The Owensboro Metropolitan Planning Commission
met in regular session at 5:30 p.m. on Thursday,
August 13, 2015, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

MEMBERS PRESENT:  Fred Reeves, Chairman
Larry Boswell, Vice Chairman
Steve Frey, Secretary
Brian Howard, Director
Terra Knight, Attorney
Ward Pedley
John Kazlauskas
Lewis Jean
Beverly McEnroe
Manuel Ball
Larry Moore
Irvin Rogers

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CHAIRMAN:  Call the August 13, 2015 meeting of
the Owensboro Metropolitan Planning Commission to
order. We start each of our meetings with a prayer
and pledge to the flag. Mr. Steve Frey will lead us
in that this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Welcome all of you here to the
meeting tonight. It's open night to have citizens
show up and help us make decisions.

I want to remind you to do a couple of things.

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If you're in the audience, we'll ask you to always go to the microphone to speak. Address your comments and questions to the chair. It's important to use the microphone because of our stenographer, but we have a great word by word record of our meeting. It's important we do that.

Commissioners, I remind you when you speak to speak in your microphones. Sometimes we do forget and our TV audience doesn't hear it. Just please do that and I appreciate it very, very much.

All of you had a copy of the minutes mail to you of our last meeting. You've had a chance to review them. If there's any questions or comments, we'll take those; otherwise, we'll entertain a motion to approve those minutes.

MR. JEAN: Motion to approve.
CHAIRMAN: Motion by Mr. Jean.
MS. McENROE: Second.
CHAIRMAN: Second by Ms. McEnroe. Comments or questions?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

Mr. Howard.
GENERAL BUSINESS

ZONING CHANGES

ITEM 3

6188 Aull Road, 81.75 acres
Consider zoning change: From A-R Rural Agriculture to EX-1 Coal Mining
Applicant: Western Kentucky Minerals, Inc. & Joseph B. Coomes Estate c/o William E. Coomes

MS. KNIGHT: Please state your name for the record.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT:

1. The subject property is located in a Rural Maintenance Plan Area where coal mining uses are appropriate in general locations;

2. The subject property is located in the Rural Service Area outside of a Rural Community Plan Area;

3. The subject property adjoins existing areas of EX-1 Coal Mining zoning and activity.

4. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,
5. State and county roads proposed to be used for the transportation of coal have been approved by the appropriate officials.

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

CHAIRMAN: Thank you very much. Is there anyone here representing the applicant?

MR. LANHAM: Yes.

CHAIRMAN: Would you like to make any comments at this point in time?

MR. LANHAM: No, sir.

CHAIRMAN: Thank you very much. Commissioners, do any of you have any questions about this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have questions on this application?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. PEDLEY: Mr. Chairman, I make a motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 5.

CHAIRMAN: Motion by Mr. Pedley.
MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Questions or comments?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

RELATED ITEM:

ITEM 3A

6188 Aull Road, proposed EX-1
Consider a request for a Variance in order to eliminate the required 100 foot buffer from the public right-of-way along a portion of Aull Road.
Reference: Zoning Ordinance, Article 12, Section 12a.52
Applicant: Western Kentucky Minerals, Inc. & Joseph B. Coomes Estate c/o William C. Coomes

MS. EVANS: This is the same property that we just approved, recommended approval for the EX-1 coal mining on.

In this case they're asking for the 100 foot buffer from the road right-of-way be eliminated. They are intending to construct the earth berm in that buffer area that will essentially serve the same purpose as that buffer. It will protect traveling vehicles on Aull Road from the actual mining area.

The county has requested a couple of
conditions on this application. Their request is that
the top of the highwall of the berm shall be no closer
than 60 feet from the near edge of the pavement of
Aull Road, and that the bottom of the highwall of the
berm shall be no closer than 80 feet from the near
dge of the pavement of Aull Road.

Granting this Variance with the conditions set
forth by the county will not adversely affect the
public health, safety or welfare because the berm
located within the 100 foot buffer will serve to
protect the vehicles traveling along Aull Road from

the open coal pits; it will not cause a hazard or
nusiance to the public because the actual roadway will
not be disturbed; it will not be an unreasonable

circumvention of the requirements of the zoning

regulations because there will still be a buffer
between the road and the open coal pits serving the

intent of the ordinance.

Staff would recommend approval of this

variance with the conditions outlined by the county

engineer.

We would like to enter the Staff Report into

the record as Exhibit B.

The county engineer is here if there are any

questions of him.
CHAIRMAN: Thank you, Ms. Evans.

Would the applicant come to the mike, please, if you don't mind.

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

MR. LANHAM: Brandon Lanham.

(BRANDON LANHAM SWORN BY ATTORNEY.)

CHAIRMAN: Mr. Lanham, just one question. Are you all in agreement with these conditions the county has asked for?

MR. LANHAM: Yes.

CHAIRMAN: You will comply with those?

MR. LANHAM: Yes. No objection.

CHAIRMAN: Thank you very much. Any other comments you would like to make, Mr. Lanham, with regard to this application?

MR. LANHAM: No, sir, if there's no opposition here.

CHAIRMAN: Any commissioners have any questions or comments regarding this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions or comments regarding this application?

(NO RESPONSE)

CHAIRMAN: If not then the chair will
entertain a motion.

MR. ROGERS: Motion for approval for the granting of the variance with the four Findings and Conditions 1 and 2.

CHAIRMAN: We have a motion by Mr. Rogers.

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Questions or comments on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion pass unanimously.

ITEM 4

4741 Medley Road, 30.21 acres
Consider zoning change: From P-1 Professional/Service to A-R Rural Agriculture
Applicant: Bon Harbor Hills, LLC

PLANNING STAFF RECOMMENDATIONS:

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

FINDINGS OF FACT:

1. Staff recommends approval because the current zoning is inappropriate and the proposed zoning is more appropriate;

2. The intended Professional/Service use has never developed on the subject property;
3. The subject property lies within an existing area of mixed rural agricultural and residential uses; and

4. The subject property has been used as farmland/woodland since the applicant purchased the property in 2006.

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

CHAIRMAN: Is anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do you wish to make any comments?

APPLICANT REP: No, sir.

CHAIRMAN: Any commissioners have any questions or comments?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions or comments regarding this application?

(NO RESPONSE)

CHAIRMAN: If not then the chair will entertain a motion.

MR. BOSWELL: Motion to approve based on the Planning Staff Recommendations and Findings of Fact 1 through 4.

CHAIRMAN: Is there a second?
MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any questions or comments on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes unanimously.

ITEM 5

2127 East Parrish Avenue, 3.04 acres
Consider zoning change: From I-1 Light Industrial to B-4 General Business
Applicant: YESS & J Properties, LLC

MS. KNIGHT: Would you state your name for the record?

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: It's customary for Staff to read the entire Staff Report on recommendations for denial. This is such an example so I will read the Staff Report.

PROPOSED ZONE & LAND USE PLAN

The applicant is seeking a B-4 General Business zone. The subject property is located in an Industrial Plan Area where General Business uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA
(A) Building and lot patterns; outdoor storage yards - Building and lot patterns should conform to the criteria for "Nonresidential Development" (D7), and outdoor storage yards, with "Buffers for Outdoor Storage Yards" (D1).

(B) Logical zoning expansions of proportional scope - Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

PLANNING STAFF REVIEW

GENERAL LAND USE CRITERIA

Environment

It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.

The subject property is not located in a special flood hazard area per FIRM Maps 21059CO139 D.

It appears that the subject property is not within the Owensboro Wellhead Protection area per the
GRADD map dated March 1999.

The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

Electricity, water, sewer and gas are available to the subject property.

Development Patterns

The subject property in this rezoning application is a vacant 3.04 acre parcel known as 2127 East Parrish Avenue. The applicant proposes to rezone the parcel to the B-4 General Business zoning classification for restaurant and retail purposes.

The property is located directly across East Parrish Avenue from The Springs Medical Center, which is zoned B-1 Neighborhood Business Center and P-1 Professional/Service. The property to the east of the site is the Temple Adath Israel Cemetery, zoned A-U Urban Agriculture. To the west along East Parrish Avenue is a three acre residential property, zoned A-U Urban Agriculture. To the rear of the subject property is a 27 acre industrial property owned by Buskill Properties (Buskill's Automotive Repair) that only has access via Ragu Drive, zoned I-1 Light Industrial.
Industrial.

In 1994 this property was successfully rezoned from A-U to I-1 and intended to be consolidated with the Buskill property to the rear. A condition of the rezoning was to close an existing access to Parrish Avenue on the western side of the property, only allowing a single future access point to Parrish Avenue on the eastern side of the property. The property was never used industrially nor consolidated with the Buskill property; however, in 1997 a minor subdivision plat was approved that reaffirmed that the western access point was to be removed. Also in 1997, a final development plan for a new animal hospital on the subject site was approved. The approved final development plan required the existing entrance turnouts on the western side of the property to be closed. The animal hospital was never built and the final development plan was revoked by OMPC on 4/13/2000.

Access to the subject parcel must comply with the Access Management Manual. East Parrish Avenue in this location is classified as a principal arterial which requires minimum driveway spacing at 500 foot intervals. The subject property does not have sufficient road frontage to meet this standard and
have two access points, as their conceptual site layout included in the traffic impact study illustrates. The applicant proposes a full access point on the eastern side of the property to be aligned with the existing signalized intersection across from The Springs Medical Center. The applicant also proposes a right turn/exit only access point on the western edge of the property. Kenny Potts, Kentucky Transportation Cabinet, in an email dated 7/21/15 states that KYTC does not recommend installation of the western entrance and that there appears to be adequate room within the internal parking lot for delivery truck movements and adequate access to the site can be provided via the eastern proposed entrance across from The Springs. OMPC Staff agrees with KYTC's assessment of the proposed western access.

Properties in this area contain a variety of zoning classifications including agricultural, residential, office, commercial and industrial. Where adjacent to the residential property to the west, the proposed B-4 development, if approved, will be required to install a 10 foot landscape easement with one tree per 40 feet of linear boundary plus continuous 6 feet high planting, hedge, fence, wall or
earth mound. The required minimum front building setback for the subject property shall be 75 feet from the street centerline, or 25 feet from the lot line, whichever is greater. A 60 foot roadway buffer from street centerline will also be required.

If the rezoning is successfully approved, zoning ordinance requirements related to landscaping, parking, signage, setbacks, buffers and access will be reviewed by OMPC staff during the required development plan review process prior to any permits being issued for construction.

SPECIFIC LAND USE CRITERIA

There are three potential findings the Planning Commission can make on a zoning change request based on KRS 100.213, included below:

KRS 100.213

(1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

(A) That the existing zoning classification
given to the property is inappropriate and that the
proposed zoning classification is appropriate;

(B) That there have been major changes of an
economic, physical, or social nature within the area
involved which were not anticipated in the adopted
comprehensive plan and which have substantially
altered the basic character of such area.

The applicant’s proposal, which is in an
Industrial Plan Area, is not in compliance with the
Comprehensive Plan. The proposed use does not conform
to the criteria for non-residential development. This
proposal is not a logical expansion of existing
adjacent B-4 zoning. Since the property directly
across Parrish Avenue is zoned B-1, which is the least
intense commercial zoning classification, proposing a
higher intensity commercial zoning classification such
as B-4 on the subject property cannot be considered a
logical expansion of an adjacent similar commercial
zoning classification based on the current
comprehensive plan land use plan and applicable
Criteria. The current comprehensive plan and its
associated land use plan, which were most recently
updated and adopted in 2013, shows the subject
property in an Industrial Plan Area. Therefore, Staff
feels that the proposal does not meet the potential

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Type 2 findings stating that there have been major changes in the vicinity that were not anticipated in the latest Comprehensive Plan. Lastly, Staff cannot find sufficient evidence to support finding that the proposed zoning is more appropriate than the existing zoning with the amount of industrial zoned property adjacent to the subject property.

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends denial subject to the findings of fact that follow:

FINDINGS OF FACT

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in an Industrial Plan Area where general business uses are appropriate in very limited locations;

3. The proposed use does not conform to the criteria for nonresidential development;

4. This proposal is not a logical expansion of existing adjacent B-4 zoning. Since the property directly across Parrish Avenue is zoned B-1, which is the least intense commercial zoning classification, proposing a higher intensity commercial zoning classification such as B-4 on the subject property
cannot be considered a logical expansion of an 
adjacent similar commercial zoning classification 
based on the current Comprehensive Plan land use plan 
and applicable criteria;

5. The current Comprehensive plan and its 
associated land use plan, which were most recently 
updated and adopted in 2013, shows the subject 
property in an Industrial Plan Area. Therefore, the 
proposal does not meet the potential Type 2 findings 
stating that there have been major changes in the 
vicinity that were not anticipated in the latest 
Comprehensive Plan; and

6. Staff cannot find sufficient evidence to 
support finding that the proposed zoning is more 
appropriate than the existing zoning with the amount 
of industrial zoned property adjacent to the subject 
property.

MR. HILL: Staff request that the Staff Report 
be entered into the record as Exhibit D.

CHAIRMAN: Mr. Kamuf, I think you're 
representing the applicant.

MR. KAMUF: Yes, sir.

MS. KNIGHT: Mr. Kamuf, you're sworn as an 
attorney.

MR. KAMUF: Mrs. McEnroe, Mr. Chairman and
Board Members, I represent YESS & J Properties, LLC of Bowling Green, Kentucky. One of the members of that group is the former lady's basketball coach for the University of Western Kentucky. He is here to explain exactly what they intend to do.

You know we're getting a lot of people from Bowling Green investing in the Highway 54 corridor in Owensboro, Kentucky. Two years ago I presented a case before this board for Chandler Properties, and they built a $24 million project here in Owensboro.

One of the main reasons that all of these people are invested in Owensboro is that according to the Department of Highway's report the growth of commercial development along the 54 corridor is the fastest growing area in Western Kentucky.

The subject property is vacant lot consist of about three acres, and the property all around it is of mixed use. It has agriculture, residential, office, commercial and industrial. But most of the property, we will show you different plats, most of the property in the area is commercial.

The property is bounded on the north by warehousing, and you heard the report of what happened in 1994 and 1998. On the east side is the cemetery. On the south is a B-1 rezoning which includes a

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high-scale restaurant known as Niko's. On the west of the property is residential and industrial. It is owned by Mr. Welch and Tony Clark, one of the realtors, who has that property for sale is here to testify in favor of it. Mr. Welch is in favor of it, of the rezoning. Because if you deny this rezoning tonight, you automatically have to deny his rezoning because it's right next to it.

To my knowledge there is no objection from any of the neighbors. The owner, Mr. Sanderford and his group, they plan to build about 6 to 8,000 square foot Japanese restaurant known as Shogun's. Shogun's is going to move from out from South Frederica onto this property. Phase 2 will be a small retail shopping center. The investment immediately will include about 20 to 30 jobs. The immediate Phase 1 will be about $4 million.

The planning project that we will go along with the letter from the Highway Department, Mr. Potts. We received that letter too. We'll withdraw our request for a second entrance to the north of the property, but we would like to put in the record this: We would like to retain the right in the event that there's a barrier placed along the highway, we would like to reserve the right before the Kentucky
Department of Highways for a right turn in/right turn out access permit down the road in the event that there's a barrier placed in the middle of the road.

Now, we take issues with KRS 100.213 is the gist of all planning and zoning. The Planning Staff says that the proposed rezoning is not in compliance with the Comprehensive Plan. We take great, great issue with that. We say that it is in compliance and we'll start this way.

The subject property is located in an I-1 Industrial Plan area, but businesses such as ours are appropriate in very limited locations, and the proposed use of B-4 does conform with the criteria of the nonresidential development. The subject property is zoned I-1; however, most of the property in the area is zoned B-4.

I have some handouts that I would like to pass out, please.

Let me point out, if I may. I'll use the map up here as to what we have in front of us.

This is the subject property. Directly across the road from this property, in The Springs complex, there is located, many of you have been there, Niko's restaurant, which is very affluent restaurant in the Owensboro area. The exhibits that I show you, I took
copies. You have these in front of you. All we want
to put in this strip center is just what's across the
street. It is a B-1 zone, but it is commercial. So
what we're talking about is that that's a mere
technicality. I think the Staff will tell you that
they're not strongly against this project. It's just
a matter of a mere technicality. Over on the side
street that you see here, directly to the south of
this property is Huck's. So we have The Springs
directly across the street, which has a restaurant and
a Convenient Care Center. Directly north is the
property owned by Mr. Welch and Tony Clark. We'll
talk about that. That's that right there. Then we're
going to talk later, this is the Gateway Common
rezoning which you can just about, what, half a block
away which was zoned in June of this year. We'll go
over that. Then the zone of B-4 here is Phase 1 of
Gateway. This was done and used -- all of this, all
of this happened after the update of the Comprehensive
Plan.

What we're saying and also where would you put
a restaurant or a B-4? You would put it right near
the stoplight. You have The Springs complex right
there. There is also already a stoplight there. If
you read the Staff Report, they go into that, but this
is a logical place for a B-4 restaurant because you
already have a stoplight. Stoplights out there,
there's a lot of them out there and they're really
hard to get.

The size of the property, 3.04 acres, will
only allow for a minimal development which could be
used as screening from this industrial property to the
rear. If you see those, all of this is industrial,
and this was all developed several, what, in '94 when
there was industrial property out there. Many of
these buildings back here were used for Kimberly-Clark
to store goods for Kimberly-Clark, but once the road
came through, it changed everything out there.

Now, if you think that the rezoning is not in
accord with the Comprehensive Plan, which I strongly
urge you to, was read, what, 100.213 has two separate
other parts.

One, is the original zoning classification
given to property appropriate?

Two, have there been major changes of a social
economic and physical nature in the area which changed
everything? We say there have.

My second argument is we say the zoning
classification originally given to the property is
inappropriate and that a B-4 rezone is more
appropriate.

What do I base that on? There's sufficient evidence to support the proposed rezoning of B-4. It's more appropriate than the existing zoning of I-1. The subject property is located directly across from a restaurant. That's what we want to build.

Second, the subject property will never, never be developed as an industrial. The particular property has no direct access to any road that serves the rest of the industrial property to the rear. The subject property is effectively cut off from the industrial property to the rear. So it's never going to be developed if we don't develop it as B-4.

Development of the property in an industrial zone would increase industrial traffic. There's going to be more trucks, more semis in the area. You don't want that. Development of the property would set a buffer between this property and the industrial property to the rear.

Five, development of the property as industrial would increase the mixed use in the area, and that would be in conflict with good planning practices.

Look at this little map that you have. This is this one here. If you look at the top where it has
the green, all the green now is red too. You tell me
what is in the immediate area of that property?
Nearly all of it is B-4. If you look directly to the
left is Meijer's property, and on the far side here is
the other zoning of the big commercial area out there.
To say that this property that an I-1 zone is more
appropriate than a B-4 is a long stretch.

Now, let's talk about the main thing. We're
saying there have been major changes of an economic,
physical or social nature within the area that were
not anticipated, not anticipated, and the update of
the Comprehensive Plan, which was done when? We agree
on that. 2013. Well, let's see what happened out
there.

First of all, you have this in front of you.
This is the plat. Is there B-4 commercial in that
area? Now, this is a different plat that I gave you.
It's the large one.

When I told you earlier, it's the most active
commercial area in Western Kentucky. It proves it.
Here is where you have Huck's. You see Huck's in the
left corner. Right where I have that marker is the
subject property. You have Menard's. We'll go over
these in just a second. Look, if you use that little
plat, how much commercial property is in the area? It
nearly all is commercial. Very little is industrial, and the industrial goes back to 1994 when they were building those warehouses for Kimberly-Clark.

If you recall, in the June meeting we had the Gateway Commons rezoning. This is the Gateway Commons rezoning that we have. It was 150 acres that we zoned B-4. We have another one. This tract here was zoned 21 acres to M-F, and zoning this tract, 9 acres, to A-U.

According to Mayor Ron Payne stated in the Sunday edition of the Owensboro Messenger-Inquirer, June 17, 2015, all of this is, what, a year and half after the Comprehensive Plan was updated, that Gateway Commons will be the largest private development center ever undertaken in Owensboro, 3.1 billion. That's a lot of money and a lot of jobs. As stated in the last rezoning, the Gateway Shopping Center will be a regional shopping center just like Evansville is to Owensboro.

I was at a store in Evansville right after this came out in the paper and the lady, she said, if you all develop that in Owensboro, we're going to lose half of our customers because half of the customers we have are from Owensboro. You remember I think one of you asked the question. How are you going to get to
this property? Remember we talked about 603 was
cutting into Pleasant Valley. I believe the engineer,
Mr. Hays from down in Nashville, made the statement,
it's going to be a regional shopping center and
they're going to come in through the new east/west
expressway.

    Now, certainly, in other words, they're saying
that this was anticipated in the Comprehensive Plan.
Nobody, nobody in 2013 would have considered this
phenomena taking place in Owensboro, Kentucky.

    So I'm saying strongly, nobody anticipated
anything like we're having out on Highway 54 in 2013
with this TIF project because it wasn't approved.

    Here is the other rezoning that took place out
there. We'll go over this. But to say that there's
no changes in the area, this property here was
approved, the rezoning was approved in 2014. This was
Phase 1, if you recall this. It is where the Aldi's
store is out on 54. All of this was done after 2013.

    In June 2014, a year later, Meijer's store
limited partnership purchased property of 20 acres at
the intersection of 54. Right here you see on the
map. They purchased that property for $4,800,000 and
they began the work on the project in 2015, after the
update of the Comprehensive Plan.

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In 2014, Menard's opened their retail center on the 17 acre tract and the value of the property according to PVA records is $7,862,000. Since the Comprehensive Plan was updated, if you remember the June meeting where we had the Gateway Commons, the design of Highway 54 is in process. It's going to be widened. You heard the engineer from the highway department down at Madisonville testify that's going to be the new project. It's going to be widen to five lanes and there will be a center line turn.

Forget about the other changes. The whole reason that most of this is taking place is on account of Owensboro Medical Center where they have the new complex out there. The other ones that you have, other than the complex, there was the north/east expressway. This is the expressway that comes from here all and the way, and it goes all the way up to Hancock County. That was open after this. It was open in 2014.

So we say that there are major changes of the socio, physical, economic background that has substantially altered the basic character of the neighborhood.

The current Comprehensive Plan and the Associated Land Use Plan updated shows the subject...
property in an industrial area. Those changes that we have, and I went over our substantial, and we feel that they are sufficient, that I should win on three issues.

Number one, I'm saying it is in accordance with the Comprehensive Plan because businesses uses are allowed in that particular plan area.

Number two, certainly I-1 zoning is not appropriate for this area, and a B-4 is more appropriate. I have just given you those changes that we have. I mean you can't deny. All of this took place since 2013 and the update of the Comprehensive Plan.

Let me say this: To say that a commercial zone in a B-1 across the street where there is an existing restaurant is not a logical expansion of a commercial use is mere technicality. To say that the original zoning classification of I-1 is appropriate is a long stretch. And to say that there's not been any major changes in the area is misstating the facts.

This is where the board comes in. It's important for the board to use common sense in their discretion. If discretion was not allowed, you would get a zoning administrator to come in and say, it's either in compliance or it's not in compliance. We
disagree with that.

The land use map should be flexible and apply in the light of the actual land use development. It should be a guide. Not a straitjacket. The board has to use common sense, and I quote you this case. I've used this case several times, but it's the case of Nickenberg, Ward versus Nickenberg. Here's what this case says, and I quote, "with respect to the first proposition it seems clear that the zoning agency is not bound to follow every detail of the land use plan, as we understand such a plan is simply a basic scheme generally outlining planning and zoning objectives in an extensive area." Two, it is no sense of a final plan and is continually subject to modifications in light of what? The actual land use development. What is the land use development? I've just gone over it. I went over eight different changes. Also, to show you that it was inappropriate as far as I-1.

Then they stop and say the last sentence, "it serves as the guide rather than a straitjacket."

So what we're saying is, you don't have to follow the plan in every detail. I don't think the Staff would tell you that. The Staff is not strongly against this proposition, but I'm asking you to do this. I'm asking you to approve for either one of the
three different reasons. As far as I remember, I've been handling cases out 54 since about 1989, and I only know of one zoning case on the 54 area that you didn't approve, and that was later approved by Fiscal Court. So I'm saying this is something that I think you have to use your discretion and come up with something that's flexible because this is a phenomena that is taking place in Owensboro. It very seldom happens this way, and certainly in 2013 people didn't think about all of this taking place on 54 corridor.

Now, we're here. Mr. Sanderford is here. He's here to tell you just what he intends to do. We have the engineers, I think, from Mr. Hays' office. Mr. Hays is a traffic engineer. He couldn't be here. Arnold Engineering from over in Bowling Green is here to answer any questions that you have. We're here to answer questions if we have to.

CHAIRMAN: Mr. Kamuf, would Mr. Sanderford like to make any comments before we have our questions?

MR. KAMUF: I think he would.

CHAIRMAN: Mr. Sanderford, please come to the podium.

MS. KNIGHT: Would you please state your name for the record.
MR. SANDERFORD: Paul Sanderford.

(PAUL SANDERFORD SWORN BY ATTORNEY.)

MR. SANDERFORD: I appreciate the opportunity to be in Owensboro tonight. You know, a lot of my friends have done business here. In fact, opened my eyes to 54 and what was happening on Highway 54. David Chandler and I have been involved in some other business issues around Bowling Green. I rode over one day just to look at his apartment complex. We rode by the medical center, and I see the restaurant over there, and I see this empty space. You know, a couple of weeks later Jim Wets from Huck's was sitting in my office in Bowling Green telling me about the new Huck's he was putting out on Highway 54. I just saw it tonight for the second time when we drove in out there.

The development out there is, you know, it's there. Meijer's is there. We've talked to those folks from Meijer's on some out parcels early in their discussion, but we found this property. We think it's an excellent property. To be quite honest, I'm a little bit surprised that I'm here tonight because I looked around and all I saw was commercial. I did walk back in the back of that property and saw the warehouses. As the counselor mentioned, there were no
streets, there's no way to get out back there. So I just assumed, and I know what assume means, I just assumed that this must be commercial property and not industrial property, until I found that out from Planning & Zoning.

We feel like Shogun's wants a new location. They're going to do a bistro which is very similar to the one that's in Bowling Green. It's 6800 foot Japanese Steakhouse. They want to be close to, of course, the medical center. That's an idea location for them.

We foresee, we've had several calls about office space. It will be mixed use. We've talked to a pharmacy about space out there.

So should this be approved we're planning to spend $5 million. Probably add 20 to 30 new jobs for Owensboro. It will be a first class situation, first class strip center. I was impressed with everything that's been done on 54, and we would certainly along those same lines. In fact, we've talked and probably will end up using Owensboro builders in this project.

Any questions?

CHAIRMAN: Thank you, Mr. Sanderford.

Mr. Kamuf, you want to come up, if you don't mind.
MR. KAMUF: Yes, sir.

CHAIRMAN: Anyone in the audience will have a chance to comment or ask questions on this issue tonight, but Mr. Kamuf made a rather lengthy presentation, it was a very informative presentation, and I want the board members to be able to ask questions of Mr. Kamuf before we open it up to the audience to ask questions. We'll have everybody that wants will have a chance to comment, ask questions, whatever this evening.

Any of the board members that have comments for Mr. Kamuf or questions, please let's do that at this time. He may want to defer to one of his engineers or to Mr. Sanderford. Let's let the board have their questions first, please.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Mr. Kamuf, over on concept 2, this drawing right here, as I look down through there I see two entrances and ingresses coming from that property onto Highway 54; is that correct?

MR. KAMUF: That's the way we proposed. We withdrew it. We withdrew it. In other words, we withdrew the second access point because the department of highway didn't like it. In the event that there's a barrier placed there, we might go back
to the highway department and ask them for a right
turn in/right turn out. As of now, we're not asking
for that.

MR. KAZLAUSKAS: So what you're proposing is
this one entrance lined up with that stoplight right
across from The Springs?

MR. KAMUF: That's correct. I don't think
there's any question, that's not an issue as far as
the zoning issue.

MR. KAZLAUSKAS: Okay. Turn lanes, additional
turn lanes going in and out of that property out onto
54 so it's not to impede traffic.

MR. KAMUF: I think, Mr. Kazlauskas, if you're
reading what was in there about the second access
point, which we withdrew.

MR. KAZLAUSKAS: Okay.

MR. KAMUF: I do have the traffic engineer who
is here to answer any questions if you feel like I
haven't answered them.

MR. KAZLAUSKAS: You know how concerned I am
about traffic out there. I think I was the one that
brought up that.

MR. KAMUF: I well recall.

MR. KAZLAUSKAS: I think I made the mention
about New Circle Road and how traffic gets backed up
on that. Certainly as this continues to develop out there, we want traffic to flow freely where people don't have to wait, you know, two or three --

MR. KAMUF: It shouldn't be a problem with the stoplight.

MR. KAZLAUSKAS: I haven't sat here and counted them, but how many parking places are you proposing to put in here?

MR. KAMUF: I can't answer that. I have another gentleman you might want to ask.

MS. KNIGHT: Please state your name for the record.

MR. SHIRLEY: Brian Shirley for Arnold Engineering.

(BRIAN SHIRLEY SWORN BY ATTORNEY.)

MR. SHIRLEY: We're going to be complying with the ordinance requirements for parking. Right now I believe there may be between 100, 150 parking spaces shown on the concept plan. We're going to have to provide at least the minimum that's provided by the Zoning Ordinance. The site, the configuration of the site kind of limits how much building and parking we can put on there. So the parking is actually going to limit the square footage of the development, but probably right now it's probably 100, 150 spaces.
MR. KAZLAUSKAS: What you're proposing right now is to build at least one building with parking, but the proposed Phase 2 we don't know whether that can be built on there or not, right?

MR. SHIRLEY: It's going to depend on the ultimate uses of the first phase and with parking requirements would be. The parking requirements for the first phase are higher, then the second phase may have to shrink in size.

MR. KAMUF: Kaz, may I answer a question?

MR. KAZLAUSKAS: Yes.

MR. KAMUF: That came up to me. The only reason that development, proposed development plan was filed is to show the access point. That is not a development plan that's been approved or we are submitting. That will have to be amended because of the access point, the second access point.

MR. KAZLAUSKAS: Yes. All of this is the concept?

MR. KAMUF: That's right. It's a concept.

That exactly right.

MR. KAZLAUSKAS: Thank you.

CHAIRMAN: Thank you, Mr. Kazlauskas.

Any other commissioners have any questions?

MR. BOSWELL: I have a couple.
CHAIRMAN: Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

I'm curious about finding out some more information on Findings of Fact item Number 2 and it's mentioned in your submittal as well, about how was it determined or what facts were used to support that it's appropriate in very limited locations?

MR. KAMUF: My argument on this?

MR. BOSWELL: Yes.

MR. KAMUF: The issue is, I think I'm saying what the Staff said in the report. That a B-1 rezoning is less higher density than a B-4. All I'm saying is that the land use plan shows that you can have businesses in a limited location. I'm saying, that's a long stretch to say if you've got a commercial across the street and it's a restaurant and we're going to put in a restaurant over here, that that's in a higher density and that it's a mere technicality. I understand why the Staff did it. In other words, technically in following the land use plan they probably have to say that.

When we met with the Planning Staff it said, I think, "it will be unlikely that we'll approve." It's a close call on that one issue. If you don't buy that on issue, I think I got it on the second issue about
the property, the I-1 being inappropriate. I don't think you can draw that I-1 zone on this property is appropriate at the present time or that it was appropriate in 2013. If not, I think I've showed you the major changes. So I think I can win on either one of the second two. If you don't buy that it's in accord with the Comprehensive Plan because of the commercial activity, directly across the street.
That's what we intend to do. To put in a restaurant. That's the reason I went out there and took that picture. I wondered when I got into this case exactly where two things were. Where is that stoplight? Then I also had issues myself with the second entrance. I knew that would be an issue before I got the letter from the highway department. That's why we went through it. Hopefully to cooperate with the Staff and get this thing done.

MR. BOSWELL: That leads in to my second question. On the Traffic Impact Study, and that's a concern I have too, about additional traffic. As it develops into five lanes, it's going to be significantly more traffic in and out of that area. There's a statement made in the Executive Summary that says, "An analysis of existing and projected traffic at nearby intersections." What method was used for
MR. KAMUF: Let me say this: Do you understand why the Traffic Impact Study was made? It was so we would get the second entrance. We paid $8,000 to get that Traffic Impact Study made. We got through we get the letter from the highway department, we backed off. Did that answer your question?

MR. BOSWELL: But still yet there had to be a study associated to just the one entrance as well.

MR. KAMUF: That's not my game.

CHAIRMAN: Be sworn, please.

MS. KNIGHT: Please state your name for the record.

MR. SPANN: Daniel Spann.

(DANIEL SPANN SWORN BY ATTORNEY.)

MR. SPANN: Your question about what kind of methodology was used. Standard methodology for traffic study that you go out and gather existing traffic data, existing counts. Then you'll grow that traffic at the certain intersections and you'll add the projected traffic for the site or whatever land use you're expecting to be. You apply that to the intersections. Then you'll analyze the intersections using the industry standard methodology, which is a capacity analysis from the Highway Capacity Manual,
which is a publication of the Institute of Transportation Engineers. You're probably familiar hearing the term "level service." That generates the term level service for either in a signalized intersection and overall intersection level service and unsignalized intersections at critical turning movements.

So generally what you do is you'll evaluate what is under existing conditions and evaluate under projected conditions to see what that tells you. From that it's just generally a tool to determine what kind of lanes you want to provide, what kind of traffic control, and control that you want to apply to the intersection and access points.

MR. BOSWELL: How forward looking is that?

MR. SPANN: This one looks at 2027.

MR. BOSWELL: Thank you.

CHAIRMAN: I have a couple of questions, and maybe some clarification.

Mr. Kamuf, to your issue. Does Mr. Sanderford own the property now?

MR. KAMUF: Yes. They thought it was pretty much a lock to get that done. They bought the property and it's not zoned.

CHAIRMAN: Who owned the property prior to
Mr. Sanderford buying it?

MR. SANDERFORD: A doctor, and I'm not sure of his name.

CHAIRMAN: Okay. So it wasn't Buskill?

MR. SANDERFORD: No.

CHAIRMAN: Here is my question, and this is going to be for Staff.

MR. SANDERFORD: I understand. It was a doctor, and we bought it from him. We had an option on it for quite a while and were concerned with some other people coming in and being interested so we went ahead and purchased it.

CHAIRMAN: Thank you. Question for Staff. Theoretically if Buskill had purchased this property, could they have put an entrance here on 54, this stoplight, to get into their property?

MR. HOWARD: Yes, they could. I think Buskill owned it when it was rezoned back in the '90s.

CHAIRMAN: So theoretically we could then be looking at if Buskill had bought it, if it stands up, someone could be pulling 18-wheelers in and out of there at the stoplight as opposed to automobiles; am I correct?

MR. KAMUF: I think so.

CHAIRMAN: The other question I have is, this
is my ignorance, across the street is B-1. Is that primary because it's mostly medical, professional offices?

MR. HOWARD: A B-1 zone is neighborhood business zone. It's uses that you might find typically in lower intensity that would integrate into a neighborhood. So B-1 really doesn't allow many of the commercial uses that you would find in a B-4 zone including office and that type of thing. That's why you have B-1 zoning in The Springs complex for the restaurant, and then some of the parking is zoned B-1, but the rest of it where the doctors offices and the Urgent Care Center, all of that is zoned P-1 because those are medical and offices uses which are permitted in the P-1 zones, but not all those in the B-1 zone.

CHAIRMAN: So that zoning be considered less intense than what Mr. Kamuf is asking for?

MR. HOWARD: In the hierarchy of zoning, yes. The B-1 is the less intense. So then B-2, which is the downtown zoning. B-3 highway business. B-4 general business. Then B-5 would be the highest intensity commercial zone, which is basically a mix of the B-4 and then I-1 light understand industrial zone.

CHAIRMAN: I understand theoretically. I cannot imagine, I have to go three doctors in The
Springs, anything be more intense than the traffic in
and out of The Springs. That's worse than going to
the mall in Evansville.

That clarifies that.

MR. KAMUF: Mr. Chairman, in line with what
you're saying. B-5 is a little more liberal. So you
get in the question of degree. We're saying we're in
the B-1 zone and it's a restaurant. We're within the
range.

CHAIRMAN: Any other commissioners have
question of Mr. Kamuf?

Yes, sir.

MR. BALL: Can I play off of that just a
little bit there.

Correct me if I am wrong. I would like to ask
Brian something here. A restaurant is actually
allowed inside a B-1 and potentially mercantile shops;
however, office space would not be allowed inside a
B-1?

MR. HOWARD: That is correct.

MR. BALL: That's one of the items that you
all are looking for, correct, is the office, which I
assume is why you are looking for the B-4?

MR. KAMUF: When you say "office," we're
talking about probably more retail than office. We're
talking about a pharmacy, something in that range. I
don't know what zone that takes, but a pharmacy or
something in that.

MR. SANDERFORD: And there could be some
offices.

MR. KAMUF: And offices.

MR. BALL: So you're looking for a little bit
more flexibility than what you would have inside a
B-1?

MR. KAMUF: That's correct.

MR. BALL: Thank you.

MR. KAMUF: When you get ready to start
leasing that property, the first thing you're going to
have is, can we do it, and you'll find somebody, why
not go for the B-4 and that will qualify for nearly
everything; however, the B-5 is a little more. So it
will cover any tenant, proposed tenant that you've got
coming in. I hope I answered it.

MR. BALL: Yes. Thank you.

CHAIRMAN: Other commissioners?

Mr. Kazlauskas, you have another question?

MR. KAZLAUSKAS: Maybe Staff can help me.

Give me a history lesson here.

This B-1 that Niko's located in now, when was
that changed? Was that done when the other property
went to P-1 or was that changed at a later date?

MR. HOWARD: I don't have the information in front of me, but I seem to recall that basically The Springs was developed more or less as a mixed use type development and those zonings would have -- I don't know that they happened simultaneously, but they would have happened close to each other.

MR. KAZLAUSKAS: Pharmacy would fit in a P-1, right?

MR. HOWARD: Yes. A pharmacy would be a P-1.

MR. KAZLAUSKAS: Or a B-1, any one?

MR. HOWARD: I'll have to look that up.

MR. KAMUF: I think you can put a pharmacy in a B-1 or a B-4.

MR. KAZLAUSKAS: Maybe we can go down this chart to see when CVS was.

MR. HOWARD: CVS is a B-4 zone.

MR. KAZLAUSKAS: What I'm trying to do, Mr. Chairman, is try to determine in my own mind if this was changed to B-1 to allow Niko's to be constructed in there.

MR. HOWARD: It certainly was. If that whole thing was zoned P-1, a restaurant is not a permitted use. That property had to be rezoned to a commercial use to allow the restaurant.
MR. KAZLAUSKAS: If I'm thinking correctly, there was not a stoplight there to begin with, was there?

MR. HOWARD: No, there wasn't. It came in as a result of that zone.

MR. KAZLAUSKAS: Thank you.

CHAIRMAN: Other questions from the commission?

(NO RESPONSE)

CHAIRMAN: Questions from anyone in the audience?

(NO RESPONSE)

MR. KAMUF: I think Tony is here.

CHAIRMAN: Mr. Clark, did you want to make some comments?

MR. KAZLAUSKAS: State your name for the record, please.

MR. CLARK: My name is Tony Clark.

(TONY CLARK SWORN BY ATTORNEY).

MR. CLARK: Let me state by saying that Denny Welch is right beside me. He is the executor of his father's estate, The Ed Welch Estate.

Many years the widening of the new road went through the farm. So now Dad passed on last year. So we are selling the property that is immediately to the
west of this particular property. We also have the
property across the street, Dr. Blocks' new building
that has just been put in.

For us we have been getting activities and
calls on it. A lot of them are just inquiries so you
really don't know what their total intent is. We have
from day one been convinced that it would be a
commercial use. The zoning has been left in place as
agricultural at this particular point until there is a
bona fide purchaser or bona fide user.

We will go on the record as supporting that
zoning to B-4 as Mr. Kamuf has requested and his
client has requested. We go in support of it.

I'll be glad to answer any questions for you.

CHAIRMAN: Any questions of Mr. Clark?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience have any
questions of Mr. Clark?

(NO RESPONSE)

MR. CLARK: Thank you very much.

CHAIRMAN: Thank you, Mr. Clark.

MS. KNIGHT: State your name.

MR. WELCH: Denny Welch.

(DENNY WELCH SWORN BY ATTORNEY.)

MR. WELCH: I want to echo Tony's comments,
but also I remember when Buskill bought that property
over there. He intended to put a drive through there.
It was his warehouse business just grew and grew and
grew. At some point he sold his trucking business to
a gentleman, a gentleman that lives around Newburgh,
but the guy that lives down the street from me runs it
right now. That's been, I guess, ten years ago.
That's the reason I think it was never developed as
industrial. He didn't use it because when he sold it
he didn't want to make that land available to people
he sold it to, I think. He sold his property to the
trucking company.

CHAIRMAN: Thank you.
Anyone have any questions of Mr. Welch?
(NO RESPONSE)
CHAIRMAN: Thank you, Mr. Welch.
Mr. Kamuf, do you have any concluding comments
or anything else you would like to add before we begin
to collect a motion?
MR. KAMUF: No, sir. I hope I didn't bore
you.
There being no further discussion the chair is
ready for a motion.
If anyone needs help in preparing a motion, I
will certainly say we'll let you gather with
Mr. Howard or counsel if you feel uncomfortable making
a motion you may want to make.

MR. PEDLEY: Are you ready for a motion,
Mr. Chairman?

CHAIRMAN: Yes, sir, I'm ready for a motion.

MR. PEDLEY: Mr. Chairman, I make a motion for
approval based on findings that the existing zoning
classification given the property is inappropriate,
that the proposed zoning classification is appropriate
because there have been major changes of economic and
fiscal in the area within the area which were not
anticipated in the adopted Comprehensive Plan, which
substantially altered the basic character of such an
area, and it also buffer from the industrial activity.
With the conditions put on that that the required
landscape buffer easement with one tree per 40 linear
feet boundary, plus continuous 6 foot high planting
hedge, fence or wall along the residential property.
The required minimum setbacks on the highway frontage
and the buffer be required, and all zoning ordinance
requirements related to landscaping, parking, signage,
setbacks, buffers, access will be reviewed by OMPC
Staff during the required development plan review
process prior to any permits being issued for
construction.

CHAIRMAN: We have a motion by Mr. Pedley. Do we have a second to that motion?

MR. BOSWELL: Second.

CHAIRMAN: We have a second by Mr. Boswell.

MR. HOWARD: Would you all consider the -- I know that they've agreed on record to eliminating the second access point, but I think you should address that in some capacity as far as the conditions go.

Then, second, I think KYTC mentioned in their language, that we would like to see it too since we have this other property right next-door that may potentially rezone. The state says the next logical location for an access point would be in alignment with Leitchfield Road. Would you consider requiring some type of cross access easement so that both of these properties could then potentially get to the other access points and have multiple points of ingress and egress in and out of the property.

I'd just like for you all to consider that as part of your conditions before we get too far down the road.

CHAIRMAN: Mr. Sanderford, I see you nodding your head.

MR. SANDERFORD: I haven't discussed this with
my partner, but I understand exactly what you're
talking about. I think that's an excellent point.
Would be one that I will endorse. I don't know about
other owners, but at the same time we are planning a
secondary road in front of the property after the
landscaping buffer.

   CHAIRMAN: Mr. Pedley, would you like to
   include that in your motion?
   MR. PEDLEY: Yes.
   CHAIRMAN: I guess, Mr. Boswell, would you
   withdraw your second?
   MR. BOSWELL: I withdraw my second.
   CHAIRMAN: Mr. Boswell withdrawing his second.
   Now, I'm sorry, Mr. Pedley.
   MR. PEDLEY: I would like to include
   Mr. Howard's suggestions in my motion. I believe they
   have accepted that. So that is included, his
   suggestion is included in my motion as a condition,
   yes.

   MR. KAMUF: Just so we'll understand. In
   other words, we've got the landscaping, which you put
   in there. We understand about that.
   Let me be sure what you just said, Brian.
   You're talking about a frontage road that would come
   from the Welch property across here or are you talking
about a joint access with the Welch property? What
are we talking about.

MR. HOWARD: What I'm saying, what I'm
proposing or what I would like to see, what I think
would make the most sense, would be this property
limited to a single access point at the signal. Then
there will be connectivity provided to the property
to, you know, the northwest, whatever direction you
want to say that is. That way those parking lots
could connect. I'm not saying you have to go to a
frontage road per se, but at least you could have
cross access connectivity.

MR. KAMUF: Cross access. Okay.

CHAIRMAN: Similar to the Home Depot issue we
had with the mall, Mr. Kamuf. Remember when we had
that issue with Home Depot and the mall that didn't
connect for so long, but there was an access point
there. We would like to have that access point there.

MR. KAMUF: Yes. We have no problem with
that. What was second thing that you said, I'm sorry

MR. HOWARD: That was it. One access point
and then the cross connectivity.

MR. KAMUF: Cross access, not a problem. We
agree.

CHAIRMAN: Now entertain --
MR. BALL: I have a question still.

MR. WELCH: I just want to say there's already an access point build into the road right directly across from Old Leithfield Road which you're talking about. So at some point it can be very plausible that both uses with no problem.

MR. HOWARD: Yes. In our mind, in the state too in their comments, there would be an access point to signalize at this point at The Springs on this property. Then the next one would be in alignment with Leitchfield Road. There would be cross connectivity between these properties. So if someone was exiting this property, they could go out the one at Leitchfield Road or vice versa. On Mr. Welch's property, they could come out to the signal at The Springs.

CHAIRMAN: Before we entertain a second, it's important, we're trying to get a really good motion that supports what Mr. Sanderford wants to do.

I'm going to entertain Mr. Ball's question. Did Mr. Moore also have one?

MR. MOORE: It was answered.

MR. BALL: I believe you just answered mine as well. We're not limiting the access on the property to the northwest at this point in time. It will still
have access at Leitchfield Road. We're just giving
more inner-connectivity between to two sites, correct?

MR. HOWARD: Right. You as the Board cannot
place a condition on the adjoining property that's not
part of this rezoning. All we're asking for is on the
one that's rezoned tonight there be a single access
point at the signalized intersection, and then
connected be provided.

MR. BALL: Thank you.

CHAIRMAN: Again, the old classic Home Depot
access. We'd like for it to happen, but we can't make
it happen right now. We'd just like Mr. Sanderford to
support that happening.

MR. KAZLAUSKAS: Does that connectivity need
to be described or just --

MR. HOWARD: In the past, it has been
difficult to determine exactly where it would be
because they don't know. They're the first ones in.
They don't know exactly where they're going to do
anything really at this point. They have a conceptual
plan, but they don't know where that connectivity
would be best suited. It's something that we look at
as the Staff when we review the plans to make sure.
You know, we don't want them to provide it at the very
northeast corner of that adjoining property where it
might not make connectivity on that adjoining property, but we're also not going to say it has to be at the front of the property. The other property has a limited -- they have a ton of road frontage, but limited depth. We would have to work with that depth and their property and their development to make sure that it's in a location that can work for both. We don't want to handcuff either one, but we do feel the connectivity is a good thing.

MR. KAMUF: See, all of that might change a little bit if they put a barrier in front of that property. Do you understand? And they might do that. It's getting ready to get in that curve and they might put a barrier there. We just want to have the right in the record that we go back and try to get a right-in and right-out if there's a barrier. Just a right-in/right-out. Nothing else. Of course, we have to go before the highway department. If they deny it, we don't get it. It's like Brian said, we're talking tonight on a lot of things in the future that we don't know exactly what's going to happen, and depending on Mr. Welch.

CHAIRMAN: Now I think we're ready to entertain a second.

MR. BOSWELL: Second.
CHAIRMAN: Second by Mr. Boswell. Any questions about the motion?
(NO RESPONSE)
CHAIRMAN: Any questions from the audience about the motion?
(NO RESPONSE)
CHAIRMAN: All in favor of the motion raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The application is approved.
Mr. Sanderford, we appreciate you coming to Owensboro this evening.
Let me just say this: I think you understand that Staff has to look at things according to the technicalities that existing within the law. I think they kind of had to hold their nose to make a recommendation, but this commission will always be open to listening to applicants and their issues and concerns and we're happy that you're coming to town and investing some money. We're happy to approve your application and support you.
MR. SANDERFORD: Thank you so much. Again, I understood the technicality involved with the zoning once I saw that. I just was unaware of that.
CHAIRMAN: Thank you very much and have a good
evening.

Mr. Howard, I think we're ready for the next item.

ITEM 6

601 & 617 Triplett Street, 0.638 acres
Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial
Applicant: OWB Land Management

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. No additional access to Triplett Street shall be permitted;

2. Where the outdoor storage areas are adjacent to residential zoned property, perimeter screening shall be installed consisting of a 10’ wide landscape easement with one tree every 40 linear feet, in addition to the six foot tall solid wall or fence.

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.

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

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone have any questions of the applicant, any board members?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. JEAN: Make a motion to approve based on the Findings of Fact 1 through 4 with Conditions 1 and
CHAIRMAN: Motion by Mr. Jean.

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Any questions about the motion?

MR. BOSWELL: One question. I think Mr. Jean said findings of fact 1 through 4 when it's actually 1 through 5.

MR. JEAN: Excuse me, that's correct, 1 through 5.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion is approved.

ITEM 7

2795, a portion of 2763 & a portion of 2731 West Second Street, 4.404 acres

Consider zoning change: From A-U Urban Agriculture & B-4 General Business to B-4 General Business

Applicant: Western Kentucky Botanical Gardens, Inc. & RNA Rental Hosplex, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Approval of a minor subdivision plat consolidating portions of three parcels to create the
4.404 acre B-4 zoned parcel.

2. Access to 2731, 2763 & 2795 West Second Street shall be limited to a single access point established on the plat approved on 2/20/13 and revised on the subsequent plat approved 2/15/15.

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 partially located in a Business Plan Area where general business uses are appropriate in limited locations, and partially located in an Urban Residential Plan Area where general business uses are appropriate in very limited locations;

3. The proposed use conforms to the criteria for non-residential development;

4. This proposal is a logical expansion of existing B-4 zoning to the west and east; and

5. At 1.37 acres of new B-4 zoned area (4.404 acres in total), the proposal is not a significant increase in B-4 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.
MR. HILL: Staff request the Staff Report be entered into the record as Exhibit F.

CHAIRMAN: Is anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone have any questions of the applicant?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. BALL: I'd like to make a motion to approve based on Planning Staff Recommendations, Conditions 1 through 2 and Findings of Fact 1 through 5.

CHAIRMAN: We have a motion by Mr. Ball. Do we have a second to the motion?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The motion passes. The application is approved.

ITEM 8

A Portion of 2763 West Second Street, 0.573 acres
Consider zoning change: From B-4 General Business to A-U Urban Agriculture
Applicant: RNA Rental Hospex, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Approval of a minor subdivision plat consolidating 2731 & 2763 West Second Street is required.

2. Access to 2731, 2763 & 2795 West Second Street shall be limited to a single access point established on the plat approved on 2/20/13 and revised on the subsequent plat approved 2/15/15.

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 partially located in a Business Plan Area where Urban Low-Density Residential uses are appropriate in very limited locations, and partially located in an Urban
Residential Plan Area where Urban Low-Density Residential uses are appropriate in limited locations;

3. The proposed use conforms to the criteria for urban residential development; and

4. This proposal is a logical expansion of existing A-U zoning to the east.

MR. HILL: Staff request the Staff Report be entered into the record as Exhibit G.

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any board members have questions for the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have questions for the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. MOORE: Mr. Chairman, I move for approval based on Staff Recommendations subject to Conditions 1 and 2 and Findings of Fact 1 through 4.

CHAIRMAN: Motion by Mr. Moore.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Questions
about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Application is approved.

ITEM 9

11351 & 11397 US Highway 431, 2.096 acres
Consider zoning change: From A-U Urban Agriculture to
B-4 General Business
Applicant: Mark Melloy

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

1. Access to both subject parcels shall be limited to a single access point, the location of which shall be reviewed and approved by the Kentucky Transportation Cabinet and the County Engineer.

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Rural Community Plan Area where general business uses are appropriate in limited locations;

3. The proposed retail use conforms to the
criteria for nonresidential development;

4. This proposal is a logical expansion of existing B-4 zoning to the north as well as other commercial and industrial zoning in the vicinity; and

5. At 2.096 acres, the proposal is not a significant increase in B-4 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.

MR. HILL: Staff request that the Staff Report be entered into the record as Exhibit H.

CHAIRMAN: Anyone here representing the applicant?

MARK MELLOY: Yes, sir.

CHAIRMAN: Do you wish to make any comments?

MR. MELLOY: No, sir.

CHAIRMAN: Thank you. You're certainly welcome to.

Any members of the board have any questions about this application?

MS. HENDERSON: I may have one.

CHAIRMAN: Ma'am, please go to the podium so we can hear you.

MS. KNIGHT: Ma'am, if you would please state your name for the record.
MS. HENDERSON: I'm Shirley Henderson.

(SHIRLEY HENDERSON SWORN BY ATTORNEY.)

CHAIRMAN: Go ahead, Ms. Henderson.

MS. HENDERSON: First off, I live adjacent to this property to the north. My concern is traffic. That's number one. Because as people pull out of this area that you're going to zone B-4, that's a heavy traffic area with big trucks, coal trucking, and lumber trucks. Also, it's the only area in about five miles where people can pass. So traffic is going about 60 miles an hour; although, it's supposed to be 55. Not very many people follow that restriction.

Also, my concern is that there have been numerous accidents in that area. So I'm afraid of that's going to happen again, and it's going to be serious.

Another thing that is a concern of mine, B-4 could be anything. Including a pharmacy where chemicals could be used to make pharmaceuticals for people. I have a big pond in front of my house where we have some protective wildlife. Namely the copperbelly water snake and -- I can't think of the other. Anyway, there are protected creatures there. So they need to be protected from any kind of chemicals.
Also, another problem is sewage. In that area we use septic tank. There is no sewer. Drainage is a huge problem in the low lying area. The first heavy rain that will flood, and that water will flow over into my pond.

So for those reasons I think this is an inappropriate place for a business. Thank you very much.

CHAIRMAN: Thank you.

Would the applicant like to respond to that?

If you would come and be sworn, please.

MS. KNIGHT: Please state your for the record.

MR. MELLOY: Mark Melloy.

(MARK MELLOY SWORN BY ATTORNEY.)

MR. MELLOY: On the traffic concern, I have received approval from Mr. Gentry at the Madisonville KYTC office for the entrance to the property, and it will be directly across from the entrance to Orick Road. So it has received approval from there as well as the state highway department here in Owensboro.

To address the concerns about the type of business. I plan for this to be an outdoor store. It would be a 4,800 square foot facility that would sell hunting and fishing sporting goods, as well as commercial turf, mowing equipment, and handheld power
equipment such as tree trimers and chainsaws. As a part of the permit and approval process, I have to have a site plan done which includes a drainage plan where an engineering firm would approve the drainage and runoff for the property. If there were any concerns there, I would have to accommodate the property accordingly so it does not create any runoff problems for the neighbors.

CHAIRMAN: Thank you, Mr. Melloy.

Sir, do you wish to make a statement?

MS. KNIGHT: Please state your name for the record.

MR. SHEPHERD: My name is Carl Shepherd.

(CARL SHEPHERD SWORN BY ATTORNEY.)

MR. SHEPHERD: I too live in the immediate vicinity area, across the street, more of this is potentially going to be located. My primary concern also is traffic. Having it access across from Orick Road doesn't solve that problem in my mind at all because the people turning in and going out of that facility are not coming off Orick Road. They're coming off of 431, which is heavy traffic as has been previously stated.

To the best of my knowledge there's been at least one fatality there right in front of that place,
in front of my place. The road is very curvy and hilly. I have had my vehicle totally destroyed trying to turn into my place off of that road and barely escape with my life. So I'm very much aware of the danger on that particular stretch of road. If you get another 100 yards down or 200 yards down from where that property is, you're straightened out and it's not so much of a problem, but in that area it's a very dangerous place.

We recently have had two exchanges of property behind my place there. I think it's, I can't remember the name of the farm now that owns it, but they have heavy equipment coming in and out of there all the time, farm equipment, and they have had a lot of road work. They've done a lot of timber work coming out of that lane just on the south side of that property out onto that.

I own the woods that separates my property from the area there. Those folks that own that land now, I understand that's a private road going just a short distance in to the old Livermore Road that runs behind our property, and that that's a private road there. For these farm equipment and these trucks to get out onto 431 is so bad that they have come and asked me if they could cut down some of my forest so
they can see better on that highway even just to get
in and out. I know that from my property onto 431 as
well is very dangerous. As I said, there's been one
fatality to the best of my knowledge there at least.
It would be a similar situation from this business
coming out onto 431 with the traffic in there.
I too am very much opposed to this from a
traffic standpoint.
I would agree also that the drainage is a
problem. If you look at that property, and we've had
a lot of rain this summer, it's very wet and drainage
will be a serious problem there. I don't know. I'm
sure it can be solved. I'm not sure if it's
economically feasible to be solved in that specific
location, but I too am very much opposed to this from
a traffic standpoint.

CHAIRMAN: Thank you, sir.

Mr. Melloy, do you choose to respond to that?
You don't have to. It's just if you'd like to.

MR. MELLOY: Basically the same rebuttal, sir.
I believe it does have better visibility than other
commercial sites like Kidd Fiberglass, south from this
area, and the Dollar General Store in Utica. They've
both got blind hills right next to them. I believe
this property has a better visibility. I can
appreciate the concerns, but with Mr. Gentry's
approval on the state highway department I think they
took that into consideration.

CHAIRMAN: Anyone else?

Yes, ma'am, if you would come to the mike,
please.

MS. KNIGHT: Please state your name for the
record.

MS. CRABTREE: Marie Crabtree.

(MARIE CRABTREE SWORN BY ATTORNEY.)

MS. CRABTREE: I live in the adjoining
property that they're wanting to rezone to B-4. I
agree with everyone else. It is a very dangerous
spot.

When I get to the end of my driveway, there's
a hill. You have to go down a hill into a dip, and I
have to sit there for a very long time just to watch
the traffic to even get out of my own driveway. There
have been numerous wrecks there in our field in front
of our house. Matter of fact, we used to have a fence
when we first moved in. It was wiped out so many
times we had to do away with our fence. Also, the
drainage is an issue. I don't want it on my property.
Not really too keen on looking out my front door and
seeing dumpsters and everything else, the back of a
store. There are lots of tractors that come up and
down that road as well, semi trucks. It's just a very
dangerous spot. Also, they've talked several times
about widening 431. Numerous times they've talked
about widening that highway. If they ever did widen
that highway, then this would really cause a big
problem. Because it's not a very wide area to begin
with where they're wanting to put this store.
    I'd just like to put those things into
consideration. Thank you very much.

    CHAIRMAN: Thank you, ma'am.
    Anyone else like to speak? Yes, sir.
    MS. KNIGHT: Please state your name for the
    record.
    MR. LAMPERT: Michael Lampert.
    (MICHAEL LAMPERT SWORN BY ATTORNEY.)
    MR. LAMPERT: I live in the property just
north of Ms. Henderson. My driveway is right across
the street from Mill Road. I've had to put my mailbox
up three different times. I now have a post office
box. That is a straight away out of Utica. They
drive, they're not watching what they're doing. I
finally got a post office box. They come in there and
they try to pass. I personally clean right-of-way
brush down so my daughters and everybody can see in
that area. The road is not maintained well enough and
that's extremely a dangerous area. They come out of
Utica and they're driving too fast, and left turns
specifically heading south are extremely dangerous.
I've had to repair my own driveway three times. I
have very serious concerns on safety right in that
area. Thank you.

CHAIRMAN: Thank you, sir.
Anyone else?
(NO RESPONSE)

CHAIRMAN: Mr. Melloy, do you have any
comments you would like to make?

MR. MELLOY: No, sir.

CHAIRMAN: Commissioners, do any of you have
questions of Mr. Melloy?

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

Just a question that came up. It sounds like
that it didn't make any difference where Mr. Melloy
would put the entrance to the property. You're
opposed to the rezoning in total?

MR SHEPHERD: I didn't understand.

MR. BOSWELL: My understanding or my take is
that it doesn't make any difference where Mr. Melloy
would put an entrance to the property. All of those
that have spoken in opposition are opposed to the rezoning in total?

MR. SHEPHERD: Yes, that is correct.

MR. BOSWELL: Thank you.

CHAIRMAN: Nodding heads.

Thank you.

Any other questions?

(NO RESPONSE)

CHAIRMAN: Any other questions from the audience?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on Planning Staff Recommendations with the one condition and the Findings of Fact 1 through 5.

CHAIRMAN: Motion by Mr. Rogers.

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(Board Members Larry Moore, Irvin Rogers, Beverly McEnroe, Manuel Ball, Fred Reeves, John
KAZLAUSKAS, WARD PEDLEY AND LEWIS JEAN RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBERS STEVE FREY AND LARRY BOSWELL
RESPONDED NAY.)

CHAIRMAN: The application is approved.

Next item, please.

MAJOR SUBDIVISION PRELIMINARY PLAT

ITEM 10

Cornerstone Estates, 9.825 acres
Consider approval of a major subdivision preliminary plat.
Applicant: Bobby Woodward

MR. HOWARD: We received an e-mail this morning requesting that this application be postponed. They have a couple of things they're still trying to work out and hope to be ready for next month's agenda. So we'd like for you to consider for postponement.

CHAIRMAN: Do we need a motion on that?

MR. HOWARD: Yes.

CHAIRMAN: I'd entertain a motion to postpone Item Number 10.

MR. KAZLAUSKAS: So move.

CHAIRMAN: Motion by Mr. Kazlauskas.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MINOR SUBDIVISION PLATS

ITEM 11

205 Bon Harbor Cove & 181 Boothfield Road, 1.654 acres & 0.484 acres
Consider approval of a minor subdivision plat.
Applicant: Jason Scott; Clayton Adam & Renee Taylor

MR. HOWARD: Mr. Chairman and Commissioners,
this item comes before you as an exception. The proposal is to take some property off of 181 Boothfield Road and consolidate it with property off of Bon Harbor Cove. The resulting minor subdivision would leave .519 acres along Boothfield Road, which is under the minimum required in the zoning ordinance at present. However, based on the information that we have been able to look at within the vicinity, there are other lots that were created at half an acre, many of them actually, which was the requirement for minimum lot size back years ago before the health department upped that to three-quarters of an acre. We requested that the Health Department provide some kind of a letter or statement that they were okay with the smaller lot size, and they were unwilling to provide anything basically stating that if there was ever a need to relocate the septic system.
on the property or whatever, that they would like to have the additional acreage; however, in conversations with the applicant, I think he may have some evidence tonight to submit that shows that basically that back portion of the property is down a pretty good rocky ravine and it wouldn't serve as any type of a location for a septic system anyway.

So it's something we couldn't sign-in house and it has to come before you guys for consideration. I know the applicant is here. I'm sure you all would like to hear from him.

CHAIRMAN: Yes, sir, would you speak to us, please.

MS. KNIGHT: Would you state your name for the record.

MR. TAYLOR: Clay Taylor.

(CLAY TAYLOR SWORN BY ATTORNEY.)

MR. TAYLOR: What Brian said is true. I initially spoke with someone at the Health Department that acted like that they would give that letter. That person then recommended a septic installer that they commonly dealt with. I had him come on site. I don't install septic systems, but I knew it was going 25 feet down a cliff that it wouldn't be reasonable. He at that point in time said it was. Since then they
kind of changed their tune and said under no
circumstance will they give a letter.

I do have a packet that does show that the .51
acres is larger than most of the other lot sizes or
many of the other lot sizes in the subdivision. They
are all on septic. I also have two pictures. One
taken from my existing property now looking up the
hill. Another picture taken from the top of that
property looking down, and a topography map that shows
approximately 25 to 30 feet difference from the back
of that property down to my property.

CHAIRMAN: You have some for us, please.

MR. TAYLOR: Yes.

As you look at the pictures, if you're looking
down, the roof of my home is approximately I would say
probably 25 feet. There's a gazebo that is there.
The tip of that is approximate at 12 to 14 feet. You
can tell that's only halfway up that hillside. When
you're looking at those properties, the grass hill is
actually not the property I'm talking about. I'm
talking about the property that's heavily wooded. My
reason for obtaining it is it was damaged pretty
heavily with the ice storm. He did some extensive
work and since it was a cliff he dumped a bunch of
concrete off of that property and I was just wanting
to clean it up and then help with my drainage.

CHAIRMAN: Let us take just a moment to look at the pictures. If you'll hang on with us.

Commissioners, do you all have any questions of the applicant?

MR. MOORE: Yes. If you would, Mr. Taylor, explain to me about the septic. Are you on a septic tank now?

MR. TAYLOR: I am. What the problem is 181 Boothfield Road, which if you look at the plat, they've got the revised plat as well that I think you might have in your packet. It's actually lot Number 34 there. The septic system for that is actually installed on the west side of the home, between the home and Boothfield Road. So in order to redo the septic system, there would have to be a catastrophic event where the septic system would actually have to be removed and placed behind the home. We did alter the lines where a steel beam on the level supplier feed granted more than one-half of one acre.

CHAIRMAN: Mr. Moore.

MR. MOORE: That's fine.

CHAIRMAN: Anyone else have a question?

(NO RESPONSE)

CHAIRMAN: I know this is kind of difficult to
look at. Does anyone else have any questions or any
concerns that would prevent you from acting tonight?

MR. MOORE: One other question. What am I
looking at?

MR. TAYLOR: That's a topography map.
Mr. Kazlauskas can tell you about that. Those contour
lines, the distance, I tried to draw out the area on
there. I put a square where his house is. If you
look at the cul-de-sac that's on there as well, it's
kind of hard to see. I tried to blow it up as good as
I could. I'm at the end of that cul-de-sac. Those
contour lines indicate ten feet between each line.
Actually on that map it shows 35 feet, but it's
probably closer to 25 to 30 feet from the edge of his
property border going down to mine. I was just doing
that to illustrate that if he were to run a septic
system, one, he wouldn't have any access to get back
to that point; and two, it would have to come off a
cliff and then come down 30 feet to get to the
reservoir from there.

MR. MOORE: Thank you.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: Are we ready for a motion? If so,

I'll entertain one.
MR. MOORE: Mr. Chairman, I would move to approve this minor subdivision plat.

CHAIRMAN: Motion by Mr. Moore.

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. Any questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes unanimously.

ITEM 12

3311, 3357, 3363 Pleasant Valley Road, 45.482 acres Consider approval of a minor subdivision plat.
Applicant: Virginia Sublett Hinton, David A. Sublett, Joseph V. Sublett, Sion O. Sublett, Rebecca Sublett & John W. Sublett

MR. HOWARD: Mr. Chairman, this plat comes before you as an exception to the three to one requirement.

Basically what we have here is a family farm that has a limited amount of road frontage on Pleasant Valley Road. Their intent is to split the property into various tracts so that brothers and sisters can have properties. Tract 2, which is a very long skinny flag lot, has an existing home on it. So they're creating that parcel around an existing home. Then Tract 3 is a ten acre parcel that will have access
through that flag that goes back. We have noted on there that the requirements of the Nash case that was discussed here at the Planning Commission at some point, basically limiting the use of these properties to agricultural use and nothing more. They won't be further subdivided, unless they can meet the subdivision regulations, which Tracts 2 and 3 will not be able to be further subdivided in any capacity based on this design. Tract 1 potentially could have road frontage lots based on acreage and road frontage left on Pleasant Valley Road. With the concessions that they've made and the request for no additional access and no additional division of the property, we would recommend that you consider it approval.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: I don't think so. No one else is left.

Any questions from the commission?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. FREY: Mr. Chairman, I'd like to make a motion for approval.
CHAIRMAN: Motion by Mr. Frey.

MR. PEDLEY: Second.

CHAIRMAN: Second by Mr. Pedley. Any questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

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NEW BUSINESS

ITEM 12

Consider approval of May and June 2015 financial statement

CHAIRMAN: I think we need two motions on the financial statement. One for the May statement and then one for the June statement.

I'll entertain a motion. You've had a chance to see the statements. Any questions about either one?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion for the May 2015 financial statement.

MR. KAZLAUSKAS: Motion for the report be approved.

CHAIRMAN: Motion by Mr. Kazlauskas.
MR. FREY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The June 2015 financial statement, entertain a motion on that.

MR. BOSWELL: Mr. Chairman, motion for approval.

CHAIRMAN: Motion by Mr. Boswell.

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

ITEM 13

Comments by the Chairman.

CHAIRMAN: Thank you tonight for such a good meeting. Thank you for really looking at the issues that came before us, particularly the ones we had to study extensively. I think everyone did a good job looking at it and making right decisions for the community. I really appreciate everybody, what you did on that particular agenda item.

ITEM 14

Comments by the Planning Commissioners

CHAIRMAN: Any of the Planning Commissioners
have any comments they would like to make?

(NO RESPONSE)

ITEM 15

Comments by the Director

MR. HOWARD: I just have one. We are hosting an open house next Wednesday, the 19th, from 1 to 3 p.m. at our office at 200 East Third Street. That's the Chase Bank Building, Commerce Center downtown, to be on the third floor in the conference room upstairs.

Basically what we are going to provide is a training opportunity to show anyone that would like to learn more about our online GIS system an opportunity to come and see how that works. Our online GIS, which is on our website, allows you to look up things like zoning, floodplain information, some basic property information, things like that. So it's a good tool of resource for people that may be looking at acquiring property or whatever in the community. We encourage the surveyors, and engineers, and appraisers, and realtors, and those types of people to come because they deal with this type of thing on a daily basis.

So that's next Wednesday at our office 1 to 3 p.m. Feel free to stop by, if anybody would like to. Melissa is going to be doing the training. I think it will be very valuable.
That's all I have.

CHAIRMAN: Thank you.

I too encourage anyone to stop by for that. Some commissioners might have an opportunity to come by. I'm going to try myself just to get more familiarity with it.

We have one final motion.

MR. PEDLEY: Motion to adjourn.

CHAIRMAN: Motion by Mr. Pedley.

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: 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 stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 87 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 31st day of August, 2015.

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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