

ON THURSDAY, AUGUST 13, 2009, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING COMMISSION HELD THEIR SCHEDULED MEETING IN THE 2ND FLOOR COURTROOM AT 6:30 P.M.

MEMBERS PRESENT: Robert Blankenship, Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

MINUTES: A motion was made by Mr. McClees, as seconded by Mr. Traugott, to approve the July 9, 2009 minutes, as submitted. The motion carried with nine (9) aye votes. **VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.**

Chairman Blankenship announced that Item #2 for the Dairy Queen has been removed from the agenda. They were not ready for this meeting.

Preliminary Development Plan/Preliminary Plat – Dorothy Jones Property – 130, 150, 180, 210, 180 Jones Lane and 120, 140, 160, 190 Dorothy Lane – Rural Residential District.

Mrs. Wilson stated that she did a report to remind the Planning Commission where they were on this plat. The Planning Commission took action on the zone change, but not the plans and that is normally what is done. There were some discussion points regarding some waivers and variances that the developer had asked for on the development plan. In the memo she listed a couple of alternatives as far as approving it or denying it. Mrs. Wilson passed out an exhibit, which is not new information that better highlights what they are asking for. The first waiver was in regard to the landscape buffer and the 150' setback. Mrs. Wilson explained that the portion of the lots in pink are the parts of the lots that are buildable without a waiver. When you turn on Jones Lane, which is an existing road, it is about 300' at the closest point from the adjoining property owner. Under Rural Residential you have to have a 150' building setback line from any property owner other than the applicant. The alternative would have been to move this development to the back of the farm. When they analyzed this and determined where there were other houses and infrastructure, this would protect the rest of the farmland best. That section of the farm has not been zoned. The plat you are looking at shows the lot layout and the building lines. The three lots on the left hand side of the sheet are the only truly buildable lots without waivers. The rest will require some sort of waiver to have buildable space. They are accommodating the 150' setback in the rear and not asking for a waiver. What they are asking for is a 150' waiver on the front down to 80'. An 80' building line is typically what is required in the agricultural district. They are asking for a 70' waiver on the cross hatched lots. They are asking for a waiver on the landscape buffer so that they don't have to landscape between the houses and the existing road. They will landscape the back that they have to, but not the part where Mrs. Jones still owns. There are already multiple houses that are back there. Mrs. Wilson stated that she explained what the waivers are and what the consequences are without them.

Chairman Blankenship questioned if on the back lots they can still build on the solid area, but would have a huge front yard? Mrs. Wilson stated that is correct. Mr. Hume stated that is because of the building setback line. Mrs. Wilson agreed.

Mr. Butler questioned if the result of not granting the waiver is that you would have certain setbacks on houses and some would set back further than others? Mrs. Wilson stated that is correct. The one that was approved first was her existing residence.

Mr. Hume questioned the setback of the houses across the road that this is going to impact? Mrs. Wilson pointed out the houses that will be impacted. Mrs. Wilson pointed out the houses that are in the back and some of those neighbors did speak at the meeting. Mr. Hume questioned if there were any waivers issued

for those lots? Mrs. Wilson stated that the landscaping was waived and the pavement specifications. Mr. Hume stated that there appears to be a precedent set. Mr. Wolf stated that it was his understanding was that they approved the lots with no waivers. Mrs. Wilson stated that they only approved the zoning and did not take action on the plat.

Mrs. Wilson stated that Mr. McClees was asking who is going to maintain the road. The road is a private road and is to be maintained by a Home Owners Association. There are notes on the plat that says it is not acceptable into the County road system. That is their choice. Mr. Butler stated that they also said that they would have no problem putting in the contract for people who purchase a lot that they would be responsible for maintaining the roadway. That is better than no one maintaining the road. Mrs. Wilson stated that they have tried for many years to form a Home Owners Association but they could never reach any agreements. Mr. McClees stated that they will have the same problem here. Mr. Butler stated that Mr. Thompson stated that they have no problem in putting a note on the plat stating that a Home Owners Association will be formed to maintain the road. They would only be able to enforce that on the nine proposed lots. Mr. McClees questioned what happens if they don't form a Home Owners Association? Would that give them the right to come back to the Planning Commission because of approving this? Mr. Butler stated that would not be the case. The note can be on the plat as a guideline, but you cannot force anything on them. They have a situation now where no one is maintaining the road. If a Home Owners Association is formed it would be about 50% of the owners doing at least something. Mr. Hume stated that there are no teeth in that note. Mr. Butler agreed.

Chairman Blankenship questioned what the waivers were? Mrs. Wilson stated that one is for 703.10E for design requirements in respect to perimeter screening, the 150' setback adjacent to property other than the applicant; they would also like to waive pavement width and specifications with regard to Jones Lane and a waiver to Dorothy Lane to allow it to be a 10' wide gravel road.

Mr. Butler stated that what struck him during the hearing is that these were brought up as general waivers. It seems they are saying don't worry about landscaping, but they can landscape some areas.

Mr. Parrott stated that he spoke with Mrs. Wilson earlier so that he was sure what was going on and he asked her to draft a motion, which Mr. Parrott handed out to the members. Mr. Parrott remarked that he appreciated the color coded exhibit because it really makes it easier to understand. Mr. Parrott stated that on the first five lots if you have 150' setback from the back and a 150' building line in the front on a 300' wide lot, it is impossible to build on. In order to allow that it would require a 70' setback from the original 150' which would leave an 80' building line. That would be on lots 6, 7, 11, 12, 13 & 14. The second would be to grant a waiver from the required 50' landscape buffer for lots 6 thru 14. This would allow for the same non-buffering all along that road. The next would be to grant a waiver on the pavement width but require a pull off in the bend of Jones Lane so that cars could get around each other. Mr. Hume questioned if that is shown on the plan? Mrs. Wilson stated it would have to be added. Mr. Parrott questioned if Mr. Hume is saying he wants that illustrated on the plat? Mrs. Wilson stated that can be done before allowing the Chairman to sign the plat. Mr. Parrott stated that also his thinking is to require that the pull offs be paved as well as Dorothy Lane. He did not feel that gravel roads should be allowed due to all the dust and dirt they cause.

Mr. Butler stated that also the applicant had volunteered to add a note regarding the Home Owners Association maintaining the road so that should be added to the plan. Mr. Parrott stated that you can't force them to create a Home Owners Association. Chairman Blankenship stated that it makes it enforceable from the Home Owners Association, not the Planning Commission. Mr. Butler stated that one lot owner could force them to comply. It is really to the property owner's benefit. Chairman Blankenship stated that it does seem unfair to require these few owners to carry the load of the entire subdivision. Mr. Evans stated that is their business. Mrs. Wilson stated that they will only have to take

care of the roads and trees that are in the fronts of their properties, not anything else that is beyond their platted lots.

Mr. Hume questioned if on the last waiver, if Mr. Parrott is only referring to the area on Dorothy Lane? Mrs. Wilson stated that it is for the same previously mentioned lots. Mr. Hume felt it should be more specific.

A motion was made by Mr. Parrott, as seconded by Mr. Wolf, that the Preliminary Development Plan and Preliminary Plat for the Dorothy Jones Property on Jones Lane be approved with the following waivers and variances and that these be so noted on this Plan/Plat and subsequent Final Record Plat(s): (1) Grant a 70 foot setback variance from the required 150 setback along Jones Lane on proposed lots 6 & 7, 11, 12, 13, & 14 as requested. (Article VII, Section 703.10 E) (2) Grant a waiver of the required 50 foot landscape buffer area along the front of Lots 6, 11, 12, 13, & 14 as requested due to the history of waivers for other Rural Residential lots along Jones Lane including Lot 5 of Dorothy Jones. (Article VII, Section 703.10 E) (3) Grant a waiver of the pavement width and specifications on Jones Lane to be to the existing width of 10 +/- with uncertain depth stone base and asphalt surface with the construction of one vehicle pull off in the bend of Jones Lane between Lots 12 & 13. Pull off to be constructed with stone base and asphalt surface to equal or better than that of Jones Lane. This shall be illustrated on the plat. (Sub Reg – Article VI, Section 620 (B)(1) and 620 (C)). (4) Grant a waiver of 8 feet in width on proposed Dorothy Lane but require the 10 foot road to be paved with a stone base and asphalt surface equal to the depth of the current stone base and asphalt surface of Jones Lane, such that the two will be equal along lots 6, 7, 8, 9, 10 & 11. (Sub Reg – Article VI, Section 620 (B)(1)). (5) It shall be noted on the plat that a Home Owners Association will be formed and be responsible for the road maintenance along the proposed lots. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

FINANCIAL REPORT AND BILLS, MONTHLY BUDGET REPORT, REPORT TO COMMISSION

Mr. Hume questioned if he is right that he saw that a demolition permit was issued for the Versailles Shopping Center? Mrs. Wilson stated that is correct. There was some asbestos removal that they had to do first. Mr. Hume questioned if that means they are actually going to build something? Mrs. Wilson stated that she does not know.

The reports were accepted.

Chairman Blankenship stated that the Budget Committee will be staying after the meeting to look at three proposals from CPA's for the audit. Chairman Blankenship stated that everyone can stay if they would like.

Chairman Blankenship stated that also Mr. McClees would like there to be Budget meetings about every two months so they can start that process tonight as well.

SURETY REPORT

Mrs. Wilson stated that last month she reported that Homestead Estates, Unit 3A & 3B and Scotts Landing would be putting down the final course of blacktop. That has been done and there is a letter of recommendation from Buan Smith on each on each of those that the bonds be released.

A motion was made by Mr. Hume, as seconded by Mr. Wells, to recommend to the Woodford Fiscal Court the release of bonds for Homestead Estates, Unit 3A & 3B in the amount of \$26,881.25 and for Scotts Landing in the amount of \$9,175.00. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Mrs. Wilson stated that she had also written a letter to Mr. Matthews for Rose Ridge, Unit 1. At the end of July Mr. Smith and Mr. Simmons walked the site and came up with a punch list of items that needed to be taken care of and a letter was written to Mr. Matthews regarding that. Mr. Matthews is working on those but was not ready for the final blacktop yet.

Mrs. Wilson stated that she had contacted Ball Homes regarding Gleneagles, Unit 1A because they had indicated that they would plant their trees and install sidewalks within two years. Things are slower and they have not built the homes they had expected to. Mrs. Wilson stated they have responded and are requesting a two year extension. Mrs. Wilson stated that she would recommend that they grant them the two year extension or 80% whichever comes first. The Subdivision Regulations require it when the development is 80% built out. Chairman Blankenship questioned if this is truly an economic issue, or are they just using that as an excuse? Mrs. Wilson stated that she does not believe they are making excuses. If they planted now the trees would not get the proper care and if they put in sidewalks now they would end up having to put them in again because they would get destroyed during home construction.

A motion was made by Mr. McClees, as seconded by Mr. Hume, to allow an extension for the installation of sidewalks and street trees in the Gleneagles Subdivision Unit 1A-Section 1, until 80% of the houses are completed or for a time period of two years, whichever comes first. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Mrs. Wilson stated on Hunters Ridge 6A & 6B, Mr. Smith is working with Greg Baker with Tobacco Roads and they are working on some ditch work and other things. It has been too wet to complete the work, but they are working on it.

Mr. Hume questioned why we still have bonds on Cedar Ridge 1A & 1B? Those are going on seven years old. Mrs. Wilson stated that last year she met with some of the homeowners at City Hall and they would like to have the streets in 1A paved. There is still concern with the number of houses left to be built in Units 1B, and 2 and 3. Unit 4 has not even been constructed yet. The feeling is that it would just be too much on that pavement with so many homes still to be constructed. Mrs. Wilson gave the build out percentages of several of the bonds on the list.

Chairman Blankenship questioned the status of Mr. Smith working on the Storm Water Regulations? Mrs. Wilson stated that he is working on them and the two of them have been passing them back and forth for editing. He has made a lot of progress on Article VI and right now is working on detailed illustrations he would like to include. Mrs. Wilson stated it would not be a good idea to approve it in sections.

Chairman Blankenship stated Mr. Parrott has agreed to sit on the TRC to replace Jim Hume who was having some scheduling problems. He thanked Mr. Hume for serving and Mr. Parrott for agreeing to be on the committee.

Chairman Blankenship also announced that he would not be at the September meeting and asked Vice Chairman Hume to run the meeting.

Chairman Blankenship requested that the Budget Committee stay after the meeting and anyone else who would like to.

Mr. Wells stated that there has been some discussion among some of the members as to what the process is for the selection of the committee members. The By-laws call for various committees, but in reviewing those he could not see where there is an actual process for member selection. He questioned how they have been selected in the past and how are they selected now?

Mrs. Wilson stated that when she became the Planning Director she inherited a list of committees and selects the members for those committees. She stated that the process she followed was to make sure there was representation from each legislative body. Each year she rotates the members on the committees. For instance, if someone had served their appointment time and did not wish to remain on the Planning Commission, whoever took their place would be put in their place on whatever committee they were on. Mrs. Wilson stated that she has tried to rotate the membership so that at some point everyone serves on the Subdivision Regulations Committee because that is really the only way to serve on the TRC. It is a very beneficial way so that members learn to review the plats and understand what happens before they come to the Planning Commission for approval. The appointments are very random and she tries to balance it out by having each legislative body represented. It puts a burden on Joel, because he is the only Midway appointee. Mrs. Wilson stated that after she comes up with the list she normally gives it to the Chairman to review to see if there are any suggestions. Mrs. Wilson stated that one time Mr. Hume wanted to be on TRC so she made sure he was put on the Subdivision Regulations Committee. Chairman Blankenship stated that these are published and passed out in January and if anyone has any comments they can. Until now they have not been questioned.

Mr. Wells stated that he did not see in the By-laws the process. Mr. Evans is on every committee and that had been mentioned before. Mrs. Wilson stated that he is not on all committees, but is on most. Mr. Wells felt that maybe a better approach would be to elect the members. The By-laws do say that there need to be at least three, no more than four on a committee. Mr. Wells stated that the By-laws may need to be amended. Mrs. Wilson stated that the other possibility would be to have the legislative bodies appoint who they want on certain committees.

Mr. Butler stated that one concern when he was working with Nelson County who had eleven Planning Commission members was that five of those were from Nelson County, three from the City of Bardstown, and one each from Fairfield, Bloomfield and New Haven. The theory always was that those from the county would dominate. They most always had the majority of members present. Mr. Butler stated that even if elected he felt they would have to go through the same process that Mrs. Wilson and the Chairman did to make sure you do not have all county appointees or all city appointees on one committee. Mrs. Wilson stated that the By-laws do say that one from each legislative body have to be on the Personnel and Budget Committees. Mr. Wells stated that he understood that.

Mr. Hume questioned what Mr. Wells objection is to the way it is being done now? Mr. Wells felt it would just be more transparent to everyone if they were elected. Mr. Wells stated that he knew the Subdivision Regulations committee was a rotation and he questioned if the Budget Committee was a rotation as well? Mrs. Wilson stated that it was. Mr. Wells stated that he would propose that they start electing the committee members, if not immediately, in 2010. He felt it would be a better process.

Mr. Butler stated that perhaps a hybrid situation would be better. Mr. Butler stated that if he were Midway and was not represented on the Budget Committee, in theory they could be forced to pay something that they did not want to. It could be that some of the committees have to remain one person from each body and those members are elected into that slot. Mr. Wells stated that he agrees to an extent, but Midway is 1/9 of this Planning Commission and they are 25% of every committee. If they voted Joel

would have a vote just like anyone else. It came to a forefront when Mr. Wolf resigned from the Comprehensive Plan committee and then the question came up about appointments. Mr. Wells stated that he did not see anything in the By-laws that says anyone has the authority to appoint anyone.

A motion was made by Mr. Wells, that committee members and the Chair of those committees be elected by a simple majority.

Mrs. Wilson questioned if he is talking about how the committees are established as far as where it says that one member from each legislative body must be on there? Mr. Wells stated that he would revise that because Joel would still get a vote. There is no limit as to how many committees one Commissioner can serve on.

Mr. Butler stated that before anything is done, they probably need to go back and review the Inter-Local Governmental Agreement to make sure there is nothing in there. Mr. Wells stated that he does not want to push Joel off of any committees. Mr. Wilson stated that if there is anything in the agreement, it might mean that the legislative bodies would need to amend something first.

Chairman Blankenship requested that Mr. Wells put the changes in writing and let all the members review it and discuss it before taking action.

Mr. Butler stated that sometimes the Inter-Local Governmental Agreements specify how things should be. Mr. Wells stated that he thinks those have changed over the years as well as far as the 4/4/1 split. Mrs. Wilson stated that is what the current agreement is. Mr. Wells stated that since his motion did not get a second that he agrees that the Inter-local agreement needs to be reviewed first. Mrs. Wilson stated that perhaps she and Mr. Wells can get together and look at it. Mr. Wells stated that it might need to be an agenda item next month.

Chairman Blankenship stated that he will not be here in September and would like to participate in the discussion. He questioned if Mr. Wells would defer this until October? Mr. Wells stated that he would withdraw the motion and would take the time to review the agreement to make sure they would not be in any violation. Chairman Blankenship questioned if he is still going to bring it back in September? It should not make any difference since there would probably be nothing changed until January anyway.

Mr. Boggs questioned what Committee he wants on that he did not get on? Chairman Blankenship stated that is not the case. Mr. Wells stated that he is not upset with that at all. It is the selective process that he is questioning. Mr. Wells stated that he will withdraw the motion for the time being. Mrs. Wilson stated that perhaps they can get together to come up with some wording to clarify the by-laws. Mr. Wells agreed and stated that it does not say anything at all regarding how the selection should be done. He felt it should be by simple majority that is in accordance with the inter-local agreements. The only one that might be affected is Midway because the city and county both have four appointees and Midway has one. Mr. Butler stated that there could be something put in there where it would allow Midway to say it is ok if they are not on a committee. It could be some type of resolution. That could help matters because you have to be worried about a quorum.

Mrs. Wilson questioned if it is important that they not choose the CPA firm to do the audit until that decision is made? Mr. Butler stated that the committee would recommend to the full Planning Commission anyway. Mr. Wells did not think that selecting from three public accountant firms is really an issue.

Chairman Blankenship questioned if any members will be staying that are not part of the budget committee? There were none staying. Chairman Blankenship closed the meeting and called for a motion to adjourn.

A motion was made by Mr. Wolf, as seconded by Mr. Boggs, to adjourn the meeting at 7:28 p.m. The motion carried with nine (9) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Robert Blankenship, Chairman
RB:pc