

ORDINANCE NO. 2021 - 001

AN ORDINANCE REZONING APPROXIMATELY 12.14 ACRES LOCATED ON KENNEDY LANE AKA ASPEN DRIVE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-1S (SINGLE FAMILY RESIDENTIAL) BY MITRA, LLC

WHEREAS, Mitra, LLC (hereafter "Mitra"), filed a petition to rezone 12.14 acres located on Kennedy Lane aka Aspen Drive from R-1 (Single Family Residential) to R-1S (Single Family Residential with lesser road frontage); and

WHEREAS, Mitra desires to rezone the aforementioned property from R-1 to R-1S to make the development 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 December 1, 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 12.14 acres located on Kennedy Lane aka Aspen Drive, of record in Deed Book 340, Page 321 in the Simpson County Clerk's Office as described in the attached Appendix is granted a zone change from R-1 (Single Family Residential) to R-1S (Single Family Residential with lesser road frontage).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.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 11, 2021

FIRST READING

January 25, 2021

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on January 25, 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
EXHIBIT A

Certain real property located in Franklin, Simpson County, Kentucky and is more particularly described as follows:

Beginning at an iron pipe found at the southwesterly corner of Lot 1 of Southgate Park Subdivision as recorded in Plat Cabinet 4, Page 81, at the northwesterly terminus of an unimproved street shown on said plat as Aspen Drive (50 ft. R/W) and a corner of the Highlands Subdivision Section IV as recorded in Plat Cabinet 4, Page 204, the northeasterly corner of the Kennedy Brothers heirs as originally appears in Deed Book 76, Page 549, and shown in Plat Cabinet 4, Page 53, as Tract II; thence along the monumented line of the subject owners with the Highlands Subdivision the following two (2) calls: (1) N 84° 16' 34" W 98.21 feet to an iron pin found #2142 at the southeasterly corner of Modified Lot 37 of the Highlands Subdivision as recorded in Plat Cabinet 4, Page 279A, (2) N 82° 04' 56" W 274.22 feet to an iron pin set at the northeasterly corner of the Maye Kennedy property as recorded in Deed Book 318, Page 91 and shown as Tract IV in Plat Cabinet 4, Page 53; thence along the lines of the subject owners with Maye Kennedy the following three (3) calls: (1) S 63° 11' 04" W 190.00 feet to an iron pin set, (2) S 58° 26' 04" W 230.00 feet to an iron pin set, (3) S 87° 35' 14" W 200.17 feet to an iron pin set at the location of a found bent iron pipe in the line of Key Development, LLC (see DB 156 Pg 663 for original description), which is Tract I of the recorded plat as shown in Plat Cabinet 4, Page 53; thence along the line of the subject owners with Key Development, LLC S 14° 02' 03" E 274.00 feet to an iron pin set in the line of Kenneth and Frances Nash (DB 179, Pg 172 & DB 180, Pg 199); thence along the line of the subject owners with Kenneth and Frances Nash S 38° 56' 42" E 180.13 feet to an iron pipe found at a corner with Gerald Kamuf (DB 192 Pg 148); thence along the line of the subject owners with Gerald Kamuf S 39° 32' 17" E 174.87 feet to a found king post with a witness iron pin set at base, a corner to Lot 34 of Southgate Park Subdivision as recorded in Plat Cabinet 4, Page 81; thence along the lines of the subject owners with Southgate Park Subdivision the following three (3) calls: (1) S 89° 24' 58" E 547.18 feet to a point in a telephone pedestal which has a found witness iron pin on the west side, a corner with Lot 6 and Lot 7 of said subdivision, (2) N 07° 43' 14" E 551.38 feet to an iron pipe found at the corner of Lot 3 and Lot 2 of Southgate Park Subdivision, (3) N 07° 43' 14" E 168.47 feet to the point of beginning, **containing 12.14 acres, more or less**, and subject to all legal conditions and easements of record, according to June 2017, survey by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290. Basis of bearing for this description is grid North, Kentucky South Zone, Lambert projection. Unless stated otherwise, all iron pins set this survey are 5/8" x 18" rebar with plastic identification cap stamped "Dunning #3290."

ALSO SUBJECT TO the right of ingress-egress for the benefit of Maye Kennedy and Key Development, LLC over an existing 40 foot wide easement as shown on plat of record in Plat Cabinet 4, Page 53.

Being the same property conveyed to Mitra, LLC by J. H. Bowen Properties, LLC, a Kentucky limited liability company by deed dated March 7, 2019, of record in Deed Book 340, Page 321, Simpson County Clerk's Office.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from R-1 (Single Family Residential) to R-1S (Single Family Residential) by Mitra, LLC

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

A public hearing was held before this Commission on December 1, 2020, at the hour of 6:30 p.m. on the petition of Mitra, LLC ("Petitioner") that a certain 12.14 acre tract of land located on the west side of Pleasant Valley Road, north of Williamsburg Road, and south of Bluegrass Road in Franklin, Simpson County, Kentucky (the "Property"), be re-zoned from R-1 to R-1S. The Chairperson 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 on behalf of the Petitioner. There was an opportunity for cross-examination. Questions were asked and answered.

Having heard testimony, having reviewed the petition for zone change, the exhibits presented, and having reviewed the Comprehensive Plan and Update for Simpson County, Kentucky, Kent Wilson moved, George Weissinger seconded, and the Commission voted seven (7) for and one (1) against 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 12.14 acres in size and is accessed by a roadway sometimes known as Kennedy Lane and sometimes known as Aspen Drive, which is 50 feet in width. The Property is completely encircled by residentially zoned property.

II

The Property, along with all neighboring property, has been zoned residential for many years, with the Property having lagged other development as it continued its agricultural use as a farmstead.

III

The Property is generally naturally buffered from most of the surrounding residential areas by overgrown old fence rows and property lines with mature trees.

IV

The Petitioner intends to develop the Property as a "55 and over" retirement subdivision with a gated entrance and complete fencing around the development. The development will be of the utmost quality with sidewalks, underground utilities, and street lights. Home construction materials will generally be brick or stone. A small lake is also planned, and the development will be called "Autumn Lake."

V

The Petitioner intends to develop and record restrictions pertaining to the use and development of the Property which will benefit all property owners and the surrounding area and tightly control construction and construction materials and appearance of the homes to make them completely compatible with the nice area surrounding the Property.

VI

All necessary utilities are either at the site or are reasonably close and available. The site is rolling in nature and suitably situated for residential construction and subdivision development.

VII

R-1 zoned lots must be at least 100 feet wide. R-1S lots must be at least 75 feet wide. Narrower lots are a growing trend. In addition to restrictions, there will be a Homeowner's Association and monthly dues for mowing and maintenance of common areas.

VIII

The R-1S district is reasonably new to Franklin and Simpson County, with this Commission and the City of Franklin having recently recognized the value of having a single family residential district which allows homes to be built on narrower lots.

IX

Under the Purpose section of the R-1S zoning classification it is noted that "the R-1S Zone is essentially the same zone as the R-1 Zone, but allows for a smaller, more economical lot size." Allowing the development of a single family residence on lots that are 75 feet in width comports with modern trends and does allow for a more "economical lot size."

X

The Simpson County Comprehensive Plan which was adopted in the Fall of 1994 recognized the importance of residential development to community growth. The 2010 Comprehensive Plan Update encourages development locations serviced by existing infrastructure and notes that moderate density of housing is acceptable, but high density is not. An average of 8 dwellings per acre is appropriate for moderate density. R-1S permits no more

than 5.5 dwelling units per acre, and the Petitioner proposes a density of under 4 dwellings per acre.

XI

There is general knowledge that the United States population is aging. The Franklin-Simpson Comprehensive Plan Update 2010, contains population projections in Chapter 8 and projects both Franklin and Simpson County to grow older, with the median age increasing from 36 years in the year 2000, to 41.2 in the year 2030. It also points out at page 8-2 that there will be fewer children. The subject Property is not only well situated in a mature residential area, but also close to the community hospital and offices of local physicians, making it even more desirable for the 55 and older group.

CONCLUSIONS OF LAW

A re-zoning of the Property is consistent with the 1992 and 2010 Comprehensive Plans and 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 submitted with the zone change petition is 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 hereby now recommend to the Franklin City Commission that the Property described in the attached Appendix be re-zoned from R-1 to R-1S.

A handwritten signature in black ink, appearing to read "Debbie Thornton", is written over a horizontal line.

DEBBIE THORNTON, Chairperson



EXHIBIT
A
MITRA

MITRA, LLC



SHEET
IDENTIFICATION
C1.0

EXHIBIT
B
MITRA