

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 12, 2017

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 January 12, 2017, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

8 MEMBERS PRESENT: Larry Boswell, Chairman  
Steve Frey, Vice Chairman  
9 Larry Moore, Secretary  
Brian Howard, Director  
10 Terra Knight, Attorney  
Irvin Rogers  
11 Beverly McEnroe  
Manuel Ball  
12 Fred Reeves  
John Kazlauskas  
13 Lewis Jean  
Angela Hardaway

14 \* \* \* \* \*  
15

16 CHAIRMAN: Call the January 2017 meeting of  
17 the Owensboro Metropolitan Planning Commission to  
18 order. We start each meeting with a prayer and pledge  
19 to the flag. Our counsel, Terra Knight, will do that  
20 this evening.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: The first item of business we have  
23 this evening is the election of officers. At this  
24 time I will turn it over to our counsel to conduct the  
25 elections.

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

2 As all of you know, the statutes require that  
3 we hold elections annually for our officers. Our  
4 bylaws dictate that our officers are chairman, vice  
5 chairman and secretary/treasurer. Our bylaws further  
6 provide that we have these elections at the first  
7 meeting in January every year. We traditionally vote  
8 in that order. First vote for chairman, then vice  
9 chair, then secretary/treasurer. We typically vote by  
10 show of hands. So that's how we will start tonight.

11 At this time I will open the floor for  
12 nominations for our chairman.

13 MR. REEVES: I would like to nominate Larry  
14 Boswell.

15 MS. KNIGHT: Is there a second to that motion?

16 MR. JEAN: Second.

17 MS. KNIGHT: Mr. Boswell, do you accept the  
18 motion?

19 MR. BOSWELL: Yes, I do.

20 MS. KNIGHT: Are there any other nominations  
21 for chair?

22 (NO RESPONSE)

23 MS. KNIGHT: Hearing none I close the floor  
24 and we will vote.

25 All in favor of Mr. Boswell as chair please

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 MS. KNIGHT: Congratulations, Mr. Boswell.

4 CHAIRMAN: Thank you.

5 MS. KNIGHT: Now we will open the floor for  
6 nominations for vice chair.

7 MR. KAZLAUSKAS: Ms. Knight, I would like to  
8 nominate Mr. Steve Frey.

9 MS. KNIGHT: Is there a second for that  
10 nomination?

11 MR. MOORE: Second.

12 MS. KNIGHT: Mr. Frey, do you accept the  
13 nomination?

14 MR. FREY: Yes.

15 MS. KNIGHT: Are there other nominations?

16 (NO RESPONSE)

17 MS. KNIGHT: Hearing none I will close the  
18 floor for nominations and we will vote.

19 All in favor of Mr. Frey serving as vice chair  
20 please raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 MS. KNIGHT: Congratulations, Mr. Frey.

23 I will now open the floor for nominations of  
24 secretary/treasurer.

25 MS. McENROE: I would like to nominate Larry

1 Moore.

2 MS. KNIGHT: Is there a second to that

3 nomination?

4 MR. REEVES: I'll second it.

5 MS. KNIGHT: Mr. Moore, do you accept that

6 nomination?

7 MR. MOORE: Yes.

8 MS. KNIGHT: Are there any other nominations

9 for secretary/treasurer?

10 (NO RESPONSE)

11 MS. KNIGHT: Hearing none I will close the

12 floor and we will vote.

13 All in favor of Mr. Moore as

14 secretary/treasurer please raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 MS. KNIGHT: Thank you very much, Mr. Moore.

17 You're secretary/treasurer.

18 Mr. Chairman Boswell, I will turn it back over

19 to you.

20 CHAIRMAN: Thank you, Counsel.

21 Would like to welcome everybody here this

22 evening to our meeting, the January 12, 2017 meeting

23 of the Metropolitan Planning Commission.

24 We have the honor tonight of having Judge

25 Executive Al Mattingly here with us. Prior to getting

1       into the business of the meeting, I would ask, does he  
2       have any comments he would like to favor us with  
3       tonight?

4               MR. MATTINGLY: Thank you, Mr. Chairman.

5               My name is Al Mattingly. I'm the Daviess  
6       County Judge Executive.

7               Ms. Knight, I'm not going to swear that  
8       everything I say is the truth, the whole truth and  
9       nothing but the truth.

10              First of all, I want to thank each and every  
11      one of you folks for serving on what is arguably the  
12      hardest board to serve on. I'm telling you, you get  
13      it from both sides. Most folks don't understand that  
14      all you do is enforce rules and regulations, make  
15      decisions based on what the local government has put  
16      in place and what the Commonwealth of Kentucky has  
17      adopted. Most people don't understand that.

18              I'm extremely pleased that my good friend  
19      Larry Boswell was elected chair. I can tell you that  
20      Mr. Frey and Mr. Moore will serve equally well in this  
21      community or for this community.

22              Some day, if he grows a little hair, Mr. Ball  
23      might find himself in an elected leadership, but I'm  
24      really not sure.

25              This commission has come a long way in the

1       last two years under your leadership, Fred. I've  
2       known you for a long time. You are excellent in what  
3       you do, and you've done the city and the county proud  
4       in the leadership. And I'm very pleased to announce  
5       that I don't think the county has had to reserve one  
6       of your decisions in the last two years.

7               I'm just here to encourage you to be faithful  
8       in your service to the community. As I said, I want  
9       to thank your family for allowing you to serve.

10              I would say that in closing that it was a  
11       pretty tentative acceptance of the nomination from all  
12       three of you, but I know you will do an excellent job.  
13       On behalf of all the citizens of Daviess County, thank  
14       you for your service.

15              CHAIRMAN: Thank you, Judge. We always  
16       appreciate your information and input. Very helpful  
17       to us.

18              We'll go ahead with the rest of the meeting.  
19       Consider the minutes. All of the commission members  
20       were given minutes of the meeting, the last meeting,  
21       December 8th. Would like to ask if there's any  
22       corrections or discussion about those minutes?

23              (NO RESPONSE)

24              CHAIRMAN: There being none the chair is ready  
25       for a motion.

1 MR. BALL: Motion to approve.

2 MS. McENROE: Second.

3 CHAIRMAN: A motion has been given for  
4 approval with a second from Ms. McEnroe. All those in  
5 favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: The motion carries.

8 Before we get too deep into it, just a little  
9 bit of maybe information for those who would get up  
10 and testify for information. It's very important we  
11 do hear all of the information that you're going to  
12 present to us, whether it's the application or the  
13 applicants or anyone in opposition. We ask that you  
14 present yourself at the podium and speak clearly so  
15 that we can all hear what is being said because the  
16 decisions that we make are based on all of the factual  
17 information that we hear and it's very important that  
18 we get all of that information so that we can make  
19 good valid decisions.

20 That being said we're ready for the general  
21 business.

22 MR. HOWARD: Under zoning changes, I will note  
23 that all zoning changes heard here tonight will become  
24 final 21 days after the meeting unless an appeal is  
25 filed. If an appeal is filed, we will forward the

1 record of this meeting along with all applicable  
2 materials to the appropriate legislative body for them  
3 to take final action.

4 -----

5 GENERAL BUSINESS

6 ZONING CHANGES

7 ITEM 4

8 3830 Fields Road, 75.320 acres  
9 Consider zoning change: From A-U Urban Agriculture  
10 and R-1A Single-Family Residential to R-1C  
11 Single-Family Residential  
12 Applicant: Thompson Homes, Inc.; Thompson Land  
13 Development

14 MS. KNIGHT: Please state your name for the  
15 record.

16 MS. EVANS: Melissa Evans.

17 (MELISSA EVANS SWORN BY ATTORNEY.)

18 PLANNING STAFF RECOMMENDATION

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

22 CONDITIONS

23 1. Access to Thruston Dermont Road shall be  
24 limited to a single access point in alignment with  
25 Locust Hill Drive as shown on the Major Subdivision  
Preliminary Plat.

2. No individual lots shall have access to

1 Fields Road or Thruston Dermont Road.

2 3. The proposed 20 foot Public Utility  
3 Easement located along Thruston Dermont Road shall be  
4 available for use to relocate any utilities located  
5 within the reserved future right-of-way should  
6 improvements take place along Thruston Dermont Road.

7 FINDINGS OF FACT

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

11 2. The subject property is located in an  
12 Urban Residential Plan Area where Urban Low-Density  
13 Residential uses are appropriate in limited locations;

14 3. The proposal complies with the criteria  
15 for urban residential development; and

16 4. Sanitary sewer service is available to be  
17 extended to the subject property.

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

20 CHAIRMAN: Thank you, Melissa.

21 Is there anyone here representing the  
22 applicant?

23 Would you like to make any comments or any  
24 information provided to us?

25 APPLICANT REP: We'll just answer questions,

1 Mr. Chairman.

2 CHAIRMAN: There being none, are there any  
3 questions from the commissioners?

4 (NO RESPONSE)

5 CHAIRMAN: Anyone in the audience that would  
6 bring up a question or have discussion on this  
7 particular application?

8 (NO RESPONSE)

9 CHAIRMAN: There being none then the chair is  
10 ready for a motion.

11 MR. JEAN: Mr. Chair, I would like to make a  
12 motion we approve this application based on the Staff  
13 Report, Findings of Fact 1 through 4 and Conditions 1  
14 through 3.

15 CHAIRMAN: Is there a second?

16 MR. ROGERS: Second.

17 CHAIRMAN: Second by Mr. Rogers. Any  
18 discussion on the motion and the second?

19 (NO RESPONSE)

20 CHAIRMAN: All those in favor raise your right  
21 hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: The motion carries.

24 RELATED ITEMS

25 ITEM 4A

1 Saddle Point, 75.320 acres  
2 Consider approval of a major subdivision preliminary  
3 plat.  
4 Applicant: Thompson Homes, Inc.

5 MR. HOWARD: Mr. Chairman and Commissioners,  
6 this plat has been reviewed by the Planning Staff and  
7 Engineering Staff. It's found to be in order. It's  
8 consistent with the requirements of the zoning change  
9 that you just heard, along with the subdivision  
10 regulations, Comprehensive Plan and Zoning Ordinance.  
11 So we would recommend that you consider it for  
12 approval.

13 CHAIRMAN: Thank you, Mr. Howard.

14 Is there anyone here that would like to speak  
15 on behalf of this application?

16 (NO RESPONSE)

17 CHAIRMAN: Anyone else would like to speak in  
18 opposition to this application?

19 (NO RESPONSE)

20 CHAIRMAN: There being none then the chair is  
21 ready for a motion.

22 MR. BALL: Motion to approve.

23 CHAIRMAN: Motion has been made to approve.

24 Do I hear a second?

25 MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Motion

1 originally made by Mr. Ball. All those in favor raise  
2 your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: The motion carries.

5 ITEM 4B

6 3830 Fields Road, 75.320 acres  
7 Consider approval of a Variance to increase the height  
8 of fences along all double frontage lots and open  
9 spaces along Thruston Dermont Road and Fields Road  
from three feet tall to six feet tall.  
Applicant: Thompson Homes, Inc.; Thompson Land  
Development

10 MS. EVANS: This application comes before you  
11 because there are a number of lots in this proposed  
12 development or this development that was just approved  
13 that have double frontage; meaning that they have  
14 frontage on an interior road of the development and  
15 they also have frontage on Fields Road and Thruston  
16 Dermont Road. With the rezoning that was just  
17 recommended for approval those lots are limited to  
18 access. They're not allowed to have access on Fields  
19 Road or Thruston Dermont Road. With that restriction  
20 and the approval of the Preliminary Plat that means  
21 that all of those double frontages along Thruston  
22 Dermont and Fields Road are essentially now backyards.  
23 So those people along those yards are limited to a  
24 fence height. Because it is along a road they would  
25 be limited to 3 feet in height. With those being rear

1 yards in these cases, a 3 feet fence doesn't provide a  
2 whole lot of privacy for those rear yards in the  
3 subdivision. That's why this is becoming before you.  
4 We have granted a few variances similar to this in  
5 some other developments where they do have those  
6 double frontage lots.

7 Granting this variance will not alter the  
8 essential character of the general vicinity or cause a  
9 safety hazard or nuisance to the public since the  
10 orientation of the lots have been determined by the  
11 major subdivision preliminary plat and the developer  
12 is establishing the variance prior to the development  
13 of the subdivision; therefore it will be in character  
14 with the neighborhood.

15 Three similar variance requests have been  
16 approved in instances of double frontage lots, all in  
17 2007. With the variances addressed at this stage,  
18 prior to the subdivision build out, the intent of the  
19 residential development relative to rear yard fencing  
20 is established and numerous variance requests in the  
21 future will be avoided.

22 The Staff would recommend approval of this  
23 variance request with the condition that all fences  
24 shall meet sight triangle and sight distance  
25 requirements as determined by the County Engineer and

1 the Kentucky Transportation Cabinet.

2 We would like to enter the Staff Report into  
3 the record as Exhibit B.

4 CHAIRMAN: Thank you, Melissa.

5 Is there anyone here who would like to address  
6 this from the application standpoint?

7 (NO RESPONSE)

8 CHAIRMAN: Anyone else that would like to make  
9 a comment about this?

10 Commissioner Rogers.

11 MR. ROGERS: Melissa, that will be a 6-foot  
12 tall fence, wouldn't it?

13 MS. EVANS: Yes. That's what their variance  
14 request is seeking. They've actually requested for it  
15 to be -- yes, it is 6-feet tall.

16 MR. ROGERS: I just wanted to get that on the  
17 record.

18 MS. EVANS: The Staff Report does ask for  
19 6-feet tall though.

20 MR. ROGERS: So it's a 6-foot fence.

21 MS. EVANS: Yes.

22 CHAIRMAN: I do have a question of the  
23 applicant.

24 On the plan that we received, is there any  
25 information as far how far down Fields Road that

1 variance would extend?

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

4 MR. RINEY: Jim Riney.

5 (JIM RINEY SWORN BY ATTORNEY.)

6 MR. RINEY: The plan itself doesn't describe  
7 that. The Staff's recommendation, and we are prepared  
8 to work with, with th sight distance, sight triangle,  
9 subject to approval by the Daviess County Public Works  
10 or I think County Engineer is the words they use, and  
11 the Highway Department. We've got some standards  
12 within the regulation on how to deal with sight  
13 distance and within the State Highway Department  
14 criteria. I expect those will be the regulations that  
15 they will implement.

16 CHAIRMAN: That would be determined at a later  
17 date, whenever this is approved and moving forward.

18 MR. RINEY: If I understood right, that was  
19 one of the conditions that the Staff Report  
20 identified.

21 CHAIRMAN: Thank you, Mr. Riney.

22 Any other further questions?

23 Yes, Commissioner Kazlauskas.

24 MR. KAZLAUSKAS: For the Staff.

25 My understanding is that if this Variance

1       isn't approved that if a potential homeowner wanted to  
2       construct a pool in their backyard they would have a  
3       potential of having problems, being in violation of  
4       those other rules and regulations. They're putting a  
5       hardship on that homeowner, correct?

6               MS. EVANS: Yes, that is correct. To  
7       construct a pool the State requires, the State  
8       Building Code requires that you have a 4-foot fence  
9       around that pool. So their fence wouldn't be allowed  
10      to be all the way to the back of their property. It  
11      would have to be forward and therefore, you know, kind  
12      of decreasing their amount of available space that  
13      they have in their yard.

14             MR. KAZLAUSKAS: Okay.

15             CHAIRMAN: Any other questions or discussion  
16      from the commissioners?

17             (NO RESPONSE)

18             CHAIRMAN: Anyone in the audience have any  
19      further comments?

20             (NO RESPONSE)

21             CHAIRMAN: Then the chair is ready for a  
22      motion.

23             Yes, Commissioner Kazlauskas.

24             MR. KAZLAUSKAS: Make a motion that the  
25      variance be approved.

1           CHAIRMAN: A motion has been made for  
2 approval. Do we have a second?

3           MR. HOWARD: We need a findings of fact to go  
4 along with that.

5           MR. KAZLAUSKAS: Granting the Variance  
6 Findings of Fact 1 through 4.

7           MS. KNIGHT: What about the condition,  
8 Mr. Kazlauskas?

9           MR. KAZLAUSKAS: Is there a condition on there  
10 also?

11           And condition that all fences shall meet sight  
12 triangle and sight distance requirements as determined  
13 by the County Engineer and the Kentucky Transportation  
14 Cabinet.

15           MS. McENROE: Second.

16           CHAIRMAN: Second by Commissioner McEnroe.  
17 Any further discussion on the motion and the second?

18           (NO RESPONSE)

19           CHAIRMAN: There being none all those in favor  
20 raise your right hand.

21           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22           CHAIRMAN: The motion carries.

23           Next item.

24           ITEM 5

25           2206 Frederica Street, 0.281 acres  
Consider zoning change: From B-4 General Business to

1 P-1 Professional/Service  
Applicant: EM Ford & Company, LLC

2

3 PLANNING STAFF RECOMMENDATION

4 The Planning Staff recommends approval subject  
5 to the conditions and findings and of fact that  
6 follow:

7 CONDITIONS

8 Access to be reviewed for compliance with the  
9 Access Management Manual as the property redevelops.

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  
15 Business Plan Area where Professional/Services uses  
16 are appropriate in limited locations;

17 3. The proposal complies with the criteria  
18 for nonresidential development;

19 4. The proposal is an expansion of existing  
20 P-1 zoning to the north; and,

21 5. At 0.281 acres the proposal should not  
22 overburden the capacity of roadways and other  
23 necessary urban services that are available in the  
24 affected area.

25 MS. EVANS: We would like to enter the Staff

1 Report into the record as Exhibit C.

2 CHAIRMAN: Thank you, Melissa.

3 Is the applicant here that would like to make  
4 a statement or any discussion?

5 (NO RESPONSE)

6 CHAIRMAN: Do any commissioners have any  
7 questions or comments?

8 Yes, Commissioner Reeves.

9 MR. REEVES: I'm really pleased to see this  
10 application come to us. I had a discussion with  
11 Mr. Howard the other day about concerns about  
12 Frederica becoming the new Triplett Street down the  
13 road. I think taking this to professional as opposed  
14 to B-4 really make sure that we have more appropriate  
15 kind of development on that particular lot than if it  
16 was just open to anything. I think this is really  
17 good application with really good intent. I'm very  
18 support of it.

19 CHAIRMAN: Thank you, Mr. Reeves.

20 Any further comments?

21 (NO RESPONSE)

22 CHAIRMAN: There being none the chair is ready  
23 for a motion.

24 MR. REEVES: Motion to approve based on  
25 Staff's Finding of Fact 1 through 5 with the one

1 condition about the access.

2 CHAIRMAN: Do we have a second?

3 MR. FREY: Second.

4 CHAIRMAN: Second by Commissioner Frey. Any  
5 discussion about the motion and the second?

6 (NO RESPONSE)

7 CHAIRMAN: There being none all those in favor  
8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: The motion carries.

11 ITEM 6

12 4700 US Highway 60 West, 28.039 acres  
13 Consider zoning change: From A-U Urban Agriculture to  
14 R-1C Single-Family Residential  
Applicant: Jagoe Land Corporation; Sara Jane McNulty

15 MR. BALL: I need to recuse myself, if  
16 possible.

17 CHAIRMAN: So noted.

18 PLANNING STAFF RECOMMENDATION

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

21 CONDITIONS

22 1. Access to US Highway 60 West shall be  
23 limited to a single access point in alignment with  
24 Booth Field Road as shown on the Major Subdivision  
25 Preliminary Plat.

1           2. No individual lots shall have access to US  
2 Highway 60 West.

3 FINDINGS OF FACT

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

7           2. The subject property is located in an  
8 Urban Residential Plan Area where Urban Low-Density  
9 Residential uses are appropriate in limited locations;

10          3. The proposal complies with the criteria  
11 for urban residential development; and

12          4. Sanitary sewer service is available to be  
13 extended to the subject property.

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

16          CHAIRMAN: Thank you, Melissa.

17                Is there anyone here representing the  
18 applicant that would like to speak on behalf of this  
19 application?

20          MR. JAGOE: Sure.

21          CHAIRMAN: Please step forward and state your  
22 name.

23          MR. JAGOE: Bill Jagoe.

24                (BILL JAGOE SWORN BY ATTORNEY.)

25          MR. JAGOE: In looking at this zoning I just

1       want to make mention that we did meet with our  
2       neighborhood last week, our customers in Graystone.  
3       There was a few concerns that they had. Of course,  
4       drainage always. You know, drainage is a concern and  
5       we explained to them that.

6               The other concern they've had, actually  
7       there's a swell that that drainage easement on this  
8       property being rezoned that Sara McNulty let us do  
9       back six, seven, eight years ago when we were  
10      developing Graystone, and there's actually a large  
11      bank that moves in-between these properties.

12             One of the main concerns last week was also  
13      the height. They're kind of at a hill and we're on a  
14      hill, and then screening between the two properties,  
15      of course, the ordinance doesn't require any  
16      screening. We did go this week and we looked at that  
17      just to be good neighbors. We've actually lowered our  
18      sight on that hill four feet. They potentially want  
19      to do pine trees or screening to keep their privacy,  
20      you know, between the two properties.

21             Also, they asked the question about the basin.  
22      If we were going to have a Homeowners Association,  
23      because we do have a wet basin on the property. We  
24      will have a Homeowners Association.

25             Actually if you look at the customers that

1       were at the I guess it would be the southeast corner,  
2       they were concerned about problems they've had in  
3       their part of the community with their basin. We  
4       assured them that we will have an association that  
5       takes care of the basin.

6               Always concerned about property values. How  
7       we've based this community is we're backing up to  
8       properties and actually are smaller properties going  
9       in the center. We did some research on Graystone  
10       which averages between 130 to 180,000. We're starting  
11       our low in 160's and probably going up to about 250 in  
12       this community.

13              So with that said I just ask that you approve  
14       this zoning. Thank you.

15              CHAIRMAN: Thank you, Mr. Jagoe.

16              Do any of the commissioners have any questions  
17       for the applicant?

18              (NO RESPONSE)

19              CHAIRMAN: I do have a couple of quick  
20       questions.

21              I noticed on the application there was mention  
22       made about the westbound turning lane. In driving out  
23       there and looking around, it looks like that there's a  
24       turning lane coming from the west into Booth Hill  
25       Road. It appears there's enough room for a turning

1       lane coming west out of Owensboro. Is that at some  
2       point in time going to be addressed?

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

5               MR. BAKER: Jason Baker.

6               (JASON BAKER SWORN BY ATTORNEY.)

7               MR. BAKER: Yes. Per the recommendation of  
8       the State Highway Department there will be a westbound  
9       left turn lane added to turn into the subdivision. It  
10      will be, there will have to be some pavement expansion  
11      and whatnot that has to occur to accommodate that, but  
12      yes.

13              CHAIRMAN: Thank you.

14              Is there anyone else in the audience that may  
15      want to speak on behalf or in opposition?

16              Please come forward and state your name.

17              MR. BOLLING: Bruce Bolling, 430 Camden  
18      Circle.

19              (BRUCE BOLLING SWORN BY ATTORNEY.)

20              MR. BOLLING: I'm concerned, along with my  
21      neighbors, of the flooding. They are going to leave  
22      the drainage the grassy knoll. I think the drainage  
23      should be like the rest of the subdivision, with  
24      concrete, so that way we don't have flooding. They  
25      assured us last week there will not be, but because

1 we've had flooding -- I personally have had to get the  
2 county engineer out there to actually fix the flooding  
3 where it was draining into the street and going into  
4 the sewers. It's been a problem for quite a while in  
5 that subdivision.

6 I'm also concerned with the traffic coming  
7 down Camden Circle while they're developing that.

8 CHAIRMAN: Your residence is where?

9 MR. BOLLING: Right there on 430 Camden Circle  
10 on the corner where the entrance to the new  
11 development is, sir. That's very far back into that  
12 subdivision, and they're going to be coming through  
13 the whole subdivision to development this new area,  
14 and they're going to start from both ends is the way  
15 it was described to us.

16 CHAIRMAN: Would the applicant like to address  
17 anything, especially to Mr. Bolling's question?

18 MR. BAKER: From the drainage perspective,  
19 most of the neighbors who voice concern are in this  
20 area here. These home sites along here naturally set  
21 below the grade of the ground over here. So there's a  
22 slope that comes down to those pads.

23 Because of that there is a drainage feature  
24 that lies in-between those to drain these backyards.  
25 The way it stands right now there's a swell that runs

1       this way that drains water out of the backyard.  
2       There's also a swell that runs along here. As it  
3       stands today, that swell over time has probably silted  
4       in a little. Our plan is to go in and expand that.  
5       Certainly going to be regraded and expand that.

6               City and county regulations require that if  
7       the slope of the swell is less than one percent or  
8       greater than four percent, it's required to be paved.  
9       Any slopes that are between that are not required to  
10      be paved. It can be grass. All of these are  
11      compliant with that and that has been reviewed by the  
12      county engineer. In fact, he actually added one  
13      section of a paved ditch which was close or marginal  
14      in this area.

15             MS. KNIGHT: Mr. Baker, do you mind to turn  
16      around so Mr. Boling can see that or Mr. Boling  
17      actually you might want to come around where you can  
18      see.

19             MR. BAKER: The area where the new swell will  
20      be is along here. It's in line with the existing  
21      swell that is there. It runs all along here. It will  
22      actually turn and run along here, capture water in the  
23      back of these yards. Then there will be a paved ditch  
24      from here out per the current plan.

25             MR. BOLLING: That was one of my concerns

1       because I had to get the county engineer out there to  
2       address that is, and you saw what they had to build  
3       because we were flooding the sewers.

4               CHAIRMAN: Mr. Bolling, do you have any  
5       further comments?

6               MR. BOLLING: No further comments.

7               CHAIRMAN: Thank you.

8               Any commissioners have any other questions  
9       concerning this?

10              (NO RESPONSE)

11              CHAIRMAN: Then the chair is ready for a  
12       motion.

13              MR. ROGERS: Mr. Chairman, I make a motion for  
14       approval based on Planning Staff Recommendation with  
15       the two conditions and Findings of Fact 1 through 4.

16              MR. MOORE: Second.

17              CHAIRMAN: We have a motion for approval and a  
18       second by Commissioner Moore. Any discussion on the  
19       motion and the second?

20              (NO RESPONSE)

21              CHAIRMAN: There being none all those in favor  
22       raise your right hand.

23              (ALL BOARD MEMBERS PRESENT, WITH THE  
24       DISQUALIFICATION OF MANUEL BALL, RESPONDED AYE.)

25              CHAIRMAN: The motion carries.

1 RELATED ITEMS

2 ITEM 6A

3 Windstone, 28.039 acres  
4 Consider approval of a major subdivision preliminary  
plat.  
5 Applicant: Jagoe Land Corporation

6 MR. HOWARD: Mr. Chairman and Commissioners,  
7 this plat is found to be in order. It's consistent  
8 with the zoning change that you just heard, the  
9 requirements of the comprehensive plan, subdivision  
10 regulation and zoning ordinance. It's been reviewed  
11 by the Planning Staff and Engineering Staff and it is  
12 now ready for your consideration.

13 CHAIRMAN: Is there anyone who would like to  
14 address the applicant or have questions or have  
15 anything to say about that?

16 (NO RESPONSE)

17 CHAIRMAN: Anyone from the commissioner's  
18 standpoint that have a question?

19 (NO RESPONSE)

20 CHAIRMAN: There being none the chair is ready  
21 for a motion.

22 MR. JEAN: Motion to approve.

23 CHAIRMAN: Motion to approve by Commissioner  
24 Jean. Do I have a second?

25 MR. FREY: Second.

1           CHAIRMAN: Second by Commissioner Frey. All  
2 those in favor raise your right hand.

3           (ALL BOARD MEMBERS PRESENT, WITH THE  
4 DISQUALIFICATION OF MANUEL BALL, RESPONDED AYE.)

5           CHAIRMAN: Motion carries.

6           -----

7                               NEW BUSINESS

8           ITEM 11

9           Consider approval of November 2016 financial statement

10           CHAIRMAN: All the commission have received a  
11 copy of that. Are there any questions or discussions  
12 concerning the financial statements?

13           (NO RESPONSE)

14           CHAIRMAN: I do have a question myself.

15           On reviewing the combined departments, I  
16 notice that under personnel section, this will be  
17 behind the first page, that there is no expenditure  
18 for planner or for secretary. My assumption is that's  
19 because the Planning Department has been very frugal  
20 in trying to do extra work with the folks that they  
21 have there now rather than trying to create any new  
22 expenditures. Would that be a fair assessment?

23           MR. HOWARD: It is. We actually have three  
24 positions right now that are budgeted but unfilled.  
25 And that is the Planner I position, secretary

1 position, and than an inspector, building, electrical,  
2 HVAC inspector. We're actually operating in theory  
3 three staff down, but we've been trying to make due  
4 with what we have and so far we've been able to.

5 CHAIRMAN: Thank you, Mr. Howard.

6 Any further discussion concerning the  
7 financial statements?

8 (NO RESPONSE)

9 CHAIRMAN: There being none the chair is ready  
10 for a motion.

11 MR. MOORE: Motion for approval.

12 CHAIRMAN: Motion for approval by Commissioner  
13 Moore. Do I have a second?

14 MS. HARDAWAY: Second.

15 CHAIRMAN: Second by Commissioner Hardaway.

16 All those if favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 ITEM 12

20 Comments by the Chairman

21 CHAIRMAN: Me being the newly elected chairman  
22 I'm not sure how many comments I might have.

23 I would like to take the time to thank our  
24 outgoing Chairman Fred Reeves. I think Fred has done  
25 an outstanding job as a chair to this commission with

1 distinction. I think he and our previous Chair, Ward  
2 Pedley, have both set the stage for a very  
3 professional commission. Should both be  
4 congratulated. And I thank you for doing a great job.

5 ITEM 13

6 Comments by the Planning Commissioners

7 CHAIRMAN: Any commissioners have a comment?

8 Yes, Commissioner Kazlauskas.

9 MR. KAZLAUSKAS: Of course, congratulations,  
10 Fred, for two years. Your hair is not any grayer. It  
11 was a job well done for the last two years, and we all  
12 appreciate it.

13 I would just like to bring attention to the  
14 staff. At the beginning of each meeting we approve  
15 the minutes of the last meeting. I think Melissa  
16 does this for the most part, don't you? Every time I  
17 get these I review these and these minutes are  
18 concise, well prepared, and by golly, I don't know how  
19 she does it, but she gets all the information on the  
20 front and the back of one sheet. So she's also  
21 conserving paper. I just want to show my appreciation  
22 for the work that the Staff does on these minutes  
23 because there was a time that we didn't have these  
24 printed minutes. I think this is something that we  
25 need.

1           So thanks for a job well done, Melissa.

2           CHAIRMAN: Thank you, Commissioner Kazlauskas.

3           Any other commissioners have any comment?

4           (NO RESPONSE)

5   ITEM 14

6   Comments by the Director

7           MR. HOWARD: I just have two real quick ones.

8           First, I would like to thank Fred for all he's  
9   done over the last couple of years serving this  
10   commission. Really I want to personally thank him for  
11   the support that he's given our staff. Fred has  
12   always been there to provide guidance and help when  
13   needed. He's a supporter of what we do out in the  
14   community.

15           So I appreciate, Fred, all you've done.  
16   You've set a good leadership standard here for the  
17   commission.

18           And thank all the commissioners. As Judge  
19   Mattingly said tonight, you all have a tough job. I  
20   just appreciate all that you do, all the support that  
21   you provide for us out in the community, the people  
22   that you talk to and you're out there to promote what  
23   we do and why we do it and that's important to us. So  
24   I want to thank you for that personally.

25           Second, I just want to mention Mike Hill on

1       our Staff is the Western Kentucky Regional  
2       Representative for the APA Kentucky Board. He's been  
3       in that role for a year or two now. He held a joint  
4       training with the folks out at the GRADD office in  
5       December for planners, planning commissioners out of  
6       the western portion of the state. We had about 50  
7       people show up for that, which is about half of what  
8       we have show up at our statewide planning conferences.  
9       So a really good turn out at that event. It's an  
10      opportunity for planning folks and commissioners like  
11      you guys to get some training.

12               I'll just go ahead and let you all know that  
13      there is a state planning conference in May in Lake  
14      Cumberland, Kentucky. I'll get those dates to you at  
15      a later time, but that is coming up in May. That will  
16      be another opportunity to receive some training hours  
17      as well. So if anybody might be interested, we can  
18      discuss that.

19               That's all I've got.

20               CHAIRMAN: Thank you, Mr. Howard.

21               I would just add to that, I've attended a good  
22      many of those types of meetings. For those who wish  
23      to really have an educational process and learn a good  
24      deal what a planning commission and a planning  
25      department does, that's an excellent and an

1 interesting place to be and meetings to attend. They  
2 really are informative and really helps you do a  
3 better job as a Planning Commission when these things  
4 come up, as you will learn at these meetings. That's  
5 all I have.

6 I guess our next thing is for adjournment. Do  
7 we have a motion for adjournment?

8 MR. MOORE: Motion to adjourn.

9 CHAIRMAN: Motion for adjournment by Mr.  
10 Moore. Do we have a second?

11 MR. ROGERS: Second.

12 CHAIRMAN: Second by Commissioner Rogers. All  
13 those in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 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 34 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 January, 2017.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER FUCHS  
NOTARY ID 524564  
OHIO VALLEY REPORTING SERVICES  
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OWENSBORO, KENTUCKY 42303

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23      COMMISSION EXPIRES:   DECEMBER 16, 2018

24      COUNTY OF RESIDENCE:   DAVIESS COUNTY, KENTUCKY

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