MEMBERS PRESENT:  WARD PEDLEY, CHAIRMAN
IRVIN ROGERS, VICE CHAIRMAN
DAVID APPLEBY, SECRETARY
GARY NOFFSINGER, DIRECTOR
MADISON SILVERT, ATTORNEY
TIM ALLEN
WALLY TAYLOR
JOHN KAZLAUSKAS
GREG BLACK
FRED REEVES
LARRY BOSWELL

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MR. APPLEBY:  I WOULD LIKE TO WELCOME
EVERYBODY TO THE APRIL 11, OMPC MEETING.  WOULD YOU
PLEASE STAND WITH US FOR THE PRAYER AND PLEDGE OF
ALLEGIANCE.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

MR. APPLEBY:  THE FIRST ITEM OF BUSINESS IS
THE ELECTION OF THE CHAIRMAN AND VICE CHAIRMAN.  I'LL
TURN THE MEETING OVER TO MR. SILVERT.

MR. SILVERT:  THANK YOU.

WE HAVE SOMewhat OF AN UNUSUAL CIRCUMSTANCE
TONIGHT SO I WANT TO EXPLAIN THINGS AND MAKE SURE THAT
EVERYONE IS IN AGREEMENT AS TO HOW WE WILL PROCEED.

UNDER ROBERTS RULES OF ORDER, TYPICALLY
ELECTIONS FOR OFFICERS ARE TAKEN IN THE ORDER IN WHICH
THEY'RE PRESENTED IN THE BYLAWS. IN OUR BYLAWS, THAT
ORDER IS CHAIRMAN, VICE CHAIRMAN, AND
SECRETARY/TREASURER. WE CURRENTLY HAVE A STANDING
SECRETARY/TREASURER, MR. APPLEBY. WE HAVE HAD A DEAD
LOCK ELECTION SINCE JANUARY OF VICE CHAIR AND THAT IS
CURRENTLY OLD BUSINESS. BUT WE FIND OURSELVES WITHOUT
A CHAIR THIS EVENING. I WOULD PROCEED, UNLESS THERE
IS SO OBJECTION FROM THIS BOARD, IN THE ORDER IN WHICH
WE USUALLY DO AND THAT'S ELECTING THE CHAIR FIRST AND
THEN THE VICE CHAIR.

MR. REEVES: MR. ATTORNEY, SHOULD WE SWEAR IN
NEW MEMBERS FIRST SO THEY CAN LEGALLY VOTE?

MR. SILVERT: MR. BOSWELL WAS SWORN IN AT A
WONDERFUL CEREMONY EARLIER TODAY.

MR. REEVES: SORRY THAT I MISSED IT.

MR. SILVERT: THAT'S ALL RIGHT.

WE WOULD ALSO PROCEED IN ONE OF THE WAYS THAT
WE USUALLY DO, OUR BYLAWS ALLOW ELECTION OF OFFICERS
UNDER SEVERAL METHODS. ONE OF WHICH IS BY RAISING OF
THE HAND AND THAT'S THE WAY THAT WE TYPICALLY DO.
UNLESS THERE'S AN OBJECTION, THAT'S THE WAY THAT I
WILL PROCEED THIS EVENING.

OHIO VALLEY REPORTING
(270) 683-7383
MR. SILVERT: FIRST WE WILL OPEN THE FLOOR FOR NOMINATIONS FOR THE OFFICE OF CHAIR.

MR. APPLEBY: I NOMINATE WARD PEDLEY FOR CHAIRMAN.

MR. SILVERT: MR. PEDLEY, DO YOU ACCEPT?

MR. PEDLEY: YES, I ACCEPT.

MR. REEVES: I'D LIKE TO NOMINATE JOHN KAZLAUSKAS.

MR. SILVERT: MR. KAZLAUSKAS, DO YOU ACCEPT?

MR. KAZLAUSKAS: YES, I DO.

MR. SILVERT: ARE THERE ANY OTHER NOMINATIONS?

(NO RESPONSE)

MR. APPLEBY: MOVE THAT THE NOMINATION CLOSE.

MR. SILVERT: THERE'S A MOTION THAT NOMINATION CEASE. IS THERE A SECOND?

MR. MILLER: SECOND.

MR. SILVERT: ALL IN FAVOR OF CLOSING NOMINATIONS RAISE YOUR HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: MOVE ON TO THE ELECTION.

MR. PEDLEY WAS NOMINATED FIRST. ALL IN FAVOR OF MR. PEDLEY AS CHAIR PLEASE RAISE YOUR HAND.

(BOARD MEMBERS TIM MILLER, IRVIN ROGERS, GREG BLACK, DAVE APPLEBY, WARD PEDLEY, WALLY TAYLOR AND
LARRY BOSWELL RESPONDED AYE.)

MR. SILVERT: ALL OPPOSED.

(BOARD MEMBERS JOHN KAZLAUSKAS AND FRED REEVES RESPONDED NAY.)

MR. SILVERT: ALL IN FAVOR OF MR. KAZLAUSKAS AS CHAIR PLEASE RAISE YOUR HAND.

(BOARD MEMBERS JOHN KAZLAUSKAS AND FRED REEVES RESPONDED AYE.)

MR. SILVERT: MR. PEDLEY IS CHAIR.

WE NOW HAVE THE OFFICE OF VICE CHAIR. ARE THERE NOMINATIONS FOR VICE CHAIR?

MR. APPLEBY: I NOMINATE IRVIN ROGERS AS VICE CHAIR.

MR. SILVERT: MR. ROGERS, DO YOU ACCEPT?

MR. ROGERS: YES.

CHAIRMAN: ANY OTHER NOMINATIONS FOR VICE CHAIR?

(NO RESPONSE)

MR. APPLEBY: I MOVE THAT THE NOMINATIONS ARE CLOSED.

MR. SILVERT: IS THERE A SECOND?

MR. MILLER: SECOND.

MR. SILVERT: THE NOMINATIONS ARE NOW CLOSED.

ALL IN FAVOR OF MR. IRVIN ROGERS TO BE NAMED VICE CHAIR PLEASE RAISE YOUR HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: MR. ROGERS, CONGRATULATIONS.

THAT CONCLUDES OUR ELECTIONS.

MR. CHAIRMAN, I BRING THE GAVEL TO YOU.

CHAIRMAN: OUR NEXT ITEM IS GARY HAS A

PRESENTATION FOR MR. KIRKLAND BEFORE WE GO INTO CLOSED

SESSION. WE'LL DO THE PRESENTATION NOW.

(PRESENTATION FOR DREW KIRKLAND.)

CHAIRMAN: THE NEXT ITEM WILL BE TO ENTER INTO

CLOSED SESSION. THE CHAIR WILL ENTERTAIN A MOTION TO

ENTER INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C)

SO THAT THE COMMISSION MAY DISCUSS PENDING PROPOSED

LITIGATION AGAINST THE COMMISSION.

THE CHAIR NEEDS A MOTION TO GO INTO CLOSED

SESSION.

MR. KAZLAUSKAS: I MAKE A MOTION TO ENTER INTO

CLOSED SESSION UNDER KRS 61.810 SO THE COMMISSION MAY

DISCUSS PENDING AND PROPOSED LITIGATION AGAINST THE

COMMISSION. SPECIFICALLY THIS CLOSED SESSION IS TO

DISCUSS AS YET RAISED A YET POTENTIAL APPEALS GROUND

AND MULTIPLE PENDING MATTER.

CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.

MR. BOSWELL: SECOND.

CHAIRMAN: WE HAVE A SECOND BY MR. BOSWELL.

ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  MOTION CARRIES.  WE NOW GO INTO CLOSED SESSION.

- - - - (OFF THE RECORD) - - - -

CHAIRMAN:  I CALL OUR MEETING BACK TO ORDER.

WE WOULD LIKE TO WELCOME EVERYONE.  WE WELCOME YOUR QUESTIONS AND COMMENTS.  WE ASK THAT YOU COME TO ONE OF THE PODIUMS AND BE SWORN IN.  PLEASE SPEAK INTO THE MICROPHONES.

NEXT ITEM ON THE AGENDA IS TO CONSIDER THE MINUTES OF THE FEBRUARY 14, 2013 MEETING.  ARE THERE ANY ADDITIONS, CORRECTIONS?

(NO RESPONSE)

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

MR. APPLEBY:  MOVE TO ACCEPT THE MINUTES.

CHAIRMAN:  I HAVE A MOTION BY MR. APPLEBY.

MR. TAYLOR:  SECOND.

CHAIRMAN:  SECOND BY MR. TAYLOR.  ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  MOTION CARRIES UNANIMOUS.

NEXT ITEM.

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ZONING CHANGE

OHIO VALLEY REPORTING
(270) 683-7383
ITEM 4

1430 BOSLEY ROAD, 0.761 ACRES
CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL TO
B-5 BUSINESS/INDUSTRIAL
APPLICANT: ICE MAKERS, INC.

MR. SILVERT: WOULD YOU STATE YOUR NAME,
PLEASE?

MR. HOWARD: BRIAN HOWARD.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I WILL NOTE THE REZONINGS HEARD
HERE TONIGHT 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 AND
THE STAFF REPORT AND ALL PERTINENT INFORMATION TO THE
APPROPRIATE LEGISLATIVE BODY FOR THEIR FINAL ACTION.
THE APPEAL FORMS ARE AVAILABLE ON THE BACK TABLE, IN
OUR OFFICE AND ON OUR WEBSITE.

PLANNING STAFF RECOMMENDATIONS

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

CONDITION

ACCESS TO BOSLEY ROAD SHALL BE LIMITED TO THE
SINGLE, EXISTING ACCESS POINT ONLY.

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 WITHIN A BUSINESS/INDUSTRIAL PLAN AREA, WHERE GENERAL BUSINESS AND LIGHT INDUSTRIAL USES ARE APPROPRIATE IN GENERAL LOCATIONS;

3. THE SUBJECT PROPERTY LIES WITHIN AN EXISTING AREA OF MIXED GENERAL BUSINESS AND LIGHT INDUSTRIAL USES;

4. THE COMPREHENSIVE PLAN PROVIDES FOR THE CONTINUANCE OF MIXED USE AREAS; AND,

5. THE PROPOSED LAND USE FOR THE SUBJECT PROPERTY IS IN COMPLIANCE WITH THE CRITERIA FOR A BUSINESS/INDUSTRIAL PLAN AREA AND A B-5 BUSINESS/INDUSTRIAL ZONING CLASSIFICATION.

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

CHAIRMAN: IS ANYONE HERE REPRESENTING THE APPLICANT?

MS. CUNDIFF: YES.

CHAIRMAN: LET'S SEE IF WE HAVE ANYONE THAT WOULD LIKE TO SPEAK IN OPPOSITION.

ANYBODY HERE HAVE ANY COMMENTS OR QUESTIONS ON THIS APPLICATION OR SPEAKING IN OPPOSITION?

WOULD YOU STEP FORWARD, PLEASE.

MR. SILVERT: COULD YOU STATE YOUR NAME,
MS. CUNDIFF: LORRAINE CUNDIFF.

(LORRAINE CUNDIFF SWORN BY ATTORNEY.)

MS. CUNDIFF: I JUST HAVE SOME QUESTIONS CONCERNING THE MATTER. MY KIDS ARE THE ADJOINING PROPERTY OWNERS. WE GOT NO NOTIFICATION OF THIS REZONING. HE HADN'T GOT ANY NOTIFICATION. WE JUST HAPPEN TO DRIVE BY THERE AT 3:00 TODAY AND SEEN THE SIGN LAYING ON THE GROUND.

I'VE TALKED TO MR. STEEL THOUGH CONCERNING. WE'RE I-1. I JUST GOT CONCERNS ABOUT LATER ON DOWN THE ROAD, WHICH I HAVE NO INTENTIONS RIGHT NOW, BUT I MIGHT LATER POSSIBLY GETTING IT ZONED TO I-2. IF IT GOES TO B-5, I'M AFRAID I'LL GET OPPOSITION DOING THAT. I HAVE TALKED TO MR. STEEL. HE DID SAY THAT HE WOULD NOT OBJECT TO IT, WHEN WE WANTED TO DO THAT. I DON'T KNOW IF THAT IS SATISFACTORY OR DO WE NEED TO POSTPONE IT SINCE WE WEREN'T NOTIFIED.

MR. NOFFSINGER: IF I MIGHT ADDRESS THAT, MR. CHAIRMAN.

CHAIRMAN: YES. I WAS GOING TO ASK YOU TO ADDRESS THAT, PLEASE.

MR. NOFFSINGER: WE DO HAVE AN ADJOINING PROPERTY OWNER AS LAUREN RAE WORTHINGTON.

MS. CUNDIFF: THAT'S MY NIECE.
MR. NOFFSINGER: SHE DID, THIS NOTICE WAS SENT TO 6540 TODD BRIDGE ROAD, OWENSBORO, KENTUCKY 42301. IT WAS SIGNED BY RACHEL WORTHINGTON. THE DATE DELIVERY WAS MARCH 28, '13.

MS. CUNDIFF: I TALKED TO LAUREN TODAY. SAID SHE DIDN'T GET IT. SO RACHEL EVIDENTLY GOT IT AND DIDN'T GIVE IT TO HER.

MR. STEEL SAID HE WOULD AGREE WITH IT, BUT WHAT KIND OF OPPOSITION WOULD WE RUN INTO OR WOULD THERE BE A PROBLEM IF IT GOES FROM I-1 TO B-5?

MR. REEVES: COULD I ASK A QUESTION, PLEASE. I THINK WE GET INTO THIS WHOLE ISSUE, MR. ATTORNEY, ABOUT SOMEBODY ACTING AS AN ATTORNEY ON SOMEONE ELSE'S BEHALF. IS THIS LADY THE PROPERTY OWNER OF THE PROPERTY SHE'S DISCUSSING OR IS SHE TALKING ABOUT PROPERTY OWNED BY SOMEONE ELSE?

MR. SILVERT: THAT'S A GOOD QUESTION, MR. REEVES.

MS. CUNDIFF: IT'S OWNED BY MY THREE SONS AND MY TWO NIECES. ONE OF MY SONS IS HERE. HE JUST DIDN'T WANT TO TALK.

MR. REEVES: MY OPINION WE NEED TO HEAR FROM HIM AND NOT YOU. THAT'S JUST ME.

MR. SILVERT: COULD YOU STATE YOUR NAME, PLEASE?
MR. MCFADDEN: ERIC MCFADDEN.

(ERIC MCFADDEN SWORN BY ATTORNEY.)

MR. APPLEBY: I ASSUME YOU CONCUR WITH HER FEELINGS ABOUT IT?

MR. MCFADDEN: YES.

MR. APPLEBY: WITH REGARD TO WHETHER THERE WOULD BE ANY OPPOSITION TO AN I-2 ZONING, EACH ZONING APPLICATION IS GOING TO STAND ON ITS OWN MERITS. HE COULD TELL YOU TODAY HE WOULDN'T BE OPPOSED TO IT, BUT ANYBODY IS ENTITLED TO OPPOSE OR SPEAK IN FAVOR OF AN APPLICATION. YOUR APPLICATION FOR AN I-2 ZONING WOULD BE JUDGED STRICTLY ON THE MERITS OF THE APPLICATION.

MS. CUNDIFF: I WANTED TO BE SURE OF THAT B-5 TO THE I-1, SO FORTH.

MR. SILVERT: JUST TO LET YOU KNOW WHAT MR. REEVES WAS DISCUSSING. I DON'T THINK THAT WE'VE HAD THE OPPORTUNITY TO SPEAK BEFORE, BUT IT'S THE UNAUTHORIZED PRACTICE OF LAW IN THE STATE OF KENTUCKY FOR SOMEONE TO ADDRESS US ON A ZONING MATTER AND THAT'S WHY.

MS. CUNDIFF: THAT'S FINE.

MR. SILVERT: MR. STEEL COULDN'T EVEN DO THAT ON BEHALF OF ICE MAKERS.

MS. CUNDIFF: THANK YOU.

CHAIRMAN: ANYONE ELSE WOULD LIKE TO SPEAK?

OHIO VALLEY REPORTING
(270) 683-7383
MR. APPLEBY: IS CHAIR READY FOR A MOTION?

CHAIRMAN: CHAIR IS READY FOR A MOTION.

FIRST ALL, DOES ANY OF THE COMMISSIONERS HAVE ANY COMMENTS OR QUESTIONS?

(No response)

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

MR. APPLEBY: MR. CHAIRMAN, I MAKE A MOTION FOR APPROVAL BASED ON STAFF'S RECOMMENDATIONS WITH THE SINGLE CONDITION AND WITH THE STAFF'S FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: WE HAVE A MOTION BY MR. APPLEBY.

MR. REEVES: SECOND.

CHAIRMAN: SECOND BY MR. REEVES. COMMENTS OR QUESTIONS ON THE MOTION?

(No response)

CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

(All board members present responded AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM.

ITEM 5

3830 HIGHWAY 54, 1.870 ACRES

CONSIDER ZONING CHANGE: FROM A-U URBAN AGRICULTURE TO B-4 GENERAL BUSINESS

APPLICANT: STEVE LAMBERT; JOHN & NANCY GRIMES
MR. KAMUF: MR. CHAIRMAN, I HAVE A PROCEDURAL
QUESTION CONCERNING THAT MATTER. DO YOU WANT ME TO
BRING IT UP NOW OR AFTER THE STATEMENT THAT'S GOING TO
BE MADE?

CHAIRMAN: LET'S READ IT INTO THE RECORD AND
THEN WE'LL GET TO YOU.

MR. KAMUF: THANK YOU, SIR.

MR. SILVERT: WOULD YOU STATE YOUR NAME,
PLEASE?

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. ACCESS TO HIGHWAY 54 SHALL BE LIMITED TO A
SINGLE ACCESS IN ALIGNMENT WITH THE COMMERCIAL DRIVE
ACCESS ACROSS THE STREET;

2. INGRESS/EGRESS EASEMENTS SHALL BE PROVIDED
FOR THE PROPERTIES TO THE EAST AND WEST OF THE SUBJECT
PROPERTY FOR FUTURE INDIRECT ACCESS TO HIGHWAY 54;

AND,

3. A RIGHT TURN LANE SHALL BE INSTALLED ON
HIGHWAY 54 UNLESS DEEMED UNNECESSARY BY THE KENTUCKY
TRANSPORTATION CABINET UPON THEIR REVIEW OF THE
COMMERCIAL ACCESS POINT.

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 GENERAL BUSINESS USES ARE APPROPRIATE IN VERY LIMITED LOCATIONS;

3. THE PROPOSAL IS A LOGICAL EXPANSION OF EXISTING B-4 GENERAL BUSINESS ZONING TO THE NORTH, ACROSS HIGHWAY 54; AND,

4. AT 1.870 ACRES, THE PROPOSAL DOES NOT SIGNIFICANTLY INCREASE THE EXTENT OF GENERAL BUSINESS ZONING IN THE VICINITY AND SHOULD NOT OVERBURDEN THE CAPACITY OF ROADWAYS AND OTHER NECESSARY URBAN SERVICES THAT ARE AVAILABLE IN THE AFFECTED AREA.

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

CHAIRMAN: ANYONE HERE REPRESENTING THE APPLICANT?

(NO RESPONSE)

CHAIRMAN: MR. KAMUF, DO YOU HAVE ANY QUESTIONS?

MR. KAMUF: YES, SIR, MR. CHAIRMAN.

MR. SILVERT: YOU'RE SWORN AS AN ATTORNEY.
MR. KAMUF: THANK YOU.

I REPRESENT MY DAUGHTER KRISTY HAYDEN AND HER HUSBAND MATT HAYDEN ALONG WITH TOMMY THOMPSON. THEY OWN THE PROPERTY TO THE EAST AND WEST OF THIS PROPERTY. I DO NOT REPRESENT ANYBODY ELSE IN THE NEIGHBORHOOD. I JUST REPRESENT THE OWNERS OF THE FRONT PROPERTY.

WHY I'M HERE. I'M HERE TO ASK FOR A DELAY OR A CONTINUANCE UNTIL SUCH TIME AS WE CAN MEET WITH THE DEVELOPER AND AT SUCH TIME AS WE CAN SEE A DEVELOPMENT PLAN. I'M NOT HERE FOR OR AGAINST THE PROPOSAL. I JUST NEED A DELAY AT THIS TIME.

GARY, YOU KNOW YOU'RE REQUIRED BY LAW TO GIVE A CERTIFIED NOTIFICATION TO ALL THE ADJOINING PROPERTY OWNERS. WE NEVER RECEIVED A LETTER.

ON MARCH 29TH, THE POST OFFICE DELIVERED A NOTICE TO US AND TOLD US THAT WE COULD PICK UP THIS LETTER ANY TIME AFTER MARCH 29TH. MATT HAYDEN WENT DOWN TO PICK THE LETTER UP AT THE POST OFFICE APRIL 1ST AND THERE WAS NO LETTER THERE. AS A RESULT, MATT HAYDEN NOW IS IN FLORIDA AND HE'S NOT HERE TONIGHT. THAT'S A NOTICE QUESTION.

THE SECOND ISSUE IS, IS THAT THE DEVELOPER CALLED MATT HAYDEN AND SAID HE WOULD LIKE TO MEET WITH HIM. MATT HAYDEN CALLED THE DEVELOPER AND ASKED HIM
TO SET A TIME FOR THE MEETING. THE APPLICANT SAID, I CAN'T MEET WITH YOU UNTIL AFTER THE MEETING TONIGHT.

    NOW, THAT WON'T HOLD WATER.

    THE DEVELOPER SAID HE COULD NOT MEET UNTIL AFTER THE MEETING. THERE HAS NOT BEEN A DEVELOPMENT PLAN FILED IN THIS CASE. WE HAVE NOT SEEN A DEVELOPMENT PLAN. THE DEVELOPER HAS NOT MET WITH EITHER ONE OF THE OWNERS, KRISTY KAMUF, MATT HAYDEN OR TOMMY THOMPSON, AND WE HAVE REQUESTED THEM TO MEET WITH US SO WE'LL KNOW WHAT'S GOING ON.

    AT THIS TIME WE DO NOT KNOW WHERE THE LANDSCAPING IS. WE DO NOT KNOW ANY OF THE LIGHTING. WE DON'T KNOW WHERE THE BUFFER ZONES ARE. ACCORDING TO THE REPORT THAT YOU HAVE THERE, THERE SHOULD BE A TRAFFIC STUDY. IF YOU RECALL SEVERAL MONTHS AGO WE HAD THE OTHER REZONING ON HIGHWAY 54, THE PLAN UNIT DEVELOPMENT. A DECEL LANE WAS REQUIRED. WE'VE NEVER SEEN A TRAFFIC STUDY.

    ALSO, IN YOUR REPORT IT STATES DUE CONSIDERATION SHOULD BE GIVEN TO ANY CONCERNS OF THE NEIGHBORING RESIDENTS WITH RESPECT TO THE ESTABLISHED LOT PATTERNS.

    IF WE DON'T MEET WITH THEM, IF THE DEVELOPER WILL NOT MEET WITH US, WE DON'T HAVE ANY IDEA WHAT THEY'RE DOING.
SECOND, IF YOU APPROVE THIS TONIGHT WITHOUT A

DEVELOPMENT PLAN, SOMEBODY ELSE BUYS THE PROPERTY, HOW

DO WE KNOW WHAT RESTRICTIONS OR BUFFERS OR LIGHTING

WOULD BE REQUIRED?

ALL I'M ASKING YOU TONIGHT IS TO DELAY IT

UNTIL THE NEXT MEETING SO WE CAN MEET AND FIND OUT

WHAT'S GOING ON. I CAN'T TELL YOU WE'RE FOR IT OR

WE'RE AGAINST IT, BUT WE NEED TO KNOW THESE THINGS AS

A LANDOWNER AND HAVE A DUE PROCESS MEETING.

ONE, WE DIDN'T HAVE THE NOTICE. THAT COULD BE

AN ISSUE. IN OTHER WORDS, THE LETTER WAS SENT. WE

RECEIVED NOTICE THAT A LETTER WAS THERE, BUT WHEN WE

GOT DOWN THERE ON APRIL 1ST, THE LETTER WASN'T THERE.

THAT'S ONE NOTICE.

SECOND OF ALL, I DON'T EVEN THINK IT'S FAIR

PLAY FOR US TO KNOW IF THEY'RE GOING TO ZONE THE

PROPERTY, IT'S PRETTY EXPENSIVE PROPERTY FOR US TO

KNOW WHAT THEY'RE DOING AND HAVE SOMETHING THAT

THEY'RE BOUND BY. IN OTHER WORDS, A DEVELOPMENT PLAN

WAS NOT FILED. WE THINK A DEVELOPMENT PLAN SHOULD BE

FILED OR, IF YOU'RE NOT, BE SURE THERE'S SOMETHING IN

WRITING REQUIRING THESE RESTRICTIONS OF WHAT THEY'RE

GOING TO USE THIS PROPERTY FOR. THANK YOU.

CHAIRMAN: MR. BRANCATO, YOU REPRESENT THE

APPLICANT? WOULD YOU ADDRESS HIS CONCERNS?
MR. BRANCATO: I'M NOT REPRESENTING THE APPLICANT, MR. PEDLEY. I'M REPRESENTING THE WOODLAND HOMEOWNERS ASSOCIATION AND ALSO A CONTIGUOUS LANDOWNER. I DON'T KNOW IF YOU WANT TO HEAR MY COMMENTS NOW. IF YOU WANT TO CONSIDER HIS ARGUMENT ABOUT DUE PROCESS NOTIFICATION. I'LL DO WHATEVER PLEASURE THE COMMISSION HAS.

CHAIRMAN: IS THERE ANYONE HERE THAT DOES REPRESENT THE APPLICANT?

MR. LAMBERT: RIGHT HERE.

CHAIRMAN: WOULD YOU STEP UP.

MR. SILVERT: WILL YOU STATE YOUR NAME, PLEASE?

MR. LAMBERT: STEVE LAMBERT.

(STEVE LAMBERT SWORN BY ATTORNEY.)

MR. LAMBERT: I WOULD LIKE TO ADDRESS THE COMMENTS THAT WERE MADE BY MR. KAMUF.

I TOTALLY RESPECT THE POSITION THAT HE HAS; HOWEVER, HE WAS NOT PRIVY TO THE CONVERSATION THAT I HAD WITH MR. HAYDEN. I DID CONTACT MR. HAYDEN PROBABLY ABOUT FOUR WEEKS AGO APPROXIMATELY. JUST OUT OF COURTESY CALL, AS I DID WITH SEVERAL OTHER PROPERTY OWNERS. I DID DISCUSS THE FACT THAT AT THIS POINT I DON'T HAVE A TENANT. THAT MY PURPOSE WAS TO GO AHEAD AND OBTAIN THE ZONING, PROPER ZONING FOR THE PROPERTY
AND THEREFORE MAKING IT CREDIBLE WHEN I GO OUT AND TRY
TO PROCURE A TENANT FOR THE PROPERTY. ME NOT HAVING A
CURRENT TENANT, I CAN’T REALLY DO A DEVELOPMENT PLAN
BECAUSE I DON’T KNOW EXACTLY THE BUILDING. I’VE GOT
KIND OF AN IDEA, BUT I DON’T KNOW EXACTLY WHERE THE
BUILDING IS GOING TO BE, THE SIZE OF THE BUILDING, AND
THAT SORT OF THING.

I DID NOT REFUSE TO MEET WITH MR. HAYDEN. IN
FACT, I GAVE MY CELL PHONE NUMBER AND TOLD MR. HAYDEN
TO FORWARD THAT TO TOMMY THOMPSON AND ANY OTHER
CONCERNS, ANY OTHER PARTIES AND FEEL FREE TO CALL ME.
I LIVE 600 MILES AWAY. I WAS GOING TO BE IN TOWN
TODAY AND TOMORROW AND I WILL BE MORE THAN HAPPY TO
MEET WITH THEM ANY TIME DURING THOSE TWO DAYS THAT I
WAS IN TOWN. THEREFORE, I COULD HAVE MET WITH MR.
HAYDEN THIS MORNING, AS I WAS ON THE LOCATION EARLY
THIS MORNING LOOKING AT THE PROPERTY.

AS A MATTER OF FACT, I SAW MS. TAYLOR WHO HAS
PROPERTY ADJOINING THIS PROPERTY. I BRIEFLY SAID
HELLO TO HER. I IN NO WAY HAVE ANY PROBLEM WITH
MEETING WITH PEOPLE; HOWEVER, AT THIS TIME I CAN’T
TELL THEM WHAT TENANT. I CAN’T TELL THEM THE EXACT
SIZE OF THE BUILDING. THAT WOULD COME INTO PLAY IN
REGARDS TO WHEN I PUT FORTH A PERMIT, ASK FOR A PERMIT
TO DEVELOP THE PROPERTY. I WILL PROVIDE ALL THAT
INFORMATION AT THAT TIME.
SCREENING AND THINGS LIKE THAT ARE ALREADY IN
PLACE IN REGARDS TO WHAT'S GOING TO BE REQUIRED BY
PLANNING AND ZONING. THAT WOULD BE INTO THAT PROCESS.
A DELAY FOR ME IS DIFFICULT AND I WOULD PREFER
TO MOVE FORWARD TONIGHT, ENABLE ME TO MOVE FORWARD
WITH TRYING TO DEVELOP THIS PROPERTY WITH TALK WITH
TRYING TO DEVELOP THIS PROPERTY WITH TALKING TO
POTENTIAL TENANTS.
I DO REQUEST AT THIS TIME THAT CONDITION
NUMBER 2 IN REGARDS TO THE EGRESS AND INGRESS, THE
PROPERTY TO THE EAST AND WEST OF MY PROPERTY BE
REMOVED FROM THE CONDITION. I DO HAVE A HANDOUT THAT
I WOULD LIKE TO PRESENT TO THE BOARD TONIGHT.
MR. KAMUF: MR. CHAIRMAN, YOU NEVER SWORE THE
WITNESS.
MR. SILVERT: THIS WITNESS HAS BEEN SWORN.
CHAIRMAN: JUST A MINUTE, MR. KAMUF.
MR. KAMUF: PARDON ME. EXCUSE ME, I WASN'T
PAYING ATTENTION.
MR. LAMBERT: AS A MATTER OF RECORD, I AM THE
OWNER OF THE LITTLE SHOPPING CENTER ACROSS THE STREET
THAT HAS FOUR TENANTS. I'VE BEEN THERE FIVE YEARS AND
I'VE HAD NO COMPLAINTS BY ANY NEIGHBOR.
AS A MATTER OF FACT, BEFORE I BUILT ANYTHING,
I WENT AND KNOCKED ON EVERY NEIGHBORS DOOR THAT ADJOINED THE PROPERTY AND SAT DOWN WITH THEM AT THE KITCHEN TABLE ONCE I HAD MY DEVELOPMENT PLAN AND DISCUSSED ANY CONCERNS THAT THEY MAY HAVE. AGAIN, AFTER FIVE YEARS ACROSS THE STREET WITH THE LITTLE SHOPPING CENTER, I'VE NOT HAD ONE COMPLAINT.

THE EXHIBITS YOU HAVE IN FRONT OF YOU IS SHOWING THE PROPERTIES HIGHLIGHTED THERE. THE PROPERTY TO THE EAST AND THE WEST, THE PROPERTY TO THE EAST IS MR. KAMUF'S DAUGHTER AND TOMMY THOMPSON'S WHICH IS ZONED RESIDENTIAL MULTI-FAMILY. THE PROPERTY TO THE WEST IS APPROXIMATELY 45 ACRES.

IT'S ACTUALLY SHOWING TWO DIFFERENT PIECES OF PROPERTY. THEY'RE BASICALLY OWNED BY THE SAME PEOPLE. THAT'S ZONED FARMLAND, I GUESS.

IN TALKING TO THEM, THEY EXPRESSED THEY HAD NO CONCERNS WITH MY PROPERTY TURNING COMMERCIAL. AT THIS TIME THEY HAVE NO INTEREST IN DEVELOPING THAT PROPERTY OTHER THAN WHAT IT IS RIGHT NOW; HOWEVER, THAT COULD CHANGE IN THE FUTURE.

IN REGARD TO THAT 45 ACRES, MY PROPERTY IS VERY NARROW AND DEEP. IT HAS ABOUT 150 FEET OF ROAD FRONTAGE, BUT IT'S ALMOST 600 FEET IN DEPTH.

FROM THE COMMERCIAL STANDPOINT TO DEVELOP THIS, I'VE GOT A VERY NARROW PIECE OF PROPERTY THAT I
CAN BUILD A BUILDING ON. THAT'S MY INTENTIONS. AT WHAT POINT, I'M NOT SURE WHEN IT'S GOING TO HAPPEN. ECONOMY, FIND TENANTS, THOSE SORT OF THINGS HAVE TO COME IN PLAY.

THE PROPERTY TO THE WEST OF ME HAS PROBABLY 1,000 OR 1,200 FEET OF ROAD FRONTAGE; AGAIN, IT'S ABOUT 45 ACRES.

A MORE FEASIBLE LAYOUT FOR INGRESS AND EGRESS FOR THAT PROPERTY WOULD BE IN LINE WITH BOLD FORBES WAY, BECAUSE IF SOMEBODY DID BUY THAT PROPERTY AT 45 ACRES THAT'S GOING TO BE A LARGE DEVELOPMENT. FOR THAT TO BE, HAVING ALL THAT TRAFFIC COME THROUGH, MY 150 FOOT OF FRONTAGE PRESENTS A PROBLEM FOR ME. IT REALLY LOGICALLY SEEMS THAT BOTH ARE IN LINE WITH THAT WOULD BE MORE LOGICAL. HOPEFULLY A STOPLIGHT SOMETIME.

THE PROPERTY TO THE EAST OF ME, WHICH IS MRS. HAYDEN AND TOMMY THOMPSON, HAS APPROXIMATELY 600, 700 FEET OF FRONTAGE OF WOOD TRACE, WHICH I UNDERSTAND IS A PUBLIC STREET, AND THEY HAVE APPROXIMATELY 300 FEET, ALMOST TWICE THE ROAD FRONTAGE THAT I HAVE ON 54. AGAIN, IT WOULD MAKE MORE SENSE FOR EGRESS OR INGRESS TO BE OFF OF WOOD TRACE OR OFF OF 54.

I WOULD ASK THE BOARD TO TAKE OUT THAT CONSIDERATION, CONDITION NUMBER 2 FOR CONSIDERATION ON OHIO VALLEY REPORTING (270) 683-7383
CHAIRMAN: ANY OF THE COMMISSIONERS HAVE QUESTIONS OF MR. LAMBERT WHILE WE HAVE HIM UP HERE?
(NO RESPONSE)
CHAIRMAN: IF NOT, MR. LAMBERT, IF YOU'LL HAVE A SEAT. I WANT TO ASK MR. HOWARD TO COME UP AND ADDRESS SOME OF THE ISSUES OF THESE LETTERS NOT BEING SENT OUT OR HAVE THEY BEEN SENT OUT ACCORDING TO MR. KAMUF'S CONCERNS.
MR. HOWARD: SURE. AS FAR AS A DEVELOPMENT PLAN GOES, I WOULD SAY TYPICALLY ON A PROPERTY THAT'S 1.87 ACRES IN SIZE FOR REZONING A DEVELOPMENT PLAN IS NOT TYPICALLY REQUIRED. WE DID TRY TO INCLUDE CONDITIONS THAT WOULD ADDRESS POTENTIAL FUTURE TRAFFIC BY STATING THAT WHEN THE STATE REVIEWS THE DRY PERMIT FOR A COMMERCIAL ACCESS THAT AT THAT TIME THEY MAY REQUIRE TRAFFIC IMPACT STUDY. THERE MAY BE A NEED FOR A RIGHT TURN LANE. THERE'S ALREADY A CENTER TURN LANE ON HIGHWAY 54. THE LEFT TURN TRAFFIC CAN BE ADDRESSED AS IS.
THE DEVELOPMENT PLAN WOULD BE A TOOL FOR YOU ALL TO LOOK AT. AT THE TIME OF REZONING CERTAINLY A CONDITION THAT YOU ALL COULD PLACE ON A ZONING CHANGE, BUT THEY COULD SUBMIT A DEVELOPMENT PLAN WITH THE REZONING AND THAT'S SUBJECT TO CHANGE. THAT COULD
CHANGE AT SOME POINT IN THE FUTURE. YOU ALL CAN'T
TAKE ACTION, MR. SILVERT, CORRECT ME IF I'M WRONG, BUT
YOU ALL CANNOT A DEVELOPMENT PLAN, A ZONING CHANGE
STIPULATED ON A SPECIFIC DEVELOPMENT PLAN. YOU CAN
ONLY DO THAT WITH FINDING ELEMENTS AND CONSOLIDATED
GOVERNMENTS, BASED ON MY UNDERSTANDING OF THE KRS.
THE DEVELOPMENT PLAN WOULD BE A GREAT TOOL AND THAT'S
CERTAINLY SOMETHING YOU ALL CAN CONSIDER.

IN REGARDS TO TRAFFIC, 54 IS A VERY BUSY
CORRIDOR. THE INTENT OF PROVIDING THE INGRESS/EGRESS
EASEMENT TO THE ADJOINING PROPERTIES IS TO ALLOW FOR A
CONNECTION OF PROPERTIES AND NOT HAVE MULTIPLE SINGLE
ACCESS POINTS ON HIGHWAY 54. THE MORE ACCESS POINTS
YOU HAVE, THE MORE CONFLICT POINTS YOU HAVE, THE MORE
POTENTIAL FOR CRASHES YOU HAVE. SO LIMITING THE
NUMBER OF ACCESS POINTS IS A GOOD THING FROM A TRAFFIC
MANAGEMENT STANDPOINT.

HIGHWAY 54 HAS A DRIVEWAY SPACING STANDARD OF
500 FEET. WHERE THE PROPOSED ACCESS IS WILL BE CLOSE
TO MEETING THAT 500 FOOT STANDARD; HOWEVER, IT WILL BE
IN ALIGNMENT WITH A DRIVE THAT'S ACROSS THE STREET
BASED ON ONE OF THE CONDITIONS OF THE ZONING CHANGE,
AND THAT'S WHERE YOU WANT IT TO BE. THAT WAY IF YOU
HAVE TRAFFIC ON HIGHWAY 54, THEY'RE BOTH MAKING LEFT
TURNS INTO DEVELOPMENTS ON EACH SIDE OF THE STREET,
THERE IS NO OVERLAP. YOU WANT DRIVES TO BE IN ALIGNMENT WITH EACH OTHER.

THE INTENT CERTAINLY WOULD NOT BE THAT THE ADJOINING PROPERTY SIGNIFICANT ACREAGE WOULD ACCESS COMPLETELY THROUGH AN INGRESS/EGRESS EASEMENT ON A 1.87 ACRE PARCEL. IT WOULD BE MY THOUGHTS THAT THEY WOULD LIKELY BE LOOKING AT SOME TYPE OF A PUBLIC STREET TO DEVELOP THAT MUCH ACREAGE WITH AN ACCESS POINT IN ALIGNMENT WITH THE ACCESS POINT TO THOROUGHBRED EAST WHICH WOULD BE A LOGICAL PLACE TO HAVE AN ACCESS POINT, AND VERY WELL MIGHT WARRANT FOR AS TRAFFIC SIGNAL BASED ON THE AMOUNT OF ACREAGE THAT YOU HAVE ON BOTH SIDES OF THE ROAD AND THE AMOUNT OF TRAFFIC THAT WOULD BE THROUGH THERE.

GOING THE OTHER DIRECTION, TO THE SMALLER PARCEL THAT'S OWNED BY KRISTINE HAYDEN AND TOMMY THOMPSON, THEY DON'T HAVE ENOUGH FRONTAGE TO HAVE AN INDIVIDUAL ACCESS POINT TO HIGHWAY 54. A SHARED INGRESS/EGRESS IT WILL ALLOW THEM TO POTENTIALLY GET OUT TO HIGHWAY 54. IT MIGHT BE BENEFICIAL TO THAT SITE.

ONE OF THE THINGS THAT WE'VE HISTORICALLY DONE ON DEVELOPMENTS IN DAVIESS COUNTY, OWENSBORO AND DAVIESS COUNTY, IS CONNECT DEVELOPMENTS. IF A PARCEL DEVELOPS AND THERE IS LARGE ACREAGE THERE NEXT-DOOR
THAT'S NOT DEVELOPED, WE TRY AND STUB STREETS TO THE
PROPERTY. THAT WAY THEY CAN CONNECT IN THE FUTURE AND
YOU DON'T HAVE ISOLATED DEVELOPMENTS THAT DON'T HAVE
OPTIONS FOR INGRESS AND EGRESS. THAT'S WHY WE LOOKED
AT THAT AS FAR AS A CONDITION GOES FOR ACCESS.

THOSE ARE MY COMMENTS AT THIS POINT. IF
ANYONE ON THE COMMISSION HAS SPECIFIC QUESTIONS, I'D
BE GLAD TO ANSWER THOSE.

MR. KAZLAUSKAS: MR. CHAIRMAN.

CHAIRMAN: YES.

MR. KAZLAUSKAS: JUST ONE QUESTION ON FINDING
OF FACT NUMBER 3, "THE PROPOSAL IS A LOGICAL EXPANSION
OF EXISTING B-4 GENERAL BUSINESS ZONING TO THE NORTH,
ACROSS THE HIGHWAY." FOR SOME REASON I ALWAYS THOUGHT
THAT A HIGHWAY OR STREET KIND OF DIVIDED THAT. THIS
IS RIGHT IN THE MIDDLE OF AGRICULTURAL AND
RESIDENTIAL. THE APPLICANT IS ASKING TO PUT A
BUSINESS AND BE SURROUNDED BY RESIDENTIAL AND
AGRICULTURAL LAND. I'M NOT REAL SURE ABOUT THAT
STREET. I DON'T KNOW IF THAT MAKES IT CONTIGUOUS OR
NOT.

MR. HOWARD: I'LL BE GLAD TO ADDRESS THAT.

ON THE FRONT OR THE STAFF REPORT UNDER
SPECIFIC LAND USE CRITERIA, C IS EXPANSIONS ACROSS AN
INTERVENING STREET. THIS IS IN, I BELIEVE, URBAN

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RESIDENTIAL PLAN AREA. "THE EXPANSION OF AN EXISTING GENERAL BUSINESS ACROSS AN INTERVENING STREET SHOULD BE AT LEAST 1.5 ACRES IN SIZE. SO IT MEETS THAT REQUIREMENT.

THE COMP PLAN IS SET UP TO BE FLEXIBLE TO ALLOW FOR A MULTITUDE OF USES AND ZONES POTENTIALLY. DEPENDING ON WHAT ZONINGS ARE CONTIGUOUS IN THE VICINITY. IF YOU'RE IN A RURAL COMMUNITY, IF YOU'RE LOCATED CLOSE TO AN INTERSECTION AND THAT TYPE OF THING. LOOKING AT THAT CRITERIA IT MEETS; HOWEVER, WE DID INCLUDE LANGUAGE IN THERE. YOU MAKE A POINT THAT THERE IS R-3MF ZONING AND THEN AGRICULTURAL ZONING SOME R-1A ZONING IN THE VICINITY. IT IS CERTAINLY UP TO THE COMMISSION TO TAKE INTO CONSIDERATION THE FACT THAT THERE IS A NEIGHBORHOOD IN THE VICINITY AND THAT THIS IS SOME NEW B-4 ZONING ON THAT SIDE OF THE STREET THAT'S IN THE COMP PLAN AS WELL. WE WANTED TO POINT THAT OUT IN OUR STAFF REPORT, BUT WE FEEL THAT IT DOES MEET CRITERIA C, AS FAR AS A LOGICAL EXPANSION ACROSS THE STREET BECAUSE IT EXCEEDS THE MINIMUM ACREAGE REQUIREMENT.

MS. KAZLAUSKAS: THANK YOU.

CHAIRMAN: ANY OTHER COMMISSIONERS HAVE QUESTIONS OF MR. HOWARD?

(NO RESPONSE)
CHAIRMAN: MR. NOFFSINGER.

MR. NOFFSINGER: MR. CHAIRMAN, TWO THINGS I WOULD LIKE TO CLARIFY.

THE STAFF'S CONDITION TO REQUIRE AN ACCESS EASEMENT TO THE ADJOINING PROPERTY OWNED BY MR. THOMPSON AND THE HAYDENS WOULD BE TO BENEFIT THAT ADJOINING PROPERTY. THAT ADJOINING PROPERTY IS CURRENTLY ZONED R-3MF MULTI-FAMILY. IN REVIEWING A SITE PLAN OR DEVELOPMENT PLAN, WE WOULD LIKE TO SEE THE ACCESS EASEMENT EXTENDED TO THAT PROPERTY; HOWEVER, SHOULD THE PROPERTY, ADJOINING PROPERTY DEVELOP AS RESIDENTIAL, WE WOULD MOST LIKELY NOT WANT TO SEE A CONNECTION THERE. HOWEVER, WE DON'T KNOW HOW THAT ADJOINING VACANT PROPERTY, WHICH IS VACANT, IS GOING TO DEVELOP. WE WANT TO LEAVE THE OPTIONS OPEN. IF IT WERE DEVELOP FOR COMMERCIAL USE, CERTAINLY WE WOULD WANT TO SEE A CONNECTION THERE BETWEEN TWO COMMERCIAL USES SO YOU DIDN'T HAVE TO GET OUT ONTO 54 TO VISIT THE OTHER RETAIL ESTABLISHMENT OR WHATEVER IT MIGHT BE. WE DON'T WANT, IN THIS CASE, LINKUP INCOMPATIBLE USES, BUT WE JUST DON'T KNOW. WE'RE DEALING WITH UNKNOWNS AND WE HAVE TO TRY TO THINK OF HOW WE MIGHT COVER THE TRANSPORTATION NETWORK IN THE FUTURE.

THE SECOND ITEM WOULD BE IN TERMS OF

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NOTIFICATION FOR THE RECORD. WE RELY ON INFORMATION THAT THE APPLICANT PROVIDES US FOR ADJOINING PROPERTIES. THEY'RE TO OBTAIN NOTIFICATION INFORMATION FROM THE PVA OFFICE, THE PROPERTY VALUATION ADMINISTRATOR. THEN WE SEND OUT THE LETTER BASED ON ALL THE INFORMATION PROVIDED. WE DID SEND OUT THAT LETTER AND IT WAS POSTMARKED ON MARCH 27, 2013; HOWEVER, WE DID NOT RECEIVE BACK THE SIGNATURE CARD WHERE THAT LETTER WAS RECEIVED. I JUST WANT TO STATE THAT FOR THE RECORD IN TERMS OF THE FACTS THAT WE HAVE IN THE APPLICATION.

CHAIRMAN: MR. LAMBERT, WOULD YOU LIKE TO COMMENT?

MR. LAMBERT: YES.

IN THE REGARDS TO THE LETTER, AS THEIR LEGAL REPRESENTATION HAS MENTIONED EARLIER THAT I WAS IN CONTACT WITH THEM IN ADVANCE AND THEY WERE MADE AWARE OF THE REZONING. THEY HAD FULL KNOWLEDGE OF THE REZONING IRREGARDLESS. I KNOW THE TECHNICALITY OF THE LETTER, BUT TELLING THE BOARD BY THEIR LEGAL COUNSEL'S OWN ADMISSION THAT THEY WEREN'T CONTACTED, AND THEY WERE AWARE OF THAT.

IN REGARDS TO THE EGRESS AND INGRESS ISSUE, AS A DEVELOPER ONE OF MY CONCERNS IS WHAT IMPACT IS THAT GOING TO HAVE ON HOW I DEVELOP MY PROPERTY. WHERE IS
THAT EGRESS AND INGRESS GOING TO BE AND DO I HAVE TO
TAKE THEM INTO CONSIDERATION IN WHERE I PLACE MY
BUILDING ON THE PROPERTY BASED ON WHAT THEY WANT.
THEY'RE NOT EVEN IN THE PROCESS OF DEVELOPMENT. THEY
DON'T HAVE A SITE DEVELOPMENT PLAN. I'VE BEEN
INDICATED THAT THEY DON'T HAVE ANY PLANS TO DO
ANYTHING AT THIS TIME, AND THEY'VE HAD THIS PROPERTY
FOR SOME TIME.

I GUESS I WOULD BE WILLING TO GO ALONG WITH AN
INGRESS AND EGRESS IN REGARDS TO THE PROPERTY TO THE
EAST, WHICH IS THE HAYDENS AND THOMPSON PROPERTY,
PROVIDED THAT THAT WOULD BE AT MY DISCRETION ON MY
DEVELOPMENT WHERE THAT INGRESS. I HAVE NO PROBLEM
REALLY DEVELOPING GIVEN THAT OPTION, BUT I DON'T WANT
MY HANDS TIED AND MY DEVELOPMENT BE COMPROMISED BASED
ON WHAT THEY MAY OR MAY NOT DO IN THE FUTURE. THAT
WOULD BE MY CONCERNS.

CHAIRMAN: THANK YOU, SIR. I'M GOING TO ASK
MR. KAMUF TO COME BACK UP.
DO YOU HAVE FURTHER COMMENTS AND QUESTIONS?
MR. KAMUF: YES, I DO.
FIRST OF ALL, THAT SHARED ACCESS IS AN
IMPORTANT ITEM. IF YOU HAVE A DEVELOPMENT PLAN, IT
WOULD BE ON THERE. I THINK YOU HAVE BEEN PRESENTED BY
THE OPPOSITION REAL GOOD REASON WHY YOU NEED A

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DEVELOPMENT PLAN.

SECOND OF ALL, MANY OF THESE THINGS WE DON'T KNOW. HE DON'T KNOW. IF HE'S GOING TO DEVELOP THAT PROPERTY AND HE DOESN'T KNOW WHAT HE'S GOING TO DO WITH IT, HOW DO WE HAVE AN OPPORTUNITY, A FAIR SHAKE TO TELL YOU WHAT OUR OBJECTIONS ARE.

THE OTHER ONE IS THE STAFF HAS TOLD YOU THEY DON'T HAVE A POLICY ON SMALL TRACTS. THAT'S DISCRETIONARY. IN OTHER WORDS, THAT'S UP TO YOU ALL TO DECIDE WHETHER WE NEED A DEVELOPMENT PLAN.

THE OTHER POINT IS THAT THIS LOGICAL EXPANSION SHEET THAT YOU BROUGHT UP, THAT'S DISCRETIONARY. LOGICAL EXPANSION UNDER THE COMPREHENSIVE PLAN OF THE RULES, IT MEETS REQUIREMENT, BUT THAT DON'T MEAN YOU'RE SUPPOSED TO DO IT. THAT'S THE REASON YOU'RE HERE. IS TO MAKE A DECISION. I'M ASKING YOU TO GIVE ME TIME TO FIND OUT WHAT'S GOING ON. HE DOESN'T KNOW WHAT HE'S GO TO DO WITH IT. SO HOW DO I HAVE AN OPPORTUNITY WITHOUT A DEVELOPMENT PLAN OR WITHOUT RESTRICTIONS SOMETHING IN WRITING TO KNOW WHAT THEY'RE GOING TO DO. IF SOMEBODY BUYS THAT PROPERTY AND THERE'S NO RESTRICTIONS ON IT, THEY CAN DO WITH IT WHATEVER THEY WANT TO DO. THAT'S MY POSITION. THANK YOU.

CHAIRMAN: ANY COMMISSIONERS HAVE ANY
QUESTIONS OF MR. KAMUF?

(NO RESPONSE)

CHAIRMAN: THANK YOU, SIR.

MR. BRANCATO, DO YOU HAVE ADDITIONAL COMMENTS?

MR. BRANCATO: YES, SIR. THANK YOU. I

APPRECIATE THE OPPORTUNITY TO ADDRESS THE COMMISSION.

IT'S ALWAYS NICE TO FOLLOW MR. KAMUF. I WANT TO BE A

LITTLE LIKE HIM WHEN I GROW UP.

I'M ACTUALLY STANDING IN FOR JOHN STEVENSON

WHO IS THE ATTORNEY THAT REPRESENTS THE WOODLAND'S

HOMEOWNERS ASSOCIATION WHICH IS INCORPORATION IN

KENTUCKY AND AS AN INCORPORATION YOU MUST BE

REPRESENTED BY AN ATTORNEY. MR. STEVENSON HAD SOME

FAMILY MEDICAL EMERGENCIES AND COULDN'T BE HERE

TONIGHT.

THERE ARE 48 HOMEOWNERS IN THE ADJOINING

NEIGHBORHOOD. PROPERTY VALUES RANGE FROM $270,000 TO

$800,000. AS THE STAFF NOTED IN ITS REPORT, THE

SURROUNDING PROPERTY DUE CONSIDERATION OUGHT TO BE

GIVEN TO THE SURROUNDING PROPERTIES AND RESIDENTIAL

NEIGHBORHOOD IN DEVELOPING THE ESTABLISHED PATTERNS IN

THIS AREA.

I ALSO REPRESENT THE ADJOINING LANDOWNERS,

JEFF TAYLOR AND BETTY TAYLOR. I WOULD ECHO WHAT MR.

KAMUF SAID IN THAT JUDGE TAYLOR CONTACTED MR. LAMBERT
A COUPLE OF TIMES AND REQUESTED A MEETING ON BEHALF OF
HIMSELF AND ON BEHALF OF THE HOMEOWNERS ASSOCIATION.
The answer he received from Mr. Lambert is the same
answer that Mr. Kamuf represented to this body that
his clients received. Be happy to meet, but not until
after the rezoning. That's a little backwards to me.

The issue for the association is three-fold.
It's traffic count study, buffering requirements and
building orientation.

The desire of the Homeowners Association is
that this matter be continued for one month.
Certainly in the next month Mr. Lambert would find
time to meet with a body of 48 homeowners to hear
their concerns. Like others it's not they're for or
against it. They simply don't know. Frankly this
commission doesn't know exactly how Mr. Lambert
intends to develop this property.

My client, Mr. Taylor, didn't receive notice
until March 29th. He did receive notice. In
receiving that notice, he wanted to get together with
the Homeowners Association and see what position that
body may have. The problem was that next week was
spring break and they couldn't get a quorum together
to make a recommendation. They couldn't do that until
Tuesday. That's nobody's fault, but that's the fact.
THAT WE HAVE TO PLAY. OF COURSE, THE WHOLE REASON FOR
DUE PROCESS IS SO THAT PEOPLE HAVE A FAIR OPPORTUNITY
TO BE HEARD AND TO HEAR WHAT'S GOING ON. COULDN'T
HAVE THAT QUORUM MEETING UNTIL THIS PAST TUESDAY.

MR. TAYLOR TRIED SEVERAL TIMES TO MEET WITH
MR. LAMBERT. THAT COULDN'T BE ARRANGED. I DON'T KNOW
THAT THERE'S SOME URGENCY HERE THAT THIS HAS TO BE
DECIDED TODAY. I DON'T SEE THAT THERE IS ANY
SIGNIFICANT PROBLEM ASSOCIATED WITH A ONE MONTH
CONTINUANCE. I CERTAINLY HAVEN'T HEARD ONE TODAY.

THE SPEED LIMIT ON HIGHWAY 54 AT THIS POINT IS
55 MILES AN HOUR. THAT MIGHT WARRANT SOME CHANGE IN
EVALUATION DEPENDING ON WHAT THE DEVELOPMENT IS AND
WHAT THE DEVELOPMENT PLAN PROPOSES.

THE HOMEOWNERS ARE CONCERNED ABOUT COMMERCIAL
ACTIVITY. IT'S BEEN RECOGNIZED THAT GOOD BUFFERING
PRACTICES CAN ADDRESS THOSE CONCERNS, BUT WE DON'T
KNOW WHAT THE BUFFERING PLAN IS. WE DON'T KNOW WHAT
BUFFERING PRACTICES ARE. THAT'S SOMETHING THAT COULD
HAVE BEEN FLUSHED OUT IN A CORDIAL MEETING WITH THE
ASSOCIATION AND THE HOMEOWNERS. THAT SIMPLY DIDN'T
HAPPEN, AND IT WASN'T BECAUSE HOMEOWNERS WERE
UNWILLING TO DO SO.

MR. LAMBERT MENTIONED BUILDING ORIENTATION OF
THE SUBDIVISION HE HAS ACROSS THE STREET. YOU CAN
ACTUALLY SEE THAT IN HIS EXHIBIT. I WOULD POINT OUT TO YOU THAT THAT'S EAST/WEST ORIENTATION THAT RUNS ROUGHLY PARALLEL WITH HIGHWAY 54. IT IS LIKELY THAT HE WOULD HAVE TO HAVE A NORTH/SOUTH ORIENTATION OF HIS BUILDING OR DEVELOPMENT ON THIS PROPERTY. SO THEN THE QUESTION BECOMES, IS THAT NORTH/SOUTH ORIENTATION GOING TO BE WHERE THE FRONT OF THE BUILDING FACES WOOD TRACE OR THAT THE BACK OF THE BUILDING FACE THAT. THAT'S SIGNIFICANT TO THE HOMEOWNERS ASSOCIATION. THEY'LL BE PULLING INTO THEIR SUBDIVISION MAYBE LOOKING AT THE BACK OF AN UNBUFFERED BUILDING.

ALL OF THOSE QUESTIONS ARE RELEVANT. THEY'RE ALL MEANINGFUL TO THE HOMEOWNERS ASSOCIATION AND TO JUDGE TAYLOR AND BETTY TAYLOR.

MY REQUEST HERE TO THIS COMMISSION IS THAT YOU EITHER TABLE THIS OR CONTINUE IT TO THE MAY MEETING. I THINK THAT'S A REASONABLE REQUEST UNDER THE CIRCUMSTANCES AND ALLOW THE PARTIES TO GET TOGETHER AND REALLY UNDERSTAND WHAT MR. LAMBERT INTENDS TO DO. I THANK YOU FOR THE TIME AND THE OPPORTUNITY TO ADDRESS YOU.

CHAIRMAN: COMMISSIONERS, ANY QUESTIONS OF MR. BRANCATO?

(NO RESPONSE)

MR. REEVES: I HAVE A QUESTION OF MR. LAMBERT,
PLEASE.

CHAIRMAN: MR. LAMBERT, STEP BACK UP.

MR. REEVES: FIRST, I'M ASSUMING THAT YOU'RE NOW MARKING THIS AS BUILD TO SUIT?

MR. LAMBERT: WELL, NOT ACTUALLY. FIRST OF OFF, I'M NOT MARKETING IT RIGHT NOW BECAUSE I'M WAITING TO GET MY ZONING. ONCE I GET MY ZONING, THEN I WILL MARKET IT AS GENERAL BUSINESS. I DON'T KNOW WHAT MY INTENSIONS ARE. I DON'T HAVE SIZE. I DON'T HAVE LAYOUT AND THINGS LIKE THAT BECAUSE THAT'S GOING TO BASE ON THE TENANT.

FOR INSTANCE, I MIGHT GET THREE INSURANCE COMPANIES THAT WANT TO BE IN THERE OR I MIGHT GET A COMPANY THAT SELLS MATTRESSES THAT NEEDS 3,000 SQUARE FEET. I'M GOING TO BASE THIS ON WHAT THE MARKET IS AND THE FEEDBACK THAT I GET FROM THE TENANT. IT'S NOT REALLY FEASIBLE FOR ME TO APPROACH PEOPLE IN A SERIOUS MANNER ON A PIECE OF PROPERTY THAT I DON'T EVEN HAVE THE PROPERLY ZONED.

IN REGARDS TO THE BUILDING AND THE ORIENTATION OF THE BUILDING FROM A RETAIL STANDPOINT, THIS BUILDING IS GOING TO BE FACING 54 FROM A RETAIL STANDPOINT. IT DOESN'T MAKE SENSE RUNNING IT NORTH/SOUTH. IT'S GOING TO BE RUNNING PARALLEL WITH THE PROPERTY. AGAIN, AS I MENTIONED, THIS PROPERTY IS
A very deep property. It's almost 600 square feet,
600 feet of depth. Buffering and things like that I
think are going to be a key point.
In regards to the delay -- again, I hope I've
answered your question. I'm just trying to move
forward with everything.
Mr. Reeves: Yes, you have.
Mr. Lambert: In regards to delaying the
meeting, I'm not going to have anything more to tell
them in a month. I'm not going to have anything more
to tell you guys in a month because I can't do
anything until I know I've got my zoning.
It's not my intentions to upset the
neighborhood. I've been a good neighbor across the
street and I'll be a good neighbor on this side of the
street. Delay is not going to solve their concerns.
In regards to Mr. Kamuf's request for a site
development plan, they didn't submit one when they
rezone their property to apartments. I think it's
kind of unfair to ask that of me. That's up to you
guys. I'll circum to whatever your all's decision is.
I would like to move forward though tonight, if
possible.
Chairman: Thank you, sir.
Mr. Boswell: I have one question. In looking
AT THE MAPS AND SOME OF THE INFORMATION, IT LOOKS LIKE THERE'S ONLY ONE OTHER B-4 IN THAT AREA. THIS WOULD BE THE SECOND ONE IN THIS VICINITY?

MR. NOFFSINGER: THERE ARE NUMEROUS LOCATIONS OF COMMERCIAL ZONING ALONG KENTUCKY 54. MANY OF WHICH ARE LOCATED TO THE WEST OF THIS PROPERTY. THERE IS THE SITE THAT'S LOCATED IMMEDIATELY ACROSS THE STREET THAT'S B-4. YOU'RE NOT GOING TO PICK UP B-4 GENERAL BUSINESS ZONING AGAIN UNTIL YOU APPROACH THE LAKE FOREST DEVELOPMENT, THE GATEWAY DEVELOPMENT ACROSS FROM LAKE FOREST, AND THEN THERE MAY BE SOME IN THE FRONTAGE OF THE LAKE FOREST DEVELOPMENT AS WELL THAT'S PENDING DEVELOPMENT.

MR. BOSWELL: THANK YOU.

CHAIRMAN: ANY OTHER QUESTIONS?

(NO RESPONSE)

CHAIRMAN: COMMISSIONERS, THERE'S A LOT OF UNANSWERED QUESTIONS HERE. MR. KAMUF AND MR. BRANCATO, I THINK IT MIGHT BE APPROPRIATE TO POSTPONE THIS; HOWEVER, IT'S YOUR DECISION.

WITH THAT CHAIR IS READY FOR A MOTION.

MR. SILVERT: MR. CHAIR, IF IT'S ALL RIGHT WITH YOU, I WOULD LIKE TO ASK MR. KAMUF A QUESTION BEFORE WE MOVE FORWARD TO POSTPONE THIS.

MR. KAMUF: YES, SIR.
MR. SILVERT: MR. KAMUF, IF THIS BOARD SHOULD
DECIDE THAT THIS ITEM SHOULD BE POSTPONED UNTIL THE
NEXT MEETING, WILL YOU ACCEPT THE FACT THAT YOUR
CLIENT NOW HAS ACTUAL NOTICE OF THIS ITEM?

MR. KAMUF: YES.

MR. SILVERT: THANK YOU VERY MUCH.

CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS?

MR. KAZLAUSKAS: JUST ONE QUESTION. IT WOULD
BE HELPFUL TO ME. I NOTICE THAT MR. THOMPSON IS HERE.
I WONDER IF HE WOULD BE AT LIBERTY TO DISCUSS THE
PROPERTY THAT'S ZONED RESIDENTIAL, WHAT THE FUTURE
MIGHT HOLD FOR THAT PLOT OF LAND. IS THAT
APPROPRIATE?

CHAIRMAN: WHO ARE YOU DIRECTING THAT QUESTION
TO?

MR. KAZLAUSKAS: TO YOU.

CHAIRMAN: TO ME?

MR. KAZLAUSKAS: YES. IS IT APPROPRIATE TO
ASK MR. THOMPSON WHAT PLANS HE HAS FOR THAT PROPERTY?

MR. APPLEBY: YOU'RE TALKING ABOUT THE
PROPERTY THAT'S ZONED MULTI-FAMILY?

MR. KAZLAUSKAS: YES.

MR. APPLEBY: WE CAN ASK HIM IF WE WANT TO.

MR. KAZLAUSKAS: WOULD HE BE AT LIBERTY TO
SPEAK TO THAT?
MR. SILVERT: WOULD YOU STATE YOUR NAME,

PLEASE?

MR. THOMPSON: TOMMY THOMPSON.

(TOMMY THOMPSON SWORN BY ATTORNEY.)

MR. THOMPSON: TO THE QUESTION, MR. CHAIRMAN

AND CHIEF, I REALLY DON'T HAVE ANY PLANS AT THE MOMENT

FOR THE IMMEDIATE DEVELOPMENT OF THAT.

MR. KAZLAUSKAS: SO A BIG QUESTION MARK?

MR. THOMPSON: YES, SIR.

CHAIRMAN: THANK YOU, MR. THOMPSON.

ANY OTHER QUESTIONS OR COMMENTS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. MILLER: I MAKE A MOTION THAT WE POSTPONE

THIS UNTIL NEXT MONTH.

CHAIRMAN: WE'VE GOT A MOTION BY MR. ALLEN TO

POSTPONE.

MR. BOSWELL: SECOND.

CHAIRMAN: WE HAVE A SECOND BY MR. BOSWELL.

COMMENTS OR QUESTIONS ON THE MOTION?

MR. NOFFSINGER: I WOULD LIKE TO ADD TO THAT

IS THIS WILL BE POSTPONED UNTIL OUR NEXT MEETING WHICH

WILL BE MAY 9TH. AT THAT TIME THE PLANNING COMMISSION

WILL HAVE TO TAKE ACTION BECAUSE WE CAN'T CONTINUE TO

DELAY. WE DO NEED TO MOVE FORWARD AT THE NEXT
MEETING.

CHAIRMAN: SO NOTED.

DO YOU ACCEPT THAT TO AMEND YOUR MOTION?

MR. MILLER: I DO.

CHAIRMAN: YOU ACCEPT THE AMENDMENT?

MR. BOSWELL: YES.

CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 6

2731 WEST 2ND STREET, 3.591 ACRES

CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO

A-U URBAN AGRICULTURE

APPLICANT: RNA RENTALS HOSPLEX, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

ACCESS SHALL BE LIMITED TO A SINGLE ACCESS POINT AS ESTABLISHED ON THE PLAT APPROVED FEBRUARY 20, 2013.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSED A-U URBAN AGRICULTURE ZONING IS MORE
APPROPRIATE THAN THE CURRENT B-4 GENERAL BUSINESS
ZONE;

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

3. THE SUBJECT PROPERTY HAS BEEN USED AS A
RESIDENCE AND/OR BED AND BREAKFAST FOR NEARLY 150
YEARS;

4. THE A-U ZONING IS AN EXPANSION OF EXISTING
A-U ZONING TO THE NORTH; AND,

5. THE PROPOSED ZONING CHANGE WILL BRING THE
PROPERTY USE THAT HAS EXISTED ON THE SITE SINCE 1865
INTO CONFORMANCE WITH THE ZONING ORDINANCE.

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

CHAIRMAN: ANYONE HERE REPRESENTING THE
APPLICANT?

(NO RESPONSE)

CHAIRMAN: ANYONE HAVE ANY QUESTIONS OF THIS
APPLICATION?

(NO RESPONSE)

CHAIRMAN: ANY BOARD MEMBERS HAVE ANY
MR. APPLEBY: IS CHAIR READY FOR A MOTION?
CHAIRMAN: CHAIR IS READY FOR A MOTION.
MR. APPLEBY: MOTION FOR APPROVAL WITH THE
SINGLE CONDITION AND FINDINGS OF FACT 1 THROUGH 5.
CHAIRMAN: WE HAVE A MOTION BY MR. APPLEBY.
MR. TAYLOR: SECOND.
CHAIRMAN: WE'VE GOT A SECOND MR. TAYLOR. ANY
COMMENTS OR QUESTIONS ON THE MOTION?
(NO RESPONSE)
CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: MOTION CARRIES.
NEXT ITEM, PLEASE.

MAJOR SUBDIVISIONS

ITEM 7
DUTCH BANKS, 9.04 ACRES
CONSIDER APPROVAL OF AN AMENDED MAJOR SUBDIVISION
PRELIMINARY PLAT.
APPLICANT: GOETZ DEVELOPMENT, LLC

MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS
BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
STAFF. IT'S FOUND TO BE IN ORDER. IT'S UNDERLYING
USE DOES CONFORM WITH THE ZONING AS WELL AS THE
ADOPTED COMPREHENSIVE PLAN. WITH THAT IT'S READY FOR YOUR CONSIDERATION.

CHAIRMAN: ANY QUESTIONS ON IT?
(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. REEVES: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. REEVES.

MR. APPLEBY: SECOND.

CHAIRMAN: WE'VE GOT A SECOND BY MR. APPLEBY.

COMMENT OR QUESTION ON THE MOTION?
(NO RESPONSE)

CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM.

MINOR SUBDIVISIONS

ITEM 8

11015, 11023 HIGHWAY 764, 4.699+/- ACRES CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.

APPLICANT: RACHEL L. HAIRE

MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS BEEN REVIEWED BY THE PLANNING STAFF. IT DOES COME TO YOU AS AN EXCEPTION TO THE SUBDIVISION REGULATIONS AND BRIAN HOWARD IS HERE TO DESCRIBE WHAT THOSE EXCEPTIONS WOULD BE.
MR. HOWARD: IT'S A RATHER LARGE PARCEL THAT'S OVER 4 1/2 ACRES; HOWEVER, IT IS LIMITED SOMEWHAT WITH THE AMOUNT OF FRONTAGE IT HAS. THE 0.75 ACRE PARCEL THAT THEY ARE PROPOSING TO CREATE WOULD GO AROUND AN EXISTING RESIDENCE ON THE PROPERTY. THE REMAINDER 3.9 +/- ACRES STILL MEETS THE MINIMUM ROAD FRONTAGE OF THE ZONING ORDINANCE, BUT IT EXCEEDS THE 3 TO 1 LENGTH TO WIDTH RATIO REQUIREMENT. WE HAVE NOTED ON THE PLAT THAT THIS PROPERTY CANNOT BE FURTHER SUBDIVIDED WITHOUT MEETING ALL THE SUBDIVISION REQUIREMENTS, WHICH WOULD ROAD FRONTAGE, THREE TO ONE DEPTH, AND THOSE TYPES OF THINGS. THIS WILL EFFECTIVELY LIMIT WHAT FUTURE DIVISION OF THE PROPERTY UNLESS THEY WOULD BUILD A PUBLIC STREET IN SOME CAPACITY.

SO WITH THAT WE WOULD RECOMMEND THAT YOU CONSIDER IT FOR APPROVAL.

CHAIRMAN: ANY COMMENTS OR QUESTIONS OF THE COMMISSIONERS ON THIS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. ROGERS: MOTION FOR APPROVAL.

MR. APPLEBY: SECOND.

CHAIRMAN: WE'VE GOT A MOTION FOR APPROVE BY MR. ROGERS. SECOND BY MR. APPLEBY. COMMENTS OR QUESTIONS ON THE MOTION?
Chairman: All in favor raise your right hand.

(All board members present responded Aye.)

Chairman: Motion carries unanimously.

Next item, please.

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New Business

Item 9

Consider approval of the January and February 2013 financial statements

Mr. Noffsinger: Mr. Chairman, each member has been mailed a copy of the financial statements and they're ready for your consideration.

Chairman: Any comments or questions on the financial statements?

(No response)

Chairman: Chair is ready for a motion.

Mr. Appleby: Motion for approval.

Chairman: Motion for approval by Mr. Appleby.

Mr. Boswell: Second.

Chairman: Second by Mr. Boswell. All in favor raise your right hand.

(All board members present responded Aye.)

Chairman: Motion carries unanimously.

Next item will be Mr. Noffsinger who would...
LIKE TO MAKE SOME COMMENTS.

MR. NOFFSINGER: THANK YOU.

AT THIS TIME I WOULD LIKE TO RECOGNIZE BECKY STONE. BECKY HAS OFFERED HER LETTER OF RETIREMENT WHICH WILL BE EFFECTIVE JUNE 1, 2013. I WOULD LIKE TO READ THAT INTO THE RECORD.

"DEAR GARY, THIS LETTER SERVES AS OFFICIAL NOTIFICATION TO YOU THAT I AM RETIRING FROM MY POSITION EFFECTIVE JUNE 1, 2013. THANK YOU FOR ALL THE OPPORTUNITIES YOUR BOTH PROFESSIONAL AND PERSONAL DEVELOPMENT THAT YOU HAVE PROVIDED ME OVER THE YEARS. I HAVE ENJOYED WORKING FOR THE AGENCY AND APPRECIATE THE SUPPORT GIVEN ME DURING MY TENURE WITH THE OWENSBORO METROPOLITAN PLANNING COMMISSION. WHILE I LOOK FORWARD TO ENJOYING MY RETIREMENT, I WILL MISS WORKING WITH THE STAFF, BOARD MEMBERS AND COMMISSIONERS, ELECTED OFFICIALS AND THE PUBLIC. I WISH THE OMPC ALL THE BEST IN THE FUTURE. YOU HAVE STAFF MEMBERS THAT ARE COMMITTED TO THE OMPC'S MISSION AND WONDERFUL BOARD MEMBERS AND COMMISSIONERS WHO SERVE THE COMMUNITY WELL. IT HAS BEEN MY PRIVILEGE TO WORK HERE. SINCERELY, BECKY STONE, AICP, ASSOCIATE DIRECTOR OF PLANNING."

(MR. NOFFSINGER RECOGNIZING BECKY STONE.)

CHAIRMAN: ANY NEW BUSINESS?
MR. KAZLAUSKAS: MR. CHAIRMAN, IT HAS COME TO THIS COMMISSION'S ATTENTION THAT AT CERTAIN TIMES IN ITS HISTORY THIS COMMISSION MAY HAVE HAD MEMBERS THAT WERE INAPPROPRIATELY APPOINTED IN CONTRADICTION TO THE JOINT PLANNING AGREEMENT BETWEEN THE CITY OF OWENSBORO, THE CITY OF WHITESVILLE AND DAVIESS COUNTY.

IT IS IN THE COMMISSION'S AND IN THE COMMUNITY'S BEST INTEREST THAT ALL DECISIONS OF THIS COMMISSION AND OTHER PLANNING OPERATIONS BY PLANNING STAFF BE CERTIFIED AND AGREED UPON AS CORRECT, AS IT IS DIFFICULT TO ASCERTAIN ALL INSTANCES WHEN THIS MAY OR MAY NOT HAVE OCCURRED FROM APRIL 2, 1970.

THE DATE OF THIS COMMISSION'S INCEPTION TO THE PRESENT I OFFER THE FOLLOWING MOTION:

IN ORDER TO ALLEVIATE ANY QUESTION OR DOUBT AS TO THE DECISIONS OF THIS COMMISSION AND PLANNING OPERATIONS IN THE PAST, I HEREBY MOVE NUNC PRO TUNC. THAT THE COMMISSION IMMEDIATELY RATIFY, ADOPT AND READOPT ALL VOTES OF THIS PLANNING COMMISSION, INCLUDING ALL BUDGETS, REVENUES AND FUNDS RECEIVED, HELD AND DISBURSED ACCORDING TO THIS COMMISSION'S FORMAL ACTION, AS WELL AS ALL PLANNING OPERATIONS CONDUCTED BY THIS COMMISSION'S PLANNING STAFF FROM APRIL 2, 1970 TO THE PRESENT.

FURTHER, IF ANY SUCH VOTES OR ACTIONS BY THIS
COMMISSION OR PLANNING STAFF SHALL BE LATER DETERMINED
BY A COURT OF COMPETENT JURISDICTION DO NOT BE
PROPERLY SUBJECT TO OR VALIDATED BY THIS NUNC PRO TUNC
MOTION THAT DECISION SHOULD NOT AFFECT THE ABILITY OF
THIS MOTION AS A WHOLE.
I OFFER THAT IN THE FORM OF A MOTION, MR.
CHAIRMAN.
CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.
DO WE HAVE A SECOND ON THAT?
MR. APPLEBY: SECOND.
CHAIRMAN: WE HAVE A SECOND BY MR. APPLEBY.
COMMENTS OR QUESTIONS ON THE MOTION?
(NO RESPONSE)
CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: MOTION CARRIES.
BEFORE WE ADJOURN WE HAVE SOME VISITORS HERE
TONIGHT FROM THE HOMEBUILDERS ASSOCIATION. MR.
RICHARD STALLINGS, HE'S OUR EXECUTIVE OFFICER. WE
HAVE MICHAEL O'BRYAN, HE'S THE DIRECTOR, STATE
DIRECTOR ON PUBLIC IMPROVEMENT SPECIFICATIONS. THE
TWO GENTLEMEN TO THE RIGHT, ONE ON THE RIGHT IS WARD
PEDLEY, JR. THE ONE ON THE LEFT IS MY GRANDSON WARD
PEDLEY, III. THANK YOU GUYS FOR JOINING US TONIGHT.
GIVING ME YOUR SUPPORT AND THE SUPPORT OF THIS
PLANNING COMMISSION. I KNOW YOU DO. THANK YOU VERY MUCH.

WITH THAT WE NEED ONE MORE MOTION.

MR. APPLEBY: MOVE TO ADJOURN.

MR. BOSWELL: SECOND.

CHAIRMAN: WE HAVE A MOTION TO ADJOURN AND A SECOND. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: WE ARE ADJOINED.

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STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE 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 50 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

WITNESS MY HAND AND NOTARY SEAL ON THIS THE
1ST DAY OF MAY, 2013.

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

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

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