

**ORDINANCE NO. 2022-004**

**AN ORDINANCE REZONING APPROXIMATELY 47.87 ACRES AS FOLLOWS:  
APPROXIMATELY 8.757 ACRES FROM AG (AGRICULTURE)  
TO B-4 (HIGHWAY BUSINESS DISTRICT); APPROXIMATELY 16.033 ACRES  
FROM AG (AGRICULTURE) TO R-2 (SINGLE FAMILY OR TWO FAMILY  
RESIDENTIAL DISTRICT INCLUDING TOWNHOUSES);  
AND APPROXIMATELY 23.080 ACRES FROM AG (AGRICULTURE) TO  
R-1S (SINGLE FAMILY RESIDENTIAL DISTRICT)  
ALL LOCATED ON THE SOUTH SIDE OF KY. HWY. 100  
ADJACENT TO THE SANDERS EAST INDUSTRIAL PARK  
BY LOUISE SUMMERS, JAMES ERVEN SUMMERS AND  
JOHN HOWARD SUMMERS, AS CO-TRUSTEES OF  
THE L.L. SUMMERS TESTAMENTARY TRUST, AND  
GARY LAIN SUMMERS AS TRUSTEE FOR THE  
GARY LAIN SUMMERS REVOCABLE TRUST**

WHEREAS, Louise Summers; James Erven Summers and John Howard Summers, as Co-Trustees of the L.L. Summers Testamentary Trust; and Gary Lain Summers as Trustee for the Gary Lain Summers Revocable Trust (collectively "Summers") filed a petition to rezone approximately 8.757 acres from AG (Agriculture) to B-4 (Highway Business District); approximately 16.033 acres from AG to R-2 (Single Family/Duplex including townhouses); and 23.080 acres from AG to R1-S (Single Family Residential), all parcels being located on the south side of Ky. Hwy 100 adjacent to the Sanders East Industrial Park, in Franklin, Simpson County, Kentucky; and

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

WHEREAS, a public hearing was held on January 4, 2022, after due public notice, in the manner provided by law; and

WHEREAS, the Planning & Zoning Commission recommended the granting of said zone changes as they are in agreement with the community's comprehensive plan;

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

The approximately 8.757 acres from AG (Agriculture) to B-4 (Highway Business District) as described in the attached Exhibit 1; approximately 16.033 acres from AG to R-2 (Single Family/Duplex with townhouses) as described in the attached Exhibit 2 (two parcels collectively); and 23.080 acres from AG to R1-S (Single Family Residential) as described in the attached Exhibit 3, with all parcels being located on the south side of Ky. Hwy 100 adjacent to the Sanders East Industrial Park, in Franklin, Simpson County, Kentucky, are granted a zone change in accordance with this paragraph. All Exhibits are incorporated herein as if the descriptions are set forth in full herein.

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.

February 14, 2022

FIRST READING

February 28, 2022

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on February 28, 2022, on motion made by Commissioner Powell and seconded by Commissioner Williams, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes LARRY DIXON, MAYOR

Yes JAMIE POWELL

Yes BROWNIE BENNETT

Yes WENDELL STEWART

Yes HERBERT WILLIAMS

APPROVED BY:

Larry Dixon Mayor  
Larry Dixon, Mayor

ATTEST:

Cathy Dillard  
Cathy Dillard, City Clerk

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

This matter came before the Franklin-Simpson County Planning & Zoning Commission on January 4, 2022, on the petition of Louise Summers, L.L. Summers Testamentary Trust, and Gary Lain Summers Revocable Trust ("the Summers") requesting a zone change of 47.869 acres of property fronting Highway 100 (Scottsville Road) from Agricultural to B-4 (Highway Business District) for 8.757 acres, R-2 (Townhouse Dwelling Units) for 7.744 acres and 8.289 acres, and R1-S (Single Family Residential) for 23.080 acres, said property further described as follows:

**B-4 Zone Boundary (8.757 acres)**

Being a certain parcel of land located 4 miles east of Franklin, KY on the south side of Kentucky Highway #100 approximately 0.1 miles west from Grace Road and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at an iron pin and cap (set) in the south right-of-way line of Kentucky Highway #100 (R/W Varies – KY DOH Project #FD52 107 0100 012-017), northeast corner to Doug Murray (Deed Book 233 Page 651); thence along the south right-of-way line of Kentucky Highway #100 South 65° 32' 01" East 661.35 feet to an iron pin and cap (set), northwest corner to Cornerstone Baptist Church (Deed Book 340 Page 676); thence along the west line of Cornerstone Baptist Church South 07° 57' 59" West 384.20 feet to an iron pin and cap (set); thence along new lines the following two (2) calls: South 07° 57' 59" West 125.51 feet to a point; thence North 82° 03' 35" West 630.05 feet to an iron pin and cap (set), southeast corner to Doug Murray (Deed Book 233 Page 651); thence along the east line of Doug Murray North 07° 37' 56" East 697.84 feet to the Point of Beginning; containing 381,442 sq. ft. or 8.757 acres more or less, according to a field survey completed on December 9, 2021 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

R-2 Zone Boundary (7.744 acres)

Being a certain parcel of land located 4 miles east of Franklin, KY on the west side of Grace Road approximately 0.15 miles south from Kentucky Highway #100 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at an iron pin and cap (set) in the west right-of-way line of Grace Road (30' R/W – Minor Plat Book 1 Page 22), southeast corner to Cornerstone Baptist Church (Deed Book 340 Page 676); thence along the west right-of-way line of Grace Road the following two (2) calls: South 07° 44' 31" West 538.75 feet to a point; thence South 08° 13' 10" West 183.39 feet to a point; thence along new lines the following four (4) calls: North 82° 03' 35" West 521.74 feet to a point; thence North 07° 56' 25" East 596.72 feet to a point; thence South 82° 03' 35" East 315.02 feet to a point; thence North 07° 57' 59" East 125.51 feet to an iron pin and cap (set), southwest corner to Cornerstone Baptist Church (Deed Book 340 Page 676); thence along the south line of Cornerstone Baptist Church South 82° 02' 01" East 205.69 feet to the Point of Beginning; containing 337,322 sq. ft. or 7.744 acres more or less, according to a field survey completed on December 9, 2021 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

R-2 Zone Boundary (8.289 acres)

Being a certain parcel of land located 4 miles east of Franklin, KY approximately 700 feet off the south side of Kentucky Highway #100 and approximately 600 feet off the west side of Grace Road and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at a 5/8-inch rebar and cap (found) PLS #3290, northeastern corner to Josh Raines (Deed Book 351 Page 84, Plat Cabinet 6 Page 19) and southwest corner to Doug Murray (Deed Book 233 Page 651); thence along the south line of Doug Murray South 81° 07' 04" East 288.95 feet to an iron pin and cap (set); thence along new lines the following three calls: South 82° 03' 35" East 315.02 feet to a point; thence South 07° 56' 25" West 596.72 feet to a point; thence North 82° 03' 35" West 603.94 feet to a point in the east line of Josh Raines (Deed Book 346 Page 582,

Plat Cabinet 6 Page 8); thence along the east line of Josh Raines North 07° 56' 25" East 601.47 feet to the Point of Beginning; containing 361,066 sq. ft. or 8.289 acres more or less, according to a field survey completed on December 9, 2021 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

R1-S Zone Boundary (23.80 acres)

Being a certain parcel of land located 4 miles east of Franklin, KY on the west side of Grace Road approximately 0.3 miles south from Kentucky Highway #100 and being further described as follows:

Unless stated otherwise, any monument referred to as an iron pin and cap is a 5/8-inch by 18-inch rebar with an orange plastic cap stamped "C. KENNER PLS 4120." All bearings contained herein are referenced to Geodetic North based upon GPS observation using a VRS network of KY CORS stations. Distances shown are ground distances based upon NAD83 and Geoid 18US in Kentucky Single Zone state plane coordinate system with a project scale factor of 0.9999200230 at the following grid origin coordinates: N=3419347.329, E=4699708.129, Elevation=722.957

Beginning at a 5/8-inch rebar and cap (found) PLS #3290 in a northern line of Joel Cook (Deed Book 133 Page 217), southeast corner to Josh Raines (Deed Book 346 Page 582, Plat Cabinet 6 Page 8); thence along the east line of Josh Raines North 07° 56' 25" East 969.30 feet to a point; thence along a new line South 82° 03' 35" East 1125.68 feet to a point in the west right-of-way line of Grace Road (30' R/W – Minor Plat Book 1 Page 22); thence along the west right-of-way line of Grace Road the following seven (7) calls: South 08° 13' 10" West 19.40 feet to an iron pin and cap (set); thence along a curve to the left with a radius of 2394.47 feet, a chord bearing of South 06° 17' 40" West, a chord length of 160.87 feet, and an arc length of 160.91 feet to a point; thence South 04° 22' 10" West 38.51 feet to a point; thence along a curve to the right with a radius of 3027.85 feet, a chord bearing of South 06° 10' 56" West, a chord length of 191.57 feet, and an arc length of 191.60 feet to an iron pin and cap (set); thence South 07° 59' 42" West 343.27 feet to an iron pin and cap (set); thence along a curve to the right with a radius of 61.58 feet, a chord bearing of South 49° 11' 04" West, a chord length of 81.11 feet, and an arc length of 88.54 feet to an iron pin and cap (set); thence North 89° 37' 33" West 413.77 feet to an iron pin and cap (set), northern corner to Joel Cook (Deed Book 133 Page 217); thence along the north line of Joel Cook South 89° 28' 14" West 681.94 feet to the Point of Beginning; containing 1,005,354 sq. ft. or 23.080 acres more or less, according to a field survey completed on December 9, 2021 conducted by Kenner Randolph Engineering & Surveying under the direction of Chris R. Kenner, "PLS 4120".

Being the same property in which an undivided one-half (½) interest was conveyed to Gary L. Summers and wife, Teri D. Summers, with right of survivorship, and an undivided one-half (½) interest was conveyed to L. L. Summers and wife, Louise Summers, with right of survivorship, by the heirs-at-law of Myrtle McCaleb, being Henry Howard McCaleb and wife, Jonell McCaleb; Robert Leon McCaleb, unmarried; Patsy Marie McCaleb Hood and husband, Lowell Hood; and the heirs-at-law of Harold Eugene McCaleb, being Frances Lee Barnard McCaleb, unmarried, and

Lucinda Lee McCaleb, unmarried, by deed dated October 26, 1987, of record in Deed Book 160, Page 355, Office of the Simpson County Clerk.

The said Teri D. Summers conveyed her interest in the subject property to Gary Summers by quitclaim deed dated April 16, 1997, of record in Deed Book 220, Page 445, Office of the Simpson County Clerk. Gary Lain Summers (being the same person as Gary Summers and Gary L. Summers) and wife, Lucinda Jane Summers (being the same person as Lucinda Summers and Cindy Summers) conveyed their interest in the subject property to Gary Lain Summers, Trustee of the Gary Lain Summers Revocable Trust, by deed dated July 20, 2018, of record in Deed Book 336, Page 157, Office of the Simpson County Clerk.

The said L. L. Summers and wife, Louise Summers, conveyed their undivided one-half ( $\frac{1}{2}$ ) interest in the subject property to Robert Young Link, Trustee, by deed dated April 12, 2002, of record in Deed Book 235, Page 515, Office of the Simpson County Clerk. The said Robert Young Link, Trustee, conveyed the subject property back to L. L. Summers and wife, Louise Summers, as tenants in common by deed dated April 12, 2002, of record in Deed Book 235, Page 529, Office of the Simpson County Clerk, such that each had an undivided one-fourth ( $\frac{1}{4}$ ) interest in the subject property.

L. L. Summers died married, testate, and a resident of Simpson County on May 5, 2015. See Order of record in Will Book 26, Page 359, Office of the Simpson County Clerk. Pursuant to the terms and conditions of the Last Will and Testament of L. L. Summers of record in Will Book 26, Page 360, Simpson County Clerk's Office, his undivided one-fourth ( $\frac{1}{4}$ ) interest in the subject property devised to the L. L. Summers Testamentary Trust. See also deed from James Erven Summers and John Howard Summers, Co-Executors of the Estate of L. L. Summers, to James Erven Summers and John Howard Summers, Co-Trustees of the L. L. Summers Testamentary Trust dated April 11, 2017, of record in Deed Book 327, Page 81, Office of the Simpson County Clerk. The trustees of the L.L. Summers Testamentary Trust conveyed the remainder interest of James Erven Summers in said Trust to Gary Lain Summers, Trustee of the Gary Lain Summers Revocable Trust, by deed dated September 27, 2021, of record in Deed Book 360, Page 11, Office of the Simpson County Clerk.

It was reported to the Commission that the Summers desired to rezone said property consistent with the Comprehensive Plan and due to the need for commercial and residential development in the area. The Petitioners were represented by Hon. Amanda L. East. The Commission heard statements of counsel and the testimony of Scott Randolph of Kenner Randolph Engineering and Surveying, Charlie Hill of AGRI Realty, Inc., City Manager Kenton Powell, and George Mears of Legacy Financial Group, LP. After considering the testimony, development plan,

and statements of counsel, the following Findings of Fact and Conclusions of Law were adopted by the Franklin-Simpson County Planning & Zoning Commission:

1. The map amendment sought is in agreement with the community's Comprehensive Plan because the Comprehensive Plan contemplates the growth of residential land use and the need for future residential development. The Comprehensive Plan identifies single-family dwellings as the largest number of dwelling units in Franklin. The Comprehensive Plan identifies Kentucky 100 and the area around the I-65 interchange as an area where significant future growth will be located. The Comprehensive Plan identifies this area as a gateway corridor for the community and contemplates that it should be designed and developed in a manner that promotes a positive introduction to Franklin. The Comprehensive Plan identifies one of its goals as encouraging the development of a diversified supply of safe, decent, affordable, and standard housing. The Comprehensive Plan goals also include establishing a healthy economy with a broad mix of employment opportunities, encouraging the development of diversified housing, and encouraging mixed-use commercial/residential development.

2. The original zoning classification given to the property was inappropriate or improper because this area is identified in the Comprehensive Plan as an area of significant future growth. Kentucky Highway 100 is one of the main highways in Simpson County. Amending the original zoning classification from Agricultural to B-4, R-2, and R1-S will be consistent and bring it into conformity with the Comprehensive Plan. Further, the R1-S zoning classification was not available when the Comprehensive Plan was adopted.

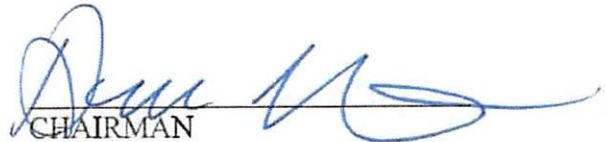
3. There have been major changes of an economic, physical, or social nature within the area which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area. There has been the development of a new

zoning classification, R1-S, which has encouraged the development of single-family dwelling units in Franklin. There have been physical changes in the area. Recent changes in this area include, without limitation, the Hunt Ford development, the redesign of Kentucky 100, the construction of Garvin Pointe Apartments, the approval for residential subdivision in the area, and the continued expansion of the industrial parks. There have been social and economic changes including, but not limited to, the expansion of Franklin-Simpson population and an increased demand for housing and commercial development in the area. There is a need for commercial development to address retail leakage to surrounding communities.

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

Based upon the foregoing specific Findings of Fact and Conclusions of Law, the Commission recommends to the City of Franklin, that the zone change for the property described herein from Agricultural to B-4 (Highway Business District) for 8.757 acres, R-2 (Townhouse Dwelling Units for 7.744 acres and 8.289 acres, and R1-S (Single Family Residential) for 23.080 acres be granted.

Approved and recommended for zoning change, this the 4 day of January, 2022.

  
CHAIRMAN



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

## PUBLIC HEARING

IN RE: LOUISE SUMMERS TO REQUEST ZONE CHANGES AS  
FOLLOWS: A) FROM AG (AGRICULTURAL) TO B4  
(HIGHWAY BUSINESS) FOR A 9.58-ACRE PARCEL B)  
FROM AG (AGRICULTURAL) TO R2 (TOWNHOMES) FOR A  
7.94-ACRE PARCEL, C) FROM AG (AGRICULTURAL) TO R4  
(MULTI-FAMILY) FOR AN 8.37-ACRE PARCEL, LOCATED  
SOUTH SIDE OF HWY 100 AND WEST SIDE OF GRACE RD.

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JANUARY 4, 2022

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APRIL PEARSON, C.C.R.

REPORTER

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The public hearing of Franklin-Simpson  
Planning and Zoning, taken pursuant to Notice, in the  
City Commission Meeting Room, City Hall, 117 West Cedar  
Street, Franklin, Simpson County, Kentucky, 42135, on  
Tuesday, January 4, 2022, at 6:33 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. Amanda Leigh East  
Crocker and Thurmond  
Attorneys at Law  
126 West Kentucky Avenue  
Franklin, Kentucky 42134

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

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

Also present: Ms. Emily Flora  
Mr. Carter Munday

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Ord. No 2022-004

## I N D E X

EXAMINATION

BY MS. EAST: 4 - 59

EXHIBITS

EXHIBIT A	PAGE 7	Conceptual Site Plan
EXHIBIT B	PAGE 12	Picture of townhomes with garages
EXHIBIT C	PAGE 12	Picture of two elevations of townhomes without garages
EXHIBIT D	PAGE 12	Picture of townhomes without garage
EXHIBIT E	PAGE 48	Findings of Fact and Conclusions of Law

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MADAM CHAIRPERSON: Now, we're moving  
into the public hearing part of our regular -- of this  
evening. If you have on your cell phone, please mute  
it.

Also, please know that during this public  
hearing that if you would like to speak, of course, once  
we get to the portion where we do hear the public --  
this is a hearing -- that we come -- you come forward  
and you must be sworn in. You give your name and your  
address, and then you'll be able to speak to us.

I ask that if you do choose to speak,  
that it is not personal, that it is -- and I understand  
it can be emotional, but we ask that if you could do it  
with the least emotion possible, because we're trying to  
make decisions here that are really what we're bound to  
in our P and Z rules and regulations. So we would  
appreciate that.

And, also, if someone speaks and if  
you -- you don't need to tell us again what they've  
already told us. When they're speaking, if you agree  
with what they're speaking, you can say -- raise your  
hand, we understand that you agree with what Ms. John's  
or Mr. Johnson just said, something of that nature.

Having said all that, we're now ready to

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1 begin. Louise Summers is here -- or we have someone  
2 here representing Ms. Summers?

3 MS. EAST: On behalf of the Summers, yes,  
4 ma'am.

5 MADAM CHAIRPERSON: Okay. Thank you,  
6 very much. We have Amanda --

7 MS. EAST: East.

8 MADAM CHAIRPERSON: -- East here  
9 representing -- she's here on behalf of the Louise  
10 Summers' family.

11 They are here to request a zone change  
12 and the zone change is as follows: From A.G., which is  
13 Agriculture, and this is to a B4, Highway Business, that  
14 is for a nine-and-a-half-acre parcel, then from A.G.,  
15 Agriculture, to R2, Townhomes, that's for approximately  
16 an eight-acre parcel, and then from an A.G.,  
17 Agriculture, to R1-S, Single Family Small Lot, for a,  
18 essentially, twenty-three-and-a-half-acre parcel, and  
19 from A.G., Agriculture, to R4, Multi-Family, for an  
20 eight-point-three-seven-acre parcel.

21 This parcel of land is one parcel of  
22 land, is that accurate, right under fifty acres?

23 MS. EAST: Yes, ma'am. That's correct.

24 MADAM CHAIRPERSON: Great.

25 And this is the located the south side of

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1 Highway 100 and the west side of Grace Road in Simpson  
2 County.

3 Okay. Ms. East, if you would like to  
4 approach.

5 MS. EAST: Thank you, Madam Chairwoman.

6 Good evening everyone, and thank you all  
7 for being here. As Ms. Thornton stated, I'm here  
8 tonight on behalf of the Summers'.

9 The petition that was filed at that time  
10 was for the four zones that are stated there; however,  
11 at this time, based on information that will -- there  
12 will be testimony about later, we are actually  
13 requesting to withdraw the application for the R4 and to  
14 expand the R2. And so the R2 would actually cover,  
15 roughly, fifteen acres. It would be for a  
16 seven-point-seven-four-four-acre tract and an  
17 eight-point-two-eight-nine-acre tract.

18 MR. LINK: Can you say that again?

19 MS. EAST: Yes, sir.

20 So the R4 zone change would be withdrawn,  
21 and the R2 zone change would be expanded so that the R2  
22 zone change would be for seven-point-seven-four-four  
23 acres and eight-point-two-eight-nine acres.

24 And I have development plans for you all  
25 showing that.

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1 (Whereupon Summers Exhibit A was duly  
2 received, marked for identification,  
3 and filed herewith as part hereof.)

4 MADAM CHAIRPERSON: Are those -- with  
5 what I have in front of me, do -- do these two -- are  
6 these two requests for the R2, are they -- is the land  
7 together?

8 MS. EAST: So it is all on the same  
9 parcel of property as we have previously discussed, but  
10 the way that that concept plan is laid out and as the  
11 testimony will go into, the two sections will be  
12 separated by a road for purposes of entrance and egress.  
13 And that's why we had the two separate descriptions like  
14 that.

15 MADAM CHAIRPERSON: Okay.

16 MS. EAST: So --

17 MADAM CHAIRPERSON: This is R2.

18 MS. EAST: So -- and the idea will be  
19 that, again, it's for B4. The R2 is for the townhome  
20 dwelling units and then the R1-S is that single-family  
21 residential.

22 And in support of this petition tonight,  
23 we'll be hearing from George Mears of Legacy Financial.  
24 He's here with us tonight. We will also be hearing from  
25 Scott Randolph of Kenner Randolph Engineering and  
Surveying. And we also be hearing from Charlie Hill of

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1 Agri Realty, and I believe that Kenton Powell, City  
2 Manager, will be weighing in.

3 And so at this time, I would like to go  
4 ahead and call as our first witness, Mr. Mears.

5 It may be easiest if you just come up  
6 here where I am, and then I'll -- George Mears.

7 (Off the record)

8 MS. EAST: Mr. Munday has found a chair  
9 for us.

10 MR. MEARS: Oh, thank you, Carter.

11 MR. MUNDAY: You're welcome.

12 MR. CROCKER: You may want to twist  
13 around where you can -- or you may not. Whatever you  
14 want to do.

15 MR. MEARS: Oh, it's got wheels.

16 MR. CROCKER: Yeah.

17 MS. EAST: You can go anywhere.

18 MR. MEARS: Roll around.

19 \*\*\* \*\*

20

21 GEORGE MEARS, being first duly sworn,  
22 gave the following answers in response to questions  
23 propounded to him.

24

25

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## EXAMINATION

BY MS. EAST:

Q. And could you state your name for everyone in the room again, please?

A. George Mears.

Q. And what company are you with here tonight?

A. Legacy Financial Group.

Q. Okay. And what is your development experience?

A. I've been developing for twenty-eight years. And we have developed during that time single family, multi-family, townhomes, multi-family residential, which we'll hold. And we've done that in Mississippi, Kentucky, California, and Texas.

Q. And the property that's in question tonight, are you currently under option to purchase that property?

A. I am.

Q. And I believe a copy of the concept plan has gone around. If you could, tell us a little bit about the proposed concept.

A. Thank you.

Q. You're welcome.

A. So starting on the front, that is

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commercial. We would leave that as commercial. Most likely, it would be retail.

We have talked with a few national grocers. And currently, the count is not high enough that -- as far as residential in that area, for that traffic, but it will be soon enough. So we kind of see that -- it being an anchor in that residential area, and then retail, maybe smaller type of business.

And then in the townhomes in back of it, we see two different types of product. They would all be three bedrooms. Some would have garages. Some would not. There would be an option on the smaller three-bedroom unit to be a two-bedroom unit and have a garage. So -- and then they would all share a common area of a clubhouse, pool, park, dog park, or some type of amenities.

And then behind that would be the R1-S. And I believe that is about -- I think that's ninety -- is it ninety-nine?

Q. That is the count that's on the concept plan.

A. Yeah.

Q. So let's go with that.

A. Ninety-nine single-family lots there in the back. And it would be developed in -- all in

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phases.

And then on the -- the outside of the property is Grace Road. We would improve Grace Road to city standards and dedicate it and -- all the way up to Scottsville.

Q. If we could start back at the top on the commercial, is it your intent to maintain ownership of the commercial?

A. We -- I'm not really -- I'm not really sure, but we would -- typically, what we always do -- and I stated this last time I was here. What we always do when we have commercial attached to single family is that we form an Architectural Review Committee, of -- of which there's three seats, and we hold two, so that whatever is built -- if another developer comes in there and builds something, it has to go through us as the Architectural Review Committee so it compliments the same architectural style.

I mean, it doesn't have to match perfectly. It just has to compliment what we're doing. In other words, we wouldn't allow a metal building or -- or, you know, something along those lines unless, of course, all our townhomes were metal, but we wouldn't do that, anyway.

So yeah, we usually make it -- we -- if

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we don't build it, we maintain control of it --

Q. I see.

A. -- as far as architectural style.

Q. I see.

And then those would be restrictions that would carry forward moving on?

A. Pardon me?

Q. Those aesthetic designs that you were talking about, those are restrictions that would carry forward if the property were sold?

A. Right. We -- it's -- it's not a deed restriction, but it's recorded as a condition of sale.

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

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

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

Q. And then with regards to the R2 townhomes, could you tell us a little bit more about those?

A. Sure. So as I said, there would be two different -- two different types of products. There would be five different floor plans.

The smaller ones, which would be towards

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1 the bottom of the page, those ones would not have  
2 garages. The buyer could option those with a garage.  
3 We see the price point on those around a hundred and  
4 ninety thousand. They're about, I think, twelve hundred  
5 and ninety-three square feet. So an F.H.A. loan on  
6 something like that were about nine ninety-three, well  
7 below the price of an apartment.

8 Across the street would be the larger  
9 townhomes. Those would have three different floor  
10 plans. And they would all have garages. The -- we  
11 would put in a clubhouse, a small pool with a splash  
12 pad, probably a little dog park, and a playground.

13 Q. Okay. And I apologize if you've already  
14 testified to this, but would there be a homeowners  
15 association, as well?

16 A. There would be. There would be a  
17 homeowners association. And the responsibility of the  
18 homeowners association would be to maintain the exterior  
19 facade of the buildings, maintain the roof, maintain all  
20 the common areas, including all of the landscaping, as  
21 well as the parking lot.

22 So the only thing that the homebuyer is  
23 maintaining is what's inside their door -- what's inside  
24 their walls. Everything on the outside is being  
25 maintained by the homeowners association, so they

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1 maintain the integrity and preserve the integrity of the  
2 project and the value.

3 Q. And so there would be a benefit for the  
4 property values with that?

5 A. Oh, absolutely, because that way there's  
6 a governing body. With that, there's C.C. and R.'s,  
7 codes, covenants, and restrictions, such that you cannot  
8 have a business outside of your home.

9 You could have a business inside your  
10 home, as long as that traffic was -- was limited, but  
11 not so much that people are coming to your home, you  
12 know, constantly. You couldn't have an auto mechanic in  
13 your front driveway, you know, things like that. It's  
14 in order to preserve it as a residential area, not a  
15 business.

16 Q. I see.

17 And are you familiar with the  
18 Franklin-Simpson subdivision regulations?

19 A. Yes. So we -- we read through all those  
20 and there's nothing in there that we wouldn't have done  
21 anyway on -- on this project, including streetlights,  
22 curb and gutter, sidewalks, expanding the Grace Road, as  
23 I said.

24 Q. And then with regards to the single  
25 family dwelling units, the subdivision regulations would

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1 apply to that, as well?

2 A. Yes, to the entire development.

3 Q. I see. All right.

4 And then would there also be a homeowners  
5 association for it?

6 A. No.

7 Q. And then the -- what would the pricing be  
8 for those?

9 A. Single family in today's market, they  
10 would probably -- I would think on the low end they  
11 would probably start about two forty, two forty-five.

12 Q. And could you talk about what the facade  
13 of those structures will look like?

14 A. The single family?

15 Q. For the single family, yes.

16 A. Again, we would -- on that, we would have  
17 four different floor plans and three elevations per  
18 floor plan. There would be a Craftsman, a  
19 Traditional -- we call it Italianate, but it's -- it's  
20 more of a -- that has a -- that's probably in between  
21 the two, with siding and -- but mostly brick on that  
22 type of architecture.

23 Q. And have you had any conversations  
24 regarding the utilities to support this development?

25 A. About the facilities to --

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1 Q. About the facilities to support this  
2 development with anyone at the city?

3 A. Yes. I had conversations with the city  
4 about this project, as well as -- I call them city  
5 councilmembers -- I don't know -- the commissioners --

6 Q. Uh-huh.

7 A. -- when we met to do our annexation, and  
8 they were very much so in support of the project.

9 Q. And have you spoken with Chris Klotter  
10 about this project?

11 A. I have. Chris didn't see a problem with  
12 supplying sewer to the project. He liked the project.  
13 And he was very much so in support of it.

14 Q. I see.

15 And have you received support from any of  
16 the neighbors around this property?

17 A. I have talked to two of them. One of  
18 them being the church that we're helping out with  
19 bringing in the sewer so that they don't have to incur  
20 the cost of the septic, because when the -- as Chris  
21 said, when the sewer gets within five hundred feet,  
22 they're going to be required to do that. So our plan  
23 was to bring it in sooner than later, so that they  
24 didn't have to incur that cost.

25 Q. I see.

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1 And have you heard anything from the  
2 Industrial Authority?  
3 A. Yes. They were in -- very much in  
4 support of the project, as well.  
5 Q. I see.  
6 MS. EAST: What I'd like you to view at  
7 this time is a letter from Dennis Griffin, the Executive  
8 Director of the Industrial Authority stating their  
9 support.  
10 MADAM CHAIRPERSON: May I ask, what's the  
11 name of the church that you're -- nearby?  
12 MS. EAST: I think it's Cornerstone.  
13 MR. LINK: Cornerstone.  
14 MR. MEARS: Cornerstone -- Cornerstone  
15 Baptist.  
16 MADAM CHAIRPERSON: Okay.  
17 MR. MEARS: Is that the name of it?  
18 MS. EAST: Yes.  
19 MR. MYLOR: I just didn't hear you.  
20 What were the cost on square footages of  
21 the larger townhomes? I'm didn't hear.  
22 MR. MEARS: It's about thirteen  
23 ninety-two -- thirteen hundred and ninety-two square  
24 feet, three bedrooms.  
25 MR. MYLOR: Okay.

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1 MR. MEARS: The smaller ones are -- if  
2 memory serves me correct, I think they were twelve  
3 hundred and forty-two.  
4 MR. MYLOR: Okay. What was the cost of  
5 the large ones?  
6 MR. MEARS: They'll start at two hundred.  
7 MR. MYLOR: Two? Okay.  
8 MR. MEARS: And the smaller ones --  
9 MR. MYLOR: One ninety.  
10 MR. MEARS: -- one ninety.  
11 MR. MYLOR: Yeah. All right. Thank you.  
12 MR. MEARS: Yeah. It's just our  
13 objective is to keep -- our objective is to keep the  
14 smaller ones at a price point such that someone who's  
15 going to pay rent and have -- you know, have a family,  
16 if they're going to be paying rent in an apartment, our  
17 desire is that they could afford a home.  
18 MR. MYLOR: Right.  
19 MR. TYLER: What's the square footage on  
20 the housing side, roughly?  
21 MR. MEARS: They'll probably, most  
22 likely, start at about the mid -- in the mid fourteen  
23 hundreds and then up to about eighteen hundred. It just  
24 really depends upon a marketing study at that point. We  
25 haven't gotten that far to develop floor plans and

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1 elevations.  
2 MS. EAST: That is all the questions that  
3 I have for this witness.  
4 Does the commission have any other  
5 additional questions?  
6 MR. MYLOR: I have one more.  
7 The architectural committee for the  
8 businesses, you said we hold a seat -- on that  
9 three-person board we hold two seats. We being  
10 homeowners or -- or your company?  
11 MR. MEARS: Our company.  
12 MR. MYLOR: Your company. Okay. Okay.  
13 That's what I thought.  
14 MADAM CHAIRPERSON: Essentially, that's  
15 your way of remaining sixty-six-point-five percent in  
16 control of it?  
17 MS. EAST: Yes.  
18 MADAM CHAIRPERSON: Yeah. I've got it.  
19 MR. MEARS: And -- and the reason we do  
20 that, we took the time and the money to develop it --  
21 MR. MYLOR: Uh-huh.  
22 MADAM CHAIRPERSON: Uh-huh.  
23 MR. MEARS: -- and it's important that  
24 what is built here is not only conducive to what we  
25 built, but it also needs to be conducive to what the

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1 City of Franklin's vision is.  
2 So we just wouldn't just turn it over  
3 and -- and sell it to make the money and they can do  
4 whatever they want. And we -- that deed restriction is  
5 lifted when their building permits are approved. So  
6 it's not that we're going to hold that over them  
7 forever, but --  
8 MR. MYLOR: Right.  
9 MR. MEARS: -- until their building  
10 permit's issued, we hold those other two seats, and we  
11 don't give those up until they have a building permit.  
12 So it solidifies --  
13 MADAM CHAIRPERSON: Uh-huh.  
14 MR. MEARS: -- that we'll have that  
15 control.  
16 MADAM CHAIRPERSON: Plus, it's your body  
17 of work, and your reputation not only precedes you, but  
18 it follows you. It's all important, I think. So --  
19 MR. MEARS: I have found in my career  
20 that it seems pretty simple to do what you say you're  
21 going to do --  
22 MADAM CHAIRPERSON: Uh-huh.  
23 MR. MEARS: -- but that's not everyone's  
24 practice. And because it's happened to us in the past  
25 where we've done something, we've sold a piece of

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1 property and someone said they were going to do  
 2 something and then they did something completely  
 3 different --

4 MADAM CHAIRPERSON: Uh-huh.

5 MR. MEARS: -- thus the birth of the  
 6 Architectural Review Committee.

7 MADAM CHAIRPERSON: Oh, okay.

8 MR. MEARS: So it wasn't that it came out  
 9 of a -- you know, it came out of a road of hard knocks.

10 MADAM CHAIRPERSON: Thank you.

11 MS. EAST: Again, if there's no further  
 12 questions from the commission, we'll call our next  
 13 witness.

14 I think we'll call Kenton Powell, please.  
 15 (Off the record)

16 \*\*\* \*\*

17 KENTON POWELL, being first duly sworn,  
 18 gave the following answers in response to questions  
 19 propounded to him.

20 EXAMINATION

21 BY MS. EAST:

22 Q. Could you restate your name, please?

23 A. Kenton Powell, City Manager of Franklin.

24 Q. Thank you.

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1 And how long have you held that title?

2 A. Ten years.

3 Q. All right. The property that's in  
 4 question tonight, has that recently been annexed into  
 5 the city?

6 A. Yes. It has.

7 Q. And was it approved unanimously for that  
 8 annexation?

9 A. Yes. It was.

10 Q. And have you had the opportunity to  
 11 review this proposed planned development?

12 A. Yes. Mr. Mears come into the commission  
 13 and presented his plan to the commission.

14 Q. Okay. And does the commission have an  
 15 opinion with regards to that plan?

16 A. Yes. Me being the mouthpiece, the  
 17 commission was excited when they saw the plan. This  
 18 is -- we've kind of already stated because it has  
 19 business, R2, R1-S, kind of a variety for different  
 20 people, different aspects, it's close to the interstate,  
 21 also close to the manufacturing, they liked the concept.

22 Mentioned that, you know, the sewer was  
 23 available; has the capacity. Also, presented the -- the  
 24 draft subdivision reg's as we talked about the  
 25 amenities, which we haven't finalized, but we asked that

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1 they be adopted. He immediately said no problem.

2 Having a variety of different  
 3 architectural styles, and also, we -- as was stated,  
 4 that, you know, on the commercial front, making sure  
 5 that that was appealing to the -- the roadways. And as  
 6 he already stated, absolutely keeping what -- we have a  
 7 drafted form as he had -- that was one of the conditions  
 8 that -- that the city -- that we move in. He said as a  
 9 minimum requirement, he had no problem with it.

10 The other thing that was kind of  
 11 interesting in our discussion was Grace Road, which you  
 12 can kind of see is a county road. It was skirting the  
 13 subdivision. Obviously, if you've driven on it, it's  
 14 like a one-lane road.

15 MADAM CHAIRPERSON: Uh-huh.

16 A. We thought that would be a concern that  
 17 with the extra traffic, but immediately said we'll bring  
 18 that into -- into the city limits and we bring it up to  
 19 city specifications. As you can see, you've got more  
 20 traffic on it, it only make sense -- that was the  
 21 discussion that we agreed to. So --

22 But from the commissions perspective, it  
 23 was very supportive to the project.

24 MS. EAST: All right. At this time, I  
 25 would turn it over to the commission.

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1 MR. SLIGER: Is the sewer close?

2 MR. POWELL: Yes. It's close. It's  
 3 right across the street.

4 MR. SLIGER: Some pump station, something  
 5 along that --

6 MR. POWELL: There will be a lift  
 7 station. Yeah.

8 MR. SLIGER: On the developer?

9 MR. POWELL: It will be the developer.

10 MR. TYLER: Where does Grace Road go?  
 11 Where does it come out on --

12 MR. LINK: It's right up here.

13 MR. TYLER: But where does it come out --

14 MR. POWELL: Where does the other end  
 15 come out at?

16 MR. MUNDAY: Right at Rapids Road.

17 MR. POWELL: Yeah. It's Rapids.

18 MR. TYLER: How much road will you be  
 19 doing?

20 MR. POWELL: Up to -- I don't want to  
 21 speak, but my assumption is is right to the very exit  
 22 end of the subdivision.

23 MR. MEARS: Uh-huh.

24 MR. POWELL: I didn't want to speak for  
 25 you.

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1 MR. SLIGER: I should ask Mr. Mears, I  
2 guess, instead of you.  
3 Are these buildings going to be sold  
4 individually, the units?  
5 MR. MEARS: Yes.  
6 MR. SLIGER: Not as an entire four-unit  
7 building? It's going to be -- what zone have we got  
8 that we're doing that with?  
9 MR. MEARS: R2.  
10 MR. SLIGER: R2?  
11 Is that okay for R2?  
12 MR. MUNDAY: Sure. Yeah. There's a  
13 special column in there for townhomes.  
14 MR. SLIGER: Okay. All right. That's  
15 all.  
16 MADAM CHAIRPERSON: I appreciate it.  
17 Thank you for coming and --  
18 MR. POWELL: Thank you.  
19 MADAM CHAIRPERSON: -- I appreciate you  
20 of pointing out -- and also, when Mr. Mears spoke, he  
21 did speak about the differentiation of the houses once  
22 you got back there, so I think that's important. Thank  
23 you.  
24 MS. EAST: At this time, we would call  
25 Scott Randolph.

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1 (Off the record)  
2  
3 \*\*\* \*\*  
4 SCOTT RANDOLPH, being first duly sworn,  
5 gave the following answers in response to questions  
6 propounded to him.  
7 EXAMINATION  
8 BY MS. EAST:  
9 Q. And then one more time, could you state  
10 your name for the record?  
11 A. Scott Randolph.  
12 Q. And where are you currently employed at?  
13 A. Kenner Randolph Engineering and  
14 Surveying.  
15 Q. And what is your title there?  
16 A. Civil engineer and owner -- co-owner.  
17 Q. And how long have you worked at and  
18 co-owned Kenner Randolph?  
19 A. Almost seven years, six and a half going  
20 on seven.  
21 Q. And how long have you've been involved  
22 with civil engineering?  
23 A. Since 1992, so twenty -- twenty-nine  
24 years.  
25 Q. And are you familiar with the Franklin

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1 community?  
2 A. I am. I was born and raised and live  
3 here now -- all for about five or six years there  
4 visited other areas for awhile, but I've been here most  
5 of my life.  
6 Q. And are you familiar with the area where  
7 this property is located?  
8 A. I am.  
9 Q. And could you, please, tell us where it's  
10 located in conjunction to Simpson County?  
11 A. Yeah. So I figure everybody is pretty  
12 familiar with it. If you're going out Scottsville Road,  
13 Highway 100, go east past Exit 6 and past the -- I think  
14 the Shell station and then you've got Raines Road that  
15 goes back to Tractor Supply and some of that. And then  
16 the -- it would be just past Raines Road there's one  
17 individual that's lives -- got a house. It's a single  
18 residential house there. And then you got kind of an  
19 open field that's been agricultural. And then you've  
20 got the new church corner property and Grace Road.  
21 So it's before Grace Road on the south  
22 side of Highway 100 east of Exit 6.  
23 Q. Okay. And the concept plan that we have  
24 here tonight, if you could, just walk through it. If  
25 you could, tell us about the points of entrance and

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1 egress on it.  
2 A. Yeah. So detail -- if you're looking at  
3 the conceptual plan, then Grace Road would be to the  
4 north end of the development. And so there's one new  
5 access proposed tying into Highway 100 coming into the  
6 middle of the commercial business zone. And it would  
7 come -- basically kind of go through the middle of at  
8 least, you know, the first majority part of the whole  
9 development.  
10 So we would have one new access onto  
11 Scottsville Road there. We may or may not, as we get  
12 into the development plan -- I talked to George -- we  
13 may decide to put another access strip kind of in the  
14 back edge -- the southern edge of the commercial  
15 district to come on and tie into Grace Road just to  
16 make -- if somebody wanted to come out a different  
17 access from the commercial district, they wouldn't have  
18 to kind of go through the residential townhome area to  
19 get out onto Grace Road.  
20 We'll kind of see what we think traffic  
21 flows and stuff are. If that's -- if that's required,  
22 it would be just kind of, probably, on the north side of  
23 the B4 zone. And we may have to change the  
24 configuration of the one little group of townhomes  
25 that's up on the north facing Grace Road. So we could

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1 add another access strip through there, but for now,  
2 we've got the one coming in through the center of the B4  
3 zone, commercial district.  
4 Then there's one at the center of the  
5 townhomes facing Grace Road. There's one right in the  
6 middle, kind of in the townhome group, that big, long  
7 parking lot. And then there's another one at the very  
8 southern end of the RI-5 district where it ties back  
9 into Grace Road down there.  
10 Q. So we're looking at three and maybe,  
11 potentially, four points of entrance or egress?  
12 A. Correct.  
13 Q. And do you think that that is a benefit  
14 to the planned development here?  
15 A. I think so. I mean, I think that gives  
16 good traffic flow. You know, you want people to have  
17 easy access to all of it. Then, you know, if you  
18 don't -- if it's at all a busy day kind of in  
19 any of the commercial district, the residential people  
20 can get in through Grace Road without going through the  
21 commercial district.  
22 The commercial district has, you know,  
23 probably the most in-and-out traffic, and it has  
24 immediate access onto Highway 100 through the -- you  
25 know, without going through the residential zone. So I

31

1 residential concerns?  
2 A. Yes. Of course, the -- like George was  
3 saying, you know, they've got -- we've got sidewalks  
4 through everything.  
5 Hopefully, you know, we can get some  
6 businesses up -- I really like the mixed-use  
7 development. That's one thing I really liked about the  
8 plan when George first came in. I like the mixed uses.  
9 To me, it's nice to have some businesses  
10 that are within walking distance of a significant  
11 residential development. So, you know, everybody,  
12 hopefully doesn't have to drive to go to a grocery  
13 store, to go to whatever restaurant or whatever happens  
14 to locate in here.  
15 So hopefully, that will -- you know,  
16 that's one that will be sidewalks throughout and then,  
17 you know, people can -- you know, you've got plenty of  
18 access points to get into whichever particular  
19 development you're going to in the residential areas, as  
20 well.  
21 Q. And do you think that the -- that  
22 Highway 100 can sustain that increase in traffic?  
23 A. Yeah. Of course, we know, you know,  
24 like, Highway 100's recently improved. And to me  
25 that's -- that's as good of a road, probably, as

1 just -- I like the traffic flow through the whole  
2 development.  
3 Q. And then you have the commercial facing  
4 Highway 100. Is there a benefit to doing it that way?  
5 A. You know, whether the -- we definitely  
6 want -- and George, I know, has talked to us and  
7 wants -- you know, the commercial -- the commercial  
8 district's going to be what people see. And I think  
9 that's kind of been a topic.  
10 We want -- you want people driving up and  
11 down Highway 100 to see the commercial, some business  
12 zones. It keeps the residential homeowners a little  
13 further off the road. That is -- you know, there's some  
14 fairly heavy traffic on Highway 100, so it gets the  
15 residential area back a little further, and it gets the  
16 business visibility up at Highway 100 where there's more  
17 traffic flow. So, you know, that it will -- they'll  
18 want a nice look to those buildings and also get the  
19 traffic count to hopefully encourage some businesses we  
20 want to be there to -- to come locate here.  
21 Q. And then with regards to the residences,  
22 you spoke about some of the -- the traffic and that sort  
23 of thing.  
24 In addition to just how this is laid out,  
25 are there any additional steps taken to address any

32

1 Franklin has to put a significant development on.  
2 I like the fact that this is far enough  
3 away from the Exit 6 interchange that it's not like  
4 they're pulling out right at the interchange ramps. So,  
5 you know, Trotters Lane, sometimes it's hard to get in  
6 and out of Trotters Lane. That's not an ideal  
7 situation. This is not like that.  
8 We're significantly further east that I  
9 think, you know, traffic flow would flow good. You'll  
10 have time to get merged into Highway 100 and get to exit  
11 ramps that they don't -- it doesn't back up this far.  
12 So --  
13 And the -- the sight distances through  
14 here now are really good, you know. Been through there.  
15 Highway 100 is a -- is a nice road and has plenty of  
16 capability, in my opinion, for this development.  
17 Q. And are you aware of the current  
18 classification of this property?  
19 A. Yes. Agriculture.  
20 Q. Okay. And do you believe that that  
21 classification was proper?  
22 A. No. I think not. I think especially  
23 with all the development that's occurred out there  
24 recently, you know, it's -- it doesn't feel like an  
25 agricultural zone to me. Granted, it's being farmed

30



1 right now because it's zoned ag, but I think -- I think  
2 that's an ideal area for development that should be  
3 zoned something besides ag.

4 Q. And you'd spoke to some of the physical  
5 changes that have occurred in the area with Kentucky  
6 100. Are you aware of any of other additional physical  
7 changes in the area?

8 A. Several developments. You know,  
9 there's -- we've got already some apartments just up the  
10 road and across the street. I know there's some --  
11 another development coming on in closer to -- kind of  
12 between Exit 6 and Rapids Road and a decent amount of  
13 growth being looked at and already done up and down  
14 Highway 100.

15 Q. Let's see.

16 A. Of course, the industrial park's got that  
17 Hunt Ford and all that -- several new buildings coming  
18 in across the road, so there's a lot of development  
19 going on in the area.

20 Q. And do you believe that this area -- that  
21 it's appropriate for the zonings that we are requesting  
22 tonight?

23 A. I do. Like I said, I like -- I really  
24 like the kind of mixed-use scheme with some business up  
25 front closer to Highway 100 and some residential in with

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1 it -- you know, encourage people to maybe be able to  
2 walk to some shops up in the front. Hopefully, some  
3 people that work in the area -- some of the new  
4 factories that -- in that area will live in this  
5 subdivision. So I think it's a good fit for this area.

6 Q. And we talked a little bit about the  
7 improvements to Grace Road. Did you have anything that  
8 you needed to add or wanted to add to that?

9 A. I don't think so. Of course, you know,  
10 for it to be annexed in the city, upgraded to city  
11 standards, so it will -- it will be, you know, a nice  
12 wider roadway to accommodate the traffic. You know,  
13 like Kent said, it's a significant investment on the  
14 developer's part to do that. It's a pretty good stretch  
15 of Grace Road.

16 So we probably will look at traffic  
17 counts, too, I would expect. And I know -- I talked to  
18 George, he expects it, too. We'll probably put in a --  
19 at least a left-turn lane coming out of Grace Road going  
20 on to 100 to try to help alleviate, you know, nobody  
21 being able to turn right if they want to turn right. So  
22 with that -- but we'll probably put in three lanes, and  
23 one coming in, two lanes going out, to accommodate that  
24 turn lane.

25 Q. And do you believe that the proposed zone

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1 change is consistent with the Comprehensive Plan?

2 A. I do.

3 Q. And could you state why you believe that?

4 A. You know, pretty much the same. I think  
5 it's -- with the amount of jobs that are kind of going  
6 in that area with the factories close by, I think  
7 there's a need for housing in this area.

8 I know there's -- I've seen the  
9 statistics, that there's a large -- a large percentage  
10 of the people that work in Franklin commuting in from  
11 other areas. And I'm sure some come from, you know, the  
12 Scottsville area or anywhere else, really. So I think  
13 there's a need for housing. And I think this -- this is  
14 close to -- you're close to the interstate, so they've  
15 got easy access to go, you know, anywhere else they want  
16 to go -- go visit, but then they've also got access to  
17 get to and the businesses around Exit 2, if they work  
18 down there.

19 So good traffic flow. It's a good  
20 location to get people in and out and to their  
21 prospective work places.

22 Q. And do you think that this will be a nice  
23 looking development to have as people are welcoming  
24 themselves to Franklin?

25 A. I do think that. Talking about kind of

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1 how it looks -- and George spoke on this. And one  
2 thing, maybe, he didn't mention, I kind of like the fact  
3 that the development's big enough -- you know,  
4 forty-seven acres, it's not going to fill up overnight.

5 So I know it's -- it will be in the  
6 developer's best interest to make sure that the initial  
7 developments that do happen, whether it be something in  
8 the commercial district or whether it's the first few  
9 townhomes he builds or the first few single-family homes  
10 in R1-S, he's not going to want them to not look nice,  
11 because that's just going to cost him money down the  
12 road, nobody else is going to want to move in there.

13 So I like that it's -- there's enough  
14 going on that he's going to have a vested interest for a  
15 significant amount of time in trying to make the  
16 development look as nice as possible.

17 MS. EAST: At this time, we would hand it  
18 over to the commission for any questions.

19 MADAM CHAIRPERSON: Anything for Mr.  
20 Randolph?

21 Thank you, Mr. Randolph.

22 MS. EAST: Thank you.

23 And I believe to be our final witness for  
24 the night, but certainly not least, we call Charlie  
25 Hill.

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(Off the record)

\*\*\* \*\*

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

# EXAMINATION

BY MS. EAST:

Q. And then one more time, in case no one  
heard you. Could you, please, state your name?

A. Charlie Hill.

Q. Excellent.

And what is it that you do for a living?

A. I'm commercial industrial real estate  
sales.

Q. And how long have you been doing that?

A. Seventy-three. Since '73, so --

Q. All right.

A. -- forty years, fifty years, something.

Q. And would you consider yourself familiar  
with the Franklin-Simpson community?

A. Yes. It's basically where I've worked.

Q. Got you.

And you reside here, as well?

A. Yes. I do.

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Q. And how long have you resided here?

A. All my life, with the exception of during  
the 70's when the -- when the economy turned down, I had  
to take public work and move to Louisville for six  
years. Came back.

Q. Well, we'll forgive you for that.

A. Yeah.

Q. So -- have you had any discussions with  
Mr. Mears about this property?

A. With who?

Q. With George Mears.

A. Oh, sure. Yes. I have.

Q. Okay. And what is your impression about  
his proposed development for this property?

A. I think it's a good idea.

Q. Excellent.

And you've had the opportunity to look  
over the concept plan?

A. Yes. I have.

Q. Excellent.

With regards to the current zoning of  
Agriculture, do you believe that that was appropriate?

A. Probably was when it was put in, but not  
now.

Q. So --

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A. They -- they've beefed up that road out  
there. You know, they've spent millions of dollars  
beefing that road up out there. It's -- it's -- it's  
prime for this type of development.

Q. Okay. And was it prime for this type of  
development when the Comprehensive Plan was established  
in 2010?

A. I can't remember when they beefed up  
Scottsville Road, but that was about the time they did,  
I think. So --

Q. Okay. And so -- so at that time, when  
the rezone -- I'm sorry, when the zoning was done, it  
would be your position that it was improper to do it as  
Agriculture?

A. Yes.

Q. Okay. With where this property is on  
Highway 100 and I-65, has that been identified as a  
gateway corridor?

A. Would have been, yes.

Q. Okay. And what is the benefit or the  
effect of being a gateway corridor?

A. Well, you just -- when people come into  
the community, they beefed it up where it will look  
nice.

Q. Got you.

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And do you believe that this proposed  
development will -- will add to that aesthetic appeal --

A. Yes.

Q. -- for the community?

A. Yes.

Q. Okay. And do you believe the zoning  
that's being requested tonight, that it would be  
consistent with the aims of the Comprehensive Plan?

A. Yes.

Q. Okay. All right. One of the things I  
wanted to discuss was the major changes that occurred in  
the area either of an economic, physical, or social  
nature.

The R1 zone that's being sought as part  
of the zone change tonight, was that in existence in  
2010?

A. No. No.

Q. And then are you familiar with a study  
that the T.V.A. did regarding jobs in Simpson County?

A. You're talking about the number of people  
that work here versus the number of people that live  
here?

Q. Yes, sir.

A. Yes.

Q. Yes, sir.

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1 A. I'm familiar with that.

2 Q. So if you could, this is a copy of that

3 study. If you could, please, tell the commission how

4 many people are commuting daily into Simpson County. I

5 believe it's that number two.

6 A. The -- well, this thing says fifty-three

7 hundred and sixty-four. I didn't realize it was that

8 high, but I guess it is.

9 Q. So -- and then, what is the consequence

10 of having people commuting like that every day but not

11 living in Simpson County?

12 A. Well, they -- they come in -- they pay

13 employment tax --

14 Q. Uh-huh.

15 A. -- where they work, but then they don't

16 pay anything to support the community, like property tax

17 or sales tax.

18 Q. Okay. And are they getting the benefit

19 of the -- the utilities and the amenities and first

20 responders while they're here?

21 A. Yes. Where they work, they are.

22 Q. Okay. But then when they go home,

23 they're not paying any of that?

24 A. No. They're not.

25 Q. Okay. And so you do you feel that there

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1 is a need for housing here in Franklin?

2 A. If you look at these figures, it is.

3 Yes.

4 Q. Okay. At this time, do you think there's

5 a shortage of housing in Franklin?

6 A. I really -- I'm not in the residential

7 business, but I think there is a shortage.

8 Q. I see.

9 And does part of that play into people

10 wanting to have diverse housing options available --

11 A. Yes.

12 Q. -- to them?

13 A. Yes. I like this concept.

14 Q. Okay. With the townhomes, what is it

15 that you like about that aspect? With the --

16 A. Pardon?

17 Q. With the proposed townhomes, is there

18 something about it that you particularly like?

19 A. I like the townhome concept.

20 Q. Okay.

21 A. Yes.

22 Q. Do you believe that will appeal to people

23 who want lower maintenance?

24 A. Yes.

25 Q. What about first time home buyers?

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1 A. They'll like that area, also.

2 Q. Okay.

3 A. New. Getting something new as to

4 something old.

5 Q. I got you.

6 So is there -- is there a demand for

7 newer construction based on what --

8 A. Yes.

9 Q. -- you can tell?

10 A. Yes.

11 Q. Okay. So with the housing shortage that

12 we have, does that also limit the commercial

13 opportunities?

14 A. Sure.

15 Q. Okay.

16 A. If they stay elsewhere, they shop

17 elsewhere.

18 Q. I got you.

19 And does that result in what we call

20 retail leakage?

21 A. Yes.

22 Q. And so it would be your testimony that

23 not only for the people who are -- who are coming to

24 work here and not paying any because they don't live

25 here, but then we also have people who live here, who

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1 don't have the commercial aspect -- as people to enjoy

2 that, if that money had got into the community?

3 A. Yes. Yes.

4 Q. And so this project would really seek to

5 address both aspects of that?

6 A. Yes. It does.

7 Q. Okay. And does the Comprehensive Plan

8 recognize retail leakage as an area for improvement?

9 A. I would say so. Yes.

10 Q. Okay. Are you aware of any physical

11 changes that have occurred in the area around this

12 property?

13 A. Nothing other than the improvements --

14 improvements to the highway that the state spent. I

15 mean, they spent several million dollars improving all

16 that area out there.

17 Q. I see.

18 A. Yeah.

19 Q. And have -- the industrial parks, have

20 they continued to expand?

21 A. Oh, yeah.

22 Q. Okay.

23 A. Two or three spec buildings going in

24 there right now.

25 Q. Okay. And are there other residences

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1 around this area?

2 A. There is an apartment complex just right

3 across the street and down.

4 Q. Okay. And then do you believe that the

5 proposed zone change sought tonight is consistent with

6 the Comprehensive Plan?

7 A. Yes. I do.

8 Q. Okay. And is that because this area is

9 one that was identified as an area for significant

10 growth?

11 A. Yes.

12 Q. Okay. And the proposal that's before us,

13 it's all essentially single-family dwellings, either a

14 townhome or a traditional house, is that consistent with

15 the growth that we're already seeing?

16 A. I think so. Yes.

17 Q. Okay. And does the Comprehensive Plan

18 identify this area as a gateway corridor?

19 A. Yes.

20 Q. Okay. And is it a particular desire to

21 look make this look nice and appealing to everyone?

22 A. Yes.

23 Q. And I think I've understood you to say

24 that what Mr. Mears has proposed would be consistent

25 with that aspect of the Comprehensive Plan?

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1 A. Yes. I do.

2 Q. Okay. Does the Comprehensive Plan also

3 talk about the need for a strong and a diverse economy?

4 A. Sure.

5 Q. Okay. And would this commercial

6 development aspect of it -- would it play into that?

7 A. Yes. It would.

8 Q. Okay. So it's got a potential for job

9 creation here?

10 A. Yes.

11 Q. Okay. And does the Comprehensive Plan

12 also talk about needing to provide diversified and

13 affordable housing here in the community?

14 A. Yes. It does.

15 Q. Okay. And do you believe that this

16 proposed zone change is consistent with that goal?

17 A. Yes. I do.

18 Q. Okay. And does the Comprehensive Plan

19 also talk about encouraging that mixed use where people

20 can shop and work and reside in -- in an area?

21 A. Yes. I think so.

22 Q. Okay. And do you believe that this plan

23 would be consistent with that goal?

24 A. Yes. I do.

25 Q. Excellent.

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1 MS. EAST: I believe that is all the

2 questions I have.

3 I'll turn it over to the commission.

4 MADAM CHAIRPERSON: I'm good.

5 Does anyone have questions for Mr. Hill?

6 Okay. Thank you, Mr. Hill.

7 MR. HILL: Thank you.

8 MADAM CHAIRPERSON: We appreciate you

9 coming in.

10 MR. HILL: Thank you.

11 MS. EAST: That is all the witnesses that

12 we have.

13 MADAM CHAIRPERSON: Great. Okay.

14 MS. EAST: So I didn't know if you wanted

15 to take questions from the audience first or --

16 MADAM CHAIRPERSON: Probably we'll go

17 ahead -- do you have the Findings of Fact and all of

18 that?

19 MS. EAST: Yes, ma'am. I do.

20 MADAM CHAIRPERSON: If you would like --

21 and in that Findings of Fact, do you have the proper

22 zone changes and accuracy of --

23 MS. EAST: Yes, ma'am.

24 MADAM CHAIRPERSON: -- acreage?

25 Okay. That would be great. Thank you.

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1 I was going to ask you for that again --

2 MS. EAST: Yes.

3 MADAM CHAIRPERSON: -- because I didn't

4 write it done when you were giving it.

5 (Whereupon Summers Exhibit E was duly

6 received, marked for identification,

7 and filed herewith as part hereof.)

8 Thank you.

9 MS. EAST: That is fine.

10 MADAM CHAIRPERSON: Thank you, Ms. East.

11 Okay. Do I have anyone in the audience

12 that would like to speak pro or in a very positive

13 manner for the zone changes, please?

14 Okay. Having asked for that, do we have

15 anyone in the audience that would like to speak and/or

16 voice their concerns in regards to the zone changes,

17 please?

18 MS. LISA DEAVERS: I'm not a pro or con,

19 I just have a couple of questions.

20 MADAM CHAIRPERSON: Okay. Then you need

21 to come forward, please --

22 MS. LISA DEAVERS: Okay.

23 MADAM CHAIRPERSON: -- and be sworn in.

24 Thank you.

25 (Off the record)

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\*\*\*      \*\*\*      \*\*\*

LISA DEEVERS, 3555 Johns Loop Road, Franklin, Kentucky, being first duly sworn, made the following statement:

MADAM CHAIRPERSON: Okay. Ms. Deavers, if you would, have a seat.

Who are your questions for, please?

MS. LISA DEEVERS: I have different people. So --

MADAM CHAIRPERSON: Oh.

MS. LISA DEEVERS: -- one is -- Mr. Randolph, I just have one question.

On the plan of the road coming out from the duplexes onto Grace Road, where is that in proximity to where the current house is on Grace Road?

MR. RANDOLPH: Can I answer that from back here?

MADAM CHAIRPERSON: Yes. You may.

MR. RANDOLPH: All right. Are you talking about the one at the -- the way it's on the screen, the one to the left?

MS. LISA DEEVERS: It would be right in here. There is a single-family home --

MR. RANDOLPH: Yes.

MS. LISA DEEVERS: -- right here.

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MR. RANDOLPH: Yeah. That's a good question. I can't tell you exactly where that is in relation to the driveway of the single-family home. I would have to -- I'd have to measure this. This doesn't look -- obviously, we don't show that entry to the driveway onto the single-family home lot.

MS. LISA DEEVERS: Okay.

And Mr. Mears, thank you for agreeing to do road improvements through there, because, yes, it is not even a lane and a half.

So would that be a two-lane road to meet the city requirements?

MR. MEARS: I believe the city specification is twenty-six --

MR. POWELL: Yeah, twenty-six-foot wide. It's got to have thirteen foot individual lanes with curb and gutter.

MS. LISA DEEVERS: Okay. And then I have a question for Mr. Mears.

You had stated about a national grocery that you --

MR. MEARS: About what?

MS. LISA DEEVERS: You had talked to a national grocery --

MR. MEARS: Yes.

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MS. LISA DEEVERS: -- but they said our numbers for that area aren't here yet?

MR. MEARS: Correct.

MS. LISA DEEVERS: What are those numbers? What are those required numbers for that grocery to come here?

MR. MEARS: I don't have the exact --

MS. LISA DEEVERS: Okay.

MR. MEARS: -- numbers, but, as always, commercial follows residential.

MS. LISA DEEVERS: Right.

MR. MEARS: If you don't have the consumer, you're not going to have the retailer or the seller. So they both liked that area, Garvin Pointe Apartments is across the street. I believe they have plans for expansion. I think there is a hundred and twenty units there now --

MS. LISA DEEVERS: All right.

MR. MEARS: -- or something like that. There's a lot of units. There will be a lot of residents here, and then there's a lot of traffic coming from Scottsville --

MS. LISA DEEVERS: Right.

MR. MEARS: -- that's coming off I-65, too, to go to work.

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MS. LISA DEEVERS: I just thought I'd ask because we -- I know for years our community's been trying to get Kroger. And we keep -- keep being told we don't have those numbers. I thought you maybe might --

MR. MEARS: I can't -- I --

MS. LISA DEEVERS: -- know that.

MR. MEARS: I can tell you this, I'm -- I'm not at liberty to tell you --

MS. LISA DEEVERS: Right.

MR. MEARS: -- who I spoke to.

MS. LISA DEEVERS: Oh, yeah. That's fine.

MR. MEARS: But I can tell you that they -- because we -- we did a traffic count over there --

MS. LISA DEEVERS: Uh-huh.

MR. MEARS: -- as well as had data from our marketing study and they were quite pleased with the increase in count since they first did their study four years ago.

MS. LISA DEEVERS: Now, as probably one of the only people in this room that lives in that area, I'm just wondering how much we have to grow in that area to get a Kroger, so -- or a Publix, as I prefer.

MR. MEARS: Yes. Yeah.

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1 MS. LISA DEEVERS: And then, let's see, I  
2 think -- oh, what is the time frame -- and you may have  
3 said that for the development -- completion of this  
4 development?

5 MR. MEARS: That's difficult to say, but  
6 we're -- we certainly have no plans of delay.

7 If it is approved here tonight, we will  
8 continue forward with our development plan, get that  
9 submitted. And as soon as that's approved, we'll start  
10 grading and doing our utilities.

11 What I would like, as I stated before,  
12 what I'd like to do immediately upon approval is bring  
13 that sewer line in so the church doesn't have to spend  
14 all that money on something they're going to have to  
15 hook up to anyway. So I may work with Chris and the  
16 city to see how we can mitigate that on something we're  
17 going to spend the money for anyway.

18 MS. LISA DEEVERS: Thank you. And thank  
19 you all for answering my questions.

20 MR. MEARS: Oh, certainly.

21 MS. LISA DEEVERS: And then this last  
22 one, this is just general, because I couldn't find it  
23 when I looking on my phone for the planning and zoning  
24 reg's. I know we have R1 and R1-S allows a smaller lot,  
25 which, yes, I understand a smaller footprint is better

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1 use of the land, but when you get into a rural area --  
2 and yes, that is a rural area, to me, once you drive  
3 past that industrial park -- how many homes will it be  
4 if it were R1 as opposed to R1-S that would be allowed  
5 in that zone?

6 MR. MUNDAY: Well, you've got -- if I  
7 may --

8 MS. LISA DEEVERS: Uh-huh.

9 MR. MUNDAY: A minimum lot size on an R1  
10 is twelve thousand five hundred square feet.

11 MS. LISA DEEVERS: Okay.

12 MR. MUNDAY: The minimum lot size on R1-S  
13 is seventy-five hundred. So your difference times  
14 whatever your development is will give you the number.

15 MS. LISA DEEVERS: Okay. Now, I was just  
16 asking because I know Warren County just had a  
17 development out in the county that they chose to keep it  
18 more in the aesthetics of that rural area, even though  
19 it was a subdivision, so they kept it a little bit  
20 larger lots, so that was just my reasoning for that  
21 question.

22 And that's all I have tonight.

23 MADAM CHAIRPERSON: Thank you.

24 MS. LISA DEEVERS: Uh-huh.

25 MADAM CHAIRPERSON: Anyone else like to

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1 speak?

2 Okay. Great. We --

3 Any commission members have any more  
4 questions?

5 MR. SLIGER: Just one.

6 MADAM CHAIRPERSON: Yes, sir.

7 MR. SLIGER: Mr. Mears, how many times  
8 have you been before this board for a zone change?

9 MR. MEARS: Oh, a zone change?

10 MADAM CHAIRPERSON: This is number three?

11 Or --

12 MR. MEARS: No --

13 MR. SLIGER: Three that I know of.

14 MR. MEARS: Three times, but on my first  
15 parcel, the V.F.W. property, that was already zoned B4,  
16 so we didn't do a zone change on that. So the answer to  
17 zone change, twice. How many times have I been before  
18 this board, three times.

19 MR. SLIGER: How many developments have  
20 you done --

21 MR. MEARS: In my career?

22 MR. SLIGER: -- have you started in  
23 Simpson County? Any? Have you done any?

24 MR. MEARS: Oh, in Simpson County? Well,  
25 I would consider my V.F.W. property to be one, because

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1 we're going forward with our entitlements. And this  
2 would be the second.

3 MR. SLIGER: Is that the -- what were you  
4 doing there? I can't recall what the project is.

5 MR. MEARS: On that one, we have two  
6 point -- I think it's two-point-one-seven acres of  
7 commercial --

8 MADAM CHAIRPERSON: Uh-huh.

9 MR. MEARS: -- along 31-W, Nashville  
10 Road.

11 MR. SLIGER: Is that beside the bingo  
12 hall there? Okay.

13 MR. MUNDAY: Next to Lowe's.

14 MR. MEARS: Right next to Lowe's. Right  
15 next to Lowe's.

16 MR. SLIGER: Oh, okay.

17 MR. MEARS: Then it goes all the way to  
18 Macedonia.

19 MR. SLIGER: I got you. I remember now.  
20 I was trying to think what all projects  
21 you was -- you had been involved.

22 MR. MEARS: So actively, it would be just  
23 that one --

24 MADAM CHAIRPERSON: Uh-huh.

25 MR. MEARS: -- and this one.

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1 MR. SLIGER: Okay.

2 MR. MEARS: And that's enough for me.

3 MR. SLIGER: But you plan to develop

4 this?

5 MR. MEARS: Yes.

6 MADAM CHAIRPERSON: Anyone else? Okay.

7 With no other questions and with no other

8 commentary from our public, I am prepared to move

9 forward with zone changes.

10 I'm prepared to take a motion for --

11 okay -- a zone change for

12 forty-seven-point-eighty-six-nine acres of property

13 fronting Highway 100, Scottsville Road, from Agriculture

14 to B4, Highway Business, that's for

15 eight-point-seven-five-seven acres, R2, Townhouse

16 Dwelling Units, for seven-point-seven-four-four acres,

17 and then across the street for

18 eight-point-two-eight-nine acres, and then in the back

19 area of this particular piece of land, R1-S, Single

20 Family Residential, and that's for approximately

21 twenty-three acres.

22 And prepared to take a motion for those

23 zone changes and also the Findings of Facts and

24 Conclusions of Law.

25 MR. SLIGER: I'll make a motion to accept

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1 the requested zone change for

2 forty-seven-point-eight-six-nine acres of property on

3 Highway 100 from Ag to B4 to -- for

4 eight-point-seven-five acres for R2,

5 seven-point-seven-four-four acres and

6 eight-point-two-eight-nine acres, for R1-S for

7 twenty-three point-o-eight-o acres and accept the

8 Findings of Facts and Conclusions of Law.

9 MADAM CHAIRPERSON: Well said, Mr.

10 Sliger.

11 Mr. Sliger has put a motion on the floor.

12 Is there a second?

13 MR. WEISSINGER: Second.

14 MADAM CHAIRPERSON: Mr. Weissinger has

15 seconded the motion.

16 Is there any further discussion before we

17 take a vote?

18 All in favor of accepting the zone

19 changes requested, which we have aforementioned for the

20 forty-seven-point-eight-six acres for Ms. Summers -- for

21 Louise Summers, L.L.C. -- L. L. Summers Testamentary

22 Trust, all -- and accepting the Findings of Fact and

23 Conclusions of Law, all in favor say aye.

24 UNDISCERNIBLE VOICES: Aye.

25 MADAM CHAIRPERSON: Aye.

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1 Any opposition?

2 Zone change is passed. Motion passes.

3 MR. MEARS: Thank you.

4 MADAM CHAIRPERSON: Congratulations.

5 MS. EAST: Thank you.

6 MADAM CHAIRPERSON: And could I get a

7 motion that we exit the public hearing?

8 MR. KONOW: So moved.

9 MADAM CHAIRPERSON: Mr. Konow has asked

10 that we exit the public hearing.

11 Do we have a second?

12 MR. WILSON: Second.

13 MADAM CHAIRPERSON: With no further

14 discussion, this public meeting is adjourned. This

15 meeting is adjourned.

16 (Whereupon the public hearing concluded at 7:32 p.m.)

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