

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 8, 2014

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

7 MEMBERS PRESENT: Ward Pedley, Chairman
8 Fred Reeves, Vice Chairman
9 David Appleby, Secretary
10 Gary Noffsinger, Director
11 Terra Knight, Attorney
12 Steve Frey
13 Wally Taylor
14 John Kazlauskas
15 Larry Boswell
16 Beverly McEnroe
17 Irvin Rogers
18 Larry Moore

19 * * * * *
20

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

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

With that the first item is to consider the

1 minutes of the April 10, 2014 meeting.

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

4 (NO RESPONSE)

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

7 MR. KAZLAUSKAS: So move.

8 CHAIRMAN: We have a motion for approval.

9 MR. APPLEBY: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimous.

14 Next item, please.

15 -----

16 GENERAL BUSINESS

17 ZONING CHANGES

18 ITEM 3

19 5074 Highway 56, 9.107 acres
20 Consider zoning change: From A-R Rural Agriculture to
21 R-1C, Single-Family Residential
Applicant: Paul Martin Builders, Inc.; Goetz Real
Estate, LLC

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

24 MS. EVANS: Melissa Evans.

25 (MELISSA EVANS SWORN BY ATTORNEY.)

1 MS. EVANS: First, I would like to state that
2 all rezoning heard here tonight will become final 21
3 days after the meeting date, unless an appeal is
4 filed. If an appeal is filed, the minutes for the
5 meeting will be forwarded to their appropriate
6 legislative body for their final action. The appeal
7 forms are located in our office, on our website and on
8 the back table.

9 PLANNING STAFF RECOMMENDATIONS

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

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

15 FINDINGS OF FACT:

16 1. Staff recommends approval because the
17 proposal is in compliance with the community's adopted
18 Comprehensive Plan;

19 2. The subject property is located in an
20 Urban Residential Plan Area where Urban Low-Density
21 Residential uses are appropriate in limited locations;

22 3. The proposal is a logical expansion of
23 existing residential zoning to the west;

24 4. Sanitary sewer service is available to be
25 extended to the subject property; and,

1 5. At less than 10 acres, the subject
2 property should not overburden the capacity of
3 roadways and other necessary urban services that are
4 available in the affected area.

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

7 CHAIRMAN: Is anyone here representing the
8 applicant?

9 MR. MARTIN: Yes.

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

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

14 MR. WILLIAMS: Gary Williams.

15 (GARY WILLIAMS SWORN BY ATTORNEY.)

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

23 CHAIRMAN: Is that your only concern?

24 MR. WILLIAMS: Yes.

25 CHAIRMAN: Thank you. I will get you some

1 answers.

2 Anyone else have any comments or questions on
3 the application?

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

6 (BARRY STAVES SWORN BY ATTORNEY.)

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

14 CHAIRMAN: Your concern is traffic?

15 MR. STAVES: Yes.

16 CHAIRMAN: Thank you.

17 Anyone else comments or questions?

18 (NO RESPONSE)

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

21 MS. KNIGHT: State your name, please.

22 MR. MARTIN: Paul Martin.

23 (PAUL MARTIN SWORN BY ATTORNEY.)

24 MR. MARTIN: Jim Riney couldn't be here
25 tonight, but if you look at our preliminary plat,

1 you'll see that the drainage is on there, if you want
2 to look at that. I didn't think that would be part of
3 the rezoning because that doesn't have anything to do
4 with rezoning. That will be taken up in approval of
5 the preliminary plat.

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

8 MR. MARTIN: Yes.

9 CHAIRMAN: Thank you, Mr. Martin.

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

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

14 MR. HOWARD: Brian Howard.

15 (BRIAN HOWARD SWORN BY ATTORNEY.)

16 MR. HOWARD: Yes, we looked at this traffic
17 and the county engineer looked at this as well. We
18 had a conversation with state. Basically for the
19 number of lots that are being added at this point it
20 doesn't require a turn lane. The applicant to put
21 stub on the property to the adjoining lot that's
22 undeveloped so there could be interconnection in the
23 future. As has been customary on the Highway 56
24 corridor, once thresholds are met there are turn lanes
25 into Whispering Meadows and into some of the other

1 developments. So that is certainly something that
2 would be looked at in the future, but at present it
3 didn't meet the requirements for any type of roadway
4 improvements.

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

7 (NO RESPONSE)

8 CHAIRMAN: Anyone else in the audience have
9 any questions?

10 (NO RESPONSE)

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

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

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

18 MR. APPLEBY: Second.

19 CHAIRMAN: Second by Mr. Appleby. Comments or
20 questions on the motion?

21 (NO RESPONSE)

22 CHAIRMAN: All in favor of the motion raise
23 your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimous.

1 Related Item:

2 ITEM 3A

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

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

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

15 CHAIRMAN: We need a motion for postponement.

16 MR. REEVES: So move.

17 CHAIRMAN: We have a motion by Mr. Reeves.

18 MR. BOSWELL: Second.

19 CHAIRMAN: Second by Mr. Boswell. Any
20 comments or questions on the motion?

21 (NO RESPONSE)

22 CHAIRMAN: All in favor of the motion raise
23 your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimous.
Next item, please.

ITEM 4

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

5 PLANNING STAFF RECOMMENDATIONS

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

8 CONDITIONS:

9 1. Install perimeter landscape screening,
10 vehicular use area landscaping and pave all vehicular
11 use areas as required by the zoning ordinance; and,

12 2. Access to Highway 56 shall be limited to
13 the single existing paved access point.

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 Rural
19 Community Plan Area, where light industrial uses are
20 appropriate in limited locations;

21 3. The proposed use meets the criteria of the
22 Comprehensive Plan for non-residential development in
23 an industrial zone;

24 4. The subject property is major-street
25 oriented and located at the corner of intersecting
streets; and,

1 5. With access limited to a single access
2 point on Highway 56, the proposal should not
3 overburden the capacity of roadways in the affected
4 area.

5 MR. HOWARD: Staff would like to enter the
6 Staff Report into the record as Exhibit B.

7 CHAIRMAN: Anyone here representing the
8 applicant?

9 MR. KAMUF: Yes, sir, Mr. Chairman. Charles
10 Kamuf.

11 MS. KNIGHT: Mr. Kamuf, you're sworn as an
12 attorney.

13 MR. KAMUF: We are here to answer any
14 questions that you might have.

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

23 CHAIRMAN: Let's see if we have any questions
24 or comments on it and bring you back up if there are
25 questions that need to be answered.

1 Anyone in the audience have any comments or
2 questions on this application?

3 (NO RESPONSE)

4 CHAIRMAN: Commissioners, you have any
5 comments or questions?

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

9 MR. KAMUF: Right.

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

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

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

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

22 MR. KAZLAUSKAS: Mr. Chairman, in reference to
23 that, I think that Mr. Brian Howard might be able to
24 address the state requirements of site triangle if it
25 falls within that state requirement. Those trees,

1 some of them would have to be moved. That would
2 depend upon the state, if it meets that requirement.

3 Isn't that right, Mr. Howard?

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

10 MR. KAZLAUSKAS: That's what I thought.

11 MR. KAMUF: We are glad to do that.

12 CHAIRMAN: Any other comments or questions?

13 (NO RESPONSE)

14 CHAIRMAN: Commissioners?

15 (NO RESPONSE)

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

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

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

23 MR. REEVES: Second.

24 CHAIRMAN: Second by Mr. Reeves. Comments or
25 questions on the motion?

1 (NO RESPONSE)

2 CHAIRMAN: All in favor of the motion raise
3 your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimous.

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

8 MR. NOFFSINGER: So noted.

9 ITEM 5

10 4342, 4370, 4424 Springhill Drive, 3.811 acres
11 Consider zoning change: From R-3MF Multi-Family
12 Residential to B-4 General Business
13 Applicant: Owensboro Master Builder, Inc.;
14 M&P Properties, Inc.

15 PLANNING STAFF RECOMMENDATIONS

16 The Planning Staff recommends approval subject
17 to the findings of fact that follow:

18 FINDINGS OF FACT:

19 1. Staff recommends approval because the
20 proposal is in compliance with the community's adopted
21 Comprehensive Plan;

22 2. The subject property is located in an
23 Urban Residential Plan Area where general business
24 uses are appropriate in very limited locations;

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

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

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

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

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

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

22 Anybody that wishes to speak tonight will be
23 allowed to speak. You may speak as long as you feel
24 like you need to. I'm not going to set a time limit,
25 but I would ask that you not be redundant, that you

1 not repeat yourself, and that you stick to the issue
2 at hand. If you don't, I may ask you to step down.

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

13 Is anyone here representing the applicant?

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

17 MR. JONES: No.

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

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

25 Does anyone else wishing to speak regarding

1 this? If you will, get in a line there and come to
2 the podium and be sworn, please.

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

5 MS. ARMSTRONG: Hula Armstrong. I live at
6 3134 -- in Lake Forest.

7 (HULA ARMSTRONG SWORN BY ATTORNEY.)

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

11 When we bought it, there was a farm behind us
12 and Mike Martin said that it would take ten years to
13 build up, but we would have people living behind us
14 and it could even be multi-family housing behind us.
15 He said that there would be commercial out on Highway
16 54, but there would be people living behind us.

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

19 MS. WILCOX: Amy Wilcox.

20 (AMY WILCOX SWORN BY ATTORNEY.)

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

22 Basically my family and I bought the
23 Armstrong's house, the first one on left as you drive
24 in. The party in question runs the whole depth of our
25 backyard. When we moved in the one contingency we had

1 for buying that place was what was going to be behind
2 it. It was zoned as residential. It's still zoned
3 residential. We did not want to have commercial
4 behind us. Now that they're rezoning is proposed, we
5 have a few concerns of course.

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

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

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

1 residential property.

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

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

24 I guess at the end I just want to say we have
25 our obvious oppositions of lighting. Even if they're

1 not facing our property it creates a halo. We can
2 already see Dollar General from my backyard. Safety
3 for traffic. Not just road traffic. Pollution and
4 litter. Commercial streets always have more pollution
5 and litter than residential, and we don't want that
6 along our property.

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

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

18 Many residents that I've spoken with in Lake
19 Forest have also had such promises of it being
20 residential back there, and they don't want to have
21 any more commercial on the other side of us along 54.
22 The commercial has expanded to encroach into the
23 Woodland pretty close already. Furthering that on out
24 on the other side diminishes the prestige of living in
25 Lake Forest and having a quieter and nicer and safer

1 residence.

2 I know you asked for facts. For me the fact
3 is that this is happening in my backyard. I ask that
4 you consider what your opinion would be if it was
5 yours.

6 MR. REEVES: Thank you very much.

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

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

14 (BILL JONES SWORN BY ATTORNEY.)

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

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

22 MR. JONES: Well, not negotiating with anybody
23 at all. It was B-4 multi-family. Actually
24 multi-family may be -- I won't go into that. Other
25 than that, we do concur with buffering and I can show

1 you some of the things that we've done in Lake Forest
2 with pine trees and other things which we're in the
3 process of doing in the other part of the area.

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

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

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

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

25 MR. REEVES: We'll see if we need it.

1 Mr. Howard, can you talk about this issue of
2 spot zoning that was raised and how you arrive at your
3 recommendation or the Staff arrives at the
4 recommendation?

5 MR. HOWARD: Sure. Be glad to.

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

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

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

1 an intervening street.

2 MR. REEVES: Thank you very much.

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

5 MS. KNIGHT: State your name for the record.

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

8 (BILL SIMMONS SWORN BY ATTORNEY.)

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

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

22 I suspect if that was being changed to general
23 business behind 4509 Lake Forest Drive it would be a
24 different story. That's about all I've got. Thank
25 you.

1 MR. REEVES: Thank you, sir.

2 Yes, sir.

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

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

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

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

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

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

25 There is no limit that I can find in the

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

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

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

20 MR. REEVES: Thank you, sir.

21 Yes, sir.

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

24 MR. NOEL: Gary Noel, 4311 Springhurst Lane.

25 (GARY NOEL SWORN BY ATTORNEY.)

1 MR. NOEL: We live on Springhurst Lane which
2 is the road where it was connected and built through.
3 The zoning was actually done in 2010 to do that. If
4 you go back and read the original zoning, which some
5 folks did and everything. Same people that are doing
6 it now. You see that they build an island because the
7 traffic was going to be too much and people would be
8 cutting through to avoid the stop sign. They also at
9 that time changed it from B-4 to multi-family because
10 that's what they wanted to do at that point in time.
11 We have watched it grow and everything. We're the
12 first house there on the left as you go through. I
13 can tell you the traffic has increased dramatically.
14 People do not drive slow through there. There's
15 traffic all night long going through there. A lot
16 different than when we moved in there 11 years ago.
17 We butt up to the Wilsons. It also says in
18 the zoning that lighting would be controlled and that
19 there would be screens and buffers. The first
20 building that's built up there is the Dollar General.
21 I don't know how many of you have driven by the Dollar
22 General at nighttime, but it's a hazard. Pure hazard.
23 It's a hazard to the people driving on 54 because the
24 lights are so bright that they bother you driving down
25 the street. The ones on the side facing towards our

1 house light up the peoples' windows, Joe and
2 everybody. You've got to stand there and you see
3 this. If they were to put a Dollar General behind the
4 Wilsons, I'll guarantee you we can probably save a lot
5 on electricity because we wouldn't be turning a light
6 on in our house. That's how bright it is.

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

23 MR. REEVES: Thank you, sir.

24 Anyone else?

25 MR. BOONE: My name is Bill Boone.

1 MS. KNIGHT: Your address, please.

2 MR. BOONE: 4445 Cool Springs Cove.

3 (BILL BOONE SWORN BY ATTORNEY.)

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

12 We were particularly cautious when we bought
13 this lot. I don't know if Mike Martin was involved in
14 that development, but the plans that he had and that
15 he showed us included commercial on the 54 stretch,
16 but residential on the side that would back up to
17 Springhurst Lane. That was really a key in our
18 deciding to be there because we didn't want commercial
19 that close. We didn't mind it was on 54. It was
20 easily accessible, but I don't want to see the lights.
21 Quite frankly I don't care if it's a bank or a day
22 care or a restaurant. I don't want commercial on that
23 side of the street. It took us a very, very long time
24 to pick that lot. We've worked very hard for many
25 years to be able to afford to be in that subdivision.

1 I, again, asked specifically when we were building,
2 where was the commercial going to be. We were told on
3 the 54 side. Now they're trying to change that and
4 bring it to the other side. I don't know what the
5 people on Springhurst Lane were told, but I know that
6 I was told that would be residential. I think
7 sometimes right is right. If that's what you told
8 somebody, then you shouldn't have the right to change
9 it in the middle of the game. That's what we were
10 told and I think that should be honored. Thank you.

11 MR. REEVES: Thank you, sir.

12 Anyone else?

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

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

17 (WAYNE WRIGHT SWORN BY ATTORNEY.)

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

24 If you could follow me coming out Highway 54,
25 if you live in the subdivision, you know if you're

1 coming from town out, the turn lane in our subdivision
2 is very important. There is no turn lane into the
3 property that's being developed up front. I went up
4 there today and drove in. So people to avoid the
5 danger of having to slow down on 54 and not have a
6 turn lane will actually use our entrance. I honestly
7 see that coming. So it's going to drive right by,
8 those people are going to come in our entrance, turn
9 left and drive right by their house. So they're going
10 to have a constant flow of traffic leading up there.
11 I think it's a safety issue as far as people turning
12 off of 54 into that commercial area. That's going to
13 be there regardless of whether you change the zoning
14 in the property that's being discussed. Until they do
15 something there, it's going to be an issue for traffic
16 coming into our subdivision. Thank you.

17 MR. REEVES: Mr. Howard, may I ask a question
18 of you, please?

19 MR. HOWARD: Yes.

20 MR. REEVES: I believe as I look at the
21 exhibit drawing here, when I see Springview Drive, is
22 that an existing roadway with a turn lane?

23 MR. HOWARD: Off of 54?

24 MR. REEVES: Yes.

25 MR. HOWARD: Yes, it is.

1 MR. REEVES: Anyone else wishing to speak?

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

4 MS. TURLEY: Amy Turley.

5 (AMY TURLEY SWORN BY ATTORNEY.)

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

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

24 MR. REEVES: Thank you very much.

25 This young man.

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

3 MR. MITCHELL: Wesley Mitchell.

4 (WESLEY MITCHELL SWORN BY ATTORNEY.)

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

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

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

20 MR. REEVES: Thank you.

21 Would anyone else like to speak?

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

24 MR. MORRIS: Larry Morris, 4338 Lake Forest
25 Drive.

1 (LARRY MORRIS SWORN BY ATTORNEY.)

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

13 MR. REEVES: Thank you, sir.

14 Anyone else?

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

17 (MICHAEL MINTON SWORN BY ATTORNEY.)

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

21 The one thing I might want to add is with the
22 increase traffic that I've seen on Lake Forest Drive,
23 I walk my dogs every night. I've already been picking
24 up beer cans, soda cups on my walk back home. I'm
25 sure that with all this increased traffic through

1 there there will be more debris to pick up on my dog
2 walks.

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

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

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

20 MR. HOWARD: The zoning ordinance, this is a
21 drawing that is part of our file. The zoning
22 ordinance would require between the commercial and
23 residential zoning a 10 foot wide buffer landscape
24 easement which would include a 6 foot tall solid
25 element. Whether that be a stockade fence or it could

1 be a berm. It could be various things, but it would
2 be 6 foot tall solid element and one tree every 40
3 feet on average for that length. So it'd be a 6 foot
4 element tree every 40 feet on average is what the
5 ordinance would require.

6 MR. REEVES: Mr. Noffsinger.

7 MR. NOFFSINGER: Thank you, Mr. Chairman.

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

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

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

22 MR. HOWARD: Yes, that is correct.

23 MR. NOFFSINGER: Thank you.

24 MR. REEVES: Mrs. Wilcox, did you have
25 something additional you wanted to add?

1 MR. WILCOX: Yes. James Wilcox. I live at
2 4235 Lake Forest Drive.

3 (JAMES WILCOX SWORN BY ATTORNEY.)

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

7 MR. REEVES: Mr. Howard.

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

18 MR. REEVES: Yes, Mr. Noffsinger.

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

23 MR. HOWARD: They were built to the public
24 improvement specifications. That's the document that
25 dictates how streets are constructed. They were built

1 to those specifications. If memory serves me
2 correctly, they're the 34 foot street which are the
3 commercial grade streets with the PI specks. They're
4 designed to handle the potential commercial traffic
5 that would be navigating that street.

6 MR. REEVES: Thank you.

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

9 MR. SIMMONS: Bill Simmons.

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

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

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

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

21 MR. NOFFSINGER: Well, in order to make it a
22 gated community all streets would have to become
23 private streets and they would have to be maintained
24 by the Homeowners Association. We have commercial
25 properties that now access those streets. So I think

1 the opportunity to make Lake Forest a gated community
2 has passed. However, that doesn't mean it couldn't be
3 proposed and couldn't happen some day. It's just that
4 decision was made initially that these streets would
5 be public and maintained by the public; therefore, it
6 could not be gated.

7 CHAIRMAN: Thank you, Mr. Noffsinger.

8 Yes, ma'am.

9 MRS. NOEL: Janette Noel.

10 (JANETTE NOEL SWORN BY ATTORNEY.)

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

1 ability of even the whole Springhurst people
2 themselves getting out, in and out of the subdivision.
3 Thank you.

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

7 This young lady, you want to speak again.
8 Come forward.

9 MS. TURLEY: Amy Turley.

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

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

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

25 MR. HOWARD: The ten foot buffer would begin

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

15 MR. REEVES: And follow the hill?

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

18 MR. REEVES: Does that answer your question.

19 MS. TURLEY: I believe so.

20 MR. REEVES: Thank you.

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

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

1 Yes, sir.

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

4 MR. REEVES: Please state your name again.

5 MR. NOEL: Gary Noel.

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

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

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

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

22 MR. NOEL: That's going to be huge. Because
23 right now I tell you to get out on 54 you take your
24 life in our own hands. You get honked at. It's 55
25 miles an hour there and people speed up as they come

1 up there. If you pull out in front of somebody, boy,
2 you're a bad guy. It's just mind boggling to me that
3 we can spend all this money and not take traffic
4 safety. I mean there's millions of dollars being
5 spent down there on the other side down there putting
6 in traffic lights and turn lanes and everything else,
7 and we're getting nothing except more increased
8 traffic. No real thing says that we're going to be
9 able to live there in peace and quiet like we all paid
10 for. Thank you.

11 MR. REEVES: Thank you, sir.

12 Yes, ma'am.

13 MS. WILCOX: Amy Wilcox, 4235 Lake Forest.

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

20 MR. REEVES: Thank you very much.

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

23 MR. JONES: Yes.

24 MR. REEVES: Would you mind to inform us at
25 this point in time what you have planned in terms of

1 buffering and providing some level of privacy.

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

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

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

21 To give you an idea of what will happen with
22 pine trees because they grow very rapidly. This is
23 Settled Road at the back entrance of Lake Forest.
24 This is what the pine trees looked like after one
25 year. This is an area on Old Hartford Road with the

1 same size that's over at Cross Creek after three
2 years, and this is what it looks like on 54 --

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

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

7 On Lake Forest Drive and along 54, they
8 initially, as I said earlier, they were 6 foot tall
9 when we started. Now they're 30 or 40 feet. In
10 particular at Spring Run across from Mr. Wetzel and
11 probably Mr. Morris, those 6 foot tall and now they're
12 30 or 40 feet, other than occasionally where one has
13 died and we've had to replace it. You can't see
14 through it and probably can't hear through it.
15 Working through you don't hear the traffic. This is
16 what we've done on the back.

17 Now, on what would be the east end, there's
18 already a fence and pine trees. In fact, on the far
19 east, they're putting in pine trees yesterday and
20 today and will continue on across this area that
21 you're seeing on the screen in the near turn and down
22 the side where the Wilcox live. They won't be 30 or
23 40 feet high in the beginning, but they grow very
24 rapidly and have done an excellent job of buffering
25 that area where we needed buffering over the last 15

1 years. That's what we do on the buffering part and a
2 fence.

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

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

8 MR. APPLEBY: One tree every 40 feet.

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

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

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

15 MR. REEVES: Thank you, Mr. Jones.

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

22 Yes, sir.

23 MR. NOEL: Gary Noel, 4311 Springhurst.

24 I just had to make another comment. I did see
25 the trees going in. They're about three foot tall,

1 the ones that I saw going in. So it's going to be a
2 long time before they get there.

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

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

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

21 MR. REEVES: Sir, you have a comment?

22 MR. WINN: My name is C.W. Winn. I live at
23 4317 Springhurst.

24 (C.W. WINN SWORN BY ATTORNEY.)

25 MR. WINN: We just bought our home in August.

1 At that time we were told, and we looked at the plot
2 and we looked at what was told to us about having a
3 multi-family and having commercial in front of 54. We
4 get all of that. I'm hearing about the buffering.

5 My concern is that if you select and approve
6 this, it's kind of writing a blank check and that's
7 what I'm struggling about. You're writing a blank
8 check to say you can do whatever you want to do and
9 the building can be X feet high. You can put the
10 buffering and one tree every 40 feet. In my world
11 that doesn't cut it. Maybe in your all's world and
12 maybe if you live there it would be great for you.
13 When they say it cuts off from the buffering and the
14 sound, I can tell you, I can sit on the back lot and I
15 can tell you what people at Ritzy's are ordering the
16 most of. Which my wife and I have yet to go over
17 there. We really should. We just moved here
18 recently. It's mind boggling to me for us to be
19 sitting here talking about what if. If we in knew
20 what we were dealing with, it would be a whole lot
21 easier for everybody in this room to be able to say,
22 yes, we support or don't support. When you sit back
23 and think about a doctor's office to a strip joint,
24 I'm struggling with that.

25 As a person that just moved into Owensboro,

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

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

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

20 MR. NOFFSINGER: Yes.

21 KRS 100 is the Planning Enabling Legislation.
22 It states that you are at a minimum to notify all
23 adjoining property owners. So if you remove streets
24 and brought all the properties together, any property
25 that would touch the subject property, those folks

1 would receive notification. So that's what KRS 100
2 requires.

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

8 AUDIENCE: We were not notified. We were not
9 notified.

10 AUDIENCE: We were not notified.

11 AUDIENCE: We were not notified.

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

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

25 MR. WINN: The State of Virginia they post --

1 MR. REEVES: Sir, if you have comments you
2 want on the record, they need to be made up there.

3 This all has to be transcribed. This is
4 exactly like a court hearing. So everything has to be
5 transcribed in order that your due process rights be
6 protected. That's why I ask you to come back up.

7 MR. WINN: That's fine.

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

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

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

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

22 MR. APPLEBY: In the newspaper.

23 MR. NOFFSINGER: -- in the classified.

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

1 from the commissioners?

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

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

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

24 MR. FREY: Thank you.

25 MR. REEVES: Mr. Kazlauskas.

1 MR. KAZLAUSKAS: I need a little history
2 lesson from the Staff.

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

5 MR. NOFFSINGER: That is correct.

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

9 MR. NOFFSINGER: Correct.

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

12 MR. NOFFSINGER: Yes, sir.

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

15 MR. NOFFSINGER: I do not.

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

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

21 MR. KAZLAUSKAS: In 2011?

22 MS. EVANS: Yes.

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

1 MR. REEVES: Any other commissioners have any
2 questions?

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

9 MR. REEVES: Mr. Noffsinger.

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

1 it meets the minimum requirements of the zoning
2 ordinance, you're obligated to approve it.

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

5 MR. APPLEBY: Yes, more or less.

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

8 MR. MOORE: No.

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

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

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

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

24 Then the third thing that I think is going to
25 have an impact on the home, I think it will devalue

1 the homes in that area if this is going up. Those are
2 my findings of fact that I'm going to put forth. Make
3 a motion that the application be denied.

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

5 (NO RESPONSE)

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

8 Chair will entertain another motion.

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

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

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

24 The development plan, you may make a motion to
25 approve with findings of fact that you would like to

1 see a development plan come before this body for their
2 consideration and for all adjoining property owners to
3 be notified by the applicant as to when that occurs.
4 That gives the neighborhood input, but it puts you in
5 a position if you don't have those special conditions
6 of having to approve the minimum that the ordinance
7 requires, and one thing we can't do in this community
8 is approve a development plan or a zoning change based
9 upon a particular use. Anything that's allowed in
10 that zone we have to allow.

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

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

20 MR. REEVES: Thank you, Mr. Noffsinger.

21 Chair continues to be ready for a motion.

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

23 At this point, and I think recall this earlier
24 on, the developer mentioned that you had no specific
25 thing in mind at this point in time, as far as what

1 would go into those lots; is that correct?

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

6 MR. JONES: No, sir.

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

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

20 I would say this: The economics control a
21 little bit what is going to go there. You know, we've
22 generally tried to keep it in order. Someone
23 mentioned blacktopping streets. We actually
24 blacktopped that street today. Typically in a
25 residential area we try to let most of the housing be

1 finished because then when you blacktop you get a good
2 job. If you go in there and do it halfway through,
3 then residents are stuck with a really bad street long
4 term.

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

8 MR. BOSWELL: Thank you.

9 MR. REEVES: Thank you, Mr. Jones.

10 Chair continues to be ready for a motion.

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

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

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

19 MR. JONES: No, I'm sorry. It's not a no go.
20 I mean you could do it. What you would have to do
21 probably from an economic standpoint, if you look down
22 the street most of those buildings are three-story,
23 four-story high. That would probably be more
24 detriment to the residents than almost anything else
25 you could do.

1 Now, that's not what we're proposing at this
2 point, but at some point something has got to happen
3 to the property. In fact, having it vacant long-term
4 probably is, again, a bigger negative than having
5 things up there. I mean something actually. To say
6 the only thing I know right now is what we could do
7 with the area with the zoning that we have with the
8 B-4 zoning. Obviously, it's pretty wide, but you're
9 limited, you know, the cost of the land and things of
10 that nature. It's probably going to attract more
11 desirable thing.

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

22 We will do more than required as far as trees
23 and buffering. I think one of the requirements is
24 making sure that anything that went in there, whether
25 it's multi-family or something else, the lights shine

1 away from whatever you have. People obviously don't
2 like the looks of say Ritzy's up there, well, Ritzy's
3 has been there five years, ten years. It was there
4 long before we were doing, putting that street in.

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

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

24 Now, what we're doing in Lake Forest in the
25 past or now or in the future has very little to do

1 with the traffic on Highway 54. They're not six
2 laning that because we built something. Yes, I live
3 on Lake Forest Drive. A lot of people cut through
4 there that shouldn't be there. If I could put a pole
5 up there, I would be in pretty good shape. You can't
6 control who comes through there. That one street will
7 service that area. It's not going to increase the
8 traffic on 54 I don't think. That's not the reason
9 they're widening that highway to six lane up through
10 there. I don't know if that answers the question.

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

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

17 I think multi-family is probably duplexes,
18 four-flexes, apartments, condos, you know, various
19 sundry things. As I say, probably any of those things
20 would have to be two or three levels. If you look at
21 the project up there where the Splash was, most of
22 those buildings are three, four stories high. That
23 high of a building in that area, which probably would
24 be economically feasible, would not be a very positive
25 thing. In fact, in my view would create a lot more

1 traffic than probably what will go there.

2 MR. REEVES: Does that answer your question,
3 Mr. Moore?

4 MR. MOORE: Yes, sir.

5 MR. REEVES: Anyone prepared to make a motion?

6 MR. APPLEBY: I think I am.

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

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

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

18 MR. APPLEBY: Okay. At least that he will
19 exceed those requirements and make them 10 feet apart.
20 That he will restrict the type of lighting as to not
21 impact the neighborhood. That he will put a covenant
22 in the deeds of those lots that would require the
23 future occupants to maintain and replace these trees
24 that exceed the limit. If these trees die, they need
25 to be replaced. Maintain all that landscaping to the

1 standard that you put it in at least initially. That
2 the covenant runs with the deeds. I'd also like to
3 have a condition that a development plan would be
4 submitted prior to any development taking place on
5 those properties with notification to the neighbors.

6 MR. NOFFSINGER: And approved by this body.

7 MR. APPLEBY: And approved by this body.

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

9 MR. MOORE: Second.

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

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

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

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

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

25 MR. APPLEBY: My motion stays the same.

1 MR. REEVES: Do I have a second to that
2 motion?

3 MR. MOORE: Second.

4 MR. REEVES: Any questions from the
5 commissioners?

6 (NO RESPONSE)

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

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

12 MR. REEVES: Opposed like sign.

13 (BOARD MEMBER JOHN KAZLAUSKAS RESPONDED NAY.)

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

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

18 MR. NOFFSINGER: Excuse me.

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

21 MR. REEVES: Yes.

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

24 ITEM 6

25 4129, 4143, 4157 Vincent Station Drive, 3.067 acres
Consider zoning change: From I-1 Light Industrial to

1 B-4 General Business
Applicant: Hayden Development Co., LLC

2

3 PLANNING STAFF RECOMMENDATIONS

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

6 CONDITION:

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

9 FINDINGS OF FACT:

10 1. Staff recommends approval because the
11 proposal is in compliance with the community's adopted
12 Comprehensive Plan;

13 2. The subject property is located in a
14 Business/Industrial Plan Area where General Business
15 uses are appropriate in general locations; and,

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

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

21 CHAIRMAN: Anyone here representing the
22 applicant?

23 APPLICANT REP: Yes.

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

1 (NO RESPONSE)

2 CHAIRMAN: Commissioners have any comments or
3 questions?

4 (NO RESPONSE)

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

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

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

13 MR. FREY: Second.

14 CHAIRMAN: Second by Mr. Frey. Comments or
15 questions on the motion?

16 (NO RESPONSE)

17 CHAIRMAN: All in favor of the motion raise
18 your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimous.

21 -----

22 NEW BUSINESS

23 ITEM 7

24 Consider approval of the FY 2015 OMPC budget and
25 salary chart

1 MR. NOFFSINGER: Mr. Chairman, each member has
2 been mailed a copy of the budget and salary chart.
3 I'm available and have been available for questions
4 and am available at this time.

5 CHAIRMAN: Commissioners have any comments or
6 questions on the budget and salary chart?

7 (NO RESPONSE)

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

10 MR. REEVES: I move for approval.

11 MR. BOSWELL: Second.

12 CHAIRMAN: Motion by Mr. Reeves and a second
13 by Mr. Boswell. Any comments or questions on the
14 motion?

15 (NO RESPONSE)

16 CHAIRMAN: All in favor of the motion raise
17 your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimous.

20 Next item, please.

21 ITEM 8

22 Consider approval of March 2014 financial statements

23 MR. NOFFSINGER: Mr. Chairman, each member has
24 been mailed a copy of the financial statements. I'm
25 available for any questions and they're ready for your

1 approval.

2 CHAIRMAN: Commissioners have any comments or

3 questions?

4 (NO RESPONSE)

5 CHAIRMAN: If not the chair is ready for a

6 motion.

7 MR. ROGERS: Move to approve.

8 MS. McENROE: Second.

9 CHAIRMAN: Motion for approval and a second.

10 Comments or questions on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: All in favor of the motion raise

13 your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimous.

16 ITEM 9

17 Comments by the Chairman

18 CHAIRMAN: It's been a long night, gentlemen.

19 I'm going to make it very brief.

20 The selection committee for the director, we

21 had one meeting and we're getting ready to have a

22 meeting I believe tomorrow. We are going to search

23 nationwide and get the advertising out. At this time

24 we will leave it at that until we do have that meeting

25 and a later day you will get the minutes of the

1 meeting.

2 ITEM 10

3 Comments by the Planning Commissioners

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

7 MR. KAZLAUSKAS: Yes, sir.

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

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

23 MR. NOFFSINGER: Yes.

24 MR. KAZLAUSKAS: Then at our next meeting we
25 will be ready to review those changes to the personnel

1 policy and answer any questions and hopefully vote and
2 move forward with it.

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

10 CHAIRMAN: Thank you, Mr. John K.

11 Any other commissioners have any comments?

12 (NO RESPONSE)

13 ITEM 11

14 Comments by the Director

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

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

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

1 That's all I have.

2 CHAIRMAN: Okay. Need one more motion.

3 MR. APPLEBY: Move to rescind the requirement

4 of ride-along.

5 MR. REEVES: Second.

6 CHAIRMAN: Any comments on that?

7 (NO RESPONSE)

8 CHAIRMAN: All in favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 Now we need a motion to adjourn.

12 MR. BOSWELL: Motion to adjourn.

13 MR. KAZLAUSKAS: Second.

14 CHAIRMAN: We have a motion and a second. All

15 in favor of the motion raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: We are adjourned.

18 (Meeting is adjourned at 7:00 p.m.)

19 -----

20

21

22

23

24

25

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 stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 71 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 10th day of June, 2014.

18

19

20

21

22

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

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25