

ORDINANCE NO. 920.4-11-2011

**AN ORDINANCE REZONING 3.0 ACRES FROM I-1
(LIGHT INDUSTRIAL) TO B-4 (HIGHWAY BUSINESS DISTRICT)
AT 822 BLACKJACK ROAD**

WHEREAS, Franklin Church Holdings, LLC, a Kentucky limited liability company d/b/a Woodburn Baptist Church (hereafter "Woodburn Baptist"), owns 3.0 acres of property located at 822 Blackjack Road, Franklin, Kentucky, as described hereinbelow; and,

WHEREAS, Woodburn Baptist desires to rezone the 3.0 acres of property from I-1 (Light Industrial) to B-4 (Highway Business District) and to place a mobile classroom on the property when rezoned, and 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 October 4, 2011, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommends the granting of said zone changes as it is in agreement with the community's comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky as follows:

1. The following described property is hereby granted a zone change from I-1 (Light Industrial) to B-4 (Highway Business District):

Beginning at a concrete monument at the southeast intersection of the Blackjack Road and Highway No. 1008; thence with the east right-of-way line of the Blackjack Road S 41° 30' W 133.72 feet to a post, S 27° 23' W 97.11 feet to a concrete monument, S 59° 39' W 57.30 feet to a concrete monument, S 23° 32' W 99.76 feet to an iron pin, and S 21° 40' W 60.15 feet to an iron pin in said right-of-way line, a new corner to Howard Maupin; thence on a new line with Maupin S 68° 40' E 563.49 feet to an iron pin in the west right-of-way line of Highway 1008, a new corner to same; thence with said right-of-way line N 23° 01' W 254.21 feet to a concrete monument, and N 28° 28' W 379.57 feet to the beginning, containing 3.0 acres, more or less, according to the January 11, 1988 survey by Gary Sloan, Kentucky Registered Land Surveyor No. 2081.

Being the same property conveyed to Franklin Church Holdings, LLC, by Larry Mercer, Sole Trustee of Soul Harbor Church, an unincorporated religious body by deed dated March 27, 2009, of record in Deed Book 281, Page 665, Simpson County Clerk's Office.

2. Further, the City Commission approves the use of the mobile classroom on the premises on a temporary basis until such time as the Planning and Zoning Commission directs the property owner to remove the structure.

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.

OCT 24, 2011 FIRST READING

NOV 14, 2011 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on November 14, 2011, on motion made by Commissioner Henry Stone and seconded by Commissioner Jamie Powell, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON

YES JAMIE POWELL

YES MASON BARNES

YES HENRY STONE

YES RONNIE CLARK, MAYOR

APPROVED BY:


Ronnie Clark, Mayor
City of Franklin, Kentucky

ATTEST:


Kathy Stradtner, City Clerk
City of Franklin, Kentucky

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

IN RE: Petition for Zone Change from I-1 to B-4

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

A public hearing was held before this Commission on October 4, 2011, beginning at the hour of 6:30 pm. on the petition of Woodburn Baptist Church, d/b/a Franklin Church Holdings, LLC that a certain 3.0 acre tract of land located on the southeast intersection of Blackjack Road and Highway 1008 (currently owned by Franklin Church Holdings, LLC) be rezoned from I-1 to B-4. The Chairman of the Commission, Carter Munday, presided. All members of the Commission were present. The petitioner was present, by and through Warren Weeks, who appeared pro se. The hearing was stenographically recorded by James Dale, licensed court reporter.

The Commission then proceeded to hear an opening statement from petitioner and testimony in favor of the zone change from I-1 to B-4. There was an opportunity for cross-examination. Questions were asked and answered.

With the Commission having heard testimony, having reviewed the petition for zone change, having seen the exhibits presented, including an aerial map of the area and proposed Conceptual Development Plan and having reviewed the Comprehensive Plan for Simpson County, Kentucky, *Kelley Harding* moved, *Carter Munday* seconded, and the Commission voted to recommend the zone change. In connection with the zone change,

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the Commission finds, concludes and recommends the following:

FINDINGS OF FACT

I.

The Simpson County Comprehensive Plan was adopted in the fall of 1994. Based on the Comprehensive Plan regarding business and commercial use, the land sought to be rezoned by the petitioner was expected to become industrially developed.

II.

Figure 6.3 of the Comprehensive Plan is a relevant map of the Simpson County area and reflects the location of existing industry, and the area subject to the zoning request is on the southeast intersection of Blackjack Road and Highway 1008, and is within the area expected to be commercially developed.

III.

The property in question on the southeast intersection of Blackjack Road and Highway 1008 has been zoned I-1 for some length of time, but the property is suitable for a zone change to B-4.

IV.

Another business is located next door to the proposed change and there is open land all around suitable to be developed as B-4 property.

V.

Kentucky Highway 1008 is a major highway for transportation in and around Simpson County, Kentucky. Its

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availability makes the subject property conducive to business development.

VI.

Adequate drainage, water, sewer, and electrical utilities serve the site in question and make it suitable for business development.

VII.

The property in question is owned by Franklin Church Holdings, LLC. Prior to their purchase, the property in question had been used as a church. Franklin Church Holdings, LLC, plans to continue using the property as a church and desires to place a mobile classroom on the facilities when rezoned.

VIII.

Since the adoption of the Comprehensive Plan in 1994, there have been major changes of an economic, physical, and social nature in the area which were not contemplated in 1994. Additional business development and additional interest in business development in the area has occurred, primarily due to the presence of Highway 1008.

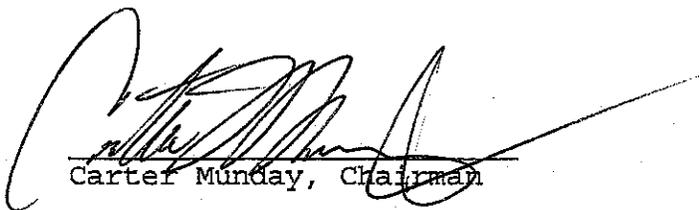
CONCLUSIONS OF LAW

There have been major changes of an economic, physical, and social nature within the area involved which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of the area. A zone change is in order. 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 City Commission of Franklin, Kentucky that the zone change be approved and that the property described in the attached Appendix be rezoned from I-1 to B-4.


Carter Munday, Chairman

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APPENDIX

Beginning at a concrete monument at the southeast intersection of the Blackjack Road and Highway No. 1008; thence with the east right-of-way line of the Blackjack Road S 41° 30' W 133.72 feet to a post, S 27° 23' W 97.11 feet to a concrete monument, S 59° 39' W 57.30 feet to a concrete monument, S 23° 32' W 99.76 feet to an iron pin, and S 21° 40' W 60.15 feet to an iron pin in said right-of-way line, a new corner to Howard Maupin; thence on a new line with Maupin S 68° 40' E 563.49 feet to an iron pin in the west right-of-way line of Highway 1008, a new corner to same; thence with said right-of-way line N 23° 01' W 254.21 feet to a concrete monument, and N 28° 28' W 379.57 feet to the beginning, containing 3.0 acres, more or less, according to the January 11, 1988 survey by Gary Sloan, Kentucky Registered Land Surveyor No. 2081.

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