

ORDINANCE NO. 2023-009

**AN ORDINANCE REZONING APPROXIMATELY 89.1970 ACRES
LOCATED ON U. S. HWY. 31-W NORTH FROM AG (AGRICULTURAL) TO R-1S
(SINGLE FAMILY RESIDENTIAL) AND 11.1149 ACRES FROM AG
(AGRICULTURAL) TO R-4 (MULTI-FAMILY/HIGH DENSITY RESIDENTIAL
DISTRICT) BY THE GENE THOMPSON HARRIS
REVOCABLE TRUST DATED APRIL 18, 2006**

WHEREAS, The Gene Thompson Harris Revocable Trust Dated April 18, 2006 filed a petition to rezone approximately 89.1970 acres and 11.1149 acres, respectively, located on 31-W North in Franklin, Simpson County, Kentucky currently zoned AG (Agricultural), with 89.1970 acres being rezoned to R-1S (Single Family Residential) and 11.1149 acres being rezoned to R-4 (Multi-Family/High Density Residential District); and

WHEREAS, The Gene Thompson Harris Revocable Trust Dated April 18, 2006 desires to rezone the aforementioned property to make the property more productive for the community, and this change is appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on December 13, 2022, after due public notice, in the manner provided by law; and

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

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

The approximately 89.1970 acres and 11.1149 acres parcels currently zoned AG (Agricultural) located on the U. S. Hwy. 31-W North in Franklin, Simpson County, Kentucky, are hereby rezoned as follows: (a) the 89.1970 acres parcel, as more particularly described in Exhibit A attached hereto, is granted a zone change to R-1S (Single Family Residential); and, (b) the 11.1149 acres parcel, as more particularly described in the attached Exhibit B, is granted a zone change to R-4 (Multi-Family/High Density Residential District).

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

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

January 23, 2023

FIRST READING

February 13, 2023

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on February 13, 2023, on motion made by Commissioner Powell and seconded by Commissioner Williams, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR

Yes JAMIE POWELL

Yes DALE MCCREARY

Yes WENDELL STEWART

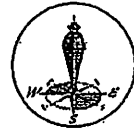
Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon, Mayor
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk



Being an 89.1970-acre tract of land on Bowling Green Road (US Highway 31W) (R/W varies) in Simpson County KY, a portion of the property shown as Tract 4 of Plat Book 6, Pages 10-11. The property is owned by the Gene Thompson Harris Revocable Trust, being a portion of Deed Book 347, Page 791 as recorded in the office of the Clerk of Simpson County, KY.

The property is on Bowling Green Road (US Highway 31W) (R/W varies), located approximately 428 feet north-east of the centerline of Quail Ridge Road. The property is more particularly described as follows:

Beginning at an existing 1/2-inch iron pin "KY4147" in the north-west right of way of Bowling Green Road (US Highway 31W) (R/W varies), a corner common with the Lewis Memorial, Inc property (Deed Book 145, Page 297), also known as Tract 5 of Plat Book 6, Pages 10-11; thence leaving said right of way and with the line of the Lewis Memorial, Inc property the next three (3) calls, **N 77°57'53" W a distance of 606.81'** to an existing 1/2-inch iron pin "KY4147"; **N 12°02'07" E a distance of 60.00'** to an existing 1/2-inch iron pin "KY4147"; **N 71°36'50" W a distance of 1,589.22'** to an existing 1/2-inch iron pin "KY4147", a corner common with Section 3 of Windsor Park Subdivision; thence leaving the Lewis Memorial, Inc property and with the line of the Windsor Park Subdivision the next two (2) calls, **N 73°36'50" W a distance of 1,199.24'** to an existing 1/2-inch iron pin "KY4147"; **S 67°36'38" W a distance of 701.22'** to an existing 1/2-inch iron pin "KY4147", a corner common with the Bobbette Warren property (Will Book 12, Page 503); thence leaving the Windsor Park Subdivision and with the line of the Bobbette Warren property the next three (3) calls, **N 22°23'22" W a distance of 285.66'** to a found planted stone witnessed by a 1/2-inch iron pin "KY4147" located 5.11' S 22°23'22" E of the corner; thence **N 70°34'22" W a distance of 636.38'** to a 15-inch wood corner post witnessed by a 1/2-inch iron pin "KY4147" located 2.89' N 18°11'43" E of the corner; thence **N 18°11'43" E a distance of 1,249.68'** to a found planted stone witnessed by a 1/2-inch iron pin "KY4147" located 2.08' S 18°11'43" W of the corner, a corner common with the Vantrease property (Deed Book 186, Page 664); thence leaving the Warren property and with the line of the Vantrease property and after the Durham property (Deed Book 186, Page 667), **S 71°48'21" E a distance of 2,636.77'** to point in the line of the Durham property; thence leaving the Durham property and severing the Gene Thompson Harris Revocable Trust property (Deed Book 347, Page 791) the next five (5) calls, **S 17°21'32" W a distance of 497.51'**; **S 71°36'40" E a distance of 269.08'**; thence with a non-tangential curve turning to the right with an arc length of 105.10', with a radius of 125.00', with a chord bearing of **N 84°06'26" E**, with a chord length of 102.03', thence **S 71°48'21" E a distance of 617.03'**; **S 71°48'19" E a distance of 50.00'** to an existing 1/2-inch iron pin "KY4147", a corner common with the Two Guys Investing, LLC property (Deed Book 359, Page 392); thence continuing with the Two Guys Investing property the next two (2) calls, **S 71°48'21" E a distance of 411.47'** to an existing 1/2-inch iron pin "KY4147"; **S 77°57'31" E a distance of 606.86'** to an existing 1/2-inch iron pin "KY4147" in the north-west right of way of Bowling Green Road (US Highway 31W) (R/W varies); thence with said right of way, **S 12°02'29" W a distance of 60.00'** to an existing 1/2-inch iron pin "KY4147", a corner common with the Gene Thompson Harris Revocable Trust property (Deed Book 351, Page 46); thence leaving said right of way and with the line of the Gene Thompson Harris Revocable Trust property the next two (2) calls, **N 77°57'31" W a distance of 546.85'** to an existing 1/2-inch iron pin "KY4147"; **S 12°02'07" W a distance of 239.00'** to an existing 1/2-inch iron pin "KY4147", a corner common with the Two Guys Investing, LLC property (Deed Book 359, Page 384); thence leaving the Gene Thompson Harris Revocable Trust property and with the line of the Two Guys Investing property the next two (2) calls, **S 12°02'07" W a distance of 239.00'** to an existing 1/2-inch iron pin "KY4147"; **S 77°57'53" E a distance of 546.86'** to an existing 1/2-inch iron pin

2519 Ken Bale Blvd., Bowling Green, KY 42103

P 270.799.1001 F 270.721.0011 E lsslavey@att.net

22748-Description-R1S Tract

VAN METER & SLAVEY, LLC

PROFESSIONAL ENGINEERING - LAND SURVEYING



"KY4147" in the north-west right of way of Bowling Green Road (US Highway 31W) (R/W varies); thence leaving the Two Guys Investing property and with said right of way, **S 12°04'48" W a distance of 60.00'** to the point of beginning, having an area of 3,885,420 square feet, 89.1970 acres.

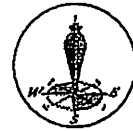
This survey was performed in February of 2022 under my direct supervision.



12-6-2022

Lucas Slavey, PLS KY 3922

Date



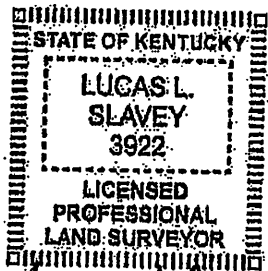
Being an 11.1149-acre tract of land just off of Bowling Green Road (US Highway 31W) (R/W varies) in Simpson County KY, a portion of the property shown as Tract 4 of Plat Book 6, Pages 10-11. The property is owned by the Gene Thompson Harris Revocable Trust, being a portion of Deed Book 347, Page 791 as recorded in the office of the Clerk of Simpson County, KY.

The property is just off of Bowling Green Road (US Highway 31W) (R/W varies), located approximately 1,026 feet north-east of the centerline of Quail Ridge Road. The property is more particularly described as follows:

Commencing at an existing 1/2-inch iron pin "KY4147" in the north-west right of way of Bowling Green Road (US Highway 31W) (R/W varies), a corner common with the Two Guys Investing, LLC property (Deed Book 359, Page 392), also known as Tract 3 of Plat Book 6, Pages 10-11; thence leaving said right of way and with the line of the Two Guys Investing property the next two (2) calls, N 77°57'31" W a distance of 606.86' to an existing 1/2-inch iron pin "KY4147"; N 71°48'21" W a distance of 411.47' to an existing 1/2-inch iron pin "KY4147" to the True Point of Beginning;

thence leaving the Two Guys Investing property and severing the Gene Thompson Harris Revocable Trust property (Deed Book 347, Page 791) the next five (5) calls, N 71°48'19" W a distance of 50.00'; N 71°48'21" W a distance of 617.03'; thence with a curve turning to the left with an arc length of 105.10', with a radius of 125.00', with a chord bearing of S 84°06'26" W, with a chord length of 102.03'; N 71°36'40" W a distance of 269.08'; N 17°21'32" E a distance of 497.51' to a point in the line of the Durham property (Deed Book 186, Page 667); thence with the line of the Durham property and after the Gant property (Deed Book 187, Page 4), S 71°48'21" E a distance of 1,036.50' to a point in a tree witnessed by a 1/2-inch iron pin "KY4147" located 4.97' S 71°48'21" E of corner, a corner common with the Two Guys Investing property; thence leaving the Gant property and with the line of the Two Guys Investing property, S 18°11'39" W a distance of 456.73' to the point of beginning, having an area of 484,165 square feet, 11.1149 acres.

This survey was performed in February of 2022 under my direct supervision.



A handwritten signature in cursive script that reads "Lucas Slavey".

12-6-2022

Lucas Slavey, PLS KY 3922

Date

2519 Ken Bale Blvd., Bowling Green, KY 42103
P 270.799.1001 F 270.721.0011 E lsslavey@att.net
22748-Description-R4 Tract

**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 December 13, 2022, on the petition of The Gene Thompson Harris Revocable Trust dated April 18, 2006 requesting a zone change of approximately 100.3119 acres of property located along U.S. Highway 31-W (Nashville Road) in Franklin, Simpson County, Kentucky from Agricultural (AG) to R-1S (Single Family Residential) for 89.1970 acres, and R-4 (Multi-Family/High Density Residential District) for 11.1149 acres, said property further described as follows:

SEE ATTACHED EXHIBITS A AND B

This being the same property conveyed to the Gene Thompson Harris Revocable Trust dated April 18, 2006, by Lewis Memorial, Inc., a Kentucky non-profit corporation, by deed dated April 20, 2020, of record in Deed Book 347, Page 791, Office of the Simpson County Clerk.

It was reported to the Commission that the applicants desired to rezone said property consistent with the Comprehensive Plan and due to the need for residential development in the area. The Petitioners were represented by Hon. Timothy J. Crocker and Hon. Amanda L. East. The Commission heard statements of counsel and the testimony from a representative of Van Meter & Slavey Professional Engineering & Land Surveying and Jody Allen of Simpson County Developing Partners, LLC. After considering the testimony, development plan, and statements of counsel, the following Findings of Fact and Conclusions of Law were adopted by the Franklin-Simpson County Planning & Zoning Commission:

1. The map amendment sought is in agreement with the community's Comprehensive Plan because the Comprehensive Plan contemplates the growth of residential land use and future residential development. The Comprehensive Plan identifies single-family dwellings as the largest

number of construction units in Franklin. The Comprehensive Plan identifies U.S. 31-W as a gateway corridor and contemplates that it should be designed and developed in a manner that promotes a positive introduction to the Franklin-Simpson community. The Comprehensive Plan states that one of its goals is to encourage 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 the Comprehensive Plan identifies the U.S. 31-W as a gateway corridor where significant future growth will occur. Amending the original zoning classification from Agricultural to R-1S and R-4 will be consistent and in conformity with the Comprehensive Plan. Additionally, the R-1S 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 which have substantially altered the basic character of such area. Since the adoption of the Comprehensive Plan, physical changes include the development of Windsor Park subdivision, the expansion of Lewis Memorial Homes, and the rezoning of neighboring property to B-4. There has been the development of the new zoning classification, R-1S, which has encouraged the development of single-family dwelling units in Franklin. There have been social and economic changes. Franklin-Simpson population has increased and there has been an increase in demand for housing in the area.

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

Based upon the foregoing specific Findings of Fact and Conclusions of Law, the Commission recommends to the City of Franklin, that the zone for the property herein from Agricultural to R-1S (Single Family Residential) for 89.1970 acres; and R-4 (Multi-Family/High Density Residential District) for 11.1149 acres be granted.

Approved and recommended for zoning change, this the 13th day of December, 2022.


CHAIRWOMAN

Minutes
Franklin-Simpson Planning & Zoning Commission
Tuesday, December 13, 2022, 6:30 pm.
City Commission Meeting Room
117 West Cedar Street, Franklin, KY.

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

Members Absent: Derrick Kepley and Craig Mylor

Others Present: Carter Munday, Emily Flora, Robert Link, April Pearson, Lucas Slavey, Bobby Groves, Jody Allen, James Cook, Bobby Bell, Jimmy Bagwell, Robert Palmer, Jon Chandler, Sylvia Goodner, Herbert Goodner, Charlie Hill, Larry Dixon, Charles Turner, Lassie Turner, Ron Kinnaird, Debbie Kinnaird, Marilyn Reagan, Shane Reagan, Jack Wade, Carl Stoner, Ross Durham, Randee Durham, Gene Harris, David Dickens, Grace Dickens, Jim Trout, Sandy Trout, Dennis Vaughn, Angela Vaughn, Bobette Warren, Tim Crocker, Amanda East and Jason Baker.

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

A motion was made by John Mayeur and seconded by Chad Konow to approve the December 6th meeting minutes.

Franklin Shoppes Partners presented the board with a **Preliminary Development Plan** for a 2-unit retail building located along Hwy 31-W S, between Zaxby's and Dairy Queen.

Jimmy Bagwell, engineer for the project, stated that the building would be on approximately 0.8-acres of commercial property that would house two retail tenants. He added that there would be no access from 31-W, and that there would be a shared entrance with Zaxby's. Mr. Bagwell also stated that a Dunkin' Donuts would be locating in the smaller side of the building and would have 2 drive thru lanes that would merge into one, with approximately 30 parking spaces for both businesses. Carter Munday stated that everything that was required for preliminary development plan approval had been completed.

A motion was made by Kent Wilson and seconded by John Mayeur to approve the preliminary development plan for a 2-unit retail building located along Hwy-31 W S, between Zaxby's and Dairy Queen. All members voted in favor of the motion.

A motion was made by Chad Konow and seconded by Gary Sliger 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.

Tim Crocker, attorney representing Lucy Stoner & Becky Searce, presented the board with requests for zone changes as follows: (a) from AG (Agricultural) to B-4 (Highway Business) for an approximately 30.932-acre parcel, (b) from AG (Agricultural) to R-1S (Single Family Small Lot) for an approximately 81.978-acre parcel, and (c) from AG (Agricultural) to R-4 (Multi-Family) for an approximately 28.296-acre parcel located westside of Hwy 31-W South, between Walmart and Honeysuckle Road.

Mr. Crocker stated that the proposed plan for the property featured two commercial lots along Hwy-31 W, with single family homes and multi-family units to the back of the property. He added that since the first rezone request meeting on October 4th, where the application was pulled, the engineer for the project, Jason Baker, had done full calculations on the stormwater drainage as well as arranged for a traffic study to be conducted.

Jason Baker, civil engineer for the project, was sworn in, and Mr. Crocker proceeded with testimony. Mr. Baker stated that at the community meeting that was held, he was able to gather a consensus of the neighbor's concerns regarding the water and so he was able to develop an engineered stormwater plan to address those concerns. He added that they planned to divert the water runoff to Hwy-31 W with the addition of drainage features as follows: three on the Honeysuckle Road side of the development, one on the Lexington Place side and one on the westside boundary. Mr. Baker also stated that Bradford Johnson, an engineer, had studied the traffic, and said that Hwy-31 W had adequate capacity for the traffic and that he would expect there to be a traffic light installed in the future, although that would not be immediate upon construction of the development. John Mayeur inquired if there would still be any water runoff coming onto Honeysuckle Road. Mr. Baker responded that there would still be some, but that the majority of the water would be diverted to a basin where the flow could then be controlled. Kent Wilson inquired if a ditch would be installed between the development and the houses along Honeysuckle Road. Mr. Baker responded that there would not be, but it would be bermed up higher. Chad Konow inquired if there would be lots where the water naturally flows. Mr. Baker responded that there would be, but the water would be collected into the streets and that some excavation work would be done to reshape some of the existing slope. Kent Wilson inquired if the temporary road beside Walmart could be made into another exit onto 31-W. Mr. Crocker responded that that was a possibility if Walmart would allow the road to be used for that purpose.

James Cook, developer of the property, was sworn in, and Mr. Crocker proceeded with testimony. Mr. Cook stated that the grading will start at the front of the development towards 31-W and will be to commercial standards, with a boulevard entrance installed, which will be less likely to cause traffic accidents. He added that it was natural to have commercial property along 31-W because of the proximity of Walmart.

Mayor Larry Dixon was sworn in and Mr. Crocker proceeded with testimony. Mr. Dixon stated that the City had recently passed new subdivision regulations that would be applicable to this development. He also added that James Cook had approached the City Commission with the proposed development, and it had been unanimously approved as well as supported by the

Kenton Powell, the City Manager and Chris Klotter, the City Public Works director. Mr. Dixon stated that this was an ideal location for the proposed plan and that it would be a positive addition to the community. He added that there were no plans in the future to annex Honeysuckle Road into the City limits.

Several members of the community expressed their concerns regarding the stormwater and traffic.

A motion was made by Gary Sliger and seconded by George Weissinger to approve the requested zone changes (a) from AG (Agricultural) to B-4 (Highway Business) for an approximately 30.932-acre parcel, (b) from AG (Agricultural) to R-1S (Single Family Small Lot) for an approximately 81.978-acre parcel, and (c) from AG (Agricultural) to R-4 (Multi-Family) for an approximately 28.296-acre parcel located westside of Hwy 31-W South, between Walmart and Honeysuckle Road and to accept the findings of facts and conclusions of law. All members voted in favor of the motion.

Tim Crocker, attorney representing The Gene Harris Revocable Trust, presented the board with requests for zone changes as follows: (a) from AG (Agricultural) to R-1S (Single family small lot) for an approximately 89.2-acre parcel and (b) AG (Agricultural) to R-4 (Multi-Family) for an approximately 11.1-acre parcel located on Hwy-31W N, northside of Windsor Park Subdivision.

Mr. Crocker stated that this property would be on the northside of the Lewis Memorial Home and horseshoe around so that there was access to Hwy-31W on both sides and connection to Windsor Park Subdivision. He added that there would be commercial lots on the front with residential on the back.

Lucas Slavey, engineer for the project, was sworn in, and Mr. Crocker proceeded with testimony. Mr. Slavey stated that this proposal would provide interconnectivity to Windsor Park Subdivision and that the current plan did not have any drainage features so some of the lots would be removed as drainage features were added. He added that there would only be one access onto Hwy-31W and that there was adequate water and sewer service to the property. Mr. Baker stated that the small strip on Hwy-31W was originally intended to be used for another entrance, but KYTC would not allow it, so there was no intention to do anything with it now.

Jody Allen, developer of the property was sworn in, and Mr. Crocker proceeded with testimony. Mr. Allen stated that he was the managing partner of Simpson County Developing Partners. He also stated that the property was originally part of the Lewis Memorial Farm and that the plan had always been to loop Windsor Park Subdivision around it. He added that there would be a new HOA for this section, different than for Windsor Park. Mr. Allen stated that he was committing to brick to grade on the homes in this subdivision, and that there would be a boulevard entrance into the subdivision with left and right turn lanes out. Kent Wilson inquired if the looks of these homes would be similar to those in Windsor Park. Mr. Allen stated that the looks of the homes haven't been decided but that since there would be commercial lots at the front of the property, the homes would not be able to be seen from the road. He added that in his most recent projects, they have tightened the HOA restrictions on the type of fencing, and they

planned to implement that for this project as well. Mr. Allen stated that this new subdivision will have sidewalks and will have to follow the architectural diversity standards outlined in the subdivision regulations, whereas Windsor Park subdivision did not.

Dennis Vaughn, farmer of the adjoining property, inquired if the homes would go all the way back to the property line. Mr. Slavey stated that there is a rear setback of 25-ft for homes in this zone, and so that was the closest they could be to the property line. Mr. Vaughn also inquired how high up the homes would be built. Mr. Slavey responded that the homes would be built 1 ft. above grade, but that the drainage features would still need to be engineered accordingly so that the stormwater would not runoff to the adjoining property owners.

Chad Konow inquired what would be done with the property until they started developing. Mr. Allen stated that it would be farmed and maintained until June.

A motion was made by Gary Sliger and seconded by George Weissinger to approve the requested zone changes (a) from AG (Agricultural) to R-1S (Single family small lot) for an approximately 89.2-acre parcel and (b) AG (Agricultural) to R-4 (Multi-Family) for an approximately 11.1-acre parcel located on Hwy-31 W N, northside of Windsor Park Subdivision. Kent Wilson voted against the motion, and the remaining members voted for the motion. Motion passed.

Tim Crocker presented a text amendment to 8.4S for a proposed R-1S-HA regulation.

Mr. Crocker stated that this text amendment would only apply to Franklin Affordable Housing for the citrus street area behind Frosty Freeze. He stated that there was currently substandard housing there, and this would be an effort to improve the area with smaller, but nice homes. He added that these homes would be brick to grade, with hardie or vinyl siding above that.

Carter Munday stated that this would be a spinoff of the R-1S regulation, but that there would be a management mechanism built in with this zone because it would be overseen by Franklin Affordable Housing.

Bob Link inquired if these lots could be sold. Tim Crocker stated that yes, they could. Madam Chair Debbie Thornton inquired if the concept was to encourage home ownership. Mr. Crocker stated that the plan for now was just for rental, but that there would eventually be ownership of the homes.

A motion was made by Chad Konow and seconded by Madam Chair Debbie Thornton to approve the text amendment to 8.4S for a proposed R-1S-HA regulation. All members voted in favor of the motion.

A motion was made by Gary Sliger and seconded by Chad Konow to exit the public hearing.

Madam Chair Debbie Thornton adjourned the meeting at 9:26pm.

Respectfully Submitted:

Emily Flora, Administrative Assistant

Debbie Thornton, Madam Chair

FRANKLIN-SIMPSON PLANNING & ZONING COMMISSION

PUBLIC HEARING

IN RE: THE GENE THOMPSON HARRIS REVOCABLE TRUST TO REQUEST ZONE CHANGES AS FOLLOWS: (A) FROM AG (AGRICULTURAL) TO R-1S (SINGLE FAMILY SMALL LOT) FOR AN APPROXIMATELY 89.2-ACRE PARCEL, AND (B) AG (AGRICULTURAL) TO R-4 (MULTIFAMILY) FOR AN APPROXIMATELY 11.1-ACRE PARCEL LOCATED ON HWY 31-W NORTH, NORTH SIDE OF WINDSOR PARK SUBDIVISION

*** **

DECEMBER 13, 2022

*** **

APRIL PEARSON, C.C.R.

REPORTER

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

PEARSON COURT REPORTING
(270) 781-7730

I N D E X

EXAMINATION

BY MR. CROCKER:

4 - 41

EXHIBITS

EXHIBIT 1 PAGE 8

New Mixed Use Subdivision plan

PEARSON COURT REPORTING
(270) 781-7730

The public hearing of Franklin-Simpson Planning and Zoning, taken pursuant to Notice, in the Simpson County Fiscal Courtroom, 100 Courthouse Square, Franklin, Simpson County, Kentucky, 42135, on Tuesday, December 13, 2022, at 8:36 p.m. (Central Time), upon oral examination and to be used in accordance with the Kentucky Rules of Civil Procedure.

A P P E A R A N C E S

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

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

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

Also present: Ms. Emily Flora
Mr. Carter Munday

*** **

PEARSON COURT REPORTING
(270) 781-7730

MADAM CHAIRPERSON: The Gene Thompson Harris Revocable Trust is here to request a zone change as follows: From A.G., Agriculture, to R-1S, Single Family, that's a small lot, for approximately eight -- small lot for the homes -- 89.2-acre parcel and A.G., Agriculture, to R-4, to Multifamily, for approximately 11.1-acres on highway 31-W north, north side of Windsor Park subdivision. So this is for about a hundred acres.

Okay.

MR. CROCKER: So this is a piece of property that is on the other side, the north side, of the Methodist home.

MADAM CHAIRPERSON: Okay.

MR. CROCKER: And it would serve to create sort of a horseshoe that goes around the Methodist property and accesses 31-W on both ends. There would be connectivity from this proposed subdivision to the Windsor subdivision. And the -- the proposed developer for this property is listed as Jody Allen, and also here tonight is Lucas Slavey, who is a professional engineer in Bowling Green, with whom I assume you all are familiar -- have seen him before here.

And so the proposal is to -- if you will

PEARSON COURT REPORTING
(270) 781-7730

1 look at this property -- we've worked with Mr. Munday on
2 this. And -- and I keep harping on this at the
3 meetings, because he keeps harping on me about it. But
4 what -- what -- what he wants us to present and he -- he
5 sent us back home if we could come up with anything
6 else, he wants there to be commercial property in the
7 front and the residential property in the back.

8 And Mr. Allen and Mr. Slavey intend to
9 present this as a proposal for a mixed use development
10 that would do exactly that and would provide the
11 connectivity that would go from Windsor Park and allow
12 access back out to 31-W that way. So there would -- the
13 proposal would make it where we had two points of
14 ingress and egress from the -- the Windsor and -- and
15 this still unnamed subdivision.

16 We've been trying to -- we've been trying
17 to come up with a name. My proposal for the subdivision
18 has been my -- my granddaughter was born this morning.
19 So my proposal --

20 MADAM CHAIRPERSON: Oh.

21 MR. CROCKER: -- my proposal had been
22 Abigail Place, but -- but I haven't quite sold them on
23 that.

24 MADAM CHAIRPERSON: Congratulations,
25 grandpa.

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1 MR. CROCKER: So if -- if --

2 MADAM CHAIRPERSON: It's exciting.

3 MR. CROCKER: You know, race horses start
4 out like you go ahead and call --

5 MADAM CHAIRPERSON: Did Sam have a baby?

6 MR. CROCKER: Yes. He did. Yeah.

7 MADAM CHAIRPERSON: Aww.

8 MR. CROCKER: Sam and Melissa, so
9 they're -- they're still at the hospital.

10 MADAM CHAIRPERSON: Oh, his wife is.
11 Aww.

12 MR. CROCKER: Yeah. He's taking a little
13 credit.

14 MADAM CHAIRPERSON: Okay. Who are you
15 calling first, please?

16 MR. CROCKER: Lucas Slavey.

17 MADAM CHAIRPERSON: Hello, Mr. Lucas.

18 MR. LUCAS: Hello.

19 I'll make my way to the hot seat.

20 MR. CROCKER: If you'll turn towards
21 April over here, she's going to -- you need to stand and
22 she'll swear you in.

23 MR. LINK: Where?

24 MR. CROCKER: Maybe turn back around.
25

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1 *** **

2 LUCAS SLAVEY, being first duly sworn,
3 gave the following answers in response to questions
4 propounded to him:

5 EXAMINATION

6 BY MR. CROCKER:

7 Q. Do you mind to turn back around so the
8 board are can hear you?

9 Please, tell the board what your name is
10 for the record.

11 A. Lucas Slavey.

12 Q. And Lucas, are you a professional
13 engineer?

14 A. Yes, sir.

15 Q. And how long have you been so engaged?

16 A. I've been doing this since '99. And I
17 bought the business since 2010, so around 23 years.

18 Q. Okay. And have you been involved in
19 numerous projects in Simpson and Warren County?

20 A. Yes, sir.

21 Q. And I guess other outlying counties?

22 A. Yes, sir.

23 Q. And have those included residential and
24 multifamily developments, mixed use developments, such
25 as is being proposed?

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1 A. Yes, sir.

2 Q. And in that capacity, have you become
3 familiar with Mr. Allen?

4 A. Yes, sir.

5 Q. And you all worked on this particular
6 proposed subdivision and rezoning?

7 A. Yes.

8 (Whereupon Harris Trust Exhibit 1 was
9 duly received, marked for identification,
and filed herewith as part hereof.)

10 Q. And you're the author of the plan that
11 appears in front of the board as they are seated here
12 tonight?

13 A. Yes.

14 Q. Now, tell the board -- just walk them
15 through that plan a little bit. I know I've alluded to
16 it. But you can stand, if you would like, and sort of
17 walk them through the plan and tell them why you've done
18 what you've done and how you think it's beneficial
19 and --

20 A. Sure. Sure. Well, we -- we started out
21 just trying to provide interconnectivity with the -- the
22 Windsor development to get it out 31. We knew that was
23 a concern for emergency vehicles, fire, and all -- all
24 the -- all that stuff.

25 This layout, just so the board and anyone

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here understands, is kind of a max'ed out plan. So what happens is, we get a little further into the design part of this, so some of those lots will start going away and become drainage features. So we -- we kind of go into it with this kind of a max'ed out version and then some of the lots go away and become open space and green interiors and that kind of thing. So I want everybody to understand that. There's -- there is no drainage features shown, but that -- that will come.

And Mr. Jones, that works for you guys, is very -- very particular to make sure we get all the T's crossed and I's dotted. He's very thorough. So --

Q. Tell the -- tell the board a little bit about the -- what your obligations are as an engineer as it would relate to water that would be leaving this particular property.

They've already heard a lot about it earlier, but tell them one more time.

A. So we -- we -- we're under law to -- we can't allow any additional water to run off this site at any higher rate than it currently does.

We -- we set that as a bar, but we try to better that and do better than that. So we -- we know we can't increase it at all. We try to decrease it if we can, but staying right there in the middle is where

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it needs to be. We have an obligation by law to protect the public health safety and welfare -- everybody involved; not just our client, but everybody that touches it.

Q. In your presentation there, it shows both of where the single-family dwellings would be and also where the proposed eight-plex apartment units would be; yes?

A. Yes. Yes, sir. And they all connect with internal streets with one outlet. And we have approached the highway department about that access point. And they were totally okay with that and made the stipulation that we line it up with the factory across the road and provide -- so everybody's got better visibility to see one another coming in, going out. So they have seen this -- this concept and are giving their okay. They want more information, but they -- they're okay with it at this stage.

Q. At this location along 31-W, is there adequate water and sewer service?

A. Yes, sir.

Q. Now, as far as our Comprehensive Plan is concerned, do you believe that this proposal is consistent with the Comprehensive Plan?

A. Yes. Typically, along these major

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corridors like this, this is -- this is what we usually see and usually do most -- most places with commercial and stepping down and ending up with residential in the rear.

Q. Will -- will this proposal -- in your mind, with the residential set back off the highway and to preserve area for commercial development, would that -- would that proposal, as you have presented it -- would that -- in your opinion, would it promote a positive introduction into the City of Franklin from the north?

A. Yes. Absolutely.

Q. If under the Comprehensive Plan it contemplates that Franklin will experience the growth of residential land and future residential development, is this one of the reasons that you think this is consistent with the plan?

A. I think it is. The infrastructure's here. The -- everything's there to support this sort of development, so yes.

Q. Now, are you seeing evidence now of this future growth in Franklin and Simpson County?

A. Yes. Seems to have really ramped up over the past few years.

MR. SLIGER: You know, I can't stand this

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over me.

MR. CROCKER: I told him --

(Off the record)

MR. CROCKER: I think they set on those hard chairs for the last hour -- those hard benches. But do feel free to sit. See, that seat is bad.

Q. Now, have we seen in the -- since we've had the Comprehensive Plan some significant growth along the 31-W corridor?

A. Yes, sir.

Q. Is there anything else, Lucas, that you think that the board ought to consider or know about that particular area that -- or more about your plan that you'd like to advise them on at this time?

A. Nothing I can think of right off the top of my head.

We -- we followed the current subdivision regulations in laying these out and tried to meet all the criteria. And understand, there's -- there's a lot of them and we do our best to get every one of them. So --

Q. Now, one thing I want to mention, because it's a little goofy. Maybe you know it, maybe you don't. I can ask Jody if you don't.

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1 But here -- over here on -- sorry. Over
 2 here on Lot 4, we've got this goofy little piece there.
 3 Tell them what -- what the plan is with respect to that
 4 little piece there and how --
 5 A. So that was originally laid out when
 6 these lots were severed up by the Lewis home. I think
 7 that was intending to be a -- another entrance for them.
 8 But with our layout, we -- we're not proposing to use
 9 that. Now, Jody will have to verify that. I think he
 10 intends to maybe sell it to that lot next to it or do
 11 something with it --
 12 Q. Make it part of the commercial
 13 development?
 14 A. Yes. It -- it serves no purpose for this
 15 part of development.
 16 Q. Okay.
 17 MADAM CHAIRPERSON: On your map there,
 18 where is the Lewis home? Are you -- is the little strip
 19 of apartments still there?
 20 MR. SLAVEY: Yes. It's just --
 21 MADAM CHAIRPERSON: You know what I --
 22 MR. SLAVEY: -- just above that little
 23 sliver there, that little rectangle.
 24 MR. CROCKER: Why don't you come over
 25 here and show them that?

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1 MR. SLAVEY: Yeah. I do --
 2 MADAM CHAIRPERSON: That's all. I just
 3 wanted to make --
 4 MR. SLAVEY: That -- that's it right
 5 there.
 6 MADAM CHAIRPERSON: That's the little
 7 strand for those strip of apartments?
 8 MR. SLAVEY: Yes.
 9 MADAM CHAIRPERSON: Okay.
 10 MR. SLAVEY: Uh-huh.
 11 MADAM CHAIRPERSON: On the opposite
 12 side -- or beside the older Lewis Memorial?
 13 MR. SLAVEY: Yeah. It -- yes. Yeah.
 14 That's it.
 15 MADAM CHAIRPERSON: Okay.
 16 MR. CROCKER: I don't have any other
 17 questions.
 18 MADAM CHAIRPERSON: Anyone have any
 19 questions?
 20 Okay.
 21 MR. CROCKER: Jody Allen.
 22 MADAM CHAIRPERSON: Hello, Mr. Allen.
 23 MR. ALLEN: Hello. How are you?
 24 MADAM CHAIRPERSON: Well. And how are
 25 you?

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1 MR. CROCKER: If I could get April to
 2 swear you in --
 3 (Off the record)
 4 *** **
 5 JODY ALLEN, being first duly sworn, gave
 6 the following answers in response to questions
 7 propounded to him:
 8 MR. ALLEN: I think I'll sit.
 9 MR. CROCKER: And there we go.
 10 *** **
 11 EXAMINATION
 12 BY MR. CROCKER:
 13 Q. Jody, if you would, please, tell the
 14 board your full name for the record.
 15 A. Jody Allen.
 16 Q. And tell them what you do.
 17 A. I'm a developer and builder.
 18 Q. And for how long have you been doing
 19 that?
 20 A. Since '99.
 21 Q. And --
 22 A. For 23 years.
 23 Q. And where do you primarily do that?

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1 A. Primarily, in Bowling Green, but we've
 2 been -- we've done a lot of work here in Simpson County.
 3 We've been here several times and surrounding areas.
 4 Q. Did you -- are you currently doing the
 5 Williamsburg development?
 6 A. Yes. Yes. We are.
 7 Q. And you did the Windsor development?
 8 A. Yes, sir.
 9 Q. Now, one thing I want to make clear right
 10 now as it would relate to those two. Those are
 11 different in that --
 12 A. Yes, sir.
 13 Q. -- in that now there -- as to
 14 Williamsburg, there is the new subdivision regulations
 15 that the mayor earlier testified about that require
 16 curbs. They require gutters. They require sidewalks.
 17 There's a lot of new significant requirements.
 18 You're familiar with those requirements;
 19 is that correct?
 20 A. Yes, sir.
 21 Q. And as to this subdivision, you -- you
 22 understand there will be compliance with all of those
 23 requirements?
 24 A. Yes, sir.
 25 Q. Okay. And tell the board -- the entity

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1 that is making this proposal tonight I believe is called
2 Simpson County Developing Partners --

3 A. Yes, sir.

4 Q. -- L.L.C.?

5 A. Yes, sir.

6 Q. Tell the board who's involved in that so
7 they can understand who works with you.

8 A. Sure. I'm a managing member of that
9 group. Christian Boker is a member of that group and
10 John Groves is a member of that group. John's a --
11 John's a builder in Bowling Green, as well.

12 Q. When you put this together and worked
13 with Mr. Slavey to bring this before the board, what
14 were your goals and what were you trying to accomplish
15 with this?

16 A. Well, Chairman, if you remember when we
17 were here five, six, eight years ago, you know, all of
18 this was part of the Methodist home farm when it was --
19 when it was sold at auction. And when we started
20 Windsor, put the pump station in to bring sewer to this
21 side of town, the vision was always to try to make a
22 loop around the -- the Methodist home property, where
23 when we first came in, there was some concern about the
24 one entrance into the development.

25 MADAM CHAIRPERSON: Uh-huh.

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1 A. And we all thought at that time that,
2 eventually, as Franklin grew, so would this development
3 and would eventually wrap back around. And here we are
4 six, eight years later, however long it has been. And
5 where the road is here, and that's -- and that's kind of
6 the fulfilling of the overall picture of this -- this
7 when we started. So it's just kind -- it's just kind of
8 come along that way. So --

9 Q. Did you feel like that there is an
10 adequate need in Franklin, Simpson County, for the --
11 both the R-1S and the multifamily dwelling apartments?

12 A. Yes, sir. We -- Williamsburg has been a
13 tremendous success and -- and I think the sales continue
14 to be strong there and -- and they continue to be strong
15 in Windsor, even in a housing market that's -- that's
16 not the same as it was --

17 MADAM CHAIRPERSON: Sure.

18 A. -- 12 months ago or 24 months ago. These
19 particular homes continue to sell at a -- at a better --
20 an above average pace right now.

21 Q. And do you -- do you believe that the --
22 the products that you are going to be able produce
23 there, are you hoping those will be sort of -- of the
24 quality that we're seeing in Williamsburg?

25 A. Yeah. So what we have -- what we have

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1 done is I have turned the Windsor development over to
2 the homeowners. So that H.O.A. is -- is handed over to
3 the -- the owners and we have, in essence, closed that
4 out with what is already approved as Windsor.

5 So this part -- this development will not
6 be part of that subdivision. It will have its own
7 H.O.A. And what we have found in Williamsburg is -- and
8 we have three different sets of restrictions within that
9 development; size -- size of -- three different sizes of
10 houses, different building materials, that have blended
11 extremely well.

12 So we'll be -- as we kind of get a little
13 further into this, that's our plan is to try to develop
14 little different pockets of -- of size and building the
15 materials in -- in kind of a similar mesh here. So --

16 Q. Will there be a new H.O.A. for this area
17 to protect and to serve the drainage features that
18 need --

19 A. Yes.

20 Q. -- that you --

21 A. Yes, sir.

22 Q. -- will build?

23 A. Yes, sir.

24 Q. And with respect to the actual homes, are
25 you planning to -- to make them brick to grade?

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1 A. We -- we will commit to brick to grade.
2 Yes.

3 MADAM CHAIRPERSON: Brick and?

4 MR. ALLEN: Brick --

5 MR. CROCKER: Brick to grade meant --

6 MR. ALLEN: They're on --

7 MR. CROCKER: -- where they --

8 MR. ALLEN: -- brick foundations.

9 Q. And with respect to the apartment units
10 that are proposed, is it your belief that that will
11 address a significant shortage in Simpson County?

12 A. Yes. So -- so we also are the owners and
13 developers of Garvin Pointe on -- on 86 (sic) and
14 continue to have strong demand there.

15 And to my knowledge, I'm not aware of any
16 available multifamily lots in Franklin right now. So
17 there's -- there's -- there's certainly demand and need
18 for -- for some additional multifamily units.

19 Q. When you present these for -- for
20 development plan approval, is it the intention to
21 present them as eight-plexes that will have laundry
22 hook-ups in the units?

23 A. Yes. Yes. That's -- that's the plan
24 right now, as you can see them, is to make them
25 eight-plex lots where we -- we could sell those to

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1 individual owners.

2 Q. Do you believe that this proposal is
3 consistent with the Simpson County Comprehensive Plan?

4 A. Yes, sir.

5 Q. And is one of the reasons for that
6 because of again that planning contemplates that
7 Franklin will experience growth of residential land use?

8 A. Yes, sir.

9 Q. Is one of the reasons that -- that
10 Franklin is now seeing evidence of that -- that future
11 residential growth in this area and throughout the
12 county?

13 A. Yes, sir.

14 Q. Is -- the Comprehensive Plan identifies
15 single-family dwellings as the largest number of
16 constructions in Franklin and that they are expected to
17 grow, is that why you've included so many single
18 family --

19 A. Yes, sir.

20 Q. -- residential lots?

21 Now, you alluded to this earlier, but I
22 want to follow-up just a little bit.

23 U.S. 31-W, that's our -- our -- our
24 largest roadway through the City of Franklin; is that
25 correct?

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1 A. It is. Yes, sir.

2 Q. And our Comprehensive Plan identifies
3 that as a gateway corridor to our community.

4 Do you believe that the -- that this
5 proposal will be a positive development for that gateway
6 corridor?

7 A. Yes, sir.

8 Q. Something that people in this area can do
9 so Franklin from the north will find attractive --

10 A. Yes.

11 Q. -- and inviting?

12 A. Yes, sir.

13 Q. Now, do you believe that part of the
14 reason for that is that you're -- you're complying
15 with -- with Mr. Munday's direction in -- in not
16 using -- and you have some -- you have some other
17 property towards the front; right?

18 A. Yes, sir.

19 Q. But you're not using that for this
20 development because you're preserving it for commercial
21 use --

22 A. Yes, sir.

23 Q. -- in the future at the direction of --
24 or at the advice of Mr. Munday and -- and staff there --

25 A. Yes, sir.

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1 Q. -- of planning and zoning?

2 Now, as far as the main entrance to that,
3 one thing that we've talked some about -- and I talked
4 to Mr. Munday about that -- is that -- are we going to
5 put some sort of entrance sign or something to identify
6 this subdivision?

7 A. We -- we certainly have that out there to
8 have that as an intent, because that's designed to be a
9 boulevard entrance.

10 MADAM CHAIRPERSON: Good.

11 A. So we have a right- and left-turn lane
12 coming out and then I'm sure the state is going to
13 require a right-turn lane.

14 Q. And of course, we talked about this
15 earlier, with the R-1S designation that you have here,
16 that was a designation that was not available back in
17 2011 when we adopted our Comprehensive Plan; correct?

18 A. Yes, sir. That's correct.

19 Q. Do you believe that rezoning this to R-1S
20 and R-4 would be overall consistent with our
21 Comprehensive Plan?

22 A. Yes, sir.

23 Q. Now, there -- is it accurate that there
24 have been major changes in this area which have
25 substantially altered the basic character of the area

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1 since 2011?

2 A. Yes, sir. Just walk -- or drive through
3 any of the industrial parks, you -- you see that
4 firsthand.

5 Q. Is one of those the development of the
6 industrial parks?

7 A. Yes. Absolutely.

8 Q. Is one of the them the development of
9 Windsor?

10 A. Yes.

11 Q. Is one of them the expansion of Lewis
12 Memorial Home and the new housing there?

13 A. Yes, sir.

14 Q. Is one of them the rezoning of the
15 neighboring property to B-4?

16 A. Yes, sir.

17 Q. Is one of them the demand -- the local
18 demand for more housing which has encouraged the
19 development of single-family housing?

20 A. Absolutely.

21 Q. And also -- I should have also said and
22 multifamily housing?

23 A. Yes, sir.

24 Q. And the final one is has there been a
25 significant increase in population since 2011?

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1 A. Yes, sir.
 2 MR. CROCKER: That's all the questions I
 3 have for him.
 4 MADAM CHAIRPERSON: Does anyone --
 5 MR. CROCKER: I --
 6 MADAM CHAIRPERSON: -- questions for
 7 Mr. Jody?
 8 MR. ALLEN: Sure.
 9 MR. WILSON: I'll be perfectly honest, I
 10 have a little bit of concern. It's -- this is our --
 11 first thing we see coming into Franklin, like the
 12 Windsor was.
 13 MR. ALLEN: Uh-huh.
 14 MR. WILSON: It's across from our country
 15 club --
 16 MR. ALLEN: Uh-huh.
 17 MR. WILSON: -- that is kept very nice.
 18 I'll be honest with you, I've heard
 19 multiple complaints about the Windsor subdivision, by it
 20 being the first thing we see as we come into Franklin,
 21 with the type of homes that were built there, and the
 22 twenty different backyard fences that are all down
 23 through there. That's what we see as we come into
 24 Franklin. I've heard multiple complaints about the way
 25 it looks.

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1 brick foundations, but I -- we have not gotten that far
 2 to determine what the makeup or size is, but I can --
 3 I -- I can tell you my -- my experience has been we've
 4 had extremely good luck with having different size homes
 5 in different sections and phases in Williamsburg.
 6 That's something we'll probably follow here.
 7 And -- and as far as the different set up
 8 of H.O.A.'s, you know, we could have a different set of
 9 restrictions, design reviews, that -- that we have
 10 there. And one -- one of the things that we've had done
 11 a little different in the past --
 12 We've got the same issue at Williamsburg
 13 with -- with fences. So you -- you try to have -- you
 14 try to give the homeowner some flexibility as to what
 15 type of fence and outbuildings and things that they want
 16 and not be so restricted, but one of the things that we
 17 have done in some other developments here recently is
 18 we've really tightened up the type of fencing and -- and
 19 the -- what it looks like. It can be a wood fence, but
 20 it's got to have -- it's got to meet this particular
 21 design standard.
 22 So those are some things that we feel
 23 like we will probably implement in this development
 24 that -- that we haven't in the past. And -- and there
 25 is some other -- this is going to look a little

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1 My concern is that what -- are these
 2 going to be the same type of homes that has been -- the
 3 same type of look that is in Windsor subdivision --
 4 MR. ALLEN: Well --
 5 MR. WILSON: -- this one here.
 6 MR. ALLEN: I'm sorry.
 7 The -- the -- yeah. So the -- the main
 8 difference is that -- I'm going to show you -- is
 9 that --
 10 MR. WILSON: I know you're going to have
 11 retail out front.
 12 MR. ALLEN: Right. And so -- so this is
 13 a three-acre tract that's already zoned B-4. We
 14 would -- if we follow through with the purchase of the
 15 property, we would own this three-acre tract, which we
 16 don't have a plan for yet. But we would -- this land
 17 would be something we want commercial. And you've got
 18 an eight-acre -- or ten-acre tract zoned B-4. So as
 19 this is built out, you'll never -- you won't be able to
 20 see any of the residential.
 21 MR. WILSON: Are those residential homes
 22 going to be the same as they are in the Windsor Park --
 23 or Windsor subdivision?
 24 MR. ALLEN: Well, the difference is that
 25 we've committed to, at least, the brick to grade, the

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1 different with sidewalks and -- and some other things.
 2 So I -- again, we haven't gotten that far down the road,
 3 but it's -- it's not the same product, but it will be --
 4 MADAM CHAIRPERSON: Do you see it --
 5 MR. ALLEN: -- a little bit --
 6 MADAM CHAIRPERSON: -- closer to
 7 Williamsburg than Windsor?
 8 MR. ALLEN: Probably, I think that --
 9 yeah, Williamsburg has -- you know, when it first
 10 started out, it was -- it was -- the houses there
 11 were -- were built a little bit bigger --
 12 MADAM CHAIRPERSON: Uh-huh.
 13 MR. ALLEN: -- far bigger than -- than
 14 the minimums were allowed. And so there has been a
 15 transition. And they're still from -- some -- some
 16 eighteen hundred, sixteen hundred, and fifteen hundred.
 17 MADAM CHAIRPERSON: Uh-huh.
 18 MR. ALLEN: And there are some
 19 vinyl-sided house with split block foundations in
 20 Williamsburg and they -- and they have sold --
 21 MADAM CHAIRPERSON: Okay. Yeah.
 22 MR. ALLEN: -- probably for as much of a
 23 square foot as any house in Franklin.
 24 So I think a lot of that depends on how
 25 you manage the overall development plan. So --

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1 MR. CROCKER: Let me ask, Jody, with
2 respect to the -- a couple of issues that were raised,
3 the -- when -- when Windsor was built, the city had not
4 adopted it's current subdivision regulations; isn't that
5 correct?

6 A. I -- I believe that is correct.

7 Q. And -- and now the -- and it didn't
8 require curbs and gutters and sidewalks and all those
9 things?

10 A. Well, we have curb and gutter in -- in
11 Windsor. We do not have sidewalks.

12 Q. Right, sir.

13 And now, those are -- every one of those
14 are required?

15 A. Yes.

16 Q. And that will create a different look;
17 won't it?

18 A. Yes. Sidewalks alone will create a
19 different look. That -- that really changes the -- your
20 driveway will tie into some other things that -- that
21 could happen.

22 Q. And so with respect to the fences, when
23 you get to the development -- when you get to where
24 you're presenting your development plan to the board --
25 this board and we talk about your H.O.A. at that point,

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1 would -- would -- are you amenable to a uniform standard
2 for any fences or outbuildings?

3 A. Well, that's -- that's what we -- we --
4 we have -- yes. So that's what we're -- again, you try
5 to have some flexibility in -- in allowing a homeowner
6 to have some choice and not be so rigid and -- and
7 expect a product that's unaffordable, that nobody can --
8 that wants it there can do. So -- so there are --
9 again, it's -- it's a fine line that I -- yes.

10 As we've gone along, we -- we limit the
11 materials that can be used and try to really tighten up
12 what they could look like, where they can go, same thing
13 with any out parcel building.

14 Q. And let me ask this. And I -- and I -- I
15 appreciate your commitment on brick to grade, because
16 that's something that James Cook has done --

17 A. Yeah.

18 Q. -- committed to that at the Lexington
19 Place and has been very successful with it. But --

20 So our new subdivision regulations have
21 what is called the Architectural Diversity Standards.

22 MADAM CHAIRPERSON: Uh-huh.

23 Q. And there was a lot of stink about that
24 when that was adopted, but once it was adopted, our
25 builders had fallen right in line.

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1 A. Uh-huh.

2 Q. And we haven't had a single problem with
3 it and nobody complains about it anymore. And it does
4 make the houses look different.

5 A. Sure.

6 Q. Is that something that you will -- you
7 will be required to follow those same -- those same
8 Agricultural Diversity Standards now that were not in
9 place when Windsor was built; is that --

10 A. Yes.

11 Q. -- correct?

12 A. Yes. That's correct.

13 MR. CROCKER: Okay. That's all.

14 MADAM CHAIRPERSON: Anybody have any more
15 questions for Mr. Allen?

16 MR. SLIGER: It appears you're a whole
17 lot further back than you were at Windsor's --

18 MADAM CHAIRPERSON: Yes.

19 MR. SLIGER: -- in that --

20 MR. ALLEN: Yes, sir. That's correct.

21 MR. SLIGER: As you're behind the
22 Methodist home, you can hardly even see it from the
23 road. So that's another plus.

24 MR. ALLEN: Yeah. And there's -- there's
25 a -- you know, we put a pretty healthy tree line along

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1 the 31-W corridor from Windsor. You know, some point in
2 the year, you're -- those -- those trees are really
3 starting to bloom. So I would think in another couple
4 years that's a pretty image, a green tree line through
5 there, as well. So --

6 MR. SLIGER: And that has nothing to do
7 with the zone change.

8 MR. ALLEN: Sure.

9 MADAM CHAIRPERSON: Thank you. Thank
10 you, Mr. Allen.

11 MR. CROCKER: We have Findings of Fact.

12 MADAM CHAIRPERSON: Okay.

13 Okay. This concludes this portion of
14 this public hearing.

15 Is anyone here that would like to speak
16 that has concerns with regards to a zone change?

17 MR. VAUGHN: I do.

18 MADAM CHAIRPERSON: Mr. Dennis, would
19 you, please, approach and be -- get sworn.

20 (Off the record)

21 MADAM CHAIRPERSON: Hello, Mr. Dennis.

22 MR. VAUGHN: Hello.

23 (Off the record)

24 *** **

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1 DENNIS VAUGHN, being first duly sworn,
2 made the following statement:
3 MR. VAUGHN: I have some questions.
4 Is the proposed houses going all the way
5 back to the property line?
6 MR. CROCKER: I'll let Lucas address
7 that.
8 MR. SLAVEY: They'll have a rear setback.
9 They'll be -- I believe it's 20 --
10 MR. CROCKER: Twenty-five feet.
11 MR. SLAVEY: -- 25 feet. They can't any
12 closer than that.
13 MADAM CHAIRPERSON: Mr. Vaughn, do you
14 own that or are you there across the street?
15 MR. VAUGHN: No. I do not own the
16 property. I farm it.
17 MADAM CHAIRPERSON: Yes, sir.
18 MR. VAUGHN: I've already had a run-in
19 with Mr. Allen. It wasn't very pleasant, but I guess we
20 can discuss that later.
21 So if all the houses is going 25 five
22 feet back of the property line?
23 MR. SLAVEY: Well, they -- that's as
24 close as they can get. They typically build toward the
25 front, and that will be their backyard, but they can't

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1 get any closer than 25 feet.
2 MR. VAUGHN: Okay. How -- how high is
3 the houses going to be built?
4 MR. SLAVEY: How high? They're on a
5 crawl space, about a foot-and-a-half above grade.
6 MR. VAUGHN: Okay. Back in that back
7 parking lot, water gets up about four-and-a-half feet.
8 MR. SLAVEY: Yeah. We'll -- we'll design
9 that away --
10 MR. VAUGHN: Well, I was just asked if
11 you were going to build houses back there. You said 25
12 feet --
13 MR. SLAVEY: Well --
14 MR. VAUGHN: -- from the property line.
15 MR. SLAVEY: -- it won't -- it won't be
16 in a drainage area. We'll -- we -- we'll have to design
17 that. That's what I was getting at earlier.
18 This is max. So we'll have to do the
19 drainage, and then we'll start deleting lots that --
20 anywhere the water's going to stand, we have to take
21 care of that and ensure the state it won't flood.
22 MR. VAUGHN: Is there going to be
23 other -- another water retention pond in the -- in the
24 plan?
25 MR. SLAVEY: Yes. Yes. We're required

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1 by law to do that. Yeah, we have to control our
2 stormwater.
3 MR. VAUGHN: Does the stormwater in the
4 water retention pond go into the sewer?
5 MR. SLAVEY: No. It -- no. It will just
6 go in the ground either through a dry well or sinkhole
7 or some -- some infiltration.
8 No. We can't put it into the
9 sanitary/sewer. No.
10 MR. VAUGHN: The water in the streets and
11 the curbs goes in the sewer?
12 MR. SLAVEY: No. It will go into a storm
13 sewer system which will ultimately end up in the -- in
14 the drainage basins. It won't go into the sewer, no.
15 MR. VAUGHN: In -- into the retention
16 pond?
17 MR. SLAVEY: Yes, sir. Yes, sir.
18 MR. VAUGHN: Well, there's already a
19 problem back there about -- I'd say, eight inches --
20 MR. SLAVEY: In -- in -- on this
21 property? You're --
22 MR. VAUGHN: On your -- on your side.
23 Yeah.
24 MR. SLAVEY: We --
25 MR. VAUGHN: And there's more of that on

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1 the other side. Yeah.
2 MR. SLAVEY: We'll --
3 MR. VAUGHN: When -- when that I keep it,
4 I see it.
5 MR. SLAVEY: Well, we won't run any more
6 water on you than that's going there now. And
7 typically, we end up making the problems better.
8 But like I said, we'll delete lots. This
9 is the worst-case scenario. So we -- we have to control
10 the stormwater by law. And when we submit the plans, it
11 gets checked by the city engineers of Franklin and then,
12 you know, we have to make sure that we're not running
13 any water on you that wasn't going to you before and
14 control all our water on our property. Whether it costs
15 a gazillion dollars, it doesn't matter, we have to by
16 law.
17 MR. VAUGHN: Is the -- so Windsor was the
18 last subdivision built? I'm -- I'm lost on that.
19 MR. SLAVEY: Yeah. We -- yeah.
20 Windsor's that part we're tying into. This one's going
21 to be under a separate name.
22 MR. VAUGHN: And what's the name of the
23 one in front that adjoins 31-W?
24 MR. SLAVEY: That's Windsor, too.
25 It's all -- wraps around.

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1 MR. VAUGHN: So it's all the same?
 2 MR. SLAVEY: Yes.
 3 MR. VAUGHN: I thought there was -- I
 4 understood there was two different names.
 5 MR. CROCKER: This is going to be a new
 6 one.
 7 MR. SLAVEY: Yeah. This will be a new
 8 one. Windsor --
 9 MADAM CHAIRPERSON: One is Windsor one;
 10 one's Windsor two; isn't it?
 11 MR. SLAVEY: Yeah.
 12 MADAM CHAIRPERSON: It's phase.
 13 MR. SLAVEY: It's got the three sections
 14 to it.
 15 MADAM CHAIRPERSON: Yeah. So that's kind
 16 of where it's --
 17 MR. SLAVEY: Yeah. Yeah. It got built
 18 in section one and two. And they're in three now. But
 19 that's got multiple phases for section three. Yeah.
 20 They're in three now.
 21 MR. VAUGHN: So -- so there is a
 22 retention pond in the -- or in the plan?
 23 MR. SLAVEY: Yes, sir. Yes, sir.
 24 We're -- by law, we've had to.
 25 MR. VAUGHN: Okay.

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1 MR. WEISSINGER: Second.
 2 MADAM CHAIRPERSON: There is a second on
 3 the floor. Was that Mr. Weissinger? Thank you.
 4 Mr. Weissinger has seconded it.
 5 Is there any discussion?
 6 MR. KONOW: What's going to be done with
 7 it until development starts?
 8 MR. SLAVEY: I'm sorry?
 9 MR. KONOW: What's going to be done with
 10 it until development starts?
 11 MR. SLAVEY: I believe they've already
 12 agreed to -- there's a planted season currently that is
 13 coming up till June. It will -- it will be in plant
 14 until June.
 15 MADAM CHAIRPERSON: It will be farmed --
 16 MR. SLAVEY: It will be farmed until the
 17 season --
 18 MADAM CHAIRPERSON: -- for the next six
 19 months?
 20 MR. SLAVEY: And really, that gives us
 21 the time to do the engineer work, come back, get all the
 22 approval. It will take that long anyway, so really it
 23 kind of works out for us.
 24 MADAM CHAIRPERSON: Thank you, Mr. Konow.
 25 Is there any other discussion?

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1 MR. SLAVEY: Yes, sir.
 2 MR. VAUGHN: Thank you.
 3 MADAM CHAIRPERSON: Is that all, Mr.
 4 Dennis?
 5 MR. VAUGHN: For now, yes. Thank you.
 6 MADAM CHAIRPERSON: Thank you.
 7 Anyone else here have any questions or
 8 concerns that they would like to ask the developer
 9 and/or this counsel?
 10 Okay. Well, thank you all for bearing
 11 with us through this this evening.
 12 I'm prepared for a motion after you
 13 gentlemen have gotten a chance to look at the Findings
 14 of Fact's and Conclusions of Law.
 15 MR. SLIGER: I make a motion that we
 16 approve the Gene Thompson Harris Revocable Trust request
 17 for zone change from Agriculture to R-1S for
 18 approximately 89.2-acre parcel, from Agriculture to R-4
 19 for approximately 11.1 acres located on 31-W, north side
 20 of Windsor Park subdivision and accept the Findings of
 21 Fact's and Conclusions of Law to it.
 22 MADAM CHAIRPERSON: There's a motion on
 23 the floor in regards to the zone change request by the
 24 Gene Thompson Harris Revocable Trust.
 25 Is there a second?

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1 Okay. Let's vote. All in favor raise
 2 your right hand.
 3 Opposition?
 4 Motion passes five to one. Let the
 5 record state that Mr. Wilson did not -- voted against.
 6 Thank you, very much. And that motion
 7 passes for the -- I would like also for Mr. Vaughn and
 8 those that have concerns to keep up with the process so
 9 that you can come in in first development stages as we
 10 go down that. It will be advertised, and also, you can
 11 check with the planning and zoning office. But it
 12 sounds like it won't be until at least early to mid
 13 summer. Thank you.
 14 (Whereupon the proceeding concluded at 9:20 p.m.)

*** *** ***

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

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

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

18 WITNESS MY SIGNATURE this 28th day of
19 December, 2022. My commission expires October 28, 2026.

20 _____
21 April Pearson, CCR
22 Notary Public
23 State at Large, Kentucky
24 Commission No. KYNP59412
25