

**FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION**

**January 13, 2022  
5:30 PM**

**SHERRON JACKSON, CHAIRMAN -- PRESIDING**

The meeting was called to order at 5:30 p.m.

Chairman Jackson asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs  
Keith Lee  
Paul Looney  
Timothy Luscher  
William I. May, Jr.  
Darrell Sanderson  
Charles Stewart  
Brent Sweger  
Russell Wright  
Sherron Jackson, Chairman

(10)

Also Present:

Edwin Logan, Commission Attorney  
Eric Cockley, Director, Frankfort Department of Planning & Community Development  
Robert Hewitt, Director, Franklin County Planning & Building Codes Department  
Jordan Miller, Senior Planner, Frankfort Department of Planning & Community Development  
Bed Judah, Planning Supervisor, Franklin County Planning & Building Codes Department

There being a quorum, the meeting was called to order.

Chairman Jackson asked for a motion to approve the minutes of the December 9, 2021 meeting. Mr. Luscher made the motion to approve the minutes. The motion was seconded by Mr. Boggs and passed unanimously.

Chairman Jackson asked for a motion to approve the payment of bills. Mr. Boggs made a motion to approve the following bills:

The following checks were signed on December 13, 2021:

Ed Logan (Legal fee, December)	\$1500.00
Vickie Sewell (PC Secretarial Dec)	\$ 300.00
Dawn McDonald (BZA Secretarial Oct, Nov, Dec)	\$ 225.00

Ed Logan (Legal Fee, January)	\$1500.00
Frankfort NewsMedia (Ad # 1369565)	\$ 213.44
Frankfort NewsMedia (Ad# 1351936)	\$ 311.88

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

Under Staff Items, Chairman Jackson asked for acceptance and approval of the 2022 Planning Commission meeting calendar. Without objection, the calendar was approved.

Mr. Cockley provided an update on the Comprehensive Plan. He stated that staff, Chairman Jackson and Russell Wright had met with the consultant to go over the project management plan and to determine the subcommittees that would be needed and the processes and outreach programs that would be used.

Mr. Cockley stated that the group discussed the make-up of the Comprehensive Plan Advisory Committee and the public members that will be included. He stated that they had discussed the project name for the Comprehensive Plan Update and the branding that would be used.

Mr. Sweger asked if the committee had talked about the schedule and when it would be released to the public. Mr. Cockley stated that the documents would be given at the kick-off.

Chairman Jackson asked Mr. Cockley if there was a date set for the public kick-off. Mr. Cockley stated that no firm date had yet to be set.

Chairman Jackson asked the Secretary to introduce the first item on the agenda:

**PUBLIC HEARING: Kendra & George C. Quire are requesting approval of a zone map amendment from Agricultural District “AG” to Rural Residential District “RR” for a 1.51-acre portion of the property located at 994 Shadrick Ferry Road. The tract is more specifically identified as PVA Map Number 059-00-00-008.00. (County item)**

Mr. Darrell Sanderson joined the meeting.

The Secretary swore in all speakers.

Under questioning by Mr. Logan, Mr. Judah stated that he had reviewed the application for zone map amendment and that he had prepared the staff report for the item. Mr. Judah testified that the report and his findings were based upon his education, training & experience in the field of planning. Mr. Judah stated that there were no additions or deletions he wished to make to his report.

Mr. Logan asked that the staff report be entered into the record and asked Mr. Judah to provide a summary of the staff report to the Planning Commission.

Under Commission questioning, Chairman Jackson asked what the minimum lot size in Rural Residential zone district was. Mr. Judah stated that it was 1 ½ acres.

Chairman Jackson asked if the plat presented in the staff report was creating a non-conforming lot. Mr. Judah responded that the plat will not be approved until the rezoning has been approved by Fiscal Court. He stated that both lots would then be conforming because one lot would be 1.5 acres and the other portion of the lot would be consolidated with the existing agricultural lot.

Mr. Sweger asked if the plat process would be administrative. Mr. Judah stated that it would.

Mr. Looney asked how a non-conforming lot was created. Mr. Judah stated he was not sure and did not wish to speculate and make an incorrect assumption.

Mr. Wright asked if the Transportation Cabinet's decision to not approve any new entrances in conjunction with the plat was troublesome. Mr. Judah stated that it was not due to the fact that no new structures are being proposed. He stated that the house will be on the new lot and the barn will be with the remaining agricultural property.

There were no further questions of Mr. Judah.

Mr. Charles Jones, Attorney for the applicant was present and stated that he and his clients had been provided with a copy of the Staff Report and that they were in agreement with the report and recommendation. Mr. Jones stated that the original tract was a 2.0 plus tract of property and pre-dated the adoption of the Zoning Regulations. He stated that the majority of the property in that area was zoned Agricultural. He stated that the garage is being "carved out" to be included with the larger tract.

There were no further questions of Mr. Jones.

Mr. May made a motion to close the Public Hearing, adopt the Staff Report as the Summary and to take action on the item at that meeting. The motion was seconded by Mr. Luscher and passed unanimously.

Mr. Luscher made a motion to adopt the proposed findings of fact one through four provided by staff in the staff report on page 12 of 13. The motion was seconded by Mr. May and passed unanimously.

Mr. Sweger made a motion to stop the making of findings of fact. The motion was seconded by Mr. Luscher and passed unanimously.

Mr. Lee made a motion to recommend to the Franklin County Fiscal Court that the request by Kendra & George C. Quire for approval of a zone map amendment from Agricultural District "AG" to Rural Residential District "RR" for a 1.51-acre portion of the property located at 994 Shadrack Ferry Road be approved. The motion was seconded by Mr. Luscher and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

**Ampler Development is requesting approval of a Development Plan for a proposed 2,840 square foot Burger King restaurant to be constructed on the property located at 161 Arrowhead Court. The property is more specifically described as PVA map #086-00-00-017.11. (County Item)**

Mr. Judah presented the staff report to the Commission. He stated that the property was rezoned in 2017. He stated that the Planning Commission had, at that time, required that the development plan be presented to the Planning Commission for approval. Mr. Judah stated that the Technical Review Team had reviewed the Development Plan and had approved the Plan. Mr. Judah stated that staff also was recommending approval of the plan.

Chairman Jackson asked the applicant to present their case. Mr. Will Spaulding, Mr. Dan Peyton and Ms. Madison Moitoso were present. Mr. Spaulding stated that the development plan included two drive-thru lanes with a bypass lane on the outside of those two lanes. He stated that stormwater will be underground, along with all utilities. He stated that he was in agreement with the Staff Report and had no additional comments.

Chairman Jackson asked what the lines were that go through the middle of the lot. Mr. Spaulding stated that it was a previous access to the rear lot.

Mr. Sweger asked Mr. Spaulding to explain the underground retention system. Mr. Spaulding stated that the parking will be pervious pavers. He stated that the area underground will consist of #2 stone which will “wash” the run-off and then it will be released into the state right-of-way.

Mr. Lee made a motion to approve the request by Ampler Development for the approval of a Development Plan for the property located at 161 Arrowhead Court. The motion was seconded by Mr. Wright and passed unanimously.

Chairman Jackson asked the Secretary to introduce the next item:

**In accordance with Article 1.09 of the Frankfort Zoning Ordinance, Washington Hospitality Group LLC is requesting approval of a Waiver of Section 4.06.34 (E and F) of the City of Frankfort Zoning District Regulations in order to allow a hotel to provide food services and liquor sales to patrons who are not guests of the hotel as well as guests of the hotel for the property located at 300 Washington Street. The property is more particularly described as PVA Map #061-24-07-006.00. (City item)**

Mr. Jordan Miller presented the staff report to the Commission. Mr. Miller stated that the property was along 15,000 square feet in area. He stated that the property is zoned Special Historic and is located adjacent to the Central Business district. He stated that the building is currently vacant and that the last occupant had been the Commonwealth of Kentucky’s Historic Preservation Office.

Mr. Miller stated that he had reviewed the request and had proposed positive findings for the request. Mr. Miller stated that the Traffic Engineer had reviewed the request and had no issues, as long as the proposal meets the required parking spaces. Mr. Miller stated that 13 spaces are required and can be provided on site.

Mr. Miller stated that he had spoken with a representative of the First Presbyterian Church and their only concerns were allowing the hotel to use on-street parking and if that would conflict with the church's activities.

Mr. Miller stated that staff was recommending approval of the request.

Under questioning by the Commission, Mr. Lee asked if the applicants were considering a roof-top bar. Mr. Jordan stated that the applicants are not considering a roof-top bar. He did state that there is an existing 10' x 12' landing at the rear of the building that could be used as a lounge/sitting area, but that there would be no service there.

Mr. Lee asked if the Special Historic district provided for quiet hours. Mr. Jordan stated that there is an existing noise ordinance that would deal with afterhours noise.

Mr. Lee asked if events or weddings would be provided in the rear of the property. Mr. Miller stated that that would be a separate use and would be dealt with in a different manner.

Mr. Lee asked what time alcohol sales were permitted on Sunday. Mr. Luscher stated that alcohol sales were permitted on Sunday without conditions.

Chairman Jackson asked for the applicant to present their case. Ms. Rebecca Burnworth of Burnworth Design, located at 414 Plunkett Street, was present and stated that the applicants were in agreement with the staff report. She stated that the use would be primarily a hotel use, but that the applicants would like to have the ability to have the residents of Frankfort to also use and experience the property.

Mr. Tyler Bromagen and Ms. Amber Lagrew, owners of the property stated that they wished to restore the property and have it highlight the history of the area. They stated that they did not want to deprive local residents from the history of the structure. Mr. Lagrew stated that she felt it would be the first museum hotel in Frankfort and she wanted the residents to be able to see the structure.

Mr. Logan asked Mr. Bromagen and Ms. Lagrew if they were in agreement with the staff report. They stated that they were.

Chairman Jackson questioned the noise issue. The owners stated that the existing noise ordinance will take care of any issues presented. Chairman Jackson stated that there may be a situation wherein the church behind the property would have a function that may coincide with an outdoor function at the hotel. Mr. Bromagen stated that they would work with the Church to minimize problems.

Ms. Lagrew stated that they will also have valet parking off-site and will only be providing small plates for dining.

Mr. Lee asked what the maximum seating could be for the restaurant. Ms. Burnworth stated that 100 persons would be the maximum number of occupants, that that is larger than their goals. Ms. Lagrew added that they envision a capacity of 45 to 50 persons. She stated that if they were having a larger event they would like to extend to the rear/back yard but would be respectful of the city's noise ordinance.

Mr. Looney asked Mr. Miller if the six parking spaces that provide for the hotel use could be used for the restaurant. Mr. Miller stated that they would have to remain for the hotel use, only.

Mr. Logan asked Mr. Miller if the restaurant use was increased to up to 75 people, would that change his recommendation. Mr. Miller stated that it would not.

Mr. Lee asked if the Commission could put conditions on the waiver request. Mr. Logan stated that this request will also be considered for the Conditional Use Permit by the Architectural Review Board and they will be able to establish conditions for how the use will operate, as well.

Mr. May stated that the City already has a noise ordinance and can the Planning Commission impose other restrictions. Mr. Logan responded that they could not place conditions that would diminish the city regulations, but they could place conditions that would enhance the ordinance.

After further discussion, a motion was made by Mr. Lee to approve the applicant's request with the condition that no outdoor alcohol sales occur until after 1:00 pm. Mr. Luscher asked if Mr. Lee would consider modifying to allow for Bruch on Sundays of at least 12:00 noon. Mr. Lee agreed to the change. The motion was seconded by Chairman Jackson and failed by a vote of six to four. Those voting in favor of the motion were Mr. Boggs, Mr. Lee, Ms. Sanderson and Chairman Jackson. Those voting in opposition were Mr. Looney, Mr. Luscher, Mr. May, Mr. Stewart, Mr. Sweger and Mr. Wright.

A motion was then made by Mr. Sweger to approve the waiver, as requested without additional restrictions. The motion was seconded by Mr. May and was approved by a vote of seven to two. Those voting in favor were Mr. Looney, Mr. Luscher, Mr. May, Mr. Sanderson, Mr. Stewart, Mr. Sweger and Mr. Wright. Those voting against were Mr. Boggs, Mr. Lee and Chairman Jackson.

Under Other Business, Mr. Lee asked the Commission to thank the outgoing Chair and officers who have served over the last two years. Mr. Lee stated that the Nominating Committee was recommending that the Commission approve Mr. Wright as Chairman, Mr. May as Vice-Chairman and Mr. Luscher as Secretary-Treasurer. Mr. Lee made a motion to approve the Nominating Committee's recommendation. The motion was seconded by Mr. Boggs and passed unanimously.

Under other business, Mr. Sweger stated that, with the Comprehensive Plan update beginning, he wanted to make sure that he and all members were aware of the definition of Open Meetings, as it would relate to conversations members of the Commission may have over the course of the completion of the plan.

Mr. Logan stated that, in effect, ex-parte communication involved taking in any information or conversations or other materials for consideration of the matter that were not made in an open meeting. Mr. Logan stated that no member can consider any information they received outside of the public forums held by the Planning Commission and the Comprehensive Plan Committee.

Mr. Logan stated that it was possible that a member of the Planning Commission could be disqualified if it was found that the member had engaged in ex-parte communication.

Mr. Hewitt asked to introduce Daniel Walker as a new planner with his department. The Commission welcomed Mr. Walker.

There being no further business, Chairman Jackson adjourned the meeting.

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Sherron Jackson, Chairman

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Vickie Sewell, Recording Secretary