

ON THURSDAY, MARCH 8, 2018, 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: Jim Boggs, Randal Bohannon, Rich Schein, Ed McClees, Chad Wells, Jeri Hartley, Chantel Bingham.

Minutes: Motion was made by Mr. Schein, as seconded by Mr. McClees to approve the February 8, 2018 minutes, as submitted. Motion carried with seven (7) aye votes.

Minor Amended Subdivision Plat – Rose Ridge Unit 4, Lot 29 – 6022 Harkness Lane - R-1B District

Chairman Wells called upon Patricia Wilson, Planning Director for comments. Mrs. Wilson noted that this was a one lot Plat Amendment to lower the finished floor elevation from 924.0 to 921.5; apparently the house was built too low and the County Engineer has issued a letter of approval that suggested it was okay based on his study of the drainage in the area and documents from EA Partners. All deficiencies have been addressed and were in order for Commission action. Chairman Wells asked if they were waiting on something from FEMA. Mrs. Wilson noted that after Mr. Smith reviewed the drainage study by EA Partners, he determined that it was acceptable to move forward with the amendment now and not have to wait for that.

Rick Nunnery with EA Partners was present. Chairman Wells asked if any Commissioner's had any questions. Chairman Wells asked for a motion on the item.

Motion was made by Mr. McClees, as seconded by Mr. Boggs to approve the Minor Amended Subdivision Plat – Rose Ridge Unit 4, Lot 29 – 6022 Harkness Lane - R-1B District, as submitted. Motion carried with seven (7) aye votes.

Major Plat In-Family Conveyance – Lynn and Lola Cash to Kolin (son) & Christian (WF) Cash – Lot 2 – 1798 Woodlake Rd; Landi Cash (daughter) – Lot 3 – 1806 Woodlake Rd; Garris Spaccamonti (son) – Lot 4 – 1790 Woodlake Rd - A-1 District

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that typically the Commission does not see In-Family Conveyance Plat's, because when they do two or less which qualifies as a minor plat that can be approved administratively after the Technical Review Committee reviews them. The Cash's have several children and bought some property on Woodlake Road north of I-64 and are seeking to convey four lots for In-Family Conveyance. Mrs. Wilson noted that they started the process several years ago when they conveyed the first five acre tract on Woodlake Road and didn't realize they needed to have more than thirty acres to do up to four In-Family Conveyances. So to resolve that, they purchased an acre from Edward Kelsey on the east side of the farm and one of the first purposes of the plat is to join that acre to the farm so that the entire farm is over thirty one acres. That gives them the ability to do the four In-Family Conveyances. The Cash's home is already constructed at the rear of the property, as well as a smaller residence adjacent to that home. With this

division, they would not be able to build any other houses on the farm except one home on each in-family lot. This was reviewed at TRC and all deficiencies were addressed and the Plat is in order for action.

Charlie Jones, attorney was present on behalf of the owner.

Chairman Wells asked if any Commissioner's had any questions for Mr. Jones.

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

Motion was made by Mr. Schein, as seconded by Mr. Bohannon to approve Major Plat In-Family Conveyance – Lynn and Lola Cash to Kolin (son) & Christian (WF) Cash – Lot 2 – 1798 Woodlake Rd; Landi Cash (daughter) – Lot 3 – 1806 Woodlake Rd; Garris Spaccamonti (son) – Lot 4 – 1790 Woodlake Rd - A-1 District, as submitted. Motion carried with seven (7) aye votes.

Minor Consolidation Subdivision Plat – Eller Estate Property & James Tracy Eller Property – 690 & 755 Fintville Road – CO-1 District

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that in the twenty plus years that she has been here, the Commission has looked at a handful of properties throughout the county where a county road divided a piece of property creating non-conforming parcels. In this particular case, the property on the west side identified as 755, crosses over Fintville Road and Parcel 2 was part of that property. Another relative owned Parcel 3 and they are trying to settle an estate so it seemed appropriate that Parcel 2 would be joined with the remaining property on the east side, known as 690, leaving 755 or Parcel 1 as a standalone tract. The reason it required Commission action is because the minimum lot size is thirty acres, so these are non-conforming lots and you can't make them more non-conforming but because of the action of the road (subdividing the property) it is more of a housekeeping issue. The Health Department looked at this through TRC and all deficiencies have been addressed and were in order for Commission's action. Mr. Boggs asked how this Plat would affect any future development of the property. Mrs. Wilson noted that it would not affect anything because there are homes on the properties and that it helps Parcel 3 to have road frontage and right now they have an access easement across the front of 680 Fintville Road.

John Hill, Surveyor for the Eller Estate was present. Chairman Wells asked if any Commission members had any questions for Mr. Hill or Mrs. Wilson.

Chairman Wells asked for a motion on the item.

Motion was made by Mr. Bohannon, as seconded by Mrs. Bingham to approve the Minor Consolidation Subdivision Plat – Eller Estate Property & James Tracy Eller Property – 690 & 755 Fintville Road – CO-1 District, as submitted. Motion carried with seven (7) aye votes.

PUBLIC HEARING – 7th Amended Preliminary Subdivision Plan – Keswick (formerly Edmonds Cross) - 1230 Troy Pike – R-1A/PUD & R-1B/PUD Districts

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that after the packets went out for the meeting she realized that a lot of the members are newer members to the Commission and would not know the history behind the property. Mrs. Wilson distributed a summary to the Commissioners. Mrs. Wilson noted that the property is located out KY33 past Southland Subdivision before Southside School on the left side going south. It has been planned for a residential neighborhood for over fifty years; the property originally consisted of about 98 acres and was in the Howard Sellers Trust since 1978. Woodford County created its first zoning maps in 1971 and this property was designated on those original maps as R-1A and R-1B, for the majority of the property; there was about 12 acres outside of that zoning in the A-1 zone. In 2005, Mr. Sellers came in and requested that the small A-1 piece be rezoned to residential with the entire property being designed and approved by the Planning Commission utilizing the Planned Unit Development (PUD) concept. In 2005 that PUD was approved and showed a through street from Troy Pike to Huntertown Road, an extension of Marsailles Road, that connects to US 60 through Hunters Ridge and Lexington Road Plaza (former Kroger/Kmart area). At that time they had proposed the 68 acres along Troy Pike (which was being looked at tonight) as single family detached residential lots with the rear 30 acres planned for residential condominiums consisting of 2 and 4 unit residences. They began the first phase in 2006 along Huntertown Road with the construction of Edmonds Crossing (formerly Marsailles Road) on about 10 acres and then the recession came along and it was sold and the new owner decided that townhomes were more appropriate. So in 2013 amended plans and plats were submitted and this area is now complete with 24 townhouse units/lots. Phase II was before the Commission in 2016 and that is the area where Ball Homes is constructing single family residential lots and are in the process of installing infrastructure; there are two Record Plats pending approval now so that building permits could be issued. Phase III is what is before the Commission tonight, consisting of approximately 68 acres, currently in the county, not in City limits. In December of 2015 the Sellers sold off five acres of the property along Troy Pike adjacent to Southside Elementary School. They will also be retaining the area around their home consisting of approximately 7 acres. The remaining property consisting of 55.76 acres is what is being amended with the Preliminary Plat as a PUD tonight. The transfer of the 5 acres in 2015 has precipitated the relocation of the access point on Troy Pike, shifting it to the northwest. In addition, the prior proposed location was to be shared with the Southside Elementary School entrance. Last year the Board of Education added an additional lane to the driveway into and out of school to make it more efficient. A shared entrance would be difficult, if not impossible now. This plan was submitted in January and reviewed at TRC. The plan proposes 148 single family residential lots with a density of 2.7 units per gross acre, well within the maximum allowed of 4 units per gross acre for a PUD in a single family residential zone. The street between Troy Pike and Edmonds Crossing has been shown, as required to provide connectivity, again shifting the entrance to the northwest. Approval of this entrance will be required by the Kentucky Transportation Cabinet. All deficiencies have been addressed. The Amended Preliminary Subdivision Plat meets the Subdivision Regulations with the exception of two items. Those are noted in a Waiver Request by the applicant's engineer dated February 21, 2018. One has to do with homes along Troy Pike fronting that road. The waiver requests that the homes be allowed to face inward to the interior neighborhood street. This was granted previously in 2005. This amended PUD provides for Open Space behind these homes along Troy Pike and buffering will also be required. The second waiver deals with the one cul-de-sac being proposed in the northwest corner. Cul-de-sacs are not allowed per the Sub Regs except in unique situations. In this case the required through street (Edmonds Crossing) has a limited location of the new entrance on to Troy Pike due to spacing from the school entrance as well as the steep slope of the shoulder along Troy Pike. With the two waivers it would be in compliance with the Sub Regs.

Chairman Wells asked if any Commissioners had questions.

Mr. Schein asked for clarification regarding what was going in the property north of this property. Mrs. Wilson noted that is where Ball Homes is developing single family lots. Mr. Schein inquired about Sugartree Park. Mrs. Wilson noted that it was a neighborhood to the north that has not been built but was approved for townhouses.

Chairman Wells asked the Commissioners if they had questions for Mrs. Wilson. Mr. Boggs asked for an explanation of what was being asked for on the Plan. Mrs. Wilson stated that they were asking for approval of the Preliminary Plat for the neighborhood as shown on the drawing.

Steve Ruschell, attorney for the applicant was present. Mr. Ruschell asked that Mrs. Wilson's comments be included in the public hearing. Mr. Ruschell noted that this was an important development for the community and would be the beginning of connecting Huntertown Road to Troy Pike and they are committed to doing that. Mr. Ruschell noted 55.76 acres, 148 single family lots, five Homeowners Association lots; it's going to be a beautiful boulevard and a very nice development. They are here because there are no lots available to the community in this county. Mr. Ruschell did note that Ball Homes is doing a development but they will consume all of those lots and his lots will be much larger. Mr. Ruschell noted that present were Al Gross and Rick Nunnery with EA Partners who are the project engineers. Mr. Ruschell noted that the plan did go before TRC and has met all deficiencies and that there were two waivers before the Commission. He noted that the waiver that refers to the rear of the homes facing Troy Pike would be the same as the homes in the subdivision across Troy Pike. Mr. Ruschell noted that there was a natural buffer between Troy Pike and the rear of the lots and in addition to that there is a Homeowner Association strip behind those lots. Mr. Ruschell noted that they request the approval of the Commission on the plan.

Chairman Wells asked if any Commissioners had questions for Mr. Ruschell or the gentleman from EA Partners. Hearing none, Chairman Wells opened the hearing for public comment.

Carol Stuckert of 160 Shermans Crescent noted that she did not have a problem with the subdivision but thought when someone was going to do something right next to something that abuts it, that they would be contacted and given information as to what was being planned. Mrs. Stuckert did not think this should be approved without letting their Homeowners Association seeing all the paperwork and everything that is connected. They have several homes that back up to the proposed property and would impact them quite a bit. Mrs. Stuckert asked that they be provided copies of the plans and that their Homeowners Association can take the time to look through it and see if they have any issues that would affect their properties. Mrs. Wilson noted that because it was not a Zone Change, they would not have received specific letters of notification; just the notice in the paper meets the requirement. Mrs. Stuckert noted that Ball Homes got shoved on them and they know the road is going through and that will bring a lot of traffic through and she understood that because the road was always set to connect from Troy Pike to Huntertown Road.

Mr. Ruschell noted that they are not in position to delay this project because of their relationship with the seller and if it were appropriate to provide a notice then they would have received it, for example a Zone Change. What they are proposing to do is what already existed in a development plan when Mrs. Stuckert's development was allowed to be developed. Mr. Ruschell noted that these are single family

lots as before but may be different in size and are not putting in commercial development in. Mrs. Stuckert noted that they have \$300,000 homes and don't want \$150,000 homes in their backyard. Tim Butler, attorney for the Planning and Zoning Commission, noted that the Commission cannot consider that at all because it may be considered discriminatory. Mr. Ruschell noted that these will be very nice homes and he mentioned earlier in his presentation that Ball Homes, which is a fine developer, is going to use all of their lots but their lots are much smaller than these. So the Planning Commission is going to be creating a range of homes in that area that will not be discriminatory in any way. These are very nice lots and the community has wanted this for a long time and this property has been shown as single family residential since the first Comprehensive Plan in 1977.

David Bradshaw, owner of the five acres adjacent to the proposed development, noted that their intention was to buy this property but had a delay in closing on another property. Mr. Bradshaw noted that he believed there was a mistake on the map regarding property lines and that part of his property was included in the development plans but thinks it can be corrected. Mr. Bradshaw was curious as to which end they would be starting on. Mr. Ruschell noted that they intend to start on the Troy Pike end to be able to put in the grand entrance. Mr. Ruschell noted that EA Partners had compared the lot lines and what is shown before the Planning Commission is identical to what is in Mr. Bradshaw's deed and if a mistake was made they will work with Mr. Bradshaw to straighten that out. Mr. Ruschell noted that they are bringing the ability for Mr. Bradshaw to develop his five acres; curb gutter, sidewalk and utilities. Mr. Bradshaw noted that they would show some flexibility in working together on the entrance if it has to be through the five acres but if it gets to the end and there is no conversation between him and the developer and the proposed entrance gets turned down, then he will probably try to buy the property.

Chairman Wells asked if there was anyone else from the public wishing to speak, hearing none Chairman Wells closed the public hearing to public comments.

Mr. Ruschell noted that Mr. Bradshaw's comments were appropriate but wanted to make clear that this was Phase I of the development because they have to have the Commission approval first. Mr. Ruschell noted that there was traffic congestion around the Southside School early in the morning and late afternoon and they had hoped to have a joint entrance with a roundabout, that was approved in 2005, where the school would flow into the traffic circle and there would be an entrance there; that did not happen and they built their own road and are happy with it. When Mr. Ruschell spoke about Phase I, he referred to the Commission meeting, Phase II is having to go to the Department of Transportation and they have to prove to them that they are entitled to an encroachment permit to tie onto Troy Pike where it is shown and they know it is going to be expensive and will have to build a left turn lane but they are willing to do that. They are in the process of having traffic studies done and will have to prove that the proposed entrance is safe. Mr. Boggs asked what is Phase I. Mr. Ruschell noted that Phase I will be market driven. Mr. Boggs stated, "bullshit about market driven, he has heard that so many times he is tired of it". Where is Phase I? Mr. Boggs noted that if they wanted the Commission to approve Phase I, tell him where it is. Mr. Butler noted that he thought Mr. Ruschell meant that it was step one. Mr. Butler noted that the Preliminary Plat is what they are asking for. Mr. Boggs asked how many houses are on the plat and how many people will live in this area. Mr. Ruschell noted that there are 148 single family residential lots. Mr. Ruschell introduced Al Gross the project engineer and noted that he would know more about phasing. Mr. Boggs questioned where all the sewage is going and where are they getting the water. Mr. Gross noted that the first phase will be approximately the initial 50 lots that

come off Troy Pike. Sanitary sewer will run to the west and they have been in contact with Mitzi Delius, City Utilities Manager at the City of Versailles and have letters that have been delivered to the Planning office. The owner anticipates this being three or four phases of development. Mr. Bohannon asked where the storm water was going, other than going to Helmsley Subdivision. Mr. Gross noted that is where it was going. Mr. Bohannon noted that it was very bad down there. Mr. Gross stated that if that was the case then they would work very closely with Buan Smith, County Engineer to retain stormwater. Mr. Gross noted that is the responsibility they have and they can't add or increase the flow downstream and Mr. Smith would ask them to address it. Mr. Gross noted that if the Commission was curious about the access to KY33, they have met with District 7 representatives on three separate occasions and with some confidence they show that location in the plan. Mr. Boggs noted that was not his concern and he is sure they have all of that worked out, it's just about five years ago there was panic that there wasn't enough water for the few folks that lived here and would have to go to Louisville to get water from the Ohio River and now the Commission has approved over 1000 new homes and here is another bunch and they will be calling to go back to Louisville because he didn't think the City could service unless a whole lot of improvements are put in and that is just taxpayer money. Mr. Boggs noted it's too much too quick. Mr. Gross noted that they have been told there is infrastructure in place. Mr. Boggs noted that they wouldn't be here if they weren't told that but he didn't believe it.

Chairman Wells asked if there were any more questions from Commission members. There was discussion regarding the phasing. Mr. Butler noted that was before the Commission was a Preliminary Plat and they will come in with Final Record Plat of phases. Mr. Butler noted that this was the 7th Amended Preliminary Plat and that meant it was seen six other times. The water and sewer may have been allocated for this property a long time ago and they set aside capacity for these. They show the entirety of the development on this plat and then they bring in sections of the development and that is what is recorded and they can sell lots from. When they talk about phases that is how they plan to bring in record plats.

Chairman Wells asked if there were any further questions. Mr. Schein noted that he wished neighbors would get together before the plans get to the Commission because we are a small town and small community; they need to talk to each other before coming to the Commission.

Chairman Wells asked for a motion on the item.

Motion was made by Mr. McClees, as seconded by Mr. Bohannon to approve the 7th Amended Preliminary Subdivision Plan – Keswick (formerly Edmonds Cross) - 1230 Troy Pike – R-1A/PUD & R-1B/PUD Districts, as submitted with waivers attached. Motion carried with six (6) aye votes and one (1) abstention - Boggs.

PUBLIC HEARING – Zoning Ordinance Text Amendment – Article II (212); Article V, Section 507; and Article VII, Section 701 – To allow Bed and Breakfast/Inn Establishments in Agricultural zones, 3 rooms or less, on a minimum of 5 acres, with no events, as an Accessory Use with review by the Agricultural Advisory Review Committee.

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that there was a staff report included in the Commissioners packet as this was a text amendment and with this process they would make a recommendation to the Legislative bodies if they agree to what is being proposed or adjusted.

Mrs. Wilson noted that there have been Bed and Breakfasts allowed as Conditional Uses and it has been since 1991. In December 2006 authority was given to the Agricultural Advisory Review Committee (AARC) to review and make recommendations on those proposed in Agricultural Districts. The Ag Review Board consists of four members appointed by the Fiscal Court; three of the members were present for this meeting. Mrs. Wilson noted that right now it is a two-step process for Bed and Breakfast in the county to be approved. They are referred to the AARC and then they make a recommendation to the Board of Adjustment for the Conditional Use Permits (CUP); it is two separate steps and fees are involved at each step. The AARC suggested that they review the process and make the recommendation to the Commission so on February 14, 2018 they conducted a work session and discussed options on amending the ordinance to make it more user friendly; so what is before the Commission is a recommendation from the committee. It was agreed on that when an applicant is proposing 3 or less bedrooms and on a minimum of 5 acres, with no events, to be allowed as an Accessory Use with review by the AARC. They did want to include vacation rentals such as Air BnB in the definition so that was also proposed to make sure that they are part of this process. This would eliminate the two-step process for small Bed and Breakfast establishments. All others in Agricultural Districts would still go through the two step process and be considered as CUP's. It would amend Definition 212 to add "including vacation business rentals" and would revise Article V, which talks specifically about Bed and Breakfast and they also felt there was a lack of compliance that they have the appropriate business licenses; so they are suggesting that the owner of the business be required to provide evidence of that annually. Mrs. Wilson noted that she does annual reviews, but wants to put the burden on the owner to provide that information. For anyone with four or more guest rooms and events would have to go through the two-step process. They added "F" in 701.3 as an accessory use. Mr. Butler clarified 701.3(F) "shall be reviewed by the Agricultural Advisory Review Committee"; he assumed it was for the sentence before about, all other conditions are met. Mrs. Wilson noted that is what they are reviewing to make sure on a case by case basis. Mr. Butler noted that the Committee cannot do that and can only review it for compliance with that section.

Chairman Wells asked if any members had questions for Mrs. Wilson. Hearing none, Chairman Wells opened the public hearing.

Chairman Wells closed the public hearing since no one wished to speak. Chairman Wells asked for a motion on this item.

Motion was made by Mr. Schein, as seconded by Mrs. Hartley to approve recommendation of Zoning Ordinance Text Amendment – Article II (212); Article V, Section 507; and Article VII, Section 701 – To allow Bed and Breakfast/Inn Establishments in Agricultural zones, 3 rooms or less, on a minimum of 5 acres, with no events, as an Accessory Use with review by the Agricultural Advisory Review Committee to the three Legislative Bodies. Motion carried with seven (7) 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.

2016-17 Audit – Mrs. Wilson noted that the draft of the Audit was in the packet and the way the Commission reviewed this in the past was if there were questions and if the Commission wanted the auditor to attend to address questions then she would come to the next meeting. Mrs. Wilson noted that it has the same deficiency, lack of segregation of duties, due to the size of the staff.

Motion was made by Mrs. Bingham, as seconded by Mr. McClees to approve/accept the 2016-17 Audit, as submitted. Motion carried with seven (7) aye votes.

2018-19 Budget – Mr. Bohannon, chair of the Budget Committee, noted that the committee recommended 3% salary increase, the CERS (retirement) funding is due to having a substantial increase and that could go up or down, health insurance is estimated at a 13% increase, extra legal fees will remain at \$5000 pending litigation for Edgewood Farm, anticipated Audit increase of \$500, Capital Purchase/Lease is decreased by \$1000 due to lower equipment costs, P&Z/GIS Hardware increased by \$10,000 due to replacing the server and large scanner (one time purchase), P&Z Insurance/contents/auto increase of \$500 due to premium increase.

Motion was made by Mr. Bohannon, as seconded by Mr. McClees to recommend the 2018-19 Budget to the Legislative Bodies, as submitted. Motion carried with seven (7) aye votes.

Mrs. Hartley requested to address the Commission regarding some belligerent remarks made during the meeting. Mrs. Hartley felt that the Commission sets themselves at a higher standard and needs to show some professionalism.

COMMUNICATIONS:

Motion was made by Mr. Bohannon, as seconded by Mr. McClees to adjourn the meeting at 7:37 p.m. The motion carried with seven (7) aye votes.

Chad Wells, Chairman

CW:ko