

ORDINANCE NO. 2020 - 001

AN ORDINANCE REZONING APPROXIMATELY 5.00 ACRES IMMEDIATELY NORTH OF 6007 BOWLING GREEN ROAD FROM A-1 (AGRICULTURE) TO I-2 (HEAVY INDUSTRY)

WHEREAS, Ann Piper Carpenter, 3037 Overton Road, Birmingham, Alabama 35223, filed a petition to rezone five (5.00) acres immediately north of 6007 Bowling Green Road from A-1 (Agriculture) to I-2 (Heavy Industry); and

WHEREAS, Ann Piper Carpenter desires to rezone the aforementioned property from A-1 (Agriculture) to I-2 (Heavy Industry) so that a purchaser may build and operate a 20,000 square foot building for the warehousing and distribution of industrial products 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 by the Franklin-Simpson Joint Planning & Zoning Commission on December 3, 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 five (5.00) acres immediately north of 6007 Bowling Green Road as described below is granted a zone change from A-1 (Agriculture) to I-2 (Heavy Industry):

A certain tract of land in Simpson County, Ky. located approximately 6 miles north of downtown Franklin, situated on the west side US Highway #31W, and just north of Carr Road and further described from a survey made December 18, 2019 under the supervision of Robert G. May, LPLS # 2142, as follows:

Unless stated otherwise, any monument or reference referred to herein as a pin and cap is a set ½" x 18" rebar with yellow plastic cap stamped R G May 2142. All bearings stated herein are referred to the recorded bearing along the north line of Pinnacle Agricultural Distribution, Inc. as recorded in DB 315 PG 128 (reference – Minor PB 1 PG 4) in the Office of the Simpson County Court Clerk.

Beginning at a found ¾ inch iron pipe the southeast corner to Satterly & Bryant Minor Subdivision (Cabinet 5 PG 162) and located 50 feet west of the existing centerline of US Highway #31W; thence running 50 feet west of and parallel to the existing centerline of US Highway #31W, on a curve to the left with a radius of 13,633.12 feet,

a chord of S 13° 19' 36" W – 428.92 feet, an arc length of 428.94 feet to a pin and cap new corner Ann (DB 183 PG 472) and located N 12° 17' 48" E – 61.17 feet from a found iron pin (cap #3290) which is the northeast corner to Pinnacle Agriculture Distribution, Inc. (DB 315 PG 128); thence on a new line with Carpenter, running 60 feet northeast of and parallel to the northeast line of Pinnacle Agriculture, Inc. (DB 315 PG 128 reference Minor Subdivision PB #1 PG 4), N 66° 28' 05" W – 752.50 feet to a pin and cap, and continuing on a new line with Carpenter, N 12° 51' 41" E – 160.05 feet to a pin and cap a new corner to same in the southwest line of Satterly & Bryant Minor Subdivision (Cabinet 5 PG 162); thence with the southwest line of Satterly & Bryant Minor Subdivision, S 87° 01' 40" E – 754.18 feet to the beginning point.

Containing 5.000 acres. Source: Part of DB 183 PG 472 that lies on the west side of US Highway #31W.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

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

January 13, 2020

FIRST READING

January 27, 2020

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on January 27, 2020, on motion made by Commissioner Powell and seconded by Commissioner Bennett, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR

Yes WENDELL STEWART

Yes JAMIE POWELL

Yes HERBERT WILLIAMS

Yes BROWNIE BENNETT

APPROVED BY:

Larry Dixon Mayor
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk

Robert G. May
Licensed Professional Land Surveyor ~ 1830 Witt Road ~ Franklin, KY 42134
Phone: 270-586-4562 Fax: 270-586-4562

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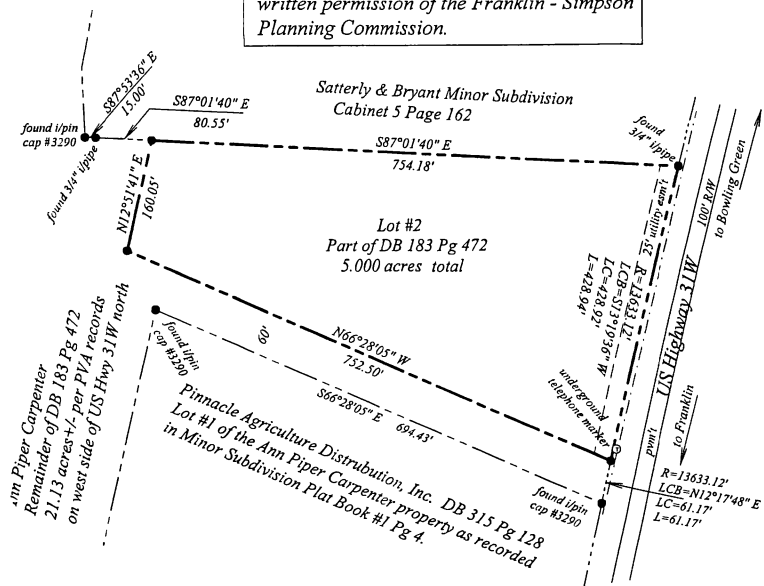
Thence running 50 feet west of and parallel to the existing centerline of US Highway #31W, on a curve to the left with a radius of 13,633.12 feet, a chord of S 13° 19' 36" W – 428.92 feet, an arc length of 428.94 feet to a pin and cap new corner Ann (DB 183 PG 472) and located N 12° 17' 48" E – 61.17 feet from a found iron pin (cap #3290) which is the northeast corner to Pinnacle Agriculture Distribution, Inc. (DB 315 PG 128);

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Thence with the southwest line of Satterly & Bryant Minor Subdivision, S 87° 01' 40" E – 754.18 feet to the beginning point.

Containing 5.000 acres Source: Part of DB 183 PG 472 that lies on the west side of US Highway #31W.

The property shown hereon is not to be further subdivided or reconfigured without written permission of the Franklin - Simpson Planning Commission.



The found, existing, and established monuments or fence lines, as shown hereon, are the best available evidence of occupied corners and occupied boundaries, unless otherwise noted.

Any easements, conditions, or restriction, written or unwritten, that previously applies to this property shall remain in effect and apply to this property as represented by this plat.

This survey was performed without benefit of facts which may be disclosed by a full and accurate title search.

All corners and reference markers are monumented with set iron pins unless otherwise noted.

All set iron pins are 1/2" x 18" rebar with yellow plastic cap stamped R G May 2142, unless otherwise noted.

Basis of Bearing

Referred to the recorded bearing along the north line of Pinnacle Agriculture Distribution, Inc. as recorded in DB 315 Pg 128 (Ref Minor PB 1 Page 4).

The purpose of this survey was to locate the corners which define the boundaries of this property. All found monuments were held as control unless otherwise noted.

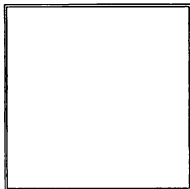
This plat depicts a survey made by me or under my direct supervision using the method of random traverse, with sideshots and is true and accurate to the best of my knowledge and belief. The unadjusted linear precision ratio meets or exceeds the required minimum linear precision ratio with a linear closure of 1:10982 and an angular closure of 9" per angle for 3 angles.

Bearings and distances shown hereon are unadjusted and have not been adjusted for closure.

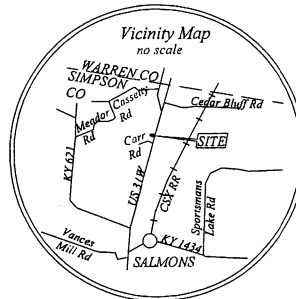
The represented survey, as shown hereon, is an "Urban" survey, and the accuracy and precision of said survey meets the requirements of this class.

Robert G. May LPLS

Date



Robert G. May
Licensed Professional Land Surveyor
1830 Witt Road
Franklin, Ky. 42134
Phone (270) 586-4562



After careful research of the history of the recorded deeds, it is my opinion the field survey this plat represents is true and accurate to the best of my knowledge and belief.

Information of adjoining property owners, as shown hereon, taken from PVA records.

This Plat of Survey represents a Boundary Survey and complies with 201 KAR 18:150.

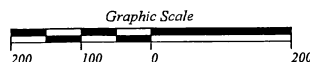
Survey Plat for Lot #2 of the Ann Piper Carpenter Minor Subdivision

Shoing a portion of the the property of
Ann Piper Carpenter
3037 Overton Road
Birmingham, AL 35223

Requested by
Agri Realty
306 Quail Ridge Road
Franklin, KY 42134

12-18-19

1" = 200'



FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re: Petition for Zone Change from A-1 (agricultural)
to I-2 (heavy industrial) by Ann Piper Carpenter
5.00± acres immediately north of 6007 Bowling Green Road

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

A public hearing was held before this Commission on December 3, 2019 at the hour of 6:30 p.m. on the petition of Ann Piper Carpenter, that a tract of land situated on Bowling Green Road be rezoned from A-1 to I-2. The tract contains 5.00± acres. A quorum of the Commission was present. Chairman of the Commission, Debbie Thornton, presided. The petitioner was represented by counsel, Hon. Timothy D. Mefford. The hearing was stenographically recorded by James Dale, licensed court reporter.

The Commission proceeded to hear an opening statement from Attorney Mefford and then heard testimony in favor of the zone change from realtor Charlie Hill. There was an opportunity for cross-examination; some questions were asked and answered by members of the audience as well as Commission members. There was no opposition voiced to the proposed zone change.

Having heard testimony, having reviewed the exhibits presented, having reviewed the petition for zone change, and having reviewed the Comprehensive Plan for Simpson County, Kentucky, as well as the zoning regulations of the City of Franklin and Simpson County, Kentucky, Commission member Gary Sliger moved, and Commission member George Weissinger seconded, and the Commission voted four to one, with the Chairman electing not to vote, to approve the requested zone change. The motion therefore passed. In connection with this zone change, the Commission finds, concludes, and recommends the following:

FINDINGS OF FACT

I.

The Petitioner has sold the subject property subject to this requested zone change. The purchaser of the property seeks to build and operate a 20,000 square foot building for the warehousing and distribution of industrial products.

II.

The adjoining property is owned by Pinnacle Agriculture Distribution, which operates a seed and chemical warehouse and dry fertilizer house. This subject property was recently rezoned from A-1 to I-2 in 2015.

III.

The proposed location is within sight and sound of the Hanson Franklin Quarry to the north, and the Wilkey North Industrial Park to the south. It is situated on the major thoroughfare of 31-W and is intended to serve the increasing industrial activities located in north Simpson and south Warren counties.

IV.

The site is suitable for development for distribution services because it is served by all necessary utilities, has excellent road access, is level to gently rolling, and is situated in a growing industrial area. The site distance entering and exiting the site is more than adequate to provide for the increased traffic flow as a result of this distribution facility.

V.

The proposed area is becoming increasingly industrial in nature, given the presence of the I-2 zoned Wilkey North Industrial Park just to the south, and Kenway Concrete, Scotty's Paving, and Hanson quarry to the north.

VI.

The operation on the site will comply with all performance standards required by I-2 zoning, such that the proposed business operation on the site should not negatively affect any area property owner.

VII.

The purpose of a heavy industrial district is to encourage development of major manufacturing, processing, warehousing, and other business establishments. FS Zoning Regulations, Section 8.16.1. The proposed use of the site will involve warehousing and distribution of various industrial products such that the proposed industrial nature of the area is particularly suitable for the proposed use.

VIII.

The Simpson County Comprehensive Plan dated 1992, but adopted in the fall of 1994, contains a narrative regarding industrial land use and notes that most industrial property is associated with Highway 31-W North and near the CSX rail line. The land sought to be rezoned can be considered suitable because of its location on 31-W and near the CSX rail line. Accordingly, rezoning the subject site to I-2 is consistent with the communities Comprehensive Plan.

IX.

The 1994 Comprehensive Plan was updated in 2010 in a document that states Goals and Objectives for Simpson County. Chapter 9 contains Goals and Objectives for Simpson County and notes that economic development should include industrial recruitment to create higher paying jobs. The proposed warehousing and distribution center will support existing industries and encourage further industrial development.

X.

Another goal to achieve in Simpson County as expressed in Chapter 9 of the 2010 Comprehensive Plan update is to strengthen and diversify the economic base of Simpson County in order to achieve full employment and increased *per capita* income for residents. The new business proposed by this warehouse distribution facility will employ 10-15 individuals in its operation which is commercial and industrial in nature. In short, such a business is very much consistent with the Simpson County profile.

CONCLUSIONS OF LAW

A rezoning of the subject property is consistent with the 1994 and 2010 Comprehensive Plans, as updated, and is appropriate and proper. The zone change request meets the criteria of KRS 100.213 and Section 10.7 of the Franklin-Simpson Zoning Regulations. The attached drawing shows the area to be rezoned and shows the approximate location of the proposed building. The tendered drawing meets the minimum requirements of Article 13 of the Franklin-Simpson Zoning Regulations for a development plan. More detailed development plans shall be submitted and approved before development begins.

RECOMMENDATION

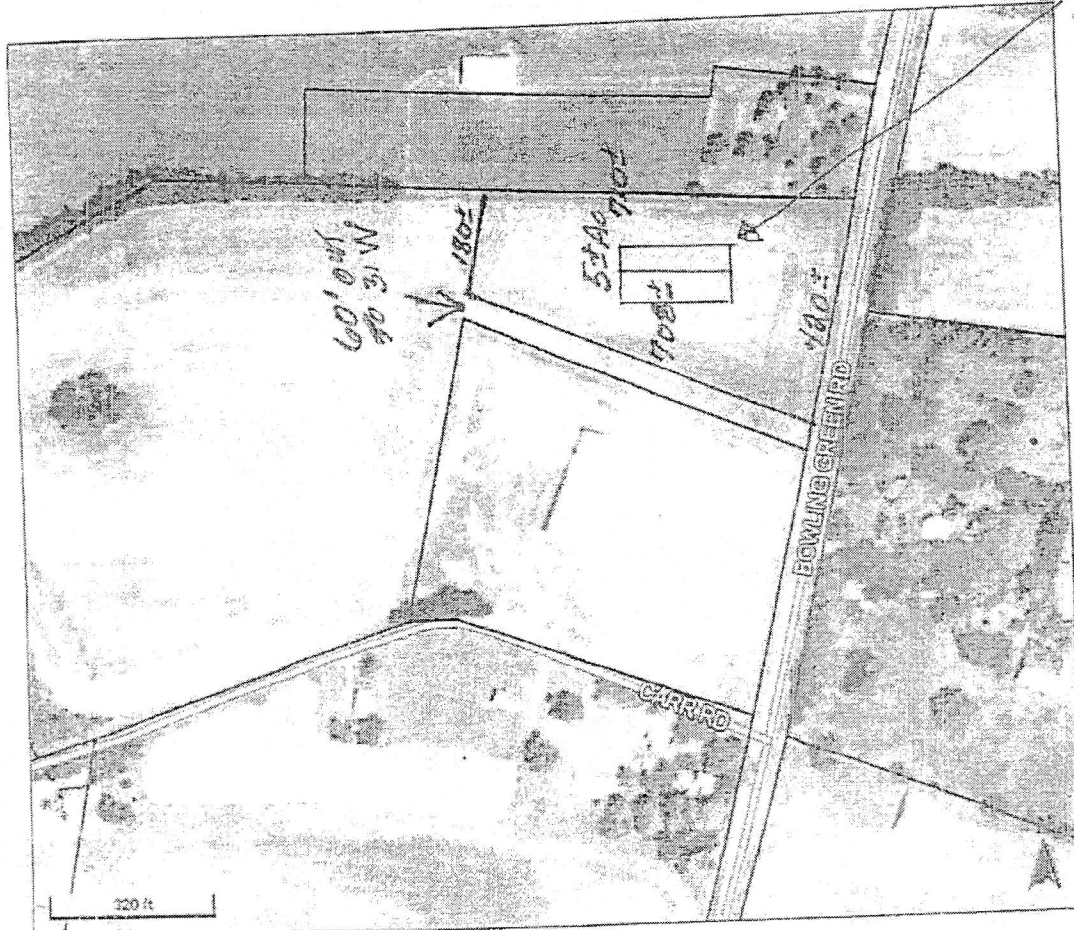
The Commission, having adopted the foregoing Findings of Fact and Conclusions of Law, does hereby now recommend to the City Commission that the zone change be approved and the property described in the attached Appendix be rezoned from A-1 to I-2. The attached drawing is also accepted as a minimum development plan for the proposed project.


DEBBIE THORNTON, Chairman

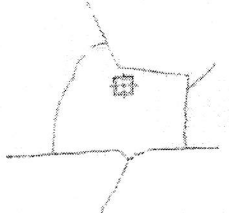
APPENDIX

qPublic.net™ Simpson County, KY PVA

20,000 SF BUILDING
FIRE DISTRIBUTION
100x200



Overview



Legend

- Parcels
- Roads

Map Number 034-00-00-022.00
Property BOWLING GREEN ROAD
Address
District n/a

Class FARM Owner
Acreage 114 Address

RAY CHARLES R TESTAMENTARY
FAMILY TRUST THE
C/O SANDRA B RAY
400 WARIOTO WAY APT 74C
ASHLAND CITY TN 37015-1377

Date created: 11/8/2019
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Developed by Schneider
GEOSPATIAL