OWENSBORO METROPOLITAN PLANNING COMMISSION

FEBRUARY 14, 2013

THE OWENSBORO METROPOLITAN PLANNING COMMISSION

MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY,

FEBRUARY 14, 2013, AT CITY HALL, COMMISSION CHAMBERS,

OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS

FOLLOWS:

MEMBERS PRESENT:  DREW KIRKLAND, CHAIRMAN
WARD PEDLEY, VICE CHAIRMAN
DAVID APPLEBY, SECRETARY
GARY NOFFSINGER, DIRECTOR
SEAN LAND, ATTORNEY
MARGARET CAMBRON
TIM ALLEN
IRVIN ROGERS
JOHN KAZLAUSKAS
GREG BLACK
FRED REEVES

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CHAIRMAN:  LET'S STAND FOR OUR INVOCATION AND

PLEDGE OF ALLEGIANCE.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  OUR FIRST ORDER OF BUSINESS IS FOR

THE ELECTION OF VICE CHAIRMAN.

WE HAVE TWO NOMINEES.  THAT ELECTION WAS NOT

DECIDED IN OUR LAST MEETING.  THOSE TWO NOMINEES ARE

MR. WARD PEDLEY AND MR. JOHN KAZLAUSKAS.

I'VE BEEN INFORMED BY MR. SILVERT WE'LL VOTE.

IF WE DO NOT HAVE A FULL SIX, WE MUST HAVE SIX MEMBERS

TO DECIDE THE ELECTION.  SO, IN OTHER WORDS, IF ONE
MEMBER HAS FIVE AND THE OTHER ONE HAS FOUR, WE STILL
MUST HAVE A MAJORITY OF SIX.

AT THIS POINT IN TIME IF THERE ARE NO FURTHER
NOMINATIONS THE CHAIR IS READY FOR A VOTE.

ALL IN FAVOR OF MR. PEDLEY RAISE YOUR RIGHT
HAND.

(BOARD MEMBERS TIM MILLER, IRVIN ROGERS, DAVE
APPLEBY, DREW KIRKLAND AND WARD PEDLEY RESPONDED AYE.)

CHAIRMAN: WE HAVE FIVE VOTES.

ALL IN FAVOR OF MR. KAZLAUSKAS.

(BOARD MEMBERS MARGARET CAMBRON, JOHN
KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED AYE.)

CHAIRMAN: WE HAVE FOUR VOTES. SINCE WE DID
NOT HAVE SIX VOTES, WE WILL TAKE ONE SECRET BALLOT
VOTE.

WOULD YOU ALL TAKE A SHEET OF PAPER AND MARK
YOUR BALLOT.

(BOARD MEMBERS COMPLIES WITH REQUEST.)

CHAIRMAN: MR. NOFFSINGER, WILL YOU READ THOSE
PLEASE.

MR. NOFFSINGER: ONE VOTE FOR WARD PEDLEY.
ONE VOTE FOR JOHN KAZLAUSKAS. ONE VOTE FOR CHIEF K.
ONE VOTE FOR JOHN K. ONE VOTE FOR KAZLAUSKAS. ONE
VOTE FOR WARD PEDLEY. ONE VOTE FOR WARD PEDLEY. ONE
VOTE FOR WARD. ONE VOTE FOR WARD PEDLEY.
CHAIRMAN: THE COUNT IS STILL FIVE/FOUR. WE CAN STILL NOT DECLARE A WINNER SINCE WE MUST HAVE SIX VOTES. THE TOTAL MEMBER OF THE COMMISSION, ONE MEMBER IS ABSENT. SO WITH US NOT RE-ELECTING A VICE CHAIR, MR. PEDLEY WILL CONTINUE TO SERVE AS VICE CHAIR.

OUR NEXT ITEM IS TO CONSIDER THE MINUTES OF THE JANUARY 10, 2013 MEETING. ARE THERE ANY CORRECTIONS, ADDITIONS, QUESTIONS?

(NO RESPONSE)

CHAIRMAN: AS EVERYBODY KNOWS, THE MINUTES IS ONLINE. IF ANYBODY WANTS TO READ THE MINUTES IN ITS ENTIRETY, IT IS ONLINE AND IT HAS BEEN ONLINE SINCE THE YEAR 2000. IF YOU WANT TO GO BACK TO 2000 AND READ THROUGHOUT, IT'S VERY INTERESTING READING. MR. KAMUF I'M SURE DOES IT PERIODICALLY FROM TIME TO TIME TO KEEP UP WITH THE LOCAL MINUTES.

THE CHAIR IS READY FOR A MOTION.

MR. PEDLEY: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

MR. APPLEBY: SECOND.

CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.
PUBLIC HEARING

ITEM 3

CONSIDER ADOPTION OF UPDATES TO ELEMENTS OF THE COMPREHENSIVE PLAN INCLUDING POPULATION, ECONOMY, LAND USE, TRANSPORTATION, COMMUNITY FACILITIES AND ENVIRONMENT FOR OWENSBORO, WHITESVILLE AND DAVIESS COUNTY, KENTUCKY.

MR. LAND: WOULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE?

MS. STONE: BECKY STONE.

(BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: WE'VE BEEN WORKING ON THE UPDATE OF THE REMAINING ELEMENTS OF THE COMPREHENSIVE PLAN FOR THIS PAST YEAR. WE HAVE A DRAFT READY FOR YOUR CONSIDERATION.

FOR THOSE OF YOU WHO HAVE NOT BEEN THROUGH THE PROCESS BEFORE, WE'LL JUST HAVE A SLIGHT REVIEW ON THE NEXT SLIDE.

THE COMPREHENSIVE PLAN IS REQUIRED FOR COMMUNITIES WITH PLANNING COMMISSIONS TO BE ADOPTED BY KRS 100.183 AND A PLANNING UNIT HAS TO ADOPT AT LEAST THE GOALS AND OBJECTIVES AND THE LAND USE ELEMENT BEFORE IT CAN HAVE ANY OTHER ZONING OR SUBDIVISION REGULATIONS IN THE COMMUNITY.

SO OUR COMMUNITIES HAVE HAD A COMPREHENSIVE PLAN FOR SOME TIME AND WE'RE ON OUR FIVE YEAR REVIEW
OF THAT PLAN. WE PROJECT AHEAD 20 YEARS AND THIS PLAN
IS THE GUIDE FOR THE COMMUNITY FOR LAND USE DECISIONS
FOR DEVELOPMENT TO A CURRENT AND APPROPRIATE
RELATIONSHIP.

THE FIRST COMP PLAN IN DAVIESS COUNTY WAS
ADOPTED IN 1979. THAT FIRST PLAN CREATED THE BASIS OF
OUR URBAN SERVICE AREA, RURAL COMMUNITIES AND RURAL
SERVICE AREA. WE'VE HAD SUBSEQUENT UPDATES IN 1991,
2001, 2007, AND NOW THIS CURRENT UPDATE IS BEING
CONSIDERED.

THERE'S CERTAIN ELEMENTS THAT ARE REQUIRED BY
KRS THAT HAVE TO BE INCLUDED IN THE PLAN. THESE ARE
THE GOALS AND OBJECTIVES, THE LAND USE PLAN, THE
TRANSPORTATION PLAN, COMMUNITY FACILITIES PLAN, OTHER
ELEMENTS AS NEEDED AND RESEARCH REQUIREMENTS.

THE RESEARCH REQUIREMENTS INCLUDE AN ANALYSIS
OF POPULATION AND ECONOMY, PAST, PRESENT AND FUTURE.
SO WE'LL GO THROUGH BRIEFLY SOME OF THOSE CHANGES THAT
WE HAVE MADE.

THE GOALS & OBJECTIVES ARE ADOPTED. THE
PLANNING COMMISSION ADOPTED THOSE IN SEPTEMBER OF
2012, DAVIESS COUNTY IN NOVEMBER, AND THE CITY OF
OWENSBORO AND THE CITY OF WHITESVILLE IN DECEMBER.
WE HAD, OF COURSE, SEVERAL MEETINGS WITH THE
ELECTED OFFICIALS AND TWO CITIZEN MEETINGS AND A
PUBLIC MEETING BEFORE THEIR ADOPTION.

THE SECOND SECTION OF THE COMPREHENSIVE PLAN IS POPULATION. WHAT WE'VE DONE IS WE'VE REVISED THE POPULATION FIGURES TO THE 2010 CENSUS. THE LAST PLAN RELIED ON THE 2000 CENSUS.

THE POPULATION IN DAVIESS COUNTY HAS GROWN BY ABOUT 5.6 PERCENT IN THAT DECADE. WHITESVILLE HAS ACTUALLY LOST POPULATION. THEY DECLINED ABOUT 12.7 PERCENT IN THE LAST DECADE.

SOME OF THE STATISTICS THAT HAVE CHANGED IS THE MEDIAN AGE HAS RISEN FROM 36.8 YEARS TO 38.8 YEARS IN THE LAST 10 YEARS. IT'S PROJECTED TO RISE TO 42.1 BY THE YEAR 2030.

WE HAVE HAD AN INCREASE IN DIVERSITY. IN 2000 6.8 CITIZENS IDENTIFIED THEMSELVES AS NONWHITE AS COMPARED TO 8.8 PERCENT IN 2010. THE MAJORITY OF THIS INCREASE WHERE PEOPLE HAVE IDENTIFIED THEMSELVES AS HISPANIC OR LATINO. WE ARE STILL LESS DIVERSE THAN THE STATE WHICH HAS 87.8 PERCENT WHITE AS COMPARED TO 91.2 PERCENT IN DAVIESS COUNTY, AND WE ARE STILL LESS DIVERSE IN THE UNITED STATES WHICH REPORTED 74.8 PERCENT WHITE IN 2010. WE'RE STILL SLIGHTLY MORE FEMALE THAN MALE. THAT'S INCREASED FROM 2000. WE HAD 52.2 PERCENT FEMALE AND WE HAD 51.5 PERCENT 2010.

THE ECONOMY & EMPLOYMENT. SERVICES MAKE UP

OHIO VALLEY REPORTING
(270) 683-7383
THE LARGEST SEGMENT OF EMPLOYMENT IN DAVIESS COUNTY.

44 PERCENT OF EMPLOYMENT IS COMPRISED OF SERVICES.

THAT INCLUDES INFORMATION AND FINANCE, REAL ESTATE,

PROFESSIONAL, SCIENTIFIC AND TECHNICAL MANAGEMENT,

ADMINISTRATION AND WASTE MANAGEMENT, EDUCATIONAL AND

HEALTH CARE, SOCIAL SERVICES, ARTS AND ENTERTAINMENT

AND RECREATION.

GOVERNMENT EMPLOYMENT INCREASED FROM 15.6

PERCENT TO 16.5 PERCENT. CONSTRUCTION RETAIL AND

MANUFACTURING DECLINED. MANUFACTURING WENT FROM 12.3

PERCENT IN 2001 TO 10.2 PERCENT IN 2009.

OUR ECONOMY & EMPLOYMENT SECTION WAS ALSO

REVIEWED BY THE ECONOMIC DEVELOPMENT CORPORATION HERE.

THEY THOUGHT THE INFORMATION WAS GOOD AND DIDN’T HAVE

ANY REVISIONS THAT THEY ADDED TO THAT.

LAND USE. BRIAN WAS ABLE TO PULL ALL OF THE

PERCENTAGES OF ZONING CLASSIFICATIONS FROM OUR GIS

THIS YEAR. THAT SHOWS THE CLASSIFICATIONS OF ZONING

IN DAVIESS COUNTY, WHAT PERCENT IS ZONED AGRICULTURAL,

RESIDENTIAL, BUSINESS, INDUSTRIAL, PROFESSIONAL

SERVICE AND COAL MINING.

IT SHOULD BE NOTED THAT THE 85 PERCENT THAT’S

ZONED AGRICULTURAL ALSO INCLUDES RESIDENTIAL USES IN

THE COUNTY. AS MANY LOTS ARE CREATED ON

THREE-QUARTERS OF AN ACRE OR AN ACRE OF PROPERTY WHERE
HOUSING DEVELOPMENT OCCURS. THOSE ARE PERMITTED USES IN AGRICULTURAL ZONES.

THE URBAN SERVICE AREA PERCENTAGES WERE ALSO CALCULATED. THOSE ARE SHOWN ON THE SLIDE.

COAL MINING ZONING HAS DECREASED IN THE COUNTY AS PROPERTIES HAVE GONE BACK TO AGRICULTURAL AFTER MINING HAS CEASED.

WE HAVE HAD SOME CHANGES THAT WE'RE PROPOSING IN THE LAND USE MAP. THE BIG MAP IS SHOWN AND WE'VE SOME Insets ON THE SLIDE.

THE LAND USE MAP IS IDENTIFIED WITH DIFFERENT PLANNED AREAS ON THE MAP. THEN THERE'S SPECIFIC CRITERIA THAT TELLS YOU WHAT ZONES ARE APPROPRIATE IN THOSE PLANNED AREAS.

FOR EXAMPLE, IF SOMETHING IS IDENTIFIED AS A RESIDENTIAL PLAN AREA, THAT DOESN'T MEANS THAT ONLY RESIDENTIAL ZONING CAN OCCUR THERE. THERE ARE CRITERIA IN THE PLAN THAT TELL YOU WHERE OTHER ZONES MIGHT BE APPROPRIATE IN THOSE LOCATIONS. BUT WE HAVE PROPOSED SOME CHANGES.

THE FIRST IS THE AREA AROUND WHERE THE NEW HOSPITAL IS LOCATED. YOU CAN SEE ON YOUR MAP THAT WE HAVE CHANGED THAT FROM AN INDUSTRIAL PLAN AREA, WHICH IS WHAT IT IS IN THE CURRENT COMPREHENSIVE PLAN, TO A BUSINESS PLAN AREA AND THEN SOME BUSINESS INDUSTRIAL
PLAN AREA TO ACCOMMODATE THAT DEVELOPMENT THAT WILL LIKELY OCCUR AROUND THE HOSPITAL AS A RESULT OF THE HOSPITAL LOCATING THERE.

ANOTHER CHANGE THAT WE'VE MADE IS THE SITE THAT WE THOUGHT THE HOSPITAL WAS GOING TO GO TO THE LAST TIME WE HAD REVISED TO A PROFESSION SERVICE AREA. SO WE'RE PROPOSING THAT TO CHANGE BACK TO PARTIALLY RESIDENTIAL AND THEN PARTIALLY A BUSINESS PLAN AREA ALONG THE EXTENSION OF FAIRVIEW DRIVE AND THE BYPASS THERE.

THE THIRD CHANGE THAT WE PROPOSED IS TO CHANGE THE SECTION ALONG HIGHWAY 54 NEAR MILLERS MILL TO ACCOMMODATE THE PLAN AREAS AS DEVELOPMENT HAS ACTUALLY OCCURRED IN THAT LOCATION IN THE PAST FEW YEARS.

ANOTHER CHANGE IS A PROPOSED EXTENSION OF THE RURAL COMMUNITY OF WEST LOUISVILLE TO INCLUDE THE DIAMOND LAKE AREA. THIS IS A RESULT OF SOME BUSINESS ACTIVITY THAT WAS PROPOSED BETWEEN THE RURAL COMMUNITY OF WEST LOUISVILLE AND DIAMOND LAKE AND IT WAS DIFFICULT TO MEET THE CRITERIA FOR A ZONING CHANGE. SO WE BELIEVE IT WAS APPROPRIATE TO EXTEND THAT BOUNDARY TO PICK UP DIAMOND LAKE, WHICH IS A BUSINESS USE EVEN THOUGH IT'S LOCATED IN AN AGRICULTURAL ZONE. WE HAD INPUT FROM DAVIESS COUNTY ON THIS PARTICULAR CHANGE.
OTHER CHANGES INCLUDED UPDATING THE FLOODWAY BOUNDARY, BASED ON THE NEW 2009 FLOOD MAPS, AND INCLUDING AN INSET OF THE DOWNTOWN OVERLAY DISTRICT WHICH YOU CAN SEE ON THE BIG MAP UP NEAR THE TOP.

THE TRANSPORTATION SECTION WAS UPDATED BY BRIAN AND IT INCLUDES UPDATES ON STREET RAIL, WATERWAYS, AIRPORTS, PUBLIC TRANSIT, BIKES AND WALKWAYS.

THE COMMUNITY FACILITIES SECTION WAS UPDATED IN ALL OF THESE AREAS THAT YOU SEE ON THE SLIDE AND WE WORKED WITH NUMEROUS AGENCIES AND UTILITIES TO GET THE CURRENT INFORMATION ON THOSE PARTICULAR FACILITIES AND SERVICES.

THE ENVIRONMENTAL SECTION. SECTION 7 IS NOT A REQUIREMENT BY KRS, BUT THE OMPC HAS HISTORICALLY INCLUDED THIS DUE TO ISSUES IN THE COMMUNITY WITH FLOOD PLAINS. YOU KNOW, WE HAVE A LOT OF COAL RESERVE. THERE'S A LOT OF DIFFERENT SOILS IN THE COMMUNITY SO WE INCLUDE THAT AS GOOD INFORMATION IN THE COMPREHENSIVE PLAN.

ONE OF OUR GOALS IN THIS PLAN WAS TO MAKE THE PLAN MORE CONCISE WITH STILL CONTAINING THE NEEDED INFORMATION. SO WE HAVE GONE FROM THE CURRENT PLAN WHICH IS 311 PAGE DOUBLE COLUMN, 9 POINT FONT, TO 180 PAGE BOOK, 11 POINT FONT, AND STILL WE BELIEVE HAVE

OHIO VALLEY REPORTING
(270) 683-7383
THE NECESSARY INFORMATION THAT WE NEED FOR OUR
COMMUNITY.

I WANTED TO POINT OUT THAT ALL OF THE EXHIBIT
MAPS THIS TIME WERE MADE BY BRIAN USING GIS
APPLICATIONS. I ALSO WANTED TO LET YOU KNOW THAT ANY
ELEMENT OF THIS PLAN CAN BE ADOPTED INDEPENDENTLY. SO
IF YOU REVIEW THE PLAN AND DETERMINE THAT SOME
ELEMENTS MAY BE READY FOR ADOPTION WHILE OTHERS ARE
NOT, YOU CAN DO THOSE SEPARATELY.

IF YOU HAVE ANY QUESTIONS, I'LL BE GLAD TO
ANSWER THEM. THERE'S OBVIOUSLY A LOT OF INFORMATION
IN THE PLAN AND I'VE JUST HIGHLIGHTED SOME OF THOSE
SPECIFIC CHANGES THAT WE PROPOSED TO MAKE.

CHAIRMAN: MS. STONE, THANK YOU FOR YOUR VERY
CONCISE OVERVIEW AND, BRIAN, THANK YOU FOR YOUR WORK
ON THE MAPPING. THANKS TO THE WHOLE STAFF WHICH I'M
SURE HAD PARTS IN THAT. I KNOW YOU ALL WORKED VERY
HARD TO PUT THIS TOGETHER.

ARE THERE ANY QUESTIONS FROM THE AUDIENCE?

MR. KAMUF.

MR. KAMUF: JUST ONE QUESTION IN LOOKING AT
IT. DID YOU CHANGE THE GOALS AND OBJECTIVES IN ANY
WAY?

CHAIRMAN: MS. STONE.

MS. STONE: THE GOALS AND OBJECTIVE WERE
CHANGED SLIGHTLY. THERE WERE A NUMBER OF PUBLIC
MEETINGS ON THOSE. THEY'VE BEEN ADOPTED SINCE
DECEMBER BY ALL OF THE LEGISLATIVE BODIES AND THE
OMPC. THEY'RE ALREADY ADOPTED.

MR. KAMUF: WHAT CHANGES? WERE THERE ANY
MAJOR CHANGES?

MS. STONE: THERE WAS A CHANGE IN THE RURAL
SERVICE AREA THAT INCLUDED -- I'LL HAVE TO READ IT. I
DON'T REMEMBER IT SPECIFICALLY.

CHAIRMAN: MS. STONE, HOLD ON.

MR. KAMUF, LET ME GO AHEAD AND ACCEPT HIM SO
WE HAVE HIM IN THE RECORD.

MR. LAND: STATE YOUR NAME FOR THE RECORD.

MR. KAMUF: CHARLES KAMUF.

MR. LAND: I RECOGNIZE THAT YOU'VE
ADMINISTERED THE OATH.

CHAIRMAN: JUST A LITTLE HOUSEKEEPING, MR.

MR. KAMUF: SURE.

CHAIRMAN: THANK YOU. GO AHEAD.

MR. KAMUF: THAT'S THE ONLY QUESTION I HAD.

MS. STONE: IT WAS IN THE RURAL SERVICE AREA,
AND I'VE GOT TO FIND IT TO GIVE YOU THE SPECIFIC
READING, BUT IT WAS TO ENCOURAGE INCREASE BUFFERS FROM
COAL MINING TO RESIDENTIAL PROPERTIES AND TO RECOGNIZE
THAT COAL MINING COULD OCCUR IN THOSE AREAS THAT HAVE
RESIDENTIAL USES.

LET ME FIND IT FOR YOU AND I'LL READ IT FOR
YOU.

MR. KAMUF: THAT'S OKAY. YOU'VE ANSWERED IT.

MS. STONE: THEN THERE WAS A SLIGHT CHANGE ON
THE BIKEWAY/WALKWAY SECTION TO COME INTO CONFORMANCE
WITH THE CURRENT LANGUAGE ON THOSE FACILITIES IN THE
COMMUNITY.

MR. KAMUF: THAT ANSWERS MY QUESTION. THANK
YOU.

CHAIRMAN: THANK YOU, SIR.
ARE THERE ANY OTHER QUESTIONS?
(NO RESPONSE)

CHAIRMAN: ANY QUESTIONS FROM THE COMMISSION?
(NO RESPONSE)

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

MR. APPLEBY: MR. CHAIRMAN, I MOVE TO ADOPT
THE UPDATES TO THE COMPREHENSIVE PLAN AS STATED BY MS.
STONE.

CHAIRMAN: WE'VE GOT A MOTION FOR APPROVAL TO
ADOPT THE UPDATES BY MR. APPLEBY.

MR. REEVES: SECOND.

CHAIRMAN: WE'VE GOT A SECOND BY MR. REEVES.
ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 4

CONSIDER A TEXT AMENDMENT TO THE OWENSBORO
METROPOLITAN ZONING ORDINANCE TO AMEND SECTION 3-2(C)5
REGARDING ISSUANCE OF CUT AND FILL PERMITS.

MS. STONE: THIS IS A VERY SIMPLE CHANGE.

CURRENTLY THE PROCESS IS FOR THE LOCAL
GOVERNMENT ENGINEER TO APPROVE THE APPLICATION OF A
CUT AND FILL PERMIT, AND THEN IT COMES TO THE ZONING
ADMINISTRATOR FOR HIS FINAL APPROVAL. THIS CUTS OUT A
STEP. THIS SAYS THE LOCAL GOVERNMENT ENGINEER HAS
APPROVAL FOR THE CUT AND FILL PERMIT. WE SIMPLY
CHANGED THE LANGUAGE TO SAY THE CUT AND FILL PERMIT TO
BE ISSUED BY THE ZONING ADMINISTRATOR TO BE ISSUED BY
THE LOCAL GOVERNMENT ENGINEER. BOTH LOCAL GOVERNMENT
ENGINEERS ARE AWARE OF THIS, AS IS THE CITY AND THE
COUNTY AND THEY ARE BOTH FINE WITH THE LANGUAGE.

CHAIRMAN: ARE THERE ANY QUESTIONS?

(NO RESPONSE)

CHAIRMAN: ANY QUESTIONS FROM THE COMMISSION?

(NO RESPONSE)

CHAIRMAN: IF THERE ARE NO QUESTIONS BY THE
COMMISSION, THE CHAIR IS READY FOR A MOTION.
MR. PEDLEY: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

MS. CAMBRON: SECOND.

CHAIRMAN: SECOND BY MS. CAMBRON. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALl BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

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ZONING CHANGES

ITEM 5

4730 FREE SILVER ROAD, 2.82 ACRES
CONSIDER ZONING CHANGE: FROM EX-1 COAL MINING TO A-R RURAL AGRICULTURE
APPLICANT: WESTERN KENTUCKY MINERALS, INC.; WESTERN KENTUCKY LEASING, LLC

MR. LAND: WILL YOU STATE YOUR NAME FOR THE RECORD?

MR. HOWARD: BRIAN HOWARD.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I WILL NOTE THAT ALL THE REZONING HEARD TONIGHT THEY WILL BECOME FINAL 21 DAYS AFTER THE MEETING UNLESS AN APPEAL IS FILED. IF AN APPEAL IS FILED, WE WILL FORWARD THE RECORD OF THE MEETING TO THE APPROPRIATE LEGISLATIVE BODY FOR THEIR FINAL ACTION. THERE'S A 21 DAY APPEAL PERIOD AFTER THE PLANNING COMMISSION MEETING IN WHICH TIME THOSE CAN BE
FILED. THE APPEAL FORMS ARE AVAILABLE ON THE BACK TABLE, IN OUR OFFICE AND ON OUR WEBSITE.

PLANNING STAFF RECOMMENDATION

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

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL MAINTENANCE PLAN AREA, WHERE RURAL LARGE-LOT RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. THE SUBJECT PROPERTY HAS ACCESS TO FREE SILVER ROAD WITH NO NEW ROADS PROPOSED;

4. STRIP-MINING ACTIVITY HAS CEASED ON THE PROPERTY; AND,

5. THE OWENSBORO METROPOLITAN ZONING ORDINANCE ARTICLE 12A.31 REQUIRES THAT PROPERTY SHALL REVERT TO ITS ORIGINAL ZONING CLASSIFICATION AFTER MINING.

MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT A.

CHAIRMAN: IS THE APPLICANT HERE?

APPLICANT REP: YES.

CHAIRMAN: DOES ANYBODY HAVE ANY QUESTIONS OF THE APPLICANT?
(NO RESPONSE)

CHAIRMAN: DOES ANYBODY ON THE COMMISSION HAVE ANY QUESTIONS?

(NEW RESPONSE)

CHAIRMAN: IF THERE ARE NO QUESTIONS, THE CHAIR IS READY FOR A MOTION.

MR. ROGERS: MOTION FOR APPROVAL BASED ON PLANNING STAFF RECOMMENDATIONS WITH THE FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY MR. ROGERS WITH FINDINGS OF FACT 1 THROUGH 5.

MR. APPLEBY: SECOND.

CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 6

5955 HIGHWAY 56, 1.495 ACRES
CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO I-1 LIGHT INDUSTRIAL
APPLICANT: HADSON, LLC

MR. LAND: WILL YOU STATE YOUR NAME FOR THE RECORD?

MS. EVANS: MELISSA EVANS.

(MELISSA EVANS SWORN BY ATTORNEY.)
PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. INSTALL A 10-FOOT WIDE LANDSCAPE EASEMENT WITH A SIX FOOT TALL SOLID WALL OR FENCE AND ONE TREE EVERY 40 LINEAR FEET ALONG THE NORTH PROPERTY LINE;

AND,

2. ACCESS SHALL BE LIMITED TO LYDDANE BRIDGE ROAD.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL COMMUNITY PLAN AREA, WHERE LIGHT INDUSTRIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. THE PROPOSED USE MEETS THE CRITERIA OF THE COMPREHENSIVE PLAN FOR NON-RESIDENTIAL DEVELOPMENT IN AN INDUSTRIAL ZONE;

4. THE SUBJECT PROPERTY IS MAJOR-STREET ORIENTED AND LOCATED AT THE CORNER OF INTERSECTING STREETS; AND,

5. WITH ACCESS LIMITED TO LYDDANE BRIDGE ROAD, THE PROPOSAL SHOULD NOT OVERBURDEN THE CAPACITY
OF ROADWAYS IN THE AFFECTED AREA.

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

CHAIRMAN: IS THE APPLICANT HERE?

MR. PHELPS: YES.

CHAIRMAN: DOES ANYBODY IN THE AUDIENCE HAVE ANY QUESTIONS OF THE APPLICANT?

MR. BYRNE: YES.

CHAIRMAN: WOULD YOU STEP TO THE PODIUM, PLEASE.

MR. LAND: WOULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE?

MR. BYRNE: MY NAME IS BRYAN BYRNE.

(BRYAN BYRNE SWORN BY ATTORNEY.)

MR. BYRNE: I LIVE DIRECTLY ACROSS FROM WHERE THEY'RE PROPOSING THESE. THEY'RE GOING TO BE SMALL UTILITY STORAGE UNITS FROM MY UNDERSTANDING. WE'RE IN A RURAL COMMUNITY.

MY FAMILY IN PARTICULAR HAS PROBABLY OVER A MILLION DOLLARS INVESTED IN HOMES WITHIN 500 YARDS OF WHERE THIS IS GOING. MY DAUGHTER, 15 YEAR OLD DAUGHTER IS GOING TO BE GETTING OFF THE BUS DIRECTLY ACROSS FROM WHERE THEY'RE SAYING THIS EXIT IS. YOU'RE POTENTIALLY INTRODUCING - I MEAN I DON'T KNOW HOW MANY STORAGE UNITS. I DON'T HAVE THAT INFORMATION - A
BUNCH OF PEOPLE INTO OUR ENVIRONMENT THAT AREN'T THERE.

I WISH THE PHELPS WELL. I MEAN THEY'RE FRIENDS OF MINE, BUT I DO NOT WANT TO SEE MY DAUGHTER GET OFF THE BUS AND NOT KNOW WHO IS SITTING ACROSS THE STREET WITH 24 HOUR ACCESS AND SHE'S GOING TO BE SAFE. I LIVE 200 FEET OFF THE ROAD AND THE BUS, BY THE TIME THE BUS PULLS AWAY IT CAN'T SEE WHETHER SOMEBODY COMES OUT OF THAT STORAGE FACILITY, COMES ACROSS THERE AND GRABS MY DAUGHTER WHILE I'M AT WORK. I'M REALLY CONCERNED ABOUT THIS.

WE SPENT A LOT OF TIME AND A LOT OF MONEY OUT THERE BUILDING OUR HOME, BUILDING AN ENVIRONMENT. I MEAN THERE'S A REASON WE CHOSE TO BE IN THE COUNTRY. SO WE COULD SHELTER OUR KIDS AND KEEP THEM SAFE. THIS INTRODUCES SOMETHING THAT REALLY CONCERNS ME AND MY DAUGHTER'S WELFARE.

CHAIRMAN: DOES THAT COMPLETE YOUR QUESTION?

MR. BYRNE: I DIDN'T KNOW I WAS SUPPOSED TO BE ASKING QUESTION.

CHAIRMAN: I WAS GOING TO BRING MR. PHELPS UP THERE TO ADDRESS YOUR CONCERNS.

MR. BYRNE: MY CONCERN IS THE SAFETY OF MY DAUGHTER AND THE AMOUNT OF BACKLASH THIS IS GOING TO HAVE ON THE COMMUNITY WHICH I LIVE.
CHAIRMAN: I THINK YOU FORMULATED YOU ALSO WANTED TO KNOW THE NUMBER OF STORAGE UNITS.

MR. BYRNE: THE NUMBER OF STORAGE FACILITIES.

IS THERE GOING TO BE A BACKGROUND CHECK ON THE PEOPLE OWNING THE STORAGE FACILITIES? CAN JUST ANYBODY, IS THERE GOING TO BE 24 HOUR ACCESS, WHICH I ASSUME THERE IS GOING TO BE. SO THAT MEANS WHEN I'M ASLEEP IN BED SOMEBODY IS ACROSS THE ROAD STAKING MY HOUSE OUT TO ROB ME POTENTIALLY.

CHAIRMAN: OKAY. THANK YOU.

THE APPLICANT, PLEASE.

MR. LAND: STATE YOUR NAME FOR THE RECORD.

MR. PHELPS: CHRIS PHELPS.

(CHRIS PHELPS SWORN BY ATTORNEY.)

CHAIRMAN: MR. PHELPS, WOULD YOU LIKE ME TO REVIEW THE QUESTIONS OR WOULD YOU JUST LIKE TO GO AHEAD AND START?

MR. PHELPS: AS FAR AS WHAT WE PLAN ON DOING OUT THERE, WE HAD WE WERE GOING TO PUT TOGETHER THREE STORAGE BUILDINGS, THREE DIFFERENT UNITS. AS FAR AS HOW MANY UNITS WOULD BE IN EACH BUILDING, KIND OF UNDECIDED RIGHT NOW. MATTERS HOW BIG WE WANT TO GO AS FAR AS WIDTH. IF WE WANT TO GO MORE SMALLER DOORS AND TRY TO PUT A BUNCH OF DIFFERENT UNITS IN ONE BUILDING OR IF WE WANT TO DO BIGGER DOORS.
AS FAR AS YOUR DAUGHTER'S SAFETY AND EVERYTHING, WE WILL HAVE 24-HOUR SURVEILLANCE AS FAR AS CAMERAS AROUND THE PROPERTY. IT WILL BE FENCED IN. IT WILL HAVE GATE ACCESS ONLY.

AS FAR AS ANYBODY BEING INSIDE THE PROPERTY, YOU KNOW, THEY'RE PRETTY MUCH GOING TO HAVE TO HAVE A KEY CODE. IF THEY DON'T PAY THEIR BILLS, OBVIOUSLY THEY'RE NOT GOING TO BE ABLE TO GET INSIDE THE GATE. SO WE WILL HAVE SURVEILLANCE AS FAR AS WHO IS IN AND OUT OF THE GATE, WHEN THEY'RE THERE, WHEN THEY LEAVE, WHEN THEY COME IN, VICE VERSA. THAT'S ABOUT ALL I CAN TELL YOU.

MR. APPLEBY: WORSE CASE SCENARIO, IF YOU WENT WITH THE SMALLEST UNITS IN ALL THREE BUILDINGS, HOW MANY WOULD YOU HAVE?

MR. PHELPS: IF WE WENT WITH THE SMALLEST UNIT, I WOULD SAY 80 TO 100.

MR. REEVES: I'VE GOT A QUESTION.

CHAIRMAN: YES, SIR, MR. REEVES.

MR. REEVES: WILL YOU HAVE CAMERAS THAT ARE RECORDING THE PEOPLE THAT ARE COMING IN THE GATE?

MR. PHELPS: YES, SIR.

MR. REEVES: WILL YOU HAVE ANY KIND OF NOTIFICATION POSTED PROMINENTLY ON THE GATE THAT THIS AREA IS UNDER VIDEO SURVEILLANCE?
MR. PHELPS: YES, SIR.

CHAIRMAN: MR. PHELPS, WILL THERE BE ANY REVIEW OF THE SURVEILLANCE? I MEAN WILL SOMEBODY BE LOOKING AT THE SURVEILLANCE FROM TIME TO TIME OR WILL IT WILL BE JUST AS NEED?

MR. PHELPS: AS NEED PROBABILITY. THERE WOULDN'T BE -- THERE WOULD BE CAMERAS THERE IF THEY NEEDED TO, IF WE NEEDED TO BACKTRACK ON SOMETHING, YOU KNOW, SOME TERRORISM OR SOMETHING HAPPENED. AS FAR AS SOMEONE LOOKING AT IT, YOU KNOW, ALL THE TIME.

CHAIRMAN: ARE THESE CAMERAS CONTINUALLY RECORD OR MOTION DETECTED RECORD?

MR. PHELPS: THEY WOULD BE CONTINUALLY RECORDING, YES.

CHAIRMAN: YES, SIR, MR. PEDLEY.

MR. PEDLEY: WILL YOU HAVE AN ON-SITE MANAGER DURING CERTAIN DAYS OF THE WEEK AND THEN DURING THE NIGHT HOURS WILL THEY HAVE ACCESS TO IT ALL NIGHT?

MR. PHELPS: NO, SIR.

MR. PEDLEY: IT'S GATED WHERE THEY HAVE -- -

MR. PHELPS: YES. IT WILL BE A GATED AREA.

MR. PEDLEY: BUT THEY CAN ENTER ANY TIME DURING THE NIGHT OR ANY TIME DURING THE DAY. IS IT 24 HOUR ACCESS 7 DAYS A WEEK IS MY QUESTION?

MR. PHELPS: AS OF NOW THAT HASN'T BEEN
DECIDED, BUT WE WOULD BE WILLING TO WORK WITH, YOU
KNOW, IF SOMEONE HAD A PROBLEM WITH IT. BEING A
24-HOUR ACCESS WE COULD, YOU KNOW, DO WHAT WE NEEDED
TO DO TO HAVE CERTAIN HOURS WHEN IT OPERATED.

MR. PEDLEY: BUT THERE WILL BE NO ONE
MONITORING THE VIDEO CAMERAS?

MR. PHELPS: TWENTY-FOUR HOURS A DAY, NO. THE
MONITORS WOULD BE RUNNING, BUT NO ONE WOULD BE
MONITORING THEM.

MR. PEDLEY: THANK YOU.

CHAIRMAN: MR. PHELPS, WOULD YOU TAKE A SEAT.

MR. REEVES.

MR. REEVES: I WANT TO CLARIFY I THINK WHAT
MR. PEDLEY WAS ASKING.

ARE YOU SAYING IF YOU HAD KEY CODES THEY USE
TO GET IN, YOU COULD DISABLE THOSE KEY CODES FOR
CERTAIN HOURS?

MR. PHELPS: YES.

MR. REEVES: OKAY.

CHAIRMAN: MR. PHELPS, COULD YOU TAKE A SEAT.

I THINK WE HAVE ANOTHER QUESTION.

MR. LAND: WILL YOU STATE YOUR NAME, PLEASE.

MR. BYRNE: J. L. BYRNE.

(J.L. BYRNE SWORN BY ATTORNEY.)

MR. BYRNE: MR. CHAIRMAN AND COMMISSIONERS,
THANK YOU FOR ALLOWING US TO BE HEARD. WE ARE
STRONGLY OPPOSED TO THE I-1 ZONING CHANGE FOR THE
REASON THAT WE WILL TRY TO PRESENT TO THE BEST OF OUR
ABILITY.

THE SORGHO COMMUNITY FROM HIGHWAY 81, ON
HIGHWAY 56 THROUGH SORGHO IS PRIME FARMLAND AND
RESIDENTIAL. THERE ARE TWO SCHOOLS AND FOUR CHURCHES
FROM HIGHWAY 81, ON 56 THROUGH SORGHO MAKING THE
COMMUNITY PRIMARILY RESIDENTIAL AND FARMING.

WE CHOSE TO BUILD OUR HOMES IN A RURAL
COMMUNITY KNOWING THAT IT IS PRIMARILY FARMING AND WE
EXPECT AND ACCEPT THE FARMING ACTIVITY, WHATEVER IT
MIGHT BE, BECAUSE IT WAS THERE BEFORE WE WERE.

THE TENNIS HOUSE THAT IS ON THE ADJOINING
PROPERTY, THE PROPOSED ZONING CHANGE, WAS BUILT
SOMETIME IN THE EARLY '70S BY DOUG FORD FOR THE
PURPOSE OF INDOOR TENNIS AND FOR GIVING TENNIS
LESSONS. IT WAS A WELL-BUILT STRUCTURE WITH BATHROOM
AND A LOUNGE AREA. IT WAS A FAMILY ORIENTED QUIET
OPERATION. WE CAN ASSUME THAT IT WAS GRANDFATHERED
IN, THE ADOPTION OF THE ZONING ORDINANCE, IN GIVING IT
A B-4 CLASSIFICATION.

WE DO NOT KNOW MUCH ABOUT THE COMPREHENSIVE
PLAN, BUT IT STATES THAT I-1 ZONES ARE APPROPRIATE IN
LIMITED LOCATIONS IN RURAL LAND USE AREAS. THAT TO US

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WOULD MEAN:

1. IS IT COMPATIBLE USE WITHIN THE NEIGHBORHOOD?

2. IS IT IN CHARACTER WITH THE NEIGHBORHOOD?

3. WOULD IT HAVE AN ADVERSE INFLUENCE ON THE NEIGHBORHOOD?

WE DO NOT FEEL THAT IT MEETS ANY OF THE QUALIFICATIONS BECAUSE OF THE PROPOSED USES OR OTHER USES THAT COULD BE PUT IN AN I-1 ZONE.

ALSO WITH THIS ZONING CHANGE IT WOULD ALLOW FURTHER ZONING CHANGES SUCH AS THE TENNIS HOUSE BECAUSE IT WOULD BE A CONTIGUOUS PROPERTY.

THIS CHANGE WILL BE TOTALLY OUT OF CHARACTER WITH THE NEIGHBORHOOD AND IT WOULD NOT SERVE A NEED FOR THE COMMUNITY. WE FEEL STORAGE WAREHOUSES COULD CREATE AN UNSAFE ENVIRONMENT BECAUSE ALL THE ACTIVITIES GOING ON ALL HOURS OF THE DAY AND NIGHT SEVEN DAYS A WEEK. WE ARE TOLD THAT NO ONE HAS CONTROL OF WHAT IS BEING STORED IN THE UNITS. IT MAY BE HAZARDOUS MATERIAL OR DRUGS OR MATERIALS TO MANUFACTURE DRUGS. THIS IS NOT TO SAY THAT EVERYONE USING STORAGE IS HIDING SOMETHING. IN FACT, MOST USES ARE GOOD LAW ABIDING CITIZENS, BUT ALL IT TAKES IS ONE BAD APPLE. WE WOULD DEFINITELY FEEL UNSAFE.

IT WOULD DENY OUR QUIET ENJOYMENT OF OUR HOMES
THAT WE NOW HAVE. WE ALSO FEEL THAT IT WOULD DEVALUE OUR PROPERTY.

MY HOME IS RIGHT ACROSS THE STREET ON LYDDANE BRIDGE ROAD FROM THE OTHER CORNER FROM THE PROPOSED STORAGE UNITS. I WOULD FEEL UNSAFE GOING OUT AT NIGHT OUTSIDE MY HOME NOT KNOWING WHAT AND WHO MAY BE INSIDE THE STORAGE UNITS AND THE SURROUNDING AREA AND I WOULD NOT KNOW HOW TO SECURE MY HOME WOULD BE WHEN I WAS AWAY. WE DO NOT FEEL STORAGE BUILDINGS SHOULD BE IN A PRIMARILY RESIDENTIAL NEIGHBORHOOD.

I WOULD ALSO LIKE TO STATE THAT THERE ARE 16 RESIDENTIAL HOMES CLUSTERED RIGHT AROUND 56 AND LYDDANE BRIDGE ROAD, NOT COUNTING A SUBDIVISION ABOUT 200 YARDS EAST OF IT. MOST OF THE HOMEOWNERS IN THE 16 HOMES HAVE FROM 300 TO $500,000 INVESTED IN THEIR PROPERTY.

MR. CHAIRMAN AND COMMISSIONERS, WE RESPECTFULLY ASK THAT YOU DENY THIS APPLICATION.

CHAIRMAN: THANK YOU. YOU DID A NICE JOB. YOUR VERBIAGE AND USE OF THE COMPREHENSIVE PLAN, YOU DID A GOOD JOB. YOU DID YOUR HOMEWORK.

DO WE HAVE ANYBODY ELSE THAT WOULD LIKE TO MAKE A COMMENT?

YES, SIR.

MR. BOOTH: MY NAME IS BRIAN BOOTH. I RESIDE
AT 1125 LYDDANE BRIDGE ROAD.

(BRIAN BOOTH SWORN BY ATTORNEY.)

MR. BOOTH: LIKE J.L., YOUR HOME IS ONE OF YOUR LARGE INVESTMENTS.

OUR NEIGHBORHOOD IS A VERY UNIQUE NEIGHBORHOOD. I DON'T KNOW IF ANY OF YOU HAVE ACTUALLY VISITED THE SITE OUT THERE WHERE THEY'RE PROPOSING OR KNOW ANYTHING ABOUT OUR NEIGHBORHOOD. IT HAS VERY HEAVY RESTRICTIONS. I'M A LICENSED REAL ESTATE APPRAISER IN OWENSBORO AND I VENTURE TO SAY THAT MAY HAVE SOME OF THE HEAVIEST RESTRICTIONS YOU'LL SEE IN SOME OF THESE MOST UPSCALED NEIGHBORHOODS AS FAR AS SQUARE FOOTAGE. HAS TO BE ALL BRICK. ONE OF THE MAIN ITEMS WAS NO OUTBUILDINGS, NO METAL OUTBUILDINGS UNLESS THEY WERE BRICK.

SO THIS ZONING CHANGE ALLOWING THE STORAGE BUILDINGS IS AGAINST THE ZONING THAT WE HAVE IN OUR NEIGHBORHOOD, WHICH IS NO OUTBUILDINGS THAT ARE METAL. THAT'S WHAT THESE ARE GOING TO CONSIST OF. I KNOW MR. PHELPS SAYS HE'S GOING TO HAVE CAMERAS, BUT THE CAMERAS ARE LIKE AN AFTER THE FACT OF WHAT COULD TAKE PLACE. TO MY UNDERSTANDING THESE SELF-STORAGE BUILDINGS, THERE IS NO RESTRICTION ON WHAT CAN BE STORED IN THEM. SO THERE ARE, IN MY OPINION, SOME DANGERS.
MY QUESTION IS: IS THERE A REAL NEED FOR THAT
IN SORGHO? I KNOW ON HIGHWAY 60 EAST THERE'S
CURRENTLY A SELF-STORAGE THAT'S SHUTDOWN AT THIS TIME.
SO I'M ASKING, YOU KNOW, IS THERE A GREAT NEED IN THE
RURAL COMMUNITY FOR SELF-STORAGE? MOST OF THE TIME
PEOPLE THAT ARE RENTING THESE BUILDINGS THEY'RE NOT
GOING TO BE RESIDENTS OF SORGHO. THEY'RE GOING TO BE
FROM OTHER AREAS THAT ARE GOING TO DRIVE OUT BECAUSE
IT'S NEW AND IT'S NICE LOOKING.

THE PROPERTY THAT'S THERE CURRENTLY,
COMMERCIAL, THE OLD TENNIS HOUSE, THEY'VE DONE A GREAT
JOB REFURBISHING. IT'S KIND OF BEEN AN EYESORE. IT
WAS PROBABLY, I DON'T KNOW IF THERE WAS ANY ACTIVITY
GOING ON THERE BEFORE THEY BOUGHT IT. MY CONCERN TOO
IS GOING DOWN THE ROAD SHOULD THIS BUSINESS FAIL WE
LIVE THERE IN THE COMMUNITY. WE'RE GOING TO BE THE
ONES THAT ARE GOING TO HAVE TO DEAL WITH IT DOWN THE
ROAD. THE FOLKS THAT ARE BUILDING IT, YOU KNOW, THEY
DON'T LIVE THERE.

WE HAVE A LOT OF CONCERNS. BASICALLY SAFETY,
BUT THE INVESTMENT THAT WE MADE, YOU KNOW, WE THOUGHT
WAS GOING TO BE PROTECTED. WE FEEL LIKE THE ZONING
CHANGE MAY HAVE AN AFFECT ON THAT. IT DEFINITELY, IN
MY OPINION, WILL CREATE AN EXTERNAL OBsolescence FOR
FOLKS ADJOINING THE PROPERTY. IT WILL DEVALUE THEIR
PROPERTY SOMEWHAT AND MAY EFFECT THEIR MARKETABILITY
AS FOR RESALE.
THAT’S MY CONCERNS AND APPRECIATE YOU ALL
LISTENING.
CHAIRMAN: LET ME ASK YOU SOMETHING, PLEASE.
I UNDERSTAND YOUR CONCERN. YOU ALL DID A NICE
JOB PRESENTING YOUR CONCERNS. IS THERE ANY TYPE OF
SCREENING? MR. PHELPS GAVE THE INDICATION THAT HE
WOULD BE WILLING TO POSSIBLY LIMIT THE ENTRANCE AND
THE ACCESS. IS THERE ANY TYPE OF SCREENING THAT YOU
FEEL LIKE COULD ENHANCE THIS AREA THAT WOULD MAKE IT
DOABLE OR ACCEPTABLE FOR YOUR COMMUNITY AND WHERE MR.
PHELPS COULD CONDUCT HIS BUSINESS? WITH THE GATES AND
THE CODES AND EVERYTHING NOW HE CAN RESTRICT ENTRANCE
AND EXIT.
MR. BOOTH: YOU CAN RESTRICT IT. AS FAR AS
THE PEOPLE THAT ARE GOING TO BE RENTING, HE WON’T KNOW
WHO THEY ARE. IT’S AN UNMANNED SITE. BASICALLY YOU
COLLECT YOUR FEE FOR THE MONTH. THEY’LL HAVE ACCESS
TO GO IN AND OUT. IT PUTS PEOPLE IN YOUR
NEIGHBORHOOD. IT GIVES THEM A REASON TO BE THERE
WHETHER THEY COULD HAVE A CRIMINAL RECORD. COULD BE A
SEX OFFENDER. WHO KNOWS WHO IS RENTING THESE TYPE OF
BUILDINGS.
AS FAR AS BEING SOMETHING THERE THAT HE COULD

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DO TO CORRECT THAT, THE ENTRANCE IS GOING TO BE
DIRECTLY ACROSS FROM MY FATHER-IN-LAW'S RESIDENCE AND
BRYAN BYRNE'S RESIDENCE. THERE'S GOING TO BE A
CONCERN THERE.

THESE LARGE TRUCKS THAT USUALLY FREQUENTLY RUN
IN AND OUT OF THESE TYPE OF PLACES, THEY'RE GOING TO
BE SITTING THERE RUNNING. COULD BE IN THE MIDDLE OF
THE NIGHT. VIBRATION TO THE HOUSE ACROSS THE STREET.

I DON'T KNOW THAT THERE IS ANY KIND OF A CURE
THAT, YOU KNOW, IF HE HAD AN 8-FOOT CONCRETE WALL,
UNLESS THE ENTRANCE COMES OFF OF 56, THAT'S GOING TO
CURE THE ISSUES THAT LIE WITH THE PROPERTY AND WHERE
IT'S GOING TO BE ENTERED FROM IN MY OPINION.

CHAIRMAN: THE ENTRANCE AND EXITS AND
RESTRICTING THE AVAILABILITY OF THE SITE CAN BE DONE.
SCREENING CAN BE ENHANCED. I'M TRYING TO PROMOTE
BUSINESS AND PROTECT NEIGHBORHOODS.

MR. BOOTH: I'M ALL FOR PROMOTING BUSINESS. I
HAVE NOTHING AGAINST MR. PHELPS TRYING TO CREATE MORE
INCOME ON THE PROPERTY. I JUST THINK THAT WHAT HE'S
PROPOSING MAY NOT BE THE BEST IDEA. THE ZONING CHANGE
DOWN THE ROAD COULD CREATE MORE ISSUES BECAUSE I'M NOT
SURE UNDER THAT TYPE OF ZONING WHAT QUALIFIES THAT
COULD ACTUALLY BE THERE DOWN THE ROAD. THAT'S WHY I'M
TOTALLY AGAINST IT.
CHAIRMAN: THANK YOU VERY MUCH.

MR. BOOTH: THANK YOU.

CHAIRMAN: DO WE HAVE ANY OTHER COMMENTS?

YES, MA'AM.

MR. LAND: STATE YOUR NAME.

MS. BOLES: JOY BOLES.

(_JOY BOLES SWORN BY ATTORNEY._)

MS. BOLES: MY HUSBAND AND I, WE LIVE

NEXT-DOOR TO MR. BYRNE. WE ALSO HAVE CONCERN.

THEY'VE DONE A WONDERFUL JOB EXPLAINING EVERYTHING. I KNOW YOU'VE TALKED ABOUT --

CHAIRMAN: JUST FOR THE RECORD, "THEY" YOU MEAN MR. BYRNE OR MR. PHELPS?

MS. BOLES: MR. BYRNE AND MR. BOOTH.

CHAIRMAN: THANK YOU.

MS. BOLES: MY CONCERN WAS THOUGH, ONE THING, I KNOW YOU TALKED ABOUT THE GREAT SECURITY THAT HE COULD HAVE. I'M SURE THAT THEY COULD REALLY BEEF UP THE SECURITY, BUT WHAT ABOUT FOLKS WHO WOULD BE COMING IN THAT AREA TRYING TO SEE IF THEY COULD GET THROUGH THAT SECURITY AND THEN MAYBE SEEING IF IT WAS A REALLY GREAT SECURITY SYSTEM, THEY MAY DECIDE NOT TO BOTHER HIS PROPERTY, BUT ALL OF US ARE RIGHT ACROSS THE ROAD. WHO IS TO SAY THEY WON'T DECIDE TO TAKE A LOOK AND SEE WHAT'S AROUND OUR HOUSES? MY CONCERN IS NOT JUST THE OHIO VALLEY REPORTING
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FOLKS THAT WILL BE RENTING THE FACILITY, BUT FOLKS
THAT MAY BE COMING OUT THERE THAT HAVE NOT THE MOST
HONORABLE INTENTIONS AND THEN THERE WE ALL ARE. I
JUST WANTED TO LEND OUR SUPPORT TO WHAT THEY WERE
SAYING.

CHAIRMAN: MR. KAZLAUSKAS, I DON'T WANT TO PUT
YOU ON THE SPOT, BUT I AM. COULD YOU GIVE ANY BACK
HISTORY OR ANY INSIGHT INTO THE TYPE OF QUESTION SHE
ASKED OR IF YOU COULD MAYBE THERE WOULDN'T BE ANY
POLICEMEN.

MR. KAZLAUSKAS: AS FAR AS SECURITY?

CHAIRMAN: YES, MA'AM.

MR. KAZLAUSKAS: SECURITY IS AS GOOD AS WHAT
YOU PAY FOR.

MS. BOLES: I UNDERSTAND.

CHAIRMAN: MY QUESTION TO YOU IS: DOES A
FACILITY LIKE THIS BRING ANY MORE UNDESIRABLE PEOPLE
INTO THIS TYPE OF COMMUNITY OR IS THE COMMUNITY JUST
AS LIKELY AS IT WOULD BE WHETHER THIS RENTAL SPACE
COMES OUT THERE OR NOT OR ARE THERE ANY FIGURES TO
BACK UP THE STATEMENTS?

MR. KAZLAUSKAS: MR. CHAIRMAN, I THINK YOU'RE
TALKING ABOUT DATA THAT I'M NOT PRIVY TO NOR THIS
COMMISSION IS NOT PRIVY TO. I WOULD BE AT A LOSS TO
TESTIFY OR MAKE ANY TYPE OF STATEMENT ABOUT IF A
STORAGE FACILITY BRINGS ANY INCREASED CRIME INTO A
NEIGHBORHOOD. IF THAT EMPIRICAL DATA IS OUT THERE,
MAYBE SOMEONE COULD RESEARCH IT AND PRESENT IT, BUT
I'M NOT AWARE OF ANY STUDIES THAT HAVE BEEN DONE ON
THAT. PRIMARILY JUST FROM MY LAW ENFORCEMENT
EXPERIENCE I WOULD SAY THAT IT HAS TO DO WHERE THE
NEIGHBORHOOD IS LOCATED, BUT THAT'S MY PERSONAL
OPINION. THAT DOESN'T CARRY VERY MUCH WEIGHT IN SOME
OF THESE INSTANCES. I COULDN'T TESTIFY TO THAT.

CHAIRMAN: I'M SORRY, I DIDN'T MEAN TO PUT YOU
ON THE SPOT.

MR. KAZLAUSKAS: THAT'S ALL RIGHT.

CHAIRMAN: DOES ANYBODY ELSE HAVE ANY
QUESTIONS OR COMMENTS?

YES, SIR.

MR. LAND: WILL YOU STATE YOUR NAME FOR THE
RECORD, PLEASE.

MR. PARK: JASON PARKER.

(JASON PARKER SWORN BY ATTORNEY.)

MR. PARKER: I LIVE AT 1225 LYDDANE BRIDGE
ROAD. THAT'S ABOUT 100 YARDS BEHIND THE PROPOSED
STORAGE BUILDINGS.

I HAVE A NINE YEAR OLD BOY. I HAVE A SEVEN
OLD BOY. NEXT TO ME IS THREE COUSINS. THEY'VE GOT A
SEVEN YEAR OLD COUSIN, A TEN YEAR OLD COUSIN, A FIVE
YEAR OLD COUSIN. NEXT-DOOR TO THEM IS BRYNE. HE'S
GOT A 16 YEAR OLD DAUGHTER, A 14 YEAR OLD DAUGHTER.
WE ALL LIVE WITHIN ABOUT A FOOTBALL FIELD OF THESE
STORAGE BUILDINGS.

AS FAR AS THE SECURITY GOES, YOU CAN PUT AS
MANY CAMERAS AS YOU WANT TO IN THAT PREMISES. YOU CAN
CATCH SOMEBODY BREAK INTO HIS STORAGE BUILDINGS.
THOSE CAMERAS ARE NOT GOING TO PICK UP SOMEBODY
MESSING AROUND IN OUR BACKYARD AT 2:00 IN THE MORNING
OR WHEN WE'RE ON VACATION OR WHEN WE'RE AT CHURCH. IT
TAKES THE ONE PERSON COMING INTO THAT STORAGE BUILDING
THAT HAS A METH LAB GOING THAT NOBODY KNOWS ABOUT. I
APOLOGIZE FOR MY VOICE CRACKING. I'M PRETTY NERVOUS.
WE JUST HOPE THAT YOU GUYS TAKE INTO
CONSIDERATION THAT WE HAVE SPENT LOTS OF MONEY AND
TIME ON THESE HOMES. I'M 32 YEARS OLD. MY WIFE AND I
HAVE SAVED AND SAVED FOR YEARS TO BUILD OUR DREAM HOME
WHERE WE WANT TO BUILD IT. NEXT TO ALL OF OUR FAMILY.

THE DOUBLE PLAY, I THINK IT'S GREAT. I LOVE
IT. THE KIDS CAN GET IN THERE AND PLAY BALL AND HAVE
FUN, BUT THE STORAGE BUILDING PART OF IT DOES NOT NEED
TO BE BROUGHT INTO OUR NEIGHBORHOOD.

NOTHING AGAINST YOU. I WANT YOU TO MAKE AS
MUCH MONEY AS YOU CAN FOREVER.

THOSE STORAGE BUILDING ARE GOING TO DRAW SOME
NICE PEOPLE OUT THERE AND THEY'RE GOING TO DRAW SOME
BAD PEOPLE OUT THERE. YOU'RE NOT GOING TO BE ABLE TO
MONITOR THESE PEOPLE ALL THE TIME. YOU MAY SEE THEM
ON CAMERA WHEN THEY LEAVE YOUR PREMISES AND THINK,
WOW, THAT'S A NICE LOOKING BROWN HOUSE BACK THERE. I
WONDER WHAT'S IN THAT HOUSE. I WONDER WHAT'S IN THEIR
BACKYARD OR MY NEIGHBOR THAT HAS BASKETBALL COURTS IN
THE BACK YARD. IF HE'S GOT THAT, I WONDER WHAT ELSE
HE'S GOT. YOU CAN'T MONITOR THIS ALL THE TIME.

ALL OF US LIVING IN THE SAME BULK. WE'VE
SPENT A BUNCH OF MONEY ON THESE HOUSES. WE'RE PROUD
OF THEM. IT'S JUST NOT RIGHT FOR THAT AREA. IT'S
JUST NOT RIGHT. TAKE THESE RENTAL PROPERTIES AND PUT
THEM ON THE EDGE OF OUR NEW RIVERFRONT. WOULD THEY GO
THERE? NO, THEY WOULDN'T GO THERE. WOULD THEY GO
RIGHT IN THE MIDDLE OF LAKE FOREST? NO, THEY
WOULDN'T. THEY DON'T NEED TO GO IN OUR RESIDENTIAL
HOMES EITHER. I COULD SEE IF IT WERE SEVERAL MILES IN
NOBODY'S BACKYARD, BUT LITERALLY MY BACKYARD IS
PROBABLY 100 YARDS FROM THIS BLOCKED ONLY BY A CREEK.
YOU COULD PUT ALL OF THE BARBWIRE UP YOU WANT TO, BUT
PEOPLE ARE STILL GOING TO SNOOP AND OUR KIDS ARE GOING
TO BE PLAYING OUTSIDE IN THE SUMMER WITH WHATEVER ELSE
IS RUNNING AROUND OUT THERE.

I KNOW IT'S VERY RANDOM WHAT I SAID, BUT I

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HOPE YOU CONSIDER THAT THIS IS JUST NOT APPROPRIATE
FOR WHERE WE'RE AT. I'M NOT AGAINST STORAGE BUILDINGS
AT ALL, BUT WHEN YOU SLAP ONE RIGHT IN THE MIDDLE OF
15 HOMES, IT'S JUST NOT RIGHT. THANK YOU.
CHAIRMAN: THANK YOU.
DOES ANYBODY ELSE GOT ANYTHING THEY WOULD LIKE
TO SAY, ANY COMMENTS?
YES, SIR.
MR. LAND: WILL YOU STATE YOUR NAME FOR THE
RECORD, PLEASE?
MR. FORD: MY NAME IS JOSEPH FORD KNOWN AS
MICK FORD.
(JOSEPH FORD SWORN BY ATTORNEY.)
MR. FORD: MR. CHAIRMAN AND COMMISSIONERS,
THOSE FOLKS THAT HAVE SPOKEN AND MR. PHELPS, I'VE
SPOKEN TO MR. PHELPS, I LIVE ON LYDDANE BRIDGE ROAD
MYSELF AND I HAVE SOLD THE LOTS I THINK TO EVERYONE
WHO HAS SPOKEN. I DEVELOPED THE LOTS. I'VE SOLD THE
LOTS. THEY BOUGHT THOSE LOTS WITH THE EXPECTATION
THAT THE TENNIS HOUSE PROPERTY KNOWING IT WAS ZONED
B-4 THAT IT WOULD REMAIN B-4. THAT IS AT LEAST
SOMewhat IN CHARACTER WITH THE NEIGHBORHOOD.
MY UNDERSTANDING OF THE ZONING ORDINANCE IS TO
PROTECT THE NEIGHBORHOOD. THE NEIGHBORHOOD IS
FUNDAMENTALLY RESIDENTIAL. PUTTING AN I-1 ZONING ON
THIS PROPERTY CHANGES THAT NEIGHBORHOOD AND TAKES AWAY
THE PROTECTION THAT IT HAS NOW. I-1 ZONING WILL ALLOW
NOT ONLY THIS TYPE OF DEVELOPMENT, BUT OTHER
DEVELOPMENTS THAT MIGHT POSSIBLY FALL WITHIN THAT
CLASSIFICATION. IT WILL BE BRINGING TRAFFIC NOT ONLY
DOWN HIGHWAY 56, BUT A LOT OF TRAFFIC FROM LYDDANE
BRIDGE ROAD, HIGHWAY 60, WEST FIFTH STREET ROAD, THOSE
AREAS THAT ARE RESIDENTIAL NOW WILL BE USING THIS
FACILITY. WE DON’T KNOW WHAT THE LIGHTING SITUATION
IS GOING TO BE, BUT CERTAINLY THE NOISE, THE LIGHTING,
THE TRAFFIC IS ALL DETRIMENTAL TO A RESIDENTIAL AREA.
THERE ARE A LOT OF USES THAT COULD BE MADE OF
THAT ONE LOT UNDER THE B-4 ZONING. MY PREFERENCE
WOULD BE THAT MR. PHELPS FIND SOMETHING THAT FALLS
WITHIN THAT ZONING RATHER THAN CHANGE THE ZONING THAT
FUNDAMENTALLY CHANGES THE CHARACTER OF THAT
NEIGHBORHOOD.

IF THIS ZONING WERE ALLOWED PRIOR TO MY
DEVELOPMENT OF THE LOTS AND STORAGE BUILDINGS WERE
BUILT THERE, I CERTAINLY COULD NOT HAVE SOLD THESE
LOTS FOR THE AMOUNT MONEY THAT I DID AND HAVE THE
QUALITY OF HOMES THAT WERE BUILT OUT THERE.
MR. PHELPS IS DOING A GOOD JOB WITH HIS
DEVELOPMENT OUT THERE. WE APPRECIATE WHAT HE'S DONE,
BUT IN DEFERENCE TO THE SURROUNDING HOMEOWNERS, I
BELIEVE IS ILLOGICAL IN CHANGING THE ZONING AT THIS TIME.

CHAIRMAN: MR. FORD, EXACTLY WHAT BUSINESS ARE YOU IN?

MR. FORD: I'M AN AUCTIONEER/REAL ESTATE BROKER. BEEN IN THE BUSINESS IN DAVIESS COUNTY FOR ABOUT 40 YEARS.

CHAIRMAN: FORTY YEARS.

MR. FORD: ABOUT 40 YEARS. WE'RE BOTH GETTING OLD. OLDER THAN YOU I'M SURE.

CHAIRMAN: IN YOUR OPINION, OBVIOUSLY YOU'VE DEVELOPED THIS AREA, IS THERE ANY MIDDLE GROUND WE COULD SEE TO HAVE THIS BUSINESS GO FORWARD AND TO KEEP THE NEIGHBORS IN A SECURE SITUATION?

MR. FORD: THERE'S NO WAY I CAN SEE THAT THIS DEVELOPMENT WOULD NOT DETRIMENTALLY EFFECT THE AREA SUBSTANTIALLY, EFFECT HOME PRICES, AND FUNDAMENTALLY CHANGE THE NATURE OF THE AREA. I UNDERSTAND THAT COULD BE USED FOR SOMETHING LIKE A QUICK PICK, WHICH IS NOT PARTICULARLY DESIRABLE EITHER FOR RESIDENTIAL AREAS, BUT WHEN YOU'RE HAVING, WE DON'T KNOW THE TOTAL NUMBER OF UNITS THAT ARE GOING TO BE THERE. IT DOES NOT LOOK GOOD NO MATTER HOW MUCH ZONING AND SCREENING YOU DO IN AN AREA LIKE THAT, IT'S STILL NOT GOING TO BE AN ATTRACTIVE LOOK. I DON'T THINK YOU CAN GO OUT
HERE AND SAY THAT ANY STORAGE BUILDINGS, YOU KNOW, IF
THEY WERE PUT DOWN RIGHT BESIDE A NICE RESIDENTIAL
AREA, WOULD ADD ANYTHING TO A RESIDENTIAL VALUE.

CHAIRMAN: MR. FORD, WHEN THEY WERE TALKING
ABOUT, WHEN THEY WERE TALKING ABOUT ALL THE HOUSES
WERE BRICK, WERE YOU INVOLVED IN THAT?

MR. FORD: I PUT ALL THE RESTRICTIONS ON THOSE
LOTS.

CHAIRMAN: WAS THAT RESTRICTION DONE BEFORE
THE LOTS WERE EVEN SOLD?

MR. FORD: YES.

CHAIRMAN: ARE YOU FINISHED, MR. FORD?

MR. FORD: THANK YOU.

CHAIRMAN: DOES ANYBODY ELSE HAVE ANY
COMMENTS?

(NO RESPONSE)

CHAIRMAN: MR. PHELPS, WOULD YOU LIKE TO MAKE
A CLOSING OR A SUMMARY?

MR. PHELPS: YES, I WOULD.

MR. LAND: WOULD YOU STATE YOUR NAME AGAIN?

MR. PHELPS: CHRIS PHELPS.

MR. LAND: REMIND YOU YOU'VE BEEN SWORN.

MR. PHELPS: WHAT I WOULD LIKE TO DO IS, YOU
KNOW, I'M A WORKING MAN MYSELF. I KNOW WHAT IT TAKES
TO HOPEFULLY ONE DAY HAVE MY DREAM HOME MYSELF. I DID
NOT KNOW COMING IN HERE THAT I WAS GOING TO BE
STIRRING UP THIS MUCH STINK WITH THE WHOLE
NEIGHBORHOOD ABOUT WHAT WAS GOING ON. I'M BASICALLY
WILLING TO DISMISS THE WHOLE THING. I CAN DO WITHOUT
THE STORAGE BUILDINGS IN THAT LOCATION AND PROBABLY
FIND ANOTHER PLACE TO BUILD IT. I KNOW ALL THESE
GUYS. I REALLY DID NOT KNOW THIS WAS GOING TO BE TO
THE POINT WHERE, YOU KNOW, FRIENDSHIPS. I'M NOT
WANTING TO LOSE A BUNCH OF FRIENDSHIPS OVER PUTTING
SOME STORAGE BUILDINGS IN. WE DO HAVE A PLACE THERE
WHERE WE DO HAVE FAMILY AND KIDS AND EVERYBODY THAT
COMES OUT TO PLAY TO THE SPORTS FACILITY, YOU KNOW,
HAS A GOOD TIME. THESE FOLKS HAVE EVEN COME OUT THERE
A HANDBUFL OF TIMES I'M SURE. I'M NOT OUT THERE EVERY
DAY, BUT I JUST HAD A LITTLE EXTRA PROPERTY THERE. I
THOUGHT IT MIGHT BE GOOD TO TRY TO DEVELOP SOMETHING
THERE AS FAR AS SOME STORAGE BUILDINGS, BUT I'M NOT.

CHAIRMAN: MR. PHELPS, YOU'RE A BETTER MAN
BECAUSE OF THAT. LET ME ASK YOU: OFFICIALLY YOU NEED
TO REQUEST TO WITHDRAWAL YOUR APPLICATION.
MR. PHELPS: YES, SIR, I WOULD REQUEST THE
WITHDRAWAL.

CHAIRMAN: LET IT BE NOTED THAT MR. PHELPS IS
REQUESTING TO WITHDRAWAL HIS APPLICATION.

THANK YOU VERY MUCH. THANK YOU AND THE

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CITIZENS, THE PLANNING OPERATION WORKED. THANK YOU ALL THE WAY THAT YOU ALL PARTICIPATED.

MR. NOFFSINGER, I THINK WITH THE APPLICATION WITHDRAWN, WE HAVE TO TAKE NO FURTHER ACTION.

MR. NOFFSINGER: WE'RE READY FOR ITEM NUMBER 7.

ITEM 7

3601 JEFFERSON STREET; 3590 ST. ANN STREET, 9.717 ACRES

CONSIDER ZONING CHANGE: FROM R-1B SINGLE-FAMILY RESIDENTIAL TO R-1C SINGLE-FAMILY RESIDENTIAL

APPLICANT: JED RENTALS FAMILY PARTNERSHIP, LTD

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

NO ACCESS SHALL BE PERMITTED TO JR MILLER BOULEVARD.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;

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

3. SANITARY SEWER SERVICE IS AVAILABLE TO THE SUBJECT PROPERTY;

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4. THE PROPOSAL MEETS THE GOAL OF THE
   COMPREHENSIVE PLAN TO ESTABLISH A VARIETY OF HOUSING
   TYPES FOR A VARIETY OF PEOPLE WITHIN A NEIGHBORHOOD;
   AND,

5. THE PROPOSAL SUPPORTS THE COMPREHENSIVE
   PLAN'S GOALS BY ENCOURAGING THE CONCENTRATION OF URBAN
   DEVELOPMENT WITHIN THE URBAN SERVICE AREA TO LIMIT
   URBAN SPRAWL.

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

   CHAIRMAN:  MS. EVANS.

   MS. EVANS:  MELISSA EVANS.

   I HAD AN E-MAIL FROM A GENTLEMAN THAT I WOULD
   LIKE TO READ INTO THE RECORD.

   MR. NOFFSINGER:  IF YOU WOULD, READ THAT IN
   AFTER YOU DO YOUR PRESENTATION.

   MS. EVANS:  I DON'T HAVE A PRESENTATION.  I
   WAS JUST GOING TO READ THE E-MAIL.

   CHAIRMAN:  IS THE APPLICANT HERE?

   MR. DAVIS:  YES.

   CHAIRMAN:  ARE THERE ANY QUESTIONS OF THE
   APPLICANT?

   YES, SIR.

   MR. LAND:  WOULD YOU STATE YOUR NAME FOR THE
   RECORD, PLEASE?
MR. WOFFARD: DELBERT WOFFARD.

(DELBERT WOFFARD SWORN BY ATTORNEY.)

MR. WOFFARD: I HAVE A QUESTION.

CHAIRMAN: MR. WOFFARD, BECAUSE OF YOUR HEIGHT, WOULD YOU EITHER TAKE THE MICROPHONE OR BEND OVER BECAUSE THEY'RE NOT GOING TO BE ABLE TO HEAR YOUR TESTIMONY.

MR. WOFFARD: DO YOU PLAN TO DEVELOP THE PROPERTY ADJOINING LIKE YOU DID THE ADJOINING MALLARD CREEK PROPERTY ON FAMILY UNITS? IS THAT YOUR INTENTION?

MR. DAVIS: YES, SIR.

CHAIRMAN: WAIT JUST A MINUTE.

WHY DON'T YOU GIVE US ABOUT THREE OR FOUR QUESTIONS IN A ROW AND THEN WE'LL BRING HIM TO THE MIKE SO HE CAN TESTIFY AND WE'LL GET HIM UNDER OATH ALSO. IS THAT ALL RIGHT WITH YOU?

MR. WOFFARD: YES. THAT WAS MY MAIN QUESTION.

THEN I HAD SOME CONCERNS AFTER THAT.

CHAIRMAN: LET ME BRING HIM TO THE MIKE.

WE'LL GET HIM TO RESPOND AND THEN WE'LL BRING YOU BACK.

MR. LAND: WOULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE?

MR. DAVIS: PAUL DAVIS.
(PAUL DAVIS SWORN BY ATTORNEY.)

MR. DAVIS: TO ANSWER YOUR QUESTION, YES, SIR.

CHAIRMAN: MR. DAVIS, WOULD YOU TURN TOWARD

THE MIKE. YOU CAN ADDRESS HIM, BUT MAKE SURE YOU'RE

AT THE MIKE ALSO.

MR. DAVIS: YES, SIR, WE'RE PLANNING ON

PUTTING 40 DUPLEXES JUST LIKE THAT'S IN THE

DEVELOPMENT RIGHT NEXT TO IT AT MALLARD CREEK. THAT'S

THE PROPOSED PLAN.

CHAIRMAN: MR. WOFFARD, DO YOU HAVE SOME

COMMENTS OR FURTHER QUESTIONS?

MR. WOFFARD: I'M TRYING TO STATE SOME

CONCERNS OF THE SOUTHEAST NEIGHBORHOOD ALLIANCE. IT'S

A GROUP OF NEIGHBORS ADJOINING THIS PROPERTY. MY

CONCERNS ARE AS FOLLOWS:

THIS IS A UNIQUE PIECE OF PROPERTY BECAUSE OF

ITS LOCATION. IT'S LOCATED -- THE ZONING, WHEN YOU

ZONE AN AREA, YOU HAVE TO TAKE INTO CONSIDERATION

TRAFFIC PATTERNS, POPULATION DISTRIBUTION, INDUSTRIAL

USE AND POLLUTION.

THIS PARTICULAR PROPERTY IS RIGHT IN THE

MIDDLE OF THE CITY ALONG J.R. MILLER BOULEVARD,

BETWEEN J.R. MILLER BOULEVARD AND JEFFERSON STREET.

IT'S VERY VISIBLE TO THE COMMUNITY NOW BECAUSE IT IS

CLEAR AND YOU CAN SEE IT FROM J.R. MILLER BOULEVARD.
SEVERAL REASONS EXIST NOT TO DEVELOP ALL OF THIS RECENTLY AUCTIONED PROPERTY FOR RESIDENTIAL USE. THIS IS THE CONCERNS THAT WE HAVE BECAUSE IT WAS PREVIOUSLY A GREEN SPACE IN THIS AREA. IT WAS ALL TREES. IT WAS A HEAVILY WOODED AREA.

THE FIRST REASON IS INCREASING TRAFFIC FLOW AROUND AND THROUGH THE NEIGHBORHOOD. J.R. MILLER BOULEVARD WITHIN THE LAST TEN YEARS OR SO JUST CONSTRUCTED. IT'S BECOME AN ALTERNATE ROAD THAT PARALLELS FREDERICA STREET. JEFFERSON STREET IS ALSO PARALLEL TO FREDERICA AND IT HAS A LOT OF TRAFFIC. I'M NOT STATING STATISTICS BECAUSE I'M NOT SURE WHAT EXACTLY THE TRAFFIC FLOW IS, BUT I HAVE SEEN WHERE THE CITY HAS AT TIMES PUT ACROSS THESE MEASURING DEVICES WHERE YOU CAN DRIVE OVER AND IT REGISTERS HOW MANY CARS ARE FLOWING. JEFFERSON STREET HAS A HIGH FLOW RATE AS WELL AS J.R. MILLER BOULEVARD.

THE SOUTH END OF JEFFERSON STREET ALSO FACES WENDELL FORD EXPRESSWAY, WHICH THERE'S A LOT OF TRAFFIC ON THAT ALSO WITH A LOT OF POLLUTION FROM CARS AND VEHICLES TRAVELING ON THAT EXPRESSWAY.

THE PREVIOUSLY WOODED AREA SURROUNDED THESE STREETS WAS NECESSARY TO COUNTER BALANCE THE ADMISSION PRODUCTS OF VEHICLES TRAVELING ON THESE ADJACENT ROADS. THAT'S THE CONTENTION IN TERMS OF FULL USE OF

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These spaces just for residential use because they were heavily wooded and they counter balance the pollution generated by this heavier traffic flow. The miniature woods not only influenced residents in the neighborhood, but also people who worked in institutions that boarded this area. See, this is a concentrated area in the city. Texas Gas and Kentucky Wesleyan College have hundreds of people that at one time showed up for work within just a few blocks of this area.

KWC has recently built a new football stadium to attract more people to their games and they share a new facility with Owensboro Catholic High School in their games over at the Wesleyan property.

Newton Parrish Elementary School and Lourdes Elementary School also are included within a few blocks of this area. All of these places of industrial use are appreciated because of the nature of the green space.

Advantages of a densely wooded area was that the trees, as a group, did less damage to homes and power lines and they remained as a densely wooded area. You know how during the storms and high winds they incur less damage than scattered isolated trees like the ones in Legion Park. Over the years Legion

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PARK HAS EXPERIENCED QUITE A BIT OF DAMAGE OF THEIR TREES.

THE LOSS AND DAMAGE OF TREES DUE TO WEATHER IN THE PAST FEW YEARS, THE CITY IS WELL AWARE OF THE AMOUNT OF DAMAGE THAT HAS BEEN DONE WITH THE WEATHER CONDITIONS.

ALSO, THE TREES HELP DROP TEMPERATURES DURING THE SUMMER HEAT WAVES. THE SOUTHEAST NEIGHBORHOOD ALLIANCE TRIED TO CONDUCT A MINIATURE SURVEY AROUND THIS AREA BEFORE THE TREES WERE TORN DOWN. ALL OF THE RESIDENTS IMMEDIATELY SURROUNDING THE AREA WERE AGAINST ALL OF THE TREES BEING TORN DOWN.

THIS CANNOT BE A LEGITIMATE CONCERN UNLESS THE OWNERSHIP, WHICH MR. DAVIS HAS, WILL CONSIDER THE POSSIBILITY OF REESTABLISHING A DIFFERENT TREE BASE THAT ONCE WAS USEFUL IN THAT AREA. UNLESS THE OWNER WILL ENVISION THE NECESSITY FOR MEETING THE CHALLENGES OF THE PREVIOUSLY DESCRIBED CHANGES THAT HAS INCREASED TRAFFIC PATTERN AND INCREASED INDUSTRIAL USE OF THAT AREA AROUND THAT J.R. MILLER BOULEVARD, JEFFERSON STREET AREA, THE LAND WILL NOT CONTINUE TO FUNCTION AS IT DID. SO THE LAND WAS SOLD IN TWO TRACTS.

I REMEMBER AT THE AUCTION MR. DAVIS BOUGHT BOTH TRACTS. YOU CAN SEE HOW BY THE DIAGRAM HOW THERE WERE TWO SEPARATE TRACTS.
MY MAIN CONCERN IN BRINGING THIS UP IS TO
BRING BEFORE YOU THE NECESSITY FOR CONSIDERING THE
CHANGES THAT TOOK PLACE AND ALLOWING FLEXIBLE THOUGHT
ABOUT REESTABLISHING A GREEN SPACE THAT ONCE WAS A
COUNTER BALANCE TO THE CONCENTRATED POPULATION AND
TRAFFIC PATTERNS.

CHAIRMAN: MR. WOFFARD, HAVE YOU GOT SOME
REQUESTS OR SUGGESTIONS? I THINK I'M GETTING THE
GRASP OF WHERE YOU'RE HEADED WITH THIS, BUT DO YOU
WANT A MORE DENSE TREE BASE ON THESE PROPERTIES OR
EXACTLY WHERE ARE YOU HEADED BECAUSE WE CAN BRING MR.
DAVIS BACK UP AND SEE IF THERE'S COMMON GROUND WHERE
I'M SURE HE WOULD BE WILLING TO WORK AT SOME EXTENT
WITH THE NEIGHBORHOOD ALLIANCE IF WE REALLY KNEW WHAT
YOU WANTED. GIVE US LIKE SAY A ONE, TWO, THREE, FOUR,
SOMETHING LIKE THAT. I'M NOT TRYING TO JUMP AHEAD OF
YOU, BUT I'M TRYING TO MAKE IT EASY SO WE CAN GRASP
WHERE YOU'RE HEADED WITH THIS.

MR. WOFFARD: I'M HEADED TO GIVE HIM AN
EXPRESSION OF WHAT HE PLANS, YOU KNOW, IN TERMS OF
ENVISIONING MAINTAINING SOME KIND OF ECOLOGICAL
BALANCE WITH HIS RESIDENTIAL PLANNING OF HIS
STRUCTURES THAT HE'S GOING TO BE BUILDING. BECAUSE
THERE'S BEEN A LOT OF PEOPLE UPSET ABOUT ALL OF THESE
TREES BEING TORN DOWN. I THINK HE HAS THE RIGHT TO
EXPRESS HIMSELF IN TERMS OF HOW HE IS CONCERNED ABOUT
WHAT THEY’VE BEEN CONCERNED ABOUT, ALL THE TREES BEING
CLEARED FROM THAT AREA.

CHAIRMAN: MR. DAVIS.

MR. DAVIS: WHAT WE'RE TRYING TO DO WITH THIS
PIECE OF PROPERTY IS GET AS MUCH, YOU KNOW, AS FAR AS
DUPLEXES AS WE CAN IN ON THIS PROPERTY. WE
UNDERSTAND, YOU KNOW, ECOLOGICAL VALUE. I THINK ME
AND YOU TALKED THAT DAY AT THE AUCTION.

WE WANTED TO LEAVE AS MANY TREES AS WE
POSSIBLY COULD WHEN WE STARTED TO DEVELOP THIS
PROPERTY, BUT AT THE TIME, IF YOU'VE EVER HAD -- I
MEAN MOST BUILDERS HERE WILL KNOW. YOU CAN LEAVE A
TREE AND THREE, FOUR YEARS DOWN THE ROAD AND YOU'VE
DISTURBED ALL THE TREES AROUND IT, ALL THE PROPERTY,
THAT TREE DIES. THEN YOU'RE LEFT WITH HAVING TO GO IN
AND REMOVE THESE BIG TREES WITH ALL THESE APARTMENTS
AROUND. THEN IN THAT CASE YOU TAKE THE CHANCE OF
DAMAGING OR IF YOU DON'T GET IT OUT BEFORE A WIND
STORM, ICE STORM, YOU TAKE A CHANCE OF IT DAMAGING A
PIECE OF PROPERTY OR A PERSON.

SO WHAT WE'RE GOING TO DO IS AFTER WE'RE SAID
AND DONE WE WILL COME IN AND PROBABLY PLANT SOME TREES
ALONG J.R. MILLER. IT'S NOT GOING TO BE AS DENSELY,
YOU KNOW, TREES IN THERE AS THERE WAS. WE'LL PROBABLY
PUT A FEW ALONG LONGFELLOW AND ST. ANN, AND THEN
PROBABLY SPORADICALLY IN BEHIND THE DUPLEXES, KIND OF
BACK UP TO MALLARD CREEK AND ALONG STOCKTON. JUST
SOMETHING TO KIND OF MAKE IT -- BECAUSE WE WANT
GREENERY IN THERE ALSO. IT MAKES IT LOOK BETTER FROM
OUR STANDPOINT AND FROM A RENTER'S STANDPOINT.

THAT'S WHAT WE'RE PLANNING ON DOING AS FAR AS
IN THE DEVELOPMENT. WE'RE GOING TO TRY TO DO THE BEST
WE CAN TO MAKE IT A PRESENTABLE PLACE, BUT WE HAVE TO
GO THROUGH THE CONSTRUCTION PROCESS TO GET TO THAT
POINT.

WE WANTED TO LEAVE IT, BUT IT JUST FOR
FEASIBILITY IT WOULDN'T BE WORTH IT. BY THE TIME YOU
DISTURB THE PROPERTY AND ALL OF THAT.

I THINK MARCH 14TH IS THE SOUTHEAST DAVIESS
COUNTY ALLIANCE. I TOLD ABBIE, I THINK HER NAME IS
ABBIE, I TOLD HER THAT I WILL BE AT THE MEETING AND
I'M GOING TO PRESENT WHAT WE DISCUSS HERE TONIGHT,
PRESENT WHAT EVERYTHING IS GOING TO BE, WHAT THE
BUILDINGS ARE GOING TO LOOK LIKE AND ALL OF THAT.
THAT'S ALREADY IN THE WORKS TO MEET WITH YOU ALL.

ANY OTHER QUESTIONS?
CHAIRMAN: ANYBODY ON THE COMMISSION HAVE ANY
QUESTIONS?

YES, MA'AM, MS. CAMBRON.
MS. CAMBRON: I HAVE A QUESTION.

IS THIS COMMUNITY GOING TO RESEMBLE YOUR
MALLARD CREEK TO A GREAT EXTENT? IS IT GOING TO BE
LAID OUT PRETTY MUCH THE SAME?

MR. DAVIS: YES, MA'AM. IT'S GOING TO BE
IDENTICAL TO MALLARD CREEK, OTHER THAN THERE'S GOING
to be three duplexes that's going to be facing
JEFFERSON STREET. THEN EVERYTHING ELSE IS GOING TO BE
down LAFAYETTE AND GOING TO HAVE A LAFAYETTE ADDRESS.

MS. CAMBRON: HOW OLD IS YOUR MALLARD CREEK?

HOW OLD IS THAT COMMUNITY?

MR. DAVIS: PROBABLY ABOUT FIVE YEARS AGO NOW.

MS. CAMBRON: YOU FINISHED IT ABOUT FIVE YEARS
ago?

MR. DAVIS: YES, MA'AM.

MS. CAMBRON: HOW MANY TREES DID YOU PLANT IN
THE MALLARD CREEK COMMUNITY?

MR. DAVIS: WE'VE PLANTED THREE ALONG THE
FRONT RIGHT NOW AND THEN THERE WAS THREE ALREADY
THERE. NOW WE HAVEN'T GONE IN AND PLANTED ANY MORE
BECAUSE IT'S NOT AS A WIDE OPEN SPACE. THERE'S GOING
to be a lot more open ground on this project than
THERE WAS WITH MALLARD CREEK.

MS. CAMBRON: WHERE IS THAT OPEN GROUND GOING
TO BE?
MR. DAVIS: WELL, BE UP TOWARDS J.R. MILLER THERE'S GOING TO BE LIKE A FEW OPEN AREAS AND THERE'S GOING TO BE MORE OF THE RETENTION AREAS BACKED UP IN THAT AREA. I THINK PRETTY CLOSE TO J.R. MILLER IS GOING TO BE A FEW AREAS. IT'S GOING TO HAVE A LITTLE MORE SPACE. INSTEAD OF 10 FEET BETWEEN THE DUPLEXES, THERE WILL BE SOME THAT HAVE 20 FEET WHERE WE COULDN'T FIT ANY MORE IN THERE AND WE HAD TO LEAVE SOME OPENINGS THROUGH THERE. THEN PLUS SOME OF THEM IS GOING TO HAVE IT WIDER BETWEEN THERE, BUT THEY'RE GOING TO HAVE A SEWER LINE COMING FROM MALLARD CREEK FEEDING THIS PROJECT. THEN ALSO RWRA WANTS US TO FEED THE OPEN LOT JUST ACROSS THE NORTH SIDE THERE ON THE CORNER OF J.R. MILLER BECAUSE WE'RE GOING TO BE FEEDING A SEWER LINE TO THAT POINT. WE CAN'T PUT TREES ON TOP OF SEWER LINES.

MS. CAMBRON: THAT WAS JUST FOR MY PERSONAL INFORMATION. AFTER FIVE YEARS AND ONLY THREE TREES BEING PLANTED, THAT'S NOT A GREAT AMOUNT OF TREES.

MR. DAVIS: NO, IT'S NOT, BUT IT'S NOT A PROJECT THE SIZE OF WHAT WE'RE DOING NOW. AS YOU CAN SEE, NOW WE'RE DEALING WITH 9 POINT SOME ACRES ON THIS.

MS. CAMBRON: THANK YOU.

CHAIRMAN: DOES ANYBODY ELSE HAVE ANY
QUESTIONS?

YES, MA'AM.

MS. EVANS: MELISSA EVANS.

I RECEIVED AN E-MAIL YESTERDAY, WEDNESDAY, FEBRUARY 13, 2013 FROM A MR. MARK MILLER CONCERNING THE ZONING CHANGE R-1B TO R-1C AT 3590 ST. ANN STREET AND 3601 JEFFERSON STREET.

IT READS, "100 STOCKTON DRIVE," WHICH I ASSUME IS MR. MILLER'S ADDRESS. IT SAYS, "I AM UNABLE TO ATTEND THE MEETING TONIGHT REGARDING THIS CHANGE AND WOULD LIKE TO REQUEST THIS QUESTION BE READ INTO THE MINUTES. THE WOODS THAT STOOD FOR HUNDREDS OF YEARS PROVIDED A NATURAL SITE AND NOISE REDUCTION BARRIER BETWEEN THE TWO NEIGHBORHOODS. I DON'T QUESTION THE NEW OWNER'S RIGHT TO BUILD, BUT I JUST REQUEST THEY INSTALL A PRIVACY FENCE AROUND THE PROPERTY TO REDUCE THE NOISE AND IMPROVE AESTHETIC VALUE OF THE PROPERTY. I MAY BE REACHED BY EMAIL FOR FOLLOW-UP QUESTIONS. THANK YOU."

WE WOULD LIKE TO ENTER THIS INTO THE RECORD ON MR. MILLER'S BEHALF.

CHAIRMAN: WOULD YOU LIKE TO RESPOND?

MR. DAVIS: YES, I WOULD.

I DON'T KNOW IF MR. MILLER WILL BE AT THE SOUTHEAST ALLIANCE MEETING, BUT HE'S THE ONE THAT OWNS
THE PIECE OF PROPERTY I WAS JUST TALKING ABOUT. THAT WE'RE PLANNING TO HAVE A SEWER LINE RAN TO A DEAD PIECE OF PROPERTY THAT LATER ON HE COULD SELL, YOU KNOW, AND MAKE SOME MONEY OFF THIS PIECE OF PROPERTY. THE SEWER LINE IS AT OUR COST THAT IS HELPING MR. MILLER. HE HAS A PIECE OF PROPERTY THAT HAS SEVERAL DEAD TREES ON IT NOW THAT HAVE POTENTIAL OF FALLING ON OUR BUILDINGS ON THE OTHER SIDE. HE'S COMING OUT PRETTY GOOD AND CLEAR ON THIS WITH US HAVING TO FEED HIM THE SEWER LINE. I KNOW HE'S NOT HERE, BUT I CAN LET HIM KNOW IF HE'S EVER GOT ANY QUESTIONS OR ANYTHING LIKE THAT.

CHAIRMAN: MS. EVANS, WERE YOU THE ONE THAT DID THIS? DID YOU READ THIS?

MS. EVANS: NO. BRIAN DID.

CHAIRMAN: BRIAN, WHAT ARE THE REQUIREMENTS?

THERE'S NO PRIVACY SCREENING REQUIRED AROUND THE DUPLEXES, IS THERE?

MR. HOWARD: RIGHT. THE PROPERTY RIGHT NOW IS ZONED R-1B SINGLE-FAMILY RESIDENTIAL. THE PROPOSED ZONING IS R-1C SINGLE-FAMILY RESIDENTIAL. THE ZONING ORDINANCE DOES NOT REQUIRE ANY TYPE OF SCREENING BETWEEN SIMILAR ZONES. BASICALLY THE DIFFERENCE IS DENSITY. THE R-1C ZONE WOULD ALLOW ONE UNIT PER 5,000 SQUARE FEET, BUT NO PERIMETER SCREENING REQUIREMENT IN
THE ZONING ORDINANCE.

CHAIRMAN: JUST FOR THE RECORD, MR. DAVIS,

YOUR COMMENT ON HIS -- THAT WAS MORE OF A REQUEST THAN

A QUESTION.

MR. DAVIS: AT THIS TIME WE DON'T PLAN ON

PUTTING A PRIVACY FENCE OR SCREENING AROUND THE

PROPERTY. LIKE MR. MILLER, HIS PROPERTY IS ONLY THAT

PIECE OF LAND THERE THAT ABUTS US, THE ONE THAT HAS

THE TREES RIGHT ON J.R. MILLER. HIS PROPERTY ACTUALLY

DOES NOT, OTHER THAN THAT LOT, TOUCH OUR PROPERTY.

BECAUSE THERE'S A LITTLE, LIKE A TURN AROUND ON

STOCKTON, THERE'S A LITTLE PAVED DITCH THAT COMES OFF

STOCKTON AND FEEDS OUR PROPERTY WHICH THAT IN TURN IS

HIS PROPERTY. THE ONE THAT'S IN THE BLACK, THERE'S A

LOT 100 THERE. DO YOU SEE WHERE I'M TALKING ABOUT?

CHAIRMAN: YES.

MR. ALLEN: ARE YOU TALKING ABOUT THE CORNER

LOT OFF OF STOCKTON?

MR. DAVIS: IS IT ALL RIGHT IF I COME AND SHOW

YOU?

CHAIRMAN: YES. SURE.

MR. KAZLAUSKAS: IT'S LOT NUMBER 16 YOU'RE

TALKING ABOUT, ISN'T IT?

MR. DAVIS: I BELIEVE SO.

CHAIRMAN: THIS RIGHT HERE.

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MR. DAVIS: YES, SIR. RIGHT HERE. MR. MILLER OWNS THIS PIECE OF PROPERTY RIGHT HERE AND THERE'S A PAVED DITCH.

MR. NOFFSINGER: WE'RE NOT GETTING THIS ON RECORD.

CHAIRMAN: I'M AWARE OF WHERE THE PROPERTY IS. WOULD YOU JUST RESTATE THAT MR. DAVIS.

MR. DAVIS: MR. MILLER'S PROPERTY, THE ONLY PIECE OF HIS PROPERTY THAT ADJOINS US IS THE OPEN LOT THAT'S THERE AT THE NORTHEAST CORNER OF OUR PROPERTY THERE AT J.R. MILLER. THEN FROM STOCKTON TO OUR PIECE OF PROPERTY IS A LITTLE PAVED DITCH. IT'S JUST A LITTLE PAVED FLOW THAT COMES UP, THAT FEEDS OFF OF STOCKTON INTO OUR PROPERTY IN WHICH THE TURN, YOU KNOW, IT'S COMING IN ON PROPERTY AND THEN FLOWING AWAY FROM HIM. THAT'S THE ONLY PART THAT HE HAS THAT CONNECTS TO US.

CHAIRMAN: I WAS JUST TRYING TO TIE TOGETHER HIS REQUEST AND THE REQUIREMENTS.

MR. DAVIS: RIGHT.

CHAIRMAN: AND YOUR INTENTIONS.

MR. DAVIS: HE'S NOT CONNECTED TO US OTHER THAN THAT OPEN LOT.

CHAIRMAN: ARE THERE ANY OTHER QUESTIONS?

MR. KAZLAUSKAS: MR. CHAIRMAN, I NEED TO ASK

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BRIAN A QUESTION.

IT'S REFERENCED TO THAT LOT NUMBER 16 THAT'S
OWNED BY MR. MILLER. I MIGHT BE ASKING YOU SOMETHING
YOU DON'T KNOW. DO YOU KNOW THE DIMENSIONS OF THAT
LOT AND WHAT COULD IT BE USED FOR? IT COULD BE USED
FOR RESIDENTIAL PURPOSES FOR A SEWER LINE GOING IN
THERE?

MR. HOWARD: I DON'T HAVE ANYTHING THAT SHOWS
THE DIMENSION ON THE PROPERTY. I MEAN IT'S ZONED
SINGLE-FAMILY RESIDENTIAL ZONING. IT'S AN EXISTING
LOT. OF COURSE, IT BACKS UP, IT LOOKS LIKE MR. MILLER
ALSO OWNS LOT 15 WITH A HOUSE ON IT. IT BACKS UP TO
PROPERTY HE ALREADY OWNS OFF OF STOCKTON DRIVE.

MR. KAZLAUSKAS: BUT THERE'S NO WAY TO GRANT
ACCESS TO THAT LOT FOR SINGLE-FAMILY?

MR. HOWARD: J.R. MILLER IS A CONTROLLED
ACCESS STREET. IT COULD POTENTIALLY GO BEFORE THE
GREEN RIVER AREA DEVELOPMENT DISTRICT TRANSPORTATION
ADVISORY COMMITTEE AS AN EXCEPTION. THE APPLICANT
ACTUALLY PROPOSED AN EXCEPTION TO THE ACCESS
MANAGEMENT ALONG J.R. MILLER. THE TAC ACTUALLY
APPROVED THE REQUEST, BUT THE POLICY COMMITTEE DENIED
AN ACCESS TO J.R. MILLER. IT IS POSSIBLE THAT THAT
SAME TYPE OF PROCEDURE COULD BE FOLLOWED, BUT WHAT HIS
CHANCES OF GAINING ACCESS THERE WOULD BE, I DON'T
MR. KAZLAUSKAS: OKAY. THANK YOU.

CHAIRMAN: IF THERE ARE NO FURTHER QUESTIONS,

NO FURTHER COMMENTS?

YES, SIR.

MR. WOFFARD: I WISH I COULD JUST TALK -- I AM GOING TO TALK EXTEMPORANEOUSLY ABOUT THIS, AND IT'S A PHILOSOPHICAL ISSUE. IT'S NOT IN REGARD TO THE WAY THIS IS DONE. IT'S LEGAL. THE OWNERSHIP IS THERE.

I WANTED TO BRING UP THE FACT THAT BEFORE THIS PROPERTY WAS AUCTIONED I DID APPROACH THE COUNTY ABOUT BUYING IT TO BE USED AND TO KEEP IT AS A GREEN SPACE FOR RESIDENTIAL, YOU KNOW, FOR PURPOSES OF THE REASONS I STATED EARLIER. ABOUT THE CONCENTRATION OF POPULATION. NOT ONLY RESIDENTIAL BUT INDUSTRIAL.

IN OTHER WORDS, YOU'VE GOT TWO SCHOOLS. YOU'VE GOT KENTUCKY WESLEYAN. YOU'VE GOT TWO ELEMENTARY SCHOOLS. YOU HAVE THE FUNERAL HOME.

YOU'VE GOT TEXAS GAS WHICH IS MOVING DOWNTOWN INTO A ZONE WHERE THEY'VE GOT THE ATMOSPHERE THAT THEY ORIGINALLY MOVED OUT INTO THE SUBURBS FOR, AND THAT WAS TO BE IN THE COUNTRY. THIS WAS AN AREA OF THE COUNTY THAT WAS KEEPING THE CITY FRESH AS FAR AS THE COUNTRY ATMOSPHERE WAS CONCERNED.

WHEN YOU TALK ABOUT PLANNING, I DON'T SEE ANY
PLANNING. ALL I SEE IS A TRANSFER OF OWNERSHIP OF
PROPERTY AND APPLICATION FOR APPROPRIATE ZONING
BECAUSE OF THE OWNERSHIP.

WHEN SHE IS TALKING ABOUT PLANNING IN A
MODULAR SENSE, IT ALMOST SEEMS LIKE IT'S NONSENSE
BECAUSE OF THE FACT THAT THE PLANNING IS NOT REALLY
BEING DONE IN TERMS OF CONSIDERING HOW YOU'RE GOING TO
ZONE PROPERTY ACCORDING TO THE TRAFFIC PATTERNS,
POPULATION DISTRIBUTION AND INDUSTRIAL USE WITHIN A
SMALL CIRCLE OF THE CITY. THIS THING, THE COUNTY
HADN'T HAD ANY REAL WARNING THAT IT WAS GOING TO BE UP
FOR AUCTION. THE FIRST TIME ANYBODY KNEW WAS WHEN THE
SIGNS WERE THERE THAT IT WAS GOING TO BE AUCTIONED
OFF. THERE WASN'T TIME FOR ANY PLANNING TO BE MADE BY
THE CITY AND COUNTY BOTH IN TERMS OF HOW THEY WANTED
TO ALLOCATE MAYBE HAVE THE PROPERTY TO A GREEN SPACE.

CHAIRMAN: MR. WOFFARD, WE DON'T HAVE ANY
CONTROL OVER THE AUCTION OR THE TRANSFER PROCESS.

MR. WOFFARD: RIGHT.

CHAIRMAN: OURS IS JUST TO DECIDE WHAT THIS
ISSUE IS RIGHT HERE BEFORE US. THAT'S ALL THE CONTROL
WE HAVE. THE CITY AND THE COUNTY GOVERNS WHETHER THEY
BUY PARK PROPERTY OR WHETHER THEY DON'T BUY. YOU
KNOW, THAT'S OUR ELECTED OFFICIAL TO MAKE THOSE
DECISIONS.
MR. WOFFARD: WHAT IS THE PLANNING? SHE SPENT
A LOT OF TIME ABOUT PLANNING.

CHAIRMAN: THAT WAS THE COMPREHENSIVE PLAN SHE
WAS TALKING ABOUT.

MR. WOFFARD: RIGHT. IN OTHER WORDS, HOW DOES
THIS COMPREHENSIVE PLAN REALLY WORK IF IT GOES AS IF
THIS PROPERTY HAS? THAT'S MY QUESTION.

CHAIRMAN: OKAY.

MS. STONE: WE WOULD SEE THIS INFILL PROJECT
IN THE MIDDLE OF RESIDENTIAL PROPERTY AS IN COMPLIANCE
WITH THE COMPREHENSIVE PLAN. IT'S IN AN AREA WHERE
EXISTING SERVICES ARE ALREADY AVAILABLE. WE'RE
CONNECTING TRANSPORTATION SYSTEMS. HE MENTIONED THE
TRANSPORTATION THROUGH THE NEIGHBORHOODS. WE WOULD
ALWAYS ENCOURAGE LANDSCAPING AND TREES, BUT WE WOULD
SEE THE APPLICATION OF THE HIGHER DENSITY R-1C AS IN
COMPLIANCE WITH THE COMPREHENSIVE PLAN. WE'RE
PROVIDING A VARIETY OF HOUSING TYPES WITHIN THAT
COMMUNITY. THE STAFF BELIEVES IT'S AN APPROPRIATE
ZONING CHANGE. THEY COULD DO LESS HOUSES IN THE R-1B.
IT'S ALREADY ZONED SINGLE-FAMILY HOUSING.

 THAT WOULD BE THE PLANNING OVERVIEW FROM THE
COMPREHENSIVE PLAN. IT'S IN AN URBAN RESIDENTIAL PLAN
AREA AND IT'S ZONED RESIDENTIALLY CURRENTLY.

CHAIRMAN: THANK YOU, MR. STONE.
YES, SIR, MR. NOFFSINGER.

MR. NOFFSINGER: MR. CHAIRMAN, I WOULD ALSO LIKE TO ADD TO THAT. THIS IS IN AN AREA WHERE THERE IS A VERY SIZEABLE CITY PARK, AS WELL AS THE OWENSBORO COUNTRY CLUB, THERE'S A LOT OF GREEN SPACE, OPEN SPACE IN THIS AREA. WE HAVE ALSO, ALONG WITH THE PARKS DEPARTMENT AND THE PARK'S COMMITTEE, OVER THE YEARS LOOKED AT AREAS OF PARK NEEDS AND OPEN SPACE NEEDS. IN THE COMPREHENSIVE PLAN, I THINK YOU'LL FIND THAT THIS IS AN AREA THAT SHOWS TO SERVE ADEQUATELY BY PARKS. THERE'S NOT A PARK NEED IN THIS AREA. SO THAT WOULD WEIGH INTO THE ELECTED OFFICIAL'S DECISION AS TO WHETHER OR NOT TO MOVE FORWARD WITH BUYING PROPERTY OR NOT BUYING PROPERTY FOR PUBLIC SPACE OR PARKS.

CHAIRMAN: IF THERE ARE NO FURTHER COMMENTS, NO QUESTIONS FROM THE COMMISSION, THE CHAIR IS READY FOR A MOTION.

MR. APPLEBY: MOTION FOR APPROVAL, MR. CHAIRMAN, BASED ON THE STAFF'S RECOMMENDATIONS THAT THIS IS INDEED IN COMPLIANCE WITH THE COMPREHENSIVE PLANS GOALS WITH THE SINGLE CONDITION AND WITH THE FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: WE'VE GOT A MOTION FOR APPROVAL WITH CONDITIONS AND FINDINGS OF FACT BY MR. APPLEBY.
MR. KAZLAUSKAS: SECOND.

CHAIRMAN: I'VE GOT A SECOND BY MR. KAZLAUSKAS. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

RELATED ITEM:

ITEM 7A

HOBO WOODS, 9.717 ACRES
CONSIDER APPROVAL OF COMBINED FINAL DEVELOPMENT PLAN/MAJOR SUBDIVISION PRELIMINARY PLAT.
APPLICANT: JED RENTALS FAMILY PARTNERSHIP, LTD

MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAN HAS BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING STAFF. IT'S FOUND TO BE IN ORDER. IT'S USE IS CONSISTENT WITH THE ZONING CHANGE AND WAS JUST RECOMMENDED BY THIS BODY AS WELL AS IT'S IN COMPLIANCE WITH THE COMPREHENSIVE PLAN.

CHAIRMAN: I KNOW THE APPLICANT IS HERE. ARE THERE ANY QUESTIONS OF THE APPLICANT ABOUT THIS?

(NO RESPONSE)

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

MR. APPLEBY: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

MR. PEDLEY: SECOND.
CHAIRMAN: SECOND BY MR. PEDLEY. ALL IN FAVOR
RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: MOTION CARRIES UNANIMOUSLY.
NEXT ITEM, PLEASE.

ITEM 8
2420, 2500, 2560 OLD HENDERSON ROAD STREET,
2.191 ACRES
CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO
I-1 LIGHT INDUSTRIAL
APPLICANT: WEST PARRISH PLAZA, LLC

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

FINDINGS OF FACT:
1. STAFF RECOMMENDS APPROVAL BECAUSE THE
PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED
COMPREHENSIVE PLAN;
2. THE SUBJECT PROPERTY IS LOCATED IN A
BUSINESS PLAN AREA WHERE LIGHT INDUSTRIAL USES ARE
APPROPRIATE IN LIMITED LOCATIONS;
3. THE PROPOSAL IS A LOGICAL EXPANSION OF
EXISTING I-1 LIGHT INDUSTRIAL ZONING TO THE WEST AND
NORTH; AND,
4. AT 2.191 ACRES, THE PROPOSAL DOES NOT
SIGNIFICANTLY INCREASE THE EXTENT OF INDUSTRIAL ZONING
IN THE VICINITY AND SHOULD NOT OVERBURDEN THE CAPACITY
OF ROADWAYS AND OTHER NECESSARY URBAN SERVICES THAT ARE AVAILABLE IN THE AFFECTED AREA.

MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT D.

CHAIRMAN: IS THE APPLICANT HERE?

MR. KAMUF: THE APPLICANT AND THE OWNER.

MR. LAND: WOULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE.

MR. KAMUF: CHARLES KAMUF.

CHAIRMAN: THANK YOU, MR. KAMUF.

DOES ANYBODY HAVE ANY QUESTIONS OF THE APPLICANT?

(NO RESPONSE)

CHAIRMAN: I ASSUME THE APPLICANT DOES NOT WANT TO MAKE A STATEMENT?

MR. KAMUF: NO, SIR. I'VE LEARNED THAT LESSON.

CHAIRMAN: YOU MAY BE SEATED.

IF THERE ARE NO FURTHER QUESTIONS OR COMMENTS, THE CHAIR IS READY FOR A MOTION.

MR. APPLEBY: MOTION FOR APPROVAL BASED ON STAFF RECOMMENDATIONS WITH FINDINGS OF FACT 1 THROUGH 4.

MS. CAMBRON: SECOND.

CHAIRMAN: A MOTION FOR APPROVAL WITH FINDINGS
OF FACT BY MR. APPLEBY. WE'VE GOT A SECOND BY MS. CAMBRON. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

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MINOR SUBDIVISIONS

ITEM 9

5536, 5544 LANE ROAD, 32.901 ACRES
CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
APPLICANT: MILDRED HAYDEN

MR. NOFFSINGER: MR. CHAIRMAN, BRIAN HOWARD IS HERE TO ADDRESS THIS APPLICATION.

MR. HOWARD: THIS APPLICATION COMES BEFORE YOU AS AN EXCEPTION ON THE DEPTH TO WIDTH RATIO REQUIREMENT. THERE IS AN EXISTING HOME ON THE PROPERTY WHICH FOR PURPOSES OF MORTGAGE I BELIEVE THEY ARE TRYING TO CUT OUT A SMALLER PARCEL AROUND THE HOME AND THEN LEAVING THE BALANCE FOR POTENTIALLY ONE MORE HOME SITE. THEY'VE INCLUDED A NOTE ON THE PLAT THAT LIMITS THE DIVISION OF THE PROPERTY ANY FURTHER UNLESS THEY CAN MEET ALL APPLICABLE SUBDIVISION REGULATIONS. WITH THAT SINCE THEY'RE NOT REALLY TRYING TO MAXIMIZE A LOT MORE DEVELOPMENT ON THE PROPERTY WE WOULD RECOMMEND THAT YOU CONSIDER FOR APPROVAL.

CHAIRMAN: IS THE APPLICANT HERE?

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APPLICANT REP: I'M HER SON.

CHAIRMAN: LET THE RECORD NOTE THE APPLICANT IS HERE.

ARE THERE ANY QUESTIONS OF THE APPLICANT?
(NO RESPONSE)

CHAIRMAN: DOES ANYBODY ON THE COMMISSION HAVE ANY QUESTIONS?
(NO RESPONSE)

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

MR. PEDLEY: MOTION FOR APPROVAL, MR. CHAIRMAN, BASED ON THE PLAT AND NO FURTHER SUBDIVIDE AND CREATE ADDITIONAL IRREGULAR LOTS NOT MEETING AND THEREFORE SUBDIVISION REGULATIONS THAT THEY HAVE ENGAGED IN.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY MR. PEDLEY WITH CONDITIONS.

MR. APPLEBY: SECOND.

CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEW BUSINESS

ITEM 10

OHIO VALLEY REPORTING
(270) 683-7383
CONSIDER APPROVAL OF THE DECEMBER 2012 FINANCIAL STATEMENTS

MR. NOFFSINGER: MR. CHAIRMAN, ALL MEMBERS HAVE BEEN MAILED A COPY AND IS READY FOR YOUR CONSIDERATION.

CHAIRMAN: ANY QUESTIONS?
(NO RESPONSE)
CHAIRMAN: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. REEVES: MOVE FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. REEVES.

MR. APPLEBY: SECOND.

CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

MR. NOFFSINGER: MR. CHAIRMAN, I JUST WANT TO MAKE SURE THAT THE SECRET BALLOTS OR THE BALLOTS THAT WE VOTED FOR VICE CHAIRMAN ARE ENTERED INTO THE RECORD. I WILL GIVE THESE TO OUR COURT REPORTER.

MR. REEVES: MR. CHAIRMAN, CAN I ASK FOR A POINT OF CLARIFICATION?

CHAIRMAN: YES, SIR.

MR. REEVES: AFTER WE DID THE ELECTION, WE DID THE BALLOT AND YOU INDICATED THAT MR. PEDLEY WILL
CONTINUE ON AS VICE CHAIR. IS THAT FOR AN
INDETERMINATE PERIOD OF TIME OR IS THAT UNTIL WE HAVE
YET ANOTHER ELECTION?

CHAIRMAN: I'M SORRY, THAT WAS A GOOD
QUESTION.

ACTUALLY HE CONTINUES ON UNTIL -- WE WILL HAVE
AN ELECTION AT THE NEXT MEETING AND HE WILL CONTINUE
IN THAT STATUS UNTIL WE GET SIX VOTES OR WE WILL
CONTINUE.

MR. REEVES: IS THAT IN OUR BYLAWS I ASSUME?

CHAIRMAN: YES, SIR. MR. REEVES, JUST A NOTE.
I MADE THOSE COMMENTS, MR. SILVERT GAVE ME THOSE.
ACCORDING TO OUR BYLAWS WE MUST HAVE SIX TO ELECT.

ARE THERE ANY FURTHER COMMENTS?

(NO RESPONSE)

CHAIRMAN: I WOULD LIKE TO MAKE ONE. THIS IS
VALENTINE'S DAY. WE'RE GETTING OUT OF HERE AT 7:00.
IT'S NOT TOO LATE IF YOU HAVEN'T BOUGHT THAT CARD, GOT
THAT CANDY. GOOD LUCK. IT'S LATE.

THE CHAIR IS READY FOR ONE MORE MOTION.

MS. CAMBRON: MOVE TO ADJOURN.

CHAIRMAN: MOTION FOR ADJOURNMENT BY MS.

CAMBRON.

MR. ROGERS: SECOND.

CHAIRMAN: SECOND BY MR. ROGERS. ALL IN FAVOR

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RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: WE ARE ADJOURNED.

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(270) 683-7383
STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNETTE KOLLER FUCHS, NOTARY PUBLIC IN AND
FOR THE STATE OF KENTUCKY AT LARGE, DO HEREBY CERTIFY
THAT THE FOREGOING OWENSBORO METROPOLITAN PLANNING
COMMISSION MEETING WAS HELD AT THE TIME AND PLACE AS
STATED IN THE CAPTION TO THE FOREGOING PROCEEDINGS;
THAT EACH PERSON COMMENTING ON ISSUES UNDER DISCUSSION
WERE DULY SWORN BEFORE TESTIFYING; THAT THE BOARD
MEMBERS PRESENT WERE AS STATED IN THE CAPTION; THAT
SAID PROCEEDINGS WERE TAKEN BY ME IN STENOTYPE AND
ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
FOREGOING 70 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

WITNESS MY HAND AND NOTARY SEAL ON THIS THE

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

COMMISSION EXPIRES:  DECEMBER 16, 2014
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY

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