

ORDINANCE NUMBER 4 - 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 56.0 ACRE PROPERTY, IDENTIFIED AS PVA MAP #098-00-00-020.00), LOCATED AT 2486 CEDAR 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 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 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 April 13, 2023 and adopted a summary of the evidence and findings of fact on June 9, 2022 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 56.0-acre property located at 2486 Cedar Road in Franklin County, Kentucky, and more specifically identified as PVA Map Number 098-00-00-020.00 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 zone map amendment request is in agreement with the current 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 25th day of May, 2023.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 7 day of June, 2023 and of record in Fiscal Court Order Book 33, Page 435.



Michael Mueller
Franklin County Judge/Executive

ATTESTED TO:



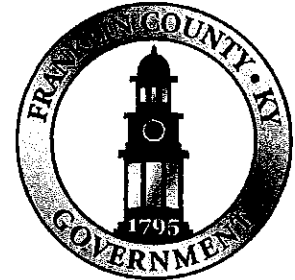
Kim Cox
Fiscal Court Clerk

SUMMARY

This ordinance approves a zone map amendment for a 56.0-acre property located in Franklin County, more specifically identified as PVA Map Number 098-00-00-020.00, from Rural Residential District (RR) to Agricultural District (AG).

STAFF REPORT

TO: Frankfort/Franklin County Planning Commission
FROM: Ben Judah, Planning Supervisor
MEETING DATE: April 13, 2023



GENERAL INFORMATION

Applicant: Dallas Todd Slusher
c/o Bryan Hix
315 High Street
Frankfort, KY 40601

Request: Dallas Todd Slusher c/o Bryan Hix is requesting a zone map amendment from Rural Residential District "RR" to Agriculture District "AG" for the 56.00-acre property at 2486 Cedar Road. The property is more specifically identified as PVA Map Number 098-00-00-020.00.

Size of Property: 56 acres

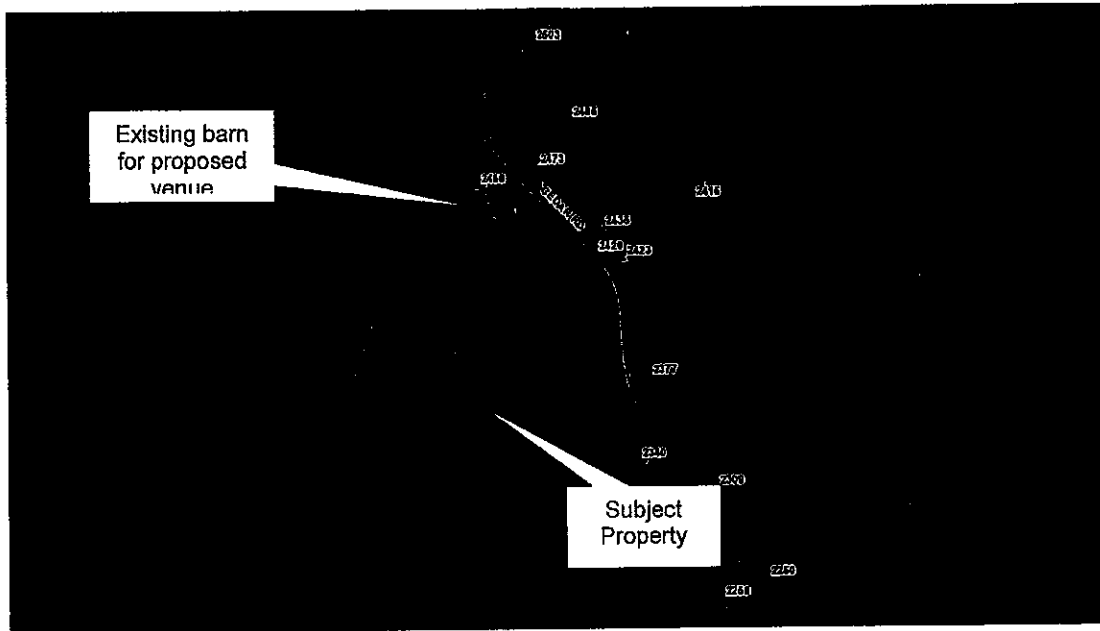
Purpose: Reception/Assembly Hall

Surrounding Land Use & Zoning

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

Background

The subject property is located in north east Franklin County along Cedar Road. The area is primarily rural. The applicant is proposing to upgrade the existing barn in order to host events. The applicant is intending to host 20-25 events per year with approximately 25 people per event. The existing farming/agricultural activities on the farm will continue.



Existing Zoning: Rural Residential District (RR)

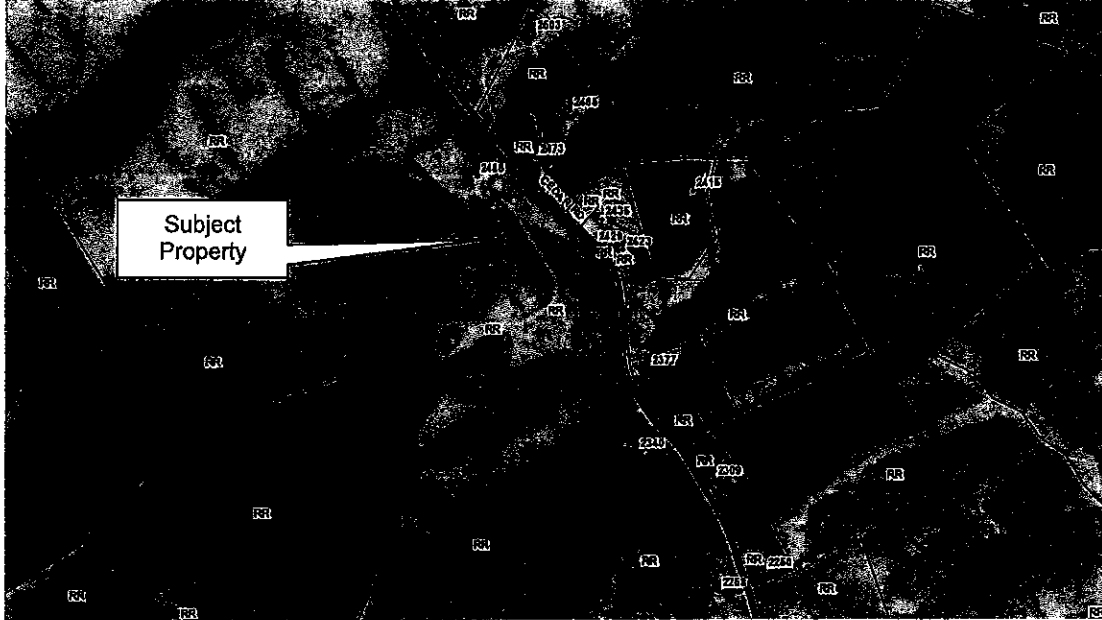
§ 155.136 Purpose.

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 Purpose.

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



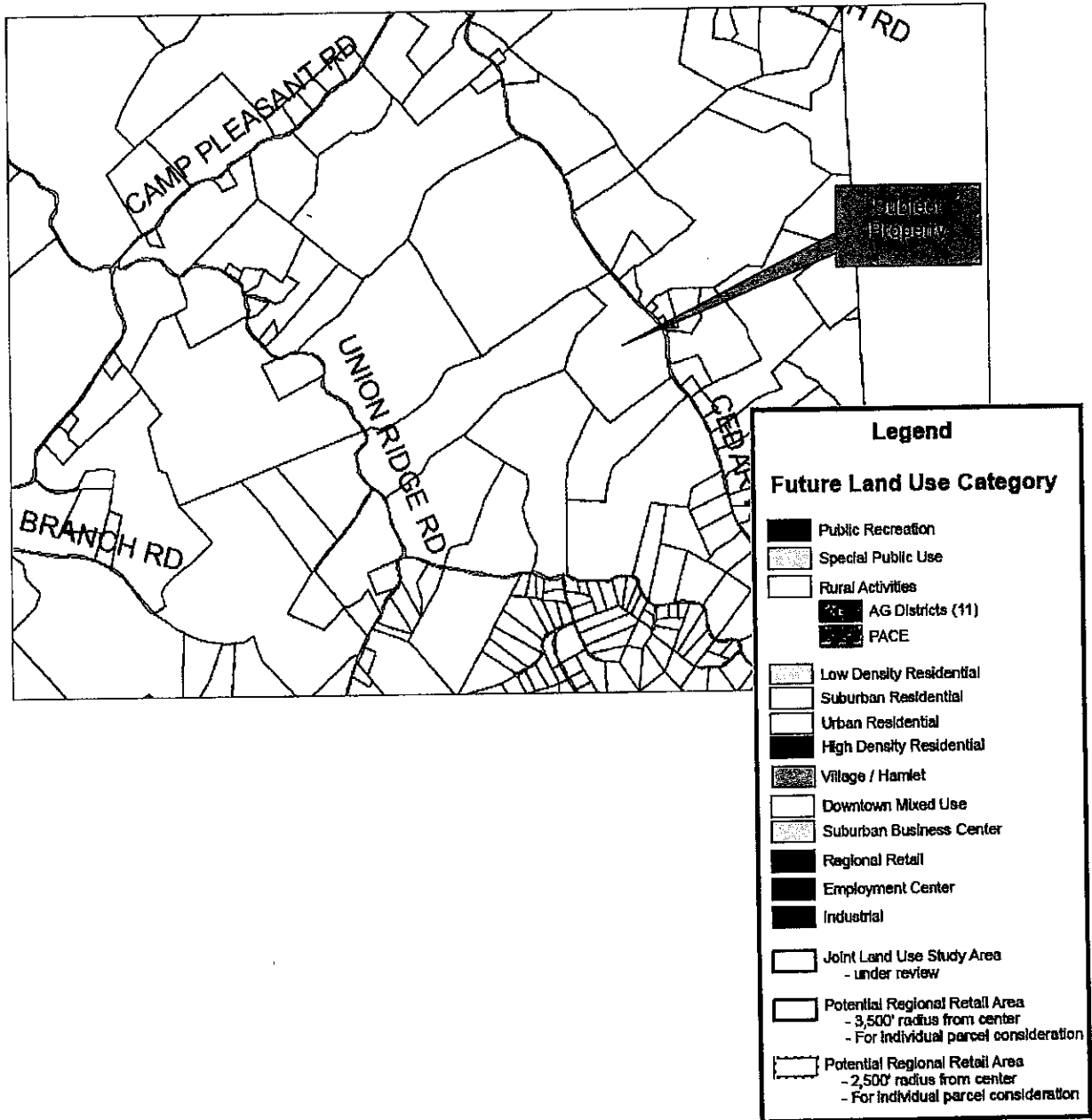
APPLICABLE REGULATIONS

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.

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. The entrance to the subject property is approximately 8000 feet (1.5 miles) from the intersection of Hamilton Lane near the Scott County line. According to the Kentucky Transportation Cabinet's functional classification, Cedar Road is considered to be a minor collector.

It appears that policies #1 and #2 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 property is located within the Rural area as depicted on the map contained within 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 property is classified as Rural Activities on the Future Land Use Map of the Comprehensive Plan.

It appears that policies #5, #7, & #8 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.

Staff finding: Positive-This request would provide for an opportunity to increase agri-tourism in the County. According to the Franklin County Land Use Table, the Agriculture zone allows other uses beyond strictly agriculture, including conditionally reception/assembly halls, such as the event venue proposed.

It appears that policies #5, #6 and #8 of this goal supports the applicant's request.

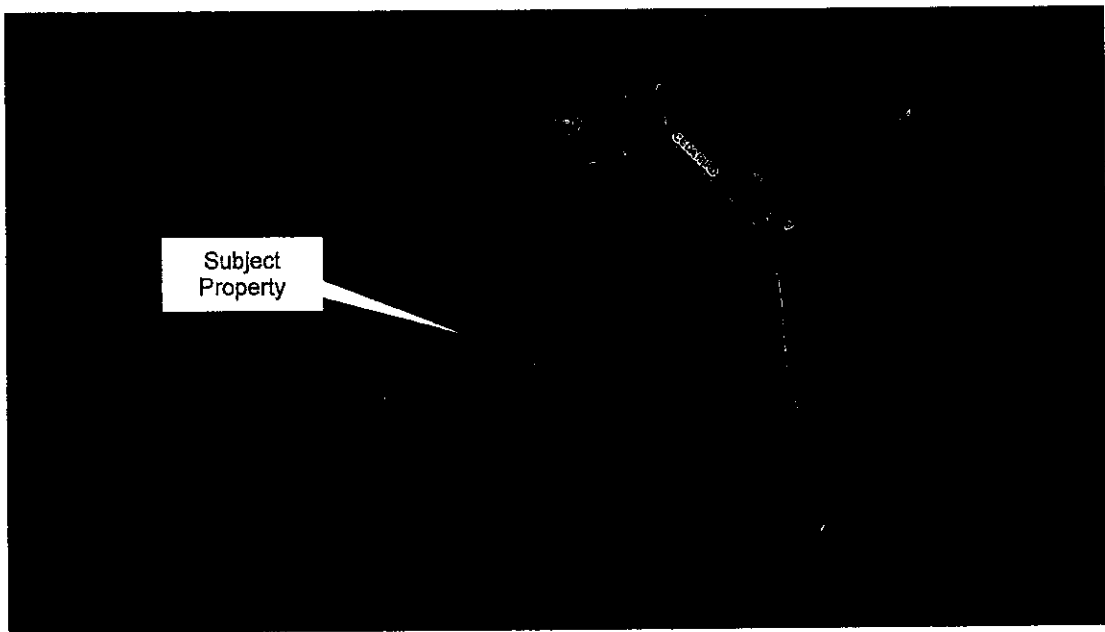
Policies:

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 property is 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. Cedar Creek flows through the property and its associated flood zone occupies the front of the property including the entrance. 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. There are existing structures within the flood zone on site. The applicant is not proposing to construct anything within the flood zone. The barn for the proposed venue use is not within the flood zone.



It appears that policy #1 and #5 are 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 has residential, agricultural uses ~~and the West Sixty Farm~~. The agriculture zoning is consistent with the existing residential and rural character of the area.

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- Currently, any development on this property would be subject to the standards established in the Zoning Ordinance and Subdivision Regulations. The zone change request and the rural nature of the proposed use is consistent with existing activities in the general area.

Policy #4 support 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.

The Future Land Use map of the Comprehensive Plan property identifies the subject property 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. A multitude of recreational activities and uses are also permitted (see land use table).

A traffic study 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 zone map amendment request is in agreement with the current comprehensive plan.

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



View of subject property



Proposed venue barn



Entrance to subject property

CEDAR RD HWY 368

FIELD PARKING
APP. 50

FIELD PARKING
APP. 25

CEDAR CREEK

PAVED DRIVEWAY

100X60
GRAVEL PATIOL
100X50
GRAVEL PATIOL

* 4-PMK horse pasture *
* 4-PMK horse pasture *
* < additional field parking (app 25) > *
* * * * *

HOUSE



SHED

60X90
BARN
WORKSHOP

OUTDOOR
EVENT
ARENA

60X50
EVENT
BARN








SHED





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3/14/23, 11:49 AM

RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request - Ben Judah - Outlook

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RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

SG STROBL, ARTHUR G <as7779@att.com> 
To:  Ben Judah

    ...

Tue 3/14/2023 11:38 AM

AT&T has no issue with this proposal

Thanks,
Art Strobl
Mgr OSP Plng & Engrg Design
Access Construction & Engineering
Tennessee/Kentucky District

AT&T Kentucky – BellSouth Telecommunications, LLC
1535 Twilight Trail, Frankfort, KY 40601
m 502.221.5271 | o 502.875.3094 | as7779@att.com

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Tuesday, March 14, 2023 11:34 AM
To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; pmwd2011@att.net; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; JCHRISTOPHERBOWLIN@nisource.com; Brewer, Tony <Tony.Brewer@lge-ku.com>; Jonathan Otis <otisengineeringllc@gmail.com>; 'Brad Johnson' <bcjohnson@hmbpe.com>; STROBL, ARTHUR G <as7779@att.com>
Cc: Clark, Wesley J (LHD-Franklin Co) <WesleyJ.Clark@ky.gov>; brodsg@aol.com; Tina Peck <tina.peck@franklincounty.ky.gov>
Subject: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

TRT members,

Please see the attached facility review request for a zone change and a conditional use permit for a reception/assembly hall (farm barn venue). Please let me know if you need any additional information. Also attached is a concept plan jpeg. Please let me know if you need any additional information. If possible, please provide comments via email by March 24, 2023.

Thanks,

Ben Judah, Planning Supervisor

Franklin County Planning & Building Codes Dept.

321 W. Main Street

Frankfort, KY 40601

3/21/23, 10:24 AM

RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request - Ben Judah - Outlook

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RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

BC Bowlin \ John \ Christopher <jchristopherbowlin@nisource.com> To: Ben Judah Wed 3/15/2023 9:30 AM

Start reply with: Ok, thank you. Will do, thank you. Understood. Thank you.

Ben, CKY takes no position on the zone change and conditional use permit. The property is out of the current service area of Columbia. Please advise the applicant to follow KY dig law and call 811 to locate all other utilities and/or other utility providers.

Many Thanks,

J. Christopher Bowlin
Senior Land Agent | NiSource Inc. | Columbia Gas of Kentucky, Inc.
Office 859-288-0289 | Mobile 859- 404-5737

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Tuesday, March 14, 2023 11:34 AM
To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; pmwd2011@att.net; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; Bowlin \ John \ Christopher <jchristopherbowlin@nisource.com>; Brewer, Tony <Tony.Brewer@lge-ku.com>; Jonathan Otis <otisengineeringllc@gmail.com>; 'Brad Johnson' <bcjohnson@hmbpe.com>; STROBL, ARTHUR G <as7779@att.com>
Cc: Clark, Wesley J (LHD-Franklin Co) <WesleyJ.Clark@ky.gov>; brodsg@aol.com; Tina Peck <tina.peck@franklincounty.ky.gov>
Subject: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

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TRT members,

Please see the attached facility review request for a zone change and a conditional use permit for a reception/assembly hall (farm barn venue). Please let me know if you need any additional information. Also attached is a concept plan jpeg. Please let me know if you need any additional information. If possible, please provide comments via email by March 24, 2023.

Thanks,

Ben Judah, Planning Supervisor

4/3/23, 12:37 PM

Re: 2486 Cedar Road- Zone Change and CUP request- Facility Review - Ben Judah - Outlook

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Re: 2486 Cedar Road- Zone Change and CUP request- Facility Review

Clark, Wesley J (LHD-Franklin Co) <Wesley.J.Clark@ky.gov> To: Ben Judah; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; Brad Johnson' <bcjohnson@hmbpe.com> Mon 4/3/2023 10:34 AM

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Report Suspicious

Plans will have to be submitted after septic approval is completed. The plans will have to go to state plumbing for approval. State plumbing will not accept plans on a septic system unless they run the plans through our office.

The will need to provide the number of employees and they themselves would be considered employees as well as the caterers employees and the max number of people in attendance of each event.

I will also need the barn square footage.

I would recommend they go for more events per year since they are putting in restrooms.

If they are putting in two restrooms they will have to be labeled male and female. One each. I am running into this issue lately.

Wesley J. Clark, RS Food Program Manager Franklin County Health Department 851 E. West Connector Frankfort, KY 40601 Phone: 502-564-7382 x 203 Fax: 502-564-5672 website:www.fchd.org

Our Mission: Prevent. Promote. Protect. Franklin County. Our Vision: Live. Work. Play. Pray. Healthy! Our Values: Accountability, Dedication, Empowerment, Equity, Excellence, Flexibility, Integrity and Respect.

FCHD logo PHAB seal color FB Logo

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From: Ben Judah <ben.judah@franklincounty.ky.gov> Sent: Monday, April 3, 2023 9:42 AM To: Clark, Wesley J (LHD-Franklin Co) <Wesley.J.Clark@ky.gov>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; Brad Johnson' <bcjohnson@hmbpe.com> Subject: 2486 Cedar Road- Zone Change and CUP request- Facility Review

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Report Suspicious

Brad, Wes, and Jon,

Please see the attached word doc from the applicant. Also attached are your initial review comments requesting additional information for reference. I believe the applicant has covered most of the questions with the attached narrative. It looks like 25 people per event with 20-25 events per year.

Please respond letting me know if your questions have been satisfied or if you have additional comments/concerns.

Sincerely,

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

3/24/23, 2:37 PM

Re: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request - Ben Judah - Outlook

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Re: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

BB **Brian Brewer**
○ To: ○ Ben Judah

...
Fri 3/24/2023 9:34 AM

Ben,

The Fire Department has no issue with the zone change. The Fire Department has the following comments for the conditional use permit request:

1. The driveway and entrance would need to be designed to accommodate the weight (minimum 50,000lbs) and turning radius of our fire apparatus.
2. The concept plan shows a creek so I assume there is a bridge that will need to be able to support our fire apparatus as well.
3. A fire hydrant would be requested for fire protection.

Best Regards,

Chief Brewer

Brian Brewer
Fire Chief
Franklin County Fire Department
106 Darby Shire Circle
Frankfort, KY. 40601
Work: 502-695-1617
Cell: 502-219-0265

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Tuesday, March 14, 2023 11:34 AM
To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; pmwd2011@att.net <pmwd2011@att.net>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; JCHRISTOPHERBOWLIN@nisource.com <JCHRISTOPHERBOWLIN@nisource.com>; Brewer, Tony <Tony.Brewer@lge-ku.com>; Jonathan Otis <otisengineeringllc@gmail.com>; 'Brad Johnson' <bcjohnson@hmbpe.com>; STROBL, ARTHUR G <as7779@att.com>
Cc: Clark, Wesley J (LHD-Franklin Co) <WesleyJ.Clark@ky.gov>; brodsg@aol.com <brodsg@aol.com>; Tina Peck <tina.peck@franklincounty.ky.gov>
Subject: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

TRT members,

Please see the attached facility review request for a zone change and a conditional use permit for a
about:blank

3/28/23, 10:24 AM

Fwd: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request - Ben Judah - Outlook

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Fwd: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

GH Gregory Heitzman <Gheitzman@bluewaterky.com>
To: O Ben Judah
Cc: O Nancy Sherrow - PMWD <Pmwd2011@att.net>; O Church Quarles <cf

Mon 3/27/2023 5:16 PM

You don't often get email from gheitzman@bluewaterky.com. [Learn why this is important](#)

Ben, I am responding for Peaks Mill Water District, regarding water and hydrant service at 2486 Cedar Road for the proposed event venue.

Presently, that address is serviced by a 3/4" service line and 5/8" meter. If the event venue will require a larger volume of water (>15 GPM), the applicant can apply for a larger meter. If the venue is a business entity separate from the house (or a separate property), it may require a dedicated water service/meter to comply with our tariff of service rules. The applicant can apply for water service at the Peaks Mill Water District Office, 7165 IS 127 North.

Regarding a fire hydrant, Cedar Road has a 6" water main supplied by the Union Ridge storage tank, and is capable of supporting a fire hydrant with at least 250 gallons per minute flow rate. The applicant can apply for a fire hydrant installation at the Peaks Mill Water District. The applicant will have to pay the full cost of the hydrant installation.

Greg C. Heitzman
BlueWater KY
Mobile: 502-533-5073
e-Message from my iPad.

On Mar 27, 2023, at 8:49 AM, Peak's Mill <pmwd2011@att.net> wrote:

See below

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Friday, March 24, 2023 2:45 PM
To: pmwd2011@att.net
Cc: brodsg@aol.com; Bryan Hix <bhix@mjlawky.com>
Subject: Fw: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

PMWD,

See email below. The Fire Department is requesting a hydrant be installed in regards to the Conditional Use request for an event venue located 2486 Cedar

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Re: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request



GO G Owens

😊 ↶ ↷ ↸ ...

○ To: ○ Ben Judah

Thu 3/16/2023 8:09 AM

Start reply with:

Great, thanks for the update.

Ok, thank you.

Thank you for the clarification.

The structure for this proposal shall meet the Requirements of the **2018 Kentucky Building Code**. I met with Mr. Slucher about a month ago and explained some requirements for a building permit submittal.

From: Ben Judah <ben.judah@franklincounty.ky.gov>

Sent: Wednesday, March 15, 2023 9:43 AM

To: G Owens <greg.owens@franklincounty.ky.gov>

Subject: Fw: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

Greg,

Please see the attached facility review request. At your convenience, please provide some comments with regard to the proposed barn event venues. Also attached is their concept plan. Let me know if you need any additional information.

Sincerely,

Ben

From: Ben Judah

Sent: Tuesday, March 14, 2023 11:34 AM

To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; pmwd2011@att.net <pmwd2011@att.net>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; JCHRISTOPHERBOWLIN@nisource.com <JCHRISTOPHERBOWLIN@nisource.com>; Brewer, Tony <Tony.Brewer@lge-ku.com>; Jonathan Otis <otisengineeringllc@gmail.com>; 'Brad Johnson' <bcjohnson@hmbpe.com>; STROBL, ARTHUR G <as7779@att.com>

Cc: Clark, Wesley J (LHD-Franklin Co) <WesleyJ.Clark@ky.gov>; brodsg@aol.com <brodsg@aol.com>; Tina Peck <tina.peck@franklincounty.ky.gov>

Subject: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

TRT members,

Please see the attached facility review request for a zone change and a conditional use permit for a reception/assembly hall (farm barn venue). Please let me know if you need any additional information. Also attached is a concept plan jpeg. Please let me know if you need any additional information. If possible, please provide comments via email by March 24, 2023.

Thanks,

3/14/23, 2:41 PM

Re: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request - Ben Judah - Outlook

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Re: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

JO Jonathan Otis <otisengineeringllc@gmail.com>

To: Ben Judah

Tue 3/14/2023 2:39 PM

Cc: Brian Brewer; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; pi

Ben,

1. Will a Development Plan submittal be required if Zone Change and CUP are approved?
2. A practical turn-around on hard surfaces is required for emergency services.
3. I don't understand how the two handicap spaces are to be utilized?
4. Are capacity limitations placed on the barn structure(s)?
5. The sketch notes indicate a couple different pasture parking areas allowing parking for more than 50 vehicles. An appropriate number of required ADA spaces should be provided which aver 50 spaces is at least 3 spaces.
6. ADA accessibility should not include grass areas.
7. The primary event spaces should be ADA accessible from parking to structure(s).
8. Are new restrooms proposed or just port-a-johns?
9. Will the barn(s) be used solely as event spaces going forward? A barn with hay is already a safety concern for livestock and more so for people.
10. Will the private space be designated as non-smoking?
11. The surface area of any new hardscape areas needs to be provided.
12. Are any new light poles/lights being proposed for grass parking areas?
13. If both requests are approved (and Development Plan as needed) does the applicant have to obtain a permit to have an event?

In general I think these new event space makeovers warrant reasonable and consistent scrutiny and that we review how we processed those that came before.

County Engineer

On Tue, Mar 14, 2023 at 11:34 AM Ben Judah <ben.judah@franklincounty.ky.gov> wrote:

TRT members,

Please see the attached facility review request for a zone change and a conditional use permit for a reception/assembly hall (farm barn venue). Please let me know if you need any additional information. Also attached is a concept plan jpeg. Please let me know if you need any additional information. If possible, please provide comments via email by March 24, 2023.

Thanks,

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

3/21/23, 10:28 AM

RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request - Ben Judah - Outlook

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RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

YM Young, Tara M (KYTC-D05) <tara.young@ky.gov>
To: O Ben Judah

😊 ⏪ ⏩ ...
Tue 3/14/2023 2:57 PM

Start reply with:

This Message Originated from Outside the Organization
This Message Is From an External Sender.

[Report Suspicious](#)

This will need a commercial entrance permit. Sight distance does appear to be adequate for commercial entrance standards but should be field verified. There should be no parking areas within the right-of-way.

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Tuesday, March 14, 2023 11:34 AM
To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; pmwd2011@att.net; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; JCHRISTOPHERBOWLIN@nisource.com; Brewer, Tony <Tony.Brewer@lge-ku.com>; Jonathan Otis <otisengineeringllc@gmail.com>; 'Brad Johnson' <bcjohnson@hmbpe.com>; STROBL, ARTHUR G <as7779@att.com>
Cc: Clark, Wesley J (LHD-Franklin Co) <WesleyJ.Clark@ky.gov>; brodsg@aol.com; Tina Peck <tina.peck@franklincounty.ky.gov>
Subject: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

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[Report Suspicious](#)

TRT members,







Please see the attached facility review request for a zone change and a conditional use permit for a reception/assembly hall (farm barn venue). Please let me know if you need any additional information. Also attached is a concept plan jpeg. Please let me know if you need any additional information. If possible, please provide comments via email by March 24, 2023.

3/21/23, 10:21 AM

RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request - Ben Judah - Outlook

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RE: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

BJ Brad Johnson <bcjohnson@hmbpe.com>      
To: ○ Clark, Wesley J (LHD-Franklin Co) <WesleyJ.Clark@ky.gov>; ○ Ben Judah <ben.judah@franklincounty.ky.gov> Mon 3/20/2023 8:42 AM
Cc: ○ brodsg@aol.com; ○ Tina Peck <tina.peck@franklincounty.ky.gov>

Ben,

Also, do we have an idea what the maximum size event will be? If I am interpreting correctly, they would be providing approximately 100 parking spots. Is this adequate and representative of the typical event? This is such a low volume road, I wouldn't anticipate turn lane warrants being met.

Thanks, Brad



Bradford C. Johnson, PE
PLANNING PRINCIPAL-in-CHARGE
101 Helm Street, Suite 170
Lexington, KY 40505
P: (502) 695-9800
C: (859) 797-9658
www.hmbpe.com

From: Clark, Wesley J (LHD-Franklin Co) <WesleyJ.Clark@ky.gov>
Sent: Wednesday, March 15, 2023 8:11 AM
To: Ben Judah <ben.judah@franklincounty.ky.gov>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; pmwd2011@att.net; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; JCHRISTOPHERBOWLIN@nlsOURCE.com; Brewer, Tony <Tony.Brewer@lge-ku.com>; Jonathan Otis <otisengineeringllc@gmail.com>; Brad Johnson <bcjohnson@hmbpe.com>; STROBL, ARTHUR G <as7779@att.com>
Cc: brodsg@aol.com; Tina Peck <tina.peck@franklincounty.ky.gov>
Subject: Re: 2486 Cedar Road- Zone Change and Conditional Use - Facility Review Request

Ben,

If you can give me an idea of how many events will be in each barn in a year (not days used) but number of events I can give you a better answer. For example, on a Saturday there could be multiple events in each barn. We also need to know if they want to use it as a food preparation area and if they currently plan to have any indoor plumbing.

I believe state plumbing and building will consider this two separate buildings. Jon will need the exact occupancy number for a septic system if needed and all septic systems require 100% repair area.

If you can get the above information I can give detailed answers.

Sincerely,



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: 3 12 23
Payment Amt: \$ 300⁰⁰
Receipt #: 29204
Meeting: _____

APPLICATION FOR ZONE MAP AMENDMENT

MEETING DATE: April 13, 2023 FILING DEADLINE: March 2, 2023

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

1. Property Owner (The owner must be the applicant):
Dallas Todd Slusher by Bryan C. Hix, McNamara & Jones
2. Mailing Address:
315 High Street
Frankfort, KY 40601
3. Phone Number:
Home: 502.875.8808 Work: _____

SITE INFORMATION

4. General Location of Property: Property on west side of Cedar Road north of Switzer near Stamping Ground
5. Subdivision Name: (if applicable) _____
6. Street Address: 2486 Cedar Road, Stamping Ground, Kentucky 40379

ZONING INFORMATION

7. Present Zoning of Property: RR
8. Proposed Zoning of Property: AG
9. Existing Use of Property: Farm

10. Proposed Use of Property: Event Space - Agricultural Tourism

11. Size of Property: Acres: 56.00 Sq. Ft. _____

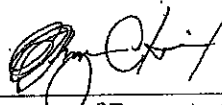
SUPPORTING INFORMATION:

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.)

03.02.2023

Date



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.

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.

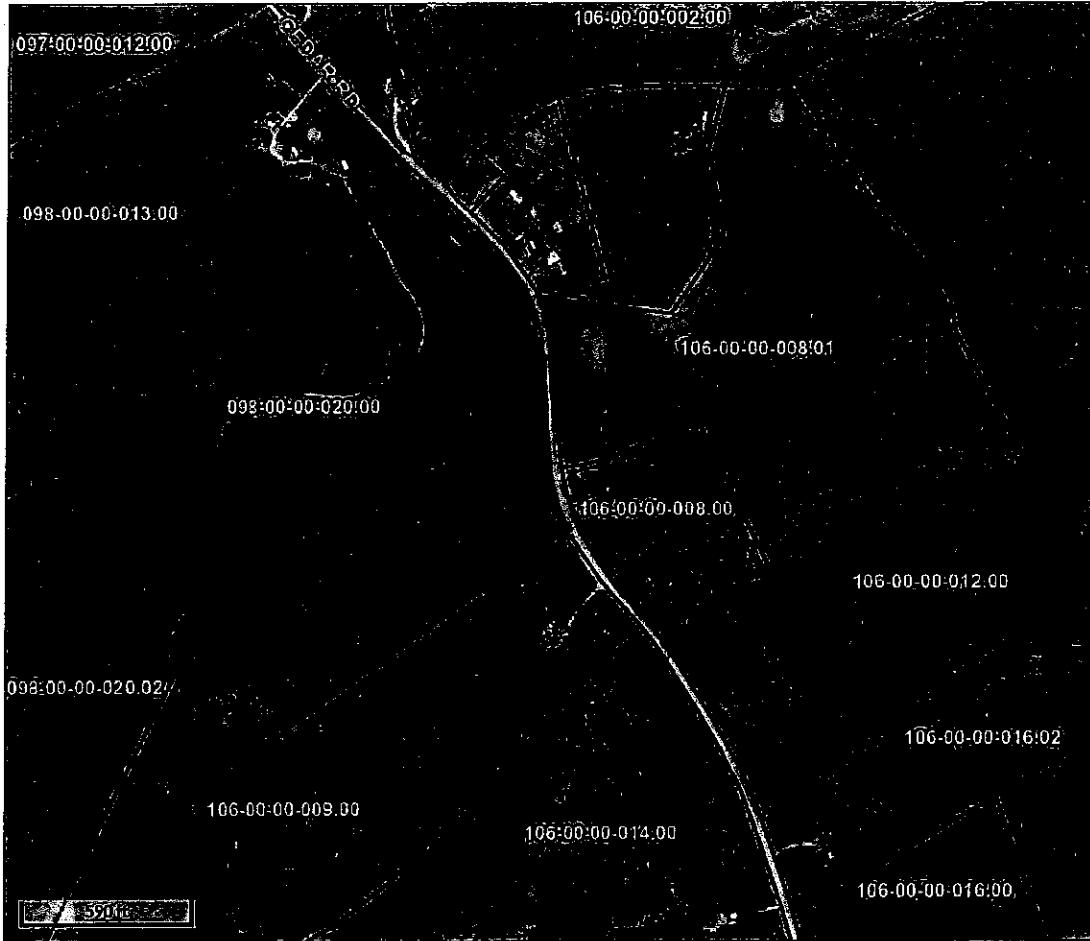
DALLAS TODD SLUSHER

Application for Zone Map Amendment

Statement of Fact

The requested zone map amendment from Rural Residential to Agricultural meets the minimum requirements of KRS 100.213.

1. It is in agreement with the adopted comprehensive plan.



Overview

Legend

- Parcels
- Roads

Parcel ID	098-00-00-020.00	Physical Address	CEDAR RD 2486	Land Value	\$112,000	Last 2 Sales							
Property Class	Farm	Mailing Address	SLUSHER DALLAS TODD 2486 CEDAR RD	Improvement Value	\$138,000	Date	10/7/2016	Price	\$250,000	Reason	Arms-Length Transaction	Qual	U
Taxing District	County	Address	STAMPING GROUND, KY 40379	Total Value	\$250,000		9/8/2010	\$243,000		Arms-Length Transaction		U	
Acres	56												

Date created: 3/2/2023
 Last Data Uploaded: 3/1/2023 8:27:14 PM

Developed by **Schneider**
 GEOSPATIAL



Franklin County PVA
 313 W Main St
 Frankfort, KY 40601
 502-875-8780

**Franklin County
 Property Valuation Administrator**

1 inch = 1,042 feet

Maps are to be used
 for identification only
NOT FOR CONVEYAN



Print Date: 3/2/2023
 Aerial Date: 04/2013



FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

**April 13, 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
Sherron Jackson
Keith Lee
Timothy Luscher
Darrell Sanderson
Brent Sweger
Russell Wright

William May, Chairman

(9)

Also Present:

Edwin Logan, Planning Commission Attorney
Eric Cockley, Director, City of Frankfort Dept. of Planning & Community Development
Jordan Miller, Senior Planning, Frankfort Dept. of Planning & Community Development
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 March 9, 2023 meeting. Mr. Boggs made the motion to approve the minutes. The motion was seconded by Mr. Sanderson and passed unanimously.

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

Ed Logan (Legal Fee, April 2023)	\$	1,500.00
Logan, Burch & Fox (Gray)		455.00
Logan, Burch & Fox (RE: Big Eddy Rehab)		115.50
Vickie Sewell (Secretarial – PC – 04/09/23)		300.00
Dawn McDonald (BZA 03/14//23)		150.00
Frankfort News Media (Legal Advertising)		248.43
McBride Dale Clarion (Inv. #4595-13)		12,226.41

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

Under Staff Items, Mr. Cockley provided a status report on the Comprehensive Plan Update. Mr. Cockley stated that the Committee is currently reviewing the first draft of the Future Land Use Map. He stated that the next Advisory Committee meeting would be on April 18th.

Mr. Boggs asked if the Committee was still on track to meet the timeframe for completion. Mr. Cockley stated that they were.

Mr. Sweger asked if the project was still within budget. Mr. Cockley stated that the budget was for \$298,000 and expenditures to date were roughly \$222,000.

Chairman May asked for a motion to Suspend the Rules in order to have more than two public hearings on the agenda. Mr. Sweger made a motion to suspend the rules in order to hear the Public Hearings scheduled on the agenda. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the Secretary to introduce the first item:

CONTINUATION OF PUBLIC HEARING: John T. Fint, Jr. is requesting a zone map amendment from Rural Residential "B" District "RB" to Industrial Commercial District "IC" for the 4.996-acre property at 209 Devils Hollow Road. The property is more specifically identified as PVA Map Number 049-00-00-020.00 (County Item)

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

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

Mr. Luscher made a motion to adopt Findings of Fact numbers one and two that were within the Summary. The motion was seconded by Mr. Lee and passed unanimously.

Mr. Cross made a motion to adopt the Finding that the proposed use of the subject property is a similar use as an existing use that is within 1,000 feet of the subject property. The motion was seconded by Mr. Sanderson and passed by a vote of nine to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Luscher, Mr. Sanderson, Mr. Wright and Chairman May. Mr. Sweger voted against the motion.

Mr. Lee made a motion to cease the making of Findings of Fact. The motion was seconded by Mr. Luscher and passed unanimously.

Mr. Lee made a motion to recommend to the Franklin County Fiscal Court that the zone map amendment request by John T. Fint, Jr. from Rural Residential "B" District "RB" to Industrial Commercial District "IC" for a 4.996 acre parcel of property located at 209 Devils Hollow Road be approved, with the condition that the applicant submit a development plan for the property to the Planning Commission for approval. The motion was seconded by Ms. Cross and passed by a vote of nine to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Lee,

Mr. Luscher, Mr. Sanderson, Mr. Wright and Chairman May. Mr. Sweger voted against the motion.

Chairman May asked the secretary to introduce the next item:

PUBLIC HEARING: Proposed Text Amendment to the City of Frankfort Zoning Ordinance to amend Section 19.067 concerning daycares

The Secretary swore in Mr. Jordan Miller.

Mr. Logan qualified Mr. Miller. He then asked where the proposed amendment had originated. Mr. Miller stated that it had originated with the City.

Mr. Miller then summarized the proposed text amendment. He stated that the amendment would remove the requirement that no daycare be located closer than 1,000 feet to a residence of a registered sex offender. Mr. Miller stated that the Kentucky Revised Statutes already require that registered sex offenders not be allowed to be located closer than 1,000 feet to a day care. Mr. Miller stated that the Kentucky State Police enforce the State provision and require the registered sex offender to move. Mr. Miller stated that by removing the condition from the City of Frankfort's Zoning Ordinance, a day care operator is no longer penalized if they wish to open a day care center at a specific location.

Under Commission questioning, Mr. Boggs asked how many Day Care Centers are in the City of Frankfort. Mr. Miller stated that he did not know the exact number.

Mr. Boggs asked if the proposed change would be retroactive to all of the existing Day Care Centers. Mr. Miller stated that it would only apply to new applications and not to existing operators.

Mr. Boggs asked what State agency would be enforcing the regulation. Mr. Miller stated that the Kentucky State Police enforce that provision.

Mr. Jackson asked if the text amendment placed the onus on the Daycare Center or the City to meet the requirement. Mr. Miller stated that it placed the burden on the Daycare.

Mr. Sanderson asked how the Daycare Owner would know. Mr. Miller stated that currently, the City would look at the Kentucky State Police Sex Offender Registry to determine if the day care would be located within 1,000 feet of the site. He stated that, if there was a sex offender within 1,000 feet, staff would not take the application to the Board of Adjustments until the sex offender has moved.

After further discussion, Mr. Lee made a motion to close the Public Hearing and to recommend to the City of Frankfort Board of Commissioners that the proposed Text Amendment to Section 19.067 concerning daycares be approved. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the secretary to introduce the next item:

PUBLIC HEARING: Proposed Text Amendment to the City of Frankfort Zoning Ordinance to amend Articles 3, 4 and 19 concerning short-term rental regulations

Mr. Miller had previously been sworn. Mr. Logan qualified Mr. Miller. He then asked where the proposed amendment had originated. Mr. Miller stated that it had originated with the City. Mr. Logan asked that the Staff Report be entered into the record. Without objection, the Staff Report was entered into the record.

Mr. Miller provided a summary of the Text Amendment. Mr. Miller stated that the biggest change was that the number of non-owner occupied short term rental in the Special Capitol District is proposed to be capped at 5% of the total dwelling units within that district. He stated that the number of non-owner occupied short term rentals in the Special Historic District is proposed to not exceed eight, in total.

Mr. Miller stated that the proposed Text Amendment also allowed non-owner occupied short term rental units within the other Residential zone districts, as a Conditional Use. He added that this may disperse the number of short-term rental units throughout the City.

Mr. Miller stated that the Zoning Update Committee had met and were recommending approval of the proposal.

Under Commission questioning, Mr. Luscher asked how the caps were determined. Mr. Miller stated that there were around 1,100 dwelling units in the Special Capitol District and the 5% cap would make for a total of non-owner occupied units between 55 and 60. He stated that the Special Historic District was capped at its existing number for the purpose of keeping the character of the area.

Mr. Luscher stated that the ordinance to allow for short term rentals has allowed property owners to fix up their properties. He stated that restricting the numbers could result in less improvements being made to the older homes. He stated that he would like to see the caps removed.

Ms. Cross asked Mr. Miller if staff had gotten information on caps from other communities. He stated that they had. Ms. Cross stated that the caps applied only to non-owner occupied units.

Mr. Boggs asked how we get to the 29 day requirement. Mr. Miller stated that with the 29 days, it becomes a month to month rental, which is then a standard rental unit.

Mr. Luscher stated that there were many legislators who rented properties during State Legislative Sessions and that these regulations may not allow for that to continue.

Mr. Luscher asked about Section 19.154, Subsection "S" and how the number of days being set at 24 was determined. Mr. Cockley stated that the Zoning Update Committee had come up with that number.

Mr. Cockley stated that during the discussion on that subsection, many different timeframes were discussed, but that at the end of the day a number needed to be established for definitional purposes. He added that if the Commission felt it needed to be a different number that staff would be fine with that.

Mr. Luscher stated that there were many lobby groups who stayed in their structures during session. Mr. Cockley stated that those structures were considered office uses and required a Conditional Use Permit.

Mr. Luscher stated that he was concerned about unintended consequences of setting caps on these short term rentals.

Mr. Cockley stated that the proliferation of the short term rentals without the caps has affected neighborhood character of the historic districts. He added that, because the Special Historic District is so small, the neighborhood is even more affected by the short term rentals.

Mr. Cockley stated that his concerns on not changing the regulations will continue the removal of housing for Frankfort residents in the area and will change the character of the historic districts.

Mr. Miller stated that, without setting a specific number in the historic districts, the ARB has no ability to say no to an applicant.

Mr. Cockley added that it does provide a safety net for the Board to say no to an application.

Mr. Sweger stated that he had friends who had a duplex and an apartment over a detached garage on their property. He stated that they had, in the past, rented to legislators. He asked if these regulations would change that. Mr. Cockley stated that they would be considered owner-occupied rental units.

Chairman May asked if anyone in the audience wished to speak. Ms. Margaret O'Donnell came forward and stated that she lived in South Frankfort. She stated that three years ago an owner of a 32- unit apartment complex in South Frankfort told the tenants that they would have to move because the units were being turned into short term rental units.

She stated that the tenants had a hard time finding housing that they could afford. She stated that rents are very high. She stated that many of the people were born and raised in South Frankfort and none of the tenants were relocated to other housing within South Frankfort. She stated that this was also one of the last areas where there was a presence of African Americans in South Frankfort.

Ms. O'Donnell stated that she was pleased with the idea of capping the number of short term rentals in the area. She stated that people are being displaced by having too many short term rentals in the historic areas.

Ms. O'Donnell stated that she was concerned about allowing short term rentals, as a Conditional Use in all subdivisions within the City. She stated that owners say that they can make more money with short term rentals.

Ms. O'Donnell stated that the property owners who live in their homes full-time, but also go to other areas in the winter months should not be penalized by these regulations.

Mr. Jackson asked Ms. O'Donnell if she had suggestions on how to address the reasonably priced housing in the South Frankfort area. Ms. O'Donnell stated that it is hard for anyone to find reasonably priced housing in Frankfort. She stated that she is helping some people pay their rent. She stated that these people work 40 hours per week and still struggle to pay their rent.

Ms. O'Donnell stated that she will be interested in the findings of the Housing Study being conducted, which might expand opportunities for affordable housing. She stated that the findings may help to locate areas that can be developed for low-income housing. She stated that the community needed to come forward to help the entire community.

Mr. Jackson stated that it appeared that Ms. O'Donnell was saying that she supported short term rentals, but at the same time, wanted the community to realize the need for affordable housing. She stated that she was. She stated that it is always the folks who don't have a voice who are failed to be recognized.

Mr. Luscher stated that he agreed with Ms. O'Donnell's testimony, but stated that he felt the regulations were limiting private investment into properties in the historic districts. He stated that he felt a lot of the affordable properties in the South Frankfort area were substandard. Ms. O'Donnell agreed.

Natalie Cleveland, president of South Frankfort Neighborhood Association and works at Homeless Housing Coalition of Kentucky. She stated that Frankfort does not have housing that is affordable for everyone. She stated that it is hard for those on housing vouchers to be able to rent housing in the Community. She stated that sometimes the vouchers are not accepted by landlords. She stated that the Community should wait until the Housing Study is completed before dealing with the short term rentals. Ms. Cleveland stated that short-term rentals have changed South Frankfort and the dynamic of the neighborhood. She stated that affordable housing is 30% of your income.

There was no further testimony.

Mr. Luscher stated that he was not opposed to placing caps on the number of units, but he stated that he felt there would be unintended consequences with how the caps were decided upon. He stated that he agreed with Ms. Cleveland that the Commission should wait until the housing study has been completed. He voiced his concerns over the 24-day limit and the legislature and how the matter would be policed. He stated that people were investing again in the area and that Frankfort is growing. He stated that capping the number of units would not correct the problem and would limit investment in the housing stock.

Mr. Jackson stated that Ms. O'Donnell had asked if there were some language missing from the Zoning Ordinance. He asked Mr. Cockley to clarify his statement. Mr. Cockley stated that the language was not missing from the Ordinance. He stated that the language that Ms. O'Donnell was referencing was not included because there were no changes being proposed to it.

Ms. Cross stated that she believes in compromise and stated that maybe the Commission could consider under Section 19.154 Standards, Item "S" expanding the number of days from 24 to 90 in order to accommodate residents who do go out of town in the winter and would allow for Legislators to rent their homes for that time.

Mr. Cockley stated that if the Commission wanted to expand the number of days from 24 another number, it would still give staff the definition of the maximum number of days an owner-occupied short-term rental could rent the unit if they were to go out of town for the winter.

Mr. Luscher asked Mr. Cockley who would enforce that number of days. Mr. Cockley stated that staff does. He stated that, while it is not perfect, it is possible to capture a lot of the units. He stated that short-term rental units are fluid.

After further discussion, Mr. Sweger made a motion to recommend to the City of Frankfort Board of Commissioners that the changes as outlined in the Staff Report relating to Sections 3, 4 and 19 of the City of Frankfort's Zoning Ordinance be approved. The motion was seconded by Mr. Jackson.

Under discussion, Mr. Sweger stated that he was on the Zoning Update Committee and that he felt the Committee had done a good job of working through all of the issues that are involved in this item. He stated that the committee had discussed the need to grow tourism while finding a balance. He stated that he thought the caps being proposed were appropriate and reasonable for each district. He stated that the number can be changed in the future if it is found that it is too little or too large.

Mr. Lee stated that he felt there was no need to change the ordinance and that the Commission should let the economy work through any problems. He stated that the ordinance will interfere with the tourism industry.

Mr. Luscher stated that he had questions along the same lines as Mr. Lee and that he didn't think the caps were fair. He stated that he did not feel that the amendment was at a stage to be voted on.

The motion passed by a vote of six to three. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Sweger, Mr. Wright and Chairman May. Those voting against were Mr. Lee, Mr. Luscher and Mr. Sanderson.

Chairman May noted that item number three – Cardwell 827, LLC's rezoning request had been removed from the agenda. He then asked the Secretary to introduce the next item:

PUBLIC HEARING: Dallas Todd Slusher c/o Bryan Hix is requesting a zone map amendment from Rural Residential District "RR" to Agriculture District "AG" for the 56.00-acre property at 2486 Cedar Road. The property is more specifically identified as PVA Map Number 098-00-00-20.00 (County Item)

The Secretary swore in all speakers.

Mr. Logan qualified Mr. Judah. Mr. Judah stated that he was the Planning Supervisor for Franklin County Planning & Building Codes and had held the position for four and one-half years. He stated that he had prepared the staff report and that there were two changes that needed to be made. The first is that there is no Agricultural-zoned land to the East, it is only Rural Residential and the second is that the report states the property is adjacent to West Sixth Brewing, which it is not and that statement should be stricken.

Mr. Logan asked Mr. Judah to summarize his report. Mr. Judah stated that the applicant wishes to have an Event Venue at this location and that the most appropriate zone district for that use is the Agricultural District. He stated that he had recommended three findings of fact for the Commission to adopt and that he was recommending approval of the request. He asked that his report be entered into the record.

Mr. Sanderson asked if the issues that were raised in the staff report regarding the bridge, fire protection and plumbing had been resolved. Mr. Judah stated that the applicant is working on that and when the Commission considers the Conditional Use request, Mr. Judah was recommending that those items be placed as conditions of approval.

Mr. Boggs asked if there was flooding in the area. Mr. Judah stated that there is a flood zone where the stream is located. He stated that the applicant is not proposing to construct anything within the flood zone. He added that there may be vehicle parking in that area. Mr. Boggs stated that he had previously requested approval for a horse training center and asked if he was still doing that. Mr. Judah stated that the applicant would be able to answer that question.

Mr. Brian Hix, on behalf of the applicant, stated that they had reviewed the Staff Report prepared for the request and was in agreement with the report. There were no further questions of the applicant.

Mr. Lee made a motion to close the public hearing, and adopt the Staff Report as the Summary and to recommend approval to Franklin County Fiscal Court. The motion was seconded by Mr. Sanderson. After discussion, Mr. Lee withdrew his motion. Mr. Sanderson withdrew his second.

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

Mr. Lee made a motion to approve the three Findings of Fact on page 12 of the Staff Report. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Lee made a motion to recommend to Franklin County Fiscal Court that the Zone Map Amendment request by Dallas Todd Slusher from Rural Residential District "RR" to Agriculture District "AG" for the 56.00-acre property at 2486 Cedar Road be approved. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman May asked the secretary to introduce the next item:

PUBLIC HEARING: Text Amendment to the Franklin County Code of Ordinances to amend Sections 155.010, 155.085 concerning Residential Recovery Facilities. (County Item)

Mr. Ben Judah presented the Staff Report for the item. Mr. Judah stated that the Text Amendment had originated with Franklin County Fiscal Court. He stated that Fiscal Court had approved an amendment to the Code of Ordinance to create the "Residential Recovery Facility" use on February 11, 2022. He stated that the Fiscal Court initiated the change in order to remove the land use from the "RB" zone district. He stated that this text amendment would remove the Residential Recovery Facilities from the Suburban Residential zone districts in the County. He stated that Staff was recommending approval of the request.

Under Commission questioning, Mr. Jackson asked if any of those types of facilities currently exist in the "RB" zone district. Mr. Judah stated that none of these types of facilities exist. He stated that the one that did get approved was in the "RR" zone district.

Mr. Luscher asked what created the need for the change. Mr. Judah stated that the Court had concerns with the use being in a residential area.

Mr. Sweger asked if Mr. Judah could give examples of subdivisions that were in the "RB" district. Mr. Judah stated that The Heritage and Augusta were two of them.

There were no further questions of staff.

Chairman May asked if anyone in the audience wished to speak on the amendment. Mr. Joshua Harp, on behalf of his clients, Not Forgotten Recovery, stated his clients were in partial agreement and partial opposition to the Text Amendment. He stated that they had originally had requested the text amendment in settings that would allow for outdoor activities such as gardening and animals. He stated that his clients had sought the original text amendment for Residential Recovery Facilities. He stated that the reason for that is that there is a significant drug and alcohol problem and that there are different ways to be able to recover from those addictions. He stated that having a facility in a single family zone district would allow other sources of treatment.

Mr. Harp stated that the residents who are living in a house and working but are still being supervised are considered to be a "facility" and not living together in a single family residence as roommates.

Mr. Harp stated that his clients were not in opposition to the new language listing what a Residential Recovery Facility is not.

Mr. Logan asked if Mr. Harp's clients wanted to open a facility in the "RB" zone district. Mr. Harp stated that they were not.

Mr. Lee asked Mr. Harp if he was considering a "program" to be the same as a homeowner. Mr. Harp stated that the residents could freely live together, but when they are residents of a recovery program, it is no longer a home but is a facility.

Mr. Sweger stated that all Conditional Use Permits go before the Board of Zoning Adjustments and adjacent property owners are notified.

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

Mr. Lee made a motion to recommend to the Franklin County Fiscal Court that the proposed Text Amendment to Sections 155.010 and 155.085 concerning Residential Recovery Facilities be approved. The motion was seconded by Mr. Jackson. The motion passed by a vote of seven to two. Those voting in favor were Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Luscher, Mr. Sanderson, Mr. Wright and Chairman May. Those voting in opposition were Mr. Boggs and Mr. Sweger.

Chairman May asked the secretary to introduce the next item:

In accordance with Sections 155.085 and 155.105 of the Franklin County Code of Ordinances, Dallas Todd Slusher c/o Bryan Hix is requesting approval of a Conditional Use Permit to allow the operation of a Reception/Assembly Hall located at 2486 Cedar Road. The property is more specifically identified as PVA Map Number 098-00-00-20.00 (County Item)

Mr. Ben Judah presented the Staff Report for the request. He stated that the proposed use for a Reception/Assembly Hall land use. He stated that the farm is located in the northeastern corner of Franklin County. He stated that the Conditional Use Permit request had been submitted to all review agencies and that the Fire Department had requested that a fire hydrant be installed. Mr. Judah stated that the six inch water line will be sufficient to install the hydrant. The Health Department will be assisting with the installation of the appropriate size septic tank to handle the bathroom facilities.

Mr. Judah stated that he was recommending approval with the seven conditions outlined in the Staff Report. Mr. Judah stated that he was recommending approval with seven conditions. Mr. Judah read the conditions into the record. He asked that his staff Report be entered into the record. Without objection, the Staff Report was entered into the record.

Under Commission questioning, Mr. Sweger asked if the driveway was paved. Mr. Judah stated that it was concrete. Mr. Sweger asked if the parking along the curved driveway would be accessed from the drive or the Cedar Road. Mr. Judah stated that the applicant will need to answer that question. There were no further questions of Mr. Judah.

Mr. Brian Hix, attorney for the applicant, stated that his applicant operates his farm as Three Hill Farm, LLC. He stated that he and his client had reviewed the staff report and were in agreement with the report.

Mr. Lee asked Mr. Hix if his client was in agreement with the seven conditions listed for approval. Mr. Hix stated that he was.

Mr. Boggs asked if the smaller parcel of land was where the horse training facility was located. Mr. Hix stated that it is not that property.

Mr. Slusher stated that the Tobacco barn will be used for events. He stated that he hoped to bring attention to what farmers do.

Mr. Boggs asked if there would be overnight camping or places to stay. Mr. Slusher stated that there would be neither.

Mr. Slusher stated that patrons will turn onto the property to access the field parking.

There were no further questions of the applicant.

Mr. Sweger made a motion to approve the Conditional Use Permit requested by Dallas Todd Slusher to allow the operation of a Reception/Assembly Hall located at 2486 Cedar Road with the seven conditions outlined in the staff report. 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. Lee

William May, Chairman

Vickie Sewell, Recording Secretary