

Sponsors:	Commissioner Powell
	Commissioner Williams
Second Reading:	August 22, 2022
Publication Date:	September 1, 2022

ORDINANCE NO. 2022-022

AN ORDINANCE REZONING APPROXIMATELY 2.02 ACRES LOCATED ON NORTH MAIN STREET FROM B-2 (GENERAL BUSINESS DISTRICT) TO B-1 (CENTRAL BUSINESS DISTRICT) BY FRANKLIN BANK & TRUST COMPANY

WHEREAS, Franklin Bank & Trust Company filed a petition to rezone approximately 2.02 acres located on North Main Street in Franklin, Simpson County, Kentucky currently zoned B-2 (General Business District) to B-1 (Central Business District); and

WHEREAS, Franklin Bank & Trust Company 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 July 26, 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 2.02 acres located on North Main Street in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto is granted a zone change from its B-2 (General Business District) to B-1 (Central Business District).

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

August 8, 2022

FIRST READING

August 22, 2022

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on August 22, 2022, on motion made by Commissioner Bennett and seconded by Commissioner Powell, 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 A

PROPERTY DESCRIPTION APPENDIX

A certain tract of land lying in Simpson County, Kentucky on the west side of US Hwy 31W (N. Main Street), the east side of N. College Street and the north side of Bank Lane, being located in the city of Franklin; being all of the properties previously recorded in Deed Book 96 Page 417, Deed Book 102 Page 24, Deed Book 111 Page 406, Deed Book 112 Page 464, Deed Book 136 Page 256, Deed Book 172 Page 588 and Deed Book 293 Page 2, and being more particularly described as follows:

The basis of the bearings for this legal description is grid north as established by Kentucky State Plane Coordinates, South Zone 1602. All iron pins set are ½"x18" iron pins with 1" yellow plastic cap stamped "B. Hester PLS 4147".

Beginning at a ¾" iron pipe found in the west right of way of US Hwy 31W (N. Main Street) (60' r/w per KYTC Project No. 107-5 Dated 1947), said pipe being a common corner to Plat of St. Mary's Church as previously recorded in Plat Book 4 Page 112, St. Mary's of Franklin (Deed Book 137 Page 271) and being the northeastern most corner of Deed Book 293 Page 2 (First Tract) of the parent tract. Thence, leaving the line of St. Mary's of Franklin and with the right of way of US Hwy 31W the following two calls, with a curve turning to the right with an arc length of 125.74', with a radius of 543.70', with a chord bearing of S 02°32'39" W, with a chord length of 125.46' to an iron pin set, said pin being located S 07°18'38" W a distance of 35.27' from a ½" iron pin found at the common corner of Deed Book 112 Page 464 and Deed Book 293 Page 2 (Second Tract) of the parent tract. Thence, S 09°21'11" W a distance of 144.35' to mag nail with 2" aluminum shiner stamped "B. Hester PLS 4147" set at the intersection of the west right of way of said US Hwy 31W with the north right of way of Bank Lane (20' r/w – assumed as per existing curb and use locations in conjunction with record deed calls for the various tracts making up the subject property when measured from the monumented north side of said subject property), said pin being the southeastern most corner of Deed Book 102 Page 24 (Parcel 1 – Tract 2) of the parent tract. Thence, leaving the right of way of US Hwy 31W and with the right of way of Bank Lane, N 80°54'19" W a distance of 345.95' to an iron pin set at the intersection of the north right of way of said Bank Lane with the east right of way of N. College Street (30' r/w per Plat Book 4 Page 112 & Found Monuments), said pin being the southwestern most corner of Deed Book 102 Page 24 (Parcel 1 – Tract 2) of the parent tract. Thence, leaving the right of way of Bank Lane and with the right of way of N. College Street, N 08°12'21" E a distance of 241.81' to a ½" iron pipe found, said pipe being a common corner to and the southwestern most corner of the aforementioned St. Mary's of Franklin property. Thence, leaving the right of way of N. College Street and with the line of St. Mary's of Franklin the following three calls, S 80°42'43" E a distance of 158.46' to an iron pin set, said pin being located S 07°41'51" E a distance of 2.93' from a 2" iron pipe found, said pipe appears to be a cut off fence post. Thence, N 06°34'24" E a distance of 19.70' to a 1" iron pipe found. Thence, S 83°29'38" E a distance of 178.63' to the point of **Beginning**, containing 88,095 +/- square feet (2.02 acres) as surveyed by Arnold Consulting Engineering Services, Inc., Charles B. Hester, PLS 4147, completed on July 25, 2022.

**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 July 26, 2022, on the petition of the Franklin Bank & Trust Company requesting a zone change from B-2 (General Business District) to B-1 (Central Business District) for property located on North Main Street in Franklin, Simpson County, Kentucky and described as follows:

Property One

The following described lot of land located on the West side of North Main Street in Franklin, Simpson County, Kentucky, to-wit:

Beginning at the corner between said property and E. N. Dickens on Main Street, and running thence North with the West edge of said street to the corner of said lot and the lot of J. H. Smith; thence Westerly with said Smith's line and the fence and corner of lot, now occupied by Sallie Stanford; thence with the fence South to the alley; thence East with the North line of the alley to the E. N. Dickens corner; thence North with the Dickens line to his Northwest corner; thence with his line East to Main Street.

Said property is now bounded thus: On the North by A. U. McFarlin; on the West by Mrs. Buchanan, formerly J. M. Bryan; on the South by Simmons, formerly Mrs. Hatcher; and on the East by North Main Street.

Being the same property conveyed to Franklin Bank & Trust Company by Howell Cobb Patton, III, single, by deed dated November 11, 1967, of record in Deed Book 96, Page 417, Office of the Simpson County Clerk.

Property Two

The following described two parcels of land located in Franklin, Simpson County, Kentucky, to-wit:

PARCEL 1:

Tract 1: A certain house and lot located on North Main Street: Beginning at the Southeast corner of lot formerly owned by Mrs.

Almeda Collier, now by James Harris, on the West side of Main Street and North side of the alley running from Main Street to College Street; thence with West line of Main Street in a north direction 62 feet to a stake; thence in a Westwardly direction 166 feet to a stake; thence in a South direction 62 feet to a stake in the North edge of said alley; thence with the edge of said alley 166 feet to the beginning

Tract 2: Located on North College Street: Bounded on the North by the property of Claud and Cora Hampton; on the East by the property of Mr. and Mrs. W. M. Hatcher; on the South by an alley and the property of Hobart Lamb; and, on the West by North College Street.

PARCEL 2:

Located on the North side of the alley which extends from North Main Street to North College Street: Beginning at the southeast corner of what was formerly the N. C. Simmons North College Street tract, now the property of the grantee herein, (Parcel 1 above), in the North line of the alley extending from North Main to North College Street; thence easterly with the alley to the southwest corner of the tract known as the Hatcher Tract, formerly referred to as the E. N. Dickens property, now the property of the grantee herein (Parcel 1 above); thence northerly with the West line of said tract to the northwest corner of said tract, a point in the line of Franklin Bank & Trust Company, formerly Patton; thence westerly with said line to the common corner of Vera Buchanan (formerly referred to as being occupied by Sallie Stanford), Franklin Bank & Trust Company (formerly Patton), and the grantee herein (formerly the N. C. Simmons North College Street tract and now Parcel 1 above); thence southerly with said tract, Parcel 1 above, to the point of beginning.

This being the same property conveyed to Franklin Bank & Trust Company by Ruby Mai Page and husband, Leon Page, by deed dated January 20, 1970, of record in Deed Book 102, Page 24, Office of the Simpson County Clerk.

Property Three

The following described house and lot of land located on the east side of North College Street in Franklin, Simpson County, Kentucky, to-wit:

Bounded on the north by Mrs. Robert Jacob; on the east and south by Franklin Bank & Trust Company; and, on the west by North

College Street. Said property fronting 66 feet on North College Street and running back east 165 feet.

Being the same property conveyed to Franklin Bank & Trust Company by Leon Page and wife, Ruby Mai Page, and Lee Roy Hughes, Jr., and wife, Mary DeLong Hughes, by deed dated May 1, 1973, of record in Deed Book 111, Page 406, Office of the Simpson County Clerk.

Property Four

The following described house and lot of land located on the west side of North Main Street, in Franklin, Simpson County, Kentucky, to-wit:

Beginning at a pipe in the southeast corner, an established corner, being N 5° 30' E 135.0 feet from the north edge of the alley, originally the town boundary, and in line with the west right of way of North Main Street; thence with the line of the west right of way of North Main Street, being the west edge of the sidewalk that parallels said street on the west, N 5° 30' E 54.00 feet to a pin a corner to the Maurine Simpson lot, thence with the line of Maurine Simpson, N 84° 28' W 181.13 feet to a pin a corner to Mrs. E. E. Biles and Mrs. Robert Jacob; thence with the line of Mrs. Robert Jacob, S 2° 34' W 60.42 feet to a pipe a corner to Franklin Bank & Trust Company; thence with the north established line of the Franklin Bank & Trust Company, S 86° 18' E 181.83 feet to the point of beginning.

Being the same property conveyed to Franklin Bank & Trust Company by Bess M. Gregory, single. By deed dated September 5, 1973 of record in Deed Book 112, Page 464, Office of the Simpson County Clerk.

Property Five

The following-described real property located on the east side of North College Street in Franklin, Simpson County, Kentucky, to-wit:

Beginning at a spike in the Southwest corner at the edge of the existing curb, being 12.7 feet from the center of North College Street and being N 5° 37' E 61.0 feet from the northwest corner of the Franklin Bank and Trust Company property, and a corner to Mrs. Robert Jacobs; thence with the line of the East edge of the curb on North College Street N 5° 37' E 59.0 feet to a spike, a corner to St.

Mary's Catholic Church; thence with the line of St. Mary's Catholic Church S 85° 00' E 161.0 feet to a pin, a corner to Maurine S. Simpson and Marcell Simpson, Jr.; thence with the line of Simpson S 6° 00' W 62.15 feet to a pin, a corner to Mrs. Robert Jacob and Franklin Bank & Trust Company; thence with the line of Mrs. Robert Jacob N 83° 45' W 161.0 feet to the point of beginning, according to February 7, 1981 survey of E.C. Ellis, Registered Land Surveyor No. 318.

Being the same property conveyed to Franklin Bank & Trust Company by John Earl Biles and wife, Gladys Biles, by deed dated February 17, 1981, of record in Deed Book 136, Page 256, Office of the Simpson County Clerk.

Property Six

The following-described property located on the east side of North College Street, in Franklin, Simpson County, Kentucky, to-wit:

Beginning at a stone in the east line of North College Street, formerly Morgantown Road, and running with College Street in a northerly direction 61 feet to a stake, corner to Lot 3; thence eastwardly with the line of fence 161 feet to the east corner of old cabin, corner to Lot No. 1; thence southwardly with the line of the fence 60 feet and 5 inches to a fence corner, corner to Lot #1; thence westwardly 161 feet to the point of beginning.

This being the same property conveyed to Franklin Bank & Trust Company by Floy W. Jacob, unmarried, by deed dated September 20, 1990, of record in Deed Book 172, Page 588, Office of the Simpson County Clerk.

Property Seven

The following-described property located the west side of North Main Street in Franklin, Simpson County, Kentucky, to-wit:

First Tract:

A strip of land just north of the present residence of J. T. Fresh and running back with Fresh parallel with Catholic church, said strip being 20 feet in width and runs back from Main Street, that is from the east lien of church property 164 feet to the first parties' barn.

Second Tract:

Beginning at a stake, the north corner of Lot No. 1, and running thence northwardly with Main Street 66 feet to a stake, corner to 20

foot tract purchased from Catholic church by J. F. Fresh; thence westwardly 356½ feet to a stone in east line of College Street; thence southwardly 59 feet to a stake, corner to Lot No. 2; thence eastwardly 556½ feet to the point of beginning.

THERE IS EXCLUDED from this deed a tract of land fronting on College Street 59 feet and extending back between parallel lines east 135 feet, which has heretofore been conveyed to Nadine Stewart Biles by deed dated April 26, 1941, and of record in Deed Book 60, Page 75, Simpson County Clerk's Office.

THERE IS EXCLUDED from the above tract of land the following-described tract of land conveyed to Nadine S. Biles by deed dated August 9, 1957, of record in Deed Book 84, Page 175, Simpson County Clerk's Office, to-wit:

Beginning at a stake in Catholic church line, corner to Biles; thence east with church line 15 feet to a stake in said line, corner to Stewart; thence with line of Stewart south 69 feet to a stake in Jacob's line; thence with the line of Jacobs west 15 feet to a stake in Jacob's line, corner to Biles; thence with line of Biles north 69 feet to the beginning.

THERE IS EXCLUDED the following-described property sold to E. E. Biles and wife, Nadine S. Biles by deed dated December 20, 1971, of record in Deed Book 106, Page 584, said clerk's office, to-wit:

Beginning at a stake in the northwest corner in the line of the Saint Mary's Catholic Church property, a corner to Biles, which beginning corner is 150 feet east of the curb which parallels North College Street on the east; thence with the line of said church property S 83° 45' E 11.0 feet to a stake, a new corner to Simpson in the line of said church property; thence with a new line of Simpson S 7° 00' W 82.15 feet to a stake, a corner to Simpson, Bess McFarland Gregory and Mrs. Robert Jacob; thence with the line of Jacob N 83° 45' W 11.0 feet to a stake in the Jacob line, corner to Biles; thence with the line of Biles N 7° 00' E approximately 81.85 feet to the point of beginning.

SAID LOT NOW FRONTS on North Main Street 86 feet and extends back about 221½ feet and bounded on the north by Saint Mary's Parish of Franklin, on the east by North Main Street, and on the south and west by Franklin Bank and Trust Company.

Being the same property conveyed to Franklin Bank and Trust Company by Marcel Simpson, Jr., unmarried, by deed dated May 26, 2011, of record in Deed Book 293, Page 2, Office of the Simpson County Clerk.

It was reported to the Commission that Franklin Bank & Trust Company desired to rezone said property consistent with the Comprehensive Plan and due to the need for the construction of a new bank. The Petitioner was represented by Hon. Timothy J. Crocker. The Commission heard statements of counsel and the testimony of Wes Marklin of Franklin Bank & Trust Company; Lee Ross Dinwiddie of Graf Studio, LLC; and Brian Shirley of Arnold Consulting Engineering Services, Inc. (ACES) 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 downtown Franklin as a gateway to the community. Gateways should be used to define the entrance into Franklin and promote a positive impression of the community. The Comprehensive Plan identifies as one its goals the formation of attractive and welcoming gateways. The Comprehensive Plan recognizes that the location of offices in the Central Business District should be encouraged. The proposed use by Franklin Bank & Trust Company will promote a positive, attractive, and welcoming gateway into the City of Franklin.

2. The original zoning classification given to the property was inappropriate or improper because neighboring property is zoned B-1 and the property was fully paved at the time of the adoption of the most recent Comprehensive Plan. Amending the original zoning classification from B-2 and B-1 will be consistent and bring it into conformity with the Comprehensive Plan.

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. This includes the growth of Franklin which has created the need for the construction of a new bank to better serve the Franklin community, the expansion of the neighboring German American Bank site, and the development of businesses in this formerly residential area where Franklin Bank & Trust Company is located.

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-2 and B-1 be granted.

Approved and recommended for zoning change, this the 24 day of July, 2022.


CHAIRMAN

FRANKLIN-SIMPSON PLANNING & ZONING COMMISSION

SPECIAL CALLED PUBLIC HEARING

IN RE: FRANKLIN BANK & TRUST COMPANY TO REQUEST A ZONE
CHANGE FROM B-2 (GENERAL BUSINESS) TO B-1
(CENTRAL BUSINESS) FOR AN APPROXIMATELY
2.03-ACRE PARCEL LOCATED AT 317 N. MAIN STREET

*** **

JULY 26, 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 - 23

EXHIBITS

EXHIBIT 1 PAGE 22 Findings of Facts and
Conclusions of Law

PEARSON COURT REPORTING
(270) 781-7730

The special called 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, July 26, 2022, at 7:25 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 Young Link
Attorney at Law
205 West Kentucky Avenue
Franklin, Kentucky 42134

Commission Members Present:
Ms. Debbie Thornton, Chairperson
Mr. John Mayeur
Mr. Chad Konow
Mr. Craig Mylor
Mr. George Weissinger
Mr. Roy Tyler

Also present: Ms. Emily Flora
Mr. Carter Munday

*** **

PEARSON COURT REPORTING
(270) 781-7730

MADAM CHAIRPERSON: The meeting is now
called to order. Welcome to Franklin Planning and
Zoning public hearing.

We're having a public hearing this
evening for Franklin Bank and Trust Company, and they
are here to request a zone change from, looks like,
Business 2, which is General Business, to Business 1,
Central Business. It's for approximately a
two-point-three-acre parcel, which is located at your
main branch here, at three seventeen North Main.

Okay. That sounds relatively simple.

MR. CROCKER: We'll -- we'll try to make
it quick, but thank you.

MADAM CHAIRPERSON: Sure.

MR. CROCKER: I appreciate the board
hearing us tonight again, as I said, in this special --
for this special meeting.

So we're going to be presenting evidence
in the public hearing on the zone change. And then at
the conclusion of that, if the board should see fit to
rezone the property, we're going to ask the court to
consider approval of the development plan, also. We're
prepared to present it.

So if we could start, I'd like to explain

PEARSON COURT REPORTING
(270) 781-7730

1 first why we're here. We -- we are here because,
2 despite the fact that that lot has been paved for many,
3 many years, as you all know, all the way to the curb, it
4 really should have been zoned B-1 back then instead of
5 B-2, because it was paved curb-to-curb -- curb-to-curb,
6 and so we are required to do that to proceed.

7 This has presented a difficult challenge
8 for the bank. Alex Downing is here tonight with the
9 bank, together with Wes Marklin. The challenges that
10 Mr. Downing has faced as a leader at the bank is to keep
11 our people from Franklin employed, to keep the bank
12 open, and to provide people with a -- a place to bank
13 while tearing down the bank and building another one
14 back sort of on top of it. So it's been quite a
15 challenge for him to get this done. And that has
16 created challenges that bring us here tonight.

17 So with that said, we're asking for this
18 rezoning. We believe that it is consistent with the
19 Comprehensive Plan. The reason that it is consistent is
20 that downtown Franklin is designated as a gateway to our
21 community in the Comprehensive Plan. And it is
22 consistent with the plan to promote a positive
23 impression in this community.

24 You will hear testimony tonight about the
25 construction of the new bank. And we believe it will

PEARSON COURT REPORTING
(270) 781-7730

1 promote a positive image for the county, will be
2 attractive, and it will be a welcoming gateway to the
3 community. In addition to that, as I said, we're going
4 to present testimony that it should have been zoned B-1
5 previously.

6 An interesting little tidbit that I
7 discovered is in the -- some of the title research that
8 Amanda East did on this project is that alley that runs
9 between those two was a part of the original city limits
10 of the City of Franklin. And Mr. Link probably knows
11 that, but I don't think anybody else would know it. But
12 at any rate, I found that interesting.

13 But at any rate -- and then the final
14 thing that we will present some evidence on is that
15 there have been changes in the area, specifically with
16 respect to the German American Bank and some of the
17 houses that have now become businesses in the area that
18 are changes that would justify a map amendment based on
19 those changes.

20 So it -- assuming that everybody is ready
21 to proceed, I'll try to go pretty quickly. I'd like to
22 first call Lee Ross Dinwiddie. And Lee Ross, if you
23 could, step forward and be sworn.

24 MADAM CHAIRPERSON: And, please, let the
25 record state that this is Mr. Tim Crocker who is

PEARSON COURT REPORTING
(270) 781-7730

1 representing -- I -- I'm sure you knew exactly who it
2 was, but just so it's -- thank you.

3 MR. CROCKER: Thank you.

4 MADAM CHAIRPERSON: Sorry.

5 (Off the record)

6 *** **

7 LEE ROSS DINWIDDIE, being first duly
8 sworn, gave the following answers in response to
9 questions propounded to him:

10 EXAMINATION

11 BY MR. CROCKER:

12 Q. Lee Ross, would you, please, tell the
13 board your name and your profession?

14 A. Lee Ross Dinwiddie. We're part of the
15 design team for the bank, certainly on the architecture
16 side. We are helping kind of hand in hand with the
17 builder, you know, get the part of the building torn
18 down -- it's already down and try to get started with
19 the new portion. We serve the architecture and then
20 head up some of the engineers, as well.

21 Q. And have you been involved in the design
22 of the new proposed bank?

23 A. Yes.

24 Q. And could you tell the board about that
25

PEARSON COURT REPORTING
(270) 781-7730

1 design?

2 A. So the new design is predicated on a need
3 to provide a better banking experience for the clients
4 and a better workplace that the limitations of the old
5 building couldn't suffice anymore. The challenge to
6 keeping one bank -- the bank open while building the new
7 one has lead to the site design with -- we are
8 addressing issues of the bank not addressing the street,
9 no pedestrian access, unsafe access from the back door
10 and so on, all the way down to mechanical systems and
11 structural components.

12 MADAM CHAIRPERSON: Yeah.

13 Q. Okay. And has this particular project
14 been reviewed by the new historic board for the downtown
15 Franklin?

16 A. Yes. It has.

17 Q. And tell the board about that review.

18 A. So this was the first new building in the
19 historic district and met all the rules. So it
20 granders (sic) historic district pressure in materials
21 and site layout and passed on first approval -- on first
22 application.

23 Q. Did -- did you work to present that to
24 that board?

25 A. Yes.

PEARSON COURT REPORTING
(270) 781-7730

1 Q. And did you think it was important for
2 the first approval to be a building that met the
3 standards that we discussed; that would be positive,
4 attractive, and -- and a welcoming gateway to the
5 community?
6 A. That's correct. Yes.
7 Q. Okay. And the -- the property that you
8 have designed on, is it accurate that that has been
9 paved all the -- the entire property has been paved for
10 many years?
11 A. That's correct, from College Street to
12 Main Street, from the bank alley to the Catholic church.
13 Q. And based on that do you think that it
14 was -- actually it should have been zoned B-1 instead of
15 B-2 previous to the most recent Comprehensive Plan?
16 A. That's correct.
17 Q. And with -- with respect to the area,
18 have there been -- over the last several years, have
19 there been changes; first, with German American Bank
20 where they have expanded and ended up paving where
21 they're now curb-to-curb, they're -- they're paving
22 their whole lot?
23 A. That's -- yes. That's correct.
24 Q. And are they B-1?
25 A. Currently B-1, yes.

PEARSON COURT REPORTING
(270) 781-7730

1 Q. And the property where the house is
2 decked up and looks like it's about to be moved, that
3 I'm sure everyone has seen -- that brick house -- that
4 property is B-1, also. What will be done on that
5 property?
6 A. So that that portion will become a park
7 with the gazebo, probably ninety-five percent green
8 space.
9 Q. Okay. And tell the board real quick just
10 for everybody's informational purposes -- we've seen
11 changes at the old Compton optical building. Tell
12 the -- the board what you understand that that is going
13 to be used for.
14 A. That will be -- the page center --
15 Franklin Bank's training center. It's sort of a
16 detached annex, if you will, like a -- a secondary use.
17 That's -- that's across College Street, so four-o-three
18 North College.
19 Q. And will it be used to train people to
20 work at the bank?
21 A. That's right. Yes.
22 Q. Okay.
23 A. And -- and available for public use, as
24 well.
25 Q. Is there anything else that you would

PEARSON COURT REPORTING
(270) 781-7730

1 like to offer tonight that I haven't asked you?
2 A. No, sir.
3 MR. CROCKER: Okay. I'd like to call
4 Brian Shirley.
5 Shirley's spelled like a first name
6 Shirley. Brian, B-R-I-A-N.
7 MADAM CHAIRPERSON: Hello, Mr. Brian.
8 MR. SHIRLEY: Hello.
9 MADAM CHAIRPERSON: How are you?
10 MR. SHIRLEY: You called me Mr. Arnold.
11 MADAM CHAIRPERSON: I know I called you
12 Mr. Arnold. Forgive me. But don't worry, I've
13 already --
14 MR. CROCKER: That's tough.
15 MADAM CHAIRPERSON: -- been set straight.
16 MR. SHIRLEY: Oh, okay.
17 MR. CROCKER: That's tough.
18 MADAM CHAIRPERSON: One of his backers is
19 keeping me honest. Right?
20 (Off the record)

PEARSON COURT REPORTING
(270) 781-7730

1 BRIAN SHIRLEY, 3116 South Park Drive,
2 Bowling Green, Kentucky, 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. Brian, please --
8 A. Sure.
9 Q. -- state your name.
10 A. Brian Shirley.
11 Q. And I have just a few questions on this,
12 but I will have more questions assuming that we
13 consider --
14 A. Okay.
15 Q. -- the approval of the development plan,
16 also.
17 So tell -- first, tell the board what
18 your profession is.
19 A. I'm a landscape architect with Arnold
20 Consulting Engineering Services in Bowling Green.
21 Q. And have you -- and have you been working
22 on this particular project?
23 A. Yes.
24 Q. And you see it up there on the plan.
25 The -- tell -- one thing I've heard a

PEARSON COURT REPORTING
(270) 781-7730

1 hundred questions about. What's the circle out close to
 2 Main Street? What's that going to be?
 3 A. That's part of the pedestrian access.
 4 Q. And will it have -- is that going to be a
 5 flagpole there or no?
 6 A. I believe --
 7 Q. Okay.
 8 A. -- the plan is for a flagpole --
 9 Q. Okay.
 10 A. -- to be there.
 11 Q. Yeah.
 12 MR. CROCKER: We -- we -- we decided it
 13 was going to be a fountain, but I think we're mistaken,
 14 Carter. But maybe we'll get Alex up to that later,
 15 but -- at any rate.
 16 Q. So as far as that property is concerned,
 17 has it been paved? When you started, was it completely
 18 paved?
 19 A. Yeah. There may be five or ten percent
 20 green space on the lot, if that. And that's just right
 21 at the entrance of the bank. The rest of it has been
 22 totally paved over.
 23 Q. Do you think it would have been
 24 appropriate for it to have been zoned B-1 at the time of
 25 the adoption of the most recent Comprehensive Plan?

PEARSON COURT REPORTING
 (270) 781-7730

1 A. Yes, sir.
 2 Q. And do you believe that the proposed
 3 development that you and Mr. Dinwiddie have worked on
 4 will be an appropriate gateway to the downtown area?
 5 A. Yes, sir. I do.
 6 Q. Will it promote business and office use?
 7 A. Yes.
 8 Q. And will it promote a positive,
 9 attractive, and welcoming gateway to the City of
 10 Franklin?
 11 A. Yes. Do to the layout, we're adding
 12 about forty feet of green space between the actual
 13 parking lot and the street. The site circulation -- if
 14 you look at the entrance to the left, in the top left,
 15 is an entrance. The other is an entry/exit. So we're
 16 going to have smoother flow traffic. We're not going to
 17 be bringing people out into that curve.
 18 Q. Okay.
 19 A. So it should be safer there.
 20 Q. It's going to be safer because of the --
 21 you don't want to pull out where that curve is?
 22 A. Correct.
 23 Q. Okay. Have there been changes of a
 24 social -- major changes of a social, economic, and
 25 physical nature in the area that also would suggest that

PEARSON COURT REPORTING
 (270) 781-7730

1 the property should be rezoned?
 2 A. I believe there has.
 3 Q. And would those be the development of
 4 the -- the -- now that the soil conservation office, the
 5 expansion of the German American Bank, the Peel-Holland
 6 building now becoming business use --
 7 A. Right.
 8 Q. -- Jean Poston's business use?
 9 A. Yes.
 10 Q. It's not as residential as it was many
 11 years ago?
 12 A. Correct. It's becoming a true business
 13 corridor.
 14 Q. Okay. I don't have any further questions
 15 for you.
 16 MR. SHIRLEY: Okay.
 17 MADAM CHAIRPERSON: Thank you, so much.
 18 MR. SHIRLEY: Thank you.
 19 MR. CROCKER: Wes Marklin.
 20 MADAM CHAIRPERSON: Okey-dokey. Mr. Wes,
 21 you need to get sworn in.
 22 MR. MARKLIN: Uh-huh.
 23 (Off the record)
 24
 25 *** **

PEARSON COURT REPORTING
 (270) 781-7730

1 WES MARKLIN, being first duly sworn, gave
 2 the following answers in response to questions
 3 propounded to him:
 4 EXAMINATION
 5 BY MR. CROCKER:
 6 Q. Wes, please tell the board your full name
 7 and what it is that you do?
 8 A. It's Wesley Marklin, and I'm a loan
 9 officer at Franklin Bank, the main office.
 10 Q. And are you from Franklin?
 11 A. I am.
 12 Q. Okay. And you're familiar with the area
 13 where the bank is currently located and where one is
 14 going to be built soon, hopefully?
 15 A. Yes, sir.
 16 Q. And with regard to that property, has
 17 it -- has it always had a B-1 use in that the pavement
 18 has gone all the way to the curbs?
 19 A. Yes, sir.
 20 Q. And do you believe it would have been
 21 appropriate for it to have been zoned B-1 prior to now?
 22 A. Yes, sir.
 23 Q. And so far as the proposed construction
 24 of the bank, do you believe that it will be a welcoming
 25 gateway to the City of Franklin?

PEARSON COURT REPORTING
 (270) 781-7730

1 A. A hundred percent.

2 Q. Do you believe it would be an improvement
3 from the current bank that's there?

4 A. Absolutely.

5 Q. Do you believe that it will promote a
6 positive, attractive entrance into the City of Franklin?

7 A. I do. I think it will make a beautiful
8 statement coming into Franklin.

9 Q. Do you believe that there have been major
10 changes of a physical, social, or economic nature in the
11 area to justify a change in zoning?

12 A. I do. And like we've discussed, you
13 know, you've got the German American Bank, the
14 agriculture center, Peel and Holland, State Farm
15 Insurance, Coldwell Banker, certain --

16 Q. I'd like for you to address one
17 additional thing, though, the -- one of the criteria
18 is -- is economic changes and -- under our -- our
19 regulations. So has the need for Franklin Bank's
20 services grown over the years?

21 A. Absolutely.

22 Q. And is that part of the reason for the
23 expansion of the bank?

24 A. Absolutely.

25 Q. And those economic changes you believe

PEARSON COURT REPORTING
(270) 781-7730

1 justify -- also justify the change to B-1; is that
2 correct?

3 A. Yes, sir.

4 MR. CROCKER: Okay. I don't have any
5 additional questions.

6 MADAM CHAIRPERSON: Good job. Thank you.

7 MR. CROCKER: Mr. Downing, I'd like to
8 call you real quick, if you don't care.

9 MR. DOWNING: Sure.

10 MADAM CHAIRPERSON: Mr. Alex, you need to
11 be sworn in.

12 MR. DOWNING: Okay.

13 MADAM CHAIRPERSON: Thank you.

14 (Off the record)

15 *** **

16 ALEX DOWNING, being first duly sworn,
17 gave the following answers in response to questions
18 propounded to him:

EXAMINATION

20 BY MR. CROCKER:

21 Q. Mr. Downing, tell the board your full
22 name and what it is that you do for Franklin Bank?

23 A. I'm Alex Downing, and I'm the president
24 and C.E.O. of Franklin Bank.
25

PEARSON COURT REPORTING
(270) 781-7730

1 Q. And in that capacity, are you exercising
2 leadership over this particular project that we're here
3 discussing tonight?

4 A. Yes, sir.

5 Q. And tell the -- tell the board just a
6 little bit about the project, because I think they're
7 interested. Mention -- if you'll talk about the
8 training center, talk about the proposed park, and just
9 tell them a little bit about the project and why it
10 became important for the bank to do this and -- and if
11 you don't mind, also -- I'm -- I'm asking you a whole --
12 to tell a whole lot of different things, but explain to
13 them about how you -- the challenges of managing the
14 construction of the bank and still keeping people
15 employed.

16 A. Okay. Well, we have been Franklin Bank
17 since 1958. And my -- my charge in being brought on to
18 the bank almost ten years ago, now, was to ensure that
19 that continued to be the case. And our board -- our
20 organization has always made a commitment to Franklin
21 and Simpson County. Obviously, we have branches in
22 Bowling Green and Warren County, as well, that have been
23 developed over time, but we are Franklin Bank.

24 And so in -- in analyzing this -- really,
25 going back pre COVID, in what we needed to do

PEARSON COURT REPORTING
(270) 781-7730

1 internally, we looked at a lot of different options,
2 including renovation and remodel. But what we
3 understood is that because of our growth and because of
4 access to -- to banking services in Franklin because of
5 the growth of Franklin and Simpson County -- and quite
6 honestly, because we -- we were looking for a point of
7 entry, we felt like the best plan of action, long term,
8 would be to build -- to build a new operation center and
9 branch.

10 That created, as Mr. Crocker indicated,
11 challenges because the bulk of our employees at our
12 operation center live in Franklin and Simpson County.
13 Obviously, we have a tremendous number of customers that
14 are located here and we needed to create a plan that
15 allowed us to -- to build a new bank, take down the
16 existing bank in -- in phases, but also be as least --
17 or as least invasive or least inconvenient to our
18 customer base and our employee team as possible.

19 The challenges of just taking the bank
20 down, rebuilding, and relocating were great because
21 creating that level of footprint and that size of space
22 temporarily would have been a significant challenge. So
23 we've really put together what I would call an overall
24 campus plan. We -- we've owned the home that was
25 discussed that is being moved, where the gazebo will

PEARSON COURT REPORTING
(270) 781-7730

1 be -- will be located, and we'll have a park area.

2 We were fortunate enough to purchase the
3 former Compton building, which will be the Leon and
4 Lassie Page Center --

5 MADAM CHAIRPERSON: Ah, great.

6 A. -- and as we announced at our annual
7 shareholders meeting in April, it will be named for two
8 of the -- the founders of Franklin Bank and -- and
9 certainly two of the Stallworths (phonetic) in our
10 history. And it will be training space, which is much
11 needed, and meeting space that we have where we can have
12 all of our employees. At this -- at this stage, we have
13 to use other facilities to have something that would
14 house all of our employees.

15 But also, we want to make it available
16 for community events and accessible for -- for meeting
17 space across Franklin and Simpson County. So it will be
18 an entire campus feel and an entire campus master plan.

19 MR. CROCKER: I don't have any other
20 questions.

21 I'm going to try to -- try to move fast
22 here and I'm going to --

23 MADAM CHAIRPERSON: Very nice.

24 MR. CROCKER: -- pass out the proposed
25 findings.

PEARSON COURT REPORTING
(270) 781-7730

1 Thank you, Wes.

2 (Whereupon Franklin Bank Exhibit 1 was
3 duly received, marked for identification,
4 and filed herewith as part hereof.)

5 MADAM CHAIRPERSON: Thank you, Mr.
6 Downing. We appreciate you coming in tonight.

7 Well, thank you, Mr. Crocker. Do you
8 have any further?

9 MR. CROCKER: We have no further
10 witnesses or arguments.

11 MADAM CHAIRPERSON: You're good, okay.
12 Is there anyone here that has any
13 concerns in regards to this zone change? Okay.

14 So there's no one here that wants to
15 speak with a concern or against the zone change?

16 Okay. Thank you. Let the record state
17 that there is no one here that has concerns in regards
18 to a zone change. Thank you.

19 I'm prepared to take a motion for the
20 zone change.

21 MR. KONOW: Madam Chairman, I move that
22 we grant Franklin Bank and Trust Company the zone change
23 from B-2 to B-1 for approximately a
24 two-point-zero-three-acre parcel located on three
25 seventeen North Main Street and include the Finding of
Facts in that motion.

PEARSON COURT REPORTING
(270) 781-7730

1 MADAM CHAIRPERSON: Thank you, Mr. Konow.

2 There's a motion on the floor to --

3 MR. MYLOR: Second.

4 MADAM CHAIRPERSON: -- approve.

5 That there is a second on the floor by

6 Mr. Mylor.

7 Gentlemen, would you have any discussion
8 left to go over this?

9 Okay. All in favor for the zone change
10 for Franklin Bank, signify by saying aye.

11 INDISCERNIBLE VOICES: Aye.

12 MADAM CHAIRPERSON: With no opposition,
13 that motion passes to the zone change.

14 Thank you, very much.

15 (Whereupon the public hearing concluded at 7:47 p.m.)

16

PEARSON COURT REPORTING
(270) 781-7730

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

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 special called Franklin-Simpson
7 Planning and Zoning public hearing was taken before me
8 at the time and place and for the purpose in the caption
9 stated; that the public hearing was reduced to shorthand
10 writing by me in the presence of the individuals; that
11 the foregoing is a full, true and correct transcript so
12 given to the best of my ability, and the appearances
13 were as stated in the 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 1st day of
19 August, 2022. My commission expires October 28, 2022.

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

PEARSON COURT REPORTING
(270) 781-7730

Minutes
Franklin-Simpson Planning & Zoning Commission
Tuesday, July 26th, 2022, 6:30 pm.
City Commission Meeting Room
117 West Cedar Street, Franklin, KY.

Members in Attendance: Madam Chair Debbie Thornton, Chad Konow, John Mayeur, Craig Mylor, Roy Tyler and George Weissinger.

Members Absent: Kent Wilson and Gary Sliger

Others Present: Carter Munday, Emily Flora, Robert Link, April Pearson, Jason Baker, Scott Randolph, Amanda East, Tim Crocker, Lee Ross Dinwiddie, Kate Chaudoin, Brad Gregory, Wesley Poynter, Brian Shirley, Wes Marklin, Kent Kelley, David Carver and Alex Downing.

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

A motion was made by Roy Tyler and seconded by Chad Konow to approve the July 5th meeting minutes.

BDG Investments presented the board with a **Final Development Plan** for duplexes Located on **Peach Street**.

Scott Randolph, engineer for the project, stated that since the preliminary approval was granted, they had received approvals from the City of Franklin regarding the sewer and stormwater.

Carter Munday stated that this property is currently zoned R-3, will have 30% lot coverage with 107 ft of road frontage. He also stated that there were no fire hydrants on the property, but there were 2 within 500 feet. In addition, he stated that there was no singular dumpster for the complex, only individual trash cans, which could lead to sanitation issues. Madam Chair Debbie Thornton inquired if a dumpster could be provided for the whole property. Mr. Munday added that there would need to be fencing around the dumpster if one was provided. Roy Tyler inquired what type of fencing would be used. Brad Gregory stated that a wooden fence would be put up.

A motion was made by Craig Mylor and seconded by Roy Tyler to approve the final development plan for duplexes located on Peach Street. All members voted in favor of the motion.

The Merrill R. & Ruth Hammons Trust presented the board with a **Preliminary Development Plan** for a residential subdivision located northside of North Street between the existing railroad and Blackjack Road.

Tim Crocker stated that all of the required sign offs from the City of Franklin had been given.

Mr. Crocker stated that they would be requesting development plan approval as well as the zone change approval.

Lee Ross Dinwiddie, a member of the design team, was sworn in and Mr. Crocker proceeded with testimony. Mr. Dinwiddie stated that the new design for the bank would address issues such as pedestrian entrances and mechanical issues. He also stated that since the property is located in the historic district, approvals from the historic board had been granted before the zone change request. He stated that the property had been paved curb to curb for a long time, which was more in line with a B-1 zone. In addition, he stated that German American Bank, immediately to the north of the property, was zoned B-1 and also had a large portion of their property paved.

Brian Shirley, landscape architect for the project, was sworn in and Mr. Crocker proceeded with testimony. Mr. Shirley stated that the property would be more appropriately zoned as B-1 because there was a small percentage of greenspace there, approximately 5%. He also stated that the redesign would allow for a smoother flow of traffic, which would make the property safer.

Wes Marklin, loan officer at Franklin Bank, was sworn in and Mr. Crocker proceeded with testimony. Mr. Marklin stated that the new building would be an improvement to the community and be a welcoming feature on the main gateway into Franklin. He also stated that due to the growth in Franklin in recent years, the bank's services have expanded, leading to the need for a larger facility.

Alex Downing, President & CEO of Franklin Bank, was sworn in and Mr. Crocker proceeded with testimony. Mr. Downing stated that they looked at several different options such as remodeling the current building, but ultimately decided that a new building was needed due to the growth in services. He also stated that the residence located behind the bank would be relocated in order to create a park. Mr. Downing added that Dr. Compton's former office at 403 N College Street, would be remodeled and utilized as a training and conference center for the bank.

Madam Chair stated for the record that there were no members of the public present to speak for or in opposition to the requested zone change.

A motion was made by Chad Konow and seconded by Craig Mylor to approve the requested zone change from B-2 to B-1 for an approximately 2.03-acre parcel located at 317 N Main Street and to accept the Findings of Facts and Conclusions of Law. All members voted in favor of the motion.

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

Franklin Bank & Trust Co. presented the board with a request to approve the **Preliminary and Final Development Plan** of a new bank building located at 317 N Main Street.

Brian Shirley stated that there were currently not a lot of pedestrian space on the property, but this new plan will have a pedestrian walkway to the front door, as well as sidewalks and a

Jason Baker, engineer for the project, stated that while the development will be constructed in phases, the engineering will be done together, so that nothing is overlooked. He stated that there would be two connections to North Street.

Bob Link inquired what the hashed areas were on the provided handout. Mr. Baker stated that those were existing flood plains. He also stated that they plan to reshape the floodplain which would be permitted through the state. Roy Tyler inquired if the easternmost exit would be in danger of flooding since it is located in a flood plain. Mr. Baker stated that there would be 48" pipe that would drain the water away from that area, so that the roadway would not flood.

Mr. Tyler inquired what was located behind the property. Kent Kelley, property owner, stated that there was just farmland behind the property, no residences.

Mr. Baker stated that since the area underneath the powerlines was largely unbuildable, it would be dedicated to greenspace for the development.

George Weissinger expressed concern that the entrance to the development was close to a large hill next to Green Street. Mr. Baker stated that the minimum state requirement for sight distance was 390 ft, and the sight distance measured in that location was 415 ft. He also mentioned that state approvals still needed to be given in order to place the entrance in that location. Bob Link inquired if the western most entrance and the cul-de-sac could be swapped, in order to place the entrance farther away from the hill. Mr. Baker stated that if they needed to move it, they could. Madam Chair Debbie Thornton inquired if the entrance could be elevated in order to provide a better sight distance view for the traffic exiting the development. Mr. Baker stated that they are planning to elevate the road accordingly. Mr. Link also inquired what would happen when loans were applied for on the lots located in a floodplain. Mr. Baker stated that they would be petitioning to change the floodplain through the state, so that it would not cause any financing issues for the homes on those lots.

A motion was made by George Weissinger and seconded by Chad Konow to approve the preliminary development plan for the entire plat, pending state approvals for the entrance, for a residential subdivision located northside of North Street between the existing railroad and Blackjack Road. Roy Tyler voted against the motion and the remaining members voted for. Motion passed.

A motion was made by Chad Konow and seconded by John Mayeur to exit the regular meeting and enter the public hearing. All members voted in favor of the motion.

PUBLIC HEARING

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

Tim Crocker, attorney representing Franklin Bank & Trust Co, presented the board with a request for a zone change from B-2 (General Business) to B-1 (Central Business) for an approximately 2.03-acre parcel located at 317 N Main Street.

pedestrian plaza with bike racks and benches. He also stated that there would be various islands throughout the parking lot to aid with flow and make it safer. Mr. Shirley also added that they still needed approvals from the state to add an access point to N Main Street.

A motion was made by Craig Mylor and seconded by Chad Konow to approve the preliminary and final development plan for the retrofit outfit, pending approvals from the state and City of Franklin. All members voted in favor of the motion.

Madam Chair Debbie Thornton adjourned the meeting at 7:59 p.m.

Respectfully Submitted:

Emily Flora, Administrative Assistant

Debbie Thornton, Madam Chair