The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, February 9, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
                  Gary Noffsinger
                  Dave Appleby
                  Jimmy Gilles
                  Scott Jagoe
                  Irvin Rogers
                  Tim Miller
                  Judy Dixon
                  Dr. Bothwell
                  Madison Silvert
                  Attorney
                  Stewart Elliott,
                  Attorney

CHAIRMAN:  I would like welcome everyone to the February 9, 2006, Owensboro Metropolitan Planning Commission meeting.

Would you please rise. Our invocation and pledge of allegiance will be given by Mr. Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to consider the minutes of the January 12, 2006
meeting. Are there any additions, corrections?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms.
Dixon.

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, Mr. Noffsinger.

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ZONING CHANGES - CITY

ITEM 2

1433 1/2 West Fourth Street, 0.184 acres
Consider zoning change: From R-4DT Inner-City
Residential to B-4 General Business
Applicant: Rose Hayden

MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD 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. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. No new access along West Fourth Street shall be permitted. The expansion of the existing drive on West Fourth Street shall be to the west;

2. A ten foot landscape easement with a six foot high continuous element with a tree every 40 linear feet shall be installed to the west and north property lines where the subject property adjoins residentially zoned property; and,

3. Submission and approval of a consolidation plat to join the subject property and the existing auto sales lot to the east.

Findings of Fact:

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

2. The subject property is located immediately west of an existing B-4 General Business zone and use; and,

3. The logical expansion of the B-4 zone and use will not significantly increase the extent of the zoning within the area and will not overburden

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roadway capacity and other necessary urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Are there any comments or questions?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval based on Conditions 1 through 3 and Findings of Fact 1 through 3.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

304 East 25th Street, 0.95 +/- acres
Consider zoning change: From B-4 General Business to B-5 Business/Industrial
Applicant: Adams Motor Sales, Lindy L. Mercer & Abbie C. Mercer Revocable Trust

PLANNING STAFF RECOMMENDATIONS

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Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. If outdoor storage occurs, a six foot high solid wall or fence shall be constructed to provide required screening; and,
2. No new access to J.R. Miller Boulevard shall be permitted.

Findings of Fact:

1. The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
2. The subject property lies within an existing area of business and light industrial zones;
3. The Comprehensive Plan provides for the continuance of mixed use areas; and,
4. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.

MR. HOWARD: We would like to enter the Ohio Valley Reporting (270) 683-7383
Staff Report as Exhibit B.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve based upon Planning Staff Recommendations and Findings of Fact 1 through 4 and subject to Conditions 1 and 2.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. MILLER: Second.

CHAIRMAN: Second by Mr. Miller. 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 - COUNTY

ITEM 4

4619 Countryside Drive, .0556 acres
Consider zoning change: From R-1B Single-Family Residential to R-2MF Multi-Family Residential
Applicant: John M. Wells

PLANNING STAFF RECOMMENDATIONS

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

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Comprehensive Plan. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area where urban mid-density residential uses are appropriate in limited locations;
2. Sanitary sewer service is currently available to the subject property;
3. There is an R-2MF zoning classification located immediately south of the subject property; and,
4. The expansion of the R-2MF zone should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit C.

CHAIRMAN: Are there any questions?

Step to the microphone, please.

MR. ELLIOTT: State your name, please.

MR. WILLIS: My name is David Willis. I own the house at 4613 Countryside Drive directly beside that property.

(MR. DAVID WILLIS SWORN BY ATTORNEY.)

MR. WILLIS: I feel that a four unit
dwelling, four units is going to be a little more than what that particular piece of property can stand. There's a water consideration with some drainage problems that we've had over time. If they build up the property, you know, we'd have some problems with that. I just want it to be known that there is some considerations. I'm not sure of the process. I wanted to let you know my concerns.

CHAIRMAN: If you'll take a seat, we'll have the applicant come to the mike and address those. Do we have somebody representing the applicant?

MR. ELLIOTT: State your name, please.

MR. WELLS: Darren Wells.

(MR. DARREN WELLS SWORN BY ATTORNEY.)

CHAIRMAN: Mr. Wells, did you hear his questions? One regarding draining and another one regarding the density of the property.

MR. WELLS: Yes. There is a major drainage ditch on the back line of the property. I do know that. That's where the water is shed to. As far as I know, there is no drainage problem back there at this time.

The density problem I really wouldn't know how to address that.
CHAIRMAN: The density is something that we take care. Let me have one of the staff members address that, please, or Mr. Noffsinger.

MR. NOFFSINGER: Mr. Wells, what type of unit in terms of is this going to be a single building with four dwelling units in it?

MR. WELLS: Yes. Be a single building with four dwellings. Kind of up-scale four-plex.

MR. NOFFSINGER: You realize that you will need to obtain building permits for the development as well as submit a site plan for the building inspector's review and the county engineer's review for drainage?

MR. WELLS: Yes.

MR. NOFFSINGER: Thank you.

CHAIRMAN: Mr. Willis, did that seem to answer your questions?

MR. WILLIS: I have some sworn affidavits by a few different people in the past that states that -- I know that my yard stays pretty much wet all the time. I have some, like I said, some statements that said that there's been a problem at the subdivision with drainage. Like I said, I'm afraid that if they build it up or do any building, of course, that's going to make me even have more water.
CHAIRMAN: Mr. Willis, do you understand that before Mr. Wells will be allowed to build anything that it has to be approved by the county engineer?

MR. WILLIS: Yes, sir. I was aware of that. I also through reading some of this paperwork in the past have found that engineers have worked with this before and I guess really have never solved the problem. I was just kind of looking out for my best. No that it's not possible.

CHAIRMAN: Very, very possibly after the engineers survey this property, Mr. Wells will be responsible for draining that property. If there is a drainage ditch to the back, he will have to submit a plan to the engineer to remove all the water from the property with that without impeding you all. So very possibly when this is finished, due to the drainage and the work of the county engineer, your situation could be improved. It will be improved from the standpoint of Mr. Wells' property towards yours. Other property that drains to yours, will not be helped by this, but Mr. Wells will definitely meet the criteria where he will not shed water.

MR. WILLIS: I see. I guess finally the fact is and I guess it's of my concern only, but we
bought the house in the subdivision that's predominately single-family units. There's a few other duplexes. There's 18 other duplexes in that area. They don't seem to be on a lot that is much smaller than the lot that he propose is a four-plex. It just seems to me, you know, I have a seven foot area between houses and that's a concern to me too. I know that the property value 10 years down the road when we should be appreciating, or 15, it will be depreciating because, you know, characteristically rental properties aren't as well kept as a residential unit.

CHAIRMAN: Well, I would have Mr. Noffsinger address the density as far as the criteria that they have to meet on that.

MR. NOFFSINGER: Back to the draining, if I may. I will ask Jim Mischel. Jim is the building administrator for the City of Owensboro and Daviess County. I will ask him to make sure prior to the issuance of the building permit that he makes contact with Sinan Rayyan, he's the county engineer, and discuss the drainage issue. I'm sure Mr. Wells will be required to do that as well.

In terms of density, right now you could build one single-family home on the property. That
home could be 1,500 square feet. It could be 6,000 square feet. In terms of the drainage, it's probably not going to make that much difference whether it's a four-plex or a single-family home, but you are right. You are altering the density in terms of the number of dwelling units you can have on this property by rezoning it to a multi-family zone.

I will state for the record that property to the south of the subject property is currently zoned R-2MF. Although I think that property may be vacant right now, there has been some discussion in talks about building multi-family units on that property. So this is a logical expansion, but you do bring up some interesting --

MR. WILLIS: I had read about the logical expansion, but in my point of view since it is a residential neighborhood, it would be logical to expand with a single-family unit than with a rental property. That's just my opinion.

MR. NOFFSINGER: Right. That's something that this board has to wave through the evidence from this meeting in terms of whether or not it should be changed; however, if they do recommend a change in the density, it would be in keeping with the typical pattern within the existing residential development.
MR. WILLIS: Thank you, sir.

CHAIRMAN: Are there any other questions or comments?

(NO RESPONSE)

CHAIRMAN: If there are none, the chair is ready for a motion.

MR. APPLEBY: I make a motion for approval based on the Staff Recommendations and Finding of Fact 1 through 4.

CHAIRMAN: We have a 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 5

3545 Medley Road, 5.046 +/- acres
Consider zoning change: From EX-1 Coal Mining to A-U Urban Agriculture
Applicant: James C. Ellis, III

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of

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fact that support this recommendation include the following:

Condition: Any future access to the subject property will be required to meet the requirements of the Access Management Manual.

Findings of Fact:

1. The subject property is located in a Future Urban Plan Area where rural small-lot residential uses are appropriate in general locations;

2. The subject property has frontage on Medley Road which is an existing, publicly maintained road;

3. The five plus acre tract of land is sufficient in size to accommodate a septic system;

4. Mining activities have ceased and reclamation has been completed; and,

5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.

MR. HOWARD: We would like to enter the Staff Report as Exhibit D.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
MR. GILLES: Motion for approval based on Findings of Facts 1 through 5 and the one condition.

MR. APPLEBY: Second.

CHAIRMAN: We have a motion for approval by Mr. Gilles. We've got a second by Mr. Appleby.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

9501-9601 Blks, Sauer Lane, 39 +/- acres
Consider zoning change: From A-R Rural Agriculture to I-1 Light Industrial
Applicant: Buskill Properties Partnership, The Strode Farming Partnership, LTD

MR. ROGERS: Mr. Chairman, I need to disqualify myself on this item.

CHAIRMAN: Let the record show that Mr. Rogers is qualifying himself from this item.

(MR. ROGERS LEAVES ROOM AT THIS TIME.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

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Conditions:

1. Widen Sauer Lane to 22 feet from where roadway improvement end at the Kimberly Clark site to the easternmost access point of the subject property. The transition taper back to 18 feet shall begin beyond the access point;

2. All vehicular use areas shall be paved; and,

3. Outdoor storage areas shall be screened per zoning ordinance requirements.

Findings of Fact:

1. The subject property is located in a Rural Maintenance Plan Area where light industrial uses are appropriate in limited locations;

2. That proposed storage use associated with the existing Kimberly Clark facility will be nonresidential in use;

3. The proposed zoning change is a logical expansion of an existing industrial zoning classification located immediately south of the subject property; and,

4. With the commitment by the developer to widen Sauer Lane, the proposed zoning change should not overburden roadways or other necessary urban services that are available in the affected area.

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MR. HOWARD: We would like to enter the Staff Report as Exhibit E.

At this time as well, I also have two letters that were submitted to the Planning Staff that I would like to read into the record as well. We will enter those as Exhibits F and G.

The first one is dated January 31, 2006.

"As neighbors of the proposed zoning change from Agriculture-Residential to light industrial in west Daviess County on Sauer Lane, we are opposed.

"In 1989 we inquired about a zoning change from A-R to Business for a beauty shop and were told that would never happen but we could apply for a conditional use permit. With no objections from the neighbors, we were granted this permit. In 1999, we applied for a conditional use permit to build a gift shop. With no objections from neighbors we were granted this also.

"In order to get a permit we had to meet certain criteria to promote public health, safety or welfare in our zone and not impair the integrity and character of the zone in which we were located, or in adjoining zones.

"We don't understand how warehouses which
would generate a great amount of truck traffic, located on prime farm land, in our area with nice residential homes, would meet this criteria. 

"With a zoning change from A-R to I-1 for a storage warehouse, if the business failed this would leave it open for any other business to come in without a notice to neighbors. It would cheapen the residential properties even more. 

"Sincerely, Carl & Brenda Millay."

The second letter is dated February 8, 2006.

"Dear Members of the Commission: I have received notice of the request for zoning change of the property across Sauer Lane from my farm. I understand the property will be used for warehouse storage.

"I am very pleased to see a private investment being made to serve and encourage our existing industry and promote job growth and the economy of Daviess County. I'm sure the storage in the neighborhood will save money not only for highways, but also for the industry.

"I appreciate your providing a copy of this letter to the members of the Commission and including it in the record of your proceedings.

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"Very truly yours, Charles L. Lamar."

CHAIRMAN: Are there any questions?

MR. GREENWELL: I would like to read a little bit here if you don't mind.

MR. ELLIOTT: State your name, please.

MR. GREENWELL: Dan Greenwell.

(MR. DAN GREENWELL SWORN BY ATTORNEY.)

MR. GREENWELL: My name is Dan Greenwell. My wife, Beth, and I have been on Sauer Lane, 9711 Sauer Lane for 17 years.

Many of our neighbors and friends here tonight have lived there longer. Some their whole lives. I was raised on a farm. Lived in the country all my life. We choose to live in the country for a reason. So we can have peace and quiet and listen to the night sound and enjoy the wildlife.

Sauer Lane used to be a quiet country road, but not any more. Traffic is terrible. Coming home or leaving when the shift changes at Kimberly Clark it's dangerous to say the least. Don't even think about letting a kid ride a bicycle on Sauer Lane at these times.

When you live in the country you do so because you don't want to hear the traffic noise, bright lights which industry brings. Well, we have
these now.

This rezoning would make it only worse. It would literally put it right outside our bedroom windows or right across the streets from some of our neighbors.

I have great concern about this because of the track of land you want to rezone and mine separated only by a fence row, which in no doubt will disappear.

If this piece of farmland is rezoned, the next piece of land will be easier to rezone and I wonder where it will stop.

Will we who live in the country now live in an industrial park?

We're here tonight along with our friends and neighbors of Sauer Lane and the surrounding neighborhood to express our opposition to this proposed rezoning at 9501 and 9601 Sauer Lane. It's not a logical choice of land to rezone. Prime piece of farmland joined on three sides of the residences.

As we see it, this rezoning would bring no benefits for adjoining property owners or residents of Sauer Lane. It would greatly decrease our property value, our privacy and greatly increase our already existing traffic problems.
I have a petition here tonight signed by
over 60 residents of Sauer Lane and surrounding areas
that would be directly affected by this rezoning in
which would further disrupt our lives and lifestyles.

Everybody with me on that.

CHAIRMAN: Yes, ma'am.

MS. WARREN: My name is Sharon Warren.

(MS. SHARON WARREN SWORN BY ATTORNEY.)

MS. WARREN: I've lived on Sauer Lane 37
of my 44 years. I chose to come back to Sauer Lane
because we love that area so much and my children even
want to come back to that area when they graduate from
college.

I do have something from the Owensboro
Metropolitan Zoning Ordinance. I believe these are
your words that you wrote.

8.1 Development and Intent of Zones. I
would like to read you your words. "Agriculture
Zones: The two agricultural zones are created from
the original A-1 Agricultural zone. The A-1 Urban
Agricultural zone is established to provide for
agricultural and related open space uses for portions
of the Owensboro Urban Service area projecting for
urban development. The A-U zone is also intended to
designate potential development areas surrounding

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particular rural communities of Daviess County and the area surrounding Whitesville. The zone change from A-U to a more urban classification shall be encouraged for projects that promote the objectives of the comprehensive plan lane use element. The A-R rural agricultural zone is established to preserve the rural character of the Daviess County rural service area by promoting agricultural and agricultural related uses and by discouraging all forms of urban development except for rural residential and limited conditional uses."

Then from the Land Development Policies 4-31, Analysis of Development Constraints. "As we develop our community, we affect the land. Our community's basic physical resource. In a broad sense, the land is comprised of the sun, soil, rocks, water, air, plant life and wildlife. These land elements have been and will continue to be highly important to our community's future development since they provide the air we breathe, the water we drink, the basis for the food and the fiber we grow, the materials from which we make all of our physical artifacts, the resources from which we provide and produce energy, the foundation upon which we construct all our buildings, and the natural environment

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necessary for our emotional health and intellectual growth. As we build more houses, streets, stores, industries, schools, etcetera, the process of urbanization will necessarily impact both the natural and built environments. If we wish to make our community primarily a place of and for people and to achieve a good quality of life, we must recognize certain constraints upon how we develop the land.

"These constraints arise from the following needs: To protect fragile areas of the environment from detrimental impacts of urban development. To provide necessary urban services to protect the public welfare and to provide relief to the natural environment and to create compatible relationships between diverse and urban land uses and also between urban and rural activities.

This would affect plant life and animal life. Urban development typically impacts plant and animal life which can leave to losses of unrenewable resources and possible extension of unique wildlife species.

"Although some loss of wildlife is inevitable with more urban development, we should retain unique areas; especially wet lands in their natural state. This is becoming a national issue and
had led to more federal and state programs to protect
the unique and important habitats that wet lands
nurture."

This is also a flood plain. Most land
uses associated with urban development are extremely
incompatible with flood plain. That is a flood plain.

Building spill land or materials stored
outdoors can block floodways and thus increase flood
elevations to the point that loss of property or life
results. This issue is of such major significance to
our community that our local government has regulated
building construction relative to flood plains since
1980 under the natural flood insurance program.

Through this regulation floodways are kept
unobstructed. Acceptable land uses in floodways
include agriculture, recreational areas, parking
areas, and similar open space uses.

Thank you.

CHAIRMAN: Does anybody else have a
comment?

(NO RESPONSE)

CHAIRMAN: Mr. Kamuf, do you have a
comment?

MR. KAMUF: I do.

MR. ELLIOTT: State your name, please.
MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: I represent Strode Farming and also the applicant, Buskil Properties. Let me show you where this property is located.

The far line over here is the Henderson County line. This is the road 60 going to Newman. This is the subject property that we see. It's a 39 acre tract. When we filed the application for rezoning, we did not ask for I-2. All of this property that you see, the 400 or 500 acres is Kimberly Clark. It is zoned I-2. We specifically did not ask for I-2 because there will not be any outdoor storage.

The big photo also shows as the old area that he had. This is Innovative Way. This is an area that comes down and comes back. It built I think by the county for the industrial development of Kimberly Clark.

All of us knew when this property was zoned at that time, the 400 or 500 acres, that eventually they would need off-site storage. A lot of the off-site storage now is hauled to Owensboro to the Riverport and other properties here in Owensboro.

What we propose here on this 39 acre tract
is to have a storage for the off-site for Kimberly Clark.

If you see this widens Sauer Lane. We have met with the county engineer. The county engineer has come to the property. We meet with him. He finds no problem with this proposal.

From this point, which will be Gate C, Gate C of the plant to this point which is called Martins Creek is about 900 feet. We will pay at our own expense to have the road widen. The widening of the road will take place on property owned by Kimberly Clark. It's approximately 900 feet from this point to this particular point.

The screening, as you can see by the photos that I will show you. This first photo that I show you, this is the 900 feet that you see will be from Gate C shown on the map here. Gate C will be from this point to this point. That shows Gate C. It will be about 900 feet. It will be on the Kimberly Clark side and it will be widen. The county engineer approved that particular widening.

CHAIRMAN: Mr. Kamuf, would you show your photos to the audience also.

MR. KAMUF: Sure will.

The next photograph that I'll show you,
I'll show it to you first and then I'll show it to the other gentlemen, is the property owned by Charles Lamar. It is to the right. He is the individual that wrote the letter and said that he would like for the property to be rezoned. One of the reasons for it is industrial development. There will be six to eight jobs that will be included in this property.

The other picture that I show you, this shows Charles Lamar's property also.

The next photo that I show you will be the property going west. I think it adjoins Mr. Greenwell's property. As you can see, there is a natural barrier that will separate Mr. Greenwell's property from the subject property. Those trees have been there for years.

Here is the other property. Another photograph that shows the Greenwell property. It shows the natural screening to the west of subject property and to the east of Mr. Greenwell's property.

This is also a photograph showing the screening between the two properties.

This shows the subject property to the east. This is the property that you see with the hash marks in red on the big plat that we have.

This is the Rudy property to the rear. It
shows a natural screening area around that property. This building will be built to the rear of the 39 acre tract and it will be close to the rear. It will screened by that as you see there.

Then the other picture is also another photograph of the property next to Mr. Greenwell's property. It shows the Willow Creek as marked on here, the Martin Creek coming through.

I would like to mark these 1, 2, 3 and continuous.

As I said before, we would not have filed this application. Before we file the application, we met with the county engineer to get his approval to be sure that there would not be any problem with the widening of the property. Widening of the property will take place on the Kimberly Clark side. If there is any problem, as you noticed in the Staff Report the county engineer said he had no problem with it. If there is a bonding that needs to take place on the road, we will supply that.

The screening, whatever is required in addition to the natural screening. I wouldn't think that there would be much more directly to the west of this property and to the rear of it than the natural screening. If there were requirements that you all
place on that, we'll be glad to do that.

The findings as you have seen, it is in accord with the Comprehensive Plan. It is a logical expansion. It touches as we see here. Everybody knew when the property down there was zoned for this large industrial complex, and the Comprehensive Plan took that into affect, that this property some day would need off-site storage. This is an idea place for the storage for Kimberly Clark.

This property, as you can see from Gate C, the Willow Creek it will be widen. It will widen in the same area that you see Innovated Way and the other Sauer Lane that will be directly to the west.

If you see here, there are four houses that will be affected along this area. The truck traffic that you will see on this particular road will go no further than the front of this property. So the people here that are objecting, as far as using Sauer Lane, other than the property I think is the 9500 block, those are the only two. There will be four families that will be affected by this rezoning. One, two, three. We do not propose to use Sauer Road any further than the Willow Creek area where it adjoins and where we make an ingress and egress area going onto the subject property. So there will be four
property owners that will be affected. We will widen
the road. All of the expenses that will be paid will
be paid at our expense.

If you have any questions, the land owner
is here, Richard Strode, and also the applicant, Dale
Buskill. I've tried to answer some of the questions.
I'm sure there will be more. We're here to answer
them.

CHAIRMAN: Mr. Kamuf, is the goods going
to the warehouse, are they goods that are going to be
manufactured at Kimberly Clark going to the warehouse
or are they coming to be incoming raw materials that
are going to be warehoused and shipped in to Kimberly
Clark?

MR. KAMUF: I think Mr. Buskill can answer
that question.

MR. ELLIOTT: State your name, please.

MR. BUSKILL: Dale Buskill.

(MR. DALE BUSKILL SWORN BY ATTORNEY.)

MR. BUSKILL: The question again, sir.

CHAIRMAN: The question would be: Are the
goods and products going to be coming out of Kimberly
Clark to the warehouse or are they going to be raw
materials that are going to be shipped off site in to
the warehouse and then shipped to Kimberly Clark?
MR. BUSKILL: My opinion the majority of it will be manufactured at the plant. Be finished product.

CHAIRMAN: So it'd be raw materials that have already been shipped in to Kimberly Clark. Manufactured and then shipped over to your — —

MR. BUSKILL: My opinion the majority of it. I'm sure there would be some raw materials. I can't imagine that there wouldn't be. The quantity I couldn't answer.

CHAIRMAN: Mr. Buskill, what size are your warehouses going to be? Do you have an idea at this time?

MR. BUSKILL: I'm not past the point of negotiation yet. We had a warehouse that collapsed back in 2004 from the 24 inches of snow that we had. It was 52,000 square feet. It will be at least that big.

CHAIRMAN: 52,000, just for the rest of the audience, would you sort of give them a rough parameter.

MR. BUSKILL: It was 150 feet by 3 something. I don't remember the exact dimensions. 400 feet by 150 feet is 60,000 square feet. So it's a little less than that.
CHAIRMAN: Isn't this property, the Strode property, isn't it actually across Sauer Lane from Kimberly Clark?

MR. BUSKILL: It's catty-corner, yes.

AUDIENCE: It's across the creek.

CHAIRMAN: Let me ask now if anybody, any other commission members or anybody in the audience has any questions. We've got Mr. Kamuf. We've got Mr. Buskill. It looks like we've got their engineer also.

Yes, ma'am.

MR. APPLEBY: I have a question for Mr. Buskill.

Do you have any idea what kind of truck traffic volume, daily volume you're talking about?

MR. BUSKILL: Mr. Appleby, I don't. We're not to that point yet. The amount of truck traffic that our warehouse in Owensboro receives now is six to eight trucks a day.

CHAIRMAN: It seems like really the amount, you're not going to really generate any more truck traffic because these goods will be coming in to Kimberly Clark as they've been coming in before and they'll be disbursed to your warehouse where they've been disbursed to other sites; is that correct?
M. BUSKILL: Correct.

CHAIRMAN: Yes, ma'am.

MR. ELLIOTT: State your name, please.

MS. BROWN: Mary Ellen Brown. I live directly across from Kimberly Clark.

(MS. MARY ELLEN BROWN SWORN BY ATTORNEY.)

MS. BROWN: I live directly across from the entrance to Kimberly Clark where the employees go in.

CHAIRMAN: Excuse me. Just for the record, Mr. Buskill, are you familiar on the map where she's talking about?

MR. BUSKILL: Yes, sir.

CHAIRMAN: Would you point that out just for the record, please.

MR. BUSKILL: The entrance is right there.

MS. BROWN: I have four acres of ground right in the little corner with Will Hardesty right behind me.

The thing is we bought our house like four years ago. Kimberly Clark has been a fairly good neighbor. We have like sometimes maybe 15 or 20 trucks that passes our house a day. A lot of the trucks instead of going all the way into Innovative Way they have made a drop lot. They come from

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Kimberly Clark and they go all the way on Sauer Lane, go back another entrance and go in to their drop lot. There's times that there's 15 or 20 trucks that go by. Sometimes we might see three or four. If you look at the road at the entrance to Innovative Way from Sauer Lane from where we go, the road is falling apart already. I mean the whole right-hand side of the road is falling apart where all these semis go through there.

Also down the road to the left of my house is a creek. Are you going to put in a new bridge? I don't think that bridge is capable of handling a bunch of semis. It's not just the widening of the road we're concerned about. It's also the bridge right there.

I can understand why you want to put the warehouse there, but why can't it be like over to Innovative Way to Murphy Road. Why does it have to be right there in the middle of all those homes?

CHAIRMAN: Let me condense it so he can answer your questions one at a time.

If I understand the location of her house and the location of the proposed property, purchased property, where she's talking about, isn't that beyond where you're going to widen the road and where you're going.
MR. BUSKILL: You're speaking of the construction gate where the trucks go past your house to the gate that has a Y?

MS. BROWN: I'm speaking of the entrance. Not Innovative Way, but the next entrance where the employees go in and out to the employees parking lot.

MR. BUSKILL: I don't know.

CHAIRMAN: Mr. Buskill, for my benefit, is the entrance, is her house going to be on or beyond where you're going to widen the road?

MR. BUSKILL: Your house, if I'm thinking right, it's already widen, is it not?

MS. BROWN: No. It's not widen there.

MR. BUSKILL: Then you're not right across from the employee entrance?

MS. BROWN: I'm across the employee entrance to Kimberly Clark.

MR. BUSKILL: Well, I think the picture shows that it's widen all the way past your house until you get to this gate and then it narrows up, I think. I'm not sure where.

MS. BROWN: Well, this lady here says I'm right at one of the gate entrances. I mean there's no gate there, but one of the main entrances.
CHAIRMAN: Mr. Buskill is proposed that he is going to widen the road from where he comes on to Sauer Lane up to the gate that you'll be entering. Is that correct, Mr. Buskill?

MR. BUSKILL: Yes, sir.

CHAIRMAN: So if you're anywhere in that area where Mr. Buskill's trucks will be traveling back and forth, then the road will be widen. He is going to whatever needs to be done to that road. I assume it's between you and the county engineer.

MS. BROWN: What about the bridge there?

CHAIRMAN: Will your truck be crossing the bridge?

MR. BUSKILL: They will cross the bridge, that's correct.

CHAIRMAN: If his trucks are crossing the bridge, then Mr. Buskill, correct me if I'm wrong, you will meet whatever requirements the county engineer?

MR. BUSKILL: The county engineer has been there, yes, sir.

CHAIRMAN: Does that answer your question?

MS. BROWN: Yes, but we're still not happy with it.

CHAIRMAN: I can't help that.

MS. BROWN: I understand that. Like even Ohio Valley Reporting (270) 683-7383
when they put the drop lot back there they're still using the road. I don't understand why they couldn't have made it like on their property instead of coming out on the main road to get to the drop lot. I mean it's

CHAIRMAN: The drop lot has nothing to do with this proposal. His proposal is with the 39 acres.

MS. BROWN: It has to do with the road that goes in front of my house that they're talking about widening though.

CHAIRMAN: Mr. Buskill is going to be required to widen that road and do whatever the county engineer lays down to make the road where it will handle his truck traffic that he has on it. As far as the drop lot and other comments you've made, that really has nothing to do with Mr. Buskill's proposal.

MS. BROWN: Thank you.

MR. BUSKILL: Ma'am, can I show her some pictures of the type of equipment that will do the majority of the transportation?

CHAIRMAN: Yes, sir, you can respond.

MR. BUSKILL: Ma'am, this is the type of truck that will be used the majority of the time.

CHAIRMAN: Mr. Buskill, let me have the
photos and you comment to her from that podium so we can have it recorded and I'll do the shuffling for you. That way we'll have it recorded.

MR. BUSKILL: All right. Thank you.

Yes, it's a truck. That particular truck only runs 28 mile an hour. It doesn't have a trailer hooked to it, but it will have a trailer hooked to it. That particular unit only runs approximately 28 miles an hour. There's not going to be more traffic.

CHAIRMAN: What's the gross weight on that? Probably 62,000 or something, the maximum gross weight?

MR. BUSKILL: Their product weighs different amounts, but I would say in the neighborhood you're pretty close.

CHAIRMAN: Mr. Buskill, Mr. Noffsinger is going to read a letter from the county engineer in regards to the bridge.

Has Mr. Buskill received a copy of this letter?

MR. NOFFSINGER: I do not believe he has.

MR. BUSKILL: No, I haven't.

CHAIRMAN: Let me have Mr. Noffsinger read the county engineer's response to the bridge.

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MR. NOFFSINGER: This is to Brian Howard, Planning & Zoning.

"Dear Brian, In reference to the rezoning request by Dale Buskill for 39 +/- acres at 9501 and 9601 Blocks Sauer Lane, I was informed that storage facilities would be built on the above mentioned property on the north side of Sauer Lane near Kimberly Clark. This facility will accommodate several trucks that will be traveling a section of Sauer Lane and a bridge across a ditch. I have discussed with Mr. Buskill and Attorney Charlie Kamuf with the presence of Mike Riney, County Commissioner, the need to widen the section of Sauer Lane to the width that matches the existing width and then taper down beyond the entrance of the proposed facility. The existing bridge will remain the same with no improvement. We also discussed the possibility of issuing an excess weight limit permit to ensure the road structural workabilities. Sincerely, Sinan Rayyan."

CHAIRMAN: There is his response to the condition and the status of the bridge.

Yes, sir, would you like to make a comment.

MR. ELLIOTT: State your name, please.

MR. HARDESTY: Willie Hardesty.

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MR. HARDESTY: I'm currently an employee of Kimberly Clark and I also reside in a new house that me and my wife built this past year on Sauer Lane right across from Kimberly Clark.

I've got some facts here that I obtained from our website, Kimberly Clark's website, regarding the amount of traffic. I'll just read here.

Each month Kimberly Clark uses Averitt Express to transport finished cases of product to the Riverport Warehouse in Owensboro. Each day 32 shuttle trucks leave the mill.

That is 224 shuttles a week, 896 shuttles a month, 11,648 shuttles a year. Keep in mind, that a shuttle truck is a round-trip truck. So in essence those 32 shuttle trucks that leave the mill every day are traveling the same roads going back to the mill. That's a tremendous amount of big truck traffic for that road. That's going to the Riverport Warehouse in Owensboro.

Currently two storage facilities are being used by Kimberly Clark. They are the BFA Warehouse and also the Riverport Warehouse.

I've talked with our operating manager Rae Hill about this. She is totally unaware about this.
warehouse that's being built. Totally unaware. It would seem to me that if I was going to build a warehouse, I would kind of want to get my ducks in a row. Make sure I had someone to use that warehouse. She has informed me that she's totally unaware of this warehouse.

CHAIRMAN: The situation whether Kimberly Clark or Ms. Hill or really anybody else is aware or what business Mr. Buskill has lined up is really no concern of this board. Our concern is whether he meets certain criteria and what the county engineer's criteria are for him. You know, that is nothing this board can really be concerned about. Whatever Mr. Buskill, as long as he meets the criteria for storage and other criterias that we set down for land usage, you know, who he does business with is no --

MR. HARDESTY: Can I make another comment?

CHAIRMAN: Yes.

MR. HARDESTY: Mr. Kamuf talked about the natural barriers surrounding this 39 acres over there. That's just a tree line. That's not going to be a barrier to all the truck noise and the lights at night. The back-up lights on these semis they drive you crazy. Mr. Greenwell, he so eloquently put it, you know, this is the country. We don't need all
these trucks, all this traffic. It's affecting a lot more than just the four people that this gentleman talked about.

CHAIRMAN: As far as your question, let me get Mr. Noffsinger to answer your question in regards to screening.

Mr. Noffsinger.

MR. NOFFSINGER: In terms of screening, I have a question with the existing tree line. Where are those trees? Are they located on the subject property? Are they located on the adjoining property and will the existing tree line remain?

MR. BUSKILL: There's a tree line and a fence row. The majority of the trees are on this property and they're along this line as the picture show.

CHAIRMAN: Mr. Buskill, do they go completely from front to back, that complete line?

MR. BUSKILL: Yes, sir.

CHAIRMAN: What about the other lines of the property?

MR. BUSKILL: On the back side, the trees go all the way across as the picture shows. There's a small group of trees on the east along here. The area that the proposed site is going to be, I don't know if
you can see the little creek that goes through here, but the trees in the picture show them following that little creek. I'm not going to build by the creek. I'm going to build over here. If you saw the buck signs in those woods back over there, you wouldn't dare do anything to those trees.

CHAIRMAN: Are there any other comments or questions?

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. GREENWELL: Dan Greenwell.

This tree line at any given time of the year you can see lights, neighbors, you know, Carl and Brenda Millay, the one that had the letter in here, you can see any direction. Those trees are not much of a blockage. Sound, the same difference. You can hear the coyotes and stuff out there all across the country. These trees are not going to stop noise. They're not going to stop light. Mr. Charles Lamar has the property across the road. He's not concerned about this at all because he doesn't live there. The bridge that you're talking about crossing, in 1997 when the flood was on that bridge was under three feet of water. You won't cross that with a semi with three feet of water. Empty, full, it done matter.
Ms. Greenwell: Our property, our house at the very back part of our property. Our bedroom faces those woods. It is a line of trees. Not a group of trees. It is a line. A single line of trees. It will disrupt our area. We live back on a 20 acre stretch. The back of it is for our privacy and we will not have privacy. The lights will be shining. The back up horns will be going. How can you enjoy your life when you live in an industrial park. We don't want to live in an industrial park. We want to live in a residential area.

We put up with Kimberly Clark which said it would not smell and it does. You come visit us sometime. That smells. That doesn't have anything to do with this. I'm sorry. I'm off track. We like our privacy and this will not allow us our privacy. Thank you.
MR. BROWN: Donald Brown.

(MR. DONALD BROWN SWORN BY ATTORNEY.)

MR. BROWN: We we bought our place down there in 1973. Built a house there in '77. So we've seen a whole lot of things come and go. So far we've lived with what we've got. This we don't need. As far as the road widening, I'm unaware of any road widening. They're reblack-topped it. I think David Warren was county commissioner then and he put us in a good road. He might have had something to do with the bridge. I think he did. This bridge is set up for car traffic and pickup truck traffic. Well, the whole road is. We don't really need this kind of traffic down there.

As far as his tractor he's showing us, that's a yard tractor. It has a hydraulic fifth wheel on it to pick up trailers with and spot. It's a spot trailer. Kimberly Clark has the same thing over there. Twenty-eight miles an hour on a 45 mile an hour speed zone ain't going to work very well I don't think. It's up to you fellows. Like I say, this thing just didn't, it's going to be a Pandora box opened up and a new can of worms when all this gets loose down there. We really don't need it. Thank you.

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CHAIRMAN: Thank you, sir.

Do we have any other comments or questions?

MR. PEDLEY: Yes, I have a comment.

MR. ELLIOTT: State your name, please.

MR. PEDLEY: My name is Dale Pedley.

(MR. DALE PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: We've talked all around about the tree lines and barriers you've got and everything. They have never mentioned the eastern side of the site there.

CHAIRMAN: Just a moment.

Mr. Buskill, would you for the rest of us point to what is the eastern side, please.

(MR. BUSKILL COMPLIES WITH REQUEST.)

CHAIRMAN: Thank you.

MR. PEDLEY: That side is wider. There's no barrier there whatsoever. There's a little tiny woods there by Millay's residence. The woods doesn't barrier this side from the Millay residence.

Also there's a small farm between his farm and the Millay residence. So once you zone this light industrial, then that opens up that little farm to be zoned light industrial. Once you start it, you open it then it will stay there. Then you jump from that
zoning to that little farm. When you do, then that's right in the driveway and windows and the doorway of the Millay farm. My daughter lives about a quarter of a mile from where this is going to happen. She built her house there. She's been there for 20 years. She built there because she lived in the area all of her life. Her grandmother and granddaddy and my wife and I have lived in that area all our life. We live there because it's a residential area, farming area. It's been quiet. We chose to live there. When we moved down there, we decided that whatever the farmers do, if they clean their barns out and spray it on the fields we'll live with it, and we have. If they want to build storage barns or storage bins, shops, we'll live with it. This is different story. We don't really feel like we have to live with whatever someone's private industry wants to put on us. Now, this is all in flood plain. Everything he's wanting to do is in a flood plain. That needs to be looked at especially. Another thing it's going to do it's going to bring down the value of my daughter's property. Going to bring down the value of the Millay property and the properties across the road from it. That's one thing that's in your own zoning regulations or whatever, about knocking the value of people's Ohio Valley Reporting
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property. That's the one thing you set up to avoid is
down grade other people's property and that's what
they're going to do.

I don't know what kind of curtain you're
going to build to stop that from being viewed by the
Millays and everybody else on that eastern side.
There's a very slim line to the back, but nobody lives
behind it. Nobody cares about there. But Dan
Greenwell's place is just through a tree line. That's
not a barrier. That's all. Thank you.

CHAIRMAN: Just for the record, Mr.
Pedley, the homeowner right across the street, Mr.
Lamar, had written a letter in support of the
property.

MR. PEDLEY: He doesn't have a home across
the street.

CHAIRMAN: Well, I'm just stating he's the
property owner across the street.

MR. PEDLEY: Another thing about his
property. It's all flood plain. He really wouldn't
care what they do to his property.

CHAIRMAN: I was just saying for the
record.

Yes, sir.

MR. ELLIOTT: State your name, please.
MR. CHANDLER: My name is Scott Chandler.

(MR. SCOTT CHANDLER SWORN BY ATTORNEY.)

MR. CHANDLER: I'm probably the newest homeowner on Sauer Lane. We moved there this past October. We moved there after searching for three years for a home in that part of the county. I work for Vectren Energy Delivery over in Evansville, Indiana. I did not grow up in Daviess County, but I married a girl from Daviess County and we've moved back here.

We've had the opportunity to look in homes in Indiana and closer to my work, but Daviess County is home for us. That's where we moved back to from Colorado after 11 years. We've seen what industry does when they expand into rural areas. You go out to the Denver area now and you'll see how they've just expanded it and there aren't wildlife areas any more. You don't want that folks. I'm sorry.

We have two daughters and two dogs and they like to walk their dogs. If you're going to increase the traffic flow on that road, it's not going to help us. It's going to hurt us, our family.

We are east of where this proposed property is, but when the folks say that the traffic at shift change is deadly, it is. It's very
hazardous. We just don't want more trucks out there. You have from what I've seen in town you have tobacco warehouses that aren't being used that are empty. Why can't you use some of those. I'm not trying to, you know, I'm not here just to complain. I don't think that's right, but to complain and maybe provide an alternative solution. We have these tobacco warehouses. Why can't we use them if we're not going to fill them up with tobacco? Why can't we use them. I appreciate your time. Please, don't let his go through. Thank you.

CHAIRMAN: Do we have any further comments or questions?

Yes, sir.

MR. ELLIOTT: State your name, please.

MR. BALES: My name is Scott Beals.

(MR. SCOTT BEALS SWORN BY ATTORNEY.)

MR. BEALS: I live just east of the proposed site across the road. The warehouse he's proposing to build is going to be in my front yard basically. My property line is 300 feet, 250, 300 feet from that property line. I've worked in warehouses and trucking industry for the last 17 years. No matter what you do or what you build around it as a barrier, I'm going to have to live with that.
noise in my front yard for the rest of my life. That's where I plan on living for the rest of my life. I grew up two or three miles from where I live right now and chose to stay in that area. A warehouse in the front yard with the trucks and the back up horns and the forklifts and all that goes with it is not what I grew up with and not what I chose to live with. My house is not a mansion, but we built our house ourself. We didn't pay to have built. Me and my wife and kids bought that property and built our house one stick at a time. We chose to be in the country. Not in the middle of an industrial zone. Kimberly Clark was down the road when I built my house, but we don't need this.

All the pictures that were taken don't show the houses. They don't show how it's going to affect the people that have chosen to live in the country in peace.

Whatever road widening you do and whatever, the 900 feet of traffic that you say is -- that's not all of it. I'm going to look out my front window and see whatever they decide to do over there for the rest of my life. That's not what any of us had planned when we live where we live. There are so many other options besides right in the middle.
corners of the property do touch, but all the way around it are people that have chosen to live in the country. I disagree with it. My property value is from my sweat. It's not from anything else. All I've got is my property. It's taken that away from me. Taken the value from me. Thank you.

CHAIRMAN: Do we have any other comments or questions?

MR. BUSKILL: I have one more comment.

CHAIRMAN: Yes, sir, Mr. Buskill.

MR. BUSKILL: Where the road is going to be widen to, there won't be any traffic that this facility causes that heads any further east than that.

CHAIRMAN: Thank you.

MR. KAMUF: Mr. Chairman, may I say something, please.

CHAIRMAN: Mr. Kamuf.

MR. KAMUF: When Kimberly Clark was built, it's natural that you're going to have an expansion of an industrial zone. This is the reason that you have a Comprehensive Plan. Your Comprehensive Plan tells you that there will be what a logical expansion of this type of use in that particular area. We didn't start this issue. The issue was started by industrial growth in Daviess County for a job which everybody
wanted. There will be an increase in jobs here. This property here is a logical expansion according to your Comprehensive Plan. That's the reason you have a Comprehensive Plan is to have a guideline. Not a straight jacket, but a guideline to tell you what to do.

You're Comprehensive Plan has told you that it fits in a rural maintenance area. Your Staff has told you that it meets all of the requirements of the Comprehensive Plan. They have recommended that you approve it.

Your county engineer has been on the spot. He looked at it. He has written you a letter saying he approves it. If there is any bonding necessary, he will require it.

All of the improvements will not be on any adjoining property owner. The adjoining property owners will not have a detriment as a result of taking any property for a roadway.

Look at the pictures. The road has been expanded I think to 22 foot. This road will be expanded somewhat just to be in line with the other improvements that you see. If you look in this particular area, as the county built the roadway, Innovative Way, coming in from Newman. They also
built next to it a track, an embankment for a railroad track.

In other words, this is an industrial property. It shows it on the Comprehensive Plan. You have approved an I-2. We didn't ask for an I-2. There will not be any storage outside. We have met every requirement. We'll meet every requirement as far as screening, but those are pretty -- in other words, the trees that you have there on the west side of this property are pretty nice. It's pretty nice screening, but if you need any more screening we'll do it. Whatever is requirement by this board as far as screening we will do it, but there's not much more that we can do.

If you had to pick a place in Daviess County to put an industrial zone, to rezone some property industrial, you'd put it right there. It's right next to 400 or 500 acres that's an industrial plant.

If you have any more questions we'll try to answer them.

CHAIRMAN: Thank you, Mr. Kamuf.

Just for the record. Mr. Kamuf, the county engineer did not say he supported the rezoning. He said that he supported no improvements to the road.
and the widening of the road and that there would not have to be any improvements made to the bridge. He did not state that he supported.

MR. KAMUF: He didn't take an issue as far as supporting, but he supported as far as the way we were doing it if we were going to do it.

CHAIRMAN: He stated there would be no improvements necessary to the bridge. That's what the county engineer stated just to correct the record.

CHAIRMAN: Yes, ma'am.

MR. ELLIOTT: State your name.

MS. GREENWELL: Beth Greenwell.

We're not worried a whole lot about the traffic. We're worried about our privacy, the lights. How many lights are we going to have out there? Is it going to be really lit up, Mr. Buskill?

CHAIRMAN: Ma'am, direct the questions to us.

MS. GREENWELL: Also they've got Innovative Way. Why don't they put that down there by Innovative Way. Then they wouldn't have to widen the road. They wouldn't have to worry about the rest of us because there's nobody that lives down by Innovative Way.

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CHAIRMAN: Those questions we cannot answer.

MS. GREENWELL: I know, sir.

CHAIRMAN: All we're here to deal with is his proposal on this piece of property. That's all.
Where he is, that's not our --

MS. GREENWELL: Would you ask him what kind of lights they're going to have?

CHAIRMAN: I'd be glad to.

MS. GREENWELL: And how much noise. Thank you.

CHAIRMAN: I will be glad to ask him.

Mr. Buskill, lights and the noise factor.

MR. BUSKILL: Outside lights, if you have ever tried to back a trailer up into a dock, the best light to have is a sodium light. It does not put out a glare when you're trying to back up, especially if it's after dark. If it's a glare, of course, you can't see out your mirror. So the type of lights that will be exterior will be a sodium type light. A low glare light.

CHAIRMAN: Will this be similar to lighting in such at Kimberly Clark by chance?

MS. BUSKILL: I'm not real sure what lighting they use, sir. I don't know. Sodium light
is more of a yellow light.

MR. APPLEBY: Will there be lighting on the building or is there going to be parking lot lighting or turn around area going to be lit?

MR. BUSKILL: Unless I'm required to do more than I have to, it's going to be on the corners of the building and over the dock.

CHAIRMAN: Thank you, Mr. Buskill.

MR. GILLES: Mr. Buskill, is there trucks going to be coming in to your facility during the night?

MR. BUSKILL: Our operating, normal operating hours is 7 a.m. to 4 p.m. Now, I'm not going to say that no trucks ever come to our facility after that. Of course, they do. I'm sure there's people here that have to work overtime that sometimes they may not want to do, but it's just something that happens. Our normal hours is 7 a.m. to 4 p.m.

MR. GILLES: Will there be any trucks parked on your lot? You'll just have a building and the trucks and trailers will be parked there?

MR. BUSKILL: I would say that it probably will -- there will be some trailers there probably in the docks waiting for the next morning.

CHAIRMAN: Ma'am, you'll have to step back.

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to the podium, if you would.

MR. ELLIOTT: Restate your name, please.

MS. BROWN: Mary Ellen Brown.

I made a comment once before and I can't read his name. You said that —

CHAIRMAN: Who would you like to refer to?

We'll get that for the record. Is it Mr. Noffsinger?

MS. BROWN: Just the board in general.

It's not that we don't want Kimberly Clark to expand. That's fine. What we don't want is that particular lot a warehouse there. Do you understand what I'm saying?

CHAIRMAN: Yes, ma'am.

MS. BROWN: I mean there's so many other places they could have put it, but not right there in the middle of that neighborhood.

CHAIRMAN: Thank you.

I believe we have one more. Yes, ma'am, you're waiting to make a comment.

MR. ELLIOTT: State your name, please.

MS. HARDESTY: Kathy Hardesty.

(MS. KATHY HARDESTY SWORN BY ATTORNEY.)

MRS. HARDESTY: My husband and I, we live across from I think it's Gate C. We bought a farm, 21 acres, last years or a few years ago. Built a house
last year.

I don't know how many of the board are familiar with the area, if you've been out there and looked at it because I think the pictures that Mr. Kamuf showed were very deceiving. It makes it look like it's this huge area. It's not like that. I mean the houses are right by. It's not just excluded all by itself. It's wide open. Where the like the Millays, they definitely would see it all. It's very deceiving. I don't know if you have seen it or not. I understand that you have to meet whatever the criteria is and that's how you make your decision, but I believe if you saw it you would see that that is very deceiving, the pictures were. I don't know if that makes sense or not.

What our neighbor here said about what the commission says about country life and agriculture. I can't repeat what she said, but those things are important. I believe if you did see actually how it is it would change your opinion.

We are all tax payers. What's the democracy of the majority of the people. We're all tax payers. That's one man or two men building a warehouse. From what you said, and they're saying Kimberly Clark, but I don't think Kimberly Clark has
anything to do with it. They're saying Kimberly Clar, but you say Kimberly Clark doesn't have anything to do with it. I don't know. From what I'm understanding there's no business for it right now anyway. Is that right? So we don't even know what kind of traffic it will produce or hours of the night. Kimberly Clark runs 24/7. Our farm is right in front of where those trucks will go to load. The trucks right now are loud. If it is Kimberly Clark that they're going to store for, if it's right there, then there would be more than 32 a day, if that's what it was, if it 32 trucks a day. It would be more than that because it would be closer.

I do have a question as far as do you already have a contract with Kimberly Clark to do that or are you just speculating that you would have their business?

CHAIRMAN: Ma'am, you ask the question and we'll redirect it. That keeps a lot of conflict down. Is that your question?

MS. HARDESTY: Yes.

CHAIRMAN: Let me respond to one. One, the board made no comment connection the connection to or with Kimberly Clark with Mr. Buskill's organization. Secondly, yes, the board is bound by Ohio Valley Reporting

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the regulations and the Comprehensive Plan to review all proposed things put before the board. If they meet certain criteria, then the board has to or the staff will recommend, make their recommendation based on findings of facts and the other recommendations that they have, if they meet certain criteria. So that is what governs our board.

As far as your question about does Mr. Buskill have a contract with or have an arrangement with Kimberly Clark, that's a question that we can ask him, but he does not have to answer that because that's not really pertinent to his application.

MS. HARDESTY: But I do think that has been stated made by Mr. Kamuf. It was implied that so it makes it look like it's all part of Kimberly Clark. Kimberly Clark's property is across the road.

CHAIRMAN: From the testimony that I heard I don't think Mr. Kamuf or Mr. Buskill at any time implied that their property was part of Kimberly Clark. They implied that they were going to widen the road and they were going to have trucks going in and out, but I don't think they ever implied that they were part of Kimberly Clark.

MS. HARDESTY: Not part of but --

CHAIRMAN: Let me direct your question,

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and I think this is probably a question Mr. Kamuf should probably answer.

Mr. Kamuf, did you understand the question? She asked if Mr. Buskill had an arrangement with or was with Kimberly Clark in any way?

MR. KAMUF: Let me answer it his way: I don't think anybody -- I will not answer it specifically. In other words, I don't think anybody is going to build a -- I don't want to be cute by the answer that I give.

CHAIRMAN: But it will be brief.

MR. KAMUF: They're certainly not going to be interested in General Electric down there. By being across from that property certainly they're going to be interested and sometimes do some storage work or off-site storage for Kimberly Clark.

CHAIRMAN: Thank you.

MS. HARDESTY: Thank you. That is two people, Mr. Strode and Mr. Buskill, and we all live out there. That's our homes. So they're going to build a warehouse to store whatever, whether it's Kimberly Clark or not, in the middle of houses and farms.

CHAIRMAN: Based on the testimony we've heard so far, I do not think that we've heard from Mr.
Strode.

MS. HARDESTY: I know he's the part owner in it or whatever.

CHAIRMAN: I think Mr. Strode, according to this, I think Mr. Strode is the owner of the property.

MS. HARDESTY: Thank you.

CHAIRMAN: Yes, ma'am.

Let's take one more question.

MR. ELLIOTT: State your name, please.

MS. MURPHY: Gale Murphy.

(MS. GALE MURPHY SWORN BY ATTORNEY.)

MS. MURPHY: They have said they don't know if it will be Kimberly Clark's product or not. They can't say that they will take Innovative Way because they told us that when they built Kimberly Clark that the employees would use Innovative Way. They don't. They go down Sauer Lane, get on 1554, Oakford Road and Highway 60 because it's shorter. What if all these semis start going that way? That affects more than four families. I think so.

CHAIRMAN: Thank you.

I'll have to correct myself. In the applicant's findings it says the applicant will use the subject property as an accessory storage for
Kimberly Clark products. So I stand corrected.

MR. KAMUF: I might say this. We don't intend, and we'll tell the board now that we don't intend to go any further than the 900 feet that we have on the plat, as far as using the property. We'll go from Gate C to this property. In other words, we will not -- there's no reason to go down Sauer Lane. Any type of storage that we use will be going from point A to point B. Do we have a contract with Kimberly Clark and locked in at the present time? Maybe, maybe not. Certainly we intend to use the area going this 900 feet going to Kimberly Clark.

CHAIRMAN: Thank you, Mr. Kamuf.

At this point I think everybody on both sides of the issue, we've had adequate time to ask questions and make comments and make presentations. I thank each and every one of you. I thank the property owners for your directness and preparedness and not being redundant and the board appreciates that. I think each one of you realize the situation and the things that the board must consider.

At this point in time we'll ask if any board members have any questions or comments?

MS. DIXON: I have a question for Mr. Kamuf or Mr. Buskill one.
At any point have you met with neighbors to discuss any of these concerns of theirs as far as screening the road?

MR. KAMUF: Not to my knowledge. What we tried to do is that we met with the county to see if we qualified as far as all the regulations as far as the road. We met with the engineer and the county commissioner to see if they had any objection, strong objection. We have not meet with the neighbors. We felt that whatever requirements that you all would place on us that's exactly what we would do. We would follow what whatever planning and zoning regulations there were.

To be honest with you I didn't know that there would be any objection. We built in that particular area. At the time that we filed it I didn't know that there would be. Now, I know there's some tonight.

CHAIRMAN: Does anybody else from the commission have any questions or comments?

(NO RESPONSE)

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

MR. APPLEBY: Mr. Kamuf, we are curious if you would entertain the idea of doing some additional
screening. You volunteered that possibly.

MR. KAMUF: Where is the additional

screening that you would like, sir?

MR. APPLEBY: From what we understand

there's no screening on the east side of the property

at all.

MR. KAMUF: There's very little. There's

some back further, but not along this particular area

that you see. You're correct, Mr. Appleby.

MR. APPLEBY: What about to the rear of it

though?

MR. KAMUF: If you look to the rear of

that property is Neel Rudy and there isn't any tree

lines to the rear. Some of it comes up to the side.

I can show you a photograph if you would like.

MR. APPLEBY: I remember. Would you

entertain the idea of doing some screening, say pine

trees on that eastern side?

MR. BUSKILL: Yes, sir, I would entertain,

and no, it's not a problem.

CHAIRMAN: I will take that as meaning,

yes, you would and continue the tree line all the way

to the back property line; is that correct?

MR. BUSKILL: Yes, sir.

CHAIRMAN: Thank you.
MR. NOFFSINGER: This reason this item needs to be discussed is we've heard testimony from both sides. The Planning Staff is recommending approval. I want to make sure everyone understood the zoning ordinance does not require screening between industrial property and agricultural property unless the agricultural tract is under ten acres in size. Therefore, if we need to address screening in addition to what the ordinance calls for, now is the time to do it. You need to be specific on the type of screening so that we get that into the record should be wish to approve this item. That's an issue that should be addressed. I think the only agricultural tract that is less than ten acres would be the James Elliott tract at 9651 Sauer Lane. I think the Greenwell tract is 20 acres. The Rudy tract I believe is over ten acres, as well as the Crowe tract may very well be over ten acres.

MR. APPLEBY: There is some screening required along Sauer Lane; is that correct?

MR. NOFFSINGER: There would not be screening required along Sauer Lane unless there would be a vehicular use area running parallel with Sauer Lane. The ordinance would require that. It needs to be at least addressed on the north and east boundary.
line and the consideration for the existing tree stand
that's along the western property line. That's the
Greenwell property.

CHAIRMAN: Mr. Appleby, are you about to
make a recommendation based on additional conditions?

MR. APPLEBY: I'm working on it.

Mr. Chairman, I would make a
recommendation. For better or worse the character of
the neighborhood changed when Kimberly Clark came out
there. I think we've got to agree on that.

Based on the Staff's recommendations and
the Conditions 1, 2 and 3 with the additional
condition that the property be screened with a row of
pine trees on the north and east boundaries and with
the findings of fact 1, 2, 3 and 4, I would make a
motion for approval.

CHAIRMAN: Let me ask Mr. Buskill.

Do you understand the motion?

MR. BUSKILL: Yes, sir.

CHAIRMAN: Do you accept those conditions
if the board votes positive or if they vote for it?

MR. BUSKILL: Yes, sir.

CHAIRMAN: Thank you.

MR. APPLEBY: Would also request those
trees be ten foot apart.

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MR. BUSKILL: Yes, sir.

CHAIRMAN: Why don't you restate that, Mr. Appleby.

MR. APPLEBY: Motion for approval based on Staff Recommendations, Conditions 1, 2 and 3, with an additional requirement requiring screening of pine trees on the north and east property line. Trees to be approximately ten feet apart and the Findings of Fact 1 through 4.

CHAIRMAN: We have a motion for approval by Mr. Appleby. Do we have a second?

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT - DAVE APPLEBY, DREW KIRKLAND AND DR. BOTHWELL, WITH THE DISQUALIFICATION OF IRVIN ROGERS - RESPONDED AYE.)

CHAIRMAN: All opposed.

(ALL BOARD MEMBERS PRESENT - SCOTT JAGOE, TIM MILLER, JIMMY GILLES AND JUDY DIXON, WITH THE DISQUALIFICATION OF IRVIN ROGERS - RESPONDED NAY.)

CHAIRMAN: Motion does not carry. It's not approved.

Next item.

ITEM 7

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Consider zoning change: From R-1A Single-Family Residential and P-1 Professional/Service to P-1 Professional/Service

Applicant: Owensboro Church of Christ

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Submittal and approval of a consolidated plat;

2. With any future building or construction activity on the subject property, a final development plan shall be submitted. The open access along both Isaac Shelby Drive and east Sixth Street shall be consolidated into defined access points, pavement within the right-of-way shall be returned to grass, and appropriate vehicular use area screening shall be installed; and,

3. No new access shall be permitted to US 60 East.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area where

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professional/service uses are appropriate in general locations;

2. A portion of the subject property is currently zoned P-1 Professional/Service and once rezoned the entire property will be consolidated into a single tract; and,

3. The use of the subject property as a church will be nonresidential in use and is appropriate in a Professional/Service zone.

MR. HOWARD: We would like to enter the Staff Report as Exhibit H

CHAIRMAN: Hold on. Let me ask you to pause just a moment, please.

Let me ask for a ruling of counsel on that last item.

MR. ELLIOTT: We had a motion and it did not carry. I think that the application is still before the board. There hasn't been action taken. If it's the board's pleasure to deny, I think we need to make a motion for denial with a finding of fact as to why it's being denied, or to support the motion, we need to have a vote on that.

CHAIRMAN: I think in courtesy to some of the people out there that they probably should be asked back.

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MR. JAGOE:  Could I ask a question of counsel.

We either have to have a motion that we recommend, that we send it to the county for recommendation or that we send it to the county for denial.

MR. ELLIOTT:  Our recommendation would be for approval or denial.  I think we should take some type of action on it.

MR. JAGOE:  We cannot send it -- can we send it with no action?

MR. ELLIOTT:  I don't think so, would be my opinion.  You have to take some type of action.

MR. APPLEBY:  We've got to make some recommendation.

MR. ELLIOTT:  Yes, some type of recommendation.

CHAIRMAN:  We've asked you all back because there's a technicality on how we denied it so we're going to continue with this process.  We felt like we owed you all a courtesy of asking some of you back that we could have back.

At this point in time, Mr. Elliott, would you state the steps we need to take.

MR. ELLIOTT:  There needs to be a motion
at this point to dispose of the item. If that motion is for denial, there must be a finding of fact with reasons for the denial and the board should vote on that. We had a motion for approval that did not pass. That kind of leaves the item still on the table.

CHAIRMAN: So we have three affirmative votes and then we had four denials. So do one of the denial votes have to - -

MR. SILVERT: I think it mischaracterizes it in that there were four people who disagreed with the motion as read. That might not necessarily be approval or denial. So a motion needs to pass in a majority, either to approve or deny. Currently the motion that's been on the table did not pass so we're waiting on a motion that could have a majority, however it's worded, either to approve or deny.

MR. JAGOE: But we cannot do neither. We have to take some action before it goes to the county.

MR. ELLIOTT: Yes.

MR. JAGOE: No matter what action we take, it still goes before the county?

MR. ELLIOTT: Yes.

CHAIRMAN: So at this point in time we have a motion for approval of Mr. Appleby.

MR. ELLIOTT: That's already been voted
CHAIRMAN: So now we're at the state where we need another motion.

MR. JAGOE: Do we need a finding of fact?

MR. ELLIOTT: Yes.

CHAIRMAN: Do we have anybody representing the Buskills?

(NO RESPONSE)

DR. BOTHWELL: Whoever voted down should make the motion with their findings of fact, second, and then we take a new vote.

CHAIRMAN: Counsel, do you all agree on Dr. Bothwell's assessment?

MR. ELLIOTT: It would be up to the board. Anyone can make a motion. It may be a motion for approval for different reasons than we had.

CHAIRMAN: We need a motion.

AUDIENCE: Can I make a motion?

CHAIRMAN: No. We appreciate it, but no.

Mr. Jagoe, I think --

MR. JAGOE: I don't have a -- Mr. Appleby's motion went beyond our requirements, if I understood the motion correctly. That's why I voted against it.

MR. MILLER: Mr. Chairman, I'll make a
MR. JAGOE: But I don't know that I have a finding of fact for denial.

CHAIRMAN: Mr. Jagoe, if you let Mr. Miller, I think he's in a position now he wants to make a motion.

Mr. Miller.

MR. MILLER: I make this with these comments. While it's true that an expansion is expected near a large industrial complex, I feel that Kimberly Clark rezoned property necessary for their operation at the time that it opened. It's the right of every individual, especially a businessman, to buy property to pursue business interest, but when such purchase threatens the rural character of a community, what's left of the rural character of this community, such purchase would depreciate the objectives of the Comprehensive Plan and in my opinion exceeds the expected incidental land use in this area. So my motion is to deny.

CHAIRMAN: Would he also need some findings of facts.

MR. ELLIOTT: He just stated them.

CHAIRMAN: Those are his findings of fact.

We have a motion on the floor by Mr. Miller for
denial.

MR. MILLER: Yes, sir. That's correct.

MS. DIXON: Second.

CHAIRMAN: We've got a second by Ms. Dixon. All in favor of Mr. Miller's motion for denial raise your right hand.

(ALL BOARD MEMBERS PRESENT - MR. JAGOE, MR. MILLER, MR. GILLES AND MS. DIXON, WITH THE DISQUALIFICATION OF IRVIN ROGERS - RESPONDED AYE.)

CHAIRMAN: Four. All opposed to Mr. Miller's motion.

(ALL BOARD MEMBERS PRESENT - DAVE APPLEBY, DREW KIRKLAND AND DR. BOTHWELL, WITH THE DISQUALIFICATION OF IRVIN ROGERS - RESPONDED NAY.)

CHAIRMAN: Three. So the motion is denied based on Mr. Miller's findings of fact.

Now we will return to the next item.

Sorry to have brought you all back, but we needed to do a little housekeeping. Thank you.

AUDIENCE: I have one more question before I go, if you don't mind. Now, your recommendation goes to the courts.

CHAIRMAN: Correct.

AUDIENCE: Then the court make the final decision?

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CHAIRMAN: Correct.

AUDIENCE: Do we know when that would be? Is there any further recourse for us?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: You can contact the office of the Daviess County Judge or the county attorney and they would be able to tell you when that would be on the Daviess County Fiscal Court agenda. It will take about a month for us to get this transcript back and a recommendation over to the Daviess County Fiscal Court. So you're looking at probably a minimum of a month before they would have that on the Daviess County Fiscal Court agenda. But you do in about I'd say three weeks you need to call and touch base with the Daviess County Court's office, judge's office to find out when that item will be on their agenda.

CHAIRMAN: Thank you.

Sorry for our interruption. We had a little housekeeping to do. Would you return to the podium.

MR. HOWARD: I actually finished reading the last one. Do you want me to start over?

CHAIRMAN: Would you please start from the beginning.

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PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Submittal and approval of a consolidated plat;
2. with any future building or construction activity on the subject property, a final development plan shall be submitted. The open access along both Isaac Shelby Drive and east 6th Street shall be consolidated into defined access points, pavement within the right-of-way shall be returned to grass, and appropriate vehicular use area screening shall be installed; and,
3. No new access shall be permitted to US 60 East.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area where professional/service uses are appropriate in general locations;
2. A portion of the subject property is

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currently zoned P-1 Professional/Service and once
rezoned the entire property will be consolidated into
a single tract; and,

3. The use of the subject property as a
church will be nonresidential in use and is
appropriate in a Professional/Service zone.

MR. HOWARD: We would like to enter the
Staff Report as Exhibit H.

CHAIRMAN: Is there anybody representing
the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any
questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve because it's
in compliance with the Comprehensive Lane Use Plan and
based upon Planning Staff Recommendations 1, 2 and 3
and subject to Conditions 1, 2 and 3.

CHAIRMAN: Motion for approval by Ms. Dixon.

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.

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ZONING CHANGES - CITY/COUNTY

ITEM 8

2600, 2624, 2626 New Hartford Road, 1.1 +/- acres
Consider zoning change: From R-1C Single-Family
Residential to B-4 General Business
Applicant: Southside Wesleyan Church, Jerry & Betty Yeiser

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Submittal and approval of a final development plan;

2. Access for the subject property to New Hartford Road shall be limited to a maximum of one access point;

3. Open access along Sunrise Drive shall be eliminated with defined curb cuts established.

Curbing shall be installed and pavement in the right-of-way shall be removed and returned to grass;

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and,

4. A 10 foot landscape buffer with a six foot high element and one tree every 40 linear feet shall be installed along the southern property line of the subject property.

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. Lots fronting New Hartford Road in the vicinity are non-residential in nature on the east and west;

3. The proposal is a logical expansion of B-4 General Business zone and use located immediately south of the subject property; and,

4. The expansion of the B-4 General Business zone will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit I.

CHAIRMAN: Is anybody representing the applicant?

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APPLICANT REP: Yes.

CHAIRMAN: Does anybody 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, based on Conditions 1 through 4 and Findings of Fact 1 through 4.

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

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MAJOR SUBDIVISIONS

ITEM 9

Graystone Estates, Section 2, Unit 2, Lots 152-167, 254, 4.820 acres
Consider approval of major subdivision final plat. Surety (Performance Bond) posted: $21,354.60
Applicant: Jagoe Land Corporation

MR. NOFFSINGER: Mr. Chairman, the application has been reviewed by the Planning Staff.

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It's found to be consistent with the adopted Comprehensive Plan, the adopted zoning ordinance and subdivision regulations.

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

CHAIRMAN: Mr. Jagoe for the record is disqualifying himself.

Is there anyone representing the applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. ROGERS: Second.

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

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

CHAIRMAN: Motion carry unanimously.

Next item, please.

ITEM 10
Hidden Valley Townhomes, Building 4-A, 6.429 acres
Consider approval of major subdivision final plat.
Surety Previously Posted
Applicant: Miles Farms, LLC

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. Found to be in order. The use is consistent with the adopted Comprehensive Plan, adopted subdivision regulations and zoning ordinance.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not chair is ready for a motion.

DR. BOTHWELL: Motion for approval

CHAIRMAN: Motion for approval by Dr. Bothwell.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The chair is ready for one final motion.

MS. DIXON: Move it adjourn.

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CHAIRMAN: Move to adjournment by Ms. Dixon.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are 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 85 typewritten pages; and that no signature 
was requested to the foregoing transcript. 

WITNESS my hand and notarial seal on this 
the 1st day of March, 2006.

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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