

ORDINANCE NUMBER 13 - 2023

COUNTY OF FRANKLIN, KENTUCKY

**AN ORDINANCE AMENDING THE TABLE OF SPECIAL ORDINANCES, SECTION 1 ZONING MAP CHANGES OF THE FRANKLIN COUNTY CODE OF ORDINANCES FOR A 4.995-ACRE TRACT FROM GENERAL INDUSTRIAL DISTRICT (IG) TO GENERAL COMMERCIAL DISTRICT (CG) THE PROPERTY IS IDENTIFIED AS PVA MAP #087-00-00-032.08, LOCATED AT THE INTERSECTION OF DUNCAN ROAD (KY 1681) AND HOOVER BOULEVARD.**

**WHEREAS,** The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps titled, “The Zoning Ordinance of Franklin County,” in accordance with a Comprehensive Plan and KRS 100; and

**WHEREAS,** the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the zone map amendments, along with their findings of fact, to the Franklin County Fiscal Court for action; and

**WHEREAS,** The Frankfort/Franklin County Planning Commission held a public hearing on July 13, 2023 and adopted a summary of the evidence and findings of fact on September 14, 2023 as required by K.R.S. 100; and

**WHEREAS,** the Frankfort/Franklin County Planning Commission recommended to the Franklin County Fiscal Court approval of the Zone Map Amendments; and

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT:**

SECTION I. The Code of Ordinances, Table of Special Ordinances Section 1 Zoning Map Changes, is hereby amended to read as follows:

A 4.995-acre tract located at the intersection of Duncan Road (KY 1681) and Hoover Boulevard in Franklin County, Kentucky, and more specifically identified as PVA Map Number 087-00-00-032.08 is hereby amended from General Industrial District (IG) to General Commercial District (CG) based on the following findings of fact:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Employment Center.
2. The subject property is within the 3500-foot radius of regional retail area.
3. The General Commercial (CG) zone district is an appropriate zone district for the Regional Retail land use designation.
4. The proposed zone map amendment is in agreement with the Comprehensive Plan.


SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.


SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

**INTRODUCED AND GIVEN FIRST READING IN SUMMARY** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 11<sup>th</sup> day of October, 2023.

**GIVEN SECOND READING AND APPROVED** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 20 day of October, 2023 and of record in Fiscal Court Order Book 34, Page 158

  
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Michael Mueller  
Franklin County Judge/Executive

ATTESTED TO:

  
\_\_\_\_\_  
Kim Cox  
Fiscal Court Clerk

**SUMMARY**

This ordinance approves zone map amendments at the intersection of Duncan Road (KY 1681) and Hoover Boulevard for a 4.995-acre property located in Franklin County, Kentucky and more specifically identified as PVA Map Number 087-00-00-032.08.

## **SUMMARY OF PUBLIC HEARING**

Stulz Properties, LLC  
Zone Map Amendment Request  
FROM:  
General Industrial District "IG"  
TO:  
General Commercial District "CG"  
209 Devils Hollow Road

July 13, 2023

William May, Chairman Presiding

### **Planning Commission Members Present:**

David Boggs  
Patti Cross  
Sherron Jackson  
Keith Lee  
Darrell Sanderson  
Charles Stewart

### **County Staff:**

Ben Judah  
Brad Johnson, HMB Engineers

### **Applicant's Representative:**

Jihad Alani

The Secretary swore in all speakers.

Mr. Burch qualified Mr. Judah. Under questioning, Mr. Judah stated that he had been employed as the Planning Supervisory for Franklin County Fiscal Court for four and  $\frac{3}{4}$  years. He stated that he had a Bachelor of Science degree in Public Administration and a Masters Degree in Urban Planning.

Mr. Judah stated that he had reviewed the zone map amendment request and had prepared the staff report. He stated that he had made positive findings and that he was recommending that the zone map amendment request be approved.

Mr. Stewart asked Mr. Judah to provide a summary of his findings. Mr. Judah stated that the property was a 4.995 acre parcel and the proposed use would be an 89-unit hotel. Mr. Judah stated that he had made positive findings. Mr. Judah stated the surrounding land use and zoning of the property. He stated that the land to the North as zoned "PO" and "CG" and was vacant. He stated that the land to the South was zoned "IG" and was vacant. He stated that the property to the East was zoned "IG" and was being used as Industrial. He stated that the property to the West was zoned "PO" and the land use was Residential and vacant. Mr. Judah stated that the property was located at the intersection of Hoover Boulevard and Duncan Road. Mr. Judah then read the four findings of fact into the record.

Mr. Judah asked that the report be accepted into the record. Without objection, the report was accepted.

Mr. Jackson asked for Mr. Judah to explain each of the positive findings. Mr. Judah stated that under Goal one, Grow by Design, his finding was positive based upon the fact that the property is within the 2500-foot radius from the interstate interchange for potential regional retail.

Mr. Judah stated that under Goal 2, Distinguish Town and Country Identity, based on Policy number eight, which states to Avoid and contain urban sprawl, to preserve the distinction between the rural landscape and Urban Suburban environment.

Mr. Judah stated that under Goal three, Use Infrastructure as a Planning Tool that all utilities are available. He stated, while there is a sewer capacity issue, the Sewer Department is currently working on correcting that issue, so that by the time the property is operational, the sewer capacity will be corrected.

Mr. Judah stated that under Goal four, Promote Economic Health that Policies 2, 3 and 8 would apply.

Mr. Judah stated under Goal five, Protect Environmental Health, he stated that he had made a positive finding because part of the property is within the Flood Zone and within the Slickway Drainage Basin. He stated that the development of the property will require a 25% reduction in outflow from the property.

Mr. Judah stated that under Goal 6, Preserve Existing Neighborhoods, his finding was positive in that in immediate area, there were few residential uses. He stated that Policy six encourages new development to fit the character of existing neighborhoods.

Mr. Judah stated under Goal 7, Enhance Community Quality and Character, that policy number one applied, which is to identify all quadrants of the I-64 Interchanges as Regional Retail Center.

Mr. Judah stated that his recommended findings of fact were that the Comprehensive Plan Future Land Use Plan, designates the property for Employment Center, that the subject property is within the 3500-foot radius of regional retail are, that the General Commercial (CG) zone district is an appropriate zone district for the Regional Retail land use designation., and that the proposed zone map amendment is in agreement with the Comprehensive Plan.

Mr. Jackson asked if Mr. Judah used the Employment Center in his determination. Mr. Judah stated that the Employment Center designation of the property is present, but that the underlying overall land use category was for Regional Retail. Mr. Judah stated that if the Regional Retail category was not present, it would not be appropriate for the zone change and would be appropriate for only the Employment Center designation.

Mr. Jackson stated that the Commission had heard so many times that there is a lack of industrially-zoned land. He asked Mr. Judah to justify rezoning this property to something other than industrial. Mr. Judah stated industrial developers are looking for large tracts of land, as the 690 Duncan Development had asked for. He stated that this property is less than five acres, which will not allow for large warehousing or storage. Mr. Judah stated that this property was zoned industrially for a number of years and no one in the free market had desired to develop the property in that time.

Mr. Lee asked if he was correct that no building permits would be issued until the Sewer Department had signed off. Mr. Judah stated that that was correct.

Mr. Jackson asked Mr. Judah to explain the drainage issues downstream from this property and how the 25% reduction worked. Mr. Judah stated that, while he was not an engineer, his understanding of how the reduction works is that the water will leave the site at a 25% slower rate, which would then allow the water downstream to leave that site before the water from the subject property would reach properties downstream.

Mr. Jackson stated that what Mr. Judah had explained indicates to him that, if there is a hard rain, the basin would be full for a longer amount of time. Mr. Jackson stated that it did not stop the flow, it only slowed the flow. Mr. Jackson asked Mr. Judah to address how that will mitigate the issues of the downstream properties.

Mr. Judah responded that when you reduce the outflow by 25%, the water is getting into the Slickway basin at a slower rate, which allows the water going into the basin to go at a slower rate. Mr. Judah stated that the County Engineer would review the development plan and would make any decisions on the drainage. He added that by slowing the water down from this site, it would effectively allow other properties to reach the downstream properties and leave them before the water from the site would reach them.

Mr. Jackson asked Mr. Judah to state which major thoroughfares he was considering as the Employment Center. Mr. Judah stated that it would be US 60 and I-64.

Mr. Brad Johnson, with HMB Consulting Engineers, gave a traffic review report for the zone map amendment. He stated that the hotel would generate around 50 trips per day, which is a small trip generator. He stated that Duncan Road operates at a Level of Service "C", but did say that his biggest concern was for the queuing problem on Duncan Road. He stated that at certain times the intersection at Bizzack Boulevard is impacted. He stated that the different hours of operations and shift changes help with the level of service.

Mr. Jackson asked if the level of service would change if employees came back to work five days a week. Mr. Johnson stated that he has seen trip numbers decreasing on US 60 and that they will continue to monitor the numbers and will also include the numbers from projects that have been improved but are yet to be built.

Mr. Jackson asked Mr. Judah if the proposed development will negatively impact the ecological environment, as well as farm-related environment may be harmed by the proposed development which may not support the proposed zone map amendment. Mr. Judah stated that he felt the proposed development would have less impact on those areas than other zone changes that had recently taken place in the area. He stated that the 690 Duncan Road rezoning and the car dealership would have more of an impact just by

the scope of the development. Mr. Judah stated that industrial development could have a more noxious effect on adjacent properties than the proposed development.

There were no further questions of Mr. Judah

Mr. Jihad Alani, an Engineer with Vision Engineering, was present and stated that a hotel use will be a complement to the industrial park for people to stay when they are having business meetings in the area. He stated that the terrain is really not suitable for large scale development. He added that he agreed with Mr. Judah's explanation of the retention issues in the area. Mr. Alani stated that the proposed development will not generate pollutants at as great a level as industrial uses would.

Mr. Boggs asked how many people will be employed at this site. Mr. Alani stated that approximately 20 to 30 employees.

Mr. Lee made a motion to table the Public Hearing so that a Summary of the Hearing can be prepared. The motion was seconded by Mr. Sanderson and passed unanimously.

**FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION**

**September 14, 2023  
5:30 PM**

**WILLIAM MAY, CHAIRMAN – PRESIDING**

The meeting was called to order at 5:30 p.m.

Chairman May asked the Secretary to Call the Roll.

MEMBERS PRESENT:

Sherron Jackson  
Timothy Luscher  
Michael Nickles  
Darrell Sanderson  
Charles Stewart  
Brent Sweger

William May, Chairman

(7)

Also Present:

Ed Logan, Planning Commission Attorney  
Eric Cockley, Director Frankfort Planning & Community Development Department  
Robert Hewitt, Planning Director, Franklin County Planning & Building Codes  
Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes  
Tina Peck, Staff Planner, Franklin County Planning & Building Codes

There being a quorum, the meeting was called to order.

Chairman May asked for a motion to approve the minutes of the August 10, 2023 meeting. Mr. Sanderson made the motion to approve the minutes and payment of bills. The motion was seconded by Mr. Luscher and passed unanimously.

Chairman May asked for a motion to approve the Payment of Bills. Mr. Jackson made a motion to approve the following bills:

Ed Logan (Legal Fee, September, 2023)	\$1500.00
Vickie Sewell (PC Secretarial – 08/10/23)	\$ 300.00
Vickie Sewell (Prep for Audit & Reimburse DLG)	\$ 175.00
Dawn McDonald (BZA – 08/08/23)	\$ 150.00
Frankfort NewsMedia (Legal Ads)	\$ 791.76
McBride Dale Clarion (Inv. #4595- 17,18,19)	\$14,331.06

The motion was seconded by Mr. Stewart and passed unanimously.

Chairman May asked for a motion to suspend the rules in order to hold more than

Under Staff Items, Mr. Cockley provided a status report on the Comprehensive Plan Update. He stated that the expected that the Advisory Committee held a meeting to go over the Future Land Use Map. He stated that the Consultant had also provided to the Committee and stated that there would be a public meeting in October to present the map and new text on land uses to the Public.



Mr. Cockley also provided an update on committee assignments for Planning Commission members, adding that there had been changes to the number of members on the Commission and that three members were not reappointed. He stated that the restructuring had resulted in the loss of one City Planning Commission appointment to the Comprehensive Plan Steering Committee; the loss of two people on the Zoning Update Committee and that the entire Subdivision Update Committee would need to be appointed. He stated that Patti Cross had also served as the Planning Commission representative on the Architectural Review Board and stated that a City appointment would need to be selected for that Board.

After further discussion, Darrel Sanderson, Brent Sweger and Charles Stewart were appointed as the members of the Nominating Committee.

Mr. Jackson stated that, after the changes made to the Planning Commission by Fiscal Court and the City of Frankfort, he stated that Bylaws Update Committee may wish to review the Bylaws and bring forth any necessary changes, based on those changes.

Chairman May asked for a motion to suspend the Bylaws in order to have more than two Public Hearings at the meeting. The motion was made by Mr. Luscher and seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the Secretary to introduce the next item:

**CONTINUATION OF PUBLIC HEARING: Rainmaker Hospitality is requesting a zone map amendment from General Industrial District "IG" to General Commercial District "CG" for a 4.995-acre tract of land located at the intersection of Hoover Blvd. and Duncan Road. The property is also identified as Tract 1, Lot 7, as shown on Plat Cabinet E, Slide 795 in the office of the Franklin County Clerk. The property is more specifically identified as PVA Map Number 087-00-00-032.08. (County Item).**

Mr. Sweger made a motion to take the item from the Table. The motion was seconded by Mr. Luscher and passed unanimously.

Mr. Jackson made a motion to adopt the Summary of the Public Hearing. The motion was seconded by Mr. Luscher and passed unanimously.

Mr. Jackson made a motion to adopt the four Findings of Fact on page 15 of the Staff Report. The motion was seconded by Mr. Luscher and passed unanimously.

Mr. Sweger stated that he had not been at the original hearing, but had watched the meeting and would be voting on the matter. Mr. Sweger stated that he did not wish to vote on all four. Chairman May suggested he do a vote modification form with the Secretary.

Mr. Luscher made a motion to recommend to the Franklin County Fiscal Court that the Zone Map Amendment request by Rainmaker Hospitality to change the zoning of the 4.995 acre tract of property located at the intersection of Hoover Boulevard and Duncan Road and identified as Tract 1, Lot 7, as shown on Plat Cabinet E, Slide 795 in the office of the Franklin County Clerk from General Industrial to General Commercial be approved. The motion was seconded by Mr. Sanderson and passed with a vote of six to one. Mr. Nickles did not vote.

The next item was introduced:

**CONTINUATION OF PUBLIC HEARING: P & N Development, LLC is requesting a zone map amendment from Planned Commercial District "PC" to Rural High Density Multifamily District "RH" for 5.518-acres of land located at the intersection of Shepherd Way and Copperleaf Blvd. Being all of lots 5, 6 and 7, as shown on Plat Cabinet H, Slide 127 in the office of the Franklin County Clerk. The property is more specifically identified as PVA Map Numbers, #086-00-00-028.12, #086-00-00-028.00 and #086-00-00-028.11. (County Item)**

Mr. Jackson stated that he was not at the Public Hearing at the previous meeting and had not reviewed the record and would recuse himself.

Mr. Sweger made a motion to take the item from the table. The motion was seconded by Mr. Sanderson and passed by a vote of five to zero. Mr. Nickles did not vote.

Mr. Sweger made a motion to adopt the findings of fact that Goals of Objectives numbers five and six, that Goal six, policy 7 has been met, Goal 3, Policy 2 is met; Goal 1, Policy 8 is met; Goal 4, Policy 3 is met. The motion was seconded by Mr. Luscher and passed with a vote of five to zero. Mr. Nickles did not vote.

Mr. Sweger made a motion adopt the finding that the Zone Map Amendment request is in agreement with the Comprehensive Plan. The motion was seconded by Stewart and passed with a vote of five to zero. Mr. Nickles did not vote.

Mr. Sweger made a motion to recommend to the Franklin County Fiscal Court that the Zone Map Amendment request by P & N Development, LLC from Planned Commercial District "PC" to Rural High Density Multifamily District "RH" for 5.518-acres of land located at the intersection of Shepherd Way and Copperleaf Blvd. and more specifically identified as PVA Map Numbers, #086-00-00-028.12, #086-00-00-028.00 and #086-00-00-028.11 be approved. The motion was seconded by Mr. Luscher and passed by a vote of five to zero. Mr. Nickles did not vote.

Chairman May asked the Secretary to introduce the next item:

**CONTINUATION OF PUBLIC HEARING: Cardwell 827, LLC is requesting a zone map amendment from Rural Residential "B" District "RB" to Rural High Density Multifamily District "RH" for a 25.45-acre property at 827 Cardwell Lane. The property is more specifically identified as PVA Map Number 036-00-00-012.00**

A motion was made by Mr. Luscher to take the item from the table. The motion was seconded by Mr. Sweger and passed by a vote of five to zero. Mr. Nickles did not vote.

A motion was made by Mr. Luscher to adopt staff's recommended findings of fact. The motion was seconded by Mr. Sanderson and passed by a vote of four to one. Those voting in favor were Mr. Luscher, Mr. Sanderson, Mr. Stewart and Chairman May. Voting against was Mr. Sweger. Mr. Nickles did not vote.

A motion was made by Mr. Sweger to adopt the finding of fact that the proposed zone change does not meet Policy #2, Suburban Residential due to the fact that it is not forming the transition of intensity of land uses. The motion died for a lack of a second.

A motion was made by Mr. Sweger to adopt the finding of fact that the proposed zone change does not meet Policy #3, because sewer capacity is not available for 416 residential units, adding that the land use is too intense and that the infrastructure is not available to serve it. The motion died for a lack of a second.

Mr. Sweger made a motion to adopt the finding of fact that the proposed development plan does not meet the Development Guideline number 10 in that the proposed development plan is not appropriate for the area. The motion died for a lack of a second.

Mr. Sweger made a motion to adopt the finding of fact that the zone map amendment request is not in agreement with the Comprehensive Plan. The motion died for a lack of a second.

Mr. Luscher made a motion to recommend to the Franklin County Fiscal Court that the Zone Map Amendment request by Cardwell 827, LLC from Rural Residential "B" District "RB" to Rural High Density Multifamily District "RH" for a 25.45 acre property located at 827 Cardwell Lane be approved. The motion was seconded by Mr. Sanderson and passed by a vote of four to one. Those voting in favor were Mr. Luscher, Mr. Sanderson, Mr. Stewart and Chairman May. Mr. Sweger voted against the motion. Mr. Nickles did not vote.

Chairman May asked the Secretary to introduce the next item:

**PUBLIC HEARING: Turner Tribe LLC, is requesting a zone map amendment from Industrial Commercial District "IC" to Limited Commercial District "CL" for the .07-acre property at 521 Warsaw Street. The property is more specifically identified as PVA Map Number 061-44-06-017.00**

The Secretary swore in all speakers. Mr. Logan qualified Mr. Cockley. Under questioning Mr. Cockley stated that he was the Planning & Community Development Director for the City of Frankfort and that is vita was on file. He stated that he had prepared the staff report and had found that the proposed zoning was more appropriate than the existing zoning. Mr. Logan asked that the Staff Report be entered into the record. Without objection, the Staff Report was entered into the record.

Under Commission questioning, Mr. Sweger stated that the Future Land Use for the property was designated as multi-family residential. Mr. Cockley stated that single family or multi family is designated in the area, but added that the current zoning does not allow for residential land use.

Mr. Jackson asked if the City of Frankfort has done a study of land uses within the area. Mr. Cockley stated that the City had prepared a concept for future uses in the area. Mr. Jackson asked if the property would impact the Warsaw Street area and part of State Government and its future development. Mr. Cockley stated that the Finance Cabinet does not think the development would be an impact.

Mr. Jackson asked Mr. Cockley to explain why his findings included that the existing zoning was inappropriate. Mr. Cockley that the existing Industrial Commercial zoning is a lighter industrial zoning, and that the request zoning is moving to an even lower intensity that still would allow a non-residential land use but more appropriate because it also does allow for residential land uses.

Mr. Chris Loughton was present for the applicant. He stated that he was in agreement with the staff report and staff's comments. Mr. Loughton stated that he was.

Mr. Sweger asked about the parking in front of the building. Mr. Loughton stated that that was a concept only and that there were no firm plans on the development of the property at that time.

There were no further questions of the applicant's representative.

Mr. Luscher made a motion to close the public hearing and adopt the Staff Report as the Summary. The motion was seconded by Mr. Stewart and passed unanimously.

A motion was made by Mr. Luscher to adopt findings of fact. The motion was seconded by Mr. Stewart and passed unanimously.

A motion was made by Mr. Luscher to adopt staff's findings of fact. The motion was seconded by Mr. Stewart and passed unanimously.

A motion was made by Mr. Luscher to recommend to the City of Frankfort Board of Commissioners that the Zone Map Amendment request made by Turner Tribe LLC from Industrial Commercial District "IC" to Limited Commercial District "CL" for the .07-acre property at 521 Warsaw Street be approved. The motion was seconded by Mr. Stewart and passed unanimously.

The Chairman asked the Secretary to introduce the next item:

**PUBLIC HEARING: In accordance with Article 1.08 Waivers and Modifications Section 3.03.02 Design Standards-Thoroughfares and Neighborhood Streets subsection (M) The Capital, LLC is requesting approval of a modification of standards to allow a dead end street longer than 500 feet in proposed Paddocks Development. The subject property is located at the north eastern quadrant of the intersection of I-64 and US 127-S. The property may be more specifically described as PVA Map Number 050-00-00-024.00.**

Mr. Cockley was qualified by Mr. Logan. Under questioning, Mr. Cockley stated that he had prepared the staff report and had made found positive findings to support the request. Mr. Logan asked that the Staff Report be entered into the record. Without objection, the staff report was entered into the record.

Mr. Cockley stated that based on the unique shape of the lot and the topographic issues, staff had found that the request could be granted. Mr. Cockley stated that there are multiple points of connection to other roads and access points.

Mr. Cockley was asked about the purpose of the 500' connection requirement. Mr. Cockley stated that he could not because he had not been employed by the local governments when the rule was enacted. There were no further questions of Mr. Cockley.

Mr. Jihad Alani, with Vision Engineering stated that he had reviewed the Staff Report and was in agreement with the recommendation.

Mr. Luscher made a motion to close the Public Hearing. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Sweger made a motion to approve the requested waiver. The motion was seconded by Mr. Luscher and passed unanimously.

The Chairman asked the Secretary to introduce the next item:

**22 Oaks Apartments, LLC is requesting approval of a Development Plan for the construction of 216 residential apartment units on 27.04 acres of property identified as 1550 Leestown Road**

Mr. Ben Judah presented the staff report for the item. He stated that the applicant wished to bring the plan before the Commission for further review before submitting the plan for Final approval. Mr. Judah stated that all review agencies had reviewed the plan and all issues that were brought up can be resolved.

Mr. Judah stated that the sinkhole in the middle of the property will be designated as a recreational area, with appropriate screening.

Mr. Sweger states that he would like to see parking for the development to be more like River ford Crossing. He stated that we would like to see sidewalks all the way to Leestown Road, with an access road to connect to the road by Clark's.

Mr. Stewart asked if the recreation center by the sinkhole would be open space. Mr. Jones, on behalf of the applicant stated that it could be accommodated.

Mr. Jackson asked if the client intended to do anything to the sinkhole. Mr. Jones stated that they had not entirely investigated the sinkhole and didn't know if it is closed or opened. He stated that the type of sinkhole would determine how they dealt with it.

Mr. George Conway asked if trees could be provided so that the residents of Governor's Place did not have to see the buildings. Mr. Conway asked is there could be a Certificate of Land Use Restriction to keep the retention in good repair. Mr. Conway asked if the residents of Governor's Place could get fencing installed.

Mr. Conway voiced concerns about Slickaway branch.

Mr. Warren Lipka stated that the buildings closest the Governors Place may cause an issue.

Mr. Vegas asked if traffic studies had been performed. Mr. Jones stated that they had been conducted.

Ms. Debbie Kimbrough stated that the traffic study had included 400 dwelling units in a one-mile area. She asked if the school capacity could be accommodated. She also asked then the retention would be built for the development.

Ms. Marian Young asked how big the retention basin would be. Mr. Jones said that it had to be sized to 125% of the regulated size.

Ms. You asked about lighting for the new development. Mr. Conway asked if the lighting could be reduced to a lower level.

Ms. Debbie Kimbrough asked if the Fire Department was concerned about getting to the rear of the property. Ms. Kimbrough stated that flooding from Jim Bream might create problems for retention of this property. She stated that Scruggs Lane already has issues with Emergency Vehicles.

Ms. Debbie Kimbrough stated that the Fire Department has concerns with accessing rear of properties. She stated that flooding from Jim Beam off of US 421, without having retention on sight is a problem. She stated that the residents can't use the road in their subdivision in emergency because of the rising storm water.

Ms. Kimbrough asked what the rent would be for the units and enquired if it would be for low income housing. She stated that there were no buses in the area to help with lower income individuals.

She stated that she was concerned with safety in the area.

Mr. Conway stated that he was concerned about the burning of trees and debris in the area.

Ms. Marty Young stated that Slickaway branch turns into a five-acre lake until it drains out. She stated that a traffic study needs to be conducted. She stated that it is not a lake, but swirling water.

There was no further discussion.

There being no further business, a motion was made by Mr. Sweger to adjourn. The motion was seconded by Mr. Luscher and passed unanimously.

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William May, Chairman

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Vickie Sewell, Recording Secretary