

Sponsors:	<u>Commissioner Powell</u>
	<u>Commissioner Stewart</u>
Second Reading:	<u>November 8, 2021</u>
Publication Date:	<u>November 11, 2021</u>

## ORDINANCE NO. 2021-028

### AN ORDINANCE REZONING APPROXIMATELY 14.84 ACRES FROM AG TO R-3; REZONING APPROXIMATELY 4.61 ACRES FROM R-2 TO R-3; AND APPROXIMATELY 2.52 ACRES FROM R-3 TO B-2 LOCATED ON OR NEAR THE INTERSECTION OF WEST MADISON STREET AND MCCLENDON ROAD BY DAN SCHMUCKER AND TENNESSEE CONSTRUCTION ASSOCIATES

WHEREAS, Dan Schmucker and Tennessee Construction Associates filed a petition to rezone approximately 14.84 acres from AG (Agriculture) to R-3 (Single Family/Limited Multi-Family); approximately 4.61 acres from R-2 (Single Family/Duplex) to R-3 (Single Family/Limited Multi-Family); and 2.52 acres from R-3 (Single Family/Limited Multi-Family) to B-2 (General Business District), all parcels being located at or near the intersection of West Madison Street and McClendon Road, in Franklin, Simpson County, Kentucky; and

WHEREAS, Schmucker and Tennessee Construction Associates desire to rezone the aforementioned property to make the property more productive for the community, and these changes are appropriate and consistent with the use of this property and surrounding properties; and

WHEREAS, a public hearing was held on August 3, 2021, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone changes as they are 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 approximately 14.84 acres from AG (Agriculture) to R-3 (Single Family/Limited Multi-Family) more particularly described in Appendix A attached hereto and incorporated herein by reference; approximately 4.61 acres from R-2 (Single Family/Duplex) to R-3 (Single Family/Limited Multi-Family) more particularly described in Appendix B attached hereto and incorporated herein by reference; and 2.52 acres from R-3 (Single Family/Limited Multi-Family) to B-2 (General Business District) more particularly described in Appendix C attached hereto and incorporated herein by reference, with all parcels being located at or near the intersection of West Madison Street and McClendon Road, in Franklin, Simpson County, Kentucky, are granted a zone change in accordance with this paragraph.

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.

October 25, 2021

FIRST READING

November 8, 2021

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on November 8, 2021, on motion made by Commissioner Stewart and seconded by Commissioner Williams the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR

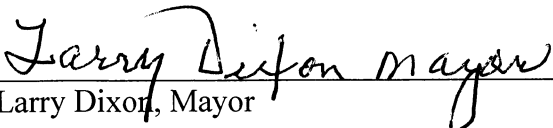
YES JAMIE POWELL

YES BROWNIE BENNETT

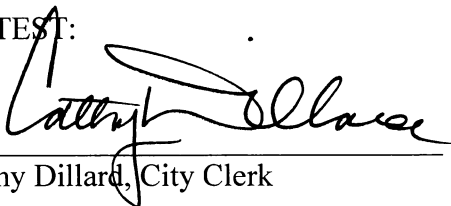
YES WENDELL STEWART

YES HERBERT WILLIAMS

APPROVED BY:

  
Larry Dixon, Mayor

ATTEST:

  
Cathy Dillard, City Clerk

## **APPENDIX A**

### **DESCRIPTION OF A PORTION OF THE WILLOWBROOK VILLAGE PROPERTY: 14.84 Acres +/-**

Being a certain tract or parcel of land, situated in Simpson County, Kentucky, inside the City Limits of Franklin, situated approximately 912 feet west of the west side of Kentucky Highway 383 and 1,258 feet west of the west side of Kentucky Highway 1008; Being a portion of the same property conveyed to Daniel M. Schmucker and wife, Ester Marie Yoder Schmucker by deed dated April 16, 1990, of record in Deed Book 170, Page 566, Simpson County, Kentucky Clerk's Office, being more particularly described in detail as follows:

**Beginning** on a wood fence post at the southwest corner of Lot 29 of Willowbrook Village (P.B. 4 P. 224, Slide 112-114), in the line of Sarah Jean Hickman (D.B. 140 P. 372), and being the southwest corner of the herein described tract, thence running with the line of Hickman N 14 degrees 59 minutes 41 seconds W 729.19 feet to a wood fence post in the line of George W. Freas, et ux (D.B. 78 P. 555), corner of Hickman and being the northwest corner of Lot 27 of Willowbrook Village (P.B. 4 P. 224, Slide 112-114), thence running with the lines of Freas for the next three calls as follows: N 83 degrees 53 minutes 39 seconds W 21.59 feet to a corner, thence N 11 degrees 00 minutes 35 seconds E 915.70 feet to a wood fence post, thence S 80 degrees 14 minutes 53 seconds E 333.55 feet more or less to a point in the line of Freas, thence leaving the line of Freas and severing the land of the subject owner S 01 degree 21 minutes 47 seconds W 1,596.95 feet more or less to a point in the line of Daniel M. Schmucker, et ux (remainder of D.B. 170 P. 566), in the south line of Lot 33 of Willowbrook Village (P.B. 4 P. 224, Slide 112-114), thence running with the line of Daniel M. Schmucker, et ux (remainder of D.B. 170 P. 566) N 80 degrees 06 minutes 23 seconds W 302.90 feet to the beginning, containing 14.84 acres more or less.

Surveyor's Notes: 1: The above described tract is subject to any easements, rights-of-way, liens, leases, encroachments, utilities, restrictions, etc. that exist and still apply to the subject tract. 2: The above described tract is subject to any drainage that may cross the property due to natural causes. 3: The basis of the bearings in the above description was taken from the plat of record. 4: This description is for re-zoning purposes only and shall not be used for title transfer and does not constitute a boundary survey.

SIMPSON County PVA Map Number, part of Parcel Number 012-00-06-012.00

The above description was prepared and calculated from the plat of Willowbrook Village of record in Plat Book 4 Page 224, Slide 112-114, for rezoning purposes only.

## **APPENDIX B**

### **DESCRIPTION OF A PORTION OF THE WILLOWBROOK VILLAGE PROPERTY: 4.61 Acres +/-**

Being a certain tract or parcel of land, situated in Simpson County, Kentucky, inside the City Limits of Franklin, situated on the west side of Kentucky Highway 383, being at the intersection of McDowell Ave; Being a portion of the same property conveyed to Daniel M. Schmucker and wife, Ester Marie Yoder Schmucker by deed dated April 16, 1990, of record in Deed Book 170, Page 566, Simpson County, Kentucky Clerk's Office, being more particularly described in detail as follows:

**Beginning** on an iron re-bar on the west right-of-way of KY Hwy 383), being approximately 25 feet from the center of said road, corner of the remainder of Daniel M. Schmucker, et ux (remainder of D.B. 170 P. 566) and being the easternmost northeast corner of the herein described tract that joins said highway, thence running with the road S 35 degrees 22 minutes 24 seconds W 110.47 feet to an iron rod, corner of Daniel M. Schmucker, et ux (remainder of D.B. 170 P. 566), thence leaving the road and running with the lines of Schmucker for the next five calls as follows: along a curve to the left having a radius of 25.00 feet, a tangent of 27.42 feet, a delta of 95 degrees 16 minutes 44 seconds, a chord of N 12 degrees 15 minutes 58 seconds W 36.95 feet, running along the curve for an arc length of 41.57 feet to a point, thence N 59 degrees 54 minutes 20 seconds W 240.37 feet to an iron rod, also being the northeast corner of Lot 38 of Willowbrook Village (P.B. 4 P. 224, Slide 112-114), thence continuing to run with the line of Schmucker S 43 degrees 26 minutes 29 seconds W 24.69 feet to a wooden fence post, thence S 23 degrees 47 minutes 46 seconds W 307.93 feet to a wooden fence post, southeast corner of Lot 36, thence running N 80 degrees 06 minutes 23 seconds W 441.10 feet more or less to a point in the common boundary line of Schmucker and Lot 33, thence severing the lands of the subject owner N 54 degrees 15 minutes 59 seconds E 1,281.70 feet more or less to a point, in the common boundary line of Curtis Burgett, et ux (D.B. 198 P. 73) and of Lot 68 of Willowbrook Village (P.B. 4 P. 224, Slide 112-114), thence running with line of Burgett, and Lot 68, S 23 degrees 55 minutes 22 seconds E 62.75 feet more or less to a wooden fence post, in the line of William L. Douglas, et ux (D.B. 183, P. 403), corner of Burgett and Lot 68 of Willowbrook Village (P.B. 4 P. 224, Slide 112-114), thence running with the line of Douglas, S 48 degrees 09 minutes 44 seconds W 135.04 feet to a wooden fence post, corner of John Bolerjack, et ux (D.B. 182 P.162) and Douglas, thence running with the line of Bolerjack, S 49 degrees 24 minutes 27 seconds W 221.49 feet to a point, corner of Bolerjack and Daniel M. Schmucker, et ux (remainder of D.B. 170 P. 566) and Lot 65, thence running with Schmucker for the next 3 calls as follows: S 41 degrees 26 minutes 16 seconds W 257.69 feet to a point, thence S 59 degrees 54 minutes 20 seconds E 226.62 feet to a point of a curve to the left having a radius 25.00 feet, a tangent of 22.80 feet, a delta of 84 degrees 43 minutes 16 seconds, a chord of N 77 degrees 44 minutes 02 seconds E 33.69 feet, running along the curve for an arc length of 36.97 feet to the point of beginning, containing 4.61 acres more or less.....

Surveyor's Notes: 1: The above described tract is subject to any easements, rights-of-way, liens, leases, encroachments, utilities, restrictions, etc. that exist and still apply to the subject tract. 2: The above described tract is subject to any drainage that may cross the property due to natural causes. 3: The basis of the bearings in the above description was taken from the plat of record. 4: This description is for re-zoning purposes only and shall not be used for title transfer and does not constitute a boundary survey.

SIMPSON County PVA Map Number, part of Parcel Number 012-00-06-012.00

The above description was prepared and calculated from the plat of Willowbrook Village of record in Plat Book 4 Page 224, Slide 112-114, for rezoning purposes only by.

## **APPENDIX C**

### **DESCRIPTION OF A PORTION OF THE WILLOWBROOK VILLAGE PROPERTY: 2.52 Acres +/-**

Being a certain tract or parcel of land, situated in Simpson County, Kentucky, inside the City Limits of Franklin, situated on west side of Kentucky Highway 1008 approximately 200 feet north of the intersection with Kentucky Highway 383; Being a portion of the same property conveyed to Daniel M. Schmucker and wife, Ester Marie Yoder Schmucker by deed dated April 16, 1990, of record in Deed Book 170, Page 566, Simpson County, Kentucky Clerk's Office, being more particularly described in detail as follows:

**Beginning** on an iron re-bar on the west right-of-way of KY State Highway 1008 also known as McClendon Road at the southwest corner of Lot 73 of Willowbrook Village (P.B. 4 P. 224, Slide 112-114), corner of Curtis Burgett, et ux (D.B. 198 P. 73), and being the southwest corner of the herein described tract, thence leaving the road and running with the line of Burgett for two calls as follows: S 84 degrees 07 minutes 17 seconds W 229.72 feet to an iron re-bar, thence S 85 degrees 51 minutes 23 seconds W 68.56 feet to a point, corner of Burgett and Lot 69, thence severing the lands of the subject owner for the next six calls as follows: N 23 degrees 58 minutes 49 seconds W 28.35 feet to a point, thence N 02 degrees 35 minutes 39 seconds W 71.15 feet to a point, thence N 36 degrees 09 minutes 41 seconds W 214.45 feet to a point, thence N 08 degrees 50 minutes 19 seconds E 84.40 feet to a point, thence S 81 degrees 09 minutes 41 seconds E 301.40 feet to a point, thence N 89 degrees 18 minutes 29 seconds E 106.75 feet more or less to a point on the west right-of-way of KY State Highway 1008 also known as McClendon Road, thence running with the west right-of-way of KY State Highway 1008 also known as McClendon Road along a curve to the left, having a radius of 1,326.40 feet, a delta of 12 degrees 09 minutes 08 seconds, a chord of S 04 degrees 12 minutes 57 seconds E 280.79 feet more or less, running along the curve for an arc length of 281.30 feet to the beginning, containing 2.52 acres more or less.

Surveyor's Notes: 1: The above described tract is subject to any easements, rights-of-way, liens, leases, encroachments, utilities, restrictions, etc. that exist and still apply to the subject tract. 2: The above described tract is subject to any drainage that may cross the property due to natural causes. 3: The basis of the bearings in the above description was taken from the plat of record. 4: This description is for re-zoning purposes only and shall not be used for title transfer and does not constitute a boundary survey.

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

This matter came before the Franklin-Simpson County Planning & Zoning Commission on August 3, 2021, on the petition of Dan Schmucker and Tennessee Construction Associates requesting a zone change from (a) Agricultural to R3 (Single Family/Limited Multi-Family) for a 14.84-acre parcel; (b) from R2 (Single Family/Duplex) to R3 (Single Family/Limited Multi-Family) for a 4.61-acre parcel; and (c) R3 (Single Family/Limited Multi-Family) to B2 (General Business District) for a 2.52-acre parcel located in the 500 block of the westside of McLendon Road (referred to jointly as “the Properties) described as follows:

**DESCRIPTION OF A PORTION OF THE WILLOWBROOK VILLAGE PROPERTY:  
14.84 Acres +/-**

Being a certain tract or parcel of land, situated in Simpson County, Kentucky, inside the City Limits of Franklin, situated approximately 912 feet west of the west side of Kentucky Highway 383 and 1,258 feet west of the west side of Kentucky Highway 1008; Being a portion of the same property conveyed to Daniel M. Schmucker and wife, Ester Marie Yoder Schmucker by deed dated April 16, 1990, of record in Deed Book 170, Page 566, Simpson County, Kentucky Clerk’s Office, being more particularly described in detail as follows:

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Surveyor's Notes: 1: The above described tract is subject to any easements, right-of-way's, liens, leases, encroachments, utilities, restrictions, etc. that exist and still apply to the subject tract. 2: The above described tract is subject to any drainage that may cross the property due to natural causes. 3: The basis of the bearings in the above description was taken from the plat of record. 4: This description is for re-zoning purposes only and shall not be used for title transfer and does not constitute a boundary survey.

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The above description was prepared and calculated from the plat of Willowbrook Village of record in Plat Book 4 Page 224, Slide 112-114, for rezoning purposes only by:

Date: \_\_\_\_\_

\_\_\_\_\_ Kentucky Registered Land Surveyor No. 3228

**DESCRIPTION OF A PORTION OF THE WILLOWBROOK VILLAGE PROPERTY:  
4.61 Acres +/-**

Being a certain tract or parcel of land, situated in Simpson County, Kentucky, inside the City Limits of Franklin, situated on the west side of Kentucky Highway 383, being at the intersection of McDowell Ave; Being a portion of the same property conveyed to Daniel M. Schmucker and wife, Ester Marie Yoder Schmucker by deed dated April 16, 1990, of record in Deed Book 170, Page 566, Simpson County, Kentucky Clerk's Office, being more particularly described in detail as follows:

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Date: \_\_\_\_\_

\_\_\_\_\_ Kentucky Registered Land Surveyor No. 3228

**DESCRIPTION OF A PORTION OF THE WILLOWBROOK VILLAGE PROPERTY:**  
**2.52 Acres +/-**



Being a certain tract or parcel of land, situated in Simpson County, Kentucky, inside the City Limits of Franklin, situated on west side of Kentucky Highway 1008 approximately 200 feet north of the intersection with Kentucky Highway 383; Being a portion of the same property conveyed to Daniel M. Schmucker and wife, Ester Marie Yoder Schmucker by deed dated April 16, 1990, of record in Deed Book 170, Page 566, Simpson County, Kentucky Clerk's Office, being more particularly described in detail as follows:

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SIMPSON County PVA Map Number, part of Parcel Number 012-00-06-012.00

The above description was prepared and calculated from the plat of Willowbrook Village of record in Plat Book 4 Page 224, Slide 112-114, for rezoning purposes only by:

Date: \_\_\_\_\_

\_\_\_\_\_  
Kentucky Registered Land Surveyor No. 3228  
It was reported to the Commission that Dan Schmucker and Tennessee Construction Associates desired to rezone said property to make it consistent with the neighboring and adjoining

properties. The Petitioner was represented by Marshall T. Cook, Esq. The Commission heard statements of counsel and the testimony of Brad Edwards with Tennessee Construction Associates, Zach Baker with GreenLID Design, LLC and Jack Wade, a locally known real estate agent. After considering the testimony, development plan, and statements of counsel, the following Findings of Fact and Conclusions of Law were adopted by the Franklin-Simpson County Planning & Zoning Commission:

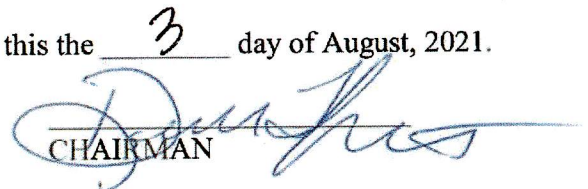
1. The subject property was previously rezoned in 1996 to allow for approximately 292 units on 73 buildable lots; however, for some reason, the entire property was not given an R-3 zoning designation with portions of the property remaining Agricultural and/or R-2.
2. The map amendment sought is in agreement with the community's Comprehensive Plan because it contemplates the growth of the City of Franklin in areas such as where the subject property is located and the Plan further contemplates mixed-use commercial/residential development. The area around McClendon Road is appropriate for the type of development being proposed.
3. The Properties are surrounded by neighboring properties that range/include B-2, R-3, and R-2.
4. The original zoning classification given to the 14.84-acre parcel, Agricultural, was inappropriate because the existing residential property in this area. Amending the original zoning classification from Agricultural to R-3 will be consistent and bring it into conformity with the surrounding property.
5. The original zoning classification given to the 4.61-acre parcel, R-2 Single Family/Duplex, was inappropriate due to the significant amount of existing residential

property in the area classified in the higher R-3 zoning district. Amending the original zoning classification from R-2 to R-3 will be consistent and bring it into conformity with the surrounding property.

6. The original zoning classification given to the 2.52-acre parcel, R-3 Single Family/Limited Multi-family, was inappropriate because the existing commercial property in this area. Amending the original zoning classification from R-3 to B-2 will be consistent and bring it into conformity with the surrounding property.
7. There have been major changes of an economic, physical, or social nature within the area surrounding the Properties which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area. There has been development of other communities in the area and there is a significant need for additional housing stock, particularly rental housing, in the City of Franklin.
8. 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.

Based upon the foregoing specific Findings of Fact and Conclusions of Law, the Commission recommends to the City of Franklin, that the zone change for the property described herein from: (a) Agricultural to R3 for a 14.84-acre parcel; (b) from R2 to R3 for a 4.61-acre parcel; and (c) R3 to B2 for a 2.52-acre parcel be **GRANTED**.

Approved and recommended for zoning change, this the 3 day of August, 2021.

  
CHAIRMAN

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

## PUBLIC HEARING

IN RE: DAN SCHMUCKER AND TENNESSEE CONSTRUCTION  
ASSOCIATES TO REQUEST ZONE CHANGES FOR PARCELS  
LOCATED IN THE 500 BLOCK OF THE WEST SIDE OF  
MCLENDON ROAD

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AUGUST 3, 2021

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APRIL PEARSON, C.C.R.

REPORTER

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PEARSON COURT REPORTING  
P. O. BOX 5  
BOWLING GREEN, KY 42102-0005  
(270) 781-7730  
april@pearsonreporting.com

PEARSON COURT REPORTING  
(270) 781-7730

<p style="text-align: right;">2</p> <p style="text-align: center;">I N D E X</p> <p style="text-align: center;"><u>EXAMINATION</u></p> <p>BY MR. COOK: 4 - 42</p> <p style="text-align: center;"><u>EXHIBITS</u></p> <p>EXHIBIT 1 PAGE 7 Current zoning</p> <p>EXHIBIT 2 PAGE 7 Requested zoning</p> <p>EXHIBIT 3 PAGE 13 Map reflecting zoning districts around property</p> <p>EXHIBIT 4 PAGE 19 Aerial map of land</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">4</p> <p>1</p> <p>2 MADAM CHAIRPERSON: Okay. Let's all come</p> <p>3 together. Thus so begins the public hearing. Dan</p> <p>4 Schmucker and Tennessee Construction Associates are here</p> <p>5 to request a zone change.</p> <p>6 Before we begin the public hearing,</p> <p>7 everyone that is here that would like to speak must be</p> <p>8 sworn in. We have a court reporter here ready to go.</p> <p>9 And you must be sworn in, unless you're an attorney, of</p> <p>10 course, and then you get to speak. We ask that if you</p> <p>11 do speak that you remember that we have rules and</p> <p>12 regulations that we are to abide by.</p> <p>13 And we really love this community. And</p> <p>14 we believe in the importance of relationship and</p> <p>15 community. And in order to keep that strong and</p> <p>16 healthy, we believe that we must keep everything in a</p> <p>17 business-type manner and not emotional and/or not</p> <p>18 personal. So we trust that you all will respect these</p> <p>19 same rules and regulations that we need to set out and</p> <p>20 abide by and that we do the best we can to come to good,</p> <p>21 healthy decisions and the best for Simpson -- Franklin</p> <p>22 and Simpson County and our whole community. Okay? So I</p> <p>23 ask that going forward.</p> <p>24 Okay. Who's here representing</p> <p>25 Mr. Schmucker?</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>
<p style="text-align: right;">3</p> <p>The public hearing of Franklin-Simpson Planning and Zoning, taken pursuant to Notice, in the City Hall City Commission Meeting Room, 117 West Cedar Street, Franklin, Simpson County, Kentucky, 42135, on Tuesday, August 3, 2021, at 6:52 p.m. (Central Time), upon oral examination and to be used in accordance with the Kentucky Rules of Civil Procedure.</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>For the Petitioners: Mr. Marshall T. Cook Bone, McAllister, and Norton Attorneys at Law 100 Bluegrass Commons Suite 2370 Henderson, Tennessee 37075</p> <p>For the Commission: Mr. Robert Young Link Attorney at Law 205 West Kentucky Avenue Franklin, Kentucky 42134</p> <p>Commission Members Present: Ms. Debbie Thornton, Chairperson Mr. John Mayeur Mr. George Weissinger Mr. Gary Sliger Mr. Roy Tyler Mr. Kent Wilson</p> <p>Also present: Ms. Sydney Downey Ms. Emily Flora Mr. Carter Munday</p> <p style="text-align: center;">*** ** PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">5</p> <p>1 Hello.</p> <p>2 MR. COOK: Hi.</p> <p>3 MADAM CHAIRPERSON: How are you?</p> <p>4 MR. COOK: Good.</p> <p>5 My name's Marty Cook, and I'm an</p> <p>6 attorney. I represent Mr. Schmucker and Mr. Edwards,</p> <p>7 here, who are the applicants.</p> <p>8 MADAM CHAIRPERSON: Okay.</p> <p>9 MR. COOK: Let me get my stuff situated</p> <p>10 here.</p> <p>11 MADAM CHAIRPERSON: Okay.</p> <p>12 MR. COOK: Would you like us to do our</p> <p>13 full presentation now?</p> <p>14 MADAM CHAIRPERSON: Absolutely.</p> <p>15 MR. COOK: Great.</p> <p>16 MADAM CHAIRPERSON: What we will do is I</p> <p>17 would like you to give your full presentation. If</p> <p>18 either of these gentlemen are going to speak, you will</p> <p>19 need to be sworn in as -- however -- if you're going to</p> <p>20 give testimony.</p> <p>21 And then after you give your full</p> <p>22 presentation, we will have people that would like to</p> <p>23 speak in a positive manner for this zone change. And</p> <p>24 after that, we will open the floor and give an</p> <p>25 opportunity for those that have some sort of reason why</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>

<p style="text-align: center;">6</p> <p>1 they don't feel it would be the best for Simpson County.</p> <p>2 MR. COOK: All right.</p> <p>3 MADAM CHAIRPERSON: Okay?</p> <p>4 MR. COOK: Very good.</p> <p>5 MADAM CHAIRPERSON: Thank you.</p> <p>6 MR. COOK: So both these gentlemen and</p> <p>7 Mr. Wade will be --</p> <p>8 MADAM CHAIRPERSON: Okay.</p> <p>9 MR. COOK: -- speaking on our behalf.</p> <p>10 MADAM CHAIRPERSON: Okay. Very good.</p> <p>11 MR. COOK: They need to be sworn in.</p> <p>12 MADAM CHAIRPERSON: We know Mr. Wade.</p> <p>13 Yes.</p> <p>14 MR. COOK: So, as I said, I represent the</p> <p>15 applicants here. What we are seeking is really more of</p> <p>16 a clean up of some zoning of property on McLendon Road.</p> <p>17 It is fifty-six point seven two acres.</p> <p>18 And I thought it might be helpful for you</p> <p>19 all to see. Back in 1996, this property was approved</p> <p>20 for this development here, which was seventy-three</p> <p>21 buildable lots and around -- we're having difficulty</p> <p>22 with our math, between two hundred and eighty-five and</p> <p>23 two hundred and ninety-five units, because they're going</p> <p>24 to be quad-plexes on each of the building lots. And if</p> <p>25 you all want to pass that around, you can. So that's</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: center;">8</p> <p>1 where there could be some walkable commercial property</p> <p>2 or commercial space available for these residents.</p> <p>3 The areas around it: To the north, there</p> <p>4 is an area that's zoned R3 already; to the south, is</p> <p>5 some R2. And there is also some other commercial --</p> <p>6 commercially zoned property in the area.</p> <p>7 We feel like that our proof tonight will</p> <p>8 show that this type of development does fit within the</p> <p>9 2010 Comprehensive Plan and that the proposed zoning</p> <p>10 meets the purposes of that plan. And also, that since</p> <p>11 2010, there have been significant changes within the</p> <p>12 community which cause this type of development in this</p> <p>13 area to be a -- a good fit and in line with your current</p> <p>14 zoning ordinance.</p> <p>15 So real quick, I want to introduce you</p> <p>16 all to Mr. Brad Edwards, who is a principle with</p> <p>17 Tennessee Construction Associates.</p> <p>18 Mr. Edwards, please introduce yourself.</p> <p>19 MADAM CHAIRPERSON: She'll swear you in.</p> <p>20 MR. LINK: You may want to go ahead and</p> <p>21 be sworn.</p> <p>22 MADAM CHAIRPERSON: Yeah. That's her</p> <p>23 thing. That's how we can enter this.</p> <p>24 MR. EDWARDS: Got you.</p> <p>25 (Off the record)</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>
<p style="text-align: center;">7</p> <p>1 the existing plan and existing zoning that is there.</p> <p>2 (Whereupon Petitioner Exhibit 1 was</p> <p>3 duly received, marked for identification,</p> <p>4 and filed herewith as part hereof.)</p> <p>5 MR. COOK: What we are proposing is</p> <p>6 really essentially the same type of development with</p> <p>7 just a slightly different layout and plan, which we feel</p> <p>8 is more modern, a little more green space. It will be a</p> <p>9 townhome community similar to something like this.</p> <p>10 These are some elevations that -- that</p> <p>11 Mr. Edwards has prepared. And I can pass these around.</p> <p>12 So if you all want to look at this, kind of compare it</p> <p>13 to what the current zoning is.</p> <p>14 (Whereupon Petitioner Exhibit 2 was</p> <p>15 duly received, marked for identification,</p> <p>16 and filed herewith as part hereof.)</p> <p>17 MR. COOK: And so it's -- it's currently</p> <p>18 an odd division of A.G. and R2. When that was approved,</p> <p>19 for some reason the entire property did not make it into</p> <p>20 R2. And it's kind of cut in half, so that even though</p> <p>21 there are approved lots on this property, not all of</p> <p>22 them made it into R2, but some are still in A.G. And so</p> <p>23 what we are suggesting is that for this new development</p> <p>24 the more appropriate zoning would be R3.</p> <p>25 And then we're also seeking at the front,</p> <p>up on the road, a small section of B2 commercial zoning</p> <p>so that this would be a mixed-use type -- type community</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: center;">9</p> <p>1</p> <p>2 *** **</p> <p>3 BRAD EDWARDS, being first duly sworn,</p> <p>4 gave the following answers in response to questions</p> <p>5 propounded to him.</p> <p>6 MR. LINK: Before you start with your</p> <p>7 testimony --</p> <p>8 MADAM CHAIRPERSON: Thank you, Brad.</p> <p>9 MR. LINK: -- the maps that we have here,</p> <p>10 has Carter or has anybody gotten a paper version of that</p> <p>11 that the court reporter could use as an exhibit?</p> <p>12 MR. MUNDAY: I have -- I have some</p> <p>13 preliminary stuff, but I don't know that -- that we</p> <p>14 should -- they would have to give me permission, I</p> <p>15 guess, to share that.</p> <p>16 MR. LINK: They'd have to what?</p> <p>17 MR. MUNDAY: I've got some paper stuff,</p> <p>18 but --</p> <p>19 MR. LINK: Well, I just thought they need</p> <p>20 to exhibit -- make it an exhibit to the testimony for</p> <p>21 the court reporter, but if you don't want to, that's</p> <p>22 fine.</p> <p>23 MR. COOK: Certainly. Yeah. We can.</p> <p>24 MR. LINK: I think it's best if you do.</p> <p>25 MR. COOK: Yeah. Certainly, we can do</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>

<p style="text-align: right;">10</p> <p>1 that and have Mr. Munday have our permission to share  2 those with the court reporter for exhibits, for sure.  3 MR. BAKER: I'll be happy to share with  4 them. I need to swear in, first. Zach Baker.  5 (Off the record)  6  7 *** **</p> <p>8 ZACH BAKER, being first duly sworn, gave  9 the following answers in response to questions  10 propounded to him.  11 MR. COOK: Brad, hop up there real quick,  12 take the stand. I've got a couple questions for you.  13  14 *** **</p> <p>15 EXAMINATION  16 BY MR. COOK:  17 Q. So if you will, please, introduce  18 yourself.  19 A. I'm Brad Edwards, owner and president of  20 Tennessee Construction Associates.  21 Q. Where do you live, Mr. Edwards?  22 A. Franklin, Kentucky.  23 Q. And is it your intent to -- after this  24 zoning is cleaned up, to develop this property?  25 A. Yes.</p> <p style="text-align: right;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">12</p> <p>1 water retention that is needed, the whole -- whole nine  2 yards.  3 Q. Tell us a little bit about the plan that  4 you all have put together that's been submitted for  5 approval.  6 A. Yes. So our -- our main intent is to  7 clean up the zoning, of course, with this. And what we  8 have provided, the overall density for the project  9 remains about the same, but what this plan provides is  10 so much more green space and open space for the  11 community to use.  12 Q. And what is the zoning designations that  13 you are seeking with this plan?  14 A. R2 and Commercial.  15 Q. And what does -- what does -- actually, I  16 think it's -- it's R3 --  17 MADAM CHAIRPERSON: And B2.  18 Q. -- and B2.  19 A. R3 and B2.  20 Q. Yeah.  21 A. Excuse me.  22 Q. And so what -- what does R3 residential  23 allow for?  24 A. It allows for, I do believe, four units  25 in one building.</p> <p style="text-align: right;">PEARSON COURT REPORTING (270) 781-7730</p>
<p style="text-align: right;">11</p> <p>1 Q. And is the plan that we have passed  2 around showing the plan that's been submitted -- is that  3 the plan that you intend to develop on the property?  4 A. Yes.  5 Q. And tell -- tell the folks about -- do  6 you use local subcontractors and whatnot and plan to use  7 local subcontractors for doing work on this project?  8 A. I do. And half of my subs are actually  9 from Franklin.  10 Q. Okay.  11 A. Portland, Tennessee, and Franklin.  12 MR. COOK: All right. Thank you, Mr.  13 Edwards.  14 Next, I call Zach Baker.  15  16 *** **</p> <p>17 EXAMINATION  18 BY MR. COOK:  19 Q. Mr. Baker, please introduce yourself.  20 A. Zach Baker with GreenLID Design  21 representing T.C.A.  22 Q. And what -- what do you do for GreenLID,  23 Mr. Baker?  24 A. I'm a civil site designer, but we do the  25 layout of water, sewer, roads, the grading, any -- any</p> <p style="text-align: right;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">13</p> <p>1 Q. And what about -- what about B2?  2 A. B2, to my knowledge, it -- there is some  3 residential, but the option of commercially building, as  4 well.  5 Q. And have you reviewed the zone -- the  6 surrounding zoning districts?  7 A. Yes, sir. I have. We're surrounded  8 with, you know, R2, R3, and then I do believe there's a  9 few in there -- in certain areas you see R1, but then  10 you also have B2 in that -- in the area.  11 Q. And so are these zoning districts that  12 are being proposed, are they consistent with the other  13 zoning districts in the area?  14 A. Yes, sir. I feel like they're very  15 consistent.  16 Q. Let me show you a handout that has some  17 of the other surrounding zoning districts labeled. Does  18 that appear to be the accurate reflection of the zoning  19 districts around?  20 A. Yes. As of this morning when I checked,  21 it is.  22 MR. COOK: All right. I'd ask that to be  23 marked as our next exhibit, if that's all right.  24 (Whereupon Petitioner Exhibit 3 was duly  25 received, marked for identification,  and filed herewith as part hereof.)</p> <p style="text-align: right;">PEARSON COURT REPORTING (270) 781-7730</p>

<p>14</p> <p>1 MR. LINK: Would it be okay if the -- we</p> <p>2 let the board look at that?</p> <p>3 MR. COOK: Absolutely.</p> <p>4 MADAM CHAIRPERSON: I would like to see</p> <p>5 that map.</p> <p>6 MR. COOK: Yes, ma'am.</p> <p>7 MADAM CHAIRPERSON: Thank you.</p> <p>8 MR. LINK: I've forgotten what your name</p> <p>9 is.</p> <p>10 MR. BAKER: Zach Baker.</p> <p>11 MR. LINK: Zach, would you want to mark</p> <p>12 on here so the board can tell as we pass this around</p> <p>13 where -- where are we looking at your property on here,</p> <p>14 you know, so --</p> <p>15 MR. BAKER: It's this right here.</p> <p>16 MR. LINK: This one is --</p> <p>17 MR. BAKER: And that is showing the</p> <p>18 approved plat.</p> <p>19 MR. LINK: I'm going to circle that, if</p> <p>20 that's okay.</p> <p>21 MR. BAKER: Yes, sir. That's perfectly</p> <p>22 fine.</p> <p>23 MR. LINK: This has got the plat as it</p> <p>24 exists today?</p> <p>25 MR. BAKER: Yes.</p> <p>PEARSON COURT REPORTING (270) 781-7730</p>	<p>16</p> <p>1 MR. MUNDAY: It's hard to tell. You</p> <p>2 know, along Springfield Road, there's R2.</p> <p>3 MR. SLIGER: I mean, there's three, four,</p> <p>4 properties there on the map that's not zoned the same</p> <p>5 and it don't have any road frontage.</p> <p>6 MR. MUNDAY: It -- it -- yeah. And it</p> <p>7 could be --</p> <p>8 MR. SLIGER: It doesn't make sense.</p> <p>9 MR. MUNDAY: Of course, this was platted,</p> <p>10 and nothing ever was done after that.</p> <p>11 MR. SLIGER: Right. I'm -- I'm familiar</p> <p>12 with the property.</p> <p>13 MR. MUNDAY: And, you know, after it was</p> <p>14 platted, the paper map was converted to digitized, okay,</p> <p>15 and put on a computer screen. And the company that did</p> <p>16 that got some lines off. I will say that there's been</p> <p>17 occasions where we've had to true up some areas. This</p> <p>18 may be one of them, but it's hard to --</p> <p>19 MR. SLIGER: You can't go back on the old</p> <p>20 maps --</p> <p>21 MR. MUNDAY: Yeah.</p> <p>22 MR. SLIGER: -- and find where our --</p> <p>23 MR. MUNDAY: And where it's hard to</p> <p>24 find exactly -- exactly.</p> <p>25 MR. SLIGER: I've had to deal with some</p> <p>PEARSON COURT REPORTING (270) 781-7730</p>
<p>15</p> <p>1 MR. COOK: Correct.</p> <p>2 MR. BAKER: If I can borrow one of those,</p> <p>3 it would be -- this one right here. Yes.</p> <p>4 So that is showing, this plat right here,</p> <p>5 what is approved in 1996.</p> <p>6 MR. LINK: See, this --</p> <p>7 And at the risk of asking too many</p> <p>8 questions, how many lots did you say was platted here?</p> <p>9 MR. BAKER: Seventy-three.</p> <p>10 MR. LINK: Seventy-three are platted on</p> <p>11 the recorded plat?</p> <p>12 MR. COOK: Yes, with, I believe, there</p> <p>13 was four -- four units per lot.</p> <p>14 MR. MAYEUR: That was the original?</p> <p>15 MR. BAKER: That was the original.</p> <p>16 MR. SLIGER: It's -- it's R3; isn't it?</p> <p>17 Can I ask a question from Carter?</p> <p>18 MR. MUNDAY: Yes.</p> <p>19 MR. SLIGER: Carter, is this another</p> <p>20 glitch in our system where the zoning didn't get carried</p> <p>21 on out to the entire property?</p> <p>22 MR. MUNDAY: It could be. It's hard</p> <p>23 to --</p> <p>24 MR. SLIGER: Because we've had several</p> <p>25 mentions just --</p> <p>PEARSON COURT REPORTING (270) 781-7730</p>	<p>17</p> <p>1 of that myself, so I knew that the digital maps are not</p> <p>2 correct sometimes on the actual zonings.</p> <p>3 MR. COOK: And we have --</p> <p>4 Mr. Baker, do you have a map showing kind</p> <p>5 of where those lines are?</p> <p>6 MR. BAKER: Yes, sir. I do. And I'd be</p> <p>7 happy to provide it, showing the whole property with --</p> <p>8 MR. SLIGER: So this property's got three</p> <p>9 different --</p> <p>10 MR. BAKER: -- multiple zones</p> <p>11 and requested zone lots.</p> <p>12 MR. SLIGER: -- three different zones?</p> <p>13 MR. BAKER: Yes.</p> <p>14 MR. COOK: Well, no. I believe just A.G.</p> <p>15 and R2 currently.</p> <p>16 MR. SLIGER: Well, that map shows R2 and</p> <p>17 R3; doesn't it?</p> <p>18 MR. MUNDAY: There's a section down</p> <p>19 here --</p> <p>20 MR. COOK: I'm sorry.</p> <p>21 MR. MUNDAY: -- that's R2. And then</p> <p>22 you've got an R3 and then you've got an Ag over here.</p> <p>23 MR. WILSON: How many acres are you</p> <p>24 trying -- I'm -- I probably didn't hear. How many acres</p> <p>25 were you trying to rezone? Did you say fifty-something?</p> <p>PEARSON COURT REPORTING (270) 781-7730</p>



<p style="text-align: right;">18</p> <p>1 MR. BAKER: Fifty-six, yes, sir.</p> <p>2 MR. WILSON: Well, I mean, this show here</p> <p>3 was like twenty-one in an R --</p> <p>4 MADAM CHAIRPERSON: The current zone is</p> <p>5 R3, Bob.</p> <p>6 MR. BAKER: About half of it is already</p> <p>7 R3. And then we're asking to rezone the R2 and A.G.</p> <p>8 MR. WILSON: So half of it's already R3?</p> <p>9 MR. BAKER: Yes.</p> <p>10 MR. WILSON: Oh, okay. Well, he was</p> <p>11 saying we need to rezone --</p> <p>12 MR. BAKER: That's when --</p> <p>13 MR. SLIGER: Fifteen-something acres,</p> <p>14 that's where I was --</p> <p>15 MADAM CHAIRPERSON: Yeah. Like this in</p> <p>16 the center is already R3.</p> <p>17 MR. BAKER: Yes, ma'am.</p> <p>18 MADAM CHAIRPERSON: So you want it to --</p> <p>19 MR. BAKER: Yes, ma'am.</p> <p>20 MADAM CHAIRPERSON: -- stay R3, of</p> <p>21 course.</p> <p>22 MR. BAKER: Correct.</p> <p>23 MR. WILSON: Well, that's where I was</p> <p>24 confused with that.</p> <p>25 MR. BAKER: Sorry about that.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">20</p> <p>1 MR. WILSON: No. It's the other map,</p> <p>2 but --</p> <p>3 MR. SLIGER: This here?</p> <p>4 MR. WILSON: No. The gray -- the gray</p> <p>5 area, what is that?</p> <p>6 MR. SLIGER: That's the commercial they</p> <p>7 want to zone B1 (sic).</p> <p>8 MR. WILSON: Okay. That's what I was</p> <p>9 trying to figure out.</p> <p>10 MR. COOK: That -- yes. Yes, sir. The</p> <p>11 little square we're wanting to make B2 commercial just</p> <p>12 up on the -- on the front corner on the road.</p> <p>13 MR. WILSON: What kind of businesses are</p> <p>14 you thinking to put in that area?</p> <p>15 MR. EDWARDS: I don't have any in</p> <p>16 particular. I thought it would be a good one for Dollar</p> <p>17 General, but I don't think they're looking for another</p> <p>18 one in this area.</p> <p>19 MADAM CHAIRPERSON: There's -- we're</p> <p>20 saturated, I think, right now.</p> <p>21 MR. EDWARDS: I don't have anybody lined</p> <p>22 up. I just --</p> <p>23 MADAM CHAIRPERSON: Yeah.</p> <p>24 MR. EDWARDS: I think it's valuable</p> <p>25 spacing and needs to be commercial.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>
<p style="text-align: right;">19</p> <p>1 MADAM CHAIRPERSON: No. It's okay. It's</p> <p>2 a confusing piece of land.</p> <p>3 MR. SLIGER: I'm -- I'm just thinking</p> <p>4 that it does -- it is a glitch.</p> <p>5 MADAM CHAIRPERSON: There you go. Thank</p> <p>6 you.</p> <p>7 MR. COOK: And so if we could, if we</p> <p>8 could have -- maybe that -- that next map marked as the</p> <p>9 next exhibit, Ms. Court Reporter.</p> <p>10 (Whereupon Petitioner Exhibit 4 was</p> <p>11 duly received, marked for identification,</p> <p>12 and filed herewith as part hereof.)</p> <p>13 MR. COOK: Any -- any other questions for</p> <p>14 Mr. Baker on the proposed layout?</p> <p>15 MADAM CHAIRPERSON: Mr. Wilson, you look</p> <p>16 like you have a question.</p> <p>17 MR. WILSON: Well, I think it was on that</p> <p>18 map, I saw --</p> <p>19 MADAM CHAIRPERSON: Okay.</p> <p>20 MR. WILSON: -- vacant squares. You'll</p> <p>21 have to get that map. I'll show you. I didn't know</p> <p>22 what -- what that was for.</p> <p>23 MADAM CHAIRPERSON: This map, we --</p> <p>24 MR. WILSON: No. It's the top one, I</p> <p>25 think.</p> <p style="text-align: center;">MADAM CHAIRPERSON: This one?</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">21</p> <p>1 MADAM CHAIRPERSON: Kroger, right?</p> <p>2 MR. COOK: The -- the thought being that</p> <p>3 a mixed-use development where there can be some</p> <p>4 walkability where those folks in -- in the townhome</p> <p>5 development could have some commercial close --</p> <p>6 MADAM CHAIRPERSON: Sure.</p> <p>7 MR. COOK: -- was the reasoning.</p> <p>8 Seemed like that would be a good spot for</p> <p>9 some commercial given what is around it.</p> <p>10 MR. SLIGER: Dollar General wouldn't</p> <p>11 invest in it anyway -- chances are. Five Star would</p> <p>12 have been better, probably.</p> <p>13 MR. COOK: I think -- I think he's not</p> <p>14 the vender, though.</p> <p>15 MR. EDWARDS: I'd rather have a corner</p> <p>16 lot. Yeah. I'm up to anything.</p> <p>17 MADAM CHAIRPERSON: I heard that.</p> <p>18 MR. LINK: You all remember we have a</p> <p>19 court reporter, so one person speak --</p> <p>20 MADAM CHAIRPERSON: Oh, sorry.</p> <p>21 MR. LINK: -- at a time.</p> <p>22 MADAM CHAIRPERSON: Okay. Are we good</p> <p>23 to -- this gentleman before us --</p> <p>24 MR. BAKER: Yes, ma'am.</p> <p>25 MADAM CHAIRPERSON: -- any more questions</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>

22

1 for him?

2 Thank you so much for your willingness to

3 testify.

4 Okay.

5 MR. COOK: Next, we would ask Mr. Gary

6 Wade.

7 MADAM CHAIRPERSON: Mr. Jack?

8 MR. COOK: Jack Wade.

9 (Off the record)

10

11 \*\*\* \*\*

12 JACK WADE, being first duly sworn, gave

13 the following answers in response to questions

14 propounded to him.

15 MADAM CHAIRPERSON: Good evening,

16 Mr. Wade. Welcome.

17 MR. WADE: Get in the hot seat.

18

19 \*\*\* \*\*

20 EXAMINATION

21 BY MR. COOK:

22 Q. Thank you, Mr. Wade.

23 I think everybody knows you, but if you

24 will, introduce yourself to these folks.

25 A. **I'm Jack Wade. I'm the owner of Coldwell**

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23

1 **Banker here in Franklin.**

2 Q. Great.

3 And Mr. Wade, would you say that you are

4 relatively familiar with the 2010 Franklin and Simpson

5 County Comprehensive Plan?

6 A. **Yes.**

7 Q. And does that plan favor a diversity of

8 housing choices in Franklin and Simpson County?

9 A. **Yes. It does.**

10 Q. Does it favor mixed-use, commercial, and

11 residential development?

12 A. **Yes.**

13 Q. Tell us about some of the -- you know, as

14 we stated, the current Comprehensive Plan is from 2010.

15 Talk to us a little bit about how the area has changed

16 since 2010.

17 A. **Well, I -- I think from a -- from a**

18 **growth standpoint, everybody knows that Franklin's**

19 **grown, you know.**

20 We've increased -- I've -- I talked to

21 the Industrial Authority today. We -- our jobs have

22 increased from 2015 to 2021, around a thousand

23 additional jobs in Simpson County over that -- that time

24 frame. So we're -- we're continuing to grow.

25 And this area is surrounded around

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24

1 multiple family. There are some single family homes

2 there, but most of the zoning that we've heard before in

3 the -- would be R2, R3, and some R -- there's actually

4 two trailer parks within -- almost within sight of this

5 property, too. They're R5's.

6 Q. And would you consider --

7 MADAM CHAIRPERSON: That are out here?

8 MR. WADE: There -- there's -- there's

9 one behind it to the north and one to the south -- of

10 the southwest of it.

11 Q. Would you consider the local housing

12 market to have changed substantially since 2010?

13 A. **The need has, but I don't think our**

14 **market has changed substantially. We have had new**

15 **construction, growth, apartment buildings, duplexes -- a**

16 **steady growth, but still cannot keep up with the demand.**

17 Q. And talk to us a little bit about folks

18 that live here versus folks that work here.

19 A. **The -- the numbers are about sixty**

20 **percent -- kind of shocked me. I knew this years ago,**

21 **but I never -- I never thought about that much. But**

22 **about sixty percent of the people that work here come**

23 **here every day. They do not live here. They don't own**

24 **a house here. They don't own an apartment here. They**

25 **come from other areas.**

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25

1 They come from all surrounding areas.

2 And that's kind of a shocker to me. I thought we more

3 balanced, but the number's around sixty percent. I

4 think T.V.A. did a study in 2018. That's the last one

5 they did. And they did that for the industrial party.

6 And so we're a big net importer of workers.

7 You know, they come here and they work.

8 They use our services, our roads, and then they go home

9 at night. We don't get their taxes. We don't get their

10 property taxes. We don't get their school taxes. And

11 so we're -- we're kind of unique in that we are a big,

12 huge importer of people.

13 Q. Yeah. And based on the inquiries that

14 you get in your office, is this type of townhome

15 development a type of product that is needed in this

16 area?

17 A. **I think it is. Probably around the third**

18 **of our phone traffic are people wanting to rent. We**

19 **don't do rental management, so it's not a, you know,**

20 **thing we do. As a courtesy, we give them a list of**

21 **everybody we know that owns apartments, whether it's a**

22 **single family person that owns two or three apartments**

23 **or if it's a complex, or whatever. And so that's --**

24 **that's probably -- we -- we think probably around a**

25 **third of our phone calls are driven by rentals.**

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<p style="text-align: right;">26</p> <p>1 We need rentals. We don't have a rental.</p> <p>2 We want to move to Franklin; we've got a new job, we</p> <p>3 want a rental.</p> <p>4 Q. And just overall -- I think you've said</p> <p>5 this, but just to confirm it, is there a need for</p> <p>6 additional housing stock of all varieties in this area?</p> <p>7 A. <b>Absolutely. I mean, single family homes;</b></p> <p>8 <b>single family homes to rent or lease, apartments,</b></p> <p>9 <b>duplexes, triplexes, basically where we can -- we can</b></p> <p>10 <b>have people.</b></p> <p>11 Q. And would the proposed R3 zoning in this</p> <p>12 project support the goal with having that additional</p> <p>13 housing stock and this type of product in this area?</p> <p>14 A. <b>Yes. I think so.</b></p> <p>15 Q. What about have -- are you familiar with</p> <p>16 the kind of larger area and the surrounding areas to</p> <p>17 this property?</p> <p>18 A. <b>Yes.</b></p> <p>19 Q. And would you say that this is a good fit</p> <p>20 for a mixed-use development such as this?</p> <p>21 A. <b>I think it -- it will be, and because of</b></p> <p>22 <b>the age of the community, I think it would be a positive</b></p> <p>23 <b>impact on the area of the community. The access to 1008</b></p> <p>24 <b>right there, for traffic, it's a limited access road</b></p> <p>25 <b>around Franklin, and so it would -- it would definitely,</b></p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">28</p> <p>1 the closest I could find an R1 zone -- and I might have</p> <p>2 missed it -- was actually on West Cedar, coming into</p> <p>3 Franklin, which is at the end of 1008 and probably a</p> <p>4 half a mile, you know, from this property -- three</p> <p>5 quarters of a mile.</p> <p>6 Q. And so you feel like the -- the mixed</p> <p>7 zoning and the R3 and B2 do fit within the established</p> <p>8 area and what is around it?</p> <p>9 A. <b>I do.</b></p> <p>10 MR. COOK: All right. Thank you,</p> <p>11 Mr. Wade.</p> <p>12 Does the board have any questions for</p> <p>13 Mr. Wade?</p> <p>14 MADAM CHAIRPERSON: I'm fine.</p> <p>15 Any -- gentlemen -- questions?</p> <p>16 Thank you, Mr. Wade. We appreciate --</p> <p>17 MR. WADE: Yeah. Thank you.</p> <p>18 MADAM CHAIRPERSON: -- your world. Thank</p> <p>19 you.</p> <p>20 MR. COOK: All right. That concludes our</p> <p>21 witnesses.</p> <p>22 MADAM CHAIRPERSON: Thank you. Do we</p> <p>23 have anyone here that would like to speak in a positive</p> <p>24 manner in regards to the Zone change?</p> <p>25 Do we have anyone here that has concerns</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>
<p style="text-align: right;">27</p> <p>1 <b>I think, be an asset.</b></p> <p>2 Q. Tell us a little bit about some of the</p> <p>3 other zoning designations in the -- in the area and some</p> <p>4 of the other. I know you talked about the two trailer</p> <p>5 parks, but --</p> <p>6 A. <b>Right.</b></p> <p>7 Q. -- kind of expanding on that, what are</p> <p>8 some of the other --</p> <p>9 A. <b>To the --</b></p> <p>10 Q. -- zonings?</p> <p>11 A. <b>To the north, there's -- there's R3,</b></p> <p>12 <b>which there are townhouses, single-family homes, in that</b></p> <p>13 <b>zone, but they're in the R3 zone just to the north. And</b></p> <p>14 <b>then to the -- to the south is R2. There are</b></p> <p>15 <b>single-family homes there. There's also duplexes to the</b></p> <p>16 <b>east.</b></p> <p>17 There is a new complex being currently</p> <p>18 built that's an apartment complex -- or I think it's</p> <p>19 senior living -- is what they call it.</p> <p>20 And then across the road, diagonal, is</p> <p>21 B2 -- for the locals, it's -- young Bullington's owned</p> <p>22 that corner over there for years. It's B2. And then</p> <p>23 there's apartments down the highway from there. I think</p> <p>24 it's Legacy Place -- is their name. And then there's</p> <p>25 some scattered R -- R -- they're all -- I couldn't --</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">29</p> <p>1 in regards to the zone change?</p> <p>2 MS. DEAVERS: Can we just ask questions?</p> <p>3 MADAM CHAIRPERSON: Yes, but I need you</p> <p>4 to get --</p> <p>5 MS. DEAVERS: Yes.</p> <p>6 MADAM CHAIRPERSON: -- sworn in.</p> <p>7 That would be great. Thank you.</p> <p>8 MS. DEAVERS: It's neither for or</p> <p>9 against. It's just learning --</p> <p>10 MADAM CHAIRPERSON: These are --</p> <p>11 MS. DEAVERS: -- what's requested.</p> <p>12 MADAM CHAIRPERSON: That's -- that's</p> <p>13 good. Yes.</p> <p>14 Are you all together asking the same</p> <p>15 questions? Are you all on the same team or --</p> <p>16 UNKNOWN MALE: That's what -- if that's</p> <p>17 what you want to call it.</p> <p>18 MADAM CHAIRPERSON: Your heads have met?</p> <p>19 (Off the record)</p> <p>20</p> <p>21 *** **</p> <p>22 LISA DEAVERS, being first duly sworn,</p> <p>23 gave the following answers in response to questions</p> <p>24 propounded to her.</p> <p>25 MADAM CHAIRPERSON: Hello, Ms. Deavers.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>

<p style="text-align: right;">30</p> <p>1 Welcome.</p> <p>2 MS. DEAVERS: Thank you.</p> <p>3 MADAM CHAIRPERSON: Thank you for coming.</p> <p>4 How may we help you or what questions do</p> <p>5 you have for these gentlemen?</p> <p>6 MS. DEAVERS: I want to thank you all for</p> <p>7 your willingness to invest in our community, but I have</p> <p>8 just a few questions.</p> <p>9 One, how many units are you all proposing</p> <p>10 total? And I know you talked about how it was platted,</p> <p>11 is that what you are thinking to go with -- it would</p> <p>12 have been about two hundred and ninety, plus --</p> <p>13 MR. EDWARDS: Yes.</p> <p>14 MS. DEAVERS: -- or minus, units?</p> <p>15 MR. EDWARDS: It would be in that same</p> <p>16 range.</p> <p>17 MS. DEAVERS: Okay. And -- and I guess,</p> <p>18 more or less -- and yes, with the mixed use, that is a</p> <p>19 good community area out there, but as Mr. Wade spoke,</p> <p>20 that area is aging. It would be good access for people</p> <p>21 to have -- not the Dollar General.</p> <p>22 MADAM CHAIRPERSON: Especially -- we</p> <p>23 got -- we got Dollar General, but --</p> <p>24 MS. DEAVERS: Yeah. We have enough of</p> <p>25 those.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">32</p> <p>1 Lumber is at an all-time high, so --</p> <p>2 MADAM CHAIRPERSON: Yes. Uh-huh.</p> <p>3 MR. EDWARDS: You get the people wanting</p> <p>4 seven hundred dollars, but to build these out, I'm</p> <p>5 thinking more nine hundred to a thousand fifty for a two</p> <p>6 bedroom or three bedroom.</p> <p>7 And what I have so far is two-bedroom and</p> <p>8 three-bedroom plans, but it costs a lot to build and --</p> <p>9 MADAM CHAIRPERSON: Right.</p> <p>10 MR. EDWARDS: -- you'd can't cash-flow it</p> <p>11 unless they're nine --</p> <p>12 MADAM CHAIRPERSON: Are you most likely</p> <p>13 going to do no one bedrooms or one --</p> <p>14 MR. EDWARDS: I'm open to suggestions.</p> <p>15 MADAM CHAIRPERSON: I mean, that's an</p> <p>16 idea for --</p> <p>17 MR. EDWARDS: So if we think we need it.</p> <p>18 MADAM CHAIRPERSON: -- people that --</p> <p>19 MR. LINK: One at a time.</p> <p>20 MADAM CHAIRPERSON: Sorry. Forgive me.</p> <p>21 MR. EDWARDS: If you think we need it, I</p> <p>22 would incorporate it.</p> <p>23 MADAM CHAIRPERSON: That would be down</p> <p>24 the road.</p> <p>25 Right. And we just need to -- I'm sorry.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>
<p style="text-align: right;">31</p> <p>1 But have you talked with the city and all</p> <p>2 with working a plan for sidewalks should this</p> <p>3 development be approved in that area to make it more</p> <p>4 assessable for people to get into that mixed-use area?</p> <p>5 I mean, I know you're talking the green</p> <p>6 space, but if this is approved along that road, have you</p> <p>7 spoken with the city about --</p> <p>8 MR. BAKER: No, ma'am. We have not.</p> <p>9 MS. DEAVERS: Okay.</p> <p>10 MR. BAKER: Since this is just</p> <p>11 preliminary, that will become more of a topic when we</p> <p>12 start laying down the actual design of it.</p> <p>13 MS. DEAVERS: Okay.</p> <p>14 MR. BAKER: And any requirements --</p> <p>15 MADAM CHAIRPERSON: It might be a good</p> <p>16 idea, though.</p> <p>17 MR. EDWARDS: It would be my intent. And</p> <p>18 even if it isn't required, I would do it, you know.</p> <p>19 MADAM CHAIRPERSON: Okay. Well, I think</p> <p>20 just for the community that would be great, too, because</p> <p>21 there are a lot of residents in that area that would</p> <p>22 allow them and encourage them to walk to those areas.</p> <p>23 Do you have a price range of what you're</p> <p>24 thinking these may rent for once they're constructed.</p> <p>25 MR. EDWARDS: It's a good question.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">33</p> <p>1 MS. DEAVERS: Now, can I ask Mr. Wade a</p> <p>2 question in reference --</p> <p>3 MADAM CHAIRPERSON: Yes.</p> <p>4 MS. DEAVERS: Okay.</p> <p>5 MADAM CHAIRPERSON: He's sworn in.</p> <p>6 MS. DEAVERS: But -- let me see where I</p> <p>7 can find in my notes.</p> <p>8 We were talking about you get a lot -- a</p> <p>9 third of your calls are on rentals. Are they asking for</p> <p>10 a certain price range when they call? And with that,</p> <p>11 has there been a --</p> <p>12 MR. WADE: I know she can't do a head</p> <p>13 nod.</p> <p>14 MS. DEAVERS: Yes.</p> <p>15 MR. WADE: No.</p> <p>16 MS. DEAVERS: Okay.</p> <p>17 MR. WADE: They just usually ask is there</p> <p>18 anything for rent. Now, sometimes they will say price</p> <p>19 range, but most the time, it's just have you got</p> <p>20 anything to rent.</p> <p>21 MS. DEAVERS: Okay. And when we're</p> <p>22 talking supply and demand, has there been an official</p> <p>23 study done of the quantity of apartments, duplexes,</p> <p>24 quads, that we have in the community and how many of</p> <p>25 those are vacant at any one time and if that actual</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>

<p style="text-align: right;">34</p> <p>1 demand -- is that actually there for the numbers that</p> <p>2 we're seeing?</p> <p>3 I mean, we know there are other units</p> <p>4 going up besides theirs at this time. And supposedly,</p> <p>5 there's going to be some request for further zoning</p> <p>6 changes for more apartments coming down the pipeline.</p> <p>7 Just trying to make sure we don't</p> <p>8 saturate the market with one type of development.</p> <p>9 MR. WADE: All right. To my knowledge,</p> <p>10 there's no current study --</p> <p>11 MS. DEEVERS: Okay.</p> <p>12 MR. WADE: -- been done.</p> <p>13 Just from our standpoint of people</p> <p>14 calling us and saying we're on the waiting list at --</p> <p>15 you know, and give us three or four of the big ones --</p> <p>16 MS. DEEVERS: Okay.</p> <p>17 MR. WADE: -- that they said there are</p> <p>18 no -- none available, whether it's -- you know, I don't</p> <p>19 want to drop names, but --</p> <p>20 MS. DEEVERS: Right.</p> <p>21 MR. WADE: -- whatever they are and they</p> <p>22 say we're on a wait list.</p> <p>23 MS. DEEVERS: Okay.</p> <p>24 And may I ask a question of the board?</p> <p>25 MADAM CHAIRPERSON: Sure.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">36</p> <p>1 working on it. So --</p> <p>2 MR. SLIGER: And they're developing on it</p> <p>3 as we speak.</p> <p>4 MS. DEEVERS: And so as they're working</p> <p>5 on that, in thinking about this, it there even a thought</p> <p>6 process that we might hit a pause button until we</p> <p>7 determine where our best laid plan is?</p> <p>8 MR. LINK: I'm going to give you a no on</p> <p>9 that.</p> <p>10 MS. DEEVERS: Okay.</p> <p>11 MR. LINK: I mean, this board is not in</p> <p>12 the business of stopping everything in Simpson County in</p> <p>13 its tracks.</p> <p>14 MS. DEEVERS: Right. And we're not</p> <p>15 asking that. I don't think anybody is asking that.</p> <p>16 MR. LINK: Well, that's how your question</p> <p>17 came across.</p> <p>18 MS. DEEVERS: Okay. I'm sorry.</p> <p>19 On certain types of development there, if</p> <p>20 we do not know for certain there's a need for it, is</p> <p>21 that a possibility?</p> <p>22 MR. SLIGER: If he's willing to invest</p> <p>23 his money and time in a project, if it's suitable --</p> <p>24 MS. DEEVERS: Okay.</p> <p>25 MR. SLIGER: -- that's his business.</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>
<p style="text-align: right;">35</p> <p>1 MS. DEEVERS: I keep hearing reference to</p> <p>2 a 2010 Comprehensive Plan. Is this a planning and</p> <p>3 zoning Comprehensive Plan? Is this a county/city</p> <p>4 Comprehensive Plan, because we've been asking city and</p> <p>5 county, and we're being told there isn't a Comprehensive</p> <p>6 Plan at this time.</p> <p>7 MR. LINK: You've been told wrong.</p> <p>8 MS. DEEVERS: Okay.</p> <p>9 MR. LINK: There is a Comprehensive Plan</p> <p>10 for the city and county.</p> <p>11 MS. DEEVERS: And how do we find a copy</p> <p>12 of that?</p> <p>13 MR. LINK: I think that one is available</p> <p>14 through the planning and zoning office.</p> <p>15 MS. DEEVERS: Okay.</p> <p>16 MR. LINK: Every --</p> <p>17 MS. DEEVERS: And maybe --</p> <p>18 MR. LINK: -- zoning district has to have</p> <p>19 a plan.</p> <p>20 MS. DEEVERS: And maybe it's not a</p> <p>21 Comprehensive Plan for future growth. Maybe that's what</p> <p>22 we're asking for.</p> <p>23 MR. SLIGER: It is. And they're</p> <p>24 working -- they were working on it two days, so --</p> <p>25 MS. DEEVERS: Yeah. I know they're</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>	<p style="text-align: right;">37</p> <p>1 MS. DEEVERS: Okay. Just asking a</p> <p>2 question.</p> <p>3 MR. SLIGER: If it over-saturates it, I</p> <p>4 don't know what oversaturated would be.</p> <p>5 MS. DEEVERS: I understand.</p> <p>6 No more questions.</p> <p>7 MR. SLIGER: Everybody I talk to asks me</p> <p>8 if I have something for rent or --</p> <p>9 MS. DEEVERS: Right.</p> <p>10 MR. SLIGER: -- do you know where</p> <p>11 something is for rent. So I know there's a need for it.</p> <p>12 MS. DEEVERS: Okay. Well, thank you.</p> <p>13 MADAM CHAIRPERSON: Thank you, Ms.</p> <p>14 Deavers. Thank you.</p> <p>15 Anyone else like to speak?</p> <p>16 Okay. I am --</p> <p>17 MR. LINK: Does the board have questions</p> <p>18 for the gentlemen?</p> <p>19 Okay. I think we're in a place then</p> <p>20 where I'm prepared to take a motion.</p> <p>21 MR. WILSON: Before we vote -- I'm</p> <p>22 sitting here thinking.</p> <p>23 I mean, I would like to comment to</p> <p>24 Ms. Deavers. I can understand where you all are coming</p> <p>25 from, totally, because -- I mean, especially Josh. I</p> <p style="text-align: center;">PEARSON COURT REPORTING (270) 781-7730</p>

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1 mean, I farm, also. We -- we hate seeing good farmland  
 2 used up for -- you know, for residential growth. And  
 3 once it's -- you know, homes are built, that farmland's  
 4 gone. I understand where you all are coming from.  
 5 And I also have the same concerns you all  
 6 have. I mean, I've stated it here before in our  
 7 meetings that we kind of have to watch what we do. I  
 8 understand where you're -- what you're saying, because a  
 9 lot of people move here for a small-town atmosphere and  
 10 a small-town community and good schools and things like  
 11 that.  
 12 And if you keep continuously bringing in  
 13 rental property, I guess, and you continue to bring in  
 14 more and more people in the community, it's going to  
 15 flood our schools, our roads are going to be -- I mean,  
 16 I -- I don't -- I hate traffic jams as much as anybody.  
 17 And there -- and through the middle of town, on certain  
 18 days, it's getting -- it's getting bad already. And I  
 19 know -- my wife teaches, and I know how bad the school  
 20 system is going to be packed.  
 21 So I under -- I mean, we take your  
 22 concerns seriously. And I -- I don't want you to be --  
 23 act like we didn't -- we didn't care, because I do -- or  
 24 we really do. And I understand where you're coming  
 25 from.

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1 So that's all I had to say. I just  
 2 wanted to --  
 3 MADAM CHAIRPERSON: Thank you, Kent.  
 4 Well taken. Thank you.  
 5 MR. SLIGER: Being's the property's  
 6 seventy percent R3, I'm going to make a motion that we  
 7 accept the zone change they're asking from Ag to R3,  
 8 Single Family/Limited Multi-Family, for the fourteen  
 9 eight acres and the B2 that they asked for for the two  
 10 point three two acres.  
 11 MADAM CHAIRPERSON: Mr. Sliger has moved  
 12 that we move forward with the zone change for the  
 13 property -- for both the different zone changes that  
 14 you've requested.  
 15 Is there a second? Is there a second?  
 16 Thank you. Mr. Tyler has seconded that  
 17 motion.  
 18 Gentlemen, do we have any further  
 19 discussion?  
 20 Okay.  
 21 MR. BAKER: Ma'am, I do. I do have a  
 22 question.  
 23 MADAM CHAIRPERSON: I got you.  
 24 MR. BAKER: That motion was to rezone the  
 25 A.G. to R3 --

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1 MADAM CHAIRPERSON: Yeah. It's --  
 2 MR. BAKER: -- and the R2?  
 3 MADAM CHAIRPERSON: Yeah. It's to get  
 4 it like --  
 5 MR. BAKER: Okay. I understand.  
 6 MADAM CHAIRPERSON: Yes.  
 7 MR. BAKER: Okay.  
 8 MADAM CHAIRPERSON: The -- i.e., I --  
 9 I passed those, but I will say it when it's time --  
 10 MR. BAKER: Okay.  
 11 MADAM CHAIRPERSON: -- to vote.  
 12 Also, I do -- if this should pass, I  
 13 would like, though, to give some pretty close  
 14 instruction as you go down the pike in development,  
 15 please, like --  
 16 MR. EDWARDS: Sure.  
 17 MADAM CHAIRPERSON: -- regarding the  
 18 sidewalk and, certainly, some of the building in a B2, a  
 19 business, that I know we can't predicate exactly what it  
 20 is once you get that zone change, but certainly, it  
 21 would be a community-friendly business, as opposed to a  
 22 non-community-friendly business.  
 23 MR. EDWARDS: I agree.  
 24 MADAM CHAIRPERSON: We're here -- Dan  
 25 Schmucker and Tennessee Construction Associates, we have

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1 a motion on the floor and a second for a zone change  
 2 from A.G. to R3, Single Family, and for all those that  
 3 they want to get to R3, and then, also, for B2, General  
 4 Business District, for a two point three two acre  
 5 parcel, which is the five hundred block of the west  
 6 side. So that's just for two -- basically, a little  
 7 over a quarter acre for the B2.  
 8 All in favor, say aye.  
 9 INDISCERNIBLE VOICES: Aye.  
 10 MADAM CHAIRPERSON: Aye.  
 11 Any opposition?  
 12 It passes.  
 13 Thank you, very much.  
 14 MR. COOK: Thank you.  
 15 MADAM CHAIRPERSON: Thank you, very much.  
 16 Thank you for coming to the public hearing and voicing  
 17 your concerns.  
 18 I think that that -- what -- some of the  
 19 questions that you're asking, Ms. Deavers, I think it  
 20 might be something that may be a good thing to put up  
 21 before the city counsel, that they can pay for things of  
 22 that nature.  
 23 MS. DEAVERS: Yes.  
 24 MADAM CHAIRPERSON: Because that's not  
 25 our --

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1 MS. DEAVERS: Yeah.

2 MADAM CHAIRPERSON: -- expertise. And we  
3 certainly don't have that kind of time to run those  
4 surveys.

5 MR. COOK: Did you get all the ones that  
6 you needed?

7 MADAM CHAIRPERSON: Like, someone may pay  
8 for those surveys if -- because it's -- it's really  
9 surveys you're --

10 MS. DEAVERS: Yeah. And hopefully, on  
11 this plan that they're working on, those are things that  
12 they're considering -- those things.

13 MADAM CHAIRPERSON: In the Comprehensive  
14 Plan?

15 MS. DEAVERS: Yes.

16 MADAM CHAIRPERSON: Okay. This concludes  
17 this public hearing.

18 (Whereupon the hearing concluded at 7:30 p.m.)

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

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 Franklin-Simpson Planning and Zoning  
6 public hearing was taken before me at the time and place  
7 and for the purpose in the caption stated; that the  
8 public hearing was reduced to shorthand writing by me in  
9 the presence of the individuals; that the foregoing is a  
10 full, true and correct transcript so given to the best  
11 of my ability, and the appearances were as stated in the  
12 caption.

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

17 WITNESS MY SIGNATURE this 4th day of  
18 August, 2021. My commission expires October 28, 2022.

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21  
22  
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24  
25

\_\_\_\_\_  
April Pearson, CCR  
Notary Public  
State at Large, Kentucky

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