

ON THURSDAY, MARCH 12, 2020, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING AT 6:30 PM IN THE 2<sup>ND</sup> FLOOR OF THE WOODFORD COUNTY COURTHOUSE.

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

#### **PLEDGE OF ALLEGIANCE**

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

**Minutes: Motion was made by Mrs. Bingham, as seconded by Mr. Greene to approve the February 13, 2020 minutes, as submitted. Motion carried with eight (8) aye votes.**

#### **NEW BUSINESS**

Final Development Plan – Church of God of Prophecy – 280 A.P. Indy Ln – Lot 7 – Equestrian Park – B-1 District

Madam Chair called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that the church has a building across the street on the corner of Wilson Avenue and Laval Heights. They had a desire to add a parking lot on this lot with an additional smaller building and had a new pastor that was unaware of the requirements for construction in Versailles and went ahead and put gravel down for the parking lot. Mrs. Wilson noted that John Hunt with MLH Civil Engineers was hired by the church to prepare a Development Plan to bring it into compliance. They are proposing to construct 13 paved and striped parking spaces. It was reviewed by the Technical Review Committee and all deficiencies had been addressed.

Madam Chair asked if any of the Commissioner's had questions for Mrs. Wilson or Mr. Hunt. Mr. Hunt noted that there was a small geometrical error on the recorded plat for the area and made getting a five foot sidewalk in difficult and he noted that he and Mrs. Wilson had agreed that a 4'3" sidewalk at that point would be sufficient. Mrs. Wilson noted that the City's engineer, Mary Beth Robson, had agreed to that as well.

Madam Chair asked if there was any other questions or discussion. Hearing none, Madam Chair asked if anyone was prepared to make a motion.

**Motion was made by Mrs. Bingham, as seconded by Mrs. Hartley to approve the Final Development Plan – Church of God of Prophecy – 280 A.P. Indy Ln – Lot 7 – Equestrian Park – B-1 District, as submitted. Motion carried with eight (8) aye votes.**

Madam Chair reminded the public to sign the list outside of the door if they wished to speak on the public hearing item.

**PUBLIC HEARING** – Zoning Map Amendment and Preliminary Development Plan – Polo Run Subdivision  
– 3473 Troy Pike – A-1 to A-2 to RR/Residual Farmland Districts – 11 Lots

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 – February 18, 2020
- D. Letter to Engineer of TRC Deficiencies
- E. Notice to Woodford Sun – February 28, 2020
- F. Copies of Notification Letters to Neighbors- Set #1
- G. Copies of Notification Letters to Neighbors- Set #2 (correcting an address)
- H. Picture of Zone Change Sign
- I. Letter from South Woodford Water District – February 25, 2020
- J. Encroachment Permit from KYTC – February 26, 2020
- K. KYTC Turn Lane (not required) Letter- February 25, 2020
- L. Site Evaluations from Health Department (11)
- M. Drainage Analysis and approval per GRW
- N. Draft of Partial Deed Restrictions
- O. Staff Report
- P. Findings of Fact to Approve by Trey Schott/Applicant

Mrs. Wilson noted that there was one exhibit which was a letter of support from Bill Furlong, an adjoining property owner.

Mrs. Wilson noted that the Schotts were asking to rezone their farm from A-1 to A-2; 45 acres would go from A-2 to Rural Residential, which is about 16% of the farm and they could have asked for up to 20%; 232.820 gross acres (83.8%) from A-2 to Residual Farmland, in order to create 11 single family residential lots with one remaining residential building right for a home on the Residual Farmland. Currently the property is being used for agricultural purposes. Soybeans were grown there recently and there is an exercise track for horses. There are several existing barns on the property but those will be removed. Mrs. Wilson provided the existing zoning requirements in the A-1 District. Mrs. Wilson noted that they are proposing to construct 11 lots clustered together, approximately half mile off of Troy Pike. The Rural Residential District is intended to maintain the rural and scenic qualities of the County, and provide for controlled rural residential growth beyond the limits of the urban services districts; maintain the viability of existing agricultural activities; allow land owners a reasonable return on their holdings; provide for farming opportunities for future farmers. Mrs. Wilson noted that in the A-2 District it is intended to provide a means to allow agricultural land outside the agricultural preservation area, the ability to rezone for this opportunity. Mrs. Wilson noted that she looked at it as a tracking tool. Once you see a farm is zoned A-2, you know that somewhere on it, rural residential has started. Uses in the A-2 District are basically the same as in the A-1 District except you cannot do In-family Conveyances. The A-2 zone does

have a Special Provision 702.7 that enables a zone change request on to Rural Residential. This is essentially a tracking device to know that the farm has had a residential change implemented on part or all of the farm. It is as follows:

*A Rural Residential shall only be allowed in an A-2 zone provided rezoning application has been made to, and approved by, the Versailles-Midway-Woodford County Planning and Zoning Commission.*

Mrs. Wilson provided the ordinance for what the Rural Residential allows. Mrs. Wilson reminded the Commission that Residual Farmland was required; for every acre of Rural Residential land there must be 4 acres of Residual Farmland designated. This Residual Farmland cannot be further utilized for residential purposes including residential accessory uses unless one unit from the "Lots to be Sold" is deducted from the cluster and set aside for one residence on the Residual Farmland. This location must be noted and approved by the Commission on the plat. Mrs. Wilson gave an analysis of what was surrounding the property as follows: East – A-1 - Residential 5 acre tracts; South – RR, Residual Farmland & A-1 – Residential (Cabin Hill Estates); West – A-2, Residual Farmland & A-1 – Agricultural (Lakewood Residual Farmland). Mrs. Wilson provided the 2018 Goals and Objectives in the Staff Report that applied to the request and noted that the 2018 Comprehensive Plan identified the area being located in a Rural District in that the Land Use District it specifically stated that rural residential cluster subdivisions was an option for creating residential in that district. Mrs. Wilson provided the General Development Policies/Guidelines for the Rural District that are being complied with for the rezoning. Mrs. Wilson summarized the existing physical conditions in the staff report in regards to the geology, soils and etc. that were associated with the Comprehensive Plan. Mrs. Wilson noted that the development supported the noted sections of the Comprehensive Plan as well as the Rural Residential Zoning District. It does not fall within the designated Agricultural/Equine Preserve District. The prime agricultural farmland will be designated as residual farmland; water is available with adequate pressure and volume according to the South Woodford Water District; and fire protection is provided by the Woodford County Fire Department. Site evaluations have been done and approved by the Health Department. The proposed lots are accessed by a proposed public street that will serve the rural residential cluster. It appeared that Guidelines of the Rural District are being met. Three divisions from the property have occurred since July 16, 1990, as in-family conveyances, all more than 400 feet off of a public road, consisting of 32.52 total acres, thereby not impacting the 5 bonus lots. These are not part of the rezoning and will remain zoned A-1 Agriculture. With these three divisions and the proposed 11 residential lots there will be one remaining residential right for a home on the remaining farm in the Residual Farmland area for a total of 15 residences. Mrs. Wilson noted that Troy Pike was a rural road connecting Versailles to Jessamine County. Mrs. Wilson provided the current enrollment of the public school system effective March 5, 2020. There are five rural residential neighborhoods within one mile of this area: Lakewood, Lakeview and Larland on Carpenter Pike; Cabin Hill Estates on Troy Pike; and, Hiddenaway on Pinckard Pike. Mrs. Wilson included an assessment of rural residential lots attached to the staff report. As of March 1, 2020 there are 49 vacant Rural Residential lots recorded that building permits could be issued on. Mrs. Wilson noted that currently there was over 2400 acres of Residual Farmland that had been zoned with the existing Rural Residential neighborhoods that had been created.

It appeared that the proposed zone change is in agreement with the 2018 Comprehensive Plan as noted herein; the property is in the Rural Service Area; the property **does not** fall within the designated Agricultural/Equine Preserve District; the majority of the prime agricultural farmland will be designated as residual farmland; water is available with adequate volume and pressure according to the South Woodford Water District; and fire protection is provided by the Woodford County Fire Department; site evaluations have been done and approved by the Health Department. The proposed lots are accessed by an approved entrance on Troy Pike with a proposed public street; guidelines 1 – 4 of the Rural District appeared to be met; and, the plan meets the minimum dimensional requirements established by Section 703 of the Zoning Ordinance for Rural Residential.

Madam Chair asked if anyone had questions for Mrs. Wilson, hearing none, Madam Chair called upon the applicant or appointee for comments.

Tim Thompson, Engineer and Land Surveyor for Mr. Schott, noted that he surveyed the property for the realtor that was auctioning the property. Mr. Thompson noted that Mr. Schott purchased all the tracts and put the farm back together and therefore created the proposed Rural Residential development. Mr. Thompson noted that they followed the ridge on the farm to place the lots and they range from a couple of acres to approximately six acres. Mr. Thompson noted that a lot of erosion had occurred over the years and that the location was the most desirable.

Mr. Schott presented several aerial drone shots of the property to show the layout of the development and described the topography of the land. Mr. Drury asked what size water line would be installed. Mr. Schott noted that it was approved by the Division of Water and the South Woodford Water District to install a 6" line along the 50' easement along the road to the homes and they would have two fire hydrants. Mr. Schott noted that the development borders his existing farm, River Mountain. Mr. Schott noted that he and his wife, Elaine, have lived in Woodford County for 40 plus years and Elaine operates the horse farm on Troy Pike. Mr. Schott noted that he practiced equine medicine in Woodford County and operates Ace Hardware on Main Street. Mr. Schott noted that they purchased the farm in April 2017 and it was sold as a multi-par bid auction. The farm was to be sold as four divided tracts and the method of sale and farm division made economic sense to the bank, but made no sense for the future of farm and preservation of farmland; four entrances on Troy Pike and the possibility of three rural residential zones. Mr. Schott noted that in the beginning they were only interested in buying tract 4 which bordered their existing farm but after studying the bid process, they decided they wanted to protect their current horse farm operation and steer and preserve the future of the farm. They understood that grain/soybean farming, if you didn't inherit the land, could not support the taxes or mortgage. Mr. Schott noted that they met with Planning and Zoning and Ag Credit prior to the sale and determined that utilizing the Rural Residential Zone with the 80/20 split was the only way to make it economically feasible and also preserve the farmland. Their goals and future land use mirror the Comprehensive Plan and Zoning District Regulations. Their objectives were to protect the existing farm operations and future growth of the farming operations. Mr. Schott noted that his children, through in-family conveyances, will build houses there and run their own separate equine operations while sharing the farmland together. They will transition away from the grain/soybean operation over the next three to four years.

Mr. Schott noted that he provided the Planning Commission with his Findings of Fact (Exhibit P) and summarized them. Mr. Schott noted that they are requesting the 11 lot rural residential cluster on the least number of acres located in an area of the least desirable farmland and far away from the Hwy. 33 view shed. The road frontage and pastures have new perimeter fencing and will be cross fenced to be used for agricultural and equine purposes. Mr. Schott noted that this would minimize the loss of farmland to residential uses through the establishment of contiguous parcels of non-residential acres of equine pasture and allow for hay fields to be planted over the balance of the farm. Mr. Schott stated that the Zone Change request was in compliance with the 2018 Comprehensive Plan and the noted Goals and Objectives and Policies as noted in the Staff report. The Agricultural Use Goal to protect and promote the Woodford County agricultural economy and character is satisfied by keeping 84% of the farm for agriculture while allowing only 16% for rural residential development on the least productive acreage of the farm. Mr. Schott noted that there was evidence of one sink hole on the west portion of the farm but none were within the proposed rural residential area. Mr. Schott noted that there would be one entrance into the residential development and the road would be constructed to County Road standards; the divided entrance would be used for landscaping, identification, traffic separation, to create an appealing view shed and to increase line of site traffic distances for ease of entering and exiting the property. No turn lanes are required by the KYTC and the entrance had been approved by them. The road was designed to follow the high areas of the proposed lots and this would allow desirable lots to have walkout basements and allow drainage away from the residences. Water would be provided by South Woodford Water District and has been approved by the Kentucky Division of Water. The Health Department has performed site evaluations and preliminary approved on-site sewage disposal systems. The subdivision Drainage Analysis was review by Mary Beth Robson with GRW and she agreed that no detention was required. Mr. Schott noted that encroachment permit bond monies had been deposited with KYTC. The location is 1.4 miles from the Bluegrass Parkway with easy access to services, shopping, schools, Falling Springs and downtown Versailles. Mr. Schott noted that Polo Run fulfilled the objectives of the Comprehensive Plan and the Rural Residential Ordinance enacted in 1990. Soil maps and crop production records were provided to demonstrate that the residential cluster was located on the least productive farmland and it was provided by Henton, Inc (Hoppy Henton). Mr. Schott noted that based on the staff report there were 49 vacant platted rural residential lots and Mr. Schott stated that it was unknown how many of those were actually available for sale and/or desirable to purchase. Mr. Schott presented a map that was prepared by Kenneth Johns, GIS Coordinator, showing the vacant location/owner of the existing Rural Residential clusters. A report, prepared by David Humes with Rector-Hayden, showed the vacant platted lots. Mr. Schott noted that one common objection that is presented to a new Rural Residential Zone is “we don’t need it” and “there are too many vacant lots already in the county”, that objection isn’t supported by the facts. The sale and inventory data clearly shows there is a demand and need for Rural Residential lots as a choice for current and future Woodford County residents. The other expressed objection is traffic. Mr. Schott noted that the entrance is 1100 feet from HWY 169 and the entrance has 2000 feet of clear site distance both ways on Troy Pike; traffic would not be a problem. Mr. Schott noted that the build out on the development is 5-10 years and a maximum of eight permits can be issued a year in a Rural Residential Development. School capacity was another objection that is general presented and Mr. Schott noted that the staff report clearly demonstrated that this would not be an issue.

Mr. Schott stated that in summary their goals align with the Planning Commission Ordinance. To protect agricultural land from urbanization and incompatible land uses; to conserve the County's agrarian character of horse farms; to preserve a minimum of 80% of the land in farmland for their future generations and follow the Rural Residential Guidelines enacted in 1990; to preserve farmland by creating and sustaining farm revenue in areas that are economically viable and realistic; the most productive farmland is being preserved with the cluster development (16%) being placed on the least productive land, while maintaining and improving the HWY 33 view shed.

Mr. Drury asked Mr. Schott if the road would be a county road or private lane. Mr. Schott stated that eventually they would like for it to make it a county road. They will need to add to it and have it measured by the County before they blacktop it. Mr. Bohannon thanked Mr. Schott for taking old land that was not agriculturally feasible and using it for the lots and taking good land and preserving it as farmland.

Madam Chair noted that there were no names on the sign-in sheet and asked if anyone from the public wished to speak. Hearing none, Madam Chair closed the public hearing. Madam Chair asked if any Commissioner was prepared to take action on the request. Mrs. Wilson noted that the Findings of Fact that were emailed and distributed at the meeting were reviewed by Preston Worley, the Commission's attorney, and he did not note any objection.

**Motion was made by Mr. Bohannon, to recommend approval to the Woodford County Fiscal Court for the Zoning Map Amendment and Preliminary Development Plan – Polo Run Subdivision – 3473 Troy Pike – A-1 to A-2 to RR/Residual Farmland Districts – 11 Lots, based on the staff report and Findings of Fact as submitted. Motion failed for lack of a second.**

**Motion was made by Mr. Wells, as seconded by Mr. Schein to table the Zoning Map Amendment and Preliminary Development Plan – Polo Run Subdivision – 3473 Troy Pike – A-1 to A-2 to RR/Residual Farmland Districts – 11 Lots, until the next meeting. Motion carried with eight (8) aye votes.**

**FINANCIAL REPORT AND BILLS - February**

The report was accepted

**MONTHLY BUDGET REPORT - February**

The report was accepted

**REPORT TO COMMISSION - February**

The report was accepted.

**COMMUNICATIONS:**

**Audit 2018-2019**

Madam Chair noted that per the suggestion during the audit, she will be reviewing and signing off on the bank statement reconciliation.

**A motion was made by Mr. Schein, as seconded by Mrs. Bingham, to accept/approve the 2018-19 Audit as prepared by RFH, CPAs Consultants. Motion carried with eight (8) aye votes.**

**Payment by Credit Card**

Mrs. Wilson noted that Planning and Zoning was one of the few offices in the Courthouse that did not offer credit card services to the public and we are reviewing the options. Staff will report back to the Commission with options.

**Committee Meeting Public Notice**

Mrs. Wilson noted that staff had attended a training on Open Records/Meetings that Judge Kay organized and one of the things that Fiscal Court had started doing was to post notice of committee meetings on the meeting room door and the courthouse door so to make their committee meetings happen in a more timely fashion. Right now we advertise the committee meetings in the Woodford Sun (which has to be done a week ahead of time) and website. The information that we received was to post notice 24 hours in advance on the building, website and notify the local media.

**Expanded Jurisdiction**

Mrs. Wilson noted that when the Commission hired the current Level III Building Inspector, one of the goals was to move toward expanded jurisdiction, so that we could inspect other buildings in the County that currently are being inspected by the State. Staff is beginning to work on the forms and compiling data that is requested and will have to get approval from the three legislative bodies.

**Other**

Madam Chair recognized two students with Woodford Leadership who were in attendance. Bianca Genovese and Ariel Martindale.

Mr. Worley updated the Commission on the Summary Judgement ruling in favor of the defendants on Edgewood Farm. The plaintiffs have put on a motion to alter, amend or vacate to be heard on April 4, 2020; which is the first step to get a judge to reconsider. Once that is heard then they will have 30 days to appeal to the Kentucky Court of Appeals.

**Motion was made by Mrs. Hartley, as seconded by Mr. Wells to adjourn the meeting at 7:37 p.m. The motion carried with eight (8) aye votes.**

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**Patty Perry, Chair**

**PP:ko**