

ORDINANCE NO. 2023-020

**AN ORDINANCE REZONING APPROXIMATELY 2.7876 ACRES
LOCATED ON THE EAST SIDE OF WEST MADISON STREET (KY. HWY. 383)
FROM B-3 (NEIGHBORHOOD BUSINESS DISTRICT) TO R-2 (SINGLE FAMILY
AND TWO-FAMILY RESIDENTIAL DISTRICT) BY QUY LE; TOM PHAN; TAMMY
YEN NGUYEN; AND PRIME INVESTMENT GROUP, LLC**

WHEREAS, Quy Le; Tom Phan; Tammy Yen Nguyen; and Prime Investment Group, LLC desire 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 May 2, 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 2.7876 acres located on the east side of West Madison Street (Ky. Hwy. 383) in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto, is granted a zone change from B-3 (Neighborhood Business District) to R-2 (Single Family and Two-Family 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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

May 22, 2023 FIRST READING
June 12, 2023 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on June 12, 2023, on motion made by Commissioner Stewart and seconded by Commissioner Powell, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR

Yes JAMIE POWELL

Yes DALE MCCREARY

Yes WENDELL STEWART

Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon, Mayor.
Larry Dixon, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION APPENDIX

This property is located on the East side of West Madison Street (KY Hwy. 383) in Franklin KY, the property is more particularly described as follows:

Beginning at a beginning at a 5/8 inch iron pin with cap stamped "KY2142", said point is in the line of the Holloway Investments, LLC Property (Deed Book 357, Page 17), and corner common to the Richards Property (Deed Book 295, Page 756), thence with Richards line **N 45°08'11" E a distance of 150.52 feet** to a 5/8 inch iron pin with cap stamped "KY2142", said point is corner common to the aforementioned Richards Property and the Frix Property (Deed Book 215, Page 544), thence with Frix line, the next (5) five calls as follows: **N 69°25'22" E a distance of 61.23 feet** to a 5/8 inch iron pin, thence **N 46°50'53" E a distance of 33.19 feet** to a point, thence **N 06°41'42" E a distance of 38.72 feet** to a 5/8 inch iron pin thence **N 17°39'51" W a distance of 84.33 feet** to a 5/8 inch iron pin, thence **N 70°04'21" W a distance of 19.16 feet** to a 5/8 inch iron pin with cap stamped "KY3922", said point is in the Right-of-Way (R/W) of KY Hwy. 383 (West Madison Street), (50-ft R/W), thence with the R/W, **N 12°42'12" E a distance of 186.92 feet** to a mag nail, said point is corner common to the BEA Properties, LLC (Deed Book 368, Page 774), thence leaving the R/W and with BEA Properties **S 83°27'25" E a distance of 145.98 feet** to a 5/8 inch iron pin with cap stamped "KY2142", said point is corner common to BEA Properties, LLC (Deed Book 368, page 774), and in the line of the BSIG, LLC (Deed Book 345, Page 800), thence with BSIG **S 05°50'38" W a distance of 79.39 feet** to a disturbed 5/8 inch Iron Pin, thence leaving the BSIG property and with a line across the Go Big or Go Home, LLC property, said line is a zoning line, and not a property line, said line is the next (4) four calls as follows: thence **S 05°16'32" W a distance of 205.84 feet** to a point, thence **S 19°50'43" W a distance of 201.39 feet** to a point, thence **S 39°11'43" W a distance of 218.82 feet** to a point, thence **S 47°57'06" W a distance of 197.27 feet** to a point, thence **N 07°39'43" E a distance of 336.64 feet** to the point of beginning, having an area of **121429 square feet, 2.7876 acres.**

This survey was prepared under my direct supervision and was completed in April 2023.

This being a portion of the same property in which an undivided one-fourth (1/4) interest was conveyed to Quy Le, married, by Go Big or Go Home, LLC, a Kentucky limited liability company, by deed dated November 22, 2022, of record in **Deed Book 370, Page 328**, Office of the Simpson County Clerk; an undivided one-fourth (1/4) interest was conveyed to Tom Phan, married, by Go Big or Go Home, LLC, a Kentucky limited liability company, by deed dated November 22, 2022, of record in **Deed Book 370, Page 325**, Office of the Simpson County Clerk; an undivided one-fourth (1/4) interest was conveyed to Tammy Yen Nguyen, married, by Go Big or Go Home, LLC, a Kentucky limited liability company, by deed dated November 22, 2022, of record in **Deed Book 370, Page 331**, Office of the Simpson County Clerk; and an undivided one-fourth (1/4) interest was conveyed to Prime Investment Group, LLC, a Kentucky limited liability company, by Go Big or Go Home, LLC, a Kentucky limited liability company, by deed dated November 22, 2022, of record in **Deed Book 370, Page 334**, Office of the Simpson County Clerk.

APPEARANCES

ON BEHALF OF QUY LE, TOM PHAN, TAMMY YEN NYUGEN, AND PRIME INVESTMENT GROUP, LLC:
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BOARD MEMBERS: SYDNEY DOWNEY, BOB LINK, GARY SLIGER, RONNIE STILTS, DERRICK KEPLEY, GEORGE WEISSINGER, CARTER MUNDAY

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STIPULATION

The hearing was taken at CITY HALL MEETING ROOM, 117 WEST CEDAR STREET, FRANKLIN, KENTUCKY 42134 on TUESDAY the 10TH day of MAY 2023 at 6:55 p.m. (CT), said hearing was taken pursuant to the KENTUCKY Rules of Civil Procedure.

It is agreed that AMY KELLEY, being a Notary Public and Court Reporter for the State of KENTUCKY, may swear the witness.

PROCEEDINGS

MR. SLIGER: We've got a public hearing now, so we need to adjourn our regular meeting and go into a public hearing. Do I have a motion to...

MR. WEISSINGER: Make a motion to adjourn.

MR. STILTS: Second.

MR. SLIGER: All right. Now we're going to enter public hearing.

MALE SPEAKER: And everybody remember to speak up so the court reporter can hear. We have a tendency to mumble a little here.

MR. SLIGER: It doesn't look like you have a lot of opposition here so...

MS. EAST: So win by default.

MR. SLIGER: I'm going to try these names, okay? We're going to have Quy La, Tom Phan, Tammy Yen -- and I'm going to say Nyugen.

MR. NYUGEN: Yes, thank you.

MR. SLIGER: Is that good? And Prime Investment Group, LLC to present a zone change for part of a partial of 17.737 acres from B3, which is neighborhood business district, to R2, single family and duplex, two-family district, located along Witt Road and Madison Street adjacent to Millwood

1 Estates. And who's here to represent them?

2 MS. EAST: That would be me, Mr. Chairperson,

3 Amanda East with Crocker & Crocker. Our other --

4 junior associate -- or associate was here on the

5 other matter. We'll talk with the senior partner. I

6 don't think we can get a color printer, but we might

7 be able to spring for crayons. Maybe.

8 MS. SLIGER: And if any of the public have to

9 speak, we'll have to -- be sworn in. She doesn't

10 have to, right?

11 MALE SPEAKER: Right.

12 MS. EAST: That's right. So as the chairperson

13 said, I'm here tonight on behalf of the news that he

14 did so well with that I'm not even going to try and

15 beat him. So -- and we've also got with us for

16 Prime Investment Groups, this is Ailoan Tran. She

17 goes by Ailoan. She's going to be doing most of the

18 speaking tonight. Her husband, Tai Nguyen, is with

19 her as well. He's also a member of Prime Investment

20 Groups, and if there are any specific

21 construction-like questions, he would be the one

22 that would be better suited to answer those. So

23 what we'll probably do is when she gets finished

24 testifying, we'll have both of them sworn in, so if

25 there's something that he needs to jump in with, he



1 can. We also have with us Mr. Lucas Slavey with

2 Van Meter & Slavey, no stranger to this Commission.

3 He has been here many times before, not because he's

4 been doing it that long, but because he's just that

5 good at it. And so, he's going to be providing some

6 witness testimony for us tonight. And then we'll

7 open this up for the Commission and entertain any

8 questions that you-- all have. But the property that

9 we are looking at -- as the Chairperson stated,

10 we're really only here for a reason of -- it's just

11 under three acres. And so, if you're looking at the

12 concept plan, it is this section right up here. All

13 of this down here is already zoned R2, and so what

14 we're trying to do is bring this piece up here

15 that's B3 into conformity and just add those

16 additional lots in. And as you can see, we're only

17 adding a handful. And then Mr. Slavey is going to

18 talk with us a little bit about the plans for this

19 area that you see hatch-marked in. What is

20 interesting about this property is if you go out and

21 drive it, it is kind of this hole in the middle of

22 all of this residential that is already there, so

23 we're really just kind of filling in that last piece

24 in that residential area. And so, what I'd like to

25 do at this time is go ahead and call Lucas Slavey as



1 our first witness. If you could please stand and be

2 sworn in by our court reporter, April. I'm sorry,

3 Amy.

4 THE WITNESS: Sure.

5 THE REPORTER: Okay. Please raise your right

6 hand. Do you solemnly swear or affirm the testimony

7 you are about to give will be the truth, the whole

8 truth, and nothing but the truth?

9 THE WITNES: Yes.

10 THE REPORTER: Thank you. You may begin.

11 THE WITNESS: You want me in the hotseat?

12 MS. EAST: You can go ahead and be seated.

13 Yes.

14 THE WITNESS: Hotseat.

15 MR. SLIGER: Yeah. Look out.

16 DIRECT EXAMINATION

17 BY MS. EAST:

18 Q. Mr. Slavey, could you please tell this board a

19 little bit about your work experience?

20 A. Sure. I'm -- I'm the owner of

21 Van Meter & Slavey. We -- we've been around here

22 several years, but we do civil engineering, land

23 surveying primarily in Bowling Green and all the

24 surrounding counties, and this is what we do day after

25 day.



1 Q. And have you been involved with any projects

2 here in Simpson County?

3 A. Yes. Several. Several. We -- Lexington

4 Place was mentioned earlier. We did that one a few

5 years back, and then done a lot of -- a lot of sections

6 in Williamsburg, platted those and platted the sections

7 out Windsor, north of town there. So yeah, we're very

8 familiar with Franklin. We love being down here.

9 Q. And are you currently working with Mr. Nguyen

10 of Prime Investment Group?

11 A. Yes.

12 Q. And could you tell the Board a little bit

13 about your experience with him?

14 A. Yes. We've worked with Mr. Nguyen several

15 years, done a lot of things around Bowling Green, and

16 he's just venturing down into Simpson County now, so

17 we're just glad to tag along with him and help him out

18 all we can. But he's been a good -- good client, and a

19 good -- good fellow to deal with.

20 Q. Okay. So I'm going to give you a copy of one

21 of these concept plans --

22 A. Sure.

23 Q. -- and pass this out to the Board as well.

24 Could you walk us through, again, that area that we're

25 here on tonight and just tell us a little bit about it?



1 A. So we -- we kind of dove into this thing and
 2 approached it like we were moving toward final
 3 construction plans, and we got into it, sent it to
 4 Carter for the normal process, and realized that little
 5 chunk was a different zone. And we kind of had to back
 6 up a little bit and -- and -- and go about this and try
 7 to clean that up. The part -- let's see. On that
 8 screen, to the right, the shaded area, that's kind of
 9 been -- that's been set aside for drainage. That's our
 10 lowest spot -- spot on our site. So we were going to --
 11 there's -- there's a lot of stormwater moving through
 12 this property, so we dedicated that to slow down any of
 13 our increase that we would have later. That'll be --
 14 hopefully, the next meeting or two, you guys will the
 15 whole development plan, but that's -- that's what the
 16 represents. So that would stay open and just be grass
 17 or plantings or something. It -- it wouldn't be any --
 18 any buildings there so...

19 Q. Have you allowed for interconnectivity here
 20 with some of the surrounding roads?

21 A. Yes. Early on, when we submitted, it was
 22 requested, and it may have come from -- from -- the
 23 neighboring subdivisions didn't want the connections
 24 there to those two subdivisions at the bottom, so we --
 25 we -- we blocked those out and connected from Mitt Road

1 over to the -- Madison Street there. That's Madison?
 2 Q. Uh-huh.

3 A. So that -- that's our -- that's our primary
 4 connection points, and we have -- we've ran that through
 5 the State, but I haven't got a comment back from them
 6 yet. But we will be required for encroachment permits
 7 with the highway department, district 3, so that'll be a
 8 little ways down the road in this part.

9 Q. So -- and I think you've alluded to this,
 10 This is really step 1 of at least 39 parts; is that
 11 right?

12 A. Yeah. We're about --

13 MR. MUNDAY: Yes.

14 A. We're not near as far as the other guys.

15 BY MS. EAST:

16 Q. So -- but you-all will be receiving oversight,
 17 direction, and coming back before this board --

18 A. Yes.

19 Q. -- for progress approvals?

20 A. Yes. And that's -- next step would be
 21 preliminary approval for the subdivision. That would be
 22 what -- you'll see this thing again, hopefully with that
 23 line removed.

24 Q. So -- now, are you from -- could you please
 25 restate what the original zoning was for this property?

1 A. Original for the -- overall?

2 Q. For just the -- the piece we're here on
 3 tonight.

4 A. Oh, B3.

5 Q. And do you believe that that original zoning
 6 was appropriate?

7 A. I don't think so considering what's around it.
 8 It feels inappropriate for that area.

9 Q. And does the comprehensive plan mention that
 10 residential land use and development is something that
 11 is both contemplated and encouraged in our community?

12 A. Uh-huh, yes.

13 Q. And do you believe that rezoning, again, this
 14 small section that we're here on tonight would bring us
 15 in conformity with that comprehensive plan?

16 A. Yes.

17 Q. And would adding those duplexes that we're
 18 talking about -- would that provide some diversified
 19 housing?

20 A. Yes, absolutely.

21 Q. And would that also be consistent with our
 22 comprehensive plan?

23 A. Yes.

24 MS. EAST: So that is all the questions that I
 25 have of this witness and would turn him over to the

1 Board at this time.

2 MR. SLIGER: Where does this come out on
 3 Madison Street?

4 MR. LINK: Do you know where there's a little
 5 white house at the corner?

6 MS. EAST: Uh-huh.

7 MR. LINK: The -- Burl's (phonetic) store is
 8 right past this property.

9 MR. SLIGER: Uh-huh.

10 MR. LINK: And then there's a --

11 MR. STILTS: Oh, so we're going towards
 12 Springfield?

13 MR. LINK: Yes.

14 MR. STILTS: Okay. I -- I'm -- address --

15 MR. LINK: Before you get to the apartments
 16 there --

17 MR. STILTS: No.

18 MR. LINK: -- in that same curve.

19 MR. STILTS: Oh, yes.

20 MS. EAST: Lexington Place is on up just a
 21 little.

22 MR. LINK: It's where that corner store is at.

23 MR. STILTS: Yeah, okay.

24 MS. EAST: And I think Ken -- Clay Kelley has a
 25 new development right there --

1 MR. STILTS: Yeah.

2 MS. EAST: -- Pads at the Meadow.

3 MR. STILTS: I know where you're at. Yes.

4 MS. EAST: Or Pads at Madison.

5 MR. WEISSINGER: So you guys didn't get where

6 that old store building was, right? That's just

7 being --

8 MR. SLAVEY: No.

9 MR. WEISSINGER: -- used --

10 MR. SLAVEY: I think in between us there.

11 MR. WEISSINGER: The B -- the B properties.

12 MR. SLAVEY: Yes -- yes.

13 MR. WEISSINGER: Man, that's a shame.

14 MR. SLIGER: Well, this really didn't have any

15 road frontage at all hardly in that section there

16 for business.

17 MALE SPEAKER: No. That's -- no, it didn't.

18 It didn't make sense.

19 MALE SPEAKER: So we're just talking about that

20 little sliver right there?

21 MALE SPEAKER: Yeah.

22 MR. SLAVEY: Yes.

23 MR. SLIGER: And I think most everything that

24 joins it's R2, S3. Some of it maybe even 4.

25 MR. WEISSINGER: I don't think anybody's going

1 to put a store back there anymore.

2 MR. SLAVEY: That's kind of what caught us off

3 guard. We weren't expecting that because it -- we

4 -- we looked at the zoning map and though, oh, that

5 must be --

6 MR. MUNDAY: There -- there's your map.

7 MS. EAST: Uh-huh.

8 MR. SLAVEY: Yes.

9 MR. MUNDAY: Now is when you...

10 MR. SLAVEY: Yeah.

11 MS. EAST: And so, you can see there just that

12 outlier piece.

13 MR. WEISSINGER: Yeah.

14 MR. SLIGER: That's a nice fill-in for

15 residential, for sure.

16 MR. MYLER: So that's the high school softball

17 field there?

18 MR. MUNDAY: Uh-huh.

19 MR. MYLER: Okay.

20 MALE SPEAKER: Wait until you see what they

21 want to put in there.

22 MS. EAST: We didn't bring elevations with us

23 tonight, but we are going to talk about them.

24 MR. SLAVEY: Carter's got some.

25 MR. MUNDAY: I've got them.

1 MS. EAST: Oh.

2 MR. SLAVEY: Now, this'll be the --

3 regurgitated probably next time when we bring you

4 the -- for preliminary approval. But give you kind

5 of a foreshadowing, hopefully.

6 MR. MUNDAY: There's what the front and sides

7 look like, and the rear.

8 MR. WEISSINGER: Duplex?

9 MR. MUNDAY: Uh-huh. With garages.

10 MR. MYLER: So they're duplexes with garages?

11 MR. MUNDAY: Uh-huh.

12 MALE SPEAKER: That's pretty neat.

13 MALE SPEAKER: Don't have any in Simpson County

14 that I know of.

15 MR. LINK: You-all need to speak up. Court

16 reporter.

17 MR. WEISSINGER: It'd be nice to have a garage.

18 MR. LINK: And here we go. Speak up, George.

19 MR. WEISSINGER: I said it'd be nice to have a

20 garage.

21 MS. EAST: Well, if that's all the questions we

22 have of this witness, we'd like to go ahead and call

23 our final witness if that's okay with the Board.

24 Thank you. Thank you, Mr. Slavey.

25 MR. SLAVEY: Thank you-all.

1 MS. EAST: We appreciate it. So we'll go ahead

2 and we'll let Ailcan be sworn in, and then we'll

3 also get her husband, Tai --

4 THE REPORTER: Okay.

5 MS. EAST: -- sworn in as well. Ailcan, if you

6 want to come on up.

7 THE WITNESS: Yes.

8 THE REPORTER: Okay. Please raise your right

9 hand. Do you solemnly swear or affirm the testimony

10 you're about to give will be the truth, the whole

11 truth, and nothing but the truth?

12 THE WITNESS: Yes.

13 THE REPORTER: Thank you.

14 MS. EAST: You can go ahead and take a seat

15 right there. And if you can go ahead and get --

16 THE REPORTER: Uh-huh.

17 MS. EAST: -- her husband sworn in? Tai, if

18 you can please stand up and be sworn in.

19 MR. NGUYEN: Yes.

20 THE REPORTER: Please raise your right hand.

21 Do you solemnly swear or affirm the testimony you're

22 about to give will be the truth, the whole truth,

23 and nothing but the truth?

24 MR. NGUYEN: Yes, ma'am.

25 THE REPORTER: Thank you.

1 MS. EAST: So she's going to do the primary
 2 portion of the speaking, but if there's something
 3 specific as to construction, we've got a feeling
 4 either Mr. Slavey or Mr. Nguyen would be better
 5 suited for it.
 6 DIRECT EXAMINATION
 7 BY MS. EAST:
 8 Q. So I know the Commission's already heard this
 9 but --
 10 A. Yes.
 11 Q. -- could you please state your name again?
 12 A. Yes. My name is Ailoon Tran, and I go by
 13 Loan. Just a little background on me, I serve as a
 14 property manager in Bowling Green. I've been doing this
 15 for the past two years or so. My husband, he's been
 16 doing real estate and -- for the last eight years or so
 17 now. He's been buying, selling, developing. Like Lucas
 18 said, he's -- he's been doing a lot. If you guys are
 19 familiar with the Bowling Green area, do you guys know
 20 where the Dollar General on Nashville Road is? We are
 21 building some eightplexes on -- down there, so if you
 22 guys see that, that's -- that's one of ours. Yeah.
 23 Q. So the -- the property that you're currently
 24 managing --
 25 A. Yes.



1 Q. -- how many are there?
 2 A. So we manage over 100 properties. We built up
 3 to -- to -- to this until this day. I think about two
 4 years ago, I started out with six properties, and then
 5 we just slowly built over time. It's been going great
 6 so far, and that's why we continue to do it.
 7 Q. Have you had any issues while you've been
 8 doing that?
 9 A. We've had very little issues, and if we do
 10 have issues, it's -- it's very miniscule, and then we
 11 get it resolved very quickly.
 12 Q. So what brought you to Franklin?
 13 A. So we love that Franklin is in the middle of
 14 Bowling Green, in the middle of Nashville. It's a great
 15 area for families and residents. We love that this
 16 property is kind of in the middle of everything. It's
 17 in the middle of town. It's very close to schools, it's
 18 close to a new, developing police station, and it's
 19 surrounded by a bunch of residents, so...
 20 Q. And the -- is it -- the reason that you are
 21 here tonight is just trying to get this last piece in
 22 conformity --
 23 A. Yes.
 24 Q. -- with everything else?
 25 A. Correct.



1 Q. Excellent. I -- now, Carter has shown us some
 2 pictures.
 3 A. Yes.
 4 Q. But could you please tell us a little bit
 5 about these duplexes?
 6 A. Absolutely. If you can pull that up again, I
 7 kind of can go through the details. So these will be
 8 duplexes. They will be a mixture between one-story and
 9 two-story duplexes. They will all be three bedrooms.
 10 Depending on the stories, it'll be two and
 11 two-and-a-half bathrooms. They will be all -- majority
 12 of -- or I'm sorry -- not majority. It will be a
 13 mixture of brick and Hardie board. We don't plan to use
 14 any vin -- vinyl on this property. We just don't like
 15 vinyl. We think that it's hard to maintain. It gets
 16 gross over time. We think that brick, from our
 17 experience, just has a greater value. It looks great.
 18 We -- like you said, we have garages, and this is going
 19 to look like a little neighborhood. It's going to have
 20 sidewalks everywhere. People can walk around the
 21 neighborhood. It's going to look like a great -- great
 22 neighborhood and a great addition to Franklin.
 23 Q. Now, are you aware that there are City
 24 subdivision regulations in place?
 25 A. Yes. And we'll be ready to comply with any



1 kind of subdivision regulations you guys have.
 2 Q. So with the layout, was there a particular
 3 reason why you were wanting access on both Witt and
 4 West Madison?
 5 A. Yes. So it's great access. If you can pull
 6 up that one. Sorry. Going back and forth. It's great
 7 access from Witt and West Madison. We've got two access
 8 points. Oh, yes. There it is. We've got two access
 9 points from here and then here, so you know, it's great
 10 for residents to come in and out, wherever they need to
 11 go. If there's a backup on this side, they can go out
 12 this side. If there's a backup on this side, then they
 13 can go out on the other side. So it's great access for
 14 everybody that will be staying here.
 15 Q. Will that be good for first responders as
 16 well?
 17 A. Absolutely.
 18 Q. And the R2 zoning, is that consistent with the
 19 other subdivisions that are already in the area?
 20 A. Yes.
 21 Q. And would that include Millwood Estates?
 22 A. Yes.
 23 Q. And Westwood subdivision?
 24 A. Yes.
 25 Q. Now, do you believe that what it is that



1 you-all are proposing, again, just for this three acres
2 that we're focused on tonight, that it's consistent with
3 our comprehensive plan?

4 A. So it is con -- consistent. The comprehensive
5 plan wants affordable housing and residential -- just
6 housing in general. It wants housing, and that's what
7 we think that we can add to the city. And we want to
8 add a valuable product to the city. We want people to
9 love where they live. We're -- we'll be putting
10 restrictive covenants to our deed to make sure the
11 property is well-maintained, it's going to look the same
12 way that it's going to be, you know, up and built. So
13 we think that it's -- it's going to look great.

14 Q. And will that provide diversified housing?

15 A. Absolutely, yes. And we know that people from
16 Bowling Green and people from Nashville, they're going
17 to be moving out of those cities because the cost of
18 housing is -- it's increasing every day. What we plan
19 to rent these town -- or these duplexes out for is for
20 1,200 a month. We think that that's a fair price. It's
21 going to be affordable, and it's -- you guys are getting
22 a great deal. It's three bedrooms, two-and-a-half baths
23 with a garage. I think it's going to be amazing and
24 affordable for everybody.

25 Q. And who's going to be overseeing the property

1 management for these?

2 A. So we -- since we are property managers, we
3 are going to be seeing these -- overseeing these
4 properties. Yes. We'll make sure that they look great.

5 Q. Now, that original zoning of B3, do you think
6 that that is inappropriate and inconsistent?

7 A. Yes.

8 Q. And is that because, again, you're talking
9 about with the comprehensive plan contemplating that
10 there would be future residential land use and
11 development in Franklin?

12 A. Yes.

13 Q. And would amending that section of B3 to R2 be
14 consistent and conform with our comprehensive plan?

15 A. Yes.

16 Q. Now, have there been changes in the area?

17 A. Absolutely, yes. There's been additions of
18 new subdivisions in the area around the corner.

19 Everywhere you look, you see new construction, so it's
20 -- yes, there's actually been a lot of new additions.

21 Q. And have there been economic changes? I think
22 you're talking about --

23 A. Yes.

24 Q. -- the Nashville and Bowling Green pool?

25 A. Yes, yes. There's -- there is going to be an

1 increase of population. Every year -- I know every year
2 with every city, there's going to be an increase in
3 population, so this kind of helps with that issue with
4 housing.

5 Q. Now, is this development, is it going to be in
6 close proximity to that new police station?

7 A. Yes. I think it's just right in the area.

8 Q. And are you aware of any amenities at that new
9 police station that these residents could use?

10 A. Yes. I believe that there will be a hiking
11 trail. I'm not sure if there's going to be anything
12 else, but I -- I hope that there is. So that way, our
13 residents can have that and take advantage of that.

14 Q. So is it your request tonight that the board
15 amend its map so that we take this B3 section and make
16 it R2 just to bring it in conformity with everything
17 that's around it?

18 A. Yes.

19 MS. EAST: So we would have no further
20 questions of this witness and would pass at this
21 time.

22 MR. WEISSINGER: I think it's a shame we
23 couldn't get part of that old building that was torn
24 down.

25 THE WITNESS: I know.

1 MR. WEISSINGER: That's an eyesore.

2 THE WITNESS: Uh-huh.

3 MR. MYLER: How many duplexes will there --
4 well, never mind. That's not what we're here for.

5 MR. SLIGER: Any questions?

6 MS. EAST: At this time, if it pleases the
7 Chairperson, we'd like to present findings. And I
8 apologize. I did not realize that Ms. Thornton was
9 not going to be here this evening, so it says
10 Chairwoman.

11 MR. SLIGER: Okay.

12 MS. EAST: But please feel free to mark that
13 out if you feel inclined.

14 MR. SLIGER: I won't take it personally.

15 MS. EAST: Well, thank you.

16 MR. SLIGER: Vice chair or what did you say?

17 FEMALE SPEAKER: Second vice chair?

18 MR. SLIGER: No, that's fine.

19 MALE SPEAKER: More residential than business
20 in that particular spot.

21 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

22 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

23 MR. SLIGER: Is that all for us? Is that it?

24 MS. EAST: That's all that we have. We rest.

25 MR. SLIGER: We've got a findings of facts and

conclusions of law and heard their case. At this moment, I'm looking for a motion.

MR. KEPLEY: Can I have one? I make a move -- motion that we approve the 17.7 acres on -- for Prime Investment Group, LLC for a zone change of B3 to R2, and we accept the findings of facts and conclusions.

MS. EAST: And just as a quick caveat, we're only rezoning that 2.7, so...

MR. KEPLEY: Oh, okay. Sorry. 2.7 acres of the 17.7.

MR. SLIGER: All right. We have a motion. Do we have a second?

MR. WEISSINGER: I'll second.

MR. SLIGER: Mr. Weissinger seconds. All in favor say aye.

COMMISSION: Aye.

MR. SLIGER: All opposed? All right. It passes.

(HEARING CONCLUDED AT 7:17 P.M. (CT))



CERTIFICATE OF REPORTER

COMMONWEALTH OF KENTUCKY AT LARGE

I do hereby certify that the hearing in the foregoing transcript was taken on the date, and at the time and place set out on the Title page here of by me and that the said matter was recorded digitally by me and then reduced to type written form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skill and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.

Amy Kelley

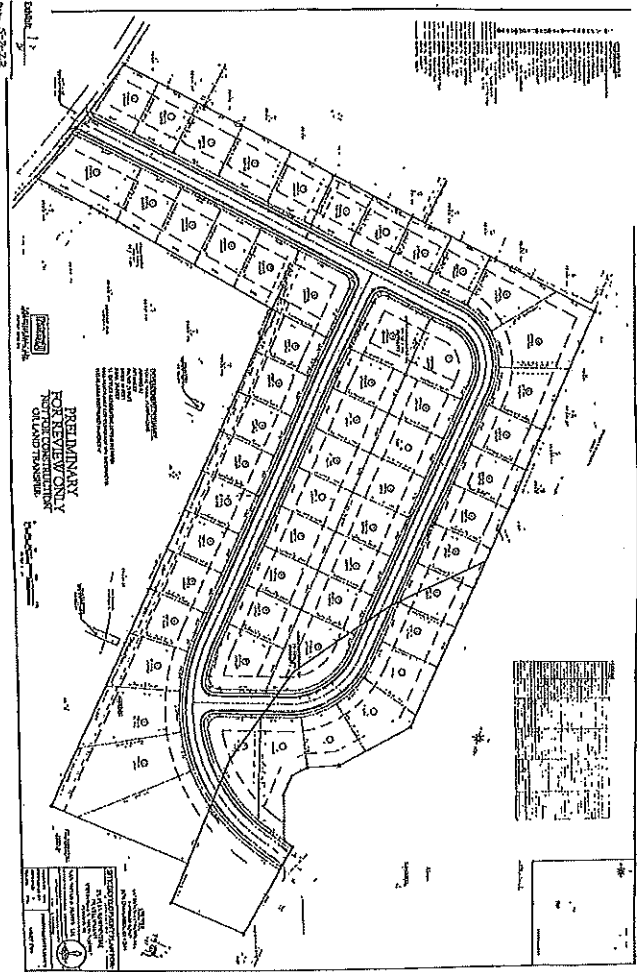
AMY KELLEY,

COURT REPORTER / NOTARY

MY COMMISSION EXPIRES ON: 06/02/2026

SUBMITTED ON: 06/01/2023

Table with 4 columns: Word, Page, Word, Page, Word, Page. Lists various words and their corresponding page numbers from the hearing transcript.



Minutes
Franklin-Simpson Planning & Zoning Commission
Tuesday, May 2, 2023, 6:30 pm.
City Commission Meeting Room
117 West Cedar Street, Franklin, KY.

Members in Attendance: George Weissinger, Derrick Kepley, Craig Mylor, Gary Silger and Ronnie Stills.

Members Absent: Madam Chair Debbie Thornton, Chad Konow, and John Mayeur

Others Present: Carter Munday, Sydney Downey, Robert Link, Amy Kelley, Sam Crocker, David Carver, Jason Baker, Rodney Rogers, Tai Nguyen, Alloah Tran, Lucas Slavey, and Amanda East.

2nd Vice Chair Gary Silger called the meeting to order at 6:30 p.m. George Weissinger opened with prayer.

A motion was made by Derrick Kepley and seconded by George Weissinger to approve the April 18th meeting minutes. All members voted in favor of the motion.

The Merrill R. & Ruth Hammons Trust (Hammons Farm) To Present a Phase 1 Final Development Plan for A Residential Subdivision Located Northside of North Street Between the Existing Railroad and Blackjack Road.

Sam Crocker, the attorney for the project presented it to the board. Carter Munday had a meeting with the city earlier before the meeting to discuss the project. They have met all requirements with water and sewer, the only question they had was for Jason Baker, engineer for the project, was what was the plan for mail kiosk and screening buffer for homes that are facing North Street? Mr. Baker stated that they have a mail kiosk in place, with 6 parking spots. More would be implemented as the phases became completed.

They plan on putting a buffer for the houses facing North Street. Can't do anything extravagant due to the ditch in area and what that leaves for space. Believe they will use shrubs and/or trees.

Mr. Munday brought the concerns he felt would arise for the GIS Engineer when it came time to assign addresses to lots due to the way they have the lots numbered. Rodney Rogers stated numbering system is based off the phasing of the neighborhood. Mr. Munday suggested going back and fixing some of it. Mr. Rogers says there is a reason to keep it how they have it for many reasons he did not go into detail about. If they need to change them they can look into it but if possible they would like to keep it how they have it now.

Derrick Kepley asked the engineers and partners about sidewalks in the neighborhood, size of houses, and if they had a list of builders they plan on using for the project. They stated that there

are sidewalks in place, Mr. Crocker said the houses are looking to be around 1200sqft. They have some respected builders in the town that they have been in contact with: Josh Jones, Tim Eades, Brent Rushing, and Kelley Gregory. David Carver said they want to build something everyone wants to buy, and each house will complement the next in the appeal category.

Craig Mylor asked if the project met all the requirements of the comprehensive plan. Mr. Crocker emphasized that the plans follow the current comprehensive plan in place. There will be a HOA in place at 60%, the average home cost will be roughly 250-350k. Brick to grade minimum average of 30%.

A motion was made by Ronnie Stills and seconded by George Weissinger to approve Phase 1 Final Development Plan for a residential subdivision located northside of North Street between the existing Railroad and Blackjack Road. All members voted in favor of the motion.

A motion was made by George Weissinger and seconded by Craig Mylor to exit the regular business meeting and enter the public hearing. All members voted in favor of the motion.

PUBLIC HEARING

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

Amanda East, attorney representing Quy Le, Tom Phan, Tammy Yen Nguyen, and Prime Investment Group LLC, presented the board with a request for a zone change from B-3 (Neighborhood Business District) to R-2 (Single Family & Duplex (Two Family) District) for a 2.7879-acre parcel located along Witt Road & Madison Street, adjacent to Millwood Estates.

Ms. East stated that the proposed concept was to fill in a small piece of property that zoning did not reflect everything else around it.

Lucas Slavey, with Van Meter & Slavey, LLC, was sworn in, and Ms. East proceeded with testimony. Mr. Slavey stated that he has worked on several properties in Franklin: Lexington Place, Williamsburg, and Windsor Park. He has currently been working with Win Group. He believes considering what is around this property the current zoning isn't appropriate. Rezoning the area would be great and would add some diversified housing options to the area. Gary Silger stated that everything around that area is residential.

Alloah Tran & Tai Nguyen, Partners in Prime Investment Group, LLC, was sworn in and Ms. East proceeded with testimony. Mrs. Tran stated that she has been a Property Manager in Bowling Green for two years. Mrs. Tran's husband, Tai Nguyen is in real estate. She is currently building the 8-Plex Apartments beside Dollar General in Bowling Green on Nashville Road. She has managed over 100 properties and plans on managing the duplex here in Franklin. They liked the location of the area and the proximity it is to everything in Franklin. Wants to add something nice to it but needs it to be rezoned according to everything surrounding it. The plan is to build a duplex mixed with 1 & 2 stories, all units will have 3 bedrooms and 2.5 baths with garages. She is not a fan of vinyl siding and likes the idea of using brick and hardy board for building design.

Wants to keep rent amount around \$1200/month. Ready to comply with all the regulations and suggestions from the board. Believes that the rezone is needed and would be consistent with Millwood Estates.

A motion was made by Derrick Kepley and seconded by George Weissinger to approve the requested zone change from B-3 (Neighborhood Business District) to R-2 (Single Family & Duplex (Two Family) District) for a 2.7879-acre parcel located along Witt Road & Madison Street, adjacent to Millwood Estates, and to accept the presented Findings of Facts and Conclusions of Law. All members voted in favor of the motion.

A motion was made by Ronnie Stills and seconded by Derrick Kepley to exit the public hearing. All members voted in favor of the motion.

Second Vice Chair Gary Silger adjourned the meeting at 7:21 p.m.

Respectfully Submitted:

Sydney Downey, Administrative Assistant

Debbie Thornton, Madam Chair

Gary Silger, 2nd Vice Chair