

ON THURSDAY, NOVEMBER 12, 2009, THE VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING AND ZONING COMMISSION HELD THEIR SCHEDULED MEETING IN THE 2ND FLOOR COURTROOM OF THE WOODFORD COUNTY COURTHOUSE AT 6:30 P.M.

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

Chairman Hume stated that Mr. Blankenship is not present so he will be sitting in as Chairman until the end of the year. Chairman Hume stated that they will miss his expertise.

RECOMMENDATION: 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 2.532 acres from A-1 (Agricultural) to CO-1 (Conservation) creating 159 recreational vehicle campsites and 25 primitive campsites.

Mr. Parrott stated that his understanding is that the zone change request is conditioned upon the conditional use permit. There are some State approvals that have not been received yet. Mr. Parrott questioned if they want to take action at all, until those approvals have taken place? Mrs. Wilson stated that they are waiting for a Stream Construction permit from the State. Mrs. Wilson stated that if the property is not zoned conservation he cannot be considered for the conditional use permit.

Chairman Hume stated that he can get a zone change and then go to the Board of Adjustment to get a conditional use permit, but he wants to do it all now through the Planning Commission in one application. The zone change is primarily just a zone change.

Mr. Butler stated that technically if the Planning Commission approves the zone change and the conditional use permit, the conditional use permit would be conditioned upon the Fiscal Court approving the zone change. The RV Park and campground could not be done in the existing zone. Mr. Parrott stated that the reverse is not true. If the zone gets changed the current use (mobile home park) would still be allowed. Mr. Butler stated that it is his understanding that if the conditional use permit is not approved they would withdraw the zone change before it went to Fiscal Court. That has been clarified with the applicant.

Mr. Wells questioned if anyone has some thoughts he would like to hear them? There were some concerns from some of the neighbors about some noise in the pavilion and barn area. Mr. Wells stated that from his observations most people who drive RV's are retirees or older population. Normally, they are not the loud party section of the population. Mr. Wells stated that he does not have good knowledge of the County's ordinances as far as noise.

Chairman Hume stated that if anyone has concerns regarding noise, entertainment, pollution, hours of operation, etc. those types of things can be conditions. That is what a conditional use is for is to address concerns and control that use. That is why conditional uses are favorable sometimes and the applicant has the opportunity to agree or disagree with them.

Mrs. Wilson stated that the Agricultural Advisory Review committee was charged with writing a noise and a light ordinance at one point and they did so and presented it to the Fiscal Court. It went into a committee and it never came out of the committee. There is a County ordinance that does address noise as a nuisance and the police respond to that.

Chairman Hume stated that in Fayette County they do have some new outdoor entertainment areas and they had to go before the Board of Adjustment and they did things like limiting the number of events and the direction of the amplification, etc.

Mr. Evans stated that this is a scenic by-way in the county and he felt that they will lose that. Mr. Evans did not know why this is needed.

Mr. Boggs questioned if they should go ahead and make a motion on the zone change and then the conditional use permit?

Mr. McClees questioned if they have applied for the permit with the State? Mrs. Wilson stated that they have applied for a permit to construct along or across from a stream. We have not received that back from the State yet and it usually takes from 60 to 90 days and the application has probably been there for about 45 days. Mr. McClees stated that he knows that it is forthcoming and he has no problem acting on the zone change.

Mr. Evans stated that is a congested area and this will make it worse.

Mr. Wolf stated that there is already a trailer park there and he could still have a trailer park. Mr. Wolf stated that his question would be which you would rather have? If this does not get approved he is going to keep the trailers there. Mr. McClees stated that also if he makes a RV Park it would be more revenue for Woodford County. Mr. Wolf agreed and stated that he would prefer to see the RV's rather than the trailers.

Mr. Evans questioned if the trailer park is going to go away? Mr. Boggs questioned as long as those in the trailers stay there, can he force them to move? Chairman Hume stated that there are probably some legal avenues to do that, but it was in the testimony that he would move them. Mr. Boggs stated that he thought it was said that if the zone change gets passed the trailers are grandfathered in and he does not have to move them. Chairman Hume stated that if the Planning Commission passes the zone change, his existing mobile home park is locked into what it is right now. He cannot expand on it. It can diminish but not expand. If they pass the zone change and the conditional use permit, the conditions can dictate how long the trailer park can stay. One does not guarantee the other.

Mr. Wells added that they have had problems with flooding and how conducive that is to a trailer park is a factor in this. Mr. Wells stated that he was approaching it just from the zone change itself.

Mr. Wolf stated that he believes that there does need to be a time limit on how long the trailers can stay.

Chairman Hume stated that they still have to come back before the Planning Commission with a Final Development Plan before they can start the process. The conditional use permit bases all this on the approval of the Final Development Plan so the Planning Commission does get to look at this again.

Mr. Butler stated that on Page #7 of last months minutes it says, that Mr. Stilz stated that they would agree to a deadline of a year to remove the mobile homes. Also, if the State does not give them the permission to encroach in the floodplain then they can be zoned, but would not be able to do anything. If the State says yes, then they will do what they said they would and would have to show it on the development plan. Chairman Hume stated that it could end up that they will be allowed to do the campground, but on a smaller scale if the State should dictate that they can't develop in the floodways or floodplain areas.

A motion was made by Mr. Wells, as seconded by Mr. Wolf, to approve the zoning map amendment and Preliminary Development Plan for Dance Enterprises – 544 Old Frankfort Pike (Spring Creek Mobile Home Park) to rezone 9.448 acres from M-1 to CO-1 and 2.532 acres from A-1 to CO-1 creating 159 recreational vehicle campsites and 25 primitive campsites based on the hearing that was held on October 8, 2006 and the following Findings of Fact: 1. Applicants request substantially conforms to the Goals and Objectives of the Comprehensive Plan. 2. The CO-1 zone is appropriate and more compatible with the surrounding land in the area. 3. Approving the zone change to M-1 and A-1, to CO-1 allows the property to be used to promote land conservation and recreational opportunities within Woodford County. The zone change is also conditioned on the one year time frame from this date of November 12, 2009, to remove all the existing mobile homes from the property, as agreed to by the applicant in the minutes. The motion carried with seven (7) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf. OPPOSED: Joel Evans.

DECISION: 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.

Mr. Butler stated that he wants to point out that if the Planning Commission approves this that approval is final. It needs to be stated that the conditional use is conditioned on the final zoning approval. Also Mr. Traugott had mentioned that he did not think the Planning Commission should be involved in stating that firearms are not allowed on the campground and Mr. Butler agreed with that. The owner can impose that restriction themselves, but the Planning Commission should not.

Mr. Evans stated that he cannot understand why they would want to approve something that they know is going to flood. Mr. Traugott stated that the RV's will truly be mobile, whereas the trailers are not.

Mr. Boggs stated that he has a problem with a campground right beside the Elkhorn Creek or any other creek. No one will be able to control the pollution of the creek. Mr. Boggs stated that he would like to add a stipulation that the State test the water quality and then after the 2010 games retest the water quality. If the ecoli has gone up, then he can no longer have the primitive campsites right by the creek. Mr. Boggs stated that he knows a bit about primitive campers and believes that they will pollute the creek. Mr. Boggs stated that if he is wrong, then so be it, but if he is right he would like to see that portion closed down after the 2010 games.

Chairman Hume stated that the Zoning Ordinance requires that conditional use permits be inspected every year. You can ask for a review beyond the inspection. A conditional use permit can also be revoked if they are not in compliance with the conditions. Mr. Boggs stated that he would be fine with it as long as the creek is being checked. Chairman Hume questioned who would have jurisdiction over that? Mr. Boggs stated that he would assume the State would. Mr. Traugott stated that he does not know that the Planning Commission can force the State to test the water. Mr. Boggs stated that they will test if you ask them to.

Mrs. Wilson stated that she is unfamiliar with creek testing, but questioned how you would know where the pollutants were coming from? Mr. Boggs stated that you can't determine that. If a cattle farm moved upstream it would naturally increase the ecoli, but if nothing moved upstream and the bacterial content increased you could pretty well prove that it came from his campground. Chairman Hume questioned if that would be an enforceable condition? Mr. Butler stated that they would have to test it upstream and downstream. He did not think they would find much difference. Mr. Boggs stated that he knows someone who tests the water privately.

Chairman Hume stated that he was not certain it would be very enforceable, unless you required the applicant to have it tested and they would have to agree with that condition. Mr. Boggs stated that he believes that they should try and protect all water ways and the Comprehensive Plan says that they should do so.

Mr. Parrott questioned if there is any historical data from the Division of Water that would show variations in water quality parameters in that stream that naturally occur? If there are widely varying levels of pollution in that stream that occur already, the applicant should not be held liable. Mr. Parrott stated that it is a very slippery slope to put something like that in there when it is not really measurable and there are lots of variations due to many natural occurrences, such as drought.

Mr. McClees agreed that with horse and cattle farms all along that creek either up or downstream, it would not be fair to hold this applicant responsible.

Mrs. Wilson stated that she knows that there are samples of water taken by Kentucky Water Watch, but was uncertain when or where they do that.

Mr. Butler stated that on the motion in the red print under #2, it says 180 days and in the minutes the applicant had agreed to one year. Chairman Hume stated that also where it says from the date of this action would be this meeting date.

Mr. McClees stated that in #11 it prohibits public restrooms, and they need to have those there. Chairman Hume stated that they can strike that and it could be dealt with on the Final Development Plan. Mr. Butler stated that it would be in conflict with #9 where it says that adequate sanitation facilities shall be provided to meet all campers' needs.

Mr. Parrott questioned #13 regarding unlicensed vehicles being prohibited and whether that is supposed to mean by just those visiting the campsite? Chairman Hume stated that was probably based on their conditions. It was suggested to add at the end of that "by any campers".

Chairman Hume questioned if on #22 if the time frame of 6 months is suitable for a review of the conditional use permit and that it is tied to a Certificate of Occupancy? Chairman Hume stated that the public can always ask for a review to see if there are any violations.

Mr. Wells stated that he is going back and forth between what the applicant proposed and the red and white version. Mr. Wells stated that during the hearing there were some concerns regarding noise. This may be the opportunity to put a restriction on them. Mr. Butler stated that the special events are being held off-site, not at the RV Park. Mrs. Wilson stated that there were some comments regarding a PA system. Chairman Hume stated that #18 does address that. Mr. Butler stated that the off-site entertainment has already been addressed.

Mr. McClees questioned #21 and if that is referring to Mr. Dance getting an inspection on each site? He questioned what happens if he needs a Certificate of Occupancy and it is 3:30 on Friday afternoon and there is no one available to give him one? Mr. Butler stated that it is not for every site. Chairman Hume stated that the development is to be done in phases, so he would get a CO for each phase as it was completed. Mrs. Wilson stated that they would make sure that he had everything located in place as it was on the development plan. Mr. McClees stated that he is still concerned that someone may have made a reservation and then get there and not be able to stay there because a CO has not been issued. Mr. Butler stated that it is a one shot thing for each entire phase. Actually the regulations require that this happen now. Chairman Hume stated that it is a safeguard to make sure that they have all the infrastructure in place. Mr. Parrott stated that it means that nothing in that phase can be occupied until

they have a CO. Mr. Butler stated that they could add “for the first time”. Chairman Hume stated that the phases will be dictated by the development plan. Anything that may be missed at this time could be required on the development plan. Mr. Butler felt that the best thing to do would be to strike #21 completely and address it at the development plan stage.

Mr. McClees questioned #4 regarding the limited time of operation and what they do if Mr. Dance decides he wants to rent to people in February? Chairman Hume stated that was Mr. Dances restriction and he would have to come back to the Planning Commission if he wanted to amend the condition. Mr. McClees stated that the Castle was a good example of that.

Mr. Evans stated that he is not happy about the Planning Commission approving this. Mr. Wolf stand that he believes that they are doing the right thing.

Mr. Wells stated that the motion in the red has some conditions that the applicant’s didn’t. He questioned what the difference is? Chairman Hume stated that one thing was that they had requested vehicle storage in the off months and vehicle storage is prohibited in a CO-1 zone. The red version is a bit more comprehensive.

Chairman Hume questioned if the applicant has any comments regarding the conditions? Mr. Stiliz stated that the only thing they would like to point out is on #7 regarding the time limit someone can stay, and they would like to add with the exception of the 2010 games where they could stay 30 days. Mr. Butler suggested that they add “with the exception of the 2010 Equestrian Games where the maximum stay shall be 30 days.

A motion was made by Mr. Wells, as seconded by Mr. Wolf, to approve the Conditional Use Permit- Dance Enterprises Inc. -544 Old Frankfort Pike, for a campground and RV Park in a CO-1 District and adopt the applicant’s evidence with the following conditions:

1. **The Campground and Recreational Vehicle Park (“Park”) shall be developed in accordance with the approved final development plan.**
2. **The existing mobile homes, trailers, frames and parts thereof(vacant or occupied) shall be removed from the subject site within one year from this date, November 12, 2009, which is the date of approval for the zone change and conditional use permit.**
3. **The campground and park shall maintain 24 hour on-site supervision.**
4. **The campground and park shall be limited to operating from March 15 thru November 30 of any calendar year.**
5. **There shall be no vehicle storage of any kind during the months the campground and park is closed. (“Vehicle Storage” is a prohibited use in the A-1 and CO-1 zones).**
6. **All exterior lighting shall be of the “shoebox” style in order to reduce off-site light pollution.**
7. **The maximum stay duration of any one camper (rv or tent) shall be fourteen (14) consecutive days, with a seven (7) day interim before returning, with the exception of the 2010 World Equestrian Games where the time limitation shall be 30 days maximum.**
8. **RV units provide for guest and members of immediate family, and two guests per site, and there shall be no more than two tents in any one primitive campsite.**
9. **Adequate sanitation facilities shall be provided to meet all campers’ needs.**
10. **All signage shall meet the requirements of the Sign Ordinance and shall have the appropriate permits prior to their installation.**
11. **There shall be no accessory structures (pavilions, stages,) provided or constructed on the subject property.**

12. **The use or display of fireworks shall be prohibited (excluding the Fourth of July) on the subject property.**
13. **Unlicensed vehicles (ATV, golf carts, etc) shall be prohibited within the campground and park by any campers.**
14. **There shall be no video or arcade games provided for campers use.**
15. **All pets shall be leashed or restrained during the duration of the campers stay.**
16. **No generators shall be used within the subject property unless a power outage is created by an emergency situation.**
17. **All campsites shall be equipped with a steel fire ring and campfires shall be restricted to those fire rings. Campers shall abide with all “no burn” orders issued by the local or State jurisdictions.**
18. **A public address system shall be in place to provide only announcements of emergency notices to all campers.**
19. **All campers shall be notified of all campsites within the Floodplain and/or Floodway prior to occupying the camp.**
20. **All special events shall be held off the subject property, in the area zoned A-1 and used for Agri-tourism.**
21. **The Planning Commission shall review these applications 6 months after the Certificate of Occupancy is issued.**

The motion carried with seven (7) aye votes. VOTING IN FAVOR: Jim Boggs, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf. OPPOSED: Joel Evans.

FINANCIAL REPORT AND BILLS, MONTHY BUDGET REPORT, REPORT TO COMMISSION, BOND STATUS REPORT

Mrs. Wilson stated that she put in a call to Buan Smith on the Huntertown 6A and 6B to see what progress they are making but did not hear back from him. This is really in the Fiscal Court's hands.

A motion was made by Mr. Traugott, as seconded by Mr. McClees, to approve the Financial Reports for October, 2009, as submitted. The motion carried with eight (8) aye votes. 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. Parrott, to approve the October 8, 2009 minutes, as submitted. The motion carried with eight (8) aye votes. Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

A motion was made by Mr. Traugott, as seconded by Mr. Wolf, to adjourn the regular meeting at 7:20 p.m. The motion carried with eight (8) aye votes. Jim Boggs, Joel Evans, Jim Hume, Ed McClees, Tim Parrott, Brian Traugott, Chad Wells, J.D. Wolf.

James Hume, Chairman
JH:pc