

## ORDINANCE NO. 2022-018

### **AN ORDINANCE REZONING APPROXIMATELY 7.7 ACRES LOCATED ON THE EAST SIDE OF GARVIN LANE AND NORTH SIDE OF KY HIGHWAY 100 FROM B-5 (INTERSTATE INTERCHANGE DISTRICT) TO B-4 (HIGHWAY BUSINESS) BY ZUARI INVESTMENTS, LLC**

WHEREAS, Zuari Investments, LLC, a Kentucky limited liability company, filed a petition to rezone approximately 7.7 acres located on east side of Garvin Lane and north side of Ky. Hwy. 100, in Franklin, Simpson County, Kentucky currently zoned B-5 (Interstate Interchange District) to B-4 (Highway Business); and

WHEREAS, Zuari Investments, LLC desires to rezone the aforementioned property to make the property more productive for the community, and this change is appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on June 7, 2022, after due public notice, in the manner provided by law; and

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

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

The approximately 7.7 acres located on the east side of Garvin Lane and the north side of Ky. Hwy. 100 in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto is granted a zone change from its B-5 (Interstate Interchange District) to B-4 (Highway Business).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

July 11, 2022

FIRST READING

July 25, 2022

SECOND READING


At a meeting of the City Commission of the City of Franklin, Kentucky, held on July 25, 2022, on motion made by Commissioner Bennett and seconded by Commissioner Powell the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	LARRY DIXON, MAYOR
<u>YES</u>	JAMIE POWELL
<u>YES</u>	BROWNIE BENNETT
<u>YES</u>	WENDELL STEWART
<u>YES</u>	HERBERT WILLIAMS

APPROVED BY:

  
Larry Dixon, Mayor

ATTEST:

  
Cathy Dillard, City Clerk

## EXHIBIT A

### PROPERTY DESCRIPTION APPENDIX

Beginning at an iron pin in the easterly right-of-way of Garvin Lane at the intersection of said right-of-way with northerly right-of-way of Kentucky State Highway 100, also known as Scottsville Road (R/W varies), a corner of the subject owner, the Franklin-Simpson Industrial Authority as appears in Deed Book 295, Page 374; thence along the meanders of the easterly right-of-way of Garvin Lane the following two (2) calls: (1) N 18° 29' 07" E 206.90 feet to a point of curvature, (2) along the arc of a curve to the left, having a field radius of 480.00 feet, a chord bearing of N 09° 57' 01" W, a chord distance of 457.12 feet (arc length= 476.44 feet) to an iron pin set; thence leaving said road on new lines the following two (2) calls: (1) S 72° 02' 30" E 691.27 feet to an iron pin set, (2) continuing S 72° 02' 30" E 195.58 feet to an iron pin set in the line of Garvin Pointe, LLC (DB 323 Pg 380); thence along the line of the subject owner with Garvin Pointe, LLC S 14° 57' 19" W 598.50 feet to an iron pin found #3290 in the northerly right-of-way of Kentucky State Highway 100; thence along the meanders of the northerly right-of-way of Kentucky State Highway 100 the following two (2) calls: (1) along the arc of a curve to the right having a field radius of 9940.0 feet, a chord bearing of N 73° 29' 44" W a chord distance of 527.73 feet (arc length = 527.80 feet) to a point of tangent, (2) N 71° 58' 18" W 178.58 feet to the point of beginning, according to May 2017 survey by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290, and is a minor subdivision plat to be recorded, and is subject to all legal conditions and easements of record and shown as new parcel on the minor subdivision plat of record in Plat Book 5, Page 78, Simpson County Clerk's Office. Basis of bearing for this description is grid North, Kentucky South Zone, Lambert projection. Unless stated otherwise, all iron pins set this survey are 5/8" x 18' iron pins with plastic identification cap stamped "Dunning #3290."

LESS THE FOLLOWING PROPERTY conveyed to Marty Chandler by Zuari Investments, LLC by deed dated January 19, 2018, of record in Deed Book 332, Page 510, Office of the Simpson County Clerk, and further described as follows:

The following-described property located at the east side of Garvin Lane, in east Franklin, in Simpson County, Kentucky, to-wit:

Beginning at an iron pin found #3290 in the easterly right of way of Garvin Lane (approximately 30 feet from centerline) at the northwest corner of the subject owner, Zuari Investments, LLC as appears in Deed Book 329, Page 578, and shown on Minor Subdivision Plat as record in Plat Cabinet 5, Page 578 at a corner with the Franklin-Simpson Industrial Authority property (Deed Book 295, Page 374) recorded in Plat Cabinet 5, Page 89; thence along the line of the subject owner with the Franklin-Simpson Industrial Authority S 72° 02' 30" E 593.69 feet to an iron pin

set; thence on new lines the following two calls; S 17° 57' 30" W 225.00 feet to an iron pin set; thence N 72° 02' 30" W 412.56 feet to an iron pin set in the easterly right of way of Garvin Lane; thence with the easterly right of way of Garvin Lane along the arc of a curve to the left, having a field radius of 480.00 feet, a chord bearing of N 20° 52' 31" W a chord distance of 288.84 feet (arc length = 293.39) to the point of beginning. Surveyed parcel contains 2.50 acres more or less, and is a minor subdivision plat to be recorded, subject to all legal conditions and easements of record. This description based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in January of 2018. Basis of bearing for this description is grid North, Kentucky South Zone, Lambert projection. Unless stated otherwise all iron pins set this survey are 5/8" x 18" iron pins with plastic identification cap stamped "Dunning #3290."

Also described as a 2.50 acre tract on the Minor Subdivision Plat of record in Plat Book 5, Page 92, Simpson County Clerk's Office.

This being the same property conveyed to Zuari Investments, LLC by Franklin-Simpson Industrial Authority, by deed dated August 15, 2017, of record in Deed Book 329, Page 578, 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 June 7, 2022, on the petition of the Zuari Investments, LLC, a Kentucky limited liability company, requesting a zone change from B-5 (Interstate Interchange District) to B-4 (Highway Business District) for property located at the northeast intersection of Garvin Lane and Scottsville Road in East Franklin, Simpson County, Kentucky and described as follows:

Beginning at an iron pin in the easterly right-of-way of Garvin Lane at the intersection of said right-of-way with northerly right-of-way of Kentucky State Highway 100, also known as Scottsville Road (R/W varies), a corner of the subject owner, the Franklin-Simpson Industrial Authority as appears in Deed Book 295, Page 374; thence along the meanders of the easterly right-of-way of Garvin Lane the following two (2) calls: (1) N 18° 29' 07" E 206.90 feet to a point of curvature, (2) along the arc of a curve to the left, having a field radius of 480.00 feet, a chord bearing of N 09° 57' 01" W, a chord distance of 457.12 feet (arc length= 476.44 feet) to an iron pin set; thence leaving said road on new lines the following two (2) calls: (1) S 72° 02' 30" E 691.27 feet to an iron pin set, (2) continuing S 72° 02' 30" E 195.58 feet to an iron pin set in the line of Garvin Pointe, LLC (DB 323 Pg 380); thence along the line of the subject owner with Garvin Pointe, LLC S 14° 57' 19" W 598.50 feet to an iron pin found #3290 in the northerly right-of-way of Kentucky State Highway 100; thence along the meanders of the northerly right-of-way of Kentucky State Highway 100 the following two (2) calls: (1) along the arc of a curve to the right having a field radius of 9940.0 feet, a chord bearing of N 73° 29' 44" W a chord distance of 527.73 feet (arc length = 527.80 feet) to a point of tangent, (2) N 71° 58' 18" W 178.58 feet to the point of beginning, according to May 2017 survey by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290, and is a minor subdivision plat to be recorded, and is subject to all legal conditions and easements of record and shown as new parcel on the minor subdivision plat of record in Plat Book 5, Page 78, Simpson County Clerk's Office. Basis of bearing for this description is grid North, Kentucky South Zone, Lambert projection. Unless stated otherwise, all iron pins set this survey are 5/8" x 18' iron pins with plastic identification cap stamped "Dunning #3290."

LESS THE FOLLOWING PROPERTY conveyed to Marty Chandler by Zuari Investments, LLC by deed dated January 19, 2018, of record in Deed Book 332, Page 510, Office of the Simpson County Clerk, and further described as follows:

The following-described property located at the east side of Garvin Lane, in east Franklin, in Simpson County, Kentucky, to-wit:

Beginning at an iron pin found #3290 in the easterly right of way of Garvin Lane (approximately 30 feet from centerline) at the northwest corner of the subject owner, Zuari Investments, LLC as appears in Deed Book 329, Page 578, and shown on Minor Subdivision Plat as record in Plat Cabinet 5, Page 578 at a corner with the Franklin-Simpson Industrial Authority property (Deed Book 295, Page 374) recorded in Plat Cabinet 5, Page 89; thence along the line of the subject owner with the Franklin-Simpson Industrial Authority S 72° 02' 30" E 593.69 feet to an iron pin set; thence on new lines the following two calls; S 17° 57' 30" W 225.00 feet to an iron pin set; thence N 72° 02' 30" W 412.56 feet to an iron pin set in the easterly right of way of Garvin Lane; thence with the easterly right of way of Garvin Lane along the arc of a curve to the left, having a field radius of 480.00 feet, a chord bearing of N 20° 52' 31" W a chord distance of 288.84 feet (arc length = 293.39) to the point of beginning. Surveyed parcel contains 2.50 acres more or less, and is a minor subdivision plat to be recorded, subject to all legal conditions and easements of record. This description based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in January of 2018. Basis of bearing for this description is grid North, Kentucky South Zone, Lambert projection. Unless stated otherwise all iron pins set this survey are 5/8" x 18" iron pins with plastic identification cap stamped "Dunning #3290."

Also described as a 2.50 acre tract on the Minor Subdivision Plat of record in Plat Book 5, Page 92, Simpson County Clerk's Office.

This being the same property conveyed to Zuari Investments, LLC by Franklin-Simpson Industrial Authority, by deed dated August 15, 2017, of record in Deed Book 329, Page 578, Office of the Simpson County Clerk.

It was reported to the Commission that Zuari Investments, LLC desired to rezone said property consistent with the Comprehensive Plan and due to the need for commercial development in the area. The Petitioner was represented by Hon. Timothy J. Crocker. The Commission heard statements of counsel and the testimony of Executive Director of the Franklin-Simpson Industrial Authority, Dennis Griffin and Brian Shirley of Arnold Consulting Engineering Services, Inc.. 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 recognizes that new growth and development has occurred and will continue to occur around the I-65 interchange. The Comprehensive Plan further states that one of its goals is to develop a sustained effort to maintain and grow the economic vitality of the I-65 interchange.

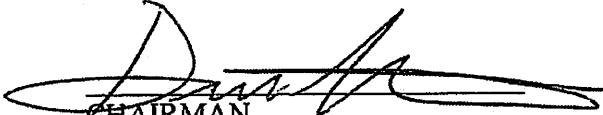
2. The original zoning classification given to the property was inappropriate or improper because developments like the one proposed are typically built on smaller acreage lots. Amending the original zoning classification from B-5 to B-4 will be consistent and in conformity with the Comprehensive Plan. The Comprehensive Plan recognizes that new growth and development has around the I-65 interchange.

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 which have substantially altered the basic character of such area including the planned developments for a new RV Center as well as a new commercial and residential development. There has also been the development and construction of the Garvin Pointe Apartments. Social changes include the addition of 1,500 industrial jobs in the area.

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 B-5 to B-4 be granted.

Approved and recommended for zoning change, this the 7<sup>th</sup> day of June, 2022.

  
CHAIRMAN



**Minutes**  
**Franklin-Simpson Planning & Zoning Commission**  
**Tuesday, June 7, 2022, 6:30 pm.**  
**City Commission Meeting Room**  
**117 West Cedar Street, Franklin, KY.**

Members in Attendance: Madam Chair Debbie Thornton, Kent Wilson, Chad Konow, Craig Mylor, Gary Sliger, Roy Tyler and George Weissinger.

Members Absent: John Mayeur

Others Present: Carter Munday, Emily Flora, Robert Link, Dennis Griffin, Jesse Jepson, Connie Jepson, Stefan Eckmann, Scott Randolph, Tim Crocker, Amanda East, Brian Shirley and Jeff Harned.

Madam Chair Debbie Thornton called the meeting to order at 6:30 p.m. Chad Konow opened with prayer.

A motion was made by Gary Sliger and seconded by Craig Mylor to approve the April 19<sup>th</sup> meeting minutes. All members voted in favor of the motion.

Jesse Jepson presented the board with a **Final Development Plan** for an extension of Wilson Way Subdivision **Located on Wilson Way.**

Scott Randolph, engineer for the project, stated that since the preliminary approval on February 1<sup>st</sup>, the county road had been approved by County Public Works Director Bobby Groves, but that no other changes had been made to the plat. Carter Munday stated that he had reviewed the zoning and utilities for the project and everything looked good. Craig Mylor inquired if the newly added lots would have the same restrictions applied as the rest of the lots in the subdivision. Mr. Randolph stated that yes, the same restrictions would be applied.

A motion was made by Craig Mylor and seconded by Kent Wilson to approve the final development plan for and extension of Wilson Way Subdivision located on Wilson Way. All members voted in favor of the motion.

Nishant Meraiya to present a **Preliminary Development Plan** for a hotel **Located at 3560 Nashville Road.**

Brian Shirley, engineer for the project, requested to withdraw the application due to approvals still needed for the sewer line on the property.

Horus Kentucky 1, LLC, to present a **Final Development Plan** for a solar farm **located on an approximately 572-acre parcel on Tyree Chapel Road.**

Stefan Eckmann, representative from Horus Kentucky 1, LLC, stated that no changes had been made to the plat since the preliminary approval was granted on April 19<sup>th</sup>. He also stated that the project had presented the decommissioning plan to the Simpson County Fiscal Court, which was approved. Bob Link, stated for the record that there was an appeal pending of the Conditional Use Permit that was granted for the project by the Board of Adjustments, and inquired if Mr. Eckmann's clients were aware and understood that if it were to be overturned it would not be the P&Z Commission's responsibility. Mr. Eckmann stated that yes, they understood.

A motion was made by Gary Sliger and seconded by Kent Wilson to approve the final development plan for a solar farm located on an approximately 572-acre parcel on Tyree Chapel Road. All members voted in favor of the motion.

## **PUBLIC HEARING**

***NOTE: SEE ATTACHED TRANSCRIPT FOR DETAILED DISCUSSION, QUESTIONS & COMMENTS.***

**Tim Crocker, attorney representing Zuari Investments, LLC, presented the board with a request for a zone change from B-5 (Interstate Exchange) to B-4 (Highway Business) for an approximately 7.7-acre parcel located eastside of Garvin Lane and northside of Scottsville Road.**

Mr. Crocker stated that the current B-5 zoning, and the proposed B-4 zoning of the property are essentially the same, the only difference is that the B-5 zoning requires a minimum lot size of 2-acres. The proposed plan includes spaces for two restaurants, a medical facility, and a hotel. There is a restaurant that already has plans to locate on the development but does not want to be on a 2-acre tract, hence the need for a zone change.

Dennis Griffin, director of the FS Industrial Authority, was sworn in and Mr. Crocker proceeded with testimony. Mr. Griffin stated that there are a few new industrial facilities that would be locating in the Henderson Industrial Park as well as a new industrial park that would be opening in the area. He stated that these new facilities would be bringing approximately 2,000 jobs to the area, for which a hotel, medical facility and restaurants would be needed. Mr. Griffin stated that anything that locates on Industrial Authority property would have to be approved by the Industrial Authority Board. While they have not formally approved the plan, they are aware of it and are very much so for it.

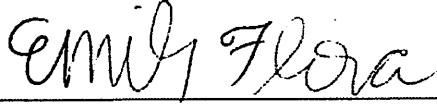
Brian Shirley, engineer, was sworn in and Mr. Crocker proceeded with testimony. Mr. Shirley stated that the entrance to the development would be located on Garvin Lane, rather than Hwy-100, which would ease the flow of traffic. He also stated that he did not notice the plan to be deficient in any way.

A motion was made by Gary Sliger and seconded by Kent Wilson to approve the requested zone change from B-5 to B-4 for an approximately 7.7-acre parcel located eastside of Garvin Lane and northside of Scottsville Road and to accept the Findings of Facts and Conclusions of Law. All members voted in favor of the motion.

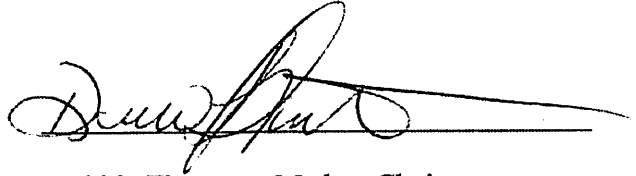
A motion was made by Chad Konow and seconded by Craig Mylor to exit the public hearing. All members voted in favor of the motion.

Madam Chair Debbie Thornton adjourned the meeting at 7:24 p.m.

Respectfully Submitted:

Handwritten signature of Emily Flora in cursive script.

Emily Flora, Administrative Assistant

Handwritten signature of Debbie Thornton in cursive script.

Debbie Thornton, Madam Chair

## FRANKLIN-SIMPSON PLANNING &amp; ZONING COMMISSION

## PUBLIC HEARING

IN RE: ZUARI INVESTMENTS, LLC, TO REQUEST A ZONE CHANGE FROM B-5 (INTERSTATE EXCHANGE) TO B-4 (HIGHWAY BUSINESS) FOR AN APPROXIMATELY 7.7-ACRE PARCEL LOCATED EAST SIDE OF GARVIN LANE AND NORTH SIDE OF SCOTTSVILLE ROAD

\*\*\* \*\*

JUNE 7, 2022

\*\*\* \*\*

APRIL PEARSON, C.C.R.

REPORTER

PEARSON COURT REPORTING  
P. O. BOX 5  
BOWLING GREEN, KY 42102-0005  
(270) 781-7730  
april@pearsonreporting.com

PEARSON COURT REPORTING  
(270) 781-7730

## I N D E X

EXAMINATION

BY MR. CROCKER: 4 - 29

EXHIBITS

EXHIBIT 1 PAGE 6 Zuari Concept Plan 3

PEARSON COURT REPORTING  
(270) 781-7730

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, June 7, 2022, at 6:54 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 Petitioner: Mr. Timothy J. Crocker  
Crocker and Thurmond  
Attorneys at Law  
126 West Kentucky Avenue  
Franklin, Kentucky 42134

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

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

Also present: Ms. Emily Flora  
Mr. Carter Munday

\*\*\* \*\*

PEARSON COURT REPORTING  
(270) 781-7730

MADAM CHAIRPERSON: Now, we are entering into a public hearing. During this public hearing, we ask that there is no conversation between the audience and/or between board members that is not vocally loud enough for everyone to hear.

As far as with the guests, from those in the audience, we ask that if you speak that you must be on the record and you must identify your name, Social Security number, address -- no, I'm kidding, just that -- just that you identify yourself with -- with our court reporter who is there and so capable and wonderful to help us.

Okay. So, please, if your cell phones are on, please put them on silence. And let's get going.

Zuari, is that how --

MR. CROCKER: Zuari.

MADAM CHAIRPERSON: Zuari, okay, Investments, L. -- L.L.C., is here to request a zone change from B-5, Interstate Exchange, to B-4, Highway Business, for approximately a seven-point-seven-acre parcel that's located at Garvin Lane and the north side of Scottsville Road.

And I take it Mr. Crocker is here

PEARSON COURT REPORTING  
(270) 781-7730

1 representing --

2 MR. CROCKER: I do.

3 MADAM CHAIRPERSON: -- Zuari -- or say it

4 again, please.

5 MR. CROCKER: Zuari.

6 MADAM CHAIRPERSON: Zuari.

7 MR. CROCKER: Just -- just like it's

8 spelled.

9 MADAM CHAIRPERSON: Zuari.

10 MR. CROCKER: Zuari.

11 MADAM CHAIRPERSON: All right.

12 MR. CROCKER: So Zuari Investments is

13 a --

14 MADAM CHAIRPERSON: Yes.

15 MR. CROCKER: -- company that is wholly

16 owned by Ashwani Sarvaria, you all know him as Roz.

17 MADAM CHAIRPERSON: Oh, I know who --

18 we know --

19 MR. CROCKER: Yes.

20 MADAM CHAIRPERSON: -- Roz.

21 MR. CROCKER: Yes. Been here several

22 times before.

23 I'm going to pass out and give everybody

24 a copy of this, even though Carter's put it -- put it up

25 in a -- a big version, and I've got a big version in

PEARSON COURT REPORTING  
(270) 781-7730

1 front of you.

2 (Whereupon Zuari Exhibit 1 was duly

3 received, marked for identification,

4 and filed herewith as part hereof.)

5 MR. CROCKER: And as Madam Chairman

6 stated, this is for actually seven-point-six-nine acres,

7 we think, and it's at the corner of Highway 100

8 East and Garvin Lane.

9 And our request is to rezone this

10 particular property from B-5 to B-4. If you look at

11 those zoning classifications, they're essentially

12 established to serve the same purposes. The problem for

13 us with the B-5 is that it requires a minimum lot size

14 of two acres.

15 And if you will look at your conceptual

16 drawing, the -- the one customer that is most firm with

17 respect to this development is a national breakfast

18 restaurant chain. And they are -- they have plans to

19 locate that -- they'll locate it at that site. They

20 have no interest in two acres.

21 And this is expensive property at this

22 particular location. It was property that Roz purchased

23 from the Industrial Board, and Denny will tell you about

24 that in a minute. But we'll try to be brief with your

25 time tonight. But at any rate, that -- that is the

purpose there at the primary place, if you'll look --

PEARSON COURT REPORTING  
(270) 781-7730

1 primary entrance.

2 But if you'll look, the nice thing about

3 the design that Brian has put together on this, and

4 he'll be testifying also, is that the entrance is off of

5 Garvin Lane. There's not going to be an entrance off

6 of -- of Scottsville Road. So you'll go in Garvin Lane

7 to -- to access this entire development rather than

8 dealing with Highway 100. And you've had -- I don't

9 know what extent you all have had with it, but the

10 community's had trouble with the state on everything out

11 that way to get much assistance from the state, so I

12 think this eliminates that potential problem.

13 But the -- in addition to the restaurant,

14 which we -- we feel is a certainty at this point, there

15 is a proposed medical and health building there.

16 There's approximately fifteen hundred new jobs that have

17 gone -- industrial jobs have gone in there.

18 We think it's likely that that will be an

19 area that might be specifically to serve the industrial

20 uses there, in that for drug testing and perhaps other

21 things related to those industrial workers. And then in

22 addition to that, there's another site for a proposed

23 restaurant there that would be associated with the

24 medical clinic.

25 And then finally, the last item that --

PEARSON COURT REPORTING  
(270) 781-7730

1 as you all may know, Ashwani has, or Roz has, several

2 hotel properties that he has developed. And he is

3 proposing for that site a long term residential type of

4 hotel that we think will serve our industries and our

5 businesses in this location; with its access to I-65,

6 would also serve Nashville and Bowling Green to some --

7 to some extent.

8 But with that said, if I could, I'd like

9 to go ahead and proceed. And if I could start with Mr.

10 Griffin and let him answer a few questions, then I think

11 that I will go to Brian Shirley.

12 You want to -- you want to just have a

13 seat right here? It might be the most place

14 comfortable.

15 MADAM CHAIRPERSON: Mr. Denny, you need

16 to get sworn in.

17 MR. GRIFFIN: That's --

18 MADAM CHAIRPERSON: Thank you.

19 (Off the record)

20

21 \*\*\* \*\*

22 DENNIS GRIFFIN, being first duly sworn,

23 gave the following answers in response to questions

24 propounded to him:

25 MR. CROCKER: You can have a seat there.

PEARSON COURT REPORTING  
(270) 781-7730

MADAM CHAIRPERSON: Thank you, Denny.

MR. CROCKER: Wherever you're comfortable there.

... ..

# EXAMINATION

BY MR. CROCKER:

Q. Please, for the record, tell the board your full name and what it is you do in this community.

A. Full name is James Dennis Griffin. And I'm with the Franklin-Simpson Industrial Authority. I'm the director.

Q. And how long have you served in that capacity?

A. Twenty-four years now.

Q. And prior to that, did you serve in a -- in a similar capacity for Bowling Green and Warren County?

A. I did. Yes.

Q. And as having served in that capacity, are the interstate exchanges, those areas, uniquely interesting to you from the standpoint of the Industrial Board?

A. Absolutely. As you know, we have two industrial -- major industrial parks at Exit 6, and

PEARSON COURT REPORTING  
(270) 781-7730

we're starting a new one, the Stone Givens Park. We're adding an additional a hundred-and-eighty-seven acres. And it's next to -- immediately adjacent to the Henderson Park.

Q. And as part of that, was there a period of time when Mr. Garvin planned a development in the area?

A. We worked -- years ago, David Garvin, who had a great interest in Franklin, purchased approximately a thousand acres in that general area and had several projects that he had hoped to -- to bring to the area. Unfortunately, those didn't materialize. And Brad Kelly, a Franklin native -- when the land went up for sale, Brad purchased three-hundred-and-twenty-five acres, I believe, on the west side of I-65. And then we have purchased the additional six-hundred-and-some-odd acres on the east side.

Q. And did there come a time when the Industrial Board thought it was appropriate to sell a portion of that property?

A. Yeah. The -- the property we -- we purchased on the Henderson Park, our initial purchase, was four-hundred-and-fifty-one acres. And of that, approximately twenty acres or so was -- along Highway 100 was already zoned commercial, I believe B-5. And of

PEARSON COURT REPORTING  
(270) 781-7730

course, our interest was developing the main property for industrial and we came before the board here and had that rezoned.

Q. Did -- when the -- when the Industrial Board decided to sell a portion of that property, did they speak with Ashwani Sarvaria, Roz, about that?

A. Did -- we, of course, worked with Roz and knew Roz through Holiday Inn, you know, an excellent property and one that many of our clients, you know, stay at when they come to Franklin. He expressed an interest in that acreage, wanted an extended-stay hotel or motel and then some commercial development. And -- and all of that is needed, and even more so than when we first discussed it.

I know a lot of our clientele at the industrial park and we -- we have such international companies, that they tend to stay in Bowling Green because there's some extended-stay hotels in Bowling Green. And if we had one here, you know, they would stay there. So --

Q. Did the Industrial Board in the sale to Roz of this property, they made some level of control in that they would approve whatever went in at that location?

A. Absolutely. Yeah. They would. Anything

PEARSON COURT REPORTING  
(270) 781-7730

that would go into that site would have to come before the board, we approve it, and then -- then move forward.

Q. And has the board approved this proposed development by Mr. Sarvaria?

A. They are aware of it. We have not formally approved, because of the zoning, we wanted to wait. But they're very much for this -- this project.

Q. It's your expectation that they will approve it?

A. Absolutely.

Q. Is that true?

A. Yes.

Q. Okay. So as far as the original zoning of this property -- and -- and I'll -- I'll tell you -- I don't know if you're familiar with, yourself -- but I'll tell you that in B-5 there is a requirement that the -- that the -- each lot have to be -- has to be at least two acres. With that in mind, would it -- is it appropriate for this to be B-5 or would it have been more appropriate to be B-4, given its location with the interstate, with the likelihood that it might serve as a home for a restaurant facility such as this?

A. Yeah. When we purchased it, it was already B-5. And of course, we're not involved in commercial development. We're involved in industrial

PEARSON COURT REPORTING  
(270) 781-7730

1 development. But when Roz discussed the need for, you  
2 know, single acreage type development, we were -- you  
3 know, certainly understood, certainly in agreement  
4 because we feel like that's more advantageous, you know,  
5 to -- you know, to the board in -- in regarding what  
6 could come in there.

7 Q. Okay. And so you think that it really  
8 would have been more appropriately zoned where one acre  
9 was allowed instead of five acres?

10 A. Absolutely.

11 Q. Okay. Have there been major changes if  
12 this area of a social or economic nature that would be  
13 appropriate for the board to consider, or of a physical  
14 nature, even, of -- in this area?

15 A. Yeah. We purchased the land eight to ten  
16 years ago. I couldn't give you an exact date. And  
17 since that time, of course, the Sanders Park -- one of  
18 the reasons we purchased the land, the Sanders Park was  
19 completely full, or at least the land that we  
20 controlled. There's some private land that surrounds  
21 it.

22 And then we, of course, went over the  
23 Henderson Park. If any of you all have traveled down  
24 I-65, I think -- particularly in the last three or four  
25 years -- you probably noted that there's a lot -- you

PEARSON COURT REPORTING  
(270) 781-7730

1 know, a lot more buildings and a lot -- a lot going on  
2 right now. And so, you know, the very nature of this  
3 area has changed, as you mentioned.

4 There's currently about fifteen hundred  
5 employees in that general area. There's not a lot of  
6 restaurants nearby, which puts a strain on employees,  
7 you know, at -- at lunchtime or in the evening.

8 We have two more companies that will be  
9 located in the park, and we have two additional  
10 buildings being built on a speculative basis, so we  
11 expect, you know, maybe by the end of this year, up to  
12 two thousand people in that general area.

13 So we're very anxious for our industries  
14 to have an opportunity to have something close-by where  
15 they -- they -- where their employee's or even the  
16 corporate people can dine and -- and have something  
17 nearby.

18 Q. And are you familiar with the plans for  
19 an R.V. center across the road?

20 A. I am familiar. Yes.

21 Q. And then, since in the last -- since  
22 adoption of the Comprehensive Plan, has there been  
23 significant residential development also in the area?

24 A. You know, one of the -- again, we had  
25 some additional land, and I think we came to this board

PEARSON COURT REPORTING  
(270) 781-7730

1 several years ago and we created -- or Joe Garvin  
2 created Garvin Pointe Apartments. We felt like that  
3 land, you know, at the time, and even now, we have a  
4 labor shortage -- and we felt like that land, which was  
5 about nineteen acres, was more important for apartments  
6 and getting people here to Franklin to take these jobs  
7 than another industry setting right on the road. So  
8 that whole area is beginning to -- to change.

9 Q. And you're familiar with the George  
10 Mears' development, which this board has approved for  
11 additional housing?

12 A. Yes.

13 Q. And do you think it's important for all  
14 of that housing to have access to restaurants, such as  
15 they proposed here, and medical facilities?

16 A. Absolutely. Yes.

17 Q. Do you believe that in addition to the  
18 reason that you stated personally, do you believe that a  
19 hotel at this location would be well received?

20 A. Yes, particularly what Roz has envisioned  
21 with an extended-stay.

22 MR. CROCKER: I don't believe I have any  
23 additional questions. Thank you.

24 MADAM CHAIRPERSON: Good.

25 Carter, just for my information or all of

PEARSON COURT REPORTING  
(270) 781-7730

1 the board's information, can you have a medical facility  
2 in an R-5 or does it need to be in a -- or B-4? Can --  
3 can you have a medical facility in B-5 or does it need  
4 to be in B-4?

5 MR. MUNDAY: It can be in a B-5 or a B-4.

6 MADAM CHAIRPERSON: Either one. Okay. I  
7 didn't -- thank you.

8 MR. MUNDAY: We have an UrgentCare in a  
9 B-4 out here by the --

10 MADAM CHAIRPERSON: Okay.

11 MR. MUNDAY: -- Lowe's.

12 MADAM CHAIRPERSON: Great. Thank you.  
13 Oh, I figured it -- I -- I -- yeah. Thanks. It's the  
14 two acres that's the --

15 MR. CROCKER: I think if anybody has any  
16 questions, Mr. Griffin will be happy to answer;  
17 otherwise, I'd like to call Brian Shirley.

18 MADAM CHAIRPERSON: Anybody have any  
19 questions for Mr. Griffin before he gets out of the hot  
20 seat?

21 Thanks.

22 MR. CROCKER: Brian, I'm going to just  
23 set this in front of you here.

24 MR. SHIRLEY: All right.

25 MR. CROCKER: If you don't mind, have a

PEARSON COURT REPORTING  
(270) 781-7730

1 seat.

2 MR. SHIRLEY: Okay.

3 MR. CROCKER: There's a vacant seat

4 there. And then --

5 MR. SHIRLEY: Do I need to be sworn in

6 before I sit down?

7 MR. CROCKER: Yeah, you -- yeah. You

8 might want to get sworn in.

9 MR. SHIRLEY: All right.

10 (Off the record)

11 \*\*\* \*\*

12

13 BRAIN SHIRLEY, 1136 South Park Drive,

14 Bowling Green, Kentucky, 42103, being first duly sworn,

15 gave the following answers in response to questions

16 propounded to him:

17 MADAM CHAIRPERSON: Thank you.

18 MR. CROCKER: These engineering type

19 guys, they learn quick.

20 MADAM CHAIRPERSON: That's right.

21 \*\*\* \*\*

22

23 EXAMINATION

24 BY MR. CROCKER:

25 Q. So tell me, Brian, or tell the board, are

PEARSON COURT REPORTING  
(270) 781-7730

1 you an employee with Jeff Arnold's group, ACES

2 Engineering and Consulting?

3 Yes, Arnold Consulting. I've been there

4 about fifteen years now.

5 Q. And have you worked on this concept --

6 A. Yes.

7 Q. -- plan for this --

8 A. Uh-huh.

9 Q. -- proposed project?

10 A. Correct.

11 Q. And I have mentioned a couple things, but

12 I'll let you state it for the record.

13 Is it accurate that there would be --

14 that the access for the entire facility would be off

15 Garvin Lane and none of it would be directly from --

16 A. Correct.

17 Q. -- Highway 100 East?

18 A. Yes.

19 Q. And was it -- was it developed that way

20 intentionally to ease the traffic issues in that area?

21 A. Yeah. We like to do -- try to utilize a

22 lower class road to access a development instead of

23 using your main roads, just so we don't have more

24 driveways, more chance of accidents with high speeds.

25 You come into a road like Garvin Lane,

PEARSON COURT REPORTING  
(270) 781-7730

1 traffic is much slower there. You have good viewing

2 distances between here and Kentucky 100. It's just --

3 from a traffic standpoint and safety standpoint, it just

4 makes sense to bring the traffic into this point and

5 then in.

6 Q. Do you know Ashwani Sarvaria to be a

7 person with some experience at developing hotels that

8 you've worked with him on?

9 A. Yes, sir.

10 Q. And do you know him to be a person that

11 generally has development experience for commercial and

12 retail type --

13 A. Yes, sir.

14 Q. -- developments?

15 And in working on this project, did you

16 notice anything that made this particular project --

17 where you felt like it was deficient in any way or it

18 had any problems that --

19 A. No. Because the uses that we're trying

20 to propose here are things that can benefit the

21 industrial park. As mentioned earlier, this isn't like

22 a -- a big medical facility. It's something that would

23 service the industrial park, you know, new employees

24 that need to go through drug testing or there's an

25 incident, that you can be drug tested, minor cuts and

PEARSON COURT REPORTING  
(270) 781-7730

1 scrapes type things, but it's not going to be like an

2 ambulatory type facility. It's more of a --

3 MADAM CHAIRPERSON: So it's not an

4 UrgentCare?

5 MR. SHIRLEY: Right. It's more of a

6 clinical type.

7 MADAM CHAIRPERSON: And it is not open --

8 will it be open in the evenings or just --

9 MR. SHIRLEY: At that -- at this point --

10 MADAM CHAIRPERSON: We're not there --

11 MR. SHIRLEY: -- we're not sure

12 exactly --

13 MADAM CHAIRPERSON: Yeah.

14 MR. SHIRLEY: -- the hours, but --

15 MADAM CHAIRPERSON: Yeah.

16 MR. SHIRLEY: -- with second shifts, a

17 lot of times that you may have a limited --

18 MADAM CHAIRPERSON: So it may be nice in

19 that area to have something like that --

20 MR. SHIRLEY: Correct.

21 MADAM CHAIRPERSON: -- and for people in

22 the community.

23 MR. SHIRLEY: Then having --

24 Q. Do you --

25 MR. SHIRLEY: -- a restaurant, potential

PEARSON COURT REPORTING  
(270) 781-7730



1 for a second restaurant, mixed in with an extended-stay  
2 hotel serving the whole industrial park and the rest of  
3 the community.

4 Q. In as much as you're from Bowling  
5 Green -- I know in Bowling Green you can't throw a dead  
6 calf without hitting a restaurant, but here -- here in  
7 Franklin, do you see that as being something that we are  
8 in need of is additional restaurants?

9 A. Yeah.

10 MADAM CHAIRPERSON: Yeah.

11 A. Absolutely.

12 MR. TYLER: What is the restaurant?

13 Can --

14 MR. CROCKER: I'm sorry?

15 MR. TYLER: What was the restaurant?

16 MR. CROCKER: It -- I'm authorized to say  
17 that it is a national breakfast chain.

18 MADAM CHAIRPERSON: So we can guess?

19 MR. CROCKER: The -- the --

20 MADAM CHAIRPERSON: Can we guess it?

21 MR. CROCKER: The other restaurant that  
22 is --

23 UNKNOWN MALE: But we get a restaurant.

24 MR. CROCKER: -- that --

25 MADAM CHAIRPERSON: International

PEARSON COURT REPORTING  
(270) 781-7730

1 Pancake --

2 MR. CROCKER: -- that is not --

3 UNKNOWN MALE: We need to have one  
4 that's --

5 MR. CROCKER: -- decided yet.

6 There's only one restaurant that we do  
7 know the name of, but it's -- it -- it will be one that  
8 you have heard of.

9 Q. And as far as the hotel providing  
10 extended-care opportunities, do you think that that's  
11 something that Franklin could benefit from?

12 A. Absolutely. I think the ones in Bowling  
13 Green run at fairly high occupancy and you have people  
14 from the -- the Franklin area who are staying in some of  
15 those.

16 Q. Do you think that -- that the hotel could  
17 provide services, particularly during event times,  
18 that -- that the Bowling Green community would benefit  
19 from, as well?

20 A. Absolutely.

21 Q. And -- and Nashville?

22 A. Correct.

23 MR. CROCKER: Okay. I don't have any  
24 additional questions for by Brian --

25 MADAM CHAIRPERSON: Thank you.

PEARSON COURT REPORTING  
(270) 781-7730

1 MR. CROCKER: -- if anybody's got any  
2 questions.

3 MADAM CHAIRPERSON: Anybody have  
4 questions for Mr. Shirley -- correct? Mr. Shirley?

5 MR. SHIRLEY: Yes, ma'am.

6 MADAM CHAIRPERSON: Well, okay. Okay.

7 MR. CROCKER: I will be close -- one  
8 thing that I meant to say before I started and I failed  
9 to say, the reason that Ashwani's not here tonight is  
10 his -- his dad is ninety-six years old, but he passed  
11 away.

12 MADAM CHAIRPERSON: Oh.

13 Q. And so Ashwani is out of the country for  
14 that right now, but he -- he does -- he otherwise would  
15 have tried to have been here tonight.

16 MADAM CHAIRPERSON: Sorry to hear that.

17 Okay. That's good.

18 MR. CROCKER: We don't have anything  
19 else.

20 MADAM CHAIRPERSON: Okay.

21 MR. CROCKER: We have some findings we  
22 would like to circulate.

23 MADAM CHAIRPERSON: Sure.

24 While he's circulating these, do we have  
25 anyone here in the audience that would like to speak in

PEARSON COURT REPORTING  
(270) 781-7730

1 a positive manner for this zone change?

2 Okay. Everyone that has spoken has  
3 spoken -- that needed to speak has spoken?

4 Okay. Before we move forward with  
5 looking this over, do we have anyone here that has some  
6 concerns in regards to this zone change or would like to  
7 speak in a manner in which we would not change the zone?

8 With no one here speaking against and/or  
9 with concerns in regards to the zone change, then we can  
10 move forward with what we're doing here. Let the record  
11 state that. Thank you.

12 MR. LINK: Tim, where is the land that  
13 they sold to Marty Chandler?

14 MR. CROCKER: Where?

15 MR. LINK: I noticed it in your property  
16 description?

17 They've got a two-and-a-half acre  
18 off-conveyance.

19 MR. CROCKER: I'm -- I'm sorry. I don't  
20 know that. I can point to it on the map.

21 MR. LINK: Okay. I thought he came  
22 before us to get approval for something years ago and  
23 never developed it.

24 MR. SLIGER: There was a barbecue  
25 restaurant.

PEARSON COURT REPORTING  
(270) 781-7730

1 MR. GRIFFIN: Right here.  
 2 MR. LINK: So it's up here?  
 3 MR. GRIFFIN: Yeah.  
 4 MR. LINK: Yeah.  
 5 MR. CROCKER: At the top.  
 6 MR. LINK: I was just curious where it  
 7 was.  
 8 MR. CROCKER: There is a deed in the hand  
 9 out for that. So --  
 10 MR. LINK: Okay.  
 11 MR. CROCKER: -- if you need that.  
 12 MR. LINK: I don't.  
 13 MADAM CHAIRPERSON: Here it is. So -- I  
 14 don't know if you've seen it.  
 15 MR. LINK: Yeah. That was the same  
 16 person that brought it.  
 17 MADAM CHAIRPERSON: Okay. Thank you.  
 18 MR. MUNDAY: Right here it is, Bob.  
 19 MR. LINK: Uh-huh.  
 20 MR. MUNDAY: It's right here.  
 21 MADAM CHAIRPERSON: Carter, while we're  
 22 looking this over, do you have reasoning why we would  
 23 not move forward with the zone change? What are your  
 24 feeling?  
 25 MR. MUNDAY: The -- the advantage of

PEARSON COURT REPORTING  
 (270) 781-7730

1 changing the oil for that would be --  
 2 MADAM CHAIRPERSON: Changing the oil?  
 3 MR. MUNDAY: -- changing the -- the scene  
 4 on that is this one restaurant has to have a smaller  
 5 lot.  
 6 MADAM CHAIRPERSON: Yes, sir.  
 7 MR. CROCKER: And in a B-4, your minimum  
 8 size is a ten thousand square feet lot.  
 9 MADAM CHAIRPERSON: Yeah.  
 10 MR. MUNDAY: So that's -- that's  
 11 paramount on all of this. Everything --  
 12 MADAM CHAIRPERSON: Okay.  
 13 MR. MUNDAY: -- around this works. The  
 14 rest of that works in the zoning --  
 15 MADAM CHAIRPERSON: And this is somewhat  
 16 of a flagship part of this whole development --  
 17 MR. MUNDAY: Right.  
 18 MADAM CHAIRPERSON: -- in particular,  
 19 right there --  
 20 MR. MUNDAY: When this was sent to me, I  
 21 reviewed that plan. And -- and when I reviewed it, I  
 22 tried to figure outside the box how you could make all  
 23 this work together, but we know property changes hands,  
 24 and if somebody come in and wanted to buy the  
 25 restaurant, they couldn't, because we would have to

PEARSON COURT REPORTING  
 (270) 781-7730

1 separate a lot out small enough within the zone --  
 2 MADAM CHAIRPERSON: Okay.  
 3 MR. MUNDAY: -- and -- and that  
 4 necessitates this zone change. So --  
 5 MADAM CHAIRPERSON: Okay. Thank you.  
 6 MR. LINK: And this is in the city  
 7 limits, all of it?  
 8 MR. MUNDAY: It is.  
 9 MADAM CHAIRPERSON: Thank you for  
 10 explaining the reasoning there.  
 11 Mr. Link, do you see legal --  
 12 MR. LINK: Everything's fine.  
 13 MADAM CHAIRPERSON: Thank you.  
 14 I'm prepared to take a motion for a zone  
 15 change: Zuari Investments, L.L.C., from a B-5, which is  
 16 Interstate Exchange, to a B-4, Highway Business, for the  
 17 approximately seven-point-seven-acre parcel which is  
 18 located east side of Garvin Lane -- Garvin Lane and  
 19 north side of Scottsville Road.  
 20 MR. SLIGER: That's my motion and accept  
 21 the Findings of Facts and Conclusions of Law.  
 22 MADAM CHAIRPERSON: Thank you, very much,  
 23 for being on top of your game, Mr. Sliger.  
 24 Is there a second?  
 25 MR. WILSON: Second.

PEARSON COURT REPORTING  
 (270) 781-7730

1 MADAM CHAIRPERSON: Thank you, Mr.  
 2 Wilson. How's that ice tea working for you?  
 3 MR. WILSON: It's still sweet.  
 4 MADAM CHAIRPERSON: We're really glad.  
 5 Okay. Mr. Sliger has moved, Mr. Wilson  
 6 has seconded, that we approve the zone change from B-4  
 7 to B-5 for seven-point-seven acres located east side of  
 8 Garvin Lane and north side of Scottsville Road and,  
 9 also, that we accept the Findings of Fact and Approval  
 10 Recommendations, so Findings of Fact and Conclusions of  
 11 Law.  
 12 All right. Any discussion?  
 13 All in favor, please raise your right  
 14 hand by saying aye.  
 15 Okay. That motion -- with no one in  
 16 dissension, that motion passes unanimously.  
 17 Thank you. Okay.  
 18 MR. MUNDAY: Now, I'm would like to  
 19 explain myself, the -- the verbiage of oil that I used a  
 20 moment ago, my mother just texted me and said she needed  
 21 an oil change. So --  
 22 MADAM CHAIRPERSON: I like that. Nothing  
 23 like multi-tasking.  
 24 MR. MUNDAY: That's what was on my mind.  
 25 MADAM CHAIRPERSON: Okay. Do we have --

PEARSON COURT REPORTING  
 (270) 781-7730

1 MR. CROCKER: We know what's more  
 2 important.  
 3 MR. MUNDAY: That's right. That's right.  
 4 MADAM CHAIRPERSON: Do we have a motion  
 5 to exit the public hearing?  
 6 MR. KONOW: I so move we exit.  
 7 MADAM CHAIRPERSON: Thank you, Mr. Konow.  
 8 Second?  
 9 MR. WILSON: Second.  
 10 MR. MYLOR: Second, also.  
 11 MADAM CHAIRPERSON: Thank you, Mr. Wilson  
 12 and Mr. Mylor.  
 13 This meeting is so adjourned.  
 14 (Whereupon the proceedings ended at 7:24 p.m.)  
 15  
 16 \*\*\* \*\*  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

PEARSON COURT REPORTING  
 (270) 781-7730

1 STATE OF KENTUCKY )  
 2 )SS  
 2 COUNTY OF WARREN )  
 3  
 3 I, April Pearson, C.C.R., a Notary Public  
 4 within and for the State at Large, do hereby certify  
 5 that the foregoing Franklin-Simpson Planning and Zoning  
 6 public hearing was taken before me at the time and place  
 7 and for the purpose in the caption stated; that the  
 8 public hearing was reduced to shorthand writing by me in  
 9 the presence of the individuals; that the foregoing is a  
 10 full, true and correct transcript so given to the best  
 11 of my ability, and the appearances were as stated in the  
 12 caption.  
 13  
 13 I further certify that I am neither of  
 14 counsel nor of kin to either of the parties to this  
 15 action, and am in no wise interested in the outcome of  
 16 said action.  
 17  
 17 WITNESS MY SIGNATURE this 9th day of  
 18 June, 2022. My commission expires October 28, 2022.  
 19  
 20  
 20 \_\_\_\_\_  
 21 April Pearson, CCR  
 21 Notary Public  
 22 State at Large, Kentucky  
 23  
 24  
 25

PEARSON COURT REPORTING  
 (270) 781-7730