

FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION

JULY 14, 2022
5:30 PM

RUSSELL WRIGHT, CHAIRMAN

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

Chairman Wright asked the Secretary to Call the Roll.

MEMBERS PRESENT:

David Boggs
Patti Cross
Sherron Jackson
Keith Lee
Timothy Luscher
William May, Jr.
Darrell Sanderson
Brent Sweger
Russell Wright, Chairman

(9)

MEMBERS ABSENT:

Paul Looney
Charles Stewart

(2)

Also Present:

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

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

Chairman Wright asked for a motion to approve the minutes of the June 9, 2022 meeting. Mr. Sanderson made a motion to approve the minutes of the June 9, 2022 Planning Commission meeting. The motion was seconded by Mr. Luscher and passed by a vote of seven unanimously.

Chairman Wright asked for a motion to approve the payment of bills from the Amended Agenda. Mr. Luscher made a motion to approve the following bills:

Ed Logan (Legal fee, July)	\$1500.00
Logan Burch & Fox (Re: Duckers)	\$2706.00
Logan Burch & Fox (Re: Big Eddy Rehab)	\$ 693.00
Kentucky.gov (SPGE Registration)	\$ 250.00
Dawn McDonald (BZA – 6/14/22)	\$ 75.00
Vickie Sewell (PC – 06/09/22)	\$ 300.00
Frankfort NewsMedia(Legal Advertising)	\$ 777.84
Sherron Jackson (11 - PC 21/22 Meetings)	\$ 825.00
Patti Cross (9 – PC 21/22 Meetings)	\$ 675.00
James Terrell (1 – PC 21/22 Meetings)	\$ 75.00

Timothy Luscher (9 – PC 21/22 Meetings)	\$ 675.00
David Boggs (9 - PC 21/22 Meetings)	\$ 675.00
Keith Lee (9- PC 21/22 Meetings)	\$ 675.00
Charles Stewart (6- PC 21/22 Meetings)	\$ 450.00
Russell Wright (9- PC 21/22 Meetings)	\$ 675.00
Darrell Sanderson (10- PC 21/22 Meetings)	\$ 750.00
Paul Looney (9- PC 21/22 Meetings)	\$ 675.00
William May Jr (9- PC 21/22 Meetings)	\$ 675.00
Brent Sweger (10- PC 21/22 Meetings)	\$ 750.00
Mitch Buchanan (9 – BZA 21/21 Meetings)	\$ 450.00
Ashley Kennedy (3– BZA 21/21 Meetings)	\$ 150.00
Johnny Keene (7– BZA 21/21 Meetings)	\$ 350.00
Brandon White (9– BZA 21/21 Meetings)	\$ 450.00
Margaret Townsley (7– BZA 21/21 Meetings)	\$ 350.00
Barry Holder Jr (9– BZA 21/21 Meetings)	\$ 450.00
Lauren Coltrane (2– BZA 21/21 Meetings)	\$ 100.00
Jim Roberts (CUP Refund)	\$ 150.00

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

Chairman Wright made a motion to suspend the Planning Commission Bylaws to allow for the Commission to hold three public hearings and to amend the agenda to be changed to allow for New Business first and that New Frankfort Development’s Public Hearing would be the first public hearing and that Johnson Browning Investments’ Public Hearing would be the second public hearing. The motion passed unanimously. The motion was seconded and passed unanimously.

Keith Lee and Patti Cross entered the meeting.

Under Staff Items, Eric Cockley, gave an update on the Comprehensive Plan update. He stated that the first of the two kick-off meetings had been held. He stated that the next kick-off meeting would be on July 27th at Franklin County High School. He stated that the consultant would be moving into the next phase after that meeting.

Under New Business, Mr. Luscher stated that he had spoken with the Planning Commission Attorney and, given recent legal clarifications regarding agricultural storage in the AG zone, he made a motion to ask the City to prepare a text amendment to move the storage of the Agricultural product “Distilled Spirits” into a Conditional Use category and leaving all other agricultural product storage as currently permitted. The motion was seconded by Mr. Lee.

During discussion, it was brought up that there was an existing text amendment that was similar in nature and had had not yet been acted upon. After further discussion, it was decided that the Franklin County Zoning Ordinance should also be amended at the same time if the applicant for the existing Text Amendment would agree to remove their application for the text amendment. Mr. Charles Jones was present and stated that, if the motion passed, he would send a letter on behalf of the applicant to remove their application for the text amendment.

Under voice vote, the motion passed unanimously.

Chairman Wright asked the Secretary to introduce the next item on the agenda:

PUBLIC HEARING: New Frankfort Development LLC is requesting approval of a zone map amendment from “SG” Special Government to “UM” Urban Mixed Use for 11.88 acres of property located on the corner of Wilkinson Blvd and W. Broadway Street and on Wilkinson Blvd between St. Clair Street and Mero and Clinton Streets respectively. The properties may be more specifically described as PVA Map #061-00-00-103,18, PVA Map #061-00-00-104.00 and PVA Map #061-00-00-103.18. (City Item)

The Secretary swore in all speakers.

Under questioning by Mr. Logan, Mr. Cockley stated that he was the Director of the City of Frankfort’s Department of Planning & Community Development and had been in that position for four years. He stated that he had a vita on file. He stated that there were no changes, additions or deletions to the staff report.

Mr. Logan asked Mr. Cockley to provide a brief summary of the staff report. Mr. Cockley stated that the zone change being requested was for what is commonly known as Parcels B & C of the area where the Civic Center and YMCA and Parking Garage had been. He stated that the request was to change the zoning from Special Government to the Urban Mixed zone district and that the Urban Mixed zone district allowed for a mix of residential, office and retail uses, which is what the applicant is proposing. Mr. Cockley stated that the staff had recommended positive findings of fact within the Staff Report and that he was also recommending approval of the Zone Map Amendment. Mr. Logan asked that the Staff Report be entered into the Record, in lieu of additional testimony. Without objection, the Staff Report was entered.

Under Commission questioning, Mr. Jackson stated that, in looking at the City’s website, there is no Urban Mixed zone district and asked Mr. Cockley to explain what the Urban Mixed zone district is. Mr. Cockley stated that the City had developed a downtown master plan which provided for the provision of land uses similar to those found in the Urban Mixed zone district. He stated that the Urban Mixed zone could be utilized as an infill development tool for the subject area, but also for other areas that could be redeveloped. He stated that there are design standards provided for within the district that will add to and not detract from historic properties within the area. There were no further questions of Mr. Cockley.

Mr. Craig Turner with CRM Engineering Services was present to represent the applicant. He stated that he had reviewed the staff Report and was in agreement with it. He stated that his client was proposing to provide a mixture of housing, retail and limited office uses on the property. He stated that Washington Street would be extended under this proposal. He stated that, if the zoning were approved, a market study and housing needs analysis would be completed to determine the exact needs for the area.

Mr. Sweger asked if any of the housing would include rental properties. Mr. Turner stated that it would, but the applicant will rely on the study to determine the uses.

There was no one else to speak on the matter.

Mr. Lee made a motion to close the public Hearing, to adopt the Staff Report as the Summary of the Public Hearing and to adopt findings of facts one through eight, as contained in the Staff Report and to recommend to the Frankfort City Commission that New Frankfort Development, LLC’s request for zone map amendment from “SG” Special Government to “UM” Urban Mixed Use for 11.88 acres of property located on the corner of Wilkinson Boulevard and West Broadway and on Wilkinson Boulevard between St. Clair Street and Mero and Clinton Streets and identified by the PVA as being Map Numbers 061-00-00-103.18, 061-00-00-104.00 and 061-00-00-013.18 be approved. The motion was seconded by Mr. Sanderson and passed unanimously.

Chairman Wright asked the Secretary to introduce the next item:

PUBLIC HEARING: Johnson Browning Investments is requesting approval of a zone map amendment from “IC” Industrial Commercial and “CG” General Commercial to “IC” Industrial Commercial for .326 acres of property located at the corner of Holmes Street and Barrett Avenue. The properties may be more specifically identified as PVA Map #061-44-04-008.00, PVA Map #061-44-04-007.00, PVA Map #061-44-04-006.00, PVA Map #061-44-04-010.00 and PVA Map #061-44-04-009.00. (City Item)

The Secretary swore in all speakers.

Mr. Jordan Miller presented the Staff Report for the request. Under questioning by Mr. Logan, he stated that he had been employed by the City of Frankfort for seven years and that he had a Vita on file with the Commission. He stated that he had reviewed the application and prepared the staff report for the request. He stated that he had made positive findings of fact and had recommended approval of the request. He stated that there were no changes, additions or deletions to the staff report. Mr. Miller stated that the request was in agreement with the Comprehensive Plan.

Mr. Logan asked that the Staff Report be entered into the Record, in lieu of additional testimony. Without objection the Staff Report was entered.

Under Commission questioning, Mr. Sweger stated that the property is designated in the Comprehensive Plan as Suburban Business Center and that the land use guidelines of the Comprehensive Plan do not include warehousing. Mr. Miller stated that self-storage facilities are not warehousing uses. Mr. Sweger stated that the property would need to provide landscape buffering.

There were no further questions of staff.

The owners, Mr. Joe Johnson and Mr. Rick Browning were present and stated that they had read the staff report and were in agreement with staff's recommendation.

Under Commission questioning, Mr. Sweger asked if they were still proposing the plan contained within the staff report. Mr. Johnson stated that they were. Mr. Sweger stated that self-storage facilities require screening and that no screening is being proposed.

There was no one else to speak on the matter.

Mr. Jackson made a motion to close the Public Hearing, to adopt the Staff Report as the Summary and to adopt the four findings of fact recommended within the Staff Report and to recommend to the Frankfort City Commission that the request by Johnson Browning Investments for a zone map amendment from “IC” Industrial Commercial and “CG” General Commercial to “IC” Industrial Commercial for .326 acres of property located at the corner of Holmes Street and Barrett Avenue and identified by the PVA as Map Numbers 061-44-04-008.00, 061-44-04-007.00, 061-44-04-006.00, 061-44-04-010.00 and 061-44-04-009.00 be approved. The motion was seconded by Mr. Lee and passed by a vote of eight to one. Those voting in favor were Mr. Boggs, Ms. Cross, Mr. Jackson, Mr. Lee, Mr. Luscher, Mr. May, Mr. Sanderson and Chairman Wright. Mr. Sweger voted against the motion.

The Chairman asked the Secretary to introduce the next item:

PUBLIC HEARING: Moore Land Investments, LLC is requesting approval of a zone map amendment from Limited Commercial District “CL” to Two Dwelling District “RD” for 4.09-acres of property at the corner of Isaac Shelby Circle West and Metcalf Drive, being all of Lot 1, Parcel 2 as shown in Plat Cabinet M, Slide 131. The property is more specifically identified as PVA Map Number 086-30-11-001.00 (County item)

The Secretary swore in all speakers.

Mr. Ben Judah, Planning Supervisor for the Franklin County Department of Planning & Building Codes presented the staff report. Under questioning by Mr. Logan, Mr. Judah stated that he had worked for Franklin County for three and one-half years and that he had a current Vita on file. He stated that he had no changes, additions or deletions to the staff report.

Mr. Logan asked Mr. Judah to provide a brief summary of the request. Mr. Judah stated that applicant’s request was to rezone the property from “CL” Limited Commercial to “RD” Two-Dwelling District. He stated that the original property had been subdivided into two lots and the request was for the lot facing Metcalf Drive, only. Mr. Judah stated that he had proposed three positive findings, as indicated within the staff report and was recommending approval of the request.

Under Commission questioning, Mr. Sweger asked what the proposed use would be. Mr. Judah stated that there would be townhomes with up to 30 or 40 homes and that use is consistent with the Comprehensive Plan.

Mr. Jackson asked if townhomes was considered single family. Mr. Judah stated that it could be.

Under Audience questioning, Ms. Cheryl Thompson asked if the units would be rental or owner occupied. Mr. Judah stated that he didn’t have an answer to the question.

Ms. Gwen Cobb asked if the townhomes would have to adhere to the subdivision restrictions. Mr. Judah stated that he was not aware of any restrictions.

Mr. Jay Thompson asked how the townhomes would be sited. Mr. Judah stated that no development plan had been provided.

Ms. Janie Staples asked if a traffic review had been conducted. Mr. Judah stated that the Traffic Engineer had reviewed the request and indicated that no additional study was necessary.

Ms. Staples asked if there would be a buffer between the homes on Metcalfe and the townhomes. Mr. Judah stated that matter would be addressed on the development plan.

Ms. Jenny Neat asked if there had been a study on water run-off. Mr. Judah stated that matter would be addressed on the development plan.

Ms. Joe Conway asked when the residents would be able to see the development plan. Mr. Judah stated that that would be after the zone change had been approved.

Mr. Eric Kennedy asked if the Planning Commission would require a development plan and if it would come before the Planning Commission. Mr. Judah stated that staff would review and approve the plan, unless the Planning Commission required the development plan to be brought back to the Commission for approval.

Mr. Kennedy asked if parking requirements could be varied. Mr. Judah stated that the Board of Zoning Adjustments would consider any variances being requested.

Ms. Staples stated that Frankfort and Franklin County have had minimal growth in the last ten years and asked where the need for more housing had come from.

Mr. Rick Cobb asked if parking would be required on site. Mr. Judah stated that it would.

Mr. Dallas Meek questioned the need for the townhome development.

Ms. Stacy Jacobs asked if the townhomes would each have their own driveway entrance, stating that thirty or forty entrances on Metcalfe would not be beneficial to the area.

Mr. Charles Jones, attorney for the applicant was present and stated that he had reviewed the Staff Report and his client was in agreement with the report. He stated that there is no actual proposal being considered by his client. He stated that his client has considered townhomes, but that it may also be possible that his client would develop single family lots, as well. He stated that there could be up to 17 lots. He stated that his client is willing to enter into a Certificate of Land Use Restriction to restrict the use to single family lots.

Mr. Jones stated that his client did not intend to develop rental units. He stated that the property was not a part of the Governor's Place Subdivision and so is not subject to the subdivision restriction. Mr. Jones stated that each home will have garages and that his client did not want to encourage on-street parking.

Mr. Jones stated that townhomes and single-family residences will not reduce the value of the existing homes but will provide for a nice buffer to transition to the larger single-family residences along Metcalfe Lane. He stated that his client intended for the homes to face on to Metcalfe Lane.

Mr. Jones stated that the request is in compliance with the written text within the Comprehensive Plan.

Under Commission questioning, Mr. Lee asked if the applicant had done a stormwater review of the area. Mr. Jones responded that a stormwater review will be required with the development plan.

Mr. Sweger asked if his client had considered alley access instead of separate driveways along Metcalfe. Mr. Sweger asked Mr. Jones to explain how this development will fit with the existing subdivision. Mr. Jones stated that it will provide for more housing.

Under audience questioning, Ms. Cobb asked if the applicant was providing for a separate entrance instead of using Governor's Place. Mr. Jones stated that there were not.

Ms. Jennie Neat asked if the applicant would consider less than 17 lots. Mr. Jones stated that that was not a concession he was prepared to make.

Mr. Joe Conway stated that the development of the property would increase water runoff in the lower area of the subdivision.

Ms. Janie Staples asked when the concept plan would be ready to be viewed by the neighborhood. Mr. Jones responded that he expected that the plan would be ready in the new year.

Ms. Gwen Cobb asked if there was a copy of a conceptual plat that could be reviewed. Mr. Jones stated that there was not.

Ms. Cheryl Thompson asked Mr. Jones if he could talk to his client and relay the neighborhood's concerns of being more concerned with townhouses than single-family residences.

Mr. Joe Conway stated that he was against the request totally. He stated that he felt the Planning Commission should not give any approval until a traffic study and stormwater study had been provided and reviewed. He stated that all water runoff will go between Metcalfe Lane and Morehead Drive.

Mr. Conway stated that more townhomes are not needed. He stated that the existing roadways in the subdivision cannot handle the increased traffic.

Mr. Conway stated that he had lived in many subdivisions within the city and each one had been ruined by the eventual development of rental units within the subdivision. He stated that the developers needed to be made to do the right thing.

Mr. Dallas Meek stated the corner of Metcalfe and Isaac Shelby East is relatively low density with no sidewalks. He stated that traffic is a concern because of the people who walk within the subdivision.

There was no further testimony.

Mr. Luscher made a motion to close the Public Hearing and to table the item until a Summary of the Public Hearing could be prepared. The motion was seconded by Mr. Sanderson and passed unanimously.

There being no further business, a motion was made by Mr. Sanderson and seconded by Mr. Luscher to adjourn the meeting.

Russell Wright, Chairman

Vickie Sewell, Recording Secretary