

ON THURSDAY, MAY 9, 2019, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING AT 6:30 PM ON 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, Tim Parrott, Patty Perry, Chad Wells, Jeri Hartley, Chantel Bingham.

Minutes: Motion was made by Mrs. Perry, as seconded by Mr. McClees to approve the April 11, 2019 minutes, as submitted. Motion carried with eight (8) aye votes.

NEW BUSINESS

Amended Final Record Plat – Edmonds Cross – Unit 3D, Lot 64– Ball Homes LLC – 273 Brunswick Circle – R-1B/PUD District

Chairman Wells asked for comments from Pattie Wilson, Planning Director. Mrs. Wilson noted that the Plat was reviewed at TRC and the applicants were asking to adjust the Flood Protection Elevation on the Lot. After extensive discussion with GRW Engineers, who represents the City and the County, and the applicant's engineer, Rick Nunnery of EA Partners the City was satisfied with the adjustment being made and City Public Works signed the Plat and all deficiencies had been addressed. Mr. Nunnery was present to answer questions.

Chairman Wells asked if any Commissioners had questions for Mrs. Wilson. Mr. McClees commented on the difference between the approved elevation and the requested elevation. Chairman Wells asked for a motion to approve or deny.

Motion was made by Mrs. Perry, as seconded by Mr. Parrott to approve the Amended Final Record Plat – Edmonds Cross – Unit 3D, Lot 64– Ball Homes LLC – 273 Brunswick Circle, as submitted. The motion carried with eight (8) aye votes.

Amended Final Record Plat – Ball Homes LLC – Edmonds Cross – Unit 3C, Lots 35-37 & 39-40 – 404, 408, 412, 420 & 424 Hastings Lane - R-1B/PUD District

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that this was an adjacent unit to the previous Plat looked at. When the Flood Protection Elevations were established on this particular unit, they created them to be a foot higher than they needed to be so they would now like for them to match the other areas and were asking to lower them to 933' which was still a foot above the overflow of the storm water basin. City Public Works signed the Plat and all deficiencies had been addressed. Mr. Nunnery was present to answer questions.

Chairman Wells asked if any Commissioners had questions for Mrs. Wilson or Mr. Nunnery. Mr. Parrott questioned if the grading had been done. Mr. Nunnery noted that the homes had not been built and the finish grade was not done. Chairman Wells asked for a motion to approve or deny.

Motion was made by Mrs. Bingham, as seconded by Mrs. Perry to approve the Amended Final Record Plat – Ball Homes LLC – Edmonds Cross – Unit 3C, Lots 35-37 & 39-40 – 404, 408, 412, 420 & 424 Hastings Lane, as submitted. The motion carried with eight (8) aye votes.

Final Record Plat – Larland Estates (Larry Donnell) – 4395 Troy Pike, 13 Lots – RR District

Mrs. Perry recused herself. Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that this was a Rural Residential neighborhood that rezoned last year. Mrs. Wilson noted that she was in receipt of a letter from the County's consulting engineer at GRW which she read into the record which noted the Certificate of Deposit amount of \$63,250 to be set for the final road surface, clean-up and contingencies. All deficiencies had been addressed. Tim Thompson was present to answer questions.

Chairman Wells asked if any Commissioners had questions for Mrs. Wilson. Chairman Wells asked for a motion to approve or deny.

Motion was made by Mr. McClees, as seconded by Mr. Bohannon to approve the Final Record Plat – Larland Estates (Larry Donnell) – 4395 Troy Pike, 13 Lots and to include the Certificate of Deposit for \$63,250, as submitted. The motion carried with seven (7) aye votes.

Final Record Plat – Lucian Brooks Estate (Charles Baker) – 231 & 364 Fintville Rd – CO-1 District

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that this was a 50 acre parcel that was divided into two tracts many years ago when Fintville Road was built. In the early 2000's the Zoning Ordinance was amended to increase the minimum lot size in the Conservation District from 1 acre to 30 acres and that created two non-conforming lots on either side of the road. The Plat was reviewed by the Technical Review Committee and all deficiencies had been addressed.

Stephen Carroll, Land Surveyor was present to answer questions. Mr. McClees asked if there was a letter from the engineer for the encroachment and Mrs. Wilson noted that there was one received from the County Road Department.

Chairman Wells asked for a motion to approve or deny.

Motion was made by Mr. Parrott, as seconded by Mrs. Bingham to approve the Final Record Plat – Lucian Brooks Estate (Charles Baker) – 231 & 364 Fintville Rd, as submitted. The motion carried with eight (8) aye votes.

PUBLIC HEARING - Zone Change and Minor Subdivision Plat – Journey's End Farm – 425 Hippe-Agee Rd – A-1/CO-1 (Agricultural/Conservation) District to A-4 (Small Community) District

Mrs. Perry and Mr. Schein recused themselves from the public hearing.

Chairman Wells 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/Final Record Plat
- C. TRC Agenda – April 16, 2019
- D. Letter to Engineer of TRC Deficiencies –April 17, 2019
- E. Notice to Woodford Sun – April 26, 201
- F. Copies of Notification Letters to Neighbors – April 26, 2019
- G. Photograph of Zone Change Sign
- H. Staff Report
- I. Commission Agenda – May 9, 2019
- J. Copy of Certificate of Private Water approval from Health Department – May 8, 2019

Mrs. Wilson noted that the applicant was requesting a change in zoning of 20.216 gross acres from A-1 (Agricultural) and CO-1 (Conservation) to A-4 (Small Community). The property is located on the south side of Hippe-Agee Road at its intersection with Watts Ferry Road in the Small Community of Millville. Mrs. Wilson provided the Commission with the existing use and zone of the property and noted that the property is currently an agricultural piece and has one residence located on it, which is an old log cabin. Mrs. Wilson noted that the applicant was desiring to sell the 20 acre parcel which would leave a 124 acre farm. The new lot will have over 700 feet of existing public road frontage, well above the minimum requirement of 150 feet. Mrs. Wilson provided the uses in the A-4 Zone, one of which includes single family detached dwellings. Mrs. Wilson included the surrounding zoning and uses; noted the appropriate goals and objectives related to the request and those relating to Neighborhood/Subdivision Development and Agricultural Use and General Land Development. Mrs. Wilson noted the Policies and Guidelines that were reviewed in the staff report. Mrs. Wilson noted that Hippe-Agee Road did not have a functional classification and the a County road forks off of Watts Ferry Road, is 0.439 miles in length, and terminates due to the Kentucky River.

The property is located within the Small Community of Millville which is recognized by the Comprehensive Plan, and supports the goals and objectives allowing limited low-density residential expansion within an established rural settlement. The small communities are acknowledged in the text of the Comprehensive Plan and the Zoning Ordinance as noted previously.

The property is located on Hippe-Agee Road and is accessed by an existing driveway (Firegate #14) which serves the existing residence. Article VII, Section 704.7(C) of the Zoning Ordinance stipulates that each lot must have an approved encroachment permit to ensure that entrances can be used safely and efficiently for vehicular ingress and egress. Public water is not available but the Woodford County Health Department is evaluating the existing private water source at this time (Attachment #3). On-site sewage treatment is in place for the existing residence. Fire protection is provided by the Woodford County Fire Department from the Millville Fire Station #2. Police protection is provided by the Versailles Police Department, Sheriff Department, and the Kentucky State Police.

The associated Preliminary Development Plan/Final Record Plat appeared to comply with the Zoning Ordinance and can be approved contingent upon rezoning by the Woodford County Fiscal Court.

It appears that the proposed zone change is in agreement with the 2018 Plan Update because of the previously noted areas of the 2018 Plan with regard to Goals and Objectives, and Policies and Guidelines;

the property is in the Rural Service Area; the property lies within the 1½ mile planning radius for the Small Community of Millville; the site is not in the Agricultural/Equine Preservation Area of the county; the Woodford County Health Department evaluated the private water source, and has already approved the existing septic system on the property; and, access to the property is existing. This change will enable the existing owners to subdivide Tract 1 consisting of 20.216 acres off of their property, with the remaining farm consisting of approximately 124 acres. The applicant's reasons and findings were attached.

Chairman Wells asked if any Commissioners had questions for Mrs. Wilson. Mrs. Wilson noted that the owner was restricting that no more than one residence could be on the property; this was added on the Plat and will be added in the deed.

Tim Thompson, Land Surveyor and Engineer was present for the hearing as well as Paul and Lindy Huber, owners. Mr. Thompson noted that the Huber's own over 400 acres on Watts Ferry Road in the southwest corner of Woodford County and were desiring to cut off northeast corner of the farm to sell it. Mr. Thompson noted that nothing was changing except for ownership. Mr. Huber noted that the parcel had a gravel driveway and was the old Hippe family cabin and the prospected buyer has plans to fix the cabin.

Chairman Wells asked if the Commissioners had questions for Mr. Thompson or Mr. Huber. Hearing none, Chairman Wells opened the meeting for public comment.

Anissa Flannery, neighbor of property adjacent to 425 Hippe-Agee Road property came forward to speak. Ms. Flannery had a question regarding restricted deed and could it be changed in the future. Mrs. Wilson noted that the note had been added to the Plat to restrict one dwelling as well as in the deed. Mr. Chad Thompson, acting attorney for Planning Commission, noted that an alteration of future deed of conveyance would have to be done to make any changes.

Jane Marie Watts noted that she was a neighbor and did not worry about anything as long as the Huber's were living there. Her concern with the Zone Change was that Woodford County should preserve the remaining land that was zoned A-1 Agricultural and CO-1 Conservation, especially in environmentally sensitive areas near the Kentucky River, but did not contest the Zone Change. Ms. Watts had concerns about the future proposed developments and impact of water runoff and flooding and submitted a letter into the record (Exhibit "K").

Chairman Wells asked if there were any other public comments. Hearing none, Chairman Wells called upon the applicant for closing remarks.

Mr. Huber noted that he was very familiar with Foraker Road and there was numerous trees and there was a stream that ran through the property and on the proposed property had been warm season grasses and wildlife and due to the topography it can't be farmed, nothing can be done on it.

Chairman Wells asked if the Commissioners had any further questions of the property owners or of Mrs. Wilson. Hearing none, Chairman Wells closed the Public Hearing and asked if anyone was prepared to take action.

Motion was made by Mr. Bohannon, as seconded by Mr. McClees to recommend to the Woodford County Fiscal Court the approval of the Zone Change – Journey's End Farm – 425 Hippe-Agee Rd – A-

1/CO-1 (Agricultural/Conservation) District to A-4 (Small Community) District, per the Findings of Fact as follows:

The Zone Change request is in agreement with the 2018 Comprehensive Plan and the noted Goals and Objectives and Policies as noted in the Staff Report: NEIGHBORHOOD/SUBDIVISION DEVELOPMENT, Goal: To encourage the concept of planning and development at the neighborhood level within Versailles, Midway, and the approved small communities of Woodford County which are unincorporated; Objective: Support strong functional small communities through planning and land use regulations, designed to encourage the stability of existing rural settlements; AGRICULTURAL USE, Goal: To protect and promote the county's agricultural economy and character; Objective: Preserve the integrity of the area zoned agricultural in the county by requiring that residential, commercial and industrial development shall only occur in areas appropriately zoned or designated by the Comprehensive Plan; GENERAL LAND DEVELOPMENT, Goal: Provide for the proper organization of land use and physical relationship thereof that will provide for an increasingly safe, healthy and convenient environment for the residents of the County to live and work in; Objective: Discourage residential development along existing county roads by maintaining the road frontage requirement for new land division outside the urban services area and the small community districts; The property lies within the Millville Small Community district (more than 80%); The property does not lie within the Agricultural/Equine Preservation District; Principal uses within the A-4 district include single family residential. The property has an existing Residence with an existing entrance on Hippe-Agee Road. The property will be restricted to one single family residence by deed and note on final plat; The Woodford County Health Department has recently inspected the on-site private septic system and has indicated that it is satisfactory; the property is presently served by a spring fed well. A water sample has been taken and has been submitted for State approval. There have been no previous problems; A Preliminary Development Plan and Final Record Plat was filed with the Planning Commission with the Zone Change application. The plan was reviewed by the Technical Review Committee and all deficiencies were addressed. The application, notification and procedures have been complied with; A public hearing was held on May 9, 2019, at which time the plan was presented for review and comment and the public had an opportunity to question and discuss the application and all evidence entered in the record; Based on facts stated above and the Planning Commission Staff Report, the Commission recommends to the Woodford County Fiscal Court that the applicants zone change request be granted, and with the approval of the zone change by the Fiscal Court the Commission approves the Preliminary Development Plan and Final Record Plat contingent upon rezoning.

The motion carried with six (6) aye votes.

Mrs. Perry and Mr. Schein rejoined the meeting.

PUBLIC HEARING - Zone Change – Woodford County Economic Development Authority - Midway Station – Unit 1, Sections 2 & 3 - 500 McKinney Ave; 1000 McKinney Ave; 350 McKinney Ave; 40 Sharon St; 60 Sharon St; 570 McKinney Ave; 930 McKinney Ave; 975 McKinney Ave – P-1 (Professional Office) to B-5

(Highway Interchange Service); P-1 (Professional Office) to I-1 (Light Industrial); R-3 (Medium Density Residential) to I-1 (Light Industrial) Districts

Chairman Wells 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. Final Record Plat (merger of Section 2 & 3)
- C. TRC Agenda – April 16, 2019
- D. Letter to Engineer of TRC Deficiencies –April 17, 2019
- E. Notice to Woodford Sun – April 26, 201
- F. Copies of Notification Letters to Neighbors – April 26, 2019
- G. Photograph of Zone Change Signs (2)
- H. Staff Report
- I. Commission Agenda – May 9, 2019

Mrs. Wilson provided the Commission with a staff report and noted that the request was from the Woodford County Economic Development Authority and they were requesting 32 acres out of 207 acres located in Midway Station be changed from P-1 (Professional Office) & R-3 (Medium Density Residential) to I-1 (Light Industrial) and B-5 (Highway Interchange Service). Currently 11.456 gross acres is zoned P-1 and 20.57 gross acres are zoned R-3. Mrs. Wilson provided the Commission with the history of the Homeplace Farm and noted that In September 2018 Midway Station, LLC requested 1.973 gross acres zoned R-3 (Medium Density Residential) and 71.341 gross acres zoned R-1C (Single Family Residential) be changed back to I-1 Light Industrial. This land was the eastern most portion of Midway Station. The City of Midway did approve this request after being recommended by the Commission. In February 2019 the WCEDA received notice from Anderson Communities that they were terminating their option they had with the WCEDA since 2008. This is what lead them to request that the remaining areas of Midway Station be rezoned back to what they essentially started out being in 1997, returning the property to its original vision of being an interchange business area with an industrial park. Mrs. Wilson provided the Existing Land Use and Zoning and Proposed Land Use and Zoning in the staff report. Several of these lots are under contract at this time. Final development plans and site construction plans will be reviewed prior to any construction on these lots. Mrs. Wilson provided the Zoning Ordinance for the Light Industrial District (I-1) and the Highway Interchange Service Business (B-5) in the staff report. Mrs. Wilson reviewed the Goals and Objectives from the 2018 Comprehensive Plan regarding Industrial Development, Commercial Development, General Land Development and the Employment Goals and Objectives that pertain to the request. Mrs. Wilson addressed the Area Wide Development Policies, Workplace District Policies and Guidelines and the Interchange Commerce District Guidelines.

The subject property is in the City Limits of Midway. This property also lies in the Midway Urban Service Boundary and is in the Workplace Land Use District and the Interchange Commerce District. Mrs. Wilson provided information about the Transportation system with regards to Georgetown Road. Midway has water and sewer to the area and provide Fire Protection; Versailles Police Department provide police protection. Streets, water lines, sanitary sewer lines, storm water basins and culverts/ditches exist on

portions of the property as implemented by the WCEDA. Mrs. Wilson noted that none of the proposed area was in a flood hazard area. It appeared that the proposed zone change is in agreement with the 2018 Plan with regard to the Workplace and Interchange Commerce Land Use Districts, as well as the Goals and Objectives previously noted. The site is contiguous to Industrial (I-1) zoned land and Business (B-5) zoned land. The applicant indicated that the proposed zoning was in agreement with the 2011 and 2018 Comprehensive Plans and their justification was attached to the staff report.

Chairman Wells asked if there were any questions for Mrs. Wilson. Hearing none, Chairman Wells called upon the applicant or a representative.

Bill Moore, Attorney for Woodford County Economic Development Authority, was presenting on their behalf. Mr. Moore noted that EDA was requesting the Zoning be changed back to what was the original vision of Midway Station. John Soper, Chairman of Woodford County Economic Development Authority noted the EDA was a quasi-local government agency; appointed by local officials. The changes before the Commission come after conversation with Woodford Fiscal Court and City of Midway. Mr. Soper noted that there was demand for the proposed zoning and they have two contracts which they are working on.

Chairman Wells asked if the Commissioners had any questions. Mr. Schein noted that there was a discrepancy in the maps attached to the staff report. Mrs. Wilson noted that the legal description was the accurate one as submitted by Tim Thompson.

Chairman Wells asked for public comment. Hearing none, Chairman Wells closed the public portion of the hearing. Chairman Wells asked if there was any further discussion for Mrs. Wilson or the property owner. Hearing none, Chairman Wells closed the Public Hearing and asked if anyone was prepared to take action.

Motion was made by Mr. Schein, as seconded by Mr. McClees to adopt the Findings of Fact as presented and recommend to the City of Midway the approval of the Zone Change – Woodford County Economic Development Authority - Midway Station – Unit 1, Sections 2 & 3 - 500 McKinney Ave; 1000 McKinney Ave; 350 McKinney Ave; 40 Sharon St; 60 Sharon St; 570 McKinney Ave; 930 McKinney Ave; 975 McKinney Ave – P-1 (Professional Office) to B-5 (Highway Interchange Service); P-1 (Professional Office) to I-1 (Light Industrial); R-3 (Medium Density Residential) to I-1 (Light Industrial) Districts, per the Findings of Fact as follows:

The applicant seeks to rezone 32.026 acres in the middle of the Midway Station development. 11.456 acres of the property at issue are currently zoned P-1 and 20.567 acres that are currently zoned R-3. The current zone designations overlaid upon the existing platted lots are shown on Attachment 1a to the Commission’s staff report. The proposed zone designations sought for these properties are B-5 (12.839 acres) and I-1 (19.187 acres) as shown on Attachment 1b to the Commission’s staff report; The required notice of the public hearing was properly published, the surrounding property owners were properly notified, and the notice of the public hearing was posted on the subject property in the required timely manner, all in compliance with KRS Chapter 100. All other procedural requirements of the KRS Chapter 100 and the Zoning Ordinance have been satisfied; The property lies within the City limits and the Urban Services Boundary of the City of Midway; All public services, including electricity, city water and sewer are immediately available to this site; The property

sought to be designated as B-5 adjoins the existing B-5 property located in the Midway Station development and is an extension of the existing B-5 area; The property sought to be designated as I-1 adjoins the existing I-1 property located in the Midway Station development and is an extension of the existing I-1 area. The property was previously zoned I-1 from 1997 until 2008 when the zoning was changed to create an integrated community consisting of commercial, business, professional and residential uses. Except for the acreage at issue in this proceeding, the residential portion of the Midway Station property was rezoned to I-1 in 2014; The proposed zone change will eliminate all of the P-1 and R-3 zone designations in the Midway Station development. The requested zone designations will follow the boundaries of existing platted lots within Midway Station and eliminate all of the current dual or split zoned lots; The Commission further adopts and incorporates by reference the statements concerning the requested zone change contained in the Staff Report submitted in this matter; The proposed zone change is consistent with the 2018 Comprehensive Plan because:

- A. The property is located in the Workplace/Employment Land Use District and the Interchange Commerce District in the 2018 Comprehensive Plan;
- B. The proposed zone change will promote the Goal of Industrial Development by increasing the amount of I-1 land available;
- C. The proposed zone change will promote the Goal of General Land Development because it does not expand the current urban area and promotes centralized development of industrial and commercial uses in the City of Midway;
- D. The proposed zone change supports the Goal of Employment in that it will provide additional workplace opportunities for Woodford Countians seeking employment; and
- E. The proposed zone change of the acreage to be rezoned to the B-5 zone designation supports the Plan's Guidelines and Policies for General Development and Infrastructure in the Interchange Commerce District.
- F. The proposed zone change of the acreage to be rezoned to the I-1 zone designation supports the Plan's Guidelines and Policies for General Development and Infrastructure in the Workplace/Employment District.

The proposed zone change is consistent with the Section 718.1 of the Zoning Ordinance which provides that the location of industrial uses should be determined by the Comprehensive Plan.

The motion carried with eight (8) aye votes.

PUBLIC HEARING - 1st Amended Preliminary Development Plan and Preliminary Plat – Anderson Acquisitions – 174 Abbey Rd - Wooldridge Gardens - Phase II – Tract 3B - R-4/PUD District

Chairman Wells called upon Mrs. Wilson for comments. Mrs. Wilson noted that the Plat was before the Commission in 2018 for a Zone Change to R-4/PUD; they were trying to increase the number of townhouses by two units. At that time, Mrs. Wilson had just received updated drawings and did not feel comfortable approving the Plan contingent upon rezoning. The rezoning is now in place and the owner

had resubmitted that Preliminary Development Plan and Preliminary Plat. All deficiencies had been addressed and was in order for action.

Chairman Wells asked if there were any questions for Mrs. Wilson. Hearing none, Chairman Wells called upon the applicant or a representative.

Jon Strom, Attorney for Anderson Communities was present and representing Anderson Acquisitions. Mr. Strom noted that he and Jihad Hallany would answer any questions. Chairman Wells asked if the Commissioners had any questions. Hearing none, Chairman Wells asked anyone from the public wished to speak. Chairman Wells closed the public hearing and asked if any Commissioner was prepared to take action.

Motion was made by Mrs. Hartley, as seconded by Mrs. Bingham to approve the 1st Amended Preliminary Development Plan and Preliminary Plat – Anderson Acquisitions – 174 Abbey Rd - Wooldridge Gardens - Phase II – Tract 3B - R-4/PUD District, as submitted. The motion carried with eight (8) aye votes.

FINANCIAL REPORT AND BILLS - April

The report was accepted

MONTHLY BUDGET REPORT - April

The report was accepted

REPORT TO COMMISSION - April

The report was accepted.

COMMUNICATIONS:

Mr. Thompson updated the Commissioners on current litigation.

Motion was made by Mrs. Bingham, as seconded by Mrs. Hartley to adjourn the meeting at 7:35 p.m. The motion carried with eight (8) aye votes.

Chad Wells, Chairman

CW:ko