

ORDINANCE NUMBER 14 - 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 5.518-ACRE TRACT FROM PLANNED COMMERCIAL DISTRICT (PC) TO RURAL HIGH DENSITY MULTIFAMILY DISTRICT (RH). THE PROPERTY IS ALL OF LOTS 5, 6 AND 7, AS SHOWN ON PLAT CABINET H, SLIDE 127 IN THE OFFICE OF THE FRANKLIN COUNTY CLERK AND FURTHER IDENTIFIED AS PVA MAP #086-00-00-028.13, #086-00-00-028.00 AND #086-00-00-028.11 LOCATED AT THE INTERSECTION OF SHEPHERD WAY AND COPPERLEAF 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 August 10, 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 Amendment; 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 5.518-acre tract, being all of lots #5, 6 and 7, located at the intersection of Shepherd Way and Copperleaf Boulevard in Franklin County, Kentucky, and more specifically identified as PVA Map Number #086-00-00-028.13, #086-00-00-028.00 and #086-00-00-028.11 is hereby amended from Planned Commercial District (PC) to Rural High Density Multifamily District (RH) based on the following findings of fact:

1. 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.
2. The zone map amendment request 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 11th 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 26 day of October, 2023 and of record in Fiscal Court Order Book 34, Page 158.



Michael Mueller
Franklin County Judge/Executive

ATTESTED TO:



Kim Cox
Fiscal Court Clerk

SUMMARY

This ordinance approves a zone map amendment at the intersection of Shepherd Way and Copperleaf Boulevard for a 5.518-acre property, being all of lots 5, 6 and 7, located in Franklin County, Kentucky and more specifically identified as PVA Map Number #086-00-00-028.13, #086-00-00-028.00 and #086-00-00-028.11.

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

**August 10, 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:

David Boggs
Patti Cross
Timothy Luscher
Darrell Sanderson
Charles Stewart
Brent Sweger

William May, Chairman

(7)

Also Present:

Ed Logan, Planning Commission Attorney
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 July 13, 2023 meeting. Mr. Luscher made the motion to approve the minutes and payment of bills. The motion was seconded by Mr. Boggs and passed by a vote of 6 to 0. Mr. Sweger did not vote.

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

Ed Logan (Legal Fee, July 2023)	\$1,500.00
Logan, Burch & Fox (RE: Big Eddy Rehab)	49.50
Dawn McDonald (PC Secretarial – 06/08/23)	300.00
Dawn McDonald (BZA Secretarial 06/13/23 & 07/11/23)	225.00
Anna Whitaker (Show Fee – 06/08/23 PC)	50.00
Ed Logan (Legal Fee, August, 2023)	1,500.00
Vickie Sewell (PC Secretarial 07/13/23)	300.00
Frankfort NewsMedia (Legal Advertising)	1,527.39
Barry Holder, Jr. (Reimbursement – APA Training)	359.24
Mitch Buchanan (2022-23 BZA – 7 meetings)	350.00
Harry Carver (2022-23 BZA – 7 meetings)	350.00
Lauren Coltrane (2022-23 BZA – 5 meetings)	250.00
Barry Holder, Jr. (2022-23 BZA – 8 meetings)	400.00
Johnny Keene (2022-23 BZA – 6 meetings)	300.00
Margaret Townsley (2022-23 BZA – 7 meetings)	350.00

Brandon White (2022-23 BZA – 3 meetings)	150.00
Patrick Carney (2022-23 BZA – 4 meetings)	200.00
David Boggs (2022-23 PC – 9 meetings)	675.00
Patti Cross 2022-23 PC – 8 meetings)	600.00
Sherron Jackson (2022-23 PC – 10 meetings)	750.00
Keith Lee (2022-23 PC – 8 meetings)	600.00
Paul Looney (2022-23 PC – 5 meetings)	375.00
Timothy Luscher (2022-23 PC – 9 meetings)	675.00
William May, Jr. (2022-23 PC – 9 meetings)	675.00
Darrell Sanderson (2022-23 PC – 9 meetings)	675.00
Charles Stewart (2022-23 PC – 4 meetings)	300.00
Brent Sweger (2022-23 PC – 9 meetings)	675.00
Russell Wright (2022-23 PC – 10 meetings)	750.00

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

Under Staff Items, Mr. Judah provided a status report on the Comprehensive Plan Update. He stated that he expected that there would be one more Advisory Committee meeting to go over the Future Land Use Map and stated that that process would then be wrapped up. He stated that the entire process would be complete by the end of the year. He stated that the next Steering Committee meeting would be in September.

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 for a moment of silence in order to express condolences to Sherron Jackson for the loss of his brother.

Chairman May asked the Secretary to introduce the next item:

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 sown 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. Boggs made a motion to take the item from the Table. The motion was seconded by Ms. Cross and passed unanimously.

Mr. Sweger stated that he had not been in attendance at the last meeting and had not reviewed the record. He stated that he would not be voting on the matter.

It was determined that there was not a quorum of members who had been at the July 13, 2023 meeting and that the item could not be considered at the meeting that night.

The next item was introduced:

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 a 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)

All members who would be speaking at any of the Public Hearings were sworn in by the Secretary.

Mr. Judah was qualified by Mr. Logan. Mr. Judah testified that he had reviewed the rezoning application and had prepared the Staff Report. He stated that he had no changes to be made to the report. Mr. Logan asked that Mr. Judah's staff report be entered into the record. Mr. Logan asked Mr. Judah to provide a summary of the staff report.

Mr. Judah stated that the property has remained vacant for the past twenty years. He stated that while the zone map amendment request was not in agreement with the future land use designation, it was in agreement with the goals and objectives sections of the Comprehensive Plan. He stated that the "RH" zone district generally permits multi-family dwellings, townhouses and duplexes. He stated that some commercial services, schools and churches are also permitted in the "RH" zone district.

Under Commission questioning, Mr. Sanderson stated that the properties in the area had been rezoned to Commercial and asked how changing this property to multi-family would work with existing land uses. Mr. Judah stated that it will provide a buffer to the more intense uses. He stated that there are still a number of commercial uses along Leestown Road.

Mr. Sweger stated that the Development Plan showed an area identified as a Regional Retention Basin and asked Mr. Judah to explain how that will work. Mr. Judah stated that there will be no on-site retention for the property. He stated that the developer of the apartment buildings to the north of the subject property had not been developed to adopted standards and he stated that the Planning Department is proposing that the retention on the apartment buildings property be re-configured to act as a regional retention basin, with the County Engineer's approval.

Mr. Sweger asked what was being planned for the area identified as Green Space. Mr. Judah stated that the applicant has submitted a Concept Plan for the zone map amendment request and that staff cannot make the developer abide by the ideas on the Concept Plan. He stated that the Preliminary and Final development plans will provide the information.

There were no further questions of Staff.

Ms. Jenny Neat, who stated that she lives in Governor's Place and that she is concerned about the amount of Traffic being generated in the area and the removal of green space. She stated that a second gas station had recently been constructed. She stated that the amount of development being proposed that is surrounding Governor's Place is troubling. She said that a traffic study of Leestown Road should be done in regard to all of the development that is taking place in the area.

Mr. Judah responded that a traffic study was not required for the specific property. He stated that the development plan will address the greenspace concerns and that the water run-off will be handled by the regional retention basin being proposed.

Mr. Preston Cecil, attorney for the applicant, stated that his client has read the staff report and agrees with staff's findings. He stated that his client is only asking for a zone map amendment at this time. Mr. Cecil stated that the proposal is for a mixed use development and will meet a need for different types of residential property and commercial and office uses, as well. Mr. Cecil stated that there will be a Traffic Study completed after the zone map amendment request.

Mr. Luscher asked if the applicant would agree to the 125% enlargement of the retention basin. Mr. Paul Haddix, who owns the property where the retention basin is located, stated that he will have to get an engineer to determine what additional work needs to be done to make the retention basin be a regional basin for the area.

Mr. Sanderson asked that the 125% figure referenced for the retention basin capacity be changed to an additional 25%.

Mr. Sweger stated that the reference to mixed use within the Comprehensive Plan is that commercial/office spaces would be located on the ground floor with residential uses on higher floors. He asked if the applicant agreed that his proposal met the spirit of the Comprehensive Plan. Mr. Cecil stated that it did.

Mr. Joe Conway, a resident of Governor's Place stated that he had been at a previous meeting where a rezoning request in Governor's Place on Isaac Shelby Circle West was located. Mr. Conway stated that Governor's Place is a single family subdivision. He stated that there had been very little development at Copperleaf. He stated that he was concerned with the Penn property being developed adjacent to Governor's Place and with the proposed development on this property. He stated that rental properties have ruined every nice subdivision in Frankfort and Franklin County. Mr. Conway stated that Stoneleigh residents and Two Creeks residents are affected by the stormwater run-off that all of these developments will generate. Mr. Conway stated that the developer of the Jim Beam property was required to build a retention basin, but won't let any inspectors on the property to check that it was built correctly. Mr. Conway stated that we need to use smart growth.

Ms. Chloe Brantley stated that her property adjoins the regional retention basin being proposed. She stated that she was concerned that adding high density housing without considered the existing development issues is a concern she has. She stated that there are three

schools in the area. She stated that adding all of the traffic in the area is not being considered. She stated that the Planning Commission is approving zone map amendments without knowing what the impacts are. She stated that a zone map amendment is approved and then a traffic study is done. She stated that a zone map amendment is approved and then a stormwater detention study is done. She stated that the Commission should have that information before approving zone map amendments.

Mr. Sweger asked Ms. Brantley to further describe her issues with traffic. She stated that there had only been Governor's Place and the Christian Academy. She stated that there are now three schools and new commercial development. She stated that there is no more school capacity for the high density housing residents.

There were no further speakers.

Mr. Sanderson asked Mr. Logan if the Commission could have the County Engineer to come to the Planning Commission and discuss what the status of the Slickaway Branch improvements is. Mr. Logan responded that they certainly could.

Mr. Luscher made a motion to close the Public Hearing and to table the item in order for a Summary of the Public Hearing could be prepared. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the Secretary to introduce the next item:

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

All speakers had been previously sworn.

Mr. Logan qualified Mr. Judah who stated that he had reviewed the application and prepared the staff report for the case. He stated that this was the third zone map amendment application the owner had submitted for the property. He stated that the other two applications had had technical issues and that staff could not recommend approval of those requests. He stated that in the previous applications, there was no sewer capacity. He stated that the Sewer Department has been working on the sewer problems and that there is now capacity for 200 additional units, with an additional 216 units to be added at the next capacity upgrade. Mr. Judah stated that the owner is in agreement to work with phased development to coincide with increased sewer capacity.

Mr. Judah stated that he had found positive findings that were contained within the staff report. He read the findings into the record:

1. Comprehensive Plan, Future Land Use Plan designates the property for Suburban Residential land use.

2. The Rural High Density Residential (RH) zone district is an appropriate zone district for the Suburban Residential land use designation.

3. The zone map amendment request is in agreement with the current comprehensive plan.

Under Commission questioning, Mr. Sanderson stated that he had concerns regarding the phasing of the development. He stated that phasing the development could mean up to eight years of construction taking place in the area. Mr. Sanderson also stated that he was concerned that the water capacity would not support firefighting. Mr. Judah stated that the Plant Board's engineer said that she would work with the developer to extend water for fire protection. Mr. Sanderson stated that he was concerned with there not being enough of a buffer between the apartment development and the Augusta development.

Mr. Sweger asked Mr. Judah to further clarify his statement that land uses may be an appropriate buffer from higher intensity uses to lower intensity uses. Mr. Judah stated that there is a more intensive land use to the east and that this property will provide a buffer between it and the properties to the south and the medical properties along C. Michael Davenport Boulevard.

Under audience questioning, Mr. Al Wink, President of the Augusta Homeowner's Association asked if the total number of units was 400 or 416. Mr. Judah stated that the total number was 416.

There were no further questions of Mr. Judah.

The applicant and his attorney, Brian Hix were present. Mr. Hix stated that he had read the Staff Report and that he and his client were in agreement with the Staff Report. Mr. Jason Taylor presented a video and provided handouts to the Commission on the design of the development. The video showed how the development will be buffered. He stated that he did not intend to change the existing tree buffers. He stated that it would only enhance his development.

Mr. Taylor stated that the traffic study indicated that this development would have no impact on Cardwell Lane.

Mr. Taylor stated that he fully understood Ms. Julian's concerns. He stated that he had offered to build a privacy fence or a berm to provide a buffer to her property.

Ms. Boggs asked if the second entrance would be off of C. Michael Davenport Boulevard. Mr. Taylor stated that it would be the main entrance and then showed on the video where the secondary entrance would be located. He stated that the second entrance would be widened.

Mr. Taylor stated that he provided the video so that the Commission members and the public could actually see the property and its location to the adjoining properties. He stated that they had a traffic study which found very little impact to Cardwell Lane.

Mr. Taylor stated that the project is a market driven development and that his company was a for-profit company.

Mr. Taylor provided a packet to the members, showing the property, proposed lay-out of the development and renderings of the buildings.

Mr. Taylor stated that the run-off from his property will not be hazardous to the Julian property.

Mr. Taylor stated that he would build a privacy fence or a berm if adjoining property owners wished.

Mr. Boggs asked if the property off of C. Michael Davenport Boulevard was owned by his company. Mr. Taylor stated that it was under contract.

Mr. Boggs asked if the second entrance would be used, as well. Mr. Taylor stated that the second entrance would not be as convenient for the residents.

Mr. Boggs stated that the fire department had concerns about the width of the second entrance. Mr. Taylor responded that the plan presented at the meeting was only a concept plan and that the Final Development Plan will meet all requirements.

Mr. Sanderson stated that the plan does not allow for school buses to turn around on the property, which means that the children will have to walk to the round-about for pick-up and drop-off and suggested that some sort of shelter should be provided. Mr. Taylor responded that he could definitely do that.

Mr. Luscher asked Mr. Taylor to address how his proposed development will meet the needs of Frankfort and Franklin County, based upon the recent Housing Study that was completed.

Mr. Taylor stated that the Housing Study called for the need for 546 apartment units at market rate, 475 apartment units with subsidized rent and 1,800 single-family dwellings.

Mr. Taylor stated that the study that his company had completed had the population of Franklin County listed at 51,000 and the population within five miles of his site was 29,000 people and of that number, 38% of that number have an Associate's Degree or higher. He stated that the average number of people per household is 2.2, which is why they are proposing two-bedroom apartments and stated that the average household income was \$78,000. Mr. Taylor stated that 45% of employees in Franklin County drive 12 miles or more to reach their employment, which means that they don't live in Franklin County. He stated that that figure

means they don't spend money here. He added that they work here and then leave and spend their money where they live.

Mr. Taylor stated that the development he is proposing will provide a nice amenity package for his tenants. He stated that his development will generate \$480,000 in property tax revenue per year.

Mr. Sweger asked if the main entrance proposed is off of C. Michael Davenport Boulevard, could the other entrance be a right-in/right-out. Mr. Taylor stated that he was not opposed to that, but would have to work with the fire department to make sure they were in agreement with it.

Mr. Sweger stated that there was sewer capacity now for only 200 units. He then asked Mr. Taylor which buildings would be the first units to be built. Mr. Taylor provided a map with buildings numbered one through eight.

Mr. Stewart asked when retention would be built. Mr. Taylor responded that it will be built in the first phase.

Under audience questioning, Mr. Jane Julian stated that on page two of the staff report, a list of amenities that are going to be built does not include sidewalks. Mr. Taylor responded that there will be sidewalks. He stated that the plan presented is only a concept plan and that a Final Development plan will be provided and will include sidewalks.

Ms. Julian asked for clarification of where the first eight buildings will be built. Mr. Taylor provided the concept plan to show Ms. Julian which buildings would be built first.

Ms. Julian asked if the retention basin would be built before the first eight buildings. Mr. Taylor stated that it would be built in the first phase.

Mr. Herb Goff stated that he had a question of the traffic engineer. Mr. Jerrod Johnson, an Engineer with HMB Professional Engineers was sworn in. Mr. Goff asked how many additional trips would be generated by the development. Mr. Johnson stated that the development would generate an additional 2,700 trips per day on Cardwell Lane.

Mr. Scotty Harrod asked if the entrance off of Cardwell Lane will be two way. Mr. Taylor stated that it was being proposed as a two-way entrance, but if the Transportation Cabinet requires it to be right-in and right-out, that that is what will be constructed.

There were no more questions of the applicant.

Mr. Al Wink, President of the Augusta Homeowners Association stated that the proposed development has more units than every home in every subdivision on Cardwell Lane. He stated that he was concerned with what will be used as qualification for two lane road, with the condition that it is a right-in/right-out entrance. He stated that Cardwell Lane is curvy and hilly.

and is not safe. He added that he would like to be able to see the development plan to show the landscaping/berm locations.

Mr. Herb Goff stated that he is an Engineer and that he lives in Willowcrest subdivision. He stated that if the zone change is approved, he would like a privacy barrier to be installed. Mr. Goff stated that housing is needed, but not on this property. He stated that traffic will be doubled on Cardwell Lane. He stated that this development is not a transition from higher to lower densities. Mr. Goff stated that Frankfort needs housing, but not where the applicant is proposing.

Mr. Sweger asked if he could build a berm that would work. Mr. Goff stated that he was not sure.

Mr. Ken Hogsten, Director of the City of Frankfort Sewer Department, stated that he wanted to clarify the Sewer Department's stand on the sewer capacity. He stated that the initial review was based on the 2021-22 model. He stated that the Infill/Infiltration use was 3.3 but now is 1.3, which allows for more capacity at the pump station. He added that the increase in capacity is due to adding capacity at Prevention Park and reducing the strain on downstream stations.

Mr. Luscher asked if the sewer department could guarantee capacity for building in 2026. Mr. Hogsten stated that he could give estimates but not guarantee that capacity would be available.

The Secretary swore in Ms. Jane Julian, Ms. Chris Schimmoeller and Jamie Rice.

Ms. Jayne Julian read her remarks into the record. Remarks are attached. There were no questions of Ms. Julian.

Ms. Chris Schimmoeller, on behalf of Envision Franklin County, read her remarks into the record. Remarks are attached. There were no questions of Ms. Schimmoeller

Ms. Jamie Rice stated that she is a resident of Franklin County and stated that there are numerous properties that are more appropriate for this type of development. She stated that there are many vacant properties in the city which could be redeveloped for the proposed use, instead of using this process.

Mr. Bryan Hix stated that the property that is being purchased off of C. Michael Davenport Boulevard is zoned Professional Office and does not need to be rezoned.

Mr. Taylor stated that the proposal is infill and included that growth in a community is hard, but necessary.

There was no further testimony.

Mr. Sanderson made a motion to close the Public Hearing & Table the matter in order for a Summary of the Testimony can be prepared. The motion was seconded by Ms. Cross and passed unanimously.

Chairman May asked the Secretary to introduce the next item:

Raymond & Crystal Barker are requesting a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for a 20.1-acre tract of land located at 1190 Pea Ridge Rd. 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 049-00-00-012.00 (County Item)

Mr. Logan qualified Mr. Ben Judah. Mr. Judah stated that he did have one change to the staff report. He stated that in the "Background" section, the property is located overlooking the Kentucky River, which should be removed.

Mr. Logan asked Mr. Judah to provide a summary of his report. He stated that he had two positive findings. He stated that the findings he was recommending were:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Suburban Residential and the zone change request is consistent with other uses in the area.
2. The zone change request is consistent with other uses in the area.
3. The zone map amendment request is in agreement with the current Comprehensive Plan.

Mr. Raymond Barker stated that the reason they wanted to rezone was so that they could possibly plant an orchard for the public to come and pick the fruit. Mr. Barker stated they want to keep it as a family farm.

There was no further testimony.

Mr. Luscher made a motion to close the Public Hearing and to recommend to the Franklin County Fiscal Court that the rezoning request application by Raymond & Crystal Barker from Rural Residential District "RR" to Agricultural District "AG" for a 20.1-acre tract of land located at 1190 Pea Ridge Road be approved, based on the staff's three proposed findings of fact. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the Secretary to introduce the next item:

In accordance with Chapter 155.264 and 155.008, Clark's Pump and Shop-Frankfort is requesting a waiver of Section 155.366, Table 1 to allow an increase in the allowable sign are permitted for a gas station in the "CL" – Limited Commercial zoning district, for fascia and canopy signs on the property located at 100 Isaac Shelby Circle West. The property may be more specifically described as PVA Map #086-00-00-029.00

It was noted that the applicant was not in attendance. Mr. Logan stated that the staff had recommended denial and that the matter could be considered.

Mr. Judah provided a summary of the staff report. He stated that the applicant may have been confused by the fact that the pole sign was approved, which is almost the maximum square footage for all signs on the building. He stated that all other signs on the property need to be removed.

Ms. Jenny Neat stated that Governor's Place asked if the banners were included in the square footage. Mr. Judah stated they were not. Ms. Neat stated that Governor's Place was being inundated with buildings using cheap building materials and ugly banners.

After further discussion, Mr. Sweger made a motion to deny the request. The motion was seconded by Ms. Cross and passed unanimously.

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

William May, Chairman

Vickie Sewell, Recording Secretary

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 his 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.

William May, Chairman

Vickie Sewell, Recording Secretary