The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, September 14, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Boswell, Chairman
Steve Frey, Vice Chairman
Larry Moore, Secretary
Brian Howard, Director
Terra Knight, Attorney
Irvin Rogers
Beverly McEnroe
Manuel Ball
Fred Reeves
Angela Hardaway

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CHAIRMAN: I would like to call the September 14, 2017 Metropolitan Planning Commission meeting to order. We always start our meeting with a prayer and pledge. Commissioner Beverly McEnroe will lead us tonight. Please join us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everyone to our meeting tonight. We appreciate the large crowd. Hopefully your folks will have some things to say to help us on our decision making.

I saw Judge Executive Al Mattingly here. We
thank you for attending tonight. I don't think I missed anybody else.

Before we get started, I wanted to just lay some ground rules down before the meeting, housekeeping type things. If you wish to speak, we ask that you please approach to podium, speak clearly, state your name and be sworn in. It's very important that our commissioners hear all the information so we can make good informed decisions on the information that we hear. Please direct all your questions to the chair. If there are multiple speakers at the podium, please direct those questions and answers to the Chair as well. Be respect and positive to others that speak. Allow them time to be able to speak as well.

Also, if you would, please refrain from talking whenever a speaker is up there so we're able to hear and Lynnette is able to make sure she records everything being said.

Also, we ask that you please stay on topic and on tract so that we are able to get through all of the information that's being presented.

Commissioners, you were given the minutes of the last meeting, the August 10, 2017 meeting. I hope you all have had a chance to look at those. Are there any questions or comments or changes to those minutes?
CHAIRMAN: There being none the chair is ready for a motion.

MR. BALL: Motion to approve the minutes.

CHAIRMAN: Motion to approve by Commissioner Ball. Is there a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any discussion or questions about the motion or the second?

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise of approval raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

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PUBLIC HEARING

ITEM 3
Consider revisions to the Goals and Objectives of the Comprehensive Plan for Owensboro, Whitesville and Daviess County, Kentucky

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

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY)
MR. HILL: KRS 100 requires our Community
Comprehensive Plan to be reviewed and updated every
five years. That's the process we're undergoing this
year.

Our current Goals and Objective element of the
Comprehensive Plan was approved by the Planning
Commission in September of 2012, and then by the three
legislative bodies in November and December of 2012.
The remaining elements of the Comprehensive Plan were
approved in February of 2013.

At tonight's meeting the only portion of the
Comprehensive Plan we're considering is the Goals and
Objective section, which is Chapter 1 of the
Comprehensive Plan document.

The commissions recommendations after tonight
will then be forwarded to the three legislative
bodies, Owensboro, Whitesville and Daviess County for
their consideration. Then once they're adopted by the
legislative bodies, the Goals and Objectives, that
will give Staff guidance to update the remainder of
the Comprehensive Plan document which we plan to bring
back to you, the Planning Commission, for
consideration probably early next year.

Our OMPC Staff has spent a lot of time over
the last couple of months soliciting feedback from the
community. We've talked to elected officials, various utility agencies, other governmental departments and citizens to try to get feedback from them on ideas for improving the Goals and Objection section of our Comprehensive Plan.

We had an ad published in the Messenger-Inquirer last month to publicize records. We had a citizen input meeting last month also to get feedback. We've met with elected officials and we've just had some random comments from some other individuals in the community that we've compiled together and created our proposals that we're putting before you tonight.

I'm just going to summarize the revisions that you have.

The Staff Report packet, the first page of the Staff Report proceedings, 17 pages, are the Goals and Objectives. Within it the red text are the changes that are proposed.

So within the changes, within the Economy & Employment section we've added language to promote tourism and technology industries; language to promote multi-modal economic development opportunities, language regarding keeping local regulations and policies the least burdensome as reasonably possible.
Within the Land Use element of the Goals and Objective we've rephrased some language regarding annexation of properties. We've added language encouraging in-fill development. We've added language regarding conflicts between historic preservation and local, state and federal regulations. We've added a reference regarding review of rural community boundaries. We've added language making new rural residential residents aware of impacts of living in agricultural areas.

Within our Transportation section we've added a statement encouraging commercial and industrial use of the airport.

Within the Community Facilities section we've added a statement regarding the coordination of intergovernmental emergency services. We've added a statement encouraging shared-use public facilities. We've added a statement concerning that our local telecommunications regulations are updated to keep up with changing technology. We've removed an unnecessary statement regarding the Daviess County Landfill.

Within our Environment section of the Goals and Objective we've added a statement encouraging the use of alternative energy sources.

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So with the adoption of the Goals and Objectives the remaining elements of the Comprehensive Plan will then be completed by Staff.

STAFF RECOMMENDATION

Planning Staff recommends adoption of the proposed Goals and Objective as attached based on the following findings:

1. Public and official input indicates that the currently adopted Goals and Objectives are still valid and will continue to work well to guide in future decision making and should be adopted with changes and revisions that have been included during review;

2. Revisions of Economic objectives to promote our tourism and technology industries, to promote multi-modal economic development opportunities will promote enhanced competition in a changing environment of rapid technological changes and out-sourcing of jobs and opportunities;

3. Revision of Land Use objectives to encourage appropriate annexation of properties, to encourage in-fill development, to resolve historic preservation/regulation conflicts, to educate rural residential residents of impacts and importance of agricultural activities will discourage urban sprawl.
and reduce demand for services provided outside of existing or reasonably extended infrastructure;

4. Addition of a Transportation objective to promote commercial and industrial use of the airport will broaden the appeal of our community for existing local businesses and industry and also for those wishing to relocate here;

5. Revisions to Community Facilities objectives to promote coordinated intergovernmental emergency service efforts, to encourage shared-use public facilities, to ensure local telecommunications regulations can accommodate rapidly changing technology will provide for well-organized and cost-effective public facility and services within our community; and,

6. Addition of an Environment objective to encourage the use of alternative energy sources will help to preserve existing natural features and resources and will encourage sound environmental design and best management practices.

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

CHAIRMAN: Thank you, Mr. Mill.

Do any of the commissioners have any questions concerning this Comprehensive Plan Goals and

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Objectives review?

(NO RESPONSE)

CHAIRMAN: There being none does anyone in the
audience have any questions concerning or comments
concerning this particular Goals and Objectives
review?

JUDGE MATTINGLY: Yes.

MS. KNIGHT: Judge Executive, you're sworn.

Thank you.

JUDGE MATTINGLY: Mr. Chairman, thank you for
the opportunity to comment on what has been and
continues to be a long process for our community.

Just a couple of comments. Under 4.4.5,
"Continue exploring new ways to encourage and
incentivize in-fill," I think if you look at 4.9.5,
"Strive to resolve conflicts to preservation efforts
presented by local, state and federal regulation," if
we can figure a way to do that, that's going to go a
long way in getting developers to come back and
in-fill those spaces within the city as opposed to
going out in the county and developing new lands. We
all know sometimes in order to comply with state and
federal regulations, it's cheaper to buy a farm,
extend our services out to that farm and develop it.
I really like those two.
On 4.15.6, "Increase new rural residential residents' awareness of the impacts of common agricultural purposes," I can tell you that probably is the single most complaint that Daviess County Fiscal Court gets, because there's a tension between residential and farming practices. They don't like it when you spread pig poop or cow manure or chicken litter out in your fields, but that's a common practice that's been going on for years and years and I don't know how you resolve that issue. I don't know how you inform those folks who buy into rural subdivisions that that's going to continue and there's really not anything that Fiscal Court can do. There's really not anything that you folks on the Planning and Zoning Commission can do.

Lastly, I would ask that you turn your attention to what used to be 6.10.4, "Encourage use of the Daviess County Landfill." While it is true that a case has gone all the way up to Kentucky Supreme Court that says that waste generated within the confines of Daviess County must be taken to that landfill, it doesn't necessarily mean that commercial waste or industrial waste would have to be taken there.

I think that we need to continue to encourage all sectors, residential waste as well as commercial
and industrial waste, so I would encourage you to
reconsider taking that out.

Thank you for the ability to comment on this.

CHAIRMAN: Thank you, Judge.

Just a side bar comment too.

I think this is really a Comprehensive Plan
that's been adopted by our government bodies for quite
some time and this is essentially a review of that to
try to update it to today essentially, and the changes
that have happened over the last few years. This is
my understanding.

Yes, please. Step forward and state your
name.

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

MR. O'BRYAN: My name is Jerry O'Bryan.

(JERRY O'BRYAN SWORN BY ATTORNEY.)

MR. O'BRYAN: I don't normally start talking,
and I apologize. I apologize because I got behind and
I didn't get a written recommendation to the board
there before they could submit this thing. When I
called yesterday and talked to Mr. Hill there, he said
that I might come up here and say a few words.

I also want to say that if I offend anybody
here tonight, that's not the way I operate. I do want
you to know that I appreciate the job you folks do, and all the public servants.

I really appreciate Al Mattingly standing up and saying what he just said because it relates exactly to what I'm saying; although, his last comment on the ag problem, which I don't know how you can fix it. May I can pull out a couple of suggestions.

I operate a grain and livestock operation in West Daviess County. We have about 120 employees. We have about a $4 million a year payroll. I'm not telling you that to make you think that I think I'm important, because I'm just a fracture of what agricultural is in this county. I don't think that agricultural is getting as much protection by the Planning and Zoning and implemented through Fiscal Court as what it probably deserves.

I wrote a lot things down here and all of this is kind of random, but if I don't read it I'll really get confused.

I think that agricultural is the most important industry in Daviess County; not just in the county, but in the state and also in the nation. I can go on with a lot of numbers there about what it does in terms of the national debt, the exchange of trade without agricultural we would be in big trouble.
A lot of people don't realize, because a lot of people
know what I'm getting ready to say and some people
don't because they don't think about it.

Most people don't realize why we have such a
standard of living in this country, and one of the
number one reasons is agricultural and the most
efficient agricultural in the world. As compared to
other industrialized countries, we are nearly 20
percent less in food cost than these other countries.

Now, if all of you just think real quick, if
we went in and jerked out 20 percent of your disposal
income out of your pocket, disposable, not pre-tax but
disposable income, many of us would not live as high
as what we do today in terms of cars and houses and
vacations. So we really, really need to respect
agricultural. And why is agricultural so productive
is because of the ag land. That's what we've got to
talk about, protecting.

The minds of the country starts in the grass
roots. So we've got to have some strong leadership to
protect. This is where it starts. This sounds like a
-- I'm not going to say that.

Agricultural is suffering in Daviess County.
Housing development in the ag community is inhibiting
all aspects of agriculture, grain, vegetable and
livestock production. Most people would think it's a ridiculous idea to build a house in the middle of the Owensboro Riverport, but it's no more ridiculous than building a house in the middle of an agricultural industrial park.

The point I'm trying to make is agricultural is the most important industry in the country and why we should make concerted efforts to protect it. The fact that there are more complaint cost to regulatory agencies from residents in Daviess County about agricultural practices than any other county in the state points to deficiency in the zoning laws. Allowing people to build houses in agricultural industrial area is as ludicrous as building a chicken house on Griffith Avenue. People move into the agricultural areas with no knowledge or understanding of agricultural and then are appalled and grossly intolerant to agricultural things that happens around them. They then call and complain to the different agencies and these different agencies, government agencies, have to respond, EPA, the Division of Water and so on. This ends up causing a lot of time for the agency employees and the farmers that have been complained about. For the most part the agency employees are respectful and understanding to the
farmers, but occasionally encounter agency employee
can and often do force stringent and ridiculous
interpretations to the regulations. Displays the
final burden on the farmer. Some of these people who
build or buy a house in an agricultural communities
are blind-sided by the agricultural practices that
happen around them, along with the increase of cost of
living in the county versus the metropolitan area.
These people need to be protected from themselves.

The existing laws in the county allow for one
to buy an acre and build a house anywhere. This makes
it possible for real estate agents to section off the
road frontage from farms. When someone wants to buy
just one acre, he or she can pay a hugely greater
dollar amount than the farmer can afford to pay for
agricultural purposes.

If the zoning laws were enacted that required
to purchase, and this is just an example of what can
be done. If the zoning law were enacted that required
the purchase of a minimum of ten acres for the
construction of new home and agricultural areas in
Daviess County, the farmer could be more competitive
in bidding for that land with the home builder,
against the home builders. The ten acre requirement
would give farmers the ability to sell or give lots to
their children or anyone else they wanted to sell to.

Also, the person buying property will achieve farm status which would open the door for them to participate in agricultural programs.

For example, around Lexington, Kentucky people are now required to purchase a minimum of 40 acres to build a house. In 1999 Fayette County elected officials decided to change the minimum of subdividing plots from 10 acres to 40 acres. They decided that 10 acre lots would destroy too much of the county's farmland.

In many counties in Iowa there is a 640 acre minimum acreage requirement for home construction, if you want to know how far you could go.

As a side note, I do not have another matter -- this is the side note.

I have not read your plan for Daviess County and the City of Owensboro. I'm going to assume your emphasis is for economic development. I will tell you if you don't address our runaway electric costs, your chance of attracting industry in this area is a thousand to one.

In 2009, we were paying 6 cents a kilowatt for electricity, and today we're paying 12 1/2.

CHAIRMAN: Mr. O'Bryan, I think maybe that's a
little off the topic of what we're talking about here.

MR. O'BRYAN: I thought it might be. That's all I have to say.

CHAIRMAN: We want to hear what you have to say.

MR. O'BRYAN: -- you're going to run out a lot that's already here. That's why some of them located here.

CHAIRMAN: I think you're talking in terms of things, if I'm hearing this correctly, and Mr. Howard maybe can add to it. It sounds like some of the things you're talking about or referring to are associated to our zoning ordinances rather than our Comprehensive Plan necessarily. Would that be a fair statement?

MR. O'BRYAN: I know nothing about how you all operate. I don't know where I need to be.

CHAIRMAN: You mentioned something about suggestions and I didn't know if you've mentioned those suggestions yet or you were talking about --

MR. O'BRYAN: I gave that ten acres is a suggestion. I will tell you Pete Goodman, the head of the Division of Water in Frankfort, said he would be glad to come down here and talk to you anyone that wanted to talk about this. He wasn't going to tell
anybody what they should do. He would just tell them
what people in the other counties in the state that
have less problems have done it. That's really all
I've got to say.

    CHAIRMAN: Thank you.

    MR. O'BRYAN: Thank you.

    CHAIRMAN: Is there anyone else that would
like to speak concerning these Goals and Objectives?

    (NO RESPONSE)

    CHAIRMAN: There being none the Chair is ready
for a motion.

    Mr. Frey.

    MR. FREY: I'll make a motion to approve.

    CHAIRMAN: A motion to approve by Mr. Frey.

    MR. HOWARD: Could I may interject real quick,
please?

    CHAIRMAN: Yes, please.

    MR. HOWARD: Judge Mattingly requested that
6.10.4 be kept in as part of the Goals and Objectives.
We have it shown as being removed. I believe the
information, when Mike was gathering information
that -- I think we understood that that wasn't an
issue anymore, but as Judge Mattingly as explained	onight, we really need to keep it in there, I think.

    MR. FREY: So in turn we are making a motion
to approve these finalized; is that true?

MR. HOWARD: Yes.

MR. FREY: Then I will withdraw my motion made.

MS. KNIGHT: Or you can amend your motion to approve --

MR. HOWARD: Keeping 6.10.4.

MR. FREY: Let me get to it so I make the correction.

I would like to amend and add back in 6.10.4.

MR. HOWARD: Perfect. Thank you.

CHAIRMAN: So you're making a motion for the approval of the Goals and Objectives and adding back in the 6.10.4?

MR. FREY: Yes.

CHAIRMAN: A motion has been made to add that in. Do I hear a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Is there any motion about the motion and the second?

(NO RESPONSE)

CHAIRMAN: There being none then the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.

MR. HOWARD: Under Zoning Changes I will note that all items under Zoning Changes 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 this meeting along with all other applicable materials to the appropriate legislative body for them to take final action.

GENERAL BUSINESS

ZONING CHANGES

ITEM 4

2401-2501 Blocks Barron Drive, 81.7 acres
Consider zoning change: From B-4 General Business, R-1C Single-Family Residential & R-3MF Multi-Family Residential to R-1C Single Family Residential
Applicant: Deer Valley Subdivision, LLC; James C. Ellis Estate

CHAIRMAN: I think Mr. Ball has to recuse himself.

MR. BALL: Yes. I need to recuse myself actually from Items 4, 4A and 4B.

(MR. BALL LEAVES ROOM AT THIS TIME.)

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)
PLANNING STAFF RECOMMENDATION

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

CONDITIONS:

1. Access to Barron Drive shall be limited to a single access point as shown on the Final Development Plan/Major Subdivision Preliminary Plat.

2. No individual lots shall have access to Barron Drive.

3. Installation of a left turn lane on Barron Drive onto the development.

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;

4. With access to Barron Drive limited to a single access point and the installation of a left turn lane from Barron Drive into the development the proposal should not overburden the capacity of roadways and other necessary urban services that
available in the affected area; and

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

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

CHAIRMAN: Thank you, Ms. Evans.

Is there any questions or comments by the
commissioners?

Mr. Reeves.

MR. REEVES: Well, I'm waiting for --

CHAIRMAN: I'm sorry.

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

MR. KAMUF: I represent Deer Valley
Subdivision which is part of the Jagoe Development
Company. The area is known as the Bluegrass Commons.
We'll be discussing three issues tonight and some of
it might overlap.

First of all, we have the rezoning and the
rezoning is from multi-family commercial, which is a
downgrade to single-family residential. Then we have
the variance, and also we have approval of the
development plan.

Number One, previously the representatives of
Deer Valley, which is Jagoe and them, Bill Jagoe,
Scott Jagoe, and Jason Baker with Bryant Engineering met with the neighbors. All the adjoining neighbors on Middleground were notified. Approximately 33 neighbors attended this meeting. As stated previously, the purpose of the meeting was to address the concerns of the people in the subdivision.

After the meeting, the representatives of Deer Valley, the Jagoes, we took all the comments and took questions and tried to design this subdivision around their concerns. We feel that there will be a negative affect on the existing draining issues and bottom line, we're not necessarily fixing any problems, but we're not adding to any of their problems.

Now, Scott Jagoe is here to give his opinion and we also -- the issue probably that you'll want to hear from will be drainage, and we have Jason Baker from Bryant Engineering. We're here to answer any of the question that you all might have.

I think before the questions you might want to hear some of the drainage issues as prepared by Jason Baker.

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

MR. BAKER: Jason Baker.

(JASON BAKER SWORN BY ATTORNEY.)
MR. BAKER: As Charlie mentioned, I participated in the neighborhood meeting that was conducted. At that meeting the primary issue was drainage issues related to existing drainage issues that are within the adjacent subdivisions.

Felt it was good to go ahead and present kind of what our design approach was on that, which might ease some of the neighbors concerns up front and hopefully help our discussion here.

Our design approach was based on three key concepts; to eliminate the possibility of impacting existing flooding issues of the adjacent property.

First thing we did, we researched the flooding problems that occurred there for many years. From that research found that the area experiences flooding within the streets and overflow of these areas rely on three existing stub streets that stub off Middleground into the subject property.

The first concept that we did to address that is, our intent is to maintain those flow paths. We are extending those stub streets. The water that comes down those stub streets will still go where it does today.

Secondly, drainage from the project itself is designed to divert water away from the subdivision...
through two new proposed retention basins that are essentially located within the subdivision. The proposed design diverts just over 12 acres of water that currently drains towards the subdivision and it diverts that inward and away from the subdivision itself.

In addition, the proposed design provides additional drainage infrastructure in key areas that doesn't existed today that will allow water along those properties to convey water more efficiently.

Thirdly, construction of excess storage volume within the project will add to the total amount of storm water storage within the watershed. Again, the addition of the proposed basins adds a considerable amount more than is required by ordinance to this watershed.

As Charlie mentioned, unfortunately there's not a whole lot we can do as an adjacent property owner to affect change in the existing subdivision; however, we have done everything possible to ensure that the proposed development does not have negative impacts on an already existing problem.

So we believe the design approach will prevent the proposed development from having any impact on the existing flooding in this subdivision.
Like I said, I'll be glad to answer any questions anybody might have.

CHAIRMAN: Mr. Jagoe, would you like to say anything on behalf of the application?

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

MR. JAGOE: Scott Jagoe.

(SCOTT JAGOE SWORN BY ATTORNEY.)

MR. JAGOE: At the meeting there was a further comment from one of the residents that are adjacent to us that, I believe, during the construction of the detention basin, that there was four inches or so that inundated Middleground with more, I guess, retention of their storm issue or water retention. Flooded those streets, maybe higher. We spoke with the past city engineer this morning to get more facts about that. It was requested as, would we do the same thing, and the answer will be, no. As we're developing a community that's going to be phrased, from Barron Drive back towards the existing neighborhoods that are there now, we would keep those channel-ways open. I think they got caught in a perfect storm. It is something that could have been litigated. I just wanted to get that on record as well.
CHAIRMAN: Thank you, Mr. Jagoe.

Do any of the commissioners have any questions of either Mr. Jagoe, or Mr. Baker, or Mr. Kamuf?

Mr. Reeves.

MR. REEVES: This is for Mr. Kamuf, I assume.

Will any of the units that are being proposed be constructed be rental units?

MR. KAMUF: I can't answer that.

MR. JAGOE: I'll answer it.

Our intent is to sell everything. Once we sell that property there's no restriction. Probably like the resident that you live in now or the residence that you live in now, if you want to rent it down the road you can.

MR. REEVES: So there won't be any covenants that would prevent that in the future; is that what you're saying?

MR. JAGOE: There's no covenants that prevent it. There is a portion of the property that is multi-family. We're going to do those as a townhome. Not a condominial regime. Then we will put those up for sale. Whether or not a family member, an heir or somebody just decides that they want it as an investment or so forth, we would do that, but there's no restriction for rental.
MR. REEVES: When you look at this plot, Mr. Jagoe, have you kind of decided where those units might be generally this plot or not?

MR. JAGOE: That's already been determined. They are on the -- if I get my direction correct.

MR. REEVES: That's helpful. I should have looked there myself.

MR. JAGOE: Barron Drive is here. It's this area. Through the entrance, Monroe Avenue come through and extends back towards Carter Road. Those are all single-family. I'm not sure if any multi-family in existing residential, and the answer is, no.

MR. REEVES: That answers my question, Mr. Chairman.

Thank you very much.

MR. JAGOE: Thank you.

CHAIRMAN: Do any of the other commissioners have any questions of Mr. Jagoe, or Mr. Baker, or Mr. Kamuf?

(NO RESPONSE)

CHAIRMAN: Mr. Jagoe, I do have a couple of questions.

In looking at, and maybe Mr. Kamuf can answer this. At looking at the site development plan, I know
there was a mention made that there would be one entrance from Barron Drive, but essentially there's actually going to be four other entrances from Middleground; is that correct?

MR. KAMUF: I think that's correct.

MR. JAGOE: No. There's two.

CHAIRMAN: Those would be Johnstown Place and Count Turf Drive I assume.

MR. JAGOE: Chippewa is an extension of Ottawa. I think it's up on the screen now. I don't know if you have that exhibit in front of you, Mr. Chairman. There's two on Middleground, and then there's two over here where Ottawa will come through and Chippewa.

Currently there's a center stub street that comes off of Middleground and it basically dies into the ditch that will stay existing. So that particular stub will not be extended.

CHAIRMAN: So in essence if you start development on Barron, you'll be working toward Middleground over a period of time. Those streets, the streets being opened up, it will be quite a while before that will occur; is that correct, the site?

MR. JAGOE: Before the streets would be opened up, we would still do site work up front. There would
be some utility extension that would be required up
front to be able to get those streets out.

CHAIRMAN: Thank you. That's all the
questions that I have.

Any of the other commissioners have any other
questions?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience
that would have a question or would like to make a
comment?

MS. KNIGHT: State your name for the record.

MR. STEWART: John Stewart, Sr.

(JOHN STEWART, SR. SWORN BY ATTORNEY.)

MR. STEWART: I live on Chant Court. My
property is the last one on the north side of the
Ellis Estate. In other words, I live where Ottawa
comes into the Ellis Estate. My property is one house
below that.

We have a problem with the ditch going from
Chant Court, all the families on Chant Court have a
ditch coming out to Carter Road. When the last
property owners tried to get in to build in there,
they raised the bank of the fill there by my house up
to about 6 or 7 feet. I want to know if the ditch
coming from Scherm Road down the east end of the field
will go into this retention pond or will it come onto us?

CHAIRMAN: Please direct your questions to the Chair.

MR. BAKER: Make sure I understand the question.

So Chippewa is here, the back lot line of Chippewa is here, Ellis Estate property here. You're talking about this ditch; is that correct?

MR. STEWART: Our property is, that lot -- I can't read. 845 I believe there on the very end.

MR. BAKER: So you're up here, you're right here?

MR. STEWART: No. I'm right here. Right here, Chant Court. There's a ditch that goes all the way down through here. It always still stays full, not full of water, but when it rains it doesn't drain. It drains out but leaves water in the bottom. It's a mosquito trap.

CHAIRMAN: Please stay back at the microphone so we can hear. Thank you.

MR. STEWART: The ditch doesn't drain properly. There's a mosquito trap right down, it's in where the two ditches converge. They've tried to trim
this ditch along the north end or the east end. It would be along Chippewa there. Now there's 6 foot trees, all kinds of bushes, everything in there, and it doesn't drain. Supposed to drain into the retention pond on Barron Drive. It drains, but it takes about a week after a big rain to drain. Like I say, there's mud down at the bottom of that all the time. When they come out to mow, they usually wait until after a day of rain to bring a tractor with a mower on and they can't get back there because the tractor and the mower both get hung up. I mow behind my fence and my neighbor with a riding mower just to keep the grass down, but there at the corner it's just grown up -- I've tried once to control that, but I got tired of trying to control it. I've called City Action. I've called OMU. I've called RWRA. Nobody wants to do anything about it.

CHAIRMAN: If I'm understanding you, is your question what they're going to do, how will it affect the drainage on your property?

MR. STEWART: Right.

CHAIRMAN: Are you able to answer at this time that question?

MR. BAKER: As far as what we're planning to do to that ditch, we have no plans to impact that
ditch; again, positively or negatively. The only
thing that we would be doing is constructing culverts
at Ottawa Drive and Reno Way, which is, I'm not sure
people in the neighborhood are aware what the name of
those are. I know Ottawa is a named street, but Reno
is not. It's an existing stub street south of Ottawa.
That is the only proposed improvements or impact that
we plan on having in those areas.

MR. FREY: Jason, is it fair to say though
you're going to be building a lot there so obviously
it's not going to be a mosquito trap because there's
going to be a lot there, true?

MR. BAKER: Yes. Backing up to his lot there
will be one and a half of these new lots here.

MR. FREY: That homeowner is going to want
everything graded properly. So it should help his
problem I would hope.

MR. BAKER: You do have some restriction of,
you know, these type of ditches are jurisdictional and
there's certain things you can and can't do. Quite
frankly, both of our design is to design around those
sort of features because they're kind of held sacred
in the water quality world and Division of Water and
things like that. As it stands, there is no plans to
do anything in that area.
CHAIRMAN:  But you will be doing some grade
work and some site work there which --

MR. BAKER:  We will be doing site work and
grade work within the development.  We will not be
doing site work and grade work within that ditch.

MR. STEWART:  I have another question, sir.

CHAIRMAN:  Yes.

MR. STEWART:  It mentions fencing in here.

That end of the property that ends on Chant Court, in
other words, along Ottawa Drive there, is there going
to be a fence between Chant Court on Thoroughbred
Acres and the new subdivision?

MR. JAGOE:  Currently there are a couple of
places along Middleground that holds water also, the
grass ditch that the city is mowing, and there's a
couple of low spots.  Those we would come through,
level those out.  That area is not holding water
because it's in the backyard.  Actually all of that
property along Middleground where the city put the
ditch in and they've been mowing will be part of the
backyards for this new community.  There's a 50 foot
easement for that ditch.  It will be a utility and
drainage easement.  We will restrict any fencing going
in there.  We will not restrict any fencing in the
backyards up to that easement.  So in essence there is
going to be a grass strip down through there. Our intent is basically from where -- I can't think of what the name of the stub street is, where this ditch is, the existing ditch with the large trees that's the center of the property, that we don't disturb that at all. Other than a few areas that are holding water that we would level those out and regrass it and no structures should go in there other than a ditch utility.

MR. STEWART: I have a chain-link fence around my property there. Like I say, there's a high bank on the Ellis Estate that comes down and it goes up to my fence. I have a fence on my property. It's been there since I've been there. I was just wondering if there was going to a fence on the backside of these lots to separate our community?

MR. JAGOE: It would be up to resident that would purchase the home site whether or not they would put a fence up or not. We're not putting up any type of a buffer or a fence that goes all the way down through there. Again, our property and your property will adjoin each other. If somebody does, they can't -- we're going to restrict them from putting a fence up against yours or on the property line. That fence would be pulled back 50 foot from the property line.
MR. STEWART: That answers my question. Thank you.

CHAIRMAN: Thank you, Mr. Stewart.

Is there anyone else in the audience that would like to step forward with questions or comments concerning this development?

Yes, please.

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

MR. HEMPEN: Tony Hempen.

(TONY HEMPEN SWORN BY ATTORNEY.)

MR. HEMPEN: Just a few questions.

Is this going to be adding to drainage into that retention pond? That's one question. Because the neighborhood I live in it floods pretty bad. I guess you might call it upstream, up Scherm Road.

You have the big rainstorm in '97 and some houses did get flooded up that way up near Scherm Road. The city spent a lot of money putting out drainage culvert or retention pond, and it has helped a lot. Don't get me wrong. It's helped a lot, but even with that there's been times when I know houses came within a foot of flooding since then. My main concern is we don't needed added going into that retention ponds or the ditch that retention ponds
drains into or it's going to back upstream and flood neighborhood in Royal Drive area.

CHAIRMAN: Mr. Hempen, what is your address?
MR. HEMPEN: 2817 Royal Drive.
CHAIRMAN: Thank you.
MR. HEMPEN: In fact, in '97 my house had six inches of water in it from the flood. Again, I want to be sure.

Like they have these retention lakes, and I understand. That's great. But say we have a big rainstorm. Where does the excess water to those lakes go? If it goes in the same ditch or where the retention pond drains into, it's going to back up and somebody is going to get flooded.

CHAIRMAN: Mr. Baker, are you able to address that question?
MR. BAKER: Yes, sir.

As I mentioned before, the overall concept has, -- I think this shows it best. You see this area right here. That is around 3.6 acres. This area right here that I'm going around right there, that's 9 acres. That area that I just kind of traced around here is area that naturally is going to these outer ditches that we're talking about. That now is going into these internal basins.
The question he asked is are we having impact on the Scherm ditch basin. The answer is, no. We're required per normal basin design to mitigate the impact of the development. So we look at reducing the runoff down to below pre-existing conditions. We're looking at that at a point at the basin. That's the design used. In addition to that, these basins are designed with a lot of excess storage volume, 23.2 excess acre feed storage are being provide here, which is, again, above and beyond the requirement. The answer should not, it will not have any impact on the Scherm ditch basin, should not have any impact at all on that.

CHAIRMAN: Would that have any impact on his address? I think that's maybe what his concern is.

MR. BAKER: Explain to me where you're at again.

MR. HEMPEN: I live up Royal Drive which is up Scherm Road. If this backs up due to runoff from the development, it's going to fill this ditch up, and whoever is upstream, me and my neighbors, we're going to be swimming.

MR. BAKER: What I said I think does kind of answer the question. The water from this subject property here, the property we're looking at, is all
getting to this basin now. In the future, it will be getting there at a much slower rate and portions of that water will be held in these basins by design. We are having, we should be having a positive impact. The overall size of this watershed I'm not sure this development will make a noticeable difference in the Scherm basin, as far as positive impact, but I'm certain it won't make any negative impact. I don't think it will be noticeably -- I don't think it will have a negative impact at all.

CHAIRMAN: Does that answer your question, Mr. Hempen?

MR. HEMPEN: Yes. I do have one other question.

This development is, about 80 percent of it is floodplain. Is there any plans on elevating it out of the floodplain so we don't pay flood insurance? If it is, that could have an affect on ratings also.

MR. BAKER: As part of the Scherm ditch basin construction project, the City of Owensboro took dirt from the Scherm ditch basin and placed it on this entire site. The site was raised above base level elevation as part of that process and that was certainly permitted through normal channels. They did not go through the process of remapping the floodplain
in this particular area. We will be doing that as part of future effort. Basically want it to be reflective of the actual final design so that the maps are accurate. We will be look to do that after construction.

CHAIRMAN: Did I read somewhere that that was actually raised above the 100 year floodplain?

MR. BAKER: That is correct.

CHAIRMAN: That's what I thought I read.

MR. HEMPEN: So there will be no elevation of existing ground?

MR. BAKER: So his question was, will there be any elevation of the existing ground?

We will be reshaping what's out there, but there will be no additional dirt brought in to raise beyond that. Everything is already at or above base flood so there will be no reason to. So we will basically be reshaping. There are some hills and stuff out there. It will be reshaped. It will be flatter, as the most general way of saying it.

CHAIRMAN: Does that answer your question?

MR. HEMPEN: Yes.

CHAIRMAN: Thank you.

MR. STEWART: Can I ask another question?

CHAIRMAN: Yes, Mr. Stewart.
MR. STEWART: You talk about floodplain. I pay flood insurance on my property. The Ellis property is up above mine. Will that have anything to do with the floodplain that I'm in?

MR. BAKER: No. The elevation of this property would not have any impact on flood insurance for your property. It's based on just a map, and what is below the documented elevation. So any areas that are below that documented elevation would be considered in the floodplain. Like I say, currently this property is already above based flood. The only thing that has not been done is updated the map.

CHAIRMAN: Thank you.

MR. STEWART: See, the water that comes down around the corner on Middleground backs up into Chant Court. Not all the way to my house. I'm all the way to the end of the property, but it fills Middleground at the intersection of Chant Court and Middleground. It doesn't stay very long, but still for the people on Chant Court and Middleground, there in that area the street is under water. So will this impact or stop the flooding on Middleground or won't have anything to do with it?

MR. BAKER: No. Our design actually does not put any additional water on those upstream areas.
Unfortunately can't do much to help alleviate that. In looking at this problem after we went to the neighborhood meeting, we actually had several discussions with a lot of people. I believe most of the issues that exist over in the existing subdivision are related to the storm system sizes being too small. So what happens in a major storm event the water will accumulate once the pipes are over or -- once there's more water than the pipe can take, then the water kind of starts flowing over top through the streets.

As I mentioned, the relief point for that is the stub street on Middleground. Our intention is to leave those relief points in place for that reason, so that we're not having any impact on that. Again, it's unfortunate we can't make it better. We certainly would have tried, but we're certainly not making it any worse and we are maintaining those, all those relief points that exist today.

So it's a bad situation, but we can't really do anything as being a downstream property to really impact it.

Chairman: So you're not adding to what is already occurring there?

Mr. Baker: No, sir. In fact, we are making some reductions, but again, I can't say it will make
much of an impact.

MR. STEWART: Thank you.

CHAIRMAN: Thank you, Mr. Stewart.

Anyone else that would like to make a comment or have a question from the audience?

Yes, please step forward.

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

MR. DECKER: Richard Decker.

(RICHARD DECKER SWORN BY ATTORNEY.)

MR. DECKER: I live at 2508 Middleground Drive, which is the northwest corner to the adjacent property there. My concerns are, I live down in here, in this corner right here. When the basin was constructed here, here is a little history lesson, all this dirt was taken out of the basin and, of course, raised to level of this field. So when that was done, that created a much higher elevation and the contractor didn't account for that extra water that was going to run off that field. So that wound up flooding all of this. We had a rain event, a couple of events, it flood all of this area in Thoroughbred Acres. It wound up flooding backyards streets and some houses at that time. There was a couple of designs, redesigns on the ditching. Finally the city
got involved and said, let's fix this. So when they fixed this, the easement, 20 foot drainage easement along this area right here. They widen and reconstructed those ditches down there to retain this water that would come out of that field. Now that that water runs down this way and goes down Barron Drive and it works right now.

I guess my concern would be, looking from the plans with these basins here, that's going to help a lot, and it looks like they're grading this where it's going to take some of the sheet flow off of our property. They're going to pave this 2 foot ditch that runs between the new development and existing Thoroughbred Acres.

So right now the City mows that. The property owners maintain it, and it works right now, like I said. So when they pave this ditch, within that 20 foot easement, it would be nice to know that that's going to be maintained and I guess keep it from being restricted and obstructed down the road.

As you all know, what happens in a subdivision, people put up a fence and they look at their backyard and they say, you know, that's too low back there. I'm going to bring in some dirt to fill that in. That's happened in Thoroughbred Acres. It
happens on Mayfair. I know it's happened on Mayfair. What happens is they don't understand they're disrupting the whole drainage situation. I'm looking, you guys look at the future. I'm looking at the future. What I would like to see is, can we get this specified that that ditch needs to be left alone and not obstructed, restricted in any way so that it can be got back in there and maintained in case there is a problem? That is my main concern with all of this. The whole neighborhood is concerned with that.

CHAIRMAN: Thank you. Maybe Mr. Jagoe or Mr. Baker will be able to address that.

MR. BAKER: So the area he's describing here, we recognize, again, after the neighborhood meeting, that this area was an area that was really flat and needed some attention. So when you put in a paved ditch, a lot of people think that's just to convey the water. In this particular case, the ditch is so flat. The main reason for this ditch is to be able to restore that flowline and maintain that flowline long-term. So, in other words, it silts up because it's so flat. It can easily be excavated back and restore that original flowline. That's the main intent for us having put that in there.

So as far as, Jagoe has general restrictions
for putting fences and easements, as Mr. Jagoe previously mentioned, and that would be the case here as well.

The homeowners there on these lots we're talking about in this area, as well as I believe there's drainage features all the way down through here, there would be restriction of putting a fence in there.

Again, we've addressed the sustainability of the ditch by putting in a paved ditch, which we believe was an improvement, and then also as far as the fences, they will be restricted from that area. Any type of structure; would include out-buildings, those sort of things as well.

CHAIRMAN: Mister, I'm sorry, I didn't get your last name, does that address your question at this point?

MR. DECKER: Yes, it does. I do have one comment.

Jason stated that the outflow would be maintained like in all of these stub streets they connect to. Right now the way -- the flooding was in that situation, we were getting lot of water out of this field that was coming down this stub street, which is now right in this area right here. Okay. So
we were getting a lot of water there. Right now we
had to come in and they put a curb at the end of that
stub. So we get zero water out of that field now
because that was just overwhelming that end of the
subdivision. So I don't know how if they have looked
at that drainage hard enough to say that any of that
water is going to be coming out of this and going down
that sub to Middleground or if that's going to be
maintained like it is now. We have no water at all
coming out of that field. Do you understand that?
CHAIRMAN: Yes.
MR. BAKER: Obviously this area has some
unique stuff going on, right. We are extending that
stub street. We were required to make that connection
per planning and engineering. This street will end up
being a high point. Water going back toward Barron
Drive will continue to flow the way it does today.
Water that is east of Johnstown going this way, it's
hard to imagine with what's out there right now
because there's actually a hill in the way. There
will be a -- the hill is going to be removed and there
will be a new drainage feature which will channel
water through here. So water from the east side of
Johnstown place will in the future flow to the big
ditch in the middle of the property through a system
that is a combination of paved ditches, pipe and inlet structures. So in the future, as of right now, these properties right here cannot drain into our site because our site sits higher than their property. In the future, we will have a drainage feature on this property that will allow water from these backyards to actually come into that swell and then it will then flow in this direction and out the main ditch through the middle.

CHAIRMAN: So essentially what you're saying is that he is not seeing water now. When this develops out, he will not see?

MR. BAKER: Correct. What he is referring to is they put in a fix which involved adding a curb at the end of the street, which is an objection at this point. That will be taken out and the street extended, but we are making a major change to the way the water flows in that area and providing new infrastructure to channel water from this side of the street all the way down to the little ditch and out. So it's going a little bit different direction. In the past, it went here and all the way around. Now it's going to go straight to the big ditch and down.

CHAIRMAN: Does that address your question?
MR. DECKER: As Jason stated, this is some weird stuff going on here.

What I was wondering also, the way this drains now it comes down this way and goes to the Barron Drive ditch. What I understand is going to happen is, I guess that is state maintained now, Barron Drive ditch maybe; is that correct?

CHAIRMAN: Not sure.

MR. DECKER: I think Jason verified that. So I think the plan is, is to get in and regrade the ditch, clean it out so it flows better than it does now, so this water can come where it is now and get around that corner down Barron Drive like it should be going. They're going to paved this 2 foot ditch that is presently there. It's just grass high behind the property.

What I'm asking, I don't know how this is going to be phased, constructed or anything else, and I'm not sure if they've got an idea either. I was wondering if they could get that Barron Drive ditch cleaned out would it be advantageous to us to go ahead and get that ditch paved initially rather than waiting for more construction to happen? It's going to start at Barren and work it's way back. Would that be something that we could go ahead and get done, to go
ahead and address that drainage and make it better right now rather than waiting three or four years down the road? Does that make sense?

MR. BAKER: As far as extending a paved ditch down Barron Drive, we extend a paved ditch over to the state right-of-way. In addition, if you look at -- again, this is important to mention. We have made a major change to the drainage pattern in this area to address the specific concerns being brought up. Right now this water all goes this direction. There's a total of about six acres in this area that naturally is draining down this direction on down Barron. In the future, that will be 2.5 acres. We're taking 3.6 acres off of that area that currently goes that way. As far as building a paved ditch out here, that is state right-of-way. We're not just allowed to do anything we want there. The ditch is flat. I acknowledge that. The road is actually very flat as it runs down through there. We believe that the improvements we're making in this area and taking over half -- taking over half of the water off of that roadside ditch that is coming from our property and diverting from the other direction, we believe that is going to have a far greater impact than would a paved ditch. Again, we're not certain that the state would
even allow it.

    CHAIRMAN: So essentially there's no way you could guarantee what he's asking at this point in time?

    MR. BAKER: No. No. There would be no way we could commit to that.

    CHAIRMAN: Thank you.

    MR. DECKER: As I look at the plans, I was under the impression that existing ditch behind Middleground right now was going to be paved 2 foot of original concrete; is that not correct?

    MR. BAKER: So this area from right here over to and a little into the state right-of-way, basically making a turn there, then from here back to about right here will be a paved ditch. So this is flowing this direction and flowing this direction. In the future, water from here will flow this direction. It will go underground into a pipe system about right here and then it will continue underground and go into the big ditch here. So, yes, we have a whole new drainage feature that doesn't exist today along this boundary line. That was primarily done to address a known issue that we had and trying to do the best we could to address everyone's concern.

    CHAIRMAN: Does that answer your question
concerning that area?

MR. DECKER: This is going to be paved here also; is that right?

CHAIRMAN: Use the microphone, please.

MR. DECKER: So this is going to be paved also, from here to the ditch; is that what you said?

MR. BAKER: Yes, that is correct. It will be paved from Johnstown Place out to the Barron Drive right-of-way.

MR. DECKER: That's what I was asking. That was my question, would it be advantageous for us to go ahead and get that paved during the grading and construction and get that over with rather than waiting on some, who knows when they're going to get that done?

CHAIRMAN: I don't know that the developer would want to do that at this point. That would be up to them.

MR. BAKER: Again, anything along Barron Drive we don't own that property. We don't have a right to do it. We don't know if they would allow it or not.

CHAIRMAN: There's no way to be able to do it at this point?

MR. BAKER: Right. No way.

CHAIRMAN: Richard, does that satisfy your
questions, presumably?

MR. DECKER: I think so. I'm not worried about Barron Drive. I understand they can't do anything about that. I was just asking about phase construction on their property behind the Middleground houses there, if they could, when they were going to paved that ditch, I guess. That's my question.

CHAIRMAN: Thank you.

MR. BAKER: Again, that ditch construction will happen early on in the process. They will be phasing the project from Barron Drive in. This will be a latter phase, though the dirt work and excavation in that area will be done up front. Again, I don't have a construction schedule as to when this particular feature will be built, but the drainage patterns will either remain the same as they are today and not get any worse or we will be constructing the feature that actually makes it better.

CHAIRMAN: I think essentially what we're doing tonight with this particular application is approving the rezoning.

MR. BAKER: Yes.

CHAIRMAN: The property so this can move forward and it's rezoned as requested.

MR. BAKER: Correct.
CHAIRMAN: Thank you.

Is there anyone else in the audience that would like to address a question or have a comment?

(NO RESPONSE)

CHAIRMAN: There being none are there any commissioners that have any questions at this point?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

Mr. Reeves.

MR. REEVES: Mr. Chairman, I move to approve this application based on Staff's Findings of Fact 1 through 5 and Conditions 1 through 3.

MS. McENROE: Second.

CHAIRMAN: A motion has been made based by Mr. Reeves for approval based on Conditions 1 through 3 and Findings of Fact 1 through 5. Seconded by Ms. McEnroe. Any discussion about the motion and the second?

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE - WITH MANUAL BALL RECUSING HIMSELF.)

CHAIRMAN: Motion carries.

Next item.
RELATED ITEM

ITEM 4A

2401-2501 Blocks Barron Drive, 81.7 acres
Consider approval of a Variance in order to increase
the height of fences along all double frontage lots
along Barron Drive from 4 feet tall to 6 feet tall.
Applicant: Deer Valley Subdivision, LLC; James C.
Ellis Estate

MS. EVANS: The lots seeking relief are all
double frontage lots within the proposed new
subdivision development. The zoning ordinance defines
double frontage lot of that lot as having frontage on
two parallel or approximately parallel streets. The
subdivision regulations prohibit those frontage lots
except where employed to prevent excessive vehicular
use access or to separate residential areas from areas
of conflicting land use or traffic use. There are
approximately 20 of the proposed 306 lot development
will have frontage on an interior street of the
proposed subdivision and along Barron Drive. The
frontage along Barron Drive will be the rear yard of
these affected lots.

In the vicinity of the development, Barron
Drive is classified as a major collector roadway. So
the lots that have frontage along Barron Drive and
also along the interior street are prohibited from the
approval of the zoning map amendment to have you
access along Barron Drive. So all of those lots that
we're referring to will only have access on an
interior street within the subdivision and no access
to Barron Drive.

Since the orientation of these lots has
already been determined by note, it is reasonable to
allow the height of a 6 foot fence in the rear yard of
each proposed home, which is comparable to a rear yard
fence height that fronts on only one street.

Granting this variance will not alter the
essential character of the general vicinity or cause a
safety or hazard or nuisance to the public since the
orientation of the lots is determined by the final
development plan/major subdivision plat, and the
developer is establishing the variance prior to the
development of the subdivision; therefore, it will be
in character with the neighborhood as well. Similar
variance requests have been approved in instances of
double frontage lots in 2007 and January of 2017 and
in September of 2017. With the variances addressed at
this stage, prior to the subdivision build out, the
intent of the residential development relative to rear
yard fencing is established and numerous variance
requests will be avoided in the future.

Staff would recommend approval of the variance
request and we would like to enter the Staff Report into the record as Exhibit C.

CHAIRMAN: Thank you, Ms. Evans.

Mr. Kamuf.

MR. KAMUF: This is just a simple case that we've asked for an increase from 4 to 6 foot. As such stated in the Staff Report, you all have strong precedence for it. Last year you all approved several of these. One was on Thruston-Dermont Road and Fields and it was an increase from 3 foot to 8 foot. We're here to answer any questions that you have. Strong precedence for this, as stated in the Staff Report.

CHAIRMAN: Thank you, Mr. Kamuf.

Do any commissioners have any questions of the applicant concerning this variance?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have a question concerning this variance?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Reeves.

MR. REEVES: I will make this since these typically come before the Board of Adjustment and these folks may not be used to it.
Move to approve this request for a variance based on the fact it will not adversely affect the public health, safety or welfare; it will not alter the essentially character of the general vicinity; it will not cause a hazard or nuisance to the public; and it will not allow an unreasonable circumvention of the requirements of the zoning ordinance.

CHAIRMAN: A motion has been made by Mr. Reeves to approve based on the Findings for granting the Variance. Is there a second?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE - WITH MANUAL BALL RECUSING HIMSELF.)

CHAIRMAN: Motion carries.

ITEM 4B

Bluegrass Commons Subdivision, 81.7 acres
Consider approval of a combined final development plan/major subdivision preliminary plat.
Applicant: Deer Valley Subdivision, LLC; James C. Ellis Estate

MR. HOWARD: This plat has been reviewed by the Planning Staff and Engineering Staff, both at the
city and county level engineers. It's also been reviewed the State Transportation Cabinet as part of the Traffic Impact Study and roadway improvements that will be needed. It's found to be in order with the rezoning that was approved just a few minutes ago. It's in compliance with the requirements of the Zoning Ordinance and the subdivision regulations and it is ready for your consideration for approval.

CHAIRMAN: Thank you, Mr. Howard.

Would the applicant like to speak concerning this?

MR. KAMUF: No, sir.

CHAIRMAN: Thank you.

Is there any question from the commissioners concerning this application?

(NO RESPONSE)

CHAIRMAN: Is there any questions from the audience concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Rogers.

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

CHAIRMAN: A motion has been by Mr. Rogers for
approval. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: The chair ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE – WITH MANUEL BALL RECUSING HIMSELF.)

CHAIRMAN: Motion carries.

MR. KAMUF: Mr. Chairman, may I put a copy of the plat as an exhibit that we talked about, may I put a copy of that in the record just to preserve the record?

CHAIRMAN: Yes.

ITEM 5

6300-6400 Blocks Highway 54, 71.368 acres
Consider zoning change: From R-1A Single-Family Residential & A-R Rural Agriculture to A-R Rural Agriculture
Applicant: Mary E. Bryant

PLANNING STAFF RECOMMENDATION

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
2. The subject property is partially located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations and partially located in a Rural Preference Plan Area, where Rural Large-Lot Residential uses are appropriate in general locations;

3. The subject property has frontage on three public roads, Highway 54, Jack Hinton Road and Old Highway 54;

4. The expansion of the existing A-R zone is not a significant increase of the zone in the vicinity and it should not overburden the capacity of roadways and other necessary urban services that are available in the affected area; and,

5. At 71.368 acres the tract is large enough to ensure satisfactory operation of a conventional septic system.

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

CHAIRMAN: Thank you, Ms. Evans.

Is there anyone here representing the applicant?

Mr. Riney, would you like to say anything on his behalf?
MR. RINEY: No, sir.

CHAIRMAN: Is there any questions from the commissioners for this application?

(NO RESPONSE)

CHAIRMAN: Are there any questions or comments from the audience concerning this application?

(NO RESPONSE)

CHAIRMAN: Then the Chair is ready for a motion.

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on Planning Staff's Recommendation and Findings of Fact 1 through 5.

CHAIRMAN: A motion has made by Mr. Rogers for approval based on Findings of Fact 1 through 5 and recommendation. Is there a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 6
1 1801 Highway 1207, 44.23 acres
   Consider zoning change: From EX-1 Coal Mining to A-R
2 Rural Agriculture
3 Applicant: Ronald E. Long
4
5 PLANNING STAFF RECOMMENDATION
6
7 The Planning Staff recommends approval subject
8 to the findings of fact that follow:
9
10 FINDINGS OF FACT
11
12 1. Staff recommends approval because the
13 proposal is in compliance with the community’s adopted
14 Comprehensive Plan;
15
16 2. The subject property is located in a Rural
17 Maintenance Plan Area where rural farm residential
18 land uses are appropriate in general locations;
19
20 3. The subject property is a single tract of
21 44.23 acres;
22
23 4. The subject property has access to Highway
24 1207;
25
26 5. Mining activity ceased approximately 15
27 years ago on the property and it is ready to revert
28 back to its original zoning classification; and
29
30 6. The Owensboro Metropolitan Zoning
31 Ordinance Article 12a.31 requires that property shall
32 revert to its original zoning classification after
33 mining.
34
35 MS. EVANS: We would like to enter the Staff
36
Ohio Valley Reporting
(270) 683-7383
Report into the record as Exhibit E.

CHAIRMAN: Thank you, Ms. Evans.

Is there anyone here representing the applicant?

APPLICANT REP: Yes. We have no comments.

CHAIRMAN: Thank you.

Do any commissioners have any questions concerning this application?

Mr. Reeves.

MR. REEVES: I just have one question for Mr. Howard for my own knowledge.

Typically how long does mining have to cease before we routinely put this back to agriculture or is that dependent upon the property owner asking for that?

MR. HOWARD: It depends on a couple of things. One is how quickly is the property reclaimed once the mining is complete. Then after that it's up to either the mining company that did the mining initially to bring that back to request it or revert or up to the individual property owner. So it's really dependent upon them. There's no set time that KRS mandates it, it has to be back within X number of days or months or years.

MR. REEVES: The other question, based on
something you said.

So does the miner or the mine owner determine when mining has ceased, and if so does the state require them to do the reclamation within a certain period of time? You may not know that.

MR. HOWARD: I don't know. I know that they have to post bond and do other things and preserve the soil and do all that as part of the reclamation, but I don't know if the state requires that that be done within a certain time frame.

MR. REEVES: But a bond would ensure that it would be reclaimed?

MR. HOWARD: Yes.

MR. REEVES: Thank you.

CHAIRMAN: Thank you, Mr. Reeves.

Any other commissioners have any questions concerning this?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Ball.

MR. BALL: I'd like to make a motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 6.

CHAIRMAN: A motion has been made by Mr. Ball
for approval based on Findings of Fact 1 through 6.

Do we have a second?

MR. FREY:  Second.

CHAIRMAN:  Second by Mr. Frey.  Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN:  There being none the Chair is ready for a vote.  All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  Motion carries.

MINOR SUBDIVISION PLATS

ITEM 7

12412, 12450 Vertrees Road, 10.159 acres
Consider approval of a minor subdivision plat.
Applicant:  Jackie Deno

MR. HOWARD:  This plat comes before you as an exception to the 3 to 1 requirement.  They have a little over 10 acres right now and are proposing to split the property into a 5.7 and a 4.4 acre parcel. The 4.4 acre parcel exceeds the 3 to 1 requirement. They have put a note on the plat that would state that no further subdivision will take place without meeting the requirements of the subdivision regulations. So with it being such a large parcel and they're not really trying to maximum anything, we would recommend that you consider it for approval.
CHAIRMAN: Thank you, Mr. Howard.

Is anyone here representing the applicant?

MS. DENO: Yes.

CHAIRMAN: Would you like to say anything on their behalf?

MS. DENO: Yes.

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

MS. DENO: Jackie Deno.

(JACKIE DENO SWORN BY ATTORNEY.)

MS. DENO: On here I just wanted to, on the address here, 12412, my address is 12416. I just wanted to clarify that. I didn't know if maybe it was just a typo.

MR. HOWARD: It is, yes.

MR. DENO: Then it's Vertrees Road. It's V-e-r-t-r-e-e-s instead of Vertress.

MS. EVANS: Another typo. That's all.

CHAIRMAN: Thank you very much. We appreciate those clarifications.

MR. DENO: Thank you.

CHAIRMAN: Do the commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone else in the audience like to
speak or have a question on this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Moore.

MR. MOORE: Move for approval.

CHAIRMAN: Move for approval by Mr. Moore. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussion about the motion and the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 8

3820 West Fifth Street Road, 13.368 acres
Consider approval of a minor subdivision plat.
Applicant: Earl's Lane Properties, LLC

MR. HOWARD: This plat comes before you requesting the creation of a 0.229 acre parcel that's land-lock. That property will be used by RWRA for infrastructure and there are notations on the plat that state this is non-buildable lot other than anything that may be required by RWRA to install the
needed infrastructure on that property. We typically
don't create a land-lock parcel unless it's an
instance like this where it's for a utility or a
public purpose. So we would recommend that you
consider it for approval.

CHAIRMAN: Thank you, Mr. Howard.

Is anyone here representing the applicant?

APPLICANT REP: Yes, sir.

CHAIRMAN: Would you like to say anything on
it's behalf?

APPLICANT REP: No, sir. I'm here for
questions.

CHAIRMAN: Thank you.

Is there any commissioners that have any
questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone else in the audience have
questions concerning this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready
for a motion.

Mr. Ball.

MR. BALL: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Ball. Is
there a second?
MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any discussion or questions about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Before we get into the consideration of the approval of the financial statements, I would be premiss if I didn't mention to Mr. O'Bryan they I wanted to let you know I wasn't trying to cut you short earlier. Some of the questions that you had I think more seemed to be associated to what's actually in our current ordinance. So I would encourage you to maybe talk with Mr. Howard or Mr. Hill or the folks at Planning and Zoning associated to some of those things that you brought up about lot sizes and some of the restrictions and things that are already in place. They would probably better serve to help you work through some of those questions or some of those issues.

If you have a question, please approach the podium. State your name and be sworn in.

MR. HIGDON: My name is Robert Higdon.
MR. HIGDON: You know, facts and facts. I just want to know about a parking down here on Fourth Street across from Gipe Automotive. What's the purpose of that parking lot that's just been paved?

MR. HOWARD: I'm not sure what parking lot you're talking about.

MR. HIGDON: Well, it's on the north side of Fourth Street there across from Gipe Automotive.

MR. HOWARD: I don't know. It looks like Ms. Evans may know.

MS. EVANS: It's a city developed parking lot. I think the property is still owned by Gipe Automotive, as far as the plat and the site plan that's been approved, but it's where the city is. Not anything that we have anything to do with.

MR. HIGDON: What I want to know is why there isn't any curbs, gutters or shrubbery out there? You know, we all have got to do it. Why don't the city have to?

MR. HOWARD: Again, I'm not familiar with what lot you're talking about.

MR. HIGDON: They didn't have to get a permit?

MR. HOWARD: Was it an existing lot or is it a new parking lot?
MR. HIGDON: It's a paved parking lot now. It was gravel.

MR. HOWARD: We can look into it. I don't know. I don't have an answer for you off the top of my head. I'm not familiar with it necessarily, but they would be required to put in anything, you know, the landscaping and curbing and all that stuff too. They done got it finished to the blacktop that's the reason I wanted to know why.

MR. HOWARD: I'll tell you, we'll look at it. We can contact the city engineer's office and if it's a city project then they should be aware of what it is. We can certainly look at it.

MR. HIGDON: Your Mr. Warren don't recall the permit that you issued to do it?

MR. HOWARD: Mr. Warren is not in here right now so I don't know.

MR. HIGDON: That was my question.

CHAIRMAN: Thank you.

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NEW BUSINESS

ITEM 9
Consider approval of July 2017 financial statements

CHAIRMAN: Let's consider the financial statements that was presented to everyone. Presumably
everyone has had a chance to look through them. Are there any questions on comments about the financial statement?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Moore.

MR. MOORE: Move for approval, please.

CHAIRMAN: A motion has been made by Mr. Moore for approval. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussion about the motion to approve or the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 10

Comments by the Chairman

CHAIRMAN: I would like to make a couple of comments. One concerning Melissa Evans being selected as a member of the Leadership Owensboro Class of 2018. I think that's a great accomplishment and I'm sure you'll do an excellent job on that. So we certainly
appreciate you being there representing the Planning Commission and doing a lot of good work there. Thank you.

The only other thing I want to mention is concerning the Goals and Objectives tonight. I know the Planning Commission has worked hard on this. They have kept the commissioners appraised of everything that's going on. Asked for recommendation and have public meetings. Wanted to commend them on working, doing the hard work and trying to move our community forward.

ITEM 11
Comments by the Planning Commissioners

CHAIRMAN: Any comments by the Planning Commissioners?

(NO RESPONSE)

ITEM 12
Comments by the Director

MR. HOWARD: No, sir.

CHAIRMAN: The most important motion is the last one.

MR. BALL: Motion to adjourn.

MS. McENROE: Second.

CHAIRMAN: Motion to adjourn by Mr. Ball. All those 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, 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 75 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 2nd day of October, 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

Ohio Valley Reporting
(270) 683-7383