

1-24-05 finke homes public hearing.txt

GRANT COUNTY PLANNING COMMISSION

TRANSCRIPT

OF

PUBLIC HEARING

Zoning Map Amendment

1-1/1-2/A-1 TO PUD - FINKE HOMES, INC.

Date: January 24, 2005

Time: 7:00 p.m.

Place: Grant County Courthouse  
101 North Main Street  
Williamstown, Kentucky 41097

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- 1 APPEARANCES:
- 2 Jonathan S. Britt, Planning Director/Administrator
- 3 Thomas Nienaber, Attorney

4 Ray Erpenbeck, Engineer  
5 Becky Ruholl, Office Manager

6  
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8 COMMISSION MEMBERS

9

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18 Dan Scroggins  
19 Howard Brewer, Jr.

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1 ITEM NUMBER 7

2 MR. CHAIRMAN: Item Number 7 on the agenda, a  
3 public hearing for a zone map amendment,  
4 Industrial-1, Industrial-2, Agriculture-1 to a PUD by  
5 Finke Homes, Incorporated. I'll ask if all the fees  
6 have been paid and proper notification been given?

7 MS. RUHOLL: Yes.

8 MR. CHAIRMAN: we'll declare the public hearing  
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9 open and ask if anyone from the Finke Homes,  
10 Incorporated is here to represent them?

11 MR. HOWE: while Jerry continues to set up.

12 MR. CHAIRMAN: Give us your name here, please.  
13 Introduce yourself.

14 MR. HOWE: I'll do it. Steve Howe here on  
15 behalf of Cedar Valley and Finke. To start off with  
16 this evening, we may have several different people  
17 that will be speaking regarding this particular  
18 proposal. First of all, this is, once again, under  
19 the new PUD.

20 MR. CHAIRMAN: Hold on a minute here.

21 UNKNOWN SPEAKER: where's the rest of the  
22 copies? I thought we all was supposed to have copies  
23 of this?

24 UNKNOWN SPEAKER: I talked to John before the  
25 meeting, and he thought since it was cumbersome, we

3

1 could set it up on the board.

2 MR. BRITT: They're not required to submit  
3 anything.

4 MR. HOWE: Regarding this particular  
5 development, as I said this is a planned unit  
6 development, which we've just discussed in the prior  
7 meeting.

8 Once again, this is about 500 -- I believe, a  
9 little over 500 acres, about 580-some acres.  
10 Currently it is a mixed zone as it exists. A number  
11 of different industrial zones, agricultural zones.  
12 we are seeking to do the mixed PUD, which would

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13 allow the highway commercial as been clarified here.  
14 The R-3 use as far as the residential goes, along  
15 with there is a golf course that is proposed in this,  
16 there is a recreational vehicle area which is  
17 proposed in this, there are approximately 10 miles of  
18 horse trails, as well as could be walking trails.  
19 There are a number of large lakes that are involved  
20 in this. So you're going to have a true mixed use in  
21 this particular area.

22 The question, first of all, is regarding the  
23 comprehensive plan and the way that it had designed  
24 this. This was an industrial use or at least had  
25 been approved as an industrial zone at one time.

4

1 Consequently, the -- I guess they attempted for  
2 several years to develop this as an industrial use.  
3 That did not go through. Since the 2001 plan,  
4 there's now been 100 acres dedicated to Grant County  
5 for a new park. There's been approximately 100 acres  
6 which has been for the veterans cemetery. There --  
7 basically the industrial use has been abandoned by  
8 most of the thinking around here when the property  
9 was sold.

10 Mr. Finke has come in, bought the land, not only  
11 the original amount of land which was I believe close  
12 to 300 acres, but then he's bought land around it to  
13 access 36. He's also bought neighboring farms to put  
14 all of this together. The idea behind it is, is that  
15 it will be developed in phases. He hopes to do first  
16 the golf course, which is a nine-hole golf course to  
17 begin with. He will then hope to do approximately 50

18 houses or lots, I should say, single-family, as well  
19 as trying to develop the beginning areas of the  
20 commercial zone there right next to Interstate 75 as  
21 you come off.

22 So it is a true mixed zone at this point is what  
23 we have, but we're trying to get a little bit of  
24 input at least from the city through a PUD as to how  
25 this large -- very large tract of land is going to be

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1 developed, because it is set forth in percentages as  
2 to the amount of land that can be commercial, the  
3 amount of land that can be multi-family, as well as  
4 residential, as well as setting aside land for  
5 recreation purposes.

6 In this project, I believe more so than any, you  
7 really do have a true mixed use, because you would  
8 have a number of individuals that would be coming for  
9 purposes of daytime activities through golf, possibly  
10 even horse riding, things of that nature, plus you  
11 would have the persons that would actually live in  
12 there, and you would have both the ability to do the  
13 condos or apartment rentals, you would have houses  
14 being developed, as well as the RV park with the  
15 horse boarding is the way that they're looking at  
16 this. So from that standpoint, a PUD was most  
17 appropriate for the particular zone -- or this land,  
18 I should say, as it now exists.

19 I think that most would agree that probably it  
20 is a lesser burdensome use than a true I-1 use where  
21 factories and things of that nature would have been

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22 permitted, to be able to put the amount of green  
23 space that will now be available, as well as the  
24 homes with the trails and the lakes that are  
25 proposed. So from just a strict standpoint of

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1 whether this land lends itself more effectively to  
2 this PUD, we believe that it does, and we believe  
3 that there have been changes that have occurred in  
4 that area since the development of the comprehensive  
5 plan in 2001 that would allow this type of zone to  
6 come in with the multi-uses that are out there.

7 There are certain areas that Jonathan has raised  
8 in his preliminary report. Jerry Keith, who is the  
9 engineer on this, is going to address some of those  
10 as far as access. Like the other developments,  
11 obviously there are a number of things with traffic  
12 that concerns individuals; there are things with the  
13 water and the sewer. Jerry has been in contact with  
14 the City of Williamstown regarding that, and there  
15 doesn't appear to be an issue with that at this point  
16 in time.

17 Mr. Finke has developed other large residential  
18 developments, and he indicated -- he was telling me  
19 that one in Boone County that they finally got  
20 finished. How many houses -- there's about 550  
21 houses in that in Boone County, which is -- was  
22 growing through a phenomenal rate. That was still a  
23 12-year buildout to build out that many homes. So as  
24 far as the actual access points, these are things  
25 that we will address, or Jerry will address, when it

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1 comes to the residential end of this versus the  
2 commercial end. The property, I think most of you  
3 can kind of get an idea where it lays. As far as on  
4 36, as well as coming across all the way to Eibeck  
5 Road where the new park goes in, as well as where the  
6 cemetery is setting. There was some mention at one  
7 time that Heekin-Clarks Creek Road, if they ever got  
8 the funding -- and actually, there was an article in  
9 the paper at one time that said that was in the  
10 budget also, but whether that ever comes about for  
11 purposes of the veterans cemetery. The idea behind  
12 the veterans cemetery, obviously those of you who  
13 have ever visited one, you know, those places are  
14 kept top-notch, and so this would about that  
15 particular development as well as down on  
16 Heekin-Clarks Creek Road.

17 So that's just kind of a preliminary idea of  
18 what's going on out there. I'll have Jerry speak as  
19 to the access points, and then we'll field questions  
20 as we go. Jerry.

21 MR. KEITH: Yes, as Steve mentioned, my name's  
22 Jerry Keith. I'm the engineer for the project and  
23 been helping some of you with the layouts; others  
24 have paper copies there.

25 Basically Steve -- what Steve's saying is we're

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1 developing this project in phases. You can see the  
2 overall plan there in front of you, golf course,  
3 horse boarding facilities, riding trails, residential

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4 and commercial development. The first phase being an  
5 improvement off of the existing Skyway Drive. That's  
6 planned to consist of some commercial area along the  
7 interstate, up to 50 residential units approximately,  
8 and the two large lakes were involved in this first  
9 phase as well. And in order to do that, we plan on  
10 improving Skyway Drive and making it approximately a  
11 30-foot-wide roadway, an industrial or a  
12 commercial-type roadway to get in and out of the  
13 property.

14 Further, as the project progresses, you know,  
15 linking in yet another access, and our secondary  
16 access is planned for out on Route 36 further west of  
17 the interchange. Mr. Finke purchased the Pauline  
18 Lanter estate, which allows us to loop our project  
19 from within, back up to 36 further west of the  
20 interchange there at I-75. So ultimately we will  
21 have two access points for this project, the first  
22 one being Skyway Drive.

23 I know Jonathan had some concern, some questions  
24 about actual access locations for the commercial  
25 areas, and we have noted some of those on the plan;

9

1 he's reviewed those. We've discussed some of these  
2 entrances, and how do you think we best serve that,  
3 Jonathan, just read your report about those or --

4 MR. BRITT: I think all the commission members  
5 have read the report, or I hope they did, before  
6 this. I think our concern should be the close  
7 proximity to the apron for the on-ramp at I-75, and  
8 that close proximity for the commercial curb cut as

9 well as Skyway Drive.

10 MR. KEITH: For our first access point, as I  
11 mentioned, Skyway Drive. Jonathan had some concerns  
12 about Skyway Drive's proximity to the on-ramp, the  
13 southbound on-ramp to I-75. And understandably it's  
14 fairly -- they're fairly close together. In other  
15 words, to improve that intersection with a turn lane  
16 or something may be -- may be pretty hard to overcome  
17 as Skyway Drive exists currently.

18 I had a conversation with Jonathan, and we'd  
19 mentioned working with the state, the highway  
20 department, and potentially moving Skyway Drive  
21 further to the west. That's a possibility at this  
22 point, I guess I'll say. The problem we have with  
23 that are some private property issues involved that  
24 my client may not be able to overcome on his own,  
25 where the state gets in -- into the picture wherever

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1 they see these improvements are necessary, you know;  
2 they may be able to play a larger role in that  
3 acquisition of the movement of Skyway Drive. But,  
4 you know, I've looked at Skyway Drive and the on-ramp  
5 now; I have contacted the state. I haven't seen any  
6 interchange improvement plans.

7 I guess there's a chance the interchange may  
8 change the geometry, which would actually help this  
9 spacing problem we have. There's some things we're  
10 investigating right now. But we are willing to look  
11 at the area of Skyway Drive and the interchange and  
12 try to make that access work for everybody. You

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13 know, whether that involves the state, whether that  
14 involves my client, we'll do all we can to alleviate  
15 any problem on that interchange.

16 MR. BRITT: I think just give us a few minutes  
17 to decipher it.

18 MR. KEITH: There's a lot to look at, I  
19 understand. So we'd be happy to answer any  
20 questions.

21 MR. WEBSTER: How long will Skyway Drive be when  
22 it's in its entirety when it's in place?

23 MR. KEITH: Skyway Drive will be increased to  
24 about 3400 to 3500 feet. It would be a 35 -- or I'm  
25 sorry, a 30-foot-wide roadway. I believe it's

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1 currently maybe 1,000 feet long, 1200.

2 MR. SCROGGINS: Jerry, who's going to fund the  
3 extension of Skyway Drive?

4 MR. KEITH: Peter Gallagher who's the developer  
5 of the property will fund that. That will serve the  
6 majority of the commercial lots, or actually all the  
7 commercial-type lots for this first phase on the  
8 development and will be Skyway Drive, so...

9 MR. SCROGGINS: So the area that is -- I'm  
10 trying -- I'm just trying to envision this here,  
11 because it's pretty narrow; it snakes up the hill  
12 there. The area that is -- I'm going -- I'm assuming  
13 Skyway's city maintained, not county maintained?

14 MR. KEITH: You know, it actually belongs to  
15 the state, but whether the city maintains it, Doug,  
16 do you know? Does the city maintain Skyway, keep  
17 snow removed?

18 MR. SCROGGINS: Our thing is, is the developer  
19 going to fund the widening of Skyway up through there  
20 for the entire district or just from the point on  
21 where it impacts this property?

22 MR. KEITH: For the entire distance. It will  
23 start approximately where the entrance is to the -- I  
24 guess it's the old Howard Johnson hotel. I don't  
25 know what it's called now. But roughly in there.

12

1 It's actually fairly wide when you get to that point.  
2 But it will be widened to 30 feet. At a certain  
3 point, we'll initiate a curb and gutter, so it'll be  
4 a very nice improvement.

5 MS. DULEY: That still doesn't solve the  
6 problem of being so close to the ramp.

7 MR. KEITH: It doesn't solve the problem of  
8 being so close to the ramp, you're right. And, you  
9 know, we're going to have to take a much closer look  
10 at that. And, you know, Jonathan mentioned the  
11 traffic report -- or traffic study in his report, and  
12 that's something we'll probably have to investigate,  
13 as well as get the state involved again to see what  
14 their plans are for that interchange. When the next  
15 section of interstate improvements come, it may -- I  
16 don't know this, but, you know, that may actually  
17 help our case. So those are things we're going to  
18 look at, and again we'll make that as absolute -- the  
19 absolutely best intersection we can.

20 MR. BRITT: And please don't take this the  
21 wrong way, but shouldn't that have been one of the

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22 first things that you did, Mr. Keith?

23 MR. KEITH: I did meet with the state and  
24 talked over the development, and we talked about it  
25 progressing in phases; sat down with Ed Thompson, and

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1 we did get into discussing some turn lanes. So I sat  
2 at the table with Ed, and he agreed that, you know,  
3 as the project progressed we would need to look at  
4 that area. Initially his comment to me was he wasn't  
5 so concerned about the first phase of development,  
6 and at that time, you know, he may not have known  
7 exactly what's going in there. But we do need to sit  
8 down with the state.

9 You know, I've got a scaled drawing here,  
10 Jonathan; it's from the aerial topography. And I  
11 show -- from where we would turn left into Skyway  
12 Drive, we've got approximately three -- it may not  
13 look like it right here -- we've got approximately  
14 300 feet back before we get to the point where if you  
15 were heading southbound on I-75 and come up to the  
16 top of the ramp to turn onto 36. So we've got a  
17 300-foot distance there over to Skyway Drive. I  
18 mean, that's a pretty long distance. Most turning  
19 lanes, depending on your traffic counts and things,  
20 are between 150, 200 feet long, which is a pretty  
21 long turning lane.

22 So looking at the geometry I have, we may have  
23 to do some widening here, but to get a left turn lane  
24 into Skyway Drive, I think that's something we can  
25 probably -- we can probably overcome, because the

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1 southbound on-ramp -- I mean, it's hard for you to  
2 sit there and see this, but it's not a 90-degree  
3 turn. It's a long, sweeping bend, which actually  
4 helps our geometry sightly, so... So seeing what I'm  
5 seeing here, I think we can overcome --

6 MR. BRITT: And that's coming southbound on 75?

7 MR. KEITH: Coming southbound on 75, getting  
8 off of the exit.

9 MR. BRITT: Okay. What about the turn from --  
10 I think what our report says is it's close to the  
11 apron for the southbound entrance to 75 off of 36,  
12 and I don't know if that's...

13 MR. KEITH: What I would like to mention as  
14 well, I mean, in order to get this intersection  
15 approved, we have to have a permit from the State of  
16 Kentucky, and they will look at the intersection,  
17 they will look at any plans we have to improve that  
18 intersection and approve them administratively. So  
19 we're pretty much held -- and if they think there's a  
20 problem, we're held to do whatever we have to do to  
21 correct it, and we will cooperate with them to the  
22 best of our ability.

23 MR. CHAIRMAN: Someone else need to speak? It's  
24 a public hearing. If anybody would like to speak  
25 from the audience, this is your opportunity to speak

15

1 either for or against this development. Yes, sir.  
2 Step right up to the microphone, give us your name  
3 and...

4 MR. MATHIS: My name is Mark Mathis. I'm  
5 president of Mago Construction Company, and we're an  
6 adjoining property owner. And, Mr. Chairman, I'd  
7 like to see the plat, if I may.

8 MR. CHAIRMAN: Jerry, do you want to come and  
9 give directions over here?

10 MR. MATHIS: I don't need directions.

11 MR. CHAIRMAN: Got it? Okay. Never mind.

12 MR. MATHIS: I guess, Mr. Chairman, I have some  
13 questions for the applicant, and I don't know how you  
14 want to do it.

15 MR. CHAIRMAN: Go ahead and ask your questions,  
16 and we'll listen to their answers.

17 MR. MATHIS: Take turns?

18 MR. CHAIRMAN: Yes.

19 MR. MATHIS: Okay. The first question is, is  
20 any of the property that they seek to rezone being  
21 used as residential at this time?

22 MR. CHAIRMAN: The application doesn't indicate  
23 that. They show it as Industrial-1, Industrial-2,  
24 Ag-1.

25 MR. MATHIS: Okay. And what were the number of

16

1 dwelling units on the property?

2 MR. CHAIRMAN: Total dwelling units, has that  
3 been decided?

4 MR. KEITH: Probably 300 to 350.

5 MR. HOWE: As far as it's actually been  
6 platted out, you're looking at probably somewhere  
7 300, 350 is what you'd be looking at. And that's --  
8 a lot of that's based upon the areas and the

9 topography, as well as the percentages that we can  
10 use as laid out in the PUD.

11 MR. MATHIS: And how much time would it take to  
12 develop out this development?

13 MR. HOWE: Well, we talked about that earlier.  
14 I mean, Mr. Finke has indicated if -- you know, if he  
15 sold 50 lots in three years, he'd be tickled. And I  
16 mean, I think that -- I don't know -- I'm not for  
17 sure the exact -- if there's a statistic that's been  
18 put together around here as far as the actual  
19 sell-out, but these are going to be -- these are  
20 basically second-home buyer-type homes, so --

21 MR. CHAIRMAN: Your phase one was the golf  
22 course; is that right?

23 MR. HOWE: Phase one is the first nine holes  
24 of the golf course and approximately 50 lots, is  
25 phase one. And I think Jerry can show you, or

17

1 someone can go around there, exactly where that  
2 street would come in and where it would end, if you  
3 want to show them that, Jerry. He'll have it over  
4 there. But that's...

5 MR. KEITH: Essentially the first stage we're  
6 talking about is nine holes on the golf course,  
7 obviously, have plans to improve this roadway, and 50  
8 lots pretty much --

9 MS. DULEY: Fifty lots for?

10 MR. KEITH: Residential development.

11 MS. DULEY: And that's for phase one.

12 MR. KEITH: Phase one. Now, phase one would be

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13 submitted, improvement planned for 50 lots, but  
14 nowadays that may be platted 10 lots at a time, 15  
15 lots at a time. It's not necessarily going to put  
16 out 50 lots to sell right off the bat.

17 MR. CHAIRMAN: You've got to improve the road to  
18 build the nine holes of the golf course and to see 50  
19 lots --

20 MR. KEITH: Sell 50 lots.

21 MR. CHAIRMAN: Sell 50 lots, okay.

22 MR. KEITH: Preliminarily 50 lots, yes, sir.

23 MR. CHAIRMAN: Okay.

24 MR. HOWE: So if that gives you an idea as far  
25 as how long it would take to develop out. If you

18

1 sold 20 lots a year, you know, it could be up to 15  
2 years, something along those lines.

3 MR. MATHIS: Fifteen years. I think you said  
4 earlier that one development that Mr. Finke had --  
5 and by the way, you've got a great web site, a lot of  
6 big, nice developments off the road -- that it would  
7 take about 12 -- that it took about 12 years to do  
8 500 lots?

9 MR. HOWE: In Boone County, it did.

10 MR. MATHIS: In Boone County?

11 MR. HOWE: Yes, sir.

12 MR. MATHIS: So in 15 years, would you agree  
13 that the time that it would take to do that, that  
14 industrial demand and local jobs and industrial  
15 development would come?

16 MR. HOWE: Well, I think our industrial  
17 authority gentleman is here. Did you all -- how long

18 did you all try to sell that, wade, and develop that  
19 industrialwise out there?

20 MR. GUTMAN: Oh, about six years, five to six  
21 years.

22 MR. CHAIRMAN: So added build-out time?

23 MR. BRITT: Build-out time as far as  
24 residential development?

25 MR. CHAIRMAN: Both. The average around here as

19

1 build-out time?

2 MR. BRITT: I think today probably our best  
3 gauge may be Mr. Melton's development in Crittenden.  
4 I think most of those lots have sold. You're  
5 probably looking at a 30-year build-out on it, and  
6 it's about 174 lots. But again those take a lot of  
7 things into consideration. I mean, the economic  
8 factors alone are mind-boggling. You know, the  
9 national economy could fall apart tomorrow and  
10 nobody's building nothing. Or it could explode and  
11 you build 50 next month.

12 MR. MATHIS: By the same token, industrial  
13 development could come during that period of time,  
14 couldn't it?

15 MR. HOWE: Sure.

16 MR. MATHIS: Did you do a traffic study?

17 MR. HOWE: A traffic study was not done at  
18 this point, and we had talked about doing this as far  
19 as even allowing that to be a condition of the zone  
20 change to have a traffic study done, as well as we  
21 have to get all the state permits. The reason being

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22 is some of it, as Jonathan had mentioned in an  
23 earlier statement, wherein you have a professional  
24 comes in and says one thing, and I think you talked  
25 to the state on about two traffic lights, and they

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1 say another one, and a lot of it's opinion.

2 And quite frankly we would -- we would be  
3 conducive to sitting down with the planning and  
4 zoning commission, agreeing on an engineer to do the  
5 traffic study and do it at that stage and make it a  
6 condition of this zone change. It's just a matter --  
7 you know, Mr. Nienaber can speak to that. A lot of  
8 times when it gets to experts, you know, an opinion  
9 is, in fact, an opinion, and you see different  
10 things. So we thought a common expert might be  
11 something that would be advantageous, and we'd be  
12 willing to do that condition upon this.

13 MR. BRITT: I'm curious as to what type of  
14 condition we could actually put on there where the  
15 traffic study's going to determine whether you get  
16 this zone change or not.

17 MR. HOWE: What I'm saying is, is what we'll  
18 be willing to do is put a condition on there that a  
19 traffic study would be conducted as far as sitting  
20 down and approving through this commission, either by  
21 coming back to you or to come back to the commission,  
22 that says this is what the engineer has recommended  
23 as well as the state has recommended -- is that  
24 accurate, George, in that regard to say whether or  
25 not these access points have to be put in or widened

21

1 before any development can begin?

2 I mean, we're looking at the zone change. You  
3 know, we're looking at the very beginning now, and  
4 there's other steps that's going to have to take  
5 place before any construction can be done, and we're  
6 saying that we could -- we could condition that upon,  
7 you know, achieving someone that is an engineer or  
8 someone that could be in agreement to put together  
9 something to the effect of this is where the access  
10 points need to be.

11 MR. CHAIRMAN: You can continue.

12 MR. MATHIS: Did you contact any of the  
13 adjoining property owners regarding this request?

14 MR. HOWE: I'm assuming they were all sent  
15 out.

16 MR. MATHIS: I'm not talking about the statutory  
17 notice that's required 14 days in advance of the  
18 public hearing. I'm talking about did you or  
19 Mr. Finke or anybody with your group contact the  
20 property owners and ask them their opinion of this?

21 MR. HOWE: No.

22 MR. MATHIS: Did you assess the effects of the  
23 rezoning on the adjoining property?

24 MR. HOWE: That's part of what this commission  
25 will do. What we did was we set up -- we put

22

1 together a planned unit development -- we put  
2 together a planned unit development prospect here for  
3 this commission to consider. I think that everyone

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4 in it that -- that takes that into consideration.

5 This board does that.

6 MR. MATHIS: Did you assess the effect of a  
7 residential development adjoining industrial  
8 property, how it affects that property regarding  
9 setbacks? Right now in a heavy industrial zone, the  
10 rear setback is zero feet, side yard setback is  
11 25 feet. Were this to be granted, then the setbacks  
12 would then become 75 feet on those three sides. Are  
13 you aware of that?

14 MR. HOWE: Are you aware -- what are you  
15 saying, from which standpoint?

16 MR. MATHIS: From a zoning standpoint. If you  
17 put residential next to heavy industrial, then the  
18 setbacks all change for that parcel of industrial  
19 property.

20 MR. HOWE: As far as this commission would go,  
21 the setbacks are outlined, and however it would  
22 affect an adjoining landowner would be basically set  
23 up by the ordinances as it is in existence now. We  
24 wouldn't -- I mean, we're not asking for any waivers  
25 of any setbacks or anything along those lines.

23

1 MR. MATHIS: Well, okay. Am I right, Mr. Britt?

2 MR. BRITT: And that's the City of  
3 Williamstown's ordinance; I'm not going to even kick  
4 that dog. But the industrial -- I think it's almost  
5 a moot point, seriously. There's a pretty  
6 significant hollow there, isn't it, that would -- you  
7 know, 75 feet you're going to be a pretty good  
8 distance away from that anyway, aren't you, I mean,

9 if you were to construct an industrial building on  
10 your site?

11 MR. MATHIS: well, the regulations for the City  
12 of Williamstown call for a zero setback on the rear  
13 yard, 25 feet on the side yard, unless it adjoins  
14 residential property. In this case, our property is  
15 adjoined by other industrial property. So to grant  
16 this is, in effect, creating a situation where we are  
17 not allowed to use our property; we'd have to  
18 statutorily by regulation give it up. That's my  
19 point.

20 MR. BRITT: But you're not giving up the  
21 property. I mean --

22 MR. MATHIS: Can't use it.

23 MR. BRITT: -- that's just the setback.

24 MR. MATHIS: If you can't use it --

25 MR. BRITT: You can reduce that setback if

24

1 justification is -- is there.

2 MR. MATHIS: Yes. But unless there's some type  
3 of variance granted, then the granting of this  
4 residential zone would increase the setbacks in the  
5 rear yard case, and in this particular case, from  
6 zero to 75 feet. Anyway. But you all didn't know  
7 that?

8 MR. HOWE: No. I mean, as far as the property  
9 goes, we know what the ordinances call for. what  
10 we're saying is, is that whether you would put a  
11 residential area versus back to back to what you  
12 have, in regard to how it would affect your property

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13 as far as industry goes, we understand that more than  
14 likely people are not going to buy residences and  
15 want to be back to back to the industrial zone unless  
16 there is some sort of buffer; either we do it or you  
17 do it. If we can do it, I'm sure Mr. Finke's not  
18 going to try to put a backyard, whether it be zero or  
19 otherwise, right up next to that line. I mean, it  
20 doesn't make marketing sense, I mean, if you want to  
21 play what-ifs.

22 MR. MATHIS: Okay. Well, I wasn't talking about  
23 your setback. I was talking about somebody else's.

24 MR. CHAIRMAN: He was talking about how it would  
25 alter his setbacks if he were to do a building. So I

25

1 can understand how you -- what you're saying.

2 MR. MATHIS: Mr. Howe, one other question. What  
3 is the statutory basis on which you are trying to  
4 justify this rezoning?

5 MR. HOWE: And that's what I stated earlier.  
6 The statutory basis, there have been changes in that  
7 area, both economic as well as the way the property  
8 has been sold with future development, with the city  
9 going in with a moist vote, as well as the idea  
10 behind the comprehensive plan indicating that part of  
11 the area would be looked at highway commercial.  
12 There is an anticipated -- it's anticipated that  
13 rooftops would be coming in, as well as the economic  
14 circumstances of this area has changed since the 2001  
15 plan.

16 MR. MATHIS: Okay. You've got a wet, moist vote  
17 and other changes. Do you know specifically -- are

18 you citing specific other changes or just --

19 MR. HOWE: well, one industrial zone has now  
20 been sold to the Grant County recreational park.  
21 That is no longer going to be industry. Would you  
22 agree with that?

23 MR. MATHIS: I don't know where this is. If  
24 it's part of the property you're asking --

25 MR. HOWE: No, it's not. It's not. That's

26

1 not ours. It is another piece of land that was zoned  
2 industrial, is my understanding. It has been sold to  
3 the Grant County Park for purposes of putting in  
4 recreation, for purposes of putting in soccer fields,  
5 walking trails, a lake, a number of items.

6 The second thing was, is that part of this  
7 property has been sold to the United States  
8 Veterans -- I guess it's the veterans -- it's just  
9 United States; I'm not for sure. They're going to  
10 put in a cemetery for veterans. So that has been  
11 200 acres of the industrial property that is out  
12 there that there's been significant changes that no  
13 longer lends itself to industry, and so that's been  
14 part of the change. As well as we talked about the  
15 moist vote, we talked about the highway commercial up  
16 on the front side of the property, and it is lending  
17 itself more to a recreational, residential, highway  
18 commercial area than any industry.

19 But our industrial commission attempted to sell  
20 this for six years, it didn't work; it was sitting  
21 there, the county had a need, the United States

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22 Government had a need to put this area as  
23 recreational and/or residential; that has been the  
24 changes. It's not developing as industry. No one  
25 bought the land, no one had any plans on that

27

1 particular tract to do anything industry-wise, so  
2 that's where it went to. That's been the changes.

3 MR. MATHIS: That's all the questions I have. I  
4 do have a statement, and at this time I'd like to  
5 introduce Bobby Upchurch. Mr. Upchurch is a  
6 registered engineer and a licensed surveyor and  
7 serves on the Mercer County Planning and Zoning  
8 Commission.

9 MR. CHAIRMAN: Okay.

10 MR. UPCHURCH: One question I would like to ask  
11 is the phasing, is -- there was one phase that you  
12 mentioned. How many phases are there total that you  
13 have right now?

14 MR. KEITH: At this point, like I said, this  
15 project is so large, phasing will be based on market,  
16 on the need for housing. Primarily we plan on going  
17 in and building nine holes on the golf course,  
18 commercial area, 50 residential lots. The  
19 residential phasing will be driven by the market.

20 Let's turn to the golf course, George. What are  
21 you thinking there? Just --

22 MR. FINKE: To what?

23 MR. KEITH: To complete the other nine holes on  
24 the golf course?

25 MR. FINKE: I hope to have it done in '07.

28

1 MR. KEITH: By '07. Okay. So the golf course  
2 will be complete by 2007. Again, if the housing  
3 market is looking well and there's more need for  
4 homes, homes will be mixed in with the golf course.  
5 That's the plan for this development.

6 MR. UPCHURCH: Currently all we can do is guess  
7 at what will happen in the future. I think it was  
8 stated that the development rate for an area up in  
9 Crittenden was a 30-year buy-out on 174 units. Well,  
10 if we're looking at 300 to 350 units here, then  
11 you're looking at 45 years based on those figures at  
12 least. That's a significant -- a significant time  
13 period. A lot can happen in that period of time.

14 One of the things that was mentioned was the  
15 proximity to the interstate. And I think it was  
16 stated that there was 150 foot or 200 foot for a  
17 turning lane. I'm not sure what the speed limit out  
18 there is, but it's at least 35 miles an hour, and  
19 with a speed limit of 35 miles an hour, just using  
20 some references that the highway department would  
21 use, you would need approximately 360 feet for a  
22 turning lane. Of which 150 foot would actually be a  
23 turning lane, and then you'd need 210 feet for a  
24 taper, you know, a deceleration on that. So there --  
25 there would have to be some major reconstruction at

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1 that intersection to meet that requirement.

2 There was a comment that a traffic study was an  
3 opinion. I'd take offense at that. A traffic study

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4 is actually done by a qualified engineer who would  
5 take into account all the factors, and based on his  
6 training make it -- make a judgment call as to what  
7 would be needed. In that case, that wouldn't be an  
8 opinion, but actually based on engineering facts and  
9 principles.

10 I don't have anything else to say at this time.

11 MR. CHAIRMAN: Thank you.

12 MR. WEBSTER: Are we going to have a time limit  
13 on this? This has been dragging on for an hour.

14 MR. CHAIRMAN: well, he's still speaking.

15 MR. MATHIS: No, sir, I'm going to be pretty  
16 quick, and I promise you that. And I'm on the  
17 planning and zoning board in Bardstown, Nelson  
18 County, have been on it for 15 years, in turn the  
19 board of adjustments. And I hold the record for  
20 public hearings; I've been to 1:00 in the morning,  
21 and I am not going to put you all through that, I  
22 promise.

23 MR. CHAIRMAN: We appreciate that.

24 MR. MATHIS: At this time, Mr. Chairman, I'd  
25 like to, I guess -- this is a letter of objection.

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1 (INAUDIBLE)... I can read it into the record if  
2 you'd like.

3 MR. CHAIRMAN: Get close to the mic.

4 MR. MATHIS: All right. "Dear Chairman Lawrence  
5 and Commission Members: Mago Construction Company  
6 operates twelve asphalt plants in Kentucky and  
7 currently provides paving services in nearby  
8 Pendleton, Bracken, Campbell, Owen and Henry

9 counties. Mago bought ten acres of I-2 zoned land in  
10 the City of Williamstown 25 years ago for the purpose  
11 of installing an asphalt plant, which parcel adjoins  
12 the acreage sought to be rezoned in the  
13 above-referenced application. The applicant proposes  
14 to rezone from I-2, I-1, and A-1 certain acreage to  
15 develop residential housing, among other things, in a  
16 large PUD. As an adjoining property owner, Mago  
17 objects to this application because it would allow a  
18 zone of land the uses in which would be incompatible  
19 with a pre-existing zone of land's uses on an  
20 adjoining tract of land.

21 Additionally, allowing this rezoning would  
22 mandate additional setbacks on all adjoining  
23 industrial land and create additional restrictions on  
24 industrial operations. This would result in  
25 devaluation of Mago's property and would have the

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1 effect of limiting industrial operations at this  
2 site.

3 Further, this would constitute a taking under  
4 state law and would result in a great economic loss  
5 to our company. For these and other reasons, we  
6 object to this rezoning application and respectfully  
7 request that it be denied."

8 MR. BRITT: And just to clarify and maybe an  
9 opinion from the city zoning administrator would be  
10 in our best interest. It says, for any yard of any  
11 use permitted in this zone abuts a residential zone.  
12 This PUD is not specifically a residential zone, so

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13 we may want to get -- you may want to get an opinion  
14 from Mr. Beckham. You may not have to meet that 75  
15 foot, especially if you abut -- I think you abut --

16 MR. HOWE: They abut the commercial zone.  
17 That's what Jerry just checked.

18 MR. BRITT: So I would get an opinion from him.  
19 I do believe that that could be viewed very liberally  
20 to your benefit, and you wouldn't have to meet the 75  
21 feet, although I'm not speaking for him or the city.  
22 But that would seem to alleviate one of your  
23 concerns.

24 MR. MATHIS: Well, they're submitting this  
25 application for a PUD.

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1 MR. BRITT: Yes, sir.

2 MR. MATHIS: And I looked at their plat, and I  
3 want to object to the plat. There's an error in it.  
4 It shows Mayo's property as I-1. The property is  
5 I-2. It was purchased as I-2 in 1980. Do you need  
6 proof of that?

7 MR. BRITT: No, sir. I mean, you're more than  
8 welcome to give that to us. I mean, that truly  
9 doesn't change my evaluation. Industrial is  
10 industrial, to me, in an evaluation sense.

11 MR. MATHIS: Okay. For the record, I wanted to  
12 point out that inaccuracy on their plat.

13 MR. BRITT: Noted.

14 MR. MATHIS: And request that it be changed as  
15 the commission considers it.

16 MR. BRITT: Sometimes we go on the best records  
17 that we have, and sometimes those records are

18 incorrect.

19 MR. MATHIS: I've got newspaper articles almost  
20 as old as I am from Grant County News; it was only 15  
21 cents then, but it's held up over the years.

22 Chairman Lawrence, Ladies and Gentlemen of the  
23 Commission, it is not good planning to place a  
24 residential PUD adjacent to pre-existing industrial  
25 property. It is not appropriate zoning to place a

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1 residential PUD adjacent to pre-existing industrial  
2 property. Like I said, I've been on the planning  
3 commission myself for 15 years, and I don't pretend  
4 to know much about Williamstown or Grant County. I  
5 can tell you all about Bardstown and Nelson. You all  
6 are the experts, and that's why you're here.

7 As you know, the Kentucky legislature requires  
8 that we get training, continuing education. None of  
9 us have ever been taught that residential and  
10 industrial should be side by side. Your own land use  
11 plan on your goals and objectives, number nine says  
12 otherwise, and we've always been taught that you keep  
13 those separate. And I ask you to do that tonight.  
14 If they were put side by side, both sides would lose,  
15 industry and residential alike, because you would be  
16 creating a situation of conflicts and complaints in  
17 the future, rather than protecting the interests of  
18 the existing property owners.

19 As adjoining industrial property owners, we  
20 respectfully request that you deny this request just  
21 the same as if I came in and asked for you to put

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22 industrial property right next to one of their  
23 residential developments. Thank you.

24 MR. CHAIRMAN: Thank you. Anyone else like to  
25 speak to this zone change in any way? Any other

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1 public comments at all? Seeing none, we'll declare  
2 the public hearing --

3 MR. MATHIS: Mr. Lawrence, may I introduce this  
4 one?

5 (INAUDIBLE CONVERSATION).....

6 MR. MATHIS: The gentleman in the earlier  
7 hearing said that the highway department's out of  
8 money and had funding problems, and he's right. The  
9 federal government (INAUDIBLE) and when they widened  
10 I-75, they're going to spend some of our federal tax  
11 dollars to do that, and that's going to be a prime  
12 piece of land right there. Now --

13 MR. KINMAN: Now, what I've seen for 25 years,  
14 you ain't done nothing with it.

15 MR. MATHIS: No, sir, because --

16 MR. KINMAN: (INAUDIBLE).....

17 MR. CHAIRMAN: Well, we're not debating  
18 (INAUDIBLE)...

19 MR. KINMAN: I just wondered if he's had it for  
20 25 years, what's he done with it.

21 MR. CHAIRMAN: Let's get back to where we were  
22 before and what we're supposed to be discussing.

23 MR. MATHIS: And to answer his question, it's  
24 not the fact that we have not done something as --

25 MR. CHAIRMAN: We understand your point, or I

35

1 understand your point.

2 MR. MATHIS: It's the heavy industrial zone.

3 MR. COVINGTON: Yeah, I get that.

4 MR. MATHIS: Whether it's us or any of the other  
5 uses in the heavy industrial.

6 MR. CHAIRMAN: Okay. Thank you. Anyone else  
7 like to speak in any way to this zone change? Seeing  
8 -- yes, sir. Just give us your name and say  
9 something real brief, and don't use an alias because  
10 we all know you.

11 MR. GUTMAN: Wade Gutman, Grant County  
12 Industrial Development Authority. In case you're  
13 wondering why this land was sold to Mr. Finke, it's  
14 no longer appropriate to be zoned industrial land,  
15 since the county owns 100 acres of the property that  
16 is still, I think, zoned industrial, but it's planned  
17 to be used for a park. Also the industrial authority  
18 gave 100 acres to the State of Kentucky to build a  
19 cemetery on. Leaving the 300 and some acres in the  
20 middle which was -- which would have been unable to  
21 be developed into any kind of industrial park and  
22 lends itself to be developed into a residential area.

23 I'm sorry no one here is -- there's no one here  
24 from the tourism commission to support this project,  
25 because we sort of need a tourism site -- another

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1 tourism thing in Grant County to draw people to Grant  
2 County to spend money in Grant County; tourism  
3 dollars are the best dollars you can get. A golf

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4 course will certainly do that. So we support the  
5 planning and development zone change. Thank you.

6 MR. CHAIRMAN: Anyone else like to speak in any  
7 way? Seeing no one, we'll declare the public hearing  
8 closed and refer it to the commission. You all have  
9 any questions of Mr. Howe or Mr. Keith.

10 MS. DULEY: I have some questions and concerns.

11 MR. CHAIRMAN: Okay.

12 MS. DULEY: The person that presented before  
13 you did have a traffic study. They had specific  
14 areas where they could show us where the houses would  
15 be when they did develop them, and you're asking us  
16 to now approve something, and all we see are roads.  
17 I don't feel comfortable with that. Jonathan, when  
18 they get ready to put in the houses, would we have  
19 to -- would we have any say in those houses or just  
20 that they are up to code as far as the subdivision,  
21 if we approve it tonight? would we have any more say  
22 in this?

23 MR. BRITT: well, you're going to have say as  
24 far as preliminary improvement and final plats. As  
25 far as commercial, I'm not sure. I don't think you

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1 all do. I think that's up to the city administrator.

2 MS. DULEY: And the study as you stated, yes  
3 they could say, but what good is that going to do us?  
4 The other company had a traffic study, gave us some  
5 insight into it. I'm a little concerned also with  
6 the school situation. Part of it would be  
7 Williamstown; part of it would be Grant County. I  
8 work in Boone County where we encounter that daily,

9 and it's just Boone County versus Boone County, one  
10 school versus another. We're not looking at a city  
11 versus a county, and it creates a lot of havoc, and  
12 that's why personally I'd feel more comfortable  
13 seeing where you're projecting those houses, where  
14 they would be placed, how they would be placed, on  
15 top of the ridges or whatever. We have nothing but  
16 roads in front of us.

17 MR. BRITT: And again, in our evaluation, I  
18 think the school districts, both school districts,  
19 have sat down with me on numerous occasions, and  
20 we're trying to exactly define where that area is or  
21 where that line is; this is Williamstown, this is  
22 Grant County.

23 MS. DULEY: Just me personally, I'm not against  
24 this project; I'm for this project, but before I  
25 would want to vote one way or the other, I'd want to

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1 see the houses, where the schools had agreed the  
2 lines are, where the traffic study has been  
3 completed. I feel like it's a little ill prepared  
4 with what you have tonight, to ask us to vote on  
5 something so important.

6 MR. BRITT: And I think the big concern,  
7 Mr. Keith, maybe you can -- is that you all want to  
8 start moving dirt is the reason.

9 MR. KEITH: Well, we want to proceed,  
10 obvious -- we wish to --

11 MR. BRITT: Would it not be in our best  
12 interest to take this from us and provide those

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13 traffic studies, provide that information from both  
14 school districts as to where exactly the line is so  
15 that we can determine what the impact to each school  
16 district? And other issues that weren't even brought  
17 up, water and sewer, you know, how are those going to  
18 be handled specifically by the heavier commercial  
19 areas?

20 MR. HOWE: We can address the water and sewer.  
21 The line of demarcation, I'm not for sure that will  
22 be answered at this stage. I'm not for sure there is  
23 a line exactly that is agreed upon, unless you have  
24 one that you're aware of, as to where that goes when  
25 it comes in. I think it's -- it depends on --

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1 MR. CHAIRMAN: No, there could be some  
2 discussion with the state on exactly how far or what  
3 kind of turning lane you plan to put in there. And I  
4 don't think that's -- you know, it doesn't look like  
5 200 feet to me to the end of that exit from --

6 MR. KEITH: I mean, we know we have an issue to  
7 deal with, and typically those things are done and  
8 handled, and you can't get an entrance until we deal  
9 with them. Now, whether we do it at this point or at  
10 a later point, I guess it's up to you guys. But I  
11 can say, you know, we understand there's a potential  
12 concern there and problems geometrically with that  
13 intersection. And, you know, we'll have to suit the  
14 state as well as -- you know, I have no problem  
15 meeting with Jonathan, showing him, keeping him up on  
16 the plans, Mr. Erpenbeck, you know, and working  
17 through the intersection in that fashion. But if

18 it's something you feel you need to have upfront,  
19 it's just what we'll have to do.

20 MR. SCROGGINS: As far as the school issue is  
21 concerned, is this property not entirely within the  
22 city limits of Williamstown?

23 MR. BRITT: Yes.

24 MR. SCROGGINS: It is? Then --

25 MR. BRITT: No, it's not. Two separate school

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1 districts.

2 MR. KEITH: It's a weird thing. One side of  
3 Eibeck Lane is one thing, and one side is the other  
4 thing.

5 MR. SCROGGINS: Even though -- even though --  
6 it's all in the city limits?

7 MR. BRITT: Correct.

8 MR. SCROGGINS: Makes no sense.

9 MS. DULEY: It would give us a better visual if  
10 we knew where the houses were.

11 MR. KEITH: You know, we didn't draw lots on  
12 the drawing. It's such a large-scale drawing, if you  
13 can see the roadway. But if you zoom in, it's a  
14 purple line; it outlines the residential areas. In  
15 other words, there are no lot lines drawn on there,  
16 but around the roadways it does show the residential  
17 development. Obviously, it will be around the  
18 roadways, in the cul-de-sacs, and then we project  
19 with those residential areas 300, 350 homes, at this  
20 point.

21 MS. DULEY: At this point.

22 MR. KEITH: It could be a few more, it could be  
23 a few less.

24 MS. DULEY: But that may not be the maximum.

25 MR. KEITH: It could be -- it could be a few

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1 more, but that's a pretty good guess. I mean, I laid  
2 it out myself. And, you know, as we build the golf  
3 course -- as we say, you know, as we build the golf  
4 course, some people would, and it's a nice feature to  
5 have, maybe some flag lots or something that would go  
6 down and be on green or closer to a fairway, you  
7 know, we might be able to --

8 MR. BRITT: We won't have flag lots after this  
9 meeting.

10 MR. KEITH: I'm sorry?

11 MR. BRITT: We won't have flag lots after this  
12 meeting.

13 MR. CHAIRMAN: Better be wonderful flag lots.

14 MR. KEITH: Extended lots. But we might be  
15 able to fit some additional lots in and around the  
16 golf course as it develops. So we'll have room for a  
17 few more, but it's not like we're going to come in  
18 with 600 homes, I would say that.

19 MR. BRITT: But there is the potential for more  
20 than 300 dwelling units when you throw in the  
21 consideration of apartments and condos.

22 MR. KEITH: If you throw that in, and we  
23 haven't necessarily designated multi-family areas,  
24 simply because it's a long-term plan, and at this  
25 point we don't have a 40-year plan.

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1 MR. WEBSTER: There would be no more industrial  
2 zone out there, right? It would be the single-family  
3 next to industrial, but is there going to be an  
4 industrial left?

5 MR. KEITH: This zone -- I mean, if this zone  
6 change were to take place, it would eat up the  
7 majority of the industrial area in there. The park  
8 property would still be zoned industrial I  
9 understand. The cemetery property would still be  
10 zoned industrial, so that's 200 acres, and whatever's  
11 further to the north I'm really not sure. There's a  
12 fairly large ravine, and I think Lynn Pope Lane comes  
13 down, and the industrial is pretty much to the north  
14 of Lynn Pope, but...

15 MR. WEBSTER: Two of those areas probably will  
16 not be developed, the cemetery and the park area,  
17 with anything industrial, right?

18 MR. KEITH: I would agree to that.

19 MR. CHAIRMAN: Any other questions, discussions  
20 or action?

21 MR. COVINGTON: One thing about it, the 500 and  
22 some acres up there where the industrial park is at  
23 is not getting any tax money off of it.

24 MR. BRITT: Again, my only -- not my only  
25 concern, because I have a lot of them, is making sure

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1 we manage the traffic flow to the best of our  
2 ability, and that we don't cause a ruckus between the  
3 two school districts, which I think they're handling

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4 this thing as well as can be expected. And they're  
5 all sitting down at the table with maps and pencils  
6 and, you know, really looking at this. But until we  
7 can find out exactly where everything is going, it's  
8 hard to understand what kind of impact these school  
9 districts are going to have.

10 MR. COVINGTON: You know, that's the hardest  
11 district to get changed, don't you think, the school  
12 district?

13 MR. BRITT: Yeah.

14 MR. SCROGGINS: well, you're also talking about  
15 development at least ten years down the road, because  
16 the first sections to be developed are far north of  
17 Eibeck Lane.

18 MR. BRITT: But they still may not be in the  
19 Williamstown School district. It's odd. The line is  
20 weird. Don't ask me why. Nobody ever knows where it  
21 is. They guess. And somehow they're going to have  
22 to come up with (INAUDIBLE)...

23 MR. KEITH: well, and then --

24 MR. BRITT: And I think this project will help  
25 them define exactly where it is. But we have to know

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1 a little bit more about the project before we can  
2 define exactly where that line is.

3 MS. DULEY: And that's my point. I'm hearing a  
4 lot of oh, it could be this, it could be that, we're  
5 going to phase it in, but we're not sure what's going  
6 to be in this phase or that phase. I think they need  
7 to define some of that a little bit for us, whether  
8 that takes traffic studies and getting with the

9 schools, but I think they need to define some things.  
10 I just...

11 MR. KEITH: And I'd be more than happy to  
12 designate residential lots, come up with a good  
13 number -- a very representative number, say plus or  
14 minus a percent or two. It's hard to say where we're  
15 going to phase it, and, you know, that's really up to  
16 Mr. Finke. And again, if the golf course, by 2007,  
17 hopefully the housing market will be well enough  
18 along that he can put some more -- you know, we could  
19 do some more phasing. But to say, you know, we're  
20 going to do 50 lots this year, in two years we're  
21 going to do 100 lots, it's really a hard thing to do,  
22 to be quite honest. You know, we can come up with a  
23 plan or a projected plan, but to say that --

24 MR. CHAIRMAN: But the location of them would  
25 help.

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1 MR. KEITH: The location, I'll be more than  
2 happy to do that.

3 MS. DULEY: I make the motion that we table it  
4 until we get additional information (INAUDIBLE)...

5 MR. CHAIRMAN: Do you want to specify the  
6 information you think we need?

7 MS. DULEY: I'd like to see a traffic study,  
8 I'd like to see some projections on where the homes  
9 would be. I -- we realize that they may increase.  
10 And we'd like to see -- and you did say you're going  
11 to -- you would put in all these roads, because we  
12 know that road's terrible.

13 MR. KEITH: Would we like to construct the  
14 roadway?

15 MS. DULEY: Right.

16 MR. KEITH: Skyway Drive, yes, ma'am.

17 MS. DULEY: And you're going to have -- and we  
18 would need to see more -- or I'd like to see a study  
19 where it shows coming off of Skyway and it's getting  
20 close to that ramp, see what the highway department  
21 says about the safety of that. Give us a -- some  
22 information on that.

23 MR. CHAIRMAN: Anyone else have any concerns  
24 they want to mention?

25 MR. SCROGGINS: I'd rather not see us hold it

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1 up.

2 MR. NIENABER: Mr. Chairman, as a point of  
3 order, what I would recommend.

4 MR. HOWE: If they're going to table it, you  
5 know, as far -- let them vote on whether they want to  
6 table it or not.

7 MR. NIENABER: Well, what I was going to suggest  
8 was that if you have no objection -- do you have any  
9 objections to providing the information that you  
10 heard?

11 MR. HOWE: I have -- yeah, it's going to take  
12 more than a month. I mean, that's --

13 MR. NIENABER: Okay.

14 MR. HOWE: -- that's the issue, is if you say  
15 come back here in 30 days with this information, that  
16 would -- you know, whether we would be able to --

17 MR. NIENABER: Is that a problem?

18 MR. HOWE: Yes. I mean, it would be as far as  
19 being able to get anything back here in 30 days,  
20 depending on how far --

21 MR. BRITT: It depends on what all you're  
22 wanting. I mean, if you all submitted this  
23 application on 12/9, I mean, did you not anticipate  
24 that some of these questions would have come up?

25 MR. HOWE: Some of these we did.

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1 MR. BRITT: Okay.

2 MR. HOWE: And some of these we didn't. But I  
3 mean, as far as the actual where each and every house  
4 is going to go and it was where the -- you know, the  
5 school lines come through, things like that, we've  
6 given you your best estimate as far as phase-outs.  
7 Now, as far as he sat down and spoke with the people  
8 regarding, you know, the Skyway Drive, that's where  
9 you're at.

10 MR. NIENABER: Mr. Howe, what I was going to  
11 suggest, that you have -- you have heard some of the  
12 commissioners say that they feel they do not have  
13 adequate information in which to make a decision.

14 MR. HOWE: Uh-huh (Affirmative).

15 MR. NIENABER: So they are asking that you  
16 provide additional information, which I understand  
17 you are willing to do?

18 MR. HOWE: We'll do whatever we have to do.

19 MR. NIENABER: Okay. You have obviously paid a  
20 significant application fee here.

21 MR. HOWE: Absolutely.

22 MR. NIENABER: You don't want to have to refile

23 that --

24 MR. HOWE: No, we don't want to refile.

25 MR. NIENABER: Then you are willing to waive any

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1 time restraint and provide the information at the  
2 next public hearing, which is --

3 MR. FINKE: I don't know we can get that  
4 information in a month. I mean, I don't know nothing  
5 about these schools.

6 MR. NIENABER: No, no. Well, I think what  
7 they're asking for is some traffic information from  
8 --

9 MR. CHAIRMAN: We're not asking about the  
10 drawing the lines for the school. Let me clarify  
11 that. We just need to know where the houses are, so,  
12 you know...

13 MR. FINKE: Well, the houses go on up those  
14 roads they got drawn on there.

15 MR. CHAIRMAN: Well, I'm aware of that. That's  
16 what I'm saying --

17 MR. FINKE: It don't make sense what you're  
18 asking. The houses are going on that road.

19 MR. NIENABER: I don't think that we need to  
20 have each lot shown, perhaps, but more less this is  
21 where -- of the 350 homes, there would be 50 in this  
22 section, 50 in this section, and generalize as best  
23 you can.

24 MR. HOWE: He can do that by the next meeting.

25 MR. NIENABER: Okay.

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1 MR. HOWE: There's not a question with that.

2 MR. NIENABER: Would that -- yes. Okay.

3 MR. BRITT: You can have a traffic study --

4 MR. NIENABER: A traffic study easily by the  
5 next meeting.

6 MR. HOWE: We're willing to discuss that.

7 MR. NIENABER: Okay. And my point is --

8 MR. HOWE: The traffic study for what purpose,  
9 though, just for the idea of Skyway Drive or the  
10 other access points also?

11 MS. DULEY: For the ramp.

12 MR. BRITT: I think you're going to have to do  
13 all of them.

14 MR. HOWE: Well, see now we're getting into  
15 different things here.

16 MR. KEITH: One of you are saying one thing,  
17 one of you are saying the other. So you tell us.

18 MR. BRITT: You know, it makes no sense to just  
19 do a traffic study for Skyway Drive. I mean, if  
20 you're going to do a traffic study, you're going to  
21 do a traffic study for the entire development, which  
22 is going to include Kentucky 36.

23 MR. HOWE: That's fine.

24 MR. BRITT: Would it not? I mean, that makes  
25 no sense to do a traffic study on 50 lots in the

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1 first phase.

2 MR. HOWE: I would have to talk with an  
3 engineer who does that and find out.

4 MR. BRITT: Well, I'm not an engineer, but  
5 yeah, I'll tell you they won't do them piecemeal.  
6 MR. NIENABER: So then, Mr. Howe -- the next  
7 meeting is when?  
8 MR. BRITT: February 19th, 18th, somewhere in  
9 there.  
10 MR. NIENABER: would you be willing to --  
11 MR. HOWE: If we could get it --  
12 MR. KEITH: You know, the only timing issue I  
13 have is the traffic study. If we can get a traffic  
14 engineer on board to perform that study in a couple  
15 weeks' time, fine. As a result of that study, I can  
16 put together an intersection improvement plan, that's  
17 fine. But then we've got the state involved. You  
18 know, if you want an approved intersection plan from  
19 the state, you know, that's going to take several  
20 months.  
21 MR. NIENABER: well, now we don't expect you to  
22 have -- you probably couldn't get it even in six  
23 months. So I mean, I don't think we're looking to  
24 that. But my only concern is, I don't want to have  
25 to see you have a -- force a vote tonight and then

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1 lose your filing fee and have to refile when you get  
2 all this additional information.

3 So it's my understanding then, Mr. Howe, on  
4 behalf of the applicant, you would be willing to  
5 waive any time limitation, roll this over, and as a  
6 point of order, I would recommend that we suspend the  
7 public hearing tonight and reconvene it for the next  
8 meeting so that we don't have to renotece and all.

9 we've already -- we've already notified everybody,  
10 we've published the notice, and just continue the  
11 public hearing until the next meeting, which is  
12 February 28th?

13 MR. CHAIRMAN: why would we need to continue the  
14 public hearing?

15 MR. NIENABER: Please?

16 MR. CHAIRMAN: why would we need to continue the  
17 public hearing?

18 MR. NIENABER: Because they are going to submit  
19 additional information which has to become a part of  
20 the record, and the only way that they can submit as  
21 a part of the record is at the public hearing. And  
22 it's allowable for you to suspend this public hearing  
23 and reconvene it, because anyone who's here has  
24 notice, adjoining property owners, and if they wanted  
25 to come, then they know tonight you can come next

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1 month at the next meeting; you're on notice. It is  
2 February the 28th, Jonathan?

3 MR. BRITT: According to Ms. Ruholl, yes. I  
4 don't have a calendar.

5 MR. NIENABER: Okay. So it's February the 28th,  
6 here, 7:00 p.m. Mr. Howe, you've agreed?

7 MR. HOWE: That is fine. I just spoke to the  
8 applicant, and that would be fine.

9 MR. NIENABER: To waive any time limitation?

10 MR. HOWE: Yes.

11 MR. NIENABER: Because this was filed at one of  
12 those odd times where we missed the December meeting,

1-24-05 finke homes public hearing.txt  
13 and now we're into January and February. We can  
14 still do it within 90 days, but you're willing to --

15 MR. HOWE: I think we'd be there within 90  
16 days.

17 MR. NIENABER: Yes, we would. For us to submit  
18 it over to the city.

19 MR. CHAIRMAN: You need to withdraw your motion  
20 to table it, and we need a motion to suspend the  
21 public hearing on this particular zone change until  
22 the February meeting.

23 MR. NIENABER: And reconvene it at the February  
24 28, 2005 meeting.

25 MR. CHAIRMAN: Exactly. Would someone make that

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1 motion?

2 MS. DULEY: I'd make a motion to suspend the  
3 meeting and reconvene on February 28th.

4 MR. NIENABER: The public hearing for this  
5 particular action.

6 MR. CHAIRMAN: For this zone change. We have a  
7 motion.

8 MR. COVINGTON: I'll second it.

9 MR. CHAIRMAN: And a second. Any further  
10 discussion or questions? Seeing none, all in favor  
11 signify by raised hand. Do a roll call, excuse me.  
12 Well, we're not asking you to make a decision on the  
13 zone change. Go ahead, do a roll call.

14 MS. RUHOLL: Vernon Webster?

15 MR. WEBSTER: Yes.

16 MS. RUHOLL: Nick Kinman?

17 MR. KINMAN: Yes.

18 MS. RUHOLL: Bill Marksberry?  
19 MR. MARKSBERRY: Yes.  
20 MS. RUHOLL: Nancy Duley?  
21 MS. DULEY: Yes.  
22 MS. RUHOLL: Dan Scroggins?  
23 MR. SCROGGINS: Sustained.  
24 MS. RUHOLL: William Covington?  
25 MR. COVINGTON: Yes.

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1 MS. RUHOLL: Howard Brewer?  
2 MR. BREWER: Yes.  
3 MS. RUHOLL: Marlon Kinsey?  
4 MR. KINSEY: Yes.  
5 MS. RUHOLL: Rick Dalton?  
6 MR. DALTON: Yes.

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10 THEREUPON, the Public Hearing was adjourned.

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1 COMMONWEALTH OF KENTUCKY)  
2 STATE-AT-LARGE )

3 I, Sheri A. McKinley,  
4 Kentucky-Certified Court Reporter and Registered  
5 Professional Reporter and Notary Public in and for the  
6 State of Kentucky at Large, certify that the facts  
7 stated in the caption hereto are true; that I am  
8 neither a party or relative to said action; that said  
9 proceeding was taken down by me in stenotype and later  
10 reduced to computer-aided transcription, and the  
11 foregoing is a true record of the Hearing.

12 My commission expires: May 25, 2006.

13 IN TESTIMONY WHEREOF, I have hereunto  
14 set my hand and seal of office on this the 21st day of  
15 February, 2005.

16 \_\_\_\_\_  
17 Sheri A. McKinley, CCR, RPR  
18 Notary Public-State at Large  
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