

ORDINANCE # 7 - 2022

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 49.96-ACRE PROPERTY IDENTIFIED AS PVA MAP #082-00-00-016.04, LOCATED AT 3730 PEAKS MILL ROAD, FROM RURAL RESIDENTIAL DISTRICT (RR) TO AGRICULTURAL DISTRICT (AG)**

**WHEREAS**, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps in accordance with a Comprehensive Plan and KRS 100; and

**WHEREAS**, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the zone map amendment, along with their findings of fact, to the Franklin County Fiscal Court for action; and

**WHEREAS**, The Frankfort/Franklin County Planning Commission held a public hearing on June 9, 2022 and adopted a summary of the evidence and findings of fact as required by K.R.S. 100; and

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

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

A 49.96-acre property located at 3730 Peaks Mill Road in Franklin County, Kentucky, identified as PVA map #082-00-00-016.04 is hereby amended from Rural Residential District (RR) to Agricultural District (AG), based on the following findings of fact:

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

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

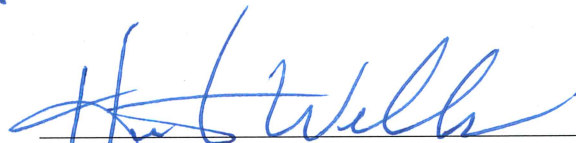
SECTION III. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this

Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

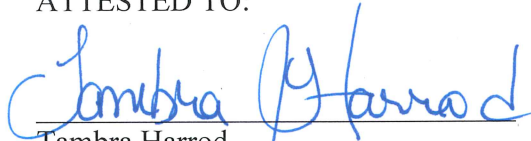
**INTRODUCED AND GIVEN FIRST READING IN SUMMARY** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 22<sup>nd</sup> day of July, 2022.

**GIVEN SECOND READING AND APPROVED** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 12 day of August, 2022 and of record in Fiscal Court Order Book 33, Page 1.



Huston Wells  
Franklin County Judge/Executive

ATTESTED TO:



Tandra Harrod  
Fiscal Court Clerk

**SUMMARY**

This ordinance approves a zone map amendment for a 49.96-acre property located at 3730 Peaks Mill Road in Franklin County, Kentucky, identified as PVA map #082-00-00-016.04, from Rural Residential District (RR) to Agricultural District (AG)

Deed 3

THIS DEED OF CONVEYANCE made and entered into this 14th day of April, 2022, by and between **Saufley & Associates, LLC, a Kentucky limited liability company**, whose mailing address is 3309 Crown Crest Road, Lexington, Kentucky 40517, Party of the First Part, and **Cole Cambron, LLC, a Kentucky limited liability company**, whose mailing address is 3301 Taylor Road E, Philpot, Kentucky 42366, which is also the in-care-of address to which the property tax bill for the current year may be sent, Party of the Second Part

WITNESSETH

That for and in consideration of the sum of **THREE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED FORTY-FOUR DOLLARS (\$399,744 00)**, cash in hand paid, the receipt of which is hereby acknowledged, Party of the First Part has bargained and sold and by these presents does hereby bargain, sell, alien and convey in fee simple unto Party of the Second Part, its successors and assigns forever, the following described property located and being in Franklin County, Kentucky, and more particularly described as follows

Being all of Tract 3, containing 49 968 acres, of the New Boundary Survey of the Saufley Associates LLC Property of record in Plat Cabinet 60N, Slide 46, in the Office of the Franklin County Clerk

Being part of the same property conveyed to Saufley & Associates, LLC, a Kentucky limited liability company, from Zack C Saufley and Yvonne Y Saufley, his wife, by Deed dated December 29, 1994, of record in Deed Book 402, Page 663, in the Office of the Franklin County Clerk

The property herein conveyed is subject to all those covenants, conditions, restrictions, easements and setbacks applicable to the subject property The property is conveyed subject to the Declaration of Access Easement & Shared Use and Maintenance

Agreement dated April 14, 2022 of record in Deed Book, D611, Page 746, in the office aforesaid

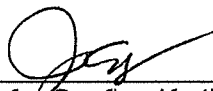
TO HAVE AND TO HOLD the above-described property unto Party of the Second Part, its successors and assigns, with covenant of General Warranty of title

The parties hereto state the consideration reflected in this Deed is the full consideration paid for the property The grantee joins in this Deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382

IN TESTIMONY WHEREOF the parties hereto have subscribed their names the day and year first above written

**PARTY OF THE FIRST PART**

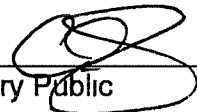
**Saufley & Associates, LLC, Grantor**

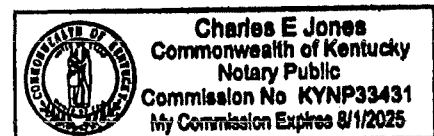
By   
Jennifer Saufley Keith, Manager

COMMONWEALTH OF KENTUCKY     )  
   ) SS  
COUNTY OF FRANKLIN                                     )

The foregoing Deed and Consideration Statement was acknowledged, subscribed and sworn to before me this 14th day of April, 2022, by Jennifer Saufley Keith, Manager, for and on behalf of Saufley & Associates, LLC, a Kentucky limited liability company, Party of the First Part, Grantor

My commission expires 8-1-2025

  
Notary Public



**PARTY OF THE SECOND PART**

**Cole Cambron, LLC, Grantee**

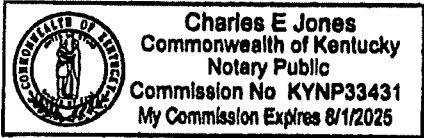
By Margaret Cole Cambron  
Margaret Cole Cambron, Member

COMMONWEALTH OF KENTUCKY )  
  ) SS  
COUNTY OF FRANKLIN                          )

The foregoing Consideration Statement was acknowledged, subscribed and sworn to before me this 14th day of April, 2022, by Margaret Cole Cambron, as Member, for and on behalf of Cole Cambron, LLC, a Kentucky limited liability company, Party of the Second Part, Grantee

My commission expires 8-1-2025

[Signature]  
Notary Public



This Instrument Prepared by

[Signature]  
Charles E. Jones  
Bryan C. Hix  
Raven N. Turner  
**McNamara & Jones**  
315 High Street  
Frankfort, Kentucky 40601  
502-875-8808

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

JUNE 9, 2022  
5:30 PM

RUSSELL WRIGHT, CHAIRMAN

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

Chairman Wright asked the Secretary to Call the Roll.

MEMBERS PRESENT:

- Patti Cross
- Keith Lee
- Paul Looney
- Timothy Luscher
- William May, Jr.
- Darrell Sanderson
- Charles Stewart
- Brent Sweger
- Sherron Jackson
- Russell Wright, Chairman

(10)

MEMBERS ABSENT:

- David Bogs

(1)

Also Present:

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

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

Chairman Wright asked for a motion to approve the minutes of the June 9, 2022 meeting. Mr. Luscher made a motion to approve the minutes of the June 9, 2022 Planning Commission meeting. The motion was seconded by Mr. Jackson and passed unanimously.

Chairman Wright asked for a motion to approve the payment of bills from the Amended Agenda. Mr. Luscher made a motion to approve the following bills:

Ed Logan (Legal Fee, June)	\$ 1500.00
Dawn McDonald (BZA – 5/10/2022)	\$ 75.00
Frankfort NewsMedia (Legal Advertising)	\$ 521.04
Anna Whitaker (PC – 05/12/2022)	\$ 525.00

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

Under Staff Items, Eric Cockley, gave an update on the Comprehensive Plan update. He stated that the Advisory Committee had met and set the dates for the two kick-off meetings to be held. He stated that the first one would be at the end of June and the second one would be in July. He stated that the Advisory Committee had updated the Frank Distilled together webpage with more information for the community.

Mr. Jackson asked if the Advisory Committee had completed the process of appointing additional members and Mr. Cockley stated they had. He stated that the Committee had determined that they would meet, when necessary, on the third Tuesday of every month so that everyone on the Committee would keep that date open, if necessary.

Chairman Wright asked the Secretary to introduce the next item on the agenda:

**CONTINUATION OF PUBLIC HEARING: Tierney Storage LLC is requesting approval of a zone map amendment from Agriculture District "AG" to Industrial General District "IG" for an 85.388 acre portion of property located in Franklin County, identified as a portion of Tract 1 (84.058 acres+) and a portion of Tract 2 (1.331 acres+) located at 690 Duncan Road. The property is more specifically identified as a portion of PVA Map Number 087-00-00-031.00 (Tract 1) and a portion of PVA Map Number 087-00-00-031.01 (Tract 2) (County Item)**

Ms. Cross stated that she had not been present at the hearing, but had reviewed the record of the meeting.

Chairman Wright asked for a motion to take the item from the table. Mr. Luscher made a motion to take the item from the table. The motion was seconded by Mr. Jackson and passed unanimously.

Chairman Wright asked for a motion to adopt the Summary of the Public Hearing. Mr. Jackson made the motion to approve the Summary. The motion was seconded by Mr. Luscher and passed unanimously.

Chairman Wright asked for motions for Findings of Fact. Mr. Lee made a motion to adopt findings one, two, four, five and six that were on page 15 of the Staff Report. The motion was seconded by Mr. Jackson. Chairman Wright asked that each finding be voted on separately.

Proposed Finding number one passed by a vote of six to three. Those voting in favor were Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Looney, Mr. Sweger and Chairman Wright. Those voting against were Mr. Luscher, Mr. May and Mr. Sanderson.

Proposed Finding number two failed by a vote of three to six. Those voting in favor of the motion were Mr. Jackson, Mr. Lee and Chairman Wright. Those voting against were Mr. Jackson, Mr. Lee and Chairman Wright.

Proposed Finding number four failed by a vote of five to four. Those voting in favor of the motion were Mr. Jackson, Mr. Lee, Mr. Sanderson and Chairman Wright.

Proposed Finding number five passed by a vote of seven to two. Those voting in favor were Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Looney, Mr. Sanderson, Mr. Sweger and Chairman Wright. Those voting against the motion were Mr. Luscher and Mr. May.

Proposed Finding number six passed unanimously by a vote of 9-0.

Chairman Wright asked for motions on other findings. Mr. Sweger made a motion to adopt the finding that the Future Land Use Plan of the Comprehensive Plan does not designate the property as Industrial. The motion was seconded and passed by a vote of eight to one. Those voting in favor of the motion were Ms. Cross, Mr. Jackson, Mr. Looney, Mr. Luscher, Mr. May, Mr. Sanderson, Mr. Sweger and Chairman Wright. Mr. Lee voted against the motion.



Mr. Sweger made a motion to adopt the finding that the General Industrial zone district allows for land uses that are not compatible with the Future Land Use Map category of Employment Center and that the General Industrial zoning being requested is not compatible with the Comprehensive Plan. The motion was seconded by Mr. Looney and passed by a motion of six to three. Those voting in favor were Ms. Cross, Mr. Looney, Mr. Luscher, Mr. May, Mr. Sanderson and Mr. Sweger. Those voting against were Mr. Jackson, Mr. Lee and Chairman Wright.

Mr. Sweger made a motion to adopt the finding that, given the historic lineage of the property being a farm and that there are other farms in the area, the existing zoning of Agriculture is not inappropriate for the property. The motion was seconded by Mr. Looney and passed unanimously.

Mr. Sweger made a motion to adopt the finding that there have been no significant changes within the area that were not anticipated in the adopted 2016 Comprehensive Plan. The motion was seconded by Mr. Sanderson and passed by a vote of eight to one. Those voting in favor were Ms. Cross, Mr. Jackson, Mr. Looney, Mr. Luscher, Mr. May, Mr. Sanderson, Mr. Sweger and Chairman Wright. Mr. Lee voted against the motion.

Mr. Looney made a motion to adopt the finding that the current adopted Comprehensive Plan identifies primary goals to preserve farms and rural areas and to protect the integrity of the natural environment for areas outside of the urban area. The motion was seconded by Ms. Cross and passed by a vote of seven to two. Those voting in favor were Ms. Cross, Mr. Jackson, Mr. Looney, Mr. Luscher, Mr. May, Mr. Sweger and Chairman Wright. Those voting against the motion were Mr. Lee and Mr. Sanderson.

Mr. Looney made a motion to adopt the finding that the proposed zone change request does not comply with Goal 6 of the Comprehensive Plan, which is to promote the stability, preservation and vitality of existing residential neighborhoods and that the zone change request fails to meet the eight policies outlined within Goal six of the Comprehensive Plan. The motion was seconded by Mr. Luscher and passed by a vote of five to four. Those voting in favor of the motion were Ms. Cross, Mr. Looney, Mr. Luscher, Mr. May and Mr. Sweger. Those voting against the motion were Mr. Jackson, Mr. Lee, Mr. Sanderson and Chairman Wright.

Mr. Looney made a motion to adopt the finding that the current 2016 Comprehensive Plan identified 600 acres of land currently available and zoned for Industrial use and 250 acres of commercially zoned land, which is five times more area than the current demand. The motion was seconded by Mr. May and failed by a vote of seven to two. Those voting in favor of the motion were Mr. Looney and Mr. May. Those voting against the motion were Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Luscher, Mr. Sanderson, Mr. Sweger and Chairman Wright.

Mr. Lee made a motion to cease the making of findings of fact. The motion was seconded by Mr. Sanderson. The motion passed unanimously by a vote of 9-0.

Mr. May made a motion to recommend to the Franklin County Fiscal Court that the zone map amendment request by Tierney Storage, LLC from Agricultural District "AG" to Industrial General District "IG" for an 85.388 acre portion of property located at 690 Duncan Road be denied, based on findings of fact seven, eight, nine, ten, eleven and twelve. The motion was seconded by Mr. Luscher and passed by a vote of six to three. Those voting in favor of the motion were Ms. Cross, Mr. Looney, Mr. Luscher, Mr. May, Mr. Sanderson and Mr. Sweger. Those voting against were Mr. Jackson, Mr. Lee and Chairman Wright.

Chairman Wright asked the Secretary to introduce the next item:

**PUBLIC HEARING: Cole Cambron, LLC is requesting approval of a zone map amendment from Rural Residential “RR” to Agricultural District “AG” for 49.968 acres of property at 3730 Peaks Mill Road, being all of tract #3 as shown in Plat Cabinet N, Slide 46. The property is more specifically identified as PVA Map Number 082-00-00-016.04**

The Secretary introduced the item and swore in all speakers.

Ben Judah was present on behalf of the County to present the request and staff report to the Commission. Mr. Logan qualified Mr. Judah, who stated that he was the Planning Supervisor for the Franklin County Planning & Building Codes Department and that he had been in that position for three and one-half years. Mr. Judah stated that he had reviewed the application for the zone map amendment and had prepared the staff report for the request. Mr. Judah stated that staff was recommending approval of the zone map amendment request. Mr. Logan asked that the staff report be entered into the record. Without Objection the staff report was entered into the record.

Mr. Sweger made note on page two of the staff report that the existing zoning is RR, not AG and the proposed zoning is AG not RR.

There were no further questions of Mr. Judah.

Under applicant testimony, Mr. John Cambron with Cole Cambron, LLC stated that he had reviewed the staff report and was in agreement with staff’s recommendation.

Mr. Sweger asked if his intention was to create a family farm. Mr. Cambron stated that he wished to raise cattle and produce and have potential sales off the farm with roadside stands. He stated that three family members wished to build homes and a barn on the property.

There was no further testimony.

Mr. Lee made a motion to close the Public Hearing, to adopt the Staff Report as the Summary of the Public Hearing and to take action on the item. The motion was seconded by Mr. Looney and passed unanimously.

Mr. Lee made a motion to recommend to the Franklin County Fiscal Court that the request by Cole Cambron, LLC for a zone map amendment from Rural Residential “RR” to Agricultural District “AG” for 49.968 acres of property at 3730 Peaks Mill Road and being all of tract #3 as shown in Plat Cabinet N, Slide 46 be approved, **based upon the findings of fact contained within the staff report.** The motion was seconded by Mr. Sanderson and passed unanimously.

There being no further business, a motion was made by Mr. Sanderson and seconded by Mr. Looney to adjourn the meeting.

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Russell Wright, Chairman

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Vickie Sewell, Recording Secretary

## STAFF REPORT

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

**FROM:** Ben Judah, Planning Supervisor

**MEETING DATE:** June 9, 2022



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### GENERAL INFORMATION

**Applicant:** Cole Cambron, LLC  
2020 Leestown Road  
Frankfort, KY 40601

**Request:** Cole Cambron LLC is requesting approval of a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for 49.968-acres of property at 3730 Peaks Mill Road, being all of tract #3 as shown in Plat Cabinet N, Slide 46. The property is more specifically identified as PVA Map Number 082-00-00-016.04.

**Size of Property:** 49.968

**Purpose:** Agricultural Family Farm

### Surrounding Land Use & Zoning

North: Zone- RR; Agricultural  
South: Zone- RR; Residential, agricultural  
East: Zone- RR; Elkhorn Creek, agricultural  
West: Zone-RR; Peaks Mill Road, Residential

### Background

The subject property is located in the north central portion of Franklin County on Peaks Mill Rd approximately 2300-feet down the road from Knight's Bridge in the 4<sup>th</sup> Magisterial District. There is a residence and pole barn on site. The lot was created from a larger 199.855 acre farm on April 28, 2022. The applicant intends to construct up to three (3) residences on site for family. That applicant is requesting to rezone the property in order raise crops and cattle and to sell produce directly to customers on-site.



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

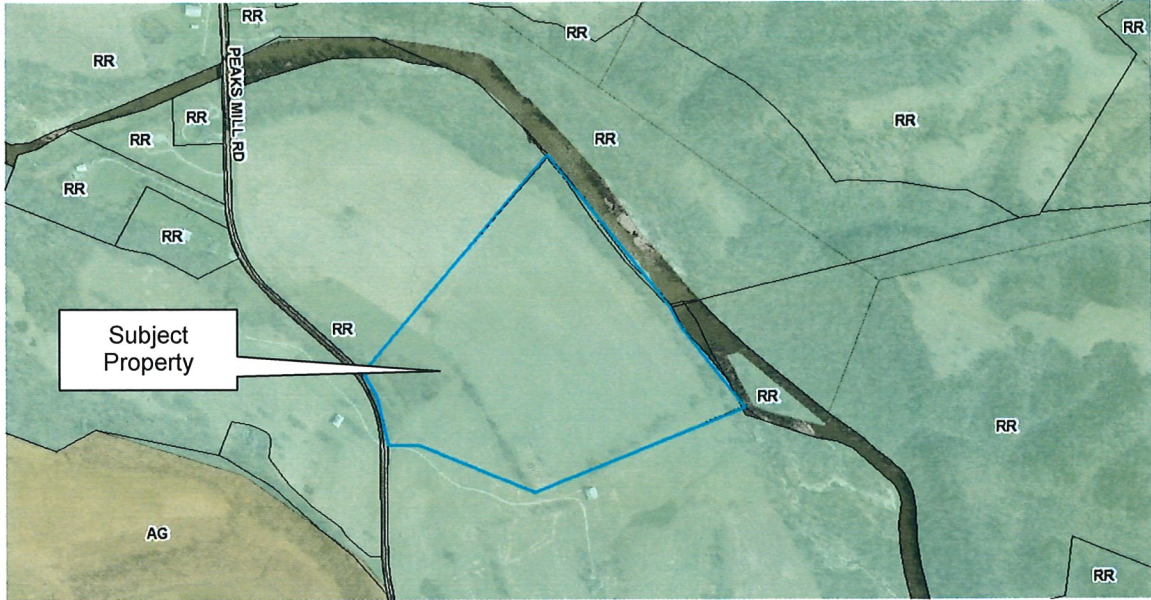
**§155.138 Purpose.**

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

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

**§155.135 Purpose.**

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

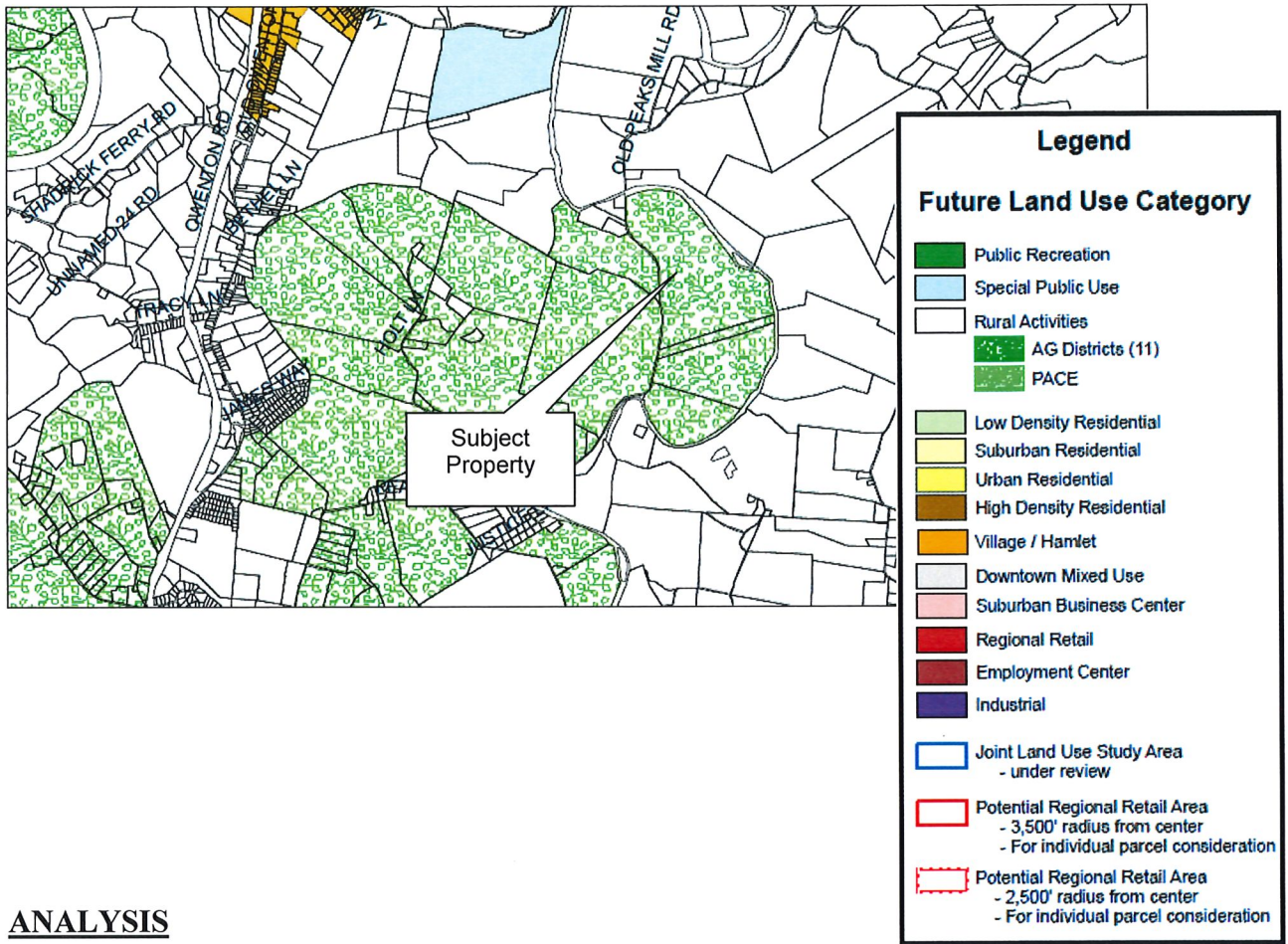


## APPLICABLE REGULATIONS

### 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.



**ANALYSIS**

**Franklin County Urban Land Use Plan**

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

## **Rural Activities**

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

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### **Land Use Guidelines**

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



### **Development Guidelines**

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

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

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

Staff finding: Positive-The subject property is located in a rural part of the County. The surrounding area is a mixture of both single-family residences and agricultural uses. The zone change request does not represent significant proposed growth.

Policy #1 is applicable to this request.

Policies:

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

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

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

Staff finding: Positive-The property is located within the Rural area as depicted on the map contained with the Subdivision and Development Plan Regulations. The Rural development standards contained within Part 4 of the Subdivision Regulations would be applicable to improvements on the site. The minimum lot size of Rural Residential District properties is 1.5 acres; the minimum lot size of Agricultural

District properties is 5 acres. The property is classified as Rural Activities in the Future Land Use Map of the Comprehensive Plan. Similar uses to the proposed use are in the area.

Policies # 5 and 7 are applicable to this request.

Policies:

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

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

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

Staff finding: Positive-The existing public utilities in the area are capable of supporting the agricultural and residential uses in the rural setting. A facility review was performed and services can or are provided to the property. Copies of the reviews are attached. The Kentucky Transportation Cabinet has provided comments stating an entrance will be subject to sight distance requirements. However, no new entrance is proposed at this time. The subject property appears to be near the boundary between Frankfort Plant Board Water and Peaks Mill Water Districts. Frankfort Plant Board can serve the property.

Policies #2 and #3 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 does appear to represent some agro-economic activity.

Policy #6 of this goal supports the applicant's request.

Policies:

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

**Goal 5: Protect Environmental Health**

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

Staff finding: Positive- The subject property is located within a Special Flood Hazard area (i.e. 1% Annual Chance Flood) as depicted on the Flood Insurance Rate Maps for Franklin County (adopted December 21, 2017). The Subdivision Regulations, Zoning Ordinance, stormwater ordinance and associated regulations are written in such a manner that either encourage or require that the policies within this goal are addressed. The east and northern portion of the property along Elkhorn Creek is within the flood zone. No structures are proposed within the flood zone at this time.



Policies #1, #4 and #5 are applicable to this request

1. Preserve streams and drainage ways to manage stormwater runoff, prevent flooding, or to create a system of greenways.
2. Promote the development of regulations to reduce air, noise, light, water, and other pollution.
3. Promote building design that utilizes recycled material, encourages energy conservation, and low impacts on the environment.

4. Protect scenic viewsheds along rural roadways and protect rural character and viewsheds by supporting developments that create scenic overlays or easements.
5. Encourage new development to be designed in a manner that preserves the natural topography and other natural features such as trees, woodlands, wildlife, rare species, streams, ponds, and drainage ways.
6. Support the development of a countywide greenways plan.
7. Encourage the reduction of energy costs through more efficient development patterns and transportation modes.

**Goal 6: Preserve Existing Neighborhoods**

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

Staff finding: Positive- An Agricultural zoning classification allows the property to remain compatible with the existing residential and agricultural character of the area. There is Agricultural zone land approximately 600-feet to the west.

Policy #6 is applicable to this request.

Policies:

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

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

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

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

Policies #2 and # 4 is applicable to this request.

Policies:

1. Identify all quadrants of the I-64 interchanges as Regional Retail Center.
  2. Support and enhance the rural gateways into the community by preserving their natural scenic beauty.
  3. Improve standards for site design- including trees and other landscaping, access management, signage, and other design components.
  4. Preserve rural character where appropriate.
  5. Encourage the conversion of overhead utilities to underground.
  6. Encourage small area overlay plans for high priority areas, including Holmes Street, Second Street, East Main Street, Versailles Road, Benson Valley, Bridgeport, Bellpoint, Peaks Mill, Louisville Road, and US 127 North and South Corridors.
  7. Develop flexible tools for alternative rural development, such as cluster development, that preserves rural character.
  8. Identify and preserve unique park, recreational, and historic opportunities including those along the Kentucky River and its tributaries.
  9. Continue to provide adequate and improved community services such as schools, police and fire protection, and parks and recreational opportunities that serve existing and planned growth.
  10. Promote public art and encourage community art activities.
- 

The Future Land Use map of the Comprehensive Plan property identifies the subject property with a Rural Activities Future Lane Use Designation. As indicated in the Comprehensive Plan section of this report, the primary land use within that Future Land Use designation is agriculture, forestland, open space, cluster/conservation subdivisions and some limited large lot residential land uses. The “AG” zoning district generally permits the raising of agricultural crops or livestock, forestry, and hunting or game preserves. Ancillary services inherent to farming are also permitted. (see use table).

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

## **CONCLUSION**

Staff recommends the following findings of fact:

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

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



Subject property facing east



DATE OF PLAT MARCH 25 2022  
 DATE SURVEYED FEBRUARY 22 2022  
 UNADJUSTED ERROR OF CLOSURE CLASS OF SURVEY  
 1 13 915 RURAL

**CERTIFICATION OF ACCURACY**

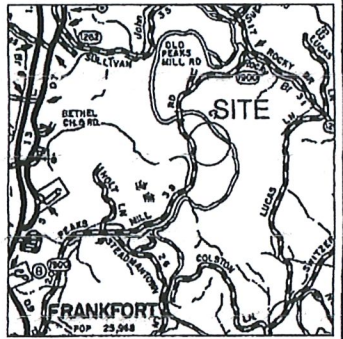
I DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED UNDER MY DIRECTION BY THE METHOD OF RANDOM CLOSED TRAVERSE. THE UNADJUSTED MATHEMATICAL ERROR OF CLOSURE RATIO OF THE RANDOM CLOSED TRAVERSE WAS 1 13 915 AND THE DISTANCES SHOWN HAVE BEEN ADJUSTED FOR CLOSURE 1/2 X 16 REBAR MONUMENTS CAPPED CARROLL PLS#3241 HAVE BEEN PLACED AS SHOWN

March 25, 2022  
 Stephen Carroll



**NOTES**

- SOURCE OF TITLE FOR TRACTS #1 #4 199 855 ACRES OF THE SAUFLEY AND ASSOCIATES LLC PROPERTY IS FOUND IN DB 402 PG 663 IN THE FRANKLIN COUNTY CLERK'S OFFICE
- THE PROPERTY SHOWN ON THIS SURVEY IS SUBJECT TO ALL EASEMENTS OF RECORD OR APPARENT
- BASIS OF BEARINGS FOR THIS SURVEY WAS A GPS BEARING READING TAKEN ON MARCH 3 2022 USING A CARLSON BIR5 DUAL FREQUENCY GNSS RTK ROVER IN CONJUNCTION WITH THE KYDOT VRS FOR RTK CORRECTION
- A CLOSED RANDOM TRAVERSE WAS USED AS METHOD OF SURVEY
- ALL CALLS HAVE BEEN ADJUSTED BY THE COMPASS RULE FOR CLOSURE
- THIS SURVEY REPRESENTS A NEW BOUNDARY SURVEY FOR TRACTS #1 #4 OF THE SAUFLEY AND ASSOCIATES LLC PROPERTY AND MEETS OR EXCEEDS THE REQUIREMENTS OF 201 KAR 150



VICINITY MAP

THIS IS AN AGRICULTURAL DIVISION IN ACCORDANCE WITH KENTUCKY REVISED STATUTE 100 111 (22)

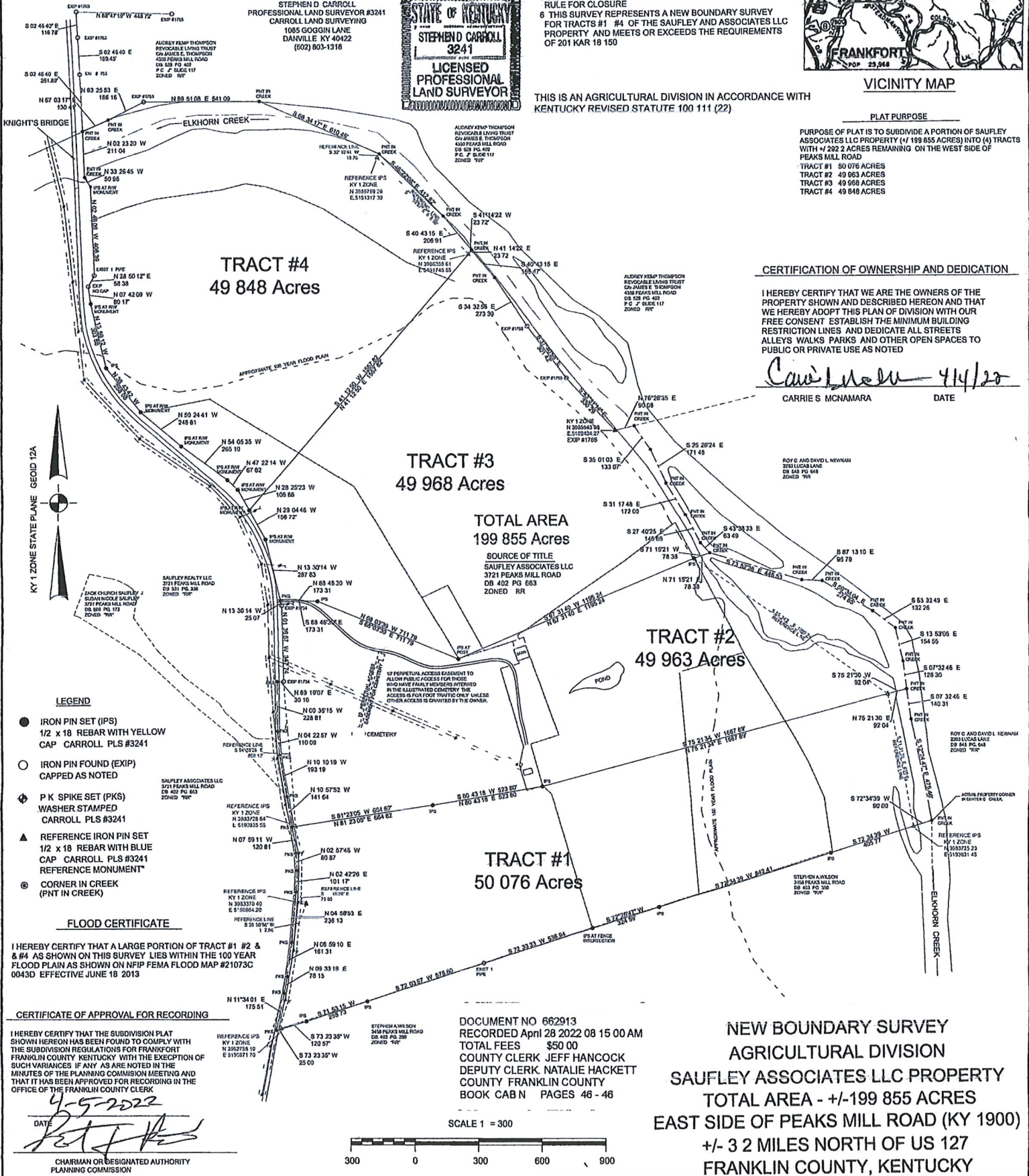
**PLAT PURPOSE**

PURPOSE OF PLAT IS TO SUBDIVIDE A PORTION OF SAUFLEY ASSOCIATES LLC PROPERTY (4 199 855 ACRES) INTO (4) TRACTS WITH 4 292 2 ACRES REMAINING ON THE WEST SIDE OF PEAKS MILL ROAD  
 TRACT #1 50 076 ACRES  
 TRACT #2 49 963 ACRES  
 TRACT #3 49 968 ACRES  
 TRACT #4 49 848 ACRES

**CERTIFICATION OF OWNERSHIP AND DEDICATION**

I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF DIVISION WITH OUR FREE CONSENT ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS ALLEYS WALKS PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED

Carrie S McNameara 4/14/22  
 CARRIE S MCNAMARA DATE



- LEGEND**
- IRON PIN SET (IPS)
  - 1/2 X 16 REBAR WITH YELLOW CAP CARROLL PLS #3241
  - IRON PIN FOUND (EXIP) CAPPED AS NOTED
  - ⊕ P K SPIKE SET (PKS) WASHER STAMPED CARROLL PLS #3241
  - ▲ REFERENCE IRON PIN SET 1/2 X 16 REBAR WITH BLUE CAP CARROLL PLS #3241 REFERENCE MONUMENT
  - ⊙ CORNER IN CREEK (PNT IN CREEK)

**FLOOD CERTIFICATE**  
 I HEREBY CERTIFY THAT A LARGE PORTION OF TRACT #1 #2 & #4 AS SHOWN ON THIS SURVEY LIES WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON NFIP FEMA FLOOD MAP #21073C 0043D EFFECTIVE JUNE 18 2013

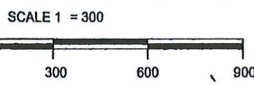
**CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR FRANKFORT FRANKLIN COUNTY KENTUCKY WITH THE EXCEPTION OF SUCH VARIANCES IF ANY AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION MEETING AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE FRANKLIN COUNTY CLERK

4-5-2022  
 DATE  
 [Signature]  
 CHAIRMAN OR DESIGNATED AUTHORITY  
 PLANNING COMMISSION

DOCUMENT NO 662913  
 RECORDED April 28 2022 08 15 00 AM  
 TOTAL FEES \$50 00  
 COUNTY CLERK JEFF HANCOCK  
 DEPUTY CLERK NATALIE HACKETT  
 COUNTY FRANKLIN COUNTY  
 BOOK CAB N PAGES 46 - 46

**NEW BOUNDARY SURVEY**  
**AGRICULTURAL DIVISION**  
**SAUFLEY ASSOCIATES LLC PROPERTY**  
**TOTAL AREA - +/-199 855 ACRES**  
**EAST SIDE OF PEAKS MILL ROAD (KY 1900)**  
**+/- 3 2 MILES NORTH OF US 127**  
**FRANKLIN COUNTY, KENTUCKY**





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: 4/28/22  
 Payment Amt: \$ 300  
 Receipt #: 1023  
 Meeting: 6/9/22

APPLICATION FOR ZONE MAP AMENDMENT

MEETING DATE: June 9, 2022 FILING DEADLINE: April 28, 2022

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

GENERAL INFORMATION

- Property Owner (The owner must be the applicant):  
Cole Cambon, LLC
- Mailing Address:  
2020 Leestown Rd  
Frankfort, KY 40601
- Phone Number:  
 Home: 270-929-3036 Work: 502-564-7382 x206

SITE INFORMATION

- General Location of Property: On eastside of Peaks Mill Rd, North of 3720 Peaks Mill Rd (Tract 3)
- Subdivision Name: (if applicable) \_\_\_\_\_
- Street Address: 3730 Peaks Mill Rd, Frankfort, KY

ZONING INFORMATION

- Present Zoning of Property: Rural Residential
- Proposed Zoning of Property: Agricultural
- Existing Use of Property: Pasture

10. Proposed Use of Property: Pasture, crop production, livestock husbandry, & residential  
11. Size of Property: Acres: 49.968 ac Sq. Ft. \_\_\_\_\_

SUPPORTING INFORMATION:

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

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

5/11/22 \_\_\_\_\_  
Date Signature of Property Owner

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

To whom it may concern,

I am writing today to state my family's intended use of the property at 3730 Peaks Mill Road and our reason for proposing a zoning map amendment for that property. We intend to farm the land by raising beef cattle, growing produce, and possibly some row crop in the future. We would also like to have a roadside stand to sell that produce off the farm as well as a "you pick" strawberry, watermelon, and/or pumpkin patch. We also intend on building up to 3 residences for family members on this farm to operate it as a family farm. This farm has always been, as far as we know, a pasture and hay farm with a little bit of row crop in the past. This zoning map amendment, however, will allow us to build as needed and to sell off of the farm when needed.

Thank you for your consideration!

Sincerely,

The Cambron Family

MAPNUM	PARCEL_IIMAP	MAP_1	Year	Account Name	Address1	Address2	City	St Zip	Location	Descriptio	Deed
082-00-00-016.00	082-00-00-082	082-00-00-016.00	2022	MARIA E BLVD 26345 SAUFLEY 631 & ASHBOUR ASSOCIAT NE DR ES LLC			SHELBYV ILLE	K 40065- Y	PEAKS MILL RD	& 19B 201.236 ACRES	402-663
092-00-00-001.00	092-00-00-092	092-00-00-001.00	2022	62633 NEWNAM 2203 ROY C & LUCAS DAVID L LANE			FRANKFO RT	K 40601 Y	LUCAS LN 2203		545-648
082-00-00-015.00	082-00-00-082	082-00-00-015.00	2022	59020 THOMPSON 4350 N JAMES PEAKS E MILL RD			FRANKFO RT	K 40601- Y	PEAKS MILL RD 4350	54.497 ACRES	528-411
082-00-00-016.04	082-00-00-082	082-00-00-016.04	2023	76390 CAMBRO 3301 N COLE TAYLOR LLC RD E			PHILPOT	K 42366 Y	PEAKS MILL RD	49.968 TRACT 3	611-752
082-00-00-016.00	082-00-00-082	082-00-00-016.00	2022	26345 SAUFLEY 631 & ASHBOUR ASSOCIAT NE DR ES LLC			SHELBYV ILLE	K 40065- Y	PEAKS MILL RD	201.236 ACRES	402-663

# PARCELS

MAPNUM	PARCEL_I	MAP	MAP_1	Year	AccountName	Address1	Address2	City	St/Zip	Location	Descriptio	Deed
095-40-05-030.00	095-40-05-030.00	40	030.00	2022	38069 BRUMBA CK BRIAN C & SHERRY J	102 WOOD DUCK DR		FRANKFO RT	K 40601-Y	WOOD DUCK DR 102	POINT	DUCKERS 443-184
095-40-05-027.00	095-40-05-027.00	40	027.00	2022	49203 HALLEY TONI	104 CANVASB ACK CT		FRANKFO RT	K 40601-Y	CANVASB ACK CT 104	POINT	DUCKERS 484-354
095-40-05-021.00	095-40-05-021.00	40	021.00	2022	33043 WOLFE MARVIN C & JEANNE S	103 CANVAS BACK CT		FRANKFO RT	K 40601-Y	CANVASB ACK CT 103	POINT	DUCKERS 378-491
095-40-05-017.00	095-40-05-017.00	40	017.00	2022	68754 JOOS PROPERT IES LLC	1105 LOUISVIL LE RD		FRANKFO RT	K 40601-Y	NORTHER PINTAIL CT 102	POINT	DUCKERS 574-368
095-40-05-008.00	095-40-05-008.00	40	008.00	2022	73617 BOWLING KIMBERL Y & NICHOLA S	120 WOOD DUCK DR		FRANKFO RT	K 40601-Y	WOOD DUCK DR 120	POINT	DUCKERS 598-661
095-40-06-010.00	095-40-06-010.00	40	010.00	2022	61093 NORMAN NANCY B	309 MALLARD DR		FRANKFO RT	K 40601-Y	MALLARD DR 309	POINT	DUCKERS 538-428
095-40-07-013.00	095-40-07-013.00	40	013.00	2022	73047 ADAMS BRANDE ISABELLA	116 MEDINAH CT		FRANKFO RT	K 40601-Y	MEDINAH CT 116	VILLAGE @	595-558
095-40-07-012.00	095-40-07-012.00	40	012.00	2022	42341 BEBE FREDERI CK	117 MEDINAH CT		FRANKFO RT	K 40601-Y	MEDINAH CT 117	VILLAGE @	458-325
082-00-00-016.01	082-00-00-016.01	082	016.01	2022	59630 SAUFLEY REALTY LLC	631 ASHBOUR NE DR		SHELBYV ILLE	K 40065-Y	PEAKS MILL RD 3721		531-343
038-00-00-015.00	038-00-00-015.00	038	015.00	2022	69800 BLACK RICK D & MICHAEL	450		FRANKFO RT	K 40601-Y	MICHAEL BLVD 450	FARMGAT E LOT 19A	580-044

Deed<sup>3</sup>

THIS DEED OF CONVEYANCE made and entered into this 14th day of April, 2022, by and between **Saufley & Associates, LLC, a Kentucky limited liability company**, whose mailing address is 3309 Crown Crest Road, Lexington, Kentucky 40517, Party of the First Part, and **Cole Cambron, LLC, a Kentucky limited liability company**, whose mailing address is 3301 Taylor Road E, Philpot, Kentucky 42366, which is also the in-care-of address to which the property tax bill for the current year may be sent, Party of the Second Part

WITNESSETH

That for and in consideration of the sum of **THREE HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED FORTY-FOUR DOLLARS (\$399,744 00)**, cash in hand paid, the receipt of which is hereby acknowledged, Party of the First Part has bargained and sold and by these presents does hereby bargain, sell, alien and convey in fee simple unto Party of the Second Part, its successors and assigns forever, the following described property located and being in Franklin County, Kentucky, and more particularly described as follows

Being all of Tract 3, containing 49 968 acres, of the New Boundary Survey of the Saufley Associates LLC Property of record in Plat Cabinet Cab N, Slide 46, in the Office of the Franklin County Clerk

Being part of the same property conveyed to Saufley & Associates, LLC, a Kentucky limited liability company, from Zack C Saufley and Yvonne Y Saufley, his wife, by Deed dated December 29, 1994, of record in Deed Book 402, Page 663, in the Office of the Franklin County Clerk

The property herein conveyed is subject to all those covenants, conditions, restrictions, easements and setbacks applicable to the subject property The property is conveyed subject to the Declaration of Access Easement & Shared Use and Maintenance

Agreement dated April 14, 2022 of record in Deed Book, D611, Page 746, in the office aforesaid

TO HAVE AND TO HOLD the above-described property unto Party of the Second Part, its successors and assigns, 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 grantee joins in this Deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382

IN TESTIMONY WHEREOF the parties hereto have subscribed their names the day and year first above written

**PARTY OF THE FIRST PART**

**Saufley & Associates, LLC, Grantor**

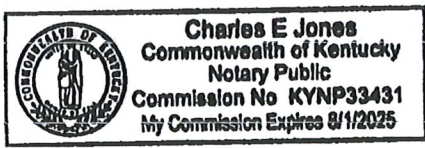
By   
Jennifer Saufley Keith, Manager

COMMONWEALTH OF KENTUCKY    )  
  ) SS  
COUNTY OF FRANKLIN                                    )

The foregoing Deed and Consideration Statement was acknowledged, subscribed and sworn to before me this 14th day of April, 2022, by Jennifer Saufley Keith, Manager, for and on behalf of Saufley & Associates, LLC, a Kentucky limited liability company, Party of the First Part, Grantor

My commission expires 8-1-2025

  
Notary Public






**PARTY OF THE SECOND PART**

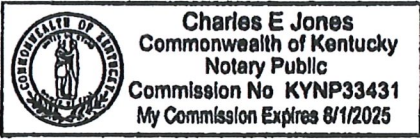
**Cole Cambron, LLC, Grantee**  
By *Margaret Cole Cambron*  
Margaret Cole Cambron, Member

COMMONWEALTH OF KENTUCKY   )  
  ) SS  
COUNTY OF FRANKLIN                                     )


The foregoing Consideration Statement was acknowledged, subscribed and sworn to before me this 14th day of April, 2022, by Margaret Cole Cambron, as Member, for and on behalf of Cole Cambron, LLC, a Kentucky limited liability company, Party of the Second Part, Grantee

My commission expires 8-1-2025

  
Notary Public



This Instrument Prepared by

  
Charles E. Jones  
Bryan C. Hix  
Raven N. Turner  
**McNamara & Jones**  
315 High Street  
Frankfort, Kentucky 40601  
502-875-8808

u/realestatefiles/cambron, margaret cole/deed tract 3 wpd

Plat first

Ease 6

FRANKLIN COUNTY  
D611 PG746

**DECLARATION OF ACCESS EASEMENT &  
SHARED USE AND MAINTENANCE AGREEMENT**

**THIS AGREEMENT** is made and entered into this 14th day of April, 2022, by

SAUFLEY & ASSOCIATES, LLC  
("Saufley")  
3309 Crown Crest Road  
Lexington, Kentucky 40517

and

COLE CAMBRON, LLC  
("Cambron")  
3301 Taylor Road East  
Philpot, Kentucky 42366

**WHEREAS**, Saufley is the owner of certain real property containing 50 076 acres more particularly known as Tract 2 as shown on the New Boundary Survey Agriculture Subdivision of Saufley & Associates, LLC property attached hereto as Exhibit A, and

**WHEREAS**, Cambron is the owner of certain real property containing 50 791 acres more particularly known as Tract 3 as shown on the New Boundary Survey Agriculture Subdivision of Saufley & Associates, LLC property attached hereto as Exhibit A, and

**WHEREAS**, the properties described above are benefited and accessed by a driveway entrance for ingress and egress to and from Peaks Mill Road, Frankfort, Franklin County, Kentucky, and

**WHEREAS**, the parties hereto desire to enter into this declaration to establish the respective rights and responsibilities of the parties with respect to the entrance and a twenty (20') foot access easement, for the use and benefit of the subject properties' current and future owners, their heirs, successors, and assigns,

**WHEREAS**, the Access Easement shall run to the benefit of the successors and assigns of the owners of the subject property

**WHEREAS**, the Parties desire to place this Agreement of record to permanently declare and establish the Access Easement and to govern the use and maintenance of the Access Easement by the current and future owners of the subject properties previously referenced (hereafter the "Owners"),

**WITNESSETH, THEREFORE**, for good and valuable consideration, being the good will between neighbors and the mutual promises herein, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto hereby agree, create, and establish, the following for the benefit of the Subject Properties

1 All Owners, their successors and assigns shall have the exclusive right to use of the entrance and a one hundred twenty (120') foot access easement from Peaks Mill Road to their respective property as depicted at the southwest corner of Tract #3 on the New Boundary Survey Agricultural Division, Saufley Associates, LLC Property of record in Plat Cabinet N, Slide 46, in the Office of the Franklin County Clerk Owners may use the entrance and access easement for their own use as well as for access to their respective properties by the Owners' invitees and licensees

2 The Owners shall be equally responsible for maintaining entrance and access easement in reasonably necessary, good repair (the "Maintenance and Repair Work") The Owners shall undertake to conduct repair work only as is necessary and to maintain the integrity and appearance of the property at least to the minimal standard of a rural roadway entrance

3 Maintenance and Repair Work shall be limited to that work which is reasonable and necessary for the continued use of the Entrance and Access Easement by all owners Such work shall be limited to maintenance and repairing, which shall include, dense grade aggregate as needed

It shall take the consent of both Owners, to pave the entrance and access easement If so paved, the Maintenance and Repair Work shall include the work necessary to maintain the paved areas

4 Notwithstanding the foregoing, in the event the entrance and/or access easement is damaged by improper or extraordinary use by an Owner, its tenants, agents, employees or contractors, including, but not limited to excessive weighted construction vehicles, dump trucks, semi-trucks, etc , such Owner shall bear all costs of repairing the same Further, should an Owner, its tenants, family members, agents, employees or contractors, damage the property of the other owner, either by intentional or accidental means, they shall bear all cost of the repair work

5 Any provision of this Agreement may be waived, modified or amended at any time only by an instrument in writing signed by the Owners of all the Subject

Properties, it being the intention that nothing contained herein shall be construed as granting any rights to any third-party beneficiaries with respect to the previously stated right to waive, modify or amend this Agreement

7 All provisions of this Agreement shall be interpreted as running with the Subject Properties, so that the provisions hereof are binding upon and inure to the benefit of all present and future Owners and their successors and assigns

8 In the event that it becomes necessary to file a legal action in order to enforce the provisions of this agreement due to the refusal of an owner to maintain or repair their side such that an owner's right of use has been prevented, or their portion of the access area is being damaged, the prevailing party, as determined by the court, shall receive from the non-prevailing party all costs and reasonable attorney's fees and court costs incurred in such proceeding as determined by the court

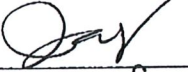
9 This agreement represents the entire understanding of the parties with respect to the matters contained herein and shall not be amended, altered, or changed except by instrument, in writing, executed by the Owners

10 If any portion of this agreement is held by a court of competent jurisdiction to be invalid, illegal or in conflict with any applicable law, the validity of the remaining portions or provisions of this agreement shall not be affected and this agreement shall be interpreted as if it did not contain the particular provision held to be invalid, illegal or in conflict with applicable law

11 This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky

IN TESTIMONY WHEREOF, the Parties hereunto set their hand on this the  
14 day of April, 2022

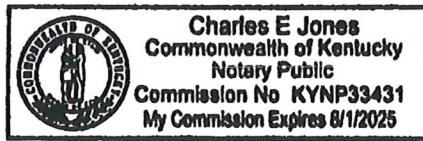
Saufley & Associates, LLC


  
By Jennifer Keith  
Its Manager

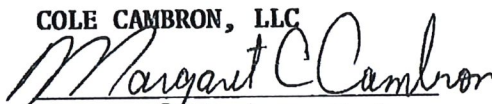
COMMONWEALTH OF KENTUCKY     )  
   ) SS  
COUNTY OF FRANKLIN            )

The foregoing agreement was acknowledged, subscribed and sworn to before me  
this 14 day of April, 2022 by Jennifer Keith, as Manager, for and on  
behalf of Saufley & Associates, LLC, a Kentucky limited liability company

My commission expires 8-1-2025



  
-----  
Notary Public

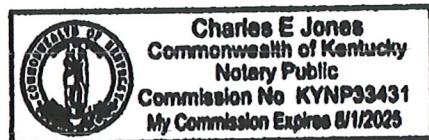
COLE CAMBRON, LLC  
  
Margaret C. Cambron, Member

COMMONWEALTH OF KENTUCKY     )  
   ) SS  
COUNTY OF FRANKLIN            )

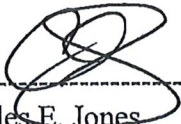
The foregoing agreement was acknowledged, subscribed and sworn to before me  
this 14 day of April, 2022 by Margaret C. Cambron, ~~single~~ as member on behalf of  
Cole Cambron, LLC, a Kentucky limited liability company.

My commission expires 8-1-2025

  
-----  
Notary Public



This Instrument Prepared by



-----  
Charles E. Jones  
McNamara & Jones  
315 High Street  
Frankfort, Kentucky 40601  
502-875-8808

EXHIBIT A

DATE OF PLAT MARCH 25 2022  
DATE SURVEYED FEBRUARY 22 2022  
UNADJUSTED ERROR OF CLOSURE 1 13 915  
CLASS OF SURVEY RURAL

CERTIFICATION OF ACCURACY

I DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED UNDER MY DIRECTION BY THE METHOD OF RANDOM CLOSED TRAVERSE. THE UNADJUSTED MATHEMATICAL ERROR OF CLOSURE RATIO OF THE RANDOM CLOSED TRAVERSE WAS 1 13 915 AND THE DISTANCES SHOWN HAVE BEEN ADJUSTED FOR CLOSURE. 1/2 X 10 REBAR MONUMENTS CAPPED CARROLL PLS#3241 HAVE BEEN PLACED AS SHOWN

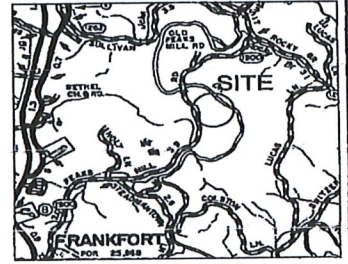
March 25, 2022  
Stephen D. Carroll

STEPHEN D. CARROLL  
PROFESSIONAL LAND SURVEYOR #3241  
CARROLL LAND SURVEYING  
1065 GOODWIN LANE  
DANVILLE KY 40422  
(502) 603-1318



NOTES

- SOURCE OF TITLE FOR TRACTS #1 #4 199 855 ACRES OF THE SAUFLEY AND ASSOCIATES LLC PROPERTY IS FOUND IN DD 402 PG 863 IN THE FRANKLIN COUNTY CLERK'S OFFICE
- THE PROPERTY SHOWN ON THIS SURVEY IS SUBJECT TO ALL EASEMENTS OF RECORD OR APPARENT
- BASES OF BEARINGS FOR THIS SURVEY WAS A GPS BEARING READING TAKEN ON MARCH 3 2022 USING A CARLSON BR5 DUAL FREQUENCY GNSS RTK ROVER IN CONJUNCTION WITH THE KYDOT VRS FOR RTK CORRECTION
- A CLOSED RANDOM TRAVERSE WAS USED AS METHOD OF SURVEY
- ALL CALLS HAVE BEEN ADJUSTED BY THE COMPASS RULE FOR CLOSURE
- THIS SURVEY REPRESENTS A NEW BOUNDARY SURVEY FOR TRACTS #1 #4 OF THE SAUFLEY AND ASSOCIATES LLC PROPERTY AND MEETS OR EXCEEDS THE REQUIREMENTS OF 201 KAR 18 150



VICINITY MAP

THIS IS AN AGRICULTURAL DIVISION IN ACCORDANCE WITH KENTUCKY REVISED STATUTE 100 111 (22)

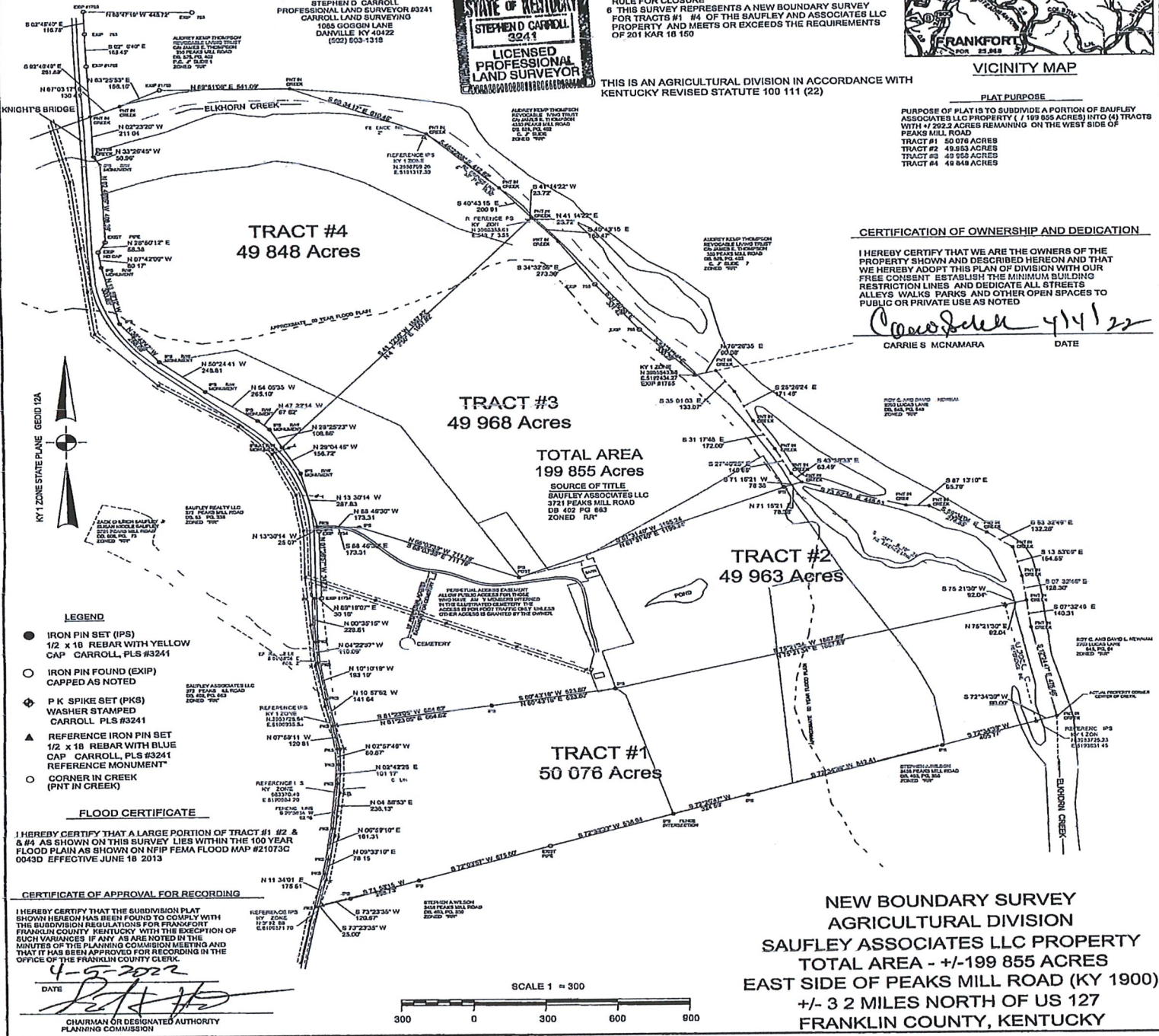
PLAT PURPOSE

PURPOSE OF PLAT IS TO SUBDIVIDE A PORTION OF SAUFLEY ASSOCIATES LLC PROPERTY ( 1 199 855 ACRES) INTO (4) TRACTS WITH +/- 292.2 ACRES REMAINING ON THE WEST SIDE OF PEAKS MILL ROAD  
TRACT #1 50 076 ACRES  
TRACT #2 49 963 ACRES  
TRACT #3 49 968 ACRES  
TRACT #4 49 848 ACRES

CERTIFICATION OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF DIVISION WITH OUR FREE CONSENT ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS ALLEYS WALKS PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED

Carrie S. McNamara  
CARRIE S. MCNAMARA DATE



- LEGEND
- IRON PIN SET (IPS) 1/2 x 10 REBAR WITH YELLOW CAP CARROLL, PLS #3241
  - IRON PIN FOUND (EXIP) CAPPED AS NOTED
  - ◆ P K SPIKE SET (PKS) WASHER STAMPED CARROLL PLS #3241
  - ▲ REFERENCE IRON PIN SET 1/2 x 10 REBAR WITH BLUE CAP CARROLL, PLS #3241 REFERENCE MONUMENT
  - CORNER IN CREEK (PNT IN CREEK)

FLOOD CERTIFICATE

I HEREBY CERTIFY THAT A LARGE PORTION OF TRACT #1 #2 & #4 AS SHOWN ON THIS SURVEY LIES WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON NIP FEMA FLOOD MAP #21079C 0043D EFFECTIVE JUNE 18 2013

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR FRANKFORT FRANKLIN COUNTY KENTUCKY WITH THE EXCEPTION OF SUCH VARIANCES IF ANY AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION MEETING AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE FRANKLIN COUNTY CLERK.

4-5-2022  
DATE  
Chairman or Designated Authority  
PLANNING COMMISSION



NEW BOUNDARY SURVEY  
AGRICULTURAL DIVISION  
SAUFLEY ASSOCIATES LLC PROPERTY  
TOTAL AREA - +/- 199 855 ACRES  
EAST SIDE OF PEAKS MILL ROAD (KY 1900)  
+/- 3 2 MILES NORTH OF US 127  
FRANKLIN COUNTY, KENTUCKY

DOCUMENT NO 662914  
RECORDED April 28 2022 08 22 00 AM  
TOTAL FEES \$53 00  
COUNTY CLERK JEFF HANCOCK  
DEPUTY CLERK NATALIE HACKETT  
COUNTY FRANKLIN COUNTY  
BOOK D611 PAGES 746 - 751

Reply all Delete Junk Block ...

RE: TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

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



Tue 5/31/2022 8:19 AM

No issues with ATT

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: Monday, May 23, 2022 12:02 PM
To: Dutta, Sharmista <sduutta@fewpb.com>; pmwd2011@att.net; Brewer, Tony <Tony.Brewer@lge-ku.com>;
Richardson, Jason R (KYTC-D05) <Jason.richardson@ky.gov>; Brian Brewer <brian.brewer@franklincounty.ky.gov>;
Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; Jonathan Otis <otisengineeringllc@gmail.com>; STROBL, ARTHUR G <as7779@att.com>
Subject: TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

All,

Please see the attached facility review request for a zone change request from RR- Rural Residential to AG- Agricultural. Please identify any issues you may have with the proposal. Please provide written responses via email by May 31, 2022. Please let me know if you need any additional information.

Sincerely,

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

Reply Forward



Reply all Delete Junk Block ...

# Re: Fw: TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

Jonathan Otis <otisengineeringllc@gmail.com>



To: Ben Judah

Thu 6/2/2022 10:01 AM

Ben,

I don't see any immediate concern from an engineering standpoint at this time. Should improvements be made for commercial structures, parking, etc. a Development Plan may be needed. For any improvements related to modifying the existing entrance for more traffic or larger vehicles the appropriate highway official should be consulted.

County Engineer

On Thu, Jun 2, 2022 at 9:43 AM Ben Judah <ben.judah@franklincounty.ky.gov> wrote:

Jonathan and Tony,

Please see the attached. Do you have any comments/concerns with regard to the proposed zone change? Staff reports are due today and I would like to include your comments in the report.

Sincerely,

Ben

---

**From:** Ben Judah  
**Sent:** Monday, May 23, 2022 12:02 PM  
**To:** Dutta, Sharmista <sdutta@fewpb.com>; pmwd2011@att.net <pmwd2011@att.net>; Brewer, Tony <Tony.Brewer@lge-ku.com>; Richardson, Jason R (KYTC-D05) <jasonr.richardson@ky.gov>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; Jonathan Otis <otisengineeringllc@gmail.com>; STROBL, ARTHUR G <as7779@att.com>  
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Frankfort, KY 40601  
Ph 502-875-8701

Reply all Delete Junk Block ...

# Re: TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

BB Brian Brewer  
To: Ben Judah

Like Reply Reply All Forward ...  
Tue 5/24/2022 1:15 PM

Ben,

The fire department does not have any issues with the zone change.

**Best Regards,**

*Chief Brewer*

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

---

**From:** Ben Judah <ben.judah@franklincounty.ky.gov>  
**Sent:** Monday, May 23, 2022 12:02 PM  
**To:** Dutta, Sharmista <sdutta@fewpb.com>; pmwd2011@att.net <pmwd2011@att.net>; Brewer, Tony <Tony.Brewer@lge-ku.com>; Richardson, Jason R (KYTC-D05) <Jasonr.richardson@ky.gov>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; Jonathan Otis <otisengineeringllc@gmail.com>; STROBL, ARTHUR G <as7779@att.com>  
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Sincerely,

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

Reply all Delete Junk Block sender ...

# TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

BK Bardroff, Jennifer K (LHD-Franklin Co) <JenniferK.Bardroff@ky.gov>



To: Sharmista <sdutta@fewpb.com>; pmwd2011@att.net; Tony <Tony.Brewer@lge-ku. Tue 5/24/2022 8:32 AM

The Franklin Co Health Department has no issues with the above mentioned property. Two site evaluations have been completed and both sites have passed for a conventional septic system.

Please let me know if you have any further questions.

**Jennifer K Bardroff, BS, RS**  
Public Health Preparedness Manager/Environmentalist III  
Franklin County Health Dept.  
851 East West Connector  
Frankfort, KY 40601  
**Office Hours: Mon-Fri 8-9:30am**  
502.564.7382 x204  
Fax: 502.564.5672  
[www.fchd.org](http://www.fchd.org)

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

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Reply all Delete Junk Block ...

RE: TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

BT Brewer, Tony <Tony.Brewer@lge-ku.com>



To: Ben Judah

Thu 6/2/2022 10:40 AM

I am actually working on some lines for this customer right now so there is nothing I need for you to show on here looks good to me

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Thursday, June 2, 2022 9:43 AM
To: Jonathan Otis <otisengineeringllc@gmail.com>; Brewer, Tony <Tony.Brewer@lge-ku.com>
Subject: Fw: TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Jonathan and Tony,

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Sincerely,

Ben

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Sincerely,

Ben Judah, Planning Supervisor

Franklin County Planning & Building Codes Dept.

Reply all Delete Junk Block sender

RE: TRT facility review- Zone Map Amendment RR to AG - 3730 Peaks Mill Rd

RR Richardson, Jason R (KYTC-D05) <JasonR.Richardson@ky.gov>



To: Ben Judah

Tue 5/24/2022 2:15 PM

Ben,

Access to the highway from this property will be subject to meeting the required sight distance. Otherwise I have no comment.

Thanks, Jason

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Monday, May 23, 2022 12:02 PM
To: Dutta, Sharmista <sdutta@fewpb.com>; pmwd2011@att.net; Brewer, Tony <Tony.Brewer@lge-ku.com>; Richardson, Jason R (KYTC-D05) <JasonR.Richardson@ky.gov>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; Jonathan Otis <otisengineeringllc@gmail.com>; STROBL, ARTHUR G <as7779@att.com>
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\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.

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Sincerely,

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

## *MEMORANDUM*

**DATE:** June 2, 2022

**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:

**3730 Peaks Mill Rd – Zone Change Request**

- a. The existing FPB waterline ends approximately 270 feet to the south along Peaks Mill Road and the property appears to be located within the Peaks Mill Water District territory. However, if Peaks Mill would prefer FPB to serve the property, we can work with the owner to extend the existing waterline in accordance with the FPB tariff.
- b. 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](mailto:sdutta@fewpb.com).