September 13, 2022

To: Architectural Review Board

From: Vicki Birenberg, Historic Preservation Officer
       Jordan Miller, Senior Planner

Re: Upcoming Architectural Review Board meeting

The Frankfort Architectural Review Board will hold a public meeting at 5:00 P.M. on Tuesday, September 20, 2022 in Council Chambers at Frankfort City Hall, 315 West 2nd Street. The following items are on the agenda for consideration:

ROLL CALL

APPROVAL OF MINUTES: August 16, 2022

NEW BUSINESS:
1. Chairperson report and administrative approvals.
2. In accordance with Articles 4, 17, 18 and 19 of the City of Frankfort Zoning Ordinance, Marshall Lane Real Estate is requesting a Conditional Use Permit for professional offices at 616-618 Shelby Street. The property is more particularly identified as PVA Map No. 062-14-06-006.00.
3. Staff updates.

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 (502)352-2097 or (502)892-8970 during business hours, Mondays-Fridays 8:00 A.M. – 4:30 P.M. Anyone wishing to submit comments on the agenda may do so by email to jmiller@frankfort.ky.gov or vbirenberg@frankfort.ky.gov before 12:00 p.m. on September 20, 2022.
ARCHITECTURAL REVIEW BOARD

August 16, 2022

5:00 PM

JENNIFER OBERLIN, PRESIDING
Members Present:

Irma Johnson
Jennifer Oberlin
Brittany Sams
Kevin Breeck
Patti Cross
Nicole Konkol

Also Present:

Edwin Logan, Attorney
Jordan Miller, Senior Planner

The first item of business was the approval of the minutes of the July 19, 2022 meeting. Ms. Sams made a motion to approve the minutes. The motion was seconded by Mr. Breeck and passed unanimously.

Ms. Oberlin gave the Chairs Report.

Jordan Miller, Senior Planner was present and went over the Administrative Approval for the period of July 12, 2022 to August 19, 2022.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, Jeff Kell of Kell Properties, LLC is requesting a Certificate of Appropriateness to install an exterior steel stairway, enlarge an existing 2nd floor window opening to accommodate a door, and infill and cover the existing west side entry at the property located at 225-227 E. 3rd Street. The property is more particularly identified as PVA Map No. 062-31-19.004.00.

Jordan Miller, Senior Planner was present and explained that the scope of work includes the construction/installation of a metal stair to access the second floor apartment from the exterior. This apartment is accessed via a side entrance at the first floor on the west side of the building. The applicant proposed to enlarge an existing window opening to accommodate a new entrance door, and they would like to fill the existing door opening and cover it with siding to match the rest.

Mr. Miller stated that they want to remove the interior stairs because they are not safe and don’t meet the building code.
Mr. Miller stated that this is a contributing structure to the South Frankfort Neighborhood National Register.

Mr. Miller stated that staff finds that this application as submitted is compatible with the requirements of the Zoning Regulations based on the findings of fact on page four of the staff report. Mr. Miller stated that should the Board approve the request staff suggests adding the conditions on page four of the staff report.

The applicant was not present.

Based on the findings of fact, Ms. Konkol made a motion in accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from Jeff Kell of Kell Properties, LLC for a Certificate of Appropriateness to install and exterior steel stairway, enlarge an existing 2nd floor window opening to accommodate a door, and infill and cover the existing west side entry at the property located at 225-227 E. 3rd Street with the following conditions:

1. The new metal stairs will have a painted finish.
2. The existing building permit will be amended to reflect the work approved in this request.
3. Any additional projects requiring a zoning or building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect (staff approval) is issued.

The motion was seconded by Ms. Cross and passed unanimously.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, Zachary Moore of Moore Lane Investments, LLC is requesting a Certificate of Appropriateness to rehabilitate a historic carriage house, including construction of front and rear additions, to adaptively re-use it as a single-family home. The property is more particularly described as PVA Map No. 061-13-13-005.00.

Jordan Miller, Senior Planner was present and mentioned that the scope of work includes the rehabilitation of a historic secondary structure and the construction of additions on the front and rear of the property in order to adaptively re-use it as a single-family residence. The front addition is proposed to be 288 square feet and the rear addition is proposed to be 400 square feet. There is also a covered porch proposed for the rear of the building. The exterior work on the historic structure includes masonry repair and infill of some historic openings.

Mr. Miller mentioned that the guidelines generally would not support addition on the front of the primary structure, however this building should not be considered a primary structure.
Mr. Miller explained that the applicant is proposing to keep the existing windows. They are wood with a two-over-one configuration. The plans show a different window style, but it is staff's understanding that the drawings do not reflect the applicant's attention.

Mr. Miller stated that one of the rear windows is planned to be converted to a door opening in order to access the rear covered porch.

Mr. Miller explained that both the additions and covered porch will receive a standing seam metal roof to match the historic structure. The siding for the additions is proposed to be Hardie Board/cement board with a profile similar to what is found on adjacent structures in the neighborhood.

Mr. Miller stated that the rear foundation for the new addition is proposed to be cement block. There will be no visibility of this from any public right of way. On the front addition, the foundation will also be concrete, but the siding will not be installed under the window and approach the round level. Landscaping will obscure the visibility, which will be very minimal.

Mr. Miller stated that staff finds that this application as submitted is partially compatible with the requirements of the Zoning Regulations based on the findings of fact on page four of the staff report. Mr. Miller stated that should the Board approve the request staff suggests adding the conditions on page four of the staff report.

The applicant Zach Moore was present and stated that he has seen the staff report and agreed with the conditions when asked by Ms. Oberlin.

Mr. Moore explained that they are adding two bedrooms and a bathroom upstairs and need to remove two windows that will be bricked in so they can accommodate the size of the bedrooms. Mr. Moore mentioned that there is a brick wall on the property that is falling and they plan to use those brick to fill in the window spaces that are removed. Additionally they plan to keep the existing windows for spare parts when repairing the other windows on the structure.

Based on the findings of fact, Ms. Konkol made a motion in accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from Zachary Moore of Moore Lane Investments, LLC for a Certificate of Appropriateness to rehabilitate a historic carriage house, including construction of front and rear additions, to adaptively re-use it as a single-family home with the following conditions:

1. The open building permit will be amended to reflect the work approved in this request.
2. The final new window and door selections will be reviewed and approved by staff.
3. The proposed mortar mix for the masonry repair will be submitted to staff for approval to ensure it will not damage the historic masonry.
4. The new location of the window and door openings on the existing west
addition will be reviewed and approved by staff, and it will be determined if
any infill masonry will be required to be recessed after further review.
5. Any additional projects requiring a zoning or building permit shall require
review and approval by the Architectural Review Board unless a Certificate of
No Exterior effect (staff approved) is issued.
6. The applicant shall make every effort to make modifications in a way that may
be easily reversible.
7. The applicant shall make every effort to reuse historic materials that are
already on-site.

The motion was seconded by Ms. Cross and passed unanimously.

Ms. Konkol recused herself from the meeting.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4, 16, 17, 18 and 19 of the City of Frankfort
Zoning Ordinance, Forrest Holdings LLC is requesting a Conditional Use
Permit to operate a short-term rental at the property located at 103 Watson
Court. The property is more particularly identified as PVA Map No. 061-24-
09-002.00.

Jordan Miller, Senior Planner was present and mentioned that the scope of work
includes a historic building on and approximately 5,655 sq. ft. lot at the south end of
Watson Court on the east side of the street. The Special Historic Zoning District is
primarily residential. Other permitted uses include owner-occupied short-term rentals,
churches, libraries and museums, and charitable indigent limited care facilities that meet
zoning requirements. There are a number of conditional uses which may be permitted
in this zoning district, including non-owner occupied short-term rentals, which are a type
of residential use.

Mr. Miller stated that this house is a contributing structure to the Central Frankfort
National Register District.

Mr. Miller stated that the proposed use is permissible in the Special Historic
Zoning District, provided the stipulations in Article 12 and 19 are met. There is a paved
parking area to the south of the house on the lot, which meets the parking requirement
for a dwelling unit in the SH zone per Article 12. The general conditions listed in Article
19.01 for Conditional Uses are all met.

Mr. Miller stated that the request is compatible with the requirements of the
Zoning Regulations based on the findings of fact on pages two and three of the staff
report. Mr. Miller stated that should the Board approve the request staff suggests
adding the conditions on page three of the staff report.
The applicant Tim Deschler was present and replied that he had seen the staff report and agreed with the conditions when asked by Ms. Oberlin.

Zachary Konkol was present and read a letter from some of the Watson Court residents into the record. They were opposed to the request.

Mr. Deschler stated that they are dedicated to the community. They have several properties in Frankfort and they understand the neighbor's comments and are willing to work with the community to establish some rules and regulations regarding the short-term rental.

Based on the findings of fact, Ms. Cross made a motion in accordance with Articles 4, 16, 17, 18 and 19 of the City of Frankfort Zoning Ordinance, to approve the request from Forrest Holdings LLC for a Conditional Use Permit to operate a short-term rental at the property located at 103 Watson Court with the following conditions:

1. A permit shall be obtained for the proposed use.
2. Any additional projects requiring a zoning or building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.
3. The Conditional use is permitted only at 103 Watson Court.
4. All of the Standards for the Conditional Use outlined in Article 19.154 pertaining to non-owner occupied short-term rentals shall be met by the applicant.
5. This conditional use, whose land use is codified as "Short-Term Rental – Non-Owner-Occupied" is only applicable to this permit issued to this property owner and is not transferrable.

The motion was seconded by Ms. Johnson and passed unanimously.

Ms. Konkol rejoined the meeting.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4, 16, 17, 18 and 19 of the City of Frankfort Zoning Ordinance, Kevin Pierce is requesting a Conditional Use Permit to operate a microbrewery at the property located at 317 St. Clair Street. The property is more particularly identified as PVA Map No. 061-24-13-021.00. Jordan Miller, Senior Planner was present and explained that this is a request conditional use permit to operate a microbrewery on the first floor of Market Square building.

Mr. Miller stated that this property is a contributing structure to the Frankfort Commercial District and the Central Frankfort Historic District.
Mr. Miller stated that the request meets all sections that are required and staff finds that the application as submitted meets the requirements of the Zoning regulations based on the findings of fact. Mr. Miller stated that should the Board approve the request staff suggests adding the conditions on page three of the staff report.

The applicant Kevin Pierce was present and replied that he had seen the staff report and agreed with the conditions when asked by Ms. Oberlin.

Based on the findings of fact, Ms. Johnson made a motion in accordance with Articles 4, 16, 17, 18 and 19 of the City of Frankfort Zoning Ordinance, to approve the request from Kevin Pierce for a Conditional Use Permit to operate a microbrewery at the property located at 317 St. Clair Street with the following conditions:

1. A permit shall be obtained for the new use.
2. Any additional projects requiring a zoning or building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.
3. The Conditional Use is permitted only at 317 St. Clair Street.
4. The conditional use, whose land use is codified as “Accessory Manufacturing, Microbrewery” is only applicable to this permit issued to this property owner and is not transferable.

The motion was seconded by Ms. Cross and passed unanimously.

Ms. Konkol recused herself from the next item of business.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4, 16, 17 and 19 of the City of Frankfort Zoning Ordinance, Johnson Browning Investments LLC is requesting a Conditional Use Permit to operate a short-term rental for the property located at 307 Wilkinson Street. The property is more particularly identified as PVA Map No. 061-24-04-011.00.

Jordan Miller, Senior Planner was present and mentioned that the subject property includes a historic building on an approximately 3,399 sq. ft. lot on the east side of Wilkinson Street between W. Broadway and W. Main Streets. The Special Historic Zoning District is primarily residential. Other permitted uses include owner-occupied short-term rentals, churches, libraries and museums, and charitable indigent limited care facilities that meet zoning requirements. There are a number of conditional uses that may be permitted in this zoning district, including non-owner occupied short-term rentals, which is a type of residential use.

Mr. Miller stated that the current owners took possession of the property at the end of March 2022, and it is currently vacant. Prior to this the building was used as an office for several years.
Mr. Miller stated that the house is a contributing structure to the Central Frankfort Nation Register District.

Mr. Miller stated that the proposed use is permissible in the Special Historic Zoning District, provided the stipulations in Article 12 and 19 are met. The house would require one parking spot, which is met by street parking. The general conditions listed in Article 19.01 for Conditional Uses are all met.

Mr. Miller stated that the request is compatible with the requirements of the Zoning Regulations based on the findings of fact on pages two and three of the staff report. Mr. Miller stated that should the Board approve the request staff suggests adding the conditions on page three of the staff report.

The applicant Joe Johnson was present and replied that he had seen the staff report and agreed with the conditions when asked by Ms. Oberlin.

Based on the findings of fact, Mr. Breeck made a motion in accordance with Articles 4, 16, 17 and 19 of the City of Frankfort Zoning Ordinance, to approve the request from Johnson Browning Investments LLC for a Conditional Use Permit to operate a short-term rental for the property located at 307 Wilkinson Street with the following conditions:

1. A permit shall be obtained for the proposed use.
2. Any additional projects requiring a zoning or building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.
3. The Conditional Use is permitted only at 307 Wilkinson Street.
4. All of the Standards for the Conditional Use outlined in Article 19.154 pertaining to non-owner occupied short-term rentals shall be met by the applicant.
5. The conditional use, whose land use is codified as "Short-Term Rental – Non-Owner-Occupied" is only applicable to this permit issued to this property owner and is not transferable.

The motion was seconded by Ms. Johnson and passed unanimously.

Ms. Konkol rejoined the meeting.

Chair Oberlin asked the Secretary to introduce the next item of business.

In accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance Johnson Browning Investments LLC is requesting a Certificate of Appropriateness to construct an addition on the side of the primary structure located at 307 Wilkinson Street. The property is more particularly identified as PVA Map No. 061-24-04-011.00.
Jordan Miller, Senior Planner was present and mentioned that the scope of work includes removal of a rear porch, which is located on the south rear side of the building and has a different roofline than the rest of the property. The new construction for the addition would include extending the footprint to the edge of the existing bump-out addition (south wall) and squaring off the corner with the back (east wall). The roof will be covered with asphalt shingles if the slope is appropriate; if not, a synthetic rubber membrane roof will be continued for the addition. Gutters will be installed to match the existing K-Style gutters. Siding will be installed to match the existing as close as possible in profile and materials, but if an exact match can’t be found, Hardie Board (cement board) is proposed. Skirting at the foundation will also be attempted to be matched as closely as possible. The material proposed for the new portion of the roof will be compatible with the materials found on the existing roof.

Mr. Miller stated that the house is a contributing structure to the Central Frankfort National Register District.

Mr. Miller stated that the request as submitted is partially compatible with the requirements of the Zoning Regulations based on the findings of fact on page three of the staff report. Mr. Miller stated that should the Board approve the request staff suggests adding the conditions on page three of the staff report.

The applicant Joe Johnson was present and replied that he had seen the staff report and agreed with the conditions when asked by Ms. Oberlin.

Based on the findings of fact, Ms. Sams made a motion in accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from Johnson Browning Investments LLC for a Certificate of Appropriateness to construct an addition on the side of the primary structure located at 307 Wilkinson Street with the following conditions:

1. The existing building permit will be amended to reflect the work approved in this request.
2. If the rear door will be replaced the design and material will be reviewed for compliance with the design guidelines and approved by staff.
3. Any additional projects requiring a zoning or building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.

The motion was seconded by Ms. Konkol and passed unanimously.

Mr. Breeck recused himself from the next item of business.

Chair Oberlin asked the Secretary to introduce the next item of business.
In accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance Kevin Breeck, on behalf of Bleu Cap LLC, is requesting a Certificate of Appropriateness to construct a deck at the rear of the property located at 501-503 Wapping Street. The property is more particularly identified as PVA Map No. 061-24-02-003.00.

Jordan Miller, Senior Planner was present and stated that there is currently a set of wood stairs and landing at a rear entrance to the property. This landing and stairs are not a historic feature. The applicant proposes to replace these with a small deck constructed of wood and a new set of stairs. The deck will be 12 feet wide and 10 feet deep, and will be approximately 4 feet, 10 inches tall. The deck railing and balustrade will be made of wood with the exact design to be determined.

Mr. Miller stated that the current house is a contributing structure to the Central Frankfort Historic District.

Mr. Miller stated that the general size, material and placement of the new deck meets the design guidelines found on page 67 of the Special Historic Zoning District Guidelines. The deck will serve as a large landing and potential seating area adjacent to the entrance door.

Mr. Miller stated that the request as submitted is compatible with the requirements of the Zoning Regulations based on the findings of fact on pages two and three of the staff report. Mr. Miller stated that should the Board approve the request staff suggests adding the conditions on page three of the staff report.

The applicant Kevin Breeck was present and replied that he had seen the staff report and agreed with the conditions when asked by Ms. Oberlin.

Based on the findings of fact, Ms. Johnson made a motion in accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from Kevin Breeck, on behalf of Bleu Cap LLC, for a Certificate of Appropriateness to construct a deck at the rear of the property located at 501-503 Wapping Street with the following conditions:

1. The existing building permit will be amended to reflect the work approved in this request.
2. The design details for the balustrade and railing will be reviewed and approved by staff.
3. The bottom portion of the deck framing will be framed with lattice per the design guidelines.
4. Any additional projects requiring a zoning or building permit shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.

The motion was seconded by Ms. Sams and passed unanimously.
There being no other business, Ms. Oberlin made a motion to adjourn. The motion was seconded by Ms. Johnson and all were in favor. The meeting adjourned at 6:30 p.m.
CITY OF FRANKFORT ARCHITECTURAL REVIEW BOARD
Administrative Approvals
September 20, 2022 Meeting

For the period covering August 16, 2022 – September 13, 2022

Special Capital District
1. 428 Murray Street – Replace 7 windows with vinyl-clad wood windows; same dimensions and profile
2. 618-620 Shelby Street – Replace front porch in-kind with historically documented porch that previously existed
3. 311 East Second Street – Repair concrete steps
4. 419 Conway Street – Repair floor joists
5. 409 Steele Street – Replace 5 columns on front porch in-kind with existing
6. 207 Logan Street – 6’ wooden privacy fence
7. 201 East Todd Street – Replace garage door in-kind

Central Business District
8. 331 Saint Clair Street – Replace 4 windows on 3rd story with aluminum clad wood windows; same dimensions and profile
9. 306 West Main Street – Replace entry doors on West Main Street façade; same dimensions and profile
10. 317 Saint Clair Street – 4-sq.ft. hanging sign
11. 316 Ann Street – Replacement of existing awnings with signage
APPLICATION FOR A CONDITIONAL USE PERMIT - STAFF REPORT

Case No. CUP 2022-11

Applicant: Marshall Lane Real Estate

Owner: Taylor Marshall Property LLC

616-618 Shelby Street

Special Capital Zone

Request

In accordance with Articles 4, 17, 18 and 19 of the City of Frankfort Zoning Ordinance, Marshall Lane Real Estate is requesting a Conditional Use Permit for professional offices at 616-618 Shelby Street. The property is more particularly identified as PVA Map No. 062-14-06-006.00.

Background Information

The subject property includes three units of a seven-unit historic building on an approximately 8,000 sq. ft. lot. The seven units are divided into three separate ownership parcels (612 (2), 614 (2), and 616-618 (3)). These particular units are located at the south end of the series. The building as a whole is commonly referred to as “the Barracks,” or previously, the “Civil War Barracks.”

The Special Capital Zoning District is primarily residential, and single or two-family dwelling units are permitted by right. Other permitted uses include owner-occupied short-term rentals and non-owner occupied short-term rentals. There are a number of conditional uses which may be permitted in this zoning district, including mixed-use (professional office or retail with residential), multi-family residential, professional offices, and retail commercial, among others, providing additional requirements have been met.

The applicant is requesting professional office use for these three units at this location. According to submitted plans, the space will be divided into 5 offices, a conference room, break room, and hall/lavatory space.
Property Description

The property is part of a 14-bay, brick (common bond), one-story building constructed in 1871. It is a vernacular Victorian style with a side-gabled roof covered with asphalt shingles. Due to the topography of the site, some of the units have a raised basement, others only crawl spaces.

The units that comprise 616-618 are on the south end, and have a main floor over a crawl space. There are three entry doors and three double-hung windows with six-over-six lights. There are openings at the level of the crawl space that previously held windows. These openings have flat wood lintels. The other openings are topped with segmental brick arches. The front doors have a half-light over two vertical panels. Doors on this building are noted on the Kentucky Individual Building Survey Form (2012) as being replacement doors. That is true for at least some of the units, including that at 616, which has nine lights over two vertical panels.

The front porch for 618, which had a hipped roof and Victorian turned posts and decorative brackets, has been removed. The property owner has indicated that it fell off the building. This porch is depicted on the PVA photo and also on the National Register nomination photos from 1975. The owner has indicated that he intends to replace this porch with the same design and materials, which can receive administrative approval by staff without a review by the ARB.

The unit at 616 has a modern deck at the front entrance without a sheltering roof and with modern balusters.

The rear of 618 has a one-story, shed-roofed addition covered with wood shingles. Staff could not confirm the construction date of the additions on various units, although they are referenced in the 1975 Barracks District National Register nomination form. The units have K-style gutters and downspouts.

The rear lot has been paved extensively with concrete. The concrete paving covers a large area and is different from the amount of paving that previously existed. Photos are included with the staff report from March and September, 2022. The paving work was not included on the applicant's building permit, it was not submitted later for administrative approval, nor did the applicant seek a Certificate of Appropriateness.
The applicant has indicated that he has submitted applications for federal and state historic rehabilitation tax credits for the work on these units. Staff has confirmed that with the Kentucky Heritage Council, who is currently waiting on the National Park Service to complete their review and issue conditions for approval.

**Significance**

The Frankfort Barracks District was listed on the National Register of Historic Places in 1975 and includes contributing structures in the 600 block of both Shelby and Woodland. The district's structures are also contributing to the South Frankfort Neighborhood National Register District, which was initially listed in 1982, with a boundary expansion and additional documentation to extend the period of significance completed in 2013. The Frankfort Barracks District is significant for its architecture and military history. It was constructed in the early 1870s for the purpose of leasing to the federal government to house federal troops stationed in Frankfort during the Reconstruction. The troops were posted for five years to protect African American citizens in Frankfort, who had been subjected to acts of violence following the war (African American Historic Context Report for the City of Frankfort, KY, August 2022, pg. 57).

**APPLICABLE SECTIONS OF GUIDELINES and DESCRIPTION OF PROJECT**

<table>
<thead>
<tr>
<th>Sections</th>
<th>Topic</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4.413, Zoning Ordinance pg. 94</td>
<td>Conditional Uses</td>
<td>List of CUPs in SCZD</td>
</tr>
<tr>
<td>Article 7.02 and 7.13, Zoning Ordinance, pgs 127 and 135.</td>
<td>Landscaping</td>
<td>Requirements for existing sites in the Special Capital zone</td>
</tr>
<tr>
<td>Article 12.012, Zoning Ordinance pg. 215</td>
<td>Parking Requirements</td>
<td>Special parking conditions for professional offices in SCZD</td>
</tr>
<tr>
<td>Article 12.0219, Zoning Ordinance pg. 216</td>
<td>Parking Requirements</td>
<td>Table of Required Parking</td>
</tr>
<tr>
<td>Article 19.01, Zoning Ordinance pg. 273</td>
<td>Conditional Uses</td>
<td>Minimum requirements for CUPs in general</td>
</tr>
</tbody>
</table>
STAFF ANALYSIS

The proposed use is permissible in the Special Capital Zoning District, provided the stipulations in Article 12 and 19 are met. According to Article 12, parking must be provided at the rate of 3 parking spaces per 1,000 square feet. According to the PVA the square footage at 616-618 Shelby measures approximately 1,916 feet, which would require 6 spaces. The front of the parcel includes 2.5 spaces on the street. The remaining 3.5 spaces appear to be accommodated within the paved area at the rear of the building. The finding for parking requirements is Positive, although it should be noted again that the paving at the rear of the building was constructed without obtaining the proper permit or Certificate of Appropriateness. See the additional findings below for further information.

Some of the general conditions listed in Article 19.01 for Conditional Uses are met. Some are not applicable to this application.

19.011 - Street or road capacity and condition is adequate to serve anticipated additional traffic - Positive Finding.

19.012 - Public facilities required are available - Positive Finding.

19.013 - The Conditional Use proposed is in accordance with the intent of the zoning district within which it will be located - Positive Finding. There are several instances of professional offices within residential buildings in the SC Zoning District.

19.014 - The proposed use will have no adverse effect upon the adjacent or surrounding property - Neutral Finding. Staff cannot make a positive finding for this particular condition at this time, because the applicant did not follow proper procedure to allow us to complete an analysis. While there are other nearby office uses, including at 614 Shelby, the extent of the concrete paving completed at the rear of this address to accommodate the proposed use in this location has the potential to create an adverse effect on the historic integrity of both the historic building and the district as a whole, and a proposal was not properly submitted to the Architectural Review Board for a determination in that regard. In addition, because the applicant did not submit the plans for the paved area for review by the Planning office, we did not have the opportunity to circulate it to the Technical Review Team, which includes Public Works, who may have comments with regard to the potential for water run-off and its impact on neighboring properties.
19.015 - **Appropriate screening or buffering is provided in accordance with Article 7, Landscape Regulations - Neutral Finding.** Article 7 requires that when professional office use adjoins residential use in the Special Capital Zone and new parking is provided at existing sites (of five spaces or greater), then a 5-foot easement with appropriate screening is required between the uses. This address is adjacent to a four-unit apartment building at 620 Shelby Street. Since the existing parking area in the rear was constructed without proper review, staff cannot discern if this condition has been fulfilled.

19.016 - **Any sign requirement specified in Article 13 will have been met and that no sign for any conditional use in any residential zoning district exceeds two (2) square feet - Not Applicable.** We are not aware of any signage at this juncture, and any recommendations for approval would be conditioned on meeting this requirement.

19.017 - **All specific conditions enumerated in this Article Section 19.02 through 19.15 will have been fulfilled - Not Applicable.** There are no specific conditions relating to Professional Office use in Article 19.

19.018 - **The use and development of land complies with the adopted Comprehensive Plan - Neutral Finding.** The Future Land Use as identified in the Frankfort/Franklin County Comprehensive Plan designates this property as Urban Neighborhood. The Comprehensive Plan has development guidelines that are specific to South Frankfort, and they are as follows:

*South Frankfort Development Guidelines*

1. **This area is predominately residential in character and varies in density with limited retail and professional offices that serve the community.**
2. **New infill or the conversion of properties should reflect the scale, setbacks, and character of the neighborhood and utilize materials which complement existing buildings.**
3. **The homogeneity of building and lot characteristics within individual blocks should be preserved.**
4. **New driveways and off-street parking areas are discouraged.**

Staff cannot accurately determine whether the application meets this particular condition because of the development that occurred to accommodate the use (additional parking) that was not properly reviewed and approved by the Architectural Review Board prior to installation.
The original use of the building was used as residential housing for military officers, however over time they have been utilized as professional offices and residential units. The development of a large parking area at the rear of the property may not meet the development standards for South Frankfort, and its effect should be reviewed separately through the COA process. At the time of this report, we have not seen historical evidence of this area being paved to its current extent.

Based on the information contained in the application and staff’s evaluation:

A. The request for a Conditional Use Permit by the applicant is partially compatible in concept with the requirements of the Zoning Regulations sections 4.403, 12.012, and 19.01 and the following suggested facts:

1. The proposed use complies with the purpose and intent of the Special Capital Zoning District, which allows limited professional office use.
2. The address adjacent to this property at 614 Shelby is used as professional offices, and this particular historic building, which contains the addresses from 612-618 Shelby St., has had numerous office uses in the past.
3. Shelby Street is adequate to serve the proposed use, and this use should not have a measurable impact on traffic.
4. The newly constructed parking area at the rear of the building was completed without a permit or a Certificate of Appropriateness.
5. The requirements of Article 7 (Landscaping) may not be met as required.
6. Staff cannot determine whether the conditions of Article 19.014, 19.015, or 19.018 have been met.

Staff Suggestion

Given the lack of information to determine whether required conditions have been met, Staff cannot recommend approval of this CUP at this time. It would be the preference of Staff if a CUP and COA application were presented concurrently. However if the Board elects to issue a CUP at this time, staff recommends that all of the following conditions be applied:

1. A site plan showing the extent of the paved area and materials will be provided to staff for review and comments by the Technical Review Team.
2. An application Certificate of Appropriateness for the paved parking area and the required landscaping and buffering shall be submitted and approved by the ARB.

3. Upon the completion of 1 and 2, a permit shall be obtained for the proposed use.

4. Any additional projects requiring a zoning or building permit, including proposed changes to the design and/or materials of the porch, shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect (administrative approval by staff) is issued.

5. Any sign proposed to advertise the professional office will comply with the applicable sign regulations.

6. A sign permit application shall be submitted to staff and a sign permit issued prior to the installation of any signage.

7. The Conditional Use is permitted only at 616-618 Shelby Street.

8. This conditional use, whose land use is codified as "Professional Offices" is only applicable to this permit issued to this property owner and is not transferable.
PVA Map of Subject Property
Late 19th Century Map showing the Barracks Block. This property is part of the A. G. Brawner building.
1907 Sanborn Fire Insurance Map, with 616-618 Shelby circled.
PVA Photo (top) and September 6, 2022 photo of 616-618 Shelby St.
616-618 Shelby Street

Rear photos taken in March 2022
Aerial photo of rear lot before paving, and September 2022 photo of completed paving
Views of neighboring properties
View looking southeast on Shelby, across the street from subject property