March 29, 2022

To: Board of Zoning Adjustment

From: Jordan Miller, Senior Planner  
Department of Planning & Community Development

Re: Upcoming Board of Zoning Adjustment Meeting

The Frankfort/Franklin County Board of Zoning Adjustments (BZA) will host a regular meeting both in-person and teleconference participation at 5:30 P.M. on Tuesday, April 12, 2022 in the Council Chambers at City Hall, 315 West Second Street. Board members, planning staff, applicants and the public may participate in the meeting using teleconferencing and the meeting will be live streamed on the Franklin County Fiscal Court Facebook page https://www.facebook.com/fcfcyk. Teleconference participation for agenda items may be requested by contacting Ben Judah (502) 875-8701 ben.judah@franklincounty.ky.gov at the Franklin County Planning and Building Code Department or Jordan Miller 502-352-2097 jmiller@frankfort.ky.gov at the City of Frankfort Planning Department. The following items are on the agenda for consideration:

ROLL CALL

APPROVAL OF MINUTES: March 8, 2022

NEW BUSINESS:

1. In accordance with Sections 155.085, 155.105, and 155.111 of the Franklin County Code of Ordinances, Joshua Lawrence James is requesting approval of a Conditional Use Permit for a Major Home Occupation to allow online firearms sales at 1245 Schenkel Lane. The property is more specifically described as Property Valuation Administrator map ID #084-00-00-006.11 Zone-RA (Rural Residential “A”) (County Item)

2. In accordance with Sections 155.085, 155.105, and 155.124 of the Franklin County Code of Ordinances, Not Forgotten Recovery, LLC is requesting approval of a Conditional Use Permit to allow for a Residential Recovery Facility at 505/507 Johnson Rd. The property is more specifically described as Property Valuation Administrator map ID #076-00-00-004.00 Zone-RR (Rural Residential) (County Item)

3. In accordance with Articles 4, 18, and 19 of the City of Frankfort Zoning Ordinance, Frankfort Area Children’s Council is requesting a Conditional Use Permit to permit a multi-family residential land use for the property located at 212 Steele Street. The property is more particularly described as PVA Map Number 062-13-12-005.00. (City Item)

ADJOURN

315 W SECOND STREET PO BOX 697, FRANKFORT 40601 502-875-8500 FRANKFORT.KY.GOV

EQUAL OPPORTUNITY EMPLOYER  EQUAL HOUSING OPPORTUNITY
* Staff reports for County items may be available seven (7) days prior to the meeting from the Department of Planning and Building Codes, Franklin County Fiscal Court, 321 West Main Street. Staff reports for City items may be available seven (7) days prior to the meeting from the Department of Planning and Community Development, Frankfort City Hall, 315 West Second Street. Requests for staff reports or information from the files can be made via email at robert.hewitt@franklincounty.ky.gov (County) or jmiller@frankfort.ky.gov (City). Additional information may also be obtained by calling 502-875-8701 (County) or 502-352-2095 (City) during business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m.
Board of Zoning Adjustments

March 8, 2022
5:30 PM
CHAIR ASHLEY KENNEDY, PRESIDING

The meeting was called to order at 5:30 p.m. Vice Chair Brandon White asked the Secretary to call the roll.

Members Present:

Johnny Keene
Brandon White
Barry Holder Jr.
Mitch Buchanan
Margaret Townsley
Ashley Kennedy

Also Present:

Edwin Logan, Attorney
Ben Judah, Franklin County Planning Supervisor
Jordan Miller, City of Frankfort Senior Planner

The first item of business was approval of the minutes of the February 8, 2021 meeting. Ms. Townsley made a motion to approve the minutes. The motion was seconded by Mr. White and passed unanimously.

Chair Kennedy asked the Secretary to call the next item of business:

In accordance with Sections 155.085, 155.105, and 155.149 of the Franklin County Code of Ordinances, The Candleberry Company is requesting approval of a Conditional Use Permit to allow the operation of a candle factory on the property located at 1150 Chenault Road. The property is more specifically described as PVA ID #095-00-009.01 Zone-IC (Industrial Commercial) (County Item)

Ben Judah, Franklin County Planning Supervisor present and explained that this item is before the Board because the property is in the "IC" (Industrial Commercial) zone district and therefore requires a Conditional Use Permit to allow the operation of a candle factory. Mr. Judah stated that the property is surrounded by "IG" (Industrial General) zone district.

Mr. Judah stated that the property is on the corner of Chenault Road and Leestown Road, noting that the entrance to the property will be from Chenault Road.
Mr. Judah stated that staff had all positive findings and recommended approval with six conditions located on pages five and six of the staff report.

Mr. Holder asked if they should include the sewer extension as a condition for approval. Mr. Judah replied that the applicant is aware that the sewer will need to be extended and that it will be addressed in the development plan stage of the project.

The applicant Ernie Fowler was present and stated he had nothing further to add. Mr. Holder asked if he agreed with the staff report and conditions within. Mr. Fowler replied that he does.

Mr. Judah mentioned that staff had not received and comments or concerns. Based on the positive findings in the staff report Mr. Keene made a motion in accordance with Sections 155.085, and 155.105, and 155.149 of the Franklin County Code of Ordinances, to approve the request from The Candleberry Company for approval of a Conditional Use Permit to allow the operation of a candle factory on the property located at 1150 Chenault Road with the following conditions:

1. The conditional use is only permitted at 1150 Chenault Road.
2. The conditional use is granted only to Candleberry Co. to allow the use of the property for a candle factory.
3. The conditional use is not transferable and any change in ownership or use will make this approval null and void.
4. No manufacturing activities shall occur outdoors.
5. Development plan approval required prior to construction permits being issued.

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

Chair Kennedy asked the Secretary to call the next item of business:

In accordance with Articles 4, 18, and 19 of the City of Frankfort Zoning Ordinance, Main Street Properties LLC on behalf of Highland Glen Investments LLC, is requesting a Conditional Use Permit in order to permit a duplex land use for the property located at 63 Reilly Road. The property is more particularly described as PVA Map Number 074-12-01-001.00. (City Item)

Jordan Miller, City of Frankfort Senior Planner was present and mentioned that the property features an approximately 5-acre vacant parcel with a small amount of frontage along Reilly Road. The applicant would like to subdivide and develop the property by constructing townhomes (duplexes) on 14 lots. The proposal will also include the construction of a new street, sidewalks, street lighting, and detention basin, among other development requirements.

Mr. Miller stated that the TRT has reviewed the preliminary plat and proposal.
Mr. Miller mentioned that as described in Article 4 – Permitted Uses of the Frankfort Zoning Code, duplexes are listed as a conditional use within the RC District. Section 19.01 of the Zoning Ordinance indicates the general requirements that must be met in order for a Conditional Use Permit to be granted. Based on that, they will have to go back to TRT as they move along in the process.

Mr. Miller stated that staff is recommending approval along with the conditions listed on page four of the staff report.

Mr. Buchanan asked if there is a requirement to burn or remove the vegetation that is removed from the property as part of the development. Mr. Miller replied that they would have to get a burn permit to burn the vegetation and that it will have to be removed because they are not allowed to leave it there.

Mr. Buchanan mentioned the pictures of the duplexes provided in the staff report and asked if they could lime the design. Mr. Logan replied that they could not limit the design.

Ms. Townsley mentioned that condition four should be proposed duplexes instead of proposec duplex.

Ms. Townsley asked about the sink hole and drainage. Mr. Miller replied that Public Works will review the project to see if the street can be constructed considering the placement of the street and sink hole at a later time. Concerning the drainage, the Sewer Department will address that issue.

Robert Bullock was present and stated that he owns eight different properties on Reilly Road and that he is in favor of the zoning request but that he had some concerns.

Mr. Bullock mentioned that the proposed property is higher than some of his properties and there have been some water issues in that area. He stated that he has been told there will be a drainage basin designed as part of the development but wants to be sure they are aware of his concerns.

Additionally Mr. Bullock is concerned about how the sink hole on the property will be addressed.

Mr. Buchanan asked if all the entities sign off and the development reaches its final stage and beyond can they require the developer to come back and fix drainage issues should the plans they set forth not work and there are still drainage issues. Mr. Miller replied that Public Works gets a lot of calls regarding drainage and they work with the applicant and developer to address the issues. Mr. Miller stated that it is his hope that since this is a new development they will be able to consider all the issues in the development stage.
The applicant, Preston Cecil, was present and mentioned that the preliminary development plan was originally for nineteen lots, noting that they worked with the City and two lots have now become retention basins.

Mr. Cecil stated that this project and has been in the works for a while and that they have worked on the sink hole.

Mr. Cecil stated that they agree with the staff report and conditions within. He also mentioned that any vegetation removed will be removed from the site or burned.

Based on the positive findings in the staff report, Mr. Holder made a motion in accordance with Articles 4, 18, and 19 of the City of Frankfort Zoning Ordinance, to approve the request from Main Street Properties LLC on behalf of Highland Glen Investments LLC, for a Conditional Use Permit in order to permit a duplex land use for the property located at 63 Reilly Road with the following conditions:

1. The applicant will work with Staff to ensure that the appropriate landscaping and screening will be installed before any plats are recorded and permits issued.
2. A building permit shall be obtained prior to construction.
3. A grading permit shall be obtained from the Public Works Department prior to any grading, digging, excavation, and removal of trees/vegetation.
4. The proposed duplexes shall conform to the bulk, density, and height standards for the "RC" zoning district as established in the Frankfort Zoning Regulations.
5. All Technical Review Team comments and requirements shall be addressed prior to any new construction.

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

Chair Kennedy asked the Secretary to call the next item of business:

In accordance with Article 4.06.26 of City of Frankfort Zoning Ordinance, Frank T. Smith is requesting approval to place a manufactured home on an existing vacant lot for the property located at 405 Noel Avenue. The property may be more specifically identified as PVA Map Number 074-11-03-007.00. (City Item)

Jordan Miller, City of Frankfort Senior Planner was present and mentioned that this request was denied at the February 2022 meeting. Mr. Miller mentioned that the applicant was not present at that meeting due to technical difficulties. He said the applicant talked with staff and wanted an opportunity to talk with the Board.

Mr. Miller showed a picture of the manufactured home they want to place on the lot as well as some other pictures of other homes in the area where the width of the homes are perpendicular to the street instead of parallel. Mr. Miller showed another
picture of a home on Daily Avenue stating that the applicant's believe it is a mobile home. However staff was not able to verify this via a building permit or with the records in the PVA office.

The applicant, Frank Smith was present and stated that he didn't think they were asking for a lot considering the area.

Ms. Townsley mentioned that the majority of the homes in the area are 30 to 40-feet wide and that the proposed home is only 15-feet wide. Mr. Smith responded that this home is wider than 15-feet. Mr. Buchanan mentioned that it is probably close to only 15-feet wide because each section can't be wider than the highway lane.

Mr. Smith stated that he does intend to remove the tongue and install a concrete block foundation.

Mr. White asked if they would be setting a precedent by approving this. Mr. Logan replied that it would set a precedent that could be negative and that the Board should be careful.

Based on the negative findings in the staff report, Mr. Buchanan made a motion to deny the request from Frank T. Smith to place a manufactured home on an existing vacant lot for the property located at 405 Noel Avenue. The motion was seconded by Mr. Holder and passed unanimously.

There being no further business, Mr. Keene made a motion to adjourn. The motion was seconded by Ms. Townsley and passed unanimously. The meeting adjourned at 6:21 p.m.
REPORT AND RECOMMENDATION

TO: FRANKFORT-FRANKLIN COUNTY BOARD OF ZONING ADJUSTMENTS

FROM: Jordan Miller, Senior Planner

SUBJECT: Conditional Use Permit for residential multi-family land use

DATE: March 29, 2022

MEETING DATE: April 12, 2022

C.U.P. No.: 2022-05

GENERAL INFORMATION

Owner/Applicant: Frankfort Area Children’s Council DBA Sunshine Center
212 Steele Street
Frankfort, KY 40601

Request: In accordance with Articles 4, 18, and 19 of the City of Frankfort Zoning Ordinance, Frankfort Area Children’s Council is requesting a Conditional Use Permit to permit a multi-family residential land use for the property located at 212 Steele Street. The property is more particularly described as PVA Map Number 062-13-12-005.00. (City Item)

Zoning of property: “CG” – General Commercial District

Current Use: Offices

Adjacent Property Uses: 
North: CG – Offices
South: SG – Parking lot & FPB building
East: PO – Residential multifamily
West: CG – Residential multifamily

BACKGROUND

The applicant, The Sunshine Center, offers free counseling services for child and adult victims of abuse and neglect, as well as completely free parenting classes for parents of children ages 0-17. In all the parenting classes, parents learn how to deal with the stress of being a parent; as well as developing better communication skills, learning appropriate discipline approaches and positive behavior management. There is no cost for these classes for Franklin County residents.

The subject property features a 5,900 sq. ft. parcel with a 2-story 3,300 sq. ft. structure (not including a 1,654 sq. ft. unfinished basement). The applicant is under contract to purchase the adjacent property located at 208 Steele Street, where they plan to relocate their offices which are currently housed at the subject property. After relocating their offices, they would like to use the building to house survivors of domestic violence and family abuse. Staff has interpreted this land use as residential multi-family, which is a conditional use in the “CG” zoning district. The applicant is proposing 7 suites with shared kitchen and baths for their tenants.
ANALYSIS

As described in Article 4 – Permitted Uses of the Frankfort Zoning Code, multifamily residential is listed as a conditional use within the “CG” Zoning District. Section 19.01 of the Zoning Ordinance indicates the general requirements that must be met in order for a Conditional Use Permit to be granted:

19.011 The street or road capacity and condition is adequate to serve anticipated additional traffic.  
*Staff Finding: Positive* – The street or road capacity and condition is adequate to serve the anticipated traffic for this proposal. Tenants will have access to their apartments from Steele Street and Thomas Place, where paved parking currently exists on-site behind the building, and meets the requirements as listed in Article 4.225 of the Zoning Ordinance. This section states that, “properties located between the Kentucky River and Third Street and west of Logan St. and East of Ewing St. are allowed to administratively meet the parking requirements found within the CB district,” meaning that no off-street parking is required by ordinance.

19.012 The required public facilities are available.  
*Staff Finding: Positive* – Water, Sewer, and Plant Board facilities are available at this location.

19.013 The conditional use proposed is in accordance with the intent of the zoning district in which it will be located.  
*Staff Finding: Positive* – Article 4.01 of the Zoning Ordinance lists multifamily residential as a conditional use within the “CG” District.

19.014 The proposed use will have no adverse effect upon the adjacent and surrounding property.  
*Staff Finding: Positive* – The existing adjacent land uses include a mixture of residential multi-family, parking lots, professional offices, light commercial uses, and institutional uses. Staff finds that the proposed multifamily use will not negatively affect the surrounding properties.

19.015 Appropriate screening or buffering is provided in accordance with Article 7, Landscape Regulations.  
*Staff Finding: Positive* – No landscaping is required as a part of this request.

19.016 Any sign requirement specified in Article 13 will have been met.  
*Staff Finding: N/A*

19.017 All specific conditions enumerated in Section 19.02 – 19.15 will have been fulfilled.  
*Staff Finding: N/A*

19.018 The use of land complies with the adopted Comprehensive Plan.  
*Staff Finding: Positive* – The adopted land use map of the 2020 Comprehensive Plan identifies this area as Downtown Mixed Use which consists of a mixture of uses and development characteristics on both sides of the Kentucky River. This mixture of residential, office, retail, and public uses should be continued in a way that will preserve this distinct activity area. 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. Staff finds that this proposed conditional use meets the intent of this future land use designation.
STAFF SUGGESTION – CONDITIONAL USE PERMIT

Based on the findings within this report, staff suggests APPROVAL of the Conditional Use Permit for a residential multifamily land use for the property located at 212 Steele Street with the following conditions:

1. A building permit shall be obtained for a change of use and prior to any construction.
2. The conditional use is permitted only at 212 Steele Street.
3. Any proposed signage shall conform to the requirements of Article 4 and 13 of the Zoning Ordinance, and an approved sign permit shall be issued by the Planning Department prior to the installation of any signage.

Subject Property - Frontage along Steele Street
Rear parking area
Adjacent Property at 208 Steele Street – Proposed Future Location of Offices for the Applicant
CONDITIONAL USE PERMIT APPLICATION

Tentative Meeting Date: **April 12**  Filing Deadline: ______________________

APPLICANT:  
1. Name: **Amber Logan**  2. Company Name: **Frankfort Area Children's Council (the Sunshine Center)**  3. Mailing Address: **212 South 4th St. Frankfort, KY 40601**  4. Daytime Phone: (502) 875-3495  Fax:  Email:  
Status of Applicant: owner ✓ lessee ___ under contract to purchase

OWNER INFORMATION (If different than above):  check if primary contact
1. Name: 
2. Company Name: 
3. Mailing Address: 
4. Daytime Phone:  Fax:  Email:

SITE INFORMATION:
General Location of Property: **South Frankfort**  
Street Address: **218 Steele St. Frankfort KY**  
Zoning of Property: **CG**  
Existing Use of Property: **Offices - Therapy and Supervised Visit Rooms**  
Proposed Use of Property: **Multi-Family Housing**  
Lot Size: __________ Acres; or __5,874__ Square Feet
APPLICANT'S REQUEST
(Describe SPECIFICALLY the nature and purposes of the Conditional Use Permit being requested):

Property is currently used by the Sunshine Center as offices and therapy rooms. But, we would like to use it to house survivors of domestic violence and family abuse. It includes 7 suites with shared kitchen and baths.

I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY.

[Signature]
Signature of Applicant

3-23-22
Date

NOTE: SUPPORTING INFORMATION IS REQUIRED WITH THIS APPLICATION. PLEASE SEE ATTACHED PAGES FOR DETAILS.
MINOR SUBDIVISION PLAT
FOR
HOSPICE OF THE BLUEGRASS, INC.
208 STEELE STREET
AND
212 STEELE STREET
FRANKFORT, KENTUCKY
THIS DEED OF CONVEYANCE made and entered into this 20th day of October, 2012, by and between Hospice of the Bluegrass, Inc., a Kentucky non-profit corporation, 2312 Alexandria Drive, Lexington, Kentucky 40504-3277, Party of the First Part, and Frankfort Area Children's Council, Inc., a Kentucky non-profit corporation, 101 St. Clair Street, Frankfort, Kentucky 40601, which is the in-care-of address to which the property tax bill for the current year may be sent, Party of the Second Part.

WITNESSETH:

That for and in consideration of the sum of ONE HUNDRED EIGHTY THOUSAND DOLLARS ($180,000.00), cash in hand paid, the receipt of which is hereby acknowledged, Party of the First Part has bargained and sold and by these presents does hereby bargain, sell, alien and convey in fee simple unto Party of the Second Part, its successors and assigns forever, the following described property located and being in Franklin County, Kentucky, and more particularly described as follows:

That certain house and lot of ground situated on the west side of Steele Street, between Second and Third Streets in the City of Frankfort, Kentucky, on the north side of the alley and beginning at the line of said alley and running thence with the North line of same Westwardly about .27 feet to the property of Mrs. Sam Thomas; thence Northwardly with her line and parallel with Steele Street 45 feet to the property of the First Baptist Church Parsonage; thence parallel with the alley and with the line of the Parsonage property 127 feet to the West line of Steele Street; thence Southwardly with the West line of Steele Street 45 feet to the place of beginning. See also Minor Subdivision Plat for Hospice of the Bluegrass, Inc. of record in Plat Cabinet I, Slide 168, in the Office aforesaid.

Being the same property conveyed to Hospice of the Bluegrass, Inc., a Kentucky non-profit corporation, by James Thomas Richardson, a single person, by deed dated November 19, 1999, of record in Deed Book 439, Page 305, in the Office of the Franklin County Clerk.
The property herein conveyed is subject to all those covenants, conditions, restrictions, easements and setbacks applicable to the subject property.

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

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

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

PARTY OF THE FIRST PART
Hospice of the Bluegrass, Inc., Grantor

By:
Gretchen M. Brown, President

PARTY OF THE SECOND PART
Frankfort Area Children's Council, Inc., Grantee

By:
Debbie Demers, President

By:
Heather Bivens, Vice President
STATE OF KENTUCKY )
) SS.
COUNTY OF FRANKLIN )

The foregoing Deed and Consideration Statement was acknowledged, subscribed and sworn to before me this 30th day of October, 2012, by Gretchen M. Brown, as President of Hospice of the Bluegrass, Inc., a Kentucky non-profit corporation, for and on behalf of said corporation, Party of the First Part, grantor.

My commission expires: 02-01-2013

[Signature]
Notary Public

STATE OF KENTUCKY )
) SS.
COUNTY OF FRANKLIN )

The foregoing Consideration Statement was acknowledged, subscribed and sworn to before me this 30th day of December, 2012, by Debbie Derners, as President, and Heather Bivens, as Vice President of Frankfort Area Children's Council, Inc., a Kentucky non-profit corporation, for and on behalf of said corporation, Party of the Second Part, grantee.

My commission expires: 02-01-2013

[Signature]
Notary Public

This Instrument Prepared by:

[Signature]
Charles E. Jones
McNamara & Jones
315 High Street
Frankfort, KY 40601
(502) 873-8608
March 29, 2022

To: Adjoining Property Owner

From: Jordan Miller, Senior Planner
Department of Planning & Community Development

Re: Upcoming Board of Zoning Adjustment meeting

You have been identified as a property owner whose land adjoins property affected by the following request that will be heard before the Board of Zoning Adjustment:

In accordance with Articles 4, 18, and 19 of the City of Frankfort Zoning Ordinance, Frankfort Area Children’s Council is requesting a Conditional Use Permit to permit a multi-family residential land use for the property located at 212 Steele Street. The property is more particularly described as PVA Map Number 062-13-12-005.00.

The Frankfort/Franklin County Board of Zoning Adjustments (BZA) will host a regular meeting both in-person and teleconference participation at 5:30 P.M. on Tuesday, April 12, 2022 in the Council Chambers at City Hall, 315 West Second Street. Board members, planning staff, applicants and the public may participate in the meeting using teleconferencing and the meeting will be live streamed on the Franklin County Fiscal Court Facebook page https://www.facebook.com/fcfcky. Teleconference participation for agenda items may be requested by contacting Jordan Miller 502-352-2097 jmiller@frankfort.ky.gov at the City of Frankfort Planning Department.

Staff reports for these items may be available seven (7) days prior to the meeting at http://www.frankfort.ky.gov/AgendaCenter. Additional information may also be obtained by calling 352-2097 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 before 12:00pm on 4/12/22.

Sincerely,

Jordan Miller, Senior Planner
Planning & Community Development
DMD DATA SYSTEMS INC
208 STEELE ST
FRANKFORT, KY 40601

SILENT WORKERS CIRCLE
THIRD & STEELE ST
FRANKFORT, KY 40601

KELL PROPERTIES LLC
225 VALLEY VISTA DR
FRANKFORT, KY 40601-