

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 11, 2023

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, May
5 11, 2023, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Skyler Stewart, Chairman
9 Lewis Jean, Vice-Chair
10 Manuel Ball, Secretary
11 Brian Howard, Director
12 Terra Knight, Attorney
13 Irvin Rogers
14 Sharla Wells
15 Teresa Boarman
16 Laina Strehl
17 Greg Raque
18 Jason Gasser

14 * * * * *

15 CHAIRMAN: We are going to go ahead and call
16 the May 11, 2023 meeting of the Owensboro Planning
17 Commission to order. We always open our meeting with
18 a prayer and pledge and Commissioner Jean is going to
19 do that for us today.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: The way our meetings work anyone
22 that is wishing to speak on an item will come up to
23 the mike and will be sworn in by our staff attorney.
24 We just ask that you give your name and direct all
25 questions to the board or the chair, please, and the

1 commission, and the chair will find the answer for you
2 or direct you towards the correct person that can
3 assist. We ask that you stay on topic and be
4 respectful. And everyone that wishes to have an
5 opportunity to speak will have that opportunity.

6 The first item is to consider the minutes of
7 the April 13, 2023 meeting. Every commissioner should
8 have a copy in your packet. If there are no changes,
9 the chair is ready to entertain a motion.

10 Commissioner Ball.

11 MR. BALL: Motion to approve the minutes.

12 CHAIRMAN: We have a motion by Commissioner
13 Ball. Do we have a second?

14 MS. STREHL: I'll second.

15 CHAIRMAN: Second by Commissioner Strehl. We
16 have a motion and a second. The chair is ready to
17 entertain a vote. All those in favor please raise
18 your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: The motion carries.

21 Director Howard.

22 -----

23 GENERAL BUSINESS

24 CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

25 ITEM 3

1 9467 Herbert Road, 0.129 acres
2 Consider approval of a wireless telecommunications
3 tower
4 Applicant: VB 500 II, LLC; James and Amanda Jarboe

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

7 MS. EVANS: Melissa Evans.

8 (MELISSA EVANS SWORN BY ATTORNEY.)

9 MS. EVANS: This proposal is for a 195-foot
10 monopole cellular tower with a 4-foot lightning rod.
11 The location is at Herbert Road.

12 All of the application materials in compliance
13 with Section 20-4 of the Owensboro Metropolitan Zoning
14 Ordinance has been submitted with this application.

15 The Findings of Fact for this application is:

16 1. The application is complete with all of
17 the materials in accordance with the Owensboro
18 Metropolitan Zoning Ordinance;

19 2. The site is in compliance with all design
20 criteria of the Owensboro Metropolitan Zoning
21 Ordinance;

22 3. The permanent tower will improve service
23 for users within the community; and,

24 4. By providing the opportunity for multiple
25 service providers on this tower, we are promoting the
goal of the Comprehensive Plan to encourage

1 collocation in order to minimize the number of
2 telecommunication towers.

3 We would like to enter the Staff Report into
4 the record as Exhibit A.

5 I do believe that someone is here that
6 submitted the application, their attorney, to present
7 some information and I believe that they are going to
8 ask for a waiver that was not included initially in
9 their application or addressed in the Staff Report.

10 CHAIRMAN: Thank you, Melissa.

11 If you could come to the podium and be sworn
12 in, please.

13 MS. KNIGHT: State your name for the record.

14 MR. DIEGEL: Nicolas Diegel.

15 MS. KNIGHT: You're sworn in as an attorney.

16 MR. DIEGEL: I'm with Baker Donelson Law Firm
17 out of Knoxville, Tennessee. Thank you for having me
18 this evening.

19 We represent Vertical Bridge who is seeking
20 approval for a telecommunication tower as Ms. Evans
21 just described to you. The location of the property
22 is on Herbert Road. It is a property owned by the
23 Jarboes. As Ms. Evans said, the plan is to meet all
24 ordinance requirements.

25 The deviation we seek is relating to the

1 screening requirements. I think normally there's a
2 requirement for an allotment of pine trees to be in
3 front of the compound where the telecommunication
4 tower is erected. We would ask instead that a slatted
5 fence installation be substituted instead. If the
6 Commission is not interested in that, we are happy to
7 comply with whatever requirements the ordinance
8 requires us to comply with.

9 We submitted a binder. It's pretty
10 comprehensive, but I'm going to rely mostly on the
11 Staff Report and Ms. Evans. If you have any
12 questions, I'm happy to address them.

13 I anticipate there might be some citizens that
14 want to speak about this tower so I'll let them go
15 speak their mind and try to address their concerns.

16 CHAIRMAN: Thank you.

17 Does anyone in the audience have any questions
18 or comments of the applicant?

19 Yes, sir, please come to the podium.

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

22 MR. BOARMAN: Bruce Boarman.

23 (BRUCE BOARMAN SWORN BY ATTORNEY.)

24 MR. BOARMAN: My name is Bruce Boarman. My
25 wife Jessica, we are here to express our opposition to

1 the placement of the cell phone tower at 9467 Herbert
2 Road. We've lived there over 16 years. Bought our
3 home based on a rural setting, the approximate
4 location. We sacrifice hours each day on the road to
5 go to work and have given up the convenience of living
6 in an urban area so we could have a home we believe
7 we're safe and enjoy country living.

8 When we bought our home, we never dreamed we'd
9 be faced with the construction of 195-foot cell tower
10 less than 50-yards from our bedroom. For visual
11 representation of how close the tower is to our home,
12 please see Exhibit 12 of the cell phone tower
13 application. The home you see in the background is
14 ours.

15 We are frustrated and disappointed that we are
16 forced to stand here before you today to defend our
17 home, our peace and our home equity. We were advised
18 about this just a little over a month ago and try to
19 understand what this monopole cell tower will mean for
20 our property value, our personal safety, and how it
21 will infringe on our privacy.

22 The property owners, Mr. and Mrs. James
23 Jarboe, own nearly 60 acres of property. We have a
24 plat to show. The highlighting of the Jarboe property
25 along the location of the tower and our home. Despite

1 the statement in the application on Exhibit 16 made by
2 Mr. Dave Smith, who is the project manager for
3 Vertical Bridge.

4 The area and proposed location is a largely
5 rural location to minimize impact to surrounding
6 residence. We feel that is simply not true. We are
7 greatly impacted.

8 Additionally, in the geotechnical
9 investigation before Lotis Environmental Group,
10 Exhibit 4 of the tower application, the recommendation
11 is for the drill shafts to be at the depth of 45-feet
12 using a large truck, mounted hydraulic advanced drill
13 rig using continuous vibration to assist in keeping
14 the drill hole open. I'm not an engineer. I have no
15 background or knowledge of what this means, but the
16 description of the method creates concerns for us
17 considering the close proximity of the drilling being
18 done. We fear this will effect our home's foundation.

19 In Exhibit 15 the proposed tower is located in
20 the blue area indicating the best signal level,
21 negative 85. There is a lot of blue area on that map
22 indicating there are many other comparable locations
23 for a cell tower in the area. There is no need to
24 infringe on a property owner who has made a home there
25 for 16 years.

1 We've been told by multiple engineers and
2 technology experts that a cell phone tower will not
3 improve our cell signal because we are too close. The
4 signal will float over our house. So not only will
5 this tower devalue our property and rob us of our
6 peace of mind, its main purpose will not benefit us
7 either. It's a lose-lose for us.

8 When we contacted a local attorney to
9 potentially retain legal counsel to represent us, the
10 cost we could not justify. We were told these things
11 were, and I quote, "tough to beat." We don't see it
12 that way. This is not us trying to beat anyone. We
13 are not against the cell tower. We just want fair
14 placement of the cell tower and we have faith in you
15 as a Commission that you will ensure that is
16 accomplished. We believe you will see the location of
17 the tower and put yourself in our shoes and understand
18 that this placement will devalue our property and
19 infringe in our safe place, our home.

20 Prior to making your final decision, we
21 request you take into consideration the following
22 questions: Would you feel safe with a large tower
23 above your home? Does this monopole cell tower fit to
24 the neighborhood character of the Herbert Road area?
25 Do you know without doubt the monopole cell tower will

1 not effect the value of our home and other homes in
2 the area? Given the fact that the landowners, Mr. and
3 Mrs. Jarboe, own 60 acres of land, is the placement of
4 the monopole tower 25 feet from the property line and
5 50 yards from our bedroom fair placement for this
6 monopole cell tower? Are you certain without a doubt
7 the method used to construct the foundation of this
8 monopole cell tower will not damage our home, our
9 home's foundation? Has Vertical Bridge proven they
10 have exhausted all options to collocate or to find an
11 alternative location that would not impact residential
12 homes? Thank you.

13 CHAIRMAN: Thank you, Mr. Boarman.

14 Would the attorney like to speak?

15 MR. DIEGEL: Thank you, Mr. Boarman. I would
16 like to address some of your concerns, if that's okay
17 and with the commission as well.

18 Regarding the home equity concerns, there is
19 no data that these type of towers have any impact on
20 property value, positive or negative. These types are
21 developed all over the southeast of the United States
22 by Vertical Bridge and other telecommunication
23 companies with no data to show that home equity
24 devalue. In fact, an argument can be made that
25 proximity to a telecommunications tower improves a

1 homeowner's access to telecommunication services,
2 improve signal strength and makes their property more
3 valuable for people that want to make sure they can
4 connect to their cell phone, their home internet,
5 anything that is provided by a cell phone provider.

6 With regard to personal safety, I want to make
7 sure I understood Mr. Boarman. His concern was that
8 the tower could fall; is that correct, sir?

9 CHAIRMAN: He needs to come back up to the
10 microphone to speak.

11 MR. DIEGEL: Well, assuming it's a fall risk.
12 These towers are engineered not to fall. There's
13 professional engineers that review and approve the
14 plans, and in addition these towers are specifically
15 engineered to the extent there is a structural
16 failure, they collapse onto themselves. They do not
17 fall like a tree, where the full 190-foot length falls
18 in some direction. It will collapse onto itself and
19 remain in place.

20 Regarding the view, my understanding from
21 speaking with the Jarboes previously is that there is
22 a tree line separating Mr. Boarman's property from the
23 Jarboes' parcel with 100-foot tall oaks that would
24 likely obstruct any view and alleviate any impact his
25 view might have from the bedroom window.

1 In regard to the concerns about the location,
2 we represented in our applications there are no
3 alternative locations for this tower. The reason we
4 picked this location is because it is the highest
5 elevation on this parcel. The higher the elevation,
6 the more effective the tower is at transmitting a
7 signal.

8 To the extent there is any concern about
9 safety with what is transmitted from the tower, these
10 towers comply with all Federal FCC Regulations. The
11 safety of what is transmitted is part of our client's
12 requirements to remain licensed and engineered, with
13 their engineers. I think I addressed all of his
14 concerns. Let me just check my notes.

15 That's all I have.

16 CHAIRMAN: Thank you.

17 Is there anyone else in the audience that
18 wishes to speak?

19 MR. BOARMAN: If the tower was over 195-feet
20 from my home, I would feel a lot more at ease about if
21 there was a failure to fall on the home.

22 I don't know if this is the time to address
23 the fence, the change to the application for the fence
24 versus the shrubbery.

25 CHAIRMAN: You can go ahead and address it.

1 MR. BOARMAN: I mean I would rather have the
2 -- if it's approved, I would certainly feel more
3 comfortable with shrubbery as opposed to a fence that
4 I haven't seen any description of. Thank you.

5 CHAIRMAN: Thank you, Mr. Boarman.

6 MR. DIEGEL: Just one further point I forgot
7 to point out initially. We complied with all setback
8 requirements for this property. To the extent we're
9 characterized as changing the nature of rural
10 properties, rural properties all over the southeast
11 have telecommunication towers to benefit people that
12 live in these rural communities. They benefit first
13 responders who are able to respond if there is an
14 emergency. People can access those telecommunication
15 towers and request emergency services. So overall it
16 is beneficial. It is not uncharacteristic for this to
17 be put in place for this type of setting.

18 CHAIRMAN: Thank you.

19 MR. DIEGEL: Regarding shrubbery. We prefer a
20 slatted fence, but we're happy to comply with whatever
21 is required by the ordinance.

22 CHAIRMAN: Thank you.

23 Is there anyone else in the audience that
24 wishes to speak?

25 MR. BOARMAN: I would ask the attorney if he

1 could address whether or not it would benefit us being
2 that we're 50 yards from the proposed cell tower.

3 MR. DIEGEL: I would address Mr. Boarman and
4 say if you use a cell phone and your provider
5 collocates onto this cell pole, it's going to benefit
6 you. It's going to benefit your property value. It's
7 going to make it more desirable to have a property
8 that is within cell phone range and is within reliable
9 cell phone range than one that is not. Also, it
10 impacts your personal safety. You can rely on first
11 responders to come to your property.

12 CHAIRMAN: Thank you.

13 Do we have anyone else in the audience that
14 has any questions or would like to speak on the
15 application?

16 (NO RESPONSE)

17 CHAIRMAN: Seeing none do we have any
18 commissioners that has any questions that would like
19 to speak?

20 Yes, Commissioner Raque.

21 MR. RAQUE: Question for the attorney.

22 On the plat that Mr. Boarman presented to us,
23 there is a red dot. Is that the specific location of
24 the tower and what is being leased? Is it just that
25 corner or that entire road frontage? What is being

1 considered in the lease?

2 MR. DIEGEL: I'm sorry, I'm trying to find.
3 That red dot is the proposed site. Do you have the
4 binder?

5 MR. RAQUE: I do.

6 MR. DIEGEL: If you turn to tab 7, it depicts
7 pretty accurately what the lease compound is going to
8 look like. I can't remember the exact dimensions
9 ment. They're usually 100-foot by 100-foot. It's 75
10 by 75-foot leasing compound.

11 MR. RAQUE: Do you know the elevation along
12 Herbert Road of that? Is that elevation all the same?
13 I understand the statement made earlier regarding it
14 looks clearly from the hillside that that lot falls
15 down. I understand that you would like it to be
16 higher, but along that road frontage, is that
17 elevation all equal?

18 MR. DIEGEL: I cannot speak to that. I'm not
19 personally familiar with the location, but that
20 information should be in our packet. I can tell you
21 that our engineers looked and found this was the most
22 ideal location in this area where coverage was needed.

23 MR. RAQUE: But along that road frontage, the
24 road frontage is --

25 MR. DIEGEL: You're talking about Herbert

1 Road?

2 MR. RAQUE: Yes. It's 100 by 100. So roughly
3 that would be 150-foot of road frontage there along
4 Herbert Road?

5 MR. DIEGEL: It's 75 feet, 75 feet by 75 feet.

6 MR. RAQUE: Your proposed lease is 75 feet by
7 75 feet?

8 MR. DIEGEL: Yes, sir.

9 MR. RAQUE: The road frontage is 300 roughly
10 of the entire property, of the Jarboes' property.

11 MR. DIEGEL: I'll take your word for it.

12 MR. RAQUE: My question is, is that lease
13 already in place?

14 MR. DIEGEL: It is. The lease has been
15 executed and that's why we're here today. The final
16 piece is getting approval from the Commission. I
17 understand, I think we still need a plat executed as
18 well and approved by the Commission, but those are the
19 final steps.

20 MR. RAQUE: Understood. Thank you.

21 MR. DIEGEL: Thank you.

22 CHAIRMAN: Commissioner Gasser, do you have a
23 question?

24 MR. GASSER: Yes.

25 What's your current regulations on how close

1 you can be to someone's home?

2 MR. DIEGEL: I'm not sure off the top of my
3 head. Those would be governed by the FCC. Our plans
4 are in compliance with those regulations. In
5 addition, we're in compliant with any setbacks and
6 other requirements.

7 MR. GASSER: You're in compliance, but you
8 don't know what the standard is and how close you can
9 be?

10 MR. DIEGEL: I don't personally know off the
11 top of my head, sir.

12 MR. GASSER: Do you guys have a Plan B by
13 chance?

14 MR. DIEGEL: Not that I'm aware of, sir. Our
15 application says this is the most ideal and the only
16 location we could find. So I'm going to say we do not
17 have a Plan B at this time, especially having gone
18 through this whole process so far.

19 MR. GASSER: Right. And as far as the
20 installation of the tower, can you explain the
21 drilling process? I think it's 45 feet down into the
22 earth; is that correct?

23 MR. DIEGEL: I believe that's correct. The
24 engineering plans are in your packet. I'm happy to go
25 to them and we can talk about them.

1 MR. GASSER: How wide is that; 45-deep down
2 and then how wide?

3 MR. DIEGEL: I will confirm that looking at
4 the report. I don't know off the top of my head. I
5 do not comport to be an engineer.

6 MR. GASSER: That's fine. My concern is a
7 couple of things here. Number one, you're not sure,
8 as far as the regulation, how close you can be to
9 someone's home. Number two, you're not sure how far
10 and how wide this drilling is going to be and it's 50
11 feet from someone's property, and you guys have 60 or
12 how many acres, I'm sorry?

13 MR. DIEGEL: The parcel?

14 MR. GASSER: How many acres does the Jarboes
15 own?

16 MR. DIEGEL: The parcel that we are looking at
17 is, it's not on there, but it's 10 acres on that one
18 and then there's two adjacent parcels, but I don't
19 know the acreage on those.

20 MR. GASSER: I feel like that there should be
21 a Plan B maybe. With all of that land and you pick
22 that one space, 50 feet from someone's house. That is
23 a concern. That's all I have to say.

24 MR. DIEGEL: I will say we hire engineers
25 specifically to address these type of concerns to make

1 sure we are in compliance with all regulations.

2 CHAIRMAN: Thank you.

3 Do any other commissioners have anything?

4 Commissioner Ball.

5 MR. BALL: You know I have one, right. I
6 guess I have maybe a few question. One for Staff.

7 The application, we keep talking about the
8 height of the pole and the potential for safety risk.
9 That's been brought up. But there is no, if I
10 understand this correctly, there is no variance, there
11 has been no variance request for the setback so they
12 do meet our ordinance currently, correct, or the
13 regulation, however you want to look at that?

14 MR. HOWARD: They meet the Zoning Ordinance
15 requirements for a monopole tower, yes.

16 MR. BALL: So I guess that brings me to
17 another question. Have we approved other monopole
18 locations in similar proximity to homes? I know I'm
19 putting you on the spot.

20 MR. HOWARD: I mean I can't tell you that I've
21 gone back and looked at every cell tower application
22 that our office has ever seen, but yes. I mean within
23 the urban area in particular there would be cell
24 towers that would be located this close to structures
25 for certainty.

1 MR. BALL: Maybe my last question, at least
2 for now, have we denied a cell phone tower application
3 in the past?

4 MR. HOWARD: To my knowledge in the 18 years
5 that I've been here we have not, but I can't naturally
6 speak for what may or may not transpire before that.
7 I'm going off memory, but I don't recall us ever
8 having one denied. There's been a few that have been,
9 you know, postponed and then approved I remember, but
10 no denials that I recall.

11 MR. BALL: Thank you.

12 MR. DIEGEL: Commissioner Ball, if I may add.
13 In urban areas, it is common to have telecommunication
14 devices, antennas, etcetera, collocated onto existing
15 structures such as rooftops. That could include
16 residential people looking at buildings downtown. So
17 that is customary. It's not out of the ordinary.

18 CHAIRMAN: Commissioner Ball.

19 MR. BALL: I've got one more for the attorney
20 here actually. It's been brought up a Plan B. I
21 understand and looking at the maps here there is, one
22 of the maps actually shows the topography. It's clear
23 that it's the highest point on the Jarboes' property,
24 at least on the road frontage where you can actually
25 see the topography on the map. I understand that

1 comment. It's been brought up is there a Plan B. I
2 guess my would question be, is there typically a Plan
3 B and what would a Plan B consist of? I mean if you
4 were to come up with two options initially, is that
5 even a possibility?

6 MR. DIEGEL: I would have to speculate,
7 Commissioner. I will say we don't have a Plan B, as
8 far as I'm aware. If we had found another ideal spot
9 for the Jarboes' property, we probably would have
10 explored that. As far as I know, that's not been
11 explored. It's very possible that if this is not
12 approved, we'll have to go find a new property owner
13 that wants to lease to us somewhere else nearby.
14 These property owners will not get the benefit of
15 additional cell phone coverage.

16 MR. BALL: Just speculating. It's likely that
17 if it doesn't go on this location, on this property,
18 it may not go on this property at all?

19 MR. DIEGEL: That is correct. When we
20 submitted our application, we represented to the
21 Commission this is the only location we could find
22 that worked.

23 MR. BALL: Thank you.

24 MR. DIEGEL: Thank you.

25 CHAIRMAN: Do we have any other commissioners?

1 MR. ROGERS: To the attorney I have a
2 question.

3 CHAIRMAN: Commissioner Rogers.

4 MR. ROGERS: I've been out there and looked at
5 it and the site is up on the hill. With the proximity
6 encroaching on the Boarmans and across the road within
7 the length of that monopole, which is 199-foot,
8 correct?

9 MR. DIEGEL: Correct.

10 MR. ROGERS: When you all do a leasing, have
11 you all ever thought about communalizing that,
12 landowners joining you so they can all get part of
13 that lease money?

14 MR. DIEGEL: I've never been asked that.
15 Considering they don't own the real property that is
16 being leased there --

17 MR. ROGERS: They're in the effected area.

18 MR. DIEGEL: They are. I've never had that
19 proposed to me to be honest with you. That is an
20 interesting proposition.

21 I will say that the property owners are free
22 to do what they want with the property within the
23 Commission's approval. I don't think they have to
24 share with their neighboring, adjacent property
25 owners.

1 MR. ROGERS: That's going to be up to you all
2 to do that communication. Not the landowner. He just
3 signs the lease. He gets his part. You all done it
4 that way. So you all have never done that?

5 MR. DIEGEL: Not that I'm aware of. That is
6 something I will consider. That's interesting. Thank
7 you.

8 CHAIRMAN: Thank you.

9 Do we have any other commissioners with
10 questions or comments?

11 (NO RESPONSE)

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

14 Sorry. Does anyone in the audience have any
15 additional comments or anything to wrap up or the
16 applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Seeing none we are ready to
19 entertain a motion.

20 MR. ROGERS: Madam Chairperson, I would like
21 to make a motion for postponement for this item so
22 their attorney can get us more information that we've
23 asked here tonight.

24 CHAIRMAN: We have a motion for postponement
25 by Commissioner Rogers. Do we have a second?

1 MR. JEAN: Second.

2 CHAIRMAN: Commissioner Jean, I do apologize.
3 So we have a second by Commissioner Jean. Do we have
4 any questions or comments on the motion?

5 Go ahead.

6 MR. DIEGEL: All of this information about
7 engineering and the specs is in the packet we have
8 submitted and that's part of why we hired the
9 engineers to get this information to you. I do
10 apologize I can't give you direct answers on some of
11 these technical questions, but it has been submitted.
12 It has been reviewed by the Staff. It has been
13 approved per the Staff Report.

14 CHAIRMAN: Director Howard.

15 MR. HOWARD: Staff reviewed the application
16 and prepared a Staff Report. We have not approved
17 your technical drawings. That's not accurate. We're
18 not engineers either. That would be done through the
19 building permitting process and whatnot, but we have
20 not approved this application in any capacity. This
21 Planning Commission would approve it and then you
22 would be able to move forward with permitting of the
23 application.

24 MR. DIEGEL: I didn't mean to imply you
25 approved it. Maybe I misspoke so I apologize.

1 MR. HOWARD: And maybe I misheard, but we have
2 not approved the engineering drawings.

3 I'm not part of the Planning Commission. I am
4 Staff for the Planning Commission. I think part of
5 what the concern is and one of the questions that I've
6 heard that they would like answered is what would
7 happen if you did -- they would like some information
8 on what would happen if you did move it. What if you
9 moved it 100 yards? Maybe it's further up the road
10 frontage. Maybe it's further back to the property
11 line. I don't know. I think they would like to know
12 what would happen if you did move it? Now, if you
13 come back next month and you say, if we move it 100
14 yards, we can't do it here, we have to look elsewhere,
15 they'll take that into consideration. To me I think
16 what it boils down to, from what I've heard you all
17 say, again, I don't want to speak for you all, but
18 trying to distill the technical aspects and whatnot I
19 think are very valid questions. The crux of it is,
20 what happens if you move it. Anybody correct me if
21 I'm misspeaking.

22 CHAIRMAN: Mr. Diegel.

23 MR. DIEGEL: Sir, I can say if the tower is
24 moved to a lower elevation, the transmission of the
25 signal is going to be weaker. It's going to be less

1 effective.

2 MR. HOWARD: Yes. And you've got maps in
3 there. I don't remember which. Was it in Exhibit 15
4 or 16? Looks like it's in 15 where you show the
5 coverage.

6 I guess the question would be, you've got the
7 map in there for what the coverage is before. Then
8 you've got the map with coverage after, which clearly
9 there shows to be a significant increase in coverage.
10 I think what I'm hearing is, what would this map look
11 like after coverage and your Exhibit 15 look like if
12 you did move it to a place that was maybe a little bit
13 further away from their house. Again, understanding
14 the elevation may change. What does it look like
15 coverage-wise?

16 MR. DIEGEL: It will certainly look less green
17 in that picture, but I can't give you -- I'm happy to
18 provide that for the next session.

19 CHAIRMAN: Commissioner Raque, did you have a
20 question of the motion?

21 MR. RAQUE: I wanted to kind of clarify
22 further what Commissioner Rogers was asking when we
23 said postpone. Postpone for what; until next month?
24 A little bit more clarity on what the motion is.

25 MR. ROGERS: It would be until the next

1 meeting.

2 CHAIRMAN: So June 2023 meeting.

3 MR. RAQUE: Okay.

4 CHAIRMAN: Do we have any other questions or
5 anything about the motion or the second?

6 (NO RESPONSE)

7 CHAIRMAN: Seeing none the Chair is ready to
8 entertain a vote. All those in favor of postponing
9 this application to the June 2023 Owensboro
10 Metropolitan Planning Commission meeting please raise
11 your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Seeing none the motion to postponed
14 until the June 2023 meeting carries.

15 RELATED ITEM

16 ITEM 3A

17 9467 Herbert Road, 0.129 acres
18 Consider approval of a minor subdivision plat.
19 Applicant: BV 500 II, LLC; James and Amanda Jarboe

20 MR. HOWARD: Then in a related item, 3-A,
21 which was a minor subdivision plat would be postponed,
22 should be postponed as well, but you all should take
23 final action to or take action to postpone that as
24 well.

25 MR. ROGERS: I make a motion to postpone the
related item.

1 CHAIRMAN: We have a motion from Commissioner
2 Rogers to postpone the Related Item Number 3-A. Do we
3 have a second?

4 MS. WELLS: I'll second.

5 CHAIRMAN: Second from Commissioner Wells.
6 Are there any questions or comments on the motion or
7 second?

8 (NO RESPONSE)

9 CHAIRMAN: Seeing none all those in favor of
10 postponing the additional Item Number 3-A Subdivision
11 Plat to the June 2023 meeting please raise your right
12 hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: The motion carries.

15 MR. HOWARD: That would be the June 8th
16 Planning Commission meeting.

17 ITEM 4

18 7480 Short Station Road
19 Consider approval of a wireless telecommunications
20 tower.
21 Applicant: VB 500 II, LLC; Fred and Thelma Marksberry
22 Trust & Fred Marksberry, Jr., Trustee

23 MS. EVANS: This cell tower is identical in
24 layout on a different piece of property in a different
25 part of our community. So this one is on Short
26 Station Road.

27 The cell tower in this area for this property

1 is also a 75 foot by 75 foot leased area. It is set a
2 little bit back further on Short Station Road. Not
3 quite as close in proximity to some existing
4 residences, but there are residents in the area.

5 Similar with the other application, they did
6 submit all of the required materials as in accordance
7 with the Zoning Ordinance. I believe they are
8 prepared to ask for a waiver on the screening element
9 for this application as well, but that was not
10 addressed in your Staff Report.

11 Findings of Fact:

12 1. The application is complete with all
13 materials in accordance with the Owensboro
14 Metropolitan Zoning Ordinance;

15 2. The site is in compliance with all design
16 criteria of the Owensboro Metropolitan Zoning
17 Ordinance;

18 3. The permanent tower will improve service
19 for users within the community; and,

20 4. By providing the opportunity for multiple
21 service providers on this tower, we are promoting the
22 goal of the Comprehensive Plan to encourage
23 collocation in order to minimize the number of
24 telecommunication towers.

25 We would like to enter the Staff Report into

1 the record as Exhibit B.

2 CHAIRMAN: Thank you, Ms. Evans.

3 Do we have a representative of the applicant
4 wishing to speak?

5 MR. DIEGEL: Nicolas Diegel from Baker
6 Donelson again.

7 Another Vertical Bridge telecommunications
8 tower. I'm going to do what I did last time, there
9 might be some people, some nearby residents that want
10 to speak about the tower so I will defer my time and
11 let them speak if they're here.

12 CHAIRMAN: Thank you, Mr. Diegel.

13 Do we have anyone that would like to speak on
14 the application?

15 Yes, sir, please come to the podium and be
16 sworn in.

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

19 MR. ROBERTS: My name is Dayton Roberts.

20 (DAYTON ROBERTS SWORN BY ATTORNEY.)

21 MR. ROBERTS: My name is Dayton Roberts. I
22 live at 7475 Short Station Road. I've lived there for
23 45 years. I'm here to oppose the application for 7480
24 Short Station Road.

25 I'm not a public speaker, but it's important

1 that I need to be here for me and my wife and my
2 family. These things are going to be there a while.
3 I'm doing it for everyone.

4 There were 17 notices sent out to people that
5 may be concerned including myself. There's probably
6 ten more houses even in closer proximity as they are.
7 So it would be about 30 homes around that area.

8 What I'm wondering, I think the original site
9 was next to Jack Hinton Road. I was wondering why
10 they didn't accept that. So I have a question.

11 CHAIRMAN: Mr. Diegel, would you like to go
12 ahead and answer that question about Jack Hinton Road?

13 MR. DIEGEL: I don't know the answer to that.
14 I was not aware there was a previous propose site on
15 Jack Hinton Road.

16 I will say that Mr. Roberts was one of several
17 landowners in that area who was solicited to see if
18 they were interested in entering into a lease for the
19 telecommunications tower, and I will come back up.

20 CHAIRMAN: Mr. Roberts, we'll let you finish.

21 MR. ROBERTS: If I wanted one right in front
22 of my house, I have property right across the road
23 from that. I'm sure they get monetary funds for
24 these, but I don't want to put one on my property or
25 one in front of my neighbors. That's one reason I

1 didn't apply for the application.

2 My uncle who lives almost a mile away, they
3 talked to him and he was in compliance I think with
4 one and he has bottom ground. No hill ground at all.
5 They told him that he could have one on his place. I
6 raise crop on his property and there's no hill ground
7 at all.

8 Also, the person in the Marksberrys, they have
9 one of these on their farm in Ohio County. It's
10 hilly. It's a more secluded area. They have it on
11 the outskirts. It's at the bottom of a hill well away
12 from any homes. I know it can be better applied than
13 in front of my house.

14 You know, when you buy a home or property, you
15 want to look at the surroundings; what you have
16 behind, beside and in front of your house. A lot of
17 people, they like to have a nice looking lake in front
18 of their home. Well, it's a possibility I may have a
19 cell tower in front of mine, and probably about
20 250-feet away. Step off, I don't want to do that,
21 included on their land to see how far away, but it was
22 close. I have a picture that I can turn in for that.

23 There's no trees. It's an open field with
24 cattle grazing. I can see that. A big sign in the
25 field. We spend a lot of time outside. We enjoy our

1 shelter. I'll be able to see it on my farm when I
2 farm it and probably a mile away. So I never will be
3 able to get away from it. When you have your home,
4 you spend a majority of your time at your home.

5 The entrance going into the property is
6 between two curves. You might see that on the map.
7 On the map there's two sharp curves. Really what they
8 ought to be doing is the landowners, both of us,
9 working together and straighten both of those curves
10 out. It would take some of his land and my land also
11 and straighten the curves out. There's been numerous
12 accidents on that curve in front of my house. One of
13 them has been turned over right at the entrance where
14 they're planning the entrance to the site. You can
15 see on the map how close it is. I don't know exactly
16 how many acres they have on the farm, my grandparents'
17 farm also. Probably 200 acres or more. And they pick
18 the one spot right in front of my house. There's no
19 cover or anything. It would be very, I'm sure to my
20 property values. I don't know who anybody would want
21 to buy a house or property that close to a cell phone
22 tower.

23 Another thing he was talking about falling
24 over, you know, 250 feet. You also have debris flying
25 from it. There's a power line running right through

1 my property, through the driveway, is close to this
2 tower. Never say, don't ever say never. You never
3 know. If they're supposed to fall straight down, I
4 don't know. You never know. Towers do fall.

5 Another thing, I've got a handicap son and I
6 don't know what this would have affect on him. It
7 would have a life-threatening affect if this applies
8 to interfere, if we can't go through any, check your
9 scanners or metal detectors. He had a scan done
10 yesterday or the day before and he had to hold his
11 arms up. He'd walk through detectors. I don't know
12 what kind of affect it could have, reverse affect on
13 that. He also has epileptic seizures so we don't know
14 what kind of affect it would have on it also. That's
15 the concerns that we have.

16 One thing if it is postponed or whatever, I
17 recommend moving it to another site. It may take
18 months, to delay more months, but whatever. I will be
19 seeing this for the rest of my life. That's all I
20 have to say.

21 CHAIRMAN: Thank you, Mr. Roberts.

22 Do we have anyone else from the audience that
23 would like to speak on the application?

24 MR. MARKSBERRY: My name is Jacob Marksberry.
25 I'm the landowner.

1 (JACOB MARKSBERRY SWORN BY ATTORNEY.)

2 MR. MARKSBERRY: I'm going to start by saying
3 whenever they picked us, you get a letter in the mail
4 and it's a plat map and it's a big circle. Everybody
5 that owns the property within that circle gets one of
6 those letters. I, myself, Mr. Roberts and Marvin
7 Purcell all got letters. I called them. They came
8 out. We met them, talking over on the corner of Jack
9 Hinton Road. We met the guy that came to talk to us
10 at the church that is on the corner of Jack Hinton
11 Road and Short Station. The reason that we didn't
12 want it there was I wasn't putting it next-door to a
13 church or across the road. That's just common decency
14 I thought. I said, let's move it. He said, where is
15 the highest part on the farm? I said, behind my shop.
16 So that's where we put it. It's 200 foot off the road
17 in every direction. It's the highest point on the
18 farm. There's 162 acres on the farm just to be clear.
19 The farm drains directly backwards. Highest in front.
20 Short Station Road. Drains backward as you go down
21 Jack Hinton. Everything, as far as I'm concerned,
22 we've been working on this for about a year.
23 Everything has been drilled for. We've looked for
24 everything from dinosaur bones to native American
25 artifacts. Jumped through all the hoops to make sure

1 all the regulations, all the T's were crossed, I's are
2 dotted. Any questions I'm here to answer.

3 CHAIRMAN: Thank you, Mr. Marksberry.

4 Mr. Roberts.

5 MR. ROBERTS: What I would like to mention is
6 I'm sure that people of the church would probably have
7 all the parishioners here tonight if that was the
8 case.

9 They also mentioned a spot on Windy Hill Road,
10 which is more straight, more open too. Less traffic
11 and safer going in and out. You wouldn't want to put
12 it in front or beside of the church, but it's all
13 right to put it right in front of my house. So I
14 guess you'd say, well, are you fighting the whole
15 congregation or just fighting one. I guess it's
16 easier to fight one than the whole congregation.

17 CHAIRMAN: Thank you.

18 Yes, go ahead.

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

20 MR. HENSON: Ryan Henson.

21 (RYAN HENSON SWORN BY ATTORNEY.)

22 MR. HENSON: My name is Ryan Henson. I live
23 at 7515 Short Station Road. Jake is my neighbor. He
24 always will be my neighbor regardless of this. I will
25 treat you like a neighbor.

1 I've got a little bit of a different
2 perspective. I moved here last year. Used one of the
3 builders in the county and we paid top dollar to build
4 ourselves a custom dream home. It's located right
5 across from Jake's house, as you see on the map.

6 I'm going to piggyback a little off what the
7 attorney for Vertical Bridge has already stated. I
8 would hope you guys might consider postponing this
9 like you did the other.

10 This sounds like impact more homes. I believe
11 that the Roberts' home is about 70, 75 yards from this
12 pole, if my math is right. I think the plat is in
13 feet. My concern is the value of my home. I've put a
14 lot of work for 20 some years in state government. We
15 saved. We sold our home and moved from Northern
16 Kentucky. We wanted to get out in the country
17 lifestyle as well. We love the county. Can't say
18 enough great things about it. We've got a church.
19 We've got kids involved in all kind of different
20 things and we're planning on being here for a while.
21 I've got a lot of value in equity and I'm not talking
22 equity. I don't think it effects equity, but it
23 certainly effects the market value of my home if I've
24 got to sell it. That's probably one of my biggest
25 concerns. I've had conversations with realtors. I've

1 had conversations with property value appraisers, with
2 some folks that are in the construction business.
3 They all have different things to say, but they all
4 essentially said two things. Number one, it's going
5 to have some impact. If you've got a cell phone tower
6 in your front yard, this will be in my front yard,
7 front porch, front windows, it's going to decrease the
8 number of people likely that might notice it or be
9 interested in buying the home.

10 I would like to know what the purpose is, and
11 you've hit on that a little bit. I already have cell
12 phone service. We have fiber internet coming through.
13 It's already been started right now, some of the
14 Kenergy area. I'm not sure if OMPC is part of that or
15 if that's a county thing, but that's coming as well,
16 which is a far superior product to fix wireless
17 internet.

18 I worry about that curve. I've witnessed a
19 wreck there. A young gentleman flipped his truck I
20 believe in the field next to the Roberts' home just
21 coming through that curve. I'm not sure if there's a
22 line of sight requirement there. There was a line of
23 sight requirement for me when I was building the home.
24 The driveway, I wanted it in one spot. Was told,
25 can't do that. I don't know if that applies. Maybe

1 that's a question maybe you all can answer.

2 I guess to go back to if you could maybe

3 for -- I've got a few questions. I can come back,

4 however you all want to do this. The user of the

5 tower, if it is a cell only tower, if that is for

6 fixed wireless internet? Like I said, we already have

7 that. Requirements for distance from the road are

8 another person's property, are there any requirements

9 for that? The line of sight requirements. You talked

10 about if it falls, I'm not going to go through that

11 again. I guess the requirements for how far this has

12 to be from another person's property. We heard that

13 in the previous proposal.

14 I want to know as well, you guys kind of hit

15 on this, has there been other situations where a tower

16 has been approved this close to other homes in the

17 county? It's not just my home and the Roberts. There

18 are other people there and there are other people that

19 got letters that chose not to show up. That's fine.

20 But it looks like we're putting this in an area where

21 there are other homes around in close proximity. My

22 house is 150 yards maybe. That's a total guess. I

23 would like to know if other locations were explored as

24 alternatives. I don't want to see you guys not get

25 it. I just don't necessarily want it close to my

1 house where I'm impacted, having lived here for less
2 than a year.

3 The last thing is the construction. The
4 previous gentleman brought this up as well. How does
5 that effect the foundation of my home in terms of the
6 construction, the drilling that's going to take place?
7 If I need to repeat any of those, I certainly can.
8 That's all I have.

9 CHAIRMAN: Attorney Diegel.

10 MR. DIEGEL: Thank you. I'm going to start by
11 addressing Mr. Roberts's concerns.

12 My understanding, and Mr. Marksberry can
13 certainly come up and affirm this, is that all the
14 other property owners besides Mr. Roberts and
15 Mr. Henson have been in favor of this tower being
16 installed and understand the benefits it brings to the
17 community.

18 Regarding the curve, I'm not sure what
19 connection a dangerous road has to the erection of a
20 monopole set pretty far back from the road. This
21 monopole is not going to be heavily trafficked once
22 it's erected. It's going to have just very sparing
23 visits by technicians to check on it, check on the
24 equipment. So it's not going to increase traffic on
25 that curve.

1 The falling concern, again, these are
2 structural engineers that have approved this plan.
3 It's been widely accepted in the telecom community.
4 It's been approved by other planning commissions
5 across the Southeast United States. If it falls, it's
6 going to collapse onto itself. It's not going to fall
7 all the way down. It's not going to hit power lines.
8 We have designed these sites not to hit objects if
9 there's a control fall, and it will have a control
10 fall. It's scientifically certain to fall the way
11 it's designed.

12 Regarding the concerns about transmissions
13 interfering with Mr. Roberts's grandson I believe he
14 said. Again, the transmissions from this tower comply
15 with all FCC requirements. The FCC has not expressed
16 any concerns and I'm sure this young gentleman has
17 gone into areas with cell phone service and not
18 experience difficulty or any kind of interference.

19 Regarding Mr. Henson, I'm going to echo again
20 the value of the home. There is no data showing that
21 installing a monopole effects negatively the value of
22 a home or the marketability of the home.

23 To speak personally, I live at a house in
24 Knoxville and I can see a monopole about 200 feet away
25 from my house. It does not bother me because I know I

1 have a viable cell phone service. In case my wifi
2 goes out, in case there's an emergency, I always have
3 my cell phone. I think -- I don't want to say it's an
4 eyesore, but the potential eyesore is outweighed by
5 the benefits to the community as a whole.

6 There was a comment from Mr. Henson about how
7 the signals improved. If you turn to tab 15, again,
8 we looked at this on the other site. I'll try to show
9 this to Mr. Henson too. It's color so it's going to
10 be pretty easy to see. This is the current, this is
11 the site. I'm assuming your home is over here
12 somewhere.

13 MR. HENSON: Yes.

14 MR. DIEGEL: I think that picture is a little
15 different oriented. Blue is a decent signal. Green
16 is what you want. This is current. Red is dead
17 spots. With the new monopole, if I can get the page
18 to turn, nothing but green. It's going to strengthen
19 your signal. It's going to make it more reliable even
20 when you're traveling to and from work. It's going to
21 make it more reliable, cell phone signals for you and
22 your neighbor. Whoever goes to that church that's
23 nearby can rely on having a good cell signal if they
24 want to do something at the church that involves the
25 internet.

1 The monopole is going to be for telecom. It's
2 not for internet, it's not for wifi. It might help
3 you run Verizon. I'm not too familiar with that
4 product, but it's intended to be leased by telecom
5 companies like Verizon, T-Mobile, Sprint. Well,
6 Sprint is not a thing anymore. AT&T, those type of
7 companies do run cell phone signals to the community.

8 Regarding how close these can be built to
9 homes, the county has already decided this by creating
10 the setback requirements for telecom towers. This
11 plan is in compliance with those requirements.

12 Regarding construction, again, we run this by
13 engineers and by environmentalist who determine if
14 there's going to be negative impact to surrounding
15 areas, including Mr. Henson's home and licensed
16 contractors, licensed engineers will be installing
17 this monopole in a way that is safe for all of the
18 surrounding landowners.

19 I think I hit on everything. Does the
20 commission have any questions for me?

21 CHAIRMAN: Commissioner Wells.

22 MS. WELLS: You mentioned that the purpose of
23 the pole is for telecom providers only. It's not --
24 obviously Kenergy is running fiber to the home in this
25 area and you said it's not an internet provider. So

1 you're not looking for wireless, AT&T wireless or any
2 of those? It will be only for cell service?

3 MR. DIEGEL: I'm not actually sure of that.
4 That actually might be a possibility. I know the
5 primary purpose is to get a signal boosted out for the
6 high elevation for wireless.

7 MS. WELLS: In the application it shows the
8 carrier is AT&T. So Vertical Bridge is a subsidiary
9 of AT&T?

10 MR. DIEGEL: I don't think that's accurate.
11 They lease to AT&T, yes, ma'am.

12 MS. WELLS: Do you have telecom providers
13 already locked in? There's room for three attachments
14 on this pole?

15 MR. DIEGEL: Yes.

16 MS. WELLS: Are those reserved yet?

17 MR. DIEGEL: I'm not sure. I don't know, but
18 certainly we are financially incentivized by building
19 the tower to get as many providers on the tower as
20 possible. Tell the community, you know, everyone that
21 runs Verizon or AT&T.

22 MS. WELLS: Obviously boost AT&T, they're
23 going to be a provider that is on there.

24 MR. DIEGEL: Right.

25 MS. WELLS: And you don't know who the others

1 will be at this point?

2 MR. DIEGEL: I don't, but anything is
3 possible.

4 MS. WELLS: Thank you.

5 CHAIRMAN: Do we have any addition questions
6 or comments?

7 Mr. Henson.

8 MR. HENSON: Just real quick to clarify. You
9 said or you insinuated that I was in favor, maybe that
10 I was informed.

11 MR. DIEGEL: No. I excluded you.

12 MR. HENSON: I've never been informed or said,
13 yes, I'm in favor, put one up over here. I haven't
14 even lived here a year. I moved in November of last
15 year. Got a letter from your law firm in March.
16 Anyway, I just wanted that to be on the record.

17 MR. DIEGEL: I'm not implying. Mr. Henson
18 obviously is not in favor at this time. I'll defer to
19 Mr. Marksberry if he wants to confer with who he spoke
20 with.

21 MR. HENSON: As the location. I mean I'm in
22 favor of having it. It's just the location strictly
23 for me because I built a home here, moved in November.
24 Now I've got a cell phone tower going up. That's a
25 big part of my concern.

1 MR. DIEGEL: And the reality of it is, most
2 homes are built on elevation. You can't build below
3 elevation or you're going to have water issues. The
4 same has to be for a monopole. There's going to be
5 some conflict between homes and monopoles when they're
6 erected. I think it's inevitable that this is going
7 to come up in most situations, that there's someone
8 nearby that doesn't want to see a monopole outside of
9 their home. It's helpful for the community as a whole
10 to have this here.

11 Are there any more questions from the
12 commission?

13 CHAIRMAN: I think Mr. Roberts has additional
14 questions.

15 MR. ROBERTS: We have no issue with our cell
16 phone in that area. Our cell phone is great. We've
17 got internet. We've got everything. Everything is
18 fine.

19 He seems to be speaking as long as everyone
20 else is happy, that it doesn't matter. I've lived
21 there for 45 years. Been in the dairy business, grain
22 business, and I still farm and I live there. It's my
23 home place. The land I built on is the Roberts home
24 place. I'm not going to move. I'm going to stand
25 here and I'd have to look at that the rest of my life.

1 Another thing talking about the entrance going
2 into this tower. It's not my curve that's the
3 entrance and the problem. It's in-between both of
4 those curves you have issues. I've had vehicles go
5 around those curves and turn over, accidents right
6 there. That's the issue, the distance between those
7 curves. Let you know that.

8 CHAIRMAN: Thank you.

9 MR. DIEGEL: I'm still having trouble
10 understanding how having an access road on that curve
11 is going to impact traffic.

12 MR. ROBERTS: It's not going to impact
13 traffic. Traffic is coming around that curve and here
14 you are going in the entrance to the tower, where it's
15 going to be built, in-between those two curves.
16 Anyone coming around those curves are going to be
17 blind-sided right off and it's danger. You might say,
18 well, you don't use that very often. Well, it only
19 takes one time. As soon as you get off and there's a
20 vehicle or whatever. That's what I mean.

21 MR. DIEGEL: I think that could be
22 accommodated through a contractor with a traffic crew
23 if need be.

24 And the other thing I'll say, and I'm not
25 trying to downplay Mr. Roberts' concerns or

1 Mr. Henson's concerns. Fact of the matter is this was
2 the ideal location. It's unfortunate that it's going
3 to effect some people, but it's going to benefit a
4 whole lot more.

5 CHAIRMAN: Commissioner Strehl, did you have a
6 question?

7 MS. STREHL: In relation to when you were
8 selecting the spot, the elevation has been brought up
9 multiple times as a priority. Certainly access to the
10 road is too, right? I mean isn't that a heavy
11 consideration, that how far off the road? Because
12 you're going to have to build an access road and it's
13 going to be more expensive for you to do that. Both
14 proposals is fairly close to the main road.

15 MR. DIEGEL: That is correct. This one is
16 further away than the Herbert Road site. It would be
17 less costly, but it's not really determinative in that
18 analysis. I've done Verizon's tower work in the
19 Tennessee and Kentucky and South Carolina, and some of
20 those roads, those access roads go hundreds of feet.
21 That's not the determinative factor for why this
22 location was selected.

23 MS. STREHL: Thank you.

24 CHAIRMAN: Commissioner Ball.

25 MR. BALL: I don't know if I've got a question

1 or a comment here. It sounds like there have been
2 multiple locations looked at on this property, on
3 other properties. You know, you have to have somebody
4 who is willing to want to lease their space.
5 Elevation plays a role in it. But I think we have to
6 be careful on how we make our decisions based on what
7 the monopole looks like. Really just due to the fact
8 there's never going to be a perfect location. That's
9 a concern. I think we have to be careful setting
10 precedence that we don't want something because the
11 monopole is in somebody's line of sight. I know
12 everyone views that different. You know, someone
13 built there across from it, maybe they would, maybe
14 they wouldn't have. I know change is definitively
15 always hard. I have some concerns that if we're
16 solely looking at this just because someone doesn't
17 want it, do we have a clear basis as Staff to come up
18 with findings of fact for that? Maybe that's my
19 question.

20 CHAIRMAN: Director Howard.

21 MR. BALL: I was kind of all over place. I
22 apologize.

23 MR. HOWARD: Would you mind to clarify your
24 question, please?

25 MR. BALL: We can't come up with findings of

1 fact just because somebody doesn't want it.

2 MR. HOWARD: I'm not our attorney. I would
3 certainly defer to Ms. Knight.

4 Any time you make findings of fact, whether
5 it's a rezoning, a cell tower ap, whatever it may be,
6 you have to have findings of fact and those need to be
7 specific to the application in front of you and
8 dealing with the facts that pertain to that. You have
9 to make a decision as to whether or not the
10 information you've heard is information, is facts, is
11 it applicable to this case. Are there reasons why,
12 you know, and then you have to weigh out those facts.
13 Determine what factors more into your decision and
14 whatever you determine, you know, may be different
15 than Mr. Rogers, but it's based on the facts as you've
16 heard them, as you understand them when you prepare
17 findings.

18 MR. BALL: That's good enough. Thank you.

19 MR. DIEGEL: May I speak?

20 CHAIRMAN: Go ahead.

21 MR. DIEGEL: Something I want to add.

22 I agree with Commissioner Ball. It's
23 inevitable someone is going to be unhappy with
24 something like that, but I don't think that's a valid
25 reason to deny the community something that's going to

1 be helpful. Wireless communications are essentially a
2 utility at this point. They're necessary for people.
3 Everyone is glued to their cell phone, their
4 SmartPhones. It's going to be helpful for landowners.
5 It's going to be helpful for people visiting.

6 I drove up here from Knoxville. I went
7 through Scottsville, Kentucky maybe, and I didn't have
8 service half the time and it was frustrating. This is
9 exactly what we fix, that type of problem, to have
10 cell phone service in more remote areas or more rural
11 areas. It's going to be upsetting for some, but if
12 that's the threshold, then nothing is ever going to
13 get passed by a planning commission in any city in any
14 state.

15 CHAIRMAN: Thank you.

16 Do we have any additional questions?

17 Commissioner Raque.

18 MR. RAQUE: I have one additional question
19 regarding the screening. You are proposing or
20 requesting, I don't know if it's a variance for a
21 slatted fence?

22 MR. DIEGEL: Yes, sir.

23 MR. RAQUE: Is there any oppositions with a
24 slatted fence along with some type of shrubbery?

25 MR. DIEGEL: No. We would prefer the slatted

1 fence, but we will take whatever the commission wants
2 on screening. We're not too picky on that.

3 MR. RAQUE: Understood. Thank you.

4 CHAIRMAN: Do any other commissioners have any
5 questions or comments?

6 Mr. Roberts. Go ahead.

7 MR. ROBERTS: He keeps stressing high
8 elevations. I know a person, my uncle, that he was
9 spoken to about one and he has bottom ground, low
10 ground, and they was talking to him about putting it
11 on his place. I don't know what the difference. High
12 elevations, but why else can they still put it on
13 lower elevations? That's my question.

14 MR. DIEGEL: We didn't put it on a lower
15 elevation. We put it on a higher elevation.

16 MR. ROBERTS: You did on this. He was asked
17 to put it on his property, on a lower elevation, that
18 it would work.

19 MR. DIEGEL: As Mr. Marksberry said, that
20 circled area was solicited which includes the
21 gentleman Mr. Roberts is referring to. We worked
22 something out with Mr. Marksberry because he had a
23 large parcel and he had high elevation and he was
24 willing to lease that property to us.

25 MS. EVANS: I just wanted to clarify the

1 screening requirement.

2 The ordinance requires a chain-link fence that
3 is 80 percent open, where most of the time you all are
4 seeing a fence that is a slatted fence or a solid
5 fence that is 80 opacity; so 80 percent closed
6 basically. So this is kind of the reverse of that.
7 So it's 80 percent open fence with a double row of
8 staggered pines around it so that you can see into
9 that facility for protection of the equipment that's
10 in there and protection of people. So what they're
11 asking for is a fence that is slatted, which you would
12 typically see like around your outdoor storage areas
13 here in our community, and then none of the shrubbery
14 around it.

15 CHAIRMAN: Thank you, Ms. Evans.

16 Do we have any additional wrap-up comments?

17 Yes, Mr. Marksberry.

18 MR. MARKSBERRY: As you can see on the plat,
19 anywhere you put it in that area it's going to be in
20 front of somebody's house. That is a clear piece of
21 ground. All the way around it it's clear. Even if
22 it's on a different landowner, if you put it in that
23 area, you're going to effect somebody.

24 CHAIRMAN: Thank you.

25 Yes, ma'am, please come to the podium to be

1 sworn in.

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

4 MRS. ROBERTS: Marsha Roberts.

5 (MARSHA ROBERTS SWORN BY ATTORNEY.)

6 MRS. ROBERTS: I don't think you all realize
7 how close this is going to be after it's erected and
8 the fence and everything to our property. It is right
9 across the road. We have windows all across the front
10 of the house. We can see it out every window. We
11 have a concrete patio. You can see it there. My son
12 sits out front all the time. We see this thing all
13 the time. I don't think you realize how much this is
14 going to effect us. I mean nobody wants a cell phone
15 tower in front of their house. Would you all want a
16 cell phone tower in front your house? Any of you all?
17 I don't think so. Nobody wants a cell phone tower in
18 front of their house. There are lots of -- it doesn't
19 have to be on Mr. Marksberry's ground. There's lots
20 of hills in Knottsville and towards Knottsville.
21 There's lots of places that that could go. It doesn't
22 have to go in front of our house. It can go on
23 somebody else's property. I know he wants it, but
24 that is going to effect our house. I just don't think
25 you realize how close it is and what we have to look

1 at every day of our life. Thank you.

2 CHAIRMAN: I think I actually have a question
3 for Mr. Diegel.

4 Please correct me if I'm wrong. You all
5 solicited applications in that area for people that
6 were interested in leasing to you all, correct, for
7 this monopole?

8 MR. DIEGEL: Yes, ma'am, and that included Mr.
9 Roberts and Mrs. Roberts.

10 CHAIRMAN: Thank you. I just wanted that
11 clarification.

12 MR. DIEGEL: I would like to address Mrs.
13 Roberts real quick.

14 If we don't build this tower, this red is
15 going to stay. You're going to have people in the
16 area, people traveling that can't access or have
17 unreliable access to telecommunications. So that's
18 pretty viable today.

19 I'm not trying to downplay Mrs. Roberts'
20 concerns, but there is a purpose being served here.

21 I don't know if I misheard or Mrs. Roberts
22 misspoke, I mean no disrespect, about building closer
23 to Knottsville. This site is targeted to address an
24 area where there are transmission problems,
25 transmission weaknesses to address those and help the

1 community. Not just to help us or help the telecom.
2 That's all I have on that.

3 CHAIRMAN: Thank you.

4 Do we have anything else from the audience?

5 Commissioner Gasser.

6 MR. GASSER: So the tower, you're not sure if
7 it's going to provide wifi for the home; is that
8 correct?

9 MR. DIEGEL: My understanding is wifi is
10 routed to your home -- I'm not 100 percent sure. The
11 purpose of a monopole is going to boost a signal out
12 which is telecommunications. I don't really think
13 it's focused on wifi.

14 MR. GASSER: Okay. It's going to be
15 predominately for cell service?

16 MR. DIEGEL: Correct. You can run fiber to
17 these towers, but I don't know that you can run it
18 from the tower to a home.

19 MR. GASSER: What cell service is available
20 out there currently?

21 MR. DIEGEL: I don't know off the top of my
22 head. I'll tell you AT&T is out there. That's where
23 we got the data about weak signals. I don't know. I
24 don't know if it's Verizon. I assume most of the
25 major carriers cover this area.

1 MR. GASSER: It's not considered a dead area.
2 It's not an area that is like, there's no service here
3 at all?

4 MR. DIEGEL: No. But it is an area that is
5 between two towers that are on the fringe. So
6 whenever you get to an area, your cell phone is going
7 to be trying to switch between these two towers and
8 it's going to cause interference and difficulty
9 connecting to whatever telecom network you have
10 subscribed to. So by putting this tower in there,
11 you're stuck on that tower instead of flipping back
12 and forth. That's my understanding of how that works.

13 MR. GASSER: Thank you.

14 CHAIRMAN: Yes, Mr. Roberts, please, come to
15 the podium.

16 MRS. ROBERTS: We have great cell phone. Our
17 cell phone is fine. We have no problems with our cell
18 phone. We have no problems with our satellite. We
19 have Dish. We have no problem with that. We have no
20 problem with anything. I don't think -- I know that
21 several people around us don't have any problems with
22 their phones.

23 My son-in-law, they lived with us while they
24 were building their home. He had to use my internet
25 to do his work. My niece comes from Alexandria,

1 Virginia. When she comes in to visit her mother, she
2 comes over to my house and uses my internet. So we
3 have -- she uses her cell phone there. We have great,
4 great service.

5 I just don't think we need that tower right in
6 front of our house. I'm sure other people have got
7 great service too around there. I don't really think
8 we need it there. It could be moved someplace else,
9 you know. I don't know. I just don't think you
10 realize how close it is to our home. Anyway, thank
11 you.

12 MR. DIEGEL: I think I've covered this a
13 couple of times, but I'll do it one more time. I
14 don't want to belabor the point.

15 Blue is good. Green is great. While Mrs.
16 Roberts might have good cell phone connection at her
17 home, others don't, especially these people in the
18 red. That's what we're trying to fix. That's who
19 we're trying to help. It's not just Mrs. Roberts,
20 it's not just Mr. Henson, it's not just
21 Mr. Marksberry. It's everyone that lives within the
22 range of that cell phone tower is going to benefit
23 from this.

24 CHAIRMAN: Thank you.

25 Any addition comments from the commission?

1 (NO RESPONSE)

2 CHAIRMAN: Any additional comments from the
3 audience?

4 (NO RESPONSE)

5 CHAIRMAN: Seeing none the chair is ready to
6 entertain a motion.

7 Commissioner Ball.

8 MR. BALL: I would like to make a motion to
9 approve based on the Planning Staff's Recommendation
10 and Findings of Fact 1 through 4.

11 CHAIRMAN: We have a motion for approval. Do
12 we have a second?

13 MR. RAQUE: Second.

14 CHAIRMAN: We have a second from Commissioner
15 Raque. With a motion and a second do we have any
16 questions on the motion?

17 MR. HOWARD: I guess I've got one question.

18 If you are moving to approve the application,
19 there was the waiver requested or the alteration
20 requested on screening. Would you --

21 MR. BALL: Mine would be without that waiver.

22 MR. HOWARD: So it would have to meet the
23 Zoning Ordinance requirements, the double row of
24 staggered evergreens?

25 MR. BALL: That is correct.

1 MR. HOWARD: Just wanted to make sure that I
2 was clear or we were clear on that.

3 CHAIRMAN: Thank you, Director Howard.

4 We have a motion and a second. Do we have any
5 questions?

6 MR. RAQUE: My second follows Manuel.

7 CHAIRMAN: Do we have any questions or
8 comments on the motion?

9 (NO RESPONSE)

10 CHAIRMAN: Seeing none all those in favor
11 please raise your right hand.

12 (BOARD MEMBERS IRVIN ROGERS, SHARLA WELLS,
13 MANUEL BALL, SKYLAR STEWART, LEWIS JEAN, TERESA
14 BOARMAN AND GREG RAQUE RESPONDED AYE.)

15 CHAIRMAN: All opposed.

16 (BOARD MEMBERS LAURNA STREHL AND JASON GASSER
17 RESPONDED NAY.)

18 CHAIRMAN: The motion carries.

19 RELATED ITEM

20 ITEM 4A

21 7480 Short Station Road, 0.130 acres
22 Consider approval of a minor subdivision plat.
23 Applicant: VB 500, II, LLC; Fred and Thelma
24 Marksberry Trust & Fred Marksberry, Jr.

25 MR. HOWARD: This plat pertains to the
application that you just heard. It is a land-lock

1 parcel and is smaller in size than what would
2 typically be allowed within this zoning district, but
3 the fact that it is for a telecommunication structure,
4 there's notations on the plat that it's an unbuildable
5 lot, other than the telecommunication tower and
6 related equipment. So you couldn't build a house or
7 anything else on it. We would recommend that you
8 consider it for approval.

9 CHAIRMAN: Thank you, Director Howard.

10 Do we have anyone that would like to comment
11 for this subdivision plat?

12 MR. DIEGEL: I'll just say the tower has been
13 approved. I ask that you approve the plat as well.
14 Thank you.

15 CHAIRMAN: Do we have anyone in the audience
16 that has any questions or comments on the subdivision
17 plat?

18 (NO RESPONSE)

19 CHAIRMAN: Seeing none do we have any
20 commissioners with any questions or comments on the
21 subdivision plat?

22 (NO RESPONSE)

23 CHAIRMAN: Seeing none the Chair is ready to
24 entertain a motion.

25 Commissioner Ball.

1 MR. BALL: Motion to approve the plat.

2 CHAIRMAN: We have motion by Commissioner Ball
3 for approval. Do we have a second?

4 MR. RAQUE: Second.

5 CHAIRMAN: Second by Commissioner Raque. With
6 a motion and a second do we have any questions about
7 the motion?

8 (NO RESPONSE)

9 CHAIRMAN: Seeing none the Chair is ready to
10 entertain a vote. All those in favor of approval
11 please raise your right hand.

12 (BOARD MEMBERS IRVIN ROGERS, SHARLA WELLS,
13 MANUEL BALL, SKYLAR STEWART, LEWIS JEAN, TERESA
14 BOARMAN AND GREG RAQUE RESPONDED AYE.)

15 CHAIRMAN: All opposed:

16 (BOARD MEMBERS LAURNA STREHL AND JASON GASSER
17 RESPONDED NAY.)

18 CHAIRMAN: Motion carries.

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

1 ZONING CHANGES

2 ITEM 5

3 2207 West First Street, 0.671 acres
4 Consider zoning change: From R-4DT Inner-City
5 Residential to I-2 Heavy Industrial
Applicant: Owensboro Self Storage, LLC

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

8 MR. PEDLEY: Trey Pedley.

9 (TREY PEDLEY SWORN BY ATTORNEY.)

10 PLANNING STAFF RECOMMENDATIONS

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

13 CONDITIONS

14 1. Obtain approval of a Minor Subdivision
15 Plat to consolidate all industrial zoned properties
16 associated with the development;

17 2. Obtain approval of an Amended Final
18 Development Plan for the entire self-storage facility;
19 and,

20 3. All lighting associated with the
21 development shall be oriented away from adjoining
22 residentially zoned properties located across the
23 alley, and away from adjoining residentially zoned
24 properties located across River Road.

25 FINDINGS OF FACT

1 1. The subject property is located in a
2 Central Residential Plan Area where heavy industrial
3 uses are not generally recommended;

4 2. Staff recommends approval because the
5 closure of West First Street is a physical change to
6 the area that the most recent adoption of the
7 Comprehensive Plan did not anticipate;

8 3. The proposal is a logical expansion of
9 existing I-2 Heavy Industrial zoning to the south and
10 west;

11 4. By consolidating the subject property into
12 the existing self-storage operation to the south, the
13 0.671-acre proposal shall not significantly increase
14 the extent of the industrial uses or the industrial
15 zoning within the general vicinity; and,

16 5. The proposal should not overburden the
17 capacity of roadways and other urban services that are
18 available in the affected area

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

21 CHAIRMAN: Thank you, Mr. Pedley.

22 Do we have anyone here representing the
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Would you like to speak or just

1 here to answer questions?

2 APPLICANT REP: I'm good.

3 CHAIRMAN: Thank you.

4 Anyone else in the audience that would like to
5 speak on the application or have any questions?

6 (NO RESPONSE)

7 CHAIRMAN: Seeing none, do any of the
8 commissioners have any questions or comments on the
9 application?

10 (NO RESPONSE)

11 CHAIRMAN: Seeing none the chair is ready to
12 entertain a motion.

13 Commissioner Jean.

14 MR. JEAN: I would like to make a motion to
15 approve the application based on the Staff Report, the
16 site visit, with the three conditions and the five
17 findings of fact.

18 CHAIRMAN: We have a motion for approval by
19 Commissioner Jean. Do we have a second?

20 MR. RAQUE: Second.

21 CHAIRMAN: Second by Commissioner Raque. We
22 have a motion and a second. Any questions on the
23 motion?

24 (NO RESPONSE)

25 CHAIRMAN: Seeing none all those in favor for

1 approval please raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 ITEM 6

5 3004 & 3027 East 8th Street, 0.546 acres
6 Consider zoning change: From I-1 Light Industrial to
7 B-4 General Business
8 Applicant: Pleasant Valley Community Church, Inc.;
9 Auto Truck and Trailer Rentals, LLC

10 PLANNING STAFF RECOMMENDATIONS

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

13 CONDITIONS

14 1. Obtain approval of a Final Development
15 Plan; and,

16 2. Redevelopment of the subject properties
17 shall require a 10-foot wide landscaping easement
18 consisting of a 6-foot tall continuous element and
19 1-tree per 40-linear-feet where the B-4 General
20 Business zoning adjoins residential zoning to the
21 west.

22 FINDINGS OF FACT

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

26 2. The subject properties are located in an
27 Industrial Plan Area where general business uses are

1 appropriate in very-limited locations;

2 3. The proposed use, a church campus,
3 conforms to the criteria for nonresidential
4 development and by consolidating into the existing
5 church campus, the development shall be large enough
6 to ensure compliance with the criteria associated with
7 buffers for outdoor storage yards;

8 4. The proposal is a logical expansion of
9 existing B-4 General Business zoning to the east; and,

10 5. At 0.546 acres, the proposal does not
11 significantly increase the extent of the B-4 zoning in
12 the general vicinity, and will not overburden the
13 capacity of roadways and other necessary urban
14 services that are available in the affected area

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

17 CHAIRMAN: Thank you, Mr. Pedley.

18 Do we have anyone in the audience representing
19 the applicant?

20 Please come to the podium to be sworn in.

21 MR. COOMES: Mark Coomes.

22 (MARK COOMES SWORN BY ATTORNEY.)

23 CHAIRMAN: Do you have anything to speak on
24 behalf of the application or just here to answer
25 questions?

1 MR. COOMES: I'm good. Thank you.

2 CHAIRMAN: Thank you.

3 Does anyone in the audience have any questions
4 for the applicant or wish to speak on the application?

5 (NO RESPONSE)

6 CHAIRMAN: Seeing none do any of the
7 commissioners have any questions or comments on the
8 application?

9 (NO RESPONSE)

10 CHAIRMAN: Seeing none the chair is ready to
11 entertain a motion.

12 Commissioner Raque.

13 MR. RAQUE: Motion to approve based upon
14 Planning Staff Recommendations, Conditions 1 and 2 and
15 Findings of Fact 1 through 5.

16 CHAIRMAN: We have a motion for approval from
17 Commissioner Raque. Do we have a second?

18 MR. BALL: Second.

19 CHAIRMAN: Second by Commissioner Ball. Do we
20 have any questions on the motion?

21 (NO RESPONSE)

22 CHAIRMAN: Seeing none we are ready to vote.
23 All those in favor of approval please raise your right
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: The motion carries.

2 ITEM 7

3 3009 & 3027 East 8th Street, 1.108 acres
4 Consider zoning change: From B-4 General Business to
5 I-1 Light Industrial
Applicant: Auto Truck and Trailer Rentals, LLC;
Pleasant Valley Community Church, Inc.

6 PLANNING STAFF RECOMMENDATIONS

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

9 CONDITIONS

10 1. Obtain approval of a Final Development
11 Plan; and,

12 2. Development of the subject properties
13 shall require a 10-foot wide landscaping easement
14 consisting of a 6-foot tall continuous element and
15 1-tree per 40-linear-feet where the I-1 Light
16 Industrial zoning adjoins residential zoning to the
17 west.

18 FINDINGS OF FACT

19 1. Staff recommends approval because,
20 although the proposal does not comply with the
21 community's adopted Comprehensive Plan, the proposed
22 location is more appropriate for industrial zoning
23 than the existing location;

24 2. The subject properties are located in a
25 Business Plan Area where light industrial uses are

1 appropriate in limited locations;

2 3. The proposed use, truck and trailer
3 repair, conforms to the criteria for nonresidential
4 development and, at 1.108-acres in size, the site is
5 large enough to ensure compliance with the criteria
6 associated with buffers for outdoor storage yards;

7 4. The I-1 Light Industrial zoning is more
8 appropriate at the proposed location than it is at the
9 current location because relocating to the north side
10 of East 8th Street allows for the intended continuity
11 of the church use along the south side of East 8th
12 Street; and,

13 5. The proposal is not a significant increase
14 of the industrial zoning within the vicinity, nor
15 should the proposal overburden the capacity of
16 roadways and other necessary urban services that are
17 available in the affected area.

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

20 CHAIRMAN: Thank you, Mr. Pedley.

21 Do we have anyone representing the application
22 here?

23 Would you like to speak or just here to answer
24 questions?

25 APPLICANT REP: I'm just making myself

1 available to the commission if are there questions.

2 CHAIRMAN: Thank you.

3 Does anyone else in the audience have any
4 questions or comments on the application?

5 (NO RESPONSE)

6 CHAIRMAN: Commissioner Raque.

7 MR. RAQUE: I just have one quick clarifying
8 question.

9 My understanding is basically the church is
10 acquiring the property and you all are moving across
11 the street?

12 MS. KNIGHT: State your name for the record.

13 MR. MILLS: Jay Mills.

14 (JAY MILLS SWORN BY ATTORNEY.)

15 MR. MILLS: I'm sorry, Mr. Raque, would you
16 repeat the question?

17 MR. RAQUE: My question was, my understanding
18 of the situation is the church, basically they're
19 moving across the street and you're acquiring the
20 land.

21 MR. MILLS: Correct. We're going to acquire
22 the building and the land that's adjacent to the
23 church property in exchange for an amount of money and
24 also the additional land. They're going to move
25 across the street.

1 MR. RAQUE: Understood. Thank you.

2 CHAIRMAN: Thank you.

3 Do we have any additional questions?

4 (NO RESPONSE)

5 CHAIRMAN: Thank you. Seeing none the chair

6 is ready to entertain a motion.

7 Commissioner Ball.

8 MR. BALL: Motion to approve based on the

9 Planning Staff Recommendation, Conditions 1 and 2 and

10 Findings of Fact 1 through 5.

11 CHAIRMAN: We have a motion from Commissioner

12 Ball. Do we have a second?

13 MS. STREHL: I'll second.

14 CHAIRMAN: Second from Commissioner Strehl.

15 Do we have any questions or comments on the motion?

16 (NO RESPONSE)

17 CHAIRMAN: Seeing none the chair is ready to

18 entertain a vote. All those in favor please raise

19 your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 MINOR SUBDIVISION PLATS

23 ITEM 8

24 493 & 515 West Harmons Ferry Road, 34.099 acres

25 Consider approval of a minor subdivision plat.

 Applicant: Sandra Kay Woman; Ronald Allen Wells

1 MR. HOWARD: This plat comes before you as an
2 exception. Currently there are parcels there.
3 They're both larger. Both parcels are over ten acres
4 in size. The result of this division adds more
5 property to one and then takes the other down below 10
6 acres, 7.5 acres on that smaller parcel which means
7 it's not an agricultural tract anymore which means it
8 has to be a minor subdivision plat. It's out of
9 compliance with the 3 to 1 requirement. Considering
10 they're not creating any additional buildable lots out
11 of this and with the notations on there that the
12 properties can't be further subdivided without meeting
13 the requirements of the regulations, we would
14 recommend that you consider it for approval.

15 CHAIRMAN: Thank you, Director Howard.

16 Do we have anyone representing the
17 application?

18 (NO RESPONSE)

19 CHAIRMAN: Seeing none do we have any
20 questions or comments from the audience on the
21 application?

22 (NO RESPONSE)

23 CHAIRMAN: Seeing none do we have any
24 questions or comments from the commission on the
25 application?

1 (NO RESPONSE)

2 CHAIRMAN: Seeing none the chair is ready to
3 entertain a motion.

4 Commissioner Jean.

5 MR. JEAN: Motion to approve.

6 CHAIRMAN: We have a motion for approval from
7 Commissioner Jean. Do we have a second?

8 MS. WELLS: I'll second it.

9 CHAIRMAN: Second from Commissioner Wells. Do
10 we have any questions or comments on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: Seeing none we are ready for a
13 vote. All those in favor of approval please raise
14 your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 -----

18 NEW BUSINESS

19 ITEM 9

20 Consider approval of March 2023 financial statements

21 CHAIRMAN: Everyone should have received a
22 copy and have had an opportunity to review those in
23 your packet. Do we have any changes or concerns by
24 the Commission?

25 (NO RESPONSE)

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

3 MR. RAQUE: Motion to approve the financial
4 statements as presented.

5 CHAIRMAN: We have a motion for approval by
6 Commissioner Raque. Do we have a second?

7 MR. GASSER: Second.

8 CHAIRMAN: Second from Commissioner Gasser.
9 All those in favor please raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 ITEM 10

13 Comments by the Chairman

14 CHAIRMAN: I have none.

15 ITEM 11

16 Comments by the Planning Commission

17 (NO RESPONSE)

18 ITEM 12

19 Comments by the Director

20 MR. HOWARD: I'm done

21 CHAIRMAN: I'm ready for a motion to adjourn,
22 please.

23 MR. BALL: Motion to adjourn.

24 CHAIRMAN: Thank you, Commissioner Ball.

25 MR. RAQUE: Second.

1 CHAIRMAN: Second by Mr. Raque. All those in
2 favor please raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: We are adjourned.

5 -----

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

