

ORDINANCE NO. 2019 - 028

**AN ORDINANCE REZONING APPROXIMATELY 40.1657 ACRES
AT THE END OF CLAIBORNE CIRCLE
LOCATED AT THE END OF LEXINGTON PLACE SUBDIVISION
FROM R-1 (SINGLE FAMILY) TO R-1S
(SINGLE FAMILY RESIDENTIAL DISTRICT)**

WHEREAS, Lexington Place, LLC, 177 Southwind Drive, Bowling Green, Kentucky 42104, filed a petition to rezone 40.1657 acres at the end of Claiborne Circle located at the end of Lexington Place Subdivision from R-1 (Single Family) to R-1S (Single Family Residential District); and

WHEREAS, Lexington Place, LLC desires to rezone the aforementioned property from R-1 (Single Family) to R-1S (Single Family Residential District) 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:

The 40.1657 acres at the end of Claiborne Circle located at the end of Lexington Place Subdivision as described below is granted a zone change from R-1 (Single Family) to R-1S (Single Family Residential District):

Being a 40.1657-acre tract of land at the end of Claiborne Circle located at the end of Lexington Place Subdivision in Simpson County KY. The property is owned by Developing Partners, being a portion of Deed Book 269, Page 480 as recorded in the office of the Clerk of Simpson County, KY.

The property is more particularly described as follows:

Beginning at a 5/8-inch iron pin with a yellow plastic cap stamped "L SLAVEY KY 3922", said pint is in the South East corner of Lot 39 of the Lexington Place Subdivision as recorded in Plat Book 5, Page 58, in the office of the Clerk in Simpson County, KY, said point lies in the line of the Blackberry Ridge, LLC property (Deed Book 287, Page 457), thence leaving the Lexington Place Subdivision and with Blackberry Ridge, LLC S 08°46'40" W a distance of 593.96' to a set 5/8-inch iron pin with a yellow plastic cap

THE UNITED STATES OF AMERICA
DO hereby certify that
[Name] is a citizen of the United States of America.

Witness my hand and seal of office this [Day] day of [Month], 19[Year].

Attest: [Signature]
[Title]

Notary Public for the State of [State]

My commission expires on [Date]

My office is located at [Address]

My term of office begins on [Date]

My term of office ends on [Date]

My office is located at [Address]

stamped "L SLAVEY KY 3922" (all set iron pins called out in this description meet the aforementioned description, thence S 03°00'43" E a distance of 48.70' to a set 5/8-inch iron pin, said point is in the line of the Searce Property (Deed book 312, Page 406), thence with the Searce property S 86°59'17" W a distance of 192.40' to a set 5/8-inch iron pin, thence S 04°42'36" E a distance of 646.90' to a set 5/8-inch iron pin, thence S 86°27'22" W a distance of 1135.50' to a set 5/8-inch iron pin near a t-post, said point is corner common to the Andrews Property, thence with Andrews N 05°08'26" W a distance of 945.13' to a set 5/8-inch iron pin, thence N 85°39'20" W a distance of 364.54' to a set 5/8-inch iron pin, thence N 05°27'34" E a distance of 309.14' to a found 5/8-inch iron pin with a yellow plastic cap stamped "L SLAVEY KY 3922", said point is corner common to the aforementioned Lexington Place Subdivision, thence with the Lexington Place Subdivision the next 13 calls as follows thence S 85°02'34" E a distance of 133.25' to a found 5/8-inch iron pin, thence S 69°44'15" E a distance of 51.84' to a set 5/8-inch iron pin, thence S 81°54'34" E a distance of 257.30' to a found 5/8-inch iron pin, thence S 80°24'57" E a distance of 528.62' to a found 5/8-inch iron pin, thence N 03°57'06" E a distance of 351.03' to a found 5/8-inch iron pin, thence N 32°31'11" E a distance of 84.97' to a found 5/8-inch iron pin, thence S 81°37'29" E a distance of 400.00' to a found 5/8-inch iron pin, thence S 68°42'44" E a distance of 78.63' to a found 5/8-inch iron pin, thence S 81°43'28" E a distance of 125.00' to a found 5/8-inch iron pin, thence S 08°16'32" W a distance of 77.09' to a found 5/8-inch iron pin, thence S 81°43'28" E a distance of 50.00' to a found 5/8-inch iron pin thence N 08°16'32" E a distance of 21.46' to a found 5/8-inch iron pin, thence S 81°43'28" E a distance of 119.04' to a found 5/8-inch iron pin, which is the point of beginning, having an area of 40.1657 acres, 1749618 square feet.

This survey was performed under the direct supervision of Lucas L. Slavey LPLS 3922 of Van Meter & Slavey, LLC in November 2019.

Being a part of the same property conveyed to Lexington Place, LLC by Developing Partners II, LLC by deed dated May 18, 2017, of record in Deed Book 327, Page 739, Simpson County Clerk's Office.

Said property is also known as Phases 2 and 3 of the Lexington Place Subdivision currently of record in Plat Book 5, Page 58, Office of the Simpson County Clerk.

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 Bennett and seconded by Commissioner Powell, 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

**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 November 5, 2019, on the petition of James Cook, Lexington Place, LLC, requesting a zone change from R-1 (Single Family Residential District) to R-1S (Single Family Residential District) for approximately 40.1657 acres described as follows:

Being a 40.1657-acre tract of land at the end of Claiborne Circle located at the end of Lexington Place Subdivision in Simpson County KY. The property is owned by Developing Partners, being a portion of Deed Book 269, Page 480 as recorded in the office of the Clerk of Simpson County, KY.

The property is more particularly described as follows:

Beginning at a 5/8-inch iron pin with a yellow plastic cap stamped "L SLAVEY KY 3922", said point is in the South East corner of Lot 39 of the Lexington Place Subdivision as recorded in Plat Book 5, Page 58, in the office of the Clerk in Simpson County, KY, said point lies in the line of the Blackberry Ridge, LLC property (Deed Book 287, Page 457), thence leaving the Lexington Place Subdivision and with Blackberry Ridge, LLC S 08°46'40" W a distance of 593.96' to a set 5/8-inch iron pin with a yellow plastic cap stamped "L SLAVEY KY 3922" (all set iron pins called out in this description meet the aforementioned description, thence S 03°00'43" E a distance of 48.70' to a set 5/8-inch iron pin, said point is in the line of the Searce Property (Deed book 312, Page 406), thence with the Searce property S 86°59'17" W a distance of 192.40' to a set 5/8-inch iron pin, thence S 04°42'36" E a distance of 646.90' to a set 5/8-inch iron pin, thence S 86°27'22" W a distance of 1135.50' to a set 5/8-inch iron pin near a t-post, said point is corner common to the Andrews Property, thence with Andrews N 05°08'26" W a distance of 945.13' to a set 5/8-inch iron pin, thence N 85°39'20" W a distance of 364.54' to a set 5/8-inch iron pin, thence N 05°27'34" E a distance of 309.14' to a found 5/8-inch iron pin with a yellow plastic cap stamped "L SLAVEY KY 3922", said point is corner common to the aforementioned Lexington Place Subdivision, thence with the Lexington Place Subdivision the next 13 calls as follows thence S 85°02'34" E a distance of 133.25' to a found 5/8-inch iron pin, thence S 69°44'15" E a distance of 51.84' to a set 5/8-inch iron pin, thence S 81°54'34" E a distance of 257.30' to a found 5/8-inch iron pin, thence S 80°24'57" E a distance of 528.62' to a found 5/8-inch iron pin, thence N 03°57'06" E a distance of 351.03' to a found 5/8-inch iron pin, thence N 32°31'11" E a distance of 84.97' to a found 5/8-inch iron pin, thence S 81°37'29" E a distance of 400.00' to a found 5/8-inch iron pin, thence S 68°42'44" E a distance of 78.63' to a found 5/8-inch iron pin, thence S 81°43'28" E a

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It was reported to the Commission that Lexington Place, LLC desired for said property's zoning be amended from Single Family Residential District (R-1) to Single Family Residential District(R-1S). James Cook on behalf of Lexington Place, LLC appeared with Hon. Timothy J. Crocker. Homebuilders from the community were also in attendance. The Commission heard statements from counsel and testimony from James Cook as representative of Lexington Place, LLC and homebuilders. After considering the testimony 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.

2. The original zoning classification, R-1, given to the property was inappropriate or improper because the zoning classification of R-1S did not exist at the time of the original zone classification.

3. There have been major changes of an economic, physical, or social nature within the area which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area.

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 for the property described herein from R-1 to R-1S to be granted.

Approved and recommended for zoning change, this the 5th day of November, 2019.

Kent Wilson
VICE CHAIRMAN