres be rezoned to R-1C, Medium Density Residential. The remainder of the property will remain R-1A. The subject property was formerly known as the Graves property or farm, and was annexed into the City of Midway on June 7, 2021, Ordinance 2021-006 by a unanimous vote. Currently the property is residential land containing a single family detached unit. Mr. Holmes noted that the existing zone of R-1A allowed for single family detached residences and supporting uses. The principal uses are single family and accessory uses are primarily structures that are incidental

to any permitted principal use in the R-1A zone, such as, garages, living quarters, swimming pools and home office as amended in December 2005. There are some allowable Conditional Uses in the R-1A zone and those were provided in the staff report. All uses other than those listed as principal, accessory or conditional uses are prohibited. Mr. Holmes provided the lot requirements as listed in the Ordinance and the maximum density is not to exceed four (4) units per acre. Mr. Holmes noted that the applicant was seeking to single family residential development consisting of 9 lots fronting along the existing Northside Drive that are proposed for R-1B zoning and 4 lots located along Old Towne Walk proposed for R-1C zoning as shown on the Final Development Plan. The applicants were seeking to change 3.75 acres along Northside Drive from R-1A to R-1B to accommodate 9 single family residential units. The 4 lots located along Old Towne Walk was requested to be changed from R-1A to R-1C with lots ranging in size from 10,271 sf to 13,775 sf. Mr. Holmes provided the Zoning Ordinance for Medium Density Residential - R-1B and R-1C and noted that the principal uses were the same as R-1A. Mr. Holmes noted that the different in the zones were the lot sizes. Mr. Holmes noted that the adjacent zoning and use was R-1A and R-1C with single family detached homes, park, church and a vacant lot.

Mr. Holmes noted that the Comprehensive Plan Goals and Objectives identified several housing development goals providing residential development with property design and safety, which are supported by the Objectives. The Transportation goals within the Comprehensive Plan eluded to the citizens of Woodford County wanted a well-planned and coordinated system of thoroughfares and neighborhood streets that are safe, cost effective, and adequate. The Objective that supported that was #4. The General Land Development goal met the intent of the Zone Change. To provide for the proper organization of land use and physical relationship thereof that will provide for an increasingly safe, healthy and convenient environment for the residents of to live and work in and the objectives supported that. The Downtown Areas goal was to encourage the restoration, preservation, and strengthening of the Central Business District of Versailles and Midway as the activity centers of Woodford County and the objectives supported that. Neighborhood/Subdivision Development goal was to encourage the concept of planning and development at the neighborhood level within Versailles, Midway and the small communities of Woodford County which are unincorporated and Mr. Holmes provided the objectives supporting that goal. Mr. Holmes noted that there were parts in the Policies and Guidelines that supported the Zone Change request. The key parts in the Policies and Guidelines were Natural Development, Transportation, Community Facilities, Stormwater Drainage, recreation Facilities and Schools; all were addressed in the staff report. Mr. Holmes noted that there were concerns by adjoining property owners regarding the stormwater drainage and controls. Mr. Holmes noted that he met with a homeowner at the property and walked the property to listen to concerns. The applicant identified in note #11 of its comments addressing these concerns, by stating that lot #15 had been reallocated to represent proposed stormwater management. The lot as proposed will be part of an overall drainage and detention area that will be owned and maintained by the homeowners association. The detention area consist of 4 headwalls draining into the drainage area that is located the northern end of Old Towne Walk, curb inlets located along the Northridge area streets and drainage swells located along the rear of the Old Towne Walk properties drain into this area. Issues that should be addressed by the applicant as part of the stormwater management plan should include incorporating construction controls during the grading of the lots and construction of homes designed to minimize any adverse drainage impacts to the adjacent

and adjoining property owners. Mr. Holmes listed the following as suggestions for such controls: rock check dams, inlet sock protection, silt fences, straw bales properly staked and temporary vegetative cover. Rear grading of the 13 lots should be graded toward lot #15 for drainage runoff. Mr. Holmes noted that the detention basin was working as designed too. Review and approval by City of Midway's engineer or engineering consultant should be identified before construction. Recreation facilities and schools are provided in the area. According to the 2018 Comprehensive plan, the property lies in the Contemporary Neighborhood Land Use District within the Midway Urban Area. The requested zone change and Final Development Plan submitted appeared to support the previously noted Goals and Objectives and Policies and Guidelines. The applicant submitted a Level of Service report and addressed some traffic concerns in attachment #7. The Midway library is located nearby. The Zoning Ordinance does have density classifications for the proposed zoning categories of R-1B and R-1C, the maximum density is not to exceed 4 units per acre. This density would be restricted by the approval of the Final Development Plan. Mr. Holmes reviewed the permitted uses in the requested zones as earlier noted. Mr. Holmes noted that the Planning Commission office staff reported that there have been no new residential dwelling unit permits since the adoption of the 2018 Comprehensive Plan. The population of Midway was 1,716 at the time of the 2018 Comp Plan and projections for 2040 show 39.2 new dwelling units would be needed in Midway and between 16.7 to 26.7 acres of additional residential land were needed to meet the 2040 projections of 1,798. The most recent population for Midway as of 2020 was 2,079 people from the U.S. Census Bureau's Population estimates. Based on the U.S. Census, Midway is currently growing at a rate of 4.7% annually and its population has increased by 26% since the 2010 census, which recorded a population of 1,641 in 2010. There were no new residential building permits issued in 2018 Plan, the additional population may stem from household sizes, an increase in group quarters population (i.e. college dormitories, nursing homes), etc. Mr. Holmes provided housing projections for 2030 and 2040 for residential and industrial land. Mr. Holmes noted that the Mayor of Midway provided a letter stating that water and sewer was available for the entirety of the property.

Mr. Holmes noted that it appeared that the Zone Change request was in agreement with the noted areas of the 2018 Comprehensive Plan. It is within the Midway Urban Service Boundary, annexed by the City of Midway on June 7, 2021, with the City acknowledging that the property can connect to city services. It is contiguous to areas zoned residential. Mr. Holmes addressed the Zoning Change Criteria and that the existing zoning classification given to the property was inappropriate and that the proposed zoning classification was appropriate or there have been major changes of economic, physical, or social nature within the area involved which were not anticipated in the adoption of the Comprehensive Plan.

Madam Chair asked the Commission if they had any questions for Mr. Holmes. Hearing none, Madam Chair called upon the applicant's representative for comments.

Robbie Stilz, attorney representing Northside Homes LLC (Mike and Scott Bradley were present), noted that the staff report was very thorough and that they accept it and the recommendations noted by Mr. Holmes. Mr. Stilz noted that the property was located within the Urban Service Boundary and was recently annexed by the City of Midway and all City services are available to the property. The property is in-fill development because the property around it is developed residential and this is a continuation of

residential uses. The land use maps showed the property as Contemporary Neighborhood District and that R-1B and R-1C are appropriate uses in that district. Mr. Stiliz noted that the Development Plan showed the configuration of the property and that there would be open space due to the R-1A property that already exist and was not part of the Zone Change request. The water runoff will be contained onsite and will comply with all City of Midway and County regulations. Mr. Stiliz noted that as for the justification, the staff report explained that very well and showed that they did comply with the Comprehensive Plan and various elements such as Residential Housing Development Goal, General Land Development Goal, and Transportation Goal and met the Public Facilities Goal. Mr. Stiliz noted that the staff report set forth a compelling need for additional residential properties in Midway. Mr. Stiliz asked the Commission to take all information into consideration and approve the request.

Madam Chair asked the Commission if they had any questions for the applicants.

Mr. Schein asked for clarification on a few items. Who was going to be responsible for the detention basin, HOA? Mr. Stiliz noted that the maintenance for the detention basin would be the responsibility of the HOA. Mr. Schein noted that the sidewalk stops halfway up Northside Drive and that was from the previous developer and the crossing at Old Towne Walk and Northside was mandatory because it backs up to Walter Bradley Park and also accesses the library and public school. Mr. Schein would like for them to consider extending that sidewalk. Mr. Schein asked where visitors would park at the homes. Rick Nunnery, Engineer with EA Partners, noted that all of the lots on the development are large and felt that there would be adequate access for driveway parking. Mr. Stiliz noted that the remaining R-1A lot #14 will remain an open lot forever and there will be a note on the Plat and deed restriction; this was agreed to with the Northridge HOA. Mike Bradley, owner, noted that there was an existing house on Lot #14 and they plan to sell it and that person would have to take care of their property.

Madam Chair asked if anyone from the public wished to comment. Madam Chair noted that comments would be limited to five minutes.

Joe Haydon of Midway noted that his property backs up to the Northside Homes property. Mr. Haydon noted that on Leestown Road was a farm that water flows from into a V shape and hits the retainment at the Ball Homes development and all the water flows down and across North Winter into the creek. Mr. Haydon was concerned what would happen to the Graves house and concerned that they might come back later and put townhomes in. The water issue is a great concern.

Mike Feedback of Midway and noted that he lives on the corner with driveway on Northside Drive and on the last day of school last year he counted cars and buses and there were over 200 to 300 passing by. Mr. Feedback noted that adding nine extra driveways would be a pain. Mr. Feedback complimented Mr. Bradley for changing from townhomes to homes.

Kim Collings of 318 N. Winter Street in Midway which is right next to the property. Ms. Collings was concerned about the flooding and noted that she had not received any information about that or a notice

about the meeting. The flooding comes down the hill and across her yard and most times floods the road. Ms. Collings noted that she was a geologist and would like to look at the drainage plans.

Sara Hicks of Midway noted that she was on Midway City Council but did not speak on their behalf. Ms. Hicks thanked the Bradley's for hearing the concerns of the citizens of Midway and making adjustments that seemed appropriate.

Mr. Stilz asked if Mr. Nunnery could address some of the drainage concerns. Mr. Nunnery noted that as Mr. Haydon and Ms. Collings have stated, there has been significant drainage in front of Ms. Collings' house on North Winter Street and flooding issues from June 2020. Mr. Nunnery noted that they had surveyed the entire area and tracked the water to Lees Branch and to the best of their analysis, it is a severely undersized, under maintained system. There is only a 30" pipe and man hole located at Corner Grocery that takes 130 acres of water with two 18" culverts under North Winter Street. Because there is only 6" from the top of the pipe to the top of the road, it doesn't allow much room for the water to get through the pipes. The biggest problem is the under maintained system that goes from the manhole at Corner Grocery to Lees Branch on the north side of 62. Mr. Nunnery noted that the biggest part of this development is that it does not drain toward Ms. Collings house, it drains toward Northside Drive which will continue into the proposed detention basin. Mr. Nunnery noted that they will do Construction Plans for sanitary/stormwater sewer facilities for the site that will be reviewed by the Technical Review Committee and also the consultant for the City of Midway. Mr. Nunnery reiterated that they are bound by KPDES permit KYR-10, which requires them to maintain silt control, sediment traps, and sediment checks all throughout construction, to keep sediment from running off the site. Mr. Schein asked what would it take to fix the runoff in the area. Mr. Nunnery noted that they had not done the level of detail to do that but if approved then they would submit a set of construction plans developed analyzing all of that. They will be entering an 18" pipe at the corner of Northside Drive and North Winter Street. The detention basing will be sized so not to overwhelm the pipe.

Madam Chair asked Mr. Stilz if he had any closing comments, hearing none, Madam Chair closed the public hearing.

Madam Chair asked if any of the Commissioners had comments.

Mr. Schein asked why the Zone Change and Preliminary Development Plan were tied together. Mr. Worley noted that often the Preliminary Plan is requested for approval to help move along grading and it does not allow anything to be finalized as far as the way the lots are set up, that still requires Final Plat approval.

Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mr. Schein, as seconded by Mrs. Hartley to recommend approval to the City of Midway the Zoning Map Amendment and approval of the Preliminary Development Plan/Preliminary Subdivision Plan contingent on approval of the Zoning Map Amendment – Northside Homes, LLC - 314**

**N. Winter Street – 8.33 Gross Acres - R-1A to R-1B and R-1C Districts, based on the following Findings of Fact:**

**RELEVANT EVIDENCE**

1. The Commission staff reported that the notice requirements of KRS 100 et. seq. had been satisfied and that a public hearing as required by KRS 100 et. seq. has been conducted to consider all relevant evidence regarding the proposed zoning map amendment. The application, notification and procedures of the Planning and Zoning Commission have been complied with and met.
2. A Preliminary Development Plan and Preliminary Subdivision Plan ("Preliminary Development Plan") depicting the Property, nine (9) single family residential lots of R-1B; four (4) single family residential lots of R-1C and one (1) lot remaining R-1A has been provided and all TRC deficiencies have been met.
3. The property is located within the Midway Urban Services Boundary and within the city limits of Midway, Kentucky.
4. Robert C. Stilz, Jr., attorney for the property owner, appeared on behalf of the property owner and applicant and presented to the Commission a package of materials, including the relevant information concerning the zone change, materials previously submitted to the Staff to justify the applicants zone change request and how the request is in compliance with the 2018 Versailles/Midway/Woodford County Comprehensive Plan (hereinafter the "Comprehensive Plan"). He also pointed out that the City of Midway has adopted an Ordinance to Annex the Property. He stated the Property would be an infill development within the Midway Urban Service Area. That the city of Midway had annexed the Property and that all municipal services and utilities were available to the Property. He stated he had filed written material showing the Property complied with the Comprehensive Plan and with all Area Wide Development Policies of the Comprehensive Plan. He stated the future land use map (Figure 24) of the Comprehensive Plan designated the Property as a Contemporary Neighborhood District and that both R-1B and R-1C zone classifications were an appropriate use in a Contemporary Neighborhood District.
5. The Commission staff report was presented by Edward Holmes and made a part of the record. The staff report reviewed, and found, several areas that the proposed development complied with the Comprehensive Plan and the Versailles Midway Woodford County Zoning Ordinance. Further, the Final Development Plan met all applicable regulations. The staff report found that the future land use map of the Comprehensive Plan designated the Property in a Contemporary Neighborhood District and that both R-1B and R-1C zoning classifications were appropriate. The staff report examined the need for additional housing in Midway. The staff report stated that due to recent rezoning of lands to industrial and a removal of land shown for residential use that additional land was needed. It calculated

using the .05 Ratio of Industrial Land to Population from the 2018 Comprehensive Plan and only counting the 138+- acres of Industrial land, for illustration purposes, that would equal about 2,760 people. Subtracting the existing estimated 2019 population of 1,893 that would equal about 681 additional people that would need housing. At the 2.13 people per household used in the 2018 Plan that would equal 407 new residential units. It concluded, there is a need for residential land for new dwelling units above the projections in the 2018 Comprehensive Plan if the city of Midway's intent is to provide land for housing for the future workers in Midway.

**Motion carried with eight (8) aye votes.**

**Motion was made by Mr. Wells, as seconded by Mr. Greene to adjourn the meeting at 7:18 p.m. The motion carried with eight (8) aye votes.**

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**Patty Perry, Chair**  
**PP:ko**