

ORDINANCE NUMBER 5 - 2025

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 7.67-ACRE PORTION OF PROPERTY LOCATED AT 1373 PEAKS MILL ROAD, FROM AGRICULTURAL DISTRICT (AG) TO RURAL RESIDENTIAL (RR). THE PROPERTY IS IDENTIFIED AS PVA MAP NUMBERS 072-00-00-107.09

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

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

WHEREAS, The Frankfort/Franklin County Planning Commission held a public hearing on May 8, 2025, and established findings of fact as required by K.R.S. 100; and

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

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

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

A 7.67-acre property located at 1373 Peaks Mill Road in Franklin County, Kentucky, identified as PVA map numbers 072-00-00-107.09 is hereby amended from Agricultural District (AG) to Rural Residential District (RR), based on the following findings of fact:

- (1) The subject property is classified as Rural Farms and natural landscapes in the Future Land Use map contained within the Comprehensive Plan.
- (2) The proposed “RR”- Rural Residential Zone is appropriate in the Rural Farms and Natural Landscape Future Land Use Designation.
- (3) The proposed Zone Map Amendment is in agreement with the Comprehensive Plan.

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

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

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

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


INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 24th day of June, 2025.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 16 day of July, 2025 and of record in Fiscal Court Order Book 30, Page 172.



Michael Mueller
Franklin County Judge/Executive

ATTESTED TO:



Kim Cox
Fiscal Court Clerk

SUMMARY

This ordinance is a first reading to approve or deny a zone map amendment from Agricultural District (AG) to Rural Residential (RR) for a 7.67-acre property, located at 1373 Peaks Mill Rd in Franklin County, Kentucky, identified as PVA map numbers 072-00-00-107.09.

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

May 8, 2024

5:30 PM

CHARLES STEWART, CHAIRMAN - PRESIDING

Chairman Brent Stewart asked the Secretary to call the roll.

Members Present:

Irma Johnson
Timothy Luscher
William May
Reed Mills
Michael Nickles
Darrel Sanderson
Brent Sweger

Charles Stewart, Chairman

(8)

Also Present:

Edwin Logan, Planning Commission Attorney
Eric Cockley, Director, City of Frankfort Dept. of Planning and Community Development
Autumn Goderwis, Franklin County Planning Director
Ben Judah, Franklin County Assistant Planning Director
Tina Peck, Franklin County Staff Planner

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

Mr. Sanderson made a motion to approve the minutes of the March 13, 2025 meeting. The motion was seconded by Mr. Lusher and passed unanimously.

Chairman Stewart asked for a motion to approve the Payment of Bills, as amended. Mr. Luscher made a motion to approve the following bills:

Ed Logan (Legal Fee, April & May 2025)	\$3000.00
Logan Burch & Fox (Baldwin - Inv # 114021)	\$49.50
Logan Burch & Fox (Envision Frankfort – Inv # 114428)	\$1277.50
Vickie Sewell (PC – 3/13/25)	\$300.00
Dawn McDonald (BZA – 3/11/25)	\$225.00
Frankfort NewsMedia (Legal Ads)	\$630.00
Frankfort NewsMedia (Legal Ads)	\$542.38
McBride Dale Clarion (Inv # 4690-8)	\$1812.50

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

Mr. Sanderson made a motion to suspend the rules to hear more than two public hearings. The motion was seconded by Mr. Luscher and passed unanimously.

Chairman Steart asked the Secretary to introduce the next item:

PUBLIC HEARING: Shirley A. Smtih is requesting a zone map amendment from Rural Residential District “RR” to General Commercial District “CG” of 1.75 acres of property at 1120 Duckers Road. The property is identified as a portion of the property described in Deed book 507 Page 574. The property is more specifically identified at Tract 1 as shown on Plat Cabinet N Slide 71 in the office of the Franklin County Clerk. (County Item)

The Secretary swore in Ms. Goderwis.

Under questioning by Mr. Logan, Ms. Goderwis stated that her Vita is currently on file and there has been no update. She stated that she had prepared the staff report for the request. She stated that she had one change from the staff report regarding the Recommendation. The Recommendation should state:

Based on the findings and analysis within this staff report, staff recommends that the Frankfort/Franklin County Planning Commission DENY the request and recommend the Franklin County Fiscal Court to disapprove the zone map amendment based on the facts within this report and based on the principle finding that the requested zone change does not satisfy the requirements of K.R.S. 100.213.

Ms. Goderwis gave a summary of the staff report. She stated that the subject property is located at the southwest corner of the intersection of Leestown Road and Duckers Road. It has been vacant for a number of years. Historically, there has been a service station on site but that was removed by 1985 based on historic aerials and no business has operated there since then. Ms. Goderwis stated that the applicant is proposing to rezone the property to General Commercial and has submitted a concept plan that depicts a Dollar General store. In August 2022 the property was subdivided off the parent track and in 2023 the property owner applied for a zone map amendment to Limited Commercial, they are now asking for General Commercial. That application was recommended for denial by staff because it was not in agreement with the Comprehensive plan. Additionally, staff determined the lot size was insufficient for the proposed use once the septic fields and drainage basins were taken into account. She said that applicant has filed a plat to increase the size of the property from 1.5 acres to 1.75 acres, which would allow for an adequate septic field and basin to be developed.

Ms. Goderwis said in order to approve a zone map amendment you have to make certain findings as outlined in K.R.S. 100.213. She said the applicant has submitted findings stating that the existing zoning of Rural Residential appears to be inconsistent because there are three properties immediately to the west that are zoned Limited Commercial. They also state that the properties proximity to the highly visible and trafficked intersection makes it more appropriate for commercial use. However, staff does not support the argument that the General Commercial zone is more appropriate than Rural Residential. While the commercial use was there in the past, no business has operated there for many years. The three nearby lots with CL zoning are either vacant or contain very low impact commercial operations with low levels of traffic. Those lots are also significantly limited because they are also quite small and do not have access to public services like sewers which would limit their ability to operate commercial uses.

Ms. Goderwis mentioned that the requested zone General Commercial is more intense than the neighboring Limited Commercial zone and the majority of the land in the immediate vicinity has residential zoning and is characterized by detached single-family residential and the existing Rural Residential zoning is appropriate in staff's opinion.

Moving on to the Comprehensive Plan, the Future Land Use Map of the 2024 Comprehensive Plan identified this property as residential neighborhood. The Future Land Use designation of residential neighborhood is defined by the character standards that neighborhoods are comprised primarily of single-family residential homes located in neighborhoods or subdivisions supported by civic, education, parks & recreation uses. Such residential homes may be of a variety of sizes, scales, and price points to satisfy the needs of the existing and future residents. Residential neighborhoods should include sufficient pedestrian and multi-modal transportation facilities to provide safe and accessible connection to commercial areas and employment centers. The recommended uses are Detached Housing, Attached Housing, Accessory Dwelling Units, Community/Civic Facilities Other Uses: Parks & Recreation, and Educational Facilities. Based on the language in the Comprehensive Plan, staff finds that the Commercial General District is not appropriate in this location based on that prescribed land use category. The General Commercial District is intended to permit community oriented commercial development in areas already developed, to provide concentrations of general commercial activities. Those uses are not compatible with the intended character and recommended uses for the residential neighborhood category.

Ms. Goderwis mentioned chapter five of Comprehensive Plan which deals with land use and the goals and objectives associated. Goal 1 is to develop a healthy economy with shared prosperity that includes sustainable growth, low employment rates, and price economic stability within the community. Staff finds that objective number two under that goal which is to locate new development where public facilities and utilities are available or are anticipated in the future. Staff has a positive finding because road is adequate to serve the use and while public sewer is not available they do have a large enough lot to provide a septic system. Regarding Goal 2 the request would allow for services to be provided to the surrounding community. The General Commercial zoning designation does allow for retail, services and office uses. It appears that no policy is applicable to this request. Goal 3 is to ensure that the development is constructed in an aesthetically pleasing, sustainable, manner that complements the surrounding community. There are eight policies and none of those policies apply to this application.

Moving on to the Zoning Regulations Ms. Goderwis mentioned the intent sections listed. She stated that the Rural Residential zoning district is intended to establish and preserve a quiet single family home neighborhood, free from other uses except those which are convenient 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. The requested zone has the intent of permitting community-oriented commercial development predominantly in areas already developed and where a change in development pattern is in accordance with the Comprehensive Plan. To preserve the carrying capacity of streets and to ensure adequate parking. To provide concentrations of general commercial activities. Staff finds that the requested zone of "CG" is inappropriate as the future land use map suggests the subject property should remain residential. Ms. Goderwis read the findings into the record:

1. The requested rezoning is not in agreement with the 2024 Comprehensive Plan as the subject property is classified as Residential Neighborhood on the Future Land Use map contained within the Comprehensive Plan.
2. The proposed "CG" General Commercial Zone is not appropriate in the Residential Neighborhood Future Land Use Designation, which calls for residential uses along with some supportive recreational and non-commercial services.
3. The applicant has not provided sufficient evidence as to why the current zoning is inappropriate and why the proposed zoning is appropriate for this location.
4. There have been no major unanticipated changes of and economic, social, or physical nature in the area of the subject property since the adoption of the 2024 Frankfort-Franklin County Comprehensive Plan.

Based on the findings and analysis within this report, staff recommends that the Frankfort/Franklin County Planning Commission deny the request and recommend that Franklin County Fiscal Court to disapprove the zone map amendment based on the facts within this report and based on the principle finding that the requested zone change does not satisfy the requirements of K.R. S. 100.213.

Mr. Sanderson mentioned that this property is located on the corner of US 421 and Duckers Station Road and stated that its obviously there is never going to be a house built on that corner lot and there are two businesses next to it. He asked staff to explain why it would be saved as residential when it could be a development for that area. Ms. Goderwis replied that the recently adopted Comprehensive Plan included a land use map with designated future land uses for every property within the county. This property and the surrounding properties were designated for Residential Neighborhoods. She stated that there are several reasons you can approve a zone change, typically that it is in agreement with the comprehensive plan. In lieu of that, you have to find a different finding. So you have to find that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. Staff did not find that the existing zoning classification was inappropriate because there are primarily residential uses in the area, the lot is of the appropriate size that you could put a dwelling on it, whether the market viability of that on a corner location, is not something they evaluate in there review. The other finding that you can make is that there have been major changes of an economic, social or physical nature

in the area that were not anticipated in the adoption of the Comprehensive Plan that have substantially altered the basic character of the area. Given how recently the Comprehensive Plan was adopted she thinks that would be a hard case to make.

Mr. Luscher mentioned that the reality is that Comprehensive Plan did not go item for item or lot by lot for every single plot, this is a small plot and asked if there has been a residential anything on this lot. Ms. Goderwis replied not to her knowledge. Mr. Luscher said so it has always been commercial with some business and now vacant, correct. Mr. Luscher asked if there are amenities in this area that is seeing major growth. Ms. Goderwis replied that near Governor's Place just down the road there are some commercial businesses and commercial lots available. Additionally, the existing clubhouse at Ducker's Golf Course is going to be changed to a restaurant so that is a neighborhood serving business that is quite close. Mr. Luscher stated that we can't go Comp Plan is doesn't fit, we deny. He thinks the Comp Plan is a living and breathing document. As much time as they did spend on it, they did not take it under the microscope and he thinks there are going plots and pieces of land in Franklin County that are going to fall into this undevelopable category by the current standards because they weren't looked at historically. Mr. Luscher asked if she knew when this was changed from commercial to residential. Ms. Goderwis replied that she didn't know that it was ever changed from commercial to residential but that it appears that by 1985 the structure from the gas station had been removed. We didn't have zoning until the 1980's so it was likely zoned residential when zoning was introduced.

Ms. Johnson asked if she mentioned that if the lot were larger that would sustain the septic. Ms. Goderwis replied that they have filed a plat to enlarge the lot of 1.5 to 1.75 acres and the Health Department has sited that it would be large enough for a septic field and basin. Ms. Johnson asked if that would change her recommendation, Mr. Goderwis replied that it would not. They had taken that into consideration during their review.

The applicant Shirley Smith was present and mentioned that this property has frontage on US 421 and she has been working with a real estate agent and Dollar General to construct a Dollar General on this section of the property. She stated that this portion of the property has never had a house on it and it always operated as a commercial property when in use. She stated that her father-in-law had the property rezoned several years ago for a cheaper tax rate. She mentioned that she has previously tried to sell and rezone the property.

Ms. Johnson asked if this property abuts Ms. Smith's property and Ms. Smith replied that her property runs from the fence at the golf course all the way to the road at US 421. Ms. Smith stated that she will only sell this 1.75 acres of land and there will never be another residence between her and this development.

Billy Mills was present and mentioned that he had talked with the residents in the area and they were all supportive stating that it would be more convenient than running all the way to town.

Kathleen Rodgers who lives on Walnut Road in a nearby subdivision said she thinks this will be horrible for traffic. She also mentioned a recently rezoned property in the Hickman Hill area that has now become a trailer park. She stated that she thinks it would be dangerous to have a Dollar General in that area. Additionally, she mentioned that there might be plans in the future to widen US 421 and that would take away from the property. She was concerned that the addition of the Dollar General would affect the values of their properties. She wants it to remain a nice rural area.

Jeffrey George was present, he works with RM Development Group and they work with Dollar General Projects like this across Kentucky and Arkansas. He stated that their proposal is not about transferring the character of the neighborhood. He stated that it is a carefully considered commercial in-fill on a lot that is already next to existing commercial property. The property does front directly onto Highway 421 at the intersection of Duckers Road, which is already functioning as a transitional space because of the existing commercial and the traffic that is coming into that area. The proposed use is not

an incompatible land use but rather strategically filling a service gap within the area where existing commercial does exist and the residential growth in that area has created some new demand. This proposal is about meeting practical needs for people in this part of Franklin and Woodford County. Dollar General provides everyday essentials and will be convenient for the area as the nearest grocery store is three and a half miles away. In reality Dollar General is just capturing the people that are already traversing within that area on their way to and from home. They are looking to serve the residents in that area. Mr. George stated that the right-of-way of Highway 421 is 120' which is wide enough for a major highway, so if there is future widening the right-of-way already exists. They believe that this request is reasonable and they ask that the Commission recommend approval of the request.

Mr. Luscher asked how many people Dollar General employs? Mr. George replied that a standard Dollar General employs five to ten people total while open there likely will be up to three employees per day. Mr. Luscher asked how a Dollar General going in today differs from a Dollar Generals that were built ten to twenty years ago. Mr. George replied that Dollar General has focused heavily on trying to ensure that their stores have healthier options, more food and not just processed food. In a number of stores across the country they have increased the number of coolers so they can have more frozen and cold foods. They also in most locations have a small produce section. His understanding is that this store will have a small produce section. They have increased the healthiness of the food they offer because of the pushback they have received in the past.

Mr. Sweger mentioned the gateways into communities, and he was concerned about the aesthetics and asked if the company would be open to different types of development in terms of aesthetic as far as improved architecture and materials. Mr. George stated that he thinks that is something they could go back and propose to them. He stated that they looked heavily at the County's requirements especially in terms of buffering and fencing requirements as well as landscape buffering. Mr. Sweger asked if the company would be open to adding a turn lane as part of this project. Mr. George stated that he didn't think it would be feasible. They have talked with KYTC and they indicated that they did not need to do a traffic study and in his experience with them they aren't usually open to things unless there is a traffic study behind it that supports what needs to be done.

Mr. Luscher asked if approved would they be opposed to having the requirement of a development plan come back to the Commission with a more flushed out visible aesthetic. Mr. George replied that they would not be opposed to that.

Ms. Smith stated that there was a traffic impact study done in October of 2023, she entered that into the record.

Ms. Goderwis mentioned that she heard several commissioners mention aesthetic requirements. She stated that is not something this body has the authority to place on this project. You can have them come back with a development but the code does not have any design requirements for material or anything of that sort. Development plans have to be ministerial and based on the zoning regulations and that would not give the Commission the authority to require a certain material or aesthetic style.

Mr. Luscher made a motion to close the public and a summary be prepared. The motion was seconded Mr. Sweger and passed unanimously.

Chairman Stewart asked the Secretary to introduce the next item:

PUBLIC HEARING: Chris Vaughn and Tara Watkins are requesting a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for a total of 135-acres of properties located at 650 Evergreen Road, the property is more specifically identified as PVA map #085-00-00-016.00.

The Secretary swore in Ms. Peck

Under questioning by Mr. Logan, Ms. Peck stated that her Vita is currently on file and there have been no updates. She stated that she prepared the staff report for the request. She stated that she had no additions or deletions to the staff report.

Ms. Peck stated that the applicant is requesting a zone change from Rural Residential “RR” to Agricultural “AG”. The property is classified as a farm by the PVA, it contains 135 acres. The Future Land Use Map designates the property as rural farms and natural landscapes. The applicant has a horticultural business, and she wants customers to come to her home to purchase the flowers. The zone change would allow the applicant to operate this type business, which is not permitted in the current zoning designation.

Ms. Peck stated that staff recommends approval. Ms. Peck read the findings of fact into the record:

1. The subject property is classified as Rural Farms and natural landscapes in the Future Land Use map contained within the Comprehensive Plan.
2. The proposed “AG” Agricultural Zone is appropriate in the Rural Farms and Natural Landscape Future Land Use Designation.
3. The proposed Zone Map Amendment is in agreement with the Comprehensive Plan, as the proposed zone aligns with the future land use map and several goals and policies of the plan support the request.

The Secretary swore in Chris and Tara Vaughn.

The applicants Chris and Tara Vaughn were present and mentioned that they purchased this property from the previous owner who wanted the property to remain a farm. Ms. Vaughn mentioned that she runs a horticultural business for flowers and it has really grown over the years. Ms. Vaughn stated that in 2023 they sold 25,000 stems from the farm to Frankfort and the surrounding counties.

Ms. Vaughn stated that the “RR” does not allow for a sign and with the topography of the land you can’t see the flowers and property. They plan to have small batch customers for ticketed events. She explained that they need a sign so that visitors to the farm will be able to find the business. Ms. Vaughn mentioned that the business has grown enough that they need to hire additional employees, which is not permitted in the “RR” zone district.

Mr. Sanderson made a motion to close the public hearing. The motion was seconded by Mr. Luscher and all were in favor.

Mr. Luscher made a motion to adopt the Staff Report as the Summary of the Public Hearing and to adopt the Findings of Fact contained within the Staff Report and to recommend to the Franklin County Fiscal Court that the Zone Map Amendment request from Rural Residential to Agricultural for the property at 650 Evergreen Road be approved. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman Stewart asked the Secretary to introduce the next item:

PUBLIC HEARING: Jeffery P. Callan is requesting a zone map amendment from Agricultural District “AG” to Rural Residential District “RR” for a total of 7.67-acres of property located at 1373 Peaks Mill Road, the property is more specifically described as PVA Map #072-00-00-107.09 in Franklin County, Kentucky. (County Item)

The Secretary swore in Mr. Judah.

Under questioning by Mr. Logan, Mr. Judah stated that his Vita has been file and there have been no updates. He stated that he had prepared the staff report for the request. He stated that he had no additions or deletions to the staff report.

Mr. Judah mentioned that the request is for property located at 1373 Peaks Mill Road, it is Tract 2 on Plat Cabinet N Slide 323. It has been recently subdivided off a larger farm track that the applicant still owns. The subject track is 7.67-acres, and it is in a predominately agricultural area except for the Ridgewood Subdivision to the west which is a mixture of duplexes and single-family homes. The rest of the surrounding zone is agricultural. The applicant has stated the intent to further subdivide Track 2 into two additional lots. However under the current zone "AG" the minimum lot size is five acres and can't be further subdivided. The applicant is requesting a Rural Residential zone which would then have a 1.5 acre minimum lot size, allowing it to be subdivided into three and change acre size lots. Mr. Judah stated that staff has positive findings under the Comprehensive Plan Analysis Section Goals 1, 2, and 3. Staff has a positive recommendation. Mr. Judah read the findings of fact into the record:

1. The subject property is classified at Rural Farms and natural landscapes in the Future Land Use map contained within the Comprehensive Plan.
2. The proposed "RR"- Rural Residential Zone is appropriate in the Rural Farms an Natural Landscape Future Land Use Designation.
3. The proposed Zone Map Amendment is in agreement with the Comprehensive Plan.

Mr. Sweger asked if approved, could they further divide the property into smaller lots. Mr. Judah replied that in theory it could. He explained that the "RR" zone on rural land is intended for low density large lots. There are other rural zoned districts that allow for smaller lot sizes.

The applicant Jeffery Callan was present and stated that his intent to create two large lots splitting the property right down the middle with a deed restriction that the lot size not be reduced any further. It is going to be restricted to 2,000 square feet on site built to be constructed in effort to keep the rural feeling.

Ms. Sanderson made a motion to close the public hearing. The motion was seconded by Mr. Luscher and all were in favor.

Mr. Luscher made a motion to adopt the Staff Report as the Summary of the Public Hearing and to adopt the Findings of Fact contained within the Staff Report and to recommend to the Franklin County Fiscal Court that the Zone Map Amendment request from Agricultural to Rural Residential for the 7.67-acres located at 1373 Peaks Mill Road. The motion was seconded by Mr. Sanderson and passed with Ms. Johnson, Mr. Luscher, Mr. May, Mr. Mills, Mr. Nickels, Mr. Sanderson and Mr. Stewart voting in favor. Mr. Sweger was opposed.

Chairman Stewart asked the Secretary to introduce the next item:

PUBLIC HEARING: Affordable Housing Frankfort is requesting a zone map amendment from Special Government District "SG" to High Density Multi-family District "RH" for a total of 6 acres of property located at 250 Meagher Avenue, the property can be more specifically described as PVA Map &074-21-01-025.00 in Frankfort Kentucky (City Item)

The Secretary swore in Mr. Cockley.

Under questioning by Mr. Logan, Mr. Cockley stated that his Vita has been file and there have been no updates. He stated that he had prepared the staff report for the request. He stated that he had two additions to the staff report. The first was a comment from the Planning Commissions Traffic Consultant on the project that he did not receive in time for the staff report. The comment was that 100 multi-family housing units would generate approximately 63 AM peak trips and 77 PM peak trips. Based on those

estimates, they didn't think additional traffic analysis is warranted. The second addition was a set of comments supplied to him just a few minutes ago.

Mr. Cockley mentioned that the proposed zone change is from "SG" Special Government District to "RH" High Density Multi-family District. The property was previously owned and used by the Independent School System. The new owners are planning on applying for income housing tax credits then trying to do a high quality development for somewhere between 80 and 100 units on the property. Mr. Cockley said that it mirrors closely the exact small area master plan future land use exercise they did with the Comprehensive Plan. He stated that they are excited to see the application come in and start seeing private sector investment in support of what we'd like to see here.

The Secretary swore in Jeff Hancock.

Mr. Hancock stated that he is one of the partners of Affordable Housing LLC. He stated that they agree with the staff recommendations.

Mr. Luscher asked about the timeline. Mr. Hancock stated that they will submit an application for federal housing credits in June and they won't get a response until January. They hope to break ground next summer and they anticipate completing the project in sixteen months.

Mr. Sweger asked if there would be any amenities as part of this project. Mr. Hancock replied that it is going to be housing, but there will be a playground and basketball court. He stated that they haven't gone through the full list of amenities but in the final plan they are going to try to utilize green space for walking trails.

Jane Julian asked how many apartment buildings are going to be built and what the configuration is going to look like. Mr. Hancock replied that they are working on the development plan currently so he doesn't know the number of buildings yet. They are going to have 88 to 110 units depending on the layout and parking.

The Secretary swore in Jane Julian.

Ms. Julian encouraged the developers use native trees and shrubs in the green space areas and not use invasive plants on the land.

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

Mr. Sweger made a motion to adopt the Staff Report as the Summary of the Public Hearing and to adopt the Findings of Fact contained within the Staff Report and to recommend to the Board of Commissioners to approve the zone map amendment from Special Government District "SG" to High Density Multi-family District "RH" for a total of 6 acres of property located at 250 Meagher Avenue. The motion was seconded by Mr. Luscher and passed unanimously.

There being no further business, Mr. Sanderson made a motion to adjourn. The motion was seconded by Mr. Luscher and all were in favor.

_____, Charles Stewart, Chairman

_____, Recording Secretary, Dawn McDonald

SUMMARY OF PUBLIC HEARING

Shirley A. Smith
Zone Map Amendment Request

FROM:
Rural Residential District "RR"
TO:
General Commercial District "CG"

Charles Stewart, Chairman Presiding

Planning Commission Members Present:

Irma Johnson
Timothy Luscher
William May
Reed Mills
Michael Nickles
Darrel Sanderson
Brent Sweger

(8)

Also Present:

Edwin Logan, Planning Commission Attorney
Eric Cockley, Director, City of Frankfort Dept. of Planning and Community Development
Autumn Goderwis, Franklin County Planning Director
Ben Judah, Franklin County Assistant Planning Director
Tina Peck, Franklin County Staff Planner

Chairman Stewart asked the Secretary to introduce the next item:

PUBLIC HEARING: Shirley A. Smith is requesting a zone map amendment from Rural Residential District "RR" to General Commercial District "CG" of 1.75 acres of property at 1120 Duckers Road. The property is identified as a portion of the property described in Deed book 507 Page 574. The property is more specifically identified at Tract 1 as shown on Plat Cabinet N Slide 71 in the office of the Franklin County Clerk. (County Item)

The Secretary swore in Ms. Goderwis.

Under questioning by Mr. Logan, Ms. Goderwis stated that her Vita is currently on file and there has been no update. She stated that she had prepared the staff report for the request. She stated that she had one change from the staff report regarding the Recommendation. The Recommendation should state:

Based on the findings and analysis within this staff report, staff recommends that the Frankfort/Franklin County Planning Commission DENY the request and recommend the Franklin County Fiscal Court to disapprove the zone map amendment based on the facts within this report and based on the principle finding that the requested zone change does not satisfy the requirements of K.R.S. 100.213.

Ms. Goderwis gave a brief summary of the staff report. She stated that the subject property is located at the southwest corner of the intersection of Leestown Road and Duckers Road. It has been

vacant for a number of years. Historically, there has been a service station on site but that was removed by 1985 based on historic aerials and no business has operated there since then. Ms. Goderwis stated that the applicant is proposing the rezone the property to General Commercial and has submitted a concept plan that depicts a Dollar General store. In August 2022 the property was subdivided off the parent track and in 2023 the property owner applied for a zone map amendment to Limited Commercial, they are now asking for General Commercial. That application was recommended for denial by staff because it was not in agreement with the Comprehensive plan. Additionally, staff determined the lot size was insufficient for the proposed use once the septic fields and drainage basins were taken into account. She said that applicant has filed a plat to increase the size of the property from 1.5 acres to 1.75 acres, which would allow for an adequate septic field and basin to be developed.

Ms. Goderwis said in order to approve a zone map amendment you have to make certain findings as outlined in K.R.S. 100.213. She said the applicant has submitted findings stating that the existing zoning of Rural Residential appears to be inconsistent because there are three properties immediately to the west that are zoned Limited Commercial. They also state that the properties proximity to the highly visible and trafficked intersection makes it more appropriate for commercial use. However, staff does not support the argument that the General Commercial zone is more appropriate than Rural Residential. While the commercial use was there in the past, no business has operated there for many years. The three nearby lots with CL zoning are either vacant or contain very low impact commercial operations with low levels of traffic. Those lots are also significantly limited because they are also quite small and do not have access to public services like sewers which would limit there ability to operate commercial uses.

Ms. Goderwis mentioned that the requested zone General Commercial is more intense than the neighboring Limited Commercial zone and the majority of the land in the immediate vicinity has residential zoning and is characterized by detached single-family residential and the existing Rural Residential zoning is appropriate in staff's opinion.

Moving on to the Comprehensive Plan, the Future Land Use Map of the 2024 Comprehensive Plan identified this property as residential neighborhood. The Future Land Use designation of residential neighborhood is defined by the character standards that neighborhoods are comprised primarily of single-family residential homes located in neighborhoods or subdivisions supported by civic, education, parks & recreation uses. Such residential homes may be of a variety of sizes, scales, and price points to satisfy the needs of the existing and future residents. Residential neighborhoods should include sufficient pedestrian and multi-modal transportation facilities to provide safe and accessible connection to commercial areas and employment centers. The recommended uses are Detached Housing, Attached Housing, Accessory Dwelling Units, Community/Civic Facilities Other Uses: Parks & Recreation, and Educational Facilities. Based on the language in the Comprehensive Plan, staff finds that the Commercial General District is not appropriate in this location based on that prescribed land use category. The General Commercial District is intended to permit community oriented commercial development in areas already developed, to provide concentrations of general commercial activities. Those uses are not compatible with the intended character and recommended uses for the residential neighborhood category.

Ms. Goderwis mentioned chapter five of Comprehensive Plan which deals with land use and the goals and objectives associated. Goal 1 is to develop a healthy economy with shared prosperity that includes sustainable growth, low employment rates, and price economic stability within the community. Staff finds that objective number two under that goal which is to locate new development where public facilities and utilities are available or are anticipated in the future. Staff has a positive finding because road is adequate to serve the use and while public sewer is not available they do have a large enough lot to provide a septic system. Regarding Goal 2 the request would allow for services to be provided to the surrounding community. The General Commercial zoning designation does allow for retail, services and office uses. It appears that no policy is applicable to this request. Goal 3 is to ensure that the development is constructed in an aesthetically pleasing, sustainable, manner that complements the surrounding community. There are eight policies and none of those policies apply to this application.

Moving on to the Zoning Regulations Ms. Goderwis mentioned the intent sections listed. She stated that the Rural Residential zoning district is intended to establish and preserve a quiet single family home neighborhood, free from other uses except those which are convenient 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. The requested zone has the intent of permitting community-oriented commercial development predominantly in areas already developed and where a change in development pattern is in accordance with the Comprehensive Plan. To preserve the carrying capacity of streets and to ensure adequate parking. To provide concentrations of general commercial activities. Staff finds that the requested zone of "CG" is inappropriate as the future land use map suggests the subject property should remain residential. Ms. Goderwis read the findings into the record:

5. The requested rezoning is not in agreement with the 2024 Comprehensive Plan as the subject property is classified as Residential Neighborhood on the Future Land Use map contained within the Comprehensive Plan.
6. The proposed "CG" General Commercial Zone is not appropriate in the Residential Neighborhood Future Land Use Designation, which calls for residential uses along with some supportive recreational and non-commercial services.
7. The applicant has not provided sufficient evidence as to why the current zoning is inappropriate and why the proposed zoning is appropriate for this location.
8. There have been no major unanticipated changes of an economic, social, or physical nature in the area of the subject property since the adoption of the 2024 Frankfort-Franklin County Comprehensive Plan.

Based on the findings and analysis within this report, staff recommends that the Frankfort/Franklin County Planning Commission deny the request and recommend that Franklin County Fiscal Court to disapprove the zone map amendment based on the facts within this report and based on the principle finding that the requested zone change does not satisfy the requirements of K.R. S. 100.213.

Mr. Sanderson mentioned that this property is located on the corner of US 421 and Duckers Station Road and stated that its obviously there is never going to be a house built on that corner lot and there are two businesses next to it. He asked staff to explain why it would be saved as residential when it could be a development for that area. Ms. Goderwis replied that the recently adopted Comprehensive Plan included a land use map with designated future land uses for every property within the county. This property and the surrounding properties were designated for Residential Neighborhoods. She stated that there are several reasons you can approve a zone change, typically that it is in agreement with the comprehensive plan. In lieu of that, you have to find a different finding. So you have to find that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. Staff did not find that the existing zoning classification was inappropriate because there are primarily residential uses in the area, the lot is of the appropriate size that you could put a dwelling on it, whether the market viability of that on a corner location, is not something they evaluate in their review. The other finding that you can make is that there have been major changes of an economic, social or physical nature in the area that were not anticipated in the adopted in the Comprehensive Plan that have substantially altered the basic character of the area. Given how recently the Comprehensive Plan was adopted she thinks that would be a hard case to make.

Mr. Luscher mentioned that the reality is that Comprehensive Plan did not go item for item or lot by lot for every single plot, this is a small plot and asked if there has been a residential anything on this lot. Ms. Goderwis replied not to her knowledge. Mr. Luscher said so it has always been commercial with some business and now vacant, correct. Mr. Luscher asked if there are amenities in this area that is seeing major growth. Ms. Goderwis replied that near Governor's Place just down the road there are some commercial businesses and commercial lots available. Additionally, the existing clubhouse at Ducker's Golf Course is going to be changed to a restaurant so that is a neighborhood serving business that is quite close. Mr. Luscher stated that we can't go Comp Plan is doesn't fit, we deny. He thinks the Comp Plan is a living and breathing document. As much time as they did spend on it, they did not take it under the

microscope and he thinks there are going plots and pieces of land in Franklin County that are going to fall into this undevelopable category by the current standards because they weren't looked at historically. Mr. Luscher asked if she knew when this was changed from commercial to residential. Ms. Goderwis replied that she didn't know that it was ever changed from commercial to residential but that it appears that by 1985 the structure from the gas station had been removed. We didn't have zoning until the 1980's so it was likely zoned residential when zoning was introduced.

Ms. Johnson asked if she mentioned that if the lot were larger that would sustain the septic. Ms. Goderwis replied that they have filed a plat to enlarge the lot of 1.5 to 1.75 acres and the Health Department has sited that it would be large enough for a septic field and basin. Ms. Johnson asked if that would change her recommendation, Mr. Goderwis replied that it would not. They had taken that into consideration during their review.

The applicant Shirley Smith was present and mentioned that this property has frontage on US 421 and she has been working with a real estate agent and Dollar General to construct a Dollar General on this section of the property. She stated that this portion of the property has never had a house on it and it always operated as a commercial property when in use. She stated that her father-in-law had the property rezoned several years ago for a cheaper tax rate. She mentioned that she has previously tried to sell and rezone the property.

Ms. Johnson asked if this property abuts Ms. Smith's property and Ms. Smith replied that her property runs from the fence at the golf course all the way to the road at US 421. Ms. Smith stated that she will only sell this 1.75 acres of land and there will never be another residence between her and this development.

Billy Mills was present and mentioned that he had talked with the residents in the area and they were all supportive stating that it would be more convenient than running all the way to town.

Kathleen Rodgers who lives on Walnut Road in a nearby subdivision said she thinks this will be horrible for traffic. She also mentioned a recently rezoned property in the Hickman Hill area that has now become a trailer park. She stated that she thinks it would be dangerous to have a Dollar General in that area. Additionally, she mentioned that there might be plans in the future to widen US 421 and that would take away from the property. She was concerned that the addition of the Dollar General would affect the values of their properties. She wants it to remain a nice rural area.

Jeffrey George was present, he works with RM Development Group and they work with Dollar General Projects like this across Kentucky and Arkansas. He stated that their proposal is not about transferring the character of the neighborhood. He stated that it is a carefully considered commercial in-fill on a lot that is already next to existing commercial property. The property does front directly onto Highway 421 at the intersection of Duckers Road, which is already functioning as a transitional space because of the existing commercial and the traffic that is coming into that area. The proposed use is not an incompatible land use but rather strategically filling a service gap within the area where existing commercial does exist and the residential growth in that area has created some new demand. This proposal is about meeting practical needs for people in this part of Franklin and Woodford County. Dollar General provides everyday essentials and will be convenient for the area as the nearest grocery store is three and a half miles away. In reality Dollar General is just capturing the people that are already traversing within that area on their way to and from home. They are looking to serve the residents in that area. Mr. George stated that the right-of-way of Highway 421 is 120' which is wide enough for a major highway, so if there is future widening the right-of-way already exists. They believe that this request is reasonable and they ask that the Commission recommend approval of the request.

Mr. Luscher asked how many people Dollar General employs? Mr. George replied that a standard Dollar General employs five to ten people total while open there likely will be up to three employees per day. Mr. Luscher asked how a Dollar General going in today differs from a Dollar

Generals that were built ten to twenty years ago. Mr. George replied that Dollar General has focused heavily on trying to ensure that their stores have healthier options, more food and not just processed food. In a number of stores across the country they have increased the number of coolers so they can have more frozen and cold foods. They also in most locations have a small produce section. His understanding is that this store will have a small produce section. They have increased the healthiness of the food they offer because of the pushback they have received in the past.

Mr. Sweger mentioned the gateways into communities, and he was concerned about the aesthetics and asked if the company would be open to different types of development in terms of aesthetic as far as improved architecture and materials. Mr. George stated that he thinks that is something they could go back and propose to them. He stated that they looked heavily at the County's requirements especially in terms of buffering and fencing requirements as well as landscape buffering. Mr. Sweger asked if the company would be open to adding a turn lane as part of this project. Mr. George stated that he didn't think it would be feasible. They have talked with KYTC and they indicated that they did not need to do a traffic study and in his experience with them they aren't usually open to things unless there is a traffic study behind it that supports what needs to be done.

Mr. Luscher asked if approved would they be opposed to having the requirement of a development plan come back to the Commission with a more flushed out visible aesthetic. Mr. George replied that they would not be opposed to that.

Ms. Smith stated that there was a traffic impact study done in October of 2023, she entered that into the record.

Ms. Goderwis mentioned that she heard several commissioners mention aesthetic requirements. She stated that is not something this body has the authority to place on this project. You can have them come back with a development but the code does not have any design requirements for material or anything of that sort. Development plans have to be ministerial and based on the zoning regulations and that would not give the Commission the authority to require a certain material or aesthetic style.

Mr. Luscher made a motion to close the public and a summary be prepared. The motion was seconded Mr. Sweger and passed unanimously.

REPORT AND RECOMMENDATION

TO: FRANKFORT-FRANKLIN COUNTY
PLANNING COMMISSION



FROM: COUNTY STAFF

SUBJECT:

PUBLIC HEARING: Jeffery P. Callan is requesting a zone map amendment from Agricultural District "AG" to Rural Residential District "RR" for a total of 7.67-acres of property located at 1373 Peaks Mill Road, the property is more specifically described as PVA Map #072-00-00-107.09 in Franklin County, Kentucky.

DATE: May 1, 2025

MEETING: May 8, 2025

GENERAL INFORMATION

Owner: Jeffery P. Callan
1373 Peaks Mill Road
Frankfort, KY 40601

Location: 1373 Peaks Mill Road (Tract 2 on Plat Cab N Slide 323)

Size of Property: 7.67-Acres

Current zoning of property: "AG"- Agricultural District

Future land use category: Rural Farms and Natural Landscapes

Surrounding zoning & land use:

North: Zone- "AG", Agricultural

South: Zone- "AG", Agricultural

East: Zone- "AG"; Agricultural

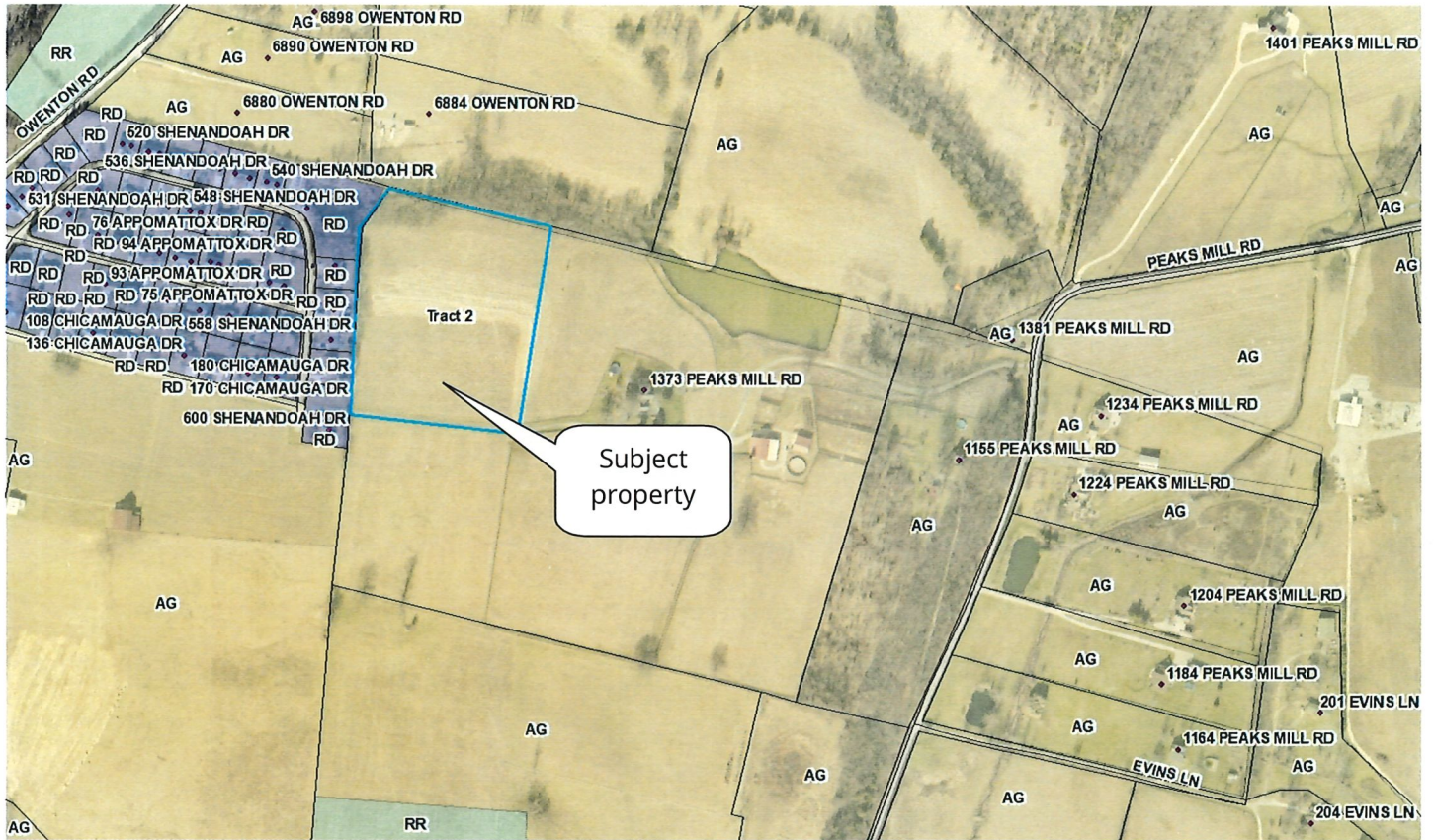
West: Zone- "RD", Rural Two Dwelling District (Ridgewood Subdivision)

BACKGROUND

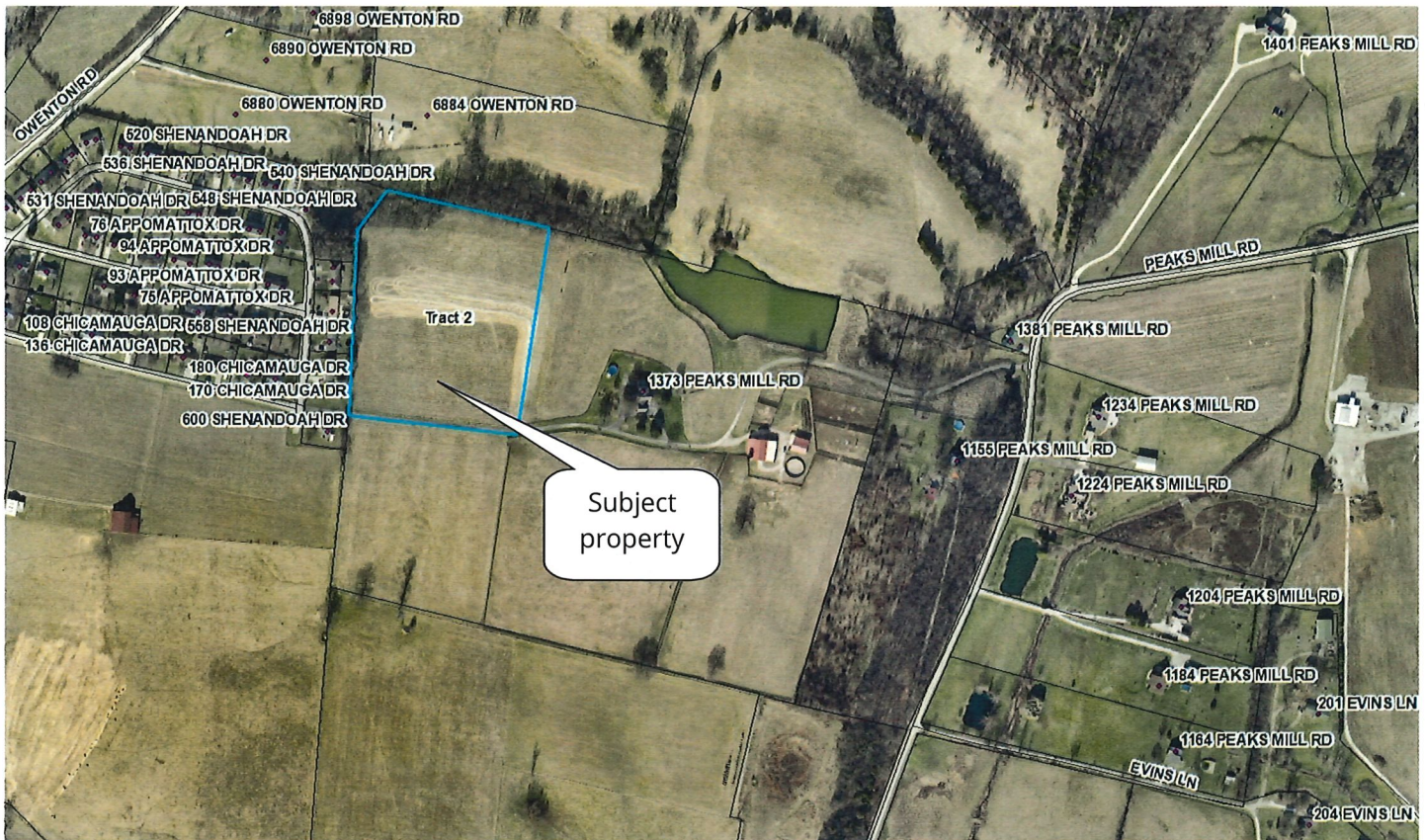
In February, the subject property was subdivided off the larger parent tract. Most recently, the farm of the parent tract has been used for as a residence and a horse farm operation. The residence has been subdivided off the farm (shown as Tract 1 on Plat Cab N Slide 323) and the horse farm operation continues on the 30-acres remainder/parent tract. The applicant is proposing to rezone the subject property in order to further subdivide the 7.67-acre Tract 2. However, the minimum lot size in the

present "AG" zone of 5-acre prohibits any further division. The applicant would like to establish two lots intended for future single-family residential uses. The surrounding land uses are primarily agricultural to the North, South, and East. The Ridgewood subdivision has a mix of single-family and duplexes.

Zoning Map



Vicinity Map



ANALYSIS

County Zoning Regulations

§ 155.1072 Zoning Map Amendments

(A) (1) Before making recommendation to the Fiscal Court of the county that an application for amendment to the Zoning Map be granted, the Commission shall find that the map amendment is in agreement with the Comprehensive Plan adopted by the Commission, or, in the absence of such a finding that:

- (a) The original zoning classification given to the property was inappropriate or improper; or
- (b) There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.

(2) The findings of fact made by the Commission shall be recorded in the minutes and records of the Commission.

(B) After voting to recommend that an application for amendment to the Zoning Map be granted or denied, the Commission shall forward its findings of fact and recommendation in writing to the Fiscal Court of the county.

Kentucky Revised Statutes

KRS 100.213 Findings necessary for proposed map amendment – Reconsideration.

- (1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
 - a. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
 - b. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- (2) The planning commission, legislative body, or fiscal court may adopt provisions which prohibit for a period of two (2) years, the reconsideration of a denied map amendment or the consideration of a map amendment identical to a denied map amendment.

Therefore, a review of the Comprehensive Plan is required.

Chapter 5 “Land Use” of the Comprehensive Plan states “The Land Use Chapter is the City and County’s official guide to future land use decisions. The goals and objectives support the region’s vision for smart growth, developing a healthier economy, supporting business retention and expansion, and ensuring an aesthetically pleasing environment.”

It continues: “Every Future Land Use District has a proposed vision, existing character analysis, recommended uses, and future outlook. The chapter reflects how the City and County will encourage growth and development moving forward.”

1373 Peaks Mill Road

Future Land Use

-  Landfill
-  Rural Farms and Natural Landscapes
-  Parks and Open Space
-  Rural Residential
-  Residential Neighborhood
-  Urban Neighborhood
-  Downtown Neighborhood
-  Multi-Family Neighborhood
-  Villages and Hamlets
-  Neighborhood Mixed Use
-  Downtown Mixed Use
-  Regional Mixed-Use
-  Civic and Institutional Facilities
-  Light Industrial and Employment Center
-  Medium-Heavy Industrial



The Future Land Use Map of the 2024 Comprehensive Plan identifies this property within the zone map amendment request as “Rural Farms and Natural Landscapes.” This future land use designation is defined as follows.

CHARACTER

Generally, privately owned land outside the developed areas should remain undisturbed to preserve and protect the county’s significant natural features, farmlands, croplands, pastures, steep or unstable slopes, forested areas, wildlife habitat, floodways, and conservation areas. Intense development here is undesirable, but individual residential homes on large parcels and agricultural uses are acceptable if developed in a sensitive and respectful manner by preserving existing trees, natural features, and cultural landmarks.

RECOMMENDED USES

Natural resource conservation, homesteads, agriculture.

Other uses:

Natural resource preservation and recreation, historic site/cultural landmarks, campgrounds, trails, water access, adventure tourism, sports clubs, breweries/wineries/cideries, bed and breakfasts, agrotourism, community facilities.

Staff Finding: *Positive*- The proposed Rural Residential District supports both residential land uses and agricultural uses that fit into the environment. Furthermore, the Rural Residential district fits into the

“Rural Farms and Natural Landscapes” category because it is intended to be of very low density and located in areas where public sewer facilities are not available or planned.

General Development Guidelines

The adopted *Comprehensive Plan* is structured around four planning themes each with supporting goals, objectives, and action items developed from the community’s vision. Each theme is represented by a chapter of the Comprehensive Plan, including Chapter 2: “Identity and Character”, Chapter 3: “Natural Resources”, Chapter 4: “Transportation and Infrastructure” and Chapter 5: “Land Use”.

The following goals and policies from the “Land Use chapter appear to support this request.

GOAL 1: Develop a healthy economy with shared prosperity that includes sustainable growth, low unemployment rates, and price economic stability within the community.

Staff Finding: Positive- There are utility services in the vicinity to support the proposed two additional lots for residential use. *Policy #2 appears to support this request.*

1. Infill, reuse, and redevelopment opportunities within the City and County should be promoted and supported alongside new development.
2. **Locate new development where public facilities and utilities are available or are anticipated in the future.**
3. Identify and preserve prime farmland, key rural viewsheds, and the County’s rural character.
4. Encourage the retention of young professionals, high school graduates, and college graduates in the community. Encourage the retention of business and industry.
5. Promote minority-owned and locally-owned businesses.
6. Encourage the listing of eligible properties and districts to the National Register of Historic Places which allows for federal and state rehabilitation incentives for commercial and residential properties.
7. Encourage economic and industrial development that provides quality high-paying job opportunities to support and expand the tax base.
8. Encourage the development of new housing units of diverse typologies in the City and County to meet the needs of the community in accordance with the analysis contained within the 2023 Frankfort & Franklin County: Housing Market Demand Study. Focus on the “missing middle” housing including owner occupied condos and townhomes.
9. Promote industrial development as to promote economic and social advancement.

GOAL 2: Support business retention, development, and expansion.

Staff Finding: Positive- While the request does not represent a significant economic impact, the Rural Residential zoning designation does allow for some agricultural uses. *Policy #6 appears to support this request.*

1. Update the development regulations for the City and County to ensure that infill and redevelopment regulatory requirements are streamlined.
2. Encourage the survey, clean-up and redevelopment of brownfield and greyfield properties.
3. Support the development, retention and expansion of local businesses.
4. Develop strategies to incubate innovative technology industries and businesses.
5. Target diverse opportunities to increase investment in the bourbon, IT, government, finance, healthcare sectors, and industrial.
6. **Aid the retention and expansion of local farming production, including farmers markets, AgTech, and agritourism.**
7. Expand multi-modal transportation opportunities to provide a variety of means for residents to access employment opportunities, services, education, and goods.

GOAL 3: Ensure that development is constructed in an aesthetically pleasing, sustainable, manner that complements the surrounding community.

Staff Finding: Positive- *Policy #4 appears to support this request.*

1. Support a mix of compatible uses in identified growth areas, including housing, employment, commercial, service, parks and open spaces, and other uses.
2. New development and redevelopment projects should be completed in an aesthetically pleasing manner with high-quality, durable building materials, landscaping for screening and softening, well-designed sites, and land uses.
3. City and County should partner in creating a shared set of development regulations for both jurisdictions, where applicable.
4. **Set rural land subdivision and development standards that minimize impacts to rural function and character.**
5. Promote connectivity between neighborhoods, commercial, recreation, and educational centers to support the community's desire for increased accessibility.
6. Encourage environmental assessments of developments which are associated with the use, manufacturing, processing, and/or bulk storage of hazardous materials and substances in ways that could pose a risk to the environment and/or human health.

7. Encourage pedestrian oriented development in urban areas and the inclusion of pedestrian amenities in otherwise auto oriented new developments.
8. Encourage the continued commercial use of first-floor storefront spaces in historic two-part commercial block buildings downtown while focusing residential uses to upper floors and structures originally constructed for residential uses.

Zoning Regulations

In reviewing zone map amendments, it is also important to conduct an analysis of the adopted zoning ordinances to ensure that the proposed zone map amendment is consistent with the zoning code/ordinance; and to ensure the requested district is the most appropriate district needed in order to meet the desired uses of the applicant and to ensure that the amendment will provide compatible and appropriate transition of uses to the surrounding area.

County Zoning Regulations:

Existing Zoning: Agricultural District (AG)

§ 155.136 (A) Purpose.

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

Proposed Zoning: Rural Residential (RR)

§ 155.135 (A) Purpose.

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

While the applicant is currently only proposing 2 new lots; the proposed RR zoning, the subject property could potentially be subdivided into a maximum of 5 new lots. The County Engineer has made recommendations regarding the current access serving the site should it be fully developed. However, these questions related to access should be resolved at the time which a subdivision plan has been submitted.

Staff finds that the requested zone of "RR" is appropriate as the surrounding area is primarily residential and rural farmland. The proposed RR zoning provided an appropriate transition between the existing AG and RD zones. Historically, Staff has viewed Rural Residential and Agricultural zones as both appropriate in similar future use designations. Both allow for low density, large-lot residential uses, which can be supported without access to sewers and maintain a rural character.

FINDINGS

Based on this analysis, staff suggests the following findings of fact for consideration:

Positive findings:

- (1) The subject property is classified as Rural Farms and natural landscapes in the Future Land Use map contained within the Comprehensive Plan.
- (2) The proposed "RR"- Rural Residential Zone is appropriate in the Rural Farms and Natural Landscape Future Land Use Designation.
- (3) The proposed Zone Map Amendment is in agreement with the Comprehensive Plan.

RECOMMENDATION

Based on the findings and analysis within this report, staff recommends that the Frankfort/Franklin County Planning Commission **APPROVE the request and recommend the Franklin County Fiscal Court to approve** the zone map amendment based on the facts within this report and based on the principle finding that the requested zone change does satisfy the requirements of K.R.S. 100.213.



Subject property facing north/northeast



Entrance to subject property (Shenandoah Drive side)



Entrance to subject property (Peaks Mill Road side)



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

OFFICE USE ONLY

Received: 3/24/25
 Payment Amt: \$ 300⁰⁰
 Receipt #: 1531
 Meeting: _____

APPLICATION FOR ZONE MAP AMENDMENT

MEETING DATE: _____ FILING DEADLINE: _____

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

GENERAL INFORMATION

1. Property Owner (The owner must be the applicant):

JEFFERY P CALLAN

2. Mailing Address:

1373 PEAKS MILL ROAD
FRANKFORT KY 40601

3. Phone Number:

Home: 859-490-0657

Work: _____

SITE INFORMATION

4. General Location of Property: TRACT 2 ON THE LEFT SIDE OF
DRIVE ENTERING FARM FROM Chicamauga Drive

5. Subdivision Name: (if applicable) N/A

6. Street Address: CURRENT PART OF FARM AT 1373 PEAKS
MILL ROAD FRANKFORT KY 40601 - NO ESTABLISHED ADDRESS
FOR THIS PARCEL

ZONING INFORMATION

7. Present Zoning of Property: AGRICULTURE

8. Proposed Zoning of Property: RURAL RESIDENTIAL

9. Existing Use of Property: PASTURE / HIGH FIELD GRASSES

Franklin County Planning Commission

3/21/2025

For your review and consideration on the proposed rezoning from Agricultural to Rural residential of the 7.67 acre parcel also know as Tract 2 of the minor subdivision & Consolidated Plat of Callan and Germond properties 1355 and 1373 Peaks Mill Road Frankfort, Franklin County KY. The proposed rezoning of this property to rural residential is requested to allow for a split into 2 separate parcels that is consistent with the adjoining areas. The tract borders the subdivision Known as the Shenandoah subdivision and borders existing small lots and homes fronting on Shenandoah road with paved access directly off Chicamauga Drive. Utility easements are already in place and recorded for this parcel as well as access easement from Chicamauga Drive. This smaller parcel lends itself more to upscale estate style residential than agricultural. The above items lend themselves to meeting the intent of KRS 100.213

The planned final division and overall vision for the area is to allow for two (2) 3.835 acre tracts that will be restricted to onsite built homes with a 2000 sf minimum, roof pitch minimums as well as outbuilding roof pitch minimums to ensure the ongoing harmony of the properties in this private area.

I thank you all for your time and consideration on this proposal that will maintain the natural beauty of this location but also allow 2 families to build their dream and enjoy the space and surrounding views of this location.

Warmest Regards,

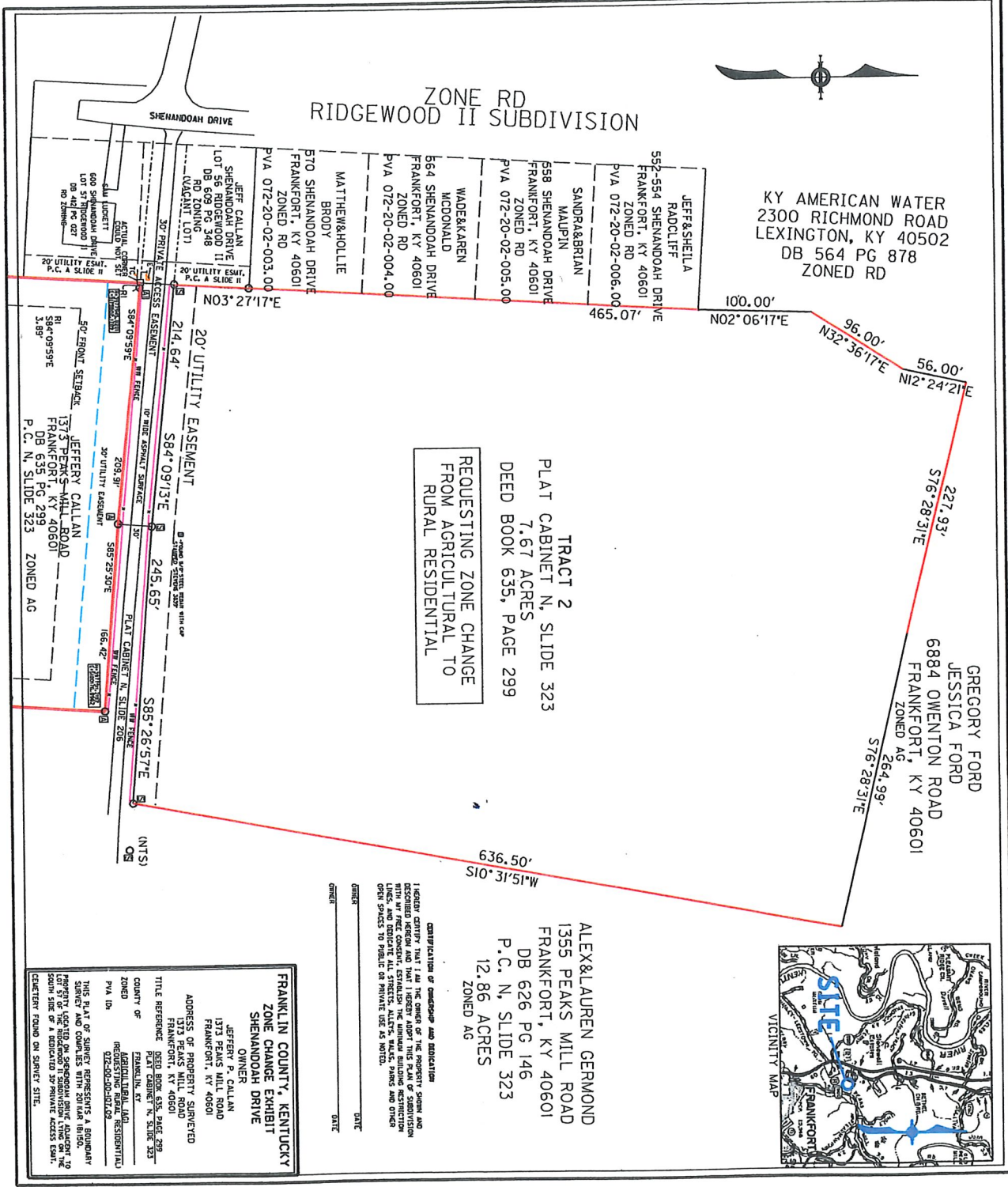


Jeffery Callan



ZONE RD
RIDGEWOOD II SUBDIVISION

KY AMERICAN WATER
2300 RICHMOND ROAD
LEXINGTON, KY 40502
DB 564 PG 878
ZONED RD

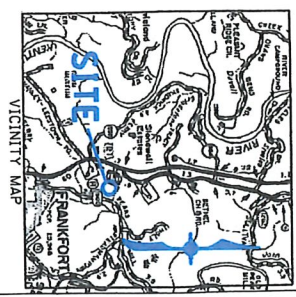


TRACT 2
PLAT CABINET N, SLIDE 323
7.67 ACRES
DEED BOOK 635, PAGE 299

REQUESTING ZONE CHANGE
FROM AGRICULTURAL TO
RURAL RESIDENTIAL

GREGORY FORD
JESSICA FORD
6884 OWENTON ROAD
FRANKFORT, KY 40601
ZONED AG

ALEX&LAUREN GERMOND
1355 PEAKS MILL ROAD
FRANKFORT, KY 40601
DB 626 PG 146
P.C. N, SLIDE 323
12.86 ACRES
ZONED AG



CONTRIBUTION OF OVERSIGHT AND NEGLECT
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND
DESCRIBED HEREON, THAT I HAVE CAUSED THE SURVEY TO BE MADE
AND I AM RESPONSIBLE FOR THE ACCURACY OF THE LINES, AND DISTANCE
AND BEARINGS, AND I AM NOT PROVIDING ANY GUARANTEE OF THE
ACCURACY OF THE LINES, ALIENS, WALKS, PASSES AND OTHER
OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

OWNER _____ DATE _____
OWNER _____ DATE _____

FRANKLIN COUNTY, KENTUCKY
ZONE CHANGE EXHIBIT
SHENANDOAH DRIVE

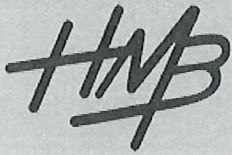
OWNER
JEFFERY P. CALLAN
1373 PEAKS MILL ROAD
FRANKFORT, KY 40601

ADDRESS OF PROPERTY SURVEYED
1373 PEAKS MILL ROAD
FRANKFORT, KY 40601

TITLE REFERENCE: DEED BOOK 635, PAGE 299
FRANKFORT, KY 40601

COUNTY OF FRANKLIN, KY
PVA ID# REQUESTING: RURAL RESIDENTIAL
ZONED RESIDENTIAL

THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COMPLETS WITH ZONING ORDINANCE AND THE SURVEY OF THE RIDGEWOOD II SUBDIVISION. THIS PLAT IS THE SOUTH SIDE OF A REDUCED TO PRIVATE ACCESS EASEMENT CENTERED FOUND ON SURVEY SITE.



3 HMB Circle
 US 460
 Frankfort, KY 40601
 Office: (502) 695-9800
 www.hmbpe.com

April 17, 2025

Mr. Ben Judah
 Assistant Director
 Franklin County Planning and Building Codes Department
 321 West Main Street
 Frankfort, KY 40601

Re: 1373 Peaks Mill Road
 Facility Review – Zone Change

Dear Mr. Judah:

At the request of the Franklin County Planning and Building Codes Department, HMB has reviewed the zone change request for the subject property. We offer the following concerns and suggestions related to the request.

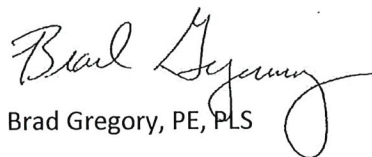
- The site is currently accessed via a private drive connecting at Shenandoah Drive and Peaks Mill Road. It appears from the preliminary exhibit that the applicant intends to use the Shenandoah access point.
- Considering the number of lots this parcel can be divided into with an RR designation, we suggest this access be improved to a public street. The current private drive is approximately 10' wide and would be required to be improved to current County standards for new development.
- The subdivision that the applicant proposes to access the site already has 54 individual parcels, some of which are multi-family duplexes. Current local standards for new development of subdivisions with more than 50 lots require the use of a divided median entrance for emergency access.

For the issues stated above, we suggest that special attention be given to the impacts to the connecting roadway network as well as the driveway serving the property. At a minimum, consideration should be given to future maintenance of a private, shared facility to ensure the County will not be responsible for it's upkeep or forced to take over at some point and upgrade the facility.

If you have any further questions or concerns, please contact our office.

Sincerely,

HMB Professional Engineers, Inc.


 Brad Gregory, PE, PLS

- Civil Engineering
- Transportation Engineering
- Highway Engineering
- Structural Engineering
- Surveying
- Construction Engineering
- Construction Inspection
- Water & Wastewater
- Water Management
- Planning
- Traffic Engineering
- Signal Engineering
- Right-of-Way
- Environmental Compliance
- Environmental Permitting
- Environmental Remediation
- Archaeology & Cultural Historic
- Surveying
- Project Management

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Re: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

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

Tue 4/15/2025 10:32 AM

No comments from Columbia Gas.

Autumn Dmytrewycz

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

On Mon, Apr 14, 2025 at 4:33 PM Ben Judah <ben.judah@franklincounty.ky.gov> wrote:

Dear TRT,

Please see the attached facility review request. The applicant is proposing to rezone the property to RR in order to further subdivide the property. Under the current zone, the minimum lot size is 5 acres. Under the proposed zone, the minimum lot size is 1.5 acres. Please identify any issues relative to your agency. If possible, please provide written comments via email by April 21, 2025.

Sincerely,

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

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RE: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

BR Banks, Russell <rbanks@fewpb.com>
To: Ben Judah

😊 ⏪ ⏩ 📧 ...

Wed 4/16/2025 7:06 AM

Start reply with:

Morning Ben,

FPB Telecom has no issues with the rezoning request.

Thanks

Russell Banks
Frankfort Plant Board

Telecom Engineer
PO Box 308, 306 Hickory Drive, Frankfort, KY 40602
[T] 502.352.4452 [F] 502.223.4449 [E] rbanks@fewpb.com

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

Sent: Monday, April 14, 2025 4:34 PM

To: Brewer, Tony <Tony.Brewer@lge-ku.com>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; pmwd2011@att.net; Banks, Russell <rbanks@fewpb.com>; Brad Gregory <bgregory@hmbpe.com>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Gene Wilburn <gene.wilburn@franklincounty.ky.gov>; Autumn (agdmytrewycz@teamfishel.com) <agdmytrewycz@teamfishel.com>; fa2207@att.com

Subject: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

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Dear TRT,

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Sincerely,

Ben Judah, Assistant Director

Franklin County Planning & Building Codes Dept.

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RE: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

CJ Cambron, Jonathan (LHD-Franklin Co) <jonathan.cambron@ky.gov> 😊 ↶ ↷ ↸ 🗄 ...
To: Ben Judah Tue 4/15/2025 9:55 AM

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Report Suspicious

Ben,

The only issue we would have is that they would need site evaluations completed on each lot they develop to ensure septic is able to be installed on the lots.

Thanks,



Jon Cambron, MS, RS

Environmental Health Director

- 📞 502-564-7647 x 206
- 📠 Text: 270-929-3036
- 📠 (fax) 502-564-5672
- ✉ Jonathan.Cambron@ky.gov
- 🌐 FCHD.org
- 📍 851 E-W Connector, Frankfort, KY 40601



📱 @FCHDKentucky

MISSION Prevent. Promote. Protect. Franklin County.

VISION Public Health Saves Lives.

VALUES Helpfulness, Equity, Reliability, Optimism, Efficiency and Service

😊😊😊😊😊 [Please rate your experience with us at FCHD.org/SatisfactionSurvey](https://www.fchd.org/SatisfactionSurvey)

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[Link to Jon Cambron Digital Business Card](#)

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

Sent: Monday, April 14, 2025 4:34 PM

To: Brewer, Tony <Tony.Brewer@lge-ku.com>; Cambron, Jonathan (LHD-Franklin Co) <jonathan.cambron@ky.gov>; pmwd2011@att.net; Banks, Russell <rbanks@fewpb.com>; Brad Gregory <bgregory@hmbpe.com>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Gene Wilburn <gene.wilburn@franklincounty.ky.gov>; Autumn

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RE: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

Zone Cha...Road.pdf 2025-5-08 ...RR.pdf 1373 Pe...-2025.doc

DS Dutta, Sharmista <sdutta@fewpb.com>
To: Ben Judah
Cc: Conway, John <jconway@fewpb.com>

Thu 4/17/2025 1:44 PM

Zone Change Exhibit - 1373 ... 652 KB
2025-5-08 Facility Review-13... 505 KB

3 attachments (1 MB) Download all

Ben,

This is an area that Peaks Mill and I discussed. It's closer to their line along Shenandoah. The FPB line is further over on Peaks Mill Rd. Therefore, we have decided to let the property owner decide who shall provide the water service to the lots. It would be less of a line extension from Shenandoah.

I attached comments.

Thanks.

Sharmista Dutta, P.E.
Director of Water
Frankfort Plant Board
305 Hickory Drive
Frankfort KY 40601
Office: 502-352-4407
Mobile: 502-395-3774
sdutta@fewpb.com

From: Ben Judah <ben.judah@franklincounty.ky.gov>
Sent: Tuesday, April 15, 2025 10:19 AM
To: Dutta, Sharmista <sdutta@fewpb.com>
Subject: Fw: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

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Re: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

BB Brian Brewer
To: Ben Judah

...
Tue 4/15/2025 8:19 AM

Ben,

The Fire Department has no comment on 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, April 14, 2025 4:33 PM
To: Brewer, Tony <Tony.Brewer@lge-ku.com>; Cambron, Jonathan (LHD - Franklin Co) <jonathan.cambron@ky.gov>; pmwd2011@att.net <pmwd2011@att.net>; Banks, Russell <rbanks@fewpb.com>; Brad Gregory <bgregory@hmbpe.com>; Brian Brewer <brian.brewer@franklincounty.ky.gov>; Gene Wilburn <gene.wilburn@franklincounty.ky.gov>; Autumn (agdmytrewycz@teamfishel.com) <agdmytrewycz@teamfishel.com>; fa2207@att.com <fa2207@att.com>
Subject: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

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321 W. Main Street
Frankfort, KY 40601
Ph 502-875-8701

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RE: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

BR Banks, Russell <rbanks@fewpb.com>
To: Ben Judah

Smiley, Reply, Reply all, Forward, Grid, More icons
Wed 4/16/2025 7:06 AM

Morning Ben,

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Thanks

Russell Banks
Frankfort Plant Board

Telecom Engineer
PO Box 308, 306 Hickory Drive, Frankfort, KY 40602
[T]502.352.4452 [F]502.223.4449 [E] rbanks@fewpb.com

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Subject: Facility Review- Zone Change AG to RR- 1373 Peaks Mill Road

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