

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 14, 2013

3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION

4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY,

5 FEBRUARY 14, 2013, 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 SEAN LAND, ATTORNEY
13 MARGARET CAMBRON
14 TIM ALLEN
15 IRVIN ROGERS
16 JOHN KAZLAUSKAS
17 GREG BLACK
18 FRED REEVES

19 * * * * *

20 CHAIRMAN: LET'S STAND FOR OUR INVOCATION AND
21 PLEDGE OF ALLEGIANCE.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: OUR FIRST ORDER OF BUSINESS IS FOR
24 THE ELECTION OF VICE CHAIRMAN.

25 WE HAVE TWO NOMINEES. THAT ELECTION WAS NOT
DECIDED IN OUR LAST MEETING. THOSE TWO NOMINEES ARE
MR. WARD PEDLEY AND MR. JOHN KAZLAUSKAS.

I'VE BEEN INFORMED BY MR. SILVERT WE'LL VOTE.
IF WE DO NOT HAVE A FULL SIX, WE MUST HAVE SIX MEMBERS
TO DECIDE THE ELECTION. SO, IN OTHER WORDS, IF ONE

1 MEMBER HAS FIVE AND THE OTHER ONE HAS FOUR, WE STILL
2 MUST HAVE A MAJORITY OF SIX.

3 AT THIS POINT IN TIME IF THERE ARE NO FURTHER
4 NOMINATIONS THE CHAIR IS READY FOR A VOTE.

5 ALL IN FAVOR OF MR. PEDLEY RAISE YOUR RIGHT
6 HAND.

7 (BOARD MEMBERS TIM MILLER, IRVIN ROGERS, DAVE
8 APPLEBY, DREW KIRKLAND AND WARD PEDLEY RESPONDED AYE.)

9 CHAIRMAN: WE HAVE FIVE VOTES.

10 ALL IN FAVOR OF MR. KAZLAUSKAS.

11 (BOARD MEMBERS MARGARET CAMBRON, JOHN
12 KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED AYE.)

13 CHAIRMAN: WE HAVE FOUR VOTES. SINCE WE DID
14 NOT HAVE SIX VOTES, WE WILL TAKE ONE SECRET BALLOT
15 VOTE.

16 WOULD YOU ALL TAKE A SHEET OF PAPER AND MARK
17 YOUR BALLOT.

18 (BOARD MEMBERS COMPLIES WITH REQUEST.)

19 CHAIRMAN: MR. NOFFSINGER, WILL YOU READ THOSE
20 PLEASE.

21 MR. NOFFSINGER: ONE VOTE FOR WARD PEDLEY.
22 ONE VOTE FOR JOHN KAZLAUSKAS. ONE VOTE FOR CHIEF K.
23 ONE VOTE FOR JOHN K. ONE VOTE FOR KAZLAUSKAS. ONE
24 VOTE FOR WARD PEDLEY. ONE VOTE FOR WARD PEDLEY. ONE
25 VOTE FOR WARD. ONE VOTE FOR WARD PEDLEY.

1 CHAIRMAN: THE COUNT IS STILL FIVE/FOUR. WE
2 CAN STILL NOT DECLARE A WINNER SINCE WE MUST HAVE SIX
3 VOTES. THE TOTAL MEMBER OF THE COMMISSION, ONE MEMBER
4 IS ABSENT. SO WITH US NOT RE-ELECTING A VICE CHAIR,
5 MR. PEDLEY WILL CONTINUE TO SERVE AS VICE CHAIR.

6 OUR NEXT ITEM IS TO CONSIDER THE MINUTES OF
7 THE JANUARY 10, 2013 MEETING. ARE THERE ANY
8 CORRECTIONS, ADDITIONS, QUESTIONS?

9 (NO RESPONSE)

10 CHAIRMAN: AS EVERYBODY KNOWS, THE MINUTES IS
11 ONLINE. IF ANYBODY WANTS TO READ THE MINUTES IN ITS
12 ENTIRETY, IT IS ONLINE AND IT HAS BEEN ONLINE SINCE
13 THE YEAR 2000. IF YOU WANT TO GO BACK TO 2000 AND
14 READ THROUGHOUT, IT'S VERY INTERESTING READING. MR.
15 KAMUF I'M SURE DOES IT PERIODICALLY FROM TIME TO TIME
16 TO KEEP UP WITH THE LOCAL MINUTES.

17 THE CHAIR IS READY FOR A MOTION.

18 MR. PEDLEY: MOTION FOR APPROVAL.

19 CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

20 MR. APPLEBY: SECOND.

21 CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN
22 FAVOR RAISE YOUR RIGHT HAND.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

25 NEXT ITEM, PLEASE.

1 -----

2 PUBLIC HEARING

3 ITEM 3

4 CONSIDER ADOPTION OF UPDATES TO ELEMENTS OF THE
5 COMPREHENSIVE PLAN INCLUDING POPULATION, ECONOMY, LAND
6 USE, TRANSPORTATION, COMMUNITY FACILITIES AND
ENVIRONMENT FOR OWENSBORO, WHITESVILLE AND DAVIESS
COUNTY, KENTUCKY.

7 MR. LAND: WOULD YOU STATE YOUR NAME FOR THE
8 RECORD, PLEASE?

9 MS. STONE: BECKY STONE.

10 (BECKY STONE SWORN BY ATTORNEY.)

11 MS. STONE: WE'VE BEEN WORKING ON THE UPDATE
12 OF THE REMAINING ELEMENTS OF THE COMPREHENSIVE PLAN
13 FOR THIS PAST YEAR. WE HAVE A DRAFT READY FOR YOUR
14 CONSIDERATION.

15 FOR THOSE OF YOU WHO HAVE NOT BEEN THROUGH THE
16 PROCESS BEFORE, WE'LL JUST HAVE A SLIGHT REVIEW ON THE
17 NEXT SLIDE.

18 THE COMPREHENSIVE PLAN IS REQUIRED FOR
19 COMMUNITIES WITH PLANNING COMMISSIONS TO BE ADOPTED BY
20 KRS 100.183 AND A PLANNING UNIT HAS TO ADOPT AT LEAST
21 THE GOALS AND OBJECTIVES AND THE LAND USE ELEMENT
22 BEFORE IT CAN HAVE ANY OTHER ZONING OR SUBDIVISION
23 REGULATIONS IN THE COMMUNITY.

24 SO OUR COMMUNITIES HAVE HAD A COMPREHENSIVE
25 PLAN FOR SOME TIME AND WE'RE ON OUR FIVE YEAR REVIEW

1 OF THAT PLAN. WE PROJECT AHEAD 20 YEARS AND THIS PLAN
2 IS THE GUIDE FOR THE COMMUNITY FOR LAND USE DECISIONS
3 FOR DEVELOPMENT TO A CURRENT AND APPROPRIATE
4 RELATIONSHIP.

5 THE FIRST COMP PLAN IN DAVIESS COUNTY WAS
6 ADOPTED IN 1979. THAT FIRST PLAN CREATED THE BASIS OF
7 OUR URBAN SERVICE AREA, RURAL COMMUNITIES AND RURAL
8 SERVICE AREA. WE'VE HAD SUBSEQUENT UPDATES IN 1991,
9 2001, 2007, AND NOW THIS CURRENT UPDATE IS BEING
10 CONSIDERED.

11 THERE'S CERTAIN ELEMENTS THAT ARE REQUIRED BY
12 KRS THAT HAVE TO BE INCLUDED IN THE PLAN. THESE ARE
13 THE GOALS AND OBJECTIVES, THE LAND USE PLAN, THE
14 TRANSPORTATION PLAN, COMMUNITY FACILITIES PLAN, OTHER
15 ELEMENTS AS NEEDED AND RESEARCH REQUIREMENTS.

16 THE RESEARCH REQUIREMENTS INCLUDE AN ANALYSIS
17 OF POPULATION AND ECONOMY, PAST, PRESENT AND FUTURE.
18 SO WE'LL GO THROUGH BRIEFLY SOME OF THOSE CHANGES THAT
19 WE HAVE MADE.

20 THE GOALS & OBJECTIVES ARE ADOPTED. THE
21 PLANNING COMMISSION ADOPTED THOSE IN SEPTEMBER OF
22 2012, DAVIESS COUNTY IN NOVEMBER, AND THE CITY OF
23 OWENSBORO AND THE CITY OF WHITESVILLE IN DECEMBER.

24 WE HAD, OF COURSE, SEVERAL MEETINGS WITH THE
25 ELECTED OFFICIALS AND TWO CITIZEN MEETINGS AND A

1 PUBLIC MEETING BEFORE THEIR ADOPTION.

2 THE SECOND SECTION OF THE COMPREHENSIVE PLAN
3 IS POPULATION. WHAT WE'VE DONE IS WE'VE REVISED THE
4 POPULATION FIGURES TO THE 2010 CENSUS. THE LAST PLAN
5 RELIED ON THE 2000 CENSUS.

6 THE POPULATION IN DAVIESS COUNTY HAS GROWN BY
7 ABOUT 5.6 PERCENT IN THAT DECADE. WHITESVILLE HAS
8 ACTUALLY LOST POPULATION. THEY DECLINED ABOUT 12.7
9 PERCENT IN THE LAST DECADE.

10 SOME OF THE STATISTICS THAT HAVE CHANGED IS
11 THE MEDIAN AGE HAS RISEN FROM 36.8 YEARS TO 38.8 YEARS
12 IN THE LAST 10 YEARS. IT'S PROJECTED TO RISE TO 42.1
13 BY THE YEAR 2030.

14 WE HAVE HAD AN INCREASE IN DIVERSITY. IN 2000
15 6.8 CITIZENS IDENTIFIED THEMSELVES AS NONWHITE AS
16 COMPARED TO 8.8 PERCENT IN 2010. THE MAJORITY OF THIS
17 INCREASE WHERE PEOPLE HAVE IDENTIFIED THEMSELVES AS
18 HISPANIC OR LATINO. WE ARE STILL LESS DIVERSE THAN
19 THE STATE WHICH HAS 87.8 PERCENT WHITE AS COMPARED TO
20 91.2 PERCENT IN DAVIESS COUNTY, AND WE ARE STILL LESS
21 DIVERSE IN THE UNITED STATES WHICH REPORTED 74.8
22 PERCENT WHITE IN 2010. WE'RE STILL SLIGHTLY MORE
23 FEMALE THAN MALE. THAT'S INCREASED FROM 2000. WE HAD
24 52.2 PERCENT FEMALE AND WE HAD 51.5 PERCENT 2010.

25 THE ECONOMY & EMPLOYMENT. SERVICES MAKE UP

1 THE LARGEST SEGMENT OF EMPLOYMENT IN DAVIESS COUNTY.
2 44 PERCENT OF EMPLOYMENT IS COMPRISED OF SERVICES.
3 THAT INCLUDES INFORMATION AND FINANCE, REAL ESTATE,
4 PROFESSIONAL, SCIENTIFIC AND TECHNICAL MANAGEMENT,
5 ADMINISTRATION AND WASTE MANAGEMENT, EDUCATIONAL AND
6 HEALTH CARE, SOCIAL SERVICES, ARTS AND ENTERTAINMENT
7 AND RECREATION.

8 GOVERNMENT EMPLOYMENT INCREASED FROM 15.6
9 PERCENT TO 16.5 PERCENT. CONSTRUCTION RETAIL AND
10 MANUFACTURING DECLINED. MANUFACTURING WENT FROM 12.3
11 PERCENT IN 2001 TO 10.2 PERCENT IN 2009.

12 OUR ECONOMY & EMPLOYMENT SECTION WAS ALSO
13 REVIEWED BY THE ECONOMIC DEVELOPMENT CORPORATION HERE.
14 THEY THOUGHT THE INFORMATION WAS GOOD AND DIDN'T HAVE
15 ANY REVISIONS THAT THEY ADDED TO THAT.

16 LAND USE. BRIAN WAS ABLE TO PULL ALL OF THE
17 PERCENTAGES OF ZONING CLASSIFICATIONS FROM OUR GIS
18 THIS YEAR. THAT SHOWS THE CLASSIFICATIONS OF ZONING
19 IN DAVIESS COUNTY, WHAT PERCENT IS ZONED AGRICULTURAL,
20 RESIDENTIAL, BUSINESS, INDUSTRIAL, PROFESSIONAL
21 SERVICE AND COAL MINING.

22 IT SHOULD BE NOTED THAT THE 85 PERCENT THAT'S
23 ZONED AGRICULTURAL ALSO INCLUDES RESIDENTIAL USES IN
24 THE COUNTY. AS MANY LOTS ARE CREATED ON
25 THREE-QUARTERS OF AN ACRE OR AN ACRE OF PROPERTY WHERE

1 HOUSING DEVELOPMENT OCCURS. THOSE ARE PERMITTED USES
2 IN AGRICULTURAL ZONES.

3 THE URBAN SERVICE AREA PERCENTAGES WERE ALSO
4 CALCULATED. THOSE ARE SHOWN ON THE SLIDE.

5 COAL MINING ZONING HAS DECREASED IN THE COUNTY
6 AS PROPERTIES HAVE GONE BACK TO AGRICULTURAL AFTER
7 MINING HAS CEASED.

8 WE HAVE HAD SOME CHANGES THAT WE'RE PROPOSING
9 IN THE LAND USE MAP. THE BIG MAP IS SHOWN AND WE'VE
10 SOME INSETS ON THE SLIDE.

11 THE LAND USE MAP IS IDENTIFIED WITH DIFFERENT
12 PLANNED AREAS ON THE MAP. THEN THERE'S SPECIFIC
13 CRITERIA THAT TELLS YOU WHAT ZONES ARE APPROPRIATE IN
14 THOSE PLANNED AREAS.

15 FOR EXAMPLE, IF SOMETHING IS IDENTIFIED AS A
16 RESIDENTIAL PLAN AREA, THAT DOESN'T MEANS THAT ONLY
17 RESIDENTIAL ZONING CAN OCCUR THERE. THERE ARE
18 CRITERIA IN THE PLAN THAT TELL YOU WHERE OTHER ZONES
19 MIGHT BE APPROPRIATE IN THOSE LOCATIONS. BUT WE HAVE
20 PROPOSED SOME CHANGES.

21 THE FIRST IS THE AREA AROUND WHERE THE NEW
22 HOSPITAL IS LOCATED. YOU CAN SEE ON YOUR MAP THAT WE
23 HAVE CHANGED THAT FROM AN INDUSTRIAL PLAN AREA, WHICH
24 IS WHAT IT IS IN THE CURRENT COMPREHENSIVE PLAN, TO A
25 BUSINESS PLAN AREA AND THEN SOME BUSINESS INDUSTRIAL

1 PLAN AREA TO ACCOMMODATE THAT DEVELOPMENT THAT WILL
2 LIKELY OCCUR AROUND THE HOSPITAL AS A RESULT OF THE
3 HOSPITAL LOCATING THERE.

4 ANOTHER CHANGE THAT WE'VE MADE IS THE SITE
5 THAT WE THOUGHT THE HOSPITAL WAS GOING TO GO TO THE
6 LAST TIME WE HAD REVISED TO A PROFESSION SERVICE AREA.
7 SO WE'RE PROPOSING THAT TO CHANGE BACK TO PARTIALLY
8 RESIDENTIAL AND THEN PARTIALLY A BUSINESS PLAN AREA
9 ALONG THE EXTENSION OF FAIRVIEW DRIVE AND THE BYPASS
10 THERE.

11 THE THIRD CHANGE THAT WE PROPOSED IS TO CHANGE
12 THE SECTION ALONG HIGHWAY 54 NEAR MILLERS MILL TO
13 ACCOMMODATE THE PLAN AREAS AS DEVELOPMENT HAS ACTUALLY
14 OCCURRED IN THAT LOCATION IN THE PAST FEW YEARS.

15 ANOTHER CHANGE IS A PROPOSED EXTENSION OF THE
16 RURAL COMMUNITY OF WEST LOUISVILLE TO INCLUDE THE
17 DIAMOND LAKE AREA. THIS IS A RESULT OF SOME BUSINESS
18 ACTIVITY THAT WAS PROPOSED BETWEEN THE RURAL COMMUNITY
19 OF WEST LOUISVILLE AND DIAMOND LAKE AND IT WAS
20 DIFFICULT TO MEET THE CRITERIA FOR A ZONING CHANGE.
21 SO WE BELIEVE IT WAS APPROPRIATE TO EXTEND THAT
22 BOUNDARY TO PICK UP DIAMOND LAKE, WHICH IS A BUSINESS
23 USE EVEN THOUGH IT'S LOCATED IN AN AGRICULTURAL ZONE.
24 WE HAD INPUT FROM DAVIESS COUNTY ON THIS PARTICULAR
25 CHANGE.

1 OTHER CHANGES INCLUDED UPDATING THE FLOODWAY
2 BOUNDARY, BASED ON THE NEW 2009 FLOOD MAPS, AND
3 INCLUDING AN INSET OF THE DOWNTOWN OVERLAY DISTRICT
4 WHICH YOU CAN SEE ON THE BIG MAP UP NEAR THE TOP.

5 THE TRANSPORTATION SECTION WAS UPDATED BY
6 BRIAN AND IT INCLUDES UPDATES ON STREET RAIL,
7 WATERWAYS, AIRPORTS, PUBLIC TRANSIT, BIKES AND
8 WALKWAYS.

9 THE COMMUNITY FACILITIES SECTION WAS UPDATED
10 IN ALL OF THESE AREAS THAT YOU SEE ON THE SLIDE AND WE
11 WORKED WITH NUMEROUS AGENCIES AND UTILITIES TO GET THE
12 CURRENT INFORMATION ON THOSE PARTICULAR FACILITIES AND
13 SERVICES.

14 THE ENVIRONMENTAL SECTION. SECTION 7 IS NOT A
15 REQUIREMENT BY KRS, BUT THE OMPC HAS HISTORICALLY
16 INCLUDED THIS DUE TO ISSUES IN THE COMMUNITY WITH
17 FLOOD PLAINS. YOU KNOW, WE HAVE A LOT OF COAL
18 RESERVE. THERE'S A LOT OF DIFFERENT SOILS IN THE
19 COMMUNITY SO WE INCLUDE THAT AS GOOD INFORMATION IN
20 THE COMPREHENSIVE PLAN.

21 ONE OF OUR GOALS IN THIS PLAN WAS TO MAKE THE
22 PLAN MORE CONCISE WITH STILL CONTAINING THE NEEDED
23 INFORMATION. SO WE HAVE GONE FROM THE CURRENT PLAN
24 WHICH IS 311 PAGE DOUBLE COLUMN, 9 POINT FONT, TO 180
25 PAGE BOOK, 11 POINT FONT, AND STILL WE BELIEVE HAVE

1 THE NECESSARY INFORMATION THAT WE NEED FOR OUR
2 COMMUNITY.

3 I WANTED TO POINT OUT THAT ALL OF THE EXHIBIT
4 MAPS THIS TIME WERE MADE BY BRIAN USING GIS
5 APPLICATIONS. I ALSO WANTED TO LET YOU KNOW THAT ANY
6 ELEMENT OF THIS PLAN CAN BE ADOPTED INDEPENDENTLY. SO
7 IF YOU REVIEW THE PLAN AND DETERMINE THAT SOME
8 ELEMENTS MAY BE READY FOR ADOPTION WHILE OTHERS ARE
9 NOT, YOU CAN DO THOSE SEPARATELY.

10 IF YOU HAVE ANY QUESTIONS, I'LL BE GLAD TO
11 ANSWER THEM. THERE'S OBVIOUSLY A LOT OF INFORMATION
12 IN THE PLAN AND I'VE JUST HIGHLIGHTED SOME OF THOSE
13 SPECIFIC CHANGES THAT WE PROPOSED TO MAKE.

14 CHAIRMAN: MS. STONE, THANK YOU FOR YOUR VERY
15 CONCISE OVERVIEW AND, BRIAN, THANK YOU FOR YOUR WORK
16 ON THE MAPPING. THANKS TO THE WHOLE STAFF WHICH I'M
17 SURE HAD PARTS IN THAT. I KNOW YOU ALL WORKED VERY
18 HARD TO PUT THIS TOGETHER.

19 ARE THERE ANY QUESTIONS FROM THE AUDIENCE?

20 MR. KAMUF.

21 MR. KAMUF: JUST ONE QUESTION IN LOOKING AT
22 IT. DID YOU CHANGE THE GOALS AND OBJECTIVES IN ANY
23 WAY?

24 CHAIRMAN: MS. STONE.

25 MS. STONE: THE GOALS AND OBJECTIVE WERE

1 CHANGED SLIGHTLY. THERE WERE A NUMBER OF PUBLIC
2 MEETINGS ON THOSE. THEY'VE BEEN ADOPTED SINCE
3 DECEMBER BY ALL OF THE LEGISLATIVE BODIES AND THE
4 OMPC. THEY'RE ALREADY ADOPTED.

5 MR. KAMUF: WHAT CHANGES? WERE THERE ANY
6 MAJOR CHANGES?

7 MS. STONE: THERE WAS A CHANGE IN THE RURAL
8 SERVICE AREA THAT INCLUDED -- I'LL HAVE TO READ IT. I
9 DON'T REMEMBER IT SPECIFICALLY.

10 CHAIRMAN: MS. STONE, HOLD ON.

11 MR. KAMUF, LET ME GO AHEAD AND ACCEPT HIM SO
12 WE HAVE HIM IN THE RECORD.

13 MR. LAND: STATE YOUR NAME FOR THE RECORD.

14 MR. KAMUF: CHARLES KAMUF.

15 MR. LAND: I RECOGNIZE THAT YOU'VE
16 ADMINISTERED THE OATH.

17 CHAIRMAN: JUST A LITTLE HOUSEKEEPING, MR.
18 KAMUF.

19 MR. KAMUF: SURE.

20 CHAIRMAN: THANK YOU. GO AHEAD.

21 MR. KAMUF: THAT'S THE ONLY QUESTION I HAD.

22 MS. STONE: IT WAS IN THE RURAL SERVICE AREA,
23 AND I'VE GOT TO FIND IT TO GIVE YOU THE SPECIFIC
24 READING, BUT IT WAS TO ENCOURAGE INCREASE BUFFERS FROM
25 COAL MINING TO RESIDENTIAL PROPERTIES AND TO RECOGNIZE

1 THAT COAL MINING COULD OCCUR IN THOSE AREAS THAT HAVE
2 RESIDENTIAL USES.

3 LET ME FIND IT FOR YOU AND I'LL READ IT FOR
4 YOU.

5 MR. KAMUF: THAT'S OKAY. YOU'VE ANSWERED IT.

6 MS. STONE: THEN THERE WAS A SLIGHT CHANGE ON
7 THE BIKEWAY/WALKWAY SECTION TO COME INTO CONFORMANCE
8 WITH THE CURRENT LANGUAGE ON THOSE FACILITIES IN THE
9 COMMUNITY.

10 MR. KAMUF: THAT ANSWERS MY QUESTION. THANK
11 YOU.

12 CHAIRMAN: THANK YOU, SIR.

13 ARE THERE ANY OTHER QUESTIONS?

14 (NO RESPONSE)

15 CHAIRMAN: ANY QUESTIONS FROM THE COMMISSION?

16 (NO RESPONSE)

17 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
18 MOTION.

19 MR. APPLEBY: MR. CHAIRMAN, I MOVE TO ADOPT
20 THE UPDATES TO THE COMPREHENSIVE PLAN AS STATED BY MS.
21 STONE.

22 CHAIRMAN: WE'VE GOT A MOTION FOR APPROVAL TO
23 ADOPT THE UPDATES BY MR. APPLEBY.

24 MR. REEVES: SECOND.

25 CHAIRMAN: WE'VE GOT A SECOND BY MR. REEVES.

1 ALL IN FAVOR RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

4 NEXT ITEM, PLEASE.

5 ITEM 4

6 CONSIDER A TEXT AMENDMENT TO THE OWENSBORO
7 METROPOLITAN ZONING ORDINANCE TO AMEND SECTION 3-2(C)5
8 REGARDING ISSUANCE OF CUT AND FILL PERMITS.

8 MS. STONE: THIS IS A VERY SIMPLE CHANGE.

9 CURRENTLY THE PROCESS IS FOR THE LOCAL
10 GOVERNMENT ENGINEER TO APPROVE THE APPLICATION OF A
11 CUT AND FILL PERMIT, AND THEN IT COMES TO THE ZONING
12 ADMINISTRATOR FOR HIS FINAL APPROVAL. THIS CUTS OUT A
13 STEP. THIS SAYS THE LOCAL GOVERNMENT ENGINEER HAS
14 APPROVAL FOR THE CUT AND FILL PERMIT. WE SIMPLY
15 CHANGED THE LANGUAGE TO SAY THE CUT AND FILL PERMIT TO
16 BE ISSUED BY THE ZONING ADMINISTRATOR TO BE ISSUED BY
17 THE LOCAL GOVERNMENT ENGINEER. BOTH LOCAL GOVERNMENT
18 ENGINEERS ARE AWARE OF THIS, AS IS THE CITY AND THE
19 COUNTY AND THEY ARE BOTH FINE WITH THE LANGUAGE.

20 CHAIRMAN: ARE THERE ANY QUESTIONS?

21 (NO RESPONSE)

22 CHAIRMAN: ANY QUESTIONS FROM THE COMMISSION?

23 (NO RESPONSE)

24 CHAIRMAN: IF THERE ARE NO QUESTIONS BY THE
25 COMMISSION, THE CHAIR IS READY FOR A MOTION.

1 MR. PEDLEY: MOTION FOR APPROVAL.

2 CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

3 MS. CAMBRON: SECOND.

4 CHAIRMAN: SECOND BY MS. CAMBRON. ALL IN
5 FAVOR RAISE YOUR RIGHT HAND.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

8 NEXT ITEM, PLEASE.

9 -----

10 ZONING CHANGES

11 ITEM 5

12 4730 FREE SILVER ROAD, 2.82 ACRES
13 CONSIDER ZONING CHANGE: FROM EX-1 COAL MINING TO A-R
14 RURAL AGRICULTURE
15 APPLICANT: WESTERN KENTUCKY MINERALS, INC.; WESTERN
16 KENTUCKY LEASING, LLC

17 MR. LAND: WILL YOU STATE YOUR NAME FOR THE
18 RECORD?

19 MR. HOWARD: BRIAN HOWARD.

20 (BRIAN HOWARD SWORN BY ATTORNEY.)

21 MR. HOWARD: I WILL NOTE THAT ALL THE REZONING
22 HEARD TONIGHT THEY WILL BECOME FINAL 21 DAYS AFTER THE
23 MEETING UNLESS AN APPEAL IS FILED. IF AN APPEAL IS
24 FILED, WE WILL FORWARD THE RECORD OF THE MEETING TO
25 THE APPROPRIATE LEGISLATIVE BODY FOR THEIR FINAL
ACTION. THERE'S A 21 DAY APPEAL PERIOD AFTER THE
PLANNING COMMISSION MEETING IN WHICH TIME THOSE CAN BE

1 FILED. THE APPEAL FORMS ARE AVAILABLE ON THE BACK
2 TABLE, IN OUR OFFICE AND ON OUR WEBSITE.

3 PLANNING STAFF RECOMMENDATION

4 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
5 TO THE FINDINGS OF FACT THAT FOLLOW:
6 FINDINGS OF FACT:

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

10 2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL
11 MAINTENANCE PLAN AREA, WHERE RURAL LARGE-LOT
12 RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

13 3. THE SUBJECT PROPERTY HAS ACCESS TO FREE
14 SILVER ROAD WITH NO NEW ROADS PROPOSED;

15 4. STRIP-MINING ACTIVITY HAS CEASED ON THE
16 PROPERTY; AND,

17 5. THE OWENSBORO METROPOLITAN ZONING ORDINANCE
18 ARTICLE 12A.31 REQUIRES THAT PROPERTY SHALL REVERT TO
19 ITS ORIGINAL ZONING CLASSIFICATION AFTER MINING.

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

22 CHAIRMAN: IS THE APPLICANT HERE?

23 APPLICANT REP: YES.

24 CHAIRMAN: DOES ANYBODY HAVE ANY QUESTIONS OF
25 THE APPLICANT?

1 (NO RESPONSE)

2 CHAIRMAN: DOES ANYBODY ON THE COMMISSION HAVE
3 ANY QUESTIONS?

4 (NO RESPONSE)

5 CHAIRMAN: IF THERE ARE NO QUESTIONS, THE
6 CHAIR IS READY FOR A MOTION.

7 MR. ROGERS: MOTION FOR APPROVAL BASED ON
8 PLANNING STAFF RECOMMENDATIONS WITH THE FINDINGS OF
9 FACT 1 THROUGH 5.

10 CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
11 MR. ROGERS WITH FINDINGS OF FACT 1 THROUGH 5.

12 MR. APPLEBY: SECOND.

13 CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN
14 FAVOR RAISE YOUR RIGHT HAND.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

17 NEXT ITEM, PLEASE.

18 ITEM 6

19 5955 HIGHWAY 56, 1.495 ACRES
20 CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO
21 I-1 LIGHT INDUSTRIAL
22 APPLICANT: HADSON, LLC

23 MR. LAND: WILL YOU STATE YOUR NAME FOR THE
24 RECORD?

25 MS. EVANS: MELISSA EVANS.

(MELISSA EVANS SWORN BY ATTORNEY.)

1 PLANNING STAFF RECOMMENDATIONS

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

5 1. INSTALL A 10-FOOT WIDE LANDSCAPE EASEMENT
6 WITH A SIX FOOT TALL SOLID WALL OR FENCE AND ONE TREE
7 EVERY 40 LINEAR FEET ALONG THE NORTH PROPERTY LINE;
8 AND,

9 2. ACCESS SHALL BE LIMITED TO LYDDANE BRIDGE
10 ROAD.

11 FINDINGS OF FACT:

12 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
13 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
14 COMPREHENSIVE PLAN;

15 2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL
16 COMMUNITY PLAN AREA, WHERE LIGHT INDUSTRIAL USES ARE
17 APPROPRIATE IN LIMITED LOCATIONS;

18 3. THE PROPOSED USE MEETS THE CRITERIA OF THE
19 COMPREHENSIVE PLAN FOR NON-RESIDENTIAL DEVELOPMENT IN
20 AN INDUSTRIAL ZONE;

21 4. THE SUBJECT PROPERTY IS MAJOR-STREET
22 ORIENTED AND LOCATED AT THE CORNER OF INTERSECTING
23 STREETS; AND,

24 5. WITH ACCESS LIMITED TO LYDDANE BRIDGE
25 ROAD, THE PROPOSAL SHOULD NOT OVERBURDEN THE CAPACITY

1 OF ROADWAYS IN THE AFFECTED AREA.

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

4 CHAIRMAN: IS THE APPLICANT HERE?

5 MR. PHELPS: YES.

6 CHAIRMAN: DOES ANYBODY IN THE AUDIENCE HAVE
7 ANY QUESTIONS OF THE APPLICANT?

8 MR. BYRNE: YES.

9 CHAIRMAN: WOULD YOU STEP TO THE PODIUM,
10 PLEASE.

11 MR. LAND: WOULD YOU STATE YOUR NAME FOR THE
12 RECORD, PLEASE?

13 MR. BYRNE: MY NAME IS BRYAN BYRNE.

14 (BRYAN BYRNE SWORN BY ATTORNEY.)

15 MR. BYRNE: I LIVE DIRECTLY ACROSS FROM WHERE
16 THEY'RE PROPOSING THESE. THEY'RE GOING TO BE SMALL
17 UTILITY STORAGE UNITS FROM MY UNDERSTANDING. WE'RE IN
18 A RURAL COMMUNITY.

19 MY FAMILY IN PARTICULAR HAS PROBABLY OVER A
20 MILLION DOLLARS INVESTED IN HOMES WITHIN 500 YARDS OF
21 WHERE THIS IS GOING. MY DAUGHTER, 15 YEAR OLD
22 DAUGHTER IS GOING TO BE GETTING OFF THE BUS DIRECTLY
23 ACROSS FROM WHERE THEY'RE SAYING THIS EXIT IS. YOU'RE
24 POTENTIALLY INTRODUCING - I MEAN I DON'T KNOW HOW MANY
25 STORAGE UNITS. I DON'T HAVE THAT INFORMATION - A

1 BUNCH OF PEOPLE INTO OUR ENVIRONMENT THAT AREN'T
2 THERE.

3 I WISH THE PHELPS WELL. I MEAN THEY'RE
4 FRIENDS OF MINE, BUT I DO NOT WANT TO SEE MY DAUGHTER
5 GET OFF THE BUS AND NOT KNOW WHO IS SITTING ACROSS THE
6 STREET WITH 24 HOUR ACCESS AND SHE'S GOING TO BE SAFE.
7 I LIVE 200 FEET OFF THE ROAD AND THE BUS, BY THE TIME
8 THE BUS PULLS AWAY IT CAN'T SEE WHETHER SOMEBODY COMES
9 OUT OF THAT STORAGE FACILITY, COMES ACROSS THERE AND
10 GRABS MY DAUGHTER WHILE I'M AT WORK. I'M REALLY
11 CONCERNED ABOUT THIS.

12 WE SPENT A LOT OF TIME AND A LOT OF MONEY OUT
13 THERE BUILDING OUR HOME, BUILDING AN ENVIRONMENT. I
14 MEAN THERE'S A REASON WE CHOSE TO BE IN THE COUNTRY.
15 SO WE COULD SHELTER OUR KIDS AND KEEP THEM SAFE. THIS
16 INTRODUCES SOMETHING THAT REALLY CONCERNS ME AND MY
17 DAUGHTER'S WELFARE.

18 CHAIRMAN: DOES THAT COMPLETE YOUR QUESTION?

19 MR. BYRNE: I DIDN'T KNOW I WAS SUPPOSED TO BE
20 ASKING QUESTION.

21 CHAIRMAN: I WAS GOING TO BRING MR. PHELPS UP
22 THERE TO ADDRESS YOUR CONCERNS.

23 MR. BYRNE: MY CONCERN IS THE SAFETY OF MY
24 DAUGHTER AND THE AMOUNT OF BACKLASH THIS IS GOING TO
25 HAVE ON THE COMMUNITY WHICH I LIVE.

1 CHAIRMAN: I THINK YOU FORMULATED YOU ALSO
2 WANTED TO KNOW THE NUMBER OF STORAGE UNITS.

3 MR. BYRNE: THE NUMBER OF STORAGE FACILITIES.
4 IS THERE GOING TO BE A BACKGROUND CHECK ON THE PEOPLE
5 OWNING THE STORAGE FACILITIES? CAN JUST ANYBODY, IS
6 THERE GOING TO BE 24 HOUR ACCESS, WHICH I ASSUME THERE
7 IS GOING TO BE. SO THAT MEANS WHEN I'M ASLEEP IN BED
8 SOMEBODY IS ACROSS THE ROAD STAKING MY HOUSE OUT TO
9 ROB ME POTENTIALLY.

10 CHAIRMAN: OKAY. THANK YOU.

11 THE APPLICANT, PLEASE.

12 MR. LAND: STATE YOUR NAME FOR THE RECORD.

13 MR. PHELPS: CHRIS PHELPS.

14 (CHRIS PHELPS SWORN BY ATTORNEY.)

15 CHAIRMAN: MR. PHELPS, WOULD YOU LIKE ME TO
16 REVIEW THE QUESTIONS OR WOULD YOU JUST LIKE TO GO
17 AHEAD AND START?

18 MR. PHELPS: AS FAR AS WHAT WE PLAN ON DOING
19 OUT THERE, WE HAD WE WERE GOING TO PUT TOGETHER THREE
20 STORAGE BUILDINGS, THREE DIFFERENT UNITS. AS FAR AS
21 HOW MANY UNITS WOULD BE IN EACH BUILDING, KIND OF
22 UNDECIDED RIGHT NOW. MATTERS HOW BIG WE WANT TO GO AS
23 FAR AS WIDTH. IF WE WANT TO GO MORE SMALLER DOORS AND
24 TRY TO PUT A BUNCH OF DIFFERENT UNITS IN ONE BUILDING
25 OR IF WE WANT TO DO BIGGER DOORS.

1 AS FAR AS YOUR DAUGHTER'S SAFETY AND
2 EVERYTHING, WE WILL HAVE 24-HOUR SURVEILLANCE AS FAR
3 AS CAMERAS AROUND THE PROPERTY. IT WILL BE FENCED IN.
4 IT WILL HAVE GATE ACCESS ONLY.

5 AS FAR AS ANYBODY BEING INSIDE THE PROPERTY,
6 YOU KNOW, THEY'RE PRETTY MUCH GOING TO HAVE TO HAVE A
7 KEY CODE. IF THEY DON'T PAY THEIR BILLS, OBVIOUSLY
8 THEY'RE NOT GOING TO BE ABLE TO GET INSIDE THE GATE.
9 SO WE WILL HAVE SURVEILLANCE AS FAR AS WHO IS IN AND
10 OUT OF THE GATE, WHEN THEY'RE THERE, WHEN THEY LEAVE,
11 WHEN THEY COME IN, VICE VERSA. THAT'S ABOUT ALL I CAN
12 TELL YOU.

13 MR. APPLEBY: WORSE CASE SCENARIO, IF YOU WENT
14 WITH THE SMALLEST UNITS IN ALL THREE BUILDINGS, HOW
15 MANY WOULD YOU HAVE?

16 MR. PHELPS: IF WE WENT WITH THE SMALLEST UNIT,
17 I WOULD SAY 80 TO 100.

18 MR. REEVES: I'VE GOT A QUESTION.

19 CHAIRMAN: YES, SIR, MR. REEVES.

20 MR. REEVES: WILL YOU HAVE CAMERAS THAT ARE
21 RECORDING THE PEOPLE THAT ARE COMING IN THE GATE?

22 MR. PHELPS: YES, SIR.

23 MR. REEVES: WILL YOU HAVE ANY KIND OF
24 NOTIFICATION POSTED PROMINENTLY ON THE GATE THAT THIS
25 AREA IS UNDER VIDEO SURVEILLANCE?

1 MR. PHELPS: YES, SIR.

2 CHAIRMAN: MR. PHELPS, WILL THERE BE ANY
3 REVIEW OF THE SURVEILLANCE? I MEAN WILL SOMEBODY BE
4 LOOKING AT THE SURVEILLANCE FROM TIME TO TIME OR WILL
5 IT WILL BE JUST AS NEED?

6 MR. PHELPS: AS NEED PROBABLY. THERE
7 WOULDN'T BE -- THERE WOULD BE CAMERAS THERE IF THEY
8 NEEDED TO, IF WE NEEDED TO BACKTRACK ON SOMETHING, YOU
9 KNOW, SOME TERRORISM OR SOMETHING HAPPENED. AS FAR AS
10 SOMEONE LOOKING AT IT, YOU KNOW, ALL THE TIME.

11 CHAIRMAN: ARE THESE CAMERAS CONTINUALLY
12 RECORD OR MOTION DETECTED RECORD?

13 MR. PHELPS: THEY WOULD BE CONTINUALLY
14 RECORDING, YES.

15 CHAIRMAN: YES, SIR, MR. PEDLEY.

16 MR. PEDLEY: WILL YOU HAVE AN ON-SITE MANAGER
17 DURING CERTAIN DAYS OF THE WEEK AND THEN DURING THE
18 NIGHT HOURS WILL THEY HAVE ACCESS TO IT ALL NIGHT?

19 MR. PHELPS: NO, SIR.

20 MR. PEDLEY: IT'S GATED WHERE THEY HAVE -- -

21 MR. PHELPS: YES. IT WILL BE A GATED AREA.

22 MR. PEDLEY: BUT THEY CAN ENTER ANY TIME
23 DURING THE NIGHT OR ANY TIME DURING THE DAY. IS IT 24
24 HOUR ACCESS 7 DAYS A WEEK IS MY QUESTION?

25 MR. PHELPS: AS OF NOW THAT HASN'T BEEN

1 DECIDED, BUT WE WOULD BE WILLING TO WORK WITH, YOU
2 KNOW, IF SOMEONE HAD A PROBLEM WITH IT. BEING A
3 24-HOUR ACCESS WE COULD, YOU KNOW, DO WHAT WE NEEDED
4 TO DO TO HAVE CERTAIN HOURS WHEN IT OPERATED.

5 MR. PEDLEY: BUT THERE WILL BE NO ONE
6 MONITORING THE VIDEO CAMERAS?

7 MR. PHELPS: TWENTY-FOUR HOURS A DAY, NO. THE
8 MONITORS WOULD BE RUNNING, BUT NO ONE WOULD BE
9 MONITORING THEM.

10 MR. PEDLEY: THANK YOU.

11 CHAIRMAN: MR. PHELPS, WOULD YOU TAKE A SEAT.

12 MR. REEVES.

13 MR. REEVES: I WANT TO CLARIFY I THINK WHAT
14 MR. PEDLEY WAS ASKING.

15 ARE YOU SAYING IF YOU HAD KEY CODES THEY USE
16 TO GET IN, YOU COULD DISABLE THOSE KEY CODES FOR
17 CERTAIN HOURS?

18 MR. PHELPS: YES.

19 MR. REEVES: OKAY.

20 CHAIRMAN: MR. PHELPS, COULD YOU TAKE A SEAT.
21 I THINK WE HAVE ANOTHER QUESTION.

22 MR. LAND: WILL YOU STATE YOUR NAME, PLEASE.

23 MR. BYRNE: J. L. BYRNE.

24 (J.L. BYRNE SWORN BY ATTORNEY.)

25 MR. BYRNE: MR. CHAIRMAN AND COMMISSIONERS,

1 THANK YOU FOR ALLOWING US TO BE HEARD. WE ARE
2 STRONGLY OPPOSED TO THE I-1 ZONING CHANGE FOR THE
3 REASON THAT WE WILL TRY TO PRESENT TO THE BEST OF OUR
4 ABILITY.

5 THE SORGHO COMMUNITY FROM HIGHWAY 81, ON
6 HIGHWAY 56 THROUGH SORGHO IS PRIME FARMLAND AND
7 RESIDENTIAL. THERE ARE TWO SCHOOLS AND FOUR CHURCHES
8 FROM HIGHWAY 81, ON 56 THROUGH SORGHO MAKING THE
9 COMMUNITY PRIMARILY RESIDENTIAL AND FARMING.

10 WE CHOSE TO BUILD OUR HOMES IN A RURAL
11 COMMUNITY KNOWING THAT IT IS PRIMARILY FARMING AND WE
12 EXPECT AND ACCEPT THE FARMING ACTIVITY, WHATEVER IT
13 MIGHT BE, BECAUSE IT WAS THERE BEFORE WE WERE.

14 THE TENNIS HOUSE THAT IS ON THE ADJOINING
15 PROPERTY, THE PROPOSED ZONING CHANGE, WAS BUILT
16 SOMETIME IN THE EARLY '70S BY DOUG FORD FOR THE
17 PURPOSE OF INDOOR TENNIS AND FOR GIVING TENNIS
18 LESSONS. IT WAS A WELL-BUILT STRUCTURE WITH BATHROOM
19 AND A LOUNGE AREA. IT WAS A FAMILY ORIENTED QUIET
20 OPERATION. WE CAN ASSUME THAT IT WAS GRANDFATHERED
21 IN, THE ADOPTION OF THE ZONING ORDINANCE, IN GIVING IT
22 A B-4 CLASSIFICATION.

23 WE DO NOT KNOW MUCH ABOUT THE COMPREHENSIVE
24 PLAN, BUT IT STATES THAT I-1 ZONES ARE APPROPRIATE IN
25 LIMITED LOCATIONS IN RURAL LAND USE AREAS. THAT TO US

1 WOULD MEAN:

2 1. IS IT COMPATIBLE USE WITHIN THE
3 NEIGHBORHOOD?

4 2. IS IT IN CHARACTER WITH THE NEIGHBORHOOD?

5 3. WOULD IT HAVE AN ADVERSE INFLUENCE ON THE
6 NEIGHBORHOOD?

7 WE DO NOT FEEL THAT IT MEETS ANY OF THE
8 QUALIFICATIONS BECAUSE OF THE PROPOSED USES OR OTHER
9 USES THAT COULD BE PUT IN AN I-1 ZONE.

10 ALSO WITH THIS ZONING CHANGE IT WOULD ALLOW
11 FURTHER ZONING CHANGES SUCH AS THE TENNIS HOUSE
12 BECAUSE IT WOULD BE A CONTIGUOUS PROPERTY.

13 THIS CHANGE WILL BE TOTALLY OUT OF CHARACTER
14 WITH THE NEIGHBORHOOD AND IT WOULD NOT SERVE A NEED
15 FOR THE COMMUNITY. WE FEEL STORAGE WAREHOUSES COULD
16 CREATE AN UNSAFE ENVIRONMENT BECAUSE ALL THE
17 ACTIVITIES GOING ON ALL HOURS OF THE DAY AND NIGHT
18 SEVEN DAYS A WEEK. WE ARE TOLD THAT NO ONE HAS
19 CONTROL OF WHAT IS BEING STORED IN THE UNITS. IT MAY
20 BE HAZARDOUS MATERIAL OR DRUGS OR MATERIALS TO
21 MANUFACTURE DRUGS. THIS IS NOT TO SAY THAT EVERYONE
22 USING STORAGES IS HIDING SOMETHING. IN FACT, MOST
23 USES ARE GOOD LAW ABIDING CITIZENS, BUT ALL IT TAKES
24 IS ONE BAD APPLE. WE WOULD DEFINITELY FEEL UNSAFE.

25 IT WOULD DENY OUR QUIET ENJOYMENT OF OUR HOMES

1 THAT WE NOW HAVE. WE ALSO FEEL THAT IT WOULD DEVALUE
2 OUR PROPERTY.

3 MY HOME IS RIGHT ACROSS THE STREET ON LYDDANE
4 BRIDGE ROAD FROM THE OTHER CORNER FROM THE PROPOSED
5 STORAGE UNITS. I WOULD FEEL UNSAFE GOING OUT AT NIGHT
6 OUTSIDE MY HOME NOT KNOWING WHAT AND WHO MAY BE INSIDE
7 THE STORAGE UNITS AND THE SURROUNDING AREA AND I WOULD
8 NOT KNOW HOW TO SECURE MY HOME WOULD BE WHEN I WAS
9 AWAY. WE DO NOT FEEL STORAGE BUILDINGS SHOULD BE IN A
10 PRIMARILY RESIDENTIAL NEIGHBORHOOD.

11 I WOULD ALSO LIKE TO STATE THAT THERE ARE 16
12 RESIDENTIAL HOMES CLUSTERED RIGHT AROUND 56 AND
13 LYDDANE BRIDGE ROAD, NOT COUNTING A SUBDIVISION ABOUT
14 200 YARDS EAST OF IT. MOST OF THE HOMEOWNERS IN THE
15 16 HOMES HAVE FROM 300 TO \$500,000 INVESTED IN THEIR
16 PROPERTY.

17 MR. CHAIRMAN AND COMMISSIONERS, WE
18 RESPECTFULLY ASK THAT YOU DENY THIS APPLICATION.

19 CHAIRMAN: THANK YOU. YOU DID A NICE JOB.
20 YOUR VERBIAGE AND USE OF THE COMPREHENSIVE PLAN, YOU
21 DID A GOOD JOB. YOU DID YOUR HOMEWORK.

22 DO WE HAVE ANYBODY ELSE THAT WOULD LIKE TO
23 MAKE A COMMENT?

24 YES, SIR.

25 MR. BOOTH: MY NAME IS BRIAN BOOTH. I RESIDE

1 AT 1125 LYDDANE BRIDGE ROAD.

2 (BRIAN BOOTH SWORN BY ATTORNEY.)

3 MR. BOOTH: LIKE J.L., YOUR HOME IS ONE OF
4 YOUR LARGE INVESTMENTS.

5 OUR NEIGHBORHOOD IS A VERY UNIQUE
6 NEIGHBORHOOD. I DON'T KNOW IF ANY OF YOU HAVE
7 ACTUALLY VISITED THE SITE OUT THERE WHERE THEY'RE
8 PROPOSING OR KNOW ANYTHING ABOUT OUR NEIGHBORHOOD. IT
9 HAS VERY HEAVY RESTRICTIONS. I'M A LICENSED REAL
10 ESTATE APPRAISER IN OWENSBORO AND I VENTURE TO SAY
11 THAT MAY HAVE SOME OF THE HEAVIEST RESTRICTIONS YOU'LL
12 SEE IN SOME OF THESE MOST UPSCALED NEIGHBORHOODS AS
13 FAR AS SQUARE FOOTAGE. HAS TO BE ALL BRICK. ONE OF
14 THE MAIN ITEMS WAS NO OUTBUILDINGS, NO METAL
15 OUTBUILDINGS UNLESS THEY WERE BRICK.

16 SO THIS ZONING CHANGE ALLOWING THE STORAGE
17 BUILDINGS IS AGAINST THE ZONING THAT WE HAVE IN OUR
18 NEIGHBORHOOD, WHICH IS NO OUTBUILDINGS THAT ARE METAL.
19 THAT'S WHAT THESE ARE GOING TO CONSIST OF. I KNOW MR.
20 PHELPS SAYS HE'S GOING TO HAVE CAMERAS, BUT THE
21 CAMERAS ARE LIKE AN AFTER THE FACT OF WHAT COULD TAKE
22 PLACE. TO MY UNDERSTANDING THESE SELF-STORAGE
23 BUILDINGS, THERE IS NO RESTRICTION ON WHAT CAN BE
24 STORED IN THEM. SO THERE ARE, IN MY OPINION, SOME
25 DANGERS.

1 MY QUESTION IS: IS THERE A REAL NEED FOR THAT
2 IN SORGHO? I KNOW ON HIGHWAY 60 EAST THERE'S
3 CURRENTLY A SELF-STORAGE THAT'S SHUTDOWN AT THIS TIME.
4 SO I'M ASKING, YOU KNOW, IS THERE A GREAT NEED IN THE
5 RURAL COMMUNITY FOR SELF-STORAGE? MOST OF THE TIME
6 PEOPLE THAT ARE RENTING THESE BUILDINGS THEY'RE NOT
7 GOING TO BE RESIDENTS OF SORGHO. THEY'RE GOING TO BE
8 FROM OTHER AREAS THAT ARE GOING TO DRIVE OUT BECAUSE
9 IT'S NEW AND IT'S NICE LOOKING.

10 THE PROPERTY THAT'S THERE CURRENTLY,
11 COMMERCIAL, THE OLD TENNIS HOUSE, THEY'VE DONE A GREAT
12 JOB REFURBISHING. IT'S KIND OF BEEN AN EYESORE. IT
13 WAS PROBABLY, I DON'T KNOW IF THERE WAS ANY ACTIVITY
14 GOING ON THERE BEFORE THEY BOUGHT IT. MY CONCERN TOO
15 IS GOING DOWN THE ROAD SHOULD THIS BUSINESS FAIL WE
16 LIVE THERE IN THE COMMUNITY. WE'RE GOING TO BE THE
17 ONES THAT ARE GOING TO HAVE TO DEAL WITH IT DOWN THE
18 ROAD. THE FOLKS THAT ARE BUILDING IT, YOU KNOW, THEY
19 DON'T LIVE THERE.

20 WE HAVE A LOT OF CONCERNS. BASICALLY SAFETY,
21 BUT THE INVESTMENT THAT WE MADE, YOU KNOW, WE THOUGHT
22 WAS GOING TO BE PROTECTED. WE FEEL LIKE THE ZONING
23 CHANGE MAY HAVE AN AFFECT ON THAT. IT DEFINITELY, IN
24 MY OPINION, WILL CREATE AN EXTERNAL OBSOLESCENCE FOR
25 FOLKS ADJOINING THE PROPERTY. IT WILL DEVALUE THEIR

1 PROPERTY SOMEWHAT AND MAY EFFECT THEIR MARKETABILITY
2 AS FOR RESALE.

3 THAT'S MY CONCERNS AND APPRECIATE YOU ALL
4 LISTENING.

5 CHAIRMAN: LET ME ASK YOU SOMETHING, PLEASE.

6 I UNDERSTAND YOUR CONCERN. YOU ALL DID A NICE
7 JOB PRESENTING YOUR CONCERNS. IS THERE ANY TYPE OF
8 SCREENING? MR. PHELPS GAVE THE INDICATION THAT HE
9 WOULD BE WILLING TO POSSIBLY LIMIT THE ENTRANCE AND
10 THE ACCESS. IS THERE ANY TYPE OF SCREENING THAT YOU
11 FEEL LIKE COULD ENHANCE THIS AREA THAT WOULD MAKE IT
12 DOABLE OR ACCEPTABLE FOR YOUR COMMUNITY AND WHERE MR.
13 PHELPS COULD CONDUCT HIS BUSINESS? WITH THE GATES AND
14 THE CODES AND EVERYTHING NOW HE CAN RESTRICT ENTRANCE
15 AND EXIT.

16 MR. BOOTH: YOU CAN RESTRICT IT. AS FAR AS
17 THE PEOPLE THAT ARE GOING TO BE RENTING, HE WON'T KNOW
18 WHO THEY ARE. IT'S AN UNMANNED SITE. BASICALLY YOU
19 COLLECT YOUR FEE FOR THE MONTH. THEY'LL HAVE ACCESS
20 TO GO IN AND OUT. IT PUTS PEOPLE IN YOUR
21 NEIGHBORHOOD. IT GIVES THEM A REASON TO BE THERE
22 WHETHER THEY COULD HAVE A CRIMINAL RECORD. COULD BE A
23 SEX OFFENDER. WHO KNOWS WHO IS RENTING THESE TYPE OF
24 BUILDINGS.

25 AS FAR AS BEING SOMETHING THERE THAT HE COULD

1 DO TO CORRECT THAT, THE ENTRANCE IS GOING TO BE
2 DIRECTLY ACROSS FROM MY FATHER-IN-LAW'S RESIDENCE AND
3 BRYAN BYRNE'S RESIDENCE. THERE'S GOING TO BE A
4 CONCERN THERE.

5 THESE LARGE TRUCKS THAT USUALLY FREQUENTLY RUN
6 IN AND OUT OF THESE TYPE OF PLACES, THEY'RE GOING TO
7 BE SITTING THERE RUNNING. COULD BE IN THE MIDDLE OF
8 THE NIGHT. VIBRATION TO THE HOUSE ACROSS THE STREET.

9 I DON'T KNOW THAT THERE IS ANY KIND OF A CURE
10 THAT, YOU KNOW, IF HE HAD AN 8-FOOT CONCRETE WALL,
11 UNLESS THE ENTRANCE COMES OFF OF 56, THAT'S GOING TO
12 CURE THE ISSUES THAT LIE WITH THE PROPERTY AND WHERE
13 IT'S GOING TO BE ENTERED FROM IN MY OPINION.

14 CHAIRMAN: THE ENTRANCE AND EXITS AND
15 RESTRICTING THE AVAILABILITY OF THE SITE CAN BE DONE.
16 SCREENING CAN BE ENHANCED. I'M TRYING TO PROMOTE
17 BUSINESS AND PROTECT NEIGHBORHOODS.

18 MR. BOOTH: I'M ALL FOR PROMOTING BUSINESS. I
19 HAVE NOTHING AGAINST MR. PHELPS TRYING TO CREATE MORE
20 INCOME ON THE PROPERTY. I JUST THINK THAT WHAT HE'S
21 PROPOSING MAY NOT BE THE BEST IDEA. THE ZONING CHANGE
22 DOWN THE ROAD COULD CREATE MORE ISSUES BECAUSE I'M NOT
23 SURE UNDER THAT TYPE OF ZONING WHAT QUALIFIES THAT
24 COULD ACTUALLY BE THERE DOWN THE ROAD. THAT'S WHY I'M
25 TOTALLY AGAINST IT.

1 CHAIRMAN: THANK YOU VERY MUCH.

2 MR. BOOTH: THANK YOU.

3 CHAIRMAN: DO WE HAVE ANY OTHER COMMENTS?

4 YES, MA'AM.

5 MR. LAND: STATE YOUR NAME.

6 MS. BOLES: JOY BOLES.

7 (JOY BOLES SWORN BY ATTORNEY.)

8 MS. BOLES: MY HUSBAND AND I, WE LIVE

9 NEXT-DOOR TO MR. BYRNE. WE ALSO HAVE CONCERN.

10 THEY'VE DONE A WONDERFUL JOB EXPLAINING EVERYTHING. I

11 KNOW YOU'VE TALKED ABOUT --

12 CHAIRMAN: JUST FOR THE RECORD, "THEY" YOU

13 MEAN MR. BYRNE OR MR. PHELPS?

14 MS. BOLES: MR. BYRNE AND MR. BOOTH.

15 CHAIRMAN: THANK YOU.

16 MS. BOLES: MY CONCERN WAS THOUGH, ONE THING,

17 I KNOW YOU TALKED ABOUT THE GREAT SECURITY THAT HE

18 COULD HAVE. I'M SURE THAT THEY COULD REALLY BEEF UP

19 THE SECURITY, BUT WHAT ABOUT FOLKS WHO WOULD BE COMING

20 IN THAT AREA TRYING TO SEE IF THEY COULD GET THROUGH

21 THAT SECURITY AND THEN MAYBE SEEING IF IT WAS A REALLY

22 GREAT SECURITY SYSTEM, THEY MAY DECIDE NOT TO BOTHER

23 HIS PROPERTY, BUT ALL OF US ARE RIGHT ACROSS THE ROAD.

24 WHO IS TO SAY THEY WON'T DECIDE TO TAKE A LOOK AND SEE

25 WHAT'S AROUND OUR HOUSES? MY CONCERN IS NOT JUST THE

1 FOLKS THAT WILL BE RENTING THE FACILITY, BUT FOLKS
2 THAT MAY BE COMING OUT THERE THAT HAVE NOT THE MOST
3 HONORABLE INTENTIONS AND THEN THERE WE ALL ARE. I
4 JUST WANTED TO LEND OUR SUPPORT TO WHAT THEY WERE
5 SAYING.

6 CHAIRMAN: MR. KAZLAUSKAS, I DON'T WANT TO PUT
7 YOU ON THE SPOT, BUT I AM. COULD YOU GIVE ANY BACK
8 HISTORY OR ANY INSIGHT INTO THE TYPE OF QUESTION SHE
9 ASKED OR IF YOU COULD MAYBE THERE WOULDN'T BE ANY
10 POLICEMEN.

11 MR. KAZLAUSKAS: AS FAR AS SECURITY?

12 CHAIRMAN: YES, MA'AM.

13 MR. KAZLAUSKAS: SECURITY IS AS GOOD AS WHAT
14 YOU PAY FOR.

15 MS. BOLES: I UNDERSTAND.

16 CHAIRMAN: MY QUESTION TO YOU IS: DOES A
17 FACILITY LIKE THIS BRING ANY MORE UNDESIRABLE PEOPLE
18 INTO THIS TYPE OF COMMUNITY OR IS THE COMMUNITY JUST
19 AS LIKELY AS IT WOULD BE WHETHER THIS RENTAL SPACE
20 COMES OUT THERE OR NOT OR ARE THERE ANY FIGURES TO
21 BACK UP THE STATEMENTS?

22 MR. KAZLAUSKAS: MR. CHAIRMAN, I THINK YOU'RE
23 TALKING ABOUT DATA THAT I'M NOT PRIVY TO NOR THIS
24 COMMISSION IS NOT PRIVY TO. I WOULD BE AT A LOSS TO
25 TESTIFY OR MAKE ANY TYPE OF STATEMENT ABOUT IF A

1 STORAGE FACILITY BRINGS ANY INCREASED CRIME INTO A
2 NEIGHBORHOOD. IF THAT EMPIRICAL DATA IS OUT THERE,
3 MAYBE SOMEONE COULD RESEARCH IT AND PRESENT IT, BUT
4 I'M NOT AWARE OF ANY STUDIES THAT HAVE BEEN DONE ON
5 THAT. PRIMARILY JUST FROM MY LAW ENFORCEMENT
6 EXPERIENCE I WOULD SAY THAT IT HAS TO DO WHERE THE
7 NEIGHBORHOOD IS LOCATED, BUT THAT'S MY PERSONAL
8 OPINION. THAT DOESN'T CARRY VERY MUCH WEIGHT IN SOME
9 OF THESE INSTANCES. I COULDN'T TESTIFY TO THAT.

10 CHAIRMAN: I'M SORRY, I DIDN'T MEAN TO PUT YOU
11 ON THE SPOT.

12 MR. KAZLAUSKAS: THAT'S ALL RIGHT.

13 CHAIRMAN: DOES ANYBODY ELSE HAVE ANY
14 QUESTIONS OR COMMENTS?

15 YES, SIR.

16 MR. LAND: WILL YOU STATE YOUR NAME FOR THE
17 RECORD, PLEASE.

18 MR. PARK: JASON PARKER.

19 (JASON PARKER SWORN BY ATTORNEY.)

20 MR. PARKER: I LIVE AT 1225 LYDDANE BRIDGE
21 ROAD. THAT'S ABOUT 100 YARDS BEHIND THE PROPOSED
22 STORAGE BUILDINGS.

23 I HAVE A NINE YEAR OLD BOY. I HAVE A SEVEN
24 OLD BOY. NEXT TO ME IS THREE COUSINS. THEY'VE GOT A
25 SEVEN YEAR OLD COUSIN, A TEN YEAR OLD COUSIN, A FIVE

1 YEAR OLD COUSIN. NEXT-DOOR TO THEM IS BRYNE. HE'S
2 GOT A 16 YEAR OLD DAUGHTER, A 14 YEAR OLD DAUGHTER.
3 WE ALL LIVE WITHIN ABOUT A FOOTBALL FIELD OF THESE
4 STORAGE BUILDINGS.

5 AS FAR AS THE SECURITY GOES, YOU CAN PUT AS
6 MANY CAMERAS AS YOU WANT TO IN THAT PREMISES. YOU CAN
7 CATCH SOMEBODY BREAK INTO HIS STORAGE BUILDINGS.
8 THOSE CAMERAS ARE NOT GOING TO PICK UP SOMEBODY
9 MESSING AROUND IN OUR BACKYARD AT 2:00 IN THE MORNING
10 OR WHEN WE'RE ON VACATION OR WHEN WE'RE AT CHURCH. IT
11 TAKES THE ONE PERSON COMING INTO THAT STORAGE BUILDING
12 THAT HAS A METH LAB GOING THAT NOBODY KNOWS ABOUT. I
13 APOLOGIZE FOR MY VOICE CRACKING. I'M PRETTY NERVOUS.

14 WE JUST HOPE THAT YOU GUYS TAKE INTO
15 CONSIDERATION THAT WE HAVE SPENT LOTS OF MONEY AND
16 TIME ON THESE HOMES. I'M 32 YEARS OLD. MY WIFE AND I
17 HAVE SAVED AND SAVED FOR YEARS TO BUILD OUR DREAM HOME
18 WHERE WE WANT TO BUILD IT. NEXT TO ALL OF OUR FAMILY.

19 THE DOUBLE PLAY, I THINK IT'S GREAT. I LOVE
20 IT. THE KIDS CAN GET IN THERE AND PLAY BALL AND HAVE
21 FUN, BUT THE STORAGE BUILDING PART OF IT DOES NOT NEED
22 TO BE BROUGHT INTO OUR NEIGHBORHOOD.

23 NOTHING AGAINST YOU. I WANT YOU TO MAKE AS
24 MUCH MONEY AS YOU CAN FOREVER.

25 THESE STORAGE BUILDING ARE GOING TO DRAW SOME

1 NICE PEOPLE OUT THERE AND THEY'RE GOING TO DRAW SOME
2 BAD PEOPLE OUT THERE. YOU'RE NOT GOING TO BE ABLE TO
3 MONITOR THESE PEOPLE ALL THE TIME. YOU MAY SEE THEM
4 ON CAMERA WHEN THEY LEAVE YOUR PREMISES AND THINK,
5 WOW, THAT'S A NICE LOOKING BROWN HOUSE BACK THERE. I
6 WONDER WHAT'S IN THAT HOUSE. I WONDER WHAT'S IN THEIR
7 BACKYARD OR MY NEIGHBOR THAT HAS BASKETBALL COURTS IN
8 THE BACK YARD. IF HE'S GOT THAT, I WONDER WHAT ELSE
9 HE'S GOT. YOU CAN'T MONITOR THIS ALL THE TIME.

10 ALL OF US LIVING IN THE SAME BULK. WE'VE
11 SPENT A BUNCH OF MONEY ON THESE HOUSES. WE'RE PROUD
12 OF THEM. IT'S JUST NOT RIGHT FOR THAT AREA. IT'S
13 JUST NOT RIGHT. TAKE THESE RENTAL PROPERTIES AND PUT
14 THEM ON THE EDGE OF OUR NEW RIVERFRONT. WOULD THEY GO
15 THERE? NO, THEY WOULDN'T GO THERE. WOULD THEY GO
16 RIGHT IN THE MIDDLE OF LAKE FOREST? NO, THEY
17 WOULDN'T. THEY DON'T NEED TO GO IN OUR RESIDENTIAL
18 HOMES EITHER. I COULD SEE IF IT WERE SEVERAL MILES IN
19 NOBODY'S BACKYARD, BUT LITERALLY MY BACKYARD IS
20 PROBABLY 100 YARDS FROM THIS BLOCKED ONLY BY A CREEK.
21 YOU COULD PUT ALL OF THE BARBWIRE UP YOU WANT TO, BUT
22 PEOPLE ARE STILL GOING TO SNOOP AND OUR KIDS ARE GOING
23 TO BE PLAYING OUTSIDE IN THE SUMMER WITH WHATEVER ELSE
24 IS RUNNING AROUND OUT THERE.

25 I KNOW IT'S VERY RANDOM WHAT I SAID, BUT I

1 HOPE YOU CONSIDER THAT THIS IS JUST NOT APPROPRIATE
2 FOR WHERE WE'RE AT. I'M NOT AGAINST STORAGE BUILDINGS
3 AT ALL, BUT WHEN YOU SLAP ONE RIGHT IN THE MIDDLE OF
4 15 HOMES, IT'S JUST NOT RIGHT. THANK YOU.

5 CHAIRMAN: THANK YOU.

6 DOES ANYBODY ELSE GOT ANYTHING THEY WOULD LIKE
7 TO SAY, ANY COMMENTS?

8 YES, SIR.

9 MR. LAND: WILL YOU STATE YOUR NAME FOR THE
10 RECORD, PLEASE?

11 MR. FORD: MY NAME IS JOSEPH FORD KNOWN AS
12 MICK FORD.

13 (JOSEPH FORD SWORN BY ATTORNEY.)

14 MR. FORD: MR. CHAIRMAN AND COMMISSIONERS,
15 THESE FOLKS THAT HAVE SPOKEN AND MR. PHELPS, I'VE
16 SPOKEN TO MR. PHELPS, I LIVE ON LYDDANE BRIDGE ROAD
17 MYSELF AND I HAVE SOLD THE LOTS I THINK TO EVERYONE
18 WHO HAS SPOKEN. I DEVELOPED THE LOTS. I'VE SOLD THE
19 LOTS. THEY BOUGHT THOSE LOTS WITH THE EXPECTATION
20 THAT THE TENNIS HOUSE PROPERTY KNOWING IT WAS ZONED
21 B-4 THAT IT WOULD REMAIN B-4. THAT IS AT LEAST
22 SOMEWHAT IN CHARACTER WITH THE NEIGHBORHOOD.

23 MY UNDERSTANDING OF THE ZONING ORDINANCE IS TO
24 PROTECT THE NEIGHBORHOOD. THE NEIGHBORHOOD IS
25 FUNDAMENTALLY RESIDENTIAL. PUTTING AN I-1 ZONING ON

1 THIS PROPERTY CHANGES THAT NEIGHBORHOOD AND TAKES AWAY
2 THE PROTECTION THAT IT HAS NOW. I-1 ZONING WILL ALLOW
3 NOT ONLY THIS TYPE OF DEVELOPMENT, BUT OTHER
4 DEVELOPMENTS THAT MIGHT POSSIBLY FALL WITHIN THAT
5 CLASSIFICATION. IT WILL BE BRINGING TRAFFIC NOT ONLY
6 DOWN HIGHWAY 56, BUT A LOT OF TRAFFIC FROM LYDDANE
7 BRIDGE ROAD, HIGHWAY 60, WEST FIFTH STREET ROAD, THOSE
8 AREAS THAT ARE RESIDENTIAL NOW WILL BE USING THIS
9 FACILITY. WE DON'T KNOW WHAT THE LIGHTING SITUATION
10 IS GOING TO BE, BUT CERTAINLY THE NOISE, THE LIGHTING,
11 THE TRAFFIC IS ALL DETRIMENTAL TO A RESIDENTIAL AREA.

12 THERE ARE A LOT OF USES THAT COULD BE MADE OF
13 THAT ONE LOT UNDER THE B-4 ZONING. MY PREFERENCE
14 WOULD BE THAT MR. PHELPS FIND SOMETHING THAT FALLS
15 WITHIN THAT ZONING RATHER THAN CHANGE THE ZONING THAT
16 FUNDAMENTALLY CHANGES THE CHARACTER OF THAT
17 NEIGHBORHOOD.

18 IF THIS ZONING WERE ALLOWED PRIOR TO MY
19 DEVELOPMENT OF THE LOTS AND STORAGE BUILDINGS WERE
20 BUILT THERE, I CERTAINLY COULD NOT HAVE SOLD THESE
21 LOTS FOR THE AMOUNT MONEY THAT I DID AND HAVE THE
22 QUALITY OF HOMES THAT WERE BUILT OUT THERE.

23 MR. PHELPS IS DOING A GOOD JOB WITH HIS
24 DEVELOPMENT OUT THERE. WE APPRECIATE WHAT HE'S DONE,
25 BUT IN DEFERENCE TO THE SURROUNDING HOMEOWNERS, I

1 BELIEVE IS ILLOGICAL IN CHANGING THE ZONING AT THIS
2 TIME.

3 CHAIRMAN: MR. FORD, EXACTLY WHAT BUSINESS ARE
4 YOU IN?

5 MR. FORD: I'M AN AUCTIONEER/REAL ESTATE
6 BROKER. BEEN IN THE BUSINESS IN DAVIESS COUNTY FOR
7 ABOUT 40 YEARS.

8 CHAIRMAN: FORTY YEARS.

9 MR. FORD: ABOUT 40 YEARS. WE'RE BOTH GETTING
10 OLD. OLDER THAN YOU I'M SURE.

11 CHAIRMAN: IN YOUR OPINION, OBVIOUSLY YOU'VE
12 DEVELOPED THIS AREA, IS THERE ANY MIDDLE GROUND WE
13 COULD SEE TO HAVE THIS BUSINESS GO FORWARD AND TO KEEP
14 THE NEIGHBORS IN A SECURE SITUATION?

15 MR. FORD: THERE'S NO WAY I CAN SEE THAT THIS
16 DEVELOPMENT WOULD NOT DETRIMENTALLY EFFECT THE AREA
17 SUBSTANTIALLY, EFFECT HOME PRICES, AND FUNDAMENTALLY
18 CHANGE THE NATURE OF THE AREA. I UNDERSTAND THAT
19 COULD BE USED FOR SOMETHING LIKE A QUICK PICK, WHICH
20 IS NOT PARTICULARLY DESIRABLE EITHER FOR RESIDENTIAL
21 AREAS, BUT WHEN YOU'RE HAVING, WE DON'T KNOW THE TOTAL
22 NUMBER OF UNITS THAT ARE GOING TO BE THERE. IT DOES
23 NOT LOOK GOOD NO MATTER HOW MUCH ZONING AND SCREENING
24 YOU DO IN AN AREA LIKE THAT, IT'S STILL NOT GOING TO
25 BE AN ATTRACTIVE LOOK. I DON'T THINK YOU CAN GO OUT

1 HERE AND SAY THAT ANY STORAGE BUILDINGS, YOU KNOW, IF
2 THEY WERE PUT DOWN RIGHT BESIDE A NICE RESIDENTIAL
3 AREA, WOULD ADD ANYTHING TO A RESIDENTIAL VALUE.

4 CHAIRMAN: MR. FORD, WHEN THEY WERE TALKING
5 ABOUT, WHEN THEY WERE TALKING ABOUT ALL THE HOUSES
6 WERE BRICK, WERE YOU INVOLVED IN THAT?

7 MR. FORD: I PUT ALL THE RESTRICTIONS ON THOSE
8 LOTS.

9 CHAIRMAN: WAS THAT RESTRICTION DONE BEFORE
10 THE LOTS WERE EVEN SOLD?

11 MR. FORD: YES.

12 CHAIRMAN: ARE YOU FINISHED, MR. FORD?

13 MR. FORD: THANK YOU.

14 CHAIRMAN: DOES ANYBODY ELSE HAVE ANY
15 COMMENTS?

16 (NO RESPONSE)

17 CHAIRMAN: MR. PHELPS, WOULD YOU LIKE TO MAKE
18 A CLOSING OR A SUMMARY?

19 MR. PHELPS: YES, I WOULD.

20 MR. LAND: WOULD YOU STATE YOUR NAME AGAIN?

21 MR. PHELPS: CHRIS PHELPS.

22 MR. LAND: REMIND YOU YOU'VE BEEN SWORN.

23 MR. PHELPS: WHAT I WOULD LIKE TO DO IS, YOU
24 KNOW, I'M A WORKING MAN MYSELF. I KNOW WHAT IT TAKES
25 TO HOPEFULLY ONE DAY HAVE MY DREAM HOME MYSELF. I DID

1 NOT KNOW COMING IN HERE THAT I WAS GOING TO BE
2 STIRRING UP THIS MUCH STINK WITH THE WHOLE
3 NEIGHBORHOOD ABOUT WHAT WAS GOING ON. I'M BASICALLY
4 WILLING TO DISMISS THE WHOLE THING. I CAN DO WITHOUT
5 THE STORAGE BUILDINGS IN THAT LOCATION AND PROBABLY
6 FIND ANOTHER PLACE TO BUILD IT. I KNOW ALL THESE
7 GUYS. I REALLY DID NOT KNOW THIS WAS GOING TO BE TO
8 THE POINT WHERE, YOU KNOW, FRIENDSHIPS. I'M NOT
9 WANTING TO LOSE A BUNCH OF FRIENDSHIPS OVER PUTTING
10 SOME STORAGE BUILDINGS IN. WE DO HAVE A PLACE THERE
11 WHERE WE DO HAVE FAMILY AND KIDS AND EVERYBODY THAT
12 COMES OUT TO PLAY TO THE SPORTS FACILITY, YOU KNOW,
13 HAS A GOOD TIME. THESE FOLKS HAVE EVEN COME OUT THERE
14 A HANDFUL OF TIMES I'M SURE. I'M NOT OUT THERE EVERY
15 DAY, BUT I JUST HAD A LITTLE EXTRA PROPERTY THERE. I
16 THOUGHT IT MIGHT BE GOOD TO TRY TO DEVELOP SOMETHING
17 THERE AS FAR AS SOME STORAGE BUILDINGS, BUT I'M NOT.

18 CHAIRMAN: MR. PHELPS, YOU'RE A BETTER MAN
19 BECAUSE OF THAT. LET ME ASK YOU: OFFICIALLY YOU NEED
20 TO REQUEST TO WITHDRAWAL YOUR APPLICATION.

21 MR. PHELPS: YES, SIR, I WOULD REQUEST THE
22 WITHDRAWAL.

23 CHAIRMAN: LET IT BE NOTED THAT MR. PHELPS IS
24 REQUESTING TO WITHDRAWAL HIS APPLICATION.

25 THANK YOU VERY MUCH. THANK YOU AND THE

1 CITIZENS, THE PLANNING OPERATION WORKED. THANK YOU
2 ALL THE WAY THAT YOU ALL PARTICIPATED.

3 MR. NOFFSINGER, I THINK WITH THE APPLICATION
4 WITHDRAWN, WE HAVE TO TAKE NO FURTHER ACTION.

5 MR. NOFFSINGER: WE'RE READY FOR ITEM NUMBER
6 7.

7 ITEM 7

8 3601 JEFFERSON STREET; 3590 ST. ANN STREET,
9 9.717 ACRES
10 CONSIDER ZONING CHANGE: FROM R-1B SINGLE-FAMILY
11 RESIDENTIAL TO R-1C SINGLE-FAMILY RESIDENTIAL
12 APPLICANT: JED RENTALS FAMILY PARTNERSHIP, LTD

13 PLANNING STAFF RECOMMENDATIONS

14 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
15 TO THE CONDITION AND FINDINGS OF FACT THAT FOLLOW:
16 CONDITION:

17 NO ACCESS SHALL BE PERMITTED TO JR MILLER
18 BOULEVARD.

19 FINDINGS OF FACT:

20 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
21 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
22 COMPREHENSIVE PLAN;

23 2. THE SUBJECT PROPERTY IS LOCATED IN AN URBAN
24 RESIDENTIAL PLAN AREA, WHERE URBAN LOW-DENSITY
25 RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. SANITARY SEWER SERVICE IS AVAILABLE TO THE
SUBJECT PROPERTY;

1 4. THE PROPOSAL MEETS THE GOAL OF THE
2 COMPREHENSIVE PLAN TO ESTABLISH A VARIETY OF HOUSING
3 TYPES FOR A VARIETY OF PEOPLE WITHIN A NEIGHBORHOOD;
4 AND,

5 5. THE PROPOSAL SUPPORTS THE COMPREHENSIVE
6 PLAN'S GOALS BY ENCOURAGING THE CONCENTRATION OF URBAN
7 DEVELOPMENT WITHIN THE URBAN SERVICE AREA TO LIMIT
8 URBAN SPRAWL.

9 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF
10 REPORT INTO THE RECORD AS EXHIBIT C.

11 CHAIRMAN: MS. EVANS.

12 MS. EVANS: MELISSA EVANS.

13 I HAD AN E-MAIL FROM A GENTLEMAN THAT I WOULD
14 LIKE TO READ INTO THE RECORD.

15 MR. NOFFSINGER: IF YOU WOULD, READ THAT IN
16 AFTER YOU DO YOUR PRESENTATION.

17 MS. EVANS: I DON'T HAVE A PRESENTATION. I
18 WAS JUST GOING TO READ THE E-MAIL.

19 CHAIRMAN: IS THE APPLICANT HERE?

20 MR. DAVIS: YES.

21 CHAIRMAN: ARE THERE ANY QUESTIONS OF THE
22 APPLICANT?

23 YES, SIR.

24 MR. LAND: WOULD YOU STATE YOUR NAME FOR THE
25 RECORD, PLEASE?

1 MR. WOFFARD: DELBERT WOFFARD.

2 (DELBERT WOFFARD SWORN BY ATTORNEY.)

3 MR. WOFFARD: I HAVE A QUESTION.

4 CHAIRMAN: MR. WOFFARD, BECAUSE OF YOUR
5 HEIGHT, WOULD YOU EITHER TAKE THE MICROPHONE OR BEND
6 OVER BECAUSE THEY'RE NOT GOING TO BE ABLE TO HEAR YOUR
7 TESTIMONY.

8 MR. WOFFARD: DO YOU PLAN TO DEVELOP THE
9 PROPERTY ADJOINING LIKE YOU DID THE ADJOINING MALLARD
10 CREEK PROPERTY ON FAMILY UNITS? IS THAT YOUR
11 INTENTION?

12 MR. DAVIS: YES, SIR.

13 CHAIRMAN: WAIT JUST A MINUTE.

14 WHY DON'T YOU GIVE US ABOUT THREE OR FOUR
15 QUESTIONS IN A ROW AND THEN WE'LL BRING HIM TO THE
16 MIKE SO HE CAN TESTIFY AND WE'LL GET HIM UNDER OATH
17 ALSO. IS THAT ALL RIGHT WITH YOU?

18 MR. WOFFARD: YES. THAT WAS MY MAIN QUESTION.
19 THEN I HAD SOME CONCERNS AFTER THAT.

20 CHAIRMAN: LET ME BRING HIM TO THE MIKE.
21 WE'LL GET HIM TO RESPOND AND THEN WE'LL BRING YOU
22 BACK.

23 MR. LAND: WOULD YOU STATE YOUR NAME FOR THE
24 RECORD, PLEASE?

25 MR. DAVIS: PAUL DAVIS.

1 (PAUL DAVIS SWORN BY ATTORNEY.)

2 MR. DAVIS: TO ANSWER YOUR QUESTION, YES, SIR.

3 CHAIRMAN: MR. DAVIS, WOULD YOU TURN TOWARD
4 THE MIKE. YOU CAN ADDRESS HIM, BUT MAKE SURE YOU'RE
5 AT THE MIKE ALSO.

6 MR. DAVIS: YES, SIR, WE'RE PLANNING ON
7 PUTTING 40 DUPLEXES JUST LIKE THAT'S IN THE
8 DEVELOPMENT RIGHT NEXT TO IT AT MALLARD CREEK. THAT'S
9 THE PROPOSED PLAN.

10 CHAIRMAN: MR. WOFFARD, DO YOU HAVE SOME
11 COMMENTS OR FURTHER QUESTIONS?

12 MR. WOFFARD: I'M TRYING TO STATE SOME
13 CONCERNS OF THE SOUTHEAST NEIGHBORHOOD ALLIANCE. IT'S
14 A GROUP OF NEIGHBORS ADJOINING THIS PROPERTY. MY
15 CONCERNS ARE AS FOLLOWS:

16 THIS IS A UNIQUE PIECE OF PROPERTY BECAUSE OF
17 ITS LOCATION. IT'S LOCATED -- THE ZONING, WHEN YOU
18 ZONE AN AREA, YOU HAVE TO TAKE INTO CONSIDERATION
19 TRAFFIC PATTERNS, POPULATION DISTRIBUTION, INDUSTRIAL
20 USE AND POLLUTION.

21 THIS PARTICULAR PROPERTY IS RIGHT IN THE
22 MIDDLE OF THE CITY ALONG J.R. MILLER BOULEVARD,
23 BETWEEN J.R. MILLER BOULEVARD AND JEFFERSON STREET.
24 IT'S VERY VISIBLE TO THE COMMUNITY NOW BECAUSE IT IS
25 CLEAR AND YOU CAN SEE IT FROM J.R. MILLER BOULEVARD.

1 SEVERAL REASONS EXIST NOT TO DEVELOP ALL OF
2 THIS RECENTLY AUCTIONED PROPERTY FOR RESIDENTIAL USE.
3 THIS IS THE CONCERNS THAT WE HAVE BECAUSE IT WAS
4 PREVIOUSLY A GREEN SPACE IN THIS AREA. IT WAS ALL
5 TREES. IT WAS A HEAVILY WOODED AREA.

6 THE FIRST REASON IS INCREASING TRAFFIC FLOW
7 AROUND AND THROUGH THE NEIGHBORHOOD. J.R. MILLER
8 BOULEVARD WITHIN THE LAST TEN YEARS OR SO JUST
9 CONSTRUCTED. IT'S BECOME AN ALTERNATE ROAD THAT
10 PARALLELS FREDERICA STREET. JEFFERSON STREET IS ALSO
11 PARALLEL TO FREDERICA AND IT HAS A LOT OF TRAFFIC.
12 I'M NOT STATING STATISTICS BECAUSE I'M NOT SURE WHAT
13 EXACTLY THE TRAFFIC FLOW IS, BUT I HAVE SEEN WHERE THE
14 CITY HAS AT TIMES PUT ACROSS THESE MEASURING DEVICES
15 WHERE YOU CAN DRIVE OVER AND IT REGISTERS HOW MANY
16 CARS ARE FLOWING. JEFFERSON STREET HAS A HIGH FLOW
17 RATE AS WELL AS J.R. MILLER BOULEVARD.

18 THE SOUTH END OF JEFFERSON STREET ALSO FACES
19 WENDELL FORD EXPRESSWAY, WHICH THERE'S A LOT OF
20 TRAFFIC ON THAT ALSO WITH A LOT OF POLLUTION FROM CARS
21 AND VEHICLES TRAVELING ON THAT EXPRESSWAY.

22 THE PREVIOUSLY WOODED AREA SURROUNDED THESE
23 STREETS WAS NECESSARY TO COUNTER BALANCE THE ADMISSION
24 PRODUCTS OF VEHICLES TRAVELING ON THESE ADJACENT
25 ROADS. THAT'S THE CONTENTION IN TERMS OF FULL USE OF

1 THESE SPACES JUST FOR RESIDENTIAL USE BECAUSE THEY
2 WERE HEAVILY WOODED AND THEY COUNTER BALANCE THE
3 POLLUTION GENERATED BY THIS HEAVIER TRAFFIC FLOW.

4 THE MINIATURE WOODS NOT ONLY INFLUENCED
5 RESIDENTS IN THE NEIGHBORHOOD, BUT ALSO PEOPLE WHO
6 WORKED IN INSTITUTIONS THAT BOARDED THIS AREA.

7 SEE, THIS IS A CONCENTRATED AREA IN THE CITY.
8 TEXAS GAS AND KENTUCKY WESLEYAN COLLEGE HAVE HUNDREDS
9 OF PEOPLE THAT AT ONE TIME SHOWED UP FOR WORK WITHIN
10 JUST A FEW BLOCKS OF THIS AREA.

11 KWC HAS RECENTLY BUILT A NEW FOOTBALL STADIUM
12 TO ATTRACT MORE PEOPLE TO THEIR GAMES AND THEY SHARE A
13 NEW FACILITY WITH OWENSBORO CATHOLIC HIGH SCHOOL IN
14 THEIR GAMES OVER AT THE WESLEYAN PROPERTY.

15 NEWTON PARRISH ELEMENTARY SCHOOL AND LOURDES
16 ELEMENTARY SCHOOL ALSO ARE INCLUDED WITHIN A FEW
17 BLOCKS OF THIS AREA. ALL OF THESE PLACES OF
18 INDUSTRIAL USE ARE APPRECIATED BECAUSE OF THE NATURE
19 OF THE GREEN SPACE.

20 ADVANTAGES OF A DENSELY WOODED AREA WAS THAT
21 THE TREES, AS A GROUP, DID LESS DAMAGE TO HOMES AND
22 POWER LINES AND THEY REMAINED AS A DENSELY WOODED
23 AREA. YOU KNOW HOW DURING THE STORMS AND HIGH WINDS
24 THEY INCUR LESS DAMAGE THAN SCATTERED ISOLATED TREES
25 LIKE THE ONES IN LEGION PARK. OVER THE YEARS LEGION

1 PARK HAS EXPERIENCED QUITE A BIT OF DAMAGE OF THEIR
2 TREES.

3 THE LOSS AND DAMAGE OF TREES DUE TO WEATHER IN
4 THE PAST FEW YEARS, THE CITY IS WELL AWARE OF THE
5 AMOUNT OF DAMAGE THAT HAS BEEN DONE WITH THE WEATHER
6 CONDITIONS.

7 ALSO, THE TREES HELP DROP TEMPERATURES DURING
8 THE SUMMER HEAT WAVES. THE SOUTHEAST NEIGHBORHOOD
9 ALLIANCE TRIED TO CONDUCT A MINIATURE SURVEY AROUND
10 THIS AREA BEFORE THE TREES WERE TORN DOWN. ALL OF THE
11 RESIDENTS IMMEDIATELY SURROUNDING THE AREA WERE
12 AGAINST ALL OF THE TREES BEING TORN DOWN.

13 THIS CANNOT BE A LEGITIMATE CONCERN UNLESS THE
14 OWNERSHIP, WHICH MR. DAVIS HAS, WILL CONSIDER THE
15 POSSIBILITY OF REESTABLISHING A DIFFERENT TREE BASE
16 THAT ONCE WAS USEFUL IN THAT AREA. UNLESS THE OWNER
17 WILL ENVISION THE NECESSITY FOR MEETING THE CHALLENGES
18 OF THE PREVIOUSLY DESCRIBED CHANGES THAT HAS INCREASED
19 TRAFFIC PATTERN AND INCREASED INDUSTRIAL USE OF THAT
20 AREA AROUND THAT J.R. MILLER BOULEVARD, JEFFERSON
21 STREET AREA, THE LAND WILL NOT CONTINUE TO FUNCTION AS
22 IT DID. SO THE LAND WAS SOLD IN TWO TRACTS.

23 I REMEMBER AT THE AUCTION MR. DAVIS BOUGHT
24 BOTH TRACTS. YOU CAN SEE HOW BY THE DIAGRAM HOW THERE
25 WERE TWO SEPARATE TRACTS.

1 MY MAIN CONCERN IN BRINGING THIS UP IS TO
2 BRING BEFORE YOU THE NECESSITY FOR CONSIDERING THE
3 CHANGES THAT TOOK PLACE AND ALLOWING FLEXIBLE THOUGHT
4 ABOUT REESTABLISHING A GREEN SPACE THAT ONCE WAS A
5 COUNTER BALANCE TO THE CONCENTRATED POPULATION AND
6 TRAFFIC PATTERNS.

7 CHAIRMAN: MR. WOFFARD, HAVE YOU GOT SOME
8 REQUESTS OR SUGGESTIONS? I THINK I'M GETTING THE
9 GRASP OF WHERE YOU'RE HEADED WITH THIS, BUT DO YOU
10 WANT A MORE DENSE TREE BASE ON THESE PROPERTIES OR
11 EXACTLY WHERE ARE YOU HEADED BECAUSE WE CAN BRING MR.
12 DAVIS BACK UP AND SEE IF THERE'S COMMON GROUND WHERE
13 I'M SURE HE WOULD BE WILLING TO WORK AT SOME EXTENT
14 WITH THE NEIGHBORHOOD ALLIANCE IF WE REALLY KNEW WHAT
15 YOU WANTED. GIVE US LIKE SAY A ONE, TWO, THREE, FOUR,
16 SOMETHING LIKE THAT. I'M NOT TRYING TO JUMP AHEAD OF
17 YOU, BUT I'M TRYING TO MAKE IT EASY SO WE CAN GRASP
18 WHERE YOU'RE HEADED WITH THIS.

19 MR. WOFFARD: I'M HEADED TO GIVE HIM AN
20 EXPRESSION OF WHAT HE PLANS, YOU KNOW, IN TERMS OF
21 ENVISIONING MAINTAINING SOME KIND OF ECOLOGICAL
22 BALANCE WITH HIS RESIDENTIAL PLANNING OF HIS
23 STRUCTURES THAT HE'S GOING TO BE BUILDING. BECAUSE
24 THERE'S BEEN A LOT OF PEOPLE UPSET ABOUT ALL OF THESE
25 TREES BEING TORN DOWN. I THINK HE HAS THE RIGHT TO

1 EXPRESS HIMSELF IN TERMS OF HOW HE IS CONCERNED ABOUT
2 WHAT THEY'VE BEEN CONCERNED ABOUT, ALL THE TREES BEING
3 CLEARED FROM THAT AREA.

4 CHAIRMAN: MR. DAVIS.

5 MR. DAVIS: WHAT WE'RE TRYING TO DO WITH THIS
6 PIECE OF PROPERTY IS GET AS MUCH, YOU KNOW, AS FAR AS
7 DUPLEXES AS WE CAN IN ON THIS PROPERTY. WE
8 UNDERSTAND, YOU KNOW, ECOLOGICAL VALUE. I THINK ME
9 AND YOU TALKED THAT DAY AT THE AUCTION.

10 WE WANTED TO LEAVE AS MANY TREES AS WE
11 POSSIBLY COULD WHEN WE STARTED TO DEVELOP THIS
12 PROPERTY, BUT AT THE TIME, IF YOU'VE EVER HAD -- I
13 MEAN MOST BUILDERS HERE WILL KNOW. YOU CAN LEAVE A
14 TREE AND THREE, FOUR YEARS DOWN THE ROAD AND YOU'VE
15 DISTURBED ALL THE TREES AROUND IT, ALL THE PROPERTY,
16 THAT TREE DIES. THEN YOU'RE LEFT WITH HAVING TO GO IN
17 AND REMOVE THESE BIG TREES WITH ALL THESE APARTMENTS
18 AROUND. THEN IN THAT CASE YOU TAKE THE CHANCE OF
19 DAMAGING OR IF YOU DON'T GET IT OUT BEFORE A WIND
20 STORM, ICE STORM, YOU TAKE A CHANCE OF IT DAMAGING A
21 PIECE OF PROPERTY OR A PERSON.

22 SO WHAT WE'RE GOING TO DO IS AFTER WE'RE SAID
23 AND DONE WE WILL COME IN AND PROBABLY PLANT SOME TREES
24 ALONG J.R. MILLER. IT'S NOT GOING TO BE AS DENSELY,
25 YOU KNOW, TREES IN THERE AS THERE WAS. WE'LL PROBABLY

1 PUT A FEW ALONG LONGFELLOW AND ST. ANN, AND THEN
2 PROBABLY SPORADICALLY IN BEHIND THE DUPLEXES, KIND OF
3 BACK UP TO MALLARD CREEK AND ALONG STOCKTON. JUST
4 SOMETHING TO KIND OF MAKE IT -- BECAUSE WE WANT
5 GREENERY IN THERE ALSO. IT MAKES IT LOOK BETTER FROM
6 OUR STANDPOINT AND FROM A RENTER'S STANDPOINT.

7 THAT'S WHAT WE'RE PLANNING ON DOING AS FAR AS
8 IN THE DEVELOPMENT. WE'RE GOING TO TRY TO DO THE BEST
9 WE CAN TO MAKE IT A PRESENTABLE PLACE, BUT WE HAVE TO
10 GO THROUGH THE CONSTRUCTION PROCESS TO GET TO THAT
11 POINT.

12 WE WANTED TO LEAVE IT, BUT IT JUST FOR
13 FEASIBILITY IT WOULDN'T BE WORTH IT. BY THE TIME YOU
14 DISTURB THE PROPERTY AND ALL OF THAT.

15 I THINK MARCH 14TH IS THE SOUTHEAST DAVIESS
16 COUNTY ALLIANCE. I TOLD ABBIE, I THINK HER NAME IS
17 ABBIE, I TOLD HER THAT I WILL BE AT THE MEETING AND
18 I'M GOING TO PRESENT WHAT WE DISCUSS HERE TONIGHT,
19 PRESENT WHAT EVERYTHING IS GOING TO BE, WHAT THE
20 BUILDINGS ARE GOING TO LOOK LIKE AND ALL OF THAT.
21 THAT'S ALREADY IN THE WORKS TO MEET WITH YOU ALL.

22 ANY OTHER QUESTIONS?

23 CHAIRMAN: ANYBODY ON THE COMMISSION HAVE ANY
24 QUESTIONS?

25 YES, MA'AM, MS. CAMBRON.

1 MS. CAMBRON: I HAVE A QUESTION.

2 IS THIS COMMUNITY GOING TO RESEMBLE YOUR
3 MALLARD CREEK TO A GREAT EXTENT? IS IT GOING TO BE
4 LAID OUT PRETTY MUCH THE SAME?

5 MR. DAVIS: YES, MA'AM. IT'S GOING TO BE
6 IDENTICAL TO MALLARD CREEK, OTHER THAN THERE'S GOING
7 TO BE THREE DUPLEXES THAT'S GOING TO BE FACING
8 JEFFERSON STREET. THEN EVERYTHING ELSE IS GOING TO BE
9 DOWN LAFAYETTE AND GOING TO HAVE A LAFAYETTE ADDRESS.

10 MS. CAMBRON: HOW OLD IS YOUR MALLARD CREEK?
11 HOW OLD IS THAT COMMUNITY?

12 MR. DAVIS: PROBABLY ABOUT FIVE YEARS AGO NOW.

13 MS. CAMBRON: YOU FINISHED IT ABOUT FIVE YEARS
14 AGO?

15 MR. DAVIS: YES, MA'AM.

16 MS. CAMBRON: HOW MANY TREES DID YOU PLANT IN
17 THE MALLARD CREEK COMMUNITY?

18 MR. DAVIS: WE'VE PLANTED THREE ALONG THE
19 FRONT RIGHT NOW AND THEN THERE WAS THREE ALREADY
20 THERE. NOW WE HAVEN'T GONE IN AND PLANTED ANY MORE
21 BECAUSE IT'S NOT AS A WIDE OPEN SPACE. THERE'S GOING
22 TO BE A LOT MORE OPEN GROUND ON THIS PROJECT THAN
23 THERE WAS WITH MALLARD CREEK.

24 MS. CAMBRON: WHERE IS THAT OPEN GROUND GOING
25 TO BE?

1 MR. DAVIS: WELL, BE UP TOWARDS J.R. MILLER
2 THERE'S GOING TO BE LIKE A FEW OPEN AREAS AND THERE'S
3 GOING TO BE MORE OF THE RETENTION AREAS BACKED UP IN
4 THAT AREA. I THINK PRETTY CLOSE TO J.R. MILLER IS
5 GOING TO BE A FEW AREAS. IT'S GOING TO HAVE A LITTLE
6 MORE SPACE. INSTEAD OF 10 FEET BETWEEN THE DUPLEXES,
7 THERE WILL BE SOME THAT HAVE 20 FEET WHERE WE COULDN'T
8 FIT ANY MORE IN THERE AND WE HAD TO LEAVE SOME
9 OPENINGS THROUGH THERE. THEN PLUS SOME OF THEM IS
10 GOING TO HAVE IT WIDER BETWEEN THERE, BUT THEY'RE
11 GOING TO HAVE A SEWER LINE COMING FROM MALLARD CREEK
12 FEEDING THIS PROJECT. THEN ALSO RWRA WANTS US TO FEED
13 THE OPEN LOT JUST ACROSS THE NORTH SIDE THERE ON THE
14 CORNER OF J.R. MILLER BECAUSE WE'RE GOING TO BE
15 FEEDING A SEWER LINE TO THAT POINT. WE CAN'T PUT
16 TREES ON TOP OF SEWER LINES.

17 MS. CAMBRON: THAT WAS JUST FOR MY PERSONAL
18 INFORMATION. AFTER FIVE YEARS AND ONLY THREE TREES
19 BEING PLANTED, THAT'S NOT A GREAT AMOUNT OF TREES.

20 MR. DAVIS: NO, IT'S NOT, BUT IT'S NOT A
21 PROJECT THE SIZE OF WHAT WE'RE DOING NOW. AS YOU CAN
22 SEE, NOW WE'RE DEALING WITH 9 POINT SOME ACRES ON
23 THIS.

24 MS. CAMBRON: THANK YOU.

25 CHAIRMAN: DOES ANYBODY ELSE HAVE ANY

1 QUESTIONS?

2 YES, MA'AM.

3 MS. EVANS: MELISSA EVANS.

4 I RECEIVED AN E-MAIL YESTERDAY, WEDNESDAY,
5 FEBRUARY 13, 2013 FROM A MR. MARK MILLER CONCERNING
6 THE ZONING CHANGE R-1B TO R-1C AT 3590 ST. ANN STREET
7 AND 3601 JEFFERSON STREET.

8 IT READS, "100 STOCKTON DRIVE," WHICH I ASSUME
9 IS MR. MILLER'S ADDRESS. IT SAYS, "I AM UNABLE TO
10 ATTEND THE MEETING TONIGHT REGARDING THIS CHANGE AND
11 WOULD LIKE TO REQUEST THIS QUESTION BE READ INTO THE
12 MINUTES. THE WOODS THAT STOOD FOR HUNDREDS OF YEARS
13 PROVIDED A NATURAL SITE AND NOISE REDUCTION BARRIER
14 BETWEEN THE TWO NEIGHBORHOODS. I DON'T QUESTION THE
15 NEW OWNER'S RIGHT TO BUILD, BUT I JUST REQUEST THEY
16 INSTALL A PRIVACY FENCE AROUND THE PROPERTY TO REDUCE
17 THE NOISE AND IMPROVE AESTHETIC VALUE OF THE PROPERTY.
18 I MAY BE REACHED BY EMAIL FOR FOLLOW-UP QUESTIONS.
19 THANK YOU."

20 WE WOULD LIKE TO ENTER THIS INTO THE RECORD ON
21 MR. MILLER'S BEHALF.

22 CHAIRMAN: WOULD YOU LIKE TO RESPOND?

23 MR. DAVIS: YES, I WOULD.

24 I DON'T KNOW IF MR. MILLER WILL BE AT THE
25 SOUTHEAST ALLIANCE MEETING, BUT HE'S THE ONE THAT OWNS

1 THE PIECE OF PROPERTY I WAS JUST TALKING ABOUT. THAT
2 WE'RE PLANNING TO HAVE A SEWER LINE RAN TO A DEAD
3 PIECE OF PROPERTY THAT LATER ON HE COULD SELL, YOU
4 KNOW, AND MAKE SOME MONEY OFF THIS PIECE OF PROPERTY.
5 THE SEWER LINE IS AT OUR COST THAT IS HELPING MR.
6 MILLER. HE HAS A PIECE OF PROPERTY THAT HAS SEVERAL
7 DEAD TREES ON IT NOW THAT HAVE POTENTIAL OF FALLING ON
8 OUR BUILDINGS ON THE OTHER SIDE. HE'S COMING OUT
9 PRETTY GOOD AND CLEAR ON THIS WITH US HAVING TO FEED
10 HIM THE SEWER LINE. I KNOW HE'S NOT HERE, BUT I CAN
11 LET HIM KNOW IF HE'S EVER GOT ANY QUESTIONS OR
12 ANYTHING LIKE THAT.

13 CHAIRMAN: MS. EVANS, WERE YOU THE ONE THAT
14 DID THIS? DID YOU READ THIS?

15 MS. EVANS: NO. BRIAN DID.

16 CHAIRMAN: BRIAN, WHAT ARE THE REQUIREMENTS?
17 THERE'S NO PRIVACY SCREENING REQUIRED AROUND THE
18 DUPLEXES, IS THERE?

19 MR. HOWARD: RIGHT. THE PROPERTY RIGHT NOW IS
20 ZONED R-1B SINGLE-FAMILY RESIDENTIAL. THE PROPOSED
21 ZONING IS R-1C SINGLE-FAMILY RESIDENTIAL. THE ZONING
22 ORDINANCE DOES NOT REQUIRE ANY TYPE OF SCREENING
23 BETWEEN SIMILAR ZONES. BASICALLY THE DIFFERENCE IS
24 DENSITY. THE R-1C ZONE WOULD ALLOW ONE UNIT PER 5,000
25 SQUARE FEET, BUT NO PERIMETER SCREENING REQUIREMENT IN

1 THE ZONING ORDINANCE.

2 CHAIRMAN: JUST FOR THE RECORD, MR. DAVIS,
3 YOUR COMMENT ON HIS -- THAT WAS MORE OF A REQUEST THAN
4 A QUESTION.

5 MR. DAVIS: AT THIS TIME WE DON'T PLAN ON
6 PUTTING A PRIVACY FENCE OR SCREENING AROUND THE
7 PROPERTY. LIKE MR. MILLER, HIS PROPERTY IS ONLY THAT
8 PIECE OF LAND THERE THAT ABUTS US, THE ONE THAT HAS
9 THE TREES RIGHT ON J.R. MILLER. HIS PROPERTY ACTUALLY
10 DOES NOT, OTHER THAN THAT LOT, TOUCH OUR PROPERTY.
11 BECAUSE THERE'S A LITTLE, LIKE A TURN AROUND ON
12 STOCKTON, THERE'S A LITTLE PAVED DITCH THAT COMES OFF
13 STOCKTON AND FEEDS OUR PROPERTY WHICH THAT IN TURN IS
14 HIS PROPERTY. THE ONE THAT'S IN THE BLACK, THERE'S A
15 LOT 100 THERE. DO YOU SEE WHERE I'M TALKING ABOUT?

16 CHAIRMAN: YES.

17 MR. ALLEN: ARE YOU TALKING ABOUT THE CORNER
18 LOT OFF OF STOCKTON?

19 MR. DAVIS: IS IT ALL RIGHT IF I COME AND SHOW
20 YOU?

21 CHAIRMAN: YES. SURE.

22 MR. KAZLAUSKAS: IT'S LOT NUMBER 16 YOU'RE
23 TALKING ABOUT, ISN'T IT?

24 MR. DAVIS: I BELIEVE SO.

25 CHAIRMAN: THIS RIGHT HERE.

1 MR. DAVIS: YES, SIR. RIGHT HERE. MR. MILLER
2 OWNS THIS PIECE OF PROPERTY RIGHT HERE AND THERE'S A
3 PAVED DITCH.

4 MR. NOFFSINGER: WE'RE NOT GETTING THIS ON
5 RECORD.

6 CHAIRMAN: I'M AWARE OF WHERE THE PROPERTY IS.
7 WOULD YOU JUST RESTATE THAT MR. DAVIS.

8 MR. DAVIS: MR. MILLER'S PROPERTY, THE ONLY
9 PIECE OF HIS PROPERTY THAT ADJOINS US IS THE OPEN LOT
10 THAT'S THERE AT THE NORTHEAST CORNER OF OUR PROPERTY
11 THERE AT J.R. MILLER. THEN FROM STOCKTON TO OUR PIECE
12 OF PROPERTY IS A LITTLE PAVED DITCH. IT'S JUST A
13 LITTLE PAVED FLOW THAT COMES UP, THAT FEEDS OFF OF
14 STOCKTON INTO OUR PROPERTY IN WHICH THE TURN, YOU
15 KNOW, IT'S COMING IN ON PROPERTY AND THEN FLOWING AWAY
16 FROM HIM. THAT'S THE ONLY PART THAT HE HAS THAT
17 CONNECTS TO US.

18 CHAIRMAN: I WAS JUST TRYING TO TIE TOGETHER
19 HIS REQUEST AND THE REQUIREMENTS.

20 MR. DAVIS: RIGHT.

21 CHAIRMAN: AND YOUR INTENTIONS.

22 MR. DAVIS: HE'S NOT CONNECTED TO US OTHER
23 THAN THAT OPEN LOT.

24 CHAIRMAN: ARE THERE ANY OTHER QUESTIONS?

25 MR. KAZLAUSKAS: MR. CHAIRMAN, I NEED TO ASK

1 BRIAN A QUESTION.

2 IT'S REFERENCED TO THAT LOT NUMBER 16 THAT'S
3 OWNED BY MR. MILLER. I MIGHT BE ASKING YOU SOMETHING
4 YOU DON'T KNOW. DO YOU KNOW THE DIMENSIONS OF THAT
5 LOT AND WHAT COULD IT BE USED FOR? IT COULD BE USED
6 FOR RESIDENTIAL PURPOSES FOR A SEWER LINE GOING IN
7 THERE?

8 MR. HOWARD: I DON'T HAVE ANYTHING THAT SHOWS
9 THE DIMENSION ON THE PROPERTY. I MEAN IT'S ZONED
10 SINGLE-FAMILY RESIDENTIAL ZONING. IT'S AN EXISTING
11 LOT. OF COURSE, IT BACKS UP, IT LOOKS LIKE MR. MILLER
12 ALSO OWNS LOT 15 WITH A HOUSE ON IT. IT BACKS UP TO
13 PROPERTY HE ALREADY OWNS OFF OF STOCKTON DRIVE.

14 MR. KAZLAUSKAS: BUT THERE'S NO WAY TO GRANT
15 ACCESS TO THAT LOT FOR SINGLE-FAMILY?

16 MR. HOWARD: J.R. MILLER IS A CONTROLLED
17 ACCESS STREET. IT COULD POTENTIALLY GO BEFORE THE
18 GREEN RIVER AREA DEVELOPMENT DISTRICT TRANSPORTATION
19 ADVISORY COMMITTEE AS AN EXCEPTION. THE APPLICANT
20 ACTUALLY PROPOSED AN EXCEPTION TO THE ACCESS
21 MANAGEMENT ALONG J.R. MILLER. THE TAC ACTUALLY
22 APPROVED THE REQUEST, BUT THE POLICY COMMITTEE DENIED
23 AN ACCESS TO J.R. MILLER. IT IS POSSIBLE THAT THAT
24 SAME TYPE OF PROCEDURE COULD BE FOLLOWED, BUT WHAT HIS
25 CHANCES OF GAINING ACCESS THERE WOULD BE, I DON'T

1 KNOW.

2 MR. KAZLAUSKAS: OKAY. THANK YOU.

3 CHAIRMAN: IF THERE ARE NO FURTHER QUESTIONS,

4 NO FURTHER COMMENTS?

5 YES, SIR.

6 MR. WOFFARD: I WISH I COULD JUST TALK -- I AM

7 GOING TO TALK EXTEMPORANEOUSLY ABOUT THIS, AND IT'S A

8 PHILOSOPHICAL ISSUE. IT'S NOT IN REGARD TO THE WAY

9 THIS IS DONE. IT'S LEGAL. THE OWNERSHIP IS THERE.

10 I WANTED TO BRING UP THE FACT THAT BEFORE THIS

11 PROPERTY WAS AUCTIONED I DID APPROACH THE COUNTY ABOUT

12 BUYING IT TO BE USED AND TO KEEP IT AS A GREEN SPACE

13 FOR RESIDENTIAL, YOU KNOW, FOR PURPOSES OF THE REASONS

14 I STATED EARLIER. ABOUT THE CONCENTRATION OF

15 POPULATION. NOT ONLY RESIDENTIAL BUT INDUSTRIAL.

16 IN OTHER WORDS, YOU'VE GOT TWO SCHOOLS.

17 YOU'VE GOT KENTUCKY WESLEYAN. YOU'VE GOT TWO

18 ELEMENTARY SCHOOLS. YOU HAVE THE FUNERAL HOME.

19 YOU'VE GOT TEXAS GAS WHICH IS MOVING DOWNTOWN INTO A

20 ZONE WHERE THEY'VE GOT THE ATMOSPHERE THAT THEY

21 ORIGINALLY MOVED OUT INTO THE SUBURBS FOR, AND THAT

22 WAS TO BE IN THE COUNTRY. THIS WAS AN AREA OF THE

23 COUNTY THAT WAS KEEPING THE CITY FRESH AS FAR AS THE

24 COUNTRY ATMOSPHERE WAS CONCERNED.

25 WHEN YOU TALK ABOUT PLANNING, I DON'T SEE ANY

1 PLANNING. ALL I SEE IS A TRANSFER OF OWNERSHIP OF
2 PROPERTY AND APPLICATION FOR APPROPRIATE ZONING
3 BECAUSE OF THE OWNERSHIP.

4 WHEN SHE IS TALKING ABOUT PLANNING IN A
5 MODULAR SENSE, IT ALMOST SEEMS LIKE IT'S NONSENSE
6 BECAUSE OF THE FACT THAT THE PLANNING IS NOT REALLY
7 BEING DONE IN TERMS OF CONSIDERING HOW YOU'RE GOING TO
8 ZONE PROPERTY ACCORDING TO THE TRAFFIC PATTERNS,
9 POPULATION DISTRIBUTION AND INDUSTRIAL USE WITHIN A
10 SMALL CIRCLE OF THE CITY. THIS THING, THE COUNTY
11 HADN'T HAD ANY REAL WARNING THAT IT WAS GOING TO BE UP
12 FOR AUCTION. THE FIRST TIME ANYBODY KNEW WAS WHEN THE
13 SIGNS WERE THERE THAT IT WAS GOING TO BE AUCTIONED
14 OFF. THERE WASN'T TIME FOR ANY PLANNING TO BE MADE BY
15 THE CITY AND COUNTY BOTH IN TERMS OF HOW THEY WANTED
16 TO ALLOCATE MAYBE HAVE THE PROPERTY TO A GREEN SPACE.

17 CHAIRMAN: MR. WOFFARD, WE DON'T HAVE ANY
18 CONTROL OVER THE AUCTION OR THE TRANSFER PROCESS.

19 MR. WOFFARD: RIGHT.

20 CHAIRMAN: OURS IS JUST TO DECIDE WHAT THIS
21 ISSUE IS RIGHT HERE BEFORE US. THAT'S ALL THE CONTROL
22 WE HAVE. THE CITY AND THE COUNTY GOVERNS WHETHER THEY
23 BUY PARK PROPERTY OR WHETHER THEY DON'T BUY. YOU
24 KNOW, THAT'S OUR ELECTED OFFICIAL TO MAKE THOSE
25 DECISIONS.

1 MR. WOFFARD: WHAT IS THE PLANNING? SHE SPENT
2 A LOT OF TIME ABOUT PLANNING.

3 CHAIRMAN: THAT WAS THE COMPREHENSIVE PLAN SHE
4 WAS TALKING ABOUT.

5 MR. WOFFARD: RIGHT. IN OTHER WORDS, HOW DOES
6 THIS COMPREHENSIVE PLAN REALLY WORK IF IT GOES AS IF
7 THIS PROPERTY HAS? THAT'S MY QUESTION.

8 CHAIRMAN: OKAY.

9 MS. STONE: WE WOULD SEE THIS INFILL PROJECT
10 IN THE MIDDLE OF RESIDENTIAL PROPERTY AS IN COMPLIANCE
11 WITH THE COMPREHENSIVE PLAN. IT'S IN AN AREA WHERE
12 EXISTING SERVICES ARE ALREADY AVAILABLE. WE'RE
13 CONNECTING TRANSPORTATION SYSTEMS. HE MENTIONED THE
14 TRANSPORTATION THROUGH THE NEIGHBORHOODS. WE WOULD
15 ALWAYS ENCOURAGE LANDSCAPING AND TREES, BUT WE WOULD
16 SEE THE APPLICATION OF THE HIGHER DENSITY R-1C AS IN
17 COMPLIANCE WITH THE COMPREHENSIVE PLAN. WE'RE
18 PROVIDING A VARIETY OF HOUSING TYPES WITHIN THAT
19 COMMUNITY. THE STAFF BELIEVES IT'S AN APPROPRIATE
20 ZONING CHANGE. THEY COULD DO LESS HOUSES IN THE R-1B.
21 IT'S ALREADY ZONED SINGLE-FAMILY HOUSING.

22 THAT WOULD BE THE PLANNING OVERVIEW FROM THE
23 COMPREHENSIVE PLAN. IT'S IN AN URBAN RESIDENTIAL PLAN
24 AREA AND IT'S ZONED RESIDENTIALLY CURRENTLY.

25 CHAIRMAN: THANK YOU, MR. STONE.

1 YES, SIR, MR. NOFFSINGER.

2 MR. NOFFSINGER: MR. CHAIRMAN, I WOULD ALSO
3 LIKE TO ADD TO THAT. THIS IS IN AN AREA WHERE THERE
4 IS A VERY SIZEABLE CITY PARK, AS WELL AS THE OWENSBORO
5 COUNTRY CLUB, THERE'S A LOT OF GREEN SPACE, OPEN SPACE
6 IN THIS AREA. WE HAVE ALSO, ALONG WITH THE PARKS
7 DEPARTMENT AND THE PARK'S COMMITTEE, OVER THE YEARS
8 LOOKED AT AREAS OF PARK NEEDS AND OPEN SPACE NEEDS.
9 IN THE COMPREHENSIVE PLAN, I THINK YOU'LL FIND THAT
10 THIS IS AN AREA THAT SHOWS TO SERVE ADEQUATELY BY
11 PARKS. THERE'S NOT A PARK NEED IN THIS AREA.

12 SO THAT WOULD WEIGH INTO THE ELECTED
13 OFFICIAL'S DECISION AS TO WHETHER OR NOT TO MOVE
14 FORWARD WITH BUYING PROPERTY OR NOT BUYING PROPERTY
15 FOR PUBLIC SPACE OR PARKS.

16 CHAIRMAN: IF THERE ARE NO FURTHER COMMENTS,
17 NO QUESTIONS FROM THE COMMISSION, THE CHAIR IS READY
18 FOR A MOTION.

19 MR. APPLEBY: MOTION FOR APPROVAL, MR.
20 CHAIRMAN, BASED ON THE STAFF'S RECOMMENDATIONS THAT
21 THIS IS INDEED IN COMPLIANCE WITH THE COMPREHENSIVE
22 PLANS GOALS WITH THE SINGLE CONDITION AND WITH THE
23 FINDINGS OF FACT 1 THROUGH 5.

24 CHAIRMAN: WE'VE GOT A MOTION FOR APPROVAL
25 WITH CONDITIONS AND FINDINGS OF FACT BY MR. APPLEBY.

1 MR. KAZLAUSKAS: SECOND.

2 CHAIRMAN: I'VE GOT A SECOND BY MR.

3 KAZLAUSKAS. ALL IN FAVOR RAISE YOUR RIGHT HAND.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

6 NEXT ITEM, PLEASE.

7 RELATED ITEM:

8 ITEM 7A

9 HOBO WOODS, 9.717 ACRES
10 CONSIDER APPROVAL OF COMBINED FINAL DEVELOPMENT
11 PLAN/MAJOR SUBDIVISION PRELIMINARY PLAT.
12 APPLICANT: JED RENTALS FAMILY PARTNERSHIP, LTD

13 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAN HAS
14 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
15 STAFF. IT'S FOUND TO BE IN ORDER. IT'S USE IS
16 CONSISTENT WITH THE ZONING CHANGE AND WAS JUST
17 RECOMMENDED BY THIS BODY AS WELL AS IT'S IN COMPLIANCE
18 WITH THE COMPREHENSIVE PLAN.

19 CHAIRMAN: I KNOW THE APPLICANT IS HERE. ARE
20 THERE ANY QUESTIONS OF THE APPLICANT ABOUT THIS?

21 (NO RESPONSE)

22 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
23 MOTION.

24 MR. APPLEBY: MOTION FOR APPROVAL.

25 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

MR. PEDLEY: SECOND.

1 CHAIRMAN: SECOND BY MR. PEDLEY. ALL IN FAVOR
2 RAISE YOUR RIGHT HAND.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

5 NEXT ITEM, PLEASE.

6 ITEM 8

7 2420, 2500, 2560 OLD HENDERSON ROAD STREET,
2.191 ACRES
8 CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO
I-1 LIGHT INDUSTRIAL
9 APPLICANT: WEST PARRISH PLAZA, LLC

10 PLANNING STAFF RECOMMENDATIONS

11 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
12 TO THE FINDINGS OF FACT THAT FOLLOW:

13 FINDINGS OF FACT:

14 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
15 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
16 COMPREHENSIVE PLAN;

17 2. THE SUBJECT PROPERTY IS LOCATED IN A
18 BUSINESS PLAN AREA WHERE LIGHT INDUSTRIAL USES ARE
19 APPROPRIATE IN LIMITED LOCATIONS;

20 3. THE PROPOSAL IS A LOGICAL EXPANSION OF
21 EXISTING I-1 LIGHT INDUSTRIAL ZONING TO THE WEST AND
22 NORTH; AND,

23 4. AT 2.191 ACRES, THE PROPOSAL DOES NOT
24 SIGNIFICANTLY INCREASE THE EXTENT OF INDUSTRIAL ZONING
25 IN THE VICINITY AND SHOULD NOT OVERBURDEN THE CAPACITY

1 OF ROADWAYS AND OTHER NECESSARY URBAN SERVICES THAT
2 ARE AVAILABLE IN THE AFFECTED AREA.

3 MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF
4 REPORT INTO THE RECORD AS EXHIBIT D.

5 CHAIRMAN: IS THE APPLICANT HERE?

6 MR. KAMUF: THE APPLICANT AND THE OWNER.

7 MR. LAND: WOULD YOU STATE YOUR NAME FOR THE
8 RECORD, PLEASE.

9 MR. KAMUF: CHARLES KAMUF.

10 CHAIRMAN: THANK YOU, MR. KAMUF.

11 DOES ANYBODY HAVE ANY QUESTIONS OF THE
12 APPLICANT?

13 (NO RESPONSE)

14 CHAIRMAN: I ASSUME THE APPLICANT DOES NOT
15 WANT TO MAKE A STATEMENT?

16 MR. KAMUF: NO, SIR. I'VE LEARNED THAT
17 LESSON.

18 CHAIRMAN: YOU MAY BE SEATED.

19 IF THERE ARE NO FURTHER QUESTIONS OR COMMENTS,
20 THE CHAIR IS READY FOR A MOTION.

21 MR. APPLEBY: MOTION FOR APPROVAL BASED ON
22 STAFF RECOMMENDATIONS WITH FINDINGS OF FACT 1 THROUGH
23 4.

24 MS. CAMBRON: SECOND.

25 CHAIRMAN: A MOTION FOR APPROVAL WITH FINDINGS

1 OF FACT BY MR. APPLEBY. WE'VE GOT A SECOND BY MS.
2 CAMBRON. ALL IN FAVOR RAISE YOUR RIGHT HAND.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

5 NEXT ITEM, PLEASE.

6 -----

7 MINOR SUBDIVISIONS

8 ITEM 9

9 5536, 5544 LANE ROAD, 32.901 ACRES
10 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
11 APPLICANT: MILDRED HAYDEN

12 MR. NOFFSINGER: MR. CHAIRMAN, BRIAN HOWARD IS
13 HERE TO ADDRESS THIS APPLICATION.

14 MR. HOWARD: THIS APPLICATION COMES BEFORE YOU
15 AS AN EXCEPTION ON THE DEPTH TO WIDTH RATIO
16 REQUIREMENT. THERE IS AN EXISTING HOME ON THE
17 PROPERTY WHICH FOR PURPOSES OF MORTGAGE I BELIEVE THEY
18 ARE TRYING TO CUT OUT A SMALLER PARCEL AROUND THE HOME
19 AND THEN LEAVING THE BALANCE FOR POTENTIALLY ONE MORE
20 HOME SITE. THEY'VE INCLUDED A NOTE ON THE PLAT THAT
21 LIMITS THE DIVISION OF THE PROPERTY ANY FURTHER UNLESS
22 THEY CAN MEET ALL APPLICABLE SUBDIVISION REGULATIONS.
23 WITH THAT SINCE THEY'RE NOT REALLY TRYING TO MAXIMIZE
24 A LOT MORE DEVELOPMENT ON THE PROPERTY WE WOULD
25 RECOMMEND THAT YOU CONSIDER FOR APPROVAL.

CHAIRMAN: IS THE APPLICANT HERE?

1 APPLICANT REP: I'M HER SON.

2 CHAIRMAN: LET THE RECORD NOTE THE APPLICANT
3 IS HERE.

4 ARE THERE ANY QUESTIONS OF THE APPLICANT?

5 (NO RESPONSE)

6 CHAIRMAN: DOES ANYBODY ON THE COMMISSION HAVE
7 ANY QUESTIONS?

8 (NO RESPONSE)

9 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
10 MOTION.

11 MR. PEDLEY: MOTION FOR APPROVAL, MR.
12 CHAIRMAN, BASED ON THE PLAT AND NO FURTHER SUBDIVIDE
13 AND CREATE ADDITIONAL IRREGULAR LOTS NOT MEETING AND
14 THEREFORE SUBDIVISION REGULATIONS THAT THEY HAVE
15 ENGAGED IN.

16 CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
17 MR. PEDLEY WITH CONDITIONS.

18 MR. APPLEBY: SECOND.

19 CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN
20 FAVOR RAISE YOUR RIGHT HAND.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

23 -----

24 NEW BUSINESS

25 ITEM 10

1 CONSIDER APPROVAL OF THE DECEMBER 2012 FINANCIAL
2 STATEMENTS

3 MR. NOFFSINGER: MR. CHAIRMAN, ALL MEMBERS
4 HAVE BEEN MAILED A COPY AND IS READY FOR YOUR
5 CONSIDERATION.

6 CHAIRMAN: ANY QUESTIONS?

7 (NO RESPONSE)

8 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
9 MOTION.

10 MR. REEVES: MOVE FOR APPROVAL.

11 CHAIRMAN: MOTION FOR APPROVAL BY MR. REEVES.

12 MR. APPLEBY: SECOND.

13 CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN
14 FAVOR RAISE YOUR RIGHT HAND.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

17 MR. NOFFSINGER: MR. CHAIRMAN, I JUST WANT TO
18 MAKE SURE THAT THE SECRET BALLOTS OR THE BALLOTS THAT
19 WE VOTED FOR VICE CHAIRMAN ARE ENTERED INTO THE
20 RECORD. I WILL GIVE THESE TO OUR COURT REPORTER.

21 MR. REEVES: MR. CHAIRMAN, CAN I ASK FOR A
22 POINT OF CLARIFICATION?

23 CHAIRMAN: YES, SIR.

24 MR. REEVES: AFTER WE DID THE ELECTION, WE DID
25 THE BALLOT AND YOU INDICATED THAT MR. PEDLEY WILL

1 CONTINUE ON AS VICE CHAIR. IS THAT FOR AN
2 INDETERMINATE PERIOD OF TIME OR IS THAT UNTIL WE HAVE
3 YET ANOTHER ELECTION?

4 CHAIRMAN: I'M SORRY, THAT WAS A GOOD
5 QUESTION.

6 ACTUALLY HE CONTINUES ON UNTIL -- WE WILL HAVE
7 AN ELECTION AT THE NEXT MEETING AND HE WILL CONTINUE
8 IN THAT STATUS UNTIL WE GET SIX VOTES OR WE WILL
9 CONTINUE.

10 MR. REEVES: IS THAT IN OUR BYLAWS I ASSUME?

11 CHAIRMAN: YES, SIR. MR. REEVES, JUST A NOTE.
12 I MADE THOSE COMMENTS, MR. SILVERT GAVE ME THOSE.
13 ACCORDING TO OUR BYLAWS WE MUST HAVE SIX TO ELECT.

14 ARE THERE ANY FURTHER COMMENTS?

15 (NO RESPONSE)

16 CHAIRMAN: I WOULD LIKE TO MAKE ONE. THIS IS
17 VALENTINE'S DAY. WE'RE GETTING OUT OF HERE AT 7:00.
18 IT'S NOT TOO LATE IF YOU HAVEN'T BOUGHT THAT CARD, GOT
19 THAT CANDY. GOOD LUCK. IT'S LATE.

20 THE CHAIR IS READY FOR ONE MORE MOTION.

21 MS. CAMBRON: MOVE TO ADJOURN.

22 CHAIRMAN: MOTION FOR ADJOURNMENT BY MS.
23 CAMBRON.

24 MR. ROGERS: SECOND.

25 CHAIRMAN: SECOND BY MR. ROGERS. ALL IN FAVOR

1 RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: WE ARE ADJOURNED.

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

3 I, LYNNETTE KOLLER FUCHS, NOTARY PUBLIC IN AND
4 FOR THE STATE OF KENTUCKY AT LARGE, DO HEREBY CERTIFY
5 THAT THE FOREGOING OWENSBORO METROPOLITAN PLANNING
6 COMMISSION MEETING WAS HELD AT THE TIME AND PLACE AS
7 STATED IN THE CAPTION TO THE FOREGOING PROCEEDINGS;
8 THAT EACH PERSON COMMENTING ON ISSUES UNDER DISCUSSION
9 WERE DULY SWORN BEFORE TESTIFYING; THAT THE BOARD
10 MEMBERS PRESENT WERE AS STATED IN THE CAPTION; THAT
11 SAID PROCEEDINGS WERE TAKEN BY ME IN STENOGRAPHY AND
12 ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
13 ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
14 FOREGOING 70 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE
17 25TH DAY OF FEBRUARY, 2013.

18

19

20 _____
 LYNNETTE KOLLER FUCHS
21 NOTARY ID 433397
 OHIO VALLEY REPORTING SERVICES
22 202 WEST THIRD STREET, SUITE 12
 OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25