

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 DECEMBER 14, 2017

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 December 14, 2017, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

14 * * * * *

15 CHAIRMAN: I would like to welcome everyone to
16 the Owensboro Metropolitan Planning Commission meeting
17 for December 14, 2017. We always start our meetings
18 with a prayer and the pledge. Commissioner Irvin
19 Rogers has the honors of doing that tonight. Please
20 join us.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Before we get started tonight, just
23 some housekeeping rules since we are a quasi legal
24 meeting. If you wish to speak, please approach the
25 podium, clearly state your name and be sworn in by

1 counsel. Also, it's very important that we do hear
2 all of the information so we can make good valid
3 decisions. Please direct all your questions to the
4 chair as we have multiple speakers. Direct all your
5 questions and answers to the chair. Be respectful of
6 others who will speak. Please stay on topic on the
7 items that will be discuss here tonight on our agenda.

8 I would like to start the meeting with
9 considering our minutes that we had for our November
10 9th meeting. All of the commissioners have had a
11 chance to look through those.

12 Are there any questions, discussion or
13 changes?

14 (NO RESPONSE)

15 CHAIRMAN: There being none the Chair is ready
16 for a motion.

17 MS. HARDAWAY: Motion to approve.

18 CHAIRMAN: Motion to approve by Ms. Hardaway.
19 Is there a second?

20 MR. FREY: Second.

21 CHAIRMAN: Second by Mr. Frey. Any discussion
22 about the motion or the second?

23 (NO RESPONSE)

24 CHAIRMAN: There being none, all those in
25 favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 -----

4 GENERAL BUSINESS

5 CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

6 ITEM 3

7 11650 Coleman Road

8 Consider approval of a wireless telecommunications
tower.

9 Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T
Mobility; Martha J. & David Lashbrook

10 MS. KNIGHT: State your name for the record,
11 please.

12 MS. EVANS: Melissa Evans.

13 (MELISSA EVANS SWORN BY ATTORNEY.)

14 MS. EVANS: The proposal for this cell tower
15 is a lattice tower, approximately 255 feet tall with a
16 5 foot lightning rod making the tower 260 feet tall.
17 All of the surrounding properties are also zoned A-R
18 Rural Agriculture.

19 The residential structures in the area, the
20 cell tower is required to be at least 250 feet from
21 any residential structures in the area. The nearest
22 residential structure to the cell tower is
23 approximately 405 feet from the proposed tower.

24 Building setbacks for a lattice tower are
25 required to be at least half of the height of the

1 tower from the property lines. So in this case I
2 would make that 130 feet from the property or the
3 proposed leased area is only 100 feet by 100 feet. So
4 meeting that required setback is impossible; however,
5 the tower would be approximately 220 feet from the
6 nearest property line of the parent parcel, and at
7 least 236 feet from the Coleman Road.

8 The tower has received approval from all of
9 the regulating bodies as far as the height is
10 required.

11 At 255 feet with a 5 foot lightning rod, the
12 proposed tower is over the maximum allowed by
13 ordinance; however, again, the tower has received
14 approval for their height and location from the FAA
15 and the KABC.

16 Section 20-5(i) of the Zoning Ordinance
17 requires a staggered row of double pines around the
18 compound, around the leased area of the cell tower
19 along with an 8 foot tall chain-link fence. Those are
20 both shown on the applicant's site plan.

21 There are no signs proposed on this site.

22 The tower can accommodate up to three
23 co-locations, which is a requirement of the zoning
24 ordinance as well.

25 They're asking for a waiver on the height and

1 on the setbacks on this single application.

2 FINDINGS:

3 1. The application is complete with all
4 materials in accordance with the Owensboro
5 Metropolitan Zoning Ordinance;

6 2. The site is in compliance with all design
7 criteria of the Owensboro Metropolitan Zoning
8 Ordinance;

9 3. The permanent tower will improve service
10 for users within the community; and,

11 4. By providing the opportunity for multiple
12 service providers on this tower, we are promoting the
13 goal of the Comprehensive Plan to encourage
14 collocation in order to minimize the number of towers
15 in the area.

16 We would like to enter the Staff Report into
17 the record as Exhibit A.

18 CHAIRMAN: Thank you, Melissa.

19 Is anyone here representing the applicant?

20 MR. GRANT: Good evening. My name is Robert
21 Grant. I'm attorney with Pike Legal Group, and I'm
22 filling in for David Pike. I think most of you
23 probably know that David, he teaches many of the CFE's
24 for your guys.

25 You know, I worked with Melissa on this. I

1 want to thank her for the great work she's done on
2 this. Her advice and since we agree with the Staff
3 Report, there is much I could say. I've got a very,
4 very long presentation, a power-point I brought with
5 me. I know you've got a long agenda, we're coming up
6 on the holidays. I'm not going to do that to you and
7 all of these folks here. So what I'm going to do is
8 make myself available for any questions you may have;
9 otherwise, I'm going to do what a lawyer does as very
10 rare, I'm going to shut up and sit down.

11 CHAIRMAN: Thank you.

12 Do any of the commissioners have any questions
13 for the applicant?

14 Yes, sir.

15 MR. REEVES: I have a question of Mr. Howard.

16 If we were to make a motion to approve this,
17 should we cite the waivers approval in the motion?

18 MR. HOWARD: Yes.

19 CHAIRMAN: Thank you, Mr. Reeves.

20 Any other commissioners have any questions
21 concerning this for the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: There being none, is there anyone
24 in the audience that would have a question concerning
25 this application?

1 (NO RESPONSE)

2 CHAIRMAN: There being none the Chair is ready
3 for a motion.

4 Mr. Reeves.

5 MR. REEVES: Motion to approve this
6 application based on Staff's Findings of Fact 1
7 through 4 and Waivers 1 and 2.

8 CHAIRMAN: A motion been made for approval
9 based on Findings of Fact 1 through 4 and Waivers 1
10 and 2. Is there a second?

11 MR. JEAN: Second.

12 CHAIRMAN: Second by Mr. Jean. Any discussion
13 about the motion or the second?

14 (NO RESPONSE)

15 CHAIRMAN: There being none all those in favor
16 raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 RELATED ITEM

20 ITEM 3A

21 11650 Coleman Road, 0.23 Acres
22 Consider approval of a minor subdivision plat
23 Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T
24 Mobility; Martha J. & David Lashbrook

24 MR. HOWARD: This is a related item. This is
25 a subdivision plat that creates a lot division for the

1 leased area that the cell tower will go on. It is a
2 land-lock parcel which means I cannot sign it at the
3 Staff level, but we would certainly recommend that you
4 consider it for approval here tonight.

5 CHAIRMAN: Thank you, Mr. Howard.

6 Would the applicant like to say anything
7 concerning this portion of it?

8 MR. GRANT: Once again, Robert Grant for the
9 applicant.

10 We have no comments. I'm here for questions,
11 if you have any.

12 CHAIRMAN: We'll try not to get you
13 communicating too much.

14 MR. GRANT: Don't get me started because I
15 will talk for hours.

16 CHAIRMAN: Thank you.

17 Any commissioners have any questions
18 concerning this part of the application?

19 (NO RESPONSE)

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

22 Mr. Ball.

23 MR. BALL: Motion for approval.

24 CHAIRMAN: Motion for approval from Mr. Ball.
25 Is there a second?

1 MR. FREY: Second.

2 CHAIRMAN: Second by Mr. Frey. Any discussion
3 about the motion or the second?

4 (NO RESPONSE)

5 CHAIRMAN: All those in favor raise your right
6 hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 MR. HOWARD: I will note that the zoning
10 changes heard tonight will become final in 21 days
11 after the meeting unless an appeal is filed. If an
12 appeal is filed, we will forward the record of the
13 meeting along with all applicable materials to the
14 appropriate legislative body for them to take final
15 action.

16 ZONING CHANGES

17 ITEM 4

18 2771 McMahan Road, 2.285 acres
19 Consider zoning change: From EX-1 Coal Mining to A-R
20 Rural Agriculture
Applicant: Steven & Nina Thompson

21 PLANNING STAFF RECOMMENDATION

22 The Planning Staff recommends approval subject
23 to the Findings of Fact that follow:

24 FINDINGS OF FACT

25 1. Staff recommends approval because the

1 proposal is in compliance with the community's adopted
2 Comprehensive Plan;

3 2. The subject property is located in a Rural
4 Maintenance Plan Area, where rural large-lot
5 residential uses are appropriate in limited locations;

6 3. The subject property is a large tract at
7 2.285 acres;

8 4. The subject property has access to McMahan
9 Road with no new roads proposed;

10 5. Strip-mining activity has ceased on the
11 property; and,

12 6. The Owensboro Metropolitan Zoning
13 Ordinance Article 12a.31 requires that property shall
14 revert to its original zoning classification after
15 mining.

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

18 CHAIRMAN: Thank you, Melissa.

19 Is there anyone here representing the
20 applicant?

21 Yes, would you like to speak?

22 MS. KNIGHT: If you could state your name for
23 the record, please.

24 MR. THOMPSON: Scott Thompson.

25 (SCOTT THOMPSON SWORN BY ATTORNEY.)

1 CHAIRMAN: Would you like to speak on the
2 application?

3 MR. THOMPSON: I have nothing to say. We're
4 planning to construct a single-family home on the
5 property.

6 CHAIRMAN: Thank you.

7 Any commissioners have any questions from the
8 applicant concerning this application?

9 (NO RESPONSE)

10 CHAIRMAN: Is there anyone in the audience
11 that would have any questions concerning this
12 application?

13 Yes, please.

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

16 MR. McCORMICK: Gene McCormick.

17 (GENE McCORMICK SWORN BY ATTORNEY.)

18 MR. McCORMICK: I own the surrounding property
19 around this 2.85 acres. I have for a long period of
20 time. I recommend that the zoning board approve this
21 application.

22 CHAIRMAN: Thank you for your time.

23 Anyone else like to speak about this
24 application?

25 (NO RESPONSE)

1 CHAIRMAN: There being none the Chair is ready
2 for a motion.

3 Mr. Rogers.

4 MR. ROGERS: Mr. Chairman, I'd like to make a
5 motion for approval based on Planning Staff
6 Recommendation and the Findings of Facts 1 through 6.

7 CHAIRMAN: A motion has been made for approval
8 based on Findings of Fact 1 through 6. Is there a
9 second?

10 MR. MOORE: Second.

11 CHAIRMAN: Second by Mr. Moore. Any
12 discussion about the motion or the second?

13 (NO RESPONSE)

14 CHAIRMAN: There being none all those in favor
15 raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 ITEM 5

19 4555 Ridge Road, 20+/- acres
20 Consider zoning change: From EX-1 Coal Mining to A-R
21 Rural Agriculture
22 Applicant: Anthony V. Lanham; Richard & Agnes Johnson

23 PLANNING STAFF RECOMMENDATION

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

26 FINDINGS OF FACT

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

4 2. The subject property is located in a Rural
5 Maintenance Plan Area, where rural large-lot
6 residential uses are appropriate in limited locations;

7 3. The subject property is a large tract at
8 20+/- acres;

9 4. The subject property has access to Ridge
10 Road with no new roads proposed;

11 5. Strip-mining activity on the property has
12 ceased; and,

13 6. The Owensboro Metropolitan Zoning
14 Ordinance Article 12a.31 requires that property shall
15 revert to its original zoning classification after
16 mining.

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

19 CHAIRMAN: Thank you, Melissa.

20 Is there anyone here representing the
21 applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Is there anyone in the audience
24 that would like to speak concerning this application?

25 (NO RESPONSE)

1 CHAIRMAN: Do the commissioners have any
2 questions concerning this application?

3 (NO RESPONSE)

4 CHAIRMAN: There being none the Chair is ready
5 for a motion.

6 Mr. Moore.

7 MR. MOORE: Mr. Chairman, I move for approval
8 based on Staff's Recommendation and Findings of Fact 1
9 through 6.

10 CHAIRMAN: A motion has been made for approval
11 based on Findings of Fact 1 through 6. Is there a
12 second?

13 MR. BALL: Second.

14 CHAIRMAN: Second by Mr. Ball. Is there any
15 discussion concerning the motion or second?

16 (NO RESPONSE)

17 CHAIRMAN: There being none the Chair is ready
18 for a vote. All those in favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carriers.

21 ITEM 6

22 5228 Highway 144, 28.4 acres
23 Consider zoning change: From R-1A Single Family
24 Residential & A-U Urban Agriculture to R-1A Single
25 Family Residential
Applicant: David W. Smith Jr.

MR. HOWARD: You all have a copy of a request

1 for postponement in your file. They're pondering
2 changes, potentially going to an A-U zone instead of
3 an R-1A zone which would require us to renote, send
4 new letters and repost the property. It's not ready
5 to be heard tonight so we recommend that you consider
6 it for postponement.

7 CHAIRMAN: Thank you, Mr. Howard.

8 MR. REEVES: Can I ask a question?

9 CHAIRMAN: Sure.

10 MR. REEVES: Is it appropriate for the
11 surveyor to make this request as opposed to the
12 landowner or an attorney?

13 MR. HOWARD: We had talked with the applicant
14 and the surveyor put it together for them. We felt
15 comfortable that it came from the right source even
16 though the surveyor is the one that did it.

17 MR. REEVES: That's fine. I just wondered.

18 CHAIRMAN: I do have a question, Mr. Howard.
19 Do we have any sense about when they may bring this
20 back before the commission?

21 MR. HOWARD: I expect it will be on the
22 January agenda, which it should be the 11th of
23 January, the second Thursday in January.

24 CHAIRMAN: Thank you.

25 What we need is a motion to approve the

1 postponement.

2 MR. HOWARD: A motion for postponement.

3 CHAIRMAN: Mr. Jean.

4 MR. JEAN: I make a motion we postpone to the
5 January meeting.

6 CHAIRMAN: Motion has been made to postpone it
7 to the next meeting by Mr. Jean. Is there a second?

8 MR. MOORE: Second.

9 CHAIRMAN: Second by Mr. Moore. Any
10 discussion about the motion or the second?

11 (NO RESPONSE)

12 CHAIRMAN: There being none, all those in
13 favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 MAJOR SUBDIVISION PLATS

17 ITEM 7

18 Shoppes At 3800 Frederica, 29.71 acres
19 Consider approval of a major subdivision preliminary
20 plat
21 Applicant: Shoppes at 3800 Frederica, LLC; Owensboro
22 Board of Education

23 MR. HOWARD: This plat comes before you, the
24 property was rezoned at the meeting last month and they
25 have prepared a preliminary plat with the internal
26 transportation network, lot layout, all of that
27 information. We did receive approval as was one of

1 the conditions on the zoning from the Kentucky
2 Transportation Cabinet on the roadway improvements
3 that will be required based on the Traffic Impact
4 Study. It's been reviewed by all of the utilities and
5 the city engineer's office and it is ready for your
6 alls consideration for approval.

7 CHAIRMAN: Thank you, Mr. Howard.

8 Is anyone representing the applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Would you like to say anything on
11 its behalf?

12 APPLICANT REP: No.

13 CHAIRMAN: Any commissioners have any
14 questions concerning the application?

15 (NO RESPONSE)

16 CHAIRMAN: Is there anyone in the audience
17 that would like to speak concerning this application?

18 (NO RESPONSE)

19 CHAIRMAN: The chair is ready for a motion.
20 Mr. Kazlauskas.

21 MR. KAZLAUSKAS: I make a motion for approval.

22 CHAIRMAN: A motion for approval has been made
23 by Mr. Kazlauskas. Is there a second?

24 MR. FREY: Second.

25 CHAIRMAN: Second by Mr. Frey. Any discussion

1 about the motion or the second?

2 (NO RESPONSE)

3 CHAIRMAN: There being none all those in favor
4 raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 MINOR SUBDIVISION PLATS

8 ITEM 8

9 9680 Highway 764, 14.5 acres
10 Consider approval of a minor subdivision plat
11 Applicant: Charles R. And Anne M. Hagan

12 MR. HOWARD: This many plat comes before you
13 as an except to the 3 to 1 requirement of the
14 subdivision regulations.

15 There was a plat approved in May of 2014 that
16 included this 14 1/2 acre parcel. There's a notation
17 on that plat that says that the subject property shall
18 not be further subdivided without meeting the
19 requirements of the subdivision regulations. Since
20 this plat is coming forward with a previous plat that
21 says that it could be further subdivided without
22 meeting the requirements, Staff cannot recommend
23 approval of this plat for division.

24 I'll be glad to answer any questions that you
25 all may have.

CHAIRMAN: Thank you, Mr. Howard.

1 Is there anyone here representing the
2 application?

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

4 MS. BENNETT: Jessica Bennett. I'm the
5 daughter of Anne and Charles.

6 (JESSICA BENNETT SWORN BY ATTORNEY.)

7 MS. BENNETT: I'm confused. You will not
8 approve? I'm sorry, I'm confused. You're saying you
9 cannot approve them selling us an acre of their
10 property; did I understand that correctly?

11 MR. HOWARD: I will pull the plat out that was
12 approved. What I'm saying is when this 14 1/2 acres
13 was created on May 14, 2014, there was a note on that
14 plat that says "The properties platted hereon shall
15 not be further subdivided so as to create additional
16 irregularly shaped lots not meeting the requirements
17 of the subdivision regulations."

18 So the lot that's being proposed tonight does
19 not meet those subdivision regulations. So we as
20 Staff cannot recommend that that lot be created since
21 it was noted on a previously recorded document that no
22 further division should take place if they don't meet
23 those requirements.

24 MS. BENNETT: Is there anything that we can do
25 to appeal that?

1 CHAIRMAN: That's why you're here tonight.
2 That's what this board does. Normally a minor
3 subdivision plat we approve it, I sign it at Staff
4 level. Since it doesn't mean that requirement, I
5 can't sign it at Staff level. That's what this board
6 is here for tonight, to listen to what you have to say
7 and then they'll make a decision yes or no.

8 MS. BENNETT: The reason that we -- we had
9 originally went we to purchase the property, purchase
10 an acre from it. They have a shed, they've marked it
11 as a shed at the bottom of the property, but it's not
12 a shed. It's a barn that they actually house their
13 animals in. They wanted to keep that barn on their
14 property and that's why we had to go with an
15 irregularly-shaped plat. If the only way to make it
16 in accordance with the Planning and Zoning, it would
17 have included the barn on the property they would be
18 selling us. That was the reasoning behind having an
19 irregular plat.

20 CHAIRMAN: Do any of the commissioners have
21 any questions concerning this application?

22 Yes, Mr. Ball.

23 MR. BALL: I guess I've got a question for
24 Staff or legal.

25 In doing so, if we approve this plat, do we

1 not set a precedence that it could then be difficult
2 to deal with in the future?

3 MS. KNIGHT: I think I've said this before:
4 That every application stands on its own merits.
5 There is a question of, there would be a question of,
6 well, you did it this time, why don't you do it for me
7 in the future, whatever the case may be. If what you
8 guys hear tonight that persuades you that this is a
9 unique circumstance or something of that nature, then
10 perhaps that's circumstance wouldn't apply to the next
11 one.

12 CHAIRMAN: I also have a question concerning
13 this too. That's sort of leads into what you were
14 mentioning earlier.

15 If it were approved, what happens with that
16 precedence set if a few months down the road the
17 applicant or someone else wants to subdivide it even
18 further and you've already set that precedence to
19 allow that to happen, what kind of problematic issue
20 is that?

21 MR. HOWARD: I'll address that part. As
22 Staff, we would -- you know, I don't know what their
23 future plans are. Maybe she can address it tonight,
24 Jessica can address it tonight. If you were to
25 recommend approval of this, having approved this plat

1 that says that it can't be further subdivided without
2 meeting the requirements, as Terra was alluding to, if
3 the barn was the limiting factor that wouldn't allow
4 them to create a regular-shaped lot, you use that as a
5 finding, as a reason to approve this irregular-shape
6 lot, we would certainly look then for a note on this
7 plat to be added that would say something to the
8 effect of the 13.455 acre parcel land, this 1.045 acre
9 parcel can't be further subdivided. I don't know. Or
10 some kind of assurance that they're not going to, you
11 know, there's a limit. You only have 96.38 feet of
12 frontage on that parent parcel. There's not a way to
13 maintain the 50 foot frontage that's required for an
14 agricultural parcel that's over 10 acres and take
15 anything else out of that property. If you do
16 consider it, it's a one time exception, but we would
17 certainly look for the rest of this, unless they put a
18 street in there and meet subdivision regulations for
19 public improvement specifics for a new street and some
20 type of residential subdivision, that nothing further
21 is going to happen on this property. That's a
22 long-winded answer to your question.

23 CHAIRMAN: Mr. Rogers, I think you had a
24 question.

25 MR. ROGERS: Just for some of your all's

1 information: This is the Old Hagan farm. It's all in
2 the family on Morgantown Road. 764 is the farm. All
3 of the family lives on this farm all over it, and this
4 is a granddaughter. I don't have a problem if we put
5 a note on the plat for that consideration. It's still
6 in the family.

7 MR. HOWARD: I don't want to speak for them.
8 If this moves forward towards a recommendation for to
9 approve it, are you willing to put a note on the plat
10 that would say that these properties won't be further
11 subdivided?

12 MS. BENNETT: Right. As far as I know, our
13 understanding was that they know, my parents know that
14 if they sell it to us, no one else can purchase any
15 property on the family land. We have no intention of
16 -- the front half is under the floodplain anyway so
17 nobody can build on it other than us. We have no
18 intent of trying to further subdivide it or to have
19 others build on it. So there's an understanding in
20 the family. I don't want to presume or speak for my
21 parents, but I would assume that no one would have a
22 problem with you putting something on there saying
23 they couldn't subdivide it further.

24 CHAIRMAN: Is the intent with this to be able
25 to build a home on this?

1 MS. BENNETT: Yes. The front half is under
2 the floodplain, but where we're planning to build is
3 not. We would be building on the back half of the
4 property and it would be a single-family home.

5 CHAIRMAN: Thank you.

6 Yes, Mr. Reeves.

7 MR. REEVES: Two questions.

8 Have you already purchased the property?

9 MS. BENNETT: We have not. This was our
10 step -- we were trying to figure out if we even could.
11 This is our stepping.

12 MR. REEVES: So your parents or whoever you're
13 purchasing it from were aware that it had a note that
14 it couldn't be further subdivided; did you understand
15 that when you those discussions?

16 MS. BENNETT: I don't know if my parents --
17 I'm purchasing it from my mom and dad. I don't know
18 if they understood that it couldn't be further
19 subdivided. I don't think they did because they were
20 surprised to hear that we couldn't purchase an acre
21 from them. When we were going through this process we
22 found out a lot about what we can and can't do. They
23 were not aware of that. I don't know if he knew that
24 that notation was on the plat.

25 MR. REEVES: When they got this plat, were

1 they represented by legal counsel?

2 MR. HOWARD: I'm sure they weren't. We didn't
3 go back through and look at anything in that much
4 detail. Joe Simmons, the same guy that did this plat
5 did the original. There's rarely legal counsel on a
6 subdivision plat.

7 MR. REEVES: I guess one of the concerns I
8 have is we've already had one notation on there that
9 it couldn't be further subdivided.

10 MR. HOWARD: Right.

11 MR. REEVES: Which it would make an exception,
12 that really didn't really have much stock. If we put
13 another note on there, will it continue?

14 MR. HOWARD: That's why I'm saying if you all
15 -- as Staff we would recommend that if you move
16 forward with it, and this would involve I guess her
17 talking with her folks to make sure this note is
18 acceptable. We would highly encourage you all to add
19 a note that would say neither of these properties can
20 be further subdivided. This is their one shot to get
21 another lot out of this, but they just don't have
22 enough road frontage to split that. Now, that being
23 said, if someone 50 years from now they went to put in
24 a public street and do all of that, sure, that's fine.
25 As far as going in and cutting out anything else with

1 road frontage, there's no more lots that can come out
2 of this thing.

3 MR. REEVES: Currently is it your parents that
4 own the property or your grandparents?

5 MS. BENNETT: My parents.

6 MR. REEVES: Okay.

7 CHAIRMAN: Mr. Ball.

8 MR. BALL: I guess I've got another question.

9 My concern is very similar to Fred's; in how
10 this precedence is set in the future and doesn't
11 really hold any stock if we continue to take it off
12 down road doing the same thing. Is it possible to
13 utilize the property just as it is and actually
14 include the barn?

15 MS. BENNETT: What do you mean?

16 MR. BALL: Can they include the barn and it
17 met the regulation?

18 MS. BENNETT: You're asking if we met the
19 standards and the barn was included?

20 MR. BALL: Correct.

21 MS. BENNETT: It could, but he doesn't want
22 the barn on our property because it's their barn and
23 that's where their animals are housed. If we decided
24 to move in 5 years and sold it to someone else that
25 wasn't family, now his barn is on their property.

1 That's probably not going to happen. We plan to stay
2 there until the day that we die, but you just can't
3 account for life. He wants to try to keep that barn
4 on his property.

5 MR. BALL: I understand that, and that's kind
6 of part of my question. It kind of goes back to what
7 Irvin had said about it all being a family farm. I'm
8 kind of trying to think outside of the box on it.
9 That answers my question. Thank you.

10 MR. HOWARD: Right now they're proposing
11 103.61 feet of frontage for this lot. In order to
12 meet the three to one, because they're back 442 feet,
13 they would need 147 feet of road frontage. And I
14 don't know that you want to go down this road either.
15 The way that they could have in theory submitted a
16 plat that would have worked is they could have
17 included 147 feet of road frontage and then tapered it
18 back to basically this line parallel to the property
19 boundary and had the road frontage, but then the width
20 of the lot really wouldn't, it wouldn't be any
21 different than what it is. You're just attaching the
22 road frontage on the front and keeping the barn
23 separated. I don't know if that makes sense. Does
24 that make sense? You can do it, but then it doesn't
25 -- adding more road frontage I don't know that it

1 would really accomplish much other than meeting the
2 regulation in this instance since you do have a
3 limiting factor of the barn on the property.

4 CHAIRMAN: Still yet that wouldn't really
5 reconcile the notation that was on the other.

6 MR. HOWARD: Yes, that's correct.

7 MR. REEVES: Mr. Howard, if this lot were not
8 created, could they build a home where they're
9 proposing to do it?

10 MR. HOWARD: Is there another home on the
11 property?

12 MS. BENNETT: Yes.

13 MR. HOWARD: No. They only have 14 1/2 acres.
14 If this parcel were over 20 acres, one could acquire a
15 building permit for a second dwelling, but at 14 1/2
16 it's limited to one residence.

17 CHAIRMAN: Any other questions from the
18 commissioners?

19 (NO RESPONSE)

20 CHAIRMAN: Any questions from the audience?

21 (NO RESPONSE)

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

24 Mr. Ball.

25 MR. BALL: Motion for denial.

1 CHAIRMAN: Motion for denial has been made by
2 Mr. Ball. Is there a second?

3 MR. REEVES: Second.

4 CHAIRMAN: Second by Mr. Reeves. Any
5 discussion about the motion for denial and the second?

6 (NO RESPONSE)

7 CHAIRMAN: There being none the Chair is ready
8 for a vote. All those in favor raise your right hand.

9 (BOARD MEMBERS MANUEL BALL AND FRED REEVES
10 RESPONDED AYE.)

11 CHAIRMAN: All opposed.

12 (BOARD MEMBERS LARRY BOSWELL, LARRY MOORE,
13 IRVIN ROGERS, JOHN KAZLAUSKAS, STEVE FREY, ANGELA
14 HARDAWAY, LEWIS JEAN RESPONDED NAY.)

15 CHAIRMAN: Seven to two. The Motion failed.
16 We need a new motion.

17 MR. KAZLAUSKAS: Let me ask a question here to
18 our attorney.

19 CHAIRMAN: Yes, Mr. Kazlauskas.

20 MR. KAZLAUSKAS: Can this be written, we've
21 talked about it not being subdivided again, but can
22 this be written where it's ironclad that it will not
23 be subdivided again?

24 MS. KNIGHT: The same thing would happen
25 again. Any type of plat for this property it would

1 come back to the Staff and it wouldn't be able to be
2 approved at the Staff level. So it would back to this
3 commission for approval or denial, whatever the case
4 may be.

5 MR. KAZLAUSKAS: Okay.

6 CHAIRMAN: Any other questions from the
7 commissioners?

8 (NO RESPONSE)

9 CHAIRMAN: Any further discussion?

10 (NO RESPONSE)

11 MR. ROGERS: Mr. Chairman, I make a motion for
12 approval with the note put on the plat there be no
13 further division.

14 MR. FREY: Second.

15 CHAIRMAN: Second by Mr. Frey.

16 A motion has been made for approval with
17 nation for no further subdivision, and seconded by
18 Mr. Frey. All those in favor raise your right hand.

19 (BOARD MEMBERS LARRY BOSWELL, LARRY MOORE,
20 IRVIN ROGERS, JOHN KAZLAUSKAS, STEVE FREY, ANGELA
21 HARDAWAY AND LEWIS JEAN RESPONDED AYE.)

22 CHAIRMAN: All opposed.

23 (BOARD MEMBERS MANUEL BALL AND FRED REEVES
24 RESPONDED NAY.)

25 CHAIRMAN: Motion carries.

1 MR. HOWARD: We will have to have Mr. Simmons
2 add that note to the plat. So you all cannot sign it
3 tonight and it won't be recorded tomorrow, but we'll
4 get with Joe to get that added.

5 MR. BENNETT: Thank you so much.

6 -----

7 NEW BUSINESS

8 ITEM 9

9 Consider approval of October 2017 financial statements

10 CHAIRMAN: We have before us tonight our
11 financial statements. Hope all of the commissioners
12 have had a chance to go through that. Is there any
13 questions or discussion about the financial
14 statements?

15 (NO RESPONSE)

16 CHAIRMAN: There being none the Chair is ready
17 for a motion.

18 MR. KAZLAUSKAS: Motion for approval.

19 CHAIRMAN: Motion for approval by
20 Mr. Kazlauskas. Is there a second?

21 MR. MOORE: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

1 ITEM 10

2 Consider approval of the amended Public Improvement
3 Specifications surety unit costs

4 MR. HOWARD: The Public Improvement
5 Specifications Committee which consist of members of
6 our Planning Staff, the city and county engineer,
7 various utility and agencies like RWRA and so forth,
8 private developers represented by Trey Pedley. We had
9 Mike O'Bryan there and Manual Ball, Jim Riney, a
10 private engineer; that group got together on November
11 29th. We do this annually to look at the costs that
12 are posted by the developer, in the process of
13 submitting a final plat for any infrastructure that's
14 not completed at the time of submission and approval
15 so that money is in place in case whatever happens,
16 that the city or county could in theory come in and
17 finish the development and have money to do so.

18 You were mailed a copy of the Public
19 Improvement Unit Surety Cost Changes. They increased,
20 you know, maybe a third of the items, and many of them
21 stayed the same. This is different than last year
22 where we had maybe two or three items that increased
23 and the balance remained the same. So they are ready
24 for your consideration tonight for approval. Be glad
25 to answer any questions that you all might have

1 relating to any of these figures.

2 CHAIRMAN: Commissioners have any questions
3 concerning this improvement cost?

4 (NO RESPONSE)

5 CHAIRMAN: I've got one question. How long of
6 a period of time was this reviewed or did it take to
7 arrive at this?

8 MR. HOWARD: In what regard; what do you mean?

9 CHAIRMAN: In other words, did the group work
10 on this for an entire year?

11 MR. HOWARD: What happens is this group gets
12 together before we meet a few weeks out. We'll send a
13 copy of what the current numbers are. Then often the
14 developers come up with what their numbers are out in
15 the field. For a manhole, you know, that went up from
16 1,650 to 2,000. Well, manholes are more expensive to
17 put in now. The cost of asphalt or concrete has gone
18 up, and that kind of thing. It's a consensus based
19 upon the data that the developers and the city and
20 county engineer, RWRA, that they're seeing out in the
21 field, as far as where these come from. We get
22 together and take a couple of hours and go over it and
23 come up with these totals.

24 CHAIRMAN: Thank you, Mr. Howard.

25 MR. KAZLAUSKAS: When reviewing these items

1 under pipes, I notice that on the small pipe, 8 to 18
2 inches, was just a couple of dollar raise. 36 to 48,
3 you know, was just a couple dollar raise, but you go
4 between 24 to 30, there was a big jump of \$9 just for
5 that specific --

6 MR. HOWARD: Size of pipe.

7 MR. KAZLAUSKAS: Yes.

8 MR. HOWARD: Manuel, can you address that? Is
9 it a rare size? I'm new with this stuff out in the
10 field.

11 MR. BALL: Any time you get a larger pipe
12 size, whether it's PVC or concrete, you've got
13 additional material. It takes larger equipment in
14 certain cases. You also have additional backfill as
15 well. From my perspective, I think these numbers are
16 in line. I think they're very reasonable to protect
17 the public and I think the development world is okay
18 with these numbers too. These numbers are, they're
19 very reasonable considering what we're currently
20 paying.

21 MR. KAZLAUSKAS: I had just noticed that the
22 36 inch pipe to 48 inch just went up \$3, but the
23 smaller pipe went up \$9.

24 MR. BALL: I said that backwards then. I read
25 that wrong, and I apologize. I don't know that I have

1 a good answer for you. It may very well be the
2 opposite of that. There is more of the smaller size
3 actually used. I don't know if that's more of a
4 marketing thing. We did look at these numbers. I did
5 from our own organization standpoint look at these
6 numbers and agreed with these numbers, but I did not
7 catch that or look at it from that perspective. We
8 did look at the smaller size pipe in reference to what
9 we're paying for the larger size, and these numbers do
10 jive even though my message to you originally did not.

11 MR. HOWARD: Manuel, correct me if I'm wrong.
12 I think that 24 to 30 is a more common size and I
13 think that the people there had more data on that size
14 pipe. It's used more often so they had better data;
15 whereas that larger pipe, 36 to 48, not used all that
16 often. Jim Riney had some data. It's unlimited basis
17 on short runs. Just based on the good data, that one
18 was a little bit more expensive. The smaller pipe
19 didn't go up as much.

20 MR. KAZLAUSKAS: Over the years the piping
21 material has changed also. That one just jumped out
22 at me. Thank you.

23 CHAIRMAN: Any further questions concerning
24 these costs?

25 (NO RESPONSE)

1 CHAIRMAN: Mr. Jean, I think you had a motion.

2 MR. JEAN: I'd like to make a motion that we
3 approve the new Public Improvements Surety Unit Costs.

4 CHAIRMAN: A motion has by made by Mr. Jean to
5 approve the Public Improvements Surety Unit Cost. Is
6 there a second?

7 MR. BALL: Second.

8 CHAIRMAN: Second by Mr. Ball. Any discussion
9 about the motion or the second?

10 (NO RESPONSE)

11 CHAIRMAN: Being none the Chair is ready for a
12 vote. All those in favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 ITEM 11

16 Comments by the Chairman

17 CHAIRMAN: I just wanted to make just a few
18 comments concerning all of our commissioners. I've
19 had the pleasure of working with all of the
20 commissioners this year. I think we've got an
21 extremely good commission. Everyone does their due
22 diligence and comes to the meetings prepared. I want
23 to thank everyone for that.

24 I also wanted to thank all of the Planning
25 Staff; directly, Mr. Howard. I think you guys and

1 gals to a tremendous job, shorthanded as you are.
2 Sometimes have some very trying times trying to get
3 through some of these projects and applications. I
4 wanted to thank you for that.

5 Also wanted to remind our commissioners of the
6 importance of attending our January meeting; we do
7 have an election at that meeting. Remind everyone to
8 try your best to be there for that important meeting.

9 Other than that, I think Melissa mentioned
10 earlier that there may be a few folks here from
11 Leadership of Owensboro. Wanted to recognize you all
12 for being here and thank you for being here. It's a
13 pleasure to have you. Hope you come back and visit us
14 again.

15 I have no further comments.

16 ITEM 12

17 Comments by the Planning Commissioners

18 CHAIRMAN: Any of the commissioners have any
19 comments?

20 Mr. Kazlauskas.

21 MR. KAZLAUSKAS: I don't know where she ran
22 off to, but I wanted to congratulate Melissa on her
23 new appointment. The director can address that.

24 MR. HOWARD: Yes, I've got it under my
25 comments. I was going to mention that.

1 CHAIRMAN: Any other comments by the
2 commissioners?

3 (NO RESPONSE)

4 ITEM 13

5 Comments by the Director

6 * Matt Warren - Regular, full-time appointment
7 to the position of Associate Director, Building,
Electrical, HVAC

8 * Trey Pedley - Regular, full-time appointment
9 to the position of Planner 1

10 * Troy Mills - Regular, full-time appointment
to the position of Inspector

11 MR. HOWARD: We have three employee items; for
12 Matt Warren, Trey Pedley and Troy Mills, recommending
13 that they be moved from a probationary role to the
14 full-time appointment for the positions of Associate
15 Director of Building, Trey Pedley as our Planner 1,
16 and then Troy Mills as an Inspector. They were all
17 hired around the same time. They've been on
18 probation. All doing great work and feel that they're
19 ready to move in those roles in a full-time capacity.
20 I would recommend that you all do that. We do need a
21 vote from you all to do so.

22 CHAIRMAN: Thank you, Mr. Howard.

23 Any questions from the commissioners
24 concerning the positions that Mr. Howard just
25 discussed?

1 (NO RESPONSE)

2 CHAIRMAN: There being none the Chair is ready
3 for a motion.

4 Mr. Frey.

5 MR. FREY: Motion to approve.

6 CHAIRMAN: Motion to approve by Mr. Frey. Do
7 we have a second?

8 MS. HARDAWAY: Second.

9 CHAIRMAN: Second by Ms. Hardaway. Any
10 discussion about the motion or the second?

11 (NO RESPONSE)

12 CHAIRMAN: There being none all those in favor
13 raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 MR. HOWARD: The other thing I was going to
17 mention was that, as Commission Kazlauskas referenced,
18 Mike Hill was our Associate Director of Planning. He
19 left us the Wednesday before Thanksgiving. He was the
20 American Planning Association Kentucky Chapter,
21 Western Kentucky Regional Representative. Lot of
22 words. He was actually just elected in this past year
23 to begin a second term, which would begin January 1.
24 He has moved back to Louisville which is outside of
25 that region so he has vacated that position. At our

1 most recent board meeting for APA Kentucky, Melissa
2 was selected to fulfill that role for the next two
3 years, after which if she would like to continue in
4 that capacity she'll have to run for that office, but
5 she will be our new Western Kentucky Regional
6 Representative for the APA Kentucky Board. Want to
7 congratulate her on that.

8 The other thing is we are hosting, Trey has
9 been working diligently on a training opportunity that
10 we're hosting here in the community. He's been doing
11 great work. You know, we're trying to work toward
12 bigger and better things here. We'll have people from
13 all over the western portion of the state coming in
14 tomorrow as part of that training.

15 That's all I have, as far as updates. Be glad
16 to answer any questions that you all might have of me.

17 CHAIRMAN: Any questions from the commission
18 for Mr. Howard?

19 (NO RESPONSE)

20 CHAIRMAN: Thank you, Brian.

21 Then the next most important motion, Ms.
22 Hardaway.

23 MS. HARDAWAY: Motion to adjourn.

24 CHAIRMAN: A motion has been made to adjourn.
25 Do we have a second?

1 MR. BALL: Second.

2 CHAIRMAN: Second by Mr. Ball. All those in
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 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 41 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 4th day of January, 2018.

18

19

20

21

22

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

23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25