

ORDINANCE NO. 2021-002

**AN ORDINANCE REZONING A CORNER LOT LOCATED AT
301 SOUTH MAIN STREET FROM R-3 (SINGLE FAMILY THROUGH MULTI
FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS)
BY HEARTLAND SIGN SOLUTIONS, INC.**

WHEREAS, Heartland Sign Solutions, Inc., a Kentucky corporation, P. O. Box 51452, Bowling Green, Kentucky 42102, filed a petition to rezone a corner lot located at 301 South Main Street, in Franklin, Simpson County, Kentucky from R-3 (Single Family through Multi Family Residential) to B-2 (General Business); and

WHEREAS, Heartland Sign Solutions, Inc. desires to rezone the aforementioned property from R-3 to B-2 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 January 5, 2021, 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 corner lot located at 301 South Main Street in Franklin, Simpson County, Kentucky, of record in Deed Book 345, Page 90, in the Simpson County Clerk's Office as described in Exhibit A attached hereto is granted a zone change from R-3 (Single Family through Multi Family Residential) to B-2 (General Business).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

February 8, 2021

FIRST READING

February 22, 2021

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on February 22, 2021, 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

PROPERTY DESCRIPTION APPENDIX

EXHIBIT A

Certain real property located in Franklin, Simpson County, Kentucky, to-wit:

A certain house and lot in Franklin, Simpson County, Kentucky, situated at the southeast intersection of South Main Street, and Breckenridge and further described from a survey made October 24, 1989, by Robert G. May, Land Surveyor, Ky, Reg. No. 2142, as follows.

Beginning at a point where the west edge of the sidewalk that parallels South Main Street intersects with the south edge of the sidewalk that parallels Breckenridge Street, the northwest corner to this tract; thence with the south edge of the sidewalk that parallels Breckenridge Street S 82° 15' E 83.1 feet to an iron pin corner to Larry Maupin; thence with the line of Maupin, passing through the center of the partition of the garage at 43.3 feet S 07° 45' W a total distance of 94.8 feet to a stake a corner to same in the north right-of-way line of Ky. Hwy. N 3236; thence with aforesaid right-of-way N 75° 36' W 25.0 feet and N 59° 20' W 65.0 feet to a stake on the west edge of the sidewalk that parallels South Main Street; thence along the west edge of the sidewalk N 03° 56' E 14.6 feet and N 08° 22' E 52.2 feet to the beginning point containing 0.159 acres.

Being the same property conveyed to Heartland Sign Solutions, Inc. by Nana's Place, LLC by deed dated November 8, 2019, of record in Deed Book 345, Page 90, Simpson County Clerk's Office.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from R-3 (single family through multi family residential) 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 January 5, 2021, beginning at the hour of 6:30 p.m. on the petition of Heartland Sign Solutions, Inc. ("Petitioner") that a certain corner lot at 301 South Main Street, Franklin, Simpson County, Kentucky (the "Property"), be re-zoned from R-3 (single family through multi family residential) to B-2 (general business). The Chair 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 the firm of April Kaufman Pearson, a licensed court reporter.

The Commission then proceeded to hear an opening argument from attorney Leach and testimony in favor of the zone change. There was no opposition to the request, but some questions were asked and answered.

Having heard testimony, having reviewed the petition for zone change, the exhibits presented, and having reviewed the Comprehensive Plan for Simpson County, Kentucky, Kent Wilson moved, Chad Konow 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 301 South Main Street, Franklin, Kentucky, which is the northeast intersection of South Main Street and the new Highway 100 connector road. The Property was purchased by the Petitioner on November 8, 2019 and was previously used for many years as a daycare center known as "Nana's Place." It was vacant at the time of purchase by the Petitioner, and it remains vacant.

II

The residence on the Property is in fair condition but has not been utilized for a couple of years. The City of Franklin codes officer has requested that it be demolished. It faces Breckenridge Street and Franklin Elementary School on the north side thereof. While the Property is zoned R-3, it is commercial in nature with Walgreens across the road to the west, Casey's General Store across the road to the south, and Valero diagonally across the intersection to the southwest.

III

The Petitioner proposes to construct a townhouse duplex on essentially the same foot print as the existing single family residence. Removal of the existing residence and construction of a new townhouse duplex will greatly improve the appearance of the site and provide additional housing near downtown, the public school, and the library. The first floor of the duplex will be used for either residential or commercial uses, and the second floor will be dedicated to residential uses.

IV

The rear of the Property has been a frequent posting place through the years for signage,

most recently being the signs of political candidates, both on the fence and in the rear yard. While many of the signs were not expressly permitted by the Petitioner, nevertheless the demand for using the site for such signs exemplifies its ideal location for a message board. The Petitioner desires to construct a LED sign of approximately 110 square feet, with a brick foundation and landscaping to serve as an advertising sign but also to provide dedicated space for notice of community events. The Petitioner represented that no political ads, no ads soliciting use of alcohol, or other similarly inappropriate endeavors will be permitted on the message board.

V

Even though the Property is zoned R-3 it lies in a commercial area. The other three corners of the intersection are zoned general business and have acting and thriving businesses, with companies operation nationwide having locations on each corner. The Property is commercial in nature and has been used for commercial purposes for many years.

VI

Since the Simpson County Comprehensive Plan was adopted in the Fall of 1994, there has been a major change in the area of an economic, physical, and social nature which was not contemplated in the original Comprehensive Plan and which has substantially altered the basic character of the area. The area used to be primarily residential in nature and is now primarily commercial in nature. Since the adoption of the Comprehensive Plan, constructed within sight of the Property are: (i) a Walgreens Pharmacy, (ii) a Casey's General Store, (iii) a Valero Petroleum filling station; and (iv) a new bypass road constructed from South Main Street to I-65. The elementary school has been upgraded; the Goodnight Memorial Library has been significantly upgraded; Sheldon's Pharmacy has been constructed; South Central Bank converted a residence into a commercial structure; and in general the area has trended from residential to

commercial.

VII

Other previously zoned residential properties located farther to the south have recently been rezoned from residential to commercial, including the location of the Frosty Freeze, the location of Casey's General Store, and the Orthodontics Office of Dr. Oles Drobocky.

VIII

The general business designation sought permits not only retail sales and consumer and personal services, but also office and professional buildings and residential development. Those uses are all compatible with the area, and the development of the Property from a commercial and residential standpoint is compatible with a B-2 designation. The Petitioner expects to construct an attractive, well-landscaped building which will be an improvement to the site.

IX

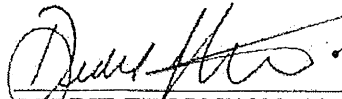
The Simpson County Comprehensive Plan dated 1992 and adopted in the Fall of 1994 recognizes that the South Main Street area presents a location for strong commercial growth and potential. The Simpson County Comprehensive Plan was updated in 2010 and noted that the area along South Main Street near the central business district is an area that could be expected to evolve into commercial use.

CONCLUSIONS OF LAW

The re-zoning of the Property is consistent with the 1992/1994 Comprehensive Plan and the 2010 Update, since those plans all envision commercial growth in the area, and, in fact, there has been such growth in and around the Property. The zone change request meets the criteria of KRS 100.213 and §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 the Property described in the attached Appendix be re-zoned from R-3 to B-2.



DEBBIE THORNTON, Chairperson