AGENDA

January 6, 2022

Meeting Date: January 13, 2022

Roll Call

Approval of Minutes: December 9, 2021

Approval of Payment of Bills:

The following checks were signed on December 13, 2021:

- Ed Logan (Legal fee, December) $1500.00
- Vickie Sewell (PC Secretarial Dec) $300.00
- Dawn McDonald (BZA Secretarial Oct, Nov, Dec) $225.00
- Ed Logan (Legal Fee, January) $1500.00
- Frankfort NewsMedia (Ad # 1369565) $213.44
- Frankfort NewsMedia (Ad# 1351936) $311.88

STAFF ITEM(S)

1. Adoption of 2022 Planning Commission meeting calendar.
2. Comprehensive Plan status report

REPORTS OF SPECIAL COMMITTEES:

1. Officer Nominating Committee report on Officer nomination for 2022

OLD BUSINESS: None

PUBLIC HEARING:

1. PUBLIC HEARING: Patrick Farm, LLC is requesting approval of a zone map amendment from Agricultural District “AG” to Rural Residential “B” District “RB” for a 24.64-acre portion of the property located on Arbor View Drive. The tract is more specifically identified as PVA Map Number 036-00-00-009.00 (County item)

2. PUBLIC HEARING: Kendra & George C. Quire are requesting approval of a zone map amendment from Agricultural District “AG” to Rural Residential District “RR” for a 1.51-acre portion of the property located at 994 Shadrack Ferry Road. The tract is more specifically identified as PVA Map Number 059-00-00-008.00. (County item)
NEW BUSINESS:

1. Ampler Development is requesting approval of a Development Plan for a proposed 2,840 square foot Burger King restaurant to be constructed on the property located at 161 Arrowhead Court. The property is more specifically described as PVA map #086-00-00-017.11. (County Item)

2. In accordance with Article 1.09 of the Frankfort Zoning Ordinance, Washington Hospitality Group LLC is requesting approval of a Waiver of Section 4.06.34 (E and F) of the City of Frankfort Zoning District Regulations in order to allow a hotel to provide food services and liquor sales to patrons who are not guests of the hotel as well as guests of the hotel for the property located at 300 Washington Street. The property is more particularly described as PVA Map #061-24-07-006.00. (City item)

ADJOURN
FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

December 9, 2021
5:30 PM

SHERRON JACKSON, CHAIRMAN -- PRESIDING
The meeting was called to order at 5:30 p.m.

Chairman Jackson asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs  
Patti Cross  
Keith Lee  
Paul Looney  
William I. May, Jr.  
Darrell Sanderson  
Charles Stewart  
Brent Sweger  
Russell Wright  
Sherron Jackson, Chairman

Also Present:

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

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

Chairman Jackson asked for a motion to approve the minutes of the November 18, 2021 meeting. Mr. Lee made the motion to approve the minutes. The motion was seconded by Mr. Boggs and passed unanimously.

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Edwin Logan (Legal Fee, PC &amp; BZA)</td>
<td>$ 1,500.00</td>
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<tr>
<td>State Journal (Legal Advertising)</td>
<td>193.75</td>
</tr>
<tr>
<td>Vickie Sewell (Secretarial – PC – 11/18/21)</td>
<td>375.00</td>
</tr>
<tr>
<td>Logan, Burch &amp; Fox (Invoice #100305)</td>
<td>105.00</td>
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The motion was seconded by Mr. Boggs and passed unanimously.

Under Staff Items, Mr. Cockley provided an update on the Comprehensive Plan. He stated that the contract for the Comprehensive Plan update had been signed by all parties. He stated that the group will meet to set forth the beginning of the update process and stated that he anticipated that the meeting would be held at the beginning of next year.
Chairman Jackson asked Mr. Logan if the signed document was not a public document. Mr. Logan stated that it was. Chairman Jackson asked staff to send a copy of the contract to all Planning Commission members.

Chairman Jackson asked Mr. Logan if the Commission would need to get approval from the Attorney General regarding meetings for determination of Open Meetings requirements. Mr. Logan stated that he would rather the Commission and Consultant determine the exact process that would be used and then get an Opinion based on that specific process for the update.

Under Special Orders, Chairman Jackson nominated Mr. Lee, Ms. Cross and Mr. May to the nominating committee for Officer recommendations for 2022.

Chairman Jackson asked the Secretary to introduce the first item on the agenda:

PUBLIC HEARING: Text Amendment to the Franklin County Code of Ordinances, Table of Permitted Uses relating to the addition of Mini-warehouse/self-storage facilities in the Highway Commercial zoning district.

Robert Hewitt, Franklin County Planning Director, was sworn in by the Secretary. Mr. Hewitt stated that the item had been considered by the Planning Commission in June and the Planning Commission had recommended approval to Fiscal Court.

Mr. Hewitt stated that the Fiscal Court had requested two changes to the ordinance. Mr. Hewitt stated that the changes included adding a condition 28 C with language that added the language that trees be six feet tall at time of planting and an Item E, which added that any dead or diseased trees are required to be replaced. Mr. Hewitt stated that staff is recommending that a third change where no garage or roll-up door be adjacent to road rights-of-way.

Under Commission questioning, Mr. Lee asked if the Ordinance change had not been approved by Fiscal Court because they wanted the changes being proposed with this text amendment. Mr. Hewitt stated that that was correct.

There were no further questions.

Mr. Lee made a motion to close the Public Hearing, adopt the Staff Report as the Summary and to take action on the item and to recommend to the Franklin County Fiscal Court that the proposed Text Amendment be approved, as submitted. The motion was seconded by Ms. Cross and passed by a vote of nine to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Lee, Mr. Looney, Mr. May, Mr. Sanderson, Mr. Stewart, Mr. Wright and Chairman Jackson. Mr. Sweger voted against the motion.

Chairman Jackson asked the Secretary to introduce the next item:

In accordance with Article 1.09 of the Frankfort Zoning Ordinance, Lork Investments, Inc., c/o Dennis Krol is requesting approval of a Modification of Standards of Section 3.02.02 (H) of the Frankfort/Franklin County Subdivision Regulations in order to allow the subdivision
of the property located at 475 Versailles Road to include a lot with no frontage along Versailles Road. The property is more particularly described as PVA Map #086-10-06.014.00 (City Item)

Under Attorney questioning, Mr. Logan asked Mr. Cockley if he had reviewed the Modification of Standards request. Mr. Cockley stated that he had. Mr. Logan asked Mr. Cockley if he had reviewed the information provided by the applicant. Mr. Cockley stated that he had.

Mr. Logan asked Mr. Cockley if he had prepared the Staff Report and provided the recommendation contained within the Staff Report. Mr. Cockley stated that he had.

Mr. Logan asked Mr. Cockley to review the recommended findings that were outlined within the Staff Report. Mr. Cockley stated that the applicant had provided a subdivision plat that did not meet the minimum requirements, required in the Highway Commercial zone district for street frontage. He stated that the plat proposes a new lot with no street frontage on Versailles Road.

Mr. Cockley stated that the Technical Review Team had reviewed the proposed plat and that the Sewer Department and Plant Board Water section had issues with the proposal. Mr. Cockley stated that sewer is not available to the property and that water is not available, either. Mr. Cockley stated that he had made negative findings and did not recommend approval of the proposed subdivision plat.

Under Commission questioning, Mr. Wright asked, if the proposed subdivision plat was on page 2 of the Staff Report. Mr. Cockley stated that no, that was the current lot arrangement.

Mr. Cockley added that the building had all frontage with an access easement across the front of the lot to the newly proposed lot.

Mr. Sweger asked what the risk would be to a potential future purchaser. Mr. Cockley responded that the plat, if approved, would be recorded and would show that there is no direct access to the lot, but only accessible through an access easement.

Mr. Cockley noted that the proposed plat is not proposing new curb cuts on Versailles Road. Mr. Cockley stated that his staff report recommendation referenced Section 1.07A on page two of the staff report and the Sewer Department and Water Department comments on lack of utilities and utility availability.

Mr. Looney asked if there are any other situations like the proposed one in the City. Mr. Cockley responded that there is another project similar to this, but that the entrance was existing and not being proposed by the owner.

Mr. Logan asked Mr. Cockley if there were any other positive findings that the Commission could rely upon in making a decision. Mr. Cockley stated that the only positive finding is that the lot is already non-conforming.
Mr. Logan asked if the approval would make the property less non-conforming. Mr. Cockley responded that it would not.

Mr. Sanderson asked if fire protection would be able to provide service to the site. Mr. Cockley stated that that would be considered at the time of Development Plan review.

Mr. Dennis Krol, the applicant, was present and stated he had no questions of Mr. Cockley.

Under applicant discussion, Mr. Krol stated that he had owned the property since 1999 and during that time, there had been many different uses. He stated that he was trying to protect the third access to this site. He stated that he was concerned that if the back lot was sold that there may not be access to the site.

Mr. Krol stated that all curbcuts have been there since 1970. He stated that there were no additions being proposed to the existing building.

Chairman Jackson asked if the property had been divided into two lots the entire time he had owned it. Mr. Krol stated that it had.

After further discussion, Mr. Lee made a motion to approve the Modification of Standards in order to allow for the proposed subdivision of the property, with the condition and any new construction be brought before the Planning Commission, as a Development Plan, to be approved by the Planning Commission. The motion was seconded by Mr. Sanderson.

Mr. Looney asked Mr. Lee if he would agree to amend his motion to include that a stub-out to the new lot be added as a requirement to any new development proposed. Mr. Lee agreed to the amendment to the motion. Mr. Sanderson agreed to the amendment to the motion.

Under roll call vote the motion was approved by a vote of eight to two. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Lee, Mr. Looney, Mr. May, Mr. Sanderson, Mr. Sweger and Mr. Wright. Those voting in opposition were Mr. Stewart and Chairman Jackson.

There being no further business, Chairman Jackson adjourned the meeting.

Sherron Jackson, Chairman

Vickie Sewell, Recording Secretary
REPORT AND RECOMMENDATION

TO: FRANKFORT-FRANKLIN COUNTY
    PLANNING COMMISSION

FROM: Jordan Miller, Senior Planner

SUBJECT: In accordance with Article 1.09 of the Frankfort Zoning Ordinance, Washington Hospitality Group LLC is requesting approval of a Waiver of Section 4.06.34 (E and F) of the City of Frankfort Zoning District Regulations in order to allow a hotel to provide food services and liquor sales to patrons who are not guests of the hotel as well as guests of the hotel for the property located at 300 Washington Street. The property is more particularly described as PVA Map #061-24-07-006.00. (City item)

DATE: January 6, 2022

MEETING DATE: January 13, 2022

GENERAL INFORMATION

Applicant/Owner: Washington Hospitality Group LLC
    2365 Harrodsburg Rd
    Suite A205
    Lexington, Ky 40504

Request: Waiver of Article 4.06.34 (E and F) which states that

Location: North corner at intersection of West Main Street & Washington Street

Future Land Use Category: Downtown Mixed Use

Current Zoning of property: “SH” Special Historic District

Surrounding Zoning and Land Use:

    North: “SH”; parking lot
    South: “SH”; law firm offices
    East: “SH”; law firm offices
    West: “SH”; church
BACKGROUND

The subject property is a 15,000 sq. ft. lot located at the northern intersection of West Main Street and Washington Street. The property also has frontage along Long Lane at the west property line. Located one block away from downtown central business center, the property is surrounded by a mixture of uses from commercial and offices to residential and mixed-use properties. Currently vacant, the property was last used as offices for the Kentucky Heritage Council.

The applicants acquired the property in 2021 and are proposing to operate a 13-room boutique hotel with a restaurant/bar in the existing 2-story building. Hotels and restaurants are both conditional uses within the “SH” zoning district. Specifically, hotels are subject to special conditions as listed in Article 4.06.34 of the Zoning Ordinance. The applicant would like the proposed restaurant to have the ability to serve food and liquor sales to patrons other than only guests of the hotel. Therefore, the applicant is requesting a Waiver from these requirements:

   e. If a hotel proposes to provide food services, approval from the Health Department for food services shall be provided to the Department of Planning & Community Development prior to beginning the food services operation. Food services shall only be provided to guests of the hotel.
   f. If a hotel proposes to provide liquor sales, approval from the Kentucky Alcoholic Beverage Control office will be required. Liquor sales shall only be provided to guests of the hotel.

In September 2019, the Architectural Review Board approved two separate conditional uses to operate a restaurant and a hotel at this property. That proposal was slightly different from this proposed use for two reasons. One, the request was from two different ownerships – one for the hotel use and one for the restaurant use – and two different conditional uses were granted. Two, the restaurant and the hotel were proposed to be physically split/separated from the other and would have met building code requirements as two separate units. This proposal will not physically separate the uses and the ownership for both the restaurant and the hotel will be under the same entity.

ANALYSIS

1.09 PROVISION FOR WAIVERS AND MODIFICATIONS

Within the general limitations of the Comprehensive Plan, the spirit and intent of the regulations and the public interest, safety and welfare, the Planning Commission may adjust or modify these regulations only when:

A. The request for modifications has been reviewed by the Technical Review Team (when deemed necessary by the Planning Official) and their comments have been forwarded to the Planning Commission for review; and (PC interpretation 9-14-06)

Staff Finding: Positive. As this is an existing building and the development of this proposed use will not expand the existing footprint of the building, the request for the waiver was not sent to the entire TRT. The Planning Commission's traffic consultant did review the proposal and did not have any negative concerns. Their comments are attached at the end of this report.

B. The waiver or modification is consistent with the stated purpose and intent of these regulations and with the adopted COMPREHENSIVE PLAN; and

Staff Finding: Positive. Staff believes the waiver is consistent with the stated purpose and intent of these regulations and with the adopted Comprehensive Plan. The purpose of the “SH” district is to “to protect certain areas of the City of Frankfort having significant historic or architectural character by granting the Architectural Review Board the power to review permits for all variances, conditional use permits, construction, demolition or moving of structures within the district”. Hotels and restaurants are conditional uses with the “SH” zone.
The Downtown Mixed Use future land use intends to promote a “mixture of residential, office, retail, and public uses [that] should be continued in a way that will preserve this distinct activity area. The downtown area should preserve the historic elements and promote the continuation of the historic character. Development decisions should look at promoting higher density with a strong mix of land uses in addition to well designed and contextually placed buildings. They should promote walkability and transit effectiveness for residents and visitors alike.”

C. The modification would not have a significantly adverse impact on the public interest; and
Staff Finding: Positive. The intensity of this proposed land use and its development as a hotel with a restaurant should not negatively affect the surrounding mixture of land uses in the urban core. Its proximity to the CBD will add to the variety of goods and services in the downtown corridor.

D. The modification would not overburden or otherwise adversely impact public facilities.
Staff Finding: Positive. Public facilities are connected and readily available to service the property. The applicant and Planning Staff will coordinate with the Sewer Department and Health Department to ensure that all requirements and code regulations are followed.

E. The applicant has clearly showed the existence of one or more of the following circumstances:

(1) Superior Alternatives - Where the proposed waiver/modification will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.

(2) Protection of Significant Features - Where the waiver/modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
Staff finding: Positive. The proposed reuse of this building will preserve and enhance the historic character of the building and surrounding area. This project will utilize the Historic Tax Credit, and appropriate design guidelines and standards will be followed as part of qualifying for the tax credit. The Architectural Review Board will also review this conditional use and any proposed exterior renovations that require a Certificate of Appropriateness.

(3) Deprivation of Reasonable Use - Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions, or location; provided:
   a) Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and
   b) The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.

(4) Technical Impracticality - Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided:
   a) The development will provide an alternative adequate design to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and
   b) Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.

(5) No Relationship to the Development or its Impacts - Where all or any part of the requirement has no relationship to the needs of the development, or to the impact of the development on the public
facilities, land use, traffic, public safety or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided that any specific modification requirements set forth in these regulations are met.

Staff’s finding: Positive – There should be little or no impact to users of this development or the surrounding development regarding this requirement. The Planning Commission traffic engineer has stated that they do not have any traffic concerns and the proposal will meet the parking requirements as set forth in the Zoning Ordinance. Public utilities exist in this area and can be readily serviced to this proposed development.

The applicant’s justification is attached to this report.

The Planning Commission may make reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver/modification of any requirements under this zoning ordinance.

RECOMMENDATION of Waiver/Modification:
After review of the of the applicant’s documentation, review of the site plan and architectural drawings, the traffic consultant’s review and comments, and based upon the analysis within this report, staff recommends APPROVAL.
Front entrance of building along Washington Street

Corner of West Main & Washington
Rear Entrance at Long Lane

Rear elevation and parking area
### Basement Door Schedule

<table>
<thead>
<tr>
<th>Mark</th>
<th>Level</th>
<th>Door Type</th>
<th>Material</th>
<th>Height (in)</th>
<th>Width (in)</th>
<th>Finish</th>
<th>Comments</th>
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<tr>
<td>B11</td>
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<td>Steel</td>
<td>HOLLOW</td>
<td>6' 0&quot;</td>
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<tr>
<td>B11</td>
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### First Floor Door Schedule

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### Second Floor Door Schedule

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### Third Floor Door Schedule

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### Pocket Door Schedule

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<td>2' 10&quot;</td>
<td>SEAL</td>
<td>HOLLOW</td>
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### Comments

- All doors are to be painted white.
- Steel doors are to be fully insulated.
- HOLLOW doors are to be made of solid wood.
- METAL doors are to be made of stainless steel.
- WOOD doors are to be made of oak.

---

*Burnworth Design*

E.H. Taylor House
300 Washington St, Frankfort, KY 40601

*Door Schedules*
### First Floor Rooms Schedule

<table>
<thead>
<tr>
<th>Name</th>
<th>Number</th>
<th>Level</th>
<th>Ceiling Height</th>
<th>Owner Model</th>
<th>Wall Finish</th>
<th>Base Finish</th>
<th>Floor Finish</th>
<th>Area</th>
<th>Perimeter</th>
<th># of Doors</th>
<th>Comments</th>
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<tbody>
<tr>
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<td>101</td>
<td>Level 1</td>
<td>9'6&quot;</td>
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<td>STAIN</td>
<td>STAIN</td>
<td>T/LW</td>
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<td>STAIN</td>
<td>T/LW</td>
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<td>STAIN</td>
<td>T/LW</td>
<td>10'</td>
<td>10'0&quot;</td>
<td>1</td>
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</tr>
<tr>
<td>CLOSET</td>
<td>109</td>
<td>Level 1</td>
<td>9'6&quot;</td>
<td>W/HARDWOOD</td>
<td>STAIN</td>
<td>STAIN</td>
<td>T/LW</td>
<td>24'</td>
<td>12'0&quot;</td>
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<td>9'6&quot;</td>
<td>W/HARDWOOD</td>
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<td>T/LW</td>
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<td>12'0&quot;</td>
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<tr>
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<td>W/HARDWOOD</td>
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<td>T/LW</td>
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<td>20'0&quot;</td>
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<td>15'0&quot;</td>
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<td>20'0&quot;</td>
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### Second and Third Floor Rooms Schedule

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<tr>
<th>Name</th>
<th>Number</th>
<th>Level</th>
<th>Ceiling Height</th>
<th>Owner Model</th>
<th>Wall Finish</th>
<th>Base Finish</th>
<th>Floor Finish</th>
<th>Area</th>
<th>Perimeter</th>
<th># of Doors</th>
<th>Comments</th>
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<td>201</td>
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<td>STAIN</td>
<td>STAIN</td>
<td>T/LW</td>
<td>15'</td>
<td>15'0&quot;</td>
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<tr>
<td>F/R</td>
<td>203</td>
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<td>9'6&quot;</td>
<td>W/HARDWOOD</td>
<td>STAIN</td>
<td>STAIN</td>
<td>T/LW</td>
<td>15'</td>
<td>15'0&quot;</td>
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<td>Level 2</td>
<td>9'6&quot;</td>
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<td>3/4 F/R</td>
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<tr>
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<td>STAIN</td>
<td>T/LW</td>
<td>15'</td>
<td>15'0&quot;</td>
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</tr>
</tbody>
</table>

### Notes:

- **W/HARDWOOD**: Wood finish from a hardwood flooring company.
- **STAIN**: Stained finish applied to wood surfaces.
- **T/LW**: Textured light wood finish.
- **Comments**: Any additional notes or specifications about the room.

---

**Office Address:**
E.H. TAYLOR HOUSE
300 Washington St, Franklin, KY 40601

**Design Firm:**
BURNWORTH DESIGN
bdesigninc.com

**Room Schedules:**
A5
APPLICATION FOR WAIVER / MODIFICATION OF STANDARDS

A. APPLICANT: check if primary contact
   1. Name: Tyler Bromagen
   2. Company Name: Washington Hospitality Group LLC
   3. Mailing address: 2365 Harrodsburg Rd STE B240, Lexington, KY 40504
   4. Daytime Phone: (859) 552-7217 Fax: __________ Email: tmbrangen@gmail.com

B. PLAN PREPARED BY: check if primary contact
   1. Name of Surveyor or Engineer: Architect: Rebecca Burnworth
   2. Registration Number: 5938
   3. Mailing Address: 414 Plunkett St, Lexington KY 40508
   4. Daytime Phone: (859) 270-9173 Fax: __________ Email: Burnworthdesign@gmail.com

C. SITE INFORMATION:
   - General Location: 300 Washington St
   - Street Address: 300 Washington St, Frankfort, KY 40601
   - Zoning District: SH
   - Proposed Use of the Property: Hospitality
   - Total Acreage and/or Square Footage of the Property 15000 sq ft

1.09 PROVISION FOR WAIVERS AND MODIFICATIONS

Within the general limitations of the Comprehensive Plan, the spirit and intent of the regulations and the public interest, safety and welfare, the Planning Commission may adjust or modify these regulations only when:

A) The request for modifications has been reviewed by the Technical Review Team and their comments have been forwarded to the Planning Commission for review; and
B) The waiver or modification is consistent with the stated purpose and intent of these regulations and with the adopted COMPREHENSIVE PLAN; and
C) The modification would not have a significantly adverse impact on the public interest; and
D) The modification would not overburden or otherwise adversely impact public facilities.

E) The applicant has clearly showed the existence of one or more of the following circumstances:

1) Superior Alternatives - Where the proposed waiver/modification will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.

2) Protection of Significant Features - Where the waiver/modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.

3) Deprivation of Reasonable Use - Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions, or location; provided:
   a) Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and
   b) The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.

4) Technical Impracticality - Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided:
   a) The development will provide an alternative adequate design to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and
   b) Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.

5) No Relationship to the Development or its Impacts - Where all or any part of the requirement has no relationship to the needs of the development, or to the impact of the development on the public facilities, land use, traffic, public safety or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided that any specific modification requirements set forth in these regulations are met.

The Planning Commission may make reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver/modification of any requirements under this zoning ordinance. Furthermore, any adjustments can in no way be made to the basic zone district’s permitted uses, bulk, density, and height requirements or to the maximum limits permitted in regard to square footage.

(Amended 7-24-06 Ord. # 15-2006)
B. WAIVER REQUEST INFORMATION

1. Description of Regulation(s) for which waiver is requested (Refer to Zoning Ordinance Section Number):

   Waiver/Modification of Standards of Section 4.06.34 (E and F) of the City of Frankfort Zoning District Regulations

   In order to allow a hotel to provide food services and liquor sales to patrons who are not guests of the hotel

   as well as guests of the hotel for the property located at 300 Washington Street.

2. A brief explanation of how the requested waiver meets the criteria of Section 1.09 – PROVISION FOR WAIVERS AND MODIFICATIONS (on previous page.)

   We believe this waiver meets the criteria of Superior Alternative. If the restaurant and bar patrons were limited to guests only, the commercial success of this property would be greatly diminished,

   along with the potential benefits to the City of Frankfort. Additionally, the benefits of a unified ownership of the hotel, bar and restaurant will have a significant impact on the financial projections and

   viability of this project. If the bar and restaurant space were rented by a separate company, the rental income produced from this space would be much lower than the projected income from operating

   the restaurant and bar, drastically reducing the overall projected revenue and profitability of this project. This impact on the financial projections of the Company will affect potential loan amounts and

   terms, which in turn may require reductions in the scope of work to compensate for this loss in revenue. Allowing the owner of the property, Washington Hospitality Group LLC, to also own the

   restaurant and bar will be a superior alternative, providing the best potential use of this space for not only our hotel patrons, but local residents who may also want to enjoy the benefits of our boutique

   hotel and event space. Lastly, this modification will not have a significant adverse impact on the public interest or any public facilities, but rather a positive impact by creating a first class unified

   experience that can be enjoyed by all.

C. SUPPLEMENTAL ITEMS

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

1. Site plan of property, drawn to scale. If the waiver relates to signs within a Planned Unit Development, also provide drawings of proposed signs showing their dimensions, location

   and the dimensions of any building facades to which they will be attached.

2. A filing fee of $300 is required. Checks should be made payable to the Frankfort/Franklin County Planning Commission.

3. Names and mailing addresses of adjacent property owners on an 8½ ” X 11” piece of paper as listed by the Franklin County Property Valuation Administrator’s office. (502) 875-8780.

   [Signature of Property Owner(s)]

   [Date: 12/22/21]
**LIST OF ADJACENT PROPERTY OWNERS + ADDRESSES:**

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Location Address</th>
<th>Primary Owner</th>
<th>Location Address</th>
<th>Primary Owner</th>
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<tr>
<td>061-24-07-005.00</td>
<td>WASHINGTON ST</td>
<td>FIRST PRESBYTERIAN CHURCH</td>
<td>MAIN ST W 401</td>
<td>BAUGHMAN JOHN B ET AL</td>
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<td>061-24-04-009.00</td>
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<td>FIRST PRESBYTERIAN CHURCH</td>
<td>401 W MAIN ST</td>
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<td>MAIN ST W 407</td>
<td>BIRENBERG VICKI</td>
<td>MAIN ST W 415</td>
<td>HINES LLC</td>
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<td>061-24-08-002.00</td>
<td>MAIN ST W 403</td>
<td>LIEBMAN HERBERT D -ESTATE-</td>
<td>519 LEAWOOD DR</td>
<td>JOHNSON WILLIAM E</td>
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<td>061-24-08-003.00</td>
<td>WASHINGTON ST 307</td>
<td>WILKERSON M LAYNE &amp; NATALIE</td>
<td>510 ANN ST</td>
<td>FRANKFORT, KY 40601</td>
</tr>
</tbody>
</table>
Traffic question hotel/restaurant 300 Washington Street

3 messages

Jordan Miller <jmiller@frankfort.ky.gov>  
To: Brad Johnson <bcjohnson@hmbpe.com>  
Wed, Jan 5, 2022 at 8:36 AM

Brad,

Planning Commission will be reviewing a Waiver next week. The request is for a 13-room hotel and restaurant for property located at 300 Washington Street. The restaurant/bar seating area will be less than 2,000 sq ft on the first floor. Restaurant seating capacity will not exceed 100. Floor plans show a max of 93 with porch seating; without porch 81 capacity.

There will be off street parking on site. Room for approximately 10-15 vehicles.

Curious if you had any comments on the traffic impacts of this proposal on the area. Property is located one block from downtown CBD. Plans attached.

Thanks.

Jordan

---

Brad Johnson <bcjohnson@hmbpe.com>  
To: Jordan Miller <jmiller@frankfort.ky.gov>  
Wed, Jan 5, 2022 at 12:09 PM

Jordan, I don't have any traffic concerns with it as long as it meets your parking requirements. Restaurant probably generates less than 20 vehicular trips, but given the location, would assume some of those could be converted to pedestrian trips.

Thanks, Brad

[Quoted text hidden]

---

Jordan Miller <jmiller@frankfort.ky.gov>  
To: Brad Johnson <bcjohnson@hmbpe.com>, Eric Cockley <ecockley@frankfort.ky.gov>  
Wed, Jan 5, 2022 at 3:35 PM

Thanks Brad
January 3, 2022

Dear Adjacent Property Owner:

Re: Upcoming Planning Commission Meeting

You have been identified as an adjoining property owner to land affected by the following request before the Frankfort/Franklin County Planning Commission:

In accordance with Article 1.09 of the Frankfort Zoning Ordinance, Washington Hospitality Group LLC is requesting approval of a Waiver of Section 4.06.34 (E and F) of the City of Frankfort Zoning District Regulations in order to allow a hotel to provide food services and liquor sales to patrons who are not guests of the hotel as well as guests of the hotel for the property located at 300 Washington Street. The property is more particularly described as PVA Map #061-24-07-006.00.

The Frankfort/Franklin County Planning Commission will host a regular meeting at 5:30 P.M. on Thursday, January, 13 2022 via teleconference in accordance with SB 150 and the requirements of KRS 61.823. Board members, Planning Staff and Applicants will participate in the meeting using teleconferencing and the meeting will be live streamed in accordance with the statutory requirements on the City’s Facebook page: https://www.facebook.com/CityofFrankfortKY/

Staff reports for these items may be available seven (7) days prior to the meeting on the Planning Department webpage at www.frankfort.ky.gov/planning. Additional information may also be obtained by calling 502-352-2094 during business hours, Mondays through Fridays, 8:00 a.m. to 4:30 p.m. Anyone wishing to submit comments on any of the items on the agenda may submit comments via e-mail to jmiller@frankfort.ky.gov.

Sincerely,

Jordan Miller, Senior Planner
Planning & Community Development