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OWENSBORO METROPOLITAN PLANNING COMMISSION

AUGUST 11, 2022

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, August 11, 2022, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Lewis Jean, Chairman
- Fred Reeves, Vice-Chair
- Skyler Stewart, Secretary
- Brian Howard, Director
- Claud Porter, Attorney
- Jason Strode
- Manuel Ball
- Irvin Rogers
- Jay Velotta
- Greg Raque

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CHAIRMAN: The August 11, 2022 meeting of the Owensboro Metropolitan Planning and Zoning is called to order. We begin our meetings with a prayer and pledge. I would like for Commissioner Raque to lead us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item is to consider the minutes of the last meeting. All the commissioners got a copy of the minutes and have had an opportunity to read them. Are there any questions on the minutes?

(NO RESPONSE)

1 CHAIRMAN: If not the Chair will accept a
2 motion.

3 MR. STRODE: Mr. Chairman, make a motion
4 accept the minutes as presented.

5 CHAIRMAN: We have a motion by Commissioner
6 Strode.

7 MR. VELOTTA: Second.

8 CHAIRMAN: Second by Commissioner Velotta.
9 Any questions 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 MR. HOWARD: For the zoning change that are
16 next under General Business we will note that the
17 zoning changes heard tonight will become final in 21
18 days after the meeting unless an appeal is filed. If
19 an appeal is filed, we will forward a record of this
20 meeting along with all applicable materials to the
21 appropriate legislative body for them to take final
22 action.

23 Under zoning change we have three related
24 items, 3, 3A and 3B. I will go ahead and read them
25 all into the record. The Staff Report will address

1 all of them at once.

2

3

GENERAL BUSINESS

4

ZONING CHANGES

5

ITEM 3

6

5008-5120 Cambridge Drive, 3.336 acres
Consider zoning change: From R-1A Single-Family
Residential to R-3MF Multi-Family Residential
Applicant: Gary M. & Margaret L. Boswell

8

RELATED ITEM

9

ITEM 3A

10

5007-5123 Cambridge Drive & 5030-5114 Sturbridge
Place, 5.068 acres
Consider zoning change: From R-1A Single-Family
Residential to R-3MF Multi-Family Residential
Applicant: Gary M. & Margaret L. Boswell

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ITEM 3B

14

1859, 1863, 1903 & 1907 Sturbridge Place, 1.125 acres
Consider zoning change: From R-1A Single-Family
Residential to R-3MF Multi-Family Residential
Applicant: Gary M. & Margaret L. Boswell

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16

17

(MELISSA EVANS SWORN BY ATTORNEY.)

18

MR. PORTER: Please state your name.

19

MS. EVANS: Melissa Evans.

20

MS. EVANS: So the Staff Report is for denial

21

so it's customary that our Staff Reports that are for

22

denial we will read the entire Staff Report into the

23

record.

24

MR. REEVES: Mr. Chairman, I wonder if we

25

could stipulate that Lynnette will put all that report

1 into the record and not have to read the entire
2 report? Is that possible or not?

3 MR. PORTER: It is possible. Would the
4 applicant prefer that we have the complete -- as long
5 as the complete record or the complete report is in
6 the file, do you object to having it --

7 MR. BOSWELL: I will concur with --

8 MR. PORTER: Is there a member of the public
9 who has concern about this that would like to hear the
10 whole report rather than just a stipulation of putting
11 it into the file?

12 AUDIENCE MEMBER: What's the report about?

13 MR. PORTER: It's about the reasons that they
14 either approve or deny the application.

15 AUDIENCE MEMBER: So has it been denied or
16 approved yet?

17 MR. PORTER: They are going to make a
18 recommendation, I think she said, to deny it.

19 AUDIENCE MEMBER: Thank you.

20 MR. PORTER: That will be available for anyone
21 to read. So if there are no objections --

22 MS. STEWART: Second.

23 CHAIRMAN: All in favor raise your right hand.

24 (BOARD MEMBERS JASON STRODE, IRVIN ROGERS,
25 MANUEL BALL, LEWIS JEAN, FRED REEVES, SKYLAR STEWART

1 AND JAY VELOTTA RESPONDED AYE.)

2 CHAIRMAN: All opposed.

3 (BOARD MEMBER GREG RAQUE RESPONDED NAY.)

4 CHAIRMAN: Motion carries. One opposed.

5 MS. EVANS: Well, I will read the Staff Report
6 presenting the Staff's Findings and recommendation as
7 typical.

8 MR. HOWARD: Since there are three different
9 rezonings, you know, with different number of lots,
10 address that aspect of it as well. It appears you
11 don't have to read the entire thing into the record.

12 MS. EVANS: Okay. Perfect.

13 This Staff Report is prepared as one Staff
14 Report that was prepared for each of these three
15 items.

16 The first item on the agenda is the one that
17 is for 5008 through 5120 Cambridge Drive. That
18 consists of 13 lots along the west side of Cambridge
19 Drive.

20 The second application is 5007 through 5123
21 Cambridge Drive and 5030 through 5114 Sturbridge
22 Place. And that is 13 lots along the east side of
23 Cambridge Drive and 6 lots along the west side of
24 Sturbridge Place.

25 Then the third application is 1859, 1863, 1903

1 and 1907 Sturbridge Place. That application is for
2 four lots along the north side of Sturbridge Place.
3 So in total there are 36 lots that this rezoning
4 application is covering and that three rezoning
5 applications are covering and the Staff report was, a
6 single Staff Report was prepared for all three
7 application.

8 Proposed Zone & Land Use Plan

9 The applicant is seeking an R-3MF Multi-Family
10 Residential zone. The subject properties are located
11 In an Urban Residential Plan Area where Urban
12 Mid-density Residential uses are appropriate in
13 limited locations.

14 SPECIFIC LAND USE CRITERIA

15 (A) Building and lot patterns; - Building and
16 lot patterns should conform to the criteria for "Urban
17 Residential Development" (D6).

18 (B) Existing, expanded or new sanitary sewers
19 - Urban Mid-density Residential uses should occur
20 Only where sanitary sewer systems exist or may be
21 expanded, or where new systems may be properly
22 established.

23 (C) Logical expansions - Existing areas of
24 Urban Mid-Density Residential uses may be expanded
25 onto contiguous land. An expansion of this use should

1 not overburden the capacity of roadways and other
2 necessary urban services that are available in the
3 affected area.

4 (D) New locations near major streets - In
5 Urban Residential, Professional/Service, Business, and
6 Rural Community plan areas, new locations of Urban
7 Mid-Density Residential use should be "major-street
8 oriented" (D2)

9 PLANNING STAFF REVIEW

10 GENERAL LAND USE CRITERIA

11 Environment

12 • It appears that the subject property is not
13 located in a wetlands area per the US Department of
14 Agriculture Soil Conservation Service map dated March
15 6, 1990.

16 • The subject properties are not located in a
17 special flood hazard area per FIRM Maps 21059C0141 D
18 and 21059C0145 D.

19 • It appears that these properties are not
20 designated as prime agricultural farmland per the US
21 Department of Agriculture Soil Conservation
22 Service map dated March 1980.

23 • The developer is responsible for obtaining
24 permits from the Division of Water, The Army Corp of
25 Engineers, FEMA, the EPA, the OMPC building,

1 electrical, HVAC division or other state and federal
2 agencies as may be applicable.

3 Urban Services

4 All Urban services are available to the
5 subject property.

6 Development Patterns

7 This application has been submitted in
8 conjunction with two other applications where the
9 properties are all in close proximity to each other
10 but since they are not contiguous, separate
11 applications had to be submitted. The three
12 applications include:

13 • 13 lots along the west side of Cambridge
14 Drive (2208.2220)

15 • 13 lots along the east side of Cambridge
16 Drive and 6 lots along the west side of Sturbridge
17 Place (2208.2221)

18 • 4 lots along the north side of Sturbridge
19 Place (2208.2222)

20 In total, the subject area consists of 36
21 undeveloped lots in the Greenbriar subdivision off
22 Graham Lane and Reid Road which total 9.529 acres.

23 Greenbriar subdivision is a single-family
24 residential subdivision developed in the mid 1960's;
25 most of homes in the subdivision were constructed

1 around that time. The 36 lots included in these
2 applications were never developed and Cambridge Drive
3 was not constructed in this area even though it was
4 final platted and all lots are considered legal lots
5 of record. The applicant intends to rezone all 36
6 lots to R-3MF Multi-Family Residential in order to
7 construct a duplex on each lot.

8 The subject properties are surrounded by
9 Yellow Creek park to the west, single-family homes
10 within the Greenbriar subdivision and an approximately
11 5-acre single-family residential property to the
12 north. There is no multi-family residential zoning in
13 the vicinity.

14 Cambridge Drive and Sturbridge Place are both
15 classified as local streets with 25-foot building
16 setbacks measured from the front property line. If
17 the rezoning is approved, the applicant will be
18 required to install all public utilities as deemed
19 necessary, whether shown on the previously approved
20 final plat or not; including but not limited to
21 streets, sanitary sewers, fire hydrants, water lines,
22 etcetera. All public utilities should be contacted
23 prior to the development of any of the included lots.

24 Any future changes to the property shall
25 comply with applicable portions of the Owensboro

1 Metropolitan Zoning Ordinance and Subdivision
2 Regulations. Before any construction activity takes
3 place on the properties, the OMPC Building, Electrical
4 and HVAC department shall be contacted regarding any
5 necessary permits, inspections and certificates of
6 occupancy and compliance that may be required.

7 SPECIFIC LAND USE CRITERIA

8 The applicant's proposal is not in compliance
9 with the Comprehensive Plan. The proposed use as
10 duplexes conforms to the criteria for urban
11 residential development; however, the properties are
12 surrounded by single-family residential and
13 agricultural zoning and uses with no multi-family
14 residential zoning in the vicinity. The subject
15 properties are in the middle of a single-family
16 residential neighborhood developed in the mid 1960's,
17 all lots involved are located along local streets.

18 PLANNING STAFF RECOMMENDATIONS

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

21 FINDINGS OF FACT

- 22 1. Staff recommends denial because the
23 proposal is not in compliance with the community's
24 adopted Comprehensive Plan;
- 25 2. The subject properties are located in an

1 Urban Residential Plan Area where Urban Mid-Density
2 uses appropriate in limited locations;

3 3. The proposed use as duplexes conforms to
4 the criteria for urban residential development;

5 4. The proposal is not a logical expansion of
6 existing R-3MF zoning as it is surrounded by
7 single-family zoning; and,

8 5. The subject properties are located within
9 the middle of a single family residential subdivision
10 developed in the mid 1960's and all properties
11 involved are located along local streets, Cambridge
12 Drive and Sturbridge Place.

13 MS. EVANS: We would like to enter all three
14 Staff Reports into the record as Exhibits A, B and C.

15 CHAIRMAN: Thank you, Melissa.

16 Is there anybody here representing the
17 applicant did.

18 MR. KAMUF: Charlie Kamuf.

19 MR. PORTER: Mr. Kamuf, you're sworn as an
20 attorney.

21 MR. KAMUF: To start out here I think it's
22 been explained that we represent Gary and Margaret
23 Boswell concerning this rezoning from R-1A to R-3.

24 Just a little about the property. The
25 property is vacant, it's undeveloped and it was

1 platted for subdivision in 1963. When I say "plated,"
2 that means at that time that you could have sold lots
3 off. I would like to introduce some exhibits, if we
4 could.

5 This is a copy of a big map.

6 If you look at the big map, let me kind of
7 coordinate you where we are. This is Yellow Creek
8 Park. This is the area in green that we have in
9 discussion of 36 lots. The area that we see along
10 here, this is an area of the mobile home park. The
11 Staff Report talks about the no multi-family zoning in
12 there, but there are multi-family uses that we will
13 talk about. This is an area zoned for mobile home
14 park. This is an area. There are five duplexes right
15 in this particular area.

16 If you'll notice, in most of these older
17 subdivisions the last lots to sell are those in the
18 rear and it adjoins Yellow Creek Park. We have agreed
19 with the neighbors that we'll have easement that will
20 go through this subdivision and go to Yellow Creek
21 Park.

22 The lots are 70 by 160 which gives for a lot
23 of green space. What makes this so unique, and you've
24 never I don't think heard a case like this. In 1963
25 these lots were platted, and that means you could have

1 sold them. At that time there was no zoning
2 ordinance. So later on the property was zoned R-1A
3 without the request let's say of the landowner.

4 The duplexes that you see there, this is
5 number 1. There are duplexes in the vicinity. This
6 area is right here. Let me show you where the
7 duplexes are; 1, 2, 3, 4, 5 that you see there. That
8 is a photostatic copy of it. I might say, those will
9 be similar to the duplexes that we intend to build.
10 There are five of them in the immediate area.

11 The number 2 is a modular home and it's in
12 this particular home right across from the subject
13 property that's going to be rezoned. Then the second
14 one here is a mobile home that's here on Grandview
15 Drive. I think the name of that street is Bethel that
16 we have here. Right through here is a nonconforming
17 use. It's a convenient store there was there for
18 years. Just a little background on the property.

19 The property was wooded. It was grown up and
20 undeveloped. There were homeless people that stayed
21 there. I think Gary will tell you that when he was
22 little there was a racetrack that he used to go to
23 over there. There was a lot of kids smoking pot, a
24 place for crime, and also an area where there was a
25 dumping area for some trash.

1 Gary has purchased the property. He has spent
2 approximately \$40,000 cleaning it up and he will tell
3 you what type of duplexes that he intends to build
4 there.

5 Mr. Mattingly is here. He's a very good
6 builder in Daviess County and he will also testify
7 about that.

8 What do we want to do with the property? We
9 intend to construct duplexes. We do not intend to do
10 anything with higher density than a duplex. We think,
11 just like these in this particular area -- I went out
12 to look at the property to see if there were any
13 duplexes in the area, and Gary went by himself and he
14 couldn't find any. And the reason I point that out,
15 they blend very well in this particular area that you
16 see here.

17 AUDIENCE MEMBER: They're also two streets
18 over.

19 MR. PORTER: Everyone will get a chance to
20 make comments and we'll go in order. The applicant
21 will have an opportunity to make comments, and then
22 each individual will have a chance to make comments.

23 MR. KAMUF: There's a need we feel for
24 affordable housing in the county. We have some in the
25 city. We also would like -- what we would like to do

1 tonight is present a couple of other developments
2 where there are duplexes and they blend in well with
3 homes that are 60 and 70 years old.

4 The next exhibit that I have, this is the
5 green one that I showed you of Hobo Estate. I give
6 you two exhibits. That's that particular one.

7 The reason that we show this, this is a
8 similar tract of ground. As you see where it is, here
9 is the Owensboro Country Club, here is Hobo Estates.
10 It used to be known as Hobo Woods when I was a little
11 fellow. These show a copy of the type of duplexes
12 that we hope to build in the particular area. As you
13 can see, it blends in. These homes out there right
14 next to it is the Poet Subdivision, but here is
15 Tamarack Road, Stockton, and it backs up, like the
16 first one that I showed you on Cambridge Drive area,
17 most of these back up and they're in the rear.

18 This was an undeveloped tract along J.R.
19 Miller Boulevard approximately 8 acres. As you can
20 see, it was surrounded by single-family homes. It was
21 a black-eye to the community. There were camp sites
22 for homeless people, a place for drugs. Hobos would
23 get off the train, and that's where they got - when
24 the train was there, that's old J.R. Miller Boulevard
25 which was a train track that used to be there. It was

1 also a dumping ground for trash.

2 We think that our lots that we have will blend
3 in the same as is blended in with Hobo Estates.
4 Several distinctions; Hobo Estates in the city, our's
5 is in the county. We think there's a shortage in the
6 county for multi-family. The lots that we have, I'll
7 show you in a few minutes, are 70 by 160 which is a
8 very, very big lot.

9 There has been a development in the county,
10 and that's the second one that I gave you, which is
11 known as Countryside. If you look at this particular
12 exhibit, here's Stonegate Subdivision which is a very
13 well-to-do subdivision. This is a school. In this
14 particular area you see a conglomeration of duplex
15 lots. As a matter of fact, if you drive by out there
16 you'll never know where the duplexes start and where
17 the single-family start. If you see, it's also in the
18 rear corner just like we talked about, just like ours
19 is.

20 We think the duplexes that we propose that
21 Gary will talk about in a few minutes will blend in
22 well just like they are here. If you look here on the
23 side here we have shown some blowups where the
24 multi-family duplexes are and they come in just right
25 with the single-family. It's very difficult to tell

1 where one starts and the other one ends.

2 What Gary intends to do: He has met with the
3 people. I'm sure there's some object to it, but he
4 has tried to talk to the people. He wants to come up
5 with something that blends in with the subdivision.
6 He was born and raised or spent many of his years
7 there in that subdivision and it's very personal to
8 him. Many of the neighbors have told us that they
9 would like a connection. If you look in the first
10 exhibit that I gave you, is a connection between the
11 back part of the subdivision to Yellow Creek Park. We
12 have agreed with that.

13 What are the findings? The applicant
14 contends, and I might say this, that the Staff Report,
15 if you look at it, the Staff Report states it's not in
16 compliance, but two of the points of the Staff Report
17 we do conform with. The subject properties are
18 located in an urban residential plan area where area
19 mid-density uses are appropriate and also the proposed
20 use is duplexes conforms to the criteria for urban
21 residential. The Staff Report is not real strong
22 against the rezoning from what I see. In that report,
23 we do qualify under part of it.

24 Now, what are some of the findings? I'll give
25 you a proposed finding in a few minutes, but let me

1 kind of go over those.

2 What are the findings? There have been major
3 changes in of an economic, fiscal and social nature
4 which were not anticipated in the comprehensive plan
5 and those changes have substantially altered the basic
6 character of the neighborhood and they should allow
7 for the rezoning, as I could say.

8 Since this property was not zoned, was platted
9 in 1963, it makes it a very unusual piece of property.

10 I think Melissa would say and agree with me
11 that there probably is not any other property like
12 this that has been previously zoned prior to the
13 zoning ordinance that was later zoned.

14 What that does is it makes it unique and I
15 don't think you have to worry about a bad precedence.
16 Where you say, hey, we've done something here. Is it
17 going to hurt something else?

18 I might point that since that time there were
19 duplexes in the general area, in the vicinity that we
20 talked about. The R-1A zone was assigned to the
21 property sometime after the ordinance went in effect;
22 I think that was 1978. Since the lots were developed
23 prior to the zoning regulations, there are no curbs,
24 no sidewalks, no gutters. The property now has sewers
25 and we think that's certainly a big advantage in the

1 development of the property.

2 Since the property is one-quarter of an acre,
3 the health department requires three-quarters of an
4 acre for a septic tank. What that says is, that was
5 one of the reasons that the property sat idle, is
6 because they had to qualify under the health
7 department.

8 Since the subdivision was developed prior to
9 the comprehensive plan, the uses in that subdivision
10 are multi-purpose. I showed you on the first exhibit
11 there's modular home right across from where we're
12 getting it zoned. In the vicinity there are five
13 duplexes, there are some commercial property.

14 Since the subdivision was left as a wooded
15 area, it was growing up, we think it's an eyesore that
16 can be completed. By the way, Gary has removed nearly
17 all the trees. He'll talk about that in a few
18 minutes.

19 We also talked about the walkway that will
20 have an easement going over to the park. As we
21 explained earlier, that duplexes do blend in if
22 they're the proper kind, and these duplex that we have
23 are very similar to the other ones.

24 In other words, it's kind of our idea that
25 maybe the comprehensive plan is just a little too

1 restrictive of multi-family in the county. We don't
2 know of any, I don't. Maybe there is. Brian might
3 know, other multi-family areas in the county. So the
4 city has plenty of multi-family and the county
5 doesn't.

6 Let me say this: The school taxes on the
7 property were very little. Now the property will be
8 assessed at -- right now he paid 375,000 for it. The
9 property could be developed, 36 lots, and each one of
10 the duplexes at 250,000. The taxes would be in the
11 range based on \$9 million. This is a huge benefit for
12 the school system and also for county government.

13 An easy way, if you all see fit, these two
14 changes are sufficient for you to make findings that
15 would allow us to have the rezoning.

16 Since the adoption of the comprehensive plan,
17 there have been major economic and social changes
18 which include cost of building materials would make it
19 difficult for the developer to construct compatible
20 single-family homes.

21 Number two, either one or both of these I
22 think would justify rezoning. Since economic
23 conditions have changed in Daviess County, there's a
24 shortage of available housing in Daviess County and a
25 shortage of available homes to rent in the county.

1 This development would provide for 72 new affordable
2 homes.

3 In other words, let's just say this; if the
4 property remained in its present condition, if the
5 zoning is not made like it has for 60 years. I think
6 it's very improbable that you could, some of you all
7 are building on there, that you could build
8 single-family dwellings on here.

9 Let me pass this out. I would like to make a
10 list of those findings to assist you, if you see fit,
11 in make the rezoning.

12 The first one concerns about the duplexes
13 being platted in 1963, and then at the end I made a
14 mistake. I say "the zoning was done without
15 permission from the landowner." It should be "without
16 the request of the landowner."

17 All of these are - number C, the property now
18 has sewers. Since the property was one quarter of an
19 acre, didn't support a septic tank. That's an issue
20 that we have. As you get on the back, it issues the
21 duplexes, modular homes, mobile homes, grocery store,
22 and also the park which has been developed since the
23 comprehensive plan. Excuse me. Since the property
24 was zoned in '63. Excuse me.

25 It will alleviate "a black-eye" that was in

1 the area. We will agree of any condition that will
2 just allow duplexes. That we would not redivide any
3 of them. The main two that I talked to you about was
4 since the adoption of the comprehensive plan was the
5 cost of building materials and also the available
6 housing.

7 We're here to - Gary is here along with the
8 homebuilder, along with the engineer. They'll talk
9 after we hear what the other individuals in the
10 community want to say. Thank you.

11 CHAIRMAN: Thank you, Mr. Kamuf.

12 Is there anybody else in the audience that
13 wish to comment on the application?

14 Please go the podium.

15 MR. PORTER: For the record will you tell us
16 the name, please?

17 MS. BALDWIN: Gail Holloway Baldwin.

18 MR. PORTER: And your address?

19 MS. BALDWIN: 5125 Sturbridge Place, which I
20 share with my husband.

21 (GAIL BALDWIN SWORN BY ATTORNEY.)

22 MS. BALDWIN: I've be living down there 15
23 years. I don't know where "a black eye" came from.
24 Thank you very much.

25 As far as lost, the only thing we lost is

1 trees and animals. I don't know where these homeless
2 people are?

3 Does anybody here know where the homeless
4 people are?

5 (AUDIENCE RESPONDS "NEVER SEEN THEM.")

6 MS. BALDWIN: Thank you.

7 I'm just really ticked off right now because I
8 just -- by the way, when you bring exhibits out, you
9 should have them for everyone.

10 MR. PORTER: Ms. Baldwin, please address your
11 comments to the commission.

12 MS. BALDWIN: Well, one thing I would like to
13 know is my dad was a builder. All right. I can't
14 understand how it's cheaper to build a duplex than a
15 single-family home. Granted putting it on one lot
16 might make it cheaper, but the building materials for
17 half and half, one duplex, one duplex, that's more
18 than building materials for one home, isn't it?

19 I oppose this zoning change more than you guys
20 ever know. Our trees have been taken. The
21 environment has been disrupted down there. We've all
22 got higher utility bills because we've lost all of our
23 shade, wind break, everything else. We do not want
24 anything but single-family homes down there because
25 the majority of us are homeowners and we like to keep

1 it that way. I know that people have to have a place
2 to live, but don't stick duplexes in the middle of a
3 subdivision that's single-family homes. It's just
4 wrong in all imaginable ways. Right now I'm so mad I
5 can't finish saying what I wanted to. Thank you for
6 your consideration.

7 CHAIRMAN: Thank you, Ms. Baldwin.

8 Is there anybody else that wants to speak?

9 MR. PORTER: Sir, state your name and address
10 for the record, please.

11 MR. NEWTON: My name is Trent Newton. I live
12 2431 Thorton Avenue.

13 (TRENT NEWTON SWORN BY ATTORNEY.)

14 MR. NEWTON: Good evening, counsel. Like the
15 lady said, I've never seen any bums or anything in
16 that neighborhood. Kids, you're always going to have
17 that, right? It's an area that's overgrown. I grew
18 up there. I've known that area since I was six months
19 old. My mother and brother, my whole family grew up
20 there. We went to Thruston. My mother still lives
21 there. I was amazed to see when that place was wiped
22 out and cleaned up. I mean it was cleared off to the
23 ground to nothing. I said, maybe it's a good thing to
24 go ahead and develop the place. It should be. It's
25 not going to hurt anything, but to change it from

1 single-family homes into duplexes. Right now if you
2 drive around that whole neighborhood all of them
3 around Grandview, Reid Road, all of them, most of the
4 time where a place has grown up it's from renters.
5 They don't take care of the place, it's not kept up
6 properly or anything. If you have a homeowner,
7 single-family, he's going to take care of that place
8 every time.

9 I understood when this first happened it was
10 being developed single-family homes. I saw an article
11 in the newspaper, and it was printed in the
12 Messenger-Inquirer, maybe this guy is going to do
13 something right. But when you start breaking it up,
14 putting duplexes in the middle of single-family homes,
15 you get a different mix. Same mix with the parkway.
16 I knew the area long before the parkway went in.

17 My father built that place on Sturbridge in
18 1965, '66, and it's the only place that's back there
19 by itself up against the park.

20 The privacy my mother had, we had growing up
21 was fantastic. The racetrack, I'm not too sure what
22 he's talking about. Most of the trails out there in
23 Yellow Creek we made with motorcycles. That might be
24 the racetrack. I don't know how old he is or how long
25 he lived there, but since 1962 I've never seen any

1 hobos or bums and all the stuff that I just heard
2 about.

3 I don't have an objection to single-family
4 homes period, but to throw in the mix of duplexes in
5 the middle of that single-family home area, especially
6 up against the park, I don't think it belongs. I
7 really don't believe duplexes belong in single-family
8 home setup. I don't object to building of
9 single-family homes, but duplexes or apartments,
10 whatever, they don't fit. That's all I have to say.

11 CHAIRMAN: Thank you, Mr. Newton.

12 Anybody else that would like to speak?

13 MR. PORTER: Go to microphone please, and your
14 name and address.

15 MS. SMITHERS: Sandra Smithers. I live at
16 5119 Sturbridge Place with my husband.

17 (SANDRA SMITHERS SWORN BY ATTORNEY.)

18 MS. SMITHERS: I'm agreeing. I don't know.
19 I've never seen anybody, any hobos or drug use out in
20 the woods. I've been there for 30 something years and
21 never have seen that.

22 We live at the end of the street. I'm worried
23 that if you go in there and put duplexes the traffic
24 would be terrible in there. I mean there is no
25 sidewalks for the kids. They have to play in the

1 streets. You really have to watch out for them. And
2 you put multi-duplexes in there and you build that up
3 with a bunch of kids, and I'm afraid that the traffic
4 would be so much more back there. It's just
5 concerning to me for families with that much traffic
6 coming back in there. There's no other way out other
7 than turning around and going out Sturbridge or
8 Bethel. So I have some concern on that too.

9 I have concern on the sewers and the septic
10 and all of that out there. How duplexes are going to
11 increase all of that. You know, how that is going to
12 have to be increased. I think there's some concern on
13 that. I'm not sure what they would have to do on all
14 of that, but I'm totally against duplexes. I just
15 wanted to speak to that. That's all I have.

16 CHAIRMAN: Thank you Ms. Smithers.

17 Anybody else like to speak?

18 MR. BAIRD: I do. My name is David Baird. I
19 live at 5017 Sturbridge Place and I'm highly against
20 the duplexes.

21 (DAVID BAIRD SWORN BY ATTORNEY.)

22 MR. BAIRD: I ain't never seen no hobos out
23 there. The tracks he's talking about is kids used to
24 ride dirt bikes out there. I rode them. All of that
25 is a bunch of hog wash.

1 Duplexes, ain't no duplexes in my
2 neighborhood. Two blocks over, yes. Ain't nothing I
3 can do about that. Yes, we've got a modular home back
4 there. Well, it happens. They took the wheels off
5 and it's stationary. But duplexes so he can make
6 twice as much money, you know, no. He said, I believe
7 he told me too that he's going to put single-family
8 houses in there. I can't be for sure, but I think he
9 did. Let's stick with what we've got. Go with our
10 zoning. That's what it was zoned for to begin with,
11 single-houses. All these duplexes in the city, yes,
12 okay. They still ain't in my neighborhood. I don't
13 want them in my neighborhood. Do you want them in
14 yours, any of you? I didn't think so. I'll leave it
15 at that.

16 CHAIRMAN: Thank you, sir.

17 Anyone else like to speak?

18 MS. FULKERSON: I'm Jennifer Fulkerson. I
19 live on 5033 Sturbridge Place.

20 (JENNIFER FULKERSON SWORN BY ATTORNEY.)

21 MS. FULKERSON: I'd just like to say that I
22 like living on 5033 Sturbridge Place. We moved over
23 there in 2013. It's actually our first home owned
24 together. Our kids were six and seven at the time.
25 The biggest part of us choosing that place over there

1 was we're from the country and the only place that we
2 really find that kind of gives us that country feel
3 was this area because of the woods across the street
4 and our kids played in it and they're 17 and 18 now.
5 They're done playing in it. They have girlfriends and
6 boyfriends.

7 They've made forts in there. There's tons of
8 kids they have played with. They took their bb-guns
9 in there and shot at the rabbits and birds. Rode
10 their dirt bikes, bicycle. Made forts like I said.
11 We've made a lot of good memories around there, but to
12 come in there and put duplexes in there and bring
13 people in that might not mix well with other people.
14 I'm not trying to put anybody down as far as their
15 social upbringing and things like that, but I've only
16 seen negative things out of it and I'm not for it.

17 I'm kind of concerned about how it's going to
18 depreciate our home value once these are brought in
19 and we're not going to be able to resell them. That's
20 all I have.

21 CHAIRMAN: Thank you, ma'am.

22 Anyone else like to speak?

23 Mr. Boswell.

24 MR. BOSWELL: Good evening. I'm Gary Boswell.

25 MR. PORTER: Your address, Mr. Boswell.

1 MR. BOSWELL: My address is 3130 Reid Road,
2 Owensboro, Kentucky.

3 (GARY BOSWELL SWORN BY ATTORNEY.)

4 MR. BOSWELL: Well, a lot has been said
5 tonight and I understand everything that has been
6 said. I think I need to clarify a few things.

7 When I first bought the property, there was a
8 lot of talk about what was going on back there. A lot
9 of people were thinking it was going to be a park,
10 part of the parks department. First thing you know I
11 hadn't had it but just a couple of weeks and the
12 Messenger-Inquirer called me and started asking me all
13 these questions. I wasn't sure at that time, but it
14 was my intention, as has been said, to build
15 affordable homes, and that's what I still have the
16 same intention.

17 I purchased the property on September 30th of
18 '21. I purchased it for 375,000. It had been tax
19 assessed for 83,000 since 2010. In 2009 it was tax
20 assessed for 130,000 because it was unmarketable and
21 nobody wanted to buy it. They actually dropped it in
22 2010 from 130,000 down to 83,000. It's remained that
23 way, as Mr. Kamuf said, until I purchased the property
24 in 2021 and now the taxes are over 4,000 because it's
25 just sitting there. So it's not doing me much good

1 right now.

2 The trees had to be taken off the property
3 before it could be developed. As a matter of fact,
4 Ms. Newton, she's a wonderful neighbor. She actually,
5 when it came to taking the trees down she actually
6 asked me if I would take all the trees down because
7 she was afraid it would be falling on her house.

8 Mr. Baldwin talked about the trees, but I
9 didn't remove any trees that weren't mine. Matter of
10 fact, I put some trees back up for one of the
11 neighbors and tried to make it live. I'm sorry about
12 the trees. I'm sorry the trees had to be taken out.

13 One of the reason I purchased this property
14 was sentimental. My family moved to 4906 Grandview
15 Drive in 1962 when I was six years old. My dad wanted
16 to live in the country near Thruston School. This was
17 affordable housing at that time. I think he paid
18 \$12,000 for that home. The property was our
19 playground; the baseball, the football and hanging
20 out. When I bought the property I thought I had three
21 options. One, single-family stick built homes; two,
22 modular homes, or type 1 mobile home. I'm still
23 absolutely sure I can do that. Okay? Because that's
24 what the zoning allows for on an R-1A lot. Or the
25 third thing was duplexes.

1 Now, I've determined that the inflated cost of
2 materials make single-family homes unaffordable at
3 this time. That's a nice neighborhood back there and
4 the houses are nice, but the range of values is
5 probably anywhere from maybe 125 to 175, just in
6 general, but the houses that I was hoping to build was
7 going to fall in that category. Everybody knows what
8 is happening in the last year and a half, two years.
9 Inflation has taken the price to where now to make a
10 home back there is probably going to be 225 to 250
11 range. Several other builders have looked at that
12 property back there and did not feel it was feasible
13 to build homes back there for whatever reason. I'm
14 sure they have plenty of reasons, but I'm not sure
15 exactly what those are.

16 I would rather not do modular type one mobile
17 homes. So this option for duplexes is my best option.

18 My builder is Joe Mattingly. He owns
19 Mattingly Contracting. To look at some of the houses
20 he builds around Daviess County, he's one the best
21 builders. He has an impeccable reputation.

22 My friend and fishing buddy, the former
23 director of Planning & Zoning, Roger Anderson, told me
24 years ago, he said, you put the people where you can
25 deliver the services. There is little or no

1 affordable houses on the east side of Owensboro. I'm
2 going to do my best, if this is approved, to make this
3 something that we can be proud of.

4 I think that's all I have to offer except I
5 will say this. I'm not sure about the hobos myself.
6 I mean what I've seen and heard from the neighbors and
7 just what I've experienced. I've picked up a large
8 amount of tires. I've picked up a lot of limbs that
9 have been put on there from people. I have concrete
10 blocks, bike frames. There was a lot of evidence that
11 as far as the racetrack, I think there's already been
12 an admission that there had been from various times
13 motorcycles running through there and bikes and kids,
14 including me when I was a kid. I don't have a problem
15 with that, but some of the neighbors did tell me that.

16 I didn't have an agreement - just to clarify.
17 I did not have an agreement with the neighbors, but I
18 explained to several neighbors, ones I got a chance to
19 talk to them. There was about six or seven of the
20 neighbors that I talked to. I would voluntarily, if
21 this was approved, to put a permanent walkway through
22 all the neighbored. That was not an agreement I had.
23 It's just something that I offered to do.

24 I did not talk to all the neighbors. I
25 intended to. I was over there a lot. You hate to be

1 knocking on people's door. The ones I talked to,
2 people I found in the yard, and I did my best to
3 explain it. I did not try to talk them into it. Just
4 to try to tell them what I intend to do. Thank you.

5 CHAIRMAN: Thank you, Mr. Boswell.

6 Anybody else like to speak?

7 MR. BOSWELL: These are pictures I would be
8 glad to share with you. These are pictures of what I
9 generally speaking proposed to do, as far as the type
10 of structures I will be building.

11 MR. BAIRD: Do I need to go back to the
12 podium?

13 CHAIRMAN: Yes.

14 MR. PORTER: And your name again.

15 MR. BAIRD: David Baird.

16 Don't you have other property somewhere else
17 you can develop like over on Hayden Road or someplace
18 over there?

19 MR. PORTER: Please address the commission.

20 MR. BAIRD: That's all I have to say.

21 CHAIRMAN: Anybody else that would like to
22 speak?

23 MR. SMITHERS: My name is Robbie Smithers. I
24 live at 5119 Sturbridge Place.

25 (ROBBIE SMITHERS SWORN BY ATTORNEY.)

1 MR. SMITHERS: I'm just curious. I don't know
2 on the trailers, I don't know what 1A is on that.

3 I do know that the subdivision was put in they
4 have private restrictions on it. One of the bylaws
5 they had on there was no trailers. Now, it could be
6 pre-manufactured homes, but it actually states in
7 there no trailers. They didn't want that. It was for
8 single-family homes.

9 I was also curious about on a lot of
10 subdivisions when they're put in, Thompsons, Jagoes,
11 everybody, that you have to have retention basins put
12 in, you know, holding basins for flood control. Part
13 of that ground is in flood zone. I was curious about
14 that.

15 The sewer line put in and we have a pump
16 station that is over there by Yellow Creek Park. I'm
17 curious about the sewage for multi-family homes for
18 the ability for the pump station to handle the extra
19 sewage. I believe the waterlines that go down to
20 Bethel are 4-inch lines, and then from Bethel to the
21 far back of the property are reduced down to a 3-inch
22 water line. So how is that to be addressed? These
23 are just things I'm curious about, you know, what to
24 be addressed on that.

25 As far as the timber taken off, you know,

1 everybody liked privacy, but I wasn't opposed to
2 having the timber taken off and have single-family
3 homes put on there. Multi-family homes, like I say,
4 it doesn't really fit in with the area.

5 I had another question I wanted to ask, but I
6 can't think of it.

7 I just really don't like the idea of duplexes.
8 I know Gary can build a good thing, but like I say,
9 I'm curious about the drainage and sewage and also for
10 the water. When you increase the homes, you increase
11 the demand for the water. Like my wife said, you go
12 up and down the street there is no sidewalks, there is
13 no curbs. The kids do run and play and ride their
14 bikes in the street; they're in the county. You have
15 to stop a lot of times. You just have to practically
16 stop and wait for them to move out of the way. As she
17 said, when you have multi-family homes in there, you
18 increase the children stuff in there and everybody is
19 playing in there. You just increase all of that also.

20 I just had those things I was just sort of
21 curious how Gary would address that. I don't know
22 what the 1A is on the trailers because the bylaws
23 state no trailers on that property. Thank you.

24 CHAIRMAN: Thank you.

25 Would the applicant like to address the issues

1 that he brought up; water, sewer, retention?

2 MR. BOSWELL: Gary Boswell, 3130 Reid Road.

3 MR. PORTER: Just remind you you're still
4 under oath.

5 MR. BOSWELL: Well, the waterlines will be
6 taken care of by the engineer. That's all been worked
7 out with my engineer. We're actually doing above and
8 beyond the call of duty there. There's already a
9 4-inch waterline there. It will increase 650 feet at
10 a substantial cost and adding a fire hydrant, which
11 again was not required, but I'm doing that on a
12 voluntary basis. So that much is going to be
13 addressed.

14 Now, regarding the multi-family, I'm sorry, I
15 really wasn't going to do this, but this is something
16 I just want to put this into the record.

17 Mr. Smithers mentioned about multi-family.
18 This is a picture of Mr. Smithers' home. I think
19 you'll notice in the background that's an apartment.
20 I never complained about it. I never said anything
21 about it. You'll also notice that this picture, when
22 I show it right now there's like seven vehicles in his
23 yard and two of those are in violation of the current
24 zoning law. This particular piece of property is why
25 one of the reasons I had people look at my entire

1 property and because there was a couple of houses back
2 here, not hobos, but a couple of houses back there
3 that concerned them about whether they could build
4 houses down there. I don't have a problem with
5 whatever he's doing back there, but this, if we're not
6 going to have multi-family, this shouldn't be
7 multi-family back there.

8 CHAIRMAN: Thank you.

9 Anybody else that would like to speak?

10 Ma'am.

11 MRS. SMITHERS: Sandra Smithers, 5119
12 Sturbridge.

13 The pictures that you see, that has never been
14 an apartment. It is a garage, but it is not an
15 apartment. It does have an upstairs. It's just a
16 storage place for us. There has never been an
17 apartment there since it was built. It's just
18 storage.

19 We do have a few vehicles that are fixing to
20 leave, but we are single-family; four adults. I've
21 got one that just bought a house that's moving out so
22 some of those vehicles will be gone. That's going to
23 be addressed real soon on the vehicles that you see.
24 Just wanted...

25 CHAIRMAN: Thank you, ma'am.

1 Commissioner Reeves, would like to ask you a?

2 MR. REEVES: I would like to ask you a
3 question, ma'am.

4 The building in the back of the house here,
5 does that have a kitchen it on the second floor?

6 MRS. SMITHERS: No. It has nothing but maybe
7 a walkway in the middle. It's a storage area.

8 MR. SMITHERS: There's no water. There's no
9 electricity in that garage.

10 MRS. SMITHERS: There is no sewer, water.

11 MR. REEVES: That's all. That's the only
12 question I had. Thank you.

13 CHAIRMAN: Thank you.

14 Anybody else that would like to speak?

15 Sir.

16 MR. NEWTON: My name is Brian Newton. I live
17 at 922 Cedar Street here in town.

18 (BRIAN NEWTON SWORN BY ATTORNEY.)

19 MR. NEWTON: My brother talked to everybody
20 earlier. I'm 55, 56 years old. I lived out there all
21 my life. We made the trails out there at Yellow Creek
22 Park. They're not nature trails, but we made them
23 with motorcycles, dirt bikes, bicycles.

24 As far as pot smokers, might been around your
25 house, but it ain't been around ours. That stuff

1 didn't go on out there. Lot of kids drink.

2 There's never been anything remotely like a
3 duplex out there. I've lived in Colony Mobile
4 Estates. I know where Graham Lane East is. It's a
5 shit hole. I don't want it in my mother's backyard.
6 It will bring property value down. It will look bad
7 on Yellow Creek Park. They spent a lot of money out
8 there at that park. They have kids going in and out
9 of there all the time. Coming from outside of the
10 area and they're having trouble with it. Let's just
11 bring a bunch of people in here that don't have any
12 skin in the game.

13 Homeowners take care of that neighborhood.
14 Property values stay up. You collect taxes. No
15 business, no reason other than making money -

16 CHAIRMAN: Sir --

17 MR. NEWTON: - you're going to cram in a bunch
18 of homes out there. How many homes are you going to
19 stick on that piece of property.

20 MR. PORTER: Mr. Newton, please address the
21 commission.

22 MR. NEWTON: How many homes is he planning on
23 putting out there? How many duplexes? Are you going
24 to put two families on a small lot, and every one of
25 them lots are about a quarter of an acre lot. Moms

1 sits on three-quarters, almost an acre. It's
2 ridiculous.

3 All he's done is go out there and cut down 50
4 years, 60 years of overgrown timber to pay for it.
5 \$325 ain't nothing. He just sold timber off and is
6 breeding mosquitos now. It won't even drain. You
7 can't bushhog it. There's roots and stuff stuck up
8 everywhere.

9 CHAIRMAN: Anyone else like to speak?

10 MR. BOSWELL: Gary Boswell.

11 I think the record is clear about the number
12 of what we're doing out there. We're proposing that
13 there be one duplex - I would redividing the property.
14 In building it more like this which is over, I think
15 they call it Mallard Point where these duplexes are
16 squished in here. There will never be a lot of duplex
17 on a bigger lot than what I'm proposing than this
18 right here. These lots are 70 by 160. They will have
19 beautiful yards. Nothing like this.

20 As far as the trees, trust me, you don't get
21 that much when you're trying to take trees down in a
22 neighborhood where you have to have a certain type of
23 material that when that tree falls you have to be very
24 careful because there is power lines. It's very
25 difficult. Then after you cut the trees down, you

1 have to dig the stumps up. That is a lot of work and
2 it's work that I'm still trying to do, as I can, as
3 the weather cooperates, try to get the rest of them
4 cleaned up because there's still a lot of debris on
5 the lot. That's the unfortunate part of the project,
6 is taking trees down. I love trees myself. I planted
7 literally hundred of thousand of trees over the years.
8 I love trees.

9 In this particular case when you're trying to
10 develop a piece of property, you can't survey it, you
11 can't take care of utilities, you can't tell the
12 things that are necessary in order to be able to do
13 this.

14 CHAIRMAN: Thank you.

15 MR. SMITHERS: Robbie Smithers, 5011
16 Sturbridge.

17 I have a question for Mr. Jean, is it?

18 CHAIRMAN: Yes, sir.

19 MR. SMITHERS: Can I ask you directly, why did
20 you ask me if I had a kitchen upstairs of that garage?

21 CHAIRMAN: What?

22 MR. SMITHERS: You asked me if I had a
23 kitchen, did you not, sir?

24 MR. REEVES: I did.

25 MR. SMITHERS: I apologize.

1 MR. REEVES: Because if you did we consider it
2 a residence and I was just concerned about having two
3 residence on the property.

4 MR. SMITHERS: I apologize. I thought it was
5 you, sir.

6 There was no electricity. Planned to have
7 electricity in it being a garage to use, but right now
8 all it's been since I built that structure is storage.
9 That's all upstairs. If any one of you members would
10 like to come out to my house, I'll let you come up
11 there with me. I'll open the doors and let you look.
12 All it is is a storage. That's all it is. That's all
13 it ever has been. Didn't plan to be that. Planned to
14 have a nice little sitting area or something up there
15 to sit up there on the balcony, but it's never been
16 that. Nothing but storage is all it is.

17 CHAIRMAN: Thank you.

18 Mr. Kamuf.

19 MR. KAMUF: I think that's all I have to say.

20 That's it. Thank you.

21 CHAIRMAN: Sir.

22 MR. PORTER: State your name again, please.

23 MR. NEWTON: Trent Newton.

24 He made a good point. Have any of you ever
25 been in this neighborhood? Have you looked at the

1 size of the streets in that neighborhood? Think about
2 the size of that street. He's wanting to put
3 multi-family home with duplexes in there. Where are
4 they going to park? He's talking about a nice yard
5 all along there. Where are they going to park?

6 I used to ride a go-cart all the way around
7 it. Didn't stop till the end of Sturbridge. Loop
8 right back around. As tight as that street is, it's
9 not that big. So you're going to have multi-family
10 homes stacked in there. There's going to be parking
11 on that property right in the middle of the street.
12 So somewhere somebody is going to be doing -- I don't
13 know how big the multi-family homes are, exactly where
14 they're going to be, but that is congested. We're
15 talking about kids in the street, which they've always
16 played there, including myself. I don't know how
17 they're going to manage to do that. It's just a small
18 loop.

19 As far as the fire hydrants in, access in, I
20 don't see how it's going to work. Put all that in
21 there and still have room to get around.

22 I was thinking about that myself because as I
23 was riding around the track in the field out in front
24 of our house, we get across that in nothing flat.
25 There is no room around there for that kind of

1 residence to be stacked in there. Park on the
2 backside. On a single lot, I don't see it. Just too
3 tight. That's all I've got to say.

4 CHAIRMAN: Thank you, sir.

5 MR. KAMUF: I would like to call the engineer.
6 This is exactly why we introduced this plat. This
7 plat is introduced to show this is a plat, sort of a
8 planned unit development. That whole property will be
9 sold as one whole. It does not have to qualify under
10 the restrictions that we have. If you look what we
11 have, if you look at the exhibit, there is 88-foot
12 rear yard along the front that you have. This right
13 here will be a 21-foot side yard. That's the idea
14 that we made. We thought maybe that issue would come
15 up. It's come up and it's great because this is
16 entirely different than that particular unit. I think
17 the engineer, he does a better job than I do.

18 MR. PORTER: State your name and address,
19 please.

20 MR. BAKER: Jason Baker, 2528 Old Nannie Belle
21 Loop.

22 (JASON BAKER SWORN BY ATTORNEY.)

23 MR. BAKER: Important distinction between the
24 two properties, we have heard some rumblings that
25 maybe -- Gary's intention in pointing to this

1 particular Mallard Landing project, it's a good
2 example of the type of building he plans on doing.
3 The distinction between the two scenarios is apples
4 and oranges.

5 This particular design, which we also prepared
6 this, this is more of a planned unit development.
7 Most of you may know what that is, but I'll explain.
8 It's intended for real tied nit spaces. It doesn't
9 typically have or won't always have like a road
10 right-of-way. The roads in here are no more than kind
11 of like a parking lot or driveway through a parking
12 lot. Where contrast with the subdivision we're
13 talking about here, this is a platted subdivision. It
14 was platted a long time ago. It has platted
15 right-of-way to the streets. Those streets have not
16 yet been built, but planned to be built. That offers
17 a big distinction between the two types of layouts.

18 We thought there was a lot of confusion. We
19 prepared this exhibit such that we can kind of address
20 that confusion.

21 Clarify, when Gary was talking to various
22 people about what he was building, he pointed to
23 Mallard Landing, and his intention was to point to the
24 type of building I'm building. We understood that
25 kind of ruffled some feathers with regard to, oh,

1 they're going to be real close together. They're
2 going to be stacked in here. It's already been said a
3 few times, but important to point out again, I think,
4 the side yard or the gaps between the buildings,
5 21-feet compared to 10-feet over there. The backyards
6 are four times of what is in Mallard Landing. When
7 you talk about having a lot more green space, being a
8 lot more open, that's what will be at the new, when
9 this is developed.

10 Also in a planning development you typically
11 would have buildings be set closer to the roadway.
12 This one has a platted setback that will be honored.

13 The Planning development also has a platted
14 setback, but it's less. So you have flexibility to
15 change that.

16 I just wanted to point out the distinction
17 between the two plans. The fact that this is a very
18 unique situation. This was designed was built a long
19 time ago.

20 While I'm here I will go ahead, there's a
21 couple of comments about utilities. There will be an
22 extension of the existing utilities which is
23 consistent with what you would do anytime you're
24 expanding a subdivision. We have spoken with the
25 county engineer relative to both what we require, and

1 also the fire services folks, what we require for the
2 waterline extensions.

3 The sanitary sewer, we were fortunate to work
4 on that a long time ago and those went through the
5 subdivision. Those lines are adequately sized for
6 this type of subdivision. That was all planned for
7 back when it was designed initially.

8 There was something else. Water, sewer.

9 CHAIRMAN: Drainage.

10 MR. BAKER: Drainage. We reviewed with the
11 county engineer. Since this is previously approved
12 plan, there are no extraordinary steps that we would
13 have to do to do this since it's already approved
14 plan. That has been reviewed with the county engineer
15 and that's the outcome of that.

16 So the plan is to install the original design
17 that was from when the subdivision was designed.

18 CHAIRMAN: Thank you, Mr. Baker.

19 Anybody else would like to speak?

20 Ma'am.

21 MS. BALDWIN: Gail Holloway Baldwin, 5125
22 Sturbridge Place.

23 Nobody has answered the question that
24 everybody is trying to ask here. How many families
25 are you putting in here? If you put single-family

1 building in there, you have single-family. You put a
2 duplex, you have two families. I can't do the math.
3 I don't know how many there are. How many separate
4 families? Not separate lots. Separate families that
5 we're talking about here.

6 CHAIRMAN: Thank you.

7 AUDIENCE MEMBER: Seventy-two.

8 MS. BALDWIN: Seventy-two families?

9 AUDIENCE MEMBER: Yes. Two for each lot; 36
10 lots.

11 MS. BALDWIN: Wonderful. Nobody know a good
12 realtor?

13 CHAIRMAN: Mr. Kamuf, would you like to answer
14 the question?

15 MR. BAKER: So 36 existing lots. If you have
16 a duplex, there will be two families per lot; 72.

17 CHAIRMAN: Thank you.

18 Any other questions?

19 (NO RESPONSE)

20 CHAIRMAN: Any commissioners have any
21 questions?

22 Commissioner Raque.

23 MR. RAQUE: I don't know who to address it to,
24 but is there HOA in place in the neighborhood?

25 AUDIENCE MEMBER: No. I wish there was. No

1 deed restrictions.

2 MR. RAQUE: I don't know who to address the
3 question to. Melissa.

4 MS. EVANS: They were required to submit a
5 letter that stated that there were no deed
6 restrictions that were prohibited and an attorney
7 certified that letter that was submitted with the
8 application.

9 MR. RAQUE: There's no HOA in place?

10 MS. EVANS: I'm not sure about a homeowners
11 association, but the certificate of no deed
12 restrictions was submitted with the application.

13 MR. RAQUE: Thank you.

14 AUDIENCE MEMBER: What's that mean?

15 AUDIENCE MEMBERS: Homeowners association.

16 AUDIENCE MEMBER: We don't have that.

17 CHAIRMAN: Address the questions to the chair.

18 MR. PORTER: You also need to go to microphone
19 so we can all hear.

20 MR. BOSWELL: I'll address the question about
21 the HOA. There are no restrictions in the
22 subdivision. My attorney has researched this
23 thoroughly. The information that is submitted to the
24 planning office is accurate. If somebody wants to
25 find something or something that was missed by

1 thoroughly title investigation done by Chip Taylor at
2 Commonwealth Title prior to the time I purchased the
3 property.

4 CHAIRMAN: Thank you.

5 Any other questions or comments?

6 Commissioner Ball.

7 MR. BALL: I've got a couple of questions.

8 One of them may be for the engineer,
9 Mr. Baker.

10 As far as public improvements, the public
11 improvements will continue on just like it has in the
12 remaining of the neighborhood; no requirements for
13 sidewalks, curbs. It follows the original approval,
14 correct?

15 MR. BAKER: Yes, that is the determination
16 that the cabinet engineer made.

17 MR. BALL: There's been a lot of talk about
18 the amount of green space and the size of the home
19 site. Is there a proposed footprint for this duplex
20 currently? That may be more of a builder or developer
21 question. I'm just curious as to what that green
22 space really looks like, how much green space is truly
23 there.

24 MR. BAKER: Again, Mr. Boswell's intent is to
25 build a very similar product to what's in Mallard

1 Landing. On this exhibit, if you can see on there
2 there's actually that same layout dropped into the
3 existing lot widths, which is where we arrived at the
4 21-foot between buildings.

5 MR. BALL: I heard the 21-feet earlier and I
6 just wanted to make sure I understood that properly.

7 MR. BAKER: Yes.

8 MR. BALL: I think that's all I have.

9 CHAIRMAN: Any other commissioners have any
10 questions?

11 Commissioner Stewart.

12 MS. STEWART: I have a couple of questions for
13 a couple of different folks.

14 Mr. Porter, are there county ordinances that
15 require yard maintenance for county properties?

16 MR. PORTER: Yes. There's property
17 maintenance ordinance.

18 MS. STEWART: And that would include overgrown
19 grass and having a manicured lawn, correct?

20 MR. PORTER: Manicured, I'm not sure I wold go
21 that far.

22 MS. STEWART: Loose definition.

23 MR. PORTER: Yes. Yes.

24 MS. STEWART: Thank you.

25 My second question is for Mr. Boswell.

1 Do you have a rent estimate for each of the
2 duplexes or is that too earlier in the stages?

3 MR. BOSWELL: I do not. I do not. I have an
4 estimated rental because, you know, it's way too early
5 to do that, but I can tell you right now there are no,
6 hardly any units of any type, houses or apartments for
7 rent on the east end. Now, I'm not ruling it out. It
8 would probably have to come back to Planning and
9 Zoning. These would actually become single-family
10 houses that is would be divided.

11 I have a condo in Frankfort and it's like
12 this. It's a duplex that's actually an individual
13 home. Now, that is getting ahead of myself. I don't
14 want to do that. I certainly would not be opposed to
15 some point in the future being able to figure out a
16 plan where these duplexes could be individually owned.
17 There will be a duplex, one side be owned by one
18 person, one another, but some of the things that --
19 some of the people that approached me about their
20 interest in these duplexes are older people who want a
21 place to live and want to be able to own the other
22 side for a family member or to make income to help pay
23 the expenses. I would envision that would be my
24 preference, something like that. I'm not prepared to
25 address that because I would be getting ahead of

1 myself.

2 MS. STEWART: Thank you.

3 MR. BOSWELL: I will say this, I'm trying my
4 best to keep it cleaned and mowed and I could do a
5 better job. It's rained a lot. I borrowed my
6 neighbor's tractor. I drove over there from my house
7 and tried to mow some grass over there. I will
8 continue try to make the property look as good as I
9 can. I will clean it up. I will do my best to be a
10 good neighbor, if it happens either way.

11 CHAIRMAN: Any other questions or comments?

12 Sir.

13 MR. NEWTON: My name is Trent Newton.

14 I'm just going to make one point. When the
15 engineer was talking about that, how the plans were
16 made and everything else, how they're going to expand
17 it, did you hear that? What that neighborhood needs
18 is completed and it should be completed in its
19 original design, the way it was laid out. I'm sorry
20 you made a bad judgment. He's not going to make as
21 much money off of it, but it still needs to be
22 single-family planning. That's what it was designed
23 for. Not to cram a bunch of stuff into it and beat it
24 down with a bunch of people. Single-family home. It
25 was designed for a single-family home and it should

1 stay that way. Not for a bunch a stuff in there and
2 making it ridiculous. No sidewalks, no nothing else.
3 It's designed not to be expanded, but to be set.
4 That's why property lots are the size they are. Not
5 put 20 units on one lot. That's all I've got to say.

6 CHAIRMAN: Thank you.

7 Any commissioners have any more questions?

8 Commissioner Ball.

9 MR. BALL: I've got two questions.

10 One, was it ever answered what the Type 1
11 mobile home, what's the definition of that or what
12 that means?

13 MR. HOWARD: I think what they were Class One
14 manufactured home in a zoning ordinance which is a
15 double-wide manufactured home.

16 MR. BALL: The double-wide would be the only
17 type of manufactured home that would be allowed on
18 this current zoning?

19 MR. HOWARD: Under the current R-1A
20 Single-Family Residential zone, a double-wide
21 manufactured home would be principally permitted, yes.

22 MR. BALL: Then I've got a secondary question
23 maybe for Mr. Boswell.

24 Do you plan on placing any restrictions on
25 your properties; covenants and restrictions that would

1 governs the way that they look in the future?

2 MR. BOSWELL: I think that's an excellent
3 question because unfortunately if you go over to this
4 particular piece of property, even though the houses
5 are very nice, the yards are not so great.

6 Yes, I'm perfectly willing to come up with
7 some reasonable. Just for example, they were talking
8 about parking. I don't like a lot of people to park
9 on the streets. If you see what I'm proposing is
10 there will be ample parking off the street. That's a
11 perfect example of something I would be willing to put
12 in my covenant; that people should not leave their
13 vehicles on the street for over a period of time. I
14 think there may be other things that I want to do
15 myself, but again, I don't want to get ahead of the
16 game as far as what I can do. I can assure you that
17 I'm open to working with the neighbors and concerns
18 like that, and if there are things we can do before we
19 start building, develop a covenant that we can add
20 things. I don't want any obnoxious activity outside;
21 barking dogs that are over there bothering the
22 neighbors or any other activity that is going to be a
23 burden to the neighbors.

24 CHAIRMAN: Thank you.

25 Any other commissioners have any questions?

1 (NO RESPONSE)

2 CHAIRMAN: Hearing none the Chair will accept
3 a motion.

4 The chair is prepared to accept a motion.

5 Mr. Ball.

6 MR. BALL: My motion is probably not going to
7 be very poplar and this is not a motion that - I
8 typically don't say anything before motions, but I do
9 think that if it's done properly that duplexes can
10 integrate very well within a community. I think a
11 couple of other examples, in addition to Countryside,
12 Mallard Creek, the Hobo Estates, would be Landsdown.
13 I think it's happened in Landsdown, and then probably
14 a little bit different scenario, but off of Barron
15 Drive, the Bluegrass Common product where it is
16 actually single-family attached. It looks like a
17 duplex, but very similar in nature to the way it
18 looks.

19 I guess with that being said and due to the
20 fact that this property has sat so many years
21 undeveloped, I think it would be good for the
22 community to rezone the property.

23 I would like to make a motion for approval
24 based on the Findings of Fact:

25 1. That the subject properties are located in

1 an urban residential plan area where urban mid-density
2 uses are appropriate in limited locations;

3 2. The proposal is not a logical expansion of
4 R-3MF zoning, but the proposed use is residential in
5 nature and will integrate well in the area;

6 3. Since the property has not been developed
7 since it was platted in the mid '60s, the proposed
8 in-fill development would offer a variety of housing
9 types encouraged by the comprehensive plan;

10 4. The property has sanitary sewer service
11 availability; and,

12 5. That the proposed use as duplexes conforms
13 to the criteria of an urban residential development.

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

16 MR. ROGERS: Second.

17 CHAIRMAN: Second by Commissioner Rogers. Any
18 questions on the motion?

19 (NO RESPONSE)

20 CHAIRMAN: Hearing none the Chair will accept
21 a vote. All in favor signify by raising your right
22 hand.

23 (BOARD MEMBERS JASON STRODE, IRVIN ROGERS,
24 MANUEL BALL, LEWIS JEAN, FRED REEVES SKYLAR STEWART
25 AND JAY VELOTTA RESPONDED AYE.)

1 CHAIRMAN: All opposed.
2 (BOARD MEMBER GREG RAQUE RESPONDED NAY.)
3 CHAIRMAN: Motion passes seven to one.

4 ITEM 4

5 901 Leitchfield Road, 5.160 acres
6 Consider zoning change: From I-1 Light Industrial
7 with Conditions to I-1 Light Industrial with Amended
8 Conditions
9 Applicant: 1661 Real Estate Hold Co., LLC

8 MR. PORTER: State your name.

9 MR. PEDLEY: Trey Pedley.

10 (TREY PEDLEY SWORN BY ATTORNEY.)

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. Direct access to Leitchfield Road shall be
16 limited to the existing access point (formerly E. 10th
17 Street) and the proposed additional access point;

18 2. The proposed access point shall only be
19 permitted if a dimensional variance to reduce the
20 500-foot spacing standard is also approved;

21 3. Obtain approval an amended Minor
22 Subdivision Plat illustrating the proposed access
23 point;

24 4. Prior to performing any related work, the
25 applicant shall obtain approval of an amended Site

1 Plan illustrating the proposed access point; and,
2 5. The proposed access point along
3 Leitchfield Road shall be an entrance-only that is
4 designated exclusively for truck traffic;

5 FINDINGS OF FACT:

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

9 2. The subject property is located in a
10 Business/Industrial Plan Area where light industrial
11 uses are appropriate in general locations;

12 3. The proposed light industrial use conforms
13 to the criteria for Nonresidential Development and the
14 criteria associated with Buffers for Outdoor Storage
15 Yards;

16 4. By limiting the proposed access point to
17 an entrance only that is exclusively for
18 truck-traffic, the proposal should not overburden the
19 capacity of roadways and other necessary urban
20 services that are available in the affected area.

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

23 CHAIRMAN: Thank you, Trey.

24 Anybody here representing the applicant?

25 APPLICANT REP: Yes. Just here to answer

1 questions.

2 CHAIRMAN: Anybody else have any questions or
3 comments?

4 Ma'am.

5 MR. PORTER: State your name for the record
6 and your address.

7 MS. LEACHMAN: Angela Leachman.

8 (ANGELA LEACHMAN SWORN BY ATTORNEY.)

9 MS. LEACHMAN: I own rental property next to
10 this business. My husband and I own 1652, 1660 and
11 1664.

12 When we bought two of those houses on that
13 street, Clark Restaurant Service had owned that
14 building. I know they did a zoning change last year.
15 I was sick and was not able to do anything. I was not
16 here. But this new revision, it only affects my
17 property on expanding the gate. Looking at where it
18 is, it's just more truck traffic that's coming in
19 front of my houses, in front of our rental homes.
20 They already come and hit my renters' cars. My
21 renters can't park cars in front of the streets. I
22 talked to Sal last week. One of my renter's car got
23 hit. She put in her 30-day notice. I'm having
24 trouble keeping renters in that house because of the
25 traffic that comes, all the trucks that's in and out

1 of there. The trucks pull in front of our, in our
2 driveway. They've hit our fence. They run over our
3 trash. They hit the fire hydrant. There's ruts in
4 our yards. I'm not for sure on expanding the gates if
5 that's just going to bring in more trucks. There's a
6 tank, like a big tank that's right beside that gate.
7 I think it was around two years ago I was showing the
8 house for a renter, to a renter and they were putting,
9 I don't know what the technology is, to cool down a
10 freezer. The truck had a leak and all -- we couldn't
11 even be outside and I lost another potential renter
12 because they didn't want any part of that being fill.

13 Now if they expand it 6-feet, it's going to be
14 closer to that tank and the lights are going to be
15 hitting my renter's house. Like I said, they put a
16 notice in. I'm going to have to find another renter
17 for that home. That's just more traffic expanding it.
18 My husband and I, we're opposed to making that gate
19 bigger just because I feel like it's going to impact
20 my property value on those homes that's already
21 depreciated because of the amount of truck traffic
22 that is next-door.

23 They do work with us as far as having security
24 and trying -- I called the city to get signs up there
25 because trucks are sitting there all night and they're

1 hearing dogs barking, their trucks are going. They're
2 on the opposite side of the road. My one renter, she
3 said, I can't take it anymore. The stress of all
4 those trucks coming and going and the truck drivers
5 being out there. Well, they got security and she
6 stayed. Then they hit the car and she can't get, last
7 I heard she can't get information on the truck that
8 went into the facility to fix her car.

9 I appreciate your all's consideration from my
10 point of view. This is my retirement money in these
11 three homes. Thank you.

12 CHAIRMAN: Anybody else?

13 Sir.

14 MR. OELZE: Steve Oelze. I live on the corner
15 of 11th and Parkdale.

16 (STEVE OELZE SWORN BY ATTORNEY.)

17 MR. OELZE: Just to reiterate what the lady
18 said. They have the truck traffic along 11th Street
19 has ruined 11th Street on the side across the street.
20 They have wallard out the dirt 8 to 10-inches,
21 12-foot, 12-inches below the curb. It's just mud.

22 The gate, the back gate there, it needs to be
23 wider because they've already knocked it down three
24 times; the trucks going in and out of there because
25 it's not big enough. Of course, that's water under

1 the bridge. It never should have been put on that
2 11th Street. It's not wide enough for 25 to 30 semi
3 trucks in and out of there on a daily basis. They're
4 doing better. The company is doing better as far as
5 trucks setting out there all night. They have got a
6 little bit better, but they still come in. Where I
7 live, they park right in front of my garage. Well, if
8 we have to leave, I got to go out, you know, honk the
9 horn or knock on the door and have them move their
10 truck. I'm not sure I'm opposed to the wider gate
11 because, like I said, it would make it easier for them
12 to get it out of, but I certainly don't want it to
13 increase the semi truck traffic on 11th Street. Thank
14 you.

15 CHAIRMAN: Thank you, sir.

16 Mr. Baker.

17 MR. BAKER: So I think there might be some
18 confusion, and hopefully I can add a little clarity to
19 what this change is all about. One of my colleagues
20 is actually handling this and he couldn't be here
21 tonight.

22 This came as a result of working to resolve
23 some existing issues with truck traffic on 11th
24 Street. The intent is to put in an additional
25 entrance point. The intent is to put an additional

1 entrance point onto Highway 54, Leitchfield Road.
2 That will come into what is now a vehicular parking
3 area. The intent is that will be an entrance for
4 tractor-trailers coming into that point with more
5 moveable area to then come back out. Right now it is
6 a situation where they're backing into there. It's no
7 surprise that they're getting off the concrete,
8 rutting it up on the side of the entrance. Just what
9 will happen with that type of maneuver.

10 So the intent is this makes it better. The
11 reason we're trying to get this variance is because of
12 the proximity and location of it relative to 11th
13 Street. It needs to be where it is because of the
14 parking lot that it's serving. That's the intent. I
15 think there might have been some confusion about where
16 this entrance is at. Hopefully that provides a little
17 clarity. It will, the intent is that you would have
18 trucks coming into that entrance off of 54 and then
19 coming back out the same way. I think there was some
20 talk about traffic to the rear parking area.
21 Obviously, that doesn't impact that positively or
22 negatively, but the intent of this change and the
23 intent of this variance is to provide additional
24 maneuver ability and additional access to address a
25 problem.

1 CHAIRMAN: Thank you.

2 Ma'am.

3 MS. CARDEN: My name is Sharon Carden. I live
4 at 1102 West Parkdale which is right on the corner of
5 11th and --

6 (SHARON CARDEN SWORN BY ATTORNEY.)

7 MS. CARDEN: There's been many of times that
8 the trucks have blocked that garage. I've been late
9 for work. I've been late to doctor appointments. I
10 should never have to blow my horn or get out and go
11 knock on a door of some truck asking them to move.

12 That garage, there's also a fire hydrant right
13 beside that garage. They block that fire hydrant. If
14 there's ever a fire there, the fire trucks can't get
15 there. Those trucks do sit and run all night long.
16 There's not as many now as there used to be, but
17 they're still coming in. You know what it's like to
18 hear trucks running all night long and not getting
19 sleep? It's not a nice morning. They are wallard
20 now. The ground right there by the curve, we get a
21 heavy downpour, that street becomes mud. All that
22 muddy eventually goes down into the sewer. That's
23 just backing up the sewer system around that
24 subdivision in that area. Where is that helping us
25 when all this truck traffic is going to pick up more.

1 I know it's a business. I know they're there to make
2 money and I know the city is making a lot of money off
3 of tax stuff. What happens to all of the homeowners
4 around there that have to pay taxes as long as they've
5 been living there. Do they not get any consideration
6 either? That's all I have to say.

7 CHAIRMAN: Thank you, ma'am.

8 Mr. Baker, would you like to address those
9 concerns?

10 MR. BAKER: I think this particular
11 application, the intent is to try - there's a known
12 issue. Trying to do what you can to resolve that
13 issue. Talking about tractor-trailers parked on the
14 street. I believe that was one of the major things
15 that the city engineer was trying to address in
16 getting involved in this. This is a solution. I
17 honestly don't know if it resolves all of these issues
18 because it's addressing a specific entrance and a
19 specific movement. I think the major concern that the
20 city engineer had was tractor-trailers parking on 11th
21 Street and blocking the street there because they were
22 trying to get in and out of the single entrance. Is
23 this a sealed proof solution to that whole situation?
24 No, but it is an improvement that should address some
25 of those concerns. It's an industrial area on a

1 triangle piece of property in the middle of town.
2 It's intended to do the best we can to address that
3 concern.

4 CHAIRMAN: Thank you.

5 Is there any other comments regarding the
6 application?

7 MS. LEACHMAN: Could you show us up there what
8 entrance? I know there's two entrances. Where the
9 white building is, and the one down the street in
10 front of my houses.

11 MR. BAKER: The new entrance will be right
12 here - (indicating).

13 MS. LEACHMAN: Okay. And then they would just
14 unload in the white building, come out of that parking
15 lot?

16 MR. BAKER: I believe the movement we're
17 trying to resolve with this change is we're trying to
18 bring the trucks in directly off of Highway 54 instead
19 of - like right now they're having to come in and
20 likely pull down 11th Street in front of your units
21 and then back into that, the loading docks there. So
22 what this does is they actually pull in a forward
23 movement into the access point off of 54. They will
24 pull, they'll swing in. They're going to eliminate
25 the car parking in that area. They're going to swing

1 out wide and they'll be able to back into the loading
2 dock without leaving the property.

3 MS. LEACHMAN: You're saying 54, but
4 Leitchfield, right?

5 MR. BAKER: Yes. Leitchfield Road, yes. I'm
6 sorry.

7 MS. LEACHMAN: You're fine. He's a tech
8 person. Thank you.

9 MR. HOWARD: So as you described it, the
10 trucks will enter, the proposed new access point on
11 Leitchfield Road would be entrance only. They would
12 enter off Leitchfield Road, swing around, back into
13 the loading dock and then exit out on 11th towards
14 Leitchfield Road. Is that the intended traffic
15 pattern? They would not be exiting on 11th going
16 towards these other --

17 MR. BAKER: That is my understanding. That
18 they will be directing the traffic back out to 54 so
19 they're not coming past those residences.

20 The intent here is we're asking for a couple
21 of things. The location of it. We want to tie with
22 what's there, and we need it to be a little wider than
23 normal, again, to try to address the current issues
24 that exist out there.

25 CHAIRMAN: Thank you.

1 Any other questions or comments from the
2 audience?

3 Ma'am.

4 MS. CARDEN: Sharon Carden, 1102 West
5 Parkdale.

6 I understand the entrance coming off of
7 Leitchfield Road, but I always understood that to be a
8 state maintained road. How can the city agree to
9 something that the state is supposed to maintain?
10 Two, as far as the trucks, yes, there is less of them,
11 but when they do park there, they're parking where the
12 city put in signs that says, "no parking," but they're
13 still doing it. How are they getting by with that?

14 CHAIRMAN: Thank you.

15 Mr. Baker.

16 MR. BAKER: Obviously with regard to the
17 parking situation, whether or not you can or can't do
18 that, that would be an enforcement issue. I can't
19 really weigh in on that part of it.

20 This particular route, this section of, if --
21 I'll just say this in general because I'm not sure
22 about this particular stretch of 54. Again, my
23 colleague is doing this design.

24 If it's on the state route, the state will
25 have to approve whatever we get approved here. The

1 issue we have here and the reason we're before this
2 body is because we're requesting additional width and
3 we're requesting that it be located in line with the
4 parking lot that is there so that it's more
5 functional. It just so happens that that dimension is
6 a little less than what you would do if you're doing
7 it new. That's the reason, that's all we're really
8 trying to get here. We're trying to work with all the
9 constraints we have in this existing scenario and do
10 the best we can. It will have to be approved by both
11 the city and the state though.

12 CHAIRMAN: Thank you.

13 MR. HOWARD: Too, I will address the complaint
14 or the issue of parking on the street as well. That's
15 something that this board does not govern or oversee.
16 The Planning Commission doesn't deal with that.
17 Mr. Pedley, in our office, I know has had
18 conversations with the city engineer and the city
19 engineer staff, as Mr. Weaver, part of Mr. Baker's
20 team, in regard to this issue. We will, tomorrow Trey
21 will convey the concerns of vehicles parking on the
22 street, being there overnight, blocking stuff, you
23 know, doing that type of thing, but that's I believe
24 to be, again it's not something we deal with, but I
25 believe that to be an enforcement issue through the

1 city, maybe something that the police patrol,
2 something like that, would check into as they're in
3 the vicinity. I don't want you think they're ignoring
4 that issue, but it's not anything that we oversee or
5 have any control over.

6 MR. REEVES: The other thing that you probably
7 need to know is, because those trucks are
8 refrigerated, they're probably going to have to idle
9 all the time; either that or the product they have
10 inside would spoil. That's just the way it is.

11 MS. LEACHMAN: Angela Leachman again.

12 And I can tell you from my renters, most of
13 the truck drivers have dogs. So you have this barking
14 dogs with the motor going.

15 I had called Sal at the plant to get more
16 information and he's clarified, you know we don't have
17 a problem. Like we appreciate them looking for
18 solutions and we appreciate the security being used.
19 My husband and I do not have a problem with this. We
20 just wanted to clarify. Thank you.

21 CHAIRMAN: Thank you.

22 Any other questions?

23 (NO RESPONSE)

24 CHAIRMAN: Commissioners have any questions?

25 (NO RESPONSE)

1 CHAIRMAN: Hearing none the Chair will accept
2 a motion.

3 MR. STRODE: Mr. Chairman, I make a motion to
4 approve based on the Staff Recommendations, Conditions
5 1 through 5, and Findings of Fact 1 through 4.

6 CHAIRMAN: We have a motion by Commissioner
7 Strode.

8 MR. VELOTTA: Second.

9 CHAIRMAN: Second by Commissioner Velotta.
10 Any questions on the motion?

11 (NO RESPONSE)

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 RELATED ITEM

17 ITEM 4

18 901 Leitchfield Road, 5.160 acres
19 Consider request for a Variance in order to increase
20 the maximum driveway width from 50-feet to 56-feet,
21 and to reduce the minimum spacing standard along
22 Leitchfield Road from 500-feet to 75-feet for a
23 proposed access point.

24 Applicant: 1661 Real Estate Hold Co., LLC

25 MR. PEDLEY: As was discussed within the
rezoning, existing operation at 901 Leitchfield Road
uses a fleet of trucks that enter and exits the site
from East 11th Street.

1 Doing so has proven difficult for truck
2 maneuvering. So as a result the engineer's office has
3 received several complaints regarding vehicles pulling
4 onto and parking within shoulders of the road,
5 including the grass in front of residential homes.

6 To rectify the situation, the applicant has
7 proposed a 56-foot wide access point on Leitchfield
8 Road near the roadway intersection with East 11th
9 Street, which will be an entrance only for truck
10 traffic.

11 To accomplish this the applicant needs two
12 variances; one to reduce the spacing standard along
13 Leitchfield Road to 75-feet, and the second one, to
14 increase the maximum driveway width to 56-feet.

15 It should be noted that it's currently unknown
16 if the full 56-feet in width is needed to accommodate
17 the one-way traffic. If a proposal is approved, the
18 applicant's engineer shall provide evidence stating
19 that the full 56-feet is necessary for the trucks to
20 enter the site and they will be shown on an official
21 site plan.

22 Staff believes granting the two variances will
23 not cause a public nuisance because the proposal will
24 lessen the truck-traffic along East 11th Street; will
25 not alter the essential character of the general

1 vicinity and will not allow an unreasonable
2 circumvention of the requirements of the zoning
3 regulations because this access point shall be
4 exclusively for truck-traffic only. Lastly, approval
5 of this variance will not adversely affect the public
6 safety because this access point shall be utilized as
7 an entrance-only, lessening the concerns of having an
8 access point too close to a street interaction.

9 Staff recommends approval with the following
10 Conditions:

- 11 1. The proposed access point shall be
12 designated for truck-traffic only and necessary
13 signage shall be installed to prohibit vehicular
14 traffic;
- 15 2. The proposed access point shall be an
16 entrance-only;
- 17 3. Obtain approval of an amended Minor
18 Subdivision Plat illustrating the proposed access
19 point;
- 20 4. Obtain approval of an amended Site Plan;
- 21 5. On the amended Site Plan, the applicant's
22 engineer shall provide evidence that the requested
23 56-feet in width is necessary to accommodate the
24 one-way truck-traffic entering the site from
25 Leitchfield Road. If such information shows that an

1 access point of lesser width will function
2 appropriately, then the lesser dimension shall be
3 installed. Under no circumstances shall the access
4 point exceed the requested 56-feet in width; and,

5 6. Obtain all necessary building, electrical
6 and HVAC permits, inspections and certificates of
7 occupancy and compliance.

8 We would like to enter the Staff Report into
9 the record as Exhibit E.

10 CHAIRMAN: Thank you, Trey.

11 Is anybody here representing the applicant?

12 Would you like to speak or just answer
13 questions.

14 APPLICANT REP: Just answer questions.

15 CHAIRMAN: Anybody else in the audience like
16 to address this issue?

17 (NO RESPONSE)

18 CHAIRMAN: Any commissioners have any
19 questions?

20 (NO RESPONSE)

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

23 Commissioner Raque.

24 MR. RAQUE: Motion to approve based on
25 Conditions 1 through 6.

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

3 MR. HOWARD: Would you include the four
4 finding of facts there on that Staff Report, please.

5 MR. RAQUE: And the four findings of fact.

6 MR. STRODE: Second.

7 CHAIRMAN: Second by Commissioner Strobe. We
8 have a motion and a second. Any questions on the
9 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 unanimously.

15 MR. HOWARD: Just to reiterate. I think the
16 city engineer is out this week, but on Monday we will
17 be in touch and convey the message that we heard
18 tonight then they will take it from there, as far as
19 what they can and can't do, but we will follow through
20 just to let you know.

21 ITEM 5

22 5533 Little Hickory Road, 83.547 acres
23 Consider zoning change: From EX-1 Coal Mining & A-R
24 Rural Agriculture to A-R Rural Agriculture
Applicant: Elaine M. Berry & Jeffrey L. Berry

25 PLANNING STAFF RECOMMENDATIONS

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

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 a Rural
8 Maintenance Plan Area, where rural large-lot
9 residential uses are appropriate in limited locations;

10 3. At 83.547-acres and large amounts of road
11 frontage, the property is large enough to ensure that
12 any proposed dwellings shall be located on their own
13 individual lot with frontage along a public road,
14 Little Hickory Road;

15 4. No new roads are proposed with this
16 request;

17 5. There is no active coal mining taking
18 place on the subject property; and,

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

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

25 CHAIRMAN: Thank you, Trey.

1 Anybody here representing the applicant?

2 APPLICANT REP: We're here to answer
3 questions.

4 CHAIRMAN: Does anyone have any questions?

5 (NO RESPONSE)

6 CHAIRMAN: Any commissioners have any
7 questions?

8 (NO RESPONSE)

9 CHAIRMAN: Hearing none the chair will accept
10 a motion.

11 MR. ROGERS: Mr. Chairman, I make a motion for
12 approval based on Planning Staff Recommendations with
13 the Findings of Fact 1 through 6.

14 CHAIRMAN: We have a motion by Commissioner
15 Rogers.

16 MR. STRODE: Second.

17 CHAIRMAN: Second by Commissioner Strode. Any
18 questions on 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 unanimously.

24 ITEM 6

25 3107 Highway 54, 0.785 acres
Consider zoning change: From P-1 Professional/Service

1 to B-4 General Business
Applicant: GBC Design, Inc. - Alan Wiley; Mali Hwy
2 54, LLC; Chick-fil-A, Inc. - Todd Williams

3 PLANNING STAFF RECOMMENDATIONS

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

6 CONDITIONS:

7 1. Access to the subject property shall be
8 limited to the "Public Access Easement" located
9 through the Walmart parking lot near the rear of the
10 subject property;

11 2. No access shall be permitted to Highway
12 54; and,

13 3. Approval of a Final Development Plan.

14 FINDINGS OF FACT

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

18 2. The subject property is located in a
19 Business Plan Area where general business uses are
20 appropriate in limited locations;

21 3. The proposed use as a restaurant conforms
22 to the criteria for nonresidential development;

23 4. The proposal is a logical expansion of
24 existing B4 General Business zoning to the south and
25 east;

1 5. At 0.785 acres, the proposal is not
2 considered a significant increase in general business
3 zoning in the vicinity; and,

4 6. With access limited to the "Public Access
5 Easement" the use should not overburden the capacity
6 of roadways and other necessary urban services that
7 are available in the affected area.

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

10 CHAIRMAN: Thank you, Melissa.

11 Is anybody here representing the applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: Would you like to speak?

14 APPLICANT REP: No.

15 CHAIRMAN: Anybody else have any questions?

16 (NO RESPONSE)

17 CHAIRMAN: Any commissioners have any
18 questions?

19 (NO RESPONSE)

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

22 Ms. Stewart.

23 MS. STEWART: I would like to make a motion,
24 with excitement, of approval according to Planning
25 Staff Recommendations, Conditions 1 through 3 and

1 Findings of Fact 1 through 6.

2 MR. REEVES: I'll second the excitement.

3 CHAIRMAN: We have a motion by Commissioner
4 Stewart and a 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 unanimously.

11 ITEM 7

12 11022 & 11036 Highway 56, 12.212 acres
13 Consider zoning change: From R-1A Single-Family
14 Residential, A-U Urban Agriculture & B-4 General
15 Business to A-U Urban Agriculture
16 Applicant: Ben A. O'Bryan & Nathaniel Warren

17 PLANNING STAFF RECOMMENDATIONS

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

20 FINDINGS OF FACT:

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

24 2. The subject property is located in a Rural
25 Community Plan Area, where agriculture and forestry
26 uses are appropriate in general locations;

27 3. At 12.212 total acres of land, the

1 proposed activity is expected to conserve the
2 agricultural topsoil through appropriate farming
3 practices;

4 4. The proposal will eliminate the existing
5 split zoning on the subject properties; and,

6 5. The existing forested areas should be
7 sustained through appropriate forestry practices.

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

10 CHAIRMAN: Thank you, Trey.

11 Is there anybody here representing the
12 applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Anyone else have any questions or
15 comments about the application?

16 (NO RESPONSE)

17 CHAIRMAN: Any commissioners have any
18 questions?

19 (NO RESPONSE)

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

22 Commissioner Ball.

23 MR. BALL: I make a motion to approve based on
24 Planning Staff Recommendations and Findings of Fact 1
25 through 5.

1 MR. ROGERS: Second.

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

4 (NO RESPONSE)

5 CHAIRMAN: All in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 ITEM 8

9 9243 Highway 405, 1.401 acres
10 Consider zoning change: From R-1A Single-Family
11 Residential to B-4 General Business
12 Applicant: KRISHNA ONE, LLC

12 PLANNING STAFF RECOMMENDATIONS

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

15 CONDITIONS:

16 1. Install and maintain a 10-foot wide
17 landscaping easement consisting of a 6-foot tall solid
18 element and 1-tree per 40-linear-feet where the
19 subject property adjoins R-1A Single Family
20 Residential zoning to the north and south; and,

21 2. Obtain an approved Site Plan or Final
22 Development Plan.

23 FINDINGS OF FACT

24 1. Staff recommends approval because the
25 proposal is in compliance with the community's adopted

1 Comprehensive Plan;

2 2. The subject property is located in a Rural
3 Community Plan Area where general business uses are
4 appropriate in limited locations;

5 3. The proposal is a logical expansion of B-4
6 General Business zoning to the north;

7 4. The proposed use as a convenient store
8 conforms to the criteria for nonresidential
9 development, as well as the criteria associated with
10 buffers for outdoor storage yards; and,

11 5. Due to the existing topography at the
12 subject property, the proposal should not
13 significantly increase the extent of the commercial
14 uses in the general vicinity, nor should the use
15 overburden the capacity of roadways and other
16 necessary urban services that are available in the
17 affected area.

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

20 CHAIRMAN: Thank you, Trey.

21 Is anyone here representing the applicant?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Would you like to speak?

24 APPLICANT REP: No.

25 CHAIRMAN: Anybody else have any questions or

1 comment on the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Any of the commissioners have any
4 questions?

5 (NO RESPONSE)

6 CHAIRMAN: Hearing none the chair is ready for
7 a motion.

8 MR. VELOTTA: I would like to make a motion to
9 approve based on Planning Staff Recommendations,
10 Conditions 1 and 2 and Findings of Fact 1 through 5.

11 CHAIRMAN: We have a motion by Commissioner
12 Velotta. Do we have a second?

13 MR. STRODE: Second.

14 CHAIRMAN: Second by Commissioner Strode. Any
15 questions on the motion?

16 (NO RESPONSE)

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 MAJOR/MINOR SUBDIVISION PLATS

22 ITEM 9

23 3950, 3960 Hayden Road & 4000 - 4180 Hayden Road,
24 101.45 acres
25 Consider approval of a major/minor subdivision plat.
Applicant: Gary M. Boswell & Margaret L. Boswell

1 MR. HOWARD: You all saw the rezoning and a
2 little bit of the plat for this last month. This
3 month is the full detail of what they are proposing
4 with some larger parcels to the rear and road frontage
5 lots. There are specific ingress/egress access
6 easements for the various parcels, in keeping with
7 access management along the roadway. The plat has
8 been reviewed by the Planning Staff and Engineering
9 Staff. Although, it doesn't require exceptions on the
10 3 to 1 requirement for the larger parcels in the
11 8-acre range. Due to the lack of sewer, they're
12 developing a density much lower than what would be
13 allowed under the underlying zoning classification.
14 So we recommend that you consider it for approval.

15 CHAIRMAN: Any commissioners have any
16 questions?

17 (NO RESPONSE)

18 CHAIRMAN: Hearing none the chair will accept
19 a motion.

20 MR. VELOTTA: Motion to approve.

21 CHAIRMAN: Commissioner Velotta has a motion
22 to approve.

23 MR. REEVES: Second.

24 CHAIRMAN: Second by Commissioner Reeves. Any
25 questions on the motion?

1 (NO RESPONSE)

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 MINOR SUBDIVISION PLATS

7 ITEM 10

8 6310 Frederica Street, 3.619 acres
9 Consider approval of a minor subdivision plat.
Applicant: John M. Brooks

10 MR. HOWARD: This plat comes before you as an
11 exception to the road frontage and the 3 to 1
12 requirement. There is an existing home off of what
13 was at some point back in the day a county lane. So
14 the proposal is to provide the required road frontage
15 out to Frederica Street, but then create this
16 flag-shaped lot around and existing home and the
17 accessory structures that are associated with it.
18 There are standard notations on the plat dealing with
19 further subdivision of the property and not meeting
20 requirements of the subdivision regulations. Based on
21 that, we would recommend that you consider it for
22 approval.

23 CHAIRMAN: Any of the commissioners have any
24 questions?

25 (NO RESPONSE)

1 CHAIRMAN: Hearing none the Chair will accept
2 a motion.

3 MR. STRODE: Motion for approval.

4 CHAIRMAN: Motion by Commissioner Strode.

5 MS. STEWART: Second.

6 CHAIRMAN: Second by Commissioner Stewart.

7 Any questions on the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously

12 Next item.

13 -----

14 NEW BUSINESS

15 ITEM 11

16 Consider approval of June 2022 financial statements

17 MR. HOWARD: Each of you were e-mailed a copy
18 of that today. If you have any questions, I'll be
19 happy to answer those.

20 CHAIRMAN: Any commissioners have any
21 questions on the financial statement?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none the Chair will accept
24 a motion.

25 MR. RAQUE: Motion to approve.

1 CHAIRMAN: Motion by Commissioner Raque.

2 MR. BALL: Second.

3 CHAIRMAN: Second by Commissioner Ball. All
4 in favor signify by raising your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 ITEM 12

7 Comments by the Chairman

8 CHAIRMAN: The Chair has no comments.

9 ITEM 13

10 Comments by the Planning Commissioners

11 (NO RESPONSE)

12 ITEM 14

13 Comments by the Director

14 MR. HOWARD: No.

15 CHAIRMAN: At this time I will accept a
16 motion.

17 MR. BALL: Motion to adjourn.

18 MR. RAQUE: Second.

19 CHAIRMAN: Motion by Mr. Ball. Second by Mr.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: We are adjourned.

24 -----

25

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 90
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 30th day of August, 2022.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E PARRISH AVE, SUITE 205-C
OWENSBORO, KY 42303

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23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25