

## ORDINANCE NO. 2022-013

**AN ORDINANCE REZONING LAND LOCATED ON THE NORTH SIDE OF NORTH STREET AS FOLLOWS: APPROXIMATELY 14.27 ACRES FROM I-1 (LIGHT INDUSTRIAL) TO R1-S (SINGLE FAMILY RESIDENTIAL) AND APPROXIMATELY 72.18 ACRES FROM I-2 (HEAVY INDUSTRIAL) TO R1-S (SINGLE FAMILY RESIDENTIAL) BASED UPON A RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION FROM A PETITION FILED BY THE MERRILL R. AND RUTH M. HAMMONS TRUST**

WHEREAS, the Trustee of the Merrill R. and Ruth M. Hammons Trust filed a petition to rezone approximately 14.27 acres from I-1 (Light Industrial) to R1-S (Single Family Residential) and approximately 72.18 acres from I-2 (Heavy Industrial) to R1-S (Single Family Residential) being located on the north side of North Street in Franklin, Simpson County, Kentucky; and

WHEREAS, the Merrill R. and Ruth M. Hammons Trust 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 February 15, 2022, 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 14.27 acres is hereby rezoned from I-1 (Light Industrial) to R1-S (Single Family Residential) and the approximately 72.18 acres is hereby rezoned from I-2 (Heavy Industrial) to R1-S (Single Family Residential) being located on the north side of North Street in Franklin, Simpson County, Kentucky in accordance with this paragraph. A map of the 2 separate tracts is attached hereto as Exhibit 1 and the full perimeter description of the entire tract being rezoned (82.8 acres approximately) to R1-S is attached hereto as Exhibit 2. Both Exhibits are incorporated herein by reference.

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

March 28, 2022

FIRST READING

April 11, 2022

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on April 11, 2022, on motion made by Commissioner Powell and seconded by Commissioner 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

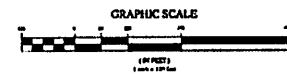
**EXHIBIT 1**

**Map of Area (attached)**



± 87.80 ACRES PER PVA RECORDS

259 RESIDENTIAL LOTS  
65' x 125' AVERAGE LOT SIZE



Professional Engineer's Seal	
NO.	DATE
DESCRIPTION	REVISION
PLANS PREPARED BY:  BCEI ENGINEERING, INC. 1000 W. 10TH STREET, SUITE 100 BOULDER, CO 80502	
OWNER/DEVELOPER: MIDWEST & SOUTHWEST HARRISON TRUST 833 MAGNOLIA STREET C/O MARY HARRISON BOULDER, CO 80502	
SHEET TITLE: REZONING EXHIBIT PROJECT TITLE: PROPOSED REZONING AREA NORTH STREET CITY OF FRANKLIN, KY	
PLAN DATE: 01-10-2022	
SCALE: 1" = 120'	
PROJECT NO.: DATA/SCRATCH	
PROJECT MILESTONE	
SHEET NO.: <b>C1.00</b>	

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## **EXHIBIT 2**

### **Description of Entire Area to be Rezoned (Approx. 82.8 acres)**

Beginning at an iron pipe in the north right of way line of North Street, Kentucky Rt. 1171, corner to Lenk Company, said pipe located N 84 deg. E 454.80 feet from the east right of way line of the Louisville & Nashville Railroad; thence N 1 deg. E 1431.40 ft. with the line of Lenk Company to a point in the center of a dry branch; thence S 79 ½ deg. W 400.60 ft. with the center of a dry branch to a point in the east right of way line of the Louisville and Nashville Railroad; thence N 5 ½ deg. E 610.16 ft. with the east right of way line of the Railroad to a point, corner to Barrett; thence N 76 ½ deg. E 1725.93 ft. with the line of Barrett to a post, corner to Broderson; thence S 88 ½ deg. E 457.60 ft. 1 ¾ deg. W 1905.70 ft. with the line of Jim Tabb to a post, corner to Rhea in the Jim Tabb line; thence S 84 ¼ deg. W 699.30 ft. with the line of Rhea, Mayeur, Hammons and Joe Walker to an iron post, corner to Joe Walker; thence S 2 deg. E 287.00 ft. to a point in the north right of way line of North Street, Ky. Rt. 1171, and 15' 0" North of a reference iron; thence with the north right of way line of North Street, Ky. Rt. 1171, S 82 ½ deg. W. 639.90 ft., S 84 ½ deg. W 411.72 to the point of beginning, contained 87.80 acres, less any easements or rights of way, as per survey by C.E. White, licensed land surveyor, dated May 15, 1974.

LESS, the following tract of land with house thereon to be retained by the grantors herein:

Beginning at an iron pipe in the southwest corner in the north right of way of North Street, Ky. Rt. 1171, N 84 deg. 30' E 454.8 feet from the east right of way of the L & N Railroad, and a corner to Lenk Company; thence with the line of Lenk Company, N 1 deg. 00' E 564.2 feet to a pin, a new corner to Paul Vaughn; thence with a new line of Paul Vaughn, N 84 deg. 30' E 386.0 feet to a pin, another new corner to Vaughn; thence with another new line of Paul Vaughn, S 1 deg. 00' W 564.2 feet to a pin, a corner to the north right of way to North Street, thence with the line of the north right of way of North Street, S 84 deg. 30' W 386.0 feet to the point of beginning, containing 5.00 acres more or less, less any easements or rights of way, as per survey by E. C. Ellis licensed land surveyor, dated March 24, 1979.

This being Tract 2 of the property conveyed to the Merrill R. and Ruth M. Hammons Trust by Merrill R. Hammons and wife, Ruth M. Hammons, by deed dated January 12, 1998, of record in Deed Book 211, Page 470, Office of the Simpson County Clerk.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND APPROVAL AND  
RECOMMENDATION OF ZONE CHANGE BY FRANKLIN-SIMPSON COUNTY  
PLANNING & ZONING COMMISSION**

This matter came before the Franklin-Simpson County Planning & Zoning Commission on February 15, 2022, on the petition of the Merrill R. and Ruth M. Hammons Trust requesting a zone change from I-1 (Industrial) and I-2 (Industrial) to R1-S (Single Family Residential) for property consisting of approximately 82.8 acres located on North Street in Franklin, Simpson County, Kentucky and described as follows:

Beginning at an iron pipe in the north right of way line of North Street, Kentucky Rt. 1171, corner to Lenk Company, said pipe located N 84 deg. E 454.80 feet from the east right of way line of the Louisville & Nashville Railroad; thence N 1 deg. E 1431.40 ft. with the line of Lenk Company to a point in the center of a dry branch; thence S 79 ½ deg. W 400.60 ft. with the center of a dry branch to a point in the east right of way line of the Louisville and Nashville Railroad; thence N 5 ½ deg. E 610.16 ft. with the east right of way line of the Railroad to a point, corner to Barrett; thence N 76 ½ deg. E 1725.93 ft. with the line of Barrett to a post, corner to Broderson; thence S 88 ½ deg. E 457.60 ft. 1 ¾ deg. W 1905.70 ft. with the line of Jim Tabb to a post, corner to Rhea in the Jim Tabb line; thence S 84 ¼ deg. W 699.30 ft. with the line of Rhea, Mayeur, Hammons and Joe Walker to an iron post, corner to Joe Walker; thence S 2 deg. E 287.00 ft. to a point in the north right of way line of North Street, Ky. Rt. 1171, and 15' 0" North of a reference iron; thence with the north right of way line of North Street, Ky. Rt. 1171, S 82 ½ deg. W. 639.90 ft., S 84 ½ deg. W 411.72 to the point of beginning, contained 87.80 acres, less any easements or rights of way, as per survey by C.E. White, licensed land surveyor, dated May 15, 1974.

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This being Tract 2 of the property conveyed to the Merrill R. and Ruth M. Hammons Trust by Merrill R. Hammons and wife, Ruth M. Hammons, by deed dated January 12, 1998, of record in Deed Book 211, Page 470, Office of the Simpson County Clerk.

It was reported to the Commission that the Merrill R. and Ruth M. Hammons Trust desired to rezone said property consistent with the Comprehensive Plan and due to the need for residential development in the area. The Petitioner was represented by Hon. Timothy J. Crocker. The Commission heard statements of counsel and the testimony of Mayor Larry Dixon, City Manager Kenton Powell, Jason Baker of Bryant Engineering, Jeff Britt, and Kent Kelley. After considering the testimony, development plan, and statements of counsel, the following Findings of Fact and Conclusions of Law were adopted by the Franklin-Simpson County Planning & Zoning Commission:

1. The map amendment sought is in agreement with the community's Comprehensive Plan because the Comprehensive Plan contemplates the growth of residential land use and the need for future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin. The Comprehensive Plan identifies one of its goals as encouraging the development of a diversified supply of safe, decent, affordable, and standard housing. The Comprehensive Plan encourages residential developments to have an interconnected network of streets and to be connected to the full range of infrastructure.

2. The original zoning classification given to the property was inappropriate or improper because the surrounding property is largely residential. Amending the original zoning classification from I-1 and I-2 to R1-S will be consistent and bring it into conformity with the Comprehensive Plan. This area of Franklin is not well-suited for big trucks and other industrial purposes and, given the significant amount of residential existing in the area, is better suited for residential development. The western end of North Street is inadequate for tractor trailer activity.


Further, the R1-S zoning classification was not available when the Comprehensive Plan was adopted.

3. There have been major changes of an economic, physical, or social nature within the area which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area. There has been the development of a new zoning classification, R1-S, which has encouraged the development of single-family dwelling units in Franklin. There have been changes in the area including, but not limited to, zoning of Jepson property to R-1, the new subdivision which will be developed by Josh Jones, and the increased demand for single-family dwellings.

4. The applicants have complied with all procedural prerequisites including the proper filing of the request for a zone change, and payment of all necessary expenses.

Based upon the foregoing specific Findings of Fact and Conclusions of Law, the Commission recommends to the City of Franklin, that the zone change for the property described herein from I-1 and I-2 to R1-S be granted.

Approved and recommended for zoning change, this the 15 day of February, 2022.

  
CHAIRMAN

## FRANKLIN-SIMPSON PLANNING &amp; ZONING COMMISSION

## PUBLIC HEARING

IN RE: THE MERRILL R. & RUTH HAMMONS TRUST TO REQUEST  
ZONE CHANGES AS FOLLOWS: (A) FROM I-1 (LIGHT  
INDUSTRIAL) FOR R1-S (SINGLE FAMILY SMALL LOT)  
FOR A 14.27-ACRE PARCEL LOCATED NORTH SIDE OF  
NORTH STREET BETWEEN THE EXISTING RAILROAD AND  
BLACKJACK ROAD

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FEBRUARY 15, 2022

\*\*\* \*\*

APRIL PEARSON, C.C.R.

REPORTER

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## I N D E X

EXAMINATION

BY MR. CROCKER:

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EXHIBITS

EXHIBIT A	PAGE 32	Colored Conceptual Concept Plan
EXHIBIT B	PAGE 74	Letter from Dennis Griffin
EXHIBIT C	PAGE 74	Findings of Fact and Conclusions of Law

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The public hearing of Franklin-Simpson Planning and Zoning, taken pursuant to Notice, in the City Commission Meeting Room, City Hall, 117 West Cedar Street, Franklin, Simpson County, Kentucky, 42135, on Tuesday, February 15, 2022, at 7:09 p.m. (Central Time), upon oral examination and to be used in accordance with the Kentucky Rules of Civil Procedure.

## A P P E A R A N C E S

For the Petitioners: Mr. Timothy J. Crocker  
Crocker and Thurmond  
Attorneys at Law  
126 West Kentucky Avenue  
Franklin, Kentucky 42134

For the Commission: Mr. Robert Link  
Attorney at Law  
205 West Kentucky Avenue  
Franklin, Kentucky 42134

Commission Members Present:  
Ms. Debbie Thornton, Chairperson  
Mr. Chad Konow  
Mr. George Weissinger  
Mr. Gary Sliger  
Mr. Roy Tyler  
Mr. Kent Wilson

Also present: Ms. Emily Flora  
Mr. Carter Munday

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MADAM CHAIRPERSON: Next up, it's the Merrill R., Ruth Hammons Trust, and I believe -- Amanda, are you here from the Crocker firm to represent --

MS. EAST: So Tim, actually, is going to be representing on this one --

MADAM CHAIRPERSON: Okay.

MS. EAST: -- as well.

MADAM CHAIRPERSON: Okay.

MS. EAST: -- so as to the --

MADAM CHAIRPERSON: Okay. The Crocker firm is here to represent this.

MS. EAST: Yes, ma'am.

MADAM CHAIRPERSON: And they're here to request a zone change as follows: From I-1, Light Industrial, to R1-S, Single Family, for fourteen-point-twenty-seven-acre parcel, and then, an I-2, Heavy Industrial, to another R1-S, Single Family Small Lot, for a seventy-two-point-eighteen-acre parcel located north side of North Street between the existing railroad and Blackjack Road.

And Mr. John Mayeur has let me know that he probably has a conflict of interest here. He -- he wants to --

MR. MAYEUR: I have a family member with

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adjoining property to them.

MADAM CHAIRPERSON: And he wants to err on the side of caution.

So Mr. Maier, would you like to become a member of the audience?

MR. MAYEUR: Thank you.

MADAM CHAIRPERSON: Thank you.

Okay. We're ready, Mr. Crocker.

MR. CROCKER: Okay.

MADAM CHAIRPERSON: I hear your dance card is full.

MR. CROCKER: So again, I'm here tonight representing Kent Kelley and David Carver. They're sitting at the back of the room.

If you gentlemen could find a chair up a little closer, it might help us here. Really, both of you, David, if you don't mind.

The --

MADAM CHAIRPERSON: David, you can move on up if you want to, she can -- yeah, if you want to be on the front row.

MR. CARVER: I'll back him up.

MADAM CHAIRPERSON: Okay.

MR. CARVER: Our row.

MADAM CHAIRPERSON: Yeah. He's --

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Kent's taller. He'll --

MR. CROCKER: So what we're requesting on behalf of Mr. Kelley and Mr. Carver tonight is map amendment or rezoning for a piece of property containing eighty-two-point-eight acres. You all may have known it as the Merrill Hammons' property and the -- the Hammons' family is the applicant. And that property was several years ago zoned industrial. Most of it is I-2, part of it is I-1.

And Mr. Kelley and Mr. Carver, I suspect they are known to most of the members, but they have been in the warehousing business for many years. And this property is properly zoned for warehousing, but upon contracting to purchase this property, they believe that it is appropriate to rezone this for a residential purpose instead of an industrial purpose particularly because of the access in front of Wendy's where -- I don't know if you all have seen the trucks try to turn in there, but it's a tough spot. And they don't believe that that is a -- really a good spot for the industrial use.

They believe it is -- it lends itself to a residential use. And towards that end, they have requested that this property be zoned as R1-S to facilitate the construction of residential property in

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that area.

Tonight, we would call as witnesses -- and I think this is something really important that I need to say and I -- I think I've said it before before this board, but the -- we used to come up here and there had been no vetting before we got here of the applicants and their project. We would just bring it in. We'd throw it out on the table, and that's how it would be done.

And thanks to the two gentlemen in the far corner over there, the Mayor and Kenton Powell, they have started vetting, at least, the city projects before they get to your honorable board. And the purpose of that is to make sure that all the appropriate utilities are there, that the things that are done that are necessary to make this a positive development are met before it gets to you.

And they're here to testify tonight. Both of them are here to testify about that vetting process and that they have approved this from the city standpoint prior to us bringing it to your board. They will both testify about that.

One other thing that is really important, and I know you all have seen it, is there is a -- a subdivision or two or maybe more in this community that

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we may not be the most proud of, but there has been no subdivision that has -- that has been developed since Kenton Powell and the city put together their subdivision regulations, which they have required even before your approval of those tonight. They've been requiring that, for the last, seems like, six months, that everybody agree to those as a condition of the rezoning. And both, Mr. Carver -- Mr. David Carver and Mr. Kent Kelley have agreed that this development will be subject to those subdivision regulations.

And Mr. Powell talked some about the sidewalks. Another couple things I would like to mention is there is now requirements you can't just build the same house over and over again. And some contractors have done that. We -- we know they have. And the new subdivision -- and Mr. Kelley and Mr. Carver don't want to do that anyway, but they -- they have requirements now that they be changed out.

You can build similar floor plans, but they have to have a different exterior so you -- they -- they have a nice look to them. And there was a lot of discussion initially among the builders. I was here at the meeting about that. Initially, everybody seemed against it, but by the time the meeting was over, I think they all pretty much were on board to do it.

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1 I'm -- I'm not hearing opposition to it now. And Mr.  
2 Kelley and Mr. Carver are wholly in support of that and  
3 all of the other regulations including -- and  
4 particularly including the accessibility.

5 One thing that Mr. Kelley will testify  
6 about tonight -- or Mr. Carver -- the -- there has been  
7 an interest in the city about working on sidewalks to  
8 our park. And Mr. Kelley and Mr. Carver have been very  
9 interested in those discussions. And they -- they were  
10 talking about that on the way over.

11 They're going to sidewalk -- assuming  
12 that you approve their development, they're going to  
13 sidewalk their portion of it, but they are also  
14 interested in trying to find ways to get the remainder  
15 of that area all the way to the park -- they're talking  
16 about ways to help facilitate getting that done, because  
17 they think not only will it help Franklin, but it will  
18 help their development if we can make that a trail,  
19 as -- as City Manager Powell mentioned earlier for  
20 people of this community to -- to walk to our park. And  
21 our park does also have trails in it. So it would make  
22 quite a walking opportunity for those who want to walk  
23 or bike.

24 But without further explanation, I'd like  
25 to call Mr. Kelley and let him start off and then

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1 we'll -- we'll go from there to presenting testimony  
2 from our engineer and also from a real estate agent and  
3 then from Mr. Powell and, finally, from Mayor Dixon.

4 (Off the record)

5 \*\*\* \*\*

6 KENT KELLEY, being first duly sworn, gave  
7 the following answers in response to questions  
8 propounded to him.

# EXAMINATION

11 BY MR. CROCKER:

12 Q. So if you'll state your name.

13 A. Kent Kelley.

14 Q. And before we start, I want you to show  
15 them your mask because I think it is the best -- the  
16 best Coronavirus mask I have seen anywhere in the  
17 community.

18 A. I just took it off.

19 Q. You can't beat that, can you?

20 Thank you.

21 So I'm sorry for that. I just couldn't  
22 pass that up.

23 MADAM CHAIRPERSON: It's good.

24 Q. Mr. Kelley, tell the -- the board who you  
25 are and where you're from and what kind of businesses

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1 you're engaged in.

2 A. Born and raised Simpson County all my  
3 life. A farmer most of the life. Been in the warehouse  
4 business probably pushing forty years. Remodeled  
5 probably twelve buildings on the square. Buy and  
6 remodel houses.

7 Q. And is -- is your pretty regular business  
8 partner Mr. David Carter who's seated directly behind  
9 me?

10 A. It is.

11 Q. And have you all worked together on most  
12 of these projects in one way or another?

13 A. We have.

14 Q. And tell the board about your interest in  
15 the Merrill Hammons property and how long you've been  
16 interested and --

17 A. I've been looking at it probably twenty  
18 years and inquiring and -- and it just happen to come up  
19 and timing worked out to where we could work something  
20 out on it.

21 Q. Why did you find that to be an  
22 interesting property in this community?

23 A. Where it was located, the way it was  
24 zoned. It's -- I really -- I really don't think it's  
25 suited for warehouse business -- or warehouses now

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1 because of where it's actually located in town.

2 Q. And tell the board why you -- so it's  
3 currently zoned mostly I-2 and --

4 A. It is.

5 Q. -- partially I-1?

6 A. It is.

7 Q. Is that right?

8 A. It is.

9 Q. And why do you think that's not the best  
10 for warehousing? You're in that business, so --

11 A. It's way better out at the interstate  
12 where the industrial park is. It -- working with the  
13 I.B.A. is -- the Industrial Authority's great. Access  
14 to it is just not the best. Coming up the hill there at  
15 Wendy's, it's -- it's -- that's not the best for that, I  
16 don't feel like.

17 Q. And is the railroad track somewhat of an  
18 impediment, too?

19 A. It is. It is.

20 Q. Now, you mentioned out at the industrial  
21 park. Are you referring to the Henderson Industrial  
22 Park out off --

23 A. Yes.

24 Q. -- Exit 6?

25 A. Six, uh-huh.

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Q. And as far as that park is concerned, do you and David have business ventures going on out there?

A. Yes, sir.

Q. Tell the board just a little bit about that.

A. We've just completed building five. We've got four more on the way. The last three that we sold is bringing in three hundred jobs. And there's a -- definitely a house shortage.

Q. So you're saying at least three hundred new --

A. In the --

Q. -- jobs from those?

A. Yes, in the last three buildings. And that's been in fourteen months.

Q. And you have four more coming?

A. Yes.

Q. Okay. Is -- tell the -- tell the board a little bit about this particular property and -- and how you envisioned it being developed and why you've requested R1-S zoning.

A. Well, I'm not one to take land out of agriculture, but it's coming. This is in town. It's where it needs to be. And I've talked to the city officials about how they like where it's at. It's more

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suited for houses rather than industrial. It just -- it -- it fits. It fits.

Q. What about the utilities on this particular property?

A. All the --

Q. Particularly, I want to ask about the sewer line.

A. The sewer line is -- is around and goes through the property. We've got it laid out to where it will be at a city street. It -- it will work out perfect.

Q. Is that the major trunk line that goes directly to the sewer plant from there?

A. It -- it is and less than two miles from the plant.

Q. Okay. And are the other utilities all available --

A. All available.

Q. -- on site --

A. Uh-huh.

Q. -- including water -- water, electricity --

A. In this.

Q. -- and internet?

A. Uh-huh. Internet, uh-huh.

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Q. Have you made an inquiry among builders as to -- as far as to what the buyers are looking for? We've had this big discussion about R1 and R1-S here. And you have probably been privy to most of those discussions, but tell -- tell the board what you're hearing from builders as far as what the market is looking for.

A. I didn't have to go to the builders. They came to us. They're all excited that we're going to have a project. They say R1-S is by far better affordable housing. It's -- times are changing and -- and that's what it's going towards.

Q. Can you tell the board the type -- maybe compare it to another subdivision in the community and, maybe, a price range of what you might be looking at?

A. Lexington Place.

Q. Okay. And -- and what kind of a price range do you think -- are you hoping those houses might come in? I know things are in flux now, but --

A. It is. Two twenty-five, two fifty.

Q. Okay. And that would be depending on, I guess, who built it and how --

A. Exactly.

Q. -- it were?

A. Exactly.

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Q. Do you intend that some of your family --

A. Yes.

Q. -- or some of David's family build --

A. Yes.

Q. -- some of the houses --

A. Yes.

Q. -- there and some be built by other developers --

A. Yes.

Q. -- by other builders?

A. Yes.

Q. We talked some about the sidewalks. And I don't want to make -- I don't want you to talk too much about it, but have -- as part of your discussion -- well, let me back up.

Have you vetted this with the city of Franklin?

A. Yes.

Q. And have you talked about all the utilities and their availability?

A. Yes.

Q. Have you also vetted it through Mr. Carter Munday with Planning and Zoning?

A. Yes.

Q. And have you -- have you addressed

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1 everything that was brought up?  
 2 A. Yes.  
 3 Q. And have you had some specific  
 4 discussions about -- with the city about the sidewalks?  
 5 A. Yes.  
 6 Q. And have you agreed that on your property  
 7 where it touches North Street you're going to build a  
 8 sidewalk?  
 9 A. We'll -- we'll install those.  
 10 Q. And have you and David also had some  
 11 discussions about other ways you might help facilitate  
 12 additional sidewalks --  
 13 A. Yes. We're --  
 14 Q. -- for the city?  
 15 A. We're -- we'd like to work with the city  
 16 about preplanning and helping any way we can.  
 17 Q. Is that something you've done with your  
 18 downtown buildings, too --  
 19 A. Yes.  
 20 Q. -- worked with the city?  
 21 A. Yes.  
 22 Q. And you've worked with the industrial  
 23 board on your industrial warehousing?  
 24 A. Yes.  
 25 Q. Okay. Do -- do you see any -- as far as

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1 the way this property lies, do you see any impediments  
 2 to developing it?  
 3 A. No.  
 4 Q. Now, there is a development that's going  
 5 in on Blackjack Road.  
 6 A. Uh-huh.  
 7 Q. Tell the -- tell the board how you see  
 8 that and how you see that as a potential aid to what  
 9 you're doing?  
 10 A. From my understanding, most of the new  
 11 subdivisions have to have an interconnecting so that  
 12 things build out -- you have to leave roads to access  
 13 that. And I think that's already been planned on the  
 14 one on Blackjack Road. And that's -- that's our plans  
 15 to have other avenues to connect -- connect future --  
 16 Q. Are you trying to work on access to  
 17 access through the Blackjack Road subdivision?  
 18 A. We are.  
 19 Q. At some time in the future --  
 20 A. Yes.  
 21 Q. -- you hope to be back before this board  
 22 on that at some point?  
 23 A. We do.  
 24 Q. And if you were able to do that, there  
 25 would be multiple ways in and out --

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1 A. Yes.  
 2 Q. -- north and south --  
 3 A. Yes.  
 4 Q. -- I guess, and east and west?  
 5 A. Yes.  
 6 Q. Okay. And the North Street, is that a  
 7 state highway?  
 8 A. Yes.  
 9 Q. Okay. And so your access, that will be  
 10 approved by the state?  
 11 A. Yes.  
 12 Q. And -- and -- ultimately.  
 13 Do -- there is a waterway that runs down  
 14 this property.  
 15 A. Uh-huh.  
 16 Q. Have you all discussed that waterway?  
 17 A. Yes. We're --  
 18 Q. Is it your intention to leave that water  
 19 and maintain it?  
 20 A. By all means. Yes. We work good with  
 21 the -- the city on all of the drainages in any of the  
 22 projects we've done.  
 23 Q. And you've been farming for a year or  
 24 two?  
 25 A. Yes, sir.

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1 Q. And do you have some experience with  
 2 waterways and maintaining them and --  
 3 A. Yes, sir.  
 4 Q. -- and what you do to do that?  
 5 A. Uh-huh.  
 6 Q. Okay. And is there anything else that  
 7 you feel that is important to tell the board about this  
 8 particular project that you think would be important for  
 9 them to know?  
 10 A. I feel like it will help our community  
 11 grow. And we're going to. The jobs keep coming. We --  
 12 we have to be diligent in planning. And I think this is  
 13 a good fit for additional housing.  
 14 Q. Have you brought other residential  
 15 developments before the board to do subdivisions?  
 16 A. I'm trying to think, Tim.  
 17 Q. What -- what I'm getting at is, your --  
 18 you've -- you've gotten into the -- your interest in the  
 19 development of this residential property is resultant  
 20 from your belief that this is suitable for that  
 21 purpose --  
 22 A. Yes. Yes.  
 23 Q. -- not --  
 24 A. Yes.  
 25 Q. -- because you were looking --

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A. Uh-huh.

Q. -- necessarily for that?

A. Yeah. Yeah, no. No. By all means, it's -- it's more suitable for housing.

Q. You do not believe it is most suitable for the industrial use, which it is currently zoned?

A. From my understanding, that was done twenty years ago when they were -- before there was an industrial park.

MADAM CHAIRPERSON: Uh-huh.

A. The Industrial Authority thought that that would be a good fit. Now it's been out by the interstate where it should be.

MR. CROCKER: I don't have any other questions. Thank you.

MADAM CHAIRPERSON: Mr. Kelley, I want to thank you very much for all the work you've done in Franklin --

MR. KELLEY: Thank you.

MADAM CHAIRPERSON: -- and Simpson County, and also, Mr. Carver. Thank you, very much.

I just have one thought. In regards to -- but you or Mr. Carver, one, will probably oversee some of the building --

MR. KELLEY: Oh, yes, ma'am. Yes, ma'am.

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MADAM CHAIRPERSON: -- in the early changes, I trust?

MR. KELLEY: Yes, ma'am.

MADAM CHAIRPERSON: Okay. Thank you, very much.

MR. KELLEY: Okay.

MADAM CHAIRPERSON: Questions for Mr. Kelley?

MR. TYLER: How many plots do you have here, roughly?

MR. KELLEY: We're talking around two fifty, two sixty.

MR. TYLER: And at least, for the moment, it all empties out on North Street?

MR. KELLEY: Yes, sir, for the moment.

MR. TYLER: So that road is not a -- it's not a big road. And you talk about the -- right now it being industrial, the trucks coming up that hill there by Wendy's. So, you know, if you have, what, two hundred -- you know, it's five hundred extra cars coming up that road and emptying out on 31-W right there, do you all consider that a concern for --

MR. KELLEY: I feel like most will go 1008 to circle around to the -- their plants and their factories and places they work.

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MR. TYLER: But I mean, that's -- I -- I drove around it. I'm -- so I'm not from Franklin.

MR. KELLEY: Yeah.

MR. TYLER: I moved here several years ago. And that's sort of out of the way for a lot, too. I mean, I don't know. It's -- but it -- that hill, where it was bad for -- for, you know, industrial use, it seems it would be times two-hundred-and-fifty worse putting all those cars going up the hill and traffic with the railroad right there stopping.

MR. KELLEY: Well --

MR. TYLER: You know -- you know, and the road is not -- there's -- the sight lines on it are -- they're pretty good right where you're talking about.

MR. KELLEY: Uh-huh.

MR. TYLER: But there's some bad sight lines there --

MR. KELLEY: Uh-huh.

MR. TYLER: -- coming in and -- and bringing all the heavy equipment in through that road, it just seems like a lot --

MR. KELLEY: The heavy equipment for construction --

MR. TYLER: For construction.

MR. KELLEY: -- you're talking about?

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MR. TYLER: Yeah. You're going to have to build all that stuff in there and, you know, it --

MR. KELLEY: Most of it will be brought in one time and the construction should continue. It shouldn't be in and out a lot.

Me, personally, I think cars would be a lot less invasive than tractor-trailers.

MR. TYLER: I don't know if, you know, one tractor-trailer versus, what, five-hundred-plus cars in there after it got developed and then all emptying out -- until you maybe get another entrance somewhere else, everything's going to come out -- so for all those people, one entrance right there on a smaller road?

MR. KELLEY: Okay. Let's compare something. The last project was going to be four hundred people working in a warehouse. So if you -- you could have more trucks and cars coming out from industrial than you could for subdivisions. That -- that -- that's a thought.

MR. TYLER: Could be. Could be. I agree with you there.

MADAM CHAIRPERSON: And at the same time, almost, as people get on and off work.

MR. TYLER: But it just seems an awful lot. That road is not -- I'm no expert.

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1 MR. KELLEY: It's -- it's a -- it's  
2 a state road.  
3 MR. TYLER: But I -- I sort of drove the  
4 road.  
5 MR. KELLEY: It's a state road and -- and  
6 maintained well.  
7 MR. TYLER: You know, and then I drove it  
8 at speed and then I drove it really fast and then I  
9 drove it really slow. And I tried to see where all the  
10 sight lines were. It -- it seemed bad to me.  
11 MR. KELLEY: And it's not --  
12 MR. TYLER: And that coming off that  
13 hill, coming down -- so I used to drive an Audi -- not  
14 that that matters to anything, you know -- I would come  
15 down that hill and I scraped my car on it. I -- it's  
16 sort of bad right there, and coming up that hill and  
17 traffic with that, it just --  
18 MR. KELLEY: Our intention's before  
19 there's two hundred and fifty houses in there, there  
20 will be multiple outlets. I promise.  
21 MR. TYLER: But we don't know that.  
22 MR. KELLEY: I promise.  
23 MR. TYLER: If it's -- it's in the  
24 future, we're not talking about it right now. We don't  
25 know. Possibly maybe. We'd like to see that. But as

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1 of the start, it's just going to be one entrance?  
2 MR. KELLEY: Yes.  
3 MR. TYLER: And that could be, I don't  
4 know, just --  
5 MR. KELLEY: And this will take three to  
6 five years to build out, so it's not like we're going to  
7 throw five hundred cars out there tomorrow.  
8 MR. TYLER: I -- I understand it. But,  
9 you know, so much more traffic. They're going to be  
10 going that way because that's where all the food is and  
11 that's where -- everybody likes Wendy's, you know.  
12 MADAM CHAIRPERSON: I don't.  
13 MR. TYLER: They have to go down there.  
14 And then the track coming through it.  
15 I thought the land, where it was and  
16 everything, was fine, but access to it, I thought was  
17 horrific for that many people living out there.  
18 I can't say if there's a factory or  
19 warehouse out there now or how many people, I don't --  
20 but I do know that that's a lot of cars and a lot of  
21 people and a lot -- and for one entrance down that road,  
22 it seems a little much to me.  
23 And R1-S, I'm not a fan of it, you know,  
24 that high density kind of thing, so -- but you seem to  
25 think that's not a problem?

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1 MR. CROCKER: Could I ask --  
2 MR. TYLER: You don't anticipate a  
3 problem?  
4 MR. CROCKER: What is the distance from  
5 that location to our -- our Highway 1008 that  
6 three-quarters-of-the-way circles the city?  
7 MR. KELLEY: I haven't measured it, but I  
8 would say a mile.  
9 MR. CROCKER: A mile?  
10 MR. KELLEY: Uh-huh.  
11 MR. TYLER: Do you think it's closer to  
12 that than it is to 31-W? I don't know. I do not know.  
13 It just --  
14 MR. CROCKER: I just think that you're  
15 going to have people use the 1008 if there's a problem  
16 at the bottom of the hill. They won't otherwise.  
17 They're going -- they're going to go the other way.  
18 MR. TYLER: Right. I think around in  
19 there there will be a problem with the train or traffic,  
20 it -- it -- there's no place to turn around.  
21 It's just a lot -- it's a lot of traffic  
22 for 31. Right? That's a small area. And I travel it  
23 all the time. There's --  
24 MR. KELLEY: Most will go to 1008.  
25 MR. TYLER: Well, I wouldn't -- I get

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1 backed up there all the time, so I know there are people  
2 there. I never get backed up on 1008, but then,  
3 again --  
4 MR. KELLEY: That's the reason they go  
5 1008.  
6 MR. TYLER: Yeah. But it's a lot of  
7 traffic. It's excessive. To me, in my opinion, driving  
8 it -- you know, I've spent a couple hours driving around  
9 just seeing what I could make of it, because it just  
10 seems like an excessive amount of traffic for that --  
11 you know, and another way in and out or out the back or  
12 someplace.  
13 And that hill coming down, and it's icy  
14 and, you know, everybody's going to work and I know  
15 they'll probably head out the other way, but, of course,  
16 not everybody will, it seems excessive.  
17 MR. MUNDAY: Counsel, to answer your  
18 question, it's point-seven-four mile. Not even a mile.  
19 MR. CROCKER: Point-seven-four miles?  
20 MR. MUNDAY: Point-seven-four, it's not  
21 even a mile.  
22 MR. CROCKER: Less than a mile?  
23 MR. MUNDAY: Yeah.  
24 MADAM CHAIRPERSON: Three-quarters of a  
25 mile.

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MR. CROCKER: Did you measure that on your computer there?

MR. MUNDAY: I just measured right here.

MR. CROCKER: Impressive.

MADAM CHAIRPERSON: Anything else for Mr. Kelley?

Thank you, Mr. Kelley.

Who do you have up next?

MR. CROCKER: Jason Baker.

MADAM CHAIRPERSON: Okay.

MR. LINK: Just a minute, she's going to swear you in.

MR. CROCKER: Jason Baker, that's easy to spell.

MR. BAKER: Yeah.

MADAM CHAIRPERSON: We're going to take a two minute break while he's --

MR. BAKER: Okay.

MADAM CHAIRPERSON: -- being sworn in.

(Off the record)

\*\*\*      \*\*\*      \*\*\*

JASON BAKER, being first duly sworn, gave the following answers in response to questions propounded to him.

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A. I have.

Q. As part of that task, have you been and looked at the property on North Street?

A. Yes, sir.

Q. And tell the board a little bit about this property.

A. So -- so when we go into a project like this, we like to look at the -- the lay of the land. We like to look at existing site features that should be worked around. We like to look at utilities that are -- that are -- that exist. That benefits the whole project.

In looking at -- some of those features are expensive to move, quite frankly, you know. But a lot of cases, with especially the natural drainage features, we always try to work around those. It's always in your best interest. Mother nature's put it there, and that's where it needs to be, in most cases.

So this particular project has a drainage path across the project. And like Mr. Kelley mentioned, we will be maintaining that, building along side that. For the most part, that -- that drainage ditch ends up in the -- in the backyard -- or not in the backyard, along the back lot lines of -- of some of the lots.

This is a concept plan. We have laid it

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MADAM CHAIRPERSON: You may proceed, thank you.

Mr. Crocker, we're ready if you are.

EXAMINATION

BY MR. CROCKER:

Q. Mr. Baker, could you, please, tell the board your name and what you do?

A. Okay. Thanks for -- glad to be here.

My name's Jason Baker. I'm from Owensboro, Kentucky, done -- I do civil engineering site design for both -- for commercial, industrial, and residential subdivisions.

We've done work all over western Kentucky, Indiana, and have a lot of different types of projects, different sizes of projects, you know, ranging from ten or fifteen lots to over five hundred lots. So we have a range of projects. We work, also, in karst areas, non-karst areas, those sorts of things.

I've been doing this a little over twenty years, and our firm's been in business for over thirty.

Q. Are you a professional engineer?

A. I am.

Q. And have you been retained by Mr. Carver and Mr. Kelley to assist in a layout and development of the property on North Street?

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out to kind of illustrate, you know, what can fit in there and how we would work around those existing features. On the copy you got --

MR. BAKER: Did they get colored copies?

MR. CROCKER: They did.

(Whereupon Hammons Exhibit A was duly received, marked for identification, and filed herewith as part hereof.)

A. Okay. On the colored copies, there's a kind of a light green dash. That illustrates where -- approximately where the existing sanitary/sewer line is. So that's an existing thirty inch sanitary/sewer line. And then other sewer lines extend along the -- along the east side of the property -- or no, I'm sorry, the west side of the property and then along North Street. There's -- all the other utilities are out along North Street.

And the property lays -- lays really well; generally slopes back toward the ditch, and -- and the backside slopes toward the ditch inward. So generally, the property just lays really good. It's in a -- it's in a good area. And I would -- I would echo it being a good fit for the area just from the proximity of things around it.

Q. And is there a railroad track there on the west side of the property?

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1 A. There is.

2 Q. It's sort of back, sort of makes a

3 boundary?

4 A. Uh-huh.

5 Q. Okay. And you may have said this while I

6 was passing things out, but is the waterway something

7 you can work with?

8 A. Yes.

9 Q. And --

10 A. And our intent would be to be -- to have

11 as minimal impact on that as possible. We would cross

12 it in two locations, and other than that, we would try

13 to leave that waterway intact and have very minimal

14 impact on it.

15 Q. And has -- Mr. Kelley and Mr. Carver,

16 through their representatives, have they -- have they

17 advised you to stub out to where there can be a road

18 that goes towards the Blackjack Road?

19 A. Yes, sir. And we -- we do this on most

20 the projects we -- we get involved in. Providing an

21 extension to adjacent properties is a common thing that

22 happens.

23 This particular layout has a stub to

24 the -- to the east, to the north, and to another small

25 tract on the west side.

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1 Q. And so just to address a concern that was

2 raised earlier, in addition to the Highway 1008 --

3 A. Uh-huh.

4 Q. -- as -- as traffic exits this location,

5 it is a very short distance to the Blackjack Road; isn't

6 it?

7 A. It is. Uh-huh.

8 Q. And so if -- if traffic was going to go

9 to the north exiting this property, it could turn left

10 exiting, and then left again on the Blackjack Road, go

11 out and hit 1008, and then immediately onto 31-W?

12 A. Yes.

13 Q. Okay. If traffic was going to go south,

14 it would exit -- it could exit -- it could exit to the

15 left and turn right on 1008 and that would be the

16 quickest way to get to the south part of the county, as

17 well; right?

18 A. I believe so. Yeah.

19 Q. Okay. You've -- you've developed a lot

20 of subdivisions; is that correct?

21 A. That's correct.

22 Q. Do you see any impediment or anything

23 that would -- would cause problems to anybody in this

24 neighborhood?

25 A. I do not.

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1 Q. Have you viewed the sight distances as

2 they might -- I understand you haven't done a traffic

3 study or anything --

4 A. Uh-huh.

5 Q. -- but have you looked at the sight

6 distances in --

7 A. Yes. That's one of the things we look at

8 with -- with any site development. We -- we try to

9 position the entrance to the site such that it's ideally

10 located to provide sight distance in both directions.

11 And based on our evaluation, we believe this does.

12 Q. How important to you is it that this

13 is -- when -- when you put in a subdivision that it

14 be -- it have access to a state highway?

15 A. It's -- it's important. It provides --

16 the state provides the -- of course, maintenance is

17 always a value to live on a state route. The snow

18 removal, things like -- things like that is -- typically

19 be good.

20 But they also require what's called

21 encroachment permit. They evaluate the -- the access to

22 any state route, so as -- as we are designing the

23 entrance into the subdivision, we will be involved with

24 their agency to -- they will review what we do and

25 provide comments, if necessary.

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1 We've -- we have -- we've designed

2 many -- many of these subdivisions on state routes and

3 so have a vast experience in that.

4 Q. So so far as the traffic -- the

5 regulation of the traffic is concerned, that would be

6 something that the state would regulate, not the city,

7 the county, or any other local entity; is that true?

8 A. Yeah. Normally, if there's a capacity

9 issue on a state route, that's something that the state

10 would normally be -- have a plan to address.

11 I don't know with this particular case if

12 the intersection you're talking about is on one of those

13 lists, but it would normally be -- that would be

14 normally how the state would operate.

15 Q. The state would address that if it

16 were --

17 A. Yes. They would address this one.

18 Q. Okay. Is there anything else that you

19 believe is important to tell this board about this

20 particular development that you have laid out and had --

21 have proposed the development involved?

22 A. I don't have anything to add.

23 MR. CROCKER: Thank you. I don't have

24 any other questions.

25 MADAM CHAIRPERSON: Does the board have

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1 any questions for Mr. Baker?

2 MR. TYLER: The ditch line, is that where  
3 the waterway is you're talking about?

4 MR. BAKER: Yes, sir.

5 MR. TYLER: So that's where all the water  
6 drains to?

7 MR. BAKER: Uh-huh.

8 MR. TYLER: But it crosses two of your  
9 roads. Any chance of all -- any of that flooding?

10 MR. BAKER: No. We would -- we would  
11 design those culvert crossings with -- we typically  
12 would use a fifty year storm return period for that, for  
13 the culvert sizing. So we would not -- we don't want  
14 any flooding in this -- in any of our subdivisions.

15 MR. WILSON: I was just -- of course,  
16 he's been talking about the traffic deal, but I know  
17 it's not -- you're not capable of doing it now with the  
18 way it's constructed, but where you come in by  
19 McDonald's and through by Stark Trussing -- Truss is,  
20 there's a crossing there, and it looks like it joins the  
21 back north corner there of the property, I'm just  
22 wondering if that would be -- that might be something  
23 you might look at.

24 Of course, it would have -- the road  
25 would have to be widened and you'd have to put in a

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1 railroad -- a better railroad crossing there, but it --  
2 it would be a way to get out, another exit to get out of  
3 the subdivision.

4 MR. BAKER: Okay.

5 MR. WILSON: I didn't know if that's  
6 anything you all had looked at. It's back there on that  
7 back right corner.

8 MR. BAKER: I see that. We have not --  
9 we have not evaluated that.

10 MR. WILSON: I mean, I think there's a  
11 crossing there. It's not very big -- on the railroad  
12 track, but, of course, that road would have to be  
13 widened going down by McDonald's, but that could be  
14 something you might want to look at, possibly, if it  
15 passes.

16 MR. BAKER: So just in my experience on  
17 other subdivisions, it's not uncommon that we design a  
18 subdivision with single access on the front end. It's  
19 very important that you guys are, as a board, you know,  
20 pushing for these stubs to other properties, because  
21 that's typically -- when development occurs, that's  
22 typically how -- how those stubs and interconnections  
23 happen is through providing stubs to those other --  
24 other locations.

25 So it's -- it's a -- just pointing out,

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1 it's kind of a common -- common issue to contemplate at  
2 your alls level here as to access, but I can tell you,  
3 in my experience, I've designed many subdivisions with  
4 more lots than this that have had a single access day  
5 one.

6 MR. TYLER: This -- this stub you're  
7 talking about, would empty to another subdivision?

8 MR. BAKER: Well, the idea would be from  
9 a land-planning standpoint that, ultimately, this  
10 interconnects to other streets.

11 MR. TYLER: Other -- other streets?

12 MR. BAKER: Yeah.

13 MR. TYLER: But not -- there's not  
14 another subdivision right here. You're saying that this  
15 would be a road that would go directly to --

16 MR. CROCKER: There is a subdivision  
17 there.

18 MR. TYLER: So you'd just be putting  
19 your --

20 MR. CROCKER: That's the intention.  
21 It's been -- there's an approved -- well, I may have  
22 that wrong. It's been -- it's been zoned R1. I don't  
23 know if there's a development plan, but you all should  
24 expect to receive something on that soon.

25 MR. TYLER: On the subdivision over here?

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1 MR. CROCKER: Yes, sir.

2 MR. WILSON: So then if you stub that,  
3 then you're -- you would be taking all this traffic and  
4 also routing it through another subdivision.

5 MR. CROCKER: It would -- what it would  
6 do is it would give an additional in-location. It would  
7 Blackjack Road.

8 MR. TYLER: But it -- but you say it  
9 would go through another subdivision before it got to  
10 Blackjack Road.

11 MR. CROCKER: In fact, it would go  
12 through two.

13 MR. TYLER: Okay. So then you're just  
14 making another problem. If you stub -- if you got two  
15 and they're R1 with bigger lots, then you've got a lot  
16 more traffic going through another two subdivisions  
17 before it empties out.

18 MR. CROCKER: The reason --

19 MR. WILSON: One of them is already R1-S.

20 MR. CROCKER: The reason for the --

21 MR. WILSON: One of them is already R1-S.

22 MR. TYLER: But one of them's R1, too;  
23 right?

24 MR. CROCKER: Right.

25 MR. TYLER: Well, what I'm saying, is

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1 that true or not?

2 MR. CROCKER: The reason for the  
3 interconnectivity is -- what Mr. Kelley said, is people  
4 will go where the traffic isn't. And the  
5 interconnectivity facilitates people's use of the lesser  
6 used property so it does even things out. So the more  
7 connectivity we have, people are going to find the  
8 easiest, less-traffic route to go and the quickest way  
9 to get to where they're going.

10 MADAM CHAIRPERSON: You're saying  
11 there -- there's more than one way to the high school  
12 from here.

13 MR. CROCKER: That's what we're  
14 putting --

15 MADAM CHAIRPERSON: We can figure out how  
16 to get there if College is backed up.

17 MR. TYLER: But you're putting traffic --  
18 you have one way in and out, so if that way is blocked,  
19 you can't get out, because you're back here.

20 If you vent traffic out to another  
21 subdivision, you're giving them another way out, but  
22 you're also putting, you know, two -- five hundred cars  
23 that can go through two more subdivisions, in housing  
24 area. So you're -- you're venting -- you're not venting  
25 them onto another road -- or major road, you're venting

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1 more traffic out to two more residential subdivisions.

2 MR. CROCKER: Well, ultimately, it will  
3 go to Blackjack Road.

4 MR. TYLER: But it would go through the  
5 two subdivisions.

6 MR. CROCKER: Certainly.

7 MR. TYLER: Right. So -- so --

8 MR. CROCKER: And that connectivity,  
9 thought, will give people the opportunity to look for  
10 the lesser traveled way. And that's what -- that's what  
11 the purpose --

12 MR. TYLER: But the lesser traveled way  
13 would go through two more subdivisions.

14 MR. CROCKER: If it turned out to be the  
15 lesser traveled way. It may turn out to be that most  
16 people take 1008 around. I think that's the likely  
17 scenario.

18 MR. TYLER: Okay.

19 MR. CROCKER: But --

20 MR. TYLER: But the likely scenario  
21 probably is everyone going 31W to go to Wendy's or --

22 MR. CROCKER: If they're heading to  
23 Wendy's, that's the way they're going.

24 MR. TYLER: Well --

25 MR. CROCKER: If they're hungry for a --

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1 for a double cheese, they're going that way. But -- but  
2 if they're --

3 MR. SLIGER: It's the choice of the  
4 driver which way they're going to go when they're  
5 exiting that --

6 MR. CROCKER: Yes, sir. Thank you for  
7 that.

8 MR. BAKER: One other -- one other  
9 important thing that, you know, you're, again,  
10 contemplating here -- Mr. Kelley mentioned that the  
11 traffic count -- the traffic distribution for an  
12 industrial use and a warehouse use, depending on what it  
13 could be -- it could be either in the zoning, is my  
14 understanding -- the peak traffic flow of that type of  
15 use is always going to be higher than a residential use.  
16 Residential -- residential use or the residential  
17 subdivisions have a more even distribution of trip --

18 MR. TYLER: Yeah.

19 MR. BAKER: -- trips throughout --

20 MR. TYLER: But there's not kids and  
21 bikes. And you just said that this land, you know,  
22 people would not probably want to build warehouses here  
23 because out by the interstate was a much better place  
24 for them. So there may not even be one here.

25 MR. BAKER: But it's zoned for that;

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1 right?

2 MR. TYLER: And, you know --

3 MR. MUNDAY: Yeah.

4 MR. BAKER: I'm just -- just pointing  
5 that out. That's a --

6 MR. TYLER: I understand, but I'm just  
7 saying that that argument's sort of -- but I would --  
8 you know, having a truck come through here, but having a  
9 bunch of kids and bikes and -- and you know, that's --  
10 it's a whole different --

11 MR. BAKER: Yeah.

12 MR. TYLER: -- bunch of cars going over  
13 railroad tracks, you know, go to, you know -- that's  
14 what I'm saying.

15 I wouldn't want to -- I would not -- if I  
16 was in a subdivision over here and you stubbed onto me,  
17 I would probably be irate, because you're trying to send  
18 a bunch more traffic through my subdivision to get out  
19 to a main road instead of coming out on a main road and  
20 going on.

21 MR. BAKER: Yeah. In a lot of places we  
22 work in, most of the street infrastructure gets built by  
23 the development. So -- and the only point I'm making  
24 there is -- is as a -- you're talking about this street  
25 versus that street, they all become public streets.

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1 They're all, again, a means of paring the traffic  
2 through from point A to point B, wherever folks are  
3 going.

4 So my -- my point is that in -- in most  
5 scenarios, development is building these new ways for --  
6 for persons to -- additional options to get from A to B.  
7 And --

8 MR. TYLER: But you're not giving them  
9 more options on the main road, you're giving them more  
10 options about the residential area.

11 MR. BAKER: Right. Well -- and then,  
12 again, most --

13 MR. TYLER: Which is not -- because it's  
14 not a good thing. I mean, I would rather -- I think  
15 anybody would rather the traffic be on a main road  
16 instead of kids in -- you know, and stuff like that.

17 MR. SLIGER: May I say something?

18 This meeting is a zone-change meeting.

19 MR. BAKER: Uh-huh.

20 MR. SLIGER: It's all about a  
21 subdivision. It's what they want to use it for. It's  
22 eighty-two acres zoned I-1 and Heavy Industry, is that  
23 the -- suitable for this land. And it's -- it's not  
24 about traffic and --

25 MR. TYLER: But I think there is --

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1 MR. SLIGER: Eighty-two acres that have  
2 ten-acre tracts of factories, you could have eight  
3 factories there with three hundred people each working  
4 at it. I mean, that's what capable of being put there  
5 now.

6 MR. TYLER: True, but they probably  
7 wouldn't be driving down this road to --

8 MR. SLIGER: But anyway, it's a  
9 zone-change hearing.

10 MADAM CHAIRPERSON: Okay. Thank you,  
11 both, gentlemen.

12 Okay. Do we have any further questions  
13 for Mr. --

14 MR. BAKER: Baker.

15 MADAM CHAIRPERSON: -- Baker?

16 Okay. I did see a hand in the back, but  
17 we will open it up to the public in just a few  
18 minutes -- unless you're here with the presentation.  
19 Thank you, very much. Okay?

20 Thank you, Mr. Baker.

21 MR. CROCKER: Jeff Britt.

22 MADAM CHAIRPERSON: Yes, Mr. Crocker.

23 And Mr. Britt? Okay.

24 MR. CROCKER: If you'll be sworn, Jeff --  
25

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1 \*\*\* \*\*  
2 JEFF BRITT, being first duly sworn, gave  
3 the following answers in response to questions  
4 propounded to him.

#### 5 EXAMINATION

6 BY MR. CROCKER:

7 Q. Jeff, please, tell the board your name  
8 and what you do.

9 A. I'm Jeff Britt. I'm a realtor. I hope  
10 everybody knows that. It's in here already. But I've  
11 been selling real estate for going on twenty years here  
12 in -- here in this town. So --

13 Q. Were you born and raised here?

14 A. I was.

15 Q. Are you familiar with the community?

16 A. Very much.

17 Q. Are you familiar with North Street?

18 A. That's where I grew up.

19 Q. And are you familiar with the real estate  
20 market in this community?

21 A. I hope so. Yes, sir.

22 Q. One thing I would like to ask you before  
23 we start, do you monitor the number of houses that are  
24 for sale and not under contract in this community from  
25 week to week?

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1 A. Day to day.

2 Q. And tell the -- tell the board what those  
3 numbers have shown in recent weeks.

4 A. Well, just today, I -- well, I just  
5 looked five minutes ago. There's -- there's eighteen  
6 houses in Simpson County that's for sale. And that's  
7 everywhere from seven hundred thousand down to  
8 forty-nine thousand. So --

9 Q. And --

10 A. -- there's not a big variety.

11 Q. And before recent times, what kind of  
12 a -- numbers were you seeing of houses for sale?

13 A. Five years ago, eighty to a  
14 hundred-and-twenty houses available.

15 Q. So it's fair to say that it's a seller's  
16 market today?

17 A. Very much.

18 Q. And are there a lot of people that are  
19 contacting you looking for houses and can't find any?

20 A. Yes, sir.

21 Q. What kind of housing are today's buyers  
22 looking for?

23 A. It's already been stated; the -- the  
24 smaller lots, the nicer houses. Everybody likes the  
25 fancy things in the houses; the granite, the tile, the

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1 hardwood. They want to dress it up, but they don't want  
2 to mow the yard.

3 Q. Okay. You're -- the people, you're  
4 saying, are looking for the R1-S style --

5 A. Yes.

6 Q. -- houses?

7 Okay. So let me ask you. You've heard  
8 the testimony about this proposed map amendment or  
9 rezoning --

10 A. Right.

11 Q. -- tonight.

12 And is -- do you believe that's  
13 consistent with the Comprehensive Plan?

14 A. I sure do.

15 Q. And is that because the Comprehensive  
16 Plan contemplates the growth of residential land and the  
17 need for future residential development?

18 A. I sure do. Especially, where this is at.

19 Q. Is it accurate that the Comprehensive  
20 Plan identifies single-family dwellings as the largest  
21 number of dwelling units in Franklin?

22 A. Yes.

23 Q. Is another consistency that the  
24 Comprehensive Plan identifies one of its goals as  
25 encouraging the development of diversified supply of

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1 safe, decent, and affordable standard housing?

2 A. I sure -- I think that's what Kent and  
3 David have already stated.

4 Q. Is it -- it is also consistent with the  
5 Comprehensive Plan because the plan encourages  
6 residential developments to have an interconnected  
7 network of streets and be connected to the full range of  
8 infrastructure, such as this sewer line?

9 A. Yes. And -- and also, I think having the  
10 connected streets has more plusses than being able to  
11 get out of traffic. It also is beneficial for the fire  
12 department, for the police departments, and other things  
13 to get to these properties if they have to get to them.

14 Q. Now, do you believe that the original  
15 classification -- or zoning classification of I-1 and  
16 I-2 is appropriate for this particular property?

17 A. No. I sure don't.

18 Q. Is that because the property that  
19 surrounds it is largely residential?

20 A. Yes. I mean --

21 Q. Is that because it's close to downtown?

22 A. Yes.

23 Q. Is that because it is close to our  
24 community park?

25 A. Yeah.

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1 Q. Do you believe that amending the original  
2 zoning classification from I-1 and I-2 to R1-S will be  
3 consistent and bring this property into conformity with  
4 the Comprehensive Plan?

5 A. I sure do.

6 Q. Do you believe this area is suited for  
7 big trucks?

8 A. No. I -- I grew up over there, like I  
9 said. And, you know, 1008 is for trucks. North Street  
10 is not.

11 Q. But is -- North Street, being a state  
12 highway, is it suitable for --

13 A. Very much so.

14 Q. -- for -- for automobile and --

15 A. Yeah.

16 Q. -- and -- and passenger --

17 A. Yes.

18 Q. -- truck --

19 A. Yeah.

20 Q. -- type traffic?

21 A. Yes.

22 Q. Is -- if this property were used for an  
23 industrial purpose, as it has currently been designated,  
24 and, of course, Mr. Carver and Mr. Kelley assert that  
25 was not an appropriate zoning and this is an appropriate

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1 zoning, but if it is -- was used for those purposes and  
2 if it did have people leaving work all at the same time,  
3 would that result in a greater strain on this highway  
4 than the proposed R1-S?

5 A. I -- I believe so. Yes.

6 Q. And are you familiar with the fact that  
7 Mr. Kelley and Mr. Carver are confident that they're  
8 going to have another exit out to Blackjack Road?

9 A. I do believe they'll do their --

10 Q. Okay.

11 A. -- best. Yes.

12 Q. Okay. Now, when the community passed our  
13 Comprehensive Plan in 2010, R1-S was not an available  
14 zoning then, was it?

15 A. Right.

16 Q. And inasmuch it is available now and  
17 inasmuch as the market you have described is seeking  
18 that type of housing, do you believe that is the  
19 appropriate zoning designation --

20 A. I do.

21 Q. -- for this property?

22 A. I do.

23 Q. Have there been major changes of an  
24 economic, physical, or social nature in this area that  
25 were not anticipated in the original Comprehensive Plan?

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1 Has there been a lot of growth?

2 A. Yes. I mean, and it's -- I mean, I tell  
3 everybody every day, there's people coming here from  
4 everywhere. And you know, they're looking for somewhere  
5 to go. And we don't have the places for them to go.  
6 And -- and these guys are building just as hard as they  
7 can go, but they're selling just as fast as they can get  
8 them built. So yes. We -- we need the -- we need this  
9 housing.

10 Q. And are the -- is the issue, the big  
11 social and economic issue, the -- the jobs that are  
12 present in this community? Is that -- is that what's  
13 led to the influx of people wanting houses?

14 A. Yes, partly. I mean, we -- and on top of  
15 that, we have a lot of people who live outside of this  
16 county that drive here every day. And I think there was  
17 a number was mentioned, but I'm not sure what that  
18 number was, but it's -- it's --

19 Q. That drive here to work?

20 A. Yeah, drive here --

21 Q. That's that five thousand two hundred --

22 A. Yeah.

23 Q. -- number that -- that come every day  
24 here?

25 A. Right. So, you know, those people could

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1 be living here, and they want to, but there's nowhere to  
2 come. Not all, of course, but --

3 MR. CROCKER: I think that's all the  
4 questions I have for Mr. Britt.

5 MADAM CHAIRPERSON: Thank you.

6 MR. CROCKER: Thank you.

7 MADAM CHAIRPERSON: Anyone have questions  
8 for Mr. Britt going forward?

9 Thank you, Mr. Jeff.

10 MR. CROCKER: I'd like to call Mr. Kenton  
11 Powell, please.

12 (Off the record)

13 \*\*\* \*\*

14 KENTON POWELL, being first duly sworn,  
15 gave the following answers in response to questions  
16 propounded to him.

# EXAMINATION

18 BY MR. CROCKER:

19 Q. Kenton, I know you're well known to this  
20 board, but if you could, please, state your name for the  
21 record.

22 A. Kenton Powell.

23 Q. And Kenton, you're the City Manager for  
24 the City of Franklin; is that correct?  
25

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1 A. Yes, sir.

2 Q. So we had talked some. And I mentioned  
3 in my opening and I think, perhaps, you mentioned some  
4 in your discussion, but over the last two years, have  
5 you taken upon yourself and as a city -- taken it on as  
6 a project to improve the subdivisions within the City of  
7 Franklin?

8 A. Yes. It's been several process -- I'm  
9 going to walk back five years ago. You see Carter  
10 Munday there. It started back then when we recognized  
11 we needed to bring him on board full time with  
12 electrical inspector, building inspector, and revamp  
13 that -- that process. And you can see the result of  
14 that.

15 Also, at the same time, we -- the city  
16 and county redid the -- the regulations, the zoning  
17 regulations. And we went in and did a data bot on that,  
18 as well, and the same time we did the cost for  
19 inspections and building permits. And we've been in a  
20 process of bringing things out that hasn't really been  
21 looked at for -- for years. This is -- was cut out to  
22 have a line.

23 And -- and then subdivision reg's was the  
24 one that we just passed. Thank you for doing that. And  
25 the other things that -- I'm just going to tell you

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1 what's on our docket is -- commercial aesthetics is on  
2 there and rental standards. So those are the things  
3 that still on -- are, on our times, in my lap to get  
4 forward to the board that we have rental standards that  
5 we don't have properties that go in -- in bad shape.

6 Q. And as part of that process, has there  
7 developed a -- within for -- for subdivisions within the  
8 city where developer's come before the city commission  
9 to go over the project and they talk to Chris Klotter  
10 about the project. Chris --

11 Will you tell the board who Chris is?

12 A. Chris Klotter is our Public Works  
13 director.

14 Q. And they go before our Public Works and  
15 make sure that it is -- that there are adequate  
16 capacities to meet the needs?

17 A. Typically, it goes before the city  
18 commission, and Carter Munday, he's a representative.  
19 We would have Chris Klotter there as a representative,  
20 myself, and the city commission. And -- and then we  
21 have the opportunity to ask the -- question and answer  
22 about the development; what their intent was, and how  
23 the longevity is, how it's going to be maintained. All  
24 those questions that we all have.

25 I do want to say this before the board is

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1 that the commission has not approved all of them. They  
2 just said it's not suitable, and -- and those you never  
3 know about. But there is opportunity.

4 And then the ones that we feel that this  
5 is a good project, we move it onto the next venue and  
6 that's before this board.

7 Q. So currently, now, we sort of have a  
8 screening process before -- where the city, if at least  
9 it's -- if it's in the city, it's --

10 A. That's correct.

11 Q. -- screened and either -- either approved  
12 for presentation to the board or rejected and --

13 A. Yes.

14 Q. -- and -- and told to try again before  
15 they --

16 A. Yeah.

17 Q. -- bring it --

18 A. I must meet -- this was a -- board of  
19 adjustments view this. As you probably read, there was  
20 a solar farm was going to be on the corridors coming in.  
21 We first heard of it, we -- the city commission wrote a  
22 letter says we don't want that because we thought that  
23 seeing a solar farm coming in to one of our gateways --  
24 so what caused that solar farm to come in and do a  
25 presentation and say this is where it's going to be

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1 located; it's going to be away from Highway 100, it's  
2 going to have boundary -- blah, blah, blah. So that  
3 would not have happened before. So now the city kind of  
4 sees where they can step in and -- and make  
5 recommendations that come before the commission.

6 Q. And in your dealings as city manager,  
7 have you become acquainted with Mr. Kent Kelley and  
8 Mr. David Carver?

9 A. Oh, too much.

10 Though, it -- it's a -- the one thing I  
11 can say is that, by far, the quality is topnotch. I  
12 have not seen anything that they have got done that was  
13 substandard.

14 So when -- when -- and this is my  
15 opinion, when their name's on something, I feel  
16 comfortable that I can sleep at night.

17 Q. And have they worked with you and with  
18 the city to -- to address any issues --

19 A. Yes.

20 Q. -- that the city might have on their  
21 development?

22 A. This is one thing that you kind of  
23 mentioned, you know, the sidewalk thing; that we have  
24 been trying to brainstorm on getting a sidewalk to the  
25 park. And this is where it takes multiple heads -- Lisa

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1 Deavers, now as a park's director -- working with --  
2 with the development and working with the city. And all  
3 of a sudden, you've got three entities working together  
4 for the same development. It makes it a lot easier.

5 So kind of tag-teaming in trying to get  
6 to the end goal was getting people to the park, I'm  
7 pretty excited about. That's something we've talked  
8 about for years, but having people come together -- it's  
9 not all the city, but it's in partnership with the  
10 developer, city, and the parks, it makes things a lot  
11 easier.

12 Q. Did -- Kent and David, did they come  
13 before the city for this pre-approval process --

14 A. Yes.

15 Q. -- this screening?

16 A. Yes, sir.

17 Q. And did they present this project?

18 A. Yes, sir.

19 Q. And what -- how did the city receive this  
20 project, what were the concerns, and were they  
21 addressed?

22 A. Well, I can't think of any concerns.  
23 They were -- they were happy to change the Industrial to  
24 Residential. I think the commission felt like it was  
25 more conducive to residential.

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1 You know, as -- as Mr. Kelley had said,  
2 we got the Exit 2 and 6, you know, but the Exit 6 is an  
3 Industrial -- that keeping that traffic to there and the  
4 truck traffic there. So I think it was more of an, awe,  
5 this makes sense, and especially, if you're wanting me  
6 to go -- I'm going to go back to the park, getting  
7 people in that direction.

8 So I think from the commission's  
9 standpoint, in my opinion, they were excited to see that  
10 change.

11 Q. The commission, are you -- are you  
12 saying --

13 A. City commission.

14 Q. -- the commission see -- the city  
15 commission sees the proximity of this development to our  
16 community park --

17 A. Yes.

18 Q. -- as positive for families?

19 A. Yes. And especially making it a gateway  
20 is -- I don't want to keep repeating myself, but  
21 there -- the generation that's coming before us, they  
22 want access to parks, they want good sidewalks, they  
23 want how to get there and so -- and we've just got to  
24 build it.

25 Q. Do you and the city commission believe

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1 that this proposed development's proximity to both a  
2 state highway and then to Highway 1008, that  
3 three-quarters-of-the-way circles our community,  
4 would -- is -- is a -- is positive to its location?

5 A. Yes, sir.

6 Q. Do -- do you see the Highway 1008 being  
7 seven -- in between seven- and eight-tenth's of a mile  
8 away, do you see that as a problem that -- do you think  
9 people will use that highway?

10 A. Yes, sir.

11 Q. And was that the -- was that the -- the  
12 consensus of the city commission --

13 A. Yes.

14 Q. -- as well?

15 A. I think the consensus was that we know  
16 when it was zoned Industrial that thinking of getting  
17 more trucks turning onto North Street, it takes both  
18 lanes to take, so you're -- you're log-jamming 31-W and  
19 North Street. If you ever have seen them turn into  
20 that, it's -- so if you can minimize that or remove it,  
21 it's more positive.

22 Q. The -- first, with respect to Chris  
23 Klotter, did -- is Chris Klotter approving of this  
24 project? Our sewer, our water, all of our utilities,  
25 everything, it meets all the --

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1 A. Yes, sir.

2 Q. -- capacity concerns in the city?

3 A. Yes, sir.

4 And that drainage is something that the  
5 city has -- obviously, it's a drainage and we bush hog  
6 it, mow it, quite often. So this will kind of help some  
7 of that later that we would have to do. It would be a  
8 partnership, but that would be something -- now you've  
9 got people's backyards, whatever, it would be naturally  
10 kind of kept, if that makes sense. Because --

11 Q. To keep the vegetation on it --

12 A. That's right.

13 Q. -- to make it work?

14 A. That's right.

15 Q. Okay. And the -- is the -- there's been  
16 talk and I've heard that there are issues with our sewer  
17 plant capacity.

18 A. Yes.

19 Q. And I think that perhaps people mistake  
20 the difference between sewer plants and particular  
21 individual sewer lines.

22 A. That's right.

23 Q. Tell the board about our sewer plant  
24 capacity and water plant capacity and where we are now?

25 A. Sewer plant capacity is fourteen million

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1 gallons a day. And typically, on a normal day, we -- we  
2 run at one-point-five or two million gallons of  
3 treatment a day.

4 Our water plant capacity is between four  
5 million to five million a day. That's -- that's pulling  
6 water out of Drakes Creek and we produce a tree -- about  
7 one point five or one point two -- I mean, one point  
8 five to two million a day. So --

9 Q. Is it -- is it helpful to both the water  
10 and sewer distribution plants that this development is  
11 so close to both of them?

12 A. Yeah, because you could -- as far as the  
13 proximity of the wastewater treatment plant is -- you  
14 know, you're on a main line, so it -- it's -- makes it,  
15 the capacity, very easy to have a capacity for sewer.

16 Q. So back to where I was, you said Chris  
17 Klotter had approved this. And so the next -- the next  
18 person to approve it would be yourself.

19 A. Uh-huh.

20 Q. Did you approve it?

21 A. Yes, sir.

22 Q. And then, did it go before the entire  
23 city commission?

24 A. Yes, sir.

25 Q. And did the entire city commission

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1 approve it?

2 A. Yes, sir.

3 Q. And did they approve it unanimously?

4 A. Yes, sir.

5 Q. Do you see any issues that would prevent  
6 this development as far as traffic in your experience as  
7 a city manager?

8 A. No. Not at all. As Mr. Kelley said,  
9 it's -- it's not going to happen overnight, two hundred  
10 and fifty units. It's -- it's going to be a phase out.  
11 In the time that happens, there's roads that usually  
12 connects and work their self out.

13 So they're coming out of North Street  
14 is -- like you said, it's a -- the sight path is good on  
15 both ends, but I'm confident where they've got the  
16 stub-outs to the other subdivision that will work to our  
17 advantage, as well, in the future.

18 Q. Where there will be other subdivisions  
19 that will --

20 A. Right.

21 Q. -- connect through --

22 A. Yes.

23 Q. -- and make it --

24 A. Yes.

25 MR. CROCKER: Okay. I don't have any

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1 other questions. Thank you.

2 MADAM CHAIRPERSON: Board members, do you  
3 have any questions for Mr. Kenton?

4 Thank you, very much, Mr. Kenton. We  
5 appreciate you.

6 MR. CROCKER: And our final witness will  
7 be Mayor Dixon.

8 MADAM CHAIRPERSON: Okay. Good evening,  
9 Mayor Dixon.

10 (Off the record)

11 \*\*\* \*\*\* \*\*\*

12 LARRY DIXON, being first duly sworn, gave  
13 the following answers in response to questions  
14 propounded to him.

# EXAMINATION

15 BY MR. CROCKER:

16 Q. Mayor, I suppose we could have called you  
17 about the Collins property down south, as well, but  
18 we -- I'm -- we're going to leave you alone on that  
19 one --

20 A. Right.

21 Q. -- tonight.

22 A. I have some --

23 MADAM CHAIRPERSON: Yeah.

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1 MAYOR DIXON: I have some relatives  
2 involved there. So it's best that I stay --

3 MR. CROCKER: I understand you do.  
4 Important relatives.

5 Q. But if you could, state your name for the  
6 record.

7 A. Mayor Dixon.

8 Q. And Mayor Dixon, are you the Mayor of the  
9 City of Franklin?

10 A. Yes. I am.

11 Q. And tell the board about your involvement  
12 in this community.

13 Were you born in this community?

14 A. I was born and raised in this community,  
15 right -- right out on south -- 31-W south.

16 Q. And have you run a business in this  
17 community for many years?

18 A. I have ran a business here for forty-one  
19 years on the east side of the square.

20 Q. Okay.

21 A. Yes.

22 Q. And how long have you been involved in  
23 public service?

24 A. I've been involved in public service now  
25 going on sixteen years.

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1 Q. Okay. And Mayor, as the Mayor of  
2 Franklin, you heard Kenton Powell speak about the  
3 changes that have occurred with respect to our  
4 subdivisions and the vetting by the city of the city  
5 subdivisions; correct?

6 A. Yes. Yes.

7 Q. And how important do you think that is  
8 when you bring something before your city  
9 representatives and your county representatives that --  
10 that the city has vetted them and is either -- either  
11 agrees and proposes that we adopt it or that the city  
12 says no, they've got to do other things before we can  
13 agree?

14 A. Well, that's an important question.  
15 We -- we when -- when these proposed -- when these  
16 developers or these people come before us, they're  
17 questioned very, very heavily these days. We -- we want  
18 to make sure that -- that when things are being done in  
19 the city that they're done correctly, they're done  
20 according to the -- to the law, they're done according  
21 to the -- to the regulations that we have put in place.

22 And we have worked diligently in the last  
23 year, as Mr. Powell demonstrated, that -- that we make  
24 sure that we have things in place that will -- that will  
25 help the developers and help the city to help -- help

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1 our -- our community to become a better community in  
2 that way.

3 Q. And have you tasked both Chris Klotter  
4 and Kenton Powell with doing a preliminary review before  
5 it even comes to the city commission?

6 A. Yes. Yes. Yes, we have.

7 And -- and -- and also, I might add, that  
8 the whole commission -- they come before us, and the  
9 whole commission has spoken to each -- each of them  
10 very -- very thoroughly.

11 Q. So there's sort of three levels before it  
12 ever gets to this board?

13 A. That's correct. That's correct.

14 Q. Okay. And how important do you think  
15 these new subdivision regulations are to ensuring that  
16 we have positive subdivision developments in our  
17 community?

18 A. They're very important, because as we --  
19 as someone spoke earlier, you know, we've had one or two  
20 that got by that -- that weren't -- that we haven't been  
21 the happiest with, but that's what caused us to  
22 pursue -- caused us to pursue going forward with more --  
23 more regulations and with more conversation with the  
24 developers that -- that are coming in to -- to do  
25 development.

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Q. How important is the -- Mayor, do you see development -- how important is it if a development can be close to our water and sewer plant and close to our community park and close to our downtown? Is that something important to you when you consider a subdivision?

A. Yes. It is. I think Mr. Powell touched on that -- that very well, but yes. Yes, it is for -- and for many -- for many reasons, as we all want that -- that -- that's -- for that purpose.

Q. That's a bonus?

A. That's right. It's been a bonus.

Q. Let me ask this. So as the Mayor, have off had the opportunity to work with Mr. Carver and Mr. Kelley?

A. I have.

Q. And have they been positive stewards of the authority given to them by the city to develop in this community?

A. I'll -- certainly so.

And I would like to just add, if I may, the -- they -- the Kelley's have done -- they've done a great deal of improve -- to help improve our community, to help the living conditions in our community to bring development and a positive retail -- many, many jobs.

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They -- I -- I have observed many developments that they have done or -- or several that they've done, and I can't say that -- that I've seen one that they haven't done a superb job on.

Q. And did Mr. Carver or Mr. Kelley start that back before this development craze and they were -- they were working on saving our downtown before the -- the -- the --

A. They certainly did.

Q. -- real estate market --

A. They certainly did.

Q. Are you concerned as Mayor for Franklin when you hear what Jeff Britt said, there's only eighteen houses ranging from seven hundred and fifty thousand to forty-nine thousand in our whole community?

A. I'm -- I was -- I -- I knew that it was small. He brought to my attention how small it was. I realize the -- I mean, I get calls. I get -- every day, I have people saying we need -- we need housing. We need -- we need more housing, and that's not just come in the last -- in the last few -- few months, that's been coming down the road. And -- and it's becoming more so important and more people are asking for homes than -- than -- every day.

Q. One thing I want to ask you about the

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R1-S housing. The city adopted that, and that's only in the city; is that correct?

A. That's correct.

Q. And do you see that as a plus, because it takes up less of our land as a whole to put more people on if we put them on smaller lot sizes where we have sewer availability?

A. I see it very much as a plus. And it seems as -- as it's been touched on again, earlier, we -- the -- the younger generation, they -- when they come in, they want -- they want pretty inside, they want less yards to mow, and they're looking for things to do. They're looking -- especially, the parks. I know they're -- parks and trails and -- and things that I have had mentioned to me that --

Q. Is --

A. -- that they're looking for.

Q. Is the city committed to making further steps to improve our park system?

A. The -- the city is absolutely committed. And when I say that, I speak for our entire commission.

Q. Is -- is it important, as several people have spoken about, if we can find a way to make sidewalks stretch all the way from our town to our park?

A. That's -- we -- that would be a great

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asset. And yes, that has -- that has been talked about. We talked about that for a few years, as Mr. Kenton Powell --

Q. That's something you had talked about since you were --

A. -- said, but we're just trying to find a way to -- to get it done and -- and it's expensive. I mean, if anybody has done sidewalks lately or if you've bought concrete, you know how expensive it is. So yes, we --

Q. One final question, Mayor.

Is it the recommendation of the city to this honorable board to approve this subdivision in the City of Franklin?

A. Absolutely. Absolutely.

MR. CROCKER: Thank you. That's all the question I have.

MAYOR DIXON: Yeah. Thank you.

MADAM CHAIRPERSON: Gentlemen, do any of you have questions for our mayor?

Thank you, Mayor Dixon.

MR. MAYEUR: Okay. Thank you.

MADAM CHAIRPERSON: Thank you, so much.

If the sidewalk should come into play, will -- will runners be on those?

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1 MR. POWELL: I'm going to be the first  
2 one on them.  
3 MADAM CHAIRPERSON: A team of runners  
4 might be found at six a.m., huh?  
5 MR. POWELL: Yeah. That's right.  
6 MADAM CHAIRPERSON: Good for you.  
7 MR. POWELL: Actually, five.  
8 MADAM CHAIRPERSON: Oh, I won't -- will  
9 any of you all see them?  
10 Okay. Now, I think that this concludes  
11 our presentation portion.  
12 MR. CROCKER: It does.  
13 MADAM CHAIRPERSON: Thank you, Mr.  
14 Crocker, and thank you for all of you that testified.  
15 MR. CROCKER: I have one other thing.  
16 MADAM CHAIRPERSON: Yes. Okay.  
17 Findings of fact and --  
18 MR. CROCKER: I do have that and I  
19 have --  
20 MR. SLIGER: You're freezing me now,  
21 Kenton.  
22 MR. POWELL: I'm on it.  
23 MADAM CHAIRPERSON: Thank you, Mr.  
24 Crocker.  
25 Okay.

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1 MR. CROCKER: This is a letter from  
2 Dennis Griffin about the importance of this for our  
3 industrial community.  
4 (Whereupon Hammons Exhibit B was duly  
5 received, marked for identification,  
6 and filed herewith as part hereof.)  
7 (Whereupon Hammons Exhibit C was duly  
8 received, marked for identification,  
9 and filed herewith as part hereof.)  
10 MADAM CHAIRPERSON: While they're handing  
11 this out, I will read this so the public can hear.  
12 Planning and Zoning Commission Board  
13 Members, I am writing this letter on behalf of the  
14 Franklin-Simpson Industrial Board on support of the  
15 subdivision being planned by Kent Kelley on North  
16 Street. The location for this new housing project is  
17 excellent because it utilizes land already in the City  
18 of Franklin that has all the infrastructure in place for  
19 development purposes. This new subdivision will help  
20 provide needed employees with the New Matalco facility  
21 going on -- going in on Brown Road, as well as Berry  
22 Global, Harmonic Hot Tubs, and other companies in the  
23 immediate area that are currently hiring. We appreciate  
24 the investment Kent Kelley continues to make in our  
25 community and greatly support this much needed  
development on North Street. Sincerely, Dennis Griffin,  
Executive Director, Franklin-Simpson Industrial

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1 Authority.  
2 Okay. Anyone here that would like to  
3 speak or make a public statement in favor of this zone  
4 change?  
5 Do we have anyone here that has concerns  
6 in regards to a zone change?  
7 Okay. There are three of you that would  
8 like to speak. Are you going to say similar things or  
9 are you all --  
10 MS. FORREST: We're together and then  
11 there's her's.  
12 MADAM CHAIRPERSON: Okay. Would you be  
13 offended if just one of you spoke for the two of you or  
14 do you have different opinions? I know that we're all  
15 individuals.  
16 MS. FORREST: I could probably speak for  
17 him. I'm not exactly sure they want the same one.  
18 MADAM CHAIRPERSON: Okay. Okay.  
19 Whatever you're most comfortable with, just for time  
20 reasons, but if you both want to speak, we honor that.  
21 Okay. If you'll come before --  
22 MR. LINK: Be sworn.  
23 MADAM CHAIRPERSON: -- and be sworn in.  
24 (Off the record)  
25

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1 \*\*\* \*\*\* \*\*\*  
2 COURTNEY FORREST, 419 North Street,  
3 Franklin, Kentucky, being first duly sworn, made the  
4 following statement:  
5 MS. FORREST: So I have a few questions  
6 on what's supposed to happen -- anyone in this room.  
7 We -- we currently live on North Street.  
8 We're talking about -- well, I want to know about the  
9 sidewalk, for one. I have children on that street.  
10 That street is not safe. And I'm not really sure if you  
11 guys are aware. You're talking about bringing in more  
12 traffic to -- to North Street. The street is not safe.  
13 My children have almost been hit, as well  
14 as my neighbors, just crossing -- checking the mail,  
15 getting off the bus. Pulling in and out of our driveway  
16 the -- the street's not safe.  
17 When we pull out of our driveway, we have  
18 a hill right by their house that blocks us. We also  
19 have trees that we're talking about maintenance and  
20 keeping up with the road work on the street. I heard  
21 something about maintenance earlier. It's not kept up.  
22 So the house that we live in, Merril Hammons old  
23 house -- so when you pull out of our driveway, you can  
24 turn to the left, you have -- I'm not sure of the lady's  
25 name, but her trees are always blocking my view from the

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left, and we have a hill that blocks us from the right.

I'm not exactly sure where this drive is supposed to come through, but there's only a few spots it could come through on North Street, and that would be between the pink house, where the Hollingsworth live, and where the Davis' live. So I'm assuming it would probably come right there, but also, it blocks us at nighttime.

You think -- you know, at nighttime we can kind of see headlights until it gets to that hill and then we're blocked. So if you think that the road is well maintained, it's not. Semi's on it, but the road is just terrible whether it's semi's or extra traffic, it's just a terrible road.

So I do agree that obviously they want something done to their property; whether it be a factory put back there or a subdivision, that's an eyesore for us. We walk out our backdoor and we see all kinds of beautiful land. That's what we see.

You know, it's -- it's -- we moved there because it's convenient; two minutes from town. We have seven children. You know, very convenient for us. He's a country boy and wants to live out in -- in the country, but with seven children, it's very convenient. So the road is not safe.

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I will say that -- do what you got to do, but please, take in consideration of the families that live there, the buses that have to stop on that road, the trains, all the traffic that will be blocked up, because it will be.

Like you said, when you -- when you cross over that -- right -- that little hill at the top where the Hollingsworth live, when you get right there, that backs up, and then someone who tops that hill very well could hit someone in front of them not meaning to. The road is dangerous

MR. FORREST: I'd like to add in, since we have lived there --

MS. FORREST: You have to be sworn.

MR. LINK: You have to be sworn.

MADAM CHAIRPERSON: You have to be sworn in.

MS. FORREST: Well, hold on. I want to get my stuff out, too. I want to -- I want to get it out.

So, also, the sidewalk, which side of the street would that be put on?

MR. CROCKER: What my client's planning to do is to -- to -- because they're going to be on the north side of North Street, they would -- they're going

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to start that on North Street. They're going -- they're going to build it on the north side, but they also -- on their section, but they're also interested in assisting on the other.

But I think the proposal would be -- at least, I believe it would be that it would be on the north side, but if engineering or the city wanted to put it on the south -- south side, that's where it would happen. But they're -- they're willing to work with the city to do --

MS. FORREST: But that --

MR. CROCKER: -- whatever works the best.

MS. FORREST: That runs right through our -- our front yards. We've had two accidents, actually -- probably three that's happened in my yard -- four -- sorry, four. It's -- the road is not safe and not even for people walking from town. You're just going to add more people walking and jeopardize their safety. With children walking up and down the street -- children walk in town, I get that, it's just not safe. The road is terrible. I don't --

I know this meeting is about whatever you're doing. I get that, and I respect that. And I understand that you guys have to do what you got to do with the property, but the road's not safe.

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That is absolutely terrible for us and an eyesore for our backyard and our children who -- also, the historical part of our home, you know? It was built in 1910 -- and this was either right before or after ours -- it's a beautiful piece of property with a lot of -- a lot of memories on that property. For the Lamb family, for the Hammons, for us, and I get it, they're ready to be done with whatever, and I respect that, but --

So the -- so what happens with our mailboxes and our trash cans? So the mailboxes are on the one side. They want to come through on the other; correct? The north side is the -- so they'll go right through our yards. So what happens with our trash cans? Do we place those on the -- on the sidewalk?

I mean, he already kind of pulls up in our -- in our yards to get it.

MADAM CHAIRPERSON: All that would be, though, worked out at --

MS. FORREST: Okay.

MADAM CHAIRPERSON: -- you know, I -- in a timely and efficient manner.

MS. FORREST: Okay.

MADAM CHAIRPERSON: Yeah. I don't think that you would be -- hopefully that, you know --

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1 hopefully, that wouldn't be too much of a disruption on  
 2 you and your property.

3 MS. FORREST: Don't know.

4 MR. WEISSINGER: May I say something?

5 MS. FORREST: Yes.

6 MADAM CHAIRPERSON: Is your mailbox on  
 7 the other side of the street? Not on --

8 MS. FORREST: It is.

9 MADAM CHAIRPERSON: -- your property?

10 MS. FORREST: It's on the other side.

11 MADAM CHAIRPERSON: It's not on your  
 12 property --

13 MS. FORREST: Correct.

14 MADAM CHAIRPERSON: -- the mailboxes?

15 MS. FORREST: It's across the street.

16 MR. WEISSINGER: If you consider that  
 17 road unsafe -- is that a state road?

18 MS. FORREST: It is a state road.

19 MR. WEISSINGER: Okay. Have you  
 20 considered going to the state and asking them to do  
 21 some --

22 MS. FORREST: We have contacted --

23 MR. WEISSINGER: -- research on that and  
 24 a traffic study and see about widening it or maybe  
 25 taking that hill down? I know where you're talking

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1 about.

2 MS. FORREST: We've actually had --

3 MR. WEISSINGER: You're talking about the  
 4 one on the old Paul Vaughn property?

5 MS. FORREST: The?

6 MR. WEISSINGER: The old Paul Vaughn  
 7 property, which is the first house on -- across the --  
 8 it sets back after you cross the road right there. The  
 9 one --

10 MS. FORREST: After you cross the road,  
 11 we're the third house on the left.

12 MR. WEISSINGER: Okay. There's one big  
 13 house that sits kind of back.

14 MS. FORREST: Uh-huh.

15 MR. WEISSINGER: That's the old Paul  
 16 Vaughn property.

17 MADAM CHAIRPERSON: Paul Vaughn.

18 MR. WEISSINGER: Paul Vaughn. Anyway,  
 19 that's where the hill is.

20 MS. FORREST: Back where the hill goes  
 21 down?

22 MR. WEISSINGER: That's where.

23 I mean, if you talk to the state -- we  
 24 have nothing to do with a state highway or the highway  
 25 department. All we're here for is to change the zone

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1 from the Industrial to Residential. That's all we can  
 2 do for it.

3 MS. FORREST: I mean, I get that. I just  
 4 want to know about --

5 MR. WEISSINGER: And I -- I --

6 MS. FORREST: -- the safety of our  
 7 family.

8 MR. WEISSINGER: I understand what you're  
 9 saying.

10 MS. FORREST: You're bringing more people  
 11 into a crowded -- crowded road anyway.

12 MR. WEISSINGER: Well -- but --

13 MS. FORREST: I don't see how that's --

14 MR. WEISSINGER: -- but that -- if you --  
 15 if you consider the road unsafe now, you need to talk to  
 16 the state.

17 MS. FORREST: Okay. All right. I think  
 18 I'm done.

19 MADAM CHAIRPERSON: Thank you.

20 Sir? Did you want to --

21 MR. FORREST: Yeah.

22 (Off the record)

23 \*\*\* \*\*

24 \*\*\*

25

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1 RANDALL FORREST, 419 North Street,  
 2 Franklin, Kentucky, being first duly sworn, made the  
 3 following statement:

4 MR. FORREST: Talking about the safety of  
 5 the road, in the wintertime, North Street is the last --  
 6 probably one of the last roads in the area that gets  
 7 touched by salt trucks or whatever. And 1008, clear.  
 8 Main Street's clear. North Street, no, it hadn't been  
 9 touched any.

10 We have talked to several people about --  
 11 you know, say, as far as cutting the trees go --

12 MS. FORREST: Nothing has been done.

13 MR. FORREST: -- and that's -- that  
 14 hasn't really got solved or nothing like that, but I  
 15 guess we could bring it to their attention again, but  
 16 nothing would probably get done about it. But that's  
 17 all I really got to say.

18 It's just, you know -- like I said,  
 19 that's because if you move that many people into a  
 20 place -- I understand it's going to take about two or  
 21 three years to build it, but at full capacity, there's  
 22 going to be -- there's going to be more accidents,  
 23 wrecks, and things like that to happen. So --

24 MS. FORREST: We've had them happen in  
 25 our front yard. Like, it's just not a safe road.

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MR. FORREST: I'm good.

MADAM CHAIRPERSON: Thank you. Thank you.

I think that -- and that's a legal question, but for cutting of trees, I -- I -- I mean, you can't cut them for them and that's one of those things that it's on -- if it's on someone else's property, it's -- it's kind of one of those gray areas, isn't it? Or am I wrong on that?

MR. CROCKER: Well, no. It's true you can't them, but the state --

MADAM CHAIRPERSON: The state can --

MR. CROCKER: -- they should be reactive if there is something that --

MADAM CHAIRPERSON: Yes.

MR. CROCKER: -- impedes eyesight.

If you're having trouble, what I would suggest is your -- your State Representative is Shawn McPherson.

MADAM CHAIRPERSON: Write that down.

MR. CROCKER: And Shawn McPherson, if you have any sight issues, he would be the person who would help you to address that with the state.

MADAM CHAIRPERSON: Thank you, Counselor. Because that is -- a tree thing's --

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they're kind of gray. They're kind of funny sometimes. Like, you can't go out in the middle of the night and cut it down and go, ooh, and hope they get -- don't see it. Do you see what I mean?

But they have to do it, but it he has to be mandated by the state.

Okay. Do we have other people that would like to speak?

MS. DAVIS: Yes.

MADAM CHAIRPERSON: Please, come forward and be sworn in.

(Off the record)

\*\*\* \*\*

KELSEY DAVIS, 417 North Street, Franklin, Kentucky, being first duly sworn, made the following statement:

MS. DAVIS: So I live in a property that is -- you know, fifty percent of it is adjoining the property that's be being discussed today. And so, you know, of course, I have some concerns. Like she brought up, there is a blind hill. And it -- it seems to me like the maps that you all have shown that the output would be right next to my house, to the left of my house. So there -- there is a blind hill that she's

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talking about. And I feel like the safety of the road goes into play when you're talking about rezoning to put two hundred and fifty lots. To me, that -- that brings a lot of attention to that.

But I'm also -- I came from a neighborhood that maybe you all have discussed about not being constructed correctly. It had -- it very much flooded every time it rained. And this was a neighborhood in Simpson County. And it very much had sewage back up. So I'm really worried about the grading -- you know, messing with the grade of the land that affects flooding onto my property.

I'm concerned with the property value of my property I just purchased recently without knowing that this was going on. And also the sewage back up is a -- is a big concern for me. I know that you all have touched on that some, but it is going to put more of a strain on the sewage that my property is on. So those are my concerns.

MADAM CHAIRPERSON: Does anyone want to answer or answer to the concern of the sewage backup or anything like that on her property?

MR. CROCKER: Well, I -- who would be best able to do that would be Kenton Powell. If I could just ask him.

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Kenton, is that the area where's there's a thirty-six inch trunk -- trunk line?

MR. POWELL: Is -- I don't what the address -- are you --

MS. DAVIS: It's -- it's that --

UNKNOWN MALE: This one right here.

MS. DAVIS: It's the corner on the very top where -- so it's towards the west side of North --

MR. POWELL: Yeah.

MS. DAVIS: -- that North Street.

MR. POWELL: Are we talking stormwater or sewage?

MS. DAVIS: I'm -- I'm talking sewage.

MR. POWELL: Because you were talking about water backing up into --

MS. DAVIS: I'm talking about water backing up for just -- I guess that would be storm water, but that was like the grading on this and with the grade of the land --

MR. POWELL: Yeah.

MS. DAVIS: -- and it has natural water --

MR. POWELL: Yeah.

MS. DAVIS: -- going through there that the roads are going to be cutting through.

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1 MR. POWELL: To my knowledge, there --  
 2 we -- there's not -- that thing is not happening, but  
 3 the call-outs, we usually record call-outs. And like I  
 4 said, there's a thirty inch sewer line. The only thing  
 5 I could do is look into that, because that's really an  
 6 odd -- odd one, because we have so much capacity right  
 7 there. So it could be something that --  
 8 MS. DAVIS: So where --  
 9 MR. POWELL: -- on the lateral line.  
 10 MS. DAVIS: I didn't see the  
 11 documentation of where the sewage line of this new  
 12 neighborhood would be. Is that running under North  
 13 Street?  
 14 MR. POWELL: No. It's coming lateral.  
 15 Do you have that G.I.S.?  
 16 MR. BAKER: Generally speaking --  
 17 MR. MUNDAY: No. I don't have G.I.S. on  
 18 there.  
 19 MR. BAKER: Generally speaking, the sewer  
 20 stub will be internal to the subdivision and will tie  
 21 somewhere in that trunk line.  
 22 MS. DAVIS: Okay.  
 23 MR. BAKER: Jason Baker.  
 24 MS. DAVIS: Okay. So it will be tied  
 25 into North Street.

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1 MR. BAKER: Yeah, to the main -- it's the  
 2 main one. So --  
 3 MS. DAVIS: So the one at my property.  
 4 MR. BAKER: So I guess we will just have  
 5 to evaluate what's going on there, because, like I said,  
 6 that should be a main trunk line. So unless there's a  
 7 restriction real close to your house, I don't know, but  
 8 we can check that this week.  
 9 MS. DAVIS: Okay.  
 10 MADAM CHAIRPERSON: Yeah. Do you have  
 11 sewer problems now? Is that what you're saying?  
 12 MS. DAVIS: No.  
 13 MADAM CHAIRPERSON: She means at --  
 14 MS. DAVIS: But I'm worried --  
 15 MADAM CHAIRPERSON: -- her old house, not  
 16 at the house they live in now.  
 17 MS. DAVIS: At -- at my old -- at --  
 18 MR. BAKER: Oh.  
 19 MADAM CHAIRPERSON: So he was --  
 20 MS. DAVIS: Because I came from a  
 21 small-lot neighborhood --  
 22 MADAM CHAIRPERSON: He was concerned --  
 23 MS. DAVIS: -- that this is -- would --  
 24 MADAM CHAIRPERSON: -- that you had --  
 25 MR. BAKER: Oh, I see. Okay.

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1 MS. DAVIS: -- going turn into.  
 2 MADAM CHAIRPERSON: Okay. Okay.  
 3 Anything further, ma'am, you would like  
 4 for us to be aware of?  
 5 MS. DAVIS: No. Just consider, you know,  
 6 the -- your existing citizens that live on that road,  
 7 because it is affecting us. And I was born and raised  
 8 here, as well as all these people, so just take us into  
 9 consideration.  
 10 MADAM CHAIRPERSON: Would anyone else  
 11 like to speak?  
 12 Okay, Counselor.  
 13 MR. CROCKER: We'd like to recall Mr.  
 14 Kelley, briefly.  
 15 MADAM CHAIRPERSON: Sure.  
 16 \*\*\* \*\*  
 17 CONTINUED EXAMINATION OF MR. KENT KELLEY  
 18 BY MR. CROCKER:  
 19 Q. Mr. Kelley, you've -- you've heard the  
 20 concerns that have been addressed. Are those some  
 21 things that you will be attendant to as you're building  
 22 this subdivision?  
 23 A. Very much so.  
 24 Q. And do -- without saying too much, and I

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1 know there's reasons you can't say too much, but are you  
 2 satisfied with a reasonable degree of certainty that you  
 3 have a -- a way to access Blackjack Road in addition to  
 4 North Street?  
 5 A. Yes.  
 6 Q. And as far as the storm water issue that  
 7 was raised, as far as that's concerned, is -- is that  
 8 something that you're going to make sure it's properly  
 9 engineered --  
 10 A. We will.  
 11 Q. -- and make sure it drains into the --  
 12 A. We will.  
 13 Q. -- existing draining ditch --  
 14 A. We will.  
 15 Q. -- and not out towards any of the  
 16 property owners?  
 17 A. Yes.  
 18 Q. Is the -- as far as the sewer concern, is  
 19 it your belief that because it's a thirty inch trunk  
 20 line that it would not cause anybody's sewer to back up?  
 21 A. On the -- what information I have -- I  
 22 have, they'll be on a different line leading to it, so  
 23 we shouldn't affect where they're at.  
 24 Q. I see.  
 25 So they -- they -- they access the trunk

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1 line at a different location --

2 A. Yes.

3 Q. -- than you would?

4 A. Yes. On -- the bulk of this -- this  
5 project will tap a different line.

6 Q. So looking at the exhibit, can you -- let  
7 me see if I can get the bigger one.

8 MADAM CHAIRPERSON: It's yours.

9 Q. Can you sort of show the board -- I'm  
10 seeing this green dotted line there, is this green  
11 dotted line -- is that the trunk line?

12 A. Yes. And there is a line also going down  
13 through here serving these houses. The bulk of it's  
14 going to go that way.

15 Q. So there's another line down here, a  
16 small line, on North Street --

17 A. Yes.

18 Q. -- that the houses on North Street are  
19 served by?

20 A. Yes.

21 Q. Where as, you would be accessing the  
22 trunk line which would be to the rear?

23 A. That's my understanding.

24 Q. If the state has recommendations  
25 regarding the location of the access or the

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1 appropriateness of the access, the safety of the access,  
2 is that something that you and David see as utmost  
3 importance?

4 A. Yes. Yes.

5 Q. Okay. And do you --

6 A. I want to be able to go through town and  
7 these folks not be mad at me. I mean, really.

8 I mean, that's -- anybody that knows me,  
9 I -- I don't like confrontation. We want to do it to  
10 the best of our ability, and I appreciate their  
11 concerns.

12 Q. Okay. Thank you.

13 A. If they don't say anything, we might not  
14 know what to address, so I appreciate that.

15 MR. CROCKER: Thank you.

16 MADAM CHAIRPERSON: Thank you.

17 Thank you.

18 No other public -- no further comments?

19 Board, do you have any comments or are we  
20 ready to take a motion?

21 Okay. With no further commentary, I am  
22 prepared to take a motion.

23 MR. SLIGER: Okay. I'll make a motion we  
24 accept the Findings of Facts and Conclusions of Law and  
25 approve the recommended zone change from I-2, Heavy

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1 Industry -- or from Ag and I-2, Heavy Industry -- I'm  
2 looking at the wrong page, I'm sorry -- from Light  
3 Industry to R1-S, Single Family, for the entire  
4 property.

5 MADAM CHAIRPERSON: As stated -- as for  
6 stated.

7 Mr. Sliger has moved that we approve a  
8 zone change from I-1, Light Industry, to R1-S, Small  
9 Family, for fourteen-point-twenty-seven acres and then  
10 it would be I -- I-2, Heavy Industry, to R1-S for the  
11 seventy-two point one, and this is the parcel located  
12 north side of North Street between the existing railroad  
13 and Blackjack Road, and this is the Merrill R. and Ruth  
14 Hammons Trust.

15 And there's a motion --

16 MR. WEISSINGER: I second it.

17 MADAM CHAIRPERSON: -- on the floor.

18 There is a second on the floor.

19 Mr. Weissinger has seconded that.

20 Any discussion?

21 I just would like to say that having  
22 heard the concerns in regards to traffic and these good  
23 people of Franklin, also I -- having heard the city  
24 commission -- that the city commission completely backs  
25 it, Mr. Powell and our Mayor, and also having seen the

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1 work of these two men before, I think that -- I think  
2 that it is, before us, a good motion.

3 So all in favor, please raise your right  
4 hand.

5 All opposed?

6 Please, let -- let the record state that  
7 it passes five to one, and Mr. Tyler did oppose.

8 Okay. Thank you, very much.

9 MR. KELLEY: Thank you all.

10 MADAM CHAIRPERSON: Oh, and do we have a  
11 motion on the floor to adjourn? Anybody can second.  
12 Let's adjourn.

13 (Whereupon the proceedings concluded at 8:46 p.m.)

14 \*\*\* \*\*\* \*\*\*

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1 STATE OF KENTUCKY     )  
2 COUNTY OF WARREN     )SS  
3

4 I, April Pearson, C.C.R., a Notary Public  
5 within and for the State at Large, do hereby certify  
6 that the foregoing Franklin-Simpson Planning and Zoning  
7 public hearing was taken before me at the time and place  
8 and for the purpose in the caption stated; that the  
9 public hearing was reduced to shorthand writing by me in  
10 the presence of the individuals; that the foregoing is a  
11 true and correct transcript so given to the best of my  
12 ability, and the appearances were as stated in the  
13 caption.

14 I further certify that I am neither of  
15 counsel nor of kin to either of the parties to this  
16 action, and am in no wise interested in the outcome of  
17 said action.

18 WITNESS MY SIGNATURE this 8th day of  
19 March, 2022. My commission expires October 28, 2022.

20 \_\_\_\_\_  
21 April Pearson, CCR  
22 Notary Public  
23 State at Large, Kentucky  
24  
25