

ORDINANCE NO. 2020 - 003

AN ORDINANCE REZONING APPROXIMATELY 2.81 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE END OF TROTTERS LANE FROM B-5 TO I-2

WHEREAS, CoCo L.L.C., 519 Gregory Road, Franklin, Kentucky 42134, filed a petition to rezone 2.81 acres located on the southwest corner at the end of Trotters Lane and more specifically described as Minor Subdivision Lot 3 in the subdivision plat recorded at Plat Cabinet 6, Page 7, Simpson County Clerk's Office from B-5 to I-2; and

WHEREAS, CoCo L.L.C. desires to rezone the aforementioned property from B-5 to I-2 to make the property more productive for the community, and this change is appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on February 4, 2020, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone change as it is in agreement with the community's comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Franklin, Kentucky as follows:

The 2.81 acres located on the southwest corner at the end of Trotters Lane and more specifically described as Minor Subdivision Lot 3 in the subdivision plat recorded at Plat Cabinet 6, Page 7, Simpson County Clerk's Office, as described below is granted a zone change from B-5 to I-2:

Beginning at an iron pin set in the westerly right of way of Trotter Lane (approximately 25 feet from centerline) a new corner to the subject owners, Charles Weldon Deweese & wife, Penny Deweese and Emma Jean Kirby, Ron Kirby, Jr., and Karol Kirby Ahmed as appears in Deed Book 168 Page 158 and Deed Book 167 Page 20 and Deed Book 230 Page 136, in the line of MN Franklin, LLC (Deed Book 318 Page 456); thence along the line of the subject owners with MN Franklin, LLC, generally with a fence, North 82 degrees 21 minutes 41 seconds West a distance of 566.66 feet to an iron pin set; thence on new lines the following two calls: North 15 degrees 03 minutes 03 seconds East a distance of 211.55 feet to an iron pin set; thence South 82 degrees 21 minutes 22 seconds East a distance of 598.65 feet to an iron pin set in the westerly right of way of Trotter Lane; thence along the meanders of the westerly right of way of Trotter Lane, the following two calls: South 23 degrees 25 minutes 04 seconds West a distance of 113.80 feet to a point;

thence South 23 degrees 25 minutes 29 seconds West a distance of 104.14 feet to the point of beginning. Surveyed parcel contains 2.81 acres more or less, and is Minor Subdivision Lot 3 to be recorded in Plat Cabinet 6, Page 7, Simpson County Clerk's Office, 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 November of 2019. 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."

Being the same property conveyed to CoCo L.L.C. by Charles Weldon Deweese and wife, Penny Ann Deweese, Emma Jean Kirby, unmarried, Ron Kirby, Jr. and wife, Paula Moore Kirby, and Karol Kirby Ahmed and husband, Waquar Ahmed by deed dated January 17, 2020, of record in Deed Book 346, Page 302, Simpson County Clerk's Office.

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

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

March 9, 2020 FIRST READING

April 13, 2020 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on April 13, 2020, on motion made by Commissioner Stewart and seconded by Commissioner Powell, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR


Yes JAMIE POWELL

Yes BROWNIE BENNETT


Yes WENDELL STEWART

Yes HERBERT WILLIAMS

APPROVED BY:


Larry Dixon, Mayor

ATTEST:


Cathy Dillard, City Clerk

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND APPROVAL AND
RECOMMENDATION OF ZONE CHANGE
BY FRANKLIN-SIMPSON COUNTY PLANNING & ZONING COMMISSION**

This matter came before the Franklin-Simpson County Planning & Zoning Commission for public hearing on February 4, 2020 on the petition of CoCo L.L.C. requesting a map amendment from B-5 to I-2 for the 2.81 acre tract of land located on the southwest corner at the end of Trotters Lane and more specifically described as Minor Subdivision Lot 3 in the subdivision plat recorded at Plat Cabinet 6, Page 7, Simpson County Clerk's Office. The Chairperson of the Commission, Debbie Thornton, presided. Tim Smith, the authorized representative of CoCo L.L.C. (the current owner of the property) was present and represented by counsel, Mark A. Thurmond.

The Commission heard statements of counsel and the testimony of Tim Smith. It was reported to the Commission that the Petitioner desires to rezone said property to I-2 for purposes of operating a warehouse and distribution center for underground water, sewer, and storm utility products. There was an opportunity for cross-examination and questions from the Commission. Having heard the testimony, reviewed the petition, exhibits, and Comprehensive Plan, Chad Konow made a motion, seconded by George Weissinger to recommend the map amendment, and said motion passed by vote of 6 in favor and 1 opposed. With respect to the map amendment, the following Findings of Fact, Conclusions of Law, and Recommendation were adopted by the Commission:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Based on the Simpson County Comprehensive Plan, the land sought to be rezoned by the Petitioners lies within an area intended and suitable for industrial development.

2. The 2.81 acre property located on the southwest corner at the end of Trotters Lane and more specifically described as Minor Subdivision Lot 3 as set forth in the subdivision plat recorded at Plat Cabinet 6, Page 7, Simpson County Clerk's Office is currently zoned B-5 but is suitable for a zone change to I-2.

3. The subject property lies in the immediate vicinity of the I-65 interchange at Exit 6 and the Sanders Interstate Industrial Park and Henderson Interstate Industrial Park containing multiple properties zoned I-2. The Petitioner's intended use of the property as a warehouse and distribution center is consistent with a zoning of I-2.

4. The subject property is owned by CoCo L.L.C. and is intended to be utilized for the operation of a warehouse and distribution center for underground water, sewer, and storm utility products. The location at the end of Trotters Lane near the I-65 interchange and in the proximity of other industrial properties zoned I-2 makes the subject property suitable for this business development.

5. The map amendment sought is in agreement with the community's Comprehensive Plan, as the Plan contemplates mixed uses of commercial and industrial within the interstate interchange areas and thus expected some properties within this area to be developed for industry.

6. There have been major changes of an economic, physical, or social nature within the area which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area, in that additional business development of an industrial nature has occurred in the area due to the presence of the I-65 interchange.

7. The applicants have complied with all procedural prerequisites including the proper filing of the request for a zone change and payment of all necessary expenses.

8. A map amendment to I-2 is in order, having met the criteria set forth in Article 10.7.2 of the Franklin-Simpson Zoning regulations.

RECOMMENDATION

Based upon the foregoing specific Findings of Fact and Conclusions of Law, the Commission recommends to the Franklin Board of Commissioners that the zone change for the property described herein from B-5 to I-2 be granted.

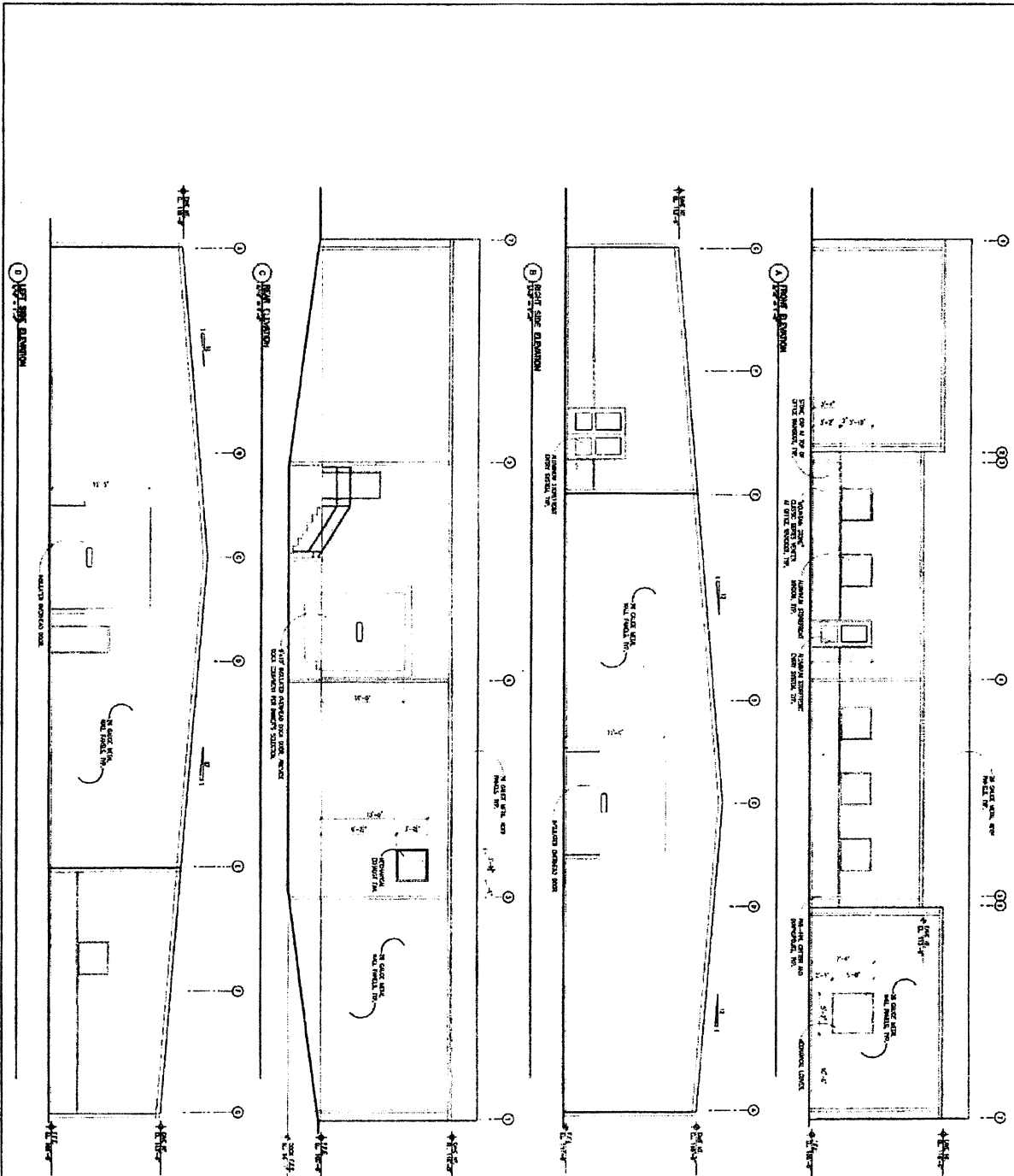
Approved and recommended for map amendment, this the 4th day of February,
2020.


DEBBIE THORNTON, CHAIRPERSON

PROPERTY DESCRIPTION

Beginning at an iron pin set in the westerly right of way of Trotter Lane (approximately 25 feet from centerline) a new corner to the subject owners, Charles Weldon Deweese & wife, Penny Deweese and Emma Jean Kirby, Ron Kirby, Jr., and Karol Kirby Ahmed as appears in Deed Book 168 Page 158 and Deed Book 167 Page 20 and Deed Book 230 Page 136, in the line of MN Franklin, LLC (Deed Book 318 Page 456); thence along the line of the subject owners with MN Franklin, LLC, generally with a fence, North 82 degrees 21 minutes 41 seconds West a distance of 566.66 feet to an iron pin set; thence on new lines the following two calls; North 15 degrees 03 minutes 03 seconds East a distance of 211.55 feet to an iron pin set; thence South 82 degrees 21 minutes 22 seconds East a distance of 598.65 feet to an iron pin set in the westerly right of way of Trotter Lane; thence along the meanders of the westerly right of way of Trotter Lane, the following two calls; South 23 degrees 25 minutes 04 seconds West a distance of 113.80 feet to a point; thence South 23 degrees 25 minutes 29 seconds West a distance of 104.14 feet to the point of beginning. **Surveyed parcel contains 2.81 acres more or less,** and is Minor Subdivision Lot 3 to be recorded in **Plat Cabinet 6, Page 7**, Simpson County Clerk's Office, 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 November of 2019. 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".

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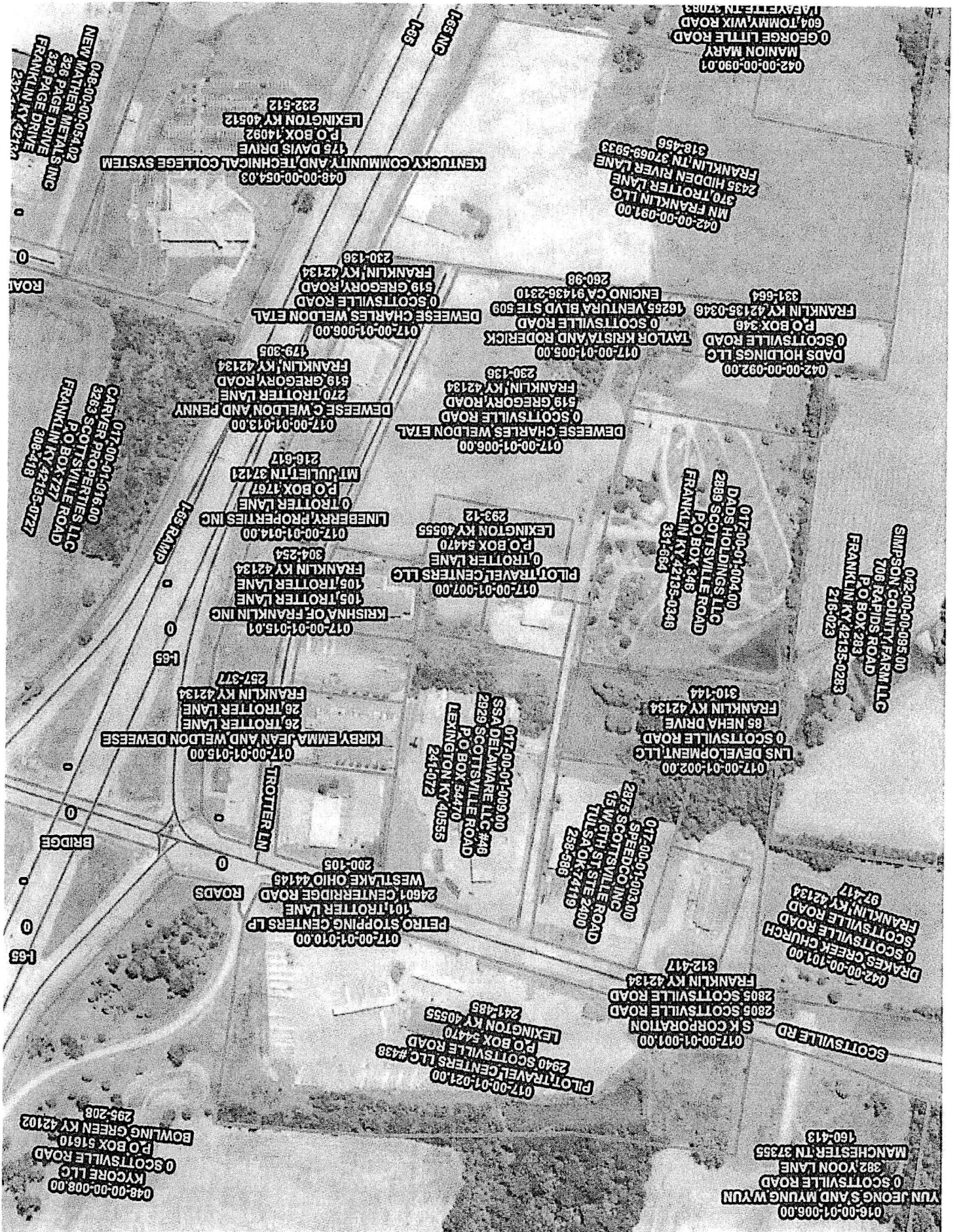
P.E.M.B. NOTES

1. EXISTING BUILDING TO BE DEMOLISHED. NEW BUILDING TO BE CONSTRUCTED ON THE SAME SITE. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

ELEVATION GENERAL NOTES

1. EXISTING BUILDING TO BE DEMOLISHED. NEW BUILDING TO BE CONSTRUCTED ON THE SAME SITE. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

A3.0 PROJECT DOCUMENT	10-11-19 SCALE AS NOTED	1967 DRAWN BY FURA	FORTLINE BUILDING OF FRANKLIN KY FRANKLIN, KENTUCKY	SEWELL SEWELL ARCHITECTS 111 HILDEBRANDT AVENUE BOWLING GREEN, KY 40304 502-338-1111		REVISIONS NO. DATE BY
	EXTERIOR ELEVATIONS					



042-00-00-090.01
MANION MARY
604, TOMMY WIX ROAD
LEXINGTON, TN 37083

042-00-00-091.00
MN FRANKLIN LLC
370 TROTTER LANE
2435 HIDDEN RIVER LANE
FRANKLIN, TN 37069-5933
318-456

042-00-00-092.00
DADS HOLDINGS LLC
0 SCOTTSVILLE ROAD
PO BOX 346
FRANKLIN KY 42135-0346
331-664
TAYLOR KRISTA AND RODERICK
0 SCOTTSVILLE ROAD
017-00-01-005.00
260-98
ENCINO CA 91436-2310

017-00-01-006.00
DEWESE CHARLES WELDON ETAL
0 SCOTTSVILLE ROAD
519 GREGORY ROAD
FRANKLIN, KY 42134
230-136

017-00-01-013.00
DEWESE C WELDON AND PENNY
270 TROTTER LANE
519 GREGORY ROAD
FRANKLIN, KY 42134
179-305

017-00-01-014.00
LINEBERRY, PROPERTIES INC
0 TROTTER LANE
PO BOX 1767
MT JULIETT TN 37121
216-817

017-00-01-007.00
PILOT TRAVEL CENTERS LLC
0 TROTTER LANE
PO BOX 54470
LEXINGTON KY 40555
293-12

017-00-01-004.00
DADS HOLDINGS LLC
2889 SCOTTSVILLE ROAD
PO BOX 346
FRANKLIN KY 42135-0346
331-664

042-00-00-095.00
SIMPSON, COLONY/FARM LLC
708 RAPIDS ROAD
PO BOX 283
FRANKLIN KY 42135-0283
216-023

017-00-01-002.00
LNS DEVELOPMENT LLC
0 SCOTTSVILLE ROAD
185 NEHA DRIVE
FRANKLIN KY 42134
310-144

017-00-01-009.00
SSA DELAWARE LLC #48
2929 SCOTTSVILLE ROAD
PO BOX 54470
LEXINGTON KY 40555
241-072

017-00-01-003.00
SPEEDCO INC
15 W 6TH ST, STE 2000
TULSA OK 74119
258-386

042-00-00-101.00
DRAKES CREEK CHURCH
0 SCOTTSVILLE ROAD
FRANKLIN KY 42134
974-17

017-00-01-001.00
S K CORPORATION
2805 SCOTTSVILLE ROAD
FRANKLIN KY 42134
312-417

017-00-01-021.00
PILOT TRAVEL CENTERS LLC #438
2940 SCOTTSVILLE ROAD
PO BOX 54470
LEXINGTON KY 40555
241-485

017-00-01-010.00
PETRO STOPPING CENTERS LP
101 TROTTER LANE
24601 CENTERIDGE ROAD
WESTLAKE OHIO 44145
200-105

017-00-01-015.00
KIRBY EMMA JEAN AND WELDON DEWESE
26 TROTTER LANE
FRANKLIN KY 42134
257-377

017-00-01-016.00
CARVER PROPERTIES LLC
3289 SCOTTSVILLE ROAD
PO BOX 727
FRANKLIN KY 42135-0727
308-418

048-00-00-054.03
KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
175 DAVIS DRIVE
PO BOX 14092
LEXINGTON KY 40512
232-512

048-00-00-054.02
NEW MATHER METALS INC
326 PAGE DRIVE
FRANKLIN KY 42134
232-418

016-00-01-006.00
YUN JEONG S AND MYUNG W YUN
0 SCOTTSVILLE ROAD
382 YOON LANE
MANCHESTER TN 37355
160-413

048-00-00-008.00
RYCORE LLC
0 SCOTTSVILLE ROAD
PO BOX 51610
BOWLING GREEN KY 42102
295-208

FRANKLIN - SIMPSON COUNTY
PLANNING & ZONING COMMISSION

IN RE: CHARLES W. DEWEESE REQUESTING ZONE CHANGE
OF B-5 TO I-2 FOR A PARCEL LOCATED SOUTHWEST CORNER
AT THE END OF TROTTERS LANE

TRANSCRIPT OF PROCEEDINGS
DATE: FEBRUARY 4, 2020

JAMES A. DALE, JR., REPORTER

CONDENSED

The TRANSCRIPT OF PROCEEDINGS, taken pursuant to
notice heretofore filed, in the City Hall Meeting Room,
117 West Cedar Street, Franklin, Simpson County,
Kentucky, on Tuesday, February 4, 2020, at 6:55 p.m.

*** **

A P P E A R A N C E S

Commissioners present:

Debbie Thornton, Chairman
Kent Wilson
Chad Konow
George Weisinger
Gary Sliger
John Mayeur
Craig Mylor
Roy Tyler

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:

Mark A. Thurmond
Crocker & Thurmond
126 West Kentucky Avenue
P. O. Box 305
Franklin, KY 42135-0305

*** **

I N D E X

MARK A. THURMOND	5
TIM SMITH	8
BY MR. THURMOND:	8
BY CHAIRMAN THORNTON:	16
BY MR. THURMOND:	18
BY MR. THURMOND:	20
BY COMMISSIONER TYLER:	23

Petitioner Exhibit 1	5
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CHAIRMAN THORNTON: Okay. Up next, Charles W. DeWeese
Company is requesting a zone change of B-5 to I-2 for
parcel located southwest corner at the end of Trotters
Lane. And who do we have here representing the Charles
W. DeWeese Company?

MR. THURMOND: Madam Chairman, my name is Mark
Thurmond. I'm the attorney for -- This property has
actually been sold to a single member LLC, Coco, LLC.
Mr. DeWeese is the single member of that LLC. So the
petition was brought on behalf of the LLC and Mr.
DeWeese.

But for legal purposes it's a request by Coco,
LLC, for, to change it from B-5 to I-2.

CHAIRMAN THORNTON: Yes, sir.

MR. THURMOND: And our only witness will be the
representative of Coco, LLC, will be Mr. Tim Smith
tonight.

CHAIRMAN THORNTON: Okay. Great. Mr. Thurmond, would
you please approach? Yes, and I need you to get sworn
in, please, by Mr. Dale.

THE REPORTER: Are you going to testify?

MR. THURMOND: I'll be making statements. I'm glad to
be sworn in.

CHAIRMAN THORNTON: Does he need to be sworn in?

MR. LINK: That's fine.

1 CHAIRMAN THORNTON: Go ahead and swear him.
 2 THE REPORTER: Swear in an attorney?
 3 MR. THURMOND: It won't be the first time or the last
 time. You guys laughed so hard at that.
 CHAIRMAN THORNTON: Bob said it would be okay. He's
 6 an attorney.
 7 **MARK A. THURMOND**, called on behalf of the
 8 Petitioner, being first duly sworn, was examined and
 9 testified as follows:
 10 MR. THURMOND: Madam Chair.
 11 CHAIRMAN THORNTON: I'm just trying to get it right.
 12 MR. THURMOND: Hey, it's all right. I'm not offended
 13 in the least. I'm going to tender our findings.
 14 CHAIRMAN THORNTON: All right. Thank you.
 15 MR. THURMOND: And then I have some hard copies.
 16 We've got some color slides that I'm going to provide
 17 for the court reporter, if that's okay.
 18 MR. LINK: Okay.
 19 CHAIRMAN THORNTON: Thank you.
 20 (Petitioner Exhibit 1 was duly marked for
 21 identification)
 22 MR. THURMOND: Ladies and gentlemen of the Commission,
 23 I'll try not to spend too much of your time tonight.
 24 The entity that I represent, Coco, LLC, owns a small
 25 2.85 acre tract. Let me get that aerial.

1 We've recently had a plat approved and the map
 2 had to be -- Scroll down just a bit. Bit more. Then
 3 we've got -- So what we're talking about here is this
 4 piece of property right here (Indicating). There's a
 5 line right here, and that's 2.5 -- 2.85 acres.
 6 And so what, just to orient yourselves, we've got
 7 the city back here. We've got 100 coming out this way.
 8 This is east towards Allen County. This is Trotters
 9 Lane right, let's see. Right -- Where is Trotters Lane.
 10 MR. SMITH: The red line.
 11 MR. THURMOND: The red line right there is Trotters
 12 Lane.
 13 MR. SMITH: Right beside there.
 14 MR. THURMOND: Right here?
 15 MR. SMITH: Yeah.
 16 MR. THURMOND: You've got 65 here.
 17 MR. SMITH: Yeah.
 18 MR. THURMOND: And so this is, as you're heading -- As
 19 you're heading east towards Scottsville, if you take a
 20 right on Trotters Lane -- Trotters Lane, of course, is a
 21 dead-end road. This is at the very end of Trotters
 Lane.
 23 You've got Nacarato Volvo Truck Service here, and
 24 then this is just a vacant lot here. This is all
 25 vacant. You've got the RV park back here. You've got

1 the -- This is El Potrero here, vacant land. And so
 2 that's where we're, that's where we're oriented.
 3 What is being proposed is to change -- This is a
 4 B-5. Of course, the interstate, the interstate exchange
 5 is up here just off the screen. All of it is in the
 6 interstate exchange area.
 7 So what we're proposing is to change this little
 8 2.85 acre tract from B-5 to I-2. For purposes of --
 9 What Coco, LLC, wants to do and proposes to do is to
 10 build a nice warehouse and distribution center for a
 11 company that you may have hard of. The Fortiline
 12 Company. It's a major distributor of underground water,
 13 sewer and storm utility products.
 14 It's a little less than 10,000 square foot
 15 facility here, and that's going to be hundred foot off
 16 of Trotters Lane. And what's being proposed is to
 17 change this from B-5 to I-2 in order to use this
 18 property for that purpose.
 19 That being said, that's sort of the initial
 20 matter. Mr. Smith will tell you everything else. You
 21 need to come up, be sworn in, please, sir.
 22 CHAIRMAN THORNTON: Could I ask you one question
 23 before Mr. Smith is -- just what, the Fortiline Company,
 24 what would this warehouse be housing again? I missed a
 25 little bit of that.

1 MR. THURMOND: Mr. Smith will get into the, more of
 2 the specifics on that.
 3 CHAIRMAN THORNTON: Okay.
 4 MR. THURMOND: But it's basically pipeline and what's
 5 -- Well I'll let him --
 6 CHAIRMAN THORNTON: I'll let Mr. Smith get into that.
 7 MR. THURMOND: He'll do a better job of explaining
 8 that.
 9 CHAIRMAN THORNTON: Thank you so much. Mr. Smith.
 10 MR. THURMOND: Go ahead.
 11 **TIM SMITH**, called on behalf of the Petitioner, being
 12 first duly sworn, was examined and testified as follows:
 13 MR. THURMOND: Mr. Dale, Mr. Smith is here. You can
 14 pick everything up, I'm assuming. Will that be okay?
 15 Everybody can hear me okay?
 16 **EXAMINATION**
 17 BY MR. THURMOND:
 18 **Q.** State your name for the Commission, please, sir.
 19 **A. Tim Smith.**
 20 **Q.** And, Mr. Smith, you're the authorized
 21 representative of Coco, LLC, the owner of this property.
 22 **A. I am.**
 23 **Q.** And this, just so we get all our legal
 24 requirements, this property recently was subdivided by a
 25 minor subdivision plat that's been approved and recorded

1 with the county clerk's office setting out this 2.85
2 acre tract. Is that correct?

3 **A. That is correct.**

4 **Q. How is the property currently used?**

5 **A. Previously the property was a vacant lot or a**
6 **green field.**

7 **Q. And the property surrounding to the north**
8 **towards, I guess Kentucky 100, is also owned, I guess,**
9 **by Mr. DeWeese and some other folks. That's all vacant**
10 **land right now, too, as well, isn't it?**

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

12 **Q. Describe, describe for the benefit of the**
13 **commission how Coco, LLC, intends to use this property.**
14 **Tell them about Fortiline, and tell them about the**
15 **proposed warehouse?**

16 **A. Okay. Well, we operate a company known as**
17 **Charles DeWeese Construction. Utilities, underground**
18 **utilities installation is a big part of our business**
19 **model and our services. Fortiline is a company that**
20 **we've been buying pipe, valves, fire hydrants,**
21 **appurtenances from for many years. They've grown and**
22 **grown.**

23 **Sometime in the past, maybe a couple of years**
24 **ago, they were bought by a publically-traded company.**
25 **The parent company bought them. And, of course, that's**

1 **heightened their corporate standards and goals. And**
2 **Fortiline now operates over the bulk of the continental**
3 **United States.**

4 **Okay. Fortiline currently has a store in Ohio**
5 **County, Kentucky, a small store they bought from a small**
6 **vendor. And they also have a store on Elm Hill Pike**
7 **near the Nashville airport in the middle of Nashville.**

8 **Their goal for this location is to become a**
9 **regional center for their service provisions. Okay?**
10 **This store is going to serve not only south central**
11 **Kentucky but also clients all the way up to Owensboro,**
12 **clients much like ourselves, contractors.**

13 **This store is also, they're going to utilize**
14 **their Elm Hill Pike location to still service east**
15 **Nashville and south Nashville or the southeast quadrant.**
16 **This store is going to service north Nashville and west**
17 **Nashville.**

18 **And so this store is their opportunity to step up**
19 **their service provision for not only the state of**
20 **Kentucky but also the state of Tennessee.**

21 **Q. Again, this is going to be completely at the end**
22 **of Trotters Lane, correct?**

23 **A. It will be directly located adjacent to the**
24 **terminus of Trotters Lane, where Trotters Lane basically**
25 **enters Nacarato's facility.**

1 **Q. And there's not going to be any manufacturing or**
2 **anything of that sort to take place on this property?**

3 **A. No. None whatsoever. Fortiline deals with major**
4 **manufacturers, pipe manufacturers, valve, fire hydrant**
5 **manufacturers. They buy from those folks and then**
6 **resell to folks like us.**

7 **Q. And so the activity that's going to take place**
8 **there is they're going to store their product, and then**
9 **they're going to distribute according to -- As orders**
10 **come in, they're going to, they're going to serve the**
11 **area that they have got with the products that are**
12 **stored at the facility. Would that be accurate?**

13 **A. That is accurate, yes.**

14 **Q. How, approximately how big is this facility?**

15 **A. The building is just short of 10,000 square feet.**
16 **And, of course, the property is about 2.85 acres. And**
17 **everything you see to the west or to the rear of the**
18 **buildings there, that's the fenced-in storage area.**

19 **There will be privacy, sliding gates on either**
20 **side of the building where trucks are checked in, then**
21 **checked back out. Obviously they have to secure their**
22 **product at night.**

23 **Q. So hazardous materials or anything that would**
24 **potentially damage any of the surrounding properties?**

25 **A. Absolutely not. The only thing even akin to**

1 **something that needs to be handled under a MSDA**
2 **circumstance, they may store a small quantity of paint**
3 **for fire hydrants.**

4 **Q. And I understand you designed a hundred foot**
5 **setback to comply with the I-2 requirement.**

6 **A. We did as well as 50 foot side setbacks.**

7 **Q. And how are you going to delineate this property**
8 **Trotters surrounding properties? Will you have a**
9 **boundary marker?**

10 **A. It will be fenced.**

11 **Q. Okay. And how many, approximately how many jobs**
12 **and people can we expect to be serviced by this**
13 **facility?**

14 **A. Initially there will probably be six direct**
15 **subordinates there, and then it will increase to 10 or**
16 **12 as they expand the area of service from this**
17 **facility.**

18 **Q. You mentioned to me earlier in some of our**
19 **conversations there's some advantage to the local**
20 **community, especially the local government to having**
21 **this facility in this location, isn't there?**

22 **A. Well, absolutely in my opinion.**

23 **Q. Describe that for the Commission, please, sir.**

24 **A. Well, there have been times in the past where the**
25 **water, sewer department locally would phone me up if**

1 they had an emergency, say: Hey, Tim, do you have a ten
2 inch mechanical joint sleeve? We've got a water line
3 break. We need one. Or do you have this or that?

And then, of course, when you consider that our
local water, sewer authorities have to inventory a
certain amount of repair materials for emergencies,
well, this is an opportunity to have extraordinary
inventory right here within minutes of where the
emergency may occur.

Q. And the property suitable for this purpose in
that, there's adequate utilities, adequate roadway and
everything like that for this purpose. Is that correct?

A. That is correct. We submitted detailed
development to the city and Chris Potter, and he's
waiting on Mr. Jones, his consultant, to complete his
review. I've got a meeting with Chris at his office
this week on the 6th.

Of course, Chris is going to review water and
sewer in-house. And we're going to collaborate with him
to extend the sanitary sewer to the east or -- I'm
sorry, to the west side of Trotters and run an eight
inch extension up to our property which will further
compliment the remaining green field lots for future
development.

Q. And it does not adjoin any residential property,

does it? It's all business property?

A. No, no.

Q. And it does not adjoin any agricultural property,
does it?

A. No, sir.

Q. Mr. Munday, if you would, go back to that aerial,
please, sir. As far as -- Well, scroll back down.

Thank you, sir. As far as what does surround this
property -- and I'll try to indicate -- Mr. Munday will
try to indicate as we go.

What is in the immediate vicinity of the --
Again, this is our, this is our two-acre property here.
So just describe to the Commission what surrounds this
location.

A. Yeah. Well, immediately to the south you have a
facility that was previously a car auction that is now a
sales and service center for Nacarato which is a
representative of Volvo commercial trucks.

I believe that's a great, that's a great
compliment to the community. I know as a matter of fact
Charles DeWeese Construction now owns many class eight
Volvo trucks specifically because we got services
provided right here in the community.

Immediately to the west is Dad's Campground.
That thing basically was dormant for a few years. Mr.

1 Pole and his family stepped in and bought the thing, and
2 it seems to be working real well. Then right here when
3 you go across the open space to the north, you've got,
4 Pilot Travel Centers has a truck stop there.

You've got, just to the east of that truck stop
you've got a truck maintenance and repair facility.
Just to the, just to the west of the maintenance and
repair facility -- Just to the east you've got, I think
it's called Petro Lube truck repair and maintenance
facility right at the intersection of Trotter and 100.

And then, of course, you've got Steeplechase
Spirits down here on the corner, the opposite corner of
Trotter and 100. Then you've got, of course, some
additional open green space there, undeveloped lots on
the east side of Trotter. And finally at the top of the
hill you've got El Potrero, Mexican Restaurant which
appears to be doing gamuts.

Q. And again to the immediate -- If we have our
imaginary line here, to the immediate north this is just
vacant land to be developed. Would that be accurate?

A. That's correct.

Q. You haven't gotten any objections from any of the
surrounding landowners, have you, to this proposal?

A. I have not. The only comments I've had prior to
this evening from adjacent landowners is Nacarato. One

1 of the Nacarato family offered to write a letter in
2 support of the project. And the folks over at El
3 Potrero have voiced their support.

Q. Do you anticipate any disruption if this facility
is implemented here? Do you anticipate any disruption
to the surrounding landowners?

A. None whatsoever.

CHAIRMAN THORNTON: May I?

MR. THURMOND: Yes, ma'am.

EXAMINATION

BY CHAIRMAN THORNTON:

Q. Do you have any idea how many trucks per day
during the work week may be coming in and out getting
loaded with supplies or --

A. It's a real guess. Okay. It ebbs and flows. Of
course, initially there will be several trucks while
they're stocking their yard.

Q. Sure.

A. But once it gets into a standard flow of business
I would anticipate, as far as delivery trucks,
tractor-trailer trucks, they may have one.

Q. Okay.

A. Maybe two a day.

Q. And then -- I'm sorry. Go ahead.

A. And Fortiline themselves uses straight trucks,

1 flatbed trucks. They're delivery trucks.

2 Q. Uh-huh.

3 A. And they will probably start out with one based
4 out of this facility and maybe get up to two. And they
5 just make random ins and outs during the day. They may
6 deliver two deliveries a day.

7 Q. Okay.

8 A. And that depends on where it's at. And I'll
9 remind you that this facility is going to be serving
10 clients as far away as Owensboro and as far away as
11 Springhill and Columbia, Tennessee at times.

12 Q. Okay. Also and then this will be closed in the
13 evening?

14 A. Yes.

15 Q. It's not open past six o'clock at night or
16 something like that?

17 A. No.

18 Q. Because that, as far as that road and night time
19 and dark and stuff. Those are my questions.

20 MR. THURMOND: And if you're familiar with the
21 Nacarato Volvo Service Center, they, I mean there are --
22 Parked out there right now, there are literally rows of
23 tractor-trailers and --

24 CHAIRMAN THORNTON: Are there?

25 MR. THURMOND: Semi trucks and trailers that, you

1 MR. THURMOND: B-5. Excuse me. Yes, sir. And so in
2 the, within the interchange area there's -- What our
3 point would be is that there's plenty of I-2. On that
4 specific location there's not. But here's, here's the
5 thing about the Comprehensive Plan.

6 It lays out, and what our position is and we're
7 asking the Commission to adopt is that the Comprehensive
8 Plan contemplates in the interstate exchange area that
9 there be mixed uses of commercial and service which is
10 what you've got here. And what it says is with some
11 industrial mixed it in.

12 And so if we put a small I-2 where we're
13 proposing, what we would submit to the Commission is
14 that within the general vicinity of the exchange there's
15 plenty of other I-2s, and it's also consistent to the
16 extent that what's contemplated is a mixture.

17 It's supposed to be more commercial and service
18 with some industrial mixed in. And what we would
19 propose is that's exactly what this would accomplish.
20 It's going to have an I-2 within the grand scheme of
21 things. There's plenty of I-2 here. And it's a mixture
22 within the immediate vicinity of the exchange.

23 CHAIRMAN THORNTON: Could I, Carter, could I ask you
24 to help me out there with what, your interpretation of
25 the Comprehensive Plan?

1 know, their whole business is the trucks, you know, go
2 back and forth.

3 CHAIRMAN THORNTON: Sure.

4 EXAMINATION

5 BY MR. THURMOND:

6 Q. To your knowledge, Mr. Smith, has there been any
7 issue with those trucks or traffic issues?

8 A. None to my knowledge.

9 CHAIRMAN THORNTON: Thank you.

10 COMMISSIONER KONOW: Is this the only, is this the
11 only section of the property in that area that would be
12 I, I-1?

13 COMMISSIONER MYLOR: I-2.

14 COMMISSIONER KONOW: I-2 I mean.

15 MR. THURMOND: That's a great question. That's what
16 we were getting ready to -- Across the interstate here
17 is all I-2. And we can go -- Mr. Munday, if we can go
18 to that other, that other aerial map, I'll show you.

19 COMMISSIONER WILSON: I'm saying nothing on that side
20 of the interstate, everything --

21 COMMISSIONER MYLOR: That's on Trotters Lane.

MR. THURMOND: Nothing on that side. That's right.

23 All of the blue area is the I-2. We're over here with
24 the I-5. But what --

25 COMMISSIONER WILSON: B-5.

1 MR. MUNDAY: The history of this particular -- I mean,
2 excuse me. My voice is not up to par really. The
3 history of this interchange along with the other changed
4 used to be called the D-1 zone which was mix uses of
5 development. As Franklin grew in '98 we changed it to a
6 B-5, particular zone predominantly at the exchange.

7 Meaning that if we had some industrial clientele
8 that would fit the mold of a light industrial, it
9 allowed us to expand and shape it like we needed it
10 shaped in that general exchange area. By going with a
11 B-5 allowed us to do that.

12 We needed more definition in '98 to that
13 particular area like the other area. And that's what we
14 did.

15 CHAIRMAN THORNTON: Thank you. That's very helpful.

16 EXAMINATION

17 BY MR. THURMOND:

18 Q. Then since then, I mean what I ask Mr. Smith to
19 describe, there's been quite a bit of business and
20 industry to crop up in that vicinity. Can you just
21 briefly describe that? I suspect the Commission is
22 generally familiar with that. But can you describe how
23 things have grown around the exchange?

24 A. Yeah. Well, one good example is in 2010 Tractor
25 Supply built their 853,000 square foot distribution

1 facility on the east side there. You've got Toyo, NHK,
 2 I think they call it their, facility. You've got,
 3 Camping World has got a distribution facility out front.
 4 Here in the back we've got a, I forget what that thing
 5 is. It's a hundred, 150,000 square foot distribution
 6 facility.

7 MR. MUNDAY: Holly.

8 THE WITNESS: Of course, more recently on the
 9 northeast the industrial authority bought that property
 10 at auction after Mr. Garvin retired from his goals there
 11 and in effect built the new industrial park there. I
 12 believe Mr. Kelly owns the northwest piece there at the
 13 interchange. It's currently ag. I'm sure some day it
 14 will be developed for some similar type uses.

15 So anyway I just feel like the facility will
 16 compliment the community. I feel like when industrial
 17 developers come tour the community, it will show more
 18 prominently that Franklin, Simpson County has the
 19 facilities required to move forward and develop
 20 infrastructure.

21 Q. And so your position is that the change in zone
 22 at this location case and the implementation of this
 23 facility would be consistent with the Comprehensive Plan
 24 and the other development that's occurred over the past
 25 15, 20 years?

1 A. Absolutely. I feel like it is. For many
 2 reasons, one reason is Nacarato loves selling trucks.
 3 They'll love to buy Volvo straight trucks, because
 4 they'll get them serviced right there.

5 They can offer and partner with the community
 6 quite frankly in showing the substantive improvements
 7 that we're prepared to develop and expand. And I think
 8 El Potrero is excited, because they know all of those
 9 employees are going to come over and eat lunch.

10 And quite frankly one reason that the manager of
 11 the eastern part of United States representing Fortiline
 12 loved that location so much, he can meet his, both his
 13 vendors and his clients there, have a meeting, go across
 14 the street, have lunch or if it's late in the day have
 15 dinner; and just felt like it's really complimentary to
 16 the business.

17 Q. One, one comparison that comes to mind in light
 18 of Mr. Wilson's question, one -- Another area that I had
 19 asked you to sort of compare this to is the area along
 20 1008 where, like Gary Rogers had his business there.
 21 And I think that there are, there are several I-2s mixed
 22 with B zones sort of on either side of that.

23 So I don't think that this would be without
 24 precedent. I think there are other locations within the
 25 county where there's been a need to change a particular

1 lot to I-2 to meet a specific service or a specific
 2 industry that's going to, that's going to apply in the
 3 area.

4 And I think, I think along 1008 there are a
 5 couple of those where they're not necessarily right next
 6 door. But there might be an I-2 here, and there might
 7 be some across the street. So I don't think that
 8 what's, what the petitioner is asking is without
 9 precedent.

10 That being said any question for myself or Mr.
 11 Smith?

12 EXAMINATION

13 BY COMMISSIONER TYLER:

14 Q. Will the store be open to the public as well?

15 A. Absolutely. You mean walk in and buy something
 16 if you're paying cash? If you're going to be a repeat
 17 customer, I'm sure they'll have you fill out a credit ap
 18 and establish an account.

19 MR. THURMOND: What else can we try to answer?

20 CHAIRMAN THORNTON: Gentlemen of the board, do you
 21 have any questions?

22 MR. THURMOND: Very greatly appreciate your attention
 23 and your questions. We would ask the board to entertain
 24 and pass a motion to change the zone from B-2 to I-2.
 25 Thank you.

1 MR. LINK: Mark, do you have multiple copies of these
 2 proposed findings?

3 MR. THURMOND: I didn't. I apologize.

4 MR. LINK: Okay. All right.

5 CHAIRMAN THORNTON: Do we have a motion for -- Are we
 6 ready to contemplate, or is there discussion? Or do we
 7 have a motion to change the B-5 to an I-2 for the parcel
 8 located southwest corner at the end of Trotters Lane for
 9 Coco, LLC?

10 COMMISSIONER MAYEUR: I have a question. There seems
 11 to be a little bit of concern around changing that to
 12 I-2. We understand it's, you're probably changing or
 13 having to change it, because it's warehouse. Right?
 14 B-5 does not allow a warehouse.

15 MR. THURMOND: That's, that's the main reason. What
 16 they're trying to do, they're trying to do it right.
 17 There could be an argument made, but it wouldn't -- I
 18 think there's a mini warehousing permitted use within
 19 the B-5. But it's a great question.

20 The reason it's there, there also is being
 21 contemplated some outdoor storage behind the facility.
 22 And that, that would require an I-2. We think the
 23 warehouse itself probably requires an I-2. The outdoor
 24 storage certainly requires the I-2.

25 CHAIRMAN THORNTON: Thank you. Good question.

1 COMMISSIONER MAYEUR: So the concerns are, I guess,
2 once you do I-2, how do you permit the other things that
3 are included in I-2 from happening on the same spot? So
4 we wouldn't want chemical processing or some kind of
5 heavy manufacturing to go in there. So do we have any
6 way to approve it for this use and protect us against
7 other things? Or if it's I-2, it's I-2.

8 COMMISSIONER SLIGER: Could I ask why you wouldn't
9 want it there? Well, it's a better place right by the
10 interstate.

11 COMMISSIONER WILSON: Well, over where your industrial
12 park is versus where every, all your businesses and
13 restaurants --

14 COMMISSIONER SLIGER: I mean you've got whosales down
15 the street.

16 COMMISSIONER WILSON: Do they want smokestacks or
17 whatever? I realize it's an isolated area. And if
18 there's no problem with runoff or --

19 COMMISSIONER SLIGER: Well, that's another thing. You
20 got business. You got restaurants and hotels. You
21 don't want that right beside of them.

22 MR. MUNDAY: That decision comes from this board right
23 here. That's where it comes from.

24 MR. THURMOND: I think, Mr. Mayeur, practically
25 speaking, once this facility is built, I mean there

1 would have to be a whole lot of trouble would have to be
2 gone to in order to use it for one of the more, you
3 know, particularly harmful purposes. I mean this is
4 going to be a pretty substantial facility.

5 And I think that it would take a lot of doing to
6 do something else. I mean you'd have to tear down this.
7 But I mean that's, your concern is understood. But I
8 think once this is in place my point would be it would
9 be a lot more difficult in order to do that.

10 MR. SMITH: There's only so much you can do with 2.85
11 acres.

12 COMMISSIONER MAYEUR: Well, that was the point he
13 made, too. But you're still opening yourself up to
14 that. So if Fortiline doesn't work out, then you've got
15 a piece of property and a building there. You're going
16 to want to do something with it. What we were just
17 concerned about is what's next, and do we have any
18 protection against other than what's --

19 MR. MUNDAY: I-1 and I-2 has a list of specific
20 industries that can be located in them. Then there's,
21 if it's not in that list, that can't even be considered.

22 COMMISSIONER MAYEUR: Yeah. That's what I was looking
23 at, what can be. There's things I probably wouldn't
24 want in there, especially with a campground right behind
25 them and a restaurant across the street. So that's all

1 I'm asking.

2 MR. MUNDAY: Uh-huh.

3 COMMISSIONER MAYEUR: Anybody have any questions,
4 concerns?

5 COMMISSIONER TYLER: Do you have that list?

6 COMMISSIONER MAYEUR: I do, yeah.

7 COMMISSIONER TYLER: This is --

8 COMMISSIONER MAYEUR: That one right there. That
9 paragraph right there.

10 FROM THE AUDIENCE: Is there an I-1?

11 CHAIRMAN THORNTON: Yes.

12 MR. LINK: I-1 is light industry, but it does not
13 allow the warehousing.

14 CHAIRMAN THORNTON: So that would not fit the bill.

15 MR. LINK: And many of the things, John, just to make
16 sure you understand; many things that you do would
17 require a conditional use in the future. If it's not,
18 if you look at page 97 of our book, section 8162, the A,
19 B and C on that page and then over here, it shows what's
20 authorized in a heavy industry. And then the
21 conditional uses are below.

22 COMMISSIONER TYLER: This is B-5. What about I-2?

23 COMMISSIONER MAYEUR: What page are you looking at?
24 I'm sorry. That's the wrong page.

25 COMMISSIONER SLIGER: I see it as no more than a

1 grocery store for pipes, because I'm in construction
2 myself. So I think it would be a plus for Simpson
3 County.

4 COMMISSIONER MAYEUR: Hundred percent we're for what
5 is being proposed.

6 COMMISSIONER SLIGER: I'm --

7 COMMISSIONER MAYEUR: You're good with it?

8 COMMISSIONER SLIGER: Personally I think that whole
9 area is going to be one form or another industry at some
10 point in time.

11 CHAIRMAN THORNTON: Do we have more discussion,
12 gentlemen? Are you all -- Okay. Do we now -- Thank
13 you. Those were very, very good questions. And it
14 sounds like that -- Are some of the things that the
15 concern is they would take a conditional use permit 15
16 years down the road, 20 years down the road?

17 COMMISSIONER TYLER: You said we'd have to vote on
18 that?

19 CHAIRMAN THORNTON: What, sir?

20 COMMISSIONER TYLER: This conditional use.

21 CHAIRMAN THORNTON: Down the road that would be, yes.

22 MR. LINK: That would be Board of Zoning Adjustments.

23 CHAIRMAN THORNTON: That's not us. Yeah. Okay. I'm,
24 do we have a motion on the floor to change this?

25 COMMISSIONER KONOW: I move that we give the zone

1 change request from B-5 to I-2 for Charles W. DeWeese.
 2 CHAIRMAN THORNTON: Coco.
 3 COMMISSIONER WEISINGER: Coco LLC, from B-5 to I-2.
 4 CHAIRMAN THORNTON: Thank you, Mr. Konow. There's a

motion on the floor. Mr. Weisinger has seconded it.

6 Are we ready to vote, or is there more discussion?

7 Okay. All in favor say aye.

8 VARIOUS COMMISSIONERS: (Indicating).

9 CHAIRMAN THORNTON: Is there any opposition?

10 COMMISSIONER MAYEUR: (Indicating).

11 CHAIRMAN THORNTON: There's one opposition, Mr.

12 Mayeur. Okay. It passes. Thank you.

13 MR. THURMOND: Thank you all. Really appreciate it.

14 CHAIRMAN THORNTON: Thank you.

15 MR. THURMOND: Thank you for your attention and your

16 question.

17 CHAIRMAN THORNTON: Thank you. Sorry for swearing you
 18 in.

19 MR. THURMOND: That's all right.

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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 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 18th day of February,
 20 2020. My commission expires May 20, 2023.

21

 Notary Public, Notary ID 623641
 State at Large, Kentucky

23

24

25