

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 11, 2013

3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, APRIL
5 11, 2013, AT CITY HALL, COMMISSION CHAMBERS,
6 OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS
7 FOLLOWS:

8 MEMBERS PRESENT: WARD PEDLEY, CHAIRMAN
9 IRVIN ROGERS, VICE CHAIRMAN
10 DAVID APPLEBY, SECRETARY
11 GARY NOFFSINGER, DIRECTOR
12 MADISON SILVERT, ATTORNEY
13 TIM ALLEN
14 WALLY TAYLOR
15 JOHN KAZLAUSKAS
16 GREG BLACK
17 FRED REEVES
18 LARRY BOSWELL

19 * * * * *

20 MR. APPLEBY: I WOULD LIKE TO WELCOME
21 EVERYBODY TO THE APRIL 11, OMPC MEETING. WOULD YOU
22 PLEASE STAND WITH US FOR THE PRAYER AND PLEDGE OF
23 ALLEGIANCE.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 MR. APPLEBY: THE FIRST ITEM OF BUSINESS IS
THE ELECTION OF THE CHAIRMAN AND VICE CHAIRMAN. I'LL
TURN THE MEETING OVER TO MR. SILVERT.

MR. SILVERT: THANK YOU.

WE HAVE SOMEWHAT OF AN UNUSUAL CIRCUMSTANCE
TONIGHT SO I WANT TO EXPLAIN THINGS AND MAKE SURE THAT

1 EVERYONE IS IN AGREEMENT AS TO HOW WE WILL PROCEED.
2 UNDER ROBERTS RULES OF ORDER, TYPICALLY
3 ELECTIONS FOR OFFICERS ARE TAKEN IN THE ORDER IN WHICH
4 THEY'RE PRESENTED IN THE BYLAWS. IN OUR BYLAWS, THAT
5 ORDER IS CHAIRMAN, VICE CHAIRMAN, AND
6 SECRETARY/TREASURER. WE CURRENTLY HAVE A STANDING
7 SECRETARY/TREASURER, MR. APPLEBY. WE HAVE HAD A DEAD
8 LOCK ELECTION SINCE JANUARY OF VICE CHAIR AND THAT IS
9 CURRENTLY OLD BUSINESS. BUT WE FIND OURSELVES WITHOUT
10 A CHAIR THIS EVENING. I WOULD PROCEED, UNLESS THERE
11 IS SO OBJECTION FROM THIS BOARD, IN THE ORDER IN WHICH
12 WE USUALLY DO AND THAT'S ELECTING THE CHAIR FIRST AND
13 THEN THE VICE CHAIR.

14 MR. REEVES: MR. ATTORNEY, SHOULD WE SWEAR IN
15 NEW MEMBERS FIRST SO THEY CAN LEGALLY VOTE?

16 MR. SILVERT: MR. BOSWELL WAS SWORN IN AT A
17 WONDERFUL CEREMONY EARLIER TODAY.

18 MR. REEVES: SORRY THAT I MISSED IT.

19 MR. SILVERT: THAT'S ALL RIGHT.

20 WE WOULD ALSO PROCEED IN ONE OF THE WAYS THAT
21 WE USUALLY DO, OUR BYLAWS ALLOW ELECTION OF OFFICERS
22 UNDER SEVERAL METHODS. ONE OF WHICH IS BY RAISING OF
23 THE HAND AND THAT'S THE WAY THAT WE TYPICALLY DO.
24 UNLESS THERE'S AN OBJECTION, THAT'S THE WAY THAT I
25 WILL PROCEED THIS EVENING.

1 (NO RESPONSE)

2 MR. SILVERT: FIRST WE WILL OPEN THE FLOOR FOR
3 NOMINATIONS FOR THE OFFICE OF CHAIR.

4 MR. APPLEBY: I NOMINATE WARD PEDLEY FOR
5 CHAIRMAN.

6 MR. SILVERT: MR. PEDLEY, DO YOU ACCEPT?

7 MR. PEDLEY: YES, I ACCEPT.

8 MR. REEVES: I'D LIKE TO NOMINATE JOHN
9 KAZLAUSKAS.

10 MR. SILVERT: MR. KAZLAUSKAS, DO YOU ACCEPT?

11 MR. KAZLAUSKAS: YES, I DO.

12 MR. SILVERT: ARE THERE ANY OTHER NOMINATIONS?

13 (NO RESPONSE)

14 MR. APPLEBY: MOVE THAT THE NOMINATION CLOSE.

15 MR. SILVERT: THERE'S A MOTION THAT NOMINATION
16 CEASE. IS THERE A SECOND?

17 MR. MILLER: SECOND.

18 MR. SILVERT: ALL IN FAVOR OF CLOSING
19 NOMINATIONS RAISE YOUR HAND.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 MR. SILVERT: MOVE ON TO THE ELECTION.

22 MR. PEDLEY WAS NOMINATED FIRST. ALL IN FAVOR
23 OF MR. PEDLEY AS CHAIR PLEASE RAISE YOUR HAND.

24 (BOARD MEMBERS TIM MILLER, IRVIN ROGERS, GREG
25 BLACK, DAVE APPLEBY, WARD PEDLEY, WALLY TAYLOR AND

1 LARRY BOSWELL RESPONDED AYE.)

2 MR. SILVERT: ALL OPPOSED.

3 (BOARD MEMBERS JOHN KAZLAUSKAS AND FRED REEVES
4 RESPONDED NAY.)

5 MR. SILVERT: ALL IN FAVOR OF MR. KAZLAUSKAS
6 AS CHAIR PLEASE RAISE YOUR HAND.

7 (BOARD MEMBERS JOHN KAZLAUSKAS AND FRED REEVES
8 RESPONDED AYE.)

9 MR. SILVERT: MR. PEDLEY IS CHAIR.

10 WE NOW HAVE THE OFFICE OF VICE CHAIR. ARE
11 THERE NOMINATIONS FOR VICE CHAIR?

12 MR. APPLEBY: I NOMINATE IRVIN ROGERS AS VICE
13 CHAIR.

14 MR. SILVERT: MR. ROGERS, DO YOU ACCEPT?

15 MR. ROGERS: YES.

16 CHAIRMAN: ANY OTHER NOMINATIONS FOR VICE
17 CHAIR?

18 (NO RESPONSE)

19 MR. APPLEBY: I MOVE THAT THE NOMINATIONS ARE
20 CLOSED.

21 MR. SILVERT: IS THERE A SECOND?

22 MR. MILLER: SECOND.

23 MR. SILVERT: THE NOMINATIONS ARE NOW CLOSED.

24 ALL IN FAVOR OF MR. IRVIN ROGERS TO BE NAMED
25 VICE CHAIR PLEASE RAISE YOUR HAND.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 MR. SILVERT: MR. ROGERS, CONGRATULATIONS.

3 THAT CONCLUDES OUR ELECTIONS.

4 MR. CHAIRMAN, I BRING THE GAVEL TO YOU.

5 CHAIRMAN: OUR NEXT ITEM IS GARY HAS A
6 PRESENTATION FOR MR. KIRKLAND BEFORE WE GO INTO CLOSED
7 SESSION. WE'LL DO THE PRESENTATION NOW.

8 (PRESENTATION FOR DREW KIRKLAND.)

9 CHAIRMAN: THE NEXT ITEM WILL BE TO ENTER INTO
10 CLOSED SESSION. THE CHAIR WILL ENTERTAIN A MOTION TO
11 ENTER INTO CLOSED SESSION PURSUANT TO KRS 61.810(1)(C)
12 SO THAT THE COMMISSION MAY DISCUSS PENDING PROPOSED
13 LITIGATION AGAINST THE COMMISSION.

14 THE CHAIR NEEDS A MOTION TO GO INTO CLOSED
15 SESSION.

16 MR. KAZLAUSKAS: I MAKE A MOTION TO ENTER INTO
17 CLOSED SESSION UNDER KRS 61.810 SO THE COMMISSION MAY
18 DISCUSS PENDING AND PROPOSED LITIGATION AGAINST THE
19 COMMISSION. SPECIFICALLY THIS CLOSED SESSION IS TO
20 DISCUSS AS YET RAISED A YET POTENTIAL APPEALS GROUND
21 AND MULTIPLE PENDING MATTER.

22 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.

23 MR. BOSWELL: SECOND.

24 CHAIRMAN: WE HAVE A SECOND BY MR. BOSWELL.

25 ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: MOTION CARRIES. WE NOW GO INTO
3 CLOSED SESSION.

4 - - - - (OFF THE RECORD) - - - -

5 CHAIRMAN: I CALL OUR MEETING BACK TO ORDER.

6 WE WOULD LIKE TO WELCOME EVERYONE. WE WELCOME
7 YOUR QUESTIONS AND COMMENTS. WE ASK THAT YOU COME TO
8 ONE OF THE PODIUMS AND BE SWORN IN. PLEASE SPEAK INTO
9 THE MICROPHONES.

10 NEXT ITEM ON THE AGENDA IS TO CONSIDER THE
11 MINUTES OF THE FEBRUARY 14, 2013 MEETING. ARE THERE
12 ANY ADDITIONS, CORRECTIONS?

13 (NO RESPONSE)

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

16 MR. APPLEBY: MOVE TO ACCEPT THE MINUTES.

17 CHAIRMAN: I HAVE A MOTION BY MR. APPLEBY.

18 MR. TAYLOR: SECOND.

19 CHAIRMAN: SECOND BY MR. TAYLOR. ALL IN FAVOR
20 OF THE MOTION RAISE YOUR RIGHT HAND.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: MOTION CARRIES UNANIMOUS.

23 NEXT ITEM.

24 -----

25 ZONING CHANGE

1 ITEM 4

2 1430 BOSLEY ROAD, 0.761 ACRES
3 CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL TO
4 B-5 BUSINESS/INDUSTRIAL
5 APPLICANT: ICE MAKERS, INC.

6 MR. SILVERT: WOULD YOU STATE YOUR NAME,
7 PLEASE?

8 MR. HOWARD: BRIAN HOWARD.

9 (BRIAN HOWARD SWORN BY ATTORNEY.)

10 MR. HOWARD: I WILL NOTE THE REZONINGS HEARD
11 HERE TONIGHT WILL BECOME FINAL 21 DAYS AFTER THE
12 MEETING UNLESS AN APPEAL IS FILED. IF AN APPEAL IS
13 FILED, WE WILL FORWARD THE RECORD OF THE MEETING AND
14 THE STAFF REPORT AND ALL PERTINENT INFORMATION TO THE
15 APPROPRIATE LEGISLATIVE BODY FOR THEIR FINAL ACTION.
16 THE APPEAL FORMS ARE AVAILABLE ON THE BACK TABLE, IN
17 OUR OFFICE AND ON OUR WEBSITE.
18 PLANNING STAFF RECOMMENDATIONS

19 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
20 TO THE CONDITION AND FINDINGS OF FACT THAT FOLLOW:
21 CONDITION

22 ACCESS TO BOSLEY ROAD SHALL BE LIMITED TO THE
23 SINGLE, EXISTING ACCESS POINT ONLY.
24 FINDINGS OF FACT:

25 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
26 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED

1 COMPREHENSIVE PLAN;

2 2. THE SUBJECT PROPERTY IS LOCATED WITHIN A
3 BUSINESS/INDUSTRIAL PLAN AREA, WHERE GENERAL BUSINESS
4 AND LIGHT INDUSTRIAL USES ARE APPROPRIATE IN GENERAL
5 LOCATIONS;

6 3. THE SUBJECT PROPERTY LIES WITHIN AN
7 EXISTING AREA OF MIXED GENERAL BUSINESS AND LIGHT
8 INDUSTRIAL USES;

9 4. THE COMPREHENSIVE PLAN PROVIDES FOR THE
10 CONTINUANCE OF MIXED USE AREAS; AND,

11 5. THE PROPOSED LAND USE FOR THE SUBJECT
12 PROPERTY IS IN COMPLIANCE WITH THE CRITERIA FOR A
13 BUSINESS/INDUSTRIAL PLAN AREA AND A B-5
14 BUSINESS/INDUSTRIAL ZONING CLASSIFICATION.

15 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
16 THE RECORD AS EXHIBIT A.

17 CHAIRMAN: IS ANYONE HERE REPRESENTING THE
18 APPLICANT?

19 MS. CUNDIFF: YES.

20 CHAIRMAN: LET'S SEE IF WE HAVE ANYONE THAT
21 WOULD LIKE TO SPEAK IN OPPOSITION.

22 ANYBODY HERE HAVE ANY COMMENTS OR QUESTIONS ON
23 THIS APPLICATION OR SPEAKING IN OPPOSITION?

24 WOULD YOU STEP FORWARD, PLEASE.

25 MR. SILVERT: COULD YOU STATE YOUR NAME,

1 PLEASE.

2 MS. CUNDIFF: LORRAINE CUNDIFF.

3 (LORRAINE CUNDIFF SWORN BY ATTORNEY.)

4 MS. CUNDIFF: I JUST HAVE SOME QUESTIONS
5 CONCERNING THE MATTER. MY KIDS ARE THE ADJOINING
6 PROPERTY OWNERS. WE GOT NO NOTIFICATION OF
7 THIS REZONING. HE HADN'T GOT ANY NOTIFICATION. WE
8 JUST HAPPEN TO DRIVE BY THERE AT 3:00 TODAY AND SEEN
9 THE SIGN LAYING ON THE GROUND.

10 I'VE TALKED TO MR. STEEL THOUGH CONCERNING.
11 WE'RE I-1. I JUST GOT CONCERNS ABOUT LATER ON DOWN
12 THE ROAD, WHICH I HAVE NO INTENTIONS RIGHT NOW, BUT I
13 MIGHT LATER POSSIBLY GETTING IT ZONED TO I-2. IF IT
14 GOES TO B-5, I'M AFRAID I'LL GET OPPOSITION DOING
15 THAT. I HAVE TALKED TO MR. STEEL. HE DID SAY THAT HE
16 WOULD NOT OBJECT TO IT, WHEN WE WANTED TO DO THAT. I
17 DON'T KNOW IF THAT IS SATISFACTORY OR DO WE NEED TO
18 POSTPONE IT SINCE WE WEREN'T NOTIFIED.

19 MR. NOFFSINGER: IF I MIGHT ADDRESS THAT, MR.
20 CHAIRMAN.

21 CHAIRMAN: YES. I WAS GOING TO ASK YOU TO
22 ADDRESS THAT, PLEASE.

23 MR. NOFFSINGER: WE DO HAVE AN ADJOINING
24 PROPERTY OWNER AS LAUREN RAE WORTHINGTON.

25 MS. CUNDIFF: THAT'S MY NIECE.

1 MR. NOFFSINGER: SHE DID, THIS NOTICE WAS SENT
2 TO 6540 TODD BRIDGE ROAD, OWENSBORO, KENTUCKY 42301.
3 IT WAS SIGNED BY RACHEL WORTHINGTON. THE DATE
4 DELIVERY WAS MARCH 28, '13.

5 MS. CUNDIFF: I TALKED TO LAUREN TODAY. SAID
6 SHE DIDN'T GET IT. SO RACHEL EVIDENTLY GOT IT AND
7 DIDN'T GIVE IT TO HER.

8 MR. STEEL SAID HE WOULD AGREE WITH IT, BUT
9 WHAT KIND OF OPPOSITION WOULD WE RUN INTO OR WOULD
10 THERE BE A PROBLEM IF IT GOES FROM I-1 TO B-5?

11 MR. REEVES: COULD I ASK A QUESTION, PLEASE.

12 I THINK WE GET INTO THIS WHOLE ISSUE, MR.
13 ATTORNEY, ABOUT SOMEBODY ACTING AS AN ATTORNEY ON
14 SOMEONE ELSE'S BEHALF. IS THIS LADY THE PROPERTY
15 OWNER OF THE PROPERTY SHE'S DISCUSSING OR IS SHE
16 TALKING ABOUT PROPERTY OWNED BY SOMEONE ELSE?

17 MR. SILVERT: THAT'S A GOOD QUESTION, MR.
18 REEVES.

19 MS. CUNDIFF: IT'S OWNED BY MY THREE SONS AND
20 MY TWO NIECES. ONE OF MY SONS IS HERE. HE JUST
21 DIDN'T WANT TO TALK.

22 MR. REEVES: MY OPINION WE NEED TO HEAR FROM
23 HIM AND NOT YOU. THAT'S JUST ME.

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

1 MR. MCFADDEN: ERIC MCFADDEN.

2 (ERIC MCFADDEN SWORN BY ATTORNEY.)

3 MR. APPLEBY: I ASSUME YOU CONCUR WITH HER
4 FEELINGS ABOUT IT?

5 MR. MCFADDEN: YES.

6 MR. APPLEBY: WITH REGARD TO WHETHER THERE
7 WOULD BE ANY OPPOSITION TO AN I-2 ZONING, EACH ZONING
8 APPLICATION IS GOING TO STAND ON ITS OWN MERITS. HE
9 COULD TELL YOU TODAY HE WOULDN'T BE OPPOSED TO IT, BUT
10 ANYBODY IS ENTITLED TO OPPOSE OR SPEAK IN FAVOR OF AN
11 APPLICATION. YOUR APPLICATION FOR AN I-2 ZONING WOULD
12 BE JUDGED STRICTLY ON THE MERITS OF THE APPLICATION.

13 MS. CUNDIFF: I WANTED TO BE SURE OF THAT B-5
14 TO THE I-1, SO FORTH.

15 MR. SILVERT: JUST TO LET YOU KNOW WHAT MR.
16 REEVES WAS DISCUSSING. I DON'T THINK THAT WE'VE HAD
17 THE OPPORTUNITY TO SPEAK BEFORE, BUT IT'S THE
18 UNAUTHORIZED PRACTICE OF LAW IN THE STATE OF KENTUCKY
19 FOR SOMEONE TO ADDRESS US ON A ZONING MATTER AND
20 THAT'S WHY.

21 MS. CUNDIFF: THAT'S FINE.

22 MR. SILVERT: MR. STEEL COULDN'T EVEN DO THAT
23 ON BEHALF OF ICE MAKERS.

24 MS. CUNDIFF: THANK YOU.

25 CHAIRMAN: ANYONE ELSE WOULD LIKE TO SPEAK?

1 (NO RESPONSE)

2 MR. APPLEBY: IS CHAIR READY FOR A MOTION?

3 CHAIRMAN: CHAIR IS READY FOR A MOTION.

4 FIRST ALL, DOES ANY OF THE COMMISSIONERS HAVE
5 ANY COMMENTS OR QUESTIONS?

6 (NO RESPONSE)

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

9 MR. APPLEBY: MR. CHAIRMAN, I MAKE A MOTION
10 FOR APPROVAL BASED ON STAFF'S RECOMMENDATIONS WITH THE
11 SINGLE CONDITION AND WITH THE STAFF'S FINDINGS OF FACT
12 1 THROUGH 5.

13 CHAIRMAN: WE HAVE A MOTION BY MR. APPLEBY.

14 MR. REEVES: SECOND.

15 CHAIRMAN: SECOND BY MR. REEVES. COMMENTS OR
16 QUESTIONS ON THE MOTION?

17 (NO RESPONSE)

18 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

21 NEXT ITEM.

22 ITEM 5

23 3830 HIGHWAY 54, 1.870 ACRES
24 CONSIDER ZONING CHANGE: FROM A-U URBAN AGRICULTURE TO
25 B-4 GENERAL BUSINESS
APPLICANT: STEVE LAMBERT; JOHN & NANCY GRIMES

1 MR. KAMUF: MR. CHAIRMAN, I HAVE A PROCEDURAL
2 QUESTION CONCERNING THAT MATTER. DO YOU WANT ME TO
3 BRING IT UP NOW OR AFTER THE STATEMENT THAT'S GOING TO
4 BE MADE?

5 CHAIRMAN: LET'S READ IT INTO THE RECORD AND
6 THEN WE'LL GET TO YOU.

7 MR. KAMUF: THANK YOU, SIR.

8 MR. SILVERT: WOULD YOU STATE YOUR NAME,
9 PLEASE?

10 MS. EVANS: MELISSA EVANS.

11 (MELISSA EVANS SWORN BY ATTORNEY.)

12 PLANNING STAFF RECOMMENDATIONS

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

16 1. ACCESS TO HIGHWAY 54 SHALL BE LIMITED TO A
17 SINGLE ACCESS IN ALIGNMENT WITH THE COMMERCIAL DRIVE
18 ACCESS ACROSS THE STREET;

19 2. INGRESS/EGRESS EASEMENTS SHALL BE PROVIDED
20 FOR THE PROPERTIES TO THE EAST AND WEST OF THE SUBJECT
21 PROPERTY FOR FUTURE INDIRECT ACCESS TO HIGHWAY 54;
22 AND,

23 3. A RIGHT TURN LANE SHALL BE INSTALLED ON
24 HIGHWAY 54 UNLESS DEEMED UNNECESSARY BY THE KENTUCKY
25 TRANSPORTATION CABINET UPON THEIR REVIEW OF THE

1 COMMERCIAL ACCESS POINT.

2 FINDINGS OF FACT:

3 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
4 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
5 COMPREHENSIVE PLAN;

6 2. THE SUBJECT PROPERTY IS LOCATED IN AN
7 URBAN RESIDENTIAL PLAN AREA WHERE GENERAL BUSINESS
8 USES ARE APPROPRIATE IN VERY LIMITED LOCATIONS;

9 3. THE PROPOSAL IS A LOGICAL EXPANSION OF
10 EXISTING B-4 GENERAL BUSINESS ZONING TO THE NORTH,
11 ACROSS HIGHWAY 54; AND,

12 4. AT 1.870 ACRES, THE PROPOSAL DOES NOT
13 SIGNIFICANTLY INCREASE THE EXTENT OF GENERAL BUSINESS
14 ZONING IN THE VICINITY AND SHOULD NOT OVERBURDEN THE
15 CAPACITY OF ROADWAYS AND OTHER NECESSARY URBAN
16 SERVICES THAT ARE AVAILABLE IN THE AFFECTED AREA.

17 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
18 THE RECORD AS EXHIBIT B.

19 CHAIRMAN: ANYONE HERE REPRESENTING THE
20 APPLICANT?

21 (NO RESPONSE)

22 CHAIRMAN: MR. KAMUF, DO YOU HAVE ANY
23 QUESTIONS?

24 MR. KAMUF: YES, SIR, MR. CHAIRMAN.

25 MR. SILVERT: YOU'RE SWORN AS AN ATTORNEY.

1 MR. KAMUF: THANK YOU.

2 I REPRESENT MY DAUGHTER KRISTY HAYDEN AND HER
3 HUSBAND MATT HAYDEN ALONG WITH TOMMY THOMPSON. THEY
4 OWN THE PROPERTY TO THE EAST AND WEST OF THIS
5 PROPERTY. I DO NOT REPRESENT ANYBODY ELSE IN THE
6 NEIGHBORHOOD. I JUST REPRESENT THE OWNERS OF THE
7 FRONT PROPERTY.

8 WHY I'M HERE. I'M HERE TO ASK FOR A DELAY OR
9 A CONTINUANCE UNTIL SUCH TIME AS WE CAN MEET WITH THE
10 DEVELOPER AND AT SUCH TIME AS WE CAN SEE A DEVELOPMENT
11 PLAN. I'M NOT HERE FOR OR AGAINST THE PROPOSAL. I
12 JUST NEED A DELAY AT THIS TIME.

13 GARY, YOU KNOW YOU'RE REQUIRED BY LAW TO GIVE
14 A CERTIFIED NOTIFICATION TO ALL THE ADJOINING PROPERTY
15 OWNERS. WE NEVER RECEIVED A LETTER.

16 ON MARCH 29TH, THE POST OFFICE DELIVERED A
17 NOTICE TO US AND TOLD US THAT WE COULD PICK UP THIS
18 LETTER ANY TIME AFTER MARCH 29TH. MATT HAYDEN WENT
19 DOWN TO PICK THE LETTER UP AT THE POST OFFICE APRIL
20 1ST AND THERE WAS NO LETTER THERE. AS A RESULT, MATT
21 HAYDEN NOW IS IN FLORIDA AND HE'S NOT HERE TONIGHT.
22 THAT'S A NOTICE QUESTION.

23 THE SECOND ISSUE IS, IS THAT THE DEVELOPER
24 CALLED MATT HAYDEN AND SAID HE WOULD LIKE TO MEET WITH
25 HIM. MATT HAYDEN CALLED THE DEVELOPER AND ASKED HIM

1 TO SET A TIME FOR THE MEETING. THE APPLICANT SAID, I
2 CAN'T MEET WITH YOU UNTIL AFTER THE MEETING TONIGHT.

3 NOW, THAT WON'T HOLD WATER.

4 THE DEVELOPER SAID HE COULD NOT MEET UNTIL
5 AFTER THE MEETING. THERE HAS NOT BEEN A DEVELOPMENT
6 PLAN FILED IN THIS CASE. WE HAVE NOT SEEN A
7 DEVELOPMENT PLAN. THE DEVELOPER HAS NOT MET WITH
8 EITHER ONE OF THE OWNERS, KRISTY KAMUF, MATT HAYDEN OR
9 TOMMY THOMPSON, AND WE HAVE REQUESTED THEM TO MEET
10 WITH US SO WE'LL KNOW WHAT'S GOING ON.

11 AT THIS TIME WE DO NOT KNOW WHERE THE
12 LANDSCAPING IS. WE DO NOT KNOW ANY OF THE LIGHTING.
13 WE DON'T KNOW WHERE THE BUFFER ZONES ARE. ACCORDING
14 TO THE REPORT THAT YOU HAVE THERE, THERE SHOULD BE A
15 TRAFFIC STUDY. IF YOU RECALL SEVERAL MONTHS AGO WE
16 HAD THE OTHER REZONING ON HIGHWAY 54, THE PLAN UNIT
17 DEVELOPMENT. A DECEL LANE WAS REQUIRED. WE'VE NEVER
18 SEEN A TRAFFIC STUDY.

19 ALSO, IN YOUR REPORT IT STATES DUE
20 CONSIDERATION SHOULD BE GIVEN TO ANY CONCERNS OF THE
21 NEIGHBORING RESIDENTS WITH RESPECT TO THE ESTABLISHED
22 LOT PATTERNS.

23 IF WE DON'T MEET WITH THEM, IF THE DEVELOPER
24 WILL NOT MEET WITH US, WE DON'T HAVE ANY IDEA WHAT
25 THEY'RE DOING.

1 SECOND, IF YOU APPROVE THIS TONIGHT WITHOUT A
2 DEVELOPMENT PLAN, SOMEBODY ELSE BUYS THE PROPERTY, HOW
3 DO WE KNOW WHAT RESTRICTIONS OR BUFFERS OR LIGHTING
4 WOULD BE REQUIRED?

5 ALL I'M ASKING YOU TONIGHT IS TO DELAY IT
6 UNTIL THE NEXT MEETING SO WE CAN MEET AND FIND OUT
7 WHAT'S GOING ON. I CAN'T TELL YOU WE'RE FOR IT OR
8 WE'RE AGAINST IT, BUT WE NEED TO KNOW THESE THINGS AS
9 A LANDOWNER AND HAVE A DUE PROCESS MEETING.

10 ONE, WE DIDN'T HAVE THE NOTICE. THAT COULD BE
11 AN ISSUE. IN OTHER WORDS, THE LETTER WAS SENT. WE
12 RECEIVED NOTICE THAT A LETTER WAS THERE, BUT WHEN WE
13 GOT DOWN THERE ON APRIL 1ST, THE LETTER WASN'T THERE.
14 THAT'S ONE NOTICE.

15 SECOND OF ALL, I DON'T EVEN THINK IT'S FAIR
16 PLAY FOR US TO KNOW IF THEY'RE GOING TO ZONE THE
17 PROPERTY, IT'S PRETTY EXPENSIVE PROPERTY FOR US TO
18 KNOW WHAT THEY'RE DOING AND HAVE SOMETHING THAT
19 THEY'RE BOUND BY. IN OTHER WORDS, A DEVELOPMENT PLAN
20 WAS NOT FILED. WE THINK A DEVELOPMENT PLAN SHOULD BE
21 FILED OR, IF YOU'RE NOT, BE SURE THERE'S SOMETHING IN
22 WRITING REQUIRING THESE RESTRICTIONS OF WHAT THEY'RE
23 GOING TO USE THIS PROPERTY FOR. THANK YOU.

24 CHAIRMAN: MR. BRANCATO, YOU REPRESENT THE
25 APPLICANT? WOULD YOU ADDRESS HIS CONCERNS?

1 MR. BRANCATO: I'M NOT REPRESENTING THE
2 APPLICANT, MR. PEDLEY. I'M REPRESENTING THE WOODLAND
3 HOMEOWNERS ASSOCIATION AND ALSO A CONTIGUOUS
4 LANDOWNER. I DON'T KNOW IF YOU WANT TO HEAR MY
5 COMMENTS NOW. IF YOU WANT TO CONSIDER HIS ARGUMENT
6 ABOUT DUE PROCESS NOTIFICATION. I'LL DO WHATEVER
7 PLEASURE THE COMMISSION HAS.

8 CHAIRMAN: IS THERE ANYONE HERE THAT DOES
9 REPRESENT THE APPLICANT?

10 MR. LAMBERT: RIGHT HERE.

11 CHAIRMAN: WOULD YOU STEP UP.

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

14 MR. LAMBERT: STEVE LAMBERT.

15 (STEVE LAMBERT SWORN BY ATTORNEY.)

16 MR. LAMBERT: I WOULD LIKE TO ADDRESS THE
17 COMMENTS THAT WERE MADE BY MR. KAMUF.

18 I TOTALLY RESPECT THE POSITION THAT HE HAS;
19 HOWEVER, HE WAS NOT PRIVY TO THE CONVERSATION THAT I
20 HAD WITH MR. HAYDEN. I DID CONTACT MR. HAYDEN
21 PROBABLY ABOUT FOUR WEEKS AGO APPROXIMATELY. JUST OUT
22 OF COURTESY CALL, AS I DID WITH SEVERAL OTHER PROPERTY
23 OWNERS. I DID DISCUSS THE FACT THAT AT THIS POINT I
24 DON'T HAVE A TENANT. THAT MY PURPOSE WAS TO GO AHEAD
25 AND OBTAIN THE ZONING, PROPER ZONING FOR THE PROPERTY

1 AND THEREFORE MAKING IT CREDIBLE WHEN I GO OUT AND TRY
2 TO PROCURE A TENANT FOR THE PROPERTY. ME NOT HAVING A
3 CURRENT TENANT, I CAN'T REALLY DO A DEVELOPMENT PLAN
4 BECAUSE I DON'T KNOW EXACTLY THE BUILDING. I'VE GOT
5 KIND OF AN IDEA, BUT I DON'T KNOW EXACTLY WHERE THE
6 BUILDING IS GOING TO BE, THE SIZE OF THE BUILDING, AND
7 THAT SORT OF THING.

8 I DID NOT REFUSE TO MEET WITH MR. HAYDEN. IN
9 FACT, I GAVE MY CELL PHONE NUMBER AND TOLD MR. HAYDEN
10 TO FORWARD THAT TO TOMMY THOMPSON AND ANY OTHER
11 CONCERNS, ANY OTHER PARTIES AND FEEL FREE TO CALL ME.
12 I LIVE 600 MILES AWAY. I WAS GOING TO BE IN TOWN
13 TODAY AND TOMORROW AND I WILL BE MORE THAN HAPPY TO
14 MEET WITH THEM ANY TIME DURING THOSE TWO DAYS THAT I
15 WAS IN TOWN. THEREFORE, I COULD HAVE MET WITH MR.
16 HAYDEN THIS MORNING, AS I WAS ON THE LOCATION EARLY
17 THIS MORNING LOOKING AT THE PROPERTY.

18 AS A MATTER OF FACT, I SAW MS. TAYLOR WHO HAS
19 PROPERTY ADJOINING THIS PROPERTY. I BRIEFLY SAID
20 HELLO TO HER. I IN NO WAY HAVE ANY PROBLEM WITH
21 MEETING WITH PEOPLE; HOWEVER, AT THIS TIME I CAN'T
22 TELL THEM WHAT TENANT. I CAN'T TELL THEM THE EXACT
23 SIZE OF THE BUILDING. THAT WOULD COME INTO PLAY IN
24 REGARDS TO WHEN I PUT FORTH A PERMIT, ASK FOR A PERMIT
25 TO DEVELOP THE PROPERTY. I WILL PROVIDE ALL THAT

1 INFORMATION AT THAT TIME.

2 SCREENING AND THINGS LIKE THAT ARE ALREADY IN
3 PLACE IN REGARDS TO WHAT'S GOING TO BE REQUIRED BY
4 PLANNING AND ZONING. THAT WOULD BE INTO THAT PROCESS.

5 A DELAY FOR ME IS DIFFICULT AND I WOULD PREFER
6 TO MOVE FORWARD TONIGHT, ENABLE ME TO MOVE FORWARD
7 WITH TRYING TO DEVELOP THIS PROPERTY WITH TALK WITH
8 TRYING TO DEVELOP THIS PROPERTY WITH TALKING TO
9 POTENTIAL TENANTS.

10 I DO REQUEST AT THIS TIME THAT CONDITION
11 NUMBER 2 IN REGARDS TO THE EGRESS AND INGRESS, THE
12 PROPERTY TO THE EAST AND WEST OF MY PROPERTY BE
13 REMOVED FROM THE CONDITION. I DO HAVE A HANDOUT THAT
14 I WOULD LIKE TO PRESENT TO THE BOARD TONIGHT.

15 MR. KAMUF: MR. CHAIRMAN, YOU NEVER SWORE THE
16 WITNESS.

17 MR. SILVERT: THIS WITNESS HAS BEEN SWORN.

18 CHAIRMAN: JUST A MINUTE, MR. KAMUF.

19 MR. KAMUF: PARDON ME. EXCUSE ME, I WASN'T
20 PAYING ATTENTION.

21 MR. LAMBERT: AS A MATTER OF RECORD, I AM THE
22 OWNER OF THE LITTLE SHOPPING CENTER ACROSS THE STREET
23 THAT HAS FOUR TENANTS. I'VE BEEN THERE FIVE YEARS AND
24 I'VE HAD NO COMPLAINTS BY ANY NEIGHBOR.

25 AS A MATTER OF FACT, BEFORE I BUILT ANYTHING,

1 I WENT AND KNOCKED ON EVERY NEIGHBORS DOOR THAT
2 ADJOINED THE PROPERTY AND SAT DOWN WITH THEM AT THE
3 KITCHEN TABLE ONCE I HAD MY DEVELOPMENT PLAN AND
4 DISCUSSED ANY CONCERNS THAT THEY MAY HAVE. AGAIN,
5 AFTER FIVE YEARS ACROSS THE STREET WITH THE LITTLE
6 SHOPPING CENTER, I'VE NOT HAD ONE COMPLAINT.

7 THE EXHIBITS YOU HAVE IN FRONT OF YOU IS
8 SHOWING THE PROPERTIES HIGHLIGHTED THERE. THE
9 PROPERTY TO THE EAST AND THE WEST, THE PROPERTY TO THE
10 EAST IS MR. KAMUF'S DAUGHTER AND TOMMY THOMPSON'S
11 WHICH IS ZONED RESIDENTIAL MULTI-FAMILY. THE PROPERTY
12 TO THE WEST IS APPROXIMATELY 45 ACRES.

13 IT'S ACTUALLY SHOWING TWO DIFFERENT PIECES OF
14 PROPERTY. THEY'RE BASICALLY OWNED BY THE SAME PEOPLE.
15 THAT'S ZONED FARMLAND, I GUESS.

16 IN TALKING TO THEM, THEY EXPRESSED THEY HAD NO
17 CONCERNS WITH MY PROPERTY TURNING COMMERCIAL. AT THIS
18 TIME THEY HAVE NO INTEREST IN DEVELOPING THAT PROPERTY
19 OTHER THAN WHAT IT IS RIGHT NOW; HOWEVER, THAT COULD
20 CHANGE IN THE FUTURE.

21 IN REGARD TO THAT 45 ACRES, MY PROPERTY IS
22 VERY NARROW AND DEEP. IT HAS ABOUT 150 FEET OF ROAD
23 FRONTAGE, BUT IT'S ALMOST 600 FEET IN DEPTH.

24 FROM THE COMMERCIAL STANDPOINT TO DEVELOP
25 THIS, I'VE GOT A VERY NARROW PIECE OF PROPERTY THAT I

1 CAN BUILD A BUILDING ON. THAT'S MY INTENTIONS. AT
2 WHAT POINT, I'M NOT SURE WHEN IT'S GOING TO HAPPEN.
3 ECONOMY, FIND TENANTS, THOSE SORT OF THINGS HAVE TO
4 COME IN PLAY.

5 THE PROPERTY TO THE WEST OF ME HAS PROBABLY
6 1,000 OR 1,200 FEET OF ROAD FRONTAGE; AGAIN, IT'S
7 ABOUT 45 ACRES.

8 A MORE FEASIBLE LAYOUT FOR INGRESS AND EGRESS
9 FOR THAT PROPERTY WOULD BE IN LINE WITH BOLD FORBES
10 WAY, BECAUSE IF SOMEBODY DID BUY THAT PROPERTY AT 45
11 ACRES THAT'S GOING TO BE A LARGE DEVELOPMENT. FOR
12 THAT TO BE, HAVING ALL THAT TRAFFIC COME THROUGH, MY
13 150 FOOT OF FRONTAGE PRESENTS A PROBLEM FOR ME. IT
14 REALLY LOGICALLY SEEMS THAT BOTH ARE IN LINE WITH THAT
15 WOULD BE MORE LOGICAL. HOPEFULLY A STOPLIGHT
16 SOMETIME.

17 THE PROPERTY TO THE EAST OF ME, WHICH IS MRS.
18 HAYDEN AND TOMMY THOMPSON, HAS APPROXIMATELY 600, 700
19 FEET OF FRONTAGE OF WOOD TRACE, WHICH I UNDERSTAND IS
20 A PUBLIC STREET, AND THEY HAVE APPROXIMATELY 300 FEET,
21 ALMOST TWICE THE ROAD FRONTAGE THAT I HAVE ON 54.
22 AGAIN, IT WOULD MAKE MORE SENSE FOR EGRESS OR INGRESS
23 TO BE OFF OF WOOD TRACE OR OFF OF 54.

24 I WOULD ASK THE BOARD TO TAKE OUT THAT
25 CONSIDERATION, CONDITION NUMBER 2 FOR CONSIDERATION ON

1 THIS.

2 CHAIRMAN: ANY OF THE COMMISSIONERS HAVE
3 QUESTIONS OF MR. LAMBERT WHILE WE HAVE HIM UP HERE?

4 (NO RESPONSE)

5 CHAIRMAN: IF NOT, MR. LAMBERT, IF YOU'LL HAVE
6 A SEAT. I WANT TO ASK MR. HOWARD TO COME UP AND
7 ADDRESS SOME OF THE ISSUES OF THESE LETTERS NOT BEING
8 SENT OUT OR HAVE THEY BEEN SENT OUT ACCORDING TO MR.
9 KAMUF'S CONCERNS.

10 MR. HOWARD: SURE. AS FAR AS A DEVELOPMENT
11 PLAN GOES, I WOULD SAY TYPICALLY ON A PROPERTY THAT'S
12 1.87 ACRES IN SIZE FOR REZONING A DEVELOPMENT PLAN IS
13 NOT TYPICALLY REQUIRED. WE DID TRY TO INCLUDE
14 CONDITIONS THAT WOULD ADDRESS POTENTIAL FUTURE TRAFFIC
15 BY STATING THAT WHEN THE STATE REVIEWS THE DRY PERMIT
16 FOR A COMMERCIAL ACCESS THAT AT THAT TIME THEY MAY
17 REQUIRE TRAFFIC IMPACT STUDY. THERE MAY BE A NEED FOR
18 A RIGHT TURN LANE. THERE'S ALREADY A CENTER TURN LANE
19 ON HIGHWAY 54. THE LEFT TURN TRAFFIC CAN BE ADDRESSED
20 AS IS.

21 THE DEVELOPMENT PLAN WOULD BE A TOOL FOR YOU
22 ALL TO LOOK AT. AT THE TIME OF REZONING CERTAINLY A
23 CONDITION THAT YOU ALL COULD PLACE ON A ZONING CHANGE,
24 BUT THEY COULD SUBMIT A DEVELOPMENT PLAN WITH THE
25 REZONING AND THAT'S SUBJECT TO CHANGE. THAT COULD

1 CHANGE AT SOME POINT IN THE FUTURE. YOU ALL CAN'T
2 TAKE ACTION, MR. SILVERT, CORRECT ME IF I'M WRONG, BUT
3 YOU ALL CANNOT A DEVELOPMENT PLAN, A ZONING CHANGE
4 STIPULATED ON A SPECIFIC DEVELOPMENT PLAN. YOU CAN
5 ONLY DO THAT WITH FINDING ELEMENTS AND CONSOLIDATED
6 GOVERNMENTS, BASED ON MY UNDERSTANDING OF THE KRS.
7 THE DEVELOPMENT PLAN WOULD BE A GREAT TOOL AND THAT'S
8 CERTAINLY SOMETHING YOU ALL CAN CONSIDER.

9 IN REGARDS TO TRAFFIC, 54 IS A VERY BUSY
10 CORRIDOR. THE INTENT OF PROVIDING THE INGRESS/EGRESS
11 EASEMENT TO THE ADJOINING PROPERTIES IS TO ALLOW FOR A
12 CONNECTION OF PROPERTIES AND NOT HAVE MULTIPLE SINGLE
13 ACCESS POINTS ON HIGHWAY 54. THE MORE ACCESS POINTS
14 YOU HAVE, THE MORE CONFLICT POINTS YOU HAVE, THE MORE
15 POTENTIAL FOR CRASHES YOU HAVE. SO LIMITING THE
16 NUMBER OF ACCESS POINTS IS A GOOD THING FROM A TRAFFIC
17 MANAGEMENT STANDPOINT.

18 HIGHWAY 54 HAS A DRIVEWAY SPACING STANDARD OF
19 500 FEET. WHERE THE PROPOSED ACCESS IS WILL BE CLOSE
20 TO MEETING THAT 500 FOOT STANDARD; HOWEVER, IT WILL BE
21 IN ALIGNMENT WITH A DRIVE THAT'S ACROSS THE STREET
22 BASED ON ONE OF THE CONDITIONS OF THE ZONING CHANGE,
23 AND THAT'S WHERE YOU WANT IT TO BE. THAT WAY IF YOU
24 HAVE TRAFFIC ON HIGHWAY 54, THEY'RE BOTH MAKING LEFT
25 TURNS INTO DEVELOPMENTS ON EACH SIDE OF THE STREET,

1 THERE IS NO OVERLAP. YOU WANT DRIVES TO BE IN
2 ALIGNMENT WITH EACH OTHER.

3 THE INTENT CERTAINLY WOULD NOT BE THAT THE
4 ADJOINING PROPERTY SIGNIFICANT ACREAGE WOULD ACCESS
5 COMPLETELY THROUGH AN INGRESS/EGRESS EASEMENT ON A
6 1.87 ACRE PARCEL. IT WOULD BE MY THOUGHTS THAT THEY
7 WOULD LIKELY BE LOOKING AT SOME TYPE OF A PUBLIC
8 STREET TO DEVELOP THAT MUCH ACREAGE WITH AN ACCESS
9 POINT IN ALIGNMENT WITH THE ACCESS POINT TO
10 THOROUGHbred EAST WHICH WOULD BE A LOGICAL PLACE TO
11 HAVE AN ACCESS POINT, AND VERY WELL MIGHT WARRANT FOR
12 AS TRAFFIC SIGNAL BASED ON THE AMOUNT OF ACREAGE THAT
13 YOU HAVE ON BOTH SIDES OF THE ROAD AND THE AMOUNT OF
14 TRAFFIC THAT WOULD BE THROUGH THERE.

15 GOING THE OTHER DIRECTION, TO THE SMALLER
16 PARCEL THAT'S OWNED BY KRISTINE HAYDEN AND TOMMY
17 THOMPSON, THEY DON'T HAVE ENOUGH FRONTAGE TO HAVE AN
18 INDIVIDUAL ACCESS POINT TO HIGHWAY 54. A SHARED
19 INGRESS/EGRESS IT WILL ALLOW THEM TO POTENTIALLY GET
20 OUT TO HIGHWAY 54. IT MIGHT BE BENEFICIAL TO THAT
21 SITE.

22 ONE OF THE THINGS THAT WE'VE HISTORICALLY DONE
23 ON DEVELOPMENTS IN DAVIESS COUNTY, OWENSBORO AND
24 DAVIESS COUNTY, IS CONNECT DEVELOPMENTS. IF A PARCEL
25 DEVELOPS AND THERE IS LARGE ACREAGE THERE NEXT-DOOR

1 THAT'S NOT DEVELOPED, WE TRY AND STUB STREETS TO THE
2 PROPERTY. THAT WAY THEY CAN CONNECT IN THE FUTURE AND
3 YOU DON'T HAVE ISOLATED DEVELOPMENTS THAT DON'T HAVE
4 OPTIONS FOR INGRESS AND EGRESS. THAT'S WHY WE LOOKED
5 AT THAT AS FAR AS A CONDITION GOES FOR ACCESS.

6 THOSE ARE MY COMMENTS AT THIS POINT. IF
7 ANYONE ON THE COMMISSION HAS SPECIFIC QUESTIONS, I'D
8 BE GLAD TO ANSWER THOSE.

9 MR. KAZLAUSKAS: MR. CHAIRMAN.

10 CHAIRMAN: YES.

11 MR. KAZLAUSKAS: JUST ONE QUESTION ON FINDING
12 OF FACT NUMBER 3, "THE PROPOSAL IS A LOGICAL EXPANSION
13 OF EXISTING B-4 GENERAL BUSINESS ZONING TO THE NORTH,
14 ACROSS THE HIGHWAY." FOR SOME REASON I ALWAYS THOUGHT
15 THAT A HIGHWAY OR STREET KIND OF DIVIDED THAT. THIS
16 IS RIGHT IN THE MIDDLE OF AGRICULTURAL AND
17 RESIDENTIAL. THE APPLICANT IS ASKING TO PUT A
18 BUSINESS AND BE SURROUNDED BY RESIDENTIAL AND
19 AGRICULTURAL LAND. I'M NOT REAL SURE ABOUT THAT
20 STREET. I DON'T KNOW IF THAT MAKES IT CONTIGUOUS OR
21 NOT.

22 MR. HOWARD: I'LL BE GLAD TO ADDRESS THAT.

23 ON THE FRONT OR THE STAFF REPORT UNDER
24 SPECIFIC LAND USE CRITERIA, C IS EXPANSIONS ACROSS AN
25 INTERVENING STREET. THIS IS IN, I BELIEVE, URBAN

1 RESIDENTIAL PLAN AREA. "THE EXPANSION OF AN EXISTING
2 GENERAL BUSINESS ACROSS AN INTERVENING STREET SHOULD
3 BE AT LEAST 1.5 ACRES IN SIZE. SO IT MEETS THAT
4 REQUIREMENT.

5 THE COMP PLAN IS SET UP TO BE FLEXIBLE TO
6 ALLOW FOR A MULTITUDE OF USES AND ZONES POTENTIALLY.
7 DEPENDING ON WHAT ZONINGS ARE CONTIGUOUS IN THE
8 VICINITY. IF YOU'RE IN A RURAL COMMUNITY, IF YOU'RE
9 LOCATED CLOSE TO AN INTERSECTION AND THAT TYPE OF
10 THING. LOOKING AT THAT CRITERIA IT MEETS; HOWEVER, WE
11 DID INCLUDE LANGUAGE IN THERE. YOU MAKE A POINT THAT
12 THERE IS R-3MF ZONING AND THEN AGRICULTURAL ZONING
13 SOME R-1A ZONING IN THE VICINITY. IT IS CERTAINLY UP
14 TO THE COMMISSION TO TAKE INTO CONSIDERATION THE FACT
15 THAT THERE IS A NEIGHBORHOOD IN THE VICINITY AND THAT
16 THIS IS SOME NEW B-4 ZONING ON THAT SIDE OF THE STREET
17 THAT'S IN THE COMP PLAN AS WELL. WE WANTED TO POINT
18 THAT OUT IN OUR STAFF REPORT, BUT WE FEEL THAT IT DOES
19 MEET CRITERIA C, AS FAR AS A LOGICAL EXPANSION ACROSS
20 THE STREET BECAUSE IT EXCEEDS THE MINIMUM ACREAGE
21 REQUIREMENT.

22 MS. KAZLAUSKAS: THANK YOU.

23 CHAIRMAN: ANY OTHER COMMISSIONERS HAVE
24 QUESTIONS OF MR. HOWARD?

25 (NO RESPONSE)

1 CHAIRMAN: MR. NOFFSINGER.

2 MR. NOFFSINGER: MR. CHAIRMAN, TWO THINGS I
3 WOULD LIKE TO CLARIFY.

4 THE STAFF'S CONDITION TO REQUIRE AN ACCESS
5 EASEMENT TO THE ADJOINING PROPERTY OWNED BY MR.
6 THOMPSON AND THE HAYDENS WOULD BE TO BENEFIT THAT
7 ADJOINING PROPERTY. THAT ADJOINING PROPERTY IS
8 CURRENTLY ZONED R-3MF MULTI-FAMILY. IN REVIEWING A
9 SITE PLAN OR DEVELOPMENT PLAN, WE WOULD LIKE TO SEE
10 THE ACCESS EASEMENT EXTENDED TO THAT PROPERTY;
11 HOWEVER, SHOULD THE PROPERTY, ADJOINING PROPERTY
12 DEVELOP AS RESIDENTIAL, WE WOULD MOST LIKELY NOT WANT
13 TO SEE A CONNECTION THERE. HOWEVER, WE DON'T KNOW HOW
14 THAT ADJOINING VACANT PROPERTY, WHICH IS VACANT, IS
15 GOING TO DEVELOP. WE WANT TO LEAVE THE OPTIONS OPEN.
16 IF IT WERE DEVELOP FOR COMMERCIAL USE, CERTAINLY WE
17 WOULD WANT TO SEE A CONNECTION THERE BETWEEN TWO
18 COMMERCIAL USES SO YOU DIDN'T HAVE TO GET OUT ONTO 54
19 TO VISIT THE OTHER RETAIL ESTABLISHMENT OR WHATEVER IT
20 MIGHT BE. WE DON'T WANT, IN THIS CASE, LINKUP
21 INCOMPATIBLE USES, BUT WE JUST DON'T KNOW. WE'RE
22 DEALING WITH UNKNOWNNS AND WE HAVE TO TRY TO THINK OF
23 HOW WE MIGHT COVER THE TRANSPORTATION NETWORK IN THE
24 FUTURE.

25 THE SECOND ITEM WOULD BE IN TERMS OF

1 NOTIFICATION FOR THE RECORD. WE RELY ON INFORMATION
2 THAT THE APPLICANT PROVIDES US FOR ADJOINING
3 PROPERTIES. THEY'RE TO OBTAIN NOTIFICATION
4 INFORMATION FROM THE PVA OFFICE, THE PROPERTY
5 VALUATION ADMINISTRATOR. THEN WE SEND OUT THE LETTER
6 BASED ON ALL THE INFORMATION PROVIDED. WE DID SEND
7 OUT THAT LETTER AND IT WAS POSTMARKED ON MARCH 27,
8 2013; HOWEVER, WE DID NOT RECEIVE BACK THE SIGNATURE
9 CARD WHERE THAT LETTER WAS RECEIVED. I JUST WANT TO
10 STATE THAT FOR THE RECORD IN TERMS OF THE FACTS THAT
11 WE HAVE IN THE APPLICATION.

12 CHAIRMAN: MR. LAMBERT, WOULD YOU LIKE TO
13 COMMENT?

14 MR. LAMBERT: YES.

15 IN THE REGARDS TO THE LETTER, AS THEIR LEGAL
16 REPRESENTATION HAS MENTIONED EARLIER THAT I WAS IN
17 CONTACT WITH THEM IN ADVANCE AND THEY WERE MADE AWARE
18 OF THE REZONING. THEY HAD FULL KNOWLEDGE OF THE
19 REZONING IRREGARDLESS. I KNOW THE TECHNICALITY OF THE
20 LETTER, BUT TELLING THE BOARD BY THEIR LEGAL COUNSEL'S
21 OWN ADMISSION THAT THEY WEREN'T CONTACTED, AND THEY
22 WERE AWARE OF THAT.

23 IN REGARDS TO THE EGRESS AND INGRESS ISSUE, AS
24 A DEVELOPER ONE OF MY CONCERNS IS WHAT IMPACT IS THAT
25 GOING TO HAVE ON HOW I DEVELOP MY PROPERTY. WHERE IS

1 THAT EGRESS AND INGRESS GOING TO BE AND DO I HAVE TO
2 TAKE THEM INTO CONSIDERATION IN WHERE I PLACE MY
3 BUILDING ON THE PROPERTY BASED ON WHAT THEY WANT.
4 THEY'RE NOT EVEN IN THE PROCESS OF DEVELOPMENT. THEY
5 DON'T HAVE A SITE DEVELOPMENT PLAN. I'VE BEEN
6 INDICATED THAT THEY DON'T HAVE ANY PLANS TO DO
7 ANYTHING AT THIS TIME, AND THEY'VE HAD THIS PROPERTY
8 FOR SOME TIME.

9 I GUESS I WOULD BE WILLING TO GO ALONG WITH AN
10 INGRESS AND EGRESS IN REGARDS TO THE PROPERTY TO THE
11 EAST, WHICH IS THE HAYDENS AND THOMPSON PROPERTY,
12 PROVIDED THAT THAT WOULD BE AT MY DISCRETION ON MY
13 DEVELOPMENT WHERE THAT INGRESS. I HAVE NO PROBLEM
14 REALLY DEVELOPING GIVEN THAT OPTION, BUT I DON'T WANT
15 MY HANDS TIED AND MY DEVELOPMENT BE COMPROMISED BASED
16 ON WHAT THEY MAY OR MAY NOT DO IN THE FUTURE. THAT
17 WOULD BE MY CONCERNS.

18 CHAIRMAN: THANK YOU, SIR. I'M GOING TO ASK
19 MR. KAMUF TO COME BACK UP.

20 DO YOU HAVE FURTHER COMMENTS AND QUESTIONS?

21 MR. KAMUF: YES, I DO.

22 FIRST OF ALL, THAT SHARED ACCESS IS AN
23 IMPORTANT ITEM. IF YOU HAVE A DEVELOPMENT PLAN, IT
24 WOULD BE ON THERE. I THINK YOU HAVE BEEN PRESENTED BY
25 THE OPPOSITION REAL GOOD REASON WHY YOU NEED A

1 DEVELOPMENT PLAN.

2 SECOND OF ALL, MANY OF THESE THINGS WE DON'T
3 KNOW. HE DON'T KNOW. IF HE'S GOING TO DEVELOP THAT
4 PROPERTY AND HE DOESN'T KNOW WHAT HE'S GOING TO DO
5 WITH IT, HOW DO WE HAVE AN OPPORTUNITY, A FAIR SHAKE
6 TO TELL YOU WHAT OUR OBJECTIONS ARE.

7 THE OTHER ONE IS THE STAFF HAS TOLD YOU THEY
8 DON'T HAVE A POLICY ON SMALL TRACTS. THAT'S
9 DISCRETIONARY. IN OTHER WORDS, THAT'S UP TO YOU ALL
10 TO DECIDE WHETHER WE NEED A DEVELOPMENT PLAN.

11 THE OTHER POINT IS THAT THIS LOGICAL EXPANSION
12 SHEET THAT YOU BROUGHT UP, THAT'S DISCRETIONARY.
13 LOGICAL EXPANSION UNDER THE COMPREHENSIVE PLAN OF THE
14 RULES, IT MEETS REQUIREMENT, BUT THAT DON'T MEAN
15 YOU'RE SUPPOSED TO DO IT. THAT'S THE REASON YOU'RE
16 HERE. IS TO MAKE A DECISION. I'M ASKING YOU TO GIVE
17 ME TIME TO FIND OUT WHAT'S GOING ON. HE DOESN'T KNOW
18 WHAT HE'S GO TO DO WITH IT. SO HOW DO I HAVE AN
19 OPPORTUNITY WITHOUT A DEVELOPMENT PLAN OR WITHOUT
20 RESTRICTIONS SOMETHING IN WRITING TO KNOW WHAT THEY'RE
21 GOING TO DO. IF SOMEBODY BUYS THAT PROPERTY AND
22 THERE'S NO RESTRICTIONS ON IT, THEY CAN DO WITH IT
23 WHATEVER THEY WANT TO DO. THAT'S MY POSITION. THANK
24 YOU.

25 CHAIRMAN: ANY COMMISSIONERS HAVE ANY

1 QUESTIONS OF MR. KAMUF?

2 (NO RESPONSE)

3 CHAIRMAN: THANK YOU, SIR.

4 MR. BRANCATO, DO YOU HAVE ADDITIONAL COMMENTS?

5 MR. BRANCATO: YES, SIR. THANK YOU. I

6 APPRECIATE THE OPPORTUNITY TO ADDRESS THE COMMISSION.

7 IT'S ALWAYS NICE TO FOLLOW MR. KAMUF. I WANT TO BE A

8 LITTLE LIKE HIM WHEN I GROW UP.

9 I'M ACTUALLY STANDING IN FOR JOHN STEVENSON

10 WHO IS THE ATTORNEY THAT REPRESENTS THE WOODLAND'S

11 HOMEOWNERS ASSOCIATION WHICH IS INCORPORATION IN

12 KENTUCKY AND AS AN INCORPORATION YOU MUST BE

13 REPRESENTED BY AN ATTORNEY. MR. STEVENSON HAD SOME

14 FAMILY MEDICAL EMERGENCIES AND COULDN'T BE HERE

15 TONIGHT.

16 THERE ARE 48 HOMEOWNERS IN THE ADJOINING

17 NEIGHBORHOOD. PROPERTY VALUES RANGE FROM \$270,000 TO

18 \$800,000. AS THE STAFF NOTED IN ITS REPORT, THE

19 SURROUNDING PROPERTY DUE CONSIDERATION OUGHT TO BE

20 GIVEN TO THE SURROUNDING PROPERTIES AND RESIDENTIAL

21 NEIGHBORHOOD IN DEVELOPING THE ESTABLISHED PATTERNS IN

22 THIS AREA.

23 I ALSO REPRESENT THE ADJOINING LANDOWNERS,

24 JEFF TAYLOR AND BETTY TAYLOR. I WOULD ECHO WHAT MR.

25 KAMUF SAID IN THAT JUDGE TAYLOR CONTACTED MR. LAMBERT

1 A COUPLE OF TIMES AND REQUESTED A MEETING ON BEHALF OF
2 HIMSELF AND ON BEHALF OF THE HOMEOWNERS ASSOCIATION.
3 THE ANSWER HE RECEIVED FROM MR. LAMBERT IS THE SAME
4 ANSWER THAT MR. KAMUF REPRESENTED TO THIS BODY THAT
5 HIS CLIENTS RECEIVED. BE HAPPY TO MEET, BUT NOT UNTIL
6 AFTER THE REZONING. THAT'S A LITTLE BACKWARDS TO ME.

7 THE ISSUE FOR THE ASSOCIATION IS THREE-FOLD.
8 IT'S TRAFFIC COUNT STUDY, BUFFERING REQUIREMENTS AND
9 BUILDING ORIENTATION.

10 THE DESIRE OF THE HOMEOWNERS ASSOCIATION IS
11 THAT THIS MATTER BE CONTINUED FOR ONE MONTH.
12 CERTAINLY IN THE NEXT MONTH MR. LAMBERT WOULD FIND
13 TIME TO MEET WITH A BODY OF 48 HOMEOWNERS TO HEAR
14 THEIR CONCERNS. LIKE OTHERS IT'S NOT THEY'RE FOR OR
15 AGAINST IT. THEY SIMPLY DON'T KNOW. FRANKLY THIS
16 COMMISSION DOESN'T KNOW EXACTLY HOW MR. LAMBERT
17 INTENDS TO DEVELOP THIS PROPERTY.

18 MY CLIENT, MR. TAYLOR, DIDN'T RECEIVE NOTICE
19 UNTIL MARCH 29TH. HE DID RECEIVE NOTICE. IN
20 RECEIVING THAT NOTICE, HE WANTED TO GET TOGETHER WITH
21 THE HOMEOWNERS ASSOCIATION AND SEE WHAT POSITION THAT
22 BODY MAY HAVE. THE PROBLEM WAS THAT NEXT WEEK WAS
23 SPRING BREAK AND THEY COULDN'T GET A QUORUM TOGETHER
24 TO MAKE A RECOMMENDATION. THEY COULDN'T DO THAT UNTIL
25 TUESDAY. THAT'S NOBODY'S FAULT, BUT THAT'S THE FACT

1 THAT WE HAVE TO PLAY. OF COURSE, THE WHOLE REASON FOR
2 DUE PROCESS IS SO THAT PEOPLE HAVE A FAIR OPPORTUNITY
3 TO BE HEARD AND TO HEAR WHAT'S GOING ON. COULDN'T
4 HAVE THAT QUORUM MEETING UNTIL THIS PAST TUESDAY.

5 MR. TAYLOR TRIED SEVERAL TIMES TO MEET WITH
6 MR. LAMBERT. THAT COULDN'T BE ARRANGED. I DON'T KNOW
7 THAT THERE'S SOME URGENCY HERE THAT THIS HAS TO BE
8 DECIDED TODAY. I DON'T SEE THAT THERE IS ANY
9 SIGNIFICANT PROBLEM ASSOCIATED WITH A ONE MONTH
10 CONTINUANCE. I CERTAINLY HAVEN'T HEARD ONE TODAY.

11 THE SPEED LIMIT ON HIGHWAY 54 AT THIS POINT IS
12 55 MILES AN HOUR. THAT MIGHT WARRANT SOME CHANGE IN
13 EVALUATION DEPENDING ON WHAT THE DEVELOPMENT IS AND
14 WHAT THE DEVELOPMENT PLAN PROPOSES.

15 THE HOMEOWNERS ARE CONCERNED ABOUT COMMERCIAL
16 ACTIVITY. IT'S BEEN RECOGNIZED THAT GOOD BUFFERING
17 PRACTICES CAN ADDRESS THOSE CONCERNS, BUT WE DON'T
18 KNOW WHAT THE BUFFERING PLAN IS. WE DON'T KNOW WHAT
19 BUFFERING PRACTICES ARE. THAT'S SOMETHING THAT COULD
20 HAVE BEEN FLUSHED OUT IN A CORDIAL MEETING WITH THE
21 ASSOCIATION AND THE HOMEOWNERS. THAT SIMPLY DIDN'T
22 HAPPEN, AND IT WASN'T BECAUSE HOMEOWNERS WERE
23 UNWILLING TO DO SO.

24 MR. LAMBERT MENTIONED BUILDING ORIENTATION OF
25 THE SUBDIVISION HE HAS ACROSS THE STREET. YOU CAN

1 ACTUALLY SEE THAT IN HIS EXHIBIT. I WOULD POINT OUT
2 TO YOU THAT THAT'S EAST/WEST ORIENTATION THAT RUNS
3 ROUGHLY PARALLEL WITH HIGHWAY 54. IT IS LIKELY THAT
4 HE WOULD HAVE TO HAVE A NORTH/SOUTH ORIENTATION OF HIS
5 BUILDING OR DEVELOPMENT ON THIS PROPERTY. SO THEN THE
6 QUESTION BECOMES, IS THAT NORTH/SOUTH ORIENTATION
7 GOING TO BE WHERE THE FRONT OF THE BUILDING FACES WOOD
8 TRACE OR THAT THE BACK OF THE BUILDING FACE THAT.
9 THAT'S SIGNIFICANT TO THE HOMEOWNERS ASSOCIATION.
10 THEY'LL BE PULLING INTO THEIR SUBDIVISION MAYBE
11 LOOKING AT THE BACK OF AN UNBUFFERED BUILDING.

12 ALL OF THOSE QUESTIONS ARE RELEVANT. THEY'RE
13 ALL MEANINGFUL TO THE HOMEOWNERS ASSOCIATION AND TO
14 JUDGE TAYLOR AND BETTY TAYLOR.

15 MY REQUEST HERE TO THIS COMMISSION IS THAT YOU
16 EITHER TABLE THIS OR CONTINUE IT TO THE MAY MEETING.
17 I THINK THAT'S A REASONABLE REQUEST UNDER THE
18 CIRCUMSTANCES AND ALLOW THE PARTIES TO GET TOGETHER
19 AND REALLY UNDERSTAND WHAT MR. LAMBERT INTENDS TO DO.

20 I THANK YOU FOR THE TIME AND THE OPPORTUNITY
21 TO ADDRESS YOU.

22 CHAIRMAN: COMMISSIONERS, ANY QUESTIONS OF MR.
23 BRANCATO?

24 (NO RESPONSE)

25 MR. REEVES: I HAVE A QUESTION OF MR. LAMBERT,

1 PLEASE.

2 CHAIRMAN: MR. LAMBERT, STEP BACK UP.

3 MR. REEVES: FIRST, I'M ASSUMING THAT YOU'RE
4 NOW MARKING THIS AS BUILD TO SUIT?

5 MR. LAMBERT: WELL, NOT ACTUALLY. FIRST OF
6 OFF, I'M NOT MARKETING IT RIGHT NOW BECAUSE I'M
7 WAITING TO GET MY ZONING. ONCE I GET MY ZONING, THEN
8 I WILL MARKET IT AS GENERAL BUSINESS. I DON'T KNOW
9 WHAT MY INTENSIONS ARE. I DON'T HAVE SIZE. I DON'T
10 HAVE LAYOUT AND THINGS LIKE THAT BECAUSE THAT'S GOING
11 TO BASE ON THE TENANT.

12 FOR INSTANCE, I MIGHT GET THREE INSURANCE
13 COMPANIES THAT WANT TO BE IN THERE OR I MIGHT GET A
14 COMPANY THAT SELLS MATTRESSES THAT NEEDS 3,000 SQUARE
15 FEET. I'M GOING TO BASE THIS ON WHAT THE MARKET IS
16 AND THE FEEDBACK THAT I GET FROM THE TENANT. IT'S NOT
17 REALLY FEASIBLE FOR ME TO APPROACH PEOPLE IN A SERIOUS
18 MANNER ON A PIECE OF PROPERTY THAT I DON'T EVEN HAVE
19 THE PROPERLY ZONED.

20 IN REGARDS TO THE BUILDING AND THE ORIENTATION
21 OF THE BUILDING FROM A RETAIL STANDPOINT, THIS
22 BUILDING IS GOING TO BE FACING 54 FROM A RETAIL
23 STANDPOINT. IT DOESN'T MAKE SENSE RUNNING IT
24 NORTH/SOUTH. IT'S GOING TO BE RUNNING PARALLEL WITH
25 THE PROPERTY. AGAIN, AS I MENTIONED, THIS PROPERTY IS

1 A VERY DEEP PROPERTY. IT'S ALMOST 600 SQUARE FEET,
2 600 FEET OF DEPTH. BUFFERING AND THINGS LIKE THAT I
3 THINK ARE GOING TO BE A KEY POINT.

4 IN REGARDS TO THE DELAY -- AGAIN, I HOPE I'VE
5 ANSWERED YOUR QUESTION. I'M JUST TRYING TO MOVE
6 FORWARD WITH EVERYTHING.

7 MR. REEVES: YES, YOU HAVE.

8 MR. LAMBERT: IN REGARDS TO DELAYING THE
9 MEETING, I'M NOT GOING TO HAVE ANYTHING MORE TO TELL
10 THEM IN A MONTH. I'M NOT GOING TO HAVE ANYTHING MORE
11 TO TELL YOU GUYS IN A MONTH BECAUSE I CAN'T DO
12 ANYTHING UNTIL I KNOW I'VE GOT MY ZONING.

13 IT'S NOT MY INTENTIONS TO UPSET THE
14 NEIGHBORHOOD. I'VE BEEN A GOOD NEIGHBOR ACROSS THE
15 STREET AND I'LL BE A GOOD NEIGHBOR ON THIS SIDE OF THE
16 STREET. DELAY IS NOT GOING TO SOLVE THEIR CONCERNS.

17 IN REGARDS TO MR. KAMUF'S REQUEST FOR A SITE
18 DEVELOPMENT PLAN, THEY DIDN'T SUBMIT ONE WHEN THEY
19 REZONE THEIR PROPERTY TO APARTMENTS. I THINK IT'S
20 KIND OF UNFAIR TO ASK THAT OF ME. THAT'S UP TO YOU
21 GUYS. I'LL CIRCUM TO WHATEVER YOUR ALL'S DECISION IS.
22 I WOULD LIKE TO MOVE FORWARD THOUGH TONIGHT, IF
23 POSSIBLE.

24 CHAIRMAN: THANK YOU, SIR.

25 MR. BOSWELL: I HAVE ONE QUESTION. IN LOOKING

1 AT THE MAPS AND SOME OF THE INFORMATION, IT LOOKS LIKE
2 THERE'S ONLY ONE OTHER B-4 IN THAT AREA. THIS WOULD
3 BE THE SECOND ONE IN THIS VICINITY?

4 MR. NOFFSINGER: THERE ARE NUMEROUS LOCATIONS
5 OF COMMERCIAL ZONING ALONG KENTUCKY 54. MANY OF WHICH
6 ARE LOCATED TO THE WEST OF THIS PROPERTY. THERE IS
7 THE SITE THAT'S LOCATED IMMEDIATELY ACROSS THE STREET
8 THAT'S B-4. YOU'RE NOT GOING TO PICK UP B-4 GENERAL
9 BUSINESS ZONING AGAIN UNTIL YOU APPROACH THE LAKE
10 FOREST DEVELOPMENT, THE GATEWAY DEVELOPMENT ACROSS
11 FROM LAKE FOREST, AND THEN THERE MAY BE SOME IN THE
12 FRONTAGE OF THE LAKE FOREST DEVELOPMENT AS WELL THAT'S
13 PENDING DEVELOPMENT.

14 MR. BOSWELL: THANK YOU.

15 CHAIRMAN: ANY OTHER QUESTIONS?

16 (NO RESPONSE)

17 CHAIRMAN: COMMISSIONERS, THERE'S A LOT OF
18 UNANSWERED QUESTIONS HERE. MR. KAMUF AND MR.
19 BRANCATO, I THINK IT MIGHT BE APPROPRIATE TO POSTPONE
20 THIS; HOWEVER, IT'S YOUR DECISION.

21 WITH THAT CHAIR IS READY FOR A MOTION.

22 MR. SILVERT: MR. CHAIR, IF IT'S ALL RIGHT
23 WITH YOU, I WOULD LIKE TO ASK MR. KAMUF A QUESTION
24 BEFORE WE MOVE FORWARD TO POSTPONE THIS.

25 MR. KAMUF: YES, SIR.

1 MR. SILVERT: MR. KAMUF, IF THIS BOARD SHOULD
2 DECIDE THAT THIS ITEM SHOULD BE POSTPONED UNTIL THE
3 NEXT MEETING, WILL YOU ACCEPT THE FACT THAT YOUR
4 CLIENT NOW HAS ACTUAL NOTICE OF THIS ITEM?

5 MR. KAMUF: YES.

6 MR. SILVERT: THANK YOU VERY MUCH.

7 CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS?

8 MR. KAZLAUSKAS: JUST ONE QUESTION. IT WOULD
9 BE HELPFUL TO ME. I NOTICE THAT MR. THOMPSON IS HERE.
10 I WONDER IF HE WOULD BE AT LIBERTY TO DISCUSS THE
11 PROPERTY THAT'S ZONED RESIDENTIAL, WHAT THE FUTURE
12 MIGHT HOLD FOR THAT PLOT OF LAND. IS THAT
13 APPROPRIATE?

14 CHAIRMAN: WHO ARE YOU DIRECTING THAT QUESTION
15 TO?

16 MR. KAZLAUSKAS: TO YOU.

17 CHAIRMAN: TO ME?

18 MR. KAZLAUSKAS: YES. IS IT APPROPRIATE TO
19 ASK MR. THOMPSON WHAT PLANS HE HAS FOR THAT PROPERTY?

20 MR. APPLEBY: YOU'RE TALKING ABOUT THE
21 PROPERTY THAT'S ZONED MULTI-FAMILY?

22 MR. KAZLAUSKAS: YES.

23 MR. APPLEBY: WE CAN ASK HIM IF WE WANT TO.

24 MR. KAZLAUSKAS: WOULD HE BE AT LIBERTY TO
25 SPEAK TO THAT?

1 MR. SILVERT: WOULD YOU STATE YOUR NAME,
2 PLEASE?

3 MR. THOMPSON: TOMMY THOMPSON.
4 (TOMMY THOMPSON SWORN BY ATTORNEY.)

5 MR. THOMPSON: TO THE QUESTION, MR. CHAIRMAN
6 AND CHIEF, I REALLY DON'T HAVE ANY PLANS AT THE MOMENT
7 FOR THE IMMEDIATE DEVELOPMENT OF THAT.

8 MR. KAZLAUSKAS: SO A BIG QUESTION MARK?

9 MR. THOMPSON: YES, SIR.

10 CHAIRMAN: THANK YOU, MR. THOMPSON.

11 ANY OTHER QUESTIONS OR COMMENTS?

12 (NO RESPONSE)

13 CHAIRMAN: CHAIR IS READY FOR A MOTION.

14 MR. MILLER: I MAKE A MOTION THAT WE POSTPONE
15 THIS UNTIL NEXT MONTH.

16 CHAIRMAN: WE'VE GOT A MOTION BY MR. ALLEN TO
17 POSTPONE.

18 MR. BOSWELL: SECOND.

19 CHAIRMAN: WE HAVE A SECOND BY MR. BOSWELL.
20 COMMENTS OR QUESTIONS ON THE MOTION?

21 MR. NOFFSINGER: I WOULD LIKE TO ADD TO THAT
22 IS THIS WILL BE POSTPONED UNTIL OUR NEXT MEETING WHICH
23 WILL BE MAY 9TH. AT THAT TIME THE PLANNING COMMISSION
24 WILL HAVE TO TAKE ACTION BECAUSE WE CAN'T CONTINUE TO
25 DELAY. WE DO NEED TO MOVE FORWARD AT THE NEXT

1 MEETING.

2 CHAIRMAN: SO NOTED.

3 DO YOU ACCEPT THAT TO AMEND YOUR MOTION?

4 MR. MILLER: I DO.

5 CHAIRMAN: YOU ACCEPT THE AMENDMENT?

6 MR. BOSWELL: YES.

7 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
8 YOUR RIGHT HAND.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

11 NEXT ITEM, PLEASE.

12 ITEM 6

13 2731 WEST 2ND STREET, 3.591 ACRES
14 CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO
15 A-U URBAN AGRICULTURE
16 APPLICANT: RNA RENTALS HOSPLEX, LLC

17 PLANNING STAFF RECOMMENDATIONS

18 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
19 TO THE CONDITION AND FINDINGS OF FACT THAT FOLLOW:
20 CONDITION:

21 ACCESS SHALL BE LIMITED TO A SINGLE ACCESS
22 POINT AS ESTABLISHED ON THE PLAT APPROVED FEBRUARY 20,
23 2013.

24 FINDINGS OF FACT:

25 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
PROPOSED A-U URBAN AGRICULTURE ZONING IS MORE

1 APPROPRIATE THAN THE CURRENT B-4 GENERAL BUSINESS
2 ZONE;

3 2. THE SUBJECT PROPERTY IS LOCATED IN A
4 BUSINESS PLAN AREA, WHERE URBAN LOW-DENSITY
5 RESIDENTIAL USES ARE APPROPRIATE IN VERY-LIMITED
6 LOCATIONS, AND IN AN URBAN RESIDENTIAL PLAN AREA WHERE
7 URBAN LOW-DENSITY RESIDENTIAL USES ARE APPROPRIATE IN
8 LIMITED LOCATIONS;

9 3. THE SUBJECT PROPERTY HAS BEEN USED AS A
10 RESIDENCE AND/OR BED AND BREAKFAST FOR NEARLY 150
11 YEARS;

12 4. THE A-U ZONING IS AN EXPANSION OF EXISTING
13 A-U ZONING TO THE NORTH; AND,

14 5. THE PROPOSED ZONING CHANGE WILL BRING THE
15 PROPERTY USE THAT HAS EXISTED ON THE SITE SINCE 1865
16 INTO CONFORMANCE WITH THE ZONING ORDINANCE.

17 MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF
18 REPORT INTO THE RECORD AS EXHIBIT C.

19 CHAIRMAN: ANYONE HERE REPRESENTING THE
20 APPLICANT?

21 (NO RESPONSE)

22 CHAIRMAN: ANYONE HAVE ANY QUESTIONS OF THIS
23 APPLICATION?

24 (NO RESPONSE)

25 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY

1 QUESTIONS?

2 (NO RESPONSE)

3 MR. APPLEBY: IS CHAIR READY FOR A MOTION?

4 CHAIRMAN: CHAIR IS READY FOR A MOTION.

5 MR. APPLEBY: MOTION FOR APPROVAL WITH THE
6 SINGLE CONDITION AND FINDINGS OF FACT 1 THROUGH 5.

7 CHAIRMAN: WE HAVE A MOTION BY MR. APPLEBY.

8 MR. TAYLOR: SECOND.

9 CHAIRMAN: WE'VE GOT A SECOND MR. TAYLOR. ANY
10 COMMENTS OR QUESTIONS ON THE MOTION?

11 (NO RESPONSE)

12 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: MOTION CARRIES.

15 NEXT ITEM, PLEASE.

16 -----

17 MAJOR SUBDIVISIONS

18 ITEM 7

19 DUTCH BANKS, 9.04 ACRES
20 CONSIDER APPROVAL OF AN AMENDED MAJOR SUBDIVISION
21 PRELIMINARY PLAT.
22 APPLICANT: GOETZ DEVELOPMENT, LLC

23 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS
24 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
25 STAFF. IT'S FOUND TO BE IN ORDER. IT'S UNDERLYING
26 USE DOES CONFORM WITH THE ZONING AS WELL AS THE

1 ADOPTED COMPREHENSIVE PLAN. WITH THAT IT'S READY FOR
2 YOUR CONSIDERATION.

3 CHAIRMAN: ANY QUESTIONS ON IT?

4 (NO RESPONSE)

5 CHAIRMAN: CHAIR IS READY FOR A MOTION.

6 MR. REEVES: MOTION FOR APPROVAL.

7 CHAIRMAN: MOTION FOR APPROVAL BY MR. REEVES.

8 MR. APPLEBY: SECOND.

9 CHAIRMAN: WE'VE GOT A SECOND BY MR. APPLEBY.
10 COMMENT OR QUESTION ON THE MOTION?

11 (NO RESPONSE)

12 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

15 NEXT ITEM.

16 -----

17 MINOR SUBDIVISIONS

18 ITEM 8

19 11015, 11023 HIGHWAY 764, 4.699+/- ACRES
20 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
21 APPLICANT: RACHEL L. HAIRE

22 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS
23 BEEN REVIEWED BY THE PLANNING STAFF. IT DOES COME TO
24 YOU AS AN EXCEPTION TO THE SUBDIVISION REGULATIONS AND
25 BRIAN HOWARD IS HERE TO DESCRIBE WHAT THOSE EXCEPTIONS
WOULD BE.

1 MR. HOWARD: IT'S A RATHER LARGE PARCEL THAT'S
2 OVER 4 1/2 ACRES; HOWEVER, IT IS LIMITED SOMEWHAT WITH
3 THE AMOUNT OF FRONTAGE IT HAS. THE 0.75 ACRE PARCEL
4 THAT THEY ARE PROPOSING TO CREATE WOULD GO AROUND AN
5 EXISTING RESIDENCE ON THE PROPERTY. THE REMAINDER
6 3.9+/- ACRES STILL MEETS THE MINIMUM ROAD FRONTAGE OF
7 THE ZONING ORDINANCE, BUT IT EXCEEDS THE 3 TO 1 LENGTH
8 TO WIDTH RATIO REQUIREMENT. WE HAVE NOTED ON THE PLAT
9 THAT THIS PROPERTY CANNOT BE FURTHER SUBDIVIDED
10 WITHOUT MEETING ALL THE SUBDIVISION REQUIREMENTS,
11 WHICH WOULD ROAD FRONTAGE, THREE TO ONE DEPTH, AND
12 THOSE TYPES OF THINGS. THIS WILL EFFECTIVELY LIMIT
13 WHAT FUTURE DIVISION OF THE PROPERTY UNLESS THEY WOULD
14 BUILD A PUBLIC STREET IN SOME CAPACITY.

15 SO WITH THAT WE WOULD RECOMMEND THAT YOU
16 CONSIDER IT FOR APPROVAL.

17 CHAIRMAN: ANY COMMENTS OR QUESTIONS OF THE
18 COMMISSIONERS ON THIS?

19 (NO RESPONSE)

20 CHAIRMAN: CHAIR IS READY FOR A MOTION.

21 MR. ROGERS: MOTION FOR APPROVAL.

22 MR. APPLEBY: SECOND.

23 CHAIRMAN: WE'VE GOT A MOTION FOR APPROVE BY
24 MR. ROGERS. SECOND BY MR. APPLEBY. COMMENTS OR
25 QUESTIONS ON THE MOTION?

1 (NO RESPONSE)

2 CHAIRMAN: 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 NEW BUSINESS

8 ITEM 9

9 CONSIDER APPROVAL OF THE JANUARY AND FEBRUARY
10 2013 FINANCIAL STATEMENTS

11 MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS
12 BEEN MAILED A COPY OF THE FINANCIAL STATEMENTS AND
13 THEY'RE READY FOR YOUR CONSIDERATION.

14 CHAIRMAN: ANY COMMENTS OR QUESTIONS ON THE
15 FINANCIAL STATEMENTS?

16 (NO RESPONSE)

17 CHAIRMAN: CHAIR IS READY FOR A MOTION.

18 MR. APPLEBY: MOTION FOR APPROVAL.

19 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

20 MR. BOSWELL: SECOND.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

25 NEXT ITEM WILL BE MR. NOFFSINGER WHO WOULD

1 LIKE TO MAKE SOME COMMENTS.

2 MR. NOFFSINGER: THANK YOU.

3 AT THIS TIME I WOULD LIKE TO RECOGNIZE BECKY
4 STONE. BECKY HAS OFFERED HER LETTER OF RETIREMENT
5 WHICH WILL BE EFFECTIVE JUNE 1, 2013. I WOULD LIKE TO
6 READ THAT INTO THE RECORD.

7 "DEAR GARY, THIS LETTER SERVES AS OFFICIAL
8 NOTIFICATION TO YOU THAT I AM RETIRING FROM MY
9 POSITION EFFECTIVE JUNE 1, 2013. THANK YOU FOR ALL
10 THE OPPORTUNITIES YOUR BOTH PROFESSIONAL AND PERSONAL
11 DEVELOPMENT THAT YOU HAVE PROVIDED ME OVER THE YEARS.
12 I HAVE ENJOYED WORKING FOR THE AGENCY AND APPRECIATE
13 THE SUPPORT GIVEN ME DURING MY TENURE WITH THE
14 OWENSBORO METROPOLITAN PLANNING COMMISSION. WHILE I
15 LOOK FORWARD TO ENJOYING MY RETIREMENT, I WILL MISS
16 WORKING WITH THE STAFF, BOARD MEMBERS AND
17 COMMISSIONERS, ELECTED OFFICIALS AND THE PUBLIC. I
18 WISH THE OMPC ALL THE BEST IN THE FUTURE. YOU HAVE
19 STAFF MEMBERS THAT ARE COMMITTED TO THE OMPC'S MISSION
20 AND WONDERFUL BOARD MEMBERS AND COMMISSIONERS WHO
21 SERVE THE COMMUNITY WELL. IT HAS BEEN MY PRIVILEGE TO
22 WORK HERE. SINCERELY, BECKY STONE, AICP, ASSOCIATE
23 DIRECTOR OF PLANNING."

24 (MR. NOFFSINGER RECOGNIZING BECKY STONE.)

25 CHAIRMAN: ANY NEW BUSINESS?

1 MR. KAZLAUSKAS: MR. CHAIRMAN, IT HAS COME TO
2 THIS COMMISSION'S ATTENTION THAT AT CERTAIN TIMES IN
3 ITS HISTORY THIS COMMISSION MAY HAVE HAD MEMBERS THAT
4 WERE INAPPROPRIATELY APPOINTED IN CONTRADICTION TO THE
5 JOINT PLANNING AGREEMENT BETWEEN THE CITY OF
6 OWENSBORO, THE CITY OF WHITESVILLE AND DAVIESS COUNTY.

7 IT IS IN THE COMMISSION'S AND IN THE
8 COMMUNITY'S BEST INTEREST THAT ALL DECISIONS OF THIS
9 COMMISSION AND OTHER PLANNING OPERATIONS BY PLANNING
10 STAFF BE CERTIFIED AND AGREED UPON AS CORRECT, AS IT
11 IS DIFFICULT TO ASCERTAIN ALL INSTANCES WHEN THIS MAY
12 OR MAY NOT HAVE OCCURRED FROM APRIL 2, 1970.

13 THE DATE OF THIS COMMISSION'S INCEPTION TO THE
14 PRESENT I OFFER THE FOLLOWING MOTION:

15 IN ORDER TO ALLEVIATE ANY QUESTION OR DOUBT AS
16 TO THE DECISIONS OF THIS COMMISSION AND PLANNING
17 OPERATIONS IN THE PAST, I HEREBY MOVE NUNC PRO TUNC.
18 THAT THE COMMISSION IMMEDIATELY RATIFY, ADOPT AND
19 READOPT ALL VOTES OF THIS PLANNING COMMISSION,
20 INCLUDING ALL BUDGETS, REVENUES AND FUNDS RECEIVED,
21 HELD AND DISBURSED ACCORDING TO THIS COMMISSION'S
22 FORMAL ACTION, AS WELL AS ALL PLANNING OPERATIONS
23 CONDUCTED BY THIS COMMISSION'S PLANNING STAFF FROM
24 APRIL 2, 1970 TO THE PRESENT.

25 FURTHER, IF ANY SUCH VOTES OR ACTIONS BY THIS

1 COMMISSION OR PLANNING STAFF SHALL BE LATER DETERMINED
2 BY A COURT OF COMPETENT JURISDICTION DO NOT BE
3 PROPERLY SUBJECT TO OR VALIDATED BY THIS NUNC PRO TUNC
4 MOTION THAT DECISION SHOULD NOT AFFECT THE ABILITY OF
5 THIS MOTION AS A WHOLE.

6 I OFFER THAT IN THE FORM OF A MOTION, MR.
7 CHAIRMAN.

8 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.
9 DO WE HAVE A SECOND ON THAT?

10 MR. APPLEBY: SECOND.

11 CHAIRMAN: WE HAVE A SECOND BY MR. APPLEBY.
12 COMMENTS OR QUESTIONS ON THE MOTION?

13 (NO RESPONSE)

14 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: MOTION CARRIES.

17 BEFORE WE ADJOURN WE HAVE SOME VISITORS HERE
18 TONIGHT FROM THE HOMEBUILDERS ASSOCIATION. MR.
19 RICHARD STALLINGS, HE'S OUR EXECUTIVE OFFICER. WE
20 HAVE MICHAEL O'BRYAN, HE'S THE DIRECTOR, STATE
21 DIRECTOR ON PUBLIC IMPROVEMENT SPECIFICATIONS. THE
22 TWO GENTLEMEN TO THE RIGHT, ONE ON THE RIGHT IS WARD
23 PEDLEY, JR. THE ONE ON THE LEFT IS MY GRANDSON WARD
24 PEDLEY, III. THANK YOU GUYS FOR JOINING US TONIGHT.
25 GIVING ME YOUR SUPPORT AND THE SUPPORT OF THIS

1 PLANNING COMMISSION. I KNOW YOU DO. THANK YOU VERY
2 MUCH.

3 WITH THAT WE NEED ONE MORE MOTION.

4 MR. APPLEBY: MOVE TO ADJOURN.

5 MR. BOSWELL: SECOND.

6 CHAIRMAN: WE HAVE A MOTION TO ADJOURN AND A
7 SECOND. ALL IN FAVOR RAISE YOUR RIGHT HAND.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: WE ARE ADJOINED.

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