OWENSBORO METROPOLITAN PLANNING COMMISSION

DECEMBER 8, 2016

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, December 8, 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
Angela Hardaway
Manuel Ball
Larry Moore
Irvin Rogers

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CHAIRMAN: I call the December 2016 meeting of the Owensboro Metropolitan Planning Commission to order. We start each of our meetings with a prayer and pledge to the flag. That will be given by Commissioner Irvin Rogers tonight.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on our agenda this evening is the approval of the minutes of the November 10, 2016 meeting.

Commissioners, all of you should have received a copy of these in the mail and have had a chance to

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review them. Are there any additions or corrections on these minutes?

(NO RESPONSE)

CHAIRMAN: If not, then the Chair would entertain a motion for approval.

MR. KAZLAUSKAS: Motion to be approved.

CHAIRMAN: Motion by Mr. Kazlauskas.

MR. FREY: Second.

CHAIRMAN: We have a second by Mr. Frey. Any questions about the motion?

(NO RESPONSE)

CHAIRMAN: If not, all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: It looks like we have a number of folks in the audience tonight. We are pleased to have you here. Let me give you a couple of procedural items so you'll be able to participate.

First of all, we're very pleased to have you here. Anyone that comes to these meetings is welcome to speak on any issue that they choose to. If you want to speak on an issue, please come to the podium closest to you. Unless you're an attorney, you'll be sworn in because this is a quasi judicial hearing where we're hearing facts about various items on the
agenda. Then we make a decision based upon the facts we hear both from our reports and from the statements that are made during the meeting. If you would like to speak, we invite you to do that. Please come to the podium and speak directly into the mike because our hearings are also recorded. We're making a verbatim recording of our hearing.

Commissioners, I remind you also to please speak into the mike so that we get a good clear recording of the meeting.

Having said that, Mr. Brian.

MR. HOWARD: I will note that all zoning changes heard tonight will become final in 21 days after the meeting, unless an appeal is filed. If an appeal is filed, we will forward the record of the meeting proceedings and all applicable materials to the appropriate legislative body for their final action.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

3130 Burlew Boulevard, 1.64 acres
Consider zoning change: From B-4 General Business to R-3MF Multi-Family Residential
Applicant: Stone Street Properties, LLC
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 condition and findings of fact that follow:

CONDITION
Access shall be in alignment with the existing access for the apartment complex across Burlew Boulevard. No additional access to Burlew Boulevard shall be permitted.

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

2. The subject property is located in a Business Plan Area, where urban mid-density residential uses are appropriate in limited locations;

3. Sanitary sewer service is available for extension to the site;

4. The proposal is a logical expansion of existing R-3MF Multi-Family Residential zoning located immediately north and across Burlew Boulevard to the east of the subject property; and,
5. With a single access to Burlew Boulevard in alignment with the access to the apartment complex across Burlew Boulevard, the proposal should not overburden the capacity of roadways and other necessary urban services available in the affected area.

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

CHAIRMAN: Thank you.

Is anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to make any statements?

APPLICANT REP: No.

CHAIRMAN: Commissioners, do any of you have any questions of the applicant at this point in time?

(NO RESPONSE)

CHAIRMAN: Sir, come forward.

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

MR. WATHEN: Joe Wathen.

(JOE WATHEN SWORN BY ATTORNEY.)

MR. WATHEN: My name is Joe Wathen. I own some of the Peppertree Apartments that's adjoining the property. I have no problem with the zoning. I have
a couple of questions.

One, is there a developmental plan at this point; do you know?

CHAIRMAN: Mr. Howard.

MR. HOWARD: There's not one submitted at this point. One will be required, but it's not required at the zoning stage.

MR. WATHEN: I don't know the exact process you go through with a development plan. I want to raise a couple of questions.

One, I'm concerned with the drainage when they do have a developmental plan because the adjoining property that I own, we have a significant drainage problem now. The water drains down to Burlew Boulevard or supposed to, but it doesn't drain good. In fact, all summer, of course, we had a significant rainfall, but all summer the lawn service had to wear boots and weed eaters to cut the lawns back in there. The water was up in the parking lots and up to the sidewalks.

I have talked to the city engineer regarding this. I want to be sure when a developmental plan is submitted the consideration be given to the drainage.

CHAIRMAN: Yes. You can certainly come back to this meeting once a development plan comes before
us for consideration for approval and you'll have a chance to look at the development plan at that point in time.

MR. WATHEN: There will be notification then?

MR. HOWARD: No. A development plan, actually if it meets all the requirements, it can be approved at Staff level. It wouldn't have to come back before this commission.

But to answer your question about the city engineer, the city engineer's office will have to approve drainage calculations and all of that before the plan can be approved. Of course, the applicant's engineer is here tonight too and may be able to provide some insight to that as well tonight, if possible.

MR. WATHEN: In addition to the drainage, would be the appearance of what they are going to build in there and how that would fit in and access. That's the only concern I had. Not with the zoning.

CHAIRMAN: We're simply approving the zoning so what the appearance will be is not within our purview.

MR. WATHEN: But it will be in the development plan?

CHAIRMAN: Not appearance.
MR. HOWARD: There are no design guidelines in our ordinance, outside of the downtown area. The Downtown Overlay District where appearance matters. Outside of the downtown area there are no design guidelines. Nothing that says that the brick buildings have to be all brick or whatever. That's based upon what the applicant chooses to construct the building.

As far as access goes, there was a condition that we proposed on the application that says access shall be in alignment with the existing access points for the apartment complex across the street. So they will be limited to a single access point in alignment with the one across the street.

MR. WATHEN: Thank you.

CHAIRMAN: Thank you, Mr. Wathen.

Any other questions? Anyone else?

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

MR. DAVIS: Kevin Davis.

(KEVIN DAVIS SWORN BY ATTORNEY.)

MR. DAVIS: I represent my mother who lives on 925 Parkway Drive which backs up to this property. I understand about the zoning and that type of thing. You answered a lot of our questions when you answered
Mr. Wathen's questions.

You say the development plan does not come before this board. What about things in the development plan like screening, the easement, in addition to the drainage and that type of thing? My mother lives her house backs up. Basically, I mean there's been a time or two when she's gotten really some shows on some of your apartments down Peppertree because there's no screening. One guy comes out in his underwear and sits on the back of a little stoop. He can't be seen from the street, but he can seen from the houses.

My question is: Where with can we find out about that type of thing and when can we talk about it?

MR. HOWARD: As far as the ordinance goes, there is no screening requirement between the multi-family residential zoning and a single-family residential zone. So they would not by ordinance be required to put up a 6-foot tall fence along the boundary or anything like that. They would in a B-4 zone. So the current zoning of the property, if they put a commercial business on there, they would have to provide screening to buffer those uses, but residential to residential would not require any type
MR. DAVIS: The other thing is you mentioned sewer availability. Basically the sewer runs through my mother's backyard. There's a manhole in my mother's backyard for sewer, and they've had to do several things with that. That's another concern. Maybe on paper it can handle it, but I know that they've to raise it because of the fall a couple of times. Wasn't great enough. We have a neighborhood two doors down that's has issues with that and the storm water. It's not just on Mr. Wathen's property, but on that property itself it looks like a lake with storm water. Just some concerns there.

MR. HOWARD: Sure. And I'll add that not only would the city engineer's office have to sign off on it for the drainage, but all the utilities sign off on the development plan. So that would include RWRA, gas, water. All of those would have to sign off on the plan before it could be approved. We can certainly, you know, relay the concerns to the appropriate agencies. Again, I know the applicant's engineer is here tonight and is hearing your concerns. So that's certainly something we'll keep in mind.

MR. DAVIS: Thank you.

CHAIRMAN: Thank you, sir.
Anyone else wish to make a comment?

Come to the podium, please.

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

MR. TOWERY: My name is Ron Towery.

(RON TOWERY SWORN BY ATTORNEY.)

MR. TOWERY: My name is Ron Towery. I live at 941 Parkway Drive, which is -- I own two lots on the very end of the Parkway that backs up to 3130 Burlew, which is in question for the rezoning.

I've lived there since 1970 and I've seen snakes. I've seen about everything come out of there that you can't believe. They've still got a water issue. RWRA has come out several times to cut a hole in a curb over there to sort of let some of the water drain out of the field, but all of the water from Meadowland up west end of the field drains towards Burlew Boulevard. It's nothing but a swamp down there. Since RWRA has come out there and cut a hole in the curb to let some of the water drain out of the field, Parkway Drive and Burlew Boulevard, the corner down here floods every time it rains.

My drain system, my sewer won't handle it all, but it still holds water. It's flooded all the time. Now I'm having a problem because they've got a culvert
that goes underneath Burlew right down at the end of my corner of my lot. That culvert doesn't serve any purpose whatsoever. It's just a culvert. The water, it can't go down to Horse Creek Park because there's nothing to adjoin the culvert that's underneath the street. Why they ever put it there I have no idea. All of that water draining right -- it don't have nowhere to go. So when it rains it comes back up, comes up about three feet of my fence in my backyard. So we've got a real issue.

My question is: Before we do some rezoning, we need to address the issue of the water, watershed, what's going to happen when they put stuff on this field, where is the watershed going to go? Are we going to have storm sewers, street storm sewers or where is it going to go? Is it going to flood us or are they going to put storm sewers in to handle the situation? We're talking about 1.6 acres of water shed. We've got the problem now. When you put buildings on it, it's just going to create more problems. Right now Burlew Boulevard when it rains real hard, even up around Peppertree the streets flood. We never had that problem until here four or five years ago.

My question is -- I've got no problem with the
rezoning. I'm like these other neighbors. I want to know about the watershed because I I've been there since 1970 and wasn't nothing but corn fields there. It didn't flood then, but ever since they built all around it, our watershed doesn't go anywhere because the culverts and the things that were to service that water hasn't been put in the proper way it should be to handle the water situation.

I would like to know who and where and when am I going to be notified so that I can publicize some of the issues I've seen since 1970? That we're going to have a flood problem if we don't put storm drains in, and things like this. Or are we going to rezone it and the neighbors are going to be saying, well, I wish I had been notified. You're telling us that other people is going to handle it. All you're doing is rezoning. All I'm interested in is knowing what's going on so that I don't have the problem two or three years from now, my house getting flooded because of somebody not doing what they should have been doing when they redid this.

CHAIRMAN: We have no authority for anything other than rezoning.

MR. TOWERY: I understand that.

CHAIRMAN: My suggestion to you would be this:
RWRA meetings are open public meetings. My suggestion is before this process, if it were to be rezoned, before things move forward I would be going to an RWRA meeting and expressing my concerns there to them. You can check the City Action Line and they can give you the times and dates of the meeting of RWRA Board, and I'm sure they would like to hear your concerns. Like anybody else, they want to do what's best for the public. They may not be aware as this, as they should be. That's my suggestion.

MR. TOWERY: That's the reason I'm here. I would like to make a public record that there is a drainage problem. It's a serious problem and it's been a problem for a long time, but there's never been anything put on it. It's kind of one of these situations that's has been tolerated by the neighbors.

CHAIRMAN: I understand completely. As Mr. Howard said, the engineer for this project is here. I would also encourage, if it were to be rezoned, I would encourage you to go to a RWRA Board meeting and express your concerns there.

MR. TOWERY: I would appreciate, whoever is listening, give the neighbors a chance to express themselves with the plans and things like that so we might be able to help the situation rather than, you
know, if not be addressed properly down the road where there is more problems.

CHAIRMAN: The gentleman sitting right behind you is shaking his head, I'm sure that he's listening to what you're saying and will be very happy to talk with you about it after we move this item.

MR. TOWERY: I just wish they'd give the neighbors a chance to express themselves. Thank you for your time.

CHAIRMAN: Mr. Kazlauskas.

MR. KAZLAUSKAS: Mr. Chairman, I wonder if we could ask Staff to contact RWRA and make them aware of what people have testified here tonight to see how this fits into the city storm water plan?

MR. HOWARD: We have a training in the morning. It may be Monday, but we'll get in touch with both RWRA and the city engineer's office.

MR. KAZLAUSKAS: Because there might be some plans in the future of when the city's master storm water plan that might be addressed in the future. If Staff would do that, I appreciate it.

CHAIRMAN: Regardless, whether or not it's rezoned the issue will still be there.

Anyone else wish to make a comment?

(NO RESPONSE)
CHAIRMAN: Any commissioners have any question of Staff or the applicant?

(NO RESPONSE)

CHAIRMAN: The Chair would entertain a motion. Mr. Ball.

MR. BALL: I would like to make a motion to approve based on Staff Recommendations and Condition Number 1 and Findings of Fact 1 through 5.

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

MR. JEAN: Second.

CHAIRMAN: We have a second by Mr. Jean. Do we have any questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: If not, all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

Thank you.

ITEM 4

9433 Morgantown Road & 9866 Highway 764, 7.288 acres
Consider zoning change: From R-1A Single-Family Residential & A-R Rural Agriculture to A-R Rural Agriculture
Applicant: Jason W. Brant & Eric K. Aud

PLANNING STAFF RECOMMENDATIONS

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

CONDITION

Approval of a minor subdivision plat reconfiguring the size of the subject properties to meet the minimum lot size in an A-R zone.

FINDINGS OF FACT

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

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

3. The subject properties are proposed to be two large tracts at 3.331 and 3.977 acres respectively;

4. The applicants propose to continue the residential uses of the properties; and,

5. The subject properties have access to Morgantown Road and Highway 764 with no new roads proposed.

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

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Would you like to make any comments, sir?

APPLICANT REP: Not at this time.

CHAIRMAN: We may have some questions for you. Anyone in the audience like to comment on this application?

Please come to the podium, if you don't mind.

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

MR. HAHN: My name is Larry Hahn. I live at 9878 State Route 764 adjacent to this property.

(LARRY HAHN SWORN BY ATTORNEY.)

MR. HAHN: My only concern is being, I'm on the long end of the property and it's going to be zoned agricultural, but yet he wants to continue to live there. I have concerns on that. Also, I'm afraid of infringement on my property with messing with the tree line that separates the two properties.

CHAIRMAN: Mr. Howard.

MR. HOWARD: As far as the zoning change goes, the applicant -- well, the two applicants propose to do a division and consolidation of the property. Right now they're not zoned the same. So in order to be able to do this division and consolidation, they have to be zoned the same and that's why they're
re zoning the property tonight.

Single-family residential use is permitted in an agricultural zone. In either zone, the residential or agricultural zone they could have a house in both parcels which is under the related item that's next. Both parcels will have a home on it, and they won't be able to build any additional homes on these properties without further subdividing it at some point.

MR. HAHN: There's two houses on the property.

MR. HOWARD: Right.

MR. HAHN: So one of the houses is going to be torn down and the other is going to stay? There's a house that's shown here. There's a house that's Jason's house that's adjacent to mine. I own the one property there, but on the other side of that property on Morgantown Road there's another house.

MR. HOWARD: That's right. There are two houses. They are two parcels now. There are still going to be two parcels and each parcel will only have one house on it.

As far as the tree line goes, I can't answer that. Of course, the applicant is here and they may be able to address that, whether they have -- I don't believe this is for any type of development. It's just to cleanup the zoning and swap some property. As
far as the trees go, we can't answer that.

CHAIRMAN: Would you like to respond? It's your choice.

MR. HAHN: Those are my only concerns. I don't want my property line messed with or infringement on my property.

CHAIRMAN: Thank you, sir.

Anyone else have a comment?

(NO RESPONSE)

CHAIRMAN: Commissioners, any of you have a questions or concern?

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman. Yes, I do have a question of the applicant.

There's a statement made on our information here, "that subject properties have access to Morgantown Road and Highway 764 with no new roads proposed."

I wasn't able to really determine exactly where the access on either one of those highways was at based on what we have here. Can you give us an idea of where those accesses would be?

CHAIRMAN: Sir, you'll need to come and be sworn in, if you don't mind.

MS. KNIGHT: Please state your name for the
MR. WEIKEL: Bill Weikel.

(BILL WEIKEL SWORN BY ATTORNEY.)

MR. WEIKEL: Is there a copy of the subdivision plat?

MR. HOWARD: Yes. They've got a copy of that. I don't know if you can see it, but they've got an aerial photo up right now too, it may be some benefit to you.

MR. WEIKEL: The aerial photo that's shown on the screen right now pretty much shows what the division consolidation will be. 764, the lot here already has road frontage on 764. This is bare lot as it stands right now, has road frontage on Morgantown Road. With this division there will be no change in access.

MR. BOSWELL: I see where it's at on this. Thank you.

CHAIRMAN: Did that answer your question?

MR. BOSWELL: Yes.

CHAIRMAN: Any other commissioners have any questions?

(NO RESPONSE)

CHAIRMAN: Anyone else in the audience?

(NO RESPONSE)
CHAIRMAN: If not, the Chair will entertain a motion.

Mr. Jean.

MR. JEAN: I would like to make a motion to approve this change with the one condition and based on the Staff Report and the Findings of Fact 1 through 5.

CHAIRMAN: I have a motion by Mr. Jean. Do we have a second?

MR. ROGERS: Second.

CHAIRMAN: We have a second by Mr. Rogers. Any 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 unanimously.

Related Item

ITEM 4A

9433 Morgantown Road & 9866 Highway 764, 7.288 acres
Consider approval of a minor subdivision plat.
Applicant: Jason W. Brant & Eric K. Aud

MR. HOWARD: As I just described, based on the rezoning that was just approved, it clears up the split zoning that was on the property. It does allow for the division and consolidation of the property.

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line. The property that has frontage on Highway 764 will take on additional acreage in the back and the one that has the larger frontage on Morgantown Road is smaller. It's smaller in size.

We can't approve it at Staff level because the lot on 764 will now violate the 3 to 1 requirement. Meaning that the lot can be no deeper than three times the amount of road frontage that it has; however, there is an existing home on that property. There's an existing home on the other property. There is a note that no further subdivision. They can't build any other houses the way it's presented. So we would recommend that you consider it for approval.

CHAIRMAN: The applicant wish to speak to this?

MR. WEIKEL: Not right now.

CHAIRMAN: Anybody in the audience have a question of this?

(NO RESPONSE)

CHAIRMAN: Any commissioners have a question on this?

(NO RESPONSE)

CHAIRMAN: Then the Chair will entertain a motion.

Mr. Boswell.
Mr. Boswell: Mr. Chairman, motion for approval.

Chairman: We have a motion by Mr. Boswell. Do we have a second?

Mr. Moore: Second.

Chairman: Second by Mr. Moore. Questions about the motion?

(NO RESPONSE)

Chairman: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Chairman: This motion is approved unanimously.

ITEM 5

5043, 5059, 5091 Old Hartford Road & 4900 Block Jessica Lane, 30.656 acres
Consider zoning change: From A-U Urban Agriculture to R-1B Single-Family Residential
Applicant: J.R. Acquisitions, LLC & Martin G. Wilson

Ms. Knight: Please state your name for the record.

Mr. Hill: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

Planning Staff Recommendations

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

Conditions

Access to Old Hartford Road shall be limited
to a single access point (Stone Crest Lane) as shown on the Major Subdivision Preliminary Plat.

FINDINGS OF FACT

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

2. The subject property is located in an Urban Residential Plan Area where Urban Low-Density Residential uses are appropriate in limited locations;

3. The proposal complies with the criteria for urban residential development; and

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

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

CHAIRMAN: Anyone here representing the applicant?

Do you wish to make any statements?

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

MR. FAULKENBERG: Makala Faulkenberg.

(MAKALA FAULKENBERG SWORN BY ATTORNEY.)

MS. FAULKENBERG: My concern is the property beside me is a coal mine underneath of it. Is it safe for them to build on. It's been a field for 20 plus
years. I've owned it for two. The traffic, he said
that -- where I'm at right now are they going to
add -- are they going to add to the street?

CHAIRMAN: I'm sorry, where do you live.

MS. FAULKENBERG: I live on Jessica Lane. Are
they going to add to it if they put houses on it.
Right now there are two houses on it. If they build
on it, are they going to add to the street. I was
told when I moved there that it's supposed to stay a
dead end. That's my main concern. If they build
houses there, are they going to add to the street.

CHAIRMAN: I thought you represented the
applicant.

Is the applicant here?

MR. BAKER: Yes.

CHAIRMAN: Can you address that issue?

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

MR. BAKER: Jason Baker.

(JASON BAKER SWORN BY ATTORNEY.)

MR. BAKER: I'm here to address any technical
issues. Mike Martin is the developer associated with
this project. He was not able to make it. Had a last
minute conflict and could not make it. I can address
any technical issues.
Related to the questions on Jessica Lane,
Jessica Lane was stubbed into this property as a
future extension and that will be extended as part of
this project.

Ma'am, I'm not sure if you are at the end of
the stub or the other direction. This drawing up here
indicates the lower right-hand corner I think is where
you're saying you live. This would be the extension.

MS. FAULKENBERG: I'm --

CHAIRMAN: Ma'am, all of this is being
recorded and we can't get the recording if you're not
at the mike. Just listen to him and then we'll let
you ask all the questions. Just be very comfortable
and don't worry about it because we know this is not
fun for you. We'll make sure every concern you have
is addressed as best as possible.

MR. BAKER: Maybe I can explain the parkway or
the Natcher Parkway is on the right-hand side of the
drawing. I believe you back up to the Natcher. The
intent would be that there would be a road kind of
parallel and be a cul-de-sac at the end as shown up
there, that kind of parallels. The answer to that is,
yes, the road would be extended as was planned many,
many years ago.

CHAIRMAN: I think Ms. Evans is helping her
understand where she is in located with regard to the
location so we can make sure she understands.

Does that help you, ma'am? If you have you
other questions, please come back and ask.

MR. BAKER: She mentioned something about
mining. There has been extensive study on that and
the developer has it.

CHAIRMAN: Was is a surface mine?

MR. BAKER: No. None. None found on the
site.

CHAIRMAN: Ma'am, if you have any other
questions. We invite you to certainly ask them.

MS. FAULKENBERG: There are actually coal
mines under there. I looked it up myself.

I'm concerned about the traffic because if
they put a street through it's going to make a big
circle all the way through the neighborhood. I can
sit on my back porch and listen to the owls. I can
listen to the animals. There's deer. It's going to
completely tear up my neighborhood. There's three
houses, four. It's very, very quiet. That's the
reason I moved in where I live. I have epilepsy. I
have PTSD. I don't want the subdivision. I've talked
to the neighbors, they don't want it either. I don't
want the traffic. I don't want it. Definitely don't
want it if it's going to look like that. I don't want it. I'm sorry.

CHAIRMAN: That's fine. We appreciate your opinion. That's fine. Thank you for expressing them to us very, very much.

Anyone else in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions you would like to express?

(NO RESPONSE)

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

Mr. Rogers.

MR. ROGERS: Mr. Chairman, make a motion for approval based on Planning Staff recommendations with the one condition and the Findings of Facts 1 through 4.

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

MR. BALL: Second.

CHAIRMAN: We have a second by Mr. Ball.

Questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: If not, all in favor raise your
right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved unanimously.

Related Item

ITEM 5A

Stone Crest, 30.656 acres
Consider approval of a major subdivision preliminary plat
Applicant: J.R. Acquisitions, LLC

MR. HOWARD: Mr. Chairman and Planning Commissioners, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's consistent with the requirements of the comprehensive plan and subdivision zoning ordinance requirements and it is ready for your consideration.

CHAIRMAN: Does the applicant wish to make any comments about it?

MR. BAKER: No.

CHAIRMAN: Anyone in the audience have any questions about the plat?

(NO RESPONSE)

CHAIRMAN: Commissioners, do you have any concerns about it?

(NO RESPONSE)
CHAIRMAN: The Chair will entertain a motion.

MR. BALL: I'd like to make a motion to approve, please.

CHAIRMAN: We have a motion by Mr. Ball.

MR. MOORE: Second.

CHAIRMAN: We have a second by Mr. Moore.

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.

ITEM 6

5270 Highway 54, 5.845 acres
Consider zoning change: From A-R Rural Agricultural to I-1 Light Industrial
Applicant: Floyd G. Tapp

PROPOSED ZONE & LAND USE PLAN

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in a Rural Community Plan Area where Light Industrial uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage areas - Building and lot patterns should conform to the criteria for "Nonresidential Development" (D7), and outdoor storage yards, with "Buffers for Outdoor
Storage Yards” (D1).

(b) Logical expansions outside of Industrial Parks – Existing areas of Light Industrial use that are located outside of planned Industrial Parks may be expanded onto contiguous land that generally abuts the same street(s). Such an expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks. Also, such an expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

(e) New locations in Rural Communities – In Rural Community plan areas, new locations of Light Industrial use should be "major street oriented" (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

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 map dated March 6, 1990.

The subject property is located in a special
flood hazard area per FIRM Maps 21059C0285 D.

It appears that the property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.

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

Electricity, water and gas are available to the subject property. Sanitary sewage disposal will be accomplished by either a new on-site private septic system or the extension of sewer to the site.

Development Patterns

The subject property in this rezoning application is a vacant 5.845 acre A-R zoned parcel. The applicant proposes to rezone the property to I-1 Light Industrial in order to construct a storage building facility.

The subject property is located in an area that is primarily zoned and used agriculturally with the nearest industrial zoning located more than 600 feet to the east and on the north side of Highway 54.
To the west and south of the subject property is a
golf driving range facility, zoned A-R. To the east
is a large agricultural property, zoned A-U. To the
north across Highway 54 is a large agricultural
property, zoned A-R and A-U.

Highway 54 in this location is classified as a
principal arterial with a 75 foot building setback
line and a 60 foot roadway buffer. Since this
property is outside the urban service area the access
spacing standards do not apply. If approved, access
to the property should be limited to a single access
point.

If the rezoning is approved, the applicant
will be required to provide vehicle use area screening
where any proposed parking areas are adjacent to the
street right-of-way. All vehicular use areas are to
be paved; any area of the site proposed to be gravel
will be required to comply with the outdoor screening
requirements of the zoning ordinance including the
installation of a 6' tall solid wall or fence around
the entire perimeter of the storage yard.

If approved, a development plan will be
required demonstrating compliance with the zoning
ordinance requirements including, but not limited to,
parking, landscaping, building setbacks, access
management and signage. The plan must be approved
before any construction activity can take place on the
property.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is not in compliance
with the Comprehensive Plan. The proposed use
conforms to the criteria for non-residential
development. This proposal is not a logical
expansion of adjacent industrial zoning since the
nearest industrial zoning is located more than 600 feet
away and on the opposite side of Highway 54. At 5.845
acres, the proposal would be a significant increase in
I-1 zoning in the vicinity and may overburden the
capacity of roadways and other necessary urban
services available in the affected area. Although the
site is major street oriented it is not located at the
corner of intersecting streets.

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 Rural
Community Plan Area where Light Industrial uses are appropriate in limited locations;

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

4. This proposal is a not a logical expansion of adjacent industrial zoning since the nearest industrial zoning is located more the 600 feet away and on the opposite of Highway 54;

5. At 5.845 acres, the proposal would be a significant increase in I-1 zoning in the vicinity and may overburden the capacity of roadways and other necessary urban services available in the affected area; and

6. Although the site is major street oriented it is not located at the corner of intersecting streets.

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

CHAIRMAN: Before we take any testimony, I would like for Mr. Howard to clarify exactly where this site is. Because I went out to look at it, but the site is not where the grave stones are. The cemetery actually goes a little bit further down the road.

Would you help us understand, Mr. Howard?
MR. HOWARD: Sure.

As you can see on the aerial photo, the adjoining parcel to the east, there's a large parcel and they've got about 1600 feet of road frontage between the subject property and the area of the cemetery. If you're familiar with the golf driving range, it's really immediately adjacent to the driveway that goes back to that.

CHAIRMAN: I want to make sure because when I went out, I said, I'm not finding it or I thought I found it and I hadn't.

Is anyone here representing the applicant?

Mr. Meyer, I believe.

MR. MEYER: Yes. If I could have my assistant provide some booklets. This might help the commissioners.

My name is J.D. Meyer. I'm here representing the applicant, Floyd Tapp.

We're requesting a zoning change of the property located at 5270 Highway 54 from A-R Rural Agriculture to an I-1 Light Industrial.

We understand that the Planning Staff recommendations; however, we disagree with their findings. We believe that the proposed request does comport with the overall intend of the comprehensive
plan, and that in the spirit of a growing society, growing town, growing city, we have to look at different factors and how property is developing. Certainly, this is along the Highway 54 corridor. Obviously, we all know, as you all do as the commission, the expansive commercial aspect of Highway 54 has undergone in the last ten years or so.

I provided a booklet to you all. I believe that the Chairman had asked some questions of Mr. Howard regarding the exact location of the subject property. As Mr. Howard pointed out, the first page does provide you all with an overall map of the area down Highway 54. You can see the subject property. It is on the kind of northeast corner of what is the old Perfect Swing property. It's labeled subject property. It's roughly, it's a little over 5 acre tract of land. As you're driving down east on Highway 54, you go .15 miles and you'll run into an industrial lot which sits on the north side of Highway 54. If you'll back, that's the Danco Trim business there at that location.

The proposed use for this property is to construct a storage building for commercial -- excuse me. Commercial use for residential storage. People can store their personal belongings and things like
that on the facility, as well as other items. You can see that that I-1 property that's noted on the map is the Danco Trim property, and we've shown some pictures there to depict what that property is actually utilized for. Part of it is an auto sales place, and you can see that also in the subsequent pictures.

Going down you've got a B-4 property and then another I-1 property. They're all contiguous there together. You can see on the second page, which is an overall color photograph of the area. The subject location is in that kind of little pod in the center of the page that's noted I-1, B-4, and I-1. The subject property is just a little bit left of that. The main property with the red and the yellow really looks like a storm system. It's the corner of Millers Mill Road and Highway 54 where the GD Ritz's is located. Mr. Tapp has his car dealership in that area, as well as a lot of development for the Panera Bread and some of those other stores.

When we're requesting, as I said, we believe this is in the spirit of the comprehensive plan. We have commercial businesses moving out to the east on Highway 54. So while it's not directly contiguous from the standpoint of this land does not abut and immediately adjacent to an I-1 piece of property. In
the general area, we do have other industrial uses. In fact, if you go further east down Highway 54, you will come to the intersection of Highway 54 and 142. You have a major use being, you know, Premium Allied Tool is an industrial zoning classification, but you also have other commercial business uses from the standpoint of Hagan Saw Shop is located there. There's another car dealership located there at the corner of Highway 54 and 142 that's denoted as a B-4 designation. Those pictures towards the back of the booklet that provides you pictures of Hagan Saw Shop and also the car dealership.

We believe that when you look at the overall general landscape of 54 and the development out at that area, that the I-1 zoning classification does, is a logical expansion and would fit within the comprehensive plan.

There was discussion in the Staff Report of an overburdening roadways. The proposed use is for a storage building. That is probably the lightest traffic generator of any type of commercial use that you could find. It does abut the cemetery property. Property does abut. That is all land that's owned by the Diocese of Owensboro and is designated for use as potential expansion of the cemetery through time. So
we don't believe that the use alone as a storage
building, also given the contiguous land, is going to
cause any overburdening of the traffic pattern.

We have submitted as the last page an article
about the self-storage units and their impact upon
vehicular traffic. Then as you can see in that study,
they are the least, they have the least impact on
traffic in that area. It's not something people come
to quite often like a regular type of business or any
type of factory or other manufacturing type facility.

Lastly, I think it's important to note with
respect to traffic that our city planners and our
government has recognized the need to expand Highway
54. This is in the proposed projects to eventually
four lane Highway 54 out past this particular
property. So as this area continues to develop, we
believe that it's already in the plans to expand the
roadway to handle that new and increased traffic.

As I said, this is a logical expansion. We
also when you look at the changing in the economic and
the landscape in that area, we submit that it's
appropriate that the commission approve the proposed
request.

To aid you all I have submitted in the packet
some proposed findings of fact based upon the
testimony that I have presented here today and we believe that they would all meet the criteria to satisfy and support the zoning change.

With that I will entertain any questions that the commission may have.

CHAIRMAN: Before we go to the audience, anybody have any questions of Mr. Meyer? Let's do those first. I have a couple questions for Staff.

Mr. Kazlauskas.

MR. KAZLAUSKAS: As I went down through here under Urban Services, Mr. Meyer, it says "sewage disposal will be accomplished by either a new on-site private septic system of the extension of sewer to the site." I've got two questions. One to staff and one to Mr. Meyer.

How close is the sewer system, sewer line to the site? Does anybody have any idea?

MR. BALL: I believe the closest substation or pump station is next to Country Heights Subdivision, but I'm not positive. His engineer is here.

MR. HOWARD: Which would be the extreme upper left-hand corner of the aerial.

CHAIRMAN: Do we have an approximate distance on that? Does anybody know the approximate distance it would be to that pump station?
MR. HOWARD: Four thousand feet.

CHAIRMAN: So three-fourths of a mile.

MR. KAZLAUSKAS: One of my concerns, as we move out in that direction and things start to develop in that corridor, the county is already having problems with the sewer lines. Once this is zoned industrial, those buildings might be there for a couple of years, but certainly property could morph into something else. I would hate for a septic system to be there when -- I feel more comfortable with a sewer. I know this is a storage building that you're talking about, but I'm looking kind of toward the future. I know it's cost prohibitive, if we're talking about 4,000 feet.

MR. MEYER: If I may address that fact.

In speaking with Mr. Riney, who is the engineer on the project, there are plans under way we understand with respect to RWRA and expanding sewer service out in that area, especially to the Cedar Hills Subdivision. When you have that, you have the expansion of those sewer lines can easily be accomplished with the expansion of the roadways and the additional development on the land. At the point that there's a required hookup, that's a mandatory obligation, once it's imposed. It's an issue that,
yes, we'll always have in that area. But as you can see and over the years, you know, Mr. and Mrs. Tapp have been good community citizens. They've been on the forefront. They've put their car lot, moved from I think near the mall out to Highway 54 or in the middle of nowhere at the time and everything has slowly come out that way. With respect to the sewer lines and things of that nature, that is something that I know is in the works with respect to RWRA and they're expanding and, as Mr. Riney indicated, are looking in that area.

MR. KAZLAUSKAS: I guess my question is: If RWRA ran lines through there, we're saying that there would be a mandatory hookup if this was zoned industrial?

MR. HOWARD: I believe that if it's in the vicinity, they're going to require to hook on, yes.

MR. KAZLAUSKAS: I guess that answers my question.

CHAIRMAN: Mr. Riney, you want to comment.

MS. KNIGHT: If you could state your name, please.

MR. RINEY: Jim Riney.

(JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: Mr. Kazlauskas, two things. The
focus on the conversation on the pump station. On the screen I see at the upper left-hand corner the intersection of Countryside Drive and Highway 54. There are sewers there to serve the fire department. So the sewers are close. The pump station is further back, but there are sanitary sewers much closer than 4,000 feet.

RWRA is looking at, we're working with them on another project and they're not sure what's going to be their final analysis. But it's my understanding the federal regulations, because I used to work for the city sewer commission back when we were younger. If you take money from the federal government for improvements, whether it's streets or sewers or whatever, there's strings attached. One of those is that you have ordinances, which this community does have. That if a sewer is reasonably in proximity of the property, then RWRA has a right to mandate that they're connected. I believe that answers your question. It's already in place.

CHAIRMAN: Mr. Riney, would it be fair to assume that if they expand that they would expand towards Ceder Hills along 54; would that be a reasonable assumption?

MR. RINEY: It's going to go that direction.
Mr. Reeves, I'm not sure of the route. Topography has a play in that. RWRA is really good at trying to structure it to pick up all of the existing development that they can. I can't speak for them, but I'm sure they're going to try to maximize the service area. That's what they do.

CHAIRMAN: I understand. Any other questions?

Yes, Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

In comparison to what Mr. Commissioner Kazlauskas was saying. My understanding is, based on what is going on at Cedar Hills and Friendly Park, it's probably three to five years out before they would potentially have that extended that far out to Cedar Hills. There's also a reference made in here to either a new on-site private septic system.

I guess my question is, I don't think that would be anticipated since the State is already trying to eliminate these private septic systems anyway, from what I remember a while back. So if it's going to be three to five years before that could potentially be extended out that direction, if this were rezoned and they built something out there, how do they handle that?

MR. MEYER: The character of what can and
can't be built. First of all, it's an industrial zone. Second of all, the proposed use is for storage units. So you're not going to have -- if you have any type of sewer need or use, it's going to be very minimal. One that would probably a private septic system would be more than adequate to handle. Obviously, that would be something we would have to go through Planning Staff, as part of the final development plan and things of that nature.

As the proposed use is solely for storage buildings, there's not going to be a high demand or use for any type of sewer services.

MR. BOSWELL: Thank you.

CHAIRMAN: In this proposed project you're looking at servicing two bathrooms?

MR. MEYER: At the most, yes.

CHAIRMAN: I guess my question to Mr. Howard is: If this were to go into another use that's allowed that would require more sanitary sewer service, then who would make sure that they met the necessary requirements?

MR. HOWARD: For a development plan for an individual storage facility, they would be required to do a final development plan. If at some point it's no longer an individual storage facility and they want to
convert it to some type of a manufacturing facility,
they would have to resubmit a final development plan
showing the new building, the parking, and all of that
stuff. Part of that resubmission process would be the
utility sign-offs which would include RWRA would have
the opportunity to look at it again.

CHAIRMAN: That would even, after it had been
zoned and if they decide to just take down the storage
facility, they would still have to go through that
process?

MR. HOWARD: That's right. You bring that up.
I will address one comment that Mr. Meyer made.
In our Staff Report, we did say that it could
potentially, there could be potential for overburden
the capacity of roadways. We included that statement.
I don't disagree with what he says, as far as this is
a low traffic generator, but once it's rezoned
industrial, it could be anything. If it were a
manufacturing facility with truck traffic coming in
and out during the day, there could be impact there
that's different than what is proposed. As we talked
about here before, you can't do a rezoning contingent
upon a specific use. That's why we still include a
statement like that even though the proposed use is
going to be low traffic.
CHAIRMAN: It would be helpful maybe to ask, for the other commissioners, could you give us some examples of what kind of businesses could be in there if Mr. Tapp decided to sell this five or six years down the road and want to convert it? What could possibly be there?

MR. HOWARD: Any type of light manufacturing; assembly, a storage facility. Warehouse type things could be located in that zone. Whether you're building -- one of the places down the street they used to build mantles for fireplaces and things like that. One of them, now they've added, part of the property in the back is boat storage and RV storage and things like that. There's a variety of uses. It's not a retail zone so they couldn't put in a McDonald or some type of a restaurant that would generate retail type trips, but it would be some type of manufacturing, assembly, storage, warehousing type use.

CHAIRMAN: Danco, is that type of operation putting accessory on trucks and RV's?

MR. HOWARD: Right.

CHAIRMAN: That's very helpful to me.

Mr. Kazlauskas.

MR. KAZLAUSKAS: I'm going out here in right
field now.

CHAIRMAN: Okay. Just speak in the mike.

MR. KAZLAUSKAS: If this were to be approved, could a condition be placed on there that if it were to used for anything else other than the storage facility that they would be mandated to pay the cost to hook into the closest sewer system and would that be acceptable?

CHAIRMAN: I think the counsel, you want to respond?

MS. KNIGHT: Yes.

I don't think that would be something that we would have the ability to do.

MR. KAZLAUSKAS: Couldn't put that condition on there?

MS. KNIGHT: I don't believe so. Simply because we don't have control over that system.

CHAIRMAN: Any other questions?

Yes, Mr. Boswell.

MR. BOSWELL: Just a clarification for myself, Mr. Chairman, and this would be a question for Mr. Howard.

In looking at the rural service area map, it would appear that that particular area is located in what's classified as a rural maintenance area; is that
correct?

MR. HOWARD: I believe it's a rural community plan area.

MR. BOSWELL: That's what I wanted to clarify.

CHAIRMAN: What other questions do we have?

MR. BALL: In the event that this is rezoned tonight, it also opens up the opportunity for other I-1 that would directly adjacent to that in the future as well; is that correct?

MR. HOWARD: Sure.

MR. BALL: It would then make those meet those requirements?

MR. HOWARD: It would. Either parcel that's on either side, on the south side of 54 would then certainly meet the criteria for a logical expansion.

CHAIRMAN: Are you talking like the golf area?

MR. BALL: Not necessarily across 54 though?

MR. HOWARD: Well, across 54 you could as well. The criteria in a rural community for industrial zoning, logical expansion criteria, it doesn't exclude the expansion across an intervening street. So if you are adjacent across the street, that parcel over there, it could certainly meet that criteria as well.

MR. BALL: You potentially open up quite a bit
of ground to meet in the criteria for an I-1 zone in
the future.

MR. HOWARD: Yes, sir.

MR. MEYER: If I may address Mr. Ball's
concern.

You already do have I-1 locations there. Yes, it's a potential. It's already been recognized.

Those have already been zoned. This parcel is not
directly next to the I-1 property, but it's pretty
darn close. When you look at a logical expansion,
adjacent is more appropriate word or kind of nearby,
but that's what it's developing. You've some I-1, I-2
property actually even half a mile down the road.

Given that area where we submit that it is
appropriate, that you do have those already in
existence there anyway.

CHAIRMAN: Again, I think I understand what
Mr. Ball is saying. I want to plan too far into the
future, but is there a size limitation on these sites?

MR. HOWARD: No.

CHAIRMAN: So theoretically someone could come
in with a 300 acre site adjacent to the proposed for
the same use?

MR. HOWARD: In the criteria, you potentially
could and call that the large industrial reserve or
something like that. There are separate criteria for parcels that are over 100 acres or over 500 acres.

   No, you couldn't based on the way the comp plan is drafted. You couldn't say if on this side of the road this property is rezoned and it's 5.8 acres, you couldn't extrapolate that then and say it's a logical expansion to rezone 50 acres to industrial as well. That would, you couldn't make the case then that that's not a significant increase of an industrial zoning. No, you couldn't necessarily do that.

   Also, if you got into an industrial zoning of that size, certainly a traffic impact study would be required to address traffic and things like that. Which that 5.8 acres, you're typically not going to see that. This is along a US state highway. Any type of access point that they would have would require review by the State; although, it's at their discretion as far as what would be needed for a dry/cut permit. Once you got larger like that, it certainly require a traffic study and more extensive research.

   CHAIRMAN: Theoretical if someone wanted to buy any adjacent 100 acres and stub in like a number of these sites within that, they would have several
hoops to jump?

MR. HOWARD: Yes. There would be a rezoning required along with a traffic impact study. Sewer would certainly be a much larger issue at that point because then you have multiple lots, multiple uses. Some could be higher. You know, if you have a use that requires water as part of their processing, you're going to have much greater sewage use as well. Yes, there would be a lot of other things that would go into it once you got into that type of a scenario.

CHAIRMAN: I'm just concerned about Highway 54. We know that's where things are happening. Be as protective as we should be of development along there.

Any others?

MR. ROGERS: Brian, I've got a question. This is all real low land. Is it in a flood zone?

MR. HOWARD: Yes. The aerial photo that you see in front of you, the colors are a little washed out. There is a blue hatched area, which is the 100 year floodplain. On the bottom end of property you can see a 397, which that's flood elevation, that red line that runs across through there. Yes, it is in a floodplain. Anything that they do will have to meet the requirements of the zoning ordinance for building the property up and all that kind of stuff. To get
construction permit from the state and whatnot.

MR. ROGERS: Not real good place for residential then.

CHAIRMAN: Other questions of Mr. Meyer?

MR. MOORE: This may be for Mr. Howard.

In the findings of fact, you mention the road plan calls expansion to four lanes, which is years and years and years away. Can we make a condition if it were to be approved that you have some type of turning lane where traffic can get off of the main highway down into that?

MR. HOWARD: The four laning of this is in what would be called right now the -- I forget what that is. It's been the unscheduled needs administered by unsighted needs. It's been identified, but it's not in the six year highway plan, which is the plan that has money set aside for it, which they're not doing any of it this year.

When the widening would be done, that's something that the state would look at, as far as the need for turn lanes. I don't want to speak for them, but I would venture to say for a storage building type use, you're not going to need the traffic generation need for a turn lane. There certainly are warrants that need to be met, traffic volumes and turn
movements in order for the state to want one put in. But as they're widening the road, they would look at that type of thing and if it were needed, they would address it at that point.

If this were a commercial zoning classification at five acres that would have retail, restaurant, potential things like that, a traffic impact study would likely be required and that's one of the things that would have been addressed.

MR. MOORE: Thank you.

CHAIRMAN: Any other questions by the commissioners?

(NO RESPONSE)

CHAIRMAN: Does anyone in the audience have any questions or concerns that you would like to address?

(NO RESPONSE)

CHAIRMAN: Mr. Meyer, you have any concluded remarks before we entertain a motion?

MR. MEYER: I appreciate everyone's comment tonight. As I mentioned, the Tapps have been good citizens and made a lot of investment into this community. They've chosen a project here that they believe will be beneficial, especially in the storage building and storage facility, especially to those
residents out on the 54 corridor. As I said, we believe that the proposal meets the intent of the comprehensive plan and that there are other industrial zoning classifications that are within the area. That considering the growth of Highway 54 this makes and is a logical expansion. It's not going to overly impact the traffic in any way given it's intended use, and also based upon potential expansion in the future. While that may be a ways off, it's still something that's clearly been identified as more comes out that way and hopefully speed up and get higher up on the plan.

So we believe based upon those that it does fit within the area. It's a mixed residential type atmosphere and that we would request that the commission approve the rezoning.

CHAIRMAN: Thank you, Mr. Meyer.

One last time. Any further questions by any of the commissioners or anyone in the audience? (NO RESPONSE)

CHAIRMAN: Then the Chair would entertain a motion.

MR. ROGERS: Mr. Chairman, I make a motion for approval with the Finding of Fact:

1. The subject property located in rural plan
area where light industrial uses are appropriate in
limited locations;

2. The site is major-street-oriented.
3. There have been major changes in the area
that were not anticipated in the comprehensive plan.

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

MR. FREY: Second.

CHAIRMAN: We have a second by Mr. Frey.

Questions or concerns about the motion?

(NO RESPONSE)

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

(BOARD MEMBERS LARRY MOORE, IRVIN ROGERS, FRED
REEVES, LARRY BOSWELL, JOHN KAZLAUSKAS, STEVE FREY,
ANGELA HARDAWAY AND LEWIS JEAN RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBER MANUEL BALL RESPONDED NAY.)

CHAIRMAN: We have one negative and eight
positive. The application is approved.

Thank you.

MINOR SUBDIVISION PLATS

ITEM 7

6357 Foster Road, 5.5 acres
Consider approval of a minor subdivision plat
Applicant: Charles A. & Jane M. Johnson
MR. HOWARD: Planning Commissioners, this plat comes before you as an exception to the three to one requirement. There's an existing parcel that's larger in size by, I guess, about 20 acres. They're proposing to split that and redivide it, I guess, to a five and a half acre parcel that has road frontage on Foster Road. They only have a 50 foot road frontage to that existing 20 acres parcel right now. So they're maintaining that with the 5.5 acre division. This would allow for an additional home to be built on this property that has road frontage on Foster Road. The remainder is to be consolidated with the parent or the adjacent property. So they aren't creating. Really right now there's one parcel that's larger and one parcel that's smaller. They're not creating any additional lots. We have put a notation on the plat that would not allow any future subdivision of the property without meeting the requirements of the subdivision regulations.

So since we're not really maximizing the use of the land, we would recommend that you consider it for approval.

CHAIRMAN: Anyone representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions by the commissioners?
CHAIRMAN: Chair will entertain a motion.

MR. JEAN: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Jean. Do I have a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. 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.

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NEW BUSINESS

ITEM 8
Consider approval of October 2016 financial statements

CHAIRMAN: Commissioners, all of you have received a copy of the financial statements in your packet. Hope you have had a chance to review them and see if there are any questions or concerns you have with regard to them.

Are there any questions or concerns about the financial statement?

(No response)

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

MR. BOSWELL: Motion to approve.

CHAIRMAN: Do I have a second.

MS. HARDAY: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The financial statements are approved.

ITEM 9

Comments by the Chairman

CHAIRMAN: I want to make just a couple of comments, and primarily for the benefit of our TV audience because we do have a lot of folks that watch our Planning Commission meeting whether you realize it or not.

This will be the last meeting that I will chair the Planning Commission. I want to explain why I'm doing that.

Several years ago we had some discussion about Planning Commission members about how we were going to do the chair and various thoughts and positions. So a few of us got together. Anybody that's on this
Commission should be perfectly capable of chairing the Commission. We didn't want anyone to be a long-term chairman and get so vested in it that they didn't do a good job. We thought it seemed reasonable that maybe we should just serve the Chair for two years and maybe swap that back and forth between the City and County and Whitesville. Some of us made that kind of agreement among ourselves. Some of those are now gone. It's certainly not binding on this Commission or any future Commission. It's only binding on me. Mr. Pedley was the first person to serve for two years under that agreement. Mr. Pedley after two years stepped down as Chair. After two years I'm going to step down as Chair. So next month when we have an election, we'll elect a new Chairman.

I just want to tell the Commissioners that it's my great pleasure to work with you and serve with you. It's been a fun job and while sometimes challenging, easier job because of the great dedication you have of this Commission. The fact that you study the issues, you come prepared to discuss them. You come prepared to listen to the folks that are in the audience and make their presentation. It is a wonderful, wonderful commission. The community may not realize it, but you're in very good hands with
these folks making these kind of decisions.

To the Staff, Staff is beyond phenomenal. I don't know Mr. Howard and his staff do what they do with what they have. This Staff runs on a shoestring compared to most communities of our size. I assure you the citizens you get an enormous amount of bang for your buck with them.

Mr. Howard, to you and your Staff, I want to thank you for all your support.

Terra, the same because I count you among the Staff in this case. We have a wonderful counselor also.

I want to thank all of you for the support you've given me for the next two years. I know my successor will enjoy the same kind of support and I look forward to moving down and taking a seat somewhere else and making some motions in the future.

Thank you for the two years I've been here and I look forward to continue to serve.

ITEM 10

Comments by Planning Commissioners

CHAIRMAN: Any Commissioners have any comments?

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman. I
would like to also congratulate you on the last two years. I think you've done an excellent job. I know I've learned a lot from your chairmanship. I think you've educated all of us in a lot of different things, on how to ask questions. So I want to commend you on a job well done.

CHAIRMAN: Thank you. I appreciate that.

MR. FREY: I would like to second that.

CHAIRMAN: Mr. Frey, I appreciate that very, very much.

MR. BOSWELL: I do have one question. You made mention of the fact that you were asking the Staff for support for the next two years. I wasn't sure if that meant you were going to reconsider.

CHAIRMAN: No. No.

Any other commissioners?

(NO RESPONSE)

ITEM 11

Comments by the Director

CHAIRMAN: Mr. Howard.

MR. HOWARD: Just real brief.

I would like to thank Fred for all that you've done over the last couple of years. I think you've done a great job and appreciate that.

I want to thank each and every one of the
Commissioners as well for supporting the Staff. I think we've had a good year. Thank you for all that you all do out in the community to support what we do as Staff on a daily basis. There's a lot of things that we're responsible for in the community and we take our job seriously and try to be fair and thoughtful in the way that we do our job. Just thank you for your support and look forward to continuing working together as we move forward.

CHAIRMAN: Everyone have a happy holiday.
I'll entertain the last motion I'm going to enter.
Ms. Hardaway, do you want to make it?
MS. HARDAWAY: Motion to adjourn.
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: The meeting is adjourned.

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

I, LYNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Planning
Commission meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 65 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
9th day of January, 2017.

LYNETTE 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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