

ON THURSDAY, JUNE 10, 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, Jeri Hartley, Rich Schein, Tim Parrott, Chad Wells, Barry Drury, Chantel Bingham, Randal Bohannon, Floyd Greene

**Minutes: Motion was made by Mr. Parrott, as seconded by Mrs. Bingham to approve the May 13, 2021 minutes, as submitted. Motion carried with nine (9) aye votes.**

### **NEW BUSINESS**

**PUBLIC HEARING - Zoning Map Amendment – Gary and Marie Vitali – 290 Lexington Street – 0.25 net acres from P-1 (Professional Office) to R-4 (High Density Residential) District**

Madam Chair opened the public hearing and called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson entered the following exhibits into the record:

- A. Zone Change Application
- B. Preliminary Development Plan
- C. TRC Agenda – May 18, 2021
- D. Letter to Owner of TRC Deficiencies
- E. Notice to Woodford Sun – May 27, 2021
- F. Copies of Notification Letters to Neighbors – May 28, 2021
- G. Photographs of Zone Change Signs (2)
- H. Staff Report
- I. Commission Agenda – June 10, 2021

Mrs. Wilson summarized the staff report that was provided to the Commission. Mrs. Wilson noted that The property was currently zoned P-1 (Professional Office) and the owners were seeking to change the zone to R-4. Mrs. Wilson provided extensive history dating back to 1981 when Dr. Foley owned it as his personal residence and he rezoned it to P-1 to have his office there. In 2006 the Vitali's purchased the property to operate an audiology office. In 2017 a zoning ordinance text amended was adopted for Professional Office zones to enable the 2<sup>nd</sup> storey and above be utilized for residential as an accessory use. The Vitali's did have an apartment on the 2<sup>nd</sup> floor. They relocated their office to 201 Lexington Street and began marketing this property for sale and were unable to obtain any interest in it and decided to have it rezoned back to R-4; this was due to the unanticipated change in the medical office climate. Mrs. Wilson provided the existing and proposed Zoning Ordinance along with the adjacent Zoning use. There are no changes being proposed to the site other than remodeling of the first floor to residential. There

will be two apartments, one on the first floor (handicap accessible) and one on the second floor. The density of these two units will be 5.6 units per gross acre. The R-4 Zone allows up to 16 units per gross acre. Mrs. Wilson provided the Commission with the R-4 Ordinance as well as attachment #1 that showed the adjacent zoning use. Mrs. Wilson noted that several of the Goals and Objectives talked about the redevelopment of housing to meet needs and to accommodate rising senior population, to be located in centralized compacted patterns, preserving the compact urban forms of Versailles, integrating housing into an existing established neighborhoods, have access to municipal services and facilities and providing opportunities including apartments. The property is located in the Traditional Neighborhood District which is the area around downtown Versailles that is for established neighborhoods; homes are built closer to the street, closer together and many times at higher densities with mixed uses. Mrs. Wilson addressed Policies and Guidelines as provided in the staff report. Mrs. Wilson noted that the property was within the City limits and Urban Service Boundary of Versailles. The proposed rezoning for the property is contiguous to existing R-4 zoning; therefore it is a natural inclusion into an existing residentially zoned area. The request appears to be in agreement with the Goals and Objectives as well as the noted Policies and Guidelines. The change in use of the property will have less impact than the professional office use and will not change traffic patterns in the neighborhood. Mrs. Wilson noted that it has current water and sewer service with the City of Versailles and Fire and Police protection. A Preliminary Development Plan (Aerial photo and 1981 Site Development Plan) are attached with the zone change application that shows the existing dwelling and on-site parking on the property. Multi-Family Dwellings are permitted uses in an R-4 zone. The proposed two units at a density of 5.6 units per acre are well within the allowable density of 16 units per gross acre. The existing lot meets all of the minimum lot, yard, and height requirements of Article VII, Section 710.6. Property is suitable for residential purposes. The proposed zoning of R-4 is in agreement with the 2018 Comprehensive Plan. The applicant believes that the current zoning is inappropriate because there is a lack of demand for professional offices due to the change in the current medical climate with regard to there being fewer independent offices. The proposed zone of R-4 is appropriate because it was previously a residence historically and there is a current demand for apartments. Furthermore, the majority of the properties in this block of Lexington Street is zoned R-4. Mrs. Wilson provided the requirements of KRS 100.213, Findings Necessary for a Map Amendment.

Madam Chair asked if any Commissioner had questions for Mrs. Wilson. Hearing none, Madam Chair called upon the applicant, Gary Vitali to answer any questions. Madam Chair asked if anyone from the public wished to speak. Hearing none, Madam Chair closed the public hearing and asked for a motion.

**Motion was made by Mrs. Hartley, as seconded by Mr. Wells to recommend approval to the City of Versailles the Zoning Map Amendment – Gary and Marie Vitali – 290 Lexington Street – 0.25 net acres from P-1 (Professional Office) to R-4 (High Density Residential) District based on the staff report and record as submitted. Motion carried with nine (9) aye votes.**

**PUBLIC HEARING - Zoning Map Amendment and Preliminary Development Plan – Rose-Baker Farm – 1470 Troy Pk – 20.06 Net & Gross Acres - A-1 (Agriculture) to R-1B (Low Density Single Family Residential)**

Madam Chair opened the Public Hearing and called upon Mrs. Wilson for comments. Mrs. Wilson entered the following exhibits into the record:

- A. Zone Change Application
- B. Preliminary Development Plan
- C. TRC Agenda – May 18, 2021
- D. Letter to Engineer of TRC Deficiencies –May 18, 2021
- E. Notice to Woodford Sun – May 27, 2021
- F. Copies of Notification Letters to Adjoining Neighbors – May 28, 2021
- G. Photograph of Zone Change Signs (2)
- H. Staff Report
- I. Letters from Vision Engineering and City of Versailles on Water and Sewer (3)
- J. Waiver Request on length of cul-de-sac
- K. Assessment of Residential Lots – May 31. 2021
- L. P&Z Meeting Agenda – June 10, 2021

Mrs. Wilson noted that the applicant was requesting a change from A-1 to R-1B for 20.06 acres of the 42.72 gross acres of the farm; it was the eastern most portion or the rear of the farm. Mrs. Wilson provided history of the entire farm and no request had been involved for the rear portion of the property. Mrs. Wilson provided information of the existing agricultural use and zoning of the property according to the Ordinance. Mrs. Wilson noted that they were seeking approval for 28 single family residential lots with one additional lot #29 for open space. Two existing stub streets, Rosewood Road and Apple Road will be extended and interconnected to serve the proposed 28 lots. Mrs. Wilson provided the Zoning Ordinance for the R-1B Zone and a list of uses that surrounds the property along with Attachment #1 that confirms that it is an extension of the existing R-1B area. Mrs. Wilson provided in the staff report the portion of the Comprehensive Plan that are appropriate regarding the Goals and Objectives as well as the Policies and Guidelines. Mrs. Wilson noted that on the Natural Environment that the Zoning maps are general and did not show sink holes on subject property according to Figure 2. However, the Preliminary Development Plan did indicate that there were some. Floodplains and Drainage Basins- Figure 8 shows that almost 50% of this area is a Special Flood Hazard Area. The subject property will be accessed by two existing local streets in Rose Ridge, Rosewood Road and Apple Road. These connect to Old Dry Ridge Road and to US 33/Troy Pike, a signalized intersection. The City of Versailles has indicated that this development can be connected to public water and sanitary sewer, at the developer's expense. Fire protection will be provided by the Versailles City Fire Department. Police protection will be provided by the Versailles Police Department, Sheriff's Department and the Kentucky State Police. Mrs. Wilson provided a summary on Recreational Facilities and noted that Falling Springs Recreation Center was approximately 2.5 miles from the entrance of Rose Ridge Subdivision. This neighborhood is connected to this park by bicycle and walking paths. There is also a playground located next door at Southside School. There is a minimum of 4% open space and the Preliminary Development Plan designates 9.27 acres as open space but the area that is being utilized as retention and detention it cannot be counted toward the open space. More detail is still needed to define these designated open space areas on the Preliminary Subdivision Plat when construction plans are submitted if rezoning takes place. Mrs. Wilson updated the school enrollment as of April 30, 2021. Mrs. Wilson noted that in regard with the Comprehensive Plan the property is located lies in the Contemporary Neighborhood Land Use District within the Versailles Urban Area. The Preliminary Development Plan submitted with the application appears to support the previously noted Goals & Objectives and Policies & Guidelines. For R-1B Districts, a maximum of 4 units

per gross acre would be permitted. Given the size of the proposed R-1B area of the property being 20.06 gross acres, a maximum of 80 units would be permitted on this property. The Preliminary Development Plan proposes 28 single family residential lots, well within the maximum allowed. As of May 31, 2021 there were approximately 135 lots recorded and available for residential building permits. 34 of these (25%) are R-1B zoned lots.

Mrs. Wilson noted that the application did have a waiver request for the length of a cul-de-sac. The proposed subdivision contains one cul-de-sac that is approximately 400 feet long. This exceeds the maximum length specified in Article VI, Section 620(D)(14) of 250 feet. It appears that this can be justified due to condition (b): There are environmental or wildlife resources that the applicant proposes to preserve or protect and the use of the cul-de-sac is integral with the preservation objective; that could be the existing Special Flood Hazard Area that would cause the need for the configuration. When taking action of the Preliminary Development Plan if the rezoning is approved this waiver would need to be considered. It appears 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. It is contiguous to areas zoned R-1B. The applicant's justification is attached hereto as Attachment #6. Mrs. Wilson provided the requirements of KRS 100.213, Findings Necessary for a Map Amendments.

Madam Chair asked if any members had questions for Mrs. Wilson. Mr. Wells asked for clarification on location of the cul-de-sac for the waiver request. Mrs. Wilson noted that it was located at the top of the property and would end at the Special Flood Hazard Area. Mrs. Wilson noted that they did provide a connection to the north for a stub street which is vacant land, which is required.

Madam Chair called upon the applicant for comments.

Jihad Hallany, applicant, noted that he was in agreement with the staff report.

Madam Chair asked if anyone from the public wished to speak and noted there was a time limit of five minutes per person.

Mick McNulty of 2016 Rose Bay Rd voiced concern regarding the addition of more homes into the Rose Ridge and Cedar Ridge area. The traffic in the area is dense particularly in the morning and early afternoon when school is dismissing; the traffic backs up from Southside onto Troy Pike and would potentially put more cars onto the road. He assumed that this would reduce the natural buffer zone between Rose Ridge and Southside School. Mr. McNulty was concerned about the density that is currently in the existing neighborhoods and adding 28 more homes would just exacerbate the situation. Mr. McNulty noted there had been an accident at the intersection and it was not unlikely for people to drive in excess of 50 mph on Old Dry Ridge. Mr. McNulty submitted comments in writing.

Chester Ulm of 3036 Rosewood Drive and noted that he would be one house away from the extension and there are multiple small children that live there and lots of excessive traffic. Mr. Ulm questioned if

there would be another entrance to the new development. Mrs. Wilson noted that the only options would be the two streets shown on the plan.

Patty Burke of 2004 Apple Road noted they have 16 children in sixth grade and under on her road and was concerned with construction traffic that would be going down her road. Mrs. Burke voiced concern regarding only having one way in and out and this could generate about 56 more vehicles.

Rich Burke of 2004 Apple Road believed that more time and thought should be put into the access, egress and exit. Mr. Burke noted that the current subdivisions were not planned very well in regards to flow of traffic.

Tim Sawyer of 4064 Greentree Road reiterated the concern regarding traffic and noise from Old Dry Ridge Road traffic.

Madam Chair asked the applicant if he wished to speak again.

Mr. Hallany noted that they are only proposing 28 lots but because of the density could have had 80 lots. Mr. Hallany noted that the property did have a sink hole and one square mile drains to it which acts as a detention basin. If the request gets approved, they are proposing to connect to Sea Hero Run. Mrs. Wilson corrected Mr. Hallany and noted that Sea Hero Run had a termination that keeps it from being extended or connected to, which was created years ago so it would not be accessible. It could be carried across the property at the rear and connect to the Legend.

Madam Chair closed the public hearing and asked if any Commissioner had any questions. Mr. Wells asked for clarification regarding the connection to The Legends.

Madam Chair asked if anyone was prepared to take action.

**Motion was made by Mr. Bohannon, as seconded by Mr. Drury to table action until the July 8, 2021 meeting for the Zoning Map Amendment and Preliminary Development Plan – Rose-Baker Farm – 1470 Troy Pk – 20.06 Net & Gross Acres - A-1 (Agriculture) to R-1B (Low Density Single Family Residential). Motion carried with nine (9) aye votes.**

**FINANCIAL REPORT AND BILLS - May**

The report was accepted

**MONTHLY BUDGET REPORT - May**

The report was accepted

**REPORT TO COMMISSION - May**

The report was accepted.

**COMMUNICATIONS:**

Mrs. Wilson requested approval to hire a summer intern to work up to 20 hours per week and up to \$12 per hour to help with scanning and filing.

**Motion was made by Mr. Wells, as seconded by Mrs. Hartley to hire a summer intern to work up to 20 hours per week and up to \$12 per hour. The motion carried with nine (9) aye votes.**

**Motion was made by Mr. Schein, as seconded by Mrs. Bingham 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**