

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MARCH 8, 2012

3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, MARCH
5 8, 2012, AT CITY HALL, COMMISSION CHAMBERS, OWENSBORO,
6 KENTUCKY, AND THE PROCEEDINGS WERE AS FOLLOWS:

7 MEMBERS PRESENT: DREW KIRKLAND, CHAIRMAN
8 WARD PEDLEY, VICE CHAIRMAN
9 DAVID APPLEBY, SECRETARY
10 GARY NOFFSINGER, DIRECTOR
11 MADISON SILVERT, ATTORNEY
12 IRVIN ROGERS
13 WALLY TAYLOR
14 JOHN KAZLAUSKAS
15 JASON STRODE

16 * * * * *

17 CHAIRMAN: I WOULD LIKE TO WELCOME EVERYBODY
18 TO THE MARCH 8TH OWENSBORO METROPOLITAN PLANNING
19 COMMISSION. WILL YOU PLEASE RISE FOR OUR INVOCATION
20 AND PLEDGE WILL BE GIVEN BY MR. GARY NOFFSINGER.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: OUR FIRST ITEM OF BUSINESS IS TO
23 CONSIDER THE MINUTES OF THE FEBRUARY 9, 2011 MEETING.
24 ARE THERE ANY ADDITIONS, CHANGES, CORRECTIONS?

25 (NO RESPONSE)

26 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
27 MOTION.

28 MR. PEDLEY: MOTION FOR APPROVAL.

29 CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

1 MR. APPLEBY: SECOND.

2 CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN
3 FAVOR RAISE YOUR RIGHT HAND.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

6 NEXT ITEM, MR. NOFFSINGER.

7 -----

8 ZONING CHANGES

9 ITEM 2

10 10300 HIGHWAY 54, 0.54+/- ACRES
11 CONSIDER ZONING CHANGE: FROM R-1A SINGLE-FAMILY
12 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL
13 APPLICANT: JOHNNY K. TAUL, JR.; ROBERT C. & DORIS S.
14 HOWARD

15 MR. SILVERT: WOULD YOU STATE YOUR NAME,
16 PLEASE. >

17 MR. HOWARD: BRIAN HOWARD.

18 (BRIAN HOWARD SWORN BY ATTORNEY.)

19 MR. HOWARD: I WILL NOTE THAT THE REZONINGS
20 HEARD TONIGHT WILL BECOME FINAL 21 DAYS AFTER THE
21 MEETING UNLESS AN APPEAL IS FILED. IF AN APPEAL IS
22 FILED, WE WILL FORWARD THE MEETING RECORD ALONG WITH
23 STAFF REPORT AND OTHER INFORMATION TO THE APPROPRIATE
24 LEGISLATIVE BODY FOR THEIR FINAL ACTION. THE APPEAL
25 FORMS ARE AVAILABLE ON THE BACK TABLE, IN OUR OFFICE
AND ON OUR WEBSITE.

OUR FIRST STAFF REPORT IS FOR DENIAL SO I WILL

1 READ IT INTO THE RECORD.

2 SPECIFIC LAND USE CRITERIA

3 (A) BUILDING AND LOT PATTERNS; OUTDOOR STORAGE
4 AREAS - BUILDING AND LOT PATTERNS SHOULD CONFORM TO
5 THE CRITERIA FOR "NONRESIDENTIAL DEVELOPMENT" (D7),
6 AND OUTDOOR STORAGE YARDS WITH "BUFFERS FOR OUTDOOR
7 STORAGE YARDS" (D1)

8 (B) LOGICAL EXPANSION OUTSIDE OF INDUSTRIAL
9 PARKS - EXISTING AREAS OF LIGHT INDUSTRIAL USE THAT
10 ARE LOCATED OUTSIDE OF PLANNED INDUSTRIAL PARKS MAY BE
11 EXPANDED ONTO CONTIGUOUS LAND THAT GENERALLY ABUTS THE
12 SAME STREET(S). SUCH AN EXPANSION SHOULD NOT
13 SIGNIFICANTLY INCREASE THE EXTENT OF INDUSTRIAL USES
14 THAT ARE LOCATED IN THE VICINITY AND OUTSIDE OF
15 INDUSTRIAL PARKS. ALSO, SUCH AN EXPANSION SHOULD NOT
16 OVERBURDEN THE CAPACITY OF ROADWAYS AND OTHER
17 NECESSARY URBAN SERVICES THAT ARE AVAILABLE IN THE
18 AFFECTED AREA.

19 (C) EXPANSIONS ACROSS STREETS IN RESIDENTIAL
20 AREA - IN URBAN RESIDENTIAL PLAN AREAS, THE EXPANSION
21 OF LIGHT INDUSTRIAL USES THAT ARE LOCATED OUTSIDE OF
22 INDUSTRIAL PARKS AND ACROSS AN INTERVENING STREET
23 SHOULD BE AT LEAST ONE-AND-ONE-HALF (1.5) ACRES IN
24 SIZE, BUT SHOULD NOT OCCUR IF THIS WOULD SIGNIFICANTLY
25 INCREASE THE EXTENT OF INDUSTRIAL USES THAT ARE

1 LOCATED IN THE VICINITY AND OUTSIDE OF INDUSTRIAL
2 PARKS.

3 PLANNING STAFF REVIEW

4 GENERAL LAND USE CRITERIA
5 ENVIRONMENT

6 1. IT APPEARS THAT THE SUBJECT PROPERTY IS
7 NOT LOCATED IN A WETLANDS AREA PER THE US DEPARTMENT
8 OF AGRICULTURE SOIL CONSERVATION SERVICE DATED MARCH
9 6, 1990.

10 2. THE SUBJECT PROPERTY IS NOT LOCATE IN A
11 SPECIAL FLOOD HAZARD AREA PER FIRM MAP 21059CO340D.

12 3. IT APPEARS THAT THE SUBJECT PROPERTY IS
13 NOT WITHIN THE OWENSBORO WELLHEAD PROTECTION AREA PER
14 THE GRADD MAP DATED MARCH 1999.

15 4. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING
16 PERMITS FROM THE DIVISION OF WATER, THE ARMY CORP OF
17 ENGINEERS, FEMA OR OTHER STATE AND FEDERAL AGENCIES AS
18 MAY BE APPLICABLE.

19 URBAN SERVICES

20 ALL URBAN SERVICES, INCLUDING SANITARY SEWERS,
21 ARE AVAILABLE TO THE SITE.

22 DEVELOPMENT PATTERNS

23 THE SUBJECT PROPERTY IS LOCATED WITHIN THE
24 CITY OF WHITESVILLE ON THE CORNER OF THE HIGHWAY 54
25 AND JEFFERSON STREET INTERSECTION. ALL SURROUNDING

1 PROPERTIES ARE ZONED R-1A SINGLE-FAMILY RESIDENTIAL.
2 THE PROPERTIES TO THE EAST, WEST AND SOUTH HAVE
3 EXISTING RESIDENCES. THE PROPERTY TO THE NORTH
4 CONTAINS A SINGLE-FAMILY RESIDENCE AND A FIRE STATION.

5 THE APPLICANT PROPOSES TO CONSTRUCT A
6 MINI-STORAGE BUILDING ON THE SUBJECT PROPERTY. BASED
7 ON ZONING ORDINANCE REQUIREMENTS, IF THE ZONING WERE
8 APPROVED, THE APPLICANT WOULD BE REQUIRED TO INSTALL A
9 SOLID SIX FOOT ELEMENT WITH ONE TREE EVERY 40 LINEAR
10 FEET ALONG THE EAST PROPERTY LINE WHERE ADJOINING R-1A
11 ZONING. THE OTHER THREE SIDES OF THE PROPERTY ARE
12 STREETS FRONTAGES. VEHICULAR USE AREA SCREENING WOULD
13 BE REQUIRED BETWEEN ANY PAVED AREA AND THE ROAD
14 RIGHT-OF-WAY.

15 THE CITY OF WHITESVILLE FIRE STATION IS
16 LOCATED TO THE NORTH AND A CITY PARK AND SENIOR
17 CITIZEN CENTER ARE LOCATED IN THE VICINITY. HOWEVER,
18 THERE ARE NO EXISTING INDUSTRIAL ZONES OR USES IN THE
19 IMMEDIATE VICINITY. THE FIRE STATION AND PARK CAN BE
20 PERMITTED IN ANY ZONE UNDER THE EXEMPTION THAT PUBLIC
21 USES ARE AFFORDED IN STATE STATUTES.
22 SPECIFIC LAND USE CRITERIA

23 THE APPLICANT'S PROPOSAL IS NOT IN COMPLIANCE
24 WITH THE COMPREHENSIVE PLAN. THE SUBJECT PROPERTY IS
25 LOCATED IN AN URBAN RESIDENTIAL PLAN AREA WITHIN THE

1 CITY OF WHITESVILLE WHERE LIGHT INDUSTRIAL USES ARE
2 APPROPRIATE IN VERY-LIMITED LOCATIONS. THE PROPOSED
3 USE OF THE PROPERTY AS A MINI-STORAGE BUILDING IS
4 CONSISTENT WITH USES PERMITTED IN AN I-1 LIGHT
5 INDUSTRIAL ZONE; HOWEVER, THE PROPOSAL IS NOT A
6 LOGICAL EXPANSION OF EXISTING I-1 LIGHT INDUSTRIAL
7 ZONING. THE PROPERTIES ON ALL FOUR SIDES IS ZONED
8 R-1A SINGLE-FAMILY RESIDENTIAL AND THE NEAREST
9 INDUSTRIAL ZONING IS LOCATED MORE THAN ONE-HALF MILE
10 AWAY. THE EXISTING ZONING FOR THE SUBJECT PROPERTY IS
11 APPROPRIATE CONSIDERING ALL ADJOINING PROPERTIES ARE
12 ZONED R-1A SINGLE-FAMILY RESIDENTIAL AND ALL HAVE
13 EXISTING RESIDENCES. THERE HAVE NOT BEEN MAJOR
14 CHANGES OF AN ECONOMIC, PHYSICAL OR SOCIAL NATURE IN
15 THE AREA THAT WERE NOT ANTICIPATED IN THE
16 COMPREHENSIVE PLAN THAT WAS LAST UPDATED IN 2007.
17 PLANNING STAFF RECOMMENDATIONS

18 THE PLANNING STAFF RECOMMENDS DENIAL SUBJECT
19 TO THE FINDINGS OF FACT THAT FOLLOW:
20 FINDINGS OF FACT:

21 1. STAFF RECOMMENDS DENIAL BECAUSE THE
22 PROPOSAL IS NOT IN COMPLIANCE WITH THE COMMUNITY'S
23 ADOPTED COMPREHENSIVE PLAN;

24 2. THE SUBJECT PROPERTY IS LOCATED WITHIN AN
25 URBAN RESIDENTIAL PLAN AREA WHERE LIGHT INDUSTRIAL

1 USES ARE APPROPRIATE IN VERY-LIMITED LOCATIONS;

2 3. THE PROPOSAL IS NOT A LOGICAL EXPANSION OF
3 I-1 LIGHT INDUSTRIAL ZONING SINCE THE NEAREST I-1 ZONE
4 IS MORE THAN ONE-HALF MILE AWAY;

5 4. THE EXISTING ZONING FOR THE SUBJECT
6 PROPERTY IS APPROPRIATE CONSIDERING ALL ADJOINING
7 PROPERTIES ARE ZONED R-1A SINGLE-FAMILY RESIDENTIAL
8 AND ALL HAVE EXISTING RESIDENCES; AND,

9 5. THERE HAVE NOT BEEN MAJOR CHANGES OF AN
10 ECONOMIC, PHYSICAL OR SOCIAL NATURE IN THE AREA THAT
11 WERE NOT ANTICIPATED IN THE COMPREHENSIVE PLAN THAT
12 WAS LAST UPDATED IN 2007.

13 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
14 REPORT INTO THE RECORD AS EXHIBIT A.

15 CHAIRMAN: IS THERE ANYBODY HERE REPRESENTING
16 THE APPLICANT?

17 MR. TAUL: YES, THERE IS. JOHNNY TAUL.

18 CHAIRMAN: WOULD YOU STEP TO THE MICROPHONE,
19 PLEASE.

20 MR. SILVERT: COULD YOU STATE YOUR NAME,
21 PLEASE?

22 MR. TAUL: MY NAME IS JOHNNY TAUL.

23 (JOHNNY TAUL SWORN BY ATTORNEY.)

24 MR. TAUL: THE PROPOSAL I HAVE MADE FOR THIS
25 LOT IS TO BUILD MINI-STORAGE BUILDINGS. I OWN

1 BUILDINGS SIMILAR TO THIS IN HARDINSBURG. I KNOW THAT
2 THERE COULD BE OPPOSITION FROM ADJOINING NEIGHBORS.

3 AS A BUSINESS OWNER IN HARDINSBURG, I OWN
4 APARTMENT BUILDINGS AND MINI-STORAGE BUILDING. I CAN
5 TELL YOU FOR A FACT THAT MINI-STORAGE BUILDINGS ARE
6 NOT A DISRUPT TO NEIGHBORS.

7 THE ONES I HAVE IN HARDINSBURG ARE COMPLETELY
8 FULL. I NEVER SEE ANY TRAFFIC IN AND OUT OF THESE
9 BUILDINGS. PEOPLE USE THEM FOR THEIR PERSONAL USE.
10 THEY PUT ITEMS IN THERE. AS FAR AS IN AND OUT TRAFFIC
11 GOING TO THESE BUILDINGS IS VERY SLIGHTLY. THEY MAY
12 GO IN THERE A COUPLE OF TIMES A YEAR.

13 I THINK IT'S A NEED FOR THE CITY OF
14 WHITESVILLE. THERE'S ONLY ONE MINI-STORAGE BUILDING
15 COMPLEX IN WHITESVILLE AND IT'S IN AN AREA THAT IS
16 ACTUALLY DIFFICULT TO GET TO.

17 THE NEIGHBORHOOD THAT I LIVE IN HARDINSBURG,
18 ACTUALLY I LIVE CLOSE TO APARTMENT BUILDINGS. IF I
19 WAS AN ADJOINING NEIGHBOR TO THIS LOT, I WOULD MUCH
20 RATHER SEE A MINI-STORAGE BUILDING PLACE THERE INSTEAD
21 OF APARTMENT BUILDINGS YOU DO HAVE TRAFFIC IN AND OUT.
22 PEOPLE VISITING, DOGS, KIDS RUNNING AROUND.

23 THIS LOT ACROSS THE STREET, BRIAN NOTED, IS
24 THE FIRE DEPARTMENT FOR THE CITY OF WHITESVILLE. IN
25 THE SAME BLOCK YOU HAVE A FOUR-PLEX APARTMENT

1 BUILDING. YOU HAVE THE CITY PARK, AND THEN YOU HAVE A
2 BUSINESS ALL IN THE SAME BLOCK WHERE THIS LOT IS. ON
3 THE BACKSIDE OF THE LOT THERE IS A VACANT LOT THAT IS
4 AGRICULTURAL.

5 I THINK WHAT I WANT TO DO WITH THIS LOT,
6 THERE'S NO CHANGE TO WHAT'S ALREADY BEEN DONE ON THE
7 STREET. THE TYPE OF BUILDING THAT YOU SEE THERE IS
8 VERY SIMILAR TO THE FIRE DEPARTMENT. THE FIRE
9 DEPARTMENT OBVIOUSLY WHEN IT'S GOING OUT FOR ITS
10 ROUNDS HAS TRUCKS RUNNING IN AND OUT OF IT AND THEY
11 HAVE LIGHTS AND SIRENS GOING OFF.

12 AS YOU CAN SEE MY PROPERTIES THERE, I TAKE
13 VERY GOOD CARE OF MY REAL ESTATE. IN HARDINSBURG I
14 HAVE A VERY GOOD REPUTATION FOR TAKING CARE OF
15 PROPERTIES THAT I DO OWN.

16 SO I WOULD LIKE FOR YOU TO CONSIDER MY
17 REQUEST. IT'S A NEED FOR THE CITY OF WHITESVILLE.
18 LIKE I SAID, THE STORAGE BUILDING I HAVE NOW IS
19 COMPLETELY FULL. FOR ADJOINING NEIGHBORS IT GIVES
20 THEM AN OPPORTUNITY THAT IF THEY HAVE LOTS THAT ARE
21 SMALL AND THEY'RE NEEDING SOMEWHERE TO STORE THEIR
22 STUFF INSTEAD OF HAVING STUFF OUT ON THEIR PROPERTY
23 THAT BECOMES A NUISANCE TO THE NEIGHBORHOOD, THEY CAN
24 ACTUALLY STORE THEM INSIDE AN AREA WHERE IT'S OUT OF
25 THE WEATHER CONDITIONS AND OUT OF THE SIGHT FROM THE

1 CITY RESIDENTS.

2 CHAIRMAN: MR. TAUL, WHY DON'T YOU TAKE A SEAT
3 AND WE'LL SEE IF THERE ARE ANY QUESTIONS OF YOU AND
4 WE'LL BRING YOU BACK TO ANSWER THE QUESTIONS. THANK
5 YOU VERY MUCH.

6 MR. TAUL: OKAY.

7 CHAIRMAN: IS THERE ANYBODY THAT HAS ANY
8 QUESTIONS OF THE APPLICANT?

9 YES, MA'AM. GO TO THE MICROPHONE THERE.

10 MR. SILVERT: COULD YOU STATE YOUR NAME
11 PLEASE?

12 MR. CRABTREE: RACHEL CRABTREE.

13 (RACHEL CRABTREE SWORN BY ATTORNEY.)

14 MS. CRABTREE: WHAT MAKES YOU THINK THAT THE
15 PROPERTY VALUE OF MY HOUSE WON'T GO DOWN?

16 CHAIRMAN: IF YOU'VE GOT SEVERAL QUESTIONS,
17 LET ME GET YOU TO ASK YOUR QUESTIONS AND THEN I'LL
18 BRING MR. TAUL BACK TO THE PODIUM.

19 MS. CRABTREE: WHAT MAKES HIM THINK THAT JUST
20 PEOPLE STORING STUFF IN HIS BUILDINGS WILL MAKE THE
21 NEIGHBORHOOD LOOK NICER? HAS HE THOUGHT ABOUT THE
22 PEOPLE MIGHT NOT BE ABLE TO AFFORD PUTTING THEIR STUFF
23 THAT'S SITTING OUT IN THE YARD INSIDE A STORAGE
24 BUILDING? WHAT ABOUT RODENTS? I DON'T REALLY WANT
25 RODENTS COMING INTO MY HOUSE. DON'T WANT ANYTHING

1 LIKE THAT THERE. I MEAN THAT BLOCKS MY VIEW. THAT'S
2 BLOCKS MY VIEW OF WHERE IT IS. IT'S NOT -- THAT ZONE
3 IS ZONED FOR RESIDENTIAL USE. IT WOULD JUST LOOK KIND
4 OF OUT OF PLACE IN THE CITY OF WHITESVILLE. THAT
5 LOOKS NICE AND EVERYTHING, BUT IT JUST WOULDN'T LOOK
6 RIGHT SMACK DAB IN THE MIDDLE OF A RESIDENTIAL
7 NEIGHBORHOOD LIKE THAT.

8 CHAIRMAN: DO YOU HAVE ANY OTHER QUESTIONS?

9 MS. CRABTREE: NO, NOT RIGHT NOW.

10 CHAIRMAN: THANK YOU.

11 YES, SIR.

12 MR. SILVERT: WOULD YOU STATE YOUR NAME,
13 PLEASE?

14 MR. BURCH: STEVEN BURCH.

15 (STEVEN BURCH SWORN BY ATTORNEY.)

16 MR. BURCH: I LIVE AT 10314, THE PROPERTY THAT
17 BOARDERS IT. I'VE GOT A PETITION THAT'S GOT 57
18 PEOPLE'S SIGNATURES ON IT OPPOSING IT. I OPPOSE THE
19 REZONING AND BUILDING OF THE STORAGE UNIT. THE
20 REASONS ARE THE STRUCTURE WILL BE 30 OR 40 FEET OF MY
21 HOUSE. IT ALSO WILL BRING ROACHES, MICE, BED BUGS,
22 RECLUSE SPIDERS INTO THE NEIGHBORHOOD THAT IS
23 INCONSIDERATE AND UNHEALTHY. THERE WILL BE PEOPLE IN
24 AND OUT ALL HOURS OF THE DAY AND NIGHT. PEOPLE THAT
25 YOU DON'T KNOW ANYTHING ABOUT AND WITH BABIES

1 NEXT-DOOR AND CHILDREN OF MY OWN, IT'S A SCARY
2 THOUGHT.

3 HOUSEHOLD CHEMICALS AND INDUSTRIAL CHEMICALS
4 THAT PEOPLE DON'T WANT AT THEIR RESIDENCE THAT CAN BE
5 STORED IN THE BUILDINGS, WHICH IS UNHEALTHY FOR KIDS
6 AND ALSO ADULTS. I COULD NAME 1,000 FROM ROUND UP TO
7 AMMONIA NITRATE, DIESEL FUEL THAT BLEW UP THE OKLAHOMA
8 CITY BUILDING. METH LABS AND DRUGS CAN BE A PROBLEM
9 TOO. ALSO, THEFT AND BREAK INS.

10 I'M A FAMILY MAN TRYING TO RAISE A HEALTHY
11 FAMILY IN A SAFE NEIGHBORHOOD. IF THERE WAS A WRONG
12 LOCATION, THIS IS ONE. THERE'S PLACES FOR THESE TYPES
13 OF BUILDINGS, BUT THIS IS NOT ONE OF THEM.

14 CHAIRMAN: YOU WERE SAYING ABOUT RODENTS AND
15 THE MICE. IS THERE ANY PROOF OR ANY FINDINGS OF FACT
16 TO LEND TO THAT STATEMENT?

17 MR. BURCH: I DON'T KNOW WHAT PEOPLE IS GOING
18 TO BE BRINGING IN. YOU DON'T KNOW. I DON'T KNOW.
19 ANYBODY COULD -- A LOT OF RESIDENTS HAVE BEDBUGS AND
20 MICE. YOU KNOW, BEDBUGS, YOU HEAR IT IN THE NEWS
21 THEY'RE ON THE RISE. I WOULDN'T WANT IT 30, 40 FOOT
22 OF MY HOUSE PEOPLE BRINGING -- YOU KNOW WHAT I'M
23 SAYING? WOULD YOU?

24 CHAIRMAN: I'M ASKING YOU. I'M ASKING YOU:
25 IS THERE SOMETHING OF THESE PLACES HISTORIC FOR HAVING

1 THESE ITEMS? YOU KNOW, ROUND UP AND SOME OF THESE
2 THINGS YOU MENTIONED I'VE GOT IN MY GARAGE.

3 MR. BURCH: I MEAN IT'S COMING FROM PEOPLE'S
4 RESIDENTS. I'M SURE THAT THEY'RE THERE IN SOME
5 PEOPLES. I DON'T WANT TO TAKE A CHANCE OF PUTTING
6 THEM RIGHT NEXT-DOOR TO ME. IT'S UNNECESSARY. IT'S A
7 RISK I DON'T WANT TO TAKE WITH MY DAUGHTERS. I DON'T
8 WANT IT THERE. IT'S UNNECESSARY FOR THE THREAT.

9 CHAIRMAN: I THOUGHT MAYBE YOU HAD SOME
10 FACTUAL INFORMATION ABOUT RODENTS OR SOMETHING THAT
11 THESE PLACES ATTRACT OR SOME FINDING.

12 MR. BURCH: WELL, THEY'RE BRINGING THIS STUFF
13 FROM OUTSIDE IN. IT'S NOT THERE NOW. THERE'S A
14 THREAT THAT THEY COULD BRING IT IN, SHIP IT IN.

15 CHAIRMAN: LET ME GET MR. TAUL UP HERE TO
16 ANSWER THESE QUESTIONS THAT WE HAVE, IF WE COULD.

17 LET ME RECAP. THE QUESTION THAT THE LADY HAD
18 WAS ABOUT THE REDUCTION IN PROPERTY VALUE, THE PEST,
19 RODENTS AND THINGS THAT THIS BUILDING COULD ATTRACT.
20 THIS GENTLEMAN HERE BROUGHT UP ABOUT THE CHEMICALS AND
21 OUTSIDE THINGS THAT COULD BE STORED IN THESE
22 BUILDINGS.

23 DID I PROPERLY SUMMARIZE THE QUESTIONS?

24 MR. BURCH: YES.

25 MR. TAUL: AS FAR AS PROPERTY VALUE, JUST FROM

1 PAST EXPERIENCE, I WOULD THINK THAT EVERYBODY'S
2 PROPERTY VALUE WILL INCREASE IN VALUE. IF YOU TAKE A
3 RESIDENTIAL LOT AND THEN YOU START ZONING LIGHT
4 INDUSTRIAL, YOUR PROPERTY VALUES ARE GOING TO GO UP IN
5 VALUE. SHOULD.

6 I BELIEVE THERE'S EVEN AN ADJOINING NEIGHBOR
7 THAT HAS PURCHASED A LOT IN THAT AREA JUST FOR THE
8 FACT OF FUTURE ON SITE OF WHAT PROPERTY VALUES ON
9 HIGHWAY 54 IS GOING TO BE.

10 I WILL TELL YOU THAT IN MY LEASE CONTRACTS
11 THAT IT STATES THAT NO DANGEROUS CHEMICALS, TOXIC
12 CHEMICALS, ANY OF THAT STUFF CAN BE BROUGHT ON SITE.
13 CAN YOU MONITOR THAT 100 PERCENT? NO, YOU CANNOT.

14 I WILL TELL YOU THE BUILDING I BUILT IN
15 HARDINSBURG, IT'S RESIDENTIAL ALL AROUND IT. I OWN
16 SOME OF THE HOUSES AROUND THERE. I WILL SAY WHEN I
17 PUT THOSE UP THAT I GOT COMPLIMENTS FROM THE
18 NEIGHBORS. THE NEIGHBORS ACTUALLY RENT UNITS FROM ME.
19 NEVER SEEN ANY MICE, RODENTS, ANYTHING OF THAT NATURE.
20 THESE BUILDINGS ARE PRE-ENGINEERED BUILDINGS FROM
21 GENERAL STEEL. THEY ARE BUILT TO WITHSTAND 90 MILE AN
22 HOUR WINDS. THEY'RE VERY, VERY NICE BUILDINGS.

23 AS FAR AS TRYING TO KEEP SOMEBODY FROM
24 BRINGING SOMETHING IN THAT HAS RODENTS IN IT, MY
25 THOUGHT ON THAT IS IF IT'S ZONED RESIDENTIAL AND

1 SOMEONE BUILDS A HOUSE NEXT TO YOU AND THEY'RE NOT A
2 TIDY PERSON, THEY'RE NOT A TIDY FAMILY, THEY BUILD A
3 GARAGE, THAT'S NO DIFFERENCE THAN MINI-STORAGE
4 BUILDINGS.

5 YOU COULD HAVE A HIGH RISE APARTMENT BUILDING
6 THERE, TWO-STORY APARTMENT BUILDING. IF THE LOT IS
7 REZONED FOR, I DON'T KNOW IF IT'S R-2 IN OWENSBORO.
8 THAT'S WHAT IT WOULD BE IN HARDINSBURG. IF THE LOT IS
9 REZONED FOR A MULTI-PLEX APARTMENT BUILDING, THEN
10 YOU'VE GOT MULTIPLE FAMILIES THAT LIVE THERE ALL THE
11 TIME.

12 CHAIRMAN: DO YOU HAVE ANYTHING ON YOUR SIDE,
13 AS FAR AS FINDING OF FACT? YOU MADE A STATEMENT THAT
14 THE PROPERTY VALUES ARE GOING TO GO UP. WOULD NOT GO
15 DOWN. COULD POSSIBLY GO UP. DO YOU HAVE ANY FINDINGS
16 OF FACT THAT WOULD SUBSTANTIATE THAT STATEMENT?

17 MR. TAUL: I DO NOT HAVE ANY FINDINGS OF THAT.
18 I'M GOING BY JUST PAST EXPERIENCE, MY PERSONAL
19 EXPERIENCE. THAT IF A LOT IS ZONED RESIDENTIAL AND IT
20 BECOMES EITHER COMMERCIAL, INDUSTRIAL OR BUSINESS, THE
21 VALUE OF THE PROPERTY, JUST FROM MY PAST EXPERIENCE,
22 IS WORTH MORE.

23 CHAIRMAN: YOU SEE WHERE I WAS GOING WITH THAT
24 QUESTION?

25 MR. TAUL: YES, I DO. I UNDERSTAND.

1 CHAIRMAN: YOUR PROPERTY IN YOUR OTHER AREA,
2 MAYBE YOU BOUGHT A LOT AND YOU PAID X NUMBER OF
3 DOLLARS FOR IT, AND THEN AFTER YOU IMPROVED THE LOT
4 THAT YOUR VALUE OF THAT LOT INCREASED AND THE PROPERTY
5 OF THE NEIGHBORS ALSO INCREASED BY PVA OR SOME
6 SUBSTANTIATED STATEMENT.

7 MR. TAUL: RIGHT. EXACTLY.

8 ANOTHER REASON THAT I PUT ON THERE, YOU KNOW,
9 YOU'RE TAKING A LOT THAT YOU'RE DRAWING TAXES OFF OF
10 \$7,500, THAT YOU'LL BE DRAWING TAXES OFF OF FOR
11 \$100,000 WHEN THIS IS ALL DONE. SO IT'S A BENEFIT TO
12 THE CITY OF WHITESVILLE. THAT'S TAX REVENUE THAT CAN
13 BE SPENT FOR ROAD UPGRADES, TO YOUR CITY PARK, AND FOR
14 THE COUNTY OF DAVIESS COUNTY. THE CITY PARK IS ON THE
15 SAME BLOCK. I WOULD THINK THAT YOU HAVE PEOPLE, YOU
16 MIGHT HAVE RESIDENTS THAT WOULD LIKE TO RIDE THEIR
17 BICYCLES ON TO CITY PARK. THEY MIGHT HAVE LITTLE
18 SMALL CARS AND CAN'T GET EVEN GET THEIR BICYCLES TO
19 THE CITY PARK. THEY COULD RENT A STORAGE UNIT. DRIVE
20 THEIR CAR THERE AND GET THEIR BICYCLE OUT AND ENJOY
21 THE DAY AT THE CITY PARK.

22 CHAIRMAN: DOES ANYBODY ELSE HAVE ANY OTHER
23 QUESTIONS?

24 YES, MA'AM.

25 MR. SILVERT: COULD YOU STATE YOUR NAME,

1 PLEASE?

2 MS. MATTINGLY: JANICE MATTINGLY.

3 (JANICE MATTINGLY SWORN BY ATTORNEY.)

4 MS. MATTINGLY: I DON'T REALLY HAVE ANY
5 QUESTIONS. I'VE JUST GOT A FEW THINGS TO SAY.

6 I DO THINK IT WILL BRING THE VALUE OF YOUR
7 HOME DOWN. I WOULDN'T GO BUY A HOME RIGHT NEXT TO IT.
8 I MEAN THEY LOOK NICE, YOU KNOW, AND I THINK
9 WHITESVILLE MIGHT NEED THEM, BUT NOT THERE. NOT RIGHT
10 THERE ON 54 WHERE ALL THE HOMEOWNERS ARE THERE. IT'S
11 JUST NOT A GOOD PLACE. I DON'T THINK YOU HAVE ANY
12 IDEA WHAT PEOPLE IS GOING TO PUT IN THERE.

13 LIKE HE SAID, WE HAVE GRANDKIDS. WE HAVE
14 KIDS. IN THE CITY PARK, THERE IS PARKING AREA FOR OUR
15 CARS AND VEHICLES AND ALL OF THAT. THAT'S FOR
16 WHITESVILLE'S ENJOYMENT. NOT TO DO WITH THAT.

17 I JUST DON'T THINK WHERE THEY'RE GOING TO PUT
18 IT AT IS A GOOD IDEA. IF YOU COULD PICK SOMEWHERE
19 ELSE MAYBE, BUT NOT RIGHT ON 54 AROUND HOMES.

20 CHAIRMAN: THANK YOU.

21 YES, SIR.

22 MR. SILVERT: STATE YOUR NAME AGAIN FOR THE
23 RECORD, PLEASE.

24 MR. BURCH: STEVEN BURCH.

25 WHENEVER I WENT AND PRESENTED THESE PEOPLE

1 WITH THESE PETITIONS, THE MAJORITY OF THEM IS LIKE,
2 OH, NO, THAT'S WHAT THEY'RE PUTTING THERE.

3 THEN YOU'LL PROBABLY HAVE A PROBLEM WITH
4 LOITERING WITH PEOPLE IN THERE PARKING AND WHO KNOWS
5 WHAT. DRINKING BEER OR WHATEVER. IF THEY HAVE STUFF
6 THAT THEY DON'T WANT, THEY'LL LEAVE IT OUTSIDE THERE
7 OR THROW IT OVER THE FENCE. I DON'T KNOW.

8 CHAIRMAN: THANK YOU.

9 DOES ANYBODY FROM THE COMMISSION HAVE ANY
10 QUESTIONS?

11 (NO RESPONSE)

12 CHAIRMAN: ANYBODY ELSE FROM THE AUDIENCE?

13 YES, SIR.

14 MR. TAUL: ONE MORE POINT I WOULD LIKE TO
15 MAKE. I'M FAMILIAR ENOUGH WITH THE CITY OF
16 WHITESVILLE TO KNOW THAT IT'S A SMALL ENOUGH COMMUNITY
17 THAT IN THE PAST AND IN THE FUTURE I DON'T SEE HOW YOU
18 CAN DIFFERENTIATE BETWEEN THE COMMERCIAL, INDUSTRIAL
19 AND BUSINESS SIDE OF WHITESVILLE AND THE RESIDENTIAL
20 SIDE. HIGHWAY 54 IS THE MAIN HIGHWAY THROUGH THE CITY
21 OF WHITESVILLE. IF YOU CAN'T LET YOUR CITY GROW ON
22 HIGHWAY 54, WHERE DO YOU LET IT GROW AT? LIKE I SAY,
23 THIS AREA ALREADY HAS A BUSINESS ON THE SAME BLOCK.
24 IT ALREADY HAS A FIRE DEPARTMENT. ALREADY HAS A
25 MULTI-PLEX APARTMENT BUILDING. I KNOW THE COMMENT WAS

1 MADE THAT IT LOOKS LIKE THERE IS A NEED FOR STORAGE
2 BUILDINGS THERE. SO IF YOU DON'T ALLOW IT ON THIS
3 LOT, WHERE DO YOU ALLOW IT TO BE? THE DOLLAR GENERAL
4 STORE WAS JUST MOVED. IT'S RIGHT IN THE MIDDLE --
5 THERE'S A SUBDIVISION RIGHT BESIDE IT. THERE'S HOUSES
6 ON BOTH SIDES OF IT. THERE'S TRAFFIC THAT GOES IN AND
7 OUT OF THERE FROM WHENEVER IT OPENS IN THE MORNING AT
8 7 IN THE MORNING UNTIL 10 AT NIGHT. I CAN TELL YOU
9 THERE IS NO TRAFFIC WITH STORAGE BUILDINGS.

10 AS FAR AS LOITERING, PEOPLE HANGING OUT THERE,
11 YOU KNOW, OF ALL THE PLACES FOR THEM TO HANG OUT IN
12 THE CITY OF WHITESVILLE, I DON'T KNOW WHY IN THE WORLD
13 THEY WOULD DECIDE TO HANG OUT AROUND THE MINI-STORAGE
14 BUILDING.

15 I HAVE NEVER -- I'VE GOT THREE BUILDINGS LIKE
16 THAT IN HARDINSBURG. I HAVE NEVER HAD TO PICK UP ONE
17 PIECE OF TRASH FROM ANYBODY THAT HAS RENTED ANY UNIT
18 FROM ME. THE DOORS ARE CLOSED ALL THE TIME. I DON'T
19 EVER SEE ANYBODY IN THE UNITS, BUT THEY'RE RENTED.
20 THERE'S A REASON THAT PEOPLE HAVE THEIR STUFF IN
21 THERE. THAT'S THEIR OWN REASON. THEY PROBABLY DON'T
22 WANT TO PUT THEIR CHRISTMAS LIGHTS UP IN THE ATTIC.
23 SO THEY PUT THEIR CHRISTMAS ITEMS IN THERE. THEY GO
24 IN THERE ONCE A YEAR TO GET THEM OUT, PUT THEM UP FOR
25 A MONTH, AND THEN GO PUT THEM BACK.

1 I WILL TELL YOU JUST BY PRICING. I KNOW THE
2 COMMENT WAS MADE AS FAR AS BEING ABLE TO AFFORD IT.
3 SURE ENOUGH, THERE PROBABLY IS PEOPLE THAT MIGHT WANT
4 TO RENT ONE AND COULDN'T AFFORD IT, BUT MY PRICES ARE
5 VERY REASONABLE. I RENT THOSE LARGE UNITS. I RENT
6 THEN FOR \$45 A MONTH. THAT'S A 10 BY 15. I DON'T
7 THINK THAT YOU'LL EVER FIND A PRICE ANY CHEAPER THAN
8 THAT. THAT'S ALL I HAVE. THANK YOU.

9 CHAIRMAN: THANK YOU.

10 ANY MORE QUESTIONS FROM THE COMMISSION OR
11 AUDIENCE?

12 (NO RESPONSE)

13 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
14 MOTION.

15 MR. PEDLEY: MR. CHAIRMAN, I MAKE A MOTION FOR
16 DENIAL BASED ON FINDINGS OF FACT WE'VE HEARD STRONG
17 OPPOSITION FROM THE NEIGHBORS. IT IS IN A PRIMARY
18 RESIDENTIAL NEIGHBORHOOD. IT WILL ALTER THE ESSENTIAL
19 CHARACTER OF THE NEIGHBORHOOD. IT COULD CREATE A
20 NUISANCE FOR THE ZONING PROPERTY OWNERS.

21 STAFF FINDINGS: THE PROPOSAL IS NOT IN
22 COMPLIANCE WITH THE COMMUNITY'S ADOPTED COMPREHENSIVE
23 PLAN. THE SUBJECT PROPERTY IS LOCATED IN AN URBAN
24 RESIDENTIAL AREA WHERE LIGHT INDUSTRIAL USES ARE
25 APPROPRIATE FOR LIMITED LOCATIONS. IF THE PROPOSAL IS

1 NOT A LOGICAL EXPANSION TO I-1 LIGHT INDUSTRIAL ZONING
2 SINCE THE NEAREST I-1 ZONE IS MORE THAN ONE-HALF MILE
3 AWAY. THE EXISTING ZONING FOR THE SUBJECT PROPERTY IS
4 APPROPRIATE CONSIDERING ALL ADJOINING PROPERTIES ARE
5 ZONED R-1A SINGLE-FAMILY RESIDENTIAL AND ALL HAVE
6 EXISTING RESIDENCES. THERE HAVE NOT BEEN MAJOR
7 CHANGES OF AN ECONOMIC, PHYSICAL OR SOCIAL NATURE IN
8 THE AREA THAT WERE NOT ANTICIPATED IN THE
9 COMPREHENSIVE PLAN THAT WAS LAST UPDATED IN 2007.

10 CHAIRMAN: WE HAVE A MOTION BY MR. PEDLEY FOR
11 DENIAL.

12 MR. KAZLAUSKAS: SECOND.

13 CHAIRMAN: WE HAVE A SECOND BY MR. KAZLAUSKAS.
14 ALL IN FAVOR RAISE YOUR RIGHT HAND.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

17 NEXT ITEM, PLEASE.

18 ITEM 3

19 7026 HIGHWAY 815, 0.65 ACRES
20 CONSIDER ZONING CHANGE: FROM R-1A SINGLE-FAMILY
21 RESIDENTIAL TO A-U URBAN AGRICULTURE
22 APPLICANT: CECIL D. MARTIN, JR.; NICOLE R. MARTIN;
23 PATRICK R. & SUSAN R. O'BRYAN

24 MR. SILVERT: COULD YOU STATE YOUR NAME,
25 PLEASE?

MS. EVANS: MELISSA EVANS.

(MELISSA EVANS SWORN BY ATTORNEY.)

1 PLANNING STAFF RECOMMENDATIONS

2 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
3 TO THE CONDITION AND FINDINGS OF FACT THAT FOLLOW:
4 CONDITION:

5 SUBMISSION AND APPROVAL OF A MINOR SUBDIVISION
6 PLAT CONSOLIDATING 7022 AND 7026 HIGHWAY 815.

7 FINDINGS OF FACT:

8 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
9 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
10 COMPREHENSIVE PLAN.

11 2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL
12 COMMUNITY PLAN AREA, WHERE RURAL FARM RESIDENTIAL USES
13 ARE APPROPRIATE IN GENERAL LOCATIONS.

14 3. THE SUBJECT PROPERTY IS AN EXISTING LOT
15 WITH FRONTAGE ON HIGHWAY 815; AND,

16 4. THE SUBJECT PROPERTY WILL BE CONSOLIDATED
17 TO CREATE AN 8.245 ACRE TRACT THAT HAS AN EXISTING
18 RESIDENCE AND SEPTIC SYSTEM.

19 MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF
20 REPORT INTO THE RECORD AS EXHIBIT B.

21 CHAIRMAN: THANK YOU.

22 IS THERE ANYBODY HERE REPRESENTING THE
23 APPLICANT?

24 (NO RESPONSE)

25 CHAIRMAN: DOES ANYBODY IN THE AUDIENCE HAVE A

1 QUESTION?

2 (NO RESPONSE)

3 CHAIRMAN: DOES ANYBODY ON THE COMMISSION HAVE
4 A QUESTION?

5 (NO RESPONSE)

6 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
7 MOTION.

8 MR. APPLEBY: MOTION FOR APPROVAL.

9 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

10 MR. APPLEBY: BASED ON STAFF RECOMMENDATIONS
11 WITH THE SINGLE CONDITION AND FINDINGS OF FACT 1
12 THROUGH 4.

13 CHAIRMAN: MR. APPLEBY HAS A MOTION FOR
14 APPROVAL.

15 MR. ROGERS: SECOND.

16 CHAIRMAN: MR. ROGERS HAS A SECOND. ALL IN
17 FAVOR RAISE YOUR RIGHT HAND.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

20 MR. NOFFSINGER, YOU HAVE ANYTHING FURTHER?

21 MR. NOFFSINGER: NO, SIR.

22 CHAIRMAN: CHAIR IS READY FOR A MOTION FOR
23 ADJOURNMENT.

24 MR. APPLEBY: MOVE TO ADJOURN.

25 CHAIRMAN: MR. APPLEBY HAS A MOTION FOR

1 ADJOURNMENT.

2 MR. TAYLOR: SECOND.

3 CHAIRMAN: SECOND BY MR. TAYLOR. ALL IN FAVOR
4 RAISE YOUR RIGHT HAND.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

7 WE ARE ADJOURNED.

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