

Sponsors:	<u>Commissioner Powell</u>
	<u>Commissioner Stewart</u>
Second Reading:	<u>January 23, 2023</u>
Publication Date:	<u>February 2, 2023</u>

ORDINANCE NO. 2023 - 005

AN ORDINANCE REZONING APPROXIMATELY 30.932 ACRES ON THE WESTERLY SIDE OF U. S. 31-W FROM AG (AGRICULTURAL) TO B-4 (HIGHWAY BUSINESS DISTRICT); REZONING APPROXIMATELY 81.978 ACRES FROM AG (AGRICULTURAL) TO R-1S (SINGLE FAMILY RESIDENTIAL); AND REZONING TWO (2) PARCELS OF APPROXIMATELY 12.038 ACRES AND 16.258 ACRES FROM AG (AGRICULTURAL) TO R-4 (MULTI-FAMILY/HIGH DENSITY RESIDENTIAL DISTRICT) AS REQUESTED BY LUCY Y. STONER AND BECKY Y. SCEARCE

WHEREAS, Lucy Y. Stoner and Becky Y. Searce Cook filed a petition to rezone approximately 30.932 acres from AG (Agricultural) to B-4 (Highway Business District); rezone approximately 81.978 acres from AG to R1-S (Single Family Residential); and rezone two (2) parcels of approximately 12.038 acres and 16.258 acres from AG to R-4 (Multi-Family/High Density Residential), all parcels being located on the westerly side of U. S. Highway 31-W in Franklin, Simpson County, Kentucky; and

WHEREAS, Stoner and Searce desire 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 December 13, 2022, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission unanimously 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 30.932 acres from AG (Agricultural) to B-4 (Highway Business) as described in the attached Exhibit 1; approximately 81.978 acres from AG to R-1S (Single Family Residential) as described in the attached Exhibit 2; and two (2) parcels of approximately 12.038 acres and 16.258 acres, respectively, from AG to R-4 (Multi-Family/High Density Residential) as described in the attached Exhibit 3 and Exhibit 4, with all parcels being located on the westerly side of U. S. Highway 31-W in Franklin, Simpson County, Kentucky, are granted the zone changes in accordance with this paragraph. All Exhibits are incorporated herein as if the descriptions are set forth in full herein.

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.

January 9, 2023 FIRST READING

January 23, 2023 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on January 23, 2023, on motion made by Commissioner Stewart and seconded by Commissioner Williams, the foregoing ordinance was adopted, after full discussion, by the following vote:

Absent LARRY DIXON, MAYOR

Yes JAMIE POWELL

Yes DALE McCREARY

Yes WENDELL STEWART

Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon, Mayor
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk

EXHIBIT 1

**30.932 ACRES ON THE WESTERLY SIDE OF U. S. 31-W FROM AG
(AGRICULTURAL) TO B-4 (HIGHWAY BUSINESS DISTRICT)
A PORTION OF PARCEL NO. 037-00-00-061.00**

Beginning at calculated point in the west right-of-way line of Nashville Road said right-of-way varies in width, said point also being the southeast corner of the Walmart Stores #01-0282 property as recorded in Deed Book 215 at Page 689 in the Office of the Simpson County Clerk; thence with said right-of-way line for the next five (5) calls:

1. South 13 degrees 23 minutes 52 seconds East, a distance of 16.61 feet to a calculated point;
2. South 76 degrees 36 minutes 08 seconds West, a distance of 10.00 feet to a calculated point;
3. South 13 degrees 23 minutes 52 seconds East, a distance of 322.55 feet to a calculated point;
4. North 76 degrees 36 minutes 08 seconds East, a distance of 10.00 feet to a calculated point;
5. South 13 degrees 23 minutes 52 seconds East, a distance of 1,236.62 feet to a calculated point

being in the north line of the Spring Valley Subdivision as recorded in Plat Cabinet 2 at Page 87A and 87B in said clerk's office; thence with said north line South 74 degrees 34 minutes 38 seconds West, a distance of 840.86 feet to a calculated point being in the south line of the Lucy Y. Stoner and Becky Y. Scarce property as recorded in Deed Book 329 at Page 634 in said clerk's office ; thence severing the Lucy Y. Stoner and Becky Y. Scarce property North 13 degrees 12 minutes 24 seconds West, a distance of 1,649.28 feet to a calculated point being the southwest corner of said Walmart Stores property; thence with the south line of said Walmart Stores property North 79 degrees 36 minutes 14 seconds East, a distance of 835.98 feet to the point of beginning and containing 30.932 acres. This description is not a boundary survey it is for a rezoning only and is not to be used for the transfer of real property.

EXHIBIT 2

81.978 ACRES FROM AG TO R-1S (SINGLE FAMILY RESIDENTIAL) A PORTION OF PARCEL NO. 037-00-00-061.00

Commencing at a calculated point in the west right-of-way line of Nashville Road said right-of-way varies in width, said point also being the northeast corner of the Spring Valley Subdivision as recorded in Plat Cabinet 2 at Page 87 A and 87 B in the Office of the Simpson County Clerk; proceed with the north line of said Spring Valley Subdivision property South 74 degrees 34 minutes 38 seconds West, a distance of 840.86 feet to a calculated point being the point of beginning; thence with said north line of Spring Valley Subdivision property South 74 degrees 34 minutes 38 seconds West, a distance 1,809.21 feet to a calculated point in the east line of the Snider Farms Inc. property as recorded in Deed Book 118 at Page 77 in said clerk's office; thence with said east line North 15 degrees 57 minutes 27 seconds West, a distance of 1,038.79 feet to the northeast corner of said Snider Farms Inc. property; thence with the north line of said Snider Farms Inc. property South 64 degrees 15 minutes 30 seconds West, a distance of 430.60 feet to a calculated point being the southeast corner of the Mark S., Cynthia T. and Joshua Mark Andrews property as recorded in Deed Book 250 at Page 308 in said clerk's office; thence with the east line of said Andrews property North 27 degrees 43 minutes 17 seconds West, a distance of 1,166.20 feet to a calculated point being the southwest corner of the Lexington Place LLC. property as recorded in Deed Book 327 at Page 739 in said clerk's office; thence with the south line of said Lexington Place LLC. property North 86 degrees 27 minutes 26 seconds East, a distance of 1,135.50 feet to a calculated point being the southeast corner of said Lexington Place LLC. property and being in the north line of the Lucy Y. Stoner and Becky Y. Scarce property as recorded in Deed Book 329 at Page 634 in said clerk's office; thence severing said Lucy Y. Stoner and Becky Y. Scarce property for the next five (5) calls:

1. North 86 degrees 57 minutes 52 seconds East, a distance of 1,023.01 feet to a calculated point;
2. South 13 degrees 02 minutes 55 seconds East, a distance of 710.83 feet to a calculated point;
3. North 86 degrees 57 minutes 58 seconds East, a distance of 154.69 feet to a calculated point;
4. North 76 degrees 35 minutes 56 seconds East, a distance of 293.72 feet to a calculated point;
5. South 13 degrees 12 minutes 24 seconds East, a distance of 894.73 feet to the point of beginning and containing 81.978 acres. This description does not represent a boundary survey; it is for a rezoning only and is not to be used for the transfer of real property.

EXHIBIT 3

**12.038 ACRES FROM AG TO R-4 (MULTI-FAMILY/HIGH DENSITY RESIDENTIAL DISTRICT)
A PORTION OF PARCEL NO. 037-00-00-061.00**

Commencing at a calculated point in the west right-of-way line of Nashville Road said right-of-way varies in width, said point also being the southeast corner of the Walmart Stores #01-0282 property as recorded in Deed Book 215 at Page 689 in the Office of the Simpson County Clerk; proceed with the south line of said Walmart Stores property South 79 degrees 36 minutes 14 seconds West, a distance of 835.98 feet to a calculated point being the southwest corner of said Walmart Stores property and also being the point of beginning; thence leaving said south line and severing the Lucy Y. Stoner and Becky Y. Searce property as recorded in Deed Book 329 at Page 634 in said clerk's office for the next six (6) calls:

1. South 13 degrees 12 minutes 24 seconds East, a distance of 754.55 feet to a calculated point;
2. South 76 degrees 35 minutes 56 seconds West, a distance of 293.72 feet to a calculated point;
3. South 86 degrees 57 minutes 58 seconds West, a distance of 154.69 feet to a calculated point;
4. North 13 degrees 02 minutes 55 seconds East, a distance of 710.83 feet to a calculated point;
5. North 76 degrees 57 minutes 05 seconds East, a distance of 120.00 feet to a calculated point;
6. North 13 degrees 02 minutes 58 seconds West, a distance of 635.37 feet to a calculated point

being in the south line of the Blackberry Ridge LLC. property as recorded in Deed Book 287 at Page 457 in said clerk's office; thence with the south line of said Blackberry Ridge LLC. property North 86 degrees 58 minutes 05 seconds East, a distance of 328.58 feet to a calculated point being in the west line of said Walmart Stores property; thence with said west line South 13 degrees 05 minutes 23 seconds East, a distance of 559.60 feet to the point of beginning and containing 12.038 acres. This description is not a boundary survey it is for a rezoning only and is not to be used for the transfer of real property.

EXHIBIT 4

**16.258 ACRES FROM AG TO R-4 (MULTI-FAMILY/HIGH DENSITY RESIDENTIAL DISTRICT)
A PORTION OF PARCEL NO. 037-00-00-061.00**

Commencing at a calculated point in the west right-of-way line of Nashville Road said right-of-way varies in width, said point also being the southeast corner of the Walmart Stores #01-0282 property as recorded in Deed Book 215 at Page 689 in the Office of the Simpson County Clerk; proceed with the south line of said Walmart Stores property South 79 degrees 36 minutes 14 seconds West, a distance of 835.98 feet to a calculated point being the southwest corner of said Walmart Stores property; thence with the west line of said Walmart Stores Property North 13 degrees 05 minutes 23 seconds West, a distance of 559.60 feet to a calculated point; thence continuing with said west line South 86 degrees 58 minutes 05 seconds West, a distance of 325.58 feet to a calculated point in the south line of the Blackberry Ridge LLC. property as recorded in Deed Book 287 at Page 457 in said clerk's office and also being the point of beginning; thence leaving said south line of the Blackberry Ridge LLC. property and severing the Lucy Y. Stoner and Becky Y. Searce property as recorded in Deed Book 329 at Page 634 in said clerk's office for the next three (3) calls:

1. South 13 degrees 02 minutes 58 seconds East, a distance of 635.37 feet to a calculated point;
2. South 76 degrees 57 minutes 05 seconds West, a distance of 120.00 feet to a calculated point;
3. South 86 degrees 57 minutes 52 seconds West, a distance of 1,023.01 feet to a calculated point

in the east line of the Lexington Place LLC. property as recorded in Deed Book 327 at Page 739 in said clerk's office; thence with said east line North 04 degrees 42 minutes 32 seconds West, a distance of 646.90 feet to a calculated point; thence continuing with said east line North 86 degrees 58 minutes 05 seconds East passing the southwest corner of said Blackberry Ridge LLC. property and continuing on said course for a total distance of 1,049.59 feet to the point of beginning and containing 16.258 acres. This description is not a boundary survey it is for a rezoning only and is not to be used for the transfer of real property.