

ON THURSDAY, JANUARY 10, 2019, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING AT 6:30 PM IN THE 2ND FLOOR OF THE WOODFORD COUNTY COURTHOUSE.

Chairman Wells called the meeting to order at 6:30 p.m.

Members Present: Randal Bohannon, Rich Schein, Ed McClees, Patty Perry, Chad Wells, Jeri Hartley, Chantel Bingham, Barry Drury.

Election of Officers: Chairman Wells suggested that the officers and committees remain the same as elected in 2018 due to the ongoing litigation on the Comprehensive Plan. Chairman Wells asked if any members had other suggestions. Jacob Walbourn, Commission Attorney, noted that he was in court on Wednesday regarding the litigation and the court anticipates issuing a briefing schedule for that matter next month and he anticipates that it would be at least 120 days before the matter is briefed and it would be unrealistic to think the matter would be resolved within the next six months.

Mrs. Perry made a motion, as seconded by Mr. Schein that the slate of officers remains the same as 2018. Officers are as follows: Chad Wells as Chairman, Patty Perry as Vice-Chairman and Ed McClees as Secretary, as the officers to the Planning and Zoning Commission for 2019. Motion carried with eight (8) aye votes.

Committee Assignments:

Mrs. Bingham made a motion, as seconded by Mr. Drury, to submit to a vote the 2019 Planning and Zoning Committee assignments be the same as 2018, as follows: Comprehensive Plan and Zoning Map Review Committee: Patty Perry – Chair, Rich Schein, Tim Parrott, Jeri Hartley. Personnel and Budget Committee: Randal Bohannon – Chair, Ed McClees, Patty Perry, Rich Schein. Planning Director/Zoning Administrator and Legal Committee: Ed McClees – Chair, Barry Drury, Tim Parrott, Chantel Bingham. Sub Regs, Plat Review, Zoning Ordinance, Zone Change Request Committee: Jeri Hartley – Chair, Barry Drury, Randal Bohannon, Chantel Bingham. Motion carried with eight (8) aye votes.

Minutes: Motion was made by Mr. McClees, as seconded by Mrs. Perry to approve the December 13, 2018 minutes, as submitted. Motion carried with eight (8) aye votes.

OLD BUSINESS:

RECOMMENDATION - Zoning Map Amendment – Anderson Acquisitions – 174 Abbey Rd - Wooldridge Gardens – Phase II – Tract 3B - R-1C/PUD District to R-4/PUD District

Chairman Wells noted that there was a hearing on this item at the December 13, 2018 Commission meeting and no action was taken. Mrs. Wilson noted that the motion provided by the applicant was provided in the Commissioners packet unless there was another motion to be heard.

Chairman Wells asked if any Commissioner was prepared to take action on the Zoning Map Amendment.

Motion was made by Mrs. Perry, as seconded by Mr. McClees that the Commission accept the Findings of Fact as presented (attached hereto) by the Applicant's representative and to recommend approval to the City of Versailles, the Zoning Map Amendment – Anderson Acquisitions – 174 Abbey Rd - Wooldridge Gardens – Phase II – Tract 3B - R-1C/PUD District to R-4/PUD District, as follows:

Based on the findings as submitted by applicant, a review of all evidence presented for and against this rezoning request, and the record for this request including the staff report for this request, it is the Planning Commission's conclusion and finding that the request meets the criteria contained in KRS 100.213 for rezoning requests, in that it is in agreement with the Comprehensive Plan and the requested zoning classification is appropriate.

Motion carried with eight (8) aye votes.

NEW BUSINESS

1st Amended Final Record Plat – Dennis Anderson - Midway Station - Unit 1 Sec. 2, Lots 7, 8, 9 & 10 – 621, 641, 661, and 681 Midway Station Blvd - B-5 District

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson stated that the plat was reviewed by the Technical Review Committee in late 2016. Mr. Anderson purchased the lots by the original Midway Station Plat before this one was finalized. Signatures had been obtained on the amended version and since it was acquired by the previous plat it was discussed and suggested that all signatures be initialed by all those that signed it acknowledging that Mr. Anderson owned it. Mr. Thompson updated the deed book and page numbers and changed the owner's name to be correct; all deficiencies were addressed. Mr. Schein asked for an explanation as to what was changed on the plat. Mrs. Wilson noted that they straightened out the lot lines and adjusted cross access easements. There was discussion regarding the common access easement and utility easement.

Chairman Wells asked if any Commissioners had questions for Mrs. Wilson or Mr. Thompson.

Chairman Wells asked if any Commissioner was prepared to take action on the Final Record Plat.

Motion was made by Mr. Schein, as seconded by Mrs. Bingham to approve the 1st Amended Final Record Plat – Dennis Anderson - Midway Station - Unit 1 Sec. 2, Lots 7, 8, 9 & 10 – 621, 641, 661, and 681 Midway Station Blvd - B-5 District, as submitted. Motion carried with eight (8) aye votes.

PUBLIC HEARING – To amend the text of VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE, Article X, Article #5, Section B, 4(c)(ii)(iii) – Recreational Vehicles – Floodplain Area – To remove iii, so that recreational vehicles cannot be made permanent.

Chairman Wells noted that this item and the next item on the agenda would be heard together and opened the Public Hearing. Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that there was a staff report included in the packets regarding the Text Amendment requests. The Fiscal Court had a sub-committee meeting made up of some court members and a citizen who were looking at the requests and initially were only going to recommend amending the Floodplain Ordinance and then

later sent a request to address the Campground/RV's. The Fiscal Court asked the Planning Commission to conduct a public hearing and then make a recommendation back to the Legislative bodies on amending the definition of Campgrounds and Recreational Vehicle to allow year-round use versus seasonal. They are also requesting to amend flood prevention ordinance to not allow recreational vehicles to be elevated and anchored so they can stay in the floodplain permanently. Currently, the Ordinance allows Private camps or campgrounds in the Conservation District (CO-1) as a Conditional Use and that was set forth in Article VII, under the Conservation District. Mrs. Wilson provided a map in her staff report which depicted all of the conservation zones in the county which consist of more than 13,000 acres of Woodford County, which comprises 10.6% of the land in the county. Mrs. Wilson noted that the request stemmed from one campground that is currently approved under a Conditional Use Permit on Cummins Ferry Road. The owner of the campground petitioned the Fiscal Court's committee seeking the definition changes. This campground is located adjacent to the Kentucky River. It was the committee's idea to amend the Flood Ordinance after their discussion because they felt strongly that having RV's elevated and anchored wouldn't be in the best interest of the Special Flood Hazard Areas (formerly known as floodplains). They want it amended to remove "iii". The permit for the current campground is limited to seasonal use only, which is what the definition stipulates. Their permitted season now is from April 1st thru November 30th and the objective was to seek year-round camping. Mrs. Wilson reminded the Commission, when considering text amendments that it is in regards to use throughout the County where they are allowed. The concern with this amendment is that recreational vehicles could become permanent dwellings. This is very concerning when they are located in Special Flood Hazard Areas.

Mrs. Wilson provided the Commissioners with suggested text for campgrounds and recreational vehicle and reviewed the changes. Mrs. Wilson noted that Text Amendments require legislative action, so whatever recommendation the Commission makes, it will be sent to all three Legislative bodies. The Court gave the Commission an additional 60 days. A recommendation now needs to be made by the middle of February. Mrs. Wilson stated that she had done some research since the packets had been distributed and the Elkhorn Campground, located in Franklin County, lists their season as April 1st thru October 31st; Mercer County Planning Director stated they allow year-round camping. Mrs. Wilson also noted another resource that she uses for definitions and noted that their definition was similar to ours but theirs stated they prohibit occupancy for longer than a specified period of time, often 90 contiguous days in order to prevent the temporary accommodations from becoming permanent and for the recreational vehicle (under RV Park), they also mentioned ordinances define temporary in terms of length of continuous occupancy permitted in order to avoid the facilities from becoming permanent home sites. Mrs. Wilson noted that she did not have a problem with camping in the winter but that it could become year-round living as an alternative for the campground areas.

Mrs. Wilson entered an email into the record received from Jeff Gitlin in objection to the text amendment.

Mr. Schein asked if the primary goal was for year-round and are the changes they are asking for is to make year-round palatable. Mrs. Wilson noted that is what was being requested. Mr. Schein questioned who monitored the 180 days. Mrs. Wilson noted that it falls under the Planning and Zoning office purview and had not been an issue but that there was an issue with RV's being there after the

season closes. There was discussion as to how to monitor how long a camper has been in at one site. There was discussion regarding elevating and anchoring of RV's in the floodplain.

Chairman Wells asked if there was any additional discussion, hearing none, Chairman Wells asked if anyone from the public would like to speak.

John Davis, owner of the Cummins Ferry Campground, noted that he was the one who made the request to the Fiscal Court. Mr. Davis noted that Mrs. Wilson covered most of the issue and noted that he and his wife were not trying to have a trailer park and there are so many state, federal and local regulations to prevent people from having those types of homes. This is a business and to make a business shutdown for four months a year is almost impossible to be lucrative with that kind of schedule. He maintains his place and would like to have it open all year. Mr. Bohannon asked if they wanted to be able to have the park open year-round and have an RV come in and park year-round. Mr. Davis stated that was not what he was necessarily after but can't guarantee or promise anything. Mr. Davis noted that he has campers that work in the area and want to live there to be close to the job and it benefits the local store as well. Mr. Davis gave other examples of people who have stayed at the campground longer than 180 days and have had to move. Mr. Davis noted that he has 19 camper sites and are booked in the summer months; several sit longer than a month at a time. Mrs. Wilson noted that there are currently three RV's parked in the campground; Mr. Davis stated that he owns them. Mr. McClees asked if they were on septic. Mr. Davis noted that four are on a pump tank and the other fifteen are on a septic system. There are fifteen primitive camping sites. Mr. Davis noted that nothing is attached to the ground by the campers. Mr. Davis noted that the water has only been on the campus twice since 1978.

Spurgeon Chapman of Cummins Ferry Road stated that he was concerned with changing the text. Mr. Chapman stated that if they are allowed to stay year-round then it would be a trailer park, even if they aren't attached to the ground. Mr. Spurgeon noted that Mr. Davis knew what he was buying and it already had the regulations in place. Mr. Chapman did not have a problem with people camping or using it as a recreational area but they are using it as a motel for people working in the area. Mr. Chapman was concerned that it would lower his property values by having a year-round campground and was opposed to any changes.

Chairman Wells asked if there were any other public comments, hearing none, Chairman Wells closed the hearing.

Mrs. Perry had concerns about the safety of the roads if the RV's had to be moved in and out in a hurry and concern regarding the entire Conservation District. Mrs. Perry noted that it could open up an avenue for things like this to develop throughout these areas and that the land would be a year-round trailer park. It would allow the Board of Adjustment a clearer path to allow more of these to happen in many areas throughout the county. Mr. Drury concurred with Mrs. Perry and noted that campgrounds are to be used as short term camping and long term is more of a motel. Mr. Schein agreed with Mrs. Perry's concerns because it affects the whole county.

Mrs. Wilson read the email aloud from Mr. Gitlin and Ms. Linder as requested by Mr. Chapman.

Chairman Wells asked if any Commissioner was prepared to take action.

Motion was made by Mrs. Perry, as seconded by Mr. Schein to approve recommendation to City of Versailles, City of Midway and Woodford County Fiscal Court – To amend the text of VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE, Article X, Article #5, Section B, 4(c)(ii)(iii) – Recreational Vehicles – Floodplain Area – To remove iii, so that recreational vehicles cannot be made permanent, as submitted. Motion carried with eight (8) aye votes.

PUBLIC HEARING – To amend the text of VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE, Article II, Definitions 223 (Camp or Campground) and 290 (Recreational Vehicle) – To allow year-round use, not just seasonal.

As discussed above.

Chairman Wells asked if any Commissioners had questions.

Motion was made by Mrs. Perry, as seconded by Mr. Drury to deny recommendation to City of Versailles, City of Midway and Woodford County Fiscal Court – To amend the text of VERSAILLES-MIDWAY-WOODFORD COUNTY ZONING ORDINANCE, Article II, Definitions 223 (Camp or Campground) and 290 (Recreational Vehicle) – To allow year-round use, not just seasonal, as submitted, but to leave the text as it currently is. Motion carried with eight (8) aye votes.

FINANCIAL REPORT AND BILLS - December

The report was accepted

MONTHLY BUDGET REPORT - December

The report was accepted

REPORT TO COMMISSION - December

The report was accepted.

COMMUNICATIONS:

Budget Committee meeting will be held on February 14th at 4:00.

Motion was made by Mrs. Hartley, as seconded by Mrs. Bingham to adjourn the meeting at 7:26 p.m. The motion carried with eight (8) aye votes.

Chad Wells, Chairman

CW:ko