The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, July 10, 2014, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Ward Pedley, Chairman
Fred Reeves, Vice Chairman
David Appleby, Secretary
Terra Knight, Attorney
Brian Howard
Steve Frey
Wally Taylor
John Kazlauskas
Larry Boswell
Beverly McEnroe
Irvin Rogers
Larry Moore

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CHAIRMAN: Call to order the Owensboro Metropolitan Planning Commission July 10, 2014 meeting to order. We'll begin our meeting with a prayer and pledge of allegiance to the flag. Mr. John Kazlauskas will lead us. Will you stand, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everyone. Anyone wishing to speak on any item may do so. We ask you to come to one of the podiums and state your name and be sworn in. We welcome your comments and
With that the first item on the agenda is to consider the minutes of the June 12, 2014 meeting. Commissioners, you have a copy of the minutes in your packet. Are there any additions or corrections?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. KAZLAUSKAS: So move.

CHAIRMAN: We have a motion by Mr. John Kazlauskas for approval.

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Commissioners, tonight we have another minutes of the OMPC Minutes of the Director Search Committee meeting of July 3, 2014. That committee won't be meeting again so we need to approve those minutes tonight.

If there are not any comments or questions on that, the chair is ready for a motion.

MR. APPLEBY: Motion for approval.
MR. REEVES: Second.

CHAIRMAN: We have a motion for approval by Mr. Appleby and a second by Mr. Reeves. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carry unanimous.

Next item.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

5601-5801 Block Graham Lane, 20.177 acres (Postponed at the June 12, 2014 meeting)

Consider zoning change: From A-U Urban Agriculture and R-1A Single-Family Residential to R-1A Single-Family Residential

Applicant: Bill Saalwaechter

MS. KNIGHT: State your name, please.

MS. EVANS: Medical Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: First of all, I would like to state that all rezonings heard here tonight will become final 21 days after tonight's meeting unless an appeal is filed. If an appeal is filed, those minutes and all the records will be forwarded to the appropriate legislative body for final action. The appeal forms are located on our website, on the back
PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the condition and findings of fact that follow:

CONDITION:

Access to the subject property shall be limited to the single access point on the north end of the property as shown on the Combined Final Development Plan/Major Subdivision Preliminary Plat. Individual lots shall not have direct access to Graham Lane.

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. The proposal is a logical expansion of existing R-1A Single Family Residential zoning to the north and east;

4. Sanitary sewer service is available to be extended to the subject property; and,

5. With only one access to Graham Lane, the subject property 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 A.

CHAIRMAN: Is there anyone here representing the applicant?

MR. STAINBACK: Yes.

MS. KNIGHT: State your name, please.

MR. STAINBACK: Frank Stainback.

MR. KNIGHT: Mr. Stainback, you're sworn as an attorney.

MR. STAINBACK: May it please the commission, my name is Frank Stainback. I'm here tonight on behalf of KSB, LLC, which is the limited liability company that actually holds title to the real estate that we are seeking to rezone.

KSB is owned by Bill Saalwaechter, who is a local business person, and his wife Andi.

The proposal that's been made tonight, as summarized by a member of the Staff, is to rezone a portion of 20.177 acre tract that lies on Graham Lane near Owensboro, Kentucky. That tract has frontage on what would be the east side along Graham Lane. It's bound on the north by residential and properties zoned agriculture. It's bounded on the west by Yellow Creek
Park. It's bounded on the south by property which currently is used for farming, but is zoned R-1A. The properties across Graham Lane or street from the subject property, the properties there are zoned R-1A as well.

With respect to the subject property, the 3.177 acres or so that front along Graham Lane on that property as shown on the plat that's on the TV screen or the monitors here already is zoned R-1A. The depth of the zoning there is about 150 or 160 feet. So it's the balance of the tract of about 17 acres or so that we seek to rezone this evening.

When Mr. Saalwaechter filed the plat or the application in this action, he stated in the application that the proposed zoning amendment was in conformity with the Comprehensive Plan. As you heard from the Staff, the Staff agreed with that particular conclusion. In addition, the Staff has submitted and put into the record just moments ago findings of fact supporting that conclusion.

So with that in mind, we are here tonight to answer any questions that the commission may have of us with respect to the amendment, which is the item on the agenda now, or to answer any questions for the public generally.
With me is Mr. Saalwaechter, which is to my right, and Mr. Jason Baker who is with Bryant Engineering, the engineering firm that has done the workup of this particular submission. Thank you very much.

CHAIRMAN: Mr. Stainback, let us find out if we have any comments or questions from the audience or from the adjoining property owners.

Anyone like to speak on that step to the podium, please.

MR. DUGGAR: My name is Leumel Duggar. I live at 5804 Graham Lane which is across from this piece of property that they're asking to rezone.

(LEMUEL DUGGAR SWORN BY ATTORNEY.)

MR. DUGGAR: I'm not here to ask for the rezoning to be denied, but I do have some concern. Because they've arranged this subdivision so all the backyards of this subdivision are facing our front yards on Graham Lane. Also these backyards are facing Yellow Creek Park, all the way down the entrance of Yellow Creek Park.

I would like to ask this commission to look into giving us some kind of buffer zone that he is required to do to shield us from looking across the road into these people's backyards.
Right now we all live out in the country. We've been looking at open fields for 20 years and now we're going to be looking in people's garages, swimming pools or whatever they put in their backyards.

There's Greenbelt around it or a buffer around it. They could be required to plant trees or shrubs so we would not have to look at this.

I guess the only other question I have is about one entrance on Graham Lane. That's 82 homes. You figure three or four cars a day coming in and out, you're looking at around 600 cars a day coming in and out of Graham Lane on that one access road. I don't know. They act like that's not overbearing, but it will be a lot of traffic at that intersection. You might ask them to look into putting a second exit to the subdivision.

CHAIRMAN: We'll get you some answers. Anyone else would like to speak in opposition or any comments on this before we go to the commissioners or Mr. Stainback. Anyone else?

(NO RESPONSE)

CHAIRMAN: Commissioners, do you have any comments or questions on this issue?

MR. REEVES: I have one, and I think it
relates to this gentleman's concern here. I guess question of Staff.

The one entrance way into Graham Lane, is that because what we feel like is necessary in terms of transportation safety or is it the way the homes are going to be laid out?

MR. HOWARD: It's mainly due to the transportation issues. Graham Lane is a major road so there is access spacing standard.

Before we prepared this Staff Report, I had a conversation with the county engineer and he reviewed the plan just to make sure from a transportation perspective, since Graham Lane is a county road, that he will be in charge of maintaining and looking after. I asked him to look into the 82 lots. Did he feel that say a second access point or a right turn lane or a left turn lane would be needed, and at this time with the number of lots proposed his opinion was that there are no transportation improvements, no changes that need to be made at this time.

MR. APPLEBY: What is the spacing requirement on Graham Lane?

MR. HOWARD: Graham Lane is a major collector with a 250 foot spacing standard.

CHAIRMAN: Any other commissioners have any
questions or comments?

(NO RESPONSE)

CHAIRMAN: Mr. Stainback or Mr. Baker, you want to address the issue of these backyards backing up to Graham Lane? That's one of the questions this gentleman had. From their side of the Graham Lane they're looking at the backyards and the back of the houses.

I'll ask Mr. Howard a question in a few minutes.

Mr. Baker might need to answer this. Why he designed this for the rear of those houses to be to Graham Lane. That's the gentleman's question. I think it's in the application and Staff findings that there would be no access to Graham Lane except the one street. With that, you know, the rear yard would have to back up to Graham Lane because you can't face Graham Lane and have a driveway. That's my take on that. Mr. Baker or Mr. Stainback, either one like to comment on that.

MR. STAINBACK: I will attempt to comment on it, Commissioner. If I'm insufficient in my remarks, I'll turn it over to Mr. Baker who is much more familiar with this project than I am.

I will say this with respect to the buffer
requirement. Right now there is in effect a building limit which is in essence 60 feet from the center line of the existing lane, Graham Lane. What that does is prevent anyone from building homes any closer than X feet to the right-of-way. That's the first point.

The second point to make is that buffers and building limits are different concepts, as I understand the zoning ordinance and rules and regulations. Buffers are used when you have incompatible zoning uses.

The best example that I think of that is close to where I live in town is at the Red Lobster. At the Red Lobster we have commercial type use, a restaurant, and then it is immediately adjacent to residential use which are homes, and there is a buffer there, landscape buffering, and that's required in that situation.

However, landscape buffering is not required between compatible zones. The Graham Lane folks, the folks that live on the east side of Graham Lane, are zoned residential right now. The property across the street from them is zoned residential right now. So there's no portion of the ordinance with the rules and regulations of which I am aware require the developer in that instance to plant or otherwise design or build
into the project buffering along the frontage that exist on Graham Lane. I think that's the principal point to make about that.

I think another principal point to make about it in terms of planning, at least as I think about the way zoning operates. What zoning has required here is probably a good thing because if it weren't for the zoning you would have additional homes along Graham Lane or could have with driveways every so many feet. I forget how many that is. There's a number of driveways that could be on the other side of the road thus with direct access onto or from Graham Lane; whereas the 20 acres we're talking about at this point has only one entrance. So the traffic within the subdivision is protected and buffered from the traffic otherwise on Graham Lane. So I actually think the single entrance is good planning.

I think Mr. Howard has addressed the other portion of the question from the audience about the location of the one entrance into the proposed subdivision.

Jason, do you have anything to add to that?

MS. KNIGHT: Would you state your name, please?

MR. BAKER: Jason Baker with Bryant
MR. BAKER: I just say with what Ward was saying is very true. In this particular case, developing along that roadway are R-1A lots. They would be typically 60 feet wide. It's impractical and impossible to provide even shared access into the lots and still meet the access spacing standard of 250 feet, in addition to the safety concerns of having multiple access points onto that road. We evaluated both and the proposal we have was found to be better for the developer.

CHAIRMAN: Thank you, Mr. Baker.

Mr. Howard, is there any requirement of buffering to back into Graham Lane?

MR. HOWARD: No, sir, there is not.

CHAIRMAN: Nor requirement.

Commissioners, do you have any other questions?

MR. BOSWELL: I have a question.

CHAIRMAN: Yes, sir, Mr. Boswell.

MR. BOSWELL: This is a question about the entrance to the proposed development.

I notice in the aerial photo there's a residence that has a driveway that's fairly close to
it appears where the entrance to this development
would be. Do you have any sense of how far that is
from the nearest house that would be north of that
development?

MR. BAKER: It's going to be on the order of
100 feet in either direction. The access point we set
at that access point and look straight ahead, it's
almost right in-between the houses across the road.

MR. BOSWELL: Thank you.

CHAIRMAN: Commissioners, any questions?

Sir, if you have another question or comment
come forward.

MR. DUGGAR: The access road is coming right
in-between my property and my neighbor's property. It
would be lucky if it was 100 feet from our driveway.
Our lots are only 100 feet wide. This road is wider
than that. So to me it's a little closer than 100
feet.

I kind of look at this like any other
business. If you have somebody coming to Owensboro
and he's opening up a business, you all require him to
put landscaping down, you require him to do something
for that business. I don't think it's asking too much
to ask him to put a buffer zone where that will
protect our property values where we won't have to
look at these people's backyards. I don't think
that's asking a whole lot. A buffer would not cost
that much money to come down there and plant some pine
trees or something so we don't have to look at their
backyard.

CHAIRMAN: Thank you. But that's something
that's not required.

MR. DUGGAR: Yes, I understand that.

CHAIRMAN: Any other comments or questions?
(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
motion.

MR. APPLEBY: Mr. Chairman, I'm going to make
a motion for approval based on the Staff's
Recommendations with the Condition of access and on
the Staff's Findings of Fact 1 through 5.

CHAIRMAN: We have a motion for approval by
Mr. Appleby.

MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. 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 carries unanimous.

Next item, please.

Related Item:

ITEM 3A

5601-5801 Block Graham Lane (Postponed at the June 12, 2014 meeting)
Consider a request for a Variance in conjunction with an application for zoning change to reduce the project boundary buffer from 20 feet to 10 feet along the northern property line and to eliminate the project boundary buffer along the south property line as shown on the submitted site plan.
Applicant: Bill Saalwaechter, KSB, LLC

MS. EVANS: As just discussed, this property was just recommended for rezoning to R-1A Single-Family residential. It is currently farmland. They are proposing approximately 82 lots with 3 new streets proposed and through streets that are stubbed to the property line in two different locations to allow for future connectivity should adjoining property develop.

The applicant has proposed to eliminate the project boundary buffer along the south property boundary stating that the property to the south is also zoned R-1A Single-Family residential and will likely develop in the same manner. However, the applicant has no control over the property to the south and it is not part of this proposed development; therefore, the property to the south should be
protected and buffered from the proposed development.

The applicant has also proposed that a 10 foot project boundary buffer along the north boundary where the subject property adjoins existing single-family residential lots. One of the properties fronts on Graham Lane and the other lots have frontage on Highway 144. The properties along Highway 144 are long and narrow lots with the residences situated closer to Highway 144. These properties along Highway 144 are zoned A-U Urban Agriculture and their existing character should also be protected from this proposed development.

Granting these variance requests will adversely affect the public health, safety or welfare because this property to the south is undeveloped property and there is no way to know exactly how it will develop in the future, and the properties to the north are existing with all but one being zoned differently from the proposed development. It will alter the essential character of the general vicinity because the character of the property to the south is currently agricultural even though it is zoned for single-family residential and the majority of the adjoining properties to the north are zoned A-U and have much larger lot sizes than the proposed
development. It will cause a hazard or a nuisance to
the public because it is unclear what will develop to
the south at this time and the reduction to the north
will allow the properties in this proposed development
to construct structures much closer to the property
lines than the existing properties are allowed. It
will be an unreasonable circumvention of the
requirements of the zoning regulations because by
choosing to do a Planned Residential Development, the
applicant is already receiving benefits of smaller lot
sizes and reduced setbacks; this development should
adhere to the requirements of Article 10 in order to
receive the benefits.

Staff would recommend denial of this variance
application.

We would like to enter the Staff Report into
the record as Exhibit B.

CHAIRMAN: First, Mr. Stainback, I'll ask the
audience.

Anyone in the audience have any comments or
questions on this?

(NO RESPONSE)

CHAIRMAN: Commissioners, do you have any
comments or questions on this?

(NO RESPONSE)
CHAIRMAN: Anyone?

(NO RESPONSE)

CHAIRMAN: The applicant, do you have any comments?

MR. STAINBACK: Yes, Mr. Chairman.

MR. REEVES: I do have one question. If you don't mind, Mr. Pedley, let me ask one question. This is for Staff. Should this variance be denied, can the applicant come back with a request for a different variance that might be less harsh, for lack of a better word?

MR. HOWARD: I think you have a couple of options there. Yes, if the variance was denied, they could certainly come back or if the board were to recommend denial and they were agreeable to some alternative that was less restricted than what we advertised for or I guess requesting less of a variance than what we advertised before, you could also consider that for tonight at this meeting instead of having them come back.

MR. REEVES: Thank you. Appreciate it.

MR. STAINBACK: As I listened to the recommendation of the Staff, I decided that what I would do in order to make a point on behalf of the developer is to pass out a copy of the Comprehensive

Ohio Valley Reporting
(270) 683-7383
Plan that's got the zoning on it, it also shows the layout of the lots, so that I can address the concerns raised by the Staff. May I do that?

CHAIRMAN: Yes.

MR. STAINBACK: In thinking about what the Staff has said, that Staff has recommended, I think what I would like to do is point to where the situation is out there.

We have asked for a variance of reduction from 20 feet to 10 feet along the north boundary of the property. The north boundary, the boundary of the property is hash marked in red with the red curly-cues is a 20.177 acres as shown as part of this yellow that's already been zoned residential and the bulk of it is green, agriculture urban at this time. The property to the south is R-1A.

In looking at the lots along Reid Road, those are long narrow lots. I'm not going to estimate the depth of those lots, but they're pretty deep. I was struck by the notion that the idea about the buffer is to protect the property of the landowner who is already there. We've already talked about that in connection with the zoning. In this case the question becomes whether or not protection is needed over and above the 12 foot public utility easement that will
already be along the north boundary line. The lots on Reid Road are very deep. It seems to me that the imposition of a 20 foot buffer in addition to the depth, the protection already provided by the lots themselves is sufficient to satisfy the intent of the zoning ordinance with respect to this notion of buffer zones. That's on the north side.

On the south side, again, heard the comments from the Staff. My reaction to that was that while it may be true that this landowner does not control the property to the south, it is also true that property already is zoned as R-1A. That means it most likely will develop into some type of subdivision that will be similar to what Mr. Saalwaechter plans to develop. When you have adjoining subdivisions like that, I do not believe that the intent of the regulations and ordinance is to require that Mr. Saalwaechter's property be saddled with a 20 foot buffer zone on that side of his property. On the R-1A side, the farming side, there's nothing there at this point to protect. It seems to me that the idea about the buffer zone is to protect something that the existing landowner has. We heard the Staff say that that particular property is currently used for farming purposes. A buffer zone imposed on the Saalwaechter property or the KSB
property is going to do nothing to protect that use. Nothing at all. It's not going to adversely affect the productivity of the property. It's not going to adversely affect the development of the property.

So I would suggest that there is no harm to the public or to the adjoining property by reason of the variances that we request. Thank you.

MR. APPLEBY: My issue with that is that by electing to do a plan residential development you already are receiving some benefits of the ability to do smaller lots, achieve more lots on that property, and reduce setbacks, and some other advantages, and all planned residential developments require, that's one of the requirements of a planned residential development is a 20 foot buffer in order to derive these other benefits. You could have gone for a different zoning. Could have gone an R-1C or you could have gone just a typical development which would not have required that 20 foot buffer, but then again you wouldn't have gotten as many lots in there.

MR. STAINBACK: That's true. The developer has produced a plan for you which most efficiently utilizes all the land that he thinks that he has available, hence the request for the variance.

MR. BOSWELL: Question I have is around the 10
foot versus the 20. Am I correct in my assumption that you wanted the 10 foot to allow for the deeper lots on that side?

MR. STAINBACK: Deeper lots on the other side?

MR. BOSWELL: On the north side.

MR. STAINBACK: Yes.

MR. BOSWELL: The intent was to allow for deeper lots?

MS. EVANS: No.

MR. STAINBACK: It doesn't relate to our property. It relates to the depth of the lots on Reid Road, as I understand it.

MR. BAKER: The primary reason that we requested the variance along the north side is related to typical complications we had later on when, you know, if you have some landowner wants to come back and build a pool in their back yard, sometimes those will get into encroaching. It's been an issue. I think along the north side it's lesser of an issue. On the southern side, we actually have, based on the way the lots are configured, they're facing the side lot. So from an important standpoint, the variance on the south boundary are important. The north boundary, again, the sole purpose in doing that was to avoid future complications.
When you have to go back through that process everyone in the subdivision has to sign off and it's a long drawn out process. We typically try to avoid that. In other subdivisions recently requested the same thing, those types of variances along the outer boundary of the project.

CHAIRMAN: Mr. Baker, on your south side of your variance along the side yards, you have four lots in your variances along those. Over half that side yard is retention basin and utility easements. So you actually have four lots. Those lots look like about 70 feet wide.

Mr. Howard, in this plan development you have 5 foot side yard?

MR. HOWARD: As Mr. Appleby stated, that's one of the benefits of a planned residential development. R-1A the standard setback site would be 10 feet, but in a planned residential development they can establish their own. So a 5 foot minimum can be established in an R-1A zone.

CHAIRMAN: Actually you're speaking of rear yard. If someone else developed that piece of property, south of that their rear yard could actually back up to those lots. If that happened, that 20 foot buffer would be very important. I'm having trouble
understanding why you really need that extra 10 feet
on that side yard. You only have four lots and over
half of that side yard is detention basin and utility
easements.

MR. BAKER: As far as the variance along the
south boundary, we already have, through the process
of doing the design there was established an utility
easement down through there. If that project boundary
buffer were reduced to the 10 or 12 feet along that
boundary, I don't think that would have a negative
impact.

If the 20 foot project boundary buffer on the
other hand is maintained along the south boundary,
effectively narrow those lots by 12 feet.

CHAIRMAN: Our position is if there's a need
to do it, we try to accommodate. If we really can't
find a need, it doesn't create a hardship for the
development, that's something we have to look at. It
has to really be a hardship, and then we have to look
at the circumvention of the zoning ordinance. Allow
that, then anyone wants to do it, it just happens over
and over. That's our situation and stand on that, as
far as I consider. Thank you.

Commissioners, anyone else?

(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.

MS. KNIGHT: I would ask we consider these separately. They're actually asking for a variances on two different lines. So if we can do separately.

CHAIRMAN: Two different?

MS. KNIGHT: Yes.

CHAIRMAN: Which one is stated first on the application?

MR. HOWARD: The north property.

CHAIRMAN: I need a motion on the north side variance.

MR. REEVES: Mr. Chairman, I make a motion that the variance request be denied on the northern boundary where the request from 20 feet to 10 feet because it will allow an unreasonable circumvention of the requirements of the zoning regulation because by choosing to do a Planned Residential Development the applicant is already receiving benefits of smaller lot sizes to reduced setbacks; this development should adhere to the requirements of Article 10 in order to receive the benefits.

CHAIRMAN: We have a motion for denial by Mr. Reeves. Do we have a second?

MR. BOSWELL: Second.
CHAIRMAN: 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 carries unanimous.

We need a motion for the variance on the south side.

MR. APPLEBY: I have one question before we act on this one. Did I understand the applicant to say that you could live with a reduction from 20 feet to 10?

MR. STAINBACK: You understood that correctly.

MR. APPLEBY: On the south side.

Mr. Chairman, in light of that, I believe this adjoins that farmland over there that I would make a motion to approve granting a variance to reduce the project boundary buffer along the south property line from 20 feet to 10 feet as it will not adversely affect the public health, safety or welfare because the property to the south is an undeveloped property with the same zoning as the subject property and will likely develop in a similar manner as the subject property; it will not alter the essential character of
the general vicinity because the property to the south is zoned single-family residential as well with sanitary sewer service available with the streets stubbed as proposed to the subject property. It is reasonable to anticipate the properties will develop similarly; it will not cause a hazard or nuisance to the public because the proposed stubbed street on the subject property offering connectivity to the property to the south with sanitary sewer service available, it is anticipated the property to the south will develop in the same nature as the subject property; and it will not allow an unreasonable circumvention of the requirements of the zoning regulations because similar variance requests have been approved in Whispering Meadows Subdivision between the subdivision and the adjacent farmland that was anticipated to develop in a similar manner to the subdivision as is the case in this situation.

CHAIRMAN: We have a motion for approval by Mr. Appleby. Is there a second?

MR. FREY: Second.

CHAIRMAN: We have a second by Mr. Frey. Any comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise
your right hand.

(BOARD MEMBERS LARRY MOORE, IRVIN ROGERS, BEVERLY McENROE, DAVE APPLEBY, WARD PEDLEY, FRED REEVES, WALLY TAYLOR, LARRY BOSWELL AND STEVE FREY RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBER JOHN KAZLAUSKAS RESPONDED NAY.)

CHAIRMAN: We have nine to one. Motion carries unanimous.

Next item, please.

ITEM 3B

Park Haven, 20.177 acres (Postponed at the June 12, 2014 meeting)
Consider approval of combined final development plan/major subdivision preliminary plat.
Applicant: Bill Saalwaechter

MR. HOWARD: Mr. Chairman, this plat comes before you. It's been reviewed by the Planning Staff and Engineering Staff. It's found to be in order with the exception of both alterations to the Variances that were heard tonight. The plan as submitted shows the 10 foot boundary on the north side which will need to be changed to show a 10 foot property boundary buffer, and it shows a zero foot property boundary buffer on the south side, which that will need to be amended to show a 10 foot buffer. Otherwise, it's ready for your consideration. You could certainly
consider approval of it subject to Bryant Engineering
making those changes to the document and then we could
have it signed once those changes have been made.

CHAIRMAN: Commissioners, do you have any
comments or questions on that?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
motion.

MR. REEVES: Mr. Chairman, I make a motion to
approve the development plan subject to the revisions
being made per the actions of this board this evening.

CHAIRMAN: We have a motion for approval by
Mr. Reeves.

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 4

8102 Monarch Road, 65.56+/- acres
Consider zoning change: From EX-1 Coal Mining to A-R
Rural Agriculture
Applicant: Western Kentucky Minerals, Inc.; Cory & Tonea Scarbrough

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 limited locations;

3. The subject property has been mined and is currently being row cropped and used for pastureland and hay land. The property owners are proposing to construct a new dwelling;

4. The subject property has access to Monarch Road with no new roads proposed;

5. Strip-mining activity ceased on the property in July 2012; and,

6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.

We would like to enter the Staff Report into Ohio Valley Reporting
(270) 683-7383
the record as Exhibit C.

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone in the audience have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Commissioners have any comments or questions on the application?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on the Planning Staff Recommendation with the Findings of Facts 1 through 6.

CHAIRMAN: We have a motion for approval by Mr. Rogers.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. 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.

MR. APPLEBY: Mr. Chairman, I need to disqualify myself on this item.

CHAIRMAN: So noted, Mr. Appleby.

ITEM 5

3130 Villa Point, 16.87 acres
Consider zoning change: From B-3 Highway Business, I-1 Light Industrial, R-3MF Multi-Family Residential to B-3 Highway Business
Applicant: Villa Point Properties, LLC

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the condition and findings of fact that follow:

CONDITION:

Approval of a Final Development Plan.

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 highway business uses are appropriate in general locations;

3. The proposed use of retail sales is nonresidential in nature; and,

4. The proposed B-3 zoning is a logical expansion of existing B-3 zoning on a portion of subject property as well as the properties to the west.

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and south.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit D.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone have any comments or questions on the application?

(NO RESPONSE)

CHAIRMAN: Commissioners, do you have any comments or questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. BOSWELL: Mr. Chairman, I make a motion we approve the rezoning of this based on the Planning Staff Recommendation for approval and the Conditions and Findings of Fact.

CHAIRMAN: We have a motion for approval by Mr. Boswell.

MR. REEVES: Second.

CHAIRMAN: A second by Mr. Reeves. Any comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise
your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF DAVE APPLEBY - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item, please.

MINOR SUBDIVISION PLATS:

ITEM 6

7660, 7728 Iceland Road, 6.519 acres
Consider approval of minor subdivision plat.
Applicant: Carl Joe Boswell

MR. HOWARD: Mr. Chairman, this plat comes before you as an exception to the subdivision regulations and zoning ordinance requirements. It is a relatively large parcel, 6.5 acres.

They are requesting that a lot division be created around an existing home which would allow one additional building site on the lot. They have added a note to the plat that would state that no additional subdivision of the property will take place unless it meets the subdivision regulations.

With that we would recommend that you all consider it for approval.

CHAIRMAN: Anyone have any comments or questions on this?

(NO RESPONSE)

CHAIRMAN: Commissioners, have any comments or
questions?

(No Response)

Chairman: If not the chair is ready for a motion.

Mr. Appleby: Motion for approval.

Chairman: We have a motion for approval 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, please.

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New Business

Item 7

Consider approval of May 2014 financial statements

Mr. Howard: Each of you were mailed a copy of the financial statements ahead of the meeting. If you have any questions, but they should be ready for your consideration.

Chairman: Commissioners, do you have any questions on the financial statement?

(No Response)

Chairman: If not the chair is ready for a
MR. KAZLAUSKAS: Make a motion that the financial statement be approved.

CHAIRMAN: We have a motion by Mr. John Kazlauskas for approval.

MR. FREY: Second.

CHAIRMAN: We have a second by Mr. Frey. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item.

ITEM 8
Comments by the Chairman

CHAIRMAN: I don't have my comments. We need to move on to something more important.

ITEM 9
Comments by the Planning Commissioners

CHAIRMAN: Anyone?

(NO RESPONSE)

ITEM 10
Comments by the Director

MR. HOWARD: I'll make one brief comment.

At the meeting last month Mr. Noffsinger noted that a training opportunity would be in Owensboro in August that Mr. Pike would be conducting. Mr. Pike
has got a conflict with his schedule. So they have requested that that training be postponed until November 19th. We won't be doing that for quite some time.

Again, it will be a good opportunity not only for our commissioners, but the local elected officials or developers. It's a good session that Mr. Pike puts on, but it will be in November.

CHAIRMAN: Thank you, sir.

Counselor, will you read Item 11 into the record, please.

ITEM 11
Presentation by the OMPC Director Search Committee - Closed Session pursuant to KRS 61.810(1)(f) as discussion that may lead to the appointment of an individual employee

MS. KNIGHT: So at this point we would ask everyone to clear the room. A motion will be made. At the time the motion is made, everyone will need to leave.

CHAIRMAN: We will go into closed section and no action will taken in closed session.

MS. KNIGHT: Until we're back in open session.

CHAIRMAN: And we will come back out.

MS. KNIGHT: That's correct.

MR. APPLEBY: I make a motion to enter into
closed session under KRS 61.810(1)(f) so the
Commission may discuss matters that might lead to the
appointment of an individual employee. Specifically
the appointment of a new director.

MR. FREY: Second.

CHAIRMAN: We have a motion and a second to go
into closed session. Anyone have any comments on
that?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous. We will
go into closed session.

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

CHAIRMAN: We're back on the record.

I think we need a motion to come out of closed
session.

MR. APPLEBY: Motion to go back into open
session.

MS. McENROE: Second.

CHAIRMAN: All in favor of the motion raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.
The next motion we need is to hire a planning director.

MR. REEVES: Mr. Chairman, I move that the Board of Commissioners for the Owensboro Metropolitan Planning Commission offer Mr. Brian Howard the position of director of OMPC, which should he accept become effective September 1, 2014. And further, that the Board of Commissioners authorize Chairman Ward Pedley to negotiate the specific terms and conditions of employment with Mr. Howard within the parameters previously approved and set by the OMPC Director Search Committee.

MR. APPLEBY: 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.

Mr. Howard, you're our new director.

MR. HOWARD: Thank you very much, Mr. Chairman.

CHAIRMAN: Do you have any comments?

MR. HOWARD: My only comment would be to say thank you for your trust and I look forward to the opportunity to be the next director of the Planning Commission. My big goal is communication and so I
really look forward to the opportunity and I'm
excited.

     My wife is here tonight so I want to thank her
too for all the support that she's given me all over
the years. My wife Sara Howard is here tonight. I
had to say, I guess, that today is also our 15th
wedding anniversary. So not only is this a big honor,
but the fact that it falls on the day of our 15th
wedding anniversary is quite special.

     I thank you again and look forward to being
the next director.

     CHAIRMAN: Thank you.

     Commissioners, do you have any comments?

     MR. REEVES: I would like to make one.

     I'd just like to say I learned a lesson many, many years ago. Had the great honor to work with
David Atkinson when David was mayor here. David and I
were members of the chamber together. We would hire
employees on occasion. The criteria that Dave always
said we need to use, he said, let's not hire someone
that we want to employ. He said, let's hire somebody
that we're excited about an employ. I'm exited about
having Brian with us. Very excited.

     MR. HOWARD: Thank you.

     CHAIRMAN: Anyone else?
(NO RESPONSE)

CHAIRMAN: If not I think we need a motion to adjourn.

MR. APPLEBY: Move to adjourn.

MR. BOSWELL: 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.

We are adjourned.

(Meeting ends at 6:45 p.m.)

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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 30 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
1ST day of AUGUST, 2014.

LYNETTE 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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