

ON THURSDAY, OCTOBER 14, 2021, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR REGULAR SCHEDULED MEETING AT 6:30 PM IN THE 2ND FLOOR COURTROOM OF THE COURTHOUSE.

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

PLEDGE OF ALLEGIANCE

Members Present: Patty Perry, Tim Parrott, Chad Wells, Rich Schein, Barry Drury, Randal Bohannon, Floyd Greene, Chantel Bingham (via Zoom), Jeri Hartley.

Madam Chair noted that the Commission's attorney, Preston Worley, could not be present at the meeting and Scott Schutte of McBrayer, PLLC was present in his absence.

Minutes: Motion was made by Mrs. Hartley, as seconded by Mr. Greene to approve the September 9, 2021 minutes, as submitted. Motion carried with nine (9) aye votes.

NEW BUSINESS

1st Amended Final Record Plat – White Dog Trading and Storage, LLC – Midway Station, Unit 2 Lots 1-3 – 167, 171, 175 and 179 McKinney Ave - I-1 District

Madam Chair called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that the Record Plat divides the Lot into three sections. Lot 1 is where the office building is under construction, Lot two contains the first warehouse (which they have an occupancy permit for) and Lot 3 will contain 2-3 bourbon warehouses. As-builts have been received and the detention basin is in good order and all deficiencies had been addressed.

Matt Carter with Vision Engineering was present. Madam Chair asked if anyone had questions for Mr. Carter. Mr. Schein asked for clarification from Mrs. Wilson about a building under construction on Lot three. Mrs. Wilson stated that they are building. There were no other comments.

Madam Chair asked if anyone was prepared to take action.

Motion was made by Mr. Schein, as seconded by Mr. Wells to approve the 1st Amended Final Record Plat – White Dog Trading and Storage, LLC – Midway Station, Unit 2 Lots 1-3 – 167, 171, 175 and 179 McKinney Ave - I-1 District as presented. Motion carried with nine (9) aye votes.

4th Amended Final Development Plan - White Dog Trading and Storage, LLC – Midway Station, 167 – 179 McKinney Ave – I-1 District

Madam Chair called upon Mrs. Wilson for comments. Mrs. Wilson noted that plan depicts two additional warehouses with truck loading and unloading areas and parking spaces with stormwater management basins. The plan was reviewed at TRC and all deficiencies were addressed.

Matt Carter with Vision Engineering was present.

Madam Chair asked if any members had questions for Mrs. Wilson or Mr. Carter. Mr. Schein asked where all of the water was coming from because the basins were full. Mr. Carter noted that it comes from the rooftops and the basins are deep. Mrs. Wilson noted that the basin is for retention so it will always have some water in it; there is capacity for storm water as well as for bourbon spillage.

Madam Chair asked if anyone had any further questions. Hearing none, Madam Chair asked if anyone was prepared to take action.

Motion was made by Mr. Schein, as seconded by Mr. Wells to approve the 4th Amended Final Development Plan - White Dog Trading and Storage, LLC – Midway Station, 167 – 179 McKinney Ave – I-1 District as presented. Motion carried with nine (9) aye votes.

Final Record Plat - Polo Run Subdivision – 500-534 Polo Run Lane (3473 Troy Pike) – RR District

Madam Chair called upon Mrs. Wilson for comments. Mrs. Wilson noted that the subdivision had been constructed and the owner had decided to keep the road private so there was not a required certificate of deposit. At some time in the future he may come back with an amended plat to dedicate the road to the county. All deficiencies were addressed and the plat was in order for action.

Trey Schott, owner, was present to answer questions.

Madam Chair asked if there were any questions for Mr. Schott or Mrs. Wilson. Mr. Drury asked for clarification on keeping the road private and not meeting county road standards, how do you get it dedicated at a future date? Mrs. Wilson noted that there would be required inspections on it and Mr. Schott believes that it has been built to county standards and at this time he chose not to dedicate it. The road would have to be re-inspected and drainage structures around it would be checked, if Mr. Schott ever had it dedicated. Mrs. Wilson noted that two rural residential developments did the same thing and that was Aachen Estates and Hiddenaway Estates; all homeowners have to sign off on it. Mr. Schott noted that Mary Beth Robson with GRW had inspected the road and prior to putting down the asphalt they bored holes and was inspected by a subcontractor and Mrs. Robson suggested adding an additional 4" of compacted dense grade aggregate and that has been done and is awaiting inspection. Mr. Schott noted that he will keep it private until he sells some lots and use it for the farm for now.

Madam Chair asked if anyone had any further questions. Hearing none, Madam Chair asked if anyone was prepared to take action.

Motion was made by Mr. Parrott, as seconded by Mrs. Bingham to approve the Final Record Plat - Polo Run Subdivision – 500-534 Polo Run Lane (3473 Troy Pike) – RR District. Motion carried with nine (9) aye votes.

PUBLIC HEARING - Zoning Map Amendment (5.27 acres) and Preliminary Development Plan – Norma’s Forever, LLC – 1079 Crossfield Dr. – 12.5 Net & Gross Acres - I-1 (Light Industrial) to R-3 (Medium Density Residential)

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

- A. Zone Change Application
- B. Preliminary Development Plan
- C. TRC Agendas – May 18, 2021, June 15, 2021, September 14, 2021
- D. TRC Minutes - May 18, 2021, June 15, 2021, September 14, 2021
- E. Letters to Engineer of TRC Deficiencies – May 18, 2021, June 15, 2021, September 14, 2021
- F. Notice to Woodford Sun – October 1, 2021
- G. Copies of Notification Letters to Neighbors – September 28, 2021
- H. Photograph of Zone Change Sign
- I. Staff Report
- J. Letters from EA Partners and City of Versailles on Water and Sewer (3)
- K. Release of Easement – April 2021
- L. Assessment of Residential Lots – October 2021
- M. Redwing Water/Wetland Reconnaissance Summary Report – December 2020
- N. Drainage Study September 2020 (Volume 1 & 2)
- O. Traffic Statement – September 2021
- P. Amended Responses to Area Wide Development Policies – October 2021
- Q. P&Z Meeting Agenda – October 14, 2021

Mrs. Wilson summarized the staff report as distributed to the Commission. The zone change request was for 5.27 acres to be downzoned from Light Industrial to Medium Density Residential creating a total of 12.49 acres of R-3 land. This is order to construct four 3-story apartment buildings with associated parking, a clubhouse and pool. This property was part of a 28.865 acre property originally owned by the Arnold Family. This property has been split zoned R-3 and I-1 since at least 1971 and used agriculturally until about 2010. In 2011 a plat was recorded subdividing the home on a 3.173 acre lot (Tract #1) and a 7.932 acre lot (Tract #2) for the senior living community known as Daisy Hill. This plat also created the future right-of-way for Crossfield Drive Extension leaving a remaining 1.786 acre tract in front of Daisy Hill, a 3.493 acre tract for a permanent drainage easement. Mrs. Wilson provided a copy of the Plat. The house was sold and in 2012 the owners requested a Conditional Use Permit for their residence to be a B&B/Inn for four bedrooms and limited small events. Mrs. Wilson provided information on Daisy Hill and history of that property. The 60 foot access easement for Tract 2 anticipated a public street connecting Crossfield Drive Extended to the Bluegrass Community Hospital area. This easement has been released. The only remaining active industrial land in this vicinity is located to the north off of Preston Court. This

property was a hemp factory many years ago and most recently leased by a landscape contracting business. The 5.27 acres being rezoned has never been used industrially. Extensive research of previous maps did not reveal why the farm was originally split zoned in this fashion. Mrs. Wilson provided what the Zoning Ordinance allowed in the Light Industrial Zone and the requested zone of R-3. Mrs. Wilson noted that one of the principal uses in 709.2 (E) is Multiple family Dwelling units and the maximum units allowed is up to 8 units per gross acre. Attachment 1 showed the adjoining zoning and land uses around the subject property; it's varied with hospital, single family residential, industrial, storm water management area, vacant land and senior living community. Mrs. Wilson provided the Goals and Objective that correspond and that are in agreement with the request. Under Neighborhood/Subdivision Development, Objective #4, apartment buildings are an anticipated use in this area. The Workplace District that this property is part of does acknowledge the need for residential uses but limits it to 10%, so this will help fill a need for residential use in the larger Workplace District. Mrs. Wilson provided the Policies and Guidelines, both Area wide as well as the Work Place District. The re-zoning is contiguous to existing R-3 zoning therefore it's a natural inclusion into an existing residentially zoned area, part of a much larger employment area. The request appeared to be in agreement with the Goals and Objectives noted above. The City of Versailles acknowledged that there was water and adequate capacity for sewer. Fire protection is provided by the Versailles Fire Department. Police protection is provided by the Versailles Police Department. There is at least one sinkhole located on the subject property that has been analyzed and there will be further geotechnical investigations that will be addressed. The rear portion of the property will not be buildable and will be used for storm water management.

There are presently 129 vacant residential platted lots in the Versailles Urban Service Boundary. Of these, there are 21 vacant units which include 10 platted lots in the R-3 Zone. These 10 lots are located off of Park Street (behind Thoroughbred Square) in Parkview Place. This is a townhouse neighborhood. There are no vacant lots available at this time to build apartment buildings on in the Versailles Urban Service Boundary. There are some pending zone changes that are in litigation that are R-4 (High Density Residential), but no R-3. Mrs. Wilson provided the current school capacities.

The rezoning supports the previously noted areas of the 2018 Comprehensive Plan, as well as the Medium Density Residential Zoning District. The property does lie within the Versailles Urban Service Boundary in the Workplace/Employment District which anticipates some residential uses. It does have adequate fire and other public services, water, sewer, roads; storm water is being managed on site, including designating approximately 2/3rds of the property as a storm water management area which will not be able to be further developed. It appears that most of the Policies and Guidelines are being adequately addressed. Mrs. Wilson included in the staff report the Zone Change Criteria as required by KRS 100.213.

Madam Chair asked if there were any questions for Mrs. Wilson. Hearing none, Madam Chair called upon Robert Stilz, representative for the applicant. Mr. Stilz noted that Doug and Ernie Arnold, owners/applicants of Norma's Forever and Tom Hatfield and Rory Kahly with EA Partners were present. Mr. Stilz noted that the zone change application meets the criteria and extensive materials had been submitted. They are in agreement with the staff report. They agreed to do more hydrology test and reports. Mr. Drury asked Mrs. Wilson about the economic development project of Crossfield Drive and

how it was supposed to be more for industry and not commercial. Mr. Drury asked if I-1 was appropriate for business. Mrs. Wilson noted that it is not for retail but it is for offices. Mrs. Wilson noted that the request of 5.27 acres was for R-3 which is what the rest of the property is zoned.

Madam Chair asked if anyone had any further questions. Hearing none, Madam Chair asked if anyone from the public wished to speak. Hearing none, Madam Chair closed the public hearing.

Mrs. Wilson noted that a motion was prepared by the applicant and distributed to the Commission members. Members were given time to review the submitted motion.

Madam Chair asked if anyone was prepared to take action. Mrs. Wilson noted that Mr. Worley reviewed the applicant's motion and deemed it acceptable.

Motion was made by Mr. Wells, as seconded by Mr. Greene to recommend approval to the City of Versailles the Zoning Map Amendment and approval of the Preliminary Development Plan contingent on the approval of the Zoning Map Amendment (5.27 acres) and Preliminary Development Plan – Norma's Forever, LLC – 1079 Crossfield Dr. – 12.5 Net & Gross Acres - I-1 (Light Industrial) to R-3 (Medium Density Residential) based on the Findings of Fact as presented and the record including staff report:

1. Norma's Forever, LLC (the "Applicant") filed an application for zoning map amendment for 5.27 acres of land located at 1079 Crossfield Drive, Versailles, Kentucky from the current zone of I-1 (Light Industrial) to R-3 (Medium Density Residential); and an application for preliminary development plan approval for that property.
2. The property is located within the Versailles Urban Services Boundary and within the city limits of Versailles, Kentucky. Services including police, fire protection, water and sewer are provided by Versailles. Roads in the vicinity of the property are adequate.
3. The Preliminary Development Plan filed with the zone change application includes a Vicinity Map that shows property lines, streets, buildable locations, parking, landscaping and the existing and proposed zoning. This Preliminary Development Plan is submitted to comply with the supporting information requirement of a Preliminary Development Plan showing the existing and proposed buildings and structures, buffer areas, entrances, parking and landscaping. The Preliminary Development Plan shows a planned multi family community of 96 units and related amenities as a swimming pool and clubhouse.
4. The Application for Zoning Map Amendment and Preliminary Development Plan were reviewed by the Technical Review Committee and all requested modifications have been made.

5. As per the Staff Report and testimony at the public hearing, the rezoning application is in agreement with the following Goals and Objectives of the 2018 Comprehensive Plan (the "Comprehensive Plan"):
 - a. Meets the Goal for Residential-Housing Development and the Objectives;
 - b. Meets the Goal for General Land Development and the Objectives;
 - c. Meets the Goal for Transportation and Objectives;
 - d. Meets the Goal for Public Use Facilities;
 - e. Meets the Goals and Objectives of Neighborhood/Subdivision Development; and
 - f. Area Wide Development Policies have been addressed and satisfied.

6. The Future Land Use element of the Comprehensive Plan designates the property for use as a Workplace District. The proposed use as R-3 (Medium Density Residential) is a permitted use within the Workplace District and the zone change application is in agreement with the land use element of the Comprehensive Plan.

7. The City of Versailles has verified that public water and sewer are available to the property. The property contains 12.49 acres and is currently split zoned with a portion of the property, 7.22 acres zoned R-3. The remainder of the property, 5.27 acres, is not appropriate for more intense development in the I-1 zone making the current zoning classification inappropriate and the requested classification is appropriate.

8. Storm water drainage from the property is adequately addressed at the site development phase including engineered construction plans. The applicant will comply with storm water management of the Versailles-Midway-Woodford County Subdivision Regulations so that there is no net increase in the rate of storm water runoff from the predevelopment stage to post development stage. All drainage is retained on site, including designating approximately 2/3rds of the property as a storm water management area which will not be further developed. The applicant has committed to performing a geophysical investigation of the basin area on the open space side of the creek. The study will use frequency domain electromagnetics to look for fissures or underground conduits that may need to be addressed during construction. The study will be completed with the final development plan.

9. The site is contiguous to other Residential zoned properties. The property provides an infill development of multi family residential housing within the Versailles Urban Services Boundary of a sizeable tract of land that currently does not exist in or near Lexington Road and the US 60 By Pass and which can provide meaningful and needed housing for various income levels in the city of Versailles. The property is located in easy walking, biking and/or driving distance of necessary commercial services and to the downtown area of Versailles.

10. **Based upon the foregoing, the record of this request, and the testimony at the public hearing, the Planning Commission FINDS that that the request meets the criteria contained in KRS 100.213 in that it is in compliance with the Comprehensive Plan as amended and the requested classification is appropriate and the existing zoning classification is inappropriate, in part based on the split zoning of the property.**

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:

Zoom Meetings

Madam Chair noted that when Covid first started we went to meeting via Zoom because it was necessary and the Courthouse was not open for meetings. Now that the courthouse is open and meetings are held in person, the Zoom meetings will no longer be available for members and all meetings will be in person.

Motion was made by Mr. Schein, as seconded by Mrs. Bingham to adjourn the meeting at 7:04 p.m.

The motion carried with nine (9) aye votes.

Patty Perry, Chair

PP:ko