The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, May 8, 2014, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Ward Pedley, Chairman
Fred Reeves, Vice Chairman
David Appleby, Secretary
Gary Noffsinger, Director
Terra Knight, Attorney
Steve Frey
Wally Taylor
John Kazlauskas
Larry Boswell
Beverly McEnroe
Irvin Rogers
Larry Moore

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CHAIRMAN: Call the Owensboro Metropolitan Planning Commission May 8, 2014 meeting to order. We will begin our meeting with a prayer and pledge of allegiance to the flag. Would you stand, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everyone. Anyone wishing to speak on any item may do so. We ask you come to one of the podiums and state your name and be sworn in. Please speak into the microphone. We welcome your comments and questions.

With that the first item is to consider the
minutes of the April 10, 2014 meeting.

Commissioners, you have the minutes in your packets. Are there any additions or corrections?

(NO RESPONSE)

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

MR. KAZLAUSKAS: So move.

CHAIRMAN: We have a motion for approval.

MR. APPLEBY: 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, please.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

5074 Highway 56, 9.107 acres
Consider zoning change: From A-R Rural Agriculture to R-1C, Single-Family Residential
Applicant: Paul Martin Builders, Inc.; Goetz Real Estate, LLC

MS. KNIGHT: State your name for the record, please?

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)
MS. EVANS: First, I would like to state that all rezoning heard here tonight will become final 21 days after the meeting date, unless an appeal is filed. If an appeal is filed, the minutes for the meeting will be forwarded to their appropriate legislative body for their final action. The appeal forms are located in our office, on our website and on the back table.

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the condition and findings and of fact that follow:

CONDITION:

Access to Highway 56 shall be limited to the single existing residential driveway on Highway 56.

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 proposal is a logical expansion of existing residential zoning to the west;

4. Sanitary sewer service is available to be extended to the subject property; and,
5. At less than 10 acres, the subject property should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

We would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Is anyone here representing the applicant?

MR. MARTIN: Yes.

CHAIRMAN: Anyone have any comments or questions on this application?

MS. KNIGHT: Please state your name for the record.

MR. WILLIAMS: Gary Williams.

(GARY WILLIAMS SWORN BY ATTORNEY.)

MR. WILLIAMS: I just wanted to see on the plat, my lot is 5110 Essex Drive that abuts up to it. There's like a natural waterway coming through the back of my lot and going across that field. I just want to make sure the water is not going to be pushed over onto my property. There's water that stands in that field when it rains.

CHAIRMAN: Is that your only concern?

MR. WILLIAMS: Yes.

CHAIRMAN: Thank you. I will get you some
Anyone else have any comments or questions on the application?

MR. STAVES: I'm Barry Staves. I live on Essex Drive.

(BARRY STAVES SWORN BY ATTORNEY.)

MR. STAVES: I was just concerned about the traffic flow out there. Coming into Essex Drive with these new homes and new traffic. Building 140 more homes on the west of us. Thirty on this side and Bellevue Baptist Church. Nobody has had to put a turning lane out there yet. I was just curious about traffic and safety out there.

CHAIRMAN: Your concern is traffic?

MR. STAVES: Yes.

CHAIRMAN: Thank you.

Anyone else comments or questions?

(NO RESPONSE)

CHAIRMAN: Mr. Martin, would your engineer or you address the drainage issue?

MS. KNIGHT: State your name, please.

MR. MARTIN: Paul Martin.

(PAUL MARTIN SWORN BY ATTORNEY.)

MR. MARTIN: Jim Riney couldn't be here tonight, but if you look at our preliminary plat,
you'll see that the drainage is on there, if you want to look at that. I didn't think that would be part of the rezoning because that doesn't have anything to do with rezoning. That will be taken up in approval of the preliminary plat.

CHAIRMAN: Has the county engineer also looked at this and they're okay with it?

MR. MARTIN: Yes.

CHAIRMAN: Thank you, Mr. Martin.

Mr. Howard, would you like to address the traffic?

MS. KNIGHT: Would you state your name for the record, please?

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: Yes, we looked at this traffic and the county engineer looked at this as well. We had a conversation with state. Basically for the number of lots that are being added at this point it doesn't require a turn lane. The applicant to put stub on the property to the adjoining lot that's undeveloped so there could be interconnection in the future. As has been customary on the Highway 56 corridor, once thresholds are met there are turn lanes into Whispering Meadows and into some of the other
developments. So that is certainly something that would be looked at in the future, but at present it didn't meet the requirements for any type of roadway improvements.

CHAIRMAN: Commissioners, any commissioners have any questions or comments of the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone else in the audience have any questions?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on Planning Staff Recommendation with the one condition and Findings of Fact 1 through 5.

CHAIRMAN: We have a motion for approval by Mr. Rogers.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. 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.
Related Item:

ITEM 3A

Wynthrop Hall, 9.107 acres
Consider approval of major subdivision preliminary plat.
Applicant: Paul Martin Builders, Inc.; Goetz Real Estate, LLC

MR. NOFFSINGER: Mr. Chairman, I have a letter here that's addressed to me signed by Jim Riney, and that's the applicant's engineer.

Says, "Dr. Mr. Noffsinger, On behalf of the above caption, the applicant duly request the major subdivision preliminary plat be postponed until the June 12, 2014 meeting."

CHAIRMAN: We need a motion for postponement.

MR. REEVES: So move.

CHAIRMAN: We have a motion by Mr. Reeves.

MR. BOSWELL: Second.

CHAIRMAN: 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
5931, 5955 Highway 56, 3.933 acres
Consider zoning change: From B-4 General Business to
I-1 Light Industrial
Applicant: Hadson, LLC

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject
to the conditions and findings of fact that follow:

CONDITIONS:

1. Install perimeter landscape screening,
   vehicular use area landscaping and pave all vehicular
   use areas as required by the zoning ordinance; and,
   2. Access to Highway 56 shall be limited to
      the single existing paved access point.

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 Rural
      Community Plan Area, where light industrial uses are
      appropriate in limited locations;
      3. The proposed use meets the criteria of the
         Comprehensive Plan for non-residential development in
         an industrial zone;
      4. The subject property is major-street
         oriented and located at the corner of intersecting
         streets; and,
5. With access limited to a single access point on Highway 56, the proposal should not overburden the capacity of roadways in the affected area.

Mr. Howard: Staff would like to enter the Staff Report into the record as Exhibit B.

Chairman: Anyone here representing the applicant?

Mr. Kamuf: Yes, sir, Mr. Chairman. Charles Kamuf.

Ms. Knight: Mr. Kamuf, you're sworn as an attorney.

Mr. Kamuf: We are here to answer any questions that you might have.

I might say I met with two of the neighbors to the north, Mr. McNulty and Mr. Clark, and they have agreed to the rezoning. I did meet with J.L. Burns who is the owner to the west. I assured him that in the event that we would add any additional buildings to the property, that we would file a development plan and notify the neighborhood. I promised him I would put that in the record.

Chairman: Let's see if we have any questions or comments on it and bring you back up if there are questions that need to be answered.
Anyone in the audience have any comments or questions on this application?

(NO RESPONSE)

CHAIRMAN: Commissioners, you have any comments or questions?

MR. BOSWELL: I am just curious. Being familiar with that area out there there's a fairly large strip of trees that adjoin Lyddane Bridge Road.

MR. KAMUF: Right.

MR. BOSWELL: As you pull up to Lyddane Bridge Road it's a little difficult to see east sometimes because of some of those trees that are growing up. Is anything going to be done with those?

MR. KAMUF: I don't think the neighbors want. We're willing to do anything.

MR. BOSWELL: I'm not talking about taking them all down, but just cutting back enough where you can see a better view.

MR. KAMUF: We're willing to do that. One of the issues that the neighbors had is they didn't want any of the trees gone.

MR. KAZLAUSKAS: Mr. Chairman, in reference to that, I think that Mr. Brian Howard might be able to address the state requirements of site triangle if it falls within that state requirement. Those trees,
some of them would have to be moved. That would depend upon the state, if it meets that requirement.

Isn't that right, Mr. Howard?

MR. HOWARD: It would be up to the state and the county engineer since Lyddane Bridge Road is a county road. The county engineer and the state would look at the site triangle whenever any type of plan was submitted. If there was any type of impediment, they would ask the property owner to remove those.

MR. KAZLAUSKAS: That's what I thought.

MR. KAMUF: We are glad to do that.

CHAIRMAN: Any other comments or questions?

(NO RESPONSE)

CHAIRMAN: Commissioners?

(NO RESPONSE)

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

MR. BOSWELL: I make a motion for approval of the zoning amendment based on the Findings of Fact with the two conditions to be included.

CHAIRMAN: We have a motion for approval by Mr. Boswell.

MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. Comments or questions on the motion?
CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Mr. Noffsinger, I need to disqualify myself on this item and turn the chair over to Mr. Reeves.

MR. NOFFSINGER: So noted.

ITEM 5

4342, 4370, 4424 Springhill Drive, 3.811 acres
Consider zoning change: From R-3MF Multi-Family Residential to B-4 General Business
Applicant: Owensboro Master Builder, Inc.; M&P Properties, Inc.

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 general business uses are appropriate in very limited locations;

3. The proposed general business use is consistent with the criteria for non-residential development;

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4. The proposal is a logical expansion of existing B-4 General Business zoning to the north, across Springhill Drive; and,

5. At 3.811 acres, the proposal does not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit C.

MR. REEVES: I think we have a number of folks here that wish to speak on this issue here tonight. Let me talk with you just very briefly about how we proceed because most of you probably have not been to a Planning Commission before.

This is basically a judicial process. Our commissioners will listen to all of your testimony, as well as the testimony of the applicant. We will be trying to gather facts. We act on facts. We don't act on emotion or we don't act on sympathy. It has to be facts.

Anybody that wishes to speak tonight will be allowed to speak. You may speak as long as you feel like you need to. I'm not going to set a time limit, but I would ask that you not be redundant, that you
not repeat yourself, and that you stick to the issue at hand. If you don't, I may ask you to step down.

We'll also make sure that the applicant has plenty of time to address your questions and concerns that you may have. The main thing is to remember that everyone will get a chance to speak. We ask that you come to podium or to the mike, as you've seen previous people do, and ask that you please direct your comments and questions to me. We don't have dialogue back and forth between the two parties because that doesn't enable us to have a good controlled meeting to ascertain the facts.

Is anyone here representing the applicant?

Mr. Jones, do you choose to make a presentation? Anything you like to say before we start?

MR. JONES: No.

MR. REEVES: I will ask, if you don't mind, to be available because I'd like you to answer questions as they come up.

Also, Commissioners, if you have questions as we go through the testimony, please feel free to raise your hand. I'd like to get your questions addressed at the time so they remain relevant.

Does anyone else wishing to speak regarding
this? If you will, get in a line there and come to
the podium and be sworn, please.

MS. KNIGHT: Please state your name for the
record.

MS. ARMSTRONG: Hula Armstrong. I live at
3134 -- in Lake Forest.

(HULA ARMSTRONG SWORN BY ATTORNEY.)

MS. ARMSTRONG: We had one of the first houses
built in Lake Forest, Lot 1, 4235 Lake Forest that
backed up to this property.

When we bought it, there was a farm behind us
and Mike Martin said that it would take ten years to
build up, but we would have people living behind us
and it could even be multi-family housing behind us.
He said that there would be commercial out on Highway
54, but there would be people living behind us.

MS. KNIGHT: State your name for the record,
please.

MS. WILCOX: Amy Wilcox.

(AMY WILCOX SWORN BY ATTORNEY.)

MS. WILCOX: I'll try to keep this brief.

Basically my family and I bought the
Armstrong's house, the first one on left as you drive
in. The party in question runs the whole depth of our
backyard. When we moved in the one contingency we had
for buying that place was what was going to be behind it. It was zoned as residential. It's still zoned residential. We did not want to have commercial behind us. Now that they're rezoning is proposed, we have a few concerns of course.

Basically our concern is that we don't want anything low end, you know, abutting our house or in the Lake Forest community in general. We already just recently got a Dollar General up on 54. It has brick and it has landscaping, but it's still in the grand scheme of things low end retail. Whether we use it or not as Lake Forest residents, that doesn't mean we want more of that in our backyard.

The proposed rezoning has been seen as going back to what it was before. I don't think, I think that that property needs to evolve with its surroundings. The surrounding is now on three sides residential verses one side. I don't think, I spoke to many of the residents in Lake Forest and we don't want commercial property there.

From what I have read so far, I mean I can see where this can be considered spot zoning since three sides are now residential. For the same reason I don't believe that it is a logical expansion of the current B-4 along 54 because it is encroaching on
residential property.

With regard to having been B-4 once before, it was like that and vacant for over a year. Our concern is that they say they want to put a bank. We've been told bank or doctors office, something with hours and limited lighting and noise and that in there, but it's been vacant at a B-4 zoning for over a year in the past. We' are just concerned that at some point it does come down to business and what if they do sell out to who is going to buy, and that may not be a doctor's office or a bank. B-4 can be anything from a day care or a bank to literally a strip club or a pawnshop or motel. The uncertainty is quite unsettling to us because whatever if they do put in a doctor's office, day care or whatever, that may not be what it is in five years. B-4 is just quite unsettling.

This leads me to my next concern. That general business. The property turn over a lot and have a tendency to remain vacant at times such as Thoroughbred shopping down the street. I think that vacant developed property looks bad and is bad for our adjoining property values.

I guess at the end I just want to say we have our obvious oppositions of lighting. Even if they're
not facing our property it creates a halo. We can already see Dollar General from my backyard. Safety for traffic. Not just road traffic. Pollution and litter. Commercial streets always have more pollution and litter than residential, and we don't want that along our property.

Also, I mentioned before the property value drop. I know it doesn't always happen, but it can and I really don't want it to happen to us. I looked at some properties back behind Menard's. And right around the time of its building some house lost from 6 to 22 percent of it's value in resale. We certainly don't want that to affect us.

Then there's the commercial traffic with the loud delivery, semis and the garbage bins and all of that. Would be much different than if it was a doctor's office, or bank, or even residential.

Many residents that I've spoken with in Lake Forest have also had such promises of it being residential back there, and they don't want to have any more commercial on the other side of us along 54. The commercial has expanded to encroach into the Woodland pretty close already. Furthering that on out on the other side diminishes the prestige of living in Lake Forest and having a quieter and nicer and safer
I know you asked for facts. For me the fact is that this is happening in my backyard. I ask that you consider what your opinion would be if it was yours.

MR. REEVES: Thank you very much.

Mr. Jones, you may or may not feel comfortable addressing the concerns about what your intentions are for the kind of development of those properties or do you feel comfortable addressing some of those? I know you may be in discussion --

MR. JONES: Bill Jones, 4509 Lake Forest Drive.

(BILL JONES SWORN BY ATTORNEY.)

MR. JONES: I'm sorry, I didn't understand the question.

MR. REEVES: Mr. Jones, I don't know if you feel comfortable in saying what you would like to see develop in there, what you intend to develop in there or if you're in negotiations that would prevent you from doing that. We certainly would respect that.

MR. JONES: Well, not negotiating with anybody at all. It was B-4 multi-family. Actually multi-family may be -- I won't go into that. Other than that, we do concur with buffering and I can show
you some of the things that we've done in Lake Forest
with pine trees and other things which we're in the
process of doing in the other part of the area.

Specifically, I guess I can wish for a lot of
things, but to say that there's anything definite, I
can't say.

MR. REEVES: You don't have any specific plans
at this point in time, right, other than getting it
rezoned to B-4 to give you options to develop the
land?

MR. JONES: Well, actually the multi-family
thing is probably not economically feasible unless you
do something that certainly wouldn't be desirable in
Lake Forest. I've lived there for 15 years and been
involved with it for 20 years. You know, multi-family
would have to be two or three levels high.
Economically it would have to be probably a little
less because if would have to compete with what's
getting ready to be built out there which probably
would not be the highest and best use for that
property.

I do have, I can show what the buffering and
things like that would need to look like, if that's
appropriate at any time in the discussion.

MR. REEVES: We'll see if we need it.
Mr. Howard, can you talk about this issue of spot zoning that was raised and how you arrive at your recommendation or the Staff arrives at the recommendation?

MR. HOWARD: Sure. Be glad to.

As you all know, having worked through some revisions to the comprehensive plan over the years, the comprehensive plan is flexible in how it evaluates zoning changes. So depending on what planning area you're in, there could be multiple zonings that you could potentially have.

In this instance, the property could potentially be zoned Multi-Family, P-1 Processional Service, B-4 General Business, if it meets the following set of criteria.

Basically what we look at, as far as the criteria for this, it is across an intervening street from the existing B-4 that's in the vicinity; however, the criteria states as long as it's a minimum of one and a half acres, it can satisfy the criteria. This property is a little over three acres so it meets that general criteria of the Comprehensive Plan. So based on that evaluation, Staff would say that this is not a spot zoning. It is in fact with the Comprehensive Plan that it meets the criteria for expansion across
an intervening street.

MR. REEVES: Thank you very much.

This gentleman, I think you were wanting to speak, sir. If you'd come to the mike please.

MS. KNIGHT: State your name for the record.

MR. SIMMONS: My name is Bill Simmons and I also live in Lake Forest.

(BILL SIMMONS SWORN BY ATTORNEY.)

MR. SIMMONS: I just wanted to make a comment on the fact that Springhill Drive, which is currently being used, but once you add that commercial property basically or general business property there, you're going to wind up with quite a bit more traffic come into Lake Forest, come into the entrance there. Driving into Lake Forest and then going across or continue going all the way through to Settles Road.

I realize Staff indicated that increase traffic would be minimal, but I think once you get going there I tend to disagree with that. I don't know what kind of study was done other than just general.

I suspect if that was being changed to general business behind 4509 Lake Forest Drive it would be a different story. That's about all I've got. Thank you.
MR. REEVES: Thank you, sir.

Yes, sir.

MS. KNIGHT: Mr. Wetzel, you're sworn as an attorney.

MR. WETZEL: Doug Wetzel. I live at 4212 Lake Forest Drive, across the street and down a few houses from the Wilcoxes. We built our house in 1997. We were the fourth house in the Lake Forest subdivision.

Our residence faces slightly northeast so when I look out my dining room window to the north I'm looking at the Wilcox house and what will be behind it.

After reading the list of uses in B-4, I'm very concerned about what can be built in this property if the rezoning goes through.

If you look at the ordinance, those include outdoor amusements, specifically including go-cart racing tracks, miniature golf courses, cocktail lounges and night clubs, restaurants with drive-thru windows, gas or service station with or without convenient store, car lots, piercing and tattoo parlors, commercial kennels.

This property is not out along the highway. This backs up to some very nice residential tracts.

There is no limit that I can find in the
ordinance on the hours of operation. So we could have
a 24-hour fast food restaurant or 24-hour convenient
store behind these houses. I find no limits on the
height of lighting, other than for signs or the hours
lights can be on. A car lot goes in there they can
keep their lights on 24 hours shining in these
peoples' backyards.

Free standing lighted signs up to 80 feet can
be put on that property if it's rezoned. I don't look
forward to the possibility of sitting at my dining
room table and looking out at an 80 foot fast food
sign or gas station sign and certainly impact on the
Wilcox is much worse than us.

Want to express objectives. The zoning
ordinance says, it's to protect, preserve and promote
the esthetic appeal and character and value of the
surrounding neighborhoods. I would simply say that
rezing this property to B-4 commercial would be
contrary to the objectives. Thank you.

MR. REEVES: Thank you, sir.
Yes, sir.

MS. KNIGHT: Please state your name for the
record.

MR. NOEL: Gary Noel, 4311 Springhurst Lane.

(GARY NOEL SWORN BY ATTORNEY.)
MR. NOEL: We live on Springhurst Lane which is the road where it was connected and built through. The zoning was actually done in 2010 to do that. If you go back and read the original zoning, which some folks did and everything. Same people that are doing it now. You see that they build an island because the traffic was going to be too much and people would be cutting through to avoid the stop sign. They also at that time changed it from B-4 to multi-family because that's what they wanted to do at that point in time. We have watched it grow and everything. We're the first house there on the left as you go through. I can tell you the traffic has increased dramatically. People do not drive slow through there. There's traffic all night long going through there. A lot different than when we moved in there 11 years ago.

We butt up to the Wilsons. It also says in the zoning that lighting would be controlled and that there would be screens and buffers. The first building that's built up there is the Dollar General. I don't know how many of you have driven by the Dollar General at nighttime, but it's a hazard. Pure hazard. It's a hazard to the people driving on 54 because the lights are so bright that they bother you driving down the street. The ones on the side facing towards our
house light up the peoples' windows, Joe and
everybody. You've got to stand there and you see
this. If they were to put a Dollar General behind the
Wilsons, I'll guarantee you we can probably save a lot
on electricity because we wouldn't be turning a light
on in our house. That's how bright it is.

I guess I fail to understand that there's no
reason at this point in time to change it back to B-4.
What changed in four years? Because I know Jagoe was
supposed to originally build the condos behind the
Wilsons, which would have been fine. They're nice,
but for some reason there was a flip-flop done. Now
all of a sudden we have no plans for that whatsoever,
and there's no islands up there. They just
blacktopped that road this morning. That could be a
realize place for a drag race. I mean it's straight.
I could see kids racing down through there like
lickety split. It just makes absolutely no sense what
they're doing. Keep the commercial on 54 and
residential on the back back there like it was all
planned and I think everybody would be happy. You've
got a lot of people who have invested. Thank you.

MR. REEVES: Thank you, sir.

Anyone else?

MR. BOONE: My name is Bill Boone.
MS. KNIGHT: Your address, please.

MR. BOONE: 4445 Cool Springs Cove.

(BILL BOONE SWORN BY ATTORNEY.)

MR. BOONE: We are not one of the older lots in Lake Forest. We, in fact, just moved into our home last August. We have came from the west end of the county and looked at Lake Forest for over eight years before we decided on a lot that we finally purchased. My neighbors include Jerry Martin, Mike Martin, Dr. Stearsman. I know every one of my neighbors on my cul-de-sac and I haven't been there a year.

We were particularly cautious when we bought this lot. I don't know if Mike Martin was involved in that development, but the plans that he had and that he showed us included commercial on the 54 stretch, but residential on the side that would back up to Springhurst Lane. That was really a key in our deciding to be there because we didn't want commercial that close. We didn't mind it was on 54. It was easily accessible, but I don't want to see the lights. Quite frankly I don't care if it's a bank or a day care or a restaurant. I don't want commercial on that side of the street. It took us a very, very long time to pick that lot. We've worked very hard for many years to be able to afford to be in that subdivision.
I, again, asked specifically when we were building, where was the commercial going to be. We were told on the 54 side. Now they're trying to change that and bring it to the other side. I don't know what the people on Springhurst Lane were told, but I know that I was told that would be residential. I think sometimes right is right. If that's what you told somebody, then you shouldn't have the right to change it in the middle of the game. That's what we were told and I think that should be honored. Thank you.

MR. REEVES: Thank you, sir.

Anyone else?

MS. KNIGHT: Would you state your name for the record?

MR. WRIGHT: Wayne Wright, 4261 Lake Forest Drive.

(WAYNE WRIGHT SWORN BY ATTORNEY.)

MR. WRIGHT: Without being redundant I support all the comments that were made here up to this point. There is one point I would like to made that hasn't been made. The actual existence of this commercial property will actually turn our subdivision entrance into an entrance for commercial property.

If you could follow me coming out Highway 54, if you live in the subdivision, you know if you're
coming from town out, the turn lane in our subdivision is very important. There is no turn lane into the property that's being developed up front. I went up there today and drove in. So people to avoid the danger of having to slow down on 54 and not have a turn lane will actually use our entrance. I honestly see that coming. So it's going to drive right by, those people are going to come in our entrance, turn left and drive right by their house. So they're going to have a constant flow of traffic leading up there. I think it's a safety issue as far as people turning off of 54 into that commercial area. That's going to be there regardless of whether you change the zoning in the property that's being discussed. Until they do something there, it's going to be an issue for traffic coming into our subdivision. Thank you.

Mr. Reeves: Mr. Howard, may I ask a question of you, please?

Mr. Howard: Yes.

Mr. Reeves: I believe as I look at the exhibit drawing here, when I see Springview Drive, is that an existing roadway with a turn lane?

Mr. Howard: Off of 54?

Mr. Reeves: Yes.

Mr. Howard: Yes, it is.
MR. REEVES: Anyone else wishing to speak?

MS. KNIGHT: Would you state your name for the record?

MS. TURLEY: Amy Turley.

(AMY TURLEY SWORN BY ATTORNEY.)

MS. TURLEY: I live at 4401 Springhurst. My property is directly adjacent to the property that we are speaking of. The one thing I don't think anyone has really mentioned is the noise levels if there's commercial properties behind us.

We can already hear all the Ritzy's drive-thru noise all night long. It's not just the lights. The lights are very, very bright from the Dollar General, but if they do put in businesses that are open, I have a small child and he's a light sleeper. So if there's a lot of noise going on that's going to be a huge problem for us. Like I said, we can already hear some of the drive-thru noise, but if you add cars to the mixing, people with loud music, if they have an area outside where people can congregate, then we're going to also have whatever noise they're going to make, not to mention just the general traffic noise that will be coming in. That's really all I have to say.

MR. REEVES: Thank you very much.

This young man.
MS. KNIGHT: Would you please state your name for the record?

MR. MITCHELL: Wesley Mitchell.

(WESLEY MITCHELL SWORN BY ATTORNEY.)

MR. MITCHELL: I just want to confirm what everyone else from Lake Forest has already said, number one.

Number two, we moved into Springhurst Lane probably two years ago now. We were told, I understand it wasn't binding, we were told it was going to residential. Weren't going to have businesses and bright lights on the other side. Unfortunately it looks like a possibility now. That is a concern.

Third thing is about a year ago our garage was broken into and we had some stuff stolen. It's worrying enough that it happened already. We just know with more traffic from commercial property the chance of that kind of stuff can increase.

MR. REEVES: Thank you.

Would anyone else like to speak?

MS. KNIGHT: Please state your name for the record.

MR. MORRIS: Larry Morris, 4338 Lake Forest Drive.
MR. MORRIS: I just want to reiterate what other residents of Lake Forest have said. My belief is that the condos were started on the far east side of the street. They should or some other type of residential development should continue up the backside of that street up until it meets the Wilcoxes' property. I'm not opposed for any commercial development on the other side of the street, on the 54 side of that street, but I am opposed to the rezoning of the development from the condos up to Wilcoxes' property. Thank you.

MR. REEVES: Thank you, sir.

Anyone else?

MR. MINTON: My name is Mike Minton. I live at 4249 Lake Forest Drive next-door to the Wilcoxes.

MR. MINTON: Like others, I agree with everything that's been said before me. All the objections. I stand by those objections also.

The one thing I might want to add is with the increase traffic that I've seen on Lake Forest Drive, I walk my dogs every night. I've already been picking up beer cans, soda cups on my walk back home. I'm sure that with all this increased traffic through
there will be more debris to pick up on my dog walks.

Likewise, I was told when I moved into that property in 2005 that it was going to be nothing but residential behind us. I never anticipated having businesses. I have one window on my second floor that looks directly across their back yard. I can the traffic light. I've also seen since that Dollar Store went up an increase in the light. It happens to be where I sit and watch TV in the evening in that room. I've already noticed light coming in and it's really bothersome. So I'm probably going to have to do some rearranging of my room.

I also heard something said about buffering. Will we be able to have some input into if this does go through see what buffering will be done and maybe even effect what that buffering might end up being?

MR. REEVES: Mr. Howard, would you want to address the question about the required buffering?

MR. HOWARD: The zoning ordinance, this is a drawing that is part of our file. The zoning ordinance would require between the commercial and residential zoning a 10 foot wide buffer landscape easement which would include a 6 foot tall solid element. Whether that be a stockade fence or it could
be a berm. It could be various things, but it would
be 6 foot tall solid element and one tree every 40
feet on average for that length. So it'd be a 6 foot
element tree every 40 feet on average is what the
ordinance would require.

MR. REEVES: Mr. Noffsinger.

MR. NOFFSINGER: Thank you, Mr. Chairman.

Mr. Howard, I do have a question related to
access to Highway 54. The out parcels that we see
there, be 8, 9, 10, 1 and 2 and other out parcels, do
they have direct access to Highway 54?

MR. HOWARD: No, they do not. They are served
by the street there. It has three potential access
points to Highway 54. One to Lake Forest Drive, one
at the Springview Drive and then it connects over to
Millers Mill Road.

MR. NOFFSINGER: So all of those properties
that are available now, including the Dollar General
Store, will not have direct access onto 54. All
access will be via Lake Forest Drive, Springview
Drive, Springhill Drive and Millers Mill Road?

MR. HOWARD: Yes, that is correct.

MR. NOFFSINGER: Thank you.

MR. REEVES: Mrs. Wilcox, did you have
something additional you wanted to add?
MR. WILCOX: Yes. James Wilcox. I live at 4235 Lake Forest Drive.

(JAMES WILCOX SWORN BY ATTORNEY.)

MR. WILCOX: I believe Dollar General does actually have direct access to 54 right now, if I'm not mistaken.

MR. REEVES: Mr. Howard.

MR. HOWARD: It does not. Highway 54 is an arterial roadway with a 500 foot spacing standard. As that area developed, they were limited on the number of access points that they could have. The two that are shown on this plan on Lake Forest Drive and Springview Drive were the only permitted access points onto Highway 54. Both of them have right turn lanes that serve the properties, but none of those out lots, some of those lots that have frontage on Highway 54 will have direct access.

MR. REEVES: Yes, Mr. Noffsinger.

MR. NOFFSINGER: Mr. Howard, the standard to which these streets, Springview Drive, Spring Hill Drive, to what standard were they constructed and what type of traffic do they have?

MR. HOWARD: They were built to the public improvement specifications. That's the document that dictates how streets are constructed. They were built
to those specifications. If memory serves me correctly, they're the 34 foot street which are the commercial grade streets with the PI specks. They're designed to handle the potential commercial traffic that would be navigating that street.

MR. REEVES: Thank you.

Does anyone else wish to speak? Yes, sir, you have another questions.

MR. SIMMONS: Bill Simmons.

MS. KNIGHT: Mr. Simmons, I will remind you, you have been sworn.

MR. SIMMONS: If I understand Lake Forest, was intended to be a gated community and there is an entrance and there is like a partial setup that could be expanded there. Can you make it gated?

MR. REEVES: Well, I think that would depend on Mr. Jones or some of them, the Homeowners Association.

I don't know if that's an option they have or not, Mr. Noffsinger.

MR. NOFFSINGER: Well, in order to make it a gated community all streets would have to become private streets and they would have to be maintained by the Homeowners Association. We have commercial properties that now access those streets. So I think
the opportunity to make Lake Forest a gated community has passed. However, that doesn't mean it couldn't be proposed and couldn't happen some day. It's just that decision was made initially that these streets would be public and maintained by the public; therefore, it could not be gated.

CHAIRMAN: Thank you, Mr. Noffsinger.

Yes, ma'am.

MRS. NOEL: Janette Noel.

(JANETTE NOEL SWORN BY ATTORNEY.)

MS. NOEL: I just wanted to share when we're talking about the increase in traffic. I hadn't anticipated speaking, but I do want to share that between 7 and 7:30 in the morning, getting out of Springhurst right now onto 54 it might take you 15 minutes to get out, sometimes longer. The same thing at 4, between 4:30 and 5. Extra people are coming and we have a lot of families, small children. If you go down Springhurst Lane and you see the children playing out in the streets. The kids do sometimes get out in the street. They're small and sometimes their parents are there, but they get out in the street. If that increases and the children, you can put up all the signs you want, slow children, cars don't stop. I do have a real concern for the increase in safety and the
ability of even the whole Springhurst people
themselves getting out, in and out of the subdivision.

Thank you.

MR. REEVES: If anybody wants to speak again,
we will hear you if you have something new. Please do
not be redundant or repeat what you said in the past.

This young lady, you want to speak again.

Come forward.

MS. TURLEY: Amy Turley.

MS. KNIGHT: I will remind you that you've
been sworn.

MS. TURLEY: My question is about the
buffering zone. My property, like I said, is adjacent
to the property that we're talking about. We have a
rather large hill that goes up, an embankment that
goes up. You're talking about a 10 foot buffering
zone, but that hill would be 10 feet which means they
could put their property pretty exactly right there at
the top of the hill looking down into my back yard. I
want to know if that 10 foot buffering zone, is that
up the hill or is that more of a triangulation where
it would be if the hill wasn't there?

MR. REEVES: Mr. Howard, I think I know the
answer, but I'm going to defer to you.

MR. HOWARD: The ten foot buffer would begin
at their property line. For being out there, if memory serves me correct, there is a common area within the Lake Forest subdivision that backs up to these properties. On the map or the GIS image that we have up there, the properties that are in question for rezoning are the blue parcels that are outlined. So there is that buffer area which I believe is where the existing berm is that she's mentioning. The additional 10 foot buffer area would be beginning at that back blue line and extending ten feet, if you want to say to the north or to the east from that line. It would be kind of northeast based on the skew of those properties. It would begin at the back of those property lines.

MR. REEVES: And follow the hill?

MR. HOWARD: Yes. The linear function and follow that to the top of that berm.

MR. REEVES: Does that answer your question.

MS. TURLEY: I believe so.

MR. REEVES: Thank you.

MR. NOFFSINGER: Mr. Chairman, I think it'd be appropriate for the applicant to address the buffering and what they intend to do.

MR. REEVES: Yes. I was going to ask him to do that when we got finished these folks right here.
Yes, sir.

MR. NOEL: I just happen to think of several things.

MR. REEVES: Please state your name again.

MR. NOEL: Gary Noel.

The Dollar General store, of course, is the first one that's up there. The lighting is extremely bright. It's probably 14 to 16 feet up on the building on the front and the side. A 6 foot fence is going to do nothing.

The thing I keep hearing is, oh, we'll plant evergreens. Well, I've lived there 10, 11 years and I've seen evergreens planted and it takes 10, 12 years before you get one that's even halfway up there. I guarantee you that it would not block that light.

I guess I didn't realize it, but every store that's going to be built out there is going to only have the entrances that come in which means all of the commercial traffic is going to come in three places? That's my understanding.

MR. REEVES: As it stands now, that's correct.

MR. NOEL: That's going to be huge. Because right now I tell you to get out on 54 you take your life in our own hands. You get honked at. It's 55 miles an hour there and people speed up as they come
up there. If you pull out in front of somebody, boy, you're a bad guy. It's just mind boggling to me that we can spend all this money and not take traffic safety. I mean there's millions of dollars being spent down there on the other side down there putting in traffic lights and turn lanes and everything else, and we're getting nothing except more increased traffic. No real thing says that we're going to be able to live there in peace and quiet like we all paid for. Thank you.

MR. REEVES: Thank you, sir.

Yes, ma'am.

MS. WILCOX: Amy Wilcox, 4235 Lake Forest.

I just wanted to add one thing. If I did not mention I have heard from almost 40 other residents in Lake Forest, most of them could not be here tonight. They were willing to sign a petition to the effect of our opposition. So I just wanted to share that and voice their concerns as well.

MR. REEVES: Thank you very much.

Mr. Jones, would you mind to step forward, please.

MR. JONES: Yes.

MR. REEVES: Would you mind to inform us at this point in time what you have planned in terms of
buffering and providing some level of privacy.

MR. JONES: Do you have that plat, that one right there? If you look at the back part of that area, there will be fence and pine trees as well as down, which would be the west side.

Now, we've used pine trees in Lake Forest to buffer many things over the past 15 or 20 years. I might share with you, in fact, one of the areas, and I can show you at different stages. If you look right across the street where Mr. Wetzel lives, when he moved in I think those pine trees were 6 foot tall. They're about 30, 40 feet and you can't see through them, nor can you hear. Across the front of Lake Forest along 54, when we began, those were 6 foot pine trees. Those are 30 or 40 feet.

I do have a little drawing here that we did a few years ago that you all might be interested in seeing. When you look at buffering -- I don't know where I need to put this. This is Settles Road, across the back entrance, where we put pine trees.

To give you an idea of what will happen with pine trees because they grow very rapidly. This is Settled Road at the back entrance of Lake Forest. This is what the pine trees looked like after one year. This is an area on Old Hartford Road with the
same size that's over at Cross Creek after three years, and this is what it looks like on 54 --

MR. NOFFSINGER: Pardon me, Mr. Jones. We're going to have to satisfy the television folks.

MR. JONES: That will give you an idea of how quickly the pine trees grow.

On Lake Forest Drive and along 54, they initially, as I said earlier, they were 6 foot tall when we started. Now they're 30 or 40 feet. In particular at Spring Run across from Mr. Wetzel and probably Mr. Morris, those 6 foot tall and now they're 30 or 40 feet, other than occasionally where one has died and we've had to replace it. You can't see through it and probably can't hear through it. Working through you don't hear the traffic. This is what we've done on the back.

Now, on what would be the east end, there's already a fence and pine trees. In fact, on the far east, they're putting in pine trees yesterday and today and will continue on across this area that you're seeing on the screen in the near turn and down the side where the Wilcox live. They won't be 30 or 40 feet high in the beginning, but they grow very rapidly and have done an excellent job of buffering that area where we needed buffering over the last 15
years. That's what we do on the buffering part and a
fence.

    Now, I think actually what's required by
Planning & Zoning is only one or the other, fence or
the trees.

    Am I correct? I don't know what the
requirements are.

    MR. APPLEBY: One tree every 40 feet.

    MR. JONES: But fence is something you're not
required.

    MR. APPLEBY: Both. Do the fence and the
trees.

    MR. JONES: But we're doing the fence and the
trees, yes.

    MR. REEVES: Thank you, Mr. Jones.

    Any additional comments without regard -- I
think we've probably heard all the testimony on
buffering we need to hear. If that's your concern,
unless some of the commissioners have a question about
buffering, I think we've probably got all the
information we need on that issue.

    Yes, sir.

    MR. NOEL: Gary Noel, 4311 Springhurst.

    I just had to make another comment. I did see
the trees going in. They're about three foot tall,
the ones that I saw going in. So it's going to be a
long time before they get there.

The other thing is we've lived there about 11
years on Springhurst. That road never has had a
second coat of blacktop on it bringing it level to the
curbs. There's pot holes in them now that all the
traffic is on it. Also, which is mind boggling to me,
but there's an open hole that goes into a sewer which
is about this big and it's been that way for 11 years
and nobody has bothered to even put a manhole on it.
It's got a steel plate on it, which gets knocked
around with the snow plows or trucks or whatever.
It's open and we go put it back so that the kids won't
fall into it.

MR. REEVES: I'm not sure that's relevant to
this.

MR. NOEL: I know, but it is relevant from the
standpoint that whoever developed that subdivision and
everything did not keep up their promises for the
street. Thank you.

MR. REEVES: Sir, you have a comment?

MR. WINN: My name is C.W. Winn. I live at
4317 Springhurst.

(C.W. WINN SWORN BY ATTORNEY.)

MR. WINN: We just bought our home in August.
At that time we were told, and we looked at the plot and we looked at what was told to us about having a multi-family and having commercial in front of 54. We get all of that. I'm hearing about the buffering. My concern is that if you select and approve this, it's kind of writing a blank check and that's what I'm struggling about. You're writing a blank check to say you can do whatever you want to do and the building can be X feet high. You can put the buffering and one tree every 40 feet. In my world that doesn't cut it. Maybe in your all's world and maybe if you live there it would be great for you. When they say it cuts off from the buffering and the sound, I can tell you, I can sit on the back lot and I can tell you what people at Ritzy's are ordering the most of. Which my wife and I have yet to go over there. We really should. We just moved here recently. It's mind boggling to me for us to be sitting here talking about what if. If we in knew what we were dealing with, it would be a whole lot easier for everybody in this room to be able to say, yes, we support or don't support. When you sit back and think about a doctor's office to a strip joint, I'm struggling with that.

As a person that just moved into Owensboro,
there's a couple of things that I want to be able to
talk to someone about it. I didn't even know any of
this. It doesn't touch my property, but the people
do. If it hadn't been for the Wilcoxes coming by and
telling us about this, we would have known nothing
about it. That's not right. Because that entrance is
a safety entrance. We talked about that. I don't
want to get off on that. We've just had enough.

Somehow someway there ought to be more
notification going out to the people because there's a
lot of people in Lake Forest did not know about this.
I'm disappointed in that because we should have a
right to be able to speak, be informed, and know
what's going on in our neighborhood. It's
disappointing.

MR. REEVES: Mr. Noffsinger, would you address
the requirements we have in terms of notification so
everybody in the audience understands? We have some
restrictions on our notification process.

MR. NOFFSINGER: Yes.

KRS 100 is the Planning Enabling Legislation.
It states that you are at a minimum to notify all
adjoining property owners. So if you remove streets
and brought all the properties together, any property
that would touch the subject property, those folks
would receive notification. So that's what KRS 100 requires.

In this case, the applicant went above and beyond the notification in that they notified the folks on Springhurst Lane because there's a large common area strip there that's owned by the Homeowners Association.

AUDIENCE: We were not notified. We were not notified.

AUDIENCE: We were not notified.

AUDIENCE: We were not notified.

MR. NOFFSINGER: The odd side of Springhurst Lane. Behind those lots there's a large common area or strip, a narrow strip, and that's owned by Lake Forest, LLC, homeowners. It's probably the developer. The common area is the only property that would have been required to have been notified. The applicant went above that and said, no, we're also going to notify the people across that common area. So legally they met the minimum requirements and they went beyond.

Now, I know that doesn't satisfy what you're looking for, but in reality how far would you go with the notification?

MR. WINN: The State of Virginia they post --
MR. REEVES: Sir, if you have comments you want on the record, they need to be made up there. This all has to be transcribed. This is exactly like a court hearing. So everything has to be transcribed in order that your due process rights be protected. That's why I ask you to come back up.

MR. WINN: That's fine.

What I was going to say, we'll defer that because that's a sidebar to this whole issue. That's why I said I would like to speak afterwards to try to learn more about the notification going up because, again, I really feel like that the people in Lake Forest were done an injustice. That's the only reason. I'll withdraw that and just make it a sidebar and also meet with you afterwards.

MR. REEVES: We'd be very happy to do that and appreciate you asking.

MR. APPLEBY: Mr. Noffsinger, aren't all the zoning, there are signs posted on the property?

MR. NOFFSINGER: Yes, sir. And there's notification --

MR. APPLEBY: In the newspaper.

MR. NOFFSINGER: -- in the classified.

MR. REEVES: If there are no other comments from the audience, do I have any comments or questions
from the commissioners?

MR. FREY: I would like a small educational opportunity for myself. Tonight we're asking to rezone. I'll ask Staff or Mr. Noffsinger this question.

Once then an application would come later, if it was rezoned, for whatever property would go on that location or then is it just open to anything?

MR. NOFFSINGER: It would be open to anything that would be allowed in that zone. The Staff would review the application and issue permits and approve the plans. Now, if it had multiple business structures on it, then there would be a development plan that is required, but still the Planning Staff would be the one to review and approve the development on the property, unless you set a condition to the rezoning that a development plan is required that has to come before this commission for signature. It used to be that way. In order to be more business friendly in this community in streamline development, the Planning Commission and the legislative body has agreed to give the Staff more authority in terms of approving development activity in this community.

MR. FREY: Thank you.

MR. REEVES: Mr. Kazlauskas.
MR. KAZLAUSKAS: I need a little history lesson from the Staff.

If I'm understanding this correctly that these three parcels of property were zoned B-4 previously?

MR. NOFFSINGER: That is correct.

MR. KAZLAUSKAS: Then the developer came back and asked that it be rezoned to multi-family residential?

MR. NOFFSINGER: Correct.

MR. KAZLAUSKAS: Now coming back and want to go back to B-4 general business?

MR. NOFFSINGER: Yes, sir.

MR. KAZLAUSKAS: How many years, do we know how many years that came into play?

MR. NOFFSINGER: I do not.

MR. REEVES: Ms. Evans I think can address that.

MS. EVANS: The property was initially zoned to B-4 from A-U. In 2010. Then in 2011 was rezoned to R-3MF.

MR. KAZLAUSKAS: In 2011?

MS. EVANS: Yes.

MR. KAZLAUSKAS: I can't ask people when they moved in the home. You've answered my question.

Thank you.
MR. REEVES: Any other commissioners have any questions?

MR. APPLEBY: If the board was of the notion to establish or attach additional conditions, for example, additional screening or adjustments, requirements on the lighting or height of the building, does this need to be addressed tonight or can that be looked at, at the development plan stage?

MR. REEVES: Mr. Noffsinger.

MR. NOFFSINGER: Either way. If you trust that the minimum specifications in the zoning ordinance are adequate to protect the character of that area, then it would be handled at the Staff level and as long as they met the minimum requirements of the zoning ordinance, we would approve it. If you feel that additional conditions need to be placed on the development, you can place those on the development with the applicant's permission. If the applicant is not willing to go along with those, you may consider not approving the zoning change or you may set a condition to approval that a development plan be submitted to this body for their review, notification of adjoining landowners and for approval. That gives the neighborhood input as to what occurs there. However, with a development plan, as long as
it meets the minimum requirements of the zoning
ordinance, you're obligated to approve it.

MR. REEVES: Mr. Appleby, does that address
your question?

MR. APPLEBY: Yes, more or less.

MR. REEVES: Mr. Moore, do you have any
questions?

MR. MOORE: No.

MR. REEVES: If there are no other questions
from the commissioners, then the chair will entertain
a motion.

MR. KAZLAUSKAS: I'm going to make a motion
that the application be denied and my findings of fact
are based on:

Number 1, the traffic problems that are going
to occur because of the increase in business of those
three exhibits I believe are going to create a
problem. I think there's going to be a lot of traffic
coming through there.

Number 2, thing is with residential backed up
to those businesses, and we don't know what type of
business will go in there, light and noise, pollution,
will spill over into residential area.

Then the third thing that I think is going to
have an impact on the home, I think it will devaluate
the homes in that area if this is going up. Those are
my findings of fact that I'm going to put forth. Make
a motion that the application be denied.

MR. REEVES: Is there a second to that motion?

(NO RESPONSE)

MR. REEVES: If not the motion dies for lack
of a second.

Chair will entertain another motion.

MR. FREY: Another question. In making a
motion to add conditions or a potential to add
conditions based on what would go there, how would we
make that motion? What do we add to where it would
come back to this commission and we would then be able
to put maybe special conditions on a special project,
if that makes sense?

MR. REEVES: It does. I think Mr. Noffsinger
can address that.

MR. NOFFSINGER: The concern there is that on
a zoning change you are only able to set conditions as
long as the applicant is agreeable. So you need to
know what those conditions are in advance and ask the
applicant if they are agreeable. That would then
determine whether or not if you wish to approve.

The development plan, you may make a motion to
approve with findings of fact that you would like to
see a development plan come before this body for their
consideration and for all adjoining property owners to
be notified by the applicant as to when that occurs.
That gives the neighborhood input, but it puts you in
a position if you don't have those special conditions
of having to approve the minimum that the ordinance
requires, and one thing we can't do in this community
is approve a development plan or a zoning change based
upon a particular use. Anything that's allowed in
that zone we have to allow.

Now, the developer can commit into the record
that there are certain uses that won't happen there,
and that has been upheld in the circuit court here
locally.

Now, if that were appealed, who knows where it
would go, but we have had a case where that has
occurred. So what that developer says on the record,
the courts have in the past held that developer to
those commitments.

MR. REEVES: Thank you, Mr. Noffsinger.

Chair continues to be ready for a motion.

MR. BOSWELL: I have a question, Mr. Chairman.

At this point, and I think recall this earlier
on, the developer mentioned that you had no specific
thing in mind at this point in time, as far as what
would go into those lots; is that correct?

MR. REEVES: Mr. Jones, you want to answer Mr. Boswell's question? He asked, if you at this point in time, do you have my specific plans to what might go into those lots?

MR. JONES: No, sir.

MR. BOSWELL: Which I think is part of the large concern that I hear. The neighbors and the folks in the area don't really know what to expect. Is there any way for you to be able to further that so that you can define that?

MR. JONES: That's pretty difficult to do. Right now it's multi-family. We obviously know what we can do with that. It can be a three-story, four-story apartment building, which probably is not the best use. To say it's going to be this or that it would be very difficult to do because I don't have any idea. I don't have any idea what the front might be at this point.

I would say this: The economics control a little bit what is going to go there. You know, we've generally tried to keep it in order. Someone mentioned blacktopping streets. We actually blacktopped that street today. Typically in a residential area we try to let most of the housing be
finished because then when you blacktop you get a good job. If you go in there and do it halfway through, then residents are stuck with a really bad street long term.

To say that specifically to agree to specific things, I have no idea what specifically that should be.

MR. BOSWELL: Thank you.

MR. REEVES: Thank you, Mr. Jones.

Chair continues to be ready for a motion.

MR. MOORE: If I may, let me ask one more questions of Mr. Jones, if I could.

MR. REEVES: Mr. Jones, could you come back up to the podium, please.

MR. MOORE: Bill, I know all of these people live in Lake Forest. They're concerned about commercial use, whether it be McDonald's or whatever. You said the multi-family is a no go. Is there --

MR. JONES: No, I'm sorry. It's not a no go. I mean you could do it. What you would have to do probably from an economic standpoint, if you look down the street most of those buildings are three-story, four-story high. That would probably be more detriment to the residents than almost anything else you could do.
Now, that's not what we're proposing at this point, but at some point something has got to happen to the property. In fact, having it vacant long-term probably is, again, a bigger negative than having things up there. I mean something actually. To say the only thing I know right now is what we could do with the area with the zoning that we have with the B-4 zoning. Obviously, it's pretty wide, but you're limited, you know, the cost of the land and things of that nature. It's probably going to attract more desirable thing.

I know in selling to the Dollar General store, if you look at that one compared to most of them, we required that they brick and do a lot of things that were in compliance with what we wanted to have happen. It's for sale. We couldn't turn them down just because we didn't like their name. That would be true in a lot of things. Yes, it would be great to say we have X, Y, Z and we could tell you, but that's not something I don't think we can do at this point. We've complied with every restriction so far.

We will do more than required as far as trees and buffering. I think one of the requirements is making sure that anything that went in there, whether it's multi-family or something else, the lights shine
away from whatever you have. People obviously don't
like the looks of say Ritzy's up there, well, Ritzy's
has been there five years, ten years. It was there
long before we were doing, putting that street in.

Now, what we are doing from a buffering
standpoint, in a few years it will block what we're
doing. Somebody said the trees were 3 foot. I mean I
happen to be up there. They were 5 or 6 foot. They
don't even sell them 3 foot high for that purpose.

You know, the buffering, in fact, we will put
them closer than 1 every 40 feet. I think if you look
across the front and if you look at Spring Run which
is there on Lake Forest, those pine trees are much
closer than 1 every 40 feet. We don't object to
putting them closer than that. It's true that they
won't buffer very much initially. The fence will
help. It will buffer. In fact, if you live on
Springhurst, when the fence goes in you probably, in
the area we're talking about, wouldn't be able to see
over that. Certainly the pine trees as they grow
would be very buffering. It will be buffering. When
those trees get filled out a little bit, they not only
buffer the view, they buffer the sound.

Now, what we're doing in Lake Forest in the
past or now or in the future has very little to do
with the traffic on Highway 54. They're not six
laning that because we built something. Yes, I live
on Lake Forest Drive. A lot of people cut through
there that shouldn't be there. If I could put a pole
up there, I would be in pretty good shape. You can't
control who comes through there. That one street will
service that area. It's not going to increase the
traffic on 54 I don't think. That's not the reason
they're widening that highway to six lane up through
there. I don't know if that answers the question.

MR. MOORE: Due to the lot size, those three
lots, does that eliminate the possibility of making
those part of the residential area?

MR. JONES: I don't thing you could zone that
for single-family residence up there. That would be a
question you would have to ask someone else.

I think multi-family is probably duplexes,
four-flexes, apartments, condos, you know, various
sundry things. As I say, probably any of those things
would have to be two or three levels. If you look at
the project up there where the Splash was, most of
those buildings are three, four stories high. That
high of a building in that area, which probably would
be economically feasible, would not be a very positive
ting. In fact, in my view would create a lot more
MR. REEVES: Does that answer your question, Mr. Moore?

MR. MOORE: Yes, sir.

MR. REEVES: Anyone prepared to make a motion?

MR. APPLEBY: I think I am.

Mr. Chairman, I would make a motion for approval based on the Staff's Recommend with the access condition and the Staff's Findings of Fact, but I would like to also impose some additional conditions.

That the applicant would agree that he will exceed the landscaping requirements as set out in the ordinance and agree to plant those trees closer together, as close as 15 feet if it makes sense.

MR. JONES: I think we probably would even do, I think our plans are to make them 10 feet.

MR. APPLEBY: Okay. At least that he will exceed those requirements and make them 10 feet apart. That he will restrict the type of lighting as to not impact the neighborhood. That he will put a covenant in the deeds of those lots that would require the future occupants to maintain and replace these trees that exceed the limit. If these trees die, they need to be replaced. Maintain all that landscaping to the
standard that you put it in at least initially. That
the covenant runs with the deeds. I'd also like to
have a condition that a development plan would be
submitted prior to any development taking place on
those properties with notification to the neighbors.

MR. NOFFSINGER: And approved by this body.

MR. APPLEBY: And approved by this body.

MR. REEVES: Do I have a second to the motion?

MR. MOORE: Second.

MR. REEVES: Mr. Jones, are you agreeable to
those conditions?

MR. JONES: Not the latter one. I mean
everything is required under the zoning as far as
buffering, lights. We're willing to do that. But
trying to restrict it to bring it before this and go
through this over and over is not a very positive
thing I don't think.

MR. APPLEBY: It's not requiring you to go
through a zoning again, but a development plan.

MR. JONES: No, but to come before this board
and you've got to notify people. You keep beating the
same horse over and over in my view.

MR. REEVES: Do you want the motion to stay
the same, Mr. Appleby?

MR. APPLEBY: My motion stays the same.
MR. REEVES: Do I have a second to that motion?

MR. MOORE: Second.

MR. REEVES: Any questions from the commissioners?

(NO RESPONSE)

MR. REEVES: All in favor of the motion raise your right hand.

(BOARD MEMBERS LARRY MOORE, IRVIN ROGERS, BEVERLY McENROE, DAVE APPLEBY, FRED REEVES, LARRY BOSWELL AND STEVE FREY RESPONDED AYE.)

MR. REEVES: Opposed like sign.

(BOARD MEMBER JOHN KAZLAUSKAS RESPONDED NAY.)

MR. REEVES: The application is approved with the conditions as specification by Mr. Appleby.

Somebody let Mr. Pedley know he can come back into the room.

MR. NOFFSINGER: Excuse me.

Mr. Chairman, did we go over the appeal at the beginning?

MR. REEVES: Yes.

Thank you all for coming this evening and participating and being civil. We appreciate that.

ITEM 6

4129, 4143, 4157 Vincent Station Drive, 3.067 acres Consider zoning change: From I-1 Light Industrial to
B-4 General Business
Applicant: Hayden Development Co., LLC

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the condition and findings of fact that follow:

CONDITION:

Installation of sidewalks along the road right-of-way.

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/Industrial Plan Area where General Business uses are appropriate in general locations; and,

3. The proposed B-4 General Business zoning is non-residential in nature and conforms to the requirements for building and lot patterns.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit D.

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone here have any comments or questions on the application?
CHAIRMAN: Commissioners have any comments or questions?

(No response)

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

MR. APPLEBY: Motion for approval based on the Staff's recommendations with the condition about the installation of sidewalks and Findings of Fact 1 through 3.

CHAIRMAN: We have a motion for approval by Mr. Appleby.

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. 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.

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NEW BUSINESS

ITEM 7

Consider approval of the FY 2015 OMPC budget and salary chart
MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of the budget and salary chart.
I'm available and have been available for questions and am available at this time.

CHAIRMAN: Commissioners have any comments or questions on the budget and salary chart?
(NO RESPONSE)

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

MR. REEVES: I move for approval.

MR. BOSWELL: Second.

CHAIRMAN: Motion by Mr. Reeves and 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 8

Consider approval of March 2014 financial statements

MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of the financial statements. I'm available for any questions and they're ready for your
CHAIRMAN: Commissioners have any comments or questions?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.
MR. ROGERS: Move to approve.
MS. McENROE: Second.
CHAIRMAN: Motion for approval and a second.
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.
ITEM 9
Comments by the Chairman
CHAIRMAN: It's been a long night, gentlemen. I'm going to make it very brief.
The selection committee for the director, we had one meeting and we're getting ready to have a meeting I believe tomorrow. We are going to search nationwide and get the advertising out. At this time we will leave it at that until we do have that meeting and a later day you will get the minutes of the
ITEM 10

Comments by the Planning Commissioners

CHAIRMAN: Mr. John K., do you have anything on the personnel policy that you would like to update us on?

MR. KAZLAUSKAS: Yes, sir.

We met yesterday and finalized everything in the personnel policy. We had some revisions that our attorney suggested that we review and the committee did that. I'm going to meet with Mr. Howard tomorrow and review the final product and all the changes that the committee suggested that we make to the personnel policy. Once we do that, we're going to ask that that revised copy of the personnel policy be sent to all of the commission members. We will do that electronically.

Mr. Noffsinger, if that's all right we'll do it electronically. If anybody wants a written copy, they can contact your office and your office will provide anyone with a written copy with the changes in it. Will that work?

MR. NOFFSINGER: Yes.

MR. KAZLAUSKAS: Then at our next meeting we will be ready to review those changes to the personnel
policy and answer any questions and hopefully vote and move forward with it.

I want to again thank the committee for working in very expedient way because we reviewed that personnel policy in less than six months. I want to thank our attorney for all the work that she did in helping us get through that. I think we're going to have a final product that is going to work very well for us. We will address it at our next meeting.

CHAIRMAN: Thank you, Mr. John K.

Any other commissioners have any comments?

(NO RESPONSE)

ITEM 11

Comments by the Director

CHAIRMAN: Mr. Noffsinger, do you have any comments?

MR. NOFFSINGER: The only thing I have, and it will require your action.

Back a few months ago we had a great idea and you approved the ride-along for each of the commissioners and the new commissioners, making it mandatory that you do a ride-along with the inspectors. Unfortunately, we're not going to be able to do that because of liability issues. I would like for you to take a vote to rescind that requirement.

Ohio Valley Reporting
(270) 683-7383
That's all I have.

CHAIRMAN: Okay. Need one more motion.

MR. APPLEBY: Move to rescind the requirement of ride-along.

MR. REEVES: Second.

CHAIRMAN: Any comments on that?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Now we need a motion to adjourn.

MR. BOSWELL: Motion to adjourn.

MR. KAZLAUSKAS: Second.

CHAIRMAN: We have a motion and a second. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

(Meeting is adjourned at 7:00 p.m.)
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 71 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
10th day of June, 2014.

LYNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

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

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