

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 12, 2012

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 January 12, 2012, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 Ward Pedley, Vice Chairman
10 David Appleby, Secretary
11 Gary Noffsinger, Director
12 Madison Silvert, Attorney
13 Rev. Larry Hostetter
14 Tim Allen
15 Irvin Rogers
16 Wally Taylor
17 John Kazlauskas
18 Jason Strode
19 Fred Reeves

20 * * * * *

21
22 CHAIRMAN: I would like to welcome everybody
23 to the January 12th meeting of the Owensboro
24 Metropolitan Planning Commission. Will you please
25 rise while our invocation will be given by Mr. Gary
Noffsinger.

26 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

27 CHAIRMAN: Our first order of business will be
28 for Mr. Silvert to swear in our new inductees to the
29 commission.

30 MR. SILVERT: We have two new members of the
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1 commission tonight.

2 If Jason Strode and Fred Reeves both stand and
3 at the end of the oath if you agree just say, "I do."

4 (SWEARING IN OF JASON STRODE AND FRED REEVES.)

5 CHAIRMAN: Mr. Silvert, I also turn the
6 election of officers over to you.

7 MR. SILVERT: Every January we have the
8 election of officers. We have a chairman, a vice
9 chairman and also a secretary.

10 So I would like to open up the floor for
11 nomination for the office of chairman.

12 MR. APPLEBY: I nominate Drew Kirkland for
13 chairman.

14 MR. SILVERT: Is there a second?

15 MR. PEDLEY: Second.

16 CHAIRMAN: Does Mr. Kirkland accept the
17 nomination?

18 MR. KIRKLAND: Yes, sir, I do.

19 MR. SILVERT: Are there any other nominations?

20 MR. PEDLEY: I make a motion that nomination
21 cease and Mr. Kirkland be elected by acclamation.

22 MR. SILVERT: Is there a second.

23 FATHER HOSTETTER: Second.

24 MR. SILVERT: All in favor raise your right
25 hand.

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1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
2 MR. SILVERT: Congratulations, Mr. Chairman.
3 Now is the office of vice chair.
4 MR. APPLEBY: I make motion to nominate Mr.
5 Pedley as vice chair.
6 MR. SILVERT: Is there a second to the
7 nomination?
8 CHAIRMAN: I'd like to second that nomination.
9 MR. SILVERT: Mr. Pedley, do you accept the
10 nomination?
11 MR. PEDLEY: I do.
12 MR. SILVERT: Are there any other nominations
13 for the position of vice chair?
14 CHAIRMAN: I move that nomination cease.
15 MR. APPLEBY: Is there a second?
16 MR. APPLEBY: Second.
17 MR. SILVERT: All in favor of electing Ward
18 Pedley as vice chair please raise your hand.
19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
20 MR. SILVERT: Congratulations, Mr. Pedley.
21 Now the office of secretary.
22 CHAIRMAN: I'd like nominate Mr. Dave Appleby
23 for secretary.
24 MR. TAYLOR: Second.
25 MR. SILVERT: Any other nominations for office

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1 of secretary?

2 CHAIRMAN: Mr. Silvert, I'd like to move that
3 the nomination cease.

4 MR. SILVERT: Is there a second?

5 MR. WALLY: Second.

6 MR. SILVERT: All in favor of electing Mr.
7 Appleby as secretary please raise your hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 MR. SILVERT: Congratulations.

10 Mr. Chairman, I turn it over to you.

11 CHAIRMAN: Thank you, Mr. Silvert.

12 Our first order of business is to consider the
13 minutes of the December 12, 2011 meeting. Are there
14 any questions, corrections?

15 (NO RESPONSE)

16 CHAIRMAN: If not the chair is ready for a
17 motion.

18 MR. PEDLEY: Motion for approval.

19 CHAIRMAN: Motion for approval by Mr. Pedley.

20 MR. TAYLOR: Second.

21 CHAIRMAN: Second by Mr. Taylor. All in favor
22 raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, Mr. Noffsinger.

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1 -----
2 ZONING CHANGES

3 ITEM 3
4 3820, 3900 West Parrish Avenue, 12.787 acres
Consider zoning change: From B-4 General Business to
5 I-1 Light Industrial
Applicant: Allen Investments, LLC; WRP Investments,
6 LLC

7 MR. SILVERT: Could you state your name,
8 please?

9 MR. HOWARD: Brian Howard.
10 (BRIAN HOWARD SWORN BY ATTORNEY.)

11 MR. HOWARD: I will note that all zoning
12 changes heard tonight will become final 21 days after
13 the meeting unless an appeal is filed. If an appeal
14 is filed, then we will forward the recommendation from
15 the Planning Commission along with the Staff Report
16 and others to the appropriate legislative body for
17 their final action.

18 PLANNING STAFF RECOMMENDATIONS

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

22 Access to West Parrish Avenue shall be limited
23 to the exiting ingress/egress easement only.

24 FINDINGS OF FACT:

25 1. Staff recommends approval because the

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1 proposal is in compliance with the community's adopted
2 Comprehensive Plan;

3 2. The subject property is located in a
4 Business Plan Area where light industrial uses are
5 appropriate in limited locations;

6 3. The proposal is a logical expansion of
7 existing I-1 Light Industrial zoning to the north;

8 4. At 12.787 acres, the proposal does not
9 significantly increase the extent of industrial zoning
10 in the vicinity; and,

11 5. With access limited to the existing
12 ingress/egress easement, the proposal should not
13 overburden the capacity of roadways and other
14 necessary urban services that are available in the
15 affected area.

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

18 CHAIRMAN: Is there anybody here representing
19 the applicant?

20 MR. SULLIVAN: Yes.

21 MR. SILVERT: State your name, please.

22 MR. SULLIVAN: Mike Sullivan.

23 MR. SILVERT: You're sworn as an attorney.

24 MR. SULLIVAN: Good evening, Mr. Chairman,
25 Members of the Commission. My name is Mike Sullivan.

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1 I represent one of co-applicants, Wayne Supply.

2 Wayne Supply is an equipment dealer who is
3 planning to bring its business here in Owensboro at
4 this location. I have with me tonight Joe Yoerg, CFO,
5 Richard Scott, Vice President of Western Operations,
6 and Mike Morris, branch operations manager in
7 Evansville who will be in charge of this operation.
8 Jason Baker with Bryant Engineering is also here.

9 This business is essentially consistent with
10 the businesses that have been in this location over
11 the years being a boat dealership and an RV dealership
12 currently.

13 We're here to answer any questions you may
14 have or any members of the public may have.

15 CHAIRMAN: Thank you, Mr. Sullivan.

16 Does anybody from the audience have any
17 questions?

18 MR. SILVERT: Could you state your name,
19 please?

20 MR. SCHNEIDER: I'm Derek Schneider, 1916
21 Airport Road.

22 (DEREK SCHNEIDER SWORN BY ATTORNEY.)

23 MR. SCHNEIDER: I have a presentation I would
24 like to share with the committee. Is it possible to
25 put on the overhead?

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1 CHAIRMAN: Yes.

2 MR. SILVERT: Are you okay with this being
3 submitted in the record at the end as an exhibit.

4 MR. SCHNEIDER: Yes, I have a copy.

5 Mr. Yoerg, I have copy for you also.

6 I would like to discuss the issues concerning
7 the rezoning of the two sectors.

8 The photograph you see there is the area in
9 question. I just want to make sure that we're looking
10 at real land. Everyone understands what we're talking
11 about.

12 Next slide, please.

13 First of all, I just want to quote from the
14 county zoning objective. The objective is "To require
15 buffering between non-compatible land uses; and to
16 protect, preserve and promote the aesthetic appeal,
17 character and value of the surrounding neighborhoods."

18 Gentlemen, that is your charge.

19 Next slide, please.

20 Once again, you see the land in question.
21 This is a photograph from the Messenger-Inquirer March
22 of last year where it's cited one of the most
23 beautiful places in Owensboro.

24 Next slide, please.

25 A view from the property showing Allegiant

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1 airline landing. As people approach to Owensboro,
2 their first view will be this land. What impression
3 do you want this community to be in the eyes of its
4 visitors?

5 There's the land looking out from the aircraft
6 wing.

7 Looking out the window that is what you will
8 see today. It's up to you to decide what they'll see
9 in the future.

10 It's hard to see here, but the preliminary
11 development plan is on the left. The satellite view
12 is on the right. I have blown it up to be easier to
13 see.

14 You see the residential property which is on
15 the right in the last slide. It's on top now. North
16 is to the left. It shows there is a planned service
17 building adjacent to the residential property. The
18 plan calls out for a 10 foot buffer with a 6 foot high
19 partially opaque fence right out of the of the
20 building code. That sounds wonderful.

21 Next slide.

22 That's what is it actually looks like. That
23 is a 6 foot partially opaque fence covering a service
24 area. That's taken from 100 feet away. I want you to
25 envision that not 10 feet from your backyard.

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1 What does the zoning ordinance actually state?
2 A 6 foot fence partially opaque is not required.
3 173-114 states that two staggered rows of evergreen
4 trees planted can be substituted for this fence, which
5 will be more obscuring and more in line with the
6 charter with the aesthetics of the neighborhood.

7 Next slide.

8 Discuss the service building, in the aerial
9 view above, the area circled is the land in question.
10 Next slide, please.

11 On the left you'll see there's another similar
12 building as planned. The airport is on the south or
13 the bottom of the picture. You notice the land in
14 question is basically the same distance with buildings
15 to the west as buildings discussed would be in the
16 east.

17 In speaking with Mr. Yoerg, we've been told
18 that the service building would have to be located to
19 the east of the property rather than the west side
20 because of airport regulations. However, there's
21 currently buildings the same distance as they use the
22 west side of the property and move it further away
23 from the residential area. So I was told that that
24 was due to airport zoning regulations. I would like
25 to see that in writing.

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1 Next slide, please.

2 This is the actual Airport Zoning Regulation
3 Commission with it cited below that an object has to
4 be over 500 feet to be considered an airport
5 obstruction or over 200 feet, if within three miles.
6 This is within three miles of the airport and unless
7 it is a 20 story building, it's planned to be erected.
8 It will not be an influence, objection or obstruction
9 at the airport. Therefore, the building could be
10 placed on the west side of the land rather than the
11 east side, further from the residential areas.

12 Next slide, please.

13 What you see here, I'll read to you. In order
14 to comply with this boards charter of protecting,
15 preserving, promoting the aesthetic appear, character
16 and value surrounding the neighborhood when there's
17 two non-compatible land uses, residential and
18 industrial in this case, beside each other.

19 The following recommendations request:

20 1. Fencing:

21 * That instead of 6 the foot opaque
22 fence, the two staggered rows of evergreen trees be
23 planted instead.

24 * If for some reason a barrier must be
25 maintained, another option also called out in the

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1 regulation would be a solid wall of eight feet, which
2 would be either be brick or wood. That would also be
3 acceptable.

4 2. Service building location. The service
5 building location being placed on the west side would
6 not violate the Airport Zoning Regulations. It would
7 move it further from the residential areas and be less
8 affective to the aesthetics.

9 If these accommodations cannot be made, then
10 the request would be that you do not rezone the area
11 to industrial. Thank you very much.

12 CHAIRMAN: Mr. Schneider, why don't we just
13 summarize. The staff and the commission here is aware
14 of the zoning requirements. I appreciate you pointing
15 it out, but we have got a grasp for that.

16 Why don't you summarize 1, 2, 3 what your
17 questions are and we'll bring Mr. Sullivan to the
18 podium.

19 MR. SCHNEIDER: Mr. Kirkland, I'm glad you're
20 aware of the issues. I was not questioning you. I
21 was speaking to the public. I want to make sure they
22 knew.

23 CHAIRMAN: I was just responding to your
24 comments.

25 MR. SCHNEIDER: Basically item one is the
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1 6-foot opaque fence. Although, is within regulation,
2 is not the only option.

3 CHAIRMAN: Item 2. I'm just going to try to
4 summarize for Mr. Sullivan.

5 MR. SCHNEIDER: We request that a double line
6 of evergreen trees larger. They would grow much
7 higher. Would cover any service building and separate
8 the residential from the industrial zone better than
9 the 6-foot fence. If that could not be done, then the
10 higher wall would also be --

11 CHAIRMAN: In other words, you'd rather have
12 the evergreen trees rather than --

13 MR. SCHNEIDER: I would rather look at trees
14 than a fence with a service sector behind it.

15 CHAIRMAN: What are your others? The moving
16 of the building?

17 MR. SCHNEIDER: Moving of the building. Move
18 it further away from the residential area. To the
19 west side. It's open property. Closer to the airport
20 which does not violate the state Airport Zoning
21 Regulation.

22 Third one, if these cannot be done, all the
23 charges, all your rules, gentlemen, deny this as it
24 has due influence on the aesthetics and property value
25 of the area.

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1 CHAIRMAN: Is that complete?

2 MR. SCHNEIDER: Yes, sir.

3 CHAIRMAN: Thank you, Mr. Schneider.

4 Mr. Sullivan.

5 MR. SULLIVAN: Thank you.

6 We appreciate Mr. Schneider's comments and
7 we've talked to Mr. and Mrs. Schneider and are aware
8 of their concerns and understand their concerns.

9 In regard to those evergreens, we don't have a
10 problem with that. If that complies with the
11 ordinance having those staggered rows of evergreens,
12 that's not an issue with my client.

13 CHAIRMAN: Mr. Sullivan, wait a minute.

14 Brian, would you step to the podium and
15 address that so we can go over these one by one.

16 The rows of evergreens.

17 MR. HOWARD: Right.

18 CHAIRMAN: Evergreen trees, will that be okay?

19 MR. HOWARD: The zoning ordinance does allow a
20 double row of staggered pines, as an alternative to
21 the 6-foot tall fence.

22 CHAIRMAN: Okay. So no problem.

23 MR. HOWARD: As long it provided the same, 80
24 percent opacity of screening requirement.

25 CHAIRMAN: Mr. Sullivan, the moving of the
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1 buildings.

2 MR. SULLIVAN: Well, I would say the
3 photograph that Mr. Schneider showed you was actually
4 the RV dealership building that's right in front of
5 our building, of where our building might be.

6 Just for your information, that building is
7 actually already there and, I guess, within Mr. and
8 Mrs. Schneider view, it's a B-4 use. I defer to Mr.
9 Noffsinger about this. But essentially they could do
10 what they've done and that's what it looks like.

11 In regard to our service building, there's no
12 current plans for it. It might be in the plans five
13 or ten years from now. It just depends on how
14 business develops there. I will tell you this: It's
15 not the Kentucky Airport Zoning Regulations that
16 causes a problem. The airport has Avigation Easements
17 over these properties. These aren't in regulations.
18 They're in the Daviess County Clerk's Office. They're
19 pursuant to the FAA Regulations place certain
20 restrictions on what you can and can't do on your
21 property from a height perspective. The problem is
22 that these Avigation Easements are usually trapezoidal
23 in shape. They fan out from the centerline of the
24 runway. The farther you get from the runway, the less
25 restrictive, the height restrictions are. The west

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1 side, the west side of these properties has a more
2 restrictive height limit than the east side of the
3 property. We can't agree to that restriction because
4 it could be that we cannot build this building on the
5 west side of our lot.

6 CHAIRMAN: Thank you.

7 MR. SULLIVAN: Again, we don't even know if
8 we're -- it's not in our plans right now. It's just a
9 possibility in the future.

10 CHAIRMAN: Are you completed, Mr. Sullivan?

11 MR. SULLIVAN: Yes, sir.

12 CHAIRMAN: Mr. Schneider.

13 MR. SCHNEIDER: I request that I be given in
14 writing the specific ordinances that he discusses with
15 the restrictions from the airport. So if he has them,
16 I'd like to have those in writing. He has them right
17 there with him.

18 CHAIRMAN: Mr. Sullivan just happens to have
19 them.

20 MR. SCHNEIDER: The other question is since
21 the building is a very similar service building to the
22 west side of the airport is within the same zone, I
23 can't imagine that he'd build a high enough building
24 that would trigger that. I understand we're talking
25 about in the future; however it still affects us.

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1 MR. SULLIVAN: This isn't just for the zoning.
2 There's some other -- we've got a few other things
3 going on with that property. There is a 1967
4 Avigation Easement dated April 29, 1967 recorded in
5 Deed Book 360 Page 117 in the Daviess County Clerk's
6 Office which covers part of this property.

7 There is also an Aviation Easement covering
8 the property owned by WRP Investments, LLC dated April
9 10, 2006 recorded in Deed Book 815 Page 90.

10 There is a March 22, 2006 Avigation Easement
11 after, all of these to the Owensboro-Daviess County
12 Regional Airport Board. That's March 22, 2006
13 Aviation Easement is in Deed Book 814 Page 155. I'll
14 be happy to provide a copy of those to you when I get
15 back to the office. I can e-mail them to you.

16 CHAIRMAN: Thank you, Mr. Sullivan.

17 Does anybody else in the audience have any
18 questions?

19 MR. SILVERT: Could you state your name,
20 please?

21 MR. MOSS: My name is Sammie Moss.

22 (SAMMIE MOSS SWORN BY ATTORNEY.)

23 MRS. MOSS: I'm Sammie Moss. My husband is
24 Steve Moss. We live at 1950 Airport Road.

25 Unfortunately he couldn't be here tonight

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1 because he's retiring and he's spending his last two
2 days of work in Kansas.

3 I have concerns. Our property also backs
4 right to this, right immediately to this property that
5 they're talking about putting this on. I totally
6 object to it. We don't want it at all. Being no
7 fence, trees. I'm not as organize or as eloquent as
8 Mr. Schneider, my neighborhood.

9 The concerns we have -- unfortunately the
10 weather tonight has made some of the people who are
11 concerned not be able to come because we have some
12 older people in the neighborhood.

13 There's a large ditch that runs between our
14 property and Cambron's property and Todd Johnson's
15 property that on one side is real low and the other
16 side is high. We're concerned about the drainage from
17 this facility and how much. We're concerned about the
18 noise. We're concerned about the dirt. We're
19 concerned about the road traffic. It's not anything
20 we want over there. We're residential. We've all got
21 families. We've got a lot of older people.

22 I don't see this as a business that belongs
23 there. This business belongs somewhere out where the
24 dirt and the dust and stuff is not going to be a
25 problem to anybody's homes and their things.

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1 If you gentlemen would at least consider, do I
2 want this in my backyard? If you can honestly say,
3 yes, then let's put it there. You know, it's not
4 anything we want, and I want to file the papers for a
5 continuous because we don't want to deal with it. My
6 husband will be more of the talker when we gets back.
7 Anyway, if you could tell me how to go about doing the
8 papers to continue this on.

9 CHAIRMAN: Are you referring to an appeal?

10 MS. MOSS: Yes.

11 CHAIRMAN: He'll be glad to help you.

12 MS. MOSS: That's all I have to say, but I'm
13 really concerned. Like I said, if you want it in your
14 backyard, you're welcome to it.

15 CHAIRMAN: As far as the appeal is concerned,
16 I think you need to wait at least until we vote
17 because you don't know. You did a very nice job.
18 Your husband would be very proud.

19 Mr. Sullivan, she raised several questions.

20 MR. SULLIVAN: I'm not sure about the ditch.
21 As you all know, any new construction that we may put
22 on that property, we have to submit a development plan
23 to you to make sure that we have no adverse impact on
24 drainage on any of the neighboring land. So I don't
25 think that will be a concern.

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1 This is an equipment dealership. There is not
2 going to be a large amount of activity that will stir
3 up dust or cause any other disturbance to the
4 neighbors.

5 This company has been in business for 100
6 years. They've been good neighbors everywhere they've
7 been. They'll commit themselves to be good neighbors
8 here. I don't think the use will be much different
9 than what you would see, this is zoned B-4, any other
10 business that may come to this property, including the
11 RV business that's right in front of it.

12 I ask that you adopt, you approve the
13 application pursuant to the findings of the Staff.

14 CHAIRMAN: Who is representing Wayne Supply?

15 MR. SULLIVAN: Me.

16 CHAIRMAN: I understand that.

17 MR. SULLIVAN: Who is here for Wayne Supply?

18 CHAIRMAN: Yes, for Wayne Supply.

19 MR. SULLIVAN: Joe Yoerg, the CFO, Richard
20 Scott, VP of Western Operations, and Mike Morris,
21 Branch Operation Manager in Evansville. You want any
22 of them to come up here?

23 CHAIRMAN: Yes. Whichever one. I just have a
24 couple of questions about the operation.

25 MR. SULLIVAN: Richard.

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1 MR. SILVERT: Could you state your name,
2 please?

3 MR. SCOTT: Richard Scott.

4 (RICHARD SCOTT SWORN BY ATTORNEY.)

5 CHAIRMAN: Mr. Scott, exactly what type of
6 equipment in sales do you anticipate having here?

7 MR. SCOTT: We believe a significant portion
8 will be agricultural oriented. There will certainly
9 be some rental business. Some small earth moving
10 equipment.

11 As we mentioned, Mike Morris is our vice
12 president and branch manager of Evansville. This will
13 be a satellite operation of our Evansville operation.
14 So all the major type of repair work, very large
15 machines will continue to operate out of Evansville.

16 CHAIRMAN: Your display areas and your surface
17 areas of the display area are going to be what?

18 MR. SCOTT: Primarily along the front of the
19 building, along the road so that they've visible from
20 the highway. We will have a yard or an area, which
21 will be on the left side over where the existing
22 buildings are. We will have an area there where we
23 will store equipment. Again, this being a satellite
24 operation, we don't envision there will be a
25 significant number of machines there. I'd hate to

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1 give you a number, but typically some of other small
2 satellite facilities will have 15 to 20 pieces of
3 equipment. Maybe 30. Depending on the time of the
4 year. There's a bunch returned during the wintertime.

5 CHAIRMAN: I mean your surface.

6 Mr. Howard, what I was getting to is like his
7 surface will be, is a majority of it going to be
8 paved?

9 MR. HOWARD: The zoning ordinance does allow
10 an exception to the full pavement requirement for
11 large farm equipment dealers. Where the drive aisles
12 and any of those have to be paved, but the actual
13 location where the large equipment would rest can be
14 gravel due to the weight of the equipment. There is
15 that provision. They did include a site plan that
16 does show some gravel areas, but it should be noted
17 that if they have an area dedicated solely to outdoor
18 storage of equipment, not for display of sale or
19 rental, that would be required to be fenced in by a
20 6-foot tall solid fence, but the areas for display
21 could, based on ordinance, be gravel with paved drive
22 aisles.

23 You could, as a commission, put that provision
24 on. Granted in this instance that does require a
25 development plan to be submitted in order to ask for

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1 that exception.

2 CHAIRMAN: Mr. Kazlauskas.

3 MR. KAZLAUSKAS: Mr. Chairman, I want to
4 follow up on that because if this is going to be large
5 equipment in there and that ground is going to be wet
6 and just gravel, isn't it still going to be deformed?
7 How are you going to keep from that ground being
8 deformed even if gravel is there if it's not paved?

9 MR. HOWARD: That's a good question. They
10 would know the size of their equipment better than I
11 would. The provision is there also for manufactured
12 homes to rest on gravel as an alternative due to the
13 weight could damage the concrete or asphalt that's in
14 place. I'm sure the applicant could address the site,
15 the equipment, the weight and maybe pavement would be
16 a better option.

17 MR. SCOTT: Again, the majority of the
18 equipment is rubber tire, either rubber or on rubber
19 tracks. There will be some steel track, but it will
20 be mostly small machines. Again, there will be very
21 few that will be there.

22 CHAIRMAN: When you speak equipment, what type
23 of equipment would there be? You're not going to have
24 any cranes or excavators or dozers or anything like
25 that?

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1 MR. SCOTT: We're not a crane distributor so,
2 no, I can't imagine there being any cranes there.
3 Excavator, yes, there could be some excavators there.
4 Again, not the very large ones, but there could be on
5 occasion a rental that's dropped offer and returned
6 before we transport it to another location. That's
7 certainly possible.

8 CHAIRMAN: You'll just be unloading or loading
9 this piece of equipment?

10 MR. SCOTT: For the most part, yes, sir,
11 that's correct.

12 MR. NOFFSINGER: Mr. Chairman, I do need to
13 state for the record that we're not here to consider
14 the development plan tonight because one has not been
15 filed. However, in the future, there will be need for
16 a development plan to be filed. I just want to
17 caution the applicant that the exemption in the
18 ordinance is for farm machinery. Now, if you have
19 cranes and dozers and items like that, those items
20 will have to be on a paved surface or they will have
21 to be enclosed on all sides by a six foot high solid
22 wall or fence as Mr. Howard described. I want to make
23 sure that you understand that going into this. That,
24 yes, there is an exception for large farm vehicles,
25 but it's only for large farm vehicles. It is not for

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1 dozers and cranes and things of that nature.

2 MR. SCOTT: Again, appreciate you bringing
3 that up. We have every intention of complying with
4 whatever ordinance there is. So that won't be an
5 issue.

6 MR. NOFFSINGER: Thank you.

7 MR. SCOTT: To address Mr. Schneider. Our
8 intention, we would prefer if we were to build another
9 building, which there are no plans at this point to do
10 that, we would want it on the left side. We don't
11 want to put it on the right side because it's not
12 efficient for where the rest of the buildings are.
13 However, we were advised that that was impossible. If
14 that turns out to be different, that is what our plan
15 would be, is to put it on the left side if, again, we
16 were ever to do that.

17 CHAIRMAN: Thank you. Have we answered your
18 questions?

19 MRS. MOSS: No, not really. Everything he's
20 saying is good, but it's all ifs, ands and buts. If.
21 If. It alls comes down to if it's done into this, you
22 know. The land is switched over to the light
23 industrial, if the zoning is changed to light
24 industrial, do you usually do that for one's company?
25 Is that something that's done for one company, right

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1 beside a residential neighborhood? It doesn't seem
2 right to me. He keeps saying and talking about the
3 old Boatman building and the other buildings and
4 stuff. That's a whole different ball game. They're
5 intrusive, but they're not as intrusive as I think
6 large equipment would be.

7 His plans down the road, we all plan to be
8 there down the road too. We're going to live there.
9 We've got major investments in these homes. We plan
10 to be there in five years. In five years, we still
11 don't want that building there. We don't want all
12 them bulldozers there. We don't want all them
13 tractors there. We don't want it.

14 I'm just concerned that their if, and this
15 might be, and that could be, and we might do this.

16 CHAIRMAN: If they do certain things, then
17 they must meet certain criterias.

18 MRS. MOSS: Yes, but I don't like the
19 criteria.

20 CHAIRMAN: The if's are if they do it, then
21 there are criterias they must be.

22 MRS. MOSS: I know, but the ifs are --

23 CHAIRMAN: The ifs aren't on our side.
24 They're on their, if they do something.

25 MRS. MOSS: Right. But I don't like the

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1 criteria. I just don't like it.

2 MR. NOFFSINGER: Right now the property is
3 zoned B-4 general business. So right now they could
4 go in on that property and build buildings wherever
5 the zoning ordinance and wherever the Aviation
6 Easements will allow them. They're not restricted to
7 the left side or the left right side of the ordinance
8 or by any action that this commission takes. Right
9 now the property could be used to sell recreational
10 vehicles, boats. It could be restaurants. It could
11 be fast food restaurants, sit-down restaurants. It
12 could be a tattoo parlor. There are a number of uses
13 that could be put to that property without this
14 commission's approval because it's already zoned
15 commercial. It's not agricultural. It's commercial.

16 Now, they're asking for this rezoning to
17 industrial, and generally a rezoning to industrial is
18 usually more incompatible with residential type uses
19 than commercial. However, what they are proposing to
20 do with this property is to sell large farm equipment.
21 So at this point in time we know what they're telling
22 us. That we want to rezone this property because the
23 only way we can sell this type of equipment is if we
24 rezone. So that I think we do know.

25 Now, down the line if could be used for some

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1 other use that's allowed in the industrial zone.

2 MRS. MOSS: That's what I'm saying. If it's
3 zoned to a light industrial, say they decide to back
4 out of the whole deal, then it's been rezoned for
5 something else. I'm just concerned that -- we just
6 don't want that big equipment back there. We live in
7 a very peaceful nice little neighborhood. The airport
8 is only minor intrusive because an airplane comes in
9 and it's there for a minute and half and it's gone.
10 You don't hear it any more. That kind of stuff.

11 We're a quiet nice neighborhood with a lot of
12 nice people. I just don't see this as something
13 that's going to benefit us at all. As a matter of
14 fact, I think it's going to be a deficit to our
15 property values and to, like I said before, I just
16 don't want it in my backyard.

17 MR. NOFFSINGER: One thing also to keep in
18 mind is that the airport, in terms of their
19 operations, they consider industrial uses to be more
20 compatible with their operation than residential uses.
21 The Airport Board, the Kentucky Airport Zoning
22 Commission has been before this commission and stated
23 just that. That in these areas they would like to see
24 either agricultural crop production on the properties
25 or some type of industrial use. The airport is in the

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1 process of promoting properties they own for future
2 industrial development. Residential is generally not
3 acceptable in these areas because of the flights and
4 the noise that's being made.

5 That's why the comprehensive plan is a
6 favorable recommendation to this rezoning, is because
7 of its proximity to the airport.

8 MRS. MOSS: Yes, but you can go around that
9 airport in 50 different directions and have all the
10 land you want. There's land everywhere. Fifty times
11 a day as I drive around Owensboro I pass places that
12 would be suitable for this kind of business. I just
13 don't think where they're wanting to put it is
14 suitable because it's next to me, of course. We have
15 all of this industrial land out on the other side of
16 the airport where all the factories are and stuff.
17 That whole industrial park. They want to be close to
18 the airport. There it is. I mean it's open. I just
19 don't see that this is a good thing for our
20 neighborhood.

21 MR. ALLEN: Mrs. Moss, what exactly are you
22 most afraid of that's going to happen out there? Is
23 it noise? Is it the view?

24 MRS. MOSS: It's noise. It's the drainage. I
25 wonder kind of lighting they're going to put up. Is

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1 there going to be this big light show in my backyard?
 2 Of course, the fence, the noise, the dirt. You don't
 3 move big equipment without a certain amount of dirt
 4 and noise and dust. A semi coming up getting a good
 5 piece of equipment it's not quiet. I think it's going
 6 to be disruptive to the whole neighborhood.

7 MR. ALLEN: Do you anticipate going on
 8 consistently all day and night? Is that kind of what
 9 you see?

10 MRS. MOSS: I don't have any idea. You know,
 11 it's hard to know. If it's there, it could. You know
 12 what I mean? If it's there, it most certainly could.
 13 I just think there's so many places in Owensboro that
 14 you could put this kind of operation that wouldn't
 15 bother anybody. I just don't see that it's a good
 16 place to put it.

17 I just plead with you to vote against it.
 18 Thank you.

19 MR. SCOTT: Mr. Chairman, if I could.

20 CHAIRMAN: Yes, sir.

21 MR. SCOTT: Mrs. Moss, we have 15 locations in
 22 Kentucky and southern Indiana. Over half of them
 23 are in --

24 CHAIRMAN: Sir, actually direct it to the
 25 chair so we don't get in cross conversation like that.

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1 MR. SCOTT: Over half of them are in what
2 would be perceived to be residential areas. We are
3 very, very sensitive to this. We have no plans to put
4 any additional lighting on the facility.

5 As I said, our mission stated, it talks about
6 our commitment to the community. I think once we're
7 here I'm quite confident that their concerns will be
8 alleviated because the worst case scenarios that
9 they're envisioning in their mind will not happen
10 because we just don't have those plant. As I said,
11 over half of our facilities are in what would be
12 perceived residential areas. We're very sensitive to
13 that and we will commit that we'll do everything we
14 can to be the good corporate citizen that we have been
15 in all our other facilities, and we will be here as
16 well.

17 MRS. MOSS: I could ask your, sir --

18 CHAIRMAN: Ma'am, please direct it to the
19 chair. We don't want any cross conversation.

20 MRS. MOSS: We went around and looked at
21 aerial view of some of their properties. Junk piles.
22 I'm sorry, they're not well organized, clean looking.
23 They're not. I don't know. You can do the same
24 thing. You know, unless you visit them or seen them.
25 All we did is gone online and look at aerial views of

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1 their other properties. They weren't nice. You know.
2 It's strictly an industrial thing. That's my opinion.
3 He's going to argue different. You can do it if you
4 want.

5 MR. SCOTT: Mr. Chairman, if you would, I have
6 pictures of every one of our facilities. I'd be very
7 happy to bring them to you right now so you can look
8 at them.

9 CHAIRMAN: Feel free to do that. Thank you.
10 Anybody else from the audience have a comment?

11 (NO RESPONSE)

12 CHAIRMAN: Limit it to one or two photos,
13 please.

14 Are there any more comments from the audience?

15 MRS. MOSS: Like I said, I think most of the
16 people on our street are older people and wouldn't get
17 out tonight.

18 Mr. Chairman, I would also say that I don't
19 know how much money you all think this is going to
20 bring to the area, but I don't see it as a big job
21 maker or a big financial woe for the county. I may be
22 wrong about that because I don't know that much about
23 business. It might be a good business for them, but I
24 don't know that it would be all that, other than
25 taxes.

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1 CHAIRMAN: This commission has nothing to do
2 with that. It either meets the ordinance or it
3 doesn't. That's all we do.

4 MRS. MOSS: Okay.

5 MR. SULLIVAN: Mr. Chairman, may I say just
6 one thing?

7 CHAIRMAN: Briefly I assume.

8 MR. SULLIVAN: One sentence.

9 My clients have absolutely no plans of doing
10 anything to the land that is immediately adjacent to
11 Mrs. Moss's property. It will be a grass field.

12 CHAIRMAN: Thank you, Mr. Sullivan.

13 MR. SULLIVAN: With those evergreens I suppose
14 planted down the line, if that's what the commission
15 wants.

16 CHAIRMAN: You have more than one or two.

17 MRS. MOSS: Excuse me, sir, they must have
18 anticipated that. I would say a glamour shot is a
19 glamour shot.

20 CHAIRMAN: They did have one in Hazard so they
21 did survive Hazard, Kentucky.

22 All right.

23 MRS. MOSS: But did Hazard survive.

24 CHAIRMAN: Yes, sir, one closing comment I
25 assume.

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1 MR. SCOTT: Answer any questions there may be.

2 MRS. MOSS: Can we see those photographs?

3 CHAIRMAN: Yes, ma'am.

4 No more comments from the audience. Does
5 anybody else from the commission have a question?

6 MR. KAZLAUSKAS: Yes.

7 CHAIRMAN: Yes, sir.

8 MR. KAZLAUSKAS: Just one more because I want
9 to be sure.

10 You stated that primarily this was going to be
11 agricultural equipment.

12 MR. SCOTT: Yes, sir.

13 MR. KAZLAUSKAS: With the possibility of earth
14 moving equipment coming in being transferred?

15 MR. SCOTT: That's correct.

16 MR. KAZLAUSKAS: But primarily you're going to
17 be displaying and selling agricultural equipment?

18 MR. SCOTT: When we did our analysis for
19 making the decision to come to Owensboro, the number
20 one market was agricultural market. That is the
21 primary reason we are coming to Owensboro.

22 CHAIRMAN: Mr. Pedley, did you have a comment?

23 MR. PEDLEY: Yes. I have a question for the
24 applicant or Mr. Sullivan. Maybe it's already been
25 stated and I missed it.

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1 Your six-foot continuous element fence, what
2 type of fence will that be? A chain-link fence with
3 slats or is it a solid wood fence or vinyl fence?
4 What are your plans on that?

5 MR. SCOTT: We've really not discussed the
6 type of fence because we're very amendable to the
7 request on the trees. The double planting of the
8 trees, I believe, that were requested, we're very
9 amendable to that. But as far as a specific type of
10 fence, no, we haven't discussed that, but whatever we
11 would do would be well within the ordinance and the
12 requirements that we would have to follow.

13 MR. PEDLEY: You're saying if you put the pine
14 or evergreen trees in a staggered fashion, you're not
15 putting the fence?

16 MR. SCOTT: No, sir, we would not put a fence.

17 CHAIRMAN: Mr. Pedley, I think that's what
18 they --

19 MR. APPLEBY: That's what the neighbors
20 requested.

21 CHAIRMAN: That's what the neighbors
22 requested.

23 MR. PEDLEY: I understand it.

24 The other thing I didn't understand was are
25 they proposing a fence and are the neighbors wanting

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1 the pine trees with the fence or are they okay with
2 the evergreen trees staggered? What it really does
3 for sound when your trees are only five feet high it
4 doesn't really block out anything. Normally most
5 everything I do I put up a six foot wooden fence, nice
6 looking wooden fence, and then I put the pine trees.
7 Then after six or seven years, those pine trees are
8 about 30, 40 feet high and they do an excellent job of
9 buffering the sound. The view, the site and
10 everything, but initially the pine trees doesn't do
11 the job. So I just want to make sure the neighbors
12 were okay with just the pine trees.

13 Also, I want to know if you intend to put the
14 fence up or if you put the pine trees you're not
15 putting the fence up.

16 CHAIRMAN: Mr. Pedley, I think what they're
17 offering to do, and I'm not going to put words in your
18 mouth. Mr. Sullivan is there and I'm sure if I'm
19 incorrect he'll correct me. You're welcome to do so.

20 I think they're agreeing to do what the
21 neighbors have suggested. The neighbors have
22 suggested the pine trees. That they would be willing
23 to do whatever within reason that the neighbors
24 suggested within the ordinance they're happy to do.

25 MR. SULLIVAN: That's exactly it.

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1 CHAIRMAN: Did I word that correctly?

2 MR. SULLIVAN: Yes.

3 Mr. Pedley, there will be no activity on that
4 side of the property for four or five years. If even
5 then. Everything will be over on the west side of the
6 property for the first five years or so.

7 CHAIRMAN: Thank you.

8 MR. PEDLEY: I'm looking at the site plan here
9 it's showing gravel area all the way over to that
10 property line. The drainage issues will be addressed
11 by the county engineer. That's not before us tonight.
12 The drainage issue will be taken care of. The design
13 engineer and county engineer has signed off on the
14 drainage.

15 MR. SULLIVAN: Is that the one that has the
16 service building on it?

17 MR. NOFFSINGER: Yes.

18 MR. SULLIVAN: That's what we're talking
19 about. That service building, if it ever happened,
20 would be at least five years from now. Right now for
21 the first five years they do not plan on doing
22 anything on that side of the property.

23 MR. PEDLEY: I just want to make sure that the
24 neighbors are comfortable with only the pine trees.

25 CHAIRMAN: Thank you, Mr. Sullivan.

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1 Mr. Reeves.

2 MR. REEVES: I want some clarification on Mr.
3 Kazlauskas's question from this gentleman right here.

4 When you said you anticipate their primary
5 market being agricultural, I assume that does not
6 preclude that you would anticipate a farm on occasion
7 might need a backhoe or a small bulldozer or a
8 front-end loader or something?

9 MR. SCOTT: Yes, sir.

10 MR. REEVES: Might not necessarily be just
11 plows?

12 MR. SCOTT: Correct. That's correct. Any of
13 the products would go into the agricultural community
14 that we represent.

15 CHAIRMAN: Do you have a comment?

16 MS. SCHNEIDER: I do.

17 MR. SILVERT: Would you state your name,
18 please?

19 MRS. SCHNEIDER: Lori Schneider.

20 (LORI SCHNEIDER SWORN BY ATTORNEY.)

21 MRS. SCHNEIDER: I just wanted to mention
22 quickly about the evergreens. The reason why we're
23 coming up with the evergreen idea is because the fence
24 that you saw in my husband's presentation is per code
25 that the RV gentleman put in, and it's an eye sore.

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1 You can see through it. It may fit the code of 80
2 percent opaque, but clearly it is not. If any of you
3 feel free to drive down Parrish and if you'll look at
4 the RV place, you can see right through that fence.
5 You can see people walking in there. I know there
6 were concerns about putting a fence around that to
7 begin with as well because his equipment is 12 feet
8 high. The RV's are very large.

9 This is a very beautiful neighborhood. Nice
10 homes. We're there forever. We're just looking at
11 beautification and what people will see when they come
12 into Owensboro. That's why we came up with the, you
13 know, we discussed this scattering of the evergreens
14 all the way down as a tree line to make it more
15 natural and pretty as it currently is. This has just
16 been farmland. We've only been there a year and a
17 half, but it's been corn and soy beans.

18 CHAIRMAN: Mrs. Schneider, I think they're
19 agreeable to work with you on the screening. I don't
20 think the screening at all will be an issue. I think
21 that's really basically --

22 MRS. SCHNEIDER: We appreciate that.

23 CHAIRMAN: -- up to you all. We're not going
24 to debate that. If you like the pine trees within the
25 ordinance, that's fine with us.

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1 MRS. SCHNEIDER: We would like not object to a
2 nicer fence, but if that is code, we don't want that.
3 That's very -- you expect that in -- not in this
4 neighborhood.

5 CHAIRMAN: I think, according to Mr. Sullivan,
6 I think they would be willing to work with you on
7 that. I don't think that will be an issue at all.

8 MRS. SCHNEIDER: Thank you.

9 CHAIRMAN: With no more questions from the
10 audience, the commission, the chair is ready for a
11 motion.

12 MR. PEDLEY: Mr. Chairman, I make a motion for
13 approval on this with the added condition on the
14 Staff's recommendation. That condition would be along
15 the east boundary that the 5 foot pine trees would be
16 put in in a staggered fashion with a maximum of 10
17 feet spacing. The other condition would be access to
18 West Parrish Avenue shall be limited to existing
19 ingress/egress easement only and Findings of Fact 1
20 through 5.

21 CHAIRMAN: Before we can take action on that
22 motion, Mr. Sullivan.

23 MR. NOFFSINGER: Mr. Chairman, we need
24 clarification from the attorney on the findings of
25 fact.

1 CHAIRMAN: Mr. Silvert.

2 MR. SILVERT: I just need a clarification from
3 Mr. Pedley on the basis for your findings of fact. If
4 you would clarify that for the record, please.

5 MR. PEDLEY: Basis of the findings of fact.

6 Basis of the Findings of Fact is given the
7 fact that this joins residential property. We have
8 some opposition here. We need to properly screen this
9 area. It is in compliance with the comprehensive
10 plan. With the conditions put on the screening
11 process of the pine tree staggered every 10 feet apart
12 and a minimum height of 5 feet. Pine trees will
13 buffer that area very soon. In four or five the pine
14 trees will be 20 feet high. With that it makes it
15 compatible with the residential neighborhood. Then
16 with the condition on the access point, and the
17 Staff's Findings of Fact 1 through 5.

18 CHAIRMAN: Mr. Silvert, does that satisfy your
19 question?

20 MR. SILVERT: Thank you, Mr. Pedley.

21 CHAIRMAN: Mr. Sullivan, you understand we
22 have a motion for approval, but we have an additional
23 condition that are spelled out more specific about
24 what your client needs to do.

25 MR. SULLIVAN: That being the screening, Mr.

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1 Chairman; is that correct?

2 CHAIRMAN: That would be the screening.

3 Mr. Pedley, didn't you have an egress as
4 another condition?

5 MR. PEDLEY: No.

6 MR. SULLIVAN: We understand that.

7 CHAIRMAN: Mr. Sullivan, you're stating that
8 your client is agreeing?

9 MR. SULLIVAN: We understand and we'll abide
10 by that restriction, yes. Additional condition, yes,
11 sir.

12 CHAIRMAN: So far we have a motion for
13 approval with the additional condition stated by Mr.
14 Pedley with his findings.

15 MR. APPLEBY: Second.

16 CHAIRMAN: We have a second by Mr. Appleby.
17 All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 ITEM 4

22 2895, 3031, 3035, 3139, 3300 Block, 3447, 3515 Russell
23 Road; 3100, 3570, 3574, 3580 Girl Scout Road; 11300,
11440 US Highway 431, 685.65 +/- acres

24 Consider zoning change: From A-R Rural Agriculture to
AU Urban Agriculture to EX-1 Coal Mining

25 Applicant: Western Kentucky Minerals, Inc., Horrell
Trogden, Troy Vanover, Regina Vanover, Dennis
Gauselman, Shirley Taylor, Gertie Taylor Estate,

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1 Lindley Taylor, Mildred Taylor Johnson Estate, Anna
Faye Belcher, Tilford Thompson Estate, Stephen
2 Thompson, Clara Thompson Estate, Ruby Hitchcock

3 MR. NOFFSINGER: Mr. Chairman, this
4 application has been reviewed by the Planning Staff.
5 The application is found not to be in order.

6 I do have a letter from Mr. Tim Ryan with
7 Western Kentucky Minerals, Inc. asking that this item
8 be postponed until the February 9, 2012 meeting on the
9 Planning Commission.

10 Now, it will take a motion and a favorable
11 outcome for you to postpone this item for the next
12 meeting.

13 However, Staff would strongly suggest that
14 between now and the next meeting that if this is not
15 already occurred that there be a town hall meeting set
16 up by the applicant within the area of the Pleasant
17 Ridge area of the coal mining area and that the
18 Department of Mines & Minerals be represented at that
19 meeting and the word gets out to folks here tonight
20 that have questions and folks in the community and be
21 well announced as to when that meeting will be. So
22 that there will be an opportunity for folks to ask
23 questions and get answers prior to the next Planning
24 Commission meeting. I think if that's done I think
25 that will be beneficial to the applicant as well as

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1 the landowners that have land that's proposed to be
2 rezoned tonight and those that don't have land
3 proposed to be rezoned and that live in that area.

4 So the applicant is here tonight. I see them
5 nodding. I would certainly hope that would take place
6 and it will require your vote to postpone this item.

7 MR. SILVERT: State your name, please.

8 MR. HAYNES: Brian Haynes.

9 MR. SILVERT: You're sworn as an attorney.

10 MR. HAYNES: We are willing to advertise that
11 town meeting in the Messenger-Inquirer probably at
12 least a week in advance and try to get it two weeks in
13 advance. We're committed to that.

14 CHAIRMAN: Thank you, Mr. Haynes. Do you have
15 any idea where you would host such a meeting?

16 MR. HAYNES: We do not. We're obviously going
17 to need a large location and hopefully it will be in
18 the area where the operation will be. That will be
19 published.

20 CHAIRMAN: Thank you, Mr. Haynes.

21 With that being said --

22 MR. APPLEBY: Chair ready for a motion?

23 CHAIRMAN: -- the chair is definitely ready
24 for a motion.

25 MR. APPLEBY: Motion to postpone.

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1 CHAIRMAN: Motion to postpone by Mr. Appleby.

2 MR. ROGERS: Second.

3 CHAIRMAN: Second by Mr. Rogers. All in favor
4 raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: The motion carries unanimously.
7 The item is postponed.

8 -----

9 NEW BUSINESS

10 ITEM 5

11 Consider approval of the Public Improvement
12 Specifications surety unit cost annual revision.

13 MR. NOFFSINGER: Mr. Chairman, this item comes
14 to you as it does every year in January and February.
15 It involves the review of the amounts that a developer
16 would post for surety for improvements that aren't
17 finished in a development prior to this commission or
18 Staff approving final plat.

19 This information is put together by a
20 committee that works within the community such as
21 there are two members on this commission, Mr. Dave
22 Appleby and Ward Pedley that serve on this committee
23 that are a part of this committee, as well as your
24 city and county engineer, local engineers such as
25 Bryant Engineering and Hale Riney & Gilmore, Mr. Jim

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1 Riney, as well as the Home Builders.

2 What they do, they compare their notes in
3 terms of what the cost are for public improvements and
4 what they're seeing. Then they make recommendations
5 to you as what the unit prices should be.

6 We bring this to you. There are very few
7 changes in the cost. In each case, the costs are
8 going up slightly. We feel good about the cost and
9 think it will carry us well into this next year.

10 So with that it's recommended for your
11 consideration.

12 CHAIRMAN: Are there any questions?

13 (NO RESPONSE)

14 CHAIRMAN: If not the chair is ready for a
15 motion.

16 MR. PEDLEY: Motion for approval.

17 CHAIRMAN: Motion for approval by Mr. Pedley.

18 MR. STRODE: Second.

19 CHAIRMAN: Second by Jason. All in favor
20 raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 We need one final motion that the chair will
24 entertain.

25 MR. APPLEBY: Move to adjourn.

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1 CHAIRMAN: Motion to adjourn by Mr. Appleby.
2 MR. WALLY: Second.
3 CHAIRMAN: Second by Mr. Taylor. All in favor
4 raise your right hand.
5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
6 CHAIRMAN: We are adjourned.

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1 STATE OF KENTUCKY)

)SS: REPORTER'S CERTIFICATE

2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Board of
6 Adjustment 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 the
14 foregoing 47 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 30th day of January, 2012.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25

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