

**ORDINANCE NO. 2020 - 019**

**AN ORDINANCE REZONING APPROXIMATELY 322.34 ACRES  
LOCATED NORTH OF HIGHWAY 100 EAST, SOUTH OF GOLD CITY ROAD,  
AND WEST OF INTERSTATE 65 AT EXIT 6  
FROM B-5 (INTERSTATE INTERCHANGE BUSINESS DISTRICT)  
TO I-1 (LIGHT INDUSTRIAL) BY KYCORE, LLC**

WHEREAS, Kycore, LLC, P. O. Box 51610, Bowling Green, Kentucky 42102, filed a petition to rezone 322.34 acres (also described as 322.2034 acres) located north of Highway 100 East, south of Gold City Road, and west of Interstate 65 at Exit 6 from B-5 (Interstate Interchange Business District) to I-1 (Light Industrial); and

WHEREAS, Kycore, LLC desires to rezone the aforementioned property from B-5 to I-1, 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 10, 2020, 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 322.34 acres (also described as 322.2034 acres) of record in Deed Book 295, Page 208, Simpson County Clerk's Office, located north of Highway 100 East, south of Gold City Road, and west of Interstate 65 at Exit 6, as described in Exhibit 1 attached hereto, is granted a zone change from B-5 to I-1.

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

December 14, 2020

FIRST READING

January 11, 2021

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on January 11, 2021, on motion made by Commissioner Bennett 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



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### LEGAL DESCRIPTION

Being a 322.2034 acre tract, as conveyed to Garvins, LLC. as recorded in Deed Book 255, Page 290; Deed Book 256, Page 193; Deed Book 256, Page 197; Deed Book 256, Page 218; Deed Book 256, Page 528; Deed Book 256, Page 657; and Deed Book 264, Page 730 in the Office of the County Clerk of Simpson County, Kentucky. This property is located in Simpson County, Kentucky at Exit 6 of Interstate 65 and has frontage along Interstate 65, Kentucky State Highway 100 and Gold City Road and being more particularly described as follows:

Beginning at a point, said point is an iron pin set, said pin is a 5/8"x18" rebar with a one (1) inch yellow cap stamped "T LUCAS KY 3569", said pin is located at the intersection of the right-of-way of Interstate 65 South and the North right-of-way of Kentucky Highway 100; thence a line with the right-of-way line of Kentucky Highway 100 the following five (5) calls as follows:

North 81 Degrees 40 Minutes 59 Seconds West, 67.51 feet to an iron pin set,

North 08 Degrees 52 Minutes 55 Seconds East, 51.87 feet to an iron pin set,

North 88 Degrees 33 Minutes 14 Seconds West, 99.86 feet to an iron pin set,

North 28 Degrees 10 Minutes 07 Seconds West, 100.05 feet to an iron pin set,

North 72 Degrees 45 Minutes 14 Seconds West, 25.51 feet to an iron pin set in said right-of-way and corner common to a tract as conveyed to Pilot Travel Centers as recorded in Deed Book 241, Page 479 in the Office of the County Clerk of Simpson County, Kentucky; thence leaving said right-of-way and with the line of Pilot Travel Centers the next three (3) calls as follows:

North 08 Degrees 42 Minutes 57 Seconds East, 540.62 feet to a stone, referenced from an iron pin found, North 81 Degrees 51 Minutes 37 Seconds West, 0.38 feet,

North 86 Degrees 13 Minutes 45 Seconds West, 1,484.41 feet to an iron pin set,

South 06 Degrees 03 Minutes 15 Seconds West, 282.41 feet to an iron pin set, corner common to Pilot Travel Centers and in the North right-of-way of the aforementioned Kentucky Highway 100; thence a line with said right-of-way the next three (3) calls as follows:

North 80 Degrees 33 Minutes 40 Seconds West, 363.26 feet to an iron pin found with cap stamped "KY 2934",

North 63 Degrees 57 Minutes 13 Seconds West, 122.64 feet to an iron pin set,

North 85 Degrees 41 Minutes 25 Seconds West, 93.71 feet to an iron pin found with cap stamped "KY 3290" in said right-of-way and corner common to a tract as conveyed to Jeong Yun as recorded in Deed Book 160, Page 413 in the aforementioned clerk's office; thence a line with Yun and then with a tract as conveyed to Joyce Ann Jenkins as recorded in Deed Book 264, Page 722 in the aforementioned clerk's office, the next two (2) calls as follows:

North 07 Degrees 44 Minutes 31 Seconds East, 199.31 feet to a stone, referenced from an iron pin found, South 34 degrees 02 minutes 41 seconds West, 0.91 feet,

North 09 Degrees 29 Minutes 09 Seconds East, 1,633.86 feet to a stone, referenced from an iron pin found with cap stamped "KY 3290", South 24 Degrees 20 Minutes 34 Seconds East, 0.54 feet, corner common to Jenkins; thence a line with Jenkins, North 11 Degrees 08 Minutes 15 Seconds East, 1,087.98 feet to an iron pin found with cap stamped "KY 2142" corner common to Jenkins and being the Southeast right-of-way line of Gold City Road; thence a line with said right-of-way the next eight (8) calls as follows:

North 49 Degrees 53 Minutes 24 Seconds East, 181.42 feet to a point,

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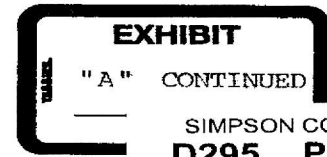
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SIMPSON COUNTY  
D295 PG211



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SIMPSON COUNTY  
D295 PG212

A curve turning to the left with a radius of 15,700.00 feet, a chord bearing and distance of North 49 Degrees 04 Minutes 42 Seconds East, 444.82 feet, an arc length of 444.84 feet to an iron pin found with cap stamped "KY 2142",  
North 48 Degrees 16 Minutes 00 Seconds East, 616.66 feet to a point,  
North 50 Degrees 18 Minutes 25 Seconds East, 260.08 feet to a point,  
North 50 Degrees 43 Minutes 44 Seconds East, 242.26 feet to a point,  
North 51 Degrees 10 Minutes 04 Seconds East, 97.30 feet to a point,  
North 53 Degrees 33 Minutes 27 Seconds East, 92.95 feet to a point,  
North 55 Degrees 05 Minutes 06 Seconds East, 99.04 feet to an iron pin found with cap stamped "KY 3290" in said right-of-way and corner common to a tract as conveyed to Priscilla Johnson as recorded in Deed Book 237, Page 136 in the aforementioned clerk's office; thence a line with Johnson the next four (4) calls as follows:

South 31 Degrees 37 Minutes 41 Seconds East, 29.83 feet to an iron pin found with cap stamped "KY 3290",  
South 03 Degrees 59 Minutes 32 Seconds East, 247.21 feet to an iron pin found with cap stamped "KY 3290",  
South 06 Degrees 28 Minutes 51 Seconds West, 376.43 feet to an iron pin set,  
South 82 Degrees 22 Minutes 06 Seconds East, 373.70 feet to an iron pin found with cap stamped "KY 3290" corner common to Johnson and a tract as conveyed to Joshua Hall as recorded in Deed Book 239, Page 59 in the aforementioned clerk's office; thence a line with Hall the next four (4) calls as follows:

South 07 Degrees 21 Minutes 46 Seconds West, 531.39 feet to an 18" Hackberry with 3 hacks referenced from an iron pin found with cap stamped "KY 3290", North 20 Degrees 30 Minutes 14 Seconds East, 2.59 feet,  
South 82 Degrees 26 Minutes 00 Seconds East, 299.24 feet to a stone referenced from an iron pin found with cap stamped "KY 3290", North 77 degrees 28 minutes 29 seconds West, 0.67 feet,  
South 83 Degrees 07 Minutes 59 Seconds East, 311.86 feet to a stone referenced from an iron pin found with cap stamped "KY 2142", North 24 Degrees 38 Minutes 45 Seconds West, 0.80 feet,  
North 04 Degrees 56 Minutes 08 Seconds East, 1129.70 feet to an iron pin found with cap stamped "KY 3290" corner common to Hall and a tract as conveyed to William Terrell as recorded in Deed Book 132, Page 452 in the aforementioned clerk's office; thence a line with Terrell the next two calls as follows:

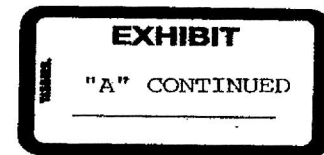
South 85 Degrees 05 Minutes 53 Seconds East, 399.51 feet to an iron pin found with cap stamped "KY 3290",  
North 10 Degrees 18 Minutes 02 Seconds East, 1012.75 feet to an iron pin found with cap stamped "KY 3290" corner common to Terrell and a tract as conveyed to Matthew Holden as recorded in Deed Book 243, Page 384; thence a line with Holden the next three (3) calls as follows:

South 83 Degrees 17 Minutes 05 Seconds East, 194.44 feet to an iron pin found with cap stamped "KY 3290",  
North 01 Degrees 10 Minutes 09 Seconds East, 130.03 feet to an iron pin found with cap stamped "KY 3290",



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North 14 Degrees 35 Minutes 22 Seconds West, 16.72 feet to an iron pin found with cap stamped "KY 3290" corner common to Holden and a tract as conveyed to Rufus Combs as recorded in Deed Book 212, Page 674 in the aforementioned clerk's office; thence a line with Combs the next two (2) calls as follows:

North 78 Degrees 18 Minutes 15 Seconds East, 164.92 feet to an iron pin found with cap stamped "KY 3290",

North 15 Degrees 06 Minutes 32 Seconds West, 274.60 feet to an iron pin found with cap stamped "KY 3290" corner common to Combs and a point in the Southeast right-of-way of Gold City Road; thence a line with said right-of-way the next four (4) calls as follows:

North 55 Degrees 15 Minutes 54 Seconds East, 382.47 feet to an iron pin found with cap stamped "KY 3290",

North 54 Degrees 48 Minutes 47 Seconds East, 148.12 feet to an iron pin found,

North 35 Degrees 23 Minutes 03 Seconds West, 20.00 feet to an iron pin found with cap stamped "KY 2934",

North 54 Degrees 23 Minutes 27 Seconds East, 567.99 feet to an iron pin found with cap stamped "KY 2934" at the intersection of the Southeast right-of-way of Gold City Road and the South right-of-way line of Edison Road; thence a line with said right-of-way of Edison Road, North 81 Degrees 18 Minutes 21 Seconds East, 264.03 feet to an iron pin found with cap stamped "KY 1766" in said right-of-way and corner common to a tract as conveyed to Lillian Edison, et al; thence a line with Edison the next two (2) calls as follows:

South 08 Degrees 25 Minutes 37 Seconds West, 480.01 feet to an iron pin found with cap stamped "KY 2142",

South 81 Degrees 46 Minutes 47 Seconds East, 467.02 feet to an iron pin found with cap stamped "KY 1766" corner common to Edison and in the right-of-line of Interstate 65 South; thence a line with said right-of-way the next eleven (11) calls as follows:

A curve turning to the left with a radius of 5,854.58 feet, a chord bearing and distance of South 36 Degrees 58 Minutes 42 Seconds West, 712.69 feet, and an arc length of 713.13 feet to an iron pin set,

South 44 Degrees 02 Minutes 40 Seconds West, 104.29 feet to an iron pin set,

A curve turning to the left with a radius of 5,874.58 feet, chord bearing and distance of South 28 Degrees 59 Minutes 20 Seconds West, 717.27 feet, and an arc length of 717.72 feet to an iron pin set, being South 34 Degrees 06 Minutes 29 Seconds West, 5.80 feet from a right-of-way marker,

South 17 Degrees 56 Minutes 00 Seconds West, 170.71 feet to an iron pin set,

South 23 Degrees 49 Minutes 57 Seconds West, 3,234.36 feet to an iron pin set, being

South 24 Degrees 02 Minutes 21 Seconds East, 1.76 feet from a right-of-way marker,

South 26 Degrees 41 Minutes 42 Seconds West, 100.12 feet to an iron pin set,

South 23 Degrees 49 Minutes 57 Seconds West, 1,050.00 feet to an iron pin set,

South 34 Degrees 44 Minutes 35 Seconds West, 62.11 feet to an iron pin found with cap stamped "KY 1766", being South 20 Degrees 18 Minutes 39 West, 5.75 feet from a right-of-way marker,

South 27 Degrees 49 Minutes 57 Seconds West, 53.19 feet to an iron pin set,

South 37 Degrees 49 Minutes 11 Seconds West, 113.09 feet to an iron pin set,

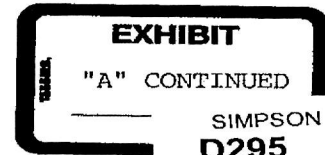
South 28 Degrees 14 Minutes 16 Seconds West, 194.94 feet to an iron pin set,

South 43 Degrees 09 Minutes 26 Seconds West, 217.91 feet to an iron pin set,



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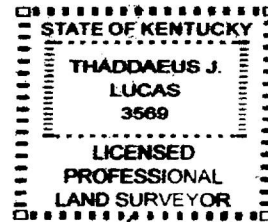
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South 36 Degrees 49 Minutes 46 Seconds West, 123.42 feet to an iron pin set,  
South 43 Degrees 34 Minutes 57 Seconds West, 162.96 feet to the Point of Beginning  
and having an area of 322.2034 acres (14,035,181 square feet).

The above description was prepared from a physical survey performed during the month of December 2010 by Landmark Engineering, Incorporated under the direction of Thaddaeus J. Lucas, Kentucky Licensed Professional Land Surveyor Number 3569 and is subject to all easements and right-of-ways of record and in existence.

  
THADDAEUS J. LUCAS, KY LPLS #3569



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It is the intention of this deed and the above legal description to convey all of the Grantor's right, title and interest in its property located on the West side of Interstate 65 at Exit 6 in Franklin, Simpson County, Kentucky.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from B-5 (Interstate Interchange Business District) to I-1 (Light Industrial) by Kycore, LLC

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

A public hearing was held before this Commission on November 10, 2020, beginning at the hour of 6:30 p.m. on the petition of Kycore, LLC ( the "Petitioner") that a certain 322.34 acre tract of land owned by it located north of Highway 100 East, south of Gold City Road, west of Interstate 65, at Exit 6 in Franklin, Simpson County, Kentucky (the "Property"), be re-zoned from B-5 to I-1. The Chairman of the Commission, Debbie Thornton, presided. A quorum of the Commission was present. The petitioner was represented by G. William Leach, Jr.. The hearing was stenographically recorded by a licensed court reporter.

The Commission then proceeded to hear an opening argument from attorney Leach and testimony in favor of the zone change. Interested parties were in attendance and questions were asked and answered.

Having heard testimony, having reviewed the petition for zone change, the exhibits presented, Conceptual Development Plan, and having reviewed the Comprehensive Plan for Simpson County, Kentucky, Gary Sliger moved, Kent Wilson 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 located at Exit 6 in Simpson County on the north side of Highway 100. Significant improvements to not only I-65 but also Exit 6 have recently occurred which make increased vehicular traffic at Exit 6 very manageable.

### II

Adequate access to Highway, utilities, including, water, sewer, and electrical services make this Property suitable for industrial development.

### III

The Property was re-zoned from A-1 (Agricultural) to B-5 (Interstate Interchange Business District) in 2005 at the request of Garvins, Inc. which envisioned development of the Property for recreational vehicles and other commercial related activities. Despite vigorous and sustained attempts by David Garvin on behalf of Garvins, LLC to recruit not only recreational vehicle businesses and enthusiasts, but also the commercial real estate chain, Cabela's, to the area, he was unsuccessful.

### IV

The Property's highest and best use appears to be for industrial purposes. The Sanders Industrial Park on the south side of Highway 100 on the east side of I-65 at Exit 6 is full, and the Henderson Industrial Park on the north side of Highway 100 at Exit 6 is rapidly filling.



## V

The traffic patterns, available utilities, and amenities offered at Exit 6 of I-65 make it an attractive location for industrial operations. Based on the narrative in the Simpson County Comprehensive Plan adopted in the fall of 1994 regarding industrial land use, the Property could be expected to become industrially developed.

## VI

The Petitioner has no specific operation plan at this time, but because of its location, size, and typography, the Property is suitable for industrial development. The light industrial classification sought is compatible with the commercial operations in the area, as well as the residential neighbors in the Gold City Road area.

## VII

Franklin and Simpson County and its leaders have proved to be adept at industrial recruitment and development, to the benefit of all Simpson County residents. Kycore, LLC is owned by Simpson County native, Brad Kelley, who appears to have the knowledge, contacts, and resources to successfully develop an industrial area.

## VIII

Most industrial zoned property in Simpson County is heavy industry. Providing for more light industrial opportunities will allow the city and county to achieve one of the economic development goals set forth in the 2010 Comprehensive Plan Update which is to "strengthen and diversify the economic base of Franklin and Simpson County in order to achieve full employment for and increase the per capita income of its residents while maintaining the natural

and historic environment.” Vision Statement, Goals, and Objectives, p. 9-7, Comprehensive Plan Update 2010. A particular focus for the community as also set forth in the 2010 Update at p. 9-10 is to “develop a sustained effort to maintain and grow the economic vitality” of the interstate interchanges and to enhance the appearance while promoting future land developments and redevelopments.

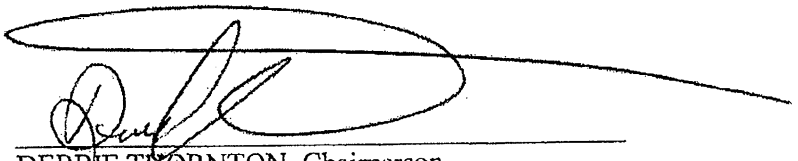
### **CONCLUSIONS OF LAW**

A re-zoning of the Property to I-1 (Light Industrial) is in agreement with the adopted Comprehensive Plan. A zone change is in order. The zone change request meets the criteria of KRS 100.213 and §10.7 of the Franklin-Simpson Zoning Regulations.

The Conceptual Development Plan presented is found to be adequate for its purposes and is approved as a Conceptual Development Plan.

### **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 request be approved and that the Property described in the attached Appendix be re-zoned from B-5 to I-1.



DEBBIE THORNTON, Chairperson