MEMBERS PRESENT:  WARD PEDLEY, CHAIRMAN
   IRVIN ROGERS, VICE CHAIRMAN
   DAVID APPLEBY, SECRETARY
   GARY NOFFSINGER, DIRECTOR
   CLAUD PORTER, ATTORNEY
   TIM ALLEN
   GREG BLACK
   STEVE FRY
   JOHN KAZLAUSKAS
   LARRY BOSWELL
   FRED REEVES

   * * * * * * * * * * * * * * * * * *

   CHAIRMAN:  I WOULD CALL THE OWENSBORO
   METROPOLITAN PLANNING COMMISSION SEPTEMBER 12, 2013
   MEETING TO ORDER.  WE WILL BEGIN OUR MEETING WITH A
   PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG.  MR. JOHN
   KAZLAUSKAS WILL LEAD US.
   (INVOCATION AND PLEDGE OF ALLEGIANCE.)

   CHAIRMAN:  I WOULD LIKE TO WELCOME EVERYONE.
   ANYONE WISHING TO SPEAK ON ANY ITEM MAY DO SO.  WE ASK
   THAT YOU COME TO ONE OF THE PODIUMS AND STATE YOUR
   NAME AND BE SWORN IN.  PLEASE, IF YOU WILL, SPEAK INTO
   THE MICROPHONE.
WITH THAT THE FIRST ITEM ON THE AGENDA IS TO CONSIDER THE MINUTES OF THE AUGUST 8, 2013 MEETING.

ARE THERE ANY ADDITIONS OR CORRECTIONS?

(NO RESPONSE)

CHAIRMAN: IF NOT, THE CHAIR IS READY FOR A MOTION.

MR. APPLEBY: MOTION FOR APPROVAL.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY MR. APPLEBY.

MR. FRY: SECOND.

CHAIRMAN: WE HAVE A SECOND. ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM, MR. NOFFSINGER.

ITEM 2

PRESENTATION OF FISCAL YEAR 2013 AUDIT BY MALCOLM E. NEEL, III, CPA, CFE

MR. NEEL: I'M GOING TO TAKE A QUICK TRIP THROUGH THIS. THIS IS A VERY LENGTHY DOCUMENT. I KNOW YOU HAVE OTHER FISH TO FRY BESIDES LISTING TO AN ACCOUNTANT TALK ABOUT NUMBERS ALL NIGHT, I'LL HAVE YOU ALL TO SLEEP.

ANYWAY, WHAT WE HAVE IS A BRIEF HISTORY. WE HAVE TO LOOK AT JUST FROM A RISK ASSESSMENT APPROACH
OF THE ORGANIZATION. WE AUDIT THE BUSINESS. NOT JUST
THE BOOKS. SO WE LOOK AT THE ENVIRONMENT THAT YOU'RE
IN.

THEN WE GO THROUGH A RISK ASSESSMENT PROCESS.
BASICALLY LOOK AT THE RISK FACING THE COMMISSION. THE
CONTROL ENVIRONMENT, WHICH IS YOUR POLICIES AND
PROCEDURES. THE BIG THING WE LOOK AT ON THAT DIAGRAM
IS THE MONITORING. THAT'S HOW WELL MANAGEMENT YOU AS
A BOARD EXERCISE YOUR OVERSIGHT OVER THE ORGANIZATION.
EVERYTHING WAS IN VERY GOOD SHAPE. WE HAD NO
RECOMMENDATIONS, WHICH IS HIGHLY UNUSUAL OF THE
MULTITUDE OF AUDITS WE DO AT MYRIAD. YOU'RE ONE OF
THE FEW ORGANIZATIONS WE DON'T HAVE ANY
RECOMMENDATIONS ON. THAT SPEAKS HIGHLY OF GARY AND
YOUR STAFF.

WE GO THROUGH ALL THE CONTROLS INTERNALLY,
PERVASIVE CONTROL, WHICH ARE YOUR POLICIES AND
PROCEDURES. YOUR SPECIFIC RISK CONTROL, THE DAILY
TASKS. YOU KNOW, MONITORING YOUR FINANCES. THEN WE
LOOK AT THE QUALITY OF THE INFORMATION YOU GET MONTHLY
TO MANAGE THE ORGANIZATION. AS I SAID EARLIER, THE
BIG THING IS MONITORING, HOW WELL YOU AS A BOARD OR
COMMISSION LOOK AT EVERYTHING.

WE'LL GO THROUGH THE FINANCIAL STATEMENTS
BRIEFLY. THERE'S A LOT OF INFORMATION, BUT WE'LL
START ON PAGE 10, YOUR STATEMENT IN THAT ASSETS.

YOU'RE FORTUNATE TO BE IN A VERY GOOD POSITION IN TODAY'S ECONOMY. YOU HAVE TOTAL CURRENT ASSETS OF APPROXIMATELY 1.1 MILLION. YOU HAVE PROPERTY AND EQUIPMENT NET OF 32, ROUGHLY 33,000 TOTAL ASSETS. APPROXIMATELY 1.2 MILLION LESS LIABILITIES OF ABOUT APPROXIMATELY 109,000. SO YOU HAVE TOTAL NET ASSETS, SOME OF WHICH IS RESTRICTED FOR SPECIFIC USES, OF ABOUT $1,075,000.

IF WE COULD, THERE'S A FEW SCHEDULES THAT ARE RELEVANT. IF WE COULD GO TO PAGE 13. EXCUSE ME, PAGE 14, WHICH IS YOUR STATEMENT OF REVENUES AND EXPENSES AND CHANGES IN THE FUND BALANCE. YOUR LARGEST SOURCE OF REVENUE IS YOUR FEE INCOME, AND THEN YOUR INNER-GOVERNMENTAL FROM THE COUNTY OF DAVIESS AND THE CITY OF OWENSBORO AND THE CITY OF WHITESVILLE. YOU HAD TOTAL REVENUES OF APPROXIMATELY 1,156,000/ LESS EXPENSES OF 1,248,000. SO YOU HAD AN EXCESS OF EXPENDITURES OVER REVENUES OF $92,498. OF THAT YOU HAD FUND BALANCES AVAILABLE TO DRAW ON. SO YOUR FUND BALANCE DECREASED FROM 1,134,000 TO 1,042,000. SO IT'S DOWN SOMEWHAT OVER PREVIOUS YEARS.

THE NEXT PAGE, THIS IS THE SUPPLEMENTAL PAGE. BACK IN THE BACK IS YOUR BUDGET, WHICH I BELIEVE -- EXCUSE ME. THIS CAME OUT OF YOUR MANAGEMENT
DISCUSSION AND ANALYSIS. YOU WERE IN PRETTY MUCH ON BUDGET. YOU'RE A LITTLE OVER 183,000. OVER ON REVENUES. A LITTLE BIT OVER ON EXPENSES, BUT ALL IN ALL YOU STAYED WITHIN YOUR BUDGETARY PARAMETERS.

JUST TO SHOW YOU WHERE THE BULK OF YOUR REVENUES COME FROM. YOU CAN SEE A SUBSTANTIAL AMOUNT OF THE BLUE THERE IS YOUR FEES, WHICH IS TYPICAL OF ANY PLANNING COMMISSION. ALSO, IF YOU LOOK AT YOUR EXPENDITURES, AGAIN, THE BULK IS PERSONNEL. THE PLANNING AND ZONING, IT'S A VERY PERSONNEL INTENSIVE OPERATION.

YOUR TRENDS, YOU CAN SEE THAT EVERYTHING HAD A SPIKE BACK A COUPLE OF YEARS AGO. A LOT OF THAT WAS DUE TO THE HOSPITAL CONSTRUCTION WITH THE PERMITTING FEES AND THINGS OF THAT NATURE. YOU KIND OF CAME BACK DOWN TO EARTH AFTER THAT.

YOU CAN SEE YOUR GOVERNMENTAL REVENUES FROM OWENSBORO, DAVIESS COUNTY AND WHITESVILLE. THEY'VE BEEN STEADY. NO SIGNIFICANT INCREASES IN THERE. YOUR EXPENDITURE TREND HAS BEEN KIND OF INCREASING, BUT ONE THING THAT'S GONE UP THAT'S IMPACTED EVERY GOVERNMENTAL ORGANIZATION THAT WILL PROBABLY HIT YOU DOWN IN THE FUTURE IS THAT YOUR CERS, THE RETIREMENT PLAN FOR EMPLOYEES. THAT'S PROJECTED TO, AGAIN, TO CONTINUE TO INCREASE UNTIL THE PEOPLE UP IN FRANKFORT
ARE ABLE TO BRING THAT UNDER CONTROL. SO THAT'S ONE
THING, AS FAR AS PERSONNEL, BECAUSE EVERY GOVERNMENTAL
ENTITY ACROSS THE COMMONWEALTH OF KENTUCKY IS
EXPERIENCING THAT.

THEN YOU CAN SEE YOUR PERMIT TRENDS.
EVERYTHING HAS BEEN KIND OF STABLE EXCEPT IN, AGAIN,
2011 WITH THE CONSTRUCTION OF THE HOSPITAL.

MANAGEMENT LETTER RECOMMENDATIONS, AS I SAID
EARLIER, WE HAD NONE. SO THAT SPEAKS HIGHLY OF YOUR
STAFF.

SEVERAL THINGS WE HAVE TO BRING TO YOUR
ATTENTION. WE HAVE TO REPORT TO YOU ALL IF WE HAD ANY
SIGNIFICANT AUDIT FINDINGS. THESE RESULTED FROM ENRON
AND WORLDCOM. SO THEY'VE PUSHED THESE DOWN ON US, THE
LITTLE GUYS. SO WE HAVE TO BRING THAT TO YOUR
ATTENTION. IF WE HAVE ANY DIFFICULTIES PERFORMING THE
AUDIT, WE WOULD BE REQUIRED TO REPORT THEM. WE HAD
NONE.

JAROD SAID THIS IS ONE OF THE BEST CLIENTS WE
HAVE BECAUSE EVERYTHING IS SO WELL ORGANIZED AND IN
GOOD SHAPE.

IF WE HAD ANY DISAGREEMENTS WITH MANAGEMENT,
WE WOULD BE REQUIRED TO REPORT THOSE TO YOU ALL, AND
WE HAD NONE. THAT WE CONSULTED WITH OTHER ACCOUNTANTS
ON ANY ISSUES, WE'D BE REQUIRED TO REPORT THAT, AND WE
HAD NONE.

IF WE HAD ANY OTHER FINDINGS OR RECOMMENDATIONS, AND WE HAD NONE.

SO BASICALLY ALL I COULD SAY IS EVERYTHING IS VERY WELL ORGANIZED AND YOU HAVE A VERY GOOD OPERATIONAL AND FINANCE DEPARTMENT AND YOU'RE ON A SOUND FINANCIAL FOOTING.

IF THERE IS ANY QUESTIONS, I WOULD BE GLAD TO ENTERTAIN THOSE.

MR. KAZLAUSKAS: MR. CHAIRMAN, JUST ONE.

THIS IS RIGHT AT THE VERY BEGINNING ON PAGE 1. YOU TALKED ABOUT THE HOSPITAL AND THE .8 PERCENT INCREASE BECAUSE OF HOSPITAL CONSTRUCTION, BUT THEN YOU ALSO MENTIONED THE CONVENTION CENTER, HAMPTON INN, BOARDWALK PROPERTY. IS THAT INCLUDED IN THE 8 PERCENT OR ARE YOU ATTRIBUTING THE 8 PERCENT TO THE WHOLE?

MR. NEEL: I WAS TALKING BACK HISTORICALLY FROM 2011, SIR. THAT IS WHAT HAPPENED JUST FOR THIS YEAR. THERE'S SOME INFORMATION THAT SHOWS YOU WHERE YOU ARE HISTORICALLY.

MR. KAZLAUSKAS: BUT WHAT I'M SAYING IS, ARE YOU ATTRIBUTING THAT TO THE HOSPITAL ONLY OR ALL THE CONSTRUCTION?

MR. KAZLAUSKAS: THE WAY I READ IT THERE, TO
ME IT LOOKED LIKE YOU WERE ATTRIBUTING THAT TO THE
HOSPITAL.

MR. NEEL: NO, SIR, I'M SORRY.

MR. KAZLAUSKAS: THANK YOU. THAT'S THE ONLY
QUESTION I HAVE.

CHAIRMAN: ANY OTHER COMMISSIONERS HAVE ANY
QUESTIONS OR COMMENTS?

(NO RESPONSE)

CHAIRMAN: MR. NOFFSINGER.

MR. NOFFSINGER: NO, SIR.

CHAIRMAN: VERY WELL DONE.

MR. NEEL: THANK YOU ALL VERY MUCH.

CHAIRMAN: NEXT ITEM.

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ZONING CHANGES

ITEM 3

4005, 4033, 4115 HIGHWAY 54, 8.122 +/- ACRES
CONSIDER ZONING CHANGE: FROM P-1 PROFESSIONAL/SERVICE
WITH CONDITIONS AND A-U URBAN AGRICULTURE TO P-1
PROFESSIONAL/SERVICE
APPLICANT: CHALLENGER ENTERPRISE, LLC; SOUTHERN STAR
CENTRAL GAS PIPELINE

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. PORTER: STATE YOUR NAME, PLEASE.

MR. HOWARD: BRIAN HOWARD.

I WILL NOTE THAT THE REZONINGS HEARD HERE
TONIGHT WILL BECOME FINAL IN 21 DAYS AFTER THE MEETING UNLESS AN APPEAL IS FILED. IF AN APPEAL IS FILED, THEN WE WILL FORWARD THE ACTION OF THIS BODY TO THE APPROPRIATE LEGISLATIVE BODY FOR THEM TO TAKE FINAL ACTION. THE APPEAL FORMS ARE AVAILABLE ON THE BACK TABLE, IN OUR OFFICE AND ON OUR WEBSITE.

PLANNING STAFF RECOMMENDATIONS

THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT TO THE CONDITION AND FINDINGS OF FACT THAT FOLLOW:

CONDITION:

ACCESS TO 4005, 4033, AND 4115 HIGHWAY 54 SHALL BE LIMITED TO A SINGLE ACCESS POINT PER THE SEPTEMBER 2009 REZONING AND RECORDED SUBDIVISION PLAT.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN A BUSINESS PLAN AREA WHERE PROFESSIONAL/SERVICE USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. THE PROPOSAL IS A LOGICAL EXPANSION OF EXISTING P-1 PROFESSIONAL/SERVICE ZONING LOCATED IMMEDIATELY WEST OF THE SUBJECT PROPERTY; AND,

4. THE PROPOSED EXPANSION OF P-1 PROFESSIONAL/SERVICE ZONING WILL NOT OVERBURDEN THE

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CAPACITY OF ROADWAYS AND OTHER NECESSARY URBAN SERVICES THAT ARE AVAILABLE IN THE AFFECTED AREA BASED ON THE SINGLE ACCESS POINT THAT HAS PREVIOUSLY BEEN APPROVED FOR 4005, 4033 AND 4115 HIGHWAY 54.

WITH THAT I WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT A.

CHAIRMAN: ANYONE HERE REPRESENTING THE APPLICANT?

MR. HUFF: TONY HUFF.

(TONY HUFF SWORN BY ATTORNEY.)

MR. HUFF: I HAVE SOME EXHIBITS AS WELL.

MY NAME IS TONY HUFF. I AM THE OWNER OF CHALLENGER ENTERPRISES. I'M ALSO PRESIDENT/CEO OF THA ENGINEERING. SO I'M BOTH THE ENGINEER AND THE OWNER.

BACK IN 2009 WE PURCHASED 8.1 ACRES OF GROUND WITH INTENTION TO DEVELOP A PROFESSIONAL COMPLEX. WE REFER TO THAT AS CHALLENGER ENTERPRISES OR CHALLENGER PROFESSIONAL BUILDING CENTER.

WE ARE JUST COMPLETING A PROJECT FOR SOUTHERN STAR WHICH IS 4005. I'M STARTING TO GET SOME INTEREST IN DEVELOPMENT ALONG THE FRONTAGE OF 54 WHICH WOULD INCLUDE 4015.

THE ORIGINAL CONCEPT, AS SHOWN HERE, WAS BASICALLY TO HAVE A SINGLE ACCESS POINT AND THEN SHARED PARKING EXTENDED ACROSS THE FRONTAGE OF HIGHWAY
54, but as we've gone down the path here of developing, we're starting to get some inquiries and folks are realizing that we might could benefit from a second auxiliary entrance or a complementary entrance to also serve this property.

This is what we're looking at today and this is the exhibit that I have passed out. We're asking for a secondary entrance to be 242 feet to the east of the existing access point.

Just to kind of run through the development here starting to the east of the property.

4141 is Robert Purdy. He owns approximately 20 acres of ground including land back behind the property here. He has access, future access across from Lake Forest. That has potential of being a pretty significant intersection in the near future, I think.

Then you have 4115, which is the subject site. 4033, that's the location of the engineering.

That's my office.

Then to the west of my office is 4005, which is the new Southern Star building. Again, that's not shown in the aerial photo. This is basically a Google aerial photo, but it is shown, the line work is on the exhibit.
THEN ON TO THE WEST OF 4005 IS A RESIDENTIAL
PROPERTY THAT HAS ACCESS ONTO WOOD TRACE.

WOOD TRACE COULD AT SOME POINT IN TIME BE A
SIGNIFICANT INTERSECTION. WHO KNOWS. BECAUSE THE
LAND TO THE NORTH OF OUR PROPERTY HERE HAS ACCESS TO
HIGHWAY 54 THROUGH WOOD TRACE BY COMING INTO THE
RESIDENTIAL NEIGHBORHOOD JUST TO THE NORTH, NORTHWEST
OF OUR PROPERTY.

IF YOU'LL NOTICE ON HIGHWAY 54, WE'RE DIRECTLY
ACROSS FROM LAKE FOREST. THERE'S ALSO A PRETTY
SIGNIFICANT TRANSMISSION LINE EASEMENT THAT PASSES
JUST TO THE WEST OF OUR PROPERTY. I POINT THAT OUT
BECAUSE THE OPPORTUNITY FOR ENTRANCE POINTS TO BE ON
THE SOUTH SIDE OF HIGHWAY 54, IN OTHER WORDS, FOR
ENTRANCES TO BE ON THE OTHER SIDE OF THE ROAD, PRETTY
SLIM TO NONE CHANCE I THINK OF THAT HAPPENING BECAUSE
OF DEVELOPMENT, THE PRESENCE OF THE TRANSMISSION LINE
EASEMENT, AND QUITE FRANKLY THE TOPOGRAPHY THERE.
THERE'S A TRANSMISSION LINE SET UP ON A PRETTY GOOD
MOUND OF DIRT IN THAT AREA.

SO BASICALLY WHAT WE'VE ASKED FOR, WE
RECOGNIZE, I CERTAINLY RECOGNIZE THAT THE SPACING OF
THIS ENTRANCE DOES NOT MEET THE 500 FOOT SPACING, BUT
I WOULD ARGUE THAT WE MEET THE SPIRIT OF THE 500 FOOT
SPACING. I SAY THAT BECAUSE WE WILL STAY 500 FEET
AWAY FROM LAKE FOREST WHICH, AGAIN, I THINK WILL BE AT
SOME POINT IN TIME A SIGNIFICANT INTERSECTION. WE'RE
ALREADY, I THINK IT'S 590 FEET FROM WOOD CREST OR WOOD
TRACE RATHER.

WE'RE NOT REALLY ADDING TO THE DENSITY OF OUR
DEVELOPMENT. IN FACT, ADDING THE SECONDARY ENTRANCE
MAY ACTUALLY DECREASE THE NUMBER OF BUILDINGS THAT I
CAN FIT ON MY PROPERTY BECAUSE OF THE WAY THAT WE'RE
PROPOSING THIS ACCESS POINT TO BE.

WE'RE NOT INCREASING TRAFFIC CONFLICTS. YOU
COULD ARGUE THAT WE'RE MOVING TRAFFIC CONFLICTS BY
MOVING FROM ONE POINT TO NOW SHARING THOSE CONFLICTS
BETWEEN TWO POINTS, BUT AGAIN, WE'RE STAYING 500 FEET
AWAY FROM A SIGNIFICANT INTERSECTION.

AGAIN, THE EXHIBIT THAT'S SHOWN ON THE SCREEN
THAT'S IDENTIFIED AS EXHIBIT 1, THAT ONLY SHOWS THE
ENTRANCE. IF THAT COULD BE ADVANCED TO EXHIBIT 2 OR
THE SECOND PAGE.

BASICA LLY WHAT WE'RE SHOWING THERE IS A
POTENTIAL DEVELOPMENT SCENARIO WHERE THIS ENTRANCE
WOULD SERVE 4115 AND WOULD NOT SERVE 4033. THEN THE
THIRD EXHIBIT SHOWS HOW WE PROPOSE TO INTEGRATE THIS
ENTRANCE, A POTENTIAL DESIGN SCENARIO TO INTEGRATE
THIS ENTRANCE IN WITH THE REST OF THE DEVELOPMENT OF
CHALLENGER PROFESSIONAL CENTER.
I'D ENTERTAIN AND ENCOURAGE ANY QUESTIONS.

CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS OR QUESTIONS OF MR. HUFF?

(NO RESPONSE)

CHAIRMAN: ANYONE IN THE AUDIENCE WOULD LIKE TO SPEAK ON THIS ITEM, HAVE ANY OPPOSITION, COMMENTS OR QUESTIONS OF MR. HUFF?

(NO RESPONSE)

CHAIRMAN: IF NOT, MR. HOWARD, WOULD YOU STEP UP AND BRING US UP-TO-DATE ON THIS SPACING ON THIS ACCESS POINT.

MR. HOWARD: SURE. I'D BE GLAD TO. THANK YOU.

WE'VE REVIEWED THIS AND WE'VE LOOKED AT IT. OF COURSE, YOU HAVE OUR STAFF REPORT. WE SUPPORT THE CHANGE OF THE ZONING OF THIS PROPERTY TO P-1 PROFESSIONAL SERVICE. WE FEEL THAT IS LOGICAL.

I GOT AN AERIAL PHOTO BACK EARLIER THAT I'LL SHOW YOU TO START WITH.

IT'S REALLY NOT ANY MORE CURRENT THAN WHAT MR. HUFF HAD ON HIS, BUT IT IS IN COLOR TOO. YOU CAN MAYBE GET A BETTER FEEL FOR WHAT IT LOOKS LIKE.

OUR CONCERNS ARE, AND WE CONTACTED BOTH THE KENTUCKY TRANSPORTATION CABINET AND KEITH HARPOLE WITH THE GRADD OFFICE, HE SERVES AS THE TRANSPORTATION

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PLANNER FOR THE OWENSBORO-DAVIESS COUNTY MPO, TO GAIN THEIR COMMENTS.

MR. HARPOLE'S COMMENTS BASICALLY SAID, NO, HE WOULD NOT SUPPORT A NEW ACCESS POINT AT THIS LOCATION.

THE KENTUCKY TRANSPORTATION CABINET BASICALLY SAID, WE SUPPORT PLANNING. WE LIKE THE 500 FOOT SPACING STANDARD, BUT, THEY HAD A "BUT" IN THERE, THAT IF THE PLANNING COMMISSION WERE TO APPROVE AN ACCESS POINT AT THAT LOCATION, THEY WOULD LIKE TO PERMIT. WE GOT THAT AFTER OUR STAFF REPORT WENT OUT. WE HAD AN EARLIER COMMENT FROM THEM THAT BASICALLY SAID, NO, AND THEN THEY SOMEWHAT ALTERED THEIR COMMENTS TO SAY THAT.

PART OF WHAT THEIR COMMENTS ADDRESSED AS WELL WERE, AS MR. HUFF STATED, A NEW ACCESS POINT WOULD NOT NECESSARILY INCREASE THE POTENTIAL DENSITY OF THE DEVELOPMENT. THEY'LL STILL BE ABLE TO GET THE SAME NUMBER OF BUILDINGS. MAYBE FEWER BUILDINGS ON THE PROPERTY, BUT THE E-MAIL THAT WE GOT FROM THE STATE, AND I THINK FROM A TRANSPORTATION PLANNING PERSPECTIVE, ANOTHER ACCESS POINT WILL ADD ANOTHER CONFLICT POINT ON HIGHWAY 54. THE MORE ACCESS POINTS YOU HAVE, THE MORE POTENTIAL YOU HAVE FOR ANY TYPE OF CONFLICT WHETHER IT'S THE PEOPLE IN THE LEFT TURN LANE. RIGHT TURN LANE, YOU'RE NOT SURE IF SOMEONE HAS THEIR RIGHT TURN SIGNAL ON OR THEY'RE TURNING AT THE
FIRST ACCESS POINT OR ARE THEY TURNING AT THE SECOND ACCESS POINT. THE WHOLE PURPOSE OF ACCESS MANAGEMENT IS TO MANAGE ACCESS ALONG BUSY CORRIDORS, SPACE THEM ACCORDINGLY SO THAT THERE AREN'T THESE TYPES OF CONFLICTS. SO THAT'S WHAT WE'RE LOOKING AT OR THE PERSPECTIVE WE'RE LOOKING AT.

ON HIGHWAY 54 THERE'S A 500 FOOT SPACING STANDARD.

IN GENERAL, DEVELOPMENT HAS BEEN HELD TO THAT STANDARD ALONG THE 54 CORRIDOR WITH A COUPLE OF EXCEPTIONS, BUT IT'S SOMETHING THAT WE ALWAYS LOOK AT. WE'RE ALWAYS TRYING TO MAKE IT WORK, TO MAKE SURE IT'S IN COMPLIANCE.

AS PART OF THIS, AS MR. HUFF STATED, THE ORIGINAL PROPERTY WAS REZONED BACK IN 2009. AT THAT TIME ON THE STAFF REPORT AND ON THE ACTUAL CONDITION THAT YOU, AS THE PLANNING COMMISSION, MADE UP THE ZONING CHANGE, THERE IS A LIMITATION OF ACCESS TO THESE THREE PARCELS TO A SINGLE ACCESS POINT. THEN THERE WAS A SUBSEQUENT PLAT. THIS IS A REDUCED COPY OF THE WHOLE PLAT. THEY HAVE A BLOWUP OF IT JUST TO SHOW FOR DEMONSTRATION PURPOSES.

BASICALLY IT SHOWS ON THE PARCEL OF 4115, I'VE HIGHLIGHTED THAT IN YELLOW, IT'S A NOTE THAT SAYS THAT THAT DRIVE IS TO BE ABANDONED. THERE IS AN EXISTING
DRIVE IN THE VICINITY. THEY'RE PROPOSING TO ACTUALLY
SHIFT IT JUST A LITTLE BIT TO THE LEFT, BUT THERE IS
AN EXISTING DRIVE THERE, BUT IT'S NOT BUILT TO
COMMERCIAL STANDARDS. REALLY LOOKS LIKE AN OLD FARM
ACCESS OR SOMETHING LIKE THAT.

THEN THERE'S ALSO A NOTE ON THE PLAT THAT WAS
SIGNED AND RECORDED. SIGNED BY THE APPLICANT THAT
SAYS THAT ACCESS TO THOSE PROPERTIES WOULD BE LIMITED
TO THE SINGLE ACCESS POINT, AND IT COMES IN A SHARED
DRIVE. THEN THERE'S AN ACCESS EASEMENT OVER TO THE
EAST.

SO WITH THE FACT THAT THE PREVIOUS ZONING
CHANGE LIMITED ACCESS TO ONE LOCATION, THERE'S A
SIGNED AND RECORDED PLAT THAT LIMITS ACCESS TO A
SINGLE LOCATION.

THE EXISTING DRIVE IS REALLY NO MORE THAN A
FIELD TYPE OF ENTRANCE, A FARM ENTRANCE. IT IS PAVED.
THERE IS A PAVED APRON THERE. THE FACT THAT IT DOES
MEET ACCESS SPACING, STAFF CANNOT SUPPORT THE NEW
ACCESS POINT THERE. SO THAT'S WHY YOU END UP WITH A
RECOMMENDATION TO APPROVE THE ZONING CHANGE. LIKE I
SAID, WE SUPPORT THE CHANGE IN ZONING. WE FEEL THAT
THAT'S APPROPRIATE. IT'S JUST THAT THE NEW DRIVEWAY
CREATES ADDITIONAL CONFLICT POINTS ALONG HIGHWAY 54
AND IS NOT IN KEEPING WITH WHAT WAS APPROVED.
PREVIOUSLY BY THIS BOARD AND RECORDED ON A PLAT THAT
WAS APPROVED BY THE PLANNING COMMISSION STAFF.
SO THAT'S THE STAFF'S TAKE ON IT AND THAT
WOULD BE MY RESPONSE. I'D BE GLAD TO ANSWER ANY
QUESTIONS THAT YOU ALL MAY HAVE OF ME.
CHAIRMAN: 4115, 4033, HAS THAT BEEN
CONSOLIDATED INTO ONE PARCEL?
MR. HOWARD: IT IS NOT.
CHAIRMAN: 4115 HAS AN EXISTING ACCESS POINT?
MR. HOWARD: YES. THERE IS AN EXISTING I
WOULD CALL IT A FIELD ACCESS. THERE IS A PAVED APRON
THERE, BUT IT'S SUBSTANDARD IN WIDTH. IT WOULDN'T
MEET TODAY'S COMMERCIAL STANDARDS.
CHAIRMAN: SO 4115 WITH A JOINT ACCESS, COULD
ACTUALLY FUNCTION OKAY. BUT 4115 WITH 4033 ACCESS,
THEN 4115 ACCESS WOULDN'T BE REQUIRED FOR THEM TO HAVE
ADEQUATE USE AND PROPER USE OF THEIR PROPERTY?
MR. HOWARD: I'M NOT SURE THAT I FOLLOW.
CHAIRMAN: WHEN THEY DID HIGHWAY 54 WIDENING,
THEY GAVE ACCESS POINTS TO EACH PIECE OF PROPERTY. IS
THAT 4115 STILL AN INDIVIDUAL PIECE OF PROPERTY? IS
THE TWO PROPERTIES, 4033 AND 4115, GOING TO BE
CONSOLIDATED INTO ONE PIECE OF PROPERTY; SO IN REALITY
4033 ACCESS CAN SERVE 4115 WITHOUT THE SECOND ACCESS
POINT?
MR. HOWARD: I WOULD CERTAINLY DEFER TO MR. HUFF ON THAT. I DON'T THINK THAT THEY PLAN TO CONSOLIDATE BASED ON MY KNOWLEDGE. OF COURSE, HE CAN ANSWER, BUT THAT'S SOMETHING WE LOOKED AT ORIGINALLY. THAT'S PART OF WHAT WE DID ON PLANNING FOR THESE PARCELS WAS TO PROVIDE ACCESS EASEMENTS SO THAT YOU COULD ACCESS 4115. EVEN IF THEY WEREN'T CONSOLIDATED, THAT THERE ARE ACCESS EASEMENTS TO GET TO THAT PROPERTY SO THAT YOU ELIMINATE THE NEED FOR AN ADDITIONAL ACCESS POINT TO HIGHWAY 54. AS FAR AS CONSOLIDATION, I'M SURE MR. HUFF COULD ANSWER THAT.

CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY QUESTIONS OF MR. HOWARD, ANY OF YOU?

MR. KAZLAUSKAS: MR. HOWARD, MAYBE MR. HUFF CAN BETTER ANSWER THIS. I'M TRYING TO SIT HERE AND COUNT THE PARKING PLACES ON THIS. HOW MANY AUTOMOBILES, HOW MANY PARKING PLACES ARE IN THERE? DO YOU HAVE ANY IDEA?

MR. HUFF: WHERE AT?

MR. KAZLAUSKAS: ON YOUR PROPOSED. ON YOUR DIAGRAM HERE ON 4115, 4033 AND 4005, YOU'VE GOT PARKING PLACES LINED OFF THERE. I CAN'T SIT HERE AND COUNT THEM REAL QUICK.

MR. HUFF: IT'S IN THE 30'S. I WANT TO SAY MAYBE 36, IN FRONT OF MY BUILDING.
NOW, THE PARKING AT 4005 IS A LITTLE
MISLEADING. THAT IS A MULTI-PURPOSE BUILDING THAT'S
SET UP FOR TRAINING AND SOME OTHER FUNCTIONS WHERE
THEY MAY HAVE THE PARKING LOT FULL VERY SPORADICALLY.
THEY HAVE SOMEWHERE IN THE NEIGHBORHOOD OF ABOUT 20
STAFF THAT'S ACTUALLY FUNCTIONING IN THAT BUILDING, AS
I UNDERSTAND.

MR. KAZLAUSKAS: THE REASON I'M ASKING ABOUT
THE NUMBER OF PARKING PLACES IS THAT I KNOW OUT THERE
ON 54 THERE'S PLACES THAT HAVE A LOT OF PARKING PLACES
WITH ONLY ONE ACCESS TO IT. I'M WONDERING ABOUT HOW
MANY PARKING PLACES ARE IN HERE. TO ME IT SEEMS
ADEQUATE. IF ANYBODY CAN TELL ME HOW MANY PARKING
PLACES THERE ARE.

MR. HUFF: I THINK IT'S ABOUT 32. THERE WERE
20 PARKING SPOTS TO BEGIN WITH. WE'VE ADDED SOME. IN
FACT, SOME OF THESE THAT ARE MARKED DON'T ACTUALLY
EXIST.

MR. KAZLAUSKAS: IN THE WHOLE COMPLEX, 4005,
4033 AND 4115, 100 PLACES, 100 PARKING PLACES?

MR. HUFF: FOR ALL THREE PROPERTIES?

MR. KAZLAUSKAS: YES.

MR. HUFF: I'D SAY IT'D BE MORE LIKE 200.

MR. KAZLAUSKAS: MORE LIKE 200. THAT LOOKS
LIKE AN AWFUL LOT TO ME, BUT IF YOU SAY 200, OKAY.
MR. HUFF: I'M SORRY, IF YOU LOOK AT THE THIRD
EXHIBIT. I'M SORRY, I'M LOOKING AT THE FIRST EXHIBIT
MYSELF.

MR. KAZLAUSKAS: I'M LOOKING AT THE THIRD ONE.

MR. HUFF: SEE, WE ALSO HAVE AN AREA BEHIND MY
BUILDING THAT I DON'T HAVE DEPICTED IN THE EXHIBIT,
BUT THERE'S ROOM BACK THERE FOR EITHER TWO SMALLER
BUILDINGS OR ONE LARGER BUILDING. I'M GOING TO SAY,
WHEN I SAY "LARGE," I'M TALKING ABOUT 5,000 SQUARE
FOOT FOOTPRINT. MOST ALL OF THE LOCATIONS ON THIS
PROPERTY ARE IDEALLY SUITED WITH WALKOUT BASEMENTS.
WE'RE TALKING ABOUT OFFICES WITH STORAGE AND COMBINED.
SORT OF AROUND 10,000 SQUARE FEET PER BUILDING.

SO YOU'RE GOING TO SEE PER BUILDING SOMEWHERE
IN THE NEIGHBORHOOD OF 20 TO 25 PARKING PLACES
TYPICALLY, DEPENDING ON HOW THE SPATIALIZATION IS
BROKEN UP.

AGAIN IT IS PROFESSIONAL. IT'S NOT A
MCDONALD'S. THERE WILL BE, I MEAN IT'S NOT THAT WE
DON'T NEED AN ENTRANCE, BUT IT'S NOT COMMERCIAL USAGE
EITHER.

MR. KAZLAUSKAS: I UNDERSTAND WHAT YOU'RE
SAYING. OF COURSE, WHAT I'M TRYING TO GET MY ARMS
AROUND HERE, MY HEAD AROUND HERE IS WE ALL KNOW THE
TRAFFIC OUT ON 54 AND THE PROBLEM THAT IT IS. I KNOW
THE SPRINGS HAS MORE THAN 200 PARKING PLACES OUT THERE AND THEY'VE ONLY GOT ONE ACCESS OFF OF 54. OF COURSE, THAT'S TWO LANES ON EACH SIDE WITH A STOPLIGHT THERE NOW, I THINK. THAT GOES IN AND OUT. I WAS TRYING TO FIGURE OUT, YOU KNOW, IF THERE WAS ACTUALLY A SPECIFIC NEED FOR THAT SECOND ONE. I'M NOT REAL SURE THAT IT IS.

THANK YOU SO MUCH.

CHAIRMAN: MR. HUFF, DO YOU HAVE ADDITIONAL COMMENTS?

MR. HUFF: I DON'T HAVE ANY ISSUES WITH WHAT MR. HOWARD HAS DISCUSSED. AS I SAID, WE REALIZE THIS DOES NOT MEET THE SPACING REQUIREMENTS, AND I CERTAINLY UNDERSTAND THE IMPORTANCE OF THE 500 FOOT SPACING REQUIREMENT, BUT I THINK WHAT WE'RE ASKING HERE, AS FAR AS AN EXCEPTION BEING MADE, I DON'T THINK IT'S A VERY LARGE STRETCH. THESE ENTRANCES JUST AREN'T GOING TO BE THE TRAFFIC GENERATORS THAT SOME OF THE OTHER ENTRANCES ARE. THERE ARE LOCATIONS ON HIGHWAY 54 NOT TOO FAR FROM OUR OFFICE WHERE ENTRANCES ARE CLOSER THAN 500 FEET. IN FACT, CONSIDERABLY CLOSER, IN AREAS THAT THE TRAFFIC COUNTS ARE MUCH HIGHER. FOR EXAMPLE, THE ENTRANCE IN FRONT OF CVS AT 54 COULD BE AN EXAMPLE.

NOT AN IDEAL SITUATION BY ANY MEANS, BUT
SOMETIMES ENTRANCES DON'T END UP BEING 500 FEET. I CERTAINLY UNDERSTAND THAT.

THese ENTRANCES HERE, I THINK THE POTENTIAL FOR THEM, FIRST OF ALL, THERE'S MINIMAL TO NO POTENTIAL FOR ACCESS POINTS ACROSS THE OTHER SIDE OF 54. THESE ARE MINIMAL TO NO POTENTIAL TO EVER BE SIGNIFIED. I THINK THE IMPORTANCE OF MAINTAINING THE 500 FEET TO WOOD TRACE AND TO LAKE FOREST IS VERY IMPORTANT. THESE ACCESS POINTS BEING CLOSE TOGETHER, I REALLY DON'T SEE THAT IT WILL MUCH HAVE MUCH IMPACT, IF ANY, ON TRAFFIC.

CHAIRMAN: ONE OF THE REASONS THEY ARE CLOSER, ACCESS POINTS ON HIGHWAY 54, FIVE LANE, HIGHWAY 54, ANYONE THAT HAS ACCESS, THE STATE HAD TO GIVE THEM THEIR ACCESS. WHAT YOU'RE SEEING WHERE THEY'RE CLOSER, IS WHERE SOMEONE ALREADY HAD AN ACCESS TO 54 AND THE STATE HAD TO GIVE THEM THE ACCESS.

MR. HUFF: THEY WERE GRANDFATHERED IN. I UNDERSTAND THAT. IN SOME CASES, ROADWAYS DON'T MEET SPACING REQUIREMENTS.

I GUESS THE REASON I MAKE THAT POINT IS THAT THIS IS NOT, THERE'S NOT GOING TO BE A TREMENDOUS PRESENCE SETTING BY PERMITTING THIS GIVEN THE SITUATION DOES EXIST IN OTHER PLACES. THIS WON'T BE A FIRST. CERTAINLY NOT NEARLY THE MORE CRITICAL.
CHAIRMAN: MR. HOWARD, DO YOU HAVE ADDITIONAL COMMENTS?

MR. NOFFSINGER: MR. BOSWELL HAS ONE.

MR. BOSWELL: JUST ONE POINT OF CLARIFICATION ON THIS THIRD PLOT THAT YOU'VE GOT.

IT APPEARS THAT YOU'VE GOT ROADS TYING ALL OF THIS IN AT SOME POINT IN TIME. IS THAT SECOND ACCESS GOING TO BE ABLE TO FLOW THE TRAFFIC FROM 4115 TO 4033? BECAUSE IT LOOKS LIKE THERE'S DASH LINES IN HERE LIKE IT'S BLOCKING IT OFF. I'M NOT QUITE SURE IF THERE'S A TRAFFIC FLOW BETWEEN THE TWO OFF OF THE SECOND ACCESS.

MR. HUFF: IN DEVELOPMENT SCENARIO C, ALL OF THESE WOULD BE TIED IN.

TO ANSWER OR FURTHER CLARIFY ON MR. HOWARD'S COMMENTS, AS THE PLAT STANDS NOW THE ACCESS TO 4115 IS ACTUALLY BEHIND MY BUILDING. IT'S SHOWN AS DASHED FOR TWO REASONS. ONE, BECAUSE IT'S NOT THERE NOW, AND SECONDLY, IT'S CONCEPTUAL.

IN ALL REALITY, AT SOME POINT IN TIME WE WILL PROBABLY CORRECT THE ACCESS TO HAVE THE ACCESS GO THROUGH THE PARKING ON THE FRONTAGE OF 54. WE'LL PROBABLY DO THAT REGARDLESS.

THE SECONDARY ENTRANCES IS REALLY INTENDED TO BETTER SERVE 4115. SO THAT IF TRAFFIC IS WANTING TO
COME INTO 4115, THEY DON'T HAVE TO USE THE ACCESS THAT'S EXISTING, AND EITHER GO BEHIND MY BUILDING OR GO THROUGH THE SHARED PARKING AREA.

MR. BOSWELL: THANK YOU.

CHAIRMAN: MR. REEVES.

MR. REEVES: JUST A COMMENT.

I KNOW, BECAUSE THIS BOARD HAS BEEN PARTICULARLY CONCERNED ABOUT TRAFFIC ON 54. IT'S OBVIOUSLY ACTIVITIES HERE THERE'S NOT GOING TO BE A LOT OF IN AND OUT TRAFFIC ON A REGULAR BASIS LIKE DOWN AT KOHL'S OR SOMEPLACE. I WOULD BE MORE CONCERNED IF THERE WERE, QUITE CANDIDLY. IT LOOKS TO ME LIKE THIS IS A REQUEST FOR CONVENIENCE AND NOT ONE THAT REALLY NEEDS TO MOVE A LOT OF TRAFFIC. I DON'T SEE THAT ONGOING IN AND OUT FLOW THERE, EVEN LIKE YOU SEE AT THE SPRINGS, AND THE ONE ENTRANCE AT THE SPRINGS SERVES IT VERY WELL. YOU MAY HAVE TO WAIT FOR THREE OR FOUR CARS, BUT YOU DON'T HAVE TO WAIT A LONG, LONG TIME. THIS LOOKS LIKE THIS WOULD BE FOR CONVENIENCE THAN NECESSITY. I THINK THIS IS TOO CLOSE HERE FOR US TO LOOK AT THIS AND SAY THIS WOULD NOT BE A SAFETY HAZARD. I'M CONCERNED THAT IT WOULD BE.

CHAIRMAN: ANY OTHER COMMISSIONERS HAVE ANY MORE QUESTIONS OF MR. HUFF OR MR. HOWARD?

(NO RESPONSE)
CHAIRMAN: MR. HOWARD, DO YOU HAVE ANY ADDITIONAL COMMENTS YOU WOULD LIKE TO MAKE?

MR. HOWARD: JUST TO CLARIFY EARLIER WHAT I WAS SAYING AND JUST TO MAKE SURE THAT IT WAS CLEAR. I DIDN'T REALLY SPECIFY. WHEN THE ORIGINAL REZONING CAME IN, IT WAS ONE PARCEL THAT INCLUDED 4005 AND 4033. THEY WERE ALL ACTUALLY ONE PARCEL AT THAT TIME, ONE LARGER PARCEL. WHEN THE SOUTHERN STAR BUSINESS WENT OUT THERE, MR. HUFF DID A PLAT THAT SPLIT THAT PROPERTY DOWN THE MIDDLE. THAT'S WHY YOU HAVE THREE PARCELS NOW WHEREAS IN THE ORIGINAL ZONING CHANGE YOU ONLY HAD ONE AND THEN THE 4515 WAS NOTED THAT THE INGRESS/EGRESS EASEMENT WOULD SERVE THIS PARCEL.

THE ORIGINAL PLAT SHOWED AN ACCESS POINT ON WHAT IS 4005 NOW TO BE CLOSED, AND THEN THE ONE ON 4115 TO BE CLOSED, AND THEN THAT NEW JOINT ACCESS EASEMENT BEING ESTABLISHED. I JUST WANTED TO CLARIFY. I DON'T THINK I MAKE THAT CLEAR EARLIER. THAT'S HOW WE STARTED WITH ONE LARGE PARCEL REZONING, BUT NOW IT'S TWO.

CHAIRMAN: MR. NOFFSINGER, DO YOU HAVE ANY COMMENTS?

MR. NOFFSINGER: I WOULD JUST ADD THAT THIS BOARD, AS WELL AS THE STAFF, AS WELL AS GREEN RIVER
AREA DEVELOPMENT DISTRICT THROUGH THE TRANSPORTATION
MANAGEMENT POLICIES, TAKE A GOOD HARD LOOK AT ACCESS.
THAT 500 FOOT SPACING STANDARD HAS BEEN IN EXISTENCE
FOR MANY YEARS.

THE CVS PHARMACY DID HAVE AN ACCESS POINT TO
THAT PROPERTY PRIOR TO IT BEING BUILT THERE,
CONSTRUCTED. IT WAS ALSO ALREADY ZONED B-4 GENERAL
BUSINESS. IT WASN'T A SITUATION WHERE THEY HAD TO
SEEK A ZONING CHANGE. THEY ALREADY HAD THE ZONING
THEY NEEDED. THEY ALREADY HAD THE ACCESS. THEY WERE
ABLE TO KEEP THAT ACCESS POINT.

HERE WE NEGOTIATED IN GOOD FAITH WITH THE
APPLICANT TO REZONE PROPERTY A FEW YEARS BACK THAT
INCLUDED TWO OF THE PARCELS YOU SEE HERE, AND ALSO
NEGOTIATED ACCESS TO THIS ADJOINING PROPERTY. THAT
ACCESS EASEMENT TO THE REAR THAT GOES OVER TO 4115 WAS
PUT IN PLACE BY THE APPLICANT. WE SUGGESTED THAT
ACCESS BE LOCATED CLOSER TO THE FRONTAGE OF 54 SO YOU
WOULD HAVE A DRIVEWAY THAT WOULD COME FROM THIS MAIN
ACCESS POINT OVER TO 4115 IN FRONT OF THE PROPERTY.
The APPLICANT HAD CONTROL OF THE THREE PROPERTIES AT
THAT POINT, AND THAT'S WHERE THEY WANTED THE ACCESS
POINT.

I CERTAINLY BELIEVE AND, MR. CHAIRMAN, YOU
ASKED THIS QUESTION, CAN THIS PROPERTY FUNCTION
WITHOUT THIS ACCESS POINT. I SAY, CERTAINLY IT CAN.
IT WILL FUNCTION VERY WELL. IT WILL FUNCTION AS WELL
AS OTHER PROPERTIES THAT HAVE BEEN HELD TO THE
STANDARDS. YOU CAN LOOK UP AND DOWN HIGHWAY 54 AND
YOU CAN SEE WHERE THE 500 FOOT SPACING STANDARD HAS
BEEN HONORED AND IT IS WORKING. WHEN YOU HAVE ACCESS
MANAGEMENT, IT ADDS TO THE CAPACITY OF OUR EXISTING
ROADWAYS AND IT SAVES TAX PAYER DOLLARS IN TERMS OF
THEY DON'T HAVE TO GO IN AND WIDEN THESE ROADWAYS OR
REDUCE THE NUMBER OF ACCESS POINTS BECAUSE OF CAPACITY
ISSUES.

YOU'LL ALSO FIND SOME AREAS WHERE THE 500 FOOT
SPACING STANDARD HAS NOT BEEN HONORED, BUT THOSE ARE
AREAS WHERE IT COULDN'T BE HONORED IN ORDER FOR
PROPERTIES TO HAVE ACCESS TO HIGHWAY 54.

CERTAINLY WE STRONGLY RECOMMEND THAT THIS
ACCESS POINT NOT BE GRANTED AND CERTAINLY WOULD
RECOMMEND DENIAL OF THIS ZONING CHANGE IF IT WERE TO
BE NECESSARY FOR THIS ACCESS POINT TO BE GRANTED.

CHAIRMAN: ANYONE ELSE HAVE COMMENTS?

MR. BLACK: JUST A QUICK QUESTION.

4115 NOW IS PROPOSED, RIGHT? ARE THERE ANY
CONCRETE PLANS FOR 4115 RIGHT NOW?

MR. HUFF: I THINK THE POTENTIAL DEVELOPMENT
SCENARIO A AND B ARE THE MOST LIKELY DEVELOPMENT
SCENARIOS FOR THAT PROPERTY.

TO ADDRESS THE ISSUE ABOUT THE ACCESS EASEMENT BEING TO THE REAR OF THE PROPERTY, IN ALL HONESTY I WASN'T TOO WORRIED ABOUT THAT BECAUSE I ENVISIONED A POINT IN TIME WHERE THIS PROPERTY WOULD BE CONSOLIDATED. I REALLY WASN'T TOO CONCERNED ABOUT WHERE WE HAD THE ENTRANCE OR WHERE WE HAD THE ACCESS POINT.

4115 CAME INTO PLAY VERY LATE IN THE GAME WHEN WE WERE IN THE -- WE HAD ALREADY INITIATED THE PROCESS OF PURCHASING AND REZONING WHAT THEN WAS 4033. WE PROBABLY WOULD HAVE, IF THE TIMING HAD WORKED OUT, WE PROBABLY WOULD HAVE GONE AHEAD AND REZONED ALL OF IT, BUT WE WERE IN A HURRY TO FACILITATE GROUNDBREAKING FOR SOUTHERN STAR AND GETTING PREPARED FOR THAT. WE DIDN'T WANT TO HOLD UP THE REZONING PROCESS.

TO ANSWER THE QUESTION, MR. BLACK, I REALLY THINK THAT DEVELOPMENT SCENARIO A OR B REALLY ARE, AS IT'S CONFIGURED NOW, WOULD REALLY BE THE MOST LIKELY SCENARIOS THAT WE WOULD LOOK TOWARD DEVELOPING THIS IN P-1.

CHAIRMAN: ANYONE ELSE HAVE COMMENTS OR QUESTIONS?

(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
MR. KAZLAUSKAS: MR. CHAIRMAN, I MAKE A MOTION THAT THE ZONING BE APPROVED WITH THE CONDITION THAT HIGHWAY 54 SHALL BE LIMITED TO A SINGLE ACCESS POINT PER THE SEPTEMBER 2009 REZONING AND RECORDED SUBDIVISION PLAT ALONG WITH FINDINGS OF FACT 1, 2, 3 AND 4.

CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS FOR APPROVAL. DO WE HAVE A SECOND?

MR. BOSWELL: SECOND.

CHAIRMAN: WE HAVE A SECOND BY MR. BOSWELL.

ANY COMMENTS OR QUESTIONS ON THE MOTION?

(NO RESPONSE)

CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM, PLEASE.

ITEM 4

PORTION OF 10619 HIGHWAY 764, 0.144 ACRES CONSIDER ZONING CHANGE: FROM R-1B SINGLE-FAMILY RESIDENTIAL TO P-1 PROFESSIONAL/SERVICE APPLICANT: JOSEPH & DIANE BIRKHEAD; JOSEPH D. & DONNA C. HOWARD

(MELISSA EVANS SWORN BY ATTORNEY.)

MR. PORTER: STATE YOUR NAME FOR THE RECORD, PLEASE.
PLANNING STAFF RECOMMENDATION

THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT TO THE CONDITIONS AND FINDINGS OF FACT THAT FOLLOW:

CONDITIONS:

1. ALL VEHICULAR USE AREAS SHALL BE PAVED;

AND,

2. APPROVAL OF A MINOR SUBDIVISION PLAT CONSOLIDATING THE 0.144 ACRE PORTION OF THE SUBJECT PROPERTY WITH 10015 MAIN STREET.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN AN URBAN RESIDENTIAL PLAN AREA, WHERE PROFESSIONAL/SERVICE USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. THE USE OF THE SUBJECT PROPERTY AS A MEDICAL OFFICE WILL BE NON-RESIDENTIAL IN NATURE;

4. THE PROPOSED P-1 ZONING WILL BE A LOGICAL EXPANSION OF EXISTING P-1 ZONING TO THE SOUTH; AND,

EXISTING RESIDENCE TO THE NORTH.

MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBITS B.

CHAIRMAN: ANYONE HERE REPRESENTING THE APPLICANTS?

(NO RESPONSE)

CHAIRMAN: ANYONE HERE LIKE TO SPEAK IN OPPOSITION OR HAVE ANY COMMENTS OR QUESTIONS ON THIS APPLICATION?

(NO RESPONSE)

CHAIRMAN: COMMISSION MEMBERS HAVE ANY QUESTIONS OR COMMENTS?

(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. BOSWELL: MR. CHAIRMAN, I MAKE A MOTION THAT WE APPROVE THE ZONING CHANGE TO P-1 PROFESSIONAL SERVICE BASED ON THE PLANNING STAFF RECOMMENDATIONS, CONDITIONS 1 AND 2 ALSO BE ACCEPTED AND APPROVED.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY MR. BOSWELL. DO WE HAVE A SECOND?

MR. REEVES: SECOND.

CHAIRMAN: WE HAVE A SECOND FROM MR. REEVES.

COMMENTS OR QUESTIONS ON THE MOTION?

(NO RESPONSE)
CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM, PLEASE.

MR. NOFFSINGER: IF IT PLEASURES THE COMMISSION, WE WOULD LIKE TO SKIP TO ITEM NUMBER 6 UNDER MINOR SUBDIVISIONS.

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MINOR SUBDIVISIONS

ITEM 6

9020, 9030 TODD BRIDGE ROAD, 12.917 ACRES CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.

APPLICANT: DAVID & SAMANTHA J. HALL

MR. NOFFSINGER: MR. CHAIRMAN, MR. HOWARD IS HERE TO EXPLAIN THIS PROPERTY.

MR. HOWARD: THIS PLAT COMES BEFORE YOU AS AN EXCEPTION TO THE THREE TO ONE LENGTH TO WIDTH RATIO REQUIREMENT.

THERE ARE A COUPLE OF EXISTING PARCELS OUT THERE THAT THEY ARE CONSOLIDATING INTO A LARGER TRACT. SO THERE'S ACTUALLY A NET LOSS IN DEVELOPMENT PARCELS, BUT THE ONE THAT THEY ARE CREATING ON THE SOUTH SIDE OF THE PROPERTY EXCEEDS THE THREE TO ONE RATIO, BUT SINCE THEY'RE NOT REALLY MAXIMIZING THE NUMBER OF LOTS, THEY'RE ACTUALLY REDUCING THE NUMBER OF LOTS,
SQUARING UP THAT BOTTOM LOT SO THAT IT GOES ALL THE WAY TO THE WEST PROPERTY LINE INSTEAD OF HAVING A JOG IN IT, WE WOULD RECOMMEND THAT YOU CONSIDER THAT FOR APPROVAL.

CHAIRMAN: DOES ANYONE HERE HAVE ANY QUESTIONS ON THIS APPLICATION?
(NO RESPONSE)

CHAIRMAN: COMMISSIONERS HAVE ANY QUESTIONS ON THIS APPLICATION?
(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. ROGERS: MOTION FOR APPROVAL.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY MR. ROGERS.

MR. APPLEBY: SECOND.

CHAIRMAN: WE HAVE A SECOND BY MR. APPLEBY.

ANY COMMENTS OR QUESTIONS ON THE MOTION?
(NO RESPONSE)

CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM, PLEASE.

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OHIO VALLEY REPORTING
(270) 683-7383
ZONING CHANGES

ITEM 5

1856 WHISPERING MEADOWS DRIVE, 37.989 ACRES

CONSIDER ZONING CHANGE: FROM A-R RURAL AGRICULTURE TO
R-1A SINGLE-FAMILY RESIDENTIAL

APPLICANT: JAGOE LAND CORP; LTM FARMS, LLC

PLANNING STAFF RECOMMENDATIONS

THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT

TO THE FINDINGS OF FACT THAT FOLLOW:

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE

PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED

COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN AN

URBAN RESIDENTIAL PLAN AREA WHERE URBAN LOW-DENSITY

RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. THE PROPOSED USE AND ZONING MEET THE LAND

USE CRITERIA FOR URBAN RESIDENTIAL DEVELOPMENT;

4. THE RESIDENTIAL DEVELOPMENT WILL BE SERVED

BY SANITARY SEWER SERVICE; AND,

5. THE PROPOSAL IS AN EXPANSION OF WHISPERING

MEADOWS AND IS IN KEEPING WITH THE CONCEPTUAL PLAN FOR

THE ENTIRE DEVELOPMENT AS PROPOSED IN 1998.

MR. HOWARD: WE WOULD LIKE TO ENTER THAT STAFF

REPORT INTO THE RECORD AS EXHIBIT C.

CHAIRMAN: ANYONE HERE REPRESENTING THE
MR. KAMUF: MR. CHAIRMAN, CHARLES KAMUF.

CHAIRMAN: MR. KAMUF, IF YOU WOULD, LET'S SEE IF WE HAVE OPPOSITION AND QUESTIONS AND THINGS AND THEN WE'LL BRING YOU BACK AND SEE.

MR. KAMUF: WE HAVE MR. JAGOE AND BRYANT ENGINEERING HERE TO ANSWER ANY QUESTIONS THAT MIGHT BE APPROPRIATE.

CHAIRMAN: I THINK IT WILL SPEED IT UP IF WE GET TO THE OPPOSITION SIDE FIRST. THANK YOU.

ANYONE HERE LIKE TO SPEAK IN OPPOSITION OF THIS APPLICATION?

STEP TO THE PODIUM.

(LARRY HESTER SWORN BY ATTORNEY.)

MR. PORTER: WOULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE?

MR. HESTER: MY NAME IS LARRY HESTER. I LIVE AT 1750 WHISPERING MEADOWS DRIVE.

THERE ARE THREE ITEMS THAT I WOULD LIKE FOR YOU ALL TO CONSIDER WHENEVER YOU'RE LOOKING AT THIS.

I LIVE AT THE NORTHWEST INTERSECTION OF WHISPERING MEADOWS AND MEADOW GROVE DRIVE. RIGHT NOW THERE ARE ABOUT 99 LOTS, I THINK THERE ARE 99 LOTS IN THE NEIGHBORHOOD. I THINK THERE ARE EIGHT OF THEM THAT ARE UNDEVELOPED RIGHT NOW.
ON A DAILY BASIS IN THE MORNINGS FROM PROBABLY 6:30 TO 8:30, WE HAVE A TREMENDOUS AMOUNT OF TRAFFIC I THINK. WE'RE TALKING ABOUT MORE THAN DOUBLING THE SIZE OF THE NEIGHBORHOOD. THAT'S THE ONLY ENTRANCE AND EXIT TO THE NEIGHBORHOOD. I THINK THAT'S JUST GOING TO BE TOO MANY CARS THAT ARE GOING TO BE COMING AND GOING THROUGH THAT SINGLE ENTRANCE AND EXIT. I MEAN YOU'RE TALKING ABOUT, I'M JUST GOING TO GUESS, RIGHT NOW YOU'RE LOOKING AT 150 CARS COMING THROUGH THERE IN A TWO-HOUR PERIOD OF TIME. IF YOU ADD 126 HOUSES, THAT'S JUST, YOU KNOW, A COUPLE OF HUNDRED MORE CARS COMING THROUGH THERE AND IT'S JUST GOING TO BE A TREMENDOUS AMOUNT OF TRAFFIC COMING THROUGH THERE.

SO I WOULD LIKE FOR YOU TO CONSIDER THAT AS ONE POINT.

THE SECOND POINT IS THE DETENTION BASIN. I KNOW THEY'RE LOOKING AT EXPANDING THE DETENTION BASIN. THAT'S NOT THE PROBLEM. THE PROBLEM IS, IS THE DITCH THAT GOES TO AND COMES FROM THE DETENTION BASIN. THERE'S A PROBLEM WITH THE DRAINAGE THERE. IT DOES NOT DRAIN PROPERLY. IT SILTS IN. JAGOES WAS KIND ENOUGH TO CLEAN IT OUT LAST YEAR WHENEVER THEY DEVELOPED THE LOTS THAT BACKED UP. THEY WERE ON THE SOUTH SIDE OF THAT DITCH. THAT DITCH IN THE OHIO VALLEY REPORTING (270) 683-7383
NEIGHBORHOOD DOES HAVE A CONCRETE BOTTOM IN IT. I DON'T KNOW IF THE PROBLEM WAS THAT IT WAS PUT IN TOO LOW OR IT SETTLED OR WHAT THE PROBLEM IS, BUT IT HOLDS WATER, MOSQUITOS, SILT. IT'S ALREADY SITTED BACK IN FROM LAST YEAR WHENEVER THEY CLEANED IT OUT.

FROM TALKING TO PEOPLE AT THE DAVIESS COUNTY PUBLIC SCHOOL BOARD OR SCHOOL SYSTEM, THEY'RE AWARE OF THIS PROBLEM. THE DITCH RUNS ON THROUGH TO THE SCHOOL PROPERTY AND THEN IT GOES UNDERNEATH HIGHWAY 56. THEY SAY THAT THE CULVERT ON 56 WOULD HAVE TO BE LOWERED IN ORDER FOR THAT TO DRAIN PROPERLY.

I GUESS IN ESSENCE WHAT I'M SAYING IS YOU'RE MORE THAN DOUBLING THE RUNOFF FOR THE NEIGHBORHOOD INTO THAT DETENTION BASIN. I THINK YOU'RE ASKING FOR A DISASTER WITH THAT DITCH THERE. IT'S JUST GOING TO COMPOUND THE PROBLEM. IT'S JUST GOING TO BE WORSE AND WORSE. IT'S GOING TO SIT IN WORSE.

I THINK IT'S JUST GOING TO HOLD THE WATER WORSE. I REALLY THINK THAT NEEDS TO BE LOOKED INTO SERIOUSLY.

MY THIRD CONCERN IS, OF COURSE, PROPERTY VALUE. I THINK EVERYONE IN THE NEIGHBORHOOD THERE, THEY WANT THEIR PROPERTY VALUE TO BE AS HIGH AS POSSIBLE IN CASE OF RESALE OR WHATEVER, BUT I KNOW I DO. OF COURSE, THE MAJORITY OF PEOPLE, THAT'S THEIR

OHIO VALLEY REPORTING
(270) 683-7383
BIGGEST INVESTMENT IN THEIR LIFE IS THEIR HOME. I FEEL LIKE THAT WITH THIS DEVELOPMENT THAT IT MAY HURT PROPERTY VALUE.

I DON'T KNOW IF YOU ALL CAN ADDRESS THIS OR NOT, BUT I KNOW THAT THE REASON I MOVED INTO THIS NEIGHBORHOOD, I BUILT IN 2008, WAS BECAUSE OF THE RESTRICTIONS TO THE EXTERIOR OF THE HOMES. THEY WERE REQUIRED TO BE 80 PERCENT BRICK. IF THIS DEVELOPMENT GOES ON THROUGH, I'M AFRAID THOSE NEW HOUSES THAT JAGOE IS GOING TO BUILD ARE NOT GOING TO BE 80 PERCENT BRICK. I THINK THAT'S GOING TO HURT MY PROPERTY VALUE AND, OF COURSE, EVERYONE ELSE IN THE NEIGHBORHOOD. I DON'T KNOW IF THAT COULD BE LEVIED UPON THEM TO DO THAT OR NOT. I REALLY DON'T THINK THAT'S THEIR PLAN. I THINK WE'LL SEE A LOT OF HOUSES BACK THERE WITH SIDING ON THEM. I JUST DON'T THINK THAT'S GOING TO UPHOLD THE PROPERTY VALUE OF THE RESIDENCES IN WHISPERING MEADOWS. THANK YOU.

CHAIRMAN: THANK YOU, MR. HESTER. WE'LL SEE WHAT OTHER CONCERNS WE HAVE.

ANYONE ELSE IN THE WHISPERING MEADOWS SUBDIVISION WOULD LIKE TO SPEAK AT THIS TIME?

(MALLISON LANHAM SWORN BY ATTORNEY.)

MR. PORTER: WILL YOU STATE YOUR NAME FOR THE RECORD, PLEASE?
MS. LANHAM: ALLISON LANHAM.

I LIVE AT 1854 WHISPERING MEADOWS DRIVE. I'VE LIVED THERE FOR SEVEN YEARS.

I DON'T WANT TO REPEAT ANYTHING THAT LARRY HAS ALREADY STATED, BUT I DO WANT TO TOUCH BASE ON THE TRAFFIC ISSUE. I THINK IT IS A HUGE CONCERN NOT ONLY BECAUSE OF THE AMOUNT OF HOMES THAT'S GOING TO BE IN THERE NOW WITH ONLY ONE ENTRANCE AND EXIT, BUT ALSO BECAUSE HIGHWAY 56 IN THE LAST SEVEN YEARS I'VE LIVED THERE HAS BECOME A LOT BUSIER THAN WHAT IT WAS BEFORE.

THE OTHER THING IS WHEN YOU ARE COMING INTO THE NEIGHBORHOOD THE TURNING LANE IS ONLY SO LONG. I MEAN JUST THE OTHER DAY I WAS FIVE CARS DEEP TRYING TO GET OUT OF THE NEIGHBORHOOD IN THE MORNING. I FEEL LIKE WITH 125 HOMES, TWO CARS PER HOUSEHOLD, YOU'RE LOOKING AT A LOT OF CARS GOING IN AND OUT OF THE NEIGHBORHOOD EVERY DAY.

THE SECOND THING THAT LARRY BROUGHT UP ABOUT THE DRAINAGE. I LIVE, THE POND IS RIGHT BEHIND MY HOUSE. WHEN WE GET HEAVY RAINS LIKE WE DID IN JUNE, THE POND WAS ALL THE WAY TO THE STREET. I MEAN IF WE HAD GOTTEN ANY MORE, IT WOULD HAVE BEEN RUNNING DOWN THE STREET. IT'S NOT BECAUSE OF THE RETENTION BASIN. THEY CAN MAKE THAT RETENTION BASIN AS BIG AS THEY WANT, BUT THEY'RE NOT MAKING THE DITCH WIDER. IT'S
BECAUSE, YOU KNOW, IT'S ONLY A CONCRETE BOTTOM THROUGH OUR NEIGHBORHOOD, BUT AS IT TURNS IT'S A DIRT BOTTOM.

MY CONCERNS WITH THAT IS THE MORE HOUSES YOU PUT IN THERE, THAT'S MORE WATER, THAT'S MORE DRAINAGE, AND THAT DITCH I DON'T THINK COULD HANDLE ALL THAT WATER. IT TOOK UNTIL THE NEXT DAY FOR THAT POND TO START RECEDING. THOSE ARE MY TWO CONCERNS. THAT'S ALL I HAVE.

CHAIRMAN: THANK YOU. WE'LL GET YOU SOME ANSWERS ON THAT.

ANYONE ELSE ON WHISPERING MEADOWS SUBDIVISION? STEP UP, PLEASE.

MR. KEAGLE: JOHN KEAGLE, JR.

(JOHN KEAGLE SWORN BY ATTORNEY.)

MR. KEAGLE: I'M NOT HERE TO SPEAK EITHER FOR OR AGAINST THE DEVELOPMENT, BUT TO BRING TO THE ATTENTION OF THE BOARD OF OUR PROPERTY THAT ADJOINS IT THAT WE ARE OPERATING A DAIRY FARM.

I CAME BACK IN I THINK 1998 AND SPOKE TO THE SAME EFFECT. TO LET PEOPLE KNOW THAT THEY'RE MOVING INTO AN AGRICULTURAL AREA THAT IS ACTIVE. I KNOW THAT WE HAVE GOT NEW NEIGHBORS. I THINK YOU SAID OVER 90 lots in that subdivision, and our kids go to school with them, go to church with a lot of them and we have good neighbors.
I think it's prudent that any more neighbors that come out are aware that we own property on two sides of this. If you look at the map that's up there, the pretty green that's there to the side, that has that color to it because we use natural nitrogen. That is as organic as you can get. Yes, it has a smell to it. It works well.

If you're having a birthday party for your child outside and we spray manure, it's not exactly the thing that you want there. I do want people to know that it is there and our family has, the dairy is on Old Lyddane Road and has been in operation since my grandfather had it. Bought the farm in 1937. It's my intention to continue to operate that. I just want to bring that to the attention.

The second thing is also on the drainage. When the property was, the subdivision was started, we also have a farm directly across to the north side of 56 to that culvert that has been mentioned, it drains across and comes down beside the property there. There is virtually no fall at all from the level of that ditch all the way back to the retention pond that they have mentioned. It's almost completely flat. The school property that adjoins it, if you take a trip out there now and look, it has grown up with some...
WILLOW TREES AND THINGS THAT I DON'T KNOW. MIKE HAS
BEEN VERY GOOD ABOUT TRYING TO HELP KEEP HIS PART
DONE, BUT THERE ARE SOME ISSUES WITH THAT THAT NEEDS
TO BE ADDRESSED.

OUR FARM ON THE WEST SIDE OF IT COMES AROUND
AND FLOWS INTO THAT RETENTION BASIN AND THEN GOES OUT.
I CAN TAKE YOU OUT THERE RIGHT NOW AND MY DITCHES ARE
COMPLETELY FULL RIGHT NOW AFTER THE LAST RAIN THAT WE
HAD BECAUSE OF THE SITLING IN THE DITCH FROM THE
UNDEVELOPED PART.

YOU HAVE NOT ONLY WATER THAT THEY SPOKE OF
THAT'S COMING FROM THEIR HOMES, BUT ALL THAT GREEN
AREA THAT'S ON THAT WEST SIDE HAS TO COME AND GO
THROUGH THERE ALSO. I'VE TALKED TO MR. KAMUF AND
JAGOES ABOUT THE NECESSITY FOR MAKING SURE WE HAVE A
WATERWAY THAT WILL FLOW. IT'S NOT EASY TO MAKE FLAT
FLOW PROPERLY, BUT IF THEY'RE WILLING TO PUT THE
BOTTOM IN THE DITCH THAT WE CAN MAINTENANCE. I THINK
IF WE COULD GET SOME HELP THROUGH THE SCHOOL BOARD TO
GET THAT DONE, I THINK IT WILL HELP EVERYBODY, BUT
THERE ARE SOME DRAINAGE ISSUES THAT NEED TO BE
CONSIDERED THERE. THAT'S WHAT I'M HERE TO SPEAK TO.

CHAIRMAN: THANK YOU, MR. KEAGLE.

ANYONE ELSE?

MR. O'BRYAN.
MR. O'BRYAN: MIKE O'BRYAN.

I'VE GOT A COUPLE OF ISSUES THAT I HAVE WITH THIS PART OF THAT DEVELOPMENT. ONE HAS ALREADY BEEN ADDRESSED WAS THE RETENTION BASIN. I BROUGHT IT TO THE ATTENTION OF THE COUNTY ENGINEER AND THEN THE OMPC. I HAVEN'T SEEN IT, BUT I THINK THAT HAS BEEN RESOLVED. I STILL HAVE ISSUES ABOUT IT BECAUSE I OWN THE NORTHWEST CORNER OF THAT FARM. FROM THE BEGINNING IT WAS DESIGNED FOR THAT LAND TO DRAIN INTO THE RETENTION BASIN.

I JUST WANT TO MAKE SURE THAT WHEN I GET READY TO DEVELOP THE REST OF MY PROPERTY IN FRONT THERE, BECAUSE I PUT THE RETENTION IN TO ACCOMMODATE THAT WATER. I KNOW WHERE THE JAGOES ARE TALKING ABOUT GOING. THAT LAND WAS ALSO SUPPOSED TO DRAIN INTO THIS RETENTION, BUT NOW THEY'RE TALKING ABOUT EXPANDING IT. I JUST WANT TO MAKE SURE THAT BY ADDING THESE LOTS THAT I DON'T HAVE TO COME BACK WHEN I DEVELOP MY FRONT AND MAKE THE RETENTION LARGER BECAUSE I WAS TOLD THAT THIS TWO AND A HALF ACRE RETENTION WOULD ACCOMMODATE MY WATER.

THEN ANOTHER ISSUE THAT I HAVE IS RIGHT NOW THE MAIN ROAD, WHISPERING MEADOWS DRIVE, IS STILL BONDED UNDER MY BONDING WITH THE COUNTY. IT HAS NOT
BEEN TURNED OVER TO THE COUNTY. I HAVE ISSUES WITH IT
BECAUSE TALKING WITH THE COUNTY ENGINEER THAT I'M THE
ONE HE'S COMING TO WHEN IT COMES TO REPAIRING THAT
STREET. THIS ADDITIONAL DEVELOPMENT WILL BE GOING IN
AND OUT OF THAT STREET AND I JUST WANT TO MAKE SURE
THAT IF SOMETHING HAPPENS ON THEIR PART THAT I'M
COVERED ALSO BECAUSE RIGHT NOW IT'S STILL MY ROAD.
THAT'S THE OTHER ISSUE.

THEN ONE OTHER THING. THERE AGAIN, THE
DRAINAGE ISSUE HAS ALWAYS BEEN THERE. WHEN WE STARTED
IN '98, WE TRIED TO GET THE SCHOOL BOARD TO DO
SOMETHING WITH THAT, BUT WE'VE HAD NO SUCCESS IN DOING
THAT. I DON'T KNOW. IF WE COULD GET THE SCHOOL BOARD
TO WORK WITH US, I'M LIKE JOHN KEAGLE AND THEM, THAT
THAT CAN BE RESOLVED.

THAT'S ALL I HAVE AT THIS TIME. I JUST WANT
TO GO ON RECORD THAT I OPPOSE THIS EXPANSION AT THIS
TIME. I ASK FOR AT LEAST A 30-DAY EXTENSION ON THIS.
UNFORTUNATELY, MY ATTORNEY COULDN'T BE HERE TONIGHT.
I HAD TALKED WITH HIM AND WE HAVE SOME OTHER ISSUES AS
FAR AS PRIVATE PROPERTY RIGHTS AND STUFF THAT ARE AT
ISSUE.

CHAIRMAN: MR. O'BRYAN, JUST A MINUTE. YOUR
EXISTING LAND THAT YOU OWN NOW THAT'S UNDEVELOPED, IS
THAT ABOUT 14 ACRES?
MR. O'BRYAN: YES.

CHAIRMAN: WHAT WOULD THAT BE?

MR. O'BRYAN: WITH WHAT WE'VE GOT NOW, IF WE KEEP IT THE SAME SIZE LOTS THAT WE ARE NOW, IT WOULD ACCOMMODATE ABOUT 52 LOTS.

CHAIRMAN: YOU NOW HAVE STREETS STUBBED INTO IT?

MR. O'BRYAN: YES. IT'S MEADOW GROVE DRIVE. IT STUBS INTO THAT NORTHWEST CORNER.

CHAIRMAN: THE EXISTING DETENTION BASIN WAS DESIGNED TO ACCOMMODATE THAT 14 ACRES?

MR. O'BRYAN: YES.

CHAIRMAN: THANK YOU.

MR. APPLEBY: MIKE, I HAVE ONE QUESTION. YOU GO ALL THE WAY OUT TO 56 WITH THAT PIECE OF PROPERTY YOU GOT, THAT 14 ACRES?

MR. O'BRYAN: YES. I OWN ALL THE WAY OUT TO 56.

MR. APPLEBY: DO YOU HAVE ANOTHER ACCESS POINT TO 56?

MR. O'BRYAN: YES, I DO. AT THE RIGHT-HAND SIDE OF THAT PROPERTY, I HAVE A BARN THERE AND IT HAS ACCESS THERE. IT'S A SHARED ACCESS WITH THE LOT NEXT TO IT. MR. SCHRECKER OWNS THAT PROPERTY NEXT-DOOR THERE. IT'S 3.8 ACRES I BELIEVE IS THE SIZE OF IT,
AND IT HAS A SHARED ACCESS THERE.

MR. APPLEBY: JUST ONE QUESTION. YOU SAID COUNTY HAS NOT TAKEN THAT ROAD OVER YET. WHY HAVEN'T THEY? IS ASPHALT DOWN YET?

MR. O'BRYAN: WE HAVEN'T COMPLETED THE ASPHALT. THAT'S ON MY PART, YES.

I DO HAVE BONDING FOR IT.

MR. APPLEBY: I UNDERSTAND THAT.

CHAIRMAN: ANYONE ELSE HAVE QUESTIONS OF MR. O'BRYAN?

MR. KAZLAUSKAS: JUST TO BE SURE. YOU'RE SAYING THAT THERE IS ACCESS FROM THAT MEADOW GROVE DRIVE ALL THE WAY OVER TO OLD LYDDANE BRIDGE ROAD?

MR. O'BRYAN: NO. WHEN THE SUBDIVISION WAS STARTED, THE CONCEPTUAL DRAWING WAS IS THAT WHISPERING MEADOWS DRIVE, IF IT CONTINUES TO DEVELOP, I DON'T KNOW IF ANYBODY HAS GOT ANY OF THAT OR NOT. IF IT CONTINUES TO DEVELOP, IT'S GOING TO GO, WHISPERING MEADOWS DRIVE WILL GO OVER TO OLD LYDDANE BRIDGE ROAD. THAT WOULD BE THE SECOND ACCESS OUT OF THAT SUBDIVISION, IF IT CONTINUES. IF IT DOESN'T, THEN -- IT DEPENDS ON THE FARMER, IF HE WANTS TO SELL HIS PROPERTY, IF HE DOES OR DOESN'T. THAT'S GOING TO DEPEND ON WHAT HE DOES.

MR. KAZLAUSKAS: RIGHT NOW YOU DO NOT HAVE
ACCESS TO THAT PROPERTY TO GET ACROSS TO OLD LYDDANE BRIDGE ROAD?

MR. O'BRYAN: NO.

MR. APPLEBY: I UNDERSTOOD YOU TO SAY YOU WILL HAVE ANOTHER ACCESS POINT ON 56.

MR. O'BRYAN: NO. NO. I HAVE AN ACCESS POINT ON 56 WHERE MY BARN IS AT. THAT'S A SHARED ACCESS. RIGHT NOW THERE'S NOTHING GOING TO IT. MEADOW GROVE DRIVE STUBS INTO THAT 14 ACRES I HAVE.

MR. APPLEBY: BUT YOU DON'T HAVE ANY PLANS TO PUT ANOTHER ACCESS POINT?

MR. O'BRYAN: NO. IT CAN MEET THE ACCESS, THE 500 FEET, BECAUSE I THINK IT'S LIKE AN ADDITIONAL 800 FEET MAYBE, I'M GUESSING, THAT IT GOES TO MY PROPERTY LINE.

MR. KAZLAUSKAS: CAN YOU SHOW US WHERE THAT ACCESS POINT IS ON FUTURE DEVELOPMENT?

MR. O'BRYAN: IF I HAD A PLAN.

THE ACCESS POINT, JOHN, IS -- THAT'S THE BARN RIGHT THERE. SEE WHERE THE BARN IS AT. THERE'S A SHARED ACCESS RIGHT THERE WITH THIS PROPERTY HERE. THAT LANE COMING OUT OF THERE WHERE THAT TRAILER IS, THAT'S A SHARED ACCESS POINT. SO WHAT WE HAVE TO DO, RIGHT NOW I'VE GOT ACCESS TO THAT BARN.

MR. APPLEBY: THAT'S WHAT I WAS GETTING AT.
YOU DON’T HAVE IN YOUR PLAN INTENTIONS OF PUTTING ANOTHER ACCESS POINT INTO THIS WHISPERING MEADOWS DEVELOPMENT?

MR. O'BRYAN: NO. BECAUSE WHEN WE DID THE DESIGN, IT WASN'T REQUIRED.

MR. APPLEBY: YOU WOULDN'T WANT THAT?

MR. O'BRYAN: NO. WHAT I WAS GOING TO DO, WHEN I GO BACK THERE, LIKE MEADOW GROVE DRIVE DOES NOW, IT GOES IN AND MAKES A TURN. IT MAKES A CUL-DE-SAC, A DOUBLE CUL-DE-SAC BACK THERE. I WAS GOING TO DO THE SAME THING WITH THE ADDITIONAL 14 ACRES. THE DESIGN IS TO TAKE THAT STREET AROUND AND THEN TO PUT A DOUBLE CUL-DE-SAC AT THAT END ALSO. IT WOULDN'T BE ANY MORE ACCESS TO 56 FROM THAT PROPERTY AT THIS TIME.

CHAIRMAN: COMMISSIONERS HAVE ANY OTHER QUESTIONS FOR MR. O'BRYAN?

(NO RESPONSE)

CHAIRMAN: STAFF, DO YOU HAVE ANY QUESTIONS?

MR. NOFFSINGER.

MR. NOFFSINGER: I DON'T HAVE ANY OF MR. O'BRYAN.

I DO HAVE SOME COMMENTS RELATING TO WHAT MR. HESTER HAD TO SAY AND HOW WE PROCEED GOING FORWARD, IF THAT WOULD BE APPROPRIATE.
CHAIRMAN: OKAY.

MR. NOFFSINGER: FIRST OF ALL, IN TERMS OF TRANSPORTATION. WE ARE CERTAINLY AWARE, THE PLANNING STAFF, THAT WE HAVE 99 LOTS OUT THERE NOW THAT HAVE BEEN PLATTED. THIS PROPOSAL IS LOOKING AT, I BELIEVE IT'S ANOTHER 120 SOME, 126 LOTS. WE DO SHARE A CONCERN THAT WE ONLY HAVE ONE OUTLET. WE'VE SHARED THAT CONCERN FOR SOME TIME NOW.

MR. BRIAN HOWARD IS HERE TO TALK TO YOU TONIGHT ABOUT WHAT WE WOULD RECOMMEND IN THE FUTURE IN TERMS OF ACCESS TO THE PROPERTY.

IN TERMS OF THE DITCH AND DRAINAGE, THE APPLICANT IS REPRESENTED BY DAVID WEAVER WITH BRYANT ENGINEERING, AND THE COUNTY ENGINEER, MR. MARK BRASHER, IS HERE AS WELL TO SPEAK ABOUT THE DRAINAGE.

IN TERMS OF PROPERTY VALUES. I WOULD REMIND THIS COMMISSION THAT OUR ZONING ORDINANCE AND REGULATIONS DO NOT REGULATE RESIDENTIAL PROPERTY BASED UPON THE VALUE OF THAT PROPERTY. WE PRACTICE INCLUSIONARY ZONING HERE. NOT EXCLUSIONARY ZONING.

ANY TESTIMONY, OTHER THAN THAT FROM AN APPRAISER, REAL ESTATE APPRAISER, SHOULD NOT BE CONSIDERED IN TERMS OF YOUR CONSIDERATION AS TO WHETHER OR NOT THIS PROPERTY SHOULD BE REZONED.

NUMBER ONE, YOU'RE NOT QUALIFIED TO MAKE THOSE
DETERMINATIONS AND THEY SHOULDN'T MATTER. THE
APPLICANT IS ASKING FOR AN R-1A SINGLE-FAMILY
RESIDENTIAL ZONE, AND THAT IS THE SAME ZONING
CLASSIFICATION OF THE ADJOINING RESIDENTIAL PROPERTY.
WE ONLY REGULATE PER THE ZONING ORDINANCE THE LOCATION
OF THE BUILDINGS LOCATED ON THE PROPERTY, AS WELL AS
THE MAXIMUM COVERAGE OF THE LOT, AS WELL AS HEIGHTS OF
BUILDINGS PLACED UPON THE LOT. WE DO NOT, HAVE NOT,
AND SHOULD NOT ENTER INTO ANY PRACTICE OF DETERMINING
WHETHER OR NOT A RESIDENTIAL ZONING IS APPROPRIATE
BASED UPON THE SELLING PRICE OR THE VALUE OF THAT
HOME.

NOW, YOU MIGHT TAKE THAT INTO CONSIDERATION IF
YOU'RE DEALING WITH A COMMERCIAL REZONING THAT MIGHT
IMPACT A RESIDENTIAL ZONE, IF YOU HAD QUALIFIED PEOPLE
to speak there. AGAIN, I WOULD ASK THAT YOU NOT
CONSIDER ANY INFORMATION OR TRY TO ADDRESS PROPERTY
VALUES AS IT'S RELATED TO THIS ZONING CHANGE PROPOSAL.

CHAIRMAN: MR. HOWARD, WOULD YOU LIKE TO BRING
US UP ON MR. HESTER'S COMMENT ON TRAFFIC AND THE 99
LOTS, 123 LOTS, AND THE FUTURE ACCESS POINT WITH WHERE
WE ARE ON THAT.

MR. HOWARD: SURE. BE GLAD TO.

AS WE POINTED OUT IN OUR STAFF REPORT AND AS
MR. NOFFSINGER JUST STATED, IT IS A CONCERN OF OURS AS
WELL.

WHAT I'VE KEPT UP ON THE SCREEN IS THE CONCEPTUAL PLAN. THAT WAS, I BELIEVE, THE ORIGINAL CONCEPTUAL PLAN DONE IN 1998. AS YOU CAN SEE, THE AREA THAT THEY'RE PROPOSING FOR REZONING WAS CONSIDERED AS PART OF THAT CONCEPTUAL PLAN AND IT DOES INCLUDE THE ROAD THAT WOULD EXTEND ALL THE WAY DOWN TO OLD LYDDANE BRIDGE ROAD.

NOW, AT THIS TIME THE PROPOSAL IS NOT IN FRONT OF US AND NOTHING HAS BEEN SUBMITTED TO US THAT WOULD SHOW ANYTHING GOING ALL THE WAY TO OLD LYDDANE BRIDGE ROAD. AS THE ADJOINING PROPERTY OWNERS HAVE NOTED, YOU'RE GOING TO HAVE 225 LOTS OUT THERE WITH A SINGLE ACCESS POINT TO HIGHWAY 56.

NOW, AS THE PLANNING STAFF AND AS THE ENGINEERING STAFF, BOTH THE CITY AND COUNTY ENGINEER, AND THEN WE'VE MET WITH KEITH HARPOLE WITH GRADD, AS WAS MENTIONED IN ONE OF THE PREVIOUS ZONING CHANGES, THAT WE LOOK AT TRANSPORTATION. THAT'S ONE OF THE CONCERNS WE'VE HAD IN THE PAST. WHAT DO YOU DO WITH DEVELOPMENTS THAT IT MAY BE A WHILE BEFORE YOU CAN GET TO ANOTHER ROAD, BEFORE YOU CAN TIE INTO ANOTHER ROAD. YOU KNOW, HOW DO YOU ADDRESS THAT? IT'S A CONCERN AND IT'S NOT -- YOU CAN'T NECESSARILY ADDRESS IT FROM A PURE ENGINEERING PERSPECTIVE. IT'S A SAFETY ISSUE.
IT IS A SAFETY ISSUE. IT'S A LEVEL OF SERVICE ISSUE OR NOT A LEVEL OF SERVICE ISSUE. IT'S A SAFETY ISSUE, A PUBLIC ISSUE THAT WE NEED TO LOOK AT. YOU CAN'T NECESSARILY LOOK AT AN INTERSECTION AND SAY, WELL, DOES IT MEET THE LEVEL OF SERVICE. BECAUSE LIKELY IT -- TO BE ADEQUATE WITH A SINGLE ACCESS POINT.

WHAT WE'RE LOOKING AT IT FROM IS THE PERSPECTIVE OF, WHAT IF THERE WAS SOMETHING BLOCKING THAT MAIN ENTRANCE, THE ENTRANCE INTO THE SITE AND YOU CAN'T GET HAVE EMERGENCY SERVICES GO IN AND OUT. SO THAT'S A CONCERN.

WE LOOKED AT OTHER COMMUNITIES ACROSS THE STATE OF KENTUCKY. AS I NOTED IN OUR STAFF REPORT, THEY VARIED, THERE'S A WIDE VARIANCE AS FAR AS WHAT THEY LOOK AT AS FAR AS THE MINIMUM NUMBER THAT REQUIRE A SECOND ACCESS POINT. SOME ARE AS LOW AS 50. OTHERS ARE AS HIGH AS 300. SO THERE'S NOT A CONSENSUS OUT THERE BECAUSE EVERY COMMUNITY LOOKS AT IT FROM THEIR PERSPECTIVE AND FROM A PUBLIC SAFETY PERSPECTIVE BECAUSE THAT'S THE TYPE OF ISSUE. IT'S NOT CAPACITY. IT'S PUBLIC SAFETY.

WE DO. WE HAVE A CONCERN ABOUT THAT. THAT'S WHY IN OUR STAFF REPORT WE'VE WORKED LANGUAGE IN THERE. BASICALLY TO PUT ON NOTICE THAT ANY FUTURE EXPANSION TO THE SOUTH OF WHERE THIS PROPOSED
DEVELOPMENT IS. IF I SCALED IT CORRECTLY, YOU'VE GOT
PROBABLY MAYBE 1300 FEET FROM THE TERMINUS OF WHERE
WHISPERING MEADOWS DRIVE WILL BE TODAY TO OLD LYDDANE
BRIDGE ROAD.

OUR FEELING IS THAT IN ORDER TO BE ABLE TO
SUPPORT ANY FUTURE ZONING CHANGES ON THIS PROPERTY,
SOUTH OF WHERE THIS PROPOSAL IS, WHISPERING MEADOWS
DRIVE NEEDS TO BE PUSHED THROUGH AND CONNECT TO OLD
LYDDANE BRIDGE ROAD. THE CURRENT PROPOSAL DOESN'T GET
US THAT FAR. IT JUST DOESN'T.

MR. O'BRYAN STATED THERE'S NOT REALLY THE
POTENTIAL FOR ANOTHER ACCESS TO HIGHWAY 56 AT THIS
POINT. SO WHAT WE HAVE TO DEAL WITH AND WHAT WE HAVE
TO LOOK AT IS, YOU KNOW, IS WHAT IS PROPOSED WITHIN
THE PARAMETERS OF WHAT'S BEEN ACCEPTED IN OTHER
COMMUNITIES, AND IT IS. MANY COMMUNITIES GO AS HIGH
AS 300 LOTS BEFORE YOU REQUIRE A SECOND OR 200 LOTS.
THAT'S WHY WE CAN'T PUT A CONDITION ON THIS ZONING
CHANGE THAT WOULD SAY, THE NEXT ZONING CHANGE HAS TO
BE, THAT SOUTH OF THE PROPOSED DEVELOPMENT HAS TO
CONNECT ALL THE WAY TO OLD LYDDANE BRIDGE ROAD. YOU
AS A COMMISSION CAN'T PUT A CONDITION ON A PROPERTY
THAT'S NOT A PART OF THIS ZONING CHANGE.

WE WANT TO MAKE SURE, AS MR. KEAGLE NOTED, HE
WANTS TO MAKE SURE THE POTENTIAL RESIDENTS HERE KNOW
THAT THIS IS AN AREA THAT FARMING TAKES PLACE AND
THERE CAN BE SMELLS THAT ARE THERE. WE APPRECIATE
THAT. WE'VE ACTUALLY LOOKED AT OTHER SUBDIVISIONS IN
THE PAST. SINCE I MENTIONED IT, THERE'S A NOTE ON THE
PLAT THAT SAYS THAT THIS SUBDIVISION IS IN A LOCATION
THAT HAS AGRICULTURAL AND SILVICULTURE PROPERTIES AND
ACTIVITIES AND THAT THEY HAVE CERTAIN PROTECTIONS
UNDER KRS STATUTES THAT PROTECT THE FARMING ACTIVITIES
FROM ENCROACHMENT OF NONCOMPATIBLE OR RESIDENTIAL
USES. SO WE'RE AWARE OF THAT AS WELL.

WHAT WE'RE LOOKING AT IS ANY FUTURE EXPANSION
TO THE SOUTH, WE'RE GOING TO LOOK FOR THE STREET TO
TIE IN TO OLD LYDDANE BRIDGE ROAD. I DON'T THINK
STAFF WOULD SUPPORT ANOTHER ZONING CHANGE TO THE SOUTH
THAT DOESN'T TIE IN.

WE'RE AWARE OF MR. O'BRYAN'S PROPERTY, THE 14
ACRES. MEADOW GROVE ROAD DOES STUB INTO THAT 14-ACRE
PARCEL. WHEN WE'RE LOOKING AT THAT, WHEN I WAS
LOOKING AT IT, EVALUATING THE ZONING CHANGE, I
UNDERSTAND THAT THAT PROPERTY IS THERE. I ANTICIPATE
THAT WILL DEVELOP. IT IS JUST NORTH OF THE EXISTING
DRAINAGE BASIN THAT HE HAS OUT THERE. WE ANTICIPATE
THAT THAT WILL DEVELOP. BUT SOUTH, THE AREA SOUTH IS
WHERE THE ACREAGE IS. THAT'S WHERE YOU COULD
POTENTIALLY WITHOUT ANOTHER ACCESS POINT TIE IN. YOU
COULD MAYBE HAVE 400, 500, 600 LOTS WITHOUT A SECONDARY ACCESS POINT. WE AS STAFF, WE DON'T WANT THAT. I'VE TALKED WITH THE COUNTY ENGINEER ABOUT THAT. YOU KNOW, HE SHARED SOME OF THOSE CONCERNS AS WELL. WE WANT TO MAKE SURE THAT WE ADDRESS IT, THAT WE'RE AWARE OF IT, AND THAT WE'RE NOT GOING TO IGNORE IT AND IT IS A CONCERN OF OURS.

CHAIRMAN: WANT TO MAKE SURE OF, MR. O'BRYAN WHEN HE DEVELOPS HIS 14 ACRES, 52 LOTS, HE'S NOT GOING TO HAVE TO LOOK FOR ANOTHER ACCESS POINT?

MR. HOWARD: RIGHT. THE AREA THAT THAT PARCEL IS LOCATED, THERE'S NOT ANOTHER OUTLET. IT'S BASICALLY LAND-LOCKED, AS FAR AS ACCESS GOES. IT HAS ONE STUB STREET INTO IT. HE CAN'T TIE INTO 56. THE ONLY REALLY OTHER DIRECTION YOU CAN GO IS SOUTH AND EAST. THAT'S WIDE OPEN FARMLAND. IT COULD EASILY BE TAKEN ALL THE WAY OVER TO OLD LYDDANE BRIDGE ROAD. YOU KNOW, LINEAR FUNCTION AND HAVE THAT STREET CONNECT.

CHAIRMAN: JUST WANT TO CLARIFY THAT.

MR. HOWARD: SURE. I APPRECIATE THAT.

CHAIRMAN: COMMISSIONERS, YOU HAVE ANY QUESTIONS OF MR. HOWARD?

(NO RESPONSE)

MR. KEAGLE.
MR. KEAGLE: I GUESS I WANTED TO -- THERE IS DISCUSSION ABOUT CONNECTING INTO OLD LYDDANE BRIDGE ROAD.

IS THERE A PROPOSED ROUTE THAT YOU HAVE IN MIND OR WHAT ARE YOU --

MR. HOWARD: NO. WE DON'T HAVE A PROPOSED ROUTE IN MIND. CERTAINLY, YOU KNOW, THE CONCEPTUAL PLAN THAT IS ON THE SCREEN RIGHT NOW IS ALL THAT HAS EVER BEEN SUBMITTED AS FAR AS HOW IT COULD CONNECT OR WHERE IT MAY CONNECT.

MR. KEAGLE: I'D JUST LIKE TO BRING TO THE COMMISSION'S MIND, WHEN THE DRAINING OF THOSE VALLEYS WERE PUT IN, THAT WAS A LONG TIME BEFORE I WAS HERE, BUT THE PROPERTY IMMEDIATELY BEHIND THE EXISTING WHISPERING MEADOWS RIGHT NOW LAYS LOW.

MR. BOSWELL, YOU'RE AWARE WHERE YOUR DAUGHTER LIVES.

MR. BOSWELL: AND IT FLOODS, YES.

MR. KEAGLE: THAT HAS TO DRAIN THROUGH AN OLD CULVERT. IT TALKS ABOUT THE ONE ON 56 BEING THE NEW ONE. THERE'S AN OLD CULVERT THAT'S BURIED BETWEEN PASSWAY DRIVE AND THE OLD FROGTOWN SUBDIVISION THAT GOES ALONG THE EDGE OF SORGHO ELEMENTARY SCHOOL AND THEN GOES UNDER 56 AND THEN RUNS UNDERNEATH OUR PROPERTY INTO THAT DITCH THAT'S THERE. I WOULD JUST,
I GUESS, MAKE YOU AWARE THAT THE ELEVATION OF THE
PROPERTY BEHIND THERE IS QUITE A VALLEY THAT HAS TO GO
AROUND BEHIND SOME WOODS THAT'S THERE. IT HAS TO GO
AROUND BEHIND AND EMPTY OUT UNDERNEATH BETWEEN THE
SCHOOL AND THE SUBDIVISION THERE. THAT'S QUITE AN
ELEVATION CHANGE TO MOVE WATER AND TO BRING A ROAD UP
THAT WOULD GO THROUGH THERE.

MR. KAZLAUSKAS: MR. KEAGLE, LOOKING ON THIS
PLAN, THERE IS A ROAD NAMED MULBERRY PLACE THAT LOOKS
LIKE IT RUNS RIGHT INTO YOUR FARM.

MR. KEAGLE: I'M NOT FAMILIAR WITH WHAT
MULBERRY PLACE IS. IS THAT A BACK STREET?

MR. KAZLAUSKAS: IF YOU WALK UP HERE, I'LL
SHOW IT TO YOU.

THIS IS YOUR PROPERTY HERE, RIGHT?

YOU'RE NOT AWARE OF ANYTHING GOING ON WITH
WHERE THAT ROAD GOES TO?

MR. PORTER: MR. KEAGLE, IF YOU GO BACK TO THE
PODIUM, I THINK IT'S ON THE SCREEN.

MR. KEAGLE: WHAT I THINK, FOR ME TO
UNDERSTAND IT, YOU'RE TALKING ON THE LEFT SIDE OF THE
SCREEN; IS THAT CORRECT?

MR. KAZLAUSKAS: THAT'S CORRECT.

MR. KEAGLE: THAT'S PROPERTY THAT I OWN. I
HAVE 100 ACRES THERE. IF THERE'S A STREET THAT DEAD
ENDED TO IT, I'M NOT AWARE OF IT.

MR. APPLEBY: IT'S NOT DEAD END. IT'S IN THIS PROPOSAL.

MR. NOFFSINGER: THAT'S A PROPOSED STREET THAT THE APPLICANT IS PROPOSING AS A PART OF THIS DEVELOPMENT.

MR. KEAGLE: I HAVEN'T SEEN THAT.

MR. NOFFSINGER: HE'S PROPOSING THAT TO STUB THERE FOR FUTURE DEVELOPMENT DOWN THE ROAD AS REQUIRED BY THE COMPREHENSIVE PLAN AND AS BY THE PLANNING STAFF, WHICH IS TYPICAL WITH WHAT WE DO IN MOST ALL DEVELOPMENTS.

MR. KEAGLE: THAT DOESN'T ACCESS OLD LYDDANE BRIDGE ROAD.

MR. NOFFSINGER: NO, SIR.

MR. KEAGLE: THAT WOULD ACCESS PROPERTY TO THE WEST. MY QUESTION WAS ABOUT THE ELEVATION GOING BACK INTO OLD LYDDANE BRIDGE ROAD.

MR. KAZLAUSKAS: MY QUESTION TO YOU IS: IN YOUR FUTURE PLAN, THAT'S GOING TO REMAIN FARMLAND, RIGHT?

MR. KEAGLE: I DON'T THINK YOU EVER BOX YOURSELF IN. MY INTENT RIGHT NOW IS TO FARM. I ALSO KNOW THERE IS POTENTIAL FOR THE FUTURE. YOU UNDERSTAND THAT.
MR. KAZLAUSKAS: YES. THANK YOU.

CHAIRMAN: MR. O'BYRAN, YOU HAVE ADDITIONAL QUESTION OF MR. HOWARD?

MR. O'BRYAN: I HAVE ANOTHER QUESTION. LIKE I SAY, WHEN THIS WAS FIRST PROPOSED, THERE WAS GOING TO BE AN EXTENSION OF MY RETENTION. I'M ASSUMING NOW THAT'S NOT GOING TO BE BECAUSE, LIKE I SAY, THAT IS STILL OWNED BY ME. I HAVEN'T SEEN THE NEW DRAWING TO SEE WHAT'S GOING TO HAPPEN WITH THAT RETENTION. I WOULD LIKE TO SEE THAT.

THEN ONE OTHER THING TOO. I DON'T KNOW IF THIS IS A CONCERN WITH OMPC OR NOT, BUT BEING I'M NOT A PART OF THIS EXPANSION. I DON'T KNOW IF I CAN DO ANYTHING ABOUT NAME CHANGE BECAUSE OF THIS EXPANSION BECAUSE IT'S NOT A PART OF MY SUBDIVISION. I KNOW IT'S GOING TO CONNECT TO IT, BUT IT'S NOT A PART OF MY SUBDIVISION. I'M CONCERNED ABOUT NAME CHANGE MAYBE.

MR. NOFFSINGER: THE NAMING OF THE SUBDIVISION IS NOT UNDER THE JURISDICTION OF THE PLANNING COMMISSION. STREET NAMES, YES. SUBDIVISION NAMES, NO.

MR. HOWARD: I WOULD NOTE THAT THE IMAGE ON THE SCREEN IS THE CURRENT PLAN. OF COURSE, THE COUNTY ENGINEER IS HERE AND HE HAS REVIEWED THE DRAINAGE. THE ORIGINAL DESIGN, AS MR. O'BRYAN STATED, BASICALLY
EXPANDED THE EXISTING BASIN. THEY HAVE ACTUALLY
SHIFTED THAT TO THE WEST NOW AND IT'S A STAND ALONE
FACILITY. THE COUNTY ENGINEER OR DAVID WEAVER WITH
BRYANT ENGINEERING CAN BETTER EXPLAIN THAT.

CHAIRMAN: I THINK WE NEED TO BRING THE
APPLICANT UP AND BRYANT ENGINEERING, MR. WEAVER, MAYBE
ADDRESS THE DRAINAGE ISSUE.

MR. KAMUF, HOWEVER YOU WANT TO HANDLE IT.

ADDRESS THE DRAINAGE ISSUE NOW.

(DAVID WEAVER SWORN BY ATTORNEY.)

MR. PORTER: STATE YOUR NAME.

MR. WEAVER: DAVID WEAVER WITH BRYANT
ENGINEERING.

OF COURSE, WE'RE THE DESIGN FIRM THAT WORKED
ON THIS DEVELOPMENT FOR JAGOES.

THE CHANNEL THAT THEY'RE REFERRING TO IS TO
THE NORTH OF OUR DEVELOPMENT. WE ARE PROPOSING A
PAVED DITCH THROUGH THERE. IT IS A FLAT DITCH. WE'RE
ALSO PROPOSING WHAT WE CALL ROCK CHECK DURING
CONSTRUCTION TO CONTROL THE SILT RUNOFF. IN ADDITION
TO THAT, OUR BASIN WILL BE OVER-EXCAVATED. SILT WILL
BE ABLE TO RUN INTO OUR BASIN TO CONTROL SILT.

LONG-TERM, THE BENEFIT THAT YOU GET IS YOU GET
LAWNS VERSUS AGRICULTURAL LAND. I THINK AS WE ALL
KNOW THERE'S LESS RUNOFF FROM A LAWN THAN THERE IS
FROM AGRICULTURAL.

THE EXISTING CHANNEL DOWNSTREAM OF THE BASIN IS REALLY NOT PART OF THE JAGOE'S DEVELOPMENT. IT IS AN EXISTING SITUATION. IT WOULD BE NICE IF THE COUNTY WOULD WORK WITH THE SCHOOL BOARD TO GET THE SCHOOL SECTION OF THAT DITCH CLEANED OUT. UNFORTUNATELY THE SCHOOL SECTION IS NOT PAVED SO IT MAKES IT DIFFICULT TO MAINTAIN THAT.

I THINK IT'S ALREADY BEEN STATED, OUR BASIN NO LONGER TIES INTO MIKE O'BRYAN'S BASIN. WE SIMPLY JOINED IN THE BACK BEHIND IT, UPSTREAM OF IT INTO AN EXISTING CHANNEL. WE PERSONALLY LIKE THE IDEA OF ONE COMPREHENSIVE BASIN. I THOUGHT IT WOULD LOOK BETTER FOR THE COMMUNITY. THAT'S WHAT WE'RE ENDING UP HAVING TO DO.

I'M NOT SURE IF I'VE ADDRESSED ALL THE SPECIFIC QUESTIONS.

CHAIRMAN: ONE QUESTION I HAVE, AND I THINK WHISPERING MEADOWS' PEOPLE IS ADDITIONAL STORM WATER GOING INTO THEIR DETENTION BASINS MAYBE OVER TOP OF THE BANK. I'M SURE YOU'VE DONE THE CALCULATIONS ON THE JAGOE PROJECT. WHETHER OR NOT IT INCREASE THE CREEK. IS IT SUPPOSED TO PRE-DRAINAGE IN THAT, TO POST-DRAINAGE?

MR. WEAVER: WE'VE WORKED OUT THE DRAINAGE
REQUIREMENTS WITH THE COUNTY ENGINEER. THERE ARE
STANDARDS. WE'VE DONE THOSE COMPARISONS.

CHAIRMAN: THAT'S A CONCERN THAT THEY HAVE.

MOST PEOPLE DO NOT UNDERSTAND DRAINAGE AND YOU TALK
ABOUT, WELL, YOU'VE DONE ALL THIS ADDITIONAL WATER RUN
INTO THEIR BASIN. IT'S GOT TO GO SOMEWHERE. THEY
HAVE TO BE CONVINCED THAT IT IS NOT GOING TO INCREASE
THE WATER THAT GOES INTO THEIR BASIN. IT WILL GO
THROUGH THEIR BASIN, BUT WILL IT INCREASE THE AMOUNT
OF WATER THAT GOES INTO THEIR BASIN AND POSSIBLY OVER
TOP THE BASIN OR CREATE ADDITIONAL SILT PROBLEMS BELOW
THEIR RETENTION BASIN. THAT'S WHAT THEY'RE SAYING.
THEY'RE VERY MUCH CONCERNED. I'M SURE YOU'VE DONE
YOUR CALCULATIONS. I'M SURE THAT THE COUNTY ENGINEER
HAS REVIEWED IT AND HE'S AGREED WITH YOU, BUT WE NEED
TO ADDRESS THESE PEOPLES' CONCERN. IF THEY KNOW
THERE'S GOING TO BE 123 HOMES, IT'S GOING TO COME DOWN
THROUGH THERE SOMEWHERE. IS YOUR DETENTION BASIN
GOING TO HANDLE IT AND WILL THE OUTFALL OF THAT
DETENTION BASIN BE MORE WATER THAN COMES THROUGH THERE
TODAY.

MR. WEAVER: THE EXISTING BASIN WAS DESIGNED
TO HANDLE THE DRAINAGE AREA THAT GOES TO IT AS A
DEVELOPED DRAINAGE AREA. OF COURSE, WE'VE ADDED, IN
ADDITION TO THAT WE'VE ADDED ONTO THAT BASIN. WE'VE
ALSO DONE THE DRAINAGE CALCULATIONS TO SHOW THE COUNTY
ENGINEER THAT WE STAY WITHIN THE CONFINES OF THE BASIN
ON THE 100 YEAR STORM EVENT.

THE PRE-VERSUS POST, WE COMPARE THE PRE-VERSUS
POST-DEVELOPMENT TO PRE-DEVELOPMENT OF THE ENTIRE SITE
IS HOW WE LOOK AT IT. WE DON'T INCREASE THE
POST-DEVELOPMENT FROM THE PRE, BEFORE ANY DEVELOPMENT
IS WHERE YOU'RE AT. DID I ANSWER YOUR QUESTION
PROPERLY?

CHAIRMAN: I'LL BRING YOU BACK UP. I'M NOT
THROUGH WITH YOU YET.

I'M GOING TO BRING MR. BRASHER UP AFTER YOU
TO -- THESE PEOPLE NEED TO BE ASSURED. THEY'RE VERY
MUCH CONCERNED. I UNDERSTAND THEY ARE CONCERNED.
THEY SHOULD BE CONCERNED BECAUSE YOU'VE GOT 123 HOMES
UP THERE. MAJOR STREETS, DRIVEWAYS AND ALL OF THAT.
I'M SURE YOU'VE DONE YOUR WORK AND I'M SURE YOU'VE
DONE YOUR CALCULATIONS, AND I'M SURE THE COUNTY
ENGINEER HAS REVIEWED IT AND AGREES WITH YOU, BUT
WE'VE GOT TO ASSURE THESE PEOPLE THAT THEIR WATER FLOW
THROUGH THERE WILL NOT INCREASE. WATER COMES THROUGH
THERE THAT YOU'RE GOING TO HOLD YOURS BACK, YOUR
DETENTION, HOLD IT BACK. YOUR OUTFLOW STRUCTURE WILL
TAKE CARE OF THAT. NOW YOU'RE SAYING YOU'RE GOING TO
MAKE THE BASIN LARGER THAN NEED TO BE TO ALLOW SILT TO
GO INTO IT. THEN LATER ON IF IT NEEDS TO BE CLEANED OUT YOU WILL. I UNDERSTAND ALL OF THAT. I KNOW WHAT SPECIFICATION SAYS. IT SAYS THAT THE POST-RUNOFF SHALL NOT EXCEED THE PRE, IS WHAT IT SAYS.

MR. WEAVER: YES. WE'VE DONE THOSE CALCULATIONS AND PROVIDED THOSE TO THE COUNTY ENGINEER. OUR BASIN IS A WET BASIN. SO DURING CONSTRUCTION IT WILL BE OVER-EXCAVATED AND THAT WILL PROVIDE FOR ADDITIONAL SILT CONTROL.

THE CONTROL STRUCTURE IS ON THE EXISTING BASIN. THE TWO BASINS WILL FUNCTION TOGETHER IS HOW WE'VE DONE THE DRAINAGE CALCULATIONS. IT WORKS BETTER IF IT'S ONE BASIN. IT FUNCTIONS AS ONE BASIN, BUT IT WILL ESSENTIALLY LOOK LIKE TWO SEPARATE POOLS WITH A PENINSULA BETWEEN THEM, UNLESS THAT ISSUE CAN BE RESOLVED WITH MR. O'BRYAN SOMETIME BEFORE THE CONSTRUCTION IS COMPLETE. IF YOU'RE UNDERSTANDING ME CORRECTLY, AS FAR AS THE PENINSULA.

CHAIRMAN: YES. BUT WE'VE GOT TO SATISFY THE WHISPERING MEADOWS PEOPLE THAT'S ALREADY GOT SOME PROBLEM.

THERE'S ONE OTHER THING. THE CLEAN WATER ACT EVENTUALLY, PROBABLY FOUR OR FIVE YEARS IT'S GOING TO START REQUIRING MONITORING THE RETENTION BASINS FOR POLLUTION. IT'S GOING TO BE MONITORING THE DOWN-FLOW.
THAT'S ONE REASON YOU COULDN'T COMBINE THOSE TWO RETENTION BASINS TOGETHER, IF THEY DO START MONITORING. IF THEY FIND POLLUTION, WHERE DID IT COME FROM? WHEN YOU SEPARATE THE TWO BASINS, THEY CAN MONITOR EACH BASIN. IF YOUR BASIN HAS GOT POLLUTION, THEY KNOW WHERE IT CAME FROM. WHISPERING MEADOWS GOT POLLUTION, THEY KNOW WHERE IT CAME FROM. BUT IF THE TWO ARE COMBINED, THEY DON'T KNOW WHERE IT CAME FROM.

MR. APPLEBY: BUT THAT'S NOT A REQUIREMENT YET, IS IT?

MR. WEAVER: NO, IT'S NOT A REQUIREMENT.

WE'VE GOT AN EROSION CONTROL PLAN. OUR PLAN REQUIRES COMPLIANCE WITH KY R10. WE'VE GOT THE STANDARD EROSION CONTROL ISSUES TAKEN CARE OF, AS FAR AS WHAT'S REQUIRED.

CHAIRMAN: IT'S NOT A REQUIREMENT YET, BUT IF YOU WILL NOTE IN ALL OF OUR MEETINGS, THE ENGINEERS HAVE STATED IT'S COMING. I'M JUST MAKING THAT STATEMENT. THE WAY THEY'RE DESIGNED NOW TO SPLIT THE TWO BASINS IN WHICH IT SHOULD BE DONE, YOU WON'T HAVE THAT PROBLEM.

BASICALLY THAT'S ALL I HAVE. WE HAVE AN OBLIGATION ON THE DRAINAGE SUCH AS THAT TO MAKE SURE. THESE THINGS ARE IMPORTANT TO THE ASPECT SUCH AS THAT. WE ONLY CAN RELY ON WHAT YOU PRESENT. THAT'S WHY I'VE
ASKED THE QUESTIONS. THAT'S THE ONLY THING THAT WE
CAN RELY ON. WE HAVE QUESTIONS FROM THE AUDIENCE,
FROM THE WHISPERING MEADOWS PEOPLE, AND WE MUST ANSWER
THOSE QUESTIONS AS BEST WE CAN. THIS COMMISSION DOES
NOT DO THAT. WE HAVE TO RELY ON WHAT YOU STATE.

MR. WEAVER: YES. IN CONJUNCTION WITH THE
COUNTY ENGINEER'S REVIEW, YES.

CHAIRMAN: NOW I'M GOING TO BRING THE COUNTY
ENGINEER UP AND THEN I'M GOING TO ASK IF WHISPERING
MEADOWS, IF THEY HAVE ADDITIONAL QUESTIONS. I KNOW
WE'RE RUNNING OVER HERE.

MARK, WOULD YOU STEP UP AND ADDRESS THE ISSUE
OF WHISPERING MEADOWS DOWN BY THE SCHOOL. YOU MIGHT
HAVE BEEN WORKING WITH THE SCHOOL BOARD TO GET THAT
CLEANED OUT.

(MARK BRASHER SWORN BY ATTORNEY.)

MR. PORTER: WOULD YOU STATE YOUR NAME FOR THE
RECORD, PLEASE?

MR. BRASHER: MARK BRASHER.

CHAIRMAN: THOSE QUESTIONS, ON THE OUTFALL OF
THE DITCH THAT GOES BY THE SCHOOL.

MR. BRASHER: WE ARE AWARE OF THE DITCH.
WE'VE HAD SEVERAL CALLS OVER THE YEARS IN REGARDS TO
THE DITCH FROM THE EXISTING BASIN TO KENTUCKY 56.
I BELIEVE I EVEN HAVE BRYANT ENGINEERING,
BECAUSE THEY WERE PART OF THE INITIAL DESIGN OF
WHISPERING MEADOWS, TO DO SOME ELEVATIONS.

IN THIS AREA IT'S FLAT. EXTREMELY FLAT. WHAT
WE'VE GOT IS A CONCRETE BOTTOM DITCH THAT TIES INTO A
NATURAL DITCH. NATURAL DITCHES WILL SILT UP. TREES
ARE ALONG THIS DITCH. ROOTS WILL STOP THE FLOW OF
WATER. I BELIEVE THAT'S WHAT WE'VE GOT THE SITUATION
HERE IS, WE'VE GOT A NATURAL DITCH, LIKE ALL NATURAL
DITCHES, IT CHANGES WITH THE WEATHER AND THE YEARS AND
SOMETIMES THEY HOLD WATER. SOMETIMES THEY DON'T.
THAT IS MY UNDERSTANDING OF THE SITUATION. THAT IS
WHAT IS HOLDING WATER BACK.

BRIAN, THEY HAVE SHOWED ME SOME DOCUMENTATION
WHERE THERE IS FALL FROM THE OUTLET PIPE COMING OUT OF
THE BASIN TO THE PIPE AT 56, BUT IT IS VERY LITTLE
FALL. IT IS A VERY SHALLOW DITCH OR A VERY FLAT
DITCH. WHEN YOU GO IN A NATURAL DITCH BETWEEN A
RESIDENTIAL NEIGHBORHOOD AND THIS OUTLET PIPE, THESE
SITUATIONS MAY ARISE.

IN REGARDS TO THE SOLUTION. THIS DITCH IS A
NATURAL DITCH. IT'S ON SOMEONE'S PRIVATE PROPERTY.
DAVIESS COUNTY FISCAL COURT, DAVIESS COUNTY GOVERNMENT
HAS VERY LIMITED OPTIONS IN REGARDS TO GETTING OFF OF
COUNTY RIGHT-OF-WAY. WE ARE RESTRICTED BY CERTAIN
LAWS THAT GIVE US VERY LIMITED ACCESS TO PRIVATE
PROPERTY.

SO THAT'S WHY COUNTY HAS NOT CAME IN AND DID ANY CLEANING FROM THE RESIDENTIAL NEIGHBORHOOD OF HIGHWAY 56. THAT IS ON PRIVATE PROPERTY, THE SCHOOL BOARD.

MR. APPLEBY: WHAT KIND OF DISCUSSIONS HAVE YOU HAD WITH THE SCHOOL BOARD? WHAT'S THEIR REACTION TO IT?

MR. BRASHER: IT CONFIRMS, I GUESS, WHAT I'VE HEARD. TO MY UNDERSTANDING, I HAD A CONVERSATION WITH THEM 12, 18 MONTHS AGO ABOUT THIS SITUATION WHEN IT WAS FIRST BROUGHT UP TO ME. THEY DID, AT THAT POINT THEY TOLD ME THEY HAD SOME PLANS TO CLEAN OUT OR MAINTAIN THAT DITCH. I BELIEVE THEY HAD CALLED THEIR CONTRACTOR THAT THEY WERE ABOUT TO HIRE CAME OUT AND MAYBE TOOK A COUPLE OF SHOTS OR LOOKED AT THE DITCH AND SAID, IT'S JUST TOO FLAT. APPARENTLY THE SUBDIVISION PUT IN THEIR DITCH TOO LOW BECAUSE IT'S SO FLAT. IT WOULDN'T BE ANY GOOD TO SPEND MONEY TO CLEAN THIS OUT BECAUSE OF THOSE RESTRICTIONS.

MR. APPLEBY: THE PURPOSE OF THE CONCRETE DITCH IS BECAUSE IT'S SO FLAT. IF THIS DITCH WERE PAVED ALL THE WAY TO THE CULVERT AND WHERE IT COULD BE MAINTAINED --

MR. BRASHER: PUBLIC IMPROVEMENT
SPECIFICATIONS Dictates when a concrete ditch versus a natural ditch is utilized. Yes, when it's this flat, concrete ditches are utilized.

Mr. Appleby: Is it feasible for the county to make a recommendation to the school board, this is what we think you need to do. These folks pay school taxes. I'm sure that we can get --

Mr. Brasher: Yes. I talked to a resident within the last month. Forgive me, I'm not good with names so I don't recall the name, but they were on the school board and they also lived in this residential neighborhood. They were going to make some conversation with the school in regards to maintaining this. Can I call the school board? Absolutely I can. Can I call the maintenance director for the schools? I sure can. I can make recommendations. Doesn't mean they follow those recommendations.

Mr. Appleby: I understand that. I think if we have a force of action that is recommended and you say he's got shots where we have some fall through there. The PI specs do require paved ditches that we develop in these situations where you've got such a small amount of fall.

Mr. Brasher: And I would defer to David.

He's the one that showed me the, I think they were
AS-BUILDS OF THAT DITCH. IT HAD PIPE ELEVATIONS AND
IT HAD INVERT ELEVATIONS THAT THEY COULD FIX 56, AND
IT WAS NOT MUCH. THAT'S SEVERAL HUNDRED FEET.

CHAIRMAN: MR. KEAGLE SAYS THERE'S ACTUALLY
BUSHES GROWING UP IN THAT DITCH ON THE SCHOOL
PROPERTY. AS YOU KNOW, THAT SLOWS WATER TREMENDOUS.

MR. BRASHER: SURE IT DOES.

CHAIRMAN: SOMETHING NEEDS TO BE DONE.

MR. KAZLAUSKAS: MARK, DOES THAT DITCH HAVE A
NAME AND WHERE DOES IT RUN TO?

MR. BRASHER: DOES IT HAVE A NAME? I'M NOT
AWARE OF ANY NAME. OFFICIAL NAME FOR IT, NO, I'M NOT
AWARE OF AN OFFICIAL NAME.

MR. KAZLAUSKAS: DO YOU KNOW WHERE IT RUNS TO?

MR. BRASHER: ROSE CREEK NORTH, WHICH IS JUST
ON THE OTHER SIDE OF KENTUCKY 56. ROSE CREEK NORTH IS
ALSO VERY FLAT AND A VERY LONG DITCH ALSO. THAT IS
THE GENERAL CONDITION OF THIS AREA OF WESTERN DAVIESS
COUNTY.

MR. KAZLAUSKAS: THE WATER HERE HAS GOT TO
DRAIN SOMEWHERE. GIVE ME DIRECTION WHERE IT'S GOING.

MR. BRASHER: IT GOES NORTH ACROSS OR UNDER
KENTUCKY 56 AND IT TIES INTO NORTH ROSE CREEK WHICH
THEN GOES WEST ALL THE WAY TO THE GREEN RIVER. IT'S
VERY LONG AND VERY FLAT.

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MR. BOSWELL: BUT THAT’S A SIGNIFICANT WAY
FROM THAT SUBDIVISION, IS IT NOT?
MR. BRASHER: WHAT, THE GREEN RIVER?
MR. BOSWELL: NO. THE DITCH.
MR. BRASHER: ROSE CREEK NORTH?
MR. BOSWELL: YES.
MR. BRASHER: IT’S SEVERAL HUNDRED FEET ON THE
OTHER SIDE OF 56. LIKE I SAID, IT’S VERY FLAT ALSO
AND VERY LONG.
MR. KAZLAUSKAS: WASN’T THERE A PROGRAM WHERE
THERE WAS SOME MONEY MADE AVAILABLE FOR THE COUNTY TO
CLEAN DITCHES OUT? IS THAT STILL ENFORCED?
MR. BRASHER: I’M NOT AWARE.
MR. KAZLAUSKAS: AM I DREAMING?
MR. PORTER: THAT WAS QUITE A NUMBER OF YEARS
AGO.
MR. KAZLAUSKAS: HAVE WE USED ALL THAT MONEY
OR WHAT?
MR. PORTER: NO. A LOT OF THE THINGS THAT
THAT MONEY WAS USED FOR WERE ON PRIVATE PROPERTY. WE
WENT BACK AND THE JUDGE APPOINTED A DRAINAGE
COMMISSION. THE COMMISSION DRAFTED A NEW SET OF
REGULATIONS AND RULES FOR DRAINAGE. THOSE ARE IN
PLACE NOW. SO WE BASICALLY HAVE A CRITERIA BEFORE THE
COUNTY WILL GO INTO ANYPLACE AND MODIFY, IF YOU WILL,
ANY DITCH IN ANY KIND OF WAY.

MR. KAZLAUSKAS: SO THERE IS A DRAINAGE COMMISSION?

MR. PORTER: THERE IS A DRAINAGE ADVISORY COMMISSION. THERE'S NOT A DRAINAGE COMMISSION IN TERM OF ART THAT THERE'S A DISTRICT AND THEY HAVE MONEY, WE DO NOT HAVE ONE OF THOSE.

CHAIRMAN: MR. KEAGLE, DO YOU HAVE SOMETHING ELSE?

MR. KEAGLE: SURE.

MR. PEDLEY, IF YOU ALL LOOK AT YOUR SCREEN AND YOU SEE THE EXIT AND ENTRANCE TO SORGHO ELEMENTARY SCHOOL, YOU CAN SEE THERE'S EVIDENCE OF A ROAD DIRECTLY ACROSS FROM THEIR ENTRANCE. THAT ENTERS ONTO OUR PROPERTY ON THAT SIDE AND THERE'S A DITCH THAT RUNS PARALLEL TO THAT DRIVE. YOU CAN KIND OF SEE A LITTLE DIAGONAL THAT MAKES A TRIANGLE THAT RUNS THROUGH THE SCHOOL PROPERTY. THAT'S WHAT THEY'RE TALKING ABOUT. THERE IS A LOT OF MAINTENANCE THAT NEEDS TO BE CORRECTED ON THAT. AS IT JOINS BEHIND THE HOUSES, THAT'S WHERE A LOT OF THE TREES ARE GROWN UP AND THINGS IN THAT AREA. IT ALL HITS THAT ROAD THERE. I DON'T KNOW IF THE ENGINEER HAS MADE A MISTAKE, BUT THE SIZE OF CULVERT THAT TAKES IT FROM UNDERNEATH 56 COULD BE AN ISSUE OF HOW MUCH WATER IT'S
TAKING ALSO TO HELP REMOVE IT.

CHAIRMAN: MR. REEVES.

MR. REEVES: COMMENT, PLEASE.

I CERTAINLY APPRECIATE THESE FOLKS' CONCERNS ABOUT WATER BECAUSE WHERE I LIVE I GET WATER IN MY BACKYARD TOO. IT SEEMS TO ME LIKE THAT THE ONLY CRITERIA THAT THIS COMMISSION NEEDS TO BE LOOKING AT IS THAT THE APPLICANT DEVELOP AN APPROPRIATE PLAN.

WAS THAT PLAN REVIEWED BY THE APPROPRIATE AUTHORITIES. IF IT MET THE APPROPRIATE AUTHORITY'S OKAY, THEN WE CAN'T FIX THINGS BEYOND OUR CONTROL. WE CAN'T FIX THE SCHOOL BOARD OR THE FISCAL COURT OR WHATEVER. WE CAN SIT HERE AND TALK FOR HOURS AND HOURS ABOUT THIS, BUT THE ONLY THING THAT CONCERNS ME IS, DID THE APPLICANT, THE APPROPRIATE ENGINEERING, DID THE COUNTY ENGINEER REVIEW IT AND SAY, THIS MEETS THE CRITERIA. IF THAT'S THE CASE, THEN TO ME THIS IS A CLOSED ISSUE ON THIS APPLICATION.

CHAIRMAN: THAT SECTION OF THAT DRAINAGE DITCH IS NOT AN OBLIGATION FOR MR. JAGOE'S PROPERTY, UNLESS HE'S INCREASING THE AMOUNT OF WATER THAT FLOWS THROUGH THERE.

WE HAVE WHISPERING MEADOWS PEOPLE. EVIDENTLY THIS IS AN ONGOING THING.

MR. REEVES: BUT THAT'S NOT BEFORE THIS
COMMISSION TONIGHT. BEFORE THIS COMMISSION IS THE
REZONING. NOT THAT DITCH. IT'S NOT PART OF THIS
REZONING.

CHAIRMAN: BUT WE HAVE PEOPLE HERE THAT HAVE
CONCERNS.

MR. REEVES: I UNDERSTAND THAT, BUT WE
COULDN'T FIX THEIR CONCERNS TONIGHT IF WE CHOSE TO FIX
THEM. WE DON'T HAVE THE AUTHORITY TO DO THAT.

MR. NOFFSINGER: MR. CHAIRMAN, THE PLAN, WE'RE
CONSIDERING THE ZONING CHANGE RIGHT NOW; HOWEVER, TWO
ITEMS FROM THIS ITEM THERE IS A PLAN. THE DRAINAGE
COMES UP AT THAT POINT IN TIME.

MR. REEVES IS CORRECT. WE DON'T HAVE THE
ABILITY OR THE KNOWLEDGE TO FIX IT. THAT'S WHY THE
DEVELOPER IS REQUIRED TO HIRE AN ENGINEER TO PROPERLY
DESIGN, AND THAT'S WHY YOU HAVE A PUBLIC ENGINEER AND
THE COUNTY ENGINEER TO REVIEW TO DETERMINE IF HE'S
ADEQUATELY DONE HIS JOB.

NOW, THE COUNTY ENGINEER IS NOT APPROVING OR
CERTIFYING THE ACTIONS OF THE PRIVATE ENGINEER. I
THINK HE WILL TELL YOU THAT GOES TO THE PRIVATE
ENGINEER THAT'S DESIGNING THIS SUBDIVISION AND THE
DRAINAGE. WE ARE HERE TO TALK, AT SOME POINT TONIGHT
WE WILL BE TALKING ABOUT THE PLAN OF HOW THIS PROPERTY
IS GOING TO DEVELOP AND ALL OF THE INFRASTRUCTURE IN
THAT DEVELOPMENT, AND THAT DOES INCLUDE THE DRAINAGE.
OUR HANDS ARE TIED TO A DEGREE THAT WE'RE NOT GOING TO
FIX IT TONIGHT. I BELIEVE WHAT I'VE HEARD HERE
TONIGHT IS THE APPLICANT IS AWARE OF THE DRAINAGE
ISSUES OUT THERE. THE NEIGHBORS ARE AWARE, AS WELL AS
THE COUNTY ENGINEER IS AWARE OF THOSE ISSUES. WE
DON'T HAVE A SOLUTION AT THIS POINT AND WE'RE PROBABLY
NOT GOING TO HAVE ONE TONIGHT.

CHAIRMAN: I UNDERSTAND THAT, MR. NOFFSINGER,

BUT I'VE SERVED 13 YEARS AND I FULLY UNDERSTAND IT. I
KNOW THE ENGINEERS, THEY MUST LOOK DOWNSTREAM, AS WELL
AS UPSTREAM, AND THE RUNOFF THAT THEY'RE CREATING.

THAT'S THE ONLY THING I'M SAYING. THERE IS A PROBLEM
DOWNSTREAM. HAVE THEY LOOKED AT IT.

MR. NOFFSINGER: MR. CHAIRMAN, I AGREE WITH
YOU IN THAT REGARD IN TERMS OF WHAT WE'RE HERE TO DO
TONIGHT, BUT WHAT I AM SAYING, WE'RE NOT GOING TO HAVE
A PARTICULAR FIX FOR IT HERE TONIGHT IN THAT THE
ENGINEER SAYS HE HAS LOOKED AT THOSE ISSUES. THE
COUNTY ENGINEER IS AWARE OF THE ISSUES, AND THEY DO
NOT HAVE A SOLUTION TO FIX IT BECAUSE IT'S BEYOND THE
DEVELOPER'S PROPERTY AND BEYOND THEIR CONTROL. IT
CERTAINLY IS A CONSIDERATION OF THE PLANS AND WHAT
YOU'RE HERE TO DO TONIGHT.

CHAIRMAN: I'M ADDRESSING THE PUBLICS' AND THE
RESIDENTS' CONCERNS THAT THEY BROUGHT TO THIS COMMISSION.

MR. HESTER, YOU HAVE ADDITIONAL COMMENTS?

MR. HESTER: LARRY HESTER, 1750 WHISPERING MEADOWS DRIVE.

WE'RE NOT ASKING THAT YOU FIX THE PROBLEM TONIGHT. WE JUST WANT TO MAKE YOU AWARE THERE IS A PROBLEM. THE THING IS I'M ASKING YOU NOT TO GO THROUGH WITH THIS ZONING CHANGE. I'M ASKING YOU TO TURN IT DOWN UNTIL THIS PROBLEM IS FIXED BECAUSE THIS IS GOING TO BRING ADDITIONAL WATER INTO THAT DITCH, AND APPARENTLY THE ENGINEERING WAS DONE WRONG ON IT TO BEGIN WITH. THAT'S WHY THERE'S A PROBLEM. EVEN THOUGH THEY'VE DONE THEIR PROPER WORK, GONE THROUGH THE PROPER CHANNELS AND ALL OF THAT, IT'S RIGHT WHAT THEY'VE DONE. I'M NOT DISPUTING THAT, BUT YOU CAN'T TELL ME IT'S NOT GOING TO COMPOUND THE PROBLEM. THERE'S ALREADY A MAJOR PROBLEM THERE. WITH THE THREE-INCH RAIN WE HAD IN JUNE, AND I DON'T KNOW WHAT THESE BASINS ARE RATED FOR. FIRST FIVE-EIGHTHS OF AN INCH OF RAIN OR SOMETHING, YOU KNOW, THREE TO FOUR, FIVE-INCH RAIN WITH ADDITIONAL DEVELOPMENT, YOU CAN'T TELL ME IT'S NOT GOING TO COMPOUND THE PROBLEM.

MY QUESTION IS: WHY DON'T WE FIND OUT WHAT THE ELEVATION OF THE DITCH IN WHISPERING MEADOW, THE
CONCRETE DITCH IS, THE ELEVATION OF THE CULVERT THAT GOES UNDER HIGHWAY 56, WHAT'S THE DIFFERENCE IN THOSE. EVEN IF YOU DO GET THE SCHOOL BOARD TO COME IN THERE AND EXCAVATE THAT DITCH AND PUT CONCRETE IN IT, IT STILL MAY SILT UP BECAUSE THERE'S STILL NOT ENOUGH DRAINAGE THERE. YOU'RE STILL GOING TO HAVE SOIL AND SILT COMING INTO THAT AND GOING OUT. IF IT DOESN'T FLOW FAST ENOUGH, NO MATTER WHAT KIND OF BOTTOM IT HAS IN IT, IT'S GOING TO SILT UP.

WHAT I'M ASKING IS THAT YOU TURN THIS DOWN UNTIL WE GET ANSWERS BECAUSE ALL YOU'RE GOING TO DO IS MAKE THE PROBLEM WORSE.

CHAIRMAN: THANK YOU, MR. HESTER.

MARK, DO YOU HAVE ANY ADDITIONAL COMMENTS? DOES ANYONE HAVE ANY ADDITIONAL QUESTIONS FOR BRASHER OR MR. WEAVER?

MR. BRASHER: I CAN ANSWER A COUPLE OF THOSE QUESTIONS OR TRY TO CLARIFY SOME OF THOSE QUESTIONS.

REVIEWING THIS DEVELOPMENT FROM 1998, THIS BASIN THAT IS EXISTING, IT WAS DESIGNED TO HANDLE WATER UPSTREAM AT A POST-DEVELOPED STATE. SO WHAT THAT MEANS IS THERE WILL BE ADDITIONAL WATER GOING THROUGH THIS BASIN, AND THERE WILL BE ADDITIONAL WATER GOING ALONG THIS DITCH THROUGH THE EXISTING WHISPERING MEADOWS. THERE WILL BE ADDITIONAL WATER. IT WAS
DESIGNED FOR THAT 14, 15 YEARS AGO.

WHAT'S HAPPENED IS THIS BASIN WAS PUT IN INITIALLY 15 YEARS AGO WHEN KIND OF REAPED THE BENEFITS OF HAVING NON-DEVELOPED LAND UPSTREAM FOR THE LAST 15 YEARS. NOW THAT IT IS DEVELOPING, IT WILL GET THE MAJORITY UNTIL IT'S ALL DEVELOPED, IT WILL GET THAT WATER THAT IT WAS ACTUALLY DESIGNED TO TAKE. AS LONG AS THEY MEET THOSE INITIAL REQUIREMENTS OF C-FACTOR, WHICH IS RUNOFF FACTOR, THEY MEET THE INTENT OF THAT INITIAL DEVELOPMENT.

ADDITIONAL WATER WILL BE COMING TO THE BASIN IT WAS DESIGNED FOR 15 YEARS AGO. ADDITIONAL WATER WILL BE GOING THROUGH THE DITCH TO THE EXISTING WHISPERING MEADOWS. THAT'S WHAT IT WAS DESIGNED FOR 15 YEARS AGO. SO THEY'RE FULFILLING THAT INITIAL DESIGN. ACTUALLY I BELIEVE THEY EVEN PROBABLY EXCEEDED IT WITH THIS NEWER BASIN.

WILL THEY SEE MORE WATER WHEN THIS IS DONE GOING THROUGH THE BASIN AND THROUGH THE DITCH VERSUS TODAY? YES. WILL THEY SEE MORE WATER GOING THROUGH THAT DITCH VERSUS 15 YEARS AGO? NO. IT'S LESS. THAT'S THAT PRE VERSUS POST THAT YOU'RE VERY FAMILIAR WITH. IT'S NOT -- PRE IS NOT TODAY. PRE WAS 15 YEARS AGO. SO THAT BASIN, THIS COMMUNITY HAS BEEN REAPING THAT BENEFIT OF THAT BASIN BEING PUT IN INITIALLY 15

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YEARS AGO. NOW THE DEVELOPMENT IS CATCHING UP WITH
THAT BASIN.

TO ANSWER THAT QUESTION, WILL ADDITIONAL WATER
GO THROUGH THAT BASIN? YES. WILL ADDITIONAL WATER GO
THROUGH YOUR DITCH? YES. THAT WAS DESIGNED TO HANDLE
THOSE ADDITIONS 15 YEARS AGO. MY JOB IS TO MAKE SURE
THAT THEY MET THOSE INITIAL ASSUMPTIONS THAT WERE MADE
15 YEARS AGO.

CHAIRMAN: THAT'S WHAT WE'RE HERE FOR, TO
ANSWER THEIR CONCERNS.

MR. BRASHER: YES.

CHAIRMAN: THAT'S YOUR JOB. THAT'S THE DESIGN
ENGINEER'S JOB. THAT'S ALL WE'RE ASKING FOR.

MR. BRASHER: YOU KNOW AS SOON AS IT'S BUILT
AND THE FIRST RAIN, THEY'LL CALL ME AND SAY THERE'S
MORE WATER. ABSOLUTELY. THAT'S WHAT IT WAS DESIGNED
FOR 15 YEARS AGO. DAVID WEAVER WAS A PART OF BOTH
DESIGNS.

MR. WEAVER: DAVID WEAVER.

MARK, I THINK YOU'LL AGREE WITH ME THAT THE
BIGGEST ISSUE IS THE CHANNEL DOWNSTREAM OF US AND THE
SILT ISSUE. THIS DEVELOPMENT WILL HELP THAT IN THAT
IT WOULD CREATE THE lots. IT WILL PREVENT SILT FROM
COMING DOWNSTREAM.

MR. BRASHER: SURE.
MR. WEAVER: NOW, THE EXISTING PROBLEM THAT YOU'VE GOT, WE HAVE ALREADY PROVIDED YOU WITH THOSE ELEVATIONS. THERE IS SOME FALL. IT IS VERY FLAT. A LOT OF NATURAL CHANNELS ARE EXTREMELY FLAT. QUITE HONESTLY, IT WOULD HAVE BEEN NICE IF THE SCHOOL DURING THEIR CONSTRUCTION HAD PUT IN A PAVED DITCH, BUT IT WASN'T REQUIRED BECAUSE IT WAS A SCHOOL. THEY DIDN'T HAVE TO HAVE ENGINEERING.

THAT'S BASICALLY WHERE WE ARE AT. IT WOULD BE NICE IF THE COUNTY IN SOME CAPACITY COULD WORK WITH THE SCHOOL TO RESOLVE AT LEAST THE MAINTENANCE OF THE DITCH.

MR. BRASHER: AND I AGREE. WHAT THIS NEIGHBORHOOD, AND I HEAR IT QUITE FREQUENTLY FROM THE NEIGHBORHOOD AND I GO OUT THERE AND CHECK IT, AND TO A CERTAIN EXTENT COUNTY FISCAL COURT GOVERNMENT AT LEAST HAS TO SOME EXTENT THEIR HANDS TIED. WE HAVE DIFFICULTY GETTING ON PRIVATE PROPERTY, AS YOU CAN IMAGINE.

WHAT YOU SEE AS FAR AS THE SILING, ONCE IT SILTS UP AND ONCE THE WATER STANDS, THE GRASS AROUND IT, AROUND THE DITCH GETS SATURATED AND NO ONE MOWS BECAUSE IT'S ALL MUDDY, SIX MONTHS GO BY, AND NOW YOU'VE GOT GRASS AS TALL AS THE ROAD. THAT IS NOT AN ISSUE AS MUCH UPSTREAM. YOU'RE RIGHT. THIS
DEVELOPMENT WILL FILTER THROUGH THE YARD. IT WILL GO THROUGH A LOT OF SEDIMENT. RIGHT NOW SEVERAL TIMES A YEAR THE GROUND IS BROKEN AND THAT WATER GETS INTO THIS POND. THIS IS THE INTENT, THE HOPE THIS WILL FILTER A LOT OF THAT.

WHAT THEY'RE DOING WILL NOT ADDRESS WHAT'S DOWNSTREAM. I THINK THAT'S BEYOND THE SCOPE THAT WE'VE GOT. THAT'S GOING TO AN ISSUE WORKING WITH THE NEIGHBORHOOD AND THE SCHOOL BOARD. IS THAT A PLACE FOR COUNTY GOVERNMENT TO FACILITATE? I DON'T MIND MAKING CALLS. THAT WILL BE TO THE EXTENT OF WHERE I'M FOLLOWING.

CHAIRMAN: MR. ALLEN, DO YOU HAVE A QUESTION?

MR. ALLEN: YES.

SO IS IT YOUR OPINION THAT THE COMBINATION OF THE DEVELOPMENT WILL REDUCE THE SILTING AND IMPROVE FLOW, GREATER FLOW BECAUSE THERE WILL BE MORE WATER RUN THROUGH THERE WILL HELP THAT SITUATION, WILL IMPROVE THAT SITUATION?

MR. BRASHER: THE SCOURING EFFECT IS WHAT YOU'RE ADDRESSING. VERY WELL COULD. RIGHT NOW YOU'RE REAPING THAT BENEFIT. THAT BASIN WAS DESIGNED TO TAKE A LOT OF WATER, AND NOT A LOT OF WATER IS GETTING TO IT COMPARED TO WHAT IT WAS DESIGNED FOR. SO YOU GET
SLOW WATER AND IT RUNS SMOOTHLY. AS MORE WATER COMES
THROUGH, YOU'LL HAVE HIGHER VELOCITIES, GREATER
QUANTITY OF WATER, WHICH COULD POTENTIALLY SCOUR THE
BOTTOM. WILL IT? WE'LL SEE BECAUSE WE'VE GOT TREES
THAT ARE GROWING EVERY YEAR IN A NATURAL DITCH. I
CAN'T GUARANTEE YOU THE MAINTENANCE OF THAT NATURAL
DITCH, IF IT'S NOT ON OUR COUNTY PROPERTY. THERE IS
SOMETHING TO WHAT THE COMMISSIONERS SAID. THERE IS A
SCOURING EFFECT OF FLUSHING, AS YOU WOULD SAY.

CHAIRMAN: LET'S WRAP IT UP.

MR. FRY: I HAVE A REAL QUICK QUESTION FOR MR.
NOFFSINGER.

TONIGHT ARE WE VOTING ON JUST THE ZONING
CHANGE? WE'RE NOT VOTING ON THE FINAL PLAT OF THE
SUBDIVISION?

MR. NOFFSINGER: RIGHT NOW YOU'RE ONLY VOTING
ON THE ZONING CHANGE, BUT TWO ITEMS DOWN YOU'RE VOTING
ON THE SUBDIVISION.

MR. FRY: BUT THIS RIGHT NOW.

MR. NOFFSINGER: YES, THAT'S CORRECT.

MR. REEVES: MR. CHAIRMAN.

MR. KAMUF, DID YOU HAVE MORE COMMENTS YOU WANT
TO MAKE BEFORE WE ENTERTAIN A MOTION?

MR. KAMUF: NO.

CHAIRMAN: MR. KAMUF, WOULD YOU LIKE TO

OHIO VALLEY REPORTING
(270) 683-7383
ADDRESS THE COMMISSION?

MR. KAMUF: NO.

CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS?

YES, MA'AM. COME TO THE PODIUM, PLEASE.

MS. TRAVIS: KATHY TRAVIS AND I LIVE IN WHISPERING MEADOWS AND I LIVE RIGHT BEHIND THE SORGHO SCHOOL.

(KATHY TRAVIS SWORN BY ATTORNEY.)

MS. TRAVIS: WE TALKED EARLIER ABOUT THE ENTRANCE. THAT SEEMED TO GET PASSED OVER. ONE CONCERN I HAVE WITH ENTRANCE OUT ON 56 IS THAT IT IS SO CLOSE TO THE SCHOOL. IT IS VERY CONGESTED THERE IN THE MORNING WITH THAT ONE ENTRANCE AND THE SCHOOL BUSES AND PARENTS DROPING OFF THEIR CHILDREN AT SCHOOL. THAT IS A VERY HAZARDOUS PLACE BETWEEN WHISPERING MEADOWS AND THE OTHER SIDE OF SORGHO SCHOOL. I DON'T KNOW WHAT CAN BE DONE ABOUT THE ONE ENTRANCE, BUT YOU'RE CREATING A PROBLEM THERE WHERE SOME CHILDREN CAN REALLY GET HURT.

CHAIRMAN: THANK YOU. I BELIEVE MR. HOWARD DID ADDRESS THE TRAFFIC AND ENTRANCE, AND MAYBE HE WANTS TO ADD TO THAT NOW.

MR. HOWARD, DO YOU HAVE ADDITIONAL COMMENTS ABOUT THE TURN LANE INTO THE SCHOOL? IF NOT, WE'LL MOVE FORWARD.
MR. HOWARD: I DON'T. THAT'S A STATE FACILITY AND IF THERE ARE SOME TRAFFIC ISSUES, AS FAR AS THE SPACING OR TURN Lanes, THAT WOULD BE UP TO THE STATE SINCE THAT'S A STATE MAINTAINED ROADWAY.

CHAIRMAN: THANK YOU.

I'M GOING TO WRAP IT UP. ANY OTHER COMMENTS OR QUESTIONS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. APPLEBY: MR. CHAIRMAN, I'M GOING TO MAKE A MOTION FOR APPROVAL BASED ON THE STAFF'S RECOMMENDATION WITH THE FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: I HAVE A MOTION FOR APPROVAL BY MR. APPLEBY.

MR. REEVES: SECOND.

CHAIRMAN: SECOND BY MR. REEVES. COMMENTS OR QUESTIONS ON THE MOTION?

(NO RESPONSE)

CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM.

RELATED ITEMS:

ITEM 5A
1856 WHISPERING MEADOWS DRIVE, 37.989 ACRES

CONSIDER A REQUEST FOR A VARIANCE IN CONJUNCTION WITH AN APPLICATION FOR ZONING CHANGE TO ELIMINATE THE REQUIRED 20 FOOT PROJECT BOUNDARY BUFFER ON THE NORTH, EAST AND SOUTH SIDES OF THE PROPOSED SECTION 4 OF WHISPERING MEADOWS SUBDIVISION AS SHOWN ON THE SUBMITTED SITE PLAN.

REFERENCE: ZONING ORDINANCE, ARTICLE 17, SECTION 17.3111(B)

APPLICANT: JAGOE LAND CORP.; LTM FARMS, LLC


GRANTING THIS VARIANCE TO ELIMINATE THE PROJECT BOUNDARY BUFFER WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE BECAUSE THIS PHASE OF THE SUBDIVISION IS ADJOINING IN EXISTING PHASES OF THE SAME SUBDIVISION. IT WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE THE SAME VARIANCE REQUEST TO ELIMINATE THE 20 FOOT PROJECT BOUNDARY HAS BEEN APPROVED FOR PREVIOUS PHASES OF THIS SUBDIVISION. IT WILL NOT CAUSE A HAZARD OR A NUISANCE
TO THE PUBLIC BECAUSE THE REQUIRED 20 FOOT PROJECT
BOUNDARY WILL BE ADHERED TO ALONG THE WEST BOUNDARY OF
THE SUBDIVISION, WHERE IT ADJOINS FARMLAND. IT WILL
NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE
PREVIOUS VARIANCES TO ELIMINATE THE 20 FOOT BUFFER
HAVE BEEN APPROVED FOR OTHER PHASES OF THIS
SUBDIVISION AND THE 20 FOOT PROJECT BOUNDARY WILL BE
ADHERED TO ALONG THE WEST BOUNDARY WHERE THE
SUBDIVISION ADJOINS FARMLAND.

STAFF WOULD RECOMMEND APPROVAL OF THE VARIANCE
REQUEST AND WE WOULD LIKE TO ENTER THE STAFF REPORT
INTO THE RECORD AS EXHIBIT D.

CHAIRMAN: ANYONE HAVE ANY COMMENTS OR
QUESTIONS ON THIS ITEM, ON THE VARIANCE?

MR. REEVES: I HAVE A QUESTION.

CHAIRMAN: MR. REEVES.

MR. REEVES: IF THE BUFFER WAS REQUIRED TO BE
MAINTAINED, WOULD THAT NOT IN EFFECT CREATE AN AREA
THERE THAT MIGHT BECOME OVERGROWN AND WOULDN'T KNOW
EXACTLY WHO HAD RESPONSIBILITY TO KEEP IT CLEAN AND SO
FORTH? IT LOOKS LIKE THIS IS TRYING TO MAKE THE
SUBDIVISION HAVE CONTINUITY. IS THAT WHAT WE'RE
TRYING TO ACHIEVE HERE?

MR. NOFFSINGER: NO, I DON'T THINK SO BECAUSE
THAT 20 FOOT BOUNDARY IS GOING TO BE A PART OF AN INDIVIDUAL LOT. THAT LOT OWNER WOULD MAINTAIN THAT. IT'S JUST THAT, AND TYPICALLY YOU HAVE A 20 FOOT REAR YARD SETBACK FOR RESIDENTIAL PURPOSES. I WOULD SAY THEY'RE USING THE BUILDING ENVELOP CONCEPT AND WANTING TO PERHAPS BUILD CLOSER TO THE REAR PROPERTY LINES MINIMUM OF 20 FEET WHICH THEY COULD DO. MR. HOWARD MAY HAVE ANOTHER --

MR. HOWARD: THE 20 FOOT PROJECT BOUNDARY BUFFER, THEY'RE TO BUFFER, AS MS. EVANS SAID, DIFFERENT LAND USES THAT AREN'T PART OF AN ONGOING DEVELOPMENT. THE 20 FOOT BUFFER PROHIBITS CONSTRUCTION OF THE PRINCIPAL STRUCTURE WITHIN THAT AREA. AS MR. NOFFSINGER STATED, YOU COULDN'T DO THE PRIMARY RESIDENCE WITHIN 20 FOOT ANYWAY, BUT WE HAVE SEEN AND ACTUALLY UNDER SECTIONS OF WHISPERING MEADOWS WHERE THERE WAS A PROJECT BOUNDARY BUFFER. THE VARIANCE WASN'T GRANTED INITIALLY. THERE'S A PROJECT BOUNDARY BUFFER IN PLACE BUFFERING ONE SECTION OF WHISPERING MEADOWS FROM ANOTHER SECTION OF WHISPERING MEADOWS, AND SO SOMEONE HAD WANTED TO PUT IN AN IN-GROUND POOL. YOU CAN'T PUT AN IN-GROUND POOL WITHIN THAT 20 FOOT PROJECT BOUNDARY. YOU WOULDN'T BE ABLE TO PUT IN A DETACHED BUILDING WITHIN THAT 20 FOOT PROJECT BOUNDARY BUFFER. THIS IS A REQUIREMENT TO
ALLOW THOSE TYPE OF THINGS WITHIN THAT AREA.

(LORI HUTSON SWORN BY ATTORNEY.)

MR. PORTER: STATE YOUR NAME FOR THE RECORD, PLEASE.

MS. HUTSON: LORI HUTSON. I LIVE IN 5400 WILLOW BROOK LOOP. I'M THE HOMEOWNER.

AS FOR THE ADJUSTMENT TO THE 20 FOOT EASEMENT IN-GROUND POOL, I DON'T DISAGREE THAT IT SHOULD BE DONE. I DON'T THINK IT HARMs IT AT ALL. MY OBJECTION IS I HAD TO PAY OUT-OF-POCKET FOR THAT. WHY SHOULDN'T THE OTHER HOMEOWNERS HAVE TO DO THAT AS WELL? THANK YOU. IT WAS A SIGNIFICANT AMOUNT, BY THE WAY.

CHAIRMAN: ANYONE ELSE HAVE ANY COMMENTS OR QUESTIONS OR DOES ANYONE WANT TO TRY TO ANSWER HER QUESTION OR COMMENT?

MR. PORTER: I WOULD SUGGEST THAT THE DEVELOPER WHO IS -- I EXPECT THAT THAT WILL BE INCLUDED IN THE COST.

CHAIRMAN: ANYONE ELSE?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. ROGERS: MOTION FOR APPROVAL FOR THE VARIANCE.

MR. REEVES: SECOND.

CHAIRMAN: WE HAVE A MOTION --
MR. NOFFSINGER: PARDON ME. WE DO NEED YOU TO
ATTACH FINDINGS OF FACT TO YOUR APPROVAL FOR A
VARIANCE. THIS BOARD TYPICALLY DOES NOT CONSIDER
VARIANCE REQUESTS; HOWEVER, THEY DO HAVE THE ABILITY
TO CONSIDER THEM IN CONJUNCTION WITH THE REZONING. A
VARIANCE REQUEST IS A STATUTE THAT REQUIRES YOU TO
MAKE SPECIFIC FINDINGS OF FACT AND ATTACH THAT TO YOUR
ACTION.

MR. ROGERS: 1. WILL NOT ADVERSELY AFFECT THE
PUBLIC HEALTH, SAFETY OR WELFARE BECAUSE THIS PHASE OF
THE SUBDIVISION IS ADJOINING EXISTING PHASES OF THE
SAME SUBDIVISION.

2. IT WILL NOT ALTER THE ESSENTIAL CHARACTER
OF THE GENERAL VICINITY BECAUSE THE SAME VARIANCE
REQUEST TO ELIMINATE THE 20 FOOT PROJECT BOUNDARY HAS
BEEN APPROVED FOR PREVIOUS PHASES OF THIS SUBDIVISION.

3. IT WILL NOT CAUSE A HAZARD OR A NUISANCE
TO THE PUBLIC BECAUSE THE REQUIRED 20 FOOT PROJECT
BOUNDARY WILL BE ADHERED TO ALONG THE WEST BOUNDARY OF
THE SUBDIVISION, WHERE IT ADJOINS FARMLAND.

4. IT WILL NOT ALLOW AN UNREASONABLE
CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
REGULATIONS BECAUSE PREVIOUS VARIANCES TO ELIMINATE
THE 20 FOOT BUFFER HAVE BEEN APPROVED FOR OTHER PHASES
OF THIS SUBDIVISION AND THE 20 FOOT PROJECT BOUNDARY
WILL BE ADHERED TO ALONG THE WEST BOUNDARY WHERE THE
SUBDIVISION ADJOINS FARMLAND.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
MR. ROGERS.

MR. REEVES: SECOND.

CHAIRMAN: SECOND BY MR. REEVES. ANY COMMENTS
OR QUESTIONS ON THE MOTION?

(NO RESPONSE)

CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM, PLEASE.

ITEM 5B
WHISPERING MEADOWS, 37.989 ACRES
CONSIDER APPROVAL OF COMBINED FINAL DEVELOPMENT
PLAN/MAJOR SUBDIVISION PRELIMINARY PLAT.
APPLICANT: JAGOE LAND CORP.; LTM FARMS, LLC

MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAN HAS
BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
STAFF. IT'S FOUND TO BE IN ORDER. THE UNDERLYING USE
IS CONSISTENT WITH THE REZONING THAT YOU JUST
RECOMMENDED FOR APPROVAL.

THIS IS THE DEVELOPMENT PLAN FOR THE
INFRASTRUCTURE FOR ALL PUBLIC STREETS, DRAINAGE FOR
THE FACILITY. SO YOU ARE CONSIDERING THOSE ITEMS NOW
FOR APPROVAL, BASED UPON THE TESTIMONY YOU HAVE HEARD HERE TONIGHT, PLUS ANY OTHER TESTIMONY YOU MIGHT RECEIVE.

CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS ON THE DEVELOPMENT PLAN?

MR. O'BRYAN.

MR. O'BRYAN: MIKE O'BRYAN.

LIKE I SAID, ON THE REZONING, I DO HAVE CONCERNS ABOUT WHISPERING MEADOWS DRIVE THROUGH THE CONSTRUCTION OF THIS PART OF THE DEVELOPMENT BECAUSE THAT'S STILL UNDER MY BONDING. I WOULD LIKE FOR ADDITIONAL BONDING TO BE ADDED IF IT CAN. I DON'T KNOW. I'M SURE THAT'S UP TO MARK, THE COUNTY ENGINEER. I'M ASKING FOR ADDITIONAL BONDING TO COVER THAT UNTIL IT'S TURNED OVER TO THE COUNTY.

CHAIRMAN: THANK YOU, MR. O'BRYAN.

ANY COMMENTS OR QUESTIONS BY THE COMMISSIONERS?

(NO RESPONSE)

CHAIRMAN: ANYONE ELSE HAVE ANY COMMENTS OR QUESTIONS?

MS. LANHAM: ALLISON LANHAM AGAIN.

YOU WERE SAYING EARLIER THAT THEY NEEDED TO COME UP WITH A SOLUTION TO THE DRAINAGE AND TO THE SECOND ENTRANCE. FROM WHAT I'VE HEARD, THEY HAVE NOT
COME UP WITH A SOLUTION FOR EITHER ONE. THOSE ARE OUR
CONCERNS OF THE NEIGHBORHOOD, OF THE 20 PEOPLE THAT WE
HAVE HERE. THAT HAS NOT BEEN ADDRESSED ON HOW THAT IS
GOING TO BE FIXED.

CHAIRMAN: THANK YOU.

MR. KAMUF, WOULD YOU ADDRESS MR. O'BRYAN'S
ISSUE OR MR. JAGOE, ANYONE, ABOUT HIM ASKING FOR
ADDITIONAL BOND.

IS THAT WHAT YOU WERE ASKING FOR, MR. O'BRYAN?

MR. O'BRYAN: YES.

CHAIRMAN: SO YOU'RE NOT STANDING ALONE FOR
DAMAGE TO THE --

MR. O'BRYAN: I'M ASKING FOR ADDITIONAL
BONDING PUT ON WHISPERING MEADOWS DRIVE UNTIL IT'S
TURNED OVER TO THE COUNTY SO I WON'T BE SOLELY
RESPONSIBLE FOR ANY DAMAGE DONE TO THAT ROAD BY
MYSELF.

(SCOTT JAGOE SWORN BY ATTORNEY.)

MR. JAGOE: SCOTT JAGOE.

WE DON'T HAVE A PROBLEM WITH THAT, MR.
CHAIRMAN. WE'D BE GLAD TO DO THAT, IF MR. O'BRYAN
COULD TELL US WHEN THAT'S GOING TO TAKE PLACE. I
BELIEVE THAT THE MAJORITY OF THE HOME SITES OUT THERE
ARE BUILT ON AND THE STREETS ARE BEYOND THE TWO YEAR
TIME FRAME, TWO WINTERS FOR THOSE TO SIT. I THINK IF
HE'S PLANNING ON COMING IN, I KNOW THAT THERE'S BEEN SOME DIRT WORK AND SO FORTH DONE OUT THERE. IF THAT'S GOING TO HAPPEN IN A TIMELY MANNER, YOU KNOW, IN THE NEXT YEAR OR SO WE'D BE GLAD TO DO THAT. WE PREFER NOT TO BE STRETCHED OUT ON THAT BOND INDEFINITELY.

CHAIRMAN: WOULD YOU MEET WITH MR. O'BRYAN AND MR. BRASHER AND COME TO AN AGREEMENT ON THE AMOUNT OF THAT BOND AND THE TIME FRAME OF THE BOND?

MR. JAGOE: I WILL BE GLAD TO MEET WITH THEM.

AS YOU KNOW, THE BONDING WON'T BE REQUIRED UNTIL WE BRING OUR FINAL PLAT IN.

CHAIRMAN: RIGHT.

MR. O'BRYAN, YOU AGREE WITH THAT?

MR. O'BRYAN: YES.

CHAIRMAN: THANK YOU.

ANYBODY LIKE TO ADDRESS THIS LADY'S CONCERNS? WE'VE TALKED ABOUT IT FOR AN HOUR AND A HALF NOW ON DRAINAGE. ANY OTHER COMMENTS OR QUESTIONS?

(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. APPLEBY: MR. CHAIRMAN, I MAKE A MOTION FOR APPROVAL OF THE PRELIMINARY SUBDIVISION PLAT AND DEVELOPMENT PLAN.

MR. BOSWELL: SECOND.
CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
MR. APPLEBY AND A SECOND BY MR. BOSWELL. COMMENTS OR
QUESTIONS ON THE MOTION?
(NO RESPONSE)
CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.
(BOARD MEMBERS TIM ALLEN, IRVING ROGERS, GREG
BLACK, DAVE APPLEBY, WARD PEDLEY, JOHN KAZLAUSKAS,
LARRY BOSWELL AND FRED REEVES RESPONDED AYE.)
CHAIRMAN: ALL OPPOSED.
(BOARD MEMBER STEVE FRY RESPONDED NAY.)
CHAIRMAN: EIGHT TO ONE. MOTION CARRIES.
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NEW BUSINESS
ITEM 7
CONSIDER APPROVAL OF THE JULY 2013 FINANCIAL
STATEMENTS.

MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS
BEEN MAILED A COPY OF THE FINANCIAL STATEMENTS AND
THEY'RE READY FOR YOUR CONSIDERATION.
CHAIRMAN: COMMISSION MEMBERS, ANYBODY HAVE
ANY COMMENTS OR QUESTIONS ON THE FINANCIAL
STATEMENT?
(NO RESPONSE)
CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
MOTION.

OHIO VALLEY REPORTING
(270) 683-7383
MR. APPLEBY: MOTION FOR APPROVAL.

MR. FRY: SECOND.

CHAIRMAN: MOTION FOR APPROVAL AND A SECOND.

ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES.

NEXT ITEM, PLEASE.

ITEM 8

ENTER INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C) SO THE COMMISSION MAY DISCUSS PENDING LITIGATION AGAINST THE COMMISSION.

MR. NOFFSINGER: MR. CHAIRMAN, WE NEED A COMMISSIONER TO MAKE A MOTION TO ENTER INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C) SO THE COMMISSION MAY DISCUSS PENDING LITIGATION AGAINST THE COMMISSION. I DO NOT ANTICIPATE US COMING BACK OUT HERE TAKING ANY FORMAL ACTION SO WE WOULD ADJOURN FROM THERE.

CHAIRMAN: WE NEED A MOTION TO GO INTO CLOSED SESSION.

MR. APPLEBY: MOTION TO MOVE INTO CLOSED SESSION.

CHAIRMAN: WE HAVE A MOTION. DO WE HAVE A SECOND?

MR. REEVES: SECOND.

CHAIRMAN: WE HAVE A SECOND. ALL IN FAVOR RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: WE WILL GO INTO CLOSED SESSION.

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

I, LYNETTE KOLLER FUCHS, NOTARY PUBLIC IN AND
FOR THE STATE OF KENTUCKY AT LARGE, DO HEREBY CERTIFY
THAT THE FOREGOING OWENSBORO METROPOLITAN PLANNING
COMMISSION 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 97 TYPED PAGES; AND THAT NO SIGNATURE
WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

WITNESS MY HAND AND NOTARY SEAL ON THIS THE
2ND DAY OF OCTOBER, 2013.

LYNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2014
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY