

1 OWENSBORO METROPOLITAN PLANNING COMMISSION
2 JULY 11, 2013
3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, JULY
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 CLAUD PORTER, ATTORNEY
11 BRIAN HOWARD
12 TIM ALLEN
13 WALLY TAYLOR
14 JOHN KAZLAUSKAS
15 GREG BLACK
16 FRED REEVES
17 LARRY BOSWELL
18 * * * * *
19
20 CHAIRMAN: CALL THE OWENSBORO METROPOLITAN
21 PLANNING COMMISSION TO ORDER.
22
23 WE'RE DOING THINGS A LITTLE DIFFERENT TONIGHT.
24 WE'RE GOING OUT INTO CLOSED SESSION AND THEN WE'LL
25 RETURN TO HEAR OUR APPLICATIONS.
26
27 WE NEED A MOTION TO GO INTO CLOSED SESSION.
28
29 MR. BOSWELL: I MAKE A MOTION TO ENTER INTO
30 CLOSED SESSION UNDER KRS 61.810 SO THE COMMISSION MAY
31 DISCUSS PENDING AND PROPOSED LITIGATION AGAINST THE
32 COMMISSION. SPECIFICALLY THIS CLOSED SESSION IS TO
33 DISCUSS COURT FINDINGS AND POTENTIAL APPEALS.

1 CHAIRMAN: DO WE HAVE A SECOND?

2 MR. REEVES: SECOND.

3 CHAIRMAN: WE HAVE A MOTION AND A SECOND TO GO
4 INTO CLOSED SESSION. ALL IN FAVOR RAISE YOUR RIGHT
5 HAND.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: WE WILL GO INTO CLOSED SESSION.

8 - - - - (OFF THE RECORD) - - - -

9 CHAIRMAN: CALL THE OWENSBORO METROPOLITAN
10 PLANNING COMMISSION BACK TO ORDER.

11 WE NOW NEED A MOTION TO CALL THE CLOSED
12 SESSION BACK TO ORDER.

13 MR. KAZLAUSKAS: SO MOVED.

14 MR. REEVES: SECOND.

15 CHAIRMAN: WE HAVE A MOTION AND A SECOND. ALL
16 IN FAVOR RAISE YOUR RIGHT HAND.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: MOTION CARRIES.

19 NOW WE NEED A MOTION FOR A DECISION.

20 MR. REEVES: MR. CHAIRMAN, I'D LIKE TO MOVE
21 THAT THE OWENSBORO METROPOLITAN BOARD OF COMMISSION
22 AUTHORIZE THE ATTORNEY REPRESENTING US TO FILE A
23 NOTICE OF APPEAL IN THE CASE OF BETTY BOWLES VERSUS
24 OWENSBORO METROPOLITAN PLANNING COMMISSION, ET AL.

25 CHAIRMAN: WE HAVE A MOTION. IS THERE A

1 SECOND?

2 MR. KAZLAUSKAS: SECOND.

3 CHAIRMAN: WE HAVE A SECOND. ALL IN FAVOR OF
4 THE MOTION RAISE YOUR RIGHT HAND.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: MOTION CARRIES UNANIMOUS.

7 NOW, I CALL THE OWENSBORO METROPOLITAN
8 PLANNING COMMISSION JULY 11, 2013 MEETING TO ORDER.
9 WE WILL BEGIN OUR MEETING WITH A PRAYER AND PLEDGE OF
10 ALLEGIANCE TO THE FLAG. MR. JOHN KAZLAUSKAS WILL LEAD
11 US.

12 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

13 CHAIRMAN: I WOULD LIKE TO WELCOME EVERYONE.
14 ANYONE WISHING TO SPEAK ON ANY ITEM WE WELCOME YOUR
15 COMMENTS. WE ASK THAT YOU STEP TO ONE OF THE PODIUMS,
16 STATE YOUR NAME AND BE SWORN IN. PLEASE SPEAK INTO
17 THE MICROPHONE, IF YOU WILL PLEASE.

18 FIRST ITEM ON THE AGENDA IS TO CONSIDER THE
19 MINUTES OF THE JUNE 13, 2013 MEETING. ARE THERE ANY
20 ADDITIONS OR CORRECTIONS?

21 (NO RESPONSE)

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

24 MR. TAYLOR: MOTION FOR APPROVAL.

25 MR. KAZLAUSKAS: SECOND.

1 CHAIRMAN: WE HAVE A MOTION AND A SECOND. ALL
2 IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: MOTION CARRIES UNANIMOUS. THE
5 MINUTES ARE APPROVED.

6 NEXT ITEM.

7 -----

8 CELLULAR TELECOMMUNICATIONS FACILITIES
PER KRS 100.987

9 ITEM 3
10 9507 HIGHWAY 54
11 CONSIDER APPROVAL OF A WIRELESS TELECOMMUNICATIONS
12 TOWER.
13 APPLICANT: Q WIRELESS, LLC, CITY OF WHITESVILLE

14 MR. PORTER: WOULD YOU STATE YOUR NAME,
15 PLEASE?

16 MS. EVANS: MELISSA EVANS.

17 (MELISSA SWORN BY ATTORNEY.)

18 MS. EVANS: FIRST OF ALL, I WOULD LIKE TO
19 STATE THAT ALL REZONINGS HEARD HERE TONIGHT WILL
20 BECOME FINAL 21 DAYS FROM THE MEETING DATE, UNLESS AN
21 APPEAL IS FILED. IF AN APPEAL IS FILED, THE
22 RECOMMENDATIONS WILL BE FORWARDED TO THE APPROPRIATE
23 LEGISLATIVE BODY FOR FINAL ACTION. THE APPEAL FORMS
24 ARE AVAILABLE ON OUR WEBSITE AND IN OUR OFFICE.

25 THE APPLICANT IS SEEKING TO CONSTRUCT A 150
FOOT LATTICE TOWER IN ACCORDANCE WITH ARTICLE 20 OF

1 THE OWENSBORO METROPOLITAN ZONING ORDINANCE. THE
2 PROPOSED TOWER IS LOCATED ON A SMALL TRACT NEAR THE
3 CITY OF WHITESVILLE OWNED BY THE CITY OF WHITESVILLE.
4 THERE IS AN EXISTING WATER TOWER ON THE SITE AND TWO
5 SMALLER TOWERS IN THE VICINITY.

6 THE APPLICANT STATES THAT THERE ARE NO
7 SUITABLE LOCATIONS IN THE VICINITY TO ALLOW FOR
8 CO-LOCATION AND THAT THE NEW TOWER IS NEEDED TO
9 PROVIDE SERVICE TO THE COMMUNITY.

10 THE APPLICANT HAS ASKED FOR TWO WAIVERS. THE
11 FIRST REQUEST IS TO WAIVE THE TREE BUFFER ALONG THE
12 SOUTH SIDE OF THE COMPOUND SINCE THE SITE IS LOCATED
13 ON TOP OF A HILL AND WILL NOT BE VISIBLE FROM THE
14 ROADWAY OR ANY ADJOINING RESIDENCES.

15 THE SECOND REQUEST PERTAINS TO THE SETBACK
16 REQUIREMENTS. A LATTICE TOWER REQUIRES A SETBACK HALF
17 THE HEIGHT OF THE TOWER. BASED ON THE SMALL LOT SIZE
18 AND THE HEIGHT OF THE TOWER, THE REQUESTED SETBACK
19 CANNOT BE MET. HOWEVER, AS STATED BY THE APPLICANT,
20 THE TOWER IS SUFFICIENT DISTANCE AWAY FROM ANY
21 ADJOINING RESIDENTIAL STRUCTURES.

22 STAFF RECOMMENDATIONS APPROVAL WITH THE
23 FINDINGS OF FACT THAT FOLLOW:
24 FINDINGS

25 1. THE APPLICATION IS COMPLETE WITH ALL

1 MATERIALS IN ACCORDANCE WITH THE OWENSBORO
2 METROPOLITAN ZONING ORDINANCE;

3 2. THE SITE IS IN COMPLIANCE WITH ALL DESIGN
4 CRITERIA OF THE OWENSBORO METROPOLITAN ZONING
5 ORDINANCE;

6 3. THE PERMANENT TOWER WILL IMPROVE SERVICE
7 FOR USERS WITHIN THE COMMUNITY; AND,

8 4. THE NEW TOWER IS NEEDED SINCE ALL OTHER
9 TOWERS IN THE VICINITY WERE NOT STRUCTURALLY SOUND
10 ENOUGH TO ACCOMMODATE ADDITIONAL EQUIPMENT OR WERE NOT
11 TALL ENOUGH TO PROVIDE ACCEPTABLE SERVICE.

12 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
13 THE RECORD AS EXHIBIT A.

14 MR. HOWARD: MR. CHAIRMAN, A QUICK NOTE. MS.
15 EVANS STATED THE APPEAL PROCESS. THAT APPLIES TO THE
16 ZONING CHANGES ITEMS 4 THROUGH 6. THE DECISION ON THE
17 PLANNING COMMISSION FOR THIS FACILITY WILL BE FINAL
18 AND IT WOULD BE APPEALABLE, BUT NOT THROUGH THAT 21
19 DAY PERIOD.

20 CHAIRMAN: DOES ANYBODY IN THE AUDIENCE HAVE
21 ANY COMMENTS OR QUESTIONS ON THIS ITEM?

22 (NO RESPONSE)

23 CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS
24 OR QUESTIONS?

25 MS. BOSWELL: I'VE GOT JUST ONE QUESTION. I

1 THINK IT'S A FAIRLY SIMPLE ONE.

2 I NOTICED IN THE AGENDA THAT IT REFERENCES KRS
3 100.987. MY EXPECTATION IS THAT IS APPLICABLE TO THAT
4 ENTIRE SECTION AND SUBSECTION?

5 MR. PORTER: YES, I BELIEVE SO.

6 CHAIRMAN: ANY OTHER QUESTIONS?

7 (NO RESPONSE)

8 CHAIRMAN: CHAIR IS READY FOR A MOTION.

9 MR. ROGERS: MOTION FOR APPROVAL BASED ON
10 PLANNING STAFF FINDINGS OF FACTS 1 THROUGH 4.

11 CHAIRMAN: WE HAVE MOTION FOR APPROVAL BY MR.
12 ROGERS. DO WE HAVE A SECOND?

13 MR. BOSWELL: SECOND.

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

16 (NO RESPOND)

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

21 NEXT ITEM, PLEASE.

22 -----

23 ZONING CHANGES

24 ITEM 4

25 5975 MAY ROAD, 27.166 ACRES

1 CONSIDER ZONING CHANGE: FROM EX-1 COAL MINING TO A-R
2 RURAL AGRICULTURE
3 APPLICANT: RETUS MAY

4 PLANNING STAFF RECOMMENDATIONS

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

7 FINDINGS OF FACT:

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

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

14 3. THE SUBJECT PROPERTY IS A LARGE TRACT AT
15 27.166 ACRES;

16 4. THE SUBJECT PROPERTY HAS ACCESS TO MAY
17 ROAD;

18 5. STRIP-MINING ACTIVITY NEVER TOOK PLACE ON
19 THE SUBJECT PROPERTY; AND,

20 6. THE OWENSBORO METROPOLITAN ZONING
21 ORDINANCE ARTICLE 12A.31 REQUIRES THAT PROPERTY SHALL
22 REVERT TO ITS ORIGINAL ZONING CLASSIFICATION AFTER
23 MINING.

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

26 CHAIRMAN: IS ANYONE HERE REPRESENTING THE

1 APPLICANT?

2 APPLICANT REP: YES.

3 CHAIRMAN: ANYONE HAVE ANY COMMENTS OR

4 QUESTIONS ON THIS APPLICATION?

5 (NO RESPONSE)

6 CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS

7 OR QUESTIONS?

8 (NO RESPONSE)

9 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A

10 MOTION.

11 MR. ROGERS: MR. CHAIRMAN, MAKE A MOTION FOR

12 APPROVAL BASED ON PLANNING STAFF RECOMMENDATIONS WITH

13 FINDINGS OF FACT 1 THROUGH 6.

14 MR. REEVES: SECOND.

15 CHAIRMAN: WE HAVE A MOTION BY MR. ROGERS AND

16 A SECOND BY MR. REEVES. COMMENTS OR QUESTIONS ON THE

17 MOTION?

18 (NO RESPONSE)

19 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE

20 YOUR RIGHT HAND.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

23 NEXT ITEM, PLEASE.

24 ITEM 5

25 1000, 1024 WEST 4TH STREET, 408 SYCAMORE STREET,

1 0.466 ACRES
2 CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL AND
3 B-4 GENERAL BUSINESS TO B-5 BUSINESS/INDUSTRIAL
4 APPLICANT: LARRY D. PENROD, JR.

5 PLANNING STAFF RECOMMENDATIONS

6 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
7 TO THE CONDITIONS AND FINDINGS OF FACT THAT FOLLOW:
8 CONDITIONS

9 1. ACCESS TO WEST FOURTH STREET SHALL BE
10 LIMITED TO THE EXISTING ACCESS POINT SERVING 1024 WEST
11 FOURTH STREET WITH THE OTHER TWO ACCESS POINTS CLOSED
12 AND VEHICULAR USE AREA SCREENING INSTALLED ON PRIVATE
13 PROPERTY IN ACCORDANCE WITH THE ZONING ORDINANCE
14 REQUIREMENTS; AND,

15 2. VEHICULAR USE AREA SCREENING SHALL BE
16 INSTALLED ON PRIVATE PROPERTY ON SYCAMORE STREET PER
17 ZONING ORDINANCE REQUIREMENTS TO DEFINE ACCESS POINTS.
18 FINDINGS OF FACT

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

22 2. THE SUBJECT PROPERTY IS LOCATED WITHIN A
23 BUSINESS/INDUSTRIAL PLAN AREA, WHERE GENERAL BUSINESS
24 AND LIGHT INDUSTRIAL USES ARE APPROPRIATE IN GENERAL
25 LOCATIONS;

3. THE SUBJECT PROPERTY LIES WITHIN AN

1 EXISTING AREA OF MIXED GENERAL BUSINESS AND LIGHT
2 INDUSTRIAL USES;

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

5 5. THE PROPOSED LAND USES FOR THE SUBJECT
6 PROPERTY IS IN COMPLIANCE WITH THE CRITERIA FOR A
7 BUSINESS/INDUSTRIAL PLAN AREA AND A B-5
8 BUSINESS/INDUSTRIAL ZONING CLASSIFICATION.

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

11 CHAIRMAN: ANYONE HERE REPRESENTING THE
12 APPLICANT?

13 APPLICANT REP: YES.

14 CHAIRMAN: ANYONE HERE HAVE ANY COMMENTS OR
15 QUESTIONS ON THE APPLICATION?

16 (NO RESPONSE)

17 CHAIRMAN: COMMISSIONERS, DO YOU HAVE ANY
18 COMMENTS OR QUESTIONS ON THE APPLICATION?

19 MR. REEVES: QUESTION FOR MS. EVANS, PLEASE.

20 HAS THE APPLICANT AGREED TO THE TWO CONDITIONS
21 YOU PUT ON?

22 MR. HOWARD: I WILL ANSWER THAT, IF YOU DON'T
23 MIND.

24 HE'S HERE TONIGHT. HE CAME IN THE OFFICE THIS
25 MORNING. WE DISCUSSED WHAT THE CONDITIONS WERE AND

1 HOW HE COULD DEVELOP THIS SITE. HE'S HERE IF YOU'D
2 LIKE TO BRING HIM FORWARD TO ASK.

3 MR. REEVES: I JUST WONDERED IF HE HAS AGREED
4 TO THOSE TWO CONDITIONS.

5 MR. PENROD: YES.

6 CHAIRMAN: ANY OTHER QUESTIONS FROM THE
7 COMMISSIONERS?

8 (NO RESPONSE)

9 CHAIRMAN: CHAIR IS READY FOR A MOTION.

10 MR. REEVES: I MOVE FOR APPROVAL BASED ON
11 STAFF RECOMMENDATIONS, CONDITIONS 1 AND 2 AND FINDINGS
12 OF FACT 1 THROUGH 5.

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

14 MR. FRY: SECOND.

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

17 (NO RESPONSE)

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: MOTION CARRIES UNANIMOUS.

22 NEXT ITEM, PLEASE.

23 ITEM 6

24 1500 EAST 11TH STREET, 0.668 ACRES
25 CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL TO
 R-4DT INNER-CITY RESIDENTIAL

1 APPLICANT: DENVER RAY MOORE, III

2 PLANNING STAFF RECOMMENDATIONS

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

6 INSTALL A 10-FOOT WIDE LANDSCAPE EASEMENT WITH
7 A SIX FOOT TALL SOLID WALL OR FENCE AND ONE TREE EVERY
8 40 LINEAR FEET ALONG THE WEST PROPERTY LINES.

9 FINDINGS OF FACT

10 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
11 PROPOSED R-4DT INNER CITY RESIDENTIAL ZONING IS MORE
12 APPROPRIATE THAN THE CURRENT I-1 LIGHT INDUSTRIAL
13 ZONE;

14 2. THE SUBJECT PROPERTY IS LOCATED IN A
15 BUSINESS/INDUSTRIAL PLAN AREA, WHERE URBAN LOW-DENSITY
16 RESIDENTIAL USES ARE GENERALLY NOT RECOMMENDED;

17 3. THE SUBJECT PROPERTY HAS BEEN USED AS A
18 RESIDENCE FOR OVER 100 YEARS; AND,

19 4. THE PROPOSED ZONING CHANGE WILL BRING THE
20 PROPERTY USE THAT HAS EXISTED ON THE SITE SINCE 1906
21 INTO CONFORMANCE WITH THE ZONING ORDINANCE.

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

24 CHAIRMAN: ANYONE HERE REPRESENTING THE
25 APPLICANT?

1 APPLICANT REP: YES.

2 CHAIRMAN: ANYONE HAVE ANY COMMENTS OR
3 QUESTIONS ON THE APPLICATION?

4 (NO RESPONSE)

5 CHAIRMAN: COMMISSIONERS HAVE ANY COMMENTS OR
6 QUESTIONS?

7 MR. KAZLAUSKAS: JUST ONE. THE OWNERS OF THE
8 PROPERTY AT 1022 ELSMERE, HAVE THEY BEEN CONTACTED
9 ABOUT THE 10-FOOT WIDE LANDSCAPE EASEMENT WITH THE
10 6-FOOT WALL? DOES ANYBODY KNOW IF THEY HAVE ANY
11 PROBLEMS WITH THAT?

12 MR. HOWARD: WHICH ADDRESS?

13 MR. KAZLAUSKAS: IT IS AT 1022 ELSMERE STREET.

14 MR. HOWARD: NO, THEY WERE NOT CONTACTED.

15 THIS IS A ZONING ORDINANCE REQUIREMENT THAT WE
16 INCLUDED AS A CONDITION SINCE THE SITE IS DEVELOPED.
17 AS YOU'LL SEE, THE ADJOINING PROPERTY, IT'S ZONED
18 INDUSTRIAL AND IT'S AN INDUSTRIAL USE. SO REALLY THE
19 SCREENING IS A PROTECTIVE ELEMENT BETWEEN
20 NON-COMPATIBLE USE AS A RESIDENCE UP AGAINST THE
21 INDUSTRIAL USE.

22 MR. KAZLAUSKAS: SO WHAT YOU'RE SAYING IS
23 ACTUALLY GOING TO PROTECT THE PROPERTY THAT'S BEING
24 REZONED RATHER THAN THE ONE AT 122 ELSMERE?

25 MR. HOWARD: THAT'S CORRECT. IT'S THERE AS A

1 PROTECTIVE SCREENING ONLY.

2 MR. KAZLAUSKAS: VERY GOOD.

3 CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS
4 FROM THE COMMISSIONERS?

5 (NO RESPONSE)

6 CHAIRMAN: CHAIR IS READY FOR A MOTION.

7 MR. KAZLAUSKAS: MAKE A MOTION THAT WE APPROVE
8 THE PLANNING STAFF RECOMMENDATIONS BASED ON THE ONE
9 CONDITION AND FINDINGS OF FACT 1 THROUGH 4.

10 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.
11 DO WE HAVE A SECOND?

12 MR. BOSWELL: SECOND.

13 CHAIRMAN: SECOND BY MR. BOSWELL. COMMENTS OR
14 QUESTIONS ON THE MOTION?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

20 -----

21 MAJOR SUBDIVISIONS

22 ITEM 7

23 HUNTERS RIDGE, 6.44 +/- ACRES
24 CONSIDER APPROVAL OF MAJOR SUBDIVISION PRELIMINARY
25 PLAT.
APPLICANT: HUNTERS RIDGE, LLC; ELDRED NEUBAUER, ET AL

1 CHAIRMAN: MR. HOWARD, I'M CONNECTED WITH
2 HUNTERS RIDGE. I NEED TO DISQUALIFY MYSELF AND TURN
3 IT OVER TO MR. ROGERS.

4 MR. ROGERS: ANYONE REPRESENTING THE APPLICANT
5 HERE?

6 APPLICANT REP: YES.

7 MR. HOWARD: I WILL NOT THAT THE APPLICATION
8 HAS BEEN REVIEWED BY THE PLANNING STAFF AND
9 ENGINEERING STAFF. IT'S FOUND TO BE IN ORDER. IT'S
10 IN COMPLIANCE WITH THE REQUIREMENTS OF THE
11 COMPREHENSIVE PLAN, ZONING ORDINANCE AND SUBDIVISION
12 REGULATIONS.

13 MR. ROGERS: ANYONE IN THE AUDIENCE HAVE ANY
14 QUESTIONS OR COMMENTS?

15 (NO RESPONSE)

16 MR. ROGERS: ANYONE ON THE COMMISSION?

17 (NO RESPONSE)

18 MR. ROGERS: IF NOT THE CHAIR IS READY FOR A
19 MOTION.

20 MR. BOSWELL: MOTION FOR APPROVAL.

21 CHAIRMAN: MOTION FOR APPROVAL BY MR.
22 REEVES.

23 MR. KAZLAUSKAS: SECOND.

24 MR. ROGERS: SECOND BY MR. KAZLAUSKAS. ALL
25 THOSE IN FAVOR RAISE YOUR RIGHT HAND.

1 (ALL BOARD MEMBERS PRESENT - WITH THE
2 DISQUALIFICATION OF WARD PEDLEY - RESPONDED AYE.)

3 MR. ROGERS: MOTION IS APPROVED.

4 CHAIRMAN: THANK YOU, MR. ROGERS.

5 NEXT ITEM, PLEASE.

6 -----

7 MAJOR SUBDIVISIONS

8 ITEM 8

9 5187 PLEASANT VALLEY ROAD, 3.5 ACRES
10 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
11 APPLICANT: KAYE TRUNNELL

12 MR. HOWARD: MR. CHAIRMAN AND PLANNING
13 COMMISSION, THIS ITEM COMES BEFORE YOU TO ASK FOR AN
14 EXCEPTION TO THE THREE TO ONE REQUIREMENT. IT'S A
15 THREE AND A HALF ACRE PARCEL THAT IS DEEP, BUT IT ONLY
16 HAS 50 FOOT OF ROAD FRONTAGE. IN DISCUSSIONS WITH THE
17 PROPERTY OWNER AND THE POTENTIAL LOT BUYER, THE SITE
18 IS BEING FARMED. THE ROAD FRONTAGE AREA IS SOME OF
19 THE BEST FARMLAND ON THE PROPERTY. THE CURRENT
20 LANDOWNER WOULD LIKE TO MAINTAIN THAT AREA FOR FARMING
21 PURPOSES. SO THAT'S WHY THERE'S A NARROW WIDTH GOING
22 BACK TO THE LARGER ACREAGE. THE POTENTIAL HOME BUYER
23 IS HERE AND I THINK HE HAS A LETTER FROM THE ACTUAL
24 LANDOWNER THAT GOES INTO DETAIL ABOUT THAT. THEIR
25 WILLING TO PUT A NOTE ON THE PLAT THAT STATES THE
SUBJECT PROPERTY INCLUDING THE PARENT TRACT WILL NOT

1 BE FURTHER SUBDIVIDED TO CREATE LOTS THAT DON'T MEET
2 THE SUBDIVISION REGULATION. SO BASICALLY THIS IS AN
3 EXCEPTION. IT IS A FLAG LOT, BUT THE LANDOWNER AND
4 THE FUTURE PROPERTY OWNER FOR THIS TRACT ARE ON NOTICE
5 THAT THE LAND IS NOT GOING TO BE FURTHER SPLIT
6 CREATING SIMILAR LOTS. WE TRY AS STAFF AND AS A
7 COMMISSION REVIEW THESE ON A CASE BY CASE BASIS ON
8 THEIR MERITS. BASED ON THE INFORMATION THAT I'VE
9 GATHERED FROM TALKING WITH THE INDIVIDUALS, IT SEEMS
10 AS THOUGH IT'S SOMETHING THAT STAFF WOULD ASK THAT YOU
11 ALL TO CONSIDER FAVORABLY. WE GIVE IT TO YOU. I'M
12 HERE TO ANSWER QUESTIONS. THE PERSPECTIVE HOME BUYER
13 IS HERE AS WELL.

14 CHAIRMAN: IS THE LANDOWNER AVAILABLE?

15 APPLICANT REP: YES, SIR.

16 CHAIRMAN: LET'S SEE IF WE HAVE ANY QUESTIONS
17 FROM THE COMMISSIONERS.

18 COMMISSIONERS, DO YOU HAVE ANY QUESTIONS OF
19 THE LANDOWNER?

20 MR. KAZLAUSKAS: JUST ONE SMALL ONE.

21 THE ACCESS POINT, THAT GOES WITH THE SITE AND
22 THERE'S NEVER A POSSIBILITY OF THAT BEING CLOSED OFF,
23 RIGHT?

24 MR. HOWARD: THE FIFTY FOOT FRONTAGE?

25 MR. KAZLAUSKAS: YES.

1 MR. HOWARD: THE ONLY WAY THAT IT COULD BE
2 CLOSED OFF IS THROUGH AN ACTION BY THE PLANNING
3 COMMISSION TO TAKE THAT AWAY. IT WOULD HAVE TO COME
4 BACK BEFORE YOU BECAUSE AT THAT POINT IT WOULD LEAVE
5 THIS AS A LAND-LOCK PARCEL.

6 BASED ON THE UNDERSTANDING I HAVE AS WELL, THE
7 LADY THAT OWNS THE PROPERTY, SHE IS OLDER. IN HER
8 FUTURE, SHE DOESN'T SEEK FARMING THIS FOREVER. IF AND
9 WHEN THE PROPERTY WOULD GO UP FOR SALE, SHE PLANS TO
10 OFFER THE ROAD FRONTAGE, BASICALLY SQUARING THIS LOT
11 OFF, TO THE POTENTIAL BUYER SO THAT THEY COULD HAVE A
12 MORE REGULAR-SHAPED LOT WITH MORE ROAD FRONTAGE.

13 MR. KAZLAUSKAS: MY ONLY CONCERN THAT IT
14 BECOME LAND-LOCKED IN THE FUTURE. WE DON'T WANT TO GO
15 IN THAT DIRECTION.

16 MR. HOWARD: AND STAFF WOULDN'T SUPPORT THAT
17 TYPE OF A DECISION AT ALL.

18 CHAIRMAN: MR. REEVES, YOU HAVE A QUESTION?

19 MR. REEVES: YES.

20 I WONDERED, IS THERE ANY CONTENTION THE SALES
21 AGREEMENT OR THE DEED, THAT THEY WILL HAVE FIRST RIGHT
22 OF REFUSAL FOR THIS ADDITIONAL AREA TO SQUARE OFF THE
23 LOT?

24 MR. HOWARD: THE GENTLEMAN IS HERE THAT IS
25 GOING TO PURCHASE THE PROPERTY. HE MAY BE ABLE TO

1 ANSWER THAT.

2 CHAIRMAN: WOULD YOU STEP TO THE PODIUM PLEASE
3 AND ANSWER THAT QUESTIONS FOR US.

4 (VICTOR CERNIUS SWORN BY ATTORNEY.)

5 MR. PORTER: WOULD YOU STATE YOUR NAME,
6 PLEASE?

7 MR. CERNIUS: MY NAME IS VICTOR CERNIUS. I AM
8 THE POTENTIAL BUYER.

9 I DO HAVE A LETTER OF ATTESTATION THAT'S
10 SIGNED BY THE LANDOWNER. WE HAVE A HANDSHAKE
11 AGREEMENT, A GENTLEMAN AGREEMENT THAT WHEN SHE DOES
12 DECIDE TO SELL THAT FARMLAND THAT WE WILL HAVE FIRST
13 RIGHT OF REFUSAL TO SQUARE OFF OUR LAND.

14 MR. REEVES: MY SUGGESTION TO YOU IS YOU GET
15 BEYOND A HANDSHAKE. JUST MY ADVICE. THAT'S THE ONLY
16 QUESTION I HAVE.

17 CHAIRMAN: ANY FURTHER QUESTIONS?

18 MR. HOWARD: WOULD YOU LIKE TO GIVE A COPY OF
19 THOSE TO THE COMMISSION?

20 MR. CERNIUS: YES, I DO HAVE LETTERS.

21 MR. REEVES: I DON'T NEED TO SEE A LETTER. I
22 JUST WAS CONCERNED.

23 MR. KAZLAUSKAS: THAT COULD GO INTO THE
24 RECORD.

25 MR. HOWARD: SURE. I THINK IT MIGHT BE GOOD.

1 MR. REEVES: I THINK IT WOULD BE WISE TO GO
2 INTO THE RECORD.

3 MR. HOWARD: SO IF YOU WANT TO GIVE THE COURT
4 REPORTER A COPY AND I'LL TAKE A COPY FOR OUR FILES,
5 SIR.

6 CHAIRMAN: ANY FURTHER QUESTIONS FROM THE
7 COMMISSIONERS?

8 (NO RESPONSE)

9 CHAIRMAN: CHAIR IS READY FOR A MOTION.

10 MR. BOSWELL: MOTION FOR APPROVAL.

11 CHAIRMAN: MOTION FOR APPROVE BY MR. BOSWELL.

12 MR. TAYLOR: SECOND.

13 CHAIRMAN: SECOND BY MR. TAYLOR. COMMENTS OR
14 QUESTIONS ON THE MOTION?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: MOTION CARRIES UNANIMOUS.

20 NEXT ITEM, PLEASE.

21 ITEM 9

22 7834, 7850 SAUR ROAD, 9.149 ACRES
23 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
24 APPLICANT: CHRIS & MEGAN KING

25 MR. HOWARD: MR. CHAIRMAN, THIS ITEM COMES
BEFORE YOU AS AN EXCEPTION AS WELL. BASICALLY THIS IS

1 CREATING TWO PARCELS OUT OF -- THE PARENT TRACT IS
2 ABOUT TEN ACRES. IT DOES CREATE TWO PARCELS THAT
3 WOULD BE POTENTIAL HOME SITES; HOWEVER, THERE'S NOT
4 SUFFICIENT ROAD FRONTAGE FOR BOTH TO MEET THE THREE TO
5 ONE REQUIREMENT. WITH THAT THEY HAVE LIMITED AS WELL.
6 THE FUTURE PROPERTY WILL NOT BE ABLE TO BE FURTHER
7 SUBDIVIDED WITHOUT MEETING SUBDIVISION REGULATIONS.
8 BASED ON THE AMOUNT OF ROAD FRONTAGE THAT EACH PARCEL
9 HAS, THAT WILL BASICALLY NOT ALLOW FURTHER DIVISION
10 UNLESS A PUBLIC STREET WERE CONSTRUCTED AND LOTS WERE
11 SPLIT OFF. THEY HAVE AGREED TO THAT. IT'S ON THE
12 PLAT.

13 WE'RE TAKING NEARLY A TEN ACRE TRACT AND
14 MAKING TWO BUILDABLE SITES. SO WE WOULD ASK THAT YOU
15 CONSIDER THAT FOR APPROVAL.

16 CHAIRMAN: ANYONE HERE REPRESENTING THE
17 APPLICANT?

18 APPLICANT REP: YES.

19 CHAIRMAN: COMMISSIONERS, HAVE ANY COMMENTS OR
20 QUESTIONS ON THE APPLICATION?

21 (NO RESPONSE)

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

24 MR. ROGERS: MOTION FOR APPROVAL.

25 MR. BOSWELL: SECOND.

1 CHAIRMAN: MOTION FOR APPROVAL BY MR. ROGERS
2 AND SECOND BY MR. BOSWELL. ANY COMMENTS OR QUESTIONS
3 ON THE MOTION?

4 (NO RESPONSE)

5 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE
6 YOUR RIGHT HAND.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: MOTION IS UNANIMOUS.

9 NEXT ITEM.

10 ITEM 10

11 6501 SUMMIT DRIVE, 297.721 ACRES
12 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
13 APPLICANT: THE SUMMIT, LLC C/O DEBRA SEYMOUR

14 MR. HOWARD: MR. CHAIRMAN, THIS PLAT IS A
15 LITTLE DIFFERENT. IT COMES BEFORE YOU AS AN
16 EXCEPTION. IT IS CREATING PARCELS, BASICALLY FOUR
17 PARCELS THAT DO NOT MEET THE MINIMUM REQUIREMENTS OF
18 THE ZONING ORDINANCE SUBDIVISION REGULATIONS; HOWEVER,
19 THE PARCELS ARE BEING RECREATED TO SEVER THE HOLES OF
20 THE GOLF COURSE AT THE SUMMIT OUT OF THE SUBDIVISION
21 ITSELF. SO THIS WILL ALLOW THE GOLF COURSE TO ON A
22 SEPARATE PARCEL. IT COULD, I GUESS, POTENTIALLY BE
23 SOLD AT SOME POINT IN THE FUTURE SEPARATE FROM THE
24 RESIDENTIAL DEVELOPMENT.

25 WE NOTED ON THE PLAT THAT ANY FUTURE
26 DEVELOPMENT OF THE UNDEVELOPED PORTION OF THE SUMMIT

1 SUBDIVISION WOULD BE SUBJECT TO A PRELIMINARY PLAT AND
2 A FINAL PLAT. THAT THE TRACT IS BEING CREATED FOR THE
3 GOLF COURSE WOULD ALSO BE SUBJECT A FUTURE PRELIMINARY
4 PLAT OR SOME TYPE OF DEVELOPMENT PLAN IF AND WHEN THEY
5 WERE TO DEVELOP IN SOME MANNER OTHER THAN A GOLF
6 COURSE. SO BASICALLY IT'S A UNIQUE SITUATION HERE.
7 WE WOULD CERTAINLY RECOMMEND THAT YOU CONSIDER IT FOR
8 APPROVAL.

9 CHAIRMAN: ANYONE HERE REPRESENTING THE
10 APPLICANT?

11 APPLICANT REP: YES.

12 CHAIRMAN: ANYONE HAVE ANY COMMENTS OR
13 QUESTIONS OF THE APPLICANT?

14 (NO RESPONSE)

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

17 MR. FRY: I WOULD LIKE TO MAKE A MOTION FOR
18 APPROVAL.

19 CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
20 MR. FRY.

21 MR. TAYLOR: SECOND.

22 CHAIRMAN: SECOND BY MR. TAYLOR. COMMENTS OR
23 QUESTIONS ON THE MOTION?

24 (NO RESPONSE)

25 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE

1 YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: MOTION CARRIES UNANIMOUS.

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5 NEW BUSINESS

6 ITEM 11

7 CONSIDER APPROVAL OF AMENDED FY 2014 OMPC BUDGET.

8 MR. HOWARD: MR. CHAIRMAN, ALL THE PLANNING
9 COMMISSIONERS WERE MAILED A COPY OF THE AMENDED
10 BUDGET. THERE ARE BASICALLY THREE ITEMS THAT WERE
11 ADDRESSED IN THE AMENDMENTS.

12 ONE IS TO RECOGNIZE AN EMPLOYEE FOR BECOMING A
13 CERTIFIED PLANNER.

14 ANOTHER IS TO SHIFT A LITTLE BIT OF MONEY FROM
15 RETIREMENT FUNDS TO SALARY FOR AN EMPLOYEE THAT HAS
16 DECLINED THE HEALTH INSURANCE COVERAGE THAT'S PROVIDED
17 TO THE OMPC STAFF.

18 THE THIRD IS TO ALLOCATE SOME ADDITIONAL FUNDS
19 FOR SOME ENTRYWAY FURNITURE TO THE OFFICE, AS
20 DISCUSSED EARLIER, AT AN EARLIER PLANNING COMMISSION
21 MEETING. WHEN WE RESIGNED THE LEASE, WE WERE GIVEN A
22 ONE TIME UPGRADE TO THE OFFICE. SO WE'VE ADDED NEW
23 CARPET, NEW PAINTING AND NEW FURNITURE TO KIND OF
24 SPRUCE UP THAT ENTRY. SO THOSE ARE THE THREE CHANGES.

25 THE OVERALL IN THAT INCREASE OF THE BUDGET, I

1 BELIEVE, IS \$523 OVER WHAT WAS PREVIOUSLY ALLOCATED IN
2 THE BUDGET. IT'S THERE FOR YOUR CONSIDERATION.

3 CHAIRMAN: ANY COMMISSIONERS HAVE ANY COMMENTS
4 OR QUESTIONS ON THE BUDGET AMENDMENT?

5 (NO RESPONSE)

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

8 MR. KAZLAUSKAS: I MAKE A MOTION THAT WE MOVE
9 FORWARD WITH THE BUDGET AMENDMENT BASED ON THE THREE
10 PROPOSALS.

11 CHAIRMAN: WE HAVE A MOTION BY MR. KAZLAUSKAS.
12 DO WE HAVE A SECOND?

13 MR. BOSWELL: SECOND.

14 CHAIRMAN: SECOND BY MR. BOSWELL. ALL IN
15 FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: MOTION IS UNANIMOUS.

18 WE NEED ONE MORE MOTION.

19 MR. REEVES: MOTION TO ADJOURN.

20 CHAIRMAN: WE HAVE A MOTION TO ADJOURN BY MR.
21 REEVES.

22 MR. BOSWELL: SECOND.

23 CHAIRMAN: SECOND BY MR. BOSWELL. ALL IN
24 FAVOR RAISE YOUR RIGHT HAND.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: MOTION CARRIES.

2 WE ARE ADJOURNED.

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