

ORDINANCE NO. 2019 - 027

**AN ORDINANCE REZONING A 95 FEET BY 500 FEET LOT
LOCATED ON THE SOUTH SIDE OF EAST CEDAR STREET
FROM R-1 (SINGLE FAMILY) TO B-2 (GENERAL BUSINESS)**

WHEREAS, the Franklin-Simpson Industrial Authority, 109 South Main Street, Franklin, Kentucky 42134, filed a petition to rezone a 95 feet by 500 feet lot located on the south side of East Cedar Street from R-1 (Single Family) to B-2 (General Business); and

WHEREAS, the Franklin-Simpson Industrial Authority desires to rezone the aforementioned property from R-1 (Single Family) to B-2 (General Business) 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 November 5, 2019, 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:

A 95 feet by 500 feet lot located on the south side of East Cedar Street as described below is granted a zone change from R-1 (Single Family) to B-2 (General Business):

Certain real property located on the south side of East Cedar Street (Kentucky Highway 100), east of the public square, in Franklin, Simpson County, Kentucky to-wit:

Beginning at an iron pin in the north right-of-way of East Cedar Street and running thence with the south right-of-way S 79° 38' 31" E approximately 500 feet to a point in the south right-of-way; thence S 10° 21' 29" W approximately 95 feet to a point, the south east corner of the subject tract; thence N 79° 38' 31" W approximately 500 feet to a point in the west property line of the subject property; thence with the west property line N 3° 40' 52" E approximately 95 feet to the point of beginning.

Being a part of the same property conveyed to Franklin Simpson Industrial Authority by Franklin Partners, a Tennessee general partnership by deed dated October 11, 2012, by record in Deed Book 300, Page 237, Simpson County Clerk's office.

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WATER RESOURCES DIVISION
NATIONAL CENTER FOR WATER RESEARCH
WASHINGTON, D. C. 20004

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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.

November 25, 2019

FIRST READING

December 9, 2019

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on December 9, 2019, on motion made by Commissioner Stewart 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 BROWNIE BENNETT

Yes WENDELL STEWART

Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon Mayor
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk

It is the policy of the Department of the Interior to provide for the conservation and management of the natural resources of the United States. This policy is based on the principle that the natural resources of the United States are the property of the people and should be managed for the benefit of the present and future generations.

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Department of the Interior

Washington, D.C.

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Secretary of the Interior

Department of the Interior

Washington, D.C.

United States of America

1900

Department of the Interior

Washington, D.C.

1900

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from R-1 (Single Family) to B-2 (General Business)

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

A public hearing was held before this Commission on November 5, 2019, at the hour of 6:30 p.m. on the petition of the Franklin-Simpson Industrial Authority ("Authority") that a certain lot approximately 95 feet by 500 feet in size located on the south side of East Cedar Street in Franklin, Simpson County, Kentucky, ("Property") be re-zoned from R-1 to B-2. The Vice Chairman of the Commission, Kent Wilson, presided. A quorum of the Commission was present. The petitioner was represented by G. William Leach, Jr.. The hearing was stenographically recorded by the firm of James Dale, licensed court reporter.

The Commission then proceeded to hear an opening statement from attorney Leach and testimony in favor of the zone change from Dennis Griffin, Executive Director of the Franklin-Simpson Industrial Authority. There was no opposition to the request.

Having heard testimony, having reviewed the petition for zone change, the exhibits presented, and having reviewed the Comprehensive Plan, for Simpson County, Kentucky, Gary Sliger moved, and George Weissinger seconded, and the Commission unanimously 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 Property is a small rectangular sliver of land on the south side of East Cedar Street and is a part of a larger commercial tract which is zoned B-2, on which is located an existing commercial building currently leased to Houchens Industries for operation of a Price Less IGA food store, and for the Kristin Hickman dance studio.

II

A review of the current zoning map discloses that while the property adjacent and immediately to the west is used for multi-family housing, it is zoned B-2. The property on the north side of East Cedar Street is likewise zoned B-2, and the property adjacent to the south is zoned B-2. The Property is encircled by property already zoned B-2.

III

The Franklin-Simpson Industrial Authority property of which the subject tract is a part lies at the southwest intersection of East Cedar Street and Robey Street, an intersection, and general area, which is generally commercial in character.

IV

While the Property does not have a building on it, it currently serves as a buffer to the existing building, and the Authority anticipates possibly constructing another commercial building on the Property as an efficient way to use it and the existing large paved parking area.

1950-1951

1950

The first year of the new decade was marked by a period of relative calm and stability. The economy continued to grow, and the political situation remained peaceful. The government was able to maintain a balanced budget, and the people enjoyed a period of prosperity.

In the second year, the economy continued to grow, and the political situation remained peaceful. The government was able to maintain a balanced budget, and the people enjoyed a period of prosperity.

1951

The third year of the new decade was marked by a period of relative calm and stability. The economy continued to grow, and the political situation remained peaceful. The government was able to maintain a balanced budget, and the people enjoyed a period of prosperity.

In the fourth year, the economy continued to grow, and the political situation remained peaceful. The government was able to maintain a balanced budget, and the people enjoyed a period of prosperity.

V

The 1992 Comprehensive Plan at pp. 118 notes the urban pattern of commercial growth out Highway 100 from the Public Square, creating a “potential for south and easterly commercial growth along 31-W and Highway 100...” It cites figure 6.6 which shows the areas of potential commercial development, and the subject Property lies within same. Because of such, the map amendment is in agreement with the adopted Comprehensive Plan under KRS 100.213(1).

VI

The Franklin-Simpson Comprehensive Plan Update of 2010 contains a checklist, at page 10-10, for general commercial considerations and includes that all commercial developments should have access to arterial or collector streets, share service access points and parking lots, in-fill existing commercial areas, and be located in areas where public utilities and facilities are adequate to support the use. The Property meets all of those criteria, as it lies adjacent to an intersection of arterial roads, lies adjacent to a residential development which is in a B-2 zone, public utilities and facilities are available, and the re-zoning marks an important in-fill of existing commercial areas.

VII

The purpose of the general business zoning district is to serve adjoining neighboring residential areas, so the re-zoning of the Property is consistent with the presence of the remaining residential areas. The presence of business and commercial operations on East Cedar Street, a major artery through Franklin, is expected and appropriate.

VIII

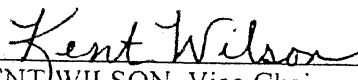
The Property is served by all utilities and has street access to East Cedar Street, as well as to Robey Street to the east through the existing parking lot and interior passageways.

CONCLUSIONS OF LAW

A re-zoning of the Property is in agreement with the adopted Comprehensive Plan and Update. The zone change request meets the criteria of KRS 100.213(1) 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 now hereby recommend to the Franklin City Commission that the zone change be approved and that the Property described in the Appendix be re-zoned from R-1 to B-2.



KENT WILSON, Vice Chairman

PROPERTY DESCRIPTION APPENDIX

EXHIBIT A

Certain real property located on the south side of East Cedar Street (Kentucky Highway 100), east of the public square, in Franklin, Simpson County, Kentucky to-wit:

Beginning at an iron pin in the north right-of-way of East Cedar Street and running thence with the south right-of-way S 79° 38' 31" E approximately 500 feet to a point in the south right-of-way; thence S 10° 21' 29" W approximately 95 feet to a point, the south east corner of the subject tract; thence N 79° 38' 31" W approximately 500 feet to a point in the west property line of the subject property; thence with the west property line N 3° 40' 52" E approximately 95 feet to the point of beginning.

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