

Sponsors: Commissioner McCreary
Commissioner Powell
Second Reading: May 22, 2023
Publication Date: June 1, 2023

ORDINANCE NO. 2023-019

**AN ORDINANCE REZONING APPROXIMATELY 16.38 ACRES
LOCATED ON THE SOUTH SIDE OF NORTH STREET FROM R-2 (SINGLE FAMILY
AND TWO-FAMILY RESIDENTIAL DISTRICT) TO R-4 (MULTI-FAMILY HIGH
DENSITY RESIDENTIAL) BY NORTH MAYEUR PROPERTIES, LLC**

WHEREAS, North Mayeur Properties, LLC desires to rezone the aforementioned property to make the property more productive for the community, and this change is appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on March 21, 2023, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone change as it is in agreement with the community's comprehensive plan;

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

The approximately 16.38 acres located on the south side of North Street in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto, is granted a zone change from R-2 (Single Family and Two-Family Residential) to R-4 (Multi-Family High Density Residential).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

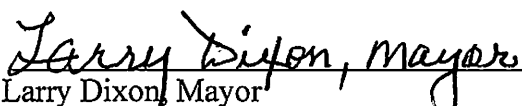
May 8, 2023
May 22, 2023

FIRST READING
SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on May 22, 2023, on motion made by Commissioner Powell and seconded by Commissioner Williams the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR
YES JAMIE POWELL
YES DALE MCCREARY
YES WENDELL STEWART
YES HERBERT WILLIAMS

APPROVED BY:


Larry Dixon, Mayor

ATTEST:

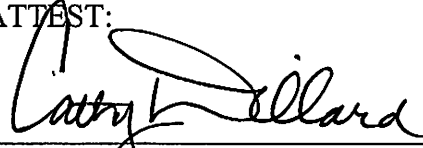

Cathy Dillard, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION APPENDIX

16.38 acres on the south side of North Street, Franklin, KY

Beginning at a 5/8" iron pipe found in the southerly right of way of North Street, also known as Kentucky Highway 1171 (approximately 30.8 feet from present centerline), at the northwesterly corner of Lot 39 of Woodland Village Subdivision as recorded in Plat Cabinet 2 Page 63A at a corner of the subject owners, the Janie Rhea Hall Estate property as originally described in Deed Book 87 Page 358; thence from said beginning point along the monumented westerly line of the Woodland Village Subdivision the following three calls; South 01 degree 54 minutes 30 seconds East a distance of 145.00 feet to an iron pin set at the location of a found bent over iron pipe #906; thence South 02 degrees 50 minutes 01 second East a distance of 170.01 feet to an iron pin set; thence South 02 degrees 23 minutes 54 seconds East a distance of 525.83 feet to an iron pin set at the location of a disturbed metal pipe by an old metal post in the line of the Habitat for Humanity plat as recorded in Plat Cabinet 4 Page 253; thence along the line of the subject owners with the monumented line of the Habitat for Humanity Subdivision the following two calls; South 87 degrees 52 minutes 17 seconds West a distance of 94.05 feet to an iron pin set at the location of a found badly bent over 5/8" iron pipe at the northeasterly corner of Lot 1 of said subdivision, presently owned by George Tipton per Deed Book 226 Page 441; thence South 86 degrees 58 minutes 28 seconds West a distance of 193.76 feet to a two inch metal chain link fence post with a 5/8" uncapped rebar at base (witness corner) a corner of the City of Franklin Greenlawn Cemetery; thence along the line of the subject owner with said cemetery but not following the chain link fence in this area, South 88 degrees 49 minutes 43 seconds West, a distance of 597.28 feet to an iron pin found #2142 surrounded by a concrete cap at the southeasterly corner of Lot 10 of Willow Lane Subdivision as shown in Plat Cabinet 4 Page 115, presently owned by Jimmy Gettings; thence along the easterly line of the Willow Lane subdivision as monumented, the following three calls; North 01 degree 56 minutes 23 seconds West a distance of 88.63 feet to an iron pin found #2142 in PVC at the established corner of Lot 10 and Lot 9 of said subdivision; thence North 00 degrees 25 minutes 50 seconds West a distance of 532.25 feet to a 5/8" iron pipe found at the northeasterly corner of Lot 3 at a corner with Lot 2 of said subdivision; thence along the easterly line of Lot 2, North 00 degrees 38 minutes 46 seconds West a distance of 29.01 feet to a found rebar capped #2081 at the southeasterly corner of the Emily Barnes property (Deed Book 350 Page 758);

thence along the line of the subject owners with Emily Barnes, North 00 degrees 30 minutes 07 seconds East a distance of 139.47 feet to an iron pin set at the location of a found bent iron pin (cap illegible) in the southerly right of way of North Street (approximately 30 feet from centerline); thence along the meanders of the southerly right of way of North Street the following there calls; North 84 degrees 56 minutes 15 seconds East a distance of 275.50 feet; thence North 84 degrees 49 minutes 16 seconds East a distance of 393.72 feet; thence North 84 degrees 53 minutes 32 seconds East a distance of 189.72 feet to the point of beginning. Surveyed parcel **contains 16.38 acres, more or less**, and subject to all legal conditions and easements of record. This description is based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in August & September 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" x 18" rebar with plastic identification cap stamped "Dunning #3290."

Being the same property conveyed by Stephen G. Mayeur, Executor of the Decedent's Estate of his mother, Janie R. Hall, the same person as Janie Rhea Mayeur Hall to North Mayeur Properties, LLC, a Kentucky limited liability company by deed dated November 10, 2022, of record in Deed Book 369, Page 209, Simpson County Clerk's Office.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from R-2 (Single Family and Two-Family Residential District), R-4 (Multi-Family / High Density Residential District)

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDATION FOR ZONE CHANGE

A public hearing was held before this Commission on Tuesday, March 21, 2023, at the hour of 6:30 p.m. on the petition of Joshua B. Jones and Kelly Gregory, Co-Managers of North Mayeur Properties, LLC, a Kentucky limited liability company, consisting of David Carver, Kelly Gregory, John David Carver, Josh Jones and Shellie Jones as its members ("Petitioner"), that a certain 16.38 acre tract on the south side of North Street (PVA Map No. 010-00-11-061.00) within the corporate limits of the City of Franklin, in Simpson County, Kentucky, the title to which is presently held by the Petitioner by that certain deed dated November 10, 2022, of record in Deed Book 369, Page 209, Simpson County Clerk's Office; **be re-zoned from R-2 to R-4.** The Chairperson of the Commission, Debbie Thornton, presided. A quorum of the Commission was present. The Petitioner was represented by local attorney, David Cummins. The hearing was stenographically recorded by a licensed court reporter.

The Commission then proceeded to hear an opening statement from attorney Cummins and testimony in favor of the zone change on behalf of the Petitioner offered by Josh Jones, engineer, Brad Johnson, and engineer, Scott Randolph. There was an opportunity for cross-examination. Questions were asked and answered. A call for any public comments was made to those in attendance.

Having heard testimony, having reviewed the petition for zone change, having reviewed the exhibits presented including a survey and conceptual plan of the subject property, and with



regard to the Comprehensive Plan for Simpson County, Kentucky, _____
_____ moved and _____
seconded, and the Commission voted _____ to recommend the zone change. In
connection with the zone change, the Commission FINDS, CONCLUDES, AND
RECOMMENDS the following:

FINDINGS OF FACT

I

The subject property consists of 16.38 acres as determined by a survey conducted by Gary Lee Dunning, Kentucky licensed professional land surveyor no. 3290, of Dunning Land Surveying, and is more particularly described as follows, to-wit:

Beginning at a 5/8" iron pipe found in the southerly right of way of North Street, also known as Kentucky Highway 1171 (approximately 30.8 feet from present centerline), at the northwesterly corner of Lot 39 of Woodland Village Subdivision as recorded in Plat Cabinet 2 Page 63A at a corner of the subject owners, the Janie Rhea Hall Estate property as originally described in Deed Book 87 Page 358; thence from said beginning point along the monumented westerly line of the Woodland Village Subdivision the following three calls; South 01 degree 54 minutes 30 seconds East a distance of 145.00 feet to an iron pin set at the location of a found bent over iron pipe #906; thence South 02 degrees 50 minutes 01 second East a distance of 170.01 feet to an iron pin set; thence South 02 degrees 23 minutes 54 seconds East a distance of 525.83 feet to an iron pin set at the location of a disturbed metal pipe by an old metal post in the line of the Habitat for Humanity plat as recorded in Plat Cabinet 4 Page 253; thence along the line of the subject owners with the monumented line of the Habitat for Humanity Subdivision the following two calls; South 87 degrees 52 minutes 17 seconds West a distance of 94.05 feet to an iron pin set at the location of a found badly bent over 5/8" iron pipe at the northeasterly corner of Lot 1 of said subdivision, presently owned by George Tipton per Deed Book 226 Page 441; thence South 86 degrees 58 minutes 28 seconds West a distance of 193.76 feet to a two inch metal chain link fence post with a 5/8" uncapped rebar at base (witness corner) a corner

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II

The subject area presently is used for agricultural crops. Surrounding adjacent areas are presently zoned: North = residential; East = residential; South = City of Franklin, Greenlawn Cemetery; and West = residential. The subject 16.38 acre tract abuts and has significant frontage on North Street and has adequate vehicle access to and from said street. It also has access to Village Drive and Colonial Drive.

III

The Simpson County Comprehensive Plan adopted for 2010, is dated October 10, 2009. All suitability scenarios accommodate the proposed zone change particularly given that the subject property is situated along North Street. The Comprehensive Plan envisions the subject property as an area suitable for development and the requested zoning map amendment is consistent with the Comprehensive Plan.

IV

The subject property lies within the corporate limits of the City of Franklin, is presently undeveloped, and is presently benefitted by electric, gas, water, and sewer utilities as well as internet services.

CONCLUSIONS OF LAW

A re-zoning of the entirety of the subject 16.38 acre tract consistent with the Comprehensive Plan is in order given that the Comprehensive Plan envisions growth and development in the subject area. Also there have been major changes of an economic, physical, or social nature within the subject area which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of the subject area. Consequently, a zone change to a R-4 (Multi-Family / High Density Residential District) will be wholly consistent with the Comprehensive Plan as an appropriate area for the proposed residential apartments. A zone change to R-4 is now appropriate; and it will improve the subject area to the benefit of the residents of Franklin and Simpson County. The zone change request meets the criteria of KRS 100.213, and Section 10.7 of the Franklin-Simpson Zoning Regulations.

RECOMMENDATION

The Commission having adopted the foregoing Findings of Fact and Conclusions of Law does hereby now recommend to the City of Franklin that the zone change **BE APPROVED** and that the entirety of the subject 16.38, acre property described in paragraph I, hereof **be re-zoned from R-2 to R-4.**

This March 21 2023.

DEBBIE THORNTON, Chairperson

Minutes
Franklin-Simpson Planning & Zoning Commission
Tuesday, March 21, 2023, 6:30 pm.
City Commission Meeting Room
117 West Cedar Street, Franklin, KY.

Members in Attendance: Madam Chair Debbie Thornton, George Weissinger, Chad Konow, Derrick Kepley, John Mayeur, Gary Sliger and Ronnie Stilts.

Members Absent: Craig Mylor

Others Present: Carter Munday, Emily Flora, Robert Link, April Pearson, Josh Jones, Scott Randolph, JD Carver, Kelly Gregory, David Carver, Bradford Johnson, Jerry Gettings, Margaret Gettings, Kenton Powell, Shellie Jones, Cassie Jones, Richard Tutt, Christopher Ramsey, Jimmy Cook and Alice Cook.

Madam Chair Debbie Thornton called the meeting to order at 6:30 p.m. Ronnie Stilts opened with prayer.

A motion was made by Derrick Kepley and seconded by John Mayeur to approve the March 7th meeting minutes. All members voted in favor of the motion.

Fleetco, Inc. presented a **Preliminary Development Plan** for a new office building located on Hwy-31 W, just south of Geddes Road.

Richard Tutt, engineer for the project, stated that this would be used for trailer storage and delivery, and that this development plan was only proposing the first phase of the project, which would just be a gravel lot pad. He also stated that the second phase would be to construct a shop and office, but that would be done at a later date, with another development plan. He added that Richard Jones had reviewed the project and gave his approval and that a variance request to increase the lot coverage to 70% had been approved by the Board of Adjustments at the February 27th meeting. Mr. Tutt stated that they also planned to install a landscape buffer along Hwy-31 W. Carter Munday stated that all utilities were available and that all requirements had been met.

A motion was made by George Weissinger and seconded by Derrick Kepley to approve the preliminary development plan for a new office located at Hwy-31 W, just south of Geddes Road. All members voted in favor of the motion.

Brock Perdue presented a **Preliminary Development Plan** for residential use lots located on Perdue Farms Road.

Brock Perdue, property owner, stated that he had talked to the water department and that water was available for the property and that Bobby Groves, Simpson County Public Works Director, has been fixing the ditch lines and culverts along Perdue Farms Road, and that he would

eventually be resurfacing the road. Carter Munday stated that all of the requirements had been meet and that he recommended that the board approve the preliminary and final development plans for the project. Madam Chair Debbie Thornton agreed.

A motion was made by Gary Sliger and seconded by John Mayeur to approve the preliminary and final development plans for residential use lots located on Perdue Farms Road. All members voted in favor of the motion.

A motion was made by Chad Konow and seconded by Ronnie Stilts to exit the regular business meeting and enter the public hearing. All members voted in favor of the motion.

PUBLIC HEARING

NOTE: SEE ATTACHED TRANSCRIPT FOR DETAILED DISCUSSION, QUESTIONS & COMMENTS.

John Mayeur recused himself from the public hearing due to a conflict of interest.

David Cummins, attorney representing North Mayeur Properties, LLC, presented the board with a request for a zone change from R-2 (Single Family & Duplex) to R-4 (Multi-Family) for an approximately 16.38-acre parcel located on the southside of North Street, between Willow Lane and Colonial Drive.

Mr. Cummins stated that North Mayeur Properties, LLC was a partnership between Josh & Shellie Jones, David Carver, JD Carver and Kelly Gregory. He added that the proposed concept was for a 240 unit apartment complex.

Josh Jones, partner of North Mayeur Properties, LLC, was sworn in, and Mr. Cummins proceeded with testimony. Mr. Jones stated that this property was flat and well suited for development and that they were drawn to it because it was an infield location, rather than on the outskirts of the City. He added that the concept plan was to build 2 bedroom apartment units with brick on the bottom, but that they did not have a set plan on what the second story finishes would be. Madam Chair Debbie Thornton inquired if they planned to build and own the development. Mr. Jones stated that they planned to build the complex themselves and would own and maintain it.

Brad Johnson, engineer, was sworn in and Mr. Cummins proceeded with testimony. Mr. Johnson stated that he had completed a 100+ page traffic study for the development and that it had taken the Hammons Farm and Lockeland Place developments into consideration when completing the traffic study. He added that they determined that turn lanes and a traffic signal were not needed as there would be minimal impact to the traffic flow with the addition of this development.

Scott Randolph, engineer for the project, was sworn in, and Mr. Cummins proceeded with testimony. Mr. Randolph stated that this was a very developable infield site and that since it was surrounded by residential use, it would not be a prime location for farmland. He added that the water tended to flow to the northeast corner of the property and so that was where the proposed stormwater retention area would be. Mr. Randolph also stated that there were power lines

running through the eastside of the property and so the retention area would be located underneath them since no buildings could be place there.

Alice Cook, adjoining property owner, was sworn in and voiced concerns regarding the water drainage and timeline of the project.

Christopher Ramsey, adjoining property owner, was sworn in and voiced concerns regarding the addition of a sidewalk along North Street.

A motion was made by Derrick Kepley to approve the requested zone change from R-2 (single family & duplex) to R-4 (Multi-Family) for an approximately 16.38-acre parcel located on the southside of North Street, between Willow Lane and Colonial Drive and to accept the presented Findings of Facts and Conclusions of Law. All members voted in favor of the motion.

A motion was made by Ronnie Stilts and seconded by George Weissinger to exit the public hearing. All members voted in favor of the motion.

Madam Chair Debbie Thornton adjourned the meeting at 8:00 p.m.

Respectfully Submitted:

Emily Flora, Administrative Assistant

Debbie Thornton, Madam Chair