

ORDINANCE NO. 2022-001

AN ORDINANCE REZONING LAND LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 31-W NORTH AS FOLLOWS: APPROXIMATELY 3.89 ACRES FROM I-1 (LIGHT INDUSTRIAL) TO B-4 (HIGHWAY BUSINESS) (REFERRED TO AS TRACT I HEREIN) AND REZONING APPROXIMATELY 23.83 ACRES FROM I-1 (LIGHT INDUSTRIAL) (REFERRED TO AS TRACT II HEREIN) TO R-2 (SINGLE FAMILY AND TWO FAMILY RESIDENTIAL) BASED UPON A RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION FROM A PETITION FILED BY L'S PROPERTY, LLC

WHEREAS, L's Property, LLC filed a petition to rezone approximately 3.89 acres from I-1 (Light Industrial) to B-4 (Highway Business) (referred to as Tract I herein) and approximately 23.83 acres from I-1 (Light Industrial) to R-2 (Single Family/Duplex) (referred to as Tract II herein), with both parcels being located on the west side of U. S. Highway 31-W North across from the Virtus facility, in Franklin, Simpson County, Kentucky; and

WHEREAS, L's Property, LLC desires to rezone the aforementioned property to make the property more productive for the community, and these changes are appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on December 7, 2021, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone changes as they are 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 approximately 3.89 acres are hereby rezoned from I-1 (Light Industrial) to B-4 (Highway Business) (referred to as Tract I on Appendix A herein) and approximately 23.83 acres are hereby rezoned from I-1 (Light Industrial) to R-2 (Single Family/Duplex) (referred to as Tract II on Appendix A herein), with both parcels being located on the west side of U. S. Highway 31-W North across from the Virtus facility, in Franklin, Simpson County, Kentucky, are granted a zone change in accordance with this paragraph.

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.

1-10-2022

FIRST READING

1-24-2022

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on Jan. 24, 2022, on motion made by Powell and seconded by 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

APPENDIX A

TRACT I (3.89 +/- acres) B-4 Zone:

A certain tract of land lying in Simpson County, Kentucky, being located in the community of Salmons and near the City of Franklin and on the west side of US Hwy 31W, the point of beginning being located approximately 1,237' south of the centerline of Reasonover Drive; being a portion of the property previously recorded in Deed Book 356, Page 167, and being more particularly described as following:

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 & 114-188 dated 1941), said pin being located S 28° 25' 02" W 92.18 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 parent tract and at a common corner to Jason Mills (Deed Book 295, Page 141). Thence, with the right of way of US Hwy 31W the following two calls, with a curve turning to the right with an arc length of 302.24', with a radius of 17155.94', with a chord bearing of S 29° 04' 34" W, with a chord length of 302.23 feet to an iron pin set; thence S 29° 34' 50" W 295.89 feet to an iron pin set, said pin being located N 29° 34' 50" E 91.39 feet from a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found at the southeastern most corner of the parent tract and at a common corner to James & Donna Huffman (Deed Book 334, Page 728); thence leaving the right of way of US Hwy 31W and bisecting the lands of the parent tract the following seven calls, N 60° 38' 10" W 76.98 feet to an iron pin set; thence N 27° 21' 50" E 530.12 feet to an iron pin set; thence with a curve turning to the left with an arc length of 10.06 feet, with a radius of 330.10 feet, with a chord bearing of S 83° 44' 29" E, with a chord length of 10.06 feet to an iron pin set; thence S 84° 42' 01" E 105.77 feet to an iron pin set; thence, with a curve turning to the right with an arc length of 115.39 feet, with a radius of 275.00 feet, with a chord bearing of S 72° 40' 47" E, with a chord length of 114.54 feet to an iron pin set; thence S 60° 39' 33" E 82.13 feet to the point of beginning, **containing 169,416 +/- square feet (3.89 acres)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on November 12, 2021.

Being part of the same property conveyed by Southern Transport Limited Liability Company, a Kentucky limited liability company to L's Property, LLC, a Kentucky limited liability company by deed dated April 26, 2021, of record in Deed Book 356, Page 167, Simpson County Clerk's Office.

TRACT II (23.83 acres) **R-2 Zone:**

A certain tract of land lying in Simpson County, Kentucky, being located in the community of Salmons and near the city of Franklin and on the west side of US Hwy 31W, the point of beginning being located approximately 1,237' south of the centerline of Reasonover Drive; being a portion of the property previously recorded in Deed Book 356, Page 167, 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 a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found in the west right of way of US Hwy 31W (Bowling Green Road) (100' r/w per KYTC Project No. 107-5 & 114-188 dated 1941), said pin being a common corner to Jason Mills (Deed Book 295, Page 141) and being the northeastern most corner of the parent tract and being located S 64° 15' 12" E 7.41 feet from a ½" iron pin with a 1" plastic cap stamped "RG May PLS 2142" found; thence leaving the line of Mills and with the right of way of US Hwy 31W, with a curve turning to the right with an arc length of 92.18', with a radius of 17155.94', with a chord bearing of S 28° 25' 02" W, with a chord length of 92.18' to an iron pin set; thence leaving the right of way of US Hwy 31W and bisecting the lands of the parent tract the following seven calls, N 60° 39' 33" W 82.13 feet to an iron pin set; thence with a curve turning to the left with an arc length of 115.39', with a radius of 275.00', with a chord bearing of N 83° 44' 29" W, with a chord length of 10.06' to an iron pin set; thence S 27° 21' 50" W 530.12 feet to an iron pin set; thence S 62° 38' 10" E 76.98 feet to an iron pin set; thence, S 60° 38' 11" E 204.96 feet to an iron pin set in the west right of way of the aforementioned US Hwy 31W; thence with the right of way of US Hwy 31W, S 29° 34' 50" W 91.39 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 parent tract, said pin being a common corner to James & Donna Huffman (Deed Book 334, Page 728); thence leaving the right of way of US Hwy 31W and with the line of Huffman the following three calls, N 60° 28' 27" W 246.01 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found; thence S 29° 31' 08" W 138.06 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found; thence S 61° 33' 37" E 19.82 feet to a "T" post found, located S 39° 38' 54" W 0.24 feet from a 1 1/4" pinched pipe found, said post being a common corner to Ceara Huff (Deed Book 309, Page 507); thence leaving the line of Huffman and with the line of Huff, S 29° 01' 37" W 110.36 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found at the southwestern most corner of said Huff and at a common corner to Janetta Shanklin (Deed Book 346, Page 697) and a common corner to Brenda Dillard (Deed Book 274, Page 331); thence leaving the line of Huff and leaving the line of Shanklin, and with the line of Dillard and then with

the line of Cynthia Gayle Gibbons (Deed Book 228, Page 755), N 62° 36' 33" W 970.72 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found near the base of a corner post; thence continuing with the line of Gibbons the following two calls, N 23° 25' 55" E 963.84 feet to a 5/8" iron pin with a 1 1/4" plastic cap stamped "Dunning PLS 3290" found; thence 23° 06' 49" E 50.89 feet to a 5/8" iron pin found, said pin being a common corner to Southern Transport, LLC (Deed Book 341, Page 98) and a common corner to Steve and Connie Farmer (Deed Book 294, Page 349); thence leaving the line of Gibbons and leaving the line of Southern Transport, LLC, and with the line of Farmer, S 62° 30' 29" E 999.60 feet to a 1/2" iron pin with a 1" plastic cap stamped "RG May PLS 2142" found at the southwestern most corner of the aforementioned Jason Mills; thence leaving the line of Farmer and with the line of Mills, S 64° 33' 09" E 301.27 feet to the point of beginning, **containing 1,037,962 +/- square feet (23.83 acres)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on November 12, 2021.

Being part of the same property conveyed by Southern Transport Limited Liability Company, a Kentucky limited liability company to L's Property, LLC, a Kentucky limited liability company by deed dated April 26, 2021, of record in Deed Book 356, Page 167, Simpson County Clerk's Office.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change for two tracts: Tract I from I-1 (Light Industrial), to B-4 (Highway Business); and Tract II from I-1 (Light Industrial) to R-2 (Single-Family and Two-Family Residential)

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

A public hearing was held before this Commission on Tuesday, December 7, 2021, at the hour of 6:30 p.m. on the petition of L's Property, LLC, a Kentucky limited liability company, with Mrs. Hongzia Lin Guthrie as its sole member, ("Petitioner"), that two certain companion tracts of land consisting of a total of 27.72 +/- acres (Tract I = 3.787 +/- acres, and Tract II = 23.94 +/- acres), located on Bowling Green Road (US 31-W North) in Franklin, Simpson County, Kentucky, the title to which is presently held by the Petitioner by that certain deed dated April 26, 2021, of record in Deed Book 356, Page 167, Simpson County Clerk's Office; **be re-zoned as follows: Tract I from I-1 to B-4 and Tract II from I-1 to R-2.** 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, a statement from City Manager, Kenton Powell, and testimony in favor of the zone change on behalf of the Petitioner offered by Brian Shirley from Arnold Consulting Engineering Services, Inc., Lowell Guthrie, and his wife, Lin Guthrie. 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 an aerial map of the subject vicinity, the petitioner's deed to the subject property, a survey including each tract, a conceptual plan of the subject property previously prepared by the firm of Arnold Consulting Engineering Services, Inc., along with certain written project commitments accompanied by the petitioner's commitment letter to Hon. Larry Dixon, Mayor; and letters in support of the petition provided by Dennis Griffin, Executive Director of the Franklin-Simpson Industrial Authority and neighboring landowners, Steve and Connie Farmer; and with regard to the Comprehensive Plan for Simpson County, Kentucky, Gary Sliger moved and George Weissinger seconded, and the Commission voted unanimously 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 two companion tracts totaling 27.72 +/- acres (Tract I being 3.787 +/- acres; and Tract II being 23.94 +/- acres) as determined by a survey conducted by Arnold Consulting Engineering Services, Inc., P. O. Box 1338, Bowling Green, Kentucky 42101, and is more particularly described as follows, to-wit:

TRACT I (3.78 +/- acres):

A certain tract of land lying in Simpson County, Kentucky, being located in the community of Salmons and near the City of Franklin and on the west side of US Hwy 31W, the point of beginning being located approximately 1,237' south of the centerline of Reasonover Drive; being a portion of the property previously recorded in Deed Book 356, Page 167, and being more particularly described as following:

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."

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Being part of the same property conveyed by Southern Transport Limited Liability Company, a Kentucky limited liability company to L's Property, LLC, a Kentucky limited liability company by deed dated April 26, 2021, of record in Deed Book 356, Page 167, Simpson County Clerk's Office.

TRACT II (23.94 +/- acres):

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LLC, and with the line of Farmer, S 62° 30' 29" E 999.60 feet to a ½" iron pin with a 1" plastic cap stamped "RG May PLS 2142" found at the southwestern most corner of the aforementioned Jason Mills; thence leaving the line of Farmer and with the line of Mills, S 64° 33' 09" E 301.27 feet to the point of beginning, **containing 1,037,962 +/- square feet (23.83 acres)** as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on November 12, 2021.

Being part of the same property conveyed by Southern Transport Limited Liability Company, a Kentucky limited liability company to L's Property, LLC, a Kentucky limited liability company by deed dated April 26, 2021, of record in Deed Book 356, Page 167, Simpson County Clerk's Office.

II

The subject properties are presently undeveloped and unused. Surrounding adjacent areas are presently zoned: North = farm land and residential (AG); South = farm land and residential (AG); East = Heavy Industrial (I-2); and West = farm land and wooded area (AG). The subject composite 27.72 +/- acre tract abuts and has significant frontage on Bowling Green Road (US 31-W) and is presently zoned Light Industrial (I-1).

III

The Simpson County Comprehensive Plan adopted for 2010, is dated October 10, 2009. Most of its suitability scenarios accommodate the proposed zone change particularly given that the subject property is situated along and abuts Bowling Green Road (US 31-W), the primary north - south travel corridor for Franklin. The Comprehensive Plan envisions the subject property as an area generally suitable for development and the requested zoning map amendment is consistent with the Comprehensive Plan and consistent with the development of the Wilkey North Industrial Park and existing residences within the vicinity of the subject property.

IV

The subject property presently lies within the corporate limits of the City of Franklin having been annexed on November 22, 2021, is not being used for agricultural purposes, and is undeveloped.

V

The proposed zone change is in agreement with the Comprehensive Plan and in addition, major changes of an economic, physical, or social nature within the subject area have occurred which have substantially altered the basic character of the subject area and have established the area as one poised for highway business and residential development.

CONCLUSIONS OF LAW

A re-zoning of the subject 27.72 +/- acre tract consistent with the Comprehensive Plan is in order, given that the Comprehensive Plan envisions growth and development in the subject area and along Bowling Green Road (US 31-W); given the inevitability of the development of the subject property; and to promote the continued growth and prosperity of the subject area, particularly given its location and highway frontage. Consequently, a zone change to a B-4 (Highway Business) regarding the subject 3.78 +/- acre tract and R-2 (Single-Family and Two-Family Residential) regarding the subject 23.83 +/- tract will be consistent with the Comprehensive Plan as an appropriate area for the proposed, companion highway business and residential neighborhood. A zone change to B-4 and R-2 is now appropriate; it is commensurate with major economic, physical, and social changes which have substantially altered the basic

character of the subject area; and it will improve the subject area to the benefit of the residents of Franklin and Simpson County. 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 Tract I, consisting of 3.787 +/- acres of the subject 27.72 +/- acre property described in paragraph I, hereof and as further provided as the **Attachment** hereto which is incorporated by reference, **be re-zoned from I-1 to B-4**; and that Tract II, consisting of 23.94 +/- acres of the subject 27.72 +/- acre property described in paragraph I, hereof and as further provided as the **Attachment** hereto which is incorporated by reference, **be re-zoned from I-1 to R-2**.

This December 7, 2021.


DEBBIE THORNTON, Chairperson