

Board of Zoning Adjustments

June 14, 2022

5:30 PM

CHAIR BRANDON WHITE , PRESIDING

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

Members Present:

Brandon White
Barry Holder Jr.
Mitch Buchanan
Lauren Coltrane

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 May 10, 2022 meeting. Mr. Holder made a motion to approve the minutes. The motion was seconded by Mr. Buchanan and all were in favor.

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

In accordance with Sections 155.085, 155.105, and 155.1 49 of the Franklin County Code of Ordinances, West Frankfort Church of God is requesting approval of a Conditional Use Permit to allow the operation of a church at 1471 - 1491 Twilight Trail. The property is more specifically described as Property Valuation Administrator map # 055-00-00-089.19. (County Item)

Ben Judah, Franklin County Planning Supervisor was present and mentioned that churches are identified as a conditional use in the Industrial Commercial zone district and therefore the applicant is requesting approval of a Conditional Use Permit to operate a church at this location.

Mr. Judah stated that during the review of the application, staff had all positive findings and that it meets the parking requirements.

Mr. Judah stated that staff is recommending approval with the conditions outlined in the staff report.

Mr. Holder asked if they received any citizen comments and Mr. Judah replied no.

Steve Kirkland was present on behalf of West Frankfort Church of God and mentioned that he has been the pastor there for two and half years.

Mr. Kirkland mentioned that the current church has received some damage and they decided to sell that property and they think this property will be a great fit for their church.

Mr. Kirkland stated that he had seen the staff report and agreed with the conditions when asked by Mr. Holder.

Based on the findings of fact, Mr. Buchanan made a motion in accordance with Sections 155.085, 155.105, and 155.149 of the Franklin County Code of Ordinances, to approve the request from West Frankfort Church of God for a Conditional Use Permit to allow the operation of a church at 1471-1491 Twilight Trail with the following conditions:

1. The conditional use is only permitted at 1471-1491 Twilight Trail.
2. The conditional use is granted only to West Frankfort Church of God to allow the use of the property as a church.
3. The conditional use is not transferable and any change in use will make this approval null and void.

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

Chair White 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, Dee Clark and Teaching Learning Caring Childcare II are requesting a Conditional Use Permit in order to allow a daycare with more than 35 children for the property located at 676 East Main Street. The property is more particularly described as PVA Map Number 074-41-02-014.00.

Jordan Miller, City of Frankfort Senior Planner was present mentioned that this request is for a daycare center and that the property had previously been used as offices and a dog grooming facility.

Mr. Miller stated that the applicant is requesting a Conditional Use Permit to operate a child care facility.

Mr. Miller stated that staff had all positive findings except for 19.067 No Day Care facility, Nurseries, or Kindergartens shall be allowed or approved to be located less than 1,000 feet from an established residence of a registered sex offender. However, KRS 17.545 indicates that should a new facility opens the registrant shall be presumed to know and, within ninety day, shall comply with this section.

Based on the negative finding of fact, staff recommended denial of the request.

The applicant Dee Clark was present and stated that she had seen the staff report but needed clarification on the conditions when asked by Mr. Holder.

Ms. Clark stated that she needed clarification on who was responsible for informing the registrants of the new day care facility and the requirements of KRS 17.545.

Libby Wilson the building owner was present and stated that she had done some research on the law and found that it is the applicants responsibility to notify the Probation and Parole Office of the new business who will then work with the Kentucky State Police to notify the registrant of the new business and the laws requiring them to relocate within ninety days of the business opening.

Based on the positive findings and the inclusion of KRS 17.545 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 Dee Clark and Teaching Learning Caring Childcare II for a Conditional Use Permit in order to allow a daycare with more than 35 children for the property located at 676 East Main Street with the following conditions:

1. The conditional use applies only for operation of a childcare facility with a maximum enrollment of 117 children and the prescribed age ranges denoted in the application.
2. The conditional use is permitted only at 676 East Main Street.
3. The conditional use is granted only to Dee Clark of Teaching Learning Caring Childcare II, or any corporation they are a party to.
4. The conditional use is not transferable and any change in ownership or use will make this approval null and void.
5. Any new exterior signage shall require a sign permit prior to installation.
6. Prior to occupancy, the applicant shall have an approved building permit for change of use, and have a final inspection completed.
7. Children using the outdoor playground shall be supervised at all times by one or more staff persons.
8. A business license shall be obtained from the City Finance Department prior to operation of the childcare facility.
9. The applicant shall coordinate with the Kentucky State Police and the Franklin County Probation and Parole Office to ensure that any registered sex offender(s) located within 1,000-feet of the subject property have been relocated so as to fulfill the City's requirement (Section 19.067) and the State's requirement (KRS 17.545) prior to the opening of the daycare.
10. The applicant shall also coordinate with City Staff regarding the progress and/or fulfillment of this requirement. If any sex offenders are still located within 1,000-feet after 6 months or in the process of compliance from date of this approval, the Conditional Use Permit will expire and become null and void.

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

There being no further business, Mr. Buchanan made a motion to adjourn. The motion was seconded by Mr. White and all were in favor. The meeting adjourned at 5:58 p.m.