

ORDINANCE NUMBER 14 - 2024

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 27.02-ACRES OF PROPERTY LOCATED AT 6761 US 127 NORTH, 6765 US 127 NORTH, AND 6759 US 127 NORTH, FROM RURAL RESIDENTIAL (RR) TO AGRICULTURAL DISTRICT (AG). THE PROPERTY IS IDENTIFIED AS PVA MAP NUMBERS 071-00-00-038.00, 071-00-00-038.02, AND 071-00-00-038.04.**

**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 October 10, 2024, and established findings of fact 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 27.02-acres of property located at 6761 US 127 North, 6765 US 127 North, and 6759 US 127 North in Franklin County, Kentucky, identified as PVA map numbers 071-00-00-038.00, 071-00-00-038.02, and 071-00-00-038.04 is hereby amended from Rural Residential District (RR) to Agricultural District (AG), based on the following findings of fact:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Rural Activities.
2. The Agricultural (AG) zone district is an appropriate zone district for the Rural Activities land use designation.
3. The proposed zone map amendment is in agreement with the Comprehensive Plan.

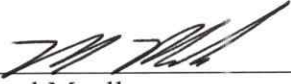
SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

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 December, 2024.

**GIVEN SECOND READING AND APPROVED** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 19 day of December, 2024 and of record in Fiscal Court Order Book 35, Page 351.

  
\_\_\_\_\_  
Michael Mueller  
Franklin County Judge/Executive

ATTESTED TO:

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

**SUMMARY**

This ordinance is a first reading to approve or deny a zone map amendment from Rural Residential (RR) to Agricultural District (AG) for a 27.02-acre property, located at 6761 US 127 North, 6765 US 127 North, and 6759 US 127 North in Franklin County, Kentucky, identified as PVA map numbers 071-00-00-038.00, 071-00-00-038.02, and 071-00-00-038.04.

**RR to AG Rezone Legal Description for KT Holdings Property**

**Tracts 1, 2 and 4 – 27.02 Acres**

**US 127 North**

Being 3 tracts of land totaling 27.02 acres located on the West side of US 127 North approximately 520 feet North of the intersection of Tracy Lane and US 127 North in Franklin County, Kentucky and more particularly described as follows:

Being all of Tract 4, containing 6.51 acres, as shown on the Minor Subdivision Plat for KT Holdings, dated 9/19/2023, of record in Plat Cabinet N, Slide 275 in the Office of the Franklin County Clerk.

Being all of Tracts 1 and 2, containing 10.17 acres and 10.34 acres respectively, as shown on the Agricultural Division Plat for KT Holdings, dated 9/8/2023, of record in Plat Cabinet N, Slide 169 in the Office of the Franklin County Clerk.

Being part of the same property conveyed to KT Holdings, from the Estate of Buster F. Brown, deceased, by Gerald Brown, Executor, by deed dated July 28, 2023, of record in Deed Book 622, page 228, in the Office of the Franklin County Clerk.

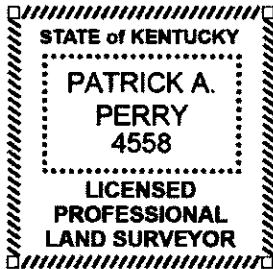
Description Prepared on September 27, 2024 By:

Patrick Perry, P.E., PLS

PK Surveying (502-229-1554)

6108 Bardstown Trail

Waddy, KY 40076



*Patrick Perry*

**FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION**

**October 10, 2024  
5:30 PM**

**Brent Sweger, Chairman, Presiding**

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

Chairman Sweger asked the Secretary to Call the Roll.

MEMBERS PRESENT:

- Irma Johnson
- Timothy Luscher
- William May
- Reed Mills
- Michael Nickles
- Darrel Sanderson
- Charles Stewart

Brent Sweger, Chairman

(8)

Also Present:

- Edwin Logan, Planning Commission Attorney
- Eric Cockley, Director of City of Frankfort Planning & Community Development
- Autumn Goderwis, Director, Franklin County Planning & Building Codes
- Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes

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

Chairman Sweger asked for a motion to approve the minutes. Mr. Bill May made the motion to approve the September 12, 2024 minutes. The motion was seconded by Mr. Charles Stewart and passed unanimously.

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

Ed Logan (Legal Fees for October 2024)	\$1,500.00
Vickie Sewell (PC 9/12/24)	\$ 300.00
Dawn McDonald (BZA 09/10/2024)	\$ 150.00
Dawn McDonald (BZA 10/08/2024)	\$ 75.00
Frankfort NewsMedia (Legal Ads)	\$ 673.13
McBride Dale Clarion (UDO Rewrite Invoice #4690-1)	\$1,772.50
McBride Dale Clarion (UDO Rewrite Invoice #4690-3)	\$2,372.50
Mitch Buchanan (11 BZA meetings 2023-2024)	\$ 550.00
Harry Carver (11 BZA meetings 2023-2024)	\$ 550.00
Patrick Carney (5 BZA meetings 2023-2024)	\$ 250.00
Lauren Coltrane (1 BZA meeting 2023-2024)	\$ 50.00
Barry Holder Jr (10 BZA meetings 2023-2024)	\$ 500.00

Johnny Keene (10 BZA meetings 2023-2024)	\$ 500.00
Margaret Townsley (8 BZA meetings 2023-2024)	\$ 400.00
David Boggs (2 PC meetings 2023-2024)	\$ 150.00
Patti Cross (2 PC meetings 2023-2024)	\$ 150.00
Sherron Jackson (4 PC meetings 2023-2024)	\$ 300.00
Irma Johnson (2 PC meetings 2023-2024)	\$ 150.00
Keith Lee (1 PC meeting 2023-2024)	\$ 75.00
Timothy Luscher (6 PC meetings 2023-2024)	\$ 450.00
Todd McDaniel (6 PC meetings 2023-2024)	\$ 450.00
William May Jr (8 PC meetings 2023-2024)	\$ 600.00
Reed Mills (6 PC meetings 2023-2024)	\$ 450.00
Michael Nickles (6 PC meetings 2023-2024)	\$ 450.00
Darrell Sanderson (10 PC meetings 2023-2024)	\$ 750.00
Charles Stewart (9 PC meetings 2023-2024)	\$ 675.00
Brent Sweger (7 PC meetings 2023-2024)	\$ 525.00

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

Chairman Sweger asked the Secretary to introduce the next agenda item:

CONTINUATION OF PUBLIC HEARING: In accordance with KRS 100.197 (1) the Planning Commission is holding a public hearing to take public input and consider the adoption of the collective elements of the new Comprehensive Plan

Mr. Charles Stewart made a motion to take the item from the Table and to accept the Summary of the Public Hearing. The motion was seconded by Ms. Johnson and passed unanimously.

Chairman Sweger made a motion to adopt the Comprehensive Plan and its Collective Elements. The motion was seconded by M. Stewart.

Mr. Luscher made a motion to amend the Future Land Use Map and add an additional 700 acres of industrial property along US 127, South, as shown on the alternative map provided at the meeting . The motion was seconded by Mr. Sanderson.

Mr. William May recused himself.

Mr. Luscher stated that industrial land needs to be provided for futures needs. Chairman Sweger stated that several people had come to the public hearing to show that they did not support the industrial land use in that area. He stated that there was a need to have the type of infrastructure that could support industrial development in the area.

Mr. Sanderson stated that he had met with the Sewer Department and they stated that they have plans to extend sewer into the area and to install two additional pump stations.

Mr. Stewart stated that the Commission had held several meetings and that the plan had taken over three years and the community is in support of the existing proposal.

Mr. Luscher stated that this proposed amendment is not changing anything for now, but it is giving future development in the area a possibility when sewer is available.

Mr. Stewart stated that there is no overwhelming support for making the change.

Mr. Luscher stated that the Future Land Use Plan is up to the Planning Commission to determine what uses would go where.

Mr. Stewart pointed out that there was an overwhelming desire to not provide that acreage as industrial.

Mr. Luscher asked for the question to be called. Chairman Sweger stated that the Board was not ready to call the question.

Chairman Sweger stated that there was no reason to add an additional 700 acres when there is over 750 acres zoned as industrial that are either not developed or under -utilized.

Mr. Sanderson asked what sizes. Chairman Sweger responded that some are over 100 acres and some are smaller.

Mr. Sanderson asked how many acres a typical industrial development needed. Mr. Judah stated that a typical industrial development would need between thirty and fifty acres.

Chairman Sweger thanked the committee for its hard work and asked the Secretary to call the roll for the vote on the amendment to the motion. The motion passed by a vote of four to three. Those voting in favor were Mr. Luscher, Mr. Nickles, Mr. Mills and Mr. Sanderson. Those voting against were Mr. Stewart, Ms. Johnson and Chairman Sweger.

Chairman Sweger asked the Secretary to call the roll for the adoption of the Comprehensive Plan and its collective elements as amended. The motion was approved by a vote of four to three. Those voting in favor were Mr. Luscher, Mr. Sanderson, Mr. Nickles, and Mr. Mills. Those voting against were Ms. Johnson, Mr. Stewart and Chairman Sweger.

Chairman Sweger asked the Secretary to introduce the next item:

**PUBLIC HEARING: KT Holdings, LLC is requesting a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for 27.02-acres of property at 6761 US 127 North, 6765 US 127 North, and 6759 US 127 North as shown as Tract #1 and Tract #2 on Plat Cabinet N Slide 169 and Tract #4 on Plat Cabinet N Slide 275 in the office of the Franklin County Clerk. The properties are more specifically identified as PVA Map Numbers 071-00-00-038.00, 071-00-00-038.02, and 071-00-00-038.04. (County Item).**

Mr. Ben Judah, Franklin County Planning Supervisor, was sworn in and under questioning by Mr. Logan, stated that he had reviewed the requested zone map amendment and had prepared the staff report. He stated that he had no changes or additions to the staff report. He stated that his vita that is on file is still current.

Mr. Judah stated that the properties are three contiguous properties and that the three properties contained 27.02 acres. He stated that the owner wished to use the property for cattle.

Mr. Judah stated that the staff report recommended three positive findings:

1. The Comprehensive Plan Future Land Use Plan designated the area for Rural Activities.
2. The "AG" zoning is an appropriate zone district for Rural Land Use Activities.
3. The requested zone Map Amendment is in compliance with the Comprehensive Plan that was in effect at the time the request was made.

There were no questions of Mr. Judah.

Ms. Terry Hensley was present on behalf of the applicant and was sworn in by the Secretary. Under questioning by Mr. Logan, she stated that she was in agreement with the Staff Report and had no further testimony.

Mr. Sanderson made a motion to close the public hearing. The motion was seconded by Mr. Mills and passed unanimously.

Mr. Sanderson made a motion to approve the findings of fact one, two and three contained in the Staff Report and to recommend to the Franklin County Fiscal Court that the Zone Map Amendment request from Rural Residential "RR" to Agricultural "AG" by KT Holdings, LLC for 27.02-acres of property located at 6761 US 127, North, 6765 US 127 North and 6759 US 127 North, as shown as Tract #1 and Tract #2 in Plat Cabinet N, Slide 169 and Tract #4 on Plan Cabinet N, Slide 275 in the office of the Franklin County Clerk be approved. The motion was by Mr. Luscher and passed unanimously.

Under other business, Mr. Luscher announced his resignation from the Planning Commission.

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

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Brent Sweger, Chairman

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Vickie Sewell, Recording Secretary



## STAFF REPORT

**TO:** Frankfort/Franklin County Planning Commission

**FROM:** STAFF

**MEETING DATE:** October 10, 2024



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### GENERAL INFORMATION

**Applicant:** KT Holdings, LLC  
c/o Kenneth Tracy  
6700 US HWY 127 North  
Frankfort, KY 40601

**Request:** PUBLIC HEARING: KT Holdings, LLC is requesting a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for 27.02-acres of property at 6761 US 127 North, 6765 US 127 North, and 6759 US 127 North as shown as Tract #1 and Tract #2 on Plat Cabinet N Slide 169 and Tract #4 on Plat Cabinet N Slide 275 in the office of the Franklin County Clerk. The property is more specifically identified as PVA Map Numbers 071-00-00-038.00, 071-00-00-038.02, and 071-00-00-038.04.

**Size of Property:** 27.02 acres

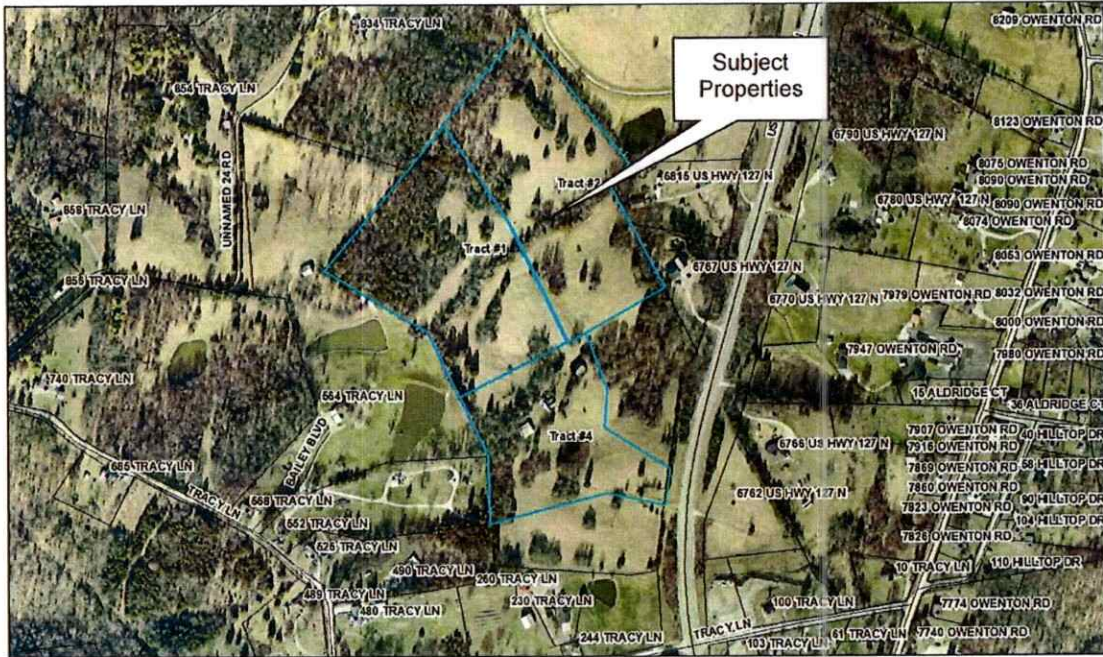
**Purpose:** Farm- Agricultural

### Surrounding Land Use & Zoning

North: Zone- RR; Agricultural, Residential  
South: Zone- RR; Agricultural, Residential  
East: Zone- RR; Residential, Agricultural  
West: Zone- RR; Agricultural, Residential

### Background

The subject property is located in North central Franklin County along US HWY 127 North. The area features a mixture of rural/agricultural and residential land uses. The applicant is proposing to rezone the property to Agriculture District (AG) with the intent to farm and raise cattle.



**Existing Zoning:** Rural Residential District (RR)

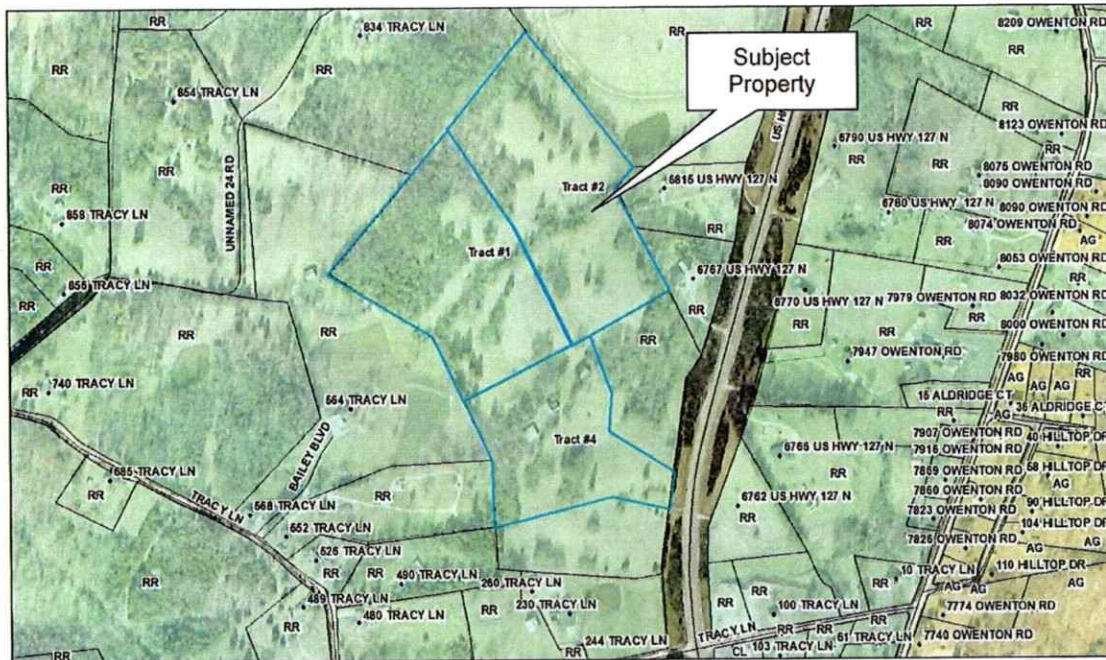
**§ 155.136 (A) Purpose.**

This district is intended to establish and preserve a quiet single family home neighborhood, free from other uses except those which are convenient to and compatible with the residences of such neighborhood. This district is intended to be of very low density and will customarily be located in areas where public sewer facilities are not available or planned.

**Proposed Zoning:** Agricultural District (AG)

**§ 155.135 (A) Purpose.**

This district is intended to recognize agricultural land, to establish regulations which emphasize agricultural production, and preserve a rural character.



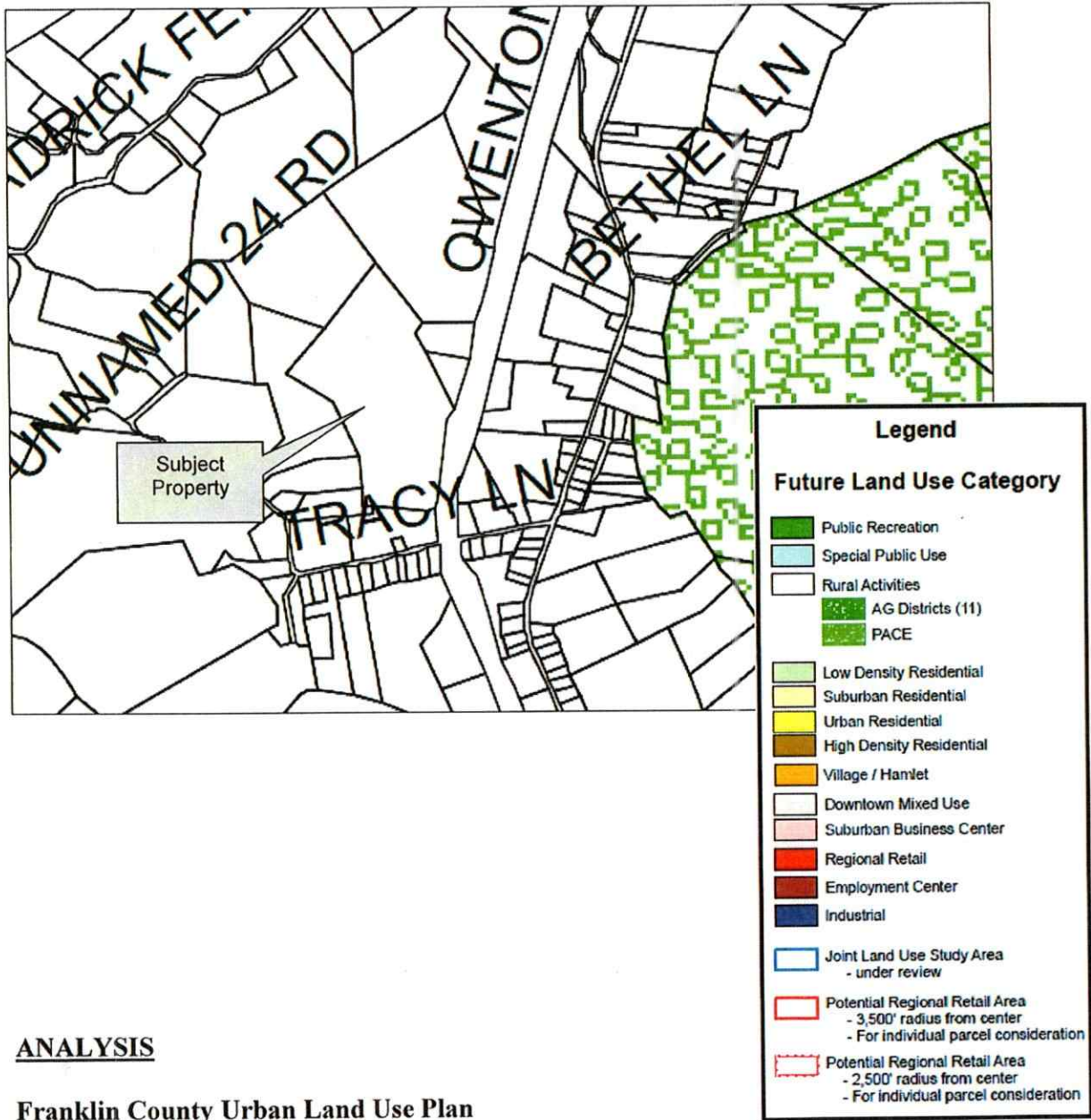
## APPLICABLE REGULATIONS

### K.R.S. 100.213, Findings Necessary for a Zone Change

Before any map amendment is granted, the Planning Commission or legislative body or fiscal court must find that the map amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one or more of the following apply:

- a. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.
- b. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

## Future Land Use



### ANALYSIS

#### **Franklin County Urban Land Use Plan**

The subject property is identified on the Countywide Land Use Plan map as Rural Activities. The land use category Rural Activities is described in the following manner:

## **Rural Activities**

There are large areas of Franklin County that are undeveloped and will most likely remain undeveloped well into the future. There are many reasons for leaving these areas undeveloped ranging from public service availability to other development constraints. The natural and undeveloped areas provide many important benefits to the residents of the County including water filtration, flood protection, wildlife habitat, recreation and natural beauty. Agriculture is also an important part of the history and economy of Franklin County. Growth in these areas should be closely considered with an awareness of the value of the ecosystem services which they provide. Given that these areas are considered undeveloped, they may be suited for some types of very low intensity development including large lot residential uses, cluster/conservation subdivisions and agriculture. In some cases, these lands may also remain in their natural undeveloped state indefinitely.

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### **Land Use Guidelines**

- The primary land uses in Rural Activity Areas should be agriculture, forestland, open space, cluster/conservation subdivisions and some limited large lot residential land uses.
- Non-residential uses may locate at appropriate intersections of primary roadways.
- Agricultural Districts and properties preserved under the P.A.C.E. (agricultural conservation easement) should be used solely for agricultural uses. The approximate boundaries of these districts and easements are illustrated on the Land Use Plan Map. Exact boundaries are available through the Franklin County Soil Conservation District.

### **Development Guidelines**

1. Development in Rural Activities areas that is served by public/private water and private sewer should not exceed 1 unit per 10 acres. Development that is served by public water and public sewer should not exceed 1 unit per 1.5 acres, provided that there is sufficient capacity to serve those units.
2. Flexibility should be given when special circumstances are presented and where the proposed development will not have an adverse effect on the surrounding uses. Such circumstances may include the division of property for the purpose of building a home for a relative, etc.
3. No new development shall occur where there is not an adequate water supply and water pressure for fire protection services.
4. Emphasis should be placed on clustered/conservation subdivisions to help minimize the need for infrastructure improvements and manage urban sprawl, and preserve natural and cultural features.
5. Developers should incorporate the protection of natural resources, including the floodplain, into the development to create unique neighborhoods while protecting the natural environment.
6. Non-residential uses should be at a size and scale that reflects the rural character of surrounding uses.

### **Goal 1: Grow by Design**

*Growth in Frankfort/Franklin County will be responsibly designed, planned and managed to create a sustainable community that provides for a quality lifestyle for all residents of Frankfort and Franklin County. Future growth will be based on a long-term vision for our community, public service availability, the suitability of land for development, and a thorough understanding of the cultural and ecological features of the area. Among other things, decisions on future growth should be considered with awareness for energy conservation, the public need for greenspace and walkability and the need for ties to historic resources, tourism opportunities, and the Kentucky River, including its tributaries.*

Staff finding: Positive-The surrounding land uses are a mix of residential and agricultural uses on large lots. The entrance to the subject properties is approximately 500 feet North of the intersection of US 127 North and Tracy Lane. There are a couple of non-residential and non-agricultural uses, including a church and a gravel/landscaping company, which are located within 2000 linear feet from the subject properties.



View of US 127 North facing South toward Tracy Lane from property entrance.

It appears that policy #1 supports the applicant's request.

Policies:

1. Recognize that growth is healthy and necessary, but that growth should be managed pursuant to the community's Comprehensive Plan.
2. Approve new development only when the public facilities and public services needed to serve the development will be available.
3. Develop standards that require the developer to provide for the increased costs in providing public services for the new development as appropriate. The public services may include, but not be limited to, water, sewer, schools, transportation, emergency services, and parks as appropriate.
4. Provide a level of public service in rural areas that complements the rural settings.
5. Continue the enforcement of storm water regulations to minimize runoff from new developments.
6. Provide overlays within the city and county that identify aspects of the landscape that are of cultural, ecological and historical significance (for example, mature woodlands, old railroad tracks, stone walls, historic buildings, wetlands, steep slopes, etc.).
7. Develop an urban growth plan with designated growth areas that can accommodate new moderate- and high-density housing units. The size and location of the growth areas should be based on projected population growth, current housing stock and demographics.
8. Encourage developments that provide a mix of uses such as different housing types, affordable housing, commercial establishments, restaurants, recreational areas and open space that will encourage the development of a sense of place.

9. Encourage the redevelopment of brownfield and grayfield properties and the reuse of vacant/underutilized existing industrial or commercial buildings.
10. Recognize the need for energy conservation in modes of transportation.
11. Encourage developments to provide greenspace within neighborhoods and linking neighborhoods and other appropriate sites together.
12. Plan for public services and facilities that adequately serve current needs as well as demand generated by the additional growth as detailed above.

**Goal 2: Distinguish Town and Country Identity**

*Preserve and reinforce the distinction between the urban and rural areas of Franklin County.*

Staff finding: Positive-The subject properties are located within the Rural area as depicted on the map contained with the Subdivision and Development Plan Regulations. The Rural development standards contained within Part 4 of the Subdivision Regulations would be applicable to improvements on the site. The minimum lot size of Rural Residential District properties is 1.5 acres; the minimum lot size of Agricultural District properties is 5 acres. The properties are classified as Rural Activities in the Future Land Use Map of the Comprehensive Plan. Similar uses to the proposed use are in the area.

It appears that policies #5 & #7 are applicable to this request.

**Policies:**

1. Promote a compact urban area, and recognize and encourage small, compact, rural villages to promote cost effectiveness and efficiency.
2. Identify urban growth boundaries that are compatible with the goal of preserving community character.
3. Define in-fill development as it relates to development in the urban areas of Frankfort, recognizing that in-fill development may not be an appropriate term for developments that may occur in the unincorporated portions of Franklin County.
4. Support and provide incentives for in-fill development on properties that were skipped over within urban areas.
5. Encourage the preservation of existing farms and rural lands outside of existing and planned urban areas.
6. Promote the need to provide incentives for and support the revitalization of the downtown and other already developed areas.
7. Encourage rural land use outside of the urban growth area.
8. Avoid and contain urban sprawl, to preserve the distinction between the rural landscape and Urban/Suburban environment.



### **Goal 3: Use Infrastructure as a Planning Tool**

*Utilize the provision of infrastructure in supporting and influencing growth into areas most suitable for development.*

Staff finding: Positive-The existing public utilities in the area are capable of supporting the agricultural and residential uses in the rural setting. A facility review was performed and services can or are provided to the property. Copies of the reviews are attached.

It appears that policy #2 of this goal supports the applicant's request.

#### **Policies:**

1. Develop a Capital Improvements Plan as a means of coordinating public services/utilities, infrastructure improvements, and development, including pedestrian ways, bikeways, public transit, etc.
2. Direct development into areas within or in close proximity to the existing infrastructure service areas.
3. Encourage the extension of public utilities and public facilities capable of supporting rural densities outside of the planned urban growth area.
4. Plan and build a safe and efficient transportation system, through access management, required roadway interconnections, traffic systems management, development impact analysis, transit, sidewalks and bicycle facilities.
5. Encourage development to occur in a manner respective of emergency response and in compliance with emergency preparedness plans.
6. Encourage the development of a county-wide bicycle and pedestrian master plan.

### **Goal 4: Promote Economic Health**

*Recognizing that our economic health is inextricably linked to the health of our environment and our citizens, we will provide for the economic health of the community by continuing to implement this plan and by providing an environment for quality jobs, supporting local business and promoting sustainable businesses and industries that have a low environmental impact.*

Positive-This request does not appear to represent a significant economic impact.

It appears that policy #6 of this goal supports the applicant's request.

#### **Policies:**

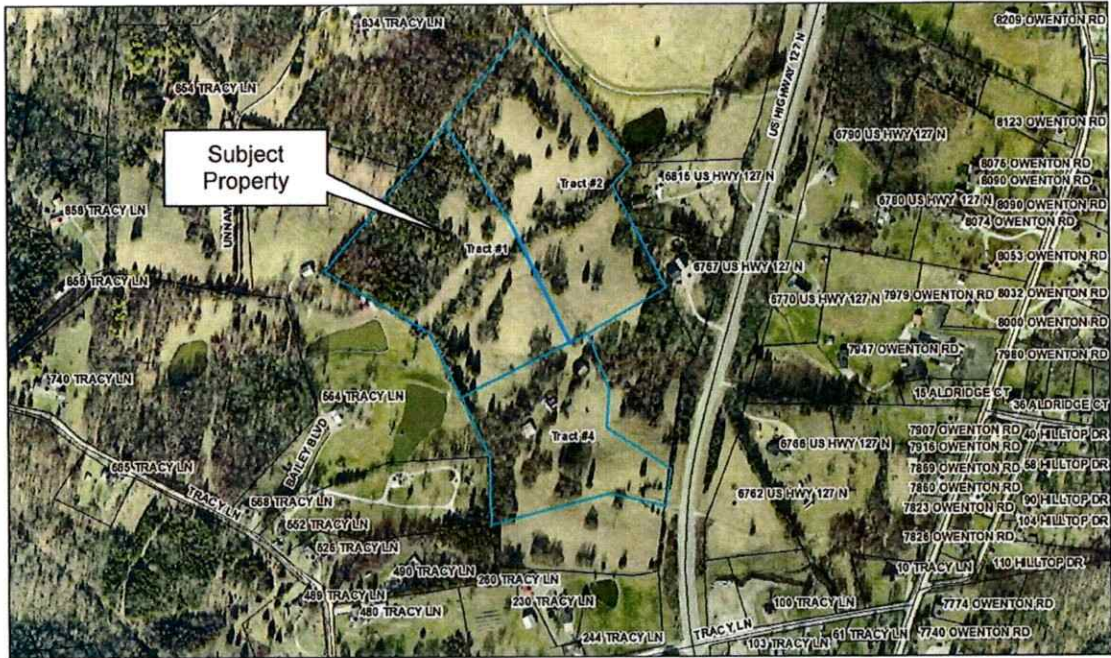
1. Continue to promote the development and expansion of quality, environmentally sustainable and economically productive industry in existing industrial parks.
2. Direct additional industrial and/or commercial growth onto land that is suited for industrial and/or commercial development.

3. Promote concepts such as mixed land uses, increased density and connectivity within and between developments.
4. Promote new commercial activity within compact, mixed-use areas and in close proximity to residential areas.
5. Emphasize tourism, including heritage related tourism, as an important economic development asset in the community, including the Kentucky River and its tributaries.
6. Promote local farms and their markets within Franklin County.
7. Work with and encourage state government to coordinate its facility needs consistent with community interests.
8. Encourage the development of businesses that can provide needed products, services and jobs for existing neighborhoods, as well as appropriate expansion opportunities of unique, local industry.

**Goal 5: Protect Environmental Health**

*Protect the integrity of the natural environment, including water, air, and land quality, by ordinance and by overlay planning.*

Staff finding: Positive-The subject properties are not located within a Special Flood Hazard area (i.e. 1% Annual Chance Flood) as depicted on the Flood Insurance Rate Maps for Franklin County (adopted December 21, 2017). The Subdivision Regulations, Zoning Ordinance, stormwater ordinance and associated regulations are written in such a manner that either encourage or require that the policies within this goal are addressed. Development proposals within a flood hazard area are subject to additional regulations by the Kentucky Division of Water and Franklin County Ordinance Sections 155.295 through 155.317.



It appears that policy #1 is applicable to this request

1. Preserve streams and drainage ways to manage stormwater runoff, prevent flooding, or to create a system of greenways.
2. Promote the development of regulations to reduce air, noise, light, water, and other pollution.
3. Promote building design that utilizes recycled material, encourages energy conservation, and low impacts on the environment.
4. Protect scenic viewsheds along rural roadways and protect rural character and viewsheds by supporting developments that create scenic overlays or easements.
5. Encourage new development to be designed in a manner that preserves the natural topography and other natural features such as trees, woodlands, wildlife, rare species, streams, ponds, and drainage ways.
6. Support the development of a countywide greenways plan.
7. Encourage the reduction of energy costs through more efficient development patterns and transportation modes.

**Goal 6: Preserve Existing Neighborhoods**

*Promote the stability, preservation, and vitality of existing residential neighborhoods.*

Staff finding: Positive- The surrounding area is predominantly rural with a mix of agricultural and residential uses. An Agricultural zoning classification allows the properties to remain compatible with the existing residential and agricultural

character of the area. There is Agricultural zoned land approximately 1000-feet to the East.

It appears that policy #6 is applicable to this request.

**Policies:**

1. In existing neighborhoods, encourage the retention of product and service providers.
2. Establish programs to stabilize, improve, and revitalize existing neighborhoods.
3. Promote maintenance of existing structures and provide incentives for the rehabilitation of deteriorating structures.
4. Encourage appropriate infill housing as a tool to preserve neighborhoods.
5. Preserve historic buildings and neighborhoods to maintain community character.
6. Encourage new development to fit the character of existing neighborhoods.
7. Encourage appropriate mixed-use development in existing neighborhoods to promote energy conservation and more walkable neighborhoods.
8. Encourage the preservation of the existing rural villages in Franklin County.

**Goal 7: Enhance Community Quality and Character**

*Promote quality development that strengthens community character and pride.*

Staff finding: Positive- Any development on these properties would be subject to the standards established in the Zoning Ordinance and Subdivision Regulations. The zone change request is consistent with existing activities in the general area.

Policy #4 supports the map amendment.

**Policies:**

1. Identify all quadrants of the I-64 interchanges as Regional Retail Center.
2. Support and enhance the rural gateways into the community by preserving their natural scenic beauty.
3. Improve standards for site design- including trees and other landscaping, access management, signage, and other design components.
4. Preserve rural character where appropriate.
5. Encourage the conversion of overhead utilities to underground.
6. Encourage small area overlay plans for high priority areas, including Holmes Street, Second Street, East Main Street, Versailles Road, Benson Valley, Bridgeport, Bellpoint, Peaks Mill, Louisville Road, and US 127 North and South Corridors.
7. Develop flexible tools for alternative rural development, such as cluster development, that preserves rural character.

8. Identify and preserve unique park, recreational, and historic opportunities including those along the Kentucky River and its tributaries.
  9. Continue to provide adequate and improved community services such as schools, police and fire protection, and parks and recreational opportunities that serve existing and planned growth.
  10. Promote public art and encourage community art activities.
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The Future Land Use map of the Comprehensive Plan property identifies the subject properties with a Rural Activities Future Lane Use Designation. As indicated in the Comprehensive Plan section of this report, the primary land use within that Future Land Use designation is agriculture, forestland, open space, cluster/conservation subdivisions and some limited large lot residential land uses. The "AG" zoning district generally permits the raising of agricultural crops or livestock, forestry, and hunting or game preserves. Ancillary services inherent to farming are also permitted. (see use table).

A traffic study and concept plan were not required for this request to appear before the Planning Commission

### **CONCLUSION**

Staff recommends the following findings of fact:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Rural Activities.
2. The Agricultural (AG) zone district is an appropriate zone district for the Rural Activities land use designation.
3. The proposed zone map amendment is in agreement with the Comprehensive Plan.

Based upon these findings of fact, staff recommends **APPROVAL** of this zone map amendment.



Subject property facing west toward existing residence.



FRANKLIN COUNTY  
 PLANNING & BUILDING CODES  
 DEPARTMENT  
 321 West Main Street  
 Frankfort, KY 40601  
 Phone: (502) 875-8701  
 Fax: (502) 875-8737  
 www.franklincounty.ky.gov

**OFFICE USE ONLY**

Received: 9/10/24  
 Payment Amt: \$ 300<sup>00</sup>  
 Receipt #: 722  
 Meeting: MC

APPLICATION FOR ZONE MAP AMENDMENT

MEETING DATE: \_\_\_\_\_ FILING DEADLINE: \_\_\_\_\_

The undersigned owner(s) of the following described property hereby request(s) the consideration of change in zone district classification as specified below:

GENERAL INFORMATION

- Property Owner (The owner must be the applicant):  
Kenneth Tracy - KT Holdings, LLC
- Mailing Address:  
10 Kenneth Tracy 6700 US Hwy 127 N  
Frankfort, Ky 40601
- Phone Number:  
 Home: 502-863-5235 Work: 502-352-2458

SITE INFORMATION

- General Location of Property: Old Brown Farm
- Subdivision Name: (if applicable) N/A
- Street Address: 6759, 6761 + 6765 US Hwy 127N

ZONING INFORMATION

- Present Zoning of Property: RR
- Proposed Zoning of Property: AG
- Existing Use of Property: Farming + Animal grazing

10. Proposed Use of Property: Farming + animal grazing

11. Size of Property: Acres: 6759 (13.91) Sq. Ft. \_\_\_\_\_  
6761 (10.17) 6765 (10.34)

SUPPORTING INFORMATION:

The following items must be attached to the application as supporting information to this request:

- A. A vicinity map showing the location of the request.
- B. A list of all property owners and their mailing addresses within, contiguous to, and directly across the street from the proposed rezoning.
- C. Legal Description of the Property. If proposed change involves only a portion of a parcel the applicant must attach a survey conducted by a registered land surveyor.
- D. Statement of Fact that the proposed change meets the minimum requirements of KRS 100.213.
- E. Preliminary Development Plan or Preliminary Subdivision Plat, as required in Articles 5 & 7 of the Franklin County Zoning Ordinance or the Subdivision Regulations. Checklists for the Preliminary Development Plan or the Preliminary Subdivision Plat are attached.
- F. **Filing Fee \$300** (Checks should be made payable to the Frankfort/Franklin County Planning Commission.)

9-10-24

Date

Kenneth King

Signature of Property Owner

Note: One (1) copy of this form and the Supporting Information, Items A through E, must be filed with the Frankfort/Franklin County Planning Commission at the Franklin County, Department of Planning and Building Codes by 1:00 p.m. on the deadline date.



**RR to AG Rezone Legal Description for KT Holdings Property**

**Tracts 1, 2 and 4 – 27.02 Acres**

**US 127 North**

Being 3 tracts of land totaling 27.02 acres located on the West side of US 127 North approximately 520 feet North of the intersection of Tracy Lane and US 127 North in Franklin County, Kentucky and more particularly described as follows:

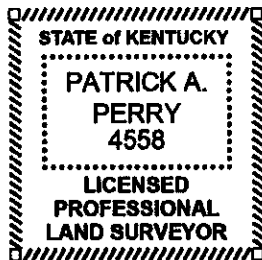
Being all of Tract 4, containing 6.51 acres, as shown on the Minor Subdivision Plat for KT Holdings, dated 9/19/2023, of record in Plat Cabinet N, Slide 275 in the Office of the Franklin County Clerk.

Being all of Tracts 1 and 2, containing 10.17 acres and 10.34 acres respectively, as shown on the Agricultural Division Plat for KT Holdings, dated 9/8/2023, of record in Plat Cabinet N, Slide 169 in the Office of the Franklin County Clerk.

Being part of the same property conveyed to KT Holdings, from the Estate of Buster F. Brown, deceased, by Gerald Brown, Executor, by deed dated July 28, 2023, of record in Deed Book 622, page 228, in the Office of the Franklin County Clerk.

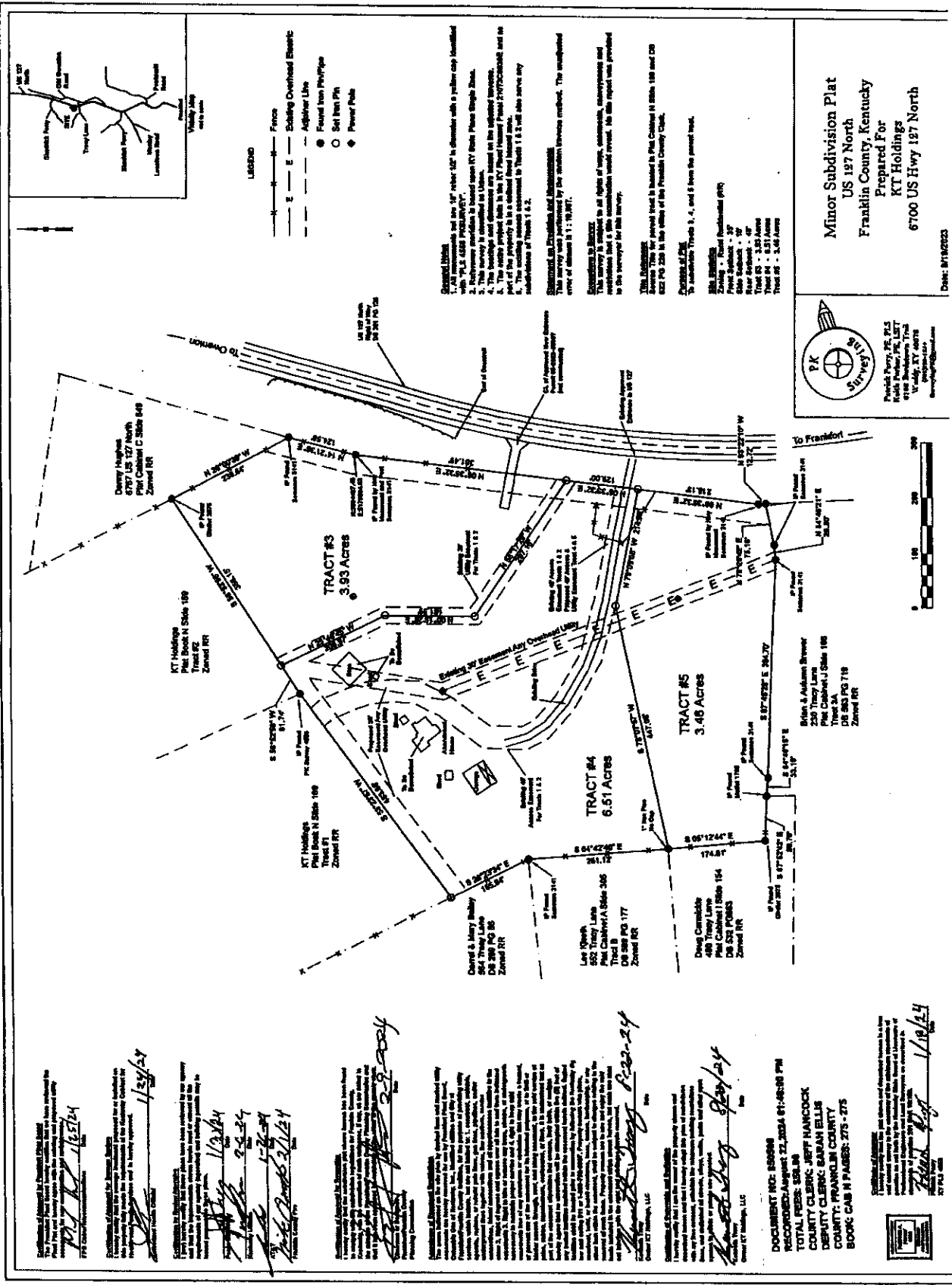
Description Prepared on September 27, 2024 By:

Patrick Perry, P.E., PLS  
PK Surveying (502-229-1554)  
6108 Bardstown Trail  
Waddy, KY 40076

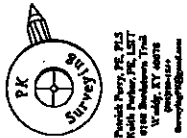


*Patrick Perry*





Minor Subdivision Plat  
 US 127 North  
 Franklin County, Kentucky  
 Prepared For  
 KT Holdings  
 6700 US Hwy 127 North



Patrick Perry, P.E., P.S.  
 State Engineer, KY, L.S.T.  
 9116 Woodburn, Twp 1  
 Waddy, KY 40378  
 502-338-0000

Date: 8/14/2023

**General Notes**  
 1. This survey was made in accordance with the provisions of the Kentucky Statutes, and the rules and regulations of the Board of Surveyors.  
 2. The survey is subject to all rights of way, easements, encroachments and other interests of record.  
 3. The survey is subject to all rights of way, easements, encroachments and other interests of record.  
 4. The survey is subject to all rights of way, easements, encroachments and other interests of record.  
 5. The survey is subject to all rights of way, easements, encroachments and other interests of record.

DOCUMENT NO: 189998  
 RECORDED: August 22, 2024 01:46:38 PM  
 TOTAL FEES: \$61.00  
 COUNTY CLERK: JEFF HANCOCK  
 COUNTY CLERK: SARAH ELLIS  
 COUNTY: FRANKLIN COUNTY  
 BOOK: CAB M PAGES: 275 - 275

*[Handwritten signatures and dates]*  
 1/28/24  
 9/2/24  
 1/28/24

*[Handwritten signatures and dates]*  
 8/22/24  
 8/22/24



## **100.213 FINDINGS NECESSARY FOR PROPOSED MAP AMENDMENT**

- (1) Before any map amendment is granted, the planning commission or legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:**
  - (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;**
  - (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.**

PER [REDACTED] [REDACTED] [REDACTED]

and extending the classification for the property as agricultural. Specifically, the property has been used for agricultural purposes. The Applicant does not wish to develop the property as a subdivision and the Applicant wishes to designate the property as agricultural with lesser intensive uses than a rural subdivision.

Date 9/26/2024

KT HOLDINGS, LLC

*[Handwritten Signature]*  
By: Karmah Tracy



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**RE: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG**

**SG** STROBL, ARTHUR G <as7779@att.com> ...  
To: Ben Judah; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; Brewer, To Mon 9/30/2024 8:03 AM  
Cc: brodsg@aol.com

AT&T has no issues with this zone change

Thanks,  
**Art Strobl**  
Sr Specialist-OSP Design Engineer  
Access Construction & Engineering  
Tennessee/Kentucky District

**AT&T Kentucky – Bellsouth Telecommunications, LLC**  
1535 Twilight Trail, Frankfort, KY 40601  
502.221.5271 | [TEAMS](#) | [as7779@att.com](mailto:as7779@att.com)

---

**From:** Ben Judah <ben.judah@franklincounty.ky.gov>  
**Sent:** Friday, September 20, 2024 11:20 AM  
**To:** Young, Tara M (KYTC-D05) <tara.young@ky.gov>; Brewer, Tony <Tony.Brewer@lge-ku.com>; STROBL, ARTHUR G <as7779@att.com>; Harrod, Mike <mikeharrod@fewpb.com>; pmwd2011@att.net; Brad Gregory <bgregory@hmbpe.com>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Autumn (agdmytrewycz@teamfishel.com) <agdmytrewycz@teamfishel.com>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>  
**Cc:** brodsg@aol.com  
**Subject:** Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

TRT members,

Please take a look at the attached facility review for a zone change request from Rural Residential to Agricultural for property along US 127 North. If possible, please review and provide comments by September 30, 2024. If you need any additional information, please let me know.

Sincerely,

Ben Judah, Planning Supervisor  
Franklin County Planning & Building Codes Dept.  
321 W. Main Street  
Frankfort, KY 40601

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Re: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

AD Autumn Dmytrewycz <agdmytrewycz@teamfishel.com>  
To: Ben Judah

...  
Mon 9/30/2024 3:42 PM

Ben, this is outside our service area.

Thanks.

**Autumn Dmytrewycz**

Team Fishel contractor  
Land Services Division  
Columbia Gas of Kentucky, Inc.  
2001 Mercer Road  
Lexington, KY 40511  
Cell: 859-361-1589  
Email: [agdmytrewycz@teamfishel.com](mailto:agdmytrewycz@teamfishel.com)  
Email: [admytrewycz@nisource.com](mailto:admytrewycz@nisource.com)

On Fri, Sep 20, 2024 at 11:19 AM Ben Judah <[ben.judah@franklincounty.ky.gov](mailto:ben.judah@franklincounty.ky.gov)> wrote:

TRT members,

Please take a look at the attached facility review for a zone change request from Rural Residential to Agricultural for property along US 127 North. If possible, please review and provide comments by September 30, 2024. If you need any additional information, please let me know.

Sincerely,

Ben Judah, Planning Supervisor  
Franklin County Planning & Building Codes Dept.  
321 W. Main Street  
Frankfort, KY 40601  
Ph 502-875-8701

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**RE: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG**

**BG**   [Brad Gregory <bradgregory@hmbpe.com>](mailto:bradgregory@hmbpe.com) 😊   ↶ Reply   ↶ Reply all   ➦ Forward   🗄 ...  
To: Ben Judah   Mon 9/23/2024 11:10 AM

Start reply with:        

Ben,

We do not see any reason to object to the zone map amendment from an engineering perspective. If there is any other information needed from us, please advise.

Thanks,

Brad



**Brad Gregory, PE, PLS**  
Principal-in-Charge  
3 HMB Circle  
Frankfort, KY 40601  
P: (502) 695-9800  
C: (502) 330-3114  
[www.hmbpe.com](http://www.hmbpe.com)

**From:** Ben Judah <ben.judah@franklincounty.ky.gov>  
**Sent:** Friday, September 20, 2024 11:20 AM  
**To:** Young, Tara M (KYTC-D05) <tara.young@ky.gov>; Brewer, Tony <Tony.Brewer@lge-ku.com>; STROBL, ARTHUR G <as7779@att.com>; Harrod, Mike <mikeharrod@fewpb.com>; pmwd2011@att.net; Brad Gregory <bradgregory@hmbpe.com>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Autumn (agdmytrewych@teamfishel.com) <agdmytrewych@teamfishel.com>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>  
**Cc:** brodsg@aol.com  
**Subject:** Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

TRT members,

Please take a look at the attached facility review for a zone change request from Rural Residential to Agricultural for property along US 127 North. If possible, please review and provide comments by September 30, 2024. If you need any additional information, please let me know.

Sincerely,

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Re: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

MO **Michael Oerther**  
To: Ben Judah

...  
Mon 9/30/2024 3:36 PM

Start reply with:

Ben,

I do not have any questions or comments regarding the proposed zone change to 6765 US 127N, 6759 US 127N and 6765 US 127 N.

**Best Regards,**

*Asst. Chief Oerther*

Mike Oerther  
Assistant Chief  
Franklin County Fire Department  
106 Darby Shire Circle  
Frankfort, KY. 40601  
Work: 502-695-1617  
Cell: 502-229-6023

---

**From:** Ben Judah <ben.judah@franklincounty.ky.gov>  
**Sent:** Monday, September 30, 2024 12:10 PM  
**To:** Michael Oerther <michael.oerther@franklincounty.ky.gov>; Brewer, Tony <Tony.Brewer@lge-ku.com>; pmwd2011@att.net <pmwd2011@att.net>; Autumn (agdmytrewycz@teamfishel.com) <agdmytrewycz@teamfishel.com>; Harrod, Mike <mikeharrod@fewpb.com>  
**Cc:** brodsg@aol.com <brodsg@aol.com>  
**Subject:** Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

TRT members,

Do you have any comments regarding the proposed zone change request? See attached. If possible, please provide comments at your earliest convenience.

Sincerely,

Ben Judah, Planning Supervisor  
Franklin County Planning & Building Codes Dept.  
321 W. Main Street  
Frankfort, KY 40601

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RE: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

YM Young, Tara M (KYTC-D05)<tara.young@k To: Ben Judah Wed 9/25/2024 6:04 PM

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

KYTC has no objection to this.

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Friday, September 20, 2024 11:20 AM
To: Young, Tara M (KYTC-D05) <tara.young@ky.gov>; Brewer, Tony <Tony.Brewer@lge-ku.com>; STROBL, ARTHUR G <as7779@att.com>; Harrod, Mike <mikeharrod@fewpb.com>; pmwd2011@att.net; Brad Gregory <bgregory@hmbpe.com>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Autumn (agdmytrewycz@teamfishel.com) <agdmytrewycz@teamfishel.com>; Cambron, Jonathan (LHD-Franklin Co) <jonathan.cambron@ky.gov>
Cc: brodsg@aol.com
Subject: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

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This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

TRT members,

Please take a look at the attached facility review for a zone change request from Rural Residential to Agricultural for property along US 127 North. If possible, please review and provide comments by September 30, 2024. If you need any additional information, please let me know.

Sincerely,

Ben Judah, Planning Supervisor

Franklin County Planning & Building Codes Dept.

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**RE: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG**

P

[pmwd2011@att.net](mailto:pmwd2011@att.net)

To: Ben Judah

Mon 9/30/2024 2:32 PM

Cc: 'Church Quarles' <church.quarles@peaksmillwaterdistrict.com>

Start reply with:

Thanks for the update.

Thank you!

Great, thanks for the update.

Peaks Mill Water District has reviewed the zone change and has no comment.

Nancy Sherrow  
Office Manager  
Peaks Mill Water District

---

**From:** Ben Judah <ben.judah@franklincounty.ky.gov>  
**Sent:** Monday, September 30, 2024 12:10 PM  
**To:** Michael Oerther <michael.oerther@franklincounty.ky.gov>; Brewer, Tony <Tony.Brewer@lge-ku.com>; pmwd2011@att.net; Autumn (agdmytrewycz@teamfishel.com) <agdmytrewycz@teamfishel.com>; Harrod, Mike <mikeharrod@fewpb.com>  
**Cc:** brodsg@aol.com  
**Subject:** Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

TRT members,

Do you have any comments regarding the proposed zone change request? See attached. If possible, please provide comments at your earliest convenience.

Sincerely,

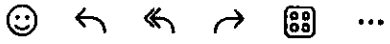
Ben Judah, Planning Supervisor  
Franklin County Planning & Building Codes Dept.  
321 W. Main Street  
Frankfort, KY 40601  
Ph 502-875-8701

---

**From:** Ben Judah  
**Sent:** Friday, September 20, 2024 11:19 AM

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**RE: Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG**

HM Harrod, Mike <mikeharrod@fewpb.com>   
To: Ben Judah Mon 9/30/2024 12:26 PM  
Cc: Banks, Russell <rbanks@fewpb.com>; Carter, Jim <jcarter@fewpb.com>

Ben,  
FPB Telecom has no issues with the proposed zone change. Thanks,



**Mike Harrod**  
Frankfort Plant Board  
Telecom Engineering Supervisor  
PO Box 308, 306 Hickory Dr, Frankfort, KY 40602  
[T] 502.352.4443 [M] 502.395.2650 [E] [mikeharrod@fewpb.com](mailto:mikeharrod@fewpb.com)

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**From:** Ben Judah <ben.judah@franklincounty.ky.gov>  
**Sent:** Monday, September 30, 2024 12:10 PM  
**To:** Michael Oerther <michael.oerther@franklincounty.ky.gov>; Brewer, Tony <Tony.Brewer@lge-ku.com>; pmwd2011@att.net; Autumn (agdmytrewycz@teamfishel.com) <agdmytrewycz@teamfishel.com>; Harrod, Mike <mikeharrod@fewpb.com>  
**Cc:** brods@aol.com  
**Subject:** Facility Review Request: KT Holdings- 6759 6761 6765 US 127 N- RR to AG

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TRT members,

Do you have any comments regarding the proposed zone change request? See attached. If possible, please provide comments at your earliest convenience.

Sincerely,

Ben Judah, Planning Supervisor  
Franklin County Planning & Building Codes Dept.  
321 W. Main Street  
Frankfort, KY 40601