

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 13, 2014

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 February 13, 2014, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Ward Pedley, Chairman
9 Fred Reeves, Vice Chairman
10 David Appleby, Secretary
11 Gary Noffsinger, Director
12 Terra Knight, Attorney
13 Wally Taylor
14 John Kazlauskas
15 Irvin Rogers
16 Larry Moore
17 Steve Frey

18 * * * * *

19 CHAIRMAN: Call the Owensboro Metropolitan
20 Planning Commission February 13, 2014 meeting to
21 order.

22 First order of business is to the continued
23 election of officers from the January meeting where it
24 was tabled. I will turn that over to counsel.

25 I'm sorry, we'll start our meeting with a
prayer and pledge of allegiance to the flag and then
we'll get into our meeting.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I will now turn the election of

1 officers over to counsel.

2 MS. KNIGHT: Thank you, Mr. Chairman.

3 As you all remember, last month we conducted
4 our annual election that's required by KRS 100.161.

5 Article 2 of our bylaws provide that
6 Commission shall have a chairman, vice chairman and
7 secretary/treasurer.

8 Article 3 provides that any officer elected
9 shall serve for a term of one year or until a
10 successor is elected. The bylaws require a majority
11 of the total membership of this commission in order
12 for a member to be elected. That is six votes.

13 Last month we had two nominees for the office
14 of chair and two nominees for vice chair. Neither
15 nominees for the position received six votes required
16 to be elected as successor so the current chair and
17 vice chair continue to serve in their elected
18 positions.

19 Parliamentary procedure dictates that in the
20 event of a tied vote, voting continues until such time
21 a majority is obtained. After several rounds last
22 month, a motion was made to table the election until
23 tonight's meeting. So we will continue tonight where
24 we left off last month.

25 We vote for officers in the order that they

1 are listed in the bylaws.

2 So we will start with voting for chairman.

3 Last month we started with voting by show of hands,
4 which is the customary and traditional way in which we
5 usually conduct it. We will start in that manner
6 tonight.

7 Are there comments or questions before we
8 begin?

9 MR. KAZLAUSKAS: Ms. Knight, yes. I would
10 like to withdraw my name to be considered for chairman
11 of the board. I would like my name to be withdrawn.

12 MS. KNIGHT: So you would like to withdraw
13 your acceptance as the nomination for chair?

14 MR. KAZLAUSKAS: Yes, ma'am.

15 MS. KNIGHT: So in that case that leaves Mr.
16 Pedley as the only nominee for chair. Since he was
17 previously elected, he will continue to serve as
18 chair.

19 We can go ahead and take a vote to make sure
20 we get the required six votes to keep him in office.

21 Mr. Pedley then is the only nominee for office
22 of chair. By show of hands all in favor of Mr. Pedley
23 for chair please raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 MS. KNIGHT: All opposed.

1 (NO RESPONSE)

2 MS. KNIGHT: Mr. Pedley has been elected
3 unanimously.

4 So we will now move on to the office of vice
5 chair. Last month we had two nominees, Mr. Fred
6 Reeves and Mr. Irvin Rogers.

7 MS. ROGERS: Ms. Knight, I would like to
8 withdraw my name for the office of vice chair.

9 MS. KNIGHT: You withdraw your acceptance of
10 the nomination?

11 MR. ROGERS: Yes.

12 MS. KNIGHT: That leave Mr. Fred Reeves.
13 Let's go ahead and take the vote.

14 All in favor of Mr. Reeves for vice chair
15 please raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 MS. KNIGHT: All opposed.

18 (NO RESPONSE)

19 MS. KNIGHT: Mr. Reeves has been elected
20 unanimously as vice chair.

21 Mr. Appleby was elected unanimously as
22 secretary/treasurer so he remains in that position.

23 That concludes the elections. I will turn the
24 chair back over to Mr. Pedley.

25 MR. NOFFSINGER: Mr. Chairman, if I may make a

1 statement.

2 The television crew has asked that I make this
3 announcement. If you wish to speak tonight, please
4 step up to a microphone. There are microphones
5 located in each one of these podiums, as well as for
6 each of the commissioners. If you wish to speak,
7 please do as I'm doing and put your mouth close to the
8 microphone so that not only your fellow commissioners
9 can hear you, but the audience can hear you, the
10 audience that's here, as well as the television
11 audience at home. Thank you.

12 CHAIRMAN: Thank you, Mr. Noffsinger. You're
13 doing my job for me.

14 I would like to welcome everyone tonight. As
15 he stated, anyone like to speak we welcome your
16 comments. If you'll step to one of the podiums and
17 speak into the microphone. I'm just repeating what
18 Mr. Noffsinger said.

19 With that the first item on the agenda is to
20 consider the minutes of the January 9, 2014 meeting.

21 Commissioners, in your packet you have a copy
22 of the minutes. Are there any additions or
23 corrections?

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair is ready for a

1 motion.

2 MR. KAZLAUSKAS: Move that it be approved.

3 MR. FREY: Second.

4 CHAIRMAN: We have a motion and a second. All
5 in favor of the motion raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

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9 ZONING CHANGE

10 ITEM 3

11 Portion of 931 Commerce Drive, 0.011 acres
12 Consider zoning change: From R-1A Single-Family
13 Residential to B-1 Neighborhood Business
14 Applicant: Robert E. Anderson and Larry K. Harrington

15 MS. KNIGHT: Would you state your name for the
16 record, please?

17 MS. EVANS: Melissa Evans.

18 (MELISSA EVANS SWORN BY ATTORNEY.)

19 PLANNING STAFF RECOMMENDATION

20 The Planning Staff recommends approval subject
21 to the conditions and findings of fact that follow:

22 CONDITION:

23 Approval of a consolidation plat to
24 consolidate the subject property with the property to
25 the east.

FINDINGS OF FACT:

1 1. Staff recommends approval because the
2 proposal is in compliance with the community's adopted
3 comprehensive plan;

4 2. The subject property is located in an
5 Urban Residential Plan Area, where neighborhood
6 business uses are appropriate in limited locations;

7 3. The zoning change will create like zoning
8 to allow the 0.011 acres to be consolidated with the
9 property to the east; and,

10 4. The addition of 0.011 acres to the
11 existing B-1 lot will not exceed the maximum acreage
12 for an existing neighborhood business center.

13 MS. EVANS: We would like to enter the Staff
14 Report into the record as Exhibit A.

15 Also, I would like to state that all rezonings
16 heard here tonight will become final 21 days after the
17 meeting date unless an appeal is filed. If an appeal
18 is filed, the application will be forwarded to the
19 appropriate legislative body. The appeal forms are
20 located in the office, on our website and on the back
21 table.

22 CHAIRMAN: IS anyone here representing the
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Is there anyone here that would

1 like to speak in opposition of this item?

2 (NO RESPONSE)

3 CHAIRMAN: Commissioners have any comments or
4 questions?

5 (NO RESPONSE)

6 CHAIRMAN: If not the chair is ready for a
7 motion.

8 MR. APPLEBY: Motion for approval based on
9 Staff's recommendations with the condition and
10 Findings of Fact as stated.

11 CHAIRMAN: We have a motion for approval by
12 Mr. Appleby.

13 MR. REEVES: Second.

14 CHAIRMAN: Second by Mr. Reeves. Comments or
15 questions on the motion?

16 (NO RESPONSE)

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 ITEM 4

23 9036 Highway 54, 1.396 acres
24 Consider zoning change: From B-4 General Business to
25 I-1 Light Industrial
Applicant: Crandall Properties, LLC; Tim Peay

1 PLANNING STAFF RECOMMENDATIONS

2 The Planning Staff recommends approval subject
3 to the condition and findings of fact that follow:

4 CONDITION:

5 Meet all site development requirements
6 including, but not limited to, driveway width,
7 landscaping, screening, paving, etc.

8 FINDINGS OF FACT:

9 1. The subject property was rezoned to B-4
10 General Business in 1986 based on a history of
11 commercial and industrial uses that predated zoning
12 regulations;

13 2. The proposed I-1 Light Industrial zoning
14 is in agreement with historical uses on the property
15 and with the potential removal of the lone commercial
16 building on the property, the site will be used
17 exclusively for industrial purposes and the industrial
18 zoning classification will be more appropriate for the
19 subject property;

20 3. The subject property has been historically
21 used for higher intensity uses such as a service
22 station, restaurant, auto body shop and warehouse and
23 has not been used for residential or agricultural
24 purposes for at least 50 years;

25 4. With the industrial uses already

1 established on the property and no residences in the
2 vicinity, the I-1 zoning should not cause a burden to
3 neighboring properties; and,

4 5. Given the ongoing use of the property, the
5 proposed zoning should not overburden the capacity of
6 roadways and other necessary urban services that
7 are available in the affected area.

8 MS. EVANS: We would like to enter the Staff
9 Report into the record as Exhibit B.

10 CHAIRMAN: Is anyone here representing the
11 applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Anyone here like to speak in
14 opposition or have any comments or questions on this
15 application?

16 (NO RESPONSE)

17 CHAIRMAN: Does commission members have any
18 comments or questions?

19 (NO RESPONSE)

20 CHAIRMAN: If not the chair is ready for a
21 motion.

22 MR. ROGERS: Mr. Chairman, I make a motion for
23 approval based on Planning Staff Recommendations with
24 the one Condition and Findings of Fact 1 through 5.

25 CHAIRMAN: We have a motion for approval by

1 Mr. Rogers.

2 MR. FREY: Second.

3 CHAIRMAN: Second by Mr. Frey. Comments or

4 questions on the motion?

5 (NO RESPONSE)

6 CHAIRMAN: All in favor of the motion raise

7 your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimous.

10 ITEM 5

11 10300 Highway 54, 0.54 +/- acres

12 Consider zoning change: From R-1A Single-Family

13 Residential to R-3MF Multi-Family Residential

14 Applicant: Travis J. Barnett; Emmett W. Barnett; Mary

15 G. Barnett; Jennifer J. Barnett

16 PLANNING STAFF RECOMMENDATION

17 The Planning Staff recommends approval subject

18 to the condition and findings of fact that follow:

19 CONDITION:

20 All vehicular use areas shall be paved and

21 appropriate vehicular use area screening shall be

22 installed where adjacent to road right-of-way.

23 FINDINGS OF FACT:

24 1. Staff recommends approval because the

25 proposal is in compliance with the community's adopted

Comprehensive Plan;

2. The subject property is located in an

1 Urban Residential Plan Area where urban mid-density
2 uses are appropriate in limited locations;

3 3. The use of the property as apartments
4 conforms to the criteria for Urban Residential
5 development;

6 4. The subject property is served by the City
7 of Whitesville sanitary sewer system; and,

8 5. With frontage on Highway 54, which is a
9 state maintained roadway, the subject property is
10 major-street oriented.

11 We would like to enter the Staff report into
12 the record as Exhibit C.

13 CHAIRMAN: Anyone here representing the
14 applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Anyone have any comments or
17 questions on the application?

18 (NO RESPONSE)

19 CHAIRMAN: Commissioners have any comments or
20 questions?

21 (NO RESPONSE)

22 CHAIRMAN: Chair is ready for a motion.

23 MR. ROGERS: Mr. Chairman, I make a motion for
24 approval based on Planning Staff Recommendation with
25 the one Condition and Findings of Fact 1 through 5.

1 CHAIRMAN: We have a motion for approval by
2 Mr. Rogers.

3 MR. APPLEBY: Second.

4 CHAIRMAN: Second by Mr. Appleby. Comments or
5 questions on the motion?

6 (NO RESPONSE)

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 ITEM 6

12 Portion of 4906 Old Hartford Road, 2.170 acres
13 Consider zoning change: From A-U Urban Agriculture to
14 R-1A Single-Family Residential
15 Applicant: James T. & Vicki L. Quisenberry;
16 Independence Bank, Trustee of the Marion H. Foor Trust

17 PLANNING STAFF RECOMMENDATION

18 The Planning Staff recommends approval subject
19 to the condition and findings of fact that follow:

20 CONDITION:

21 Approval of a consolidation plat to
22 consolidate the subject property with 23 Stone Creek
23 Park.

24 FINDINGS OF FACT:

25 1. Staff recommends approval because the
proposal is in compliance with the community's adopted
Comprehensive Plan;

1 2. The subject property is located in an
2 Urban Residential Plan Area, where single-family
3 residential uses are appropriate in limited locations;

4 3. The proposed use meets the requirements
5 for urban residential development;

6 4. The proposed zoning change is a logical
7 expansion of existing R-1A zoning located to the west;
8 and,

9 5. The consolidated lot will be served by
10 sanitary sewer.

11 MS. EVANS: We would like to enter the Staff
12 Report into the record as Exhibit D.

13 CHAIRMAN: Anyone here representing the
14 applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Anyone have any comments or
17 questions on the application?

18 (NO RESPONSE)

19 CHAIRMAN: Commission members have any
20 comments or questions?

21 (NO RESPONSE)

22 CHAIRMAN: If not the chair is ready for a
23 motion.

24 MR. REEVES: Mr. Chairman, motion for approval
25 based on Staff's Findings of Fact 1 through 5 with the

1 Condition that the approval of a consolidated plat to
2 consolidate the subject property with 23 Stone Creek
3 Park.

4 CHAIRMAN: We have a motion for approval by
5 Mr. Reeves.

6 MR. TAYLOR: Second.

7 CHAIRMAN: Second by Mr. Taylor. Comments or
8 questions on the motion?

9 (NO RESPONSE)

10 CHAIRMAN: All in favor of the motion raise
11 your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimous.

14 ITEM 7

15 315 Worthington Road, 7.00 acres
16 Consider zoning change: From A-U Urban Agriculture to
17 I-1 Light Industrial
Applicant: Sara Jane McNulty

18 MR. APPLEBY: Mr. Chairman, I need to
19 disqualify myself from this item.

20 CHAIRMAN: So noted.

21 MS. KNIGHT: Would you state your name for the
22 record.

23 MR. HOWARD: Brian Howard.

24 (BRIAN HOWARD SWORN BY ATTORNEY.)

25 MR. HOWARD: Since this is a Staff Report for

1 denial I will read it into the record.

2 PROPOSED ZONE & LAND USE PLAN

3 The applicant is seeking an I-1 Light
4 Industrial zone. The subject property is located in a
5 Business Plan Area, where light industrial uses are
6 appropriate in limited locations.

7 SPECIFIC LAND USE CRITERIA.

8 (A) Building and lot patterns; outdoor storage
9 areas - Building and lot patterns should conform to
10 the criteria for "Nonresidential Development" (D7),
11 and outdoor storage yards, with "Buffers for Outdoor
12 Storage Yards" (D1).

13 (B) Logical expansions outside of Industrial
14 Parks - Existing areas of Light Industrial use that
15 are located outside of planned Industrial Parks may be
16 expanded onto contiguous land that generally abuts the
17 same street(s). Such an expansion should not
18 significantly increase the extent of industrial uses
19 that are located in the vicinity and outside of
20 Industrial Parks. Also, such an expansion should not
21 overburden the capacity of roadways and other
22 necessary urban services that are available in the
23 affected area.

24 (D) New locations in Highway Business Centers
25 - New locations of light industrial use should be

1 established in Business plan areas only as integral
2 components of planned "Highway Business Centers" (D7).
3 Such a light industrial component should be
4 "arterial-street oriented" (D2) and provide for
5 particular higher-intensity uses that maybe desirable
6 in close proximity to highway business uses, such as
7 wholesale-type businesses, self-storage
8 mini-warehouses, etc. Such a light industrial
9 component should be relatively small in size compared
10 to the overall size of the business center and should
11 be development in keeping with the design theme of the
12 larger center.

13 (F) Industrial Parks - New and expanded
14 locations of Light Industrial use should be developed
15 as elements of planned "Industrial Parks" (D7). These
16 provisions also apply where existing Industrial Parks
17 are expanded into adjoining non-industrial plan areas
18 that contain undeveloped land. Such Industrial Parks
19 should be "arterial-street oriented" (D2) and planned
20 in modules of at least one hundred (100) acres in
21 size, unless an existing Industrial Park is being
22 expanded. Industrial Parks should be established or
23 expanded only where sanitary sewer systems exist or
24 may be expanded, or where new systems may be property
25 established. Light Industrial uses should be located

1 near the fringes of a park that included Heavy
2 Industrial uses, to serve as "buffer-uses" (D1)
3 adjoining incompatible plan areas or land uses.

4 PLANNING STAFF REVIEW

5 GENERAL LAND USE CRITERIA

6 Environment

7 It appears that the subject property is not
8 located in a wetlands area per the US Department of
9 Agriculture Soil Conservation Service map dated March
10 6, 1990.

11 The subject property is not located in a
12 special flood hazard area per FIRM Map 21059C0118 D.

13 The property is designated as prime
14 agricultural farmland per the US Department of
15 Agriculture Soil Conservation Service map dated March
16 1980.

17 It appears that the subject property is not
18 within the Owensboro Wellhead Protection area per the
19 GRADD map dated March 1999.

20 Urban Services

21 All urban services, including sanitary sewers,
22 are available to the site.

23 Development Patterns

24 The subject property is a 7 acre parcel on the
25 southeast corner of US Highway 60 West and Worthington

1 Road. Land uses in the vicinity include an elementary
2 school, single-family residences and agricultural
3 land.

4 The subject property has frontage on both US
5 Highway 60 West and Worthington Road. In the vicinity
6 of the subject property US Highway 60 West is
7 classified as a minor arterial roadway with a 500 foot
8 access spacing standard, a 75 foot building setback
9 and 50 foot roadway buffer. Worthington Road is
10 classified as a major collector roadway with a 250
11 foot access spacing standard, a 60 foot building
12 setback and 30 foot roadway buffer.

13 The applicant proposes to construct a
14 contractor equipment sales, service and rental
15 business on the subject property. The Planning Staff
16 met with a representative of the applicant in the fall
17 of 2013 to look at various locations that could
18 potentially serve the business. The initial three
19 sites, including this site, did not meet the
20 Comprehensive Plan criteria for a zoning change to
21 light industrial. GIS was used to look at various
22 other sites in the community that might be better
23 suited for a zoning change to light industrial or for
24 sites that were already zoned correctly. As
25 is common with location factors in Daviess County,

1 both quality transportation access and proximity to
2 floodplain were concerns on possible site locations.
3 The applicants have also met with Planning Staff since
4 the submission of the rezoning application and
5 discussed a possible site layout. Bryant Engineering
6 has submitted a conceptual site plan that provides an
7 overview of how the site could develop if the rezoning
8 is approved. The site plan shows a single building
9 for the sales and services areas, two access points to
10 Worthington Road, customer parking and a large outdoor
11 display area. Based on zoning ordinance requirements
12 the outdoor display area is required to be paved;
13 however, it is shown as gravel on the site plan. The
14 area could be gravel if considered an outdoor storage
15 yard but that requires a continuous six foot solid
16 element around the entire perimeter with some trees
17 required where adjoining residentially zoned property.
18 Since a six foot tall solid element would defeat the
19 purpose of visibility of equipment on site that is for
20 sale or rent the applicant, if a rezoning is approved,
21 will submit a variance request to reduce the perimeter
22 screening requirements to the Owensboro Metropolitan
23 Board of Adjustment for consideration at the March
24 2014 meeting.

25 The proposed I-1 Light Industrial zoning is

1 the appropriate zone for a contractor equipment
2 dealer. However, it should be noted that the Planning
3 Commission does not have the ability to rezone
4 property and limit it to one particular use. Once
5 rezoned, any use that is listed as principally
6 permitted within the I-1 zone in the Zones and Uses
7 Table of the zoning ordinance could locate on the
8 property. The rezoning would also create the
9 possibility of future rezonings of adjoining
10 properties to I-1 that will meet the Comprehensive
11 Plan criteria for logical expansions. If a rezoning
12 were approved for the subject property, based on the
13 proximity to existing residences and the school, due
14 Consideration should be given to the adjoining
15 property owners in regards to noise, lighting, dust
16 control, screening/buffering, access and various other
17 site development issues.

18 SPECIFIC LAND USE CRITERIA

19 The applicant's proposed rezoning is not in
20 compliance with the adopted Comprehensive Plan. The
21 construction of a contractor equipment dealership
22 would meet the criteria for non-residential
23 development; however, none of the other criteria can
24 be satisfied. The proposal is not a logical expansion
25 of existing I-1 Light Industrial zone or use. The

1 nearest I-1 Light Industrial zoning is located
2 approximately 1/3 of a mile west of the subject
3 property on the north side of US Highway 60 West at
4 Booth Field Road. The proposal is not an industrial
5 component of a larger Highway Business Center and it
6 is not of sufficient size to meet the criteria for a
7 new industrial park.

8 In the absence of findings that the proposal
9 is in compliance with the adopted Comprehensive Plan,
10 the Planning Commission or Legislative Body may make
11 alternative findings that the existing zoning
12 classification given to the property is inappropriate
13 and the proposed zoning classification is more
14 appropriate or that there have been major changes of
15 an economic, physical, or social nature within the
16 area which were not anticipated in the adopted
17 Comprehensive Plan. Based on the staff's review,
18 we cannot support findings that an industrial zoning
19 is more appropriate than the existing A-U Urban
20 Agriculture zoning given the existing use of the
21 subject property and the surrounding zonings and uses
22 or that there have been major changes in the area not
23 anticipated in the Comprehensive Plan since the plan
24 was last updated in 2013.

25 PLANNING STAFF RECOMMENDATIONS

1 The Planning Staff recommends denial subject
2 to the findings of fact that follow:

3 FINDINGS OF FACT:

4 1. Staff recommends denial because the
5 proposal is not in compliance with the community's
6 adopted Comprehensive Plan;

7 2. The subject property is located in a
8 Business Plan Area, where light industrial uses are
9 appropriate in limited locations;

10 3. The proposal is not a logical expansion of
11 existing I-1 Light Industrial zone or use since the
12 nearest I-1 zoning is located 1/3 of a mile to the
13 west of the subject property on the opposite side of
14 US Highway 60 West;

15 4. The proposal is not a light industrial
16 component of a larger Highway Business Center;

17 5. The proposal is not of sufficient size to
18 meet the criteria for a new industrial park; and,

19 6. Based on the existing land use and zoning
20 of the subject property and the surrounding
21 properties, the current zoning is more appropriate
22 than an I-1 Light Industrial zone and there have not
23 been major changes in the area not anticipated in the
24 Comprehensive Plan since the last update in 2013.

25 MR. HOWARD: We would like to enter the Staff

1 Report into the record as Exhibit E.

2 CHAIRMAN: Anyone here representing the
3 applicants?

4 MR. KAMUF: Yes, sir.

5 MS. KNIGHT: Mr. Kamuf, you're sworn as an
6 attorney.

7 MR. KAMUF: We represent Sara J. McNulty, the
8 landowner, and her construction equipment company, the
9 applicant.

10 Erb Equipment Company plans to purchase the
11 property and use it for sales and service of
12 construction equipment and also for the sale of farm
13 equipment. About 30 percent of their business now is
14 farm equipment. Things have changed a little bit.

15 They're located on Highway 60 East. Most of
16 you know where that is. At the end of the bypass and
17 Highway 60 East.

18 Erb Equipment Company used to be K&W Equipment
19 several years ago. It was purchased by Erb. That
20 business has been there for approximately 50 years.

21 The purpose of the zoning application to
22 rezone the subject property from A-1 Agriculture to
23 Industrial is:

24 A) Erb Equipment Company has outgrown their
25 present location and would like to expand. They've

1 been looking for several years for a new location.
2 They looked at the Airpark. They didn't qualify
3 because they were sales.

4 First of all, Brian read you the certain areas
5 in the Staff Report. I would like to make a couple of
6 points.

7 The Staff Report states the Planning Staff met
8 with the representatives of the applicant in the Fall
9 of 2013 to look at various locations that would
10 potentially be and serve as the business. The initial
11 three sites, including this site, did not meet the
12 Comprehensive Plan Criteria for a zoning change to
13 I-1. GIS was used to look at various other sites in
14 the community that might be better suited.

15 So from reading the Staff Report, we can find
16 that Erb Equipment Company was having a difficult time
17 finding a new location.

18 Erb Equipment Company was having trouble.
19 Brian spent about ten minutes reading a lot of those
20 criteria of the plan, business plan area, and you can
21 see that the requirements in a business plan area are
22 very stringent. We think that the Staff Report shows
23 just exactly how difficult it is to meet that criteria
24 and these are areas that we'll be talking about
25 tonight.

1 I would like to, if I could, give each of you
2 a package. We'll have about five or six exhibits.
3 Instead of giving them to you one at a time, I'll just
4 give you a package that we can talk about.

5 Here is a copy for the record.

6 The first exhibit that I show you is Exhibit
7 A, if you'll look at it. It shows the subject
8 property. The subject property is in blue. It's
9 located at Worthington Road and US Highway 60 East.
10 As you can see to the rear, there's certain lots to
11 the rear, but the lots are separated by Worthington
12 Road. On down the road to the west of this property,
13 approximately 2400 feet, we'll be talking about this
14 at length, is Sterett Construction Company. Sterett
15 Construction Company has been there for years.
16 There's a salvage yard that's been there since I was a
17 kid.

18 In the area that you see in the subject
19 property, let me mark this for you. You see a power
20 line. Let me tell you about that power line. That's
21 not an ordinary power line.

22 In 1970 or 1980 OMU had some issues about
23 running power to western Owensboro. They decided that
24 the best way to do this was to run a line across the
25 Ohio River in the river bottoms in Indiana and run it

1 down to the Riverport and cut across, and then bring
2 that line over and across to a substation on the south
3 side of US Highway 60.

4 So the point I'm making about this power line,
5 this is a 150 foot power line. It has one steel pole
6 with about four power lines that goes to the top.
7 This is not the ordinary type of power line that you
8 see in Owensboro. It takes all of the power from OMU
9 and puts it down in western Owensboro.

10 Here, as you see -- this is an important point
11 that I'll make and I'll be going over some of these
12 issues.

13 You see the post office here. The post office
14 is zoned in a commercial area because it's exempt.
15 Directly, just beyond you see the Dollar General Store
16 which is commercial activity. As you see the post
17 office, look all around it on your exhibit. You see
18 the trucks. You see. Even though it's not zoned,
19 it's an industrial use. Even though the OMU line is
20 not zoned, it's a highly industrial use.

21 Let's talk about the criteria. Brian read
22 this at length. He read the whole. I won't bore you
23 again with it.

24 This will be Exhibit B that you have in your
25 packet. If you recall when Brian read it, he read, we

1 qualify under Number A, but we don't qualify under B,
2 D or F. Let's talk about that just for a second.

3 New locations. This case is about new
4 locations of industrial property. We cannot meet B, D
5 or F.

6 One, we don't meet B because it's not an
7 expansion or a logical expansion of a planned
8 industrial park. That's a pretty strong criteria to
9 meet, but in any event we don't want to be in an
10 industrial park. We want to be where there's
11 invisibility.

12 D) we do not meet the criteria of a business
13 land use because new locations are required to be in a
14 highway business center. We don't want to be in a
15 shopping mall anyhow.

16 We do not meet the criteria of Number F
17 because we're not located in an industrial park.

18 If you read how stringent that is, read at the
19 bottom of your exhibit. It requires under Number F
20 that you have a 100 acre tract of ground.

21 Our key issue on this thing is that the
22 criteria in this business land at the top, you see
23 business land use area, there are two stringent and it
24 doesn't allow for new locations.

25 Let me show you Exhibit C. This is the area

1 that we state that the subject property should be
2 located.

3 At the top of your Exhibit C, business
4 industrial land use area. If we qualify under a
5 business industrial land use area, we meet one
6 criteria.

7 Number A) building lot patterns and outdoor
8 storage areas. We meet that. That is the same
9 requirement that we would meet under a business plan
10 area.

11 So if the subject property would have been in
12 a business industrial area, we meet the qualification.
13 It's our position here, if you read the last finding
14 in the Staff Report, we take complete issue with that.
15 I think we make a real good case for it. We say that
16 the Staff's decision to classify the subject property
17 in a business plan area was incorrect. Not saying
18 they're wrong. We just say they were incorrect. We
19 say they should have classified the subject property
20 in a business industrial area. We say they did not
21 look at the whole picture. They did not look at the
22 surrounding area. We say that if the Staff would have
23 looked at the surrounding area, they would have
24 classified it as an industrial plan area.

25 Here is the big exhibit. I think this shows

1 our whole case. Here is the exhibit that we have. If
2 you look at the legend at the top, the legend at the
3 top is industrial. This is the subject property that
4 we see down in blue. All of this area that you see in
5 yellow is either industrial or heavy industrial.

6 Let's look along the subject property.
7 Subject property is here. We'll take about Sterett in
8 just a second. On this same side of the road about
9 3,000 feet on the same side is other industrial
10 property. Look all in this area that we have in
11 yellow is industrial or heavy industrial. See what
12 the red shows. The red shows is a business area.
13 This is a commercial either a B-1 to a B-5. If you
14 look right in front of the subject property, that's
15 where the post office is located. This is Highway 60.
16 Then you see that power line.

17 Let's talk about that power line one more
18 time. If you see your exhibit that you have in front
19 of you, look at the white area that we have. That
20 white area goes all the way from 60 back to the back.
21 You know what's in the back of that? It's two huge
22 substations that are in the back of it.

23 What does that make it? That makes it even
24 though it's not industrial zoned, it is industrial.
25 So we're going to present a finding of fact to show

1 that the subject property should have been a placed in
2 an industrial area.

3 Our position is there are two major corridors
4 of industrial property to Owensboro, Kentucky. One is
5 Highway 60 East. That's where Erb is located now.
6 The other one is Highway 60 West.

7 Exhibit E that you have in front of you, let's
8 look at that. This shows Sterett Construction
9 Company, I'll call it Sterett Crane from here on.
10 It's located at the intersection of Booth Field Road
11 and Highway 60.

12 When it was purchased, it was purchased in
13 three or four different tracts. There was a 10 acre
14 tract that was purchased. There was a 5 acre tact,
15 and a 2.3 acre tract.

16 The reason for that, every time Sterett would
17 build he would run out of space. So they expanded the
18 industrial zone in the area.

19 So not only do you have property that is
20 located on the west side of Booth Field Road, then
21 they bought another area on the east side of Booth
22 Field Road, and this property is approximately 2400
23 feet from the subject property.

24 Look in the area that you see, and it's shown
25 clearly on the big map. I hope you can see it on your

1 little one on E.

2 Sterett Crane, it's as industrial as you can
3 get in Daviess County. You can see all around it to
4 the east and to the west of Booth Field Road.

5 Another one that you see, look right in the
6 middle of that property. It's call an industrial use.
7 It's a junk yard. The junk yard is right in the
8 middle of the property. The salvage yard has been
9 there since I was a kid. The reason that it was there
10 and it's not zoned is that it predated the zoning
11 ordinance and it shows just how along Highway 60 that
12 there's been industrial property.

13 I just have a couple of these, but let me show
14 you these.

15 I took these pictures two weeks ago. This is
16 completely industrial property.

17 Mr. Chairman, whether you remember old Freel's
18 Salvage Yard down there when you were young. This is
19 Old Freel's Salvage Yard. It looks a lot better then
20 than it does now. Here are a couple of pictures of
21 it. You can't get any more industrial in Daviess
22 County than you can this junk yard. I didn't call it
23 a salvage yard because it's a junk yard. You can see
24 it on your map as you have Exhibit E. This is what I
25 will show you.

1 Let's talk about Exhibit D again. This is
2 where the post office is. We're not talking about
3 small tracts of ground. This is 8.23 acre tract that
4 is located right at the end of the property. In other
5 words, it would just about touch if it wasn't for that
6 Dollar General Store. It's 8.23 property. It doesn't
7 have to be zoned, but if it had a zoning
8 classification, it would be zoned industrial. Huge
9 trucks pulling out every day back and forth. It's the
10 headquarters here for the US Postal Department. They
11 don't sell just stamps there. They have all their
12 business operation there.

13 Next to the post office you see Time Warner
14 Cable, LLC, which is the old WVJS property. That's 24
15 acres. You go down and look at it, it is industrial
16 property. You've got satellite dishes. You've got
17 antennas. Evidentially it didn't have to be zoned or
18 it was grandfathered in. It shows on the map as
19 commercial property.

20 What else do we have? All of this area that
21 you see here that comes down Industrial Drive, this is
22 by Time Warner. It goes back to this particular area
23 and goes around to the end. The industrial property
24 that you see there, this is known as the Owensboro
25 Industrial Park. To the rear is the Riverport. Right

1 there, as you see, the northern side of the Riverport
2 where they have the rail loop down there, that's where
3 this transmission line crosses the Ohio River. Comes
4 down and then crosses the property that adjoins us.
5 As you drive down Carter there at Industrial Park,
6 there's Swedish Match Tobacco Company. That's 44
7 acres of industrial property. As you go down to the
8 north a little further, you have KenTronics Drive
9 where all the warehouses are located. To the north
10 further is E-X Coal Mining. How much more industrial
11 can you get than to have strip mining industrial
12 property where the major industry of Owensboro is
13 located.

14 Again, I show you is the power line that's
15 located directly to the east of us.

16 It's our position that you we think the
17 findings clearly show that the subject property should
18 have been located in a business industrial area and
19 not in a business plan area.

20 Now, we've discussed two areas. The business
21 plan area and the business industrial plan area.
22 We're going to talk about another one.

23 The rural community plan area. The criteria
24 for rural community plan area is very flexible, even
25 though it's located in the county.

1 Let's look at the criteria of the rural
2 community plan use area. New locations, and this is
3 at the bottom. This is Exhibit G, please. Look at
4 Number E. The rural community area allows for new
5 locations. There's only two requirements. That it be
6 on a major street and should be sited at corners of
7 intersecting streets. If what? If located close
8 proximity to existing dwellings. New locations of
9 community area, rural community area are not bound by
10 the stringent requirements that Brian read to you.

11 A) that it be adjacent to an industrial park.

12 B) that it be located in a plan highway
13 business center or that it be in an industrial park
14 area that has 100 acres.

15 I handled this case in 2008. It's known as
16 Case Tractor Equipment.

17 Wally, you probably know where that property
18 is located. I think it's called H&R Agri-Power.

19 Case Equipment Company sells heavy equipment
20 and farm equipment just like we do. The property is
21 located at -- I didn't check it completely, but it's
22 about three miles south of the bypass. It was a 10
23 acre tract as compared to a 7 acre tract that we have.
24 It's located 420 feet from industrial property. The
25 subject property is located at the intersection of

1 Highway 60 and Worthington Road. The Case Tractor was
2 company was not located at any intersection. The Case
3 Tractor company was located next to what? A church to
4 the north, a house to the north, and a house to the
5 south.

6 Case Tractor Company was allowed to be located
7 in a rural community area without being located in an
8 area where there's intersecting streets.

9 This board with the recommendations of the
10 Planning Staff recommended and waived that right. It
11 said, even though -- we just talked about, said it has
12 to be two things. It has to major street oriented and
13 it has to be at a corner if it's located near
14 residential property. That was approved in January of
15 2008.

16 The point I'm making is this: The board
17 approved the Case Tractor rezoning even though there
18 was an existing resident to the north and to the south
19 and even though it was not located at the corner of an
20 intersecting street. The board did what? The board
21 exercised its discretion and waived that provision.
22 The board is not bound to follow every one of those
23 criteria in the land use plan. We say that the
24 provision should have provided for a criteria for new
25 locations in the business plan area. That's the one

1 that they talked about when Brian read those four
2 qualifications. That it should allow for highway
3 locations like we have, if it meets the criteria for a
4 major street oriented and at intersection corner. We
5 meet that because we're there at Worthington Road and
6 Highway 60.

7 Now, the Staff Report. The Staff Report
8 states it should be noted that the Planning Commission
9 does not have the authority to rezone property and
10 limit it to a particular use. The report states that
11 once the property is rezoned, any use listed as a
12 principle use industrial could locate on the property.
13 We don't intend to do that. We've been located on a
14 piece of property for 50 years. You're going to hear
15 a lot of proof in just a few minutes about how much
16 trouble they've had at finding some property to fit
17 this. We're going to be located -- if you approve
18 this rezoning, we're going to be there for a long
19 time.

20 Now, let me point out a couple of uses. There
21 are certain business uses in a business plan area that
22 could possibly create a much higher traffic count than
23 what we're talking about building a construction
24 company for sales. You can have retail sales of food
25 products, including fast food, McDonald, Hardee's.

1 You could have the retail sale of merchandise. Lot
2 sales, car lots, vehicle repair shops, vehicle body
3 shop, convenient store. You could have those in a
4 business plan area. They're going to create a lot
5 more traffic than what we're going to do.

6 My legal argument is this: Here is where we
7 are. This is where the board comes in. It's
8 important for the board to use common sense and
9 exercise their discretion. This board used it out on
10 Highway 431 when they approved Case Tractor Company.
11 The land use -- I'm going to give you a case in just a
12 minute, Terra.

13 The land use map should be flexible. It
14 should not be a straitjacket. To put us in a business
15 plan area is too stringent. There is no way we can
16 qualify from the criteria in a business plan area. To
17 require us to be in an industrial park to be on a plan
18 highway center such as a strip center or to be on a
19 100 acre industrial park is putting us in a
20 straitjacket. That's exactly what this case said in
21 1967. The board should use common sense in applying
22 the land use plan and is authorized to deviate from
23 it.

24 Here's what the case said in 1967. Not a new
25 case. This has been a law for years. With respect to

1 the first proposition it seems clear that a zoning
2 agency is not bound to follow every detail of the land
3 use plan. As we understand it, such a plan is simply
4 a basic scheme generally outlined Planning & Zoning
5 objectives in an extensive area. Here is what it
6 says. It is no sense a final plan continually subject
7 to modification in the light of the actual land use
8 plan. It serves as a guide. As a guide. Not a
9 straitjacket.

10 Here are the findings I would like for you all
11 to adopt tonight. These are the findings I'm asking
12 for you all to find tonight.

13 That the present zoning classification is
14 inappropriate and that an I-1 classification is
15 appropriate because:

16 1. The Land Use Map classifying the subject
17 property in a business plan area is incorrect.

18 2. The Land Use Map should have classified
19 the subject property in a Business/Industrial area,
20 which allows for an I-1 zone.

21 (A) The subject property is located in a
22 mixture of business and industrial uses along Highway
23 60 in the vicinity of the subject property.

24 (B) US Highway 60 is one of the major
25 industrial corridors to Owensboro. Some of the major

1 industrial uses are Sterett Crane & Rigging.

2 I showed you had that. 2400 feet down the
3 road. The salvage yard that we talked about that's
4 been there for over 50 years.

5 The U.S. Postal Office. Let me point out
6 again. If the U.S. Postal Office is an industrial
7 use, it's exempt. It doesn't have to be. If that was
8 at the end of the street, we would just about touch
9 the subject property.

10 Time Warner Cable TV, Swedish Match Tobacco
11 Company, the Industrial Park, and E-X Mining.

12 (C) Adjoining the subject property is 150
13 foot wide OMU transmission easement, which is
14 industrial in nature.

15 To take care the neighbors on this one area we
16 have filed a conceptual plan showing exactly where the
17 location of the buildings. In the application it
18 shows where the buffering would be.

19 So we're asking you to find these findings of
20 fact. They tell you why the Comprehensive Plan is
21 inappropriate on the subject property.

22 In conclusion let me say this: I have cited
23 that case. It's a landmark case. It's cited in all
24 the treatises on Planning & Zoning. So we're asking
25 you to adopt that.

1 Let me say this: When you hear the speakers
2 tonight from Erb Construction Company, one of them is
3 Dick Crisp. I've dealt with him many times up there
4 on different things in representing the Regional Water
5 Resource Agency. Everybody knows him. He's been
6 here. He worked for K&W Equipment Company. When you
7 hear what he has to say and what Carrie Roider has to
8 say, I think you'll find they're people that you want
9 to keep in Owensboro, Kentucky. You don't have many
10 of these type of people over years and years that have
11 been good neighbors. I just say that we need to
12 embrace a company such as them that have been here
13 that long.

14 As I think tonight, I was praying that this
15 would happen, is that I don't think that there's any
16 objection from the neighbors. Let me tell you what we
17 did. Dick Crisp went out in that neighborhood. He
18 met with the principal of the school. He met with
19 some of the neighbors. I called the Planning Staff.
20 I don't think there's any objections. You understand?
21 This should be an easy decision. It would have been
22 difficult if there would have been 50 neighbors down
23 here. I think when you hear the other speakers, and
24 we'll have Weaver. He'll talk to you about the
25 conceptual plan from Bryant Engineering. I'm very

1 proud to represent these type of people in a rezoning
2 such as this.

3 CHAIRMAN: Mr. Kamuf, are you done with your
4 presentation?

5 MR. KAMUF: Yes, sir.

6 CHAIRMAN: Thank you very much.

7 I would like to ask Mr. Dick Crisp to come up
8 and tell us more about his in-house operation and why
9 he thinks it's compatible with the neighbors, school
10 and such.

11 If you will, Mr. Crisp fill us in. Give us
12 information, the daily operation, and the hours, and
13 the noise, and dust. Things we have to consider,
14 being compatible with the surround and adjoining
15 property, especially the school. If you will, just
16 bring us up on the entire process.

17 MS. KNIGHT: State your name for the record,
18 please.

19 MR. CRISP: Dick Crisp.

20 (DICK CRISP SWORN BY ATTORNEY.)

21 MR. CRISP: First of all, my name is Dick
22 Crisp. I've been involved in heavy equipment business
23 for over 45 years at the same location, 2133 Highway
24 60 East.

25 For those who are not familiar with us, we're

1 located on the east end of 60 bypass next to Glenmore
2 Distillery. We've been the John Deere construction
3 and forestry dealer for this area since 1964.

4 The business was formerly K&W Equipment until
5 November 1st of 2009. Family illness and the need to
6 become a larger dealer prompted us to seek a buyer.
7 We desired to find a similar owner group, primarily
8 family owned, and employee oriented. Erb Equipment
9 was the perfect match.

10 Erb Equipment founded by Alvin Erb in 1943 in
11 St. Louis, Missouri. His son Robert, or Bob as we
12 call him, took over the leadership of the company at
13 the age of 29 upon the untimely death of his father.
14 The company is now owned by Bob and his children,
15 Carrie Roider who is the CEO and CFO, and his son Greg
16 Erb is president and director of sales. Bob remains
17 as chairman of the board.

18 Bob is a people person and great motivator.
19 His motto has always been, we want this to be the best
20 place you've ever worked. He believes in three
21 principals. Do what's right. Do your best. Treat
22 others like you would like to be treated. These
23 principals are posted at every Erb location and
24 several places around the stores.

25 I think to attest to this we have a pretty

1 good crowd of our employees and whatnot here.

2 Everybody raise your hand.

3 Carrie Roider, she's the boss.

4 Even before the papers were signed for the
5 sale of K&W Equipment to Erb Equipment, the family was
6 already planning to move to a new location. Much
7 larger property, a minimum of seven acres. The reason
8 I'm well aware of this is because I was involved in
9 the sale of the property from the first day to the
10 last day.

11 When the current building was built in 1964,
12 it was designed for much smaller machines. Most of
13 the them were under 8 foot wide and weighed about
14 20,000 pounds or less. Today the machines are much
15 heavier and much wider and the existing building is
16 concrete block with lower eave pipe and cannot
17 accommodate overhead cranes. Overhead cranes are a
18 must for working on new larger equipment. Not to
19 mention they save time and, of course, a safety
20 factor.

21 The site selection process had some basic
22 criteria. We needed reasonably high visibility for
23 adequate exposure to display our products. We also
24 needed accessibility so our customers and perspective
25 customers could easily find us. We also desired a

1 turning lane and, of course, not in a floodplain or
2 floodway.

3 Ms. McNulty's property offered us all of the
4 above. We chose the site after looking at numerous
5 locations. I sincerely mean numerous. I spent many
6 hours driving up and down the roads trying to find
7 something in Daviess County that would fit our needs.

8 One of the reasons we chose the site we did,
9 was even after meeting with the Planning & Zoning, we
10 did see on there that there were some limited
11 conditions where I-1 was acceptable. They explained
12 it to us, but we're kind of novuses to this so we
13 didn't really understand everything. Even though it
14 was well explained, I guess, we really didn't
15 understand everything they were telling us. Primarily
16 that was me relating to Carrie and the rest of the
17 company, the older group.

18 The type of business we are is not a high
19 traffic business. We normally deal with three to five
20 customers at a time, and most of these customers are
21 usually purchasing parts. We normally have somewhere
22 between 15 and 30 vehicles a day that come into our
23 business to trade with us. We do have some vehicle
24 deliveries that we get our parts and what not. We do
25 have some truck traffic that comes in there. However,

1 all of our vehicles will enter and exit off of Highway
2 60. In other words, they're not going to be going out
3 Worthington Road in the other directions because it's
4 just isn't cost effective, especially from the
5 standpoint that -- if you all have been out there,
6 Worthington where it joins 56 out there, it's
7 difficult to maneuver a truck through that area.

8 Most of our heavy equipment sales are
9 conducted at the customer's job site or office. The
10 site plan shows that the building will be located
11 towards Highway 60 West on the front half of the
12 property. A 6 foot solid fence will extend from the
13 south entrance to the southwest corner of the property
14 and then east to the southeast corner of the property.

15 Much of our total business is done over the
16 phone, like I said, and especially parts and rentals.
17 Our hours are Monday through Friday 7 a.m. to 5 p.m.,
18 and Saturday 7 a.m. to noon.

19 I personally met with the principal of Audubon
20 School and the grounds and maintenance director from
21 the Daviess County Public School System this past
22 week. Also, I was only able to reach one of the
23 neighbors who was contacted by the Staff with the
24 certified letter.

25 One of the things that all of them were kind

1 of surprised about, they didn't realize that the way
2 this Comprehensive Plan is set up what kind of
3 businesses could locate in that block of ground that
4 is across from the school or across from that
5 subdivision.

6 When I talked to them a little bit about what
7 could be there, they agreed with me. That we were
8 probably a pretty good option. In fact, when I left
9 the school board, they both said, we have no problem
10 with you all as a neighbor.

11 Met with one of the ladies from Graystone.
12 She's very nice. She had more questions than the
13 school board actually. I think I answered all of them
14 to her satisfaction. I told her we would be a good
15 neighbor. That we don't have high traffic count. We
16 won't be a problem. We won't be noisy or any kind of
17 issue like that.

18 One of the things that I brought to their
19 attention was that our new machines are what they call
20 IT-4 technology. With IT-4 technology there is
21 literally no smoke and they're very quiet. They're
22 very expensive. They cost a lot to build those
23 engines, but that's the new era of machine that's come
24 out. That's not going to say that we won't be working
25 on some machines that are 20 years old. Even the

1 older machines are not that noisy. John Deere has
2 always been on kind of the cutting edge of noise
3 levels because it's of the big issue, especially when
4 dealing with federal government.

5 I talked to all of them about our locations
6 and how we've been good neighbors to everybody at all
7 stores. We have eight locations. Most notably I
8 showed pictures of the Fenton location and the
9 Evansville location. The Fenton location sits on a
10 bluff. Fenton is a suburb of St. Louis. It's sits on
11 a bluff. It has upscale apartments that back up to
12 it. It has right across the street or right across
13 Highway 30 from there is a large subdivision which is
14 similar to Copper Creek or Lake Forest.

15 Evansville backs up to a large subdivision.
16 It's only separated by the highway, which is a county
17 road or it may be a state road, but it's a narrow
18 road. It's a very large neighborhood. Very similar
19 to Graystone. We've not had any complaints from any
20 of the neighbors in that area.

21 The entire property will be fenced. It will
22 be locked at all times when there are not business
23 hours. We will have sufficient lighting. I think
24 security will be the utmost on our high priority list.
25 We are good neighbors. We have a neighbor here, was

1 K&W Equipment neighbor and now an Erb Equipment
2 neighbor. Some of you may know him. If you want to
3 talk to him and see what kind of neighbors we are, I'm
4 sure he'll be glad to testify for us. Like I said, we
5 have a number of our employees here.

6 This is a very important thing to our people
7 because we have needed to move. Like I said, this was
8 the plan from day one whenever be purchased this
9 business. We have to find a better location that will
10 service our customers. It affects all these people
11 that are here and lot that couldn't be here tonight.
12 I think that's important.

13 I assured all the people that I talked to that
14 we would be good neighbors to them. They all were
15 pretty happy. Obviously I don't see anybody here
16 tonight, maybe there is and I just don't know it. I
17 would be more than happy to answer any questions that
18 anyone would have.

19 CHAIRMAN: Mr. Crisp, what's your total number
20 of employees?

21 MR. CRISP: At the present time we have 20
22 employees. Of that 20 employees most of whom live in
23 Daviess County. They don't all work in that building.
24 We have three employees that are field service techs
25 so they're on the road all the time. We have a truck

1 driver, who by the way lives in Graystone, Andrew
2 Miller. We have CSA, which is a customer support
3 adviser. He actually lives in Muhlenberg County. He
4 travels all around our area which runs from Daviess
5 County, Breckenridge County, to Grayson County, to
6 Christian County, down to Kentucky Lake, and back up
7 to Lion County, I believe. We have two of salesmen
8 there are outside salesmen. They spend the majority
9 of their time calling on customers. They're out
10 visiting customers at their job sites or at their
11 businesses. They don't spend a lot of time in the
12 office because, as they tell me, they can't make money
13 sitting in the office. Pretty much most of our
14 people, you know, of the 20 probably 13 or 14 are
15 there and the rest of them are on the road. Maybe 12.

16 We do intend to grow. We anticipate this
17 building will help us, as far as growing the business.
18 We're kind of shooting for, 24 months after we move
19 in, we hope to have about 6 more employees. They
20 would be some of the field service people and probably
21 another parts person, you know, along those lines.

22 CHAIRMAN: Commissioners, do you have any
23 questions of Mr. Crisp? Anyone?

24 (NO RESPONSE)

25 CHAIRMAN: Thank you very much.

1 Mr. Kamuf, you have anyone else?

2 MR. KAMUF: This is the boss. She is the
3 owner, she and her brother.

4 MS. KNIGHT: Would you state your name for the
5 record, please.

6 MS. ROIDER: I'm Carrie Roider. I'm CEO of
7 Erb Equipment Company.

8 (CARRIE ROIDER SWORN BY ATTORNEY.)

9 MS. ROIDER: I want to pass out a couple of
10 things for you guys. One of the things that I'm going
11 to send around here is a little history. It shows you
12 a couple of the things of how we've grown over the
13 years. Shows you some of the moves, the building
14 changes that we've made. It will show you the
15 stability that we've had through the years of our
16 locations. I'll get us to the pictures in just a few
17 minutes. If you'll just hang on to those, I'd
18 appreciate it.

19 What I would like to talk about is the fact
20 that -- first of all I want to tell you thank you. I
21 appreciate the opportunities to be here first of all
22 and tell you a little bit about the history of Erb
23 Equipment. Tell you a little bit about --

24 CHAIRMAN: Ma'am, would you stand closer to
25 the mike.

1 MS. ROIDER: Talk a little bit about our site
2 selection. Additionally, talk about how important
3 this move is, not only to Erb Equipment but in our
4 opinion to Daviess County and Owensboro, and, of
5 course, to our employee and partners and what that
6 means to them. Most of whom I want to tell you live in
7 Daviess County.

8 Erb Equipment is a long-term family owned
9 business. My grandfather began the business in 1943
10 as selling used farm equipment in St. Louis, Missouri.
11 If you are not aware of it, those were the World War
12 II years when new equipment wasn't available. So what
13 he did was he went out and he bought used equipment,
14 reconditioned it and sold it. He had a saying that
15 was, when there was a will there was a way, and that's
16 how he lived his life.

17 In 1944 we became the John Deere, authorized
18 John Deere Dealer. That makes us one of the oldest
19 John Deere dealers in the United States, which we're
20 very proud of.

21 We've spent 70 years of our relationship with
22 John Deere and we've seen a lot of changes in those 70
23 years.

24 If you look at how our business has grown from
25 being that used equipment farm dealer to an eight

1 locations business serving Missouri or portions of
2 Missouri, Illinois, Kentucky and Indiana. My
3 grandfather would be very proud.

4 I have to tell you we currently employ 200
5 people through the eight locations and we sell about
6 \$129 million in inventory or sales per year.

7 I do have to share with you the fact our
8 growth has primarily because of our commitment to our
9 customers, to our employee/partners and then, of
10 course, the community that we service. We service
11 various counties. As you heard Dick talk about the
12 fact that our counties that we service is not just
13 Daviess County, but we service a large area. We serve
14 I want to say about 130 counties spread over those
15 four states. So our customers are wide based and we
16 do move around the counties, you know, in the areas in
17 question with our people. Not necessarily with our
18 location.

19 Our growth is due to that commitment to those
20 people. You know, our Erb team, and I do mean we are
21 a team. We may be a family owned and operated
22 business, but our team is what makes us successful.
23 Our Erb team strives to provide legendary customer
24 service and to provide customer equipment solutions
25 which help them to be successful. We feel strongly

1 about that commitment to our customers, but we most
2 importantly we feel strongly about our commitment to
3 our employee/partners. We strive to make Erb the best
4 place that you've ever worked. I know that many of
5 you would be thinking, well, that's kind of lame, but
6 I tell you what. It's not. If our employers are
7 satisfied employees, that's how we achieve great
8 customer satisfaction.

9 Our esteem members are paid competitive wages,
10 receive training, and quarterly performance bonus
11 reviews, as well as insurance and 401(k) programs. We
12 have three guided principles that we deal with, and
13 that's meaningful work. In other words, we want our
14 employees to like to come to work. We want them to
15 like what they do because if you like what you do, you
16 do it better. We want them to be able to achieve the
17 goal, which is the training that we offer. As Dick
18 attested, our equipment has undergone a lot of changes
19 in the last 70 years. We would not be this a
20 successful dealer that we are if did not reinvest in
21 training for our people, and we do so on a regular
22 basis. So that gives them the ability to achieve
23 their goals as well.

24 Additionally we have the third principle is
25 cheering each other on. We all get to celebrate our

1 wins. That makes a good work environment for us. The
2 training and internal excellence programs that we
3 offer to our people I believe make a difference
4 between whether or not we're an ordinary dealer or
5 we're a great dealer. I tell you what, we're a great
6 dealer with the ability to get better. I am so
7 excited about that ability that I can't tell you how
8 much this move means to us.

9 There's a lot for us to do and lot of
10 excitement that generates out of even the possibility
11 of the move for our people.

12 We support the communities that we live in.
13 We participate in local county fairs. We do equipment
14 donations for Habitat for Humanity. We do food
15 drives. We do Toys for Tots. One of the neat things
16 with Toys for Tots is we actually brought in, we have
17 big off-road dump trucks. So we brought in a dump
18 truck the other day for that Toys for Tots and put
19 that dump truck out there and allowed people to come
20 in and use the dump truck as the collection bin. You
21 talk about something that excites people. I know you
22 guys are going to think I'm weird, but I really like
23 construction equipment. It's kind of like a race car
24 in my opinion.

25 Nonetheless, that's the way we utilize that in

1 our communities. We, of course, contributes to the
2 Boy Scouts and the local baseball teams and stuff like
3 that, the local charities.

4 If you recall, I don't know if any of you have
5 had the opportunity, but we did participate in that Ag
6 Expo that was just here recently at your new
7 state-of-the-art Convention Center.

8 We've loaned equipment to the city for their
9 operator rodeo. We donate equipment to First
10 Christian Church when they had the unfortunate fire
11 recently and needed to do some relocation.

12 In November of '09, as Dick said, my brother
13 and I, my brother Greg, had the opportunity to
14 purchase K&W Equipment. They had two locations. One
15 was in Evansville and one, of course, was here in
16 Owensboro. We were lucky. The location in Evansville
17 we found a pre-existing building that had ample lot
18 space for storage and a display. We were able to
19 renovate that and moved in 2012. I want you to refer
20 to the pictures now if you wouldn't mind. I want to
21 walk you through a couple of pictures.

22 You see this one here where you've got the big
23 X over here on the left-hand side. I believe it
24 should be your first picture. That's is actually our
25 Evansville facility where the green X is located.

1 You'll see back here all of the subdivision that's
2 there. We've been there since May I believe of 2012.
3 As Dick has told you, we've not had any complaints
4 regarding our facility there.

5 One of the other things that I really want to
6 draw your attention to as you look at these pictures
7 of the facility, you'll notice that we keep a very
8 clean yard.

9 As you've been in other retailers, because we
10 are retailers, if you walk into a cluttered retailer
11 how do you feel? You don't want to go back. Just
12 like our customers when they walk into our place of
13 business wants to see it clean. They want to see a
14 clean shop. Our current facility does not allow us to
15 do that right now. That's also why we need to move.

16 If you look over here, the second picture is
17 actually our current facility. The yard is very
18 clean. The building itself is not appropriate use for
19 our needs. I'll explain a little bit more as to the
20 reason why we need to move there. Wanted to share
21 that with you.

22 Now, I've got my colors backward just a little
23 bit. I apologize for that.

24 This final picture is our main location in
25 Fenton, which is the suburb of St. Louis, if you're

1 not aware. This orange X is where our business is
2 located. You'll see the orange X actually has two
3 buildings actually. We've got a building here and
4 we've got a building over here and all of the display
5 yard in-between. Additionally you see this other
6 gigantic X over here. That is a big retail
7 development. In-between you see that's housing
8 in-between us. So we are very accustomed to being by
9 houses where we try to do what's right. We try to
10 participate in being a good neighbor in the community.

11 I want to go back and talk a little bit about
12 that Owensboro location. We currently employ 20
13 people there. We have sales of about \$12,300,000 out
14 of that facility. As we have stated, that current
15 facility does not adequately help us meet our customer
16 needs. Why that is, is because the equipment itself
17 has grown to a size that has really put the building
18 in a position that it's just never going to be
19 acceptable to us.

20 When you look at an excavator, I can explain
21 what an excavator is, if I need to. When you look at
22 an excavator, an average excavator now is 50,000
23 pounds. Our current building does not accommodate a
24 crane. That puts us in a position where it makes it
25 very difficult for us to work on a piece of equipment.

1 It makes it difficult for my employees to be
2 effective. Additionally it puts them at risk that I'm
3 very unhappy about.

4 Not only does it not allow us to us do a
5 crane, but the width of our doors and the height also
6 prevents us from being able to bring equipment into
7 our building as well. We talked a little bit about
8 that dump truck, right. That dump truck would
9 disseminate my building at this point.

10 Additionally, the current facility does not
11 allow it to be kept clean in the manner in which we
12 would like. When you're a customer and you just paid
13 a lot of money for that piece of equipment and you
14 bring it into our shop and you look at my floor and
15 you're going, really. It just doesn't leave the
16 impression or the opinion of who we are and who we
17 want to be. The building is going to go. This area
18 that we're looking at, in our opinion, is a great
19 spot.

20 While our current building dictates -- I'm
21 sorry, while our current equipment size dictates the
22 need for a large building, you know, one of the things
23 I want to draw out to you is the fact that our people
24 density inside that building is pretty low. I've got
25 20 people here. We're talking about adding maybe

1 another 6. We're talking about a 15,000 square foot
2 building. The building size is dictated by the size
3 of the equipment. Not necessarily by the traffic
4 pattern and flow. Additionally, the customers are
5 serviced primarily at their location and not ours. We
6 do a lot of phone business. We do a lot of -- we come
7 to the customers. We do a lot of our own delivery.
8 That type of item. So very low traffic. You know, we
9 we're not the Wal-Marts of the world, if you're
10 thinking we're going to encroach traffic-wise.

11 One of the reasons why we really liked where
12 this was, was because it did have easy on and off
13 access of the road. I didn't get in town early
14 enough, but if I recall correctly it had turn lanes,
15 right, off of 60 onto Worthington Road, which is also
16 why we liked the property. It was important to us.

17 We've been looking for a location in Owensboro
18 for quite a while. We searched for preexisting
19 facilities. I'll be quite frank with you. We
20 searched for them pretty hard because it would be less
21 expensive to buy preexist than it would be to build a
22 building we're talking about. However, when we would
23 find a facility that was on the ground and available,
24 the lot was inappropriate. The size wasn't there for
25 the storage or it just didn't meet our need. When we

1 would find the lot, the building was not appropriate
2 for us. So there was nothing on the ground that was
3 able to be modified to meet our needs.

4 So then we started looking at pieces of vacant
5 land. Found out that many of the ones that were
6 available were located in the floodplain. While I may
7 be an independent family-owned third generation
8 business, I also have somebody else that I have to
9 report to and also has a lot of influence. That goes
10 by the name of John Deere. John Deere won't approve
11 of a facility for me in a floodplain. So that
12 scratched out all of the opportunities that I may have
13 in order to build up that land because Deere would not
14 approve that for me.

15 Additionally, we looked at the Airpark.
16 Actually that's a great location. Would meet our
17 needs. We were told that we were a retail
18 establishment. That we would not qualify to be in the
19 Airpark because of the Airpark rules.

20 Then we looked at another piece of land that
21 was more rural. It had a turnabout which is
22 unnavigable by tractor-trailer trucks with trailers.
23 So that scratched out a couple of those for the
24 roundabout.

25 I'll be honest with you. Quite frankly some

1 of the pieces were just too expensive for the
2 profitability that we get out of our business
3 sometimes.

4 It's really put us in a position where our
5 selection of ground to build on is pretty small.
6 We've looked pretty hard.

7 Our business dictates that we do this
8 relocation. We do not have a choices. We can no
9 longer put our employees in this position. The size
10 of our equipment requires us to better serve our needs
11 of our customer. We will move this facility.

12 The traffic on US 60 East, I know you guys
13 live here, it's heavy. We've just simply outgrown the
14 facility. Our employees struggle to be sufficient and
15 complete their job safely.

16 The location we are talking about on Highway
17 60 West at Worthington Road in our opinion is idea for
18 the following reasons:

19 The frontage road gives us excellent exposure,
20 which required. They have a lot, in order for
21 somebody to drive along and see it, it's much like
22 driving along and looking at a car lot. We won't even
23 have that much traffic as a car lot does.

24 We need to have a large enough lot. This is
25 it. It's a great major corridor which gives us great

1 logistics. It's easy to find and easy to get to.

2 Additionally, it will allow us to put a size
3 building on this lot that's acceptable to us at this
4 point and give us some room to expand if we have the
5 ability and success to do so.

6 My brother and I look forward to continuing to
7 grow the Erb Equipment Company, and we believe that
8 the relocation of the Owensboro branch will expand our
9 capabilities of not only in sales but we will then be
10 able to add additional people and be that additional
11 mechanic parts personnel and increase sales. The new
12 facility will allow us to attract more employees that
13 want to work for us. You want to come to a nice place
14 to go to work.

15 The expansion will help us deliver our promise
16 to legendary in the eyes of our customers and meet
17 their needs. This family-owned business believes that
18 the customer satisfaction has to come first in order
19 to be successful. In order to do that, we have to
20 have satisfied employees.

21 As Erb celebrates our 70th year in business,
22 we're excited about the years that lie ahead, and
23 about being committed to an outstanding crowd of
24 support and complete customer satisfaction, and we
25 hope to do that here in Owensboro at this location.

1 So I look forward to any questions that
2 anybody may have. I'll be happy to address any issues
3 or concerns. Thank you.

4 CHAIRMAN: At this time I'm going to go see if
5 we have any questions or opposition. If you will take
6 a seat, please.

7 Does anyone in the audience have any questions
8 or comments or is there anyone opposed to this
9 application?

10 (NO RESPONSE)

11 CHAIRMAN: Does the Staff have any comments or
12 questions or input in this?

13 MR. NOFFSINGER: I would just like to state to
14 Erb Equipment, I thank you for your investment in this
15 community and your belief in this community. I wish
16 the business well.

17 The Planning Staff Report, please do not take
18 that in any way that we do not want you in this
19 community because I can tell you that we do. Our
20 Staff Report is based upon this particular piece of
21 property in a light industrial zoning that is
22 requested for the property.

23 We at the Planning Staff are charged with
24 looking at the big picture of how this community
25 develops and to make a recommendation based upon sound

1 planning principals.

2 The Planning Staff Report I support 100
3 percent. I believe that it speaks to the adopted
4 comprehensive plan and it speaks to the Kentucky
5 Revised Statute in terms of the requirements that have
6 to be met for a zoning change.

7 Now, again, there's no opposition here
8 tonight. There's a school facility located directly
9 across the road from this proposed industrial site.
10 You have residential in close proximity. You also
11 open the door to future nonresidential and industrial
12 type zones in that area.

13 Now, with that said, again, it's not against
14 Erb Equipment. Great company. We want to see them
15 thrive. We want them to be here in Owensboro, but our
16 Staff Report is based upon sound planning principals
17 that is contained in the Comprehensive Plan, as well
18 as the Kentucky Revised Statutes.

19 CHAIRMAN: Commissioners, do you have any
20 comments or questions?

21 MR. REEVES: I have a question if I could, Mr.
22 Chairman, for Brian. If you wouldn't mind to step up
23 to the podium.

24 Brian, on the Staff's finding of fact here,
25 would Finding of Fact Number 2, would that not support

1 this rezoning if you take out the other five findings
2 of fact?

3 MR. HOWARD: The subject property is located
4 in a business plan area where light industrial uses
5 are appropriate in limited locations?

6 MR. REEVES: Yes. Would that support this
7 rezoning if you didn't look at the other five
8 findings?

9 MR. HOWARD: To be honest I don't know how it
10 would in that that's just saying that it's appropriate
11 in limited locations. Limited locations applies then
12 to the specific criteria in the Comprehensive Plan.
13 So I don't know -- I wouldn't feel comfortable
14 personally as Staff taking one findings of fact and
15 then saying that all the others are not allowed.

16 MR. REEVES: No. If you had one for approval,
17 would you have that same statement in there?

18 MR. HOWARD: Yes, we would.

19 MR. REEVES: That was my question.

20 MR. HOWARD: Yes. That is typically in any
21 recommendation for approval or denial. We just state
22 what planned area it is in.

23 MR. REEVES: Secondly, is this property
24 located in the rural community land use planned area?

25 MR. HOWARD: No.

1 MR. REEVES: It's not. Thank you.

2 CHAIRMAN: Any other commissioners have any
3 comments or questions of the Staff or Mr. Noffsinger?

4 MR. KAZLAUSKAS: Mr. Chairman.

5 CHAIRMAN: Yes, sir.

6 MR. KAZLAUSKAS: Was Daviess County School
7 Board made aware of this? Did you get any feedback
8 from them in any way?

9 MR. NOFFSINGER: Yes. We did send a certified
10 or registered letter certified to the Daviess County
11 School Board at the address that the applicant gave
12 us. They prepared the letters and the envelops. We
13 have not had any feedback whatsoever from the Daviess
14 County Board of Education.

15 MR. KAZLAUSKAS: They were made aware of it?

16 MR. NOFFSINGER: Yes, there was a letter sent.
17 I can't tell you exactly who that went to. I can look
18 it up, but I do know they were notified.

19 MR. KAZLAUSKAS: The second question I have is
20 how many letters went out to the residents in
21 Graystone?

22 MR. KAMUF: Mr. Chairman, I think I can answer
23 that. It's on the application.

24 It went to Daviess County School District,
25 Finance Corporation, 1622 Southeastern Parkway,

1 Owensboro, Kentucky. That's where the one went to the
2 school system. They're the people that Mr. Crisp met
3 with.

4 MR. KAZLAUSKAS: Okay.

5 MR. NOFFSINGER: There were two neighbors that
6 were sent registered letters as adjoining property
7 owners in the Graystone Estates.

8 MR. KAZLAUSKAS: Only two?

9 MR. NOFFSINGER: Only two.

10 MR. KAZLAUSKAS: We have any idea how many
11 houses are in there? A bunch.

12 MR. NOFFSINGER: A bunch. I would say you're
13 looking at probably 75 roughly. That's just a guess
14 just looking.

15 MR. HOWARD: We would guess about 260.

16 MR. KAMUF: Chief, I have one thing. You know
17 there's a sign posted. I saw the sign. There's a
18 sign out front telling everybody. I saw the sign on
19 60, and I think there was one on Worthington Road. A
20 yellow sign saying "Rezoning."

21 MR. KAZLAUSKAS: Mr. Kamuf, what I'm trying to
22 do is assure in my own mind that sometimes people just
23 drive by signs, you know. I'm trying to assure in my
24 own mind, you know, if the majority of the people in
25 Graystone Estates know what's happening. That's my

1 concern.

2 MS. KNIGHT: State your name for the record,
3 please?

4 MR. WEAVER: David Weaver.

5 (DAVID WEAVER SWORN BY ATTORNEY.)

6 MR. WEAVER: I just wanted to address one
7 simple point regarding to Graystone which adjoins the
8 subject property at the southwest corner.

9 The applicant is proposing the required 10
10 feet landscape buffer with a tree every 40 feet and a
11 solid 6 foot fence. In addition to that, to protect
12 this Graystone neighborhood, the applicant has agreed
13 to extend that 6 foot high continuous element 150 foot
14 from the corner. Along with that will be a 10 foot
15 buffer with a tree every 40 feet to protect that line
16 of sight.

17 I don't know if anybody has any questions.

18 CHAIRMAN: Commissioners, anyone else have
19 questions of Mr. Kamuf.

20 MR. KAZLAUSKAS: I still have some more
21 questions, Mr. Chairman.

22 CHAIRMAN: Go ahead.

23 MR. KAZLAUSKAS: Maybe Brian can answer this.

24 They talked about access onto Highway 60.
25 What does the state say about that because that's

1 pretty close to Worthington Road, isn't it?

2 MR. HOWARD: There was actually a minor
3 subdivision plat done and access would not be
4 permitted to US 60 at this location. It doesn't meet
5 the access spacing standard. Their access would be
6 limited to the two access points as you see on their
7 proposed site plan to Worthington Road.

8 MR. KAZLAUSKAS: They talked at length about
9 having access off of 60 onto that property.

10 MR. FREY: For visibility.

11 MR. KAZLAUSKAS: Is that what they said, for
12 visibility. Not access?

13 MS. ROIDER: Not access. We talked about the
14 fact that we would be coming in Worthington Road off
15 of 60, but we talked at length about the visibility
16 from 60 the frontage road. If you would like to give
17 us access off 60.

18 MR. KAZLAUSKAS: State is not going to allow
19 that. That's why I'm asking Mr. Howard.

20 I guess the other question I have is noise.
21 Coming from that property when you're working on
22 certain type of machinery.

23 MR. CRISP: I delved on it a little bit, but
24 maybe not enough.

25 The newer machines are much quieter, the tier

1 4 technology. The older machines meet a low decibel
2 level. They're not real loud. They're not real
3 noisy. They don't smoke a lot. We don't really have
4 a lot of problem with that. We don't run machines for
5 long periods of time. When we're working on them, if
6 they're in there to be worked on, they're normally
7 aren't running because you can't work on them while
8 they're running unless they have a computer on them,
9 you know, to diagnose the problem.

10 I would say the time spent with an engine
11 running on a machine while it's being worked on would
12 probably be on average of five percent of the time.
13 We don't have our machines running. That's just the
14 way it is as a normal rule.

15 MR. KAZLAUSKAS: You can understand my concern
16 about that being so close to a school. It's pretty
17 close.

18 MR. CRISP: Just to address the first
19 question, maybe the second question.

20 When I met with - I'm sorry, forgot their name
21 - Ms. Conley at the school, she said, I'll have
22 somebody from the school board down here to meet with
23 you also. We met. I explained to them what we had.
24 What we did. How we do everything we do. When I
25 left, they were very satisfied. Both of them told me,

1 we have no problems. That's what they told me. So I
2 had the principal of the school and a representative
3 from the school board, Daviess County School System.

4 MR. KAZLAUSKAS: Thank you.

5 One last question on Mr. Kamuf's Exhibit D,
6 this zoned B-1, B-5, if I understand it, comes all the
7 way down to transmission line he was talking about; is
8 that correct? That whole corridor is B? I understand
9 we're talking about industrial property here, but just
10 so I get it straight in my mind. Comes from -- what
11 is that stretch? How far is that stretch?

12 CHAIRMAN: Is that a question for, Mr. Kamuf?

13 MR. KAZLAUSKAS: No. That's a question for
14 Mr. Howard.

15 MR. NOFFSINGER: Mr. Chairman, if I may, I'd
16 like to pass out some exhibits to show the zoning
17 along that corridor. I believe what you're asking in
18 that area in red is B-4 General Business corridor
19 typically. These exhibits I have will show you the
20 exact zoning in that area.

21 MR. KAZLAUSKAS: Because according to Mr.
22 Kamuf's Exhibit B here, the whole corridor looks to be
23 B-1 to B-5.

24 MR. KAMUF: Chief, just to answer one question
25 that you have. We have one of the neighbors that

1 lives right next-door to the property on Highway 60,
2 if you have some question about the noise. I would
3 like to just let him say something for a second, if
4 you could.

5 MR. KAZLAUSKAS: That's fine with me.

6 MS. KNIGHT: Please state your name for the
7 record.

8 MR. BARTEN: Jim Barten.

9 (JIM BARTEN SWORN BY ATTORNEY.)

10 MR. BARTEN: My name is Jim Barten. I'm with
11 a grain inspection agency. We check barges that goes
12 overseas with the grain company in the area. I'm
13 located right north of K&W on two sides.

14 The noise level there is minimal. There's
15 more noise going down the highway, as far as emergency
16 vehicles, semis and other vehicles going down the
17 highway than I hear from K&W Equipment. I've been
18 there approximately 16, 17 years. They have been
19 really great neighbors to me. They help me any way
20 they could. Any time that I've been in their place
21 they've always been respectful and nice to me. I have
22 no problem with them being a neighbor to me. We live
23 on a private street. We went together and we both
24 helped in financing, blacktop of the street.

25 Any time I've ever talked to Dick he's said,

1 anything you give me a call. I have used him where we
2 had some heavy stuff to move. He brought his
3 equipment over there. Free of charge. Helped us move
4 it. We took out trees that bordered us and they paid
5 for that expense. It's been a delight to have been a
6 neighbor to them. I have no problem with them at all.

7 MR. KAZLAUSKAS: Thank you.

8 CHAIRMAN: Thank you, sir.

9 MR. REEVES: Mr. Chairman, I have some, I
10 guess I'm going to pitch out some options or some
11 things for the commission to take a look at and see
12 where they are on this.

13 As I've listened to the various testimony,
14 these are facts that I'm looking at right now that are
15 weighing on how I fall down on this issue.

16 Number one, is that the OMU line in adjacent
17 substation and is heavy industrial use. Highway 60 is
18 a corridor that serves heavy industrial use serving
19 the Riverport, which is heavy industrial use in the
20 area, as well Time Warner, Sterett. There's a junk
21 yard that's mentioned there. Certainly the post
22 office is a pseudo light industrial. It's not
23 required to be zoned because their exempt from it.

24 This development I think at this point in time
25 I see it in fact would not overburden Highway 60 more

1 than McDonald or any other retail establishment that
2 might go in that place. We have a prior approval
3 similar case, was not the same, but a similar case was
4 agricultural out 431. Those are things that are
5 weighing on my mind. I just wonder if the other
6 commissioners had other things they would like to
7 interject I would like to consider.

8 CHAIRMAN: Okay.

9 Mr. Kamuf, do you have anything else? We need
10 to wrap it up here. If we have any more questions,
11 we'll bring it back.

12 MR. KAMUF: Only person I can think is Mother
13 Theresa that I haven't called. No.

14 CHAIRMAN: Commissioners, do you have any?

15 MR. MOORE: I have one question for Mr. Kamuf
16 or whoever.

17 Reading through the Staff Report and then
18 looking at this site plan for rezoning it mentions
19 that based on the zoning ordinance requirements the
20 outdoor display area needed to be paved. If it's
21 graveled it needs to have a solid element around that.
22 You have a solid element on one side.

23 MR. KAMUF: We have filed a variance with this
24 and that will be taken up at the hearing before the
25 variance. It was filed today for the variance. I

1 think it's set for March. I can't give you the date.
2 Gary knows when it is.

3 MR. NOFFSINGER: First Thursday in March.

4 MR. KAMUF: Yes, before the Board of
5 Adjustment.

6 MR. NOFFSINGER: March 6th.

7 CHAIRMAN: Mr. Kamuf, in your application you
8 state the applicant is willing to comply with
9 requirements of the zoning ordinance regarding
10 screening, landscape buffering. In addition to
11 landscape buffering, the school and residential lots
12 are further buffered by the Kentucky Highway 2120.

13 Now you're saying you're going to go to the
14 Board of Adjustment for a Variance on these? You said
15 you're willing to do this, but now you're going to go
16 to the Board of Adjustment for a variance on the
17 buffering and screening?

18 MR. KAMUF: Not on the buffering and
19 screening.

20 MR. WEAVER: David Weaver again.

21 Yes, Ward, it is correct. The original
22 application we prepared did say it would be in
23 compliance with the zoning ordinance, but that was
24 prior to -- when we put application together, it was
25 prior to an opportunity for us to talk with Erb

1 Equipment and fully understand their needs. We have
2 filed a variance application. We are doing, if you
3 want me to I can walk around the perimeter of the
4 property and just kind of give you an overview of what
5 the variance would entail. Would that be helpful?

6 CHAIRMAN: At the same time should the
7 commissioners decide to approve this, they will need
8 to put a condition on that that you will go to the
9 Board of Adjustment and get approval for a variance or
10 you will meet the requirements.

11 MR. WEAVER: Yes, we'll certainly do that.
12 The conceptual site plan that we've turned in with --
13 we didn't turn it in with the application, but we have
14 since provided to the Planning Staff shows the
15 applicant's intent. The applicant fully understands
16 that they would have to either comply with the zoning
17 ordinance or have an approved variance. We wanted to
18 address that with the Board of Adjustments because of
19 timing issue.

20 CHAIRMAN: The reason I'm stating that,
21 whoever makes a motion, if they should decide to
22 approve this, they need to put a condition on that
23 that would happen.

24 Am I right on that, Mr. Noffsinger?

25 MR. NOFFSINGER: No, I disagree. I don't

1 think you need a condition on it unless you want it.
2 They're required to meet the requirements of the
3 zoning ordinance. However, if they choose to file a
4 variance application, which they have, which they've
5 told you were going to, to waive pretty much all
6 development requirements that are contained in the
7 zoning ordinance for this particular piece of
8 property, then you don't need that condition because
9 they're exercising their rights to ask for a variance.
10 If they don't get the variance, they have to comply.

11 CHAIRMAN: Okay. Thank you.

12 MR. WEAVER: Ward, to point out a couple of
13 things.

14 The southwest corner is the only area that
15 adjoins residential zoning classification. That's the
16 area we talked about before that is going to have a 10
17 foot landscape buffer, a tree every 40 foot, and a
18 solid fence. In addition to that, going actually
19 beyond the zoning ordinance, the applicant is
20 proposing to continue that same landscape buffer up
21 150 foot on that southern boundary to provide a buffer
22 for a site triangle as you would drive down
23 Worthington Road. Then along Highway 60 and
24 Worthington Road, what we're going to ask for in the
25 variance is that we be allowed instead of a 6 foot

1 high continuous element be allowed a 3 foot high
2 continuous element. We're proposing to do a 3 foot
3 shrub row which should look appealing from the street.
4 Of course, there will be a chain link fence behind
5 that, but it won't be slatted.

6 Then along the power line side there will just
7 be a chain-link fence. There won't be any screening.
8 From a practical standpoint it really doesn't make
9 sense to buffer yourself from 150 foot transmission
10 line. So that's the overview.

11 CHAIRMAN: Okay. In fact, if the Board of
12 Adjustment turns this down, you will have to comply.
13 You agree to comply. So if the variance is turned
14 down, you will to have comply with zoning the
15 ordinance.

16 MR. WEAVER: I've been told I really can't
17 speak on behalf of the applicant. I've had
18 conversations with the applicant, or Mr. Kamuf can
19 speak on behalf of the applicant. They know they have
20 to comply.

21 CHAIRMAN: Thank you.

22 Are there any other questions.

23 MR. KAZLAUSKAS: Just one more question. I
24 need to get this from Mr. Noffsinger.

25 If this subject property is approved I-1

1 industrial, that's what we're looking at, then the
2 property to the south would be continuous, right?

3 MR. NOFFSINGER: Yes.

4 MR. KAZLAUSKAS: If someone came back and
5 asked that that be approved the same as the subject
6 property, we have set a precedent, correct?

7 MR. NOFFSINGER: The Planning Staff's
8 recommendation would be for approval because it's a
9 logical expansion. We would also recommend approval
10 of the property across the street, across 60 west
11 because it becomes a logical expansion. This opens
12 the door for I-1 Light Industrial for the future in
13 that area.

14 MR. KAZLAUSKAS: What about going to the east?

15 MR. NOFFSINGER: Yes.

16 MR. KAMUF: If there would be any zoning to
17 the south, the Staff can always require a development
18 plan to show exactly what, you know, that type of
19 thing, to take care of any issue from the neighbors.

20 CHAIRMAN: Any other questions or comments?

21 (NO RESPONSE)

22 CHAIRMAN: If not the chair is ready for a
23 motion.

24 MR. REEVES: Mr. Chairman, I make a motion for
25 the approval of the application based on the following

1 Findings of Fact:

2 1. The subject property is located in a
3 business plan area where light industrial uses are
4 appropriate in limited locations;

5 2. Currently in the area is a very large
6 industrial type OMU line and substation. Also, in
7 very close proximity to this development, the US Post
8 Office, which would be light industrial in this area
9 if it were required to be zoned. Other operations in
10 close proximity are the Time Warner Company, which has
11 numerous trucks, large trucks going in and out daily.
12 Sterett is in that area. It serves the Riverport
13 which is heavy industrial that passes by there
14 continuously during the day.

15 This development will not overburden Highway
16 60 as much as perhaps a similar or another use in
17 there that is currently allowed there such as a
18 convenient store, fast food operation.

19 This commission has prior approval a similar
20 development on US Highway 431 in the past. That's it.

21 CHAIRMAN: We have a motion for approval by
22 Mr. Reeves. Do I hear a second?

23 MR. KAZLAUSKAS: I make a second.

24 CHAIRMAN: We have a second by Mr. John
25 Kazlauskas. Any comments or questions on the motion?

1 (NO RESPONSE)

2 CHAIRMAN: If not all in favor of the motion,
3 raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimous.

6 ITEM 8

7 927 East 18th Street, 1.44 acres
8 Consider zoning change: From B-5 Business/Industrial
9 with Conditions to B-5 Business/Industrial
Applicant: Thekla's Rentals, LLC

10 PLANNING STAFF RECOMMENDATIONS

11 The Planning Staff recommends approval subject
12 to the conditions and findings of fact that follow:

13 CONDITIONS:

14 1. Submission of a site plan to be approved
15 by the City Engineer's office and OMPC prior to
16 building occupancy;

17 2. Install a three foot tall solid element
18 between the vehicle use area and the property line
19 with one tree on each side; and,

20 3. Stripe and sign the existing on-street
21 parking area as "no parking."

22 FINDINGS OF FACT:

23 1. Staff recommends approval because the
24 proposal is in compliance with the community's adopted
25 Comprehensive Plan;

1 2. The subject property is located within a
2 Business/Industrial Plan Area, where general business
3 and light industrial uses are appropriate in general
4 locations;

5 3. The subject property lies within an
6 existing area of mixed general business and light
7 industrial uses;

8 4. The Comprehensive Plan provides for the
9 continuance of mixed use areas; and,

10 5. The proposed land use for the subject
11 property is in compliance with the criteria for a
12 Business/Industrial Plan Area and a B-5
13 Business/Industrial zoning classification:

14 MR. HOWARD: Staff would like to enter the
15 Staff Report into the record as Exhibit F.

16 CHAIRMAN: Anybody here representing the
17 applicant?

18 MR. BOWERS: Robert Bowers, attorney for
19 applicant.

20 CHAIRMAN: Mr. Bowers, let's see if we have
21 any opposition.

22 Anyone here like to speak in opposition or
23 have any comments or questions on this?

24 MR. THACKER: John Thacker.

25 MS. KNIGHT: You're sworn as an attorney.

1 MR. THACKER: I've spoken with Mr. Bowers and
2 the applicant previously prior to the meeting. My
3 clients just have a concern on the site plan that was
4 presented that shows a continuous line for a roadway
5 buffer across the two driveways on either side of the
6 building. The applicant has assured us that they are
7 not going to, you know, close those off. We want to
8 just confirm with the Staff and the board that there's
9 no intent for those driveways to be closed. As part
10 because my clients use those drives, shared access for
11 their properties. Are we good on that?

12 CHAIRMAN: Mr. Howard, would you address his
13 questions, please?

14 MR. HOWARD: To the best of my knowledge that
15 is the case. Of course, the applicant is here. If
16 they would like to address just to further get it on
17 the record to assure that. To my knowledge those
18 would not be fenced off or gated in any capacity.

19 CHAIRMAN: Thank you, Mr. Howard.

20 Mr. Bowers, do you have any comments or
21 questions?

22 MR. BOWERS: Mr. Howard's understanding is
23 correct. Those two roadways will not be blocked. The
24 green line going across I think was an error on the
25 drawing. The line just extended too far.

1 CHAIRMAN: Commissioners, do you have any
2 questions of Mr. Bowers?

3 (NO RESPONSE)

4 CHAIRMAN: Thank you, Mr. Bowers.

5 Chair is ready for a motion.

6 MR. KAZLAUSKAS: Mr. Chairman, question.

7 Could we make that a condition? Could we have that as
8 a condition, those driveways wouldn't be blocked?

9 MR. NOFFSINGER: I would not recommend that.
10 That's not what they're proposing to do. At this
11 point in time I would not suggest that.

12 MR. KAZLAUSKAS: Okay.

13 CHAIRMAN: Any other questions?

14 (NO RESPONSE)

15 CHAIRMAN: If not the chair is ready for a
16 motion.

17 MR. KAZLAUSKAS: I make a motion it be
18 approved based on the Staff's Recommendations,
19 Conditions 1, 2 and 3 and Findings of Fact 1, 2, 3, 4
20 and 5.

21 CHAIRMAN: We have a motion for approval by
22 Mr. Kazlauskas. Do I hear a second?

23 MR. MOORE: Second.

24 CHAIRMAN: We have a second by Mr. Moore.
25 Comments or questions on the motion?

1 (NO RESPONSE)

2 CHAIRMAN: All in favor of the motion raise
3 your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimous.

6 Related Items:

7 ITEM 8A

8 927 East 18th Street
9 Consider a request for a Variance in conjunction with
10 an application for zoning change to reduce the roadway
11 buffer on East 18th Street from 40 feet from the
12 street centerline to 30 feet from the street
13 centerline and to eliminate the required vehicular use
14 area screening along East 18th Street.
15 Reference: Zoning Ordinance, Articles 8 and 13,
16 Sections 8.5.17(c) and 13.6221
17 Applicant: Thekla's Rentals, LLC

18 MR. HOWARD: I will try and summarize our
19 Variance Staff Report as best I can.

20 As you recall, at the January 2014 meeting
21 there was a rezoning to rezone this property to the
22 B-5 Business/Industrial area. At that time there were
23 some conditions placed upon them. That the roadway
24 buffer be maintained and some various other things.

25 Once their engineer looked at this site, they
realized they could maintain the two parking spaces in
the front and still meet the roadway buffer
requirement. They would have had to eliminate all the
parking in the front.

1 Si they've worked with our Staff, the city
2 engineer's staff to try to come up with an alternative
3 that would meet their needs and yet still meet the
4 intent of the zoning ordinance.

5 So what has happened is they have a plan to
6 reduce the roadway buffer and still allow the parking
7 spaces in the front to remain. Yet they will still
8 install the three foot tall continuous element and
9 trees. So the intent of the ordinance as far as
10 screening of the vehicular use area that will still be
11 met. However, just due to some site constraints in
12 that limited distance in front of the building, they
13 couldn't bring it into complete compliance.

14 One of the conditions on the zoning change was
15 the area in the right-of-way return to grass, that
16 on-street parking area removed. The city engineer's
17 office in discussing this with them, they anticipate
18 that there could be a construction project on 18
19 Street at some point in the future. In their future
20 hopefully. The end result would be the area they
21 remove now and return to grass would be ripped out and
22 paved again. They didn't see the need for development
23 to go through the extra cost of removing that at this
24 point when in the future you're looking at roadway
25 improvement that would take it back out.

1 They ask for full waiver on screening
2 requirements, but as I said, working with the
3 developer's engineer Jason from Bryant in looking at
4 the options on the site we've been able to come up
5 with something and still have a 3 foot element.

6 So at this point they're not requesting a full
7 waiver, just a partial waiver of the 3 foot width.
8 Not 3 foot high.

9 So with that we're going to recommend the
10 Variance be approved for both, partial on the second,
11 but the granting on the Variance to reduce the roadway
12 buffer:

13 1. It will not adversely affect the public
14 health, safety or welfare because the right-of-way
15 should be sufficient for future improvement;

16 2. It will not alter the essential character
17 of the general vicinity because it appears other
18 building and parking areas in the vicinity encroach
19 into the roadway buffer;

20 3. It will not cause a hazard for nuisance to
21 the public because the City Engineer's office has made
22 the applicant aware that if additional property is
23 needed in the future for East 18th Street construction
24 that they will only be reimbursed for the cost of land
25 and not any site improvements located in the

1 prescribed 40 foot roadway buffer.

2 It was an issue that they did want us to
3 stress. I think it's been added to the site plan.
4 That the property owner will be reimbursed for land
5 cost only. They wouldn't be reimbursed for any of the
6 landscaping or parking areas that are forward of the
7 building in what would normally be the roadway buffer.

8 4. It will not allow an unreasonable
9 circumvention of the requirements of the zoning
10 regulations because the existing building and parking
11 areas predate zoning regulations but are no longer
12 grandfathered in due to the change in zoning and use
13 on the property. The reduction will allow some
14 parking to remain forward of the building while still
15 providing the required vehicular use area screening as
16 required by the zoning ordinance.

17 In regards to the Variance to eliminate the
18 three foot landscape easement:

19 1. It will not adversely affect the public
20 health, safety or welfare because there are other
21 sites in the vicinity that have parking that
22 encroaches into the roadway buffer;

23 2. It will not alter the essential character
24 of the general vicinity because the intent of the
25 ordinance can still be met with the installation of a

1 three foot tall solid fence at the property line;

2 3. It will not cause a hazard or a nuisance
3 to the public because there is currently 32 feet of
4 right-of-way along East 18th Street;

5 4. It will not allow an unreasonable
6 circumvention of the requirements of the zoning
7 regulations because the intent of the ordinance is
8 still accomplished with the three foot tall solid
9 element with a tree on each side of the parking areas.

10 Staff would recommend approval with conditions
11 that:

12 1. Submission of a site plan to be approved
13 by the City Engineer's office and OMPC prior to
14 building occupancy; and,

15 2. Install a three foot tall solid fence
16 between the vehicle use area and the property line
17 with one tree on each side.

18 We would like to enter the Staff Report into
19 the record as Exhibit G.

20 CHAIRMAN: Counsel, do we need to approve them
21 separately?

22 MS. KNIGHT: We need to approve them
23 separately.

24 I would just remind the commission, because we
25 don't have a lot of Variances before us, that KRS 100

1 does allow variances to be considered in conjunction
2 with zoning change, but it does require that when you
3 start making your findings of fact as to why the
4 variance should be granted or denied that it does have
5 to be made specifically. Just a reminder.

6 CHAIRMAN: Thank you.

7 Mr. Thacker, do you have any comments or
8 questions on this?

9 MR. THACKER: Nothing in addition to what I
10 mentioned earlier.

11 CHAIRMAN: Commissioners, do you have any
12 comments or questions of Mr. Bowers?

13 (NO RESPONSE)

14 CHAIRMAN: If not the chair is ready for a
15 motion on the application of the 40 feet from the
16 street centerline to 30 feet from the street. We'll
17 do that one first. Chair is ready for a motion.

18 MR. REEVES: I recommend approval of that
19 variance based on the findings of fact as stated by
20 Mr. Howard in his comments earlier.

21 CHAIRMAN: We have a motion for approval by
22 Mr. Reeves.

23 MR. APPLEBY: Is this on the variance for the
24 roadway buffer?

25 CHAIRMAN: Right.

1 MR. APPLEBY: Second.

2 CHAIRMAN: We have a second by Mr. Appleby.

3 Any comments or questions 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 carries unanimous.

9 Now we will go to the vehicular use area
10 screening along East 18th Street.

11 Mr. Thacker, do you have any comments or
12 questions on that?

13 MR. THACKER: Nothing extra.

14 CHAIRMAN: Commissioner, do you have any
15 comments or questions of Mr. Bowers?

16 (NO RESPONSE)

17 CHAIRMAN: If not the chair is ready for a
18 motion.

19 MR. APPLEBY: I make a motion to approve the
20 variance to eliminate the 3 foot landscape easement
21 based on the findings that it will not adversely
22 affect the public health, safety or welfare because
23 there are other sites in the vicinity that have
24 parking that encroaches into the roadway buffer; it
25 will not alter the essential character of the general

1 vicinity because the intent of the ordinance can still
2 be met with the installation of a three foot tall
3 solid fence at the property line; it will not cause a
4 hazard or a nuisance to the public because there is
5 currently 32 feet of right-of-way along East 18th
6 Street; it will not allow an unreasonable
7 circumvention of the requirements of the zoning
8 regulations because the intent of the ordinance is
9 still accomplished with the three foot tall solid
10 element with a tree on each side of the parking areas.
11 I would also like to incorporate the Staff's
12 conditions that submission of a site plan to be
13 approved by the City Engineer's office and OMPC prior
14 to building occupancy; and that they install a three
15 foot tall solid fence between the vehicle use area and
16 the property line with one tree on each side.

17 CHAIRMAN: We have a motion for approval by
18 Mr. Appleby. Is there a second?

19 MR. FREY: Second.

20 CHAIRMAN: We have a second by Mr. Frey.
21 Comments or questions on the motion?

22 (NO RESPONSE)

23 CHAIRMAN: All in favor of the motion raise
24 your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimous.

2 -----

3 MINOR SUBDIVISIONS

4 ITEM 9

5 5378 West Fifth Street Road, 1.000 acres
6 Consider approval of minor subdivision plat.
7 Applicant: Boone Family, LLC; Jeff Boone

8 MR. HOWARD: This plat comes before you as an
9 exception as an existing half acre lot that was
10 created prior to the current regulations being in
11 place. Their proposing to add an additional half acre
12 to the rear of the property. The property would then
13 meet the minimum lot size requirements that currently
14 exist; however, with that additional acreage in the
15 back it doesn't meet the three to one requirement so
16 it's not a plat that we could approve at the Staff
17 level. They're not requesting any new lots to be
18 created. It's just increasing the size of an existing
19 lot and they've noted on there the property won't be
20 further subdivided. Since they're not looking to do
21 any more development lots we would recommend that you
22 consider for approval.

23 CHAIRMAN: Commissioners have any comments or
24 questions?

25 (NO RESPONSE)

CHAIRMAN: If not the chair is ready for a

1 motion.

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr. Appleby.

4 MR. FREY: Second.

5 CHAIRMAN: Second by Mr. Frey. Any comments
6 or questions on the motion?

7 (NO RESPONSE)

8 CHAIRMAN: All in favor of the motion raise
9 your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimous.

12 Next item.

13 -----

14 NEW BUSINESS

15 ITEM 10

16 Consider approval of December 2013 financial
17 statements

18 MR. NOFFSINGER: Mr. Chairman, each member has
19 been mailed a copy of these financial statements and
20 they're ready for your consideration.

21 CHAIRMAN: Commissioners, any comments or
22 questions on the financial statements?

23 (NO RESPONSE)

24 CHAIRMAN: If not the chair is ready for a
25 motion.

1 MR. FREY: Motion to approve.

2 CHAIRMAN: We have a motion for approval by
3 Mr. Frey.

4 MR. TAYLOR: Second.

5 CHAIRMAN: We have a second by Mr. Taylor.
6 All in favor of the motion raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimous.

9 ITEM 11

10 Comments by the Chairman

11 CHAIRMAN: I would just like to remind
12 everyone we have a work session scheduled for the 20th
13 of this month at 5:30 on the mayor's business
14 committee recommendation. We have handout by Melissa
15 for those 18 recommendations. Also have a handout
16 from Mr. Madison Silvert, EDC to the mayor, on his
17 findings and recommendations.

18 I would like you to review these before we
19 meet the 20th, which is next Thursday, at 5:30 and
20 bring any comments or questions or suggestions to the
21 meeting.

22 MR. REEVES: Mr. Chairman, am I understanding
23 we're not going to take any kind of comment from the
24 public at this meeting?

25 CHAIRMAN: No. This is a work session, if I

1 understand it correct.

2 MR. REEVES: Is there any reason we couldn't
3 meet at 5:00, which would make it a little bit more
4 convenient for us, and maybe meet at Room 406 where we
5 could have an around the table discussion rather than
6 trying to have a discussion here at the podium?

7 CHAIRMAN: That would be good unless the
8 public is invited they cannot participate on any
9 items, but they can be here.

10 MR. REEVES: I mean they can still come in
11 Room 406. It's just hard to have a discussion when
12 I'm 50 feet from Mr. Moore down there.

13 MS. KNIGHT: As long as we provide the proper
14 notification that's fine.

15 MR. REEVES: Has that notification gone out
16 yet, Mr. Noffsinger?

17 MR. NOFFSINGER: No, sir.

18 MR. REEVES: That's just a suggestion.

19 CHAIRMAN: Would the commission like to meet
20 at 5 instead of 5:30? Would that be better for you?

21 (NO RESPONSE)

22 CHAIRMAN: I guess we'll meet at 5 instead of
23 5:30. Okay. That's all I have.

24 ITEM 12

25 Comments by the Planning Commissioners

1 CHAIRMAN: Anybody have anything?

2 MR. REEVES: I would like to share one thing,
3 if I could, Mr. Pedley.

4 I had the occasion last week to attend a
5 meeting with Mr. Ball and a developer who is planning
6 a very major big box development in this community.
7 He requested that he'd like to come into the Planning
8 Commission and meet with Mr. Ball and with the fire
9 department. I want to tell you what a great learning
10 experience that was for me. The amount of information
11 that Mr. Ball had put together to share with those
12 people is extraordinary. You probably could stack it
13 this high what had to be taken into consideration.
14 Mr. Ball did an outstanding job meeting with this.
15 This was the architecture for the development by the
16 way. I think the thing that most impressed me is I
17 got feedback from the architecture was, first, he was
18 astonished by the turnaround time he could get from
19 the OMPC.

20 Secondly, Mr. Ball made it very clear that he
21 would like at any occasion where he could combine
22 reviews to minimize the cost to the applicant. He
23 would like to do that. He assured the applicant he
24 would be available by e-mail or by phone at the
25 pleasure of the applicant.

1 The fire chief also did a wonderful job of
2 advising the developer where his various -- any time
3 in the future I would say, Mr. Ball, Mr. Noffsinger,
4 if you have an opportunity for a commissioner to come
5 in and just sit in on one of those like I did, I would
6 encourage you to invite commissioners to do that. It
7 was a learning experience for me.

8 I really want to commend Mr. Ball for doing an
9 exceptional job that day. That developer walked away
10 from that meeting with a very good feeling about
11 Owensboro, Kentucky, and this Planning Commission.

12 CHAIRMAN: Thank you, Mr. Reeves.

13 MR. BALL: Thank you, Fred.

14 CHAIRMAN: That's the things we like to hear.

15 Mr. Kazlauskas, do you have comments?

16 MR. KAZLAUSKAS: Yes, sir.

17 I would like to take this opportunity to thank
18 the members of the committee that you appointed to
19 review the bylaws. Members of the committee, Mr. Ward
20 Pedley, Mr. Fred Reeves, Larry Bidwell,
21 Mr. Noffsinger, myself. Mr. Howard kept a record for
22 us, kept minutes for us, and kept us on track. Would
23 just like the commission to know that we had three
24 meetings to review the bylaws. There was a lot of
25 conversation.

1 Especially want to thank our counsel, Ms.
2 Knight, for all the direction that she gave us because
3 we pestered her a whole lot even when she was home
4 sick in bed. We certainly appreciate your efforts in
5 helping us keep everything straight.

6 I'm happy to say that in the three meetings we
7 were able to go through the bylaws and make some
8 changes that we think were appropriate.

9 What I would request the chair to do at this
10 time is to go ahead and send a copy of those revisions
11 out to all of our commission members where they have
12 the opportunity to review them. Then at our next
13 meeting I'll be prepared to give a presentation,
14 answer any questions, and maybe at that time that we
15 can go ahead and vote to approve the revised bylaws.

16 CHAIRMAN: Okay. Thank you, Mr. Kazlauskas.

17 I agree with that.

18 How do we go about getting that out?

19 MR. NOFFSINGER: The bylaws will be e-mailed
20 to each member tomorrow that receive e-mails. If not,
21 we'll mail them out a hard copy, if you don't receive
22 it by e-mail.

23 CHAIRMAN: Thank you very much.

24 Anyone else have any comments?

25 (NO RESPONSE)

1 ITEM 13

2 Comments by the Director

3 MR. NOFFSINGER: Only thing I would like to do
4 is see if we can get a vote by the Planning Commission
5 on this.

6 Commissioner Reeves contacted me the other day
7 and told me how much he enjoyed the ride-along with
8 the inspectors. He said, you know, it would really be
9 great if we could get continuing education credit for
10 that. I think that's an excellent idea.

11 I would like for the Planning Commission to
12 take a vote to provide three hours of continuing
13 education to each commissioner that does a ride-along
14 with one of the inspectors and to make that mandatory
15 for all new planning commissioners when they come on
16 board, retroactive to January 1. Actually, December 1
17 so we can get Beverly. That would good for them.
18 They would get three hours of continuing education. I
19 would like for you to approve that so we can
20 automatically give that continuing education to
21 whatever commission goes.

22 MR. FREY: We need to make a motion?

23 MR. NOFFSINGER: Yes.

24 CHAIRMAN: Does anyone have any comments on
25 other ideas?

1 (NO RESPONSE)

2 CHAIRMAN: If not the chair is ready for a
3 motion to approve Mr. Noffsinger's request.

4 MR. APPLEBY: I make a motion.

5 MR. REEVES: Second.

6 CHAIRMAN: We have a motion by Mr. Appleby for
7 approval and a second by Mr. Reeves. All in favor of
8 the motion raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 We need one more motion.

12 MR. APPLEBY: Motion to adjourn.

13 MR. FREY: Second.

14 CHAIRMAN: We have a motion to adjourn by Mr.
15 Appleby and a second by Mr. Frey. All in favor raise
16 your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: We are adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 102 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 6th day of MARCH, 2014.

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LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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