

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 12, 2013

3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY,
5 SEPTEMBER 12, 2013, AT CITY HALL, COMMISSION CHAMBERS,
6 OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS
7 FOLLOWS:

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

19 * * * * *

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

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

26 CHAIRMAN: I WOULD LIKE TO WELCOME EVERYONE.
27 ANYONE WISHING TO SPEAK ON ANY ITEM MAY DO SO. WE ASK
28 THAT YOU COME TO ONE OF THE PODIUMS AND STATE YOUR
29 NAME AND BE SWORN IN. PLEASE, IF YOU WILL, SPEAK INTO
30 THE MICROPHONE.

1 WITH THAT THE FIRST ITEM ON THE AGENDA IS TO
2 CONSIDER THE MINUTES OF THE AUGUST 8, 2013 MEETING.
3 ARE THERE ANY ADDITIONS OR CORRECTIONS?

4 (NO RESPONSE)

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

7 MR. APPLEBY: MOTION FOR APPROVAL.

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

10 MR. FRY: SECOND.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: MOTION CARRIES UNANIMOUS.

15 NEXT ITEM, MR. NOFFSINGER.

16 ITEM 2

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

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

24 ANYWAY, WHAT WE HAVE IS A BRIEF HISTORY. WE
25 HAVE TO LOOK AT JUST FROM A RISK ASSESSMENT APPROACH

1 OF THE ORGANIZATION. WE AUDIT THE BUSINESS. NOT JUST
2 THE BOOKS. SO WE LOOK AT THE ENVIRONMENT THAT YOU'RE
3 IN.

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

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

24 WE'LL GO THROUGH THE FINANCIAL STATEMENTS
25 BRIEFLY. THERE'S A LOT OF INFORMATION, BUT WE'LL

1 START ON PAGE 10, YOUR STATEMENT IN THAT ASSETS.
2 YOU'RE FORTUNATE TO BE IN A VERY GOOD POSITION IN
3 TODAY'S ECONOMY. YOU HAVE TOTAL CURRENT ASSETS OF
4 APPROXIMATELY 1.1 MILLION. YOU HAVE PROPERTY AND
5 EQUIPMENT NET OF 32, ROUGHLY 33,000 TOTAL ASSETS.
6 APPROXIMATELY 1.2 MILLION LESS LIABILITIES OF ABOUT
7 APPROXIMATELY 109,000. SO YOU HAVE TOTAL NET ASSETS,
8 SOME OF WHICH IS RESTRICTED FOR SPECIFIC USES, OF
9 ABOUT \$1,075,000.

10 IF WE COULD, THERE'S A FEW SCHEDULES THAT ARE
11 RELEVANT. IF WE COULD GO TO PAGE 13. EXCUSE ME, PAGE
12 14, WHICH IS YOUR STATEMENT OF REVENUES AND EXPENSES
13 AND CHANGES IN THE FUND BALANCE. YOUR LARGEST SOURCE
14 OF REVENUE IS YOUR FEE INCOME, AND THEN YOUR
15 INNER-GOVERNMENTAL FROM THE COUNTY OF DAVIESS AND THE
16 CITY OF OWENSBORO AND THE CITY OF WHITESVILLE. YOU
17 HAD TOTAL REVENUES OF APPROXIMATELY 1,156,000/ LESS
18 EXPENSES OF 1,248,000. SO YOU HAD AN EXCESS OF
19 EXPENDITURES OVER REVENUES OF \$92,498. OF THAT YOU
20 HAD FUND BALANCES AVAILABLE TO DRAW ON. SO YOUR FUND
21 BALANCE DECREASED FROM 1,134,000 TO 1,042,000. SO
22 IT'S DOWN SOMEWHAT OVER PREVIOUS YEARS.

23 THE NEXT PAGE, THIS IS THE SUPPLEMENTAL PAGE.
24 BACK IN THE BACK IS YOUR BUDGET, WHICH I BELIEVE --
25 EXCUSE ME. THIS CAME OUT OF YOUR MANAGEMENT

1 DISCUSSION AND ANALYSIS. YOU WERE IN PRETTY MUCH ON
2 BUDGET. YOU'RE A LITTLE OVER 183,000. OVER ON
3 REVENUES. A LITTLE BIT OVER ON EXPENSES, BUT ALL IN
4 ALL YOU STAYED WITHIN YOUR BUDGETARY PARAMETERS.

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

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

17 YOU CAN SEE YOUR GOVERNMENTAL REVENUES FROM
18 OWENSBORO, DAVIESS COUNTY AND WHITESVILLE. THEY'VE
19 BEEN STEADY. NO SIGNIFICANT INCREASES IN THERE. YOUR
20 EXPENDITURE TREND HAS BEEN KIND OF INCREASING, BUT ONE
21 THING THAT'S GONE UP THAT'S IMPACTED EVERY
22 GOVERNMENTAL ORGANIZATION THAT WILL PROBABLY HIT YOU
23 DOWN IN THE FUTURE IS THAT YOUR CERS, THE RETIREMENT
24 PLAN FOR EMPLOYEES. THAT'S PROJECTED TO, AGAIN, TO
25 CONTINUE TO INCREASE UNTIL THE PEOPLE UP IN FRANKFORT

1 ARE ABLE TO BRING THAT UNDER CONTROL. SO THAT'S ONE
2 THING, AS FAR AS PERSONNEL, BECAUSE EVERY GOVERNMENTAL
3 ENTITY ACROSS THE COMMONWEALTH OF KENTUCKY IS
4 EXPERIENCING THAT.

5 THEN YOU CAN SEE YOUR PERMIT TRENDS.
6 EVERYTHING HAS BEEN KIND OF STABLE EXCEPT IN, AGAIN,
7 2011 WITH THE CONSTRUCTION OF THE HOSPITAL.

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

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

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

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

1 HAD NONE.

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

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

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

10 MR. KAZLAUSKAS: MR. CHAIRMAN, JUST ONE.

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

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

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

24 MR. NEEL: ALL OF THE CONSTRUCTION. THE
25 HOSPITAL WAS JUST A PART OF IT IN 2011.

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

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

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

7 CHAIRMAN: ANY OTHER COMMISSIONERS HAVE ANY
8 QUESTIONS OR COMMENTS?

9 (NO RESPONSE)

10 CHAIRMAN: MR. NOFFSINGER.

11 MR. NOFFSINGER: NO, SIR.

12 CHAIRMAN: VERY WELL DONE.

13 MR. NEEL: THANK YOU ALL VERY MUCH.

14 CHAIRMAN: NEXT ITEM.

15 -----

16 ZONING CHANGES

17 ITEM 3

18 4005, 4033, 4115 HIGHWAY 54, 8.122 +/- ACRES
19 CONSIDER ZONING CHANGE: FROM P-1 PROFESSIONAL/SERVICE
20 WITH CONDITIONS AND A-U URBAN AGRICULTURE TO P-1
21 PROFESSIONAL/SERVICE
22 APPLICANT: CHALLENGER ENTERPRISE, LLC; SOUTHERN STAR
23 CENTRAL GAS PIPELINE

24 (BRIAN HOWARD SWORN BY ATTORNEY.)

25 MR. PORTER: STATE YOUR NAME, PLEASE.

MR. HOWARD: BRIAN HOWARD.

I WILL NOTE THAT THE REZONINGS HEARD HERE

1 TONIGHT WILL BECOME FINAL IN 21 DAYS AFTER THE MEETING
2 UNLESS AN APPEAL IS FILED. IF AN APPEAL IS FILED,
3 THEN WE WILL FORWARD THE ACTION OF THIS BODY TO THE
4 APPROPRIATE LEGISLATIVE BODY FOR THEM TO TAKE FINAL
5 ACTION. THE APPEAL FORMS ARE AVAILABLE ON THE BACK
6 TABLE, IN OUR OFFICE AND ON OUR WEBSITE.

7 PLANNING STAFF RECOMMENDATIONS

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

11 ACCESS TO 4005, 4033, AND 4115 HIGHWAY 54
12 SHALL BE LIMITED TO A SINGLE ACCESS POINT PER THE
13 SEPTEMBER 2009 REZONING AND RECORDED SUBDIVISION PLAT.
14 FINDINGS OF FACT:

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

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

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

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

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

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

7 CHAIRMAN: ANYONE HERE REPRESENTING THE
8 APPLICANT?

9 MR. HUFF: TONY HUFF.

10 (TONY HUFF SWORN BY ATTORNEY.)

11 MR. HUFF: I HAVE SOME EXHIBITS AS WELL.

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

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

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

23 THE ORIGINAL CONCEPT, AS SHOWN HERE, WAS
24 BASICALLY TO HAVE A SINGLE ACCESS POINT AND THEN
25 SHARED PARKING EXTENDED ACROSS THE FRONTAGE OF HIGHWAY

1 54, BUT AS WE'VE GONE DOWN THE PATH HERE OF
2 DEVELOPING, WE'RE STARTING TO GET SOME INQUIRES AND
3 FOLKS ARE REALIZING THAT WE MIGHT COULD BENEFIT FROM A
4 SECOND AUXILIARY ENTRANCE OR A COMPLEMENTARY ENTRANCE
5 TO ALSO SERVE THIS PROPERTY.

6 THIS IS WHAT WE'RE LOOKING AT TODAY AND THIS
7 IS THE EXHIBIT THAT I HAVE PASSED OUT. WE'RE ASKING
8 FOR A SECONDARY ENTRANCE TO BE 242 FEET TO THE EAST OF
9 THE EXISTING ACCESS POINT.

10 JUST TO KIND OF RUN THROUGH THE DEVELOPMENT
11 HERE STARTING TO THE EAST OF THE PROPERTY.

12 4141 IS ROBERT PURDY. HE OWNS APPROXIMATELY
13 20 ACRES OF GROUND INCLUDING LAND BACK BEHIND THE
14 PROPERTY HERE. HE HAS ACCESS, FUTURE ACCESS ACROSS
15 FROM LAKE FOREST. THAT HAS POTENTIAL OF BEING A
16 PRETTY SIGNIFICANT INTERSECTION IN THE NEAR FUTURE, I
17 THINK.

18 THEN YOU HAVE 4115, WHICH IS THE SUBJECT SITE.

19 4033, THAT'S THE LOCATION OF THA ENGINEERING.
20 THAT'S MY OFFICE.

21 THEN TO THE WEST OF MY OFFICE IS 4005, WHICH
22 IS THE NEW SOUTHERN STAR BUILDING. AGAIN, THAT'S NOT
23 SHOWN IN THE AERIAL PHOTO. THIS IS BASICALLY A GOOGLE
24 AERIAL PHOTO, BUT IT IS SHOWN, THE LINE WORK IS ON THE
25 EXHIBIT.

1 THEN ON TO THE WEST OF 4005 IS A RESIDENTIAL
2 PROPERTY THAT HAS ACCESS ONTO WOOD TRACE.

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

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

21 SO BASICALLY WHAT WE'VE ASKED FOR, WE
22 RECOGNIZE, I CERTAINLY RECOGNIZE THAT THE SPACING OF
23 THIS ENTRANCE DOES NOT MEET THE 500 FOOT SPACING, BUT
24 I WOULD ARGUE THAT WE MEET THE SPIRIT OF THE 500 FOOT
25 SPACING. I SAY THAT BECAUSE WE WILL STAY 500 FEET

1 AWAY FROM LAKE FOREST WHICH, AGAIN, I THINK WILL BE AT
2 SOME POINT IN TIME A SIGNIFICANT INTERSECTION. WE'RE
3 ALREADY, I THINK IT'S 590 FEET FROM WOOD CREST OR WOOD
4 TRACE RATHER.

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

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

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

19 BASICALLY WHAT WE'RE SHOWING THERE IS A
20 POTENTIAL DEVELOPMENT SCENARIO WHERE THIS ENTRANCE
21 WOULD SERVE 4115 AND WOULD NOT SERVE 4033. THEN THE
22 THIRD EXHIBIT SHOWS HOW WE PROPOSE TO INTEGRATE THIS
23 ENTRANCE, A POTENTIAL DESIGN SCENARIO TO INTEGRATE
24 THIS ENTRANCE IN WITH THE REST OF THE DEVELOPMENT OF
25 CHALLENGER PROFESSIONAL CENTER.

1 I'D ENTERTAIN AND ENCOURAGE ANY QUESTIONS.

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

4 (NO RESPONSE)

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

8 (NO RESPONSE)

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

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

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

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

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

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

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

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

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

13 PART OF WHAT THEIR COMMENTS ADDRESSED AS WELL
14 WERE, AS MR. HUFF STATED, A NEW ACCESS POINT WOULD NOT
15 NECESSARILY INCREASE THE POTENTIAL DENSITY OF THE
16 DEVELOPMENT. THEY'LL STILL BE ABLE TO GET THE SAME
17 NUMBER OF BUILDINGS. MAYBE FEWER BUILDINGS ON THE
18 PROPERTY, BUT THE E-MAIL THAT WE GOT FROM THE STATE,
19 AND I THINK FROM A TRANSPORTATION PLANNING
20 PERSPECTIVE, ANOTHER ACCESS POINT WILL ADD ANOTHER
21 CONFLICT POINT ON HIGHWAY 54. THE MORE ACCESS POINTS
22 YOU HAVE, THE MORE POTENTIAL YOU HAVE FOR ANY TYPE OF
23 CONFLICT WHETHER IT'S THE PEOPLE IN THE LEFT TURN
24 LANE. RIGHT TURN LANE, YOU'RE NOT SURE IF SOMEONE HAS
25 THEIR RIGHT TURN SIGNAL ON OR THEY'RE TURNING AT THE

1 FIRST ACCESS POINT OR ARE THEY TURNING AT THE SECOND
2 ACCESS POINT. THE WHOLE PURPOSE OF ACCESS MANAGEMENT
3 IS TO MANAGE ACCESS ALONG BUSY CORRIDORS, SPACE THEM
4 ACCORDINGLY SO THAT THERE AREN'T THESE TYPES OF
5 CONFLICTS. SO THAT'S WHAT WE'RE LOOKING AT OR THE
6 PERSPECTIVE WE'RE LOOKING AT.

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

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

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

23 BASICALLY IT SHOWS ON THE PARCEL OF 4115, I'VE
24 HIGHLIGHTED THAT IN YELLOW, IT'S A NOTE THAT SAYS THAT
25 THAT DRIVE IS TO BE ABANDONED. THERE IS AN EXISTING

1 DRIVE IN THE VICINITY. THEY'RE PROPOSING TO ACTUALLY
2 SHIFT IT JUST A LITTLE BIT TO THE LEFT, BUT THERE IS
3 AN EXISTING DRIVE THERE, BUT IT'S NOT BUILT TO
4 COMMERCIAL STANDARDS. REALLY LOOKS LIKE AN OLD FARM
5 ACCESS OR SOMETHING LIKE THAT.

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

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

16 THE EXISTING DRIVE IS REALLY NO MORE THAN A
17 FIELD TYPE OF ENTRANCE, A FARM ENTRANCE. IT IS PAVED.
18 THERE IS A PAVED APRON THERE. THE FACT THAT IT DOES
19 MEET ACCESS SPACING, STAFF CANNOT SUPPORT THE NEW
20 ACCESS POINT THERE. SO THAT'S WHY YOU END UP WITH A
21 RECOMMENDATION TO APPROVE THE ZONING CHANGE. LIKE I
22 SAID, WE SUPPORT THE CHANGE IN ZONING. WE FEEL THAT
23 THAT'S APPROPRIATE. IT'S JUST THAT THE NEW DRIVEWAY
24 CREATES ADDITIONAL CONFLICT POINTS ALONG HIGHWAY 54
25 AND IS NOT IN KEEPING WITH WHAT WAS APPROVED

1 PREVIOUSLY BY THIS BOARD AND RECORDED ON A PLAT THAT
2 WAS APPROVED BY THE PLANNING COMMISSION STAFF.

3 SO THAT'S THE STAFF'S TAKE ON IT AND THAT
4 WOULD BE MY RESPONSE. I'D BE GLAD TO ANSWER ANY
5 QUESTIONS THAT YOU ALL MAY HAVE OF ME.

6 CHAIRMAN: 4115, 4033, HAS THAT BEEN
7 CONSOLIDATED INTO ONE PARCEL?

8 MR. HOWARD: IT IS NOT.

9 CHAIRMAN: 4115 HAS AN EXISTING ACCESS POINT?

10 MR. HOWARD: YES. THERE IS AN EXISTING I
11 WOULD CALL IT A FIELD ACCESS. THERE IS A PAVED APRON
12 THERE, BUT IT'S SUBSTANDARD IN WIDTH. IT WOULDN'T
13 MEET TODAY'S COMMERCIAL STANDARDS.

14 CHAIRMAN: SO 4115 WITH A JOINT ACCESS, COULD
15 ACTUALLY FUNCTION OKAY. BUT 4115 WITH 4033 ACCESS,
16 THEN 4115 ACCESS WOULDN'T BE REQUIRED FOR THEM TO HAVE
17 ADEQUATE USE AND PROPER USE OF THEIR PROPERTY?

18 MR. HOWARD: I'M NOT SURE THAT I FOLLOW.

19 CHAIRMAN: WHEN THEY DID HIGHWAY 54 WIDENING,
20 THEY GAVE ACCESS POINTS TO EACH PIECE OF PROPERTY. IS
21 THAT 4115 STILL AN INDIVIDUAL PIECE OF PROPERTY? IS
22 THE TWO PROPERTIES, 4033 AND 4115, GOING TO BE
23 CONSOLIDATED INTO ONE PIECE OF PROPERTY; SO IN REALITY
24 4033 ACCESS CAN SERVE 4115 WITHOUT THE SECOND ACCESS
25 POINT?

1 MR. HOWARD: I WOULD CERTAINLY DEFER TO MR.
2 HUFF ON THAT. I DON'T THINK THAT THEY PLAN TO
3 CONSOLIDATE BASED ON MY KNOWLEDGE. OF COURSE, HE CAN
4 ANSWER, BUT THAT'S SOMETHING WE LOOKED AT ORIGINALLY.
5 THAT'S PART OF WHAT WE DID ON PLANNING FOR THESE
6 PARCELS WAS TO PROVIDE ACCESS EASEMENTS SO THAT YOU
7 COULD ACCESS 4115. EVEN IF THEY WEREN'T CONSOLIDATED,
8 THAT THERE ARE ACCESS EASEMENTS TO GET TO THAT
9 PROPERTY SO THAT YOU ELIMINATE THE NEED FOR AN
10 ADDITIONAL ACCESS POINT TO HIGHWAY 54. AS FAR AS
11 CONSOLIDATION, I'M SURE MR. HUFF COULD ANSWER THAT.

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

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

19 MR. HUFF: WHERE AT?

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

24 MR. HUFF: IT'S IN THE 30'S. I WANT TO SAY
25 MAYBE 36, IN FRONT OF MY BUILDING.

1 NOW, THE PARKING AT 4005 IS A LITTLE
2 MISLEADING. THAT IS A MULTI-PURPOSE BUILDING THAT'S
3 SET UP FOR TRAINING AND SOME OTHER FUNCTIONS WHERE
4 THEY MAY HAVE THE PARKING LOT FULL VERY SPORADICALLY.
5 THEY HAVE SOMEWHERE IN THE NEIGHBORHOOD OF ABOUT 20
6 STAFF THAT'S ACTUALLY FUNCTIONING IN THAT BUILDING, AS
7 I UNDERSTAND.

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

15 MR. HUFF: I THINK IT'S ABOUT 32. THERE WERE
16 20 PARKING SPOTS TO BEGIN WITH. WE'VE ADDED SOME. IN
17 FACT, SOME OF THESE THAT ARE MARKED DON'T ACTUALLY
18 EXIST.

19 MR. KAZLAUSKAS: IN THE WHOLE COMPLEX, 4005,
20 4033 AND 4115, 100 PLACES, 100 PARKING PLACES?

21 MR. HUFF: FOR ALL THREE PROPERTIES?

22 MR. KAZLAUSKAS: YES.

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

24 MR. KAZLAUSKAS: MORE LIKE 200. THAT LOOKS
25 LIKE AN AWFUL LOT TO ME, BUT IF YOU SAY 200, OKAY.

1 MR. HUFF: I'M SORRY, IF YOU LOOK AT THE THIRD
2 EXHIBIT. I'M SORRY, I'M LOOKING AT THE FIRST EXHIBIT
3 MYSELF.

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

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

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

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

22 MR. KAZLAUSKAS: I UNDERSTAND WHAT YOU'RE
23 SAYING. OF COURSE, WHAT I'M TRYING TO GET MY ARMS
24 AROUND HERE, MY HEAD AROUND HERE IS WE ALL KNOW THE
25 TRAFFIC OUT ON 54 AND THE PROBLEM THAT IT IS. I KNOW

1 THE SPRINGS HAS MORE THAN 200 PARKING PLACES OUT THERE
2 AND THEY'VE ONLY GOT ONE ACCESS OFF OF 54. OF COURSE,
3 THAT'S TWO LANES ON EACH SIDE WITH A STOPLIGHT THERE
4 NOW, I THINK. THAT GOES IN AND OUT. I WAS TRYING TO
5 FIGURE OUT, YOU KNOW, IF THERE WAS ACTUALLY A SPECIFIC
6 NEED FOR THAT SECOND ONE. I'M NOT REAL SURE THAT IT
7 IS.

8 THANK YOU SO MUCH.

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

11 MR. HUFF: I DON'T HAVE ANY ISSUES WITH WHAT
12 MR. HOWARD HAS DISCUSSED. AS I SAID, WE REALIZE THIS
13 DOES NOT MEET THE SPACING REQUIREMENTS, AND I
14 CERTAINLY UNDERSTAND THE IMPORTANCE OF THE 500 FOOT
15 SPACING REQUIREMENT, BUT I THINK WHAT WE'RE ASKING
16 HERE, AS FAR AS AN EXCEPTION BEING MADE, I DON'T THINK
17 IT'S A VERY LARGE STRETCH. THESE ENTRANCES JUST
18 AREN'T GOING TO BE THE TRAFFIC GENERATORS THAT SOME OF
19 THE OTHER ENTRANCES ARE. THERE ARE LOCATIONS ON
20 HIGHWAY 54 NOT TOO FAR FROM OUR OFFICE WHERE ENTRANCES
21 ARE CLOSER THAN 500 FEET. IN FACT, CONSIDERABLY
22 CLOSER, IN AREAS THAT THE TRAFFIC COUNTS ARE MUCH
23 HIGHER. FOR EXAMPLE, THE ENTRANCE IN FRONT OF CVS AT
24 54 COULD BE AN EXAMPLE.

25 NOT AN IDEAL SITUATION BY ANY MEANS, BUT

1 SOMETIMES ENTRANCES DON'T END UP BEING 500 FEET. I
2 CERTAINLY UNDERSTAND THAT.

3 THESE ENTRANCES HERE, I THINK THE POTENTIAL
4 FOR THEM, FIRST OF ALL, THERE'S MINIMAL TO NO
5 POTENTIAL FOR ACCESS POINTS ACROSS THE OTHER SIDE OF
6 54. THESE ARE MINIMAL TO NO POTENTIAL TO EVER BE
7 SIGNIFIED. I THINK THE IMPORTANCE OF MAINTAINING THE
8 500 FEET TO WOOD TRACE AND TO LAKE FOREST IS VERY
9 IMPORTANT. THESE ACCESS POINTS BEING CLOSE TOGETHER,
10 I REALLY DON'T SEE THAT IT WILL MUCH HAVE MUCH IMPACT,
11 IF ANY, ON TRAFFIC.

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

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

21 I GUESS THE REASON I MAKE THAT POINT IS THAT
22 THIS IS NOT, THERE'S NOT GOING TO BE A TREMENDOUS
23 PRESENCE SETTING BY PERMITTING THIS GIVEN THE
24 SITUATION DOES EXIST IN OTHER PLACES. THIS WON'T BE A
25 FIRST. CERTAINLY NOT NEARLY THE MORE CRITICAL.

1 CHAIRMAN: MR. HOWARD, DO YOU HAVE ADDITIONAL
2 COMMENTS?

3 MR. NOFFSINGER: MR. BOSWELL HAS ONE.

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

6 IT APPEARS THAT YOU'VE GOT ROADS TYING ALL OF
7 THIS IN AT SOME POINT IN TIME. IS THAT SECOND ACCESS
8 GOING TO BE ABLE TO FLOW THE TRAFFIC FROM 4115 TO
9 4033? BECAUSE IT LOOKS LIKE THERE'S DASH LINES IN
10 HERE LIKE IT'S BLOCKING IT OFF. I'M NOT QUITE SURE IF
11 THERE'S A TRAFFIC FLOW BETWEEN THE TWO OFF OF THE
12 SECOND ACCESS.

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

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

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

24 THE SECONDARY ENTRANCES IS REALLY INTENDED TO
25 BETTER SERVE 4115. SO THAT IF TRAFFIC IS WANTING TO

1 COME INTO 4115, THEY DON'T HAVE TO USE THE ACCESS
2 THAT'S EXISTING, AND EITHER GO BEHIND MY BUILDING OR
3 GO THROUGH THE SHARED PARKING AREA.

4 MR. BOSWELL: THANK YOU.

5 CHAIRMAN: MR. REEVES.

6 MR. REEVES: JUST A COMMENT.

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

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

25 (NO RESPONSE)

1 CHAIRMAN: MR. HOWARD, DO YOU HAVE ANY
2 ADDITIONAL COMMENTS YOU WOULD LIKE TO MAKE?

3 MR. HOWARD: JUST TO CLARIFY EARLIER WHAT I
4 WAS SAYING AND JUST TO MAKE SURE THAT IT WAS CLEAR.

5 I DIDN'T REALLY SPECIFY. WHEN THE ORIGINAL
6 REZONING CAME IN, IT WAS ONE PARCEL THAT INCLUDED 4005
7 AND 4033. THEY WERE ALL ACTUALLY ONE PARCEL AT THAT
8 TIME, ONE LARGER PARCEL. WHEN THE SOUTHERN STAR
9 BUSINESS WENT OUT THERE, MR. HUFF DID A PLAT THAT
10 SPLIT THAT PROPERTY DOWN THE MIDDLE. THAT'S WHY YOU
11 HAVE THREE PARCELS NOW WHEREAS IN THE ORIGINAL ZONING
12 CHANGE YOU ONLY HAD ONE AND THEN THE 4515 WAS NOTED
13 THAT THE INGRESS/EGRESS EASEMENT WOULD SERVE THIS
14 PARCEL.

15 THE ORIGINAL PLAT SHOWED AN ACCESS POINT ON
16 WHAT IS 4005 NOW TO BE CLOSED, AND THEN THE ONE ON
17 4115 TO BE CLOSED, AND THEN THAT NEW JOINT ACCESS
18 EASEMENT BEING ESTABLISHED. I JUST WANTED TO CLARIFY.
19 I DON'T THINK I MAKE THAT CLEAR EARLIER. THAT'S HOW
20 WE STARTED WITH ONE LARGE PARCEL REZONING, BUT NOW
21 IT'S TWO.

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

24 MR. NOFFSINGER: I WOULD JUST ADD THAT THIS
25 BOARD, AS WELL AS THE STAFF, AS WELL AS GREEN RIVER

1 AREA DEVELOPMENT DISTRICT THROUGH THE TRANSPORTATION
2 MANAGEMENT POLICIES, TAKE A GOOD HARD LOOK AT ACCESS.
3 THAT 500 FOOT SPACING STANDARD HAS BEEN IN EXISTENCE
4 FOR MANY YEARS.

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

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

24 I CERTAINLY BELIEVE AND, MR. CHAIRMAN, YOU
25 ASKED THIS QUESTION, CAN THIS PROPERTY FUNCTION

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

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

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

20 CHAIRMAN: ANYONE ELSE HAVE COMMENTS?

21 MR. BLACK: JUST A QUICK QUESTION.

22 4115 NOW IS PROPOSED, RIGHT? ARE THERE ANY
23 CONCRETE PLANS FOR 4115 RIGHT NOW?

24 MR. HUFF: I THINK THE POTENTIAL DEVELOPMENT
25 SCENARIO A AND B ARE THE MOST LIKELY DEVELOPMENT

1 SCENARIOS FOR THAT PROPERTY.

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

9 4115 CAME INTO PLAY VERY LATE IN THE GAME WHEN
10 WE WERE IN THE -- WE HAD ALREADY INITIATED THE PROCESS
11 OF PURCHASING AND REZONING WHAT THEN WAS 4033. WE
12 PROBABLY WOULD HAVE, IF THE TIMING HAD WORKED OUT, WE
13 PROBABLY WOULD HAVE GONE AHEAD AND REZONED ALL OF IT,
14 BUT WE WERE IN A HURRY TO FACILITATE GROUNDBREAKING
15 FOR SOUTHERN STAR AND GETTING PREPARED FOR THAT. WE
16 DIDN'T WANT TO HOLD UP THE REZONING PROCESS.

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

22 CHAIRMAN: ANYONE ELSE HAVE COMMENTS OR
23 QUESTIONS?

24 (NO RESPONSE)

25 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A

1 MOTION.

2 MR. KAZLAUSKAS: MR. CHAIRMAN, I MAKE A MOTION
3 THAT THE ZONING BE APPROVED WITH THE CONDITION THAT
4 HIGHWAY 54 SHALL BE LIMITED TO A SINGLE ACCESS POINT
5 PER THE SEPTEMBER 2009 REZONING AND RECORDED
6 SUBDIVISION PLAT ALONG WITH FINDINGS OF FACT 1, 2, 3
7 AND 4.

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

10 MR. BOSWELL: SECOND.

11 CHAIRMAN: WE HAVE A SECOND BY MR. BOSWELL.
12 ANY COMMENTS OR 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 NEXT ITEM, PLEASE.

19 ITEM 4

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

25 (MELISSA EVANS SWORN BY ATTORNEY.)

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

1 MS. EVANS: MELISSA EVANS.

2 PLANNING STAFF RECOMMENDATION

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

6 1. ALL VEHICULAR USE AREAS SHALL BE PAVED;

7 AND,

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

11 FINDINGS OF FACT:

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

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

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

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

23 5. THE USE OF THE PROPERTY AS A MEDICAL
24 OFFICE WILL SERVE AS A BUFFER USED BETWEEN THE HIGHER
25 INTENSITY COMMERCIAL USES IN THE VICINITY AND THE

1 EXISTING RESIDENCE TO THE NORTH.

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

4 CHAIRMAN: ANYONE HERE REPRESENTING THE
5 APPLICANTS?

6 (NO RESPONSE)

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

10 (NO RESPONSE)

11 CHAIRMAN: COMMISSION MEMBERS HAVE ANY
12 QUESTIONS OR COMMENTS?

13 (NO RESPONSE)

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

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

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

22 MR. REEVES: SECOND.

23 CHAIRMAN: WE HAVE A SECOND FROM MR. REEVES.
24 COMMENTS OR QUESTIONS ON THE MOTION?

25 (NO RESPONSE)

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: MOTION CARRIES UNANIMOUS.

5 NEXT ITEM, PLEASE.

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

9 -----

10 MINOR SUBDIVISIONS

11 ITEM 6

12 9020, 9030 TODD BRIDGE ROAD, 12.917 ACRES
13 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
14 APPLICANT: DAVID & SAMANTHA J. HALL

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

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

20 THERE ARE A COUPLE OF EXISTING PARCELS OUT
21 THERE THAT THEY ARE CONSOLIDATING INTO A LARGER TRACT.
22 SO THERE'S ACTUALLY A NET LOSS IN DEVELOPMENT PARCELS,
23 BUT THE ONE THAT THEY ARE CREATING ON THE SOUTH SIDE
24 OF THE PROPERTY EXCEEDS THE THREE TO ONE RATIO, BUT
25 SINCE THEY'RE NOT REALLY MAXIMIZING THE NUMBER OF
LOTS, THEY'RE ACTUALLY REDUCING THE NUMBER OF LOTS,

1 SQUARING UP THAT BOTTOM LOT SO THAT IT GOES ALL THE
2 WAY TO THE WEST PROPERTY LINE INSTEAD OF HAVING A JOG
3 IN IT, WE WOULD RECOMMEND THAT YOU CONSIDER THAT FOR
4 APPROVAL.

5 CHAIRMAN: DOES ANYONE HERE HAVE ANY QUESTIONS
6 ON THIS APPLICATION?

7 (NO RESPONSE)

8 CHAIRMAN: COMMISSIONERS HAVE ANY QUESTIONS ON
9 THIS APPLICATION?

10 (NO RESPONSE)

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

13 MR. ROGERS: MOTION FOR APPROVAL.

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

16 MR. APPLEBY: SECOND.

17 CHAIRMAN: WE HAVE A SECOND BY MR. APPLEBY.
18 ANY COMMENTS OR 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 UNANIMOUS.

24 NEXT ITEM, PLEASE.

25 -----

1 ZONING CHANGES

2 ITEM 5

3 1856 WHISPERING MEADOWS DRIVE, 37.989 ACRES
4 CONSIDER ZONING CHANGE: FROM A-R RURAL AGRICULTURE TO
5 R-1A SINGLE-FAMILY RESIDENTIAL
6 APPLICANT: JAGOE LAND CORP; LTM FARMS, LLC

7 PLANNING STAFF RECOMMENDATIONS

8 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
9 TO THE FINDINGS OF FACT THAT FOLLOW:

10 FINDINGS OF FACT:

11 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
12 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
13 COMPREHENSIVE PLAN;

14 2. THE SUBJECT PROPERTY IS LOCATED IN AN
15 URBAN RESIDENTIAL PLAN AREA WHERE URBAN LOW-DENSITY
16 RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

17 3. THE PROPOSED USE AND ZONING MEET THE LAND
18 USE CRITERIA FOR URBAN RESIDENTIAL DEVELOPMENT;

19 4. THE RESIDENTIAL DEVELOPMENT WILL BE SERVED
20 BY SANITARY SEWER SERVICE; AND,

21 5. THE PROPOSAL IS AN EXPANSION OF WHISPERING
22 MEADOWS AND IS IN KEEPING WITH THE CONCEPTUAL PLAN FOR
23 THE ENTIRE DEVELOPMENT AS PROPOSED IN 1998.

24 MR. HOWARD: WE WOULD LIKE TO ENTER THAT STAFF
25 REPORT INTO THE RECORD AS EXHIBIT C.

CHAIRMAN: ANYONE HERE REPRESENTING THE

1 APPLICANT?

2 MR. KAMUF: MR. CHAIRMAN, CHARLES KAMUF.

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

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

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

11 ANYONE HERE LIKE TO SPEAK IN OPPOSITION OF
12 THIS APPLICATION?

13 STEP TO THE PODIUM.

14 (LARRY HESTER SWORN BY ATTORNEY.)

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

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

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

21 I LIVE AT THE NORTHWEST INTERSECTION OF
22 WHISPERING MEADOWS AND MEADOW GROVE DRIVE. RIGHT NOW
23 THERE ARE ABOUT 99 LOTS, I THINK THERE ARE 99 LOTS IN
24 THE NEIGHBORHOOD. I THINK THERE ARE EIGHT OF THEM
25 THAT ARE UNDEVELOPED RIGHT NOW.

1 ON A DAILY BASIS IN THE MORNINGS FROM PROBABLY
2 6:30 TO 8:30, WE HAVE A TREMENDOUS AMOUNT OF TRAFFIC I
3 THINK. WE'RE TALKING ABOUT MORE THAN DOUBLING THE
4 SIZE OF THE NEIGHBORHOOD. THAT'S THE ONLY ENTRANCE
5 AND EXIT TO THE NEIGHBORHOOD. I THINK THAT'S JUST
6 GOING TO BE TOO MANY CARS THAT ARE GOING TO BE COMING
7 AND GOING THROUGH THAT SINGLE ENTRANCE AND EXIT. I
8 MEAN YOU'RE TALKING ABOUT, I'M JUST GOING TO GUESS,
9 RIGHT NOW YOU'RE LOOKING AT 150 CARS COMING THROUGH
10 THERE IN A TWO-HOUR PERIOD OF TIME. IF YOU ADD 126
11 HOUSES, THAT'S JUST, YOU KNOW, A COUPLE OF HUNDRED
12 MORE CARS COMING THROUGH THERE AND IT'S JUST GOING TO
13 BE A TREMENDOUS AMOUNT OF TRAFFIC COMING THROUGH
14 THERE.

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

17 THE SECOND POINT IS THE DETENTION BASIN. I
18 KNOW THEY'RE LOOKING AT EXPANDING THE DETENTION BASIN.
19 THAT'S NOT THE PROBLEM. THE PROBLEM IS, IS THE DITCH
20 THAT GOES TO AND COMES FROM THE DETENTION BASIN.
21 THERE'S A PROBLEM WITH THE DRAINAGE THERE. IT DOES
22 NOT DRAIN PROPERLY. IT SILTS IN. JAGOE WAS KIND
23 ENOUGH TO CLEAN IT OUT LAST YEAR WHENEVER THEY
24 DEVELOPED THE LOTS THAT BACKED UP. THEY WERE ON THE
25 SOUTH SIDE OF THAT DITCH. THAT DITCH IN THE

1 NEIGHBORHOOD DOES HAVE A CONCRETE BOTTOM IN IT. I
2 DON'T KNOW IF THE PROBLEM WAS THAT IT WAS PUT IN TOO
3 LOW OR IT SETTLED OR WHAT THE PROBLEM IS, BUT IT HOLDS
4 WATER, MOSQUITOS, SILT. IT'S ALREADY SILTED BACK IN
5 FROM LAST YEAR WHENEVER THEY CLEANED IT OUT.

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

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

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

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

1 BIGGEST INVESTMENT IN THEIR LIFE IS THEIR HOME. I
2 FEEL LIKE THAT WITH THIS DEVELOPMENT THAT IT MAY HURT
3 PROPERTY VALUE.

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

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

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

23 (ALLISON LANHAM SWORN BY ATTORNEY.)

24 MR. PORTER: WILL YOU STATE YOUR NAME FOR THE
25 RECORD, PLEASE?

1 MS. LANHAM: ALLISON LANHAM.

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

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

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

18 THE SECOND THING THAT LARRY BROUGHT UP ABOUT
19 THE DRAINAGE. I LIVE, THE POND IS RIGHT BEHIND MY
20 HOUSE. WHEN WE GET HEAVY RAINS LIKE WE DID IN JUNE,
21 THE POND WAS ALL THE WAY TO THE STREET. I MEAN IF WE
22 HAD GOTTEN ANY MORE, IT WOULD HAVE BEEN RUNNING DOWN
23 THE STREET. IT'S NOT BECAUSE OF THE RETENTION BASIN.
24 THEY CAN MAKE THAT RETENTION BASIN AS BIG AS THEY
25 WANT, BUT THEY'RE NOT MAKING THE DITCH WIDER. IT'S

1 BECAUSE, YOU KNOW, IT'S ONLY A CONCRETE BOTTOM THROUGH
2 OUR NEIGHBORHOOD, BUT AS IT TURNS IT'S A DIRT BOTTOM.

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

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

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

13 MR. KEAGLE: JOHN KEAGLE, JR.

14 (JOHN KEAGLE SWORN BY ATTORNEY.)

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

19 I CAME BACK IN I THINK 1998 AND SPOKE TO THE
20 SAME EFFECT. TO LET PEOPLE KNOW THAT THEY'RE MOVING
21 INTO AN AGRICULTURAL AREA THAT IS ACTIVE. I KNOW THAT
22 WE HAVE GOT NEW NEIGHBORS. I THINK YOU SAID OVER 90
23 LOTS IN THAT SUBDIVISION, AND OUR KIDS GO TO SCHOOL
24 WITH THEM, GO TO CHURCH WITH A LOT OF THEM AND WE HAVE
25 GOOD NEIGHBORS.

1 I THINK IT'S PRUDENT THAT ANY MORE NEIGHBORS
2 THAT COME OUT ARE AWARE THAT WE OWN PROPERTY ON TWO
3 SIDES OF THIS. IF YOU LOOK AT THE MAP THAT'S UP
4 THERE, THE PRETTY GREEN THAT'S THERE TO THE SIDE, THAT
5 HAS THAT COLOR TO IT BECAUSE WE USE NATURAL NITROGEN.
6 THAT IS AS ORGANIC AS YOU CAN GET. YES, IT HAS A
7 SMELL TO IT. IT WORKS WELL.

8 IF YOU'RE HAVING A BIRTHDAY PARTY FOR YOUR
9 CHILD OUTSIDE AND WE SPRAY MANURE, IT'S NOT EXACTLY
10 THE THING THAT YOU WANT THERE. I DO WANT PEOPLE TO
11 KNOW THAT IT IS THERE AND OUR FAMILY HAS, THE DAIRY IS
12 ON OLD LYDDANE ROAD AND HAS BEEN IN OPERATION SINCE MY
13 GRANDFATHER HAD IT. BOUGHT THE FARM IN 1937. IT'S MY
14 INTENTION TO CONTINUE TO OPERATE THAT. I JUST WANT TO
15 BRING THAT TO THE ATTENTION.

16 THE SECOND THING IS ALSO ON THE DRAINAGE.
17 WHEN THE PROPERTY WAS, THE SUBDIVISION WAS STARTED, WE
18 ALSO HAVE A FARM DIRECTLY ACROSS TO THE NORTH SIDE OF
19 56 TO THAT CULVERT THAT HAS BEEN MENTIONED, IT DRAINS
20 ACROSS AND COMES DOWN BESIDE THE PROPERTY THERE.
21 THERE IS VIRTUALLY NO FALL AT ALL FROM THE LEVEL OF
22 THAT DITCH ALL THE WAY BACK TO THE RETENTION POND THAT
23 THEY HAVE MENTIONED. IT'S ALMOST COMPLETELY FLAT.
24 THE SCHOOL PROPERTY THAT ADJOINS IT, IF YOU TAKE A
25 TRIP OUT THERE NOW AND LOOK, IT HAS GROWN UP WITH SOME

1 WILLOW TREES AND THINGS THAT I DON'T KNOW. MIKE HAS
2 BEEN VERY GOOD ABOUT TRYING TO HELP KEEP HIS PART
3 DONE, BUT THERE ARE SOME ISSUES WITH THAT THAT NEEDS
4 TO BE ADDRESSED.

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

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

23 CHAIRMAN: THANK YOU, MR. KEAGLE.

24 ANYONE ELSE?

25 MR. O'BRYAN.

1 (MIKE O'BRYAN SWORN BY ATTORNEY.)

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

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

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

23 THEN ANOTHER ISSUE THAT I HAVE IS RIGHT NOW
24 THE MAIN ROAD, WHISPERING MEADOWS DRIVE, IS STILL
25 BONDED UNDER MY BONDING WITH THE COUNTY. IT HAS NOT

1 BEEN TURNED OVER TO THE COUNTY. I HAVE ISSUES WITH IT
2 BECAUSE TALKING WITH THE COUNTY ENGINEER THAT I'M THE
3 ONE HE'S COMING TO WHEN IT COMES TO REPAIRING THAT
4 STREET. THIS ADDITIONAL DEVELOPMENT WILL BE GOING IN
5 AND OUT OF THAT STREET AND I JUST WANT TO MAKE SURE
6 THAT IF SOMETHING HAPPENS ON THEIR PART THAT I'M
7 COVERED ALSO BECAUSE RIGHT NOW IT'S STILL MY ROAD.
8 THAT'S THE OTHER ISSUE.

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

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

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

1 MR. O'BRYAN: YES.

2 CHAIRMAN: WHAT WOULD THAT BE?

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

6 CHAIRMAN: YOU NOW HAVE STREETS STUBBED INTO
7 IT?

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

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

12 MR. O'BRYAN: YES.

13 CHAIRMAN: THANK YOU.

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

17 MR. O'BYRAN: YES. I OWN ALL THE WAY OUT TO
18 56.

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

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

1 AND IT HAS A SHARED ACCESS THERE.

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

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

7 I DO HAVE BONDING FOR IT.

8 MR. APPLEBY: I UNDERSTAND THAT.

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

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

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

25 MR. KAZLAUSKAS: RIGHT NOW YOU DO NOT HAVE

1 ACCESS TO THAT PROPERTY TO GET ACROSS TO OLD LYDDANE
2 BRIDGE ROAD?

3 MR. O'BRYAN: NO.

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

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

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

12 MR. O'BRYAN: NO. IT CAN MEET THE ACCESS, THE
13 500 FEET, BECAUSE I THINK IT'S LIKE AN ADDITIONAL 800
14 FEET MAYBE, I'M GUESSING, THAT IT GOES TO MY PROPERTY
15 LINE.

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

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

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

25 MR. APPLEBY: THAT'S WHAT I WAS GETTING AT.

1 YOU DON'T HAVE IN YOUR PLAN INTENTIONS OF PUTTING
2 ANOTHER ACCESS POINT INTO THIS WHISPERING MEADOWS
3 DEVELOPMENT?

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

6 MR. APPLEBY: YOU WOULDN'T WANT THAT?

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

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

18 (NO RESPONSE)

19 CHAIRMAN: STAFF, DO YOU HAVE ANY QUESTIONS?

20 MR. NOFFSINGER.

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

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

1 CHAIRMAN: OKAY.

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

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

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

16 IN TERMS OF PROPERTY VALUES. I WOULD REMIND
17 THIS COMMISSION THAT OUR ZONING ORDINANCE AND
18 REGULATIONS DO NOT REGULATE RESIDENTIAL PROPERTY BASED
19 UPON THE VALUE OF THAT PROPERTY. WE PRACTICE
20 INCLUSIONARY ZONING HERE. NOT EXCLUSIONARY ZONING.
21 ANY TESTIMONY, OTHER THAN THAT FROM AN APPRAISER, REAL
22 ESTATE APPRAISER, SHOULD NOT BE CONSIDERED IN TERMS OF
23 YOUR CONSIDERATION AS TO WHETHER OR NOT THIS PROPERTY
24 SHOULD BE REZONED.

25 NUMBER ONE, YOU'RE NOT QUALIFIED TO MAKE THOSE

1 DETERMINATIONS AND THEY SHOULDN'T MATTER. THE
2 APPLICANT IS ASKING FOR AN R-1A SINGLE-FAMILY
3 RESIDENTIAL ZONE, AND THAT IS THE SAME ZONING
4 CLASSIFICATION OF THE ADJOINING RESIDENTIAL PROPERTY.
5 WE ONLY REGULATE PER THE ZONING ORDINANCE THE LOCATION
6 OF THE BUILDINGS LOCATED ON THE PROPERTY, AS WELL AS
7 THE MAXIMUM COVERAGE OF THE LOT, AS WELL AS HEIGHTS OF
8 BUILDINGS PLACED UPON THE LOT. WE DO NOT, HAVE NOT,
9 AND SHOULD NOT ENTER INTO ANY PRACTICE OF DETERMINING
10 WHETHER OR NOT A RESIDENTIAL ZONING IS APPROPRIATE
11 BASED UPON THE SELLING PRICE OR THE VALUE OF THAT
12 HOME.

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

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

23 MR. HOWARD: SURE. BE GLAD TO.

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

1 WELL.

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

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

15 NOW, AS THE PLANNING STAFF AND AS THE
16 ENGINEERING STAFF, BOTH THE CITY AND COUNTY ENGINEER,
17 AND THEN WE'VE MET WITH KEITH HARPOLE WITH GRADD, AS
18 WAS MENTIONED IN ONE OF THE PREVIOUS ZONING CHANGES,
19 THAT WE LOOK AT TRANSPORTATION. THAT'S ONE OF THE
20 CONCERNS WE'VE HAD IN THE PAST. WHAT DO YOU DO WITH
21 DEVELOPMENTS THAT IT MAY BE A WHILE BEFORE YOU CAN GET
22 TO ANOTHER ROAD, BEFORE YOU CAN TIE INTO ANOTHER ROAD.
23 YOU KNOW, HOW DO YOU ADDRESS THAT? IT'S A CONCERN AND
24 IT'S NOT -- YOU CAN'T NECESSARILY ADDRESS IT FROM A
25 PURE ENGINEERING PERSPECTIVE. IT'S A SAFETY ISSUE.

1 IT IS A SAFETY ISSUE. IT'S A LEVEL OF SERVICE ISSUE
2 OR NOT A LEVEL OF SERVICE ISSUE. IT'S A SAFETY ISSUE,
3 A PUBLIC ISSUE THAT WE NEED TO LOOK AT. YOU CAN'T
4 NECESSARILY LOOK AT AN INTERSECTION AND SAY, WELL,
5 DOES IT MEET THE LEVEL OF SERVICE. BECAUSE LIKELY IT
6 -- TO BE ADEQUATE WITH A SINGLE ACCESS POINT.

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

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

22 WE DO. WE HAVE A CONCERN ABOUT THAT. THAT'S
23 WHY IN OUR STAFF REPORT WE'VE WORKED LANGUAGE IN
24 THERE. BASICALLY TO PUT ON NOTICE THAT ANY FUTURE
25 EXPANSION TO THE SOUTH OF WHERE THIS PROPOSED

1 DEVELOPMENT IS. IF I SCALED IT CORRECTLY, YOU'VE GOT
2 PROBABLY MAYBE 1300 FEET FROM THE TERMINUS OF WHERE
3 WHISPERING MEADOWS DRIVE WILL BE TODAY TO OLD LYDDANE
4 BRIDGE ROAD.

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

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

24 WE WANT TO MAKE SURE, AS MR. KEAGLE NOTED, HE
25 WANTS TO MAKE SURE THE POTENTIAL RESIDENTS HERE KNOW

1 THAT THIS IS AN AREA THAT FARMING TAKES PLACE AND
2 THERE CAN BE SMELLS THAT ARE THERE. WE APPRECIATE
3 THAT. WE'VE ACTUALLY LOOKED AT OTHER SUBDIVISIONS IN
4 THE PAST. SINCE I MENTIONED IT, THERE'S A NOTE ON THE
5 PLAT THAT SAYS THAT THIS SUBDIVISION IS IN A LOCATION
6 THAT HAS AGRICULTURAL AND SILVICULTURE PROPERTIES AND
7 ACTIVITIES AND THAT THEY HAVE CERTAIN PROTECTIONS
8 UNDER KRS STATUTES THAT PROTECT THE FARMING ACTIVITIES
9 FROM ENCROACHMENT OF NONCOMPATIBLE OR RESIDENTIAL
10 USES. SO WE'RE AWARE OF THAT AS WELL.

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

16 WE'RE AWARE OF MR. O'BRYAN'S PROPERTY, THE 14
17 ACRES. MEADOW GROVE ROAD DOES STUB INTO THAT 14-ACRE
18 PARCEL. WHEN WE'RE LOOKING AT THAT, WHEN I WAS
19 LOOKING AT IT, EVALUATING THE ZONING CHANGE, I
20 UNDERSTAND THAT THAT PROPERTY IS THERE. I ANTICIPATE
21 THAT WILL DEVELOP. IT IS JUST NORTH OF THE EXISTING
22 DRAINAGE BASIN THAT HE HAS OUT THERE. WE ANTICIPATE
23 THAT THAT WILL DEVELOP. BUT SOUTH, THE AREA SOUTH IS
24 WHERE THE ACREAGE IS. THAT'S WHERE YOU COULD
25 POTENTIALLY WITHOUT ANOTHER ACCESS POINT TIE IN. YOU

1 COULD MAYBE HAVE 400, 500, 600 LOTS WITHOUT A
2 SECONDARY ACCESS POINT. WE AS STAFF, WE DON'T WANT
3 THAT. I'VE TALKED WITH THE COUNTY ENGINEER ABOUT
4 THAT. YOU KNOW, HE SHARED SOME OF THOSE CONCERNS AS
5 WELL. WE WANT TO MAKE SURE THAT WE ADDRESS IT, THAT
6 WE'RE AWARE OF IT, AND THAT WE'RE NOT GOING TO IGNORE
7 IT AND IT IS A CONCERN OF OURS.

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

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

20 CHAIRMAN: JUST WANT TO CLARIFY THAT.

21 MR. HOWARD: SURE. I APPRECIATE THAT.

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

24 (NO RESPONSE)

25 MR. KEAGLE.

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

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

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

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

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

18 MR. BOSWELL: AND IT FLOODS, YES.

19 MR. KEAGLE: THAT HAS TO DRAIN THROUGH AN OLD
20 CULVERT. IT TALKS ABOUT THE ONE ON 56 BEING THE NEW
21 ONE. THERE'S AN OLD CULVERT THAT'S BURIED BETWEEN
22 PASSWAY DRIVE AND THE OLD FROGTOWN SUBDIVISION THAT
23 GOES ALONG THE EDGE OF SORGHO ELEMENTARY SCHOOL AND
24 THEN GOES UNDER 56 AND THEN RUNS UNDERNEATH OUR
25 PROPERTY INTO THAT DITCH THAT'S THERE. I WOULD JUST,

1 I GUESS, MAKE YOU AWARE THAT THE ELEVATION OF THE
2 PROPERTY BEHIND THERE IS QUITE A VALLEY THAT HAS TO GO
3 AROUND BEHIND SOME WOODS THAT'S THERE. IT HAS TO GO
4 AROUND BEHIND AND EMPTY OUT UNDERNEATH BETWEEN THE
5 SCHOOL AND THE SUBDIVISION THERE. THAT'S QUITE AN
6 ELEVATION CHANGE TO MOVE WATER AND TO BRING A ROAD UP
7 THAT WOULD GO THROUGH THERE.

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

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

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

15 THIS IS YOUR PROPERTY HERE, RIGHT?

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

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

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

23 MR. KAZLAUSKAS: THAT'S CORRECT.

24 MR. KEAGLE: THAT'S PROPERTY THAT I OWN. I
25 HAVE 100 ACRES THERE. IF THERE'S A STREET THAT DEAD

1 ENDED TO IT, I'M NOT AWARE OF IT.

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

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

7 MR. KEAGLE: I HAVEN'T SEEN THAT.

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

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

15 MR. NOFFSINGER: NO, SIR.

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

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

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

1 MR. KAZLAUSKAS: YES. THANK YOU.

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

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

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

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

22 MR. HOWARD: I WOULD NOTE THAT THE IMAGE ON
23 THE SCREEN IS THE CURRENT PLAN. OF COURSE, THE COUNTY
24 ENGINEER IS HERE AND HE HAS REVIEWED THE DRAINAGE.
25 THE ORIGINAL DESIGN, AS MR. O'BRYAN STATED, BASICALLY

1 EXPANDED THE EXISTING BASIN. THEY HAVE ACTUALLY
2 SHIFTED THAT TO THE WEST NOW AND IT'S A STAND ALONE
3 FACILITY. THE COUNTY ENGINEER OR DAVID WEAVER WITH
4 BRYANT ENGINEERING CAN BETTER EXPLAIN THAT.

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

8 MR. KAMUF, HOWEVER YOU WANT TO HANDLE IT.
9 ADDRESS THE DRAINAGE ISSUE NOW.

10 (DAVID WEAVER SWORN BY ATTORNEY.)

11 MR. PORTER: STATE YOUR NAME.

12 MR. WEAVER: DAVID WEAVER WITH BRYANT
13 ENGINEERING.

14 OF COURSE, WE'RE THE DESIGN FIRM THAT WORKED
15 ON THIS DEVELOPMENT FOR JAGOE'S.

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

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

1 FROM AGRICULTURAL.

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

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

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

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

25 MR. WEAVER: WE'VE WORKED OUT THE DRAINAGE

1 REQUIREMENTS WITH THE COUNTY ENGINEER. THERE ARE
2 STANDARDS. WE'VE DONE THOSE COMPARISONS.

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

22 MR. WEAVER: THE EXISTING BASIN WAS DESIGNED
23 TO HANDLE THE DRAINAGE AREA THAT GOES TO IT AS A
24 DEVELOPED DRAINAGE AREA. OF COURSE, WE'VE ADDED, IN
25 ADDITION TO THAT WE'VE ADDED ONTO THAT BASIN. WE'VE

1 ALSO DONE THE DRAINAGE CALCULATIONS TO SHOW THE COUNTY
2 ENGINEER THAT WE STAY WITHIN THE CONFINES OF THE BASIN
3 ON THE 100 YEAR STORM EVENT.

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

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

12 I'M GOING TO BRING MR. BRASHER UP AFTER YOU
13 TO -- THESE PEOPLE NEED TO BE ASSURED. THEY'RE VERY
14 MUCH CONCERNED. I UNDERSTAND THEY ARE CONCERNED.
15 THEY SHOULD BE CONCERNED BECAUSE YOU'VE GOT 123 HOMES
16 UP THERE. MAJOR STREETS, DRIVEWAYS AND ALL OF THAT.
17 I'M SURE YOU'VE DONE YOUR WORK AND I'M SURE YOU'VE
18 DONE YOUR CALCULATIONS, AND I'M SURE THE COUNTY
19 ENGINEER HAS REVIEWED IT AND AGREES WITH YOU, BUT
20 WE'VE GOT TO ASSURE THESE PEOPLE THAT THEIR WATER FLOW
21 THROUGH THERE WILL NOT INCREASE. WATER COMES THROUGH
22 THERE THAT YOU'RE GOING TO HOLD YOURS BACK, YOUR
23 DETENTION, HOLD IT BACK. YOUR OUTFLOW STRUCTURE WILL
24 TAKE CARE OF THAT. NOW YOU'RE SAYING YOU'RE GOING TO
25 MAKE THE BASIN LARGER THAN NEED TO BE TO ALLOW SILT TO

1 GO INTO IT. THEN LATER ON IF IT NEEDS TO BE CLEANED
2 OUT YOU WILL. I UNDERSTAND ALL OF THAT. I KNOW WHAT
3 SPECIFICATION SAYS. IT SAYS THAT THE POST-RUNOFF
4 SHALL NOT EXCEED THE PRE, IS WHAT IT SAYS.

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

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

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

22 THERE'S ONE OTHER THING. THE CLEAN WATER ACT
23 EVENTUALLY, PROBABLY FOUR OR FIVE YEARS IT'S GOING TO
24 START REQUIRING MONITORING THE RETENTION BASINS FOR
25 POLLUTION. IT'S GOING TO BE MONITORING THE DOWN-FLOW.

1 THAT'S ONE REASON YOU COULDN'T COMBINE THOSE TWO
2 RETENTION BASINS TOGETHER, IF THEY DO START
3 MONITORING. IF THEY FIND POLLUTION, WHERE DID IT COME
4 FROM? WHEN YOU SEPARATE THE TWO BASINS, THEY CAN
5 MONITOR EACH BASIN. IF YOUR BASIN HAS GOT POLLUTION,
6 THEY KNOW WHERE IT CAME FROM. WHISPERING MEADOWS GOT
7 POLLUTION, THEY KNOW WHERE IT CAME FROM. BUT IF THE
8 TWO ARE COMBINED, THEY DON'T KNOW WHERE IT CAME FROM.

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

11 MR. WEAVER: NO, IT'S NOT A REQUIREMENT.
12 WE'VE GOT AN EROSION CONTROL PLAN. OUR PLAN REQUIRES
13 COMPLIANCE WITH KY R10. WE'VE GOT THE STANDARD
14 EROSION CONTROL ISSUES TAKEN CARE OF, AS FAR AS WHAT'S
15 REQUIRED.

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

22 BASICALLY THAT'S ALL I HAVE. WE HAVE AN
23 OBLIGATION ON THE DRAINAGE SUCH AS THAT TO MAKE SURE.
24 THESE THINGS ARE IMPORTANT TO THE ASPECT SUCH AS THAT.
25 WE ONLY CAN RELY ON WHAT YOU PRESENT. THAT'S WHY I'VE

1 ASKED THE QUESTIONS. THAT'S THE ONLY THING THAT WE
2 CAN RELY ON. WE HAVE QUESTIONS FROM THE AUDIENCE,
3 FROM THE WHISPERING MEADOWS PEOPLE, AND WE MUST ANSWER
4 THOSE QUESTIONS AS BEST WE CAN. THIS COMMISSION DOES
5 NOT DO THAT. WE HAVE TO RELY ON WHAT YOU STATE.

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

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

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

16 (MARK BRASHER SWORN BY ATTORNEY.)

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

19 MR. BRASHER: MARK BRASHER.

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

22 MR. BRASHER: WE ARE AWARE OF THE DITCH.
23 WE'VE HAD SEVERAL CALLS OVER THE YEARS IN REGARDS TO
24 THE DITCH FROM THE EXISTING BASIN TO KENTUCKY 56.

25 I BELIEVE I EVEN HAVE BRYANT ENGINEERING,

1 BECAUSE THEY WERE PART OF THE INITIAL DESIGN OF
2 WHISPERING MEADOWS, TO DO SOME ELEVATIONS.

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

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

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

1 PROPERTY.

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

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

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

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

25 MR. BRASHER: PUBLIC IMPROVEMENT

1 SPECIFICATIONS DICTATES WHEN A CONCRETE DITCH VERSUS A
2 NATURAL DITCH IS UTILIZED. YES, WHEN IT'S THIS FLAT,
3 CONCRETE DITCHES ARE UTILIZED.

4 MR. APPLEBY: IS IT FEASIBLE FOR THE COUNTY TO
5 MAKE A RECOMMENDATION TO THE SCHOOL BOARD, THIS IS
6 WHAT WE THINK YOU NEED TO DO. THESE FOLKS PAY SCHOOL
7 TAXES. I'M SURE THAT WE CAN GET --

8 MR. BRASHER: YES. I TALKED TO A RESIDENT
9 WITHIN THE LAST MONTH. FORGIVE ME, I'M NOT GOOD WITH
10 NAMES SO I DON'T RECALL THE NAME, BUT THEY WERE ON THE
11 SCHOOL BOARD AND THEY ALSO LIVED IN THIS RESIDENTIAL
12 NEIGHBORHOOD. THEY WERE GOING TO MAKE SOME
13 CONVERSATION WITH THE SCHOOL IN REGARDS TO MAINTAINING
14 THIS. CAN I CALL THE SCHOOL BOARD? ABSOLUTELY I CAN.
15 CAN I CALL THE MAINTENANCE DIRECTOR FOR THE SCHOOLS?
16 I SURE CAN. I CAN MAKE RECOMMENDATIONS. DOESN'T MEAN
17 THEY FOLLOW THOSE RECOMMENDATIONS.

18 MR. APPLEBY: I UNDERSTAND THAT. I THINK IF
19 WE HAVE A FORCE OF ACTION THAT IS RECOMMENDED AND YOU
20 SAY HE'S GOT SHOTS WHERE WE HAVE SOME FALL THROUGH
21 THERE. THE PI SPECS DO REQUIRE PAVED DITCHES THAT WE
22 DEVELOP IN THESE SITUATIONS WHERE YOU'VE GOT SUCH A
23 SMALL AMOUNT OF FALL.

24 MR. BRASHER: AND I WOULD DEFER TO DAVID.
25 HE'S THE ONE THAT SHOWED ME THE, I THINK THEY WERE

1 AS-BUILDS OF THAT DITCH. IT HAD PIPE ELEVATIONS AND
2 IT HAD INVERT ELEVATIONS THAT THEY COULD FIX 56, AND
3 IT WAS NOT MUCH. THAT'S SEVERAL HUNDRED FEET.

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

7 MR. BRASHER: SURE IT DOES.

8 CHAIRMAN: SOMETHING NEEDS TO BE DONE.

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

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

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

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

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

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

1 MR. BOSWELL: BUT THAT'S A SIGNIFICANT WAY
2 FROM THAT SUBDIVISION, IS IT NOT?
3 MR. BRASHER: WHAT, THE GREEN RIVER?
4 MR. BOSWELL: NO. THE DITCH.
5 MR. BRASHER: ROSE CREEK NORTH?
6 MR. BOSWELL: YES.
7 MR. BRASHER: IT'S SEVERAL HUNDRED FEET ON THE
8 OTHER SIDE OF 56. LIKE I SAID, IT'S VERY FLAT ALSO
9 AND VERY LONG.
10 MR. KAZLAUSKAS: WASN'T THERE A PROGRAM WHERE
11 THERE WAS SOME MONEY MADE AVAILABLE FOR THE COUNTY TO
12 CLEAN DITCHES OUT? IS THAT STILL ENFORCED?
13 MR. BRASHER: I'M NOT AWARE.
14 MR. KAZLAUSKAS: AM I DREAMING?
15 MR. PORTER: THAT WAS QUITE A NUMBER OF YEARS
16 AGO.
17 MR. KAZLAUSKAS: HAVE WE USED ALL THAT MONEY
18 OR WHAT?
19 MR. PORTER: NO. A LOT OF THE THINGS THAT
20 THAT MONEY WAS USED FOR WERE ON PRIVATE PROPERTY. WE
21 WENT BACK AND THE JUDGE APPOINTED A DRAINAGE
22 COMMISSION. THE COMMISSION DRAFTED A NEW SET OF
23 REGULATIONS AND RULES FOR DRAINAGE. THOSE ARE IN
24 PLACE NOW. SO WE BASICALLY HAVE A CRITERIA BEFORE THE
25 COUNTY WILL GO INTO ANYPLACE AND MODIFY, IF YOU WILL,

1 ANY DITCH IN ANY KIND OF WAY.

2 MR. KAZLAUSKAS: SO THERE IS A DRAINAGE
3 COMMISSION?

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

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

10 MR. KEAGLE: SURE.

11 MR. PEDLEY, IF YOU ALL LOOK AT YOUR SCREEN AND
12 YOU SEE THE EXIT AND ENTRANCE TO SORGHO ELEMENTARY
13 SCHOOL, YOU CAN SEE THERE'S EVIDENCE OF A ROAD
14 DIRECTLY ACROSS FROM THEIR ENTRANCE. THAT ENTERS ONTO
15 OUR PROPERTY ON THAT SIDE AND THERE'S A DITCH THAT
16 RUNS PARALLEL TO THAT DRIVE. YOU CAN KIND OF SEE A
17 LITTLE DIAGONAL THAT MAKES A TRIANGLE THAT RUNS
18 THROUGH THE SCHOOL PROPERTY. THAT'S WHAT THEY'RE
19 TALKING ABOUT. THERE IS A LOT OF MAINTENANCE THAT
20 NEEDS TO BE CORRECTED ON THAT. AS IT JOINS BEHIND THE
21 HOUSES, THAT'S WHERE A LOT OF THE TREES ARE GROWN UP
22 AND THINGS IN THAT AREA. IT ALL HITS THAT ROAD THERE.

23 I DON'T KNOW IF THE ENGINEER HAS MADE A
24 MISTAKE, BUT THE SIZE OF CULVERT THAT TAKES IT FROM
25 UNDERNEATH 56 COULD BE AN ISSUE OF HOW MUCH WATER IT'S

1 TAKING ALSO TO HELP REMOVE IT.

2 CHAIRMAN: MR. REEVES.

3 MR. REEVES: COMMENT, PLEASE.

4 I CERTAINLY APPRECIATE THESE FOLKS' CONCERNS
5 ABOUT WATER BECAUSE WHERE I LIVE I GET WATER IN MY
6 BACKYARD TOO. IT SEEMS TO ME LIKE THAT THE ONLY
7 CRITERIA THAT THIS COMMISSION NEEDS TO BE LOOKING AT
8 IS THAT THE APPLICANT DEVELOP AN APPROPRIATE PLAN.
9 WAS THAT PLAN REVIEWED BY THE APPROPRIATE AUTHORITIES.
10 IF IT MET THE APPROPRIATE AUTHORITY'S OKAY, THEN WE
11 CAN'T FIX THINGS BEYOND OUR CONTROL. WE CAN'T FIX THE
12 SCHOOL BOARD OR THE FISCAL COURT OR WHATEVER. WE CAN
13 SIT HERE AND TALK FOR HOURS AND HOURS ABOUT THIS, BUT
14 THE ONLY THING THAT CONCERNS ME IS, DID THE APPLICANT,
15 THE APPROPRIATE ENGINEERING, DID THE COUNTY ENGINEER
16 REVIEW IT AND SAY, THIS MEETS THE CRITERIA. IF THAT'S
17 THE CASE, THEN TO ME THIS IS A CLOSED ISSUE ON THIS
18 APPLICATION.

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

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

25 MR. REEVES: BUT THAT'S NOT BEFORE THIS

1 COMMISSION TONIGHT. BEFORE THIS COMMISSION IS THE
2 REZONING. NOT THAT DITCH. IT'S NOT PART OF THIS
3 REZONING.

4 CHAIRMAN: BUT WE HAVE PEOPLE HERE THAT HAVE
5 CONCERNS.

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

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

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

19 NOW, THE COUNTY ENGINEER IS NOT APPROVING OR
20 CERTIFYING THE ACTIONS OF THE PRIVATE ENGINEER. I
21 THINK HE WILL TELL YOU THAT GOES TO THE PRIVATE
22 ENGINEER THAT'S DESIGNING THIS SUBDIVISION AND THE
23 DRAINAGE. WE ARE HERE TO TALK, AT SOME POINT TONIGHT
24 WE WILL BE TALKING ABOUT THE PLAN OF HOW THIS PROPERTY
25 IS GOING TO DEVELOP AND ALL OF THE INFRASTRUCTURE IN

1 THAT DEVELOPMENT, AND THAT DOES INCLUDE THE DRAINAGE.
2 OUR HANDS ARE TIED TO A DEGREE THAT WE'RE NOT GOING TO
3 FIX IT TONIGHT. I BELIEVE WHAT I'VE HEARD HERE
4 TONIGHT IS THE APPLICANT IS AWARE OF THE DRAINAGE
5 ISSUES OUT THERE. THE NEIGHBORS ARE AWARE, AS WELL AS
6 THE COUNTY ENGINEER IS AWARE OF THOSE ISSUES. WE
7 DON'T HAVE A SOLUTION AT THIS POINT AND WE'RE PROBABLY
8 NOT GOING TO HAVE ONE TONIGHT.

9 CHAIRMAN: I UNDERSTAND THAT, MR. NOFFSINGER,
10 BUT I'VE SERVED 13 YEARS AND I FULLY UNDERSTAND IT. I
11 KNOW THE ENGINEERS, THEY MUST LOOK DOWNSTREAM, AS WELL
12 AS UPSTREAM, AND THE RUNOFF THAT THEY'RE CREATING.
13 THAT'S THE ONLY THING I'M SAYING. THERE IS A PROBLEM
14 DOWNSTREAM. HAVE THEY LOOKED AT IT.

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

25 CHAIRMAN: I'M ADDRESSING THE PUBLICS' AND THE

1 RESIDENTS' CONCERNS THAT THEY BROUGHT TO THIS
2 COMMISSION.

3 MR. HESTER, YOU HAVE ADDITIONAL COMMENTS?

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

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

24 MY QUESTION IS: WHY DON'T WE FIND OUT WHAT
25 THE ELEVATION OF THE DITCH IN WHISPERING MEADOW, THE

1 CONCRETE DITCH IS, THE ELEVATION OF THE CULVERT THAT
2 GOES UNDER HIGHWAY 56, WHAT'S THE DIFFERENCE IN THOSE.
3 EVEN IF YOU DO GET THE SCHOOL BOARD TO COME IN THERE
4 AND EXCAVATE THAT DITCH AND PUT CONCRETE IN IT, IT
5 STILL MAY SILT UP BECAUSE THERE'S STILL NOT ENOUGH
6 DRAINAGE THERE. YOU'RE STILL GOING TO HAVE SOIL AND
7 SILT COMING INTO THAT AND GOING OUT. IF IT DOESN'T
8 FLOW FAST ENOUGH, NO MATTER WHAT KIND OF BOTTOM IT HAS
9 IN IT, IT'S GOING TO SILT UP.

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

13 CHAIRMAN: THANK YOU, MR. HESTER.

14 MARK, DO YOU HAVE ANY ADDITIONAL COMMENTS?

15 DOES ANYONE HAVE ANY ADDITIONAL QUESTIONS FOR
16 BRASHER OR MR. WEAVER?

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

19 REVIEWING THIS DEVELOPMENT FROM 1998, THIS
20 BASIN THAT IS EXISTING, IT WAS DESIGNED TO HANDLE
21 WATER UPSTREAM AT A POST-DEVELOPED STATE. SO WHAT
22 THAT MEANS IS THERE WILL BE ADDITIONAL WATER GOING
23 THROUGH THIS BASIN, AND THERE WILL BE ADDITIONAL WATER
24 GOING ALONG THIS DITCH THROUGH THE EXISTING WHISPERING
25 MEADOWS. THERE WILL BE ADDITIONAL WATER. IT WAS

1 DESIGNED FOR THAT 14, 15 YEARS AGO.

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

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

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

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

3 TO ANSWER THAT QUESTION, WILL ADDITIONAL WATER
4 GO THROUGH THAT BASIN? YES. WILL ADDITIONAL WATER GO
5 THROUGH YOUR DITCH? YES. THAT WAS DESIGNED TO HANDLE
6 THOSE ADDITIONS 15 YEARS AGO. MY JOB IS TO MAKE SURE
7 THAT THEY MET THOSE INITIAL ASSUMPTIONS THAT WERE MADE
8 15 YEARS AGO.

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

11 MR. BRASHER: YES.

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

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

19 MR. WEAVER: DAVID WEAVER.

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

25 MR. BRASHER: SURE.

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

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

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

20 WHAT YOU SEE AS FAR AS THE SILTING, ONCE IT
21 SILTS UP AND ONCE THE WATER STANDS, THE GRASS AROUND
22 IT, AROUND THE DITCH GETS SATURATED AND NO ONE MOWS
23 BECAUSE IT'S ALL MUDDY, SIX MONTHS GO BY, AND NOW
24 YOU'VE GOT GRASS AS TALL AS THE ROAD. THAT IS NOT AN
25 ISSUE AS MUCH UPSTREAM. YOU'RE RIGHT. THIS

1 DEVELOPMENT WILL FILTER THROUGH THE YARD. IT WILL GO
2 THROUGH A LOT OF SEDIMENT. RIGHT NOW SEVERAL TIMES A
3 YEAR THE GROUND IS BROKEN AND THAT WATER GETS INTO
4 THIS POND. THIS IS THE INTENT, THE HOPE THIS WILL
5 FILTER A LOT OF THAT.

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

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

15 MR. ALLEN: YES.

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

21 MR. BRASHER: THE SCOURING EFFECT IS WHAT
22 YOU'RE ADDRESSING. VERY WELL COULD. RIGHT NOW YOU'RE
23 REAPING THAT BENEFIT. THAT BASIN WAS DESIGNED TO TAKE
24 A LOT OF WATER, AND NOT A LOT OF WATER IS GETTING TO
25 IT COMPARED TO WHAT IT WAS DESIGNED FOR. SO YOU GET

1 SLOW WATER AND IT RUNS SMOOTHLY. AS MORE WATER COMES
2 THROUGH, YOU'LL HAVE HIGHER VELOCITIES, GREATER
3 QUANTITY OF WATER, WHICH COULD POTENTIALLY SCOUR THE
4 BOTTOM. WILL IT? WE'LL SEE BECAUSE WE'VE GOT TREES
5 THAT ARE GROWING EVERY YEAR IN A NATURAL DITCH. I
6 CAN'T GUARANTEE YOU THE MAINTENANCE OF THAT NATURAL
7 DITCH, IF IT'S NOT ON OUR COUNTY PROPERTY. THERE IS
8 SOMETHING TO WHAT THE COMMISSIONERS SAID. THERE IS A
9 SCOURING EFFECT OF FLUSHING, AS YOU WOULD SAY.

10 CHAIRMAN: LET'S WRAP IT UP.

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

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

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

19 MR. FRY: BUT THIS RIGHT NOW.

20 MR. NOFFSINGER: YES, THAT'S CORRECT.

21 MR. REEVES: MR. CHAIRMAN.

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

24 MR. KAMUF: NO.

25 CHAIRMAN: MR. KAMUF, WOULD YOU LIKE TO

1 ADDRESS THE COMMISSION?

2 MR. KAMUF: NO.

3 CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS?

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

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

8 (KATHY TRAVIS SWORN BY ATTORNEY.)

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

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

23 MR. HOWARD, DO YOU HAVE ADDITIONAL COMMENTS
24 ABOUT THE TURN LANE INTO THE SCHOOL? IF NOT, WE'LL
25 MOVE FORWARD.

1 MR. HOWARD: I DON'T. THAT'S A STATE FACILITY
2 AND IF THERE ARE SOME TRAFFIC ISSUES, AS FAR AS THE
3 SPACING OR TURN LANES, THAT WOULD BE UP TO THE STATE
4 SINCE THAT'S A STATE MAINTAINED ROADWAY.

5 CHAIRMAN: THANK YOU.

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

8 (NO RESPONSE)

9 CHAIRMAN: CHAIR IS READY FOR A MOTION.

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

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

15 MR. REEVES: SECOND.

16 CHAIRMAN: SECOND BY MR. REEVES. 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: MOTION CARRIES UNANIMOUS.

23 NEXT ITEM.

24 RELATED ITEMS:

25 ITEM 5A

1 1856 WHISPERING MEADOWS DRIVE, 37.989 ACRES
2 CONSIDER A REQUEST FOR A VARIANCE IN CONJUNCTION WITH
3 AN APPLICATION FOR ZONING CHANGE TO ELIMINATE THE
4 REQUIRED 20 FOOT PROJECT BOUNDARY BUFFER ON THE NORTH,
5 EAST AND SOUTH SIDES OF THE PROPOSED SECTION 4 OF
6 WHISPERING MEADOWS SUBDIVISION AS SHOWN ON THE
7 SUBMITTED SITE PLAN.
8 REFERENCE: ZONING ORDINANCE, ARTICLE 17,
9 SECTION 17.3111(B)
10 APPLICANT: JAGOE LAND CORP.; LTM FARMS, LLC
11

12 MS. EVANS: THE INTENT OF THE REQUIREMENT IS
13 TO BUFFER ADJACENT PROPERTY THAT IS NOT PART OF THE
14 ONGOING DEVELOPMENT, NOT TO BUFFER DIFFERENT SECTIONS
15 OF A SUBDIVISION PROPOSAL. THE DEVELOPER IS PROPOSING
16 THE 20 FOOT PROJECT BOUNDARY BUFFER ALONG THE WEST
17 SIDE OF THE DEVELOPMENT WHERE THE SUBDIVISION ADJOINS
18 FARMLAND. THE OMPC APPROVED A SIMILAR VARIANCE
19 REQUEST IN CONJUNCTION WITH A REZONING TO ELIMINATE
20 THE 20 FOOT PROJECT BOUNDARY BUFFER FOR PHASE 3 OF
21 WHISPERING MEADOWS SUBDIVISION IN NOVEMBER 2005.

22 GRANTING THIS VARIANCE TO ELIMINATE THE
23 PROJECT BOUNDARY BUFFER WILL NOT ADVERSELY AFFECT THE
24 PUBLIC HEALTH, SAFETY OR WELFARE BECAUSE THIS PHASE OF
25 THE SUBDIVISION IS ADJOINING IN EXISTING PHASES OF THE
SAME SUBDIVISION. IT WILL NOT ALTER THE ESSENTIAL
CHARACTER OF THE GENERAL VICINITY BECAUSE THE SAME
VARIANCE REQUEST TO ELIMINATE THE 20 FOOT PROJECT
BOUNDARY HAS BEEN APPROVED FOR PREVIOUS PHASES OF THIS
SUBDIVISION. IT WILL NOT CAUSE A HAZARD OR A NUISANCE

1 TO THE PUBLIC BECAUSE THE REQUIRED 20 FOOT PROJECT
2 BOUNDARY WILL BE ADHERED TO ALONG THE WEST BOUNDARY OF
3 THE SUBDIVISION, WHERE IT ADJOINS FARMLAND. IT WILL
4 NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
5 REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE
6 PREVIOUS VARIANCES TO ELIMINATE THE 20 FOOT BUFFER
7 HAVE BEEN APPROVED FOR OTHER PHASES OF THIS
8 SUBDIVISION AND THE 20 FOOT PROJECT BOUNDARY WILL BE
9 ADHERED TO ALONG THE WEST BOUNDARY WHERE THE
10 SUBDIVISION ADJOINS FARMLAND.

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

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

16 MR. REEVES: I HAVE A QUESTION.

17 CHAIRMAN: MR. REEVES.

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

25 MR. NOFFSINGER: NO, I DON'T THINK SO BECAUSE

1 THAT 20 FOOT BOUNDARY IS GOING TO BE A PART OF AN
2 INDIVIDUAL LOT. THAT LOT OWNER WOULD MAINTAIN THAT.
3 IT'S JUST THAT, AND TYPICALLY YOU HAVE A 20 FOOT REAR
4 YARD SETBACK FOR RESIDENTIAL PURPOSES. I WOULD SAY
5 THEY'RE USING THE BUILDING ENVELOP CONCEPT AND WANTING
6 TO PERHAPS BUILD CLOSER TO THE REAR PROPERTY LINES
7 MINIMUM OF 20 FEET WHICH THEY COULD DO. MR. HOWARD
8 MAY HAVE ANOTHER --

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

1 ALLOW THOSE TYPE OF THINGS WITHIN THAT AREA.

2 (LORI HUTSON SWORN BY ATTORNEY.)

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

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

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

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

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

19 CHAIRMAN: ANYONE ELSE?

20 (NO RESPONSE)

21 CHAIRMAN: CHAIR IS READY FOR A MOTION.

22 MR. ROGERS: MOTION FOR APPROVAL FOR THE
23 VARIANCE.

24 MR. REEVES: SECOND.

25 CHAIRMAN: WE HAVE A MOTION --

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

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

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

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

21 4. IT WILL NOT ALLOW AN UNREASONABLE
22 CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
23 REGULATIONS BECAUSE PREVIOUS VARIANCES TO ELIMINATE
24 THE 20 FOOT BUFFER HAVE BEEN APPROVED FOR OTHER PHASES
25 OF THIS SUBDIVISION AND THE 20 FOOT PROJECT BOUNDARY

1 WILL BE ADHERED TO ALONG THE WEST BOUNDARY WHERE THE
2 SUBDIVISION ADJOINS FARMLAND.

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

5 MR. REEVES: SECOND.

6 CHAIRMAN: SECOND BY MR. REEVES. ANY COMMENTS
7 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: MOTION CARRIES UNANIMOUS.

13 NEXT ITEM, PLEASE.

14 ITEM 5B

15 WHISPERING MEADOWS, 37.989 ACRES
16 CONSIDER APPROVAL OF COMBINED FINAL DEVELOPMENT
17 PLAN/MAJOR SUBDIVISION PRELIMINARY PLAT.
18 APPLICANT: JAGOE LAND CORP.; LTM FARMS, LLC

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

24 THIS IS THE DEVELOPMENT PLAN FOR THE
25 INFRASTRUCTURE FOR ALL PUBLIC STREETS, DRAINAGE FOR
THE FACILITY. SO YOU ARE CONSIDERING THOSE ITEMS NOW

1 FOR APPROVAL, BASED UPON THE TESTIMONY YOU HAVE HEARD
2 HERE TONIGHT, PLUS ANY OTHER TESTIMONY YOU MIGHT
3 RECEIVE.

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

6 MR. O'BRYAN.

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

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

16 CHAIRMAN: THANK YOU, MR. O'BRYAN.

17 ANY COMMENTS OR QUESTIONS BY THE
18 COMMISSIONERS?

19 (NO RESPONSE)

20 CHAIRMAN: ANYONE ELSE HAVE ANY COMMENTS OR
21 QUESTIONS?

22 MS. LANHAM: ALLISON LANHAM AGAIN.

23 YOU WERE SAYING EARLIER THAT THEY NEEDED TO
24 COME UP WITH A SOLUTION TO THE DRAINAGE AND TO THE
25 SECOND ENTRANCE. FROM WHAT I'VE HEARD, THEY HAVE NOT

1 COME UP WITH A SOLUTION FOR EITHER ONE. THOSE ARE OUR
2 CONCERNS OF THE NEIGHBORHOOD, OF THE 20 PEOPLE THAT WE
3 HAVE HERE. THAT HAS NOT BEEN ADDRESSED ON HOW THAT IS
4 GOING TO BE FIXED.

5 CHAIRMAN: THANK YOU.

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

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

10 MR. O'BRYAN: YES.

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

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

18 (SCOTT JAGOE SWORN BY ATTORNEY.)

19 MR. JAGOE: SCOTT JAGOE.

20 WE DON'T HAVE A PROBLEM WITH THAT, MR.
21 CHAIRMAN. WE'D BE GLAD TO DO THAT, IF MR. O'BRYAN
22 COULD TELL US WHEN THAT'S GOING TO TAKE PLACE. I
23 BELIEVE THAT THE MAJORITY OF THE HOME SITES OUT THERE
24 ARE BUILT ON AND THE STREETS ARE BEYOND THE TWO YEAR
25 TIME FRAME, TWO WINTERS FOR THOSE TO SIT. I THINK IF

1 HE'S PLANNING ON COMING IN, I KNOW THAT THERE'S BEEN
2 SOME DIRT WORK AND SO FORTH DONE OUT THERE. IF THAT'S
3 GOING TO HAPPEN IN A TIMELY MANNER, YOU KNOW, IN THE
4 NEXT YEAR OR SO WE'D BE GLAD TO DO THAT. WE PREFER
5 NOT TO BE STRETCHED OUT ON THAT BOND INDEFINITELY.

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

9 MR. JAGOE: I WILL BE GLAD TO MEET WITH THEM.
10 AS YOU KNOW, THE BONDING WON'T BE REQUIRED UNTIL WE
11 BRING OUR FINAL PLAT IN.

12 CHAIRMAN: RIGHT.

13 MR. O'BRYAN, YOU AGREE WITH THAT?

14 MR. O'BRYAN: YES.

15 CHAIRMAN: THANK YOU.

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

19 (NO RESPONSE)

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

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

25 MR. BOSWELL: SECOND.

1 CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
2 MR. APPLEBY AND A SECOND BY MR. BOSWELL. COMMENTS OR
3 QUESTIONS ON THE MOTION?

4 (NO RESPONSE)

5 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

6 (BOARD MEMBERS TIM ALLEN, IRVING ROGERS, GREG
7 BLACK, DAVE APPLEBY, WARD PEDLEY, JOHN KAZLAUSKAS,
8 LARRY BOSWELL AND FRED REEVES RESPONDED AYE.)

9 CHAIRMAN: ALL OPPOSED.

10 (BOARD MEMBER STEVE FRY RESPONDED NAY.)

11 CHAIRMAN: EIGHT TO ONE. MOTION CARRIES.

12 -----

13 NEW BUSINESS

14 ITEM 7

15 CONSIDER APPROVAL OF THE JULY 2013 FINANCIAL
16 STATEMENTS.

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

20 CHAIRMAN: COMMISSION MEMBERS, ANYBODY HAVE
21 ANY COMMENTS OR QUESTIONS ON THE FINANCIAL
22 STATEMENT?

23 (NO RESPONSE)

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

1 MR. APPLEBY: MOTION FOR APPROVAL.

2 MR. FRY: SECOND.

3 CHAIRMAN: MOTION FOR APPROVAL AND A SECOND.

4 ALL IN FAVOR RAISE YOUR RIGHT HAND.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: MOTION CARRIES.

7 NEXT ITEM, PLEASE.

8 ITEM 8

9 ENTER INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C)

10 SO THE COMMISSION MAY DISCUSS PENDING LITIGATION

11 AGAINST THE COMMISSION.

12 MR. NOFFSINGER: MR. CHAIRMAN, WE NEED A

13 COMMISSIONER TO MAKE A MOTION TO ENTER INTO CLOSED

14 SESSION PURSUANT TO KRS 61.810(1)(C) SO THE COMMISSION

15 MAY DISCUSS PENDING LITIGATION AGAINST THE COMMISSION.

16 I DO NOT ANTICIPATE US COMING BACK OUT HERE TAKING ANY

17 FORMAL ACTION SO WE WOULD ADJOURN FROM THERE.

18 CHAIRMAN: WE NEED A MOTION TO GO INTO CLOSED

19 SESSION.

20 MR. APPLEBY: MOTION TO MOVE INTO CLOSED

21 SESSION.

22 CHAIRMAN: WE HAVE A MOTION. DO WE HAVE A

23 SECOND?

24 MR. REEVES: SECOND.

25 CHAIRMAN: WE HAVE A SECOND. ALL IN FAVOR

RAISE YOUR RIGHT HAND.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: WE WILL GO INTO CLOSED SESSION.

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

3 I, LYNNETTE KOLLER FUCHS, NOTARY PUBLIC IN AND
4 FOR THE STATE OF KENTUCKY AT LARGE, DO HEREBY CERTIFY
5 THAT THE FOREGOING OWENSBORO METROPOLITAN PLANNING
6 COMMISSION MEETING WAS HELD AT THE TIME AND PLACE AS
7 STATED IN THE CAPTION TO THE FOREGOING PROCEEDINGS;
8 THAT EACH PERSON COMMENTING ON ISSUES UNDER DISCUSSION
9 WERE DULY SWORN BEFORE TESTIFYING; THAT THE BOARD
10 MEMBERS PRESENT WERE AS STATED IN THE CAPTION; THAT
11 SAID PROCEEDINGS WERE TAKEN BY ME IN STENOGRAPHY AND
12 ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
13 ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
14 FOREGOING 97 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE
17 2ND DAY OF OCTOBER, 2013.

18

19

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

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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