

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 proposed 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-foot wide and that the proposed home is only 15-foot wide. Mr. Smith responded that this home is wider than 15-feet. Mr. Buchanan mentioned that it is probably close to only 15-foot 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.