

City of Frankfort

Capital of Kentucky

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Frankfort, Kentucky 40602
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Katrisha Waldrige
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August 4, 2020

To: Board of Zoning Adjustments

Re: Meeting – August 11, 2020

The Frankfort/Franklin County Board of Zoning Adjustments will host a special meeting at 5:30 P.M. on Tuesday, August 11, 2020 via teleconference in accordance with SB 150 and the requirements of KRS 61.823. ARB 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. The following items are on the agenda for consideration (please be aware that because this will be a special called meeting the board may not discuss items that are not on the agenda as advertised):

Roll Call

Approval of Minutes: March 10, 2020

New Business:

1. In accordance with Articles 4, 18, and 19 of the City of Frankfort Zoning Ordinance, Welch Landmark, LLC, Lusby Development Co., Inc., and Capital Self Storage are requesting a Conditional Use Permit in order to permit long-term and temporary parking and storage of personal and recreational vehicles in the back parking lot of the property located at 193 Versailles Road. The property is more particularly described as PVA Map Number 074-43-07-001.00.

Adjourn

Board of Zoning Adjustments

March 10, 2020

5:30 PM

CHAIRMAN MITCH BUCHANAN, PRESIDING

The meeting was called to order at 5:30 p.m. Chairman Mitch Buchanan asked the Secretary to call the roll.

Members Present:

Johnny Keene
Margaret Townsley
Mitch Buchanan
Chuck Fletcher

Also Present:

Edwin Logan, Attorney
Robert Hewitt, Franklin County Planning Director
Ben Judah, Franklin County Planning Supervisor
Eric Cockley, City of Frankfort Director of Planning

The first item of business was approval of the minutes of the December 3, 2019 meeting. Ms. Townsley made a motion to approve the minutes. The motion was seconded by Mr. Keene and all were in favor.

The Secretary called the next item of business:

In accordance with Articles 4, 18 and 19 of the City of Frankfort Zoning Ordinance, Capital Brewing Company, PBC c/o Charlie E. Jones is requesting approval of an Amended Conditional Use Permit to allow the operation of an eating and drinking establishment on the property located at 221 Mero Street. The property is more specifically described as PVA map ID #061-42-01-001.01. Zone-CL (Limited Commercial)

Eric Cockley, City of Frankfort Director of Planning was present and explained that the applicant previously obtained approval to operate an eating and drinking establishment in August of 2018. Mr. Cockley stated that the applicant now wishes to amend the conditional use permit to include an expanded outside eating area and to use an adjacent building for storage related to the business.

Mr. Cockley stated that they have not received any complaints, staff had positive findings and recommended approval with the conditions as outlined in the staff report.

Attorney Charlie Jones was present on behalf of the applicant and stated that they agree with the staff report and conditions for approval.

Based on the staff report and positive findings within, Mr. Keene made a motion in accordance with Articles 4, 18 and 19 of the City of Frankfort Zoning Ordinance, to approve the request from Capital Brewing Company, PBC c/o Charlie E. Jones for approval of an Amended Conditional Use Permit to allow the operation of an eating and drinking establishment on the property located at 221 Mero Street with the following conditions:

1. The conditional use is permitted only at the previously approved location at 221 Mero Street and the additional areas as depicted on the amended Development Plan.
2. The existing building included in this amended Conditional Use Permit shall only be used for storage purposes.
3. The outdoor seating area as proposed by this application and the Amended Development Plan shall not be used as off-street parking.
4. The conditional use is granted only to Capital Brewing Company, LLC.

5. The conditional use is not transferrable and any change in ownership or use will make this approval null and void.
6. The conditional use is contingent upon all required building permits, business license, and alcohol license being obtained by the applicant.

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

The Secretary called the next item of business:

In accordance with Article 14 of the Franklin County Zoning Ordinance, Krishna Garla is requesting a variance to Article 4, Section 4.124 (c) of the Zoning Ordinance to reduce the front yard setback requirement from 30-feet to 20-feet along both Portsmouth and Heritage Lanes for property located at 124 Portsmouth Lane. The property is more specifically identified as PVA map # 050-10-25-008.00.

Ben Judah, Franklin County Planning Supervisor was present and explained that this property is currently a vacant lot in the "RA" zone district and the applicant is proposing to construct a single family residence.

Mr. Judah explained that the standard setback is 30' but the shape of the lot would only allow for a 28' house so the applicant is asking for a reduction to 20'. Mr. Judah mentioned that the deed restrictions require a 30' setback so if it is approved tonight, the applicant will have to obtain approval from the neighborhood association.

The applicant Krishna Garla was present and had nothing to add.

Shirley Rodgers who lives at 120 Portsmouth was present and asked that the applicant consider moving the house to the other side of the lot because of the watershed. She mentioned that there is already a lot of water during downpours and was concerned that the house location as well as the driveway would cause additional watershed.

Mr. Buchanan asked the applicant if they would be willing to reconfigure the house on the other side of the lot. Mr. Garla stated that they wouldn't mind to move the house over and make it more centered on the property.

Based on the staff report and positive findings within, Mr. Buchanan made a motion in accordance with Article 14 of the Franklin County Zoning Ordinance, to approve the request from Krishna Garla for a variance to Article 4, Section 4.124 (c) of the Zoning Ordinance to reduce the front yard setback requirement from 30-feet to 20-feet along both Portsmouth and Heritage Lanes for property located at 124 Portsmouth Lane with the following condition:

1. The setback on the right side will be 20-feet instead of 10-feet.

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

The Secretary called the next item of business.

In accordance with Articles 4 and 15 of the Franklin County Zoning Ordinance, Randall Farmer is requesting approval of a Conditional Use Permit to allow the operation of a paintball field for the property located at 251 Holt Lane. The property is more specifically identified as PVA map #083-00-00-002.06.

Ben Judah, Franklin County Planning Supervisor was present and explained that the property is in the "AG" zone district and the primary use is residence with some agricultural uses too.

Mr. Judah explained that the applicant is proposing to operate a paint ball field surrounded by the "AG" zone district. Mr. Judah stated that in the staff's analysis, they identified following negative findings

1. Article 15.011 that the street or road capacity and conditions is adequate to serve anticipated additional traffic. Staff's finding was negative in that direct access to the property is by means of Holt Lane near its intersection with Peaks Mill Road. While locals may be used to the traffic, visiting public may not be as familiar and this could potentially be a hazard.
2. Article 15.014 that the proposed use will have no adverse effect upon the adjacent or surrounding property. Staff's finding was negative in that the general vicinity has large agricultural lots. There are concerns about the noise the proposed use will generate.
3. Article 15.015 that appropriate screening or buffering is provided. Staff's finding was negative in that there is a natural buffer along the creek between the residential area to the south. Overall, the buffer does not appear to be adequate to properly screen the paintball activity from neighboring properties and residences.

Mr. Judah showed slides of the practice area, parking area and paintball field. Mr. Judah stated that based on staff's analysis and the negative findings within the report staff recommended denial of the request.

Mr. Buchanan asked if adequate septic services were available and Mr. Judah replied that the applicant has proposed using porta potties

Mr. Buchanan mentioned the Holt Lane entrance and Mr. Judah stated that there is a fence along Peaks Mill Road and Holt Lane that could make turning onto Peaks Mill Road from Holt Lane dangerous.

Mr. Fletcher asked about fire protection and Mr. Judah replied that the Fire Department has reviewed the plans and requested that a gravel access road adequate for fire trucks be added to the plans.

The applicant Randall Farmer was present and stated that he was not going to argue that it is not difficult to access Peaks Mill Road from Holt Lane. He stated that he didn't think it would be a problem to teach visitors how to appropriately exit from Holt Lane. He showed a video example and stated that it is best to make a right turn onto Peaks Mill Road instead of a left turn.

The next video Mr. Farmer showed was comparing the noise of a tractor verses the sound of the paintball gun. Mr. Farmer mentioned that there are products on the market to make paintball markers quieter and showed a noise level image on his phone during the video.

Mr. Farmers stated that concerning the buffering issue, he did not have a problem buffering the field. Mr. Buchanan stated that typically they require 6' pine trees staggered along the property line as a buffer. Mr. Farmer stated that other plants such as bamboo could be used as a buffer.

Mr. Buchanan asked if he could provide some details about the paintball use and how often it would be used. Mr. Farmers explained that their target age is 8 years old and up as well as teenagers and young adults. Mr. Farmer stated that he is proposing 3 games on the weekends. He stated that he is equipped to have 20 people on the field per three hour block and that on Saturday the block times would be 10 a.m. - 2 p.m. and 3p.m. - 6 p.m. and that the Sunday block would be on Sunday afternoon after church.

Ms. Townsley asked about the noise generated from the paintball games and the applicant stated that he could make rules pertaining to noise. He explained that the previous owners of the business stated that some groups were louder than others and even had to ask rowdy groups to leave.

Mr. Farmer mentioned that he had talked with Jon Mitchell at the Road Department about devices that could be placed near the intersection to alert drivers when it is safe to make the turn. When asked if he was willing to pay for such devices Mr. Farmer stated that he could not afford to do it on his own but would be willing to pitch in.

Mr. Buchanan asked if he was willing to provide the gravel drive for the Fire Department and Mr. Farmers stated that he would be willing to do that as well as the parking area.

Mike Scrivner of 111 Holt Lane was present and stated that he has lived on his property for 31 years and that he chose to live there because he wanted to enjoy the country. He stated that he recently noticed the poles and nets and that he talked to the property owner about his plans and originally thought it was no big deal as long as it did not negatively affect his property. He explained that soon after their conversation he noticed electric spools and the property became an eye sore and even more so with the addition of a shelter, parking area porta potties as well as the yelling and paintball gun noises.

Mr. Scrivner stated that he is opposed for the following reasons:

1. Holt Lane is barely wide enough for two cars.
2. There is a single lane bridge on Holt Lane.
3. There was a device mentioned to make the turn safer but at one time they tried using mirrors and they didn't work because they had to be properly placed and the wind/weather was constantly moving them.
4. The stop sign on Holt Lane is placed back from Peaks Mill Road.
5. He stated that the previously viewed video showed where you have to be in order to make a safe turn.
6. The aforementioned video shows that the applicant's jeep was well into the road before they could see oncoming traffic.
7. The aforementioned video showed that the oncoming car had to straddle the center line in order to avoid the applicant's vehicle.

Mr. Scrivner stated that local residents are familiar with the traffic problem but that visitors may not be. He asked the Board to accept the staff's report and deny the request.

Georgene Scrivner was present and stated that she was opposed to the request stating that the rock fence along Holt Lane is historic and was built by prisoners. She stated that there are a number of farms up and down the road and that it is common for farm equipment to be on the road. She also mentioned that it is common for people to be out walking, running, riding bikes and horses along the road.

Ms. Scrivner stated that the area is breathtaking and that a paintball facility would be a complete nuisance to the area and asked that the request be denied.

Attorney Clay Barkley was present and passed out some comments to the Board. He stated that he represents some of the adjacent property owners.

Mr. Barkley stated that basically they believe this use is incompatible with the area and that in general they agree with the staff report that the request should be rejected.

Mr. Barkley stated that this is basically an industrial or commercial use that would change the area and add additional noise and traffic.

Mr. Barkley stated that this use is not similar to any use that is allowed in the "AG" zone district or allowed by conditional use and that it is not consistent with Article 15. He cited the traffic from Peaks Mill Road and Holt Lane as being a negative factor.

Mr. Barkley stated that the applicant stated that it would be limited to three sessions on weekends but there are no measures in place to make sure it is only used on the weekends.

Mr. Barkley mentioned an issue with the entrance to the property and noted that the area is in a flood plain. Mr. Barkley mentioned that there is no sewer or septic and that they propose using porta potties which is not ideal in a flood plain. He stated that additionally paintballs left in the area could potentially end up in the creek as well.

Mr. Barkley stated that there are fifteen neighbors in the area and the negative impact of twenty possible guns and yelling would affect not only the neighbors but the livestock in the area.

Mr. Barkley stated that the buffering is inappropriate and that the applicant stated he would plant trees but they don't believe that is good enough and that the business would need a noise barrier that would not be appealing to the neighboring properties.

Mr. Barkley stated that he didn't believe the use is consistent with the Comp Plan and noted that paintball businesses in Lexington and Louisville are located in the industrial zone districts. Mr. Barkley asked that they deny the request because it is inappropriate, inconsistent with the Comp Plan and is a nuisance to the neighboring area.

Richard Taylor lives just north of the property on Holt Lane and was present and mentioned that he doesn't have anything against the neighbors but that he is against the use. He stated that the use is inappropriate because it will attract lots of people, noise and traffic. He mentioned that he was concerned about the rock fence and wants to be sure it is maintained.

Mr. Taylor stated that he is also concerned with commercial signage they don't want it on Holt Lane or the property itself.

Mr. Taylor mentioned that people drive in excess of 55 miles per hour on Peaks Mill Road and sometimes don't see people turning from Holt Lane.

Mr. Taylor stated that he is concerned that if this allowed it will lead to the approval of stores and restaurants in the area, which they do not want. He urged the Board not to grant approval.

Larry Baxter of 103 Bradburn Court was present and stated that he had concerns with the traffic especially during the spring and summer because Peaks Mill Road is extra busy with kayakers and motorcyclists. He mentioned that a lot of people exercise on Peaks Mill Road during the spring and summer months.

Mr. Baxter stated that the sound carries in that area because of the hill behind the site.

Mr. Baxter mentioned that he was also concerned with porta potties and the number needed per person on site.

Mr. Baxter stated that he visited the business website and it mentions a pavilion and providing food to customers. He wanted to know if that food would be catered or provided

and would that be permitted via the health department. He was also concerned about water being available to clean up after meals.

Mr. Baxter stated that the website also mentions bachelor parties and he was concerned about alcohol usage and the sound associated with it.

Eddie Watkins of 102 Bradburn Court was present and mentioned that this property is surrounded by farmland that provides a serene and tranquil environment.

Mr. Watkins explained that the property acts as an open air amphitheater and causes sound to travel. He said that the level of noise associated with the paintball use would be so loud that property owners would not be able to enjoy their property.

Mr. Watkins stated that he was also concerned with the paintballs and trash that would be left behind after events. As mentioned before this is a wetland and paint and trash could end up in the water way at Elkhorn Creek.

Mr. Watkins was also concerned with the absence of restrooms therefore needing porta potties with no way to wash hands.

Mr. Watkins stated that there are nine families that live near this property and those families want to enjoy their outdoor space without crowds playing paintball creating a lot of noise and leaving behind trash.

Stephen Schneider was present and stated that his father lives across from Holt Lane and he is opposed for the same reasons that the neighbors are.

Mary Bryan was present and stated that she lives the closest to this property and is probably the oldest person in the area. Ms. Bryan stated that the noise and nuisances related to the paintball field could be detrimental and she is very much opposed.

John Grey who lives on a farm on Peaks Mill Road across from Holt Lane was present and stated that his family came to own this farm over 200 years ago. He said in that time many houses have been developed. Mr. Grey stated that he thinks this will have a lasting and devastating effect on the area.

After discussion, Mr. Buchanan made a motion to deny the request from Randall Farmer for a Conditional Use Permit to allow the operation of a paintball field for the property located at 251 Holt Lane based on the negative findings within the staff report and the testimony from both the applicant and the adjacent property owners. The motion was seconded by Mr. Fletcher and passed unanimously.

The next item of business was election of officers. Mr. Buchanan made a motion to nominate Ashley Kennedy as Chair and Brandon White as Vice Chair. The motion was seconded by Mr. Fletcher and passed unanimously.

There being no further business, the meeting adjourned at 7:27 pm.

REPORT AND RECOMMENDATION

TO: FRANKFORT-FRANKLIN COUNTY
BOARD OF ZONING ADJUSTMENTS

FROM: Jordan Miller, Senior Planner

SUBJECT: Amended Conditional Use Permit to allow outside storage of vehicles at a self-storage business for the property located at 193 Versailles Road

DATE: August 4, 2020

MEETING DATE: August 11, 2020

C.U.P. No.: 2020-02



GENERAL INFORMATION

Owner/Applicant: Welch Landmark, LLC & Lusby Development Co., Inc.
1135 Lexington Road, Suite G
Georgetown, KY 40324

Request: In accordance with Articles 4, 18, and 19 of the City of Frankfort Zoning Ordinance, Welch Landmark, LLC, Lusby Development Co., Inc., and Capital Self Storage are requesting a Conditional Use Permit in order to permit long-term and temporary parking and storage of personal and recreational vehicles in the back parking lot of the property located at 193 Versailles Road. The property is more particularly described as PVA Map Number 074-43-07-001.00.

Zoning of property: "CH" – Highway Commercial District

Current Use: Shopping center with fitness center, restaurant, offices, retail, and indoor self-storage units

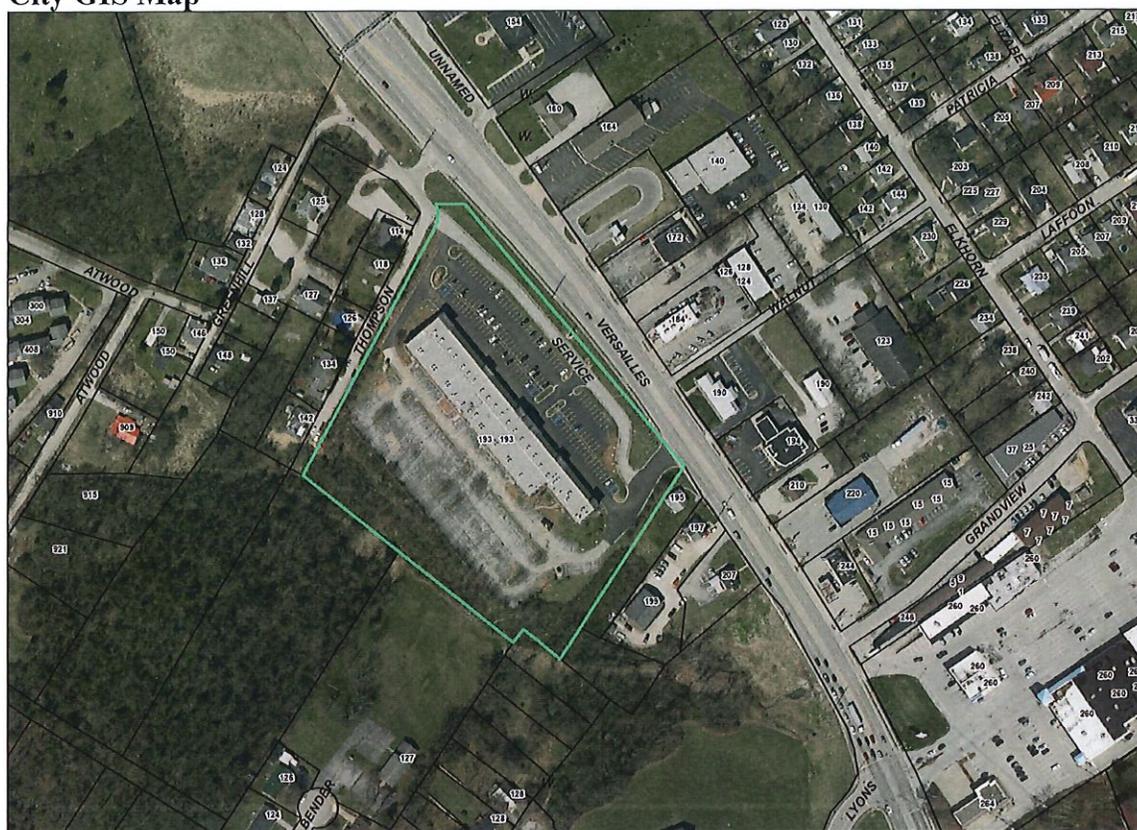
Adjacent Property Uses: North: 184 Versailles Road – CH – Restaurant
South: 127 Bender Drive – RC – Church
East: 195 Versailles Road – CH – Single-family dwelling
West: 126 Thompson Street – RC – Single-family dwelling

BACKGROUND

The subject property features a 67,000 square foot multiple-tenant commercial structure known as Frankfort Place. In August 2016, the applicant received a Conditional Use Permit to utilize a portion of the basement – 29,000 square feet – as a self-storage business. At that time the entirety of that conditional use was contained within the interior of the structure. 150 storage units of various sizes were approved with that conditional use.

The applicant would now like to expand said Conditional Use Permit by allowing long-term and temporary parking for personal and recreational vehicles in the rear parking lot. These vehicles may include boats, RV's, camping trailers, and other trailers. The parking area is not covered by any structure, but it is obscured from Versailles Road/Highway 60 by the presence of the building. Furthermore, the rear parking area is obscured from view due to its sitting at a lower elevation than the surrounding area and the back boundary is hidden from view due to the multiple thick rows of mature trees. A limited amount of construction is planned, which will include the addition of a security fence and gate.

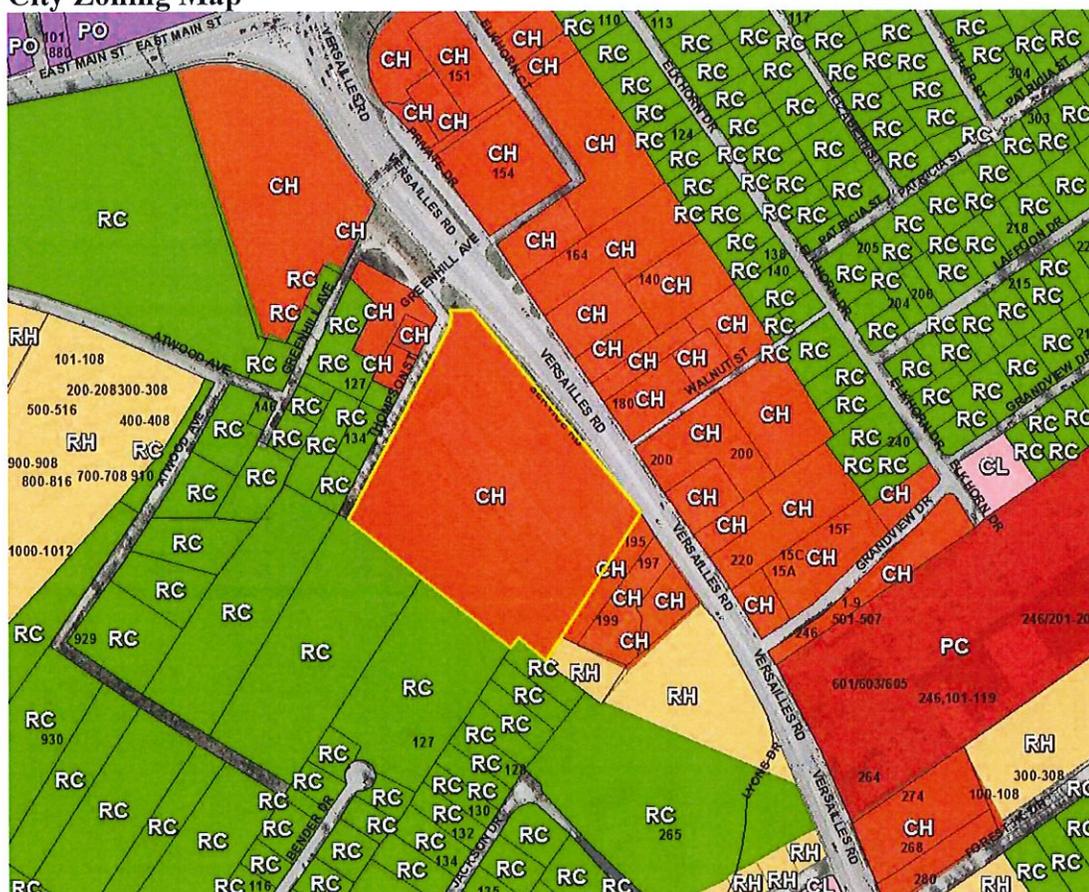
City GIS Map



0 175 350 Feet



City Zoning Map



ANALYSIS

As described in Article 4 – Permitted Uses of the Frankfort Zoning Code, self-storage facilities are listed as a conditional use within the CH 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. Customers will have access to the storage area via a service road with two points of egress that runs from Versailles Road to a large rear parking lot. While the proposed outdoor storage area will utilize existing parking spaces, 140 spaces are available at the front parking lot. Based on Staff’s observations of the property, we feel that this will adequately service the parking needs of the shopping center. The rear parking lot is rarely, if ever, used by the public who utilize the shopping center. Furthermore, the existing parking area will not be removed in the rear if parking does indeed become an issue in the future and modifications need to be made.

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 self-storage facilities as conditional uses within the CH District.

19.014 The proposed use will have no adverse effect upon the adjacent and surrounding property.

Staff Finding: Positive – Staff feels the impacts of this proposal will be minimized due to the containment of storage area by a privacy fence and the existing mature landscaping.

19.015 Appropriate screening or buffering is provided in accordance with Article 7, Landscape Regulations.

Staff Finding: Positive – A large landscaped row of trees at the rear of the property buffers the residential properties to the rear. The residential properties that can view the rear portion of the building along the west property lines are screened by a row of trees as well.

19.016 Any sign requirement specified in Article 13 will have been met.

Staff Finding: N/A – The applicant has not proposed any new signage as a part of this proposal at the time of this report. A new shopping center sign was constructed when the first conditional use was issued in 2016. Any new signage will require an approved sign permit from the Department of Planning & Community Development.

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 a Suburban Business Center. The comprehensive plan describes the primary focus of this land use as retail sales and personal services with professional offices intermixed.

Self-storage facilities are subject to special provisions as indicated in Section 4.06, the land use table:

27. SELF-STORAGE / MINI-WAREHOUSE: Any proposed such use within the CL, CG, or CH may be permitted by a **conditional use permit**, provided the following design guidelines are satisfied within a development plan:

A. The subject property shall have frontage and access from a Collector or higher rated street. This shall not be waived or modified.

Staff Finding: Positive

B. Demolition of existing principal buildings shall not be authorized by administrative authority, rather only permitted when a development plan is reviewed and approved by the Planning Commission.

Staff Finding: N/A

C. New construction will be permitted subject to approval of a Development Plan in accordance with the adopted Subdivision and Development Plan Regulations.

Staff Finding: N/A

D. A 100-foot landscaped buffer/easement shall be required for any property adjoining a street right-of-way or residentially zoned property. This 100' landscaped buffer/easement shall contain at a minimum a triple row of staggered evergreen trees at not less than 15' off center nor greater than 20' off center. No variance or modification to the dimension of the 100' wide buffer/easement shall be granted, other than as stated in (I) below. Modifications or variances to the plant material shall only be considered after review by the Landscape Committee and approval by the Planning Commission. Interior or perimeter access drives shall not be located inside the 100' buffer/ easement. (This landscape buffer/easement is in addition to any landscaping required within Article 7)

Table for the 100' landscape Buffer/easement:

When	Adjoining	Minimum Buffer/ Easement	Plant Material
Any conditional use permit relating to mini-warehouse / self-storage	Any residential zone or street right-of-way	100'	Triple row, staggered, planting of evergreen trees (C) at 15'– 20'OC

Staff Finding: Positive. The existing mature landscaping, which was credited as fulfilling this requirement in the 2016 CUP, will remain.

E. No outside storage yard (boat, trailer, RV, etc.) shall be located inside of any required landscape buffer/easement. Any outside storage yard area that is not located adjacent to a residential zone or right-of-way, shall be set back a minimum of 25 feet from the property line. The outside storage yard area shall be further screened by a 6' privacy fence plus a 3' tall hedge (at time of planting) on all exterior sides located along the immediate perimeter of such storage yard, other than the entrance gate(s),

Table for outside storage yard screening:

When	Adjoining	Minimum setback	Plant Material
Any conditional use permit relating to mini-warehouse / self-storage with outside storage area.	Any residential zone or street right-of-way	100'	Same as "D" above, plus 6' tall privacy fence and 3' hedge
	Any other zone	25'	6' tall privacy fence and 3' hedge

Staff Finding: Positive. The proposed outside storage area will be located at least 25-feet from the property line. A 6-foot privacy fence will surround the outside storage area, which can either be a

mesh screened chain link fence or a standard privacy fence (wood, vinyl, etc.) Staff finds that the existing mature landscaping fulfills the landscaping requirements.

F. The maximum height of any building shall be 16 feet. The height shall be determined as defined within Article 3.

Staff Finding: N/A

G. Access to each unit shall be limited to only internal drives.

Staff Finding: Positive

H. Apart from the primary access drive, perimeter access drives shall be setback a minimum of 12 feet when no landscape buffer/easement is required; and perimeter access drive shall not encroach into any required landscape buffer/easement.

Staff Finding: Positive

I. Exceptions to the above guidelines:

1. When the entire exterior perimeter of the buildings facing residential zoned property or street right-of-way are constructed with brick or split face cement blocks and the roof(s) are gable or hip contain shingles, the project may be administratively exempt from subsections B, D, & F above. However, the standard landscape requirements within Article 7 shall be required; OR
2. When all storage units are contained within a single building that are fully enclosed, heated and cooled, and provide all access to the units from the interior of the building, the project may be administratively exempt from subsections B, D, & F above. However, the standard landscape requirements within Article 7 shall be required.

Staff Finding: N/A

J. When an applicant is seeking Planning Commission review concerning any of the above items, such review shall be completed prior to the Board of Zoning Adjustment's review of the requested Conditional Use Permit.

Staff Finding: N/A

Additionally, based upon Article 18.044 of the Zoning Ordinance, once the Board of Adjustment has granted a Conditional Use Permit and all of the conditions have been satisfied, then a building or occupancy permit may be issued and the use will be treated as a permitted use subject to the following limitations:

- A. The permitted use applies only to the specific use approved.
- B. The use is permitted only at the location approved.
- C. The permitted use is granted only to the person to whom the Board issued the conditional use permit.
- D. The use is permitted only subject to any continuing conditions specified by the Board.
- E. The permitted conditional use is not transferable with neglect to use, location or person. Any change in ownership, person or use shall be subject to new consideration by the Board of Zoning Adjustments.

RECOMMENDATION – CONDITIONAL USE PERMIT

Based on the findings within this report, staff recommends **APPROVAL with conditions** of the Conditional Use Permit for a self-storage business with outdoor long-term and temporary parking for personal and recreational vehicles in the back parking lot of the property located at 193 Versailles Road:

1. The conditional use is permitted only within the basement portion of the building as denoted on the plans contained in this report.
2. The conditional use is granted only to Welch Landmark, LLC & Lusby Development Co., Inc.
3. The conditional use is not transferable and any change in ownership or use will make this approval null and void.
4. A zoning permit shall be obtained prior to the installation of the 6-foot privacy fence.
5. No perimeter landscaping shall be removed unless the applicant has obtained an amended development plan from the Planning Department or an amended conditional use permit from the Board of Zoning Adjustments.
6. If perimeter landscaping along Thompson Street becomes dead or diseased it shall be replaced accordingly.
7. If parking becomes an issue in the future, the applicant shall confer will Staff and the Board of Zoning Adjustments chairperson to resolve the issue.

Front elevation of shopping center



Rear elevation of shopping center



Access drive leading to outdoor storage area



Landscaping along rear parking lot



Landscaping along northwest property line along Thompson Street

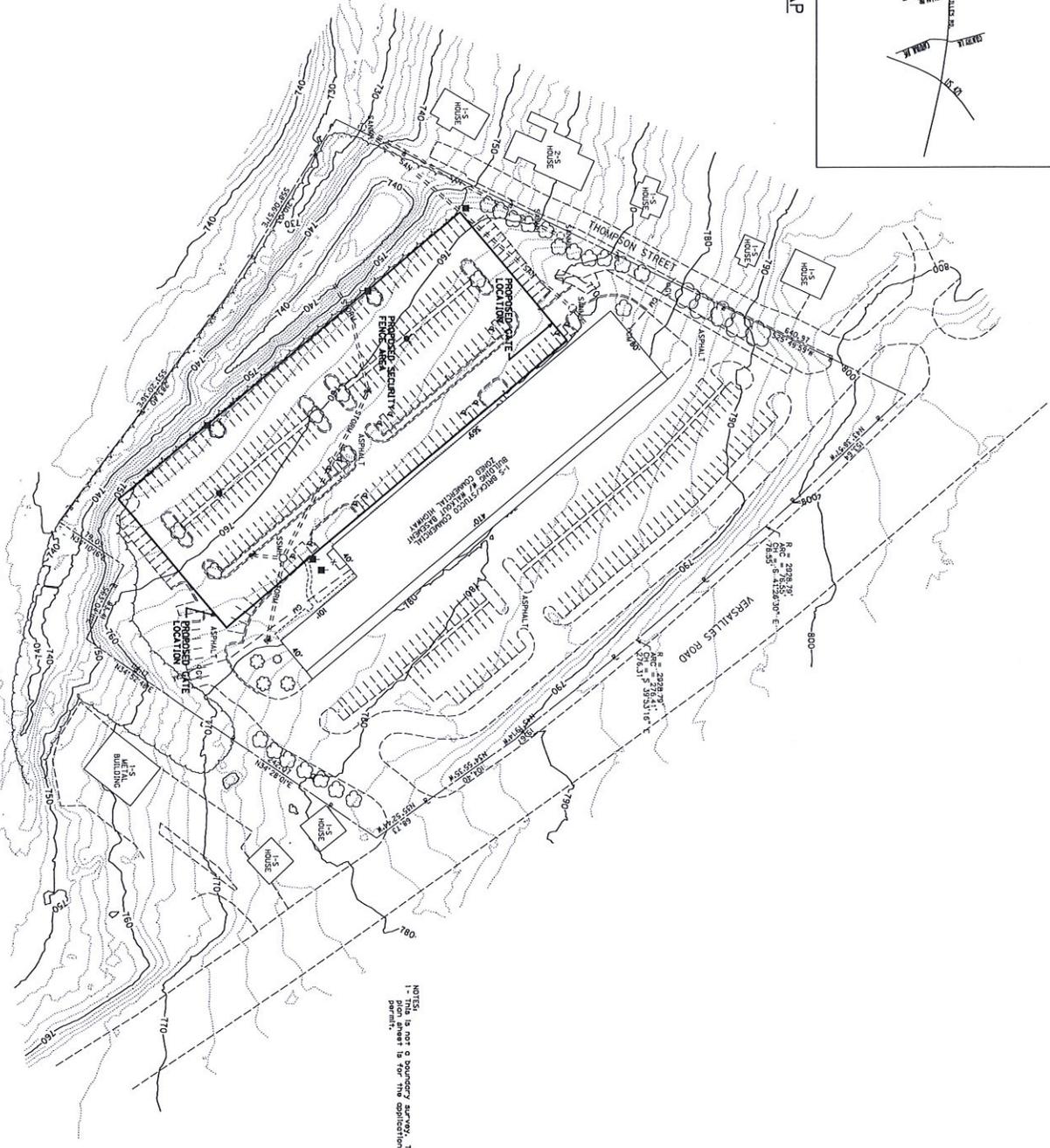
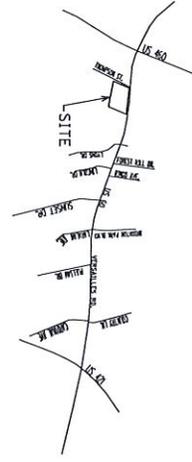




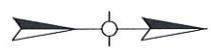
Attachments

1. Site plan
2. CUP application with applicant's statement

VICINITY MAP



NOTES:
1. This is not a boundary survey. The purpose of this plan shall be for the application of a conditional use permit.



<p>SHEET NO. 1</p>	<p>EXISTING CONDITIONS</p>	<p>DATE 7/09/2020</p>	<p>SCALE: 1" = 50'</p>								
	<p>193 VERSAILLES ROAD WELCH LANDMARK, LLC. CONDITIONAL USE PERMIT</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	REVISION							
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City of Frankfort
 PLANNING & COMMUNITY
 DEVELOPMENT
 P.O. Box 697
 Frankfort, KY 40602
 Phone: (502) 352-2094 Fax: (502) 875-8502
 www.frankfort.ky.gov

OFFICE USE ONLY

Received: ___ \ ___ \ ___

Payment Amt: \$ _____

C.U.P. No: _____

Meeting: _____

CONDITIONAL USE PERMIT APPLICATION

Tentative Meeting Date: August 11, 2020 Filing Deadline: July 14, 2020

APPLICANT:

check if primary contact

1. Name: Matt Welch
2. Company Name: Welch Landmark, LLC and Lusby Development Co. (property owners); Capital Self-Storage, LLC (business owner)
3. Mailing Address: 193 Versailles Rd, #37, Frankfort, KY 40601
4. Daytime Phone: 502-699-2202 Fax: _____ Email sara@landmarkpropertygroup.us

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: East Frankfort

Street Address: 193 Versailles Rd, #37, Frankfort, KY 40601

Zoning of Property: Commercial, Highway

Existing Use of Property: Interior self-storage and retail sales and services

Proposed Use of Property: Proposed scope of use is attached

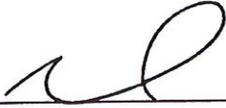
Lot Size: 7.563 acres Acres; or 33,666 Square Feet

APPLICANT'S REQUEST

(Describe SPECIFICALLY the nature and purposes of the Conditional Use Permit being requested):

Nature and purposes attached in Proposed Scope of Use

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



Signature of Applicant

06/30/2020

Date

NOTE: SUPPORTING INFORMATION IS REQUIRED WITH THIS APPLICATION. PLEASE SEE ATTACHED PAGES FOR DETAILS.

CONDITIONAL USE PERMIT APPLICATION

**WELCH LANDMARK, LLC and LUSBY DEVELOPMENT CO.
d/b/a CAPITAL SELF-STORAGE, LLC
193 Versailles Road #37, Frankfort, KY 40601**

SCOPE OF PROPOSED USE

The building at 193 Versailles Road in Frankfort, Kentucky (Parcel 074-43-07-001.00) is owned by Welch Landmark, LLC and Lusby Development Co (hereinafter, "Welch"). Capital Self Storage, LLC (hereinafter, "Capital"), uses said building to operate their business of providing climate-controlled, self-storage units in the lower level of the building; customers access these storage units from the back of the building. Additionally, Welch leases part of the building's first floor to several businesses, which customers access from the front of the building. These businesses include Arandas Mexican Restaurant, T-Mobile, Healthese Nutrition, J.R. Nails, OneMain Financial, and Elite Fitness.

Capital proposes expanded use of the property to include long-term and temporary parking for personal and recreational vehicles in the back parking lot. These vehicles may include boats, RV's, camping trailers, and other trailers. The parking area is not covered by any structure, but it is obscured from Versailles Road/Highway 60 by the presence of the building. Furthermore, the rear parking area is obscured from view due to its sitting at a lower elevation than the surrounding area and the back boundary is hidden from view due to the multiple thick rows of mature trees.

A limited amount of construction is planned, which will include the addition of a security fence and gate.

Attachment: Franklin County, KY PVA Map for Parcel 074-43-07-001.00