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OWENSBORO METROPOLITAN PLANNING COMMISSION

AUGUST 12, 2021

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, August 12, 2021, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Lewis Jean, Chairman
- Brian Howard, Director
- Terra Knight, Attorney
- Mike Edge
- Skyler Stewart
- Manuel Ball
- Fred Reeves
- Angela Hardaway
- Irvin Rogers
- Jason Strode

\* \* \* \* \*

CHAIRMAN: Call the August 12, 2021 meeting of the Owensboro Metropolitan Planning and Zoning is called to order. We open our meetings with a pledge and a prayer. Tonight Commissioner Strode is going to do the pledge and the prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Before we conduct these meetings, if anyone would like to speak for or against an issue, just come to the podium and state your name and our counsel will swear you in. Direct all questions to the chair and the chair will either find an answer

1 from the Staff or the attorney. Stay on topic. Be  
2 respectful. Everyone that wants an opportunity to  
3 speak will have that opportunity.

4 All the commissioners should have received a  
5 copy of the minutes of the last meeting. At this time  
6 if there's no questions I'll accept a motion.

7 MR. BALL: Mr. Chairman, I would like to make  
8 a motion to approve.

9 CHAIRMAN: We have a motion to approve by  
10 Commissioner Ball.

11 MR. EDGE: Second.

12 CHAIRMAN: Second by Commissioner Edge. Any  
13 questions on the motion?

14 (NO RESPONSE)

15 CHAIRMAN: All in favor signify by raising  
16 your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 MR. HOWARD: Under General Business we have  
20 Zoning Changes tonight. I will note that the zoning  
21 changes heard tonight will become final in 21 days  
22 after the meeting unless an appeal is filed. If an  
23 appeal is filed, we will forward the record of this  
24 meeting along with all applicable materials to the  
25 appropriate legislative body for them to take final

1 action.

2 -----

3 GENERAL BUSINESS

4 ZONING CHANGES

5 ITEM 3

6 1401 Ben Ford Road, 16.390 acres  
7 Consider zoning change: From EX-1 Coal Mining to A-R  
8 Rural Agriculture  
9 Applicant: LOCO Properties, LLC c/o Larry O'Bryan

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

12 MR. PEDLEY: Trey Pedley.  
13 (TREY PEDLEY SWORN BY ATTORNEY.)

14 PLANNING STAFF RECOMMENDATIONS

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

17 FINDINGS OF FACT:

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

21 2. The subject property is located in a Rural  
22 Maintenance Plan Area, where rural farm residential  
23 uses are appropriate in general locations;

24 3. At 16.390 acres, the subject property is  
25 large enough to provide potential for productive  
agricultural uses;

1           4. No new roads are proposed with this  
2 request as the subject property has road frontage  
3 along multiple public roads, Ben Ford Road and Highway  
4 1207;

5           5. Any new development on the subject  
6 property shall be accessed by a private drive;

7           6. There is no active coal mining at the  
8 subject property; and,

9           7. The Owensboro Metropolitan Zoning  
10 Ordinance Article 12a.31 requires that the property  
11 shall revert to the original zoning classification  
12 after mining has ceased.

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

15           CHAIRMAN: Is there anybody in the audience  
16 that would like to speak?

17           (NO RESPONSE)

18           CHAIRMAN: Do any of the commissioners have  
19 any concerns about the application and wish to speak?

20           (NO RESPONSE)

21           CHAIRMAN: Seeing none the Chair is ready for  
22 a motion.

23           MS. STEWART: Mr. Chairman, make a motion to  
24 approve according to Findings of Fact 1 through 7 and  
25 Planning Staff Recommendation.

1 CHAIRMAN: We have a motion by Commissioner  
2 Stewart. Is there a second?

3 MR. REEVES: Second.

4 CHAIRMAN: Second by Commissioner Reeves. Any  
5 questions on the motion?

6 (NO RESPONSE)

7 CHAIRMAN: All in favor signify by raising  
8 your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 ITEM 4

12 411 West Legion Boulevard, 1.000 acres  
13 Consider zoning change: From R-1B Single-Family  
14 Residential to R-3MF Multi-Family Residential  
15 Applicant: Brjesh & Suniti Patel

16 PLANNING STAFF RECOMMENDATION

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

19 CONDITIONS:

20 1. Approval of a Site Plan or Final  
21 Development Plan; and,

22 2. The applicant shall provide screening  
23 along the western and northern property lines where  
24 the subject property adjoins properties zoned B-4  
25 General Business. The screening shall consist of a  
10-foot wide landscape easement with a 6-foot tall

1 continuous element such as a fence, wall, plantings,  
2 hedge or earth mound plus one tree per 40-linear-feet.

3 FINDINGS OF FACT:

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

7 2. The subject property is located in an  
8 Urban Residential Plan Area, where urban mid-density  
9 residential uses are appropriate in limited  
10 locations;

11 3. The proposed multi-family residential uses  
12 conform to the criteria for urban residential  
13 development;

14 4. Sanitary sewer systems are available to  
15 the subject property; and,

16 5. The proposed R-3MF Multi-Family  
17 Residential zone is a logical expansion of existing  
18 R-3MF zoning to the east; and,

19 6. At 1.000 acre in size, the proposal shall  
20 not overburden the capacity of roadways and other  
21 necessary urban services that are available in the  
22 affected area.

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

25 CHAIRMAN: Anybody here representing the

1 applicant?

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

4 MR. PATEL: My name is Brjesh Patel.

5 (BRJESH PATEL SWORN BY ATTORNEY.)

6 CHAIRMAN: Do you wish to speak?

7 MR. PATEL: Yes. If there are any question or  
8 concern bring it to the table and we can talk on  
9 that.

10 CHAIRMAN: Thank you.

11 Anybody in the audience have any comments  
12 about the application?

13 MR. WINSTEAD: I do.

14 MS. KNIGHT: Sir, if you could state your full  
15 name for the record, please.

16 MR. WINSTEAD: Thomas Winstead.

17 (THOMAS WINSTEAD SWORN BY ATTORNEY.)

18 MR. WINSTEAD: I live directly across the  
19 street from that piece of property. I know the man  
20 that lived there and his family. All grew up there.  
21 He built that really nice new home, that house. Come  
22 to the zoning board here requesting you all zone it to  
23 B-1 Single-Family Residential. I think that's what  
24 it's called. That's what it is presently.

25 It probably help the property value very much

1 through there. If you notice the impressions in the  
2 ground around that property, the drainage in that  
3 neighborhood is very bad. I'm curious as to with  
4 concrete and mortar and another building, apartments  
5 there, what that would do with respect to drainage,  
6 plus what it will do to my property value.

7 I'm also concerned with there's lots of  
8 apartments right next-door and in that neighborhood  
9 already. They create quite a bit of traffic, quite a  
10 bit of noise, especially on the weekends. They come  
11 and go 24 hours a day. It's almost difficult to get  
12 rest there, especially on the weekends. I don't see a  
13 need to destroy that brand new nice home that's on  
14 that property and build more apartments and create  
15 more congestion and drainage issues and property  
16 depreciation and noise. That's my opposition to this  
17 change in this zoning.

18 CHAIRMAN: Thank you, Mr. Winstead.

19 Any commissioners have any questions  
20 concerning the application?

21 (NO RESPONSE)

22 CHAIRMAN: Seeing none the Chair is ready for  
23 a motion.

24 MR. HOWARD: Do you want to get his answers?

25 MS. KNIGHT: See if they want to respond.



1           CHAIRMAN:  Would you like to answer some of  
2 these concerns?

3           MR. HOWARD:  Mr. Patel may want to address  
4 some of the questions that were raised regarding  
5 tearing down the existing home, traffic, the number of  
6 units in the apartment complex, that type of thing.

7           I'll go ahead and say that before the property  
8 could be developed in any capacity, his engineer is  
9 here I see, but before the site would be redeveloped  
10 in any capacity, the city engineer would have to  
11 review the plans for the development.  Mr. Weaver  
12 would put together the drainage calculations and  
13 submit that as part of it.  They may have some  
14 additional information as to the number of units and  
15 that type of thing as far as what is actually  
16 happening with the development.

17           MS. KNIGHT:  Mr. Weaver, state your name for  
18 the record, please.

19           MR. WEAVER:  David Weaver.

20           (DAVID WEAVER SWORN BY ATTORNEY.)

21           MR. WEAVER:  Mr. Patel, correct me if I'm  
22 wrong.

23           At this point it's speculative rezoning.  He  
24 doesn't know exactly how he'd like to develop this.  
25 We've kind of looked a little bit and talked about

1 different scenarios. We're not ready to speak on  
2 density. Clearly with the size of the property it  
3 couldn't be very many to meet the parking  
4 requirements.

5 As Brian said, the drainage issues would all  
6 be addressed with the city engineer and review for  
7 approval. Kind of a general answer, but it's just not  
8 known at this time.

9 MR. HOWARD: If you had to guess, what do you  
10 think would work as far as the number of total units  
11 on an acre?

12 MR. WEAVER: Maybe six at the most.

13 MR. HOWARD: Okay.

14 CHAIRMAN: Thank you.

15 Mr. Winstead, do you have any other comments?

16 MR. WINSTEAD: I do. I just don't see why  
17 destroying a perfectly new beautiful home that's  
18 sitting over there, one. And two, the drainage issues  
19 again. I don't know if any of you all are familiar  
20 with that property, but there's several ditches that  
21 run there, and also the impressions across that  
22 property are low areas. It floods in our neighborhood  
23 worse than it used to. I don't know if it has  
24 anything to do with all of the stuff; I know that RWRA  
25 is still working in that area. I understand the older

1 sewer lines they are under that street there and they  
2 still overrun each other. So sewage mixes I believe  
3 with city, with the storm water drainage. I believe  
4 they're still working on those issues. I feel like  
5 anything done over there is going to create more  
6 flooding. I have a full basement in my house and we  
7 do experience problems when the streets flood right  
8 there, and they don't drain very fast once they do.  
9 That's my main concern.

10 Another concern is property value. I can't  
11 see where all of that traffic, all the people,  
12 apartments, will help the homeowners that have  
13 properties all around there with the value of their  
14 home. I see it depreciating. I rest my case. Thank  
15 you.

16 CHAIRMAN: Thank you.

17 Any commissioners have any questions?

18 Commissioner Ball.

19 MR. BALL: I know this has come up in the  
20 past. I guess this is for Brian and his Staff. How  
21 do we look at property values? Is there a way we can  
22 even look at property values unless there is evidence  
23 brought to us that negatively impacts property values?

24 MR. HOWARD: Actually that would be more of a  
25 question for legal counsel. That's something we as

1 staff don't, we don't get into property values. We  
2 don't set property values, you know, that type of  
3 thing. Really what the board's responsibility is on  
4 any of these rezonings is to determine if the proposed  
5 zoning is appropriate in the location where it's been  
6 proposed. There have been cases where appraisers have  
7 come up and testified on property values and that kind  
8 of thing. Beyond an expert providing testimony, it's  
9 certainly something that is beyond Staff's area of  
10 knowledge or expertise.

11 MR. BALL: As it relates to drainage, this  
12 gentleman has multiple concerns about drainage, but  
13 that's not something that we technically look at  
14 either. That's something that city and county would  
15 look at and they would be okay with it one or way or  
16 the other, correct?

17 MR. HOWARD: Right. As Mr. Weaver stated, his  
18 company has done dozens or hundreds of development  
19 plans over the years and that's what would be required  
20 here. They would have to do a plan, prepare drainage  
21 calculations. In this instance, it would be the city  
22 engineer that would review those drainage calculations  
23 to make sure that what is being designed there on the  
24 surface could be accommodated within whatever type  
25 of detention, retention, whatever might be required on

1 that site. But that's an outside review beyond what  
2 the Planning Staff would do.

3 MR. BALL: Thank you.

4 CHAIRMAN: Any other commissioners have any  
5 questions or concerns?

6 (NO RESPONSE)

7 CHAIRMAN: Hearing none the Chair is ready for  
8 a motion.

9 MR. BALL: I would like to make a motion.

10 CHAIRMAN: Mr. Ball.

11 MR. BALL: I'd like to make a motion to  
12 approve based on the Planning Staff Recommendations,  
13 Conditions 1 and 2 and Findings of Fact 1 through 6.

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

16 MR. REEVES: Second.

17 CHAIRMAN: Second by Mr. Reeves. Any  
18 questions about the motion?

19 (NO RESPONSE)

20 CHAIRMAN: All in favor signify by raising  
21 your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 ITEM 5

25 5181 Little Hickory Road, 100.210 acres  
Consider zoning change: From EX-1 Coal Mining to A-R

1 Rural Agriculture  
Applicant: Kenneth & Rebecca Fischer, LLC

2

3 PLANNING STAFF RECOMMENDATION

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

6 FINDINGS OF FACT:

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

10 2. The subject property is located in a Rural  
11 Maintenance Plan Area, where agriculture and forestry  
12 uses are appropriate in general locations;

13 3. At 100.210 acres, the subject property is  
14 large enough to sustain existing forested areas  
15 through appropriate forestry practices;

16 4. The subject property is designated as  
17 prime agricultural farmland and, as such, is capable  
18 of conserving agricultural topsoil through appropriate  
19 farming practices;

20 5. There is no active mining on the subject  
21 property; and,

22 6. The Owensboro Metropolitan Zoning  
23 Ordinance Article 12a.31 requires that the property  
24 shall revert to the original zoning classification  
25 after mining has ceased.

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

3 CHAIRMAN: Anyone here representing the  
4 applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: Would you like to speak?

7 APPLICANT REP: No.

8 CHAIRMAN: Anyone in the audience have any  
9 concerns on the application?

10 (NO RESPONSE)

11 CHAIRMAN: Any commissioners have any  
12 questions concerning the application?

13 (NO RESPONSE)

14 CHAIRMAN: Seeing none the Chair is ready for  
15 a motion.

16 Mr. Rogers.

17 MR. ROGERS: Mr. Chairman, I'd like to make a  
18 motion for approval based on Planning Staff  
19 Recommendation and the Findings of Fact 1 through 6.

20 CHAIRMAN: We have a motion.

21 MR. STRODE: Second.

22 CHAIRMAN: Second by Commissioner Strode. Any  
23 questions on the motion?

24 (NO RESPONSE)

25 CHAIRMAN: All in favor signify by raising

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 MR. HOWARD: Item 6 on the agenda was 6104  
5 Main Street. That item has been withdrawn at the  
6 request of the applicant.

7 ITEM 7

8 1702 Mosley Street, 0.207 acres  
9 Consider zoning change: From I-1 Light Industrial to  
10 B-5 Business/Industrial  
11 Applicant: Mark & Anne Carlisle

12 MR. HOWARD: This item we have a letter in the  
13 file requesting postponement from the applicant. So  
14 you all would need to take action to postpone this  
15 item to the regularly scheduled meeting next month.

16 MR. EDGE: I'll make a motion to postpone  
17 this.

18 CHAIRMAN: We have a motion by Commissioner  
19 Edge to postpone. Do we have a second?

20 MS. HARDAWAY: Second.

21 CHAIRMAN: Second by Commissioner Hardaway.  
22 Any discussion about the motion?

23 (NO RESPONSE)

24 CHAIRMAN: All in favor signify by raising  
25 your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)



1                   CHAIRMAN: Motion carries.

2           ITEM 8

3           5369 Old Hartford Road, 43.988 acres  
4           Consider zoning change: From A-U Urban Agriculture to  
5           R-1B Single-Family Residential  
6           Applicant: Deer Valley Subdivision, LLC; Robert L.  
7           Wilson, Mary M. Reynolds & Sam C. Wilson

8                   MR. BALL: I need to recuse myself from this  
9           item.

10                  CHAIRMAN: So noted.

11           PLANNING STAFF RECOMMENDATIONS

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

14           CONDITIONS:

15                  1. A Traffic Impact Study shall be approved  
16           by the City Engineering Office and/or the County  
17           Engineering Office, in addition to the Kentucky  
18           Transportation Cabinet and the OMPC Planning Staff.

19           The Traffic Impact Study shall be approved prior to  
20           the approval of a Major Subdivision Preliminary Plat  
21           which shall reflect all necessary improvements; and,

22                  2. If the Traffic Impact Study that is  
23           approved in conjunction with the Preliminary Plat  
24           states that any off-site roadway improvements are  
25           necessary, such improvements shall be installed and  
26           approved prior to the issuance of a Certificate of  
27           Occupancy for any residential use within the

1 development.

2 FINDINGS OF FACT:

3 1. Staff recommends approval because the  
4 Proposal is in compliance with the community's adopted  
5 Comprehensive Plan;

6 2. The subject property is located in a  
7 Future Urban Plan Area, where urban low-density  
8 residential uses are appropriate in very limited  
9 locations;

10 3. While the proposed R-1B Single-Family  
11 Residential zoning is not a logical expansion of  
12 existing R-1B zoning in the immediate vicinity, the  
13 proposed urban low-density residential use is a  
14 logical expansion of existing single-family  
15 residential developments to the west;

16 4. The proposed single-family residential  
17 uses conform to the criteria for Urban Residential  
18 Development;

19 5. The subject property has access to an  
20 existing sanitary sewer system; and,

21 6. Compliance with an approved Traffic Impact  
22 Study shall ensure that the proposed development will  
23 not overburden the capacity of roadways or other  
24 necessary urban services that are available within the  
25 affected area.

1           MR. PEDLEY: We would like to enter the Staff  
2 Report into the record has Exhibit D.

3           CHAIRMAN: Anybody in the audience  
4 representing the applicant?

5           MR. KAMUF: Charles Kamuf representing Jagoe.

6           MS. KNIGHT: Mr. Kamuf, you're sworn as an  
7 attorney. Go ahead.

8           MR. KAMUF: Thank you.

9           I represent Jagoe Homes on the rezoning. I'm  
10 asking that Item 8-A be continued until the next  
11 meeting. It's the major subdivision preliminary plat.  
12 I would for that to be continued until the next  
13 meeting, on Item 8-A.

14           We agree with the Staff Report which found  
15 that it is in accord with the Comprehensive Plan.  
16 Jagoe agrees to all of the conditions that are set out  
17 in the Staff Report. I have a vicinity map which I  
18 would like to pass out. It shows the locality of the  
19 area.

20           I would like to file this in the record,  
21 please.

22           The purpose of that plat is just to show the  
23 area. It shows the Hunters Ridge Subdivision across  
24 the William Natcher Parkway. It shows I think the  
25 Stonecrest Subdivision that I think is being developed

1 at Mike Martin at the present time. It shows the  
2 Stonybrook Subdivision. I think that was started  
3 about 1970; about the year I started practicing law  
4 here. Then you see the Pebblewood Subdivision of  
5 Jagoes.

6 I might point out that the density of an R-1B  
7 is less than an R-1A. There will be approximately 137  
8 houses. The property values will be in the range of  
9 250,000 to 300. There will be two access points. It  
10 doesn't show on that plan, but it shows on the  
11 development plan which was filed. Access point one  
12 will be from the Old Hartford Road and the other one  
13 will be from Jessica Drive.

14 As far as transparency, Jagoe held a Zoom  
15 information meeting on Wednesday, August 4, 2021. The  
16 meeting was open to all adjoining property owners.  
17 Those in attendance were approximately four property  
18 owners, along with Mark Brasher, the county engineer,  
19 Jason Baker with Bryant Engineering, Manuel Ball of  
20 Jagoe, several individuals with Jagoe, including Bill  
21 Jagoe and myself. All adjoining property owners were  
22 given the opportunity to address their concerns.

23 The city and county have reviewed and approved  
24 the drainage plan. Jason Baker and also Mr. Jagoe are  
25 here to testify concerning any issues that you might

1 have as far as drainage. OMPC has been supplied with  
2 a copy of the Traffic Impact Study. The Traffic  
3 Impact Study is presently being reviewed by the city,  
4 county and state engineer departments, and we  
5 anticipate that the Traffic Impact Study will be  
6 approved by the end of the week. We thought it would  
7 be approved before the meeting tonight.

8 We are here to answer any questions.  
9 Mr. Jagoe is here. Bryant Engineering is here. We're  
10 here to answer any questions that you all have  
11 concerning any issues.

12 CHAIRMAN: Thank you, Mr. Kamuf.

13 Anyone else want to speak to the application?

14 (NO RESPONSE)

15 CHAIRMAN: Anyone in the audience have any  
16 comments about the application and wish to speak?

17 MS. KNIGHT: Sir, state your name for the  
18 record, please.

19 MR. WILSON: My name is Harold Wilson.

20 (HAROLD WILSON SWORN BY ATTORNEY.)

21 MR. WILSON: This whole thing started with  
22 Charlie and me when we were on the RWRA Board. I  
23 think that's right, Charlie.

24 MR. KAMUF: That's correct.

25 MR. WILSON: Thanks to him you voted to allow

1 us to have sewer lines in my subdivision. My  
2 subdivision is Stonybrook, and thank you, Charlie. It  
3 has paid off.

4 I have some concerns. We knew that in order  
5 to get this approved for Stonybrook Subdivision,  
6 nearly a million dollar sewer line in there, we knew  
7 there was an option to build other subdivisions.  
8 Which is fine.

9 Bill, it's fine.

10 As long as they hold up to the agreements that  
11 they tell us. We have 41 people in our subdivision of  
12 Stonybrook. It was 1970. I see some of my students  
13 here and it's good to see you too.

14 Another one that Mike Martin just built -- I  
15 met Mike Martin once. Wouldn't recognize him if I saw  
16 him. But he built somewhere around 40 something. Now  
17 we're going to have 137 on the other side, which is  
18 fine.

19 Our concern is drainage issues. I was right  
20 here in this courtroom when they promised me that  
21 there would be two drainage basins. Today there's  
22 only one. There's a 10,000 square foot house sitting  
23 right in the middle and that's over one. They lied.  
24 Big time lied. They said, oh, no, there's a few feet  
25 back here behind your house. I hate to tell them that

1 when we have that next 8-inch rain that I've been used  
2 to, their basement is going to be flooding all the way  
3 up to the ceiling. He's with me. He lives there too.  
4 He knows. We've had water before Charlie came in and  
5 helped us.

6 Thank you, Charlie.

7 We had water running through houses. We got  
8 some drainage help, but the main thing we got is we  
9 got sewer lines that can't unstop some of the  
10 drainage. We only have one drainage basin over there.  
11 They can tell us what they want to, but there's a  
12 10,000 square foot house sitting right in the middle  
13 of it. You come to our house in the morning at 8:00  
14 and I'll show you. It's about a two or \$3 million  
15 home. Mike Martin built it.

16 I've asked Bill Jagoe, who is one of my former  
17 students, "Will you do the same thing to us?" He  
18 said, "no." But I'm asking Bill and I'm asking all of  
19 you to make sure that whatever drainage problems we  
20 have down below me is taken care of with drainage  
21 basins.

22 Now, I lived in a backwater zone. I lived in  
23 Calhoun down below the bridge. Some of you may know  
24 where that is. If you don't, you should because  
25 you'll find out what backwater really is. Backwater

1 backs up. Bill told me, oh, no, we're down below you.  
2 I don't care. Water backs up. When that backs up,  
3 all that Hunters Ridge up there drains towards us.  
4 Bill Jagoe's father's home where he grew up, all that  
5 drains towards us. The lake drains towards us. All  
6 that over there on Ford's property, Ford's big farm,  
7 huge monster farm drains right down beside my house.  
8 Look on your map there and you'll see where Stonybrook  
9 is and you'll see where Harriet Lane comes around and  
10 touches Georgia Lane. Right there where it touches is  
11 where the ditch comes through right in the middle of  
12 that subdivision.

13 If you don't put proper drainage there, our  
14 houses are going to be flooded again. Mine is up a  
15 little higher, but all of my neighbors whose I really  
16 care about, they're going to be washed out again.  
17 Just make sure that you do what you say you're going  
18 to do and not lie to us.

19 Bill, you didn't have anything to do with that  
20 other basin over there. That's another person. I  
21 told you to what we've talked about and I appreciate  
22 it. When this life is over with, we can say, well  
23 done. And thank you, Charlie.

24 CHAIRMAN: Thank you, Mr. Wilson.

25 Mr. Kamuf.



1           MR. KAMUF: I would like Jason Baker to answer  
2 on this drainage issue, please.

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

5           MR. BAKER: Jason Baker.

6           (JASON BAKER SWORN BY ATTORNEY.)

7           MR. BAKER: As Charlie was saying, we have  
8 been through the process with the city and county  
9 engineer. There are two basins located on this  
10 property; one on either side of the creek. There was  
11 much discussion in the neighborhood meeting about  
12 drainage and making sure we're not putting water off  
13 on what would be the northwest line of the property.  
14 We took that feedback from the neighbors. We had  
15 added to the plan in conjunction working with the city  
16 and county engineer. We have added the drainage  
17 feature all along that line such that all of the water  
18 from this development, and there is some towards the  
19 middle of the property that does go that direction,  
20 it's not a whole lot, but we have modified the plan  
21 such that all the water is contained to the site on  
22 that side. That was a major concern during the  
23 neighborhood meeting. It's something we took back  
24 and made some plan modifications to address the  
25 concerns.

1           With regard to Stonybrook or the Stonecrest  
2           Subdivision, I'm not sure. I don't know of any  
3           circumstance where anyone is allowed to build house on  
4           a basin. I don't think that's possible nor would it  
5           be allowed by this group or the building department  
6           downtown. I'm not quite sure where that's coming  
7           from.

8           With regard to the drainage, there is a large  
9           ditch that comes across Stonybrook Subdivision as  
10          everyone has mentioned. Stonybrook Subdivision is an  
11          older subdivision. There are off-site areas that flow  
12          through that. That subdivision, I think, has always  
13          had some level of issues with regard to drainage. The  
14          pipes underneath the roads there, I don't know the  
15          analysis on those particular areas, but based on their  
16          performance there have been issues in the past.

17          We believe that the design that we have come  
18          up with addresses both the concerns that were  
19          expressed during that neighborhood meeting. We are  
20          controlling the runoff from our site utilizing basins.  
21          As far as the existing ditches, we're leaving those  
22          intact so as not to create an erosion issue in the  
23          ditch itself. That's been our design approach for  
24          this project.

25          I don't know if I've answered all of those

1 questions specifically.

2 CHAIRMAN: Thank you, Mr. Baker.

3 Mr. Wilson, do you have any other comments?

4 MR. WILSON: Yes. I would like to respond to  
5 that.

6 What I'm telling you is 38 years of living  
7 there. I'm not joking about this. You want to come  
8 to my house tomorrow morning I'll show you where that  
9 10,000 square foot house is sitting right in the  
10 middle of that basin. You go with me. His wife will  
11 to. It's there. I have pictures on my phone. I can  
12 show you. It's there. So don't tell me the house is  
13 not there.

14 They told us in the meeting that this is the  
15 way it will be. He goes back and says, oh, we redid  
16 it. You didn't tell us that. You didn't tell us we  
17 redid anything. He just shows up 10,000 square foot  
18 house three stories.

19 I'm just saying, if that's the problem with  
20 the drainage right now, that even emphasizes the  
21 drainage problem that if they build that 137 more  
22 house, if they don't do it right, we're going to have  
23 even more problems because of the backwater. We call  
24 it head water. Back water river and head water. I  
25 taught science. It's going to hurt us if we don't do

1       it right. Stop lying to us, please. I don't know  
2       what they do about the guys over there. I feel sorry  
3       for them. Whoever lives there -- don't let the rich  
4       come in and do it their way so they can make more and  
5       more. Make sure you protect us. I don't have any  
6       problem with them making money. Just don't let them  
7       run over us.

8               One other thing too. That Georgia Lane goes  
9       up through there, it's a raceway. Right now it's  
10      Highway 60 wide open. They come off that hill and  
11      their hitting 60 and 70 mile an hour by the time they  
12      pass my house in the middle of that lane. At the  
13      bottom of the hill they're hitting 60. We've got a  
14      little sign down there that says 35. We have no  
15      police protection out there. We've got a policeman  
16      that lives there, but he doesn't practice. We don't  
17      have any patrols and it's going to get worse and  
18      worse. Where the lanes come across up there, it's  
19      going to be twice as bad because whose lane are they  
20      going to use. They're going to use right up in the  
21      middle and right straight to their house. They're  
22      going to use their subdivision. They're going to use  
23      mine. Right in front of my house. We need speed  
24      bumps. We need patrols. We need something. Right  
25      now we know what's going to happen if you don't help

1 us. Thank you.

2 CHAIRMAN: Thank you, Mr. Wilson.

3 Mr. Baker, do you have anything else to say?

4 MR. BAKER: No, unless there's a specific  
5 question.

6 I didn't prepare anything with regard to the  
7 traffic study. That's something that will probably be  
8 discussed when the development plan is heard if the  
9 next step occurs. That consultant will be here for  
10 that discussion.

11 CHAIRMAN: Thank you, Mr. Baker.

12 Anybody else that would like to speak?

13 MR. MCKAY: My name is Michael McKay. I've  
14 lived in Stonybrook for about 40 hours.

15 (MICHAEL MCKAY SWORN BY ATTORNEY.)

16 MR. MCKAY: I was in the virtual meeting with  
17 Jagoe. We talked about concerns about water and then  
18 they called us back later. They said they met with  
19 the engineer, the surveyor, and the farmer, Mr. Goetz.  
20 They said they were going to revise the plan because  
21 the former owner of that property was Mr. Wilson and  
22 his children are the ones that are selling the land to  
23 Mr. Jagoe for his new subdivision. I told, I believe  
24 it was Mr. Ball that recused himself, that the water  
25 that ran over the road where their entrance is off of

1 Old Hartford Road. Sometimes it gets maybe a foot and  
2 a half, two-foot, so they can't make an entrance there  
3 if there's flood water. People coming down 231  
4 wanting to come down Old Hartford Road from  
5 Masonville, there's no way they can get through or  
6 down Newbolt Road. That's a problem. All of that  
7 water dumps into that ditch and goes towards Panther  
8 Creek, which is about a mile away. Because I've run  
9 down that road. I've run down that road for 40 years.  
10 I ran down that road when you could run down there and  
11 there'd never be a car that you'd meet in the morning.  
12 Now, if you get out there at 6:15 you better not run  
13 down that road or ride your bicycle down there because  
14 you're going to get run over.

15 Mr. Wilson, the former owner of that property  
16 on the hill where Mr. Goetz lives, he always  
17 maintained the ditch along Harriet Lane. There was no  
18 water that ever flowed over into that ditch from his  
19 property. When RWRA put the sewer lines in, there was  
20 a little bit erosion that started running water off of  
21 that property and Mr. Wilson fixed it because the  
22 contractors that were supposed to fix it they  
23 neglected to do that.

24 I'm concerned about the traffic because I  
25 think the traffic on Old Hartford Road is not wide

1 enough if we're going to get another 137 houses. I  
2 looked at the plan also of this property, which  
3 Jagoe's corporation gave us and were able to see it.  
4 Where it goes through Pebblebrook it dead ends at the  
5 edge of the land that about belongs to his father,  
6 Mr. Goetz on the other side. It looks like eventually  
7 they're going to extend that road straight through  
8 over to Newbolt Road. The water that comes down on  
9 the east side of this 40 acres comes across from the  
10 land over by Hunters Ridge; it comes under the road.  
11 There's a huge volume of water so when it collects  
12 down at his driveway, and that's part of the flooding  
13 that goes over Hartford Road. If we get any excess  
14 water coming down Old Hartford Road through or  
15 Stonybrook or through Stonecrest, that's going to do  
16 backwater, cause it to back up over Old Hartford Road  
17 possibly into Stonecrest. The lake above us at  
18 Crescent Hill Drive, that is a huge lake up there. If  
19 that lake ever broke, it would wipe out this new  
20 subdivision. It will wipe out Stonybrook. It would  
21 wipe out all the million dollar houses in Mr. Martin's  
22 subdivision.

23 Like Mr. Wilson said, we were going to have  
24 two retention ponds in Mr. Martin's subdivision, plus  
25 a dry basin. We have one retention pond.

1           Jago called us back and told us about -- we  
2 had the concerns about runoff from Mr. Wilson, the  
3 property. They said they would try to correct that.  
4 We don't have it any writing or we haven't seen that  
5 plan. They suggested they were going to try to run  
6 that excess water off and put it into one of the  
7 retention ponds, which is on the east side of this  
8 land. It abuts Mr. Goetz' property where he already  
9 has water coming off the property on Hunters Ridge  
10 that comes under the parkway. I mean that water  
11 flows. I mean you're getting hundred of acres back in  
12 there. It comes off -- let me see. Off of Fairview  
13 Drive that cuts over towards Macedonia Church, all of  
14 that land, it comes down through there. We got water  
15 actually that comes through our neighborhood,  
16 Stonecrest that comes off the viaduct that crosses the  
17 parkway and Fairview Drive. That water drains  
18 straight through, down through Stonecrest and then it  
19 comes through our property or our subdivision. Plus  
20 Mr. Frank Ford's farm across the road, that water  
21 comes straight through there. So you've got all of  
22 these sources of water. We're concerned about the  
23 backwater. It can be like a creek coming through  
24 there.

25           Across the road from Harriet and Georgia Lane



1       there's kind of hill over there on Mr. Frank Ford's  
2       property over there that used to drain down the other  
3       side of the road. Well, that road drains actually  
4       down to us now. We talked to the state about it; I  
5       did. They say we can't do anything about it. There  
6       used to be a ditch over there. Actually there is  
7       still an impression over there. I think that's a  
8       state issue ought to take care of that when they have  
9       to widen the road.

10               Does the plan say we have to have the road  
11       widen? Because past his property there is big curve  
12       down there. You can't hardly see around that curve.

13               These were some of my concerns. I mean Jagoe  
14       was very nice. They said, we're going to try to  
15       correct this problem. They said there was like a  
16       total of 12 acres in the property that touches Georgia  
17       and Harriet Lane and they said they were going to cut  
18       it down from 8 acres to 4 acres of water runoff. We  
19       made our concern that we never had any water from that  
20       property ever come over on us except when it eroded  
21       that one time. They said they would try to send it to  
22       the retention basins. That's all I have to say.

23               CHAIRMAN: Thank you, Mr. McKay.

24               Mr. Baker, would you like to answer his  
25       concerns?

1           MR. BAKER: Yes. Follow up on the last  
2 comment he made there. That is the drainage system  
3 along the west line that we've added.

4           What is out there in the field is a fairly  
5 flat area that goes over and spills over into their  
6 ditch. That area, I don't dispute. We were hearing  
7 at the meeting that that water is not actually getting  
8 there. It's probably because some of the things that  
9 they refer to that Mr. Wilson did when RWRA came  
10 through there. Again, we went back and we've  
11 addressed those issues such that that doesn't change  
12 with our design.

13           Following current standard, we are required to  
14 mitigate the post-developed condition down to  
15 pre-develop pea grade run off. Those items are done.  
16 The retention basins, we have provided the retention  
17 basins, you know, according to that standard. We  
18 believe that we're mitigating the impact of what is  
19 being proposed.

20           You know, with regard to the off-site area  
21 that drains through this property, there are two major  
22 ditches that come from the Settles Road side of  
23 things. One actually doesn't come through this  
24 property. It actually is further down, I believe.  
25 That water has been flowing there for years. We're

1 not changing that. Our design intent is to leave  
2 those features intact the way they are. You know,  
3 with regard to any -- we are doing some things that  
4 will have a positive impact, we believe. There is an  
5 existing structure on Old Hartford Road. It's a  
6 72-inch pipe arch that's silted in. We believe that  
7 is under capacity, the structure that we proposed at  
8 the entrance of the development is far larger than  
9 that. We will be removing or the plan shows for that  
10 structure to be removed. We believe that will have a  
11 positive impact on the flow's capacity along Old  
12 Hartford Road.

13 I believe as far as connections that were  
14 mentioned, we were required to connect into the  
15 Stonybrook Subdivision as far as current regulations.  
16 That connection was put there way back when that  
17 subdivision was made and therefore carrying it forward  
18 interconnectivity between the subdivisions is the  
19 reason that is there. It's the same reason that the  
20 stub-street is being added to the south as well.  
21 That's just the regulation. Any time we have a  
22 sizeable piece of property that those stub-streets are  
23 there for that reason.

24 I think I've covered most everything, but if I  
25 didn't please let me know.

1           CHAIRMAN: Thank you.

2           MR. HOWARD: Jason, if you don't mind.  
3           Looking at the plan, it appears on that west boundary  
4           that there's a 40-foot RWRA easement and then you all  
5           have a substantial drainage easement along that  
6           boundary as well. Would you just kind of explain? I  
7           know you said that you're attempting to capture all  
8           water, you're going to capture all the water so that  
9           none of it is going towards Stonybrook. Can you just  
10          kind of explain along that boundary what you're going  
11          to put in place to capture that?

12          MR. BAKER: Sure. So the internal subdivision  
13          has street drainage, has a compound system and a  
14          drainage system that drains the street itself. The  
15          change that we made to address the concern was we are  
16          stubbing a pipe out in three different locations along  
17          the length of that west line. Those structures will  
18          be inside the RWRA easement. It's about, it will be  
19          20 feet, 15, 20 feet, I believe, from the outer  
20          boundary line. The swell will actually, the flow path  
21          will actually run real close to where the manholes  
22          are. We would not expect to see -- this is not a  
23          ditch. It will be a shallow swell that will drain  
24          from basically up around Jessica Lane coming into the  
25          subdivision. It will drain from there all the way

1 along the rear lots of these houses. It will be  
2 collected by those three boxes there. There is an  
3 area when you get closer to Old Hartford Road that  
4 goes just to a swell. Beyond where the last drainage  
5 structure is, there is just a swell that will drain  
6 into the Old Hartford Road ditch directly.

7 Again, there was some mention of what was  
8 talked about in the meeting. All of the areas that we  
9 talked about are, those things still apply. We are  
10 still taking a lot more, we're taking more water to  
11 and through these basins than what currently go that  
12 direction. Some of the water it was going toward  
13 Stonybrook; we're taking that away. That's part of  
14 our design change we made.

15 MR. HOWARD: Thank you.

16 CHAIRMAN: Mr. McKay, does that explanation  
17 satisfy you?

18 MR. MCKAY: Jagoe was very informative to us,  
19 but we were still concerned, I was concerned about all  
20 of the water that hits down by Mr. Goetz' property.  
21 Is that retention pond, are those retention ponds  
22 going to catch all of that water that's - in case we  
23 got a big rain so it won't back up on Old Hartford  
24 Road?

25 MR. BAKER: When water backs up, it's an

1       indication of a downstream restriction of some sort.  
2       Which is what we do internal to the subdivision is we  
3       create a basin and we have an out fall that is smaller  
4       than the pipes coming into it which is why the water  
5       accumulated in the basin.

6               As far as the conditions of Old Hartford Road  
7       crossings and the downstream ditch, our study did not  
8       go beyond this development. The responsibility and  
9       the design would have us controlling the pea grade of  
10      runoff to pre-developed conditions or lower. We  
11      definitely have done that.

12             Now, if there are, if there is an existing  
13      condition down here and we're not going and removing a  
14      downstream obstruction, obviously we're not having an  
15      impact on that. So if there's backwater or some issue  
16      that is forcing water back here, we're not going  
17      downstream and removing obstruction as part of what  
18      we're doing nor is that what we would normally do.

19             MR. MCKAY: I have another question. Is there  
20      any way we can get a revised copy of what the new  
21      drainage, what you said that you propose to do to  
22      capture more of that water that was going to come off  
23      that extra 4-acres that you said you would send down  
24      Old Hartford Road or to the new retention pond?

25             MR. BAKER: Yes. The plans that we submitted,

1 I'll be glad to meet with anyone and review the  
2 design. The plans are also of record here at the  
3 Planning Commission. I'd be glad to sit down with  
4 anyone. I've had follow-up meetings after the  
5 neighborhood meeting, you know, answering questions  
6 and taking in some of what has been seen historically.  
7 Our design will not make anything worse than or make  
8 any condition worse. Our design is to, is intended to  
9 address and mitigate the addition of the homes and  
10 streets through providing on-site retention basin and  
11 controlling the runoff.

12 MR. MCKAY: I have one more question. Is  
13 there any way that the residents of Stonybrook can get  
14 a copy of the state's traffic study, whether they're  
15 going to widen the road, clean out the ditches on both  
16 sides of Old Hartford Road, or widen the road, or  
17 anything like that? Is that going to be in the paper,  
18 notice that the residents can see not only of us but  
19 everybody in our subdivision all the way to say  
20 Fairview Drive, all the people along that road?  
21 Because it's going to effect the traffic flow all the  
22 way along there clear to 231. Are we going to be able  
23 to have a copy of that for the residents from  
24 Fairview Drive all the way down to 231? Is that  
25 available?

1           MR. KAMUF: We have filed with the Planning  
2 Office a copy of that study. I haven't talked to  
3 Mr. Jagoe about it. Generally one of those Traffic  
4 Impact Studies cost about \$10,000. The Staff has  
5 recommended that it be approved by the city, the  
6 county, and the state. And we have agreed that  
7 whatever improvements that the Traffic Impact Study  
8 requires we'll do. I mean that's the best I can do  
9 for you.

10           MR. McKAY: Thank you.

11           CHAIRMAN: Thank you Mr. McKay.

12           Mr. Wilson.

13           MR. WILSON: Mr. Kamuf, does that include  
14 maybe putting some speed bumps where we can slow  
15 traffic down through our subdivision?

16           MR. KAMUF: Let me say, I don't know this, but  
17 I'm sure it has nothing to do with speed bumps.

18           MR. WILSON: Who do we see to get something  
19 done about that?

20           MR. HOWARD: You would need to speak with the  
21 county engineer, Mark Brasher, dealing with any type  
22 of --

23           MR. WILSON: That's okay.

24           MR. ROGERS: On speed bumps, I have talked to  
25 Mr. Brasher, the county engineer, about speed bumps.



1 According to KRS they're illegal. They will not  
2 happen. They have cause people to have wrecks or  
3 whatever else. I was trying to get one in Stonegate.  
4 They're illegal according to KRS.

5 CHAIRMAN: Does anybody else in the audience  
6 have any comments on this application?

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

9 MR. GOETZ: Joe Goetz.

10 (JOE GOETZ SWORN BY ATTORNEY.)

11 MR. GOETZ: I have concerns over drainage  
12 because I do not consider a retention pond efficient,  
13 even though they are reducing the flow of water, but I  
14 don't think it will be enough. In Deer Valley we're  
15 having more flooding now out along Panther Creek. The  
16 water level doesn't seem to come up when we have a big  
17 rain as it should. I don't think it holds enough  
18 back. The major blockage downstream, as Mr. Baker was  
19 talking about, is Panther Creek. If nothing is done  
20 with that, I don't see how we can continue to build  
21 houses in this county. Mark Brasher would say, it's a  
22 slow spot. That's why we have all the flooding. But  
23 if we keep building up there to build houses, guess  
24 what happens? We have more flooding and it gets worse  
25 and worse every year. They won't do anything about

1 the creek. I understand. It won't happen. City and  
2 state and county don't have the money. But we were  
3 talking about an outer loop that was going to cost no  
4 telling how many millions, and that was going to cross  
5 the creek and that would have caused problems and  
6 created more flooding. The traffic situation on Old  
7 Hartford will be, I'm estimating, probably 300 more  
8 cars. If you send all of those to town on the other  
9 end of Old Hartford Road is underwater during school  
10 hours, whenever they're getting out of school, it's  
11 going to be terrible. Traffic is bad now at several  
12 intersections. There are a lot of wrecks; the  
13 traffic, water. The road does need to be widen. We  
14 run farm equipment down through there. My son got ran  
15 off the road last year in the tractor and flipped a  
16 bush hog. There's no shoulder. I don't know what  
17 else to say. I do have major concerns.

18 CHAIRMAN: Thank you, Mr. Goetz.

19 Mr. Kamuf, do you want to address any of those  
20 concerns?

21 MR. KAMUF: I think we've addressed them the  
22 best we can, Traffic Impact Study. As far as the  
23 drainage, I think Jason did an excellent job of  
24 explaining that we're not going to increase the  
25 problem. If anybody has any questions, we're here to

1 answer them.

2 CHAIRMAN: Anybody else in the audience that  
3 would like to speak?

4 MR. GOETZ: Jason, what size pipe is going in  
5 there to release the water; 18 or 20 inch?

6 MR. BAKER: I believe it's 18-inch pipe on the  
7 basin closest to --

8 MR. GOETZ: Can we reduce that down and  
9 actually holds more water?

10 MR. BAKER: It depends on how much volume is  
11 in the basin. Possibly. We have sized the pipe based  
12 on the current standard. I would have to revisit, if  
13 it could be lowered in size. Again, it's a matter of  
14 how much volume you have to store the storm water  
15 coming to you. I think I mentioned to you before the  
16 pipe coming in is a 48-inch pipe. Pipe going out I  
17 believe is an 18.

18 MR. GOETZ: That's a lot of water being forced  
19 in there so there's going to be forced out an 18-inch  
20 pipe.

21 MR. BAKER: There's also a sizeable reservoir  
22 being created too.

23 MR. GOETZ: I understand.

24 MR. BAKER: I think Joe mentioned that the  
25 fact that it's a lake that holds water. From a

1        functionality standpoint it would make a difference  
2        with it being a dry pond versus a wet pond. I don't  
3        know if that was a concern or not. As far as the  
4        functionality goes, it would function the same.

5                CHAIRMAN: Thank you, Mr. Baker.

6                Mr. Goetz, do you have anything else?

7                MR. GOETZ: No.

8                CHAIRMAN: Anybody else in the audience want  
9        to speak?

10               (NO RESPONSE)

11               CHAIRMAN: Commissioners, do you have any  
12        questions?

13               MR. EDGE: I just want to ask everybody that's  
14        in the audience, I mean have your questions been  
15        answered? It doesn't seem like you're against the  
16        subdivision as much as you're concerned about the  
17        flooding. Did they address your flooding questions?

18               MR. MCKAY: I have a question about the water  
19        that runs between the new subdivision and his  
20        property. That water, what's going to happen to that  
21        water?

22               MR. BAKER: Make sure I understand what you're  
23        asking. The water that comes through Stonebrook  
24        Subdivision --

25               MR. MCKAY: No, not through our subdivision,

1 but between the 43 whatever acres.

2 MR. GOETZ: The main ditch.

3 MR. McKAY: Mr. Goetz' property.

4 MR. BAKER: So that is the main ditch that  
5 runs in-between these two properties are severed by a  
6 ditch. That ditch will remain intact.

7 MR. McKAY: Is there any to make a retention  
8 on the other side of the parkway to catch some of that  
9 water, like a basin? They're going to build another  
10 subdivision over there.

11 MR. BAKER: They would be required to do the  
12 same thing we're doing here, which is control their  
13 pea grade runoff to predevelopment conditions. That's  
14 the way the current standard is. It's the way it's  
15 typically done in a subdivision design.

16 CHAIRMAN: Thank you.

17 Any other commissioners have any questions?

18 (NO RESPONSE)

19 CHAIRMAN: Hearing none the Chair is ready for  
20 a motion.

21 Commissioner Reeves.

22 MR. REEVES: Motion to approve this  
23 application based on Planning Staff Recommendation,  
24 the comments we've heard from the audience tonight,  
25 both pro and con, with Conditions 1 and 2 and Findings

1 of Fact 1 through 6.

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

4 MR. ROGERS: Second.

5 CHAIRMAN: Second by Commissioner Rogers.  
6 We've got a motion and a second. All in favor signify  
7 by raising your right hand.

8 (ALL BOARD MEMBERS PRESENT - WITH MANUEL BALL  
9 RECUSING HIMSELF - RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 MR. HOWARD: The Next item is Item 8A, Pebble  
12 Wood Subdivision, 43.988 acres. As Mr. Kamuf  
13 requested earlier, that item is being requested to be  
14 postponed. You all would take action to postpone that  
15 item, please, until next month.

16 MS. STEWART: Mr. Chair, I make a motion to  
17 postpone Item 8A until the next regular scheduled  
18 motion.

19 CHAIRMAN: We have a motion by Commissioner  
20 Stewart. Do I have a second?

21 MR. STRODE: Second.

22 CHAIRMAN: Second by Commissioner Strode. We  
23 have a motion and a second. Is there any questions on  
24 the motion?

25 (NO RESPONSE)

1           CHAIRMAN: All in favor signify by raising  
2 your right hand.

3           (ALL BOARD MEMBERS PRESENT - WITH MANUEL BALL  
4 RECUSING HIMSELF - RESPONDED AYE.)

5           CHAIRMAN: Motion carries.

6           ITEM 9

7           1807 & 1819 West 2nd Street, 1.119 acres  
8           Consider zoning change: From B-4 General Business &  
9           R-4DT Inner-City Residential to B-4 General Business  
10          Applicant: Fresh Start for Women, Inc.

11          MS. STEWART: Mr. Chair, I need to recuse  
12 myself from this item and the next.

13          PLANNING STAFF RECOMMENDATION

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

16          CONDITIONS:

17                 1. Obtain approval of a Conditional Use  
18 Permit to allow the proposed Group Home operation;

19                 2. Obtain approval of a Final Development  
20 Plan;

21                 3. Maintain a 10-foot wide landscape easement  
22 consisting of a 6-foot tall solid and continuous  
23 element plus one tree every 40-linear-feet where the  
24 subject property immediately adjoins residentially  
25 zoned properties;

               4. All lighting associated with this

1 development shall be directed away from the adjoining  
2 residentially zoned properties along Dublin Lane and  
3 along Gilmour Court; and,

4 5. As the properties redevelop, the existing  
5 Driveway at 1807 W. 2nd Street shall be removed. In  
6 the event that the two properties redevelop  
7 independent of one another, it shall be the  
8 responsibility of 1819 West 2nd Street to allow access  
9 to 1807 West 2nd Street.

10 FINDINGS OF FACT:

11 1. Staff recommends approval because the  
12 Proposal is in compliance with the community's adopted  
13 Comprehensive Plan;

14 2. The subject properties are located in a  
15 Central Residential plan area where general business  
16 uses are appropriated in limited locations;

17 3. While the proposed Group Home use does not  
18 comply with the criteria for Nonresidential  
19 Development, but it is an expansion of an existing  
20 group home use;

21 4. As a residential use, it is not  
22 anticipated that there will be any outdoor storage  
23 uses at the subject property; however, the site shall  
24 still be properly screened from the adjoining  
25 residential properties and, as a result, the proposal



1 complies with the criteria associated with Buffers for  
2 Outdoor Storage Yards;

3 5. The proposed B-4 General Business zone is  
4 a logical expansion of existing B-4 zoning to the  
5 south, east, and west, as well as existing B-4 zoning  
6 located on the front of 1819 West 2nd Street;

7 6. The proposal will eliminate the existing  
8 split zoning on the subject property; and,

9 7. At 1.119 total acres located along a minor  
10 arterial roadway, the proposed expansion of the B-4  
11 General Business zone shall not significantly increase  
12 the extent of the zone within the vicinity and should  
13 not overburden the capacity of roadways and other  
14 necessary services that are available in the affected  
15 area.

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

18 CHAIRMAN: Anyone in the audience representing  
19 the applicant?

20 Would you like to speak?

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

23 MR. ENGLEHART: Steven Englehart.

24 (STEVEN ENGLEHART SWORN BY ATTORNEY.)

25 MR. ENGLEHART: Nothing to add. I'm just here

1 for any questions.

2 CHAIRMAN: Thank you.

3 Anybody in the audience have any comments  
4 about the application and would like to speak?

5 (NO RESPONSE)

6 CHAIRMAN: Any commissioners have any  
7 questions on the application?

8 Commissioner Reeves.

9 MR. REEVES: I guess my question is for either  
10 counsel or Mr. Howard. Is it appropriate to approve a  
11 Conditional Use Permit prior to having it rezoned?  
12 Looks like they're linked.

13 MS. KNIGHT: We're the zoning right now.

14 MR. REEVES: The zoning?

15 MS. KNIGHT: Yes. Zoning should be first.

16 MR. REEVES: I thought it was postponed for  
17 the next meeting.

18 MS. KNIGHT: No. That was 8A, the Pebble Wood  
19 Subdivision. We're on 9 right now, Item 9.

20 MR. REEVES: I'm good.

21 CHAIRMAN: Any questions from the  
22 commissioners?

23 (NO RESPONSE)

24 CHAIRMAN: Hearing none I'll accept a motion.  
25 Commissioner Ball.

1 MR. BALL: I'd like to make a motion to  
2 approve based on Planning Staff Recommendations,  
3 Conditions 1 through 5 and Findings of Fact 1 through  
4 7.

5 CHAIRMAN: We have a motion by Commissioner  
6 Ball. Is there a second?

7 MS. HARDAWAY: Second.

8 CHAIRMAN: Second by Commissioner Hardaway.  
9 Any questions on the motion?

10 (NO RESPONSE)

11 CHAIRMAN: All in favor signify by raising  
12 your right hand.

13 (ALL BOARD MEMBER PRESENT - WITH SKYLER  
14 STEWART RECUSING HERSELF - RESPONDED AYE.)

15 CHAIRMAN: Motion carries passes.

16 RELATED ITEM

17 ITEM 9A

18 1807, 1819, 1821 & 1823 West 2nd Street, Proposed B-4  
19 General Business zoning  
20 Consider a request for a Conditional Use Permit in  
21 order to expand an existing women's transitional  
22 living operation to include additional group homes and  
23 related facilities at the subject properties.  
24 References: Zoning Ordinance Article 8,  
25 Section 8.2A7/6a  
Applicant: Fresh Start for Women, Inc.

MR. PEDLEY: The subject property comprises of  
four existing lots totaling approximately 1.25 acres  
in size and located along West Second Street between

1 Dublin Lane and Gilmour Court.

2 In January 2019 the Board of Adjustment  
3 approved a Conditional Use Permit allowing a group  
4 transitional living facility for women with substance  
5 abuse and other life issues to operate from 1823 West  
6 Second Street.

7 At this time the applicant intends to expand  
8 this operation to include existing proposed structure  
9 to 1807, 1819 and 1821 West Second Street. At its  
10 completion the operation will include 48 total beds.  
11 Accomplished through construction phases as funding  
12 become available to build the proposed 4-plexes and a  
13 community building.

14 As the site is development, they shall  
15 progress towards compliance with 500-foot spacing  
16 standard along West Second Street by removing the  
17 existing driveway at 1807 West Second Street.

18 For group homes the zoning ordinance requires  
19 5 parking spaces plus 1 per every five beds; with the  
20 estimated 48 total beds that require 15 parking spaces  
21 at the site. The site plan illustrates 17 parking  
22 spaces throughout the development all located on a  
23 hard surface such as concrete or asphalt.

24 The site is surrounded by residential zoning  
25 along Dublin Lane and Gilmour Court so landscaping is

1 required in the form of a 10-foot wide landscaping  
2 easement consisting of a 6-foot tall solid element  
3 plus 1 tree per 40-linear feet where the general  
4 business zone immediately adjoins residential zoning.  
5 The submitted site plan illustrates compliance with  
6 this requirement.

7 All of the requirements for group homes have  
8 been addressed within the application with the  
9 exception of illustrating the electric main within  
10 some of the fire exit plans. For the structures in  
11 question, the application states that the electrical  
12 plans have not yet been completed and so the location  
13 of the electric mains are not known at this time.

14 If this proposal is approved, Special  
15 Conditions include:

- 16 1. Obtain approval of a Final Development  
17 Plan;
- 18 2. The existing driveway at 1807 West Second  
19 Street shall be removed as the site redevelops. Any  
20 future access to 1807 West Second Street shall come  
21 from 1819 West Second Street;
- 22 3. Prior to the issuance of a building permit  
23 for any structure within this development, the OMPC  
24 Planning Staff shall obtain an updated and completed  
25 fire exit plan for that structure, which will be kept

1 in the Conditional Use Permit file; and,

2 4. Obtain all necessary building, electrical  
3 and mechanical permits, inspections and certificates  
4 of occupancy and compliance.

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

7 CHAIRMAN: Anybody in the audience  
8 representing the applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Would you like to speak?

11 APPLICANT REP: No.

12 CHAIRMAN: Anybody the audience have any  
13 comments about the application?

14 (NO RESPONSE)

15 CHAIRMAN: Any commissioners have any  
16 questions concerning the application?

17 (NO RESPONSE)

18 CHAIRMAN: Seeing none the Chair is ready for  
19 a motion.

20 Commissioner Reeves.

21 MR. REEVES: I would like to move that we  
22 approve this Conditional Use Permit based on the  
23 testimony we've heard about this application. It will  
24 not impact the health, safety or welfare of the  
25 immediate neighborhood. It will be an expansion of an

1 existing use and these types of institutions are only  
2 allowed to expand based on the need demonstrated by  
3 the state for the occupants that will be there, and  
4 Conditions 1 through 4.

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

7 MS. HARDAWAY: Second.

8 CHAIRMAN: Commissioner Hardaway has a second.  
9 Any question on the motion?

10 (NO RESPONSE)

11 CHAIRMAN: All in favor signify by raising  
12 your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 MAJOR SUBDIVISION PRELIMINARY PLATS

16 ITEM 10

17 The Preserve, 49.208 acres  
18 Consider approval of a major subdivision preliminary  
19 plat.  
20 Applicant: Professional Properties and Construction,  
21 LLC; Barbara Z. Warren Revocable Trust, George H.  
22 Warren, Jr.

23 MR. HOWARD: This plat has been reviewed by  
24 the Planning Staff and Engineering Staff. It's found  
25 to be in order. It's consistent with the underlying  
property with the zoning ordinance and subdivision  
regulations and it is ready for your consideration for

1 approval.

2 CHAIRMAN: Do we have a motion?

3 MR. EDGE: Motion to approve.

4 CHAIRMAN: Motion by Commissioner Edge. Do we  
5 have a second?

6 MS. HARDAWAY: Second.

7 CHAIRMAN: Second by Commissioner Hardaway.

8 Any questions on the motion?

9 (NO RESPONSE)

10 CHAIRMAN: All in favoring signify by raising  
11 your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 MINOR SUBDIVISION PLATS

15 ITEM 11

16 9405 O'Bryan Lane, 2.165 acres  
17 Consider approval of a minor subdivision plat.  
18 Applicant: Timothy B. & Mary S. O'Bryan

19 MR. HOWARD: This plat comes before you as an  
20 exception to the 3 to 1 requirements and minimum road  
21 frontage requirements of the zoning ordinance and  
22 subdivision regulations.

23 O'Bryan Lane, County Maintenance terminates  
24 here as you see on the plat; although, the lane, I  
25 guess, if you will, continues but county maintenance  
ends. Where county maintenance terminates, they have



1 provided 50-feet of road frontage along that county  
2 maintained road. So they do have frontage on public  
3 roadway and with that we would recommend with a note  
4 on here about further subdivision and whatnot, we  
5 would recommend that you consider it for approval.

6 CHAIRMAN: Any questions on the application?

7 (NO RESPONSE)

8 CHAIRMAN: At this time the Chair will except  
9 a motion.

10 MR. STRODE: Mr. Chair, I move that we  
11 approve.

12 CHAIRMAN: We have a motion by Commissioner  
13 Strode. Do I have a second?

14 MS. HARDAWAY: Second.

15 CHAIRMAN: Second by Commissioner Hardaway.  
16 Any questions on the motion?

17 (NO RESPONSE)

18 CHAIRMAN: All in favor signify by raising  
19 your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 ITEM 12

23 3959 & 3979 South Hampton Road, 15.967 acres  
24 Consider approval of a minor subdivision plat.  
Applicant: Cody & Rebecca Stone

25 MR. HOWARD: This plat comes before you as an

1 exception to the three to one requirement. As you can  
2 see, it's an approximately 16-acre parcel. They're  
3 dividing it into two tracts which puts it under 10  
4 acres for each parcel. So the length to width ratio  
5 requirement can't be met. Considering the fact that  
6 they're only creating two larger parcels and there are  
7 the notes pertaining to further subdivision being  
8 required to meet the requirements of the subdivision  
9 regulation and Zoning Ordinance, we would recommend  
10 that you consider it for approval.

11 CHAIRMAN: Do we have a motion?

12 MR. BALL: Motion to approve.

13 CHAIRMAN: Motion by Commissioner Ball. Do we  
14 have a second?

15 MS. HARDAWAY: Second.

16 CHAIRMAN: Commissioner Hardaway has a second.

17 Any questions on the motion?

18 (NO RESPONSE)

19 CHAIRMAN: All in favor signify by raising  
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 ITEM 13

24 8619 & 8643 Highway 456, 5.806 acres  
25 Consider approval of a minor subdivision plat  
Applicant: Tyler Free & Crystal Free; Nathan  
Hawkinson & Maria Mehringer

1  
2 MR. HOWARD: This item comes before you as an  
3 exception. We have at the backside of this property  
4 kind of a really odd-shaped hammer, if you will.  
5 Basically there are with two parcels involved. That  
6 odd-shaped piece of property is coming from the one on  
7 the west side to the one more centrally located on the  
8 plat. We're not creating any new odd or  
9 irregular-shaped lots. The no further subdivision  
10 notes are on here so we would recommend that you  
11 consider it for approval.

12 CHAIRMAN: At this time the Chair will accept  
13 a motion.

14 MR. ROGERS: Motion to approve.

15 CHAIRMAN: Commissioners Rogers. Do we have a  
16 second?

17 MR. STRODE: Second.

18 CHAIRMAN: Second by Commissioner Strode. Any  
19 questions on the motion?

20 (NO RESPONSE)

21 CHAIRMAN: All in favor signify by raising  
22 your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 -----



1 that will serve primarily on the building side of the  
2 office. The title for the position will be  
3 development liaison. The goal of this position is to  
4 provide support to applicants as they work through the  
5 building plan review and permitting process. We're  
6 excited about adding this new position to our office.  
7 We've had people that have kind of served in that role  
8 in the past, but this will be really the first time  
9 that we've had a full-time development liaison that  
10 will be part of our organization. We think it will  
11 help improve efficiency of moving plans through the  
12 office and are exciting about adding this role to our  
13 organization.

14 Be happy to answer any questions that you  
15 might have pertaining to this budget amendment for the  
16 development liaison position.

17 CHAIRMAN: Any commissioners have any  
18 questions?

19 (NO RESPONSE)

20 CHAIRMAN: Hearing none the Chair will accept  
21 a motion.

22 MR. EDGE: Motion to approve the amendment to  
23 the FY 2022 OMPC budget and salary chart.

24 CHAIRMAN: Motion by Commissioner Edge.

25 MR. ROGERS: Second.

1 CHAIRMAN: Second by Commissioner Rogers. Any  
2 questions on the motion?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor signify by raising  
5 your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

8 ITEM 16

9 Comments by the Chairman

10 CHAIRMAN: I would just like to thank  
11 everybody for their time and interest. It's  
12 appreciated. Thank you.

13 ITEM 17

14 Comments by the Planning Commissioners

15 (NO RESPONSE)

16 ITEM 18

17 Comments by the Director

18 MR. HOWARD: I don't have any tonight. Thank  
19 you though.

20 CHAIRMAN: At this time I will accept a motion  
21 to adjourn.

22 MS. STEWART: Make a motion to adjourn.

23 CHAIRMAN: Motion to adjourn by Commissioner  
24 Stewart. Do we have a second?

25 MR. BALL: Second.

1                   CHAIRMAN:  Second by Mr. Ball.  All in favor  
2 signify by raising your right hand.

3                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4                   CHAIRMAN:  We are adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and  
4 for the State of Kentucky at Large, do hereby certify  
5 that the foregoing Owensboro Metropolitan Planning  
6 Commission meeting was held at the time and place as  
7 stated in the caption to the foregoing proceedings;  
8 that each person commenting on issues under discussion  
9 were duly sworn before testifying; that the Board  
10 members present were as stated in the caption; that  
11 said proceedings were taken by me in stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into foregoing 63  
14 typewritten pages; and that no signature was requested  
15 to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 1st day of September, 2021.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER FUCHS  
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23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25