

Sponsors:	Commissioner Powell
	Commissioner Stewart
Second Reading:	November 8, 2021
Publication Date:	November 11, 2021

ORDINANCE NO. 2021-029

AN ORDINANCE REZONING APPROXIMATELY 34.3 ACRES LOCATED ON THE SOUTH SIDE OF KY. HWY. 100 (SCOTTSVILLE ROAD) FROM AG (AGRICULTURE) TO R1-S (SINGLE FAMILY RESIDENTIAL) BY JOSH AND SHELLIE JONES

WHEREAS, Josh and Shellie Jones (“Jones”) filed a petition to rezone approximately 34.3 acres located on the south side of Ky. Hwy. 100 (Scottsville Road), in Franklin, Simpson County, Kentucky currently zoned AG (Agriculture) to R1-S (Single Family Residential); and

WHEREAS, Jones desires to rezone the aforementioned property 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 September 7, 2021, 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 approximately 34.3 acres located on the south side of Ky. Hwy. 100 (Scottsville Road) in Franklin, Simpson County, Kentucky, as more particularly described in Exhibit A attached hereto is granted a zone change from its AG (Agriculture) to R1-S (Single Family Residential).

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All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.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 Powell and seconded by Commissioner Stewart the foregoing ordinance was adopted, after full discussion, by the following vote:

YES LARRY DIXON, MAYOR

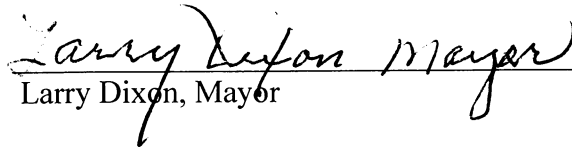
YES JAMIE POWELL

YES BROWNIE BENNETT

YES WENDELL STEWART

YES HERBERT WILLIAMS

APPROVED BY:


Larry Dixon, Mayor

ATTEST:



Cathy Dillard, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION APPENDIX

Being a 34.2925 acre tract of land on Scottsville Road (Ky Hwy 100) in Franklin, KY. The property is owned by Joshua B. & Shellie Jones, a portion of Deed Book 356, Page 520 as recorded in the office of the Clerk of Simpson County, KY. The tract is approximately 1,416 feet East of the centerline of Rapids Road (Ky Hwy 73). The property is more particularly described as follows:

Commencing at a found 5/8-inch iron pin in the south right of way of Scottsville Road - Ky Hwy 100 (R/W Vaires), located approximately 1,416 feet East of the centerline of Rapids Road (Ky Hwy 73), a corner common with the Kumar and Vashistha property (Master Commissioner Deed Book 331, Page 329); thence along said right of way the next 6 calls, S 84° 52' 34" E 128.51 feet to a set iron pin, thence S 82° 22' 31" E 249.76 feet to a set iron pin; thence N 79° 03' 07" E 60.00 feet to a set iron pin; thence S 83° 07' 36" E 450.37 feet to a set iron pin; thence S 83° 07' 27" E 472.43 feet to a set iron pin; thence S 82° 42' 38" E 126.98 feet to a 1-inch iron pipe, a corner common with the Taylor Property (Deed Book 234, Page 242); thence S 08° 08' 20" W 1150.46 feet along the line of Taylor, passing a found T-post on line at 386.67 feet, a corner common with the Golach Property (Deed Book 169, Page 51) to a set 5/8-inch iron pin with a yellow plastic cap stamped "L SLAVEY KY 3922" (all set iron pins called out in this description meet the aforementioned description); thence leaving the Golach Property and severing the Jones Property for the next two calls N 74° 31' 04" W 701.19 feet to a set iron pin; thence N 74° 30' 42" W 702.20 feet to a set iron pin on the line of Humar and Vashistha Property; thence N 02° 24' 03" E 924.78 feet to the point of beginning, having an area of 1,493,781 square feet, 34.2925 acres.

Being part of the same property conveyed by Ray Carter and wife, Kathy Cochran, and Pam Carter to Joshua B. Jones and wife, Shellie Jones by deed dated May 12, 2021, of record in Deed Book 356, Page 520, Simpson County Clerk's Office.

FRANKLIN-SIMPSON JOINT PLANNING & ZONING COMMISSION

In Re the Petition for Zone Change from AG (Agricultural Use), R1-S (Single Family Residential District)

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

A public hearing was held before this Commission on Tuesday, September 7, 2021, at the hour of 6:30 p.m. on the petition of Josh Jones and wife, Shellie Jones ("Petitioner"), that a certain 34.2925 acre tract, being a portion of the Petitioner's lands located on the south side of the Scottsville Road (Ky Hwy 100) within the corporate limits of the City of Franklin, in Simpson County, Kentucky, the title to which is presently held by the Petitioner as a portion of that certain deed dated May 12, 2021, of record in Deed Book 356, Page 520, Simpson County Clerk's Office; **be re-zoned from AG to R1-S.** The Chairperson of the Commission, Debbie Thornton, presided. A quorum of the Commission was present. The Petitioner was represented by local attorney, David Cummins. The hearing was stenographically recorded by a licensed court reporter.

The Commission then proceeded to hear an opening statement from attorney Cummins and testimony in favor of the zone change on behalf of the Petitioner offered by Josh Jones, and the Petitioner's surveyor, Jase Caldwell, of Van Meter & Slavey, LLC, Professional Engineering & Land Surveying of Bowling Green, Kentucky. There was an opportunity for cross-examination. Questions were asked and answered. A call for any public comments was made to those in attendance.

Having heard testimony, having reviewed the petition for zone change, having reviewed the exhibits presented including a survey and conceptual plan of the subject property previously prepared by the firm of Van Meter & Slavey, LLC, and with regard to the Comprehensive Plan

for Simpson County, Kentucky, _____
moved and _____ seconded, and the
Commission voted _____ to recommend the zone change. In connection with
the zone change, the Commission FINDS, CONCLUDES, AND RECOMMENDS the following:

FINDINGS OF FACT

I

The subject property consists of 34.2925 acres as determined by a survey conducted by Lucas L. Slavey, Kentucky licensed professional land surveyor no. 3922 of Van Meter & Slavey, LLC, Professional Engineering & Land Surveying, 1015 Shive Lane, Bowling Green, Kentucky 42103, and is more particularly described as follows, to-wit:

Being a 34.2925 acre tract of land on Scottsville Road (Ky Hwy 100) in Franklin, KY. The property is owned by Joshua B. & Shellie Jones, a portion of Deed Book 356, Page 520 as recorded in the office of the Clerk of Simpson County, KY. The tract is approximately 1,416 feet East of the centerline of Rapids Road (Ky Hwy 73). The property is more particularly described as follows:

Commencing at a found 5/8-inch iron pin in the south right of way of Scottsville Road - Ky Hwy 100 (R/W Vaires), located approximately 1,416 feet East of the centerline of Rapids Road (Ky Hwy 73), a corner common with the Kumar and Vashistha property (Master Commissioner Deed Book 331, Page 329); thence along said right of way the next 6 calls, S 84° 52' 34" E 128.51 feet to a set iron pin; thence S 82° 22' 31" E 249.76 feet to a set iron pin; thence N 79° 03' 07" E 60.00 feet to a set iron pin; thence S 83° 07' 36" E 450.37 feet to a set iron pin; thence S 83° 07' 27" E 472.43 feet to a set iron pin; thence S 82° 42' 38" E 126.98 feet to a 1-inch iron pipe, a corner common with the Taylor Property (Deed Book 234, Page 242); thence S 08° 08' 20" W 1150.46 feet along the line of Taylor, passing a found T-post on line at 386.67 feet, a corner common with the Golach Property (Deed Book 169, Page 51) to a set 5/8-inch iron pin with a yellow plastic cap stamped "L SLAVEY KY 3922" (all set iron pins called out in this description meet the aforementioned description); thence leaving the Golach Property and severing the Jones Property for the next two calls N 74° 31' 04" W 701.19 feet to a set iron pin; thence N 74° 30' 42" W 702.20 feet to a set iron pin on the line of Humar and Vashistha Property; thence N 02° 24' 03" E 924.78 feet to the point of beginning, having an area of 1,493,781 square feet, 34.2925 acres.

Being part of the same property conveyed by Ray Carter and wife, Kathy Cochran, and Pam Carter to Joshua B. Jones and wife, Shellie Jones by deed dated May 12, 2021, of record in Deed Book 356, Page 520, Simpson County Clerk's Office.

II

The subject area presently is used for agricultural crops. Surrounding adjacent areas are presently zoned: North = AG; East = AG; South = AG; and West = AG. The subject 34.2925 acre tract abuts and has significant frontage on Scottsville Road (Ky Hwy 100) and has adequate vehicle access to and from said state highway. KY Hwy 100 is the primary east/west highway corridor serving both the City of Franklin and Simpson County.

III

The Simpson County Comprehensive Plan adopted for 2010, is dated October 10, 2009. All suitability scenarios accommodate the proposed zone change particularly given that the subject property is situated along and abuts Scottsville Road (Ky Hwy 100), along Simpson County's primary east / west highway corridor near the Interstate - 65 Exit 6 interchange hub. The Comprehensive Plan envisions the subject property as an area suitable for development and the requested zoning map amendment is consistent with the Comprehensive Plan.

IV

The subject property lies within the corporate limits of the City of Franklin, is presently undeveloped, and given its close proximity to the Interstate - 65 Exit 6 interchange hub and the East Industrial Park, is presently benefitted by electric, gas, water, and sewer utilities.

The present zone classification of the subject property as agricultural is inappropriate inasmuch that the subject property has significant frontage on Scottsville Road (Ky Hwy 100) and major changes of an economic, physical, or social nature within the subject area have occurred which have substantially altered the basic character of the subject area and have established the area as one poised for residential development.

CONCLUSIONS OF LAW

A re-zoning of the entirety of the subject 34.2925 acre tract consistent with the Comprehensive Plan is in order given that the Comprehensive Plan envisions growth and development in the subject area and along Scottsville Road (Ky Hwy 100) east / west travel corridor in close proximity to the Interstate - 65 Exit 6 interchange hub with direct access to US 31-W (South Main Street) as well as the Harding Road / Industrial Bypass intersection; and moreover, the present agricultural zone classification assigned to the subject property was inappropriate given the inevitability of the development of the subject property for residential or commercial use and to promote the continued growth and prosperity of the subject area, particularly given its location between the town square of Franklin, the Interstate - 65 Exit 6 interchange hub, and the East Industrial Park. Consequently, a zone change to a R1-S (Single Family Residential District) will be wholly consistent with the Comprehensive Plan as an appropriate area for the proposed residential neighborhood. A zone change to R1-S is now appropriate; it is commensurate with major economic, physical, and social changes which have

substantially altered the basic character of the subject area; and it will improve the subject area to the benefit of the residents of Franklin and Simpson County. The zone change request meets the criteria of KRS 100.213, and Section 10.7 of the Franklin-Simpson Zoning Regulations.

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RECOMMENDATION

The Commission having adopted the foregoing Findings of Fact and Conclusions of Law does hereby now recommend to the City of Franklin that the zone change **BE APPROVED** and that the entirety of the subject 34.2925, acre property described in paragraph I, hereof and as further provided as the **Attachment** hereto which is incorporated by reference, **be re-zoned from AG to R1-S.**

This September 7 2021.


DEBBIE THORNTON, Chairperson

FRANKLIN-SIMPSON PLANNING & ZONING COMMISSION

PUBLIC HEARING

IN RE: JOSH JONES d/b/a J. JONES BUILDERS TO REQUEST A
ZONE CHANGE FROM AF TO R1-S LOCATED SOUTH SIDE
OF HYW 100, BETWEEN RAPIDS ROAD AND EXIT 6 FOR A
34.29-ACRE PARCEL

*** **

SEPTEMBER 7, 2021

*** **

APRIL PEARSON, C.C.R.

REPORTER

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BOWLING GREEN, KY 42102-0005
(270) 781-7730
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I N D E X

EXAMINATION

BY MR. CUMMINS: 4 - 73

EXHIBITS

EXHIBIT A	PAGE 7	Aerial photo depicting zoning around property
EXHIBIT B	PAGE 8	Conceptual Plan
EXHIBIT C	PAGE 28	Deed of Conveyance dated 5/12/21
EXHIBIT D	PAGE 33	Picture of Fox Chase Entrance
EXHIBIT E	PAGE 37	Pictures of houses
EXHIBIT F	PAGE 39	Development Plan Conditions
EXHIBIT G	PAGE 46	Real Estate Sale/Purchase Contract

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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, 42134, on Tuesday, September 7, 2021, at 6:52 p.m. (Central Time), upon oral examination and to be used in accordance with the Kentucky Rules of Civil Procedure.

A P P E A R A N C E S

For the Petitioners: Mr. David Cummins
Leach and Cummins
Attorneys at Law
200 North 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. George Weissinger
Mr. Gary Sliger
Mr. Roy Tyler
Mr. Kent Wilson
Mr. Craig Mylor

Also present: Ms. Emily Flora
Mr. Carter Munday

*** **

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MADAM CHAIRPERSON: We're going to open a public hearing. Within this public hearing, we ask that all cell phones are on silent. And this is not personal and we -- our board has rules and regulations that they have to -- that they're, you know, supposed to be going by, and so please, do not take anything personally and/or take offense, but just know that these men and most of us are serving our community and really, you know, trying to do a good job for our community and for the people that work in this community and that love this community. So please keep that in mind.

And also, if you're going to approach the bench, will you please -- or approach the commission, please know that you must be sworn in, unless you're a lawyer. And you -- Mr. Cummings does not have to do that. Okay?

Okay. Let's begin. Mr. Cummings are you here to represent -- great --

MR. CUMMINS: Yes, ma'am.

MADAM CHAIRPERSON: -- Mr. Jones?

MR. CUMMINS: Madam Chairperson, may it please the commission, I'm going to speak on behalf of Mr. and Mrs. Jones -- do I need --

MADAM CHAIRPERSON: No. You're okay.

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Is he okay without a mask, Emily?

MS. FLORA: Oh, yeah.

MADAM CHAIRPERSON: He's closest to you.

Bob, are you okay?

MR. LINK: Sure.

MADAM CHAIRPERSON: Thank you.

MR. CUMMINS: Just briefly, for -- and ultimately, just for the record, David Cummings on behalf of the Petitioners, Josh and Shelly Jones.

This petition regards a thirty-four-point two-nine-two-five-acre tract, just a shade over thirty-four acres, on the south side of Highway 100 between Rapids Road and Exit 6. If my math is correct, it's one-thousand-four-hundred-eighty-eight-point-o-five feet of frontage along the state's right of way on 100.

This property has not previously been developed, so it defaults to an Agricultural Zone. One thing that we have to start with, this is going to consume some tillable farmland, but if we have to use farmland for development, the Comprehensive Plan envisions that we do so along the east/west corridor, 31-W as the north/south corridor, and then around three-fourths of a bypass that we have here in Franklin.

So we're requesting an R1-S, medium density residential, change. This proposal fits the

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Comprehensive Plan very well, if not extremely well.

And if it would please the commission, I'll start a little bit out of order and call Mr. Jace Caldwell first.

MR. CALDWELL: Where do you want me to --

MADAM CHAIRPERSON: She'll swear you in.

MR. CALDWELL: Okay.

(Off the record)

*** **

JACE CALDWELL, being first duly sworn, gave the following answers in response to questions propounded to him.

EXAMINATION

BY MR. CUMMINS:

Q. Mr. Caldwell, would you state your name and address -- business address for our record, please?

A. Jace Caldwell, Van Meter and Slavey, ten fifteen Shive Lane, Bowling Green.

Q. Just briefly, would you explain your occupation and that sort of thing?

A. I'm a professional civil engineer.

Q. You've been before this commission several other times. You're not a stranger here?

A. Yes, sir.

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Q. Have you and your office been helping Mr. and Mrs. Jones with all of their engineering and surveying regarding the --

A. Yes, sir.

Q. -- specific aspects of this project?

MR. CUMMINS: If I may approach the commissioners, Your Honor, and present what I'd like to ask that this be Exhibit A or 1, and we'll refer to this first.

(Whereupon Jones Exhibit A was duly received, marked for identification, and filed herewith as part hereof.)

Q. Mr. Caldwell, you're hopefully familiar -- let me give this -- it will maybe make it easier for you to use this.

A. Okay.

Q. Would you identify the tracts in this picture drawn in the middle of that shot, please?

A. Yeah. That is the subject property that the Jones' own that we're speaking about tonight.

Q. Would it be numbered sixteen dash one dash ten --

A. Yes.

Q. -- the Carter property?

A. Uh-huh.

Q. Would you generally describe that parcel

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of land to the commission, please?

A. Yeah. It is -- I can't remember the acres off the top of my head, but it's currently in corn.

And it's got a couple of low spots on it; one of them being shown there with the trees, and then the other, you can't really tell where it is, but it's on the other side of the property. You can see it a little bit better in my concept plan.

It's rolling in all directions. And it's got one existing entrance on Scottsville Road.

Q. Are there any utility easements traversing the property?

A. There is. There is a hundred foot T.V.A. easement along the back of the property. It's fifty foot each side of the line.

MR. CUMMINS: At this point, if I may approach again, Madam Chairperson, I have personal copies of the conceptual plan. I'll present those.

I think Mr. Munday had it for you to view a few weeks ago.

Exhibit 2 or B.

(Whereupon Jones Exhibit B was duly received, marked for identification, and filed herewith as part hereof.)

Q. Mr. Caldwell, would you orient us

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1 directionally -- I apologize. These are oriented in
 2 opposite directions. So would you explain briefly how
 3 this one is --
 4 A. So --
 5 Q. -- depicted?
 6 A. -- north is actually down, in this
 7 situation. As you're looking at the property, I-65
 8 would be to your left, and then down, Franklin would be
 9 to your right. And with the street name right now right
 10 there, it's right -- it's not but --
 11 Q. Would that be --
 12 A. -- a thousand feet -- Rapids Road. It's
 13 about a thousand feet from Rapids Road.
 14 Q. So at the top of your depiction here
 15 would be the south of this property. There's a strip a
 16 long there that's not platted for residential use.
 17 Would you explain that briefly to the commission?
 18 A. The strip that we are currently owning?
 19 Q. That would be between what's depicted as
 20 Johnson --
 21 A. Yeah.
 22 Q. -- Johnson to the south.
 23 A. Okay. So there is a tract that I've
 24 designated as Lot one dash one. It's kind of hard to
 25 see. It is three-point-two-seven acres. And I believe

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1 Q. -- walk us through the conceptual plan?
 2 A. Yeah. We've got one entrance to work
 3 with. We'll start at the front of the subdivision. I
 4 talked with Sarah Payton with the Transportation
 5 Cabinet. And it is a controlled access right of way
 6 there. And -- and that's a fancy way of just saying
 7 that they're very particular with their entrances there.
 8 So she -- I asked to move it to make the
 9 subdivision layout a little bit better, actually, and I
 10 was told in so many words, no, do not move it. You
 11 can't move it. If you're going to develop it, that is
 12 where the access needs to be. So that's the beginning
 13 of the story on the layout.
 14 We go in. We have a circle with two
 15 connecting streets down the middle of it. We've got a
 16 proposed drainage area on both the west and the east
 17 sides of the property. Those are existing low spots.
 18 More than likely, there is a sinkhole in both of them,
 19 which we will protect and develop with modern methods to
 20 make sure that we're not doing anything to pollute the
 21 ground water or anything like that.
 22 And then along with that, we actually --
 23 in Simpson County, it's a little more strict than we
 24 usually do in Warren County. They go from a three hour
 25 twenty-four-hour storm in Bowling Green, and here, it's

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1 there's an agreement on that, that they are going to be
 2 giving that -- or not giving, but transferring it to the
 3 Johnson family for their use so that the T.V.A. easement
 4 would be completely on Johnson. And it actually is ten
 5 feet extended past where that easement line is. I
 6 probably jumbled that up a little bit, but --
 7 Q. Just to clarify --
 8 A. Yeah.
 9 Q. -- just for redundancy, because this is
 10 important.
 11 So the T.V.A. easement would not be on
 12 the parcel that we are requesting to be rezoned this
 13 evening?
 14 A. Correct.
 15 Q. Would you describe briefly what utilities
 16 presently serve this property?
 17 A. So you have the T.V.A. easement that runs
 18 along the back, of course. And then there is water and
 19 sewer that run along the front of this property.
 20 Q. Is this property in the corporate limits
 21 of the City of Franklin?
 22 A. It is.
 23 Q. Just in your personal terms, not too
 24 specific or technical, would you --
 25 A. Sure.

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1 a twenty-four hour. So it -- it really makes those
 2 sinkholes well cared for, and you don't have to worry
 3 about flooding issues in the future. So that's why I
 4 made those easements maybe a little bit large, just to
 5 make sure that we have plenty of area to take care of
 6 that.
 7 I think that pretty well sums it up.
 8 Public utilities, obviously. Sewer. Water. Electric's
 9 all going to be underground.
 10 Last -- last thing that is on there,
 11 we've got a pretty good existing tree line along the
 12 fronts of the lots that front the highway there. And we
 13 are proposing a twenty-five foot landscaping buffer
 14 there, a do-not-disturb landscape buffer. So that
 15 character you see there now will be the character that
 16 you see after this development's done, minus the
 17 entrance.
 18 So I think that sums it up in a few
 19 words.
 20 Q. One other question about the depiction of
 21 some term language. Would you mind to explain those in
 22 a little more detail, please?
 23 A. Yeah. So I forgot about that.
 24 So there is going to be two turning
 25 lanes. That's what the state is going to require; one

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1 left-hand and one right-hand turn lane. I just realized
2 I put those backwards -- but anyway, so just to make
3 sure that you're safe going into the development. Yeah.

4 Q. The one described as right-hand --

5 A. Yeah.

6 Q. -- will be left and vice versa?

7 A. We'll switch that around for --

8 Q. The arrows are correct?

9 A. Yeah.

10 Q. Would you also describe -- have you
11 depicted the paved surfaces here accurately, as far as
12 Highway 100 is concerned? And then explain the set back
13 or the distance to the property line.

14 A. Yes. I -- it's kind of hard to explain,
15 but the thick, bold line is where the existing pavement
16 is. And I believe we're actually going to have to add
17 just a little bit of width to Scottsville Road to be
18 able to accommodate those turning lanes and, of course,
19 the shoulders.

20 And then we're about a hundred and
21 seventy feet off the actual edge of pavement, which it
22 will go down a little bit. You may be at, like, one
23 sixty once you add the pavement whence to get those
24 turning lanes in there. But it's -- it's a pretty far
25 distance to get to the actual piece of property where he

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1 owns verses where the state owns.

2 Q. And again, just for clarification here,
3 if not redundant, but this section of Highway 100 is a
4 controlled access?

5 A. Yes.

6 Q. Is that how the highway department --

7 A. Yes.

8 Q. So as far as having multiple entrances or
9 every home having their own entrance --

10 A. No. That wouldn't be appropriate. What
11 they're trying to do is keep the speed limit up at
12 fifty-five. And if you start putting more access
13 points, every access point per mile you put in there
14 makes it where you need to slow the traffic down so that
15 you can actually get a car on there without getting ran
16 into. So that's the idea behind it, I'm told.

17 Q. And do we understand this isn't final --

18 A. Sure.

19 Q. -- engineering specificity, but you've
20 depicted this as best represents your initial
21 understanding in what the highway department will both
22 allow and require?

23 A. Correct.

24 Q. Okay. Is there anything else you'd like,
25 preliminarily? We'll have Mr. Jones to talk about some

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1 more details of -- of his perspective.

2 A. I think that covers it.

3 MADAM CHAIRPERSON: May I see if the
4 counsel has questions for him?

5 Does anyone here have a question?

6 MR. TYLER: There's a hundred and ten
7 lots proposed?

8 MR. CALDWELL: A hundred and ten,
9 correct.

10 MR. TYLER: Thank you.

11 MADAM CHAIRPERSON: Thank you, very much.
12 Thank you.

13 MR. CUMMINS: I just --

14 MR. LINK: I missed part of the your
15 testimony a while ago. I was trying to figure out what
16 you were talking about.

17 This -- the proposed drainage area, is
18 that where you're talking about where you have
19 sinkholes?

20 MR. CALDWELL: Yeah. There's a -- I
21 haven't physically been in the bottom of it, but they're
22 closed contour. And around here, it's almost guaranteed
23 to be a sinkhole.

24 MR. LINK: It's a what?

25 MR. CALDWELL: It's --

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1 MADAM CHAIRPERSON: Closed contour.

2 MR. CALDWELL: It's a closed contour.

3 MR. LINK: Okay.

4 MR. CALDWELL: You know, the contour will
5 go down to nothing --

6 MR. LINK: Okay.

7 MR. CALDWELL: -- and it closes on
8 itself. So the water's going somewhere.

9 MR. CUMMINS: Can you show on the --

10 MR. CALDWELL: Yeah.

11 MR. CUMMINS: -- map? The first one
12 there.

13 MR. CALDWELL: The first one? Yeah.

14 MR. CUMMINS: Yes.

15 MR. CALDWELL: So if you look here,
16 there's a -- there's going to be a sinkhole about right
17 there, where that dark area is, and then --

18 MR. LINK: Uh-huh.

19 MR. CALDWELL: -- about right there is
20 one.

21 MR. LINK: Where that wooded tract is?

22 MR. CALDWELL: Correct.

23 MR. LINK: Well, what I was just
24 wondering, if these are going to be a drainage easement,
25 are they going to be able to build a house on that

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1 drainage easement area?

2 A. They would not.

3 Q. Huh?

4 A. They would not.

5 MR. LINK: Okay. So we've got a lot of

6 lots here that are going to be awfully small; don't we?

7 MR. CALDWELL: They're going to

8 accommodate the same size house as all the other lots.

9 And it -- it looks a little bit big and scary on here.

10 And I like to be conservative, because I don't want to

11 sell you something that is not physically possible.

12 Without actually doing the engineering,

13 I -- I'm somewhat guessing on how big those are. And so

14 I just maxed it out as much as I could, which is right

15 up to the back of the houses. More than likely, he's

16 not going to let me do that.

17 It's going to look nice going out the

18 back door, so while it may be a drainage easement, it's

19 going to be very gradual. And you're only seeing water

20 in there in the hundred-year event, which is, you know,

21 point-one-percent chance every year. So --

22 MR. CUMMINS: Will you excuse the witness

23 now --

24 MADAM CHAIRPERSON: Of course.

25 MR. CUMMINS: -- and I'll continue from

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1 top.

2 Either way, there would be a structure on

3 top of the sinkhole. So it's controlled. It's going in

4 the same place every time and you don't have a lot of --

5 you know, you see sinkholes you just keep dumping rock

6 in it, because it just keeps going down and down and

7 down. You're trying to avoid that with putting a

8 structure on there.

9 MADAM CHAIRPERSON: Uh-huh.

10 A. And then, of course, it would be

11 maintained, so it doesn't have so many negative affects.

12 Q. We lawyers use a term attractive

13 nuisance. Now, how would you construct this so that it

14 wouldn't be enticing to children when they're playing?

15 A. It's -- you know, it's going to have a

16 concrete structure, no different than any drainage

17 structure. You know, it's not going to be something

18 that's unsafe, though. I think if you did a cave box

19 there, it would be bolted down so that kids couldn't

20 just --

21 MADAM CHAIRPERSON: Right.

22 A. -- pull it up. While they're pretty

23 heavy, I think it'd have to be a pretty old kid to pick

24 that thing up.

25 And then, if it's -- you know, if you're

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1 here.

2 MADAM CHAIRPERSON: Thank you. Thank

3 you.

4 *** **

5 CONTINUED EXAMINATION

6 BY MR. CUMMINS:

7 Q. Mr. Caldwell, would you explain what

8 efforts that your engineering would require, especially

9 in the wooded area --

10 A. Yeah.

11 Q. -- regarding the -- the throat of the

12 sinkhole that you detected?

13 A. Yeah. So there's a couple different

14 methods to handle sinkholes, depending on how close you

15 are to the actual cave that the sinkhole is going into.

16 You can do what's called a cave box, which pretty much

17 just means you set a big concrete structure on top of

18 where the sinkhole is going in --

19 MADAM CHAIRPERSON: Uh-huh.

20 A. -- then you grout in around it. The

21 other way would be that it's a little deeper than what

22 that would allow, and so you take a pipe and go all the

23 way down to where the throat of it is and then you grout

24 around it and then come back up and set a structure on

25

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1 putting a pipe down in the sinkhole, it's like four foot

2 deep, anyway, so even if they got in there, it's not a

3 problem.

4 Q. And again, just to be very clear, what

5 you've depicted here does conform with the R1-S

6 requirements in every regard?

7 A. Correct.

8 Q. Just a few more questions.

9 Have you had a chance to review the

10 twelve development scenarios that Franklin-Simpson has

11 in its Comprehensive Plan?

12 A. Yes, sir.

13 Q. Is it accurate to say that the proposed

14 zone change tonight, as depicted here on your conceptual

15 plan, would fit all twelve of those development

16 scenarios?

17 A. It does appear that it does.

18 Q. Number twelve is the most restrictive.

19 It's -- it's called a bounded-type --

20 A. Right.

21 Q. -- scenario where we presently have

22 development. Is this property in one of these three

23 bounded areas?

24 A. It is.

25 Q. Would this development, albeit presently

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1 tilled --

2 A. Uh-huh.

3 Q. There's what crop growing now?

4 A. Right.

5 Q. I mean, would you --

6 A. Corn.

7 Q. Corn?

8 A. Corn.

9 Q. Okay. So it is being actively farmed,
10 but does it disrupt or fragment, to use the
11 Comprehensive Plan language, a large continuous block of
12 prime farmland?

13 A. It -- in my opinion, it doesn't. It's
14 got a wooded area to the left of it and a house. And
15 then to the right of it is also -- well, there's a small
16 tract. There's also a corn field. And then there's
17 another house that's --

18 Q. So this -- this farm -- this field would
19 be farmed by one farmer as a stand-alone?

20 A. Right.

21 Q. Does your conceptual plan protect the
22 karst features on the land and preserve the integrity of
23 the water in this area?

24 A. Yes.

25 Q. It's very near Drakes Creek. Can you --

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1 Q. -- structures --

2 A. -- which is something that would affect
3 the karst. More impervious would be a detriment when
4 you don't have to necessarily have that.

5 Q. Would -- the existing agricultural zone
6 classification, would it be fair to say that it is still
7 appropriate today, given the development in the area and
8 the present uses?

9 A. I think that if look at all twelve -- I
10 mean, you have a Comprehensive Plan that has twelve
11 things that it considers, and you meet all twelve of
12 them, I don't know how you could plan any better than to
13 meet all twelve -- twelve of twelve.

14 Q. Within your experiences here and your
15 general knowledge of the Franklin-Simpson area, has
16 there been major changes to this specific area of an
17 economic, physical, or social nature that were not
18 considered when this was zoned agriculture?

19 A. Yes.

20 Q. And -- this is a two-part question.
21 Have those changes substantially altered
22 the basic character of this area and the new
23 configuration? Now, those of us that have been here
24 some time, think of the new and old 100. So the new --

25 A. Yeah.

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1 can you protect the water quality here?

2 A. Yes.

3 Q. Does the conceptual plan promote the
4 visual integrity of this area, not only for passersby on
5 Highway 100, but also for the residents who live and --

6 A. I, personally, think it does. Whenever
7 I'm doing these layouts, I know that it's a big thing to
8 try to face a house towards the street, but there's
9 never really a good way to do that when it's on a big,
10 controlled access road.

11 In a perfect world, we could have all
12 those lots there all have driveways off Kentucky Highway
13 100, Scottsville Road. In this situation, the only way
14 I know how to do that is to add a whole another road
15 which would -- you know, you'd be taking out all those
16 trees that are already there that already -- when you're
17 driving down that road, it already looks like that on
18 both sides. And that's -- I think that's the intent of
19 this layout, is to keep that character.

20 I don't see -- other than an alley or
21 something of that nature, to -- to change this to make
22 it any -- any more --

23 Q. You would be introducing more
24 impervious --

25 A. It would --

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1 Q. -- location of 100, has this
2 substantially altered the basic character of this
3 neighborhood?

4 A. Yes.

5 Q. Is there anything else? I know we've
6 bounced around a lot and asked you lots of questions,
7 but is there anything else you would like to address?

8 A. Nope.

9 MR. CUMMINS: Okay. Do you have any
10 questions? If not, I'd ask you to dismiss the witness.

11 MR. SLIGER: On there, we have coming in
12 and out. Are you going to have any turn lanes in and
13 out or --

14 MR. CALDWELL: As far as the development?

15 MR. SLIGER: Uh-huh.

16 MR. CALDWELL: His plan is to have three
17 lanes. So it would be a left, a right, and an in, just
18 because you may sit there for a minute, you don't want
19 to back up traffic.

20 MR. TYLER: Was there any talk about ever
21 changing this to R1 instead of R1-S? Did you guys --

22 MR. CALDWELL: I don't think so.

23 MR. TYLER: I was thinking it, but I was
24 asking you --

25 MR. CALDWELL: Yeah.

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1 MR. TYLER: -- the question.
 2 MR. CALDWELL: When I was given the job,
 3 it was an R1-S.
 4 MR. TYLER: Okay.
 5 MR. CALDWELL: So that was I was told --
 6 MR. CUMMINS: We'll have some testimony,
 7 hopefully --
 8 MR. TYLER: Okay.
 9 MR. CUMMINS: -- from Mr. Jones --
 10 MR. CALDWELL: Yeah.
 11 MR. CUMMINS: -- to answer that question,
 12 Mr. Tyler.
 13 MR. CALDWELL: I believe -- is the only
 14 difference the square footage requirement for the R1 --
 15 RS1?
 16 MR.
 17 MR. WILSON: You know, one's more
 18 condensed. You can put more houses on that.
 19 MR. CALDWELL: It's just the width or is
 20 it both the width and the square footage?
 21 MR. MUNDAY: It's the square footage.
 22 MR. CALDWELL: Yeah. I -- I should have
 23 put the square footage on all these, but I would say
 24 that probably half of these probably meet that -- these
 25 lots probably meet that.

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1 MR. SLIGER: Ain't the R1 an acre?
 2 MR. CALDWELL: Is R1 an acre?
 3 MR. SLIGER: Isn't it an acre?
 4 MR. MUNDAY: No. That's the city.
 5 MADAM CHAIRPERSON: No.
 6 MR. MUNDAY: It's twelve five.
 7 MR. CALDWELL: Okay. That's what I was
 8 thinking. They're all -- the smaller ones are
 9 seventy-five hundred. I can't -- I can't keep all those
 10 straight.
 11 Yeah, an acre would -- that would not
 12 work.
 13 MADAM CHAIRPERSON: All right.
 14 MR. WILSON: What would it be, thirty --
 15 about thirty homes?
 16 MR. CALDWELL: Yeah. Yeah.
 17 MADAM CHAIRPERSON: Okay. Thank you,
 18 sir.
 19 MR. CALDWELL: Yes.
 20 MADAM CHAIRPERSON: Okay. I'm sorry my
 21 phone went off. It's usually on -- like, people say I
 22 never answer it. So --
 23 Okay. Mr. Cummings, if you --
 24 MR. CUMMINS: May I call the
 25 petitioner --

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1 MADAM CHAIRPERSON: Yeah. Yeah.
 2 MR. CUMMINS: -- the petitioner, Mr. Josh
 3 Jones.
 4 MADAM CHAIRPERSON: Yes. Mr. Josh.
 5 Yeah.
 6 MR. CUMMINS: Shelly is here just for
 7 moral support.
 8 MADAM CHAIRPERSON: Oh, well, we haven't
 9 talked to Shelly for quite a while.
 10 (Off the record)
 11 *** *** ***
 12 JOSH JONES, being first duly sworn, gave
 13 the following answers in response to questions
 14 propounded to him.
 15 MADAM CHAIRPERSON: Welcome, Mr. Jones.
 16 MR. JONES: Hi.
 17 *** *** ***
 18 EXAMINATION
 19 BY MR. CUMMINGS:
 20 Q. Just for the record, would you state your
 21 name and address, please?
 22 A. Josh Jones. Seven twenty-eight Ditmore
 23 Ford Road, Franklin, Kentucky.
 24
 25

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1 Q. Do you and your wife, Shelly, who is with
 2 you here tonight, do you co-own the property that's the
 3 subject of tonight's hearing?
 4 A. Yes. We do.
 5 MR. CUMMINS: If I may briefly approach,
 6 I have a copy of the deed.
 7 Q. I want you to clarify for the commission
 8 that that is a correct -- a true and correct copy of
 9 your deed where you and Shelly acquired this property
 10 earlier this year?
 11 A. Yes. It is.
 12 MADAM CHAIRPERSON: Thank you.
 13 Q. We touched on this briefly, but the
 14 parcel that we're seeking rezoning tonight is the bulk
 15 of this land, but not the property in its entirety; is
 16 that correct?
 17 A. Yes.
 18 Q. And again, just briefly would you --
 19 MR. CUMMINS: C.
 20 (Whereupon Jones Exhibit C was duly
 21 received, marked for identification,
 22 and filed herewith as part hereof.)
 23 Q. Would you explain the
 24 three-point-two-acre parcel off the southern portion
 25 of land in the rear --
 A. Well --

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Q. -- that you're asking to be cropped off?

A. Yes. When we were looking at development -- and, obviously, there's a T.V.A. line that runs across the back from east to west. It actually comes from closer to town, crosses Drakes Creek, and goes -- goes out across of I-65 -- a pretty long line. Developing residential housing, you -- all of that property is just dead property, more or less. You can't do anything with it, other than mow and maintain it.

You can't do any structures, anything, inside the easement. T.V.A. has -- has that land, basically, in control. You can't plant trees. You can't -- really, for a matter, you can't have a dog pen; you can't have anything under it. You have to leave it free and clear.

Q. For clarification purposes, that section, that strip, is not included in this --

A. It is not.

Q. -- request?

A. It is not.

Q. Okay. Are you and Shelly long-term residents here in the Franklin and Simpson area?

A. Yes. We are.

Q. Just for the record, do you have

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children?

A. We do. We have twins, seniors in high school, boy/girl twins.

Q. Where do they go to school? Here in --

A. Here in Franklin.

Q. -- Franklin? Okay.

Is it fair to say that you and your family are thoroughly interested in the well-being of this community?

A. We are.

I grew up in the family business. Shelly did, also. Dad started in '74 with Franklin Aluminum. To say we're invested in this community is an understatement. We're at forty-seven years now with Franklin Aluminum.

Been building houses now, you know, more of a volume, since probably 2000, 2002. Got a couple developments that we've done; Fox Chase and The Retreat -- that we've done kind of on our own and -- yeah. So --

Q. You're here to stay?

A. I'm here to stay.

Q. What particularly interested you in this piece of property that you bought with the deed here that we've just distributed?

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A. I think on a main highway. Of course, you know we've had Fox Chase and The Retreat before. Everybody knows, or most of them know, that that's on 31-W North. Had -- had great response on selling lots. People want to live in those subdivisions when you're close to a main highway like that, you know, versus some of the side streets.

You know, when you're talking Highway 100, you've got a proximity of I-65, you've got Bowling Green and Nashville. It just kind of seemed like this property, just the layout, the topography, everything, kind of fit what I wanted to, you know, development something. And it's going to be a clean, classy look. And I think people will, you know, agree with that.

Q. We'll get into some detail here in a little bit, but to Mr. Tyler's question, could you explain, from a developer's standpoint -- and be candid, please. You know, you have to make a living. So would you explain the R1 decision as opposed to the R1-S?

A. Well, R1, you're required to have a-hundred-by-a-hundred lot; that's a minimum. Now, some of those lots will always be larger. The same as R1-S. You know, you still have the same depth, but then you cut down to a seventy-five foot.

As we know, all the costs on developing

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keeps rising as -- you know, as you go. I think when we done Fox Chase and Retreat, you were spending somewhere in the vicinity of ten to twelve, maybe thirteen, thousand dollars for a lot, just on the developer part of it. Now, that is creeping up towards twenty thousand. So obviously, from a developer, you want to maximize your lots out of that.

And then, to be honest, most people that live in town are perfectly fine with a seventy-five-foot wide lot. Now, myself, I like five acres clear around my house. But people that live in subdivisions -- and most people -- I mean, you don't have people that get out and try to expand, you know, from that lot and, you know, that's -- that they don't want to mow and maintain any more than, you know, they absolutely have to. It kind of seems like -- I don't know if it's a generational thing, but its tendency -- you know, in all the surrounding counties, it kind of tends to go that direction with R1-S.

Now, I think R1-S -- you know, originally, when we done The Retreat -- I know Bob was here and some of the other board members, but we actually asked -- it wasn't R1-S then. We never had that, you know, where you have a lot -- to where you could do a smaller size lot, like we were doing in

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1 surrounding counties at the time, and mandate it being
 2 single family. There was no way to enforce that.
 3 You know, if they passed that, somebody
 4 could buy that development, somebody get in trouble, and
 5 turn around and change it to multi-family, if they
 6 wanted to, because it fit that.
 7 We were asking at that -- at that point,
 8 we were asking for R2 zone with a mandate of single
 9 family; thus, the R1-S was created to meet that size
 10 lot, because I think R -- R2 usually is seventy-five by
 11 a hundred.
 12 But R1-S, it's -- you know, it's what
 13 fits. You know, as far as business wise, that's what
 14 fits best and you, you know, maximize your lots. And it
 15 seems like, you know, they buy them as fast as you
 16 can -- as fast as you can build them.
 17 Q. You just answered my follow-up question.
 18 A. Yeah.
 19 Q. So there isn't --
 20 A. Oh, yeah, there definitely is a
 21 land hold.
 22 MR. CUMMINS: If I may briefly approach
 23 with another exhibit, please.
 24 (Whereupon Jones Exhibit D was duly
 25 received, marked for identification,
 and filed herewith as part hereof.)

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1 MADAM CHAIRPERSON: How big are most of
 2 the lots in Fox Chase?
 3 MR. JONES: All of those were back before
 4 R1-S was allowed in reasonableness. In Simpson County,
 5 all of those are R1 zone.
 6 MADAM CHAIRPERSON: Okay.
 7 MR. JONES: So they're a minimum of
 8 a-hundred-by-a-hundred, but the majority of them -- you
 9 know, when zone you zone that, you know, you're left
 10 over with -- you go in there and design all
 11 a-hundred-by-a-hundred, you've got a lot of acreage left
 12 over. So then you end up --
 13 MADAM CHAIRPERSON: Pieces you can't do
 14 anything with.
 15 MR. JONES: Yeah. You end up making
 16 it -- it could be a hundred-and-one or it could be a
 17 hundred-and-thirty wide by a-hundred-and-fifty deep.
 18 MADAM CHAIRPERSON: Kind of arrange them.
 19 MR. JONES: You just take what you're
 20 left over with, you try to arrange what's left.
 21 MADAM CHAIRPERSON: Thank you.
 22 *** **
 23 *** **
 24 *** **
 25 *** **

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1 CONTINUED EXAMINATION
 2 BY MR. CUMMINS:
 3 Q. Mr. Jones, before it gets too late, I'd
 4 like for you -- we're all familiar with that picture
 5 that we've just distributed, but would you briefly
 6 explain why it's important to tonight's hearing?
 7 A. Well, we were talking about the entrance,
 8 and I think -- I think everybody likes to see curb
 9 appeal. You know, when you -- when you pass something,
 10 you don't want to just see an entrance sign.
 11 We gave this picture here because, you
 12 know, we -- we created Fox Chase. Obviously, it has two
 13 entrances. So the main entrance, you know, originally,
 14 we wanted the entrance sign, shrubbery, trees, island,
 15 you know, more or less. If you set out 31-W, just that
 16 two trees in that island there hide a lot of what's in
 17 behind it.
 18 Now, some people would love to see
 19 straight in and want to see what everybody's got at
 20 their house, but I kind of like the privacy part of it.
 21 And it's just a clean, classy look, you know, when
 22 you're coming in, especially with the sign. You know,
 23 not -- not every development requires that or they do
 24 that, but, you know, when you look at Retreat, we kind
 25 of put one off to the side there, because we didn't have

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1 enough width. So it's off to the side, nice sign. When
 2 you tell somebody you live on Hunters Crossing -- well,
 3 they've probably scene Fox Chase or Retreat as they come
 4 into town, but they don't know Retreat like Hunters
 5 Crossing. They've seen that sign, so they know the
 6 location for it.
 7 Just curb appeal.
 8 MADAM CHAIRPERSON: Uh-huh.
 9 Q. So subject, again, to the highway
 10 department's final approval, you prefer something of --
 11 A. I would prefer either to have this island
 12 style, where you'll have one lane entrance and two lane
 13 exit, where you'll have a left and a right turning lane,
 14 or, you know, if the state doesn't approve it, then we
 15 plan to do something like Retreat, where it's off to one
 16 side. But one way or the other, definitely a nice
 17 looking entrance.
 18 Q. And there is room there in Lot 48 to do
 19 an offset on the side if required by the highway
 20 department?
 21 A. The one to the west, I believe?
 22 Q. Yes.
 23 A. Yes.
 24 MR. CUMMINS: If I might briefly approach
 25 again.

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MADAM CHAIRPERSON: Uh-huh.

(Whereupon Jones Exhibit E was duly received, marked for identification, and filed herewith as part hereof.)

Q. Mr. Jones, would you briefly explain to the commission what we've just distributed and why that's important and how that works into your vision for this property?

A. All of these pictures basically come from two builders, myself and another, that have several of these plans.

You'll notice hear in a minute, I think he'll present kind of the minimum square footage, you know, with a garage included. We're not planning to do anything that's going to be kind of what's considered a starter home. Starter homes, definitely needed, but actual curb appeal of these, this -- this is going to match mainly Fox Chase/Retreat's style house. It's not going to be any, you know, split-face concrete block foundations. These are going to be brick foundations, either a, you know, brick-front/stone-front combination or Hardie board kind.

I'm a vinyl siding guy. I'm limiting with it of that because it's worked for us great in Fox Chase and Retreat, both, also. Just trying to keep the curb appeal up.

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These are just some samples of some house plans that we have and some of the exteriors, you know, that we hope to, you know, mimic in the same building.

Q. Would you answer this important question: Are you going to keep all these lots to yourselves or would you allow other builders or other private home owners directly to purchase lots?

A. All of the three. I -- I plan -- I don't plan to keep all of them myself. I will be selling some of these, obviously. There's, you know, several lots in this development.

The way things are going now, I plan on -- I'm assuming, if the economy holds up, by the time we get done with this thing, it's -- it's going to roll along a lot faster, like some of the other developments in town that you see. But no, I don't plan on doing that kind of volume.

I mean, we want to retain some and build some ourself for customers that come directly to us, but I will be selling to home owners and builders, alike.

MADAM CHAIRPERSON: And will you have restrictions?

MR. JONES: Yes.

MADAM CHAIRPERSON: Thank you.

MR. CUMMINS: I'm got them in my hand,

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Madam Chairperson. Now, we all know what's coming.

MR. JONES: Yes. I do.

MR. CUMMINS: In somewhat of an unprecedented effort here, I think, and to minimize any misrepresentation, misstatements, anything along those lines -- we don't want to over play our hand here, so to speak, I'm -- Madam Chairperson, with your permission, I'd like to distribute what we're calling Development Plan Conditions that Mr. and Mrs. Jones intend to implement here from the outset and then, hopefully, again, through this forum, through this body's approval, through the subdivision -- assuming that we're successful tonight, of course -- that they'd be fine with some written regulations, but just to make sure that everybody understands the intent --

MADAM CHAIRPERSON: Uh-huh.

MR. CUMMINS: -- I'm going to approach and distribute this one.

(Whereupon Jones Exhibit F was duly received, marked for identification, and filed herewith as part hereof.)

MR. CUMMINS: Again, this one is fairly lengthy, but it's the degree of detail that Mr. and Mrs. Jones want to use here to maintain the integrity of this. So I'll just be quiet for a few minutes and ask everybody to review these.

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I don't want to belabor the point or prolong the hearing -- has everyone had a chance?

At this point, I'm just asking if Mr. Jones has any particular paragraph in here that he would like to direct the commission's attention to.

*** *** ***

CONTINUED EXAMINATION

BY MR. CUMMINS:

Q. Or any one that you'd like to expound on?

A. Not necessarily in particular. There were a few things in there, I think, that every -- you know, the -- the whole reason for these Plan Conditions -- you know, this is -- this is putting the cart in front of the horse, a little bit, but filing these conditions with this property basically means everything that's in here is what -- basically, what we say tonight, is going to be filed with this. It's what we plan to do with the subdivision.

And if you read the very last -- I think it's the very last item in there, Number 27, you know, all of these conditions, you know, unless something as far as city utilities, something makes me address something here in a little bit, they make me change something that's out of my hands, especially the state,

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1 you know, I intend for all these restrictions to stay
2 with it and they will -- they can set up conditions.
3 Once you file the final plat, they will roll in the
4 restrictions.

5 Now, I'm sure we may add to these, you
6 know, doing some more stuff, but what I tried to do is
7 address the square footage, address the attached garage,
8 one individual outbuilding, whether it be a garage or an
9 outbuilding, you can't have multiples. You can't have a
10 garage and three sheds in the backyard, also. And when
11 you have a detached building, it has to match the
12 materials -- not only the colors, but the type materials
13 that you do your house with.

14 Everybody is kind of familiar -- there's
15 nothing wrong with these little sheds, but you've got
16 over-hold buildings. I want the garage, even if it's an
17 over-hold building -- if it's a complete Hardie-board
18 house, it has to match all Hardie board all the way
19 around it. It has to match color. You know, just to
20 kind of keep where you don't have purple, pink, green
21 buildings dashed along all the backyards.

22 Especially, the chain-link fences, you
23 know, we -- we've done pretty well, I think, in Fox
24 Chase and The Retreat in stopping the fences so they
25 don't come back to back corners. Some people let them

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1 come to the front corners, but also utility wise,
2 E.P.B., natural gas, all of those don't want those to
3 come that far. They want them to stop about four
4 inches. They don't want to have to deal with the pets
5 or whatever just to read their meters.

6 I specified black chain-link fence, there
7 are other -- just for my liking. There's other --
8 again, I like to keep a clean, classy look. I'm hoping
9 to work for these customers time and time again. I
10 don't want a clay-colored vinyl privacy fence with a
11 white privacy fence with a run-down wood fence with a
12 chain-link fence all in line of four.

13 I'd like to keep it in a black chain-link
14 fence just because, A, I feel like those are
15 seventy-five percent air. It does not necessarily block
16 the view. If you want to look from one end to the
17 other, it still controls pets, children, and things like
18 that. And it keeps it more of a clean, classy look from
19 yard to yard. You don't have fifteen different type
20 fences. It kind of keeps a control on that.

21 I know privacy may run some customers
22 off, if you can't have a privacy fence that's six-foot
23 tall. So be it, I think. I feel like we should take
24 that risk just because this is -- I want ours to look
25 better. I feel like we've done a great job with Fox

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1 Chase and The Retreat and I want to keep that going.

2 Q. Is it fair to say that this list is a
3 culmination of trial and error, do's and don'ts,
4 experiences, and such --

5 A. It is. Actually, Jace helped me with
6 some. And I kind of wanted to do some that are more
7 controlled than not.

8 You can be vague in your restrictions and
9 conditions. The more vague you are just means they'll
10 run over you whether you like it or not. Fox Chase and
11 Retreat, we kind of set restrictions for that. I
12 learned in both of those what I wanted to do with
13 privacy fences -- you know, not have the same exact one,
14 you know, from house to house.

15 Especially, you know, we had detached
16 buildings had to match the house. Well, people kind of
17 took that from, well, it matches the color, well, but it
18 doesn't match the material. So they can have the
19 remote, you know, building out to the side -- which is
20 great, people have those -- but I just have a vision
21 that I like to have, you know, everything kind of
22 matching and it looking -- you know, long term, you
23 know, looking nice.

24 So it -- it is -- it does -- it has been
25 some trial and error, but I just feel like we're

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1 cleaning up some of the stuff that it would have kind of
2 been questionable, you know, before.

3 Q. I've asked you to address Number 26
4 specifically in this. And it refers to the twenty-five
5 foot landscape easement that Mr. Caldwell touched upon.
6 From a developer's standpoint, would you mind to address
7 that briefly, please?

8 A. Okay. The fence line, I know even the
9 two that we had before -- I was listening to those. You
10 know, it's always popular to kind of hide some of these
11 developments. Putting them out in the open, having them
12 sixty-five foot off the road and no -- no kind of
13 coverage, I feel like, in my -- my point of view, it's
14 right to try to cover some of those.

15 Luckily, along Highway 100, we've got a
16 state fence that already has mature trees and
17 undergrowth. What I put in these restrictions has tried
18 to protect that. Unless I have to, you know, cut a
19 section out that's fifty, seventy-five foot wide to come
20 in with, you know, water or sewer or what have you,
21 that's the only thing that we're going to do to that.

22 I don't -- I don't see any sense in
23 wiping that completely out that is already mature and
24 grown just to replace it with something, you know. You
25 know, people eyeing it, you know, it's just as good.

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1 Now, that twenty-five foot buffer, you
2 know, I'm hoping there's more trees planted along the
3 back, but they can't go in there -- you know, with that
4 buffer, they can't bring their garage and move it closer
5 to the back property lines than what those, you know,
6 trees are now, what that buffer is. So it's kind of
7 protecting that, kind of keeping the privacy as you
8 drive by on Highway 100, and you know, again, you know,
9 protecting the homeowners in forming this general code.

10 Q. So is it fair to say that you designed
11 this concept to also appeal to the homeowners
12 themselves, that we think of all of us driving by, but
13 who benefits the most?

14 A. It's -- it's a fifty-fifty shot. Some
15 people care whether you look straight in on the backyard
16 or the garage, you may have somebody that drives by that
17 does not care about what some -- you know, the next
18 person beside them cares about, but you can always sell
19 somebody on privacy versus selling somebody on, you
20 know, kids' toys, trampoline, with all kind of stuff in
21 the backyard that you can see fifty foot from the
22 highway. So having -- having a buffer, that's a good
23 idea.

24 Q. If we look at the adjoining neighbors --
25 and when I say prominence, I'm talking about in terms of

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1 linear feet here -- the Johnson family is there. And
2 then, of course, they're very prominent in the
3 community, too. Mr. Johnson's here with us tonight.

4 Would you explain briefly the next
5 exhibit, which is a contract -- that I'll ask to
6 distribute?

7 A. Uh-huh.

8 MR. CUMMINS: And if I could, let me
9 just -- before we get too far along, if I might
10 approach.

11 (Whereupon Jones Exhibit G was duly
12 received, marked for identification,
and filed herewith as part hereof.)

13 Q. While they're looking at that, Mr. Jones,
14 would you explain briefly what that arrangement is and
15 why it's important?

16 A. After we acquired this property -- me and
17 Frank graduated together. So we -- we've known each
18 other -- high school, done business together -- walks in
19 the office and wonders what I -- obviously, this is
20 going to be next door to his property, wonders -- I
21 think I'm speaking for him, but he was wondering what
22 might happen next store to -- kind of had a good idea,
23 but wanting to know what was going to happen next to his
24 property.

25 Once I explained to him we planned on an

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1 R1-S development, housing, you know, something --
2 something similar to Fox Chase or The Retreat in
3 styling. We got to looking at the back, doing some type
4 of buffer to protect his house behind this, because he
5 kind of sets up on a knoll that kind of overlooks a
6 portion of that back line.

7 Now, of course, you got the T.V.A.
8 property that runs across -- across the back that I can
9 actually do nothing with, other than keep for some
10 extremely deep yards, that they can't do anything with.
11 They just got to mow and maintain it.

12 He kind of made the comment he would like
13 to, possibly, purchase that property and we also -- and
14 come into agreement -- you'll see on that contract
15 there -- and we also added ten foot outside of that
16 easement.

17 Now, the ten foot outside of the easement
18 just gives him -- if he sees that back line there and
19 decides he wants a tree buffer, he can go in there and
20 plant his tree buffer in that ten foot line. That will
21 protect his line of sight if he doesn't -- if -- you
22 know, if he doesn't like what he sees. But that was the
23 reason in giving him ten feet outside of that T.V.A.
24 easement, just for that.

25 We're going to split -- I think he's

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1 going to let his cattle kind of -- where they could come
2 up to our back property line, which they were going to
3 do anyway, whether, you know, he had the T.V.A. right of
4 way or not. We're going to split a fence that goes
5 along the back, probably going to keep it one foot over
6 on his property -- six inches, something, so he controls
7 the fence, and it's his fence. So we're going to split
8 the cost of that. And we just -- we made an agreement
9 for him to take land that I can't use that he can put to
10 good use.

11 Q. And is this contract contingent on a
12 successful outcome tonight?

13 A. It is.

14 Q. Again, we're running late. Is there
15 anything else that we haven't touched on that you would
16 like to present to the commission?

17 A. Nothing, other than, I -- you know, I've
18 been in here several times with several developments.
19 You know, we -- I'd like to say we -- we do what we were
20 going to say with it. We follow everything to a T.
21 This is going to be no different.

22 We're not looking to have a starter-home
23 development here. I'm wanting something that's going to
24 be a step above, that is not really in Simpson County
25 right now. There's a need for it.

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1 You know, I feel like Retreat kind of
2 fits that two hundred to two hundred sixty, two hundred
3 seventy-five thousand dollar house, you're going to have
4 a lot -- I mean, you guys know, yourself -- you're going
5 to see a lot of developments that are going to come up,
6 you know, all starter homes. That's what's so hot.

7 I think these are going to be hot, also,
8 because of the request for them. I had a lot of people
9 request they want to be in Retreat, they can't because
10 there's not an open spot. So this is kind of geared
11 towards that same look, to have something that's a step
12 up from that and be -- be a good, clean, classy look.

13 MADAM CHAIRPERSON: Thank you.

14 MR. CUMMINS: That's the only proof I had
15 in mind, Ms. Chairperson. Not to be presumptuous, but
16 if I could propose some Findings of Facts and
17 Conclusions of --

18 MADAM CHAIRPERSON: Gentlemen, do you
19 have any questions Mr. Jones before he is off the hot
20 seat?

21 MR. MAYEUR: I do.

22 On 16, it said sidewalks will be
23 installed on each lot as required by the city. Does
24 this diagram include the sidewalk or is that --

25 MR. JONES: They do not. The side -- the

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1 sidewalks will be -- once he does the design, the
2 sidewalks will be in there, because they're going --
3 they will require that. Any -- anything that's in the
4 city limits, I think the city's -- the city kind of
5 makes that call, if they want the --

6 MR. MAYEUR: I think it's up to us to
7 require it, though; right? They prefer it, but it's up
8 to us to require that, though?

9 MR. MUNDAY: That's soon to change,
10 though.

11 MR. MAYEUR: Okay. Good.

12 MR. JONES: Yeah.

13 I'm assuming that's a hundred percent
14 going to happen, just by what I hear.

15 MR. MAYEUR: You're paying for it?

16 MR. JONES: Yeah. I'm paying for it.

17 MADAM CHAIRPERSON: Are you okay?

18 *** **
19 *** **
20 CONTINUED EXAMINATION

21 BY MR. CUMMINS:

22 Q. You've had experience with sidewalks --

23 A. Oh, yeah.

24 Q. -- in The Retreat?

25 A. Yes.

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1 MADAM CHAIRPERSON: Anyone else for Mr.
2 Jones?

3 MR. TYLER: So I'm going to ask you a lot
4 of questions for a minute.

5 MR. JONES: All right.

6 MR. TYLER: R1, R1-S.

7 MR. JONES: Uh-huh.

8 MR. TYLER: I knew your father and your
9 family, and I really believe what you're saying, but
10 I -- why not R -- is it simply the money R1-S is a
11 better -- more profitable for you? I don't know when
12 R1-S came into happening. Has there -- has there been
13 anyone who has wanted to do a zone change to R1 instead
14 of R1-S during that time? And how many developments
15 have we changed zones for since then --

16 MR. MAYEUR: Six.

17 MR. TYLER: -- to R1-S?

18 MR. MAYEUR: Six.

19 MR. TYLER: Six.

20 MR. MAYEUR: According to his records.

21 MR. TYLER: So I know all the builders
22 say there is a need for it, and I believe that.

23 MR. JONES: Right.

24 MR. TYLER: But there's also a need for
25 other things, too, like -- so you've got a hundred and

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1 ten lots here. If you -- just estimate. If you
2 switched it to an R1, how many lots would that be, do
3 you think?

4 MR. CALDWELL: I don't know.

5 MR. TYLER: You're just --

6 MR. CALDWELL: I mean, it's twenty-five
7 feet every --

8 MR. SLIGER: It's -- just in one section,
9 I figured it was twenty-five lots -- just in one --

10 MR. JONES: Yeah.

11 MR. SLIGER: -- section there. So it's
12 probably forty-five, fifty.

13 MR. JONES: I feel like that's kind of a
14 loaded question when you say is it all about money.
15 Yes, but I think it's pure business. It's not the greed
16 part.

17 MR. TYLER: I don't -- I don't mean it
18 to --

19 MR. JONES: It's --

20 MR. TYLER: -- be that way. I --

21 MR. JONES: It's -- it's been -- you
22 know, in the past -- let's say -- I keep reverting to
23 Fox Chase and The Retreat, but they're so close.

24 You go to Fox Chase, I think we paid
25 eight thousand dollars for an acre for the Fox Chase

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1 development, which ended up being R1. I would say now
2 you -- you tend to make per lot -- when you develop
3 this, there's a -- there's a sheer cost of development
4 cost in general, plus the price of, you know, per acre
5 that you pay for the land. I paid eight -- over --
6 almost nearly nineteen thousand dollars an acre to
7 list --

8 MADAM CHAIRPERSON: Almost twenty grand.

9 MR. JONES: -- and plus, you know,
10 selling him, you know, Mr. Johnson, the T.V.A. property
11 at half of what I paid per acre for that -- now, once
12 you work all of that out, in the end, we still probably
13 make the same amount of money per lot as we did in Fox
14 Chase, because development costs were down, price per
15 acre was down. You go from eight thousand dollars an
16 acre to nearly nineteen thousand dollars an acre, which
17 the price per acre is not the huge contributor.

18 You know, you can -- you can pay ten
19 thousand versus twenty thousand per acre, but once you
20 start looking at development cost when you start moving
21 per lot, how much it is -- when I say eighteen, nineteen
22 thousand -- you know, eighteen -- seventeen, eighteen,
23 nineteen thousand dollars per lot for infrastructure,
24 streets, curves, you know, all of that -- underground
25 electric, you're paying for all of that. You've still

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1 got added cost. Engineering cost is not figured in
2 that. You know, you got -- how much for a lot,
3 roughly -- what's that break down to? Let's say on the
4 Locklin place on Blackjack we ended up -- forty --

5 MR. CALDWELL: What, are you asking me?

6 MR. JONES: Yeah, as far as the price on
7 the engineering, just because --

8 MR. CALDWELL: Yeah.

9 MR. JONES: -- that's yours.

10 MR. CALDWELL: Yeah. It's six -- six
11 hundred dollars a lot.

12 MR. JONES: Yeah. So you start looking,
13 you got that on the top. There's, you know, signage.
14 There's a lot of things that add up that --

15 MR. TYLER: I -- I understand the money.

16 MR. JONES: -- the eighteen thousand.

17 MR. TYLER: You know, but is --

18 MR. JONES: But now that the R1-S -- yes,
19 that kind of brings you to that point.

20 MR. TYLER: But on a need -- you know,
21 you talk about there being a need in this. So I've been
22 looking at this for a couple weeks now.

23 MR. JONES: Uh-huh.

24 MR. TYLER: Down-toning. They're finding
25 out that -- you know, land value is based on its highest

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1 and best use. So they're finding a few years down the
2 road that most all these smaller -- these R1-S type
3 things, the property values are all decreasing all over
4 the country. That's what I researched for a week or
5 two.

6 And I drove around. I went out to your
7 property and walked around it. And it's beautiful out
8 there.

9 MR. JONES: Right.

10 MR. TYLER: And it would be -- you know,
11 I don't have a good eye, I guess, but, you know, it begs
12 for an R1, not an R1-S. It has the land. It has the
13 room for it.

14 I understand when you're talking about
15 living here and, you know, being part of this community,
16 so I'm asking you -- because that's why I've asked you
17 that, because there's a lot of R1-S. And we haven't had
18 an R1 ever since the change; right?

19 MR. MUNDAY: Not that I'm aware of. We
20 had one R1 that's requested in the county.

21 MR. TYLER: You know, I would say that
22 what we need in Franklin is an R1. What we probably
23 don't need is another R1-S, that -- especially that
24 beautiful piece of land that you've got right there --

25 MR. JONES: Right.

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1 MR. TYLER: -- you know. Not something
2 in the city. Your other developments, they all were
3 profitable. I understand that costs are going up, and
4 I'm no businessman when it comes to building.

5 MR. JONES: I think -- and I a hundred
6 percent respect what you're talking about. Trying to
7 make it look as good as possible, you know, you're going
8 to -- I think when you look at making that R1 and losing
9 all the lots, it could be a deal breaker on some of the
10 properties that are bringing the money that they're
11 bringing now -- you know, you get back, and you start to
12 scratch your head, maybe why not go all.

13 Now, not to say that you're not going to
14 still make money. I won't sit here and say that.

15 MR. TYLER: But in the future --

16 MR. JONES: But not being a money --
17 not -- not saying money is one hundred percent, but
18 business is business, when it comes to it. You got to
19 think whether that exposure to that amount of money,
20 sheerly six hundred and seventy-five thousand to buy it,
21 not even talking about, you know, you got a million and
22 a half to two million putting it in and hoping people
23 will buy it, you got to kind of pad yourself. You know,
24 you got to know what you're getting into.

25 MR. TYLER: I -- I one hundred percent --

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MR. JONES: Right.

MR. TYLER: -- agree. But I -- I know that I think that in the future that land is going -- those houses will -- they're not going to hold their value. And I think that from what -- from when I've been talking to in Bowling Green with some of the people, it's another -- it's an issue that doesn't just have you, that --

MR. JONES: Right.

MR. TYLER: -- that's what's going to happen to a lot of those. The building -- you know, and so was there -- I'm just going to ask the question.

Would there be any chance of you changing that?

MR. JONES: I would rather not, like, at this point, just knowing the cost that I'm going to have to incur, I would rather retain --

MR. TYLER: Could I --

MR. JONES: -- the R1-S.

MR. TYLER: -- actually say to the future -- you know, you build this lovely thing here, and then, if the property values go down, then that whole area will go down -- as I think that we're going to see that happening.

MR. JONES: I haven't seen that yet, so

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that's something that I --

MR. TYLER: If it -- it --

MR. JONES: -- I can't a hundred percent agree with, you know, because property values are still rising, as in this piece of property, itself, should have been twelve, fourteen thousand dollars an acre, maybe even ten to twelve, three or four years ago. You know, this is now eighteen, plus they're paying more. So as things rise, it's going to bring it up. I -- I'm not saying -- it's got to cap at some point. It can't keep rising, but kind of once -- once we jump in and said we've got to pay this amount, I want to request R1-S just for that.

Now, it's not to say that if -- you know, when prices come back down for, you know, eight to ten thousand an dollars, R1 may work perfect for it. But with this one here, I would still like to request R1-S.

MR. CUMMINS: Could I ask a question? Of these six R1-S, has any of them presented with this quality, this specificity, to -- for this caliber of home?

MR. MUNDAY: Yeah, are you asking me?

MR. CUMMINS: Just this -- this body.

MR. SLIGER: I, personally, don't think so. No.

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MR. CUMMINS: That's why we're hoping to distinguish this --

MR. SLIGER: I'd like to make a comment myself about it.

I'm not a big R1-S fan myself for the homes. In my mind, it's for smaller, starter homes.

I've done a lot of business with Josh's father, Joe, and I respect Josh's building he's done. I'm a builder myself and in sort of competition will Josh, but he does a great job. I'm more apt to say yes because he is putting restrictions on it; fourteen hundred feet with a garage.

Most of the developments we've seen, it's a square box house with a little ole front porch and no garage, wood fences, iron fences, black, red, yellow, green, I don't like that either. I respect that -- your opinion on that.

The smaller lots, I don't think affect the home sales, period. It's the brick, the Hardie board, the facade of the homes, that makes your house worth ten thousand or twenty thousand. His price range of homes is not going to be your -- excuse my terminology -- your trailer-park people, in my opinion. Just my comment, that's all.

MR. TYLER: What -- what are going to be

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the prices, roughly?

MR. JONES: Of course, obviously, depending, in a volatile market now, how lumber goes up and down. Most everything that we've had, it's only fourteen hundred square foot right now. Most all of that is going -- I mean, if everything stays the way it is right now. Of course, lumber's dropping, so obviously, appraisals going to follow after a little while.

But, you know, if everything stays -- stays the way it is now, I would say the lowest you could get into them would be the lower two hundreds, but most everything is going to hit, probably, the mid -- the mid two hundred range.

And again, ten years ago, when we started Fox Chase in 2005, that first street, Hunters Crossing, took us fifteen years to finish, just because a two hundred and fifty thousand dollar house, you didn't sell those in Franklin. That was -- that was above the price range that Franklin demanded.

Now, that the costs are up, you can't build a two hundred and fifty thousand dollar house. With a two hundred and fifty thousand dollar house now, it wouldn't get you the square footage that it would then. So it is a lower square footage, higher price,

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1 because of materials, the whole nine yards. Appraisals,
2 in general, have rose a lot over the last two or three
3 years.

4 But that second street that we put in in
5 Fox Chase, everything in there was fifteen or sixteen
6 hundred minimum square foot, we sold that last street
7 out just like that, just because the economy supported
8 it. So it's -- it's -- it's kind of one of those things
9 where you want to hit the happy medium to be a
10 fourteen-hundred-square-foot minimum with a
11 twenty-by-twenty garage.

12 But, you know, things like we're building
13 over in Williamsburg -- I've got some lots over there
14 that we bought from Mr. Jody Allen. Most of those are
15 selling for two hundred fifty thousand and they're
16 fifteen hundred square feet with faced foundations with
17 vinyl siding on them.

18 So some of these houses are going to
19 reach, probably, the three hundred mark, but that's good
20 when you have that range.

21 MADAM CHAIRPERSON: Good. Yeah.

22 MR. JONES: I don't know that you can
23 get -- you know, if -- if materials go back up and stay
24 there, I believe two hundred fifty, two hundred
25 thousand.

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1 I feel like when our -- when we're
2 selling to, you know, a buyer, Franklin's only going to
3 support a certain -- you know, you can't go out here and
4 build twenty four-hundred-thousand-dollar houses.
5 You're just not going to sell them if Franklin. It
6 won't support it. Nineteen years from now, maybe. Who
7 knows.

8 But ten years ago, if you were much over
9 two twenty-five, you were selling a couple of those a
10 year and that's about it. It's just changed now. You
11 know, it moves a lot. So --

12 Q. Are -- all the Development Plan
13 Conditions that you've committed to tonight, are they
14 designed to maintain the long-term integrity, and to Mr.
15 Tyler's point, to prevent the rapid deterioration or
16 aging of the subdivision?

17 A. We hope so. You know, Fox Chase, we
18 failed to do an H.O.A. That was a learning curve for
19 us. Luckily, we've got a couple homeowners in there
20 that love to keep the landscaping looking nice on that
21 sign. They like to have the -- you know, the nice
22 entrance. Really, that's the only thing that they
23 would, you know, have to maintain, as far as upkeep.

24 Now, the H.O.A. that we have in
25 Retreat -- of course, it's a little bit different, it's

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1 fifty-five and older, but it's a little more strict --
2 or really, a lot more strict than what Fox Chase is.

3 H.O.A.'s work great for us, I think. The
4 city is actually pushing to have an H.O.A. on every
5 development that comes up. Obviously, you know, what we
6 put in these conditions and restrictions, you want --
7 you know, that's going to stay the same until I sell the
8 last lot -- you know, where I have, you know, more or
9 less, what I say in here is what's going to go. After
10 that, the H.O.A. controls it.

11 I don't think they can go in there
12 without a unanimous decision and change anything, but I
13 feel like what we put in here as far as conditions, and
14 I'm sure we'll add some more restrictions to it, we hope
15 that's going to be the clean and classy look like we've
16 done in the past, you know, that some of the others just
17 don't do.

18 MADAM CHAIRPERSON: I think the H.O.A. is
19 a really --

20 MR. JONES: Yeah.

21 MADAM CHAIRPERSON: -- good idea and a
22 really good selling point.

23 MR. JONES: Yeah. Some people don't --
24 you know, they don't want to do this or they don't want
25 to deal with a headache. I could --

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1 MADAM CHAIRPERSON: Then they shouldn't
2 move into the sub --

3 MR. JONES: I could tell you, me and
4 Shelly -- okay.

5 MADAM CHAIRPERSON: No, but then they're
6 are not the right people to buy --

7 MR. JONES: No.

8 MADAM CHAIRPERSON: -- in particular
9 zone.

10 I'm sorry.

11 MR. JONES: Correct.

12 MADAM CHAIRPERSON: Yeah. I think an
13 H.O.A. is a good idea. I know that Carter would
14 probably agree.

15 MR. JONES: Me and Shelly would love to
16 have less restrictions, because it's a headache, because
17 you've always got somebody who going to push limits,
18 but --

19 MADAM CHAIRPERSON: Yeah.

20 MR. JONES: -- if you don't have them in
21 place, they're going to push it whether you like it or
22 not, so -- and then you can control it.

23 MADAM CHAIRPERSON: Great.

24 Any more questions?

25 MR. WEISSINGER: I just drove through

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1 this afternoon one of your developments that don't have
 2 an H.O.A. You go by one nice looking house, the next
 3 one's got grass this tall and weeds all growing up
 4 around it. Some of it, even if it had grass, their
 5 driveways looked like they've changed oil in them,
 6 spilled oiled all in them, and these are houses that's
 7 three -- two to three years old.

8 MADAM CHAIRPERSON: Hmm.

9 MR. WEISSINGER: And I wouldn't want to
 10 live there.

11 MR. JONES: You know, it's a -- it's
 12 almost like a two-layered fence for your neighbor.

13 MR. WEISSINGER: Yeah. Two different --

14 MR. JONES: You know, when you -- you
 15 know, when we make -- when we make the restrictions, you
 16 feel like, you know, hey, the developer's going to be
 17 calling me if I don't abide by them, but really, code
 18 enforcement should get involved on the grass cutting and
 19 things like that, rubbish, trash. They've only got
 20 three or four things that they actually, you know,
 21 enforce. And I hope just adds to the list. So if I
 22 call them and then the city calls them, too, that's two
 23 people that's on their -- on their tails to get it done
 24 right. So --

25 MR. WEISSINGER: Well, they also had,

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1 MR. MAYEUR: Now, I -- I'd like to follow
 2 up with his comment. I'm not an R1-S fan, either, and I
 3 understand where he's coming from, but you've done a
 4 really good job trying to do the best you can here.

5 My question is around enforcement. I
 6 know we've -- we've had some subdivision restrictions
 7 here before, but then when the developer's done, there's
 8 no enforcement and --

9 MADAM CHAIRPERSON: We've had that
 10 conversation --

11 MR. MAYEUR: -- we've had that conversation
 12 before, so when he's done developing and doesn't own
 13 these and it's the H.O.A. and the H.O.A. says I'm not
 14 going to make that guy do whatever, where is our arm to
 15 enforce some of this stuff -- is all I'm trying to get
 16 to.

17 MR. JONES: That may be a question for
 18 Bob, just from the standpoint of how far you can enforce
 19 that with an H.O.A.

20 MR. MAYEUR: Yeah.

21 MR. JONES: When the H.O.A. -- I guess
 22 the other homeowners should be able to force the H.O.A.
 23 to enforce that -- I would assume. But again, you've
 24 got -- you know, once we sell our last lot and our last
 25 interest, I can tell you that we'll follow this while we

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1 like, different colored fences with privacy fences,
 2 and --

3 MADAM CHAIRPERSON: Uh-huh.

4 MR. WEISSINGER: -- they were ugly.

5 MR. JONES: Yeah.

6 MR. WEISSINGER: Looked like they'd been
 7 put in by, well, somebody -- from the way -- was kind of
 8 inebricated.

9 MR. JONES: I feel like that's -- I think
 10 without saying it -- and then I'm not going to -- I
 11 think everybody knows which one that is. I think,
 12 mainly, you see that when you come 31-W. Some of those
 13 developments you start seeing how that looks, and you
 14 start thinking, okay, how can we kind of clean this look
 15 up.

16 Like, now, what I feel like I've done on,
 17 you know, the chain-link fences, mandate which one so it
 18 doesn't have fifteen different colors, outbuildings,
 19 things likes that. You know, there's not much of a
 20 different way that we can clean that up, you know, other
 21 than, I feel like, what we've done.

22 I'm all -- I'm all for taking, you know,
 23 suggestions, if somebody, you know, says that, hey, you
 24 ought to do this, too. If it helps clean it up, I'm all
 25 for it.

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1 do --

2 MR. MAYEUR: Yeah. I'm --

3 MR. JONES: -- but after that --

4 MR. MAYEUR: I'm following you.

5 MR. JONES: -- I'm not --

6 MR. MAYEUR: Yeah. I --

7 MR. JONES: Yeah.

8 MR. MAYEUR: I live in a subdivision
 9 where that just happened -- is why I'm asking and --

10 MR. JONES: Yes.

11 MR. MAYEUR: -- I was told there is
 12 really nothing you can do, because it's -- we can't
 13 enforce it --

14 MR. JONES: Right.

15 MR. MAYEUR: -- as a planning and zoning
 16 commission. We can't enforce if you don't have an
 17 outbuilding that matches the exterior of your house.

18 MR. JONES: Right.

19 MR. MAYEUR: That just happened, so I
 20 want to know how --

21 MADAM CHAIRPERSON: With their --

22 MR. MAYEUR: -- how we can enforce this.

23 I mean, I --

24 MADAM CHAIRPERSON: If you have a --

25 MR. MAYEUR: -- if you've done everything

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1 you can ask him to do, but at what -- some point, it's
 2 going to be outside of his control; right?

3 MR. LINK: It's the H.O.A. --

4 MADAM CHAIRPERSON: It's the H.O.A.'s --

5 MR. LINK: -- that's the magic word.

6 MADAM CHAIRPERSON: -- responsibility.

7 MR. MAYEUR: Yeah. So how do we --

8 MR. LINK: You all don't have an H.O.A.
 9 in --

10 MADAM CHAIRPERSON: Have it?

11 MR. LINK: -- in --

12 MR. MAYEUR: No. No, we don't.

13 MADAM CHAIRPERSON: No. If you --

14 MR. MAYEUR: Well, that's what I'm trying
 15 to protect against, is how -- how these -- or how do we
 16 make sure the H.O.A. does their job, then?

17 MR. LINK: We don't.

18 MR. MAYEUR: So who does?

19 So if they decide I don't want, like,
 20 anybody to --

21 MR. LINK: Anybody that owns in that
 22 subdivision can raise H-E double L over --

23 MR. MAYEUR: Yeah.

24 MR. LINK: -- the H.O.A. not doing what
 25 it's supposed to do.

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1 MR. MAYEUR: Yeah.

2 MR. LINK: They can fire them. They can
 3 take over. I mean, you're always going to have a bunch
 4 neighbors raising Cain --

5 MR. MAYEUR: Yep.

6 MR. LINK: -- about something. So you
 7 really don't have to worry too much about an H.O.A.,
 8 because they're going -- there's --

9 MADAM CHAIRPERSON: They'll --

10 MR. LINK: -- four or five Karen's that
 11 are going to make trouble for that H.O.A.

12 MADAM CHAIRPERSON: Okay, guys. Do we
 13 have any more questions for Mr. Josh?

14 Thank you, Josh. Thank you for your --
 15 your thoroughness and your consideration.

16 Okay. Is there anyone else here that
 17 would like to speak positively for this zone change?

18 Is there anyone in our mist that would
 19 like to speak against a zone change?

20 Okay. Thank you, very much.

21 Okay. Mr. Cummins, you may approach.

22 Thank you, Mr. Cummins. Okay.

23 Before we move to the next part of this,
 24 does the board have any further questions?

25 Have you been satisfied, Mr. Tyler?

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1 MR. TYLER: I have no further questions.

2 MADAM CHAIRPERSON: Thank you, very much.
 3 Everyone else?

4 Okay. At this point, I am prepared to
 5 take a motion for a zone change.

6 And I will go on the record saying I
 7 ditto very much what some of you all said in regards to
 8 R1 and R1-S, although, that I do believe that this
 9 particular organization will show great integrity and
 10 that they will follow through on what they have
 11 presented here this evening. And I do believe that as
 12 we go down the pike, that we'll be able to work with the
 13 Jones' organization in keeping this in a way and manner
 14 which will --

15 MR. TYLER: May I say something?

16 MADAM CHAIRPERSON: -- be pleasing.

17 Yes. You may.

18 MR. TYLER: I'd just like to say that I
 19 think it's in Mr. Jones D.N.A. to make a nice place, but
 20 I think that sometimes you have to have a higher vision.
 21 And with the way, you know, the population's increasing
 22 and -- there certainly is room for R1 and for bigger,
 23 nicer homes on bigger properties that would sell. And
 24 we certainly have enough R1-S.
 25 So I would just state that at some point

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1 you have to look at the future, and if property
 2 values -- which I think on a lot of these will fall,
 3 which will lead to other problems. So --

4 MADAM CHAIRPERSON: Thank you, Mr. Tyler.
 5 And I appreciate your comment and respect your comments
 6 a great deal. Thank you, very much.

7 Okay. I'm prepared to take a motion for
 8 for or against the zone change to an R1-S.

9 MR. MYLOR: I'll make a motion to change
 10 the zone from AG to R1-S located at the south side of
 11 Highway 100, between Rapids Road and Exit 6 for the
 12 thirty-four-point-two-nine acre parcel that's been
 13 spoken of and to adopt the Finding of Facts presented by
 14 Mr. Cummings.

15 MADAM CHAIRPERSON: Thank you.

16 Mr. Mylor has made a motion that we do
 17 make a zone change from A.G. to R1-S located south side
 18 of Highway 100 for Josh Jones and Jones Builders and,
 19 also, to accept the Findings of Facts and Conclusions of
 20 Law.

21 Is there a second?

22 MR. SLIGER: Second.

23 MADAM CHAIRPERSON: Mr. Sliger has
 24 seconded that motion.
 25 We still have room for one more

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1 discussion. Anyone like to say anything further -- of
2 the board members?

3 Okay. We're going to vote now. All in
4 favor of approving the zone change from A.G. to R1-S
5 located south side of Highway 100, between Rapids Road
6 and Exit 6 for Josh Jones and J. Jones Builders say aye
7 or raise your right hand.

8 INDISCERNIBLE VOICES: Aye.

9 MADAM CHAIRPERSON: And any opposition?
10 Yes. We have --

11 The motion passes.

12 Thank you, very much. Thus so concludes
13 this public hearing and thus so concludes this meeting
14 this evening.

15 Thank you, very much, for your time, your
16 patience, and thank you for a very thorough explanation
17 of what you're setting out to do.

18 (Whereupon the hearing concluded at 8:10 p.m.)

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

4 I, April Pearson, C.C.R., a Notary Public
5 within and for the State at Large, do hereby certify
6 that the foregoing Franklin-Simpson Planning and Zoning
7 public hearing was taken before me at the time and place
8 and for the purpose in the caption stated; that the
9 public hearing was reduced to shorthand writing by me in
10 the presence of the individuals; that the foregoing is a
11 full, true and correct transcript so given to the best
12 of my ability, and the appearances were as stated in the
13 caption.

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

18 WITNESS MY SIGNATURE this 30th day of
19 September, 2021. My commission expires October 28,
20 2022.

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

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