

ORDINANCE NO. 2021-003

**AN ORDINANCE REZONING 0.337 ACRES
LOCATED AT 401 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 0.337 acres located at 401 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 0.337 acres located at 401 South Railroad Street in Franklin, Simpson County, Kentucky, of record in Commissioner's Deed Book 17, Page 386, 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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.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 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

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 401 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 401 South Railroad Street (hereinafter "401 South Railroad Street"), and more particularly being described as being situated at the southeast intersection of South Railroad Street and Morris Street in Franklin, Kentucky, and by recent survey consisting of 0.337 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, 401 South Railroad Street, under consideration for re-zoning was acquired by the Petitioner by a Commissioner's deed recorded December 1, 2020, in Commissioner's Deed Book 17, Page 386, 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. **401 South Railroad Street is more particularly described as follows:**

Certain real property situated in Franklin, Simpson County, Kentucky, on the East side of Railroad Street bounded and described as follows:

Beginning at a stone in the south edge of an alley or narrow street which runs between J. H. Covington's lot and the lot herein conveyed and 33 feet from the center of the L & N Railroad, and running thence southwardly 90 feet to a stone, corner to Hunt lot (now the Biggs lot); thence east with the Hunt lot (now Biggs lot) or line 171 feet; thence N running through the center of the wall 96 feet to an alley or street; thence with said alley or street 171 feet to the beginning.

The up-to-date boundaries of said tract are as follows:

Bounded on the east by the property of Joseph Williams; bounded on the south by property this day¹ conveyed to Roger Allen Simmons; bounded on the west by Railroad Street; bounded on the north by Morris Street.

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 0.47 miles southeast of the city square and on the southeast side of the intersection of South Railroad Street and Morris Street at 401 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 a 5/8-inch rebar and cap (found) PLS #3922 in the east right-of-way line of South Railroad Street (R/W Varies) approximately 22' from centerline and also at the east edge of an existing sidewalk, northwest corner to Charles Jackson (Deed Book 299, Page 54 - Reference Van Meter & Slavey survey job #17339 dated 9/18/2017); thence along the east right-of-way line of South Railroad Street N 12° 24' 36" W 90.00 feet to an iron pin and cap (set) in the south right-of-way line of Morris Street (R/W Varies) approximately 19 feet from centerline; thence along the south right-of-way line of Morris Street N 87° 49' 31" E 164.60 feet to a 5/8-inch rebar and cap (found) PLS #3922, another northwest corner to Charles Jackson (Deed Book 299, Page 54 - Reference Van Meter & Slavey survey job #17339 dated 9/18/2017); thence along the northern lines of Charles Jackson the following two (2) calls: S 14° 20' 30" E 89.95 feet to a 5/8-inch rebar and cap (found) PLS #3922; thence S 87° 36' 31" W 167.56 feet to the point of beginning, **containing 14,662 sq. ft. or 0.337 acres more or less**, according to a field survey completed on December 7, 2020, conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120."

Being the same property conveyed by Michael Lowhorn and wife, Geneva Lowhorn, Brenda Joan Anderson, Sandra Henson and husband, Larry Henson, Wade Lowhorn, Unknown Spouse of Wade Lowhorn, Sonya Burchett, Mandy Byrd, Unknown Spouse of Mandy Byrd, Rachel May, Unknown Spouse of Rachel May, Paul Burchett, Unknown Spouse of Paul Burchett, Unknown Heirs of Carolyn Lowhord Anderson, Unknown Spouses of Heirs of Carolyn Lowhorn Anderson, and City of Franklin, Kentucky, by Robert Young Link, Master Commissioner of the Simpson Circuit Court to Whitetail Properties, LLC by Commissioner's Deed dated November 13, 2020, of record in Commissioner's Deed Book 17, Page 386, Simpson County Clerk's Office.

II

401 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 zoned I-1.

III

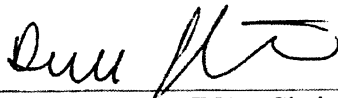
The suitability scenarios of the Simpson County Comprehensive Plan support the proposed zone change inasmuch that the Comprehensive Plan envisions a continuation of residential uses in the subject area, and that the subject property is ill-suited for light industrial use given its location, difficulty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