

ON THURSDAY, OCTOBER 11, 2018, 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: Jim Boggs, Randal Bohannon, Rich Schein, Ed McClees, Patty Perry, Chad Wells, Jeri Hartley, Chantel Bingham, Tim Parrott.

Chairman Wells recognized Commissioner Jim Boggs for his numerous years of service to the community while serving on the Planning and Zoning Commission. Chairman Wells noted that this would be Mr. Boggs' last meeting. Mr. Boggs noted that he considered the Commissioners his friends.

Minutes: Mr. Schein noted that on page 5 at the top, he wanted the record to reflect that he did agree with Mr. Greathouse on the need for affordable housing but not the location of the housing. Chairman Wells noted that he recalled that comment. Motion was made by Mrs. Perry, as seconded by Mrs. Bingham to approve the September 13, 2018 minutes, as corrected. Motion carried with nine (9) aye votes.

NEW BUSINESS

3rd Amended Final Development Plan – Daisy Hill Senior Living Community – 1001 Crossfield Drive – R-3 District

Chairman Wells called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that this was the 3rd Amended Final Development Plan for Daisy Hill Senior Living and they were proposing to relocate their dumpster, relocate the parking area on the rear of the future memory care addition and increase the number of future parking stalls. They were also resizing the future building addition and shifting the access drive around the rear of the building and moving parking along the access road. This had been to TRC a couple of times and all deficiencies were addressed and the plan was in order for Commission action. Mrs. Wilson noted that Chad Lacy from Klobber Engineering was present to answer any questions.

Chairman Wells asked if there were any questions for Mr. Lacy or Mrs. Wilson. Hearing none, Chairman Wells asked for a motion to approve or deny the plan.

Motion was made by Mrs. Perry, as seconded by Mr. McClees to approve the 3rd Amended Final Development Plan – Daisy Hill Senior Living Community – 1001 Crossfield Drive – R-3 District, as submitted. The motion carried with nine (9) aye votes.

PUBLIC HEARING - Zoning Map Amendment/Preliminary Development Plan/Final Record Plat – James C. & Gloria H. Donnell – 10165 and 10201 Clifton Road – 2.142 Gross Acres – A-1 (Agricultural District) to A-4 (Small Community District).

Chairman Wells opened the hearing and called up Mrs. Wilson for comments. Mrs. Wilson read the following exhibits into the record:

- A. Zone Change Application
- B. Preliminary Development Plan/Final Record Plat
- C. TRC Agenda – September 18, 2018
- D. Letter to Engineer of TRC Deficiencies
- E. Notice to Woodford Sun – September 28, 2018
- F. Copies of Notification Letters to Neighbors
- G. Copies of Zone Change Sign
- H. Letter from Frankfort Plant Board – Water Availability
- I. Site Evaluation Woodford County Health Dept.
- J. Encroachment Permit KYTC
- K. Topo Exhibit
- L. Staff Report
- M. Commission Agenda – October 11, 2018

Mrs. Wilson reviewed her staff report. The owners were requesting to rezone two acres from A-1 to A-4 which is the Small Community District and is within the Millville Small Community. Currently this property is used residentially. It has a residence with a detached garage located on it. There is also a Windstream facility on the southwest corner via a recorded easement. Mrs. Wilson noted that the owners wanted to subdivide the property into two lots; each lot would have over 200 feet road frontage, which was well above the minimum of 150 required feet. There can be no further divisions of either tract if rezoned and each can only have one single family dwelling. Mrs. Wilson provided the adjacent zoning and use and the appropriate sections of the Comprehensive Plan as well as the Policy and Guidelines for the Small Community District and the Infrastructure Policies. Mrs. Wilson included the Area Wide Policies that needed to be addressed. The property is located on Clifton Road which was classified as a rural secondary system, according to the Comprehensive Plan. The road links downtown Versailles at US 62 and is 8.5 miles long and ends at Watts Ferry Road in Millville. Mrs. Wilson addressed Community Facilities and Services in her staff report and noted that the existing Land Use map suggested that the subject property had an existing land use of residential. Mrs. Wilson noted that it appeared 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 current zoning is inappropriate and the proposed zoning is; the Frankfort Plant Board water district has addressed the availability of water and adequate pressure; the Health Department has evaluated the septic system (existing and proposed) on the property; and access has been approved by the Kentucky Transportation Cabinet. This change will enable the existing owners to subdivide their property in to two lots. These lots are similar to those in the vicinity. Mrs. Wilson provided the Zone Change Criteria from KRS 100.213 for review.

Chairman Wells asked if any Commissioners had questions for Mrs. Wilson. Hearing none, Chairman Wells asked if the owner had any comments. James Donnell and Tim Thompson were present. Mr. Thompson noted that he did the survey work and initially Mrs. Donnell wanted to divide the lot and give

a one acre lot to her son and Mrs. Wilson had told him that they couldn't do an In-Family Conveyance in a Small Community so that is why they are here for the Zone Change. Mrs. Wilson clarified what she said and noted that In-Family Conveyances can be done in the Small Community District but could not be done on the acreage that they had.

Chairman Wells noted that no one had signed up to speak and closed the public hearing and asked if any of the Commissioners were ready to take action.

Motion was made by Mr. Parrott, as seconded by Mr. Bohannon to recommend approval of the Zone Change to the Woodford County Fiscal Court the Zoning Map Amendment/Preliminary Development Plan/Final Record Plat – James C. & Gloria H. Donnell – 10165 and 10201 Clifton Road – 2.142 Gross Acres – A-1 (Agricultural District) to A-4 (Small Community District), as stated in the staff report.

Mrs. Wilson then questioned if the motion included approval of the Preliminary Development Plan/Final Record Plat contingent upon being rezoned. Mr. Butler indicated this was appropriate. Otherwise this Plat would have to be put back on Commission's agenda for action after the zone change was finalized.

Mr. Parrott accepted this amendment to his motion as did Mr. Bohannon with his second, for recommendation for approval of the zone change to include the Preliminary Development Plan/Final Record Plat contingent upon rezoning, with the zone change approval based on Findings as stated in the staff report as follows:

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 current zoning is inappropriate and the proposed zoning is; the Frankfort Plant Board water district has addressed the availability of water and adequate pressure; the Health Department has evaluated the septic system (existing and proposed) on the property; and access has been approved by the Kentucky Transportation Cabinet. This change will enable the existing owners to subdivide their property in to two lots. These lots are similar to those in the vicinity.

The motion carried with nine (9) aye votes.

PUBLIC HEARING – Zoning Map Amendment/Preliminary Development Plan – Woodford Place (formerly Backer II) – 2101, LLC. – 2101 Lexington Road – 68.467 Gross Acres – 7.711 Gross acres A-1 (Agricultural District) to B-4 (Highway Business District) and 60.467 Gross Acres A-1 (Agricultural District) to R-4 (High Density Residential).

Chairman Wells opened the public hearing and called upon Mrs. Wilson for comment. Mrs. Wilson entered the following exhibits into the record:

- A. Zone Change Application
- B. Cover Letter from Applicant
- C. Policies and Guidelines from Applicant

- D. Preliminary Development Plan
- E. TRC Agenda – September 18, 2018
- F. Letter to Engineer of TRC Deficiencies
- G. Notice to Woodford Sun – September 28, 2018
- H. Copies of Notification Letters to Neighbors
- I. Copies of Zone Change Signs (2)
- J. Letter from City of Versailles – Water and Sewer
- K. Staff Report
- L. Commission Agenda – October 11, 2018
- M. Traffic Impact Study – October 5, 2018
- N. Preliminary Detention Basin Study – October 2018
- O. Letter from Superintendent Hawkins

Correspondence Exhibits

- 1. Letter from Trey Schott
- 2. Sanitary Sewer Flow Calculation Worksheet
- 3. Letter from The Ezekiel Foundation
- 4. Pinwheel photos (2)
- 5. Presentation by Nick Nicholson
- 6. Response from Mary Beth Robson, GRW – regarding Detention Basin
- 7. Preliminary Detention Basin Study Summary - October 11, 2018
- 8. Letter from Thomas Brown
- 9. Sign-in sheet – Public Hearing, October 11, 2018

Mrs. Wilson also acknowledged other correspondence that had been distributed at the meeting and noted that they would be entered into the record. Mrs. Wilson reviewed the staff report and noted that the property was currently A-1 and they were seeking to rezone 7.711 gross acres to B-4 (Highway Business District) and 60.756 gross acres to R-4 (High Density Residential). Mrs. Wilson provided the Commissioners with the history of the property and added that in 1997 the property was brought into the Urban Service Boundary. In 2006 the subject property, Backer II, in combination with Backer I, were requested to be rezoned to R-1B (PUD). The Planning Commission recommended approval but the Woodford County Fiscal Court overturned the recommendation and denied the request; this was appealed and that Fiscal Court's decision was upheld after extensive legal appeals. In 2014 the City of Versailles annexed both of these properties. In April 2016, 2101, LLC requested all of this property be rezoned from A-1 to R-1C (Single Family Residential) with a Planned Unit Development (PUD) overlay. The Planning Commission did not recommend approval of this request and the Versailles City Council agreed with this recommendation. This was based on five findings with the conclusion that the request failed to meet the criteria contained in KRS 100.213. Currently the property is agricultural land containing two barns and one single family residence. Mrs. Wilson included the permitted uses in her staff report. The applicant was seeking a mixed use development as depicted on the Preliminary Development Plan. About 10% of the property would be B-4 and it was depicted as two commercial lots containing a total of 30,100 square feet of retail, office and services. The majority of the property, approximately 90%, was requested for High Density Residential and they were proposing patio homes,

townhouses and a variety of multi-family type housing including apartment buildings that vary from one to three stories in height. The housing types would offer rental and condo ownerships and also include a managed veterans housing component. Mrs. Wilson included the ordinances for High Density Residential and Highway Business zones. Mrs. Wilson included the surrounding zoning of properties as well as land uses. Mrs. Wilson addressed associated Goals and Objectives and Policies and Guidelines for the Workplace District and the Contemporary Neighborhood District in the staff report. The 2018 Comprehensive Plan Update (Figure 23) indicates that this property lies in the Workplace District and the Contemporary Neighborhood Land Use District within the Versailles Urban Service Area. The Preliminary Development Plan submitted with the application appears to support the previously noted Goals & Objectives and Policies & Guidelines. The Zoning Ordinance does have density classifications. For R-4 Districts a maximum of 16 units per gross acre would be permitted. Given the size of the proposed R-4 area of the property being 60.756 gross acres, a maximum of 972 units would be permitted on this property. The Preliminary Development Plan proposes 691 residential units including: townhouses, patio homes and apartments. This would be restricted by the approval of the Preliminary Development Plan and carried forward on future review and approval of final development plans, preliminary subdivision plats, and final record plats. As the staff report contained, there are many permitted Principal, Accessory, and Conditional Uses in the R-4 and B-4 Districts as noted above. The applicant is going to address restriction of some of these uses during their presentation. Mrs. Wilson noted that as of September 15, 2018 there were approximately 188 lots recorded and available for residential building permits. One of these lots is for apartments with 108 apartment units still available for permitting on that particular lot. Mrs. Wilson noted that she had done a brief Commercial assessment and currently there were approximately 151 acres available for commercial use but 23 of those were actually buildable/useable at this point. There is no existing infrastructure on 128 acres. The Versailles Public Works has acknowledged that public water and sanitary sewer are available to serve this property. The City is currently reconstructing sanitary sewer infrastructure which will be complete by the end of 2019. 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 residential. Access is preliminarily approved by the KYTC and the interior streets are connecting to proposed stub streets from the west and stub streets are being extended to the east. A variety of residential housing is being proposed with some retail/offices/services at the entrance generally within the Workplace District. Mrs. Wilson noted that there were numerous attachments to the staff report.

Chairman Wells noted that Commissioners should have received the letters from Superintendent Scott Hawkins and The Ezekiel Foundation that were provided at the meeting. Chairman Wells asked if any Commissioners had questions for Mrs. Wilson. Hearing none, Chairman Wells called upon the property owners and their representatives.

Nick Nicholson with Stoll, Keenon, Ogden PLLC addressed the Commission on behalf of the property owners. Trey Schott, property owner, Tony Barrett with Barrett Partners, Mike Merriman with SME and Brett Malloy with Integrated Engineering were present. Mr. Nicholson noted that he had provided the

Proposed Findings of Fact for approval and it was in compliance with the Comprehensive Plan. Mr. Nicholson pointed out that they were proposing a conditional zoning restriction on the B-4 property to ensure that it continued to be what they intended it to be with the Development Plan; and that was very low intense neighborhood friendly type commercial uses like office, retail or restaurants. They also noted that prohibited uses would be Adult Entertainment establishments, lumber yards, outdoor and indoor display and sales of mobile homes and new and used automobiles. Mr. Nicholson noted that he included his justification letter where it went through all of the policy and guidelines laid out in the Comprehensive Plan related to the Contemporary Neighborhood District and Workplace District. Mr. Nicholson addressed the Goals and Objectives as noted in his report. The Preliminary Detention Basin Study was provided and Mr. Nicholson noted that the last page denoted where the water was coming from and where it was going too and how they proposed to detain it. It would be updated extensively throughout the development process. The report determined that they would be able to handle a 100 year rain storm without concern. A Traffic Impact Study was provided and noted that they are having discussions with KYTC and that the entrance would be signalized. Mr. Nicholson provided a student population exhibit that he used from American Planning Association's estimates on what type of student population was generated from multi-use developments. Mr. Nicholson noted that it was a much lower student population when dealing with apartments, townhomes and especially patio homes than when dealing with single family detached residences. While it seemed like a lot of units coming in, it was not going to have the impact on student population. Mr. Nicholson noted that the staff report laid out why this was in compliance with the Comprehensive Plan.

In summary, Mr. Nicholson noted that what they were providing is what was called for. With just over 60 acres of A-1 land that was going to R-4; providing a mix of multi-family desired end-users. A fifth of the apartments are just for the veteran community. Mr. Boggs asked for an explanation. Mr. Nicholson noted of the 120 proposed apartments with their own set acreage, are dedicated to the Ezekiel Foundation in order to have housing for the veteran community. Patio homes are for people who want to downsize. While it did appear to be a significant amount of multi-family units, they are very diverse and talk about what the Comprehensive Plan talks about. Mr. Nicholson noted that the rest of the acreage, just under 8 acres, A-1 to B-4 (a restrictive B-4 area) to allow two commercial out parcels that would be neighbor friendly. The development was designed to be inner-connected and Backer I and Backer II are inner-connected with roads, sidewalks, trail systems, open space and as a whole are what the Contemporary Neighborhood District was calling for. Mr. Nicholson noted that they wanted to keep people off of US 60 and that is why the inter-connectivity was so important. They believed that the plan was in full compliance with the Comprehensive Plan because the Plan had identified a need for multi-family development. Mr. Nicholson noted that the existing zoning was inappropriate and the proposed zoning was appropriate and also there had been changes of the physical, social and economic nature that had a substantial impact on the surrounding area. Major changes in the area had occurred and therefore justify the rezoning of this property. Mr. Boggs asked how many families would live in the development. Mr. Nicholson noted that they did not have the exact number of residents but there were technically 691 residential units. Mr. Boggs noted that a total of approximately 1,100 vehicles would be coming out of this development; Mr. Nicholson noted that Backer I had its own entrance. There was clarification regarding the two access points on US60 into Backer I and Backer II. Chairman Wells asked

where the figures for the student population derived from in Mr. Nicholson's presentation. Mr. Nicholson noted that he obtained them from the American Planning Association from the 2010 US Census. Mr. McClees expressed concern regarding the number of students that would be generated by the development and that the schools are at bonding capacity. Mr. McClees questioned the traffic study and Mr. Nicholson summarized the traffic study.

Chairman Wells asked if there were any more questions from Commissioners for Mr. Nicholson. Hearing none, Chairman Wells opened for public comments and reminded everyone they had five minutes.

Lindsey Cox McHatton of Lexington Road noted that she and her mother own property adjacent to 2101 Lexington Road. Her family has owned the property since 1832 and she was born and raised on the property. She was opposed to the zone change the way that it stood and her family would be negatively impacted on a daily basis by 600 apartments, 24 patio homes and 67 townhouses. 691 units translate into 1382 cars and that translates into a lot of concrete and water. The detention basin on the property line should be called a retention basin since water stands there at this time in the field and the one along the fence row in the back had always been a pond. Ms. McHatton noted that the R-4 zone stated in the Planning and Zoning section 701.1 states that R-4 should be at location in areas of the community where necessary services and facilities would be adequate to serve the anticipated population. Ms. McHatton questioned how the infrastructure would be impacted by the number of proposed units. This number of units would be a burden on the City; the plan should be delayed until the infrastructure was complete. The 2018 Comprehensive Plan update referenced Table 56 which showed the Versailles Urban Service Boundary, projected that the population in 2030 would be 17,500 and the current population of 2015 was 15,464; so the change of population would be around 2,036. The forecast does not need 691 units unless all new residents are placed on Lexington Road. Ms. McHatton requested that if the plan were passed that the tree lines be saved as much as possible; the property had already been cleared to a great extent. Ms. McHatton asked that no burn days be observed and that the controlled fires be supervised. In September 2017, people reported fire from the Bluegrass Parkway and called her house because they thought it was ablaze. She requested that the walking trail be kept as many people would enjoy it on a daily basis. Ms. McHatton noted that 691 units was an unrealistic amount.

Michael Steinmetz of Frontier Nursing University expressed concern of the intersection and did not have details of the intersection that Mr. Nicholson spoke about is placed. They have a need for an intersection on the exit to their campus. They will have over 2,000 visitors per year and many will be driving and many arriving by shuttle from the airport. Mr. Steinmetz noted that it was dangerous to make a left turn out of the campus to head toward the airport. It would be very important to have the signal at the exit to their campus. Mr. Nicholson had already addressed the nature of the business that would go in across from the campus and felt that it would be a benefit to their campus so they supported it.

Mary Katherine Graetz noted that the Commission had previously denied a request to build 255 residential units on the property. The latest proposal would allow for 691 units, which includes 624

apartments. They were told that 120 of the apartments would be designated for veterans housing or for single parents pursuing higher education; and those are groups that need to be helped. The plat also described two retail or office parcels with space for 126 cars; Ms. Graetz noted that is almost as many spaces as the old Kroger parking lot. If approved, these units would be in addition to the 156 apartments in Wooldridge Gardens; currently under construction or waiting to be built. Also waiting to be built in Wooldridge Gardens are 68 patio homes, 68 townhomes and 12 single family homes and these are just a few that she drives by on a regular basis. Ms. Graetz noted that the Commissioners know more than she did of the 100's of new homes that had been approved in the last few years, including Backer I. The numbers are overwhelming especially for a community who is struggling to pay for schools and other social services; what load would a massive development like this place on schools, emergency services, public utilities and sewage treatment? Ms. Graetz believed that the number of cars added to Versailles Road would be far more than the numbers that were provided. Ms. Graetz stated that she lived in Versailles because it is not Lexington or Nicholasville or Frankfort; it's not like any place else. Ms. Graetz noted that this was leap frog development, it's premature again and it seemed to be a rush to make Versailles into Lexington West as soon as humanly possible. The Commission did the right thing two years ago and they are counting on the Commission to do it again this year.

Alex Riddle of Versailles and Chairman of Woodford Forward noted that their position on this in 2015 and today was that they support acceptable development inside the Urban Service Boundary and in line with the Comprehensive Plan and this development fits that plan.

Chase Milner elected to pass.

Chairman Wells asked if there was anyone else that did not sign-in to speak but wished too. Hearing none, Chairman Wells closed the section on the public comments and called upon Mr. Nicholson or another representative of the property owner for closing comments.

Mr. Nicholson noted that with regard to the Frontier Nursing concern, he noted that the entrance is lined up directly with the University entrance and exit and that would be incorporated into any signal. With regard to 1300 plus cars, it was just simply not true because the Traffic Impact Study said it was not true. Mr. Nicholson noted that the main comments he kept hearing was to reduce the number of units because the road or related urban services cannot handle that amount of capacity. Mr. Nicholson noted that the plan has to come back before the Commission several times and this was just to approve the type of housing. Mr. Nicholson noted that the tree lines were being saved and are shown in a protection area and the walking trail is being kept as well. Parking spaces would be addressed once an end-user is in place and then would be evaluated. Mr. Nicholson noted that the Comprehensive Plan was clear that Woodford County was growing and that this property was specifically identified for these exact type of uses in the District Land Use Map and they were asking the Commission to follow the map which they adopted in the Comprehensive Plan. Mr. McClees questioned if they had encroachment permits from the State for the lanes and signal. Mr. Nicholson noted that they had applied for the encroachment permits for Lexington Road and the other roads are connections to other streets within the developments.

Trey Schott owner of the property introduced himself and summarized the letter which he provided to the Commission. Tim Butler, Planning Commission Attorney, addressed Chairman Wells and stated that the hearing for public comments would have to be re-opened because Mr. Schott's comments were not rebuttal; the option would be to stop him or let him continue and re-open for comments. Mr. Schott stated that he would stop. Chairman Wells opened the floor for additional public comments, hearing none; Chairman Wells closed the public comment portion of the hearing.

Chairman Wells asked if any Commissioner's had questions for Mrs. Wilson or wanted to address anything. Mrs. Bingham questioned affordable housing and asked what was considered affordable. Mrs. Bingham noted that the houses being built are \$200,000 plus and people still can't afford to live here. Mr. Parrott noted that when buying a home, it is a mortgage three times your annual income and the area median income here is \$52,000 and if renting a home it was .31 of the income. Mrs. Perry suggested that the Commission table this item due to the amount of information received at the hearing. Mrs. Wilson noted that the Commission would have ninety days to take action.

Motion was made by Mrs. Perry, as seconded by Mr. Schein to close the public hearing and table the decision on the Zoning Map Amendment/Preliminary Development Plan – Woodford Place (formerly Backer II) – 2101, LLC. – 2101 Lexington Road – 68.467 Gross Acres – 7.711 Gross acres A-1 (Agricultural District) to B-4 (Highway Business District) and 60.467 Gross Acres A-1 (Agricultural District) to R-4 (High Density Residential), as stated in the staff report. Motion carried with nine (9) aye votes.

FINANCIAL REPORT AND BILLS - September

The report was accepted

MONTHLY BUDGET REPORT - September

The report was accepted

REPORT TO COMMISSION - September

The report was accepted.

COMMUNICATIONS:

Motion was made by Mr. Boggs, as seconded by Mrs. Hartley to adjourn the meeting at 7:54 p.m. The motion carried with nine (9) aye votes.

Chad Wells, Chair
CW:ko