

ORDINANCE NO # 3 - 2021

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 10.166 ACRE PROPERTY IDENTIFIED AS PVA MAP #108-00-00-009.00, LOCATED AT 827 SNAVELY ROAD, FROM RURAL RESIDENTIAL DISTRICT (RR) TO AGRICULTURAL DISTRICT (AG)

WHEREAS, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps 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 amendment, 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 February 11, 2021 and adopted a summary of the evidence and findings of fact as required by K.R.S. 100; 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 10.166-acre property located at 827 Snavely Road in Franklin County, Kentucky, identified as PVA map #108-00-00-009.00 is hereby amended from Rural Residential District (RR) to Agricultural District (AG), based on the following findings of fact:

- a) The Comprehensive Plan, Future Land Use Plan, designates the property for Rural Activities.
- b) The Agricultural (AG) zone district is an appropriate zone district for the Rural Activities land use designation.

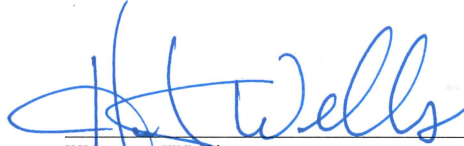
SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

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.

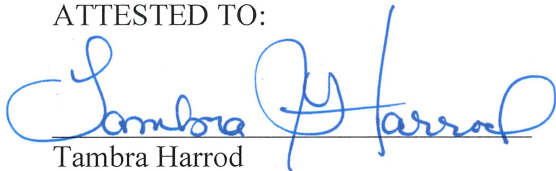
INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 1st day of April, 2021.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 23 day of April, 2021 and of record in Fiscal Court Order Book 31, Page 261.



Huston Wells
Franklin County Judge/Executive

ATTESTED TO:



Tandra Harrod
Fiscal Court Clerk

SUMMARY

This ordinance approves a zone map amendment for the 10.166-acres of property identified as 827 Snaveley Road, more specifically described as PVA map #108-00-00-009.00, from Rural Residential District (RR) to Agricultural District (AG).

-TRACT B-

10.166 Acres

Deed of Consolidation

Elizabeth & Stephen Dupree (Owner)

Kathryn & Matthew Knight (Owner)

Being a tract of land known as TRACT B (consolidation of two parcels-see attached Plat of Consolidation) located in the Northeastern part of Franklin County, approximately 0.6 miles North of the intersection of KY 1689 and Snavely Road, also situated on the Western side of said Snavely Road, and being more particularly described as follows:

Beginning at a 48-inch Sycamore tree (found) in the Western Right-of-Way of Snavely Road, being the Southeastern corner of Tract-1 owned by Christopher Wright (D.B. 542, Pg. 001 & shown in Plat Cabinet "J", Slide 108), and also being in the Eastern line of the 2.166 acre "Newman Tract" owned by Elizabeth & Stephen Dupree and Kathryn & Matthew Knight (D.B. 586, Pg. 270 that has a Boundary Retracement Survey attached) which is hereby consolidated into TRACT B;

Thence leaving the Western Right-of-Way of Snavely Road and with the common lines of Tract-1 and consolidated TRACT B for the next three calls:

- North 44 degrees, 28 minutes, 49 seconds West, passing a ½ inch rebar with cap stamped "Reference-3757" (found) at 10.0 feet - a total distance of 440.00 feet to a ½ inch rebar with no cap (found) on the Northeast side of a wooden fence post, rebar being the Northwestern corner of Tract-1, aforementioned, and also being the Northeastern corner of the 8.000 acre "Tract A" owned by Elizabeth & Stephen Dupree and Kathryn & Matthew Knight (D.B. 586, Pg. 317 and shown in both Plat Cabinet "J", Slide 108 & Plat Cabinet "L", Slide 194) which is also being consolidated into TRACT B;

-South 33 degrees, 15 minutes, 08 seconds West, passing a ½ inch pipe with no cap (found) at the base of a wooden fence post at 219.90 feet - a total distance of 419.76 feet to a ½ inch rebar with cap stamped "C.T.Smith-3757" (found), said rebar being the Southwestern corner of Tract-1, aforementioned;

-South 46 degrees, 55 minutes, 57 seconds East, 427.85 feet to a ½ inch rebar with cap stamped "C.T.Smith-3757" (found), said rebar being the Southeastern corner of Tract-1 and being in the common line of Snavely Road & in the Eastern line of TRACT B;

Thence leaving the line of Wright and with the common line of Snavely Road & the Eastern line of TRACT B, South 34 degrees, 27 minutes, 06 seconds West, 20.23 feet to a ½ inch rebar with no cap (found), said rebar being the Northeastern corner to Mike L. Leadingham (D.B. 445, Pg. 231) and the Southeastern Corner of TRACT B;

Thence leaving the Western Right-of-Way of Snavely Road and with the common lines of Leadingham and the Southern consolidated line of TRACT B for the next two calls:

-North 46 degrees, 55 minutes, 57 seconds West, 427.42 feet to a ½ inch pipe with no cap (found) at base of wooden fence post;

-North 40 degrees, 07 minutes, 07 seconds West, 924.98 feet to a ½ inch pipe with cap stamped "Maffet-1765" (found) by a wooden fence post, said rebar being in the Northern Line of Leadingham, also the Southeastern corner to Terry & Sharon Darnell (W.B. 038, Pg. 682), and the Southwestern corner of TRACT B;

Thence leaving Leadingham and with the common lines of Darnell and consolidated Western line of TRACT B, North 37 degrees, 00 minutes, 36 seconds East, 408.98 feet to a ½ inch rebar with cap stamped "C.T.Smith-3757" (found), said rebar being the Southwestern corner to Tract C-1 owned by Don

& Brenda Coffman (D.B. 394, Pg. 515 and shown in Plat Cabinet "M", Slide 63) and being the Northwestern corner of TRACT B;

Thence leaving Darnell and with the common lines of Coffman and the consolidated Northern line of TRACT B for the next three calls:

-South 32 degrees, 43 minutes, 28 seconds East, 582.91 feet to a ½ inch rebar with cap stamped "C.T.Smith-3757" (found) near a wooden fence post;

-South 71 degrees, 34 minutes, 56 seconds East, 162.32 feet to a ½ inch rebar with cap stamped "Maffet-1765" (found) near the base of a dead tree;

-South 73 degrees, 54 minutes, 15 seconds East, 625.66 feet to a ¾ inch pipe with no cap (found), said pipe being the Southeastern corner to Coffman, in the Western Right-of-Way of Snavelly Road, and also being the Northeastern corner of TRACT B;

Thence leaving Coffman and with the common line of Snavelly Road and the Eastern line of TRACT B, South 32 degrees, 50 minutes, 06 seconds West, 315.06 feet to the Point of Beginning.

TRACT B contains 10.166 acres by survey performed by Christopher T. Smith, PLS #3757 in 2013, 2019, and on November 14, 2020 as shown on attached Plat of Consolidation.

This boundary survey is subject to all rights-of-way, easements, conveyances, and restrictions that a title examination would reveal. No title report was provided to Surveyor for this survey.

The title references for the consolidation of **TRACT B** being found in the following two deeds:

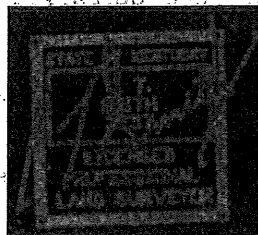
-Deed Book 586, Page 270 conveyed to Kathryn J. Knight & Matthew S. Knight and Elizabeth A. Dupree & Stephen W. Dupree on June 7, 2019 – containing 2.166 acres,

-Deed Book 586, Page 317 to Elizabeth Dupree & Stephen Dupree and Kathryn Knight & Matthew Knight on June 11, 2019 – containing 8.000 acres.

Both deeds being recorded in the Office of the Clerk in Franklin County, Kentucky.

Description Prepared By:

Christopher T. Smith, PLS No. 3757
Advanced Engineering & Land Surveying
319 Tucker Station Road
Louisville, Kentucky 40243



CERTIFICATION OF OWNERSHIP & DEDICATION
 WE HEREBY CERTIFY THAT THE PLAT DESCRIBED HEREON WAS MADE BY ME OR BY AN AGENT OR ATTORNEY OF MY OWNERSHIP AND THAT THE PLAT IS TRUE AND CORRECT AND THAT THE BOUNDARIES SHOWN THEREON ARE THE BOUNDARIES OF THE PROPERTY DESCRIBED THEREON AND THAT THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS KEPT IN MY OFFICE AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING.

MONUMENTS
 ALL PROPERTY CORNERS HAVE BEEN RECORDED OR SET AS INDICATED IN THIS SURVEY AND DESCRIBED HEREON:
 △ 1/2" PIPE (FOUND) - NO CAP
 △ 1/2" REBAR (FOUND) - NO CAP
 △ 1/2" REBAR (RECOVERED) - CAP STAMPED "REFERENCE-3757" ON LINE AT 10' FROM TRUE CORNER
 △ 48" SICHMORE TREE - OCCUPIES BOUNDARY CORNER
 △ 1/2" PIPE (FOUND) - CAP STAMPED "JAFFET-1765"
 △ 3/4" PIPE (FOUND) - NO CAP @ BASE ROTTEN POST

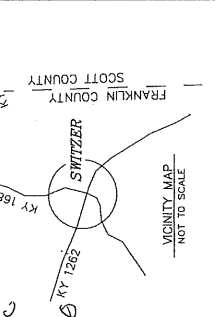
NOTES:
 1. ALL STRUCTURES SHOWN ARE EXISTING AT THE TIME OF SURVEY.
 2. NO UTILITY WAS VISIBLE ON TRACT BEING SURVEYED.
 3. UNLESS PLAT IS SIGNED & STAMPED BY SURVEYOR IT IS VOID & NULL.

STATEMENT ON PRECISION & MEASUREMENTS
 THIS SURVEY WAS PERFORMED BY THE RANDOM TRIANGLE METHOD. THE UNADJUSTED MEAN BEARING OF THE TRAVERSE EXCEEDS 1 PART IN 24,864. ALL BEARINGS & DIST. SHOWN HEREON ARE MEASURED VALUES. TRAVERSE WAS NOT ADJUSTED.

REFERENCE BEARING
 THE REFERENCE BEARING FOR THIS SURVEY IS THE EAST LINE OF TRACT 1 AS SHOWN ON AN UNRECORDED PLAT OF DAVID GARGENT QUARRY. THIS BEARING IS S44°28'46"E.

FLOOD HAZARD STATEMENT
 THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON FIRM MAP NO. 2107-200005D TO THE BEST OF MY KNOWLEDGE AND BELIEF. FIRM MAP DATE 08/18/13.

TR - CURRENT ZONING
 RURAL RESIDENTIAL DISTRICT
 MINIMUM FRONT YARD = 35'
 MINIMUM REAR YARD = 10'
 MINIMUM SIDE YARD = 10'



CERTIFICATE OF APPROVAL FOR RECORDING
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REQUIREMENTS OF THE KENTUCKY SURVEYING ACT AND THAT THE PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT AS KEPT IN MY OFFICE AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING.

CHARMAN OF DESIGNATED AUTHORITY
J. G. GARDNER 11/20/21

PLANNING COMMISSION

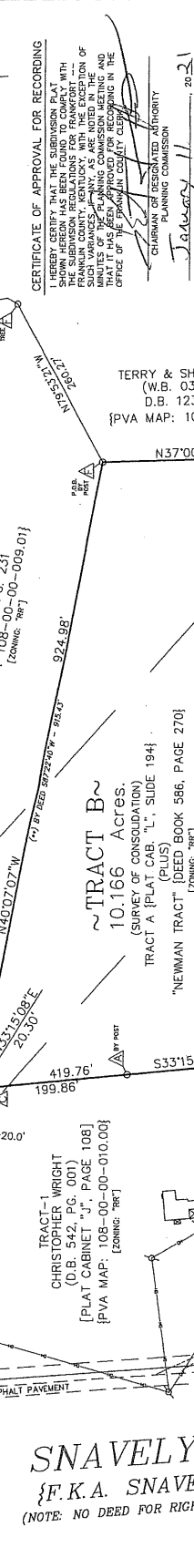
PURPOSE OF PLAT
 - NOTE: NO NEW LOTS CREATED AS THE RESULT OF THIS PLAT.
 - CONSOLIDATE EXISTING TRACT A [PLAT CAB. "L", SLIDE 194] WITH "NEWMAN TRACT" [SEE BOUNDARY RETRACEMENT SURVEY ATTACHED TO DEED BOOK 586, PAGE 270]
 - CONSOLIDATION OF TWO TRACTS TOTAL 10.166 ACRES THIS PLAT.

ELIZABETH & STEPHEN DUPRE
 KATHRYN & MATTHEW KNIGHT
 STAMPING GROUND, KENTUCKY 40379
 TITLE REFERENCE: DEED BOOK 586, PAGE 270
 PVA MAP PARCEL ID: 108-00-00-011.00
 BOUNDARY RETRACEMENT SURVEY-ATTACHED
 DEED BOOK 586, PAGE 317
 PLAT CABINET "L", SLIDE 194
 PVA MAP PARCEL ID: 108-00-00-009.00
 COUNTY OF FRANKLIN KENTUCKY

Advanced Engineering & Surveying
 Land Development
 715 TUCKER STATION ROAD
 LOUISVILLE, KENTUCKY 40243
 (502) 244-2876
 FILE: S:\NORSE2020\2020\ADVANCED_SNAVELY_ROADS.DWG
 DRAWN: 11/18/20

PLAT SCALE: 1 INCH EQUALS 100 FEET.
 SURVEYED: 01-08-13 & 05-18-19 & 11-14-20
 REV: 1
 THIS PLAT REPRESENTS A BOUNDARY SURVEY & COMPLES WITH 201 KAR 18.150

DOCUMENT NO: 516985
 RECORDED: January 14, 2021 04:04:00 PM
 TOTAL FEES: \$50.00
 COUNTY CLERK: JEFF HANCOCK
 DEPUTY CLERK: STARLA HAEBERLIN
 COUNTY: FRANKLIN COUNTY
 BOOK: CAB M PAGES: 114 - 114



CERTIFICATE OF APPROVAL BY UTILITY COMPANIES
 WE HEREBY CERTIFY THAT THE UTILITY EASEMENTS AND RELEASE OF SPECIFIED UTILITY EASEMENTS ARE APPROVED AS SHOWN WITH RESTRICTIONS LISTED HEREON.
 ELKHORN WATER DISTRICT -- WATER SERVICE
 KENTUCKY UTILITIES -- ELECTRIC SERVICE

THE SPACES INDICATED BY DASHED LINES AND MARKED UTILITY COMPANIES LISTED ABOVE & FOR UTILITY PURPOSES WHICH INCLUDE THE FOLLOWING:
 1. REBUILD POLE LINES AND/OR UNDERGROUND CABLE SYSTEMS;
 2. THE RIGID POLYESTER AND STRESS OVER LAYS TO REMOVE ANY TREE NECESSARY TO MAINTAIN PROPER SERVICE; AND
 3. STRUCTURES OR OBSTACLES THAT MAY CREATE A HAZARD TO THE SAID POLE LINES OR CABLES. IT IS UNDERSTOOD HEREON OR ASSIGNED HEREBY AGREE THAT NO EXCAVATION WILL BE ATTEMPTED WITHIN FIVE (5) FEET OF ANY BURIED UTILITY LINE WITHIN THE EASEMENT AREA REQUIRED, IF ANY. FOR PLACEMENT OF ANCHORS AND DOWNPOUTS OUTSIDE OF THE EASEMENT AREA, THE EASEMENT AREA SHALL BE MAINTAINED FOR THE INITIAL CONSTRUCTION AND ANY UTILITY UPDATES. PLACEMENT MAY BE DEEMED NECESSARY BY THE UTILITIES COMPANIES LISTED ABOVE AND ANY SUCH EASEMENTS AND RESTRICTIONS INCLUDED IN THE EASEMENT STRIPS SHOWN HEREON BUT SUCH USE SHALL NOT INTERFERE WITH THE RIGHTS AND

CERTIFICATE OF ACCURACY
 I HEREBY CERTIFY THAT THE PLAT SHOWN AND SURVEYED TO HEREON IS TRUE AND CORRECT ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING AND THAT I AM NOT PROVIDING ANY INFORMATION HEREON THAT I KNOW TO BE FALSE OR MISLEADING.

CHRISTOPHER T. SMITH, P.L.S.
 ADVANCED ENGINEERING & SURVEYING
 LOUISVILLE, KENTUCKY 40243

EXCEPTIONS TO SURVEY
 THIS SURVEY DOES NOT REPRESENT ANY RIGHTS OR INTERESTS IN ANY EASEMENTS OR RESTRICTIONS OTHER THAN THOSE SHOWN ON THIS PLAT. UNLESS OTHERWISE STATED, THE SURVEYOR HAS BEEN ADVISED AS SHOWN HEREON TO THE SPECIFICATIONS OF THE COUNTY ENGINEER OR THE CITY ENGINEER.

CERTIFICATE OF APPROVAL BY UTILITY COMPANIES
 WE HEREBY CERTIFY THAT THE UTILITY EASEMENTS AND RELEASE OF SPECIFIED UTILITY EASEMENTS ARE APPROVED AS SHOWN WITH RESTRICTIONS LISTED HEREON.
 ELKHORN WATER DISTRICT -- WATER SERVICE
 KENTUCKY UTILITIES -- ELECTRIC SERVICE

THIS SURVEY COMPLES WITH THE TECHNICAL STANDARDS FOR SURVEYS BY SURVEYOR FOR RURAL LAND IN ACCORDANCE WITH 201 KAR 18.150.

LEGEND
 BOUNDARY LINE (THIS SURVEY)
 BOUNDARY LINE (BY DEED)
 EASEMENT LINE (TYPE NOTED)
 EX WOOD UTILITY PALE
 LINE OF CONSOLIDATION (THIS SURVEY)
 OVERHEAD UTILITIES
 (P 27-27) (256.57)
 BROKEN LINES (NOT TO SCALE)

RECEIVED
 JAN 19 2021
 Franklin County Planning & Building Codes

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

**February 11, 2021
5:30 PM**

SHERRON JACKSON, CHAIRMAN -- PRESIDING

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

Chairman Jackson asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs
Patti Cross
Keith Lee
Paul Looney
Timothy Luscher
William I. May, Jr.
Darrell Sanderson
Charles Stewart
James Terrell
Russell Wright
Sherron Jackson, Chairman

(11)

Also Present:

Edwin Logan, Commission Attorney
Eric Cockley, Director, Frankfort Department of Planning & Community Development
Jordan Miller, Planning Supervisor, Frankfort Department of Planning & Community Development
Robert Hewitt, Director, Franklin County Planning & Building Codes Department
Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes Department

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

Chairman Jackson welcomed Mr. May, as the newest member of the Planning Commission, noting that Mr. May was the Governor's appointment and was replacing Ms. Bennett. It was noted that Mr. May had taken the Oath of Office earlier in the day.

Chairman Jackson asked for a motion to approve the minutes. Mr. Boggs made the motion to approve the minutes. The motion was seconded by Mr. Stewart and passed unanimously.

Chairman Jackson asked for a motion to approve the payment of bills. Mr. Wright made a motion to approve the following bills:

Edwin Logan (Legal Fee, January, 2021)	\$1,500.00
Vickie Sewell (Secretarial – PC – Jan. 14, 2021)	300.00

The motion was seconded by Ms. Cross and passed unanimously.

Under Staff Items, Mr. Greg Miklavcic, with Charles T. Mitchell Company presented the 2020 Fiscal Year Audit. Mr. Miklavcic stated that the audit contained no irregularities and was a good audit. Chairman Jackson asked what the fund balance was going into FY 2021. Mr. Miklavcic responded that it was approximately \$75,000.

Under Reports of Standing Committees, Mr. Lee, on behalf of the Nominating Committee made a motion to approve the following g officers for 2021:

Sherron Jackson as Chair
Russell Wright as Vice-Chair
Timothy Luscher as Secretary Treasurer

The motion was seconded by Ms. Cross and passed unanimously.

Under Reports of Special Select Committees, Mr. Cockley stated that the Comprehensive Plan Steering Committee had met to review the draft of the RFP for Consulting Services for the update of the Comprehensive Plan. . He stated that the final draft was complete and would be advertised. Mr. Luscher stated that the date by which to respond was blank. Mr. Cockley stated that it had been left blank in order to make sure there were no other changes and that the response date was dependent upon when the RFP could be advertised in the paper.

After further discussion, a motion was made by Ms. Cross to accept the draft RFP, as edited and to publish the RFP. The motion was seconded by Mr. Luscher and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: 954 Wilkinson, LLC c/o Charles E. Jones is requesting approval of a zone map amendment from Low Density Multi-Family District “RL” and General Commercial District “CG” to High Density Multi-Family District “RH” for the property located at 954 Wilkinson Blvd. The property can be more specifically identified as PVA Map Number 061-00-00-080.01. (City item)

The Secretary swore in all speakers.

Mr. Logan qualified Mr. Cockley. Mr. Logan asked Mr. Cockley if there were any changes to his vita that is on file. Mr. Cockley stated that there were not. Under questioning, Mr. Cockley stated that he had reviewed the request for zone map amendment and that he had prepared the staff report for the item. Mr. Cockley stated that the recommendation of approval was based upon his training, education and experience in the field of Planning. Mr. Cockley stated that there were no changes to the Staff Report.

Mr. Logan asked if there were any additions to the staff report. Mr. Cockley stated that staff had received one letter and had forwarded it to the Planning Commission. Mr. Logan asked if there had been any other comments. Mr. Cockley responded that there were none.

Mr. Logan asked Mr. Cockley to provide a summary of the request. Mr. Cockley stated that the request to rezone the property to High Density Multi-family "RH" from Low Density Multi-Family "RL" and General Commercial "CG" would provide for a proposed multi-family development with a total of 60 units. Mr. Cockley stated that the property was just less than two acres.

Mr. Cockley stated that the Technical Review Team had reviewed the request and that all utilities will be able to service the project. Mr. Cockley stated that the Traffic Engineer didn't see a need for a traffic study.

Mr. Logan asked if Mr. Cockley had made positive findings in regard to the Comprehensive Plan. Mr. Cockley stated that he had made positive findings.

Mr. Logan asked for the Staff Report to be entered into the record. Without objection, the staff report was entered into the record.

Under Commission questioning, Chairman Jackson asked what the size of the property is. Mr. Cockley stated that it was just less than two acres. Chairman Jackson stated that the information in the deed description states that the property is 4.6 acres in size and the application states that it is for 3.6 acres. Mr. Cockley stated that the applicant would be able to clarify the discrepancy.

Chairman Jackson stated on page four of the staff report, the Comprehensive Plan identified the property as Suburban Business Center and asked if it identified residential land uses as an appropriate land use for the land use category. Mr. Cockley responded that the multi-family request would make a good transition between commercial and single-family land uses.

Mr. May asked if it would be appropriate for him to participate in this rezoning due to the fact that the applicant's attorney also does legal work for him. Mr. Logan asked if Mr. May felt he could make a fair and impartial judgement on the request. Mr. May stated that he could. Mr. Logan then stated that he felt it would be okay for him to participate.

Mr. Charlie Jones, representing the applicant stated that he had read the staff report and concurred with the staff report's findings and recommendation. He stated that the original deed description contained 4.8 acres. He stated that there were four exceptions to that acreage and that they reduced the size to 3.6 acres.

After further discussion, Mr. Lee made a motion to close the Public Hearing. The motion was seconded by Ms. Cross and passed unanimously.

Mr. Lee made a motion to recommend to the Frankfort City Commission that the zone map amendment request from "RL" and "CG" to "RH" for the property located at 954 Wilkinson Boulevard be approved, based upon findings 1 – 5 of the Staff Report, with the condition that the development plan be brought back to the Commission for approval. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Stephen & Elizabeth Dupree, Kathryn & Matthew Knight are requesting approval of a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for 10.166 -acres of property at 827 Snavelly Road. The tract is more specifically identified as PVA Map Number 108-00-00-009.00. (County item)

The Secretary swore in all speakers.

Mr. Logan qualified Bed Judah, Franklin County Planning Supervisor.

Under questioning, Mr. Judah testified that he had reviewed the request and prepared the staff report for the request. He stated that he had made positive findings to support the zone change request and that he had no additions or deletions to his report.

Mr. Logan asked Mr. Judah to provide a summary of the report. Mr. Judah stated that the property is 10.166 acres and is located just west of the Scott County line. Mr. Judah stated that the Planning Commission had previously approved a text amendment to the Agricultural zone district to allow Equine Therapy as a Conditional Use.

Mr. Judah stated that the Comprehensive Plan Future Land Use Plan indicated that the area be designated for Rural Activities and that the Agricultural zone district is an appropriate zone district for that land use designation.

Under Commission questioning, Chairman Jackson asked if all of the property was in Franklin County. Mr. Judah stated that it was.

Chairman Jackson asked Mr. Judah if he would agree to add the finding that the request was in agreement with the Comprehensive Plan. Mr. Judah stated that he was.

The applicant stated that he had no questions of Mr. Judah and that he was in agreement with the staff report.

Mr. Lee made a motion to close the Public Hearing, adopt the Staff Report as the Summary of the Public Hearing, adopt findings of fact 1 and 2 contained within the staff report along with the finding that the request was in agreement with the Comprehensive Plan and recommend to the Franklin County Fiscal Court that the property located at 827 Snavelly Road be rezoned from Rural Residential "RR" to Agricultural District "AG". The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

PUBLIC HEARING: Finn Glenn Farm, LLC is requesting approval of a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for 205-acres of property at 2100 Harvieland Road. The tract is more specifically identified as PVA Map Number 046-00-00-007.00. (County item)