

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 NOVEMBER 12, 2015

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 November 12, 2015, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Fred Reeves, Chairman
Larry Boswell, Vice Chairman
9 Brian Howard, Director
Terra Knight, Attorney
10 Claud Porter, Attorney
Ward Pedley
11 John Kazlauskas
Lewis Jean
12 Beverly McEnroe
Manuel Ball
13 Larry Moore

14 * * * * *
15

16 CHAIRMAN: Call the November 12, 2015 meeting
17 of the Owensboro Metropolitan Planning Commission to
18 order. We start each meeting with a prayer and pledge
19 to the flag. That will be led by Commissioner Larry
20 Boswell.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Thank you, Mr. Boswell.

23 I appreciate everybody being at our meeting
24 this evening. A couple of things to ask of you before
25 we move forward.

1 If you choose to make any comments at the
2 meeting, we'd ask that you go to one of the two
3 podiums to be sworn in. Ask you to speak directly
4 into the microphone and ask you to direct questions or
5 comments to the chair and the chair will then dispense
6 those out to the appropriate parties at the podium.

7 Also, Board Members, remind you to speak into
8 the microphone so Lynnette can make sure she gets all
9 of our comments down correctly. I will remind myself
10 to do the same.

11 Remind you anyone here this evening always
12 have an opportunity to speak. You can speak to
13 whatever issue you'd like that's on the agenda. You
14 can speak as long as you choose, as long as you are on
15 topic. We invite you to speak if you have a concern
16 about any item before this commission.

17 With that we will move to consider the minutes
18 of the September 10th meeting.

19 Commissioners, all of you received a copy of
20 the minutes prior to the meeting this evening. Are
21 there any corrections or additions to those minutes?

22 (NO RESPONSE)

23 CHAIRMAN: If not I'd entertain a motion to
24 approve the minutes.

25 MR. KAZLAUSKAS: Mr. Chairman, move that the

1 minutes be approved.

2 CHAIRMAN: Do we have a second?

3 MS. McENROE: Second.

4 CHAIRMAN: Ms. McEnroe has a second.

5 Questions or concerns about the motion or the minutes?

6 (NO RESPONSE)

7 CHAIRMAN: All in favor please raise your

8 right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: The minutes are approved

11 unanimously.

12 MR. HOWARD: I will note that all the zoning
13 changes heard tonight will become final 21 days after
14 the meeting unless an appeal is filed. If an appeal
15 is filed, we will forward the record of the meeting
16 along with all applicable materials to the appropriate
17 legislative body for them to take final action. The
18 appeal forms are available on the back table, in our
19 office and on our website.

20 -----

21 GENERAL BUSINESS

22 ZONING CHANGES

23 ITEM 3

24 6041 Aull Road, 94.3 acres
25 Consider zoning change: From EX-1 Coal mining to A-R
Rural Agriculture

1 Applicant: Charles Randall Martin

2 MR. PORTER: State your name.

3 MR. HILL: Mike Hill.

4 (MIKE HILL SWORN BY ATTORNEY.)

5 PLANNING STAFF RECOMMENDATIONS

6 The Planning Staff recommends approval subject
7 to the findings of fact that follow:

8 FINDINGS OF FACT

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

12 2. The subject property is located in a Rural
13 Maintenance Plan Area, where rural farm residential
14 uses are appropriate in general locations;

15 3. The subject property is a large tract at
16 94.3 acres;

17 4. The subject property has access to Aull
18 Road;

19 5. Strip-mining activity has ceased; and,

20 6. The Owensboro Metropolitan Zoning
21 Ordinance Article 12a.31 requires that property shall
22 revert to its original zoning classification after
23 mining.

24 MR. HILL: Staff request that the Staff Report
25 be entered into the record as Exhibit A.

1 CHAIRMAN: Is there anyone here representing
2 the applicant? This is a fairly routine item for us.

3 (NO RESPONSE)

4 CHAIRMAN: Is there anyone here that chooses
5 to speak for or against the item?

6 (NO RESPONSE)

7 CHAIRMAN: Any commissioners have any
8 questions about this item?

9 (NO RESPONSE)

10 CHAIRMAN: If not then the chair will
11 entertain a motion.

12 MR. MOORE: Mr. Chairman, I recommend for
13 approval based on Staff's Findings of Fact 1 through
14 6.

15 CHAIRMAN: Mr. Moore has a motion. Do we have
16 a second?

17 MR. JEAN: Second.

18 CHAIRMAN: Mr. Jean seconds that motion. Any
19 questions or concerns from the commissioners?

20 (NO RESPONSE)

21 CHAIRMAN: If not all in favor raise your
22 right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: That motion is approved unanimous.

25 Next item.

1 ITEM 4

2 2416, 2418, 2424, 2426, 2428, 2430 & 2440 St. Ann
3 Street; 200 & 214 West 24th Street, 1.131 acres
4 Consider zoning change: From R-1C Single-Family
5 Residential to P-1 Professional/Service
6 Applicant: Independence Bancshares, Inc. &
7 Independence Bank of Kentucky, Inc.

8 MR. KAZLAUSKAS: Mr. Chairman, as a homeowner
9 on St. Ann Street, I need to recuse myself.

10 CHAIRMAN: Certainly. Let the record reflect
11 that Mr. Kazlauskas has recused himself because he's a
12 homeowner in that area.

13 I have a question for counsel. I don't feel
14 unable to consider this item, but I bank at
15 Independence Bank. Should I recuse myself?

16 MR. PORTER: No. Not just for that reason,
17 no.

18 CHAIRMAN: That's the only question I had.
19 Go ahead, Mr. Hill.

20 MR. HILL: Before I get started, I will note
21 that there was an amendment to the Staff Report that
22 was e-mailed to the commissioners earlier this week.
23 I printed copies of that and have placed it on your
24 desk before the meeting today. It has yellow
25 highlighting at the top. It highlights the two
 sections that were added after the previous version
 was published.

1 PLANNING STAFF RECOMMENDATIONS

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

4 CONDITIONS:

5 1. Access to the site shall be through the
6 adjacent Independence Bank property located at 2425
7 Frederica Street. No additional access to the site
8 will be granted from St. Ann Street or West 24th
9 Street or West 25th Street.

10 2. The applicant agrees to exceed the minimum
11 landscaping requirements of the zoning ordinance in
12 regards to the amount of plants required, the size of
13 plants at time of installation and the maintenance of
14 plants. Landscape design shall be similar to
15 landscape plan attached to this report.

16 3. The applicant agrees to construct an 8
17 foot tall brick wall surrounding any proposed parking
18 areas. Wall shall be similar in design to the exhibit
19 attached to this report.

20 4. All lighting shall be directed away from
21 nearby residential properties.

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 in an
2 Urban Residential Plan Area, where
3 professional/service uses are appropriate in limited
4 locations;

5 3. The use of the subject property as
6 professional/services will be nonresidential in
7 nature;

8 4. The proposal is a logical expansion of
9 existing P-1 zoning to the west; and,

10 5. At 1.131 acres, the proposal is not a
11 significant increase in P-1 zoning in the vicinity and
12 should not overburden the capacity of roadways and
13 other necessary urban services that are available in
14 the affected area since no new access to West 24th
15 Street, West 25th Street and St. Ann Street will be
16 permitted.

17 MR. HILL: Staff request that the Staff Report
18 be entered into the record as Exhibit B.

19 CHAIRMAN: Anyone here representing the
20 applicant?

21 MR. REED: Yes.

22 CHAIRMAN: Do you wish to make any comments
23 before we move forward?

24 MR. REED: No.

25 CHAIRMAN: Anyone here like to speak in

1 opposition to the application?

2 (NO RESPONSE)

3 CHAIRMAN: Commissioners, any of you have any
4 questions about the application?

5 MR. BOSWELL: Yes, I do, Mr. Chairman.

6 CHAIRMAN: Mr. Boswell.

7 MR. BOSWELL: Just a couple of, I guess, more
8 clarification and questions than anything else.

9 The statement is made that prior to formally
10 filing the rezoning application, the applicant met
11 with area residents.

12 Were all the residents that would have been
13 across the street from where this wall will be, this
14 whole area, did you meet with all of those particular
15 residents or just some of them?

16 CHAIRMAN: Would you step to the podium please
17 so we can get it on the record. Thank you very much.

18 MR. PORTER: Would you state your name for the
19 record, please?

20 MR. REED: Jacob Reed.

21 (JACOB REED SWORN BY ATTORNEY.)

22 MR. REED: Yes, all of the neighbors on St.
23 Ann Street that would be directly across the street
24 from this were contacted. We did have a meeting at
25 the bank and I believe everyone was there. There was

1 two properties that are rental units. I did speak
2 with the owners of both of those as well.

3 MR. BOSWELL: Thank you.

4 CHAIRMAN: Are you all in agreement with
5 Conditions 1 through 4 that are a part of this report?

6 MR. REED: Yes, sir.

7 CHAIRMAN: Thank you very much.

8 Any other commissioners have any other
9 questions?

10 (NO RESPONSE)

11 CHAIRMAN: One last chance for anybody in the
12 audience that have any questions or concerns?

13 (NO RESPONSE)

14 CHAIRMAN: The chair will entertain a motion.

15 MR. PEDLEY: Mr. Chairman, I make a motion for
16 approval based on Planning Staff Recommendations,
17 Conditions 1 through 4 and Findings of Fact 1 through
18 5.

19 CHAIRMAN: We have a motion by Mr. Pedley.

20 MR. BALL: Second.

21 CHAIRMAN: Second by Mr. Ball. Any questions
22 or concerns about the motion?

23 (NO RESPONSE)

24 CHAIRMAN: All in favor raise your right hand.

25 (BOARD LARRY MOORE, BEVERLY McENROE, MANUEL

1 BALL, FRED REEVES, LARRY BOSWELL, WARD PEDLEY AND GENE
2 LEWIS RESPONDED AYE.)

3 CHAIRMAN: The application is approved.

4 (TERRA KNIGHT JOINS MEETING AT THIS TIME.)

5 MR. PORTER: Mr. Chairman, I will excuse
6 myself.

7 CHAIRMAN: I want to thank Mr. Porter for
8 stepping in. Our counsel had a conflict and
9 Mr. Porter was gracious enough to work overtime today.

10 Thank you, Claud, very much.

11 ITEM 5

12 211 Hale Avenue, 0.319 acres
13 Consider zoning change: From I-1 Light Industrial to
14 B-5 Business/Industrial
Applicant: New Era Properties, LLC

15 MS. KNIGHT: State your name for the record.

16 MS. EVANS: Melissa Evans.

17 (MELISSA EVANS SWORN BY ATTORNEY.)

18 MS. EVANS: I would like to first of all with
19 this application point out that this was originally
20 advertised and the applicant had applied for a larger
21 portion of this property to be rezoned. After
22 reviewing the application a little bit and meeting
23 with the applicant, there were some things that were
24 going to be required of them that they weren't
25 prepared to do. How the property, the front two

1 pieces of property were being used currently is in
2 compliance with the zoning ordinance so they decided
3 to basically withdraw the application for the front
4 two pieces of property and only proceed with the
5 application for that back property, which is in fact
6 211 Hill Avenue. We have an e-mail from the applicant
7 stating that request that was included in your packet.
8 So this zoning change only pertains to that back piece
9 of property that's highlighted there on the map.

10 PLANNING STAFF RECOMMENDATIONS

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

13 FINDINGS OF FACT

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

17 2. The subject property is located within a
18 Business/Industrial Plan Area, where general business
19 and light industrial uses are appropriate in general
20 locations;

21 3. The subject property lies within an
22 existing area of mixed general business, light
23 industrial and residential uses;

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

1 5. The proposed land use for the subject
2 property is in compliance with the criteria for a
3 Business/Industrial Plan Area and a B-5
4 Business/Industrial zoning classification.

5 We would like to enter the Staff Report into
6 the record as Exhibit C.

7 CHAIRMAN: Is anyone here representing the
8 applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Would anyone like to speak in
11 opposition of this application?

12 (NO RESPONSE)

13 CHAIRMAN: Commissioners, do you have any
14 questions of Staff about the application?

15 (NO RESPONSE)

16 CHAIRMAN: If not the chair will entertain a
17 motion.

18 MR. BOSWELL: Mr. Chairman, I move for
19 approval based on the Planning Staff Recommendations
20 and Findings of Fact 1 through 5.

21 CHAIRMAN: We have a motion by Mr. Boswell.
22 Do we have a second?

23 MS. McENROE: Second.

24 CHAIRMAN: We have a second by Ms. McEnroe.
25 Any questions or concerns about the motion?

1 (NO RESPONSE)

2 CHAIRMAN: If not all in favor raise your
3 right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: The application is approved
6 unanimously.

7 MINOR SUBDIVISION PLATS

8 ITEM 6

9 10625 Hall School Road, 3.965 acres
10 Consider approval of a minor subdivision plat.
Applicant: Richard & Bridgit Jones

11 MR. HOWARD: Mr. Chairman, this plat comes
12 before you and the commissioners as an exception to
13 the three to one requirement. They're basically
14 dividing a lot, taking the lot line on the west side
15 all the way back to the property line which then
16 creates a lot that exceeds the 3 to 1 requirement.
17 The reason that they don't provide additional road
18 frontage is that there's an existing drive on Hall
19 School Road that they would like to keep on the parent
20 tract that's being cut out.

21 They're not trying to maximize really the
22 number of lots. We have put a note on the plat that
23 says that the property can't be further, either the
24 lot that's being created and the parent tract cannot
25 be further subdivided creating additional

1 irregular-shaped lots that don't meet the requirements
2 of the subdivision regulations. Our goal with that is
3 that they can't come back at some point in the future
4 and then use that 50 foot of frontage to create
5 another lot that has substandard road frontage. They
6 also have additional road frontage west as well.

7 With that we would recommend that you consider
8 it for approval.

9 CHAIRMAN: Anyone here representing the
10 applicant?

11 APPLICANT REP: Yes.

12 CHAIRMAN: Would you like to make comments?

13 APPLICANT REP: No.

14 CHAIRMAN: Anyone in opposition to the
15 application?

16 (NO RESPONSE)

17 CHAIRMAN: Questions by the commissioners?

18 (NO RESPONSE)

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

21 MR. ROGERS: Mr. Chairman, I make a motion for
22 approval.

23 CHAIRMAN: We have a motion for approval by
24 Mr. Rogers. Do we have a second?

25 MR. JEAN: Second.

1 CHAIRMAN: Mr. Jean has made a second.

2 Questions or concerns about the motion?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion passes unanimously.

7 ITEM 7

8 5091 Old Hartford Road & 5000 Block of Jessica Lane,
10.297 acres

9 Consider approval of a minor subdivision plat
Applicant: JR Acquisitions, LLC

10

11 MR. HOWARD: This plat comes before you as an
12 exception on access. The 1.010 portion that they are
13 shown to be cutting off on this plat, there was a note
14 on the previous plat that said access to this ten acre
15 parcel would be from Jessica Lane only, which you'll
16 see is on the east side of that property and on the
17 north side. That was done when what is shown on here
18 as the Wilson property was cut out years ago. So
19 they're requesting to cut this one acre parcel out
20 with its own access point to Old Hartford Road. Since
21 there was a note on a previous plat that says that it
22 shouldn't have access on Old Hartford Road, I couldn't
23 sign it in-house and we can't recommend it here, but I
24 know that Jason Baker and Marty Jacobs are here with
25 an explanation of why this needs to be done in order

1 for their plans to work out.

2 CHAIRMAN: Would the applicant like to address
3 this?

4 MR. JACOBS: Marty Jacobs, 1110 Frederica
5 Street.

6 MS. KNIGHT: Mr. Jacobs, you're sworn as an
7 attorney. Thank you very much.

8 MR. JACOBS: If I could, these are aerials of
9 the property.

10 What happened, in 2004 this property was
11 purchased and the note was put on the plat indicating
12 that there would not be access to Old Hartford Road.

13 What has happened since then is that the
14 applicant has acquired property to the north. What
15 they are working on is a proposal for a very large
16 development out in that area.

17 Now, in doing so in planning their retention
18 basin, where they believe the retention basin will go,
19 is in this area that is just east of the lot that
20 we're asking to be cut out. What that will
21 effectively do is prohibit access from Jessica Lane
22 down here or make it basically economically impossible
23 to do that. They chose this area because it's a
24 naturally low area. It's where the retention basin
25 should be. Where you see the trees going through

1 there, that is a ditch.

2 If you do not approve the division, this
3 property would likely just not be developed or to
4 develop it, it would be at an extremely high cost.

5 Now, I would point out that as to access to
6 this lot, as far as distances, I believe the standard
7 is 250 feet. With the location of the lot it will be
8 easy to get 250 feet from your public access here,
9 which is Georgia Lane. It will be a little bit short
10 to the next driveway, but as you can see there are
11 other nonstandard distances in that area. So based on
12 that we would ask you to approve this plat.

13 CHAIRMAN: Commissioners, do you have any
14 questions for Mr. Jacobs?

15 MR. PEDLEY: I have one question. It's a
16 clarification.

17 This 1.010 acre and then the 9.287 acres would
18 be consolidated into one?

19 MR. JACOBS: No. They're consolidated right
20 now.

21 MR. PEDLEY: They're already consolidated.

22 MR. JACOBS: That's already been done. It's
23 actually a 10 point something or another parcel, and
24 we're going to cut the one that fronts on Old Hartford
25 Road off, sever it, and then eventually what will

1 happen is that 9 acres remaining along the property to
2 the north would then be consolidated.

3 MR. PEDLEY: I just wanted to make sure. If
4 we approve it, we're approving the entire ten acres?

5 MR. JACOBS: Yes. Yes. The plat itself
6 covers both parcels. That's correct.

7 MR. PEDLEY: It appears looking at it, there
8 might be a division line there and it may not have
9 been consolidated yet, but it already has been
10 consolidated?

11 MR. JACOBS: It has been consolidated. That's
12 what the plat in '04 shows. It shows the 10.297 acre
13 parcel. What we're doing is severing that one acre
14 that's next to the road because it's just impractical
15 to develop.

16 MR. PEDLEY: Okay. I just wanted to make
17 sure. I wanted to clarify that.

18 MR. JACOBS: Thank you.

19 CHAIRMAN: Mr. Kazlauskas.

20 MR. KAZLAUSKAS: Mr. Howard, how is it zoned
21 now?

22 MR. HOWARD: It is zoned A-U Urban
23 Agriculture.

24 MR. KAZLAUSKAS: You said you are advising the
25 commission that the Staff can't approve this?

1 MR. HOWARD: Right. I couldn't sign it at the
2 Staff level. We normally would. This is a minor
3 subdivision plat. We approve 99 percent of them at
4 the Staff level, but this one I can't because there
5 was that access note on the previous plat. They're
6 asking for an exception to that. So that has to come
7 before you all to make that decision as to whether or
8 not you think their argument is reasonable.

9 MR. KAZLAUSKAS: Another question. Is another
10 drive, has the Staff thought about what another drive
11 would do with traffic, proceeding traffic problems?

12 MR. HOWARD: I think the whole intent of the
13 Access Management Manual is to try and eliminate or
14 consolidate access points when feasible. The original
15 plat predated me. I feel certain that it was because,
16 as Mr. Jacobs pointed out, you can meet it going one
17 direction, but you can't meet it between both the
18 driveway on the property to the north and Georgia
19 Lane. I'm sure that's why that was included on there
20 in the first place.

21 As far as traffic, in this vicinity, this is
22 Old Hartford Road past Forest Lane and Fairview. So
23 your traffic volumes are certainly less here than they
24 are on other portions of Old Hartford Road.

25 CHAIRMAN: Mr. Jacobs, do you have any idea

1 how many residents have been proposed to build with
2 the expansion that you talked about?

3 MR. JACOBS: Somewhere between 40 and 50.

4 I would point out also the note, and this may
5 make a difference. The note in '04, when you were
6 limiting access in '04, you were limiting access to
7 ten acres potentially of houses; whereas here, there's
8 not going to be more than one house. It's going to be
9 single-family residential is what will end up being
10 built. You're talking about one drive that is
11 non-standard in an area with multiple non-standard
12 drives.

13 MR. BOSWELL: I have a question, Mr. Chairman.

14 In doing so, that 1.01 acres taken out, when
15 that would be developed, where would be the main
16 access point to that development? You may have said
17 that and I just may not have picked it up.

18 MR. JACOBS: Let me let Jason address that.

19 CHAIRMAN: Yes, you need to be sworn, Jason.

20 MS. KNIGHT: State your name, please.

21 MR. BAKER: Jason Baker.

22 (JASON BAKER SWORN BY ATTORNEY.)

23 MR. BAKER: Overall if you look at the aerial
24 photo that we gave you, you'll see just to the back
25 toward town from the 1.01 acre tract there's three

1 homes there. Just to the north of that you see kind
2 of a discolored, light-colored, looks like there may
3 have been some excavation went on there. That is the
4 general vicinity of the new entrance.

5 MR. JACOBS: There would also be access from
6 Jessica Lane there that's at the end of Georgia Lane.

7 MR. BOSWELL: So would be two access points at
8 some point in time?

9 MR. BAKER: Yes, sir.

10 MR. BOSWELL: Thank you.

11 CHAIRMAN: Any other commissioners have any
12 questions?

13 (NO RESPONSE)

14 CHAIRMAN: Mr. Jacobs, any further comments?

15 MR. JACOBS: No, thank you, Mr. Chairman.

16 CHAIRMAN: Anyone in the audience have any
17 additional questions or comments?

18 (NO RESPONSE)

19 CHAIRMAN: If not the chair will entertain a
20 motion.

21 MR. PEDLEY: Mr. Chairman, I make a motion for
22 approval.

23 CHAIRMAN: Motion by Mr. Pedley.

24 MS. McENROE: Second.

25 CHAIRMAN: Second by Ms. McEnroe. Any

1 questions or concerns about the motion?

2 (NO RESPONSE)

3 CHAIRMAN: All in favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 Thank you, Mr. Jacobs.

7 ITEM 8

8 4879 Pleasant Grove Road, 2.991 acres
Consider approval of a minor subdivision plat.
9 Applicant: Tom Hardin

10 MR. HOWARD: Mr. Chairman and Commissioners,
11 this plat comes before you as an exception both to the
12 minimum road frontage requirements and the 3 to 1
13 ratio requirement. It's creating a lot that has
14 limited frontage on Pleasant Grove Road, approximately
15 15 feet. There is an additional easement there.

16 They're basically applying the frontage that
17 comes off the parent parcel between two existing lots.

18 The purpose of this plat is to create a lot
19 around an existing home. I believe the property may
20 be up for auction at some point in the future so
21 they're trying to create a lot around the existing
22 home.

23 They have included notes on the plat that
24 state that both this property and the remainder shall
25 not be further subdivided without meeting the

1 requirements of the subdivision regulations.

2 So with that note on the plat and the fact
3 that they're creating a lot around an existing home,
4 this isn't a new lot for development, we would
5 recommend that you consider it for approval.

6 CHAIRMAN: Anyone here representing the
7 applicant?

8 APPLICANT REP: Yes.

9 CHAIRMAN: Do you wish to make any comments?

10 APPLICANT REP: If there's any questions.

11 CHAIRMAN: Just stand by. If we have any
12 questions, we'll swear you in.

13 Anybody in the audience have any opposition to
14 the subdivision plat?

15 (NO RESPONSE)

16 CHAIRMAN: Commissioners, do you have any
17 questions?

18 (NO RESPONSE)

19 CHAIRMAN: If not the chair would entertain a
20 motion.

21 MR. BOSWELL: Motion for approval,
22 Mr. Chairman.

23 CHAIRMAN: Motion by Mr. Boswell. Do we have
24 a second?

25 MR. JEAN: Second.

1 CHAIRMAN: Second by Mr. Jean. Questions or
2 comments about the motion?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: The application is approved
7 unanimously.

8 Next item.

9 ITEM 9

10 4701 US Highway 60 West, 6.523 acres
11 Consider approval of a minor subdivision plat.
12 Applicant: Lamasco Transfer, LLC

13 MR. HOWARD: This plat comes before you, as
14 well, on an access-related issue which we can't sign
15 in-house.

16 Last week at the Board of Adjustments the
17 applicant received a variance in order to install a
18 120 foot wide access point. That's 70 feet larger
19 than what the zoning ordinance allows. The reason
20 that they need an access point that large and the
21 reason the Board of Adjustment approved it is this is
22 an industrial zoned property where they are proposing
23 to store large cranes. One of the vehicles that they
24 will use to access the site, it's called a Mammoth
25 Transport Unit which has a length of 160 plus feet.
26 So this is a massive vehicle that can be up to 16 feet

1 wide. So they need that additional throw width in
2 order to make those right turns off of Highway 60
3 West.

4 That variance was approved to allow a wider
5 access point. However, by previous plat, as you can
6 see on the attached drawing, there was an access point
7 that was approved on US Highway 60 West and two on
8 Booth Field Road. The width of the access easement on
9 60 West does not work. In order to widen the drive,
10 being in the location that it's in, there are two
11 utility structures that are in the way that would have
12 to be relocated at some cost based on the information
13 we've gotten from the applicant. So they're
14 processing to move the access point further west so
15 that it will be closer to Booth Field Road. That's
16 the goal here.

17 One of the conditions on the variance was that
18 if and when at some point in the future this site is
19 no longer utilized by those large trucks, that the
20 driveway would have to be reduced back to a maximum of
21 50 feet.

22 If you approve the access location change with
23 that condition from the variance, we would hope or we
24 would ask that in the future if that drive is narrowed
25 that the portion that would be taken off is the

1 westernmost portion. So it does create a little bit
2 more separation between Booth Field Road and the
3 access point to the property.

4 So it's ready for your all's consideration.

5 CHAIRMAN: Anybody here representing the
6 applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Mr. Howard, if it became smaller,
9 we need to put that specificity in the motion that it
10 would be moved to the east rather than to the west if
11 it needs to be narrowed or is that something you can
12 do in-house without our action?

13 MR. HOWARD: You know, the condition was made
14 on the variance. I think the discussion here, I think
15 they know what our desire would be. It's not a note
16 that I would really want on the plat itself due to the
17 specific nature of it, but they need to be advised
18 that if that is reduced at some point in the future,
19 it's going to come off the western portion of that
20 driveway.

21 CHAIRMAN: Do you know if they would be in
22 agreement with that?

23 MR. HOWARD: I don't think they would have an
24 issue with it. Their whole group had conflicts
25 tonight. They've been working with Mike to try and

1 figure out some alternative. They had conflicts in
2 December as well. It's on the agenda tonight even
3 though they knew that somebody couldn't be here.

4 CHAIRMAN: Commissioners, do you have any
5 questions or concerns about this?

6 I was on the Board of Adjustment, as was
7 Mr. Pedley, so we pretty much understand why they're
8 having this large driveway.

9 MR. BOSWELL: It would seem, Mr. Chairman,
10 that that's related to the size of equipment that
11 they're dealing with more than anything else.

12 CHAIRMAN: It's Sterett and all of us know the
13 size of equipment Sterett has to deal with. The Board
14 of Adjustment thought it was a reasonable exception to
15 make given the size of that equipment. In fact, not
16 only reasonable. It's a safe thing to do.

17 Mr. Rogers.

18 MR. ROGERS: Mr. Chairman, I make a motion for
19 approval with the condition that it revert back to its
20 50 foot to the west road driveway width, if this
21 ceases to exist in the future.

22 CHAIRMAN: I have a motion by Mr. Rogers. Do
23 we have a second?

24 MR. KAZLAUSKAS: Second.

25 CHAIRMAN: Second by Mr. Kazlauskas. Any

1 questions or concerns on the motion?

2 (NO RESPONSE)

3 CHAIRMAN: All in favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: The application is approved.

6 -----

7 NEW BUSINESS

8 ITEM 10

9 Consider approval of August & September 2015 financial
10 statements.

11 CHAIRMAN: We have two sets of financial
12 statements because we did not have an October meeting.
13 I think we probably need to entertain these financial
14 statements individually, don't we, Mr. Howard?

15 MR. HOWARD: Sure.

16 CHAIRMAN: You all have had a chance to review
17 these. The chair, unless you have a correction or
18 concern about either of these, the chair would
19 entertain a motion for the August financial statement.

20 MR. BOSWELL: Motion to approve, Mr. Chairman.

21 MR. KAZLAUSKAS: Second.

22 CHAIRMAN: Second by Mr. Kazlauskas. All in
23 favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: The chair then would entertain a

1 motion for the September financial statements.

2 MR. BALL: Motion to approve, Mr. Chairman.

3 CHAIRMAN: Motion by Mr. Ball.

4 MR. JEAN: Second.

5 CHAIRMAN: Second by Mr. Jean. Questions or
6 concerns?

7 (NO RESPONSE)

8 CHAIRMAN: All in favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: They are approved.

11 ITEM 11

12 Consider approval of 2016 Filing Dates and Deadlines

13 CHAIRMAN: Item Number 11 I'm going to pitch
14 back to Mr. Howard to talk about our 2016 filing
15 deadlines and our meeting dates.

16 Mr. Howard, if you would like to walk us
17 through these.

18 MR. HOWARD: Thank you.

19 We have provided two alternatives on the
20 meetings deadlines and dates for next year. It's the
21 same as what we did last year. We have had issues in
22 the past in April and October with school's spring and
23 fall breaks having a quorum sometimes. Also, with
24 applicants maybe being out of town and that type of
25 thing.

1 The original or the way that it's normally
2 done is we meet, the Board of Adjustments, the first
3 Thursday of the month, the Planning Commission the
4 second Thursday of the month. It's that way. So you
5 have one set of meeting filing deadlines that is that.
6 It does also include the proposed dates for OMPC work
7 sessions. We hold those quarterly in Room 406 at
8 typically 4:45. So that's one alternative.

9 The other alternative is a change in both
10 April and October where based on the school calendars
11 we double up the meetings. So both Board of
12 Adjustments and Planning Commission would meet on the
13 same evening in those two months in order to avoid
14 conflicts with Spring Break and Fall Break; otherwise,
15 everything is the same. We have still the work
16 sessions on that one as well.

17 Basically you have two alternatives. One is
18 just the regular dates and deadlines. Then the
19 alternative would be if you choose to go with the
20 alternative dates and deadlines that take into account
21 Spring and Fall Break.

22 CHAIRMAN: Okay. Is one of these A and one of
23 them B?

24 MR. HOWARD: We didn't label them.

25 CHAIRMAN: Can we call the regular one A and

1 the one that would double up the meetings be B for
2 purpose of discussion.

3 MR. HOWARD: Sure.

4 CHAIRMAN: Commissioners, what are your
5 questions or concerns about this?

6 MR. KAZLAUSKAS: Mr. Chairman, I guess I would
7 like to know what would the Board of Adjustment, would
8 it make it easier for them?

9 CHAIRMAN: It doesn't impact the Board of
10 Adjustment. Their meeting date would stay the same.
11 It would only impact the Planning Commission because
12 we would drop back a week and double up meetings that
13 day. The Board of Adjustment might meet a bit
14 earlier, but that would be it.

15 MR. BOSWELL: Mr. Chairman, I don't know how
16 the other commissioners may feel. I think the
17 schedule that we're on now is the same as one of these
18 proposed schedules.

19 CHAIRMAN: B.

20 MR. BOSWELL: Myself would state that has
21 worked pretty well for the entire year. Just personal
22 opinion.

23 CHAIRMAN: I don't take spring or fall break
24 any more. I'm on break every day. For those who does
25 that with their families, we certainly don't want to

1 inconvenience anybody and their family, from my
2 perspective.

3 How do the rest of you feel?

4 MR. BALL: I think it's a good thing. Having
5 young kids, you know, Brian has young kids, Terra does
6 as well.

7 CHAIRMAN: The only requirement I would have
8 if we go with Plan B, would somebody call me in April
9 and let me know the date. That's the only condition I
10 would put on the motion.

11 I think kind of by consensus of nodding heads
12 we know where we are, but I would entertain a motion
13 that reflects our discussion here.

14 Plan A is regular meeting date. Plan B is to
15 double-up dates with the Board of Adjustment. So
16 could I have a motion from someone.

17 MR. JEAN: I make a motion we use Plan B.

18 CHAIRMAN: We have a motion by Mr. Jean.

19 MS. McENROE: Second.

20 CHAIRMAN: Second by Ms. McEnroe. Questions
21 or concerns?

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: We are in good shape then. Thank
2 you for that. That is, I think, a smart thing to do.

3 ITEM 12

4 Comments by the Chairman

5 CHAIRMAN: I don't have any comments. Life is
6 good. Dinner was good.

7 ITEM 13

8 Comments by the Planning Commissioners

9 MR. BOSWELL: I would like to make a comment.
10 I don't know if the other commissioners have read
11 through all of it, but in the November 2015 Planning
12 Magazine that we get, I think there was a profound
13 statement in there that really epitomizes how great of
14 a Planning and Zoning department we have and the hard
15 work that they do. I'd just like to read that
16 statement because I think it's a pretty impressive
17 statement.

18 It says, "In a liveable community people of
19 all ages can go for a walk, get around without a car,
20 enjoy public places, work or volunteer, find the
21 services they need, shop, socialize and be
22 entertained. Live safely and comfortably and make
23 their town, city and neighborhood a lifelong home."

24 I think that epitomizes what our Planning and
25 Zoning folks do on a day-to-day basis.

1 CHAIRMAN: I would agree wholeheartedly, Mr.
2 Boswell. Thank you for making that comment.

3 Ms. McEnroe.

4 MS. MCENROE: Mr. Chairman, would it be a good
5 time to announce the workshop dinner coming?

6 CHAIRMAN: Mr. Howard or Mr. Hill, do you all
7 want to announce about the workshop coming up?

8 MR. HOWARD: Yes. I was going to do that
9 under Director's comments.

10 ITEM 14

11 Comments by the Director

12 MR. HOWARD: November 17th, that's next
13 Tuesday at 5:30 p.m. in our building, 200 East Third
14 Street, Chase Bank Building, Center for Commerce, on
15 third floor. We're putting on a Planning and Zoning
16 Workshop. Basically what this is, is an opportunity
17 for people in the community, whether it's people that
18 we deal with on a daily basis, builders, surveyors,
19 appraisers. Those folks to come in or just general
20 citizens, planning commissioners, elected officials,
21 to just come in and learn about not only what Planning
22 and Zoning is, but what we do and how we do it as
23 well. It's an opportunity to learn. It's going to be
24 a dinner and learn. We're going to provide some food
25 and drinks for the people that attend. We anticipate

1 two hours, from 5:30 to 7:30. We would request that
2 if anybody out there would like to attend to contact
3 Mike Hill at our office so that we can get you down on
4 the list. Make sure we have enough food to feed
5 everybody. We're looking forward to it. If it's
6 successful, which right now we've got around 20 people
7 that are registered. If it's successful, and we think
8 it will be, we'll do more of these in the future.

9 CHAIRMAN: Thank you, Mr. Howard. I really
10 appreciate Mr. Hill putting this together. Appreciate
11 it and look forward to it.

12 Any other comments, Mr. Howard?

13 MR. HOWARD: That's it.

14 CHAIRMAN: Hearing no other comments I'll
15 entertain the last motion.

16 MR. MOORE: Move to adjourn.

17 CHAIRMAN: Motion by Mr. Moore.

18 MR. BOSWELL: Second.

19 CHAIRMAN: Second by Mr. Boswell. All in
20 favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: We are adjourned.

23 -----

24

25

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 36 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 8th day of December, 2015.

19 _____
LYNNETTE KOLLER FUCHS
20 NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
21 2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY