

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 8, 2018

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 February 8, 2018, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

14 * * * * *

15 CHAIRMAN: I would like to welcome everybody
16 to the Owensboro Metropolitan Planning Commission
17 February 8, 2018.

18 We start our commission meetings off with a
19 prayer and a pledge. Commissioner Moore will guide us
20 in that tonight. Please rise with us.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: I would like to welcome everyone to
23 the meeting tonight. Since we're a quasi legal
24 meeting, a few ground rules to make everyone aware of.

25 If you wish to speak, please approach the

1 podium. Clearly state your name and be sworn in by
2 counsel. It's very important we hear all the
3 information so the commission can make good informed
4 decisions.

5 Please direct all your questions and answers
6 to the chair, especially for multiple speakers at each
7 one of the podiums. Please be respectful of the time
8 for speaking so that others have an opportunity to
9 speak as well. Please stay on topic with the specific
10 item that we're discussing at that particular time.
11 Thank you.

12 We want to consider the minutes of our last
13 meeting, January 11th. I think all the commissioners
14 have received those minutes. Are there any
15 corrections or questions concerning those minutes?

16 (NO RESPONSE)

17 CHAIRMAN: Just one comment about the minutes.
18 There is one correction on the Hayden Road address.
19 That should be 4171 in the minutes. That would be the
20 only correction that I see. Any commissioners have
21 any other changes they would like to make?

22 (NO RESPONSE)

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

25 Mr. Moore.

1 MR. MOORE: Move to approve.

2 CHAIRMAN: Move to approve. Is there a
3 second?

4 MS. McENROE: Second.

5 CHAIRMAN: Second by Ms. McEnroe. Any
6 discussion about the motion or the second?

7 (NO RESPONSE)

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

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

18 -----

19 GENERAL BUSINESS

20 ZONING CHANGE

21 ITEM 3

22 4779 Free Silver Road, 1.04 acres
23 Consider zoning change: From EX-1 Coal Mining to A-R
24 Rural Agriculture
Applicant: Anthony V. Lanham; William and Elizabeth
Butterowe

25 MS. KNIGHT: Please state your name for the

1 record.

2 MR. PEDLEY: Trey Pedley.

3 (TREY PEDLEY SWORN BY ATTORNEY.)

4 PLANNING STAFF RECOMMENDATIONS

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

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 a Rural
12 Maintenance Plan Area, where rural large-lot
13 residential uses are appropriate in limited locations;

14 3. The subject property is a large tract at
15 1.04 acres;

16 4. The subject property has access to Free
17 Silver Road with no new roads proposed;

18 5. Strip-mining activity on the property has
19 ceased; and,

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

24 MR. PEDLEY: We would like to enter the staff
25 report into the record as Exhibit A.

1 CHAIRMAN: Thank you, Trey.

2 Is there anyone here representing the
3 applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Do the commissioners have any
6 questions concerning this application?

7 (NO RESPONSE)

8 CHAIRMAN: Is there anyone in the audience
9 that would have a question or comment about this
10 application?

11 (NO RESPONSE)

12 CHAIRMAN: There being none the chair is ready
13 for a motion.

14 Mr. Jean.

15 MR. JEAN: Mr. Chairman, I make a motion we
16 approve this application based on the Staff Report and
17 Finding of Facts 1 through 6.

18 CHAIRMAN: A motion has been made by Mr. Jean
19 for approval based on Findings of Fact 1 through 6.
20 Is there a second?

21 MR. EDGE: Second.

22 CHAIRMAN: Second by Mr. Edge. Any discussion
23 or comment about the motion and the second?

24 (NO RESPONSE)

25 CHAIRMAN: There being none all those in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 ITEM 4

5 4171-4195 Hayden Road, 48.9 acres (Postponed from the
January 11, 2018 meeting)

6 Consider zoning change: From R-1A Single-Family
Residential & A-U Urban Agriculture to R-1A

7 Single-Family Residential

8 Applicant: WPT Non Woven; MW Parrish, LLC

9 PLANNING STAFF RECOMMENDATION

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

12 CONDITIONS

13 1. Access to Hayden Road shall be limited to
14 a single access point as shown on the conceptual plan
15 submitted with the Traffic Impact Study.

16 2. Significant changes to the proposed
17 development will require the Traffic Impact Study be
18 updated.

19 FINDINGS OF FACT

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

23 2. The subject property is located in an
24 Urban Residential Plan Area where Urban Low-density
25 Residential uses are appropriate in limited locations;

1 3. The proposal is a logical expansion of
2 existing R-1A Single-Family Residential zoning to the
3 south, east and west;

4 4. Sanitary sewer service is available to be
5 extended to the subject property;

6 5. The subject property has road frontage
7 along Hayden Road, a major street; and,

8 6. The Traffic Impact Study submitted by the
9 applicant indicates the proposal should not overburden
10 the capacity of roadways and other necessary urban
11 services that are available in the affected area.

12 MR. PEDLEY: We would like to enter the Staff
13 Report into the record as Exhibit B.

14 CHAIRMAN: Thank you, Trey.

15 Is there anyone here representing the
16 applicant?

17 APPLICANT REP: Yes.

18 CHAIRMAN: Would you like to speak concerning
19 the application?

20 APPLICANT REP: No.

21 CHAIRMAN: Is there anyone in the audience who
22 would like to speak concerning this application?

23 (NO RESPONSE)

24 CHAIRMAN: Do any of the commissioners have
25 any questions concerning this application?

1 (NO RESPONSE)

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

4 Ms. Hardaway.

5 MS. HARDAWAY: I move to approve based on the
6 Staff Report with Conditions 1 and 2 and Findings of
7 Fact 1 through 6.

8 CHAIRMAN: Ms. Hardaway has made a motion to
9 approve based on Conditions 1 and 2 and Findings of
10 Fact 1 through 6. Is there any discussion about the
11 motion?

12 (NO RESPONSE)

13 MR. KAZLAUSKAS: Second.

14 CHAIRMAN: Second by Mr. Kazlauskas. Any
15 discussion about the motion or the second?

16 (NO RESPONSE)

17 CHAIRMAN: There being none all those in favor
18 raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 ITEM 5

22 5027 Old Hartford Road, 0.399 acres
23 Consider zoning change: From A-U Urban Agriculture to
24 R-1B Single-Family Residential
Applicant: J.R. Acquisitions, LLC; Marvin D. &
Kathy Keller

25 PLANNING STAFF RECOMMENDATIONS

1 The planning staff recommends approval subject
2 to the condition and Findings of Fact that follow:

3 CONDITION

4 Access to Old Hartford Road shall be limited
5 to the existing single access point.

6 FINDINGS OF FACT

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

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

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

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

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

19 CHAIRMAN: Thank you, Trey.

20 Is anyone representing the applicant?

21 MR. BAKER: Yes.

22 CHAIRMAN: Would you like to say anything
23 concerning this?

24 MR. BAKER: No, Mr. Chairman.

25 CHAIRMAN: Thank you.

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

3 (NO RESPONSE)

4 CHAIRMAN: Do you have a question, Mr. Wilson?

5 MS. KNIGHT: Please state your name for the
6 record.

7 MR. WILSON: My name is Harold A. Wilson.

8 (HAROLD WILSON SWORN BY ATTORNEY.)

9 MR. WILSON: We have four gentlemen here
10 tonight actually from the adjoining property that
11 we're talking about. We have some questions primarily
12 about drainage from that property and the other
13 property that's going to be mentioned in Item 6.

14 The county engineer, as well as state people,
15 and also Commissioner Mike Koger met with Mr. McKay
16 and myself. We discussed the drainage that's coming
17 off of all of that land. It's where the 43 house
18 subdivision is going in. I understand is 43. We
19 wonder where all the excess water, how we're going to
20 handle it because we already get flooded. Been a lot
21 of work done out there. We have new sewer lines which
22 is making it possible for that subdivision to go in,
23 but we also are worried about the excess water that
24 we're going to get now possibly.

25 We were told in that meeting that particular

1 day that we would have two retaining reservoirs, water
2 reservoirs. Right now there's only been one built and
3 it's built in to what we think instead of what we
4 think was told to us where it would be deep, it was
5 built like a cone, which it's going to hold about half
6 the water that it should. Plus the other reservoir
7 was never built. So what we were told was going to
8 happen didn't happen and you're fixing to, they're
9 putting in that subdivision now. I'm just wondering
10 if anyone here has an answer for what's going to
11 happen to the excess water that's coming off of that.
12 Anyone? He has additional question. Thank you. I
13 didn't know I was going to be speaking. We do have
14 that question.

15 CHAIRMAN: Do we need to get an answer to your
16 question from the applicant before --

17 MR. WILSON: Please.

18 CHAIRMAN: Would you like to address that
19 question?

20 I think that would be a good time to get the
21 answer while you're there.

22 MS. KNIGHT: Please state your name for the
23 record.

24 MR. BAKER: Jason Baker.

25 (JASON BAKER SWORN BY ATTORNEY.)

1 MR. BAKER: I think what's on the agenda today
2 is rezoning of a small area of the back one of the
3 tracts that faces out on Old Hartford Road.

4 With regard to the drainage, the drainage
5 design has not changed from the original submittal.
6 There is a basin that was constructed to mitigate the
7 impact of the increased runoff. I believe that has
8 all been constructed. It's not any different than it
9 was when we designed it and got it approved
10 originally. No proposals of change are proposed at
11 this time. I believe much of the, I know the basin
12 construction is completed. That was built up front.

13 CHAIRMAN: In essence nothing has changed
14 since it was approved?

15 MR. BAKER: No, nothing has changed. They're
16 still operating on the same plan that was originally
17 approved. Nothing has really changed.

18 MR. HOWARD: Jason, if I could. Would you
19 explain a little bit just so everybody knows? I know
20 you're familiar with and we're familiar with how the
21 process for drainage approval works, but would you
22 explain how as the civil engineer that you all prepare
23 drainage report, looking at what the current situation
24 is, what the build out situation is and how the county
25 engineer reviews that just so everybody kind of has a

1 feel for that?

2 MR. BAKER: Sure. I'll try.

3 What we are charged with as designers when
4 we're doing a development like this, by building
5 rooftops you're taking area that's converted from a
6 grass area and creating rooftops and so forth. So
7 there's a slight runoff caused by that. We then
8 design retention basins such that the water leaves at
9 a controlled rate and mitigates the impact of that.
10 We do a design that is submitted, reviewed and
11 approved through the county engineer's office. Then
12 we come to this commission to address questions for
13 final approval from the commission.

14 The intent is that retention basins are
15 designed such that they mitigate the impact of that
16 runoff.

17 CHAIRMAN: Does that somewhat answer your
18 question, Mr. Wilson?

19 MR. WILSON: What he said there is I'm sure
20 what scientifically speaking that works. However, the
21 county engineer, Mr. Brasher, told us there was
22 supposed to be two retention basins and they're
23 supposed to be deep enough to hold a certain amount of
24 water, and I don't have those figures, how many cubic
25 feet of runoff per second it would be. That's what he

1 told us in that meeting with Mr. Koger, myself,
2 Mr. McKay and Mrs. McKay. We're hearing one basin.
3 We were told two. I just know what I was told and
4 these pictures here says one. Is that what you're
5 going to show me?

6 MR. HOWARD: This is just a copy of the
7 preliminary plat and shows the basin on a common area.
8 Mark Brasher's signature is on it so that's what he
9 has reviewed. I just want to give you all a copy of
10 it so that you have it to see.

11 MR. WILSON: What happens down the road when
12 this thing is built and finished, and it's being
13 built, we're in the midst of it, what happens down the
14 road if we suddenly find ourselves swimming in our
15 house down the road?

16 CHAIRMAN: Correct me if I'm incorrect,
17 Mr. Howard.

18 Irrespective of what the county engineer told
19 you earlier, if he has already reviewed it and signed
20 off on it, then it's sort of a done deal at that point
21 in time. I'm not sure why he may have told you two.

22 MR. WILSON: When it comes back and we do
23 get -- because there's several houses we've had water
24 just flood. It just goes right through their house.
25 What happens if at that point it's even worse?

1 CHAIRMAN: Yes, Mr. Reeves.

2 MR. REEVES: I don't want anybody not to be
3 heard, but it seems to me like we're talking more
4 about something we've already approved than we are
5 about this four-tenths of an acre here. That may be a
6 fair discussion for --

7 MR. HOWARD: Yes. This item right now is for
8 a rezoning. The preliminary subdivision plat is next,
9 which is what I just gave Mr. Wilson a copy of, that
10 the county engineer has reviewed and signed off on.
11 You're probably correct. That may be the better
12 opportunity to talk about drainage.

13 MR. REEVES: I want everybody to be heard, you
14 understand, but I want it to be relevant to the item
15 that's on the agenda.

16 CHAIRMAN: Essentially we're looking at
17 rezoning on this particular application rather than
18 the discussion that may occur on the next one that
19 will be coming up at some point in time. I'm not sure
20 if that addresses it.

21 MR. WILSON: I thank you and I thank the
22 gentleman for explaining it from the other side.

23 CHAIRMAN: Thank you, Mr. Wilson.

24 MR. MCKAY: My name is Michael A. McKay. I
25 live in the same subdivision --

1 CHAIRMAN: You need to be sworn in.

2 (MICHAEL MCKAY SWORN BY ATTORNEY.)

3 MR. MCKAY: Like I'm going to say what
4 Mr. Wilson said. We were said that there were going
5 to be two retention ponds. The retention pond already
6 is full, where the inlet and outlet is. We had a
7 little rain the other day. It was probably a half
8 inch of rain, and it was already full. There's only
9 one house in the subdivision, and it's not even
10 completed. The dirt is running off from the property
11 that's already been constructed into the ditch, which
12 is not natural. The grass before, before the
13 subdivision was built, retained the water unless you
14 had a massive amount of rain. We're getting water
15 from the lake up in Crescent Hill Drive too, and then
16 from the property across the road. This all drains
17 down through our subdivision and from the parkway. If
18 that lake ever breaks up above where this Number 5 is,
19 the whole subdivision is going to be wiped out. Even
20 the new subdivision where there's supposed to be 43
21 houses, probably half of them are going to be gone.

22 CHAIRMAN: I think like Mr. Reeves said, we
23 want to hear all the comments, but the things you're
24 referring to right now really are not necessarily
25 related to this particular rezoning application.

1 MR. McKAY: I believe it is too because this
2 property, I went up and looked at it. The dirt has
3 already been dug on this property right here and it's
4 draining into our ditch also. So I think there needs
5 to be another retention pond like we were promised.

6 CHAIRMAN: But that would have been something
7 the county engineer would have done at the time he
8 approved it and apparently he's already --

9 MR. McKAY: He actually told us a fabrication
10 then.

11 CHAIRMAN: That will be a discussion you may
12 have with him.

13 MR. McKAY: Is this property going to be
14 adjoined to the other property?

15 MR. HOWARD: This four-tenths of an acre?

16 MR. McKAY: Yes, sir.

17 MR. HOWARD: What we see, what's being
18 proposed is taking a portion of the rear of that
19 property and adding it to the subdivision, but then
20 the home lot, the home is on an existing lot. It will
21 still be on a lot by itself, but it will be smaller
22 than it was originally.

23 MR. McKAY: We were concerned about the dirt
24 from all of this accumulating in our drainage ditch
25 because it's raising the water level than what it is

1 already. It's already caused a problem. Thank you.

2 CHAIRMAN: Thank you. Yes, sir.

3 MR. HAWKINS: Steve Hawkins.

4 (STEVE HAWKINS SWORN BY ATTORNEY.)

5 MR. HAWKINS: My eyes, I couldn't see the
6 little map up there real good awhile ago.

7 I had heard they were going to use this
8 property we're talking about as a road, another road
9 out of that subdivision. Now, is this just going to
10 be a house sitting there or is this going to be
11 another road onto Old Hartford out of the subdivision?

12 CHAIRMAN: Mr. Baker, could you address that
13 question, please?

14 MR. BAKER: No additional access is proposed
15 to Old Hartford Road.

16 MR. HAWKINS: So will there be a driveway from
17 the house?

18 MR. HOWARD: So the single-family residence
19 there that has an access now, that would remain, but
20 there is no new street being proposed to Old Hartford
21 Road that would access the neighborhood.

22 MR. BAKER: That's correct.

23 MR. HOWARD: What our plans show.

24 MR. HAWKINS: That was my concern because
25 there's a curve right there.

1 CHAIRMAN: Thank you.

2 Any other questions or comments concerning
3 this particular application?

4 (NO RESPONSE)

5 CHAIRMAN: Any questions from the
6 commissioners concerning this application?

7 (NO RESPONSE)

8 CHAIRMAN: The Chair is ready for a motion.
9 Mr. Reeves.

10 MR. REEVES: Move to approve this application
11 based on Staff Recommendations with Condition 1 and
12 Findings of Fact 1 through 4.

13 CHAIRMAN: Is there a second?

14 MR. ROGERS: Second.

15 CHAIRMAN: Second by Mr. Rogers. A motion has
16 been made to approve this application based on
17 Findings of Fact 1 through 4 and the one condition.
18 Is there any discussion about the motion and the
19 second?

20 (NO RESPONSE)

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 MAJOR SUBDIVISION PRELIMINARY PLATS

1 ITEM 6

2 Stone Crest, 30.869 acres
3 Consider approval of an amended major subdivision
4 preliminary plat
5 Applicant: J.R. Acquisitions, LLC c/o Mike Martin

6 MR. HOWARD: This plat has been reviewed by
7 the Planning Staff and Engineering Staff and it's
8 found to be in order and consistent with the approved
9 zoning of the property subdivision regulations, zoning
10 ordinance requirements and all of that. So it is
11 ready for your consideration.

12 Of course, you all have heard tonight some
13 questions about drainage. We as Staff will be glad to
14 convey those to Mark Brasher, the county engineer, so
15 he knows that there have been some concerns raised
16 tonight about that. Of course, the applicant's
17 engineer is here and has heard him as well.

18 CHAIRMAN: Thank you, Mr. Howard.

19 Is there anyone here representing the
20 applicant?

21 MR. BAKER: Yes.

22 CHAIRMAN: Any comment concerning the
23 application?

24 MR. BAKER: I guess since there's some
25 question about the plan. I just wanted to indicate
26 the change that's being proposed here is to bring in

1 that rezone, that that area is being rezoned and add
2 it to the back of the lot. Then one of the street's
3 intersections is being modified slightly. Again, no
4 changes to drainage are proposed as part of this plan.

5 MR. HOWARD: If I could ask a question just
6 based on the discussion we've previously heard.

7 Was this basin designed to be a wet or dry
8 basin?

9 MR. BAKER: It is a wet basin.

10 MR. HOWARD: They made a comment that it's
11 full now. Was this the first rain that really had the
12 opportunity to fill the basin up since it was dug?

13 MR. BAKER: I haven't really monitored the
14 level of it over time, but by design that basin should
15 come up and down. It does that because we throttle
16 down the discharge. So more running in that can't run
17 out and that's the reason it functions. It's actually
18 holding back that water and letting it out at a slower
19 rate. Seeing that water come up and down tells you
20 it's working the way it's supposed to.

21 MR. HOWARD: Of course, the county engineer
22 signed off on this plan, the submitted plan, but you
23 met with him and discussed, you, or David, or whoever
24 from your office met and discussed the changes?

25 MR. BAKER: Yes. I have not heard of any

1 issues so I was not aware of any concerns or anything.
2 Nothing was raised as part of this review.

3 CHAIRMAN: I think you indicated nothing had
4 changed from what we see here.

5 MR. BAKER: No change with regard to drainage
6 at all.

7 CHAIRMAN: Thank you, Mr. Baker.

8 MR. MCKAY: I have another question. The pond
9 has already retained, it's already eroded and it's
10 gone down into the retention pond and that's raised
11 the water level. Probably three, four, maybe five
12 pickup loads of dirt has already drained off behind
13 Mr. Wilson's house. Not this Mr. Wilson, but another
14 Mr. Wilson. The retention pond goes right up to his
15 property and it's eroded and gone down into the
16 retention pond already so that water level's already
17 raised up. It's going to have to be dredged out
18 because it's not holding its capacity right now
19 because the grass wasn't put on there to stop the
20 erosion.

21 CHAIRMAN: Yes, Mr. Baker.

22 MR. BAKER: So with regard to retention and
23 the erosion. I have not witnessed that issue.
24 Although, when you have a pond that holds the normal
25 elevation, the way that's designed the elevation is

1 controlled by the discharge pipe. So if erosion goes
2 below the water level, it's not really impacting the
3 function of the basin. It still may be required to be
4 dredged out as the gentleman mentioned. What is
5 required by ordinance and the county engineer will
6 require that we go in and do an as-built certification
7 of that basin after it is complete and the sides are
8 stabilized and so forth. So that is something that
9 will happen; to certify that all of the design volumes
10 were obtained. And if they're not, the developer will
11 have to fix that before it will be accepted, and those
12 things are normally bonded by the developer. There is
13 a way to get it done.

14 CHAIRMAN: I think you answered my question
15 that I was just thinking about.

16 I think what you just said was the site work
17 all the work is not completed yet. I didn't look at
18 the basin, but I noticed the site work is not totally
19 complete with the basin at this point in time; is that
20 correct?

21 MR. BAKER: I think the grades were
22 established. I think the volume was there. Now, if
23 something has happened with erosion, that will have to
24 be fixed at the time of certification.

25 CHAIRMAN: Are you willing to work with these

1 folks, I guess, concerning that issue?

2 MR. BAKER: On certain issues, yes. We want
3 it to work as well.

4 MR. MCKAY: I have another question.

5 Our ditch through our subdivision has already
6 collected silt from the runoff from Number 6,
7 Mr. Martin's subdivision. I believe that's a
8 violation. I feel like that ditch is going to have to
9 be dredged out because it's going to raise the water
10 level in our subdivision already. You could probably
11 go over and measure it probably an inch, inch and a
12 half all the way down through there. The county used
13 to clean out our ditches through our subdivision and
14 through other subdivisions. We're going to have to
15 correct this. I mean one of my neighbor's water comes
16 right up to his door and into his house, and he just
17 remodeled his house recently. It's pretty sad, you
18 know.

19 CHAIRMAN: Is that problem related to
20 necessarily what he's doing or is that a county issue
21 that you need to discuss --

22 MR. MCKAY: This is related to all of this.
23 The dirt that's been dumped into the ditch from doing
24 the ground work for this new subdivision. That's what
25 we're concerned about. The county engineer said he

1 couldn't clean out the ditches any more. In the past
2 every four or five years they've cleaned out ditches.
3 When you keep adding subdivisions, you know, somebody
4 is going to get the excess water from it. I'm
5 concerned about it.

6 CHAIRMAN: I think I heard Mr. Baker say he
7 would try to work with you all as much as he could to
8 try to rectify what he's involved with.

9 MR. BAKER: Yes, and I will bring your
10 concerns up to the developer as well. Again, I was
11 not aware that there were active erosion issues and so
12 forth. That is something that the contractor is
13 responsible for preventing. We will raise that
14 concern to the developer as well.

15 MR. HOWARD: As I said earlier, we will get in
16 touch with the county engineer to let him know the
17 concerns that were expressed here tonight. We can't
18 speak for him. He's not a part of our office, but
19 we'll convey the message.

20 CHAIRMAN: Thank you, Mr. Baker.

21 Yes, Mr. Kazlauskas.

22 MR. KAZLAUSKAS: I understand that this is a
23 bonded projected. So maybe our director could explain
24 that since it's a bonded project that bond is not
25 released until this retention meets the

1 specifications.

2 MR. HOWARD: Yes. When it comes time for a
3 final plat, things are bonded. That can be the
4 drainage basins, the streets, curb and gutter,
5 potentially sidewalks, fire hydrants, all of that
6 stuff can have bond to protect the public in the event
7 that work isn't completed. Part of what the county
8 engineer will do is review all this stuff. As
9 Mr. Baker laid out before, the county would fully
10 accept the basin and they'll do an as-built drawing
11 and make sure that everything is done in compliance.
12 There is bond money posted in the event that things
13 are not done correctly and held for a certain amount
14 of time. Then once everything is built and
15 constructed and in conformance, then the bond would be
16 released. Since this is a county subdivision, the
17 county does not maintain basins. They're turned over
18 to Homeowners Association and it's their requirement
19 then to make sure that everything is maintained on a
20 routine basis and functioning properly.

21 CHAIRMAN: Thank you, Mr. Howard.

22 MR. KAZLAUSKAS: I just wanted to let these
23 people know that there is a safeguard there with that
24 bond in place. That the retention is going to have to
25 meet specifications.

1 CHAIRMAN: Mr. Reeves.

2 MR. REEVES: Another thing I noticed here, and
3 I want to point this out to these homeowners.

4 If you look at this plat on the left-hand side
5 in the notes, look at Number 26, because this may be
6 some recourse you have down the line if necessary. It
7 says, "Developer will maintain, on a routine basis,
8 the detention basins (such as routine cleaning and
9 silt removal)." So that's where you can hold their
10 feet to the fire a little bit.

11 CHAIRMAN: Does that somewhat answer the
12 questions that you folks may have?

13 MR. WILSON: That's the basin. That don't
14 take care of the ditch filling up.

15 CHAIRMAN: Any other commissioners have any
16 questions or comments concerning this application?

17 (NO RESPONSE)

18 CHAIRMAN: Any other comment from the
19 audience?

20 (NO RESPONSE)

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

23 Mr. Moore.

24 MR. MOORE: Mr. Chairman, I move for approval.

25 CHAIRMAN: Mr. Moore has made a motion for

1 approval.

2 MS. McENROE: Second.

3 CHAIRMAN: Second by Ms. McEnroe. Any
4 discussion or comment about the motion or the second?

5 (NO RESPONSE)

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries.

10 FINAL DEVELOPMENT PLANS

11 ITEM 7

12 4424 Springhill Drive, 1.235 acres
13 Consider approval of a final development plan
14 Applicant: Hayden Development Company, LLC

15 MR. HOWARD: This plan comes before you. It's
16 been reviewed by the Planning Staff and Engineering
17 Staff and it's found to be in order. It's consistent
18 with the underlying zoning of the property and
19 conditions that have been placed upon it and it is
20 ready for your consideration for approval.

21 CHAIRMAN: Thank you, Mr. Howard.

22 Is there anyone here representing the
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Would you like to speak?

APPLICANT REP: No, sir.

1 CHAIRMAN: Thank you.

2 Do the commissioners have any questions
3 concerning this application?

4 (NO RESPONSE)

5 CHAIRMAN: Anyone in the audience that has any
6 questions or comments about this application?

7 (NO RESPONSE)

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

10 Mr. Rogers.

11 MR. ROGERS: Mr. Chairman, I make a motion to
12 approve.

13 CHAIRMAN: Motion to approve by Mr. Rogers.
14 Is there a second?

15 MS. McENROE: Second.

16 CHAIRMAN: Second by Ms. McEnroe. Any
17 discussion or comment about the motion or 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: Motion carries.

23 -----

24 NEW BUSINESS

25 ITEM 8

1 Consider approval of December 2017 financial statement

2 CHAIRMAN: Commissioners, we were sent and
3 hopefully have had a chance to look through the
4 financial statements for the period ending December
5 31, 2017.

6 Is there any comment or discussion or changes
7 or questions concerning the financial statement?

8 (NO RESPONSE)

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

11 MR. REEVES: Motion to approve.

12 CHAIRMAN: Motion to approve by Mr. Reeves.
13 Is there a second?

14 MS. HARDAWAY: Second.

15 CHAIRMAN: Second by Ms. Hardaway. Any
16 discussion about the motion or the second?

17 (NO RESPONSE)

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 ITEM 9

23 Comments by the Chairman

24 CHAIRMAN: Chairman has no comments tonight.

25 ITEM 10

1 Comments by the Planning Commissioners

2 CHAIRMAN: Any comments by the commissioners?

3 (NO RESPONSE)

4 ITEM 11

5 Comments by the Director

6 CHAIRMAN: There being none I guess the next
7 order of business is comments by the director.

8 MR. HOWARD: I only have one thing.

9 As we discussed a little bit earlier tonight
10 in our work session, there is a conflict in May with a
11 State Planning Conference that will take place. If
12 it's the pleasure of this commission, maybe we could
13 have a motion to amend our filing deadline and date so
14 that the meeting for the Planning Commission in May
15 will take place on May 3rd. That will be the same
16 night as the Board of Adjustment. There will be a
17 double meeting that night. This will allow the
18 potential for some of our Planning Commission and
19 Board of Adjustment members to attend this conference
20 and earn continuing education credits and that type of
21 a thing.

22 If we could get a motion to make that change
23 to our forum and then we'll distribute that out to the
24 engineering folks and the newspaper and all the people
25 that get that.

1 CHAIRMAN: The chair is ready for a motion.

2 Mr. Rogers.

3 MR. ROGERS: Mr. Chairman, I make a motion to
4 move the May meeting to May 3rd, to go after the Board
5 of Adjustments meeting.

6 CHAIRMAN: A motion has been made to move the
7 May meeting to the 3rd, the same night as the Board of
8 Adjustments meeting. Is there any discussion or
9 comment about the motion?

10 (NO RESPONSE)

11 CHAIRMAN: Is there a second?

12 MR. JEAN: Second.

13 CHAIRMAN: Second by Mr. Jean. Any comment or
14 discussion about the motion?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: May 3rd is approved.

20 Unless there's any other business, the next
21 important decision is the motion for adjournment.

22 MR. EDGE: Motion to adjourn.

23 CHAIRMAN: Motion to adjourn made by Mr. Edge.

24 MS. McENROE: Second.

25 CHAIRMAN: Second by Ms. McEnroe. All those

1 in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 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 33 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 28th day of February, 2018.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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