

1 OWENSBORO METROPOLITAN PLANNING COMMISSION
2 MAY 9, 2013
3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, MAY
5 9, 2013, AT CITY HALL, COMMISSION CHAMBERS, OWENSBORO,
6 KENTUCKY, AND THE PROCEEDINGS WERE AS FOLLOWS:

7 MEMBERS PRESENT: WARD PEDLEY, CHAIRMAN
8 IRVIN ROGERS, VICE CHAIRMAN
9 DAVID APPLEBY, SECRETARY
10 GARY NOFFSINGER, DIRECTOR
11 MADISON SILVERT, ATTORNEY
12 TIM ALLEN
13 WALLY TAYLOR
14 JOHN KAZLAUSKAS
15 GREG BLACK
16 FRED REEVES
17 LARRY BOSWELL
18 STEVE FRY

19 * * * * *
20

21 CHAIRMAN: CALL THE OWENSBORO METROPOLITAN
22 PLANNING MAY 9, 2013 MEETING TO ORDER. WE WILL BEGIN
23 OUR MEETING WITH A PRAYER AND PLEDGE OF ALLEGIANCE TO
24 THE FLAG. WOULD YOU STAND PLEASE.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

26 CHAIRMAN: FIRST, I WOULD LIKE TO RECOGNIZE A
27 NEW COMMISSIONER WE HAVE. MR. STEVE FRY. IT'S GOOD
28 TO HAVE HIM AND WELCOME HIM. THANK YOU FOR STEPPING
29 UP AND SERVING YOUR COMMUNITY.

30 WE WELCOME EVERYONE. WE WELCOME YOUR COMMENTS
31 AND YOUR QUESTIONS. WE ASK THAT YOU STEP TO ONE OF

1 THE PODIUMS, STATE YOUR NAME AND BE SWORN IN. PLEASE
2 SPEAK INTO THE MICROPHONES. A LOT OF PEOPLE WATCH
3 THESE MEETINGS. IF YOU DON'T SPEAK INTO THE
4 MICROPHONE, THEY DON'T HEAR IT. WE ALSO HAVE A COURT
5 REPORTER THAT NEEDS TO HEAR.

6 WITH THAT THE FIRST ITEM ON THE AGENDA IS
7 CONSIDER THE MINUTES OF THE APRIL 11, 2013 MEETING.
8 ARE THERE ANY ADDITIONS OR CORRECTIONS?

9 (NO RESPONSE)

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

12 MR. APPLEBY: MOTION FOR APPROVAL.

13 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

14 MR. ALLEN: SECOND.

15 CHAIRMAN: SECOND BY MR. ALLEN. ALL IN FAVOR
16 RAISE YOUR RIGHT HAND.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

19 NEXT ITEM, PLEASE.

20 MR. NOFFSINGER: MR. CHAIRMAN, AT THIS TIME
21 BEFORE WE GO ANY FURTHER, I WOULD LIKE TO TAKE AN
22 OPPORTUNITY TO RECOGNIZE ONE OF THE STAFF MEMBERS.
23 THAT WOULD BE MELISSA EVANS.

24 (GARY NOFFSINGER RECOGNIZES MELISSA EVANS.)

25 -----

1 PUBLIC HEARINGS

2 ITEM 2

3 CONSIDER AMENDMENTS TO THE TEXT OF THE ZONING
4 ORDINANCE FOR OWENSBORO, WHITESVILLE AND DAVIESS
5 COUNTY, KENTUCKY, REGARDING REVISIONS TO ARTICLE 21,
6 SECTIONS 2, 21.22 AND 21.61 TO IDENTIFY CHARACTER
DISTRICTS WITHIN THE DOWNTOWN OVERLAY DISTRICT THAT
WILL COMPRISE A SPECIAL ENTERTAINMENT DISTRICT IN
CONFORMANCE WITH KRS 100.203(1)(E).

7 MR. SILVERT: WOULD YOU STATE YOUR NAME
8 PLEASE?

9 MR. HOWARD: BRIAN HOWARD.

10 (BRIAN HOWARD SWORN BY ATTORNEY.)

11 MR. HOWARD: I HAVE A BRIEF STAFF REPORT AND
12 PRESENTATION THAT I WILL ENTER, AND THEN ED RAY FROM
13 THE CITY OF OWENSBORO IS HERE TO ANSWER ANY QUESTIONS
14 THAT YOU MAY HAVE.

15 THIS COMES BEFORE YOU AS A TEXT AMENDMENT AT
16 THE REQUEST OF THE CITY. THEY WERE LOOKING AT THE
17 DOWNTOWN AREA AND FELT THE NEED TO LOOK INTO
18 ESTABLISHING THIS ENTERTAINMENT DISTRICT. THE
19 ENTERTAIN DISTRICT, WHICH THERE'S A MAP UP ON THE
20 SCREEN. THE DIFFERENT COLORS REPRESENT THE DIFFERENT
21 CHARACTER DISTRICTS THERE WITHIN THE DOWNTOWN OVERLAY
22 DISTRICT. THE GREEN IS THE OUTER BOUNDARY OF THE
23 ENTIRE AREA.

24 THE ENTERTAINMENT DISTRICT WILL COMPRISE OF
25 THE HISTORIC CORE, THE DOWNTOWN CORE, THE RIVERFRONT

1 CORE HISTORIC DISTRICT, RIVERFRONT EDGE AND RIVERFRONT
2 PASEO DISTRICT. THAT'S WHAT YOU SEE HERE. THOSE ARE
3 THE AREAS THAT BE INCLUDED.

4 THE OTHER AREAS THAT ARE PART OF THE DOWNTOWN
5 OVERLAY DISTRICT WILL NOT BE PART OF THE ENTERTAINMENT
6 DISTRICT.

7 THE STAFF PREPARED A STAFF REPORT AND WE HAVE
8 SOME FINDINGS THAT I'LL READ INTO THE RECORD.
9 FINDINGS OF FACT:

10 1. THE OWENSBORO RIVERFRONT PLAN (2001)
11 RECOMMENDED ACTIVE USES AND ADDITIONAL ENTERTAINMENT
12 FACILITIES AND EVENTS ALONG THE RIVERFRONT;

13 2. THE RIVERFRONT CHARACTER DISTRICTS
14 ENCOURAGE APPROPRIATE COMMUNITY USES, MIXED USE AND
15 PEDESTRIAN ORIENTED DEVELOPMENT ALONG THE RIVER WITHIN
16 THE PASEO DISTRICT LINKING THE DOWNTOWN CORE TO THE
17 RIVERFRONT;

18 3. THE HISTORIC CORE AND DOWNTOWN CORE
19 ENCOURAGE REDEVELOPMENT OF THESE AREAS AND
20 REINFORCEMENT OF THE PEDESTRIAN ORIENTATION WHICH IS
21 CONDUCIVE TO A "ENTERTAINMENT DISTRICT;"

22 4. THE ADOPTION OF THESE CHARACTER DISTRICTS
23 AS "ENTERTAINMENT DISTRICT" WILL HELP PROTECT THE
24 INVESTMENT AND GOALS OF THE DOWNTOWN MASTER PLAN;

25 5. THE ADOPTION OF AN "ENTERTAINMENT

1 DISTRICT" WILL HELP ACHIEVE THE GOAL OF THE
2 COMPREHENSIVE PLAN TO REVITALIZE AND STRENGTHEN OLDER
3 COMMERCIAL AREAS, ESPECIALLY DOWNTOWN AREAS, AS
4 BUSINESS AND CULTURAL CENTERS;

5 6. THE ADOPTION OF AN "ENTERTAINMENT
6 DISTRICT" WILL HELP ACHIEVE THE GOAL OF THE
7 COMPREHENSIVE PLAN TO PROMOTE WATERFRONT DEVELOPMENT
8 TO ENHANCE RECREATION AND TOURISM;

9 7. THE ADOPTION OF AN "ENTERTAINMENT
10 DISTRICT" WILL HELP ACHIEVE THE GOAL OF THE
11 COMPREHENSIVE PLAN TO PROVIDE FOR THE EXPANSION OF
12 EXISTING BUSINESS CENTERS IN A LOGICAL MANNER THAT
13 CONSIDERS THE CHARACTERISTICS OF THE AREA INVOLVED;
14 AND,

15 8. THE ADOPTION OF AN "ENTERTAINMENT
16 DISTRICT" IS IN COMPLIANCE WITH THE GOALS AND
17 OBJECTIVES OF THE COMMUNITY'S COMPREHENSIVE PLAN.

18 MR. HOWARD: I WOULD LIKE TO ENTER THE STAFF
19 REPORT INTO THE RECORD AS EXHIBIT A.

20 AS I SAID, MR. ED RAY FROM THE CITY OF
21 OWENSBORO IS HERE TO ANSWER ANY QUESTIONS THAT YOU MAY
22 HAVE.

23 MR. SILVERT: MR. RAY, YOU'RE SWORN AS AN
24 ATTORNEY.

25 MR. RAY: MR. CHAIRMAN, MEMBERS OF THE

1 COMMISSION AND STAFF, FIRST I WANTED TO SAY ON BEHALF
2 OF THE MAYOR AND THE CITY COMMISSION, THANK YOU VERY
3 MUCH FOR THE EFFORTS AND WORK OF YOUR STAFF ON
4 CREATING A LEGISLATION THAT'S THE BASIS FOR WHY WE'RE
5 HERE TODAY FOR THIS TEXT AMENDMENT. YOUR STAFF GOT
6 TOGETHER WITH THE CITY STAFF WELL BEFORE ANYONE IN
7 FRANKFORT KNEW THIS WAS COMING.

8 WE CREATED JOINTLY A DOCUMENT THAT IN DRAFT
9 FORM TO GO UP AND ASK OUR LEGISLATURES TO PASS THIS TO
10 PROTECT THE LOCAL INVESTMENT THAT THE CITY AND THE
11 COUNTY ALL THE CITIZENS OF OWENSBORO AND DAVIESS
12 COUNTY HAVE MADE TO DOWNTOWN. THAT'S WHY WE'RE HERE.
13 WE'RE HERE TO CREATE THE ENTERTAINMENT DISTRICT AND
14 ASK FOR YOUR SUPPORT IN DOING THAT. I'M HERE TO
15 ANSWER ANY QUESTIONS THAT YOU MAY HAVE ABOUT THIS TEXT
16 AMENDMENT.

17 CHAIRMAN: DOES ANY COMMISSION MEMBERS HAVE
18 ANY QUESTIONS OF MR. HOWARD OR MR. RAY?

19 MR. BOSWELL: I JUST HAVE A GENERAL QUESTION.

20 IN THE PROCESS OF DOING THIS, WAS THERE ANY
21 DEFINITION FOR WHAT IS ENTERTAINMENT IN THIS
22 PARTICULAR AREA?

23 MR. RAY: WELL, THE LEGISLATION THAT WAS
24 CREATED USED THE TERM "ENTERTAINMENT DISTRICT" TO ALSO
25 ADDRESS SOME OF THE PRE-EXISTING IDENTIFIERS IN OTHER

1 LEGISLATION THAT WILL BE ALLOWED TO BE EXEMPTED FROM A
2 WET/DRY VOTE.

3 IN THIS PARTICULAR CASE, THERE'S SOME
4 QUALIFICATIONS THAT WENT INTO PLACE THAT WOULD APPLY
5 TO OWENSBORO. SOME OF THE OTHER QUALIFICATIONS OR
6 WAYS THAT YOU COULD GET THERE DID NOT APPLY TO
7 OWENSBORO.

8 IN THIS PARTICULAR CASE, THE QUALIFICATIONS
9 BASICALLY HAD TO HAVE A POPULATION OF MORE THAN 12,000
10 IN THE CITY. THAT LOCATION HAD TO HAVE AT LEAST \$5
11 MILLION IN PUBLIC INFRASTRUCTURE AND INVESTMENT.
12 THERE'S NO ONE HERE TODAY THAT CERTAINLY QUESTION THAT
13 THAT DOWNTOWN CORE AREA AND THAT RIVERFRONT AREA
14 EXCEEDS THE \$5 MILLION INVESTMENT.

15 IT'S CRITICAL TO THE SUCCESS OF THAT, BOTH
16 GOAL SPECTRUM, THE CITY'S MANAGER OF THE CONVENTION
17 CENTER, THE FOLKS DOWN AT THE RIVER PARK CENTER, THE
18 CONVENTION BUSINESS BUREAU HAVE ALL WEIGHED IN TO SAY
19 THAT IF THAT PARTICULAR AREA WAS TO HAVE A WET/DRY
20 VOTE AND GO DRY, IT WOULD ABSOLUTELY DESTROY THE
21 TOURISM INTENT OF THE REVITALIZATION PROJECT.

22 CHAIRMAN: ANY OTHER COMMISSIONERS HAVE ANY
23 COMMENTS OR QUESTIONS OF MR. HOWARD OR MR. RAY?

24 (NO RESPONSE)

25 CHAIRMAN: ANYONE IN THE AUDIENCE WOULD LIKE

1 TO SPEAK ON THIS ISSUE OR HAVE ANY QUESTIONS OR
2 COMMENTS?

3 (NO RESPONSE)

4 CHAIRMAN: IF NOT THE CHAIR IS READY FOR
5 CONSIDERATION.

6 MR. REEVES: MR. PEDLEY, COULD I HAVE THE
7 HONOR OF MAKING THIS MOTION BEING I SPENT THREE YEARS
8 OF MY LIFE DOING THIS.

9 I APPLAUD THE CITY AND MR. ED FOR TAKING THIS
10 INITIATIVE AND PROTECTING THIS INVESTMENT IN THE
11 COMMUNITY. I HEARTILY MAKE A MOTION THAT WE APPROVE
12 THIS AMENDMENT.

13 CHAIRMAN: WE HAVE A MOTION BY MR. REEVES FOR
14 APPROVAL. IS THERE A SECOND?

15 MR. TAYLOR: SECOND.

16 CHAIRMAN: SECOND BY MR. TAYLOR. COMMENTS OR
17 QUESTIONS ON THE MOTION?

18 (NO RESPONSE)

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: THE MOTION CARRIES UNANIMOUS.
23 NEXT ITEM, PLEASE.

24 -----

25 ZONING CHANGES

1 ITEM 3
2 317 COAST GUARD LANE, 0.799 ACRES
3 CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO
4 R-1A SINGLE-FAMILY RESIDENTIAL
5 APPLICANT: GREGORY J. & DEBORAH S. HAYDEN

6 MR. HOWARD: I WILL NOTE THAT ALL OF THE
7 REZONINGS HEARD TONIGHT WILL BECOME FINAL 21 DAYS
8 AFTER THE MEETING UNLESS AN APPEAL IS FILED. IF AN
9 APPEAL IS FILED, WE WILL FORWARD THE RECORD OF THE
10 MEETING ALONG WITH THE STAFF REPORT AND ALL
11 DOCUMENTATION TO THE APPROPRIATE LEGISLATIVE BODY FOR
12 THEIR FINAL ACTION. THE APPEAL FORMS ARE AVAILABLE ON
13 THE BACK TABLE, ON OUR WEBSITE AND IN OUR OFFICE, IF
14 SOMEONE WISHES TO APPEAL.

15 PLANNING STAFF RECOMMENDATIONS

16 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
17 TO THE FINDINGS OF FACT THAT FOLLOW:
18 FINDINGS OF FACT:

19 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
20 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
21 COMPREHENSIVE PLAN;

22 2. THE SUBJECT PROPERTY IS LOCATED IN AN
23 URBAN RESIDENTIAL PLAN AREA, WHERE URBAN LOW-DENSITY
24 RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

25 3. THE CONTINUANCE OF USE AS A SINGLE-FAMILY
 RESIDENCE THAT WAS ORIGINALLY CONSTRUCTED IN 1950

1 MEETS THE CRITERIA FOR URBAN RESIDENTIAL DEVELOPMENT;
2 AND,

3 4. SANITARY SEWER SERVICE IS CURRENTLY IN
4 PLACE.

5 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
6 REPORT INTO THE RECORD AS EXHIBIT B.

7 CHAIRMAN: ANYONE HERE REPRESENTING THE
8 APPLICANT?

9 MR. SILVERT: COULD YOU STATE YOUR NAME,
10 PLEASE?

11 MS. HAYDEN: DEBORAH HAYDEN.

12 (DEBORAH HAYDEN SWORN BY ATTORNEY.)

13 MS. HAYDEN: WE WANTED TO GET A BUILDING
14 PERMIT TO BUILD A GARAGE ON OUR PROPERTY. WE'VE LIVED
15 ON THE PROPERTY SINCE 1990. WE OWN IT. WE BOUGHT IT
16 FROM MY HUSBAND'S PARENTS WHO BUILT THE HOUSE THERE.
17 IT'S A RESIDENTIAL AREA.

18 WE'RE BASICALLY WANTING TO REPLACE A GARAGE
19 THAT HAS BEEN THERE FOR YEARS AND YEARS AND YEARS AND
20 NEEDS TO BE REPLACED. IT'S SITTING ON THE LINE. I
21 KNOW THAT WE HAVE TO BUILD IT IN A DIFFERENT AREA ON
22 THE LOT. WE DIDN'T REALIZE THAT WE WERE ZONED
23 COMMERCIAL UNTIL WE WENT TO GET THE BUILDING PERMIT.

24 CHAIRMAN: ANY COMMISSIONERS HAVE ANY
25 QUESTIONS OF THIS LADY?

1 (NO RESPONSE)

2 CHAIRMAN: THANK YOU VERY MUCH. SEE IF WE
3 HAVE ANY OPPOSITION.

4 ANYONE LIKE TO SPEAK ON THIS? ANY COMMENTS OR
5 QUESTIONS, ANY OPPOSITION ON THIS APPLICATION?

6 (NO RESPONSE)

7 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY COMMENTS
8 OR QUESTIONS?

9 (NO RESPONSE)

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

12 MR. ROGERS: MOTION FOR APPROVAL BASED ON
13 PLANNING STAFF RECOMMENDATIONS AND FINDINGS OF FACT 1
14 THROUGH 4.

15 CHAIRMAN: WE HAVE A MOTION BY MR. ROGERS.

16 MR. ALLEN: SECOND.

17 CHAIRMAN: SECOND BY MR. ALLEN. COMMENTS OR
18 QUESTIONS ON THE MOTION?

19 (NO RESPONSE)

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

24 NEXT ITEM, PLEASE.

25 ITEM 4

1 601, 801 COMMERCE DRIVE, 17.63 ACRES
2 CONSIDER ZONING CHANGE: FROM B-1 NEIGHBORHOOD
3 BUSINESS, I-1 LIGHT INDUSTRIAL AND R-1A SINGLE-FAMILY
4 RESIDENTIAL TO B-4 GENERAL BUSINESS
5 APPLICANT: RURAL KING, INC.; ROBERT ANDERSON & LARRY
6 HARRINGTON, BRUCE & KERMIT SPEER & GARY MELVIN

7
8
9 PLANNING STAFF RECOMMENDATIONS

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

13 APPROVAL OF THE MAJOR SUBDIVISION PRELIMINARY
14 PLAT/FINAL DEVELOPMENT PLAN.

15 FINDINGS OF FACT:

16 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
17 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
18 COMPREHENSIVE PLAN;

19 2. THE SUBJECT PROPERTY IS PARTIALLY LOCATED
20 IN A BUSINESS PLAN AREA, WHERE GENERAL BUSINESS USES
21 ARE APPROPRIATE IN LIMITED LOCATIONS AND PARTIALLY
22 LOCATED IN AN URBAN RESIDENTIAL PLAN AREA, WHERE
23 GENERAL BUSINESS USES ARE APPROPRIATE IN VERY-LIMITED
24 LOCATIONS;

25 3. THE PROPOSED USE OF THE PROPERTY WILL BE
26 NONRESIDENTIAL IN NATURE;

27 4. A PORTION OF THE SUBJECT PROPERTY IS
28 CURRENTLY ZONED B-1 NEIGHBORHOOD BUSINESS AND THE
29 PROPOSAL IS A LOGICAL EXPANSION OF EXISTING B-4

1 GENERAL BUSINESS ZONING TO THE NORTH AND WEST; AND,
2 5. WITH ACCESS VIA AN EXTENSION OF COMMERCE
3 DRIVE TO US HIGHWAY 60 EAST THE PROPOSED ZONING CHANGE
4 SHOULD NOT OVERBURDEN THE CAPACITY OF ROADWAYS AND
5 OTHER NECESSARY URBAN SERVICES THAT ARE AVAILABLE IN
6 THE AFFECTED AREA.

7 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
8 REPORT INTO THE RECORD AS EXHIBIT C.

9 CHAIRMAN: ANYONE HERE REPRESENTING THE
10 APPLICANT?

11 MR. SILVERT: COULD YOU STATE YOUR NAME,
12 PLEASE?

13 MR. RENCHLER: MATHEW RENCHLER ON BEHALF OF
14 RURAL KING.

15 (MATHEW RENCHLER SWORN BY ATTORNEY.)

16 CHAIRMAN: DO YOU HAVE ANY COMMENTS OR
17 QUESTIONS YOU WOULD LIKE TO PRESENT TO THE
18 COMMISSIONERS?

19 MR. RENCHLER: I AM HERE SIMPLY IF THERE ARE
20 ANY QUESTIONS REGARDING THE PROJECT. OUR
21 ARCHITECTURAL ENGINEER PUT TOGETHER THE PROPOSAL.

22 CHAIRMAN: ANY COMMISSIONERS HAVE QUESTIONS ON
23 THIS APPLICATION?

24 (NO RESPONSE)

25 CHAIRMAN: LET'S SEE IF WE HAVE ANY OPPOSITION

1 ON THIS.

2 ANYONE HERE WOULD LIKE TO SPEAK IN OPPOSITION
3 OR HAVE ANY COMMENTS OR QUESTIONS ON THIS APPLICATION?
4 WOULD YOU STEP TO THE PODIUM, PLEASE.

5 MR. SILVERT: WOULD YOU STATE YOUR NAME,
6 PLEASE?

7 MR. WINKLER: EDWARD LEE WINKLER.

8 (EDWARD LEE WINKLER SWORN BY ATTORNEY.)

9 MR. WINKLER: I JUST HAVE A QUESTION.
10 I LIVE RIGHT THERE WHERE THIS PROPERTY IS AT.
11 I'M WANTING TO KNOW HOW CLOSE THIS PROJECT IS GOING TO
12 BE TO MY HOUSE, WHICH IS 2518 EAST NINTH STREET. ARE
13 THEY GOING TO -- I JUST DON'T KNOW WHAT THEY'RE DOING.
14 I KNOW THEY'RE WANTING TO CHANGE THE ZONING, BUT I
15 DON'T KNOW HOW THAT'S GOING TO AFFECT MY HOME THAT I
16 LIVE IN, HOW THAT'S GOING TO AFFECT MY PROPERTY.

17 CHAIRMAN: IS THAT ALL YOUR QUESTIONS?

18 MR. WINKLER: YES. I JUST WANT TO KNOW. I'M
19 IN THE DARK OF WHAT THEIR PROPOSAL IS. HOW THEY'RE
20 GOING TO BUILD THIS THING. WHETHER THEY'RE GOING TO
21 HAVE A BUNCH OF STUFF SITTING OUT RIGHT ACROSS FROM
22 WHERE I LIVE AT OR WHETHER IT'S GOING TO BE UP FURTHER
23 OR WHAT. I JUST DON'T HAVE ANY FURTHER IDEA. I WOULD
24 OPPOSE, AFTER LOOKING AT IT, OF A BUNCH OF STUFF
25 SITTING NEXT-DOOR TO MY HOUSE.

1 CHAIRMAN: LET'S SEE IF WE CAN GET YOU SOME
2 ANSWERS.

3 ANYONE ELSE HAVE ANY QUESTIONS OR COMMENTS ON
4 THIS APPLICATION?

5 (NO RESPONSE)

6 CHAIRMAN: SIR, WOULD YOU STEP UP AND ANSWER
7 HIS QUESTIONS.

8 MR. SILVERT: STATE YOUR NAME, PLEASE.

9 MR. CALVERT: MATT CALVERT.

10 (MATT CALVERT SWORN BY ATTORNEY.)

11 MR. SILVERT: MR. CALVERT, BEFORE YOU BEGIN, I
12 DO NEED TO STATE, AS YOU'RE NOT AN ATTORNEY AND THIS
13 IS A CORPORATE APPLICANT, YOU CAN'T REPRESENT THE
14 KNOWLEDGE OF THE CORPORATION OR REPRESENT THE
15 CORPORATION, BUT YOU CAN REPRESENT WHAT YOU KNOW OR
16 WHAT QUESTIONS ARE ELICITED TO YOU FROM THE CHAIR IN
17 YOUR PROFESSIONAL CAPACITY.

18 MR. CALVERT: YES, SIR.

19 YOU CAN SEE FROM THE SCREEN UP HERE ROUGHLY
20 FROM THE PROPERTY LINE OF THE RESIDENTIAL SUBDIVISION
21 OF THE PROPERTY LINE FOR RURAL KING WILL BE 50 FOOT
22 OFFSET. WE WILL HAVE A 6 FOOT SCREENING FENCE WITH
23 TREES EVERY 40 FEET. THE BACK OF THE BUILDING WILL BE
24 APPROXIMATELY ANOTHER 150 FEET FROM THAT.

25 CHAIRMAN: ARE THERE ANY OTHER COMMENTS OR

1 QUESTIONS BEFORE WE BRING THE APPLICANT UP?

2 MR. KAZLAUSKAS: MR. PEDLEY, ONE QUESTION.

3 THAT 50 FEET, IS THAT GOING TO CONTINUE TO BE
4 GREEN SPACE?

5 MR. CALVERT: IT WILL FOR NOW. IN THE FUTURE,
6 IT COULD POSSIBLY BE A ROADWAY.

7 MR. KAZLAUSKAS: THANK YOU.

8 MR. NOFFSINGER: I DO HAVE A QUESTION IN TERMS
9 OF THE NEIGHBORS WERE ASKING ABOUT STORAGE ON THE
10 PROPERTY, DISPLAY AND STORAGE. CAN YOU TALK A LITTLE
11 BIT ABOUT WHAT YOU HAVE PROPOSED ON THE SITE PLAN AND
12 HOW YOU'RE GOING TO HANDLE THAT.

13 MR. CALVERT: ON OUR SITE PLAN, WE LOCATE TWO
14 AREAS OF THE OUTDOOR DISPLAY. THEY'RE ALL OUT TOWARD
15 THE FRONT OF THE BUILDING. THERE'S A 10 FOOT STRIP
16 RIGHT IN FRONT OF THE BUILDING, AND THEN ANOTHER
17 ROUGHLY 19,000 SQUARE FEET WITHIN THE PARKING LOT
18 ITSELF.

19 MR. NOFFSINGER: SIR, DO YOU PROPOSE ANY
20 OUTDOOR STORAGE ON THE PROPERTY IN ANY LOCATIONS,
21 OTHER THAN THE DISPLAY AREAS YOU'VE SHOWN?

22 MR. CALVERT: I'M NOT AWARE OF ANY.

23 MR. NOFFSINGER: I NEED TO ASK MR. HOWARD IF
24 WE DO HAVE NOTATION ON THE PLAN ABOUT OUTDOOR STORAGE.

25 MR. HOWARD: YES. WE INCLUDED A NOTE ON THERE

1 INDICATING THE AREAS THAT WILL BE USED FOR OUTDOOR
2 DISPLAY. AS MR. CALVERT POINTED OUT, THEY'RE ALL
3 TOWARD THE BUILDING. THEY DO NOT PROPOSE OR SHOW ANY
4 OUTDOOR STORAGE TO THE REAR OF THE BUILDING ON THIS
5 PLAN.

6 MR. NOFFSINGER: IF THEY PROPOSE OUTDOOR
7 STORAGE OR ACTUALLY IMPLEMENTED OUTDOOR STORAGE ON THE
8 PROPERTY, WHAT WOULD BE THE PROCESS BY WHICH THEY
9 WOULD HAVE TO GO THROUGH TO DO THAT?

10 MR. HOWARD: OUTDOOR STORAGE, IF AN OUTDOOR
11 STORAGE AREA WERE PROPOSED THE DEVELOPMENT PLAN WOULD
12 BE AMENDED. ALL OUTDOOR STORAGE AREAS ARE REQUIRED TO
13 BE SCREENED BY A 6 FOOT TALL MINIMUM SOLID FENCE THAT
14 IS COMPLETELY ENCLOSED. THAT WOULD INCLUDE IF THERE
15 WAS A GATE TO ENTER THE OUTDOOR STORAGE AREA, THE GATE
16 WOULD HAVE BEEN TO BE SOLID AS WELL. IT HAS TO BE
17 COMPLETELY ENCLOSED AND IT WOULD REQUIRE AN AMENDMENT
18 TO THE DEVELOPMENT PLAN THAT IS FURTHER ON THE AGENDA
19 LATER TONIGHT.

20 CHAIRMAN: DID HE ANSWER YOUR QUESTIONS THAT
21 YOU NEEDED? COME TO THE PODIUM, PLEASE.

22 MR. WINKLER: AM I UNDERSTANDING, FROM THE
23 RESIDENTIAL AREA THERE WILL BE A 50 FOOT DISTANCE AND
24 THEN THERE WILL BE THE FENCE?

25 MY WIFE HAD A QUESTION TOO. WHAT SHE WAS

1 WONDERING ABOUT IS WHAT ARE THEY GOING TO DO ABOUT
2 MAINTAINING THE GREEN AREA? RIGHT NOW I KEEP THE
3 GRASS CUT IN THE DITCH THERE BECAUSE NOBODY ELSE DOES
4 IT. THAT'S A CONCERN TOO THAT I HAVE.

5 I REALLY CAN'T TELL. I THINK I CAN TELL WHERE
6 THE BUILDING IS. I SEE THE TREE LINE, BUT I'M NOT
7 SURE WHICH SIDE OF THAT WHERE THE RESIDENTIAL AREA IS
8 LOOKING AT THE DRAWING.

9 MR. APPLEBY: DO YOU WANT TO LOOK AT THIS
10 DRAWING?

11 MR. WINKLER: YES, PLEASE.

12 MR. REEVES: MR. CHAIRMAN, I'M HAVING A LITTLE
13 HARD TIME GETTING ORIENTED. WOULD SOMEBODY PUT THEIR
14 FINGER WHERE KROGER'S IS RIGHT NOW. THAT WILL HELP ME
15 UNDERSTAND.

16 (MR. HOWARD COMPLIES WITH REQUEST.)

17 MR. REEVES: THANK YOU.

18 (MR. APPLEBY CONFERS WITH MR. WINKLER.)

19 MR. WINKLER: THAT'S ALL I HAVE. I
20 UNDERSTAND.

21 CHAIRMAN: THANK YOU VERY MUCH.

22 ANYONE ELSE HAVE QUESTIONS?

23 COME TO THE PODIUM, PLEASE.

24 MR. SILVERT: COULD YOU STATE YOUR NAME,
25 PLEASE?

1 MR. LINDSEY: FRANK LINDSEY.

2 (FRANK LINDSEY SWORN BY ATTORNEY.)

3 MR. LINDSEY: THERE'S THREE DEAD END STREETS
4 THERE. ARE THEY GOING TO BE OPENED UP INTO THIS?
5 THERE'S 10TH, 9TH AND 8TH THAT DEAD END INTO THAT
6 FIELD.

7 MR. NOFFSINGER: SIR, AT THIS POINT IN TIME
8 THEY ARE NOT PROPOSING TO EXTEND THOSE STREETS. THEY
9 ARE RESERVING THAT 50 FOOT STRIP THAT WILL BE RETAINED
10 WITH THE PARENT TRACT WHERE THOSE STREETS COULD
11 CONNECT TO THAT 50 FOOT STRIP WITH A STREET IN THE
12 FUTURE; HOWEVER, THAT IS NOT A PROPOSAL AT THIS TIME.

13 MR. LINDSEY: I DO UNDERSTAND THERE'S GOING TO
14 BE A FENCE AROUND IT AND THE TREES AND GREEN SPACE.

15 MR. NOFFSINGER: YES, SIR.

16 MR. LINDSEY: FIFTY FOOT GREEN SPACE?

17 MR. NOFFSINGER: WELL, THE 50 FOOT I BELIEVE
18 GREEN SPACE WOULD BE THE AREA OF THE FUTURE STREET.
19 THEN YOU WOULD HAVE THE FENCE. THEN YOU WOULD HAVE A
20 DISTANCE OF GREEN SPACE FROM THE FENCE TO THEIR
21 PAVEMENT OF X NUMBER OF FEET. 150. ABOUT 150 FEET
22 AND THAT'S WHERE THEIR PAVEMENT WILL BEGIN. THEN
23 YOU'RE PROBABLY LOOKING AT SOMETHING LIKE 40 TO 60
24 FEET AND THAT'S WHERE THEIR BUILDING WOULD BE.

25 MR. LINDSEY: THANK YOU.

1 CHAIRMAN: DOES ANYONE ELSE HAVE QUESTIONS?

2 (NO RESPONSE)

3 CHAIRMAN: ANY COMMISSIONERS HAVE COMMENTS OR
4 QUESTIONS?

5 (NO RESPONSE)

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

8 MR. KAZLAUSKAS: MAKE A MOTION --

9 CHAIRMAN: WE HAVE ONE MORE COMMENT.

10 MR. CALVERT: I JUST WANT TO MAKE A POINT.
11 THERE WILL BE A BENEFIT. I DON'T KNOW IF IT'S UP ON
12 THIS ITEM OR LAST ONE. TO THE RESIDENTIAL AREA THERE
13 WILL ACTUALLY BE A FIRE HYDRANT RUN BACK TO THE, I
14 BELIEVE IT'S FOURTH STREET, TO THE EDGE OF THE
15 PROPERTY LINE. SO THERE WILL BE AN ADDITIONAL FIRE
16 HYDRANT FOR THAT RESIDENTIAL AREA AS A PART OF THIS
17 OVERALL PLAN.

18 MR. SILVERT: SIR, ARE YOU AN ATTORNEY?

19 MR. CALVERT: I'M A REPRESENTATIVE OF THE
20 CORPORATION.

21 MR. SILVERT: SO YOU'RE A REPRESENTATIVE OF
22 THE CORPORATION?

23 MR. CALVERT: YES.

24 MR. SILVERT: I NEED TO WARN YOU AGAINST
25 TESTIMONY ON BEHALF OF THE CORPORATION THAT'S NOT

1 REPRESENTED BY COUNSEL. WE JUST NEED TO BE CAREFUL
2 ABOUT THAT.

3 MR. CALVERT: I'M AWARE OF THAT.

4 CHAIRMAN: ANY OTHER QUESTIONS BY THE
5 COMMISSIONERS?

6 (NO RESPONSE)

7 CHAIRMAN: CHAIR IS READY FOR A MOTION.

8 MR. KAZLAUSKAS: MAKE A MOTION THAT THE
9 APPLICATION BE APPROVED BASED ON PLANNING STAFF
10 RECOMMENDATIONS WITH THE CONDITION OF APPROVAL OF THE
11 MAJOR SUBDIVISION PRELIMINARY PLAT/FINAL DEVELOPMENT
12 PLAN AND FINDINGS OF FACT 1 THROUGH 5.

13 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.

14 MR. APPLEBY: SECOND.

15 CHAIRMAN: WE HAVE A SECOND BY MR. APPLEBY.
16 ANY COMMENTS OR QUESTIONS ON THE MOTION?

17 (NO RESPONSE)

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: MOTION CARRIES UNANIMOUS.

22 NEXT ITEM, PLEASE.

23 RELATED ITEMS:

24 ITEM 4A

25 801 COMMERCE DRIVE, PROPOSED B-4
CONSIDER A REQUEST FOR A VARIANCE IN CONJUNCTION WITH

1 AN APPLICATION FOR ZONING CHANGE TO ELIMINATE THE
2 REQUIRED PERIMETER SCREENING CONSISTING OF A SIX FOOT
3 SOLID WALL OR FENCE AND ONE TREE EVERY 40 LINEAR FEET
4 A DISTANCE OF 392 FEET ALONG THE SOUTHEAST PROPERTY
5 LINE AND 387 FEET ALONG THE NORTHWEST PROPERTY LINE AS
6 SHOWN ON THE SUBMITTED SITE PLAN.
7 REFERENCE: ZONING ORDINANCE, ARTICLE 17,
8 SECTION 17.3111(B)
9 APPLICANT: RURAL KING, INC.; ROBERT ANDERSON & LARRY
10 HARRINGTON

11 MR. HOWARD: BEFORE I DO MY STAFF REPORT, I'M
12 GOING TO GO UP TO THE SCREEN AND USE THE MOUSE TO KIND
13 OF DELINEATE THE TWO AREAS OF REQUEST FOR VARIANCE FOR
14 THOSE VIEWING.

15 HOPEFULLY YOU ALL WERE ABLE TO SEE THAT.

16 BASICALLY WHAT THEY'RE REQUESTING IS A
17 VARIANCE ALONG TO THE REAR OF THE BUILDING ON THE
18 PORTION OF THE PROPERTY THAT IS CURRENTLY ZONED R-1A.
19 THEY ARE INCLUDING THE INSTALLATION OF A 6 FOOT TALL
20 SOLID WALL OR FENCE ON THE REAR PROPERTY LINE THAT
21 WOULD ABUT THE RESIDENTIAL AREA THERE TO THE REAR.
22 THEY'RE ASKING FOR VARIANCE ON THE SIDES.

23 THEY'RE PROPOSING A NEW DEVELOPMENT. THE SITE
24 IS ABOUT 2.45 ACRES. THERE IS THE 50 FOOT BUFFER
25 STRIP THAT COULD POTENTIALLY BE CONSTRUCTED AS A
RESIDENTIAL STREET AT SOME POINT IN THE FUTURE THAT
WOULD ALLOW THOSE STUB STREETS TO CONNECT BECAUSE THAT
PROPERTY IS ZONED RESIDENTIAL AT THIS POINT. THEY ARE
INCLUDING THE INSTALLATION OF THE FENCE ALONG THAT

1 BACK PROPERTY LINE.

2 THE WAY THE STAFF IS LOOKING AT IT IS WHILE
3 THE ADJOINING PROPERTY REMAINS VACANT, IT IS ZONED
4 R-1A BUT IT IS VACANT. IT'S BEEN FARMED. WE CAN
5 UNDERSTAND THE REQUEST FOR A VARIANCE REQUEST IN THAT
6 LOCATION. HOWEVER, PART OF THAT IS WE WOULD LOOK AT
7 IT FROM A PERSPECTIVE THOUGH THAT IF THAT PROPERTY
8 WERE TO DEVELOPMENT RESIDENTIALLY IN THE FUTURE, THAT
9 THE SCREENING WOULD NEED TO BE THERE TO PROVIDE THAT
10 APPROPRIATE BUFFER AS DESCRIBED AND REQUIRED IN THE
11 ZONING ORDINANCE.

12 SO WE FEEL THAT GRANTING THE VARIANCE TO
13 ELIMINATE THE REQUIRED PERIMETER SCREEN WOULD NOT
14 ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE
15 BECAUSE; CAUSE A HAZARD OR NUISANCE TO THE PUBLIC; OR
16 ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
17 REQUIREMENTS OF THE ZONING ORDINANCE BECAUSE THE
18 REQUIRED PERIMETER SCREENING WILL BE INSTALLED ALONG
19 THE REAR PROPERTY LINE NEAREST TO RESIDENCES AND CAN
20 BE INSTALLED IN THE FUTURE ALONG THE WEST PROPERTY
21 LINE SHOULD THE ADJOINING PROPERTY DEVELOP
22 RESIDENTIALLY.

23 THE VARIANCE WILL NOT ALTER THE ESSENTIAL
24 CHARACTER OF THE GENERAL VICINITY BECAUSE THE EXISTING
25 COMMERCIAL SITE, SITES THAT PREDATE THE ZONING

1 ORDINANCE AND ARE NOT CURRENTLY SCREENED.

2 SO WITH THAT THE STAFF ON THE VARIANCE WOULD
3 RECOMMEND APPROVAL WITH THE CONDITION THAT THE
4 PERIMETER SCREENING AS REQUIRED BY THE ZONING
5 ORDINANCE SHALL BE INSTALLED BY THE APPLICANT OR
6 CURRENT PROPERTY OWNER IN THE FUTURE SHOULD THE
7 ADJOINING PROPERTY BE DEVELOPED RESIDENTIALLY.

8 I WOULD LIKE TO ENTER THE STAFF REPORT INTO
9 RECORD AS EXHIBIT D.

10 CHAIRMAN: IS THERE ANYONE HERE THAT WOULD
11 LIKE TO SPEAK IN OPPOSITION OR HAVE ANY COMMENTS OR
12 QUESTIONS ON THE VARIANCE?

13 (NO RESPONSE)

14 CHAIRMAN: ANY OF THE COMMISSIONERS HAVE ANY
15 COMMENTS OR QUESTIONS?

16 MR. SILVERT: MR. CHAIRMAN, IF I MAY BEFORE WE
17 GO ONTO THE COMMISSIONERS QUESTIONS. WE DON'T SEE A
18 LOT OF VARIANCES HERE AT THE PLANNING COMMISSION.
19 THOSE ARE TYPICALLY HEARD BY THE BOARD OF ADJUSTMENT.
20 KRS CHAPTER 100 ALLOWS VARIANCES TO BE HEARD IN
21 CONJUNCTION WITH THE ZONING MAP AMENDMENTS.

22 SO AS YOU LISTEN TO THE TESTIMONY ON THIS ITEM
23 AND ARE CRAFTING YOUR MOTION, RECALL THAT IT DOES
24 REQUIRE THAT YOU STATE FINDINGS OF FACT AS TO WHY THE
25 VARIANCE SHOULD BE GRANTED. THAT'S SOMETHING THAT IS

1 REQUIRED IN YOUR VARIANCE MOTION. PLEASE CONSIDER
2 THAT AS YOU MOVE FORWARD. THANK YOU.

3 CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY
4 COMMENTS OR QUESTIONS ON THAT?

5 MR. REEVES.

6 MR. REEVES: MR. HOWARD, AM I ASSUMING THAT
7 THIS CONDITION FOLLOWS THE NEXT OWNERS, THE NEXT
8 OWNERS? IT'S A CONDITION ON THE PROPERTY AND NOT ON
9 THE OWNERS?

10 MR. HOWARD: THAT'S CORRECT. THAT'S WHY WE
11 STATED THAT IT WOULD BE THE APPLICANT OR CURRENT
12 PROPERTY OWNER AT THAT TIME IF THE PROPERTY ADJOINED
13 WERE TO DEVELOP RESIDENTIAL.

14 MR. REEVES: WHAT WOULD FOLLOW THEN WOULD BE
15 THE SCREENING REQUIREMENTS AS THEY EXIST TODAY? IF
16 TEN YEARS THE SCREENING REQUIREMENTS CHANGE, WOULD
17 THEY ONLY HAVE TO ADHERE TO THE SCREENING REQUIREMENTS
18 THAT ARE ENFORCED TODAY WOULD BE MY ASSUMPTION?

19 MR. HOWARD: I THINK THEY WOULD HAVE TO ADHERE
20 TO WHATEVER THE CURRENT REGULATIONS WERE IN PLACE AT
21 THAT TIME.

22 MR. REEVES: COUNSEL, DO YOU HAVE AN OPINION
23 ON THAT?

24 MR. SILVERT: COULD YOU RESTATE THE QUESTION?

25 MR. REEVES: MY QUESTION WAS IF TEN YEARS FROM

1 NOW THE SCREENING REQUIREMENTS WERE TO CHANGE, WOULD
2 THE PROPERTY OWNER HAVE TO FOLLOW THE CONDITION AS IT
3 IS TODAY WITH THOSE SCREENING REQUIREMENTS OR THE
4 SCREENING REQUIREMENTS TEN YEARS FROM NOW?

5 MR. SILVERT: WELL, THAT'S AN INTERESTING
6 QUESTION AND NOT ONE THAT WOULD BE A QUESTION OF FIRST
7 IMPRESSION FOR ME. I WOULD SAY THAT PROBABLY AS A
8 CONDITION YOU COULD PROBABLY MAKE IT ONE WAY OR THE
9 OTHER IF YOU SO CHOSE.

10 MR. REEVES: I'M MORE COMFORTABLE WITH THAT
11 THEN.

12 CHAIRMAN: YES, SIR.

13 MR. SILVERT: COULD YOU STATE YOUR NAME AGAIN.

14 MR. LINDSEY: FRANK LINDSEY.

15 I'VE LIVED THERE FOR 30 YEARS. I LIVE AT 2524
16 EAST NINTH. WE GET A LOT OF TRASH AND STUFF THAT
17 BLOWS ACROSS THERE THAT GATHERS IN OUR YARD FROM RURAL
18 KING AND KROGER'S. THAT'S WHAT I'M CONCERNED ABOUT.
19 A FENCE WOULD BE A WIND STOP TO KEEP ALL OF THAT STUFF
20 FROM BLOWING UP IN OUR NEIGHBORHOOD. THEM SETTING THE
21 BUILDING BACK FURTHER IS EVEN GOING TO MAKE IT WORSE,
22 PLUS WE DON'T HAVE TO LOOK AT THAT.

23 MR. APPLEBY: YOU UNDERSTAND THOUGH THEY'RE
24 STILL PROPOSING TO PUT A FENCE ALONG THE RESIDENTIAL
25 SIDE. THIS IS OVER AGAINST THE FARMLAND.

1 MR. LINDSEY: TOWARDS THE RAILROAD TRACKS?

2 MR. APPLEBY: YES.

3 MR. LINDSEY: TOWARDS THE BYPASS?

4 MR. REEVES: TOWARD RWRA ESSENTIALLY. IN THAT
5 DIRECTION.

6 (MR. HOWARD AND MR. LINDSEY CONFER.)

7 MR. LINDSEY: THANK YOU.

8 CHAIRMAN: ARE THERE ANY OTHER QUESTIONS?

9 (NO RESPONSE)

10 CHAIRMAN: CHAIR IS READY FOR A MOTION.

11 MR. REEVES: MR. CHAIRMAN, I MOVE FOR APPROVAL
12 FOR THE VARIANCE BASED ON FINDING OF FACT THAT
13 CURRENTLY THE ADJACENT PROPERTY THERE IS NO
14 DEVELOPMENT SO THEREFORE PROPOSE NO PRIVACY ISSUES FOR
15 ANYONE. THAT THERE IS NO ZONE PROPOSED. THAT FURTHER
16 THE CONDITION BE THAT AT THE TIME IT WAS DEVELOPED
17 THAT THE OWNER OF THE PROPERTY WOULD HAVE TO FOLLOW
18 THE MOST RESTRICTIVE SCREENING REQUIREMENTS WHETHER
19 ONE IS IN PLACED TODAY OR AT THE TIME OF THE NEW
20 DEVELOPMENT.

21 CHAIRMAN: WE HAVE A MOTION BY MR. REEVES.

22 MR. BLACK: SECOND.

23 CHAIRMAN: SECOND BY MR. BLACK. COMMENTS OR
24 QUESTIONS ON THE MOTION?

25 (NO RESPONSE)

1 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

4 NEXT ITEM.

5 ITEM 4B

6 RURAL KING, 12.45 ACRES

7 CONSIDER APPROVAL OF COMBINED FINAL DEVELOPMENT

8 PLAN/MAJOR SUBDIVISION PRELIMINARY PLAT.

9 APPLICANT: RURAL KING, INC.; ROBERT ANDERSON & LARRY

10 HARRINGTON

11 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAN HAS

12 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING

13 STAFF. IT IS FOUND TO BE IN ORDER. THE USE IS

14 CONSISTENT WITH THE ZONING CHANGE THAT YOU HAVE JUST

15 RECOMMENDED. IT'S RECOMMENDED FOR YOUR CONSIDERATION

16 AT THIS TIME.

17 CHAIRMAN: COMMISSIONERS HAVE ANY QUESTIONS OR

18 COMMENTS?

19 (NO RESPONSE)

20 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A

21 MOTION.

22 MR. APPLEBY: MOTION FOR APPROVAL.

23 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

24 MR. BOSWELL: SECOND.

25 CHAIRMAN: SECOND BY MR. BOSWELL. COMMENTS OR

QUESTIONS ON THE MOTION?

(NO RESPONSE)

1 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

4 NEXT ITEM, PLEASE.

5 ITEM 5

6 4701 GOETZ DRIVE, 3.096 CARES
7 CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO
8 R-3MF MULTI-FAMILY RESIDENTIAL
9 APPLICANT: DR. GARY GIVINS

10 PLANNING STAFF RECOMMENDATIONS

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

14 NO DIRECT ACCESS SHALL BE PERMITTED TO GOETZ
15 DRIVE.

16 FINDINGS OF FACT:

17 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
18 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
19 COMPREHENSIVE PLAN;

20 2. THE SUBJECT PROPERTY IS LOCATED IN AN
21 URBAN RESIDENTIAL PLAN AREA, WHERE URBAN MID-DENSITY
22 RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

23 3. SANITARY SEWER SERVICE IS AVAILABLE FOR
24 EXTENSION TO THE SITE;

25 4. THE PROPOSAL IS A LOGICAL EXPANSION OF
EXISTING R-3MF MULTI-FAMILY RESIDENTIAL ZONING LOCATED

1 IMMEDIATELY NORTH AND EAST OF THE SUBJECT PROPERTY;
2 AND,

3 5. WITH NO DIRECT ACCESS TO GOETZ DRIVE, THE
4 PROPOSAL SHOULD NOT OVERBURDEN THE CAPACITY OF
5 ROADWAYS AND OTHER NECESSARY URBAN SERVICES IN THE
6 AFFECTED AREA.

7 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
8 REPORT INTO THE RECORD AS EXHIBIT E.

9 CHAIRMAN: ANYONE HERE REPRESENTING THE
10 APPLICANT?

11 (NO RESPONSE)

12 CHAIRMAN: ANYONE HAVE COMMENTS OR QUESTIONS
13 ON THIS APPLICATION?

14 (NO RESPONSE)

15 CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS
16 OR QUESTIONS?

17 (NO RESPONSE)

18 CHAIRMAN: CHAIR IS READY FOR A MOTION.

19 MR. REEVES: MR. CHAIRMAN, I MOVE FOR APPROVAL
20 OF THE APPLICATION BASED ON THE FINDINGS OF FACT OF
21 STAFF AND THEIR RECOMMENDATION WITH THE CONDITION NO
22 DIRECT ACCESS BE PERMITTED TO GOETZ DRIVE AND FINDINGS
23 OF FACT 1 THROUGH 5.

24 CHAIRMAN: WE HAVE A MOTION BY MR. REEVES.

25 MR. KAZLAUSKAS: SECOND.

1 CHAIRMAN: WE'VE GOT A SECOND BY MR.

2 KAZLAUSKAS. COMMENTS OR QUESTIONS ON THE MOTION?

3 (NO RESPONSE)

4 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

7 NEXT ITEM.

8 ITEM 6

9 3830 HIGHWAY 54, 1.870 ACRES (POSTPONED AT THE APRIL
10 11, 2013 MEETING)

11 CONSIDER ZONING CHANGE: FROM A-U URBAN AGRICULTURE TO
12 B-4 GENERAL BUSINESS

13 APPLICANT: STEVE LAMBERT; JOHN & NANCY GRIMES

14 MR. HOWARD: SINCE THE LAST MEETING THROUGH

15 SOME CONVERSATIONS WITH THE KENTUCKY TRANSPORTATION

16 CABINET THE STAFF REPORT HAS BEEN AMENDED SLIGHTLY.

17 THERE'S AN ADDITIONAL CONDITION SO SINCE THERE HAS

18 BEEN A CHANGE, I'M GOING TO READ THE CONDITIONS AND

19 FINDINGS OF FACT INTO THE RECORD.

20 PLANNING STAFF RECOMMENDATIONS

21 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT

22 TO THE CONDITIONS AND FINDINGS OF FACT THAT FOLLOW:

23 CONDITIONS:

24 1. ACCESS TO HIGHWAY 54 SHALL BE LIMITED TO A
25 SINGLE ACCESS IN ALIGNMENT WITH THE COMMERCIAL DRIVE
ACROSS THE STREET;

2. INGRESS/EGRESS EASEMENTS SHALL BE PROVIDED

1 FOR THE PROPERTIES TO THE EAST AND WEST OF THE SUBJECT
2 PROPERTY FOR FUTURE INDIRECT ACCESS TO HIGHWAY 54;

3 3. SUBMISSION OF A FINAL DEVELOPMENT PLAN TO
4 ESTABLISH THE LOCATION OF THE INGRESS/EGRESS EASEMENTS
5 TO THE ADJOINING PROPERTIES AND ALL OTHER SITE
6 DEVELOPMENT REQUIREMENTS REQUIRED BY THE ZONING
7 ORDINANCE; AND,

8 4. THE APPLICANT SHALL INSTALL A RIGHT-TURN
9 LANE ON HIGHWAY 54 AT THE PROPOSED ACCESS POINT SHOULD
10 WARRANTS BE MET NOW OR IN THE FUTURE IN ACCORDANCE
11 WITH THE REQUIREMENTS OF THE KENTUCKY TRANSPORTATION
12 CABINET.

13 FINDINGS OF FACT:

14 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
15 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
16 COMPREHENSIVE PLAN;

17 2. THE SUBJECT PROPERTY IS LOCATED IN AN
18 URBAN RESIDENTIAL PLAN AREA WHERE GENERAL BUSINESS
19 USES ARE APPROPRIATE IN VERY LIMITED LOCATIONS;

20 3. THE PROPOSAL IS A LOGICAL EXPANSION OF
21 EXISTING B-4 GENERAL BUSINESS ZONING TO THE NORTH,
22 ACROSS HIGHWAY 54; AND,

23 4. AT 1.870 ACRES, THE PROPOSAL DOES NOT
24 SIGNIFICANTLY INCREASE THE EXTENT OF GENERAL BUSINESS
25 ZONING IN THE VICINITY AND SHOULD NOT OVERBURDEN THE

1 CAPACITY OF ROADWAYS AND OTHER NECESSARY URBAN
2 SERVICES THAT ARE AVAILABLE IN THE AFFECTED AREA WITH
3 THE PROVISION THAT A RIGHT-TURN LANE BE INSTALLED ON
4 HIGHWAY 54 BY THE APPLICANT NOW OR IN THE FUTURE IF
5 WARRANTS ARE MET.

6 MR. HOWARD: WE WOULD LIKE TO ENTER THE
7 AMENDED STAFF REPORT INTO THE RECORD AS EXHIBIT F.

8 CHAIRMAN: IS ANYONE HERE REPRESENTING THE
9 APPLICANT?

10 MR. LAMBERT: I DO. MY NAME IS STEVE LAMBERT.

11 (STEVE LAMBERT SWORN BY ATTORNEY.)

12 MR. LAMBERT: IF YOU DON'T MIND, I'D LIKE TO
13 SET UP A MAP UP JUST FOR A SECOND. YOU ALL WILL BE
14 RECEIVING AN EXHIBIT OF THIS.

15 I APPRECIATE YOUR ALL'S TIME TONIGHT. AT THIS
16 POINT WHAT I'D LIKE TO DO IS YIELD THE FLOOR TO THE
17 PUBLIC AND LET THEM ADDRESS THEIR CONCERNS AND THEN
18 COME BACK AFTER THAT AND TRY TO ADDRESS ANY COMMENTS
19 THAT WERE MADE.

20 CHAIRMAN: VERY GOOD. THANK YOU VERY MUCH.

21 ANYONE LIKE TO SPEAK IN OPPOSITION?

22 MR. KAMUF: CHARLES KAMUF.

23 MR. SILVERT: YOU'RE SWORN.

24 MR. KAMUF: I'M HERE REPRESENTING CHRISTY
25 HAYDEN AND MATT HAYDEN AND TOMMY THOMPSON. AS YOU

1 KNOW, TOMMY THOMPSON IS A REPRESENTATIVE. HE'S IN
2 FRANKFORT TONIGHT. JOHN STEVENSON, HE REPRESENTS THE
3 OTHER INDIVIDUALS IN THE NEIGHBORHOOD.

4 I'M HERE TO ARGUE THE SAME THING I ARGUED THE
5 LAST TIME AT THE HEARING. THE NEIGHBORS NEED SOME
6 TYPE OF BINDING DEVELOPMENT, SOME TYPE OF BINDING
7 DEVELOPMENT PLAN TO TELL US WHAT THE APPLICANT IS
8 GOING TO DO. WE ASK YOU TO DENY THE REZONING.

9 THE DEVELOP PLAN AND THE CONDITION SET OUT IN
10 THE DEVELOPMENT PLAN SHOULD BE APPROVED BY THIS BOARD
11 PRIOR TO ANY REZONING. IF THE ZONING IS APPROVED AS
12 INDICATED BY THE STAFF, SUBJECT TO A DEVELOPMENT PLAN,
13 THE DEVELOPMENT PLAN CAN BE CHANGED AT A LATER DATE
14 WITHOUT NOTICE TO ANY OF THESE PEOPLE OR ANY OF MY
15 CLIENTS. IF THE PROPERTY IS ZONED WITHOUT KNOWING THE
16 CONTENTS OF THE DEVELOPMENT PLAN, WE'RE STUCK WITH
17 WHATEVER MR. LAMBERT DOES WITHOUT KNOWING WHAT HE'S
18 GOING TO DO.

19 THIS IS PLANNING AND ZONING BOARD. NOT A
20 ZONING AND PLANNING BOARD. IN THIS CASE, I BELIEVE
21 THAT THE HORSE IS BEHIND THE CART.

22 CERTAIN INCOMPATIBLE USES. THE STAFF HAS
23 RECOMMEND AND STATE THE CONDITIONS OF THE REZONING
24 THAT DUE CONSIDERATION SHOULD BE GIVEN TO THE
25 NEIGHBORS. WE'RE SAYING THAT IT'S AN INCOMPATIBLE

1 USE.

2 IN LOOKING AT THE STAFF REPORT -- FROM '69 TO
3 '77 I REPRESENTED THIS BOARD, AND AT THAT TIME I
4 REMEMBER SOMETHING CALLED THE GOALS AND OBJECTIVES OF
5 THE COMPREHENSIVE PLAN. FOR SOME OF YOU MEMBERS THAT
6 HAVEN'T BEEN ON HERE FOR A WHILE THE GOALS AND
7 OBJECTIVES OF A COMPREHENSIVE PLAN HAVE TO BE ADOPTED
8 BY THIS BOARD. THEY HAVE TO BE ADOPTED BY THE
9 LEGISLATIVE BODY, EACH THE CITY AND COUNTY.

10 SO I LOOKED THAT UP AND I SAID, YOU KNOW, IF
11 WE HAVE SOME OF THESE REGULATIONS AND THEY'RE IN
12 OPPOSITION TO THE GOALS AND OBJECTIVES OF THE PLANNING
13 BOARD, WHO PREVAILS?

14 NUMBER 1, I LOOKED UP, AND I WON'T BORE YOU
15 BUT I'M GOING TO CITE YOU FOUR PROVISIONS OF THE GOALS
16 AND OBJECTIVES OF THE PLANNING COMMISSION.

17 4.7. THE BOARD SHOULD AVOID THE INTRODUCTION
18 OF URBAN ACTIVITIES THAT WOULD HAVE A DETRIMENTAL
19 AFFECT ON RESIDENTIAL ACTIVITY.

20 4.7.1. SURROUNDING ESTABLISHED RESIDENTIAL
21 AREAS WITH COMPATIBLE RESIDENTIAL ACTIVITY WITH
22 PROPERLY BUFFERED NONRESIDENTIAL USES.

23 AT THE LAST HEARING MR. LAMBERT SAID THAT THIS
24 PROJECT WILL BE SIMILAR TO THE ONE THAT HE HAS ACROSS
25 THE STREET.

1 I WOULD LIKE TO INTRODUCE SOME PHOTOS, IF I
2 COULD. I'LL INTRODUCE THESE ONE AT A TIME. MATT,
3 HE'LL PASS THEM.

4 THE NUMBER 1 EXHIBIT I GIVE YOU, MR. REEVES,
5 THAT FIRST ONE SHOWS THE EXISTING STRIP CENTER ACROSS
6 THE STREET THAT MR. LAMBERT HAS. IT SHOWS THE FRONT.
7 THE NEXT PICTURE IS THAT NUMBER 4, THE OTHER ONE?

8 MR. HAYDEN: ONE AND TWO.

9 MR. LAMBERT: EXCUSE ME, MR. CHAIRMAN. COULD
10 I GET A COPY OF THESE?

11 MR. KAMUF: WE'RE GOING TO GIVE YOU A COPY.
12 WE'VE GOT A COPY FOR YOU.

13 THE ONE ON THE BUILDING IS NUMBER 1, AND THE
14 OTHER ONE IT SHOWS THIS IS THE TYPE OF SCREENING THAT
15 WE HAVE ACROSS THE STREET. IF YOU NOTICE, WHAT MAKING
16 THAT SCREENING A LITTLE DIFFERENT IT'S JUST A PART
17 SCREENING.

18 THESE HOUSES ACROSS THE STREET BACK UP TO THIS
19 ZONING OR THE STRIP CENTER. IN THIS SITUATION THAT WE
20 HAVE NOW, THE STRIP CENTER WE WILL BE LOOKING AT THE
21 BACK OF THE STRIP CENTER. THOSE ARE THE FIRST TWO.

22 THE OTHER ONE THAT I SHOW YOU IT WILL BE MY
23 EXHIBIT NUMBER 2 FOR THE COURT REPORTER. IT SHOWS A
24 DUMPSTER IN THE BACK OF THE BUILDING. IT SHOWS
25 PARTIAL SCREENING.

1 PRETTY WELL THEY SPEAK FOR THEIRSELF. IF YOU
2 SEE ONE, ONE ISSUE THAT WE HAVEN'T TALKED ABOUT IS THE
3 LIGHTING. IF THIS PROPERTY IS REZONED IN FRONT OF
4 THIS RESIDENTIAL PROPERTY, IT'LL BE SET LIKE A
5 CHRISTMAS TREE. YOU'LL SEE THE LIGHTING OUT FRONT AND
6 IN THE BACK YOU'LL HAVE THESE DETRIMENTAL ISSUES SUCH
7 AS A DUMPSTER AND SUCH AS THE SCREENING WHICH WILL BE
8 ONLY PARTIAL.

9 THE REASON I SHOW YOU THOSE DOES -- EVERYBODY
10 HAVE SIX OF THOSE?

11 THE REASON THAT I SHOW YOU THOSE IS THAT A
12 PICTURE IS WORTH A THOUSAND WORDS. THE PHOTOS SHOW
13 WHY A DEVELOPMENT PLAN IS NECESSARY. WE WANT A
14 DEVELOPMENT PLAN THAT WILL BE BINDING ON THAT
15 DEVELOPER AND IT WILL BE BINDING ON ANYBODY HE SELLS
16 IT TO.

17 I WAS STILL TALKING ABOUT THE GOALS AND
18 OBJECTIVE OF THE COMPREHENSIVE PLAN.

19 4.7.2 OF THE COMPREHENSIVE PLAN STATES THIS:
20 SITUATE NONRESIDENTIAL USES WITHIN RESIDENTIAL
21 NEIGHBORHOODS IN A MANNER THAT ENHANCES THE
22 NEIGHBORHOOD'S CHARACTER.

23 4.7. ASSURE THAT NONRESIDENTIAL USES IN A
24 NEIGHBORHOOD, PROFESSIONAL, BUSINESS AND INDUSTRIAL,
25 ARE DESIGNED SO THAT TRAFFIC, PARKING, NOISE, ODOR DO

1 NOT CONFLICT WITH THE RESIDENTIAL USES.

2 WE THINK THAT WE ARE GUARANTEED UNDER THE
3 GOALS AND OBJECTIVES TO HAVE A COMPREHENSIVE
4 DEVELOPMENT PLAN BEFORE ANY REZONING IS DONE.

5 WHY IS A DEVELOPMENT PLAN IMPORTANT? BECAUSE
6 IT PLACES AN AFFIRMATIVE DUTY ON THE APPLICANT AND
7 PREVENTS HIM FROM DOING CERTAIN USES.

8 THIS IS THE NEIGHBORHOOD'S ONLY DAY IN COURT
9 AS WE TALK AT THE PRESENT TIME. THE NEIGHBORHOOD IS
10 NOT ENTITLED TO ANOTHER HEARING. THEY HAVE NO NOTICE
11 AT A LATER DATE.

12 WE ARE REQUESTING THAT THE FOLLOWING
13 CONDITIONS TO THE ZONING BE MADE WITH A DEVELOPMENT
14 PLAN PRIOR TO ANY ZONING.
15 CONDITIONS:

16 1. INGRESS/EGRESS EASEMENTS FOR THE PROPERTY
17 TO THE EAST AND WEST.

18 THAT'S THE HAYDEN/THOMPSON PROPERTY AND ALSO
19 THE NELSON PROPERTY.

20 INGRESS AND EGRESS EASEMENTS FOR THE PROPERTY
21 TO THE EAST AND WEST; BUILT TO THE OWENSBORO PUBLIC
22 IMPROVEMENTS SPECIFICATIONS, AS PER THE ATTACHED
23 EXHIBIT.

24 THE ATTACHED EXHIBIT THAT YOU HAVE SHOWS WHAT
25 WE WOULD LIKE AS FAR AS THE INGRESS AND EGRESS.

1 2. AN 8 FOOT HIGH DECORATIVE WALL ON THE
2 SOUTH AND EAST SIDE OF PROPERTY.

3 3. PYLON SIGN WILL NOT EXCEED 8 FOOT IN
4 HEIGHT, NO POLE SIGNS OR BANNERS ON PROPERTY. EIGHT
5 FOOT DECORATIVE WALL ON THE SOUTH AND EAST SIDE OF THE
6 PROPERTY.

7 4. BUILDING HEIGHT WILL NOT EXCEED 18 FOOT
8 AND AGREE ON THE DUMPSTER LOCATION.

9 5. APPROVE EXTERIOR BUILDING MATERIALS;
10 BRICK, STONE, DECORATIVE BLOCK.

11 WE'RE ASKING THAT A DEVELOPMENT PLAN BE FILED
12 SETTING OUT THESE PRIOR TO ANY ZONING. WE BROUGHT
13 THAT UP AT THE LAST HEARING. I HAVE NOT SEEN ANY
14 WRITTEN DOCUMENT AS FAR AS A DEVELOPMENT PLAN.

15 WE'RE NOT AGAINST THE USE OF THIS PROPERTY FOR
16 CERTAIN USES. THERE ARE OTHER USES OTHER THAN B-4
17 COMMERCIAL BUSINESS THAT THIS PROPERTY COULD BE USED
18 FOR. CERTAINLY A MAN IS ENTITLED TO USE HIS PROPERTY,
19 BUT NOT WHEN IT'S INCOMPATIBLE WITH THE NEIGHBORHOOD.

20 I LOOKED KRS 100 UP. IT STATES WHAT A
21 DEVELOPMENT PLAN WOULD INCLUDE. IT SAYS, "SOMETHING
22 IN WRITING. GRAPHIC MATERIAL FOR THE DIVISION OF A
23 DEVELOPMENT.

24 IT CAN INCLUDE THE FOLLOWING:

25 1. LOCATION OF BUILDINGS AND OTHER STRUCTURE.

1 2. THE INTENSITY OF THE USE.

2 3. THE DENSITY OF THE DEVELOPMENT, OF COURSE.

3 4. STREETS, WAYS AND PARKING FACILITY.

4 WE LAID THAT OUT. WE'LL HAVE A TRAFFIC

5 ENGINEER TO TELL YOU EXACTLY WHAT THAT EXHIBIT SHOWS

6 TO THE CONDITION.

7 5. SIGNS.

8 6. DRAINAGE.

9 7. ACCESS POINTS. CERTAINLY THAT'S CRITICAL.

10 8. A PLAN FOR SCREENING OR BUFFERING

11 UTILITIES.

12 YOU SAW WHAT THOSE PHOTOS THAT I SHOWED YOU

13 AWHILE AGO. CERTAINLY THAT'S INADEQUATE BUFFERING FOR

14 ANY TYPE OF STRIP CENTER FOR A RESIDENTIAL AREA.

15 THE ONLY WAY WE THINK THAT YOU CAN PROTECT

16 THESE NEIGHBORS IS FOR A DEVELOPMENT PLAN, OF COURSE,

17 PRIOR TO REZONING.

18 LET ME SAY THIS: THAT THAT STAFF WAS PROBABLY

19 STUCK WITH A PRETTY TOUGH DECISION. I BET IT WAS VERY

20 DIFFICULT FOR THEM TO SAY THAT THIS DID MEET THE

21 LOGICAL EXPANSION.

22 WHAT IS THE DEFINITION OF A LOGICAL EXPANSION?

23 IT LEAVES A LOT OF DISCRETION TO WHO? THIS BOARD.

24 IT'S GOING TO BE UP TO YOU TO DECIDE WHETHER THIS IS A

25 GOOD THING OR NOT. THE OTHER ONE, AND I'LL GO OVER

1 THIS AT LENGTH IN A FEW MINUTES, OF WHETHER THIS IS A
2 LOGICAL EXPANSION THAT WOULD NOT SIGNIFICANTLY
3 INCREASE THE ZONE IN THE AREA.

4 LET ME ASK YOU THIS QUESTION: WHAT IF THE
5 PROPERTY ACROSS THE STREET WAS A STORAGE BUILDING, IT
6 WAS A MANUFACTURING PLANT, IT WAS INDUSTRIAL, JUST
7 BECAUSE IT WAS INDUSTRIAL ON THAT SIDE, ARE YOU GOING
8 TO SAY, WE'RE GOING TO ZONE TWO ACRES ACROSS THE
9 STREET INDUSTRIAL? I DON'T THINK SO.

10 I BELIEVE THAT PLANNING PRACTICES REQUIRED A
11 SMALL LOT SUCH AS THIS TO BE DEVELOPED JOINTLY. THE
12 PROBLEM WITH THIS CASE IS THAT SMALL LOTS CREATE MAJOR
13 PROBLEMS. A DEVELOPMENT PLAN SHOULD INCLUDE ALL OF
14 THE ADJOINING PROPERTIES.

15 WE'LL LET THE ENGINEER TALK ABOUT THAT IN A
16 FEW MINUTES.

17 THEY WILL ADDRESS WHAT? COMMON ISSUES, ACCESS
18 POINTS, SCREENING, BUFFERING, LOCATION OF BUSINESS.
19 WOULD YOU WANT THIS STRIP CENTER IN FRONT OF YOUR
20 HOUSE? ONE OF THE GENTLEMAN HERE HAS TO LOOK ACROSS
21 EVERY DAY AND SEE THIS AREA.

22 SOME OF YOU WERE ON THE BOARD, I THINK ALL OF
23 YOU WERE ON THE BOARD EXCEPT MAYBE LARRY AND STEVE,
24 BUT IN JANUARY WE HAD A MAJOR ZONING CASE OUT THERE
25 WHICH WAS SEVERAL BLOCKS FROM THE SUBJECT PROPERTY.

1 THEY WERE PUTTING IN A MULTI-FAMILY \$25 MILLION
2 PROJECT. ONE OF THE REQUIREMENTS AT THAT TIME THAT
3 THE PLANNING & ZONING BOARD WERE SAYING IS THAT WE
4 NEEDED A CONNECTER STREET. WE NEEDED A CONNECTER
5 STREET FROM THE PROPERTY TO THE EAST AND WEST. WE
6 THINK THAT WE COULD HAVE A CONNECTER STREET OR A
7 FRONTAGE STREET ALONG THE FRONT OF THIS PROPERTY. THE
8 TRAFFIC ENGINEER WILL ADDRESS THAT IN A FEW MINUTES.

9 INGRESS AND EGRESS EASEMENTS SHOULD BE
10 PROVIDED FOR THE PROPERTY TO THE EAST AND WEST FOR
11 FUTURE DIRECT ACCESS.

12 WHAT DOES DIRECT ACCESS MEAN? I'VE BEEN DOING
13 THIS FOR 30 YEARS. I'VE NEVER HEARD THAT. WHAT TYPE
14 OF ACCESS? HOW LARGE IS THE ACCESS? IF THE PROPERTY
15 TO THE EAST AND WEST ARE TO BE DEVELOPED, HOW EXACTLY
16 ARE THESE PROPERTIES GOING TO BE ACCESSED?

17 EVERY NEW DEVELOPMENT THAT HAS OCCURRED ON
18 HIGHWAY 54 WAS REQUIRED TO CONSTRUCT A NEW PUBLIC
19 ROADWAY AT THAT LOCATION. THIS IS TRUE FROM BYERS
20 AVENUE ALL THE WAY OUT TO THRUSTON-DERMONT ROAD.
21 THERE'S ONLY ONE NEW DEVELOPMENT THAT OCCURRED OUT
22 THERE THAT WAS NOT REQUIRED TO MEET THE SPACING
23 STANDARD AND CONSTRUCT A NEW PUBLIC ROAD, AND THAT WAS
24 STEVE LAMBERT'S PROPERTY ACROSS THE STREET. IT DOES
25 NOT MEET THE SPACING STANDARD. I'LL SHOW YOU IN A FEW

1 MINUTES. IT DOES NOT MEET THE SPACING STANDARDS HERE
2 TODAY OF 500 FEET.

3 LET ME GIVE YOU SOME EXAMPLES WHERE THE
4 DEVELOPER WAS REQUIRED TO PUT IN NEW PUBLIC STREETS
5 AND ROADWAYS.

6 WOODLANDS PLAZA WHERE THE KOHL'S IS. THIS IS
7 A 40 ACRE DEVELOPMENT WITH TWO ACCESS POINTS ON
8 HIGHWAY 54 AND ONE ACCESS POINT ON COMMONWEALTH COURT.

9 HIGHLAND POINTE: ONE ACCESS POINT FOR 85
10 ACRES PLUS A RIGHT TURN IN AND A RIGHT TURN OUT.

11 LAKE FOREST WAS OVER 100 ACRES. IT HAS TWO
12 ACCESS POINTS.

13 HEARTLAND CROSSING: 65 ACRES WHERE MENARD'S
14 IS WITH ONLY ONE ACCESS TO 54.

15 WE'RE SAYING THAT THE ACCESS POINTS HAVE TO BE
16 ON THE DEVELOPMENT PLAN PRIOR TO REZONING.

17 ONE OF THE CONDITIONS OF THE REZONING,
18 REMEMBER THE STUDY BY THE HIGHWAY DEPARTMENT. WHY IS
19 THAT NECESSARY? ACCORDING TO THE KENTUCKY DEPARTMENT
20 OF HIGHWAY THE FASTEST GROWING CORRIDOR IN THE STATE
21 OF KENTUCKY IS THIS HIGHWAY 54 CORRIDOR. THERE'S A
22 CURVATURE IN THE FRONT OF THIS PROPERTY THAT IS
23 MISLEADING WHEN YOU PULL OUT FROM THE WOODLAND AREA.

24 WHY SHOULD IT BE DENIED? HERE'S THE MAP ON
25 HIGHWAY 54. THIS HAS BEEN MEASURED. THE TRAFFIC

1 ENGINEER WILL TELL YOU THAT THERE'S 500 FOOT SPACING
2 ON 54. IT'S IN THE STAFF REPORT THAT THERE'S A 550
3 FOOT SPACING.

4 FROM THOROUGHBRED EAST TO THIS POINT ON THE
5 PROPERTY ACROSS IS 451 FEET. IT DOES NOT MEET THE
6 SPACING STANDARD.

7 FROM THE ENTRANCE OF WOODLANDS TO THIS POINT
8 HERE THAT WE SEE, THE STRIP CENTER, 481 FEET.

9 ALL YOU HAVE TO DO TO DENY THIS REZONING IS TO
10 SAY IT DOESN'T MEET THE SPACING STANDARDS OF THE
11 TRAFFIC ENGINEER AND ALSO OF THE PLANNING AND ZONING
12 RULES AND REGULATIONS.

13 ANOTHER AREA IS THE LAND USE. ONE OF THE
14 FINDINGS IS THAT THE SUBJECT PROPERTY IS LOCATED IN AN
15 URBAN RESIDENTIAL PLAN AREA WHERE GENERAL BUSINESS
16 USES ARE APPROPRIATE.

17 WHAT DOES IT SAY? YOU'VE GOT THAT STAFF
18 REPORT RIGHT IN FRONT OF YOU. VERY, VERY, IT SAYS IT
19 TWICE, I THINK. "VERY, VERY LIMITED LOCATIONS." THE
20 STAFF SAYS THAT THE TWO ACRE TRACT MEETS THIS
21 CRITERIA. I DISAGREE.

22 TO ZONE THE SUBJECT PROPERTY, A TWO ACRE
23 TRACT, GENERAL BUSINESS WOULD DO WHAT? IT WOULD OPEN
24 THE DOOR TO NUMEROUS REZONINGS TO THE EAST, TO THE
25 WEST, ACROSS THE STREET. THIS WOULD NOT BE LIMITED

1 REZONING, BUT ZONING WITHOUT LIMITATION IN AN AREA
2 THAT IS RESIDENTIAL IN NATURE.

3 THE STAFF REPORT STATES THAT THE ZONING IS IN
4 ACCORD WITH THE COMPREHENSIVE PLAN AND THAT THE
5 PROPOSED B-4 GENERAL BUSINESS REZONING WOULD WHAT?
6 NOT SIGNIFICANTLY INCREASE THE EXTENT OF THE GENERAL
7 BUSINESS IN THE AREA. THE GENERAL BUSINESS ZONE IN
8 THE AREA.

9 LET ME SHOW YOU WHAT WE HAVE HERE. I'VE MADE
10 AN EXHIBIT WHICH SHOWS THE LAMBERT PROPERTY, THE
11 HAYDEN/THOMPSON PROPERTY, THE NELSON/ROUNDTOP
12 PROPERTY, THE LAMBERT COMMERCIAL PROPERTY, AND THE
13 CHURCH PROPERTY.

14 WHEN YOU GET THOSE EXHIBITS, THEY'RE ALL
15 COLORED WHERE YOU CAN SEE IT.

16 THE SUBJECT PROPERTY, THE REZONING, IS IN
17 YELLOW. THE CHURCH PROPERTY ACROSS THE STREET IS IN
18 ORANGE. THE BLUE PROPERTY IS THE PRESENT STRIP
19 CENTER. THE GREEN THAT YOU SEE IS THE HAYDEN/THOMPSON
20 PROPERTY. THAT THAT YOU SEE IN PURPLE IS THE NELSON
21 PROPERTY.

22 SO WHAT TAKES PLACE? YOU ALL FIND AND OPEN
23 THE DOOR FOR A REZONING, THE FIRST THING THAT'S GOING
24 TO TAKE PLACE IS THAT EVERY NEIGHBOR, IF YOU COME
25 ACROSS THE STREET THAT LEAVES THIS PROPERTY OPEN

1 BECAUSE IT NOW TOUCHES B-4 ZONE AND IF IT'S A LOGICAL
2 EXPANSION, AS YOU ALL DEFINE IT, IT'S AUTOMATICALLY
3 REZONED. LIKE MR. LAMBERT WANTS THIS DONE TODAY. I
4 THINK THAT'S A BAD POLICY.

5 I DISAGREE WITH THE STAFF REPORT RESPECTFULLY,
6 GARY.

7 I'M SAYING THAT ONCE YOU DO THE REZONING OF A
8 TWO ACRE TRACT YOU IMMEDIATELY INCREASE THE ZONE IN
9 THAT AREA BECAUSE THE NEXT THING, THE LOGICAL
10 EXPANSION IS CREATED NOT ON THAT SIDE OF THE STREET,
11 BUT ON THE OTHER SIDE OF THE STREET WHERE IT'S JUST
12 REALLY NOTHING BUT RESIDENTIAL IN A PERIOD OF MAYBE --
13 YOU CAN LOOK AT IT. HERE IS THE PROPERTY DOWN HERE.
14 I THINK THAT'S COMMONWEALTH COURT. ALONG THAT SIDE ON
15 THE SOUTH SIDE OF THE STREET THERE'S NO, THERE'S
16 NOTHING BUT RESIDENTIAL. SO WE THINK IT'S A BAD
17 POLICY TO OPEN THE DOOR.

18 THE ALTERNATIVE, LET ME SAY THIS: THAT WE
19 HAVE THOSE CONDITIONS, IN OTHER WORDS, I THINK IT'S A
20 BAD IDEA TO REZONE THIS PROPERTY. IF YOU DO, THESE
21 CONDITIONS SHOULD BE MET, AS I GIVE THEM TO YOU
22 PREVIOUSLY.

23 MR. NOFFSINGER: EXCUSE ME, MR. KAMUF. THE
24 VIDEO STAFF IS ASKING THAT YOU SPEAK INTO THE
25 MICROPHONE, PLEASE. THEY'RE HAVING DIFFICULTY GETTING

1 YOUR WORDS ON THE TAPE. THEY'RE HAVING DIFFICULTY,
2 OUR VIEWING AUDIENCE OUTSIDE OF HERE, HEARING YOU. WE
3 DO NOT WANT TO MISS A WORD THAT YOU SAY. I'M SORRY TO
4 INTERPRET YOU.

5 MR. KAMUF: TELL MY WIFE THAT.

6 THE ALTERNATIVE, IF THIS PROPERTY, I THINK
7 IT'S A BAD IDEA.

8 LET'S JUST SAY IF YOU DO, WE WANT EVERY ONE OF
9 THOSE CONDITIONS AS PART OF THE REZONING.

10 NUMBER 1. INGRESS EASEMENTS FOR THE PROPERTY
11 TO THE EAST AND WEST; BUILT TO OWENSBORO PUBLIC
12 IMPROVEMENT SPECIFICATIONS.

13 EVERYBODY ELSE IN THAT AREA HAD TO DO IT
14 ACCORDING TO PUBLIC SPECIFICATIONS.

15 NUMBER 2. EIGHT FOOT HIGH DECORATIVE WALL ON
16 THE SOUTH AND EAST OF THE PROPERTY.

17 NUMBER 3. PYLON SIGNS WILL NOT EXCEED EIGHT
18 FEET, NO POLE SIGNS OR BANNERS.

19 NUMBER 4. BUILDING HEIGHT WILL NOT EXCEED 18
20 FEET, AND AGREE ON LOCATION OF THE DUMPSTER.

21 NUMBER 5. APPROVE EXTERIOR BUILDING
22 MATERIALS; BRICK, STONE AND DECORATIVE BLOCK.

23 LET ME JUST SAY THIS: IT DOESN'T TAKE A
24 ROCKET SCIENTIST TO KNOW GARY HAD A TOUGH DECISION.
25 THE STAFF HAD TOUGH DECISION. IF IT'S ACROSS THE

1 STREET, IS THAT A LOGICAL EXPANSION, IF IT DOESN'T
2 INCREASE THE ZONE? MY POSITION IS IT AUTOMATICALLY
3 INCREASES THE ZONE. HE HAD A TWO ACRE TRACT AND THIS
4 IS VERY DIFFICULT. WE THINK THAT THE TWO ACRE TRACT
5 SHOULD BE DEVELOPED JOINTLY. WE HAVE NO PROBLEM WITH
6 ANYBODY.

7 GARY AND MYSELF HAD A TALK THE OTHER DAY. I
8 THINK IN 25 YEARS THIS MIGHT BE THE FIRST TIME I EVER
9 COME UP AND OBJECTED TO A REZONING. MAYBE YOU FOUND
10 ONE.

11 I DON'T DO THEM. I THINK PEOPLE OUGHT TO HAVE
12 THE RIGHT TO DEVELOP THEIR PROPERTY, BUT NOT WHEN IT
13 INFRINGES ON SOMEBODY ELSE SUCH AS INCOMPATIBLE USES.

14 CAN YOU PICTURE AS YOU DRIVE IN THAT
15 SUBDIVISION WITH A STRIP CENTER LIKE I'VE SHOWN YOU
16 THOSE PICTURE OUT IN FRONT OF THIS RESIDENTIAL AREA
17 WITH EVERYBODY LOOKING OVER THE REAR OF THIS PROPERTY.
18 WE'RE ASKING YOU TO DENY IT.

19 I IMAGINE THAT THERE'S SOME QUESTIONS. WE
20 HAVE A TRAFFIC ENGINEER WHO WILL TALK TO YOU IN JUST A
21 FEW MINUTES. HE'S GOING TO ADDRESS HIS POSITION.

22 THIS IS BILL HAYS. BILL HAYS HAS TESTIFIED IN
23 EVERY, I THINK, I MIGHT BE WRONG. I THINK HE'S
24 TESTIFIED IN EVERY DEVELOPMENT ALONG HIGHWAY 54,
25 NEARLY ALL OF THEM. WE'VE USED HIS EXPERTISE. HERE

1 IS A COPY OF HIS CURRICULUM VITAE. I WON'T GO INTO
2 THAT.

3 ALONG HIS REPORT THERE ARE TWO THINGS I WANT
4 TO POINT OUT TO YOU. THIS IS A MEMORANDUM THAT I JUST
5 SHOWED YOU.

6 ONE THING HE SAYS, "AS A PRACTICAL MATTER
7 NEARLY ALL RESIDENTIAL DEVELOPMENT ALONG A CORRIDOR
8 SUCH AS HIGHWAY 54 WILL MEET THE 1,000 VEHICLES PER
9 DAY THRESHOLD, SO THE MINIMUM PRACTICAL SPACING WILL
10 BE 500 FEET."

11 ON THE BACK PAGE, THE LAST PARAGRAPH. "THE
12 PLATTED ACCESS/INGRESS/EGRESS EASEMENT ON THE PLAT OF
13 RECORD FOR THE LOT BEING REZONED, AND ON ALL FUTURE
14 PLATS AND DEVELOPMENT PLANS, SHOULD ADDRESS THE ISSUES
15 OF WHAT TYPE OF ROADWAY SHOULD BE CONSTRUCTED, WHAT
16 MAINTENANCE RESPONSIBILITIES A PROPERTY OWNER HAS, AND
17 HOW THE ROADWAY IS TO BE KEPT OPEN FOR PUBLIC TRAVEL.
18 THERE ARE MANY EXAMPLES AVAILABLE FROM OTHER
19 JURISDICTIONS. THIS APPROACH IS ALSO CONSISTENT WITH
20 THE KENTUCKY MODEL ACCESS MANAGEMENT ORDINANCE AND
21 WITH NATIONALLY RECOGNIZED STANDARDS FOR ACCESS
22 MANAGEMENT."

23 I HAVE MR. HAYS HERE. HE'S AN ENGINEER. HE'S
24 GOT AS MANY DEGREES AS A THERMOMETER. HE'LL BE HERE
25 TO ANSWER ANY QUESTIONS THAT YOU WANT.

1 MR. SILVERT: COULD YOU STATE YOUR NAME,
2 PLEASE?

3 MR. HAYS: BILL HAYS.

4 (BILL HAYS SWORN BY ATTORNEY.)

5 MR. HAYS: JUST VERY BRIEFLY. TWO POINTS THAT
6 I WANT TO MENTION.

7 FIRST IN REGARD TO THE ACCESS SPACING. I
8 CHECKED JUST BE SURE I HAD MY NOTES CORRECT.
9 ACCORDING TO THE KENTUCKY TRANSPORTATION CABINET,
10 WHICH IS THEIR FACING THE ROAD ACCESS -- THE DISTANCE
11 BETWEEN BOLD FORBES AND WOOD TRACE IS .177 MILE, WHICH
12 TRANSLATES TO 935 FEET.

13 NOW, THEY GO TO THREE DECIBEL PLACES SO IT'S
14 PLUS OR MINUS 5 FEET. FOR THE DISCUSSION WE'RE HAVING
15 IT'S LESS THAN 1,000 FEET. IT BECOMES PHYSICALLY
16 IMPOSSIBLE TO GET AN ACCESS POINT IN THAT MEETS YOUR
17 1,000 VEHICLES PER DAY THRESHOLD THAT KICKS INTO 500
18 FOOT SPACING.

19 THE SECOND ISSUE RELATES TO THE FRONTAGE ROAD
20 ITSELF. BEFORE I WENT OVER TO THE DARK SIDE AND
21 BECAME A CONSULTANT I WAS THE PUBLIC WORKS DIRECTOR
22 FOR THE CITY OF BOWLING GREEN, KENTUCKY.

23 OUR VERSION OF KENTUCKY 54 WAS SCOTTSVILLE
24 ROAD, US 231, GOING OUT TO THE AIRPORT AND OUT THE
25 INTERSTATE.

1 WE HAD A FRONTAGE ROAD THAT HAD BEEN THERE
2 SINCE '75. I HAD IN MY OFFICE A MAP OF WHICH PARTS OF
3 THE FRONTAGE ROAD WERE PUBLIC RIGHT-OF-WAY WHICH WERE
4 PRIVATELY MAINTAINED BECAUSE IT CONSTANTLY RAINED. SO
5 SOMEONE HAD A POT HOLE, SOME TYPE OF PROBLEM. WE HAD
6 TO FIGURE OUT WHAT IS OURS OR WAS IT THE ADJACENT
7 PROPERTY OWNER. SO IT BECAME A REAL PROBLEM JUST IN
8 TERMS OF DETERMINING MAINTENANCE. SOME OF THE
9 FRONTAGE ROADS WERE CONSTRUCTED VERY POORLY. WE ENDED
10 UP USING PUBLIC FUNDS TO RECONSTRUCT THEM.

11 SO THE THREE POINTS THAT I MAKE THERE IS
12 SIMPLY THAT, FIRST OF ALL, THE CONSTRUCTION SHOULD BE
13 TO THE SAME STANDARDS YOU WOULD HAVE FOR A PUBLIC
14 STREET FOR THE FACT THERE IS TRAFFIC YOU WILL HAVE.
15 YOU'RE GOING TO HAVE COMMERCIAL, SOLID WASTE
16 COLLECTION VEHICLES ON THERE. YOU'RE GOING TO HAVE
17 WHATEVER VEHICLES THEY USE TO CONSTRUCT BUILDINGS ON
18 THE SITE. SO YOU WILL HAVE THE IMPACT OF PAVEMENT
19 THERE.

20 SECONDLY IS THE ISSUE OF WHO DOES MAINTAIN IT.
21 IF IT'S ON PRIVATE PROPERTY, NOT DEEDED TO THE CITY,
22 THEN IT HAS TO BE WITHIN THE PLAN SOME TYPE OF MUTUAL
23 AGREEMENT ON WHO PAYS FOR WHAT AND WHAT STANDARDS OF
24 WHICH MAINTENANCE IS GIVEN.

25 THE THIRD IS THE ISSUANCE OF OBSTRUCTION.

1 THIS SOUNDS KIND OF ODD, BUT WE HAD A SITUATION IN OUR
2 NATIONAL OFFICE ON A NASHVILLE DEVELOPMENT ALONG
3 ELLISON PLACE, IF YOU'RE FAMILIAR WITH THAT. THERE
4 WAS A PRIVATE EASEMENT. THE ADJACENT LANDOWNER HAD
5 HIS PARKING SUCH THAT THE CARS STUCK OUT INTO THE
6 PRIVATE DRIVEWAY AND WERE BLOCKING OUR CLIENT'S ACCESS
7 TO THE PROPERTY.

8 SO THESE ARE ALL TYPES OF PROBLEMS THAT COME
9 UP IN FRONTAGE ROADS. I JUST WANT TO MENTION IT TO
10 ENCOURAGE YOU IN HOWEVER YOU RESOLVE ALL OF THIS IN
11 WHATEVER PLAT GETS RECORDED, THAT THESE THREE ITEMS
12 ARE ADDRESSED SOMEWHERE ON THE PLAT OR SOMEWHERE IN
13 THE PUBLIC RECORD; SO IN THE FUTURE THE FRONTAGE ROAD
14 SHOULD BE MAINTAINED THE WAY IT PROTECTS THE PUBLIC
15 WELFARE. THANK YOU.

16 CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS
17 OR QUESTIONS OF MR. HAYS?

18 (NO RESPONSE)

19 CHAIRMAN: MR. KAMUF, ARE YOU PRETTY WELL DONE
20 WITH YOUR PRESENTATION?

21 MR. KAMUF: I RELINQUISH OVER TO HONORABLE
22 JOHN STEVENSON.

23 CHAIRMAN: MR. STEVENSON.

24 MR. STEVENSON: JOHN STEVENSON. I RESIDE AT
25 4157 TANBARK PLACE IN THE WOODLANDS.

1 MR. SILVERT: YOU'RE SWORN AS AN ATTORNEY, AND
2 AS A FORMER PRESIDENT OF THE KENTUCKY BAR ASSOCIATION.

3 MR. STEVENSON: I HAD A TWO HOUR PRESENTATION,
4 BUT CHARLIE STOLE ABOUT AN HOUR OF IT. I WON'T BE
5 THAT LONG.

6 I WILL REITERATE A FEW OF THE POINTS THAT
7 CHARLIE MADE, BUT NOT MANY.

8 I DO REITERATE THE FACT THAT ACCORDING TO THE
9 STAFF REPORT THE WOODLANDS AND THIS AREA OF THE
10 VICINITY IS IN THE URBAN RESIDENTIAL PLAN AREA, AND
11 THAT GENERAL BUSINESS USAGE IS APPROPRIATE, BUT AGAIN,
12 AS HE SAID, IN A VERY, VERY LIMITED LOCATIONS.

13 IF YOU LOOK AT CHARLIE'S MAP, I DON'T KNOW HOW
14 MANY OF YOU ALL -- I'VE LIVED THERE 26 YEARS. WHEN I
15 LIVED THERE, THEY JUST BUILT 54 INTO FOUR LANES. SOME
16 OF MY FRIENDS THAT LIVE IN TOWN THINK I STILL LIVE IN
17 ANOTHER COUNTY.

18 IF YOU'RE FAMILIAR WITH 54, YOU HAVE FROM THE
19 BYPASS TO FAIRVIEW IT'S ALL COMMERCIAL. BOTH SIDES.
20 THAT'S FINE. BUT THEN FROM RALPH AVENUE ON THERE'S
21 NOTHING ON THIS SIDE OF 54 UNTIL YOU GET TO THE
22 DEVELOPMENT THAT'S BEING BUILT AND IT'S A PLANNED
23 COMMERCIAL DEVELOPMENT IN CONJUNCTION WITH LAKE
24 FOREST. IT'S A PLAN. IT'S CONFINED. IT'S
25 WELL-DESIGNED, AND IT'S GOING TO SERVE THE NEEDS OF

1 NOT ONLY THIS SUBDIVISION, BUT ALL THE OTHER
2 COMMUNITIES IN THIS VICINITY.

3 YOU HAVE GATEWAY ACROSS THE STREET, ACROSS THE
4 HIGHWAY. IT'S BEEN THERE FOR YEARS, BUT IT'S STILL
5 CONFINED. IT'S DEFINED. IT'S IN A CERTAIN PERIMETER.

6 WELL, NOW WE HAVE LAKE FOREST. WE'VE GOT THE
7 WOODLANDS. WE'VE GOT WOODLANDS CROSSING. OF COURSE,
8 THOROUGHbred EAST HAS BEEN THERE FOR A LONG TIME.
9 THIS IS A DEFINED AREA. IT'S RESIDENTIAL. IT'S
10 ALWAYS BEEN RESIDENTIAL.

11 CHARLIE MADE A GOOD POINT. YOU REZONE THAT,
12 IT CAUSES PROBLEMS. BECAUSE THEN YOU DO EXPAND THE
13 GENERAL BUSINESS AND IT CAN GO HERE, ONTO WHAT I CALL
14 THE HENNESSY PROPERTY. IT EXPANDS WHEN IT'S AGAINST
15 THE COMPREHENSIVE PLAN THAT YOU SHOULD USE GENERAL
16 BUSINESS IN A VERY, VERY LIMITED WAY.

17 THIS IS RESIDENTIAL. I DON'T MIND -- I DON'T
18 KNOW WHAT MR. LAMBERT'S PLANS HERE. IT COULD BE A
19 CONVENIENT, BUT I DON'T MIND DRIVING UP THE STREET. I
20 DON'T WANT TO LOOK AT THAT EVERY DAY.

21 THERE ARE SOME COMMERCIAL OVER HERE. OF
22 COURSE, MR. LAMBERT HAS ONE ACROSS THE STREET. OF
23 COURSE, THE CHURCH IS HERE. I WOULDN'T CALL THAT
24 COMMERCIAL. IF YOU DO, YOU'RE GOING TO BE IN TROUBLE.
25 SOUTHERN STAR RECENTLY HAS THEIR RECORDS BUILDING IS

1 THERE. I CONSIDER THAT MORE PROFESSIONAL. YOU'RE NOT
2 GOING TO SEE BRIGHT LIGHTS NIGHT AND DAY. YOU DO HAVE
3 THE WAFFLE HOUSE AND YOU'VE MR. THOMPSON, I THINK
4 THAT'S PROBABLY B-4. IT'S BEEN THERE FOR YEARS. IT
5 USED TO BE A HARDWARE STORE. UNDEVELOPED. HASN'T
6 BEEN DEVELOPED. THE STORE IS VACANT. SO YOU HAVE
7 SOME LIMITED AMOUNTS OR ACREAGE ON THIS SIDE, BUT FROM
8 RALPH AVENUE TO BASICALLY THRUSTON-DERMONT, MILLERS
9 MILLS ROAD EXIT, NOTHING. NOT A THING.

10 I THINK YOU NEED TO LOOK AT LIMITED. YOU
11 KNOW, GROWTH IS GREAT. I'M NOT AGAINST GROWTH. I
12 DON'T THINK OUR NEIGHBORS ARE AGAINST GROWTH, BUT
13 YOU'VE GOT TO PUT IT IN A DEFINED AREA; OTHERWISE, 54
14 IS GOING TO BE PRETTY MUCH LIKE, WITH THE EXCEPTION OF
15 OUR NEIGHBORHOOD, KIND OF SOUTH FREDERICA WITHOUT
16 HOUSES OR WITH HOUSES.

17 YOU EVER BEEN ON BROWNSBORO ROAD IN
18 LOUISVILLE? THAT USED TO BE ALL RESIDENTIAL. NOW YOU
19 CAN'T SEE THE RESIDENCES BECAUSE OF ALL OF THE
20 COMMERCIALISM ALONG BROWNSBORO ROAD. IT'S TOUGH.
21 I'VE GOT FRIENDS THAT LIVE IN THAT AREA. THEY SAY
22 IT'S TOUGH TO GET IN AND OUT WITHOUT A TRAFFIC LIGHT
23 OR A TURN LANE TO GET IN.

24 WE THINK OF ECONOMIC DEVELOPMENT, MADISON AND
25 I HAVE TALKED ABOUT THAT SEVERAL TIMES, YOU THINK OF

1 INDUSTRY AND YOU THINK OF COMMERCIALISM. YOU DON'T
2 THINK OF RESIDENTIAL IMPACT THAT A RESIDENCE HAS ON
3 FOR BENEFIT OF THE COMMUNITY. YOU'VE GOT FOUR
4 MAJOR -- WELL, I DON'T EVEN CONSIDER THE WOODLANDS
5 MAJOR. WE'RE ONLY 43 LOTS. ONLY 43 LOTS. FORTY-TWO
6 HOUSES. ONE LOT HAS NOT BEEN DEVELOPED. THAT'S ALL.
7 LAKE FOREST, I DON'T KNOW, 200. I DON'T KNOW
8 WHAT THOROUGHBRED EAST HAS. PROBABLY 150 AT LEAST.
9 WOODLANDS CROSSING PROBABLY HAS ABOUT LIKE US. SO
10 YOU'RE LOOKING AT FOUR SUBDIVISIONS WITH A LOT OF
11 PEOPLE. A LOT OF PEOPLE.

12 THE ECONOMIC IMPACT THAT THOSE FOUR
13 SUBDIVISIONS HAVE IN THIS COMMUNITY ARE GREAT. I
14 CAN'T SPEAK FOR THE OTHER THREE, BUT TODAY I JUST GOT
15 CURIOUS. I WENT TO THE PVA OFFICE. I GOT A PRINTOUT
16 OF THE 43 LOTS IN THE WOODLANDS. TAX ASSESSMENT, WE
17 ALL KNOW TAX ASSESSMENT IS NOT FAIR CASH VALUE. THEY
18 MAY CALL IT THAT, BUT THEY'RE NOT.

19 FRED, WHAT DO YOU THINK 42 LOTS IN THE
20 WOODLANDS IS ASSESSED AT, 42 LOTS?

21 MR. REEVES: AT LEAST 4 MILLION.

22 MR. STEVENSON: \$14 MILLION OUT OF THOSE 42
23 LOTS. NOW, YOU TAKE THAT AND YOU COMBINE, YOU
24 MULTIPLE THAT BY FOUR OR FIVE TIMES LAKE FOREST, EQUAL
25 OVER TO WOODLANDS CROSSING, EQUAL OR MORE OVER AT

1 THOROUGHbred ACRES, AND YOU'VE GOT A HECK OF AN
2 IMPACT. IT'S AN ECONOMIC IMPACT THAT DOESN'T LOOK --
3 YOU DON'T SEE IT IN THE STATISTICS, BUT THAT'S WHY WE
4 LOCATED OUT THERE. WE LIKE OUR SUBDIVISION. SO WE'VE
5 GOT AN IMPACT THAT YOU ALL CAN CONTROL. YOU DON'T
6 HAVE TO APPROVE THIS. YOU HAVE THE RIGHT TO SAY, NO,
7 BECAUSE YOU HAVE THE AUTHORITY UNDER THE COMPREHENSIVE
8 PLAN.

9 NOW, BY THE WAY THOSE HOUSES, THOSE 42 HOUSES
10 PAY ALMOST \$140,000 TAXES, REAL ESTATE PROPERTY TAXES.

11 OUR COMMUNITY, BY THE WAY, I'M SORRY.
12 EVERYONE IN OUR SUBDIVISION, WOULD YOU STAND UP
13 PLEASE. THIS IS HOW MANY PEOPLE ARE HERE.
14 UNFORTUNATELY NOT EVERYBODY COULD MAKE IT. SOME ARE
15 WORKING, BUT THIS IS OUR NEIGHBORHOOD. SOME HAVE
16 LIVED THERE A FEW YEARS. SOME OF US HAVE LIVED THERE,
17 SOME OF US HAS BEEN NEIGHBORHOODS FOR 25 YEARS OR
18 MORE. THANK YOU.

19 54 IS A MAJOR THOROUGHFARE IN THIS COMMUNITY,
20 BUT IT SHOULDN'T NECESSARILY BE A HODGEPODGE OF
21 COMMERCIALISM. A LOT HERE, A LOT THERE, ETCETERA.
22 MAKE IT DEFINE. WE'VE GOT A DEFINED AREA. UP CLOSER
23 TO THE BYPASS AND NOW DOWN TOWARDS MILLERS MILL, BUT
24 DON'T MAKE IT ALL OVER.

25 TRAFFIC, CHARLIE HIT ON THAT. IF YOU EVER

1 DRIVE OUT THERE PAY CLOSE ATTENTION. IS CURVES RIGHT
2 THERE AT MR. LAMBERT'S PROPOSED REZONING.

3 EVERY MORNING, 25 YEARS AGO IT WASN'T TOO BAD.
4 EVERY MORNING I HAVE TO BREAK THE TRAFFIC LAWS TO GET
5 OUT ON 54 TO COME DOWNTOWN TO MY OFFICE. I'VE GOT TO
6 LOOK BOTH WAYS. I KEEP FORGETTING SOMETIMES PEOPLE
7 FROM PHILPOT MAY BE TURNING INTO MY SUBDIVISION IN THE
8 MORNING OR WHEN I GOT TO THE GROCERY ON SATURDAY
9 MORNING OR WHATEVER. WHEN I GO OUT, I HAVE TO LOOK
10 BOTH WAYS. GET INTO THE MIDDLE TURN LANE, WHICH IS
11 REALLY THE TURN LANE FOR WOODLANDS CROSSING, AND THEN
12 MERGE OUT INTO THE NORTHBOUND LANE TO GO TO TOWN.
13 THAT'S THE ONLY WAY I CAN GET OUT, UNLESS IT'S IN THE
14 MIDDLE OF THE NIGHT AND THERE NO TRAFFIC. THAT'S IT.
15 TWICE IN THE LAST SINCE THE FIRST OF THE YEAR I'VE HAD
16 CAR COMING RIGHT AT ME GOING INTO WOODLANDS CROSSING.
17 ONE HONKED AND GAVE ME A PEACE SIGN, AND THE OTHER ONE
18 WAS REAL NICE. THAT'S THE ONLY WAY I CAN GET OUT.
19 EVERYONE ONE OF US DO IT EVERY MORNING. I KNOW OF ONE
20 COUPLE, I THINK THEY GO OUT THE BACK WAY THROUGH LAKE
21 FOREST, ALL THE WAY AROUND. IT'S GOING TO GET TO THAT
22 POINT POSSIBLY.

23 YOU ALL DON'T HOLD THE KEY TO KENTUCKY
24 TRANSPORTATION. WE'VE TRIED TWICE I KNOW IN THE LAST
25 25 YEARS TO GET A LIGHT. THEY DID A TRAFFIC STUDY.

1 NOT ENOUGH TRAFFIC TO JUSTIFY A LIGHT. I THINK LAKE
2 FOREST HAS TRIED THE SAME THING. MAYBE I STAND
3 CORRECTED. WE CAN'T GET A LIGHT.

4 PLANNING AND ZONING HAS SAID OR THE STAFF
5 REPORT SAYS A TURN LANE FOR THIS PROPERTY, IF THE
6 KENTUCKY DEPARTMENT OF TRANSPORTATION APPROVES IT.
7 WHAT DO YOU THINK, FOLKS? THEY'RE NOT GOING TO. THEY
8 HAVEN'T YET. THEY'RE NOT GOING TO AT ALL. THIS
9 PROPERTY IS GOING TO BE DANGEROUS FOR THE CUSTOMERS,
10 PARTICULARLY EXITING AND GOING BACK TOWARDS TOWN.
11 THEY'RE GOING TO CROSS AT LEAST TWO LANES, POSSIBLY
12 THREE LANES TO GET OUT.

13 MR. KAZLAUSKAS WOULD KNOW IF HE WAS STILL
14 CHIEF. AT THE INTERSECTION OF FAIRVIEW DRIVE AND 54
15 THERE'S AT LEAST ONE ACCIDENT A WEEK I WOULD SAY ON
16 THE AVERAGE. LAST WEEK THERE WAS A REAL BAD ONE. AT
17 FAIRVIEW AND 54 IT IMMEDIATELY GOES TO 55 MILES AN
18 HOUR. IF YOU THINK EVERYONE AT 5:00 IS OBEYING THE
19 SPEED LIMIT HEADING TO PHILPOT, NO. I HAVE BEEN
20 CUSSED AT, HONKED AT, EVERYTHING IMAGINABLE JUST
21 TRYING, AND I GIVE MY SIGNAL LONG WAY DOWN THE ROAD
22 JUST TO GET INTO MY SUBDIVISION, BUT THEY DON'T LIKE
23 YOU TURNING AND SLOWING DOWN BECAUSE THEY'RE HITTING
24 55 OR 60.

25 THIS DEVELOPMENT IS GOING TO BE WORSE. SMALL

1 LOTS CREATE BIG PROBLEMS? YES, THEY DO.

2 ONE THING YOU HAVEN'T LOOKED AT. IF YOU
3 HAVEN'T OUT THERE, LOOK AT THE TOPOGRAPHY OF THIS
4 PROPERTY. THIS PROPERTY IS DOWN IN A HOLE. ALL OF
5 THIS IS HIGHER ELEVATION. EVERY BIT OF IT. SO THE
6 NEIGHBORS, PARTICULARLY THE THREE, AT THIS CUL-DE-SAC
7 YOU CAN'T PUT ENOUGH REQUIREMENT FOR SCREENING THAT
8 THEY WON'T BE ABLE TO SEE THAT EVERY DAY BECAUSE ALL
9 THEY'RE REQUIRED IS A 6 FOOT FENCE OR SCREENING. YOU
10 COULDN'T BUILD IT HIGH ENOUGH FOR THEM TO NOT BE ABLE
11 TO SEE THIS DAY AND NIGHT.

12 FROM A STANDPOINT OF THE INTEGRITY OF THIS
13 SUBDIVISION AND WHAT HAS BEEN BUILT HERE AND DEVELOPED
14 WITHIN THIS SUBDIVISION OVER THE LAST 25 YEARS, THIS
15 IS CREATING A MAJOR BLIGHT AND A SORE THUMB WITHIN THE
16 PLANNED URBAN RESIDENTIAL AREA. WOULDN'T BE BAD UP
17 HERE. WOULDN'T BE BAD WAY DOWN HERE BECAUSE YOU HAVE
18 SOME PLANNED GROWTH IN THOSE AREAS, BUT NOT RIGHT
19 RIGHT STUCK IN THE MIDDLE.

20 ONE MORE THING. MR. LAMBERT ALREADY HAS GOT
21 HIS LITTLE MAP UP THERE. THIS MAP WAS DONE LONG
22 BEFORE HE SUBMITTED HIS PLAN. ACCORDING TO PLANNING &
23 ZONING YOU HAVE TO HAVE AN ACRE AND A HALF. WELL,
24 GUESS WHAT? 1.870. HE COMPLIES. HE'S GOT
25 CONCEPTIONS HERE OF WHAT HE MIGHT WANT TO DO, BUT THEN

1 WHAT IF HE SELLS OFF THE BACK PART. HASN'T HE
2 DEFEATED OR CIRCUMVENTED THE REQUIREMENT THAT HE HAS
3 OF AN ACRE AND A HALF TO DEVELOP BECAUSE THEN HE'S
4 GOING TO HAVE LESS THAN AN ACRE OR ACTUALLY HE'S GOING
5 TO HAVE, YES, LESS THAN AN ACRE. SO HE'S KIND OF
6 CIRCUMVENTED THE REQUIREMENT OF AN ACRE AND A HALF TO
7 DEVELOP FOR COMMERCIAL. I DON'T KNOW IF HE IS OR NOT.
8 HE MIGHT SAY HE WON'T, BUT THAT STILL EXIST.

9 THANK YOU. I APPRECIATE IT. THERE IS TWO
10 RESIDENTS THAT WOULD LIKE TO SPEAK. ONE OF THEM IS
11 MORE AFFECTED. HE'S RIGHT NEXT TO IT. THEN THERE'S
12 OTHER FELLOW WHO WANTS TO SPEAK BECAUSE OF THE SIGHT
13 SITUATION I ALLUDED TO AWHILE AGO. THANK YOU.

14 CHAIRMAN: THANK YOU. WE NEED TO KIND OF WRAP
15 IT UP HERE ON THAT SIDE AND GIVE MR. LAMBERT TIME AND
16 THE STAFF TIME. WHOEVER NEEDS TO SPEAK, LET'S GET IT
17 DONE. MR. KAMUF, I HOPE YOU'VE HAD ENOUGH TIME.

18 MR. SILVERT: STATE YOUR NAME.

19 MR. TAYLOR: JEFF TAYLOR.

20 MR. SILVERT: YOU'RE SWORN, JUDGE.

21 MR. TAYLOR: THANK YOU, MR. CHAIRMAN. I
22 APPRECIATE IT AND I'LL BE VERY BRIEF. I REALLY DON'T
23 HAVE ANYTHING TO ADD OF WHAT HAS BEEN SAID QUITE
24 FRANKLY OTHER THAN MY WIFE AND I ARE THE ADJOINING
25 PROPERTY ON THE SOUTH SIDE OF THE PROPERTY. THE ONLY

1 HOUSE THAT ACTUALLY TOUCHES THE EXISTING PROPERTY. AT
2 PRESENT TIME AND WHAT HAS BEEN I GUESS AN EXISTENCE IN
3 OUR 19 YEARS IS A SUBSTANTIAL AREA OF TREES THAT
4 BLOCKS US FROM SEEING THE EXISTING PROPERTY OR HIGHWAY
5 54 FOR THAT MATTER EXCEPT PERHAPS SOMETIME IN THE
6 WINTER.

7 OUR POSITION HAS ALWAYS BEEN, AND I TOLD MR.
8 LAMBERT THIS THE FIRST TIME I TALKED TO HIM, IS
9 PROTECTING THE INTEGRITY OF OUR NEIGHBORHOOD. I THINK
10 THAT'S BEEN EXPRESSED BY BOTH MR. STEVENSON AND MR.
11 KAMUF, AND I DON'T WANT TO DWELL ON THAT ANY MORE
12 OTHER THAN FROM A HOMEOWNER'S PERSPECTIVE, YOU KNOW,
13 YOU DO HAVE A SUBSTANTIAL INVESTMENT FOR MYSELF, AND I
14 CAN'T SPEAK FOR THE OTHERS. IT'S PROBABLY THE MOST
15 SUBSTANTIAL INVESTMENT WE HAVE. IF WE'RE GOING TO DO
16 SOMETHING THERE, IT'S GOT TO BE SOMETHING THAT'S
17 COMPATIBLE WITH THE NEIGHBORHOOD.

18 I WILL SAY, I DON'T HAVE ANYTHING BAD TO SAY
19 ABOUT MR. LAMBERT. SINCE THE LAST MEETING HE HAS MET
20 WITH SEVERAL MEMBERS OF THE BOARD. MY PERSONAL
21 SITUATION I SPOKE WITH HIM AGAIN LAST NIGHT. IN FACT,
22 IF IT WAS REZONED I WANTED AN EXTENSION OF THE BUFFER
23 ZONE FROM 10 TO 20 FEET, A MANDATORY FENCE BACK IN
24 THAT BUFFER ZONE. HE CONCEDED THAT HE WOULD DO ALL OF
25 THAT AND INCORPORATE THAT INTO SOME TYPE OF ORDER,

1 WHATEVER IS ULTIMATELY DONE IF IT IS REZONED BY THIS
2 BOARD. I HAVE NO OBJECTION OF WHAT HE'S AGREEING TO
3 AND CERTAINLY, AS I TOLD HIM, I'M A MEMBER OF THE
4 BOARD, I'M A MEMBER OF THE HOMEOWNERS ASSOCIATION
5 BOARD AND AS A HOMEOWNER I STAND WITH THE BOARD AND
6 OUR ASSOCIATION AS FAR AS THEIR POSITION AND
7 EVERYTHING THAT HAS BEEN SAID UP TO NOW. THANK YOU.

8 CHAIRMAN: ANYONE ELSE FROM THE WOODLANDS
9 AREA?

10 MR. SILVERT: COULD YOU STATE YOUR NAME,
11 PLEASE.

12 MR. O'BRYAN: BILL O'BRYAN. I'M A HOMEOWNER,
13 3955 WOOD TRACE.

14 (BILL O'BRYAN SWORN BY ATTORNEY.)

15 DR. O'BRYAN: I WOULD JUST LIKE TO REITERATE
16 THE FACT THAT THIS GROUND IS ACUTELY ROLLING. AS WOOD
17 TRACE COMES IN OFF OF 54, IT'S PROBABLY 30 FEET ABOVE
18 WHERE THIS IS GOING TO BE BUILT. MY HOUSE IS ONE OF
19 THE PROPERTIES ON THE OTHER SIDE OF WOOD TRACE. SO
20 I'M PROBABLY 50, 60, 70 FEET IN THE AIR. AN 8 FOOT
21 FENCE IS NOT GOING TO BLOCK MY VIEW OF THEIR SECURITY
22 LIGHT OR THE DUMPSTER. A 20 FOOT FENCE MIGHT NOT
23 BLOCK MY VIEW OF THE DUMPSTER AND THE SECURITY LIGHT.
24 SO I WOULD JUST LIKE YOU TO CONSIDER THAT.

25 CHAIRMAN: THANK YOU.

1 ANYONE ELSE?

2 (NO RESPONSE)

3 CHAIRMAN: MR. LAMBERT.

4 MR. REEVES: MR. PEDLEY, WE'RE GOING TO GET SO
5 FAR DOWN THE ROAD AND I'VE GOT 50 QUESTIONS ALREADY.
6 COULD WE MAYBE ASK SOME QUESTIONS? IS IT APPROPRIATE
7 TO ASK MR. LAMBERT QUESTIONS AT THIS POINT IN TIME
8 BEFORE HE MAKES HIS PRESENTATION OR WHATEVER HE'S
9 GOING TO DO?

10 CHAIRMAN: YOU HAVE QUESTIONS FOR --

11 MR. REEVES: I HAVE A QUESTION FOR MR. LAMBERT
12 AND A QUESTION FOR MR. HAYS OVER HERE, RELATED TO MY
13 QUESTION OF MR. LAMBERT.

14 CHAIRMAN: WE'LL GO TO MR. HAYS AND THEN WE'LL
15 GO BACK TO MR. LAMBERT. IS THAT OKAY?

16 MR. REEVES: NO. LET'S GO TO MR. LAMBERT
17 FIRST.

18 CHAIRMAN: OKAY.

19 MR. REEVES: WHAT I'M LOOKING AT HERE IS -- I
20 HAVE A LOT OF AMBIVALENCE ON WHAT I'M HEARING AND MY
21 CONCERNS. THE BIG CONCERN WOULD BE SAFETY.

22 AS I LOOK AT THE TRACT YOU'RE PROPOSING TO
23 REZONING, I'M ASSUMING YOU'RE GOING TO HAVE TO DEVELOP
24 IT NORTH TO SOUTH; IS THAT CORRECT?

25 MR. LAMBERT: THAT'S MY INTENTION, YES.

1 MR. REEVES: IT'S EITHER GOING TO FRONT TO THE
2 EAST OR FRONT TO THE WEST?

3 MR. LAMBERT: THE FRONT WOULD BE TOWARDS 54 AT
4 A SLIGHT ANGLE, AS INDICATED BY THE DRAWING THERE.
5 MAYBE IF I PASS THIS OUT IT MIGHT HELP.

6 MR. REEVES: LET ME ASK YOU A QUESTION FIRST
7 BEFORE I GET ANYTHING ELSE IN MY MIND.

8 IN TERMS OF WHAT YOU'RE PLANNING, AS I LOOK AT
9 THIS DEVELOPMENT, IS THE PROJECT YOU'RE PLANNING TO
10 DEVELOP IS IT LARGER OR SMALLER THAN THIS?

11 MR. LAMBERT: ACTUALLY ON A SQUARE FOOT BASIS
12 AS MY CONCEPTUAL PLAN IS RIGHT NOW IT'S SLIGHTLY
13 LARGER, BUT I BELIEVE THAT BUILDING IS MAYBE 110 FEET
14 IN WIDTH AND 55 FOOT IN DEPTH WHERE BECAUSE OF THE
15 ANGLE OF 54 AND THE ANGLE OF MY PROPERTY, I FEEL THAT
16 THE MAXIMUM WIDTH ON THAT BUILDING IN ALLOWING ACCESS
17 TO THE BACK FOR ADDITIONAL PARKING AND EGRESS AND
18 INGRESS, THAT THE BUILDING WOULD ONLY BE ABOUT 100
19 FOOT IN WIDTH. SO ACTUALLY IN ANSWERING YOUR
20 QUESTION, YES, IT'S A BIGGER BUILDING BUT, NO, IT'S
21 NOT A WIDER BUILDING.

22 MR. REEVES: I ASSUME THIS TYPICALLY WOULD BE
23 ABOUT FOUR STORE FRONTS, AND SOME ARE LARGER THAN
24 OTHERS.

25 MR. LAMBERT: RIGHT.

1 MR. REEVES: YOU'RE TALKING ABOUT A PLACE THAT
2 HAS THE EQUIVALENT OF ABOUT FOUR STORE FRONTS?

3 MR. LAMBERT: YOU KNOW, IT POSSIBLY COULD BE
4 THAT WAY. I MAY HAVE ONE PERSON THAT WANTS TO TAKE
5 4,000 SQUARE FEET.

6 MR. REEVES: I UNDERSTAND THAT. IN TERMS OF
7 WHAT A TYPICAL STORE FRONT WOULD BE, I UNDERSTAND
8 SOMEBODY WILL TAKE ONE AND A HALF OR TWO.

9 MR. LAMBERT: RIGHT. THAT'S CORRECT.

10 MR. REEVES: MY QUESTION IS TO MR. HAYS, IN
11 LISTENING TO YOU, MR. HAYS, IN LOOKING FOR THIS FRONT
12 IS 54. MR. LAMBERT, I DON'T KNOW HOW HE'S GOING TO
13 GET IT FRONTED ON 54, BUT THAT'S FINE WITH ME.

14 IF A DEVELOPMENT LIKE THIS IS PUT ON, ORIENTED
15 NORTH TO SOUTH AND WE'RE GOING TO GET IN OFF OF 54, IS
16 IT POSSIBLE TO SAFELY TO DO THAT WITH THE ROAD AS IT
17 IS RIGHT NOW?

18 MR. HAYS: IS IT POSSIBLE TO --

19 MR. REEVES: IS IT POSSIBLE TO GET IN AND OUT
20 OF THAT DEVELOPMENT AS PROPOSED SAFELY IN YOUR
21 PROFESSIONAL OPINION AS A TRAFFIC ENGINEER?

22 MR. HAYS: I HAVE NOT ANALYZED IT FROM AN
23 ENGINEERING STANDPOINT. IN OTHER WORDS, I HAVE NOT
24 LOOKED AT THE STOPPAGE SITE DISTANCE, THOSE TYPE OF
25 THINGS. MY UNDERSTANDING IS THAT THE KENTUCKY

1 TRANSPORTATION CABINET HAS GRANTED A PERMIT. I HAVE
2 TO ASSUME THAT THEY HAVE REVIEWED THOSE ISSUES, BUT I
3 HAVE NOT CONDUCTED AN ENGINEERING STUDY OR COMPARED --
4 THERE'S A HIGHWAY SAFETY MANUAL WHICH BASICALLY
5 COMPILES STATISTICS AND EVERYTHING ON A SITUATION SUCH
6 AS THIS. I HAVE NOT DONE THAT TYPE OF STUDY. SO FOR
7 ME TO SAY FROM AN ENGINEERING STANDPOINT, YES, YOU'LL
8 BE SAFE OR NOT SAFE, PROFESSIONALLY I CAN'T DO THAT
9 ONE WAY OR THE OTHER. I'M GOING TO APOLOGIZE.

10 MR. REEVES: THAT'S OKAY. I WANTED TO KNOW IF
11 YOU HAD A PROFESSIONAL OPINION.

12 MR. LAMBERT: FRED, AS I UNDERSTAND WHAT YOUR
13 CONCERNS ARE IS REALLY ADDRESSING THE CONCERNS OF MY
14 EXISTING BUILDING ACROSS THE STREET, WHETHER OR NOT
15 THAT IS SAFE AND WHETHER OR NOT --

16 MR. REEVES: NO. NO. MY CONCERN IS THE ONE
17 YOU'RE PROPOSING. YOUR EXISTING BUILDING ACROSS THE
18 STREET HAS A LOT MORE FRONTAGE ON 54, I THINK.

19 MR. LAMBERT: IT DOES.

20 MR. REEVES: THIS WOULD HAVE A VERY LIMITED
21 AMOUNT OF FRONTAGE ON 54. KNOWING THAT THAT ROAD
22 ACTUALLY, IT COMES DOWN AND CURVES AT THE SAME TIME,
23 IT IS A DISTINCTIVE KIND OF ROAD. MY CONCERN IS THE
24 SAFETY GETTING IN AND OUT THERE THE WAY THAT YOU
25 PROPOSE TO ORIENT YOUR PROPERTY ON THE SITE.

1 MR. LAMBERT: RIGHT. I WOULD HAVE TO DO A
2 TRAFFIC STUDY AND THE STATE WOULD HAVE TO SIGN OFF ON
3 IT AND ALL OF THAT.

4 MR. REEVES: THANK YOU VERY MUCH.

5 MR. LAMBERT: IF THERE'S NOT ANYTHING ELSE --

6 MR. REEVES: THANK YOU, MR. CHAIRMAN.

7 MR. LAMBERT: -- I'M GOING TO HAND OUT SOME
8 DOCUMENTS HERE. THERE'S SEVERAL EXHIBITS HERE.
9 NOWHERE NEAR AS MANY AS MY OPPOSITION HAS. YOU CAN
10 HAVE A SIGH OF RELIEF.

11 THERE'S BEEN A LOT OF TALKED ABOUT TODAY AND A
12 LOT OF CONCERNS, AND I UNDERSTAND THAT. IT'S GOING TO
13 BE DIFFICULT FOR ME TO ADDRESS EVERY SINGLE ISSUE
14 THAT'S BEEN BROUGHT UP AND CONCERNS. I'LL TRY TO DO
15 MY BEST.

16 I'VE GOT A PREPARED STATEMENT HERE, AND
17 EXHIBITS, THAT I WANT TO PRESENT TO YOU ALL.
18 HOPEFULLY THAT WILL ADDRESS A LOT OF WHAT'S BEEN
19 BROUGHT UP.

20 SO BEAR WITH ME. I'M NOT A PROFESSIONAL
21 SPEAKER AS MR. KAMUF IS, BUT I WILL DO MY BEST.

22 FURTHER REQUEST MADE FOR THE LAST MEETING I
23 PREPARED A CONCEPTUAL SITE PLAN. THAT SITE PLAN WAS
24 PREPARED AFTER THE MEETING AS CONFIRMED BY BRYANT
25 ENGINEERING. THIS WAS NOT SOMETHING THAT WAS DONE

1 PRIOR TO THE LAST MEETING. IT WAS ACTUALLY DONE TO
2 ACCOMMODATE SOME OF THE CONCERNS THAT WERE BROUGHT UP
3 AT THE LAST MEETING.

4 MR. HAYDEN'S WIFE AND MR. THOMPSON'S PROPERTY
5 TO THE EAST OF MY ME AND MR. TAYLOR AND THE ADJOINING
6 PROPERTY OWNERS ON THE SOUTH, AND MR. FRANK BRANCATO,
7 WHO AT THE TIME OF THE LAST MEETING WAS REPRESENTING
8 THE HOMEBUILDERS ASSOCIATION, WAS PROVIDED A COPY OF
9 THAT TO HELP ASSIST THEIR CONCERNS AT THE TIME.

10 I'VE HAD SEVERAL MEETINGS WITH, WELL, SEVERAL
11 CONVERSATIONS I SHOULD SAY. A FEW MEETINGS WITH
12 INDIVIDUALS AND WITH CONCERNED CITIZENS AND THE
13 NEIGHBORHOOD ASSOCIATION. I MET WITH SIX PEOPLE LAST
14 NIGHT. TRIED TO ADDRESS THEIR CONCERNS, LISTEN TO
15 THEIR CONCERNS.

16 AT THAT TIME WHAT I TOOK FROM THAT THEIR
17 CONCERNS WERE LIGHTING, WHICH I HAD ASKED MR. HAYDEN
18 TO E-MAIL ME SOME SUGGESTIONS ON LIGHTING, AND THE
19 TYPE OF BUILDING I WAS GOING TO BUILD. ONE OF THE
20 CONCERNS WAS TRAFFIC, WHICH HAS BEEN ADDRESSED ON
21 THEIR SIDE. I'LL ADDRESS A LITTLE BIT LATER IN
22 REGARDS TO THE TRAFFIC SITUATION.

23 ON EXHIBIT A, IN THE GENERAL SITE PLAN GIVEN
24 TO THE PARTIES LISTED SHOW A RETAIL SALES BUILDING
25 APPROXIMATELY 600 SQUARE FEET FRONTING HIGHWAY 54 AND

1 PARKING IN THE FRONT AND REAR OF THE BUILDING. THE
2 SOUTHERN PORTION OF THE LOT WAS SHOWN AS A FUTURE
3 DEVELOPMENT AREA. THAT'S THE BACK PART. THAT'S THE
4 PART THAT REALLY AFFECTS MR. TAYLOR THE MOST. THAT'S
5 REALLY THE ONLY PART OF THIS PROPERTY THAT TOUCHES ANY
6 PART OF THE SUBDIVISION WHICH IS MR. TAYLOR.

7 I SIMPLY DON'T HAVE A PLAN FOR THE BACK PART
8 OF THAT. AS I SAID BEFORE, I DON'T SEE REALLY A
9 COMMERCIAL USE FOR THAT. I DON'T HAVE ANY PLANS. IT
10 DOESN'T HAVE ANY FRONTAGE ON A MAJOR ROAD. I DON'T
11 SEE HOW THAT WOULD BE A COMMERCIAL VIABLE OPTION. I
12 WAS APPROACHED BY AN INDIVIDUAL ON BUYING PART OF THAT
13 PROPERTY, BUYING THE BACK PART TO MR. HAYDEN. I TOLD
14 HIM I WASN'T INTERESTED. SO ADDRESSING ONE OF THE
15 CONCERNS ABOUT IT, IF I WAS TO SELL THAT BACK PART,
16 I'VE ALREADY BEEN APPROACHED AND I'VE ALREADY TURNED
17 IT DOWN.

18 PER THE PLANNING STAFF RECOMMENDATIONS, THE
19 ACCESS POINT SHOWN IN ALIGNMENT WITH THE EXISTING
20 POINT ACROSS THE ROAD. THERE'S BEEN SOME QUESTION
21 ABOUT THAT EXISTING POINT MR. KAMUF TALKED ABOUT IN
22 RELATIONSHIP TO MY EXISTING COMMERCIAL BUILDING ACROSS
23 THE STREET. BELIEVE ME, I JUMPED THROUGH EVERY HURDLE
24 AND EVERY HOOP AND CROSSED EVERY T AND DOTTED EVERY I
25 THAT WAS REQUIRED OF ME. THE STATE SIGNED OFF OF IT.

1 I HAD SEVEN DIFFERENT ENGINEERS INVOLVED IN BUILDING
2 THAT BUILDING. THAT'S KIND OF AN UNUSUAL LOT. NOW
3 I'M REFERRING TO THE LOT ACROSS THE STREET. I'M
4 REALLY BRINGING THIS POINT UP BECAUSE THEY PROVIDED
5 SEVERAL PICTURES, AND THEY'RE THE ONES THAT ARE
6 INTERJECTING THE BUILDING ACROSS THE STREET.

7 THAT LOT HAS PROBABLY ABOUT I WOULD SAY 60
8 FOOT DROP OFF IN THE BACK THAT DROPS RIGHT INTO WHAT'S
9 CALLED BLUE LINE DITCH. I'M SURE SOME OF YOUR
10 DEVELOPERS HERE ON THE BOARD KNOW WHAT A BLUE LINE
11 DITCH MEANS. YOU'RE DEALING WITH THE CORP OF
12 ENGINEERS. THAT WAS A VERY DIFFICULT LOT TO DEAL WITH
13 AND PRODUCE, BUT I MET EVERY ITEM THAT WAS REQUIRED OF
14 ME. I HAD A LANDSCAPING BOND AND REQUIREMENTS THAT I
15 MET. I HAVE NOT HAD TODAY IN ALMOST SIX YEARS A
16 SINGLE COMPLAINT FROM A RESIDENT IN REGARD TO MY
17 PROPERTY.

18 I WON'T BORE YOU AND DRAG THIS OUT WITH ALL
19 THE LITTLE DETAILS THAT I COULD IN RELATIONSHIP TO
20 THAT BUILDING. THERE IS A LETTER THAT I'M GOING TO BE
21 PRESENTING THAT'S IN THE EXHIBIT THAT I'LL BE SHOWING
22 YOU.

23 THE BUILDING ORIENTATION, BACK TO THE LOT
24 WE'RE TALKING ABOUT TONIGHT. THE BUILDING ORIENTATION
25 WITH THE EAST AND WEST PROPERTY LINES, WHICH PUTS IT

1 ASKEW TO HIGHWAY 54, CONSISTING -- CONSIDERING THE
2 SKEW THE STORE FRONTAGE OF THE BUILDING WILL BE ANGLED
3 AWAY FROM WOOD TRACE. SO IF YOU LOOK AT THIS DRAWING
4 HERE, YOU'LL SEE THAT THE BUILDING IS ACTUALLY ANGLED
5 AWAY FROM THE WOOD TRACE SUBDIVISION.

6 THE SITE PLAN ALSO SHOWS THE REQUIRED
7 LANDSCAPING BUFFER PER THE ZONING ORDINANCE. SO I
8 WILL HAVE TO DO WHAT ZONING ORDINANCE REQUIRES ME TO
9 DO.

10 WHEN I DO MY SITE DEVELOPMENT PLAN, GO BEFORE
11 THAT REVIEW COMMITTEE AND THE BUILDING PROCESS, AS THE
12 DEVELOPERS ON THE BOARD KNOW, THAT I'LL HAVE TO ABIDE
13 BY WHAT IS RIGHT. I INTEND TO DO IT. I DID IT ON THE
14 PROPERTY ACROSS THE STREET. I'LL DO IT ON THIS
15 PROPERTY HERE. I'LL DO WHAT I'M REQUIRED TO DO BY THE
16 ORDINANCES THAT ARE SET OUT BY THIS CITY AND COUNTY.

17 THE INGRESS/EGRESS EASEMENTS ARE NOT SHOWN AT
18 THIS TIME, BUT WE DISCUSSED THIS WITH MR. HOWARD
19 YESTERDAY AT HIS OFFICE AND UNDERSTAND, WE HAVE AN
20 UNDERSTANDING OF THE REQUIREMENTS THAT HE WOULD WANT
21 US TO MEET. THE EASEMENTS WOULD BE WORKED OUT BY A
22 FINAL DEVELOPMENT PLAN. I WANT TO MAKE SURE EVERYONE
23 UNDERSTANDS THAT THIS IS A CONCEPTUAL DRAWING ONLY.
24 THE ACTUAL BUILDING DIMENSIONS AND LAYOUT MAY CHANGE
25 TO MEET A TENANTS NEEDS. AS I STATED IN THE LAST

1 MEETING, I DON'T HAVE A TENANT. I'VE NOT TALKED TO
2 TENANTS. I DON'T HAVE ANYBODY SET TO GO IN. SO, YOU
3 KNOW, IT'S HARD, A DEVELOPER WILL UNDERSTAND THIS, ON
4 COMMERCIAL IT'S HARD TO SAY SPECIFICALLY WHAT SIZE OF
5 BUILDING OR EXACTLY HOW YOU'RE GOING TO DO IT, BUT I'M
6 STILL BOUND BY WHAT THE ORDINANCES ARE. I CAN ONLY
7 PUT A CERTAIN SIZE BUILDING ON THIS LOT. I'VE GOT TO
8 MEET THE PARKING REQUIREMENTS. I'VE GOT TO MEET THE
9 DRAINAGE REQUIREMENTS. I DON'T WANT TO BEAT A DEAD
10 HORSE HERE. THERE ARE A LOT OF GUIDELINES AND
11 RESTRICTION THAT I WILL HAVE TO ABIDE BY.

12 EXHIBIT B IS A LETTER THAT I WANTED TO
13 PRESENT. THIS INVOLVES MR. TAYLOR AND HIS WIFE. FROM
14 THE VERY BEGINNING MY CONCERN HAS REALLY BEEN ABOUT
15 MR. TAYLOR AND HIS PROPERTY BECAUSE I UNDERSTAND. I
16 MEAN IF I LIVED THERE I WOULD BE CONCERNED TOO. TO
17 TRY TO WORK WITH MR. TAYLOR AND TRY TO ALLEVIATE HIS
18 CONCERNS NOT ONLY RIGHT NOW, BUT FOREVER. WE HAVE
19 TALKED AND AGREED TO AND THERE'S SOME WORDING THAT
20 I'LL ADD LATER ON TOWARDS THE END OF MY PRESENTATION,
21 BUT THIS LETTER, IF YOU WANT TO TAKE THE TIME TO READ
22 IT, IT'S BASICALLY SHOWING THAT WE'RE WORKING
23 TOGETHER. THAT I AM TAKING HIS CONCERNS INTO
24 CONSIDERATION AND I'M WILLING TO GIVE UP AN ADDITIONAL
25 10 FOOT, WHICH WAS GOING TO GIVE HIM A 20 FOOT BUFFER

1 ON THE BACK OF MY PROPERTY, ON THE SIDE OF HIS
2 PROPERTY, ALSO DEAL WITH THE SCREENING THAT IS
3 REQUIRED BY THE OMPC.

4 ON EXHIBIT C, THE EMPHASIS OF EXHIBIT C AS
5 SHOWN ON THIS EXHIBIT, THE BUFFER BETWEEN MY
6 DEVELOPMENT AND THE WOOD TRACE ENTRANCE IS
7 APPROXIMATELY 345 FEET, IT'S OVER A FOOTBALL FIELD,
8 ALONG HIGHWAY 54. THIRTY-ONE FOOT IN THE REAR. AFTER
9 MY CONCESSION TO GIVE MR. TAYLOR THAT ADDITIONAL 10
10 FOOT BUFFER ON THE BACK OF BEING 20 FOOT, WHAT HAPPENS
11 ON THE BACK OF MY LOT, AND YOU CAN SEE WHERE IT
12 ANGLES, IT ACTUALLY DOESN'T TOUCH THE SUBDIVISION
13 BECAUSE THE MULTI-FAMILY ZONE PROPERTY THAT MR. HAYDEN
14 HAS OR ACTUALLY MRS. HAYDEN HAS IT, AND TOMMY
15 THOMPSON, THAT'S GOING TO GIVE A BUFFER OF OVER 51
16 FEET BETWEEN MY PROPERTY AND THE WOOD TRACE
17 SUBDIVISION.

18 IN ADDITION TO THE BUFFERING ISSUE, THE
19 HOMEOWNERS ASSOCIATION VOICE CONCERNS WITH LIGHTING,
20 SCREENING AND BUILDING MATERIAL. REGARDING LIGHTING I
21 AM PERSONALLY NOT SURE EXACTLY WHAT KIND OF LIGHTING
22 AT THIS POINT THAT I'M GOING TO PUT BACK THERE. I CAN
23 ASSURE THIS BOARD AND THE RESIDENTS, I UNDERSTAND YOUR
24 CONCERNS. LOGICALLY I'M NOT GOING TO LIGHT UP AND
25 ILLUMINATE THE SUBDIVISION. I'M GOING TO LIGHT UP AND

1 FOCUS MY LIGHTING ON A DOWN LIGHTING SITUATION. GIVE
2 LIGHTING TO THE PARKING AREA. WE'LL HAVE EMPLOYEES
3 GOING BACK THERE AFTER WORK. THAT PARKING AREA DOES
4 NEED TO BE LIT FOR THE SAFETY OF EMPLOYEES, BUT I
5 DON'T HAVE TO LIGHT UP MR. HAYDEN'S PROPERTY. I DON'T
6 HAVE TO LIGHT UP MR. TAYLOR'S PROPERTY. I SURE DON'T
7 HAVE TO LIGHT UP YOUR ALL'S PROPERTY.

8 SO ON THE LIGHTING ISSUE I DON'T SEE THAT AS
9 BEING A REAL ISSUE. IT DOESN'T MAKE SENSE FOR ME TO
10 BROADCAST THE LIGHT OUT INTO THE NEIGHBORHOOD.

11 CONSIDERING THE BUFFING DISTANCE OF 345 FEET,
12 I DO NOT ANTICIPATE THAT LIGHTING WILL BE AN ISSUE.
13 REGARDING SCREENING I ANTICIPATE USING A WOOD PRIVACY
14 FENCE OR SOME KIND OF HEDGE ROW. IT'S WHAT IS
15 REQUIRED BY THE CODES AND I WILL DO THAT, AND I WILL
16 MAINTAIN THAT. I WILL BE REQUIRED TO MAIN THAT. ONE
17 PERSON IN ONE OF THE MEETINGS SAID, YOU KNOW, THE
18 FENCE WILL FALL DOWN. I HAVE TO MAINTAIN THAT FENCE.
19 BELIEVE ME, CODE ENFORCEMENT WILL MAKE ME MAINTAIN THE
20 FENCE.

21 I WOULD LIKE TO POINT OUT THAT THERE IS A
22 CONSIDERABLE GRAVE DISTANCE BETWEEN MY PROPERTY AND
23 WOOD TRACE. THIS HAS BEEN ALLUDED TO BY SEVERAL
24 PEOPLE. I WOULD ESTIMATE THE GRAVE DIFFERENCE BETWEEN
25 WHERE THIS COMMERCIAL BUILDING WOULD BE AND THE

1 HIGHEST POINT OF YARD OF MR. TAYLOR IS APPROXIMATELY
2 25 FEET. IN-BETWEEN MR. TAYLOR'S 25 FEET, WE HAVE AN
3 ADDITION OF 20 FOOT OF BUFFERING AREA THAT HAVE A SIX
4 FOOT HIGH FENCE, BUT IN ADDITION TO THAT THERE'S TREES
5 BACK THERE. AS MR. TAYLOR ALREADY SAID, THEY'RE
6 PROBABLY IN EXCESS OF 40 FEET.

7 I DO ANTICIPATE A BRICK OR GLASS STORE FRONT
8 VERY SIMILAR TO WHAT I BUILT ACROSS THE STREET. I
9 DON'T FEEL THAT IT WILL BE EXACTLY LIKE THAT. I
10 PROBABLY WILL HAVE SOME SORT OF CANTILEVER FRONT TO
11 COVER THE SIDEWALK IN THE FRONT OF THE BUILDING, BUT I
12 DON'T KNOW EXACTLY. I HAVEN'T GONE THROUGH A
13 CONCEPTUAL PLAN AND THE PROCESS THAT YOU GO THROUGH TO
14 DO A BUILDING. AGAIN, IT DEPENDS ON THE TENANTS AND
15 WHAT THEIR NEEDS ARE. I CAN'T REALLY GIVE AN EXACT
16 ESTIMATE. ONE PERSON ASKED ME WHAT COLOR I WAS GOING
17 TO PAINT IT. I DON'T KNOW. I CAN TELL YOU THAT I DO
18 WANT TO BLEND IN. I DO WANT IT TO BE AN ATTRACTIVE
19 BUILDING. I DO WANT IT TO BE A BUILDING THAT TENANTS
20 AND CUSTOMERS ARE GOING TO BE ATTRACTED TO.

21 DURING LAST NIGHT'S MEETING AT THE HOMEOWNERS
22 ASSOCIATION, MR. HAYDEN STRESSED THAT HE WOULD PROVIDE
23 ME WITH HIS THOUGHTS ON THE LIGHTING AND SCREENING. I
24 CURRENTLY HAVE NOT RECEIVED ANYTHING FROM HIM ON THAT,
25 BUT I TOLD HIM AT THE TIME THAT I WOULD CONSIDER AND

1 LOOK AT IT. I WOULD LIKE TO ASSURE HIM THAT MY
2 INTENSIONS ARE GOOD TO BE A GOOD NEIGHBOR. IF YOU GO
3 BACK TO THE LETTER FROM, ACTUALLY I GET AHEAD OF
4 MYSELF, FROM THE CHURCH WHICH IS EXHIBIT D. I WOULD
5 LIKE TO READ THIS SHORT LETTER INTO THE RECORD PLEASE
6 SO AUDIENCE CAN HEAR THIS.

7 THIS LETTER IS WRITTEN FROM THE PASTOR, JOHN
8 BICKLE, FROM CHRIST PRESBYTERIAN CHURCH ACROSS THE
9 STREET FROM YOUR ALL'S ENTRANCE. I'VE BEEN A NEIGHBOR
10 OF HIS FOR SIX YEARS. ONE OF THE THINGS THAT I
11 CONCEDED TO DO WAS ALSO -- THEY HAVE AN ENTRANCE, IT'S
12 KIND OF LIKE A SECONDARY ENTRANCE ON 54 THAT KIND OF
13 GOES DOWN ON THE SIDE OF THEIR PROPERTY. I AGREED FOR
14 THEM TO BE ABLE TO ELIMINATE THAT ENTRANCE, WHICH THEY
15 HAVEN'T DONE YET BUT THEY PLAN TO, AND USE MY ENTRANCE
16 AS THE ENTRANCE TO THEIR PARKING ON THE SIDE. I WANT
17 TO READ THIS SHORT LETTER.

18 "TO WHOM IT MAY CONCERN." THIS WAS WRITTEN
19 APRIL 26TH OF THIS YEAR. "I WRITE TO RECOMMEND MR.
20 LAMBERT TO YOU AS AN EXCELLENT NEIGHBORHOOD. OVER THE
21 COURSE OF THE PAST SIX YEARS, MR. LAMBERT HAS BEEN A
22 COURTEOUS AND CONSIDERATE PROPERTY OWNER NEXT-DOOR TO
23 US AT THE CHURCH. DURING THE COURSE OF IMPROVING THE
24 PROPERTY ON HIGHWAY 54 HE CONSULTED WITH NEIGHBORS TO
25 ALLEVIATE ANY CONCERNS AND ANSWER ANY QUESTIONS ABOUT

1 HIS INTENTIONS. SINCE THEN HE HAS CONTINUED TO
2 MAINTAIN THE PROPERTY BEAUTIFULLY FOR THE SAKE OF BOTH
3 HIS TENANTS AND THE PROPERTY OWNERS. WE ARE CONFIDENT
4 BASED ON OUR ONGOING EXPERIENCE WITH MR. LAMBERT WILL
5 EXERCISE THE SAME CONSIDERATION FOR THE FUTURE
6 NEIGHBORS AS WELL BOTH AT THE TIME OF IMPROVING THE
7 PROPERTY AND FOR THE FUTURE. PLEASE FEEL FREE TO CALL
8 IF YOU HAVE FURTHER QUESTIONS. HIS PHONE NUMBER IS" -
9 MR. BICKLE I HOPE YOU DON'T MIND ME READING THIS INTO
10 THE PUBLIC RECORD. HIS PHONE NUMBER IS (270)
11 485-8005.

12 ONE OF THE THINGS I'VE DONE, I'M A SMALL
13 DEVELOPER. I'M JUST CUTTING MY TEETH. I'M NOTHING
14 LIKE GULFSTREAM. I'M NOTHING LIKE MR. HAYDEN. I'M
15 JUST A FLY IN A TORNADO, BUT I HAVE DREAMS AND
16 EXPECTATIONS TOO. ONE OF THE REASONS WHY I'M
17 DEVELOPING THIS PROPERTY IS FOR THE FUTURE OF MY WIFE
18 AND MY CHILDREN. THIS IS A RETIREMENT SITUATION.
19 THIS IS WHAT I'M LOOKING FOR. THIS IS NOT SOMETHING
20 THAT I CHOOSE TO BUY, DEVELOP, AND WALK AWAY FROM AND
21 SELL TO SOMEBODY. I HAVE NO INTEREST IN SELLING. AS
22 I TOLD YOU BEFORE, I TURNED DOWN MR. HAYDEN'S INTEREST
23 IN BUYING THE PROPERTY. I WANT TO BE A LONG-TERM
24 NEIGHBOR. IN ORDER TO BE A LONG-TERM NEIGHBOR, YOU
25 HAVE TO GET ALONG WITH YOUR NEIGHBORS. THAT'S WHAT I

1 WANT TO DO. I WANT TO GET ALONG WITH YOU. I
2 UNDERSTAND THAT YOU'RE NOT HAPPY ABOUT SOMETHING BEING
3 DEVELOPED THERE, BUT AS PER THE PLAN, THIS MAKES SENSE
4 TO BE COMMERCIAL.

5 ON EXHIBIT E, I APPRECIATE ALL THE HELP AND
6 WORK THAT THIS COMMITTEE, THIS BOARD, THE STAFF HAS
7 DONE. I HAVE NO OBJECTIONS TO 99.9 PERCENT OF WHAT
8 THE STAFF HAS RECOMMENDED. I AM GOING TO ASK IN
9 EXHIBITS E YOU'LL SEE THAT -- WELL, LET ME GO BACK TO
10 MY PRESENTATION.

11 FIRST LET ME STATE THAT I AM AGREEABLE TO
12 CONDITIONS 1 THROUGH 3 AS STATED IN THE PLANNING STAFF
13 RECOMMENDATIONS. I WOULD LIKE TO REQUEST THAT WORDING
14 OF CONDITION NUMBER 4 BE SLIGHTLY ALTERED TO STATE THE
15 FOLLOWING, AND THE BUILDERS, THE DEVELOPER ON THE
16 BOARD, ATTORNEYS, THE DEVELOPERS IN THE CROWD WOULD
17 UNDERSTAND MY CONCERNS ABOUT ONE SMALL WORD.

18 CONDITION NUMBER 4, "THE APPLICANT SHALL
19 INSTALL A RIGHT TURN LANE ON KENTUCKY HIGHWAY 54 AT
20 THE PROPOSED ACCESS POINT SHOULD WARRANTS BE MET BY
21 THE TRAFFIC IMPACT STUDY. SAID TRAFFIC IMPACT STUDY
22 SHALL BE SUBMITTED PRIOR TO THE SUBMITTAL OF A
23 DEVELOPMENT PLAN. IN ADDITION, THE TRAFFIC IMPACT
24 STUDY SHALL GIVE DUE CONSIDERATION TO THE FUTURE
25 DEVELOPMENT POTENTIAL OF ADJOINING PROPERTIES."

1 IT PRESENT READS, "THE APPLICANT SHALL INSTALL
2 A RIGHT-TURN LANE ON HIGHWAY 54 AT THE PROPOSED ACCESS
3 POINT SHOULD WARRANTS BE MET NOW OR IN THE FUTURE,"
4 AND THAT'S KIND OF THE RUB, IN THE FUTURE, "IN
5 ACCORDANCE WITH THE REQUIREMENTS OF THE KYTC."

6 WE MET WITH MR. HOWARD YESTERDAY TO COME UP
7 WITH REVISED LANGUAGE THAT WOULD BEST PROTECT THE
8 DRIVING PUBLIC, BELIEVE ME I'M CONCERNED ABOUT THAT
9 TOO, AND MY INTEREST AS DEVELOPER. THE ISSUE IN
10 STAFF'S RECOMMENDATIONS LANGUAGE IS THE WORDING NOW OR
11 IN THE FUTURE. HISTORICALLY THE INSTALLATION OF RIGHT
12 TURNING LANES AND OTHER ROADWAY IMPROVEMENTS HAVE BEEN
13 BASED ON PROJECTS MADE IN A TRAFFIC IMPACT STUDY. IN
14 THE FUTURE, I MAY NOT EVEN OWN THIS PROPERTY OR IT MAY
15 BE MY WIFE'S PROPERTY. IT TIES MY HANDS ON WHAT'S
16 GOING TO HAPPEN IN THE FUTURE. WHO KNOWS WHAT'S GOING
17 TO HAPPEN IN THE FUTURE. IT JUST MAKES GOOD SENSE TO
18 BE ABLE TO KNOW PRIOR TO THE DEVELOPMENT OF WHAT THE
19 COST ARE.

20 I'M SURE THE DEVELOPERS ON THE BOARD CAN
21 APPRECIATE AND UNDERSTAND MY CONCERNS. THE PROPOSED
22 LANGUAGE ONLY DETERMINES WHETHER OR NOT A RIGHT
23 TURNING LANE IS REQUIRED UP FRONT.

24 THAT'S BASICALLY THE BEST. I'M NOT SAYING NOT
25 DO A TRAFFIC STUDY. I'M SAYING, IF IT'S REQUIRED

1 TODAY. NOT ARBITRARILY IN THE FUTURE.

2 I ALSO WOULD REQUEST THAT THE BOARD OR THE
3 COMMISSION ADD CONDITION NUMBER 5 TO PROTECT THE
4 INTEREST OF MR. TAYLOR AND THE RESIDENTS OF WOOD
5 TRACE.

6 MY RECOMMENDED LANGUAGE FOR CONDITION NUMBER 5
7 IS AS FOLLOW: THE REQUIRED LANDSCAPE BUFFER ALONG THE
8 SOUTHERN PROPERTY LINE OF THE DEVELOPMENT WHERE THE
9 SUBJECT PROPERTY ADJOINS THE RESIDENTIAL LOT CURRENTLY
10 OWNED BY MR. TAYLOR" --

11 I'LL POINT THIS OUT. IT'S PRETTY OBVIOUS, BUT
12 IT'S THIS 175.7 FEET ALONG THE BACK HERE. MR.
13 TAYLOR'S PROPERTY IS RIGHT HERE. MY PROPERTY, OF
14 COURSE, IS RIGHT HERE. SO THE BUFFER IS GOING TO BE
15 ON THE BACK HERE ON HIS PROPERTY.

16 -- "OWNED BY MR. TAYLOR AND HIS WIFE SHALL BE
17 INCREASED IN WIDTH FROM THE 10 FOOT BUFFER AS REQUIRED
18 BY THE ZONING ORDINANCE TO A 20 FOOT BUFFER."

19 I ASK ONLY TO BE TREATED LIKE ANY OTHER
20 DEVELOPER. THEY REQUESTED TO GO TO HAVE THE PLAN
21 RESUBMITTED TO THE BOARD. THAT'S HIGHLY UNUSUAL.
22 THAT'S HARDLY EVER DONE ON A PROJECT THIS SMALL. THIS
23 IS A SMALL RETAIL CENTER. I WOULD HOPE THAT THIS
24 BOARD WOULD SEE THAT THAT'S NOT NECESSARY. THAT I'M
25 NOT BEING SINGLED OUT OR UNDULY, PUT THROUGH THE

1 RINGER WHEN THAT'S NOT CUSTOMARY. I JUST WANT TO BE
2 TREATED LIKE EVERYBODY ELSE IN REGARDS TO THIS
3 REZONING.

4 THIS MEETS ALL OF THE PLANS. THE STAFF
5 RECOMMENDATION IS THAT THIS PROPERTY BE REZONED. I
6 WILL BE A GOOD NEIGHBOR. I WILL BUILD A NICE
7 PROPERTY.

8 IN REGARDS TO ALL OF THE OTHER THINGS THAT
9 HAVE BEEN BROUGHT UP, I DON'T KNOW WHAT TO SAY ABOUT
10 IT. I UNDERSTAND THE ADJOINING PROPERTY OWNERS WOULD
11 LOVE FOR ME TO BUILD A BIG FENCE FOR HIM AND PUT A
12 STREET IN FOR HIM, AND GIVE HIM AN ACCESS, AND GIVE
13 HIM A TURNING LANE, AND GIVE HIM EVERYTHING FOR NO
14 CHARGE, AND THEN FOR THEM TO BE ABLE TO BUILD
15 APARTMENTS AT MY COST AND MY EXPENSE. I THINK IT'S
16 VERY UNREASONABLE TO ASK THESE THINGS. THESE ARE NOT
17 THINGS THAT ARE NORMAL TO ASK OF A DEVELOPER.

18 I HOPE I WAS SHORTER THAN MR. KAMUF.

19 IN CLOSING, I APPRECIATE THE EFFORT AGAIN OF
20 THE PLANNING STAFF, ESPECIALLY MR. HOWARD, HELP AND
21 ALSO APPRECIATE THE COMMISSION'S CONSIDERATION AND
22 EFFORTS OF THE HOMEOWNERS ASSOCIATION THAT I'VE MADE
23 TO TRY TO ADDRESS THEIR CONCERNS.

24 I ASK AT THIS TIME THAT A MOTION IS MADE AND
25 THAT THIS PROPERTY WOULD BE REZONED COMMERCIAL. THANK

1 YOU VERY MUCH.

2 CHAIRMAN: COMMISSIONERS HAVE ANY QUESTIONS?

3 MR. FRY: I WOULD HAVE ONE QUICK QUESTION.

4 THE 20 FOOT BUFFER BETWEEN MR. TAYLOR, IS THAT ALL
5 TREES?

6 MR. LAMBERT: CURRENTLY IS ALL TREES NOW. I
7 TALKED TO MR. TAYLOR. HE WOULD LIKE TO HAVE SOME SORT
8 OF FENCE OR CONTINUOUS THING ACROSS THERE SO PEOPLE
9 CAN'T JUST WALK THROUGH THERE. I UNDERSTAND THAT.
10 I'M IN AGREEMENT WITH THAT, AS YOU CAN SEE ON THE
11 LETTER THAT I PROVIDED FOR YOU. I DO ASK THAT THAT
12 ADDITIONAL BUFFER, 10 FOOT BUFFER, THE ADDITION 10
13 FOOT. THERE'S ALREADY ONE 10 FOOT, BUT THE ADDITIONAL
14 10 FOOT WOULD BE A CONDITION OF THE REZONING.
15 THEREFORE EVEN IF THE PROPERTY WAS SOLD HE'S PROTECTED
16 AND THE FUTURE OWNER OF HIS HOUSE WOULD BE PROTECTED.

17 CHAIRMAN: ANY OTHER QUESTIONS?

18 MR. ALLEN.

19 MR. ALLEN: MR. LAMBERT, YOU SAID THAT THE
20 BACK PORTION, WHICH IS GOING TO BE UNDEVELOPED RIGHT
21 NOW, YOU SAID YOU COULDN'T REALLY SEE A FUTURE
22 COMMERCIAL DEVELOPMENT THERE. WOULD YOU CONSIDER AT
23 ALL DESIGNATING THAT BACK PORTION, WHICH APPEARS TO BE
24 MOSTLY WOODED IN THERE, WOULD YOU CONSIDER JUST
25 DESIGNATING THAT AS AN UNDEVELOPED PORTION IN THE

1 FUTURE; IN OTHER WORDS, KIND OF KEEPING THAT AS A
2 WOODED BARRIER?

3 MR. LAMBERT: WELL, 20 FOOT IS A PRETTY GOOD
4 BARRIER. TWICE WHAT THE REQUIREMENT BUFFER IS. I
5 DON'T CURRENTLY HAVE ANY PLANS FOR THAT. I COULD SEE
6 WHERE IF MR. HAYDEN DEVELOPED HIS PROPERTY INTO
7 APARTMENTS AND A ROAD, FOR INSTANCE, WAS WANTING TO BE
8 PUT ACROSS THERE, YOU KNOW. MR. TAYLOR BY THE WORDING
9 THAT I HAVE GOT IS BUFFERED TO 20 FOOT. AGAIN, I WAS
10 TRYING TO DO RIGHT BY MR. TAYLOR AND HIS CONCERNS. I
11 HOPE THAT ANSWERED YOUR QUESTION.

12 MR. ALLEN: IF YOU LOOK AT THE HOUSES ACROSS
13 THE STREET, ONE OF THE CONCERNS THEY HAD WAS THAT THE
14 ELEVATION GIVES THEM KIND OF A DOWN ACCESS ON THE
15 PROPERTY. A LITTLE BIT OF A DIFFICULT VIEW. IT'S
16 HARD TO SCREEN.

17 MR. LAMBERT: RIGHT. IT'S ABOUT A 25 FOOT
18 DROP. YOU KNOW, A FEW OF THE PEOPLE THAT EXPRESSED
19 CONCERNS ABOUT THAT, CURRENTLY THEIR VIEW IS ACROSS 54
20 LOOKING AT THE FRONT OF MY COMMERCIAL BUILDING,
21 LOOKING AT THE CHURCH AND THEIR DEVELOPMENT. THEY
22 ALREADY HAVE A VIEW OF COMMERCIAL AND PROFESSIONAL
23 DEVELOPMENT.

24 THERE IS ONE THING THAT I DIDN'T BRING UP AND
25 I WANT TO POINT THIS OUT.

1 CHAIRMAN: MR. LAMBERT, WOULD YOU TRY TO WRAP
2 IT UP PRETTY SOON SO WE CAN MOVE ON. WE HAVE OTHER
3 APPLICATIONS HERE.

4 MR. LAMBERT: I UNDERSTAND.

5 ON THIS EXHIBIT, I'LL MAKE IT REAL QUICK, HERE
6 IT'S JUST AN OVERVIEW. I TRIED TO SHOW YOU
7 APPROXIMATE MEASUREMENTS. THERE WAS CONCERN ABOUT
8 RETAIL IN THE AREA AND STUFF. I KNOW AT THE LAST
9 MEETING SOMEONE WAS CONCERNED ABOUT WHAT WAS GOING ON.

10 THIS IS SHOWING YOU THAT FROM THE ENTRANCE,
11 CENTER POINT ENTRANCE OF THIS DRIVEWAY TO THE CENTER
12 POINT ENTRANCE OF WOOD TRACE WAS APPROXIMATELY 500
13 FEET. THIS RED LINE SHOWS YOU THAT IT'S APPROXIMATELY
14 A THIRD OF A MILE TO A MAJOR RETAIL DEVELOPMENT THAT'S
15 CURRENTLY IN PLACE RIGHT NOW WHERE THEY'RE GOING TO
16 HAVE OUT BUILDINGS, THEY'RE GOING TO HAVE BANKS,
17 THEY'RE GOING TO HAVE RESTAURANTS. THEY'RE BUILDING
18 APARTMENTS AND OTHER THINGS. THAT'S DIRECTLY TO THE
19 EAST, DIRECTLY TO THE WEST, .22 TENTHS OF A MILE IS
20 THE RETAIL THAT'S ALREADY THERE. YOU HAVE RETAIL
21 HERE. YOU HAVE RETAIL HERE. OF COURSE, MY CENTER IS
22 RETAIL. YOU HAVE PROFESSIONAL. YOU HAVE
23 PROFESSIONAL. AS THE PLANNING STAFF RECOMMENDS, IT'S
24 A NATURAL NORMAL THING FOR THIS PROPERTY TO BE REZONED
25 COMMERCIAL.

1 IS THERE ANY OTHER QUESTIONS OR CONCERNS?

2 MR. BOSWELL: I'VE GOT JUST A GENERAL
3 QUESTION.

4 ON THE CONCEPTUAL PLAN, IS THIS THE FIRST TIME
5 THAT THE FOLKS HERE HAVE SEEN THIS CONCEPTUAL PLAN
6 TONIGHT?

7 MR. LAMBERT: WELL, SOME OF THEM POSSIBLY
8 BECAUSE THEY WEREN'T AT THE MEETING, BUT I SENT IT TO
9 THE ATTORNEY THAT WAS REPRESENTING THE BOARD AT THE
10 LAST MEETING. PROBABLY WITHIN A WEEK AFTER THE LAST
11 MEETING I SENT THAT TO HIM. MR. TAYLOR GOT A COPY OF
12 THAT. I BELIEVE MR. HAYDEN ALSO GOT A COPY OF THAT.
13 SO THEY WERE MADE AWARE OF THAT CONCEPTUAL DRAWING.
14 IT'S NOT ANY DIFFERENT FROM REALLY WHAT WE DISCUSSED
15 IN THE PREVIOUS. I JUST DIDN'T HAVE A DRAWING. I DID
16 THIS TO TRY TO ACCOMMODATE THEIR CONCERNS.

17 MR. BOSWELL: THANK YOU.

18 CHAIRMAN: LET'S TRY TO WRAP IT UP.

19 MR. NOFFSINGER, YOU OR MR. HOWARD, DO YOU HAVE
20 ANY COMMENTS OR ANYTHING YOU WOULD LIKE TO ADD? WOULD
21 YOU LIKE TO ADDRESS IT OR MR. HOWARD?

22 MR. NOFFSINGER: I GUESS I PROBABLY SHOULD.
23 THANK YOU, MR. CHAIRMAN.

24 A FEW OBSERVATIONS. ONE, MR. LAMBERT HAS
25 ALLUDED TO THE STAFF'S STATING THAT THIS IS A NATURAL

1 AND NORMAL THING.

2 NO, MR. LAMBERT, IT'S NOT. PLANNING STAFF HAS
3 STRUGGLED WITH THIS ZONING CHANGE. WE HAVE GREAT
4 DIFFICULTIES WHEN WE HAVE SMALL LOTS COMING IN FOR
5 REZONING IN AREAS SUCH AS THIS.

6 MR. LAMBERT ALLUDED TO THIS BEING SMALL
7 RETAIL, BUT UNFORTUNATELY THAT SMALL RETAIL HAS BIG
8 IMPLICATIONS FOR A MAJOR CORRIDOR IN THIS COMMUNITY.
9 WE'RE GOING INTO AN AREA WHERE THE COMPREHENSIVE PLAN
10 IS VERY FLEXIBLE THROUGHOUT THE COMMUNITY. NOW, I'VE
11 SPENT A CAREER HERE STATING JUST THAT. IN TRYING TO
12 EDUCATE THIS COMMUNITY ON HOW FLEXIBLE OUR
13 COMPREHENSIVE PLAN IS.

14 THE COMPREHENSIVE PLAN ON ONE SIDE SAYS THAT
15 IF YOU HAVE AT LEAST AN ACRE AND A HALF OF LAND
16 CROSSING AN INTERVENING STREET YOU COULD QUALIFY AS A
17 LOGICAL EXPANSION OF COMMERCIAL ZONING. THAT DOESN'T
18 MEAN YOU'RE ENTITLED TO THE REZONING. THAT JUST MEANS
19 YOU'RE QUALIFIED.

20 ON THE OTHER HAND, THERE'S A SECTION IN THERE
21 THAT SAYS DUE CONSIDERATION SHOULD BE GIVEN TO THE
22 CONCERNS OF THE NEIGHBORS. FORTUNATELY THEY'RE HERE
23 TONIGHT. I THINK MANY OF THESE NEIGHBORS, AS WELL AS
24 WE'VE HAD AT LEAST TWO ATTORNEYS HAVE SPOKE TONIGHT
25 AND SUPPORTED THE COMPREHENSIVE PLAN ON GOOD SOUND

1 PLANNING PRINCIPLES. TYPICALLY IT'S ONLY THE PLANNING
2 STAFF UP HERE MAKING ARGUMENTS SUCH AS WHAT MR. KAMUF
3 HAS MADE TONIGHT. I SEE A LOT OF PEOPLE IN THE
4 AUDIENCE THAT MOST LIKELY SUPPORT WHAT MR. KAMUF HAS
5 STATED.

6 IT'S VERY DIFFICULT BECAUSE THE DEVELOPMENT OF
7 THIS PROPERTY IS GOING TO HAVE A SIGNIFICANT IMPACT ON
8 THE DEVELOPMENT OF THE ADJOINING PARCELS ON THIS
9 CORRIDOR. WE'VE GOT ALMOST A SITUATION WHERE WE HAVE
10 THE TAIL WAGGING THE DOG. THAT'S WHAT WE STRUGGLE
11 WITH.

12 NOW, WE AS A PLANNING STAFF PREPARE OUR
13 RECOMMENDATION IN ADVANCE OF A PUBLIC HEARING. WE DO
14 NOT HAVE THE BENEFIT OF HEARING WHAT THE OTHER SIDE
15 HAS TO SAY. ALL WE HAVE TO GO ON IS THE APPLICANT'S
16 FINDINGS AND THE COMPREHENSIVE PLAN. WHICH I HOPE YOU
17 UNDERSTAND THAT THE PLANNING STAFF IN RECOMMENDING
18 APPROVAL IS BASING THEIR APPROVAL ON WHAT'S IN THAT
19 PLAN. THAT DOESN'T MEAN IT'S THE ONLY THING THAT THIS
20 COMMISSION OR THIS COMMUNITY HAS TO GO BY TO MAKE A
21 JUSTIFICATION OR TO RECOMMEND THAT A ZONING CHANGE NOT
22 BE BEEN APPROVED.

23 MR. KAMUF IS RIGHT. THERE ARE OTHER SECTIONS
24 OF THE PLAN THAT YOU CAN USE, WHICH HE CITED HERE
25 TONIGHT, TO MAKE FINDINGS THAT THE APPLICATION IS NOT

1 APPROPRIATE FOR THE AREA. I HEARD THAT HERE TONIGHT.

2 I HAVE ALSO HEARD MR. LAMBERT WHO I THINK GAVE
3 A VERY GOOD PRESENTATION AS TO WHY HE BELIEVED THAT IT
4 IS IN COMPLIANCE WITH THE PLAN.

5 THIS COMMISSION IS CHARGED WITH FORMULATING A
6 RECOMMENDATION BASED UPON WHAT THEY'VE HEARD IN TWO
7 PUBLIC HEARINGS. THAT'S WHAT PLANNING IS ALL ABOUT.
8 IT'S NOT JUST WHAT THE PLANNING STAFF HAS TO SAY.
9 IT'S NOT JUST WHAT THE APPLICANT HAS TO SAY OR SOME
10 PROPERTY OWNERS WHO MAY OR MAY NOT BE CONCERNED. IT'S
11 WHAT WE ALL HAVE TO ADD TO THE PROCESS, WITH AN
12 UNDERSTANDING THAT IT'S NOT ALL ABOUT ONE PARTICULAR
13 PIECE OF PROPERTY. WE'RE LOOKING AT THE BIGGER
14 PICTURE. WE NEED TO LOOK AT THAT BIGGER PICTURE WHEN
15 WE'RE MAKING CRITICAL DECISIONS IN THIS COMMUNITY.

16 CHAIRMAN: THANK YOU, MR. NOFFSINGER. VERY
17 WELL DONE. IT SHEDS A LOT OF LIGHT ON WHAT THE
18 COMMISSION IS CHARGED WITH HERE. IT'S VERY DIFFICULT.

19 MR. STEVENSON, YOU GOT UP A FEW MINUTES AGO.
20 JUST MAKE IT VERY BRIEF.

21 MR. STEVENSON: WOODLAND HOMEOWNERS
22 ASSOCIATION, WE OBJECT TO THE ZONING. I THINK MR.
23 LAMBERT MISSES THE POINT. MR. NOFFSINGER JUST SAID
24 IT. WE'VE GOT TO LOOK AT THE BIG PICTURE. I'M NOT
25 SAYING HE WOULDN'T BE A GOOD NEIGHBOR. NO QUESTION

1 ABOUT THAT. BUT YOU'VE GOT TO LOOK AT THE
2 COMPREHENSIVE PLAN AND THIS PROPERTY CREATES, YOU
3 MIGHT AS WELL -- EVERY UNDEVELOPED TRACT OF LAND ALONG
4 54 CLEAR UP TO FRANEY'S YOU MIGHT AS WELL MAKE IT B-4
5 BECAUSE THAT'S WHAT YOU'RE GOING TO DO. YOU OPEN THE
6 FLOOD GATES AND YOU CAN'T STOP IT. THIS ISN'T
7 CONSISTENT WITH THE URBAN RESIDENTIAL AREA. THANK
8 YOU.

9 CHAIRMAN: THANK YOU.

10 ONE FINAL COMMENT.

11 MR. SILVERT: COULD YOU STATE YOUR NAME,
12 PLEASE.

13 MR. BECKWORTH: MIKE BECKWORTH.

14 (MIKE BECKWORTH SWORN BY ATTORNEY.)

15 MR. BECKWORTH: THERE'S ONLY ONE POINT I WANT
16 TO MAKE, AND MR. KAMUF MADE IT EARLIER. THERE'S A LOT
17 OF OTHER COMMENTS THAT I'M AGAINST THE REZONING. I
18 WANT TO EMPHASIS IT BECAUSE TO ME THIS IS THE BIGGEST
19 ISSUE, AND IT GOES BACK TO WHAT MR. REEVES ASKED.
20 WHEN YOU COME AROUND THIS CORNER GOING OUT THIS WAY,
21 YOU GO FROM 35 TO 55. PEOPLE ACCELERATE PAST THAT
22 CHEETAH. THEY ACCELERATE UP THERE. JUST ABSOLUTELY
23 TAKE OFF. THE SAME THING HAPPENS THE OTHER WAY, BUT
24 IT IS MORE OF A SAFETY ISSUE ON THIS SIDE, WHICH IS
25 EXACTLY THE SIDE THE PROPERTY IS GOING TO BE ON.

1 UNTIL THAT'S UNDERSTOOD BETTER AND YOU KNOW EXACTLY
2 WHAT'S GOING TO BE, IT SEEMS TO ME, AS I WOULD ANSWER
3 THE QUESTION. YOU DIDN'T ASK ME, BUT IF I WERE TO
4 HAVE ANSWERED YOUR QUESTION, IT WOULD BE THIS IS A
5 POTENTIAL HUGE SAFETY ISSUE. THIS ACCESS POINT AND
6 THE TRAFFIC FLOW HAS TO BE FIGURED OUT. THAT'S IT.

7 CHAIRMAN: VERY BRIEFLY AND WRAP IT UP AND
8 GIVE THE COMMISSIONERS A CHANCE, AND THEN WE'LL ASK
9 FOR A MOTION.

10 MR. LAMBERT: I WOULD BE WILLING TO POSTPONE
11 THIS MEETING UNTIL NEXT MONTH. IN THAT TIME, I WILL
12 GET A TRAFFIC IMPACT STUDY DONE FOR THIS SITE. IT
13 SEEMS LIKE THAT SEEMS TO BE ONE OF THE BIGGEST ISSUES
14 FOR THE NEIGHBORHOOD.

15 MR. NOFFSINGER: AT THE LAST MONTH'S MEETING I
16 MADE A MISTAKE. I THINK I STATED THAT THE PLANNING
17 COMMISSION WOULD HAVE TO TAKE ACTION AT THE NEXT
18 MEETING. THAT'S INCORRECT. THE PLANNING COMMISSION
19 DOES NOT HAVE TO TAKE ACTION AT THIS MEETING. THEY DO
20 NOT HAVE TO TAKE ACTION AT THE NEXT MEETING OR THE
21 NEXT MEETING. BUT WHEN YOU DO TAKE ACTION ON THIS
22 ZONING CHANGE, IF THERE'S AN APPEAL, THAT APPEAL MUST
23 BE FILED WITHIN 21 DAYS OF THE ACTION OF THIS
24 COMMISSION. THE LEGISLATIVE BODY, WHICH IN THIS CASE
25 IS THE DAVIESS COUNTY FISCAL COURT, WOULD HAVE TO TAKE

1 ACTION WITHIN 90 DAYS OF THE PLANNING COMMISSION'S
2 ACTION. I DO APOLOGIZE. I DID MAKE THAT MISTAKE.

3 MR. SILVERT: COULD YOU STATE YOUR NAME,
4 PLEASE.

5 MR. HAYDEN: MATT HAYDEN.

6 (MATT HAYDEN SWORN BY ATTORNEY.)

7 MR. HAYDEN: I AM HERE SPEAKING ON BEHALF OF
8 BEING A HOMEOWNER IN THIS NEIGHBORHOOD.

9 I JUST WANT TO POINT OUT THAT WE'VE LAID OUT
10 TONS OF FACTS ON THIS OUTRIGHT DENIAL OF THIS ZONING.
11 EVERYBODY IN THIS ROOM HAS GOT BALL GAMES, KIDS GAMES
12 THAT THEY'RE MISSING TONIGHT. WE'VE SAT -- IN THE
13 PAST TWO NIGHTS I'VE BEEN IN MEETINGS FOR HOURS TRYING
14 TO COME UP WITH A PLAN AND BEING PROACTIVE TO BE
15 PREPARED FOR TONIGHT.

16 THE TRAFFIC STUDY, IT COULD HAVE BEEN DONE
17 MONTHS AGO. HE DID NOT WANT TO DO THE PROPER THINGS.
18 HE MENTIONED THAT HE DID NOT HAVE THE MONEY. HE'S
19 GOING TO CUT HIS TEETH ON THIS DEVELOPMENT. I DON'T
20 WANT HIM CUTTING HIS TEETH ON THE DEVELOPMENT BECAUSE
21 HE'S NOT READY WHERE I LIVE, WHERE MY FAMILY TURNS OUT
22 ON THIS STREET EVERY DAY. TAKES THEIR LIFE IN THEIR
23 OWN HANDS. I AM READY FOR THE BOARD TO MAKE A
24 REACTION AND DENY THIS REQUEST. THESE PEOPLE HAVE
25 THINGS TO DO. WE ALL HAVE THINGS TO DO. WE'RE

1 PREPARED HERE TO DEAL WITH THE FACTS THAT ARE IN HAND
2 TONIGHT. THANK YOU.

3 MR. LAMBERT: CAN I RESPOND BRIEFLY TO MR.
4 HAYDEN'S COMMENTS?

5 CHAIRMAN: YES.

6 MR. LAMBERT: FIRST OFF, MR. HAYDEN, YOUR NAME
7 IS NOT ON THE DEED, BUT THAT'S INSIGNIFICANT.

8 MR. HAYDEN: IT IS ON MY HOUSE. THANK YOU.

9 MR. LAMBERT: I HAVE A COPY OF IT HERE IF
10 YOU'D LIKE TO SEE IT, BUT THAT'S INSIGNIFICANT.

11 I JUST PURCHASED THIS PROPERTY WITHIN THE LAST
12 30 DAYS. ONE DAY AFTER THE MEETING WAS POSTPONED LAST
13 MONTH, MR. CAMBRON, AN EMPLOYEE OF MR. HAYDEN'S, TRIED
14 TO PURCHASE THE PROPERTY OUT FROM UNDER ME. I DON'T
15 WANT TO GET INTO ALL THE DETAILS, BUT I LIVE 600 MILES
16 AWAY. THIS IS REALLY IMPORTANT TO ME. I MAY HAVE
17 SAID THAT I'M CUTTING MY TEETH. I'M NOT AN
18 INEXPERIENCED DEVELOPER. YOU CAN LOOK ACROSS THE
19 STREET. WHAT I'M SAYING IS I'M A SMALL TIME
20 DEVELOPER. ALL I WANT TO DO IS BE TREATED FAIRLY. I
21 DON'T WANT TO BE BEAT UP BY THE BIG BOYS.

22 NOW, I'M WILLING TO POSTPONE THIS. I'M ASKING
23 TO POSTPONE THIS BECAUSE I WILL GET A TRAFFIC STUDY.
24 I WOULDN'T GOTTEN A TRAFFIC STUDY PRIOR BECAUSE I
25 DIDN'T OWN THE PROPERTY UP UNTIL A MONTH AGO. I'M

1 TRYING TO ACCOMMODATE AND ADDRESS THE CONCERNS OF THE
2 NEIGHBORHOOD. I UNDERSTAND THE TRAFFIC CONCERN. MY
3 TAKE ON IT IS THAT ACTUALLY IT'S GOING TO SLOW TRAFFIC
4 DOWN. IT WILL MAKE IT EASIER TO GET IN AND OUT OF
5 WOOD TRACE, BUT THAT'S EASY FOR ME TO SAY.

6 MY SITUATION IS THAT I FEEL THAT AS PEOPLE
7 SLOW DOWN TO TURN INTO THIS DEVELOPMENT THE TRAFFIC
8 WILL SLOW DOWN. THAT'S MY POINT. IT DOESN'T MATTER
9 WHAT I SAY. WHAT'S GOING TO MATTER IS WHAT AN EXPERT
10 SAYS. THEREFORE, THAT'S WHY I REQUEST A POSTPONEMENT
11 UNTIL NEXT MONTH TO GIVE ME TIME TO GET THIS TRAFFIC
12 STUDY DONE AND LET THE CHIPS FALL WHERE THEY MAY WITH
13 THIS TRAFFIC STUDY.

14 MR. KAMUF: MR. CHAIRMAN, CAN I HAVE 30
15 SECONDS?

16 CHAIRMAN: YES.

17 MR. KAMUF: NUMBER ONE, HE'S HAD PLENTY OF
18 TIME. I ASKED FOR A DEVELOPMENT PLAN THE LAST TIME.
19 HE'S NOT GOING TO GIVE YOU A DEVELOPMENT PLAN. WE HAD
20 A TRAFFIC ENGINEER HERE TONIGHT. WHERE IS HIS TRAFFIC
21 ENGINEER? IN OTHER WORDS, YOU CAN DENY IT FOR ONE
22 REASON IF NO OTHER REASON, IT DID NOT MEET THE SPACING
23 STANDARDS.

24 GARY NOFFSINGER LAID IT OUT. THE ISSUE THAT
25 WE RAISED, WE RAISED GOOD ISSUES. IT'S NOT

1 COMPATIBLE. IT'S NOT COMPATIBLE WITH THE GOALS AND
2 OBJECTIVE OF THE COMPREHENSIVE PLAN PERIOD. IT'S NOT
3 COMPATIBLE. LOOK AT THE PHOTOS. IS IT COMPATIBLE?
4 WOULD YOU WANT THAT IN YOUR FRONT YARD? THANK YOU.

5 CHAIRMAN: THANK YOU.

6 FINAL CALL FOR ANYONE. WE' LIKE TO WRAP IT
7 UP.

8 ANYONE FROM THE WOODLANDS?

9 (NO RESPONSE)

10 CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY
11 THOUGHTS?

12 MR. REEVES: ONE MORE QUESTION PLEASE OF MR.
13 LAMBERT.

14 WOULD YOU BE WILLING TO ACCEPT THE CONDITION
15 THAT YOU COULD NOT SELL OFF ANY LAND THAT WOULD MAKE
16 THIS PARCEL LESS THAN 1.5 ACRES?

17 MR. LAMBERT: YES, SIR.

18 MR. REEVES: AND THAT YOU WOULD DO NO FURTHER
19 COMMERCIAL DEVELOPMENT IN THE LAND THAT YOU RETAIN
20 OWNERSHIP OF?

21 MR. LAMBERT: WELL, MR. REEVES, I HAVE A HARD
22 TIME WITH THAT BECAUSE FOR ALL LEGAL PURPOSES I SHOULD
23 HAVE THE RIGHT TO BE ABLE TO DEVELOP MY PROPERTY AS I
24 SEE FIT THAT MEETS THE CODE REQUIREMENTS THAT ARE
25 ALREADY SET IN PLACE BY THIS CITY AND COUNTY. I HAVE

1 ALREADY GIVEN CONCESSIONS OF THE BACK LOT BY 20 FEET
2 TO PROTECT MR. TAYLOR WHO I FEEL IS THE ONE THAT'S
3 DIRECTLY AFFECTED. I'VE TRIED TO GIVE CONCESSIONS.

4 IN REGARDS FOR ME PERSONALLY NOT TO SELL OFF
5 PART OF THIS PROPERTY, FOR INSTANCE, TO MR. HAYDEN OR
6 SOMEONE, I HAVE A PROBLEM WITH THAT. MY INTENTIONS
7 WERE NOT TO DIVIDE THIS PROPERTY UP AND SELL IT.
8 THAT'S NOT MY GOAL. THAT'S NOT MY INTENTION. BUT TO
9 RESTRICT ME TO NOT BEING ABLE TO FREELY DEVELOP MY
10 PROPERTY IN A LEGAL WAY DOESN'T SEEM FAIR. DOESN'T
11 SEEM FAIR TO ME.

12 MR. REEVES: THANK YOU.

13 MR. KAZLAUSKAS: IF YOU'RE READY FOR A MOTION,
14 I'LL MAKE A MOTION.

15 CHAIRMAN: THE CHAIR IS READY FOR A MOTION.

16 MR. KAZLAUSKAS: I MAKE A MOTION THAT THE
17 APPLICATION BE DENIED ON THE FOLLOWING FINDINGS OF
18 FACT:

19 NUMBER ONE, THAT PROPOSAL IS NOT A LOGICAL
20 EXPANSION OF THE EXISTING B-4. THE B-4 IS TO THE EAST
21 SIDE OF KENTUCKY HIGHWAY 54. THAT'S A THREE TO FOUR
22 LANE ROAD, RIGHT?

23 MR. NOFFSINGER: FIVE.

24 MR. KAZLAUSKAS: FIVE LANE ROAD. YOU'VE GOT
25 TO CROSS THAT HIGHWAY TO GO OVER RIGHT IN THE MIDDLE

1 OF AGRICULTURAL LAND AND RESIDENTIAL LAND AND YOU'RE
2 ASKING FOR THAT PORTION OF THE PROPERTY TO BE REZONED
3 RIGHT IN THE MIDDLE OF A RESIDENTIAL AND AGRICULTURAL
4 LAND. SO TO ME IT'S NOT LOGICAL.

5 THE SECOND FINDINGS OF FACT IS THAT THE
6 MAJORITY OF PEOPLE UP HERE, AND I WOULD VENTURE TO SAY
7 THAT EVERY ONE ON THIS STAFF UP HERE KNOWS THE TRAFFIC
8 OUT ON 54, IF YOU TRAVEL ANY OF IT AT ALL. I BELIEVE
9 THAT SAFETY IS A FACTOR. I'M NOT REAL SURE ABOUT WHY
10 A TRAFFIC STUDY WASN'T DONE. WHO WASN'T PREPARED AND
11 WHY WE DON'T HAVE THAT INFORMATION. YOU KNOW, STAFF
12 GAVE US A LOT OF INFORMATION TONIGHT. BEEN BOTH SIDES
13 COME UP HERE AND BOMBARD THE WHOLE COMMISSION WITH
14 INFORMATION THAT WE DON'T HAVE TIME TO READ AND
15 DIGEST. I DON'T THINK THAT'S FAIR TO THESE
16 COMMISSIONERS TO BE HONEST WITH YOU. I THINK THAT
17 THERE COULD BE A TRAFFIC PROBLEM OUT THERE. THAT
18 CONCERNS ME WITH THE SAFETY OF THE PEOPLE.

19 MR. LAMBERT: THAT'S WHAT I REQUEST FOR THE
20 PUBLIC --

21 MR. KAZLAUSKAS: PLEASE SIT DOWN, SIR. I'M
22 MAKING A MOTION. THANK YOU.

23 THEN I HAVE TO GO BACK. THERE'S SEVERAL
24 RESIDENTS HERE TONIGHT THAT HAVE INVESTED IN PROPERTY.
25 DUE CONSIDERATION SHOULD BE GIVEN TO THE CONCERNS OF

1 THE NEIGHBORING RESIDENTS WITH RESPECT TO THEIR
2 ESTABLISHED LIFE PATTERNS IN THEIR NEIGHBORHOOD. I
3 THINK THAT'S VERY IMPORTANT. SO THAT'S MY MOTION.

4 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.

5 MR. REEVES: SECOND.

6 CHAIRMAN: WE HAVE A SECOND BY MR. REEVES.

7 ANY COMMENTS OR QUESTIONS ON THE MOTION?

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: THE MOTION CARRIES UNANIMOUS.

13 NEXT ITEM, PLEASE.

14 ITEM 7

15 9435, 9471 HIGHWAY 815, 24.802 ACRES
16 CONSIDER ZONING CHANGE: FROM EX-1 COAL MINING TO A-R
17 RURAL AGRICULTURE
18 APPLICANT: JARED M. & GALADREA E. VANOVER

19 PLANNING STAFF RECOMMENDATIONS

20 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
21 TO THE FINDINGS OF FACT THAT FOLLOW:

22 FINDINGS OF FACT:

23 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
24 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
25 COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL

1 MAINTENANCE PLAN AREA, WHERE RURAL LARGE-LOT
2 RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3 3. THE TWO PARCELS TOTALING 24.802 ACRES ARE
4 BOTH LARGE, WELL-PROPORTIONED LOTS;

5 4. THE SUBJECT PROPERTY HAS ACCESS TO HIGHWAY
6 815 WITH NO NEW ROADS PROPOSED;

7 5. STRIP-MINING ACTIVITIES HAS CEASED; AND,

8 6. THE OWENSBORO METROPOLITAN ZONING
9 ORDINANCE ARTICLE 12A.31 REQUIRES THAT PROPERTY SHALL
10 REVERT TO ITS ORIGINAL ZONING CLASSIFICATION.

11 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
12 REPORT INTO THE RECORD AS EXHIBIT G.

13 CHAIRMAN: ANY COMMENTS OR QUESTIONS ON THE
14 APPLICATION?

15 (NO RESPONSE)

16 CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS
17 OR QUESTIONS?

18 (NO RESPONSE)

19 CHAIRMAN: CHAIR IS READY FOR A MOTION.

20 MR. ALLEN: MAKE A MOTION FOR APPROVAL SUBJECT
21 TO THE PLANNING STAFF RECOMMENDATIONS AND FINDINGS OF
22 FACT 1 THROUGH 6.

23 MR. BOSWELL: SECOND.

24 CHAIRMAN: WE HAVE A MOTION BY MR. ALLEN FOR
25 APPROVAL. WE HAVE A SECOND BY MR. BOSWELL. COMMENTS

1 OR QUESTIONS ON THE MOTION?

2 (NO RESPONSE)

3 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: MOTION CARRIES UNANIMOUS.

6 NEXT ITEM.

7 ITEM 8

8 10100 BLOCK INDIAN HILL ROAD, 14.916 ACRES
9 CONSIDER ZONING CHANG: FROM EX-1 COAL MINING TO A-R
10 RURAL AGRICULTURE
11 APPLICANT: LAWRENCE EDDIE MCCARTY, JR.

12 PLANNING STAFF RECOMMENDATIONS

13 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
14 TO THE FINDINGS OF FACT THAT FOLLOW:

15 FINDINGS OF FACT:

16 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
17 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
18 COMPREHENSIVE PLAN;

19 2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL
20 MAINTENANCE PLAN AREA, WHERE RURAL FARM RESIDENTIAL
21 USES ARE APPROPRIATE IN GENERAL LOCATIONS;

22 3. THE SUBJECT PROPERTY IS A LARGE TRACT AT
23 14.916 ACRES;

24 4. THE SUBJECT PROPERTY HAS ACCESS TO HIGHWAY
25 915 AND INDIAN HILL ROAD;

5. STRIP-MINING ACTIVITY HAS CEASED; AND,

1 6. THE OWENSBORO METROPOLITAN ZONING
2 ORDINANCE ARTICLE 12A.31 REQUIRES THAT PROPERTY SHALL
3 REVERT TO ITS ORIGINAL ZONING CLASSIFICATION.

4 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
5 REPORT INTO THE RECORD AS EXHIBIT H.

6 CHAIRMAN: ANYONE HERE REPRESENTING THE
7 APPLICANT?

8 (NO RESPONSE)

9 CHAIRMAN: ANYONE HAVE ANY QUESTIONS ON THE
10 APPLICATION?

11 (NO RESPONSE)

12 CHAIRMAN: CHAIR IS READY FOR A MOTION.

13 MR. ROGERS: MOTION FOR APPROVAL BASED ON
14 PLANNING STAFF RECOMMENDATIONS AND FINDINGS OF FACT 1
15 THROUGH 6.

16 MR. FRY: SECOND.

17 CHAIRMAN: WE HAVE A MOTION BY MR. ROGERS AND
18 A SECOND BY MR. FRY. ANY COMMENTS OR QUESTIONS ON THE
19 MOTION?

20 (NO RESPONSE)

21 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: MOTION CARRIES UNANIMOUS.

24 NEXT ITEM.

25 -----

1 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISION

2 ITEM 9

3 SADDLEBROOK APARTMENTS, 12.12 ACRES
4 CONSIDER APPROVAL OF COMBINED FINAL DEVELOPMENT
5 PLAN/MAJOR SUBDIVISION PRELIMINARY PLAT.
6 APPLICANT: G&T, LLC

7 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAN HAS
8 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
9 STAFF. IT'S FOUND TO BE IN ORDER. THE USE IS
10 CONSISTENT WITH THE UNDERLYING ZONING. IT MEETS WITH
11 THE MINIMUM REQUIREMENTS OF THE ADOPTED ZONING
12 ORDINANCE AND SUBDIVISION REGULATIONS.

13 CHAIRMAN: ANYONE HERE REPRESENTING THE
14 APPLICANT?

15 APPLICANT REP: YES.

16 CHAIRMAN: ANY COMMENTS OR QUESTIONS?

17 (NO RESPONSE)

18 CHAIRMAN: COMMENTS OR QUESTIONS FROM THE
19 COMMISSIONERS?

20 (NO RESPONSE)

21 CHAIRMAN: CHAIR IS READY FOR A MOTION.

22 MS. REEVES: MOTION TO APPROVE.

23 CHAIRMAN: MOTION FOR APPROVAL BY MR. REEVES.

24 MR. TAYLOR: SECOND.

25 CHAIRMAN: WE'VE GOT A SECOND BY MR. TAYLOR.
COMMENTS OR QUESTIONS ON THE MOTION?

1 (NO RESPONSE)

2 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

5 NEXT MOTION.

6 -----

7 MINOR SUBDIVISIONS

8 ITEM 10

9 3950, 3954 SOUTH HAMPTON ROAD, 6.712 ACRES
10 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
11 APPLICANT: LARRY & CAROL SCHLACHTER

12 MR. NOFFSINGER: MR. HOWARD.

13 MR. HOWARD: THIS COMES BEFORE YOU AS AN
14 EXCEPTION. IT IS A LARGE PARCEL OF OVER SIX AND A
15 HALF ACRES; HOWEVER, IT IS DEEP. THERE'S AN EXISTING
16 HOME ON THE LARGER ACRE OR THE PROPOSED LARGER
17 ACREAGE.

18 AT THE VERY REAR OF THE PROPERTY I BELIEVE
19 APPLICANT PROPOSES TO CONSTRUCT THE NEW RESIDENCE ON
20 THE 1.44 ACRE PARCEL AND MAINTAIN THE EXISTING
21 RESIDENCE ON THE LARGER PARCEL. THEY AGREED TO PUT
22 THE NOTE ON THE PLAT THAT SAYS THE PROPERTY CAN'T BE
23 FURTHER SUBDIVIDED.

24 WITH THAT IT'S A LARGE ACREAGE LIMITED ON
25 DEVELOPMENT POTENTIAL FROM HERE ON OUT. SO WE
RECOMMEND YOU CONSIDER IT FOR APPROVAL.

1 CHAIRMAN: ANYBODY HERE REPRESENTING THE
2 APPLICANT?

3 APPLICANT REP: YES.

4 CHAIRMAN: ANY COMMENTS OR QUESTIONS ON THE
5 APPLICATION?

6 (NO RESPONSE)

7 CHAIRMAN: CHAIR IS READY FOR A MOTION.

8 MR. BOSWELL: MAKE A MOTION TO ACCEPT.

9 CHAIRMAN: WE HAVE A MOTION BY MR. BOSWELL.

10 MR. FRY: SECOND.

11 CHAIRMAN: SECOND BY MR. FRY. COMMENTS OR
12 QUESTIONS ON THE MOTION?

13 (NO RESPONSE)

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: MOTION CARRIES UNANIMOUS.

18 -----

19 NEW BUSINESS

20 ITEM 11

21 CONSIDER APPROVAL OF THE FY 2014 OMPC BUDGET AND
22 SALARY CHART.

23 MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS
24 BEEN MAILED A COPY OF BOTH ITEMS AND IS READY FOR YOUR
25 CONSIDERATION.

1 CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR
2 QUESTIONS ON THE BUDGET?

3 (NO RESPONSE)

4 CHAIRMAN: CHAIR IS READY FOR A MOTION.

5 MR. APPLEBY: MOTION FOR APPROVAL.

6 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

7 MR. BOSWELL: SECOND.

8 CHAIRMAN: SECOND BY MR. BOSWELL. ALL IN
9 FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

12 ITEM 12

13 CONSIDER APPROVAL OF THE MARCH 2013 FINANCIAL
14 STATEMENTS.

15 MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS
16 BEEN MAILED A COPY OF THE FINANCIAL STATEMENTS.
17 THEY'RE READY FOR YOUR CONSIDERATION.

18 CHAIRMAN: ANY COMMENTS OR QUESTIONS FROM THE
19 COMMISSIONERS?

20 (NO RESPONSE)

21 CHAIRMAN: CHAIR IS READY FOR A MOTION.

22 MR. KAZLAUSKAS: SO MOVE.

23 MR. REEVES: SECOND.

24 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS
25 AND A SECOND BY MR. REEVES. ALL IN FAVOR RAISE OF THE

1 MOTION RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

4 ITEM 13

5 CLOSED SESSION PURSUANT TO KRS 61.810(1)(C) SO THAT
6 THE BOARD MAY DISCUSS PENDING LITIGATION AGAINST THE
BOARD.

7 MR. REEVES: I'D LIKE TO COMMENT BEFORE WE ACT
8 ON THAT JUST REAL QUICKLY. FIRST OF ALL, BECAUSE
9 WE'VE GOT SEVERAL NEW BOARD MEMBERS.

10 GARY, I THOUGHT YOU MADE SOME VERY IMPORTANT
11 STATEMENTS TONIGHT ABOUT THE FUNCTION OF THIS
12 COMMISSION. WHAT WE GET PRIOR TO THAT IS BASED ON
13 SIMPLY WHAT THE STAFF HAS TO LOOK AT IN TERMS OF
14 APPLICATION. STAFF DOES AN EXCELLENT JOB IN DOING
15 THAT I THINK, BUT THOSE OF YOU THAT ARE NEW SHOULD
16 KNOW THAT STAFF NEVER INTENDS THAT WE NOT QUESTION OR
17 LOOK AT OTHER FACTS THAT ARE RAISED DURING THE
18 HEARING. SO IT'S NOT ONE BIT UNUSUAL FOR US TO NOT
19 ABIDE BY ADDITIONAL STAFF RECOMMENDATIONS BECAUSE
20 THERE ARE OTHER FACTS.

21 GARY, I REALLY APPRECIATE YOU, I THINK,
22 EXPLAINING THAT TONIGHT, PARTICULARLY TO THE AUDIENCE
23 OUT HERE, THAT THIS COMMISSION DOESN'T, YOU KNOW, WE
24 HAVE A HEARING ONCE WE GET THE APPLICATION.

25 MR. NOFFSINGER: THANK YOU FOR THE

1 OPPORTUNITY.

2 CHAIRMAN: I NEED A MOTION TO GO INTO CLOSED
3 SESSION.

4 MR. APPLEBY: MR. CHAIRMAN, I MOVE TO ENTER
5 INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C) SO
6 THAT THE BOARD MAY DISCUSS PENDING LITIGATION
7 AGAINST THE COMMISSION. SPECIFICALLY THIS CLOSED
8 SESSION IS TO DISCUSS THE RULING IN A RECENT CASE OF
9 POSSIBLE NEED TO APPEAL. NO ACTION WILL BE TAKEN IN
10 CLOSED SESSION. IF ACTION IS NECESSARY, THE
11 COMMISSION WILL RECONVENE IN OPEN SESSION; OTHERWISE,
12 THE COMMISSION WILL ADJOURN FOR CLOSED SESSION.

13 CHAIRMAN: MOTION BY MR. APPLEBY.

14 MR. FRY: SECOND.

15 CHAIRMAN: WE'VE GOT A SECOND BY MR. FRY. ALL
16 IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: WE'LL GO INTO CLOSED SESSION.

19 -----

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