

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 12, [2004]

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

9 MEMBERS PRESENT: Drew Kirkland, Chairman
10 Gary Noffsinger
11 Nick Cambron
12 Dave Appleby
13 Jimmy Gilles
14 Scott Jagoe
15 Sister Vivian Bowles
16 Dr. Mark Bothwell
17 Martin Hayden
18 Stewart Elliott,
19 Attorney

20 * * * * *

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

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 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

1 motion.

2 MS. JAGOE: Move to approve.

3 CHAIRMAN: Motion for approval by Mr.
4 Jagoe.

5 MR. CAMBRON: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: The motion carries unanimously.
10 Mr. Noffsinger.

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12 PUBLIC FACILITIES PLANS
13 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

14 ITEM 2

15 4514 Goetz Drive
16 Building Construction
17 Consider comments regarding the construction of a new
18 building addition and renovations at Burns Elementary
19 School.
20 Referred by: Daviess County Board of Education

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

26 CHAIRMAN: Is anybody here representing
27 the applicant?

28 (NO RESPONSE)

1 CHAIRMAN: Anybody in the audience have
2 any questions?

3 (NO RESPONSE)

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

6 SISTER VIVIAN: I move for approval.

7 CHAIRMAN: Motion for approval by Sister
8 Vivian.

9 MR. JAGOE: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 ITEM 3

16 2909 KY 54
17 Building Construction
18 Consider comments regarding the construction of a new
19 building addition and renovations at Highland
20 Elementary School.
21 Referred by: Daviess County Board of Education.

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

27 CHAIRMAN: Are there any questions or

1 comments from anybody in the audience?

2 (NO RESPONSE)

3 CHAIRMAN: From the commission?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 DR. BOTHWELL: Motion to approve.

7 CHAIRMAN: Motion for approval by Dr.

8 Bothwell.

9 MR. GILLES: Second.

10 CHAIRMAN: Second by Mr. Gilles. All in

11 favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 ITEM 4

15 6104 KY 405

Building Construction

16 Consider comments regarding the construction of a new
building addition and renovations at East View

17 Elementary School.

Referred by: Daviess County Board of Education

18

19 MR. NOFFSINGER: Mr. Chairman, Planning

20 Staff has reviewed this application. We find no

21 conflict with the adopted Comprehensive Plan. Would

22 recommend we forward a letter to that affect to the

23 Daviess County Board of Education.

24 CHAIRMAN: Any questions?

25 (NO RESPONSE)

1 CHAIRMAN: Questions from the commission?

2 (NO RESPONSE)

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

5 MR. HAYDEN: Make motion for approval.

6 CHAIRMAN: Motion for approval by Mr.
7 Hayden.

8 DR. BOTHWELL: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

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15 ZONING CHANGES - CITY

16 ITEM 5

17 4000 Frederica Street, 1.85 acres
18 Consider zoning change: From B-4 General Business
19 (with conditions) to B-4 General Business
20 Applicant: Moore Properties, c/o Don P. Moore III

21 MR. ELLIOTT: State your name, please.

22 MS. STONE: Becky Stone.

23 (MS. BECKY STONE SWORN BY ATTORNEY.)

24 PLANNING STAFF RECOMMENDATIONS

25 Staff recommends approval because the proposal is
in compliance with the community's adopted

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

4 Conditions:

- 5 1. Approval of a final development plan;
- 6 2. No direct access from Frederica Street to the
7 subject property shall be permitted. Access to the
8 subject property from Frederica Street shall be
9 through the adjoining shopping center to the south of
10 the subject property as shown on the submitted
11 development plan; and,
- 12 3. Provide access easement to the Goetz property
13 to the north of the subject property;
- 14 4. Submission and approval of a
15 consolidation/property division plat combining the
16 subject property with the existing Sherwood Plaza
17 shopping center and creation of one out-lot as
18 depicted on the final development plan.

19 Findings of Fact:

- 20 1. The subject property is located in a
21 Professional/Service Plan Area, where general business
22 uses are appropriate in very limited locations;
- 23 2. The subject property is currently zoned B-4
24 General Business with conditions;
- 25 3. The subject property is adjacent to existing

1 B-4 General Business zoning to the south; and

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

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

9 CHAIRMAN: Anybody here representing the
10 applicant?

11 MR. ELLIOTT: State your name, please.

12 MR. HUTCHINSON: Randy Hutchinson.

13 (MR. RANDY HUTCHINSON SWORN BY ATTORNEY.)

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

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

25 If there are any questions for us, we'll

1 be glad to answer them.

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

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

6 MR. KAMUF: Charles Kamuf.

7 (MR. CHARLIE KAMUF SWORN BY ATTORNEY.)

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

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

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

25 3) Any additional directional lighting

1 shall be placed on the subject property so that the
2 lighting will be directed to the south on to the Moore
3 property.

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

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

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

19 CHAIRMAN: Thank you, Mr. Kamuf.

20 Ms. Stone, are you familiar with all of
21 the conditions?

22 MS. STONE: The applicant has added those
23 conditions to the proposed final development plan
24 agreed to with the adjoining neighbors. They aren't
25 OMPC requirements on the development plan, but they

1 have worked out an agreement for those items and the
2 applicant has included them on the final development
3 plan that's the next item on the agenda.

4 CHAIRMAN: Thank you very much.

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

7 (NO RESPONSE)

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

10 (NO RESPONSE)

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

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

17 CHAIRMAN: Do I have a second?

18 MR. APPLEBY: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item please.

24 Related Item:

25 ITEM 5A

1 Sherwood Plaza, 9.44 acres
2 Consider approval of combined major subdivision
3 preliminary plat/final development plan.
4 Applicant: Moore Properties, c/o Don P. Moore III

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

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

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

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

25 (NO RESPONSE)

1 CHAIRMAN: Does the commission have
2 questions of the applicant?

3 (NO RESPONSE)

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

6 MR. APPLEBY: Motion for approval.

7 CHAIRMAN: Motion for approval by Mr.
8 Appleby.

9 MR. GILLES: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 ITEM 6

16 316 West Fifth Street, 0.316 acres
17 Consider zoning change: From B-4 General Business
18 to B-2 Central Business.
19 Applicant: Fifth Third Bank, Indiana (Southern), Ben
20 Eddie, Real Estate Manager, Audubon Loans, Inc., Terry
21 Dukes, President

22 PLANNING STAFF RECOMMENDATIONS

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

1 Condition:

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

4 Findings of Fact:

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

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

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

14 MS. STONE: We'd like the Staff Report
15 entered as Exhibit B.

16 CHAIRMAN: Do we have anybody representing
17 the applicant?

18 MR. ELLIOTT: State your name, please.

19 MR. POTEAT: Steve Poteat.

20 (MR. STEVE POTEAT SWORN BY ATTORNEY.)

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

25 CHAIRMAN: Let's see if there are any

1 questions. If there are, I will call upon you.

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

4 (NO RESPONSE)

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

7 (NO RESPONSE)

8 CHAIRMAN: Mr. Poteat, thank you very
9 much.

10 MR. CAMBRON: Is chair ready for a motion?

11 CHAIRMAN: Chair is ready for a motion.

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

16 SISTER VIVIAN: I second that.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Thank you.

23 Next item, please.

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25 ZONING CHANGES - COUNTY

Ohio Valley Reporting
(270) 683-7383

1 ITEM 7

2 3123, 3151, 3175, 3211 KY 54, Portions of 3441, 3509
3 Fairview Drive, 34.0+ acres

4 Consider zoning change: From R-1A Single-Family
5 Residential, A-U Urban Agriculture, B-3 Highway
6 Business Center to B-4 General Business
Applicant: Site, Inc., Denney Development, Constance,
Epperson, John G. Conway, Jr., Forest D. Hagan,
William F. & Clara M. Lyninger, ABBS Partnership and
Industrial Lease Corporation of Florida

7 PLANNING STAFF RECOMMENDATIONS

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

13 Conditions:

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

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

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

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

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

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

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

20 Findings of Fact:

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

24 2. The subject property adjoins B-4 General
25 Business zoning to the east and is contiguous to B-4

1 General Business zoning to the south across KY 54;
2 3. With the location of the access driveway
3 aligned with Villa Point, proposed right-turn lane on
4 KY 54, the continuation of an internal street and
5 sidewalk connection from Mount Moriah Avenue through
6 the subject development's main entrance drive to KY
7 54, and the public access easements connecting to
8 adjoining properties, the request is a logical
9 expansion of existing B-4 General Business zoning that
10 will not significantly increase the extent of the
11 General Business zone in the vicinity and should not
12 overburden the capacity of existing roadways or other
13 necessary urban services available in the affected
14 area; and,

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

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

24 CHAIRMAN: Do we have anybody representing
25 the applicant?

1 MR. ELLIOTT: State your name, please.

2 MS. HENRY: Kim Henry.

3 (MS. KIM HENRY SWORN BY ATTORNEY.)

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

7 CHAIRMAN: Thank you very much.

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

10 Please come to the mike.

11 MR. ELLIOTT: State your name, please.

12 MR. ADAMS: My name is Linville Adams.

13 I'm an adjacent property owner.

14 (MR. LINVILLE ADAMS SWORN BY ATTORNEY.)

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

24 CHAIRMAN: Is that your only
25 consideration, Mr. Adams?

1 MR. ADAMS: At this time.

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

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

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

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

15 MR. MASSEY: Yes.

16 CHAIRMAN: Please step to the mike.

17 MR. ELLIOTT: State your name, please.

18 MR. MASSIE: My name is Tom Massie.

19 (MR. TOM MASSIE SWORN BY ATTORNEY.)

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

25 MR. CAMBRON: Tom, can you tell me where

1 you're at exactly?

2 MR. MASSIE: Beg your pardon?

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

6 MR. MASSIE: My property is 2969 Turfway.

7 MS. HENRY: Number 27. Belmont Park
8 Subdivision.

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

11 MR. ELLIOTT: State your name, please?

12 MR. BERRY: My name is Grant Berry.

13 (MR. GRANT BERRY SWORN BY ATTORNEY.)

14 MR. BERRY: In the area in question
15 adjacent to this gentleman's property as well as all
16 areas where the subject property will be bounding
17 residential or agricultural zoning for the landscaping
18 ordinance will be having a 10-foot landscaping and
19 screening buffer at those property areas. The buffer
20 will include screening trees in order to maintain 50
21 percent coverage during the winter months. In
22 addition to that, either a 6-foot tall hedge row,
23 6-foot tall fence or wall will be constructed. At
24 this preliminary state we have yet to determine the
25 exact nature of what will be constructed, but it will

1 be constructed in order to meet the buffer
2 requirements.

3 CHAIRMAN: Thank you.

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

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

23 MS. HENRY: If I could propose that - -

24 CHAIRMAN: Yes. Please return to the
25 podium.

1 MS. HENRY: - - we meet with the adjacent
2 property owners. I propose that we would meet with
3 the property owners and discuss this with them and
4 then come back on the final with the specifics of
5 this.

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

8 Are there any other questions from the
9 audience?

10 (NO RESPONSE)

11 CHAIRMAN: Any questions from the
12 commission?

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

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

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

19 MS. HENRY: Yes.

20 CHAIRMAN: Thank you.

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

25 MS. HENRY: Yes. We have submitted a full

1 traffic study that was included with the proposal. I
2 think there may actually be some excerpt from that in
3 the Staff Recommendation, but it was our findings that
4 with the improvements we're proposing they would
5 adequately handle the traffic.

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

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

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

13 MS. HENRY: 29,000.

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

16 MS. HENRY: Throughout the entire day.

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

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

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

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

25 MS. HENRY: There is a signal.

1 MR. NOFFSINGER: There is a traffic
2 signal at Villa Point. I think what Ms. Henry is
3 trying to relay is that there will be additional
4 14,000 vehicles utilizing that particular
5 intersection.

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

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

12 MS. HENRY: Right. Excuse me, I'm sorry.
13 14,000 trips. So that's 7,000 give or take.

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

16 MS. HENRY: SITE, Incorporated.

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

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

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

25 MR. NOFFSINGER: Mr. Chairman, I would

1 like to clarify for the record that the turn lane that
2 was described on Fairview Drive will be a left turn
3 lane from 54 and not a right turn lane from the Downs
4 Development.

5 MS. HENRY: Correct.

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

8 MR. NOFFSINGER: Yes, sir.

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

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

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

25 (NO RESPONSE)

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

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

5 CHAIRMAN: Motion for approval by Dr.
6 Bothwell.

7 MR. HAYDEN: Second.

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

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

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

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

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

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

21 MR. HAYDEN: Second.

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

24 All in favor raise your right hand.

25 (SEVEN COMMISSION MEMBERS PRESENT - DAVID

1 APPLEBY, JIMMY GILLES, SCOTT JAGOE, SISTER VIVIAN
2 BOWLES, DREW KIRKLAND, DR. BOTHWELL AND MARTIN HAYDEN
3 - RAISED THEIR RIGHT HAND.)

4 CHAIRMAN: Seven for. All opposed.

5 (ONE COMMISSION MEMBER PRESENT - NICK
6 CAMBRON - RAISED THEIR HAND.)

7 CHAIRMAN: One against. Motion carries.

8 Next item, please.

9 Related Item:

10 ITEM 7A

11 3101 Block KY 54, 34.0+ acres
12 Consider approval of preliminary development plan.
13 Applicant: Site, Inc., Denney Development, Constance
14 Epperson, John G. Conway, Jr., Forest D. Hagan,
15 William F. & Clara M. Lyninger, ABBS Partnership and
16 Industrial Lease Corp of Florida

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

1 CHAIRMAN: Do you have anybody
2 representing the applicant?

3 MS. HENRY: Yes.

4 CHAIRMAN: Are there any questions from
5 the audience?

6 (NO RESPONSE)

7 CHAIRMAN: Any questions from the
8 commission?

9 (NO RESPONSE)

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

12 MR. HAYDEN: Motion for approval.

13 CHAIRMAN: Motion for approval by Mr.
14 Hayden.

15 DR. BOTHWELL: Second.

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

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

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

24 (ONE COMMISSION MEMBER PRESENT - NICK
25 CAMBRON - RAISED HIS HAND.)

1 CHAIRMAN: One against. Seven to one.

2 Motion carries.

3 Next item, please.

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

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

9 Next item, please.

10 ITEM 8

11 4639 KY 54 (PORTION), 2.76+ acres
12 Consider zoning change: From R-1A Single-Family
13 Residential to A-U Urban Agriculture
14 Applicant: Wendy Gupta

15 PLANNING STAFF RECOMMENDATIONS

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

21 Condition:

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

25 Findings of Fact:

1. The subject property is located in an Urban

1 Residential Plan Area, where rural small lot
2 residential uses are appropriate in general locations;

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

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

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

10 CHAIRMAN: Do we have anybody representing
11 the applicant?

12 APPLICANT REP: Yes.

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

15 (NO RESPONSE)

16 CHAIRMAN: Do we have any from the
17 commission?

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

22 MS. STONE: The lot that looks like it's a
23 flag lot would actually be an agricultural division
24 because it's going to contain over ten acres. Those
25 types of agricultural divisions are exempt from those

1 regulations on lots that are created under ten acres.

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

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

6 (NO RESPONSE)

7 MR. CAMBRON: Is chair ready for a motion?

8 CHAIRMAN: If not chair is ready for a
9 motion.

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

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

15 DR. BOTHWELL: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: This motion carries
20 unanimously.

21 Next item, please.

22 ITEM 9

23 2901-3101 Blocks, Portion of 3135 Settles Road, 52.122
24 acres

24 Consider zoning change: From A-U Urban Agriculture to
R-1C Single-Family Residential

25 Applicant: JMP/Lake Forest, Inc., George Wallace
Thacker

1 PLANNING STAFF RECOMMENDATIONS

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

7 Condition:

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

13 Findings of Fact:

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

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

25 CHAIRMAN: Is anybody representing the

1 applicant?

2 MR. PEDLEY: Yes.

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

5 MR. GRIFFITH: Yes.

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

8 MR. ELLIOTT: State your name, please.

9 MR. GRIFFITH: My name is John Griffith.

10 (MR. JOHN GRIFFITH SWORN BY ATTORNEY.)

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

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

21 Presently there are no homes located on
22 that particular street; although, there are homes
23 siting on that street. It's our understanding that
24 street is to be extended into the Lake Forest area.
25 It's that item that raises concern for those of us who

1 are in Steeplechase Development.

2 I have signed petitions here representing
3 91 residents of that development. We have 77 homes in
4 Steeplechase plus two lots that are owned by Thompson
5 Homes. So our concern is the opening of that
6 development to further traffic, which we feel will
7 result from the continuing of that road, Derby Chase,
8 into the Lake Forest area.

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

22 CHAIRMAN: Thank you.

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

1 removed.

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

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

15 MR. GRIFFITH: Thank you, sir.

16 CHAIRMAN: Mr. Pedley.

17 MR. ELLIOTT: State your name, please.

18 MR. PEDLEY: Ward Pedley.

19 (MR. WARD PEDLEY SWORN BY ATTORNEY.)

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

1 was Steeplechase's design.

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

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

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

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

24 There's three or four other areas planned
25 that will eventually have an exit out of Lake Forest.

1 So as far as the burden of Highway 54, it will
2 probably lessen the way it is today.

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

7 CHAIRMAN: Thank you, Mr. Pedley.

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

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

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

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

24 MS. STONE: There is a bond in place for
25 that connection though. The right-of-way is stubbed

1 to the street and there's a bond in place for that.

2 MR. CAMBRON: If I can clarify something.
3 You said 450. It's 4,500 cars per day.

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

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

13 MS. STONE: Yes.

14 MR. PEDLEY: Does anyone have any more
15 questions?

16 (NO RESPONSE)

17 CHAIRMAN: Thank you, Mr. Pedley.

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

21 MR. NOFFSINGER: Yes, sir. What Mr.
22 Pedley conveyed to the public is correct. This
23 connector was proposed when Steeplechase Development
24 was being planned in its infancy. That has not
25 changed. The Lake Forest Development would not change

1 that. It just so happens that Lake Forest Development
2 is moving up toward the direction of Steeplechase.
3 They will be required to stub their proposed street to
4 that property line. We are holding surety. The
5 county is holding surety to make that connection once
6 it becomes feasible to do so. This may very well
7 accelerate it.

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

13 You have folks that live in Steeplechase
14 and children that live in Steeplechase that may have
15 friends that live in Lake Forest. The Comprehensive
16 Plan speaks about the importance of pedestrian
17 connections, sidewalks between developments so that
18 the children in those developments can go back and
19 forth to visit their friends rather than having to get
20 out onto the public right of ways or more dangerous,
21 more heavily traveled, or cross private property.
22 It's also there should those that drive want to go
23 back and forth. Perhaps they have friends or reason
24 to go to the adjoining development. So you can go
25 without having to go all the way around and use major

1 roadways. It lessens congestion. It provides for a
2 healthier environment.

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

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

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

1 community.

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

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

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

13 MR. NOFFSINGER: Yes, sir.

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

17 MR. NOFFSINGER: That is correct.

18 DR. BOTHWELL: Who owns that land now?

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

23 DR. BOTHWELL: But this is planned down
24 the road to be a loop at some point in the future,
25 correct?

1 MR. NOFFSINGER: Yes, sir.

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

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

7 MR. CAMBRON: Mr. Pedley, can I ask a
8 question?

9 Will you all start from Spring Ridge
10 Parkway and work your way east? Is that how you'll do
11 that? So you work from the east side of the property
12 towards the west?

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

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

22 MR. PEDLEY: Yes.

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

25 MR. PEDLEY: Five years.

1 MR. CAMBRON: Thank you.

2 CHAIRMAN: Are there any other questions?

3 MR. LEE: Yes.

4 MR. ELLIOTT: State your name, please.

5 MR. LEE: Bill Lee.

6 (MR. BILL LEE SWORN BY ATTORNEY.)

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

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

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

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

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

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

22 MR. NOFFSINGER: What I've discussed here
23 would be the current proposed layout. There's no time
24 table. No funding. This location was determined,
25 well, it was actually a realignment of a previous

1 alignment. When Steeplechase was proposed, the outer
2 boulevard was going to be located more toward the east
3 and then you cut through the property of Steeplechase,
4 maybe right through the heart of it. It was
5 negotiated and there was a new alignment proposed that
6 shifted it to the west so that it would not cut
7 directly through Steeplechase. That it would be on
8 the fringe of the Steeplechase development.

9 DR. BOTHWELL: One question, Mr.
10 Noffsinger. Whether or not this Derby Chase, which is
11 stubbed off now, goes into Lake Forest, it's still
12 going to connect some day to this outer loop. There's
13 no way around that. It's going to run right up to it.

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

17 MR. LEE: We were - -

18 CHAIRMAN: Sir, if you've got a comment
19 you need to go to the mike.

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

23 CHAIRMAN: This board of commission cannot
24 address that. That's nothing that we can address.
25 Here is the plan and here is the way it's drawn up.

1 You did have a street that is stubbed out in another
2 direction. That's nothing that this commission can
3 address.

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

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

15 MR. FULTON: Yes.

16 MR. ELLIOTT: State your name, please.

17 MR. FULTON: Bill Fulton.

18 (MR. BILL FULTON SWORN BY ATTORNEY.)

19 MR. FULTON: Mr. Chairman, I live on the
20 south side across the street from Settles Road from
21 the property in question. I'm not here to voice any
22 objection to the zoning change request. The only
23 question I have was that as I look at the plat drawing
24 and everything for this annexation and the plans they
25 have for this property, they're going to bring the

1 street out on Settles Road. It appears to be coming
2 out right in a very, very dangerous, probably the most
3 dangerous part. Settles is basically straight except
4 for one dog leg turn. Coming out where the plat
5 drawing show, looking eastward you have very, very
6 limited visibility down that way from where this road
7 is going to come out.

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

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

22 CHAIRMAN: Thank you, Mr. Fulton.

23 Mr. Noffsinger, could you address that
24 question?

25 MR. NOFFSINGER: Yes, sir, I believe I

1 can.

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

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

19 MR. FULTON: Yes.

20 CHAIRMAN: Are there any further comments
21 or questions?

22 MR. ELLIOTT: State your name, please.

23 MR. VOYLE: Kimball Voyle (phonetic).

24 (MR. VOYLE SWORN BY ATTORNEY.)

25 MR. VOYLE: I'm with Steeplechase

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

3 MR. NOFFSINGER: Yes, sir.

4 MR. VOYLE: Can that bond be revoked?

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

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

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

21 Now, during the review I can tell you
22 Planning Staff as well as the transportation planners
23 that have reviewed would not recommend that the
24 connection be done away with. We highly recommend
25 that connection as we recommend in all developments.

1 You know, in terms of emergency vehicles in trying to
2 get out of your subdivision, if you were to have an
3 emergency, it's very, very important to have another
4 outlet. If you're isolated to one intersection and
5 that intersection is blocked, it does cause problems
6 with emergency services. To answer your question,
7 yes, anything is possible.

8 MR. VOYLE: Thank you.

9 CHAIRMAN: Yes, ma'am.

10 MR. ELLIOTT: State your name, please.

11 MR. GRIFFITH: Francis Griffith.

12 (MRS. FRANCIS GRIFFITH SWORN BY ATTORNEY.)

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

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

18 Secondly, I can't think of the name of the
19 development, but many years ago you all tied two
20 developments together and it comes out on Scotty Road
21 and Landsdowne. The high school kids from Daviess
22 County zip through there. The quality of the people
23 in those areas their homes value has gone down. It is
24 a speedway. It has served no useful purpose
25 connecting those two developments and that is what we

1 are concerned with in Steeplechase. This has been a
2 longstanding problem cutting through there.

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

5 (NO RESPONSE)

6 CHAIRMAN: Any from the commission?

7 (NO RESPONSE)

8 CHAIRMAN: If not chair is ready for a
9 motion.

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

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

15 MR. ELLIOTT: State your name, please.

16 MRS. FUQUA: Kelly Fuqua.

17 (MRS. KELLY FUQUA SWORN BY ATTORNEY.)

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

24 Steeplechase is a wonderful neighborhood
25 for us currently. Our children are aged eight and

1 five. It's perfect. We're on the back side. There's
2 very little traffic.

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

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

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

15 My biggest concern right now, like I said,
16 is the safety of my children. There are many
17 children, many young children in Steeplechase. I
18 would venture to say that most of these young
19 families, as my husband and I and our children, moved
20 into Steeplechase because it's a safe neighborhood.
21 It's a loop. There is very little traffic. I would
22 like to maintain that. I realize that things are in
23 the planning process. I want it to be known that
24 there are many people that are not happy about this
25 and the safety of our children is of grave concern.

1 CHAIRMAN: Does anybody else have any
2 comments or questions?

3 Yes, sir.

4 MR. GRIFFITH: I remain the same person.

5 MR. ELLIOTT: Just state that for the
6 record.

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

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

1 sorry that we are in a position to of not being able
2 to have a reconsideration of this continuation of
3 Derby Chase.

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

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

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

21 Mr. Elliott.

22 MR. ELLIOTT: No.

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

25 (NO RESPONSE)

1 CHAIRMAN: Does the board have any
2 questions or comments?

3 (NO RESPONSE)

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

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

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

17 DR. BOTHWELL: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 Related Item

24 ITEM 9A

25 Lake Forest, Phase IV, Lots 239-347, 52.122 acres

1 Consider approval of major subdivision preliminary
plat.

2 Applicant: Lake Forest Community, LLC

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

8 CHAIRMAN: Is there anybody representing
9 the applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: Does anybody have any
12 questions of the applicant?

13 (NO RESPONSE)

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

16 (NO RESPONSE)

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

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

21 CHAIRMAN: Motion for approval by Dr.
22 Bothwell.

23 MR. JAGOE: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item.

4 -----

5 DEVELOPMENT PLAN

6 ITEM 10

7 3175 Fairview Drive, 0.610 acres (POSTPONED from
8 January meeting)

9 Consider approval of final development plan.

10 Applicant: B.C.E. Properties

11

12 MR. NOFFSINGER: Mr. Chairman, this plan

13 has been reviewed by the Planning Staff and

14 Engineering Staff. The plan is asking for exception

15 to the Access Management Manual. I believe the

16 applicant is here tonight and may be represented as

17 well as Mrs. Stone from the Planning Staff will have

18 some comments after they give their presentation.

19 CHAIRMAN: Who do we have representing the

20 applicant?

21 MR. ELLIOTT: State your name, please.

22 MR. WILSON: Bill Wilson, Jr.

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

24 MR. WILSON: If I might, I would like to

25 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.

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

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

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

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

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

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

24 That is that it's not going to adversely
25 affect the public health. That it's certainly not

1 going to change the essential character of the
2 vicinity. I don't think it will create a nuisance on
3 a hazard. It won't be an unreasonable circumvention
4 of the requirements of the zoning. True it's not the
5 500 foot restriction that is recommended and suggested
6 and sought by this board I'm sure.

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

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

20 In this Villa Point development, you've
21 got 413 feet existing right now. That's the only
22 entrance that was initially laid out for this
23 development. The one that we seek to have approved in
24 this final development plan, the proposed entrance is
25 an additional 327 feet. It's certainly follows the

1 footage in this area. As a matter of fact, these are
2 considerably longer than these that I've pointed out
3 right at that same intersection.

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

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

24 CHAIRMAN: Mr. Noffsinger.

25 MR. NOFFSINGER: Yes, sir.

1 DR. BOTHWELL: What is the Planning
2 Staff's - - I don't think we've heard or seen any
3 proposal where your recommendations pertain to this
4 change.

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

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

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

22 We feel that this is somewhat less than
23 the 500 feet. It's more than others right at the same
24 intersection. It makes a whole lot of sense from a
25 practical standpoint. Help not only this development

1 but the people that use it, particularly those to the
2 south.

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

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

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

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

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

25 The applicant was aware of the access

1 restrictions on the property prior to the development
2 of the fuel station.

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

6 CHAIRMAN: Mrs. Stone, I have a question.
7 I know our standard is 500 feet per. What is the
8 state requirement from center line to center line?

9 MS. STONE: I don't know the answer to
10 that. I think the state defers to the local
11 requirements. I don't know that they have a
12 permitting standard for spacing or not.

13 CHAIRMAN: Mr. Noffsinger.

14 MR. NOFFSINGER: I will just affirm what
15 Becky said. The state really does not have a specific
16 standard. It's very loose standard. If any it might
17 be every 10 feet, every 20 feet, but they do defer to
18 the local governments and the local bodies to address
19 those issues.

20 CHAIRMAN: I remember when we had this
21 other subdivision development or not subdivision but
22 we had this other commercial development there that we
23 ran into a similar type of situation.

24 MR. NOFFSINGER: Yes, sir. There was a
25 variance approved for Villa Point at this location.

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

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

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

21 Now, that's not to say Staff is changing
22 the recommendation. It's just that the applicant has
23 provided some constellation in terms of what they're
24 willing to do to address access today and in the
25 future.

1 CHAIRMAN: Is this drawing, does this
2 drawing show, the proposed drawing show the additional
3 access there or does it just show the access that
4 they'll have and they'll grant additional access if
5 needed?

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

12 CHAIRMAN: That looks like 33 feet.

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

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

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

21 CHAIRMAN: Yes, sir, Mr. Cambron.

22 Does anybody in the audience have any
23 questions or comments?

24 MR. NOFFSINGER: I do. I just would like
25 to state for the record my head is spinning a little

1 bit because we've heard a lot of discussion about
2 access and connectivity. In the case of Wal-Mart, we
3 were pushing for adjoining properties to connect so
4 that the motoring public could go from say Wal-Mart to
5 perhaps an adjoining restaurant without having to get
6 out onto the major roadway. The Planning Staff feel
7 that good access, good connectivity is very important.

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

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

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

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

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

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

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

20 MS. STONE: No.

21 DR. BOTHWELL: Is chair ready for a
22 motion?

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

25 DR. BOTHWELL: I move to approve.

1 MR. CAMBRON: Second.

2 CHAIRMAN: We've got a motion for approval
3 by Dr. Bothwell. We've got a second by Mr. Cambron.
4 All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 MAJOR SUBDIVISIONS

9 ITEM 11

10 Graystone Estates, Section 2, Unit 1, Lots 133-151,
11 196-200, 222-226, 240-247, 255-264, 14.109 acres
12 Consider approval of major subdivision final plat.
13 Surety (Certified Check) posted: \$500.00
14 Surety (Performance Bond) posted: \$89,454.80
15 Applicant: Jagoe Land Corporation

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

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

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

24 CHAIRMAN: Anybody representing the
25 applicant?

(NO RESPONSE)

CHAIRMAN: Any questions?

1 (NO RESPONSE)

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

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

6 CHAIRMAN: Motion for approval by Mr.
7 Cambron.

8 DR. BOTHWELL: Second.

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

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

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 ITEM 12

16 4311, 4317, 4323 Springhurst Lane, Lake Forest, Lots
236-238, Unit 20, 1.307+ acres
17 Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: \$8,223.00
18 Surety (Certified Check) posted: \$750.00
Applicant: JMP/Lake Forest, Inc.

19

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

24 CHAIRMAN: Anyone here representing the
25 applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Any questions?

3 (NO RESPONSE)

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

6 MR. JAGOE: Move for approval.

7 CHAIRMAN: Motion for approval by Mr.
8 Jagoe.

9 SISTER VIVIAN: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 MINOR SUBDIVISIONS

16 ITEM 13

17 5872, 5924, 5934 May Road, 7.984, 1.007, 7.151 acres
18 Consider approval of minor subdivision plat.
19 Applicant: Kenneth Earl and Regenia Short

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

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

1 have specific findings for that.

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

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

8 The 1.07 acre tract that they're proposing
9 to create meets all the regulations in terms of lot
10 width and depth and lot frontage, but it leaves the
11 remaining tract exceeding the three to one ratio. The
12 remaining tract does have a minimum lot frontage of
13 100 feet. It does make it regular division, how they
14 got it divided all the way across the property line.
15 We would recommend it be approved as the best possible
16 division to create these two lots on the tract with
17 the three to one exception on the larger tract.

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

21 CHAIRMAN: Are there any questions?

22 (NO RESPONSE)

23 CHAIRMAN: If not chair is ready for a
24 motion.

25 MR. APPLEBY: Motion for approval.

1 CHAIRMAN: Motion for approval by Mr.
2 Appleby.

3 MR. JAGOE: Second.

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

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

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

11 MR. BOTHWELL: Thank you.

12 CHAIRMAN: Mr. Appleby, does your motion
13 stand?

14 MR. APPLEBY: Yes.

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

17 MR. JAGOE: Yes.

18 CHAIRMAN: All in favor raise your right
19 hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Thank you.

23 ITEM 14

24 512 East Seventh Street, 705 Clay Street, 0.073+
25 acres

25 Consider approval of minor subdivision plat.

Applicant: John L. Smith

Ohio Valley Reporting

(270) 683-7383

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

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

13 MR. CAMBRON: Motion for approval.

14 CHAIRMAN: Motion for approval by Mr.
15 Cambron.

16 MR. HAYDEN: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

22 -----

23 SURETY RELEASES

24 ITEM 15

25 Audubon Area Community Services, Inc.,

1 Parking Lot \$532.50
2 Consider release of surety (Certified Check) for
3 landscaping.
4 Surety posted by: Audubon Area Community Services,
5 Inc.
6
7 ITEM 16
8
9 Barnett Automotive, \$360.00
10 Consider release of surety (Certified Check) for
11 landscaping.
12 Surety posted by: Delmar Barnett
13
14 ITEM 17
15
16 Bellevue Baptist Church, \$8,130.00
17 Consider release of surety (Performance Bond) for
18 landscaping.
19 Surety posted by: Billy Joe Gaddis
20
21 ITEM 18
22
23 Blessed Mother Family Life Center, \$2,190.00
24 Consider release of surety (Certificate of Deposit)
25 for landscaping.
26 Surety posted by: Blessed Mother Church
27
28 ITEM 19
29
30 J.E.D. Rentals, \$6,592.50
31 Consider release of surety (Performance Bond) for
32 landscaping.
33 Surety posted by: J.E.D. Rentals
34
35 ITEM 20
36
37 2445, 2455, 2447, 2457, 2449, 2459 O'Bryan Boulevard,
38 \$1,147.00
39 Consider release of surety (Certified Check) for
40 landscaping.
41 Surety posted by: Robert Thomason
42
43 ITEM 21
44
45 Old National Bank Downtown, \$3,150.00
46 Consider release of surety (Certified Check) for
47 landscaping.
48 Surety posted by: F.M.B., LLC
49
50

1 ITEM 22

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

6 ITEM 23

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

11 MR. NOFFSINGER: Mr. Chairman, Surety
12 Releases Items 15 through 23 are in order and may be
13 released in toto.

14 CHAIRMAN: Any questions?

15 (NO RESPONSE)

16 CHAIRMAN: Chair is ready for a motion.

17 MR. APPLEBY: Motion for approval.

18 CHAIRMAN: Motion for approval by Mr.
19 Appleby.

20 SISTER VIVIAN: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item.

26 SURETY TRANSFERS

27 ITEM 24

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

5 ITEM 25

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

11 ITEM 26

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

17 ITEM 27

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

23 ITEM 28

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

ITEM 29

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 30

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

1 ITEM 31

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

7 ITEM 32

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

12 ITEM 33

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

17 ITEM 34

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

22 ITEM 35

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

27 ITEM 36

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

33 ITEM 37

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

1 Surety posted by: Lake Forest Community, LLC

2 ITEM 38

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

8 ITEM 39

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

14 ITEM 40

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

19 ITEM 41

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

25 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.

1 Bothwell.

2 MR. APPLEBY: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item.

8 -----

9 NEW BUSINESS

10 ITEM 42

11 Consider amendment for Fiscal Year 2004 budget.

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

19 CHAIRMAN: Questions?

20 (NO RESPONSE)

21 MR. APPLEBY: Motion for approval.

22 CHAIRMAN: Motion for approval by Mr.

23 Appleby.

24 MR. CAMBRON: Second.

25 CHAIRMAN: Second by Mr. Cambron. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

5 ITEM 43

6 Consider motion to go into closed session to discuss
7 personnel and litigation matters.

8 CHAIRMAN: At this point we will now go
9 into closed session. When we come back we will
10 adjourn the meeting and no other action will be taken.

11 (CLOSED SESSION)

12 - - - - (OFF THE RECORD) - - - -

13 CHAIRMAN: The chair is ready for one
14 final motion.

15 MR. GILLES: Motion to adjourn.

16 CHAIRMAN: Motion to adjourn by Mr.
17 Gilles.

18 SISTER VIVIAN: Second.

19 CHAIRMAN: Second by Sister Vivan. All in
20 in favor

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: We're adjourned.

23 -----

24

25

1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

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

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

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

COUNTY OF RESIDENCE:
24 DAVIESS COUNTY, KENTUCKY

25