The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, February 12, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Jimmy Gilles
Scott Jagoe
Sister Vivian Bowles
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: I would like to call the February 12th, Abraham Lincoln's birthday meeting. Our invocation will be given by Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the January 8, 2004 meeting. Are there any additions, corrections or questions from the audience or the commission?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
MS. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.

MR. CAMBRON: Second.

CHAIRMAN: Second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries unanimously.

Mr. Noffsinger.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

4514 Goetz Drive
Building Construction
Consider comments regarding the construction of a new building addition and renovations at Burns Elementary School.
Referred by: Daviess County Board of Education

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find no conflict with the Comprehensive Plan and recommend we forward a letter to that affect to the Daviess County Board of Education.

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

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(270) 683-7383
CHAIRMAN: Anybody in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

SISTER VIVIAN: I move for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

MR. JAGOE: Second.

CHAIRMAN: Second by Mr. Jagoe. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

2909 KY 54
Building Construction
Consider comments regarding the construction of a new building addition and renovations at Highland Elementary School.
Referred by: Daviess County Board of Education.

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find no conflict with the Comprehensive Plan and recommend you forward a letter to that affect to the Daviess County Board of Education.

CHAIRMAN: Are there any questions or
comments from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: From the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

DR. BOTHWELL: Motion to approve.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. GILLES: Second.

CHAIRMAN: Second by Mr. Gilles. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 4

6104 KY 405
Building Construction
Consider comments regarding the construction of a new building addition and renovations at East View Elementary School.
Referred by: Daviess County Board of Education

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find no conflict with the adopted Comprehensive Plan. Would recommend we forward a letter to that affect to the Daviess County Board of Education.

CHAIRMAN: Any questions?

(NO RESPONSE)
CHAIRMAN: Questions from the commission?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.
MR. HAYDEN: Make motion for approval.
CHAIRMAN: Motion for approval by Mr. Hayden.
DR. BOTHWELL: Second.
CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item, please.

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ZONING CHANGES - CITY

ITEM 5

4000 Frederica Street, 1.85 acres
Consider zoning change: From B-4 General Business (with conditions) to B-4 General Business
Applicant: Moore Properties, c/o Don P. Moore III

MR. ELLIOTT: State your name, please.
MS. STONE: Becky Stone.
(MS. BECKY STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS
Staff recommends approval because the proposal is in compliance with the community's adopted

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Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Approval of a final development plan;

2. No direct access from Frederica Street to the subject property shall be permitted. Access to the subject property from Frederica Street shall be through the adjoining shopping center to the south of the subject property as shown on the submitted development plan; and,

3. Provide access easement to the Goetz property to the north of the subject property;

4. Submission and approval of a consolidation/property division plat combining the subject property with the existing Sherwood Plaza shopping center and creation of one out-lot as depicted on the final development plan.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very limited locations;

2. The subject property is currently zoned B-4 General Business with conditions;

3. The subject property is adjacent to existing
B-4 General Business zoning to the south; and

4. The applicant's proposal will not increase the extent of B-4 General Business zoning within the area and will not overburden roadway capacity or other necessary urban services that are available or planned in the affected area.

MS. STONE: We would like the Staff Report entered into the record as Exhibit A.

CHAIRMAN: Anybody here representing the applicant?

MR. ELLIOTT: State your name, please.

MR. HUTCHINSON: Randy Hutchinson.

(MR. RANDY HUTCHINSON SWORN BY ATTORNEY.)

MR. HUTCHINSON: Mr. Chairman, Members of the Commission, I'm representing Moore Properties. Don and John Moore are here to answer any questions you might have.

We've been working with the neighbors surrounding this property and reached some agreements concerning some of the conditions that were originally imposed will be reimposed. Charlie Kamuf is here representing those neighbors. I think he would like to read into the record the conditions we've agreed to as part of this result.

If there are any questions for us, we'll
be glad to answer them.

CHAIRMAN: Let's go ahead and get Mr. Kamuf and then we'll see if there's any questions.

MR. ELLIOTT: State your name for the record, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLIE KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: Conditions for the rezoning of the Moore property on Frederica Street:

1) Adjoining property to the north of the Goetz property shall be granted a 36-feet clear paved access easement across the subject property by revised final development plan approved by OMPC. That's on your agenda tonight. So that the Goetz property shall have vehicular access from Frederica Street across and through the subject property.

2) The Applicant, Moore, shall place 13 trees. The type of all trees shall comply with OMPC landscaping ordinance along the northern boundary of the subject property beginning at a point approximately 90-feet from the front corner end of existing stockade fence extending westwardly along the Goetz property where the present stockade fence is located to allow screening for the Goetz property.

3) Any additional directional lighting
shall be placed on the subject property so that the
lighting will be directed to the south on to the Moore
property.

4) The Applicant, Moore, shall replace the
existing stockade fence along the northern boundary
line with a 6-foot fence or an 8-foot stockade fence,
whichever is requested by the Goetz, and maintain said
fence. In addition, the Applicant shall repair the
remaining fence along the back northerly boundary of
the subject property and maintain said fence. This is
the condition to the rear of the property.

5) The Applicant shall construct an 8-foot
fence along the west boundary of the subject property
with a 40-foot extension north of the subject
property.

These are items and they've been attached
and made a note upon the development plan. This is
the agreement that we had with Moore.

CHAIRMAN: Thank you, Mr. Kamuf.

MS. STONE: The applicant has added those
conditions to the proposed final development plan
agreed to with the adjoining neighbors. They aren't
OMPC requirements on the development plan, but they
have worked out an agreement for those items and the applicant has included them on the final development plan that's the next item on the agenda.

CHAIRMAN: Thank you very much.

Are there any questions from anybody in the audience of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, with Condition 1 through 4 and Findings of Fact 1 through 4, and I guess what Mr. Kamuf read into the minutes here.

CHAIRMAN: Do I have a second?

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item please.

Related Item:

ITEM 5A

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(270) 683-7383
Sherwood Plaza, 9.44 acres
Consider approval of combined major subdivision
preliminary plat/final development plan.
Applicant: Moore Properties, c/o Don P. Moore III

MR. NOFFSINGER: Mr. Chairman, this
development plan has been reviewed by the Planning
Staff and by the Engineering Staff. It's found to be
in order.

It is a welcome improvement to the
property. The applicant has done an outstanding job
in terms of addressing pedestrian movements in that
area along Frederica Street as well as trying to
direct the flow of traffic at a congested intersection
at Time Drive that some of us, probably most of us are
familiar with, as well as additional landscaping,
interior landscaping and perimeter.

There are some notations on the plan that,
again, we would note for the record are not OMPC
requirements, but they are requirements or agreements
reached between the applicant and the adjoining
property owner. Those are noted and they deal with
screening along the Goetz property boundary. With
that it's ready for approval.

CHAIRMAN: Does anybody in the audience
have any questions of the applicant?

(NO RESPONSE)
CHAIRMAN: Does the commission have questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. GILLES: Second.

CHAIRMAN: Second by Mr. Gilles. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Next item, please.

ITEM 6

316 West Fifth Street, 0.316 acres
Consider zoning change: From B-4 General Business to B-2 Central Business.
Applicant: Fifth Third Bank, Indiana (Southern), Ben Eddie, Real Estate Manager, Audubon Loans, Inc., Terry Dukes, President

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

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Condition:

1. Access to West Fifth Street shall be limited as per the standards of the Access Management Manual.

Findings of Fact:

1. The subject property is located in a Central Business Plan Area, where central business uses are appropriate in general locations;

2. The subject property adjoins B-2 zoning to the east, west, north and south; and,

3. The proposed zoning of B-2 Central Business is a more appropriate zone for the subject property than the B-4 General Business zone as the property is located in a Central Business Plan Area.

Ms. Stone: We'd like the Staff Report entered as Exhibit B.

Chairman: Do we have anybody representing the applicant?

Mr. Elliott: State your name, please.

Mr. Poteat: Steve Poteat.

(Mr. Steve Poteat sworn by attorney.)

Mr. Poteat: Mr. Chairman, I'm here to answer any questions, if there are any, about this application. We obviously think it's going to be a big improvement for downtown Owensboro.

Chairman: Let's see if there are any
questions. If there are, I will call upon you.

Does anybody from the audience have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Mr. Poteat, thank you very much.

MR. CAMBRON: Is chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, on Condition 1 and Findings of Fact 1 through 3. I look forward to that building coming down.

SISTER VIVIAN: I second that.

CHAIRMAN: We've got a motion for approval by Mr. Cambron. We've got a second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Thank you.

Next item, please.

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ZONING CHANGES - COUNTY

Ohio Valley Reporting
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ITEM 7

3123, 3151, 3175, 3211 KY 54, Portions of 3441, 3509 Fairview Drive, 34.0+ acres

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Access to KY 54 shall be limited to a single point aligned with Villa Point;

2. Construction of a westbound 200-foot long right-turn deceleration/storage lane into the proposed access entrance from KY 54;

3. Continuation of the street network by providing a street extension constructed to public improvement specifications except for horizontal radius beginning at the western terminus of Mount Moriah Avenue and continuing through the subject property as proposed on the preliminary development plan submitted in conjunction with the zoning request;

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4. Continuation of the pedestrian sidewalks along the south side of the street extension and along the east and west sides of the access driveway connecting to the existing sidewalk system on KY 54, and continuation of the sidewalk system along the north side of the proposed street extension to the first access to subject site parking area;

5. Public access easement shall be granted to the adjoining Hagan, Adams and Commonwealth of Kentucky properties for cross access between adjoining developments;

6. Submission and approval of a final development plan; and,

7. Prior to the issuance of a building permit, surety shall be posted for all improvements associated with the extension of Mount Moriah Avenue and the main entrance drive to KY 54, the right-turn deceleration/storage lane, drainage improvements and landscaping.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;

2. The subject property adjoins B-4 General Business zoning to the east and is contiguous to B-4
General Business zoning to the south across KY 54;

3. With the location of the access driveway aligned with Villa Point, proposed right-turn lane on KY 54, the continuation of an internal street and sidewalk connection from Mount Moriah Avenue through the subject development's main entrance drive to KY 54, and the public access easements connecting to adjoining properties, the request is a logical expansion of existing B-4 General Business zoning that will not significantly increase the extent of the General Business zone in the vicinity and should not overburden the capacity of existing roadways or other necessary urban services available in the affected area; and,

4. The Traffic Impact Study prepared by the applicant, SITE, Inc. contends that an adequate level of service of KY 54, Fairview Drive and at the studied intersections can be maintained with the implementation of the improvements recommended to be completed by the developer as proposed on the preliminary development plan.

MS. STONE: We'd like the Staff Report entered as Exhibit C into the record.

CHAIRMAN: Do we have anybody representing the applicant?
MR. ELLIOTT: State your name, please.

MS. HENRY: Kim Henry.

(MS. KIM HENRY SWORN BY ATTORNEY.)

MS. HENRY: I'm with SITE, Incorporated and we're here to answer any questions that anyone may have.

CHAIRMAN: Thank you very much. Does anybody from the audience have a question of the applicant?

Please come to the mike.

MR. ELLIOTT: State your name, please.

MR. ADAMS: My name is Linville Adams. I'm an adjacent property owner.

(MR. LINVILLE ADAMS SWORN BY ATTORNEY.)

MR. ADAMS: I'm an adjacent property owner. I had talked to Kim earlier about a consideration that we've got about some trees that are on the property line. They're proposing to change elevation of the land. We've got a concern about what's going to happen to those trees and the liability that would be left with it. She said that she would contact me next week and I just want to put in the record that that's a consideration we need.

CHAIRMAN: Is that your only consideration, Mr. Adams?
MR. ADAMS: At this time.

CHAIRMAN: Would you be seated and give
her a chance to respond, please?

MS. HENRY: I did speak with Mr. Adams
this afternoon. Our survey crew is in Owensboro and
they're going to go out and locate those trees
tomorrow. So we'll be able to give him an answer one
way or the other next week what we can do with those.

DR. BOTHWELL: Mr. Chairman, I think we
need to make aware this is a preliminary. Not a final
plan. Subject to change, as your concerns are. Just
want to bring that out.

CHAIRMAN: Are there any other questions
from the audience of the applicant?

MR. MASSEY: Yes.

CHAIRMAN: Please step to the mike.

MR. ELLIOTT: State your name, please.

MR. MASSIE: My name is Tom Massie.

(MR. TOM MASSIE SWORN BY ATTORNEY.)

MR. MASSIE: I'm also adjacent to the
property. My property backs up to the road site. I
was just wondering what type of easement, what type of
blockage? Is it going to be a wall of hedges or what
will be between the two properties?

MR. CAMBRON: Tom, can you tell me where
you're at exactly?

MR. MASSIE: Beg your pardon?

MR. CAMBRON: Can you tell me where you're at? I'm looking at a map here, but I don't see your name on here. Maybe I missed it.

MR. MASSIE: My property is 2969 Turfway.

MS. HENRY: Number 27. Belmont Park Subdivision.

MR. CAMBRON: Okay. I do see it. Thank you.

MR. ELLIOTT: State your name, please?

MR. BERRY: My name is Grant Berry.

(MR. GRANT BERRY SWORN BY ATTORNEY.)

MR. BERRY: In the area in question adjacent to this gentleman's property as well as all areas where the subject property will be bounding residential or agricultural zoning for the landscaping ordinance will be having a 10-foot landscaping and screening buffer at those property areas. The buffer will include screening trees in order to maintain 50 percent coverage during the winter months. In addition to that, either a 6-foot tall hedge row, 6-foot tall fence or wall will be constructed. At this preliminary state we have yet to determine the exact nature of what will be constructed, but it will
be constructed in order to meet the buffer
requirements.

CHAIRMAN: Thank you.

MR. MASSIE: A lot of our neighbors feel
concerned that if it's not something solid like a
concrete wall, shoplifters coming from Wal-Mart and
stuff could possibly run through our neighborhoods and
propose a danger to our children and to ourselves. So
we would like something more substantial than a bush
or a hedge, you know, also kids going through our
yards to get to Wal-Mart. You know, we would like
something more substantial to block traffic coming in
and out of that area just for our protection and for
your protection to. It would be safer for Wal-Mart.
My concern was also landscaping, the cutting down of
the trees. You know, the blockage. On the
landscaping proposal, landscaping site, I think it's
just a proposal, but the ball Cyprus and maples, some
of those things in winter, any coverage in wintertime.

Also wondering about like the delivery
schedules of the semis and stuff like that, would you
have those type of answers?

MS. HENRY: If I could propose that --

CHAIRMAN: Yes. Please return to the
podium.

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MS. HENRY: —— we meet with the adjacent property owners. I propose that we would meet with the property owners and discuss this with them and then come back on the final with the specifics of this.

CHAIRMAN: Yes, ma'am. I think that's very much in order.

Are there any other questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

MR. CAMBRON: I have some questions about the impact of the traffic.

I'm sorry, I think he has another question.

MR. MASSIE: One more point. On Fairview Drive, will there be a turn lane into Moriah?

MS. HENRY: Yes.

CHAIRMAN: Thank you.

MR. CAMBRON: I have questions about the impact of the traffic out there. The traffic is pretty bad right now. What's your study showing at this point in time? Do you have something to submit?

MS. HENRY: Yes. We have submitted a full Ohio Valley Reporting (270) 683-7383
traffic study that was included with the proposal. I think there may actually be some excerpt from that in the Staff Recommendation, but it was our findings that with the improvements we're proposing they would adequately handle the traffic.

MR. CAMBRON: Do you know what the traffic count is going to come up to when you all come in there?

MS. HENRY: There are about 14,000 additional trips into and out of the proposed land.

MR. CAMBRON: What's the traffic count on that road right now; do you know?

MS. HENRY: 29,000.

MR. CAMBRON: 29,000 and then you add 14 to it. Is that what you're saying?

MS. HENRY: Throughout the entire day.

MR. CAMBRON: Right. So we're looking at somewhere around 45,000 cars.

MR. APPLEBY: Some of that traffic is on that road.

MR. CAMBRON: Right. I'm saying a total is what I'm saying.

Is there proposed to be a light there or not, Mr. Noffsinger?

MS. HENRY: There is a signal.
MR. NOFFSINGER: There is a traffic signal at Villa Point. I think what Ms. Henry is trying to relay is that there will be additional 14,000 vehicles utilizing that particular intersection.

MS. HENRY: They will be going into and out of the development. Either the Moriah entrance or through the signalized entrance.

MR. NOFFSINGER: You're not necessarily saying there will be an additional 14,000 vehicles per day on 54?

MS. HENRY: Right. Excuse me, I'm sorry. 14,000 trips. So that's 7,000 give or take.

MR. CAMBRON: Your traffic study was done by who?

MS. HENRY: SITE, Incorporated.

MR. CAMBRON: When they do that, and you have to educate me here a little, but do they do that in conjunction with the state too?

MS. HENRY: Yes. I am with SITE, Incorporated also. Our traffic engineers did that. Yes, they have been in discussions with the state.

CHAIRMAN: Are there any other questions from the -- Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, I would
like to clarify for the record that the turn lane that
was described on Fairview Drive will be a left turn
lane from 54 and not a right turn lane from the Downs
Development.

MS. HENRY: Correct.

MR. CAMBRON: The traffic study, you have
that complete there, Mr. Noffsinger?

MR. NOFFSINGER: Yes, sir.

MR. APPLEBY: I take it that was reviewed
by GRADD and by the county and city engineer?

MR. NOFFSINGER: Yes, sir, that is
correct. By the Green River Area Development
District, and they are the transportation planners for
Owensboro and Daviess County. As well as there is a
summary of the traffic impact study contained in the
Staff Report that was mailed to each of the
commissioners; however, the folks out in the audience,
you may or may not be aware of that Staff Report. The
Staff prepares more than just what Mrs. Stone read
into the record. We do prepare a detailed report that
was not read into the record, but we did describe that
transportation impact study.

CHAIRMAN: Are there any other questions
from the commission or the audience?

(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.

DR. BOTHWELL: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

MR. APPLEBY: Don't we have to have conditions and findings of fact?

CHAIRMAN: Yes, we do. I'm sorry. Dr. Bothwell.

DR. BOTHWELL: I'm sorry. Excuse me. Conditions 1 through 7 and Findings of Fact 1 through 4. Add that to my motion for approval.

CHAIRMAN: We'll take your motion with your amendments.

Mr. Hayden, I assume you still have a second?

MR. HAYDEN: Second.

CHAIRMAN: Now we're ready. Thank you, Mr. Appleby.

All in favor raise your right hand.

(SEVEN COMMISSION MEMBERS PRESENT - DAVID Ohio Valley Reporting
(270) 683-7383)
APPLEBY, JIMMY GILLES, SCOTT JAGOE, SISER VIVIAN
BOWLES, DREW KIRKLAND, DR. BOTHWELL AND MARTIN HAYDEN
- RAISED THEIR RIGHT HAND.)

CHAIRMAN: Seven for. All opposed.

(OONE COMMISSION MEMBER PRESENT - NICK CAMBRON - RAISED THEIR HAND.)

CHAIRMAN: One against. Motion carries.

Next item, please.

Related Item:

ITEM 7A

3101 Block KY 54, 34.0+ acres
Consider approval of preliminary development plan.

MR. NOFFSINGER: Mr. Chairman, this is a preliminary development plan as noted by Dr. Bothwell. The applicant will not be able to obtain building permits on this plan. They will have to come back to this commission with the final development plan that provides quite detail the development on that property. Again, this is just a preliminary development plan. It's been reviewed by the city and county engineers as well as the Planning Staff and the GRADD Staff. It's found to be in order and ready for consideration.

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CHAIRMAN: Do you have anybody representing the applicant?

MS. HENRY: Yes.

CHAIRMAN: Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. HAYDEN: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(SEVEM COMMISSION MEMBERS PRESENT - DAVID APPLEBY, JIMMY GILLES, SCOTT JAGOE, SISTER VIVIAN BOWLES, DREW KIRKLAND, DR. BOTHWELL AND MARTIN HAYDEN - RAISED THEIR HANDS.)

CHAIRMAN: We've got seven for. All opposed.

(ONE COMMISSION MEMBER PRESENT - NICK CAMBRON - RAISED HIS HAND.)
CHAIRMAN: One against. Seven to one.

Motion carries.

Next item, please.

PERSON IN AUDIENCE: Did you not ask for any comments?

CHAIRMAN: Yes, sir, we did. The motion has already carried. She'll be glad to talk with you afterwards.

Next item, please.

ITEM 8

4639 KY 54 (PORTION), 2.76+ acres
Consider zoning change: From R-1A Single-Family Residential to A-U Urban Agriculture
Applicant: Wendy Gupta

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. No new access drives to KY 54 shall be permitted. Access shall be shared between the two lots proposed to be created.

Findings of Fact:

1. The subject property is located in an Urban...
Residential Plan Area, where rural small lot residential uses are appropriate in general locations;

2. Each dwelling will be located on its own individual lot that fronts on a public road; and,

3. Proposed lots will be large enough in size to assure satisfactory operation of a conventional septic tank system as regulated by state law.

MS. STONE: We would like the Staff Report entered as Exhibit D.

CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions or comments from the audience?

(NO RESPONSE)

CHAIRMAN: Do we have any from the commission?

DR. BOTHWELL: Mr. Chairman, I have one quick question. We've discussed the flag lot in many instances. This strikes me as being exactly that. Correct me if I'm not --

MS. STONE: The lot that looks like it's a flag lot would actually be an agricultural division because it's going to contain over ten acres. Those types of agricultural divisions are exempt from those
regulations on lots that are created under ten acres.

DR. BOTHWELL: Okay. You answered my question. Thank you.

CHAIRMAN: Do we have any other further questions or comments?

(NO RESPONSE)

MR. CAMBRON: Is chair ready for a motion?

CHAIRMAN: If not chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, on Condition 1 and Findings of Fact 1 through 3.

CHAIRMAN: We've got a motion for approval by Mr. Cambron.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: This motion carries unanimously.

Next item, please.

ITEM 9

2901-3101 Blocks, Portion of 3135 Settles Road, 52.122 acres
Consider zoning change: From A-U Urban Agriculture to R-1C Single-Family Residential
Applicant: JMP/Lake Forest, Inc., George Wallace Thacker

Ohio Valley Reporting
(270) 683-7383
PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. Provide an eastbound left turn lane and a westbound right turn lane at the intersection of Lake Forest Drive and Settles Road per GRADD Transportation Planner recommendation in accordance with Kentucky Department of Transportation standards.

Findings of Fact:

1. The subject property is located within a Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;
   2. The subject property adjoins R-1C zones; and
   3. A preliminary subdivision plat has been submitted for consideration indicating sanitary sewers are available to the site and providing for a left and right turn lane at the intersection of proposed Lake Forest Drive and Settles Road.

MS. STONE: We would like this entered as Exhibit E.

CHAIRMAN: Is anybody representing the
applicant?

MR. PEDLEY: Yes.

CHAIRMAN: Does anybody in the audience have any questions of the applicant?

MR. GRIFFITH: Yes.

CHAIRMAN: Please step to the podium and be sworn in.

MR. ELLIOTT: State your name, please.

MR. GRIFFITH: My name is John Griffith.

(MR. JOHN GRIFFITH SWORN BY ATTORNEY.)

MR. GRIFFITH: I represent the Steeplechase Homeowners Association. I'm not sure whether we should be speaking to 9 or 9A so we can combine those two items.

Our concern is with the plans for the development of the Lake Forest area. As we understand and as the map has indicated that we have received copies of, particular concerns that we have is the extension of Derby Chase Road which is a street in the Steeplechase Development.

Presently there are no homes located on that particular street; although, there are homes sitting on that street. It's our understanding that street is to be extended into the Lake Forest area. It's that item that raises concern for those of us who
are in Steeplechase Development.

I have signed petitions here representing 91 residents of that development. We have 77 homes in Steeplechase plus two lots that are owned by Thompson Homes. So our concern is the opening of that development to further traffic, which we feel will result from the continuing of that road, Derby Chase, into the Lake Forest area.

As indicated previously tonight, there is considerable automotive traffic on 54 East. We are just off 54 East between Settles Road and Millers Mill Road. Traffic on those two roads is exceedingly heavy at the present time. Lake Forest development as planned would add significantly to the traffic on Settles Road. We feel that it would be a very strong likelihood that traffic would divert through Steeplechase to avoid some of the build-up of traffic on Settles Road. Therefore we are deeply concerned about the increased traffic in the Steeplechase neighborhood. We would hope that road would not be extended.

CHAIRMAN: Thank you.

MR. GRIFFITH: We also are questioning there are trees on the main property line which would be our hope and desire to maintain that would not be
removed.

We have many people that have moved into Steeplechase Development and there are several here tonight who have moved into Steeplechase because it is a relatively secure community with only one access and egress road directly into Steeplechase. If we add another road, we are going to be adding a lot more traffic. We feel we're going to decrease the personal safety and security of this Steeplechase neighborhood. I'd be glad to respond to any comments or questions you may have.

CHAIRMAN: Thank you. I believe our next action will be to bring Mr. Pedley to the podium to respond.

MR. GRIFFITH: Thank you, sir.

CHAIRMAN: Mr. Pedley.

MR. ELLIOTT: State your name, please.

MR. PEDLEY: Ward Pedley.

(MR. WARD PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: I believe that the design to stub the street into the Lake Forest project was made when they developed Steeplechase to the back of the farm where it continued what was planned and designed when Steeplechase was developed. That's about the only comment I have on that. It's not our design. It
was Steeplechase's design.

When we develop and stubbed into that, there's still a portion of land that's not tied in. I understand it's Thompson's obligation to eventually tie once we stub into the property line in the back of the farm.

There are a lot of trees in that area. It's our intent to preserve every tree possible.

As far as Settles Road, there was a study done by GRADD. They have a recommendation that is before you. Settle Road carries approximately 450 vehicles per day. Transportation Plan recommends that a right and left turn lanes be installed on Settles Road at the intersection of Lake Forest Drive. That's per GRADD. That is on our development plan and that's what we will be doing.

As far as Lake Forest, there will eventually be six exits out of Lake Forest. Entrance and exits out of Lake Forest. Now at this time the Brooks Subdivision is being developed. That will carry traffic out of Lake Forest to Fairview Drive. So major part of Lake Forest will be exiting out through the Brooks Subdivision to Fairview Drive.

There's three or four other areas planned that will eventually have an exit out of Lake Forest.
So as far as the burden of Highway 54, it will probably lessen the way it is today.

Everything we're doing meets the Comprehensive Plan. You have the development plan before you and we're meeting GRADD's requirements. Basically that's about all we can do.

CHAIRMAN: Thank you, Mr. Pedley.

MR. APPLEBY: Mr. Pedley, did you say that at present Derby Chase over on the Steeplechase side doesn't extend to the property line?

MR. PEDLEY: No. There's an outer loop spacing in there for future, what they call outer loop. Thompson did not extend that through that area because it is reserved for an outer loop. It didn't serve his needs and there was no reason to do it. It would not go anywhere. Now that we're stubbing our property to the property line and the back of the farm, that could be brought across and tied in.

MR. APPLEBY: Your active studying the street to the property line doesn't make that a through connector?

MR. PEDLEY: No, it does not. It's not our intention to do so.

MS. STONE: There is a bond in place for that connection though. The right-of-way is stubbed
to the street and there's a bond in place for that.

MR. CAMBRON: If I can clarify something.

You said 450. It's 4,500 cars per day.

MR. PEDLEY: Yes. Settles Road carries approximately 4500 vehicles per day.

MR. CAMBRON: The way I'm understanding, is that right, Dave, that the rest of that road will have to be developed by Mr. Thompson at that point? They bring it up to the property line and at that point in time, of course, the bond is there so regardless if he does it or not it has to be done; is that right?

MS. STONE: Yes.

MR. PEDLEY: Does anyone have any more questions?

(NO RESPONSE)

CHAIRMAN: Thank you, Mr. Pedley.

Mr. Noffsinger, would you confirm what Mr. Pedley had said there about Derby Chase and the original plot plan?

MR. NOFFSINGER: Yes, sir. What Mr. Pedley conveyed to the public is correct. This connector was proposed when Steeplechase Development was being planned in its infancy. That has not changed. The Lake Forest Development would not change
that. It just so happens that Lake Forest Development is moving up toward the direction of Steeplechase. They will be required to stub their proposed street to that property line. We are holding surety. The county is holding surety to make that connection once it becomes feasible to do so. This may very well accelerate it.

However, the extension connection is in compliance with the comprehensive plan to connect neighborhoods. It's important for neighborhoods to connect so that we do not over burden capacity of our major arterials and collectors and thoroughfares.

You have folks that live in Steeplechase and children that live in Steeplechase that may have friends that live in Lake Forest. The Comprehensive Plan speaks about the importance of pedestrian connections, sidewalks between developments so that the children in those developments can go back and forth to visit their friends rather than having to get out onto the public right of ways or more dangerous, more heavily traveled, or cross private property. It's also there should those that drive want to go back and forth. Perhaps they have friends or reason to go to the adjoining development. So you can go without having to go all the way around and use major...
roadways. It lessens congestion. It provides for a healthier environment.

The connections would be a local connection. It would not, should not serve as a major thoroughfare. It's designed as a local street. It's not a direct route to 54 or Settles Road. You would have to meander through both developments to go from one to the other. The proposal is in compliance with the adopted Comprehensive Plan.

MR. APPLEBY: I have a question, Gary. If I understood Mr. Pedley correctly, that property that immediately adjoins this side of Lake Forest is the proposed route of the proposed outer loop; is that right?

MR. NOFFSINGER: Yes, sir. That is correct. When Steeplechase Development was proposed there was an area of open space reserved so that the proposed outer boulevard some day in the future, can't give you a time table, could be located in that area. It hasn't been dedicated to the public. It remains as an open space. The outer boulevard is that roadway that would run from say Carter Road along Southtown Boulevard near the community college and then eventually connect with Thruston-Dermont Road. That is a critical part of the transportation plan for this
community.

DR. BOTHWELL: Mr. Noffsinger, so what you're saying is the connection on Derby Chase is already bond. When they stub off, that's going to happen regardless? That's bonded with the county and that will be -- that's already been set aside previously, correct?

MR. NOFFSINGER: Yes, for that connection to be paved between the two developments.

DR. BOTHWELL: This land that's called Common Area, I assume that's where the outer loop or the connector is going to occur; is that correct?

MR. NOFFSINGER: Yes, sir.

DR. BOTHWELL: You say that has not been deeded to the county or city or to the public I should say?

MR. NOFFSINGER: That is correct.

DR. BOTHWELL: Who owns that land now?

MR. NOFFSINGER: I'm not sure in terms of ownership. It may be the developer who still retains ownership with the Common Area, in that area, and that would be Tommy Thompson.

DR. BOTHWELL: But this is planned down the road to be a loop at some point in the future, correct?
MR. NOFFSINGER: Yes, sir.

DR. BOTHWELL: So that road will be coming through whether or not Derby Chase goes through or not?

MR. NOFFSINGER: That is the plan, yes, sir.

MR. CAMBRON: Mr. Pedley, can I ask a question? Will you all start from Spring Ridge Parkway and work your way east? Is that how you'll do that? So you work from the east side of the property towards the west?

MR. PEDLEY: No. Presently we're going to Settles Road. Lake Forest Drive ties to Settles Road and we will go east back towards Spring run or Spring Ridge Parkway. That development in the wooded area that's tied in Derby Chase tie-in is probably about three years down the road from our plans, maybe four years.

MR. CAMBRON: I understand. Depends on the economy, right?

MR. PEDLEY: Yes.

MR. CAMBRON: The whole development here, how long are you looking before that's all sold out?

MR. PEDLEY: Five years.
MR. CAMBRON: Thank you.

CHAIRMAN: Are there any other questions?

MR. LEE: Yes.

MR. ELLIOTT: State your name, please.

MR. LEE: Bill Lee.

(MR. BILL LEE SWORN BY ATTORNEY.)

MR. LEE: On that outer loop that's going through there, will it go over Derby Chase or will Derby Chase cease to exist?

MR. NOFFSINGER: Derby Chase will connect to the outer loop. So there will be a connection at grade intersection so that both ends at Derby Chase will connect with the outer loop.

MR. LEE: In other words, will become a speedway.

MR. NOFFSINGER: Right. There will be a stop at both sides.

MR. LEE: That's what we were trying to stop was a speedway.

MR. HAYDEN: Gary, is that for sure or is that just proposed?

MR. NOFFSINGER: What I've discussed here would be the current proposed layout. There's no time table. No funding. This location was determined, well, it was actually a realignment of a previous
alignment. When Steeplechase was proposed, the outer
boulevard was going to be located more toward the east
and then you cut through the property of Steeplechase,
maybe right through the heart of it. It was
negotiated and there was a new alignment proposed that
shifted it to the west so that it would not cut
directly through Steeplechase. That it would be on
the fringe of the Steeplechase development.

DR. BOTHWELL: One question, Mr.

Noffsinger. Whether or not this Derby Chase, which is
stubbed off now, goes into Lake Forest, it's still
going to connect some day to this outer loop. There's
no way around that. It's going to run right up to it.

MR. NOFFSINGER: That's correct. If the
outer loop is located where it's currently planned,
then Derby Chase would connect.

MR. LEE: We were --

CHAIRMAN: Sir, if you've got a comment

you need to go to the mike.

MR. LEE: Then there's about 80 some
homeowners that were lied to. We were all told one
exit only when we bought our house.

CHAIRMAN: This board of commission cannot
address that. That's nothing that we can address.

Here is the plan and here is the way it's drawn up.
You did have a street that is stubbed out in another direction. That's nothing that this commission can address.

MR. CAMBRON: I think, Mr. Chairman, we went through this, and correct me, didn't we go through this when Lake Forest was first proposed and that street came through Woodlands there? Do you remember that? Basically the same thing. Where Woodlands had a street that stubbed through there. I don't remember what the name of the street was, but these streets are meant to connect eventually sometime.

CHAIRMAN: Does anybody else have any other questions or comments?

MR. FULTON: Yes.

MR. ELLIOTT: State your name, please.

MR. FULTON: Bill Fulton.

(MR. BILL FULTON SWORN BY ATTORNEY.)

MR. FULTON: Mr. Chairman, I live on the south side across the street from Settles Road from the property in question. I'm not here to voice any objection to the zoning change request. The only question I have was that as I look at the plat drawing and everything for this annexation and the plans they have for this property, they're going to bring the
street out on Settles Road. It appears to be coming out right in a very, very dangerous, probably the most dangerous part. Settles is basically straight except for one dog leg turn. Coming out where the plat drawing show, looking eastward you have very, very limited visibility down that way from where this road is going to come out.

Secondly, this dog leg turn has been marked and everything by the state, but we continue to have traffic accidents out there. It's just one after another.

We're concerned that this street for an ingress and egress into the Lake Forest Subdivision is going to come out right where that dog leg is. The only thing I'm here to is just to voice concern that it's going to maybe precipitate more of a problem than we've already got there with that. We thought a long time ago if the state was going to straighten that out through there then it wouldn't make too much difference. It would be a lot better. We have some concerns about that. That's all I have to say.

CHAIRMAN: Thank you, Mr. Fulton.

Mr. Noffsinger, could you address that question?

MR. NOFFSINGER: Yes, sir, I believe I
The state as well as the city and county engineer, they reviewed the proposed location where Lake Forest Drive will intersect with Settles Road. There was a concern about stopping site distance. I do have in the file a letter from the state, notation from the state highway department. This is from Kenny Potts. That there would be a 396 foot stopping site distance each way coming out. So they will be making improvements to the site distance. I think Mr. Pedley talked about cutting a bank back as well as installing right turn decel and storage lane and left turn lane. So they will be making an improvement to that roadway at that intersection. The state as well as the county engineer, they are looking at site distance to make sure it meets at least minimum specifications.

CHAIRMAN: Did that answer your question, Mr. Fulton?

MR. FULTON: Yes.

CHAIRMAN: Are there any further comments or questions?

MR. ELLIOTT: State your name, please.

MR. VOYLE: Kimball Voyle (phonetic).

(MR. VOYLE SWORN BY ATTORNEY.)

MR. VOYLE: I'm with Steeplechase

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Homeowners Association. About the bond, was that bond, was that paid for by Thompson?

MR. NOFFSINGER: Yes, sir.

MR. VOYLE: Can that bond be revoked?

MR. NOFFSINGER: It can be revoked in order to make the connection, to actually make the connection to speed up the process. The money is there to guarantee that that roadway will be connected and continued on. In terms of revoking the bond, yes, the local government could go in and cash in on the bond and make the improvement.

MR. VOYLE: So it's going to go through anyway. We cannot stop it if the bond is revoked, the money is taken away? You say Thompson supplied the money to build the road; is that correct?

MR. NOFFSINGER: I don't want to say that it's not impossible because to answer your question anything is possible, but it would require a new plan of Steeplechase and the developer to go back through the review process and propose that not to connect.

Now, during the review I can tell you Planning Staff as well as the transportation planners that have reviewed would not recommend that the connection be done away with. We highly recommend that connection as we recommend in all developments.
You know, in terms of emergency vehicles in trying to get out of your subdivision, if you were to have an emergency, it's very, very important to have another outlet. If you're isolated to one intersection and that intersection is blocked, it does cause problems with emergency services. To answer your question, yes, anything is possible.

MR. VOYLE: Thank you.

CHAIRMAN: Yes, ma'am.

MR. ELLIOTT: State your name, please.

MR. GRIFFITH: Francis Griffith.

(MRS. FRANCIS GRIFFITH SWORN BY ATTORNEY.)

MRS. GRIFFITH: Just wanted to make actually a couple of comments.

Our entrance has two separate lanes that are double lanes to begin with so it would have to be something quite major to block the entrance.

Secondly, I can't think of the name of the development, but many years ago you all tied two developments together and it comes out on Scotty Road and Landsdowne. The high school kids from Daviess County zip through there. The quality of the people in those areas their homes value has gone down. It is a speedway. It has served no useful purpose connecting those two developments and that is what we
are concerned with in Steeplechase. This has been a longstanding problem cutting through there.

CHAIRMAN: Are there any other comments or questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any from the commission?

(NO RESPONSE)

CHAIRMAN: If not chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, on Condition 1 and Findings of Fact 1 through 3.

CHAIRMAN: Excuse me. I'm sorry, I did not see your hand.

MR. ELLIOTT: State your name, please.

MRS. FUQUA: Kelly Fuqua.

(MRS. KELLY FUQUA SWORN BY ATTORNEY.)

MRS. FUQUA: My family and I just moved in this past June into the Steeplechase Subdivision. We are on the back side of the loop. Our home is directly going to be affected by all of these changes, whether very futuristic or in the near future. We're very upset.

Steeplechase is a wonderful neighborhood for us currently. Our children are aged eight and
five. It's perfect. We're on the back side. There's very little traffic.

No one can predict exactly what is going to occur when these two neighborhoods are connected. No one can predict what it's going to be like when the outer loop is built, if it actually gets to that point.

I realize you said something about the funding is not even in place right now for the outer loop. That's a whole another issue.

When we have Settles Road, why can Settles Road not be expanded? Why isn't somehow instead of making a whole another, a whole different road -- I don't understand that first of all.

My biggest concern right now, like I said, is the safety of my children. There are many children, many young children in Steeplechase. I would venture to say that most of these young families, as my husband and I and our children, moved into Steeplechase because it's a safe neighborhood. It's a loop. There is very little traffic. I would like to maintain that. I realize that things are in the planning process. I want it to be known that there are many people that are not happy about this and the safety of our children is of grave concern.
CHAIRMAN: Does anybody else have any comments or questions?

Yes, sir.

MR. GRIFFITH: I remain the same person.

MR. ELLIOTT: Just state that for the record.

MR. GRIFFITH: John Griffith. I'm the vice president of the board of the Steeplechase Homeowners Association.

I just want to reaffirm that I do have in hand signed petitions of 91 residents of Steeplechase opposing the continuation of Derby Chase. I'd be happy to share these with you. These are legal documents. They are well bounded documents. Every person that signed them had exactly the same comment as Mrs. Fuqua just shared. That we are very concerned about the children in our neighborhood. Plus we have a great many people who use the development for their exercise, walking. The increase of traffic that we are sure is going to happen, as has happened in every development that you have interconnected, traffic cuts through to avoid the major highways. That's just a fact of life. I think we are fooling ourselves if we try to say that won't impact very much on Steeplechase. It will impact significantly. I'm
sorry that we are in a position to of not being able
to have a reconsideration of this continuation of
Derby Chase.

CHAIRMAN: Thank you. Mr. Griffith, I
think you realize the situation of Derby Chase and the
situation that exist, you know, this board really as
far as ruling upon the completion of Derby Chase
really it's basically out of our hands. This was
already preplanned when your subdivision was made.

MR. GRIFFITH: When I hear the word
preplanned that means for ordained and predestine and
unchangeable. I just understood the comment made that
nothing is impossible. If a case can be made to
change it, I think it can be changed. I don't believe
in absolutism. I think we need to be realistic here
and look at the situation as it applies to the people
that are living here.

CHAIRMAN: Unless I'm gravely mistaken, I
don't think this board at this time can do anything
about a bonding that we have.

Mr. Elliott.

MR. ELLIOTT: No.

CHAIRMAN: Thank you. Are there any more
questions or comments from the audience?

(NO RESPONSE)
CHAIRMAN: Does the board have any questions or comments?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. CAMBRON: My motion was to approve this on Condition 1 and Findings of Fact 1 through 3. Also I want everybody to understand that all we're doing is rezoning this property at this point in time. I guess we look at this development plan and I guess maybe this development plan could be changed. I have no idea, but all we're doing is rezoning the property at this point in time. My motion is in the affirmative for that.

CHAIRMAN: We've got a motion for approval by Mr. Cambron.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item

ITEM 9A

Lake Forest, Phase IV, Lots 239-347, 52.122 acres
Consider approval of major subdivision preliminary plat.
Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff as well as GRADD Transportation Staff and the Kentucky Highway Department. It is in order and ready for consideration.

CHAIRMAN: Is there anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

DR. BOTHWELL: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. JAGOE: Second.

CHAIRMAN: Second by Mr. Jagoe. All in favor raise your right hand.

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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DEVELOPMENT PLAN

ITEM 10

3175 Fairview Drive, 0.610 acres (POSTPONED from January meeting)
Consider approval of final development plan.
Applicant: B.C.E. Properties

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. The plan is asking for exception to the Access Management Manual. I believe the applicant is here tonight and may be represented as well as Mrs. Stone from the Planning Staff will have some comments after they give their presentation.

CHAIRMAN: Who do we have representing the applicant?

MR. ELLIOTT: State your name, please.

MR. WILSON: Bill Wilson, Jr.

(MR. BILL WILSON, JR. SWORN BY ATTORNEY.)

MR. WILSON: If I might, I would like to hand out to each of you a copy of the applied for amendment final development plan. This is a reduced version of what Mr. Bryant has.

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Mr. Chairman, Members of the Commission,

Mr. Noffsinger has accurately stated the purpose of this application. It is to add one entrance into the fuel station area out there at Villa Point next to Foodland, Wyndall's Fuel Station, which has only been opened a couple of months. In that short period of time, they've had repeated requests by customers of their store and that come to get fuel, particularly that live to the south of this area down Fairview Drive, which we've heard much about already tonight, the difficulties that people are having in the congestion that apparently is existing and is only going to be intensified at the Villa Point where it comes in off of Fairview Drive.

The original plan was submitted and I think probably approved by this commission prior to there even going to be a Foodland on this property much less the Fifth Third Bank and Independent Bank I think had the old development laid out initially.

The truck traffic and to say nothing of the some 12,000 visits in their store a week is creating a situation or has created over the last couple of months, it's become obvious that the one entrance there at Villa Point they're stacked up right now daily at times trying to get in and out of that or

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trying to get out of that entrance. Considerable
portion of that is caused by the some 500 cars a day
that are getting fuel at these fuel pumps.

It's due for that reason and the request
of many of their customers that they try to come up
with an entrance as close to in compliance as is
possible with the acreage that they have.

I've attempted to show -- Mr. Bryant is
here tonight to speak as to any engineering questions
that you might have as are Ted and Holmer Belcher and
David Conkright, the applicants themselves. We're
asking for this amendment to their final development
plan. While it's not a variance such as approved by
the Board of Adjustment, you know, it kind of smells
very similar to what people ask for from the Board of
Adjustments when they need a variance. That board has
to answer some questions in order to grant a variance.
I feel this falls right in from a practical
standpoint, falls right in to those four questions
that have to be answered appropriately to get a
variance. I feel this application and this proposed
final development plan would satisfy those four
restrictions.

That is that it's not going to adversely
affect the public health. That it's certainly not
going to change the essential character of the vicinity. I don't think it will create a nuisance on a hazard. It won't be an unreasonable circumvention of the requirements of the zoning. True it's not the 500 foot restriction that is recommended and suggested and sought by this board I'm sure.

I would like to point out for you, if I could though, other entrances there in the immediate area of that intersection of Fairview and 54.

The initial footage from 54 back to Villa Point where Fifth Third Bank's development is almost, it's half to two-thirds, three-fourths finished. They've got 413 feet from center line to center line there. Out front on the highway there is 300 feet into this entrance on 54. You go across 54 over to the CVS, you've got a commercial entrance here that was at 236 feet. You've got an entrance, a commercial entrance at CVS pharmacy along 54 of 266 feet. The next entrance down is 289 foot.

In this Villa Point development, you've got 413 feet existing right now. That's the only entrance that was initially laid out for this development. The one that we seek to have approved in this final development plan, the proposed entrance is an additional 327 feet. It's certainly follows the
footage in this area. As a matter of fact, these are considerably longer than these that I've pointed out right at that same intersection.

While we certainly understand the position of the Staff in noting the plan and what the recommended footage is, this thing is creating a bottle-neck within the shopping center itself which is only going to intensify as these other properties are open. It would be very helpful to the traveling public and the safety of the traveling public to be able to get their groceries, get their gas and get on out on the roadway instead of driving back up next to the store, going over to Villa Point and running into all the other traffic coming in and out of the store and into this bank. There's another lot there, an acre or something that's going to be developed. I don't know what that's going to be, but it's only going to create more traffic on that one entrance.

We feel that not only would it not be harmful to the public or create a nuisance, we think it would alleviate one and would be something that would be very helpful to the people in that area who hopefully will continue to use this development.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Yes, sir.
DR. BOTHWELL: What is the Planning Staff's - - I don't think we've heard or seen any proposal where your recommendations pertain to this change.

MR. NOFFSINGER: Yes. Mrs. Stone is prepared to produce finding of fact.

CHAIRMAN: Mr. Wilson, are you finished with your presentation?

MR. WILSON: Yes. I have Don Bryant here to answer anything to do with the engineering, the drawing. Ted and Holmer Belcher and David Conkright are here for the applicant if there's any questions from the request from customers that are, you know, getting their groceries, going over to get gas and then they've got to come right back. They're thrown right back in the mess. We just think this would be an easy inlet/outlet. There's a traffic light right up there at the corner. I don't think speeding traffic is a consideration there on Fairview. It's busy and it's getting busier as we know from what's gone on here tonight.

We feel that this is somewhat less than the 500 feet. It's more than others right at the same intersection. It makes a whole lot of sense from a practical standpoint. Help not only this development
but the people that use it, particularly those to the south.

CHAIRMAN: Mr. Wilson, if you've concluded your presentation, Mrs. Stone, would you give your presentation, please.

MS. STONE: The Staff recommendation will be to maintain the spacing standard that's required in Access Standards Management Manual.

We would recommend denial of this development plan because the access management standards does not allow an access point this close to an existing access.

As Mr. Wilson said, the spacing standard of Fairview Drive of 500 feet between access points. This proposal would allow an additional access point located approximately 320 feet from the center line of the existing access point.

The subject property has already been approved with the final development plan on file that was approved without an access point at this location. The original commercial development that included the subject property restricted access on Fairview Drive to the Villa Point intersection and no other access points were permitted.

The applicant was aware of the access
restrictions on the property prior to the development
of the fuel station.

So our recommendation would be to maintain
the final development plan as it has already been
approved by this body.

CHAIRMAN: Mrs. Stone, I have a question.

I know our standard is 500 feet per. What is the
state requirement from center line to center line?

MS. STONE: I don't know the answer to

that. I think the state defers to the local

requirements. I don't know that they have a

permitting standard for spacing or not.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: I will just affirm what

Becky said. The state really does not have a specific

standard. It's very loose standard. If any it might

be every 10 feet, every 20 feet, but they do defer to

the local governments and the local bodies to address

those issues.

CHAIRMAN: I remember when we had this

other subdivision development or not subdivision but

we had this other commercial development there that we

ran into a similar type of situation.

MR. NOFFSINGER: Yes, sir. There was a

variance approved for Villa Point at this location.
It was proposed to come in or Staff had recommended Villa Point come in at 500 feet from the intersection of 54. There was a variance granted at that time for Villa Point to be closer to the intersection. The situations that exist out there today, even though we don't meet 500 feet, a 500 foot spacing exist because they were either existing situations or there was a variance approved by this commission in the case of Villa Point.

I will say in this particular case the applicant is proposing a shared access easement to the adjoining property, the Clark property. At some point in the future should that adjoining residential property develop something other than residential, there's a change in use, then the applicant is proposing that they could have access across their property.

They are also extending the pedestrian sidewalk to take care of pedestrian movements as well as extending the curb and gutter.

Now, that's not to say Staff is changing the recommendation. It's just that the applicant has provided some constellation in terms of what they're willing to do to address access today and in the future.
CHAIRMAN: Is this drawing, does this
drawing show, the proposed drawing show the additional
access there or does it just show the access that
they'll have and they'll grant additional access if
needed?

MR. NOFFSINGER: No, sir. The access
points you see will be the access point as shown;
however the shaded area on that plan, will be the area
of easement. So that driveway could be widened in the
future if need be. Right now I can't read the small
print.

CHAIRMAN: That looks like 33 feet.

MR. NOFFSINGER: It looks like 33 feet,
but I'm not sure what that measure --

MR. WILSON: Mr. Chairman, Mr. Noffsinger
is certainly correct. It's on the plan itself, the
willingness and the fact that it would be an easement
for the use of that property to the south.

MR. CAMBRON: Is chair ready for a motion,
Mr. Chairman?

CHAIRMAN: Yes, sir, Mr. Cambron.

Does anybody in the audience have any
questions or comments?

MR. NOFFSINGER: I do. I just would like
to state for the record my head is spinning a little
bit because we've heard a lot of discussion about access and connectivity. In the case of Wal-Mart, we were pushing for adjoining properties to connect so that the motoring public could go from say Wal-Mart to perhaps an adjoining restaurant without having to get out onto the major roadway. The Planning Staff feel that good access, good connectivity is very important.

We had a situation with Steeplechase and their quiet setting that they have not wanting change with a planned street that's proposed to go through.

Here is a case where we have an existing business that's saying, hey, we tried. We need an additional access point. Here is what we're willing to do.

The point I want to make here is that the Planning Staff in review try to apply the standards as closely as possible as we read them. We do see from time to time that there need to be accommodations and we do try to make accommodations, but we do so in the best interest of the community as a whole and not necessarily always looking at the best interest of a particular piece of property. That's what this commission is for. We provide you with information and opportunities. This commission has the duty of our job of actually listening to the public, their

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concerns, and then weighing that interest, the applicant's interest against the interest of the entire community.

CHAIRMAN: Mr. Noffsinger, after your statement. Then I notice that there is a negotiation by the Staff of a potential plan B, the alternate and access to Fairview Drive. It seems like the Staff is prepared in either direction in making predetermined or going ahead and making some other alternate plans in case of certain situations, which I applaud you for. Left the staff in a situation where they've got something on each end of the deal.

MR. NOFFSINGER: Thank you. I say no more. We provide you with opportunities and try to make the best out of a particular situation. Then here it is, folks. That's what this board is all about.

CHAIRMAN: Mrs. Stone, would you care to comment?

MS. STONE: No.

DR. BOTHWELL: Is chair ready for a motion?

CHAIRMAN: Chair is now ready for a motion after the great help from the Staff.

DR. BOTHWELL: I move to approve.
MR. CAMBRON: Second.

CHAIRMAN: We've got a motion for approval by Dr. Bothwell. We've got a second by Mr. Cambron.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

MAJOR SUBDIVISIONS

ITEM 11

Graystone Estates, Section 2, Unit 1, Lots 133-151, 196-200, 222-226, 240-247, 255-264, 14.109 acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted: $500.00
Surety (Performance Bond) posted: $89,454.80
Applicant: Jagoe Land Corporation

MR. JAGOE: Mr. Chairman, I need to disqualify myself.

CHAIRMAN: Let the record please note that Mr. Jagoe is disqualifying himself from this vote.

MR. NOFFSINGER: This application has been reviewed by the Planning Staff and Engineering Staff.
It's found to be in order and recommended for approval.

CHAIRMAN: Anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions?

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CHAIRMAN: If not the chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Cambron.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 12

4311, 4317, 4323 Springhurst Lane, Lake Forest, Lots 236-238, Unit 20, 1.307+ acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $8,223.00 Surety (Certified Check) posted: $750.00 Applicant: JMP/Lake Forest, Inc.

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and ready for consideration.

CHAIRMAN: Anyone here representing the applicant?
(NO RESPONSE)

CHAIRMAN: Any questions?

(NO RESPONSE)

CHAIRMAN: If not, the chair is ready for a motion.

MR. JAGOE: Move for approval.

CHAIRMAN: Motion for approval by Mr. Jagoe.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

MINOR SUBDIVISIONS

ITEM 13

5872, 5924, 5934 May Road, 7.984, 1.007, 7.151 acres
Consider approval of minor subdivision plat.
Applicant: Kenneth Earl and Regenia Short

MR. NOFFSINGER: Mr. Chairman, this applicant has been reviewed by the Planning Staff and Engineering Staff.

It does come to this board as an exception to the subdivision regulations. My able body assistant, Mrs. Stone, could better describe it than I could. It is recommended for approval and she does

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have specific findings for that.

MS. STONE: This is a situation where there's two tracts, one about eight acres and one about seven acres existing at this location.

On the eight acre plus tract, there are two existing homes. So they're wanting to create a lot for each of the houses that are on that property.

The 1.07 acre tract that they're proposing to create meets all the regulations in terms of lot width and depth and lot frontage, but it leaves the remaining tract exceeding the three to one ratio. The remaining tract does have a minimum lot frontage of 100 feet. It does make it regular division, how they got it divided all the way across the property line.

We would recommend it be approved as the best possible division to create these two lots on the tract with the three to one exception on the larger tract.

MR. NOFFSINGER: Mr. Chairman, we do have a notation on the plat that Tract 2 shall not be further subdivided so as to create additional lots.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: If not chair is ready for a motion.

MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

CHAIRMAN: Second by Mr. Jagoe. All in favor raise your right hand.

DR. BOTHWELL: Mr. Chairman, should we add the condition it not being subdivided in the motion.

MR. NOFFSINGER: You can if you'd like, but that'd be a matter of public record in the courthouse once the plat is recorded.

MR. BOTHWELL: Thank you.

CHAIRMAN: Mr. Appleby, does your motion stand?

MR. APPLEBY: Yes.

CHAIRMAN: We still have a second by Mr. Jagoe as it stands?

MR. JAGOE: Yes.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Thank you.

ITEM 14

512 East Seventh Street, 705 Clay Street, 0.073+ acres

Consider approval of minor subdivision plat.

Applicant: John L. Smith
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MR. NOFFSINGER: Mr. Chairman, this involves two existing lots of record that are located within the inner city. It's a transfer of property. Staff is recommending approval in that it will make a better lot configuration of the two lots. It's one that I could not sign because although it would decrease the non-conformity of one lot, it would increase the non-conformity of the other, but we do recommend it for approval.

CHAIRMAN: Surely there are no questions on this matter. Mr. Noffsinger has covered it beautifully.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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SURETY RELEASES

ITEM 15

Audubon Area Community Services, Inc.,

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Parking Lot $532.50
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Audubon Area Community Services, Inc.

ITEM 16

Barnett Automotive, $360.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Delmar Barnett

ITEM 17

Bellevue Baptist Church, $8,130.00
Consider release of surety (Performance Bond) for landscaping.
Surety posted by: Billy Joe Gaddis

ITEM 18

Blessed Mother Family Life Center, $2,190.00
Consider release of surety (Certificate of Deposit) for landscaping.
Surety posted by: Blessed Mother Church

ITEM 19

J.E.D. Rentals, $6,592.50
Consider release of surety (Performance Bond) for landscaping.
Surety posted by: J.E.D. Rentals

ITEM 20

2445, 2455, 2447, 2457, 2449, 2459 O'Bryan Boulevard, $1,147.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Robert Thomason

ITEM 21

Old National Bank Downtown, $3,150.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: F.M.B., LLC

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ITEM 22

Vessel's Mini Market Car Wash, $1,575.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Vessel's Mini Market

ITEM 23

Wyndall's Foodland (Fairview Drive) $8,289.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Southern Kentucky Maintenance

MR. NOFFSINGER: Mr. Chairman, Surety

Releases Items 15 through 23 are in order and may be released in toto.

CHAIRMAN: Any questions?
(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.
MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

SURETY TRANSFERS

ITEM 24

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ITEM 25

JED Rentals Family Partnership, $63,973.00
Transfer of surety (Performance Bond) for sanitary sewers to the Daviess County Fiscal Court.
Surety posted by: JED Rentals Family Partnership

ITEM 26

JED Rentals Family Partnership, $29,019.00
Transfer of surety (Performance Bond) for water mains and fire hydrants to the Daviess County Fiscal Court.
Surety posted by: JED Rentals Family Partnership

ITEM 27

Lake Forest, Unit #16, $2,483.60
Transfer of surety (Certificate of Deposit) for 1" Bitum Concrete Surface to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 28

Lake Forest, Unit #16, $4,967.20
Transfer of surety (Certificate of Deposit) for 2" Bitum Concrete Base to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 29

Lake Forest, Unit #16, $2,000.00
Transfer of surety (Certificate of Deposit) for paved ditches to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 30

Lake Forest, Unit #16, $3,180.00
Transfer of surety (Certificate of Deposit) for sanitary sewers to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 31

Lake Forest, Unit #16, $14,448.00
Transfer of surety (Certificate of Deposit) for sidewalks to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

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ITEM 31
Lake Forest, Unit #16, $1,617.00
Transfer of surety (Certificate of Deposit) for valley curb, gutter and 6" GDA to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 32
Lake Forest, Unit #17, $180.60
Transfer of surety (Certified Check) for 1" Bitum Concrete Surface to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 33
Lake Forest, Unit #17, $361.20
Transfer of surety (Certified Check) for 2" Bitum Concrete Base to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 34
Lake Forest, Unit #17, $1,656.00
Transfer of surety (Certificate of Deposit) for plastic pipe to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 35
Lake Forest, Unit #17, $1,260.00
Transfer of surety (Certificate of Deposit) for sidewalks to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 36
Lake Forest, Unit #17, $6,875.00
Transfer of surety (Certificate of Deposit) for storm sewers and drainage to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 37
Lake Forest, Unit #18, $2,072.00
Transfer of surety (Certificate of Deposit) for 6" DGA to the Daviess County Fiscal Court.

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Surety posted by: Lake Forest Community, LLC

ITEM 38
Lake Forest, Unit #18, $2,745.40
Transfer of surety (Certificate of Deposit) for 1" Bitum Concrete Surface to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 39
Lake Forest, Unit #18, $5,490.80
Transfer of surety (Certificate of Deposit) for 2" Bitum Concrete Base to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 40
Lake Forest, Unit #18, $5,430.00
Transfer of surety (Certificate of Deposit) for sidewalks to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 41
Lake Forest, Unit #18, $5,890.00
Transfer of surety (Certificate of Deposit) for valley, box curb and gutter to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, under Surety Transfers Items 24 through 41, these items are in order and may be transferred in toto.

CHAIRMAN: Questions?
(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.
DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr.

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Bothwell.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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NEW BUSINESS

ITEM 42

Consider amendment for Fiscal Year 2004 budget.

MR. NOFFSINGER: This is the current budget we're operating under. It does not increase revenues or expenditures to the total budget. It is a reallocation of funds that will be moved from contractual services into capital replacement as well as office furniture. We would certainly hope that you would consider that with approval.

CHAIRMAN: Questions?

(NO RESPONSE)

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. CAMBRON: Second.

CHAIRMAN: Second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item.
ITEM 43
Consider motion to go into closed session to discuss personnel and litigation matters.
CHAIRMAN: At this point we will now go into closed session. When we come back we will adjourn the meeting and no other action will be taken.
(CLOSED SESSION)
- - - - (OFF THE RECORD) - - - -
CHAIRMAN: The chair is ready for one final motion.
MR. GILLES: Motion to adjourn.
CHAIRMAN: Motion to adjourn by Mr. Gilles.
SISTER VIVIAN: Second.
CHAIRMAN: Second by Sister Vivan. All in favor
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: We're adjourned.
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STATE OF KENTUCKY
SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS)

I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning & Zoning meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 80 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 1st day of February, 2004.

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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