

AREA PLAN COMMISSION OF EVANSVILLE AND VANDERBURGH COUNTY

Regular meeting held at 4:00 P.M. in Room 301
Civic Center Complex - Administration Building
Evansville, Indiana

May 12, 2005

ROLL CALL

Mr. Foster: I would like to call the May 12, 2005 meeting of the Area Plan Commission of Evansville and Vanderburgh County to order. Will the secretary please call the roll?

Members Present:

Derek Dunigan, Roger Herrin, Bill Jeffers, Jeff Kniese, Phil Offerman, Yvette Payne, Bill Pedtke, Stacy Stevens, Curt Wortman, Mark Foster

Members Absent:

Tammy Barnett, Mike Lockard, Cheryl Musgrave

Area Commission Staff Present:

Brad Mills, Executive Director; Beverly Behme, Zoning Administrator; Janet Davis, Zoning Enforcement Officer; Joe Harrison, Jr., Counsel

APPROVAL OF MINUTES

Mr. Foster: Is there a motion to approve the April minutes? (Motion was made and seconded.) The minutes of the April meeting are approved.

I would like to welcome all of you here this evening on behalf of my fellow Commissioners and the members of the staff of the Area Plan Commission. For those of you who have not been here before and are not familiar with the process, we are generally a recommending body that meets the second Thursday of each month. We recommend zoning decisions to the City and County legislative bodies. However, the Area Plan Commission is the sole authority on subdivisions.

REZONINGS

Mr. Foster: For rezonings, it takes seven affirmative votes to recommend approval of a petition or seven negative votes to recommend denial of a petition. In the event that there are not seven votes, it still goes forward to the City Council or County Commission with no recommendation. The City rezonings we hear tonight will be heard by the City Council on May 16, 2005, at 5:30 p.m. in Room 301. The County rezonings considered

tonight will be heard by the County Commissioners on May 17, 2005, at 5:00 p.m. in Room 301.

Mr. Foster: The Area Plan Commission has established the following guidelines to be followed for both rezonings and subdivisions. Mr. Mills will begin each presentation. As each case is called, the petitioner and the remonstrators who intend to testify will please stand and be sworn in at the beginning of the process. If your name is not on the petition, those who plan to testify need to please fill out the sheets in the back of the room. All testimony must begin by stating your name and address for the record.

The petitioner or person appearing for the case being heard will have a maximum of 10 minutes for the presentation of evidence, statements, and arguments in support of the petition. Then there will be a total of 10 minutes for the remonstrators. This testimony will be followed by a five minute rebuttal period for the petitioner as a summation of the case. Any request for additional time must be voted on by the Board. A timer will be used to help enforce the time limits. Both petitioners and remonstrators should organize their testimony to adhere to these guidelines.

When there is a group of individuals remonstrating against a petition, we strongly encourage the group to designate a spokesperson. If it is necessary for more than one remonstrator to speak, the group should meet out in the hall before the Area Plan Commission discussion of the agenda item, to coordinate the information presented, so that each speaker addresses a different issue of concern. In order to expedite the meeting, remonstrators should refrain from repeating the same concerns already expressed by another speaker about a particular development proposal. The Plan Commission appreciates the cooperation of all participants with these guidelines.

If the Commissioners have questions about issues that we feel have not been sufficiently addressed by the applicant, we have the option to request a continuance until the information needed to sufficiently answer our concerns is available or provided by the applicant or technical staff.

The following petitions will not be heard tonight:

Docket No: R-2005-7 Daniel & Florence Townsend 14 E. Virginia Street
CONTINUED TO THE JUNE MEETING BECAUSE OF IMPROPER NOTICE

Docket No: 12-S-2005 Shadowlawn Subdivision
CONTINUED TO THE JUNE MEETING AT THE PETITIONER'S REQUEST

R-2005-12 Kleinknecht Primary Trust 4600 Middle Mt. Vernon Road
CONTINUED TO THE JUNE MEETING BECAUSE OF IMPROPER NOTICE

If you are here on any of these petitions, you may wish to leave at this time.

Mr. Foster: We have a request for a one-year extension of time to record Knight Fire Minor Subdivision, Docket No: 40-MS-2002. Is there a motion to approve the request? (Motion was made and seconded.) Upon unanimous voice vote, the request is approved.

Now let's move on to the first rezoning petition.

Mr. Harrison: Mr. Mills, on all petitions this evening, do you swear or affirm that the testimony you will give is true and accurate so help you God? (Mr. Mills has been sworn in.)

NEW BUSINESS
CITY REZONING

Docket No: 2005-18-PC R-2005-11 Petitioner: Roth Mason
Address: (Complete legal on file.) 1011 Lincoln Avenue
Nature of Case: Change from C-2 to C-4.

Mr. Mills: Roth Mason is requesting a change in zoning from C-2 to C-4 for his property located at 1011 Lincoln Avenue. This 0.2 acre lot is located on the south side of Lincoln Avenue, just east of Kentucky Avenue. Truck traffic for commercial use of this site is a concern that must be addressed. This site is located on Lincoln Avenue with access from Lincoln through an existing residential driveway to a parking lot at the rear of the apartment building. Access is also available from the alley at the rear of the site. If used for commercial access, the existing driveway must be widened to meet commercial standards for two-way access per Site Review recommendations. A plan for maneuvering to load and unload delivery trucks on the site will be necessary prior to consideration of required change-of-occupancy permits for establishment of the commercial usage on the site. Compliance with access, parking, and loading will be addressed by Site Review upon review of the site plan. The "Olde Towne" corridor is an area that has experienced a gradual transition from residential to commercial development, utilizing a common development theme. Prior commercial development along this "Olde Towne" commercial strip has had a positive effect on the area. To insure this same positive effect, adequate parking and appropriate access should be designed. Mr. Mason is encouraged to continue the "Olde Towne" theme with appropriate building design and lighting that will compliment and enhance the character of the area. This area is designated for commercial use according to the Comprehensive Plan, and this rezoning to C-4 would be consistent with the Plan.

Mr. Harrison: All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? (Mr. Mason has been sworn in.)

Mr. Mason: My name is Roth Mason, 850 Sunset Avenue.

Mr. Foster: Is there anything you wish to add?

Mr. Mason: I understood him to say everything and it seemed to be accurate.

Mr. Foster: Couple questions. The driveway, is it going to be widened, or is it possible to be widened to meet the commercial standards?

Mr. Mason: I don't know exactly the measurements that it would have to be widened to. We do plan to replace the driveway, as well as going back behind the structure itself.

Mr. Foster: Are there vehicles going to be delivering there?

Mr. Mason: The only delivery vehicles would probably be the trucks that I own myself, which are super duty size trucks, no 18 wheelers unless they were to back up in the alley, as they do for the other businesses.

Mr. Foster: Is there access through the parking lot next door at the funeral home?

Mr. Mason: Just where you see the pickup truck and the guard rail. My brother and I are getting ready to concrete the parking lot as is. We haven't really discussed whether or not we would let that back lot run out onto the parking lot. But if we agree on that, it shouldn't be a problem.

Mr. Foster: It is your brother that owns the funeral home?

Mr. Mason: Yes.

Mr. Mills: It would be advisable that you go ahead and bring some plans on whatever you're planning to concrete and bring it to Site Review prior to doing that work. That would help to alleviate any issues that might arise. So if you could come to the Area Plan Commission and talk to us, we could go over your plans for improvements to the site to make sure it complies with all the ordinances.

Mr. Mason: We plan to make the back garage and make it an office for the monuments, as well as structuring the monuments around the office and do some concrete work in the back. I talked to some concrete contractors about coming to do the work. But I didn't know about the widening of the driveway from Lincoln Avenue going toward the back. We didn't plan on using that for vehicles to come through there to load or unload anything.

Mr. Foster: How will your customers get in and out?

Mr. Mason: They can pull in regular vehicles and park on our lot adjacent. I didn't expect there to be any 10 customers there at a time.

Mr. Foster: We understand. But there has to be room to get in and out both, or make it one way in and exit through the alley. There are different ways you can do that, but you have to take it into consideration.

Mr. Mason: Okay, that's fine.

Mr. Jeffers: Do you intend to leave the structure as is?

Mr. Mason: Yes.

Mr. Jeffers: Does the property require C-4 zoning for uses of monument works?

Mr. Mills: Yes.

Mr. Foster: Are there any remonstrators? (None.) Is there a motion to approve? (Motion was made and seconded.)

Ayes: Mr. Dunigan, Mr. Herrin, Mr. Jeffers, Mr. Offerman, Ms. Payne, Mr. Pedtke, Ms. Stevens, Mr. Wortman, Mr. Foster

Nays: None

Abstention: Mr. Kniese

There being 8 affirmative votes and 1 abstention, Docket No: R-2005-11 goes forward with a recommendation for approval.

SUBDIVISIONS

Mr. Foster: The rezoning portion of the meeting is now over and we will now hear the proposed subdivisions that are on our agenda. As stated earlier, the Area Plan Commission is the sole authority on subdivisions. State law and our Subdivision Control Ordinance dictate the issues the Plan Commission can consider when reviewing a subdivision application. Unlike a rezoning, consideration of a subdivision is limited to whether it complies with the standards and requirements in the local Subdivision Control Ordinance. If a subdivision application meets the requirements set forth in the Subdivision Control Ordinance, the Area Plan Commission must approve the primary plat. Indiana Courts have indicated that Plan Commissions have no discretion in this regard, and that our role in reviewing and acting on subdivisions is purely ministerial.

Seven affirmative votes are needed to approve a subdivision plat and conversely, seven negative votes are required to deny a plat. In the event that there are not seven votes for or against, this is considered a no action vote and the plat returns to the next APC meeting for consideration.

The guidelines for testimony on subdivisions will be the same as those explained at the onset of this meeting. Petitioners and remonstrators should remember that the only testimony the APC can consider are facts that prove whether the plat complies with the specific standards in the Subdivision Control Ordinance. Copies of the Subdivision

Control Ordinance are available in the Area Plan Commission office in Room 312 or on our website at evansvilleapc.com.

Now let's move on to the subdivisions.

Docket No: 9-S-2005 Mystic Creek Park Part of Section 14, NE T6S/R10W Knight Township

Located on Green River Road, approximately one-half mile south of Lynch Road

Mr. Mills: The Mystic Creek Park subdivision is a proposed 5-lot commercial development to be located on a 6.45-acre site west of Green River Road between Spring Valley and Theatre Drive. The site is currently zoned C-4 and is undeveloped. The Subdivision Review Committee reviewed this plat on March 8, 2005. The applicant also is planning to develop the adjacent land to the west as a future phase of this subdivision. This site had previously received primary approval in 2000 as the location for the Quail Hollow Business Park (20-S-2000) subdivision, but was never recorded. Access to these lots is proposed to be from a new road extending west from Green River Road to the west boundary of the site which will also provide access for future development on the adjacent property owned by the applicant. The Green River Road Corridor Transportation Plan accepted by the County Commissioners in 2000 proposes a frontage road along Green River Road through this area. The plat shows a 40' ingress/egress easement between Lots A and B extending from the subdivision entrance road to the north site boundary. Another easement between Lot D and E is proposed that extends south from the entrance road. However, this easement narrows to 25' and terminates before the south boundary.

The plat needs to be revised to add an Access note stating:

Lots "A" and "E" shall not have direct access to Green River Road. All lots must access the internal street only.

County Engineer's comments are as follows:

A right turn deceleration lane will have to be constructed on Green River Road at street "A".

EUTS comments are as follows:

The development plans for this property should be limited to one curb cut on Green River Road;

The ingress/egress easement between Lots D and E should be extended to the south (*property*) line to connect to the proposed frontage road as shown on the Green River Road Corridor Plan; Auxiliary lanes such as a deceleration/right turn lane and acceleration lane are warranted and should be installed.

Preliminary drainage plan approval was granted by the County Drainage Board on April 26, 2005 for the Mystic Creek Park subdivision. The portion of this site that lies within the 100-year floodplain and the minimum flood protection grade (FPG) elevation of 385 ft. for structures on affected lots are shown on the plat. The Water and Sewer

Department indicates that a lift station could be required to provide service to the site. The applicant must provide documentation that the Water and Sewer Department is satisfied with the plans to provide sewer service prior to recording the plat. The Owners Certificate on the plat should be revised to identify the owners name and the name and title of the person signing the plat for the owner. Staff recommends that the Mystic Creek Park plat be approved with the conditions listed in the staff field report as it complies with the Comprehensive Plan and the requirements of the Subdivision Code.

Mr. Harrison: All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? (Mr. Shofstall has been sworn in.)

Mr. Shofstall: My name is Justin Shofstall with Easley Engineering. There are no objections by the developer of the conditions that Mr. Mills read. The developer wants to get by with the bare minimum. We are aware that prior to filing there would have to be a decel lane. A lift station is planned to be installed on the property. It would be sized and with a depth to service the 40 acres to the south which has a future potential of being developed as a mixture of commercial or residential.

Mr. Foster: Let's go through the conditions. 1. Provide documentation from the Water and Sewer Department whether a lift station is needed and if so, post a letter of credit that reflects the cost of this improvement. 2. Construct a right turn deceleration lane on Green River Road at street "A", or post a letter of credit for the cost of this improvement. 3. Widen and extend the ingress/egress easement between Lots D and E to the south property line and install pavement throughout the easement to act as a frontage road. 4. Revise the Owner's Certificate to identify the name and title of person(s) signing the plat. 5. Add the following note to the plat: "Access: All lots must access internal streets only. Lots A and E shall not have access to Green River Road."

Mr. Shofstall: Yes.

Mr. Jeffers: Justin, the drainage plan indicated underground detention facilities, rather than surface lakes.

Mr. Shofstall: Yes.

Mr. Jeffers: So if we approve the plat right now, he can remove the lake maintenance and storm detention easement shown on this plat. Is that incidental?

Mr. Shofstall: Yes. That is from the original filing. It would still be reserved as a drainage easement because, as we are both aware, that is also where that back water flooding from Pigeon Creek goes and also the 60 inch pipe that is draining Green River Road flows through there.

Mr. Jeffers: I just didn't know if it had to be that big and impact these commercial lots to that extent.

Mr. Shofstall: With that being there, I don't see why it would be that much of a problem because, with what was shown on the preliminary drainage plan, that is pretty much what the builder has in mind, as far as with developing those lots as is with having strip malls up front. Those two lots on the rear end would be adjacent to that easement or the 5,000 square foot office buildings...INAUDIBLE PORTIONS...

Mr. Jeffers: I just wanted to avoid the cumbersome process of going through an encroachment agreement with the Drainage Board if it is not necessary.

Mr. Pedtke: Can you tell me why we have a road behind Lot A. Is that for the access? Is Green River traffic going to come in and go all the way around?

Mr. Shofstall: During Sub Review, we mentioned just stopping that short, whether it be one foot or five feet, as far as, I just wanted to make it to where both lots, having access back and forth and just with that, as far as having ingress/egress on both sides to where there wouldn't be any problems with one retail store with the office building saying they can't have their guys come back there and semi trucks backing up in the area between the buildings. That way it is an ingress/egress easement going all the way back and they are aware that both lots have access to that as far as getting vehicles and other delivery vehicles to service the property.

Mr. Pedtke: So the intent is not to connect to the apartments. And you did that by choice?

Mr. Shofstall: It was there. It was a full extension. With that, as far as with the apartments, if they come through and require the thoroughfare roadway, we can go ahead and do that.

Mr. Foster: The road between D and E will access that property to the south.

Mr. Shofstall: Right. INAUBIDLE PORTIONS....It is paved all the way up to about three feet off the property line as is.

Mr. Foster: Does the same owner own the property to the south?

Mr. Shofstall: No. That owner is a private residence, Robert Costner. They own the frontage directly south of the property and approximately 841 feet back, at which point it becomes ? on the south end.

Mr. Foster: Are there any remonstrators? (None.) Is there a motion for approval, subject to the above conditions? (Motion was made and seconded.) Call the roll.

Ayes: Mr. Herrin, Mr. Jeffers, Mr. Kniese, Mr. Offerman, Ms. Payne, Mr. Pedtke, Mr. Wortman, Mr. Dunigan, Mr. Foster

Nays: None

There being 9 affirmative votes, Docket No: 9-S-2005 is approved.

Docket No: 11-S-2005 Old Orchard Hill Part of Section 28, NE T5S/R11W German Township

Located at the intersection of Big Cynthiana and Kuebler Roads

Mr. Mills: The Old Orchard Hill subdivision is a proposed 3-lot residential plat located on a 9.9-acre site at the northeast corner of State Road 65 and Kuebler Road. The site is currently zoned Agricultural and contains a residence on Lot 2. The remainder of the site is undeveloped. The Subdivision Review Committee reviewed this plat on April 12, 2005. Frontage for the lots will be from Kuebler Road and Lot 1 also has frontage on State Road 65. The plat shows an ingress/egress easement for a shared drive to be used by the owners of Lots 2 and 3. The frontage for Lot 3 does not meet Code requirements and must be extended to at least 60' as measured perpendicular to the lot lines.

County Engineer's comments are as follows:

- 1) Provide 25 ft. of Right-Of-Way on Kuebler Road.
- 2) Reconstruct the driveway on Lot # 3 so that it lies entirely within Lot # 3's frontage on Kuebler Road.

EUTS comments are as follows: Access for the corner lot (*Lot # 1*) should be limited to the minor street, Kuebler Road. Any access to SR 65 would require approval from INDOT. Access design and location should be in accordance with the EUTS Access Management Manual. Final drainage plan approval was granted by the County Drainage Board on April 26, 2005 for the Old Orchard Hill subdivision. German Township water is available and each lot on the site will use a private septic disposal system. The County Health Department requires a dye test for the existing dwelling and a soils analysis for Lots 1 and 3. The applicant must provide documentation that the Health Department has reviewed the results of these tests and has approved the use of septic systems prior to recording the plat. The Boundary Description on the plat should be revised to tie to a section corner prior to recording. Staff recommends that the Old Orchard Hill plat be approved with the conditions listed in the staff field report as it complies with the Comprehensive Plan and the requirements of the Subdivision Code.

Mr. Harrison: All those who will speak on this petition, raise your right hand. Do you swear or affirm that the testimony you will give is true and accurate so help you God? (Mr. Johnson has been sworn in.)

Mr. Johnson: Tom Johnson, 5201 Kuebler Road. I think we have addressed all the issues that came up. The only issue was the County Engineer's comment on moving the driveway, which is in the present right-of-way. We will move that right-of-way 25 feet farther up the road. It has been there for 20 years and in continuous use for 20 years. It hasn't been an issue. We were also told by the people at Morley that they don't think this is an issue for the platted subdivision. It is more of a neighbor issue that hasn't come up in 20 years.

Mr. Foster: Is there a problem with extending it to the 60 feet?

Mr. Johnson: INAUDIBLE

Mr. Foster: Okay. We have these conditions. 1. Change the Boundary Description on the plat so that it ties to a section corner. Any problems with doing that? (No.) 2. Provide 25 feet of dedicated right-of-way for Kuebler Road on the plat. 3. Add an access note to the plat stating that the lots shall access Kuebler Road only. 4. Increase the frontage for Lot 3 on the plat so that it measures at least 60 feet perpendicular to the lot lines. 5. Provide documentation of Health Department approval for the use of septic systems.

Mr. Johnson: Okay.

Mr. Foster: If a subsequent property owner has a problem with the driveway encroaching his property, who is liable for moving the driveway and replacing the driveway pipe?

Mr. Mills: They show that as a variable ingress/egress easement. Is that what you are referring to for the driveway?

Mr. Jeffers: I don't have the plat in front of me. Didn't the County Engineer want the driveway incorporated within the lot it serves?

Mr. Mills: Yes. Well, right now, the driveway appears to cross over into the adjacent property owner, not within these three lots that are being platted.

Mr. Johnson: INAUDIBLE...where the mailbox is so the mail guy is not on the soft shoulder. He is on the asphalt, but then tethers into our driveway.

Mr. Jeffers: So, since the driveway for that lot exists partially on another piece of property, if that property owner decides that they don't like that, who is liable for moving that driveway if we approve this plat?

Mr. Harrison: It has been that way for how long?

Mr. Johnson: Over 20 years.

Mr. Jeffers: That doesn't make it a public way. That asphalt doesn't look 20 years old.

Mr. Harrison: That is going to be an issue between them.

Mr. Foster: Between the two property owners.

Mr. Harrison: I think, for safety reasons, this is what is being recommended.

Mr. Jeffers: It is the same thing we ask on commercial lots that the commercial driveway doesn't encroach the rights of the adjacent lot or property. That is where the suggestion from the County Engineer originates. If there is no right-of-way for Kuebler Road, we are asking this man for 25 feet indicating there is not 25 feet now. In the corner of that driveway where it encroaches onto the adjacent property is encroaching on private property, not on County right-of-way. My question is ...

Mr. Johnson: The present setback at the center of the road, that corner you see is in the present setback from the center of the road.

Mr. Foster: In the public right-of-way.

Mr. Johnson: It is just that you are extending the right-of-way from 20 feet to 25 feet back. That is within that first 20 feet. We are giving you an additional five foot of right-of-way on Kuebler Road.

Mr. Jeffers: Whose mailbox is that?

Mr. Johnson: That is my mailbox.

Mr. Jeffers: So the mailbox that serves that lot is also on private property?

Mr. Foster: I think that is between the two land owners and not us.

Mr. Jeffers: So the owner of that lot, is he going to come back to us and say, we approved it that way, we should deal with the adjacent property owner. Or, are you going to deal with them yourself?

Mr. Johnson: We will deal with them ourselves. My understanding is that it is not an issue because it is in the public right-of-way.

Mr. Jeffers: So public right-of-way doesn't grant a person the right or opportunity to encroach with a driveway. It only grants the public the right for the travel surface of the road. It grants me the right to drive down Kuebler Road. It doesn't grant you the right to extend your driveway surface onto someone else's property. That is not the intent or purpose of public right-of-way. Having said that, I will move to approve.

Mr. Foster: Are there any remonstrators? (None.) (Motion was made and seconded., subject to these conditions: 1. Change the Boundary Description on the plat so that it ties to a section corner. 2. Provide 25 feet of dedicated right-of-way for Kuebler Road on the plat. 3. Add an access note to the plat stating that the lots shall access Kuebler Road only. 4. Increase the frontage for Lot 3 on the plat so that it measures at least 60 feet perpendicular to the lot lines. 5. Provide documentation of Health Department approval for the use of septic systems.) Call the roll.

Ayes: Mr. Jeffers, Mr. Kniese, Mr. Offerman, Ms. Payne, Mr. Pedtke, Ms. Stevens, Mr. Wortman, Mr. Dunigan, Mr. Herrin, Mr. Foster

Nays: None

There being 10 affirmative votes, Docket No: 11-S-2005 is approved.

BUSINESS MEETING

Mr. Harrison: You have two ordinances that were prepared regarding the subdivision modifications that were suggested the last couple meetings on extending plats. One is the City ordinance draft. The other is the County ordinance draft. At the next meeting, if you so desire, this Commission should act on recommending both those ordinances on to the City Council and the County Commissioners. If you want us to do that, then the Area Plan Commission will advertise in the paper that we will have a hearing on these proposed ordinances at our next meeting in June. It is what we discussed at the last meeting. I put it in the form that would amend the code provisions relating to the City and County Subdivision Control Ordinances. (There were no objections.) We will go ahead and advertise it and you can consider it at the next meeting.

Mr. Jeffers: Stop me if this is inappropriate. I had the opportunity to read the City Council minutes from a couple weeks ago. I noticed that Bev Behme, by proxy, took a tongue lashing intended apparently for the Board and the Director, rather than for Ms. Behme. As we all know, Bev's service is long, distinguished and much appreciated by everyone here I'm sure. We should express our appreciation not only for her service, but also for taking that tongue lashing on our behalf. It apparently involved the Board changing its meeting times, which I would like to note, the only discussion I remember we had, and those discussions extended over two meetings at least before we took any action, was to move our time up so that we don't extend our meetings so late in the evening and to make it more convenient for people to attend, whether the people be members, staff, or the public. That is the extent of the conversations I remember. Apparently what we did shortened the time line between rezoning hearings we hear and the rezonings of the City Council and there was some conflict indicated in that regard. I would say that not only were the minutes published of the meetings, but we didn't take an immediate action to change our date after our vote to change the date. There was a lag time there during which those minutes could be read by anyone who was interested, whether they were in attendance at our meetings or not, the opportunity was there for them to read the public record. In some cases, the public record was provided to them, hand-delivered. So I just wonder if there is any clarification of exactly what the conflict involved and whether we can resolve this to the satisfaction of those who felt communication wasn't ample. For example, we are going to act on this amendment, and I want to make sure the County Commissioners and the City Council have ample opportunity to understand why we are doing it so there is no question to come up. I would like to point out in closing, the County Commissioners moved their meeting date and time. Board of Works moved their meeting day and time. The Soil and Water Conservation moved their day and time up four hours in the day and later in the week.

The ABC moved their time and day. The Board of Public Works has at least twice in the last five years. The City Council themselves moved their meeting up. So I wonder why we are the only Board with whom someone took issue. If there is a reason that we need to address, I think we should address it in a civil manner that will satisfy everyone involved.

UNIDENTIFIED MEMBER: What was the issue?

Mr. Jeffers: I am not sure. I couldn't tell from reading the minutes, other than there was no longer ample time between us rezoning today and the City Council having ample opportunity to go out and look at the site and address any concerns the public may have before they meet the next Monday for the final action.

Mr. Kniese: I was at that meeting and there were certain Council members that brought that up and had some concerns. That was exactly what their concerns were. They needed more time to view the Plan Commission minutes. It is probably best to ask those individuals themselves instead. But that was the jist of it. The way it was asked that night, Beverly probably did take the brunt of some strong concerns. I have expressed my concern to her that I didn't think it was appropriate in how it was handled. But at the same time, there was some action taken where we are going to be moving our rezonings to a different date in the month to allow ample time. So going forward in either June or July, City Council will move to a latter week in the month to address the time issue.

Mr. Jeffers: I apologize personally for not considering that. I only looked at the Drainage Board time line and it gave the people an extra week to address drainage concerns. So I thought it was good thing. But I didn't think of the rezonings. But I would think Bev for all her years of service and for stoically taking that tongue lashing.

Mr. Foster: Hopefully delaying their action a couple weeks will solve the issue.

Meeting adjourned.

Mark Foster, President

Attest:

The undersigned secretary certifies that the foregoing are minutes and not intended to be a verbatim transcript. Audio tapes of the proceedings are on file in the Area Plan Commission office.

Bradley G. Mills, Executive Director

Karen Yokel, Transcriber