

ON THURSDAY, DECEMBER 9, 2021, 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:** Patty Perry, Tim Parrott, Chad Wells, Rich Schein, Barry Drury, Randal Bohannon, Floyd Greene, Chantel Bingham, Jeri Hartley.

**Minutes: Motion was made by Mrs. Hartley, as seconded by Mrs. Bingham to approve the November 18, 2021 minutes, as submitted. Motion carried with nine (9) aye votes.**

### **NEW BUSINESS**

**PUBLIC HEARING - 1<sup>st</sup> Amended Preliminary Subdivision Plat – Homer Michael Freeny, Jr Trust – 1132 Georgetown Road and 685 & 711 McKinney Ave – I-1/A-1/CO-1 Districts**

Madam Chair opened the public hearing and called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that this was an Amended Preliminary Subdivision Plat of the Freeny property. The property consist of a tract fronting on Georgetown Road that wraps around the Pepper Distillery property that was previously approved. It will keep a narrow strip of land in the back joined to it because Mr. Freeny wants to keep the barn. The remaining bulk of the property gets joined to two lots on McKinney Avenue that he owns, giving the large tract frontage and utilities. Mrs. Wilson noted that there was a tract in the rear along the creek that will be consolidated so it will not be left landlocked. There is another tract that will be conveyed to the City of Midway at some point to give Midway access to the creek. All deficiencies had been addressed.

John Hunt with MLH Civil Engineers was present. Mr. Drury commented that Mr. Freeny was keeping the barn on his property. Mrs. Wilson noted that it was a tiny sliver and Mr. Hunt noted that it was a tobacco barn. Madam Chair asked if anyone had further questions for Mr. Hunt or Mrs. Wilson. Mr. Schein questioned consolidation versus splitting it up. Mr. Hunt noted that it was to clean up odd shaped tracts.

Madam Chair asked if anyone from the public wished to comment. Hearing none, Madam Chair closed the public hearing and asked if anyone was prepared to take action.

**Motion was made by Mr. Schein, as seconded by Mr. Bohannon to approve the 1<sup>st</sup> Amended Preliminary Subdivision Plat – Homer Michael Freeny, Jr Trust – 1132 Georgetown Road and 685 & 711 McKinney Ave – I-1/A-1/CO-1 Districts as presented. Motion carried with nine (9) aye votes.**

**Final Record Plat – Homer Michael Freeny, Jr Trust – 1132 Georgetown Road and 685 & 711 McKinney Ave – I-1/A-1/CO-1 Districts**

Madam Chair called upon Mrs. Wilson for comments. Mrs. Wilson noted that this was taking the Preliminary Plat that was just approved and creating two lots; it legally joins the larger tract to the two lots fronting on McKinney Avenue and the remaining piece to the lot on Georgetown Road because all of the infrastructure was in place for utility access there was no bond required to be posted. All deficiencies had been addressed.

John Hunt with MLH Civil Engineers was present.

Madam Chair asked if anyone had questions or comments. Hearing none, Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mr. Schein, as seconded by Mrs. Bingham to approve the Final Record Plat – Homer Michael Freeny, Jr Trust – 1132 Georgetown Road and 685 & 711 McKinney Ave – I-1/A-1/CO-1 Districts as presented. Motion carried with nine (9) aye votes.**

**PUBLIC HEARING - Zoning Map Amendment/3<sup>rd</sup> Amended Final Development Plan/Preliminary Subdivision Plan – JPG Rental and Storage, LLC – 1011 Tyrone Pk, Lot 1 – I-2 to B-1 District**

Madam Chair opened the public hearing and called upon Mrs. Wilson for comments. Mrs. Wilson read the following exhibits into the record:

- A. Amended Zone Change Application w/ CUP (I-2 to B-1) 11/18/21
- B. VOIDED Zone Change Application (I-2 to B-4) 11/08/21
- C. Preliminary Plat and Final Development Plan – 10/11/2021
- D. TRC Agenda – 10/19/2021
- E. Letter to Engineer of TRC Deficiencies –10/19/2021
- F. Revised Final Development Plan – 11/08/2021
- G. TRC Agenda – 11/16/2021
- H. Letter to Engineer of TRC Deficiencies – 11/16/2021
- I. Garland/McCalla correspondence Re: Adjacent School Board property -10/27/2021
- J. Traffic Impact Study – 11/15/2021
- K. Approved KYTC Encroachment Permit
- L. Area Wide Development Policies
- M. CND Policies and Guidelines
- N. Water and Sewer projections 11/15/2021
- O. City of Versailles Water and Sewer approval letters – 11/22/2021
- P. Photograph of Zone Change Sign posted 11/24/2021
- Q. Copies of Notification Letters to Adjoining Property Owners – 11/24/2021
- R. Soils Map of area
- S. Geology Map of area
- T. Notice to Woodford Sun – 11/29/2021
- U. P&Z Meeting Agenda – 12/09/2021
- V. Staff Report – 12/09/2021

**Public Submissions Prior to or at Hearing**

1. Rich Pictor – Letter 12/9/2021
2. Steve Morrison – Letter 12/9/2021

Mrs. Wilson summarized the staff report as distributed to the Commission. Mrs. Wilson noted that the owner is requesting that the zone of the property known as 1011 Tyrone Pike (US 62) consisting of 2.491 net acres zoned Heavy Industrial (I-2) be rezoned to B-1 (Neighborhood Business District). This is one lot out of six lots that the Commission recently approved for the JLG Land Company, an industrial park (aka Falling Springs Business Park) located at the corner of Tyrone Pike and Falling Springs Blvd. The industrial park is approximately 23 acres of I-2 land and this specific lot is the western most lot, adjacent to Lot 2 which is currently under construction. Mrs. Wilson provided the allowable uses in the current zone under the heavy industrial. Mrs. Wilson noted that the applicant was proposing to construct a 12,000 square foot retail business building; convenience store with a drive thru window, five fuel pump islands, with 66 parking spaces. There are two planned access points on the Tyrone Pike/US 62. One access point on the west side is existing and would be shared with the adjacent industrial user. A second access point has been approved by KYTC which will be directly across from the former Ledvance. Mrs. Wilson provided the Final Development Plan that showed the layout of the project. Mrs. Wilson provided the uses allowed in the B-1 Zone and noted that this zone was intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Mrs. Wilson noted that in 713.2 (A), that retail businesses are allowed in this zoning district and pointed out that 713.4 (A) would accommodate filling stations, restaurants, cafes and soda fountains, which was also a Conditional Use that the applicant was requesting with the Zone Change. Mrs. Wilson provided the surrounding zoning and land use and Goals and Objectives related to the 2018 Comprehensive Plan. Mrs. Wilson noted that the property lied within the Contemporary Neighborhood District within the Versailles Urban Area. The proposed retail use does appear to be in agreement with the previously noted Goals & Objectives. The property does lie in a CND which does anticipate nonresidential uses. Currently there is no direct physical pedestrian connections to the residential area. Therefore the owner has recently proposed that the existing bike/ped path will be extended, at their expense, approximately 950 feet on Lots 1, 2 & 3. The proposed B-1 Neighborhood Business zone is an isolated spot of zoning in this location. Throughout the Urban Service Boundary of Versailles there are 8 individual B-1 zoned properties; it is neighborhood business and you see them in isolated locations like this. Since the zone is specific to serving neighborhoods, it is common, therefore acceptable. As previously noted there are no sidewalks but they are proposing the six foot connection. There are currently 11.84 acres zoned B-1 property in the Versailles Urban Service Boundary. Since the 2018 Plan was adopted there have not been any zone change requests for B-1. Previously there were about 12 acres of proposed commercial use within the Wooldridge Gardens Neighborhood. This was eliminated with the acquisition of 61.23 acres by the Woodford County Board of Education. Mrs. Wilson noted that there was very little vacant Heavy Industrial zoned land in Versailles for small users. The Versailles Public Works has acknowledged that public water and sanitary sewer are available and adequate to serve this property. A Traffic Impact study was done and indicated a level of service "B" or better will exist after the commercial use is implemented; due in part to the closure of Ledvance and also the construction of Falling Spring Blvd. Mrs. Wilson noted that the last study was in 1999 and extended out to 2020 and those changes weren't entirely anticipated. It appeared that this zone change request is

in agreement with noted areas of the Comprehensive Plan. It is within the Versailles Urban Service Boundary, annexed by the City of Versailles, with the City acknowledging that the property can connect to city services, and has legal access to Tyrone Pike. It is contiguous to areas zoned residential and industrial, as well as in close proximity to the County Park. The applicant's justification was provided. The applicant was also seeking a Conditional Use Permit and the Commission has done this in the past. The uses they are requesting are as follows: Automobile filling stations, restaurants, cafes, and soda fountains. Zoning Ordinance Article IX – Section 904 enables the Commission to “have the power to hear and finally decide applications for variances or conditional use permits in conjunction with a requested zoning map amendment if the proposed development requires both a map amendment and one or more variances or conditional use permits (per KRS 100.203(5)). Recommendations regarding these permits shall be part of the record forwarded to the legislative body.” Mrs. Wilson suggested one additional condition and that is “the proposed bike/ped path across the front of Lots 1, 2 & 3 shall be constructed a minimum of six feet wide, prior to issuance of any Certificate of Occupancy of Lot #1, to ensure safe connectivity to the subject property from existing neighborhoods that it would be serving.” That needs to be added as a note on the Development Plan and tied to occupancy. Mrs. Wilson provided the requirements of KRS 100.213, Findings Necessary for a Map Amendments. All deficiencies had been addressed.

Mr. Schein asked for clarification as to where the bike path would be extended to. Mrs. Wilson reviewed map and Mr. Schein noted that access should be easier for the residential zone in the rear. Mrs. Wilson noted that a Development Plan had been reviewed and approved and the mini-warehouses would built along the fence row.

Jon Gay, attorney for JLG Land Company, LLC and Jonathan McCracken from Integrated Engineering were present. Mrs. Wilson noted that the applicant had originally request B-4 Zone and after working with Mr. Gay they amended their request to B-1 Zone because typically B-4 was not a spot zone type situation and was for Highway Business District with more uses. Mr. Gay noted that their intent is to use 713.4 (A) Automobile filling stations, restaurants, cafes, and soda fountains and not any of the other uses as noted in B-1.

Madam Chair asked if anyone from the public wished to comment or any other questions for the engineer, Mr. Gay or Mrs. Wilson. Hearing none, Madam Chair closed the public hearing.

Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mrs. Hartley, as seconded by Mr. Wells to recommend to the City of Versailles the Zoning Map Amendment/3<sup>rd</sup> Amended Final Development Plan/Preliminary Subdivision Plan – JPG Rental and Storage, LLC – 1011 Tyrone Pk, Lot 1 – I-2 to B-1 District, based on the following Motion and Findings of Fact and including approval of the Conditional Use:**

WHEREAS, A retail business and service establishments include grocery stores. (713.2A). A convenient store is a retail business that sells groceries and other retail items, including gas. The primary business of a convenient stores is derived from its “inside sales” and the sale of gas is an “outside sale” and is generally

an accessory or subordinate use for the “inside sales.” The operation of a convenient store is allowed in all B zone classifications because it is a retail business as opposed to a traditional gas station;

WHEREAS, convenient stores also offer prepared food and provide some dine in areas and provide drive-thru food services rather prepared by the convenient store or pass is leased to a restaurant;

WHEREAS, restaurants, cafes and soda fountains are a conditional use under B-1, JPG Rental & Storage has requested that part of the B-1 zone classification include a finding that the drive through or dine-in food services are part of the retail business of the convenient store, and that the Planning Commission include restaurants, cafes and soda fountains as a permanent conditional use of the zone change pursuant to KRS 100.203(5) and Woodford County Zoning Code Ordinance 904, independent of the use being incorporated with or being an accessory or subordinate use of a convenient store;

NOW THEREFORE, the Commission finds that:

1. Lot 1 will accommodate neighborhood shopping facilities that will serve the needs of the surrounding residential area.
2. Lot 1 is oriented to and near residential neighborhoods and a public park and is on a roadway system which will be adequate to accommodate the anticipated vehicular traffic.
3. City of Versailles zoning maps reveal that B-1 zones are small zones that are spread throughout the City. For example, the north end has a small B-1 zone on Frankfort Street and on the corner of Main and Broadway. There is a B-1 zone on Maple Street and Lexington Street and a B-1 zone on Wilson Avenue. There are a couple of B-1 zones in the downtown neighborhood located on High Street and Macey. There is no B-1 property on Tyrone Pike. For that matter there is no B-1 property on the southwest end of Versailles. Lot 1 will provide much needed B-1 property in the southwest end of Versailles.
4. Lot 1 is in one of the largest Contemporary Neighborhood Districts in the City of Versailles. Lot 1 accommodate neighborhood shopping facilities and to serve the needs of the surrounding residential area. Given the number of people who live on the south end of Versailles, Lot 1 will provide numerous shopping opportunities and needed services to the residents of the south end of Versailles, including, but not limited to, the Village, Woolridge, Colony, Adena and Rose Ridge. Furthermore, it will provide services to patrons of Woodford Theatre and the Woodford County Park. It also will provide services to the industrial zones in the area and the Middle School and will serve the southern rural parts of Woodford County.

NOW THEREFORE, the Commission hereby recommends the zone change for Lot 1 from I-2 to B-1 which can be used for any B-1 primary uses, including a convenient store which sales gas, dine and drive through food services, and may be used for a restaurant, café and soda fountain, and shall be zoned for all 713.4A conditional uses.

**Motion carried with nine (9) aye votes.**

PUBLIC HEARING - Amended Preliminary Subdivision & Final Development Plan – Sugartree – Unit 2 – Lots 2C, 2D, 2E, 2F, 4A & 4B (214, 224, 234, 241 & 251 Sugartree Lane) - R-1B/PUD District

Madam Chair opened the public hearing and called upon Mrs. Wilson for comments. Mrs. Wilson noted that this was located in the back of an existing neighborhood off Huntertown Road, south of St. Leo Church and north of the Legends. Mrs. Wilson noted that all the streets were built and utilities are in. This will amend the development to adjust the footprints of the condominiums that will sit on the lots. All deficiencies had been addressed.

Rory Kahly with EA Partners was present. Madam Chair asked if anyone had questions for Mrs. Wilson or Mr. Kahly. Hearing none, Madam Chair asked if anyone from the public wished to speak. Hearing none, Madam Chair closed the public hearing.

Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mrs. Hartley, as seconded by Mr. Greene to approve the Amended Preliminary Subdivision & Final Development Plan – Sugartree – Unit 2 – Lots 2C, 2D, 2E, 2F, 4A & 4B (214, 224, 234, 241 & 251 Sugartree Lane) - R-1B/PUD District as presented. Motion carried with nine (9) aye votes.**

5<sup>th</sup> Amended Final Record Plat – Sugartree – Unit 2, Lots 2C, 2D, 2E, 2F, 4A & 4B (214, 224, 234, 241 & 251 Sugartree Lane) - R-1B/PUD District

Madam Chair called upon Mrs. Wilson for comments. Mrs. Wilson noted that this was the legal document of the Preliminary Plat and adjust the lot line between 2C and 2D and also adjusts the building envelope to fit the new footprint of the units that were just looked at. All deficiencies had been addressed.

Mr. Parrott asked Mrs. Wilson to explain and or update what the situation was at the end of Sugartree Lane where it is showing a connection to Meadow Lane. Mrs. Wilson noted that this was discussed at TRC and the City of Versailles would not allow the connection as agreed to many years ago.

Rory Kahly with EA Partners was present. Madam Chair asked if anyone had questions for Mrs. Wilson or Mr. Kahly. Hearing none, Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mrs. Hartley, as seconded by Mr. Parrott to approve the 5<sup>th</sup> Amended Final Record Plat – Sugartree – Unit 2, Lots 2C, 2D, 2E, 2F, 4A & 4B (214, 224, 234, 241 & 251 Sugartree Lane) - R-1B/PUD District as presented. Motion carried with nine (9) aye votes.**

Final Development Plan – Castle & Key – 120 US 60 Bypass – I-1 District

Madam Chair called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that this was the former Rand McNally/International Paper site. This is on the left side of the property and recently purchased by Castle and Key. A property line has been created between the two buildings and they plan to store and bottle bourbon and distribute from the property. They have planned to add a truck turn around with bay doors/loading dock as well as a detention basin/spillage containment for impervious area. All deficiencies had been addressed.

No one was present from Abbie Jones Surveying. There wasn't any discussion on the item.

Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mrs. Bingham, as seconded by Mr. Wells to approve the Final Development Plan – Castle & Key – 120 US 60 Bypass – I-1 District as presented. Motion carried with nine (9) aye votes.**

**FINANCIAL REPORT AND BILLS - November**

The report was accepted

**MONTHLY BUDGET REPORT - November**

The report was accepted

**REPORT TO COMMISSION - November**

The report was accepted.

**COMMUNICATIONS:**

**ARPA – Premium Pay**

Mrs. Wilson noted that the County and City of Versailles are both using ARPA funds to give premium pay to essential government employees and they are graciously including the P&Z staff as well as Parks and Recreation staff in their consideration of doing that.

Madam Chair asked the Commission to look for an email from Mrs. Wilson regarding the 2022 Committees and be thinking about it.

**Motion was made by Mrs. Hartley, as seconded by Mr. Greene to adjourn the meeting at 7:17 p.m. The motion carried with nine (9) aye votes.**

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**Patty Perry, Chair**

**PP:ko**