The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday,
November 10, 2016, 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
John Kazlauskas
Lewis Jean
Beverly McEnroe
Manuel Ball
Larry Moore
Irvin Rogers
Angela Hardaway

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CHAIRMAN: I would like to call the November meeting of the Owensboro Metropolitan Planning Commission to order. We start each of our meetings with a prayer and then pledge to the flag. Larry Boswell will lead us this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First, let me say that we are very pleased to have many folks in attendance this evening. I welcome you to the meeting.

I'm going to ask you to do a couple of things,
if you would. Most of you have probably not been here before. Let me tell you how we would like for you to do. Anyone is welcome to speak. If you wish to speak, please come to the nearest podium. Unless you're an attorney you'll be sworn in. This is kind of a judicial process we use here. We take information, we take facts, and then evaluate the fact in making the decision. Also, if you would please, make sure you speak into the microphone because our meeting is being recorded.

Commissioners, I remind you of the same thing.

With that the first item on the agenda is to consider the minutes of the October 6th board meeting. All of you received these in the mail and have had a chance to review them. Are there any corrections or comments to those minutes?

(NO RESPONSE)

CHAIRMAN: If not, the Chair will enter a motion.

MR. BALL: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Ball. Do we have a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any questions about the motion?
(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

Mr. Howard.

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GENERAL BUSINESS

CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

ITEM 3

4021 Old Hartford Road
Consider approval of an extension to an existing wireless telecommunications tower.
Applicant: Verizon; Crown Castle South, LLC

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

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: The applicant is seeking to extend the height of an existing lattice tower located at 4021 Old Hartford Road. The 10-foot height extension will allow an additional provider to co-locate on the tower. The current tower is 160-feet tall with a 15-foot lightning rod, giving a total height of 175 feet. The proposed extension 10-foot tower extension will increase the height of the tower to 170-feet with reducing the height of the lightning rod to 5-feet.
So the total height of the whole structure, tower and lightning rod, is still 175-feet. Staff believes that all material deemed necessary for a complete application have been submitted, and the Staff recommends approval with the following findings:

1. The application is complete with all materials in accordance with the Owensboro Metropolitan Zoning Ordinance.

2. The site is in compliance with all design criteria of the Owensboro Metropolitan Zoning Ordinance.

3. The permanent tower will improve service for users within the community; and,

4. By providing the opportunity for multiple service providers on this tower, we are promoting the goal of the Comprehensive Plan to encourage co-location in order to minimize the number of telecommunication towers.

Staff request that the Staff Report be entered into the record as Exhibit A.

CHAIRMAN: Is there anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Typically not. We can still act on
it anyway.

Commissioners, any of you have questions of Staff about the application?
(NO RESPONSE)
CHAIRMAN: Does anyone in the audience have questions about the application or comments you would like to make about the application?
(NO RESPONSE)
CHAIRMAN: Then the Chair would entertain a motion.
MR. JEAN: Motion to approve based on the Staff Report with Findings 1 through 4.
CHAIRMAN: I have a motion by Mr. Jean. Do we have a second?
MR. FREY: Second.
CHAIRMAN: Second by Mr. Frey. Question or concerns about the motion?
(NO RESPONSE)
CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The application is approved.
MR. HOWARD: I will note that all the zoning changes heard tonight will become final 21 days after the meeting, unless an appeal is filed. If an appeal is filed, we will forward the record of the meeting
along with the Staff Report, all the applicable
materials to the appropriate legislative body for
their consideration.

ZONING CHANGES

ITEM 4

911, 1003 & 1009 Allen Street; 100 & 116 East Nine
Street, 1.631 acres
Consider zoning changes: From B-4 General Business,
I-1 Light Industrial & R-4DT Inner City Residential to
B-4 General Business
Applicant: City of Owensboro; Daviess County Fiscal
Court

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Access to the property shall be limited to
Allen Street and Daviess Street only. The existing
access easement on East Ninth Street may remain only
to grant access to the adjacent property located at
126/128 East Ninth Street. No additional access to
East Ninth Street. No additional access to East Ninth
Street from the subject property shall be permitted.

2. Obtain approval of a site plan or
development plan by the Downtown Design Administrator
and OMPC.

FINDINGS OF FACT

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

2. A portion of the subject property is located in a Business Plan Area where General Business uses are appropriate in limited locations and a portion of the subject property is located in an Industrial Plan Area where General Business uses are appropriate in very limited locations;

3. The proposed use as general business conforms to the criteria for nonresidential development;

4. The proposal is a logical expansion of existing B-4 General Business zoning to the north south and east; and

5. At 1.631 acre, the proposal does not significantly increase the extent of general business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. HILL: Staff request that the report be entered into the record as Exhibit B.

CHAIRMAN: Anyone here representing the applicant?

MR. LAND: Steve Land on behalf of the City of Owensboro.
CHAIRMAN: Mr. Land, do you wish to make any remarks?

MR. LAND: I do not. I'll be glad to try to answers that you may have.

CHAIRMAN: I have just one brief question. Do you understand the conditions and are those acceptable to the City?

MR. LAND: Yes.

CHAIRMAN: Does anyone in the audience have any questions or concerns about the application?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any concerns or questions?

(NO RESPONSE)

CHAIRMAN: Then the Chair would entertain a motion.

Mr. Moore.

MR. MOORE: Mr. Chairman, I move for approval based on the Staff's Findings of Fact 1 through 5 and Conditions 1 and 2.

CHAIRMAN: We have a motion by Mr. Moore. Do we have a second?

MR. BOSWELL: Second.

CHAIRMAN: Second by Mr. Boswell. Any questions or concerns about the motion?
CHAIRMAN: All of those in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application has passed.

ITEM 5

4716 Free Silver Road, 1.58 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Brandon & Cecile Lanham

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

2. The subject property is located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;

3. The subject property is a large tract at 1.58 acres;

Ohio Valley Reporting
(270) 683-7383
4. The subject property has access to Free Silver Road with no new roads proposed;
5. Strip-mining activity on the property has ceased; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.

MS. EVANS: The Staff would like to enter the Staff Report into the record as Exhibit C.
CHAIRMAN: Anyone here representing the applicant?
APPLICANT REP: Yes.
CHAIRMAN: Do you wish to make any comments?
APPLICANT REP: No, sir.
CHAIRMAN: For those of you in the audience, what happens with these is once coal mining has been completed on a tract of land, it goes back to its original zoning. So these are fairly routine. It's just a matter of getting the land back in use again once the coal has been extracted.

Any questions by anyone in the audience or concerns by anyone in the audience?
(NO RESPONSE)
CHAIRMAN: Commissioner, any of you have a
question or concerns?

(NO RESPONSE)

CHAIRMAN: If not, then the Chair will entertain a motion.

MR. KAZLAUSKAS: Make a motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 6.

CHAIRMAN: We have a motion by Mr. Kazlauskas.

Do we have a second?

MR. BALL: Second.

CHAIRMAN: We have a second by Mr. Manuel Ball. Any questions or concerns 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.

ITEM 6

4751 Free Silver Road, 6.66 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Anthony V. Lanham; Western Kentucky Leasing

PLANNING STAFF RECOMMENDATION

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

FINDINGS OF FACT:

Ohio Valley Reporting
(270) 683-7383
1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;

3. The subject property is a large tract at 6.66 acres;

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

5. Strip-mining activity on the property has ceased; and,

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

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

CHAIRMAN: Is anyone here representing the applicant?

APPLICANT REP: Yes, sir.

CHAIRMAN: I assume you have no comments to make?

APPLICANT REP: No comments.

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

(No response)

CHAIRMAN: Any commissioners have any questions or comments?

(No response)

CHAIRMAN: Then the Chair would entertain a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Make a motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 6.

CHAIRMAN: We have a motion by Mr. Kazlauskas. Do we have a second?

MS.McENROE: Second.

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

(No response)

CHAIRMAN: All in favor raise your right hand.

(All board members present responded AYE.)

CHAIRMAN: The application is passed.

ITEM 7

2315 Mayfair Avenue & 1101 Hill Avenue, 3.09 acres
Consider zoning change: From P-1 Professional/Service to R-3MF Multi-Family Residential
Applicant: Professional Properties & Construction, LLC

MR. HILL: This is recommendation for denial
so I will read the Staff Report into the record.

PROPOSED ZONE & LAND USE PLAN

The applicant is seeking an R-3MF Multi-Family Residential zone. The subject property is located in a Professional/Service Plan Area where urban mid-density residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns Building and lot patterns should conform to the criteria for "Urban Residential Development" (D6).

(b) Existing, expanded or new sanitary sewers Urban Mid-density Residential uses should occur only where sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

(c) Logical Expansions Existing areas of Urban Mid-density Residential uses may be expanded onto contiguous land. An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

(d) New locations near major streets In Urban Residential, Professional/Service, Business, and Rural Community Plan Areas, new locations of Urban Mid-density Residential use should be
"major-street-oriented" (D2).

(e) New locations adjoining nonresidential uses If new locations of Urban Mid-density residential uses are located in Professional/Service or Business Plan Areas, they should be sited on the fringes of such areas where they would serve as "buffer uses" (D1).

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 Map 21059CO138 D.

* It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015.

* The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewers,
Development Patterns

The subject property is two parcels totaling 3.09 acres in size and has been previously used as a pharmacy and medical offices. The applicant proposes to rezone the properties to R-3MF Multi-Family Residential in order to develop a multi-family residential community.

The subject property is located in an area that includes mostly single-family residential and professional/service land uses. The Owensboro Health Park, zoned P-1, is directly north of the subject properties. Adjacent properties to the west, east and south are developed as single-family residential and are zoned R-1A and R-1B.

Mayfair Avenue, Hill Avenue and Robin Road are all classified as local streets and the subject property is thereby required to have a 25' front building setback line along all street rights-of-way. A 20' project boundary buffer, which applies to planned residential developments according to Article 10 in the zoning ordinance, will be required along the northern property line. Access to the site must be compliant with applicable sections of the zoning ordinance. The Access Management Manual does not
apply to this site since the adjacent streets are
classified as local streets.

Parking spaces must be provided on site and
the exact number required is determined by the size of
the dwelling units. An efficiency or one-bedroom unit
requires 1.5 parking spaces per unit while any unit
with two or more bedrooms requires two parking spaces
per unit. The size of the proposed dwelling units
will also determine the number of additional spillover
parking spaces required to be included in the parking
lot design. All vehicular use areas must be paved and
vehicular use area screening shall be installed where
adjoining road right-of-way.

If the rezoning is approved the applicant must
obtain approval of a final development plan to
demonstrate compliance with zoning ordinance
requirements including, but not limited to, parking,
landscaping, building setbacks, access management and
signage. Jim Mischel with the OMPC Building,
Electrical & HVAC department shall be contacted before
any construction activity takes place on the property.

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 is not in compliance with the Comprehensive Plan. The use of the property as multi-family residential conforms to the criteria for Urban Residential development. Sanitary sewer service is available to the subject property. However, this proposal is not a logical expansion of existing R-3MF zoning. At 3.09 acres, the proposal would be a significant increase in R-3MF zoning in the Ohio Valley Reporting (270) 683-7383
vicinity and may overburden the capacity of roadways
and other necessary urban services that are available
in the affected area. Although this property is
located on the fringe of this particular
Professional/Service Plan Area it is debatable whether
this use would serve as an appropriate buffer between
the Owensboro Health Park and the adjacent
single-family residential neighborhood. This site is
not considered major-street-oriented which is one of
the requirements necessary to create a new location of
urban mid-density residential uses. The current
comprehensive plan and its associated land use plan,
which were most recently updated and adopted in 2013,
shows the subject property in a Professional/Service
Plan Area. Therefore, Staff feels that the proposal
does not meet the potential Type 2 findings stating
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 considering the
site's close proximity to the professional/service
activity of the Owensboro Health Park coupled with the
lack of any existing multi-family residential zoning
in the vicinity.
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 a Professional/Service Plan Area where urban mid-density residential uses are appropriate in limited locations;

3. The use of the property as multi-family residential conforms to the criteria for Urban Residential development;

4. Sanitary sewer service is available to the subject property;

5. This proposal is not a logical expansion of existing R-3MF zoning;

6. At 3.09 acres, the proposal would be a significant increase in R-3MF zoning in the vicinity and may overburden the capacity of roadways and other necessary urban services that are available in the affected area;

7. Although this property is located on the fringe of this particular Professional/Service Plan Area it is debatable whether this use would serve as
an appropriate buffer between the Owensboro Health
Park and the adjacent single-family residential
neighborhood;

8. This site is not considered
major-street-oriented which is one of the requirements
necessary to create a new location of urban
mid-density residential uses;

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

10. Staff cannot find sufficient evidence to
support finding that the proposed zoning is more
appropriate than the existing zoning considering the
site's close proximity to the professional/service
activity of the Owensboro Health Park coupled with the
lack of any existing multi-family residential zoning
in the vicinity.

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

CHAIRMAN: Before we start hearing testimony,
and I'm sure we'll have some, I want to remind you that if you want to make a statement, ask a question, please come to the podium and be sworn in to make your statement be close to the mike. Also, if anyone here that wants to represent the applicant, I think there is someone here representing the applicant, we don't go back and forth between people in the audience. All questions are addressed to me and I will give the applicant a chance to either address that question or not address that question, whatever the choice may be.

At this point is there anyone representing the applicant?

Mr. Sullivan.

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

MR. SULLIVAN: Thank you, Counsel.

Good evening. My name is Mike Sullivan. I'm an attorney from here in Owensboro, Kentucky. I represent Professional Properties & Construction, the applicant, Gary Cecil, with Professional Properties & Construction is also here and, of course, we're here to answer any questions that may come after we offer our evidence.

We believe that the evidence shows the proposed rezoning from P-1 to R-3MF is the appropriate
zoning for this property that you should approve tonight.

The Staff rightly stated that this proposed rezoning does not comply with the Comprehensive Plan because it's not a logical expansion of multi-family zoning, because there's no multi-family zoning right next to this property. We can't satisfy that requirement. Okay. Most of what Staff has said in this report involves whether this is in compliance with the Comprehensive Plan for this type of use. All you've got to look at is it's not being a logical expansion, and then you need to move on to whether it's one of these exceptions for you to find whether or not you can rezone this even though it's not in compliance with the plan.

I would like to make couple of comments about our respectful disagreement with some of those findings.

The Staff said the proposed rezoning may overburden the capacity roadway and other necessary urban services, and I don't think that's the case here. This is a P-1 property that was Mayfair Square. Everybody knows the property we're talking about. I got my first tooth pulled there when I was about 6-years old by Don Newsome down in the basement. It's
got 128 parking spaces. People were going in and out
of that place for years. I don't think that rezoning
it to this multi-family use is going to overburden the
roadways any more than it has been. It's not going to
be an additional task on those. So we would
respectfully disagree with that finding.

Again, what we have to do is look at and what
we have to convince you of tonight is whether the
existing zoning classification, given the property, is
inappropriate, and that the proposed zoning
classification is appropriate. We think the evidence
supports that; or that there have been major changes
of economic fiscal or social nature within the area
involved that were not anticipated in the adopted
Comprehensive Plan. I would say in this case, the
changes were taking place before, during and after the
2013 plan. I just don't know if anybody really looked
at them when they adopted that plan. I think we can
just look at Number 1, which is the existing zoning
classification given the property is inappropriate,
and the proposed zoning classification is appropriate.
So that's what I want to talk about.

The major change in this area is that there is
no professional service demand in this area, and I'll
tell you why. I'll tell the evidence that supports
that.

You look around this block, and there it is up on the screen. You see the property up there. The real change that happened here in this block was when Mercy Hospital was bought by the public hospital and then eventually, well, they merged, and then eventually the hospital moved off site and they decided to put the Health Park here. That's what happened. A hospital left and the Health Park came. Everybody loves, well, most people love the Health Park. I like the Health Park. I go there. It's a great asset to the community. There's a lot of traffic in and out of there. But the Health Park doesn't generate the business or use to help the local neighboring P-1. All you've got to do is look at what has happened. We've got the medical office building that is on the northwest corner where Convenient Care is. I've got a photograph that I want to introduce into evidence and show you.

I can either hand these out to you all or I can put it on the Elmo or whatever is easiest.

What is this a photograph of? What this photograph is of is the directory that's on the first floor of that medical office where Convenient Care, well, I call it Convenient Care, is located. What you
see there is on the first floor is hospital operations. Operations of, what do they call it, One Health or Owensboro Health. All of that is hospital functions.

Then when you go to the second floor, there's something called Infusion, and as you can see "OHRH Department." There's only one office on the second floor being used. Again, it's by the hospital.

The second, third and fourth floor and what you see on the signs up there is "Staff Only. Staff Only. Staff Only." There's nothing up there. If you go to the third floor, you've got, again, One Health, is the hospital, Maternal Fetal Medicine. There's one office being occupied on the third floor. Then you go to the fourth floor and there's offices being occupied up there, but again, it's all hospital business.

David Russell is a urologist and he may have an office there, but the hospital website lists his office out at Pleasant Valley Road. I don't know. Maybe some of you all have been to see him. I don't know. He's got an office there, but I don't know if he's there full-time.

The point I'm making here is that that's all hospital business. That's hospital overflow business. There's no professional service business that is there
any more and we all know why. It's because there's been an exodus to the east side of town by all the health care professionals. They want to be near the hospital or they wanted to be over at 812 East Parrish Avenue before that or 811 East Parrish Avenue. They built a bunch of new office buildings for doctors over there. My doctor moved over there. A bunch of doctor moved over there. Now they're moving further east with the new hospital.

Then you turn to the Mayfair Square building, if you look at the Mayfair Square building, it's currently about 55 percent occupied. So it's almost -- and that's about what it's been for the last couple of years. Actually they lost a couple of tenants in the last year or so. You've got that problem with it being about half occupied. Also, it's been on the market for about three years. They've been trying to sell that professional service building for three years and haven't been able to find a buyer.

All of this leans toward, what I'm telling you, there's not a professional service demand in this area any more.

If there's not a demand for the use, then we need to look at what kind of demand for use is there in this area? There's no demand for professional
service. It shouldn't be zoned that any more. It ought to be zoned something else. What is the zoning that makes sense? Residential. And that's what the Health Park did. People -- I know you've talked to them. Maybe some of you up there like it. I want to live near the Health Park. I want to buy a house near the Health Park.

I used to live on Clinton Place West, which is right next to the Health Park. Mr. and Mrs. Fort, an older couple, bought my house. They bought my house and they said, I want to be next to the Health Park. That's why we're buying it.

So what the Health Park has done is drive up residential use in this area. People want to live there. They want to be able to walk there. That's the use that should be replacing this professional service use that nobody apparently wants any more.

So that's why I think you ought to find that the current zoning is inappropriate and residential is appropriate.

Now, what kind of residential? That's where I want to talk about buffer.

The multi-family residential use is a good buffer use for this property. This is -- I know that they're not major-street-oriented. These streets
around here are not major-street-oriented, but you've
got this Health Park there. This Health Park has
probably got at least 1,000 visitors a day, and that
doesn't count the employees there.

The reason that I bring that up is that you've
got a lot -- and you've got an intense use there, use
the word intensity. You've got intense use at the
Health Park. Single-family residential right next to
the Health Park doesn't work because who wants their
house right up next to the Health Park with all that
use and traffic and people driving in and out. The
multi-family use is a good buffer between the Health
Park and the single-family residential and
neighborhood. Again, it's because of the activity. I
dare say that this type of multi-family use is less
intense than you would have at professional service
use at this property. It currently has 128 parking
spaces. If it's multi-family, I think they might be
required to have 75. So there's less in and out.
Brian can correct me if I'm wrong. There's less in
and out if it's rezoned to multi-family than if it's
professional service.

I would say that, you know, of course, the
other issue is cost. It would be very difficult to
cost efficiently push single-family on this lot
because of the use it currently has. That's a serious
concern as well.

I think Gary will get up here. He'll be here
to answer questions and he can share any thoughts he
has.

For these reasons we would ask you to find
that because of the decrease in demand for
professional service use in this area and the existing
or increase demand for residential use in this area,
that you make a finding that the existing zoning
classification, given the property is inappropriate,
and that the proposal zoning classification is
appropriate. I will say that, you know, Professional
Properties & Construction, and Gary will tell you
this, you can look at what he's done. He put those
townhouses down at Hill Avenue right down from Jimmy
John's. They do good work. They do quality work and
they will put -- I know the residents here will be
concerned about this. They're going to put quality
development up there that will entice people to come
there and will enhance the neighborhood.

We'd appreciate you approving the application.

Thank you.

CHAIRMAN: Mr. Sullivan, would you mind to
remain there.
Mr. Cecil, would you mind to be sworn, in case we have questions of you.

MS. KNIGHT: If you could please state your name for the record.

MR. CECIL: Gary Cecil.

(GARY CECIL SWORN BY ATTORNEY.)

CHAIRMAN: Before we take any comments or questions from the audience, I'm going to ask the commissioners, any of you have any questions for Mr. Sullivan or Mr. Cecil?

Mr. Ball.

MR. BALL: How many dwelling units are planned for this particular development currently?

MR. CECIL: Right now we plan 48. There's 12 in each building.

Mike referenced the parking. I think we have 75 spillover spots. We're putting attached garages so that's going to hold another 48 spots that will be interior of the building.

Yes, Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

Just a couple of questions. I notice with the conceptual rendition it looks like this is going to be four stories.

MR. CECIL: Yes, sir.
MR. BOSWELL: How many bedroom units? Are you going to have one, two, a combination?

MR. CECIL: They're all two bedroom/two bath units.

MR. BOSWELL: Was this reviewed or looked to be built associated with seniors? What age group are you going to be --

MR. CECIL: Ideally we're going to target the 50 and older group.

CHAIRMAN: Anyone else have any questions right now?

(NO RESPONSE)

CHAIRMAN: We may call you back.

Now, do we have any comments or questions from anyone in the audience? If so, feel free to step to the mike.

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

MS. EARLY: You said --

CHAIRMAN: Ma'am, you need to come to the mike and be sworn in.

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

MS. EARLY: Marjorie Early. I live directly across from this.

(MARJORIE EARLY SWORN BY ATTORNEY.)
MS. EARLY: This is four stories. We've all
got level houses and then you put this monstrosity in
front of us.
CHAIRMAN: What street do you live on, ma'am?
MS. EARLY: On Hill Avenue, directly across
from what all of this is going to be built.
I don't know where -- he told me last night,
he came by the house and we talked. He's very nice.
I don't know where this building is going to face.
But what I understand he said east, which would be
Robin Road. So that means what I'm going to see is
just the side, you know, just have a great big
building with nothing but bricks facing me. I've
lived there 18 years. It's been a nice neighborhood.
Enough traffic, but not too bad. Under control. Our
neighbors, none of them want to move or have all of
that commotion. Ten months building. You know, 49
units, that's a lot for that quiet neighborhood.
CHAIRMAN: Thank you.
Mr. Cecil, I have a question for you, if you
don't mind.
How are these going to be oriented, as far as
what is being considered front? Will they be
different fronts?
MR. CECIL: I guess, do I need to put these on
this?

CHAIRMAN: No. If you'll tell us with what's on there now.

MR. CECIL: What you're seeing is Hill Avenue would actually be the garage facing direction. There won't be any elevation on the building that's entirely just brick. We have windows. We have doors. We have balconies that will go on every side of the building.

CHAIRMAN: Is that basically the picture that we have here, Mr. Cecil?

MR. CECIL: Yes, sir. The side that will be on your left is the garage doors.

CHAIRMAN: And those garage doors there are facing Mayfair?

MR. CECIL: Facing Hill Avenue, yes. Then you've got three stories above that looks like what's on the computer monitor now.

CHAIRMAN: Where is this facing?

MR. CECIL: So we have four of these building. There's a court yard between each one. They're actually facing each other.

CHAIRMAN: Mr. Rogers, you had a question?

MR. ROGERS: I was just wanting to know if what we have was the front and the back?

MR. CECIL: It's got an entrance on both front
and back. They're mirror images on the front and back side. East and west elevations are exactly the same. North and south elevations are exactly the same.

MR. ROGERS: So this view here is facing Robin Road?

MR. CECIL: That would be facing Robin Road and the courtyard on the opposite side.

MR. ROGERS: And this garage here will be facing Hill?

MR. CECIL: Will be facing Hill Avenue and the Health Park.

MR. ROGERS: Stager one right after the other?

MR. CECIL: Yes, sir.

CHAIRMAN: So you're saying the back of this, if I'm looking at this, this side on the back will look exactly like this does?

MR. CECIL: Yes, sir.

CHAIRMAN: Anybody else?

MR. JEAN: Is 48 dwellings, is that the initial development or the completed development?

MR. CECIL: We do have -- if you look at the site plan, there is a vacant area due to drainage requirements, due to overflow parking. I don't know think we can fit a fifth building on there. So right now we're basing this on doing four buildings.
CHAIRMAN: Anyone else in the audience like to make a comment?
If you would, please come to the podium and be sworn in.

MS. KNIGHT: State your name for the record.

MS. DURAND: Renee Durand.
(RENEE DURAND SWORN BY ATTORNEY.)

MS. DURAND: I live right across from the Mayfair Square on Hill Avenue. My concern is are you going to have a drive from Hill Avenue going in?

CHAIRMAN: We will ask that question of you. You want to know if there's going to be an entrance into the complex from Hill Avenue; is that correct?

MS. DURAND: Yes.

CHAIRMAN: Mr. Howard, do you have that answer?

MR. HOWARD: No. This is all we see. They may have a better idea about where they're planning access from.

CHAIRMAN: Mr. Cecil, do you have an intent?

MR. CECIL: Yes, there will be access from Hill Avenue.

MS. DURAND: Can I say something else?

CHAIRMAN: Absolutely. You can say anything you would like.
MS. DURAND: I have a real concern about that because it's a very nice quiet neighborhood, but down towards Frederica you cannot go down Hill. There is so much traffic, especially since Jimmy John's has come. I would hate to see something like that happen on our end.

CHAIRMAN: Mr. Howard, if they put an entrance in off Hill, would that have to come back before us as part of the site plan for approval?

MR. HOWARD: If would have to be shown on their development plan. That also require approval from the city engineer's office for cut permits in order to put access to Hill Avenue or any of these streets. They would have to be approved through the city engineer's office as well.

CHAIRMAN: Given the fact there are no entrance cuts, is there any reason to assume that that would not be allowed?

MR. HOWARD: Hill Avenue is not classified as a major road so there's not an access basing standard that would limit that, but again, that would be part of the review process and input from the city engineer's office would be factored in on that.

CHAIRMAN: There could well be an entrance there, ma'am. There may not be. Depending on city
engineer's evaluating look into the site.

Anyone else in the audience have any questions?

Yes, sir, please come to the podium.

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

MR. DUKER: Chris Duker.

(CHRIS DUKER SWORN BY ATTORNEY.)

MR. DUKER: My concern they're talking 48 units, 2-bedroom/2-bath units. Probably minimum two people per unit. More than likely four on average. I assume single-car garage is attached to the unit with an additional 75 parking spaces. Where is overflow parking going to go? There's going to be probably up to 200 people there at any given time in the building. There's not adequate parking on the street.

Currently right now traffic flow in that area is an issue. I actually just sold property last month adjoining this. One of the biggest complaints I had consistently with buyers was too much traffic. So if we add another 48-units, what's that going to do to the traffic in the area for people who live there, you know, trying to sell their property; especially people with children. That was the biggest issue I ran into.

CHAIRMAN: Mr. Howard, what would be the
parking requirements?

        MR. HOWARD: For a two-bedroom unit it's two
spaces per unit. Then as Mike Hill said in our Staff
Report, there's a requirement for overflow parking as
well.

        Now, the garage space can certainly count as
one of the required spaces, but then others would have
to be in arranged parking spaces and parking lots and
things like that. Of course, again, we haven't really
seen a full site plan yet so we don't know where
that's going to be. That would all -- if the rezoning
were approved, that would all have to be reviewed. It
would have to meet the minimum requirements of the
zoning ordinance as part of the development plan
approval process.

        CHAIRMAN: Thank you.

        Mr. Cecil, any comments?

        MR. CECIL: Yes. I'd like to add that if
you're going after 50 and over crowd, the chances that
there's going to be four people living in a unit are
slim. I don't think you can classify it at any point
that there would be 200 cars on the site. That's not
really our goal. Obviously, we're not going to tell a
family of four that they can't live there, but either
way a family of four does not have four cars. They
have young children that can't drive.

CHAIRMAN: But you do understand that you have to meet parking requirements on the area that you own?

MR. CECIL: Sure. If you look at the site plan that's on the screen now, you'll see the angle lines at the back of the site. On the Health Park side, you'll see the angle lines to the east side. Those are angle parking. There is one-way traffic that comes from Mayfair, wraps around the building and heads back out to Hill Avenue. I think, I don't remember the numbers off the top of head. I should have, I guess, checked those site statistics. There is a spot for parking a car directly in front of the garage. There's a spot to park a car inside the garage, and then the overflow parking is single spots.

CHAIRMAN: Mr. Howard, I have a question. Would there be any landscape buffering required between those units and Hill and also Mayfair?

MR. HOWARD: The zoning ordinance would require, the only buffering that would be required would be vehicular use area buffering along road rights of way. There would not be say a 6-foot tall continuous element requirement which you often discuss on rezoning changes because this is a residential
zoning against either a professional zoning or roads
right-of-way. So that would not be required. You're
looking at a three foot element with a tree every 40
linear feet along the right-of-way where parking and
vehicular use area is located.

MR. ROGERS: Mr. Howard, on Hill Avenue, is
on-street parking allowed?

MR. HOWARD: I do not know.

MR. ROGERS: Because you could potentially
have both sides in front of residential and these
apartments with people parking on the road.

CHAIRMAN: Mr. Cecil, do you know if parking
is allowed on Hill Avenue or any of the residents know
that?

MR. CECIL: You'll have to I guess defer to
OMPC on that.

CHAIRMAN: Sir, do you have an answer to that
question?

Please come to the mike.

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

MR. DECKER: Graham Decker.

(GRAHAM DECKER SWORN BY ATTORNEY.)

MR. DECKER: Parking is a must for homeowners
on Hill Avenue. I'm right off the screen on here. If
we didn't have the street parking houses down by me, do not have driveways to park in. They have to park on the street.

CHAIRMAN: We're talking parking on the -- with regard to this one block between Robin Road and Mayfair, parking is available on both the north and the south side of the street?

MR. DECKER: And it has taken up pretty much -- well, on this one, currently you get parking on the south side of the street all the time. On the north side, nobody parks there because --

CHAIRMAN: But it is allowed?

MR. DECKER: Yes. Right outside of that area, parking on both sides.

MR. ROGERS: So once the parking is built they can park on that side.

MR. DECKER: The school buses park there every morning as well. They park there and wait in-between pick ups and get their schedule.

CHAIRMAN: Mr. Rogers, my assumption is, unless there was a request made by the City, that there would not be parking. You are accurate, there be parking there on both sides. And this gentleman seems to imply that the parking is needed on both sides.
MR. DECKER: I also have a question. Are these for-rent units or for-sale units?

CHAIRMAN: Mr. Cecil.

MR. CECIL: They will be both. Available for sale or lease.

CHAIRMAN: Sir.

MR. DECKER: I was just asking, the same as the ones that are closer to Jimmy John's?

MR. CECIL: That is correct.

CHAIRMAN: So they are going to be for lease or for sale. That is correct, right, Mr. Cecil?

MR. CECIL: Yes.

CHAIRMAN: Do you have anything else you would like to say?

MR. DECKER: I'm also going to just mention, there is a lot of children, including my children, that use this area to get to school every morning and they walk to school. There's also buses. Buses will pick up right past this area, but on the block that this is in, that is within a mile from Sutton, buses do not run in that mile area from Sutton. So those children, their parents either bring them or they walk or ride their bicycle. This is in the area where lots of children are walking or riding their bicycle, and also parents are up and down Hill Avenue every morning.
trying to get their children to school as well.

CHAIRMAN: We understand.

Yes, Mr. Boswell.

MR. BOSWELL: I've been by there many, many times. There was a mention made, you know, access off of Hill Avenue.

MR. CECIL: Yes, that is correct.

MR. BOSWELL: I guess I'm wondering why that would even be needed? Right now you have access off of Mayfair as well as Robin Road as you normally would in the medical building. Would that no longer be available?

MR. CECIL: It's still available. We have to get to the backside of those garages. You're also going to have to have access to the garages there on the Hill Avenue side. You've got to access from Hill to get there.

MR. BOSWELL: So there's no ability to drive around the building to get to the garage?

MR. CECIL: There is ability to drive around, but there are garages on both sides. There are 12 garages in total. You obviously have to get to both sides of the building to pull in those garages.

MR. BOSWELL: Thank you.

MR. CECIL: And for that matter, I have kids

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too and I live less than a block from this site. You know, I'm not sure how that has a bearing on whether or not this is can be approved. Traffic is moving in and out of there all the time now at a much higher rate than it will be if it was residential. My kids go to Sutton. They make it safely now. I would like to think that if this were residential that traffic is less than it is now.

MR. BOSWELL: I have another question.

CHAIRMAN: Mr. Boswell.

MR. BOSWELL: I notice, and I've been down there a number times and I've seen just traffic going from Mayfair over to Robin just to get across. I'm not sure how much of a problem that is, but how would you deal with that in that situation? How would you --

MR. CECIL: You're talking about using the access now there?

MR. BOSWELL: Yes.

MR. CECIL: We are going to make it one-way traffic where you have to come from Mayfair. We're going to narrow it up where you're forced to go just one direction. We're hoping that, I guess, all we can do is put up signs that tell people they cannot cut through. The access, there's also an access on the
back side of the Health Park that's used the same way.
That's not on my property. I cannot control that.

MR. BOSWELL: Thank you.

CHAIRMAN: Mr. Ball.

MR. BALL: I've got a few questions.

As it relates to the access along Hill Avenue, are you planning a single access point or multiple access points?

MR. CECIL: It will be multiple access points along Hill.

MR. BALL: Are you looking at an access point to each individual garage or just multiple access points to access?

MR. CECIL: We will be looking for each individual garage on that side.

MR. BALL: Is that even a possibility?

CHAIRMAN: So you're saying you'd be looking for eight access points, on Hill Avenue?

MR. CECIL: Really be looking for 16 access points, 16 driveways.

MR. BALL: Another question I've got. I guess part of this is for Staff and part of it is for the applicant as well. You both make a case in your findings of fact that the -- let me back up here where I saw it. You talk about the overburden capacity of
roadways. You know, Staff kind of talks about it being a negative and how it will overburden the roadways and the applicant basically says the opposite. Can we dig a little bit more into what your thought process is on that?

MR. HOWARD: Yes. A lot of depends on what's there, as far as how much traffic will be generated. I did the numbers real quick.

For apartment buildings based on the IE trip generation manual it would range somewhere between about 290 and 380 trips per day when you plug the numbers in the formula and whatnot. That can range from about 6.1 to 8 trips a day per unit.

By comparison a single-family resident would generate about 10 trips per day. So single-family residential per unit actually generates more trips than an apartment does, a single apartment unit.

For medical office it generates about 75 trips per day per 1,000 square feet of office space.

How big the office building is.

MR. CECIL: It's 20,000 square feet.

MR. HOWARD: Based on that --

MR. CECIL: You're talking 1500 trips.

MR. HOWARD: It could, yes. It could be up to 1500 trips.
A lot of it depends on occupancy of those buildings and how much they're used. As they were stating right now, they're not used heavily. If you look at the parking that's out there, it's not used that much. If it were as it was back in the day, a full functioning office, medical office building, it would generate more traffic than it does right now.

MR. BALL: Sure.

MR. HOWARD: If that adjoining parcel were developed as office space, it would generate more traffic than it does now. A lot of it depends on intensity of use and occupancy, as how far how much traffic could be generated on that site.

MR. BALL: Thank you.

MR. CECIL: That is my question. Of course, we don't need the board's approval to build something on that site other site. We just need a building permit. So I could potentially maximize that. There's not an architectural review. I could put up a large steel building as long as it's professional use. I could do whatever I wanted to with that property, correct?

MR. HOWARD: Yes. As long as you meet all the zoning requirements and drainage, correct.

CHAIRMAN: Mr. Sullivan.
MR. SULLIVAN: That's something that we did want to make that point. Everybody wants to be a good neighbor. We're trying to be as good as a neighbor as we can with this use. I think you all know that, it could be not rezoned and then they try to maximize the use by adding on the existing building or putting a new P-1 building on there that could be a tall building or something like that and it may not be, it may be less appealing to the neighbors than what we're trying to do.

CHAIRMAN: Mr. Cecil, we assume you currently own the property?

MR. CECIL: Yes, I currently do.

CHAIRMAN: So you currently own it.

Anyone else in the audience have a comment?

Yes, sir.

MS. KNIGHT: If you could please state your name for the record.

MR. MARTIN: Jed Martin.

(JED MARTIN SWORN BY ATTORNEY.)

MR. MARTIN: I live on Mayfair Drive in a house my dad built in 1955 and I now own the house. I guess my main concerns are they might disrupt kind of the character of the existing neighborhood. I have concerns about the traffic.
Just to address the gentleman's comment. He was talking about putting up something for the current zoning, but I think he made the case earlier that the zone, the current zone is not appropriate for professional building so it doesn't seem likely that another professional building would be put up there.

I guess the only question I have, can any of this be Section 8 housing?

CHAIRMAN: I want to talk to counsel.

MS. KNIGHT: I mean it certainly could. We don't approve or disapprove of any rezoning application due to the type of housing, type of family units that there might be, the cost that are considered selling on the merit. I think Mr. Cecil hit that on that head. You don't deny someone housing for that reason. I guess anything is possible, yes.

MR. CECIL: As an owner, we're not going to accept Section 8 rental for any unit on this property.

MR. MARTIN: Is it possible to find out what the price range of the units will sell for to the purchaser?

CHAIRMAN: That would be up to Mr. Cecil.

MR. CECIL: I would love to be able to tell you right now, but we haven't sorted out all the final numbers yet. They're going to be above the medium
value of any house right there in that area.

MR. MARTIN: Is it possible to get a range?

CHAIRMAN: That's up to Mr. Cecil.

MR. CECIL: I'm not ready to give out that information.

MR. MARTIN: Well, there again, I guess my main concerns are, I don't know that the property would be, I don't know that the development would be detrimental or an actual improvement to property values around there. That's where I have my concerns. And whether it might be detrimental to the character of the neighborhood, a well established neighborhood like some of my neighbors have said. Then I do have concerns about the traffic.

CHAIRMAN: Thank you, sir. Appreciate it very much.

Mr. Sullivan.

MR. SULLIVAN: There's a lawyer down in Bowling Green that says he's just a country lawyer that doesn't know a whole lot. I'm kind of like that. These folks know more that I know do. I just want to make sure I heard something.

Brian, when you did the math on Mr. Cecil's development you said that the traffic would be 290 to 380 trips per day. Is that per building or the whole?
MR. HOWARD: That's based on 48 total units.

MR. SULLIVAN: If Mayfair Square skyrocketed into success and all it's square footage was occupied, according to your expert book or manual it would be 1500 trips per day?

MR. HOWARD: It could be, yes.

MR. SULLIVAN: Under P-1 zoning there's going to be a lot less traffic. I'm sorry. Under multi-family residential use it would be a lot less traffic than P-1 use. Just want to make that clear. Because there's a lot of concerns about traffic. Based on what Planning & Zoning Staff is telling you, you would have a lot more traffic with a vibrant P-1 than you would with this R-3MF.

MR. HOWARD: To piggyback back on that, if I could, and I guess in follow-up with a question that Manual asked that I didn't get a chance to fully answer because I started talking about the data.

The reason that we include that it could overburden the roadway is because as it was stated, right now there is no access to Hill Avenue. We don't know that will do. We didn't know exactly what that would do. So that's why we put that clarification or that qualifying statement in there. Because that does change the neighborhood and how it would function.
You also asked, you know, could they have that many access points on Hill Avenue. There are limitations as far as how wide access points can be and the number that you can have. The number is 40 percent the total road frontage, but there's also maximum width for residential driveways. Again, all of that though would be reviewed at the time of the development plan review process.

CHAIRMAN: Mr. Cecil, I have a question for you, and then I have question for Mr. Howard.

Will your residence have access, is this Maple Avenue here that runs through the back of the Health Park's parking lot right?

MR. CECIL: Yes.

CHAIRMAN: Would your residence have access to Maple to go in and out, the ones that live on that side of the complex?

MR. CECIL: No. No. It would be from Mayfair. Right now there is an access off of Mayfair. We would continue to use that access to get to the backside of the buildings, but not, it does not line up with Maple Avenue.

CHAIRMAN: Okay. The other question I guess for Mr. Howard. Being as Mr. Cecil does own this now and it is zoned professional, could he conceivably
build additional buildings on the property that he
owns, as long as he met all the other requirements of
the building codes and parking?

MR. HOWARD: Yes.

CHAIRMAN: Any other questions?

Yes, sir. Please come to the podium.

MS. KNIGHT: Please state your name.

MR. DURAND: Jim Durand.

(JIM DURAND SWORN BY ATTORNEY.)

MR. DURAND: I live on Hill Avenue. I would
face this four-story. I guess my only comment is
which one of you would like to have that right in
front of your house? That's all I have to say.

CHAIRMAN: I understand that. You understand
that we're looking at facts. It's not about how we
would feel about it. We have to hear the facts that
are presented in the discussion.

MR. DURAND: I think there was a comment made
earlier about single-family living around the Health
Park. I don't remember exactly what was said. I live
in a single-family dwelling and I have no problem with
the Health Park, but what I would have a problem with
is a four-story building right in front of my house.

CHAIRMAN: I understand.

Anyone else in the audience?
MR. MARTIN: I just have another question.

Under the current zoning what can be built there under the current P-1 zoning?

CHAIRMAN: Could you give us some examples, Mr. Howard?

MR. MARTIN: Let me just elaborate on that. Are there height restrictions under the current zoning in P-1? Is it professional services or could it be -- would retail be different than P-1?

MR. HOWARD: Yes. I'll answer your last question first. Yes, retail would be different than P-1 zone and would not be allowed.

A P-1 zone use-wise would be things like medical offices. You could put a bank in there. You could put a barber shop. You could put basically any type of a service business. Tax office, attorneys office. Any type of office space would be permitted in a P-1 zone.

There are height requirements in a P-1 zone, which I was getting ready to look that up. Off the top of my head I'm pretty sure it's a 36 foot height maximum in a P-1 zone, but I want to verify that for you.

I'm sorry, in P-1 zone it's not 36 feet. It's a three-to-one requirement; meaning that whatever your
narrowest side yard dimension is. Let's say your
narrowest dimension was 10-feet from your side yard or
the wall building to the property line or the side
yard, you could go up to 40 feet tall or 30 feet tall.
So it's a three-to-one dimension based on however tall
that is. So if you have 15 foot separation all the
way around the building, you could go up to 45 feet
tall, and so on. It's a three-to-one function.

MR. MARTIN: Thank you.

CHAIRMAN: Yes, Mr. Ball.

MR. BALL: While you've got that open, is
there a height restriction for the R-3MF?

MR. HOWARD: Yes. In R-3MF zone, it's the
same thing. It's a three-to-one function for the
height to yard ratio.

MR. BALL: Thank you.

CHAIRMAN: Do we have any other questions from
anyone?

Yes, ma'am.

MS. DURAND: Well, I do have a comment. There
are, if I'm correct, eight houses on that block on
Hill. That's eight driveways. And they want to put
16 driveways onto Hill; is that correct?

CHAIRMAN: Now, that would be his request.

Whether or not the city engineer would approve that or
not would be up to city engineer. I'm not sure.

Mr. Howard may have a notion whether or not that could be done.

MR. HOWARD: I don't know. The maximum width in a residential zone for a driveway is 30 feet. I don't know. They said 16 driveways, which would be, they have four buildings show that. That would be four per building that you're assuming. Without seeing it I don't really know how that would work. I don't know how -- I don't know. It's something we would all have to look at as far as how they would function and where they would be and how close they would be, and what the separation is, and does that meet the 40 percent requirement. There's a lot of things we would have to look at that we just don't have at this point.

CHAIRMAN: We can't say that would not happen. We can't say that it would happen, ma'am. I'm sorry we can't be more definitive than that.

MR. FREY: Mr. Chair.

CHAIRMAN: Yes, sir.

MR. FREY: So tonight all we're voting on, we're not approving -- all we're approving is that he can change the zoning. We are not approving the height and amount of driveways. We're not doing any
of that tonight, correct?

MR. HOWARD: Right.

MR. FREY: That would be another meeting and another group of these issues?

MR. HOWARD: If you choose to approve the zoning change, you are saying that you feel that the proposed zoning, with whatever findings you would have to use, meets whatever requirements and that that the use is appropriate. That's it. They would have to do the development plan and all that stuff later on that would demonstrate that they could satisfactorily accomplish parking and landscaping and access and all of those other things.

MR. FREY: The same way with Mr. Cecil. I mean he's bought the property. He's going to do something with it at some point. He didn't buy it to leave it vacant. If he then decided to build P-1 back in there, he would not need to come back since it's already --

MR. HOWARD: He would not have to go through this rezoning process, but he would still have to do a development plan per whatever. That would be the parking and landscaping and access and all of those requirements. Regardless of what the zoning is, any time a development would take place on that property,
a plan would have to be submitted and reviewed and approved.

CHAIRMAN: Yes, sir.

MR. MARTIN: I just wanted to ask, part of your evaluation do you take possible affect on property values into your consideration?

CHAIRMAN: We certainly will hear that.

MR. MARTIN: You do?

CHAIRMAN: We will hear that. I will tell you that we would evaluate that more in more accuracy if it were someone whose profession is to evaluate property values in these circumstance. We certainly will hear your opinion and consider accordingly.

MR. DURAND: I was just asking you if that goes into your analysis. I'm not really making, I'm not necessarily making a case one way or the other.

CHAIRMAN: We don't consider that at all, do we, Mr. Howard?

MR. HOWARD: The Staff does not review property values in a rezoning application, no.

MR. MARTIN: I meant the effect like on my house and the neighbors houses is what I was inquiring about.

CHAIRMAN: We don't do that in our evaluation process; neither the Staff or this board.
MS. KNIGHT: It will clarify. The Staff doesn't do it in their review, but if it were presented like the Chairman said, from someone who was certified or licensed or whatever to do that, and certainly we can use your lay opinion on it as well. So if it wanted to be presented to the Commission, they could consider it, weigh it with every other pieces of evidence that has been presented tonight.

CHAIRMAN: Thank you, Counselor.

Anyone else have any questions?

MR. MOORE: Mr. Chairman, Staff mentions the fact that it's not an expansion, logical expansion. Then the applicant says it could possibly be a logical expansion because of the multi-family uses nearby; 911, 913 Hill Avenue. That's nearby. The other ones are three, four, five, six blocks away. How can you use that as --

MR. SULLIVAN: I think you're right. The point we were trying to make is there's multi-family in the area, but if -- I think the way the regulations interpret it, if it's not touching, if there is a multi-family property touching our property or across the street touching, then I can't sit up here and tell you this is a logical expansion of existing. So that's why when I got up here right at the beginning I
told you, I agree with them. I can't go that route because there's not an R-3MF touching it, which is why I've asked you, and I think the evidence shows, that the P-1 isn't an appropriate zone here and R-3MF would be.

CHAIRMAN: Thank you, Mr. Sullivan.

Yes, Mr. Ball.

MR. BALL: Since this would be a zoning that the Staff does not recommend, is there a way to make sure that it does fit in the surrounding areas? Because as we sit today, if we make the rezoning to R-3MF there really are no guidelines at that point. I apologize. There are guidelines based on the zoning ordinance; however, it can do many things as R-3MF just as they can currently as P-1, both of which like Mr. Cecil demonstrated tonight, both of which may not fit in with the character of the area, P-1 or R-3MF. If we change it to R-3MF, is there a possibility to protect the adjoining property owners? Maybe what he proposes does fit in, but that may or may not be what happens in the future I guess is my question.

MR. HOWARD: If I'm following you, and you may have to provide some clarification.

No, the Planning Commission could not rezone this property in theory to R-3MF with a stipulation
that the plan that is submitted for us and review looks like what they proposed or could you put a condition on it that says that it has to be specific thing. You can't do a stipulated rezoning approval. If there were conditions that you thought would make it work better in regards to say buffering or setbacks or heights or things like that, you could potentially craft that into a motion, but you could not do a rezoning and say, if and only if it is this specific use with this specific number of units and these number of buildings. You can't be that specific.

MR. BALL: That answers my question. Thank you.

CHAIRMAN: Do we have any other questions or concerns by Staff?

Yes, sir.

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

MR. MEDLEY: John Medley.

(JOHN MEDLEY SWORN BY ATTORNEY.)

MR. MEDLEY: How many units were built by Jimmy John's?

MR. CECIL: Four units.

MR. MEDLEY: There are four units there. I live at 1125 Booth Avenue. There's 17 houses on Hill
and on Booth. What's been proposed is we have pretty much three blocks of that area taken up with about the same number of dwellings that are going to be in this one property. My biggest fear is that we're putting too much in this one parcel. Maybe they should shoot for less units and that might be more appropriate for that area.

Also, at 1125, I live right at the corner of Booth and Mayfair. Between school hours, which we're only a half block away from the elementary school, excuse me, the middle school, north and south campuses, and within half an hour to, half an hour to an hour before and half an hour after school starts, it's extremely busy at that intersection. We're going to have to deal with that issue.

Another fear I have is overnight parking. There are a lot of people -- my next-door neighbor doesn't like it if I park beside my hedge row next to my driveway because she can't see to get out of her drive. I know she's going to complain if people start parking right across the street from her or in front of her house even.

Another issue is property values long-term. I know areas like Chuck Gray Court and things like that, some of the places that were rentals have really
dwindled in value over the years. So in 20, 30 years
what kind of impact is this going to have on the
properties in this area?

CHAIRMAN: Thank you, sir. We appreciate it,
very, very much.

Mr. Sullivan.

MR. SULLIVAN: And I know John. We went to
high school together. Those are all legitimate
concerns, but there are legitimate concerns right now.
You go down Hill Avenue the other way and look at some
of the houses where the windows are busted out, and
they've been busted out for years and nobody has fixed
them. Everybody has a right to be concerned. You're
always worried when somebody moves into your
neighborhood with something new. These will be
quality construction buildings that we think will
enhance the neighborhood for years to come and be an
improvement over what's there now which is a building
that's 55 percent occupied.

Again, these traffic concerns are legitimate
fears for everybody. If you rezone it to R-3MF,
you'll have less traffic, according to expert reports
than Brian cited, than if it was P-1 in full use.

CHAIRMAN: Mr. Boswell.

MR. BOSWELL: When I saw this announcement in
the paper some time back, I guess I was a little bit surprised because of the location and everything that was around it. In your mind, what is the single most reason for this being selected, this area being selected?

CHAIRMAN: Mr. Cecil.

MR. CECIL: I don't think you can get a much more convenient spot with the Health Park there. When we're shooting for a 50 and older crowd, you look at the Health Park use for that age group is going to be quite a bit higher than most. You're within walking distance to a grocery store. You look at all the stuff that's going on downtown for residential rezoning. There's not a grocery store you can walk to. You have restaurants nearby. It's a great residential area. As I stated, I live about a block and a half from there. I've had numerous type offers to, hey, we want to buy your house, we want to buy your house. So people want to be in the area for residential use. We have an aging population. They're obviously not going to want to take care of a large yard and excess house maintenance. This gives them a way to live in the area they want to live and have the home they want.

MR. ROGERS: You're shooting for a 50 and
older crowd. It's four-stories. Are there elevators?

MR. CECIL: There are elevators. There are elevators in each unit.

CHAIRMAN: Thank you.

MR. MARTIN: I just have a question and a comment. I'm still a little concerned that -- I forget the gentleman that just spoke. The attorney. That they're representing the high quality of the units, but they don't want to, doesn't seem to be an indication of a price range. Looks like they would be more forthcoming with the price range.

Another question for Mr. Howard there. As far as the traffic counts, as far as P-1 versus the residential, I mean after business hours would the P-1 generate less traffic than residential? You know, say after the office is closed. That's the question that I had.

MR. HOWARD: Sure. The institution of transportation engineers, that trip generation manual, they calculate what the total traffic generation would be over a 24 hour period. So there would be different a.m. and p.m. peaks and different peak volume times depending on every use.

MR. MARTIN: Thank you.

CHAIRMAN: I want to make sure everybody is
MR. MEDLEY: When I bought my house at 1125, the main reason we bought in that area is because of the excellent schools in that area. The neighbors that bought the house across the street from us bought it for the same reason. Because they love Sutton. It's a great school. They want their kids to go there. So I just want to iterate myself that that's a big selling point and when someone wants to rent or buy, they're likely to not be over 50. I would say personally that my main reason so my kids could be close to school and walk to school here.

CHAIRMAN: Thank you, sir.

Any commissioners have any additional questions?

MR. MOORE: Thank you, Mr. Chairman. Maybe Mr. Howard can answer this. I guess it's appropriate. It may be. It may not be. The units that they built behind Jimmy John's, was that a logical expansion?

MR. HOWARD: It was not. Mr. Sullivan actually represented on that case.

MR. SULLIVAN: No, it wasn't. But there was this buffer between the Jimmy John's and the Walgreens
and the single-family residential, was one of the things we mentioned that night.

MR. MOORE: You became the buffer?

MR. SULLIVAN: Yes.

CHAIRMAN: Any additional questions?

Mr. Boswell.

MR. BOSWELL: Refresh my memory, Mr. Howard.

I think you may have mentioned this or someone mentioned it. There would be some buffering requirements or there would not be buffering requirements?

MR. HOWARD: The only screening, there would be a buffer requirement. The screening requirement would be a 3-foot tall element with a tree every 40-feet anywhere that there are vehicular use area, which are parking spaces, drive aisles, parking lot. Any of that would adjoin road right-of-way.

MR. BOSWELL: Lighting, be any lighting that could be directed away from the residential?

MR. HOWARD: There is a general statement in the zoning ordinance to that effect. You could certainly -- if you worked towards an approval on this, you could certainly make that a condition, that the lighting be directed away from residential surrounding properties. That's a common thing that we
would typically do on a rezoning change that we would recommend approval on.

MR. BOSWELL: Thank you, Mr. Howard.

CHAIRMAN: What you just said about the tree requirement, could that perhaps restrict the number of driveways he could build in that block?

MR. HOWARD: No, not necessarily. The limiting factor on the number of driveways will be the width of the driveways allowed, how they're spaced, and do they exceed the 40 percent total width allowed by the zoning ordinance.

CHAIRMAN: Thank you.

Mr. Ball.

MR. BALL: I guess my similar question here. In the event that there's 16 driveways though and 16 access points, that really almost eliminates the screening requirement because you're only going to be screening against a driveway or a parking area; therefore, there would not really be a screening requirement except for on both corner lots where those driveways would adjoin other streets.

MR. HOWARD: It could be. Again, depends on how it's laid out. We haven't seen it. I don't know exactly. That could happen.

MR. BALL: You follow what I'm --
MR. HOWARD: Yes, I know what you're saying. That could be the case, but it depends on how the driveways. You know, some of these types of uses will have a driveway that will go in and fan out to a larger area and then you would have the potential for screening there. Just depends on how it's laid out. We see a variety of things in multi-family zones.

CHAIRMAN: Mr. Boswell.

MR. BOSWELL: I'm just curious. The mentioning of 16 access points off of Hill Avenue, are that many needed? Is that really necessary?

MR. CECIL: The width of these buildings and the depth of the property, there's just not going to be a way to get kind of one-way traffic along Hill Avenue and still have room to turn into the garages. I guess if we start over on our architectural design and change our layouts, yes, anything is possible, but we're pretty excited about this elevation. We don't have landscaping, that type of stuff finalized where I can hand you this plan. We are going to be good neighbors. I do want the property values -- I mean like I have a vested interest to make this a very, very nice property. We're not going to skimp on those area, but that means very little to me saying it here in public until you see it going up.
CHAIRMAN: Thank you.

MR. HOWARD: If you don't mind, I have a follow up on that.

I know we're not designing here tonight, but I am just curious. How wide are the buildings? What's the dimension?

MR. CECIL: It is just a little over 100 feet from tip to tip per building.

MR. HOWARD: How far back will the buildings sit from the property line?

MR. CECIL: I know there's a minimum 25 foot setback. I think if you look on that site plan, the line might be too shallow to see, but it is behind that setback.

MR. HOWARD: I didn't see it on here and that's why I was asking.

CHAIRMAN: We need to be very careful as a commission. First, this is a rezoning. We're getting into the rezone of what ifs. It would not be fair to the applicant or to the people in the audience. We need to be very, very cautious I think about that.

Any other questions?

(NO RESPONSE)

CHAIRMAN: If not the Chair is ready to entertain a motion.
I will say this: If someone needs assistance on preparing a motion, you certainly ask counsel or Staff to help you with that, if you need that, or if you feel prepared to make a motion now, then Chair is where ready to accept a motion.

MR. MOORE: I may need help.

CHAIRMAN: Mr. Moore, do you wish to make a motion?

MR. MOORE: No, sir.

CHAIRMAN: Chair is not going to make it.

Mr. Frey, do you want to make a motion?

MR. FREY: Let me ask one more thing.

CHAIRMAN: Mr. Frey, do you choose to make a motion?

MR. FREY: I am not at this point in time able to make a motion unfortunately.

MS. KNIGHT: Mr. Chairman, take a minute to let commissioners gather their notes themselves and maybe try to craft a motion.

CHAIRMAN: Would it be appropriate to take maybe a five minute recess?

MS. KNIGHT: I think so.

CHAIRMAN: Chair will entertain a motion for a five minute recess.

MR. SULLIVAN: Could I say one thing.
CHAIRMAN: Yes, sir, you certainly may.

MR. SULLIVAN: When I ask for at the end of my initial presentation was for the commission to consider making a finding that because of the decrease in demand for professional service use in this area, that the existing zoning classification, given the property is inappropriate and that the proposed zoning classification, multi-family residential, is appropriate, based on that finding that the zoning map amendment be approved. That was the relief I asked for at the end of my statement.

CHAIRMAN: Thank you, Mr. Sullivan.

I'll entertain a motion for a five minute recess.

MR. BOSWELL: So move.

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.)

CHAIRMAN: We will only be five minutes so please remain seated.

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

CHAIRMAN: The Chair will call the meeting to order again.
Thank you for your patience. We wanted to make sure we had a motion that was appropriate to make so that everyone can be treated fairly under that motion.

The Chair is ready to entertain a motion.

MR. KAZLAUSKAS: Mr. Chairman.

CHAIRMAN: Mr. Kazlauskas.

MR. KAZLAUSKAS: I move that the application be approved for the rezoning. While the proposed rezoning may not be in compliance with the Comprehensive Plan because there is no continuous land zoned multi-family residential and it is not major-street-oriented, the evidence shows that the existing zoning classification is inappropriate. There have been no major changes of an economical, physical and social nature within the area involved which would was not anticipated in the adopted Comprehensive Plan, and those changes have substantially altered the basic character of the area involved for the following reasons:

The subject property known as Mayfair Square used to be a driving professional service. Used to be one of the busiest pharmacies in town, and numerous physicians and other health care professional offices. These businesses thrived because they were in close
proximity to the Mercy Hospital; however, Mercy Hospital was replaced with the Health Park which is a great community resource, but it did very little to assist in the health care attendance on the subject property. This is further evidence by the decline in the use of medical office building connected to the Health Park and located at the northwest corner of Mayfair Drive and Ford Avenue. Most health care-related businesses have relocated to Highway 54 and near the new hospital. Thus the existing Mayfair square establishes that professional service used is now inappropriate and that the proposed multi-family residential use is appropriate.

Also, the closing of Mercy Hospital, the migration of health care professionals to location miles away are changes that have substantially altered the basic character of this area so that the professional service use are no longer appropriate and some types of residential use is more appropriate.

Rezoning this property to R-3MF will provide a buffer between higher intensity P-1 property to the north, being the Health Park and medical office building, and the lower intensity single-family residential properties to the east/west and south of subject property. Single-family residential use of the
subject property is not realistic because of the cost of acquiring the subject property and because it is adjacent to high intensity professional service uses being the Health Park and adjoining medical office building. The proposed multi-family use will be newly constructed condominiums that will serve the demand from any residence to live near the wonderful asset that is the Health Park. This development will enhance and improve the neighborhood. The land will be used wisely in terms of having a multi-family residential use in place of a professional service use that cannot sustain itself. This multi-family residential zoning will provide buildings that are esthetically pleasing. This residential use will also be efficient housing multiple families in one area. I make a motion that be approved, Mr. Chairman.

CHAIRMAN: We have a motion by Mr. Kazlauskas. Do we have a second?

MR. MOORE: Second.

CHAIRMAN: I have a second by Mr. Moore. Any questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(BOARD MEMBERS LARRY MOORE, IRVIN ROGERS,
MANUEL BALL, FRED REEVES, LARRY BOSWELL, JOHN KAZLAUSKAS AND STEVE FREY RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBERS BEVERLY McENROE, ANGELA HARDAWAY AND LEWIS JEAN RESPONDED NEY.)

CHAIRMAN: Seven to three in favor of so the application is approved.

Thank all of you for coming this evening.

Everyone doesn't always leave happy, but we appreciate your participation and I trust we did listen carefully.

Mr. Howard.

MAJOR SUBDIVISION PRELIMINARY PLATS

ITEM 8

Commercial Warehousing, Inc., 21.2 acres
Consider approval of an amended major subdivision preliminary plat
Applicant: Commercial Warehousing, Inc.

MR. HOWARD: Mr. Chairman and Commissioners,
this plat comes before you as an amended preliminary plat. It's found to be consistent with the requirements of the Comprehensive Plan and Zoning Ordinance and subdivision regulations. There is an existing plat, preliminary plat on file. This one basically divides larger tracts into some smaller tracts and it's consistent with everything that's been
reviewed by everybody that needs to review it. So it's ready for your consideration.

CHAIRMAN: Any questions or concern about the plat?

(NO RESPONSE)

CHAIRMAN: Entertain a motion.

Mr. Jean.

MR. JEAN: Motion to approve.

CHAIRMAN: Motion by Mr. Jean. Is there a second?

MS. McENROE: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion is approved.

MINOR SUBDIVISION PLATS

ITEM 9

6375 & 6413 London Pike Spur, 17.554 acres
Consider approval of a minor subdivision plat
Applicant: William Earl Preston Estate; Kevin Ray & Leslie Jane Wilson

MR. HOWARD: This plat comes before you as an exception to the three to one requirement. You have an existing smaller parcel and a larger adjoining
parcel. The existing smaller parcel does not meet the three to one requirement now. They're adding some additional road frontage and additional depth to that property. This is not a case where they're trying to maximum the number of lots that are being created. There are two lots and they're proposing that there still be two lots. It's just the configuration of the one that's a little bit deeper, but it does have some additional road frontage. So we would recommend that you consider it for approval.

CHAIRMAN: Any questions or concerns by the commission?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Chair will entertain a motion.

Mr. Boswell.

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

CHAIRMAN: We have a motion by Mr. Boswell.

Do I have a second.

MR. FREY: Second.

CHAIRMAN: I have a second by Mr. Frey.

Concerns or questions about the motion?

(NO RESPONSE)
CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion is approved.

ITEM 10

2923 & 2929 Highway 142, 5.88 acres
Consider approval of a minor subdivision plat
Applicant: Stella Haynes

MR. HOWARD: This plat comes before you for multiple exceptions. There is an existing 5.88 acre parcel that does not have road frontage. There is a passway that goes back to this property and serves a few others, but it does not have road frontage. The nearest road is Highway 142.

There was a plat done in 2006 that moves some property lines around and did some consolidation, redivisions. Kept the same number of lots basically, but off of this passway the subject property was tract 4 of that division. On that plat in 2006 there was a note put on the plat that says the property shall not be further subdivided meeting the requirements of the subdivision regulations. What they're proposing to do now is create a 1 acre parcel with a 4.88 acre addition, you know, left over from the original parcel, which will then two parcels that do not have road frontage on a road. It does not meet the subdivision regulations for road frontage. Of course,
it exceeds three to one because it doesn't have any
road frontage. We certainly have concerns from
emergency access and services standpoint. Today you
wouldn't be able to create a lot like this off of
passway. We do not recommend that this lot be
created. We would recommend that the plat be denied
just to eliminate the potential for another land-lock
parcel to be created that does not have road frontage.

CHAIRMAN: Anyone here representing the
applicant?

MS. KNIGHT: Please state your name.

MS. HAYNES: Stella Haynes.

(MS. STELLA HAYNES SWORN BY ATTORNEY.)

MS. HAYNES: I would like to say that I really
would like for you to consider approving this
application. This land has been in our family for 60
years just like it's laid out up there. At this time
my nieces is here as a buyer wanting to buy this land.
I would sincerely hope that you would reconsider and
approve this.

CHAIRMAN: You wish to make a comment?

MS. DOUGLAS: Yes.

MS. KNIGHT: State your name for the record,
please.

MS. DOUGLAS: Amy Douglas.
(AMY DOUGLAS SWORN BY ATTORNEY.)

MS. DOUGLAS: With the division of this we would still have access to the road. There are a couple of lots down the road a little further that do not have as close to road frontage as we would have, but being able to buy this and keep the land and the home in our family is very important.

CHAIRMAN: Commissioners, any of you have any questions of the applicant?

Yes, Mr. Ball.

MR. BALL: The conditions that were put on this last, is this the same applicant that the conditions were originally put on?

MR. HOWARD: Yes. The current applicant did sign that plan in 2006.

MR. BALL: So they were aware at that point in time of those conditions?

MR. HOWARD: It was a condition on that plat that was approved October 19, 2006.

MR. BALL: Thank you.

CHAIRMAN: Any other commissioners have any questions?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any comments or questions?
MS. DOUGLAS: The other thing is my family and I currently, it's my husband and myself and two small children. We are living in a very small home right now. So having being able to sell the property that we're in now, moving out to having all that extra land, an acre and along with the house is very important too.

CHAIRMAN: Thank you very much.

MS. HAYNES: There are several landowners in this area, and they have no objection to this sale of this property.

CHAIRMAN: Thank you.

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

Mr. Howard, can you go back through the reasons that were recommend for denial again, please?

MR. HOWARD: Yes. The main reason is there are several tracts back there back in the day, if you will, however you want to describe that. It wasn't necessarily uncommon to create lots off of a passway or a driveway basically, which is what this is.

Today the lot is being created, multiple lots being created off of the passway, which is not public right-of-way. It's not a public road. It's not allowed based on the subdivision regulations or the
zoning ordinance.

So the reasons are, one, the plat that was approved in October of 2006, there was clearly a note on the plat that said the property can't be further subdivided without meeting the subdivision regulations. This proposal is a division that does not meet the subdivision regulations. It does not have any road frontage on a public road. There is a passway again that runs back there, which is a driveway basically that serves the property, but there is no frontage on the public road.

Those rules were put in place to, one of the biggest reason was concern from the emergency services community. Whether it be an ambulance, police, fire, all of that, to try and find where these things are located. If you have a lot with road frontage on a road and a mailbox on the road, it's clear where that is. If you have a passway that goes back and there's lots off of it, it's more difficult when trying to find that location to get there. So that's why these rules, one of the main reasons why these rules were put in place in the first place.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: Chair will entertain a motion.
MR. BALL: I'd like to make a motion to deny this plat.

CHAIRMAN: Motion by Mr. Ball. Do we have a second?

MS. HARDAY: Second.

CHAIRMAN: Second by Ms. Hardaway. Questions or concerns 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 not approved.

ITEM 11

5410 & 5420 Highway 554, 10.032 acres
Consider approval of a minor subdivision
Applicant: Robert L. & Saundra M. Glyer

MR. HOWARD: This plat comes before you as an exception to the three to one requirements. There is an existing parcel with 10 acres that has road frontage on 554. They're proposing to create a lot around an existing lake and I believe there's an existing residence on that property which would leave a remainder there on the county line that there is potential another house to be built. It does have road frontage on Highway 554. We have requested and have the note put on here that this property cannot be
further subdivided without meeting the requirements of
the subdivision regulations, but being that there is
an existing there and that there is the potential for
no further subdivision, the lots do have road
frontage; although, they do exceed the three to one
requirement, we would recommend that you consider this
this for approval.

CHAIRMAN: Anyone here representing the
applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from the board?

(NO RESPONSE)

CHAIRMAN: Are you the applicant?

APPLICANT: Yes.

CHAIRMAN: Do you care to make any comments?

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

MS. GLYER: Saundra Glyer.

(SAUNDRA GLYER SWORN BY ATTORNEY.)

MS. GLYER: I'm just curious, you're going to
approve it or not approve it?

CHAIRMAN: The Staff's recommendation is to
approve it.

MS. GLYER: Sorry, I missed that part. Thank
you.
CHAIRMAN: You're very, very welcome. Thank you for making sure you understood what we were doing.

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I make a motion for approval.

CHAIRMAN: Motion by Mr. Rogers. Do we have a second?

MS. McENROE: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

ITEM 12

3450 Free Silver Road & 8998 Winkler-Mount Zion Road, 10.004 acres
Consider approval of a minor subdivision plat
Applicant: Gary D. & Deborah M. Woods

MR. HOWARD: This plat comes before you as an exception to the three to one requirement. There is a larger parcel that you see on the plat and then a smaller parcel. The smaller parcel is what is being proposed to be created. It does have road frontage on a public road, and it does meet the minimum requirements for road frontage; however, it's deeper
than that three to one requirement. We have the note placed on the plat that states that the property shall not be further subdivided, not meeting the requirements of the subdivision regulations, being that all lots have road frontage, and this is just an exception on a three to one for one lot, there won't be any further subdivision without meeting the requirement. We would recommend that you consider it for approval.

CHAIRMAN: Anyone here representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Mr. Riney, do you have any comments?

MR. RINEY: No.

CHAIRMAN: Any commissioners have any questions with regard to this application?

(NO RESPONSE)

CHAIRMAN: If not the Chair will entertain a motion.

MR. MOORE: Move for approval.

CHAIRMAN: Motion by Mr. Moore. Do we have a second?

MS. McENROE: Second.

CHAIRMAN: Second by McEnroe. Questions or
concerns about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved. Thank you.

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NEW BUSINESS

ITEM 13

Consider approval of September 2016 financial statements

CHAIRMAN: All of you received a copy of the September financial statements in your packet that came to you electronically. I assume you've had an opportunity to review those financial statements. Are there any questions or concerns about anything in the financial statement?

(NO RESPONSE)

CHAIRMAN: If not Chair then would entertain a motion to approve.

Mr. Frey.

MR. FREY: Motion to approve.

CHAIRMAN: Do we have a second?

MR. BALL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: They are approved.

ITEM 14
Consider approval of 2017 Filing Dates and Deadlines

CHAIRMAN: Mr. Howard.

MR. HOWARD: You all have in your packets the 2017 Filing Dates and Deadlines. As in year’s past, we’ve provided you with two copies. We’ll call Version A, that’s the standard meeting dates and deadlines. Version B is the one that we’ve actually used the last couple of years. Where we double up on the Planning Commission and OMBA meetings in April and October to accommodate school system spring and fall breaks. We’ve had conflicts with those in the past having enough people present.

So you have two options. One to approve the standard schedule or option B, which would be to use the alternative schedule which would allow to accommodate for spring and fall break.

CHAIRMAN: Anybody have any questions about either of the options that we have?

(NO RESPONSE)

CHAIRMAN: Anybody want to advocate for either of the options that we have?
Mr. Boswell.

MR. BOSWELL: I would make a motion that we approve the Version B, which is the one that we've been using for the last few years.

CHAIRMAN: That's the one where we have the double meetings?

MR. BOSWELL: Yes.

CHAIRMAN: Motion by Mr. Boswell. Do I have a second?

MS. HARDAY: Second.

CHAIRMAN: Second by Ms. Hardaway. Questions or concerns about the application?

(NO RESPONSE)

CHAIRMAN: All in favors raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We will go with Version B, which is the double meetings during fall and spring breaks.

ITEM 15

Comments by the Chairman

CHAIRMAN: Thank all of you for your judicious participation this evening. There is never anything wrong with a split vote. It shows everybody was considering facts as they saw them in trying to make the best decision they could to the applicant and for

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the community. I applaud you for doing that and making time to consider it very, very carefully. I think it was a good session in that regard

ITEM 16

Comments by the Planning Commissioners

CHAIRMAN: Any of the commissioners have any comments?

(NO RESPONSE)

ITEM 17

Comments by the Director

CHAIRMAN: Mr. Howard.

MR. HOWARD: The only thing I have is that Mike Hill with our office has been coordinating with the GRADD office to post a regional planning seminar in December. Looking at a date of December 9th. Should begin around 8:30 a.m. at the GRADD office. It's an opportunity for any elected officials, planning commissioners, planning staff, interested citizens to attend a half day session where planning topics will be discussed. It does allow for conditioning education credits for planners and planning commissioners. This is a regional event. We hosted a similar event last year and had 65 to 70 people show up. So if anybody would like to attend, you can get in touch with Mike Hill at our office to
confirm a reservation. It's a free event. We do provide a lunch as well during that. We do need to know an approximate number of how many people will attend. If anybody would like to attend, just let us know.

CHAIRMAN: If anyone does have a need to get in your required hours, you may want to look at that. I don't know, Mr. Howard, if you want to check and see if somebody is cutting it close.

MR. HOWARD: Sure.

CHAIRMAN: Otherwise, I'll entertain one last motion.

MR. BALL: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Mr. Ball.

MR. FREY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY )
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 93 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 6th day of December, 2016.

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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