Sponsors	Commissioner Larry Dixon Commissioner Jamie Powell
Second Reading	May 14, 2018
Publication Date	May 17, 2018

ORDINANCE NO. 2018 - 008

AN ORDINANCE REZONING LOTS 68 AND 69 OF THE WILLOWS SUBDIVISION LOCATED NORTH AND EAST OF BLUEGRASS ROAD AT THE EAST END OF CYPRESS DRIVE (UNDEVELOPED) FROM R-2 (SINGLE FAMILY AND TWO FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS)

WHEREAS, SMP Properties, LLC, a Kentucky limited liability company, P. O. Box 900, Bowling Green, Kentucky 42102, filed a petition to rezone Lots 68 and 69 of The Willows Subdivision located north and east of Bluegrass Road at the east end of Cypress Drive (undeveloped); and

WHEREAS, SMP Properties, LLC desires to rezone the aforementioned property from R-2 (Single Family and Two Family Residential) to B-2 (General Business) 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 April 10, 2018, 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:

Lots 68 and 69 of The Willows Subdivision located north and east of Bluegrass Road at the east end of Cypress Drive (undeveloped), as described below, are granted a zone change from R-2 (Single Family and Two Family Residential) to B-2 (General Business):

> Certain real property located at the east end of Cypress Drive (undeveloped), north of Bluegrass Road, in south Franklin, Simpson County, and more particularly described as follows, to-wit:
>
> Being Lot No. 68 and 69 of The Willows Subdivision of record in Plat Book 4, Page 306, Simpson County Clerk's Office.
>
> Being a part of the same property conveyed to SMP Properties, LLC, by South Street, LLC by deed dated November 10, 2016, of record in Deed Book 324, Page 241, Simpson County Clerk's Office.

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 23, 2018 FIRST READING

May 14, 2018 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on May 14, 2018, on motion made by Commissioner Dixon and seconded by Commissioner Barney, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON

Yes JAMIE POWELL

Yes MASON BARNES

Yes WENDELL STEWART

Absent RONNIE CLARK, MAYOR

APPROVED BY:

Jamie Powell

JAMIE POWELL, Mayor Pro Tem

ATTEST:

Cathy Dillard

Cathy Dillard, City Clerk

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from R-2 (Single Family and Two Family Residential) to B-2 (General Business) by SMP Properties, LLC

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

A public hearing was held before this Commission on April 10, 2018, beginning at the hour of 6:30 p.m. on the petition of SMP Properties, LLC ("Petitioner") that its Lots 68 and 69 of The Willows Subdivision located north and east of Bluegrass Road at the east end of Cypress Drive (undeveloped) in Franklin, Simpson County, Kentucky, be re-zoned from R-2 to B-2. The Chairman of the Commission, Carter Munday, presided. A quorum of the Commission was present. The petitioner was represented by G. William Leach, Jr. The hearing was stenographically recorded by the firm of James Dale, licensed court reporter.

The Commission then proceeded to hear an opening argument from attorney Leach and testimony in favor of the zone change on behalf of the Petitioner. There was an opportunity for cross-examination. Questions were asked and answered.

Having heard testimony, having reviewed the petition for zone change, the exhibits presented, including an aerial map of the area, and having reviewed the Comprehensive Plan, as updated, for Simpson County, Kentucky, Pat Jones moved, Kent Wilson seconded, and the Commission unanimously voted 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 undeveloped Lot Nos. 68 and 69 of The Willows Subdivision whose plat appears of record in Plat Book 4, Page 306, Simpson County Clerk's Office. The lots are at the end of an undeveloped platted street called Cypress Drive, and they are undeveloped and exceptionally large.

II

The two lots border B-2 zoned property to the south also owned by the Petitioner. In addition, the Petitioner owns property to the north and west of the subject property. The only boundary property touching Lots 68 and 69 which is not owned by the Petitioner is that to the east owned by Lifepoint Church. Property to the south has been developed for multi-family housing. Property to the southwest has been developed into storage units. Property to the southeast was recently acquired by the Franklin Electric Plant Board and also re-zoned to B-2.

III

The area in question is served by all necessary utilities including water, sewer, electric, fiber, and natural gas. Access to Lots 68 and 69 will not be through Cypress Drive and The Willows Subdivision, but rather through the existing apartment complex owned by the Petitioner located to the south which has access on Bluegrass Drive. The Petitioner does not intend for Lots 68 and 69 to be a part of The Willows Subdivision. It intends to develop the remainder of The Willows Subdivision as R-2 property.

IV

The Simpson County Comprehensive Plan is dated 1992, and was adopted in the Fall of 1994, and updated in 2010. The zone change is consistent with the strictures of the Comprehensive Plan which suggests that developing commercial land use should be in areas that have available utilities and are served by good road access. The Comprehensive Plan at pages 111 and 118 specifically points out that areas of developing commercial use are primarily located within Franklin's urban limits and south of the central business district. The subject property is located within Franklin's urban limits and south of the central business district. The subject property is already bordered by B-2 land on the south and west.

V

Residential dwellings as permitted in residential R-4 zoning districts are permitted in a B-2 zone, and the Petitioner intends to develop the property for multi-family use purposes. Significant residential areas lie within the immediate area of the property, and the Petitioner's multi-family units situated to the south have been well received and are now full.

VI

There have been major changes of an economic, physical, and social nature within the area which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of the area. There have other re-zonings of property to commercial in the area, and several residential commercial properties have been converted to commercial use. For example, the residentially zoned farmland to the northeast was developed for Lifepoint Church on a 12.3 acre site. The Franklin Electric Plant Board will likely construct an office yard for its operation to the southeast on the corner of Witt Road and Bluegrass Road. Subdivisions to the north and west are full such that additional residential opportunities in the

area are desirable.

VII

The purpose of the general business zoning district is to serve adjacent neighboring residential areas, so the re-zoning of the subject property is consistent with the presence of the remaining residential areas to the west and north. The presence of commercial operations immediately to the south, east, and west of the subject property along Bluegrass Road makes a commercial classification expected and appropriate.

CONCLUSIONS OF LAW

A re-zoning of the subject property is not inconsistent with the Comprehensive Plan and is in order since the area has and is seeing major changes of an economic, physical, or social nature which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of the area. The zone change request meets the criteria of KRS 100.213 and § 10.7 of the Franklin-Simpson Zoning Regulations.

RECOMMENDATION

The Commission having adopted the foregoing Findings of Fact and Conclusions of Law, does now hereby recommend to the Simpson County Fiscal Court that the zone change be approved and that the property described in the attached Appendix be re-zoned from R-2 to B-2.

CARTER MUNDAY, Chairman

PROPERTY DESCRIPTION APPENDIX

EXHIBIT A

Certain real property located at the east end of Cypress Drive (undeveloped), north of Bluegrass Road, in south Franklin, Simpson County, Kentucky, and more particularly described as follows, to-wit:

Being Lot No. 68 and 69 of The Willows Subdivision of record in Plat Book 4, Page 306, Simpson County Clerk's Office.

Being a part of the same property conveyed to SMP Properties, LLC, by South Street, LLC by deed dated November 10, 2016, of record in Deed Book 324, Page 241, Simpson County Clerk's Office.

FRANKLIN - SIMPSON COUNTY
PLANNING & ZONING COMMISSION

IN RE: SMP PROPERTIES REQUESTING A ZONE CHANGE FROM R-2, SINGLE FAMILY AND DUPLEX DISTRICT TO B-2, GENERAL BUSINESS

*** *** *** ***

TRANSCRIPT OF PROCEEDINGS
DATE: APRIL 10, 2018

*** *** *** ***

JAMES A. DALE, JR., REPORTER

CONDENSED

INDEX

The TRANSCRIPT OF PROCEEDINGS, taken pursuant to notice heretofore filed, in the Meeting Room, Simpson County Courthouse, Franklin, Simpson County, Kentucky, on Tuesday, April 10, 2018, at 6:30 p.m.

*** *** *** ***

APPEARANCES

Commissioners present:
Carter Munday, Chairman
Pat Jones
Kent Wilson
George Weisinger
Debbie Thornton
Gary Sliger

Staff Present:
Joseph Perry, Building Inspector
Julie Freeman, Administrator

For the Franklin - Simpson County Planning & Zoning Commission:
Robert Young Link
205 West Kentucky Avenue
P. O. Box 474
Franklin, KY 42135-0474

For the Applicant:
G. William Leach, Jr.
Leach & Cummins
200 North Main Street
P. O. Box 425
Franklin, KY 42135-0425

*** *** *** ***

CHAIRMAN MUNDAY: Call the meeting to order of the

Franklin-Simpson Planning & Zoning Commission, April 10, 2018 at 6:30 p.m.

We, first item on the agenda is, we have the approval of the minutes of March 1st, called meeting. Floor is open for a motion.

COMMISSIONER JONES: Make a motion to approve the minutes.

CHAIRMAN MUNDAY: Motion by Jones. Second.

COMMISSIONER THORNTON: (Indicating).

COMMISSIONER WEISINGER: Second.

CHAIRMAN MUNDAY: Second by Weisinger. All in favor. (Indicating). Motion carries. Next item we have under old business, we have none. New business tonight; we've got two items. First item on the agenda is the SMP Properties requesting a zone change from the current R-2, single family duplex, to the district B-2, general business district, lot 68, 69 only of the Willows subdivision off 1008.

First of all on it, who's here in opposition of this zone change? No one. Okay. Mr. Leach, I'm assuming you represent SMP.

MR. LEACH: Yes, sir.

CHAIRMAN MUNDAY: Okay. You can take the floor.

MR. LEACH: Thank you, Mr. Chairman, members of the Commission. I'm Buddy Leach, and I represent SMP, the

1 Petitioner in this matter. And we're seeking to rezone
2 lots 68 and 69 of the Willows. That section of the
3 Willows is undeveloped, and these two lot are rather
large. And they back up to property that SMP owns on
Bluegrass Road that they have already developed for an
6 apartment complex.
7 In fact we were here May 3rd of '16 for a public
8 hearing, and you recommended the zone change. And it
9 did occur, and they built the apartments, and they have
10 been very successful. They also own the undeveloped
11 lots for Willows to the north there.
12 And because the apartments are so successful,
13 they'd like to use a couple of those lots directly
14 behind what they have to move into for the apartment
15 complex.
16 So that's what we're about. So I'd like to make
17 Petitioner's Exhibit 1 an aerial photo of the area.
18 It's actually a zoning map of the area. I've labeled
19 various locations in the area just to get you oriented.
20 Okay. I'd like to make this Exhibit 1.
21 CHAIRMAN MUNDAY: Let the record show that as Exhibit
22 1, Mr. Dale, please.
23 (Petitioner Exhibit 1 was duly marked for
24 identification).
25 MR. LEACH: So, of course, to the top is north. You

1 can see Westwood there. It's located on the east side
2 of the bypass. And then behind it you have Millwood
3 which of course is on the west side of Witt Road. And
4 then you have --
5 There's one street that's developed in the
6 Willows there. You can see the little boxes for the
7 houses that are there. And then there's a large
8 undeveloped section of the Willows to the south of the
9 Willows, and actually SMP owns it as well.
10 So what you see there is these storage units,
11 B-2. SMP owns that. SMP owns the B-2 that has
12 apartments, and then SMP owns the undeveloped Willows
13 lots. So actually they, SMP owns all the property that
14 touches these two lots except for the Life Point church
15 property to the east.
16 Life Point has about 12 acres there backs up to
17 the apartments. And they're not opposed to do this
18 because they're in the people business. And so the more
19 people that they can get out there and get close to
20 them, the more satisfied they are. So, and actually SMP
21 worked with them to get some sewer lines there. So they
have been good neighbors.
23 So the part that I shaded in the middle of the
24 page there is the, is the, are two lots that we're
25 requesting to seek to rezone. And if you notice they're

1 actually really large lots compared to the other Willows
2 lots.
3 So it turned out to be pretty conducive to have
4 them become a part of the apartment lot that's already
5 B-2. So we're seeking to rezone those two R-2 lots to
6 match to B-2 there to the south.
7 Now, the plan is for access to those, to those
8 two lots not to be through the Willows. So we don't
9 want to have the apartment traffic coming through the
10 Willows.
11 There's an undeveloped road there called Cypress
12 Drive. They intend for the access to those to be
13 through the existing apartment complex which has
14 Bluegrass Road access.
15 We're actually here for two public hearings
16 tonight. One is the rezoning. And if that's
17 recommended, then we need a lot line modification as
18 well.
19 So I would like to make Petitioner's Exhibit 2 a
20 drawing to show the location of the lot line. And, Bob,
21 don't you think just handle the public hearing kind of
22 together?
23 MR. LINK: (Nodding head affirmatively).
24 CHAIRMAN MUNDAY: What exhibit number do you want to
25 make this?

1 MR. LEACH: Two. Petitioner's Exhibit 2.
2 (Petitioner Exhibit 2 was duly marked for
3 identification).
4 MR. LEACH: So what you see here is, you've got the
5 large tract there, and that tract is B-2. And then you
6 see the two smaller tracts to the back. Those are the
7 two undeveloped lots, lots 68 and 69.
8 So what we want to do is to remove the lot line
9 between 68 and 69 so that that's one body of land; and
10 then also remove the lot line between those two and
11 tract one. It will make one large tract of 4.65 acres.
12 This is a case where we notified not only the
13 adjoining property owners, but we notified every lot
14 owner in the Willows, even those that are far to the
15 north just think and this --
16 Bob and I talked about this; that it would be a
17 good idea, that if anybody has any objections let them
18 come and be heard. I didn't think there would be
19 anybody here. And there's not.
20 So I'd like to call one witness on this, and it's
21 Trapper Pendleton.
22 CHAIRMAN MUNDAY: Mr. Pendleton, before you make any
23 statements, I'll need you to be sworn in. Mr. Dale, if
24 you don't mind, please.
25 **TRAPPER PENDLETON**, called on behalf of the

1 Petitioner, being first duly sworn, was examined and
2 testified as follows:
3 **EXAMINATION**
BY MR. LEACH:
Q. So you're Trapper Pendleton?
6 **A. Yes, sir.**
7 Q. Are you one of the members of SMP Properties,
8 LLC?
9 **A. I am.**
10 Q. And that's a Kentucky limited liability company
11 comprised of you and your brother, Clay Pendleton?
12 **A. (Nodding head affirmatively).**
13 Q. And also two other fellows, Phillip Schardein.
14 Is he an insurance agent in Bowling Green?
15 **A. He's an insurance agent.**
16 Q. And Matt McGill who is an attorney in Bowling
17 Green.
18 **A. That's right.**
19 Q. And the four of you were the same members that
20 existed back in 2016 when we were here in May, weren't
21 you?
22 **A. Correct.**
23 Q. I think your brother testified then. Did we
24 intimidate him at that time to come down here?
25 **A. I believe so.**

1 Q. Okay. You're actually the builder anyway, aren't
2 you?
3 **A. I am.**
4 Q. So you've heard what I've told the Commission.
5 So is it your plan then to extend the road through the
6 apartments and to develop these two for multifamily
7 housing?
8 **A. That's right.**
9 Q. And tell the Commission how multifamily.
10 How deep will the buildings be? What density?
11 **A. They're eight-plexes. They're four down, four**
12 **up, the same as we built on the first phase. And they**
13 **are roughly 900 square feet.**
14 Q. Okay.
15 **A. Each unit.**
16 Q. So this would allow you to build two more
17 buildings.
18 **A. Two more buildings.**
19 Q. Two more eight-plexes. So 16 more units.
20 **A. 16 more units.**
21 COMMISSIONER WEISINGER: You haven't got all the
current finished yet, correct?
23 THE WITNESS: We do not.
24 Q. What's behind your decision to try to move
25 northward and to expand your footprint there?

1 **A. We just, we've got a large number of applicants,**
2 **more than we expected. And we're already filled up,**
3 **still getting calls. So we just thought that it would**
4 **be a good time. We're getting calls from surrounding**
5 **areas, Scottsville, Glasgow.**
6 **A lot of them are in Tennessee. And it seems a**
7 **lot of people are moving in. You know. So we just**
8 **thought that it would be a good time to build some more**
9 **while we're doing our second phase.**
10 Q. I think your company originally bought the
11 storage units and then were thinking about expanding the
12 storage units to the east. But someone suggested
13 something else, didn't they?
14 **A. They did.**
15 Q. Was that Mr. Griffin --
16 **A. It was.**
17 Q. -- who related to your company the need for new
18 apartments?
19 **A. He did.**
20 Q. Housing in Franklin?
21 **A. Uh-huh.**
22 Q. Will you, would you build out your existing
23 location before you add the two new units on the two new
24 lots?
25 **A. I believe, our intention would be to build all of**

1 **them, if this were approved, to build all of it out.**
2 Q. The next phase --
3 **A. Build them all because of the demand. Yes.**
4 Q. Okay. Now, this came up at the last hearing.
5 But these are not low income apartments, not government
6 assisted housing or anything of that nature. Correct?
7 **A. That's correct. They're not.**
8 Q. And so these are fairly nice units?
9 **A. They are. We did some nice finishes, some nice**
10 **hard surface flooring, granite, nice cabinets, nine-foot**
11 **ceilings. We have some nice flooring in the bathrooms.**
12 **All the rooms are good size. They're pretty nice we**
13 **feel like.**
14 Q. What do they rent for?
15 **A. 780, 780 a month.**
16 Q. Okay. Now, you already have buildings there. So
17 all the utilities are available?
18 **A. They are.**
19 Q. City sewer, water, everything you need?
20 **A. Water. We installed fiber in all the units. And**
21 **Insight Table or ComCast, I believe.**
22 Q. Your primary access is planned to be Bluegrass
23 Road. Has that proved to be a good way in and out?
24 **A. It does.**
25 Q. Nobody has complained about they can't get off

1 the road or anything?
2 **A. We haven't heard anything. No, sir.**
3 MR. LEACH: Mr. Chairman, I believe that's all the
4 questions I have.
CHAIRMAN MUNDAY: Okay. Is there any questions from
6 the board?
7 COMMISSIONER THORNTON: I have some questions.
8 **EXAMINATION**
9 BY COMMISSIONER THORNTON:
10 **Q.** Trapper, they look very nice from the road. I
11 have not been in, but it's a nice display, looks very
12 good.
13 **A. Thank you.**
14 **Q.** Do you plan on continuing the same look, or will
15 you -- Will it be very similar or --
16 **A. The same look is what we're --**
17 **Q.** Essentially.
18 **A. The same plans, exactly. The first phase, the**
19 **reason we didn't do all of it at once; we didn't know**
20 **the demand, whether we needed to do one-bedrooms or**
21 **three-bedrooms. Two-bedrooms seem to be real popular,**
22 **and we're thinking to continue on with the two-bedroom,**
23 **same plan, same finishes.**
24 **Q.** Will there be a pool there, sort of for the
25 complex or --

1 **A. We don't --**
2 **Q.** Is that anything in the plans?
3 **A. We don't have that in the plans; no, ma'am.**
4 **Q.** It looks very nice from the road. I have seen
5 it. It looks very nice.
6 **A. Thank you. We're proud of it.**
7 CHAIRMAN MUNDAY: Anyone else? Mr. Leach, have you
8 got findings of fact?
9 MR. LEACH: Let me ask him one more question.
10 **EXAMINATION**
11 BY MR. LEACH:
12 **Q.** Let me show you something that I've hand labeled
13 a conceptual development plan. Is that sort of like
14 where you plan to put the buildings on the lot?
15 **A. It's is. That's our idea.**
16 MR. LEACH: Let me make this Petitioner's Exhibit 3,
17 just because I think we're supposed to have a, somewhat
18 of a plan.
19 CHAIRMAN MUNDAY: All right.
20 MR. LEACH: More than one building.
21 (Petitioner Exhibit 3 was duly marked for
identification)
23 COMMISSIONER THORNTON: Let me make sure I understand.
24 So essentially they, the land surrounding these lots.
25 MR. LEACH: Yes.

1 COMMISSIONER THORNTON: And so these lots are almost
2 landlocked to the property they already have.
3 MR. LEACH: Correct.
4 COMMISSIONER THORNTON: If we change the, it's not
5 like a, we're not disrupting a single family housing.
6 Correct?
7 MR. LEACH: No. The rest of the Willows is zoned R-2
8 which could be duplexes anyway.
9 COMMISSIONER THORNTON: Oh, is it already R-2?
10 MR. LEACH: Its' already R-2.
11 COMMISSIONER THORNTON: Okay.
12 MR. LEACH: So they plan, I think, for most of them to
13 be single family, but there might be a few duplexes in
14 there as well.
15 COMMISSIONER THORNTON: I know there's a street, you
16 know, sort of in that area past the Willows that has the
17 duplexes. It's past the Willows that Mr. Bullington
18 did. Do you know what I'm talking about?
19 MR. LEACH: Uh-huh.
20 COMMISSIONER THORNTON: So this essentially will be
21 landlocked is what you're --
22 MR. LEACH: Uh-huh.
23 COMMISSIONER THORNTON: Very, very good. Okay.
24 **EXAMINATION**
25 BY COMMISSIONER SLIGER:

1 **Q.** You will be going through the existing property
2 to get to --
3 **A. Yes, going through the apartments, SMP**
4 **Properties. Right.**
5 MR. LEACH: That's all I have, Mr. Chairman. I do
6 have findings, if you're ready for those.
7 CHAIRMAN MUNDAY: Yes. You wanted to do the hearing
8 together with modification, lot line modification?
9 MR. LEACH: Right.
10 CHAIRMAN MUNDAY: Okay. Have you got, does your
11 findings of fact include --
12 MR. LEACH: I don't have any findings about the lot
13 line modification. It's just the recommendation for the
14 rezoning. I thought you'd probably have a vote yea or
15 nay on the lot line modification.
16 CHAIRMAN MUNDAY: Okay. All right. Very well. Go
17 head and present your findings of fact. We'll take a
18 few minutes to allow the board to review this.
19 MR. LEACH: Is this witness excused?
20 CHAIRMAN MUNDAY: Yes. You're excused. I'm sorry.
21 COMMISSIONER SLIGER: That chair is probably more
22 comfortable.
23 MR. LEACH: I might add, I think there are two grounds
24 for the rezoning. One is that it's consistent with the
25 Comprehensive Plan, and the other is that there have

been major changes in the area. I think both of those exist.

I think if you look at the Comprehensive Plan it is anticipated that there would be B-2 in the area and residential in the area. But, of course, there have been a lot of changes in the area, too, since your Comprehensive Plan was adopted years ago. So I incorporated that in the findings.

CHAIRMAN MUNDAY: (Nodding head affirmatively). Any questions from the board?

COMMISSIONER SLIGER: I've got a question. What's the advantage to the B-2 zoning rather than an R-4 zone?

MR. LEACH: Well, it would allow more flexibility. It would be, you could put some business operation there. But really we thought it's more consistent, because everything around it is B-2.

So what they want to do is the apartments. And in B-2 you can do the same thing you can do in R-4. So it just, I think it looks better on the zoning application, consistent with B-2.

COMMISSIONER SLIGHTER: I thought that's --

CHAIRMAN MUNDAY: Any discussion? Anybody have anything they want to discuss?

COMMISSIONER THORNTON: I just want to show Mr. Leach this.

REPORTER'S NOTE: Whereupon there was a short discussion between Commissioner Thornton and Mr. Leach.

CHAIRMAN MUNDAY: We're in a public hearing.

COMMISSIONER THORNTON: I'm just asking about -- I'm sorry -- what somebody said. Please forgive me.

CHAIRMAN MUNDAY: Yeah. Okay.

COMMISSIONER THORNTON: I thought it was a typo. I'm sorry.

CHAIRMAN MUNDAY: Okay. It's just not good etiquette to do that. I'm sorry, Mr. Dale.

COMMISSIONER THORNTON: Please forgive me.

CHAIRMAN MUNDAY: Anyway, moving right along, if there's no more discussion that needs to take place with the board, then the floor is open for a motion.

COMMISSIONER JONES: Carter.

CHAIRMAN MUNDAY: Yes.

COMMISSIONER JONES: Does this motion to be made to do both things, to rezone and remove the lot lines in one motion or what?

MR. LINK: Let's just do the zoning question first.

COMMISSIONER JONES: Okay. I make a motion that we rezone it from R-2 to B-2 business.

CHAIRMAN MUNDAY: You're accepting the findings of fact?

COMMISSIONER JONES: Accept the findings of fact.

CHAIRMAN MUNDAY: Okay. There's a motion on the floor acceptance of the findings of fact presented tonight by Mr. Jones. Do I hear a second?

COMMISSIONER WILSON: Second.

CHAIRMAN MUNDAY: Second by Mr. Wilson. All in favor? (Indicating). Mr. Wilson, I suppose you're voting for it, too.

COMMISSIONER WILSON: Yes, sir.

CHAIRMAN MUNDAY: Okay. Motion is unanimous. Motion carries. That will end that hearing. Next thing you wanted us to do was to move on the lot line modification?

MR. LEACH: Yes, sir. I think that's probably just a yes or no vote.

CHAIRMAN MUNDAY: Yeah. That's, I'm going to adjourn the hearing so Mr. Dale can leave, because we usually don't do a lot line modification with a hearing. So we're going to adjourn for five minutes to allow Mr. Dale to leave the room.

MR. LEACH: Okay.

CHAIRMAN MUNDAY: So we'll take a recess for five minutes.

STATE OF KENTUCKY)
) SS.
COUNTY OF WARREN)

I, James A. Dale, Jr., a Notary Public, within and for the State of Kentucky, do hereby certify that the foregoing **TRANSCRIPT OF PROCEEDINGS**, was taken before me at the time and place and for the purpose in the caption stated; that the said witness was first duly sworn to tell the truth, the whole truth and nothing but the truth; that the Transcript of Proceedings was reduced to shorthand writing by me in the presence of the witness; that the foregoing is a full, true and correct transcript of said proceedings so given; and that the appearances were as stated in the caption.

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

WITNESS MY SIGNATURE, this 13th day of April, 2018. My commission expires May 18, 2019.

_____
Notary Public, Notary ID 442893
State at Large, Kentucky