

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.

the 1990s, the number of people in the world who are undernourished has declined from 1.1 billion to 800 million. The number of people who are malnourished has declined from 1.5 billion to 1 billion. The number of people who are obese has increased from 100 million to 300 million. The number of people who are overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 200 million to 400 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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

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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:

1. The first part of the report is a general introduction to the project.

2. The second part of the report is a detailed description of the methodology used.

3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and a list of references.

5. The fifth part of the report is an appendix containing additional data and figures.

6. The sixth part of the report is a bibliography of the literature cited.

7. The seventh part of the report is a list of the authors' addresses.

8. The eighth part of the report is a list of the authors' acknowledgments.

9. The ninth part of the report is a list of the authors' contact information.

10. The tenth part of the report is a list of the authors' affiliations.

11. The eleventh part of the report is a list of the authors' funding sources.

12. The twelfth part of the report is a list of the authors' disclosures.

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.

1. The first part of the document is a letter from the President of the United States to the Congress.

2. The second part is a report from the Secretary of the Treasury on the state of the Union.

3. The third part is a report from the Secretary of the Navy on the state of the Navy.

4. The fourth part is a report from the Secretary of the War on the state of the War.

5. The fifth part is a report from the Secretary of the Interior on the state of the Interior.

6. The sixth part is a report from the Secretary of the Agriculture on the state of the Agriculture.

7. The seventh part is a report from the Secretary of the Commerce on the state of the Commerce.

8. The eighth part is a report from the Secretary of the Education on the state of the Education.

9. The ninth part is a report from the Secretary of the Health on the state of the Health.

10. The tenth part is a report from the Secretary of the Labor on the state of the Labor.

11. The eleventh part is a report from the Secretary of the Finance on the state of the Finance.

12. The twelfth part is a report from the Secretary of the Justice on the state of the Justice.

13. The thirteenth part is a report from the Secretary of the State on the state of the State.

14. The fourteenth part is a report from the Secretary of the War on the state of the War.

15. The fifteenth part is a report from the Secretary of the Navy on the state of the Navy.

16. The sixteenth part is a report from the Secretary of the Interior on the state of the Interior.

17. The seventeenth part is a report from the Secretary of the Agriculture on the state of the Agriculture.

18. The eighteenth part is a report from the Secretary of the Commerce on the state of the Commerce.

19. The nineteenth part is a report from the Secretary of the Education on the state of the Education.

20. The twentieth part is a report from the Secretary of the Health on the state of the Health.

21. The twenty-first part is a report from the Secretary of the Labor on the state of the Labor.

22. The twenty-second part is a report from the Secretary of the Finance on the state of the Finance.

23. The twenty-third part is a report from the Secretary of the Justice on the state of the Justice.

24. The twenty-fourth part is a report from the Secretary of the State on the state of the State.

25. The twenty-fifth part is a report from the Secretary of the War on the state of the War.

26. The twenty-sixth part is a report from the Secretary of the Navy on the state of the Navy.

27. The twenty-seventh part is a report from the Secretary of the Interior on the state of the Interior.

28. The twenty-eighth part is a report from the Secretary of the Agriculture on the state of the Agriculture.

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.

THE NATIONAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

TO : DIRECTOR, FBI (100-442100) FROM : SAC, NEW YORK (100-100000)

SUBJECT: JAMES EARL RAY, AKA; ALLEGED ATTEMPT TO OBTAIN PASSPORT

RE: NEW YORK TELETYPE TO BUREAU, 1/11/68; BUREAU TELETYPE TO NEW YORK, 1/11/68

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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

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

5
6 *** **

7
8 A P P E A R A N C E S
9

10 Commissioners present:
11 Carter Munday, Chairman
12 Pat Jones
13 Kent Wilson
14 George Weisinger
15 Debbie Thornton
16 Gary Sliger

17 Staff Present:
18 Joseph Perry, Building Inspector
19 Julie Freeman, Administrator

20 For the Franklin - Simpson County
21 Planning & Zoning Commission:
22 Robert Young Link
23 205 West Kentucky Avenue
24 P. O. Box 474
25 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

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I N D E X

| | |
|---------------------------|----|
| TRAPPER PENDLETON | 8 |
| BY COMMISSIONER THORNTON: | 13 |
| BY MR. LEACH: | 14 |
| Petitioner Exhibit 1 | 5 |
| Petitioner Exhibit 2 | 8 |
| Petitioner Exhibit 3 | 14 |

1 Franklin-Simpson Planning & Zoning Commission, April 10,
2 2018 at 6:30 p.m.

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

6 COMMISSIONER JONES: Make a motion to approve the
7 minutes.

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

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

22 MR. LEACH: Yes, sir.

23 CHAIRMAN MUNDAY: Okay. You can take the floor.

24 MR. LEACH: Thank you, Mr. Chairman, members of the
25 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
4 large. And they back up to property that SMP owns on
5 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 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 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
22 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 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**

4 BY MR. LEACH:

5 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?

22 THE WITNESS: We do not.

23 Q. What's behind your decision to try to move
24 northward and to expand your footprint there?
25

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

13

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 --

14

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.

15

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:

16

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

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

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

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

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

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

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

21 COMMISSIONER SLIGHTER: I thought that's --

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

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

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

3 CHAIRMAN MUNDAY: We're in a public hearing.

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

6 CHAIRMAN MUNDAY: Yeah. Okay.

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

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

11 COMMISSIONER THORNTON: Please forgive me.

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

15 COMMISSIONER JONES: Carter.

16 CHAIRMAN MUNDAY: Yes.

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

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

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

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

25 COMMISSIONER JONES: Accept the findings of fact.

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

4 COMMISSIONER WILSON: Second.

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

8 COMMISSIONER WILSON: Yes, sir.

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

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

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

20 MR. LEACH: Okay.

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

1 STATE OF KENTUCKY)
) SS.
2 COUNTY OF WARREN)

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

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

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

21

22
23 Notary Public, Notary ID 442893
24 State at Large, Kentucky
25

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|--|---|--|--|---|
| | 8 | 20:19 area [8] - 5:17, 5:18, 5:19, 15:16, 17:1, 17:4, 17:5, 17:6 areas [1] - 11:5 assisted [1] - 12:6 assuming [1] - 4:21 attorney [1] - 9:16 available [1] - 12:17 Avenue [1] - 3:17 | BY [6] - 2:4, 2:5, 9:4, 13:9, 14:11, 15:25 bypass [1] - 6:2 | 18:7, 18:11, 18:15, 18:17, 18:21, 18:25, 19:4, 19:8 Commissioners [1] - 3:10 company [3] - 9:10, 11:10, 11:17 compared [1] - 7:1 complained [1] - 12:25 complex [4] - 5:6, 5:15, 7:13, 13:25 Comprehensive [3] - 16:25, 17:3, 17:7 comprised [1] - 9:11 conceptual [1] - 14:13 conductive [1] - 7:3 consistent [3] - 16:24, 17:15, 17:20 continue [1] - 13:22 continuing [1] - 13:14 correct [7] - 9:22, 10:22, 12:6, 12:7, 15:3, 15:6, 20:11 counsel [1] - 20:16 COUNTY [2] - 1:1, 20:2 County [3] - 3:3, 3:16 couple [1] - 5:13 course [3] - 5:25, 6:3, 17:5 Courthouse [1] - 3:3 Cummins [1] - 3:21 current [2] - 4:15, 10:22 Cypress [1] - 7:11 |
| '16 [1] - 5:7 | 8 [2] - 2:3, 2:9 | | | |
| 1 | 9 | | C | |
| 1 [5] - 2:8, 5:17, 5:20, 5:22, 5:23 10 [3] - 1:8, 3:4, 4:1 1008 [1] - 4:18 12 [1] - 6:16 13 [1] - 2:4 13th [1] - 20:19 14 [2] - 2:5, 2:10 16 [2] - 10:19, 10:20 18 [1] - 20:20 1st [1] - 4:4 | 900 [1] - 10:13 | | cabinets [1] - 12:10 caption [2] - 20:6, 20:13 carries [2] - 4:12, 19:10 Carter [2] - 3:10, 18:15 case [1] - 8:12 ceilings [1] - 12:11 certify [2] - 20:4, 20:15 chair [1] - 16:21 Chairman [4] - 3:10, 4:24, 13:3, 16:5 CHAIRMAN [27] - 3:25, 4:8, 4:11, 4:23, 5:21, 7:24, 8:22, 13:5, 14:7, 14:19, 16:7, 16:10, 16:16, 16:20, 17:9, 17:22, 18:3, 18:6, 18:9, 18:12, 18:16, 18:23, 19:1, 19:5, 19:9, 19:15, 19:21 CHANGE [1] - 1:3 change [4] - 4:15, 4:20, 5:8, 15:4 changes [2] - 17:1, 17:6 church [1] - 6:14 city [1] - 12:19 Clay [1] - 9:11 close [1] - 6:19 ComCast [1] - 12:21 comfortable [1] - 16:22 coming [1] - 7:9 commission [1] - 20:20 Commission [5] - 3:16, 4:1, 4:25, 10:4, 10:9 COMMISSION [1] - 1:2 Commissioner [1] - 18:2 COMMISSIONER [29] - 2:4, 4:6, 4:9, 4:10, 10:21, 13:7, 13:9, 14:23, 15:1, 15:4, 15:9, 15:11, 15:15, 15:20, 15:23, 15:25, 16:21, 17:11, 17:21, 17:24, 18:4, | |
| 2 | A | B | | |
| 2 [4] - 2:9, 7:19, 8:1, 8:2 200 [1] - 3:21 2016 [1] - 9:20 2018 [4] - 1:8, 3:4, 4:2, 20:19 2019 [1] - 20:20 205 [1] - 3:17 | accept [1] - 18:25 acceptance [1] - 19:2 accepting [1] - 18:23 access [4] - 7:7, 7:12, 7:14, 12:22 acres [2] - 6:16, 8:11 action [2] - 20:16, 20:17 add [2] - 11:23, 16:23 adjoining [1] - 8:13 adjourn [2] - 19:15, 19:18 Administrator [1] - 3:15 adopted [1] - 17:7 advantage [1] - 17:12 aerial [1] - 5:17 affirmatively [3] - 7:23, 9:12, 17:9 agenda [2] - 4:3, 4:14 agent [2] - 9:14, 9:15 ago [1] - 17:7 allow [4] - 10:16, 16:18, 17:13, 19:18 almost [1] - 15:1 AND [1] - 1:4 anticipated [1] - 17:4 anyway [3] - 10:1, 15:8, 18:12 apartment [5] - 5:6, 5:14, 7:4, 7:9, 7:13 apartments [9] - 5:9, 5:12, 6:12, 6:17, 10:6, 11:18, 12:5, 16:3, 17:17 appearances [1] - 20:13 Applicant [1] - 3:20 applicants [1] - 11:1 application [1] - 17:20 approval [1] - 4:4 approve [1] - 4:6 approved [1] - 12:1 APRIL [1] - 1:8 April [3] - 3:4, 4:1, | B-2 [13] - 1:4, 4:16, 6:11, 7:5, 7:6, 8:5, 17:4, 17:12, 17:16, 17:18, 17:20, 18:22 backs [1] - 6:16 bathrooms [1] - 12:11 become [1] - 7:4 bedroom [1] - 13:22 bedrooms [3] - 13:20, 13:21 behalf [1] - 8:25 behind [3] - 5:14, 6:2, 10:24 better [1] - 17:19 between [3] - 8:9, 8:10, 18:2 Bluegrass [3] - 5:5, 7:14, 12:22 board [4] - 13:6, 16:18, 17:10, 18:14 Bob [2] - 7:20, 8:16 body [1] - 8:9 bought [1] - 11:10 Bowling [2] - 9:14, 9:16 Box [2] - 3:18, 3:22 boxes [1] - 6:6 brother [2] - 9:11, 9:23 Buddy [1] - 4:25 build [6] - 10:16, 11:8, 11:22, 11:25, 12:1, 12:3 builder [1] - 10:1 Building [1] - 3:14 building [1] - 14:20 buildings [5] - 10:10, 10:17, 10:18, 12:16, 14:14 built [2] - 5:9, 10:12 Bullington [1] - 15:17 business [6] - 4:13, 4:17, 6:18, 17:14, 18:22 BUSINESS [1] - 1:4 | | |
| 3 | | | | D |
| 3 [3] - 2:10, 14:16, 14:21 3rd [1] - 5:7 | | | | Dale [6] - 5:22, 8:23, 18:10, 19:16, 19:19, 20:3 DALE [1] - 1:12 DATE [1] - 1:8 Debbie [1] - 3:12 decision [1] - 10:24 deep [1] - 10:10 demand [2] - 12:3, 13:20 density [1] - 10:10 develop [1] - 10:6 developed [2] - 5:5, 6:5 development [1] - 14:13 directly [1] - 5:13 discuss [1] - 17:23 |
| 4 | | | | |
| 4.65 [1] - 8:11 42135-0425 [1] - 3:22 42135-0474 [1] - 3:18 425 [1] - 3:22 442893 [1] - 20:22 474 [1] - 3:18 | | | | |
| 5 | | | | |
| 5 [1] - 2:8 | | | | |
| 6 | | | | |
| 68 [4] - 4:17, 5:2, 8:7, 8:9 69 [4] - 4:17, 5:2, 8:7, 8:9 6:30 [2] - 3:4, 4:2 | | | | |
| 7 | | | | |
| 780 [2] - 12:15 | | | | |

| | | | | |
|---|---|--|---|---|
| <p>discussion [3] - 17:22, 18:2, 18:13 display [1] - 13:11 disrupting [1] - 15:5 district [2] - 4:16, 4:17 DISTRICT [1] - 1:4 down [2] - 9:24, 10:11 drawing [1] - 7:20 Drive [1] - 7:12 duly [5] - 5:23, 8:2, 9:1, 14:21, 20:7 duplex [1] - 4:16 DUPLEX [1] - 1:4 duplexes [3] - 15:8, 15:13, 15:17</p> | <p>15:5, 15:13 far [1] - 8:14 favor [2] - 4:11, 19:5 feet [1] - 10:13 fellows [1] - 9:13 few [2] - 15:13, 16:18 fiber [1] - 12:20 filed [1] - 3:2 filled [1] - 11:2 findings [9] - 14:8, 16:6, 16:11, 16:12, 16:17, 17:8, 18:23, 18:25, 19:2 finished [1] - 10:22 finishes [2] - 12:9, 13:23 first [8] - 4:3, 4:14, 4:19, 9:1, 10:12, 13:18, 18:20, 20:7 five [2] - 19:18, 19:21 flexibility [1] - 17:13 floor [4] - 4:5, 4:23, 18:14, 19:1 flooring [2] - 12:10, 12:11 follows [1] - 9:2 foot [1] - 12:10 footprint [1] - 10:25 foregoing [2] - 20:5, 20:11 forgive [2] - 18:5, 18:11 four [3] - 9:19, 10:11 FRANKLIN [1] - 1:1 Franklin [6] - 3:3, 3:16, 3:18, 3:22, 4:1, 11:20 Franklin-Simpson [1] - 4:1 Freeman [1] - 3:15 FROM [1] - 1:3 full [1] - 20:11</p> | <p>H</p> <p>hand [1] - 14:12 handle [1] - 7:21 hard [1] - 12:10 head [4] - 7:23, 9:12, 16:17, 17:9 hear [1] - 19:3 heard [3] - 8:18, 10:4, 13:2 hearing [8] - 5:8, 7:21, 12:4, 16:7, 18:3, 19:10, 19:16, 19:17 hearings [1] - 7:15 hereby [1] - 20:4 heretofore [1] - 3:2 houses [1] - 6:7 housing [4] - 10:7, 11:20, 12:6, 15:5</p> | <p>Julie [1] - 3:15</p> <p>K</p> <p>Kent [1] - 3:11 KENTUCKY [1] - 20:1 Kentucky [5] - 3:3, 3:17, 9:10, 20:4, 20:22 kin [1] - 20:15 kind [1] - 7:21 KY [2] - 3:18, 3:22</p> | <p>M</p> <p>ma'am [1] - 14:3 Main [1] - 3:21 major [1] - 17:1 map [1] - 5:18 March [1] - 4:4 marked [3] - 5:23, 8:2, 14:21 match [1] - 7:6 Matt [1] - 9:16 matter [1] - 5:1 McGill [1] - 9:16 meeting [2] - 3:25, 4:4</p> |
| <p>E</p> <p>east [3] - 6:1, 6:15, 11:12 eight [2] - 10:11, 10:19 eight-plexes [2] - 10:11, 10:19 either [1] - 20:16 end [1] - 19:10 essentially [3] - 13:17, 14:24, 15:20 etiquette [1] - 18:9 exactly [1] - 13:18 examined [1] - 9:1 except [1] - 6:14 excused [2] - 16:19, 16:20 Exhibit [12] - 2:8, 2:9, 2:10, 5:17, 5:20, 5:21, 5:23, 7:19, 8:1, 8:2, 14:16, 14:21 exhibit [1] - 7:24 exist [1] - 17:2 existed [1] - 9:20 existing [3] - 7:13, 11:22, 16:1 expand [1] - 10:25 expanding [1] - 11:11 expected [1] - 11:2 expires [1] - 20:20 extend [1] - 10:5</p> | <p>G</p> <p>Gary [1] - 3:13 GENERAL [1] - 1:4 general [1] - 4:16 George [1] - 3:12 given [1] - 20:12 Glasgow [1] - 11:5 government [1] - 12:5 granite [1] - 12:10 Green [2] - 9:14, 9:17 Griffin [1] - 11:15 grounds [1] - 16:23</p> | <p>I</p> <p>ID [1] - 20:22 idea [2] - 8:17, 14:15 identification [1] - 14:22 identification [2] - 5:24, 8:3 IN [1] - 1:3 include [1] - 16:11 income [1] - 12:5 incorporated [1] - 17:8 Indicating [3] - 4:9, 4:12, 19:6 Insight [1] - 12:21 Inspector [1] - 3:14 installed [1] - 12:20 insurance [2] - 9:14, 9:15 intend [1] - 7:12 intention [1] - 11:25 interested [1] - 20:17 intimidate [1] - 9:24 item [3] - 4:3, 4:12, 4:14 items [1] - 4:14</p> | <p>L</p> <p>labeled [2] - 5:18, 14:12 land [2] - 8:9, 14:24 landlocked [2] - 15:2, 15:21 large [6] - 5:4, 6:7, 7:1, 8:5, 8:11, 11:1 Large [1] - 20:22 last [1] - 12:4 LEACH [27] - 2:5, 4:22, 4:24, 5:25, 8:1, 8:4, 9:4, 13:3, 14:9, 14:11, 14:16, 14:20, 14:25, 15:3, 15:7, 15:10, 15:12, 15:19, 15:22, 16:5, 16:9, 16:12, 16:19, 16:23, 17:13, 19:13, 19:20 Leach [7] - 3:20, 3:21, 4:20, 4:25, 14:7, 17:24, 18:2 leave [2] - 19:16, 19:19 liability [1] - 9:10 Life [2] - 6:14, 6:16 limited [1] - 9:10 line [9] - 7:17, 7:20, 8:8, 8:10, 16:8, 16:13, 16:15, 19:11, 19:17 lines [2] - 6:21, 18:18 LINK [2] - 7:23, 18:20 Link [1] - 3:17 LLC [1] - 9:8 located [1] - 6:1 location [2] - 7:20, 11:23 locations [1] - 5:19 look [4] - 13:10, 13:14, 13:16, 17:3 looks [4] - 13:11, 14:4, 14:5, 17:19 low [1] - 12:5</p> | <p>Meeting [1] - 3:2 members [3] - 4:24, 9:7, 9:19 middle [1] - 6:23 might [2] - 15:13, 16:23 Millwood [1] - 6:2 mind [1] - 8:24 minutes [5] - 4:4, 4:7, 16:18, 19:18, 19:22 modification [7] - 7:17, 16:8, 16:13, 16:15, 19:12, 19:17 month [1] - 12:15 most [1] - 15:12 motion [11] - 4:5, 4:6, 4:8, 4:12, 18:14, 18:17, 18:19, 18:21, 19:1, 19:9 move [3] - 5:14, 10:24, 19:11 moving [2] - 11:7, 18:12 MR [29] - 2:5, 4:22, 4:24, 5:25, 7:23, 8:1, 8:4, 9:4, 13:3, 14:9, 14:11, 14:16, 14:20, 14:25, 15:3, 15:7, 15:10, 15:12, 15:19, 15:22, 16:5, 16:9, 16:12, 16:19, 16:23, 17:13, 18:20, 19:13, 19:20 multifamily [2] - 10:6, 10:9 Munday [1] - 3:10 MUNDAY [27] - 3:25, 4:8, 4:11, 4:23, 5:21, 7:24, 8:22, 13:5, 14:7, 14:19, 16:7, 16:10, 16:16, 16:20, 17:9, 17:22, 18:3, 18:6, 18:9, 18:12, 18:16, 18:23, 19:1, 19:5,</p> |
| <p>F</p> <p>fact [7] - 5:7, 14:8, 16:11, 16:17, 18:24, 18:25, 19:2 fairly [1] - 12:8 FAMILY [1] - 1:4 family [3] - 4:16,</p> | | <p>J</p> <p>James [1] - 20:3 JAMES [1] - 1:12 Jones [3] - 3:11, 4:8, 19:3 JONES [5] - 4:6, 18:15, 18:17, 18:21, 18:25 Joseph [1] - 3:14 JR [1] - 1:12 Jr [2] - 3:20, 20:3</p> | | |

| | | | | |
|---|---|--|--|--|
| 19:9, 19:15, 19:21 MY [1] - 20:19 | outcome [1] - 20:17 own [1] - 5:10 owner [1] - 8:14 owners [1] - 8:13 owns [6] - 5:4, 6:9, 6:11, 6:12, 6:13 | 1:7, 3:1, 20:5 proceedings [1] - 20:12 Properties [3] - 4:15, 9:7, 16:4 PROPERTIES [1] - 1:3 property [6] - 5:4, 6:13, 6:15, 8:13, 15:2, 16:1 proud [1] - 14:6 proved [1] - 12:23 Public [2] - 20:3, 20:22 public [4] - 5:7, 7:15, 7:21, 18:3 purpose [1] - 20:6 pursuant [1] - 3:1 put [2] - 14:14, 17:14 | review [1] - 16:18 rezone [5] - 5:1, 6:25, 7:5, 18:18, 18:22 rezoning [3] - 7:16, 16:14, 16:24 Road [4] - 5:5, 6:3, 7:14, 12:23 road [5] - 7:11, 10:5, 13:1, 13:10, 14:4 Robert [1] - 3:17 room [1] - 19:19 Room [1] - 3:2 rooms [1] - 12:12 roughly [1] - 10:13 | someone [1] - 11:12 somewhat [1] - 14:17 sorry [4] - 16:20, 18:5, 18:8, 18:10 sort [3] - 13:24, 14:13, 15:16 south [2] - 6:8, 7:6 square [1] - 10:13 SS [1] - 20:1 Staff [1] - 3:14 STATE [1] - 20:1 State [2] - 20:4, 20:22 statements [1] - 8:23 still [1] - 11:3 storage [3] - 6:10, 11:11, 11:12 Street [1] - 3:21 street [2] - 6:5, 15:15 subdivision [1] - 4:18 successful [2] - 5:10, 5:12 suggested [1] - 11:12 suppose [1] - 19:6 supposed [1] - 14:17 surface [1] - 12:10 surrounding [2] - 11:4, 14:24 sworn [3] - 8:23, 9:1, 20:7 |
| N | P | Q | S | T |
| nature [1] - 12:6 nay [1] - 16:15 need [4] - 7:17, 8:23, 11:17, 12:19 needed [1] - 13:20 needs [1] - 18:13 neighbors [1] - 6:22 new [4] - 4:13, 11:17, 11:23 next [3] - 4:12, 12:2, 19:10 nice [10] - 12:8, 12:9, 12:10, 12:11, 12:12, 13:10, 13:11, 14:4, 14:5 nine [1] - 12:10 nine-foot [1] - 12:10 nobody [1] - 12:25 none [1] - 4:13 north [3] - 5:11, 5:25, 8:15 North [1] - 3:21 northward [1] - 10:25 Notary [3] - 20:3, 20:22 NOTE [1] - 18:1 nothing [1] - 20:8 notice [2] - 3:2, 6:25 notified [2] - 8:12, 8:13 number [2] - 7:24, 11:1 | p.m [2] - 3:4, 4:2 page [1] - 6:24 part [2] - 6:23, 7:4 parties [1] - 20:16 past [2] - 15:16, 15:17 Pat [1] - 3:11 PENDLETON [2] - 2:3, 8:25 Pendleton [4] - 8:21, 8:22, 9:5, 9:11 people [3] - 6:18, 6:19, 11:7 Perry [1] - 3:14 Petitioner [8] - 2:8, 2:9, 2:10, 5:1, 5:23, 8:2, 9:1, 14:21 Petitioner's [4] - 5:17, 7:19, 8:1, 14:16 phase [4] - 10:12, 11:9, 12:2, 13:18 Phillip [1] - 9:13 photo [1] - 5:17 place [2] - 18:13, 20:6 plan [8] - 7:7, 10:5, 13:14, 13:23, 14:13, 14:14, 14:18, 15:12 Plan [3] - 16:25, 17:3, 17:7 planned [1] - 12:22 PLANNING [1] - 1:2 Planning [2] - 3:16, 4:1 plans [3] - 13:18, 14:2, 14:3 plexes [2] - 10:11, 10:19 Point [2] - 6:14, 6:16 pool [1] - 13:24 popular [1] - 13:21 presence [1] - 20:10 present [2] - 3:10, 16:17 Present [1] - 3:14 presented [1] - 19:2 pretty [2] - 7:3, 12:12 primary [1] - 12:22 Proceedings [1] - 20:9 PROCEEDINGS [3] - | questions [4] - 13:4, 13:5, 13:7, 17:10 | satisfied [1] - 6:20 Schardein [1] - 9:13 Scottsville [1] - 11:5 second [6] - 4:8, 4:11, 11:9, 19:3, 19:4, 19:5 Second [1] - 4:10 section [2] - 5:2, 6:8 see [5] - 6:1, 6:6, 6:10, 8:4, 8:6 seek [1] - 6:25 seeking [2] - 5:1, 7:5 seem [1] - 13:21 sewer [2] - 6:21, 12:19 shaded [1] - 6:23 short [1] - 18:1 shorthand [1] - 20:10 show [4] - 5:21, 7:20, 14:12, 17:24 side [2] - 6:1, 6:3 SIGNATURE [1] - 20:19 similar [1] - 13:15 SIMPSON [1] - 1:1 Simpson [4] - 3:2, 3:3, 3:16, 4:1 single [3] - 4:16, 15:5, 15:13 SINGLE [1] - 1:4 size [1] - 12:12 Sliger [1] - 3:13 SLIGER [3] - 15:25, 16:21, 17:11 SLIGHTER [1] - 17:21 smaller [1] - 8:6 SMP [13] - 1:3, 4:14, 4:21, 4:25, 5:4, 6:9, 6:11, 6:12, 6:13, 6:20, 9:7, 16:3 | Table [1] - 12:21 Tennessee [1] - 11:6 testified [2] - 9:2, 9:23 THE [1] - 10:23 thinking [2] - 11:11, 13:22 Thornton [2] - 3:12, 18:2 THORNTON [16] - 2:4, 4:9, 13:7, 13:9, 14:23, 15:1, 15:4, 15:9, 15:11, 15:15, 15:20, 15:23, 17:24, 18:4, 18:7, 18:11 three [1] - 13:21 three-bedrooms [1] - 13:21 TO [1] - 1:4 together [2] - 7:22, 16:8 tonight [3] - 4:13, 7:16, 19:2 top [1] - 5:25 |
| O | | R | | |
| objections [1] - 8:17 occur [1] - 5:9 OF [5] - 1:7, 3:1, 20:1, 20:2, 20:5 old [1] - 4:13 once [1] - 13:19 one [13] - 4:20, 6:5, 7:16, 8:9, 8:11, 8:20, 9:7, 13:20, 14:9, 14:20, 16:24, 18:18 one-bedrooms [1] - 13:20 open [2] - 4:5, 18:14 operation [1] - 17:14 opposed [1] - 6:17 opposition [1] - 4:19 order [1] - 3:25 oriented [1] - 5:19 originally [1] - 11:10 | R-2 [7] - 1:3, 4:16, 7:5, 15:7, 15:9, 15:10, 18:22 R-4 [2] - 17:12, 17:18 rather [2] - 5:3, 17:12 RE [1] - 1:3 ready [1] - 16:6 real [1] - 13:21 really [2] - 7:1, 17:15 reason [1] - 13:19 recess [1] - 19:21 recommendation [1] - 16:13 recommended [2] - 5:8, 7:17 record [1] - 5:21 reduced [1] - 20:9 related [1] - 11:17 remove [3] - 8:8, 8:10, 18:18 rent [1] - 12:14 REPORTER [1] - 1:12 REPORTER'S [1] - 18:1 represent [2] - 4:21, 4:25 REQUESTING [1] - 1:3 requesting [2] - 4:15, 6:25 residential [1] - 17:5 rest [1] - 15:7 | | | |

| | |
|--|---|
| <p> touches [1] - 6:14 tract [4] - 8:5, 8:11 tracts [1] - 8:6 traffic [1] - 7:9 Transcript [1] - 20:9 TRANSCRIPT [3] - 1:7, 3:1, 20:5 transcript [1] - 20:12 Trapper [3] - 8:21, 9:5, 13:10 TRAPPER [2] - 2:3, 8:25 true [1] - 20:11 truth [3] - 20:8, 20:9 try [1] - 10:24 Tuesday [1] - 3:4 turned [1] - 7:3 two [21] - 4:14, 5:3, 6:14, 6:24, 7:5, 7:8, 7:15, 8:1, 8:6, 8:7, 8:10, 9:13, 10:6, 10:16, 10:18, 10:19, 11:23, 13:21, 13:22, 16:23 two-bedroom [1] - 13:22 two-bedrooms [1] - 13:21 typo [1] - 18:7 </p> | <p> Weisinger [2] - 3:12, 4:11 west [1] - 6:3 West [1] - 3:17 Westwood [1] - 6:1 whole [1] - 20:8 William [1] - 3:20 Willows [15] - 4:17, 5:2, 5:3, 5:11, 6:6, 6:8, 6:9, 6:12, 7:1, 7:8, 7:10, 8:14, 15:7, 15:16, 15:17 WILSON [2] - 19:4, 19:8 Wilson [3] - 3:11, 19:5, 19:6 wise [1] - 20:17 WITNESS [2] - 10:23, 20:19 witness [4] - 8:20, 16:19, 20:7, 20:10 Witt [1] - 6:3 writing [1] - 20:10 </p> |
| U | Y |
| <p> unanimous [1] - 19:9 under [1] - 4:12 undeveloped [6] - 5:3, 5:10, 6:8, 6:12, 7:11, 8:7 unit [1] - 10:15 units [8] - 6:10, 10:19, 10:20, 11:11, 11:12, 11:23, 12:8, 12:20 up [5] - 5:4, 6:16, 10:12, 11:2, 12:4 utilities [1] - 12:17 </p> | <p> years [1] - 17:7 Young [1] - 3:17 </p> |
| V | Z |
| <p> various [1] - 5:19 vote [2] - 16:14, 19:14 voting [1] - 19:6 </p> | <p> zone [4] - 4:15, 4:20, 5:8, 17:12 ZONE [1] - 1:3 zoned [1] - 15:7 zoning [4] - 5:18, 17:12, 17:19, 18:20 Zoning [2] - 3:16, 4:1 ZONING [1] - 1:2 </p> |
| W | |
| <p> WARREN [1] - 20:2 water [2] - 12:19, 12:20 WEISINGER [2] - 4:10, 10:21 </p> | |