

ON THURSDAY, SEPTEMBER 13, 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.

Minutes: Motion was made by Mr. McClees, as seconded by Mrs. Bingham to approve the August 9, 2018 minutes, as submitted. Motion carried with nine (9) aye votes.

NEW BUSINESS

Amended Final Development Plan – PIF Investments LLC and Central Kentucky Development Co. – Lot C, Block B – 105 Crossfield Dr – B-4 District

Chairman Wells called upon Pattie Wilson, Planning Director for comments. Mrs. Wilson noted that this was an existing eye care business located on Crossfield Drive and were proposing to add an 18'x81' addition on the rear of the building and it is existing paved area so they would not be increasing any impervious area. All deficiencies were addressed and the plan was in order for Commission's action.

Kevin Phillips with Endris Engineering was present for discussion and noted that the plan was much smaller than originally planned for.

Chairman Wells asked if there were any questions for Mr. Phillips or Mrs. Wilson. Mr. McClees asked about the water runoff in the rear of the building. Mr. Phillips noted that the water currently runs to one corner of the parking lot and they plan to add a catch basin to that low spot.

Chairman Wells asked for a motion to approve or deny the plan.

Motion was made by Mrs. Bingham, as seconded by Mrs. Hartley to approve the Amended Final Development Plan – PIF Investments LLC and Central Kentucky Development Co. – Lot C, Block B – 105 Crossfield Dr – B-4 District, as submitted. The motion carried with nine (9) aye votes.

PUBLIC HEARING - Zoning Map Amendment – Woodford County Economic Development Authority and Midway Station LLC – Midway Station, 630-775 McKinney Avenue – 73.314 gross acres – R-1C & R-3 Districts to I-1 District

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

1. Zone Change Application
2. Final Record Plats – Unit 1 - Section 4,5,6
3. Deficiency Letter to Engineer

4. Notice to Woodford Sun – August 31, 2018
5. Letters to adjoining property owners
6. Pictures (2) of zone change signs posted on property
7. Zone change staff report
8. Applicant's Findings of Fact to Approve
9. Letter from Freeny

Mrs. Wilson reviewed her Zone Change report. The applicant was requesting that the zone of 73.314 gross acres out of 207.157 acres located in Midway Station on McKinney Avenue. Currently 1.973 gross acres is zoned R-3 (Medium Density Residential) and 71.341 gross acres is zoned R-1C (Single Family Residential). Mrs. Wilson noted that the property was formerly known as the Homeplace Farm and in 1991 there were public hearings and the majority of the property was changed from A-1 to I-1. In November of 1991 the Midway City Council approved the request. This decision was appealed and in August of 1997 a Final Decision was made to allow the rezoning with specific conditions. These conditions were complied with during the design, construction and platting of the property now known as Midway Station. The Record Plats of the property were recorded in 2004 and then 2008 there were Public Hearings at the request of the current owner to change 152.241 acres to create "an integrated community" which included employment opportunities, retail space, residential, recreational and community areas. At that time there were 50.537 acres of B-5; 10.651 acres of I-1; 11.457 acres of P-1; 31.544 acres of R-3; and 102.968 acres of R-1C. In April 2014, the applicant requested that the zone of 43.551 acres out of 207.157 acres located in Midway Station on the north side of McKinney Avenue be changed from B-5, R-1C, & R-3 to I-1 (Light Industrial). This was approved and now the location of Lakeshore Learning. In September 2014, the Roach Property located between Midway Station and Georgetown Road, KY HWY 341, consisting of 37 acres was rezoned from A-1 to I-1. American HOWA Kentucky has constructed an industrial manufacturing facility on 15 acres of this property. In January 2017, an unanticipated change occurred on the Freeny Property located to the north of the Lakeshore site and Midway Station. This area was amended by utilizing KRS 100.209 which included amending the 2011 Comprehensive Plan and rezoning from A-1 to I-1 in conjunction with annexation by Midway. This was to enable Lakeshore to have expansion space. To date the expansion has not taken place.

Mrs. Wilson noted that she included the existing Land Use and Zoning in her report on pages 2 and 3. The applicant is requesting that the property be changed back to Light Industrial Zone. If the rezoning is approved there will be a total of 127.516 gross acres of Light Industrial zoned land, or 62% of the gross area. The proposed industrial area is contiguous to the existing industrial land and is already subdivided into recorded lots. These plats were recorded in March of 2004. Mrs. Wilson noted that the applicant did have someone interested in Lot 33, Section 5 and if a Final Development Plan and Construction Plan are approved then a building permit could be issued if the rezoning is granted. Mrs. Wilson included the Light Industrial zoning ordinance and the adjacent Land Use and Zoning in her report. Mrs. Wilson addressed the 2018 Comprehensive Plan pertinent goals and objectives and the Area Wide Development Policies. Mrs. Wilson noted 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. This District is planned for employment uses. The Plan also acknowledges the increase industrial jobs and the need to continue their increase as well. The property is located on a state highway as well as frontage

on an interstate. The City of Midway provides both public water and sewer to this area. Fire protection is provided by the Midway Fire Department. Police protection is provided by the Versailles Police Department, Sheriff's Department and the Kentucky State Police. Streets, water lines, sanitary sewer lines, storm water basins and culverts/ditches exist on portions of the property as implemented by the Woodford County EDA. Mrs. Wilson noted that the Woodford County Fire Department had recently constructed a new fire station on Leestown Road and that left the other facility vacant which has become a new Ambulance center but was not in operation yet. The soils on this property consist entirely of Maury Silt Loam. The general slope of this property is indicated as gently rolling (<6%). There are about 2 acres of Special Flood Hazard Area with low flood risk on the eastern corner of this property based on FEMA's Flood Insurance Rate Map. It appears that the proposed zone change is in agreement with the 2018 Plan with regard to the Workplace Land Use District, as well as the Goals and Objectives previously noted. The site is contiguous to Industrial zoned land. The I-1 District in Section 718.1 specifically states that "The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses. It is an extension of an existing I-1 area. The applicant indicated that the proposed zoning is in agreement with the 2011 and 2018 Comprehensive Plans and their justifications.

Mr. Schein commented regarding the flood plain shown on the map. Mrs. Wilson noted that it was on the FEMA map.

Chairman Wells asked if any written comments were received. Mrs. Wilson noted that staff was in receipt of a letter from Homer Michael Freeny Jr. dated August 27, 2018 and Mr. Strom was present on behalf of the applicant.

Chairman Wells opened the meeting for public comments and called upon the applicant.

Jon Strom, representative for Midway Station LLC, noted that they were requesting to rezone a total of 73.314 acres of the Midway Station Property to I-1 Light Industrial. Mr. Strom noted the proposal was in compliance with both the 2011 and 2018 Comprehensive Plans. This change in zoning designation will have a positive impact on the development of Midway Station, as well as the City of Midway and Woodford County as a whole. He agreed with the Planning Staff's recommendation and asked the Commission to approve the zone change. Mr. Strom provided the Commission with Findings of Fact. Mr. Schein asked who was interested in buying the lot. Mr. Strom noted that it was a plumbing supply company. Mr. Schein questioned why they weren't requesting to change the entire property. Mr. Strom noted that they wanted to leave the R-1C zone and possibly make it R-3; low density development was not a great neighbor with industrial businesses. Mr. Strom noted that they did add a small amount of R-3 at the request of planning staff and that was just to square it off.

Chairman Wells asked if there were any questions for Mr. Strom. Hearing none, Chairman Wells noted that public comments would be limited to five minutes.

Bill Moore, representative for Homer Michael Freeny, Jr., noted that Mr. Freeny was not in opposition to the zone change and has in fact filed his own zone change for 137 acre tract that is located north of this property. Mr. Freeny would like to see a thoroughfare connection between the Midway Station property and his property, to lessen traffic on Highway 341. Mr. Freeny was willing to donate a portion of his property to the City to possibly create a City Park along the Elkhorn Creek. Mr. Freeny would like to make sure that the Development Plans are consistent with the entire area and benefit the City by adding the access to what would be the Park.

John Soper with the Woodford County Economic Development Authority noted that they were in favor of the zone change and had signed onto it as it is their property and Mr. Anderson has the option on it. Mr. Soper noted that the connection between the Freeny property and Midway Station. The EDA has an option agreement with Mr. Freeny to develop his farm at some point and in that option agreement they limited themselves to selling an initial tract of 40 acres and have no intention to compete with the tracts in Midway Station. They are looking for a large user for the tract and have been successful in the past and Mr. Soper noted that if they get a large user they may have the ability to include the improvements that need to happen to McKinney Avenue. Mr. Soper noted that there are no bonds to finish the streets and roads at Midway Station and that will have to come from the City and Mr. Soper noted that could be supplemented with more payroll taxes. Mr. Soper noted that they will not be putting in streets or roads until they have a user; all utilities are in.

Grayson Vandegrift, Mayor of Midway, noted that he was in favor of the proposal and if the Commission were to send it to the Council then they would have a say over it as well. Mayor Vandegrift noted that one reason why it was important to rezone the property to light industrial, is because residential does not belong over there. It is important for the City and crucial to increase the payroll taxes to help pave the streets and to help out with infrastructure improvements and that the State will probably allow them to use general fund revenue on Capitalization projects, not just sewer fund revenue. Mayor Vandegrift noted that the Freeny offer was wonderful and that the connectivity was incredibly important between the two properties.

Joe Greathouse of Midway noted that he would like to see more residential in Midway Station and that it was already zoned residential. It would be great to be able to walk to work and would like to see the current 11 acres doubled for residential. Mr. Greathouse agreed with Mr. Moore regarding the access road because the less traffic that can be kept off KY341, the better.

Mr. Strom circulated proposed Findings of Fact. Mr. Schein asked Mr. Strom what the urgency was for Mr. Anderson to request the rezoning or was it forward thinking. Mr. Strom noted that it was a little of both since they have two clients very close to signing a contract and a couple more that are very close. Mr. Schein noted that was the rationale in turning over the Shell Station about six months ago as well.

Chairman Wells closed the public portion of the hearing and asked if any of the Commissioners were ready to make a motion. Mr. Schein noted that he was prepared to make a motion but did not like to usually make a motion on the night of the public hearing and had only heard one point in the record of

reservation but that Mr. Greathouse was right and that more housing was needed in Midway as well as affordable housing. Mr. Schein noted that he had spoken to several people about this over the years and he did not personally or professionally, and as his role as a Commissioner, did not think that was the place for R-1.

Motion was made by Mr. Schein, as seconded by Mr. McClees to recommend to the City of Midway the Zoning Map Amendment – Woodford County Economic Development Authority and Midway Station LLC – Midway Station, 630-775 McKinney Avenue – 73.314 gross acres – R-1C & R-3 Districts to I-1 District, as submitted and adopting the applicant’s Findings as proposed as follows:

In the matter of the Applicant Midway Station, LLC’s request to change the zone of 71.341 gross acres of land located in the Midway Station Development from the R-1C Low Density Single Family Residential Zone to the I-1 Light Industrial Zone and 1.973 gross acres of land from the R-3 Medium Density Residential Zone to the I-1 Light Industrial Zone, I hereby make a motion to approve the application and preliminary development plan based on the following findings of fact:

- 1) The proposed zoning amendment agrees with the 2011 Comprehensive Plan and the 2018 Comprehensive Plan as noted in the application, the Staff Report and, in the testimony, provided, as follows:
 - a. It meets the Goal for Industrial Development and Objectives #1, #2, #3, and #4.
 - b. It meets the Goal for Employment and Objectives #1, #2, and #3.
 - c. It meets Objectives #8 and #9 for Transportation.
 - d. It meets Objectives #1 and #6 for General Land Development.
 - e. The Recommended Land Use Pattern for the Property designates it as a “Workplace/Employment District” or “Workplace District” under which an I-1 Light Industrial Zone is appropriate.

In addition, appropriate Area Wide Development Policies, General Development Guidelines and Workplace/Employment District Guidelines have been addressed.

- 2) That the existing zoning for the property is inappropriate based on the following reasons:
 - a. Recent changes to Midway Station, such as the arrival of major industrial users have caused the Property’s current single-family residential zoning designation to be incompatible with the surrounding uses.
- 3) That the Application for Zoning Map Amendment was reviewed by the Technical Review Committee and all requested modifications have been made.
- 4) That the Property is located within the Urban Services Area for Midway and the City’s Utilities Manager has previously verified that public water and sewer are available to the site. The property is thus appropriate for more intense development than the current zoning allows making that classification inappropriate.

Based on the findings above, a review of all evidence presented for and against this rezoning request, and the record for this request including the staff report for this request, it is the Planning Commission’s conclusion and finding that the request meets the criteria contained in KRS 100.213 for rezoning requests, in that it is in agreement with the Comprehensive Plan and the requested zoning classification

is appropriate and the existing zoning classification is inappropriate.

The motion carried with nine (9) aye votes.

FINANCIAL REPORT AND BILLS - August

The report was accepted

MONTHLY BUDGET REPORT - August

The report was accepted

REPORT TO COMMISSION - August

The report was accepted.

COMMUNICATIONS:

Kentucky Youth Softball Association:

Chairman Wells noted that there was a letter provided in the packet requesting the Planning Commission to reimburse the building permit fee for Kentucky Youth Softball Association and Chairman Wells noted that Tim Butler, Planning Commission Counsel, had researched the issue. Mr. Butler noted that Kentucky League of Cities has specific guidance. Mr. Butler noted that donations cannot be provided by a governmental entity unless the Planning Commission receives some benefit from the appropriation and the activity is one in which they can engage. The second criteria is that the Commission has to have control over the organization or how the money is spent and that it must primarily benefit the public at large rather than the private entity. Mr. Butler noted that it would be misappropriation of funds; the Planning Commission cannot fund any entities. It was Mr. Butler's recommendation to deny the request. Mr. Butler noted that the Commissioners can always give a personal donation as individuals. Mrs. Wilson noted that the organization went to the Fiscal Court and they approved the waiver of the fee and then at the next meeting Attorney Alan George informed them that they did not have the authority to do that and they had to retract their action.

Chairman Wells asked if anyone was prepared to make a motion.

Motion was made by Mrs. Perry, as seconded by Mr. Schein to deny the request from Kentucky Youth Softball Association to reimburse the building permit fee for a facility based on the advice of counsel that the Commission does not have the authority to do that. The motion carried with nine (9) aye votes.

Motion was made by Mr. Schein, as seconded by Mrs. Hartley to adjourn the meeting at 7:14 p.m. The motion carried with nine (9) aye votes.

Chad Wells, Chair

CW:ko