

Sponsors:	Commissioner Powell
	Commissioner Williams
Second Reading:	May 9, 2022
Publication Date:	May 19, 2022

ORDINANCE NO. 2022-014

AN ORDINANCE REZONING APPROXIMATELY 8.006 ACRES OF LAND LOCATED ON THE NORTH SIDE OF NORTH STREET FROM I-1 (LIGHT INDUSTRIAL) TO R1-S (SINGLE FAMILY RESIDENTIAL) BASED UPON A RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION FROM A PETITION FILED BY KELLEY STORAGE, INC.

WHEREAS, a duly authorized representative of Kelley Storage, Inc. filed a petition to rezone approximately 8.006 acres from I-1 (Light Industrial) to R1-S (Single Family Residential) being located on the north side of North Street in Franklin, Simpson County, Kentucky; and

WHEREAS, Kelley Storage, Inc. desires to rezone the aforementioned property to make the property more productive for the community, and these changes are appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on March 15, 2022, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone changes as they are in agreement with the community's comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Franklin, Kentucky as follows:

The approximately 8.006 acres is hereby rezoned from I-1 (Light Industrial) to R1-S (Single Family Residential) being located on the north side of North Street in Franklin, Simpson County, Kentucky in accordance with this paragraph. A description of the parcel is attached as Exhibit 1 and incorporated herein by reference.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

April 25, 2022

FIRST READING

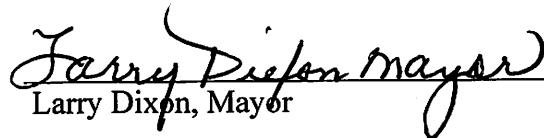
May 9, 2022

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on May 9, 2022, on motion made by Commissioner Powell and seconded by Commissioner Stewart, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	LARRY DIXON, MAYOR
<u>YES</u>	JAMIE POWELL
<u>YES</u>	BROWNIE BENNETT
<u>YES</u>	WENDELL STEWART
<u>YES</u>	HERBERT WILLIAMS

APPROVED BY:


Larry Dixon, Mayor

ATTEST:


Cathy Dillard, City Clerk

EXHIBIT 1

Description of Property to be Rezoned (Approx. 8.006 acres)

Beginning at a calculated point being the northwest corner of the Leo W. and Thelma V. Hollingsworth property as recorded in Deed Book 267, at Page 79 in the Simpson County Clerk's office and being in a west line of the Kelley Storage Inc. property as recorded in Deed Book 220, at Page 362 in said clerk's office; thence severing said Kelley Storage Inc. property North 06 degrees 27 minutes 19 seconds East, a distance of 291.70 feet to a calculated point being in the east right-of-way line of an existing railroad, said east right-of-way line being 33 feet from its centerline and being in said west Kelley Storage Inc. property line; thence continuing with said east railroad right-of-way line North 11 degrees 01 minutes 58 seconds East, a distance of 493.74 feet to a calculated point being in said west Kelley Storage Inc. property line; thence severing said Kelley Storage Inc. property North 83 degrees 21 minutes 59 seconds East, a distance of 398.23 feet to a calculated point; thence continuing to sever said Kelley Storage Inc. property South 05 degrees 35 minutes 32 seconds West, a distance of 874.75 feet to point of beginning and containing 8.006 acres.

This being a portion of the same property conveyed to Kelley Storage, Inc., a Kentucky corporation, by Brad M. Kelley and wife, Susan B. Kelley, by deed dated August 5, 1999, of record in Deed Book 220, Page 362, Office of the Simpson County Clerk.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND APPROVAL AND
RECOMMENDATION OF ZONE CHANGE BY FRANKLIN-SIMPSON COUNTY
PLANNING & ZONING COMMISSION**

This matter came before the Franklin-Simpson County Planning & Zoning Commission on March 15, 2022, on the petition of Kelley Storage, Inc. requesting a zone change from I-1 (Industrial) to R1-S (Single Family Residential) for property consisting of approximately 8.006 acres located on North Street in Franklin, Simpson County, Kentucky and described as follows:

Beginning at a calculated point being the northwest corner of the Leo W. and Thelma V. Hollingsworth property as recorded in Deed Book 267, at Page 79 in the Simpson County Clerk's office and being in a west line of the Kelley Storage Inc. property as recorded in Deed Book 220, at Page 362 in said clerk's office; thence severing said Kelley Storage Inc. property North 06 degrees 27 minutes 19 seconds East, a distance of 291.70 feet to a calculated point being in the east right-of-way line of an existing railroad, said east right-of-way line being 33 feet from its centerline and being in said west Kelley Storage Inc. property line; thence continuing with said east railroad right-of-way line North 11 degrees 01 minutes 58 seconds East, a distance of 493.74 feet to a calculated point being in said west Kelley Storage Inc. property line; thence severing said Kelley Storage Inc. property North 83 degrees 21 minutes 59 seconds East, a distance of 398.23 feet to a calculated point; thence continuing to sever said Kelley Storage Inc. property South 05 degrees 35 minutes 32 seconds West, a distance of 874.75 feet to point of beginning and containing 8.006 acres.

This being a portion of the same property conveyed to Kelley Storage, Inc., a Kentucky corporation, by Brad M. Kelley and wife, Susan B. Kelley, by deed dated August 5, 1999, of record in Deed Book 220, Page 362, Office of the Simpson County Clerk.

It was reported to the Commission that the Kelley Storage, Inc. desired to rezone said property consistent with the Comprehensive Plan and due to the need for residential development in the area. The Petitioner was represented by Hon. Timothy J. Crocker. The Commission heard statements of counsel and the testimony of Jason Baker of Bryant Engineering, Jeff Britt, and Kent Kelley. After considering the testimony, development plan, and statements of counsel, the

following Findings of Fact and Conclusions of Law were adopted by the Franklin-Simpson County Planning & Zoning Commission:

1. The map amendment sought is in agreement with the community's Comprehensive Plan because the Comprehensive Plan contemplates the growth of residential land use and the need for future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin. The Comprehensive Plan identifies one of its goals as encouraging the development of a diversified supply of safe, decent, affordable, and standard housing. The Comprehensive Plan encourages residential developments to have an interconnected network of streets and to be connected to the full range of infrastructure.

2. The original zoning classification given to the property was inappropriate or improper because the surrounding property is largely residential. Amending the original zoning classification from I-1 to R1-S will be consistent and bring it into conformity with the Comprehensive Plan. This area of Franklin is not well-suited for big trucks and other industrial purposes. The western end of North Street is inadequate for tractor trailer activity. Given the significant amount of residential development existing in the area, it is better suited for residential development. Additionally, the R1-S zoning classification was not available when the Comprehensive Plan was adopted.

3. There have been major changes of an economic, physical, or social nature within the area which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area. There has been the development of a new zoning classification, R1-S, which has encouraged the development of single-family dwelling units in Franklin. There have been changes in the area including, but not limited to, zoning of the Merrill

R. and Ruth M. Hammons Trust property to R1-S, zoning of Jepson property to R-2, the new subdivision to be developed by Josh Jones, and the increased demand for single-family dwellings.

4. The applicants have complied with all procedural prerequisites including the proper filing of the request for a zone change, and payment of all necessary expenses.

Based upon the foregoing specific Findings of Fact and Conclusions of Law, the Commission recommends to the City of Franklin, that the zone change for the property described herein from I-1 to R1-S be granted.

Approved and recommended for zoning change, this the 15 day of March, 2022.


CHAIRMAN

FRANKLIN-SIMPSON PLANNING & ZONING COMMISSION

PUBLIC HEARING

IN RE: KELLEY STORAGE, INC., TO REQUEST A ZONE CHANGE FROM I-1, LIGHT INDUSTRIAL, TO R1-S, SINGLE FAMILY SMALL LOT, FOR AN 8-ACRE PARCEL LOCATED NORTH SIDE OF NORTH STREET AND EAST SIDE OF THE EXISTING RAILROAD.

*** **
MARCH 15, 2022
*** **

APRIL PEARSON, C.C.R.
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I N D E X

EXAMINATION

BY MR. CROCKER: 4 - 16

EXHIBITS

EXHIBIT A PAGE 5 Conceptual Plan of Lots
EXHIBIT B PAGE Findings of Fact and Conclusions of Law

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The public hearing of Franklin-Simpson Planning and Zoning, taken pursuant to Notice, in the City Commission Meeting Room, City Hall, 117 West Cedar Street, Franklin, Simpson County, Kentucky, 42135, on Tuesday, March 15, 2022, at 6:38 p.m. (Central Time), upon oral examination and to be used in accordance with the Kentucky Rules of Civil Procedure.

A P P E A R A N C E S

For the Petitioners: Mr. Timothy J. Crocker
Crocker and Thurmond
Attorneys at Law
126 West Kentucky Avenue
Franklin, Kentucky 42134

For the Commission: Mr. Robert Young Link
Attorney at Law
205 West Kentucky Avenue
Franklin, Kentucky 42134

Commission Members Present:
Ms. Debbie Thornton, Chairperson
Mr. John Mayeur
Mr. Craig Mylor
Mr. George Weissinger
Mr. Gary Sliger
Mr. Roy Tyler

Also present: Ms. Enily Flora
Mr. Carter Munday

*** **

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1
2 MADAM CHAIRPERSON: Now, we'll go into
3 the public hearing that we're here for.
4 Planning and Zoning City Commission
5 Meeting Room, and this is March 15th, 2022, 6:38. And
6 we're here for a public hearing for two text amendments
7 and for Kelley Storage.
8 Do you want to do the text amendments
9 first, or do you want to do Kelley Storage first?
10 MR. LINK: Let's do Kelley Storage.
11 MADAM CHAIRPERSON: Let's do Kelley
12 Storage first. And then we'll get to the text
13 amendments.
14 I think -- Counselor, you here
15 representing Kelley Storage?
16 MR. CROCKER: I am. Good evening.
17 MADAM CHAIRPERSON: We're -- great to see
18 you all's.
19 MR. CROCKER: So I'm hear on Kelley
20 Storage. If you all will recall, we were here
21 previously to rezone what we've called the Merrill
22 Hammons' farm or property. And that was at that point
23 rezoned from I-1 and I-2 to R1-S. And that property has
24 a different owner than this property.
25 So this -- this -- as Mr. Kelley said

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1 last time we were here, that we would have to come back
2 on this property. At that time, we thought it was five
3 or six acres. It turned out to be eight, so -- the
4 little tract that we were wanting to add to the -- the
5 Merrill Hammons' farm subdivision.

6 The other thing that we had discussed at
7 that point was that there -- that Mr. Kelley was seeking
8 for there to be additional access for the Merrill
9 Hammons' property. And that has been worked out through
10 the Jepson property, which some time ago, you all had
11 rezoned to R2.

12 Mr. Kelley doesn't intend to use it for
13 the full gambit of R2 uses, and instead, he intends to
14 use it only for R1-S. So that will now connect, and
15 he'll explain, all the way back to the Josh Jones'
16 property, which Carter Munday is pleased to hear and has
17 recommended that we pursue from the beginning. And so
18 that's what we have.

19 If I could take just a minute, and pass
20 these out.

21 (Whereupon Kelley Exhibit A was duly
22 received, marked for identification,
23 and filed herewith as part hereof.)

24 MR. CROCKER: And the other thing that
25 Mr. Kelley informed me about tonight was is that I took
too much time last time and that I needed to speed

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1 things along. So I'm going -- I'm going to take him at
2 his word and I'm going to try to do that, and I
3 apologize if we did take too much time.

4 If we could, at this time, we'd like to
5 call Kent Kelley as our first witness.

6 I'll let you have podium there, if I
7 could.

8 (Off the record)

9 *** **

10 KENT KELLEY, being first duly sworn, gave
11 the following answers in response to questions
12 propounded to him.

13 EXAMINATION

14 BY MR. CROCKER:

15 Q. Mr. Kelley, if you would, for the record,
16 state your full name.

17 A. Kent Kelley.

18 Q. And Kent, are you a principle or an owner
19 of Kelley Storage?

20 A. I am.

21 Q. And it is your request tonight to rezone
22 the property -- the Kelley Storage property from I-2 and
23 I-1 to R1-S; is that correct?

24 A. Correct.

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1 Q. And is that a piece of property that you
2 have owned for a substantial period of time?

3 A. Several years.

4 Q. And is it -- to the west of that
5 property, is there industrial property and the railroad
6 tracks?

7 A. Across the railroad, correct.

8 Q. And to the east of that property, is that
9 the Merrill Hammons' farm that has recently been rezoned
10 to R1 --

11 A. Correct.

12 Q. -- S?

13 And if you could -- I made an opening
14 statement, but if you would, tell the board about what I
15 call the Jepson property, but it's the R2 property that
16 would be just east of the Hammons property.

17 A. Correct.

18 Q. Could tell them about the -- what has
19 happened there as far as your option of that property?

20 A. We've got an option on it. And it worked
21 hand in hand with having another entrance to the
22 Hammons' farm and, actually, another entrance coming
23 through Josh Jones. We felt like that that would be
24 better for traffic, so it wouldn't all be bottled into
25 one. So now, we've got at least three entrances.

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1 Q. Okay. And that was something you'd
2 seeking since the beginning of this; is that --

3 A. Yes.

4 Q. -- correct?

5 A. Yes.

6 Q. And I believe you had told that -- last
7 time we were here that we would be coming back on this
8 Kelley Storage property.

9 A. Correct.

10 Q. At that time, I think we referred to it
11 as five or six acres, but it turned out to be eight; is
12 that --

13 A. Correct.

14 Q. -- correct --

15 A. Correct.

16 Q. -- when we surveyed it?

17 Okay. And the property, do you think it
18 is suitable for an R1-S usage?

19 A. Yes.

20 Q. And will it complement the subdivision
21 that you have already presented there that is also shown
22 as -- as it would connect to the Merrill Hammons' --

23 A. I think so.

24 Q. -- subdivision?

25 Do you have a name for that subdivision

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1 yet? I haven't heard one.
 2 A. We're working on that.
 3 Q. Okay.
 4 A. We're working on it.
 5 Q. David Carver, I'm sure, can come up with
 6 you one.
 7 A. Yes.
 8 Q. Okay. And --
 9 A. Carver Estates.
 10 MADAM CHAIRPERSON: What did he say
 11 Carver is?
 12 THE WITNESS: Carver Estates.
 13 MR. CROCKER: Carver Estates, yes.
 14 Q. Is that besides you all have equal input
 15 and you call it Carver Estates?
 16 A. Yeah.
 17 Q. I understand. All right.
 18 So do you believe that there is now
 19 adequate means of ingress and egress to this particular
 20 property, as well as the Merrill Hammons' farm?
 21 A. I do.
 22 Q. And does there appear to be adequate
 23 sight distance as you pull out --
 24 A. I do.
 25 Q. -- in the proposed location?

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1 A. I do.
 2 Q. And so far as you know, as was with the
 3 other property that we were here on, is -- there
 4 continue to be adequate utility access there?
 5 A. Yes.
 6 MR. CROCKER: Okay. I don't have any
 7 other questions of Mr. Kelley.
 8 If anybody has any, he'll be happy to
 9 entertain them.
 10 MADAM CHAIRPERSON: Anybody have any
 11 questions for Mr. Kelley?
 12 MR. CROCKER: Okay.
 13 MADAM CHAIRPERSON: I have a question.
 14 This is just a general question.
 15 What is generally the speed limit in
 16 subdivisions?
 17 MR. MUNDAY: Normally, they're around
 18 twenty-five.
 19 MADAM CHAIRPERSON: And does the city
 20 post these throughout these sub --
 21 MR. MUNDAY: They do.
 22 MADAM CHAIRPERSON: Good. Okay.
 23 MR. MUNDAY: It's -- it's up to --
 24 MADAM CHAIRPERSON: Because we did hear
 25 people talk about people driving too fast for -- this

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1 just gives us more subdivision roadage (sic) --
 2 MR. KELLEY: Uh-huh.
 3 MADAM CHAIRPERSON: -- in my opinion, for
 4 these signs.
 5 MR. MUNDAY: It's up to the developer to
 6 have those placed, and the city can install them if
 7 that's worked out with the developer, but it's the
 8 developer's responsibility to get them up.
 9 MADAM CHAIRPERSON: Okay.
 10 MR. SLIGER: Isn't there a page in our
 11 new regulations that says -- that determines the speed
 12 limit by the width of the roads --
 13 MR. MUNDAY: Yeah.
 14 MR. SLIGER: -- for that matter?
 15 MADAM CHAIRPERSON: Good. Good. Okay.
 16 Gentlemen --
 17 Do you have any further witnesses?
 18 MR. CROCKER: I have -- I have Jason
 19 Baker.
 20 MADAM CHAIRPERSON: Okay.
 21 MR. CROCKER: And if I could put him on
 22 briefly. Also, Jeff Britt, but --
 23 MADAM CHAIRPERSON: Sure.
 24 MR. CROCKER: -- but both of their
 25 testimonies are going to be repetitive of what you've

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1 already heard. And if -- and if you don't need to hear
 2 it, I won't put them on. I don't want to waste your
 3 time.
 4 MADAM CHAIRPERSON: Well, we -- we so
 5 appreciate you getting so prepared. Thank you,
 6 Counselor.
 7 Gentlemen, do you all feel like you need
 8 to hear more testimony?
 9 MR. SLIGER: I don't.
 10 MR. TYLER: Uh-uh.
 11 MADAM CHAIRPERSON: Okay. Are you all --
 12 I'm prepared to take a motion.
 13 MR. LINK: Well, we need to see if
 14 there's any opposition here for it.
 15 MADAM CHAIRPERSON: Are there -- forgive
 16 me. This is a public hearing. Is there anyone else
 17 that would like to speak in a positive manner for this
 18 zone change?
 19 Now, if you guys want to speak, you can
 20 speak. We don't want to --
 21 MR. BRITT: We're just going to tell more
 22 of what you heard last time.
 23 MADAM CHAIRPERSON: We don't want you --
 24 we don't want you to waste your gas driving to town and
 25 not get your moment.

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1 Okay. Oh, well. Okay. If there's --
 2 MR. LINK: Any opposition.
 3 MADAM CHAIRPERSON: With no more positive
 4 speaking, is there any opposition for this zone change?
 5 With no one here to speak in an opposing
 6 manner to the zone change, then I'm prepared to take a
 7 motion.
 8 Thank you, Mr. Kelley.
 9 MR. KELLEY: Okay. Thank you.
 10 MR. MYLOR: I make a motion to change the
 11 zone from R -- or from I-1 to R1-S for the eight-acre
 12 parcel on the north side of North Street at the east
 13 side of the existing railroad at Kelley Storage,
 14 Incorporated.
 15 MADAM CHAIRPERSON: Okay.
 16 MR. LINK: Mr. Crocker, do you have
 17 Findings?
 18 MR. CROCKER: I do.
 19 MR. MYLOR: And to accept -- we got to
 20 read them first before --
 21 MR. LINK: Yeah.
 22 MADAM CHAIRPERSON: Does he have to
 23 restate it or we can continue?
 24 MR. LINK: Huh?
 25 MADAM CHAIRPERSON: Does he -- does

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1 Mr. Mylor need to restate --
 2 MR. LINK: He needs to --
 3 MR. MYLOR: I need to restate it with the
 4 Findings --
 5 MADAM CHAIRPERSON: Yeah, with those --
 6 the Findings of Fact and Conclusions of Law.
 7 MR. LINK: So we can adopt them.
 8 MADAM CHAIRPERSON: I wish I would learn
 9 to do this. Sorry. Get me straight, gang.
 10 MR. MAYEUR: I think this is the quickest
 11 motion that's been made.
 12 MR. CROCKER: Oh, I should have had them
 13 passed out --
 14 MR. MYLOR: Thank you.
 15 MR. CROCKER: -- Madam Chairman, I
 16 apologize.
 17 MADAM CHAIRPERSON: Thank you, Mr.
 18 Crocker. Get me -- keep me straight here.
 19 MR. CROCKER: That was really on me.
 20 MADAM CHAIRPERSON: No. It's not on you.
 21 Bob will keep us in line.
 22 (Whereupon Kelley Exhibit A was duly
 23 received, marked for identification,
 24 and filed herewith as part hereof.)
 25 MADAM CHAIRPERSON: Mr. Crocker has just
 passed out Findings of Fact and Conclusions of Law.

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1 So if the board will take a moment to
 2 look over them for the record. Thank you.
 3 MR. LINK: They're fine.
 4 MADAM CHAIRPERSON: You think so? Did
 5 you look over them?
 6 MR. LINK: Uh-huh.
 7 MADAM CHAIRPERSON: Good.
 8 MR. SLIGER: New motion.
 9 MR. MYLOR: New motion?
 10 MADAM CHAIRPERSON: New motion.
 11 MR. MYLOR: Has everybody read it yet?
 12 Okay.
 13 I now make a motion for a zone change
 14 from I-1 to R1-S for the eight -- eight-acre parcel on
 15 the north side of North Street at the east side of
 16 existing railroad of Kelley Storage, Incorporated, to
 17 include the Findings of Facts and Conclusions of the Law
 18 for your group.
 19 MADAM CHAIRPERSON: Thank you, Mr. Mylor.
 20 MR. MYLOR: Thank you.
 21 MADAM CHAIRPERSON: You're welcome.
 22 Is there a second?
 23 MR. WEISSINGER: I'll second it.
 24 MADAM CHAIRPERSON: Mr. Weissinger has
 25 seconded.

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1 Further discussion by the Board?
 2 With no further discussion, all in favor,
 3 say aye or raise your right hand?
 4 INDISCERNIBLE VOICES: Aye.
 5 MADAM CHAIRPERSON: Opposed?
 6 Five to one, motion passes.
 7 Thank you, very much.
 8 I believe this part of our meeting is now
 9 adjourned. Thank you, so much, for coming. And you
 10 guys have a good night.
 11 MR. CROCKER: Thank you all for having
 12 us.
 13 MADAM CHAIRPERSON: Thank you for coming.
 14 (Whereupon the hearing ended at 6:52 p.m.)

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