

ORDINANCE NO. 2023-001

AN ORDINANCE REZONING APPROXIMATELY 18.519 ACRES ON THE WESTERLY SIDE OF GRACE ROAD FROM I-2 (HEAVY INDUSTRIAL) TO R1-S (SINGLE FAMILY RESIDENTIAL) AND REZONING APPROXIMATELY 8.830 ACRES FROM I-2 TO R-4 (MULTI-FAMILY/HIGH DENSITY RESIDENTIAL DISTRICT) AS REQUESTED BY JOEL AND HILDA COOK

WHEREAS, Joel and Hilda Cook filed a petition to rezone approximately 18.519 acres from I-2 (Heavy Industrial) to R1-S (Single Family Residential) and approximately 8.830 acres from I-2 to R-4 (Multi-Family/High Density Residential), all parcels being located on the westerly side of Grace Road in Franklin, Simpson County, Kentucky; and

WHEREAS, the Cooks desire to rezone the aforementioned property to make the property more productive for the community, and these changes are appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on October 18, 2022, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone changes as they are in agreement with the community's comprehensive plan;

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

The approximately 18.519 acres from I-2 (Heavy Industrial) to R1-S (Single Family Residential) as described in the attached Exhibit 1 and approximately 8.830 acres from I-2 to R-4 (Multi-Family/High Density Residential) as described in the attached Exhibit 2, with all parcels being located on the westerly side of Grace Road in Franklin, Simpson County, Kentucky, are granted a zone change in accordance with this paragraph. All Exhibits are incorporated herein as if the descriptions are set forth in full herein.

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

December 12, 2022

FIRST READING

January 9, 2023

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on January 9, 2023, on motion made by Commissioner Williams and seconded by Commissioner Stewart the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR

YES JAMIE POWELL

YES DALE McCREARY

YES WENDELL STEWART

YES HERBERT WILLIAMS

APPROVED BY:


Larry Dixon, Mayor

ATTEST:


Cathy Dillard, City Clerk

EXHIBIT 1

R1S Zone Boundary Containing 18.519 Acres

Being a certain parcel of land located 4 miles east of Franklin, KY on the west side of Grace Road approximately 0.5 miles south from Kentucky Highway #100 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at an iron pin and cap (found) in the northwest right-of-way line of Grace Road (30' R/W), southern corner to Franklin 49, LLC (Deed Book 363 Page 477 Parcel 4); thence along the west right-of-way line of Grace Road the following six (6) calls: along a curve to the left with a radius of 97.65 feet, a chord bearing of South 46° 28' 28" West, a chord length of 135.42 feet, and an arc length of 149.64 feet to a point; thence South 02° 34' 29" West 59.35 feet to a point; thence South 00° 32' 56" East 238.03 feet to a point; thence along a curve to the right with a radius of 553.31 feet, a chord bearing of South 08° 26' 40" West, a chord length of 172.99 feet, and an arc length of 173.70 feet to an iron pin and cap (set); thence South 17° 26' 16" West 115.47 feet to a point; thence South 19° 10' 55" West 197.62 feet to an iron pin and cap (set), a new division corner; thence along a new division line North 82° 03' 35" West 970.44 feet to an iron pin and cap (set) in the east line of the City of Franklin (Deed Book 296 Page 427); thence along the east line of the City of Franklin North 07° 21' 21" East 718.95 feet to a 5/8-inch rebar and cap (found) PLS #3290 at the west base of a wooden post, southwest corner to Josh Raines (Deed Book 346 Page 582, Plat Cabinet 6 Page 8); thence along the south line of Josh Raines North 89° 17' 22" East 410.72 feet to a 5/8-inch rebar and cap (found) PLS #3290, southwest corner to Franklin 49, LLC (Deed Book 363 Page 477 Parcel 4); thence along the south line of Franklin 49, LLC North 89° 28' 14" East 681.94 feet the Point of Beginning; containing 806,708 sq. ft. or 18.519 acres more or less, according to a field survey completed on July 18, 2022 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

Being a part of the same property conveyed to Joel D. Cook and wife, Hilda Cook, by Hallie McFarlin, unmarried, by deed dated January 8, 1979, in Deed Book 133 Page 217 in the office of the Simpson County Court Clerk, Franklin, Kentucky.

EXHIBIT 2

R4 Zone Boundary Containing 8.830 Acres

Being a certain parcel of land located 4 miles east of Franklin, KY on the west side of Grace Road approximately 0.65 miles south from Kentucky Highway #100 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at an iron pin and cap (set) in the west right-of-way line of Grace Road (30' R/W), northeast corner to Bobby Ford (Deed Book 294 Page 150); thence along the north line of Bobby Ford and later William Nichols (Deed Book 235 Page 803, Deed Book 210 Page 663, & Deed Book 210 Page 655) North 82° 25' 52" West 928.24 feet to a 5/8-inch rebar and cap (found) PLS #3290 at the west base of a wooden post, an eastern corner to the City of Franklin (Deed Book 296 Page 427); thence along the east line of the City of Franklin North 07° 21' 21" East 415.71 feet to an iron pin and cap (set), a new division corner; thence along a new division line South 82° 03' 35" East 970.44 feet to an iron pin and cap (set) in the west right-of-way line of Grace Road (30' R/W); thence along the west right-of-way line of Grace Road the following four (4) calls: South 19° 10' 55" West 58.44 feet to a point; thence South 22° 06' 13" West 116.51 feet to a point; thence along a curve to the left with a radius of 459.46 feet, a chord bearing of South 09° 39' 21" West, a chord length of 198.07 feet, and an arc length of 199.64 feet to a point; thence South 02° 47' 31" East 42.14 feet the Point of Beginning; containing 384,628 sq. ft. or 8.830 acres more or less, according to a field survey completed on July 18, 2022 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

Being a part of the same property conveyed to Joel D. Cook and wife, Hilda Cook, by Hallie McFarlin, unmarried, by deed dated January 8, 1979, in Deed Book 133 Page 217 in the office of the Simpson County Court Clerk, Franklin, Kentucky.

**Minutes
Franklin-Simpson Planning & Zoning Commission
Tuesday, October 18, 2022, 6:30 pm.
City Commission Meeting Room
117 West Cedar Street, Franklin, KY.**

Members in Attendance: Madam Chair Debbie Thornton, Kent Wilson, Derrick Kepley, John Mayeur, Gary Sliger and George Weissinger.

Members Absent: Craig Mylor and Chad Konow

Others Present: Carter Munday, Emily Flora, Robert Link, April Pearson, James Adams, Ray Spears, Scott Randolph, Chris Klotter, George Mears, Charlie Hill, Amanda East, Jessica Scott, Dalton Scott and Ricky Kepley.

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

A motion was made by Gary Sliger and seconded by George Weissinger to approve the October 4th meeting minutes. All members voted in favor of the motion.

Ray Spears presented the board with a **Preliminary Development Plan** for 10 extra RV spaces in the Forrest Park RV Park located at 834 N Main Street.

Jim Adams stated that there would be no construction on the property, they were only requesting a change of use for those 10 lots. This change of use would be to convert the current mobile home spaces to use for an RV. Mr. Adams added that a conditional use permit for these 10 lots were granted Derrick Kepley inquired if the RV spots were to be for long term use. Mr. Adams stated that the current state statute says that an RV cannot be parked in one location for more than 60 days, so that would be the maximum amount of time that an RV would be allowed in one of those spots. Carter Munday stated that the only issue that he saw with the project was that the zoning regulations state that there is to be a screen along adjoining B2 and I2 properties. Mr. Spears stated that there is currently a fence there that is 6ft tall and borders along the B-2 property but ends at the beginning of the I-2 property. He also added that when Stark Truss opened, they installed a chain link fence around the section of the property that adjoins them. Bob Link stated that they could install a mesh cover to make it more private and comply with the requirements of the zone. Mr. Adams stated that they would meet with the Truss company and work something out about the fencing.

A motion was made by Gary Sliger and seconded by Derrick Kepley to approve the preliminary and final development plan for 10 extra RV spaces in the Forrest Park RV Park located at 834 N Main Street, with the condition that the fencing is altered to be non-see through. All members voted in favor of the motion.

A motion was made by Gary Sliger and seconded by Kent Wilson to exit the regular business 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.

Amanda East, attorney representing Franklin 49, LLC, presented the board with a request for a zone change from R-2 (Townhomes) to R-4 (Multi-Family) for an approximately 16.003-acre parcel located southside of Hwy-100 and westside of Grace Road.

Derrick Kepley recused himself as he had interest in property across the street from this development.

Ms. East stated that the client requested that the two zone change requests on the agenda be heard together since they were for phase I and phase II of the same project and the testimony would overlap. Madam Chair Debbie Thornton agreed to hear both zone change requests at the same time, as long as there were separate findings of facts and conclusions of law for the two.

Amanda East, attorney representing Joel & Hilda Cook, also presented the board with a request for zone changes I-2 (Heavy Industrial) to R-1S (Single Family Small Lot) for an approximately 18.5-acre parcel and (b) from I-2 (Heavy Industrial) to R-4 (Multi-Family) for an approximately 8.8-acre parcel located next to 705 Grace Road.

Ms. East stated that phase I of the Arrington Downs project encompasses the former Summers Property and that Franklin 49, LLC was requesting 16.003-acres of it be rezoned from R-2 to R-4. She also stated that phase II of the project encompassed the property that Joel & Hilda Cook currently own that was being requested to be rezoned from I-2 to R-1S and I-2 to R-4.

Kenton Powell, City Manager of Franklin, was sworn in, and Ms. East proceeded with testimony. Mr. Powell stated that the City Commission was supportive of the new addition of phase II and that it aligned with the growth pattern that they wanted to see.

Scott Randolph, engineer for the project, was sworn in, and Ms. East proceeded with testimony. Mr. Randolph stated that for phase I, none of the design elements had changed, they were simply requesting the rezone of R-2 to R-4 in order to comply with the density requirements. He added that for phase II there would be R-1S lots connecting to the R-1S lots in phase I, with R-4 apartments located behind them. He also stated that there was a sanitary sewer lift station that was installed for phase I, that would be big enough to support phase II as well. He added that he believed that the proposed rezones would be appropriate because of the recent growth seen in the area. Kent Wilson expressed concern that there was no privacy buffer between the R-1S and R-4 zones in phase II. Mr. Randolph stated that they would be willing to install some sort of fence if the board requested it. Madam Chair Debbie Thornton inquired about the stormwater runoff for the site. Mr. Randolph stated that there were a couple of drainage areas in phase II that needed to be looked at but that overall, it was a very buildable area.

Charlie Hill, real estate agent, was sworn in, and Ms. East proceeded with testimony. Mr. Hill stated that he was involved with the purchase of the property for phase I and phase II, and that during the process, Mr. Mears was consistent, and followed through with what he said. He also added that the number of residences for phase I was not changing, and that the zone change request was only so that it could comply with the density requirements. He stated that phase II was a desirable concept that would help ease the apartment shortage in Franklin.

George Mears, owner and developer of the property, was sworn in, and Ms. East proceeded with testimony. Mr. Mears stated that in phase I, nothing in the design had changed, and that they had noticed that it did not comply with the density or setback requirements for the original zone, and therefore they were requested a rezone to R-4. He also stated that phase II would be a continuation of phase I with 82 R-1S lots, and 136 upscale apartments. He added that there would be a splash pad and pickleball court amenities installed to appeal to residents. He stated that the property would be managed by Gertner, a company based out of Nashville, and that a block wall with landscaping would be installed between the R-4 and R-1S sections of phase II, since the R-4 apartments were to be designated as a gated community.

Jessica Scott, adjoining property owner, inquired if the expansion of Grace Road would cut into their property or not. Chris Kenner, surveyor, stated that the dedicated space for the new road would come from Mr. Mears property. Ms. Scott also stated that the fiber internet cable had been installed on Mr. Mears' side of the road. Scott Randolph stated that since they would be staying close to the existing grade, and not digging down much further, that the fiber cable shouldn't be disturbed. Mr. Mears added that if the fiber company had put the fiber in the right of way, that they would be obligated to move it.

A motion was made by Kent Wilson and seconded by John Mayeur to approve the requested zone change from R-2 (Townhomes) to R-4 (Multi-Family) for an approximately 16.003-acre parcel located southside of Hwy-100 and westside of Grace Road. All members voted in favor of the motion.

A motion was made by Gary Sliger and seconded by John Mayeur to approve the requested zone changes (a) from I-2 (Heavy Industrial) to R-1S (Single Family Small Lot) for an approximately 18.5-acre parcel and (b) from I-2 (Heavy Industrial) to R-4 (Multi-Family) for an approximately 8.8-acre parcel located next to 705 Grace Road. All members voted in favor of the motion.

A motion was made by Gary Sliger and seconded by George Weissinger to exit the public hearing. All members voted in favor of the motion.

Derrick Kepley rejoined the meeting.

Carter Munday presented the board with proposed R-1S-HA regulations. He stated that the Housing Authority of Franklin had acquired property along Orange Street that they wanted to create a subdivision of 5500² ft homes that could ease people into home ownership. He also added that if these regulations were to be passed, it would be restricted to only the Housing Authority at this time, and not available to the public to develop until after this project was underway. He requested that the board schedule a public hearing for this text amendment for

November 15th. A motion was made by Gary Sliger and seconded by Derrick Kepley to schedule the public hearing for a text amendment to R-1S-HA regulations on November 15th. All members voted in favor of the motion.

Madam Chair Debbie Thornton adjourned the meeting at 8:16 pm.

Respectfully Submitted:

Handwritten signature of Emily Flora in cursive script, positioned above a horizontal line.

Emily Flora, Administrative Assistant

Handwritten signature of Debbie Thornton in cursive script, positioned above a horizontal line.

Debbie Thornton, Madam Chair

**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 October 18, 2022, on the petition of Joel D. Cook and wife, Hilda Cook, requesting a zone change of approximately 27.349 acres of property located on the westerly side of Grace Road from I-2 (Heavy Industrial) to R1-S (Single Family Residential) for 18.519 acres and R-4 (Multi-Family/High Density Residential District) for 8.830 acres, said property further described as follows:

R1-S Zone Boundary (18.519 acres)

Being a certain parcel of land located 4 miles east of Franklin, KY on the west side of Grace Road approximately 0.5 miles south from Kentucky Highway #100 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at an iron pin and cap (found) in the northwest right-of-way line of Grace Road (30' R/W), southern corner to Franklin 49, LLC (Deed Book 363 Page 477 Parcel 4); thence along the west right-of-way line of Grace Road the following six (6) calls: along a curve to the left with a radius of 97.65 feet, a chord bearing of South 46° 28' 28" West, a chord length of 135.42 feet, and an arc length of 149.64 feet to a point; thence South 02° 34' 29" West 59.35 feet to a point; thence South 00° 32' 56" East 238.03 feet to a point; thence along a curve to the right with a radius of 553.31 feet, a chord bearing of South 08° 26' 40" West, a chord length of 172.99 feet, and an arc length of 173.70 feet to an iron pin and cap (set); thence South 17° 26' 16" West 115.47 feet to a point; thence South 19° 10' 55" West 197.62 feet to an iron pin and cap (set), a new division corner; thence along a new division line North 82° 03' 35" West 970.44 feet to an iron pin and cap (set) in the east line of the City of Franklin (Deed Book 296 Page 427); thence along the east line of the City of Franklin North 07° 21' 21" East 718.95 feet to a 5/8-inch rebar and cap (found) PLS #3290 at the west base of a wooden post, southwest corner to Josh Raines (Deed Book 346 Page 582, Plat Cabinet 6 Page 8); thence along the south line of Josh Raines North 89° 17' 22" East 410.72 feet to a 5/8-inch rebar and cap (found) PLS #3290, southwest corner to Franklin 49, LLC (Deed Book 363 Page 477 Parcel 4); thence along the south line of Franklin 49, LLC North 89°

28' 14" East 681.94 feet the Point of Beginning; containing 806,708 sq. ft. or 18.519 acres more or less, according to a field survey completed on July 18, 2022 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

R-4 Zone Boundary (8.830 acres)

Being a certain parcel of land located 4 miles east of Franklin, KY on the west side of Grace Road approximately 0.65 miles south from Kentucky Highway #100 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

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Being a portion of the same property conveyed to Joel D. Cook and wife, Hilda Cook, by Hallie McFarlin, unmarried, by deed dated January 8, 1979, of record in Deed Book 133, Page 217, Office of the Simpson County Clerk.

It was reported to the Commission that the Cooks desired to rezone said property consistent with the Comprehensive Plan and due to the need for continued residential development in the

area. The Petitioners were represented by Hon. Amanda L. East. The Commission heard statements of counsel and the testimony of Scott Randolph of Kenner Randolph Engineering and Surveying, Charlie Hill of AGRI Realty, Inc., City Manager Kenton Powell, and George Mears of Legacy Financial Group, LP. After considering the testimony, conceptual development plan, letter in support from the Franklin-Simpson Industrial Authority, and statements of counsel, the following Findings of Fact and Conclusions of Law were adopted by the Franklin-Simpson County Planning & Zoning Commission:

1. The map amendment sought is in agreement with the community's Comprehensive Plan because the Comprehensive Plan contemplates the growth of residential land use and the need for future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin. The Comprehensive Plan identifies Kentucky 100 and the area around the I-65 interchange as an area where significant future growth will be located. The Comprehensive Plan identifies this area as a gateway corridor for the community and contemplates that it should be designed and developed in a manner that promotes a positive introduction to Franklin. The Comprehensive Plan identifies one of its goals as encouraging the development of a diversified supply of safe, decent, affordable, and standard housing.

2. The original zoning classification given to the property was inappropriate or improper because this area is identified in the Comprehensive Plan as an area of significant future growth. Kentucky Highway 100 is one of the main highways in Simpson County. Amending the original zoning classification from I-2 (Heavy Industrial) to R1-S (Single Family Residential) and R-4 (Multi-Family/High Density Residential District) will be consistent and bring it into conformity with the Comprehensive Plan. Further, the R1-S (Single Family Residential) zoning classification was not available when the Comprehensive Plan was adopted.

3. There have been major changes of an economic, physical, or social nature within the area which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area. There has been the development of a new zoning classification, R1-S, which has encouraged the development of single-family dwelling units in Franklin. There have been physical changes in the area. Recent changes in this area include, without limitation, the Hunt Ford development, the redesign of Kentucky 100, the construction of Garvin Pointe Apartments, the rezoning of adjoining property to R1-S, and the continued expansion of the industrial parks. There have been social and economic changes including, but not limited to, the expansion of Franklin-Simpson population and an increased demand for housing.

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

Based upon the foregoing specific Findings of Fact and Conclusions of Law, the Commission recommends to the City of Franklin, that the zone change for the property described herein from I-2 (Heavy Industrial) to R1-S (Single Family Residential) for 18.519 acres and R-4 (Multi-Family/High Density Residential District) for 8.830 acres be granted.

Approved and recommended for zoning change, this the 18 day of October, 2022.


CHAIRMAN

FRANKLIN-SIMPSON PLANNING & ZONING COMMISSION

PUBLIC HEARING

IN RE: FRANKLIN 49, L.L.C., TO REQUEST A ZONE CHANGE FROM R-2 (TOWNHOMES) TO R-4 (MULTIFAMILY) FOR AN APPROXIMATELY 15.10-ACRE PARCEL LOCATED SOUTH SIDE OF HWY-100 AND WEST SIDE OF GRACE ROAD

and

JOEL & HILDA COOK TO REQUEST ZONE CHANGES AS FOLLOWS: (A) FROM I-2 (HEAVY INDUSTRY) TO R-1S (SINGLE FAMILY SMALL LOT) FOR AN APPROXIMATELY 18.5-ACRE PARCEL and (B) FROM I-2 (HEAVY INDUSTRY) TO R-4 (MULTIFAMILY) FOR AN APPROXIMATELY 8.8-ACRE PARCEL LOCATED NEXT TO 705 GRACE ROAD

*** **

OCTOBER 18, 2022

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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 MS. EAST:

4 - 73

EXHIBITS

EXHIBIT 1	PAGE 18	Arlington Downs Subdivision Conceptual Drawings
EXHIBIT 2	PAGE 51	Letter From Dennis Griffin
EXHIBIT 3	PAGE 69	Findings of Fact and Conclusions of Law for Franklin 49, L.L.C.
EXHIBIT 4	PAGE 69	Findings of Fact and Conclusions of Law for Cook

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, October 18, 2022, at 6:52 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: Ms. Amanda East
Crocker and Crocker
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. George Weissinger
Mr. Gary Sliger
Mr. Kent Wilson
Mr. Derrick Kopley

Also present: Ms. Emily Flora
Mr. Carter Munday

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PEARSON COURT REPORTING
(270) 781-7730

MADAM CHAIRPERSON: Now, we are entering a public hearing.

With this public hearing, I want you all to know that it is not personal. We never want to take things as personal. We don't want to say things that could be unkind against our neighbors.

We're here to do business. We have rules and regulations to go by. And we're glad that you are all here. And those of you that want to be heard, will certainly be heard. That's why we have public hearings.

So welcome. And let's get started.
Okay. I think we're going to jump in first to Franklin 49, L.L.C., is here to request a zone change from R-2, Townhomes, to R-4, Multifamily, for approximately a 15.10-acre parcel located south side of 100 and west side of Grace Road.

MS. EAST: And Madam Chairwoman, if it pleases the board, these are really co-applications for the Franklin 49 property, which was formally the Summers property, as well as the application for the Joe Cook property, that's directly behind it, where there's a rezone requested for. They're all part of the Arrington Downs development, and there's going to be a significant overlap in the proof.

PEARSON COURT REPORTING
(270) 781-7730

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Ord. No
2023-001

1 So just trying to be mindful of your
2 all's time, we would request that both applications be
3 considered based on the same testimony given the overlap
4 and, then, that there just be a separate vote as to the
5 findings on whether or not to recommend approval.

6 MR. LINK: That's fine with me; however,
7 Mr. Kepley is going to have to withdraw because he's --

8 MR. KEPLEY: I have to withdraw from the
9 first one.

10 MR. LINK: So he'd have to withdraw from
11 both.

12 MADAM CHAIRPERSON: So then he has to
13 withdraw from both, because, essentially, it's the same
14 Findings of Fact.

15 MS. EAST: Okay. Let me discuss that
16 with my --

17 MR. LINK: But we have a quorum without
18 him.

19 MS. EAST: All right. Let me discuss it
20 with my client and make sure that's okay with him.

21 MR. KEPLEY: I -- I have interest in the
22 property across the road from the first one.

23 MADAM CHAIRPERSON: He's got an interest.
24 So --

25 MS. EAST: I see. With that -- well --

PEARSON COURT REPORTING
(270) 781-7730

1 MR. LINK: I think he's got some --

2 MR. MAYEUR: If we deny one, they both
3 get denied, and you can't bring either one back for two
4 years when --

5 MR. LINK: Right.

6 MR. MAYEUR: -- you run them together.

7 MADAM CHAIRPERSON: Yeah. If one goes,
8 then you can't come back for two years. So --

9 MR. MUNDAY: Very good, John.

10 MS. EAST: So -- well, let --

11 MR. MAYEUR: It already happened.

12 MS. EAST: We'll discuss that real quick
13 and just make sure --

14 MADAM CHAIRPERSON: Discuss it.

15 MS. EAST: -- and then having --

16 MADAM CHAIRPERSON: You -- counsel --
17 And again, we don't have any discussion
18 in here, except counsel is certainly able to discuss
19 with their -- their --

20 MR. LINK: -- client.

21 MADAM CHAIRPERSON: -- clients. I was
22 going to say customers.

23 Okay. Mr. Kepley, I'm sorry to say this,
24 but see ya. You know, you got -- you got an early
25 night.

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1 MR. MAYEUR: He can come back.

2 MADAM CHAIRPERSON: We just have a public
3 hearing and --

4 MR. LINK: These two things.

5 MADAM CHAIRPERSON: -- these two things.

6 MR. MUNDAY: Well, I -- I've got -- I've
7 got something he'll need to see.

8 MADAM CHAIRPERSON: Oh, you have -- we
9 need you to stay, then. I'm sorry. You can sit down.

10 (Off the record)

11 MS. EAST: We understand that Mr. Kepley
12 feels that he needs to abstain from his involvement. We
13 would be okay with him continuing to participate, but
14 understand and respect if he needs to abstain this
15 evening.

16 MADAM CHAIRPERSON: Yes. Well, he -- he
17 cannot vote.

18 MS. EAST: Okay.

19 MADAM CHAIRPERSON: We cannot allow him
20 to vote. I -- I -- I don't think that's what we need to
21 do.

22 MS. EAST: All right.

23 MADAM CHAIRPERSON: But thank you.

24 MS. EAST: So with that said, we'll go
25 ahead and begin our presentation for those other

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1 reasons.

2 Thank you for your time this evening.

3 MR. LINK: So are you combining the two?

4 MS. EAST: So we're going to combine the
5 proof for the two --

6 MR. LINK: Okay.

7 MS. EAST: -- but we have separate
8 findings prepared --

9 MR. LINK: Okay.

10 MS. EAST: -- for each one.

11 MADAM CHAIRPERSON: Right.

12 MS. EAST: All right. There we go.
13 Thank you.

14 MADAM CHAIRPERSON: Ms. East is here this
15 evening representing Franklin 49, L.L.C., and, also, the
16 Joel and Hilda Cook properties.

17 MS. EAST: Thank you, Madam Chairwoman.

18 MADAM CHAIRPERSON: Thank you, Ms. East.

19 MS. EAST: So both of these are
20 applications for what is referred to as the
21 Arrington Downs development that's located on
22 Scottsville Road.

23 The Franklin 49 property that we're
24 discussing tonight is about 16.003 acres. This runs
25 along the front of Highway 100 right there. This used

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1 to be the Summers property. It was purchased earlier
2 this year by Franklin 49.

3 And then the other piece of property is
4 behind this one. It's the Joe David Cook property. And
5 it consists of about 27.349 acres.

6 With regards to the Summers property,
7 this is what we would refer to as phase one of the
8 Arrington development.

9 This is actually phase two. I think the
10 next one would be phase one.

11 MR. MUNDAY: The next one?

12 MS. EAST: There should be a -- an
13 additional slide after that one. If not, I've got
14 copies for everyone that would show --

15 MR. MUNDAY: Conceptual?

16 MS. EAST: Yes. I think that's the one
17 we're looking for. Yes.

18 So this is phase one of the
19 Arrington Downs. Again, this was formally the Summers
20 property. And we were previously here on this to do a
21 mixed development that consisted of B-4, Commercial,
22 along the front, as well as residential consisting of
23 R-1S and R-2.

24 And then we had some back and forth
25 discussions when we were going through this rezone

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1 process with regards to the R-2 -- if it was going to be
2 more appropriate to do R-2 or if it was going to be more
3 appropriate to do R-4.

4 And of course, it was the first time that
5 we were putting in a development like this in Franklin,
6 so we were all flying a little blind and trying to do
7 the best we could with the information that we had. And
8 so at that time, we requested that a portion be rezoned
9 as R-2.

10 And then based on additional inquiry and
11 discussions with planning and zoning, as well as with
12 the planning and zoning attorney, we determined that
13 that portion, that sixteen-ish acres of R-2, really
14 needed to be zoned R-4 at that time and would request
15 that it be just modified in that respect this evening.
16 The basis for that being that the R-4 designation allows
17 for a higher residential density, which is really just
18 better suited for that type of development.

19 And then the witnesses that we will have
20 this evening speaking in support of that rezone are
21 Scott Randolph with Kenner Randolph Engineering. We
22 also have Chris Kenner present with us this evening. We
23 also will have Charlie Hill with AGRI Realty speaking in
24 support and then George Meers who is wearing two hats
25 tonight, as of the owner of this property and the

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1 developer for it.

2 Shifting to the Cook property, which is
3 that first slide that we were looking at, this property
4 was annexed into the city. It's the one that's outlined
5 in red. It was annexed into the city this summer, as
6 well as a portion of Grace Road that basically runs all
7 the way from 100 back and then along to the Cook
8 property itself.

9 And again, this is phase two of the
10 Arrington Downs development. It is currently I-2, which
11 would allow for heavy industrial. And -- and rather
12 than see heavy industrial go in there in the future,
13 given the growth that has occurred in that area and the
14 rezone that we did earlier this year, the proposed
15 rezone request is for R-1S, which is that first section
16 that you're seeing, and then at the very back of the
17 Cook property, would be for R-4, which would be for
18 apartments.

19 And we believe that it would be
20 appropriate to do that, specifically with regards to the
21 apartments, given the current shortage that there is for
22 apartments in Franklin, and then with regards to the
23 R-1S, given that growing need for single-family
24 dwellings in Franklin. And then in support of that
25 rezone, we have with us tonight our City Manager, Kenton

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1 Powell, and then as well as Scott Randolph, Charlie
2 Hill, and Mr. Meers.

3 And we believe that the testimony with
4 regards to both of these will show that the current
5 zone, being R-2 for the Summers property and I-2 for the
6 Cook property, was improper and that the proposed
7 reasons that we have on the floor tonight -- again, just
8 that modification on the Summers property from R-2 to
9 R-4 and then the rezone from I-2 to R-1S to R-4 for the
10 Cook property conforms with the Comprehensive Plan and
11 that there have been changes in the area where it would
12 be consistent to have those rezones.

13 And with that said, we'll go ahead and
14 call our first witness.

15 MADAM CHAIRPERSON: I just have one
16 question before we begin.

17 And I need to address this to Carter.

18 MS. EAST: Yes, ma'am.

19 MADAM CHAIRPERSON: Carter, is there
20 anything in our rules and reg's that there needs to be
21 a -- there needs to be a time lapse between rezoning?

22 MR. MUNDAY: No.

23 MADAM CHAIRPERSON: Thank you. I knew
24 that, you know, if you have a turn down, it's two years.

25 MS. EAST: Yes, ma'am.

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MADAM CHAIRPERSON: So I just wanted to make sure there was nothing that held us back on that. Thank you.

MS. EAST: Thank you.

We'd like to go ahead and call the City Manager, Kenton Powell, please.

MADAM CHAIRPERSON: Sure.

Mr. Powell, come on forward.

(Off the record)

*** **

KENTON POWELL, being first duly sworn, gave the following answers in response to questions propounded to him:

EXAMINATION

BY MS. EAST:

Q. And then could you, please, state your name again for the audience?

A. Kenton Powell.

Q. Thank you.

And what is your role at the City?

A. City manager.

Q. And how long have you held that position?

A. Eleven years.

Q. And tonight, you've been asked to testify

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only with regards to the -- the Cook property with that proposed R-1S and R-4.

Could you tell a little bit about the City's involvement with that project, starting with the annexation?

A. Yes. A previous meeting -- I guess it's been a long process, but both times that George Meers and -- and counsel has met with the city commission kind of explored the plans and -- and what their future is. And at all times, the commission has been very supportive in the process being it's by Exit 6 and in obviously changing that to more of a multipurpose as far as business, residential, and, also, multipurpose.

And then just recently, your all's last visit -- I guess it was October the 10th that we --

Q. That sounds about right.

A. Yeah -- in looking at in changing that zone to I-2 to something that was more useful.

In -- in the very back, I think, is uniquely and --

THE WITNESS: And George, give me -- if I'm doing wrong.

A. -- is that I've heard that some of the accessories he's talking about; a splash pad, pickleball. So that was something --

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Have you ever played pickleball?

MADAM CHAIRPERSON: I hear it's fun.

A. Oh, it -- I love it.

So it -- it's something that was really unique in, kindly, it captured the -- when you're saying that, you're -- you're really looking at the -- the clientele and stuff like that.

So the commission feels that you're looking at the data, you're looking at what brings people in and -- and the what kind of people will be staying there and using that area. So the commission kind of designated me as the spokesperson (sic) to come here to say -- to, you know -- they supported this project.

Q. And with the amenities that you're talking about, that's in connection with the apartments --

A. Yes.

Q. -- I suppose?

A. That's correct.

Q. And then with regards to the R-1S, is the City also --

A. Yes, ma'am.

Q. -- in support of that?

And do you believe that this project is

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consistent with that continued development and residential growth we're seeing in Franklin?

A. Yes. That's consistent with the commission's thoughts.

Q. And then you discussed your -- your interactions and dealings with -- with Mr. Meers. And -- and could you tell the board what that has been like so far?

A. We've had a lot of discussions; although, not as much as Carter, but it's been very -- basically, if there's any concern one way or the other.

As far as opportunities or whatever, George has been very compliant to -- to work the best solution. So I always feels comfortable with -- especially with this expansion of this complex with George and his -- his -- I know he's got several things going on, but just the demeanor about going through and conducting business very professionally and getting things done. So --

MS. EAST: We would have no further questions of this witness, and would open it up to the board at this time.

MADAM CHAIRPERSON: Anybody have any questions for Mr. Powell?

MS. EAST: Very good. Thank you, Mr.

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1 Powell --

2 MR. POWELL: Thank you.

3 MS. EAST: -- for your assistance this

4 evening.

5 The next witness that we would like to

6 call is Scott Randolph.

7 MADAM CHAIRPERSON: He's back.

8 Scott, it's your turn. Swear in.

9 (Off the record)

10

11 *** **

12 SCOTT RANDOLPH, being first duly sworn,

13 gave the following answers in response to questions

14 propounded to him:

15 EXAMINATION

16 BY MS. EAST:

17 Q. Could you, please, state your name for

18 the audience?

19 A. Scott Randolph.

20 Q. And where are you currently employed and

21 work at?

22 A. Pardon me?

23 Q. Where are you currently employed at?

24 A. I work for Kenner Randolph Engineering

25 and Surveying.

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1 Q. And how long have you held that position?

2 A. I've been there for six and a half years.

3 (Whereupon 10/18/22 Exhibit 1 was duly

4 received, marked for identification,

5 and filed herewith as part hereof.)

6 Q. And how long have you been working in

7 surveying and engineering?

8 A. I've been an engineer since 1992, so

9 thirty years.

10 Q. And are you familiar with the Franklin

11 community?

12 A. Very much; born and raised, and lived

13 here. I lived in Henderson, Kentucky, worked in

14 Evansville for a little -- for five years when I first

15 got out of college, but other than that, I've lived in

16 Franklin -- Simpson County.

17 Q. I'd like to start off first by talking

18 about the phase one of the Arrington development, also

19 known as the Summers property. Could you tell the board

20 about your familiarity with this property?

21 A. Yeah. As you all know, we've been --

22 we've -- we've been here, we've been working on this

23 project for a while. So phase one, you know, we came

24 and asked for the zone, the conceptual that we already

25 submitted for preliminary, and I have, within the last

couple weeks, submitted it to the City for their review.

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1 We're -- we're close to ready to come

2 back to you guys for final. You know, so we're pretty

3 much done with -- I think, with the final development

4 plan for phase one.

5 Q. And so the one piece that we need to

6 address in this is that R-2 to R-4; can you tell me, is

7 that right?

8 A. Correct.

9 Q. And then could you tell the court about

10 your familiarity with the Cook property?

11 A. Yep. The Cook property, we've been out

12 doing some survey work for it and come up with a

13 conceptual development plan to what's the zone change,

14 so we've been on that property and talked to the owner

15 extensively about having to tie it into the first phase.

16 Q. And did you all participate in that

17 annexation that occurred this summer?

18 A. Yes.

19 Q. And could you tell the board about your

20 interactions with the -- with the owner of the Summers

21 property and the developer for that?

22 A. Yes. George, has -- he's been great to

23 us as a client. So far, you know, the things that we've

24 expressed concerns about, he's been very straight

25 forward and forthcoming with his answers and has always

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1 done what he said. If we need -- if he needed

2 something, we would tell him whether or not we think

3 it's good.

4 We had a very good communication back and

5 forth, very easy to deal with and, so far, been a man of

6 his word and somebody that I have enjoyed working with

7 as a client.

8 Q. I'd like for you to walk us through -- it

9 will be the second slide. It will be phase one of the

10 rezone. This is what was formally the Summers property,

11 where we're talking about that need to shift from --

12 MR. MUNDAY: This one here?

13 MS. EAST: The first one. Yeah.

14 Q. -- to shift from R-2 to R-4. And could

15 you walk us through the design here?

16 It looks like we're looking at a -- a

17 mixed residential use and would the -- where it was R-2,

18 if it were to be approved for R-4, would that be located

19 directly behind the commercial area?

20 A. That's right.

21 So you got the two kind of commercial

22 lots that you see up front closest to Scottsville Road,

23 and then the block on both sides of there. It would be

24 a new road, basically, going through the middle. And

25 you've got a block to the top side of that new road and

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1 a block to the bottom side of that new road. That's the
2 R-2 current zone we would like to get switched to an
3 R-4.

4 And then to the left of that, would be a
5 single-family home that -- that we want to remain a
6 single-family home.

7 Q. And is the reason for that need to go to
8 R-4 again to -- for that density that's available in
9 R-4?

10 A. That's correct. The drawing, as it's
11 shown, is above the density allowance for an R-2, but
12 below density requirements for an R-4.

13 Q. I see.

14 And do you believe it would be
15 appropriate to have this sort of mixed residential use
16 area?

17 A. I do. I like the mixed, you know, from
18 the very start of this project. It's a very interesting
19 project with some business/commercial in the more
20 visibility areas up front closer to Scottsville Road,
21 then you've got a mix of single-family homes and
22 townhomes, you know, in this area. So I think it's a --
23 it's a good mixed use residential development with two
24 residential areas.

25 Q. I'd like to shift to the Cook property,

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1 which will be the second slide. This is Arrington Downs
2 phase two.

3 Would you characterize this as a
4 continuation of the Arrington Downs development?

5 A. Yes. Well, we were -- you know, we were
6 into the development of phase one a little bit and
7 talking to George and he'd be kind of sit -- you know,
8 with the phase one, the way it tied in at the southern
9 end had some lots and stuff that would fit a little
10 easier if he had this other property. And then George
11 had started talking to Mr. Cook at that time.

12 So we knew part of the way through the
13 initial design, you know, that he was looking at --
14 trying to purchase some other property from Mr. Cook,
15 and kind of came up with how we could tie that property
16 into this existing phase one.

17 We did -- the phase one has a
18 sanitary/sewer pump station at the southern end of it.
19 Farthest away from Scottsville Road, there's -- the
20 grade of it slopes downhill, so we had to put in a
21 sanitary/sewer lift station. And we've even -- the way
22 I have them submitted right now, that sanitary /sewer
23 lift station is large enough to even handle the phase
24 two portion. So we -- we knew we were hopeful that we
25 would be able to develop phase two in the future.

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1 Q. And then we've got the conceptual
2 development plan up here for phase two. Could you just
3 kind of walk us through what portion of this is R-1S and
4 how it's laid out and then with the R-4?

5 A. Yes. All right. So everything in red is
6 the phase two portion. The part that Carter is
7 motioning out, to the right would be R-1S, basically a
8 continuation of.

9 To the right of that is the -- outside of
10 the red -- the part in -- that's inside of the green and
11 outside of the red, that's phase one area that we would
12 need to rework a little bit if we get the phase two
13 part, because, you know, obviously, right now, that road
14 can't go through as is because it crosses over on Mr.
15 Cook's property. So those lot's in our phase one plans
16 that we have submitted don't look quite like that. So
17 that green part would just kind of be changes to the
18 phase one if we go on with phase two.

19 But everything in the red is the Cook
20 property. So part of the red to the right would be R1-S
21 that ties into the phase one R1-S area, and then the
22 lefter (sic) -- the left part of the blocks in red would
23 be the R-4 apartment area.

24 Q. And could you show us where the entries
25 will be off of Grace Road into these two developments?

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1 A. And is it okay to -- I guess, to go back
2 here and point because --

3 Q. I'm happy for you to and Madam Chairwoman
4 isn't objecting, so we'll say yes.

5 A. Okay.

6 So you'd have an entrance here going into
7 the R-4 apartments. You'd have an entrance here going
8 into the R-1S. And then, this would be a new entrance
9 that doesn't exist on the phase one R1-S. That would be
10 an entrance into the R-1S; that entrance does exist
11 already on phase one.

12 And with that, too, as we go through the
13 design, you know, of course, like I say, we're not even
14 to a preliminary on phase two. This is just conceptual
15 for a zone change, but as we get a little deeper into
16 the phase two design, you know, possibly we want to
17 connect the two R-1S pieces together. Right now, the
18 phase one R-1S doesn't connect directly to the phase two
19 R-1S, except for inside -- the reason we'll rework the
20 area.

21 We could put a road -- it came up. I'll
22 talk to George more about this as we get into it. We
23 could put a road that come -- came on into the phase one
24 R-1S without getting on Grace Road. So, you know, we
25 can work out some things like that during the process.

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1 But right there, you would have two more
2 entrances into the R-1S area and one entrance into the
3 R-4 area off of Grace Road.

4 Q. And then from phase two to phase one, you
5 would have access from the R -- R-1S and R-4 to the R-1S
6 in phase one, which would allow people to get to the
7 commercial area up front, if they chose; correct?

8 A. Correct.

9 Q. And do you -- are you aware of what this
10 property, the Cook property, is currently zoned?

11 A. I-2.

12 Q. Yes. And that's for heavy industrial?

13 A. Correct.

14 Q. Do you believe it would be appropriate to
15 rezone this property to R-1S and to R-4?

16 A. I think so. With the current climate and
17 just the residential demand that Franklin, Simpson
18 County, seems to be having at the time, you know, I
19 think there's -- there's some industrial complexes,
20 industrial parks, that are designated, and to me, this
21 would be a good fit for a residential area and meet a
22 demand for residential.

23 Q. With regards to the current zoning for
24 the Summers property, is it accurate to say that, again,
25 the reason for that modification has to do with that --

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1 the need for the additional residential density which
2 makes the R-2 inappropriate?

3 A. Correct.

4 Q. And then looking at the Cook property,
5 again, where it's zoned I-2, that Heavy Industrial --

6 A. Yeah.

7 Q. -- was that improper given the -- the
8 location of this property along with identified as a
9 gateway corridor?

10 A. I think so. Yes.

11 Q. And do you believe that both of these
12 zone changes would be consistent and in conformity with
13 the Comprehensive Plan?

14 A. Yes.

15 Q. I'd like now to discuss some of the major
16 economic, physical, or social changes that have happened
17 both with regards to the Summers property and the Cook
18 property.

19 Are you aware of any social or economic
20 changes that have happened that affected both those
21 properties?

22 A. I think just the -- the residential
23 growth and the demand and -- and even the development
24 that's happened in this particular part of Franklin,
25 Simpson County. Highway 100's recently improved, which

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1 is -- you know, made that a much better access point.
2 You're right -- you're right at I-65, so you have
3 people, even if they were working in Bowling Green or
4 even in the Nashville area, you've got easy access on
5 I-65.

6 So I think with the -- the demand for
7 residential and the improvements that have happened on
8 the Scottsville Road, Highway 100, in this area,
9 that's makes this place a nice area to develop.

10 Q. And when you discuss the industrial parks
11 have expanded in the area, would the addition of
12 residences help to support those industries?

13 A. Yes. Right. The -- you know, the
14 Henderson Industrial Park's right across the street. So
15 theoretically, some of the people working here could go
16 across the street to the Henderson Industrial Park,
17 you've got the Tractor Supply warehouse that's right
18 next door and, you know, a lot -- easy access to a lot
19 of industrial -- gee, I guess you've got New Mather
20 Metals and the tech center that are all right there
21 together. So they would have good access to a -- a
22 large percentage of places to work in Franklin, Simpson
23 County.

24 Q. And the proposed rezones, are those
25 consistent with the Comprehensive replan -- Plan in that

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1 they encourage a diversified and affordable housing of a
2 broad range of types in our community?

3 A. I think it is. You know, it does -- it
4 allows for a higher density of residential use, which,
5 you know, can get more -- more residential into a
6 smaller amount of acreage so we're not taking up as much
7 farmland, which is precious and, I think, appreciated
8 in -- in our area, so you can get more homes in a
9 smaller area.

10 Q. And one thing we did not discuss was
11 buffering in this area. Could you tell the board a
12 little bit about that?

13 I realize we're still in the conceptual
14 phase, but --

15 A. Right. So as we go through the design
16 with that, particularly, you know, where we're
17 adjoining -- and it could be up to the owner if he --
18 you know, if he wants the buffer between him and, like,
19 the Tractor Supply warehouse is on -- where the Tractor
20 Supply warehouse that's back on that -- basically, on
21 the east side or on the top of the page, he can do
22 buffering for his self.

23 And then for the -- really, the -- you
24 know, the thing that's nice is there's the existing
25 residential to the south of this new property, there's,

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1 I think, two different owners, three different tracts
2 back there. And if they request buffering, we can do a
3 landscape buffering, we can do, like, the berms. We can
4 do the same thing just like we were talking about in
5 the -- in the earlier discussion. So we can do
6 buffering there. And --

7 Q. And so you would work with the developer
8 and the board to do whatever is deemed appropriate for
9 the buffering?

10 A. That's correct. We'll do that through
11 the preliminary and final development phase.

12 MS. EAST: That is all the questions I
13 have for this witness. And we would open it up to the
14 board at this time.

15 MADAM CHAIRPERSON: Gentlemen, any
16 questions for Mr. Randolph?

17 MR. WILSON: I guess, maybe, I've just
18 got one concern, I guess. And it's if both of these
19 properties were to get passed the way they've been
20 presented to us, it's like on this map, these
21 residential properties, the R-1S's, I don't know if
22 these homeowners are going to want to have their homes
23 backed up to apartments, especially these right here
24 that adjoin it. I don't know if I was a single-family
25 homeowner I would want my backyard backed up to

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1 apartments -- or my house, actually, backed up -- so I
2 don't know. What do you think of that? I mean, what's
3 your feelings towards that?

4 MR. RANDOLPH: Yeah. Of course, this
5 probably gets more -- from an engineering point of view,
6 you know, I probably don't have any -- no concern.

7 MR. WILSON: I mean, that may be a
8 question for somebody else. Huh?

9 MR. RANDOLPH: May be. You know, from --
10 yeah, from an engineering standpoint, I think it
11 probably doesn't matter. I'm fine with having houses
12 backed up to apartments.

13 MR. WILSON: Yeah. I mean --

14 MR. RANDOLPH: I don't think there's
15 anything, but I understand your point. And --

16 MR. WILSON: And you're mixing. I mean,
17 I could see the residential home backed up to more or
18 less a townhome because of clients that you would have
19 there, I'm guessing.

20 MR. RANDOLPH: Right.

21 MR. WILSON: A lot of people that's going
22 to have their own home, you know, private home, don't
23 want to be backed up to apartments, usually.

24 MR. RANDOLPH: And to me --

25 MR. WILSON: That's my -- that's my only

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1 concern.

2 MR. RANDOLPH: Yeah. From a personal
3 perspective, it would really just depend on what the
4 apartments look like and -- and -- you know, and who I
5 thought was in them. And I don't mean who as far as --
6 I just mean, you know, do they keep their place looking
7 nice. And -- and that, I mean, I -- you know, that's
8 something everybody gets with everyday, even from a --
9 from single-family homes. Some of them -- some of them
10 don't look as good as even the apartments, so -- but I
11 think that's a legitimate concern.

12 To me, layout wise, you know, the
13 majority of single -- of course, the phase one
14 single-family home adjoins the townhomes, which
15 hopefully will be basically, you know, individual
16 ownership. And they'll -- we've seen the drawings from
17 George. They'll look nice. I think -- I don't think
18 those single-family homes will be -- I don't think there
19 will be anything but how they're made that makes them
20 not attractive from a single-family standpoint.

21 Hopefully, the apartments, you know,
22 would be the same way. If the apartment complex looks
23 nice, you know, they -- it may not be a detraction at
24 all. I'd say it depends on the architecture of the
25 development, really -- would be my personal opinion.

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1 MR. SLIGER: When you bring back the
2 preliminary development plan, we could ask for the
3 fence --

4 MR. WILSON: Well --

5 MR. SLIGER: -- to separate it.

6 MR. WILSON: -- I could see where a
7 parcel of this R-1S probably wouldn't affect them. You
8 know, what I'm saying --

9 MR. SLIGER: Yeah.

10 MR. WILSON: But these to the right on
11 the very back, then their -- their --

12 MR. SLIGER: On the red one, going
13 through the middle --

14 MR. WILSON: -- then their backyards and
15 their homes are backed up to apartment complexes, I'm
16 not sure that's a good fit in my opinion, but -- you
17 know.

18 MR. WEISSINGER: What of the possibility
19 of putting a fence down through there to separate the
20 backyards of the R-1S and the apartments?

21 MR. RANDOLPH: All right. That's --
22 that's an easy -- an easy option to do.

23 MR. WILSON: You know, yeah.

24 MR. RANDOLPH: Fancy landscaping. I'm --
25 I agree.

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1 MADAM CHAIRPERSON: Pickleball --
 2 MR. RANDOLPH: Yeah, evergreens.
 3 MADAM CHAIRPERSON: -- courts.
 4 MR. SLIGER: Doesn't that come on another
 5 meeting?
 6 MR. RANDOLPH: Right.
 7 MADAM CHAIRPERSON: That's -- that's
 8 in --
 9 MR. RANDOLPH: All that will come to you
 10 guys through a preliminary.
 11 I'll be talking to the owner, and the
 12 owner, himself, maybe, will have opinions on how he
 13 would like to separate that, because, obviously, he has
 14 the vested interest in the value of --
 15 MADAM CHAIRPERSON: Sure.
 16 MR. RANDOLPH: -- those R-1S lots. So
 17 he's going to want them to be as marketable as possible.
 18 MADAM CHAIRPERSON: I know this is not on
 19 a flood plain at all. How -- how is -- how do you think
 20 the water will be and hold up there?
 21 MR. RANDOLPH: Yeah. I haven't gotten as
 22 much into that on the phase two part, obviously, because
 23 we haven't gotten --
 24 MADAM CHAIRPERSON: Yes, sir.
 25 MR. RANDOLPH: -- to the design, really,

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1 but we have gone out and we -- we've been -- I've been
 2 all across the property.
 3 There are some -- there are a couple of
 4 drainage areas on the second phase that we'll have to be
 5 concerned about. Where Carter's showing on phase one,
 6 that crosshatched area is, you know, a large drainage
 7 detention basin and stuff. In the phase one part, that
 8 we hope -- we think we've addressed during the design of
 9 it, and I think the drainage on the phase one part is
 10 good. We'll see what the city comes back when they --
 11 MADAM CHAIRPERSON: And the utilities --
 12 MR. RANDOLPH: -- they might have us come
 13 and --
 14 MADAM CHAIRPERSON: -- everything is
 15 okay?
 16 MR. RANDOLPH: Yeah. Yeah.
 17 MADAM CHAIRPERSON: Electrical? It's
 18 all -- okay.
 19 MR. RANDOLPH: Uh-huh. We got all that
 20 done for phase one. It's in -- well, it's not done
 21 until it's approved.
 22 MADAM CHAIRPERSON: Yes.
 23 MR. RANDOLPH: You know, they have --
 24 MADAM CHAIRPERSON: I understand.
 25 MR. RANDOLPH: -- to submit it to the

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1 City for review.
 2 The phase two does have some depression
 3 areas and a couple smaller depression areas in it that
 4 we'll, you know, like to look at it. It might be that
 5 there's some areas we can't put a single-family home on
 6 and it's -- you know, or we may have to move a little
 7 more earth to make it more buildable.
 8 But I think as a whole, the drainage is
 9 good. A lot of it drains onto itself and drains up to
 10 the phase -- from a sanitary/sewer standpoint, it's --
 11 they kind of tie it together. A lot of it drains
 12 back -- the phase two portion will drain back up to the
 13 phase one portion where we've already got a detention
 14 basin planned. And then, it does drain a little bit
 15 over to the Tractor Supply warehouse, that's to the top
 16 of the page, from the red -- red area.
 17 But overall, I would say it's good
 18 drainage and looks to me like a very buildable area.
 19 MADAM CHAIRPERSON: Thank you.
 20 MS. EAST: All right.
 21 MADAM CHAIRPERSON: Any further questions
 22 for Mr. Randolph?
 23 MS. EAST: I just had some redirect --
 24 MADAM CHAIRPERSON: Oh, forgive me.
 25 MS. EAST: -- from that.

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1 MADAM CHAIRPERSON: Redirect, sure.
 2 MS. EAST: Thank you.
 3 MADAM CHAIRPERSON: Thank you.
 4
 5 *** *** ***
 6 CONTINUED EXAMINATION
 7 OF MR. RANDOLPH
 8 BY MS. EAST:
 9 Q. And so in regards to drainage, buffering,
 10 anything of that nature, you all would work with -- with
 11 this board or the City or whatever other government
 12 entity it is that would need to be -- to address those
 13 issues?
 14 A. That's correct. We'll have a -- we'll
 15 have a preliminary and a final development plan process
 16 to address all those concerns.
 17 MS. EAST: Okay. That's all the
 18 questions that I have, then. So we'll dismiss that
 19 witness.
 20 And I'll would call Charlie Hill as our
 21 next witness.
 22 MADAM CHAIRPERSON: Thank you, Mr.
 23 Randolph.
 24 MR. RANDOLPH: Thank you.
 25 (Off the record)

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*** *** ***

CHARLIE HILL, being first duly sworn,
gave the following answers in response to questions
propounded to him:

EXAMINATION

BY MR. EAST:

Q. Could you, please, state your name for
the board?

A. Charlie Hill.

Q. And what is your profession?

A. Real estate sales.

Q. And how long have you been involved with
that?

A. Forty, forty-five years.

Q. And what is your familiarity with the
Summers property, that Arrington phase one?

A. I was involved in the first phase. When
Mr. Meers came to town, I was involved in working with
him on purchasing that property.

Q. And then how about the Cook property?

A. I'm involved with him purchasing that
property, also.

Q. And could you tell the board about your
interactions with the developer?

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A. Straight up. He -- everything's he's
ever said to me, he's come through. So --

Q. And then with regards to the -- the
Summers proposed development, is it your understanding
that that would be a mixed residential use?

A. Yes.

Q. And then the portion that we're coming
back and asking for the rezone on from R-2 to R-4,
that's due to the -- the density concerns; is that
correct?

A. That's the only reason it's being
changed. The plans are not changing. The number of --
the number of residences that were in there to start
with, that we approved on the R -- on the R-2 is -- is
the same. They're not changing anything.

Q. As far as the -- okay.

A. It's just they found out -- yeah, just
found out needed to go to R-4 to put that density in.

Q. So --

MADAM CHAIRPERSON: It's good to know.
It's a good point. Thank you.

THE WITNESS: Uh-huh.

Q. And then, do you believe that it would be
desirable to have that area as R-4 instead of R-2?

A. Yes, if he wants to put that density in.

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Q. And would that allow for a variety of
housing options?

A. Sure.

Q. And do you believe that would be
desirable for people who are looking to move to
Franklin?

A. Yeah. Some people just don't want a
yard. Yeah. That would be good.

Q. And then with regards to the Cook
property, again, this is a continuation of that
Arrington Downs, do you believe that the proposed
concept of R-1S with R-4 is a desirable concept?

A. Yes.

Q. Are you aware of an apartment shortage
that might exist here in Franklin, Simpson county?

A. Yes. Matter of fact, I was -- since that
area is starting to grow up, I've had some retail
clients come in wanting in that area. And I had some
out there a couple weeks ago. And one of the guys that
I had out there to look at -- to put in a gas/convenient
store type thing on that side of the interstate to get
away from the trucks on the other side, and he'd already
been over to the apartment complex to determine whether
or not if he built it he could put some of his employees
in there, and they had sixty-five on the waiting list as

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of two weeks ago.

Q. And is this that Garvin Point Apartments
you're talking about?

A. Yes. Yes.

Q. And it's a fairly new structure; isn't
it?

A. Yeah. Three years old, max.

Q. Okay.

MADAM CHAIRPERSON: He had sixty-five
people on the waiting list.

A. Sixty -- yeah. This -- this guy says
I'll have to go somewhere else for housing for my
employees, because there's sixty-five on the waiting
list right now.

MADAM CHAIRPERSON: Wow.

Q. So having that mixed residential would
allow for more commercial to come to the area; is
that --

A. It's -- it's going to have to have more
residential if you're going to bring commercial in.

Q. Okay. With regards to the Summers
property, again, the current zoning of R-2, the
impropriety, it comes down to that residential density;
that's what's improper about the zone?

A. Correct.

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1 Q. Okay. And then, with regards to the Cook
2 property, it's currently zoned I-2, Heavy Industrial.
3 Do you believe that was appropriate?
4 A. Not really.
5 Q. And --
6 A. Not that far off of 100.
7 Q. And is that because the Comprehensive
8 Plan identifies that area as a gateway corridor where
9 future growth would occur?
10 A. Yes.
11 Q. And certainly, with it being I-2 at the
12 moment, that could allow for other potentially even more
13 incompatible uses to be built on that I-2 zone?
14 A. Yes.
15 Q. And then 100, itself, it's one of the
16 main highways in Franklin; is that correct?
17 A. Yes. You ought to go out there at six
18 o'clock in the morning, you get run over.
19 Q. So if we're talking about major
20 changes of an economic, physical, or social nature, then
21 looking at both the Summers and Cook property, have
22 there been social or economic changes?
23 A. Yes.
24 Q. Would that include an increase in our
25 population?

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1 A. Yes.
2 Q. And where are these people moving from?
3 A. Just from around here. It's people that
4 are working here that are -- that are influxing (sic)
5 each day to work. They're starting to move closer to
6 their work.
7 Q. And are there people that are being
8 pushed out of bigger markets like Nashville or Bowling
9 Green?
10 A. Yes.
11 Q. And is that bringing some younger
12 professionals into the area?
13 A. Yes.
14 Q. And then, again, you're seeing that
15 there's a demand for housing and that demand for housing
16 has also sparked a need for diverse housing, including
17 apartments; is --
18 A. Yes.
19 Q. -- that right?
20 A. Yes.
21 Q. And then you spoke to some of the -- the
22 physical with the Garvin Point.
23 Have there been any additional residences
24 that have come up in the past couple of years?
25 A. Not there.

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1 Q. Have there been along the -- behind the
2 I.G.A. with the Jackson --
3 A. Yeah.
4 Q. -- park townhomes?
5 A. Yeah. Yeah. They're building in several
6 different locations in town to accommodate the people
7 coming in.
8 Q. Okay. And then, of course, we just kind
9 of have that general continued growth around Exit 6
10 itself?
11 A. We do.
12 Q. And then with the Cook property, the
13 change around it, of course, would have the rezone of
14 the Summers property?
15 A. Yes.
16 Q. So -- and again, the -- the -- both
17 properties are consistent with the Comprehensive Plan
18 where it envisions as one of the -- it states as one of
19 its goals the development of a diversified range of
20 housing?
21 A. Yes.
22 MS. EAST: All right. That is all the
23 questions I have for this witness, and we open it up to
24 the board at this time.
25 MADAM CHAIRPERSON: Does anyone have

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1 questions for Mr. Charlie Hill?
2 MS. EAST: If we have no questions, I'll
3 dismiss him. And we'll call our final witness --
4 MADAM CHAIRPERSON: Thank you, Mr. Hill.
5 MS. EAST: -- for the evening.
6 MADAM CHAIRPERSON: Our time --
7 MS. EAST: I mean --
8 MADAM CHAIRPERSON: -- with Mr. --
9 MS. EAST: -- Mr. Meers.
10 MADAM CHAIRPERSON: -- Mr. Meers. Hello,
11 Mr. Meers.
12 MR. MEERS: Hello. How are you? Nice to
13 be back in Franklin.
14 MADAM CHAIRPERSON: We're good. We're
15 glad to have you.
16 (Off the record)
17 *** *** ***
18 GEORGE MEERS, being first duly sworn,
19 gave the following answers in response to questions
20 propounded to him:
21 EXAMINATION
22 BY MS. EAST:
23 Q. And then could you, please, state your
24 name again for the board?
25

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1 A. George Meers.

2 Q. So -- and could you tell us about some of
3 the projects that you have going on in Franklin?

4 A. I have a project of ninety-six townhomes
5 and two one-acre lots of development right next to
6 Lowe's on 31W called Cross Creek Commons and we will --
7 pending Kentucky department of water rubber-stamped
8 letter, we will be appearing in two weeks with our final
9 development plan on that.

10 MADAM CHAIRPERSON: Right.

11 MS. EAST: And then with regards to the
12 proposed zone changed on the Summers property, could you
13 walk us through what all is going to be staying the same
14 with that property if we go from R-2 to R-4?

15 A. Nothing has changed on that property from
16 when we appeared before this board on April 19th and got
17 our concept plan approved.

18 In November of '21, we first appeared
19 before this board with our Cross Creek Commons Project,
20 which was townhomes, which have never been built in
21 Franklin. And Carter had told me, he said, you know,
22 George, this is new to us. You're going to have to work
23 with us and we'll -- and we're -- and we with you, to go
24 through this process.

25 And having gone through that process with

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1 Cross Creek Commons, we've determined that the zoning we
2 originally applied for was the wrong zoning, that it
3 needed to be R-4 to match the density and the setbacks
4 of what we presented to the board on April 18th or April
5 19th.

6 But aside from that, nothing's changed.
7 The density is the same. The layout's the same. There
8 have been no -- no changes. So the only change -- well,
9 no. There is no changes with an R-4. I was going to
10 the R-1S. And with the R-1S, the only change is we just
11 repositioned the street.

12 Q. And then could you walk us through the
13 proposed concept for the R -- for the Cook property with
14 the R-1S and proposed R-4?

15 A. Right. So on Arrington Downs phase two,
16 we just have a continuation of the -- the R-1S for an
17 additional eighty-two lots. And then backing up to
18 that, we have a hundred and thirty-six, what we call,
19 luxury, upscale apartments. If you look at the
20 architecture and the engine -- and the elevations that
21 we presented, they are --

22 MS. EAST: And they should be in your
23 packet.

24 A. -- stone and brick facades, Hardie
25 siding. It will be a gated community.

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1 One of the things that we have found --
2 well, one of the things that COVID has taught us is that
3 while we're hiding indoors with our mask, that one thing
4 that's passing us by is called life.

5 MR. MUNDAY: Uh-huh.

6 A. And we have found that in our apartment
7 communities it was a lot better to provide amenities to
8 get people back on track of living in their life.

9 So what we propose to do on those is, as
10 Mr. Powell pointed out, we're going to put in a splash
11 pad instead of a pool, the top lot, pickleball courts, a
12 Bocce ball court, only because it's the same size. It's
13 the same length as a pickleball court. I've never
14 played it.

15 MADAM CHAIRPERSON: I know that --

16 A. It's like lawn bowling, to me.

17 And then, what we typically have done in
18 the past -- and I haven't mentioned this to Scott, but
19 we tend to have -- we tend to have done this in our
20 other developments. Where we have our detention basins,
21 they're fenced off. And we have an association -- and
22 we will hire Ghertner, which is a property management
23 company that is -- they're based in Nashville. They've
24 been in business since 1949. They're very well
25 established -- to professionally manage the apartments.

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1 MADAM CHAIRPERSON: To be your H.O.A., to
2 watch it professionally?

3 A. But what we'll do with detention basins,
4 we typically make those dog parks. And you have a key
5 fob to get in.

6 MADAM CHAIRPERSON: Uh-huh.

7 A. And they're able -- and they're Wi-Fi.
8 So the property manager is able to turn that off so that
9 when it's -- when it's raining the key fob doesn't work.

10 MADAM CHAIRPERSON: That's pretty cool.
11 Yeah.

12 A. And we put in concretes -- concrete
13 benches and aluminum shade structures inside there;
14 things that if they get covered up with water, they
15 don't deteriorate. But it gives a second use, a
16 secondary use for that area instead of just being wasted
17 space. Again, drawing out that social aspect of people
18 to go outdoors.

19 MADAM CHAIRPERSON: Yeah.

20 A. So we've had some -- we've had some
21 success with that on our other --

22 MADAM CHAIRPERSON: Uh-huh.

23 A. -- projects, but that's kind of our --
24 our vision of those. So --

25 Q. And then you would buffer that R-4

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appropriately to minimize any disruption to either the proposed R-1S or your neighbors to the south; is that --

A. Right.

We're very familiar with your subdivision regulations. You have multiple types of buffering, whether it be type ten, fifteen, twenty, or thirty, depending upon if it's an arterial, a side road, or what have you.

Around the -- the left side in the -- the back, I'd probably put up a block wall. I -- I like landscaping. I like being able to see through it. But the whole point of the perimeter is not to see through it.

MADAM CHAIRPERSON: Safety.

A. Right.

The block wall will cost more. And then we would put vine pockets or, you know, something along -- along those lines. Same thing that we would do with the commercial.

The people in the townhomes don't want to see into the commercial and -- and --

MADAM CHAIRPERSON: Right.

A. -- and vice versa. So -- but we would buffer it with landscaping.

In between the R-1S and the apartments, I

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think I would probably still do a solid wall with -- with landscaping around it, with vine pockets and trees.

MADAM CHAIRPERSON: Okay.

A. I just don't -- I just don't think that landscaping is enough between those two, especially when we have a gated --

MADAM CHAIRPERSON: Community.

A. -- a gated apartment structure. It kind of defeats that purpose. And it's not -- it's not a low end apartment project.

MADAM CHAIRPERSON: Right.

A. There's no -- there is no laundry room, per se. There's laundry facilities in every single unit. So they're apartment homes. They're just not, you know, the apartment building that your kids were in when they went to college and --

MADAM CHAIRPERSON: Right.

A. -- or meaning, you know, with my quarters.

MADAM CHAIRPERSON: Uh-huh.

Q. And --

MADAM CHAIRPERSON: Oh, yeah, with that in --

Q. -- could you tell us about the annexation with Grace Road, itself, and what will be going on

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with -- with it in conjunction with these developments?

A. Okay. So we prepared the annexation of Grace Road -- and I believe that's already done -- all the way from Scottsville all the way down to the -- the far left corner of the -- of the property. And so our intention is to improve Grace Road to city standards. And then the city will take that over once we're past our warranty and off bond.

Q. The last thing that -- that I would say before turning it over to the board is that we do have a letter in support of this Cook rezone from Franklin-Simpson Industrial Authority that I will just share with the board.

MADAM CHAIRPERSON: Sure. That's great. Thank you, Ms. East.

(Whereupon 10/18/22 Exhibit 2 was duly received, marked for identification, and filed herewith as part hereof.)

MR. MEERS: Thank you.

And with that, I'll turn it over to the board for any questions they may have.

MADAM CHAIRPERSON: Gentlemen, do you all have any questions for Mr. Meers?

MR. WEISSINGER: You know, you're talking about a block wall. So you are going to put a wall up in between these homes there, the red, in between the

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R-1 and the -- the apartments?

MR. MEERS: Yeah. It -- it will be a solid wall of six foot in height, per subdivision regulations.

I just don't think -- well, to not have a solid wall is problematic. If I live in one of those houses and I have pets, there's my issue, because all of those houses are going to have side yards with probably vinyl fencing that terminate, you know, to the -- by the main door of -- of their garage. So in my eyes, it has to be a solid wall, not a landscape buffer.

We can landscape around it --

MADAM CHAIRPERSON: Yeah.

MR. MEERS: -- to soften it.

MADAM CHAIRPERSON: Right.

MR. WEISSINGER: True. That sounds good, though.

MR. MEERS: But it has to be solid.

MADAM CHAIRPERSON: But it's a gated community, this apartment condo -- the complex, so you want it not so easy to get in, too. Create more safety for them inside.

MR. MEERS: Exactly. That's why -- it's more of a --

MADAM CHAIRPERSON: Privacy.

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1 MR. MEERS: -- I'm not going to call it
2 luxury, because I think that's misleading, but I will
3 call it upscale --

4 MADAM CHAIRPERSON: I do think --

5 MR. MEERS: -- as far -- as far as
6 apartments go, because it will gated. They will have a
7 key fob to get in and out.

8 MR. WEISSINGER: Yeah. Like Mr. Wilson
9 said, I -- I feel like if I was going to buy one of
10 these houses --

11 MADAM CHAIRPERSON: Do you like that
12 Mr. Wilson?

13 MR. WEISSINGER: -- I would love to have
14 the -- something in there to --

15 MADAM CHAIRPERSON: Great.

16 MR. WEISSINGER: -- separate them, even
17 though they're nice apartments and upscale apartments,
18 and the property is going to be taken care of, I'd still
19 like to have that separation --

20 MR. MEERS: Right.

21 MR. WEISSINGER: -- from my backyard
22 part.

23 MADAM CHAIRPERSON: Right.

24 MR. WEISSINGER: Because you're going to
25 have cars going in and out of there much more than you

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1 will this other way.

2 MR. MEERS: Right.

3 And we're going to own those. We're not
4 selling those.

5 MADAM CHAIRPERSON: You're going to own
6 them. Great.

7 MS. EAST: That would be all the
8 presentation that we would have.

9 MADAM CHAIRPERSON: More questions for
10 Mr. Meers, gentlemen?

11 MR. SLIGER: In the first phase, the
12 apartments, they were also H.O.A.?

13 MR. MEERS: I'm sorry?

14 MR. SLIGER: Those were townhome
15 condominium units?

16 MR. MEERS: The townhomes?

17 MR. SLIGER: Is that what --

18 MR. MEERS: Yeah. There --

19 MR. SLIGER: -- we were talking about?

20 MR. MEERS: There's an H.O.A.

21 MADAM CHAIRPERSON: That's an H.O.A.

22 MR. SLIGER: All right. So both -- the
23 beginning and end of both with H.O.A.?

24 MR. MEERS: Right. And they'll both be
25 managed by Ghertrner.

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1 Ghertrner is also managing Cross Creek --

2 MADAM CHAIRPERSON: Great. Wonderful.

3 MR. MEERS: -- on that. And we -- we
4 think it will be basically the same H.O.A. regulations
5 we've already presented to --

6 MADAM CHAIRPERSON: Yes.

7 MR. MEERS: -- Carter on Cross Creek.

8 MR. MAYEUR: And the concept you
9 presented was you actually own the exterior, the roof
10 and everything, and the people own wall to wall so you
11 can make sure the maintenance of the exterior was --

12 MR. MEERS: Correct.

13 MR. MAYEUR: -- kept up? That's still
14 the concept?

15 MR. MEERS: That's still --

16 MR. MAYEUR: Okay.

17 MR. MEERS: -- yeah. And there --

18 MADAM CHAIRPERSON: Zero lot lines.

19 MR. MEERS: Yeah. It's pretty strict.

20 MR. MAYEUR: Okay. Yeah.

21 MR. MEERS: It's -- it's pretty strict,
22 and there's -- and there's teeth in it.

23 You know, if -- if the guy thinks he's
24 going, oh, wow, I'm working from home and I'm an auto
25 mechanic --

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1 MR. MAYEUR: Yeah.

2 MR. MEERS: -- that's not going to
3 happen.

4 MADAM CHAIRPERSON: Good.

5 MR. MAYEUR: So the -- the -- Carter, the
6 reason --

7 MADAM CHAIRPERSON: A good H.O.A. serve
8 well.

9 MR. MAYEUR: -- for this rezoning was, it
10 was so new to us we just missed the density when we
11 approved it the first time?

12 MR. MUNDAY: Yes.

13 MR. MAYEUR: Is that --

14 MR. MUNDAY: Yes.

15 MR. MAYEUR: Okay.

16 MR. MUNDAY: That's exactly --

17 MR. MAYEUR: All right.

18 MR. MUNDAY: It's very new.

19 MR. MAYEUR: So it's everything's the
20 same, we're just clearing up --

21 MR. MUNDAY: We learned from Cross Creek.

22 MR. MAYEUR: -- an item of density.
23 Okay. Yep. All right.

24 MADAM CHAIRPERSON: I currently live
25 within an H.O.A., and I believe that, on the whole, it

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1 helps people take more pride in their property and they
2 want to -- because of you're kind of working together to
3 keep your property value where it should be -- or -- or
4 raise it.

5 MR. MEERS: I -- I find that if you
6 have -- if you have good H.O.A. documents --

7 MADAM CHAIRPERSON: Yes.

8 MR. MEERS: -- which is one of the
9 reasons why we became Ghertr, because they've been
10 around so long, I don't really think there's anything
11 that they haven't seen.

12 MADAM CHAIRPERSON: Probably. Yeah.

13 MR. MEERS: So they reviewed our H.O.A.
14 documents, which were already pretty strict, and they --
15 they came in with a few -- a few other items, which we
16 amended in adding those before we presented those to
17 Carter.

18 MADAM CHAIRPERSON: Great.

19 Anything else for Mr. Meers, gentlemen,
20 or anyone?

21 Okay. Thank you, very much --

22 MR. MEERS: All right.

23 MADAM CHAIRPERSON: -- Mr. Meers.

24 MR. MEERS: Thank you.

25 MADAM CHAIRPERSON: We appreciate you.

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1 MS. EAST: I didn't know if you wanted to
2 open it up to the floor?

3 MADAM CHAIRPERSON: Yes. We're going to
4 open it up to the floor.

5 Anyone here that would like to speak in a
6 positive manner in regards to these changes? Do I have
7 anyone that would like to speak in a positive manner?

8 MS. SCOTT: We're good.

9 MADAM CHAIRPERSON: Do I have anyone that
10 would like to speak with some concerns in regards to
11 these zone changes?

12 MS. SCOTT: I do on that.

13 MADAM CHAIRPERSON: You have a concern?

14 MS. SCOTT: Uh-huh.

15 MADAM CHAIRPERSON: Okay.

16 MS. SCOTT: A concern question.

17 MADAM CHAIRPERSON: Okay. You need to --
18 you have to be sworn in, dear. Stand -- no, you've got
19 to come up and --

20 MS. SCOTT: All right.

21 MADAM CHAIRPERSON: -- get in the middle
22 of us all and have fun, too.

23 (Off the record)

24 *** **

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1 JESSICA SCOTT, being first duly sworn,
2 made the following statement:

3 MADAM CHAIRPERSON: And Ms. Jessica, do
4 you live in this neighborhood?

5 MS. SCOTT: Yes. We live on Grace Road.
6 We're the house that's right across from everything
7 that's going to be developed.

8 MADAM CHAIRPERSON: Yes, ma'am.

9 MS. SCOTT: I think our --

10 MADAM CHAIRPERSON: Is this your husband?

11 MS. SCOTT: Yes. This is my husband.

12 MADAM CHAIRPERSON: Hello, Mr. Scott.

13 MS. SCOTT: I think our biggest question
14 is with the road coming in, will that be taking care
15 of just -- like, where we are, will that go into the
16 property that has been bought already or will that be --
17 will any of our property be taken out? Like, once the
18 road gets expended, will that affect our property any
19 way; like, the tree line that we have?

20 MR. MEERS: Could I --

21 MADAM CHAIRPERSON: Mr. Meers, you can --
22 I can't answer that.

23 MR. MEERS: Come on.

24 Okay. So I need to know -- I don't
25 understand where your house is.

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1 MR. MUNDAY: She's right in here.

2 MS. SCOTT: We're -- we're the one -- the
3 only house.

4 MR. MEERS: Okay. Right here?

5 MS. SCOTT: Yes.

6 MR. MEERS: Okay. So the dedication has
7 been done --

8 MS. SCOTT: Uh-huh.

9 MR. MEERS: -- for this. Grace Road
10 now -- now belongs to the city.

11 MS. SCOTT: Right.

12 MR. MEERS: So --

13 What is the -- what's the right-of-way,
14 Scott?

15 MR. RANDOLPH: Fifty feet.

16 But we did not take any -- we were only
17 able to give additional -- the subdivision regulations
18 say if a road doesn't have fifty-foot right-of-way --

19 MS. SCOTT: Uh-huh.

20 MR. RANDOLPH: -- and you're doing it on
21 one side, we have to dedicate half of fifty. So on
22 Mr. Meers' side of the property we dedicated additional
23 right-of-way --

24 MS. SCOTT: Okay.

25 MR. RANDOLPH: -- but on your side, we

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1 couldn't do that. So essentially, Grace Road will be
 2 fifteen foot from center line on your side, which is how
 3 it's always been --
 4 MS. SCOTT: Correct.
 5 MR. RANDOLPH: -- and then Mr. Meers is
 6 dedicating additional to the city as a part --
 7 MS. SCOTT: Okay.
 8 MR. RANDOLPH: -- of his development.
 9 MS. SCOTT: Okay.
 10 MR. MEERS: All right. So we didn't take
 11 your property line. It's still your property line.
 12 MS. SCOTT: Right.
 13 MR. MEERS: We didn't take --
 14 MS. SCOTT: Okay.
 15 MR. MEERS: -- any of it, and so the --
 16 that fifty foot of the road --
 17 MS. SCOTT: Uh-huh.
 18 MR. MEERS: -- came from our property.
 19 MS. SCOTT: Okay. That's -- that was
 20 just our main concern with -- we didn't know how all
 21 that was going into play. That was --
 22 MR. MEERS: So --
 23 MS. SCOTT: -- our big concern.
 24 MR. MEERS: And when we -- when we do
 25 that --

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1 MS. SCOTT: Uh-huh.
 2 MR. MEERS: -- I'll give you my cell
 3 phone tonight --
 4 MS. SCOTT: Okay.
 5 MR. MEERS: -- when we start -- well,
 6 when we do that, if you want -- if you want some -- like
 7 a drive-in fence or curb pad or something like that --
 8 MS. SCOTT: Yeah.
 9 MR. MEERS: -- it's -- that's -- that's
 10 minor for us.
 11 MS. SCOTT: Yeah.
 12 MR. MEERS: But we'd be happy to do that
 13 for you at the time.
 14 MADAM CHAIRPERSON: Do you have any other
 15 questions here tonight?
 16 MS. SCOTT: No. That will be all.
 17 MADAM CHAIRPERSON: Thank you.
 18 MS. SCOTT: Thank you.
 19 MR. SCOTT: Do you want to ask them if
 20 they know that there's fiber on that road right now?
 21 MR. SLIGER: Well, there is -- they have
 22 put fiber in on the -- on that side into -- where on
 23 your side of the road they have put fiber optics. It's
 24 only, like, eleven feet off of the road, what will
 25 happen to that?

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1 MR. MEERS: About eleven foot off the
 2 edge of the pavement?
 3 MS. SCOTT: Yeah.
 4 (Off the record)
 5 MR. LINK: We just need to make sure the
 6 court reporter --
 7 MADAM CHAIRPERSON: This is Scott
 8 Randolph now speaking.
 9 MR. LINK: She's having trouble hearing.
 10 MR. RANDOLPH: Okay. To kind of give you
 11 a rundown on how that's going, so the way they have it
 12 submitted right now, which like I said it's subject to
 13 review by the city, but I do know this part. There will
 14 being curb and gutter on George's side of the road, of
 15 the new Grace Road. So you're -- they're eleven foot
 16 off the existing edge of pavement. We've got to widen
 17 the new road. To meet city standards, will have to be
 18 thirteen foot to the face of the gutter and you got --
 19 let's see, there's sidewalk. I think so -- I think the
 20 existing road is pretty skinny, you know, in there.
 21 MS. SCOTT: Uh-huh.
 22 MR. RANDOLPH: So it will be -- it's only
 23 eleven foot -- I mean, probably that's okay. I don't
 24 know how deep it is there.
 25 Right now, we're staying pretty close to

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1 existing grade. And there will -- there will have to be
 2 some communication with you guys through the
 3 construction process. We're probably going to have to,
 4 you know, cut --
 5 MS. SCOTT: Right.
 6 MR. RANDOLPH: What I'm envisioning --
 7 and like I said, this is still beings what -- what we've
 8 submitted, so we -- this could change, but I'll talk to
 9 George some more.
 10 I would say, you know, we'll probably
 11 save Grace Road construction to the last and build the
 12 development so we can -- at least can send you through
 13 the development to get to your house while we improve
 14 Grace Road and widen Grace Road, because it's going to
 15 basically shut -- you know, it will shut it down, pretty
 16 much.
 17 We're staying close to existing grade
 18 from Scottsville Road to your house. From your house,
 19 your drive, to the south is where the big drop is.
 20 There's no sight distance. We've got to fill that in.
 21 It was -- I thought about trying to cut the hill down in
 22 front of your house, but that would just make it that
 23 much harder to get in your drive.
 24 So we're staying right at the top of the
 25 hill, where the top of the hill is right now. And then

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1 we'll fill in. Coming off from your drive, going to the
2 south, we're filling in several feet, because that's
3 kind of some drainage issues right through there on
4 Grace Road at the pipe -- where, actually, I think, you
5 know, there's one culvert going from Mr. Cook's property
6 going over into the Summers property right now. We're
7 replacing that culvert with bigger pipe, but then, also,
8 adding another culvert just right at the south end of
9 your all's property on Cook.

10 Does water stand down there pretty often?

11 MS. SCOTT: Yeah.

12 MR. RANDOLPH: You know, and there's not
13 a pipe under the road right there.

14 MS. SCOTT: I mean, it stands --

15 MR. SCOTT: Just -- just outside our
16 property it stands.

17 MR. RANDOLPH: Yeah. Right outside of
18 your property, it looks like it stands. And so we're
19 adding another culvert there, picking it up and bringing
20 it over in the storm sewer system under the curb and
21 gutter on our side and bringing it on through.

22 MADAM CHAIRPERSON: That's a good thing.

23 MR. RANDOLPH: Hopefully, we'll help some
24 drainage issues right there, but it -- and also, first,
25 well, we will have to improve the sight distance through

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1 there or it's never going to get approved.

2 So we are filling in from the hillside
3 onto the south -- from your all's driveway to the south,
4 we're planning on filling in.

5 There -- there probably will be some
6 ditch work along your all's property we'll work out
7 before we ever get a permit to start construction. And
8 then, you know, if we improve some of that, the slopes
9 may go up into your property, and we'd have to work with
10 you guys to allow us to do that. But that's the desire
11 right now, so that we would improve some ditching and
12 stuff through there.

13 So on George's side, would be curb and
14 gutter, but on your all's side, it will be -- it will be
15 edge of -- edge of payment and ditch. And that's
16 because they don't want curb and gutter into -- up along
17 somebody else's property that's not being developed at
18 this time, but -- so that's -- that's the plan.

19 Yeah. And the fiber, of course, that
20 wasn't even in when we went in to do the survey. I -- I
21 don't think -- as long as -- really we're not cutting
22 down much, so I don't think we'll get into the fiber and
23 it will still be outside the back curb. Probably
24 somewhere between the back curb and the sidewalk that's
25 going to be in on George's side. So I -- I think the

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1 fiber probably will be okay.

2 MR. MEERS: Does it -- does that fiber
3 just run to your house?

4 MS. SCOTT: I think they've run it all
5 the way, but there's a box at our house, but that's as
6 far as it goes -- for the box. But I think they've run
7 it back on --

8 MR. SCOTT: All the way to --

9 MS. SCOTT: -- all the way to -- I think
10 to Rapids Road. I think they've run it all the way
11 through.

12 MR. MEERS: Fiber companies have an
13 engineering department, too.

14 MS. SCOTT: Okay.

15 MR. MEERS: And they are very well aware
16 of the fifty-foot right-of-way.

17 MR. RANDOLPH: Uh-huh.

18 MR. MEERS: And if they put something
19 that's going to be underneath the asphalt, they're
20 obligated to move it --

21 MS. SCOTT: Okay.

22 MR. MEERS: -- because that's a code
23 issue.

24 MS. SCOTT: Okay.

25 MR. MEERS: You -- you can't -- you can

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1 bury sewer and water under asphalt, you know, and
2 there's -- there's an easement there --

3 MS. SCOTT: Right.

4 MR. MEERS: -- but -- at least, that's --
5 that's always been my experience and it's -- and it
6 happens a lot; cable there, fiber, oh, yeah, we
7 didn't -- we didn't put it on the plan. So --

8 MR. RANDOLPH: If they were almost twelve
9 foot off the edge of the pavement and, say, that the
10 road right now is at least half what it's
11 probably should be -- about eight foot for half of the
12 road, because you can -- it's pretty close to pass each
13 other right through there.

14 MS. SCOTT: Yeah.

15 MR. RANDOLPH: You might have to get off
16 a little bit. So that ought to be about twenty foot
17 over, which would be outside of the curb -- outside of
18 our curb.

19 MADAM CHAIRPERSON: Wonderful.

20 Is there any more concerns here?

21 MS. SCOTT: No. We're good.

22 MADAM CHAIRPERSON: Okay. Do you have
23 Findings of Fact?

24 MS. EAST: I do --

25 MADAM CHAIRPERSON: Okay.

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1 MS. EAST: -- for both of them.
 2 (Whereupon 10/18/22 Exhibit 3 was duly
 3 received, marked for identification,
 4 and filed herewith as part hereof.)
 5 (Whereupon 10/18/22 Exhibit 4 was duly
 6 received, marked for identification,
 7 and filed herewith as part hereof.)
 8 MADAM CHAIRPERSON: Do you guys have any
 9 further questions for anyone?
 10 I'm prepared to take motions.
 11 MR. WILSON: We can't until we get them
 12 read.
 13 MADAM CHAIRPERSON: Oh, forgive me --
 14 till I get these.
 15 MS. EAST: I'll move as quickly as I can.
 16 MADAM CHAIRPERSON: I can take a motion
 17 before we get this.
 18 MR. WILSON: You're all good. I'll just
 19 correct you when you're wrong.
 20 MADAM CHAIRPERSON: You just correct me.
 21 You've always got my back. Thank you.
 22 Thank you all so much for voicing your
 23 concerns in such an elegant way.
 24 He didn't hear me. He didn't pay --
 25 thank you so much for voicing your concerns in such a
 manner which was so easy to work with.
 MS. SCOTT: No problem. Thank you.

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1 MADAM CHAIRPERSON: Thank you. Thank
 2 you.
 3 These appear to be fine, our counsel has
 4 said.
 5 I'm prepared to take a motion on
 6 Franklin 49, L.L.C. They've requested a zone change
 7 from R-2, Townhomes, to R-4, Multifamily, for
 8 approximately 15.10 acres off Highway 100 west side of
 9 Grace Road and Findings of Facts and Conclusions of
 10 Law -- an approval and recommendation for the zone
 11 changes.
 12 Is there a motion on the floor?
 13 MR. WILSON: I'll make a motion we
 14 approve the zone change from R-2 to R-4, Multifamily,
 15 for approximately a 15.10-acre parcel located south side
 16 of Highway 100 and the west side of Grace Road and the
 17 Conclusions of Law and Findings of Facts be included.
 18 MADAM CHAIRPERSON: Is there a second?
 19 MR. MAYEUR: I thought we were doing all
 20 this together.
 21 MADAM CHAIRPERSON: No. It's two
 22 different --
 23 MR. LINK: It's two separate.
 24 MR. MAYEUR: Okay.
 25 MADAM CHAIRPERSON: It's two separate.

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1 Is there a second?
 2 MR. MAYEUR: Second, yes.
 3 MADAM CHAIRPERSON: Thank you.
 4 Mr. Wilson has placed a motion on the
 5 floor and Mr. Mayeur has seconded in regards to the zone
 6 change from an R-2 to an R-4 for Franklin 49, L.L.C.,
 7 and, also, the Findings of Fact and Conclusions of Law.
 8 Is there further discussion before we
 9 vote?
 10 Okay.
 11 MS. EAST: I just wanted to check on the
 12 acreage real quick. We've got it listed as 16.003 for
 13 that and I thought he said fifteen something.
 14 MADAM CHAIRPERSON: I have --
 15 MR. WILSON: That's -- that's --
 16 MADAM CHAIRPERSON: -- fifteen ten.
 17 MR. WILSON: That's what's on our --
 18 MS. EAST: May I see what it is?
 19 MADAM CHAIRPERSON: I have fifteen ten in
 20 front of me. You have 16.3 three acres on the --
 21 MS. EAST: That's based on what the
 22 survey is --
 23 MADAM CHAIRPERSON: So it is 16.3.
 24 MS. EAST: Sixteen point-o-o-3.
 25 MR. LINK: Sixteen point-o-o-3.

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1 MADAM CHAIRPERSON: Sixteen point-o-o-3.
 2 Forgive me.
 3 MR. LINK: Uh-huh.
 4 MADAM CHAIRPERSON: Sixteen point-o-o-3
 5 instead of fifteen ten. Let record state that that's
 6 what we're voting on.
 7 Do we need to restate it or can we --
 8 MR. LINK: No.
 9 MADAM CHAIRPERSON: -- vote?
 10 Okay. I'm ready to take a vote.
 11 All in favor, say aye.
 12 INDISCERNIBLE VOICES: Aye.
 13 MADAM CHAIRPERSON: With no opposition --
 14 is there any opposition on this?
 15 Zone change passes.
 16 Going onto the Cook property, they're --
 17 is here to request zone changes as follows: From I-2,
 18 Heavy Industry, to R-1S, Single Family Small Lots, for
 19 approximately an 18.5-acre property and, also, from I-2,
 20 Heavy Industry, to R-4, Multifamily, for approximately
 21 8.830-acres located at 705 Grace Road and Findings of
 22 Fact and Conclusions of Law.
 23 Is there a motion on the floor?
 24 MR. SLIGER: I make the motion.
 25 MADAM CHAIRPERSON: Mr. Sliger has placed

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1 a motion on the floor.
 2 Is there a second?
 3 MR. MAYEUR: Second.
 4 MADAM CHAIRPERSON: Mr. Mayeur has
 5 seconded that.
 6 Any further discussion, gentlemen?
 7 All in favor, say aye.
 8 INDISCERNIBLE VOICES: Aye.
 9 MADAM CHAIRPERSON: Is there any
 10 opposition?
 11 Motion passes.
 12 Congratulations. You have your zone
 13 changes, and you're good to go. Thank you, very much.
 14 (Whereupon the hearing concluded at 7:58 p.m.)

15 *** **

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1 STATE OF KENTUCKY)
 2)SS
 2 COUNTY OF WARREN)
 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 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 WITNESS MY SIGNATURE this 20th day of
 18 October, 2022. My commission expires October 28, 2022.

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

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