

ON THURSDAY, OCTOBER 8, 2009, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING IN THE WOODFORD COUNTY 2<sup>ND</sup> FLOOR COURTROOM AT 6:30 P.M.

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

**MINUTES:** A motion was made by Mr. Hume, as seconded by Mr. McClees, to approve the September 10, 2009 minutes, as submitted. The motion carried with eight (8) aye votes. **VOTING IN FAVOR:** Robert Blankenship, Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Final Development Plan – Church of God Prophecy – 445 Laval Heights.

Mrs. Wilson stated that the Planning Commission saw this plan several months ago and now they want to expand their building and alter the parking lot. They do want to add some additional parking spaces. The plan was reviewed by the TRC and all the deficiencies have been addressed.

**A motion was made by Mr. Wells, as seconded by Mr. Wolf, to approve the Final Development Plan - Church of God Prophecy – 445 Laval Heights, as submitted. The motion carried with eight (8) aye votes. VOTING IN FAVOR:** Robert Blankenship, Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

Zoning Map Amendment and Preliminary Development Plan - Dance Enterprises – 544 Old Frankfort Pike (Spring Creek Mobile Home Park) to rezone 9.448 acres from M-1 (Mobile Home Park) to CO-1 (Conservation) and 2.533 acres from A-1 (Agricultural) to CO-1 (Conservation) and 1.104 acres from M-1 (Mobile Home Park) to A-1 (Agricultural) in order to create a private campground on 25 acres of land.

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

- A. Zone Change Application
- B. Preliminary Development Plan
- C. Photo of Signs
- D. Letters to Adjoining Property Owners
- E. Notice to Woodford Sun
- F. Staff Report/P. Wilson
- G. TRC Minutes
- H. TRC Deficiency Letters to Engineer
- I. Letter from North Woodford Water District
- J. Stream Permit from the Division of Water
- K. Letter from Division of Water regarding capacity of the Treatment Package Plant

Mrs. Wilson read her staff report into the record. Owner/Applicant is requesting to change the zone of 9.448 (net) acres from M-1 (Mobile Home District) to CO-1 (Conservation District), 2.532 (gross) acres from A-1 (Agricultural District) to CO-1 (Conservation District), and 1.104 (net) acres from M-1 (Mobile Home District) to A-1 (Agricultural District) in order to create a Private Campground on 25 acres of land zoned Conservation along South Elkhorn Creek and Old Frankfort Pike (KY HWY 1681) approximately ½ mile west of the Fayette County line. Currently the property is being used for a mobile home park and agri-tourism business. There are approximately 29 existing mobile homes (plus 15 vacant mobile home sites), 3 rental homes, 1 single family residence with a garage, an entertainment barn, a pavilion, a fishing

pond with decking, and associated parking. There was also a restaurant but it was destroyed by fire on September 25<sup>th</sup>. Some of the facilities are associated with the approved agri-tourism business (December 2005). Proposed is a Private Campground consisting of 159 Recreational Vehicles (RV) Campsites and 25 Primitive Campsites on 25 acres in the Conservation District. Adjacent zoning to the North is A-1, R-1B, & CO-1, to the East is R-1B, to the South is CO-1, and to the West is CO-1 & R-1B. The development proposed supports the 2005 Plan and the Conservation Zoning District, in that a majority of the land being proposed for CO-1 lies within 100 year floodplain and lies in the Rural Character District (Figure 77); the **Agricultural Use** Goal and most of its Objectives appear to be met in that some of the M-1 property is being changed to A-1, and Agriculture is a permitted principal use in the CO-1 zone. In addition, this will support the existing agri-tourism business the currently exists in the A-1 zone that was approved by the Agricultural Advisory Review Committee in December 2005. The **General Land Development** Objectives are being met in that an existing mobile home park is being converted to a tourism attraction and the 100 year flood plain of South Elkhorn Creek is being appropriately zoned to Conservation. The **Natural Resource Conservation** Goal and Objectives are also being met in that the South Elkhorn Creek's 100 year flood plain will be conserved. There will no longer be residential dwelling in this hazardous area, but portable RV's and primitive campsites. Finally, the **Tourism Goal** and its Objectives are also be met in that this will bring tourism dollars to Woodford County and expand an exiting successful agri-tourism business on the remaining property. It appears that applicable Guidelines of the Rural Character Land Use District are being met with regard to entrance site distance and preservation of trees and vegetation along the exiting roadway; minimizing the need for cut and fill and preservation of natural topography and drainage patterns because the flood plain can not be altered; since no permanent structures are being proposed long views and vistas will be interrupted; identification of the campground has not been addressed at this time; there is an on site sewage treatment plant and the Health Department has approved its use by the campground; and, since the property is presently lit for the mobile home park there should not be any additional off site impact with regard to lighting. The Zoning Ordinance, Article VII, Conservation District, Section 721.4 (B) does allow for Private camps or Campgrounds **conditionally** in a CO-1 Zone. Since a majority of this area is in the 100 year Flood Plain the applicant has applied to the Kentucky Division of Water for a "Permit to Construct Along or Across a Stream". The Stream Permit is pending at this time. Zoning Ordinance, Article X, Flood Damage Prevention Ordinance, does acknowledge that Recreational Vehicles can be located in a Flood Plain. **Recreational Vehicles** are defined as follows: A vehicle that is: 1) Built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) Designed to be self-propelled or permanently towable to a light duty truck; and 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. In addition, Section 1004.2 Specific Standards, (D) (3) states the following: All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either: (a) Be on the site for fewer than 180 consecutive days, (b) Be fully licensed and ready for highway use, or (c) Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes". A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or sacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. The CO-1 zone restricts the density of the property for dwellings to 1 per 5 acres. If for any reason the Campground ceased to exist, the maximum number of single family dwellings in the CO-1 area would be 5. However the minimum lot size is 30 acres. If the property remains M-1 and the owner wished to improve the Mobile Home Park, a maximum of 84 mobile home units could be placed on the property. Of course these units would have to be elevated considerably to comply with the floodplain requirements in Article X. The density of campsites is not specified. However, it can be addressed as a condition in the Conditional Use Permit. The soil data is from the Soil Survey of Jessamine and Woodford Counties, Kentucky, prepared by the USDA Soil Conservation Service and shows that existing and proposed CO-1 area is comprised of Huntington and Ashton Silt Loam soils. These soils are both subject to flooding and therefore have low potential for urban uses. These soils are very fertile and

good for agricultural purposes. The rest of the property is a combination of Maury and McAfee Silt Loam. The Maury soils have a medium to high potential for urban use with no severe limitations. The McAfee soils have medium potential for urban use due to depth to limestone. There are existing sanitary sewer lines located on the property that presently serve the mobile homes. These lines tie into an approved on-site private sewage treatment plant. There are at least two "Dump and Fill-up" stations proposed for the RV's at the campground to use. All of the sewage will then be piped to the existing treatment plant. The Environmentalist from the Woodford County Health Department has signed the Preliminary Development Plan indicating that the "Sewerage disposal systems are satisfactory for the proposal as shown hereon." The property has public water available to it from the Northeast Woodford Water District. There are existing private water lines throughout the property that currently serve the mobile homes. The 2005 Plan classifies Old Frankfort Pike, KY Hwy 1681 as a "Rural Major Collector." The Versailles-Midway-Woodford County Transportation Study, May 1999, shows that Old Frankfort Pike extends from the Fayette County line to the Franklin County line for a total of 12.325 miles. This roadway is noted as a Kentucky Scenic By-Way. The 1999 Study shows that the Level of Service (LOS) in 1997 was classified at a C or Better with approximately 2,400 trips in the vicinity of the subject property. The Future LOS in 2020 is projected to still be a C or Better with 3,700 trips. A LOS C is defined as: "Stable operations causing some tension for motorists. The ability to maneuver and change lanes in midblock locations is restricted along with noticeable queues at intersections." Fire protection is provided by the Woodford County Fire Department. The police protection is provided by the Versailles Police Department, Sheriff's Department and the Kentucky State Police. The proposed development would not have any negative impact on schools; therefore a school enrollment report is not included herein. It appears that the proposed zone change is in agreement with the 2005 Plan Update because of the above noted areas of that Plan regarding the Goals and Objectives; the property is located in the Rural Service Area (Figure 77); applicable Guidelines are being met; mobile homes in the floodplain will be eliminated and no longer subjected to repetitive flooding; public water is available; on-site sanitary sewage treatment is adequate and available; fire protection is provided by the Woodford County Fire Department; police protection is provided by the Versailles Police Dept, Woodford Co. Sheriff's Dept, and the KY State Police; the campground will be accessed by existing entrances; Campground will be regulated by local Conditional Use Permit; and local, state, and federal requirements will have to be met with regard to the floodplain.

Chairman Blankenship questioned if this were to be passed they could not convert back to the mobile homes unless they come ask for it? Mrs. Wilson stated that is correct, but the mobile homes that are there can stay there until they are removed. He is proposing to phase in the campground so it would not all be built at the same time. Once he removes mobile homes from one section, he cannot put any back in that section.

Mr. McClees questioned if the mobile homes that are there have been elevated out of the floodplain? Mrs. Wilson stated that some of them have but there are some that when the residents left they just left the mobile homes as they were and never came back. The elevated ones are up on concrete blocks.

Mr. Adrian Mendiando, one of the attorneys for Mr. Dance, stated that for the purposes of expediency they are going to give evidence for not only the zone change but the conditional use as well. They are two separate applications, but they do go hand in hand. They are asking to convert the M-1 and a piece of the A-1 to CO-1 and that would put the floodplain area entirely in the Conservation zone. That makes it clear that the intent is to get rid of the mobile home park. It would not happen overnight but they would be phasing out the mobile home park and eventually it would all become the campground. This is really the best thing that can be done for the property and they have included the goals and objectives that they believe they meet and have included those in the proposed findings of fact that have been submitted. The CO-1 zone is the best zone for a floodplain area. It is the most restrictive and most protective zoning for this area. It is certainly better than an M-1 zoning. It recognizes that tourism and agricultural are very

key aspects of the Comprehensive Plan and are key goals and objectives. This would be a great agri-tourism aspect, which already exists on the rest of Mr. Dance's property. This will bring business to Woodford County where otherwise people would probably go to the Horse Park to camp. It does advance tourism and the staff report recognized that as well. It is key to understand that they have applied to the State for the proper permits and the restrictions are very specific. They cannot have permanent structures. The structures have to be temporary so that they can be pulled out right away as well as they cannot build above the grade. They comply with all the Rural Character District guidelines. As far as traffic they will not be increasing that in any significant manner. It will not have a negative impact. This will not add any uses that would be harmful and in fact would take away uses that might not be the very best use for that property. This will be a beneficial use for the property. Mr. Endicott and Mr. Dance are here to speak on behalf of this project. This is an appropriate use for the property. As stated earlier there is a conditional use also involved and they feel that they have met all necessary requirements for that as well. They have taken the conditions that were used on the only other campground in Woodford County and applied those to this as well.

Mr. Stilz stated that Mr. Endicott will speak next on behalf of the plan itself and then Mr. Dance will speak. Once they have spoken, Mr. Stilz stated that he will make some final remarks.

Mr. Malcolm Endicott stated that he prepared the plan and the base map was prepared by Photo Science, who provided the Planning Commission with the GIS information. Mr. Endicott referred to the colored map that Mrs. Wilson referred to previously. Mr. Endicott stated that Mrs. Wilson covered a lot in the Staff Report that he was going to refer to. Mr. Endicott pointed out on the map the zoning that they would end up with. Mr. Endicott stated that he has worked with Mr. Dance for over 25 years and the last time was when FEMA had some grant money and they could provide it to the county government to purchase property that was located in problem areas. Not only is there floodplain on this property, but there is also floodway which is even more restrictive. RV's are allowed in both of the areas as far as the State regulations go. Mr. Endicott stated that they decided to use the floodway limit to give them a guide for the new CO-1 limit. They used a part of the floodplain line as a part of their boundary. Where Mr. Dance's house and barn are located is a part of his agri-tourism business and they chose for that to be in the agricultural zone. The County is not the only governmental agency that has regulations in this matter. There are Federal regulations through FEMA and there are State regulations, both of which govern floodplains and floodways and how to go about locating there. They have used those guidelines to the best of their ability and submitted a plan and application for a permit to construct along a stream. That is in the State review process and they should be hearing from that soon.

Mr. John Dance stated that he is the owner of Dance Enterprises, which is the property that is before the Planning Commission tonight. Mr. Dance stated that he purchased the property in October of 1985 and at that particular time the floodplain and the floodway was much closer to the creek. Since that time it has moved gradually upward and they have experienced four floods on this property. There was a large span of time between the first flood on this property in 1937 and the next flood in 1997. It speaks to what has happened upstream with development where water is not being captured. During a heavy rain season the water cannot flow through the bridge and it backs up and comes across Old Frankfort Pike to the extent that the former restaurant had water waste deep. Over the years and in 1997 they have lost 23 homes, plus shut down the restaurant business. The County went on record and hired a consultant to try and find an alternate use that would place people out of harms way. They were looking for an equitable solution so that those situations would not have to be experienced. The County looked at the property and was trying to help them in a time of need to find some relief. The Consultant was paid around \$20,000.00 and came up with a very detailed report with a lot of information. Then Katrina hit and all the focus went there, which it should have. Nothing every materialized regarding the purchase of the property although it was eligible, but on a co-efficient curve. They were designated at 1.6 and 2.2 was the buyout requirement. This was a computerized program that created those ratings. Some of the new floodplain

maps are just coming out and the floodplain is now going up the hill. Mrs. Biggerstaff who survived there when the 1937 flood hit said that the flood waters came up to the residential driveway. That is another eight to ten feet beyond the 1997 flood which was considered a 200 year flood. Mr. Dance stated that he has sat on Hurricane Task Forces when he lived in Florida and the hurricane that they hoped would never happen did happen with Katrina. You can never rule out any possibilities because things do happen unexpectedly. It is not a stretch of the imagination to say that an RV campground would be a good use for the property. One of the uses that could currently be there are mobile homes on elevated stilts. They do them in Louisiana, the Keys, and along many coastal areas. With common sense being the rule there is a much more viable alternative that comes under local, Federal and State statutory regulations. How do you put a road in at the same base elevation? You do not need to look any further than the Kentucky Horse Park. That practice is very much in display there. They checked other campgrounds and they looked at the Cummins Ferry campground and looked at their covenants that were originally drafted by Phyllis Mattingly. It looked very good and they did not have a problem with them. When you are looking at an RV campground a standard has to be set to attract people who are driving a very expensive motor home. They are not going to settle for anything less than the area being maintained with nice services. They will come there for relaxation and tourism and enjoyment and they want to experience the flavor of the geographic areas that they visit. After looking at ideas for this property this is a good concept that will keep the property in use. Mr. Dance stated that his farm has become a destination for tourism. They began in an old tobacco barn and they have had people from every state and they have had international guests. Alltech recently brought in a group from Russia. They have been able to network with a lot of different agricultural groups such as the UK Extension Office, the local Extension Office, and the State Kentucky Proud Certification Program who invite local farmers to prepare meals that represent the flavors of the Bluegrass. People like that. Mr. Dance stated that he has a group coming in the following night (Newmar Kountry Klub) that travels around to all the geographic sections of the country. They locate in Florida in the winter and Arizona in the summer. They are going to be staying at the Kentucky Horse Park. Mr. Dance questioned what they will be doing while they are visiting and they said that they will be going to Frankfort and they are going to shop. They plan on visiting Labrot and Graham and other things that are in this area. While experiencing those places they will be spending money which has an economic impact. Mr. Dance stated that an RV campground goes hand in hand with agri-tourism. Mr. Dance stated that he would be putting in security gates for safety and they would be manned 24 hours. They are looking to adopt model programs like they have in Kentucky State Parks and how they deal with traffic and the different diversified groups. There are Kentucky State Statues in place that have been tested over time and they want to conform to those. They want their customers to have a good experience when they come to Good Old Days. In a floodplain you are very limited to what you can do. Mr. Dance stated that they welcome the opportunity and see it as being a benefit to Woodford County.

Mr. Stilz stated that they have submitted a letter from Taylor Kelly who is a Civil Engineer, regarding trip generations for both a mobile home park and an RV campground. Mr. Stilz stated that the owner also has proposed conditions in the fact that the campground would not be open year round. It would be open approximately eight months per year. Mr. Stilz stated that the best evidence was pointed out in the 1999 Wilbur Smith Traffic Study. This section of Old Frankfort Pike in 1999 had approximately 2380 trips per day at a Level of Service of C or better. They projected that by the year 2020 the trips would increase to approximately 3700 and the Level of Service would still be a C or better. Mr. Stilz also introduced into the record an email from Dan Rosenberg who is a member of the Pisgah Historical Society in support of the RV campground. Mr. Stilz stated that they would also like to make the record that has been made so far incorporated into the record for the conditional use permit. Mr. Stilz stated that he would also like to reserve the right to rebut if necessary.

Mr. Wells questioned what the timeline is for the phase out of the existing mobile homes? Mr. Dance stated that they are showing five phases on the plan and they are labeled starting on the left. Everything

that is along the roadway where there is existing infrastructure will be priority. Those will be retrofitted. Also supply and demand comes into play, but they want to look at this expeditiously. Mr. Stilz stated that it can't happen overnight and it will take time. There are some relocation issues as well for those in the existing mobile homes.

Mr. Wolf questioned if the existing mobile homes would hurt the business for the campground? Mr. Stilz stated that they will have them moved as quickly as they possibly can, but there has to be some relocation assistance. They cannot just tell the residents they have to go now.

Chairman Blankenship questioned if those rental contracts came up for renewal and they were in Phase 3 or 4 would they allow them to renew the contracts? Mr. Stilz stated that he would not see that happening. Chairman Blankenship questioned if this campground business did not take off as planned, would they end up keeping a portion of the mobile homes? Chairman Blankenship questioned if they have a plan in place regarding that? Mr. Stilz stated that they will be doing this in phases.

Mr. Hume stated that this zone change would make this property a legal non-conforming use and those mobile homes could stay there forever. Mrs. Wilson stated that they cannot expand it. Mr. Hume agreed with that but it is there forever unless they are told they have for instance three years to get rid of the mobile homes.

Mr. Dance stated that this is an expeditious project. There is a level of difference between mobile homes and RV's and they recognize that and so would their customers. However, when you have had many of those residents with you for this long, they become extended family and there are some of those that have some needs and he wants to consider those needs. All of that will be thought out very carefully. If he were not serious about the campground and removing the mobile home park he would not be before the Planning Commission. Mr. Dance stated that it is to his advantage to be able to do this as quickly as possible and come into compliance. Mr. Dance stated that he is committed, but he also wants to make sure that those special needs people are a part of the equation.

Mr. Stilz questioned if Mr. Hume was saying that as part of the conditional use application he feels that there needs to be a time limit, such as three years? Mr. Hume stated that he just wanted to give the Planning Commission the information that the mobile home park would become a legal non-conforming use even though it could not be expanded. The existing mobile homes could remain there until they rot to the ground. Mr. Dance would probably prefer that the campground goes forward, but he is wondering if there is a timeline that they are thinking about where all the mobile homes would be removed. The World Equestrian Games are coming to town and that is probably a big interest to get this thing going. Mr. Dance stated that is a very good question and they have been approached about that. It is to his benefit to get this into compliance. There is a time frame in mind at least along the roadways because there is very little adaptation that would be required there. He feels that by early spring he will be in a position to move forward and that would give ample time for considerations for relocation. The prime date would be early summer.

Chairman Blankenship questioned if he is indicating if this were approved and the Planning Commission put a time frame that all the mobile homes would have to be gone in a year that it would be acceptable? Mr. Stilz stated that there are 29 occupied mobile homes.

Mr. Parrott stated that he already has the mobile home district and the existing mobile homes. He is not asking to move in more mobile homes if this does not succeed. Mr. Hume stated that his comment was so that the Planning Commission would understand that if they do the zone change the mobile homes can still stay there. Mr. Parrott stated that is not really a change for the zone change purposes. He has them there now and even if he decided to keep them there, nothing would change from what is happening there

now. He did not feel that moving the mobile homes or not is really relevant for the purpose of the zone change. Mr. Hume agreed that it is not, but it does create a legal non-conforming use.

Mr. Stilz stated that they could probably accept a condition of a year's time. Mrs. Wilson stated that if all this gets approved, he will have to follow up the Preliminary Plan with a Final Development Plan and it would have to be more detailed than this is. It would not have conceptual circles on it but would actually have the specific lots with details.

Mr. Boggs stated that he does not care what anyone says, this will add to traffic on Old Frankfort Pike and it will make a difference. Mr. Stilz stated that they did not say that it would not add traffic or make a difference. The critical issue is the Level of Service and that is what is addressed in the adopted Transportation Study. It says that through the year 2020 they projected 1400 more trips per day and they will be a part of that but not all of that. With the increase in traffic the Level of Service does not change. It is a Level of Service of C now and it will still be a Level of Service C. Mr. Boggs stated that they have talked about floodplain and getting the mobile homes out or harms way. If there are campers there, which there could be a whole lot more there than trailers, how soon would they know if they are going to be flooded as the mobile homes were in the 1997 flood? Mr. Dance stated that they would have an entranceway with an escape route and hopefully they would have something in place for security. These are going to be units that are mobile so they can drive out. Mr. Boggs stated that he cannot stand all these people being so close to the creek. It is going to damage the creek. Mr. Stilz stated that their intent would be to impose restrictions on the tenants so that does not happen.

Mr. Hume questioned if the occupants would have access to the creek? Mr. Dance stated that in viewing the Elkhorn campground in Frankfort, the creek is a draw. You have all the water for recreation and they see it as an asset. Mr. Boggs stated that he does know Mr. Dance and that his heart is in the right place, but these are still concerns.

Mr. McClees stated that with the increase in traffic on the road and especially those going to the campground; all will not be arriving and leaving at the same time. Mr. Stilz agreed and stated that four out of twelve months they will not even be open. Mr. Dance stated that very seldom is a campground at 100% capacity. Mr. Dance stated that they will probably have restrictions as the Kentucky Horse Park does for minimum and maximum stays.

Mrs. Pauline Pence, a resident of 197 Browns Mill Rd., stated that her property line backs up to Mr. Dance's. Mrs. Pence stated that she has three illustrations to hand out to the Planning Commission members. Mrs. Pence stated that she is a Woodford County resident and has been before the Planning Commission before. When Mr. Dance bought the property in 1985 it was a country farm. The mobile home park had been grandfathered in on the property. Mrs. Pence showed the illustration of how the farm looked in 1985 and the second illustration is a vicinity map that shows where her and her son's properties are in relation to the Dance property. The property is about 200' from William Pence Jr.'s back door and 350' from her own back door. Approximately 25 years ago Mr. Dance purchased the 32 acres that is on the plat here tonight. The picture before you is of 7 ½ acres on the right side. The land is rural land and is at the far end of Woodford County very near the Fayette County line and miles from the fire and police departments. Tonight you have heard of a glorified bedroom for Lexington for the 2010 games. Looking at the picture you can see the property was used for agricultural purposes. In 1987 Mr. Dance asked the Planning Commission to shuffle many of the zoning designations in order to add 48 more mobile home lots to the already existing 48 mobile home lots that were grandfathered in. The additional 48 lots would have completely covered the 7 ½ acres and would have totaled 96 mobile home lots. The plat in 1987 was denied. Mr. Dance has been before the Planning Commission many times since to try and shuffle the zoning on these 32 acres that was once farm land. He has now designated every parcel of those 32 acres for business practices. At the present time the 7 ½ acres is still zoned A-1, but on this acreage he has

been permitted to install a large sewage treatment plant that discharges into South Elkhorn Creek. Recently, he has dug a large sewage lagoon and there is also a fish pond with a fishing house for patrons to use. The old barn that was in the picture is now a large entertainment center with an alcohol and liquor license. There is also an outdoor dining room. Mr. Dance went before the AARC in 2002 and told them that he entertains 600 to 1,000 patrons at his facility during different events. Also bordering the property line is New Union Christian Church which sits on one acre of land that Mr. Dance formerly owned along with three building lots that the Planning Commission allowed by rezoning that one acre of land to R-1B. We are now back before the Planning Commission with Mr. Dance wanting to reshuffle the zoning so he can get over 150 recreational vehicles in there. Some of those vehicles are very large. Some are larger than some big trucks. He wants 159 recreational vehicle lots and 25 camping sites to be installed for a total of 184 lots. Most of these sites will be in the Conservation and flood area of South Elkhorn Creek. This creek floods periodically as you have heard and it does flood fast. Mrs. Pence stated that she has gone to bed and awoken the next morning and the entire area would be flooded. The flood waters at times cover most of the property on the Old Frankfort Pike and the front of 544 Old Frankfort Pike. This area where the RV park is proposed has been covered by as much as 3' to 4' of water along the road and in the former restaurant, which recently burned down. Mrs. Pence submitted a photo of a previous flood and how it covered Old Frankfort Pike. Mrs. Pence referred to an article that was published in the Woodford Sun on April 25, 1997, which was in big headlines, "County to seek 1.3 million dollars..." This was for flood disaster. The second paragraph reads: "The vast majority of the structures listed in the application were 30 mobile homes damaged by the flood in John Dance's trailer park on the Old Frankfort Pike..." This would have been at the expense of Woodford County tax payers. The trailers that are in the park are much further from the creek and are on higher ground than approximately 90+ of the business lots on this agenda tonight. There is no doubt that this low land will flood over and over again. How much more are tax payers going to have to pay because the zoning has allowed Mr. Dance to put the businesses on land where flooding occurs over and over again? This is not suitable. The floodwaters flow across Mr. Dance's property onto the Pence property. Water has risen over the tops of their fences in the past with trash, waste, and debris from the Dance property settling on their property and fences to be cleaned up. They even had a large propane tank that came from the restaurant wash over onto their property. They have pictures that show the evidence of trash and debris that mainly comes from the Dance property onto their property. Much more of the trash flows into our precious waterways. With 159 RV's and 25 campsites there will be much more trash and debris generated. Mrs. Pence referred to a sketch she passed out of 3/10 of a mile of Old Frankfort Pike and what is located there. Mr. Dance's property begins at the church property line and goes all the way to the bridge, excluding the grocery. Old Frankfort Pike is known for a beautiful scenic highway. This stretch of road is already congested with a country road, 17 homes, one church, a large horse farm, 48 trailer lots, a grocery store, a restaurant that just burned down, a large entertainment center with 600 to 1,000 patrons, a bridge, and a lane. With an additional 159 RV lots and 25 campsites, each will probably have one or more vehicles entering and exiting on a short stretch of highway. Also you have to consider the 600 to 1,000 patrons that will be coming out of the entertainment center that will be entering and exiting on this short stretch of dangerous highway that is very curvy, it will truly create a tremendous blight and disaster in so many ways. Mrs. Pence stated that she cannot stress enough just how much this area is already overbuilt with business. To add 184 more parcels of business in this area is unthinkable and a terrible location just to be thinking of profit and tourism. You have heard of a bedroom for the 2010 games and this is a glorified one. Are we only thinking of tourism and profit or the betterment of Woodford County? Mrs. Pence stated that she believes that Woodford County planning is about maintaining and preserving the character of our land, our rural neighborhoods, our beautiful scenic highways, our precious waterways and the safety of the Woodford County residents. Mrs. Pence stated that she is certain that this is why the members were appointed to the Planning Commission to be responsible for maintaining and protecting our scenic land, our residents, and the zoning abuse that is presented in this petition. Also consider the extra burden on our fire departments, police, tax payers and other services. With two or more people to each vehicle, that is two to five hundred people in this small area. This request is another plan to manipulate the zoning of

this 32 acre site that has been so abused through the years and what has been described should override this request because it is further abuse of the land. Mrs. Pence requested that the Planning Commission deny this request and expressed that she appreciates each member for their consideration, their time, and their dedication and service.

Mr. Wells questioned if the picture from the flooding is the 1997 flood? Mrs. Pence stated that it is and the water was 4' and 5' upon the road. They also had floods in 2004, 2006 and 2008. Two of those floods also closed down the road.

Mr. Bill Pence, an adjoining property owner, stated that he would like to comment on something that was said earlier about the area being well maintained. The current property is not well maintained at this current time. They have debris against his fence that is still there from three floods ago. The lagoon was built that has not been used as of yet, has no erosion control and the back wall that was constructed first has never been seeded. Mr. Pence stated that if this gets approved, there is no one to oversee the project and there never has been. Once it starts it is a chain effect. They live in a beautiful community known as Faywood. Right now they are contending with smells and noise from a sewage treatment plant. It is there, it is operational and there is nothing the neighbors can do. They put up with noises from concerts going on nights and weekends up until 9:00p.m. to 10:00 p.m. and there is nothing they can do. Mr. Pence stated that he can only imagine what a 184 campers, tents, etc. are going to do to the neighborhood and to their homes. Mr. Pence stated that if this were the Rubloff property on US 60 he would have no problem with it, but they do not need it in their community. Mr. Pence questioned if the 2010 games were not coming would this even be a question before this Board? This is a thought to make some quick money but in three to four years it is hard to say what kind of disarray this property will be in even more so than it is now. There is so much here to take into consideration, traffic, waterways, etc. They are just trying to protect their homes and Woodford County.

Mr. Boggs questioned if Mr. Dance is the sole owner of the treatment plant? Mr. Pence stated that as far as he knows he is.

Mr. Hume stated that Mr. Pence stated that there is no enforcement on what is going on there now. In the event this zone change is passed and the conditional use, the Planning Commission can place conditions on it addressing light, noise, water pollution, hours of operation, etc. and by law it is required to be inspected once a year by the Planning Officer. It is in the Zoning Ordinance that it has to be inspected so with a conditional use it actually gives authority for more enforcement. A conditional use can be very restrictive as a tool. A zone change is one thing, but a conditional use is where the surrounding community has a stronger voice. Mr. Pence stated they were suppose to get some pine trees put in and they were and some of them died and were not replaced. There are just a number of things that have not happened. Mr. Hume questioned if those things were a part of a development plan? If they were then there could be an enforcement issue on that and perhaps it needs to be revisited.

Mr. McClees stated that Mr. Pence made a comment regarding the treatment plant emptying into the creek and that would have to be monitored by the State Division of Water. Mr. Pence stated that he does not know. Mr. Pence stated that he was speaking about the lagoon that was built and it has not been used and there were no erosion controls put in place.

Mr. Clarence Murrell, a resident of 79 Browns Mill Road, stated that his parent's property adjoins the Dance property and he has worked a lot of years helping his parents maintain it. Mr. Murrell stated that he grew up with Bill Pence and they have been neighbors their entire lives. Mr. Murrell stated that he has problems with the noise that goes on now. Mr. Dance has parties there now that continue on to as late as 11:00 p.m. There have been no problems with the people being disruptive, but there is noise. If you add all the people from the campers there will be more noise. Mr. Murrell stated that when that many people

get together and there is alcohol involved, there can be problems. The trash will probably end up in Elkhorn Creek and there will probably be some accidents due to the increase in traffic. Mr. Murrell stated that he is all about recreation and would like to see it opened up more for that use, but with that many sites it has to have a traffic impact. With all do respect to Mr. Endicott and the survey that was done, Mr. Murrell stated that he would like to know the methodology and the formulation that was used to determine the number of units and how this will not cause problems with this many units. Mr. Murrell stated that he enjoys seeing the bikers and motorcycle riders go across Old Frankfort Pike and Brownsmill Rd. They even see runners doing events for charitable organizations. These types of things go on every week and weekend. If you have RV's traveling Old Frankfort Pike along with people doing their tourist things, there is going to be some problems. Many tourists stop and take pictures. Mr. Murrell stated that he could imagine if you were coming eastbound on Old Frankfort Pike just as you crest the hill at New Union Christian Church and you have RV's turning into the campground and RV's coming out of the campground and traffic trying to travel westbound. It will be a dangerous problem. Most RV's tow an additional vehicle and if there are RV's backed up at the store and traffic is coming over that hill and it is the right time of day, such as around 5:00 p.m. it will be a problem. If there is not a fair balance of people coming in and out of the RV park there will be a major impact there. Mr. Murrell stated that he likes to see the bikers and motorcyclists and it will make their travel difficult. Mr. Murrell also felt that there may be times that he will have a hard time turning onto Brownsmill Road to get home if the traffic is backed up. Also, there was excavation done to dig this lagoon on the Dance property and now it is just sitting there as a big hole. There was no soil conservation put in place and the soil will run right off into the creek. If the system is currently adequate, why did he need to dig the lagoon?

Mr. Mark Morezi, stated that he is the owner of the store next to the Dance property and rents the building from some close friends and family members. He stated that he is probably the only one in the room that would actually benefit from the development that would bring extra traffic by his store. The 2010 games would probably bring some business from Lexington. Mr. Morezi stated that although he does not believe that Mr. Dance feels those people in the mobile home park are like his extended family members, they do bring business to his store and he knows them all really well. Mr. Morezi stated that he has been doing business with those people for a long time and feels very safe with them shopping there. He stated that those who live in the back of the trailer park are unaware that they are going to have to move and have been told that they are grandfathered in. Now he is saying that he is trying to proceed quickly because of the 2010 games and those residents are going to have to leave and he did not believe that they know this. At least that is what the residents are telling him. As far as a campground, it probably does benefit him in the short term, but after the 2010 games he does not know how much traffic he would get out of that if they are going to be closed four months out of the year. The people who are there now he knows personally and trusts them not to rob him. With where they are located it would take the police a bit of time to get there and he would not feel as safe with strangers coming and going as he does with people that he knows. Mr. Morezi stated that there is a lot of traffic in this area around 5:00 p.m. when people are traveling home from their jobs. As far as flooding, the water gets on the road and his store has been flooded three times since he has been there and the previous people were also flooded. Mr. Morezi stated that his main concern is security. They say they will have 24 hour surveillance there but he was not sure if he believed that or not. As was stated before, when a bunch of people get together and are drinking, there is reason for concern.

Mr. Boggs questioned if the treatment plant has a permit and is monitored? Mr. Dance stated that the permit on that is 23 pages long and it is a 40,000 gallon plant, Class 1. Mr. Dance stated that he has a licensed operator who is also the operator for the City of Lexington. The previous operator was also the operator for the City of Midway until he retired. Mr. Dance stated that the plant has been in operation for nine to ten years and they have never had a violation. They are subject to felonies that would be \$25,000 per day if they were in violation. It is a highly regulated operation and it has to be.

Chairman Blankenship questioned if they are having odor problems? Mr. Dance stated that he is not aware of any. Chairman Blankenship questioned why the lagoon is not being used? Mr. Dance stated that he attempted to try and find an alternate system because he did not have the number of residents he has now and it is costly to operate a sewage treatment plant. After discussions with the health officials it was determined that the treatment plant was the best way to go. Chairman Blankenship questioned if they actually put sewage into the lagoon? Mr. Dance stated that he did not. Mrs. Wilson stated that when she found out he was in the process of putting in the lagoon she contacted him and told him he would have to come back before the Planning Commission before he could do that, since the Planning Commission had previously approved the package treatment plant on his development plan. Mr. Dance stated that there is erosion control in place.

Mr. Parrott stated that he would assume that the lagoon that was being constructed is not in the floodplain. Mr. Dance stated that is correct, it is not. Mr. Parrott questioned with the anticipated build out if the existing plant will still have enough capacity? Mr. Dance stated that it will. The capacity is 40,000 gallons and the letter from Greg Goode, from the Division of Water, said 160 recreational vehicles would generate 16,000 gallons per day.

Mr. Stilz stated that the Planning Commission can place restrictions on the conditional use and the applicant is self-imposing some restrictions that were a part of the application. Mr. Dance has done some investigations and it appears that most people arrive at the campgrounds between the hours of 10:00 a.m. up until around 3:00 p.m. They do not normally arrive at 5:00 p.m. or later. Mr. Stilz stated that he has a hard time believing that someone would drive an expensive RV and come into the park and then go and rob a grocery store. Mr. Stilz stated that this concludes their testimony for the zone change.

Chairman Blankenship closed the hearing at 8:00 p.m.

Mrs. Wilson stated that the Planning Commission has 90 days in which to take action or they can waive their By-laws if they want to take action immediately. The applicant did provide a motion and findings of fact.

Mr. Hume indicated that he would like to wait until the next meeting in order to have some time to look at it closer and perhaps formulate some conditions.

Conditional Use Permit – Dance Enterprises Inc.- 544 Old Frankfort Pike - Applicant is seeking a Conditional Use Permit for a campground and RV park in a CO-1 (Conservation) District - Article VII, Section 721.4 (B) subject to the pending zone change application.

Chairman Blankenship opened the hearing at 8:03 p.m. Mrs. Wilson stated that she provided the Planning Commission with a memo explaining why they are charged with something that would normally go to the Board of Adjustment. The State statute and the Zoning Ordinance give the Planning Commission the authority to do this and of course whatever decision is made on this conditional use permit is contingent upon whether the property is rezoned. The packet of information would go along to the Fiscal Court once the recommendation is made. Mrs. Wilson also provided the section out of the Zoning Ordinance that talks about conditional use permits and the fact that you can place conditions on the request and they are reviewed annually. They can be reviewed more often if a complaint is received. A conditional use permit does not run with the land so if the property were sold, the new owner would have to come to the Planning Commission for approval if they wanted to have the same business operation or a different one. The applicant filed a separate application and they have proposed some suggested conditions to be met. Mrs. Wilson stated that she would also suggest that the record from the previous hearing be incorporated into this so that they do not have to go over all that again. Chairman

Blankenship stated that Mr. Stilz has already requested that. Mrs. Wilson stated that Woodford County does have one other campground at the end of Cummins Ferry Road and it also has conditions on it.

Mr. Butler stated that the Planning Commission's action on the conditional use permit would be final action. The Conditional Use Permit does not go on to Fiscal Court. Mrs. Wilson stated that she thought it would go with the zone change record. Mr. Butler stated that he guessed it could be sent along with the zone change record, but they have no jurisdiction on it at all. The conditional use would only be approved or denied based on the final approval or disapproval of the zone change because the zoning classification is necessary in order to have the conditional use permit. The reason the State law allows the Planning Commission to act on these together is because they are so intertwined. The applicant is asking for something that requires both approvals and it allows them to make one presentation before one board. If the rezoning failed, the conditional use permit would die as well.

Chairman Blankenship questioned if they should allow the applicant to make a presentation and ask the appropriate questions? Mr. Butler stated that is correct that it is appropriate to take additional testimony and incorporate what they have already heard. They do not need to hear the same comments again.

Mr. Stilz stated that he does not want to mislead the Planning Commission. There is a portion of the property that is already zoned CO-1 and if the Planning Commission took action on the conditional use permit tonight, it would go into effect on that part of the property. Mr. Hume questioned if it is part of the application? Mr. Stilz stated that it is part of the conditional use application, but not a part of the zone change application. Mr. Stilz stated that he is suggesting that they take action on both applications at once, as opposed to taking action on the conditional use permit tonight. Mr. Butler and Chairman Blankenship expressed their appreciation for the applicant bringing that up.

Chairman Blankenship questioned what some of the conditions were that the applicant will self-impose? Mr. Mendiando stated that they were a part of the application and is also attached to their Findings of Fact.

Mr. Hume stated that he is really not interested in the signage, but appreciated that they would want to put up the no trespassing signs. The special events to be held off site on the A-1 property are within walking distance of the campground, but he questioned if there is adequate parking already on the A-1 property? Mr. Stilz stated that they have ample parking for the agri-tourism.

Mr. Butler stated that he believes that the question has to be if there will be parking related to the special events on the campground property, because they cannot get into what is happening on the other property in relation to this. Mr. Hume stated that was where he was leading. Mr. Dance stated that they met the parking requirements on the agri-tourism plan when they were approved for that use. Mr. Hume questioned if any part of that will spill into this situation? Mr. Dance stated that the conditions show that there are no special events allowed on the campground, they are all on the A-1 area. Mr. Stilz stated that they would anticipate anyone from the campground walking over there, but they can't say whether someone would drive up or not.

Mr. Hume stated that the next condition says no permanent PA system is allowed but would allow a portable one for the three events. He did not think that any should be allowed. Mr. Dance stated that there are no special events allowed there. Mr. Dance stated that these were conditions that were for the Cummins Ferry Campground that they used. Mr. Dance stated that there actually would be no PA system on the campground. Mr. Hume questioned the next condition regarding fireworks? Mr. Dance stated that there would be no fireworks allowed. Mr. Hume questioned if there will be a special parking area for people who may be towing boats or additional vehicles? Mr. Dance stated that he has not seen any boats being towed by RV's, but they do tow an extra vehicle or a small trailer. Mr. Hume stated that he just

wants to make sure there is enough road area and parking for all the vehicles. He questioned if there will not be any on road parking? Mr. Dance stated that there will not be. Mr. Hume questioned what they have in mind as far as 24 hour security? Mr. Dance stated that he plans on having security gates that are manned in case anyone staying there has issues. Mr. Hume questioned if there will be any type of pavilions for picnics or gathering? Mr. Dance stated there will not be any in the campground. Mr. Hume questioned if there will be a playground? Mr. Dance stated that they will have amenities and many people look at the creek as a draw. There may be jogging trails, places to play horse shoes and that type of thing. Mr. Hume questioned if the roadways and pathways will be illuminated? Mr. Dance stated that they will. Mr. Hume questioned if he would object to a certain type of light? Mr. Endicott stated that the lighting is controlled by the Federal Government. Mr. Hume questioned if there will be any generators at all? Mr. Dance stated that there will not. Mr. Hume questioned what the typical campsite will look like? Will they have impervious surfaces or gravel? Mr. Dance stated that what exist now are paved roads along the primary trunk lines. They already have some existing concrete pads. It is an approved site with water, sewer, and electric. There will be some gravel there, and if you look at the campground at the Kentucky Horse Park, they have all gravel sites. Mr. Hume questioned what the site is going to look like? Mr. Dance stated that there is existing pavement on the roads right now. Mr. Hume questioned if there will be fire rings on all sites? Mr. Dance stated that there will be on the majority of sites. Mr. Boggs questioned what a fire ring is? Mr. Dance stated that there is some sand and rocks, but there will be no firewood stored on the site due to insects. Mr. Hume questioned what he is talking about regarding the storage units because they are specifically a prohibited use in the CO-1 zone? Mr. Dance stated that was probably meant for storage of RV's during off season. Mr. Stilz explained that what they submitted with the Findings of Fact the storage units was removed. Mr. Hume questioned why he wants so many sites? Mr. Dance stated that the density is based on Federal guidelines. Mr. Hume questioned if there will be auxiliary parking lots for visitors? Mr. Dance stated that there will not be. Mr. Hume questioned if there will be restroom facilities or port-a-potties? Mr. Dance stated that there will be bathhouses with restrooms that are shown on the development plan. Mr. Hume questioned how many stalls they will have? Mr. Dance stated that he and Mr. Endicott will be working with the Federal and State authorities to make that determination. Mr. Hume questioned if there will be any notifications that people are actually camping in a floodplain? Mr. Dance stated that might be a good idea to do that. Mr. Hume questioned if there are any outdoor warning systems to let the campers know of impending perils such as tornadoes or flooding? Mr. Butler stated that he thinks a portable PA system used for warnings would be a good thing because if it were a horn or siren people do not know what it means.

Mr. Traugott stated that he has a concern regarding where it says no firearms are allowed. He questioned if that was Mr. Dance's prohibition? Mr. Dance stated that it was a condition that was on the Cummins Ferry campground and most of the State parks have that as well. Mr. Dance stated that he likes it. Mr. Traugott stated that it would not follow the 2<sup>nd</sup> Amendment to allow that restriction. Mr. Traugott stated that he has never shot a gun in his life, but there are laws regarding this type of prohibition. Mr. Butler stated that Mr. Dance can prohibit that since it is his private property. Mr. Traugott stated that he does not have a problem with that if Mr. Dance wants to post that on his property, but he did not feel comfortable with it being in a document that the Planning Commission acts on. Mr. Stilz stated that they can take it out and he can enforce that privately.

Chairman Blankenship questioned if anyone from the opposition would like to speak to something different on the conditional use? Mr. Pence stated that their comments from the previous hearing would be the same for this.

Mr. Jeff Gitlin, a resident of Cummins Ferry, is a neighbor to the existing campground located there. Mr. Gitlin stated that he was primarily responsible for getting the conditions on that campground so the neighbors could try and co-exist with it. They were very happy with the Board of Adjustment and they went along with the conditions that the neighbors wanted. They actually went beyond that and specified

some additional ones. That part of the process works very well, but the enforcement is lax. There is one inspection per year and that is the only time it gets any attention and they are unsure if that even happens. There were some specifications required by the Board of Adjustment that were not followed through and nothing has been done about it. Chairman Blankenship stated that he is not talking about the Dance campground. Mr. Gitlin stated that he is talking about the process and there are regulations put in place with no enforcement. The system is set up so that the only way anything will happen is if a neighbor initiates a complaint. That is a very poor system. The operator that owns the Cummins Ferry campground now will not have anything to do with Mr. Gitlin and he attributes that to his being instrumental in getting the restrictions placed on the campground. He also stated that he has been threatening to another neighbor. Mr. Gitlin stated that his point is that if you place conditions on it you have to have a way to make sure they are enforced.

Mr. Hume questioned if it would help if there was a condition placed on it that it would get more than one inspection? Mr. Hume stated they can do that. Mr. Gitlin stated that would be helpful, but it is not even known what the inspection consists of. Mr. Gitlin did not know if they ever check the log to see how many people are there at any given time. There is supposed to be quiet hour after 11:00 p.m. Mr. Hume questioned if he has ever asked for a review of the conditions? Mr. Gitlin stated that he has taken the attitude of not doing that because of the behavior of the current owner.

Chairman Blankenship closed the hearing at 8:30 p.m.

#### Consideration of Changes to the By-laws

Chairman Blankenship stated that there was a recommendation from Mr. Wells regarding amending the By-laws. Chairman Blankenship thanked Mr. Wells for waiting until this meeting to take this up because he could not be at the September meeting. Chairman Blankenship stated that Mrs. Wilson also provided the suggested By-laws with corrections and additions that she and Mr. Butler talked about to bring them in line with what the Planning Commission actually does. Mr. Wells's comments are also included in them and have been highlighted so that they stand out.

Chairman Blankenship questioned if Mr. Wells would like to begin, since he had put a lot of thought into this? Mr. Wells stated that this is regarding the selection of committee members with the various committees that we have. A month or so ago there was a question on committee members and Mr. Wells stated that what he got out of that discussion was that there was really no means or rules to follow regarding how someone was selected for a committee. Mrs. Wilson had attempted to rotate the committees so that the same people were not on the same committee year after year. Mr. Wells stated that he is not saying that there is anything wrong with that concept, but it may be a more transparent way if the members of the Commission voted up or down on the committee members. That would be the same way that officers are elected each January. Mr. Wells stated that he is open to any comments. Towards the end it says that all members shall serve on at least two committees but no member shall serve on more than three. That makes it more spread out. Mr. Wells stated that he is willing to listen to any ideas that anyone has.

Chairman Blankenship stated that it talks about the members being elected to these committees by a vote of the group, and then it says the Chairman shall be elected in the same manner. Chairman Blankenship questioned if the full Planning Commission would vote for the Chairman of each committee or would the committee vote for their Chairman? Mr. Wells stated that it was his intent that the Chairman of each committee would be voted on by the full Commission. Mr. Butler stated that is the way it reads to him.

Mr. Butler stated that on Page 3, #2, the last sentence says, "the committee shall be composed of one representative from each Legislative Branch, plus any additional members that the Chair person shall

name from the "Commission" membership. Mr. Butler stated that he felt that the part that says, "plus any additional members...should be deleted. Mr. Butler stated that it would mean that nominations for election would have to be from each Legislative Branch. Mrs. Wilson stated that is the intent since each body contributes to the budget that they have representation on the Personnel and Budget Committee. Mr. Wells stated that may have been the intent of whoever adopted the By-laws, but that is not included in any governmental agreement. Mr. Wells questioned if he is correct? Mrs. Wilson stated that is correct. Mr. Butler stated that he would think that each legislative branch would say that the Planning Commission is spending their money and they would want a representative there. Mrs. Wilson stated that would mean that the Liaison Committee would have to be done the same way so that there is representation from each branch. Chairman Blankenship stated that it would have to be the same people serving on both committees; it would just have to be representation from each legislative branch appointment. Mrs. Wilson stated that is not what it says. It actually says that the committee shall consist of the legislative members of the Personnel and Budget Committees. Mr. Butler stated that was probably so that they can go and report the financial aspects to their legislative body. Chairman Blankenship questioned why they have to have two committees, if they are the same anyway? Chairman Blankenship stated that there are five committees and only one or two of them ever meet.

Mr. Butler questioned if there is someone that actually goes to the Legislative Branches and reports to them? Chairman Blankenship stated that some may informally. Mr. Wolf stated that he has never done that. Mrs. Wilson stated that she has gone and updated them on things. Mr. Butler questioned if this needs to be formalized? Mrs. Wilson stated that she thinks a lot of this was put in place when there was an elected official on the Planning Commission from each legislative body and they were the liaison. Mr. Butler stated that there is a provision in State law that says there shall be basically a representative on the Planning Commission that is like a non-voting ex-officio member, but there was a case out of Oldham County that says that is inherently in conflict.

Mr. Wells questioned if there is anything that says that they have to have all these committees? Mr. Butler stated that the reason he is bringing up the limitation of the number of committees, is that if you elect people and they don't want to serve. Mr. Butler stated that he deals directly with four Planning Commission's and in some cases, the only time some members show up is to vote for someone else so they don't have to serve. There would have to be provisions for removal, but it is important to not overload anyone. If you start paring down the number of committees it becomes easier to get participation to meet the number requirement. Mr. Wells stated that there are three officers on the Planning Commission; the Chairman, Vice Chairman, and Secretary. In the past there must have been a time when someone was nominated for one of those positions and did not want to serve. Mr. Wells questioned if that has happened? Chairman Blankenship stated that he did not recall any. Mr. Butler stated that some have been reluctant, but served. Chairman Blankenship stated that you can decline at that time, but he could not recall any that were elected and did not serve. Mr. Wells stated that declining a nomination for the committees would be the same process that they can use. There is no provision now if someone wanted to step down from their elected position, such as Chairman. Mr. Wells stated that he would assume you would elect a new one. Those same provisions would apply to the committee members. Mr. Butler stated that he would just let it go and if it becomes a problem they can address it then. You cannot anticipate every problem, but one way to combat that is to pare down the number of committees, such as the Liaison Committee. Mr. Butler stated that any appointee should feel free to go to their legislative body and report to them at any time and should be encouraged to do that.

Chairman Blankenship questioned if they are saying that they want to pare down some of the committees or not? Mr. Wells stated that if there is no need for #3, he does not see why they should keep it. Mr. Boggs questioned if they could take of that in a separate deal because right now they are trying to decide if they want to elect the members or leave it the way it is now. Chairman Blankenship stated that they are also trying to clean it up while they are looking at it now, rather than coming back later and changing it

again. Mr. Boggs stated that he thought that maybe they just need to decide if they want to elect the members and then go into whether or not they need to pare down the committees, which seems to take care of itself.

Mr. Wells stated that back in August when this first came up, there was discussion regarding having a member from each branch on every committee; therefore Joel was included on everything. Mrs. Wilson stated that he was not on all committees. Mr. Wells stated that is not in the intergovernmental agreements. Mr. Wells stated his feeling is that in Article IV, #2, you would basically take out the last sentence entirely which says, "The Committee shall be composed of one representative from each Legislative Branch plus any additional members that the Chair person shall name from the "Commission" membership." Mr. Wells stated that if you take that out and then eliminate #3 regarding the Liaison Committee, his proposal would work. Mr. Wells stated that his original proposal would need some clarification as follows: The Chair shall then be elected in the same manner, by the members of the Planning Commission from the members of the sub-committee. That would clarify Mr. Butler's question.

Chairman Blankenship stated that he liked everything he said so far with the exception of taking out the part about there shall be one representative from each Legislative Branch. Chairman Blankenship stated that he does not think it is fair to Midway to take that out. Chairman Blankenship stated that in fact Mayor Bozarth has already spoken to him about that issue. He wants Midway represented on the Budget Committee because they are paying their proportional amount. That one voice could be voted down, but he wants a voice. Chairman Blankenship stated that he does not really have a problem with them not serving on any of the other committees, but felt that it is only fair that they are on the Personnel and Budget Committee.

Mr. Butler stated that they would also need to alter the first paragraph under Article IV. The number of committees will change if the Planning Commission decides to take some out. The last sentence should be taken out that says, "The "Commission" Chair shall be a member-at-large of each Standing Committee and shall attend Committee meetings when pertinent to or by invitation of the Committee Chair." Chairman Blankenship stated that he did not think they were following that anyway, although he has seen the Chair come to committee meetings and sit in. Chairman Blankenship agreed that should probably be struck. Mr. Butler stated that they need to be careful because the more qualifiers you have the more difficult it will be. Mr. Butler stated that if they take that out regarding the Chair, then it makes it simpler. Chairman Blankenship stated that would be true with the exception of Midway for the Personnel and Budget Committee and that would be the only pre-designated member. Mrs. Wilson stated that the other issue would be if you don't have that in there, you could end up with one legislative branch making all the budget and personnel decisions.

Mr. Wells stated that basically Chairman Blankenship is saying that he would support the recommendation if the last sentence said, "The Committee shall be composed of one representative from each Legislative Branch." Chairman Blankenship agreed. Mr. Wells stated that he can understand Midway's concern since they are sending quite a bit of money and want to have a voice on that committee.

Chairman Blankenship stated that they would strike #3 regarding the Liaison Committee. Mr. Butler stated that they could wait and have Mrs. Wilson come back next month with a new version. Mr. Wells stated that Article IV would read that, "The Commission shall have four standing Committees, each of which shall consist of at least three (3) members." The next sentence would be taken out. Number 1 would stay the same. Number 2 shall be changed as previously read, taking out the wording after the words Legislative Branch. Number 3 is gone. Number 4 will become number 3 with some clarification added. Number 5 becomes number 4 and his new proposal will become Number 5. Mr. Wells stated that he envisioned it being structured differently, but did not disagree with the way Mrs. Wilson has done this.

Mr. Butler questioned if in the new #5 he added language regarding the election of the Chair? Mr. Wells stated that he said it would now read: The Chair shall then be elected in the same manner, by the members of the Planning Commission from the members of the sub-committee.

Mr. Boggs stated that this has gotten a whole lot more complicated than it originally was. He thought they were going to vote on whether to elect the committee members or continue the way they have been done in the past. Mr. Wells stated that was his original motion in the beginning without the changes that they have talked about tonight.

Mr. Butler stated that you can make a motion on Article IV by itself. Mr. Butler stated that he does want to point out the changes where it says Planning Director/Zoning Administrator. Planning Director is Mrs. Wilson's title, but Zoning Administrator has a meaning itself legally. They could vote on Article IV separately and then vote on the rest.

Mr. Hume stated that he would like to have it revised and then see it and vote on it. Mr. Wolf stated that he does not agree with that. Mr. Wells stated that he is ready to make a motion on Article IV, but has not significantly reviewed the rest of it.

**A motion was made by Mr. Wells, as seconded by Mr. Wolf, to amend Article IV of the By-laws as discussed.**

Mr. Boggs stated that he is unsure of what is being voted on. Chairman Blankenship explained what they are voting on is the part regarding voting for the committee members that is on Page 4 and what is presently being shown as #6, but will be changed to #5. Mr. Boggs stated that he means no disrespect to Mr. Wells, but he is a great believer in if it is not broke don't try to fix it and he did not believe the system in place is broken. Mr. Boggs felt that Mrs. Wilson has more insight into what the members should be doing because she knows the total picture and the Planning Commission does not. He felt that she would do a better job in selecting the committee members than they would do themselves. If it becomes a vote by the Planning Commission it becomes a personality contest and the "clicks" get strengthened rather than broken back down. Mr. Boggs indicated that he does not want to see that happen.

Mr. Wells just felt that with them voting on it, there are four County appointees and four City appointees and one from Midway. From a transparency point of view, which is pretty important these days, this is the best way to go. Mr. Wells stated that he was not criticizing Mrs. Wilson and is not an engineer or an architect and has no question of the competency of the people she has placed on committees. The past is no concern and he is not saying that she has done a bad job. An election will be transparent, and it will be fair and that is why he proposed it.

Mr. Butler agreed that the By-laws should be specified as to how it is done. What has happened in the past is that Mrs. Wilson has not allowed anyone to weasel out of their duty and she has rotated it each year. However, it is done, should be specified. Mr. Butler stated that what Mr. Wells is proposing will specify it.

Mr. Wells stated that he does not know what method Mrs. Wilson used, but the Planning Commission may have to use a grid come January to do this. It seems that between the nine of the members they should be able to get it done. That is a fair process. Mr. Butler stated that people may volunteer to be on a committee. Mr. Wells stated that a person can nominate themselves if they want to.

Chairman Blankenship stated that there is a motion and a second and called for a vote.

**The motion carried with six (6) aye votes. VOTING IN FAVOR: Robert Blankenship, Ed McClees, Tim Parrott, Brian Traugott, J.D. Wolf, Chad Wells. OPPOSED: Jim Boggs, Jim Hume. ABSENT: Joel Evans.**

Mr. Butler stated that the other changes are the time of the meeting, which is now 6:30 p.m. rather than 7:00 p.m. Mr. Butler stated that on Page 5 (E) he and Mrs. Wilson discussed this and figured since the Planning Commission already has 90 days before you have to take action on a zone change and the by-laws are being waived periodically why not just take that part out regarding waiving the by-laws. If the Planning Commission wants to wait before taking action, then they can anyway.

Mr. Wolf and Chairman Blankenship felt it needs to be changed.

Mr. Butler stated that on Page 6 under Article VI there is some clean up. Mrs. Wilson wanted to change the title to Planning Director but there are some legal issues as to why Zoning Administrator has to stay in there. On Page 7 (C), they added "and other technical staff". That is like Mr. Noel because he is not clerical staff. On Page 8 (G) at the top of the page, they added "including public utility representatives" who should be included on TRC. Under Section 3 on Page 8 regarding the audit, they added "once the audit is complete" and they added Planning Director or Auditor and that way the Planning Commission has a choice regarding who they want to present the audit to them.

Mr. Wells questioned if they take out the part about waiving the by-laws and they have a discussion like the one that was before them tonight, if someone wanted to take action and he wanted to wait a month, would he then make a motion to wait. How would that work procedurally? Mr. Butler stated that the Chairman would simply ask if someone wanted to make a motion to approve or deny the zone change and if someone says they would like to have some time to think about it then they can wait. The Planning Commission is not forced to take action. Right now if a motion to waive the by-laws failed, no action would be taken. It does not really change the balance of power, but it does give the Planning Commission the right to take action. Mr. Butler felt that it gives a sign of weakness in the public's eyes when they talk about waiving the by-laws. It makes the by-laws seem meaningless. Mr. Wells stated that he agrees with that, but a lot of times the by-laws do get waived and he is not satisfied with that when he would really like to take some time to ponder over what was before them. If you have to make a motion to put action off until the next month it appears that is a delay tactic, whereas the By-laws actually gives them more time to review something before taking action. Mr. Butler stated that it seems as though every time the By-laws have been waived, it was generally agreed upon. For instance, it was pretty obvious tonight that no one wanted to take action, but wanted to have time to digest things. The other issue is that it appears to the public that it is taking too long to expedite things. It has worked so far, so it does not hurt anything to leave it there. Mr. Butler felt that everyone will operate the same whether it is in there or not.

Mr. Parrott stated this process of waiving the by-laws has always bothered him. An applicant requests that the Planning Commission waive the By-laws and take action and it appears that the Planning Commission is doing that person a favor and Mr. Parrott stated that always has made him feel uncomfortable. Mr. Parrott stated that he does not want to appear to do any favors. Mr. Butler stated that perhaps they want to break that part out and vote on it later. Chairman Blankenship stated that most people seem to be in agreement so he does not want to start breaking this apart.

Mr. Traugott questioned if the Planning Commission denied a zone change if that applicant can come back the following month? Mr. Butler stated that this Planning Commission has put in place that they cannot come back with the exact same zone change request for one year, but there are ways around that. Mrs. Wilson stated that sometimes they end up in Court and it may be a year before they come back anyway. Mr. Traugott stated that if an applicant came in and proposed a zone change and three or four of the members did not want to vote on it that night and there was a motion and second to approve it or deny

it, they are forced to give a vote, which might not be the vote they would have given if they had had time to digest the information. Mr. Butler stated that he is saying that it could potentially affect the vote. Mr. Traugott stated that he believes that. Mr. Wolf questioned if he is really saying that they should leave the 14 day waiting period in there? Mr. Traugott stated that is what he is saying.

Chairman Blankenship stated that they don't have to act on that portion and it can be revisited at any time. If they feel it needs to stay in there, then they can leave it.

**A motion was made by Mr. Traugott, as seconded by Mr. Wells, to adopt the remainder of the changes that were suggested by Mrs. Wilson and Mr. Butler, with the exception of striking Article V, Letter (E) at the top of Page 5 regarding deferring the vote for two weeks on a zone change. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.**

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Chairman Blankenship stated that he requested that Mrs. Wilson check with other Planning Commission's in the immediate area and get salary information. Mrs. Wilson has all the back up information. This shows where our staff falls and where other agencies fall. In Lexington and Frankfort you will see a range and that is the range that they hire in at. So it would depend on experience where that person would fall. We are paying near the top for the Building Inspector and our Planning Director is not at the top, but more in the middle. There was some question what our GIS person was making versus others. Frankfort Plant Board pays their GIS person. Chairman Blankenship stated that he was not presenting this for any particular discussion tonight, but over the last six months there has been a whole lot of discussion about what people make and where we are versus others. Chairman Blankenship felt it needed to be put together and presented and then it can be discussed whenever the Planning Commission wants to.

Mr. Parrott stated that for Harrodsburg/Mercer County there are listed five categories and they only have one employee. Mrs. Wilson stated that is correct for this year that one person is doing all those jobs, but it has not always been that way. Mr. McClees stated that he would also want to see the population of the counties.

Mr. Traugott stated that it is not a coincidence that Frankfort and Lexington seem to be using some type of guide. He questioned what they are using? Mrs. Wilson stated that she does not know and Mr. Hume who works for Lexington may be able to answer that better. Mrs. Wilson stated that she believes in Lexington they use a job classification. Mr. Hume stated that they used to be on a merit system, but they have changed that because it did not work well for long term employees who would soon top out. They then did a Mercer Study and adopted a new classification type system. Mr. Traugott questioned what Franklin County does? Mr. Hume stated that he can only speak for Fayette County, but some of the numbers, such as for the Building Inspectors may be for State Inspectors.

Mr. Parrott stated we would need a population figure for the each counties and a budget because Mercer County only has one employee. Chairman Blankenship stated that at one time they did have those employees. Mr. McClees stated that there is a 175,000 difference in population of Franklin County versus Fayette County. Mrs. Wilson stated that Nicholasville and Jessamine County/Wilmore are separate entities as well.

Chairman Blankenship questioned if population is something Mr. Parrott wants to see? Mr. Parrott stated that Richmond's budget is around \$600,000 with a staff of ten and we have a budget of \$400,000 plus with a staff of five. Mr. Hume stated that perhaps our staff is better than others. Mr. Parrott stated that

may very well be. Mr. Butler stated that you have to consider the knowledge and the number of years of experience of the staff. Mr. Butler also stated that in Mercer County they do not regulate near as much as Woodford County.

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

**A motion was made by Mr. Hume, as seconded by Mr. McClees, to approve all the Financial Reports for August. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.**

## **BOND STATUS REPORT**

The report was accepted administratively.

Chairman Blankenship stated that there is a letter from Mr. Smith recommending the release of a bond for Wooldridge Gardens, Phase II, Section 1A-1 in the amount of \$19,378.00.

**A motion was made by Mr. Wolf, as seconded by Mr. Hume, to recommend the release of the Letter of Credit for Wooldridge Gardens, Phase II, Section 1A-1 in the amount of \$19,378.00 as recommended by Mr. Smith, County Engineer. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.**

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Chairman Blankenship stated that before the meeting adjourns he wanted the Planning Commission members to know that this may be his last meeting. Chairman Blankenship stated that after speaking with Judge Coyle, he did not anticipate that he will be re-appointing him. Chairman Blankenship stated that he wanted all the members and staff to know how much he has enjoyed working with every one and wanted to thank everyone for all they have done. All the members voiced their appreciation for Chairman Blankenship.

**A motion was made by Mr. Wolf, as seconded by Mr. Wells, to adjourn the meeting at 9:20 p.m. The motion carried with eight (8) aye votes. VOTING IN FAVOR: Robert Blankenship, Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.**

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**Robert Blankenship, Chairman**  
**RB:pc**

