

## **ORDINANCE NO. 2020 - 010**

### **AN ORDINANCE REZONING 618 EAST CEDAR STREET AND 620 EAST CEDAR STREET FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS DISTRICT) BY 2C INVESTMENTS, LLC**

WHEREAS, 2C Investments, LLC, 3530 Bowling Green Road, Franklin, Kentucky 42134, filed a petition to rezone 618 and 620 East Cedar Street, more specifically described as Lots 1, 2, 3, 4, 19, 20, 21 and 22 of Section C, Greater Franklin Subdivision, of record in Deed Book 59, Page 356 in the Simpson County Clerk's Office from R-1 to B-2; and

WHEREAS, 2C Investments, LLC desires to rezone the aforementioned property from R-1 (Single Family Residential) to B-2 (General 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 7, 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 property known as 618 and 620 East Cedar Street, more specifically described as Lots 1, 2, 3, 4, 19, 20, 21 and 22 of Section C, Greater Franklin Subdivision, of record in Deed Book 59, Page 356 in the Simpson County Clerk's Office as described below is granted a zone change from R-1 (Single Family Residential) to B-2 (General Business District);

Certain real property located on the south side of East Cedar Street and known as 618 and 620 East Cedar Street in Franklin, Simpson County, to wit:

Being Lot Nos. 1, 2, 3, 4, 19, 20, 21, and 22 of Section C, Greater Franklin Subdivision, according to map or plat thereof of record in Deed Book 59, Page 356, Simpson County Clerk's Office.

Being the same property conveyed to 2C Investments, LLC by Paula Steers Brown and R. Lee Steers, Jr., Co-Executors of the estate of Dorothy Steers by deed dated December 21, 2016, of record in Deed Book 325, Page 41, 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.

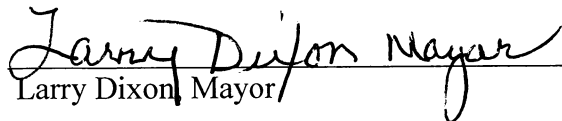
August 24, 2020 FIRST READING

September 14, 2020 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on September 14, 2020, on motion made by Commissioner Bennett and seconded by Commissioner Stewart the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	LARRY DIXON, MAYOR
<u>YES</u>	JAMIE POWELL
<u>YES</u>	BROWNIE BENNETT
<u>YES</u>	WENDELL STEWART
<u>YES</u>	HERBERT WILLIAMS

APPROVED BY:

  
Larry Dixon, Mayor

ATTEST:

  
Cathy Dillard, City Clerk

**FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION**

In Re the Petition for Zone Change from R-1 (Single Family Residential) to B-2 (General Business District) by 2C Investments, LLC

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

A public hearing was held before this Commission on July 7, 2020, at the hour of 6:30 p.m. on the petition of 2C Investments, LLC ("Petitioner") that 618 and 620 East Cedar Street, Franklin, Kentucky, be re-zoned from R-1 to B-2. The Chairman of the Commission, Debbie Thornton, presided. A quorum of the Commission was present. The petitioner was represented by G. William Leach, Jr.. The hearing was stenographically recorded by the firm of James Dale, licensed court reporter.

The Commission then proceeded to hear an opening statement from attorney Leach and testimony in favor of the zone change on behalf of the Petitioner. Questions were asked by the Commissioners and answered. No one appeared in opposition to the request.

Having heard testimony, having reviewed the petition for zone change, the exhibits presented, and having reviewed the Comprehensive Plan, for Simpson County, Kentucky, George Weissinger moved, John Mayeur seconded, and the Commission voted to recommend the zone change with George Weissinger, John Mayeur, Chad Konow, Craig Mylor, and Gary Sliger voting for and Ron Taylor voted against. In connection with the zone change, the Commission finds, concludes, and recommends the following:

## **FINDINGS OF FACT**

### **I**

The subject property consists of Lots 1, 2, 3, 4, 19, 20, 21, and 22 of Section C, Greater Franklin Subdivision, of record in Deed Book 59, Page 356, Simpson County Clerk's Office, and is known as 618 and 620 East Cedar Street, Franklin, Kentucky. The entire eastern border of the subject property bounds other property owned by the Petitioner.

### **II**

An examination of the current zoning map reveals that all of the property to the east is zoned B-2 all the way to Harding Road, and most of the property on the north side of East Cedar Street from in front of the property to Harding Road is likewise zoned B-2. Property to the west is generally R-1. The property to the east owned by the Petitioner was re-zoned by the City of Franklin, with a recommendation from this board, from R-1 to B-2 in 2015.

### **III**

The current use of the property is for rental residential, but the tracts have a great deal of open property that is suitable for residential development. The purpose of the general business zoning district is to serve the adjoining residential areas and to provide select retail and service uses that may serve the entire community. The homes and buildings on the property are older, and the property has a higher and better use than for single family residences.

### **IV**

On the property immediately adjoining on the east already owned by the Petitioner which was re-zoned in 2015, the Petitioner has constructed very nice apartments with very attractive

landscaping, and its plan is to develop the subject property in a similar fashion.

## V

The general business designation permits not only retail sales and consumer and personal services, but also office and professional buildings, limited manufacturing, and residential development. Also its permitted uses are compatible with mixed-use area in the subject property. The development of the subject property from a commercial and residential standpoint is expected and is compatible with a B-2 designation. The Petitioner expects to construct attractive, well-landscaped apartments similar to those adjacent to the east.

## VI

Given the vitality of the Priceless IGA shopping center area and the new development of an Ace Hardware store in the same development, the area is becoming more business and less residential in nature such that the zone change is compatible with the adjoining area.

## VII

The Simpson County Comprehensive Plan dated 1992 and adopted in the fall of 1994 recognizes that the Highway 100 east area presents a location for strong commercial growth and potential. See page 111.

## VI

The Simpson County Comprehensive Plan was updated in 2010, with Chapter 4 dealing with existing and residential land use trends. At page 4-4, it is pointed out that significant future growth areas will be along Highway 100 from Franklin to I-65, which is an area in which the subject property is located.

### **CONCLUSIONS OF LAW**

A re-zoning of the subject property is consistent with the 1992/1994 Comprehensive Plan and the 2010 update, since those plans all envision commercial growth along Highway 100 east and, in fact, there has been such growth adjacent to the subject property and across the street. 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 hereby now 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 R-1 to B-2.

  
DEBBIE THORNTON, Chairperson

PROPERTY DESCRIPTION APPENDIX  
EXHIBIT A

Certain real property located on the south side of East Cedar Street and known as 618 and 620 East Cedar Street in Franklin, Simpson County Kentucky, to-wit:

Being Lot Nos. 1, 2, 3, 4, 19, 20, 21, and 22 of Section C, Greater Franklin Subdivision, according to map or plat thereof of record in Deed Book 59, Page 356, Simpson County Clerk's Office.

Being the same property Conveyed to 2C Investments, LLC by Paula Steers Brown and R. Lee Steers, Jr., Co -Executors of the estate of Dorothy Steers by deed dated December 21, 2016, of record in Deed Book 325, Page 41, Simpson County Clerk's Office.

## FRANKLIN-SIMPSON JOINT PLANNING &amp; ZONING COMMISSION

## PUBLIC HEARING

IN RE: THE PETITION FOR ZONE CHANGE FROM R-1 (SINGLE  
FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS  
DISTRICT) BY 2C INVESTMENTS, L.L.C.

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JULY 7, 2020

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APRIL PEARSON, C.C.R.

REPORTER

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## I N D E X

EXAMINATION

BY MR. LEACH: 7 - 9

BY MS. CHAIRPERSON: 9 - 11

EXHIBITS

EXHIBIT 1 PAGE 5 Aerial photograph of property

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The public hearing for the Petition for Zone Change from R-1 (Single Family Residential) to B-2 (General Business District) by 2C Investments, L.L.C., was held by Franklin-Simpson Joint Planning and Zoning Commission at the City Hall, 117 West Cedar Street, Franklin, Simpson County, Kentucky, on Tuesday, July 7, 2020, at 7:00 p.m. (Central Time), upon oral presentation to the Commission.

## A P P E A R A N C E S

For the Petitioners: Mr. G. William Leach, Jr.  
Leach and Cummins  
Attorneys at Law  
200 N. Main Street  
Franklin, Kentucky 42134

For the Commission: Mr. Robert Young Link  
Attorney at Law  
205 West Kentucky Avenue  
Franklin, Kentucky 42134

Commission Members Present:  
Ms. Debbie Thornton, Chairperson  
Mr. John Mayeur  
Mr. Chad Konow  
Mr. Craig Mylor  
Mr. George Weissinger  
Mr. Gary Sliger  
Mr. Roy Tyler

Also present: Ms. Julie Freeman  
Mr. Carter Munday

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MS. CHAIRPERSON: Next on the agenda this evening, 2C Investments is requesting a zone change of R-1, Single Family, to B-2, General Business, for parcels located at 618 and 620 East Cedar Street.

MR. LEACH: Madam Chairman, I represent 2C Investments, and I'm Buddy Leach. And I have with me here tonight Joe Crafton who is the brains of the operation of 2C Investments and the father of the two members of 2C Investments, Adam and Daniel Crafton. And so we are here on our petition to rezone those two tracts, 618 and 620, which are just west of an apartment complex that they've developed over the last five years.

In fact, it was June of 2015 we came to this board for a recommendation for a zone change to B-2 so they could build those apartments. And it was granted and then the City approved it. And so they built them. And I think you'll agree that they're very nice.

And so they want to the expand to the west there. They're not going to build apartments. They'd like to build duplexes. Maybe not the best experience in the world with apartments, but anyway, something that's compatible in terms of appearance, landscaping, and all that.

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Let me -- I'd like to get you oriented with an aerial photo, if I may. Circulate these around.

I'd like to make this Petitioner's Exhibit 1.

(Whereupon Petitioner's Exhibit 1 was duly received, marked for identification, and filed herewith as part hereof.)

MR. LEACH: I think everybody probably knows where this is. It's just west of the Priceless I.G.A. shopping center there. And I put a label on there for Ace Hardware that's under construction. And then I've shown the 2C apartments that was rezoned in 2015. And the property we seek to rezone now is just to the west of it.

It's actually two residential -- rental residential lots that 2C purchased in 2016 from the Dorothy Steers estate and then held it for this many years. And now they're ready to just move on with the development.

B-2 is what their existing apartments are zoned, which does allow for multi-family up to the same equivalent as R-4, but like I say, I think they'll limit these to doublewide, two duplexes.

If you'll notice on the aerial, there's actually a roadway on each side. You've got East Cedar Street on the north, and I think that's East Madison

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1 Street on the south side. So there's excellent access  
2 in and out.  
3 The utilities are all available. The  
4 area is sort of mixed use. You have some residential to  
5 the west. You have, actually, farmland across the road.  
6 The intersection there with Priceless I.G.A. is very  
7 commercial, of course. And it seems like it's becoming  
8 more commercial all the time.

9 And we believe the change is consistent  
10 with the Comprehensive Plan, both your old plan and then  
11 the updated plan, as well, because it talks about  
12 commercial development out Highway 100 East and East  
13 Cedar Street, as well.

14 So with that, I'd like to call Joe  
15 Crafton as a witness.

16 MS. CHAIRPERSON: Hello, Mr. Crafton.  
17 How are you?

18 Does he need to be sworn in or --

19 MR. LEACH: This is our witness here.

20 \*\*\* \*\*

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1 Joe Crafton, being first duly sworn, gave  
2 the following answers in response to questions  
3 propounded to him.

4 EXAMINATION  
5 BY MR. LEACH:

6 Q. Mr. Crafton, I'll show you Petitioner's  
7 Exhibit 1 there. Have I correctly labeled that and the  
8 property to rezone is 618 and 620 East Cedar Street?

9 A. Yes.

10 Q. Just -- just west of your apartment  
11 complex there?

12 A. Yes.

13 Q. And 2C Investments is a Kentucky Limited  
14 Liability Company owned by your two sons, Adam and  
15 Daniel; is that correct?

16 A. Yes.

17 Q. And you're authorized to be here on their  
18 behalf's tonight?

19 A. Yes.

20 Q. Okay. And you're involved with their  
21 development now, too, aren't you, and --

22 A. Yes.

23 Q. -- and those that they plan to put  
24 duplexes on those lots?

25 A. Yes.

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1 Q. Okay. And you're aware that B-2, of  
2 course, that's a business classification -- but you're  
3 aware that it allows for residential development, as  
4 well?

5 A. Yes.

6 Q. Has access been any issue to the  
7 apartments that you have there now -- road access,  
8 transportation --

9 A. At this property?

10 Q. Well, the existing apartments you have  
11 now, that's not been a problem, has it?

12 A. No.

13 Q. Okay.

14 A. No.

15 Q. And shouldn't be on the new development  
16 area either, should it?

17 A. No.

18 Q. Okay. And you heard me tell the board  
19 that you plan to build duplexes there that would be  
20 compatible in terms of appearance and landscaping --

21 A. Yes.

22 Q. -- with your other apartments; is that  
23 correct?

24 A. Yes.

25 Q. Do you have a -- have you worked on a  
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1 plan yet or is that still in concept?

2 A. No. That's -- we -- we haven't really  
3 put together -- other than just verbal, talking amongst  
4 us, but we do want to somehow find a plan that will kind  
5 of blend right in with those apartments, you know, the  
6 roof throw and the brick and the rock that's on -- you  
7 know, and just extend the landscaping on across, you  
8 know. So --

9 But we haven't got, really, to that yet.

10 We just wanted to get this under our belt and then work  
11 on that.

12 Q. Okay. You've lived here probably most of  
13 your life, haven't you, if not all your life?

14 A. All my life.

15 Q. And have you seen that East Cedar Street  
16 area out there change from, probably, all residential to  
17 all this?

18 A. Oh, yes.

19 MR. LEACH: Okay. I don't think I have  
20 any other questions for this witness.

21 \*\*\* \*\*

22 EXAMINATION

23 BY MS. CHAIRPERSON:

24 Q. Mr. Crafton, how many lots do you own?  
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1 Is it two or three here that we're looking to rezone?

2 **A. It's two.**

3 **Q. Two.**

4 **A. Six eighteen and 620.**

5 **Q. And how large is each lot, sir?**

6 THE WITNESS: Do you have those  
7 measurements?

8 MR. LEACH: I do. It was attached to the  
9 zoning petition. Together, they're two-hundred-feet  
10 wide and three-hundred-and-fifty-feet deep.

11 **Q. And Mr. --**

12 MR. LEACH: And that's -- that's both of  
13 them together.

14 **Q. Are you hopeful to put on each lot one  
15 duplex that would house two families, each?**

16 **A. Well, we hoped to get more than that.  
17 The way the land lays, the houses face East Cedar.**

18 **Q. Yes, sir.**

19 **A. Then you would have a large lot all the  
20 way back to Madison Street.**

21 **Q. Okay.**

22 **A. And our road, you know, at the apartments  
23 comes out on both streets.**

24 **Q. Okay.**

25 **A. Plus, we have an overflow parking and a**

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1 **road that -- that ends right at the property. We'd kind  
2 of maybe horseshoe that around through --**

3 **Q. Yes, sir.**

4 **A. -- and could bring houses around with it,  
5 you know.**

6 **Q. More of a complex --**

7 **A. Yeah.**

8 **Q. -- is what you're wanting to do?**

9 **A. Yeah, just kind of make it look like it  
10 was all built at the same time, you know.**

11 **Q. Yes, sir.**

12 **A. That's our plan.**

13 MS. CHAIRPERSON: That's my questions.

14  
15 \*\*\* \*\*

16 MR. SLIGER: Well, this is a different  
17 zone. You've still have to be in the proper zone.

18 MR. LINK: You still have to be in the  
19 proper zone to be three.

20 MR. TYLER: Is it just residential now?

21 So I'm sort of familiar with this area,  
22 so I went out and looked at all this; sat over here,  
watched the traffic for a while, watched the people that  
24 lived in this apartment.

25 I, personally, just looking at this, I

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1 wouldn't want to change it out of residential. I'd

2 rather someone build a house on it.

3 But there is a lot of traffic here,

4 coming out of the parking lot here. And the apartments  
5 here make it worse. And more apartments or duplexes  
6 that I think make it worse -- worsen, that's not a word.

7 Even that lot itself doesn't look that

8 great to me to build an apartment on. I would -- like I  
9 say, it would be better of a buffer.

10 I'm a house person, you know, and that's  
11 a residential area. I know that it is different as it's  
12 gotten over there.

13 MR. CRAFTON: Yeah.

14 MR. TYLER: But -- so I'm having a little  
15 trouble with some of the things that you said. I -- I  
16 strictly noticed in contrast to what you said some  
17 different things out there than that.

18 MR. CRAFTON: Yeah.

19 MR. TYLER: The apartments are nice, the  
20 ones that are there. But that piece of land there, I  
21 wouldn't necessarily want to change it. I would rather  
22 you build a nice house --

23 MR. CRAFTON: Yeah.

24 MR. TYLER: -- and rent it to somebody  
25 to -- to -- you know, you're talking about it's becoming

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1 more business, but I would rather see it become more --  
2 in fact, more residential --

3 MR. CRAFTON: Yeah.

4 MR. TYLER: -- on that.

5 MR. CRAFTON: Yeah.

6 MR. TYLER: But there is a lot of traffic  
7 there.

8 MR. CRAFTON: Yeah.

9 MR. TYLER: And that would -- you know.

10 So you don't really know if duplexes,  
11 maybe, or apartments, maybe? Do you have a real view of  
12 what you want to put there?

13 MR. CRAFTON: Now, what now?

14 MR. TYLER: How many units would you put  
15 there?

16 MR. CRAFTON: Well, we have haven't  
17 really put the measuring tape on it, you know, to know  
18 just how it would lay out in there, but we would hope  
19 six. Six to ten, I'll say.

20 MR. TYLER: It would feed into whatever  
21 sections you built there, more of the same?

22 MR. CRAFTON: Yes.

23 MR. LEACH: He's talking about duplexes,  
24 though, not an apartment.

25 MR. CRAFTON: Yeah. I'm not talking

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1 about four-plexes.  
 2 MR. TYLER: So six? Maybe up to six  
 3 duplexes?  
 4 MR. CRAFTON: Yeas. Six -- I would --  
 5 MR. UNKNOWN: Or twelve --  
 6 MR. CRAFTON: Yeah, at least six,  
 7 probably.  
 8 I really don't know what -- what would be  
 9 the best way to bring the road inside, if it would just  
 10 be better to go from Madison to --  
 11 MS. CHAIRPERSON: Yeah.  
 12 MR. CRAFTON: -- East Cedar --  
 13 MS. CHAIRPERSON: I was wondering if you  
 14 could do that.  
 15 MR. CRAFTON: -- or if it would be to  
 16 kind of let these front houses face off of East Cedar  
 17 and then loop through the back and go into Madison.  
 18 We would just need to get Scott there  
 19 with his -- you know, Scott Randolph, with his, you know,  
 20 looking into it and drawing a --  
 21 MR. TYLER: I'd like to see something. I  
 22 would just -- with -- at this point, it doesn't -- I  
 23 wouldn't -- I would rather leave it residential, but if  
 24 you have a really good plan to help -- this area is in  
 25 decline. And I would rather see it become not in  
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1 decline.  
 2 MR. CRAFTON: Yeah.  
 3 MR. TYLER: And depending what you put  
 4 there, I think more duplexes, more rental property,  
 5 might make it worse, unless it was something planned  
 6 nicely and you could get some of the traffic off this  
 7 road, you know, to make it look more --  
 8 MR. CRAFTON: Yeah.  
 9 MR. TYLER: -- the way it should, you  
 10 know.  
 11 That area has really gotten away from --  
 12 those houses are really pretty in there, but they need  
 13 to be, you know, refurbished and I -- I'd have to see a  
 14 lot more what you -- what you want to put there --  
 15 MR. CRAFTON: Yeah.  
 16 MR. TYLER: -- and how you want to, you  
 17 know, build it. That's just personally.  
 18 MR. CRAFTON: Yeah.  
 19 MR. TYLER: Sorry.  
 20 MS. CHAIRPERSON: Gentlemen, anyone else  
 21 have thoughts?  
 22 Is it feasible, though, that you could  
 possibly enter this development through East Madison?  
 24 MR. CRAFTON: We do what to East Madison?  
 25 MS. CHAIRPERSON: That you could enter  
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1 the development through East Madison as opposed to East  
 2 Cedar?  
 3 MR. CRAFTON: Oh, yeah.  
 4 MS. CHAIRPERSON: Yeah.  
 5 MR. CRAFTON: Yeah. That's --  
 6 MS. CHAIRPERSON: Which might cut down on  
 7 some traffic.  
 8 MR. TYLER: Yeah. That's what I'm  
 9 saying --  
 10 MR. CRAFTON: It -- it would --  
 11 MR. TYLER: -- that I would like to see  
 12 something.  
 13 MR. CRAFTON: It would be connected to  
 14 both --  
 15 MS. CHAIRPERSON: Yes, sir.  
 16 MR. CRAFTON: -- roads.  
 17 MS. CHAIRPERSON: Yes, sir.  
 18 MR. CRAFTON: Yeah. Just like our  
 19 apartments --  
 20 MS. CHAIRPERSON: Yes, sir.  
 21 MR. CRAFTON: -- are now.  
 22 MS. CHAIRPERSON: I didn't know that  
 23 they're both connected to East Cedar.  
 24 MR. CRAFTON: Yeah.  
 25 MS. CHAIRPERSON: I didn't know.  
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1 MR. SLIGER: And you're also going to  
 2 connect the apartments you have now to that --  
 3 MR. CRAFTON: Yes. Maybe.  
 4 MR. SLIGER: -- old road?  
 5 MR. CRAFTON: Maybe. That is -- yeah,  
 6 just depending on how that works out.  
 7 MR. SLIGER: You could have four  
 8 entrances and four exits, possibly?  
 9 MR. CRAFTON: Yeah. Yeah. Yes. So --  
 10 But it would connect to both roads.  
 11 MS. CHAIRPERSON: Uh-huh.  
 12 MR. CRAFTON: Just like it is now --  
 13 MS. CHAIRPERSON: Yes, sir.  
 14 MR. CRAFTON: -- basically.  
 15 MR. LEACH: But you're looking at,  
 16 really, less density for this --  
 17 MS. CHAIRPERSON: Yes.  
 18 MR. LEACH: -- for this land, because  
 19 it's going to be duplexes rather than four-plexes.  
 20 MR. CRAFTON: Yes.  
 21 MR. LEACH: All right.  
 22 MR. CRAFTON: Yeah. It would be half the  
 23 amount of people than --  
 24 MR. TYLER: But you would have twelve  
 25 families there, right --  
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<p>18</p> <p>1 MR. CRAFTON: Yes.</p> <p>2 MR. TYLER: -- conceivably --</p> <p>3 MR. CRAFTON: If we had six --</p> <p>4 MR. TYLER: -- instead of --</p> <p>5 MR. CRAFTON: -- duplexes.</p> <p>6 MR. TYLER: -- instead of one home?</p> <p>7 MR. CRAFTON: Huh?</p> <p>8 MR. TYLER: Instead of one home?</p> <p>9 MR. LEACH: There are two homes there.</p> <p>10 MS. CHAIRPERSON: Or four homes.</p> <p>11 MR. CRAFTON: Oh, yeah. It would be --</p> <p>12 MR. TYLER: Well, we have -- is that two</p> <p>13 lots there?</p> <p>14 MR. LEACH: Yes.</p> <p>15 MR. TYLER: Okay.</p> <p>16 MR. LEACH: Six eighteen and six twenty.</p> <p>17 MR. SLIGER: Are you planning on getting</p> <p>18 rid of the structures that are there now --</p> <p>19 MR. CRAFTON: Yes.</p> <p>20 MR. SLIGER: -- I assume?</p> <p>21 MS. CHAIRPERSON: Yeah. Yeah.</p> <p>22 MR. CRAFTON: Yeah. We've already gotten</p> <p>23 rid of one of them.</p> <p>24 MS. CHAIRPERSON: Yes.</p> <p>25 MR. CRAFTON: And the other one would go,</p> <p>PEARSON COURT REPORTING</p> <p>(270) 781-7730</p>	<p>20</p> <p>1 MS. CHAIRPERSON: That's six -- that's</p> <p>2 actually 618 right there.</p> <p>3 MR. MAYEUR: It's mislabeled; 618 -- 616</p> <p>4 is mislabeled?</p> <p>5 MS. CHAIRPERSON: If you'd of -- if he</p> <p>6 had it blown out, it would have showed. It's because</p> <p>7 he -- it's -- it's too condensed for all that to be on</p> <p>8 there.</p> <p>9 MR. CRAFTON: Right.</p> <p>10 MR. MAYEUR: Okay.</p> <p>11 MS. CHAIRPERSON: But, yeah. If he</p> <p>12 could -- he --</p> <p>13 MR. MAYEUR: So it is those two lots</p> <p>14 there?</p> <p>15 MS. CHAIRPERSON: Uh-huh. Yes.</p> <p>16 MR. CRAFTON: Yes.</p> <p>17 MR. MAYEUR: Okay.</p> <p>18 MR. LEACH: There were two --</p> <p>19 MS. CHAIRPERSON: The deeds inevitably</p> <p>20 would show they're there.</p> <p>21 MR. MAYEUR: Well, I -- yeah.</p> <p>22 MR. LEACH: There's two rental houses</p> <p>23 there that the Spears' family owned for a long time and</p> <p>24 rented. So it's been residential rental for a long</p> <p>25 time.</p> <p>PEARSON COURT REPORTING</p> <p>(270) 781-7730</p>
<p>19</p> <p>1 too -- everything on the lot. It would be a bare lot.</p> <p>2 MR. MAYEUR: Where is 618? I see 616.</p> <p>3 MS. CHAIRPERSON: I assume that the West</p> <p>4 Cedar one is probably utilized more to use 65 --</p> <p>5 MR. MAYEUR: See, there's sixteen, but</p> <p>6 I -- and it goes 16 to 20. I don't see the 18.</p> <p>7 MS. CHAIRPERSON: -- people that are</p> <p>8 pulling out to come down.</p> <p>9 MR. SLIGER: Well, I think the</p> <p>10 development you have looks real nice.</p> <p>11 MS. CHAIRPERSON: I agree.</p> <p>12 MR. SLIGER: It is a big improvement to</p> <p>13 what was there.</p> <p>14 MR. CRAFTON: And by doing this -- you</p> <p>15 know, that development stops at this property, and it's</p> <p>16 all kind of growed (sic) up and looks bad. That -- that</p> <p>17 property's a little higher. We've got plans on</p> <p>18 landscaping that whole bank when all this takes effect,</p> <p>19 you know, and really just making it all look like -- you</p> <p>20 know, dressing it all up, you know, look -- look like</p> <p>21 one.</p> <p>22 MR. MAYEUR: So is -- 618 is not on here?</p> <p>23 MR. CRAFTON: Here's the apartments.</p> <p>24 MR. MAYEUR: I see 616 and 620. I don't</p> <p>25 see the 618.</p> <p>PEARSON COURT REPORTING</p> <p>(270) 781-7730</p>	<p>21</p> <p>1 MR. MAYEUR: Okay.</p> <p>2 MS. CHAIRPERSON: And one you've already,</p> <p>3 pretty much, just flattened?</p> <p>4 MR. CRAFTON: Yeah. One's gone, yeah.</p> <p>5 Six -- I guess it's 620 --</p> <p>6 MS. CHAIRPERSON: Yeah.</p> <p>7 MR. CRAFTON: -- that's gone now.</p> <p>8 MR. MUNDAY: Yeah. The one's that's</p> <p>9 closest to the east is gone.</p> <p>10 MR. CRAFTON: Yeah.</p> <p>11 MR. SLIGER: Do you know of any accidents</p> <p>12 that's happened in front of your apartments that's there</p> <p>13 now?</p> <p>14 MR. CRAFTON: No.</p> <p>15 MR. SLIGER: I haven't seen any. I just</p> <p>16 was --</p> <p>17 MR. CRAFTON: I don't know of any. No.</p> <p>18 MR. TYLER: But it's -- have you -- so I</p> <p>19 went out there and took some photographs --</p> <p>20 MR. CRAFTON: Uh-huh.</p> <p>21 MR. TYLER: -- and sat for a while and</p> <p>22 had lunch. There is a lot of traffic on that road. And</p> <p>23 there's -- there's almost a blind spot there coming out</p> <p>24 of I.G.A. and all that.</p> <p>25 MR. CRAFTON: Yeah.</p> <p>PEARSON COURT REPORTING</p> <p>(270) 781-7730</p>

1 MR. TYLER: And have you --  
 2 MR. UNKNOWN: There's a thirty-five mile  
 3 an hour speed zone there, I think.  
 4 MS. CHAIRPERSON: Excuse me. She's --  
 she's -- guys.  
 6 MR. TYLER: When I -- when I came upon  
 7 it, I was doing forty-five, fifty --  
 8 MR. UNKNOWN: Yeah.  
 9 MR. TYLER: -- when you come off that  
 10 road.  
 11 I just would like to see it -- I have a  
 12 problem with it, but, you know, the other apartments  
 13 over there look nice, but people coming through there --  
 14 and especially, there's a lot of people coming through  
 15 that apartment from one street to another, cutting  
 16 through there, just bringing a lot more traffic. But I  
 17 went and sat there for a while and watched, you know.  
 18 MR. CRAFTON: Yeah.  
 19 MR. TYLER: So --  
 20 MR. CRAFTON: Well, that's going to  
 21 happen. You --  
 22 MS. CHAIRPERSON: Right.  
 23 MR. CRAFTON: You can't control that --  
 24 MR. WEISSINGER: Unless you put speed  
 25 bumps.

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1 MR. LEACH: What did you say? More --  
 2 MS. CHAIRPERSON: Speed bumps.  
 3 MR. WEISSINGER: Speed bumps.  
 4 MR. CRAFTON: Speed bumps?  
 5 MR. WEISSINGER: Yeah. Put speed bumps  
 6 in there to keep people from cutting through.  
 7 MR. CRAFTON: Yeah.  
 8 MR. WEISSINGER: Yeah.  
 9 MR. CRAFTON: Well, that -- that might  
 10 be --  
 11 MR. WEISSINGER: The residents --  
 12 MR. CRAFTON: -- an idea.  
 13 MR. WEISSINGER: -- may not like it, but  
 14 they keep people from cutting through.  
 15 MR. CRAFTON: Yeah.  
 16 MS. CHAIRPERSON: And stop -- even a stop  
 17 sign. We're fine --  
 18 MR. SLIGER: I don't understand why they  
 19 would go there to cut through.  
 20 MR. WEISSINGER: You all, we've got a  
 21 court reporter trying to take this down. Let's do one  
 22 person at a time. She's losing her mind over there.  
 MS. CHAIRPERSON: I think that -- and I'm  
 24 not -- I don't want to be sound judgmental, but I do  
 25 think that East Cedar could use a good face-lift. And I

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1 definitely think that the buildings that you have done  
 2 have been very positive in that direction.  
 3 I know that in the area in which I live,  
 4 College Street, South College -- I live up in the  
 5 Highlands area, and they have put in a stop sign coming  
 6 down to -- from the back of the Church of Christ. And  
 7 they have put in a stop sign, which has slowed traffic.  
 8 Because people coming off 1008 and Rolling Road is  
 9 whoooo-whoooh, and it has helped --  
 10 MR. CRAFTON: Yeah.  
 11 MS. CHAIRPERSON: -- a good deal.  
 12 MR. TYLER: It's caused me to do it.  
 13 MS. CHAIRPERSON: Huh?  
 14 MR. TYLER: I --  
 15 MS. CHAIRPERSON: It slowed you down,  
 16 good. No offense.  
 17 But these are coming -- especially  
 18 children and walkers, and I certainly think in apartment  
 19 buildings you're going to have that, too, with children.  
 20 MR. CRAFTON: Uh-huh.  
 21 MS. CHAIRPERSON: So anyhow.  
 22 Gentleman, do we have any more comments  
 23 or questions that you would like to ask Mr. Crafton or  
 24 Mr. Leach?

Do we have a motion on the floor?  
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1 MR. LEACH: When you're ready, I have a  
 2 post findings of fact if that will help you.  
 3 MS. CHAIRPERSON: Thank you, please.  
 4 MR. LEACH: If you're ready, folks.  
 5 MS. CHAIRPERSON: Thank you, Buddy -- Mr.  
 6 Leach.  
 7 MR. LEACH: You'll notice from the  
 8 appendix there all those lots, well, that's because  
 9 they're only fifty feet wide. There are four  
 10 fifty-foot-wide lots on East Cedar, then four  
 11 fifty-foot-wide lots on East Madison Street. So one,  
 12 two, three, and four is -- has on the rear of 19, 20,  
 13 21, and 22. And that's what the description shows.  
 14 MR. TYLER: On section III: The homes  
 15 and buildings on this property are older, and the  
 16 property has a higher and better use for single family  
 17 residences. What does this -- what do you mean?  
 18 MR. LEACH: Than for single family  
 19 residences. That it's a higher and better use for  
 20 duplexes than for a single family residence.  
 21 MR. TYLER: Because the property is --  
 22 MR. LEACH: It's dilapidated, and  
 23 according to your Comprehensive Plan, commercial  
 24 development's expected to move out that way and --  
 25 MR. TYLER: I don't see dilapidated. Do

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1 you think that's dilapidated? I don't --  
 2 MR. LEACH: We've already torn --  
 3 MR. TYLER: I don't --  
 4 MR. LEACH: We've already torn one of  
 them down because it was dilapidated.  
 6 MR. TYLER: Okay. But what I'm saying is  
 7 because I drove out there, I did not see anything that I  
 8 thought -- there's certainly some things that need it.  
 9 I wouldn't use the word dilapidated, but -- and I don't  
 10 see it in here either.  
 11 MR. LEACH: Does it say dilapidated?  
 12 MR. TYLER: No. You were telling me that  
 13 and I was just seeing --  
 14 MR. LEACH: Oh, okay.  
 15 MR. TYLER: -- if that was in there, but  
 16 I don't see it.  
 17 In VI, so you would think because the Ace  
 18 Hardware is going out there, you think that whole area  
 19 is becoming more business?  
 20 MR. LEACH: That's just one addition.  
 21 Priceless I.G.A., the dance studio that's by it, the  
 22 fueling station across the road, Ace is just the fourth  
 23 and fifth thing in that area.  
 24 MR. TYLER: But if someone built a house  
 25 there, that may not be so.

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1 MR. LEACH: Probably -- probably  
 2 someone's not going to build a nice, single family  
 3 residence in an area that's so commercial. I mean,  
 4 that's -- that would be my guess.  
 5 MR. TYLER: I would say that that may not  
 6 be true. In certain areas, but --  
 7 MR. LEACH: That --  
 8 MR. TYLER: Well, if you look at the  
 9 houses there --  
 10 So have you been out there lately, just  
 11 driving around?  
 12 MR. LEACH: Uh-huh.  
 13 MR. TYLER: So you know -- you've seen --  
 14 and have you walked the streets, talked to the people?  
 15 MR. LEACH: I didn't walk the streets. I  
 16 drove the streets.  
 17 MR. TYLER: So I did that. And -- and --  
 18 so I live in an old home on South College Street. And  
 19 I'm really pro keeping the houses here, keeping the  
 20 residential areas intact and -- as I speak from that  
 21 side of it.  
 22 And I will tell you that that area is in  
 decline, but it could be extremely easily -- the houses  
 24 there are built very well. Not all of them, but it very  
 25 easily could become -- ascend to a much better area,

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1 that I would like to see living in town, than putting  
 2 apartments there.  
 3 I understand that you make more money.  
 4 And I understand business. And I understand all that,  
 5 but -- and you don't quite have a plan yet.  
 6 MR. MUNDAY: He shouldn't have a plan,  
 7 yet.  
 8 MR. TYLER: You don't quite -- you sort  
 9 of know what you want to do there, but you're not quite  
 10 sure at the moment, but you want it re-zoned.  
 11 MR. MUNDAY: If I may interject,  
 12 Chairman?  
 13 MS. CHAIRPERSON: Yes, sir.  
 14 MR. MUNDAY: He should not be here with a  
 15 development plan tonight. This is a zone hearing alone.  
 16 You take the findings of fact and make your decision on  
 17 the zone hearing whether it should be the petitioner,  
 18 what they want, or not. This board decides that. The  
 19 development plan has no place in this tonight.  
 20 MR. TYLER: So we rezone it, and he  
 21 builds something really crummy there --  
 22 MR. MUNDAY: A development plan takes the  
 23 next step. And then you guys will orchestrate the  
 24 development plan in place in how it's going to look.  
 25 The development plan and details of egress and ingress

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1 and all this stuff shouldn't even be talked about here  
 2 tonight.  
 3 MR. TYLER: Okay.  
 4 MS. CHAIRPERSON: Gentleman, do we have  
 5 any more discussion?  
 6 Has everybody gotten a chance to review  
 7 what Mr. Leach handed out; Findings of Fact, Conclusions  
 8 of Law, and Recommendation For the Zone Change?  
 9 Do we have a motion on the floor for 2C  
 10 Investments who is requesting a zone change of R-1,  
 11 Single Family, to B-2, General Business, for two parcels  
 12 of land located on East Cedar, which is 618 East Cedar  
 13 and 620 East Cedar Street.  
 14 MR. WEISSINGER: This is just a motion to  
 15 change the zone from R -- what, R-1 --  
 16 MR. LEACH: R-1 to B-2.  
 17 MR. WEISSINGER: -- to B-2?  
 18 MR. LEACH: Uh-huh.  
 19 MR. WEISSINGER: I'll make a motion that  
 20 we change the zone from R-1 to B-2.  
 21 MS. CHAIRPERSON: Mr. Weissinger has made  
 22 a motion that we change the zone on East Cedar Street,  
 23 618 and 620, from R-1 to B-2.  
 24 Do we have a second on the floor?  
 25 MR. MAYEUR: I'll second it.

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1 MS. CHAIRPERSON: Okay. Mr. Mayeur has  
2 seconded Mr. Weissinger's motion. Is there more  
3 discussion?

4 Do you all have any more discussion?

MR. SLIGER: Huh?

6 MS. CHAIRPERSON: Any more discussion,  
7 gentlemen?

8 All in favor of this motion, please  
9 raise your hand. Okay. We have five yeses.

10 And all opposed?

11 MR. TYLER: Me. Mark my name down.

12 MS. CHAIRPERSON: Okay. Mr. Tyler  
13 opposes.

14 The motion is passed to a zone -- to  
15 change the zone.

16 MR. CRAFTON: Thank you, ma'am.

17 MR. LEACH: Thank you.

18 MS. CHAIRPERSON: Thank you, very much.

19 MR. LEACH: And you said the vote was  
20 five to one, I think it might have been six to one,  
21 unless you --

22 MS. CHAIRPERSON: I do not vote --

23 MR. LEACH: Okay.

24 MS. CHAIRPERSON: -- but I will vote.

25 I -- I think so, yes.

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1 STATE OF KENTUCKY )  
2 COUNTY OF WARREN )SS

3 I, April Pearson, C.C.R., a Notary Public  
4 within and for the State at Large, do hereby certify  
5 that the foregoing public hearing for the Petition for  
6 Zone Change from R-1 (Single Family Residential) to B-2  
7 (General Business District) by 2C Investments, L.L.C.,  
8 was taken before me at the time and place and for the  
9 purpose in the caption stated; that the public hearing  
10 was reduced to shorthand writing by me in the presence  
11 of the individuals; that the foregoing is a full, true  
12 and correct transcript so given to the best of my  
13 ability, and the appearances were as stated in the  
14 caption.

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

19 WITNESS MY SIGNATURE this 1st day of  
20 August, 2020. My commission expires October 28, 2022.

21  
22 \_\_\_\_\_  
23 April Pearson, CCR  
24 Notary Public  
25 State at Large, Kentucky

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1 MR. LEACH: Well, I was just counting the  
2 numbers.

3 MS. CHAIRPERSON: A lot of times, I  
4 abstain, unless I need to.

5 MR. LEACH: Okay. Thank you.

6 MS. CHAIRPERSON: Thank you.  
7 (Whereupon it concluded at 7:28 p.m.)

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9 \*\*\* \*\*\* \*\*\*

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