

ORDINANCE NUMBER 6 - 2023

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING THE TABLE OF SPECIAL ORDINANCES, SECTION 1 ZONING MAP CHANGES OF THE FRANKLIN COUNTY CODE OF ORDINANCES FOR A 4.996-ACRE PROPERTY, IDENTIFIED AS PVA MAP #049-00-00-020.00), LOCATED AT 209 DEVILS HOLLOW ROAD FROM RURAL RESIDENTIAL B DISTRICT (RB) TO INDUSTRIAL COMMERCIAL DISTRICT (IC)

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 March 9, 2023 and adopted a summary of the evidence and findings of fact on April 13, 2023 as required by K.R.S. 100; and

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

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

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

A 4.996-acre property located at 209 Devils Hollow Road in Franklin County, Kentucky, and more specifically identified as PVA Map Number 049-00-00-020.00 is hereby amended from Rural Residential B District (RB) to Industrial Commercial District (IC), based on the following findings of fact:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Suburban Business Center.
2. The Industrial Commercial (IC) zone district is not an appropriate zone district for the Suburban Business Center land use designation.
3. 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.

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 22 day of June, 2023 and of record in Fiscal Court Order Book 33, Page 466.

Michael Mueller
Franklin County Judge/Executive

ATTESTED TO:

Kim Cox
Fiscal Court Clerk

SUMMARY

This ordinance approves a zone map amendment at 209 Devils Hollow Road for a 4.996-acre property located in Franklin County, more specifically identified as PVA Map Number 049-00-00-020.00, from Rural Residential B District (RB) to Industrial Commercial District (IC).

SUMMARY OF PUBLIC HEARING

John T. Fint, Jr.
Zone Map Amendment Request
FROM:
Rural Residential "B" District "RB"
TO:
Industrial Commercial District "IC"
209 Devils Hollow Road

March 9, 2023

Keith Lee, Secretary-Treasurer, Presiding

Planning Commission Members Present:

David Boggs
Sherron Jackson
Keith Lee
Darrell Sanderson
Brent Sweger
Russell Wright

County Staff:

Ben Judah

Applicant's Attorney:

William Ayer

Audience Members:

Mr. Donald Petrey

The Secretary swore in all speakers.

Mr. Judah presented the staff report. He stated that the property is in the vicinity of Pierce Lane, but fronts on Devils Hollow Road. He stated that the property had residential land uses on three sides. He stated that Boone National Guard bordered the property to the left. He stated that the applicant was

proposing to have an outdoor storage facility. He stated that the request is not in agreement with the Comprehensive Plan and read staff's recommended findings of fact into the record.

The Findings of Fact were:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Suburban Business Center.
2. The Industrial Commercial (IC) zone district is not an appropriate zone district for the Suburban Business Center land use designation.
3. The zone map amendment request is not in agreement with the current comprehensive plan.

Mr. Judah stated that staff was recommending denial of the zone map amendment request. Mr. Judah asked that his staff report be entered into the record.

Mr. Lee stated that the Industrial Commercial zone district allows for manufacturing and asked if there was a different zone district that would be more appropriate.

Mr. Judah stated that a Text Amendment had been proposed in the past to allow self-storage facilities in the Highway Commercial zone district, but that it never passed.

Mr. Judah stated that outdoor storage facilities are permitted in the Agricultural, Industrial Commercial and General Industrial zone districts. He stated that he had recommended the applicant request the Industrial Commercial district because it was less intensive than the other two zone districts.

Mr. Lee asked Mr. Judah if the applicant had requested Agricultural zone district instead if that would have changed his mind. Mr. Judah responded that it would not because the Agricultural zone district is not an appropriate zone district for the Suburban Business Center future land use category.

Mr. Wright asked Mr. Judah to discuss the existing storage facility that is approximately 1,000 feet away from the subject property. Mr. Judah stated that the zone map amendment is for an outdoor storage facility and the existing storage facility is enclosed. Mr. Judah stated that the zoning ordinance requires storage facilities in the Highway Commercial zone district to be fully enclosed.

Mr. Sanderson asked if this property was part of the Westridge subdivision. Mr. Judah stated that he did not have that information.

Mr. Jackson stated that the application is for 6.2 acres, but the staff report states the size of the property is 25.45 acres in size. Mr. Judah stated that that was a typo.

Mr. Judah stated that the entire property is 6.2 acres. He stated that the applicant intends to subdivide the two residential lots off from the property that would be rezoned, which leaves 4.996 acres remaining.

Under applicant questioning, Mr. Bill Ayer, Attorney for the applicant, asked if the Preliminary Concept Plan was made a part of the staff report. Mr. Judah stated that it was.

There were no further questions for staff.

Mr. Ayer, asked the applicant, Mr. John Thomas Fint, III, to explain his plans for the property.

Mr. Fint stated that he planned to develop an outside storage facility for campers, boats, outdoor trailers and Recreational Vehicles. He stated that the property is located in central Frankfort and that there is a need for an outside storage facility in Frankfort.

Mr. Fint stated that Elkhorn Campground is no longer storing campers. Mr. Fint stated that most owners can't store their campers, boats, outdoor trailers and Recreational Vehicles on their own residential property because there is not enough space.

Mr. Fint stated that there is no outside storage currently available in Frankfort and Franklin County.

Mr. Fint stated that he planned on making the facility a nice development. He stated that he had no intent to build buildings. He stated that he may want to place awnings on the property in the future, but not buildings.

Under Commission questioning, Mr. Lee asked if the property was currently fenced. Mr. Fint stated that there was an old cattle fence, but that he planned to replace that fence with a chain link fence and topped with barbed wire.

Mr. Lee asked if there are trees on the property. Mr. Fint stated that there are some trees, but that he plans on planting new trees as a buffer.

Mr. Jackson asked if he had any plans to allow overnight camping. Mr. Fint stated that he was not planning on that at all.

Mr. Wright asked if he planned to have size guidelines. Mr. Fint stated that he wanted to accommodate all sizes. He stated that the biggest Recreational Vehicle is 42' in length and he would organize the storage.

Mr. Sanderson wanted to make sure that landscaping would be provided. Mr. Fint responded that he would plant what was required.

Under audience questioning, Mr. Donald Petrey asked to see the proposed development plan. Mr. Petrey was given a copy to review and stated that some gravel had already been placed on the property. Mr. Fint stated that roughly three to four feet had been brought in.

Mr. Jackson stated that the Staff Report's Findings and Recommendation sections recommended the denial of the request. He stated that he did not feel like the applicant had yet provided any testimony that would change that recommendation.

Mr. Ayer asked Mr. Fint how long his family had owned the property. Mr. Fint stated that they had owned the property for over 30 years.

Mr. Ayer asked if anyone had ever approached his family and asked about developing the property. Mr. Fint stated no.

Mr. Ayer asked if those two facts went into his decision to develop the property in this manner. Mr. Fint stated that it had.

Mr. Ayer asked Mr. Fint if he understood that his zone map amendment request was not in agreement with the Comprehensive Plan. Mr. Fint stated that he did.

Mr. Ayer asked if Mr. Fint still wanted to request the zone map amendment. Mr. Fint stated that he did.

Mr. Sanderson asked Mr. Judah if his recommendation would be different if Mr. Fint was proposing indoor storage. Mr. Judah stated that there was still an issue with the underlying zoning.

Mr. Jackson made a motion to close the Public Hearing and table the item until a Summary of the Public Hearing could be prepared. The motion was seconded by Mr. Lee and passed unanimously.

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

**March 9, 2023
5:30 PM**

KEITH LEE, SECRETARY-TREASURER -- PRESIDING

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

Mr. Lee asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs
Sherron Jackson
Darrell Sanderson
Brent Sweger
Russell Wright

Keith Lee., Secretary-Treasurer

(6)

Also Present:

Edwin Logan, Planning Commission Attorney
Ben Judah, Planning Supervisor, Franklin County Planning & Building Codes
Tina Peck, Staff Planner, Franklin County Planning & Building Codes

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

Mr. Lee asked for a motion to approve the minutes of the February 9, 2023 meeting. Mr. Sweger made the motion to approve the minutes. The motion was seconded by Mr. Wright, which passed unanimously.

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

Edwin Logan (Gray)	\$	2,205.00
Vickie Sewell (Secretarial – PC – 02/09/23)		300.00
Dawn McDonald (BZA 02/14//23)		75.00
Frankfort News Media (Legal Advertising)		754.88
McBride Dale Clarion (Inv. #4595-13)		19,465.92

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

Under Staff Items, Mr. Judah introduced Ms. Tina Peck, Staff Planner for Franklin County Planning and Building Codes, to the Planning Commission. On behalf of the Commission, Mr. Lee wished her well.

Under Reports of Standing Committees, Ms. Peck provided an update on the Comprehensive Plan. Ms. Peck stated that the Advisory Committee had met on February 21, 2023. She stated that the Committee had received an update on the Goals and Policies, as well as the

Future Land Use Categories. She stated that there was a possibility of having an addition meeting to discuss the Future Land Use Map. She stated that the next meeting would be held on March 15, 2023 to discuss the Goals and Policies, as well as the revised Future Land Use Map. She stated that the next Advisory Committee meeting would be on March 21, 2023 at 2:30.

Mr. Sweger stated that the Zoning Update Committee had met and discussed two items. The first was Short-term rentals and the second was the definitions of Micro-distilleries and Micro-Breweries.

Under Other Business, Mr. Judah stated that his office had received a request from Mr. Brian Hix, on behalf of 827 Cardwell, LLC, to re-open the Public Hearing. Mr. Judah stated that the applicant has additional information that they would like to have entered into the record.

After further discussion, Mr. Jackson made a motion that the November 10, 2022 Public Hearing of Cardwell, LLC be removed from the table and that a new Public Hearing be scheduled for the April Planning Commission meeting. The motion was seconded by Mr. Sanderson and passed unanimously.

Mr. Lee asked the Secretary to introduce the next item:

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)

The Secretary swore in all speakers.

Mr. Judah presented the staff report. He stated that the property is in the vicinity of Pierce Lane, but fronts on Devils Hollow Road. He stated that the property had residential land uses on three sides. He stated that Boone National Guard bordered the property to the left. He stated that the applicant was proposing to have an outdoor storage facility. He stated that the request is not in agreement with the Comprehensive Plan and read staff's recommended findings of fact into the record.

They were:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Suburban Business Center.
2. The Industrial Commercial (IC) zone district is not an appropriate zone district for the Suburban Business Center land use designation.
3. The zone map amendment request is not in agreement with the current comprehensive plan.

Mr. Judah stated that staff was recommending denial of the zone map amendment request. Mr. Judah asked that his staff report be entered into the record.

Mr. Lee stated that the Industrial Commercial zone district allows for manufacturing and asked if there was a different zone district that would be more appropriate.

Mr. Judah stated that a Text Amendment had been proposed in the past to allow self-storage facilities in the Highway Commercial zone district, but that it never passed.

Mr. Judah stated that outdoor storage facilities are permitted in the Agricultural, Industrial Commercial and General Industrial zone districts. He stated that he had recommended the applicant request the Industrial Commercial district because it was less intensive than the other two zone districts.

Mr. Lee asked Mr. Judah if the applicant had requested Agricultural zone district instead if that would have changed his mind. Mr. Judah responded that it would not because the Agricultural zone district is not an appropriate zone district for the Suburban Business Center future land use category.

Mr. Wright asked Mr. Judah to discuss the existing storage facility that is approximately 1,000 feet away from the subject property. Mr. Judah stated that the zone map amendment is for an outdoor storage facility and the existing storage facility is enclosed. Mr. Judah stated that the zoning ordinance requires storage facilities in the Highway Commercial zone district to be fully enclosed.

Mr. Sanderson asked if this property was part of the Westridge subdivision. Mr. Judah stated that he did not have that information.

Mr. Jackson stated that the application is for 6.2 acres, but the staff report states the size of the property is 25.45 acres in size. Mr. Judah stated that that was a typo.

Mr. Judah stated that the entire property is 6.2 acres. He stated that the applicant intends to subdivide the two residential lots off from the property that would be rezoned, which leaves 4.996 acres remaining.

Under applicant questioning, Mr. Bill Ayer, Attorney for the applicant, asked if the Preliminary Concept Plan was made a part of the staff report. Mr. Judah stated that it was.

There were no further questions for staff.

Mr. Ayer, asked the applicant, Mr. John Thomas Fint, III, to explain his plans for the property.

Mr. Fint stated that he planned to develop an outside storage facility for campers, boats, outdoor trailers and Recreational Vehicles. He stated that the property is located in central Frankfort and that there is a need for an outside storage facility in Frankfort.

Mr. Fint stated that Elkhorn Campground is no longer storing campers. Mr. Fint stated that most owners can't store their campers, boats, outdoor trailers and Recreational Vehicles on their own residential property because there is not enough space.

Mr. Fint stated that there is no outside storage currently available in Frankfort and Franklin County.

Mr. Fint stated that he planned on making the facility a nice development. He stated that he had no intent to build buildings. He stated that he may want to place awnings on the property in the future, but not buildings.

Under Commission questioning, Mr. Lee asked if the property was currently fenced. Mr. Fint stated that there was an old cattle fence, but that he planned to replace that fence with a chain link fence and topped with barbed wire.

Mr. Lee asked if there are trees on the property. Mr. Fint stated that there are some trees, but that he plans on planting new trees as a buffer.

Mr. Jackson asked if he had any plans to allow overnight camping. Mr. Fint stated that he was not planning on that at all.

Mr. Wright asked if he planned to have size guidelines. Mr. Fint stated that he wanted to accommodate all sizes. He stated that the biggest Recreational Vehicle is 42' in length and he would organize the storage.

Mr. Sanderson wanted to make sure that landscaping would be provided. Mr. Fint responded that he would plant what was required.

Under audience questioning, Mr. Donald Petrey asked to see the proposed development plan. Mr. Petrey was given a copy to review and stated that some gravel had already been placed on the property. Mr. Fint stated that roughly three to four feet had been brought in.

Mr. Jackson stated that the Staff Report's Findings and Recommendation sections recommended the denial of the request. He stated that he did not feel like the applicant had yet provided any testimony that would change that recommendation.

Mr. Ayer asked Mr. Fint how long his family had owned the property. Mr. Fint stated that they had owned the property for over 30 years.

Mr. Ayer asked if anyone had ever approached his family and asked about developing the property. Mr. Fint stated no.

Mr. Ayer asked if those two facts went into his decision to develop the property in this manner. Mr. Fint stated that it had.

Mr. Ayer asked Mr. Fint if he understood that his zone map amendment request was not in agreement with the Comprehensive Plan. Mr. Fint stated that he did.

Mr. Ayer asked if Mr. Fint still wanted to request the zone map amendment. Mr. Fint stated that he did.

Mr. Sanderson asked Mr. Judah if his recommendation would be different if Mr. Fint was proposing indoor storage. Mr. Judah stated that there was still an issue with the underlying zoning.

Mr. Sanderson made a motion to close the Public Hearing so that a Summary of the Testimony could be prepared.

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

Mr. Lee asked the Secretary to introduce the next item.

One Holland c/o CARMAN is requesting approval of a Final Development Plan to construct a 2,463 square foot Dunkin Donuts restaurant on a 0.9566-acre lot at 151 Arrowhead Court. The property is more specifically identified as PVA Map Number 086-00-00-017.11

Mr. Ben Judah presented the staff report for the request. He stated that the subject property is the last outlet left to be developed. He stated that all review agencies had reviewed the development plan and were in agreement with the plan, as submitted. Mr. Judah stated that the plan met all requirements and that staff was recommended approval of the Final Development Plan.

Mr. Sweger asked if the plan met landscaping requirements. Mr. Judah stated that the parking areas are to be screened.

Mr. John Carman of CARMAN and Mr. Petie Cunningham of Dunkin Donuts were present. Mr. Carman stated that the subject property is the last remaining lot left to be developed. He stated that the plan reviews did not have any problems with drainage or access.

Mr. Carman stated that they had voluntarily reduced by 25% the outfall of drainage from the site. He stated that the plan is compliant with the landscaping requirements. Mr. Carman stated that they agreed with staff's recommendation for approval.

Mr. Sweger asked Mr. Carman to describe how the run-off will be handled. Mr. Carman stated that some of the pavement will be pervious. He stated that all run-off will go into an underground infiltration/detention basin. He stated that the volume of the basin has been sized to hold 25% more run-off and that pipe size will control the release of the water downstream.

Mr. Jackson asked if any of the proposed parking spaces could accommodate a Recreational Vehicle. Mr. Cunningham stated that they did not. Mr. Jackson stated that they may wish to look into that.

After further discussion, Mr. Sweger made a motion to approve the request by Dunkin Donuts for a Final Development Plan approval proposed for property located at 151 Arrowhead Court. The motion was seconded by Mr. Sanderson and passed unanimously.

There being no further business, a motion was made by Mr. Jackson to adjourn.

Keith Lee, Secretary-Treasurer

Vickie Sewell, Recording Secretary

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

STAFF REPORT

TO: Frankfort/Franklin County Planning Commission

FROM: Ben Judah, Planning Supervisor

MEETING DATE: March 9, 2023



GENERAL INFORMATION

Applicant: John T. Fint
115 Schofield Lane
Frankfort, KY 40601

Request: 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.

Size of Property: 25.45 acres

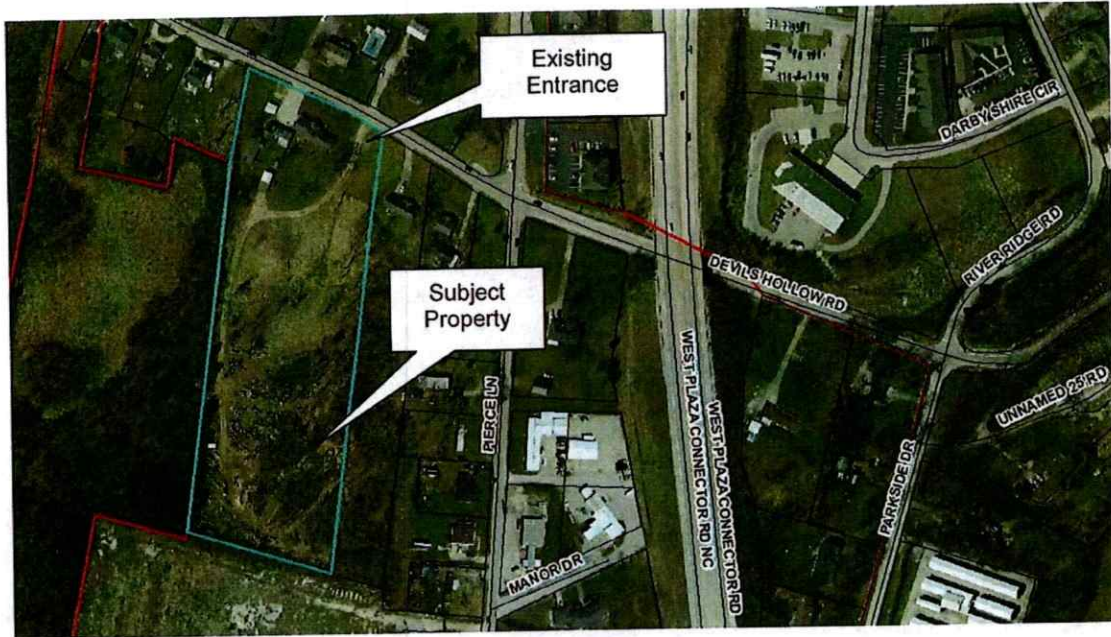
Purpose: Storage Facility

Surrounding Land Use & Zoning

North: Zone- RB; Residential
South: Zone- RB; Residential
East: Zone- RB; Residential
West: Zone- SG; Special Government (Boone National Guard)

Background

The subject property is located on the west side of Frankfort near the Choatville vicinity. The area is a mixture of residential and commercial uses. While single family residential uses are on three sides (North, East, and South) there are commercial uses approximately 350 feet to the east along Devils Hollow Access Road and Pierce Lane. The applicant is proposing to construct a storage facility on the property. There are two houses on the property. The applicant is only proposing to rezone a portion of the property that is to be used for the storage facility. If the zone map amended is approved; the applicant intends to subdivide the houses off from the remaining portion of the parcel.



Existing Zoning: Rural Residential District (RB)

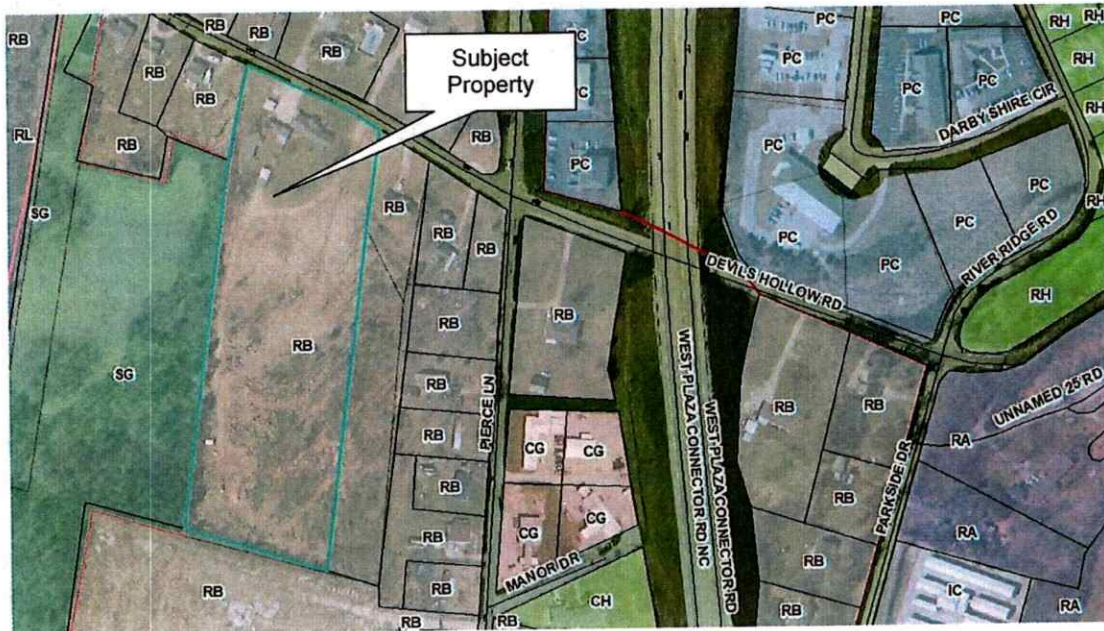
§ 155.138 Purpose.

It is the intent of this district 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 a medium density single dwelling district, but requires a full range of community facilities, including public sewers, or approved sewage treatment facilities.

Proposed Zoning: Industrial Commercial (IC)

§ 155.149 Purpose.

The Industrial Commercial District is established to provide an area for wholesaling, warehousing, distribution of good and certain retail and service funtions. Light manufacturing, process or assembly of goods and products where such process involves only the manufacturing or assembly of pre-manufactured parts or goods is also permitted. It is inteded that all operations be conducted within enclosed buildings and that all uses should be compatible with any adjacent commercial or residential uses.



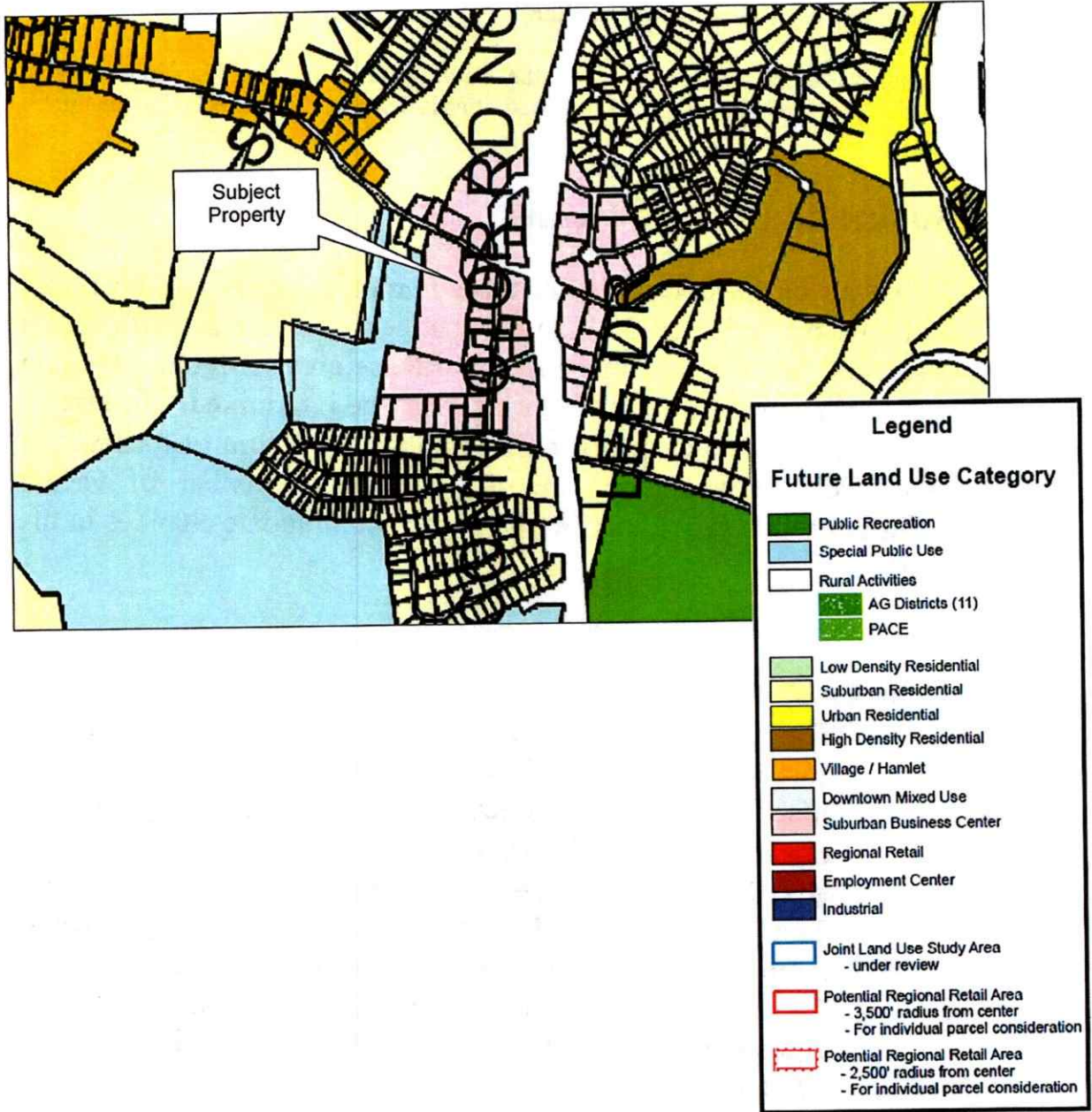
APPLICABLE REGULATIONS

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:

Suburban Business Center

Suburban business centers are the commercial areas and corridors of Frankfort and Franklin County that serve the needs of the local residents. While the primary focus of these areas is retail sales and personal services, some office space may be intermixed. The size of suburban business centers should be controlled to limit expansion of commercial development and the increasing number of vacant buildings while providing flexibility to accommodate changes in the market.

Land Use Guidelines

- The primary land use in these areas should be retail, commercial, personal services and professional office spaces that are targeted toward residential and employees in Frankfort and Franklin County.
- Mixed use development of commercial/office on lower floors with residential on upper floors is encouraged when compatible to surrounding neighborhoods/development.
- These areas should be designed to be accessible by car, pedestrians, bikes, and transit from nearby residential and office uses.

Development Guidelines

1. Suburban business centers should be located along highway corridors to accommodate the large amount of traffic generated by these uses.
2. New development should occur only in areas where public water and sewer services have sufficient capacity to serve and can meet any additional demand.
3. No new development shall occur where there is not an adequate water supply and water pressure for fire protection services.
4. Developers should be encouraged to develop creative business centers that do not place focal emphasis on the parking areas but on the commercial uses themselves. This can be accomplished by placing some parking behind buildings and internal landscaping throughout the parking areas.
5. Signage and lighting should be placed to ensure visibility without creating visual and light pollution.
6. Emphasis should be placed on rehabilitating and adaptive reuse of underutilized properties.
7. Compatibility standards for the exterior design, site location, and interconnectivity should be emphasized and provided for new and infill developments.
8. Structures should not exceed 20,000 square feet in size.
9. Traffic Impact Studies should be required by the Planning Commission for larger projects to help determine what improvements need to be made (turn lanes, etc.) to minimize traffic congestion. (See Additional design standards within the Transportation Element)

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 uses with some commercial activity in the vicinity. The entrance to the subject property is approximately 315 feet west of the intersection of Pierce Land and Devils Hollow Road. Residential uses are primarily along Devils Hollow Road. There is a mix of residential uses and commercial uses along Pierce Land and Devils Hollow Connector Road.

It appears that policy #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: Negative-The property is located within the Suburban area as depicted on the map contained with the Subdivision and Development Plan Regulations. The Suburban development standards contained within Part 3 of the Subdivision Regulations would be applicable to improvements on the site. The minimum lot size of Rural Residential "B" District properties is 9000 square feet; the minimum lot size of Industrial Commercial District properties is 1.5 acres on septic and none on sewer. The property is classified as Suburban Business Center on the Future Land Use Map of the Comprehensive Plan.

It appears that none of the policies 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- A facility review was performed and services can or are provided to the property. Columbia Gas may require easements when the proposed plat is processed. The Frankfort Sewer Department currently serves two houses on the property at 209 and 209.5 Devils Hollow Road. The Kentucky Transportation Cabinet has provided comments stating the existing gravel entrance will have to be upgraded to commercial standards.

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 a service to the community.

It appears that policy #8 of this goal supports the applicant's request.

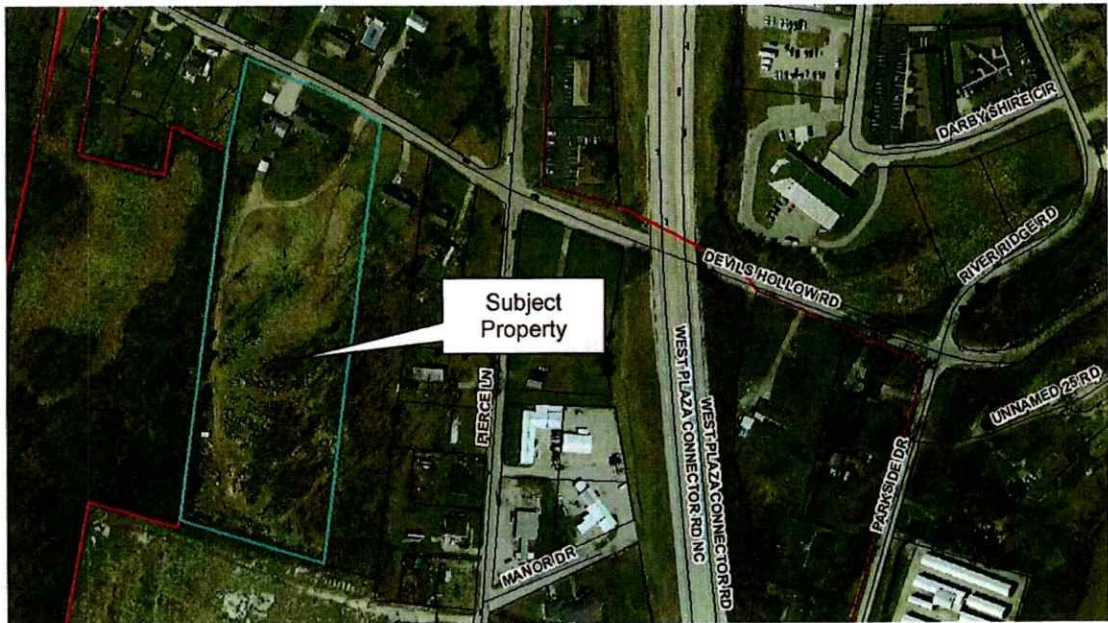
Policies:

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 not located within a Special Flood Hazard area (i.e. 1% Annual Chance Flood) as depicted on the Flood Insurance Rate Maps for Franklin County (adopted December 21, 2017). The Subdivision Regulations, Zoning Ordinance, stormwater ordinance and associated regulations are written in such a manner that either encourage or require that the policies within this goal are addressed. Development proposals within a flood hazard area are subject to additional regulations by the Kentucky Division of Water and Franklin County Ordinance Sections 155.295 through 155.317. There are no flood zones on the subject property.



It appears that policy #1 is applicable to this request

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

Goal 6: Preserve Existing Neighborhoods

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

Staff finding: Negative- An Industrial Commercial zoning classification is not the most compatible zoning district with the surrounding residential and suburban area.

An Industrial Commercial zoning may represent an encroachment of industrial uses in a primarily residential and commercial area.

Staff does not find any policies of this goal to support the applicant's 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. Prior to construction, staff will review a development plan in accordance with the Zoning Ordinance and subdivision regulations. The review of the development plan would include review of building spacing, height, design location and siting as well as entrance or roadway connection locations and design. Currently two dwellings and accessory outbuildings are on site.

Policy #9 supports the map amendment.

Policies:

1. Identify all quadrants of the I-64 interchanges as Regional Retail Center.
2. Support and enhance the rural gateways into the community by preserving their natural scenic beauty.
3. Improve standards for site design- including trees and other landscaping, access management, signage, and other design components.
4. Preserve rural character where appropriate.
5. Encourage the conversion of overhead utilities to underground.
6. Encourage small area overlay plans for high priority areas, including Holmes Street, Second Street, East Main Street, Versailles Road, Benson Valley,

Bridgeport, Bellpoint, Peaks Mill, Louisville Road, and US 127 North and South Corridors..

7. Develop flexible tools for alternative rural development, such as cluster development, that preserves rural character.
8. Identify and preserve unique park, recreational, and historic opportunities including those along the Kentucky River and its tributaries.
9. Continue to provide adequate and improved community services such as schools, police and fire protection, and parks and recreational opportunities that serve existing and planned growth.
10. Promote public art and encourage community art activities.

The Future Land Use map of the Comprehensive Plan property identifies the subject property with a Suburban Business Center Future Land Use Designation. As indicated in the Comprehensive Plan section of this report, the primary land use within that Future Land Use designation is retail, personal services, some office space may be intermixed. The "IC" zoning district generally permits wholesaling, warehousing, distribution, limited retail sales and services. While self-storage/mini-warehouses facilities do provide a service, it is the underlying industrial nature of the proposed Industrial Commercial zoning district that can create potential conflicts with adjacent land uses.

CONCLUSION

Staff recommends the following findings of fact:

1. The Comprehensive Plan, Future Land Use Plan, designates the property for Suburban Business Center.
2. The Industrial Commercial (IC) zone district is not an appropriate zone district for the Suburban Business Center land use designation.
3. The zone map amendment request is not in agreement with the current comprehensive plan.

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



Subject property for proposed development



209 Devils Hollow Road



209.5 Devils Hollow Road and out-buildings



LEGEND

- These standard symbols will be found in the drawing.
- BOUNDARY LINE
 - UTILITY LINE
 - BUILDING LINE
 - UTILITY EASE
 - UTILITY EASE TO BE RELEASED
 - PERMANENT FOUNDED (PFF)
 - ⊕ POWER POLE
 - ⊙ PERMANENT SET (PFS)
 - ⊙ MAG NAIL & WASHER SET
 - △ MEASURE POINT

UNLESS OTHERWISE NOTED, ANY MOVEMENT REFERRED TO AS AN APPROXIMATION AND CAP SET IN A 5/8 PITCH SPANNER STEEL NAIL, EIGHT INCHES IN LENGTH WITH A PLASTIC CAP 1/2 INCH DIAMETER STAMPED "J. STEVENS & SONS". ANY MOVEMENT REFERRED TO AS A PILE NAIL AND WASHER SET IS A 1/2 INCH DIAMETER PILE NAIL WITH A 1/2 INCH DIAMETER WASHER STAMPED "J. STEVENS & SONS".

- #### SURVEY NOTES:
- SURVEY COMPLETED: 12/20/22
 - PLAT COMPLETED: 1/1/23
 - CLASS OF SURVEY: LR 800
 - GPS EQUIPMENT USED: TOPCON HUBER LITTE (L1A2), ATK
 - RELATIVE POSITIONAL ACCURACY: DOES NOT EXCEED 0.05" + 100 PPM
 - BEARINGS AND DISTANCES ARE NOT BASED ON AN ADJUSTED TRIANGULATION
 - BASIS OF BEARINGS: PLAT OF RECORD PC H SL 85
 - DEED SOURCE: DE 818 845
 - PLAT SOURCE: PC H SL 81 & PC K SL 159
 - THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COMPARES WITH 2022 MAP 18-130
 - ALL MONUMENTS ARE ESTABLISHED BY GPS UNLESS OTHERWISE NOTED.
 - ANY MONUMENT WITH A "***" SYMBOL IN THE DESCRIPTION WAS DERIVED FROM SIDESHOTS TAKEN FROM GPS ESTABLISHED CONTROL POINTS.
 - THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT DISCLOSE ALL INFORMATION DISCLOSED IN AN ACCURATE AND CURRENT TITLE RECORD.
 - THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR APPARENT.

TAYLOR MARSHALL PROPERTY, LLC
112 E. 19TH ST.
239 DEVILS HOLLOW RD.
FRANKFORT, KY 40601

AMENDED LOT 6
0.440 Acres
19181.2 SQ. FT.

AMENDED LOT 5
0.633 Acres
27567.9 SQ. FT.

AMENDED LOT 4
4.996 Acres
217631.9 SQ. FT.

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
90 AIRPORT ROAD
PLAT C&L 1 SLIDE 73
90 ZONING

SUBMITTAL NOTES:

1" = 40' RURAL RESIDENTIAL
MINIMUM LOT AREA: 1.50 ACRES
MINIMUM SIDE YARD: 10'
MINIMUM REAR YARD: 40'
MINIMUM FRONT YARD: 35'

PROPOSED NOTES:

AMENDED LOT 4
1" = 40' RURAL RESIDENTIAL
MINIMUM LOT AREA: 1.50 ACRES
MINIMUM LOT FRONTAGE: 100 FT
MINIMUM FRONT YARD: 10'
MINIMUM SIDE YARD: 10'
MINIMUM REAR YARD: 0'
MINIMUM SPACE BETWEEN BUILDINGS: 24'
MINIMUM LOT COVERAGE: 50%
MAXIMUM HEIGHT: 30'
FLOOR AREA RATION: 1.5

AMENDED LOTS 5 AND 6
1" = 40' RURAL RESIDENTIAL
MINIMUM LOT AREA: 9,000 SQ. FT.
MINIMUM LOT FRONTAGE: 60'
MINIMUM SIDE YARD: 20'
MINIMUM REAR YARD: 8'
MINIMUM REAR YARD: 25'
MINIMUM LOT COVERAGE: 25%
MAXIMUM HEIGHT: 35'

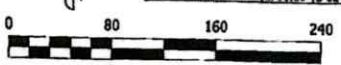
SURVEY FOR:
JOHN FRIT JR.
315 SCHOFIELD LAKE
FRANKFORT, KY 40601
DEED BOOK 618 PAGE 559
PLAT: DEED BOOK 102 PAGE 418

PROPERTY LOCATION:
209 DEVILS HOLLOW ROAD
FRANKFORT, FRANKLIN COUNTY, KY

FLOOD NOTE:
ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR FRANKLIN COUNTY, MAP NUMBER 24035A, PANEL 8106, REVISION DATE: DECEMBER 31, 2017 THE PROPERTY IS NOT WITHIN THE SPECIAL FLOOD HAZARD AREA.

LINE	BEARING	DISTANCE
L1	S 65°38'24" E	91.94'
L2	S 21°17'29" W	128.96'
L3	S 64°58'41" E	149.93'

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	126.39'	2791.09'	S 64°20'34" E	126.39'
C2	181.88'	2791.09'	S 62°12'26" E	81.68'



SEPTUPLY, LLC
160A BURT RD.
LEXINGTON, KY 40503
606 567 PG 12
313 PIERCE LAKE
KA ZONING

PRELIMINARY - CONCEPT PLAN

PROJECT: 22-580		JOHN FRIT JR. PROPERTY 209 DEVILS HOLLOW ROAD DEED BOOK 618 PAGE 559 - PLAT SOURCE DEED BOOK 102 PAGE 418 LOTS 4, 5 AND 6 OF JESS BULLETTE FARM FRANKFORT, FRANKLIN COUNTY, KENTUCKY		
SCALE: 1" = 60'		<p>JARED D. STEVENS LAND SURVEYING</p>		
DESIGNED BY	NAME			DATE
DRAWN BY	NAME			DATE
CHECKED BY	NAME			DATE
AS BUILT	883 HILANDERS TRAIL, FRANKFORT, KENTUCKY		PHONE 859/330-2559 EMAIL: jstevens@stevensurvey.com	

- PURPOSE OF PLAN:**
1. TO DEPICT THE PROPOSED ZONING OF AMENDED LOTS 4, 5 AND 6.
 2. TO DEPICT THE CONCEPTUAL DEVELOPMENT OF AMENDED LOT 4.



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: 1/20/23
 Payment Amt: \$ 300
 Receipt #: 1340
 Meeting: 3/9/23

APPLICATION FOR ZONE MAP AMENDMENT

MEETING DATE: March 9, 2023 FILING DEADLINE: Jan. 26, 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):

John T. Fint Jr.

2. Mailing Address:

115 Schofield Ln.
Frankfort, Ky. 40601

3. Phone Number:

Home: 502-319-1541

Work: 502-803-5156



SITE INFORMATION

4. General Location of Property: 209 Devils Hollow Rd.
Frankfort, Ky. 40601

5. Subdivision Name: (if applicable) Hulett Farm Lts 4-5-6
Lot size 6.2 Acres

6. Street Address: 209 Devils Hollow Rd.
Frankfort, Ky. 40601

ZONING INFORMATION

7. Present Zoning of Property: RB

8. Proposed Zoning of Property: IC

9. Existing Use of Property: residential

10. Proposed Use of Property: Storage building - vehicle - RV - trailers - boats

11. Size of Property: Acres: 6.2 Sq. Ft. 270,072

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.)

JAN. 20, 2023 Date
[Signature] by Bonnie Fint POA
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.

PROPOSED FINDINGS

- 1. Property adjoining this property is zoned IG and is currently used by the Kentucky National Guard.**
- 2. While there is a residence on the right front corner of this property (as you face it from Devils Hollow Road), the remainder of the property has never been used for residential purposes and is not appropriate for residential purposes without significant work on the property.**
- 3. The proposed IG zone would be more appropriate given the nature of the adjoining Commonwealth of Kentucky acreage.**

JARED D. STEVENS, PLS
523 MENOMINEE TR.
FRANKFORT, KY 40601

A DESCRIPTION OF
A 4.996 ACRE TRACT
OF THE
JOHN T. FINT, JR. PROPERTY

A PORTION OF
LOTS 4, 5 AND 6
OF THE JESS HULETT FARM
(DEED BOOK 102 PAGE 418)
FOR ZONE MAP AMENDMENT

DEVILS HOLLOW ROAD
FRANKFORT, FRANKLIN COUNTY, KENTUCKY
DEED BOOK 615 PAGE 557
DEED BOOK 615 PAGE 559

Beginning at a point in the center of Devils Hollow Road at the northern common corner of Lots 3 and 4 of the Jess Hulett Farm as shown on Plat of record in Deed Book 102, Page 418, said point being approximately 300 feet west of the intersection of Devils Hollow Road and Peirce Lane; thence leaving the center of Devils Hollow Road and with the west line of Lot 3 of Donald Petrey (Deed Book 429 Page 634) S 05°49'11" W a distance of 16.28' to an reference monument set and a total distance of 883.25' to an iron pin set in the line of Spatium, LLC (Deed Book 587 Page 12); thence leaving Lot 3 and with Spatium and the south line of Lots 4, 5 and 6 of the Hulett Farm N 75°04'47" W a distance of 299.02' to a 3" Aluminum Disk in concrete, stamped Commonwealth of Kentucky; thence leaving Spatium and with the Commonwealth of Kentucky and the west side of Lot 6 N 06°34'11" E a distance of 699.29' to an iron pin set at a new division line of the John T. Fint, Jr. property; thence leaving the Commonwealth of Kentucky and with the new division line S 65°38'24" E a distance of 174.90' to an iron pin and cap set; thence N 24°21'36" E a distance of 140.05' to an iron pin and cap set; thence N 05°49'11" E a distance of 74.02' to a reference monument and a total distance of 90.11' to a point in the center of Devils Hollow Road; thence leaving the new division line and with the center line of Devils Hollow Road with a curve turning to the right, with an arc length of 81.68', with a radius of 2791.09', with a chord bearing of S 62°12'26" E, with a chord length of 81.68' to the point of beginning, having an area of 4.996 acres, more of less by the survey dated February 17, 2023.

Being a portion of the property conveyed to John T. Fint, Jr. by deeds of record in Deed Book 615 Page 557 and Deed Book 615 Page 559 in the records of the Franklin County Clerk. There is 1.073 Acres remaining in the John T. Fint, Jr. property that is not a part if the property described herein.

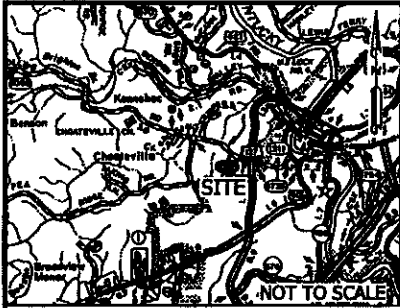
Said survey is subject to any recorded or unrecorded rights of way or easements, public or private. All monuments referred to as an iron pin set (IPS) is a 5/8" X 18" steel rebar with an orange plastic cap stamped "J. STEVENS PLS 3839". All Monuments referred to as a reference monument set (RMS) is a 5/8" X 18" steel rebar with a pink plastic cap stamped "REFERENCE, PLS 3839". The basis of bearings is Grid North, KY Single Zone, NAD 83. This survey was conducted by the method of RTK GPS with side shots from GPS established control. The relative positional accuracy of this survey does not exceed 05' + 100ppm and is an urban survey.



LEGEND

- These checked symbols will be found in the drawing.
- BOUNDARY LINE
 - UTILITY LINE
 - BUILDING LINE
 - UTILITY EJECT
 - UTILITY EJECT TO BE RELEASED
 - POW. POLE
 - POW. MONUMENT FOUND (P/F)
 - POW. MONUMENT SET (P/S)
 - REFERENCE MONUMENT SET
 - PAVE INVA. & W/DRN. SET
 - REFERENCE POINT

UNLESS OTHERWISE NOTED:
 - ALL MONUMENTS REFERRED TO AS AN IRON PIN AND COP NUT IN A 3/4" DIA. SOCKET SHALL BE 1/2" DIA. SOCKET WITH A 1/4" DIA. IRON PIN AND COP NUT IN A 3/4" DIA. SOCKET.
 - ALL MONUMENTS REFERRED TO AS A BRASS DISK IN A 1/2" DIA. SOCKET SHALL BE 1/2" DIA. SOCKET WITH A 1/4" DIA. BRASS DISK IN A 1/2" DIA. SOCKET.
 - ALL MONUMENTS REFERRED TO AS A PLASTIC CAP SHALL BE 1/2" DIA. SOCKET WITH A 1/4" DIA. PLASTIC CAP IN A 1/2" DIA. SOCKET.
 - ALL MONUMENTS REFERRED TO AS A 1/2" DIA. IRON PIN AND COP NUT IN A 3/4" DIA. SOCKET SHALL BE 1/2" DIA. SOCKET WITH A 1/4" DIA. IRON PIN AND COP NUT IN A 3/4" DIA. SOCKET.



VICINITY MAP

NOT TO SCALE

- SURVEY NOTES:**
- SURVEY COMPLETED 2/17/23
 - PLAT COMPLETED 2/17/23
 - CLASS OF SURVEY: URBAN
 - GPS EQUIPMENT USED: JORDAN BRID (L2A2), RTK
 - RELATIVE POSITIONAL ACCURACY DOES NOT EXCEED 0.157 + 0.000 PPM
 - SOUNDINGS AND DISTANCES ARE NOT BASED ON AN ADJUSTED TRIANGULAR
 - BASES OF BEARINGS: PLAT OF RECORD PC H S L 85
 - BEARS SOURCE: BE 111 P 145
 - PLAT SOURCE: PC H S L 85 & PC H S L 109
 - THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COPIES WERE FILED WITH THE CLERK OF COURTS IN FRANKFORT, KY.
 - ALL MONUMENTS ARE TO BE MAINTAINED BY GPS UNLESS OTHERWISE NOTED.
 - ANY MONUMENT WITH A "P" SYMBOL IN THE DESCRIPTION WAS OBTAINED FROM A PREVIOUS SURVEY FROM GPS ESTABLISHED CONTROL POINTS.
 - THIS SURVEY WAS CONDUCTED WITHIN THE BOUNDARY OF A TITLE SEARCH AND MAY NOT DISCLOSE ALL INFORMATION DISCLOSED IN AN ACCURATE AND CURRENT TITLE REPORT.
 - THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR APPARENT.

CADASTRAL BOUNDARY:
 70% BUREAU SUBDIVISION
 ADJACENT LOT AREA: 1.80 ACRES
 REAR YARD: 10'
 FRONT YARD: 10'
 SIDE YARD: 5'

PROPOSED BOUNDARY:
 AMENDED LOT 4
 10' BUREAU SUBDIVISION
 REAR YARD: 10'
 FRONT YARD: 10'
 SIDE YARD: 5'
 BETWEEN BOUNDARIES OF ADJACENT LOT COVERAGE: 80%
 MAXIMUM HEIGHT: 15'

AMENDED LOT 5 AND 6
 10' BUREAU SUBDIVISION
 REAR YARD: 10'
 FRONT YARD: 10'
 SIDE YARD: 5'

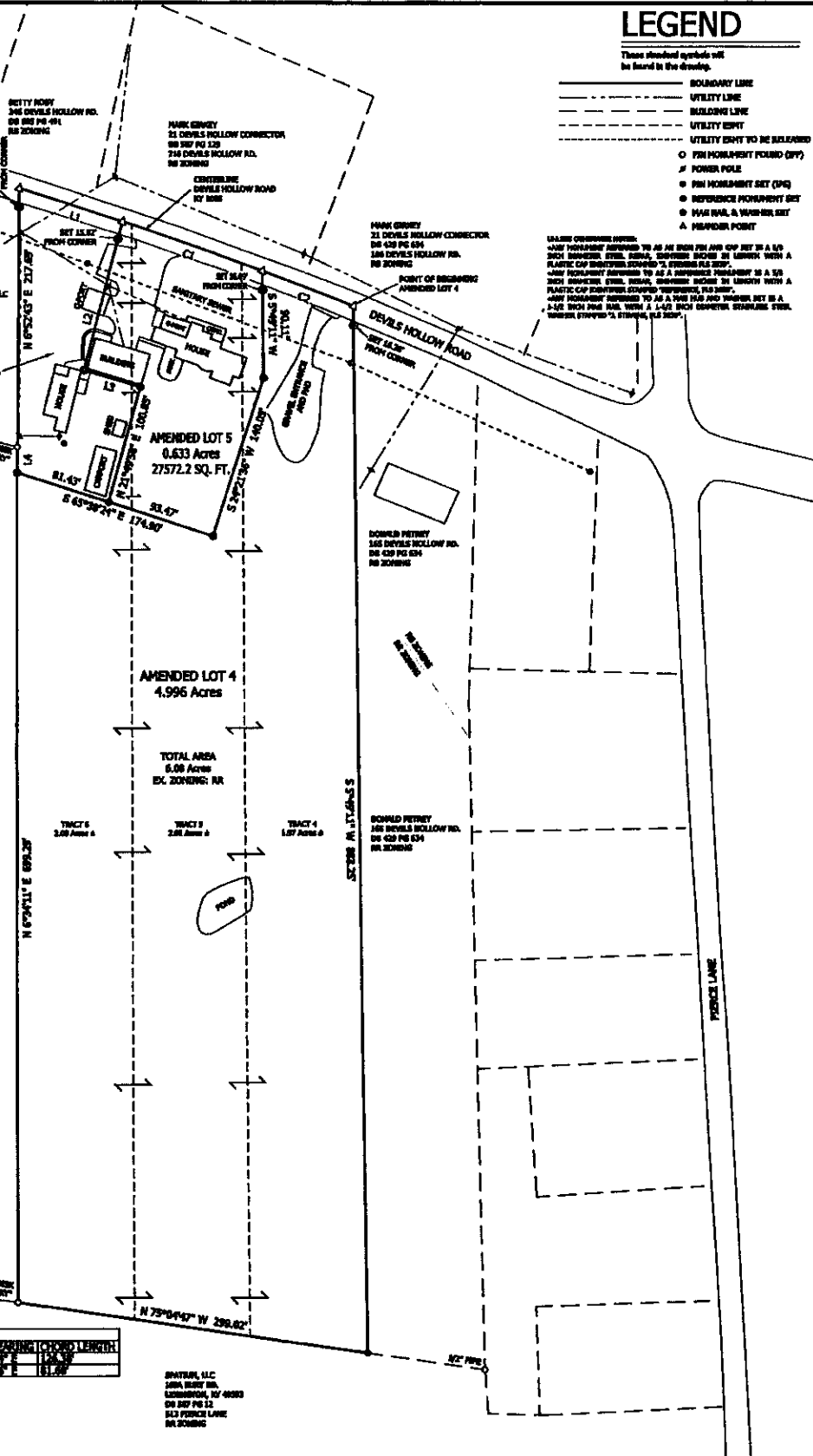
SURVEY FOR:
 JOHN FINT JR.
 115 SCHOFIELD LANE
 FRANKFORT, KY 40601
 DEED BOOK 415 PAGE 957
 DEED BOOK 415 PAGE 959
 PLAT: DEED BOOK 102 PAGE 418

PROPERTY LOCATION:
 200 DEVILS HOLLOW ROAD
 FRANKFORT, FRANKLIN COUNTY, KY

FLOOD ZONE:
 ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR FRANKLIN COUNTY, MAP NUMBER 2488B, PANEL 0988E, REVISED NOVEMBER 22, 2017 THE PROPERTY IS NOT WITHIN THE SPECIAL FLOOD HAZARD AREA.

COMMONWEALTH OF KENTUCKY
 TRANSPORTATION CARRIER
 90 AIRPORT ROAD
 PLAT C.B. 1, 2 & 3, 73
 80 ZONING

COMMONWEALTH OF KENTUCKY
 TRANSPORTATION CARRIER
 90 AIRPORT ROAD
 PLAT C.B. 1, 2 & 3, 73
 80 ZONING



PRELIMINARY - MINOR SUBDIVISION AND CONSOLIDATION PLAT

PROJECT: 22-1580	JOHN FINT JR. PROPERTY 200 DEVILS HOLLOW ROAD DEED BOOK 415 PAGE 957 - PLAT SOURCE DEED BOOK 102 PAGE 418 LOTS 4, 5 AND 6 OF DEVILS HOLLOW ROAD FRANKFORT, FRANKLIN COUNTY, KENTUCKY
SCALE: 1" = 60'	
DESIGNED BY: STEVENS	DATE: 2/17/23
DRAWN BY: STEVENS	DATE: 2/17/23
CHECKED BY: STEVENS	DATE: 2/17/23
AS BUILTS	

JARED D. STEVENS LAND SURVEYING

288 MEMPHIS TRAIL, FRANKFORT, KENTUCKY
 PHONE: 502/856-0849
 EMAIL: jstevens@stevenslandsurveying.com

PURPOSE OF PLAT:

1. TO CONSOLIDATE LOTS 4, 5 AND 6 OF THE 100% SUBDIVISION PLAT AS SHOWN IN DEED BOOK 415 PAGE 957 AND 959 THROUGH AND REVISE INTO AMENDED LOTS 4, 5 AND 6 AS SHOWN HEREON.
2. TO CORRECT THE PROPOSED ZONING OF AMENDED LOTS 4, 5 AND 6.

FRONT

Girkey, Mark and Kevin

216 Devils Hollow Rd

LEFT SIDE AND LEFT SIDE FIELD

Petrey Donalds

165 Devils Hollow Rd

RIGHT SIDE

Taylor Marshall Properties, LLC

112 East Main St

RIGHT SIDE FIELD

National Guard

BACK SIDE

Spatium, LLC

169 Burt RD

Lexington, KY

Power Of Attorney

Know All Men By These Presents, that I, JOHN T. FINT, JR., of Frankfort, Franklin County, Kentucky, hereby constitute and appoint BONNIE L. FINT, of Frankfort, Franklin County, Kentucky, my true and lawful attorney-in-fact, to act for me in my name, place and stead:

1. To bargain, sell and convey in fee simple by Deed with or without Covenants of General Warranty, or other covenants usual or customary in a Warranty Deed, or by land contract, for such price and upon such terms of credit, and to such person, persons, or corporation, as my said attorney shall think fit, the whole or any part of any lands, tenements or hereditaments owned by me in any county in the Commonwealth of Kentucky, or any interest therein; to pay and satisfy all mortgages, encumbrances, taxes and assessments that may be a lien or charge on any of said lands, tenements or hereditaments; to receive payment of the purchase money of any and all lands sold, and of any and all promissory notes, bonds or other obligations received as evidence of the indebtedness or in the payment thereof, and to satisfy and discharge any and all mortgages securing said purchase monies.

2. To sell and convey, by Bill of Sale, assignment or other proper instrument of conveyance with the customary warranties, terms and provisions, for such price or prices, and upon such terms of credit or otherwise, and to such person or persons as my said attorney shall deem best, all or any part of my personal property wherever located; to receive payment of the purchase money of any and all of the property so sold, and of any and all notes or other obligations received as evidence of the indebtedness or in payment thereof, and to satisfy and discharge any and all mortgages and liens securing deferred parts of the purchase money.

3. To borrow from time to time such sums of money, for such period or periods, at such rate or rates of interest, and upon such other terms and conditions and upon the security of such part of, or all of my property, real or personal, situated in the

Commonwealth of Kentucky, as my said attorney, in her discretion, may deem, best, and to execute, acknowledge and deliver all necessary Promissory Notes, Mortgages, and/or other instruments of conveyance and encumbrance, containing such provisions, clauses, covenants, agreements, warranties, terms and conditions as my said attorney may deem best to evidence the loans so procured and to secure the same.

4. To negotiate, execute, acknowledge and deliver a Lease or Leases of any and all real estate belonging to me, situated in any county in the Commonwealth of Kentucky, including ninety-nine year Leases with or without provisions for renewing forever, and also Leases containing options to purchase upon such terms and conditions as she may deem best; or extend or renew any Lease or Leases now or hereafter in effect, for such term, at such rent and with such covenants, provisions and conditions as she may deem best, and to manage and collect rents received from any of my property in the Commonwealth of Kentucky, and in my name, place and stead to execute and serve such notices as may be necessary to comply with any laws of the Commonwealth of Kentucky relative to securing the vacation of any premises so leased or rented.

5. To draw and endorse checks on any commercial account or accounts in my name and to deposit or withdraw from any savings account or accounts in my name or cash certificates of deposit in my name; to cash any coupons or bonds belonging to me; to sign and endorse promissory notes; notice of protest of all such commercial paper; to borrow money; to make and execute any and all contracts; sell, dispose of, assign, pledge and hypothecate notes, stocks, bonds and mortgages; to have access to and power of depositing in and removing from any safety deposit box standing in my name in the Commonwealth of Kentucky and to transact any all business for me with any bank in the Commonwealth of Kentucky.

6. To vote at the meetings of stockholders or other meetings of any corporation or company, or otherwise to act as my attorney or proxy in respect of any stocks, shares or other instruments now or hereafter held by me therein, and for that purpose to execute any proxies or other instruments.

7. To give my child(ren) and my more remote lawful descendants so much

of my property, including (but not limited to) any cash, securities, life insurance policies, and real property, as my attorney-in-fact deems appropriate for his/her/their comfort and care and to continue or implement a program of giving annually to each of my children and my more remote lawful descendants, amounts equal to the annual federal gift tax exclusion (presently ten thousand dollars [\$10,000.00] per donee), under Internal Revenue Section 2503(b). All such gifts may be made outright, in trust, or to any legal guardian or custodian under any applicable Uniform Transfers or Gifts to Minors Act, as my attorney-in-fact deems appropriate, even if my attorney-in-fact is such Trustee, guardian, or custodian.

8. To take charge of my person in the case of sickness or disability of any kind, and to remove and place me in such institutions or places as she/he may deem best for my personal care, comfort, benefit or safety; and to do all other things necessary for me in and for my stead; and for said purposes to use and disburse any or all of said bank deposits, monies and other personal property.

Giving unto my said attorney, full power to do and perform any, all and every act requisite, necessary or proper to be done in carrying out this purpose for which this power is granted as might or could be done if personally present, with full power of substitution and revocation, hereby ratifying and confirming that which my attorney or her substitute shall lawfully do or cause to be done by herself or his substitute lawfully designated by virtue of the power herein conferred upon her.

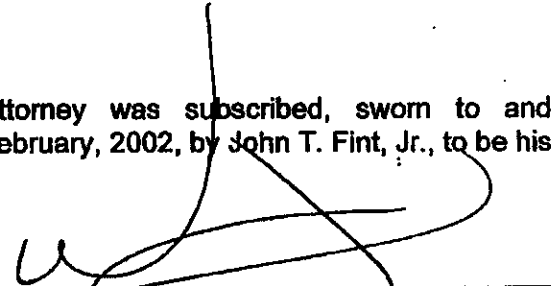
This Power of Attorney shall not be affected by the disability of the principal.

IN WITNESS WHEREOF, I have hereunto set my hand at Frankfort, Kentucky, this 1 day of February, 2002.


JOHN T. FINT, JR.

STATE OF KENTUCKY)
COUNTY OF FRANKLIN)

The foregoing Power of Attorney was subscribed, sworn to and acknowledged before me this 1st day of February, 2002, by John T. Fint, Jr., to be his free act and deed.



Notary Public

My Commission Expires: 8/8/04

THIS INSTRUMENT PREPARED BY:



William C. Ayer, Jr.
JOHNSON JUDY TRUE & GUARNIERI
326 West Main Street
Frankfort, KY 40601

\\psa\fin-j-poa.vpd

DOCUMENT NO: 310443
RECORDED ON: JANUARY 15, 2007 11:43:09AM
TOTAL FEES: \$20.00
COUNTY CLERK: GUY ZETGLER
COUNTY: FRANKLIN COUNTY CLERK
DEPUTY CLERK: ANITA WHITAKER
BOOK POA47 PAGES 452 - 455

Deed 4

FRANKLIN COUNTY
D615 PG559

DEED AND CONSIDERATION CERTIFICATE

THIS DEED OF CONVEYANCE AND CONSIDERATION CERTIFICATE
made and entered into this 15th day of Sept, 2022, by and between **Gary W Fint and Susan Fint, husband and wife**, whose address is 525 Old US 60, Frankfort, KY 40601, Parties of the First Part, and **John T Fint, Jr , married**, whose address is 115 Schofield Lane, Frankfort, KY 40601, Party of the Second Part

The "in-care-of" address for future property tax bills is John T Fint, Jr , 115 Schofield Lane, Frankfort KY 40601

WITNESSETH

That for and in consideration of the sum of Ninety Thousand Dollars (\$90,000 00), the receipt of which is acknowledged by the First Parties, the Parties of the First Part have bargained and sold and by these presents, do hereby bargain, sell, alien and convey in fee simple unto the Party of the Second Part, his heirs and assigns forever, all of First Parties one-half (½) interest in and to the following described property, lying and being in Franklin County, Kentucky, and being more particularly described as follows

TRACT I

Being Lot No 5 located on the south side of Benson Road in Franklin County, Kentucky, said lot fronting 100 feet on said road and running back that width to a depth of 910 feet on the east side thereof, and 920 feet on the west side thereof, containing 1 9 acres more or less, said lot being shown on a map or plat of the Jess Hulette Farm, of record in Deed Book 102, Page 418, Franklin County Court Clerk's Office

TRACT II

Being Lot No 6 fronting 100 feet on the south side of the Benson Road approximately one mile west of the City of Frankfort, and running back that width 930 feet on the west side thereof, and containing 1 94 acres, more or less, said lot being shown on a map or plat of the Jess Hulette Farm of record in Deed Book 102, Page 418, Franklin County Court Clerk's Office

TRACT III

Being Lot No 4 as shown on the plat of the Jess Hulette farm of record in Deed Book 102m Page 418, Franklin County Court Clerk's Office, said lot fronting 100 feet on the south side of the Benson Road and running back that to a depth of 900 feet on the east side thereof and 910 feet on the west side thereof, and containing 1 85 acres more or less

Being the same property conveyed to John T Fint and Mildred Fint, husband and wife, by deed dated July 16, 1991, of record in Deed Book 374, Page 544, in the Office of the Franklin County Clerk John T Fint died APR. 14, 1996 and Mildred Fint obtained exclusive title to said property by virtue of the survivorship clause contained in said deed Mildred Fint died March 6, 2022 and devised said property to John T Fint (also known as John T Fint, Jr) and Gary W Fint by the terms of Last Will and Testament of record in Will Book 74, Page 715 See Also Affidavit of Personal Representative of record in Deed Book 611, Page 657 and Corrected Affidavit of Personal Representative of record in Deed Book D615, Page 557, in the Office of the Franklin County Clerk

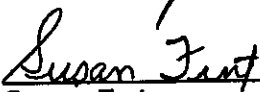
TO HAVE AND TO HOLD the above described property with the improvements thereon and the appurtenances thereunto belonging unto the Party of the Second Part, his heirs and assigns forever, with **Covenant of General Warranty of Title**

The parties hereto state the consideration reflected in this Deed is the full consideration paid for the property The Second Party joins this Deed for the purpose of certifying the consideration pursuant to KRS 382 135

IN TESTIMONY WHEREOF, witness the signatures of the Parties of the First Part, and the Party of the Second Part, on the day and year first above written



Gary W Fint



Susan Fint
FIRST PARTIES

STATE OF KENTUCKY)
COUNTY OF FRANKLIN)

Subscribed, sworn to and acknowledged before me by Gary W Fint and Susan Fint, husband and wife, the First Parties to be their free act and deed on this the 15th day of Sept., 2022

My Commission Expires 6/1/2024 _____
Notary Public

William C Ayer Jr
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
ID # KYNP 5264
MY COMMISSION EXPIRES June 1 2024

John T. Fint, Jr
John T Fint, Jr
SECOND PARTY

STATE OF KENTUCKY)
COUNTY OF FRANKLIN)

Subscribed and sworn to before me by John T Fint, Jr, married, the Second Party to be his free act and deed on this the 15th day of SEPT, 2022

My Commission Expires 6/1/2024

Notary Public

THIS INSTRUMENT PREPARED BY

William C Ayer Jr
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
ID # KYNP 5264
MY COMMISSION EXPIRES June 1 2024

William C Ayer
TRUE GUARNIERI AYER, LLP
124 Clinton Street
Frankfort, KY 40601
Deeds\Fint, FintJ deed wpd

DOCUMENT NO 673807
RECORDED September 16 2022 08 53 00 AM
TOTAL FEES \$50 00 TRANSFER TAX \$80 00
COUNTY CLERK JEFF HANCOCK
DEPUTY CLERK NATALIE HACKETT
COUNTY FRANKLIN COUNTY
BOOK D615 PAGES 559 - 562

MEMORANDUM

DATE: February 21, 2023

TO: Ben Judah
Planning Supervisor
Franklin County Planning & Building Codes Department

FROM: Sharmista Dutta
Water Engineer
Frankfort Plant Board

RE: Water comments for the following item:




209 Devils Hollow Road Zone Change Request

- a. We have no issues with the zone change.
- b. Note: There is an existing waterline that runs along the north property line, please ensure the line and easement is shown on the minor plat.
- c. The Frankfort Plant Board reserves the right to modify these comments based on other agency reviews and changes to the plat or plan resulting from required or voluntary revisions.

Should you have any questions or comments, please do not hesitate to contact me at (502) 352-4407 or sdutta@fewpb.com.

2/21/23, 4:16 PM

RE: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC - Ben Judah - Outlook

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RE: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

SG [STROBL, ARTHUR G <as7779@att.com>](#)      ...
To: Ben Judah; Brian Brewer; Carter, Jim <jcarter@fewpb.com>; Harrod, Mike Fri 2/17/2023 11:43 AM

AT&T has no issues with proposed zone change

Thanks,
Art Strobl
Mgr OSP PIng & 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: Wednesday, February 15, 2023 12:04 PM
To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Carter, Jim <jcarter@fewpb.com>; Harrod, Mike <mikeharrod@fewpb.com>; Dutta, Sharmista <sdutta@fewpb.com>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; JCHRISTOPHERBOWLIN@nisource.com; Michael Hesse <mhesse@frankfort.ky.gov>; Jonathan Otis <otisengineeringllc@gmail.com>; STROBL, ARTHUR G <as7779@att.com>
Subject: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

TRT members,

Please take a look at the attached facility review request. Please provide comments by February 24, 2023. If you need any additional information, please let me know.

Sincerely,

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

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RE: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

BC **Bowlin \ John \ Christopher** <jchristopherbowlin@nisource.com>     
To: Ben Judah Thu 2/16/2023 3:07 PM

Start reply with: [Schedule a meeting](#)

Ben,
CKY takes no position on the zone change per se.

However, if we get further into the development and plat portion of the project there could be a possible land issue.

There is a service line that serves the residential structure depicted on proposed Amended Lot 5 of the plat. The proposed division line for amended lot 4 crosses in front of the structure. CKY requests at least ten (10') foot centered on the service line to be able to operate, maintain and replace the line.

Therefore, if the proposed property line between Amended Lot 5 and Amended Lot 4 gets closer than five (5) feet to the existing service line, CKY requests an easement be dedicated on the plat to achieve the desired easement coverage. If the proposed property line is closer, no easement is necessary.

Please call 811 to identify map the location of the service line relative to the new property line for informational purposes. Please do not place gas lines on the plat, just easements (if necessary). Columbia would be happy to review further once the mapping information is obtained. Also, if the developer has a copy of the plat referenced in Deed Book 102, Page 418, that would be helpful as well.

I hope this makes sense. If there is any confusion, please feel free to call me on my mobile number.

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: Wednesday, February 15, 2023 12:04 PM

To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Carter, Jim <jcarter@fewpb.com>; Harrod, Mike <mikeharrod@fewpb.com>; Dutta, Sharmista <sdutta@fewpb.com>; Young, Tara M (KYTC-D05) <tara.young@ky.gov>; Bowlin \ John \ Christopher <jchristopherbowlin@nisource.com>; Michael Hesse <mhesse@frankfort.ky.gov>; Jonathan Otis <otisengineeringllc@gmail.com>; STROBL, ARTHUR G

2/22/23, 9:14 AM

Re: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC - Ben Judah - Outlook

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Re: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC



Michael Oerther

To: Ben Judah



Wed 2/22/2023 8:48 AM

Good morning, Ben,

Thanks for the information. I don't see a problem on our end. If you need anything else please feel free to contact me anytime.

Best Regards,

Asst. Chief Oerther

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

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Wednesday, February 22, 2023 8:05 AM
To: Michael Oerther <michael.oerther@franklincounty.ky.gov>
Subject: Fw: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

Michael,

The design was prepared by Jared Stevens. Jared says it is 24' wide.

Thanks,
Ben

From: Jared Stevens <jared@stevenssurveys.com>
Sent: Tuesday, February 21, 2023 4:38 PM
To: Ben Judah <ben.judah@franklincounty.ky.gov>
Subject: Re: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

Ben,
It is shown as a 24' wide roadway on the concept plan.

Jared

2/21/23, 4:30 PM

RE: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC - Ben Judah - Outlook

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RE: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

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

    
Tue 2/21/2023 4:29 PM

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That would probably be easier and require less paperwork. It will still need commercial entrance stuff, but if it's not a recycler/junk yard then it won't need the special permit. I'm not aware of any special requirements KYTC has for just storage of operable vehicles.

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Tuesday, February 21, 2023 4:15 PM
To: Young, Tara M (KYTC-D05) <tara.young@ky.gov>
Subject: Re: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

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Tara,

I will try and get more details from the applicant, but it is my understanding that this is some sort of self-storage facility where you can pay to store your boat or RV in a secure lot. Does that change anything from your perspective? Let me know if you need any additional information.

Sincerely,

Ben

From: Young, Tara M (KYTC-D05) <tara.young@ky.gov>
Sent: Thursday, February 16, 2023 4:01 PM
To: Ben Judah <ben.judah@franklincounty.ky.gov>
Subject: RE: TRT Facility Review- 209 Devils Hollow Road- Zone Change RB to IC

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