The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, January 10, 2019, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

MR. BOSWELL: I would like to welcome everyone to the January 10, 2019 Owensboro Metropolitan Planning Commission meeting. We always start our meetings with a prayer and the pledge. Our counsel, Ms. Terra knight, will conduct that for us this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

MR. BOSWELL: Thank you, Terra.

Our next order of business is for election of our new officers. For that I will turn this over to Terra again for that purpose.
MS. KNIGHT: Thank you, Mr. Chair.

As you all know, KRS 100 requires that we elect officers annually. Our bylaws dictate that we do that at the first meeting of the year.

Our officers, as you know, are chair, vice chair and secretary/treasurer. That's the way they are listed in the bylaws so we will have the elections in that order.

At this time I will open the floor for nomination for chair.

MR. REEVES: I'd like to nominate Larry Moore.

MS. KNIGHT: Mr. Moore, do you accept that nomination?

MR. MOORE: Yes, I do.

MS. KNIGHT: Is there a second to the nomination?

MR. BALL: Second.

MS. KNIGHT: Any other nominations for chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none I will close the floor and we'll have a vote.

All in favor of Mr. Moore as chair, please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: He is elected.
Mr. Moore, congratulations.

MR. MOORE: Thank you, I think.

MS. KNIGHT: Now I will open the floor for nomination of vice chair.

MR. BOSWELL: I'd like to nominate Mr. Lewis Jean for vice chair.

MS. KNIGHT: Mr. Jean, do you accept that nomination?

MR. JEAN: I do.

MS. KNIGHT: Is there a second to that nomination?

MS. McENROE: Second.

MS. KNIGHT: Any other nomination for vice chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none I will close the floor and we'll take a vote.

All in favor of Mr. Jean as vice chair, please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Mr. Jean, you are elected unanimously.

MR. JEAN: Thank you.

MS. KNIGHT: One more nomination.

I'll open the floor for nomination for

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MR. REEVES: I'd like to nominate Mike Edge.

MS. KNIGHT: Mr. Edge, do you accept that nomination?

MR. EDGES: I do.

MS. KNIGHT: Is there a second to the nomination?

MR. BOSWELL: I second it.

MS. KNIGHT: Any other nominations for secretary/treasurer?

(NO RESPONSE)

MS. KNIGHT: Hearing none I'll close the floor and we will vote.

All in favor of Mr. Edge as secretary/treasurer please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Mr. Edge is elected unanimously.

Thank you all. Now I will turn the floor back over to Mr. Moore, our new chairman.

CHAIRMAN: First of all, I'd like to thank all the commissioners for your support. I would like to congratulate Commissioner Boswell on an excellent job he's performed as the chair. We appreciate that.

You'll be a hard act to follow. We'll give it a shot.

Before we start, we have some guidelines or
some rules that we would like to inform you of as to
how this meeting will proceed.

First of all, if you want to discuss or talk
or have any questions concerning any issues that come
before this commission, we ask that you do a couple of
things.

First of all, come to the microphone at the
podium. We have one in each aisle. State your name
and you’ll be sworn in by our counsel. Then we ask
that you direct all your questions to the chair. I
will in turn try to find the answers for you either
through myself, or the Staff, or Mr. Howard, or the
attorney, and we'll get your answers for you. We ask
that you stay on topic.

Then finally we ask that you be respectful.
You may not agree with all of statements being made,
but we ask that you respect those that are making
them.

With that being said our first order of
business is the minutes from the last month's meeting.
All of the commissioners should have received a copy
of those minutes and have had an opportunity to take a
look. Any changes that need to be made?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for
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a motion.

Commissioner Boswell.

MR. BOSWELL: Mr. Chair, make a motion that

the minutes be accepted as presented.

CHAIRMAN: We have a motion. Do we have a

second?

MS. McENROE: Second.

CHAIRMAN: Second by Commissioner McEnroe.

All those in favor of the motion please indicate by

raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

The next part of our agenda is the General

Business, and I'll turn it over to Director Howard.

MR. HOWARD: Thank you.

I will note that the 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 this meeting along with all

applicable materials to the appropriate legislative

body for them to take final action.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 4

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Portion of 2851 Knott Road, 0.285 acres
Consider zoning change: From R-1A Single Family Residential to A-U Urban Agriculture
Applicant: Frances Benita Riney, Janet May

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Obtain approval of a Minor Subdivision 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 a Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations;

3. The subject property is an existing lot of record with sufficient frontage along on a public road, Knott Road;

4. Each dwelling unit within the project area is located on its own individual lot; and

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5. Completion of the property division and consolidation with the neighboring property will bring the subject property into compliance with current subdivision regulations.

MR. PEDLEY: We would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Anyone in the audience representing the applicant that would like to speak?

APPLICANT REP: Yes.

CHAIRMAN: Do you wish to speak on its behalf?

APPLICANT REP: No, sir.

CHAIRMAN: Anyone else in the audience that has any comments or concerns about this application?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions or concerns about the application?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a motion.

Commissioner Ball.

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

CHAIRMAN: We have a motion. Do we have a second?

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MS. HARDAY: Second.

CHAIRMAN: Second by Ms. Hardaway. Any questions about the motion or the second?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a vote. All those in favor indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPOND AYE.)

CHAIRMAN: Motion carries.

ITEM 5

Portion of 3515 West Parrish Avenue, 32.512 acre
Consider zoning change: From I-1 Light Industrial & A-R Rural Agriculture to I-2 Heavy Industrial
Applicant: Crown Investment Group, LLC; Massie J.E. Farm, LLC

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: This Staff Report is for a recommendation for denial so it's as customary with those Staff Reports that are recommended for denial I will read the entire Staff Report into the record.

PROPOSED ZONE & LAND USE PLAN

The applicant is seeking an I-2 Heavy Industrial zone. The subject property is located in an Industrial Plan Area, where heavy industrial uses

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SPECIFIC LAND USE CRITERIA

(A) Building and lot patterns; outdoor storage area – Building and lot patterns should conform to the criteria to “Nonresidential Development” (D7), and outdoor storage yards, with “Buffers for Outdoor Storage Yards” (D1).

(B) Logical expansions outside of Industrial Parks – Existing areas of heavy 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.

(C) Industrial Parks – In Industrial, Future Urban and Rural Preference plan areas, new and expanded locations of Heavy Industrial use should be developed as elements of planned “Industrial Parks” (D7). These provisions also apply where existing Industrial Parks are expanded into adjoining non-industrial plan areas that contain undeveloped

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Such Industrial Parks should be “arterial-street-oriented” (D2) and planned in modules of at least one hundred (100) acres in size, unless an existing Industrial Park is being expanded. Industrial Parks should be established or expanded only where sanitary sewer systems exist or may be expanded, or where new systems may be properly established. Heavy Industrial uses should be located away from any fringes of a park that adjoin incompatible plan areas or land uses. Such incompatible fringes are recommended locations for light industrial, highway business or other appropriate uses that would serve as “buffer-uses” (D1). Otherwise, these incompatible fringes should include adequate space for necessary buffers as cited in the criteria (a) above.

PLANNING STAFF REVIEW

GENERAL LAND USE CRITERIA

Environment

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

* The subject property is partially located in a special flood hazard area per FIRM Map

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21059CO118D.

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

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

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

URBAN SERVICES

All urban services including sanitary sewers, are available to the site.

DEVELOPMENT PATTERNS

The subject property is a 32.512 acre portion of an approximately 136 acre farm. Currently the 32.5 acre portion of the subject property is zoned I-1 Light Industrial and A-R Rural Agriculture. The applicant proposes to rezone the subject property to I-2 Heavy Industrial in order to construct warehouses for the storage of hazardous products, specifically the storage of distilled spirits. The applicant has

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submitted a Conditional Use Permit for the storage of a hazardous product as determined by the Kentucky Building Code, in conjunction with the zoning map amendment application.

The subject property is bound to the east by the Wendell Ford Expressway. The properties to the north and west are zoned I-1 Light Industrial and A-R Rural Agriculture and are crop land. The properties to the south, across West Parrish Avenue are zoned agricultural, residential and commercial, with single family residential uses and the Owensboro RV facility.

It appears that the subject property is designated as prime agricultural land according to the “Important Farmlands” map created by the US Department of Agriculture Soil Conservation Service dated March 1980. However, the Comprehensive Plan does anticipate the conversion of some prime agricultural land for development.

West Parrish Avenue in this location is classified as a minor arterial roadway with a 75 foot building setback line, 50 foot roadway buffer and 500 foot access spacing standard; it is a state highway as well. Access to the property shall be in compliance with the Access Management Manual and approved the Kentucky Transportation Cabinet.

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If the rezoning is approved, all buildings and/or outdoor storage areas, except for accessory parking, shall be located at least 300 feet from any residential zone and at least 100 feet from any other zone except for an I-1 or A-R zone. Any outdoor storage areas shall be screened with a 6 foot high solid wall or fence and all vehicular use areas shall be paved.

If approved, prior to occupancy of the property, the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. All building, electrical and HVAC permits and inspections shall be obtained through the Department of Housing, Building and Construction with the State of Kentucky and the Owensboro Metropolitan Planning Commission.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is not in compliance with the Comprehensive Plan. The proposed use as warehouse storage for a hazardous material does conform to the criteria for nonresidential development; however, there is no other heavy industrial zoning in the area. At 32.512 acres the Ohio Valley Reporting

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subject property does not meet the minimum size of 100 acres for a new location of an industrial park, large industrial reserve nor is this an expansion of an existing industrial park.

PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT

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

2. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations;

3. The proposed use as warehouse storage of a hazardous material would be nonresidential in nature;

4. There is no other heavy industrial zoning in the area; and,

5. At 32.512 acres the subject property does not meet the minimum size of 100 acres for an industrial park nor is this an expansion of an existing industrial park.

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

CHAIRMAN: Anyone here representing the Ohio Valley Reporting

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MR. KAMUF: Charles Kamuf.

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

MR. KAMUF: Thank you.

As was stated by the Staff, the property is located at the bypass on the northwest side of West Parrish, and it's a 32 acre tract out of a larger tract. The property has been used for farmland for over 100 years. It's been the Massie Farm. The air rights over the subject property have been restricted due to flight area that we have. I think the property was zoned industrial. It's been in the industrial state since, I think approximately, 1970.

The applicant is Michael King. He is an Owensboro contractor who is to build the storage warehouses for O.Z. Tyler. The construction project is probably somewhere between 4 and $5 million. It will originally at the start contain about six warehouses. Eventually it will be nine warehouses.

He will tell you this: That he looked all around the county. He searched at the Riverport. He searched at the Air Park, and he's looked for 32 acres so he can build these storage warehouses for O.Z. Tyler.
There is a limited area in Daviess County, not for I-2 industrial in small tracts, but a limited area for Industrial 2 development for larger tracts.

I would like to show you, if you will, I have about three handouts for you. The first handout will be the location of the property. The second handout will be a conceptual plan. You understand that we have filed a conceptual plan which will show you exactly what will be on the property, and what will be on the property forever. Then we will also show you a rendering of what each warehouse will look like. I'll wait until David passes those out.

The zoning area that you see, you see the subject property and where it's located on the northwest corner of the bypass and West Parrish. All of the area that you see in yellow is industrial and I-1. What you see in the heavy yellow is the I-2. The property that you see across Parrish Avenue, part of it, as indicated by the Staff Report, is commercial, and the other one is R-1A with three residential houses. There's also a retail business across the road.

The airport is located on the south side of the property, as you'll see. Then as to the rear, you see the I-2 zone, and that's further down the road at Ohio Valley Reporting

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The purpose of the rezoning is this: O.Z. Tyler is expanding, and there is a need for off-site storage. The changes that has occurred is unprecedented in Owensboro, as I'll read a letter from Candy Brake of the EEOC and also from the other office that we have.

O.Z. Tyler reopened the Medley Distillery and has been distilling the O.Z. Tyler brand. Currently O.Z. Tyler has six brick houses that they are using and they have approximately 20,000 barrels there.

What the problem is they're trying to take all of the existing storage that they have down there and show a historic blend to it. As a result, the use that they have down there is limited for on-site.

So what we're requesting is off-site storage. As a result, it's important to get it close. I think there are five miles, this location would be approximately five miles from their office and it will be at an interchange.

Jacob Call, who is the master distiller for O.Z. Tyler, will be here. He will tell you that since they have been here they have spent about $35 million on capital improvements. This new expansion will be about $9 million this year. It's very important for Ohio Valley Reporting

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their continued operation to have off-site storage.

Also, we are asking for a conditional use. In the Staff Report, they talk about a hazardous material.

Let me say this: In the area that we have, in an I-1 zone we an put a distillery, but because of a technicality with the state law we're required to cover it as "hazardous material." Therefore, we have to get one I-2 zoning and also a conditional use. Again, we could put a distillery over there tomorrow under the exact I-1 location. That's very unusual.

The Staff Report talked about the land use. It does not meet the logical expansion. You understand, there is no I-2 next to it. However, heavy industrial uses are appropriate in an I-1 area.

Our position is, there have been major changes of a physical, social and economic in the area which were not anticipated in the Comprehensive Plan.

1. In 2018, Regional Water Resource Agency constructed their largest expansion in Western Daviess County directly across the road. A $2.5 million project which allows for all the sewage in Western Daviess County now not to flow up on Pleasant Valley Road, but to go over to the river at the Bon Harbor Hill Plant. That's number one.
2. Recent changes. This year they five-laned West Parrish Avenue from the bypass all the way down to the interchange of 81 and 56. That has been a major undertaking. It's my understanding that they intend, and it's been on the plan for at least ten years, to widen West Parrish from the bypass to Carter Road.

3. The economic changes. The purchase of O.Z. Tyler from Medley Distillery Company unprecedented growth has been a major impact on the Owensboro-Daviess County economy. Because of this expansion, we need the off-site storage.

4. The tax base. The property has been on the tax rolls for farmland for the last 100 years. The proposed construction of nine storage buildings will generate a large tax base for the county. Last year alone O.Z. Tyler paid $140,000 in taxes. Jacob Call will tell you that it will be astronomical as to exactly the tax base will be increased.

Let's talk about this: The construction of storage warehouses on the property is much more desirable than what you can put in an I-1 zone at the present time.

Let me list what you can put on the property at the present time without any conditional use and

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without any rezoning.  


Restrictions that you have on I-2 rezoning.  

What your concern might be is, well, if we allow an I-2 zoning, what other uses can you use down there?  

What we have done is that we have restricted the use by a conceptual plan.  The conceptual plan that you have, you have in front of you.  

The use that we have for the property will be restricted exactly by Exhibit A.  Nothing more, nothing less can be done, as far as what we can use the property for.  

Also, if you look, we have filed a rendering as to exactly what each building will look like, and you have that in front of you and we intend to start out with six and later on have a total of nine.  

That's the maximum on a 32 acre tract that we have.  

Now, David Weaver is here from Bryant Engineering.  He'll explain to you exactly everything, as far as the restrictions that you have on the property at the present time.  Not only that, the Ohio Valley Reporting  

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property is restricted by the conditional use. So you have a plan as to what can be used for the property.

Furthermore, the bottom line on this case is that when you look out at this property what changes have been done. There's already one tobacco barn on the property. What you'll actually see when you look out total would maybe be nine tobacco barns. That's it. In other words, it's not anything that would be incompatible with the neighborhood, as far as what will be done.

The use that we have for the property is not intensive because it doesn't look like a big factory. In other words, the property will almost look empty.

Another action, as far as what can control the property. I mentioned to you directly to the east of the property is the new sewage system, the lift station that we had that cost approximately $2.5 million. In other words, this property here is across the bypass from the lift station. To get sewers over there would be very expensive. So that will restrict. We don't need sewers, but any restriction on this property would be the fact that the high cost of putting sewers underneath the bypass.

We will have Jacob Call from O.Z. Tyler, and we'll have Michael, who will be here to testify, and

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also a letter from Candy Brake I would like to pass
out, if I could. What I will do, this is a letter
from the Greater Owensboro Chamber of Commerce, Candy
Castlen Brake.

I'll also hand out to you, I don't know
whether you'll agree with it or not, but also a
finding of fact. You understand where it's easy for
you all a lot of times to make a motion if you feel
that it's favorable, if it does meet the Comprehensive
Plan. I have prepared for you a motion to approve
listing the changes that have been out on the
property. Social, physical, economic changes that
have been on the property and that we rely on for the
basis of getting the property zoned.

I will give you copy of that along with the
letter.

I just thought it appropriate or maybe to
assist in the findings of fact so it wouldn't be so
difficult to prepare one.

This letter is addressed to me.

"Dear Mr. Kamuf, It is a pleasure to write a
letter regarding one of our community's 'greatest
things happening.' O.Z. Tyler's location and
expansion into the Greater Owensboro community just a
few years ago has already made a lasting impact.
"The numbers speak for themselves. $31 million in capital improvements, $9 million expansion, add jobs, tax revenues and have transformed the appearance of the distillery and made a lasting impact on the property improvements alone. O.Z. Tyler has done much more than what these numbers can demonstrate. O.Z. Tyler has made incredible contributions to our quality of life.

"Being named to the Bourbon Trail is one of the many game changers in Owensboro last year. Already, we are seeing visitors from all over the world coming to our community. This truly is only the beginning of something great.

"Lastly, the employees of O.Z. Tyler have been outstanding volunteers in our Chamber and the community at large. In just a short time, they have already made a lasting impact. We are proud to work with them and are extremely grateful for their transformative work that they are doing in Greater Owensboro."

Michael.

MS. KNIGHT: State your name for the record.

MR. KING: Michael King.

(MICHAEL KING SWORN BY ATTORNEY.)

MR. KING: I'm Michael King, owner of Crown

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Investment Group. I'm also the president of Norman King Electric, a regional electrical contractor based in Owensboro.

We began working with O.Z. Tyler on off-site barrel storage in September, October of last year.

For this type of project we are very limited on spacing requirements from the State of Kentucky on the Kentucky Building Code for barrel warehouses. For these type of buildings, the buildings can be no larger than 20,000 square feet. They have a maximum height of 27 feet, at least 200-feet building to building separation. A minimum of 200 feet from a property line or an opposite side of the road. For this spacing requirements we require, for six buildings, a minimum 24 acres. We did an extensive search throughout Daviess County for the types of property that would meet this scenario. In addition, we're trying to meet or needing to meet a distance of five mile radius from the distillery to be able to utilize their existing federal permitting for distilled spirits. In addition, it needs to be accessible by truck, and hopefully be able to provide additional visibility for O.Z. Tyler.

Our search did start with economic and development corporation. Went to different sites. We
had extended negotiations with the Air Park Board for
property in the Air Park itself. However, those
negotiations were limited as the Air Park Board
determined that we were not a primary job producer and
the price of the land would be uneconomic due to that.

Looked at other properties within the county.

Spoke with the Riverport Authority; in addition, spoke
with the Airport Board on properties they had
available. Also, were limited or did not have options
that would meet the criteria we needed. Looked at
several properties with the Airport Board; however,
due to flight path could not put the buildings within
the locations that they had available.

Continued to look and this is one of the few
properties that we found that was economical, that met
all the conditions for spacing requirements. Met the
O.Z. Tyler's needs for close location, provides
visibility. For our options this is one of the best
options, actually the best option that we have
available. Thank you.

MS. KNIGHT: State your name for the record.

MR. CALL: Jacob Call.

(JACOB HALL SWORN BY ATTORNEY.)

MR. CALL: I'm Jacob Call. I'm the master
distiller, and the director of operations of O.Z.

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Tyler Distillery.

Charlie has already told you all some of our facts and figures, but I brought a few more notes to just kind of explain the impact that we've had on Owensboro and Daviess County since we started production in 2016.

We spent $31 million in capital improvements since 2016. Revitalizing that abandoned distillery, the Medley Distillery, on 26 acres down on the west side of town.

We have planned another $9 million in capital improvement for an expansion project that we're getting ready to do. Build an additional fermenter and rebuilding some of the historical warehouses on site. After this expansion, it will make us the fourth independently owned bourbon distillery in the world.

Since we started in 2015, we've gone from 0 jobs to 90 jobs, and we've also added countless number of construction related jobs with all of our expenditures that we've done.

In addition to all of that, this coming year we'll purchase 875,000 bushels of corn from local Daviess County farmers. Our byproduct is something called spent filler or spent grain. Presently we give
that away to local farmers to feed their cattle with. We think we're pretty good corporate citizens in that regard.

As Charlie mentioned, in 2018 we paid $140,000 in taxes to Daviess County. These six new barrel warehouses will hold 90,000 barrels. So just addition at this property will add an additional $400,000 in barrel tax revenue to Daviess County every year.

Important to note as the age of the bourbon increases that taxable value also increases. That's a reoccurring number.

Probably the biggest thing that I would like for you all to understand is that after our expansion is complete by 2020, the taxable amount of barrels that we'll have will provide $1.1 million in barrel tax annually to Daviess County. $1.11 million every year, and that also increases as the value goes up.

Thank you.

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

MR. WEAVER: David Weaver.

(DAVID WEAVER SWORN BY ATTORNEY.)

MR. WEAVER: I work with Bryant Engineers. I'm one of the principles. We prepared the conceptual plan for the project.
I wanted to speak to the level of intensity as compared to typical developments that we work on. The setbacks along the perimeter of the project are based on the Kentucky Building Codes. They're requiring us to be 200 feet away from the property line where we adjoin an adjoining neighbor or 200 feet away from the opposite edge of pavement. When you take that large of a setback, you really condense how much developable area that you have for a development.

In addition to that, we're required to have 200 feet between buildings.

As you can see, this is nine buildings, when this is fully development, on 32 1/2 acres. In the area between the buildings is going to be green. The pavement that we're going to be putting on the project will just be the drives to get to the buildings themselves. We do have a small parking lot that will have places for five vehicles. That's not actually a need from the developer. That is a zoning requirement that we have to meet. It's a zoning requirement that requires a minimum of five parking spots for storage. Those are purely for meeting the zoning ordinance.

Another thing I wanted to point out, the existing barn that's adjacent to the site that's 27
feet tall. That's the same height that Mr. King spoke
to these warehouse are going to be. These will really
have an appearance of being barns in an open field.

I think I may want to point out just for sake
of showing. As the Staff said, there is a floodplain
on the subject property. That's this little hashed
area. That is a regulated floodplain and we will be
working with the Division of Water on permitting as
well as the Army Corps of Engineers. Of course, those
front three buildings, the one closest to West
Parrish, will be later down the line. The initial
buildings are the ones in the rear.

Another item that I want to point out is the
distance between the closest warehouse and the
residential properties to the south. If you look at
the conceptual site plan, you see the mention of plus
or minus 438 feet. So this will be 438 feet away from
the closest house.

In addition, you have to think from a visual
standpoint, this property sits low as compared to 56.
So it's really not going to be a visual eyesore at
all. It will create an open feel or maintain the open
feel. I think that's all my points. If anybody has
any questions.

MR. BOSWELL: You mentioned 438 feet. Is that
MR. WEAVER: No. Based on the required setback and the restrictions we've got with the creek that runs through the property, the distance that you end up with, it ends up building Number 7 there that you see on the layout. Measured from that corner to the closest house across the street is 437 feet. The setback on Parrish is actually governed by the opposite edge of pavement. It's kind of a weird thing that's in the building code for this type of use, but that setback is 200 feet from that edge of pavement, but because of the ditch line we don't have room to building all the way up on the front setback and we're even further back than what's required by the building code.

MR. BOSWELL: Can you fathom a guess let's say, from what you said, how far building 7 will be from Parrish Avenue?

MR. WEAVER: Building 7 from Parrish Avenue will be --

MR. BOSWELL: Assuming it will be built in the future obviously.

MR. WEAVER: It would be 300 feet roughly from the edge of Parrish.

MR. BOSWELL: Further edge of the pavement?
MR. WEAVER: Yes.

MR. BOSWELL: Thank you.

MR. KAMUF: We're here to answer any other questions from either the board or the audience.

CHAIRMAN: Thank you, Mr. Kamuf.

Let me first of all ask: Do any of the commissioners have any questions of the attorney?

We'll start with Commissioner Ball.

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

These are probably questions for the Staff.

It's been brought up on multiple occasions that this will only be bourbon storage in the future, at least storage buildings in the future. Is there any way to guarantee that through the Zoning Ordinance? Are there means to guarantee that?

MR. HOWARD: That'd be more of a legal question.

MS. KNIGHT: If I understand what you're asking, once it's zoned I-2, it can be used for any purpose within the I-2 zoning. As the Planning Commission, you can't put conditions or restrictions on the use of the zoning. They're also asking for a Conditional Use Permit, if the rezoning is approved. You can put restrictions on the Conditional Use Permit, but not the zoning itself.
MR. BALL: But 5 years down the road, or 10, or 20, or 50, in the event that there's not a need for bourbon storage, could these buildings be used for something else that would be allowed in an I-2 or could they even be completely taken down and you could have a very heavy industrial use in the area?

MS. KNIGHT: If the use is allowed in an I-2 zone, yes.

MR. BALL: If this were to be rezoned I-2, does it then open up other potential area therefore logical expansion of that?

MR. HOWARD: Yes, it would. As Mr. Kamuf was going over his information as Staff presented, one of the criteria for an I-2 zone is a logical expansion. So if it's established here on the corner, then it would create the potential that adjoining property could potentially go I-2 as well.

MR. BALL: Is there any way possible, because like Mr. Kamuf said, warehouses are principally permitted in an I-1. Is there any stretch of the imagination, I'm sure you as Staff have looked at this, but is there a way to conditionally permit bourbon storage in an I-1?

MR. HOWARD: No. Based on the definite in Article 14 of Heavy Industrial Uses it includes high Ohio Valley Reporting (270) 683-7383
hazard. As they stated, based on the building code, the storage of bourbon or distilled spirits falls under high hazard use. So it has to be an I-2 zone and it has to have that Conditional Use Permit.

CHAIRMAN: Is that all, Commissioner Ball?
MR. BALL: For now. I'll probably have more.

CHAIRMAN: Commission Reeves.
MR. REEVES: One of the concerns I have here, and I share with Mr. Ball's concerns also by the way. Creating an I-2 park of less than 100 acres and concern this sets precedence for possibly I-2 zones throughout the county.

MR. HOWARD: I mean any time -- precedence can always be said whenever rezoning is approved that doesn't necessarily meet the criteria of the comp plan, but it's one of things you as the Planning Commission would look at each one on an individual basis and determine the merits.

While in one location an argument might be made and it's approved, you could look at a different location and it doesn't have the same characteristics, or the same qualities, or the same, you know, road transportation access and infrastructure or utility infrastructure, things like that, that could make it not. Anything can be cited as a precedence.
wouldn't have to necessarily approve another one because you do one here.

MR. REEVES: Undoubtedly, although Mr. Kamuf is quite good at what he does, this would be a precedence he would be willing to bring up in the future I suppose.

MR. HOWARD: Mr. Kamuf cites precedence quite often, yes.

CHAIRMAN: Any other commissioners?

MR. BOSWELL: Thank you, Mr. Chair. I've got a number of questions as well.

This depiction of the warehouse mentions was made 200 feet between warehouses, 20,000 square feet. Can you give me an idea of the width and the length of these buildings? I know you said 27 feet in total height.

MR. WEAVER: David Weaver again.

The dimensions of the buildings are on the concept site plan. They're 140 by 142.7 feet. If I could, while I'm here, if I could speak to a few of Mr. Ball's concerns.

One thing that quite often happens when a development comes in, that development improves, makes improvements to maybe the roadway and the utility infrastructure. This particular development, as we
spoke about earlier, is low intensity. The only utility needed for this development is electric. Sanitary sewer, which is always a big utility from a development standpoint, is not readily available to this site. To get sanitary sewer to this site you have to jack and bore underneath the bypass, which will be very expensive, and bring it across. This development will not do that.

So it doesn't blend very well for other developments to piggyback on this development because of the utility infrastructure there.

CHAIRMAN: Thank you.

Mr. Boswell.

MR. BOSWELL: Additional questions. Looking at this conception of the warehouse, it's not really a typical rickhouse or rackhouse that you would see in a lot of other facilities. I'm assuming this would have a concrete floor, will be controlled in some way, shape or form, humidity control, a controlled environment?

MR. KING: The building structure themselves, they are pre-engineered metal buildings. From the outside appearance looks no different from like a pole barn. They're metal skin, metal roof, concrete floor inside. They're not humidity controlled or anything
like that. Just natural ventilation with exhaust fans only. They're not a wood frame or any kind of wood structure like that.

MR. BOSWELL: Have a concrete floor obviously?

MR. KING: Yes, they will have a concrete floor. Single loading dock for trucks coming in and out.

MR. BOSWELL: If built as you indicated, backing up to what Mr. Ball said, if something happens down the road, you know, 5 years, 15 years, 20 years, they conceptually could be utilize for another storage type of facility as well?

MR. KING: I can't say they could be; however, for any type of -- they are very basic, very basic. Only what's required by the Kentucky Building Code, which in this instance is lighting is the only requirement we have for the Kentucky Building Code. There's not going to be a restroom facility, running water, sewer, heating, ventilation, any other items like that.

There would have to be some extensive modification that would have to be made to be used for another purpose.

MR. KAMUF: Storage warehouses if they didn't have bourbon in them, we could put those storage
warehouses down in an I-1 area as it exist at the present time.

MR. BOSWELL: Thank you, Counselor.

CHAIRMAN: Commissioner Ball.

MR. BALL: I've got a question maybe for the applicant.

Is there a reason why these are not going to be the traditional rickhouses?

MR. KING: Part of it is just cost. Part of it is just working with O.Z. Tyler on their needs for this project. No specific reason. Just for this type of project, pre-engineered setup work made it a better option.

MR. BALL: Thank you.

CHAIRMAN: Commissioner Reeves.

MR. REEVES: Couple of questions here, if I can remember what the first one was. Maybe my first one is an observation for Staff.

Should this be approved, and I'm nowhere near make a decision on where I am with this. Okay?

As it currently require, we would have fencing around each of these individually which would make them almost look like a patchwork out there. Could that fencing be exempt from this, if we desire to do so?

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MR. HOWARD: I don't think there would be a fencing requirement, unless they had outside storage or something like that.

MR. REEVES: I thought there was fencing around each building. I thought I read it in here somewhere that there was a 6-foot high element around each building.

MS. EVANS: No. The Staff Report says, any outdoor storage areas shall be screened with a 6-foot tall solid wall or fence, and vehicular use area shall be paved.

MR. REEVES: The other concern I have is really is safety. I guess it could be anything. I guess with this much sheet metal down there and a storm, I could see a lot of damage done to a lot of people and a lot of facilities down there if you get a tornado down there.

MR. KING: We're using a standing seam metal roof which is one of the best roof types you can use. It's not a screwed down roof like a standard barn is. These panels interlock or attached together. They are one of the most capable roof types you can use for standing up to storms and have very good resistance in weather conditions. In addition, these buildings are fully rated for the wind loads in this area that's
required by the Kentucky Building Code.

MR. REEVES: Thank you.

CHAIRMAN: We may come back to the commissioners in a moment, but I have a nice crowd. I'm sure somebody in the audience would like to have some comments or speak to this application. If you do, please come to the microphone and ask your questions.

CHAIRMAN: Please state your name.

MR. O'BRYAN: Mike O'Bryan.

(MIKE O'BRYAN SWORN BY ATTORNEY.)

MR. O'BRYAN: I live at 1836 Airport Road. When I got this letter -- well, I didn't get the letter. My neighbor got the letter. He called me and wanted me to, he was asking me what's going on here. I said, I have no idea. I haven't heard anything about it.

Anyway, we had very limited to do what we could prepare for. What I did, Don and I, Don Young sitting in the audience, and I went through the neighborhood Sunday, and I have a list of everybody that lives on Airport Road and on Bittel Road. I hope several people made it tonight. I don't see that many.

Anyway every one of them that I went to, some
people were not home. Everyone that I went to they
signed this and said that they didn't want to see --
everybody there that you see lives on Airport Road.
Mike Horn lives next-door to me. Big contributor to
Owensboro, as far as his business and everything.
Our major concern is heavy industrial zoning.
That's my biggest concern. I can't speak for everyone
else. As I explained it to them, the heavy industrial
can expand once that starts.
They spoke of sewer, sanitary sewers.
Sanitary sewers right down on Worthington Road. It
can gravity flow from there to the lift station on
Worthington Road because it was put in when Southern
Star was built and Bellevue Baptist. So they can get
sewer to this property. That can be, you know, good
for anybody else that wants to come in and building
heavy industrial.
I feel like, I know one property right offhand
that I think would accommodate this nicely would be
right at the end of the bypass, or not bypass, but 60.
Across from the post office, across from Industrial
Drive, there's 100 acres right there by the bypass
that has, there's not very much residential around
that area. I think that property could accommodate
what they're wanting to do with this storage facility.
Because we don't want to drive by there ten years from now -- I've lived there 29 years. I think one lady that lives there, she's been there 49 years. We don't want to see industrial park going down through there. I know Charlie has mentioned there can be -- I've developed out at Sorgho. I know there's -- they have a dairy right across from my subdivision out there, but that's been there 100 years also. It's a farming community. We understand that. What Charlie is saying is, yes, it can expand. They can put a distillery there. Our concern is heavy industrial. Driving down there through, you can drive down some of the heavy industrial area now on 60 already and see how it looks. We've got a lot of houses there on Airport Road that are worth a lot of money. We all pay taxes just O.Z. Tyler, and I appreciate what they've done for the community. I think they can find another area that they can put these buildings. Like I say, our concern is the heavy industrial zoning. Thank you.

CHAIRMAN: Thank you, Mr. O'Bryan.

Anyone else?

MS. KNIGHT: Ma'am, if you could please state your name for the record.

MS. HOWARD: Janet Howard.
MS. HOWARD: I want to say I think the commission said everything that needed to be said. They did a fine job. That is the most things that I wanted to say.

Another concern that I have is the Angle Share of the alcohol. If anybody is not familiar with it -- I don't know if I can say this name or not. There is a mold that is formed when the percentage of alcohol evaporates from the warehouses it affects about a mile around a distillery or a warehouse. There could be filtration systems put in the warehouse, but as Mr. King stated, they don't plan that. It's just going to be by nature. So there is this evaporation. The ethanol mixes with moisture and it falls down and it makes everything black. It gets on cars, houses, trees. From an antidotal stories by Glenmore, that it is that way. Some people pay to have their houses cleaned and their cars clean. You have to keep cars in the garage. There have been lawsuits in Louisville and Frankfort, over in Indiana, and some of them have been successful getting damages for their homes and their vehicles. That is a concern of mine.

They don't know about the health issues. They don't think there are any, but they are not sure.
The name of that is baudoinia comniacensis. It's a dark mold. That is my main concern. Also, I wonder, do they have to do an EPA study before the zoning or after the zoning? So that's a question I have; for air quality.

CHAIRMAN: Director.

MR. HOWARD: I would defer to the applicant.

MR. KAMUF: We're ready to answer the one on the mold. I think we can answer that.

MS. HOWARD: Melissa did mention about an EPA study that would be necessary, but I didn't understand at what point that would be necessary. Thank you.

MR. CALL: What she's referring to is actually a fungus. It's not a mold. It's a black fungus that naturally present in the environment, in the air. What happens is as the ethanol vapor dissipates from the air it attaches to that fungus and it will show up black. Now, there have been a lot of studies done on it. Nothing really conclusive. It has been determined to be nonharmless. Not going to hurt you at all. Generally speaking it's a few blocks from the distillery. Not a mile. Also, the prevailing wind in that area is generally from the west and the south. So it will blow away from those residential areas they're talking about.
Probably a bigger concern for any darkening, in my opinion, would be from the numerous coal power plants in the area, as well as the diesel truck traffic along the new road there and also the bypass. I think you'll actually see that on a lot of the road signs in the area. It's something that the distillery world knows about. There have been some lawsuits, but to my knowledge nothing was ever finalized or made public of what happened. Nonharmless whiskey fungus.

CHAIRMAN: What about the EPA study; can anybody answer that?

MR. WEAVER: David Weaver again.

There's no EPA study. I think what Staff is referring to, and Melissa correct me if I'm wrong, it's a permitting that would be required with the Army Corps of Engineers, the Division of Water in relationship to the floodplain.

MS. EVANS: Yes. That's a standard note that we put on our Staff Reports. That if those permits are applicable to this type of project, then the applicant is required to get those as this process they're going through now doesn't take away from having to get those other permits and applications that they would need from any other entity.

CHAIRMAN: Thank you.
Anyone else from the audience?

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

MS. RUGABY: Teresa Rugaby.

(TERESA RUGABY SWORN BY ATTORNEY.)

MS. RUGABY: My main concern is the flooding in the flood zone. Trying to find out resolutions of flooding around the 1215 Worthington Road area. We've had the Corp of Engineers come in. We've had other contractors come in to look at trying to fix the ravine or digging the ditches deeper. We found that even doing that, spending $2 million it would not alleviate one foot of water out off of houses out there. They've just done a buyout around me due to the flooding.

My concern is that building all these brick houses and laying concrete in this section of field, you're going to have runoff water that's going to go into Bradley Creek, which is in turn going to run into Rose Creek, which Rose Creek runs into Panther Creek, and all of these creeks wind up backing up from runoff water and backs up in my area to where I have a out knee deep water.

My concern there is with all this concrete being laid, with the dry floor of these buildings that
you're not going to have soil to soak up additional floodwater, and it's going to cause more backup water on me than what I currently have. Thank you.

CHAIRMAN: Thank you.

MR. WEAVER: David Weaver again with Bryant Engineering. I think I can answer that question.

Let me pull up the site plan again.

As we pointed out previously, the light blue area is regulated floodplain. In addition to addressing concerns with regulated floodplain, we have to address what the county engineer pre and post developed runoff rates from the site. We address those by providing retention calculations and retention basins. In this particular case with the floodplain, the issue is displacing volume. If you fill in the floodplain, you have to displace that volume somewhere else. So part of the requirement when we get into the front portion of this development will be mitigating any filling that we do with the floodplain by providing additional storage. All of that will be reviewed and approved by the county engineer, the Army Corps, and the Division of Water.

This project won't have an impact from an increased runoff rain. It should actually decrease the runoff rate once we put in the retention facility.
As compared to typical developments, as we pointed out, this is going to be a green development. It's 32 1/2 acres with nine buildings on it.

CHAIRMAN: Thank you.

Did that answer your question?

MS. RUGABY: So there will be a retention basin?

MR. WEAVER: Absolutely.

MS. RUGABY: Thank you.

CHAIRMAN: Any other questions?

Commissioner Reeves.

MR. REEVES: I have a question for Mr. Kamuf. I want to draw your attention to Exhibit B, Mr. Kamuf.

If you look at the Air Park and at the bottom there, which will be the south of the Air Park, that I-1 area that is zoned I-1, is there some reason that you didn't look at that? Was it cost prohibited or did the Air Park not want this kind of operation in this facility?

MR. KAMUF: They spent a lot of time with the Air Park. Michael can explain.

MR. KING: We spent several weeks speaking with the Air Park Board. That was our first option, was for property within the Air Park. Because we were
not considered a primary job producer our price per acre was double was the option we were given.

MR. REEVES: But you did explore that?

MR. KING: Yes. That was actually our preferred option from day one, and the option we explored from day one.

MR. REEVES: Thank you.

CHAIRMAN: Anyone else?

Mr. O'Bryan.

MR. O'BRYAN: Mike O'Bryan again.

What about the 100 acres, I think, that's across from Industrial Drive over there behind GRADD? There's 100 acres or better over in that area. I know, because I know one of the owners of some of that property. The hospital even looked at that property.

So I know there's at least 100 acres over there to where this could fit in. You've got zoning, industrial, heavy industrial right across the road from it. I think it would be more suitable for something like this than what's going to happen on Parrish Avenue here. We're hoping maybe something a little more desirable. I know Charlie said, most anything can go there, but I'm hoping that something a little bit more desirable beside storage buildings could fit this property.
MR. KAMUF: Of course, you know it's already zoned industrial. I'll go over those uses again. A manufacturing plant can go down there as it exist. At the present time a general manufacturing plant can go down there tomorrow. A grain dryer. A truck terminal. The only technicality that we have here is the fact that we're storing bourbon. Those warehouses could go down there. The intensity of the use on 32 acres of nine buildings is really, really restricted.

The other that could go down there is a lumber and construction storage yard. A storage yard could go down there tomorrow.

MR. O'BRYAN: What about if those warehouses catch on fire, what kind of implosion are you looking at there? Wasn't there one up in the eastern part of the state a couple of years ago at the warehouse imploded?

MR. KAMUF: There'd be a lot of people down there with buckets.

MR. O'BRYAN: I'm just saying, you know, if that thing implodes, it's going to create some implosion across the road there.

MR. KING: Michael King again.

Part of the spacing requirements required by Ohio Valley Reporting

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the building code is that it currently is to limit --
they are considered a fire separation distance. That
distance is determined exclusively for fire
separation. Those distances were small in the past.
That is part of the reason.

I believe the actual fire that you're thinking
of, the one I'm recalling, was actually a lightning
strike onto a wooden building which made the fire
worse. In this case, metal building. Less
susceptible to a lightening strike that would affect
the product inside of it. In addition, they've done
testing on the bourbon barrels themselves. That the
barrel itself is extremely hard to ignite. It's
usually the large vapors from the distillery. A
distillery during production would be more explosive
in nature than the actual distilled spirits themselves
in a bourbon barrel.

MR. O'BRYAN: Another question I have is: If
these barrels start to leak, what about our water
system, getting into the ditches? Because that's
happened before too. It gets into a water stream. I
think there was another facility somewhere where this
had happened. It got into a river or a creek or
something like that.

MR. KING: Part of the retention basin for
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this project is retention for spilled alcohol, which is also required by the Kentucky Building Code.

MR. O’BRYAN: Like I say, my concern is not just the warehouses, but the heavy industrial zoning right there across from our community there. I know Charlie said time and time again, there can be other things there. I understand that, but I think OMPC Planning, what you all will have control what goes in there also, you know, at another time. Thank you.

CHAIRMAN: Thank you.

Yes.

MR. CALL: Jacob Call again.

Just one other thing I want to point out.

We're only talking about three trucks a day on average bringing barrels in. It's not a big heavy amount of traffic that will be coming in.

MR. KAMUF: One other point. With the five lanes of West Parrish there's going to be a lot of traffic down there as a result. In other words, in a B-4 area there will be a lot more traffic than there will be in any industrial area because it's kind of a catalyst. Once you have five lanes, and I guess that's the reason that they expanded the lanes is because it was necessary. Directly across the road from this property is a B-4 zone. If you look at the

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little map that I put out, there's a B-4 zone all over
the area down there, which is a lot more traffic than
any type of industrial.

CHAIRMAN: Thank you.

Mr. Ball.

MR. BALL: Charlie has talked about what is
allowed in an I-1. Can we get abbreviated list of
what's allowed in an I-2?

MR. HOWARD: The definition for heavy industry
is those industries whose manufacturing a product
result in the admission of dust, smoke, noxious fumes
or other glutens altering the atmosphere condition.
Light, flashing, glare, odor, noise or vibration which
may be heard or felt off the premises in those
industries which constitute a fire or explosion
hazard.

So our reference that earlier regarding your
question as to why this has to be in an I-2 zone.

But that's a definition of the types of uses
that can potentially be permitted in an I-2 zone.

MR. BALL: Would not be allowed in an I-1?

MR. HOWARD: Right. Any industry that creates
noise, vibration, maybe some type of admission. You
know, that type of thing would be permitted in an I-2
zone which would not. As Mr. Kamuf explained, the use

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he outlined our I-1 uses.

MR. BALL: Thank you.

MR. O'BRYAN: Just for clarification, those
are the differences between I-2 and I-1, correct?

MR. HOWARD: Yes. The main difference is the
nuisance factor, I guess, if you will, that I-2 uses
would tend to generate versus an I-1 which wouldn't
have the noise, or glare, or vibration, or pollutant,
emissions, and things like that. Odors.

CHAIRMAN: We have another question by
Commissioner Boswell.

MR. BOSWELL: Counsel, I guess I'm struggling
with one of the items on your motion to approve and
also made in your findings. I've driven that road,
West Parrish Avenue and West Fifth Street for probably
off and on for 60 years and I've seen some of the
changes that have happened on West Parrish. Most of
those have been pretty much commercial in nature.
There's not really any industrial down on West Parrish
Avenue.

So I'm struggling, I guess, with your social
economic changes. Physical changes I can understand,
but I'm struggling with -- maybe setting some
eamples.

MR. KAMUF: The Massies are the same Massies
that owned all the property where Kentucky Wesleyan College is. It's all rolled back there in the background.

Right before I got to be the attorney for the Board in 1969 or something of that nature, Mr. Massie went down there and got all of this property. It's zoned industrial. It just hadn't taken place until now. In other words, the reason -- it just wasn't maybe available.

Larry O'Bryan is here. He's the trustee of the Massie Farms.

This is nothing new, Larry, in that area. It's just that it wasn't developed because it's been zoned, I know it was -- prior to the time that -- I was the attorney for the Board in 1969, and it was zoned prior to that time. The reason they got it zoned at that time they were going to make an industrial area out of it. It just hadn't gotten there. O.Z. Tyler hadn't come to town at that time.

MR. BOSWELL: Thank you.

Maybe this question is for Mr. Howard.

The balance of this property, the 104 acres, what is that zoned currently?

MR. HOWARD: It's a split of -- I don't have it here. It's looks like A-R zoning primarily is what
the rest of the agriculture portion is zoned.

MS. EVANS: Yes. It's split A-R and A-U agricultural.

MR. BOSWELL: Thank you.

CHAIRMAN: Any other questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Any other questions from the audience?

Please come forward.

MS. RUGABY: Teresa Rugaby again.

So I'm looking at the plans with your nine buildings or your potential expansion for another three. I'm not seeing anywhere in this plan for retention basins. Where would this retention basin be placed?

MR. WEAVER: David Weaver again.

What you're looking at is a conceptual plan. It's certainly by no means a detailed plan. The retention basin will probably be somewhere in the vicinity of Bradley Creek. It's not a detailed plan at this point. We haven't design the retention basin.

MS. RUGABY: My concern is if we permit this, are there going to be possibilities of future increased development down there in the future that's
going to allow for more concrete, more buildings, more
runoff, when we've already gone through massive
construction investigation on alleviating the flood
down there, and I don't know if I said that right, and
the Corps of Engineers and other contractors have come
in here and said, that even if we do a basin, it's not
going to alleviate one foot of water off the homes
that are already down there.

So they've already got the paperwork and
everything showing that even if you put this basin in,
you're not going to alleviate any water. You might --
I'm not understanding how you think that's going to
work, especially if we allow future construction down
there with just you starting it.

CHAIRMAN: I think we had two questions.

MR. HOWARD: As I stated earlier, if I-2
zoning is established here it could expand. Certainly
along Parrish Avenue it would meet the criteria for
logical expansion. I guess in theory it could also,
you know, the remainder of the parent track came
through as an I-2 zone, at that point it would be over
100 acres and it might even meet the criteria to
rezone the whole thing to an I-2. So, yes, it could
expand in the vicinity.

Mr. Weaver could answer the other question.
MR. WEAVER: The purpose of a retention basin for a development is to take care of the runoff from that development. It won't alleviate existing flooding or change existing drainage patterns, if that answers your question. Developers typically do not -- granted there is excess in retention that's done as part of a belt and suspenders, if you will, as far as the design aspect of the project, but the development here does not, it's not a drainage project. It's a project to build warehouses and offset the affect of those warehouses.

MS. RUGABY: I understand that, but you're basin is eventually going to drain in somewhere. I've lived here since 2006 and I have gone from being flooded once every six years to once every three to every year. The flooding in this area is getting worse year by year. The ditches are eroding away. They're not deep. Rose Creek that runs besides me that is labeled as a creek is a ditch, if you want to call it a ditch, is my concern.

CHAIRMAN: Thank you.

Commissioner Reeves.

MR. REEVES: Just for layman point of view maybe. As I see it right now, from the bypass all the way down through Bellevue Baptist Church is capable of
being development, concrete being poured and runoff already, isn't it? This rezoning does no more harm than what's currently in existence, except this rezoning will make that one plot less intensive than it is as the current zoning, as I understand it, as far as heavy operations.

MR. HOWARD: What you do you mean? I just want to make sure I understand your statement there.

MR. REEVES: You couldn't have a metal stamping shop if it's I-2; is that correct or not?

MR. HOWARD: You could. The way the zoning would work, in an I-2 zone you can do everything in an I-1 zone plus additional things.

MR. REEVES: Two is more intense than one?

MR. HOWARD: Yes. I-2, outside of potentially -- coal mining is the most intensive zone that we have in Daviess County.

MR. REEVES: Wish I had done the number otherwise.

CHAIRMAN: Yes sir.

MR. YOUNG: My name is Don Young.

(DON YOUNG SWORN BY ATTORNEY.)

MR. YOUNG: I live at the corner of Airport Road and Parrish Avenue. I was under the impression, that he made a statement, they made a statement that
the mold would get how far from that point? I live probably less than a block from where they're going to be.

What was the distance you said was going to cause me a problem for mold and probably for the wind, as far as the building coming apart or whatever.

MR. KAMUF: I don't think he said it was mold. He said it was a fungus, but he's here to testify.

MR. CALL: Jacob Call again.

Whiskey fungus is not a mold. It's not harmful.

The buildings do sit low, lower than where your house is. So I would, again, anticipate the wind to blow the other way. Generally speaking a few blocks.

MR. YOUNG: The next question I have: What did you say that the building would withstand as far as wind; how much wind will it withstand? If it's 140 feet by 140 feet, that's probably a pretty good question for all of us.

MR. KING: These building are built to the same requirements as any building would be by Kentucky Building Code for this area. I believe the wind rating on these buildings would be a 115 mile an hour wind. So they're rated for this area to be installed
in an open field.

There's actually a slightly lower class that could be used, if it was considered more dense where you have buildings and things blocking that wind load. We did not use that. We went with the higher one to make sure that we could withstand any winds going across that field. So I believe the wind blowing rate for a Category C is 115 miles an hour.

MR. YOUNG: One more question. If we're there and you have no water on that property and it catches on fire, how do you plan on putting it out?

MR. KING: There's a fire extinguisher on the corner of that property, at the corner of the property that could be used for fire department connection.

MR. HOWARD: You mean fire hydrant, correct?

MR. KING: What did I say?

MR. HOWARD: Fire extinguisher.

MR. KING: Fire hydrant at the corner of the property.

CHAIRMAN: Any other questions?

Mr. O'Bryan.

MR. O'BRYAN: Thank you, Mr. Chairman.

Like he said, there is a fire hydrant there, but if these buildings are set 3 or 400 feet, they're going to spend hours. I would think there would have
to be sprinklers, have sprinkler systems in it, because they're going to spend hours dragging hoses out putting fires out. That's an issue that I have. Plus another thing is, like Staff said, it doesn't meet with the Comprehensive Plan. They spent a lot of time doing this, planning. I've sat on some of these committees and stuff in doing this. I just feel, like I say, the heavy industrial in that area, this will start with heavy industrial. This is the start of future heavy industrial.

CHAIRMAN: Thank you.

Mr. Young.

MR. YOUNG: One more question. Next question: How about the odor from these buildings, how much odor are we going to have?

CHAIRMAN: Can anybody answer that?

MR. WEAVER: If we can do one question at a time, it will make it easier.

I'm going to address Mr. O'Bryan's question with regard to the fire protection.

The buildings themselves will only require electric, but we will have to meet the requirements of the Public Improvement Specification in regard to the fire protection and there will be fire hydrants that will have to be put on site to meet the distance,
which is 600 feet from a hydrant. So that will be
addressed with the fire chief.

CHAIRMAN: Thank you.

What about the odor?

MR. CALL: Odor is kind of one of those
subjective things. I can tell you, if you pull into
our entrance gate of the distillery you probably can't
smell the bourbon until you get up kind of close to
the warehouse. Now, our distilling process, the
cooking, the mashing of the grain, you can smell that
for a fair piece, but not a bourbon odor. Not very
far.

CHAIRMAN: Thank you.

Does that answer your question.

MR. YOUNG: Yes.

CHAIRMAN: Any other questions from the
audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the
commissioners?

(NO RESPONSE)

CHAIRMAN: We do have another person from the
audience.

MS. KNIGHT: State your name, please.

MR. PAYNE: Charlie Payne.

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MR. PAYNE: You were talking about the fire protection, and you're talking about a hydrant. Are you talking about the fire department bringing on more water to the site to put the fire out?

MR. WEAVER: No, I am not. We'll have to, the Public Improvement Specifications will require that we have a fire hydrant that's within 600 foot of each building corner. So they'll have to be fire hydrants installed on site to meet the requirements of that, of the improvement specifications.

MR. PAYNE: The reason I'm asking is, where is the water coming from?

MR. WEAVER: It will be an extension off the waterline, but it will be just into that site.

MR. PAYNE: So it's going to actually come from the RWRA --

MR. WEAVER: No. RWRA is sewer.

MR. PAYNE: I mean water supply that runs along Parrish Avenue now?

MR. WEAVER: Yes.

MR. PAYNE: Do you know for sure, I'm looking at cost right now. I'm just wondering with that many buildings and to sprinkle that many warehouses, that is a tremendous amount of water that you have to
MR. WEATHER: We're not sprinkling these buildings. We're not required. We have a 200 foot separation between buildings. That separation between buildings is governed by the Kentucky Building Code and that provision is put in place for that very reason. These buildings are far enough apart and the height of them such that they shouldn't catch -- if one building caught on fire, the adjacent building should not catch on fire.

MR. PAYNE: I understand. The only thing I'm questioning right now is for a fire protection system that large, you have to have a minimum of six inch line and a maximum of probably 12. I don't think that kind of supply is out there anywhere, but that's irregardless.

My other problem with it is, is I go to First Freewell Baptist Church on West Fifth Street Road. If you take the Audubon Parkway and you head east, immediately on the left you'll see ball diamonds. There's a real nice ball field there on the right. There's farmland. Everything they're talking about right now is right there.

Then you look a little further on, and it's just like what Mr. Boswell said awhile ago, there's
been so much for so many years, and I understand that
back in 1969 that Mr. Massie wanted to go ahead and
take all this property and do I-1. Okay. That was
then and this is now. We need to maintain the city as
we have it. We made a lot of improvements, but I
think right now if you go up 60 into the old
industrial area of this town, and you see there along
Glenmore, just try to translate that down to Parrish
Avenue. If we're going to have it, it needs to be
within five miles. I'm certain there's something,
like this gentleman back here said a minute ago, that
is within the City of Owensboro, Stanley boundaries.
Anything west would be sufficient to build these
warehouses. They're just warehouses. On the WK
Parkway right now right before you get into Lexington
on the right-hand side, there's six of these monsters
going in right now. They look like huge dorms, but
they're warehouses. Whiskey is booming right now.
How long is it going to last? I don't really care;
I'll be honest with you.

Right now as far as my family, and my faith,
and my belief, I don't want to see these warehouses.
I do not want to see these warehouse. I don't care
really where you put them. Just don't put them down
there.
CHAIRMAN: Thank you. Anyone else?

MR. KAMUF: Mr. Chairman, I might say this:
Not right in that immediate area, but right down at
the intersection there's a 75,000 square foot tobacco
warehouse that's been there since '93. It's not
like -- all along that particular area it's zoned
industrial, some light industrial. But I believe in
that particular area to put that tobacco warehouse all
was necessary was an I-1 zone.

CHAIRMAN: Thank you very much.

Additional questions?

MR. YOUNG: If this gets built, how much are
they going to assure the value of like my house is
going to maintain? So far everything is great for
them. What's going to be good for us? If there's
anything that I said that was a little rough, I didn't
mean to, but that the only way I know to phrase it.
If they're going to do everything that's going to be
good for them, what about all the people that pays
taxes down Airport Road, all the houses, the church
people over here. What's going to happen to our
valuation of our houses? How are we going to look at
this? Would you want to buy a house with six liquor
places across from your place?

CHAIRMAN: Thank you, sir.
Mr. O'Bryan, you have another one.

MR. O'BRYAN: I think like Mr. Payne talked about, the Stanley area, I mean out by Kimberly-Clark. I think there was a contractor that looked at building warehouses out there. There's got to be other places.

Mr. Kamuf talks about Independent Warehouse. Yes, it's been there for probably 30 years or 40 years, but it's not directly on Parrish Avenue. It sits back probably a couple of thousand feet off the road. You can't see it from Parrish Avenue. I think, you know, we see the expansion of 54 now and what it's causing traffic-wise out there is havoc. I know we can't stop future development because we'll die. I understand that, but the thing is I think we have to look at beautification also. If you go into Planning and Zoning now and look at what they've done over the last 40, 50 years or since the '80s, is they've really done a great job beautifying our city to where we don't have to look at -- I'm not saying that warehouses are -- but it's undesirable buildings that I don't want to see. Thank you.

CHAIRMAN: Thank you very much.

Anyone else have any new information they would like to bring up?

(NO RESPONSE)
CHAIRMAN: Any commissioners have any more questions?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for a motion.

Commissioner Ball.

MR. BALL: I don't typically say anything before a motion, but in this particular case I think it's a very difficult zoning. I think O.Z. Tyler is good for our community. I think the use of warehouses and bourbon storage are not necessarily bad for this particular location; however, I'm extremely concerned with potential future uses and expansions of an I-2 zoning. Therefore, I would like to make a motion for denial based on the Staff's Recommendation and Finding of Fact 1 through 5.

CHAIRMAN: Do we have a second?

MR. BOSWELL: I'll second that.

CHAIRMAN: Seconded by Commissioner Boswell.

Any questions concerning the motion or the second?

(NO RESPONSE)

CHAIRMAN: The chair is ready for a vote. All those in favor of the motion please indicate by raising your right hand.

(BOARD MEMBERS IRVIN ROGERS, BEVERLY McENROE,
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MANUEL BALL, LARRY MOORE, LARRY BOSWELL, MIKE EDGE AND ANGELA HARDAWAY RESPONDED AYE.)

CHAIRMAN: All those opposed.

(BOARD MEMBERS LEWIS JEAN AND FRED REEVES RESPONDED NAY.)

CHAIRMAN: The motion passes.

MR. KAMUF: Thank you, gentlemen.

CHAIRMAN: Next is a related items. I don't think the conditional use permit, do we need to bring that up?

MS. KNIGHT: It will not. Since the rezoning didn't pass there's no use for the conditional use permit.

Mr. Kamuf, do you agree with me, that the Conditional Use Permit is no longer needed?

MR. KAMUF: Please?

MS. KNIGHT: Do you agree that the Conditional Use Permit application is no longer needed?

MR. KAMUF: Right.

CHAIRMAN: Thank you.

Minor Subdivision, Mr. Howard.

MINOR SUBDIVISION PLATS

ITEM 6

7656 Curdsville-Delaware Road, 2.593 acres
Consider approval of a minor subdivision plat
Applicant: Kevin Vance & Cheryl Underwood

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MR. HOWARD: This plat comes before you as an exception. They're creating what we call a flag-lot. Has limited 50 feet of road frontage on Curdsville-Delaware Road. They are creating a parcel around an existing home. There are notations on the plat that it cannot be further subdivided without meeting the subdivision regulations. Since there is an existing home that they're creating this parcel around, we would recommend that you consider it for approval.

CHAIRMAN: We're ready for a motion.

Mr. Jean.

MR. JEAN: Make a motion to approve.

CHAIRMAN: Do we have a second?

MS. HARDAWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. All those in favor indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.

Let me do this, because he's going to yell at me if I don't.

We do have a celebrity that snuck in and finally wants to speak a little bit, our County Judge Executive Al Mattingly.

MR. MATTINGLY: Thank you, Mr. Chairman.

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I do appreciate the fact that you allow my audience to leave before I speak.

First of all, I came over here tonight because I knew this was selection of election time. I personally wanted to thank my good friend Larry Boswell for the time he served as chair, and my good friend Mr. Moore for being selected and elected to serve as chair, and all the other officers that are going to move up.

As I look across the bench, I see many of the folks that I appointed that used to be my friends, and now they don't even want to talk to me anymore because this obviously, just as evidenced by what went on, is absolutely one of the hardest jobs in this community. Each and every one of you do it well. I'm going to try to get an increase in your pay this next budget. We don't pay you. Many people out there in the audience think you make the big bucks.

It's a job that's necessary and someone made a statement, and I was fascinated with the discussion because I pretty much know everything about that property because, as the county judge, we have dealt with the flooding issues in the past. As someone stated, because of OMPC you have made this a much better community to live in, a more beautiful Ohio Valley Reporting

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community to live in, and greatly safer community to live in. I always talk about no one wants to be told no, but it gives me tremendous confidence when I go into a building that I know I have a reasonable chance to walk out alive without it collapsing around my shoulders and because of you guys, you men and women, I know that's a reality in Daviess County that a lot of other communities don't have.

Thank you and I look forward to the coming year. I hope it's a good year and I hope that the first item that you heard this evening isn't a precedent as to what might be headed your way in the future. Thank you.

CHAIRMAN: Thank you, sir.

ITEM 7
2530 Highway 144; 614 & 700 Glenn Court;
2523 East 8th Street, 4.942 acres
Consider approval of a minor subdivision plat
Applicant: Gary M. Boswell; David W. Boswell; Jerry W. Arrendell

MR. HOWARD: This plat comes before you. All of these are existing lots that have additional property that's being added to the rear of them off of a larger track that has frontage on Highway 144 as you can see on the plat. They're not creating any new lots. Just really adding some additional property to three existing parcels. They do exceed the three to

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one requirement, but we would recommend that you consider this for approval.

CHAIRMAN: Thank you. Any commissioners have any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion. MR. ROGERS: Motion for approval. CHAIRMAN: Thank you, sir. MR. EDGE: Second. CHAIRMAN: We have a motion and a second. All those in favor show by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

NEW BUSINESS

ITEM 8
Consider approval of November 2018 financial statements

CHAIRMAN: All of the commissioners should have received a copy of the financial statement. Does anyone have any questions or concerns about that?

(NO RESPONSE).

CHAIRMAN: Seeing none the chair is ready for a motion.
Mr. Reeves.

MR. REEVES: Motion to approve.

MR. BOSWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 9
Comments by the Chairman

CHAIRMAN: At this particular time I have none.

ITEM 10
Comments by the Planning Commissioners

CHAIRMAN: Any comments by you guys?

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

I just want to congratulate you. You've done an outstanding job tonight under some tough circumstances.

ITEM 11
Comments by the Director

* Melissa Evans - Regular, full-time appointment to the position of Associate Director, Planning
* Shannon Kenyon - Regular, full-time appointment to the position of Secretary
* Tara Conder - Regular, full-time appointment to the position of Receptionist/Clerk
* Michael Critser - Regular, full-time appointment to the position of Inspector
MR. HOWARD: I have a couple of things here. If you all remember, about four years we changed our personnel policy to where new hires serve on a probation period basically for a minimum of six months. At which time if their work has been satisfactory I bring them before you all with a recommendation to accept them as regular full-time employees. We have mirrored what the City of Owensboro does for their employees.

We've had a couple of retirements and some transition within the office. So we have four employees tonight that I would like to bring before you to be considered for regular full-time employees.

The first is Melissa Evans as Associate Director of Planning.

Second, Shannon Kenyon as our secretary. She took Sheila Moore’s spot when Sheila retired and is doing our administrative staff things along with bookkeeping and whatnot.

Tara Conder is our front desk receptionist. She's been training on the building side and learning that permitting process.

Michael Critser as an inspector. We had both John Pickrell and Allen King retire last year. We brought him on. So we do have three full-time...
inspectors. So our level of service has not
decreased. We have all of those in place.

I would like to recommend all four of those as
regular full-time employees and they're ready for your
all's consideration.

CHAIRMAN: Anyone have any questions

(NO RESPONSE)

CHAIRMAN: If not chair is ready for a motion.

MR. ROGERS: Motion for approval.

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. All those in
favor of the motion and the second raise your right
hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. HOWARD: I would like to thank
Commissioner Boswell for his time as chairman.
Appreciate the interaction you had me and our staff
and all that you've done to support planning.

I appreciate each and every one of you.
You've been supportive of our Staff of what planning
and zoning is and what the building department's
purpose is. So I really appreciate that. Thank each
of you for your service.

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Then lastly, you'll notice we only have nine members here tonight. John Kazlauskas has been a member or was a member of our Planning Commission for eight years. His term, he was appointed by the City of Owensboro, and his term ended at the end of 2018. The city will be appointing a new person here within the next week or two.

I'd just like to extend gratitude to former Police Chief Kazlauskas for his time here on the Planning Commission, you know, and the work that he did and the good questions and everything that he brought to this board. He served the commission well as an eight year veteran. We have some new faces now, but really would like to thank him for his time here on the Planning Commission.

That's the last comment that I have.

CHAIRMAN: Thank you.

Any other comments?

(NO RESPONSE)

CHAIRMAN: Then final one is a motion for adjournment.

MR. BALL: Motion to adjourn.

MR. EDGE: Second.

CHAIRMAN: We have a motion and a second. 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 )

) SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 79 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 30th day of January, 2019.

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
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2200 EAST PARRISH AVE., SUITE 106-E
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2022

COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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