

1                   OWENSBORO METROPOLITAN PLANNING COMMISSION

2                               JANUARY 14, 2016

3                   The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 January 14, 2016, 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                               Steve Frey, Secretary  
                                      Brian Howard, Director  
10                               Terra Knight, Attorney  
                                      John Kazlauskas  
11                               Lewis Jean  
                                      Beverly McEnroe  
12                               Manuel Ball  
                                      Larry Moore  
13                               Irvin Rogers

14                               \* \* \* \* \*

15                   CHAIRMAN: Call the January meeting of the  
16 Owensboro Metropolitan Planning Commission to order.  
17 We always start our meeting with a prayer and pledge  
18 to the flag. That will be led by our attorney Terra  
19 Knight this evening. Would you please stand.

20                               (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21                   CHAIRMAN: Our first item of business this  
22 evening is election of officers. I'm going to turn  
23 the meeting over to our counsel Terra Knight.

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

25                   As you all are aware, under KRS requires the

1 Planning Commission annually elect their officers.  
2 Our bylaws state that we will have a chairman, vice  
3 chairman and secretary/treasurer. Our bylaws also  
4 state that we will have those elections the first  
5 meeting every year in January. We traditionally vote  
6 by show of hands so that's where we will start  
7 tonight. We elect officers in the order that they're  
8 listed in the bylaws. So nomination and elections  
9 will first be for chairman, then vice chairman and  
10 then secretary/treasurer.

11 At this time I'll open the floor for  
12 nominations for chairman.

13 MR. BOSWELL: I'd like to nominate Fred Reeves  
14 again for chairman for 2016. I think Fred has done an  
15 outstanding job and well deserve for another year as  
16 our chairman.

17 MS. KNIGHT: Is there a second to that  
18 nomination?

19 MR. BALL: Second.

20 MS. KNIGHT: Mr. Reeves, do you accept the  
21 nomination?

22 MR. REEVES: Yes, I will.

23 MS. KNIGHT: Are there any other nominations?

24 (NO RESPONSE)

25 MS. KNIGHT: Hearing none I will close the

1 floor and we will take a vote.

2 All in favor of Mr. Reeves as chairman please  
3 raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 MS. KNIGHT: Congratulations, Mr. Reeves. You  
6 will continue as chairman.

7 MR. REEVES: Thank you.

8 MS. KNIGHT: Now for vice chairman. I'll open  
9 the floor for nominations.

10 MR. REEVES: I'd like to nominate Larry  
11 Boswell.

12 MS. KNIGHT: Is there a second?

13 MR. KAZLAUSKAS: Second.

14 MS. KNIGHT: Mr. Boswell, do you accept the  
15 nomination?

16 MR. BOSWELL: Yes, I do.

17 MS. KNIGHT: Any other nominations?

18 (NO RESPONSE)

19 MS. KNIGHT: Hearing none I will close the  
20 floor and we will take a vote.

21 All in favor of Mr. Boswell as vice chairman  
22 please raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 MS. KNIGHT: Congratulations, Mr. Boswell.

25 MR. BOSWELL: Thank you.

1 MS. KNIGHT: Now for secretary/treasurer. I  
2 will open the floor for nominations.

3 MR. ROGERS: I'd like to nominate Steve Frey.

4 MS. KNIGHT: Is there a second?

5 MR. JEAN: Second.

6 MS. KNIGHT: Mr. Frey, do you accept the  
7 nomination?

8 MR. FREY: Yes, I will accept.

9 MS. KNIGHT: Are there any other nominations?

10 (NO RESPONSE)

11 MS. KNIGHT: Hearing none I will close the  
12 floor and we'll take a vote.

13 All in favor of Mr. Frey as  
14 secretary/treasurer please raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 MS. KNIGHT: Mr. Frey, you are elected.

17 Mr. Chairman, I will now turn it back over to  
18 you.

19 CHAIRMAN: Thank you.

20 Based on some activity on one of the items  
21 that's on the agenda today and where I think the  
22 Planning Commission will act tonight, I'm going to  
23 recommend that we move Item 9 and 9A to be the next  
24 item on our agenda.

25 MR. HOWARD: That falls under Final

1 Development Plan.

2 ITEM 9

3 3830 Highway 54, 1.886 acres (Postponed from the  
4 December 10, 2015 meeting)

5 Consider approval of a final development plan  
Applicant: Lamco Properties

6 MR. HOWARD: Mr. Chairman, this item was on  
7 the agenda for the December 10, 2015 meeting. At that  
8 time it was recommendation of our counsel that that  
9 item be postponed due to some pending legal action.  
10 That has not been resolved at this point so we would  
11 recommend that you consider it for postponement again  
12 tonight.

13 There is a requirement that final action be  
14 taken within 90 days of the date of application. We  
15 will be within that 90 days at the February meeting.  
16 So some type of action will have to take place at the  
17 February meeting, but we are within the right of at  
18 least this point to postpone again.

19 Terra, feel free to add additional comments.

20 MS. KNIGHT: I know the Judge presiding over  
21 this case is supposed to final ruling by today and she  
22 e-mailed everyone involved in the case earlier this  
23 week and said that she just wasn't able to do that  
24 with her schedule.

25 I have talked to all parties involved and let

1       them know that would be our recommendation again. I  
2       think there may at least some comment on the record  
3       about that recommendation.

4               So, Mr. Chairman, you may want to entertain  
5       that.

6               CHAIRMAN: Absolutely, yes.

7               That will be entered in a form of a motion. I  
8       think let's have a form of a motion first, and then we  
9       will entertain any comments on it.

10              If I could get a motion on Item 9, please, to  
11      postpone until the next meeting.

12              Mr. Boswell.

13              MR. BOSWELL: Mr. Chairman, I move to postpone  
14      Item 9 and 9A to the February meeting.

15              CHAIRMAN: Do I have a second for that?

16              MS. MCENROE: Second.

17              CHAIRMAN: Ms. McEnroe seconded.

18              Would anybody in the audience like to speak on  
19      the motion before we vote?

20              Yes, Mr. Overstreet.

21              MS. KNIGHT: Mr. Overstreet, you're sworn as  
22      an attorney.

23              MR. OVERSTREET: Thank you. I apologize for  
24      the lack of a tie. I had a malfunction getting out of  
25      my truck.

1           As Mr. Howard stated, as you're aware, there  
2       is a 90 day requirement to vote on the Final  
3       Development Plan. That is the wish of my client.  
4       Obviously, we would have preferred to have had the  
5       vote tonight, but as Ms. Knight stated, all of the  
6       briefs have been submitted. The matter has been  
7       finally submitted to Judge Janet Crocker for final  
8       decision in this matter. So we're just simply  
9       awaiting that decision. As Ms. Knight stated, due to  
10      time constraint she was simply unable to get the  
11      decision before tonight's meeting. That was the  
12      anticipated deadline. That was not met, but we would  
13      anticipate that decision coming forthright and we  
14      would ask when we reconvene that all parties at that  
15      time would be present and we would be requesting that  
16      matter move forward swiftly at that time. Thank you.

17           CHAIRMAN: Thank you, Mr. Overstreet.

18           Anybody on the other side wish to make a  
19      comment?

20           (NO RESPONSE)

21           CHAIRMAN: My issue is there is litigation and  
22      the Planning Commission is a party to that litigation  
23      so we feel until that litigation is resolved it would  
24      be unwise for us to take any action. As Mr. Howard  
25      said, we will absolutely act next month because that

1 will be required by law that we do so.

2 Any of the commissioners have any comments or  
3 questions about this motion?

4 (NO RESPONSE)

5 CHAIRMAN: If not, all in favor raise your  
6 right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: The motion is approved.

9 We now need a motion for Item 9A.

10 MR. HOWARD: He included that in his motion.

11 CHAIRMAN: Okay. Thank you very much. My  
12 mistake.

13 Thank you all for coming this evening on this  
14 issue. We will hear it next month you can be assured.  
15 We want to make sure everything is done properly.  
16 Travel safely.

17 We are now going to have Item 3, presentation  
18 of our Fiscal Year Audit by one of my former students,  
19 Mr. Jack Somerville.

20 ITEM 3

21 Presentation of Fiscal Year 2015 Audit by Jack  
22 Somerville, CPA, CGFM, CGMA, CICA

23 (JACK SOMERVILLE SWORN BY ATTORNEY.)

24 MR. SOMERVILLE: If you do have the audit  
25 report in front of you, I will start on Page 8.



1           This is our report on your financial  
2 statement. If you go to the bottom of the page of the  
3 Opinion, it states that in our opinion the financial  
4 statements referred to above presents fairly in all  
5 the materials with respect to the financial position  
6 of the Commission for the year ended June 30, 2015.

7           To get to the financial statements we'll start  
8 on Page 10 which is the statement of position. This  
9 statement shows your financial position including all  
10 economic resources. It's similar to how business will  
11 present their financials. Included long-term  
12 liability, capital assets, things like that.

13           This statement has changed from the prior year  
14 due to new accounting that requires you to record as  
15 liability your share of the state pension plans net  
16 liability. If you look in the middle of the bottom  
17 half of the page where it says, "Unfunded Pension  
18 Liability," your share of it is \$978,000.

19           There's two other items on here in the top  
20 half where it says deferred outflow of resources, and  
21 then the bottom where it says deferred inflow of  
22 resources. Those are all part of the actuarial  
23 evaluations that are required to be put on your  
24 financial statements. Please don't blame me for  
25 these.

1           The net result of that is that it puts your  
2           total net position down towards the bottom of the page  
3           in the deficit position of \$160,000. However, you are  
4           in good financial position. If you look at the top,  
5           you have, as of June 30th, you had cash in the  
6           equivalent of \$860,000. As we go forward, I'll show  
7           you a little bit more about that.

8           If you turn the page, the Statement of  
9           Activities, if you go down towards the bottom where it  
10          says Change in Net Position, you have a positive  
11          change in Net Position of \$26,000 for the year.  
12          That's your operating.

13          Then below that there's an accumulative effect  
14          of change in accounting principles, 1,009,000. That  
15          is the pension liability and how it flows through.

16          On the following page begins the fund  
17          financial statements which is more how you think of  
18          your financials. This is how you budget. You'll see  
19          on here your total fund balance is \$779,000. So  
20          you're in good shape there.

21          On Page 14 is a statement of revenue  
22          expenditure of a change in fund balance. It shows a  
23          total revenue for the year of 1,139,000. That's a  
24          decrease of 59,000 from the prior year, but then when  
25          you look at total expenditures 1,141,000, that's the

1 decrease of \$121,000 from the prior year. So your net  
2 excess of expenditures over the revenue is  
3 approximately \$1,500. In the prior year you had a  
4 much larger excess of expenditure. So that's actually  
5 an improvement of about \$62,000.

6 One thing to note is your cash balance of  
7 \$861,000 versus your expenditures there of 1,139,000  
8 means that you have roughly nine months worth of cash  
9 on hand. You're in very good financial state.

10 Starting back on Page 28 shows a revenue and  
11 expenses for the planning division, and then on Page  
12 29 for the building and electrical division and  
13 compare it to your budget. Both of those were  
14 positive.

15 The final report is on Page 33, which we're  
16 required to do a government audit. We're required to  
17 report on internal controls and compliance issues.  
18 I'm happy to report we had no findings.

19 Any questions?

20 CHAIRMAN: Any commissioners have any  
21 questions of Mr. Somerville?

22 MR. KAZLAUSKAS: I do.

23 CHAIRMAN: Mr. Kazlauskas.

24 MR. KAZLAUSKAS: Believe it or not you think  
25 with everything that I've got to do that I wouldn't

1 spend much time on this, but I do have a question on  
2 Page 31. This has to do with pensions.

3 I went back to review Page 31 and 32. I  
4 noticed that there was a decrease in the statutory  
5 required contributions for 2015, which I assume was  
6 because of less employees. The other question that  
7 really came to my attention is the information from  
8 previous years was not available for the last ten  
9 years. Then over on Page 32 information for years  
10 prior to 2012 is not available. I thought that  
11 information was readily available. I don't know why  
12 that was not included because according to this report  
13 right here we've been in the county's pension since  
14 2008. So we should have, all that information should  
15 be readily available to you.

16 MR. SOMERVILLE: Well, this is the first year  
17 this has been done, that it was required to be on the  
18 books, and the first year that the county employees  
19 retirement system provided the information to you and  
20 to us.

21 On Page 31, this is information, the current  
22 portion and share of the net pension liability, it's  
23 the first time that number has been calculated. So  
24 that's why there's only one year of information on  
25 that page.

1           MR. KAZLAUSKAS: So this information came from  
2 the state?

3           MR. SOMERVILLE: That's correct.

4           MR. KAZLAUSKAS: That answers my question  
5 then. Thank you.

6           CHAIRMAN: Is that okay, Mr. Kazlauskas?

7           MR. KAZLAUSKAS: Yes.

8           CHAIRMAN: Any other questions of  
9 Mr. Somerville?

10          MR. KAZLAUSKAS: The other question about the  
11 decrease on the statutory required contribution was  
12 lower than the previous year.

13          MR. SOMERVILLE: That is the pension system.  
14 The trustees determine that rate. It's not based on  
15 your number of employees or anything. That's what  
16 your required contribution was, and they lowered it  
17 that year.

18          MR. KAZLAUSKAS: Thank you.

19          CHAIRMAN: Mr. Kazlauskas, we may have had  
20 less salary because of some retired. Like the new  
21 director and I think Mr. Hill, was he with us all of  
22 last year?

23          MR. HOWARD: Yes.

24          CHAIRMAN: That could be a little of it. Some  
25 small amount.

1           MR. KAZLAUSKAS:  You're saying that these  
2           numbers actually calculated --

3           MR. SOMERVILLE:  The statutorily required  
4           contributions, the dollar number is what you actually  
5           paid in.  The number at the bottom where it says,  
6           contribution as a percentage of covered employee  
7           payroll, that is the rate that's determined by the  
8           pension.

9           MR. KAZLAUSKAS:  Okay.  I understand.  Makes  
10          sense.

11          CHAIRMAN:  Thank you, Mr. Kazlauskas.  
12          Anyone else have any questions?

13          (NO RESPONSE)

14          CHAIRMAN:  Would anyone in the audience have  
15          any questions with regard to the audit?

16          (NO RESPONSE)

17          CHAIRMAN:  I think we need a motion to accept  
18          this and put it in the record.

19          Chair will entertain a motion about the audit.

20          MR. KAZLAUSKAS:  Move that the audit be  
21          approved.

22          CHAIRMAN:  Motion by Mr. Kazlauskas.

23          MR. FREY:  Second.

24          CHAIRMAN:  Second by Mr. Frey.  Any further  
25          discussion or question?

1 (NO RESPONSE)

2 CHAIRMAN: All in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Thank you, Mr. Somerville, very,  
5 very much. Appreciate it. You are dismissed.

6 MR. SOMERVILLE: Thank you.

7 CHAIRMAN: I just forgot. We have a very  
8 distinguished guest. We've got several distinguished  
9 guests in the audience, but one I want to recognize.  
10 Mr. Gary Noffsinger is with us. Gary is our former  
11 director. We wouldn't recognize him because he's  
12 freshened up his do a little bit, but Gary thank you  
13 for coming tonight. I know why you're here. You're  
14 welcome any time. We always appreciate you and  
15 appreciate your contribution you made to this  
16 commission during your years of service. It was  
17 phenomenal.

18 MR. NOFFSINGER: Thank you, Mr. Chairman.

19 CHAIRMAN: Everyone received a copy of the  
20 minutes in your packet. You've had a chance to review  
21 them I assume. Are there any corrections or additions  
22 to those minutes?

23 (NO RESPONSE)

24 CHAIRMAN: If not, the chair will entertain a  
25 motion.

1 MR. JEAN: Motion to approve as read.  
2 CHAIRMAN: Motion by Mr. Jean.  
3 MR. BOSWELL: Second.  
4 CHAIRMAN: Second by Mr. Boswell. We have a  
5 motion and a second. Questions or concerns?  
6 (NO RESPONSE)  
7 CHAIRMAN: All in favor raise your right hand.  
8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
9 CHAIRMAN: Thank you, Mr. Jean. Appreciate  
10 it.  
11 Ready for Item 5.  
12 -----  
13 GENERAL BUSINESS  
14 ZONING CHANGES  
15 ITEM 5  
16 1018 Goetz Drive, 2.379 acres  
17 Consider zoning change: From A-U Urban Agriculture to  
18 B-4 General Business  
19 Applicant: Thomas E. Goetz  
20  
21 MS. KNIGHT: State your name for the record.  
22 MR. HILL: Mike Hill.  
23 (MIKE HILL SWORN BY ATTORNEY.)  
24 PLANNING STAFF RECOMMENDATIONS  
25 The Planning Staff recommends approval subject  
to the conditions and findings of fact that follow:  
CONDITIONS:



1           1. Access to the property shall be limited to  
2           a single access point to Goetz Drive and aligned with  
3           the hotel access point across the street.

4           2. The applicant shall provide landscape  
5           buffer screening in compliance with Article 17 of the  
6           zoning ordinance along the western property boundary  
7           where adjacent to residential property.

8           FINDINGS OF FACT

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

12          2. The subject property is located in a  
13          Business Plan Area where general business uses are  
14          appropriate in limited locations;

15          3. The proposed use as commercial conforms to  
16          the criteria for nonresidential development;

17          4. The proposal is a logical expansion of  
18          existing B-4 General Business zoning to the north,  
19          south and east; and,

20          5. At 2.379 acres, the proposal does not  
21          significantly increase the extent of general business  
22          zoning in the vicinity and should not overburden the  
23          capacity of roadways and other necessary urban  
24          services that are available in the affected area.

25          MR. HILL: Staff request that the Staff Report

1 be entered into the record as Exhibit A.

2 CHAIRMAN: Thank you, Mr. Hill.

3 Is anyone here representing the applicant?

4 MR. PFEIFER: Yes. Mark Pfeifer here with  
5 Thomas Goetz, the applicant.

6 CHAIRMAN: Yes. If you're like to make some  
7 comments, please come forward.

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

9 MR. PFEIFER: I don't have any comments, but  
10 if you all have any questions of me, I'd be glad to  
11 answer them.

12 CHAIRMAN: Yes. If you'd just remain there to  
13 see if we have any questions.

14 Is there anyone here that would like to speak  
15 in opposition of this zoning request?

16 (NO RESPONSE)

17 CHAIRMAN: Does any of the commissioners have  
18 questions regarding this application?

19 Mr. Boswell.

20 MR. BOSWELL: Thank you, Mr. Chairman. Just a  
21 number of questions associated to the Staff Report.

22 The statement was made that the "site access  
23 with the Kentucky Transportation Cabinet recommends  
24 access to this site be limited to a single access  
25 point that is aligned with the hotel access point."

1           If you take a look at the location, map  
2           location, it would seem to me that particular location  
3           is going to be significantly close to Coventry Lane.  
4           Was there any concern when that information was  
5           presented with the traffic patterns there that that  
6           could present an issue?

7           CHAIRMAN: Mr. Howard, I think that would be a  
8           question for you.

9           MR. HOWARD: Yes, I'd be glad to.

10          It is close to Coventry Lane and closer than  
11          the access space and the standard might allow;  
12          however, it is in alignment at that location with an  
13          existing access point which you try and line up when  
14          possible.

15          The other thing, where the existing access  
16          point is in relation to Moseley Road there, once you  
17          move further east you're getting into a curve and  
18          you're also getting, you're going towards the more  
19          congested area. So even though it may be closer to  
20          Coventry Lane, with it being in line with the drive  
21          across the street, it's moving further away from the  
22          congestion, further away from the curve. We felt, and  
23          when Mike talked with the Transportation Cabinet, that  
24          there could be potentially some site distance issues  
25          with an access point on the east side of that

1 property. So it just makes more sense that if you're  
2 going to have a commercial drive that it be further  
3 away from the congested intersection, further away  
4 from Frederica Street.

5 MR. BOSWELL: The other question I have on the  
6 conditions that are on Page 2. In reading through the  
7 Staff Report, it would seem that the statement about,  
8 "Prior to any non-residential occupancy of the  
9 property the applicant must be obtain approval of a  
10 site plan or development plan to demonstrate  
11 compliance with zoning ordinance requirements  
12 including, but not limited to, parking, landscaping,  
13 building setbacks, access management and signage."

14 Should that not also be part of the conditions  
15 on the findings of fact?

16 MR. HOWARD: You can certainly add it as a  
17 condition. It's one of those things whenever they go  
18 through the process of converting this site to a  
19 nonresidential use into a commercial use, they'll have  
20 to come in and get building permits, and electrical  
21 permits, and inspections, and all of that, and the  
22 site plan approval process is actually part of that.  
23 So it's something that they're going to have to go  
24 through anyway.

25 You'll find sometimes on the front side in our

1 discussion we'll mention things that are just general  
2 requirements, even though it may not be necessary to  
3 be a specific condition of the zoning change.

4 MR. BOSWELL: Understood. Thank you.

5 CHAIRMAN: Is that okay, Mr. Boswell?

6 MR. BOSWELL: Yes.

7 CHAIRMAN: Any other questions from the  
8 commission?

9 (NO RESPONSE)

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

12 MR. BALL: I'd like to make a motion to  
13 approve with Planning Staff Recommendation, Conditions  
14 1 through 2, and Findings of Fact 1 through 5.

15 CHAIRMAN: We have a motion by Mr. Ball. Do  
16 we have a second?

17 MR. BOSWELL: Second.

18 CHAIRMAN: Second by Mr. Boswell. Any other  
19 questions or concerns?

20 (NO RESPONSE)

21 CHAIRMAN: All in favor of the motion raise  
22 your hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: The application is approved.

25 Thank you.

1       ITEM 6

2       Portion of 4906 Old Hartford Road, 1.126 acres  
3       Consider zoning change: From A-U Urban Agriculture to  
4       R-1A Single-Family Residential  
5       Applicant: Terry Ray Dukes; Independence Bank,  
6       Trustee of the Marion H. Foor Trust

7       PLANNING STAFF RECOMMENDATIONS

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

10      CONDITION:

11              1. Approval of a consolidation plat to  
12      consolidate the subject property with 24 Stone Creek  
13      Park.

14      FINDINGS OF FACT:

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

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

21              3. The proposed use meets the requirements  
22      for urban residential development;

23              4. The proposed zoning change is a logical  
24      expansion of existing R-1A zoning located to the  
25      north, south and west; and,

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

1           MR. HILL: We would like to enter the Staff  
2 Report into the record as Exhibit B.

3           CHAIRMAN: Thank you, Mr. Hill.

4           Is there anyone here representing the  
5 applicant?

6           (NO RESPONSE)

7           CHAIRMAN: Anyone here that would like to  
8 speak in opposition of the application?

9           (NO RESPONSE)

10          CHAIRMAN: Any of the commissioners have  
11 questions about the application?

12          (NO RESPONSE)

13          CHAIRMAN: If not, then the chair will  
14 entertain a motion.

15          Mr. Rogers.

16          MR. ROGERS: Mr. Chairman, I make a motion for  
17 approval based on Planning Staff Recommendation with  
18 the one Condition and the Findings of Fact 1 through  
19 5.

20          CHAIRMAN: We have a motion by Mr. Rogers. Do  
21 we have a second to the motion?

22          MR. FREY: Second.

23          CHAIRMAN: Second by Mr. Frey. Questions or  
24 concerns about the motion?

25          (NO RESPONSE)

1 CHAIRMAN: All in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: The application is approved.

4 ITEM 7

5 3943 Highway 54, 2.108 acres  
6 Consider zoning change: From A-U Urban Agriculture to  
7 P-1 Professional/Service  
Applicant: Mount Mariah Holdings, LLC & K Squared of  
Owensboro, LLC

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

9 MS. EVANS: Melissa Evans.

10 (MELISSA EVANS SWORN BY ATTORNEY.)

11 PLANNING STAFF RECOMMENDATIONS

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

14 CONDITION:

15 Access shall be limited to a single access  
16 point on Wood Trace in alignment with the access point  
17 for the church across the street.

18 FINDINGS OF FACT:

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

22 2. The subject property is located in an  
23 Urban Residential Plan Area where Professional/Service  
24 uses are appropriate in limited locations;

25 3. The proposed use as offices conforms to



1 the criteria for nonresidential development;

2 4. The proposal is a logical expansion of  
3 existing P-1 Professional/Service zoning to the east,  
4 north and west of the subject property; and,

5 5. With access limited to a single access  
6 point on Wood Trace in alignment with the access point  
7 for the church, the proposal should not overburden the  
8 capacity of roadways and other necessary urban  
9 services in the affected area.

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

12 CHAIRMAN: Thank you. Is anyone here  
13 representing the applicant?

14 DR. KING: Hello, Mr. Chairman and Board. My  
15 name is Randall King.

16 (RANDALL KING SWORN BY ATTORNEY.)

17 DR. KING: I'm one of the landowners. We are  
18 requesting a P-1 rezoning based on the logical  
19 expansion as described.

20 What I'm doing is representing my engineer who  
21 is out of town. It's Jim Riney with HRG. He asked me  
22 to come down and at least make a statement. I did  
23 talk briefly to Mike Hill.

24 What we're requesting is a variance of access  
25 based on current commercial spacing and 50 feet off of

1 the main highway.

2 If you line up an access point into this  
3 property directly across from the church, using that  
4 particular drive, there's about an 18 foot wall there.  
5 There's a retaining and a rock wall above that. The  
6 topography, the real estate actually sits about I'm  
7 going to say 15 to 18 feet off of that curb. It's  
8 almost unfeasible, not logical, to try to enter at  
9 that particular point.

10 At this point we have not proposed a  
11 development plan. We haven't gotten to that stage. I  
12 realize we're here just for rezoning to the P-1. We  
13 request that tonight but with a variance to give us a  
14 chance to study the property and return back for  
15 further request.

16 CHAIRMAN: Thank you, Dr. King.

17 Does anyone have any questions of Dr. King?

18 (NO RESPONSE)

19 CHAIRMAN: Anyone here?

20 Yes, Mr. Ball.

21 MR. BALL: So what you're actually looking at  
22 doing in the future is you're wanting that condition  
23 not to be put on here at this point in time and then  
24 you would come back for a conditional variance in the  
25 future; is that correct?

1 DR. KING: Yes, sir, that's correct.

2 MR. BALL: Thank you.

3 MR. KAZLAUSKAS: Mr. Chairman.

4 CHAIRMAN: Yes, Mr. Kazlauskas.

5 MR. KAZLAUSKAS: Under Development Pattern,  
6 the last sentence of the third paragraph it says, "If  
7 the rezoning is approved, a Traffic Impact Study may  
8 be required by the Kentucky Transportation Cabinet to  
9 determine if any improvements need to be made to  
10 Highway 54 or Wood Trace."

11 Who is going to make the call on that? Are we  
12 going to make a call on that? Is the KTC going to  
13 make the call on that? Should that read may, shall or  
14 should? I have some questions about that. Where is  
15 the responsibility going to lie with that?

16 CHAIRMAN: Mr. Howard.

17 MR. HOWARD: Whenever a plan is submitted at  
18 this point, we don't know what it is other than  
19 office. With it being a parcel that has frontage on  
20 Highway 54, we would coordinate with the  
21 Transportation Cabinet whenever we have a plan in hand  
22 because a Traffic Impact Study may or may not be  
23 required, depending on the quantity and number of  
24 buildings, square footage types of uses that will be  
25 on that property. There's a lot of unknown

1 information we have at this point. That's why it's in  
2 there as a may because it may or may not require a  
3 traffic study at that point.

4 MR. KAZLAUSKAS: Okay.

5 CHAIRMAN: Mr. Kazlauskas, does that answer  
6 your question?

7 MR. KAZLAUSKAS: I know Mr. King is going to  
8 have some concerns about that so I'm just trying to  
9 get a leg up on what might come down the pike.

10 CHAIRMAN: I understand.

11 DR. KING: I appreciate your concern. I mean  
12 there is a lot of unknowns at that particular location  
13 on 54 within the expansion. We'll have to study it,  
14 make a proposal, try to be in compliance with the  
15 State, and what's acceptable with the Board.

16 MR. KAZLAUSKAS: Thank you.

17 CHAIRMAN: Any other questions from the  
18 commission?

19 (NO RESPONSE)

20 CHAIRMAN: Mr. Howard, do you have anything?

21 MR. HOWARD: No.

22 CHAIRMAN: That being the case the Board will  
23 entertain a motion.

24 MR. SHOUSE: I would like to speak, if you  
25 don't mind.

1                   CHAIRMAN: I don't mind at all. I appreciate  
2                   you being here.

3                   MS. KNIGHT: Please state your name for the  
4                   record.

5                   MR. SHOUSE: Mike Shouse.

6                   (MIKE SHOUSE SWORN BY ATTORNEY.)

7                   MR. SHOUSE: I've actually talked to Dr. King  
8                   on the phone recently about this property. I'm his  
9                   neighbor.

10                  We've got Southern Star who moved in the  
11                  backyard. Actually Dr. Smith owned this property. My  
12                  father-in-law bought it back in '96, built a house,  
13                  from him. There's a tree line just right down from  
14                  where the driveway is. You're talking about on the  
15                  church that we've basically taken care of since '96.  
16                  Roughly about a tenth of an acre.

17                  All I'm asking is that, I know we can't do  
18                  anything about the zoning. I'm not too worried about  
19                  that, but it's a natural barrier from the subdivision  
20                  from my house. I was just wanting some kind of  
21                  condition, if possible, that we keep that tree line at  
22                  least in place so they don't knock it out. As he  
23                  said, there's probably an 18 foot retaining wall and  
24                  rocks and everything right there. He's up on a hill.  
25                  We're down below him at least 30 foot looking straight

1 up at the house there. I'm just asking for some type  
2 of barrier, you know, to stay in place. I prefer that  
3 the natural barrier stay there. There's a new sewer  
4 line that they ran a few years ago between the tree  
5 line and our property line. So there's a 30 foot  
6 easement anyway. You can't really do anything with  
7 it. Then we've got a utility easement going to the  
8 backyard. It's kind of a no-mans-land. I'm just  
9 trying to make sure that we don't get pushed out.

10 CHAIRMAN: I'm trying to find exactly where  
11 the tree line is you're talking about on the map. I'm  
12 not real familiar with it.

13 MR. SHOUSE: You can't see it on yours. This  
14 is our property.

15 CHAIRMAN: Dr. King, are you familiar with  
16 where he's talking about? If not, you're welcome to  
17 come up and look with us.

18 DR. KING: Chairman, I have spoke to Mike.  
19 What I did do is reassure Mike that at this point we  
20 have no idea how we're going to develop the property.  
21 I'm empathetic to his concern and his wanting of a  
22 barrier. Being a manmade barrier or a natural  
23 barrier, I think if I lived where he did I would want  
24 some type of barrier too.

25 In the scheme of the unknowns and the logic

1       that we face, I don't know that we can make any calls  
2       today about what we need to guarantee or not  
3       guarantee, as far as tree line goes. We haven't even  
4       got to a development plan yet. First of all, we've  
5       got to get access into the property that's acceptable  
6       to the public. I don't know where that's going to be.  
7       Unfortunately, it may be along that tree line. I hope  
8       not. As I looked at the property, I think there's  
9       enough spacing still that's safe and feasible, and  
10      there's many examples around the city coming off the  
11      main highway that's still within a 50 feet barrier.

12               Be as it may tonight, I reassured Mike that  
13      we'll have some type of barrier there in the scheme of  
14      development and that I would stay in touch with him  
15      and try to give him at least heads up on what we're  
16      doing and try to involve him along the way.

17               CHAIRMAN: Does everybody know where the tree  
18      line is he's talking about? I didn't.

19               MR. SHOUSE: You see where the truck is parked  
20      --

21               CHAIRMAN: Go back to the microphone, Mr.  
22      Shouse. I'm sorry, but the stenographer has to take  
23      down every word and she can't hear you if you're up  
24      here. Just trying to be fair.

25               Go on with your comments.

1                   MR. SHOUSE: On the map up there, there's a  
2 truck parked, right in front of that truck on his  
3 property is the tree line. Then it goes, there's a  
4 ditch in-between his property and mine that we  
5 technically have taken care of, at least mowed and all  
6 that good stuff since '96.

7                   I'm just trying to keep that barrier there  
8 between us because I know -- I've talked to Dr. King.  
9 I'm not as worried about him, but what happens if he  
10 sells it to somebody else and then we're back in here  
11 doing this all over again. I'm just trying to keep  
12 the natural boundary there.

13                  CHAIRMAN: We understand and we are glad to  
14 hear your concerns.

15                  Mr. Frey, I think you had a comment or a  
16 question.

17                  MR. FREY: My question to Mr. Howard would be  
18 tonight we're only voting on the change. We would  
19 then at the point of when the plan comes in we would  
20 then look at keeping that natural barrier. Something  
21 is going to have to be there anyway because there are  
22 requirements.

23                  MR. HOWARD: Yes and no. Tonight you are  
24 concerned with the zoning change itself. Is a P-1  
25 zone appropriate for that property. At this time you



1       have the ability to add conditions to the zoning  
2       change. With the P-1 zoning on this property, the  
3       zoning ordinance does not require the 6 foot tall  
4       element like you would if it were say zoned B-4  
5       adjacent to that residential. They would have to put  
6       a vehicular use area screen, which is only the 3 foot  
7       tall element with trees adjacent to that property,  
8       wherever that boundary might be. There wouldn't  
9       necessarily be a tall buffer requirement.

10               This is an opportunity for it to be addressed  
11       in some capacity because with a typical development  
12       plan, whenever that is submitted, the utility sign off  
13       on it, the city or county engineers sign off on it.  
14       We review it and approve it. It doesn't come back to  
15       this full commission for consideration. So this is an  
16       opportunity to discuss that and weigh in on that  
17       issue.

18               MR. FREY: Thank you.

19               CHAIRMAN: Anyone else have any comments?

20               Yes, Dr. King.

21               DR. KING: Let me remind the Board, as we talk  
22       about barriers, this piece of property is sitting in a  
23       20 feet maybe above his property. It's really, I mean  
24       when you talk about building barriers, whether it's 6  
25       foot, or 10 foot, or 14 foot, or 80 foot, you know,

1       you're still going to be able to see from the top of  
2       that property down on his property. I understand  
3       barriers, but I think we have to exercise some type of  
4       reasoning and type of barrier that we might put or  
5       stipulate at this particular time. I reassured him I  
6       wouldn't take down the treeline if I don't need to  
7       take down the treeline. If I'm forced to get access,  
8       that treeline is coming down, that's a possibility  
9       depending on how we design the property and what you  
10      all require. So exercising reasoning I think on the  
11      height of a barrier it may be a little bit premature  
12      at this point.

13               CHAIRMAN: Mr. Kazlauskas.

14               MR. KAZLAUSKAS: I'm still having problems  
15      finding where the crest of that hill is at.

16               MR. SHOUSE: I've got a better picture of it  
17      if you'd like to see it on mine.

18               CHAIRMAN: Just a second, Mr. Shouse. Hang on  
19      just one second.

20               MR. KAZLAUSKAS: I see the truck right here  
21      parked. Is that at the bottom of a hill?

22               CHAIRMAN: Are we talking about on Dr. King's  
23      property or Mr. Shouse's property?

24               MR. KAZLAUSKAS: I'm looking at Mr. King's  
25      property.

1                   MR. SHOUSE: That's the backside of his house  
2                   that he's parked on. Used to be an old driveway.  
3                   MR. KAZLAUSKAS: The truck right here.  
4                   MR. HOWARD: That's Mr. Shouse's.  
5                   CHAIRMAN: That's Mr. Shouse's. Mr. King's  
6                   stops right here.  
7                   MR. KAZLAUSKAS: Where is this other truck  
8                   he's talking about?  
9                   CHAIRMAN: You want to show us this other  
10                  truck, Mr. Shouse?  
11                  Dr. King, again, you're welcome to come up  
12                  here.  
13                  MR. KAZLAUSKAS: This is the tree line.  
14                  DR. KING: I know the property.  
15                  MR. SHOUSE: This is the crest of the hill.  
16                  CHAIRMAN: Would you say, Dr. King, that the  
17                  structure we see on this map would be the crest of the  
18                  hill?  
19                  DR. KING: Yes. The house is sitting at the  
20                  highest point on the property.  
21                  CHAIRMAN: So the house that's there is the  
22                  highest point on the property to the best of your  
23                  knowledge?  
24                  DR. KING: Yes. The house absolutely sits at  
25                  the peak of the property.

1                   CHAIRMAN: Mr. Kazlauskas, does that clarify  
2                   that for you?

3                   MR. KAZLAUSKAS: Yes, it does. Thank you.

4                   CHAIRMAN: We hope you understand we're just  
5                   trying to get everything right and accommodate  
6                   everybody the best that we possibly can.

7                   DR. KING: Sure.

8                   CHAIRMAN: Because in some cases this is your  
9                   last shot to get something done, and Mr. Shouse also.

10                  DR. KING: I guess at this particular point,  
11                  again, we haven't submitted a development plan.  
12                  There's two acres there. We're looking at future  
13                  development beside that house. That house may come  
14                  down and the entire hill.

15                  One of the things we have to wait on is that  
16                  the forced main sewer line that's going out east is  
17                  actually going to come behind that property to the  
18                  north. Once that happens, RWRA supposedly is not  
19                  going to need that right-of-way. There's a good  
20                  chance that right-of-way will go away. We were told  
21                  when that happens and that's functioning, then we can  
22                  take down the bank and cut through that line and just  
23                  tap it because we're not going to need it. They may  
24                  abandon that right-of-way in the front. So we don't  
25                  know how much of the elevation is going to come down

1 yet in the future, and whether that real estate, the  
2 real property actually comes down in the future. So  
3 there's actually, you know, we foresee two development  
4 lots there.

5 The house is in acceptable condition.  
6 Mr. Hartso bought it. He put about \$130,000 and  
7 really redid the house very nicely. So it makes a  
8 good piece professional real estate that right now  
9 we're intending to expand that. We intend be working  
10 out of there from a network capacity, but in the  
11 future I don't know what the elevation is going to be,  
12 but the house does sit at its peak.

13 CHAIRMAN: We appreciate your candor, Dr.  
14 King. Thank you.

15 Mr. Shouse, do you have any other questions or  
16 concerns?

17 MR. SHOUSE: No, sir. I just want to get on  
18 the record that I was just trying to keep the natural  
19 barrier there.

20 CHAIRMAN: I understand.

21 Any of the commissioners have any other  
22 questions?

23 (NO RESPONSE)

24 CHAIRMAN: Anyone prepared to make a motion at  
25 this point in time?

1 Mr. Rogers.

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

6 CHAIRMAN: We have a motion by Mr. Rogers. Do  
7 we have a second?

8 MR. BOSWELL: Second.

9 CHAIRMAN: We have a second by Mr. Boswell.  
10 Any discussion about the motion?

11 Yes, Mr. Ball.

12 MR. BALL: I think my concern with the motion  
13 is just exactly what Mr. King stated when he got up  
14 originally. With those conditions there he may or may  
15 not be able to meet those conditions given those site  
16 elevations that are currently there. I think, I don't  
17 know if there's a way to craft the motion to where we  
18 have it shifted as far away from Highway 54 as  
19 possible or in compliance with the Department of  
20 Transportation, but at the same time based on -- I  
21 actually went out to the site and looked at the site,  
22 walked on top of the hill there. I think it's going  
23 to be very, very difficult for him to align those two  
24 entrances in its current configuration.

25 CHAIRMAN: You're certainly welcome to make an

1 amendment to the motion if you would like, Mr. Ball.

2 MR. SHOUSE: May I say one more thing?

3 CHAIRMAN: Yes. Come up to the mike.

4 MR. SHOUSE: Based on, if I recall correctly,  
5 Dr. King just said that he could possibly take that  
6 hill down. If he's going to do some elevation that he  
7 shouldn't have any problem taking that driveway right  
8 across from the church.

9 CHAIRMAN: Thank you.

10 Mr. Ball, would you care to make an amendment  
11 to the motion?

12 DR. KING: I would like to rebuttal that.

13 CHAIRMAN: Yes, Mr. King.

14 Dr. KING: Once again, the current plans is to  
15 use an existing structure that's ready, prepared, it's  
16 like new on the inside, to run a medical practice,  
17 medical services. So there's no intention at this  
18 particular point that hill is going to be taken down  
19 or the piece of real estate. In the future, there's  
20 an acre beside that, once we -- in 2017 when RWRA  
21 establishes their forced main sewer on the north side  
22 of the property, there's plans to take the hill down  
23 and actually fill that in and have another building  
24 beside it so we can expand into it. When we do that,  
25 there's a chance that we would come back and take down

1 the current structure. Currently that piece of  
2 property is ready to be used. We're not going to put  
3 no more money into the property than we have to.  
4 We've just going to use it. We have to get access.  
5 We have to make it safe for the public. The current  
6 driveway where it's at, the incline is not even  
7 acceptable for the public's safety. It has to be  
8 engineered at this particular point, but we're not  
9 planning to demolition or take down any real estate at  
10 this point. We're going to use what's there. We just  
11 need to get access. Then in the future we'll decide  
12 what we're going to do with the property, if we  
13 continue to stay there.

14 CHAIRMAN: Thank you, Dr. King. That helps.

15 Mr. Ball, do you care to make an amendment?  
16 I'm just asking if you'd like to.

17 MR. BALL: That's actually kind of brought  
18 something else up that I don't know if it's our place  
19 to speak about this or not. Can I speak with Brian  
20 here.

21 CHAIRMAN: Certainly.

22 MR. BALL: I guess my only concern, based on  
23 that statement of Dr. King, is all current Kentucky  
24 building codes would have to be met in order to  
25 utilize the structure; is that correct? Is that



1 something that -- do we necessarily need to put that  
2 in any motion or anything?

3 MR. HOWARD: I don't know that you initially  
4 need to put it in a motion. I was going to make some  
5 kind of statement too.

6 With the change in use or change in occupancy  
7 type with residential structure, you would need to  
8 meet with Jim in the building office to make sure that  
9 it's up to standards for medical use and the ADA  
10 accessibility issues and all of that type of thing  
11 before it'd be occupied for nonresidential type use.

12 CHAIRMAN: Do you understand that, Dr. King?

13 DR. KING: We're asking for rezoning. We  
14 understand there's guidelines for medical use and for  
15 the appropriateness of real estate state and patient  
16 access. Those will be done according to guidelines.

17 MR. BALL: That answers my question. I'm  
18 ready to make a motion.

19 CHAIRMAN: Make an amendment, yes.

20 MR. BALL: I'd like to make an amendment to  
21 the motion to approve based on Findings of Fact 1  
22 through 4.

23 CHAIRMAN: Counsel, is that amendment  
24 appropriate?

25 MS. KNIGHT: We would have to ask whoever made

1       the motion to accept the amendment.

2               CHAIRMAN: We need a second to that amendment

3       first, I think.

4               Is there a second to the amendment.

5               MR. FREY: I'll second it.

6               CHAIRMAN: Mr. Frey seconded it.

7               Mr. Rogers, are you okay with that amendment?

8               MR. ROGERS: Yes, Mr. Chairman. I'm fine with

9       the access to still stay on Wood Trace. Yes, I'm fine

10       with that.

11              CHAIRMAN: What we're saying is the condition

12       has now been removed. We're acting on Findings of

13       Fact 1 through 4.

14              MS. KNIGHT: With no condition.

15              MR. BALL: With no condition.

16              CHAIRMAN: I'm sorry, 1 through 4.

17              Is everybody clear on where we are now?

18              (EVERYONE NODS YES.)

19              CHAIRMAN: Dr. King, are you clear on where we

20       are? We've eliminated that condition.

21              DR. KING: I'm going to ask for a copy of the

22       Findings of Fact 1 through 4 before I leave.

23              CHAIRMAN: We'll get that to you.

24              Mr. Shouse, are you clear on the motion?

25              MR. SHOUSE: Yes, sir.

1                   CHAIRMAN: Any other questions or concerns?

2                   MR. KAZLAUSKAS: Just to be sure.

3                   CHAIRMAN: Yes, Mr. Kazlauskas.

4                   MR. KAZLAUSKAS: Make sure I understand the

5 motion here. The motion on the floor at this time

6 does away with the single condition at the top.

7                   CHAIRMAN: Right.

8                   MR. KAZLAUSKAS: And the Findings of Fact

9 Number 5.

10                  CHAIRMAN: That is correct.

11                  MR. KAZLAUSKAS: So we're voting approval with

12 just Findings of Fact 1 through 4.

13                  CHAIRMAN: That is correct.

14                  Does everybody understand that?

15                  Any further questions or concerns?

16                  DR. KING: Could you read to me what Findings

17 of Fact Number 5 is that we're deleting?

18                  CHAIRMAN: Number 5 says, "With access limited

19 to a single access point on Wood Trace in alignment

20 with the access point for the church, the proposal

21 should not overburden the capacity of roadways and

22 other necessary urban services in the affected area."

23                  MR. KING: Is the current motion setting forth

24 the variance? With the Findings of Fact 1 through 4

25 is this essentially getting a variance for access?

1           MR. HOWARD: No. This is not granting a  
2           variance for access. This is eliminating the  
3           condition as stated. In order to have the driveway  
4           remain where it is, you would have to apply for a  
5           dimensional variances that would go before the Board  
6           of Adjustment. This Board cannot issue a variance on  
7           something like that without proper notice and  
8           procedures that are required by state law.

9           DR. KING: So basically we're voting on the  
10          issue of P-1 rezoning?

11          CHAIRMAN: Correct.

12          DR. KING: But the access of the property will  
13          be depended on engineering proposals and resubmitting  
14          to the Board?

15          CHAIRMAN: That is correct. That would be my  
16          understanding.

17          Mr. Howard.

18          MR. HOWARD: Right.

19          DR. KING: I'm good with that. Thank you.

20          CHAIRMAN: All in favor raise your right hand.

21          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22          CHAIRMAN: The application is approved.

23          Thank both of you for your patience and your  
24          contribution.

25          FINAL DEVELOPMENT PLANS

1       ITEM 8

2       10510 Main Cross Street, 10460 Franklin Street,  
3       15.815 acres

4       Consider approval of final development plan.  
5       Applicant: St. Mary of the Woods Parish, Inc.

6               MR. HOWARD: Mr. Chairman, this development  
7       plan has been reviewed by the Planning Staff and  
8       Engineering Staff and it's found to be in order.

9               It's in compliance with the requirements of  
10       the subdivision regulations and the zoning ordinance.  
11       They received a conditional use permit at the Board of  
12       Adjustment meeting last Thursday for the operation of  
13       the church and related functions on site.

14              It does require a development plan to be  
15       approved by the Planning Commission because a portion  
16       of the requirement parking is located on a separate  
17       parcel. So this development plan in essence ties the  
18       two parcels together. Includes the parking with that.  
19       So with that it's ready for your consideration for  
20       approval.

21              CHAIRMAN: Anyone here representing the  
22       applicant?

23              FATHER BAKER: Yes.

24              CHAIRMAN: Would you like to address the  
25       Commission, sir? If you would, step over to the mike,  
26       please.

1 MS. KNIGHT: Father Baker, you're sworn as a  
2 clergy.  
3 FATHER BAKER: It's going to be a very nice  
4 building.  
5 CHAIRMAN: We have great comfort that it will  
6 be, Father. We appreciate it.  
7 Do any of the commissioners have any questions  
8 about the application?  
9 (NO RESPONSE)  
10 CHAIRMAN: Is anyone opposed to the  
11 application?  
12 (NO RESPONSE)  
13 CHAIRMAN: If not, the chair will entertain a  
14 motion.  
15 MR. BOSWELL: Motion for approval.  
16 CHAIRMAN: We have a motion by Mr. Boswell.  
17 MR. MOORE: Second.  
18 CHAIRMAN: Second by Mr. Moore. Questions  
19 about the motion?  
20 (NO RESPONSE)  
21 CHAIRMAN: All in favor raise your right hand.  
22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
23 CHAIRMAN: Thank you very much, Father.  
24 MINOR SUBDIVISION PLATS  
25 ITEM 10

1 9501, 9511 Highway 54, 24.402 acres (postponed from  
the December 10, 2015 meeting)  
2 Consider approval of minor subdivision plat.  
Applicant: Daniel W. Kinney; Reggie & Lisa Grimmett  
3

4 MR. HOWARD: This plat comes before you as an  
5 exception to the 3 to 1 requirement. It's dividing  
6 off a lot around an existing home and structure and  
7 then creating one additional lot. It was postponed  
8 last month because they were altering the property  
9 line a little bit. I think after they had submitted  
10 it they realized that they wanted to alter that  
11 somewhat. There is a notation on the plat about no  
12 further subdivision with that and meeting the  
13 requirements of the subdivision regulations. So this  
14 is the opportunity to create one lot around the  
15 existing home and there won't be any further division.

16 We recommend that you consider it for  
17 approval.

18 CHAIRMAN: Anyone here representing the  
19 applicant?

20 (NO RESPONSE)

21 CHAIRMAN: Anyone here opposed to the  
22 application?

23 (NO RESPONSE)

24 CHAIRMAN: If not, the chair will entertain a  
25 motion.

1 Mr. Kazlauskas.

2 MR. KAZLAUSKAS: Move the application be

3 approved.

4 CHAIRMAN: Motion by Mr. Kazlauskas.

5 MS. McENROE: Second.

6 CHAIRMAN: Second by Mr. McEnroe. Questions?

7 (NO RESPONSE)

8 CHAIRMAN: All in favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: The motion is approved unanimously.

11 -----

12 NEW BUSINESS

13 ITEM 11

14 Consider approval of November 2015 financial

15 statements.

16 CHAIRMAN: We are down to the financial

17 statements for November 2015.

18 All of you received a copy of the financial

19 statements and have had a chance to review them. Are

20 there any questions about the financial statements?

21 (NO RESPONSE)

22 CHAIRMAN: We need a motion to approve.

23 MR. FREY: Motion to approve.

24 CHAIRMAN: Mr. Frey has a motion.

25 MS. McENROE: Second.



1                   CHAIRMAN: Ms. McEnroe has a second.  
2                   Questions?  
3                   (NO RESPONSE)  
4                   CHAIRMAN: All in favor raise your right hand.  
5                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
6                   CHAIRMAN: They are approved unanimously.  
7                   ITEM 12  
8                   Comments by the Chairman  
9                   CHAIRMAN: I have a couple of comments.  
10                  First of all, I neglected to thank Judge  
11                  Mattingly for attending this evening.  
12                  Judge, we appreciate it very much. You're  
13                  welcome to come any time. I think I know why you're  
14                  here. Appreciate the support we get from the Fiscal  
15                  Court.  
16                  Mike, just to say one thing. You may want to  
17                  hang on to this ordinance, zoning classification that  
18                  Mr. Howard provided us because you'll need to make  
19                  sure you review that for our meeting next month. We  
20                  will have to act on that action next month.  
21                  Other than that, I have no further comments  
22                  and I'm going to turn it over to Mr. Howard.  
23                  MR. HOWARD: See if there's any comments from  
24                  the commissioners?  
25                  CHAIRMAN: Any of you have any comments?

1 (NO RESPONSE)

2 CHAIRMAN: Mr. Howard.

3 MR. HOWARD: Mr. Pedley is here tonight,  
4 Mr. Ward Pedley is here. He announced last month at  
5 the December meeting that he was no longer going to be  
6 on the Planning Commission or the Board of Adjustment.  
7 That's the end of a very long run that Ward has had  
8 with both commissions combined. He's been on both for  
9 somewhere in the neighborhood of 28 years total.

10 (PRESENTATION TO WARD PEDLEY.)

11 CHAIRMAN: If there is no other business to  
12 come before the board, then I'll entertain a final  
13 motion.

14 MR. BALL: Motion for adjournment.

15 MR. MOORE: Second.

16 CHAIRMAN: A motion by Mr. Ball and second by  
17 Mr. Moore. All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: We are adjourned.

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