

Sponsors:	<u>Commissioner McCreary</u> <u>Commissioner Stewart</u>
Second Reading:	<u>May 8, 2023</u>
Publication Date:	<u>May 18, 2023</u>

ORDINANCE NO. 2023-017

AN ORDINANCE REZONING APPROXIMATELY 26 ACRES LOCATED ON THE WEST SIDE OF BLACKJACK ROAD (KY. HWY. 1171) FROM I-2 (HEAVY INDUSTRIAL) TO R-4 (MULTI-FAMILY HIGH DENSITY RESIDENTIAL) BY BD & J PROPERTIES, LLC

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

WHEREAS, a public hearing was held on February 21, 2023, 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 26 acres located on the west side of Blackjack Road (Ky. Hwy. 1171) in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto, is granted a zone change from I-2 (Heavy Industrial) to R-4 (Multi-Family High Density Residential).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

April 24, 2023

FIRST READING

May 8, 2023

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on May 8, 2023, on motion made by Commissioner Stewart and seconded by Commissioner McCreary the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR

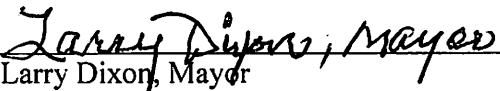
YES JAMIE POWELL

YES DALE MCCREARY

YES WENDELL STEWART

YES HERBERT WILLIAMS

APPROVED BY:


Larry Dixon, Mayor

ATTEST:

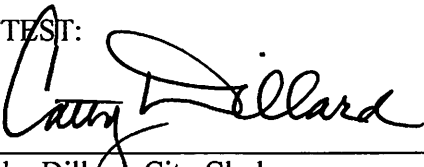

Cathy Dillard, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION APPENDIX

Being a 26.1089-acre tract of land located on Blackjack Road in the City of Franklin, Simpson County, Kentucky, said property as conveyed to BD&J Properties, LLC as recorded in Deed Book 355, Page 173 in the Simpson County Clerk's Office, and being more particularly described as follows:

Beginning at a point in the western right-of-way line of Blackjack Road (KY HWY 1171), 30 feet from the centerline, said point being a 5/8" iron pin set with a one inch yellow cap stamped "T LUCAS KY 3569," said point being corner common to a tract as conveyed to JED Holding Company, LLC as recorded in Deed Book 298, Page 784, Simpson County Clerk's Office, said point also being N 85° 36' 34" W 1.38 feet from a found iron pipe; thence leaving said right-of-way, a line with said JED Holdings, N 85° 36' 34" W 2598.21 feet to a capped iron pin found (PLS 2142) corner common to JED Holdings and being in the line of a tract as conveyed to Phillip Wayne Evans, as recorded in Deed Book 106, Page 262; thence leaving JED Holdings, a line with said Evans, N 00° 58' 54" W 60.00 feet to an iron pin in concrete found, in the line of Evans and corner common to a tract as conveyed to Giampaolo Kentucky Real Property, LLC as recorded in Deed Book 355, Page 166; thence leaving Evans, a line with Giampaolo the next two (2) calls as follows: S 85° 45' 43" E 875.13 feet to a capped iron pin found (PLS 4022), N 02° 48' 18" W 752.47 feet to a 5/8" iron pin set with a one inch yellow cap stamped "T LUCAS KY 3569," in the line of Giampaolo and being corner common to a tract as conveyed to Jerry Roalin, as recorded in Deed Book 295, Page 513; thence leaving Giampaolo, a line with Roalin, S 86° 52' 06" E 91.33 feet to a 4" fence post, corner common to Roalin and a tract as conveyed to Richard D. Kent, as recorded in Deed Book 197, Page 84, thence a line with Kent, S 86° 52' 06" E 459.47 feet to an iron pin found on the west side of a ditch, corner common to Kent and a tract as conveyed to NBA Xpress, LLC, as recorded in Deed Book 322, Page 100; thence a line with NBA Xpress, S 85° 58' 00" E 92.41 feet to an iron pin set in the line of NBA Xpress and being corner common to a tract as conveyed to Pine Ridge MHC, LLC, as recorded in Deed Book 338, Page 570; thence a line with said Pine Ridge MHC the next four (4) calls as follows: S 04° 01' 00" W 106.00 feet to an iron pin set, S 85° 58' 00" E 177.00 feet to an iron pin set, S 04° 01' 00" W 244.00 feet to an iron pin set, S 86° 01' 00" E 1059.63 feet to an iron pin set in the western right-of-way line of Blackjack Road (KY HWY 1171), 30 feet from the centerline, said point also being N 84° 36' 00" W 0.49 feet from a found 1 inch iron pipe; thence leaving said Pine Ridge MHC, a line with said right-of-way, S 11° 24' 00" W 167.30 feet to an iron pin set, corner common to a tract as conveyed to Wendy R. Delk, as recorded in Deed Book 278, Page 463; thence leaving said right-of-way and with Delk the following three (3) calls as follows: N 84° 36' 00" W 184.96 feet to an iron pin set, S 02° 54' 00" W 100.65

feet to an iron pin set, S 84° 36' 00" E 170.00 feet to an iron pin set in the aforesaid right-of-way; thence with said right-of-way, S 11° 24' 00" W 215.14 feet to the point of beginning, having an area of **26.1089 acres (1,137,305) square feet.**

The above description was prepared from a physical survey performed on November 28, 2022 by Landmark Engineering, Incorporated under the direction of Thaddaeus J. Lucas, Kentucky Licensed Professional Land Surveyor Number 3569 and is subject to all easements and rights-of-way of record and in existence.

Being the same property conveyed by Sparks & Sparks Investment, LLC, a Kentucky limited liability company to BD&J Properties, LLC, a Kentucky limited liability company by deed dated March 3, 2021, of record in Deed Book 355, Page 173, Simpson County Clerk's Office.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from I-2 (Heavy Industry), to R-4 (Multi-Family High Density Residential District)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION FOR ZONE CHANGE

A public hearing was held before this Commission on Tuesday, February 21, 2023, at the hour of 6:30 p.m. on the petition of BD&J Properties, LLC, a Kentucky limited liability company active and in good standing ("Petitioner"), that a certain 26.1089 acre tract, being all of the Petitioner's lands located on the west side of Kentucky Highway 1171 (Blackjack Road) within the corporate limits of the City of Franklin, in Simpson County, Kentucky, the title to which is presently held by the Petitioner by that certain deed dated March 3, 2021, of record in Deed Book 355, Page 173, Simpson County Clerk's Office; **be re-zoned from I-2 to R-4**. In the absence of Chairperson of the Commission, Debbie Thornton, Commissioner, Chad Konow, presided. A quorum of the Commission was present. The Petitioner was represented by local attorney, David Cummins. The hearing was stenographically recorded by a licensed court reporter.

The Commission then proceeded to hear an opening statement from attorney Cummins and testimony in favor of the zone change on behalf of the Petitioner offered by one of its members, Brent Easley and Brian Shirley of Arnold Consulting Engineering Services, Inc. of Bowling Green, Kentucky. Questions were asked and answered. A call for any public comments was made to those in attendance.

Having heard testimony, having reviewed the petition for zone change, having reviewed the exhibits presented including a conceptual plan of the subject property previously prepared by the firm of Arnold Consulting Engineering Services, Inc. and with regard to the Comprehensive Plan for Simpson County, Kentucky, Gary Sliger moved and George Weissinger seconded, and the Commission voted unanimously to recommend the zone change. In connection with the zone change, the Commission FINDS, CONCLUDES, AND RECOMMENDS the following:

FINDINGS OF FACT

I

The subject property consists of 26.0189 acres as determined by a survey conducted by Thaddaeus J. Lucas of LEI Landmark Engineering, Kentucky Registered Land Surveyor no. 3569, with said survey having been conducted on November 28, 2022, and is more particularly described as follows, to-wit:

Being a 26.1089-acre tract of land located on Blackjack Road in the City of Franklin, Simpson County, Kentucky, said property as conveyed to BD&J Properties, LLC as recorded in Deed Book 355, Page 173 in the Simpson County Clerk's Office, and being more particularly described as follows:

Beginning at a point in the western right-of-way line of Blackjack Road (KY HWY 1171), 30 feet from the centerline, said point being a 5/8" iron pin set with a one inch yellow cap stamped "T LUCAS KY 3569," said point being corner common to a tract as conveyed to JED Holding Company, LLC as recorded in Deed Book 298, Page 784, Simpson County Clerk's Office, said point also being N 85° 36' 34" W 1.38 feet from a found iron pipe; thence leaving said right-of-way, a line with said JED Holdings, N 85° 36' 34" W 2598.21 feet to a capped iron pin found (PLS 2142) corner common to JED Holdings and being in the line of a tract as conveyed to Phillip Wayne Evans, as recorded in Deed Book 106, Page 262; thence leaving JED Holdings, a line with said Evans, N 00° 58' 54" W 60.00 feet to an iron pin in concrete found, in the line of Evans and corner common to a tract as conveyed to Giampaolo Kentucky Real Property, LLC as

recorded in Deed Book 355, Page 166; thence leaving Evans, a line with Giampaolo the next two (2) calls as follows: S 85° 45' 43" E 875.13 feet to a capped iron pin found (PLS 4022), N 02° 48' 18" W 752.47 feet to a 5/8" iron pin set with a one inch yellow cap stamped "T LUCAS KY 3569," in the line of Giampaolo and being corner common to a tract as conveyed to Jerry Roalin, as recorded in Deed Book 295, Page 513; thence leaving Giampaolo, a line with Roalin, S 86° 52' 06" E 91.33 feet to a 4" fence post, corner common to Roalin and a tract as conveyed to Richard D. Kent, as recorded in Deed Book 197, Page 84, thence a line with Kent, S 86° 52' 06" E 459.47 feet to an iron pin found on the west side of a ditch, corner common to Kent and a tract as conveyed to NBA Xpress, LLC, as recorded in Deed Book 322, Page 100; thence a line with NBA Xpress, S 85° 58' 00" E 92.41 feet to an iron pin set in the line of NBA Xpress and being corner common to a tract as conveyed to Pine Ridge MHC, LLC, as recorded in Deed Book 338, Page 570; thence a line with said Pine Ridge MHC the next four (4) calls as follows: S 04° 01' 00" W 106.00 feet to an iron pin set, S 85° 58' 00" E 177.00 feet to an iron pin set, S 04° 01' 00" W 244.00 feet to an iron pin set, S 86° 01' 00" E 1059.63 feet to an iron pin set in the western right-of-way line of Blackjack Road (KY HWY 1171), 30 feet from the centerline, said point also being N 84° 36' 00" W 0.49 feet from a found 1 inch iron pipe; thence leaving said Pine Ridge MHC, a line with said right-of-way, S 11° 24' 00" W 167.30 feet to an iron pin set, corner common to a tract as conveyed to Wendy R. Delk, as recorded in Deed Book 278, Page 463; thence leaving said right-of-way and with Delk the following three (3) calls as follows: N 84° 36' 00" W 184.96 feet to an iron pin set, S 02° 54' 00" W 100.65 feet to an iron pin set, S 84° 36' 00" E 170.00 feet to an iron pin set in the aforesaid right-of-way; thence with said right-of-way, S 11° 24' 00" W 215.14 feet to the point of beginning, having an area of **26.1089 acres (1,137,305) square feet.**

The above description was prepared from a physical survey performed on November 28, 2022 by Landmark Engineering, Incorporated under the direction of Thaddaeus J. Lucas, Kentucky Licensed Professional Land Surveyor Number 3569 and is subject to all easements and rights-of-way of record and in existence.

Being the same property conveyed by Sparks & Sparks Investment, LLC, a Kentucky limited liability company to BD&J Properties, LLC, a Kentucky limited liability company by deed dated March 3, 2021, of record in Deed Book 355, Page 173, Simpson County Clerk's Office.

II

The subject area presently has a mixed use. Surrounding areas are presently zoned: North = R-5 (Mobile Home Park and Mobile Home Subdivision) and I-2 (Heavy Industrial); East = I-1 (Light Industrial) and B-4 (Highway

Business District); South = I-2 (Heavy Industrial) and R-1S (Single Family Residential District); and West = I-2 (Heavy Industrial). The subject 26.1089 acre tract abuts and has frontage on Kentucky Highway 1171 (Blackjack Road) and has adequate vehicle access to and from State Highway.

III

The subject property is within the corporate limits of the City of Franklin, recently annexed by an Ordinance numbered 2023-003 with its first reading having been conducted on December 12, 2022, and its second reading having been conducted on January 9, 2023, and having been formally adopted unanimously by the Franklin City Commission on January 9, 2023.

IV

The subject property is presently undeveloped and has become overgrown, not presently used for any purpose. Consequently, no agriculture lands will be lost to its development as an R-4 zoned residential property. Despite having been previously been designated an I-2 (Heavy Industrial) zoning district, the property has never been developed for an industrial use. Its western end is heavily wooded and sloping, while the eastern end of the subject property has become wooded and generally overgrown.

V

A traffic impact study of the proposed apartment complex for the subject real property was conducted by LEI Landmark Engineering of Bowling Green, Kentucky as part of the city's recent annexation. It was determined that the proposed apartment complex could be constructed

with minimal impact of the traffic on the adjacent roadways and intersections within the general vicinity of the subject property and that no improvements would be needed on Blackjack Road due tot the proposed apartment complex.

VI

The Simpson County Comprehensive Plan adopted for 2010, is dated October 10, 2009. All suitability scenarios accommodate the proposed zone change particularly given that the subject property is situated along and abuts Kentucky Highway 1171 (Blackjack Road), in a mixed use area. The Comprehensive Plan envisions the subject property as an area suitable or most suitable for development and the requested zoning map amendment is therefore consistent with the Comprehensive Plan.

VII

The present zone classification of the subject property is I-2 (Heavy Industrial). Said zoning classification previously assigned to this property was inappropriate given that its western portion is unaccommodating to development of any kind, and that the vicinity of the subject property has recently attained a significant residential use in addition to the light industrial and highway business uses in the area. There have been major changes of an economic, physical, and social nature within the area neighboring the subject real property and these changes have substantially altered its basic character.

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CONCLUSIONS OF LAW


A re-zoning of the entirety of the subject 26.1089 acre property, consistent with the Comprehensive Plan is in order given that the Comprehensive Plan envisions growth and development in the subject area and along Kentucky Highway 1171 (Blackjack Road) near the intersection of Kentucky Highway 1171 (Blackjack Road) and Kentucky Highway 1008 (Industrial Bypass). The present classification of the subject property as I-2 (Heavy Industrial) was inappropriate given that the subject property has not been used for this purpose and because of the residential use trends in its neighboring areas along Kentucky 1171 (Blackjack Road) and the Industrial Bypass. Consequently, a zone change from I-2 (Heavy Industrial) to R-4 (Multi-Family / High Density Residential District) will bring the subject property into conformity with the development areas envisioned by the Comprehensive Plan. A zone change to R-4 is now appropriate; it is commensurate with the major economic, physical, and social changes in this area of Franklin; and it will improve this area for the residents of Franklin making appropriate use of its existing roadways without negatively impacting traffic in the subject area. The zone change requested meets the criteria of KRS 100.213, and Section 10.7 of the Franklin-Simpson Zoning Regulations.

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RECOMMENDATION

The Commission having adopted the foregoing Findings of Fact and Conclusions of Law does hereby now recommend to the City of Franklin that the requested zone change **BE APPROVED** and that the entirety of the subject 26.1089 acre property described in paragraph 1, hereof and as further provided in the **Attachment** hereto which is incorporated by reference, **be re-zoned from I-2 (Heavy Industrial) to R-4 (Multi-Family / High Density Residential District).**

This February 21, 2023.



CHAD KONOW, Acting Chairperson

Minutes
Franklin-Simpson Planning & Zoning Commission
Tuesday, February 21, 2023, 6:30 pm.
City Commission Meeting Room
117 West Cedar Street, Franklin, KY.

Members in Attendance: Vice Chair Chad Konow, John Mayeur, Gary Sliger, Ronnie Stilts and George Weissinger.

Members Absent: Madam Chair Debbie Thornton, Craig Mylor and Derrick Kepley

Others Present: Carter Munday, Emily Flora, Robert Link, April Pearson, Jonathon Chandler, Daryl Hester, Dennis Griffin, L.M. Guthrie, Lin Guthrie, Brian Shirley, Brent Easley, David Cummins, Kelly Barnes, Tammy Barnes, Lucas Slavey, Christian Volkert, Janice Scott, Tim Crocker and Dale Shivers.

Vice Chair Chad Konow 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 John Mayeur to approve the February 7th meeting minutes. All members voted in favor of the motion.

L's Property, LLC presented the board with a **Final Development Plan** for a rental subdivision located at 4539 Bowling Green Road.

Dale Shivers, engineer for the project, stated that the property would have 64 single family lots with 2 commercial lots on the front along Hwy 31-W, and that construction would be done in 3 phases. He added that the first two phases would be done initially and that they would hold off on constructing phase 3 for now. Carter Munday stated that all of the requirements had been met but that the restrictions that were submitted stated that the homes would be hardie board or brick, but the elevation drawings did not show that.

A motion was made by Gary Sliger and seconded by John Mayeur to approve the final development plan for a rental subdivision located at 4539 Bowling Green Road with the restrictions presented becoming a binding element. All members voted in favor of the motion.

Jody Allen presented the board with a Preliminary Development Plan for a residential subdivision located on Bowling Green Road, on the northside of Lewis Memorial Home.

Lucas Slavey, engineer for the project, stated that the preliminary drawing was the same as the concept that was presented during the rezone hearing and that since then, they had received all utility availability approvals. He added that the drawing featured 236 single family lots with 13 8-plex buildings, but that the number of homes and units were maxed out because no drainage features had been added in yet. Mr. Slavey stated that there would be 2 connection points into

Windsor Subdivision with other stubbed roads at the back of the property for future potential growth.

A motion was made by Ronnie Stilts and seconded by John Mayeur to approve the preliminary development plan for a residential subdivision located on Bowling Green Road, on the northside of Lewis Memorial Home. All members voted in favor of the motion.

A motion was made by Gary Sliger and seconded by George Weissinger 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.

David Cummins, attorney representing BD&J Properties, LLC, presented the board with a request for a zone change from I-2 (Heavy Industrial) to R-4 (Multi-Family) for an approximately 26.11-Acre Parcel Located Westside of Blackjack Road and Southside of Pine Ridge Trailer Park.

Mr. Cummins stated that this parcel was approximately 26 acres that were currently overgrown, located between Chemway and Pine Ridge Trailer Park. He added that it had recently been annexed into the City and that a traffic study had been conducted with favorable results. Mr. Cummins also stated that Mayor Larry Dixon and FS Industrial Authority Director Dennis Griffin had submitted letters of support for the project.

Brent Easley, part owner and developer of the property, was sworn in, and Mr. Cummins proceeded with testimony. Mr. Easley stated that the front parcel of approximately 12 acres would be developed with apartments that had a community feel with amenities. He also stated that the units would be 1, 2 or 3 bedrooms, with more 2-bedroom units being built. Mr. Easley added that the traffic study that was conducted stated that no improvements needed to be made to Blackjack Road to accommodate this development. He also stated that they would be developing the front part of the property and keeping the wooded area in the back intact.

Brian Shirley, engineer for the project, was sworn in, and Mr. Cummins proceeded with testimony. Mr. Shirley stated that there was a blue line stream running through the property that they were trying to avoid, which is why the development was located towards the front. John Mayeur inquired if there was a floodplain along this stream. Mr. Shirley stated that the stream was in a floodplain but the rest of the back portion of the property was not. He also added that there would be a single access point onto Blackjack Road, with 1 lane in, and a right and left lane out. Mr. Shirley stated that the density allowed for a R-4 zone was 16 units per acre, but they would only be developing approximately 6.5 units per acre. John Mayeur inquired if the traffic study had taken the other projects that were in close proximity to this into account. David Cummins stated that the city had the same concerns and that at the time that the traffic study was done, it appears that those projects were taken into account.

Kelly Barnes, adjoining property owner, expressed concerns regarding the flooding on Blackjack Road and the effect on property values that this project will have.

Vice Chair Chad Konow presented the board with a submitted statement from Wendy Delk, adjoining property owner, against the zone change request. Ms. Delk expressed concern regarding the property values, crime, traffic and impact on the environment.

A motion was made by Gary Sliger and seconded by George Weissinger to approve the requested zone change from I-2 (Heavy Industrial) to R-4 (Multi-Family) for an approximately 26.11-acre parcel located westside of Blackjack Road and Southside of Pine Ridge Trailer Park. All members voted in favor of the motion.

A motion was made by George Weissinger and seconded by Gary Sliger to adjourn at 7:34 p.m.

Respectfully Submitted:

Emily Flora, Administrative Assistant

Chad Konow, Vice Chair

FRANKLIN-SIMPSON PLANNING & ZONING COMMISSION

PUBLIC HEARING

IN RE: BD&J PROPERTIES, L.L.C., TO PRESENT A ZONE
CHANGE REQUEST FROM I-2 (HEAVY INDUSTRIAL) TO
R-4 (MULTIFAMILY) FOR AN APPROXIMATELY
26.11-ACRE PARCEL LOCATED WEST SIDE OF BLACKJACK
ROAD AND SOUTH SIDE OF PINE RIDGE TRAILER PARK

*** **

FEBRUARY 21, 2023

*** **

APRIL PEARSON, C.C.R.

REPORTER

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april@pearsonreporting.net

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I N D E X

TESTIMONY

BY MR. CUMMINS: 4 - 43

EXHIBITS

EXHIBIT 1	PAGE 6	Letter from Mayor Larry Dixon
EXHIBIT 2	PAGE 6	Letter from Dennis Griffin
EXHIBIT 3	PAGE 6	Conceptual Plan
EXHIBIT 4	PAGE 6	New survey
EXHIBIT 5	PAGE 6	P.V.A.'s aerial map
EXHIBIT 6	PAGE 39	Letter from Wendy Delk
EXHIBIT 7	PAGE 42	Findings of Fact and Conclusions of Law

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The public hearing of Franklin-Simpson Planning and Zoning, taken pursuant to Notice, in the City Commission Meeting Room, City Hall, 117 West Cedar Street, Franklin, Simpson County, Kentucky, 42135, on Tuesday, February 21, 2023, at 6:46 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. David Cummins
Leach and Cummins
Attorneys at Law
200 North Main Street
Franklin, Kentucky 42134

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

Commission Members Present:
Mr. Chad Konow, Chairperson
Mr. John Mayeur
Mr. George Weissinger
Mr. Gary Sliger
Mr. Ronnie Stilts

Also present: Ms. Emily Flora
Mr. Carter Munday

*** **

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1
2 MR. CHAIRPERSON: We're now entered into
3 the public hearing. Just a few things. We're going to
4 do this -- B and D will come -- BD&J will come before us
5 and present their part of it. We would ask that you
6 speak one at a time to -- for our court reporter?

7 Once they are done, we will ask if anyone
8 is here in favor of the motion to grant the zone change,
9 and you will be able to speak. And then when they are
10 done, we will ask any of those who are against this
11 motion, that they will be able to speak. We ask that
12 you speak one at a time.

13 If you are here either for or against, if
14 someone before you says one thing and you want to say
15 the same thing, just stand up, state your name, and say
16 you agree with that person.

17 So with that being said, BD&J Properties,
18 L.L.C., to present a zone change request from I-1, Heavy
19 Industrial, to R-4, Multifamily, for an approximately
20 26.11-acre parcel located west side of Blackjack Road
21 and south side of Pine Ridge Trailer Park.

22 Who will be presenting for them?

23 MR. CUMMINS: David Cummins for the
24 petitioner.

25 MR. CHAIRPERSON: Thank you.

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1 MR. CUMMINS: Should I address you as Mr.
2 Chairman tonight or Mr. Konow or how --
3 MR. CHAIRPERSON: However you want. It
4 doesn't matter to me.
5 MR. CUMMINS: May Mr. Easley and I
6 approach and -- and distribute some exhibits just to
7 expedite the hearing?
8 May I move the chair over for --
9 MR. CHAIRPERSON: Yes.
10 MR. CUMMINS: -- the first witness, Mr.
11 Easley?
12 Thank you. Sorry for all the
13 preliminaries. Hopefully, that will expedite things.
14 Again, may it please the commission,
15 David Cummins for the Petitioner, BD&J Properties,
16 L.L.C., we'll ask Mr. Easley in a moment to be sworn and
17 to introduce his partners on this project.
18 This is a request to rezone from I-2 down
19 to R-4. The property is a little over 26 acres.
20 It's -- frankly, it's an overgrown parcel between Pine
21 Ridge Mobile Home Park and the Kenway plant, the old
22 Seal power plant. It's been recently annexed into the
23 city. As part of that process, there was a traffic
24 study conducted and it's favorable.
25 We presented some exhibits tonight. The

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1 first I would direct your attention to, the city
2 commission has authorized Mayor Dixon to issue a letter
3 in support of this project. And again, the commission
4 has already reviewed it as part of their annexation
5 process.
6 (Whereupon BD&J Properties Exhibit 1 was
7 duly received, marked for identification,
8 and filed herewith as part hereof.)
9 MR. CUMMINS: Mr. Dennie Griffin, on
10 behalf of the Industrial Authority, likewise, has
11 submitted a letter in support.
12 (Whereupon BD&J Properties Exhibit 2 was
13 duly received, marked for identification,
14 and filed herewith as part hereof.)
15 MR. CUMMINS: And we have a conceptual
16 plan that we'll delve into, a new survey, and the
17 P.V.A.'s aerial map.
18 So those will be are exhibits tonight.
19 (Whereupon BD&J Properties Exhibit 3 was
20 duly received, marked for identification,
21 and filed herewith as part hereof.)
22 (Whereupon BD&J Properties Exhibit 4 was
23 duly received, marked for identification,
24 and filed herewith as part hereof.)
25 (Whereupon BD&J Properties Exhibit 5 was
duly received, marked for identification,
and filed herewith as part hereof.)
MR. CUMMINS: Just in talking with people
around town, the topic of apartments sometimes raises
extra interest. And so I revisited the Comprehensive

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1 Plan just to see what it says about housing here.
2 Of course, we're in a process of
3 preparing a new Comprehensive Plan, but just so I don't
4 misspeak, I want to read directly from -- Chapter 9 is
5 the goals and objectives portion. And it says,
6 regarding housing, that the purpose of the Planning and
7 Zoning Commission is to encourage development of a
8 diversified supply of safe, decent, affordable, and
9 standard housing to encourage diversified housing
10 development that promotes a range of incomes,
11 architectural styles, sizes, and locations.
12 The second objective is to reclaim and
13 repair blighted, orphaned, and abandoned properties
14 within existing neighborhoods using in-fill
15 rehabilitation and adaptive re-use development
16 strategies.
17 And the objectives to implement these two
18 goals are simply these: To encourage a development of a
19 broad range of housing types and price ranges. And then
20 the second objective is to eliminate blighting
21 conditions in neighborhoods and to encourage the
22 development of vacant or abandoned lots in residential
23 neighborhoods.
24 And we think that's exactly what we have
25 here tonight, an abandoned, overgrown, overlooked,

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1 neglected, sizable parcel of land that would be an
2 in-fill parcel inside, now, the city limits.
3 As far as accommodating the standard for
4 rezoning, we think we can meet all three prongs, when
5 only one is required. We think it meets all of the
6 suitability scenarios. The heavy industrial zoning has
7 proven to be inappropriate. And then, of course, we all
8 know there's been major changes in that area.
9 So if it would please the commission, I'd
10 call Mr. Brent Easley and ask that he'd be sworn.
11 MR. CHAIRPERSON: All right.
12 (Off the record)
13 *** **
14 BRENT EASLEY, being first duly sworn,
15 gave the following answers in response to questions
16 propounded to him.
17 EXAMINATION
18 BY MR. CUMMINS:
19 Q. Would you state your name and address for
20 the record, Mr. Easley?
21 A. Yes. My name is Brent Easley. Address
22 is 971 Richards Road, Bowling Green, Kentucky, 42104.
23 Q. Forgive me if I say P.B. and J., but
24 BD&J --
25

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1 A. BD&J.

2 Q. -- who are those folks? Would you
3 identify them and introduce them, please --

4 A. Yes.

5 Q. -- to the commission?

6 A. Yes. So myself, Brent Easley, that I
7 just introduced -- the J is Jeff Martin and the D is
8 Daryl Hester, which is a, I guess, local -- local guy
9 here in -- in Simpson County. So hope -- I think some
10 of you all probably know Daryl, but us three together is
11 the BD&J.

12 Q. Would you briefly provide your
13 backgrounds, what you do --

14 A. Yes.

15 Q. -- in your day job, so to speak?

16 A. So Jeff is a home builder contractor in
17 Warren County and surrounding areas. Daryl's been in
18 real estate mortgage lending for --

19 MR. HESTER: Twenty-seven.

20 A. -- 27 years. And myself, developer of
21 apartment communities, project manager, and that's --
22 I've been doing that now for 15 years locally and around
23 in the surrounding areas.

24 Q. Just for the record, does your L.L.C. own
25 the subject parcel which is just a shade over 26 acres

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1 according to the new survey?

2 A. Yes, sir.

3 Q. And just for the record, is it map
4 twenty -- I'm sorry, thirty-five dash twenty-four on the
5 aerial map? It should be focused right in the center of
6 the aerial map, just for your convenience there.

7 Mr. Easley, would you briefly explain
8 what your plans for the property are?

9 A. So our plans is is it's -- I've handed
10 out this, and you all can see the new survey. And then,
11 if you look on the second page, we have a 26 acre piece
12 of land here. The front parcel is about 12 acres. And
13 our plan is to bring a community to that area that we
14 feel like that is needed.

15 We feel like that Franklin -- the City of
16 Franklin doesn't have this type of community that we're
17 trying to -- to, you know, give you all. And that's --
18 you know, that's just kind of where we're at, but we
19 think -- we feel really good and -- and positive about
20 bringing that to this area.

21 Q. Would you generally describe, you know,
22 the style and nature of the development?

23 A. Yes. The style would be -- it's a --
24 it's an apartment community, but we want to, like I
25 said -- I want to stress we want to build a community.

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1 It's not your typical fourplex/eightplex just stuck on a
2 lot. This is a community that we will -- we want to
3 make safe. We want to feel like if you live there,
4 we're going to bring that to the people here; that there
5 will be amenities. There's -- you know, they feel like
6 when they live here, they're at home. And -- and that's
7 what we want to bring to this area.

8 And -- and there's -- there's these type
9 of communities -- you know, we've -- we've done one in
10 Warren County. We've done one in Whitehouse, Tennessee.
11 And, you know, they're just -- that's -- that's what
12 we're trying to get. That's what we want to accomplish
13 in this area. We feel like that it needs it and -- and
14 that's -- that's the way we want to go.

15 Q. What type of residents are you hoping to
16 attract?

17 A. You know, these -- these will be one-,
18 two-, and three-bedroom units. Heavily, probably twos.
19 We feel like that the younger generation, as we see, are
20 not huge on owning a home. So we feel like that's what
21 we're going to try to pinpoint, just because that's, you
22 know, low maintenance. You know, that's -- these areas
23 are -- this community will be mowed, taken care of,
24 well-groomed.

25 Again, if they want to go -- you know,

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1 there could be areas where we have a shuffleboard court
2 or a grilling station or -- you know, we want to make
3 those available for that. And that's -- that's the type
4 of resident we feel like that will want -- want that.
5 And along with, you know, couples.

6 As far as the one bedroom, married
7 couples. Really, we're going to try to accommodate a
8 little bit for everybody, but, again, you know, we feel
9 like the younger generation is -- is leaning towards
10 that community type. So --

11 Q. Briefly, would you give us a range of the
12 expected rents?

13 A. Your one bedroom, you're probably looking
14 from the range of 750 to 850, \$900.00. Your two
15 bedroom, you're probably a thousand, you know, you're
16 900, 950 to a thousand, a thousand fifty. Your three
17 bedroom would be more closer, probably, to your 1000 to
18 \$1200.00 range.

19 Again, it would probably be heavily twos.
20 And then we would have ones and threes, also, but
21 heavily -- heavily in the two-bedroom range. A lot of
22 your younger couples seem to feel like, you know, they
23 might want to start out in that one bedroom, but always
24 somebody wants some extra storage or just a little --
25 like, maybe making an office. You have a lot of people

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1 that want to work from home now, and we just want to be
2 able to accommodate that.

3 Q. Would you explain to the commission why
4 you picked this particular parcel of land?

5 A. Well, if you look at Kentucky highway --
6 where it's at -- off of, it's very close to 31-W.
7 It's -- it's got really good access to the interstate.
8 And we feel like that we're going to enhance the
9 property as of what it is now.

10 I don't know -- I'm assuming you all
11 probably know the property. If you drive by, it's a
12 groan up -- I don't want to say it, but it's an eyesore.
13 And we feel like that what we're proposing and want to
14 do is going to help that area in a lot of ways. So, you
15 know, that's -- that's kind of why we chose it. We feel
16 like we can better it and we -- also, you know, it's a
17 great location and --

18 Q. We've touched on this, but are you
19 confident that there's going to be a demand for this
20 development?

21 A. Sure. Yes, sir.

22 Q. And would you elaborate why -- why do you
23 think that's going to be the case here in Franklin?

24 A. Well, I've been -- I can -- I can say
25 this. I -- I've been doing this for 15 to 20 years

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1 in -- in these type communities. I feel like Franklin
2 is growing every day. That area is changing, along
3 with, you know, surrounding counties that's changed.
4 And we've all seen that.

5 Me, personally, I have pride in what --
6 what I do. These guys have pride in what we try to do.
7 And I have never done something that really hasn't
8 rented or been successful in -- in that area. And, you
9 know, that's the standard we want to keep. And
10 that's -- that's what we strive to do. So --

11 Q. You're confident this one is going to be
12 a success --

13 A. I'm --

14 Q. -- as well, then?

15 A. I'm as confident of this one as any --
16 any that I've ever done.

17 Q. Has this property recently been annexed
18 into the corporate limits of Franklin?

19 A. Yes, sir.

20 Q. Would you briefly describe that process
21 for the commission and, you know, what steps you took
22 and so forth?

23 A. We did -- we were -- we were -- of
24 course, next door was in the city. This -- this
25 property wasn't. We went down that path. And we had a

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1 traffic study done. There's a few things that we had to
2 do. We had a new survey, which you guys have a copy of.
3 We done that. We had a traffic study that we paid to
4 get done.

5 Briefly, in the traffic study -- you
6 know, I'll just read right off the recommendations.
7 After review and analysis of existing and proposed
8 traffic, there are no improvements needed on Blackjack
9 Road.

10 And then if you get -- there's a lot of
11 paperwork in here, but if you get into it, the
12 pre-development ranks as an A. The post-development
13 traffic study is also an A.

14 So it's all very, very positive, as far
15 as the traffic study went. And that played a big part
16 in, you know, the city annexation, which -- which has
17 now been annexed. And here we are.

18 Q. As part of your due diligence or
19 background work, what have you discovered regarding the
20 availability of public utilities and that sort of thing?

21 A. So that's part of the project. You know,
22 that's part of the due diligence that we done, that
23 everything -- the sewer capability's there, the water
24 capabilities were there. No issues. And that was --
25 that played a big part of getting it annexed into the

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1 city, as well. So we had no issues with that.

2 Q. So it's already prepared for development?

3 A. Yes.

4 Q. It just has not been developed?

5 A. Correct.

6 Q. Regarding -- would you explain briefly
7 who you purchased this property from? Just so the
8 commissioner knows.

9 A. I'll --

10 MR. HESTER: It -- excuse me.

11 THE JUDGE: We might want to --

12 MR. HESTER: Yeah. That -- it was
13 purchased by --

14 MR. CHAIRPERSON: -- might want to swear
15 you in, but --

16 MR. HESTER: I think it was --

17 UNKNOWN MALE: Scott Mark's.

18 THE WITNESS: Scott Mark's.

19 MR. HESTER: Scott Mark --

20 THE WITNESS: Yes.

21 MR. HESTER: -- Estate -- it was an
22 estate -- or not an estate, but the -- his dad had owned
23 it previous, left it to Scott. I can't remember his
24 name, but they've owned -- they've owned it for --

25 UNKNOWN MALE: O'Dell.

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MR. HESTER: O'Dell. Okay. There you go.

THE WITNESS: Yeah.

Q. So what prior uses of this property that you know of, if any?

A. To be honest with you, I don't think it's ever been farmed. Truthfully, it looks like that it was a grown-up, zoned light industrial field that nothing ever came there.

Q. I-2 is technically high industrial?

A. High industrial.

Q. Yeah.

A. Yeah.

Q. Heavy?

A. Heavy.

Q. Okay. Will you be developing all of the parcel, the whole 26 acres, or would you explain that to the commission --

A. No.

Q. -- what it's like?

A. If you look on the -- on the concept, you can see, and you can even see on your -- on your top page there. We will develop the front part portion of that. The rear portion is a very heavily wooded area, which has a blue line stream in. We will protect that

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area. There's -- not, you know, something where we would go in and try to, I guess, mess with that. It's just -- you know, it doesn't make sense.

And then, this is my engineer, as well. So he can elaborate on that, I think, maybe, in just a little bit, too. But our -- we -- we don't have any desire to develop from the back of that, you know, to the back of the property.

Q. You've touched on this briefly, but have there been changes in that vicinity, this neighborhood, in --

A. For -- yes. You know, just living close and seeing things come through, I know there's some residential -- new residential things that are going around in that area pretty close down the street. And, you know, I think that's another area that, you know, we feel like that that's the reason we're -- we're here to try to do that.

Q. These changes, are they conducive to heavy industrial or is it a mixed use?

A. No, it's more mixed use. You're not seeing any industry. I think you're seeing a lot of that out towards the interstate more often now. And then, you know, that's -- leaves these areas for the mixed use and that -- and that's what you're seeing.

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That's what's all around.

Q. Is there anything else you'd like to explain to the commission or would like for them to know?

A. No. I think we've covered a lot of it. I -- you know, feel free for any questions that I will try to be able to answer if you have those.

Again, I've got my -- our civil engineer is here, Mr. Brian Shirley. He can help answer any questions, as well. But I think we're pretty good.

MR. CUMMINS: If there's no questions of Mr. Easley, I would ask to call Mr. Brian Shirley.

If Mr. Shirley could be sworn, we'll just let you gentlemen sit there, if it's okay, Mr. Konow --

MR. CHAIRPERSON: Yes.

MR. CUMMINS: -- we'll --

MR. CHAIRPERSON: Yes. It's fine.

(Off the record)

*** **

BRIAN SHIRLEY, 1136 South Park Drive, Bowling Green, Kentucky, being first duly sworn, gave the following answers in response to questions propounded to him:

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EXAMINATION

BY MR. CUMMINS:

Q. Sounds like you've done this before, Mr. Shirley?

A. A couple times.

Q. And you've been before this body previously?

A. A couple times.

Q. Just for the record, who is your employer and exactly what is your profession?

A. I'm a landscape architect with Arnold Consulting and Engineering Services in Bowling Green. I'm been there for 16 years. And I've been doing land development consulting for almost 30.

Q. Have you assisted BD&J, this group of gentleman --

A. Yes.

Q. -- with this project?

A. Yes.

Q. Mr. Munday has graciously -- and I'm sorry it's behind you -- but the -- the conceptual plan is there, and then we've also passed it around to everyone.

Mr. Shirley, would you give us just a general overview to guide us through the -- the property

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1 regarding this concept labeled number four?

2 A. This concept number four -- surprised we
3 stopped at four, a lot of times we go to a lot more
4 concepts than this. But looking at the site, the
5 topography, the environmental constraints of it -- as
6 Brent mentioned earlier, this blue line stream at the
7 back of this property -- so we don't want to impact
8 anything on that blue line stream. We want to stay away
9 from it.

10 Q. May I interrupt you there?

11 A. Go ahead.

12 Q. And could -- could we ask the commission
13 to focus on the -- the aerial photo? And you can see
14 the blue line he's mentioning there in greater detail.

15 MR. MAYEUR: And how do you identify that
16 as a blue line --

17 THE WITNESS: That's a FEMA map blue line
18 stream.

19 MR. MAYEUR: Blue line steam?

20 MR. SLIGER: Is one part --

21 THE WITNESS: Correct.

22 MR. SLIGER: -- of that a flood plain?

23 THE WITNESS: Yes. It's off of a flood
24 plain.

25 MR. MAYEUR: Is that whole back area

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1 through a flood plain back there?

2 THE WITNESS: Not the entirety of it.
3 That stream comes through it, and there's a flood plain
4 on either side of it.

5 MR. MAYEUR: Is this that stream here?

6 MR. SLIGER: Yeah.

7 Q. Is that more of a natural drainage way?
8 Is that --

9 A. Yes. It's a natural drainage way. It's
10 been there long before any of us.

11 Q. Please, forgive me for interrupting, but
12 that's really important that we --

13 A. Uh-huh.

14 Q. -- address that.

15 And -- and so, I'm sorry, would you
16 continue with -- with your overview of the --

17 A. Okay.

18 Q. -- conceptual plan?

19 A. All right. So in doing the layout, we --
20 again, we wanted to avoid the blue line stream, just for
21 environmental reasons. So we pulled the property closer
22 to Blackjack Road -- the development -- and leaving the
23 back portion undisturbed.

24 We went with a single access point on
25 Blackjack Road trying to be sensitive to the existing

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1 residences there. Some of the initial ideas had it on
2 both sides. Being sensitive to what is there, we just
3 had it on one side.

4 This is laid out to where we can do
5 screening and privacy fencing, security fencing, around
6 the -- the sides of it and also to the blue line stream
7 in the back. That does drop off fairly quickly. Just
8 for the protection of young kids that may be in the
9 area, we want to help keep them from getting back in
10 that area. Not to say that they can't, kids are going
11 to be kids, but we'd also bring the fencing up the sides
12 just so it's not an invitation to duck around the edge
13 of a fence.

14 So we're maximizing out the front portion
15 of this with 168 units. Currently, the parking, we're
16 over-parked, so we may back off on some of that just
17 for -- provide more green space internal.

18 We're just now getting to the phase of
19 looking at drainage. By law, we're not allowed to
20 increase the rate of drainage post-development as was
21 there pre-development. That's a state law. So we can't
22 do that. So we may have to have some kind of a basin
23 towards the back. And then the water would come out
24 into that stream at the pre-development rate.

25 So, again, we're just now starting to

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1 look at drainage. We don't know if there's going to be
2 a basin. It could be doing stuff under the parking lot
3 with pervious pavers and letting water perk through into
4 a pipe collection system and then go on to the back.
5 But again, we can't increase the runoff of the site
6 post- versus pre-development.

7 In looking at the access, we agree with
8 the traffic study. My firm did not do the traffic
9 study. But there will be a right out and a left out and
10 one lane in. So people who are trying to leave the
11 site, depending which way they're going, could get into
12 that lane and not encumber anybody coming in.

13 Q. You mentioned a minute ago in
14 consideration of what or who is already there. On the
15 survey, there is an out-parcel marked Wendy R. Delk.
16 Would you address the efforts to protect her concerns
17 regarding this development?

18 A. Yeah. Again, we started looking at
19 access points. And we decided to go with one access
20 point on the south side. So the property to the north
21 is going to be mowed green space, and we may do some
22 additional landscape in there, but it's not going to be
23 building. It's not going to be parking.

24 We -- looking at the building
25 orientation, we put the buildings even further back and

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1 have some parking to the back of our lot. And we can do
2 some screening there, as well, so then people from the
3 apartments aren't going to be looking out their window
4 right into her backyard. They're trying to pull them
5 further away.

6 Q. This a broad, overreaching type question.
7 In your professional opinion, is this particular parcel
8 suitable for development, particularly the west end, the
9 road frontage end?

10 A. Yeah, since we have the adequate
11 facilities as far as transportation, utilities. We do
12 have the -- the blue line stream in the back, trying to
13 preserve that.

14 Just the whole area, with a lot of the
15 industry starting to relocate out to the industrial
16 parks, it's kind of created a vacuum that you're going
17 to see more in-fill type developments.

18 And then going through the Comprehensive
19 Plan with all the different scenarios, this really hit
20 right on every one of those as far as being an
21 appropriate in-fill type development.

22 Q. And to clarify with more specificity, you
23 think all of the public utilities, including internet,
24 serve --

25 A. Yes.

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1 Q. -- this property?

2 A. Yes.

3 Q. Okay. You've already touched on the
4 drainage. Is there anything else you would like to
5 clarify there or are we adequately -- with this --

6 A. No.

7 Q. I know that this conceptual stage --

8 A. Right. It's still in the conceptual
9 stage, but I think you're going to be seeing more of
10 these types of developments.

11 And then the density of this, when we
12 take in the overall property, is under six-and-a-half
13 units per acre. You know, we're congregating most of
14 the -- the units towards that one area, but we're
15 leaving a lot of that land just undisturbed in the back.

16 And I'm a very -- proponent of density.
17 It's not how dense you make it, but how well you make it
18 dense. Because if you take the same density or the same
19 number of units out in the county, you're eating up more
20 farmland. And this just sets itself up for in-fill
21 development.

22 Q. Would you describe this as high density,
23 moderate density, as far as the -- perhaps, 168 units,
24 for example, on the conceptual plan?

25 A. This will be in the lower range of

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1 moderate density. The R-4, I think, allows for -- what
2 was it -- 16 --

3 MR. MUNDAY: Sixteen.

4 A. -- 16 units per acre. You know, we're
5 under six-and-a-half units per acre.

6 MR. MUNDAY: So you're basically under
7 R-3's max --

8 THE WITNESS: Correct.

9 MR. MUNDAY: -- eight.

10 THE WITNESS: Correct.

11 Q. You mentioned a traffic study. After the
12 first few pages of the narrative, I glaze over, because
13 I don't have your credentials and understanding.

14 A. I glaze over them, as well.

15 Q. Well, don't say that, because I want you
16 to -- is there anything you'd like to elaborate about
17 the details and the mechanics and the science, so to
18 speak, of the traffic study so that we --

19 A. The traffic studies look at peak-hour
20 flow a.m. and p.m., look at trips in and out. And --
21 and surprisingly, an apartment complex actually has
22 lower traffic volumes per unit than a single-family
23 house.

24 Typical for an apartment is right around
25 seven unit -- or seven trips per day and it's -- you

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1 know, and a single family can be ten to twelve unit --
2 or trips per day. So you're having less impact on the
3 overall transportation network with multifamily.

4 And as I say, the density, you couldn't
5 get that many single-family units in here, but the
6 overall impact on traffic circulation, apartments
7 generate, per unit, lower traffic counts. A lot of it
8 is because you have couples and not families. They
9 have -- you've got two kids and their cars and they're
10 always coming and going, so they generate a whole lot of
11 trips per day.

12 A lot of your apartments are going to be
13 younger people, have fewer vehicles, and like Brent was
14 alluding to a while ago, a lot of two-bedroom units
15 could be rented by couples. And in the last few years
16 with all the changes that have gone on with COVID, a lot
17 of couples are renting a two-bedroom apartment, using
18 one of the bedrooms as a home office to be able to work
19 from home or some of them just want that extra space of
20 storage for their stuff so they don't have to go rent a
21 storage unit someplace.

22 Q. You mentioned briefly our Comprehensive
23 Plan suitability scenario.

24 A. Yes.

25 Q. Would you elaborate on that? This

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1 property meets not just one or a few, but --
 2 A. It meets just about every one --
 3 Q. And is --
 4 A. -- because you've got your proximity to
 5 the utilities, proximity to road network, and employment
 6 opportunities. It -- it's in the good category for
 7 every one of those.
 8 Q. And as you mentioned before, it's an
 9 in-fill --
 10 A. Yeah.
 11 Q. -- approach to a blighted or neglected --
 12 A. Correct.
 13 Q. In all candor, this property has been
 14 underused or even unused?
 15 A. Correct.
 16 Q. Is there anything else you'd like to
 17 explain or provide?
 18 I've interrupted you a few times. I'm
 19 sorry.
 20 A. Yeah. That's fine.
 21 Q. Is there anything that --
 22 A. I ramble a whole lot.
 23 Now, if anybody has any of their
 24 questions for me.
 25 MR. MAYEUR: Yeah. I have some questions

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1 about that traffic study, though. The development
 2 doesn't really bother me in any certain way.
 3 But are you aware on Kenneth Utley Drive
 4 there's another big, already-approved development
 5 process going there less than a quarter mile from you,
 6 and then, down on Blackjack Road, the Josh Jones
 7 development which is going to be connected to the North
 8 Street development with three-hundred-and-something
 9 houses and they plan to dump that out on Blackjack Road.
 10 I just wondered if that study took any of the other
 11 projects that's about to generate a lot of traffic
 12 that's going to be on that road.
 13 THE WITNESS: Yes. Since my firm didn't
 14 do that traffic study --
 15 MR. EASLEY: That -- that study had --
 16 what you've seen --
 17 MR. CUMMINS: October 10th of '22.
 18 If I may approach --
 19 MR. CHAIRPERSON: Sure.
 20 MR. EASLEY: Yeah.
 21 MR. CUMMINS: Here's the recommendations
 22 and --
 23 MR. MAYEUR: Do you -- do you know if
 24 that was taken into account?
 25 MR. EASLEY: I mean, I hope you don't

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1 expect me to get ideas that will help --
 2 MR. MAYEUR: A hundred thousand a year in
 3 15 minutes.
 4 MR. CUMMINS: The city attorney had
 5 similar concerns, Mr. Mayeur, and so that's why we did
 6 that at the request of the city commission before they
 7 even annexed it.
 8 MR. MAYEUR: So the answer would be yes,
 9 those other --
 10 MR. CUMMINS: As of that point in time in
 11 October, yes. Now, I don't know how that relates to all
 12 the other developments, but it is very broad.
 13 MR. MAYEUR: Do you have a comment on
 14 that, when this study would have been done in relation
 15 to the prior approvals that we've done?
 16 MR. MUNDAY: Well, let's just say that
 17 the 300 lot Hammond farm is already started.
 18 MR. MAYEUR: Okay.
 19 MR. MUNDAY: And I pointed my finger to
 20 another lot that the board is probably somewhat aware
 21 to, it's across the road on North Street. It's probably
 22 going to be developed eventually. And then the -- the
 23 board already knows about the property on Kenneth Utley
 24 Drive.
 25 MR. MAYEUR: Uh-huh.

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1 MR. MUNDAY: Those three alone are no
 2 secret --
 3 MR. MAYEUR: Uh-huh.
 4 MR. MUNDAY: -- impactful (sic) to the
 5 general area. But whether that was related to the
 6 engineer -- I mean, I never spoke with the engineer that
 7 did the traffic study, but I'm sure he spoke with
 8 someone that was aware of those.
 9 MR. SLIGER: Well, the Utley Drive
 10 project won't come out on Utley Drive. I doubt
 11 anybody's going to make a u-turn to go out that
 12 direction. I'd think they would go straight to 1008.
 13 MR. MAYEUR: Well, I mean, with the --
 14 MR. SLIGER: You've got three exits on
 15 all those projects --
 16 MR. MAYEUR: Uh-huh.
 17 MR. SLIGER: -- to get to a major
 18 thoroughfare.
 19 MR. CUMMINS: Uh-huh. And with very
 20 close proximity to the intersection just to the north.
 21 And I assume --
 22 MR. SLIGER: Right.
 23 MR. CUMMINS: -- to your point, Mr.
 24 Sliger, that's what primarily --
 25 MR. SLIGER: Yes.

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1 MR. CUMMINS: -- the exiting traffic will
2 use that route.

3 MR. MAYEUR: Yeah. They -- the Simpson
4 County maintenance director was here that night already
5 talking about how much traffic was on that road, and his
6 concern was adding that, you know, development to it,
7 but now when we're looking at all these together, it's
8 the only concern I have. And I'm just asking if it
9 was --

10 MR. CUMMINS: There's counts in there. I
11 mean, it -- it makes me glaze over, but there's a
12 depth -- a significant depth of detail there, and they
13 say no recommendations, no improvements recommended
14 whatsoever, the impact is favorable.

15 MR. SLIGER: I think at the end of
16 Blackjack Road where it comes to 1008 might be a
17 problem. Someday they're going to have to address it,
18 but --

19 MR. CUMMINS: And, again, the highway
20 department, once they identify --

21 MR. SLIGER: -- but they're not going to
22 address it prior to a problem.

23 MR. CUMMINS: Exactly. Yes. And they're
24 not going to spend their tax dollars until they have to.

25 MR. MAYEUR: That's all the question I

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1 have. Thank you.

2 MR. CUMMINS: That's all we have, Mr.
3 Konow.

4 MR. LINK: I've got a question looking at
5 this drawing here.

6 MR. SHIRLEY: Uh-huh.

7 MR. LINK: What is this dotted line on
8 the -- I guess it's on the north side of the property?
9 Is that another entrance coming in? What is going on
10 here? Or is that over on the trailer park?

11 MR. SLIGER: Yeah.

12 MR. LINK: This one. That's not --
13 That's not on us. Okay.

14 MR. CUMMINS: There is a tentacle back to
15 the west -- I'm sorry. There is a tentacle from the --
16 the base part of the survey back to the west that's
17 60-feet wide.

18 In running titles years and years ago,
19 Mr. Link, American Technology and the Broderson family
20 had a company that owned lots of land in there. And I
21 can only surmise that perhaps that's why that 60-foot
22 extension. It connected something else that they,
23 perhaps, owned.

24 MR. CHAIRPERSON: Is there any other
25 questions for Mr. Easley or Mr. Shirley at this time?

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1 Mr. Cummins?

2 MR. CUMMINS: That's all I have --

3 MR. CHAIRPERSON: Okay.

4 MR. CUMMINS: -- to offer you, Mr. Konow.

5 Thank you.

6 MR. CHAIRPERSON: Is there anyone here
7 that wants to speak in favor of this project?

8 Is there anyone here that wants to speak
9 against this project?

10 If you would, come forward and state your
11 name for the court reporter and be sworn in.

12 (Off the record)

13 *** *** ***

14 KEVIN BARNES, 512 Meadowlawn Drive,
15 Franklin, Kentucky, 42134, being first duly sworn, made
16 the following statement:

17 MR. BARNES: Well, first, I don't want to
18 say that I'm against this project. I own Barnes
19 Cabinets across the street from where this is going in.
20 I've been there going on 25 years.

21 Me, personally, I have two to five
22 tractor-trailers come into my shop every week, which is
23 half of them can't back in on a 32 foot -- I've got a
24 32-foot drive. Half of them can't back in.

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1 There has been some flooding problems on
2 the end of Blackjack Road. I'm not for sure what took
3 place, what was done, several years ago. Some kind of
4 drainage was put in to keep the water from -- from
5 coming over Blackjack Road. But very big rains, it will
6 still stand over Blackjack Road. And that will be kind
7 of right in front of Traughbers -- is where the water
8 will stand. And I don't know if it's that blue line
9 they was talking about. I don't -- I mean, I don't know
10 what they done. They did do some work to it.

11 But my concern is what will this do to my
12 property value and the other businesses on the south
13 side of Blackjack Road. Because it is all, basically,
14 small, family-owned businesses. And that's really all
15 I -- I just -- that's the only concerns I have.

16 MR. CHAIRPERSON: Mr. Shirley, would you
17 like to address the drainage and --

18 MR. SHIRLEY: In the natural flow of this
19 property we're looking at, comes from Blackjack Road
20 towards the back. So, you know, we -- we can't increase
21 runoff.

22 And I've heard story that's there'd been
23 some other things done by others a little bit downstream
24 that's causing things to back up. I think that's beyond
25 our client's scope of what they're looking at. But I

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1 have heard that there are some other drainage issues,
 2 but just know on our particular site, we cannot, by
 3 state statute, increase the amount of runoff after it's
 4 developed from what it is today.

5 MR. BARNES: Uh-huh.

6 MR. SHIRLEY: And as far as property
 7 values, it depends on who you talk to whether it's going
 8 to increase it or decrease it. And I don't think
 9 planning commissions are -- and I may be wrong --
 10 supposed to consider the economic impact on other
 11 properties.

12 Is that correct, Mr. Link?

13 MR. LINK: I think they can consider it.

14 MR. SHIRLEY: Okay.

15 But as this property gets cleaned up and
 16 improved, I would think it's going to add value to
 17 everything out there instead of decreasing value.

18 MR. CUMMINS: And the use being proposed
 19 would be more favorable than having heavy industry
 20 there; is that correct?

21 MR. SHIRLEY: I think it would because of
 22 the in-fill type situation, the housing needs is
 23 creating a different diversity of housing style.

24 MR. CUMMINS: More truck traffic, all
 25 those --

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1 MR. SHIRLEY: Right. Decreasing --

2 MR. CUMMINS: Noise pollution?

3 MR. SHIRLEY: Correct.

4 MR. CUMMINS: All of those things
 5 associated with the heavy industry --

6 MR. SHIRLEY: Right.

7 MR. CUMMINS: -- in town?

8 MR. SHIRLEY: Correct.

9 MR. CUMMINS: And would --

10 MR. SHIRLEY: We're strategic as to the
 11 interstate.

12 MR. CHAIRPERSON: Any other questions,
 13 Mr. Barnes?

14 MR. BARNES: No.

15 MR. CHAIRPERSON: Okay. Thank you.

16 Is there anyone else here that has
 17 anything against this rezoning?

18 Just real quick, we have one letter here
 19 that was written by a person that's against this
 20 proposal. I'm going to be real brief about this. And
 21 I'm going to pass it around and let the board look at
 22 it. And then we will enter it into evidence with the
 23 court -- court reporter.

24 Wendy Delk, she lives at 1815 Blackjack
 25 Road. Her points of objection is property value

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1 depreciation; feels like it will have an impact on the
 2 traffic in a negative way. Also, her concern is to --
 3 to crime, and also, the environment, in regard to just
 4 trees being cut down around her property. That's in a
 5 nutshell.

6 I'm going to pass this around. If you
 7 would like to take a look at it, Mr. Cummins, you're
 8 more than welcome to. We'll --

9 MR. CUMMINS: Thank you for that summary.

10 MR. CHAIRPERSON: Okay.

11 MR. CUMMINS: I think we've addressed all
 12 of those --

13 MR. CHAIRPERSON: Okay.

14 MR. CUMMINS: -- concerns preemptively.

15 MR. CHAIRPERSON: Then we will enter that
 16 in with Ms. Pearson.

17 (Whereupon BD&J Exhibit 6 was duly
 18 received, marked for identification,
 19 and filed herewith as part hereof.)

20 MR. CUMMINS: I would just note for the
 21 record I did look up the 2020 decennial census and
 22 there's 19,594 residents in Simpson County. And if we
 23 only had two objections, I'll take that average
 24 everyday. And if need be, I can quote from the
 25 Comprehensive Plan that says, with all due respect,
 that's the focus of this commission, as well.

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1 MR. LINK: Well, she's the lady that's
 2 showing in that out parcel?

3 MR. CHAIRPERSON: Yes.

4 MR. CUMMINS: Yes.

5 MR. LINK: So I think she -- I mean, you
 6 all might want to consider accommodating her as far as
 7 her privacy concerns --

8 MR. EASLEY: Sure.

9 MR. LINK: -- if we cut all the trees
 10 down around down around her house.

11 MR. EASLEY: Uh-huh.

12 MR. CUMMINS: You all may want to give
 13 that some thought when you come in with a development
 14 plan --

15 MR. EASLEY: Oh, for sure.

16 MR. LINK: -- for her.

17 MR. CUMMINS: That's -- that's why he
 18 testified to -- if you'd like to elaborate again --

19 MR. SHIRLEY: Yes.

20 MR. CUMMINS: -- on this.

21 MR. SHIRLEY: Part of the reason the
 22 location of the structures, it selves, was trying to get
 23 the structure as far away from her property to help with
 24 the security or privacy. And then with having a parking
 25 lot, we'll be able to do some additional screening and

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1 fencing to help protect her property from any perceived
2 negatives in this development.

3 MR. CUMMINS: And you'll be cleaning up
4 the vacant portion on --

5 MR. SHIRLEY: Sure.

6 MR. CUMMINS: -- the northeast --

7 MR. SHIRLEY: Right.

8 MR. CUMMINS: -- corner of this
9 property --

10 MR. SHIRLEY: Correct.

11 MR. CUMMINS: -- that's overgrown now?

12 MR. SHIRLEY: Correct.

13 MR. CUMMINS: So if anything, it should
14 enhance her security.

15 MR. SHIRLEY: It should.

16 MR. CUMMINS: Is that fair to say?

17 MR. SHIRLEY: Right. It should.

18 MR. CHAIRPERSON: Any other questions?

19 If there's not any more, we will proceed
20 with a motion on BD&J Properties, L.L.C., in a zone
21 change.

22 MR. LINK: Do you have proposed Findings
23 of Fact with you?

24 MR. CUMMINS: Yes, if I may approach with
25 those.

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1 (Whereupon BD&J Exhibit 7 was duly
2 received, marked for identification,
3 and filed herewith as part hereof.)

4 MR. LINK: What's your name?

5 MR. EASLEY: Brent, B-R-E-N-T, Easley,
6 E-A-S-L-E-Y.

7 MR. SLIGER: Will we have to add
8 Mr. Konow on this signature page?

9 MR. CUMMINS: Yes. I'm sorry. I didn't
10 realize --

11 MR. LINK: They can revise it after, if
12 you all approve it. And on page one, also, to show he
13 chaired it.

14 MR. CHAIRPERSON: Yeah.

15 MR. CUMMINS: Forgive me. I presumed
16 that she would be here. I --

17 MR. LINK: I know.

18 MR. CUMMINS: This is first time I've not
19 seen her here. I'll be happy to fix that in the
20 morning.

21 MR. CHAIRPERSON: We hope she will be
22 back for many more meetings.

23 MR. SLIGER: We didn't laugh quite as
24 much tonight. Chad's not near as funny.

25 MR. CUMMINS: I'll ask Mr. Konow to
defend himself against that comment.

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1 MR. LINK: Madam Court Reporter, if you
2 want to enter that as an exhibit for the objection
3 presented by Ms. Delk to the record.

4 MR. CHAIRPERSON: Gentlemen, I'm ready to
5 entertain a motion on the BD&J Properties, L.L.C., zone
6 change.

7 MR. SLIGER: I'll make a motion to
8 approve the zone change from I-2, Heavy Industry, to
9 R-4, Multifamily, for approximately 26.11 acres located
10 west side of Blackjack Road, south side of Pine Ridge
11 Trailer Park and also accept the Findings of Facts and
12 Conclusions of Law in recommendation for a zone change.

13 MR. CHAIRPERSON: We have a motion.

14 Do we have a second?

15 MR. WEISSINGER: Second.

16 MR. CHAIRPERSON: We have a second.

17 All those in favor signify by saying aye.

18 INDISCERNIBLE VOICES: Aye.

19 MR. CHAIRPERSON: All opposed, like sign?
20 Motion carries.

21 MR. CUMMINS: Thank you, very much. And
22 I'm assuming I'll correct that in the morning for you.

23 (Whereupon the hearing concluded at 7:32 p.m.)

24 *** **

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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
15 neither of counsel nor of kin to either of the parties
16 to this action and am in no way interested in the
17 outcome of said action.

18 WITNESS MY SIGNATURE this 14th day of
19 March, 2023. My commission expires October 28, 2026.

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

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