

ORDINANCE NUMBER 6 - 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 135-ACRES OF PROPERTIES LOCATED AT 650 EVERGREEN ROAD, FROM RURAL RESIDENTIAL (RR) TO AGRICULTURAL DISTRICT (AG). THE PROPERTY IS IDENTIFIED AS PVA MAP NUMBERS 025-00-00-064.00 AND 025-00-00-064.02.

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 February 13, 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:

135-acres of properties located at 650 Evergreen Road in Franklin County, Kentucky, identified as PVA map numbers 025-00-00-064.00 and 025-00-00-064.02 is hereby amended from Rural Residential District (RR) to Agricultural District (AG), 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 “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.

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 36, 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 Rural Residential (RR) to Agricultural District (AG) for a 135- acres of properties, located at 650 Evergreen Road in Franklin County, Kentucky, identified as PVA map numbers 025-00-00-064.00 and 025-00-00-064.02.

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 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 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 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 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 General 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 infill 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: 1. PUBLIC HEARING: Chris Vaughn and Tara Watkins are requesting a zone map amendment from Rural Residential "RR" to Agricultural District "AG" for a total of 135-acres of properties located at 650 Evergreen Road, the property is more specifically described as PVA Map #025-00-00-064.00 and 025-00-00-064.02 in Franklin County, Kentucky. (County Item).

DATE: February 10, 2025

MEETING: May 8, 2025

GENERAL INFORMATION

Owner: Chris Vaughn & Tara Watkins
650 Evergreen Road
Frankfort, KY 40601

Location: 650 Evergreen Road

Size of Property: 135 acres total

Current zoning of property: "RR"-Rural residential

Proposed zoning of property: "AG"- Agricultural District

Future land use category: Rural Farms and Natural Landscapes

Surrounding zoning & land use:

North: Zone- "RR"; Rural Residential

South: Zone- "RR"; Rural Residential

East: Zone- "RR"; Rural Residential

West: Zone- "RR"; Rural Residential

BACKGROUND

The subject property is situated along Evergreen Road and is comprised of two distinct tracts. A portion of PVA Map #025-00-00-064.00 is bisected by the I-64 highway. The 135-acres of properties is currently zoned as "RR"-Rural Residential. The applicant has expressed a desire to include a farm business, along with their current horticulture and cattle production and therefore has requested the Zone Map Amendment.

While the existing (RR) zoning allows for some agricultural activities, retail activities where customers come to the property, and sale structures are prohibited. The requested zone, AG, allows for a wider breadth of agricultural activities, including allowing for employees and customers on-site. The AG zone also allows for a wider variety of conditional uses, including, but not limited to some office uses and a variety of indoor and outdoor recreational uses.

Vicinity Map



Zoning 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.”



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 Agricultural District supports both residential land uses and agricultural uses that fit into the environment.

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- Policy #3 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 Agricultural zoning designation does allow for agricultural uses. *Policy #3 and #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: Rural Residential (RR)

§ 155.136 (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.

Proposed Zoning: Agricultural District (AG)

§ 155.135 (A) Purpose.

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

Staff finds that the requested zone of Agricultural District, "AG", is appropriate as the surrounding area is primarily low density residential, and rural farmland.

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 "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.

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.

Site Photographs



Entrance to property looking East



Looking North on KY-1665



Looking South on KY-1665



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

OFFICE USE ONLY

Received: 1/30/25
Payment Amt: \$ 300
Receipt #: 651
Meeting: 31

APPLICATION FOR ZONE MAP AMENDMENT

MEETING DATE: 3/13/2025 FILING DEADLINE: 1/30/2025
Rescheduled 4/10/2025

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):

Chris Vaughn & Tara Watkins

2. Mailing Address:

650 Evergreen Rd, Frankfort KY 40601

3. Phone Number:

Home: (502) 229-4048

Work: _____



SITE INFORMATION

4. General Location of Property: on Evergreen Rd, between Bridgeport Rd and Denison Way, alongside I-64 E

5. Subdivision Name: (if applicable) NA

6. Street Address: 650 Evergreen Rd

ZONING INFORMATION

7. Present Zoning of Property: Rural Residential

8. Proposed Zoning of Property: Agriculture

9. Existing Use of Property: horticulture and cattle production farm

10. Proposed Use of Property: horticulture and cattle production farm with home farm business

11. Size of Property: Acres: 135 acres 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.)

1/30/25 _____
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.

KRS 100.213 Findings Necessary for Proposed Map Amendment

We purchased our 135-acre property at 650 Evergreen Rd in 2021. Since then, we have been transforming the property to restore it to a farm that is production focused and contributing to our agricultural community and economy in Franklin County. We produce hay, raise beef cattle, and produce cut flowers on our farm. The cut flower production has grown significantly and includes significant wholesale and retail sales to our central KY community. As our aspirations and needs for the farm continue to develop, it has become clear that the zoning classification Rural Residential is no longer appropriate for our property. The cut flower operation (being run out of our home) has grown to where we are needing business provisions that cannot be provided under the Rural Residential zoning classification. These include, but are not limited to: the hiring of employees, inviting customers onto our farm as an additional sales avenue, including agritourism ideas such as workshops and u-picks, and placing a business sign on our property at the road front. With all of these things in mind, we feel that and we have also been informed that an Agricultural zoning classification is not only more appropriate, but also essential, for the future growth of our farm.

Thank you.

Chris & Tara Vaughn

Deed 5

DEED

THIS DEED, made and entered into this 29th day of September, 2022, by and between GLENN A. WATKINS and KATHY R. WATKINS, husband and wife, whose address is 2031 Cardwell Lane, Frankfort, Kentucky 40601, parties of the first part, and TARA N. WATKINS and CHRISTOPHER VAUGHN, wife and husband, whose address is 650 Evergreen Road - Frankfort Ky. 40601, which is the in-care-of address to which the property tax bill shall be sent, parties of the second part.

WITNESSETH: That for and in consideration of the love affection between parents and their daughter, the receipt of which is hereby acknowledged by the parties of the first part, the parties of the first part have bargained and sold, and by these presents do hereby bargain, sell, alien, and convey unto the parties of the second part, in fee simple, with right of survivorship, his or her heirs and assigns forever, the following described property, located in Franklin County, Kentucky, and being more particularly described as follows:

650 Evergreen Road
Map No. 025-00-00-064.00

Consisting of 152.409 acres, more or less, located about five miles west of Frankfort on the Evergreen and Bridgeport Road, bounded and described as follows:

TRACT NO. 1. That certain tract of land located in Franklin County, Kentucky, on the Bridgeport and Farmdale Pike, beginning at a point in the center of said pike corner to Whit Hall land division, thence up said pike in the center north 4-1/4 degrees east 362 feet, north 9-1/2 degrees east 174 feet to the point of intersection of said pike and the land of Richardson, formerly Armstrong's, thence leaving said pike and with the line of said Richardson, formerly Armstrong, south 88-1/4 degrees east 2029 feet to a corner to Armstrong, thence with line of Armstrong south 84-1/4 degrees east 1127 feet to a stone, thence north 8-3/4 degrees east 110 feet, south 84-3/4 degrees east 602 feet to a corner to Bill Holder, formerly Beck, in Armstrong's line, thence with Holder's line south 2-3/4 degrees west 2220 feet to a corner to Holder in Parrents' line, thence north 84-1/2 degrees west 1022 feet to Parrents' line corner to Armstrong, formerly Hall, thence with the same north 3-1/2 degrees east 680 feet to Wilson, formerly Gatewood, north 88 degrees west 785 feet to a stone corner to Armstrong, formerly Hall, thence north 3 degrees east 876 feet to a stone corner to Armstrong, formerly Hall, thence north 88 degrees west 1962 feet to the beginning, containing 100.23 acres, more or less.

TRACT NO. 2. Beginning at a point corner in the Felix Poole farm in front of this residence, thence north 87-1/2 degrees west 492 feet (to a corner), thence south 0 degrees 38 minutes west 1394 feet to a sycamore on the south side of the creek, thence south 3-1/2 degrees west 65 feet to a stake, thence south 62-1/2 degrees east 96 feet to a post in the line of Mattie Wade, thence with her line as follows: North 53-1/2 degrees east 40 feet, thence north 30-1/2 degrees west 135 feet to a point on the north side of creek, thence north 52-3/4 degrees east 763 feet to the line of Felix Poole, thence north 88-1/2 degrees west 198 feet; thence north 3-1/2 degrees east 876 feet to the place of beginning, containing 13.489 acres, more or less.

TRACT NO. 3. Beginning at a point in the middle of the Farmdale Pike in line of fence on east side of pike and corner to J.D. Arnett; thence with the meanderings of said pike south 12-1/4 degrees east 924 feet to a stake in said pike; thence south 12 degrees east 1089 feet to a stake in said pike, thence south 40 degrees east 231 feet to a stake in said pike, thence south 1/2 degree west 396 feet to a stake in pike, thence north 45 degrees east 1412 feet to a corner, thence north 62-1/2 degrees west 96 feet to a corner, thence north 3-1/2 degrees east 65 feet; thence north 0 degrees 38 minutes east 1394 feet to a corner, thence north 87-1/2 degrees west 1471 feet to point of beginning and containing 58.85 acres, more or less.

EXCEPTION: There is excepted and reserved out of Tract No. 3 a small lot of ground heretofore conveyed to Mrs. Mary E. O'Nan, by deed dated May 3rd, 1939, and recorded in Deed Book 88, Page 581, and more particularly described as follows: Beginning at a point in the southwest side of the Bridgeport and Evergreen Road where said road makes a turn, a common corner to L.F. Dinkle and Mattie Wade, thence north 5 degrees east 330 feet along said road to a stake near edge of road, thence south 81 degrees east 266 feet to a stake in the line of Mattie Wade, thence south 45 degrees west 407 feet to place of beginning, containing 1 acre, more or less.

Containing in tract No. 3 after exception 57.85 acres, more or less, and containing in all 152.409 acres, more or less, but subject to all legal highways.

There is further excepted from the above described tracts that tract consisting of 19.16 acres which was conveyed to the Commonwealth of Kentucky by deed dated _____, 1961, of record in Right of Way Deed Book No. 2, Page 353, Franklin County Court Clerk's Office, to which reference is hereby made for a more particular description of said exception.

There is further excepted from the foregoing description a tract of land being conveyed by Harold F. Poole and Earline Poole, his wife, to Wallace R. Collins and Nellie C. Collins, his wife, by deed dated May 27, 1971, and further described as follows:

A tract of land lying on the East side of the Evergreen Road approximately one-fourth (1/4) mile south of I-64 and more

particularly described as follows:

Beginning at a corner post on the East side of Evergreen Road at Mattie Wade's Northwest corner, thence with the fence line along Evergreen Road the following calls and distances: N ° 37' E - 67.50'; N 32° 00' W - 212.94'; N 18° 05' W - 78.74' and N 11° 50' W - 25.75' to a corner post, a new corner of Poole's, thence with the new line of Poole's the following calls and distances: N 46° 00' E - 121.25' TO A 30" sycamore, N 13° 13' W - 25.75' to a 24" sycamore, N 42° 25' E - 367.80' to a Post, N 88° 40' E - 60.30' to an 18" wild cherry, south 84° 32' E - 60.30' to a 26" sycamore, N 28° 21' W 22.20' to a 30" sycamore, N 11° 08' E - 151.26' to a corner post, N 82° 04' E - 247.50 to a corner post, N 82° 04' E - 247.50 to a corner post, S 1° 36' W - 249.02' to a 15" sycamore, S 68° 33' E - 42.65' to a 24" linn tree, and S 44° 31' E 81.92' to a post corner and S 0° 42' E 14.79' to a post corner in Mattie Wade's line, thence with Wade's line, thence with Wade as follows: S 45° 19' W 185.54', s 46° 17' W 444.43', and S 46° 23' W 407.95 to the point of beginning containing 14.998 acres.

There is further excepted from the foregoing description a tract of land being conveyed by Ed Whallen, Special Commissioner of the Franklin County Court Clerk, for and on Behalf of Felix Poole, et al., to the Commonwealth of Kentucky, Department of Highways, dated July 23, 1963, of record in Right of Way Book 3, page 121, in the office of the Franklin County Court Clerk, and being more particularly described as follows:

Parcel No. P-12

All that part of said tract or tracts which lies within a distance of 150 feet on each side of the centerline of the proposed highway between the west property line at approximate station 2204+00; said west property line being the centerline of existing Evergreen Road and approximate station 2205+85.

Also all that part of said tract or tracts bounded on the right (south) by a line running 108 feet right (south) of and parallel with the centerline of the right (eastbound) lane of the proposed highway, and bounded on the left (north) by a line running 108 feet left (north) of and parallel with the centerline of the left (westbound) lane of the proposed highway; between station 2205+85R and the east property line at approximate station 2242+04R.

Parcel No. P-12A

All that part of said tract or tracts which lies right (west) of a line 130 feet left (east) of and parallel with the centerline of the proposed relocated Evergreen Road between the north property line at approximate station 46+77 and approximate station 48+55.

Parcel No. P12B

All that part of said tract or tracts which lies right (west) of a line 75 feet left (east) of and parallel with the centerline of the

proposed relocated Evergreen Road between approximate station 51+38 and approximate station 51+50.

There is further excepted from the above described tracts that tract conveyed to H. Brent Poole and Mary Evelyn Poole, his wife, by deed dated March 5, 1999 of record in Deed Book 433, page 135, and described as follows:

All of tract A consisting of 2.544 acres as shown on the plat of record in the Franklin County Clerks Office in Plat Cabinet F, Slide 311.

There is further excepted from the above described tracts that tract conveyed to Tara N. Watkins, single, and Christopher Vaughn, single, by deed dated November 16, 2021, of record in Deed Book 667, page 817, and described as follows:

Being all of the property shown as Tract #4, 20.433 acres, on a Plat of record of Minor Subdivision of the Earline Stone Revocable Trust, as surveyed by Stephen D. Carroll, KY PLS #3241, on October 28, 2021, of record in Plat Cabinet M, Slide 192, in the Office of the Franklin County Clerk, to which plat reference is made for a more particular description of the property conveyed.

Being the same property conveyed to Glenn A. Watkins from the Earline Stone Revocable Trust by deed dated December 14, 2021, of record in Deed Book 608, page 541, in the Office of the Franklin County Clerk.

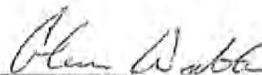
TO HAVE AND TO HOLD the above described property together with the improvements thereon and the appurtenances thereunto belonging unto the parties of the second part, in fee simple, with right of survivorship, his or her heirs and assigns forever, with Covenant of General Warranty of Title.

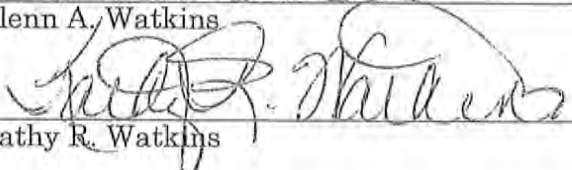
NOTARIZED CERTIFICATE - The undersigned hereby certify that the consideration set forth above is the full, true and actual consideration being paid for the real property herein conveyed.

This conveyance is exempt from transfer tax pursuant to KRS 142.050(7)(L). The fair market value of the property conveyed is \$ 815,000.00

IN TESTIMONY WHEREOF, witness the signatures of the parties hereto, on this the day and year first above written.

PARTIES OF THE FIRST PART:




Glenn A. Watkins


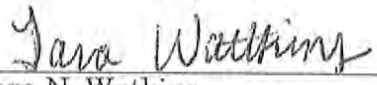
Kathy R. Watkins

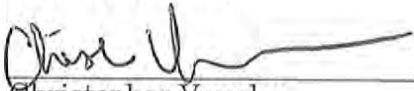
STATE OF KENTUCKY
COUNTY OF FRANKLIN

Subscribed, sworn to, and acknowledged before me by Glenn A. Watkins and Kathy R. Watkins, husband and wife, parties of the first part, to be their own free act and deed, on this 29 day of September.


Notary Public, (Kentucky) State at Large
MY COMMISSION EXPIRES: 3/31/26 NOTARY #598004


PARTIES OF THE SECOND PART:


Tara N. Watkins


Christopher Vaughn

STATE OF KENTUCKY
COUNTY OF FRANKLIN

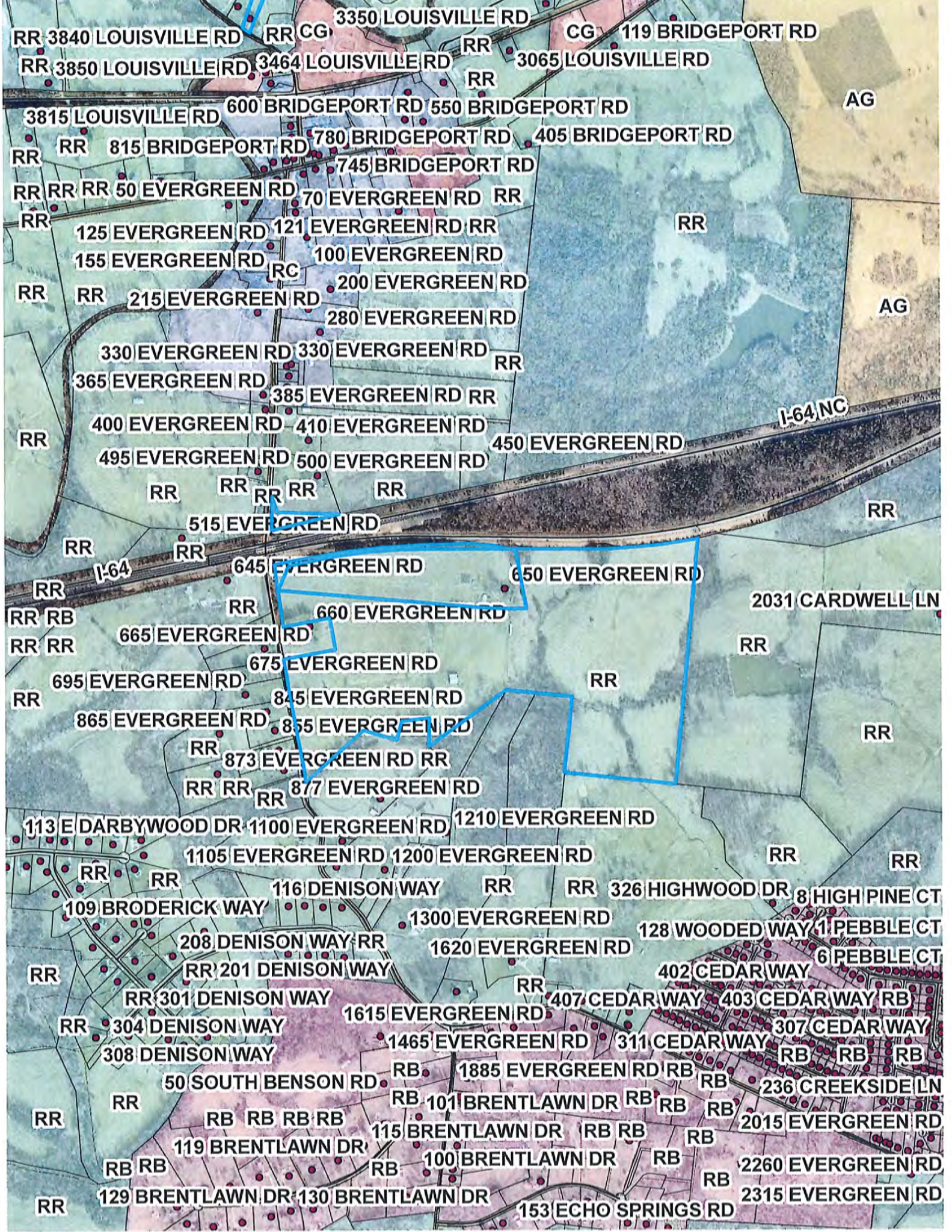
Subscribed, sworn to, and acknowledged before me by Tara N. Watkins and Christopher Vaughn, wife and husband, party of the second part, to be their own free act and deed, on this 29 day of September, 2022.


Notary Public, State at Large
MY COMMISSION EXPIRES: 3/31/26 NOTARY #598004

THIS INSTRUMENT PREPARED BY:


Stewart C. Burch
LOGAN BURCH & FOX
114 West Clinton Street
Frankfort, KY 40601
(502) 875-3884

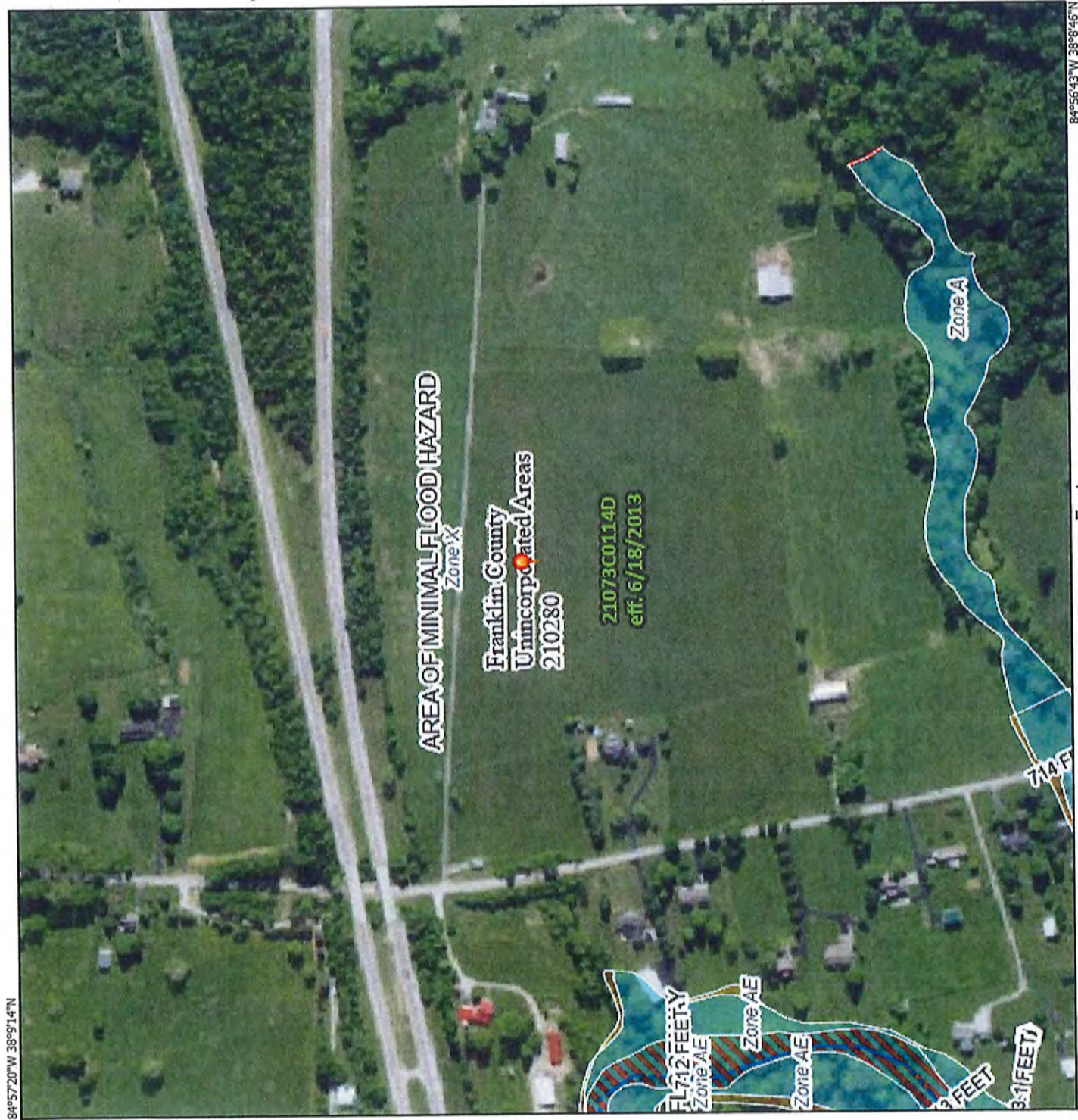
DOCUMENT NO: 674611
RECORDED: September 29, 2022 02:25:00 PM
TOTAL FEES: \$50.00 TRANSFER TAX: \$0.00
COUNTY CLERK: JEFF HANCOCK
DEPUTY CLERK: NATALIE HACKETT
COUNTY: FRANKLIN COUNTY
BOOK: D616 PAGES: 3 - 7



National Flood Hazard Layer FIRMette



84°57'20"W 38°9'14"N



84°56'43"W 38°8'46"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone .
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transsect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transsect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/12/2025 at 3:47 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Michael Mueller
Franklin County Judge/Executive

To: Technical Review Team

From: Tina Peck, Planning and Building Codes Department

Date: February 3, 2025

Re: Zone Change Request- 650 Evergreen Road (PVA #'s: 025-00-00-064.00 and 025-00-00-064.02).

The following request is scheduled to appear before the Frankfort/Franklin County Planning Commission on March 13, 2025.

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 described as PVA Map #025-00-00-064.00 and 025-00-00-064.02 in Franklin County, Kentucky. (County Item).

The subject property has a residence on site. The applicant is proposing to operate a cut flower production, where customers will come on site to purchase flowers. Please identify any issues that your agency thinks may be relative to providing service to the site or possible development of the property.

The County GIS mapping for the site is attached. If possible, please review and provide any written comments by e-mail at tina.peck@franklincounty.ky.gov by February 10, 2025. If you have any questions or need additional information, please contact me at 502-875-8701.

Site map



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This Message Originated from Outside the Organization

[Report Suspicious](#)

This Message Is From an External Sender.

Hello, dear TRT Members:

Attached is a TRT report for your review for 650 Evergreen Road. Please let me know if you have any questions, comments or concerns. Thank you. 😊

Sincerely,

Tina Peck
Staff Planner
Deputy Floodplain Manager
Deputy ABC Administrator
Franklin County Planning and Zoning
321 West Main Street
Frankfort, KY 40601
502-875-8701

Re: TRT Review_650 Evergreen Rd

From Brian Brewer <brian.brewer@franklincounty.ky.gov>

Date Mon 2/3/2025 10:32 AM

To Tina Peck <tina.peck@franklincounty.ky.gov>

Good morning Tina,

I am so happy to see you are back!!!

For the zone change request, the fire department has the following comments:

1. The fire dept requests the driveway on the property to be constructed to support and allow fire/ems apparatus access to areas where the public is expected to be present.

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: Tina Peck <tina.peck@franklincounty.ky.gov>

Sent: Monday, February 3, 2025 10:08 AM

To: Brian Brewer <brian.brewer@franklincounty.ky.gov>; Dutta, Sharmista <sdutta@fewpb.com>; Carter, Jim <jcarter@fewpb.com>; Michael Hesse <mhesse@frankfort.ky.gov>

Subject: TRT Review_650 Evergreen Rd

Hi, dear TRT Members:

Attached is a report for a rezoning case going before the Planning Commission on March 13th, 2025. Please provide any comments or questions. Thank you so much.

Sincerely,

Tina Peck
Staff Planner

RE: TRT Review: 650 Evergreen Rd_RR to AG

From Cambron, Jonathan (LHD-Franklin Co) <jonathan.cambron@ky.gov>

Date Mon 2/3/2025 2:15 PM

To Tina Peck <tina.peck@franklincounty.ky.gov>

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Tina!!!! You're back! Glad to see you are back to work! I truly hope you are on the mend and feeling better! I have prayed for you!

Oh, and as for 650 Evergreen Road, there are no issues from our point of view.

Thanks and welcome back!



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: Tina Peck <tina.peck@franklincounty.ky.gov>

Sent: Monday, February 3, 2025 2:05 PM

To: Cambron, Jonathan (LHD-Franklin Co) <jonathan.cambron@ky.gov>; farmdalewater@gmail.com; tonys@bgenenergy.com

Subject: TRT Review: 650 Evergreen Rd_RR to AG

RE: TRT Review: 650 Evergreen Rd

From Young, Tara M (KYTC-D05) <tara.young@ky.gov>
Date Mon 2/3/2025 12:54 PM
To Tina Peck <tina.peck@franklincounty.ky.gov>

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I don't have any objection to this.

From: Tina Peck <tina.peck@franklincounty.ky.gov>
Sent: Monday, February 3, 2025 10:34 AM
To: Young, Tara M (KYTC-D05) <tara.young@ky.gov>
Subject: TRT Review: 650 Evergreen Rd

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This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Hi, Tara,

Attached is a TRT report for 650 Evergreen Rd. Please let me know if you have any questions or comments. Thank you.

Sincerely,

Tina Peck
Staff Planner
Deputy Floodplain Manager
Deputy ABC Administrator
Franklin County Planning and Zoning
321 West Main Street
Frankfort, KY 40601
502-875-8701