

ORDINANCE NO. 2021-004

**AN ORDINANCE REZONING 0.451 ACRES
LOCATED AT 412 SOUTH RAILROAD STREET
FROM I-1 (LIGHT INDUSTRIAL) TO R-2 (SINGLE FAMILY AND TWO-FAMILY
RESIDENTIAL DISTRICT) BY WHITETAIL PROPERTIES, LLC**

WHEREAS, Whitetail Properties, LLC, a Kentucky limited liability company, P. O. Box 727, Franklin, Kentucky 42135, filed a petition to rezone 0.451 acres located at 412 South Railroad Street, in Franklin, Simpson County, Kentucky from I-1 (Light Industrial) to R-2 (Single Family and Two-Family Residential District); and

WHEREAS, Whitetail Properties, LLC desires to rezone the aforementioned property from I-1 to R-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 0.451 acres located at 412 South Railroad Street in Franklin, Simpson County, Kentucky, of record in Commissioner's Deed Book 17, Page 376, in the Simpson County Clerk's Office as described in Exhibit A attached hereto is granted a zone change from I-1 (Light Industrial) to R-2 (Single Family and Two-Family Residential 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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

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 Stewart 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

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from I-1 (Light Industrial) to R-2 (Single Family and Two-Family Residential District) by Whitetail Properties, LLC.

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDATION FOR ZONE CHANGE
Regarding 412 South Railroad Street**

A public hearing was held before this Commission on Tuesday, January 5, 2021, at the hour of 6:30 p.m. on the petition of Whitetail Properties, LLC, a Kentucky limited liability company, by and through one of its managers, Kelly Gregory, ("Petitioner"), with said property being located on South Railroad Street, having an address of 412 South Railroad Street (hereinafter "412 South Railroad Street"), situated on the west side thereof, and by recent survey consisting of 0.451 acres, **be re-zoned from I-1 to R-2**. The Chairperson of the Commission, Debbie Thornton, presided. A quorum of the Commission was present. The hearing was stenographically recorded by a licensed court reporter.

The Commission then proceeded to hear an opening argument from the Petitioner as well as testimony in favor of the zone change on behalf of the Petitioner. There was an opportunity for cross-examination. Questions were asked and answered. No one appeared in opposition to the request.

Having heard testimony, having reviewed the petition for zone change, having reviewed a survey plat prepared by Kenner Randolph Engineering & Surveying of Russellville, Kentucky, and having reviewed the Comprehensive Plan for Simpson County, Kentucky,

_____ Gary Sliger moved, and
_____ George Weissinger seconded, with the Commission otherwise unanimously voting 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, 412 South Railroad Street, under consideration for re-zoning were acquired by the Petitioner by a Commissioner's deed recorded December 1, 2020, in Commissioner's Deed Book 17, Page 376, Simpson County Clerk's Office. At the time of its acquisition by the Petitioner, said lot was unimproved, with a previous residential structure having been razed. **412 South Railroad Street is more particularly described as follows:**

Beginning at a pin in the southeast corner in line with the west right-of-way of South Railroad Street and being 53 feet from the L & N Railroad, and a corner to Les Biggs; thence with the line of the west right-of-way of South Railroad Street N 21° 15' W 110.0 feet to a pin, a corner to the Bolling Estate lot; thence with the line of said Bolling Estate lot S 81° 15' W 173.0 feet to a post, a corner in the Catherine Rigdon lot; thence with the line of Doug Wims N 88° 00' E 137.6 feet to a post, a corner to Les Biggs; thence with the line of Les Biggs N 81° 30' E 68.6 feet to the point of beginning, according to June 9, 1979, survey by E. C. Ellis, Kentucky Registered Land Surveyor.

A new survey by Kenner Randolph Engineering & Surveying was conducted on December 7, 2020, and is described as follows, to-wit:

Being a certain parcel of land located in Franklin, KY approximately 0.58 miles southeast of the city square and on the west side of South Railroad Street approximately 200 feet north from Cherry Street at 412 South Railroad Street, Franklin, KY 42134 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky South state plane coordinate system with project scale factor of 1.0000273926 at the following grid origin coordinates: N = 1781183.193, E = 1398996.927, Elevation = 735.315.

Beginning at an iron pin and cap (set) in the west right-of-way line of South Railroad Street (R/W Varies) approximately 53 feet from the centerline of CSX railroad tracks, northeast corner to Marjorie Bagwell (Deed Book 204, Page 447), located N 20° 17' 43" W 53.95 feet from a buried axle (found); thence along the north line of Marjorie Bagwell S 84° 16' 05" W 68.46 feet to an iron pin and cap (set) in the place of rotten wood post remains, northeast corner to Mary Wims (Deed Book 330, Page 668 Parcel 2); thence along the north line of Mary Wims

and approximating an old fence N 88° 53' 00" W 137.95 feet to an iron pin and cap (set) in the east line of Ina Grey and Lula Roach (Deed Book 209, Page 593) located N 88° 53' 00" W 0.63 feet from a 1-inch O.D. aluminum pipe (found); thence along the east line of Ina Grey and Lula Roach N 01° 23' 26" W 95.83 feet to a 6-inch round wooden post (found); southwest corner to Danielle Hudnall (Deed Book 290, Page 486 - reference Robert G. May survey dated 12/17/2009) located S 09° 22' 47" E 0.57 feet from a reference 1/2-inch rebar and cap (found) PLS #2142; thence along the south line of Danielle Hudnall N 85° 54' 02" E 173.02 feet to a 1/2-inch rebar and cap (found) PLS #2142 in the west right-of-way line of South Railroad Street (R/W Varies) approximately 53 feet from the centerline of CSX railroad tracks; thence along the west right-of-way line of South Railroad Street S 18° 59' 12" E 110.00 feet to the point of beginning, **containing 19,634 sq. ft. or 0.451 acres more or less**, according to a field survey completed on December 10, 2020 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120."

Being the same property conveyed by Michael N. Nuckols, the Unknown Spouse of Michael N. Nuckols, if any, Christy Renee Ford a/k/a Christy Renee Nuckols, the Unknown Spouse of Christy Renee Ford a/k/a Christy Renee Nuckols, if any, City of Franklin, Kentucky, The Medical Center at Franklin Graves Gilbert Clinic, P.S.C., and Simpson County, Kentucky, by Robert Young Link, Master Commissioner of the Simpson Circuit Court to Whitetail Properties, LLC by Commissioner's Deed dated November 19, 2020, of record in Commissioner's Deed Book 17, Page 376, Simpson County Clerk's Office.

II

412 South Railroad Street is situated in a residential area within the corporate limits of the City of Franklin along the CSX Railroad. However, certain adjoining parcels are nevertheless erroneously zoned I-1, while certain others are presently zoned R-2.

III

The suitability scenarios of the Simpson County Comprehensive Plan support the proposed zone change inasmuch that the Comprehensive Plan envisions a continuation of residential uses in the subject area and that the subject property is ill-suited for light industrial

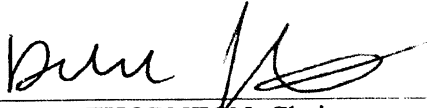
use given its location, difficulty of access by commercial vehicles, its neighboring residential areas, and its proximity to the Town Square of the City of Franklin.

CONCLUSIONS OF LAW

A re-zoning of the subject property consistent with the Comprehensive Plan is in order given that the Comprehensive Plan suggests the suitability of continued residential uses along South Railroad Street and because the present I-1 zone classification for the subject property which is otherwise located in a residential area is inappropriate and improper. Consequently a zone change from I-1 to R-2 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 City of Franklin that the zone change **BE APPROVED** and that the subject property described in paragraph I, hereof and further provided in the **Attachment** hereto and incorporated by reference, **be re-zoned from I-1 to R-2.**



DEBBIE THORNTON, Chairperson