

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 13, 2013

3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, JUNE
5 13, 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 STEVE FRY
15 JOHN KAZLAUSKAS
16 GREG BLACK
17 LARRY BOSWELL

18 * * * * *

19 CHAIRMAN: CALL THE OWENSBORO METROPOLITAN
20 PLANNING COMMISSION JUNE 13, 2013 MEETING TO ORDER.
21 WE'LL BEGIN OUR MEETING WITH A PRAYER AND PLEDGE OF
22 ALLEGIANCE TO THE FLAG. MR. ROGERS WILL LEAD US.
23 WOULD YOU PLEASE STAND.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: I WOULD LIKE TO WELCOME EVERYONE.
26 ANYONE WISHING TO SPEAK ON ANY ITEM WE ASK YOU TO COME
27 TO ONE OF THE PODIUMS, STATE YOUR NAME AND BE SWORN
28 IN. PLEASE SPEAK INTO THE MICROPHONE. WE HAVE PEOPLE
29 AT HOME WATCHING.

1 ALSO, COMMISSIONERS, IF YOU WOULD SPEAK INTO
2 THE MICROPHONE.

3 WITH THAT THE FIRST ITEM IS TO CONSIDER THE
4 MINUTES OF THE MAY 9, 2013 MEETING. ARE THERE ANY
5 ADDITIONS, CORRECTIONS?

6 (NO RESPONSE)

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

9 MR. BOSWELL: MOVE THE MINUTES BE ACCEPTED.

10 CHAIRMAN: WE HAVE A MOTION BY MR. BOSWELL.

11 MR. KAZLAUSKAS: SECOND.

12 CHAIRMAN: SECOND BY MR. KAZLAUSKAS. ANY
13 COMMENTS OR QUESTIONS ON THE MOTION?

14 (NO RESPONSE)

15 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
16 YOUR RIGHT HAND.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

19 NEXT ITEM.

20 -----

21 ZONING CHANGE

22 ITEM 2

23 2745 HAYDEN ROAD, 0.67 ACRES
24 CONSIDER ZONING CHANGE: FROM R-1A SINGLE-FAMILY
25 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL
 APPLICANT: RAY, INC.; DAC PROPERTIES, LLC

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

3 MR. HOWARD: BRIAN HOWARD.

4 (BRIAN HOWARD SWORN BY ATTORNEY.)

5 MR. HOWARD: I WILL NOTE THAT THE ZONING
6 CHANGES HEARD TONIGHT WILL BECOME FINAL 21 DAYS AFTER
7 THE MEETING UNLESS AN APPEAL IS FILED. IF AN APPEAL
8 IS FILED, WE WILL FORWARD THE RECOMMENDATION OF THE
9 PLANNING COMMISSION ALONG WITH THE TRANSCRIPT OF THE
10 MEETING AND ALL APPLICABLE DOCUMENTS TO THE
11 APPROPRIATE LEGISLATIVE BODY FOR THEIR FINAL ACTION.

12 WITH THAT I'LL PROCEED WITH THE STAFF REPORT.
13 YOU ALL RECEIVED A COPY OF IT. AS YOU KNOW, IT IS FOR
14 A DENIAL SO I WILL READ THE STAFF REPORT INTO THE
15 RECORD.
16 DEVELOPMENT PATTERNS

17 THE SUBJECT PROPERTY IS LOCATED IN AN AREA OF
18 PRIMARILY RESIDENTIAL AND AGRICULTURAL USES. ALL
19 SURROUNDING PROPERTIES ARE CURRENTLY ZONED R-1A
20 SINGLE-FAMILY RESIDENTIAL WITH RURAL RESIDENCES AND
21 FARMLAND ARE THE GENERAL LAND USES.

22 ACCORDING TO THE APPLICANT'S FINDINGS, THE
23 SITE HAS BEEN USED FOR VARIOUS NON-RESIDENTIAL USES
24 OVER THE YEARS, INCLUDING AN AUTO BODY SHOP, AUTO
25 REPAIR SHOP, PEST CONTROL BUSINESS, LAWN SERVICE,

1 REMODELING SHOP, AND STORAGE BUILDING. PVA RECORDS
2 INDICATE THAT THE MAIN STRUCTURE WAS BUILT IN 1968 AND
3 THE BUSINESS TYPE WAS LISTED AS CONSTRUCTION. AN
4 ADMINISTRATIVE APPEAL WAS APPROVED BY THE OWENSBORO
5 METROPOLITAN BOARD OF ADJUSTMENTS IN AUGUST 2001, TO
6 CHANGE FROM ONE NON-CONFORMING USE AS AN AUTOMOBILE
7 BODY/PAINT SHOP TO ANOTHER NON-CONFORMING USE AS A
8 PEST MANAGEMENT BUSINESS. THE APPEAL WAS APPROVED
9 WITH THE CONDITION THAT A 24' X 25' DRIVE APRON BE
10 PAVED. AN ADDITIONAL APPEAL WAS FILED IN FEBRUARY
11 2012, BUT WAS WITHDRAWN PRIOR TO THE BOARD OF
12 ADJUSTMENT HEARING THE ITEM.

13 THE ADMINISTRATIVE APPEALS HAVE HISTORICALLY
14 BEEN FILED TO ALLOW THE NON-RESIDENTIAL USES TO
15 CONTINUE BECAUSE A REZONING REQUEST TO REZONE THE
16 PROPERTY TO I-2 HEAVY INDUSTRIAL WAS DENIED BY THE
17 OMPC IN AUGUST 1987. AT THAT TIME, THE APPLICANT
18 INCLUDED SIMILAR FINDINGS AS THE PRESENT APPLICANT,
19 INDICATING THE HISTORY OF NON-RESIDENTIAL USE ON THE
20 PROPERTY. THE OMPC'S FINDINGS FOR DENIAL WERE BASED
21 ON THE PROVISION OF THE ZONING ORDINANCE TO ALLOW THE
22 CONTINUATION OF THE PRESENT USE OR OTHER SIMILAR USE
23 OF THE PROPERTY THROUGH THE ADMINISTRATIVE APPEAL
24 PROCESS AND THAT THE GENERAL GROWTH PATTERN IN THE
25 VICINITY WAS RURAL RESIDENTIAL SO THE INDUSTRIAL

1 ZONING WAS NOT IN COMPLIANCE WITH THE LAND USE PLAN.

2 IF THE SITE WERE TO BE REZONED, THE SITE MUST

3 BE BROUGHT INTO COMPLIANCE WITH THE CURRENT ZONING

4 REGULATIONS. SITE IMPROVEMENTS WOULD INCLUDE, BUT NOT

5 BE LIMITED TO, PAVING OF ALL VEHICULAR USE AREAS,

6 VEHICULAR USE AREA LANDSCAPING, AND A 10' PERIMETER

7 EASEMENT WITH A SIX FOOT SOLID ELEMENT AND ONE TREE

8 EVERY 40 LINEAR FEET. THE APPLICANT SHOULD ALSO BE

9 AWARE THAT CHANGES OR ALTERATIONS TO THE STRUCTURES OR

10 USES ON THE SITE MAY REQUIRE BUILDING, ELECTRICAL, AND

11 HVAC PERMITS. THE OMPC BUILDING AND ELECTRICAL

12 DIVISION SHOULD BE CONTACTED PRIOR TO ANY CONSTRUCTION

13 ACTIVITY OR CHANGES.

14 SPECIFIC LAND USE CRITERIA

15 THE APPLICANT'S PROPOSAL IS NOT IN COMPLIANCE

16 WITH THE COMPREHENSIVE PLAN. THE PROPOSAL DOES NOT

17 MEET THE REQUIREMENTS OF THE COMPREHENSIVE PLAN FOR A

18 LOGICAL EXPANSION OF EXISTING INDUSTRIAL ZONE OR USE.

19 WHILE THE SITE HAS A HISTORY OF NON-RESIDENTIAL USE, A

20 PREVIOUS REQUEST FOR ZONING CHANGE WAS DENIED BY THE

21 PLANNING COMMISSION AND THERE IS A PROVISION IN THE

22 ZONING ORDINANCE TO ALLOW THE CONTINUANCE OF

23 NON-CONFORMING USES AND SITE THROUGH AN ADMINISTRATIVE

24 APPEAL TO THE BOARD OF ADJUSTMENTS. THE

25 ADMINISTRATIVE APPEAL CAN ALLOW THE USE, OR SIMILAR

1 USE, TO CONTINUE ON THE SITE PROVIDED THAT THE
2 PROPOSED USE IS NOT MORE INTENSE AND THAT THE SCOPE OF
3 SITE IMPROVEMENTS IS NOT EXPANDED.

4 PLANNING STAFF RECOMMENDATIONS

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

7 FINDINGS OF FACT:

8 1. STAFF RECOMMENDS DENIAL BECAUSE THE
9 PROPOSAL IS NOT IN COMPLIANCE WITH THE COMMUNITY'S
10 ADOPTED COMPREHENSIVE PLAN;

11 2. THE SUBJECT PROPERTY IS LOCATED IN AN
12 URBAN RESIDENTIAL PLAN AREA, WHERE LIGHT INDUSTRIAL
13 USES ARE APPROPRIATE IN VERY LIMITED LOCATIONS;

14 3. THE PROPOSAL DOES NOT SATISFY THE LAND USE
15 PLAN REQUIREMENTS OF A LOGICAL EXPANSION OF EXISTING
16 INDUSTRIAL USE OR ZONING;

17 4. THE INDUSTRIAL USE IS INAPPROPRIATE FOR
18 PREDOMINATELY RURAL RESIDENTIAL AREA DUE TO THE
19 POTENTIAL FOR NUISANCES; AND,

20 5. WHILE THE SUBJECT PROPERTY DOES HAVE A
21 HISTORY OF NON-RESIDENTIAL USE, THE ZONING ORDINANCE
22 ALLOWS FOR THE CONTINUANCE OF NON-CONFORMING USES AND
23 SITES THROUGH THE ADMINISTRATIVE APPEAL PROCESS
24 THROUGH THE BOARD OF ADJUSTMENTS.

25 MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF

1 REPORT INTO THE RECORD AS EXHIBIT A.

2 CHAIRMAN: IS ANYONE HERE REPRESENTING THE
3 APPLICANT?

4 MR. SILVERT: WOULD YOU STATE YOUR NAME,
5 PLEASE?

6 MR. CAMP: DODD CAMP. I OWN DAC PROPERTIES.
7 (DODD CAMP SWORN BY ATTORNEY.)

8 MR. CAMP: FIRST OFF, I APPRECIATE YOUR TIME
9 TONIGHT. I WOULD LIKE TO INTRODUCE THE CO-APPLICANTS
10 WITH RAY, INC.

11 THIS IS STEVE RAY AND NATHAN WOOSLEY.

12 IN THE PACKAGE THAT YOU WERE PRESENTED, YOU'LL
13 FIND SOME OF THEIR WORK WHICH IS KIND OF THE SCOPE OF
14 SOME OF THE WORK THAT THEY WILL BE CONDUCTING AT THE
15 PROPERTY.

16 WE READ OVER THE PLANNING STAFF
17 RECOMMENDATIONS AND BASICALLY WE DON'T REALLY AGREE
18 WITH ANY OF THEIR FINDINGS ON THAT. KIND OF
19 HIGHLIGHTED JUST COME OF THE BULLET POINTS REAL QUICK.

20 NUMBER 1 OF THE PLANNING STAFF RECOMMENDATION:
21 STAFF RECOMMENDS DENIAL BECAUSE THE PROPOSAL IS NOT IN
22 COMPLIANCE WITH THE COMMUNITY'S ADOPTED COMPREHENSIVE
23 PLAN.

24 THAT PROPERTY WAS BUILT, THAT BUILDING WAS
25 BUILT IN 1968. HAD THE CURRENT ZONING REGULATIONS

1 BEEN IN PLACE AT THAT TIME, I'M SURE IT WOULD HAVE
2 BEEN ZONED I-1. THE CONSTRUCTION OF THE BUILDING AND
3 THE LAYOUT OF THE PROPERTY HAS NEVER AND WILL NEVER
4 WORK OUT FOR RESIDENTIAL USE. IT'S ALWAYS BEEN A
5 GARAGE. IT'S ALWAYS BEEN JUST AS YOU SEE. A COUPLE
6 OF LITTLE CHANGES, BUT OTHER THAN THAT THERE'S NO
7 RESIDENTIAL USE OF THAT PROPERTY OR THAT BUILDING THE
8 WAY THAT IT'S SET UP.

9 THIS IS A CHANCE, RIGHT NOW WE'RE TRYING TO
10 GET SOMETHING CORRECTED THAT PROBABLY SHOULD HAVE BEEN
11 DONE 45 YEARS AGO.

12 NUMBER 2: THE SUBJECT PROPERTY IS LOCATED IN
13 AN URBAN RESIDENTIAL PLAN AREA, WHERE LIGHT INDUSTRIAL
14 USES ARE APPROPRIATE IN VERY LIMITED LOCATIONS.

15 THE PLANNING STAFF HAS ELUDED TO THE PREVIOUS
16 REQUEST BACK IN 1997 FOR A ZONING CHANGE TO I-2 HEAVY
17 INDUSTRIAL. THAT WAS OVER 26 YEARS AGO. WITHIN THAT
18 26 YEARS THERE HAVE BEEN NUMEROUS CHANGES BOTH IN THE
19 CITY AND THE COUNTY.

20 CHANGE ONE: YOU COME OUT FROM THE BYPASS.
21 ALL THAT DEVELOPMENT ALONG THE BYPASS THERE, THERE WAS
22 NOTHING THERE 27 YEARS AGO EXCEPT FOR A TRAILER PARK
23 WHERE THE ROCA BAR AND THE HOTEL AND ALL THOSE ARE.
24 I'M SURE THAT WASN'T PART OF THE ORIGINAL
25 COMPREHENSIVE PLAN EITHER.

1 WE DIDN'T PLAN TO SHUT DOWN 27 YEARS AGO. WE
2 DIDN'T PLAN ON SHUTTING DOWN THE HOSPITAL TO BUILD A
3 \$385 MILLION ONE OUT THERE IN SOME FARMLAND OUT ON
4 THIS SIDE OF TOWN.

5 JUST A MILE DOWN THE ROAD THERE IS NOW A LOT
6 THAT IS FOR SALE, 10.2 TRACT OF LAND ON THE CORNER OF
7 DANIELS LANE AND HAYDEN ROAD. IT'S MARKETING AS
8 COMMERCIAL POTENTIAL FOR \$1.2 MILLION.

9 RECENTLY IN A RESIDENTIAL AREA ON 142, GRANTED
10 IT IS ON THE CORNER OF 142 BUT IT STILL DOES NOT FRONT
11 HIGHWAY 54, THERE WAS A POWDER COATING BUSINESS THAT
12 WAS APPROVED. THAT'S EVEN FURTHER OUT INTO THE RURAL
13 AREA.

14 THERE'S A FIRE DEPARTMENT RIGHT ACROSS THE
15 STREET FROM OUR PROPERTY.

16 THE COMPREHENSIVE PLAN I'M SURE HASN'T MADE
17 ALLOWANCES FOR THE WIDENING OF THRUSTON-DERMONT ROAD
18 WHICH AS THE DEVELOPMENT KEEPS MOVING OUT THERE, THE
19 TRAFFIC COUNT ON THRUSTON-DERMONT ROAD IS TREMENDOUS
20 RIGHT NOW. IT'S ALMOST DANGEROUS TO GET IN AND OUT
21 OUT THERE. THERE'S LOTS OF CHANGES THAT HAVE TAKEN
22 PLACE SINCE THEN THAT WEREN'T IN THE ORIGINAL
23 PROPOSAL.

24 THERE'S ALSO A CHURCH THAT'S RIGHT UP THE
25 STREET THAT HAS NOW BEEN SOLD AGAIN. THEY TOO BRING

1 IN A LOT OF EXTRA TRAFFIC.

2 NUMBER 3 ON THE PLANNING STAFF

3 RECOMMENDATIONS: PROPOSAL DOESN'T SATISFY THE LAND
4 USE REQUIREMENTS OF A LOGICAL EXPANSION OF EXISTING
5 INDUSTRIAL USE OR ZONING.

6 THE PROPERTY, THE BUILDING AND ITS USES WERE
7 AROUND BEFORE THE LAND USE PLAN WAS IN PLACE. IF
8 ANYTHING, IN A LOT OF OTHER CIRCUMSTANCES THERE ARE
9 THINGS THAT ARE GRANDFATHERED IN. THE PROPERTY WOULD
10 BE A GOOD PLACE TO BE GRANDFATHERED IN.

11 THE KEY WORD IS "EXPANSION." WE'RE NOT
12 LOOKING TO EXPAND ANYTHING. WE'RE SIMPLY REQUESTING
13 THE ZONING BE PUT IN PLACE THAT SHOULD HAVE BEEN DONE
14 ORIGINALLY. THERE'S ONLY SIX-TENTHS OF AN ACRE THERE.
15 THERE'S NOT A WHOLE LOT OF ROOM TO BUILD ANYTHING REAL
16 ELABORATE.

17 NUMBER 4 ON THE PLANNING STAFF

18 RECOMMENDATIONS: THE INDUSTRIAL USE IS INAPPROPRIATE
19 FOR THE PREDOMINATELY RURAL RESIDENTIAL AREA DUE TO
20 THE POTENTIAL FOR NUISANCES.

21 THE KEYWORD HERE IS "NUISANCES." THE PROPERTY
22 IS ONLY SIX-TENTHS OF AN ACRE. IT'S NOT BIG ENOUGH TO
23 CREATE ANY HUGE NUISANCE. IT'S NOT SET UP TO BE ABLE
24 TO HANDLE LARGE TRUCKS OR HIGH TRAFFIC. THE SIZE AND
25 THE LAYOUT OF THE BUILDING AND THE PROPERTY WOULD

1 ACCOMMODATE THE SAME TYPE OF BUSINESSES THAT ARE
2 ENCOMPASSED WITH AN I-1 CATEGORY ZONING. ABOUT ANY OF
3 THE BUSINESSES THAT HAVE BEEN IN THERE SINCE THIS
4 BUILDING HAS BEEN BUILT FALLS INTO THIS CATEGORY.

5 LESS THAN HALF A MILE UP THE ROAD -- WELL, WE
6 ALREADY TALKED ABOUT THE CHURCH THERE.

7 WE HAVE SPOKEN TO THE NEIGHBORS AND THE
8 ADJOINING PROPERTY OWNERS AND ALL OF THEM ARE HOPEFUL
9 THAT THESE IMPROVEMENTS WILL TAKE PLACE, AS YOU'LL SEE
10 IN YOUR BINDER, WE'LL BE ABLE TO GO IN AND DO THE
11 CHANGES THAT WE WOULD LIKE TO DO.

12 NUMBER 5 ON THE PLANNING STAFF
13 RECOMMENDATIONS: WHILE THE SUBJECT PROPERTY DOES HAVE
14 A HISTORY OF NONRESIDENTIAL USE, THE ZONING ORDINANCE
15 ALLOWS FOR THE CONTINUANCE OF NON-CONFORMING USES AND
16 SITES THROUGH THE ADMINISTRATIVE APPEAL PROCESS
17 THROUGH THE BOARD OF ADJUSTMENTS.

18 KEY PHRASE, "HISTORY OF NONRESIDENTIAL USE."
19 THE PROPERTY HAS NEVER BEEN USED JUST AS RESIDENTIAL.
20 AS FAR AS I CAN TELL FROM TALKING TO THE PREVIOUS
21 PEOPLE THAT HAVE LIVED IN THE AREA, THE HAYDENS WHO
22 OWNED THE PROPERTY THAT SURROUNDS THAT PROPERTY, AND
23 IT ACTUALLY CAME OFF OF THE ORIGINAL HAYDEN CORNER.

24 WE AS FUTURE BUYERS OF THE PROPERTY WANT TO BE
25 GOOD NEIGHBORS AND UPDATE THE BUILDING TO THE

1 GUIDELINES PLANNING AND ZONING HAVE LAID OUT.
2 WE AGREE TO SUBMIT A DEVELOPMENTAL PLAN.
3 THROUGH THE ADMINISTRATIVE APPEAL PROCESS,
4 THOUGH IT HAS WORKED OUT IN THE PAST, LENDING
5 INSTITUTIONS HAVE REALLY CRACKED DOWN ON THEIR
6 UNDERWRITING. SO TO MAKE THAT PROPERTY MARKETABLE AND
7 BE ABLE TO CONTINUE TO FINANCE AND SELL THAT PROPERTY
8 IN THE FUTURE, THE PROPER ZONING NEEDS TO BE PUT IN
9 PLACE. ADMINISTRATIVE APPEALS ARE GREAT, BUT AGAIN,
10 IT DOESN'T WARRANT US GOING OUT AND SPENDING 30 TO
11 \$40,000 TO PAVE THE PROPERTY, WHICH YOU CAN SEE THE
12 PICTURES IN THERE. I HAVE THE CURRENT PICTURES, AND
13 THEN WE HAVE A DETAILED DRAWING OF WHAT THE PROPERTY
14 WOULD LOOK LIKE FINISHED WITH IT PAVED, PARKING
15 SPACES, THE LANDSCAPING, AND THE FENCE.
16 IT'S GOING TO BE AN ASSET TO THE NEIGHBORHOOD.
17 NOT A LIABILITY.
18 IN CLOSING, WITH GROWTH COMES CHANGE. DAVIESS
19 COUNTY HAS CHANGED A LOT IN THE LAST 27 YEARS SINCE
20 THE I-2 WAS REQUESTED, AND WE DO AGREE WITH THAT
21 DECISION. BACK THEN HAD NO TIME OR PLACE FOR IT.
22 DAVIESS COUNTY HAS CHANGED EVEN MORE IN THE
23 LAST 45 YEARS SINCE THE BUILDING WAS BUILT.
24 WE'RE NOT ASKING TO APPROVE A MAJOR CHANGE TO
25 YOUR COMPREHENSIVE PLAN. THE BUILDING WAS HERE BEFORE

1 ANY MASTER PLANNING AND ZONING WAS IN EFFECT. IT HAS
2 BEEN USED SINCE BEFORE THE ZONING LAWS AND BUSINESS
3 THAT FALLS IN PLACE.

4 WE'RE JUST ASKING THAT THE PROPER ZONING BE
5 PUT IN PLACE ON THE PROPERTY TO ENCOMPASS WHAT THE
6 BUILDING WAS MEANT TO BE USED FOR. WE ARE ASKING THAT
7 YOU ALLOW US TO GROW OUR BUSINESS, BE A GOOD NEIGHBOR
8 AND A GREAT ADDITION TO THE AREA. THANK YOU.

9 CHAIRMAN: IS THERE ANYONE HERE THAT WOULD
10 LIKE TO SPEAK IN OPPOSITION ON THIS, HAVE ANY COMMENTS
11 OR QUESTIONS ON THIS APPLICATION?

12 (NO RESPONSE)

13 CHAIRMAN: ANY COMMISSION MEMBERS HAVE ANY
14 QUESTIONS OF THE APPLICATION?

15 (NO RESPONSE)

16 CHAIRMAN: DOES THE STAFF HAVE ANYTHING
17 ADDITIONAL?

18 MR. HOWARD, DO YOU HAVE ANYTHING ADDITIONAL TO
19 PRESENT TO THE COMMISSIONERS OR, MR. NOFFSINGER, DO
20 YOU HAVE ANYTHING FOR THE COMMISSIONERS?

21 MR. HOWARD: I DON'T HAVE ANYTHING ELSE TO ADD
22 AT THIS TIME, UNLESS THE BOARD HAS SOME QUESTIONS.
23 I'D BE GLAD TO ANSWER THEM.

24 CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY
25 QUESTIONS?

1 (NO RESPONSE)

2 CHAIRMAN: THANK YOU, MR. HOWARD.

3 MR. NOFFSINGER, DO YOU HAVE ANY COMMENTS?

4 MR. NOFFSINGER: NO, SIR.

5 CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY
6 QUESTIONS OR COMMENTS? IF NOT, THE CHAIR IS READY FOR
7 A MOTION.

8 MR. ROGERS: MR. CHAIRMAN, WOULD LIKE TO ASK
9 MR. CAMP WHAT'S CURRENTLY GOING ON AT THAT LOCATION?

10 MR. CAMP: CURRENTLY I USE THE BUSINESS, THE
11 BUILDING FOR MY BUSINESS, WHICH BASICALLY I JUST USE
12 IT FOR STORAGE. I OWN A CHAIN OF LAUNDRY MATS AND
13 RENTAL PROPERTY. SO I USE ONE BUILDING TO STORE MY
14 STUFF IN AND DO MY REPAIRS. THEN THEY LEASE THE OTHER
15 BUILDING. WE HAVE A CONTRACT TO SELL THE PROPERTY TO
16 THEM. THEY'RE IN THE PROCESS OF WORKING ON FINANCING,
17 AND THIS IS ONE OF THE CONDITIONS OF THE FINANCING.

18 MR. MILLER: WHAT WOULD THEY DO WITH THE
19 PROPERTY?

20 MR. CAMP: THEY WOULD CONTINUE WITH RAY, INC.,
21 WHICH IS AIRBRUSH. THEY PAINT CUSTOM PARTS FOR CARS
22 AND SO FORTH. YOU SAW WHERE THEY PAINTED THE MAYOR'S,
23 BOTH THE CITY AND THEN THE DARE CARS AND STUFF LIKE
24 THAT. CONTINUE DOING JUST THAT. THERE'S PROBABLY TWO
25 OR THREE CARS FROM THE EMPLOYEES IN THE PARKING LOT AT

1 ANY TIME AND THAT'S ABOUT IT.

2 MR. MILLER: WHAT ABOUT YOUR STORAGE, WOULD
3 YOU CONTINUE TO USE YOUR STORAGE?

4 MR. CAMP: NO. THEY ALREADY HAVE PLANS TO
5 TAKE THAT OVER WHEN WE'RE FINISHED.

6 CHAIRMAN: ANY OTHER QUESTIONS FROM THE
7 COMMISSIONERS?

8 MR. BOSWELL: HOW CLOSE IS THE NEAREST
9 RESIDENTIAL HOUSE FROM THAT FACILITY?

10 MR. CAMP: PROBABLY, THE CLOSEST ONE IS
11 PROBABLY 400 YARDS, 3 OR 400 YARDS. IT'S ACROSS AND
12 THEN THERE'S A FIELD. THE LADY THERE, MS. LINDSEY,
13 WE'VE SPOKEN WITH HER ON SEVERAL OCCASIONS AND SHE IS
14 HOPING THAT WE GET THIS THROUGH SO THEN WE CAN SPRUCE
15 IT UP AND PAVE THE PARKING LOT AND STUFF LIKE THAT.
16 SO SHE'S FULLY AWARE.

17 MR. BOSWELL: THANK YOU.

18 CHAIRMAN: MR. KAZLAUSKAS, YOU HAVE A
19 QUESTION?

20 MR. KAZLAUSKAS: SIR, YOU'VE MADE MENTION TWO
21 TIMES NOW ABOUT THE HAYDENS AND LINDSEYS, BUT THERE'S
22 NOBODY HERE. YOU'RE SPEAKING FOR THEM. THERE'S NO
23 ONE HERE TO REPRESENT THEM. NO FAMILY MEMBER. NOBODY
24 FROM THE HAYDEN FAMILY OR LINDSEY FAMILY?

25 MR. CAMP: NO. WE ASKED MR. SAM HAYDEN ABOUT

1 IT. HE SAID THAT HE WASN'T GOING TO BE ABLE TO MAKE
2 IT, BUT IF YOU WANTED TO CALL HIM HE'D BE MORE THAN
3 HAPPY TO TALK TO YOU. I UNDERSTAND.

4 MR. KAZLAUSKAS: I MEAN IT'S TO YOUR BENEFIT.

5 MR. CAMP: I UNDERSTAND. IT WASN'T FOR A LACK
6 OF TRYING ON OUR PART.

7 MR. KAZLAUSKAS: IT'S TO YOUR BENEFIT FOR MR.
8 HAYDEN AND THE LINDSEYS TO BE DOWN HERE TO SPEAK ON
9 YOUR BEHALF.

10 MR. CAMP: YES, SIR.

11 MR. KAZLAUSKAS: I BELIEVE THAT'S ALL I HAVE.

12 CHAIRMAN: ANY OTHER QUESTIONS FROM THE
13 COMMISSIONERS?

14 MR. ALLEN: YES. I'VE GOT A QUESTION FOR
15 BRIAN.

16 BRIAN, THIS IS GOING TO BE REZONED OR THEY'RE
17 ASKING FOR IT TO BE REZONED TO I-1?

18 MR. HOWARD: YES.

19 MR. ALLEN: IS THE I-1 THE ONLY APPROPRIATE
20 ZONING THAT WOULD BE APPROPRIATE FOR THE NEW BUSINESS,
21 THE AIR BRUSHING BUSINESS?

22 MR. HOWARD: I WOULD THINK SO, YES, BASED ON
23 MY UNDERSTANDING OF WHAT THE SCOPE OF THEIR BUSINESS
24 WOULD BE. IT'S NOT A RETAIL ESTABLISHMENT THAT WOULD
25 MAYBE BE APPROPRIATE IN A B-4 ZONE WHERE THEY'RE

1 SELLING PARTS AND THAT TYPE OF THING. THEY'RE DOING
2 CUSTOM WORK, LIMITED STAFF, NO CUSTOMERS COMING AND
3 GOING. SO IT REALLY I DON'T THINK WOULD FIT UNDER THE
4 RETAIL DEFINITION. BASED ON THE HISTORY OF USE, THE
5 HISTORY OF THE USE HAS BEEN INDUSTRIAL IN NATURE.
6 THAT'S WHAT YOU WOULD ANTICIPATE THE ZONING POTENTIAL
7 CHANGING TO THROUGH THIS TYPE OF PROCESS. IT'D BE
8 MORE DIFFICULT TO MAKE A CASE TO ZONE TO B-4 BECAUSE
9 IT HASN'T BEEN USED FOR RETAIL OR COMMERCIAL PURPOSES
10 HISTORICALLY.

11 MR. ALLEN: THANK YOU.

12 MR. CAMP: I'D LIKE TO MAKE A COMMENT.

13 THEY WANTED ME TO BE SURE TO POINT OUT THAT
14 THE MAJORITY OF THEIR BUSINESS THEY HAVE, THEY DO
15 PARTS ALL OVER THE COUNTRY. SO MOST OF IT IS JUST --
16 LIKE CORVETTE PARTS IS THEIR SPECIALTY AND MOTORCYCLE
17 PARTS. THEY COME OFF THE INTERNET. THEY'RE SHIPPED
18 TO THEM. THAT'S UPS AND THAT'S BASICALLY ABOUT THE
19 SCOPE OF THEIR BUSINESS.

20 CHAIRMAN: ARE THERE ANY OTHER QUESTIONS?

21 MR. NOFFSINGER: I WOULD LIKE TO MAKE A
22 COMMENT, MR. CHAIRMAN, ON BEHALF OF THE STAFF AND THE
23 STAFF REPORT.

24 THE STAFF REPORT WAS WRITTEN FOR DENIAL NOT
25 BASED UPON THE PROPOSED BUSINESS. YOU OBVIOUSLY HAVE

1 A CLEAN BUSINESS. YOU DO BEAUTIFUL WORK. THAT'S NOT
2 THE BASIS FOR THE STAFF REPORT.

3 THE BASIS FOR THE STAFF REPORT IS THAT YOU'RE
4 REQUESTING FOR AN I-1 LIGHT INDUSTRIAL ZONE. IT'S IN
5 AN AREA THAT THE COMPREHENSIVE PLAN HAS RECOGNIZED AND
6 PROJECTS RESIDENTIAL ACTIVITIES TO OCCUR. ONCE THE
7 ZONING TO I-1 IS COMPLETED, ANYTHING THAT'S ALLOWED IN
8 THAT I-1 ZONE MAY LOCATE ON THAT PROPERTY IN THE
9 FUTURE. WHERE NEIGHBORS MAY NOT HAVE AN ISSUE RIGHT
10 NOW, NEIGHBORS SHOULD HAVE SOME CONCERNS AND QUESTIONS
11 IN TERMS OF WHAT THE FUTURE MIGHT BRING AND HOW THIS
12 PROPERTY MIGHT AFFECT FUTURE VALUES AND FUTURE
13 DEVELOPMENT ON THEIR PROPERTY. OBVIOUSLY, THERE ARE
14 NO NEIGHBORS HERE THAT HAVE ANY QUESTIONS. IT'S JUST
15 THE APPLICANT AND YOU HAVE THE STAFF REPORT, BUT
16 THAT'S THE BASIS FOR THE STAFF'S REPORT. WE RECOGNIZE
17 THE HISTORY OF THE PROPERTY AND THE BOARD OF
18 ADJUSTMENT HAS BEEN ACCOMMODATING IN TERMS OF
19 ADMINISTRATIVE APPEALS TO ALLOW NONRESIDENTIAL
20 ACTIVITIES TO OCCUR ON THE PROPERTY WITHIN A LIMITED
21 SCOPE.

22 HOWEVER, ONCE THE PROPERTY IS REZONED, IT'S
23 REZONED THAT WAY FOREVER. IT CAN'T BE CHANGED.

24 WE CERTAINLY APPRECIATE YOUR BUSINESS HERE IN
25 OWENSBORO AND DAVIESS COUNTY. WE WANT TO SEE YOU GROW

1 AND WE WANT YOU HERE. I JUST HOPE THAT YOU UNDERSTAND
2 THE BASIS FOR THE STAFF REPORT AND IT HAS NOTHING TO
3 DO WITH YOUR PARTICULAR BUSINESS. IT'S WHAT THE
4 FUTURE COULD BRING.

5 CHAIRMAN: THANK YOU, MR. NOFFSINGER.
6 ANY FURTHER QUESTIONS?

7 MR. BLACK: YES. I JUST HAVE A QUICK QUESTION
8 AND IT GETS BACK TO THE RECOMMENDATION ABOUT
9 INAPPROPRIATE FOR RURAL RESIDENTIAL, POTENTIAL
10 NUISANCE. THAT'S WHAT YOU'RE REFERRING TO. THAT
11 SOMEHOW IN THE FUTURE THIS COULD TURN INTO A NUISANCE,
12 WHICH HAS NOTHING TO DO WITH WHAT'S GOING ON RIGHT
13 NOW.

14 MR. HOWARD: THAT'S CORRECT. WE HAD
15 DISCUSSIONS WITH THE APPLICANT AND, AS MR. NOFFSINGER
16 STATED, WHAT THEY'RE DOING NOW IT APPEARS TO BE GREAT.
17 IF YOU DID HAVE AN INDUSTRIAL USE THAT REQUIRED SEMI
18 TRUCKS AND THAT TYPE OF THING IN THE FUTURE, THAT'S
19 WHERE THAT STATEMENT COMES FROM BECAUSE THERE COULD BE
20 SOME ISSUES AT SOME POINT.

21 MR. APPLEBY: THE PREVIOUS APPLICATION WAS FOR
22 HEAVY INDUSTRIAL REZONING?

23 MR. HOWARD: THAT IS CORRECT. THAT'S RIGHT.

24 MR. APPLEBY: SO THIS IS DIFFERENT.

25 MR. HOWARD: THAT'S CORRECT.

1 MR. BLACK: ONE MORE.

2 I ALSO ASSUME THAT YOU'RE GOING TO CONTINUE TO
3 DO WHAT YOU'RE DOING FOR AN INDEFINITE PART OF THE
4 FUTURE. THERE'S NO PLANS FOR ANY CHANGE?

5 MR. CAMP: THAT'S CORRECT.

6 MR. BOSWELL: I'VE GOT A QUESTION.

7 IF THIS WERE REZONED, THAT DOESN'T PRECLUDE
8 ANY OF THE OTHER PROPERTIES OUT THERE FROM POTENTIALLY
9 BEING REZONED IN THAT SAME CLASSIFICATION IN THE
10 FUTURE. IF SOMEONE ELSE WANTED TO OPEN UP A BUSINESS
11 ALONG THE MAIN HIGHWAY, WHAT IS THAT, 405,
12 THRUSTON-DERMONT ROAD?

13 MR. NOFFSINGER: WELL, IT CERTAINLY OPENS THE
14 DOOR TO OTHER URBAN TYPE USES, NONRESIDENTIAL TYPE
15 USES, FARMING USES. ONCE YOU HAVE THE ZONE
16 ESTABLISHED, THEN THAT OPENS THE DOOR FOR SOMEONE TO
17 COME IN AND ASK FOR A LOGICAL EXPANSION, AS WE HEARD
18 LAST MONTH ON A ZONING CHANGE CASE, OR THE USES IN THE
19 IMMEDIATE VICINITY. THEY WILL USE THIS PROPERTY AS A
20 BASIS TO REZONE ADDITIONAL PROPERTY POTENTIALLY IN THE
21 FUTURE. THEY MAY NOT, BUT THEY CERTAINLY LOOK AT THIS
22 PROPERTY AND THE ACTIONS HERE TO FORM A BASIS FOR WHAT
23 MIGHT HAPPEN IN THE FUTURE.

24 MR. BOSWELL: THANK YOU.

25 CHAIRMAN: ANY FURTHER COMMENTS OR QUESTIONS?

1 (NO RESPONSE)

2 CHAIRMAN: DO YOU HAVE A FINAL COMMENT YOU
3 WOULD LIKE TO PRESENT?

4 MR. CAMP: NO.

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

7 MR. KAZLAUSKAS: I HATE TO DO IT, BUT I'M
8 GOING TO HAVE TO FOLLOW THE STAFF RECOMMENDATIONS
9 BECAUSE OF EVERYTHING THAT'S SURROUNDING THIS. I MAKE
10 A MOTION THAT WE FOLLOW THE STAFF'S RECOMMENDATIONS OF
11 DENIAL BASED ON FINDINGS OF FACT 1 THROUGH 5.

12 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.
13 IS THERE A SECOND? IS THERE A SECOND ON THE MOTION?

14 (NO RESPONSE)

15 CHAIRMAN: MOTION DIES FOR LACK OF A SECOND.

16 CHAIR IS READY FOR ANOTHER MOTION.

17 MR. APPLEBY: MR. CHAIRMAN, I WILL MAKE A
18 MOTION. I HAVE MIXED EMOTIONS ABOUT THIS ITEM. I DO
19 HAVE SOME CONCERNS ABOUT THE FUTURE EXPANSION OF THE
20 ZONE, BUT I CAN APPRECIATE THESE GENTLEMEN'S
21 SITUATION, PARTICULARLY WITH LENDING INSTITUTIONS AND
22 TRYING TO HAVE THE ZONING IN PLACE TO GET THIS DONE.
23 I DO THINK THERE HAVE BEEN CHANGES THAT WEREN'T
24 ANTICIPATED BY THE COMPREHENSIVE PLAN. THIS PROPERTY
25 DOES HAVE A HISTORY OF NONRESIDENTIAL USE SO I WOULD

1 MAKE A MOTION FOR APPROVAL BASED ON THAT INDUSTRIAL
2 USES ARE APPROPRIATE IN LIMITED LOCATIONS. THERE HAVE
3 BEEN CHANGES IN THE AREA NOT ANTICIPATED BY THE
4 COMPREHENSIVE PLAN. I WOULD ALSO HAVE A CONDITION
5 THAT IF THE SITE IS TO BE REZONED THE SITE MUST BE
6 BROUGHT INTO COMPLIANCE WITH THE CURRENT ZONING
7 REGULATIONS. SITE IMPROVEMENTS WOULD INCLUDE BUT NOT
8 BE LIMITED TO PAVING OF ALL VEHICULAR USE AREAS,
9 VEHICULAR USE AREA LANDSCAPING, 10 FOOT PERIMETER
10 EASEMENT WITH A 6 FOOT SOLID ELEMENT, ONE TREE EVERY
11 40 LINEAR FEET. THAT'S MY MOTION.

12 CHAIRMAN: WE HAVE A MOTION BY MR. APPLEBY.
13 DO WE HAVE A SECOND?

14 MR. ROGERS: SECOND.

15 CHAIRMAN: WE HAVE A SECOND BY MR. ROGERS.
16 COMMENTS OR QUESTIONS ON THE MOTION?

17 (NO RESPONSE)

18 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
19 YOUR RIGHT HAND.

20 (BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, GREG
21 BLACK, DAVE APPLEBY, WARD PEDLEY, STEVE FRY AND LARRY
22 BOSWELL RESPONDED AYE.)

23 CHAIRMAN: OPPOSED.

24 (BOARD MEMBER JOHN KAZLAUSKAS RESPONDED NAY.)

25 CHAIRMAN: MOTION CARRIES.

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2 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

3 ITEM 3

4 CHANDLER PARK APARTMENTS, 17.10 +/- ACRES
5 CONSIDER APPROVAL OF COMBINED FINAL DEVELOPMENT
6 PLAN/MAJOR SUBDIVISION PRELIMINARY PLAT.
7 APPLICANT: CS OWENSBORO, LLC

8 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAN HAS
9 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
10 STAFF. IT'S FOUND TO BE IN ORDER. THE USE IS
11 CONSISTENT WITH THE UNDERLYING ZONING AND IT'S READY
12 FOR YOUR CONSIDERATION.

13 CHAIRMAN: ANYONE HERE HAVE ANY COMMENTS OR
14 QUESTIONS ON THIS APPLICATION?

15 (NO RESPONSE)

16 CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR
17 QUESTIONS?

18 (NO RESPONSE)

19 CHAIRMAN: CHAIR IS READY FOR A MOTION.

20 MR. APPLEBY: MOTION FOR APPROVAL.

21 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

22 MR. BOSWELL: SECOND.

23 CHAIRMAN: SECOND BY MR. BOSWELL. COMMENTS OR
24 QUESTIONS ON THE MOTION?

25 (NO RESPONSE)

26 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE

1 YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: MOTION CARRIES UNANIMOUS.

4 -----

5 MAJOR SUBDIVISIONS

6 ITEM 4

7 MOONSHINE COURT, 10.406 ACRES
8 CONSIDER APPROVAL OF MAJOR SUBDIVISION PRELIMINARY
9 PLAT.
APPLICANT: VINCE HAYDEN

10 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS
11 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
12 STAFF. IT'S FOUND TO BE IN ORDER. THE USE IS
13 CONSISTENT WITH THE UNDERLYING ZONING AND IT'S READY
14 FOR CONSIDERATION.

15 CHAIRMAN: ANYONE HERE HAVE ANY COMMENTS ON
16 THIS APPLICATION?

17 (NO RESPONSE)

18 CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR
19 QUESTIONS?

20 (NO RESPONSE)

21 CHAIRMAN: CHAIR IS READY FOR A MOTION.

22 MR. APPLEBY: MOTION FOR APPROVAL.

23 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

24 MR. BLACK: SECOND.

25 CHAIRMAN: SECOND BY MR. BLACK. COMMENTS OR

1 QUESTIONS ON THE MOTION?

2 (NO RESPONSE)

3 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
4 YOUR RIGHT HAND.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: MOTION CARRIES UNANIMOUS.

7 -----

8 MINOR SUBDIVISIONS

9 ITEM 5

10 4188, 4194 HIGHWAY 554, 3.446 ACRES
11 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
12 APPLICANT: DAVID L. CLARK

13 MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS
14 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
15 STAFF. IT'S FOUND TO BE IN ORDER. IT DOES COME TO
16 YOU WITH EXCEPTIONS AND BRIAN HOWARD IS HERE TO TALK
17 ABOUT THOSE.

18 MR. HOWARD: THERE ARE TWO EXISTING LOTS.
19 TRACT 1 IS A SUBSTANDARD LOT. IT DOESN'T MEET THE
20 SIZE REQUIREMENTS.

21 TRACT 2 IS A LARGER PARCEL THAT DID MEET THE
22 REQUIREMENTS.

23 THEY'RE MOVING THE PROPERTY LINE OVER I THINK
24 BASICALLY TO KIND OF FOLLOW THE ZONING LINE. WITH
25 THAT THOUGH TRACT 2 RESULTS IN NOT MEETING THE
REQUIREMENTS OF THE SUBDIVISION REGULATION, ZONING

1 ORDINANCE, MINIMUM LOT FRONTAGE IN THE THREE TO ONE
2 RATIO. SINCE THEY'RE NOT CREATING ANY NEW LOTS, NOT
3 MAXIMIZING LOTS, YOU KNOW, BEING CREATED IN THE
4 SCENARIO, AND REALLY CLEANING THIS UP TO FOLLOW
5 ZONING, WE WOULD RECOMMEND THAT YOU CONSIDER IT FOR
6 APPROVAL.

7 CHAIRMAN: ANYONE HERE HAVE ANY COMMENTS OR
8 QUESTIONS ON THIS APPLICATION?

9 (NO RESPONSE)

10 CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR
11 QUESTIONS?

12 (NO RESPONSE)

13 CHAIRMAN: CHAIR IS READY FOR A MOTION.

14 MR. BOSWELL: MOTION FOR APPROVAL.

15 CHAIRMAN: MOTION FOR APPROVAL BY MR. BOSWELL.

16 MR. APPLEBY: SECOND.

17 CHAIRMAN: SECOND BY MR. APPLEBY. COMMENTS OR
18 QUESTIONS ON THE MOTION?

19 (NO RESPONSE)

20 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
21 YOUR RIGHT HAND.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: MOTION CARRIES UNANIMOUS.

24 -----

25 NEW BUSINESS

1 ITEM 6

2 CONSIDER APPROVAL OF THE APRIL 2013 FINANCIAL
3 STATEMENTS.

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

7 CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY
8 QUESTIONS ON THE FINANCIAL STATEMENT?

9 (NO RESPONSE)

10 CHAIRMAN: CHAIR IS READY FOR A MOTION.

11 MR. APPLEBY: MOVE TO APPROVE.

12 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

13 MR. FRY: SECOND.

14 CHAIRMAN: SECOND BY MR. FRY. COMMENTS OR
15 QUESTIONS ON THE MOTION?

16 (NO RESPONSE)

17 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: MOTION CARRIES UNANIMOUS.

20 WE NEED ONE MORE MOTION.

21 MR. APPLEBY: MOTION TO ADJOURN.

22 MR. FRY: SECOND.

23 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT
24 HANDS.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: WE WERE 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 28 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE
17 27TH DAY OF JUNE, 2013.

18

19

20 _____
 LYNNETTE KOLLER FUCHS
21 NOTARY ID 433397
 OHIO VALLEY REPORTING SERVICES
22 2200 E PARRISH AVE, SUITE 106-E
 OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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