

ON THURSDAY, SEPTEMBER 10, 2009, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING AT 6:30 P.M. IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE.

Vice Chairman Hume chaired the meeting in Chairman Blankenship's absence.

MEMBERS PRESENT: 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. Boggs, to approve the August 13, 2009 minutes, as submitted. The motion carried with eight (8) aye votes. **VOTING IN FAVOR:** Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Decision: Preliminary Development Plan and Preliminary Plat – Robert Hippe Estate 74 Hippe Agee Rd. 17.412 acres – A-4 District

Mrs. Wilson stated that the Fiscal Court has taken action on the zone change and approved it as recommended. The hearing was held on the plan during the zone change hearing. Since action has been taken it is now time for the Planning Commission to take action on the plat.

A motion was made by Mr. Wells, as seconded by Mr. Wolf, to approve the Preliminary Development Plan and Preliminary Plat – Robert Hippe Estate – 74 Hippe Agee Rd. – 17.412 acres A-4 District. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Zoning Map Amendment – City of Midway – Old Wastewater Treatment Plant – 400 Leestown Rd. – to rezone 0.524 acres from A-1 (Agricultural) to (I-2) Heavy Industrial, 0.660 acres from CO-1 (Conservation) to I-2 (Heavy Industrial) and 0.808 acres from I-1 (Light Industrial) to I-2 (Heavy Industrial).

Vice Chairman Hume declared the hearing open at 6:35 p.m. and called upon Mrs. Wilson for her report. Mrs. Wilson read the following exhibits into the record:

- A. Zone Change Application
- B. Preliminary Development Plan
- C. Copies of Signs
- D. Copy of Adjoining Property Owner letters
- E. Notice to Woodford Sun
- F. Copy of Staff Report/P. Wilson
- G. Copy of TRC Minutes
- H. Letter to Engineer of TRC Deficiencies

Mrs. Wilson explained that this has been before the Planning Commission before. It was initially thought that the sight was only .808 acres and was included up to the stream. Action was taken for approval on that legal description. When Mrs. Lefever went to implement the data onto the GIS maps she discovered that was only about half of the property. The other part was still A-1 and CO-1. Mrs. Wilson stated that she called Mr. Maloney, City Attorney for Midway, and Mayor Bozarth and they discussed what the best thing to do was. It was decided to do the entire zone change. They actually have someone who is

interested in the property for the same use as it was originally built and that does take I-2 zoning. Therefore they are asking for all of it to go to I-2.

Mrs. Wilson read her staff report into the record. The City of Midway is requesting a change in zoning of one of 241 Leestown Road, the former Midway Waste Water Treatment Plant, consisting of 1.992 net acres, located on the south side of Leestown Road (US Highway 421) and the north side of I-64. Parcel 1 is being changed from A-1 (Agriculture) and CO-1 (Conservation) to I-2 (Heavy Industrial) and Parcel 2 is being changed from I-1 to I-2. In April 2008 the City requested the change of this property to I-1. It was recently discovered that only Parcel 2 had actually been changed to I-1. These tracts are currently occupied by abandoned infrastructure previously used to treat sanitary sewage waste. The improvements consist of waste water tanks, drying beds, concrete Storage basins/tanks, office/lab buildings, concrete sludge digesters, etc. The requested Zoning District for the subject property is I-2 (Heavy Industrial). The owner/applicant is not proposing any site or building changes to the property at this time. The City proposes to sell the property and that it be re-use in a similar fashion as they previously used it for. To the north of this property is zoned I-1 and A-1, to the east is I-1, to the south is R-1B and to the west is A-1. The subject property is in the City Limits of Midway, as well as the Midway Urban Service Boundary. The 2005 Comprehensive Plan Update (Figure 75) indicates that this property lies in the Interchange Commerce Land Use District. At the present time there are no proposed changes to be made to the site. The 2005 Plan recommends 1 more acre of industrial land by 2010 and 2.1 by 2020. However, since that time Midway reduced their industrial acreage by 146 acres with the change in zoning of Midway Station. The property is accessed from US421 (Leestown Pike) from three existing entrances. There is no access to I-64 because it is a controlled access right of way. Fire protection is provided by the City of Midway Fire Department. Police protection is provided by the Versailles Police Department, Woodford County Sheriff's Department, and the Kentucky State Police. Public water and sewer are available. The northwest side of the property is bound by Lees Branch Creek and a portion of the property is in the 100 year flood plain as depicted on FIRM 210 230 0010A. The City of Midway will be restricting uses on the property including prohibiting assembly plant, heavy manufacturing plant or facility, food processing, truck terminal or freight yard, wrecker service and storage, restaurant, Helistop or heliport, commercial word lot, scrap metal facility, radio or television station, central mixing plant, or a foundry. The City will also restrict visibility of vehicles and porta-potties such that they have to be screened with at least a six (6) foot tall fence and setback at least 30 feet from all property lines. If the existing systems on the site are to be used they must be brought in to compliance with all applicable local, state, and federal requirements. The nature, extent and type of signage on the property are restricted to that previously filed in the Woodford Co Clerk's office in November 2008. Finally, the conservation easement on Parcel 1 shall continue to be maintained. It appears that the proposed zone change would be in agreement with the 2005 Plan. The existing property lies within the Interchange Commerce District and within the Midway City Limits. The City has owned the properties since 1938 and 1983 and used it for heavy industrial purposes, a wastewater treatment facility. The agricultural zone is not appropriate and the industrial zone is appropriate. The current lot size is non-conforming in an A-1 zone. There is no minimum lot size in the I-2 zone so the lot will be conforming.

Vice Chairman Hume questioned if the City's limitations and restrictions should be added as a note on the plat? Mrs. Wilson stated that Mr. Endicott could do that.

Mr. Maloney stated that there is a reference that refers to the conditions of the application. Mrs. Wilson stated that he is just saying to put them on the face of the plan. Vice Chairman Hume stated that he knows that might sound a bit nit picky, but if they are on the plan it just saves a lot of time so that someone can see them on the face of the plan without having to refer to another document. Mr. Maloney stated that is no problem and it is their intent to put them in the deed.

Mr. Maloney stated that he feels that Mrs. Wilson explained things very well. The confusion was that the City Clerks office did not reflect that this property was in two deeds. They do not want this to be used as a full I-2 zone, but want it used as it previously was used. The property is surplus property and the City has no use for it. If they continue to own it the State will either require them to tear out some of the facilities there or update it. It makes no sense for them to expend monies to do either. When purchased the buyer will be required to follow all State and Federal regulations.

Vice Chairman Hume questioned if the facility is still functioning? Mr. Maloney stated that it is not in use, but it is funtionable.

Mr. Parrott stated that originally this would have had a discharge permit. He questioned if they will maintain that discharge permit and where the discharge point is? Will the affluent be discharged into the City's system? What type of system is it, aerobic or anaerobic? Mr. Maloney stated that he does not believe that there is a current discharge permit for that location. The intention is that the facility would be used for various purposes and as far as treatment it would be sent across the street. The system it is aerobic. Mr. Parrott felt that there could be compliance issues, but with it being sent across the street, it should make things easier. Mayor Bozarth stated that it will be some revenue for the City to treat that. Mr. Maloney stated that the current plan would be 55% to 60% capacity.

Vice Chairman Hume closed the hearing at 6:50 p.m.

A motion was made by Mr. Wolf, as seconded by Mr. McClees, to waive the by-laws requiring that the Planning Commission wait 14 days before taking action on a zone change. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

A motion was made by Mr. Evans, as seconded by Mr. McClees, to recommend approval of the Zoning Map Amendment for the City of Midway – Old Wastewater Treatment Plant – 400 Leestown Rd. – to rezone 0.524 acres from A-1 (Agricultural) to (I-2) Heavy Industrial, 0.660 acres from CO-1 (Conservation) to I-2 (Heavy Industrial) and 0.808 acres from I-1 (Light Industrial) to I-2 (Heavy Industrial), based on the Staff Report and the record, subject to the conditions being put on the face of the plat. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

1st Amended Final Development Plan – JPG Financial – 50 Thomas Lane.

Mrs. Wilson stated that the applicant would like to add a sign out near the road at the top of the dam of the retention basin. They also propose to put an ice vending machine on the site and they will have to add some pavement and a small retaining wall to accommodate that. This is similar to the vending machine that is located on Camden Avenue across from the High School. They are trying to get a facility closer to the county park. The plan was reviewed by the TRC and all the deficiencies have been addressed.

Mr. McClees questioned where Building 50 is? Mrs. Wilson pointed it out on the plan. Mr. McClees stated it is not designated on the building itself. Mrs. Wilson explained that they are going to widen the pavement for the vending machine and they do not want to block the gates. Mr. McClees stated that he got out and looked at it and had no problem with it.

A motion was made by Mr. Wolf, as seconded by Mr. Traugott, to approve the 1st Amended Final Development Plan – JPG Financial – 50 Thomas Lane, as submitted. The motion carried with eight

(8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

FINANCIAL REPORT AND BILLS

A motion was made by Mr. McClees, as seconded by Mr. Evans, to approve the Financial Report and Bills, Monthly Budget Report, Surety Report, as submitted. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

AUDIT BIDS & DECISION

Mr. McClees stated that he has reviewed the audit proposals several times and they all seem to be good companies. There was only one complaint from Ross and that was getting the reports in a timely manner, but they had an employee quit and that was the reason for that. Mr. McClees stated that he has come to the conclusion that Tichenor out of Louisville has the best proposal and they have done a lot of work for governmental agencies. Mr. McClees stated that he would recommend that they be selected. Mrs. Wilson questioned if he is making a recommendation from the Committee that reviewed the proposals? Mr. McClees stated that he is.

Mr. Wells stated that he has no experience in selecting bids, and questioned if all the bids were near what in cost? Mr. McClees stated that there was only \$50 difference in the two. Mrs. Wilson stated that the proposal price is \$3800.00. Mr. Wells questioned if Tichenor is \$50 more than the other one? Mr. McClees stated that is correct.

A motion was made by Mr. Wells, as seconded by Mr. Wolf, that the Planning Commission hire Tichenor and Associates to do the financial audit for the 2008-2009 Fiscal Year. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Mr. Wolf left the meeting at this time.

COMMUNICATIONS:

1. Letter requesting a Preliminary Plat extension – Hope Ann Lowe Property – Troy Pike.

Mrs. Wilson stated that she has a letter from Thomas Chalin for Kelshel LP, and they recently purchased the Hope Ann Lowe property. There was a Rural Residential zone change on a portion of the property and a preliminary plat was approved with that. A Preliminary Plat is good for one year unless you begin construction which it then remains active. This gentleman has not decided what he wants to do with this property and for now he requests that this plan remain in place until he decides what he wants to do. He is requesting a one year extension on this plan.

Mr. Wells questioned when the plat expires for the first year? Mrs. Wilson stated that it was approved July 10 of 2008 and she received this letter August 18, 2009. Mr. Butler stated that it might be better to do a one year extension from the July date that way it is one year from the date of approval.

Mrs. Wilson stated that the reason this is required is in case the regulations change and they have not started construction. If they have a current Preliminary Plat they are held to whatever regulation was in place at that time. If the plat expired and the regulation changed and they come back, they would be held to the new regulation.

A motion was made by Mr. Parrott, as seconded by Mr. Evans, to approve the one year extension on the Preliminary Plat for the Holly Hill Lane Preliminary Plat (Hope Anne Lowe property) until July 10, 2009. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Mr. McClees went back to the Surety Report and questioned if the bond for Hunters Ridge 6B will roll over automatically? Mrs. Wilson stated that this is the one that Chairman Blankenship asks about all the time and the Fiscal Court is working with Barlow who has hired someone to do the work. Because of the rain they have not been able to complete the work. They are doing the work under Mr. Smith's supervision. Mr. McClees questioned the CD for Sugartree? Mrs. Wilson stated that rolls over automatically.

Vice Chairman Hume reminded the members about the public hearing for the Transportation Study and encouraged everyone to attend.

Mrs. Wilson also has provided everyone with a copy of the Committee lists and that is for informational purposes.

Mr. Wells stated that at the last meeting he brought up the possibility of amending the By-laws regarding the selection of committee membership. Chairman Blankenship indicated that he would not be present at the September meeting and ask that he wait until October. Mr. Wells stated that he wants to extend that courtesy to Chairman Blankenship and have this put on the October agenda for the October meeting.

Mrs. Wilson questioned if he will be formulating that language so that it can be put in the member's packets? Mr. Wells stated that he would and would get it to the office before the packets go out. (Note: packets will be mailed on October 2)

A motion was made by Mr. Traugott, as seconded by Mr. Wells, to adjourn the meeting at 7:03 p.m. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Jim Hume, Vice Chairman
JH:pc

