

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JULY 14, 2016

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday, July  
5 14, 2016, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

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

13 \* \* \* \* \*

14 CHAIRMAN: Call the July 14, 2016 Owensboro  
15 Metropolitan Planning Commission meeting to order. We  
16 start our meetings with an invocation and pledge to  
17 the flag. That will be lead by Mr. John Kazlauskas  
18 today.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: Commissioners, all of you received  
21 a copy of the minutes in your packet today. Hope  
22 you've had a chance to read them and consider them.  
23 Are there any additions or corrections to the minutes?

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair will entertain a

1 motion.

2 MR. JEAN: Motion to approve the minutes.

3 CHAIRMAN: Motion by Mr. Jean to approve the  
4 minutes. Do we have a second?

5 MS. McENROE: Second.

6 CHAIRMAN: Second by Ms. McEnroe. Any  
7 questions about the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The minutes are approved.

12 A couple of comments before we get to the  
13 first item here.

14 Some of you are here on a regular basis. You  
15 know how we operate. I want to welcome all of you to  
16 the meeting. Let you know we appreciate you coming.  
17 We value your comments about any item on the agenda  
18 today. If you wish to make a comment, please come to  
19 one of the microphones. You'll be sworn in because we  
20 are kind of a judiciary organization. Then you can  
21 make your comments with regarding the application,  
22 whether you support or oppose it. We welcome you to  
23 do so.

24 Also remind the commissioners, if you don't  
25 mind to try to remember your microphone in front of

1     you so that our stenographer can get your comments  
2     recorded correctly. I have to remind myself of that  
3     too.

4             At this time, Mr. Howard.

5             MR. HOWARD: I will note that all rezoning  
6     changes heard tonight will become final 21 days after  
7     the meeting unless an appeal is filed. If an appeal  
8     is filed, then we will forward the record of the  
9     meeting along with the applicable material to the  
10    appropriate legislative body for them to take final  
11    action.

12            -----

13                             GENERAL BUSINESS

14     ZONING CHANGES

15     ITEM 3

16     10124 Boone Street, 0/78 acres  
17     Consider zoning change: From R-1B Single-Family  
18     Residential to B-4 General Business  
19     Applicant: Jerry O'Bryan; Daviess-McLean Baptist  
20     Association, Inc.

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

22             MR. HILL: Mike Hill.

23             (MIKE HILL SWORN BY ATTORNEY.)

24             MR. HILL: This recommendation is for denial  
25     so I will read the Staff Report into the record.

26     PROPOSED ZONE & LAND USE PLAN

27             The applicant is seeking a B-4 General

1 Business zone. The subject property is located in a  
2 Rural Community Plan Area where General Business uses  
3 are appropriate in limited locations.

4 SPECIFIC LAND USE CRITERIA

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

10 (B) Logical zoning expansions of proportional  
11 scope - Existing General Business zones may be  
12 expanded onto contiguous land that generally abuts the  
13 same street(s). The expansion of a General Business  
14 zone should not significantly increase the extent of  
15 the zone in the vicinity of the expansion and should  
16 not overburden the capacity of roadways and other  
17 necessary urban services that are available in the  
18 affected area.

19 (F) New locations in rural communities - In  
20 rural community plan areas, new locations of General  
21 Business zones should be "major-street oriented" (D2)  
22 and should be sited at corners of intersecting streets  
23 if located in close proximity to existing dwellings.

24 PLANNING STAFF REVIEW

25 GENERAL LAND USE CRITERIA

1 Environment

2 It appears that the subject property is not  
3 located in a wetlands area per the US Department of  
4 Agriculture Soil Conservation Service dated March 6,  
5 1990.

6 The subject property is not located in a  
7 special flood hazard area per FIRM Map 21059C0230D.

8 The property is not designated as prime  
9 agricultural farmland per the US Department of  
10 Agriculture Soil Conservation Service map dated March  
11 1980.

12 The developer is responsible for obtaining  
13 permits from the Division of Water, The Army Corp of  
14 Engineers, FEMA, the EPA, the OMPC  
15 building/electrical/HVAC division or other state and  
16 federal agencies as may be applicable.

17 Urban Services

18 Electrically, water and gas are available to  
19 the subject property. Sanitary sewage disposal will  
20 be accomplished by an existing on-site private system.

21 Development Patterns

22 The subject property is a 0.78 acre parcel in  
23 the Curdsville area. The property is zoned R-1B  
24 Single-Family Residential and has previously been used  
25 as a church. The applicant wishes to rezone the

1 property to B-4 General Business and convert the  
2 church building into an office for his farming  
3 operation.

4 All surrounding properties are zoned R-1B  
5 Single-Family Residential. The nearest B-4 zoned  
6 properties are located more than 500 feet to the  
7 north.

8 If the rezoning is approved, the applicant  
9 will be required to provide landscape buffer screening  
10 in compliance with Article 17 of the zoning ordinance  
11 along the eastern and southern property boundaries  
12 where adjacent to residential property. Landscaping  
13 around the parking areas will also be required where  
14 adjacent to residential properties or public street  
15 rights-of-way.

16 Boone Street and Main Street in this location  
17 are classified as local streets. The total width of  
18 all driveways shall not exceed 40% of the street  
19 frontage of the property. Improvements would have to  
20 be made by the applicant to comply with the 40%  
21 limitation.

#### 22 SPECIFIC LAND USE CRITERIA

23 The applicant's proposal is not in compliance  
24 with the Comprehensive Plan. The proposed use as  
25 general business conforms to the criteria for

1 nonresidential development. However, the proposed B-4  
2 General Business zoning is not a logical expansion of  
3 B-4 General Business zoning in the vicinity.  
4 Furthermore, at 0.78 acres, the proposal is a  
5 significant increase in general business zoning in the  
6 vicinity and may overburden the capacity of roadways  
7 and other necessary urban services that are available  
8 in the affected area. Finally, the property is not  
9 major-street oriented which is the main criteria  
10 required to create a new location of general business  
11 zoning in a Rural Community Plan Area.

12 PLANNING STAFF RECOMMENDATIONS

13 The Planning Staff recommends denial subject  
14 to the findings of fact that follow:

15 FINDINGS OF FACT:

- 16 1. Staff recommends denial because the  
17 proposal is not in compliance with the community's  
18 adopted Comprehensive Plan;
- 19 2. The subject property is located in a Rural  
20 Community Plan Area where general business uses are  
21 appropriate in limited locations;
- 22 3. The proposed use as general business  
23 conforms to the criteria for nonresidential  
24 development;
- 25 4. The proposal is not a logical expansion of

1 existing B-4 General Business zoning in the vicinity;

2 5. At 0.780 acres, the proposal does  
3 significantly increase the extent of general business  
4 zoning in the vicinity and may overburden the capacity  
5 of roadways and other necessary urban services that  
6 are available in the affected area; and

7 6. The property is not major-street oriented  
8 which is the main criteria required to create a new  
9 location of general business zoning in a Rural  
10 Community Plan Area.

11 Staff request that the Staff Report be entered  
12 into the record as Exhibit A.

13 CHAIRMAN: Is anyone here representing the  
14 applicant?

15 MR. BRANCATO: Yes, sir. Frank Brancato.

16 MS. KNIGHT: Mr. Brancato, you're sworn as an  
17 attorney.

18 MR. BRANCATO: My address is 111 West Second  
19 Street in Owensboro.

20 Mr. Chairman, does the commission have a copy  
21 of the Staff Report in front of them? I have copies  
22 if they don't.

23 CHAIRMAN: Yes, we do.

24 MR. BRANCATO: I think it's important first of  
25 all to start out with the application and the Staff



1 Report.

2 What's interesting is we agree with almost  
3 everything in the Staff Report. We agree that it's  
4 not a wetland. It's not in the flood hazard zone.  
5 It's not designated prime farmland. We agree with  
6 that. We agree with the Staff -- before I go very far  
7 in that, that Staff has been very cooperative and  
8 helpful in answering my questions. I appreciate not  
9 only their cooperation but their diligence in getting  
10 back to me so promptly.

11 If you look at Finding 2, Rural Community  
12 Plan, general business use is appropriate in limited  
13 locations. If I put checkmark by Number 2, we agree  
14 with that.

15 "The proposed use as general business conforms  
16 to the criteria for nonresidential development." We  
17 agree with that. Those are two positives.

18 "The proposal is not a logical expansion of  
19 existing B-4 General Business," and it's not and I  
20 will show you a map about that and why it cannot be in  
21 a rural community.

22 Staff takes position that about three quarters  
23 of an acre of rezoning is a significant increase.

24 Well, you know, if had you ten pennies and I  
25 gave you one more, now you've got 11. That's a 10

1     percent increase, but you still don't have very much  
2     money. That's the case here. There's a little over  
3     10 acres, 10.6 acres of a B-4 in the rural community  
4     of Curdsville. We're talking about adding three  
5     quarters of an acre to that. That's about 7 percent.  
6     This is where our big disagreement is, and where I  
7     will show you why Staff, I think, may have  
8     misinterpreted something in the regulation.

9             The property is not major-street-oriented. As  
10     the Staff notes, which is the main criteria required  
11     to create a new location in a general business zoning  
12     in a rural community.

13            Mr. Chairman, I have large maps I wanted to  
14     use to demonstrate some things to the commission. I  
15     also have smaller versions of those same maps. My  
16     question is: Where is the best place to hold up the  
17     large map so that the viewing community could look at  
18     it?

19            CHAIRMAN: Probably right there.

20            MR. BRANCATO: The property we're talking  
21     about is shown right here with the hash tags on it.  
22     The address is 10124 Boone Street, but as you know  
23     it's on the corner of the intersection of Boone and  
24     Main Street. Now, Main Street in this case is  
25     Kentucky Highway 500 which is a secondary road.

1 Kentucky Highway 500 is the road that connects one  
2 rural community to another rural community. That's  
3 St. Joe. It's a well paved highway. It's designed to  
4 carry a lot more traffic than the secondary road  
5 that's defined in the commissions regulations, which  
6 is 10,000 vehicles per day. I submit to you I don't  
7 think there's 10,000 vehicles per year that goes  
8 through Curdsville.

9 The B-4 area zones are shown in red. Same  
10 color the commission uses in its reports. When you  
11 look at this property, which is the largest B-4, it's  
12 over 7 acres. There's nothing on it. Never has been  
13 anything on it. It's not contiguous to any other B-4  
14 property. It's also not on a Main Street. It's also  
15 not at an intersection.

16 Look at the second property. An undeveloped  
17 about half acre property. It also is not on Main  
18 Street. It's not contiguous to any other B-4  
19 property. It's not at an intersection. It's an end  
20 of a secondary road.

21 There once upon a time was a general store  
22 here. It's in very poor condition now. Been closed  
23 for some period of time.

24 Then once upon time there was a post office  
25 out there, which is the other B-4. It may have also

1 had a short life as a day care center. And that's the  
2 community of Curdsville.

3 Now, this property, which it does have ae  
4 Boone Street address, but it's on the corner of Bonne  
5 and Main. This property has been a church since the  
6 late 1800's. Not this building. This building was  
7 built in the late '50s or early '60s, but there has  
8 been a church here since the late 1800's.

9 The Curdsville Baptist Church lost it's  
10 congregation over a period of time as people aged and  
11 moved out of the area and had at its last operation it  
12 had about 30 members. Has not been in operation for  
13 several years.

14 My client desires to purchase that property  
15 and to have an accounting office there with three or  
16 four people, plus an office for him. It's not an  
17 office that's going to receive the public. It's not  
18 an office that's going to receive a lot of traffic.  
19 Mostly it's going to consist of storage of files and a  
20 couple of accounting people. That's the operation.  
21 There will be no changes to the outside of the  
22 building. It will be better maintained than it has  
23 been because, frankly, nobody has been there to  
24 maintain it.

25 The Staff Report recommends compliance with

1 barriers and vegetation. We intend to do that.

2 Before I go to Exhibit B, does anybody have  
3 any questions on Exhibit A?

4 CHAIRMAN: Mr. Brancato, could we assume that  
5 the applicant is planning to use the larger building  
6 here for the offices?

7 MR. BRANCATO: Yes, sir.

8 CHAIRMAN: The building on the left?

9 MR. BRANCATO: The building on the left-hand  
10 side. The building on the right-hand side used to be  
11 the parsonage. The building on the left-hand side has  
12 about 4800 square feet under roof.

13 CHAIRMAN: Thank you.

14 MR. BRANCATO: This language is from the  
15 regulations, but you'll notice it's the same language  
16 that's in the Staff report. A, B and F, and that's on  
17 the left-hand side of the Staff Report. It's also  
18 referenced in our application.

19 So what I want to do is draw your attention to  
20 rural community. Excuse me a minute. I have copies  
21 of this for you.

22 When it comes to B-4, Rural Community, F,  
23 limited locations, subject to A, B and F. Now, we've  
24 already acknowledged it's not a logical expansion.  
25 Let's talk about why it's not likely to be a logical

1 expansion in a rural community. Going back to Exhibit  
2 A.

3 In many rural communities, the best evidence  
4 that this is a rural community, as you can see it's  
5 surrounded by agricultural. There are no businesses.  
6 There are no places to have a logical expansion.  
7 Curdsville is typical of that. There are no gas  
8 stations. There's no convenient stores. There's no  
9 drug stores. No doctors office. No dentist office.  
10 It's pretty impossible to have a logical expansion in  
11 a community like this.

12 For rural communities, there's another  
13 specification. In rural communities, new location of  
14 general business should be a major-street-oriented  
15 location and should be sited at corners of  
16 intersecting streets if located in close proximity to  
17 existing dwellings.

18 I submit to you that's exactly what this is.  
19 Let's look at Exhibit A.

20 Highway 500 is the only Kentucky highway state  
21 route through Curdsville. The only one. It's at an  
22 intersection of a main road and a connector road,  
23 which is what the regulations require. It cannot be a  
24 logical expansion because of a B-4 business when there  
25 are no B-4 businesses in Curdsville. There are none.

1           Finally, the regulations direct us to D-2 land  
2           use versus street function. I direct you to major  
3           street oriented uses.

4           Major-street-oriented uses, I highlighted a  
5           section. It's located within a rural community such  
6           uses may also adjoin a minor collector street.

7           Again going back to Exhibit 1 or Exhibit A.  
8           We have a minor collector street, Boone Street. We  
9           have a major street, Highway 500, which by the way is  
10          called Main Street in Curdsville. That's the name of  
11          it. Main Street, Highway 500, and we're on an  
12          intersecting corner.

13          Our application included proposed findings  
14          consistent with everything that I've presented here in  
15          the regulation.

16          The findings that we've proposed is that the  
17          subject property is located in a rural community land  
18          use plan area where general business uses are land use  
19          appropriate in limited locations. The specific  
20          criteria are A, B and F. The same criteria identified  
21          by staff, A, B, F, and same criteria that I've  
22          identified to you today.

23          The building and pattern should conform to the  
24          criteria for nonresidential development. It does.

25          A logical expansion of proportional scope. I

1 submit to you that is not applicable in a rural  
2 community. The regulations provide for F, new  
3 locations in rural community plan areas.

4 This subject property is located at the  
5 intersection of Main Street and Boone Street, which  
6 would be classified as major street for Curdsville.  
7 There can be no other major streets in Curdsville  
8 other than Highway 500, which is known as Main Street,  
9 and Highway 500 connects two rural communities; and  
10 that's St. Joe and connects Curdsville.

11 So I would ask for one of the commissioners to  
12 make a motion consistent with the regulation that I've  
13 identified here. That the application be approved to  
14 B-4 so that Mr. O'Bryan can move his accounting office  
15 and his accounting people, there's only going to be  
16 three of them, plus an office for him. His facility  
17 are eighth-tenth a mile away to four miles away. So  
18 he's the rural part of this community and not very far  
19 away.

20 I'd be happy to answer any questions anybody  
21 would have.

22 CHAIRMAN: Thank you, Mr. Brancato. If you  
23 wouldn't remind to remain there. I've got a couple of  
24 questions for Staff and then some commissioners may  
25 have questions for you.



1           The other B-4 areas that are in Curdsville,  
2       were they prior to zoning ordinance and grandfathered  
3       in? How did they deem B-4?

4           MR. HOWARD: I didn't research all of them,  
5       no. If there was an old post office there, an old  
6       general store, those were likely initial B-4 zones.  
7       The larger parcel there to the east, the seven acres  
8       that's vacant, I don't know how that was established.  
9       It's a large parcel. It may have been an initial  
10      zoning, but I don't know.

11          CHAIRMAN: I guess this question may be  
12      possibly Mr. Hill or you either one. What criteria do  
13      we use to determine that this Highway 500 is not a  
14      major street?

15          MR. HOWARD: I'll be glad to answer that.  
16          What we look at when we evaluate a major  
17      street, as Mr. Brancato pointed out, in a rural  
18      community a minor collector could qualify as well.  
19      What we use and what this is referencing is the  
20      function classification list that's prepared through  
21      the GRADD, Green River Area Development District, that  
22      the Transportation Advisory Committee, which consist  
23      of some local elected officials; city and county  
24      engineer, GRADD transportation planner, our office.  
25      We review the roadways within the community and

1       determine what should be classified as what.

2               On that list, neither Main Street or Bonne  
3       Street is classified as anything. The State  
4       Transportation Cabinet identifies Highway 500/Main  
5       Street as a local road. We double checked that just  
6       to verify. So the state classifies it as a local  
7       road. They don't classify it as a minor collector.  
8       So it's not a minor collector. It's not a major  
9       collector. It's not an arterial. It's a local road.  
10      The traffic volume on Main Street is based on the last  
11      traffic count that the state did was 360 vehicles per  
12      day. So it's a very low volume road. Typically your  
13      collector type roadways, collector roadways connect  
14      arterial type roadways and typically carry more  
15      traffic.

16             So that's why when we reviewed this, even  
17      though they make an argument that within this area  
18      that these are major roads, they're not classified as  
19      major roads based upon the criteria that's been  
20      established.

21             CHAIRMAN: Thank you. That's very helpful.

22             Any of the commissions have questions for  
23      Mr. Brancato?

24             Yes, Mr. Boswell.

25             MR. BOSWELL: Just a question concerning the

1 major-street-oriented usage you highlighted here very  
2 well. One of the things that I'm struggling with is  
3 you have a statement that vehicular access to such  
4 uses should conform to the intersection and driveway  
5 spacing standards.

6 Within the Staff Report there is a comment  
7 about "The total width of all driveways shall not  
8 exceed 40 percent of the street frontage of the  
9 property. Improvements would have to be made by the  
10 applicant to comply with the 40 percent limitation."

11 I guess I'm trying to get an understanding of  
12 about what that means and what improvements would have  
13 to happen.

14 MR. BRANCATO: I think I know the answer to  
15 that. Are you looking at the photograph?

16 CHAIRMAN: Yes.

17 MR. BRANCATO: Around the church the parking  
18 was just adjacent to the street. It's just pull-off  
19 parking.

20 MR. BOSWELL: It's in the very front on Boone  
21 Street, I think.

22 MR. BRANCATO: On both streets actually, Boone  
23 and Main. We would have to do something about that.  
24 As I said at the top of my presentation, Staff  
25 recommended, if this is approved, Staff said we would

1 have to comply with buffer zones and the driveways,  
2 and we would do that.

3 MR. BOSWELL: Okay.

4 MR. BRANCATO: I want to point out one other  
5 thing. Under D-2 it's not required that it be a major  
6 street. It can join a minor collector street.

7 So if you do believe that Kentucky Highway 500  
8 is a main street, D-2 provides that in a rural  
9 community it can adjoin a minor-collector street.

10 I wanted to bring something to the commissions  
11 attention. Somebody mentioned just briefly a main  
12 arterial and minor arterial road. Under the  
13 definition of main arterial road has 20,000 vehicles  
14 per day. A minor arterial road has 10,000 vehicles  
15 per day. As I said, in these small communities,  
16 you're not going to have that many vehicles in a year.  
17 Based on what Mr. Howard said, it'd be close to having  
18 that in the course of a year, if it's 300 a day. But  
19 Mr. O'Bryan's operations are not going to  
20 significantly change that. I mean I don't know how  
21 many times three or four people can go back and forth  
22 to work in a day, but I wouldn't think that it would  
23 be significant, and that's what we're talking about.

24 CHAIRMAN: Any other commissioners?

25 Mr. Ball.

1           MR. BALL: Mr. Brancato just stated that this  
2           could be potentially be done a minor-collector street  
3           as well. Is Main Street or 500, is it actually a  
4           minor-collector street in the regulation?

5           MR. HOWARD: No, it's not, I guess, the short  
6           of the answer. There's a hierarchy of roadway  
7           classifications. The top of which is an expressway or  
8           interstate. Principle arterial, minor arterial, major  
9           collector, minor collector, and local. Based upon the  
10          list that we maintained for the roadway  
11          classifications, it's a local street. The State  
12          Transportation Cabinet classifies it as a local  
13          street. It's not a minor collector, major collector,  
14          arterial or interstate. It's a local road.

15          MR. BALL: We use those regulations, we use  
16          that classification on a regular basis when making  
17          judgments on all zonings, correct?

18          MR. HOWARD: That's right.

19          MR. BALL: I guess the secondary question, I  
20          feel like I know the answer to already, but in the  
21          event this is rezoned, we're not just looking at  
22          Mr. O'Bryan's operation. It's the potential for other  
23          operations, other operations that may move into the  
24          area in the event that Mr. O'Bryan leaves, and then  
25          also the potential for growth of that area because it

1 would potentially be a logical expansion; is that  
2 correct?

3 MR. HOWARD: Yes. That's a fair statement.  
4 If this is rezoned, it's another opportunity. There  
5 are only three or four out there right now, but it  
6 would be another opportunity for a logical expansion.

7 MR. BALL: Thank you.

8 CHAIRMAN: Did you want to respond,  
9 Mr. Brancato?

10 MR. BRANCATO: Well, I accept that Mr. O'Bryan  
11 could possibly sell that at some point in future. We  
12 wouldn't objection to putting a condition on the  
13 rezoning.

14 I would ask the Commission to use common sense  
15 and judgment. Do you really think lots of businesses  
16 are going to come to a community where there's 300  
17 people a day that use the main road in the community?  
18 As I said, there isn't a gas station in the community.  
19 There isn't a doctor's office, a lawyer's office.  
20 There isn't a convenient store. There's really no  
21 operation. There's no commercial operation or  
22 business operation in this community at all right now.

23 CHAIRMAN: Mr. Kazlauskas.

24 MR. KAZLAUSKAS: That was a question I was  
25 going to ask Mr. Howard.

1           Mr. Brancato alluded to was that if this is  
2       rezoned to B-4, can conditions be attached to that?  
3       Normally we don't do that, but he just brought up a  
4       point. I was going to ask a question about. Can this  
5       commission attach conditions to that B-4, only a  
6       certain type of business can be used in that?

7           MR. HOWARD: No. There's not conditional  
8       rezoning process in KRS statutes. You cannot rezone a  
9       property specifically for a use. One, it's zoned B-4.  
10      Any B-4 use could go on that property. You cannot  
11      make a condition that it will rezone it to B-4 if and  
12      when it stops operating as a B-4 use, it reverts back  
13      to. Under KRS that's not allowed.

14           MR. KAZLAUSKAS: Okay.

15           MR. BRANCATO: Let me ask a rhetorical  
16       question then. If this property is not rezoned, what  
17       would its use become? There are empty churches across  
18       Daviness County already. The Daviness County-McLean  
19       Baptist organization has determined they have no use  
20       for this property. No foreseeable use for this  
21       property. It's not been on the tax roll since the  
22       late 1800's. What other use would there be if you  
23       don't make it a B-4 property?

24           CHAIRMAN: Thank you. I have one other  
25       question.

1           Could Mr. O'Bryan have applied for a P-1  
2   rezoning and operated the kind of business he's  
3   choosing to do on this property?

4           MR. HOWARD: A P-1 zoning would allow the type  
5   of use that he is proposing, but when you look at the  
6   criteria for that, there is a requirement for  
7   major-street-orientation.

8           CHAIRMAN: The same criteria referring to  
9   roadway?

10          MR. HOWARD: It is.

11          CHAIRMAN: Any other questions from the  
12   commissioners?

13          Mr. Boswell.

14          MR. BOSWELL: Mr. Brancato, I think you  
15   mentioned earlier the intent was to have three or four  
16   people there in an accounting capacity.

17          MR. BRANCATO: Yes.

18          MR. BOSWELL: As well as an office for  
19   Mr. O'Bryan.

20          MR. BRANCATO: Yes.

21          MR. BOSWELL: How much traffic would you  
22   anticipate that would generate over the course of a  
23   day? I mean we're talking just a small number of  
24   people in and out of there. They're going to be there  
25   pretty much all day long. They're not going to be



1 coming in the morning and leaving late in the  
2 afternoon.

3 MR. BRANCATO: That would be our expectation.  
4 That they would bring their lunch because, again,  
5 there's no other place to eat around there. There's  
6 no fast food. There's nothing. We would expect the  
7 three people to arrive in the morning and leave  
8 sometime in the afternoon, and Mr. O'Bryan to go back  
9 and forth a couple of times a day.

10 MR. BOSWELL: Second question associated with  
11 that. How much of that building would you anticipate  
12 they're going to use out of that 4800 square foot?

13 MR. BRANCATO: A lot of it is going to be  
14 record storage. There are some existing offices  
15 there. Frankly, the office space in that building is  
16 about 1,000 square feet. A lot of it is going to be  
17 just record storage.

18 MR. BOSWELL: Thank you.

19 CHAIRMAN: Any other commissioners have any  
20 questions?

21 (NO RESPONSE)

22 CHAIRMAN: Would anyone else like to speak in  
23 support of this application?

24 Yes, sir. Would you come to the podium and be  
25 sworn, please.

1 MS. KNIGHT: Please state your name for the  
2 record.

3 MR. CECIL: Brad Cecil.

4 (BRAD CECIL SWORN BY ATTORNEY.)

5 MR. CECIL: I live at 9319 Highway 456 just  
6 across the creek a couple of miles down the road from  
7 this location.

8 I would just like to say that as a member of  
9 the community my whole life, I agree with what  
10 Mr. Brancato said a few minutes ago regarding the fact  
11 that this is basically, if it cannot be rezoned to  
12 some type of use like this, whether it's Mr. O'Bryan  
13 or someone subsequent, it's going to be a further  
14 blight on the community. A little town like  
15 Curdsville, as a real estate broker I travel the whole  
16 county and I see these Curdsville, Maceo, and  
17 Thruston, and Yelvington, all these 100 plus year old  
18 communities after they started to turn, blight is the  
19 big problem.

20 In the case of Curdsville, there are a few  
21 homeowners who have really kept nice places, and it's  
22 still a nice place to live for them, but what they  
23 have to deal with is blight from the other properties.  
24 If this cannot be rezoned, it's going to be something  
25 that we drive by and see in disrepair. If it is

1 rezoned, it's going to be something that he's going to  
2 have to bring into compliance with the buffers and  
3 driveways and everything that we've talked about here  
4 tonight. So for the community, I think the most post  
5 positive thing, whether it's his business or somebody  
6 else's business, would be for it to be rezoned because  
7 there is no interest.

8 I actually attended one of the last services  
9 at the Curdsville Baptist Church. An extended family  
10 member was preaching the sermon that Sunday and there  
11 was about 12 people in attendance, myself included. I  
12 can't imagine a church ever being active there again.

13 So if it is not rezoned, it's going to be a  
14 blight on the community and it will be something that  
15 I will be sad to drive by. I'm one of the 300 people  
16 that drives through there. As far as people that will  
17 be added to this by having a business there, it's the  
18 same three or four people that are going to be driving  
19 down that road every day anyway. They're going to  
20 either be going to Mr. O'Bryan's farm operation or  
21 they're already in the community. So it's not going  
22 to add a traffic concern, as far as I can see, as a  
23 neighbor.

24 CHAIRMAN: Does anybody have any questions of  
25 Mr. Cecil?

1 (NO RESPONSE)

2 CHAIRMAN: Thank you, Mr. Cecil.

3 Anyone else in the audience like to speak in  
4 support of this application?

5 (NO RESPONSE)

6 CHAIRMAN: Would anyone like to speak in  
7 opposition of this application?

8 (NO RESPONSE)

9 CHAIRMAN: Commissioners, do you have  
10 questions of each other or Staff before we entertain a  
11 motion?

12 Yes, Mr. Boswell.

13 MR. BOSWELL: Yes. Thank you, Mr. Chairman.  
14 I do have a question for Mr. Howard.

15 I am struggling with this. With our finding  
16 of fact, making a statement it's not  
17 major-street-oriented, I guess I'm struggling with the  
18 fact of how we could work around or agree with or be  
19 able to change Mr. Brancato's request for Item F on  
20 major-street-oriented whenever it doesn't fit the  
21 definition of major-street-oriented. I mean there's  
22 no way we can change that definition at this  
23 commission; is that correct?

24 MR. HOWARD: Certainly Staff feels confident  
25 in what we stated is true. It is not a major street

1 based on any classification that's out there. Yes,  
2 certainly you all have the option to produce findings  
3 that that would be different than what we propose, but  
4 Staff didn't feel like there was a way that we could  
5 make a recommendation to approve. With that being as  
6 clear as it is, it has to be major-street-oriented and  
7 everything listed as being a local street.

8 CHAIRMAN: Thank you.

9 Yes, Mr. Kazlauskas.

10 MR. KAZLAUSKAS: Mr. Howard, if we were to  
11 move forward with this, to zone this to B-4, we would  
12 have, the owner would have to agree to comply with all  
13 the upgrades and conditions as far as trees, buffers,  
14 parking. He would have to meet all that criteria,  
15 right?

16 MR. HOWARD: That is correct.

17 MR. KAZLAUSKAS: Do you know what that is?

18 MR. BRANCATO: There's some fencing that would  
19 have to be built. I think there's a tree that has to  
20 be every 40 feet, but we would submit a site plan to  
21 the Staff.

22 MR. KAZLAUSKAS: What about the driveway?

23 MR. BRANCATO: It's going to have to come out.

24 MR. KAZLAUSKAS: Thank you.

25 CHAIRMAN: I have one other question, and I

1 think I need to ask this question in Mr. O'Bryan's  
2 interest.

3 Has this building been deserted long enough  
4 that it would need to be looked at again with regard  
5 to whether or not it meets code requirements?

6 MR. HOWARD: When there is a change in  
7 occupancy from an assembly type use as a church to an  
8 office use or whatever, the building department would  
9 look at all of that, yes.

10 CHAIRMAN: Was Mr. O'Bryan aware that that  
11 building may need to be re-evaluated to make sure it  
12 meets all the necessary criteria to be occupied now?

13 MR. BRANCATO: Yes, sir. Staff, I think, kind  
14 of described that under the General Land Use  
15 environment issues. Yes, we're aware of that.

16 CHAIRMAN: Just wanted to make sure.

17 Commissioners have anything other?

18 (NO RESPONSE)

19 CHAIRMAN: Is anybody prepared to make a  
20 motion or does anybody need any assistance in making a  
21 motion?

22 MR. BOSWELL: Mr. Chairman, I would like to  
23 make a motion that we approve the change from R-1B  
24 Single-Family to B-4 General Business with the  
25 understanding that all of the criteria for the

1 applicant to take care of the landscaping buffers, the  
2 issues around improvements to comply with the 40  
3 percent limitation be part of this. Also, would like  
4 to reword Item 6, Findings of Fact 6 to incorporate  
5 the statement on Item F as has been presented to us  
6 for general business use, which is new locations in  
7 rural communities. The one thing that also I think we  
8 would probably need to strike would be Findings of  
9 Fact 4, since this will not be a logical expansion of  
10 B-4 General Business, in my opinion. Also, I guess  
11 the question for me to seek an answer from Mr. Howard  
12 is the importance of not being in compliance with the  
13 Adopted Comprehensive Plan. Should that be struck as  
14 well?

15 MR. HOWARD: In order to make a recommendation  
16 for any type of action approval or approval on a  
17 zoning change, KRS states that you have to make  
18 findings in one of three ways.

19 One, is that it's in compliance with the  
20 Adopted Comprehensive Plan. Two, the second option is  
21 that you make findings that the proposed zone is more  
22 appropriate than the current zoning. Three, you make  
23 findings that there have been major changes of  
24 economic or socioeconomic nature within the vicinity  
25 that were not anticipated at the time of the adoption

1 of Comprehensive Plan.

2 MR. BOSWELL: So that would be the case as far  
3 as the criteria that this is Number 2. This is  
4 located in a Rural Community Plan Area where general  
5 business uses are appropriate in limited locations.

6 CHAIRMAN: Are you saying strike that or do  
7 you want to hold that?

8 MR. BOSWELL: Hold that, yes.

9 CHAIRMAN: You would also want to strike item  
10 Number 1?

11 MR. BOSWELL: That the use that is being  
12 requested is more appropriate in that vicinity because  
13 of the changes that have occurred there over the  
14 years.

15 CHAIRMAN: Do you have that?

16 COURT REPORTER: I've got what was said.

17 CHAIRMAN: Does that conclude your motion, Mr.  
18 Boswell?

19 MR. BOSWELL: Yes, it does.

20 CHAIRMAN: Is there a second to Mr. Boswell's  
21 motion?

22 MR. KAZLAUSKAS: Second.

23 CHAIRMAN: Second by Mr. Kazlauskas.

24 Mr. Brancato, did you understand clearly the  
25 nature of the motion?



1 MR. BRANCATO: I do, sir.

2 CHAIRMAN: Any of the commissioners have any  
3 questions or concerns about the motion?

4 Mr. Moore.

5 MR. MOORE: Can we explain that again or go  
6 through that one more time for me to see exactly what  
7 I'm voting on.

8 Taking out something or adding something, we  
9 did add something, we didn't.

10 MR. BOSWELL: What we're doing, hopefully I  
11 can explain this as well.

12 We're going from the R-1B Single-Family  
13 Residential to B-4 General Business to inclusive of  
14 all of the landscaping buffers that are stated in the  
15 Staff Report. Also the requirement for the  
16 improvements that will be made by the applicant to  
17 comply with the 40 percent limitation on the  
18 driveways.

19 MR. MOORE: As your conditions?

20 MR. BOSWELL: As the conditions, correct.

21 Also, on Item Number 1, that the Comprehensive  
22 Plan, change of the Comprehensive Plan is the fact  
23 that the conditions have been changed out there to B-4  
24 is more appropriate for that particular area now.

25 CHAIRMAN: Mr. Moore, does that clarify for

1       you?

2               MR. BOSWELL:   And the other thing was to  
3       include new locations in the rural community as he has  
4       presented, applicant has presented in his general  
5       business use sheet that he brought forth earlier.

6               MR. MOORE:   Thank you.

7               CHAIRMAN:   Any other commissioners have any  
8       questions about the motion?

9               (NO RESPONSE)

10              CHAIRMAN:   You feel like you understand it  
11       sufficiently to cast your vote?

12              (NO RESPONSE)

13              CHAIRMAN:   All in favor raise your right hand.

14              (BOARD MEMBERS BEVERLY McENROE, FRED REEVES,  
15       LARRY BOSWELL, JOHN KAZLAUSKAS, LEWIS JEAN AND LARRY  
16       MOORE ALL RESPONDED AYE.)

17              CHAIRMAN:   All opposed.

18              (BOARD MEMBER MANUEL BALL RESPONDED NAY.)

19              CHAIRMAN:   Six to one.   The application is  
20       approve.

21              MR. BRANCATO:   Thank you for your time and  
22       attention.

23       ITEM 4

24       A Portion of 5611 Jones Road, 0.39 acres  
25       Consider zoning change:   From R-1A Single-Family  
      Residential & A-R Rural Agriculture to R-1A  
      Single-Family Residential

1       Applicant:   Ann Goodwin

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

4               MS. EVANS:   Melissa Evans.

5               (MELISSA EVANS SWORN BY ATTORNEY.)

6       PLANNING STAFF RECOMMENDATIONS

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

9       CONDITION

10              Approval of a consolidation plat to  
11       consolidate the subject property with 6155 Stanford  
12       Court.

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 in a Rural  
18       Preference Plan Area, where single-family residential  
19       uses are appropriate in very limited locations;

20              3.   The subject property will be consolidated  
21       with an existing lot located on a public street,  
22       Stanford Court, within Woodcrest Subdivision;

23              4.   The proposal adds area to an existing  
24       parcel that is already large enough to assure  
25       satisfactory operation of a conventional septic tank

1 system;

2 5. The proposed zoning change is a logical  
3 expansion of existing R-1A zoning located to the west;

4 6. At 0.390 acres, the proposal is not a  
5 significant increase in R-1A zoning in the vicinity  
6 and should not overburden the capacity of roadways and  
7 other necessary urban services that are available in  
8 the affected area; and

9 7. The proposal does not create any new  
10 parcels; therefore there will not be any potential new  
11 property owners who need to be advised of potential  
12 coal mining activities in the rural area.

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

15 CHAIRMAN: Is anyone here representing the  
16 applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Is anyone here that would like to  
19 speak in support of the application?

20 (NO RESPONSE)

21 CHAIRMAN: Anyone like to speak in opposition  
22 of the application?

23 (NO RESPONSE)

24 CHAIRMAN: Commissioners, do any of you have  
25 questions of Staff regarding this application?

1 (NO RESPONSE).

2 CHAIRMAN: If not, then the Chair will  
3 entertain a motion.

4 MR. BALL: Make a motion to approve based on  
5 the Planning Staff Recommendations, their condition  
6 and Findings of Fact 1 through 7.

7 CHAIRMAN: We have a motion by Mr. Ball. Do  
8 we have a second?

9 MR. MOORE: Second.

10 CHAIRMAN: Second by Mr. Moore. Any questions  
11 or concerns about the motion?

12 (NO RESPONSE)

13 CHAIRMAN: All in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion passes unanimously.

16 ITEM 5

17 910 West 4th Street; 410 & 414 Poplar Street,  
18 0.417 acres  
19 Consider zoning change: From B-4 General Business to  
20 I-1 Light Industrial  
21 Applicant: Thomas S. Hayden, Jr.; Thomas S. Hayden,  
22 Jr., Et al. C/o Bluegrass Self-Storage

23 PLANNING STAFF RECOMMENDATIONS

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

26 CONDITION

27 Access shall be limited to Poplar Street. No

1 access shall be permitted to West Fourth Street.

2 FINDINGS OF FACT

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

6 2. The subject property is partially located  
7 in a Business/Industrial Plan Area where Light  
8 Industrial uses are appropriate in general locations  
9 and partially located in a Business Plan Area where  
10 Light Industrial uses are appropriate in limited  
11 locations;

12 3. The proposed use conforms to the criteria  
13 for nonresidential development; and,

14 4. The proposal is a logical expansion of I-1  
15 Light Industrial zoning to the west;

16 5. At 0.417 acre the proposal is not a  
17 significant increase in I-1 zoning in the vicinity;  
18 and,

19 6. With access limited to Poplar Street it  
20 will not overburden the capacity of roadways and other  
21 necessary urban services available in the affected  
22 area.

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

25 CHAIRMAN: Is anyone here representing the

1       applicant?

2               MR. RINEY:   Yes.

3               CHAIRMAN:   Would you like to speak, sir?

4               MR. RINEY:   No.

5               CHAIRMAN:   Anyone in the audience like to

6       speak in support of the application?

7               (NO RESPONSE)

8               CHAIRMAN:   Anyone in the audience like to

9       speak in opposition of the application?

10              (NO RESPONSE).

11              CHAIRMAN:   Any commissioners have any

12       questions of Staff regarding his application?

13              (NO RESPONSE)

14              CHAIRMAN:   If not, then the chair will

15       entertain a motion.

16              MR. JEAN:   Like to make a motion we approve

17       based on the Staff Report with the one condition and

18       Findings of Fact 1 through 6.

19              CHAIRMAN:   We have a motion by Mr. Jean.   Do

20       we have a second to that motion?

21              MS. McENROE:   Second.

22              CHAIRMAN:   Second by Ms. McEnroe.   Any

23       questions or concerns about the motion?

24              (NO RESPONSE)

25              CHAIRMAN:   If not all in favor raise your

1 right.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: The application is approved  
4 unanimously.

5 ITEM 6

6 6151 Highway 54, 0.526 acres  
7 Consider zoning change: From B-4 General Business &  
8 R-1A Single-Family Residential to R-1A Single-Family  
9 Residential  
10 Applicant: Chad G. Davis & Bridgett A. McCarty

11 PLANNING STAFF RECOMMENDATIONS

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

14 CONDITION

15 The applicant shall provide screening along  
16 the western property line. The screening shall  
17 consist of a 10' landscape easement with a 6' tall  
18 continuous element such as a fence, wall, plantings,  
19 hedge or earth mound plus one tree per 40 linear feet.

20 FINDINGS OF FACT:

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

24 2. The subject property is located in a Rural  
25 Community Plan Area where rural small-lot residential  
uses are appropriate in general locations;

3. The proposal is on an existing parcel with



1 frontage directly on Highway 54, a public street; and

2 4. The proposal will allow the continued  
3 residential use of an existing parcel that has been  
4 adequately served by a conventional septic tank system  
5 for several years.

6 MR. HILL: Staff request that the Staff Report  
7 be entered into the record as Exhibit D.

8 CHAIRMAN: Anyone here representing the  
9 applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: You wish to make any comments?

12 APPLICANT REP: No.

13 CHAIRMAN: We may have a question for you.

14 Anyone else in the audience like to speak in  
15 support of the application?

16 (NO RESPONSE)

17 CHAIRMAN: Anyone in the audience like to  
18 speak in opposition of the application?

19 (NO RESPONSE)

20 CHAIRMAN: Any commissioners have any  
21 questions about this application?

22 (NO RESPONSE)

23 CHAIRMAN: If not then the chair will  
24 entertain a motion.

25 Mr. Kazlauskas.

1           MR. KAZLAUSKAS: Make a motion that the  
2           amendment be approved based on Planning Staff  
3           Recommendations, Condition 1 and Findings of Fact 1  
4           through 4.

5           CHAIRMAN: We have a motion by Mr. Kazlauskas.  
6           Do we have a second?

7           MR. MOORE: Second.

8           CHAIRMAN: Second by Mr. Moore. Any questions  
9           or concerns about the motion?

10          (NO RESPONSE)

11          CHAIRMAN: If not all in favor raise your  
12          right hand.

13          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14          CHAIRMAN: The application is approved  
15          unanimously.

16          ITEM 7

17          6530 & 6542 Highway 56, 1.458 acres  
18          Consider zoning change: From B-4 General Business  
19          (with conditions) to B-4 General Business (without  
20          conditions)  
21          Applicant: Woodland Ridge Development, Inc.

22          PLANNING STAFF RECOMMENDATIONS

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

25          CONDITION

            1. Approval of consolidation plat combining  
the two properties.

1           2. Approval of a site plan demonstrating  
2 compliance with zoning ordinance requirements  
3 including, but not limited to, parking, landscaping,  
4 building setbacks, access management and signage.

5           3. Access to the site shall be limited to a  
6 single access point compliant with applicable zoning  
7 ordinance regulations. KYTC approval of the access  
8 location and dimensions is also required prior to site  
9 plan approval.

10 FINDINGS OF FACT

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

14           2. The subject property is located in a Rural  
15 Community Plan Area where general business uses are  
16 appropriate in limited locations;

17           3. The proposed use as general business  
18 conforms to the criteria for nonresidential  
19 development;

20           4. The property is already zoned B-4 General  
21 Business therefore a logical expansion is not  
22 necessary; and

23           5. Furthermore, since the property is already  
24 zoned B-4 General Business, the proposal is not a  
25 significant increase in general business zoning in the

1 vicinity and should not overburden the capacity of  
2 roadways and other necessary urban services that are  
3 available in the affected area.

4 MR. HILL: Staff request that the Staff Report  
5 be entered into the record as Exhibit E.

6 CHAIRMAN: Anyone here representing the  
7 applicant?

8 MR. RINEY: Yes.

9 CHAIRMAN: Do you understand the conditions  
10 that were listed by the Staff?

11 MR. RINEY: Yes.

12 CHAIRMAN: Anyone in the audience like to  
13 speak in support of the application?

14 (NO RESPONSE)

15 CHAIRMAN: Anyone like to speak in opposition  
16 of the application?

17 (NO RESPONSE)

18 CHAIRMAN: Any commissioners have any  
19 questions or concerns to Staff with regard to the  
20 application?

21 (NO RESPONSE)

22 CHAIRMAN: If not, then the Chair would  
23 entertain a motion.

24 Mr. Moore.

25 MR. MOORE: Thank you, Mr. Chairman. I make a

1 motion for approval based on Staff Conditions 1, 2, 3  
2 and Findings of Fact 1 through 5.

3 CHAIRMAN: We have a motion by Mr. Moore. Do  
4 we have a second?

5 MS. McENROE: Second.

6 CHAIRMAN: Second by Ms. McEnroe. Any  
7 questions or concerns about the motion?

8 (NO RESPONSE)

9 CHAIRMAN: If not all in favor raise your  
10 right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: The application is approved  
13 unanimously.

14 ITEM 8

15 231 Highway 140 West, 7.815 acres  
16 Consider zoning change: From R-1A Single-Family  
17 Residential to A-U Urban Agriculture  
Applicant: Paul Thompson, Et al.

18 PLANNING STAFF RECOMMENDATIONS

19 The Planning Staff recommends approval subject  
20 to the findings of fact that follow:

21 FINDINGS OF FACT

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

25 2. The subject property is located in a Rural

1       Community Plan Area, where agricultural uses are  
2       appropriate in general locations;

3               3. The subject property will be consolidated  
4       with an existing farm surrounding the subject  
5       property;

6               4. The proposal is a logical expansion of  
7       existing A-U zoning to the north, south, east and  
8       west; and,

9               5. Appropriate farming practices should be  
10      observed to conserve the topsoil in the area.

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

13              CHAIRMAN: Is anyone in the audience  
14      representing the applicant?

15              (NO RESPONSE)

16              CHAIRMAN: Anyone in audience like to speak in  
17      support of the application?

18              (NO RESPONSE)

19              CHAIRMAN: In opposition of the application?

20              (NO RESPONSE)

21              CHAIRMAN: Any commissioners have any  
22      questions of Staff on this application?

23              (NO RESPONSE)

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

1           MR. JEAN: Motion to approve based on the  
2 Staff Report and Findings of Fact 1 through 5.

3           CHAIRMAN: We have a motion by Mr. Jean. Do  
4 we have a second?

5           MR. BOSWELL: Second.

6           CHAIRMAN: Second by Mr. Boswell. Any  
7 questions or concerns about the motion?

8           (NO RESPONSE)

9           CHAIRMAN: All in favor raise your right hand.

10          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11          CHAIRMAN: The application is approved  
12 unanimously.

13 MAJOR SUBDIVISION PRELIMINARY PLATS

14 ITEM 9

15 Gateway Commons, Section 2, 201.98 acres (Postponed  
16 from the June 9, 2016 meeting)  
17 Consider approval of a major subdivision preliminary  
18 plat.  
19 Applicant: Gateway Land, LLC

20           MR. HOWARD: Mr. Chairman and Planning  
21 Commissioners, this plat has been reviewed by the  
22 Planning Staff, the Engineering Staff, the State  
23 Highway Transportation Cabinet Staff and it's found to  
24 be in order. It's consistent with the conditions of  
25 the Traffic Impact Study and the rezoning that was  
approved earlier. It meets the requirement  
subdivision regulations and it is ready for your

1 consideration.

2 CHAIRMAN: Mr. Hayden, do you wish to make any  
3 comments?

4 MR. HAYDEN: No.

5 CHAIRMAN: If we have any questions, we'll  
6 call on you.

7 Anyone in the audience wish to speak on this  
8 issue?

9 (NO RESPONSE)

10 CHAIRMAN: Commissioners, do you have any  
11 questions of the Staff on this plat?

12 (NO RESPONSE)

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

15 MR. KAZLAUSKAS: Make a motion the plat be  
16 approved.

17 CHAIRMAN: We have a motion by Mr. Kazlauskas.

18 MR. BALL: Second.

19 CHAIRMAN: Second by Mr. Ball. Any questions  
20 or concerns about the motion?

21 (NO RESPONSE)

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: The plat is approved.



1 MINOR SUBDIVISION PLATS

2 ITEM 10

3 1419 East 18th Street, 0.194 acres  
4 Consider approval of a minor subdivision plat.  
5 Applicant: Eleanor Sutton

6 MR. HOWARD: Mr. Chairman and Commissioners,  
7 the plat comes before you as a request and exception.  
8 When this property was created earlier in the year,  
9 and when that lot was created, there was a condition  
10 that there be no new access to East Eighth Street.  
11 However, in conversations with Jason Baker, the  
12 engineer that's prepared the site plan for the  
13 applicant, based upon semi traffic and truck movements  
14 and things like that, they can't figure out a way to  
15 make that work. So it has come before you all as an  
16 access basing standard. I know Mr. Baker is here  
17 tonight with information probably to present to you  
18 all to show how that doesn't work. He's explained  
19 this to me, but it comes before you all for  
20 consideration to allow, there are two access points  
21 now. This would actually allow for a third access  
22 point on East 18th Street in this vicinity.

23 CHAIRMAN: Mr. Baker, you want to make a  
24 comment for us to help us understand this, please?

25 MS. KNIGHT: Please state your name for the  
record.

1 MR. BAKER: Jason Baker.

2 (JASON BAKER SWORN BY ATTORNEY.)

3 MR. BAKER: First thing I'm going to do is I'm  
4 going to pass something out here.

5 As Brian mentioned, when we originally turned  
6 this plan in we had to have that condition because  
7 18th Street has access basing standard. At the time  
8 we didn't think that was a problem. As we went back  
9 and looked at the layout, it's just not an ideal  
10 situation. Let me identify where this area is at.

11 This parking lot is located in-between the old  
12 Tapscott building and the Sun Windows factory. This  
13 particular piece of land is off of the Tapscott  
14 property. The intent is the owner of Sun Windows is  
15 purchasing a small area to improve access into the  
16 factory.

17 The current situation that exist deliveries of  
18 materials into the plant, they had tractor-trailers  
19 coming straight into it. On your exhibits, you'll see  
20 some blue lines on there. Those represent what we're  
21 showing as parking spaces. The area between those  
22 would be the drive lanes. Those are indicated here.

23 As it stands today, you'll have  
24 tractor-trailers delivering material that pull  
25 straight in. There's not an ability to turnaround and

1       come back out that same point. So what they're left  
2       with is they pull in, they unload materials, they have  
3       someone come out of the factory, maybe one or two  
4       people come out of the factory and flag down traffic  
5       in 18th Street, stopping traffic. The tractor-trailer  
6       will then back out of this entrance straight across  
7       18th Street into the cross road. I'm not sure what  
8       the name of that street is. Mill Avenue. They'll  
9       back into that street and then they'll pull out on  
10      18th Street one way or the other, depending on where  
11      they're going. It's not ideal situation.

12               So there's really two things they're trying to  
13      accomplish here. They also, as a growing business,  
14      have need for parking. They have parking off site  
15      that they use.

16               This area here, you can see by the thin lines  
17      under the blue lines on the exhibit I gave you, you  
18      can see how the existing parking is arranged, if you  
19      look closely, the gray lines there. Existing parking  
20      spaces do not allow for standard spaces. The angle  
21      and configuration of them are not easily accessible.  
22      Again, the solution here is twofold. We're trying to  
23      get tractor-trailers into and out of the plant easier.  
24      That's the number one goal. Second goal is to  
25      capitalize on as much parking that we can for

1 employees on this side of 18th Street.

2 In the future scenario, you would have a  
3 tractor-trailer coming in to the same entrance they  
4 come in today. They will be able to turn around and  
5 come back out the second entrance.

6 So initially when we got this plan approved,  
7 we were thinking that we would be able to close off  
8 the access point that's the furtherest to the east,  
9 closer to Sun Windows. You can see with the blue  
10 lines that you see on there, there's a double row of  
11 parking and another parking along the building. If we  
12 do away with that entrance, we will do away with all  
13 of that. Utilization of what we've got here is pretty  
14 significantly diminished.

15 Again, the goal is to improve the  
16 tractor-trailer circulation within the site, to  
17 eliminate the safety issue that exists, and also loss  
18 of productivity, of course, while capitalizing on as  
19 many parking places as we can for employees.

20 We do have Frank Anderson from Sun Windows  
21 here, if you have any questions of him.

22 CHAIRMAN: I just have one question. About  
23 how many tractor-trailer a day would be going through  
24 this process?

25 MR. BAKER: Eight to ten.

1           CHAIRMAN: Mr. Howard, did Staff have any  
2           issue with this?

3           MR. HOWARD: It's something I couldn't sign  
4           in-house because it is creating a new access point.  
5           That's why I asked it to come before you all. The  
6           explanation that Mr. Baker just gave, you know, it  
7           made sense to me.

8           CHAIRMAN: Okay. Mr. Kazlauskas.

9           MR. KAZLAUSKAS: Is that still a gravel  
10          parking lot or has it been paved with blacktop?

11          MR. BAKER: We will be making the whole area,  
12          bringing it up to standards as far as a future site  
13          plan. Couldn't prepare that plan until we figured out  
14          what to do with the entrance.

15          MR. KAZLAUSKAS: So you're going to put  
16          blacktop?

17          MR. BAKER: Yes.

18          MR. KAZLAUSKAS: Is it going to be  
19          blacktopped?

20          MR. BAKER: Yes, it will be required to be  
21          paved.

22          MR. KAZLAUSKAS: My understanding you said  
23          these parking places up against the building on the  
24          east side you are going to continue to use those?

25          MR. BAKER: Yes.

1           CHAIRMAN: Any other questions?

2           Yes, Mr. Boswell.

3           MR. BOSWELL: Thank you, Mr. Chairman.

4           I want to get straight in my own mind. You're

5 going to wind up with two access points?

6           MR. BAKER: No. We will end up with three.

7           The additional access point is on the lot in question.

8           That is why this is before you. We said we were going

9 to be able to reduce it down to two. We weren't able

10 to in the end.

11          CHAIRMAN: Any other questions?

12          (NO RESPONSE)

13          CHAIRMAN: If not, the Chair will entertain a

14 motion.

15          MR. BALL: I have a motion to approve.

16          CHAIRMAN: Motion to approve by Mr. Ball. Do

17 we have a second?

18          MR. MOORE: Second.

19          CHAIRMAN: Second by Mr. Moore. Questions or

20 concerns about the motion?

21          (NO RESPONSE)

22          CHAIRMAN: All in favor raise your right hand.

23          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24          CHAIRMAN: The motion is approved.

25          Thank you.

1 -----

2 NEW BUSINESS

3 ITEM 11

4 Consider approval of Amended OMPC Fee Schedule

5 MR. HOWARD: Mr. Chairman and Planning  
6 Commissioners, you all received a copy of the proposed  
7 filing fee changes. These are the same fee structure  
8 that was discussed at the work session earlier in the  
9 year. Since we had that work session, and basically  
10 I'll summarize what it is.

11 Basically what we've done we looked at each of  
12 the different types of applications that the planning  
13 departments receives. We compared what our current  
14 fee is, along with filing fees for similar type  
15 applications in similar type of zones in Lexington,  
16 Bowling Green and Louisville. We then proposed, based  
17 upon what we understand other communities charge and  
18 the way that we see trends going, increases in fees.  
19 Now, the majority of the fees increase anywhere from 6  
20 to 10 percent. The last time that we looked at the  
21 fees was in 2011. Since that time the CPI is a little  
22 over 6 percent over that five year period. However,  
23 if we keep with this current trend of looking at  
24 filing fees every five years, by the time we get an  
25 additional five years out, we'll be behind where CPI

1 would have been for that previous time. So we're just  
2 trying to staying a little bit ahead of the curve.

3 Since we met at the work sessions and  
4 discussed the filing fees, we have met with the Home  
5 Builders Association and discussed the filing fees  
6 with them. We discussed it with Bryant Engineering,  
7 Jason Baker and David Weaver, Jim Riney from HRG,  
8 talked with commercial developer about the filing  
9 fees. We tried to make sure that the end users, the  
10 people that submit the applications, come to our  
11 office, are aware of what the fee proposals are. If  
12 this is approved, we would look for this to go into  
13 affect August 1st. We will send out notifications to  
14 the local surveyors and engineer and all those folks  
15 that would use these on a regular basis.

16 So, again, these haven't been updated since  
17 2011. This does not alter any capacity the  
18 applications for the building portion of our office.  
19 That fee structure has not changed since 1984 and  
20 there is no proposal to change that. This is just for  
21 planning fees.

22 Be happy to entertain any questions that you  
23 would have.

24 CHAIRMAN: Any commissioners have any  
25 questions?



1           I know we discussed this previously. I  
2   understand, Mr. Howard, because of the fact we only do  
3   it once every five years, incrementally we would have  
4   need additional money, but this makes, what you said  
5   makes sense in terms of the catch up.

6           MR. HOWARD: Basically what we're trying to do  
7   is every 5 years look at fees instead of waiting 15  
8   years and then lock on a huge increase because we're  
9   so far behind.

10          CHAIRMAN: Questions?

11          (NO RESPONSE)

12          CHAIRMAN: Entertain a motion.

13          Ms. McEnroe.

14          MS. MCENROE: I move that we accept the  
15   Planning & Zoning fees.

16          CHAIRMAN: Motion by Ms. McEnroe. Do we have  
17   a second?

18          MR. JEAN: Second.

19          CHAIRMAN: Second by Mr. Jean. Questions or  
20   concerns about the motion?

21          (NO RESPONSE)

22          CHAIRMAN: All in favor raise your right hand.

23          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24          CHAIRMAN: They are adopted.

25   ITEM 12

1 Consider approval of May 2016 financial statements

2 CHAIRMAN: All of you have had a chance to  
3 review the final statements for May 2016 that were  
4 sent to you. Any questions or concerns about anything  
5 in the financial statements?

6 (NO RESPONSE)

7 CHAIRMAN: If not I'll entertain a motion to  
8 approve them.

9 MR. KAZLAUSKAS: Motion to approve.

10 CHAIRMAN: Motion by Mr. Kazlauskas.

11 MS. McENROE: Second.

12 CHAIRMAN: Second by Ms. McEnroe. Any  
13 question or concern about the motion?

14 (NO RESPONSE)

15 CHAIRMAN: All in favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 ITEM 13

19 Comments by the Chairman

20 CHAIRMAN: I just want to thank all of you for  
21 your excellent participation in this evenings meeting.  
22 I'm always impressed by your questions and how  
23 attentive you are to the business that comes before  
24 us. I really appreciate it. Thank you very much.  
25 Thanks for Staff. Mr. Brancato's comments were

1 appreciated and he appreciated how responsive you all  
2 were to their application and concerns they expressed.  
3 Thank you to Staff for your ongoing wonderful work.  
4 Appreciate that very much.

5 ITEM 14

6 Comments by the Planning Commissioners

7 CHAIRMAN: Any Commissioners have any comments  
8 they would like to make?

9 Mr. Kazlauskas.

10 MR. KAZLAUSKAS: I would just like to comment  
11 on the work that the Staff had done on developing the  
12 new zoning fees. I know they work very close with the  
13 community. Compared to other communities in the State  
14 of Kentucky, I want to think that ours are very fair.  
15 I think the Staff does an excellent job in reaching  
16 out to our community members. Make sure that they  
17 know what is going on and have some input into it.  
18 Good job, Brian.

19 CHAIRMAN: Thank you, Mr. Kazlauskas.

20 Any other commissioners have any other  
21 comments?

22 (NO RESPONSE)

23 ITEM 15

24 Comments by the Director

25 CHAIRMAN: Mr. Howard, the floor is yours.

1           MR. HOWARD: The only comment I have is on the  
2 evening of July 26th, that's a Tuesday evening, from  
3 5:30 to 7:30, our Planning Staff is going to host,  
4 being led Mike Hill, is going to host a Planning and  
5 Zoning Workshop. We did one similar to this back last  
6 year sometime. Had a pretty good attendance. We've  
7 got quite a few people that have already confirmed to  
8 come. It will be held over at our building, 200 East  
9 Third Street, the Commerce Center, up on the third  
10 floor. There will be some food provided as well for  
11 those who attend.

12           It's basically an opportunity for outreach  
13 within the community. It's an open invitation. If  
14 you'd like to come, please contact the office. Give  
15 the office a call. Ask for Mike, and we can get you  
16 signed up. That way we can have a count of how much  
17 feed we need to provide.

18           We will talk about what we do as the Planning  
19 Staff. What you all do as the Planning Commission.  
20 What the Board of Adjustment does, what their role is,  
21 along with other tools that are available on our  
22 website and online that is available so that  
23 surveyors, and appraisers, and realtors, and those  
24 kind of folks can look up zoning and flood plain  
25 information, and addresses, and parcels, and that type

1 of thing. So we'll go over all of that at the work  
2 shop. It's just an opportunity for us to answer  
3 questions that the community might have, and also  
4 provide them with some information that they may not  
5 know is available.

6 So we encourage anybody to attend. Again, if  
7 any of the people would like to attend, just give the  
8 office a call and ask for Mike and he'll get you  
9 signed up.

10 CHAIRMAN: Mike, I know you brought this idea  
11 to the commission. We really appreciate that. It's a  
12 lot of work and we appreciate you doing it. I went to  
13 the last one. If you haven't been, it was a good  
14 session. I attended and I think Beverly did.

15 Larry, were you there?

16 MR. BOSWELL: It was excellent, yes.

17 CHAIRMAN: I was really surprised how many  
18 folks in the community wanted to come and learned  
19 about it, which I thought was really good news. I  
20 appreciate the nice job he did. I hope we get another  
21 good turnout and more people understand what we do.

22 MR. BOSWELL: Thank you too. There was a  
23 number of people there from some of the other  
24 communities around the area. They really were seeking  
25 a lot of information. They left with a lot of

1 knowledge.

2 CHAIRMAN: Chair will entertain one last  
3 motion.

4 MR. MOORE: Move to adjourn.

5 CHAIRMAN: Do we have a second?

6 MR. BOSWELL: Second.

7 CHAIRMAN: Second by Mr. Boswell. All in  
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: We are adjourned.

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

3               I, LYNNETTE KOLLER FUCHS, Notary Public in and  
4       for the State of Kentucky at Large, do hereby certify  
5       that the foregoing Owensboro Metropolitan Planning  
6       Commission meeting was held at the time and place as  
7       stated in the caption to the foregoing proceedings;  
8       that each person commenting on issues under discussion  
9       were duly sworn before testifying; that the Board  
10      members present were as stated in the caption; that  
11      said proceedings were taken by me in stenotype and  
12      electronically recorded and was thereafter, by me,  
13      accurately and correctly transcribed into the  
14      foregoing 62 typewritten pages; and that no signature  
15      was requested to the foregoing transcript.

16             WITNESS my hand and notary seal on this the  
17      2nd day of August, 2016.

18

19

20                                     \_\_\_\_\_  
                                  LYNNETTE KOLLER FUCHS  
21                                   NOTARY ID 524564  
                                  OHIO VALLEY REPORTING SERVICES  
22                                   2200 E. PARRISH AVE, SUITE 106E  
                                  OWENSBORO, KENTUCKY 42303

23      COMMISSION EXPIRES:   DECEMBER 16, 2018

24      COUNTY OF RESIDENCE:   DAVIESS COUNTY, KENTUCKY

25