THE OWENSBORO METROPOLITAN PLANNING COMMISSION

MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, JULY
11, 2013, AT CITY HALL, COMMISSION CHAMBERS,
OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS
FOLLOWS:

MEMBERS PRESENT:  WARD PEDLEY, CHAIRMAN
IRVIN ROGERS, VICE CHAIRMAN
CLAUD PORTER, ATTORNEY
BRIAN HOWARD
TIM ALLEN
WALLY TAYLOR
JOHN KAZLAUSKAS
GREG BLACK
FRED REEVES
LARRY BOSWELL

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CHAIRMAN:  CALL THE OWENSBORO METROPOLITAN
PLANNING COMMISSION TO ORDER.

WE'RE DOING THINGS A LITTLE DIFFERENT TONIGHT.
WE'RE GOING OUT INTO CLOSED SESSION AND THEN WE'LL
RETURN TO HEAR OUR APPLICATIONS.

WE NEED A MOTION TO GO INTO CLOSED SESSION.

MR. BOSWELL:  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 COURT FINDINGS AND POTENTIAL APPEALS.
CHAIRMAN: DO WE HAVE A SECOND?

MR. REEVES: SECOND.

CHAIRMAN: WE HAVE A MOTION AND A SECOND TO GO INTO CLOSED SESSION. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: WE WILL GO INTO CLOSED SESSION.

--- (OFF THE RECORD) --- 

CHAIRMAN: CALL THE OWENSBORO METROPOLITAN PLANNING COMMISSION BACK TO ORDER.

WE NOW NEED A MOTION TO CALL THE CLOSED SESSION BACK TO ORDER.

MR. KAZLAUSKAS: SO MOVED.

MR. REEVES: SECOND.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES.

NOW WE NEED A MOTION FOR A DECISION.

MR. REEVES: MR. CHAIRMAN, I'D LIKE TO MOVE THAT THE OWENSBORO METROPOLITAN BOARD OF COMMISSION AUTHORIZE THE ATTORNEY REPRESENTING US TO FILE A NOTICE OF APPEAL IN THE CASE OF BETTY BOWLES VERSUS OWENSBORO METROPOLITAN PLANNING COMMISSION, ET AL.

CHAIRMAN: WE HAVE A MOTION. IS THERE A

OHIO VALLEY REPORTING
(270) 683-7383
SECOND?

MR. KAZLAUSKAS: SECOND.

CHAIRMAN: WE HAVE A SECOND. ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NOW, I CALL THE OWENSBORO METROPOLITAN PLANNING COMMISSION JULY 11, 2013 MEETING TO ORDER.

WE WILL BEGIN OUR MEETING WITH A PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG. MR. JOHN KAZLAUSKAS WILL LEAD US.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I WOULD LIKE TO WELCOME EVERYONE.

ANYONE WISHING TO SPEAK ON ANY ITEM WE WELCOME YOUR COMMENTS. WE ASK THAT YOU STEP TO ONE OF THE PODIUMS, STATE YOUR NAME AND BE SWORN IN. PLEASE SPEAK INTO THE MICROPHONE, IF YOU WILL PLEASE.

FIRST ITEM ON THE AGENDA IS TO CONSIDER THE MINUTES OF THE JUNE 13, 2013 MEETING. ARE THERE ANY ADDITIONS OR CORRECTIONS?

(NO RESPONSE)

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

MR. TAYLOR: MOTION FOR APPROVAL.

MR. KAZLAUSKAS: SECOND.
CHAIRMAN: WE HAVE A MOTION AND A SECOND. ALL
IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS. THE
MINUTES ARE APPROVED.

NEXT ITEM.

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CELLULAR TELECOMMUNICATIONS FACILITIES
PER KRS 100.987

ITEM 3

9507 HIGHWAY 54
CONSIDER APPROVAL OF A WIRELESS TELECOMMUNICATIONS
TOWER.
APPLICANT: Q WIRELESS, LLC, CITY OF WHITESVILLE

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

MS. EVANS: MELISSA EVANS.

(MELISSA SWORN BY ATTORNEY.)

MS. EVANS: FIRST OF ALL, I WOULD LIKE TO
STATE THAT ALL REZONINGS HEARD HERE TONIGHT WILL
BECOME FINAL 21 DAYS FROM THE MEETING DATE, UNLESS AN
APPEAL IS FILED. IF AN APPEAL IS FILED, THE
RECOMMENDATIONS WILL BE FORWARDED TO THE APPROPRIATE
LEGISLATIVE BODY FOR FINAL ACTION. THE APPEAL FORMS
ARE AVAILABLE ON OUR WEBSITE AND IN OUR OFFICE.

THE APPLICANT IS SEEKING TO CONSTRUCT A 150
FOOT LATTICE TOWER IN ACCORDANCE WITH ARTICLE 20 OF
THE OWENSBORO METROPOLITAN ZONING ORDINANCE. THE
PROPOSED TOWER IS LOCATED ON A SMALL TRACT NEAR THE
CITY OF WHITESVILLE OWNED BY THE CITY OF WHITESVILLE.
THERE IS AN EXISTING WATER TOWER ON THE SITE AND TWO
SMALLER TOWERS IN THE VICINITY.

THE APPLICANT STATES THAT THERE ARE NO
SUITABLE LOCATIONS IN THE VICINITY TO ALLOW FOR
CO-LOCATION AND THAT THE NEW TOWER IS NEEDED TO
PROVIDE SERVICE TO THE COMMUNITY.

THE APPLICANT HAS ASKED FOR TWO WAIVERS. THE
FIRST REQUEST IS TO WAIVE THE TREE BUFFER ALONG THE
SOUTH SIDE OF THE COMPOUND SINCE THE SITE IS LOCATED
ON TOP OF A HILL AND WILL NOT BE VISIBLE FROM THE
ROADWAY OR ANY ADJOINING RESIDENCES.

THE SECOND REQUEST PERTAINS TO THE SETBACK
REQUIREMENTS. A LATTICE TOWER REQUIRES A SETBACK HALF
THE HEIGHT OF THE TOWER. BASED ON THE SMALL LOT SIZE
AND THE HEIGHT OF THE TOWER, THE REQUESTED SETBACK
CANNOT BE MET. HOWEVER, AS STATED BY THE APPLICANT,
THE TOWER IS SUFFICIENT DISTANCE AWAY FROM ANY
ADJOINING RESIDENTIAL STRUCTURES.

STAFF RECOMMENDATIONS APPROVAL WITH THE
FINDINGS OF FACT THAT FOLLOW:

FINDINGS
1. THE APPLICATION IS COMPLETE WITH ALL
MATERIALS IN ACCORDANCE WITH THE OWENSBORO
METROPOLITAN ZONING ORDINANCE;

2. THE SITE IS IN COMPLIANCE WITH ALL DESIGN
CRITERIA OF THE OWENSBORO METROPOLITAN ZONING
ORDINANCE;

3. THE PERMANENT TOWER WILL IMPROVE SERVICE
FOR USERS WITHIN THE COMMUNITY; AND,

4. THE NEW TOWER IS NEEDED SINCE ALL OTHER
TOWERS IN THE VICINITY WERE NOT STRUCTURALLY SOUND
ENOUGH TO ACCOMMODATE ADDITIONAL EQUIPMENT OR WERE NOT
TALL ENOUGH TO PROVIDE ACCEPTABLE SERVICE.

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

MR. HOWARD: MR. CHAIRMAN, A QUICK NOTE. MS.
EVANS STATED THE APPEAL PROCESS. THAT APPLIES TO THE
ZONING CHANGES ITEMS 4 THROUGH 6. THE DECISION ON THE
PLANNING COMMISSION FOR THIS FACILITY WILL BE FINAL
AND IT WOULD BE APPEALABLE, BUT NOT THROUGH THAT 21
DAY PERIOD.

CHAIRMAN: DOES ANYBODY IN THE AUDIENCE HAVE
ANY COMMENTS OR QUESTIONS ON THIS ITEM?

(NO RESPONSE)

CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS
OR QUESTIONS?

MS. BOSWELL: I'VE GOT JUST ONE QUESTION. I
THINK IT'S A FAIRLY SIMPLE ONE.

I NOTICED IN THE AGENDA THAT IT REFERENCES KRS 100.987. MY EXPECTATION IS THAT IS APPLICABLE TO THAT ENTIRE SECTION AND SUBSECTION?

MR. PORTER: YES, I BELIEVE SO.

CHAIRMAN: ANY OTHER QUESTIONS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. ROGERS: MOTION FOR APPROVAL BASED ON PLANNING STAFF FINDINGS OF FACTS 1 THROUGH 4.

CHAIRMAN: WE HAVE MOTION FOR APPROVAL BY MR. ROGERS. DO WE HAVE A SECOND?

MR. BOSWELL: SECOND.

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

(NO RESPOND)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

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ZONING CHANGES

ITEM 4

5975 MAY ROAD, 27.166 ACRES

OHIO VALLEY REPORTING
(270) 683-7383
CONSIDER ZONING CHANGE: FROM EX-1 COAL MINING TO A-R RURAL AGRICULTURE
APPLICANT: RETUS MAY

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 RURAL MAINTENANCE PLAN AREA, WHERE RURAL FARM RESIDENTIAL USES ARE APPROPRIATE IN GENERAL LOCATIONS;

3. THE SUBJECT PROPERTY IS A LARGE TRACT AT 27.166 ACRES;

4. THE SUBJECT PROPERTY HAS ACCESS TO MAY ROAD;

5. STRIP-MINING ACTIVITY NEVER TOOK PLACE ON THE SUBJECT PROPERTY; AND,

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

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

CHAIRMAN: IS ANYONE HERE REPRESENTING THE
APPLICANT?

APPLICANT REP: YES.

CHAIRMAN: ANYONE HAVE ANY COMMENTS OR QUESTIONS ON THIS APPLICATION?

(NO RESPONSE)

CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS OR QUESTIONS?

(NO RESPONSE)

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

MR. ROGERS: MR. CHAIRMAN, MAKE A MOTION FOR APPROVAL BASED ON PLANNING STAFF RECOMMENDATIONS WITH FINDINGS OF FACT 1 THROUGH 6.

MR. REEVES: SECOND.

CHAIRMAN: WE HAVE A MOTION BY MR. ROGERS AND A SECOND BY MR. REEVES. COMMENTS OR QUESTIONS ON THE MOTION?

(NO RESPONSE)

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 5

1000, 1024 WEST 4TH STREET, 408 SYCAMORE STREET,
0.466 ACRES

CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL AND B-4 GENERAL BUSINESS TO B-5 BUSINESS/INDUSTRIAL

APPLICANT: LARRY D. PENROD, JR.

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. ACCESS TO WEST FOURTH STREET SHALL BE LIMITED TO THE EXISTING ACCESS POINT SERVING 1024 WEST FOURTH STREET WITH THE OTHER TWO ACCESS POINTS CLOSED AND VEHICULAR USE AREA SCREENING INSTALLED ON PRIVATE PROPERTY IN ACCORDANCE WITH THE ZONING ORDINANCE REQUIREMENTS; AND,

2. VEHICULAR USE AREA SCREENING SHALL BE INSTALLED ON PRIVATE PROPERTY ON SYCAMORE STREET PER ZONING ORDINANCE REQUIREMENTS TO DEFINE ACCESS POINTS.

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

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

CHAIRMAN: ANYONE HERE REPRESENTING THE
APPLICANT?

APPLICANT REP: YES.

CHAIRMAN: ANYONE HERE HAVE ANY COMMENTS OR
QUESTIONS ON THE APPLICATION?

(NO RESPONSE)

CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY
COMMENTS OR QUESTIONS ON THE APPLICATION?

MR. REEVES: QUESTION FOR MS. EVANS, PLEASE.

HAS THE APPLICANT AGREED TO THE TWO CONDITIONS
YOU PUT ON?

MR. HOWARD: I WILL ANSWER THAT, IF YOU DON'T
MIND.

HE'S HERE TONIGHT. HE CAME IN THE OFFICE THIS
MORNING. WE DISCUSSED WHAT THE CONDITIONS WERE AND
HOW HE COULD DEVELOP THIS SITE. HE'S HERE IF YOU'D LIKE TO BRING HIM FORWARD TO ASK.

MR. REEVES: I JUST WONDERED IF HE HAS AGREED TO THOSE TWO CONDITIONS.

MR. PENROD: YES.

CHAIRMAN: ANY OTHER QUESTIONS FROM THE COMMISSIONERS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. REEVES: I MOVE FOR APPROVAL BASED ON STAFF RECOMMENDATIONS, CONDITIONS 1 AND 2 AND FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: WE HAVE A MOTION BY MR. REEVES.

MR. FRY: SECOND.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM, PLEASE.

ITEM 6

1500 EAST 11TH STREET, 0.668 ACRES CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL TO R-4DT INNER-CITY RESIDENTIAL

OHIO VALLEY REPORTING
(270) 683-7383
APPLICANT: DENVER RAY MOORE, III

PLANNING STAFF RECOMMENDATIONS

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

CONDITION

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 WEST PROPERTY LINES.

FINDINGS OF FACT

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSED R-4DT INNER CITY RESIDENTIAL ZONING IS MORE APPROPRIATE THAN THE CURRENT I-1 LIGHT INDUSTRIAL ZONE;

2. THE SUBJECT PROPERTY IS LOCATED IN A BUSINESS/INDUSTRIAL PLAN AREA, WHERE URBAN LOW-DENSITY RESIDENTIAL USES ARE GENERALLY NOT RECOMMENDED;

3. THE SUBJECT PROPERTY HAS BEEN USED AS A RESIDENCE FOR OVER 100 YEARS; AND,

4. THE PROPOSED ZONING CHANGE WILL BRING THE PROPERTY USE THAT HAS EXISTED ON THE SITE SINCE 1906 INTO CONFORMANCE WITH THE ZONING ORDINANCE.

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

CHAIRMAN: ANYONE HERE REPRESENTING THE APPLICANT?
APPLICANT REP: YES.

CHAIRMAN: ANYONE HAVE ANY COMMENTS OR QUESTIONS ON THE APPLICATION?
(NO RESPONSE)

CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR QUESTIONS?


MR. HOWARD: WHICH ADDRESS?

MR. KAZLAUSKAS: IT IS AT 1022 ELSMERE STREET.

MR. HOWARD: NO, THEY WERE NOT CONTACTED.

THIS IS A ZONING ORDINANCE REQUIREMENT THAT WE INCLUDED AS A CONDITION SINCE THE SITE IS DEVELOPED. AS YOU'LL SEE, THE ADJOINING PROPERTY, IT'S ZONED INDUSTRIAL AND IT'S AN INDUSTRIAL USE. SO REALLY THE SCREENING IS A PROTECTIVE ELEMENT BETWEEN NON-COMPATIBLE USE AS A RESIDENCE UP AGAINST THE INDUSTRIAL USE.

MR. KAZLAUSKAS: SO WHAT YOU'RE SAYING IS ACTUALLY GOING TO PROTECT THE PROPERTY THAT'S BEING REZONED RATHER THAN THE ONE AT 122 ELSMERE?

MR. HOWARD: THAT'S CORRECT. IT'S THERE AS A
PROTECTIVE SCREENING ONLY.

MR. KAZLAUSKAS: VERY GOOD.

CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS FROM THE COMMISSIONERS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. KAZLAUSKAS: MAKE A MOTION THAT WE APPROVE THE PLANNING STAFF RECOMMENDATIONS BASED ON THE ONE CONDITION AND FINDINGS OF FACT 1 THROUGH 4.

CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.

DO WE HAVE A SECOND?

MR. BOSWELL: SECOND.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

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MAJOR SUBDIVISIONS

ITEM 7

HUNTERS RIDGE, 6.44 +/- ACRES
CONSIDER APPROVAL OF MAJOR SUBDIVISION PRELIMINARY PLAT.
APPLICANT: HUNTERS RIDGE, LLC; ELDRED NEUBAUER, ET AL

OHIO VALLEY REPORTING
(270) 683-7383
CHAIRMAN: MR. HOWARD, I'M CONNECTED WITH HUNTERS RIDGE. I NEED TO DISQUALIFY MYSELF AND TURN IT OVER TO MR. ROGERS.

MR. ROGERS: ANYONE REPRESENTING THE APPLICANT HERE?

APPLICANT REP: YES.

MR. HOWARD: I WILL NOT THAT THE APPLICATION HAS BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING STAFF. IT'S FOUND TO BE IN ORDER. IT'S IN COMPLIANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE PLAN, ZONING ORDINANCE AND SUBDIVISION REGULATIONS.

MR. ROGERS: ANYONE IN THE AUDIENCE HAVE ANY QUESTIONS OR COMMENTS?

(NO RESPONSE)

MR. ROGERS: ANYONE ON THE COMMISSION?

(NO RESPONSE)

MR. ROGERS: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. BOSWELL: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. REEVES.

MR. KAZLAUSKAS: SECOND.

MR. ROGERS: SECOND BY MR. KAZLAUSKAS. ALL THOSE IN FAVOR RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT - WITH THE
DISQUALIFICATION OF WARD PEDLEY - RESPONDED AYE.)

MR. ROGERS: MOTION IS APPROVED.

CHAIRMAN: THANK YOU, MR. ROGERS.

NEXT ITEM, PLEASE.

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MAJOR SUBDIVISIONS

ITEM 8

5187 PLEASANT VALLEY ROAD, 3.5 ACRES
CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
APPLICANT: KAYE TRUNNELL

MR. HOWARD: MR. CHAIRMAN AND PLANNING
COMMISSION, THIS ITEM COMES BEFORE YOU TO ASK FOR AN
EXCEPTION TO THE THREE TO ONE REQUIREMENT. IT'S A
THREE AND A HALF ACRE PARCEL THAT IS DEEP, BUT IT ONLY
HAS 50 FOOT OF ROAD FRONTAGE. IN DISCUSSIONS WITH THE
PROPERTY OWNER AND THE POTENTIAL LOT BUYER, THE SITE
IS BEING FARMED. THE ROAD FRONTAGE AREA IS SOME OF
THE BEST FARMLAND ON THE PROPERTY. THE CURRENT
LANDOWNER WOULD LIKE TO MAINTAIN THAT AREA FOR FARMING
PURPOSES. SO THAT'S WHY THERE'S A NARROW WIDTH GOING
BACK TO THE LARGER ACREAGE. THE POTENTIAL HOME BUYER
IS HERE AND I THINK HE HAS A LETTER FROM THE ACTUAL
LANDOWNER THAT GOES INTO DETAIL ABOUT THAT. THEIR
WILLING TO PUT A NOTE ON THE PLAT THAT STATES THE
SUBJECT PROPERTY INCLUDING THE PARENT TRACT WILL NOT
BE FURTHER SUBDIVIDED TO CREATE LOTS THAT DON'T MEET
THE SUBDIVISION REGULATION. SO BASICALLY THIS IS AN
EXCEPTION. IT IS A FLAG LOT, BUT THE LANDOWNER AND
THE FUTURE PROPERTY OWNER FOR THIS TRACT ARE ON NOTICE
THAT THE LAND IS NOT GOING TO BE FURTHER SPLIT
CREATING SIMILAR LOTS. WE TRY AS STAFF AND AS A
COMMISSION REVIEW THESE ON A CASE BY CASE BASIS ON
THEIR MERITS. BASED ON THE INFORMATION THAT I'VE
GATHERED FROM TALKING WITH THE INDIVIDUALS, IT SEEMS
AS THOUGH IT'S SOMETHING THAT STAFF WOULD ASK THAT YOU
ALL TO CONSIDER FAVORABLY. WE GIVE IT TO YOU. I'M
HERE TO ANSWER QUESTIONS. THE PERSPECTIVE HOME BUYER
IS HERE AS WELL.

CHAIRMAN: IS THE LANDOWNER AVAILABLE?
APPLICANT REP: YES, SIR.
CHAIRMAN: LET'S SEE IF WE HAVE ANY QUESTIONS
FROM THE COMMISSIONERS.
COMMISSIONERS, DO YOU HAVE ANY QUESTIONS OF
THE LANDOWNER?
MR. KAZLAUSKAS: JUST ONE SMALL ONE.
THE ACCESS POINT, THAT GOES WITH THE SITE AND
THERE'S NEVER A POSSIBILITY OF THAT BEING CLOSED OFF,
RIGHT?
MR. HOWARD: THE FIFTY FOOT FRONTAGE?
MR. KAZLAUSKAS: YES.
MR. HOWARD: THE ONLY WAY THAT IT COULD BE CLOSED OFF IS THROUGH AN ACTION BY THE PLANNING COMMISSION TO TAKE THAT AWAY. IT WOULD HAVE TO COME BACK BEFORE YOU BECAUSE AT THAT POINT IT WOULD LEAVE THIS AS A LAND-LOCK PARCEL.

BASED ON THE UNDERSTANDING I HAVE AS WELL, THE LADY THAT OWNS THE PROPERTY, SHE IS OLDER. IN HER FUTURE, SHE DOESN'T SEEK FARMING THIS FOREVER. IF AND WHEN THE PROPERTY WOULD GO UP FOR SALE, SHE PLANS TO OFFER THE ROAD FRONTAGE, BASICALLY SQUAREING THIS LOT OFF, TO THE POTENTIAL BUYER SO THAT THEY COULD HAVE A MORE REGULAR-SHAPED LOT WITH MORE ROAD FRONTAGE.

MR. KAZLAUSKAS: MY ONLY CONCERN THAT IT BECOME LAND-LOCKED IN THE FUTURE. WE DON'T WANT TO GO IN THAT DIRECTION.

MR. HOWARD: AND STAFF WOULDN'T SUPPORT THAT TYPE OF A DECISION AT ALL.

CHAIRMAN: MR. REEVES, YOU HAVE A QUESTION?

MR. REEVES: YES.

I WONDERED, IS THERE ANY CONTENTION THE SALES AGREEMENT OR THE DEED, THAT THEY WILL HAVE FIRST RIGHT OF REFUSAL FOR THIS ADDITIONAL AREA TO SQUARE OFF THE LOT?

MR. HOWARD: THE GENTLEMAN IS HERE THAT IS GOING TO PURCHASE THE PROPERTY. HE MAY BE ABLE TO
ANSWER THAT.

CHAIRMAN: WOULD YOU STEP TO THE PODIUM PLEASE
AND ANSWER THAT QUESTIONS FOR US.

(VICTOR CERNIUS SWORN BY ATTORNEY.)

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

MR. CERNIUS: MY NAME IS VICTOR CERNIUS. I AM
THE POTENTIAL BUYER.

I DO HAVE A LETTER OF ATTESTATION THAT'S
SIGNED BY THE LANDOWNER. WE HAVE A HANDSHAKE
AGREEMENT, A GENTLEMAN AGREEMENT THAT WHEN SHE DOES
DECIDE TO SELL THAT FARMLAND THAT WE WILL HAVE FIRST
RIGHT OF REFUSAL TO SQUARE OFF OUR LAND.

MR. REEVES: MY SUGGESTION TO YOU IS YOU GET
BEYOND A HANDSHAKE. JUST MY ADVICE. THAT'S THE ONLY
QUESTION I HAVE.

CHAIRMAN: ANY FURTHER QUESTIONS?

MR. HOWARD: WOULD YOU LIKE TO GIVE A COPY OF
THOSE TO THE COMMISSION?

MR. CERNIUS: YES, I DO HAVE LETTERS.

MR. REEVES: I DON'T NEED TO SEE A LETTER. I
JUST WAS CONCERNED.

MR. KAZLAUSKAS: THAT COULD GO INTO THE
RECORD.

MR. HOWARD: SURE. I THINK IT MIGHT BE GOOD.
MR. REEVES: I THINK IT WOULD BE WISE TO GO INTO THE RECORD.

MR. HOWARD: SO IF YOU WANT TO GIVE THE COURT REPORTER A COPY AND I'LL TAKE A COPY FOR OUR FILES, SIR.

CHAIRMAN: ANY FURTHER QUESTIONS FROM THE COMMISSIONERS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. BOSWELL: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVE BY MR. BOSWELL.

MR. TAYLOR: SECOND.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

NEXT ITEM, PLEASE.

ITEM 9

7834, 7850 SAUR ROAD, 9.149 ACRES CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.

APPLICANT: CHRIS & MEGAN KING

MR. HOWARD: MR. CHAIRMAN, THIS ITEM COMES BEFORE YOU AS AN EXCEPTION AS WELL. BASICALLY THIS IS
CREATING TWO PARCELS OUT OF -- THE PARENT TRACT IS ABOUT TEN ACRES. IT DOES CREATE TWO PARCELS THAT WOULD BE POTENTIAL HOME SITES; HOWEVER, THERE'S NOT SUFFICIENT ROAD FRONTAGE FOR BOTH TO MEET THE THREE TO ONE REQUIREMENT. WITH THAT THEY HAVE LIMITED AS WELL. THE FUTURE PROPERTY WILL NOT BE ABLE TO BE FURTHER SUBDIVIDED WITHOUT MEETING SUBDIVISION REGULATIONS. BASED ON THE AMOUNT OF ROAD FRONTAGE THAT EACH PARCEL HAS, THAT WILL BASICALLY NOT ALLOW FURTHER DIVISION UNLESS A PUBLIC STREET WERE CONSTRUCTED AND LOTS WERE SPLIT OFF. THEY HAVE AGREED TO THAT. IT'S ON THE PLAT.

WE'RE TAKING NEARLY A TEN ACRE TRACT AND MAKING TWO BUILDABLE SITES. SO WE WOULD ASK THAT YOU CONSIDER THAT FOR APPROVAL.

CHAIRMAN: ANYONE HERE REPRESENTING THE APPLICANT?

APPLICANT REP: YES.

CHAIRMAN: COMMISSIONERS, HAVE ANY COMMENTS OR QUESTIONS ON THE APPLICATION?

(NO RESPONSE)

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

MR. ROGERS: MOTION FOR APPROVAL.

MR. BOSWELL: SECOND.
CHAIRMAN: MOTION FOR APPROVAL BY MR. ROGERS AND SECOND BY MR. BOSWELL. ANY COMMENTS OR QUESTIONS ON THE MOTION?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION IS UNANIMOUS.

NEXT ITEM.

ITEM 10

6501 SUMMIT DRIVE, 297.721 ACRES
CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
APPLICANT: THE SUMMIT, LLC C/O DEBRA SEYMOUR

MR. HOWARD: MR. CHAIRMAN, THIS PLAT IS A LITTLE DIFFERENT. IT COMES BEFORE YOU AS AN EXCEPTION. IT IS CREATING PARCELS, BASICALLY FOUR PARCELS THAT DO NOT MEET THE MINIMUM REQUIREMENTS OF THE ZONING ORDINANCE SUBDIVISION REGULATIONS; HOWEVER, THE PARCELS ARE BEING RECREATED TO SEVER THE HOLES OF THE GOLF COURSE AT THE SUMMIT OUT OF THE SUBDIVISION ITSELF. SO THIS WILL ALLOW THE GOLF COURSE TO ON A SEPARATE PARCEL. IT COULD, I GUESS, POTENTIALLY BE SOLD AT SOME POINT IN THE FUTURE SEPARATE FROM THE RESIDENTIAL DEVELOPMENT.

WE NOTED ON THE PLAT THAT ANY FUTURE DEVELOPMENT OF THE UNDEVELOPED PORTION OF THE SUMMIT

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SUBDIVISION WOULD BE SUBJECT TO A PRELIMINARY PLAT AND A FINAL PLAT. THAT THE TRACT IS BEING CREATED FOR THE GOLF COURSE WOULD ALSO BE SUBJECT A FUTURE PRELIMINARY PLAT OR SOME TYPE OF DEVELOPMENT PLAN IF AND WHEN THEY WERE TO DEVELOP IN SOME MANNER OTHER THAN A GOLF COURSE. SO BASICALLY IT'S A UNIQUE SITUATION HERE. WE WOULD CERTAINLY RECOMMEND THAT YOU CONSIDER IT FOR APPROVAL.

CHAIRMAN: ANYONE HERE REPRESENTING THE APPLICANT?

APPLICANT REP: YES.

CHAIRMAN: ANYONE HAVE ANY COMMENTS OR QUESTIONS OF THE APPLICANT?

(NO RESPONSE)

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

MR. FRY: I WOULD LIKE TO MAKE A MOTION FOR APPROVAL.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY MR. FRY.

MR. TAYLOR: SECOND.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUS.

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NEW BUSINESS

ITEM 11

CONSIDER APPROVAL OF AMENDED FY 2014 OMPC BUDGET.

MR. HOWARD: MR. CHAIRMAN, ALL THE PLANNING COMMISSIONERS WERE MAILED A COPY OF THE AMENDED BUDGET. THERE ARE BASICALLY THREE ITEMS THAT WERE ADDRESSED IN THE AMENDMENTS.

ONE IS TO RECOGNIZE AN EMPLOYEE FOR BECOMING A CERTIFIED PLANNER.

ANOTHER IS TO SHIFT A LITTLE BIT OF MONEY FROM RETIREMENT FUNDS TO SALARY FOR AN EMPLOYEE THAT HAS DECLINED THE HEALTH INSURANCE COVERAGE THAT'S PROVIDED TO THE OMPC STAFF.

THE THIRD IS TO ALLOCATE SOME ADDITIONAL FUNDS FOR SOME ENTRYWAY FURNITURE TO THE OFFICE, AS DISCUSSED EARLIER, AT AN EARLIER PLANNING COMMISSION MEETING. WHEN WE RESIGNED THE LEASE, WE WERE GIVEN A ONE TIME UPGRADE TO THE OFFICE. SO WE'VE ADDED NEW CARPET, NEW PAINTING AND NEW FURNITURE TO KIND OF SPRUCE UP THAT ENTRY. SO THOSE ARE THE THREE CHANGES.

THE OVERALL IN THAT INCREASE OF THE BUDGET, I
BELIEVE, IS $523 OVER WHAT WAS PREVIOUSLY ALLOCATED IN 
THE BUDGET. IT'S THERE FOR YOUR CONSIDERATION.

CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS 
OR QUESTIONS ON THE BUDGET AMENDMENT?
(NO RESPONSE)

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

MR. KAZLAUSKAS: I MAKE A MOTION THAT WE MOVE 
FORWARD WITH THE BUDGET AMENDMENT BASED ON THE THREE 
PROPOSALS.

CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.

DO WE HAVE A SECOND?

MR. BOSWELL: SECOND.

CHAIRMAN: SECOND BY MR. BOSWELL. ALL IN 
FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION IS UNANIMOUS.

WE NEED ONE MORE MOTION.

MR. REEVES: MOTION TO ADJOURN.

CHAIRMAN: WE HAVE A MOTION TO ADJOURN BY MR. 
REEVES.

MR. BOSWELL: SECOND.

CHAIRMAN: SECOND BY MR. BOSWELL. ALL IN 
FAVOR RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: MOTION CARRIES.

WE ARE ADJOURNED.

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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 STENO TYPE AND
ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
FOREGOING 27 TYPED PAGES; AND THAT NO SIGNATURE
WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

WITNESS MY HAND AND NOTARY SEAL ON THIS THE
20TH DAY OF JULY, 2013.

LYNNETTE 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

OHIO VALLEY REPORTING
(270) 683-7383