

Sponsors:	<u>Commissioner Powell</u>
	<u>Commissioner Williams</u>
Second Reading:	<u>April 10, 2023</u>
Publication Date:	<u>April 20, 2023</u>

## ORDINANCE NO. 2023-014

### AN ORDINANCE REZONING APPROXIMATELY 15.46 ACRES LOCATED IN OR AROUND THE VICINITY OF CHERRY AND ORANGE STREET FROM I-1 (LIGHT INDUSTRIAL), I-2 (HEAVY INDUSTRIAL), R-2 (SINGLE FAMILY AND TWO FAMILY RESIDENTIAL), AND R-3 (SINGLE FAMILY THROUGH MULTI-FAMILY RESIDENTIAL) TO THE NEWLY CREATED R-1S-AH (SINGLE FAMILY RESIDENTIAL AFFORDABLE HOUSING) AS REQUESTED BY FRANKLIN AFFORDABLE HOUSING, INC.

WHEREAS, Franklin Affordable Housing, Inc. filed a petition to rezone approximately 15.46 acres in multiple tracts from I-1 (Light Industrial), I-2 (Heavy Industrial), R-2 (Single Family and Two Family Dwelling Units), and R-3 (Single Family through Multi-Family Residential) to R-1S-AH (Single Family Residential Affordable Housing), all parcels being located on or around Cherry Street and Orange Street in Franklin, Simpson County, Kentucky; and

WHEREAS, Franklin Affordable Housing, Inc. desires to rezone the aforementioned property to make the property more productive for the community to provide housing for persons with low to moderate income, 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 7, 2023, 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 City's ordinances and 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 15.46 acres in which Franklin Affordable Housing, Inc. requested a zone change from I-1 (Light Industrial), I-2 (Heavy Industrial), R-2 (Single Family and Two Family Dwelling Units), R-3 (Single Family through Multi-Family Residential) to R-1S-AH (Single Family Residential Affordable Housing), with all parcels, consisting of multiple tracts, being located on or around Cherry Street and Orange Street in Franklin, Simpson County, Kentucky, are granted the zone changes in accordance with this paragraph, with the property as further described in detail in the attached Exhibit 1. The Exhibit is 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.

March 27, 2023

FIRST READING

April 10, 2023

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on April 10, 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**

Beginning at a power pole with a witness spike set on the westerly side located at the intersection of the easterly right of way of the CSX Railroad (33 feet from center of rails) with the southerly right of way of Cherry Street, the northwesterly corner of the subject owners the Franklin Affordable Housing Corporation, Inc. as appears in Commissioner's Deed Book 17 Page 154; thence along the southerly right of way of Cherry Street, South 89 degrees 19 minutes 51 seconds East a distance of 416.13 feet to an iron pipe found #3290 at a corner with Ricky Gregory (Deed Book 300 Page 286); thence leaving said street along the established line of the subject owner with Ricky Gregory, South 11 degrees 56 minutes 38 seconds East a distance of 238.32 feet to an iron pin found #3290 at the base of a king post, a corner of the subject owner's property as described in Deed Book 344 Page 102; thence along the line of the subject owner's property as described in Deed Book 344 Page 102 with Ricky Gregory, North 78 degrees 49 minutes 36 seconds East a distance of 137.86 feet to an iron pin set at the base of a wood post with a metal post on the easterly side in the westerly right of way of Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 344 Page 102, South 12 degrees 21 minutes 41 seconds East a distance of 60.01 feet to an iron pin set on the northerly side of an unimproved alley; thence leaving Orange Street along the northerly line of said unimproved 10 foot wide alley, South 78 degrees 48 minutes 36 seconds West a distance of 137.00 feet to an iron pin found #3290; thence continuing with the northerly line of said unimproved alley, South 78 degrees 50 minutes 54 seconds West a distance of 73.57 feet to an iron pin found #3290 (slightly bent) at the northwesterly corner of said unimproved alley; thence along the westerly side of an unimproved alley the following six calls; South 15 degrees 05 minutes 23 seconds East a distance of 91.07 feet to an iron pin found #3290; thence South 13 degrees 27 minutes 17 seconds East a distance of 74.15 feet to an iron pin found #3290; thence South 14 degrees 01 minute 55 seconds East a distance of 40.10 feet to an iron pin found #3290; thence continuing South 14 degrees 01 minutes 55 seconds East with said unimproved alley a distance of 64.00 feet to an iron pin found #3290; thence South 15 degrees 22 minutes 11 seconds East a distance of 80.23 feet to an iron pin found #3290; thence South 15 degrees 13 minutes 42 seconds East a distance of 82.58 feet to a round wooden corner post with a witness iron pin #3290 found at base; thence crossing said unimproved alley and picking up the line of Martinez (Deed Book 324 Page 726) North 83 degrees 22 minutes 26 seconds East a distance of 202.40 feet to a found 5/8" rebar with no cap, approximately 2 feet West of the present pavement on Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 353 Page 615, South 12 degrees 23 minutes 58 seconds East a distance of 185.33 feet to a 1/2 inch solid iron pin found at the intersection of the westerly right of way of Orange Street with an unimproved, unnamed street formerly known as First Street (said street is to be vacated and quitclaimed to the subject owners by the City of Franklin); thence crossing said unimproved and unnamed street, South 04 degrees 27 minutes 35 seconds West a distance of 40.60 feet to a spike found at the southeasterly terminus of said street at its intersection with the westerly traveled right of way of Orange Street; thence along the westerly right of way of Orange Street, South 13 degrees 32 minutes 08 seconds East a distance of 35.41 feet to a spike found in the southerly right of way of Orange Street as now traveled, and represents a corner of the

subject owner's property as described in Deed Book 279 Page 89; thence along the southerly right of way of Orange Street as now traveled, the following two calls; North 81 degrees 09 minutes 47 seconds East a distance of 388.24 feet; thence North 84 degrees 39 minutes 49 seconds East a distance 103.33 feet to an iron pin set at the beginning of the intersection of said street with what is now known as Lemon Street; thence along said intersection, South 56 degrees 56 minutes 59 seconds East a distance of 33.45 feet to an iron pin set in the westerly right of way of what is now known as Lemon Street; thence along the westerly right of way of Lemon Street, South 11 degrees 45 minutes 21 seconds East a distance of 458.18 feet to an iron pin set at the location of a found bent  $\frac{3}{4}$ " iron pipe at a corner with the Amvets Post #110, (Deed Book 361 Page 222); thence leaving said street along the line of the Amvets Post #110 and the Armal Corporation property as described in Deed Book 166 Page 687, South 84 degrees 14 minutes 32 seconds West a distance of 481.05 feet to an iron pin found #3290 in the approximate centerline of the previously vacated portion of Orange Street (see Simpson Circuit Court Case No. 88-CI-102) a corner to the Armal Corporation property as previously described in Deed Book 136 Page 340 as Area 4; thence along the old centerline of Orange Street, which portion has previously been closed, North 13 degrees 18 minutes 32 seconds West a distance of 258.29 feet to a spike found at a corner of the subject owners property as described in Commissioner's Deed Book 17 Page 160 and the Armal Corporation property as described as Area 4; thence along the line of the subject owner's with said Armal Corporation, South 76 degrees 47 minutes 19 seconds West a distance of 22.37 feet to an iron pin set at the location of a found bent  $\frac{1}{2}$ " iron pipe in the westerly right of way of the vacated portion of Orange Street; thence continuing along the line of the subject owner's property as described in Commissioner's Deed Book 17 Page 363, South 76 degrees 47 minutes 19 seconds West a distance of 363.32 feet to an iron pin found #2142 in the easterly right of way of the CSX Railroad opposite railway mile marker #135; thence along the easterly right of way of said Railroad the following three calls; North 20 degrees 05 minutes 50 seconds West a distance of 297.08 feet to an iron pin set at the southwesterly corner of a portion of unimproved street to be vacated; thence crossing said unimproved street to be vacated, North 20 degrees 11 minutes 47 seconds West a distance of 41.60 feet to an iron pin found #3290 at the southeasterly corner of the subject owner's property as described in Commissioner's Deed Book 17 Page 154; thence along the easterly right of way of said CSX Railroad, North 20 degrees 09 minutes 39 seconds West a distance of 986.42 feet to the point of beginning. Surveyed parcel contains **15.46 acres more or less**, based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in May & June of 2022. Basis of bearing for this survey is grid North, Kentucky South Zone Lambert Projection. Unless stated otherwise, all iron pins set this survey are 5/8" by 18" rebar with plastic identification cap stamped "Dunning #3290."

The above-described parcel consists of several tracts of land conveyed to Franklin Affordable Housing Corporation, Inc. by multiple deeds which are set forth as follows. Being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by a Master Commissioner's Deed dated December 7, 2018 of record in Commissioner's Deed Book 17, Page 154, in the Simpson County Clerk's office. Also, being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by a Master

Commissioner's Deed dated December 7, 2018 of record in Commissioner's Deed Book 17, Page 160, in the office aforesaid. Also, being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by the City of Franklin, Kentucky by deed dated September 15, 2008, of record in Deed Book 279, Page 89, in the office aforesaid. Also, being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by Gary Neal Graves, single, by deed dated September 26, 2019, of record in Deed Book 344, Page 102, in the office aforesaid. Finally, being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by Mark H. Flener, Trustee for the Goodrum Pallet, LLC Bankruptcy Estate by deed dated December 30, 2020, of record in Deed Book 353, Page 614, in the office aforesaid.

**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 7, 2023, on the petition of Franklin Affordable Housing Corporation, Inc. requesting a zone change of approximately 2.534 acres of property located on Cherry and Orange Street from I-2 (Heavy Industrial) to R-1S-AH (Single Family Residential-Affordable Housing), said property further described as follows:

**Property One**

Beginning at an iron pipe in the west right of way line of Orange Street, a corner to Fortune Plastics; thence with said right of way line N. 15 deg. 21' W. 258.00 feet to a spike in said right of way line at the intersection of same and the south right of way line of an unnamed street; thence with the south right of way line of said unnamed Street S. 75 deg. 49' W. 401.26 feet to a point at the intersection of same and the east right of way line of the L & N Railroad, said point being 33 feet east of and at right angles to the center line of said railroad; thence with the east right of way line of the L & N R.R., S 22 deg. 16' E. 297.16 feet to an iron pipe in said right of way line, a corner to Fortune Plastics; thence with the line of Fortune Plastics N. 74 deg. 30' E 363.83 feet to the point of beginning, containing **2.416 acres**, according to June 22, 1984 survey of Gary Sloan, Land Surveyor No. 2081.

This being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by Robert Young Link, Master Commissioner, by master commissioner deed dated December 7, 2018, of record in **Commissioner Deed Book 17, Page 160**, Office of the Simpson County Clerk.

**Property Two**

A certain tract or parcel of land lying in Simpson County, Kentucky, to-wit:

Beginning at a point 4 feet west of the corner of First and Leak Street; running thence west with the north boundary line of First Street 1996 feet to the east line of an alley between this lot and John Hunt, thence with the east line of said 12 foot alley 185 feet, thence parallel with the first line about 194 feet to a point 4 feet west of Leak Street, thence South and parallel with said street 185 feet to the beginning corner.

This being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by Mark H. Flener, Trustee for Goodrum Pallet, LLC Bankruptcy Estate, dated December 30, 2020, of record in Deed Book 353, Page 615, Office of the Simpson County Clerk.

**THE ABOVE-DESCRIBED PROPERTIES ARE NOW PART OF A COMBINED 15.46 ACRE PARCEL WHICH IS DESCRIBED BY A CURRENT SURVEY DATED MAY & JUNE 20022 BY GARY LEE DUNNING, KENTUCKY REGISTERED LAND SURVEYOR NO 3290 AS FOLLOWS:**

The following paragraph describes a tract of land in Simpson County, Kentucky in the city of Franklin on Cherry and Orange Street; a portion of the same property as conveyed to the Franklin Affordable Housing Corporation, Inc. in the following deeds of record, Commissioner's Deed Book 17 Page 154, Commissioner's Deed Book 17 Page 160, Deed Book 279 Page 89, Deed Book 344 Page 102 & Deed Book 353 Page 614 of the public records of the Simpson County Clerk's Office; said premises being more particularly described as follows: This description also contains portions of an unimproved street formerly known as First Street and a portion of an unimproved alley which the landowner for the above referenced deeds owns on both sides.

Beginning at a power pole with a witness spike set on the westerly side located at the intersection of the easterly right of way of the CSX Railroad (33 feet from center of rails) with the southerly right of way of Cherry Street, the northwesterly corner of the subject owners the Franklin Affordable Housing Corporation, Inc. as appears in Commissioner's Deed Book 17 Page 154; thence along the southerly right of way of Cherry Street, South 89 degrees 19 minutes 51 seconds East a distance of 416.13 feet to an iron pipe found #3290 at a corner with Ricky Gregory (Deed Book 300 Page 286); thence leaving said street along the established line of the subject owner with Ricky Gregory, South 11 degrees 56 minutes 38 seconds East a distance of 238.32 feet to an iron pin found #3290 at the base of a king post, a corner of the subject owner's property as described in Deed Book 344 Page 102; thence along the line of the subject owner's property as described in Deed Book 344 Page 102 with Ricky Gregory, North 78 degrees 49 minutes 36 seconds East a distance of 137.86 feet to an iron pin set at the base of a wood post with a metal post on the easterly side in the westerly right of way of Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 344 Page 102, South 12 degrees 21 minutes 41 seconds East a distance of 60.01 feet to an iron pin set on the northerly side of an unimproved alley; thence leaving Orange Street along the northerly line of said unimproved 10 foot wide alley, South 78 degrees 48 minutes 36 seconds West a distance of 137.00 feet to an iron pin found #3290; thence continuing with the northerly line of said unimproved alley, South 78 degrees 50 minutes 54 seconds West a distance of 73.57 feet to an iron pin found #3290

(slightly bent) at the northwesterly corner of said unimproved alley; thence along the westerly side of an unimproved alley the following six calls; South 15 degrees 05 minutes 23 seconds East a distance of 91.07 feet to an iron pin found #3290; thence South 13 degrees 27 minutes 17 seconds East a distance of 74.15 feet to an iron pin found #3290; thence South 14 degrees 01 minute 55 seconds East a distance of 40.10 feet to an iron pin found #3290; thence continuing South 14 degrees 01 minutes 55 seconds East with said unimproved alley a distance of 64.00 feet to an iron pin found #3290; thence South 15 degrees 22 minutes 11 seconds East a distance of 80.23 feet to an iron pin found #3290; thence South 15 degrees 13 minutes 42 seconds East a distance of 82.58 feet to a round wooden corner post with a witness iron pin #3290 found at base; thence crossing said unimproved alley and picking up the line of Martinez (Deed Book 324 Page 726) North 83 degrees 22 minutes 26 seconds East a distance of 202.40 feet to a found 5/8" rebar with no cap, approximately 2 feet West of the present pavement on Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 353 Page 615, South 12 degrees 23 minutes 58 seconds East a distance of 185.33 feet to a 1/2 inch solid iron pin found at the intersection of the westerly right of way of Orange Street with an unimproved, unnamed street formerly known as First Street (said street is to be vacated and quitclaimed to the subject owners by the City of Franklin); thence crossing said unimproved and unnamed street, South 04 degrees 27 minutes 35 seconds West a distance of 40.60 feet to a spike found at the southeasterly terminus of said street at its intersection with the westerly traveled right of way of Orange Street; thence along the westerly right of way of Orange Street, South 13 degrees 32 minutes 08 seconds East a distance of 35.41 feet to a spike found in the southerly right of way of Orange Street as now traveled, and represents a corner of the subject owner's property as described in Deed Book 279 Page 89; thence along the southerly right of way of Orange Street as now traveled, the following two calls; North 81 degrees 09 minutes 47 seconds East a distance of 388.24 feet; thence North 84 degrees 39 minutes 49 seconds East a distance 103.33 feet to an iron pin set at the beginning of the intersection of said street with what is now known as Lemon Street; thence along said intersection, South 56 degrees 56 minutes 59 seconds East a distance of 33.45 feet to an iron pin set in the westerly right of way of what is now known as Lemon Street; thence along the westerly right of way of Lemon Street, South 11 degrees 45 minutes 21 seconds East a distance of 458.18 feet to an iron pin set at the location of a found bent 3/4" iron pipe at a corner with the Amvets Post #110, (Deed Book 361 Page 222); thence leaving said street along the line of the Amvets Post #110 and the Armal Corporation property as described in Deed Book 166 Page 687, South 84 degrees 14 minutes 32 seconds West a distance of 481.05 feet to an iron pin found #3290 in the approximate centerline of the previously vacated portion of Orange Street (see Simpson Circuit Court Case No. 88-CI-102) a corner to the Armal Corporation property as previously described in Deed Book 136 Page 340 as Area 4; thence along the old centerline of Orange Street, which portion has previously been closed, North 13 degrees 18 minutes 32 seconds West a distance of 258.29 feet to a spike found at a corner of the subject owners property as described in Commissioner's Deed Book 17 Page 160 and the Armal Corporation property as described as Area 4; thence



along the line of the subject owner's with said Armal Corporation, South 76 degrees 47 minutes 19 seconds West a distance of 22.37 feet to an iron pin set at the location of a found bent 1/2" iron pipe in the westerly right of way of the vacated portion of Orange Street; thence continuing along the line of the subject owner's property as described in Commissioner's Deed Book 17 Page 363, South 76 degrees 47 minutes 19 seconds West a distance of 363.32 feet to an iron pin found #2142 in the easterly right of way of the CSX Railroad opposite railway mile marker #135; thence along the easterly right of way of said Railroad the following three calls; North 20 degrees 05 minutes 50 seconds West a distance of 297.08 feet to an iron pin set at the southwesterly corner of a portion of unimproved street to be vacated; thence crossing said unimproved street to be vacated, North 20 degrees 11 minutes 47 seconds West a distance of 41.60 feet to an iron pin found #3290 at the southeasterly corner of the subject owner's property as described in Commissioner's Deed Book 17 Page 154; thence along the easterly right of way of said CSX Railroad, North 20 degrees 09 minutes 39 seconds West a distance of 986.42 feet to the point of beginning. Surveyed parcel contains **15.46 acres more or less**, based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in May & June of 2022. Basis of bearing for this survey is grid North, Kentucky South Zone Lambert Projection. Unless stated otherwise, all iron pins set this survey are 5/8" by 18" rebar with plastic identification cap stamped "Dunning #3290."

It was reported to the Commission that the applicant 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. Amanda L. East. The Commission heard statements of counsel and the testimony of Jolie Brown, Executive Director of Franklin Affordable Housing Corporation, Inc. 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 future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin; it recognizes the residential dwelling as the basic element of a neighborhood and that there should be an interconnected network of streets and access to

appropriate public facilities. The Comprehensive Plan encourages new residential developments to locate in close proximity to Franklin and its infrastructure. The Comprehensive Plan states that one of its goals is to encourage the development of a diversified supply of safe, decent, affordable, and standard housing. The Comprehensive Plan identifies as one of its goals to encourage the development of a broad range of housing types and price ranges. The Comprehensive Plan further identifies that one of its goals is to reclaim and repair blighted and orphaned areas within neighborhoods.

2. The original zoning classification given to the property was inappropriate or improper because the Comprehensive Plan contemplates the growth of residential land use in Franklin. Additionally, the R-1S-AH 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 which have substantially altered the basic character of such area. There has been the development of the new zoning classification, R-1S-AH. There have been physical changes to the area including the deterioration of the existing housing and new residential construction like the Brick Street duplexes. There have been social and economic changes. The Franklin-Simpson population has increased. There has been an increased demand for affordable housing development in the area.

4. The applicant has 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 request for the property

herein from I-2 (Heavy Industrial) to R-1S-AH (Single Family Residential- Affordable Housing)  
be granted.

Approved and recommended for zoning change, this the 7 day of March, 2023.

  
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CHAIRWOMAN

**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 7, 2023, on the petition of Franklin Affordable Housing Corporation, Inc. requesting a zone change of approximately .189 acres of property located on Cherry and Orange Street from R-3 (Single Family through Multi-Family Residential) to R-1S-AH (Single-Family Residential Affordable Housing), said property further described as follows:

Beginning at a the southeast corner of said lot, running thence North with the street to a stone, corner; thence West 137 ½ feet to a stone, corner in said Butt's and Hudseph's line; thence South with said line 60 feet to an alley; thence East with said alley 137 feet to the beginning.

This being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by Gary Neal Graves, single, by deed dated September 26, 2019, of record in **Deed Book 344, Page 102**, Office of the Simpson County Clerk.

**THE ABOVE-DESCRIBED PARCEL IS NOW PART OF A COMBINED 15.46 ACRE PARCEL WHICH IS DESCRIBED BY A CURRENT SURVEY DATED MAY & JUNE 20022 BY GARY LEE DUNNING, KENTUCKY REGISTERED LAND SURVEYOR NO 3290 AS FOLLOWS:**

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in Commissioner's Deed Book 17 Page 154; thence along the southerly right of way of Cherry Street, South 89 degrees 19 minutes 51 seconds East a distance of 416.13 feet to an iron pipe found #3290 at a corner with Ricky Gregory (Deed Book 300 Page 286); thence leaving said street along the established line of the subject owner with Ricky Gregory, South 11 degrees 56 minutes 38 seconds East a distance of 238.32 feet to an iron pin found #3290 at the base of a king post, a corner of the subject owner's property as described in Deed Book 344 Page 102; thence along the line of the subject owner's property as described in Deed Book 344 Page 102 with Ricky Gregory, North 78 degrees 49 minutes 36 seconds East a distance of 137.86 feet to an iron pin set at the base of a wood post with a metal post on the easterly side in the westerly right of way of Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 344 Page 102, South 12 degrees 21 minutes 41 seconds East a distance of 60.01 feet to an iron pin set on the northerly side of an unimproved alley; thence leaving Orange Street along the northerly line of said unimproved 10 foot wide alley, South 78 degrees 48 minutes 36 seconds West a distance of 137.00 feet to an iron pin found #3290; thence continuing with the northerly line of said unimproved alley, South 78 degrees 50 minutes 54 seconds West a distance of 73.57 feet to an iron pin found #3290 (slightly bent) at the northwesterly corner of said unimproved alley; thence along the westerly side of an unimproved alley the following six calls; South 15 degrees 05 minutes 23 seconds East a distance of 91.07 feet to an iron pin found #3290; thence South 13 degrees 27 minutes 17 seconds East a distance of 74.15 feet to an iron pin found #3290; thence South 14 degrees 01 minute 55 seconds East a distance of 40.10 feet to an iron pin found #3290; thence continuing South 14 degrees 01 minutes 55 seconds East with said unimproved alley a distance of 64.00 feet to an iron pin found #3290; thence South 15 degrees 22 minutes 11 seconds East a distance of 80.23 feet to an iron pin found #3290; thence South 15 degrees 13 minutes 42 seconds East a distance of 82.58 feet to a round wooden corner post with a witness iron pin #3290 found at base; thence crossing said unimproved alley and picking up the line of Martinez (Deed Book 324 Page 726) North 83 degrees 22 minutes 26 seconds East a distance of 202.40 feet to a found 5/8" rebar with no cap, approximately 2 feet West of the present pavement on Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 353 Page 615, South 12 degrees 23 minutes 58 seconds East a distance of 185.33 feet to a 1/2 inch solid iron pin found at the intersection of the westerly right of way of Orange Street with an unimproved, unnamed street formerly known as First Street (said street is to be vacated and quitclaimed to the subject owners by the City of Franklin); thence crossing said unimproved and unnamed street, South 04 degrees 27 minutes 35 seconds West a distance of 40.60 feet to a spike found at the southeasterly terminus of said street at its intersection with the westerly traveled right of way of Orange Street; thence along the westerly right of way of Orange Street, South 13 degrees 32 minutes 08 seconds East a distance of 35.41 feet to a spike found in the southerly right of way of Orange Street as now traveled, and represents a corner of the subject owner's property as described in Deed Book 279 Page 89; thence along the southerly right of way of Orange Street as now traveled, the following two calls; North 81 degrees 09 minutes 47 seconds East a distance of

388.24 feet; thence North 84 degrees 39 minutes 49 seconds East a distance 103.33 feet to an iron pin set at the beginning of the intersection of said street with what is now known as Lemon Street; thence along said intersection, South 56 degrees 56 minutes 59 seconds East a distance of 33.45 feet to an iron pin set in the westerly right of way of what is now known as Lemon Street; thence along the westerly right of way of Lemon Street, South 11 degrees 45 minutes 21 seconds East a distance of 458.18 feet to an iron pin set at the location of a found bent  $\frac{3}{4}$ " iron pipe at a corner with the Amvets Post #110, (Deed Book 361 Page 222); thence leaving said street along the line of the Amvets Post #110 and the Armal Corporation property as described in Deed Book 166 Page 687, South 84 degrees 14 minutes 32 seconds West a distance of 481.05 feet to an iron pin found #3290 in the approximate centerline of the previously vacated portion of Orange Street (see Simpson Circuit Court Case No. 88-CI-102) a corner to the Armal Corporation property as previously described in Deed Book 136 Page 340 as Area 4; thence along the old centerline of Orange Street, which portion has previously been closed, North 13 degrees 18 minutes 32 seconds West a distance of 258.29 feet to a spike found at a corner of the subject owners property as described in Commissioner's Deed Book 17 Page 160 and the Armal Corporation property as described as Area 4; thence along the line of the subject owner's with said Armal Corporation, South 76 degrees 47 minutes 19 seconds West a distance of 22.37 feet to an iron pin set at the location of a found bent  $\frac{1}{2}$ " iron pipe in the westerly right of way of the vacated portion of Orange Street; thence continuing along the line of the subject owner's property as described in Commissioner's Deed Book 17 Page 363, South 76 degrees 47 minutes 19 seconds West a distance of 363.32 feet to an iron pin found #2142 in the easterly right of way of the CSX Railroad opposite railway mile marker #135; thence along the easterly right of way of said Railroad the following three calls; North 20 degrees 05 minutes 50 seconds West a distance of 297.08 feet to an iron pin set at the southwesterly corner of a portion of unimproved street to be vacated; thence crossing said unimproved street to be vacated, North 20 degrees 11 minutes 47 seconds West a distance of 41.60 feet to an iron pin found #3290 at the southeasterly corner of the subject owner's property as described in Commissioner's Deed Book 17 Page 154; thence along the easterly right of way of said CSX Railroad, North 20 degrees 09 minutes 39 seconds West a distance of 986.42 feet to the point of beginning. Surveyed parcel contains 15.46 acres more or less, based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in May & June of 2022. Basis of bearing for this survey is grid North, Kentucky South Zone Lambert Projection. Unless stated otherwise, all iron pins set this survey are 5/8" by 18" rebar with plastic identification cap stamped "Dunning #3290."

It was reported to the Commission that the applicant 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. Amanda L. East. The Commission heard statements of counsel and the testimony of Jolie Brown, Executive Director of Franklin Affordable Housing Corporation, Inc. 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 future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin; it recognizes the residential dwelling as the basic element of a neighborhood and that there should be an interconnected network of streets and access to appropriate public facilities. The Comprehensive Plan encourages new residential developments to locate in close proximity to Franklin and its infrastructure. The Comprehensive Plan states that one of its goals is to encourage the development of a diversified supply of safe, decent, affordable, and standard housing. The Comprehensive Plan identifies as one of its goals to encourage the development of a broad range of housing types and price ranges. The Comprehensive Plan further identifies that one of its goals is to reclaim and repair blighted and orphaned areas within neighborhoods.

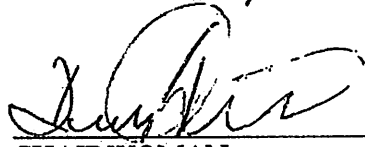
2. The original zoning classification given to the property was inappropriate or improper because the Comprehensive Plan contemplates the growth of residential land use in Franklin. Additionally, the R-1S-AH zoning classification was not available when the Comprehensive Plan was adopted.

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 which have substantially altered the basic character of such area. There has been the development of the new zoning classification, R-1S-AH. There have been physical changes to the area including the deterioration of the existing housing and new residential construction like the Brick Street duplexes. There have been social and economic changes. The Franklin-Simpson population has increased. There has been an increased demand for affordable housing development in the area.

4. The applicant has 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 request for the property herein from R-3 (Single Family through Multi-Family Residential) to R-1S-AH (Single-Family Residential Affordable Housing) be granted.

Approved and recommended for zoning change, this the 7 day of March, 2023.

  
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CHAIRWOMAN



**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 7, 2023, on the petition of Franklin Affordable Housing Corporation, Inc. requesting a zone change of approximately 6.35 acres of property located on Cherry and Orange Street from of which approximately 5 acres is currently zoned I-1 (Light Industrial) and approximately 1.35 acres is currently zoned I-2 (Heavy Industrial) to R-1S-AH (Single Family Residential-Affordable Housing), said property further described as follows:

Certain real property located on the south side of Cherry Street, west of Orange Street Extended, in Franklin, Simpson County, Kentucky, to-wit:

Tract 1: On the south side of Gabard Street and on the east side of Railroad Street and bounded thus: on the west by the L & N Railroad Co., on the south and east by lands formerly owned by Henderson Hunt, and on the north by a street running east and west, containing 6 acres, more or less.

Tract 2: Bounded on the north by the property of Clarence Biggs, on the west by the L & N Railroad Co., on the south by Hughes and Kathleen Frye, and on the east by an alley, containing 2 acres, more or less.

Tract 3: Located just east of the L & N Railroad and bounded thus: Beginning at a stake, corner to Bill Biggs, 24 feet from L & N Railroad right-of-way; thence east of his line 235 feet to a stake, corner to Byrd, Sam Gann and Roy Anderson 313 feet to a stake, corner to Rigsby; thence with the line of Rigsby west 335 feet to a stake 24 feet from L & N Railroad right-of-way; thence north 281 feet to the place of beginning.

Tract 4: Located in Boxtown, beginning 16 feet east of the L & N Railroad line at the northwest corner of First Street; thence eastward and with north line of said street 193 feet to a stake, corner on said street; thence northwardly 105 feet to a stake; thence westwardly 202 feet to a stake within 12 feet of the east line of the L & N Railroad property; thence southwardly with the line of said property 104 feet to the beginning.

THE SUBJECT PROPERTY IS DESCRIBED BY A CURRENT SURVEY DATED MAY. 2014, BY GARY LEE DUNNING, KENTUCKY REGISTERED LAND SURVEYOR NO. 3290 AS FOLLOWS:

Beginning at an iron pin set at the intersection of the southerly right-of-way of Cherry Street (approximately 20 feet from centerline) with the easterly right-of-way of the CSX Railroad (approximately 33 feet from center of rails), the northwesterly corner of the subject owners, Jackie Adams et al as originally described in Deed Book 118, Page 5 (Parcel 3); thence along the meanders of the southerly right-of-way of Cherry Street S 89° 19' 14" E 416.06 feet to an iron pin set at a corner with Ricky Gregory (DB 300 Pg 286); thence leaving said street on the line of the subject owners with Ricky Gregory S 11° 56' 28" E 238.41 feet to an iron pin set at the base of a corner post, a corner with Earl Ray Blackburn (DB 155 Pg 634); thence along the line of Earl Ray Blackburn S 13° 12' 36" E 60.00 feet to an iron pin set on the northerly side of an unimproved alley; thence along the northerly side of said unimproved alley N 78° 51' 09" W 73.59 feet to an iron pin set; thence along the westerly line of an unimproved alley the following seven (7) calls: (1) S 15° 05' 23" E 91.07 feet to an iron pin set, (2) S 13° 27' 17" E 74.15 feet to an iron pin set, (3) S 14° 01' 55" E 40.10 feet to an iron pin set, (4) S 14° 01' 55" E 64.00 feet to an iron pin set, (5) S 15° 22' 11" E 80.23 feet to an iron pin set, (6) S 15° 13' 42" E 82.58 feet to a found corner post with a witness iron pin set at base, (7) S 11° 23' 01" E 180.67 feet to an iron pin set on the northerly side of an unnamed and unimproved street formerly known as First Street; thence along the northerly side of said unimproved street S 84° 36' 13" W 212.84 feet to an iron pin set in the easterly right-of-way of the CSX Railroad; thence along the easterly right-of-way of said railroad N 20° 09' 00" W 986.42 feet to the point of beginning, containing 6.35 acres, more or less, and subject to all legal conditions and easements of record. Basis of bearing for this description is grid North Kentucky South Zone, Lambert projection per GPS observations on the traveled centerline of the CSX Railroad. Unless stated otherwise, all iron pins set this survey are 5/8" x 18" iron pins with plastic identification cap stamped "Dunning #3290."

This being the same property conveyed to Franklin Affordable Housing Corporation, Inc. by Robert Young Link, Master Commissioner, by master commissioner deed dated December 7, 2018, of record in **Commissioner's Deed Book 17, Page 154**, Office of the Simpson County Clerk.

**THE ABOVE-DESCRIBED TRACTS ARE NOW PART OF A COMBINED 15.46 ACRE PARCEL WHICH IS DESCRIBED BY A CURRENT SURVEY DATED MAY & JUNE 20022 BY GARY LEE DUNNING, KENTUCKY REGISTERED LAND SURVEYOR NO 3290 AS FOLLOWS:**

The following paragraph describes a tract of land in Simpson County, Kentucky in the city of Franklin on Cherry and Orange Street; a portion of the same property as conveyed to the Franklin Affordable Housing Corporation, Inc. in the following deeds of record, Commissioner's Deed Book 17 Page 154, Commissioner's Deed Book 17 Page 160, Deed Book 279 Page 89, Deed Book 344 Page 102 & Deed Book 353 Page 614 of the public records of the Simpson County Clerk's Office;

said premises being more particularly described as follows: This description also contains portions of an unimproved street formerly known as First Street and a portion of an unimproved alley which the landowner for the above referenced deeds owns on both sides.

Beginning at a power pole with a witness spike set on the westerly side located at the intersection of the easterly right of way of the CSX Railroad (33 feet from center of rails) with the southerly right of way of Cherry Street, the northwesterly corner of the subject owners the Franklin Affordable Housing Corporation, Inc. as appears in Commissioner's Deed Book 17 Page 154; thence along the southerly right of way of Cherry Street, South 89 degrees 19 minutes 51 seconds East a distance of 416.13 feet to an iron pipe found #3290 at a corner with Ricky Gregory (Deed Book 300 Page 286); thence leaving said street along the established line of the subject owner with Ricky Gregory, South 11 degrees 56 minutes 38 seconds East a distance of 238.32 feet to an iron pin found #3290 at the base of a king post, a corner of the subject owner's property as described in Deed Book 344 Page 102; thence along the line of the subject owner's property as described in Deed Book 344 Page 102 with Ricky Gregory, North 78 degrees 49 minutes 36 seconds East a distance of 137.86 feet to an iron pin set at the base of a wood post with a metal post on the easterly side in the westerly right of way of Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 344 Page 102, South 12 degrees 21 minutes 41 seconds East a distance of 60.01 feet to an iron pin set on the northerly side of an unimproved alley; thence leaving Orange Street along the northerly line of said unimproved 10 foot wide alley, South 78 degrees 48 minutes 36 seconds West a distance of 137.00 feet to an iron pin found #3290; thence continuing with the northerly line of said unimproved alley, South 78 degrees 50 minutes 54 seconds West a distance of 73.57 feet to an iron pin found #3290 (slightly bent) at the northwesterly corner of said unimproved alley; thence along the westerly side of an unimproved alley the following six calls; South 15 degrees 05 minutes 23 seconds East a distance of 91.07 feet to an iron pin found #3290; thence South 13 degrees 27 minutes 17 seconds East a distance of 74.15 feet to an iron pin found #3290; thence South 14 degrees 01 minute 55 seconds East a distance of 40.10 feet to an iron pin found #3290; thence continuing South 14 degrees 01 minutes 55 seconds East with said unimproved alley a distance of 64.00 feet to an iron pin found #3290; thence South 15 degrees 22 minutes 11 seconds East a distance of 80.23 feet to an iron pin found #3290; thence South 15 degrees 13 minutes 42 seconds East a distance of 82.58 feet to a round wooden corner post with a witness iron pin #3290 found at base; thence crossing said unimproved alley and picking up the line of Martinez (Deed Book 324 Page 726) North 83 degrees 22 minutes 26 seconds East a distance of 202.40 feet to a found 5/8" rebar with no cap, approximately 2 feet West of the present pavement on Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 353 Page 615, South 12 degrees 23 minutes 58 seconds East a distance of 185.33 feet to a 1/2 inch solid iron pin found at the intersection of the westerly right of way of Orange Street with an unimproved, unnamed street formerly known as First Street (said street is to be vacated and quitclaimed to the subject owners by the City of

Franklin); thence crossing said unimproved and unnamed street, South 04 degrees 27 minutes 35 seconds West a distance of 40.60 feet to a spike found at the southeasterly terminus of said street at its intersection with the westerly traveled right of way of Orange Street; thence along the westerly right of way of Orange Street, South 13 degrees 32 minutes 08 seconds East a distance of 35.41 feet to a spike found in the southerly right of way of Orange Street as now traveled, and represents a corner of the subject owner's property as described in Deed Book 279 Page 89; thence along the southerly right of way of Orange Street as now traveled, the following two calls; North 81 degrees 09 minutes 47 seconds East a distance of 388.24 feet; thence North 84 degrees 39 minutes 49 seconds East a distance 103.33 feet to an iron pin set at the beginning of the intersection of said street with what is now known as Lemon Street; thence along said intersection, South 56 degrees 56 minutes 59 seconds East a distance of 33.45 feet to an iron pin set in the westerly right of way of what is now known as Lemon Street; thence along the westerly right of way of Lemon Street, South 11 degrees 45 minutes 21 seconds East a distance of 458.18 feet to an iron pin set at the location of a found bent  $\frac{3}{4}$ " iron pipe at a corner with the Amvets Post #110, (Deed Book 361 Page 222); thence leaving said street along the line of the Amvets Post #110 and the Armal Corporation property as described in Deed Book 166 Page 687, South 84 degrees 14 minutes 32 seconds West a distance of 481.05 feet to an iron pin found #3290 in the approximate centerline of the previously vacated portion of Orange Street (see Simpson Circuit Court Case No. 88-CI-102) a corner to the Armal Corporation property as previously described in Deed Book 136 Page 340 as Area 4; thence along the old centerline of Orange Street, which portion has previously been closed, North 13 degrees 18 minutes 32 seconds West a distance of 258.29 feet to a spike found at a corner of the subject owners property as described in Commissioner's Deed Book 17 Page 160 and the Armal Corporation property as described as Area 4; thence along the line of the subject owner's with said Armal Corporation, South 76 degrees 47 minutes 19 seconds West a distance of 22.37 feet to an iron pin set at the location of a found bent  $\frac{1}{2}$ " iron pipe in the westerly right of way of the vacated portion of Orange Street; thence continuing along the line of the subject owner's property as described in Commissioner's Deed Book 17 Page 363, South 76 degrees 47 minutes 19 seconds West a distance of 363.32 feet to an iron pin found #2142 in the easterly right of way of the CSX Railroad opposite railway mile marker #135; thence along the easterly right of way of said Railroad the following three calls; North 20 degrees 05 minutes 50 seconds West a distance of 297.08 feet to an iron pin set at the southwesterly corner of a portion of unimproved street to be vacated; thence crossing said unimproved street to be vacated, North 20 degrees 11 minutes 47 seconds West a distance of 41.60 feet to an iron pin found #3290 at the southeasterly corner of the subject owner's property as described in Commissioner's Deed Book 17 Page 154; thence along the easterly right of way of said CSX Railroad, North 20 degrees 09 minutes 39 seconds West a distance of 986.42 feet to the point of beginning. Surveyed parcel contains **15.46 acres more or less**, based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in May & June of 2022. Basis of bearing for this survey is grid North, Kentucky South Zone Lambert Projection. Unless stated otherwise, all iron pins

set this survey are 5/8" by 18" rebar with plastic identification cap stamped "Dunning #3290."

It was reported to the Commission that the applicant 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. Amanda L. East. The Commission heard statements of counsel and the testimony of Jolie Brown, Executive Director of Franklin Affordable Housing Corporation, Inc. 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 future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin; it recognizes the residential dwelling as the basic element of a neighborhood and that there should be an interconnected network of streets and access to appropriate public facilities. The Comprehensive Plan encourages new residential developments to locate in close proximity to Franklin and its infrastructure. The Comprehensive Plan states that one of its goals is to encourage the development of a diversified supply of safe, decent, affordable, and standard housing. The Comprehensive Plan identifies as one of its goals to encourage the development of a broad range of housing types and price ranges. The Comprehensive Plan further identifies that one of its goals is to reclaim and repair blighted and orphaned areas within neighborhoods.

2. The original zoning classification given to the property was inappropriate or improper because the Comprehensive Plan contemplates the growth of residential land use in

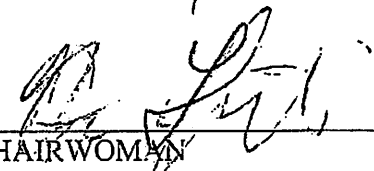
Franklin. Additionally, the R-1S-AH zoning classification was not available when the Comprehensive Plan was adopted.

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 which have substantially altered the basic character of such area. There has been the development of the new zoning classification, R-1S-AH. There have been physical changes to the area including the deterioration of the existing housing and new residential construction like the Brick Street duplexes. There have been social and economic changes. The Franklin-Simpson population has increased. There has been an increased demand for affordable housing development in the area.

4. The applicant has 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 request for the property herein from I-1 (Light Industrial) and I-2 (Heavy Industrial) to R-1S-AH (Single Family Residential Affordable Housing) be granted.

Approved and recommended for zoning change, this the 7 day of March, 2023.

  
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CHAIRWOMAN

**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 7, 2023, on the petition of Franklin Affordable Housing Corporation, Inc. requesting a zone change of approximately 6.387 acres of property located on Cherry and Orange Street from R-2 (Single Family and Two Family Residential) to R-1S-AH (Single Family Residential- Affordable Housing), said property further described as follows:

PARCEL I: Beginning at a pin at the intersection of the east right-of-way line of Orange Street and the south right-of-way line of Washington Way; thence N. 80 deg. 58' 01" E 478.24 feet with the south right-of-way line of Washington Way to a pin at the intersection of the south right-of-way of Washington Way and the west right-of-way line of Lemon Street; thence S. 12 deg. 48' 53" E 488.85 feet with the west right-of-way line of Lemon Street to an iron pipe corner to Printers, Inc.; thence S. 84 deg. 14' 32" W. 464.97 feet with the line of Printer's Inc. and Fortune Plastics to a stake in the east right-of-way line of Orange Street; thence N. 14 deg. 45' 44" W. 463.53 feet with the east right-of-way line of Orange Street to the point of beginning containing 5.12 acres less any rights of ways or easements of record.

PARCEL II: That portion of Orange Street as was closed in the Simpson Circuit Court Case No. 88-CI-102, which these grantors may have acceded to by operation of law in the closing of said street.

Being the same property conveyed to Franklin Affordable Housing Corporation, Inc., by the City of Franklin, Kentucky by deed dated September 15, 2008, of record in Deed Book 279, Page 89, Office of the Simpson County Clerk.

**THE ABOVE-DESCRIBED PARCELS ARE NOW PART OF A  
COMBINED 15.46 ACRE PARCEL WHICH IS DESCRIBED BY A  
CURRENT SURVEY DATED MAY & JUNE 20022 BY GARY LEE  
DUNNING, KENTUCKY REGISTERED LAND SURVEYOR NO 3290 AS  
FOLLOWS:**

The following paragraph describes a tract of land in Simpson County, Kentucky in the city of Franklin on Cherry and Orange Street; a portion of the same property as conveyed to the Franklin Affordable Housing Corporation, Inc. in the following deeds of record, Commissioner's Deed Book 17 Page 154, Commissioner's Deed

Book 17 Page 160, Deed Book 279 Page 89, Deed Book 344 Page 102 & Deed Book 353 Page 614 of the public records of the Simpson County Clerk's Office; said premises being more particularly described as follows: This description also contains portions of an unimproved street formerly known as First Street and a portion of an unimproved alley which the landowner for the above referenced deeds owns on both sides.

Beginning at a power pole with a witness spike set on the westerly side located at the intersection of the easterly right of way of the CSX Railroad (33 feet from center of rails) with the southerly right of way of Cherry Street, the northwesterly corner of the subject owners the Franklin Affordable Housing Corporation, Inc. as appears in Commissioner's Deed Book 17 Page 154; thence along the southerly right of way of Cherry Street, South 89 degrees 19 minutes 51 seconds East a distance of 416.13 feet to an iron pipe found #3290 at a corner with Ricky Gregory (Deed Book 300 Page 286); thence leaving said street along the established line of the subject owner with Ricky Gregory, South 11 degrees 56 minutes 38 seconds East a distance of 238.32 feet to an iron pin found #3290 at the base of a king post, a corner of the subject owner's property as described in Deed Book 344 Page 102; thence along the line of the subject owner's property as described in Deed Book 344 Page 102 with Ricky Gregory, North 78 degrees 49 minutes 36 seconds East a distance of 137.86 feet to an iron pin set at the base of a wood post with a metal post on the easterly side in the westerly right of way of Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 344 Page 102, South 12 degrees 21 minutes 41 seconds East a distance of 60.01 feet to an iron pin set on the northerly side of an unimproved alley; thence leaving Orange Street along the northerly line of said unimproved 10 foot wide alley, South 78 degrees 48 minutes 36 seconds West a distance of 137.00 feet to an iron pin found #3290; thence continuing with the northerly line of said unimproved alley, South 78 degrees 50 minutes 54 seconds West a distance of 73.57 feet to an iron pin found #3290 (slightly bent) at the northwesterly corner of said unimproved alley; thence along the westerly side of an unimproved alley the following six calls; South 15 degrees 05 minutes 23 seconds East a distance of 91.07 feet to an iron pin found #3290; thence South 13 degrees 27 minutes 17 seconds East a distance of 74.15 feet to an iron pin found #3290; thence South 14 degrees 01 minute 55 seconds East a distance of 40.10 feet to an iron pin found #3290; thence continuing South 14 degrees 01 minutes 55 seconds East with said unimproved alley a distance of 64.00 feet to an iron pin found #3290; thence South 15 degrees 22 minutes 11 seconds East a distance of 80.23 feet to an iron pin found #3290; thence South 15 degrees 13 minutes 42 seconds East a distance of 82.58 feet to a round wooden corner post with a witness iron pin #3290 found at base; thence crossing said unimproved alley and picking up the line of Martinez (Deed Book 324 Page 726) North 83 degrees 22 minutes 26 seconds East a distance of 202.40 feet to a found 5/8" rebar with no cap, approximately 2 feet West of the present pavement on Orange Street; thence along the westerly right of way of Orange Street as called in Deed Book 353 Page 615, South 12 degrees 23 minutes 58 seconds East a distance of 185.33 feet to a 1/2 inch solid iron pin found at the intersection of the westerly right of way of Orange



Street with an unimproved, unnamed street formerly known as First Street (said street is to be vacated and quitclaimed to the subject owners by the City of Franklin); thence crossing said unimproved and unnamed street, South 04 degrees 27 minutes 35 seconds West a distance of 40.60 feet to a spike found at the southeasterly terminus of said street at its intersection with the westerly traveled right of way of Orange Street; thence along the westerly right of way of Orange Street, South 13 degrees 32 minutes 08 seconds East a distance of 35.41 feet to a spike found in the southerly right of way of Orange Street as now traveled, and represents a corner of the subject owner's property as described in Deed Book 279 Page 89; thence along the southerly right of way of Orange Street as now traveled, the following two calls; North 81 degrees 09 minutes 47 seconds East a distance of 388.24 feet; thence North 84 degrees 39 minutes 49 seconds East a distance 103.33 feet to an iron pin set at the beginning of the intersection of said street with what is now known as Lemon Street; thence along said intersection, South 56 degrees 56 minutes 59 seconds East a distance of 33.45 feet to an iron pin set in the westerly right of way of what is now known as Lemon Street; thence along the westerly right of way of Lemon Street, South 11 degrees 45 minutes 21 seconds East a distance of 458.18 feet to an iron pin set at the location of a found bent  $\frac{3}{4}$ " iron pipe at a corner with the Amvets Post #110, (Deed Book 361 Page 222); thence leaving said street along the line of the Amvets Post #110 and the Armal Corporation property as described in Deed Book 166 Page 687, South 84 degrees 14 minutes 32 seconds West a distance of 481.05 feet to an iron pin found #3290 in the approximate centerline of the previously vacated portion of Orange Street (see Simpson Circuit Court Case No. 88-CI-102) a corner to the Armal Corporation property as previously described in Deed Book 136 Page 340 as Area 4; thence along the old centerline of Orange Street, which portion has previously been closed, North 13 degrees 18 minutes 32 seconds West a distance of 258.29 feet to a spike found at a corner of the subject owners property as described in Commissioner's Deed Book 17 Page 160 and the Armal Corporation property as described as Area 4; thence along the line of the subject owner's with said Armal Corporation, South 76 degrees 47 minutes 19 seconds West a distance of 22.37 feet to an iron pin set at the location of a found bent  $\frac{1}{2}$ " iron pipe in the westerly right of way of the vacated portion of Orange Street; thence continuing along the line of the subject owner's property as described in Commissioner's Deed Book 17 Page 363, South 76 degrees 47 minutes 19 seconds West a distance of 363.32 feet to an iron pin found #2142 in the easterly right of way of the CSX Railroad opposite railway mile marker #135; thence along the easterly right of way of said Railroad the following three calls; North 20 degrees 05 minutes 50 seconds West a distance of 297.08 feet to an iron pin set at the southwesterly corner of a portion of unimproved street to be vacated; thence crossing said unimproved street to be vacated, North 20 degrees 11 minutes 47 seconds West a distance of 41.60 feet to an iron pin found #3290 at the southeasterly corner of the subject owner's property as described in Commissioner's Deed Book 17 Page 154; thence along the easterly right of way of said CSX Railroad, North 20 degrees 09 minutes 39 seconds West a distance of 986.42 feet to the point of beginning. Surveyed parcel contains **15.46 acres more or less**, based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor

#3290 in May & June of 2022. Basis of bearing for this survey is grid North, Kentucky South Zone Lambert Projection. Unless stated otherwise, all iron pins set this survey are 5/8" by 18" rebar with plastic identification cap stamped "Dunning #3290."

It was reported to the Commission that the applicant 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. Amanda L. East. The Commission heard statements of counsel and the testimony of Jolie Brown, Executive Director of Franklin Affordable Housing Corporation, Inc. 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 future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin; it recognizes the residential dwelling as the basic element of a neighborhood and that there should be an interconnected network of streets and access to appropriate public facilities. The Comprehensive Plan encourages new residential developments to locate in close proximity to Franklin and its infrastructure. The Comprehensive Plan states that one of its goals is to encourage the development of a diversified supply of safe, decent, affordable, and standard housing. The Comprehensive Plan identifies as one of its goals to encourage the development of a broad range of housing types and price ranges. The Comprehensive Plan further identifies that one of its goals is to reclaim and repair blighted and orphaned areas within neighborhoods.

2. The original zoning classification given to the property was inappropriate or improper because the Comprehensive Plan contemplates the growth of residential land use in Franklin. Additionally, the R-1S-AH 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 which have substantially altered the basic character of such area. There has been the development of the new zoning classification, R-1S-AH. There have been physical changes to the area including the deterioration of the existing housing and new residential construction like the Brick Street duplexes. There have been social and economic changes. The Franklin-Simpson population has increased. There has been an increased demand for affordable housing development in the area.

4. The applicant has 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 request for the property herein from R-2 (Single Family and Two Family Residential) to R-1S-AH (Single Family Residential- Affordable Housing) be granted.

Approved and recommended for zoning change, this the 7 day of March, 2023.

  
\_\_\_\_\_  
CHAIRWOMAN

FRANKLIN-SIMPSON PLANNING AND ZONING COMMISSION

IN RE: FRANKLIN AFFORDABLE HOUSING, INC, REQUEST ZONE CHANGES:

- 1) FROM I-2 TO R-1S-AH FOR APPROXIMATELY 1.65 ACRES OF COMBINED 15.46 ACRE PARCEL
- 2) FROM R-2 FOR APPROXIMATELY 5.34 ACRES OF 15.46 ACRE PARCEL
- 3) FROM R-3 FOR APPROXIMATELY. 0916 OF COMBINED 15.46 ACRE PARCEL
- 4) FROM (a) I-1 TO R-1S AH FOR APPROXIMATELY 8.15 ACRES OF COMBINED 15.46 ACRE AND (b) I-2 TO R-1S AH FOR APPROXIMATELY 1.65 ACRES OF A COMBINED 15.46 ACRE PARCEL

\*\*\*

PUBLIC HEARING

\*\*\*

MARCH 7, 2023  
City Commission Meeting Room  
117 West Cedar Street  
Franklin, Kentucky

\*\*\*

Reported by: Donna S. Heidel, Court Reporter

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A P P E A R A N C E S

FOR FRANKLIN AFFORDABLE HOUSING:

Ms. Amanda East  
CROCKER AND THURMOND  
126 West Kentucky Avenue  
Franklin, Kentucky 42134

Ms. Jolie Brown  
Executive Director  
Housing Authority  
Franklin Affordable Housing

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. Chad Konow  
Mr. Derrick Kepley  
Mr. John Mayeur  
Mr. Gary Sliger  
Mr. George Weissinger

ALSO PRESENT:

MS. Emily Flora  
Mr. Carter Munday

\*\*\*

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I N D E X

REMARKS BY MS. EAST . . . . . 4  
TESTIMONY BY MS. BROWN. . . . . 8

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E X H I B I T I N D E X

EXHIBIT	DESCRIPTION
1	Plat
2	Findings of Fact/ Conclusions of Law

\*\*\*

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1 The Public Hearing of Franklin-Simpson  
2 Planning and Zoning Commission taken pursuant to Notice  
3 in the City Hall Meeting Room, City Hall, 117 West  
4 Cedar Street, Franklin, Simpson County, Kentucky  
5 42135, on Tuesday, March 7, 2023, at 6:30 p.m., upon  
6 oral examination and to be used in accordance with the  
7 Kentucky Rules of Civil Procedure.  
8 \*\*\*  
9 MADAM CHAIRPERSON: Welcome, ladies and  
10 gentlemen to the public hearing this evening. And the  
11 public hearing is for one essentially parcel of land  
12 but they're requesting four different zones in this  
13 particular parcel of land.  
14 Let the record state that it is March  
15 7, 2023, and we have six out of eight members and so we  
16 do have a sound quorum and we're prepared to move  
17 forward.  
18 Franklin Affordable Housing, Inc., is  
19 here. Who's representing Franklin Affordable Housing,  
20 Inc.?  
21 AMANDA EAST: I'm here on behalf of  
22 Franklin Affordable Housing and then we've brought a  
23 witness and then I understand we've brought out own  
24 personal Vanna White.  
25 MADAM CHAIRPERSON: Thank you, Ms.

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1 East. Ms. East with Crocker Law Firm is here  
2 representing Franklin Affordable Housing, Inc. And she  
3 has a witness with her, and I'm sorry, it's Ms. --

4 AMANDA EAST: This is Liz Tant. And so  
5 she has brought some of our exhibits.

6 MADAM CHAIRPERSON: Franklin Affordable  
7 Housing, Inc., is here to request a zone change from  
8 I-2, Heavy Industry, to R-1S AH which is a single  
9 family affordable housing which is a very specific  
10 housing used. And it can only be used for a situation  
11 as of this. And for 1.65 acres of combined land for 15  
12 essentially and a half parcels located along Orange  
13 Street. We'll go to that one first and then we'll move  
14 to the second, third and fourth.

15 AMANDA EAST: So what we would actually  
16 like to do is take all four of them up as one set. As  
17 you stated, essentially what we have is five properties  
18 that house four zones that have been combined into one  
19 parcel. So in the interest of time and attention span,  
20 we would like to just go ahead and do them all at once  
21 and just call Ms. Brown once as our witness.

22 MADAM CHAIRPERSON: That certainly is  
23 fine with me. Is that fine with counsel? Everybody  
24 understands what we're doing and where we're going  
25 here. That will be fine. Then the floor is yours.

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1 MS. EAST: So thank you, Madam  
2 Chairwoman. I'm going to actually stand here tonight.  
3 That way, I do not want to be the main event. That's  
4 going be to Ms. Brown.

5 But it is good to see everyone again.  
6 As the chairwoman stated, I'm here tonight on behalf of  
7 Franklin Affordable Housing Corporation, Incorporated.  
8 They are the owners. And it's five separate pieces of  
9 property that are located near Franklin Housing  
10 Authority where it exists and runs up to the railroad  
11 line that is there where Cherry, Orange and those  
12 streets are.

13 And the property itself, when you take  
14 all of them together which is what we're asking the  
15 Board to do tonight, we've had an updated survey done.  
16 And that total new parcel is 15.46 acres. It just so  
17 happens that that 15.46 acres has the patchwork quilt  
18 of zones in it. And these zones are I-1 which is the  
19 light industrial; I-2 which is heavy industrial; R-2  
20 which is the single family which allows duplexes. And  
21 then R-3 which is the single family up to the  
22 multifamily.

23 So what we're asking the Board to do  
24 tonight is to change all four of those zones to just  
25 the one zone that R-1S AH which as the chairwoman

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1 stated is a very specific zoning that is available.  
2 And it's one that we believe is appropriate for this  
3 property.

4 And tonight you all are going to hear  
5 from Jolie Brown. She is the executive director for  
6 the Franklin Affordable Housing Corporation and the  
7 Housing Authority. And then we also have some exhibits  
8 that we would like to show you. But at this time we  
9 would ask that Ms. Brown go ahead and step up and be  
10 sworn in.

11 MADAM CHAIRPERSON: Thank you. And  
12 that was very, your definition was extremely easy to  
13 follow. So thank you.

14 \* \* \*

15 Whereupon JOLIE BROWN, having been duly  
16 sworn, was examined and testified as follows:

17 MADAM CHAIRPERSON: Did you know Ms.  
18 Mary Russell?

19 MS. BROWN: Yes. I actually spent  
20 about the last ten years with her every Monday.

21 MADAM CHAIRPERSON: She was a lovely  
22 lady.

23 MS. BROWN: Yes, absolutely.

24 MADAM CHAIRPERSON: She cared an awful  
25 lot about the Housing Authority.

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1 MS. BROWN: Yes, she did, absolutely.  
2 She's definitely missed.

3 MADAM CHAIRPERSON: Lovely lady. My  
4 condolences.

5 MS. BROWN: Thank you.

6 \* \* \*

7 EXAMINATION

8 BY MS. EAST:

9 Q. If you could, please state your name for the  
10 Board.

11 A. My name is Jolie Brown.

12 Q. And where do you currently work at?

13 A. I work at the Housing Authority for the Housing  
14 Authority and for Franklin Affordable Housing.

15 Q. And what is your title there?

16 A. Executive director.

17 Q. And how long have you held that position?

18 A. This will be my tenth year.

19 Q. Could you tell us about the connection and the  
20 difference between Franklin Affordable and the Housing  
21 Authority?

22 A. Absolutely. So the Housing Authority and Franklin  
23 Affordable Housing are two separate entities. And the  
24 Housing Authority is a federally subsidized public  
25 housing program. It was developed back in the 70's.

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1 And when it was developed, it was developed with  
2 something called a Faircloth Limit. A Faircloth Limit  
3 is the maximum number of units we can ever have under  
4 that public housing program. That number of units is  
5 110 units. When I first started with the Housing  
6 Authority we had 108 units. And then we built a duplex  
7 to expand those final two units. So we were at our cap  
8 with those 110 units.

9 The programs between the Housing Authority  
10 and Franklin Affordable Housing has similarities in  
11 that they are governed by the same board of directors.  
12 They are led by the same executive director, the same  
13 staff members. They both have the same goal of  
14 providing decent safe sanitary housing for individuals  
15 in the community. The biggest difference is with the  
16 Housing Authority we do receive federal subsidy. And  
17 so the rents for that entity with income based and we  
18 are subsidized by the Federal Government.

19 Franklin Affordable Housing is a nonprofit  
20 housing agency where we do offer affordable rental  
21 rates but we receive no type of subsidy. You have to  
22 make purchases the traditional way. And so we don't  
23 receive any type of Federal funding or anything like  
24 that but still provide affording housing opportunities  
25 for citizens.

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1 And the development of Franklin Affordable  
2 Housing was done because the Housing Authority only is  
3 allowed to have these 110 units, there is still a great  
4 need that has not been met for affordable housing. And  
5 so Franklin Affordable Housing was developed so that we  
6 could further affordable housing opportunities.

7 Q. Could you tell the Commission how it is that  
8 Franklin Affordable came to be in possession of the  
9 property that they're here on tonight?

10 A. Uh-huh. So we got these different parcels of land  
11 at different times and in different ways. One was, one  
12 piece of the land was formerly a pallet operation. And  
13 there was a large pallet pile and pallet operation that  
14 was conducted on that land. And that property went  
15 into bankruptcy and we were able to purchase that at a  
16 master commission's sale.

17 And there's also an industrial lot that we  
18 purchased that was older and not in use. There was  
19 also a small parcel of land that had a storage unit on  
20 it. And there was an individual that was living in  
21 that storage unit. It was not necessarily equipped as  
22 a good safe affordable place to live. And the City  
23 assisted us with helping this individual relocate. And  
24 that storage building was removed and we purchased that  
25 plot of land.

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1 There was another plot of land that had a  
2 dilapidated structure, a dilapidated home on it. And  
3 we purchased that. And the home was torn down also  
4 with the assistance from the City. They assisted us  
5 with the labor to tear down the dilapidated structure  
6 on that property.

7 So our overall goal in acquiring this  
8 property was to have it in hopes that we could keep it  
9 for affording housing purposes and then to also help to  
10 beautify and clean up our neighborhood.

11 MADAM CHAIRPERSON: Have you done all  
12 of this under your leadership?

13 MS. BROWN: Yes.

14 MADAM CHAIRPERSON: So this was your  
15 vision?

16 MS. BROWN: I can't take necessarily  
17 credit for the whole vision. Hal Toomey who used to be  
18 the executive directive of the Housing Authority --

19 MADAM CHAIRPERSON: Oh, great. Nice  
20 man.

21 MS. BROWN: Absolutely wonderful  
22 person, very passionate about people. And he really  
23 had hoped that at some point that we could offer more  
24 affordable housing opportunities.

25 MADAM CHAIRPERSON: In your tenure

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1 you've acquired these properties?

2 MS. BROWN: Correct, yes.

3 BY MS. EAST:

4 Q. Jolie, is this the mission that you were charged  
5 with when you were hired?

6 A. Absolutely. Even in my interview ten years ago  
7 before they were very, very passionate about extending  
8 affordable housing offered to communities. And that  
9 was kind of the charge I was led with even in the  
10 interview. That you know, if I were given the  
11 position, that would be something they wanted me to do.

12 And we have grown slowly but surely in this  
13 past ten years. And I think it's all been very  
14 exciting every time that we're able to grow because  
15 we're able to offer more affordable housing  
16 opportunities to citizens. And it's also fueled our  
17 passion to be able to do more and help more people.

18 Q. Could you tell the Board about the housing  
19 development that is proposed for this area?

20 A. So as you can see the site plan over here, and I'm  
21 sorry you folks that can't see it. Okay. She's got a  
22 copy of that for you. So we have been working with  
23 Barge Waggoner. They helped us develop a site plan  
24 here for proposed affordable housing neighborhood.  
25 It's comprised of a little over 60 units. And we've

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1 been working with them to help develop a layout that  
2 works well for the plot of land. We've also been  
3 working with them on water retention.

4 And we've also been working with an entity  
5 out of Lexington called REB Architects. They are the  
6 ones that designed our duplex that we built for the  
7 Housing Authority up on Lemon Street. And it is a  
8 beautiful duplex. They did such a beautiful job that  
9 we wanted to work with them on this project as well.

10 And so they have developed plans for us for  
11 one and two bedroom structures for the neighborhood.  
12 And Amanda is passing those out right now. And if you  
13 would like to look through those, it has numerous  
14 layouts and dwellings of what we have in mind for this  
15 development.

16 Q. Is there a particular bedroom size that you're  
17 looking to start with?

18 A. We really hope to start with one bedroom and two  
19 bedroom units. And the reason for this is at the  
20 Housing Authority we maintain a waiting list. And so  
21 we have everything from zero bedroom units,  
22 efficiencies. We have up to five bedroom units.

23 Usually our units that have a larger  
24 quantity of bedrooms, our three beds and four beds  
25 usually turn over relatively quickly. And the waiting

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1 list tends to not be so long there. However, our one  
2 bedroom waiting list starts at one year. And so that  
3 lets us know that our greatest need and the greatest  
4 number of applications we have are for individuals that  
5 would fit a one bedroom apartment.

6 We also are interested in two bedrooms  
7 because a lot of times people come in to apply. We  
8 assign at the Housing Authority bedroom sizes based on  
9 number of people in the household. But there's a lot  
10 of times that we'll have someone to come in that's  
11 maybe a one person family and they would really like to  
12 have two bedrooms maybe if their grandchildren are  
13 coming over to stay or if they are sharing custody of a  
14 child or maybe they're into certain activity, you know,  
15 having that extra space is sometimes helpful. Or if  
16 they need a live-in aide, there are numerous reasons  
17 why, you know, a single person might want a two  
18 bedroom. So with that being our greatest waiting list,  
19 that is we feel where we should start and put our  
20 greatest effort initially.

21 Q. How do you all handle the renting of these units?

22 A. So the renting of the units, we hope to develop it  
23 and maintain it long term. And we will follow a  
24 waiting list just like we do currently at the Housing  
25 Authority. People apply at our office.

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1 And so one thing that we've done that's  
2 been really a wonderful thing with our current  
3 programming is we have been able, as we've acquired  
4 property with Franklin Affordable Housing, we've been  
5 able to take our most successful tenants at the Housing  
6 Authority, those who have come in and maybe have been  
7 struggling and maybe have been able to gain their  
8 footing and increase their income, have been excellent  
9 tenants, follow the rules, take care of their unit,  
10 maintain it. There have been many times we've been  
11 able to fill our Franklin Affordable properties by  
12 moving them from the assistive housing into this  
13 unassisted housing where they are able to have just a  
14 little bit more responsibility but they've already  
15 proven they can be wonderful tenants.

16 So that is one way that we can transition  
17 people from the Housing Authority into these units.  
18 But this is not exclusive for Housing Authority  
19 residents. This is open to the whole community,  
20 anybody who has an affordable housing need.

21 Q. Can you tell the board about the maintenance  
22 services that you all provide?

23 A. Certainly. We have 24-hour maintenance. Our  
24 maintenance is onsite full-time Monday through Friday  
25 from 7 to 4. And then we also have a security guard

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1 onsite after hours at the Housing Authority so they can  
2 call maintenance in at any time if there is any type of  
3 maintenance issue.

4 We had a HUD inspection last year. We had  
5 an excellent score on our physical inspection. We are  
6 a high performing agency. And a lot of that goes to  
7 the work that our maintenance staff does. They do  
8 preventative maintenance. They stay on top of work  
9 orders. We get a lot of compliments when people come  
10 and look at our properties about the way that they're  
11 maintained. We have an excellent maintenance staff.

12 They also maintain Franklin Affordable  
13 Housing properties. And they maintain those in the  
14 same way that they would maintain the Housing Authority  
15 property. We don't get inspected on Franklin  
16 Affordable Housing properties but we want to hold those  
17 to the highest standard as we do our assisted  
18 properties that are inspected. They take really good  
19 care of the units.

20 MADAM CHAIRPERSON: So the goal here  
21 would be to certainly clean up these lots, this  
22 property?

23 MS. BROWN: Absolutely. Maintain it  
24 and have it looking nice. Our Franklin Affordable  
25 Properties now, we go in on a monthly basis and change

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1 filters and check out the unit and make sure there's no  
 2 maintenance issues. We also do an annual inspection  
 3 that I go in personally myself with my maintenance  
 4 team. Liz, my administrative assistant, she comes with  
 5 me. We check out every nook and cranny of every unit  
 6 for Housing Authority and Franklin Affordable Housing.  
 7 We test every window, every door, check every screw.  
 8 We check the units very, very thoroughly so that we are  
 9 keeping them in good shape. And that is the same  
 10 standard that we would hold these to.

11 BY MS. EAST:

12 Q. You have alluded to some properties that Franklin  
 13 Affordable already manages. Would you tell the board a  
 14 little bit about those properties?

15 A. Absolutely. So when I started, we had two rental  
 16 houses. We had a house over on Jackson Street and a  
 17 house over on West Street. And since I been there,  
 18 we've been able to grow to 18 units. And that is a mix  
 19 of houses. We have some houses across from Simpson  
 20 Elementary. And then we also have some duplexes over  
 21 on Clark Street. So at this time we're managing 18  
 22 units there. And then also there's an adjoining  
 23 property, Joshua Place in Kelsey Manor that we were a  
 24 part of at their inception about 15 years ago. We have  
 25 not managed them in the last 15 years. But later this

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1 year we will also take over the management of those as  
 2 well. So that their maintenance is not onsite the way  
 3 ours has been onsite so that we can maintain those to  
 4 our standard as well.

5 Q. And will the proposed design, will it allow the  
 6 connectivity of the existing streets?

7 A. Yes.

8 Q. And do you all believe that that's important?

9 A. Yes.

10 Q. Would that be helpful for first responders?

11 A. Absolutely.

12 Q. Do you believe that the reason that's being  
 13 requested tonight is consistent with the comprehensive  
 14 plan?

15 A. Yes.

16 Q. And is that because the comprehensive plan  
 17 contemplates that there will be residential growth and  
 18 development in Franklin?

19 A. Yes.

20 Q. Does the comprehensive plan identify single family  
 21 dwelling units as the largest number of dwelling units  
 22 in Franklin?

23 A. Yes.

24 Q. And is one of the goals of the comprehensive plan  
 25 to encourage and diversify housing that is both safe

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1 and affordable?

2 A. Yes.

3 Q. And the housing that you are going to be  
 4 providing, could you tell us a little bit about the  
 5 architecture that's involved?

6 A. Absolutely. If you take a look at the plans that  
 7 you have, these are beautiful dwellings. These are  
 8 something that I would be very proud to live in. If  
 9 you look through them, you will see a lot of different  
 10 beautiful designs. You have some that have stonework  
 11 and have some that have brickwork. You have a mixture  
 12 of different types of materials on them for  
 13 architectural diversity and also something that's  
 14 beautiful and that anyone in the community would be  
 15 proud to live in. They're really, really beautiful  
 16 structures.

17 Q. And is it your understanding that you must comply  
 18 with the city subdivision regulations?

19 A. Yes.

20 Q. And does the comprehensive plan identify  
 21 any(inaudible) that are connecting to the existing  
 22 streets and infrastructure?

23 A. Yes.

24 Q. And then you all would be working the various  
 25 government entities to make that happen?

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1 A. Yes.

2 Q. And is it also goal of the comprehensive plan to  
 3 reclaim and repair what might be considered blighted or  
 4 tainted areas in our community?

5 A. Absolutely. This is to relieve and develop a  
 6 neighborhood that our community can be proud of. And  
 7 this is a long-term project. This is not something  
 8 that we are interested in developing and selling off or  
 9 doing any want to maintain control and continue to  
 10 maintain to our high standards and really to beautify  
 11 the neighborhood.

12 Q. And it's my understanding that the City has  
 13 recently done a survey about identifying need in the  
 14 community. Could you tell the Board a little bit about  
 15 the findings of your survey?

16 A. One of the top findings from the survey was that  
 17 people were very interested in affordable housing and  
 18 were wanting more affordable housing options. And  
 19 Franklin is a very popular town. We all love living  
 20 here. And a lot of people have come to the area and as  
 21 the demand has increased so has the prices of homes.  
 22 And so affordable housing is more important now than  
 23 ever.

24 Q. And do you believe that the original hodgepodge of  
 25 zoning is improper?

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1 A. Absolutely. I think that had this zoning been an  
2 option at the time it would have been more appropriate  
3 zoning.

4 Q. And the comprehensive plan itself recognizes that  
5 there's going to be a need for residential growth?

6 A. Yes.

7 Q. And so that would mean the zoning improper as  
8 well?

9 A. Yes.

10 Q. Have there been any changes in the economics  
11 physical or social needs in the area?

12 A. There have. Several of the things as the  
13 possibility of having this additional zoning, one is  
14 there are some new duplexes that are being built over  
15 at the Brick Street area. Also there has been some  
16 deterioration in the area. So we hope to beautify that  
17 and an increase in the population of Franklin and  
18 increased demand for affordable housing with the demand  
19 for housing.

20 Q. And so is it your request tonight that the Board  
21 take these four existing zones and then make it all one  
22 consistent zone which is that R-1S AH?

23 A. Yes.

24 Q. That will be all the questions that we have of  
25 this witness.

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1 MADAM CHAIRPERSON: Does anyone have  
2 any questions?

3 MR. MAYEUR: I have a few. When was  
4 the Franklin Affordable Housing, Incorporated, started?

5 MS. BROWN: It was developed in the  
6 early 2000's. I don't want to pin the year down. I  
7 think it was around 2001. But I do know it was early  
8 2000's?

9 MR. MAYEUR: And how it was funded?

10 MS. BROWN: The way that the funding  
11 was initially received was there a project that was  
12 started with Joshua Place in Kelsey Manor. It was a  
13 joint project with a company out of Leitchfield called  
14 Wabuck. And so Franklin Affordable Housing was able to  
15 get a little bit of annual income and monthly income  
16 out of that partnership which allowed them to get a  
17 little bit of a start. And at that time they purchased  
18 homes over on Jackson Street and West Street. And then  
19 it's grown slowly little by little by making smart  
20 investments where we could get a property that we could  
21 maintain in good condition but also rent at an  
22 affordable rate. So money has grown over time by those  
23 investments. And that's how we have built up revenue.

24 Also the City had made an investment in  
25

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1 Affordable Housing and signed over a lot at the corner  
2 of Madison and Main to us. And we were able to sell  
3 that property which has put a large investment to go  
4 towards this project.

5 MR. MAYEUR: And how do you qualify?  
6 How do people qualify? You said you have a very long  
7 waiting list. What's the requirement to qualify for  
8 one of these properties?

9 MS. BROWN: So they would just need to  
10 come in and apply with us. There's an application  
11 process. With Franklin Affordable, it's not quite as  
12 an extensive as it is for the federal program or the  
13 Housing Authority. But we do require that they fill  
14 out an application. We do background checks and we  
15 also do past checks on their rental history to make  
16 sure that they are good renters and are going to take  
17 care of the property, make sure that as far as safety  
18 is concerned looking, you know, at background that it  
19 is somebody that is not a threat to maybe neighbors or  
20 things like that, you know, violent behaviors and  
21 things of that nature.

22 And we also ensure that they would have the  
23 income to be able to support the rental payment. And  
24 we could also check to see at that time if they're a  
25 more appropriate candidate for Housing Authority based

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1 on their income or if they're able to pay the  
2 affordable rental rate for Franklin Affordable Housing.

3 MADAM CHAIRPERSON: Is there a  
4 threshold for the income or is there a limit?

5 MS. BROWN: We haven't developed that  
6 yet. As far as that, I can explain to you a little bit  
7 about the rental rates.

8 MADAM CHAIRPERSON: I just was  
9 wondering in someone, if there's a certain limit if you  
10 make over X amount of dollars, will you be able to rent  
11 it.

12 MS. BROWN: I'm sure we will have those  
13 put in place. We do that for Housing Authority. We  
14 haven't because we've been so small we haven't  
15 developed that exactly for Franklin Affordable Housing  
16 just yet. But at some point we will do that. But we  
17 do go off the income limits right now for Housing  
18 Authority.

19 MR. MAYEUR: And when you talk about  
20 your maintenance crew, will they also be maintaining  
21 the grounds, landscaping, mowing and all that for all  
22 these properties as well?

23 MS. BROWN: We have not made that  
24 determination just yet. We are currently contracting  
25 out our mowing for the Housing Authority. And we will

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1 do it one of two ways. We will either contract it out  
2 or if we require that the tenant maintain their own  
3 grounds, we will enforce that it is done properly.  
4 That's what we do right now for Franklin Affordable  
5 Housing. We go over and we drive it at least weekly  
6 and we make sure that the lawns are been maintained,  
7 the landscaping is being maintained. It's incorporated  
8 in our lease as well. So it is enforceable that the  
9 lawns are maintained and kept looking nice.

10 MADAM CHAIRPERSON: It sounds like a  
11 good HOA.

12 MR. MAYEUR: And Franklin Affordable  
13 Housing will build these? They'll finance them.  
14 They're putting the money in and then you'll rent them?

15 MS. BROWN: That is correct.

16 MADAM CHAIRPERSON: Any more questions?

17 MR. SLIGER: I just have a comment.  
18 That is the best presentation I've heard since I've  
19 been on this board. So I would be happy to have you  
20 run my company.

21 MS. BROWN: That's so kind. Thank you.

22 MR. SLIGER: And the Housing Authority  
23 has really improved in the past ten years for sure. It  
24 used to be called Dodge City when I was a kid. It was  
25 stabbings and just rough material mostly. And I

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1 appreciate you.

2 MS. BROWN: I appreciate that so much.  
3 That is so kind.

4 MADAM CHAIRPERSON: It's wonderful to  
5 have someone so prepared to come in and talk with us.

6 MS. BROWN: Well, we love our tenants  
7 and we like providing them with the housing. And we  
8 will do most anything for them. But if they start  
9 acting up, we'll also get after them too.

10 MR. LINK: I'm curious. What are these  
11 going to rent for?

12 MS. BROWN: So I can explain that to  
13 you. I'm glad you asked because I even had one of my  
14 admins help me with a show board. So take me back to  
15 middle school for show board presentation. So HUD sets  
16 something every area called fair market rental rates.  
17 They do a study for every year and this is specific for  
18 Franklin and Simpson County and this is updated every  
19 year. So this is what they say is an affordable rental  
20 rate for an efficiency unit, for a one-bedroom unit,  
21 two-bedroom unit and so on and so forth.

22 With the Housing Authority we have a  
23 max rent of 80 percent of that figure. So I put a  
24 little example because it's a little bit complex just  
25 to help with understanding. So at the Housing

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1 Authority if someone makes a thousand dollars per  
2 month, they pay 30 percent of their income for rent, so  
3 about \$300 a month for rent. Well, let's say this  
4 person, and that's for a one-bedroom unit. Let's say  
5 this person is in a one-bedroom unit but they make  
6 \$2,000 a month. 30 percent of their income would be  
7 \$600. However, our cap at 80 percent of the fair  
8 market rent for a one bedroom is 528. So they will pay  
9 528.

10 We plan to set our rental rates for  
11 Franklin Affordable Housing and for these homes at this  
12 80 percent of fair market rent figure just like the max  
13 for the Housing Authority. And so with Franklin  
14 Affordable Housing regardless of income, for the  
15 one-bedroom unit we want to rent it at this 80 percent  
16 of the fair market rent. Does that make sense?

17 MR. KEPLEY: So you're saying if they  
18 make less than that, like the thousand, they will only  
19 have to pay 300 if they get approved?

20 MS. BROWN: Huh-uh. That's for Housing  
21 Authority. But for Franklin Affordable Housing,  
22 regardless of income it's a set rental rate. So if  
23 they made a thousand or 2,000, they will still pay this  
24 80 percent of fair market rent. And the reason for  
25 that is because we do receive a subsidy for Housing

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1 Authority but we receive no subsidy for Franklin  
2 Affordable Housing. So in order to be able to have the  
3 funding that we would need, we would have to do this  
4 rental amount. And these are updated annually. We  
5 have to update it annually for the Housing Authority  
6 and we would also update those annually for Franklin  
7 Affordable.

8 MR. LINK: I can't see that far. So  
9 what is the range on like a one or two bedroom? So  
10 this over here is the 80 percent. So an efficiency is  
11 504. A one is 528. A two is 695. And three is 932.  
12 I was just curious what people do.

13 MS. BROWN: And this is the 80 percent.  
14 And these rental rates are what HUD states right now in  
15 an affordable fair market rent for these bedroom sizes.

16 MR. LINK: Okay. Thank you.

17 MR. KEPLEY: I would say the designs  
18 look better than some of the other ones.

19 MS. BROWN: I drove around Franklin and  
20 took pictures of things that I liked. And Emily who  
21 helps us with the REB Architects, she crafted these  
22 plans with the different architectural elements with  
23 the stone and the brick and things like that.

24 MADAM CHAIRPERSON: We could have shown  
25 you some we don't like.

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1 Any further questions? Okay.  
2 Is there anyone else who would like to  
3 speak in a positive manner in regards to this zone  
4 change?  
5 AUDIENCE MEMBER: I would just like to  
6 say that the houses that they have on Orange Street  
7 behind our Amvet post are very nice.  
8 MADAM CHAIRPERSON: Who are you?  
9 AUDIENCE MEMBER: I'm Brenda Wright and  
10 I'm with the Amvet Post on Orange Street.  
11 MADAM CHAIRPERSON: Thank you. Ms.  
12 Brenda Wright is here just to basically say they've  
13 done a good job.  
14 Do we have anyone here then, we're now  
15 going to go to anyone here that would like to speak  
16 with concerns in regards to the zone change? Well, if  
17 we have no concerns, I think I'm certainly ready to  
18 take a motion unless you guys want to.  
19 MR. SLIGER: We don't have the findings  
20 and facts. But I'm sure I can accept them also.  
21 MADAM CHAIRPERSON: I'm sure Ms. East  
22 has them.  
23 Before we get into a vote do we need a  
24 to discuss the elevations? Do we need to discuss  
25 elevations before we move forward with the vote?

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1 MR. MUNDAY: No. I mean, the  
2 elevations, you all looked at. I mean, if you approve  
3 on those things, I think you're okay.  
4 MADAM CHAIRPERSON: Okay.  
5 MR. SLIGER: I want to make a motion  
6 that we accept the zone change, all of them together,  
7 to include 15.46 acres from whatever zone it is now to  
8 R-1S-AH and agree and accept the Findings of Facts and  
9 Conclusion of Law.  
10 MR. THORNTON: For the property on  
11 Orange Street located, parcel on Orange Street?  
12 MR. SLIGER: On Orange Street, yes.  
13 MR. KEPLEY: I second it.  
14 MR. SLIGER: For the entire 15.46 acre.  
15 MADAM CHAIRPERSON: It has been a  
16 motion and there is a second. Is there any further  
17 discussion before we vote?  
18 With no further discussion, we are now  
19 prepared to vote on it. Yay or nay for zone changes  
20 for Franklin Affordable Housing, Inc., for a combined  
21 15.46 acre parcel located along orange street. The I2,  
22 the R2, the R3 and I1, all the four different zones to  
23 be changed systematically to an R-1S-AH. All in favor,  
24 please say aye and raise your right hand.  
25 INDISCERNABLE VOICES: Aye.

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1 MADAM CHAIRPERSON: That is unanimous.  
2 Motion passes. Congratulations. Great work.  
3 \* \* \*  
4 (The meeting was ended at 7:45 p.m.)  
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STATE OF KENTUCKY  
COUNTY OF LOGAN

#### C E R T I F I C A T I O N

I, Donna S. Heidel, Notary Public in and for the  
State of Kentucky at Large do hereby certify that the  
foregoing Meeting of the Franklin-Simpson Planning and  
Zoning Commission was taken by me at the time, place, and  
for the purpose mentioned in the caption; that same was  
taken by me in machine shorthand and transcribed by  
computer-aided transcription; and the foregoing pages of  
typewritten matter contain a true, correct, and complete  
copy of my said notes to the best of my ability.

Further I state that I am not related to any  
parties involved or counsel of record and have no financial  
interest in the outcome of said action.

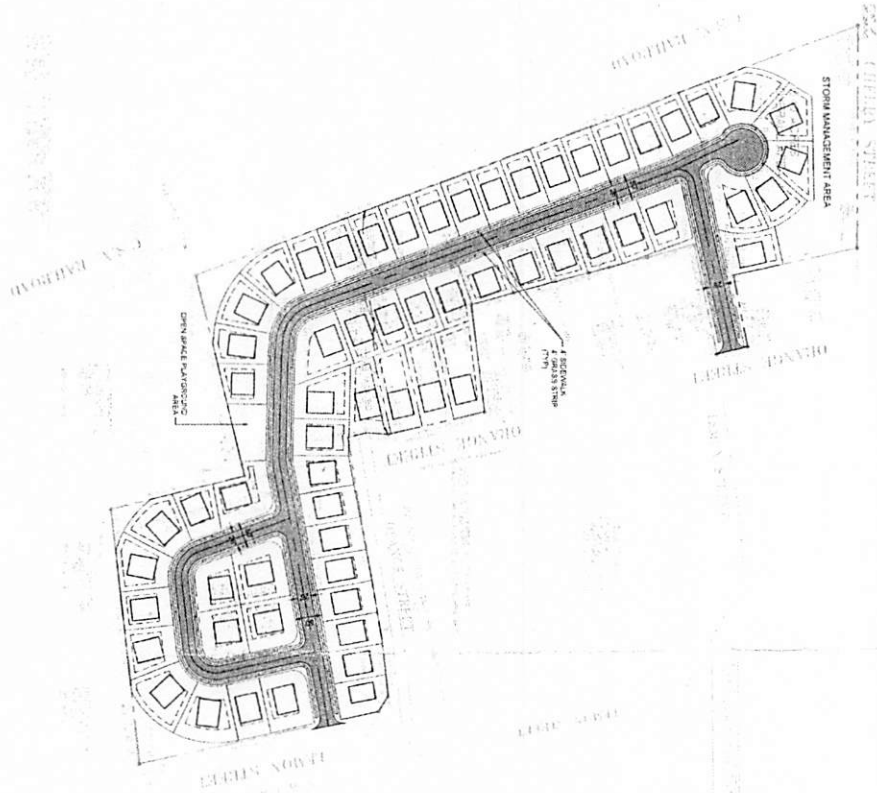
Given under my hand this 24th day of March, 2023.

DONNA S. HEIDEL, Court Reporter  
and Notary Public in and for the  
State of Kentucky at Large

My commission expires: 6-20-2026  
Commission# KYNP50588

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EX-1

[illegible]

PRELIMINARY  
NOT FOR  
CONSTRUCTION

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**BARGE**  
DESIGN SOLUTIONS

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