

ORDINANCE NO # 4 - 2021

COUNTY OF FRANKLIN, KENTUCKY

AN ORDINANCE AMENDING THE TABLE OF SPECIAL ORDINANCES, SECTION 1 ZONING MAP CHANGES OF THE FRANKLIN COUNTY CODE OF ORDINANCES FOR A 203.59 ACRE PROPERTY IDENTIFIED AS PVA MAP #046-00-00-007.00, LOCATED ON HARVIELAND ROAD, FROM RURAL RESIDENTIAL DISTRICT (RR) TO AGRICULTURAL DISTRICT (AG)

WHEREAS, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps in accordance with a Comprehensive Plan and KRS 100; and

WHEREAS, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the zone map amendment, along with their findings of fact, to the Franklin County Fiscal Court for action; and

WHEREAS, The Frankfort/Franklin County Planning Commission held a public hearing on February 11, 2021 and adopted a summary of the evidence and findings of fact on March 11, 2021 as required by K.R.S. 100; and

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT:

SECTION I. The Code of Ordinances, Table of Special Ordinances Section 1 Zoning Map Changes, is hereby amended to read as follows:

A 203.59-acre property located on Harvieland Road in Franklin County, Kentucky, identified as PVA map #046-00-00-007.00 is hereby amended from Rural Residential District (RR) to Agricultural District (AG), based on the following findings of fact:

- a) The Comprehensive Plan, Future Land Use Plan, designates the property for Rural Activities.
- b) The Agricultural (AG) zone district is an appropriate zone district for the Rural Activities land use designation.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Franklin County Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Franklin County Fiscal Court in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

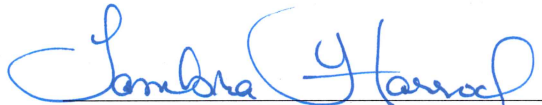
INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 1st day of April, 2021.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 23 day of April, 2021 and of record in Fiscal Court Order Book 31, Page 26d.



Huston Wells
Franklin County Judge/Executive

ATTESTED TO:



Tandra Harrod
Fiscal Court Clerk

SUMMARY

This ordinance approves a zone map amendment for the 203.59 acres of property located on Harvieland Road, more specifically described as PVA map #046-00-00-007.00, from Rural Residential District (RR) to Agricultural District (AG).

EXHIBIT C

Being all of Tracts 1 and 2 as shown on the map or plat of the Allen Tracey Property-Estate, East side of Harvieland Road, of record in Plat Cabinet J, page 76, in the Office of the Clerk of Franklin County, Kentucky.

Being the same property conveyed to Finn Glen Farm, LLC by Marie T. Rayborn, single and Mary H. Walker, single, by Deed dated April 30, 2013, of record in Deed Book 539, page 551, in the Office of the Clerk of Franklin County, Kentucky.

D E E D

THIS DEED OF CONVEYANCE, made and entered into this 30th day of April, 2013, by and between **MARIE T. RAYBORN**, an unremarried widow, whose mailing address is 804 Kentucky Avenue, Frankfort, Kentucky 40601, and **MARY H. WALKER**, (a/k/a **MARY HELEN WALKER**), an unremarried widow, whose mailing address is 5202 Plume Drive, Louisville, Kentucky 40258, parties of the first part, and **FINN GLEN FARM, LLC**, a Kentucky limited liability company, whose mailing address is 101 St. Clair Street, Frankfort, Kentucky 40601, party of the second part.

WITNESSETH:

That for and in consideration of the sum of **TWO HUNDRED TWENTY SIX THOUSAND (\$226,000.00) DOLLARS**, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties of the first part have this day bargained and sold, and by these presents, do hereby bargain, sell, alien and convey unto the party of the second part, its successors and assigns forever, property situated in Franklin County, Kentucky and more particularly described as follows, to-wit:

Being all of Tracts 1 and 2 as shown on the map or plat of the Allen Tracey Property-Estate, East side of Harvieland Road, of record in Plat Cabinet J, page 76, in the Office of the Clerk of Franklin County, Kentucky.

Being the same property conveyed to Allen Tracey, (a/k/a Allen Edward Tracey) and Alice Ward Tracey, his wife, by William E. Johnson, et ux., by deed dated May 10, 1969, of record in Deed Book 223, page 46, in the Office of the Clerk of Franklin County, Kentucky. Also, see Deed Book 222, page 300 in the aforesaid Office. The interest of Alice Ward Tracey was vested in Allen Tracey, (a/k/a Allen Edward Tracey), pursuant to the survivorship provisions of said deed upon the death of Alice Ward Tracy on Nov. 21, 2008. See Will of Alice Ward Tracy of record in Will Book 54, page 692 in the Office of the Clerk of Franklin County, Kentucky,

Being the same property that was devised to Marie T. Rayborn and Mary H. Walker, (a/k/a Mary Helen Walker), upon the death of Allen Edward Tracey, (a/k/a Allen Tracey). See Last Will and Testament of Allen Edward Tracey of record in Will Book 58, page 813,

Mary H Walker

FRANKLIN COUNTY
D539 PG553

MARY H. WALKER
(a/k/a **MARY HELEN WALKER**)

COMMONWEALTH OF KENTUCKY)
) SCT.
COUNTY OF FRANKLIN)

The foregoing Consideration Certificate was subscribed and sworn to before me by **MARIE T. RAYBORN**, an unremarried widow, **Grantor**, on this the 30th day of April, 2013.

M. H. Walker

Notary Public

My Commission Expires: 11-22-15

COMMONWEALTH OF KENTUCKY)
) SCT.
COUNTY OF FRANKLIN)

The foregoing Consideration Certificate was subscribed and sworn to before me by **MARY H. WALKER, (a/k/a MARY HELEN WALKER)**, an unremarried widow, **Grantor**, on this the 30th day of April, 2013.

M. H. Walker

Notary Public

My Commission Expires: 11-22-15

COMMONWEALTH OF KENTUCKY)
) SCT.
COUNTY OF FRANKLIN)

The foregoing Consideration Certificate was subscribed and sworn to before me by **PRESTON CECIL**, as Member, for and on behalf of **FINN GLEN FARM, LLC**, a Kentucky limited liability company, **Grantee**, on this the 30 day of April, 2013.

M. H. Walker

Notary Public

My Commission Expires: 11-12-15

The in-care-of address to which the property tax bill for the current tax year may be sent to is: Finn Glen Farm, LLC, C/O Preston Cecil, 101 St. Clair Street, Frankfort, Kentucky 40601.

TITLE NOT EXAMINED

I HEREBY CERTIFY THAT THE
FOREGOING INSTRUMENT WAS
PREPARED BY:
Marvin B. Coles
Attorney at Law
215 St. Clair Street
Frankfort, Kentucky 40601

Marvin B. Coles

DOCUMENT NO: 401281
RECORDED: April 30, 2013 01:30:00 PM
TOTAL FEES: \$17.00
TRANSFER TAX: \$226.00
COUNTY CLERK: GUY ZEIGLER
DEPUTY CLERK: AW
COUNTY: FRANKLIN COUNTY

BOOK: D539 PAGES: 551 - 553

SUMMARY OF PUBLIC HEARING

**Finn Glenn Farm, LLC
Zone Map Amendment Request
FROM:
Rural Residential District "RR"
TO:
Agricultural District "AG"
2100 Harvieland Road
PVA Map Number 046-00-00-007.00.**

February 11, 2020

Sherron Jackson, Chairman Presiding

Planning Commission Members Present:

David Boggs
Patti Cross
Keith Lee
Paul Looney
Timothy Luscher
William I May, Jr.
Darrels Sanderson
Charles Stewart
Jim Terrell
Russell Wright

Franklin County Planning Commission Staff:

Ben Judah

Applicant's Representative:

Preston Cecil

Chairman Jackson asked the Secretary to introduce the item:

PUBLIC HEARING: Finn Glenn Farm, LLC is requesting approval of a zone map amendment from Rural Residential District "RR" to Agricultural District "AG" for 205-acres of property at 2100 Harvieland Road. The tract is more specifically identified as PVA Map Number 046-00-00-007.00. (County item)

The Secretary swore in all speakers.

Mr. Logan qualified Bed Judah, Franklin County Planning Supervisor.

Under questioning, Mr. Judah testified that he had reviewed the request and had prepared the staff report for the request. He stated that he had made positive findings to support the zone change request and that he had no additions or deletions to his report.

Mr. Logan asked Mr. Judah to provide a summary of the report. Mr. Judah stated that the property owner wanted to keep the property as a farm and increase agricultural usage on the property. He stated that the request was in agreement with the Comprehensive Plan and that he had made two positive findings of fact.

There were no questions of Mr. Judah by the Planning Commission.

Preston Cecil and member of the LLC, was present and stated that he was in agreement with the staff report. Mr. Logan asked if he was in agreement with the conditions being recommended to be placed on the approval of the zone map amendment. Mr. Cecil stated that he was.

Mr. Judah stated that Mr. Reid Bishop, an adjoining property owner was present, but unable to connect to the meeting. Mr. Judah stated that he had had conversations with Mr. Bishop and that most of the property around was zoned Rural Residential and that he felt that the zone change request was spot zoning. Mr. Judah stated that Mr. Bishop felt there would be an increase in the number of residents on the site and that.

Mr. Wright asked if the subject property was elevated above Mr. Bishop's property. Mr. Judah stated that it was.

After further discussion, Chairman Jackson made a motion to close the Public Hearing and table the item in order for a Summary of the Testimony be prepared. The motion was seconded by Ms. Cross and passed unanimously.

I do hereby certify that this is a true and accurate Summary of the Testimony of the Public Hearing.

Vickie Sewell, Recording Secretary