

TRIPLE S BOARD OF ADJUSTMENT AND APPEALS

August 31, 2006

MINUTES

Members Present: Chairman Scott LeCompte, Bob Wilson, Wayne Anderson, Leonard Shouse, Branden Kinsella, Lynda Tharp, Alvin Farris and Joanne Bemiss, Administrator

Advisors Present: Vic Brizendine, Attorney
Ryan Libke, Planner

Chairman LeCompte called the August 31, 2006 meeting of the Board of Adjustments and Appeals to order at 7:00 p.m.

LeCompte: You were given copies of the minutes of July 27, 2006. Are there any corrections or additions? If there is no discussion on the minutes, a motion is in order.

Mr. Wilson made the motion to approve the minutes of July 27, 2006 as written.

Mr. Kinsella seconded the motion.

ALL IN FAVOR – SO CARRIED

Trailwood Lakes

Docket #5-19-94

Amend CUP

Horace Brown, representing Trailwood Lakes: This application was held over from April 27 meeting. The Board wanted to wait until the annual meeting of the Trailwood Lakes Owners Association was held in May, then I had other obligations. There are four board members here tonight and Joe Venhoff, the president of the Association. At the meeting there were several issues approved. We are requesting the Conditional Use Permit be amended to permit portable cabins. These cabins come in on a flatbed truck and are set by a forklift. They can be moved at any time. They are completely portable. They are in a natural setting and there is no harm caused to the lake or any of the recreational facilities. These cabins are built by the Amish and are very durable and termite proof. The majority of the property owners are in favor of these cabins. We would like for the existing six (6) cabins to be grandfathered. I'll answer any questions.

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LeCompte: Anyone on the Board have any questions? Anyone in the audience wish to comment?

Gilmore Dutton, representing Dunbar Farms, Inc., Thomas E. Dunbar, Lynn Dunbar and Eaton Capital Management, Inc.: I am representing the owners of lots in Trailwood Lakes. Mr. Dunbar owns about 30 lots. The only other person that owns a greater number of lots is Mr. Brown. My client has filed suit as it relates to Trailwood Lakes as it is managed now and in the future. The basis of the lawsuit is the belief of the violation of the Conditional Use Permit that is in effect and the bylaws of Trailwood Lakes.

The May 27, 2006 annual meeting of the Trailwoods Lakes Association required a quorum. Mr. Dunbar attended with council. There was a call of roll and 35 people responded of 150 to 160 members of the Association. A quorum is required for any official business to be conducted. A quorum of 75 of the lot owners is required. The officers were advised that any business by vote was unlawful since there was not a quorum present. Even though there was not a quorum, the Board of Directors sought to change bylaws and take a vote to change the proposed Conditional Use Permit. The taking of the vote was inappropriate.

The concept of a campground is good with the lake setting., but it has gotten to look like a used trailer park. The buildings violate the original Conditional Use Permit. This Board approved a campground. There needs to be some definition as to how it is operated and who operates it. The minutes of the annual meeting need to reflect that there was not a quorum present and action was taken.

There are outstanding dues and the Board does not enforce that. There have been waivers on dues. There needs to be a definition of permanent structures. We would like to see this request be denied to change the Conditional Use as requested. We would like to see the rules enforced and would like to be assured the rules are followed. We would invite the Board with Mr. Dunbar to tour Trailwood Lakes and visualize what is there. There are abandoned trailers pushed over into hollows. There are buried tanks for waste or holding tanks there. There are trailers that have had the wheels taken off are permanent structures. We would ask the Board to table this consideration to give the Board members an opportunity to see the location, then we would like the denial of the permanent structures. There needs to be a definition of occupancy. Occupancy of campers 30 days out of 60 cannot be monitored. We can prove there are people living full time there in the campground. We request you not consider amending the current Conditional Use Permit.

Joe Venhoff, President of the Association: This is not considered a campground, it is a recreational facility. We are trying to make it better. We can't afford for this place to become larger than it already is. Mr. Dunbar has come to our meetings and talked to us about his issues. He complains about the litter, we do an annual clean up. We have a problem with Mr. Dunbar

Venhoff cont'd: because one issue he says is the Conditional Use around the rest of the lake. Trailwood is only 20 % of the lake shore; it is just one little part of the lake. The rest of the people around the lake can do anything they want to do. There are cabins being built, there are cabins on Mr. Dunbar's place being leased out for hunting and other areas are being developed for hunting. This whole place is changing and we would like to know what Conditional Use Permits are required for these additional areas where they are doing anything they want. We have rules and they are enforced. There are no jet skies, no water skiing, but we see folks come from Mr. Dunbar's ramp on jet skies and water skies. We have asked him to come up with the same rules we have so it would be uniform and he said that is negotiable. He brings up issues about litter.

Showed pictures of Dunbar's lots.

He states he wants no wood structures and he has a pavilion and a deck. He says all lots should be mowed and put liens on the property if they don't pay. There are weeds 5 feet tall on his property. He says silt runs into the lake from the campers, but the closest house to the lake is his house and when it rains silt comes from that lot. On the Conditional Use deal, Mr. Dunbar is turning it into a pay lake for \$60.00 a year a person can purchase the right to use the lake all they want. We think something needs to be done about this being turned into a pay lake.

Dutton: This has turned into a personal issue about Mr. Dunbar. We are not going to stoop to that particular issue. This is not a matter of Mr. Dunbar. Mr. Dunbar has begun a process to do what he can, as someone of means, to try to benefit this. He has acquired the majority of his lots within the last 9 months. Each of these lots being referred to, he has purchased in the last 60 to 180 days. These are lots that have been abandoned for years. He has not been able to officially close on some of the lots because there are issues involving what is actually his lot and what is not. Any attorney knows there are problems with surveying and other issues. Mr. Dunbar owns 800 acres that surround the lake on the other side. His side is clean. Mr. Dunbar doesn't charge anyone to use the lake. He has some guests on some occasions he allows to use the lake from his access point. Mr. Dunbar physically owns the majority of the lake. He owns the dam, he owns the spillway, he owns almost all the opposite side of Trailwood Lake and that was part of the purchase he made.

Mr. Dunbar's campground is used for children. He lost a child to cancer. He and his wife has used his assets to try to benefit children with cancer. The families with children with cancer have a place to go for free outside of cities. Mr. Dunbar is attempting to do a service. Mr. Dunbar, Eaton Capital Management and Lynn Dunbar and other persons want this to remain a camp ground. The Conditional Use Permit doesn't say recreational area; your own rules call it Trailwoods Lake campground. I think it is clear of two things. One is without you as a Board

Dutton cont'd: not taking a look as to what is out there it is hard to make a decision. My representation of what is there is what it is. I would encourage you to take a look at it before taking any action. If you take action today that the consideration be that you deny the modifications to the Conditional Use restrictions. That you redefine the work occupancy or define occupancy to mean actual physically on the property and to require the current board to enforce the rules and regulations that you enforce upon them.

LeCompte: Anyone on the Board have any questions?

Lonnie Wort: I am a friend of Tom Dunbar and I consider him to be an honorable person. I also consider him to be a business man. In my opinion Mr. Dunbar as a business man has some vision for Trailwood, and it is not what it is right now. Personally I as a lot of other people come to fish on the lake. I don't camp, I come to fish. Mr. Dunbar has a vision that some day people will bring campers down there. The campers will be in a large enclosed area and he will control where the campers are moved, and it is a business. We had a good meeting and agreed on a lot of things. When we talk of these cabins and I stated two months it was my understanding they would be portable. These are portable. Obviously they are not easy to move. They come in one solid unit on a truck, they back in drop them off and they can be picked right back up. They are very good structures. They really add to the looks. More would add to the property value. I don't think that is in Mr. Dunbar's interest, although that is my opinion. This does not fit in your scheme as you look down the road. You have other ideas. Mr. Dunbar has bought about 30 lots and done nothing with them. There is something going on. He tells us he is worried about his investment the way things are. There are many good people that come down there on weekends and stay and bring children and that is what the place is all about.

Joanne Dunn, lot owner in Trailwood Lake: Mr. Dunbar seems to be concerned about the cabins, the cleanliness, the appearance of Trailwoods. He wants to restrict us with cabins yet on the other side of the lake on his property he has cabins that he rents out. That is worse than us as landowners taking care of our property. I clean and mow my lot every week. I am two lots over from one of his lots that he has owned for several years, and I have been cutting his property on the road for four years. I don't cut his tall weeds, but I do keep his property clean at the road. I bring my grandchildren there on weekends and we fish off our dock. We swim in Trailwoods. I called the Department of Fish and Wildlife on someone on his side for running up and down the lake on a jet ski like a maniac. We have docks, he doesn't want docks but he has one.

Charles Troxell: I have a deck. I bought here because I didn't want to have to move my camper in and out. Moving in and out doesn't hurt anything, so I don't know what the problem is. I don't care about the cabins.

Brown: It is really a business decision on Mr. Dunbar's part. He does anything to pick up lots cheap.

Mrs. Tharp seconded the motion.

ALL IN FAVOR – SO CARRIED

New Estates Farm Tennis Academy

Docket #485-8-06

CUP

Sherman Riggs, representing New Estates LLC and Top Gun Tennis Academy: Some of the principals are here tonight. Mr. David Greenburg, member of New Estates Farm LLC. From the tennis academy Mr. Chris Matherly is here. We have Greg Coombs, Michael O’Shea from Top Gun Tennis Academy. They are also represented by Kerry Magan, the engineer, and Lane Hartman, Technician for Kerry Magan Consulting Engineers.

Top Gun Tennis Academy has a contract to purchase 14.5 acres from New Estates Farm. The requested action is a Conditional Use Permit for the construction of a tennis academy on the 14.5 acres on property presently owned by New Estates Farm. We consider a tennis academy to be a conditional use under Section 652.2 of the zoning regulations. We believe the tennis academy clearly falls within the conditional uses permitted under this section as a recreational facility as a private club. In one sense of the meaning it is a school, being an academy.

Greg Coombs: We have been partners in tennis for about 15 years. About 7 years ago we had the opportunity to open a tennis club, which is now Springhurst Tennis Club. At the club we have adults and juniors that are passionate about tennis. We built the club from the ground and we have a great relationship with our surrounding neighbors. This past summer we had the opportunity to work with an elite group of tennis players. These are players trying to get to the satellite level or professional level that requires quite a bit of training. We have had a good amount of success with that. We need to actually expand, so we are really excited about being able to bring a tennis academy to the state of Kentucky, there is nothing like that ever done.

Chris Matherly: The academy will be geared to players that want to pursue higher level of training. It will be primarily junior oriented. It will provide an opportunity for young kids to have role models and be able to train on a basis to get to a college level or an elite level. I believe the nearest place to anything like this is Atlanta. We are currently running the academy out of the club and we have too many kids. Our pros that will be running the academy are world renowned. The director of the academy has coached two of the top twenty players. We will offer programs for all level of kids. It will be for local kids and we currently have two kids from out of state training with us full time. The major focus will be training for tournament players. It will be a very, very limited number of players and employees.

Kerry Magan, Engineer representing New Estates Farm and Top Gun Tennis Academy: There are 20 tennis courts and two volleyball courts proposed on 14.5 acres that straddles the Jefferson and Shelby County lines. Of this 14.5 acres 11.8 acres are within Shelby County and 2.7 acres lie in Jefferson County. The process we need to go through is make presentation to both Jefferson and Shelby Counties Board of Adjustment & Appeals. We chose to present to Shelby County first because the largest acreage is in Shelby County, the tennis courts are in Shelby County and over half of the house is in Shelby County.

In planning this facility we considered a number of things. We considered traffic, access, parking, landscaping, lighting and drainage. We are providing 49 parking spaces. The owners plan to transport groups of students from Jefferson County by van. The traffic in and out will not be excessive. We have had a traffic study done and the Commission Consultant has reviewed the study. They concur a more detailed study is not needed. The Transportation Cabinet Encroachment Officer met on site and his comment was that the entrances need to be widened to 24 feet. We have accounted for that in our plan. He has signed the development plan as this is a permitted activity within the Transportation Cabinet. The existing lake on the 14.5 acres will be used for storm water detention. We will make modifications in the outlets so that pre-development peak runoff will not be exceeded. We plan to do this by furnishing water through the existing 15 inch pipe that currently serves the overflow of the lake and also constructing a channel that would be about 8 feet wide with slopes that are grass channeled. The existing house will be restored and it will be brought back to some of its former glory. Landscaping has been shown on the plans. We have a plan that shows a landscape buffer that is fairly substantial and it meets the regulations. On the side that abuts residential property to the north and east is already owned by New Estates Farm and this tract of land will be severed from the residual of New Estates Farm. If this is approved by this Board and by Jefferson County we will be presenting a plat of division in order to transfer the property. Lighting is proposed that complies with the regulation and that is the cut off fixtures. The fixtures will not exceed 25 feet in height. We have submitted a lighting plan. The hours will be arranged so the tennis court lighting will be minimized. That is a part of the plan to the limit of how late these folks can be playing on a lighted court. Five of the courts are proposed to be covered by an air supported structure for the cold weather months, about five months out of the year. These structures will be taken down in the warmer months.

The nearest courts will be about 400 feet from Shelbyville Road right-of-way. The remainder of the courts will be behind the house a minimum of 530 feet from Shelbyville Road right-of-way. The courts will be buffered on both sides in accordance with the zoning regulations.

The staff review did have some comments concerning the traffic circulation, walkways, erosion control fences and I have answered those issues on the revised plats. I will answer any questions.

LeCompte: Anyone on the Board have any questions?

Bemiss: Is there a swimming pool on the property? Will it be maintained?

Magan: It is behind the house. It will be maintained for those who come there to study and train. Some of the folks that come to train there will be residents in the house.

Bemiss: What else will be in the house beside residential facilities for students?

Matherly: There will be basically four kids housed there. Just basically residential.

Bemiss: It will be residential. Will you have a tennis shop or tennis restaurant facility?

Matherly: No, only residential. There will be someone to answer the phone and the tennis pro.

Bemiss: Will there be any type of commercial activity on the property?

Matherly: No.

LeCompte: Any other questions from the Board?

Farris: What about tournaments? Will there be tournaments?

Matherly: We will have what is considered a regional tournament. No additional spectators will be brought in. It will be basically players only. It will just be those training there and parents and kids.

Magan: I'd like to address some of the staff comments? I mentioned that this needs to go to Jefferson County for approval as well and hours of operation, I mentioned the air supported structure. The entrance signage will be brought either to this Board or Ms. Bemiss depending if we need a variance. There were some technical issues mentioned on the staff report about zoning district information in Jefferson County, land area in Jefferson County and Shelby County, I mentioned that, pedestrian sidewalks from parking lot to club house and to tennis courts, demolition information and we did show where the pavement would be removed from the existing entrances to square the pavement up to meet the highway department standard. We added parking lot information; traffic circulation plan has been marked on the larger sheet with traffic flow arrows. We show which driveway will be one way and which will be two ways. We've dealt with where the silt fence will be located. I have done the storm water analysis and can do additional work on that if the staff wants. This has a Shelby County address and a Jefferson County address and we have filed it as a Shelby County address.

LeCompte: Anyone on the Board have any questions?

Shouse: Has Jefferson County voted on this yet?

Magan: The process has begun. You are the first because there is more acreage in Shelby County and because the tennis courts are in Shelby County and because well over half of the house is in Shelby County. The initial contacts have been made with Jefferson County. They have a different procedure than we do here and that process has begun.

LeCompte: Anyone in the audience wish to comment?

Charles W. Cox, Jr., 500 Brooks Lane: We built here about eleven years ago to get away from large structures and a lot of traffic. Our neighbors tell us the same thing. I respect that a traffic study has been done, but if you look at this you will see the entrance is on top of a hill. If you are coming from Jefferson County there is a blind entrance on the left. You spoke of bringing children by van; I think you should really look at that. Maybe someone else take a look at that traffic plan. You mentioned noise; there will be considerable number of courts. I live $\frac{3}{4}$ mile from Shelbyville Road back in the woods. If you sit on my porch, you can hear I-64 traffic. I would rather not hear people playing tennis on 14 courts. I have nothing against tennis. My son-in-law is a tennis professional and teaches tennis. He asked why put one there, there is one on Hwy. 22. I called Shelby County High School as asked about their tennis program. They have a boy's team and a girl's team. You mentioned lights. As I said I live $\frac{3}{4}$ mile from Shelbyville Road but I can see the shine from Louisville. The lights from the tennis courts would be only about $\frac{1}{2}$ mile from my house and I would rather not see them and I'm sure my neighbors would not want to see them either. With respect to tennis there are only about 38,000 people in Shelby County and as I look around here tonight there are only a few people that play tennis. Anyone with children that play tennis know they practice early in the morning before school and late at night. I would rather not hear that activity early in the morning and not have those kids on vans early in the morning going to a tennis center. They say the house will be used as a tennis club and that house has been for sale for about a year. I wonder why the house is still for sale if it is going to be a part of this.

The next concern is the step system. The Greenburgs don't have a history in Shelby County. If you follow their history, what they normally do is they get a foot in and get a project going, just like this tennis center, next thing in a few months they will say there is not much traffic and they put a retail center in. That is my opinion and I think that could happen.

They call this a tennis academy. What organization accredits them? When you think of a tennis academy you think of schools, and that is the way the regulation reads. What national or state organization accredits this tennis facility?

The next issue is the population of Shelby County. I don't think there are that many people in Shelby County that play tennis. As I mentioned I talked to Shelby County High School and there is not much interest there.

They mentioned they would not reinforce the lake. If this passes I would encourage them to reinforce the lake. About 9 years ago the dam broke. If they put a dam there it should be something more than what they have there now. It does have a history of leaking.

Cox cont'd: The next item is this is a residential area; there are a lot of homes around there. We see a lot of wildlife around there. From a business sense I don't think it is necessary to have that.

Rick Ross, 10260 Shelbyville Road: I live across Shelbyville Road from the New Estate Farm in Shelby County. I go along with everything that Mr. Cox said. A couple of things I would like to add beside the lighting being a real issue, being across the street and the hours of operation being an issue. Sometime ago the Greenburgs came before your Commission with a request to put houses there and that was turned down and now they are coming back with something different being a tennis court. This is supposed to be an agricultural area. There has been a lot of development along Shelbyville Road and traffic has gotten worse, worse and worse. We have a problem getting out our driveway certain times of the day. I disagree that there will be no problem with additional traffic. The area use to be along Shelbyville Road was picturesque and horse farms and that is what I think of Shelby County as being. Now you are going to put in a lot of concrete and buildings at this facility. I don't think that will add to Shelby County. The traffic is an issue, the landscape and I don't know if supervision will be an issue when the children are in the home or not. Supervision would be a concern. Another concern is that this will change the landscape in the area. Along Shelbyville Road is a nice drive with the scenery and this will be a detraction.

LeCompte: We have a letter from Dr. Fred Stephenson that lives across the road. He has some questions about traffic, lighting also.

Chris Night, adjoining property owner: I own Pleasant View Farm next to this property. I assume when the restrictions were written that someone took a lot of time to think about how they would be written. I look at G that was referred to earlier and I read it differently. I read it as saying but not including amusement parks and other commercial endeavors which are incompatible with a rural atmosphere. It seems very simple that a tennis academy is not compatible with the rural atmosphere. Pleasant View Farm also has world class athletes, American Saddlebred horses. Mares, foals, training horses and world class riders that come to ride and enjoy them. I appreciate what you do but I don't think my mares and babies would appreciate the lights and noise at ten o'clock at night when tennis balls are flying and kids are running and screaming disrupting the agricultural atmosphere.

I also worry about the dormitory with a lot of kids and young adults. You mentioned the only employees would be someone to answer the phone and the tennis pro. How will this affect the child that my mare and foal attracts, when the child with a million dollar arm reaches through my fence to the nasty brood mare that is trying to protect her baby? How will I be protected from that liability? There are lots of questions to be answered.

LeCompte: Does anyone have anything different? Let's not cover the same thing over and over.

Margie Cox: I am concerned about the whole project. There are traffic monitors on Shelbyville Road now monitoring speed so obviously there must be a problem with speed there now. I just want to ask you to think about the fact that this will change the whole character of the entrance into Shelby County. We have to think about the changes that are happening and if we can prevent that I think we need to do it. I'm not against tennis. There is property in Simpsonville in a commercial that is for sale and I think that is where this should be. It doesn't need to be in the middle of agricultural area near beautiful horses and nice property. Just think of this as a first step in for other things to come in the future. It is not compatible with what we want out here.

Ray McDonald, resident of Brentlawn Estates: There are 6 tracts of 6 acres in Brentlawn Estates, three in Jefferson County and three in Shelby County. I live directly across from the entrance of the house. It seems they will use the existing entrances there and expand them to 24 feet. That is quite an entrance and will take quite a few cars. They touched on the lighting and the hours of operation. Those in my subdivision would like to know how long this will be open. With 20 tennis courts all lit up will be a big glow in the shy. The noise is a concern, will there be P.A. systems or music or what will enter into the noise factor? It is a nice old home now. I think there could be a better use of this property.

Bob Welch, builder: May I ask what you are voting on tonight?

LeCompte: Tennis Courts and Academy that has been presented. If it is approved, conditions can be put on it.

Welch: I am the builder and developer of The Villas of Nottingham. I paid a lot of money for a piece of land and I paid a lot of money for development. I had a meeting before I ever started this venture with the surrounding neighbors to talk to them about what I was going to do and get their opinion and try to answer their questions and I think I have done a very good job in developing this land and trying to accommodate the surrounding residents request and be as clean and honor as many things they wanted as we could. We have 101 binding elements that I agreed to. One of the proposals for a binding element, that the Planning Commission turned down was, we are building a community center and swimming pool, and one person wanted tennis courts put in. One of the Commissioners said, after a discussion, who wants to wake up in the morning to bam, bam, bam. There was a vote taken and it was turned down. Those lots adjacent to the tennis courts are a part of Nottingham. They back up directly to Nottingham. There are other lots close by. These are very expensive lots. I am representing 10 – 12 builders who asked me to come to this meeting because they own those lots. Some have houses on them and some don't. They are worried about selling those lots and they are worried about what kind of houses they can build that will sell. There is going to be a lighting problem, there is going to be a noise problem not only with tennis balls but there will be coaching of these young people. I thought Mr. Greenburg had a very good plan for this property that was turned down. My point is

Welch cont'd: a beautiful tract was presented and turned down vs. now the other end of the spectrum to build a facility that will aggravate everyone in a two mile radius. Nottinghill has the facilities it needs. There are several tennis facilities in Louisville. I doubt this will go over but it will go over enough to aggravate everybody in the surrounding area. Most everyone before me has expressed views so I won't go over that again. I ask you to consider what I said and the people that are involved in Nottinghill, across the street. I would like you to take what I have said into consideration and the people in the surrounding area their livelihood and their quality of life.

Michael Riggs, elected Magistrate for that area of Shelby County: I have had numerous calls from residents in western Shelby County concerned about this development and issues it presents. I'm not concerned about Mr. Welch's development in Jefferson County, it is all developed and that is what they do for a living and that is what Jefferson County is doing. What is going on across the line in Jefferson County is irrelevant to Shelby County. They have everything they can do to develop, everything they got up to the Jefferson County line and we have worked very hard to make sure that Shelby County has chosen its own way to develop. Let's make no mistake, this is not a little thing you would do on a piece of agricultural land. This is a commercial development. Straight and simple. These folks want to build a 20 court tennis facility. You could not pick this development up and stick it on anybody's farm and have it be appropriate. The lighting for 20 courts, the night playing, we have no idea how long unless you folks have it in your report, these folks didn't mention when it would close. They are going to work this facility for the profit, even I understand that. In Shelby County the primary section these folks are using to ask for this Conditional Use Permit, G clearly states in the last portion of the sentence, construction, etc, or equipment or which are incompatible with a rural atmosphere. When you cross that Shelby County line on U.S. 60 you are in a rural atmosphere. No doubt about it and that is something everyone has worked very hard in this county for many, many years to protect. These folks are talking about putting up a blow up cover over these courts in the winter time, again strictly commercial. It is not bring the public in as a park. These folks are going to put a huge cover over this thing to operate in the winter with heat. I'm sure a tennis center is a great thing in the right place. It is certainly not in the right place on this piece of property. If you look at the regulations and you realize and consider it if it is compatible I have to say I hope you folks look at this and realize this is certainly not a compatible use for a Conditional Use Permit in Shelby County and I hope you reject it based on that.

LeCompte: Any questions from the Board members?

Terry Holmes: Everyone has run Mr. Greenburg down for 20 or 30 minutes. This farm has been for sale since 1993. He is in this country about two or three months a year. He hasn't bought retail property and done this, he bought Raceland Mall and sold it, he bought a piece of property in DuPont and sold it. But as far as developing retail property, he hasn't done it. These people

Holmes cont'd: all want a rural area, I'm a farmer. I lived on the Greenburg farm for 20 years. I live at the end of Brooks Lane now. If this is a rural area give me room to get a tractor down the road. I know there will be lights and I think they have shown that state of the arts lights will be better than they were 20 years ago. The old house will be remodeled. When these people built houses, I picked up trash every day off the road. They are building houses everyday and no one is picking up the trash. They say the Greenburgs are letting weeds grow up on the farm. They all built there so they could get the appraisal values off that house. I think they have shot him in the foot. They have given you a good plan and I think they will stick to it. I don't think they have done anything they said they wouldn't do. As far as saddle horses go, he has been in saddle horses all his life.

LeCompte: I think we have heard all sides of this and it is time to move on. Are there any questions anyone on the Board might have?

Donna Castell submitted a letter to the Board for the record.

Donna Hedrick: I came here as a parent of a tennis player who wants to be a part of this academy. I see it as an opportunity it will give my child. She started playing tennis at 9 years of age. Over the past seven years we have traveled hundreds of thousands of miles just to go to tournaments for her. There are no other facilities like this in Kentucky. The closest is in Georgia. There are 2,162 junior tennis members in Kentucky. This atmosphere will offer them things that other states only wish they could have. I know a lot of you think this is just another place. This is an elite group of kids. There is a limited number they will allow in here. I feel lucky that my daughter would even qualify. They are not going to take tons of teenagers. We are talking about maybe 40 to 50 kids at the maximum. They won't be there every day. I've driven this drive several times out of concern for her and it has never been a concern to me. I would rather have the rural atmosphere than go to the city all the time. You talk about the lights being on late at night, these are school kids and the program won't last past 7:00 p.m. You are only talking about the lights being on a couple of months a year and not that late. With gas prices as they are today many families are moving closer to their children's activities. I think it would be a positive residential impact. I think this would have a great reflection on the potential for a great economical impact of the area. The players in the U.S. Open came from academies like this and they are elite players. Most of the kids do this for the same reason, the love of the game and the dream of a college scholarship. This summer two of the children did get college scholarships. The kids want this. The program has already been started and it is amazing. We want this very much.

Magan: I would just like to state a couple of things. As far as the traffic is concerned, I'd like to reemphasize that it has been evaluated by two traffic engineers and the encroachment officer for the State Highway Department. The dormitory mentioned is overstated. The lighting does comply with the regulations for Shelby County through Triple S Planning and Zoning. The

Magan cont'd: hours of operation, we are open to restrictions on the hours of operation and the hours of lighting, we would suggest 9:00 p.m. As far as the fame, we do expect this to bring some fame and notoriety and hopefully some good will toward Shelby County. We like to consider Shelby County as a welcoming place, but it doesn't seem to be that way any more. Anytime something new wants to come in we don't want anything else coming in.

Dale Baldwin, resident of Brooks Lane: I'd like to ask a question. Are you going to accept memberships like you do at Springhurst? I agree with what my neighbors have said, but how will this support 20 tennis courts for 40 or 50 kids?

Matherly: These kids will pay upwards of \$5,000. a month to train at this facility. The 40 or 50 kids could easily sustain this facility.

Baldwin: I have not seen the plat but I just think there is a better place for this facility.

LeCompte: Are there any questions from the Board?

Cox: There will be a lot of people there, what about restroom facilities for these people?

LeCompte: They will have to meet Health Department regulations. Any other questions? If there is not further discussion, a motion is in order for the Conditional Use Permit for New Estates Farm Tennis Academy.

Mr. Farris made the motion to deny the Conditional Use Permit for New Estates Farm Tennis Academy as it is not compatible with the rural environment it is located in.

Mr. Anderson seconded the motion.

Mr. Kinsella – no

Mr. Shouse – yes

Mr. Wilson – yes

Mrs. Tharp – no

LeCompte: The motion to deny carries. Is there any other business to be brought up?
This meeting is adjourned.

Meeting adjourned at 8:30 p.m.

Board of Adjustment & Appeals
August 31, 2006

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Submitted by Betty Hudson

Approved _____

Motion by _____

Second by _____

Secretary-Treasurer _____