

ORDINANCE NO. 2020 - 020

**AN ORDINANCE REZONING 50.12 ACRES WEST OF 31-W NORTH
FROM AG (AGRICULTURAL DISTRICT) TO B-4 (HIGHWAY BUSINESS
DISTRICT) BY LEWIS MEMORIAL, INC.**

WHEREAS, Lewis Memorial, Inc., a Kentucky corporation, 2905 Bowling Green Road, Franklin, Kentucky 42134, filed a petition to rezone 50.12 acres west of 31-W North, in Franklin, Simpson County, Kentucky from AG (Agricultural District) to B-4 (Highway Business District); and

WHEREAS, Lewis Memorial, Inc. desires to rezone the aforementioned property from AG to B-4 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 50.12 acres west of 31-W North, in Franklin, Simpson County, Kentucky, of record in Deed Book 145, Page 297 and in Deed Book 344, Page 99, both in the Simpson County Clerk's Office as described in Exhibit 1 attached hereto is granted a zone change from AG (Agricultural District) to B-4 (Highway Business District).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.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 Powell and seconded by Commissioner Stewart, 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

PROPERTY DESCRIPTION APPENDIX

Attachment to Findings of Fact, Conclusions of Law and Recommendation for Zone Change

A certain tract of land lying in Simpson County, Kentucky, being located near the City of Franklin and fronting on US Hwy 31W (Bowling Green Road); the point of beginning being located approximately 1.145 feet north of the centerline of County Road 1788 (Broadway) as measured along the right of way of said US Hwy 31W; being a portion of the property previously shown on the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 5, Page 171, and being a portion of the properties previously recorded in Deed Book 145, Page 297 & Deed Book 344, Page 96 [sic], and being more particularly described as follows:

The basis of the bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are ½" x 18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147."

Beginning at an iron pin set in the west right of way of US Hwy 31W (Bowling Green Road) (r/w varies per KYTC Project No. 107-5-5 Dated 1950), said pin being located N 16° 38' 35" E 454.88 feet from a point (not set) at the southeastern most corner of the parent tract, said point being witnessed by a ½" iron pin found at N 64° 57' 35" W 4.60 feet; thence leaving the right of way of US Hwy 31W and bisecting the lands of the parent tract the following two calls: N 64° 57' 35" W 1225.19 feet to an iron pin set; thence S 25° 02' 25" W 450.00 feet to an iron pin set in the line of Lot 53 of Phase 2 of the Windsor Park Subdivision as previously recorded in Plat Cabinet 5, Page 175, G# Holdings, LLC (Deed Book 344, Page 654), said pin being located N 64° 57' 35" W 1291.62 feet from a point (not set) at the southeastern most corner of the parent tract, said point being witnessed by a ½" iron pin found at N 64° 57' 35" W 4.60 feet; thence with the line of Lot 53, and then with the line of Lots 54 thru 61 all of the aforementioned Windsor Park Subdivision, G3 Holdings, LLC (Deed Book 344, Page 654), and then with the line of Lots 62 & 63 of said subdivision, SAAB Holdings, LLC (Deed Book 344, Page 522 & Deed Book 344, Page 526), and then with the line of Lot 64 of Phase 2 of the Windsor Park Subdivision as previously recorded in Plat Cabinet 5, Page 165, Volkert Real Estate Holdings, LLC (Deed Book 344, Page 755), N 64° 57' 35" W 952.98 feet to an iron pin set, said pin being located S 64° 57' 35" E 195.09 feet from a 5/8" iron pin with a 1 1/4" plastic cap stamped "Slavey PLS 3922" found at a corner of the parent tract; thence leaving the line of Lot 63 and bisecting the lands of the parent tract the following four (4) calls: (1) N 16° 23' 10" E 1115.01 feet to an iron pin set; thence (2) S 71° 36' 50" E 1589.14 feet to an iron pin set; thence (3) S 11° 57' 28" W 60.01 feet to an iron pin set; thence (4) S 77° 57' 53" E 606.81 feet to an iron pin set in the west right of way of the aforementioned US Hwy 31W, said pin being located S 12° 05' 20" W 50.00 feet from a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found at the northeastern most corner of the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 5, Page 171; thence with the right

of way of US Hwy 31 W the following eight (8) calls: (1) S 12° 05' 20" W 129.94 feet to an iron pin set; thence (2) S 77° 51' 52" E 10.00 feet to an iron pin set; thence (3) S 12° 08' 08" W 7.24 feet to an iron pin set; thence with a curve turning to the right with an arc length of 300.64 feet, with a radius of 5689.58 feet, with a chord bearing of (4) S 13° 38' 58" W, with a chord length of 300.61 feet to an iron pin set; thence (5) N 74° 50' 12" W 10.00 feet to an iron pin set; thence with a curve turning to the right with an arc length of 154.24 feet, with a radius of 5679.58 feet, with a chord bearing of (6) S 15° 56' 28" W, with a chord length of 154.24 to an iron pin set; thence (7) S 16° 50' 36" W 306.74 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped Dunning PLS 3290" found at the southeastern most corner of the aforementioned Lewis Memorial, Inc. Subdivision, thence (8) S 16° 38' 35" W 31.12 feet to the point of beginning, **containing 2,183,377 +/- square feet (50.12 acres)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on March 25, 2020.

Being in part, part of the same property conveyed by Methodist Retirement Homes of Kentucky, Inc., a Kentucky corporation to Lewis Memorial, Inc., a Kentucky corporation, by deed dated December 13, 1983, of record in Deed Book 145, Page 297, Simpson County Clerk's Office; and in part, part of the same property conveyed by David Ray Cummins, trustee to Lewis Memorial, Inc., by deed dated September 26, 2019, of record in Deed Book 344, Page 99, Simpson County Clerk's Office.

THE SUBJECT 50.12 ACRE TRACT HAS ALSO BEEN SURVEYED AND CONFIGURED AS TWO COMPONENT TRACTS CONFORMING WITH THE PRESENT PREFERENCES AND USES OF THE PETITIONER AS FOLLOWS, TO-WIT:

Tract I consisting of 20.00 acres, to-wit:

A certain tract of land lying in Simpson County, Kentucky, being located near the city of Franklin and fronting on US Hwy 31 W (Bowling Green Road); the point of beginning being located approximately 1,145 feet north of the centerline of County Road 1788 (Broadway) as measured along the right of way of said US Hwy 31 W; being a portion of tract 3 of the Lewis Memorial, Inc. Subdivision as previously recorded in Deed Book 145, Page 297 & Deed Book 344, Page 96, [sic] and being more particularly described as follows:

The basis of bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are 1/2" x 18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147."

Beginning at an iron pin set in the west right of way of US Hwy 31 W (Bowling Green Road) (r/w varies per KYTC Project No. 107-5-5 Dated 1950), said pin being a common corner to Charles & Judith Hill and Billy & Jane Hudson (Deed Book 348, Page 1) and being located N 16° 38' 35" E 454.88 feet from a point (not set) at the southeastern most corner of the parent tract, said point being witnessed by a 1/2" iron pin found at N 64° 57' 35" W 4.60 feet; thence leaving the right of way of US Hwy

31W and with the line of Hill & Hudson, N 64° 57' 35" W 1057.44 feet to an iron pin set, said pin being located S 64° 57' 35" E 167.75 feet from an iron pin set at the northwestern most corner of the aforementioned Hill & Hudson property. Thence leaving the line of Hill & Hudson and bisecting the lands of the parent tract, N 18° 23' 10" E 797.22 feet to an iron pin set in the line of Gene Thompson Harris Revocable Trust (Deed Book 347, Page 791), said pin being located S 71° 36' 50" E 1204.24 feet from an iron pin set at a corner of the parent tract; thence with the line of Gene Thompson Harris Revocable Trust the following three calls, S 71° 36' 50" E 384.99 feet to an iron pin set; thence, S 12° 02' 07" W 60.00 feet to an iron pin set; thence S 77° 57' 53" E 606.81 feet to an iron pin set in the west right of way of the aforementioned US Hwy 31W; thence, leaving the line of Gene Thompson Harris Revocable Trust and with the right of way of US Hwy 31W the following eight calls: (1) S 12° 05' 20" W 129.94 feet to an iron pin set; thence (2) S 77° 51' 52" E 10.00 feet to an iron pin set; thence, (3) S 12° 08' 08" W 7.24 feet to an iron pin set; thence, with a curve turning to the right with an arc length of 300.64 feet, with a radius of 5689.58 feet, with a chord bearing of S 13° 38' 58" W, with a chord length of 300.61 feet to an iron pin set; thence, N 74° 50' 12" W 10.00 feet to an iron pin set; thence with a curve turning to the right with an arc length of 154.24 feet, with a radius of 5679.58 feet, with a chord bearing of S 15° 56' 28" W, with a chord length of 154.24 feet to an iron pin set; thence, S 16° 50' 36" W 306.74 feet to an iron pin set; thence S 16° 38' 35" W 31.12 feet to the point of beginning **containing 871,229 +/- square feet (20.00 acres)** as surveyed by Arnold Consulting Engineering Services, inc., Charles B. Hester, PLS 4147, completed on May 29, 2020.

Tract II consisting of 30.12 acres, to-wit:

A certain tract of land lying in Simpson County, Kentucky being located near the city of Franklin; being a portion of Tract 3 as shown on the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 6, Page 10, and being a portion of the properties previously recorded in Deed Book 145, Page 297 & Deed Book 344, Page 96, [sic] the point of beginning being located approximately 1,095' in a westerly direction from the centerline of US Highway 31W and 1,295' in a northerly direction of the centerline of County Road 1788 (Broadway) as measured along the right of way of said US Hwy 31W, and the tract being more particularly described as follows:

The basis of the bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are ½" x 18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147."

Beginning at an iron pin set in the line of Charles & Judith Hill and Billy & Jane Hudson (Deed Book 348, Page 1), being N 64° 57' 35" W 1057.44' along the line of Hill and Hudson from an iron pin set in the west right of way line of US Highway 31W - Bowling Green Road (r/w varies per KYTC Project No. 107-5-5 Dated 1950) at a corner of the parent tract.

Thence, with the line of Hill and Hudson the following two calls: (1) N 64° 57' 35" W 167.75 feet to a 5/8" iron pin with 1 1/4" plastic cap stamped "Dunning PLS 3290" found; thence (2) S 25° 02' 25" W 450.00 feet to an iron pin set in the line of Lot 53 of Phase 2 of the Windsor Park Subdivision as previously recorded in Plat Cabinet 5, Page 175, G3 Holdings, LLC (Deed Book 344, Page 654); thence, leaving the line of Hill and Hudson and with the line of Lot 53, and then with the line of Lots 54 thru 61 all of the aforementioned Windsor Park Subdivision, G3 Holdings, LLC (Deed Book 344, Page 654), and then with the line of Lots 62 & 63 of said subdivision, SAAB Holdings, LLC (Deed Book 344, Page 522 & Deed Book 344, Page 526), and then with the line of Lot 64 of Phase 2 of the Windsor Park Subdivision as previously recorded in Plat Cabinet 5, Page 165, Volkert Real Estate Holdings, LLC (Deed Book 344, Page 755), N 64° 57' 35" W 952.98 feet to an iron pin set, said pin being located S 64° 57' 35" E 195.09 feet from a 5/8" iron pin with a 1 1/4" plastic cap stamped "Slavey PLS 3922" found at a corner of the parent tract; thence, leaving the line of Lot 64 and bisecting the lands of the parent tract N 16° 23' 10" E 115.01 feet to an iron pin set in the line of the Gene Thompson Harris Revocable Trust property (Deed Book 347, Page 791); thence with the line of Gene Thompson Harris Revocable Trust property S 71° 36' 50" E 1204.24 feet to an iron pin set; thence leaving the line of the Gene Thompson Revocable Trust property and bisecting the lands of the parent tract S 18° 23' 10" W 797.22 feet to the point of beginning, containing 1,312.148 +/- square feet (30.12 acres) as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on March 25, 2020.

FOR INFORMATIONAL PURPOSES IT IS OBSERVED THAT AS ESTABLISHED IN DEED BOOK 347, PAGE 79, AND DEPICTED IN PLAT CABINET 6, PAGE 10, SIMPSON COUNTY CLERK'S OFFICE, THE SUBJECT 50.12 ACRE TRACT IS BENEFITTED BY, AND THE DOMINANT TENEMENT OF, THE FOLLOWING EASEMENT FOR INGRESS AND EGRESS TO AND FROM U.S. HIGHWAY 31-W, TO-WIT:

A certain tract of land lying in Simpson County, Kentucky, being located near the City of Franklin; the Point of Beginning being located approximately 432' north of the intersection of the centerline of US Hwy 31W (Bowling Green Road) with the centerline of Quail Ridge Road; being a portion of the property shown on the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 5, Page 171, and being a portion of the property previously recorded in Deed Book 344, Page 96, [sic] and being a portion of the property previously recorded in Deed Book 145, Page 297, and being more particularly described as follows:

The basis of the bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are 1/2" x 18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147."

Beginning at an iron pin set in the west right of way of US Hwy 31W (Bowling Green Road) (r/w varies per KYTC Project No. 107-5-5 Dated 1950); thence leaving the right of way of US Hwy 31W and bisecting the lands of the parent tract the following four (4) calls: (1) N 77° 57' 53" W 606.81 feet to an iron pin set; thence (2) N 12° 02' 07" E 60.00 feet to an iron pin set; thence (3) S 77° 57' 53" E 60.00 feet to an iron pin set; thence (4) S 77° 57' 53" E 546.86 feet to an iron pin set in the west right of way of the aforementioned US Hwy 31W, said pin being located S 12° 02' 07" W 10.00 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found at the northeastern most corner of the aforementioned Lewis Memorial, Inc. Subdivision; thence S 12° 05' 20" W 50.00 to the point of beginning, **containing 36,410 +/- square feet (0.84 acre)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on March 25, 2020.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from AG (Agricultural District) to B-4 (Highway Business District) by Lewis Memorial, Inc.

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

A public hearing was held before this Commission on Tuesday, November 10, 2020, at the hour of 6:30 p.m. on the petition of Lewis Memorial, Inc., a Kentucky non-profit corporation, active and in good standing ("Petitioner") that a certain fifty and twelve one-hundredths (50.12) acre tract, being the remaining portion of the Petitioner's lands located on the west side of 31-W, north of the town square of Franklin, and within its corporate limits, in Simpson County, Kentucky, the title to which is presently held by the Petitioner, Lewis Memorial, Inc., in part by that certain deed dated December 13, 1983, of record in Deed Book 145, Page 297, Simpson County Clerk's Office, and in part by that certain deed dated September 26, 2019, of record in Deed Book 344, Page 99, Simpson County Clerk's Office; **be re-zoned from AG to B-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 Scott Hall, its duly elected and presently seated Chairman. 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 of the subject parcel previously prepared by a licensed Kentucky surveyor, Charles B. Hester, and with regard to the Comprehensive Plan for Simpson

County, Kentucky, John Mayeur moved,
and George Weissinger seconded, and the Commission
voted 6-0 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 fifty and twelve one-hundredths (50.12) acres by a survey conducted by Charles B. Hester of Arnold Consulting Engineering Services, Inc., P. O. Box 1338, Bowling Green, Kentucky 42101, and is more particularly described as follows, to-wit:

A certain tract of land lying in Simpson County, Kentucky, being located near the City of Franklin and fronting on US Hwy 31W (Bowling Green Road); the point of beginning being located approximately 1.145 feet north of the centerline of County Road 1788 (Broadway) as measured along the right of way of said US Hwy 31W; being a portion of the property previously shown on the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 5, Page 171, and being a portion of the properties previously recorded in Deed Book 145, Page 297 & Deed Book 344, Page 96 [sic], and being more particularly described as follows:

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tract, said point being witnessed by a 1/2" iron pin found at N 64° 57' 35" W 4.60 feet; thence with the line of Lot 53, and then with the line of Lots 54 thru 61 all of the aforementioned Windsor Park Subdivision, G3 Holdings, LLC (Deed Book 344, Page 654), and then with the line of Lots 62 & 63 of said subdivision, SAAB Holdings, LLC (Deed Book 344, Page 522 & Deed Book 344, Page 526), and then with the line of Lot 64 of Phase 2 of the Windsor Park Subdivision as previously recorded in Plat Cabinet 5, Page 165, Volkert Real Estate Holdings, LLC (Deed Book 344, Page 755), N 64° 57' 35" W 952.98 feet to an iron pin set, said pin being located S 64° 57' 35" E 195.09 feet from a 5/8" iron pin with a 1 1/4" plastic cap stamped "Slavey PLS 3922" found at a corner of the parent tract; thence leaving the line of Lot 63 and bisecting the lands of the parent tract the following four (4) calls: (1) N 16° 23' 10" E 1115.01 feet to an iron pin set; thence (2) S 71° 36' 50" E 1589.14 feet to an iron pin set; thence (3) S 11° 57' 28" W 60.01 feet to an iron pin set; thence (4) S 77° 57' 53" E 606.81 feet to an iron pin set in the west right of way of the aforementioned US Hwy 31W, said pin being located S 12° 05' 20" W 50.00 feet from a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found at the northeastern most corner of the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 5, Page 171; thence with the right of way of US Hwy 31W the following eight (8) calls: (1) S 12° 05' 20" W 129.94 feet to an iron pin set; thence (2) S 77° 51' 52" E 10.00 feet to an iron pin set; thence (3) S 12° 08' 08" W 7.24 feet to an iron pin set; thence with a curve turning to the right with an arc length of 300.64 feet, with a radius of 5689.58 feet, with a chord bearing of (4) S 13° 38' 58" W, with a chord length of 300.61 feet to an iron pin set; thence (5) N 74° 50' 12" W 10.00 feet to an iron pin set; thence with a curve turning to the right with an arc length of 154.24 feet, with a radius of 5679.58 feet, with a chord bearing of (6) S 15° 56' 28" W, with a chord length of 154.24 to an iron pin set; thence (7) S 16° 50' 36" W 306.74 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found at the southeastern most corner of the aforementioned Lewis Memorial, Inc. Subdivision, thence (8) S 16° 38' 35" W 31.12 feet to the point of beginning, **containing 2,183,377 +/- square feet (50.12 acres)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on March 25, 2020.

Being in part, part of the same property conveyed by Methodist Retirement Homes of Kentucky, Inc., a Kentucky corporation to Lewis Memorial, Inc., a Kentucky corporation, by deed dated December 13, 1983, of record in Deed Book 145, Page 297, Simpson County Clerk's Office; and in part, part of the same property conveyed by David Ray Cummins, trustee to Lewis Memorial, Inc., by deed dated September 26, 2019, of record in Deed Book 344, Page 99, Simpson County Clerk's Office.

THE SUBJECT 50.12 ACRE TRACT HAS ALSO BEEN SURVEYED AND CONFIGURED AS TWO COMPONENT TRACTS CONFORMING WITH THE PRESENT PREFERENCES AND USES OF THE PETITIONER AS FOLLOWS, TO-WIT:

Tract I consisting of 20.00 acres, to-wit:

A certain tract of land lying in Simpson County, Kentucky, being located near the city of Franklin and fronting on US Hwy 31W (Bowling Green Road); the point of beginning being located approximately 1,145 feet north of the centerline of County Road 1788 (Broadway) as measured along the right of way of said US Hwy 31W; being a portion of tract 3 of the Lewis Memorial, Inc. Subdivision as previously recorded in Deed Book 145, Page 297 & Deed Book 344, Page 96, [sic] and being more particularly described as follows:

The basis of bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are ½" x 18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147."

Beginning at an iron pin set in the west right of way of US Hwy 31W (Bowling Green Road) (r/w varies per KYTC Project No. 107-5-5 Dated 1950), said pin being a common corner to Charles & Judith Hill and Billy & Jane Hudson (Deed Book 348, Page 1) and being located N 16° 38' 35" E 454.88 feet from a point (not set) at the southeastern most corner of the parent tract, said point being witnessed by a ½" iron pin found at N 64° 57' 35" W 4.60 feet; thence leaving the right of way of US Hwy 31W and with the line of Hill & Hudson, N 64° 57' 35" W 1057.44 feet to an iron pin set, said pin being located S 64° 57' 35" E 167.75 feet from an iron pin set at the northwestern most corner of the aforementioned Hill & Hudson property. Thence leaving the line of Hill & Hudson and bisecting the lands of the parent tract, N 18° 23' 10" E 797.22 feet to an iron pin set in the line of Gene Thompson Harris Revocable Trust (Deed Book 347, Page 791), said pin being located S 71° 36' 50" E 1204.24 feet from an iron pin set at a corner of the parent tract; thence with the line of Gene Thompson Harris Revocable Trust the following three calls, S 71° 36' 50" E 384.99 feet to an iron pin set; thence, S 12° 02' 07" W 60.00 feet to an iron pin set; thence S 77° 57' 53" E 606.81 feet to an iron pin set in the west right of way of the aforementioned US Hwy 31W; thence, leaving the line of Gene Thompson Harris Revocable Trust and with the right of way of US Hwy 31W the following eight calls: (1) S 12° 05' 20" W

129.94 feet to an iron pin set; thence (2) S 77° 51' 52" E 10.00 feet to an iron pin set; thence, (3) S 12° 08' 08" W 7.24 feet to an iron pin set; thence, with a curve turning to the right with an arc length of 300.64 feet, with a radius of 5689.58 feet, with a chord bearing of S 13° 38' 58" W, with a chord length of 300.61 feet to an iron pin set; thence, N 74° 50' 12" W 10.00 feet to an iron pin set; thence with a curve turning to the right with an arc length of 154.24 feet, with a radius of 5679.58 feet, with a chord bearing of S 15° 56' 28" W, with a chord length of 154.24 feet to an iron pin set; thence, S 16° 50' 36" W 306.74 feet to an iron pin set; thence S 16° 38' 35" W 31.12 feet to the point of beginning **containing 871,229 +/- square feet (20.00 acres)** as surveyed by Arnold Consulting Engineering Services, inc., Charles B. Hester, PLS 4147, completed on May 29, 2020.

Tract II consisting of 30.12 acres, to-wit:

A certain tract of land lying in Simpson County, Kentucky being located near the city of Franklin; being a portion of Tract 3 as shown on the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 6, Page 10, and being a portion of the properties previously recorded in Deed Book 145, Page 297 & Deed Book 344, Page 96, [sic] the point of beginning being located approximately 1,095' in a westerly direction from the centerline of US Highway 31W and 1,295' in a northerly direction of the centerline of County Road 1788 (Broadway) as measured along the right of way of said US Hwy 31W, and the tract being more particularly described as follows:

The basis of the bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are ½" x 18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147."

Beginning at an iron pin set in the line of Charles & Judith Hill and Billy & Jane Hudson (Deed Book 348, Page 1), being N 64° 57' 35" W 1057.44' along the line of Hill and Hudson from an iron pin set in the west right of way line of US Highway 31W - Bowling Green Road (r/w varies per KYTC Project No. 107-5-5 Dated 1950) at a corner of the parent tract.

Thence, with the line of Hill and Hudson the following two calls: (1) N 64° 57' 35" W 167.75 feet to a 5/8" iron pin with 1 1/4" plastic cap stamped "Dunning PLS 3290" found; thence (2) S 25° 02' 25" W 450.00 feet to an iron pin set in the line of Lot 53 of Phase 2 of the Windsor Park Subdivision as previously recorded in Plat Cabinet 5, Page 175, G3 Holdings, LLC (Deed Book 344, Page 654); thence, leaving the line of Hill and Hudson and with the line of Lot 53, and then

with the line of Lots 54 thru 61 all of the aforementioned Windsor Park Subdivision, G3 Holdings, LLC (Deed Book 344, Page 654), and then with the line of Lots 62 & 63 of said subdivision, SAAB Holdings, LLC (Deed Book 344, Page 522 & Deed Book 344, Page 526), and then with the line of Lot 64 of Phase 2 of the Windsor Park Subdivision as previously recorded in Plat Cabinet 5, Page 165, Volkert Real Estate Holdings, LLC (Deed Book 344, Page 755), N 64° 57' 35" W 952.98 feet to an iron pin set, said pin being located S 64° 57' 35" E 195.09 feet from a 5/8" iron pin with a 1 1/4" plastic cap stamped "Slavey PLS 3922" found at a corner of the parent tract; thence, leaving the line of Lot 64 and bisecting the lands of the parent tract N 16° 23' 10" E 115.01 feet to an iron pin set in the line of the Gene Thompson Harris Revocable Trust property (Deed Book 347, Page 791); thence with the line of Gene Thompson Harris Revocable Trust property S 71° 36' 50" E 1204.24 feet to an iron pin set; thence leaving the line of the Gene Thompson Revocable Trust property and bisecting the lands of the parent tract S 18° 23' 10" W 797.22 feet to the point of beginning, **containing 1,312.148 +/- square feet (30.12 acres)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on March 25, 2020.

FOR INFORMATIONAL PURPOSES IT IS OBSERVED THAT AS ESTABLISHED IN DEED BOOK 347, PAGE 79, AND DEPICTED IN PLAT CABINET 6, PAGE 10, SIMPSON COUNTY CLERK'S OFFICE, THE SUBJECT 50.12 ACRE TRACT IS BENEFITTED BY, AND THE DOMINANT TENEMENT OF, THE FOLLOWING EASEMENT FOR INGRESS AND EGRESS TO AND FROM U.S. HIGHWAY 31-W, TO-WIT:

A certain tract of land lying in Simpson County, Kentucky, being located near the City of Franklin; the Point of Beginning being located approximately 432' north of the intersection of the centerline of US Hwy 31W (Bowling Green Road) with the centerline of Quail Ridge Road; being a portion of the property shown on the Lewis Memorial, Inc. Subdivision as previously recorded in Plat Cabinet 5, Page 171, and being a portion of the property previously recorded in Deed Book 344, Page 96, [sic] and being a portion of the property previously recorded in Deed Book 145, Page 297, and being more particularly described as follows:

The basis of the bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are 1/2" x 18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147."

Beginning at an iron pin set in the west right of way of US Hwy 31W (Bowling Green Road) (r/w varies per KYTC Project No. 107-5-5 Dated 1950); thence leaving the right of way of US Hwy 31W and bisecting the lands of the parent tract the following four (4) calls: (1) N 77° 57' 53" W 606.81 feet to an iron pin set; thence (2) N 12° 02' 07" E 60.00 feet to an iron pin set; thence (3) S 77° 57' 53" E 60.00 feet to an iron pin set; thence (4) S 77° 57' 53" E 546.86 feet to an iron pin set in the west right of way of the aforementioned US Hwy 31W, said pin being located S 12° 02' 07" W 10.00 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found at the northeastern most corner of the aforementioned Lewis Memorial, Inc. Subdivision; thence S 12° 05' 20" W 50.00 to the point of beginning, **containing 36,410 +/- square feet (0.84 acre)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on March 25, 2020.

Said real property constitutes the remaining lands owned by the Petitioner, Lewis Memorial, Inc., a Kentucky non-profit corporation, with the subject property being bounded on the east by 31-W and having the following as adjoining land owners as determined by the office of the Simpson County Property Valuation Administrator, to-wit: Barbara D. Anderson; Jaime Denise Brady; John R. and Cindy A. Janicek; G3 Holdings, LLC; Brenda Sue McCormack; SAAB Holdings, LLC; Terry and Joyce Austin; G3 Holdings, LLC; G3 Holdings, LLC; Hill and Hudson; South Street, LLC; Gene Thompson Harris Revocable Trust; South Street, LLC; Gene Thompson Harris Revocable Trust; Lewis Memorial, Inc.; Patrick O'Neal Blakemore; Christopher Luke and Ashley Shell; and Dylan Alexander Hester. The subject 50.12 acre tract is presently owned by the Petitioner, Lewis Memorial, Inc., in part by that certain deed dated December 13, 1983, of record in Deed Book 145, Page 297, Simpson County Clerk's Office, and in part by that certain deed dated September 26, 2019, of record in Deed Book 344, Page 99, Simpson County Clerk's Office, with Lewis Memorial, Inc., being a Kentucky non-profit corporation, active and in good standing, having 2905 Bowling Green Road, Franklin, Kentucky 42134, as its physical, mailing, and corporate registered agent address. A portion of the subject

50.12 acre tract was heretofore re-zoned from AG to B-4 by this Commission in 2016, with said re-zoned portion then being configured as a certain 20.00 acre tract including the Petitioner's improvements then being used, and continuing in such use, as an elder care, personal care home and having subsequently been expanded by the construction of certain new, assisted living facilities. In November of 2017, the Petitioner sold a certain 40.0001 acre parcel along the southeasternmost boundary of its parent tract for development to Simpson County Developing Partners, LLC, for the development of a residential subdivision. The Petitioner has under contract, a certain 47.74 acre parcel of its parent tract for future development and extension of said residential subdivision. To date, the sale and conveyance of said 47.74 acre tract has not been closed, but remains under contract. In April of 2020, the Petitioner conducted a public auction and sold the remaining portion of its parent tract with the sole exception of the subject 50.12 acre tract which is the subject of this petition. The Petitioner's 20.00 acre tract which provides the road frontage along US 31-W for the subject 50.12 acre tract was slightly reconfigured by the auction sale surveying efforts to the extent that the portion of said 20.00 acre tract now lies within certain lands sold by Lewis Memorial, Inc., to Hill and Hudson in Deed Book 348, Page 1, Simpson County Clerk's Office, as a result of said April, 2020, public auction. Consequently, a significant portion of the subject 50.12 acre parcel has heretofore been re-zoned as a B-4 Highway Business District classification with however the Petitioner having slightly reconfigured said 20.00 acre parcel and added certain lands to it to create the present 50.12 acre tract which is the subject of this petition.

II

The subject area is mixed use. Surrounding adjacent areas are presently zoned: North, AG; South, AG and R1-S; East, B-2 and I-2; and West, AG. The subject 50.12 acre tract abuts and has frontage on U. S. Highway 31-W adequate for vehicle access to and from said federal highway.

III

The Simpson County Comprehensive Plan adopted for 2010, is dated November 10, 2009. All suitability scenarios generally accommodate the proposed zone change particularly given that the subject property is situated along and abuts U. S. Highway 31-W, and that the Comprehensive Plan envisions the subject property as an area suitable for development because of its direct proximity with said federal highway. The property sought to be re-zoned by the Petitioner could reasonably be expected to become a highway business district and developed as such given that said property is directly situated along, and has considerable direct road frontage with, said federal highway, a major north-south corridor in Simpson County. Moreover, the general area is in close proximity with other mixed use businesses and industries and can easily accommodate motor vehicle oriented users.

IV

The community's Comprehensive Plan envisioned the nature of the subject area as one for development, particularly regarding its location fronting on U.S. Highway 31-W, but however, the present AG zone classification is inappropriate and improper given the petitioner's intended long-term use of the remaining portion of the subject 50.12 acre parcel as an assisted living home, elder care facility, and related personal care homes. The area along U.S. Highway 31-W has generally been developed in a business, commercial, and even industrial fashion

accommodating vehicle oriented users, including the remaining, adjacent agricultural users inasmuch that even said agricultural use has been for row crops, planted, tended, and harvested by vehicles and machinery accessing said agricultural lands by means of U.S. Highway 31-W. The subject area is trending from agricultural to a mixed use function supporting vehicular users along U.S. Highway 31-W.

V

Because a portion of the subject property has been used as an assisted living home and elder care facility for an extended period of time spanning multiple decades, and because a significant portion of the petitioner's remaining land which is the subject of this proceeding was re-zoned from AG to B-4, in 2016, the present AG zoning classification for the remaining portion of said lands has become inappropriate, and moreover, there have been major changes of an economic, physical, or social nature within the area which were not fully anticipated in the Comprehensive Plan and have substantially altered the basic character of the area, and it is now appropriate to re-zone the entirety of the subject property consisting of fifty and twelve one-hundredths (50.12), acres from AG to B-4.

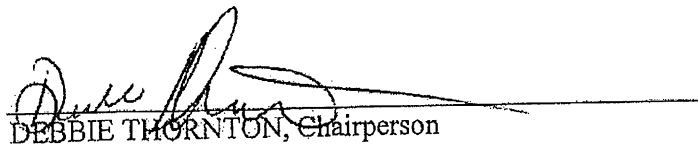
CONCLUSIONS OF LAW

A re-zoning of the entirety of the subject 50.12 acre, property consistent with the Comprehensive Plan is in order given that the Comprehensive Plan envisioned growth and development along U.S. Highway 31-W, but that its original zone classification as an agricultural district was inappropriate and improper for the subject property given the nearby mixed uses and its use by vehicle oriented users via U.S. Highway 31-W. Major changes of a economic, physical, and social nature have occurred subsequent to the Agricultural zoning

classification of the subject property. Consequently a zone change to a B-4, Highway Business District is now appropriate. 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 Simpson County Fiscal Court that the zone change **BE APPROVED** and that the entirety of the subject fifty and twelve one-hundredths (50.12), acre property described in paragraph 1, hereof and further provided in the Attachment hereto and incorporated by reference, **be re-zoned from AG to B-4.**


DEBBIE THORNTON, Chairperson