

ORDINANCE NO. 2019 - 022

AN ORDINANCE REZONING A 2.67 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF EAST CEDAR STREET/KY HIGHWAY 73 AND THE NORTH SIDE OF KY HIGHWAY 100 ON THE EAST BANK OF DRAKES CREEK FROM AG (AGRICULTURE) TO B-4 (HIGHWAY BUSINESS DISTRICT)

WHEREAS, Hurdle Land & Realty, LLC, a Tennessee limited liability company, 107 Waters Hill Circle, Suite 101, Lebanon, Tennessee 37087-3051, filed a petition to rezone a 2.67 acre tract of land located on the south side of East Cedar Street/KY Highway 73 and the north side of KY Highway 100 on the east bank of Drakes Creek; and

WHEREAS, Hurdle Land & Realty, LLC desires to rezone the aforementioned property from AG (Agriculture) to B-4 (Highway Business District) 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 July 2, 2019, 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:

A 2.67 acre tract of land located on the south side of East Cedar Street/KY Highway 73 and the north side of KY Highway 100 on the east bank of Drakes Creek, as described in Exhibit 1 attached hereto is granted a zone change from AG (Agriculture) to B-4 (Highway Business District).

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

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

September 9, 2019

FIRST READING

September 23, 2019

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on September 23, 2019, on motion made by Commissioner Powell and seconded by Commissioner Bennett, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR

Yes JAMIE POWELL

Yes BROWNIE BENNETT

Absent WENDELL STEWART

Absent HERBERT WILLIAMS

APPROVED BY:

Larry Dixon Mayor
LARRY DIXON, Mayor

ATTEST:

Cathy Dillard
Cathy Dillard, City Clerk

PROPERTY DESCRIPTION APPENDIX

Being part of the same property conveyed by Mary Virginia Hicks, the same person as Mary V. Hicks, unmarried to Hurdle Land & Realty, LLC, a Tennessee limited liability company, by deed dated November 5, 2018, of record in Deed Book 338, Page 87, Simpson County Clerk's Office, to-wit:

Beginning at an iron pin found #3290 in the southerly right of way of Kentucky State Highway 73, also known as Gold City Road (approximately 40 feet from centerline) the northeasterly corner of the subject owner, Mary V. Hicks as originally appears in Deed Book 97, Page 387, at a corner with Becky Meador (Deed Book 265, Page 632); thence along the line of the subject owner with Becky Meador, S 06° 06' 04" E 211.98 feet to an iron pin found in the northerly right of way of Kentucky State Highway 100 (controlled access R/W varies); thence along the northerly right of way of Kentucky State Highway 100 the following three calls: S 67° 38' 44" W 90.41 feet to a scribed x in concrete at the base of a metal R/W post; thence S 77° 27' 49" W 211.88 feet to a scribed x set in concrete at the base of a metal R/W post; thence S 66° 09' 01" W 229.78 feet to a point in Drakes Creek Reservoir in the lien of the City of Franklin (Deed Book 132, Page 378) passing a witness iron pin set at the easterly edge of water at 100.00 feet; thence upstream with the City of Franklin the following three calls: N 12° 06' 48" W 27.73 feet to a point in Drakes Creek Reservoir; thence N 19° 26' 12" E 154.17 feet to a point in Drakes Creek Reservoir; thence N 21° 41' 59" W 125.39 feet to a point in Drakes Creek Reservoir in the southerly right of way of Kentucky State Highway 73 (approximately 65 feet from centerline); thence along the southerly right of way of Kentucky State Highway 73 the following three calls: N 81° 45' 13" E 189.17 feet to an iron pin set; thence N 08° 17' 34" W 25.00 feet to an iron pin set; thence N 81° 40' 48" E 298.48 feet to the point of beginning. Surveyed parcel **contains 2.67 acres more or less** and is subject to all legal conditions and easements of record. This description is based on an actual field survey performed by Gary Lee Dunning, Kentucky Registered Land Surveyor #3290 in October of 2018. Basis of bearing for this description is grid North, Kentucky South Zone, Lambert projection. Unless stated otherwise, all iron pins set this survey are 5/8" x 18" rebar with plastic identification cap stamped "Dunning #3290."

EXHIBIT 1

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from AG (Agricultural) to B-4 (Highway Business District)
by Hurdle Land & Realty, LLC (Geoff and Amber Hurdle)

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

A public hearing was held before this Commission on July 2, 2019, beginning at the hour of 6:30 p.m. on the petition of Hurdle Land & Realty, LLC, ("Petitioner") a Tennessee limited liability company, requesting that a certain 2.67 acre tract of land on the south side of East Cedar Street / KY Hwy 73, and the north side of KY Hwy 100, on the east bank of Drakes Creek, be rezoned from AG to B-4. The Chairperson of the Commission, Debbie Thornton, presided. A quorum of the Commission was present. The petitioner was represented by attorney, David Cummins, and by its managing member, Geoff Hurdle, a real estate developer from Lebanon, Tennessee. The hearing was stenographically recorded by the firm of James Dale, licensed court reporter.

The Commission then proceeded to hear an opening statement from attorney, David Cummins, followed by testimony in favor of the zone change petition provided by Geoff Hurdle. 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 vicinity, and a survey by Dunning Land Surveying of Franklin, Kentucky, and having reviewed the Comprehensive Plan, as updated, for Simpson County, Kentucky, Gary Sliger moved, and George Weissinger 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 a 2.67 acre tract of land situated on the south side of East Cedar Street / KY Hwy 73, and on the north side of KY Hwy 100, adjoining the east bank of Drakes Creek, within the corporate limits of the City of Franklin. The subject property is presently owned by Hurdle Land & Realty, LLC, a Tennessee limited liability company, by a deed of record in Deed Book 338, Page 87, Simpson County Clerk's Office.

II

The subject property adjoins East Cedar Street / KY Hwy 73, along its north boundary and is accessed directly from East Cedar Street / KY Hwy 73. It is in close proximity to Interstate 65, Exit 6, and the Hwy 1008 Bypass. The adjoining properties on the east and on the west are presently zoned B-4. The subject property is adjoined on its north and south sides by highways.

III

The area in question is served by water, fiber optic, telephone, sewer, and electric utilities. The subject acreage is suitable for a B-4 zone with the petitioner having provided a survey plat and said parcel is otherwise compatible with B-4 zoning requirements.

IV

The proposed B-4 zone, parcel is adjacent to Drakes Creek, improved by a former residential dwelling, a barn with a concrete foundation, and an exterior detached shop building, all of which are presently situated outside of the City of Franklin's flowage easement limits and which were used by its previous owners as their residence and as a repair business. Mr. Hurdle testified that the subject dwelling is presently being renovated for business use.

V

The Simpson County Comprehensive Plan is dated 1992, and was adopted in the fall of 1994, and updated in 2010. The requested zone change is in agreement with the strictures of the Comprehensive Plan which promote development along with Hwy 100 corridor between Exit 6 and the downtown areas of Franklin, Kentucky. The area supports a major travel artery and is served by appropriate highway access. Also, the subject property is located within the present corporate limits of the City of Franklin, and is in close proximity to Exit 6, and the local industrial parks in the vicinity of Exit 6. Moreover, the subject property adjoins Hwy 100 in convenient proximity to the Hwy 1008 Bypass and the Franklin town square. Given its size, configuration, and present boundaries, no loss of agricultural lands will occur, with the subject property presently being bounded by highways, Drakes Creek, and adjoined by properties already appropriately zoned as B-4, Highway Business.

VI

The proposed zoning map amendment is in agreement with the Comprehensive Plan, given that the subject property is prominently situated along the traffic corridor connecting I-65 Exit 6 with the downtown areas of Franklin and Hwy 1008. Development of the Hwy 100 corridor is clearly contemplated by the Comprehensive Plan and such development is obviously essential to the appropriate economic growth and vitality of the Franklin, Simpson County area. The purpose of the B-4 zoning district is to encourage the establishment of commercial areas that can accommodate motor vehicle oriented customers and is specifically designed to serve the motoring public along the major highways of Simpson County. Consequently, re-zoning the

subject 2.67 acre parcel is consistent with the KY Hwy 100 corridor given that the subject real property is conveniently located between Exit 6, and Hwy 1008, within the corporate limits of the City of Franklin availing the present volume of motorists along Hwy 100, as well as East Cedar Street / KY Hwy 73, to commercial development within the subject 2.67 acre parcel. The subject petition will also formalize the long-standing commercial use of the subject property by his former owner / occupant.

CONCLUSIONS OF LAW

A re-zoning of the subject property is in agreement with the Comprehensive Plan in that the Comprehensive Plan clearly and obviously envisions and promotes such developments along the Hwy 100 corridor between Exit 6, the Hwy 1008 Bypass, and downtown Franklin. Consequently, a re-zoning of the subject property is in order given that this area is suitable and appropriate for development as established by the Comprehensive Plan and such development will predictably enhance economic growth in its vicinity and for the community at large and comports with existing, adjacent B-4 zoned properties. The zone change request meets the criteria of KRS 100.213, and Section 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 Franklin City Commission that the zone change be approved and that the property described in the attached Appendix be re-zoned from AG to B-4.


DEBBIE THORNTON, Chairperson

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FRANKLIN - SIMPSON COUNTY
PLANNING & ZONING COMMISSION

IN RE: HURDLE LAND & REALTY

*** **

TRANSCRIPT OF PROCEEDINGS
DATE: JULY 2, 2019

*** **

JAMES A. DALE, JR., REPORTER

CONDENSED
COPY

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1 The TRANSCRIPT OF PROCEEDINGS, taken pursuant to
2 notice heretofore filed, in the City Hall Meeting Room,
3 117 West Cedar Street, Franklin, Simpson County,
4 Kentucky, on Tuesday, July 2, 2019, at 6:30 p.m.

*** **

A P P E A R A N C E S

Commissioners present:

Debbie Thornton, Chairman

Weisinger

Gary Sliger

John Mayeur

Craig Mylor

Staff Present:

Carter Munday, Administrator

Julie Freeman, Assistant 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:

David Cummins

Leach & Cummins

200 North Main Street

P. O. Box 425

Franklin, KY 42135-0425

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CHAIRMAN THORNTON: Good evening. Welcome to the
Franklin-Simpson Planning & Zoning Commission, July 2nd
meeting. It's 6:30. And, Commissioner Weisinger,
would you please lead us in a word of prayer? Thank

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I N D E X

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2		
3	JEFF HURDLE	13
4	BY MR. CUMMINS:	13
5	BY MR. SKIPWORTH:	25
6	BY MR. GREGORY:	27
7	BY MR. SKIPWORTH:	28
8	BY COMMISSIONER MAYEUR:	30
9	BY MR. BARNES:	31
10	BY COMMISSIONER MYLOR:	31
11	BY CHAIRMAN THORNTON:	31
12	BY MR. STINSON:	32
13	BY COMMISSIONER SLIGER:	33
14	BY MR. GREGORY:	35

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1 you.

2 COMMISSIONER WEISSINGER: Thank you, Good Lord, Jesus,
3 for your love and your mercy. Thank you for all your
4 blessings and all that we've received. I pray for
5 wisdom as we go through our meeting tonight, do things
6 that we need to get done. And I thank you to watch over
7 us when we go our separate ways. We pray in your
8 precious name. Amen.

9 CHAIRMAN THORNTON: Just a few notes. May the record
10 show that Pat Jones who was City Commissioner for
11 numerous years has resigned from the board. And we want
12 to thank him for his service. He has resigned. We also
13 have two new Planning & Zoning members that need to be
14 sworn in. That would be Mr. Craig Mylor and Mr. John
15 Mayeur.

16 MR. LINK: Okay, gentlemen. If you will raise your
17 right hand. Do you solemnly swear or affirm that you
18 will support the Constitution of the United States and
19 the Constitution of this Commonwealth and be faithful
20 and true to the Commonwealth of Kentucky so long as you
21 continue a citizen thereof and you will faithfully
22 execute to the best of your ability the office of member
23 of the Franklin-Simpson Planning & Zoning Board
24 according to law; and you further solemnly swear or
25 affirm that since the adoption of the present

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<p style="text-align: right;">5</p> <p>1 Constitution that you, being citizens of this state, 2 have not fought a duel with deadly weapons within this 3 state nor out of it; nor have you sent or accepted a challenge to fight a duel with deadly weapons; nor have you acted as a second in carrying a challenge or aided 6 or assisted any person thus offending so help you God? 7 COMMISSIONER MAYEUR: I do. 8 COMMISSIONER MYLOR: Yes. 9 MR. LINK: All right. Welcome, gentlemen. 10 CHAIRMAN THORNTON: Okay. We're going to shake up our 11 agenda just a little bit, and we're going to go to item 12 two on the agenda. Item two is Five Star is to present 13 a final development plan. 14 [1832] (OFF THE RECORD) [1855] 15 CHAIRMAN THORNTON: Okay. Now we're to the Hurdle 16 Land & Realty zone change request, change request from 17 AG, agricultural, to a B-4, highway business district 18 for a 2.67 acre parcel. It's located at 1943 East Cedar 19 Street. I believe we have a public hearing for that. 20 MR. LINK: We do. 21 CHAIRMAN THORNTON: Yes. 22 MR. LINK: And our chairman who is filling many 23 positions and wearing many hats this week and directing 24 our play is supposed to be getting back to rehearsal. 25 And this is her first hearing where she has presided</p>	<p style="text-align: right;">7</p> <p>1 the county or to the City Commission if it's in the 2 city. And they have the right to approve or disapprove 3 this board's recommendation. Pardon my hoarseness 4 tonight. 5 When the chair calls an application as she has 6 just done, the applicant or in this case with his 7 attorney will come forward and explain what they plan to 8 do and will give a brief summary. Then they will have a 9 witness or witnesses, and that witness will give 10 testimony. They will have to be sworn in by the court 11 reporter just like in a court of law. 12 Mr. Cummins who is here to represent the 13 Petitioner in this case will ask questions of this 14 witness. After he is through with that witness the 15 members of the Board can ask that witness questions. 16 And then members of the public can ask questions 17 of that witness. It is not a time for the public to 18 testify. It's just a time to ask questions of the 19 witness if you have any questions. 20 When you ask a question, we'll ask you to state 21 your name so, again, the court reporter can have it in 22 our record. 23 Now, after the petitioner has presented all of 24 its witnesses, then at that point in time, if someone 25 from the public wishes to testify, they can. You'll</p>
<p style="text-align: right;">6</p> <p>1 over a zone change request. So I volunteered to help 2 her out, not to have to do any more homework tonight and 3 to work on her play. 4 CHAIRMAN THORNTON: Thank you. 5 MR. LINK: To give a short explanation to the crowd 6 here about how a public hearing works. The Planning & 7 Zoning board is a quasi judicial body; meaning that it 8 operates similar to but just not exactly like a court of 9 law. And the hearing is similar to a court proceeding. 10 The Chairman runs the proceedings as a judge 11 might. And this board could be compared to a jury that 12 will be voting on the final decision to approve or deny 13 the request. 14 The board and its members have a legal obligation 15 to follow Kentucky law, and all discussions, 16 presentations of evidence, questions and comments with 17 regard to a pending application must be done on the 18 record at the public hearing. 19 Now, we have a court reporter. It's very 20 important for people to understand that only one person 21 can speak at a time or it makes the reporter's job impossible. We record these for purposes of appeal. 23 The recommendation that is made by this board is 24 just that. It's a recommendation. It then will be 25 submitted to the Fiscal Court for approval if it's in</p>	<p style="text-align: right;">8</p> <p>1 have to be sworn in and state your name. And we'd like 2 to know where you live in relation to the property, and 3 then you can give testimony to the board at that point 4 in time. 5 Again, if you give testimony, the Petitioner's 6 attorney can ask questions of you, and the board can ask 7 questions of you. 8 We cannot accept letters from other parties 9 unless they are here. If you want to read a letter that 10 you've written as your testimony, that's fine. 11 After all of the witnesses have been presented 12 and everybody has had a chance to ask questions, then 13 this board will consider its decision. It will be made 14 in public. Its discussion will be in public. 15 Everything that we have is open to the public to hear. 16 The Petitioner will present findings of fact and 17 conclusions of law to submit to the board if they vote 18 to approve the motion. The board can make changes to 19 the findings of fact and conclusions of law if they 20 would like to do so. 21 Does anybody have any questions about how these 22 hearings are conducted? I will add we don't have a 23 great big crowd tonight, but for future purposes and for 24 the education of our new members, if we have something 25 that has a huge crowd, we often time will tell them we</p>

1 don't want to hear the very same thing 20 times. Okay?
 2 Five people who argue the same point is enough. Okay?
 3 And we don't want to sit here until midnight and are not
 going to do that.

If the meeting drags on too long -- We don't have
 6 any set hours, but we have people that have parents to
 7 tend to at home, children. If we go to a point that the
 8 Chairman feels that it's appropriate to stop the hearing
 9 and continue, it will be continued at another night or
 10 another day.

11 We don't like to do that, because we would need
 12 to have the same people on the board present at that
 13 meeting that were here at the first meeting. So we try
 14 to never do that. But the bottom line here is we don't
 15 need to just drag on and on. And we need to be not as
 16 brief as possible; but we do not need to be repetitious
 17 and go on for hours.

18 Okay. Does anybody have any questions? All
 19 right. With that, Miss Thornton, you can introduce the
 20 case and ask Mr. Cummins and his client to come forward.

21 CHAIRMAN THORNTON: Thank you.

22 MR. LINK: And I'll be quiet.

23 CHAIRMAN MUNDAY: Thank you, Mr. Link. We appreciate
 24 your information and education.

25 Okay. The case before us today is Hurdle Land &

1 Realty, and they are requesting a zone change from AG
 2 which is agriculture to a B-4 which is highway business
 3 district for the 2.67 acre parcel which is located at
 4 1943 East Cedar Street.

5 Do we have someone here that is representing
 6 Hurdle Land & Realty?

7 MR. CUMMINS: Madam Chair, David Cummins, local
 8 counsel. I'll be happy to do that.

9 CHAIRMAN THORNTON: Yes. Would you please approach,
 10 Mr. Cummins.

11 MR. CUMMINS: Mr. Dale, if you'll forgive me, I'll get
 12 the podium. Where would you like to have --

13 MR. LINK: Wherever you're comfortable, David.

14 MR. CUMMINS: Where would you like Mr. Hurdle?

15 CHAIRMAN THORNTON: That's very good. Thank you. And
 16 before we begin I would like to say that I know that if
 17 there are opinions, and sometimes they can be very
 18 emotional.

19 But if we can keep them as unpersonal as
 20 possible, I think that's the best way to always move
 21 forward with opinions. So it is a personal situation
 against another person, but this is more of a state of
 23 state of claim so to speak. Okay? I appreciate that.

24 MR. CUMMINS: Thank you, Madam Chair. We won't keep
 25 you too long, I promise.

1 CHAIRMAN THORNTON: Thank you.

2 MR. CUMMINS: This is very straight forward. Again,
 3 David Cummins for Hurdle Land & Realty, LLC. It's a
 4 Tennessee limited liability company from Lebanon,
 5 Tennessee.

6 This is a zone change or map amendment, again,
 7 for the record from AG to B-4, highway business. You
 8 probably are familiar with this property. It was the
 9 Bobby and Mary Hicks property. It's between the
 10 bridges.

11 And, Madam Chair, if I may approach, I have local
 12 surveyor -- Gary Dunning has prepared a plat. And then
 13 I have PVA's aerial map. Sorry. Thank you. I'm at the
 14 age where I like large better than small.

15 CHAIRMAN THORNTON: Thank you. Appreciate it.

16 MR. CUMMINS: Give you a moment to orient yourself; on
 17 the aerial map it's parcel 421, and that's oriented to
 18 the north. And then Mr. Dunning surveys the same.

19 On the left-hand side, of course, is Drakes
 20 Creek. And then Mr. Dunning has got the property
 21 delineated pretty well there.

22 CHAIRMAN THORNTON: Uh-huh.

23 MR. CUMMINS: If you don't mind just very briefly -- I
 24 know I'm never supposed to read from anything that would
 25 bore the audience, but I would like to briefly show what

1 the purpose of a B-4 zone is. It is, I'm quoting from
 2 section 8.12.1 from the local Planning & Zoning regs.

3 Is to encourage the establishment of commercial
 4 areas that can accommodate motor vehicle oriented
 5 customers. This district is specifically designed to
 6 serve the motoring public and will be located along the
 7 major highways of Simpson County.

8 So that's the whole purpose of B-4. This
 9 property has been for years used as a B-4 purpose, but
 10 it's never been properly zoned. Mr. and Miss Hicks
 11 bought the property in 1968. Some of you may know it as
 12 Hicks Electric Motor Service.

13 I looked in an old phone book, and it's still in
 14 there. And I googled it today, and Mapquest still shows
 15 it. So Mr. Hicks ran his own electric motor repair
 16 service out of the property forever.

17 The other matter that makes this simple and
 18 straight forward is from the zoning map if you look --
 19 There's four adjacent properties, three of which are
 20 already zoned B-4. And this would just be an infill or
 21 filling the donut hole.

22 This one is a little bit unusual, because most of
 23 the time we argue there's been major economic change of
 24 some sort. This request is consistent with the
 25 Comprehensive Plan. It's, if you look at the plan all

1 12 development scenarios emphasize the importance of
2 highway 100 corridor.
3 So we're just fixing something that should have
4 been done from the start to accommodate Mr. Hicks' use.
5 So with that brief opening I'd like to call Mr. Jeff
6 Hurdle, please.

7 MR. HURDLE: Do you want me to come to the podium.

8 CHAIRMAN THORNTON: And be sworn in, please.

9 THE WITNESS: Okay.

10 **JEFF HURDLE**, called on behalf of the Petitioner,
11 being first duly sworn, was examined and testified as
12 follows:

13 MR. LINK: You can stay seated if you want to.

14 **EXAMINATION**

15 BY MR. CUMMINS:

16 Q. Mr. Hurdle, would you state your name and address
17 for the court record, please?

18 A. **Jeff Hurdle, 107 Waters Hill Circle, Lebanon,**
19 **Tennessee.**

20 Q. And the lady sitting there to your right, would
21 you introduce her, please?

22 A. **This is my wife, Amber.**

23 CHAIRMAN THORNTON: And, Amber, are you going to be
24 speaking?

25 MRS. HURDLE: I don't believe so.

1 Q. Just introduce yourself.

2 CHAIRMAN THORNTON: Yeah.

3 THE WITNESS: We have a daughter who's not with us
4 today. She's working, but she's just taken a job in
5 Bowling Green. She's actually moving to Franklin. So
6 that's a little something.

7 Q. Would you describe to the Commission what kind of
8 work you do?

9 A. **I'm a real estate development and brokerage firm,**
10 **operate around the southeast based out of Lebanon.**

11 Q. So your home office is in Lebanon?

12 A. **Yes.**

13 Q. Would you give us just a few examples of the
14 kinds of projects that you've been involved with?

15 A. **Oh, well, we've done single family, multi-family,**
16 **commercial, residential around lots of communities in**
17 **Tennessee, Georgia, Carolinas and once in Alabama.**

18 Q. And, again, for how long have you been doing this
19 sort of thing?

20 A. **Just about 30 years.**

21 Q. Okay. The madam chairman has mentioned a 2.67
22 acre parcel that's depicted on Mr. Dunning's plat. Are
23 you the owner of that property?

24 A. **Yes, I am.**

25 Q. How did you come to acquire that?

1 A. **At an auction, I guess about a year ago.**

2 Q. Do you have a deed for the record that you could,
3 especially for Mr. Link's purposes?

4 A. **Yes.**

5 Q. Give a book and page number and a date.

6 A. **Book and page number 338, starting at page 87,**
7 **through page 99.**

8 Q. And from whom did you acquire that property?

9 A. **Mary Virginia Hicks.**

10 Q. What improvements? There are some depicted on
11 Mr. Dunning's survey. What improvements are presently
12 on the property?

13 A. **An old frame house, what he depicted as a shop**
14 **and a barn, a concrete slash wood barn?**

15 Q. Okay. What were the previous uses of those
16 structures. What did Mr. and Miss Hicks do there?

17 A. **They lived in the frame house. He operated Hicks**
18 **Motor Electric Service out of the shop. And the barn**
19 **just stored stuff.**

20 CHAIRMAN THORNTON: Catch all.

21 A. **That's all I can tell.**

22 Q. Do public utilities serve this parcel?

23 A. **Yes. They're served by all -- Let's see. Water.**

24 **Sewer is cross the highway. Gas runs through.**

25 **Electric. I had three-phase power with the shop, but**

1 **we've shut that off.**

2 Q. Of course telephone?

3 A. **Telephone. All utilities are available.**

4 Q. Okay. What highways serve this property?

5 A. **Highway 73 which is also East Cedar Street and**
6 **highway 100.**

7 Q. And which highway uses or the property uses which
8 highway for its frontage?

9 A. **Highway 73, East Cedar Street.**

10 Q. And that would be oriented to the north?

11 A. **That's correct.**

12 Q. Okay. On the west side of this property, that
13 would be between town and the creek so to speak, what is
14 that property presently zoned?

15 A. **B-4.**

16 Q. And to the east side of your property depicted on
17 the survey plat, what is that property presently zoned?

18 A. **B-4.**

19 Q. And across the little trunk road there 73, on the
20 east side, what is that property present --

21 A. **B-4 also.**

22 Q. Okay. So yours is the only piece in the puzzle
23 so to speak that has been used as B-4 but not properly
24 zoned as B-4?

25 A. **Correct. We're the island there.**

- 1 **Q.** Okay. Would you briefly describe your intended
2 use or purposes for this property?
- 3 **A.** We, our intended use, we have -- We're in the
4 middle of currently remodeling the frame house. It's
5 kind of functionally obsolete for residential purposes.
6 Kitchen, living room, bathroom, two bedrooms, about 900
7 square feet. It doesn't really fit the market. So
8 we're making it for professional office use, attorney,
9 CPA, real estate, just something of that nature.
- 10 **Q.** Is professional office a permissible use for
11 highway business?
- 12 **A.** Yes, it is.
- 13 **Q.** Are you familiar with the local Comprehensive
14 Plan for land use development?
- 15 **A.** Yes.
- 16 **Q.** Have you had a chance to review the 12 different
17 planned scenarios as they relate to the --
- 18 **A.** I have.
- 19 **Q.** Is it fair to say that all of those at least
20 contemplate this sort of development for, you know,
21 perfectly accommodate it?
- 22 **A.** All 12 do, yes.
- 23 **Q.** What is the main factor that runs through all of
24 that? Why is that area important for development?
- 25 **A.** It's the highway 100 corridor that connects I-65,

- 1 **Exit Six, to city of Franklin.**
- 2 **Q.** In your almost 30 years experience as a land
3 developer, would you expound or elaborate on that? Why
4 is that artery important to the growth and prosperity of
5 the community?
- 6 **A.** It's the main artery. It's what all the
7 communities follow coming in on the main road. I'm
8 doing one now as the broker in Lebanon for a much larger
9 project.
- 10 **But nonetheless it's on a corridor that connects**
11 **the interstate with highway 109, just off the interstate**
12 **to the city of Lebanon highway 70. That's just an**
13 **another example.**
- 14 **Q.** So it's, it would be fair to say it's a matter of
15 common sense, as a younger generation would say, a
16 no-brainer?
- 17 **A.** A no-brainer, yeah. When you experience, when
18 you see this, yes, it's a no-brainer.
- 19 **Q.** Okay. If the Commission grants your request,
20 will there be any loss of agricultural land?
- 21 **A.** No, sir. It's currently not and hasn't been
22 farmed to my knowledge that side.
- 23 **Q.** Will there be any agricultural land even impacted
24 by this map amendment?
- 25 **A.** No, sir.

- 1 **Q.** Is your property presently within the corporate
2 limits of the city of Franklin?
- 3 **A.** Yes, sir.
- 4 **Q.** As part of this process have you had the occasion
5 to comply with the local zoning rules to have a
6 preapplication conference with the code administrator,
7 Mr. Munday?
- 8 **A.** I did. In this room.
- 9 **Q.** And at Mr. Munday's request have you also met
10 with the various representatives from the city to
11 discuss this particular project?
- 12 **A.** Yes, also in this room.
- 13 **Q.** Again, looking at Mr. Dunning's survey is a small
14 portion of your property actually within Drakes Creek?
- 15 **A.** It is. A half acre of it is actually under the
16 water.
- 17 **Q.** On the western end?
- 18 **A.** (Nodding head affirmatively).
- 19 **Q.** Okay. And then there's one more feature that we
20 would like the Commission to note. On the western
21 approximately one third of the survey there's, Mr.
22 Dunning has something noted as flowage easement limits.
23 Would you mind to explain that to the Commission?
- 24 **A.** To my understanding back in the '80s regionally
25 Sumner County and Simpson County were going to flood a

- 1 **portion of the Drakes Creek to create a regional lake.**
2 **And my understanding is they have abandoned the plan.**
3 **The flowage easement was where they would have the right**
4 **to flood to for that lake.**
- 5 **Q.** And so as a result of meeting with Mr. Munday and
6 several representatives from the city, what did you
7 learn about that flowage easement?
- 8 **A.** That it is going to remain right where it is and
9 that there can be no structures built inside that
10 easement.
- 11 **Q.** Have you looked at the FEMA flood plane for that
12 area?
- 13 **A.** Yes.
- 14 **Q.** Would you explain that to the Commission?
- 15 **A.** FEMA flood plane is where the Federal Emergency
16 Management dictates where the hundred-year flood line
17 will be in the event of large rains, and it's depicted
18 on this property below -- flow easement. I don't, it
19 may be -- Well, I'm not sure if Mr. Dunning put it on
20 the survey.
- 21 **Q.** Is it far to say it's roughly compatible with the
22 flowage easement limit?
- 23 **A.** Compatible or less than.
- 24 **Q.** Okay. Is there anything else that you'd like the
25 Commission to know about the property or your request?

1 A. I'm just happy to be here. And if you have any
2 questions, feel free to, now or after the meeting -- My
3 number is pretty easy to find on line. It's on the back
of my truck as well. Any questions?

CHAIRMAN SAVAGE: Gentlemen, would you all like to ask
 any questions?

COMMISSIONER SLIGER: You read the first paragraph of
 our B-4 regs.

MR. CUMMINS: Yes, sir.

COMMISSIONER SLIGER: Would you read the other three
 or four proposed uses for that reg, please?

MR. CUMMINS: I'm sorry.

COMMISSIONER SLIGER: There's four more parts to it.

MR. CUMMINS: I'm not sure if I'm following you, Mr.

Sliger. May I approach and --

COMMISSIONER SLIGER: You read the first --

MR. CUMMINS: The first.

COMMISSIONER SLIGER: All this is permitted uses. So
 I'm just --

MR. CUMMINS: I'm sorry.

COMMISSIONER SLIGER: You were saying it's just for
 highway business.

MR. CUMMINS: Yes. I'm sorry. The language is
 permitted uses or permissible uses. Again, for the
 record, 8.12.2, A, is retail sales. I won't read --

I'll just read the summary if that's okay.

CHAIRMAN THORNTON: Sure.

COMMISSIONER SLIGER: Okay.

MR. CUMMINS: I'm sorry.

CHAIRMAN THORNTON: No. Go ahead.

MR. CUMMINS: B is consumer and personal services. C
 is the one that Mr. Hurdle testified about, the office
 and professional uses.

D, limited manufacturing; E, funeral homes and
 cemeteries; F, residential; G, shopping centers. Some
 of these Mr. Munday would maybe elaborate on, but they
 require development plan, a whole lot more scrutiny; the
 shopping centers, for example. Retail sales and any
 accessory building or use customarily incidental to the
 permitted uses above.

COMMISSIONER SLIGER: I just wanted it to be known you
 could put apartments there. You could do multi-family
 apartments. You could do --

MR. CUMMINS: With a whole lot more scrutiny from this
 board; yes, sir.

COMMISSIONER SLIGER: It's not a given, but it could
 be done.

MR. CUMMINS: Right. Any of these --

COMMISSIONER SLIGER: I think what was the concern of
 some of these people that I talked to.

MR. CUMMINS: That's why Mr. Hurdle testified as he
 did regarding the present structure.

COMMISSIONER SLIGER: I'm saying if you pass it to a
 B-4, it don't matter what he says. He could sell it
 tomorrow, and it could be anything they want to put
 there.

MR. CUMMINS: Now, forgive me. With all due respect
 subject to this Commission --

COMMISSIONER SLIGER: Well, this Commission --

MR. CUMMINS: This body has control --

COMMISSIONER SLIGER: Zoning allows that with the
 stipulations.

MR. CUMMINS: Right. But, again, subject to approval.

COMMISSIONER SLIGER: I understand.

MR. CUMMINS: They wouldn't have latitude --

COMMISSIONER SLIGER: I'm not saying it's not what it
 needs to be, but I'm just --

MR. CUMMINS: Yes, sir. No. You're exactly correct.

None of us knows what the future may be.

COMMISSIONER SLIGER: Right.

MR. CUMMINS: So any of these permitted uses, and
 again, some of these require approval and strictly by
 this body.

COMMISSIONER SLIGER: I understand all of that.

MR. LINK: David, not to interrupt; but have we, have

you presented one of these an exhibit for Mr. Dale to
 have?

MR. CUMMINS: No. If it would please the chair, I
 would ask that both of these be Petitioner exhibits with
 the record, the aerial map and the survey, please.

CHAIRMAN THORNTON: As requested. Gentlemen, do you
 have more questions?

COMMISSIONER SLIGER: (Shaking head negatively).

MR. LINK: You need to ask the public if they have any
 questions.

CHAIRMAN THORNTON: Anyone here in the public, do any
 of you all have any questions for our petitioners?

OPPOSITION: I do.

CHAIRMAN THORNTON: Okay. You're going to need to
 approach Mr. Dale, be sworn in, please. This is Mr.
 Dale right here.

OPPOSITION: Oh.

CHAIRMAN THORNTON: Just --

MR. LINK: Well, actually --

CHAIRMAN THORNTON: He doesn't?

MR. LINK: He doesn't need to be sworn in unless he's
 going to give testimony.

CHAIRMAN THORNTON: Oh.

MR. LINK: If he's got questions -- Just state your
 name for the record.

1 CHAIRMAN THORNTON: State your name for the record.

2 I'm sorry.

3 OPPOSITION: Nicholas Skipworth.

CHAIRMAN THORNTON: Okay.

MR. SKIPWORTH: I live across the street from the
6 property at 1938 East Cedar. My land is listed as
7 agricultural 11 and some change acres.

8 CHAIRMAN THORNTON: Uh-huh.

9 **EXAMINATION**

10 BY MR. SKIPWORTH:

11 **Q.** We're all residential on that side of the road,
12 and I noticed during the building phases permits were
13 not bought. And the first one is written down. The
14 second one was restickered, and a cease and desist order
15 was put on it.

16 Do you intend on following that habit of not
17 following the ordinances that we've all followed as far
18 as residential?

19 **A.** I can explain that totally. Yes, we do plan on
20 following the rules. During our construction the state,
21 I guess the state issues plumbing permits, not the city.
22 The state inspector was driving by, saw the
23 construction; and he approached the house, looked in the
24 windows, saw some sheetrock in there.

25 And he said he had not inspected the plumbing.

1 So he red-tagged it. And there had not been done any
2 plumbing done yet. So he called me, and he said -- And
3 Hiller, the plumbing, they took that permit down. My
4 contractor called the state, explained to him what
5 happened. He said that's fine. He said just get a
6 permit to get it done.

7 **Q.** Okay.

8 **A.** It took Hiller, it took them six or eight weeks
9 to get the permit to do the plumbing. So that was, lack
10 of a better word, lack of an overstep by an inspector
11 who had not, didn't have, he didn't know what was going
12 on with the project.

13 So the red tag was not earned. But, yes, we did
14 full permits for everything else, even for a sign we
15 never put up. But I've been in Carter's office here for
16 every step of the way. My apologies for the state
17 inspector causing a ruckus. It certainly slowed me
18 down.

19 CHAIRMAN THORNTON: Do you have more questions, sir?

20 MR. SKIPWORTH: I'm thinking.

21 THE WITNESS: Take your time.

CHAIRMAN THORNTON: Anyone else have a question of the
23 petitioners?

24 MR. GREGORY: Do I need to --

25 CHAIRMAN THORNTON: You need to stand and state your

1 name, please.

2 MR. GREGORY: Okay. I'm Scott Gregory. I live at 295
3 Rapids Road. I live right up the road from where Bobby
4 Hicks was and am well acquainted with the property and
5 everything.

6 I just have, I have one question I'm a little bit
7 unclear on. I know where Bobby Hicks' house was, where
8 his electric motor repair was, business was. I know the
9 little connector road that actually used to be Rapids
10 Road. I know that, I believe --

11 Now anybody can correct me. The Meadors used to
12 own that property. I was wondering if you actually own
13 that, or did they own it? I was trying to get a feel
14 for -- my property also goes down to the creek. So I
15 have land under water. So I know.

16 MR. CUMMINS: I appreciate that, Mr. Gregory. I'll
17 give you my copy.

18 **EXAMINATION**

19 BY MR. GREGORY:

20 **Q.** I don't own that property. According to my
21 survey the Meadors still own that. I'm assuming that
22 that's -- Unless it sold since Mr. Dunning did the
23 survey.

24 **A.** I don't know. I mean it's not for sale that I
25 know of.

1 **Q.** I was trying to get a, I was trying to get a feel
2 for, if the Hicks' property line was still approximately
3 where it was.

4 **A.** If you look at the driveway from East Cedar
5 Street, it's about 10 to 12 feet to the left of the
6 driveway, just straight back highway 100. That's all
7 the way down to under the water.

8 **Q.** Yeah. I know. I know. Okay. All right. Thank
9 you.

10 **A.** Uh-huh.

11 CHAIRMAN THORNTON: Do we have more questions for the
12 petitioner, please? Anyone?

13 **EXAMINATION**

14 BY MR. SKIPWORTH:

15 **Q.** Why would, with the property being before or --
16 When it sold at auction, it was over the ten acres for,
17 I'm assuming it was agriculture. When the property got
18 split to R-4 on the other side of 100, why has this
19 property not been dropped down to residential? Or why
20 is it still listed as agricultural?

21 **A.** Across the street is still agriculture. We
22 haven't changed that zoning.

23 CHAIRMAN THORNTON: It has to be requested.

24 **A.** We changed our mind on that for the time being.
25 It's still zoned agriculture.

1 Q. Okay. So the high density multi-family --

2 A. **That was pulled.**

3 Q. Are there any plans to move forward with that?

4 A. **I'm, I'm not here for that one. I'm not working**
on that one right now. I've got this house I've got to
finish up.

7 MS. HUNT-GOOSSETREE: I have a question, and I'm
 8 unclear. I'm Jill Hunt-Goossetree. I live up the road
 9 from Scotty and them.

10 EXAMINATION

11 BY MS. HUNT-GOOSSETREE:

12 Q. The eight acres that's across from 100 that's in
 13 the corner of 100 and 73.

14 A. **Yes, ma'am.**

15 Q. What's going to happen to that? It's still
 16 agriculture?

17 A. **Currently it's agriculture.**

18 Q. So what are you going to do in the future?

19 A. **I'm not positive yet. I'm still --**

20 Q. But you do own it.

21 A. **I do own it; yes, ma'am. We bought all of that**
 22 **at the same auction.**

23 Q. Okay. So in order to do anything on that piece
 24 of property, you would have to come before the
 25 Commission again.

1 A. **Come back here. Do exactly what we're doing**
 2 **tonight. Yes, ma'am.**

3 Q. So you don't have any plans whatsoever right now?

4 A. **I had some but I've abandoned them right now.**
 5 **I'm concentrating on the house. That's where I've been**
 6 **spending money.**

7 Q. But you would consider somebody buying that lot
 8 for that acreage if somebody --

9 A. **I mean; yes, ma'am. I'm in the business. I buy**
 10 **to sell. That's true. So, yes, ma'am.**

11 EXAMINATION

12 BY COMMISSIONER MAYEUR:

13 Q. I think we need some clarity about what actually
 14 is going on on this property. For some of us that are
 15 new, apologize for that. So you're not proposing any
 16 new construction. You're just --

17 A. **No, sir.**

18 Q. -- changing the zoning and remodeling or
 19 repairing the house?

20 A. **Correct.**

21 Q. Okay.

22 A. **That's all that's going on there. I don't have**
 23 **any plans to build anything additional; not even adding**
 24 **on. It's just what it is.**

25 COMMISSIONER MAYEUR: Okay. Thank you.

1 COMMISSIONER SLIGER: But he can if he wants to.

2 CHAIRMAN THORNTON: Yes, Mr. Barnes.

3 MR. BARNES: My name is Mason Barnes. One question
 4 that I'll ask to clarify for some of that is --

5 EXAMINATION

6 BY MR. BARNES:

7 Q. But you do intend possibly to either rent or sell
 8 that piece of property as office space?

9 A. **As an office space. I'll tell you I have put a**
 10 **lot of money into it thus far and have a lot more to go**
 11 **to make it class A office space. But it will be -- I**
 12 **mean it's -- I'm not just going in there and changing**
 13 **carpet. I mean I'm, it's a total remodel.**

14 EXAMINATION

15 BY COMMISSIONER MYLOR:

16 Q. New structure for multiple office space?

17 A. **No structure. No. I'm taking the current house**
 18 **-- We ripped out all the sheetrock, wiring, plumbing,**
 19 **insulation, everything; and we started from scratch.**

20 Q. The square footage of the existing building?

21 A. **The Franklin house?**

22 Q. The one you're remodeling.

23 A. **900 square feet.**

24 EXAMINATION

25 BY CHAIRMAN THORNTON:

1 Q. It would make a nice attorney's office, dental,
 2 something?

3 A. **Just something small.**

4 Q. Professional office?

5 A. **Correct. And that's the only intent.**

6 Q. Real estate offices?

7 A. **Yeah. Could be.**

8 CHAIRMAN THORNTON: Do we have more question from our
 9 public, our neighbors?

10 THE WITNESS: I would like to clarify --

11 MR. STINSON: I have a question for Mr. Carter.

12 CHAIRMAN THORNTON: Sir, what is your name, please?

13 MR. SIMPSON: William Stinson.

14 CHAIRMAN THORNTON: William Stinson. Okay. Thank
 15 you, sir.

16 EXAMINATION

17 BY MR. STINSON:

18 Q. There was a sign up there that said there was
 19 going to be a zone change and you was going to put 85
 20 units on that.

21 A. **Yes, sir.**

22 Q. Spot of ground in front of my house.

23 A. **Well, we -- And we've abandoned that.**

24 Q. You abandoned that.

25 A. **Yes.**

1 **Q.** Okay. That's what I wanted to know. What do you
2 plan on doing with it now?

3 **A.** Well, just so you know, I tried to call you back
to let you know that, and I didn't get you. So I just
knew I'd see you.

6 MS. HUNT-GOOSSETREE: I'm sorry. I'm Jill
7 Hunt-Goosetree.

8 EXAMINATION

9 BY MS. HUNT-GOOSSETREE:

10 **Q.** I must say it's becoming an eyesore. It's
11 growing up and it looks tacky. It doesn't look well
12 kept at all, that corner doesn't.

13 **A.** The corn field?

14 **Q.** Well, there's a wheat field there right now.

15 **A.** Davis?

16 **Q.** Yes, sir.

17 **A.** I'll get my guy over there and get it cut for
18 you. But to clarify what you're worried about -- I
19 don't know all of them by heart. But if you took that
20 2.67 acres and you applied all the setbacks, you
21 wouldn't be able to get part --

22 EXAMINATION

23 BY COMMISSIONER SLIGER:

24 **Q.** I'm a builder. I know that.

25 **A.** Okay. What could happen feasibly couldn't happen

1 in a lot of cases on that particular piece.

2 **Q.** I was just stating that the use for the zone of
3 B-4 is a lot more than just an office building. You
4 have the right to build whatever you want to build on
5 that thing within our regulations.

6 So that's all I was stating. You could sell it
7 tomorrow, and it would still be B-4. You don't own it
8 any more, and there's a house there. You know what I'm
9 saying? That's all.

10 **A.** The price I'm going to have to get now, they're
11 not going to build anything.

12 **Q.** I'm sure. I've seen people pay a million dollars
13 for a piece of property that small.

14 **A.** Well, I have, too. But --

15 **Q.** Just what it's worth is what somebody will give
16 you. That's all I'm stating.

17 MR. CUMMINS: We have no further proof to offer.

18 CHAIRMAN THORNTON: Okay.

19 MR. LINK: Okay.

20 MR. GREGORY: Can I ask one more question?

21 CHAIRMAN THORNTON: Certainly. Would you restate your
name?

23 MR. GREGORY: Scott Gregory. Forgive me for being a
24 little bit repetitive here. I'm a little confused. But
25 your intentions are, and I think maybe some people over

1 there are a little bit confused.

2 EXAMINATION

3 BY MR. GREGORY:

4 **Q.** Your intentions are to fix the house and
5 everything that's there. And I understand you're a
6 developer. So are you going to develop it whatever --
7 whatever it's going to be done to it, are you going
8 to do that yourself?

9 Or are you planning on just maybe fixing it as
10 best you can and then selling it again? I mean I
11 understand. It's probably not any of my business. But
12 I'm trying to get the feel of what's --

13 **A.** The intention, the word development in this case
14 is the remodeled house. That's my only intention of the
15 use of this property.

16 **Q.** Okay.

17 **A.** I don't have any other structures planned -- or I
18 did. Again, with that flowage easement I can't too far
19 from the house. I mean there's a lot of issues of this
20 property, constraints. I mean it's surrounded by roads
21 and water.

22 **Q.** Yeah. I understand.

23 **A.** The house, the word development or developer can
24 be misleading. But all I'm doing is I'm remodeling the
25 house.

1 MR. GREGORY: I understand. I understand. Okay. You
2 don't have any plans right now for that field in front
3 of my house.

4 MR. LINK: We're not here tonight to discuss anything
5 other than what he has requested the zone change for. I
6 mean we're not. The board has not been -- Nothing is
7 filed.

8 MR. STINSON: That's your job.

9 MR. LINK: We are not here to discuss any other
10 properties except this one.

11 MS. HUNT-GOOSSETREE: I think -- Jill Hunt-Goosetree.
12 I think the confusion came about because at first the
13 rumor was going together across the road and house.

14 MR. LINK: Yes, ma'am.

15 MS. HUNT-GOOSSETREE: And I think we just needed that
16 cleared up.

17 MR. LINK: Yes, ma'am.

18 MS. HUNT-GOOSSETREE: Thank you. Anyone, are we ready
19 to make a motion, to vote?

20 MR. SKIPWORTH: What other properties are B-4 around
21 there?

22 COMMISSIONER SLIGER: There's only one and that's 40
23 acres.

24 THE WITNESS: Well, not -- The one next to it. You're
25 right. That touches it. Across the creek is B-4. Then

1 across the -- Do you all call that little side street --
 2 COMMISSIONER SLIGER: They call it Rapids Road.
 3 THE WITNESS: That is called Rapids Roads. Rapids
 Roads.
 CHAIRMAN THORNTON: Two to the left and one to the
 6 right.
 7 THE WITNESS: To the right.
 8 MR. CUMMINS: (Indicating). Across the creek.
 9 CHAIRMAN THORNTON: One to the immediate left and one
 10 across 73, left.
 11 MR. CUMMINS: You may have that.
 12 MR. SKIPWORTH: There's a house that sits right there.
 13 MR. CUMMINS: That's B-4. One, two, three.
 14 MR. SKIPWORTH: My house is here.
 15 MR. CUMMINS: Yes, sir.
 16 MR. SKIPWORTH: I've got neighbors that's all there.
 17 There's enough not B-4, and we're all adjacent to
 18 commercial.
 19 MR. CUMMINS: But you're on the other side of the
 20 road.
 21 MR. SKIPWORTH: Right. And they're on the other side
 22 of the creek. That's a whole lot bigger area than I
 23 remembered.
 24 MR. CUMMINS: But there's two highways.
 25 MR. SKIPWORTH: Right. I just want it to be more of a

1 residential instead of a business the way that it's set
 2 up with the house and the other structures that's on the
 3 property.
 4 CHAIRMAN THORNTON: Gentlemen, do we have anything, a
 5 motion to put on the floor? Where are we?
 6 COMMISSIONER SLIGER: I make a motion that we change
 7 the zoning to B-4. I think it is probably what it
 8 should be, needs to be.
 9 CHAIRMAN THORNTON: Concurrent with the planning in
 10 the area?
 11 COMMISSIONER SLIGER: Uh-huh.
 12 COMMISSIONER WEISSINGER: I second it.
 13 CHAIRMAN THORNTON: Okay. Do we have more discussion,
 14 gentlemen, on this? Okay. We have a motion before the
 15 board to change the zone, Hurdle Land & Realty from an
 16 AG to a B-4 which is a highway business district for the
 17 2.67 acres parcel located at 1943 East Cedar Street.
 18 MR. LINK: Now, before we take a vote Mr. Cummins has
 19 given to me, and I don't know if everybody has them,
 20 these proposed findings of fact.
 21 CHAIRMAN THORNTON: Findings of fact.
 22 MR. LINK: And conclusions of law. If you all would
 23 review those --
 24 CHAIRMAN THORNTON: Before we vote.
 25 MR. LINK: -- before we vote. Because if you do

1 approve the motion, you will need to approve the
 2 findings of fact and conclusion of law or make suggested
 3 changes to them. So we can take a three, few minutes
 4 for you all to read through those.
 5 (COMMISSIONERS REVIEWING DOCUMENT).
 6 COMMISSIONER SLIGER: I change my motion to accept the
 7 findings of fact then.
 8 MR. LINK: Did we have a second to this?
 9 CHAIRMAN THORNTON: Yes, we did.
 10 MR. LINK: Who made that?
 11 CHAIRMAN THORNTON: Mr. Weissinger. Mr. Sliger made
 12 the motion. Mr. Weissinger second.
 13 MR. LINK: So, Mr. Sliger, is your motion to --
 14 COMMISSIONER SLIGER: Accept the findings of facts
 15 presented and grant the zone request from AG to B-4. I
 16 think it's within our Comprehensive Plan.
 17 MR. LINK: And then you have seconded the motion, Mr.
 18 Weissinger?
 19 COMMISSIONER WEISSINGER: Yes.
 20 CHAIRMAN THORNTON: Then we're ready for the question.
 21 MR. LINK: Then you're ready to call for a vote.
 22 COMMISSIONER MAYEUR: I have a question. Here or in
 23 the findings of fact it says Hurdle Land & Realty, LLC,
 24 a Kentucky limited liability company. Over here it
 25 states Tennessee, LLC. Is that --

1 MR. CUMMINS: That's a typographical error. I
 2 apologize Mr. Mayeur. Where is that and I'll have that
 3 corrected. What page is that on? I'm sorry.
 4 COMMISSIONER MAYEUR: Right under the findings of
 5 fact.
 6 CHAIRMAN THORNTON: Are we ready to take a vote? All
 7 in favor of changing the zone from agriculture to B-4 at
 8 1943 East Cedar Street in concurrence with the findings
 9 of fact and conclusions of law; all in favor say aye.
 10 COMMISSIONERS: Aye.
 11 CHAIRMAN THORNTON: Or with a hand raise, please.
 12 (COMMISSIONERS INDICATING).
 13 CHAIRMAN THORNTON: Is there any opposition
 14 whatsoever? Motion passes unanimously to change the
 15 zoning from AG to B-4.
 16 MR. CUMMINS: Thank you very much. I hope we didn't
 17 keep you too long.
 18 CHAIRMAN THORNTON: Thank you.
 19 MR. LINK: No.
 20 CHAIRMAN THORNTON: Thank you all for coming, your
 21 public, your interest in Planning & Zoning. It's
 22 important.
 23
 24
 25

1 STATE OF KENTUCKY)

) SS.

2 COUNTY OF WARREN)

I, James A. Dale, Jr., a Notary Public, within and
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 witnesses were 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
11 witnesses; that the foregoing is a full, true and
12 correct transcript of said proceedings so given; and
13 that the 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 11th day of July, 2019.
20 My commission expires May 20, 2023.

21
22 _____
Notary Public, Notary ID 623641
State at Large, Kentucky
23
24
25