

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 12, 2018

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, April
5 12, 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
Manuel Ball
Fred Reeves
John Kazlauskas
Mike Edge
Angela Hardaway

* * * * *

15
16 CHAIRMAN: I would like to welcome everyone to
17 the Owensboro Metropolitan Planning Commission meeting
18 of April 12, 2018. We start all of our meetings with
19 a prayer and a pledge, and Commissioner Reeves will
20 lead us in that tonight. Please join us.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Before we get started tonight, just
23 a couple of housekeeping rules. Since we are a quasi
24 legal meeting, we have a few rules that we'd ask your
25 cooperation on.

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1 If you wish to speak, please approach the
2 podiums and clearly state your name and be sworn in by
3 counsel it's important that we hear all of the
4 information for informed decision making.

5 Direct all questions and answers to the Chair,
6 especially if we do have multiple speakers. Be
7 respectful of others who may be speaking. Please stay
8 on topic with all discussions and comments. And
9 questions, keeping them specific to the business at
10 hand that's on the agenda. Thank you for your
11 cooperation.

12 We have the minutes that all of the
13 commissioner hopefully received and have had a chance
14 to look through those minutes. Are there any
15 questions or changes or discussion about those
16 minutes?

17 (NO RESPONSE)

18 CHAIRMAN: There being none the Chair is ready
19 for a motion.

20 Ms. McEnroe.

21 MS. MCENROE: Move that we accept the minutes
22 as printed.

23 CHAIRMAN: Ms. McEnroe has moved to approve
24 the minutes. Do we have a second?

25 MR. REEVES: Second.

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1 CHAIRMAN: Second by Mr. Reeves. Any
2 discussions about the motion or the second?

3 (NO RESPONSE)

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: The minutes are approved.

8 -----

9 GENERAL BUSINESS

10 CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

11 ITEM 3

12 10945 Indian Hill Road

Consider approval of a wireless telecommunications
13 tower.

Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T
14 Moblity; Brian R. & Anita M. Johnson

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

17 MS. EVANS: Melissa Evans.

18 (MELISSA EVANS SWORN BY ATTORNEY.)

19 MS. EVANS: This application is for a 305-foot
20 lattice tower with a 15-foot lightning rod on top of
21 it. All the materials for the application have been
22 completed in accordance with the Zoning Ordinance.

23 The applicant is asking for a couple of
24 waivers in this application.

25 The first waiver is in a requirement of the

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1 setback. Typically the setback is required to be half
2 the distance of the tower from the property line. So
3 the required setback of the tower is 160 feet from the
4 property line. The proposed tower will be less than
5 that, from all of the property -- let me back up.

6 So the leased area is only 100 by 100. So the
7 setback is half the height of the tower. So with 100
8 by 100 leased area the tower could not meet that
9 setback because there's not enough room on the
10 proposed leased area. However, the tower is further
11 than that from the actual property lines of the parent
12 tract. So it does meet the overall requirement from
13 the parent track property line; just not the leased
14 area. That is fairly typical with those 100 by 100
15 foot lots for the leased areas of the cell towers.

16 The second waiver is on the height. The
17 maximum height allowed is 200-foot tower; however, the
18 applicant hasn't received approval from FAA and KAZC
19 for the approval of the tower being taller than the
20 200 foot, and they do have the lighted beacon on the
21 top of the tower.

22 FINDINGS

23 1. The application is complete with all
24 materials in accordance with the Owensboro
25 Metropolitan Zoning Ordinance;

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1 2. The site is in compliance with all design
2 criteria of the Owensboro Metropolitan Zoning
3 Ordinance;

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

6 4. By providing the opportunity for multiple
7 service providers on this tower, we are promoting the
8 goal of the Comprehensive Plan to encourage
9 collocation in order to minimize the number of
10 telecommunication towers.

11 We would like to enter the Staff Report into
12 the record as Exhibit A.

13 CHAIRMAN: Thank you, Melissa.

14 Is there anyone here representing the
15 applicant?

16 MS. KNIGHT: Please state your name for the
17 record.

18 MR. GRANT: Good evening. Robert Grant.

19 MS. KNIGHT: Sir, you're an attorney, correct?

20 MR. GRANT: Yes, I am.

21 MS. KNIGHT: You are so sworn. Thank you.

22 MR. GRANT: Thank you so much. I'm going to
23 be very brief this evening.

24 This application is part of AT&T Mobility's
25 response to an initiative by the governor to penetrate

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1 into rural areas that are not served or poorly served.
2 AT&T has over nearly 300 sites across the State of
3 Kentucky.

4 What we're attempting to do is to bring not
5 only wireless service, but wireless local group which
6 is an internet base service. What we want to do is we
7 want to bring the new 4G and 5G technologies into the
8 state.

9 If you look at a tower map of the county,
10 there's a high concentration of wireless facilities in
11 the City of Owensboro. The rest of the county is not
12 as well served. So that's what this application is
13 for. That's what we intend to do. We've been here
14 with a couple of preceding this, and I believe there's
15 several more in line for the county.

16 So with that I'm going to shut up. There's
17 much more I could say, but I'm just here to answer
18 your questions, if you have any questions, about this
19 application.

20 CHAIRMAN: Thank you.

21 Do any of the commissioners have any questions
22 of the applicant?

23 MR. EDGE: I do.

24 CHAIRMAN: Yes, Mr. Edge.

25 MR. EDGE: Just a quick question. What's the

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1 radius that this will cover and how far will it reach
2 into Hancock County because obviously it sits on the
3 line?

4 MR. GRANT: I believe it's about two miles
5 from Hancock County. I don't have an R.F. engineer
6 here with me tonight so I can't tell you for certain
7 what the penetration will be.

8 Typically with a tower of this tall in rural
9 areas the coverage is several miles. It will
10 penetrate a little bit into Hancock County, but it's
11 designed primarily to serve this county.

12 MR. EDGE: Thank you.

13 MR. GRANT: If you look at the tower map
14 exhibit, you'll see that there is a huge, huge hole.
15 There are no towers, there are no facilities in this
16 area of the county. It's significantly underserved.

17 CHAIRMAN: Does that, Commissioner Edge,
18 answer your question?

19 MR. EDGE: It does. I was hoping to get a
20 little bit more specific, but that's okay.

21 MR. GRANT: There's a radio frequency need
22 report that will answer some of your questions in the
23 application materials.

24 CHAIRMAN: This may be a sidebar issue with
25 Commissioner Edge's question. There's a statement

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1 made that no other suitable locations were in the
2 vicinity.

3 Would it be a fair statement to say that part
4 of that is because if you locate it somewhere else
5 that it may have some interference with any other
6 towers that might be close by or anywhere in the area?

7 MR. GRANT: That's correct. First of all,
8 there are no towers in this area that we can put our
9 equipment on colocation. To serve the area we have to
10 construct a new tower first of all.

11 Second of all, as some of you probably already
12 know from prior applications, the term "cellular
13 technology" comes from the idea that the network looks
14 like a honeycomb. Each tower is a cell that serves an
15 area. It overlaps nearby towers so that when you
16 drive down the highway you won't get a loss of
17 service. It passes from tower to tower to tower.
18 It's pretty heavy fascinating technology. Did I
19 answer your question?

20 CHAIRMAN: Yes. Yes, you did. It's a
21 seamless transition.

22 MR. GRANT: It's a seamless transition, yes,
23 sir.

24 CHAIRMAN: Thank you.

25 MR. GRANT: Any other questions?

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1 CHAIRMAN: Yes, Mr. Reeves.

2 MR. REEVES: Kind of piggyback on a comment
3 you made because we don't want to end up with a world
4 of cell towers. Would you be able to let other
5 carriers co-locate on your tower if you build this
6 tower?

7 MR. GRANT: Absolutely. This tower is
8 constructed for a minimum, a minimum of four carriers
9 equipment. We have agreements with all the other
10 carriers to allow them to co-locate on our towers and
11 we co-locate on theirs.

12 MR. REEVES: Thank you. Appreciate that.

13 CHAIRMAN: Yes, Commission Kazlauskas.

14 MR. KAZLAUSKAS: On the very back, of course,
15 this is looking way in the future. I won't be here
16 and probably several of us here in this room probably
17 won't be here. It says, "When the facility is no
18 longer required, the owner should remove it and
19 restore the land to its natural state." That's sort
20 of weak, isn't? Shouldn't that be "shall?"

21 CHAIRMAN: We're no able to hear you,
22 Commissioner.

23 MR. KAZLAUSKAS: I'm sorry. Do you want me to
24 start from the beginning.

25 MR. GRANT: I heard you. I think I understand

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1 what your comment, if you would like for me to
2 respond.

3 MR. KAZLAUSKAS: Can you do that, please, sir?

4 MR. GRANT: Absolutely. Our lease agreement
5 with the property owner for this facility has a
6 provision in it that we will, we will remove the tower
7 in the event that it's no longer used. We have that
8 language in all of our lease agreements; not only in
9 this county or in this state, but all across the
10 country.

11 MR. KAZLAUSKAS: The reason I'm asking that
12 question I know over around Sacramento there's an old
13 tower that's been there for years and years and years
14 and I don't believe it's been used forever.

15 MR. GRANT: There's been a lot of changes from
16 the early days. I don't know whether that was a cell
17 tower or a tower constructed for some other purpose.
18 I can tell you from the early days of cellular there's
19 been many changes. We've learned as we've gone along.
20 One of the changes, one of the things we've learned is
21 this removal language. Nobody wants to leave these
22 things standing.

23 I will also tell you that I've been doing this
24 nearly 15 years. In the 15 years that I've been doing
25 this, I can't remember a single tower being

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1 decommissioned. With the new 4G and 5G technology,
2 with our Smartphones, it's not just about voice
3 anymore. It's about data. As you know, data not just
4 text messaging, but access to the internet. That's
5 all data transfer, and that takes up a lot of our band
6 width. That takes up a lot of our capacity. So what
7 that means for us and for you guys is for your
8 Smartphones to work the way they're intended, rather
9 than decommissioning sites, it's necessary to put more
10 in to carry that load. Little bit like a traffic jam
11 during the holidays leading to the shopping mall or
12 something.

13 MR. KAZLAUSKAS: Thank you so much. You've
14 answered my question. If it's not used, it's going to
15 be removed?

16 MR. GRANT: It will be removed.

17 CHAIRMAN: Any other commissioners have any
18 questions for the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Anyone in the audience have a
21 question of the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: If not the chair is ready for a
24 motion.

25 Mr. Kazlauskas.

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1 MR. KAZLAUSKAS: Make a motion for approval
2 included with Waiver 1 and 2 and Findings 1 through 4.

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

6 MR. EDGE: Second.

7 CHAIRMAN: Second by Mr. Edge. Any discussion
8 or comment about the motion or the second?

9 (NO RESPONSE)

10 CHAIRMAN: There being none all those in favor
11 raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 RELATED ITEM

15 ITEM 3A

16 10945 Indian Hill Road, 0.23 acres

Consider approval of a minor subdivision plat

17 Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T
Mobility; Brian R. & Anita M. Johnson

18

19 MR. HOWARD: This plat comes before you to
20 create a parcel for this cell tower to be located on.
21 It does not have road frontage and we cannot sign it
22 at the Staff level so it has to come before you all
23 for an exception. These are very common with cell
24 tower applications. It's limited to use for cell
25 tower and related equipment only; otherwise, it's a

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1 non-buildable lot. So we recommend that you consider
2 it for approval.

3 CHAIRMAN: Thank you, Mr. Howard.

4 Would the applicant like to say anything
5 concerning this particular application?

6 MR. GRANT: No, sir.

7 CHAIRMAN: Thank you.

8 Any commissioners have any questions
9 concerning this part of the application?

10 (NO RESPONSE)

11 CHAIRMAN: Anyone in the audience have a
12 question concerning this part?

13 (NO RESPONSE)

14 CHAIRMAN: The Chair is ready for a motion.

15 Mr. Jean.

16 MR. JEAN: Make a motion to approve the minor
17 subdivision plat.

18 CHAIRMAN: A motion has made to approve a
19 minor subdivision plat. Do we have a second?

20 MR. BALL: Second.

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

23 (NO RESPONSE)

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

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1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 MR. HOWARD: I will note that the zoning
4 changes heard tonight will become final in 21 days
5 after the meeting unless an appeal is filed. If an
6 appeal is filed, we will forward the record of this
7 meeting along with all appropriate materials to the
8 appropriate legislative body for them to take final
9 action.

10 ZONING CHANGES

11 ITEM 4

12 Portion of 4981 Jack Hinton Road, 1.42 acres
Consider zoning change: From R-1A Single-Family
13 Residential, I-1 Light Industrial & A-R Rural
Agriculture to B-4 General Business
14 Applicant: Susan Cox Development, LLC; Crandall
Properties, LLC

15

16 PLANNING STAFF RECOMMENDATIONS

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

19 CONDITIONS

20 1. Approval of a subdivision plat creating
21 the proposed 1.42 acre lot.

22 2. Approval of a site plan demonstrating
23 compliance with zoning ordinance requirements
24 including, but not limited to, parking, landscaping,
25 building setbacks, access management and signage.

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1 3. Access to the site shall be compliant with
2 applicable zoning ordinance regulations. If access to
3 Highway 54 is proposed, KYTC approval will be required
4 prior to site plan or development plan approval.

5 FINDINGS OF FACT

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

9 2. The subject property is located in a Rural
10 Community Plan Area where general business uses are
11 appropriate in limited locations;

12 3. The proposed use as retail sales conforms
13 to the criteria for nonresidential development;

14 4. The property is major-street-oriented,
15 located along Highway 54; and

16 5. The property is sited at the corner of
17 intersecting streets, Highway 54 and Jack Hinton Road.

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

20 CHAIRMAN: Thank you, Melissa.

21 Is anyone here representing the applicant?

22 MR. KAMUF: Charles Kamuf.

23 MS. KNIGHT: Mr. Kamuf, you're sworn as an
24 attorney.

25 MR. KAMUF: We agree with the Staff Report.

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1 Mr. Crandall is here, owner of the property, and also
2 the engineering firm of Arnold Engineering out of
3 Bowling Green is here. We're here to answer any
4 questions that you may have.

5 CHAIRMAN: Thank you, Mr. Kamuf.

6 Do any of the commissioners have any questions
7 for the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Is there anyone in the audience
10 that would have a question concerning this
11 application?

12 (NO RESPONSE)

13 CHAIRMAN: I do just have I guess a comment.
14 Not necessarily a condition. I know the history of
15 that particular location from years ago there was a
16 tire business there.

17 MR. KAMUF: That's right.

18 CHAIRMAN: I don't know if there's any issue
19 or concern or any question about any of the
20 environmental things that might have gone on there.

21 MR. KAMUF: I think we're okay. Mr. Crandall
22 is here. He can answer that.

23 This is Mr. Crandall, the owner of the
24 property.

25 MS. KNIGHT: If you'll state your name for the

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1 record.

2 MR. CRANDALL: Ken Crandall.

3 (KEN CRANDALL SWORN BY ATTORNEY.)

4 MR. CRANDALL: Prior to even bidding on the
5 property, I called the EPA office here, wherever it
6 was. I think it was here in town. I asked them about
7 any contamination and they said that, and I've got a
8 letter I can provide for you. That it was cleaned up
9 and it was all okay. I had to have that before I
10 would even bid on it. So there is no contamination.

11 CHAIRMAN: And you have that in written form?

12 MR. CRANDALL: Yes, I have it somewhere down
13 there and I'll be will to find it for you.

14 CHAIRMAN: I want to make sure we have it
15 recorded.

16 MR. CRANDALL: Absolutely.

17 CHAIRMAN: I think that answers my question.
18 I just remember some of the history around there.

19 MR. CRANDALL: Yes. It was a mess.

20 CHAIRMAN: Thank you.

21 If there are no other questions at this point
22 in time, the Chair is ready for a motion.

23 Mr. Rogers.

24 MR. ROGERS: Mr. Chairman, I make a motion for
25 approval based on Planning Staff Recommendation with

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1 the three conditions and Findings of Fact 1 through 5.

2 CHAIRMAN: A motion has been made for approval
3 based on the three conditions and Findings of Fact 1
4 through 5. Do we have a second?

5 MS. McENROE: Second.

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

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 ITEM 5

14 207 Phillips Court, 0.234 acres

Consider zoning change: From R-4DT Inner City
15 Residential to P-1 Professional/Service
Applicant: WBW Properties, LLC

16

17 PLANNING STAFF RECOMMENDATIONS

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

20 FINDINGS OF FACT

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

24 2. The subject property is located in a
25 Central Residential Plan Area, where

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1 professional/service uses are appropriate in limited
2 locations;

3 3. The proposed use as office space will be
4 nonresidential in nature; and,

5 4. The proposed P-1 zoning is a logical
6 expansion of the existing P-1 zoning to the north and
7 west.

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

10 CHAIRMAN: Thank you, Melissa.

11 Is there anyone here representing the
12 applicant?

13 MR. WEAVER: Yes.

14 CHAIRMAN: Would you like to speak on their
15 behalf?

16 MR. WEAVER: Only if there's questions.

17 CHAIRMAN: Thank you.

18 Do any of the commissioners have any questions
19 concerning this application?

20 Yes, Commissioner Reeves.

21 MR. REEVES: Is there currently a building on
22 the property that's going to be used for this purpose?

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

25 MR. WEAVER: David Weaver.

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1 (DAVID WEAVER SWORN BY ATTORNEY.)

2 MR. WEAVER: I'm the property owner, WBW
3 Properties and Bryant Engineering, we own the property
4 to the west.

5 There is an existing house on the property.
6 It's been vacated for some time. Actually it was
7 previously gutted before we purchased the property.

8 CHAIRMAN: Thank you.

9 Thank you, Mr. Reeves.

10 Any other commissioners have any questions
11 concerning this application?

12 (NO RESPONSE)

13 CHAIRMAN: Anyone in the audience have a
14 question?

15 Please step forward.

16 MS. KNIGHT: Sir, could you state your name
17 for the record, please?

18 MR. ADAMS: Don Adams.

19 (DON ADAMS SWORN BY ATTORNEY.)

20 MR. ADAMS: I live across the street at 210
21 Phillips Court. Phillips Court is a very small
22 street. I don't know how many people they're planning
23 on putting in this building, but the parking will be
24 limited. There's not very good access to Phillips
25 Court. They said the P-1 or whatever it is zoning to

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1 the west and north, that's true, but not on Phillips
2 Court. It's a very quiet residential neighborhood.
3 We don't care what happens on Frederica. We can't
4 control that, but Phillips Court is a different story.
5 Nobody said what they're going to do. I don't know if
6 they're going to be offices in there or use it for
7 storage. We don't know.

8 CHAIRMAN: Would you be able to address his
9 question?

10 MR. WEAVER: David Weaver again.

11 With only the existing office to the west, our
12 anticipated plan is to combine that property with ours
13 and expand our parking lot slightly to allow room for
14 parking along the side. There's currently no driveway
15 access to Phillips Court from that existing lot.
16 There is access to the north. There's an existing
17 alley. There's actually two or three unpaved parking
18 spots there now. We anticipate utilizing that area
19 for parking in the portion of our existing lot. There
20 will be no new driveway. We understand what -- I'm
21 sorry, I didn't catch his last name.

22 MR. ADAMS: Don Adams.

23 MR. WEAVER: Mr. Adams.

24 We understand what Mr. Adams says because,
25 you know, our office is on that court.

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1 We don't plan on enlarging the existing
2 structure. We plan on using it -- it's about 2022
3 maybe square feet at the most. So it's not large
4 enough for very many offices in it. I couldn't tell
5 you how many people might work there eventually, but I
6 wouldn't suspect very many.

7 CHAIRMAN: Does that somewhat answer your
8 question?

9 MR. ADAMS: Well, somewhat.

10 CHAIRMAN: Please approach the podium and
11 direct your questions to the Chair, please.

12 MR. ADAMS: The gentleman said his office is
13 on Phillips Court. I have a question about that. I
14 don't believe his address is Phillips Court. I think
15 it's Frederica. He's got an access, driveway access
16 on Phillips, and that's understandable, but it's at
17 the very edge of Phillips close to Frederica.

18 MR. WEAVER: David Weaver again.

19 He is correct. Our street address is 1535
20 Frederica Street. Our drive access is off of Phillips
21 Court. Obviously we're at the intersection there at
22 the northeast quadrant of that intersection, Bryant
23 Engineering. I'm sure you know where it is.

24 CHAIRMAN: I think your question was around
25 utilization of that, which I think he addressed that

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1 question.

2 MR. ADAMS: Sort of. He's saying he's not
3 going to use Phillips Court for parking, like street
4 parking, I believe is what I understood him to say. I
5 understand he said he was going to combine the two
6 properties and extend his parking from his Frederica
7 address, and that's fine. I just want to make sure
8 that everyone knows what's going on because there's
9 not very good access off Phillips Court onto Frederica
10 unless you're turning right. I know what the previous
11 Planning Commission. He said that light there
12 controls Phillips Court, but it doesn't. You can't
13 hardly make a left-hand turn off of Phillips Court to
14 Frederica. That's my only concern. More traffic. I
15 don't know what they're going to do with the building.
16 Are they going to change the look of the building?
17 They did a great job on their new office, when they
18 moved into their new office. They did an awesome job,
19 and they've been good neighbors.

20 CHAIRMAN: I think the issue here, we're
21 looking at a rezoning of the property for some
22 utilization of what he's going to use it for at a
23 later date. It sounds like he's answered your
24 question about what he's going to be using it for, I
25 think.

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1 MR. ADAMS: Maybe I have a different idea of
2 understanding. He said he's going to use it for
3 office space is all I got out of it.

4 CHAIRMAN: And I believe parking as well; is
5 that correct? Did hear parking as well?

6 MR. WEAVER: David Weaver again.

7 There's not a whole lot of width on that lot.
8 I think it's 60 feet wide, if I remember correctly.
9 We're not going to have any -- that lot itself will
10 not have any parking that will come off of Phillips
11 Court. What we're anticipating doing is with only
12 that lot that gives us the ability to widen out.
13 There's some grass green space between our existing
14 pavement and that existing house. It gives us room
15 enough to widen out and create two aisles of parking
16 along the side of our property. So we're anticipating
17 doing that, and then anticipating utilizing parking
18 off of that alley. In theory, you know, half of the
19 parking that will support an office there would have
20 access to the alley to the north. You know, a 2000
21 square foot office would require five parking spots
22 per the zoning ordinance. We'll probably have two or
23 three of those off the alley or two or three of those
24 off of our parking lot.

25 CHAIRMAN: Thank you.

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1 Approach the podium, please.

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

4 MS. McCULLEY: Mary McCulley.

5 (MARY McCULLEY SWORN BY ATTORNEY.)

6 MS. McCULLEY: I had some questions again for
7 the applicant.

8 I'm also at 206 Phillips Court, directly
9 across the street. If you can take a minute to look
10 up at the view or the aerial view, you can clearly see
11 where across the street from their building, which is
12 the Boswell building, is a parking lot. Of course,
13 heard paved paradise and turned it into a parking lot.
14 That's kind of how I feel is what is happening.

15 I would like to understand why you cut down
16 those two 100 year old Maple trees on the side of your
17 building a couple of months ago. There is a large
18 tree to the rear of the lot, as you can see on the
19 alley, that I photographed today that's just
20 magnificent. Again, I can see them just say, well,
21 let's just chop that down and pave over and get more
22 parking spots. That concerns me, as well as the fact
23 that we are in a historic designated area. My
24 building has a Historic of America plaque on it, my
25 house. I'm not sure if that one does or not, but

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1 certainly the street has a historic designation, and I
2 would not want to see it just getting more commercial.
3 I can understand and I do appreciate that they've been
4 very low key on their existing building. I've never
5 seen their parking lot full so I don't understand
6 about more parking, perhaps more office space, but
7 there is no access off of Phillips Court. Don is
8 correct. I think about that; signage, you know, trees
9 and such.

10 CHAIRMAN: Thank you.

11 MR. WEAVER: David Weaver again. I'll address
12 the trees first.

13 I believe there were two trees on Maple
14 Street. They actually weren't our trees. They were
15 the City of Owensboro's trees. They were on the
16 right-of-way. The City actually cut those down.

17 Now, we did call the City and ask for them to
18 look at those trees because they were dropping large
19 limbs. A pretty good size limb had fallen and we got
20 concerned over a limb falling on a car, that sort of
21 thing. There was a lot of dead in both of those trees
22 that came down.

23 As far as the look of the house, we intend to
24 keep it generally like it is now. If you're familiar
25 with what the house looks like currently right now,

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1 it's got an old aluminum storm door on the front.

2 We're going to get rid of that door. We're going to
3 put in a nice entry and spruce it up.

4 We won't be utilizing that building for Bryant
5 Engineering. Our anticipation is to lease that office
6 space to whoever we could lease it to, and to be able
7 to -- when that property become available, it was a
8 logical purchase for us because it does adjoin us and
9 that gives us room for future growth, if we were to
10 need it. In the interim, the intention is to utilize
11 the existing house basically as it is with the
12 exception of some remodeling.

13 Does that answer the questions?

14 MS. McCULLEY: So you're just going to make
15 it, you got an \$80,000 piece of commercial property
16 right across from Griffith Avenue that you're just
17 going to lease; is that correct? You're going to
18 basically upgrade it and then put some parking spots
19 and lease it somebody else?

20 MR. WEAVER: That's our intention, yes.

21 MS. McCULLEY: I don't agree to that
22 obviously. You know, we're a residential area and we
23 have a lot of children in that area. Mary Kendall
24 home is there. You know, I don't like the idea of
25 just, you know, suddenly growing a business. I think

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1 it'd be better a residence. \$80,000 was a reasonable
2 amount to pay for a residence. I think that's a
3 ridiculously cheap amount to pay for a business in
4 that location and allow them just to do whatever and
5 turn it into a rental.

6 MR. EDGE: May I ask a question?

7 CHAIRMAN: Yes.

8 MR. EDGE: How long has it been vacant?

9 MR. WEAVER: If you're asking me, I don't know
10 for sure. The house was foreclosed on. We tried to
11 purchase it when it went for auction at the courthouse
12 steps, and weren't able to do so. We ended up
13 purchasing from the individual that did acquire the
14 property. I'm not sure on that.

15 MS. McCULLEY: About two years probably.

16 MR. WEAVER: We did purchase it for, I'll say
17 we purchased it for 75,000. It's about what you would
18 expect for a 2,000 square foot house in a nice area
19 for 75,000. It's gutted. There's no kitchen.
20 There's no bathrooms. We intend to put a considerable
21 amount of money into it.

22 CHAIRMAN: Question maybe for Mr. Howard or
23 Planning Staff. I'm assuming what their intention is
24 would not be able to be covered under the R-4DT Inner
25 City Residential current zoning; is that correct?

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1 MR. HOWARD: That's right. They're proposing
2 to use it for office space. That's not a permitted
3 use in a residential zone.

4 CHAIRMAN: Thank you, Mr. Howard.

5 MS. McCULLEY: Again, my concern is there is
6 no access on Phillips Court. So we have such an issue
7 with, you know, it's a dead end basically. Okay. So
8 he leases as an office and they suddenly get this
9 office at 206 Phillips Court or 207 Phillips Court,
10 well, and there goes all the Google maps. You know
11 what I mean? The only access is off that alley.
12 There is no way to access that property unless you
13 park right on that street, and it's not even wide
14 enough for two cars to park. It's an old, old street.
15 So there's my concern. How do people find this to
16 rent this new business; a doctor's office or it could
17 be, I don't know.

18 CHAIRMAN: Well, if you use Google maps,
19 they're usually two years behind anyway.

20 MS. McCULLEY: Right. They're going to end up
21 driving up and down and not knowing, you know. Does
22 that mean they're going to have to get signage permit
23 on the alley and that old bridal shop which is, again,
24 falling down. I mean it was enough for them to think
25 they were going to use it for office space, but to

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1 understand they're just going to develop it and lease
2 it, I think that's unacceptable for you to put that in
3 the middle of a historic residential neighborhood with
4 old trees right across from Griffith Avenue. They
5 would never tolerate that on Griffith. I really want
6 you to think about it.

7 CHAIRMAN: Thank you.

8 MR. WEAVER: David Weaver again.

9 I wish I had brought a picture of what the
10 house looks like. It's a dull blue vinyl right now.
11 It does have a real nice looking hip roof to it. It
12 doesn't have the historic look that the rest of the
13 neighborhood has. I agree there's several really nice
14 houses in that neighborhood and we like being there.
15 Our intent is to make it look better than it does. I
16 think, as I stated previously, we're not planning on
17 cutting a new access point to Phillips Court. We're
18 going to be utilizing our existing parking lot and
19 parking to the north off the alley, which that alley
20 will see half the parking that this office would
21 generate. That traffic doesn't comingle with Phillips
22 Court traffic.

23 CHAIRMAN: Thank you.

24 Yes, Mr. Reeves.

25 MR. REEVES: My supposition, Mr. Howard, is

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1 they could have applied for this to be B-4, right?

2 MR. HOWARD: They could have submitted
3 application for B-4, yes.

4 MR. REEVES: P-1 is much less onerous than a
5 B-4 rezoning; would that not be accurate?

6 MR. HOWARD: A P-1 zone, a professional zone
7 would not have the traffic generating uses in it that
8 a B-4 zone will allow. Like retail sales,
9 restaurants, things like that are not permitted in a
10 P-1 zone.

11 MR. REEVES: Thank you.

12 CHAIRMAN: Mr. Kazlauskas.

13 MR. KAZLAUSKAS: Mr. Weaver, looking at the
14 overhead here, I just want to make sure that I
15 understood what you said. Here at 207 to the west
16 where your parking lot ends, is there a fence or just
17 some green area there, and is it your intention to
18 make parking up to that house or is that just going to
19 stay green space, and is the additional parking going
20 to be to the north? Can you explain that, give us
21 some ideas at what you're thinking there?

22 MR. WEAVER: Yes, I think I can explain that.

23 The additional parking to the north is pretty
24 easy to explain. There's an existing alley.
25 Currently there's a gravel area where two to three

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1 cars can park. We'll end up paving that in compliance
2 with the ordinance and have that set up such that cars
3 can park off the alley.

4 As far as what I'm talking about in
5 relationship to improvements to our parking lot, our
6 parking lot on the side adjoining that is not 60 feet
7 wide, but having that house would allow us to widen
8 that parking lot enough to achieve a 60 foot width,
9 which a 60 foot width would give you an 18 foot
10 parking lane, 24 foot traffic aisle, and then 18 foot
11 parking lane. I can't really recall the exact image,
12 but there's a pretty wide green area between the edge
13 of our parking and the existing house. So we'd be
14 paving just enough to achieve that 60 foot width and
15 still be a green strip between the existing house and
16 the edge of our parking.

17 MR. KAZLAUSKAS: Access will still be coming
18 off of wherever your access is now?

19 MR. WEAVER: Yes. We'll be utilizing the
20 existing access.

21 MR. KAZLAUSKAS: You'll be using that access
22 point?

23 MR. WEAVER: Yes. You know, by the Zoning
24 Ordinance you're talking about five parking spots is
25 all that's required to support that.

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1 MR. KAZLAUSKAS: Thank you.

2 CHAIRMAN: Yes.

3 MR. ADAMS: Don Adams again.

4 I'm a little confused about the parking from
5 the existing lot. He's saying he's going to cut in
6 and do something off of his, I believe that's the
7 eastern side, the western side of the proposed
8 parking, I guess. So is he going to change the
9 dimensions of his lot? Is that what you're saying?
10 Another way to look at is, is that property going to
11 be in whatever WBW Property name, is the other
12 property which is the engineering firm, is that the
13 same company that owns that? We're getting confused
14 here.

15 MR. WEAVER: I think I can clarify that.

16 Bryant Engineering is the company that
17 operates out of the existing office there at the
18 corner of Frederica and Phillips Court. It's owned by
19 WBW Properties. Jason Baker and myself own both
20 companies. We have WBW Properties. We have some
21 rental houses, our office building, and now this tract
22 here. So the thought process is what we would do is
23 combine the two tracts together such that we could
24 comingle the parking and then it would come to the
25 Planning Staff as a final development plan. That

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1 would also enable us to put a sign out on Frederica
2 Street that would be for the purpose of this office.
3 Our intent is to make this building blend in with the
4 existing neighborhood. We don't plan on framing
5 anything that would be incompatible with the general
6 vicinity.

7 CHAIRMAN: Yes, sir.

8 MS. McCULLEY: Again, you can't tell that much
9 from the photograph, but yes, there is existing
10 greenery. There are full grown Crepe Myrtles that
11 separate the properties, as well as an arbor and some
12 other trees that are currently there. Their parking
13 lot pretty much goes right up to that property line.
14 I'm going to guess they're 15 feet from the side of
15 that house to the property line.

16 MR. ADAMS: It's probably more like 30, 25 or
17 30.

18 MS. McCULLEY: I don't know if you can tell
19 from these other drawings don't show it. I don't
20 know.

21 What I'm hearing is he wants to make his
22 parking lot bigger so they can park two rows of cars
23 by encroaching into the green space of the other one
24 that they purchased. I guess they just have to knock
25 the trees, I don't see no other way to do it because

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1 it's just right there. I wish we could go back and
2 maybe -- is it on the drawings? Is there a
3 measurement on that layout?

4 CHAIRMAN: That wouldn't really be anything
5 that we would deal with tonight. That would come
6 later on if it's rezoned and he would have to put
7 forth a more developed plan about what they're going
8 to be doing.

9 MS. McCULLEY: Thank you.

10 CHAIRMAN: Yes, Mr. Reeves.

11 MR. REEVES: I have a question. Mr. Weaver
12 might be able to answer this.

13 This property was sold because of nonpayment
14 of taxes initially; would that be correct?

15 MR. WEAVER: I couldn't tell you per se if it
16 was taxes. I know that they had to foreclose because
17 of the mortgage. I'm not sure.

18 MR. REEVES: It was a foreclosure sale then?

19 MR. WEAVER: Yes, it was initially a
20 foreclosure sale. Actually, this particular house and
21 Abbington's both came up for auction at the same time.

22 MR. REEVES: The next question is: How long
23 is the owner that bought it in foreclosure own the
24 property before you purchased it from them?

25 MR. WEAVER: Maybe a month or two. We kind of

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1 had our thumb on that property trying to acquire it
2 when it went into foreclosure. We just weren't able
3 to get it at the courthouse steps. So we had to go
4 after the auction and obtain it.

5 MR. REEVES: We don't know what the intended
6 purpose the original buyer at the foreclosure might
7 have had for the home, but obviously not such he
8 wasn't willing to sell it pretty quickly after that.

9 MR. WEAVER: Yes. We paid for it what he
10 paid.

11 MR. REEVES: He recovered his money.

12 MR. WEAVER: Yes.

13 MR. REEVES: That was my concern.

14 MR. WEAVER: I can't tell you, I can't recall,
15 but there will be some landscape area between the edge
16 of the parking and the house. The intent isn't to
17 create a sea of asphalt. We don't really need it. We
18 have enough parking for our use as was previously
19 stated. Our parking lot is rarely ever full. This
20 proposed office here, you know, the Zoning Ordinance
21 required five parking spots, but if we leased it to, I
22 don't know, like an Edward Jones agent, you know,
23 you're probably talking maybe the need for two or
24 three parking spots. It's not big enough to need that
25 many parking spots.

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1 MR. REEVES: As I understand from Mr. Adams'
2 comments, the house has sat vacant for a couple of
3 years, and I suppose was deteriorating during that
4 period of time?

5 MR. WEAVER: Yes.

6 MS. McCULLEY: I'm sorry. I had visited that
7 property a lot looking at purchasing it as well, but I
8 just don't have any contractors in any back pocket.

9 Actually the bank took pretty good care of
10 this property. They came by on a weekly basis and
11 mowed the lawn every week. It was a foreclosure, but
12 the taxes were paid. That's the way banks handle it.
13 They came and winterized it when it was time. The
14 interior of the house is quite amazing. Actually it
15 still has a lot of the original wood doors, floors.
16 It actually has some wonderful attributes to it.
17 Outside, you know, the basement area is bad, but the
18 bank took pretty good care of it considering it was in
19 foreclosure. We're just hoping for something
20 residential. Again, if you put an Edward Jones there,
21 people are trying to get to Edward Jones, they're
22 going to be driving up and down Phillips Court. Are
23 they going to put a sign right there? How are they
24 going to find this business address when there's no
25 access from Phillips Court to that building? It only

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1 comes from the alley.

2 CHAIRMAN: Thank you, ma'am.

3 Any further questions from the, Commission?

4 (NO RESPONSE)

5 CHAIRMAN: Yes, Mr. Adams.

6 MR. ADAMS: I'm confused again about the
7 parking. He said they don't need the parking, but
8 they're going to cut in at the property line to extend
9 their lot, parking lot. I mean it's all very
10 confusing. Really this is the first we've heard about
11 it being a leased building. We thought, we assumed it
12 they were going to use it for their own use because
13 they got a very nice building. I wish they were
14 expanding a little bit. This is the first we've heard
15 about it being leased out.

16 Phillips Court is a very quiet residential
17 street. The average age on that street, except for
18 Mary, is about 65. Mary is much younger than that.

19 I mean what's it going to do to this old
20 street? The houses on my side of the street are all
21 registered houses with the Historical Housing
22 Registry. The only traffic we really get is our
23 residence and some employees from Mary Kendall and
24 that's it.

25 CHAIRMAN: I think Mr. Weaver may want to

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1 address this.

2 When you are referring to not having the need
3 for additional parking, were you talking about your
4 current business there and the additional parking you
5 were talking about if something would be done with
6 this property that you're wanting to be rezoned?

7 MR. WEAVER: This is David again.

8 When you look at the Zoning Ordinance
9 requirement, there's two different ways to look at the
10 parking.

11 There's a Zoning Ordinance requirement on how
12 many you have to have to support the square footage or
13 whatever for an office space off square footage for
14 the required parking. Then there is the required
15 parking that we need as a company that we know that we
16 generate. Those two numbers are quite often
17 different.

18 In looking at the additional square footage of
19 this office along with our office, we'll need to add a
20 few parking spots to satisfy the Zoning Ordinance.
21 There again, you're looking at five total parking
22 spots and I think we, if I remember correctly, I think
23 we have two over. We're not looking at creating a sea
24 of parking as I previously stated.

25 CHAIRMAN: With the access to those parking

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1 spaces will still come through your existing driveway
2 or entrances?

3 MR. WEAVER: Yes. I'm sorry if you
4 misunderstood.

5 There will be we no new street cuts onto
6 Phillips Court.

7 Our intent is it's going to have the same
8 basic look as it has today. We're going to treat it
9 like we treated our existing office when we remodeled
10 it. We're going to keep the nice doors that were
11 referred to and the trim. The hardwood floors we're
12 going to try to keep those. They had some areas where
13 carpet was glued down. There's a little rough places,
14 but the intent is to utilize that, if we can, and then
15 utilize, there's some led glass windows that we intend
16 to utilize those. We want to blend in with the
17 neighborhood.

18 It's almost kind of a transition from our
19 office being quite a bit larger to this office being
20 quite a bit smaller. You know, 2000 square foot
21 you're not going to have that many employees in an
22 office that size. With it utilizing our parking lot,
23 I don't feel like it's that much of a disruption to
24 Phillips Court, especially when you look, as I
25 previously stated, with the access off the alley and

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1 half of the supporting parking would come off the
2 alley.

3 CHAIRMAN: Thank you.

4 MR. ADAMS: Well, that clears up quite a bit,
5 but we still have the issue of that building being
6 leased out to who knows who. I hear his words. He's
7 got all the great intentions in the world, but
8 Phillips Court, again, is a historical street. Most
9 of the houses on it are registered as such. Everyone
10 on that street is older than dirt, except for Mary.
11 We just don't need it.

12 CHAIRMAN: I don't think you're going to get
13 an answer tonight about who he's going to lease it out
14 to because he hasn't gotten to that point yet. That's
15 probably an answer you're not going to get.

16 MR. ADAMS: Once this goes through and it gets
17 approved, he can lease it to whoever he wants to and
18 we'll have no say so whatsoever. I'm not saying they
19 haven't been good neighbors, but --

20 MR. EDGE: Larry.

21 CHAIRMAN: Yes, go ahead.

22 MR. EDGE: I would ask you or Mr. Reeves to
23 explain the difference for him on the B-1 versus P-1.

24 CHAIRMAN: B-4?

25 MR. EDGE: Yes, I'm sorry. I think that

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1 limits his ability to who he leases to.

2 CHAIRMAN: I think Brian would be the better
3 one to answer that.

4 MR. HOWARD: Yes and no. As the question was
5 raised earlier, what's the difference between B-4 and
6 P-1. The B-4 zoning, general business, would allow
7 retail sales, restaurant, that kind of thing. But we
8 as Staff and you all as a commission, as far as who
9 they would lease it to, whether it's zoned, whatever
10 it's zoned, you all could not make a stipulation that
11 it can only be leased to, Mr. Weaver mentioned Edward
12 Jones. You know, you all could not make a specific
13 condition that it could only be leased to one specific
14 entity. There is a significant difference between
15 uses allowed between B-4 and P-1.

16 MR. EDGE: That's what I mean.

17 MR. HOWARD: I just want to clarify. As far
18 as who they lease to, if this rezoning were approved,
19 you all can't govern that, we cannot govern that as
20 the Staff.

21 Since the question was asked and just kind of
22 distilling some of what I've heard tonight, and I
23 guess this question would be for Mr. Weaver and we
24 move through this.

25 There have been statements made tonight, would

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1 you all be willing to add conditions potentially that
2 you would consolidate the properties and do a final
3 development plan, which is something that you
4 mentioned, that there would be no new access to
5 Phillips Court and that there would be no new signage,
6 say stand alone signage on Phillips Court at this
7 location? That wouldn't necessarily mean you couldn't
8 put a small directional sign or something along the
9 wall there on the front that would say, turn here for
10 Edward Jones, if that's what we're going to use. Are
11 those conditions that we as Staff hearing this as we
12 work through the meeting, you know, would you all be
13 agreeable to add maybe those two your application?

14 MR. WEAVER: Totally agreeable to all of those
15 comments except for one that I would like to discuss a
16 little further.

17 We are agreeable to consolidated it with our
18 tract. We're agreeable the no new access points to
19 Phillips Court. We're agreeable to the submission of
20 a final development plan.

21 The signage is somewhat important. What we're
22 anticipating, and there again we don't know fully what
23 we want to do until we get a little further along, but
24 we're anticipating having a sign on Frederica Street
25 that would be the primary sign, but we'd like to have

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1 some kind of a smaller sign there at the new office
2 such that people would know that that was it. It
3 would look far better to have a small monument sign in
4 the yard that would say Edward Jones or whatever it
5 would be as opposed to putting a sign on the house
6 itself. We could state that the signage would be
7 limited to a monument sign no more than, oh, I don't
8 know, I'll throw out 25 square feet of face or
9 something.

10 MR. HOWARD: What about illumination on that
11 sign, would you be willing to say that it wouldn't be
12 --

13 MR. WEAVER: Like our existing sign.
14 Up-lighting on the sign only. We'd also be agreeable
15 if you wanted to add in a condition that, you know,
16 it's typically done that any street lighting or
17 parking lot lighting would be down-lighting. I can
18 tell you we don't anticipate adding any parking lot
19 lights at this time. Really there's no need for it.

20 MS. HARDAWAY: I have a question. With the
21 signage where would you place that signage? Would you
22 place the signage at the access point that's currently
23 there or would you be putting it in front of the
24 house? Because if you put it in front of the house at
25 207, then I think that's going to address Ms. Mary's

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1 point where people are going to pass that access point
2 and realize, oh, I can't get there. They're going to
3 back up traffic on Phillips Court. So where are you
4 putting the signage if you were to place one there?

5 MR. WEAVER: There again, I don't know all the
6 details. We haven't worked through all the details
7 yet. We're kind of anticipating that we would have
8 two signs in relation to this project. That we have a
9 sign near the corner of Frederica Street and Phillips
10 Court. It would be more directional, you know, Edward
11 Jones this way. The other sign would more than likely
12 be close to the western corner of that property such
13 that, like you said, such that it doesn't get passed
14 up because the drive if you wanted to pull into is our
15 existing drive. It may work best if we put that drive
16 more so on our property. We do have an existing wall
17 that kind of prohibits putting a sign there. I
18 haven't worked through the details yet. We're not
19 looking to put up, like any office we're not looking
20 to put up a large sign that would be in front of the
21 building.

22 CHAIRMAN: Does that answer your question, Ms.
23 Hardaway?

24 MS. HARDAWAY: Yes.

25 CHAIRMAN: Thank you.

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1 MS. McCULLEY: Thank you, Ms. Hardaway.
2 That's exactly my concern. Again, if you look at the
3 blue area where this property is, if you walk directly
4 across the street from that that would be my side yard
5 where I spend my summers pretty much out there.

6 You know, again, to have a sign over there
7 with more light pollution, we try not to have too much
8 light pollution. We like to see the stars too. Then
9 there is nowhere to turn around. I mean there is
10 no -- once they pass that thing, it's either turn into
11 my driveway, which has huge concrete pillars next to
12 it that's gated, or then Colby MacQuarrie's driveway,
13 or they're at Mary Kendall. We're the only ones that
14 even have driveways off that street. Don's is before
15 that. Prior to that on the red line is the access to
16 his parking. So it is a concern because there's
17 nowhere for them to turn around. Again, that's an
18 address. So why don't they just change the address to
19 Frederica. You know, if they're going to incorporate
20 it, not have the address on Phillips Court and somehow
21 work all the signage prior to getting to that point of
22 not being able to turn around except in two driveways
23 which are available.

24 MR. WEAVER: We'd certainly be willing to put
25 a Frederica Street address on this property, if we

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1 could get one. I guess that would be more of a
2 question for Melissa Evans. You know, with the house
3 facing Phillips I'm not sure we could get one on
4 Frederica.

5 MS. EVANS: No, I don't think that that would
6 be a possibility. You would be on the same lot if you
7 consolidated with your property that does have
8 Frederica Street address, but I don't --

9 MR. WEAVER: It's a 911 type thing.

10 MS. EVANS: It's a safety standard. So for
11 911 access to get to that property, they would need to
12 know that they have to go on Phillips Court to get
13 access to that property and I don't think that that
14 would be, from a safety standpoint, the right to give
15 the Frederica Street access.

16 MR. WEAVER: What if we admitted that
17 condition we talked about on the sign issue such that
18 the developer would work with the Planning Staff on
19 the location and size of the sign such that it was, I
20 don't know how quite to say it, directional in nature.
21 I think my intent is, I want to achieve the same thing
22 that they want to achieve. I want a sign there such
23 that it doesn't get passed up. That you know that
24 you're at the Edward Jones office or whatever it ends
25 up being. Any kind of office needs something to tell

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1 you that that's where you're at, other you don't know.
2 I certainly don't want to put a sign on the house
3 itself because that won't have a look that everybody
4 wants to achieve. I think a nice decorative monument
5 sign in the front yard that's not very big would work
6 with that.

7 Brian, maybe you can help me with the wording
8 on a condition.

9 MR. HOWARD: I don't know what the wording on
10 something like that would be necessarily just off the
11 cuff. Just hearing all the discussion tonight, you
12 know, in my mind, and of course it's up to the
13 commission, but to me it sounds like one of those
14 instances, if this is recommended for approval and it
15 moves forward, that when the development plan is
16 submitted that it should come back to the Planning
17 Commission for them to hear it and the neighbors be
18 notified so they have an opportunity to look at it.

19 MR. WEAVER: We can be agreeable to that as a
20 condition. We want -- I think we want the same thing
21 that the neighbors want. I don't want people that
22 would come to this business to pass it up. I don't
23 want to put anything gaudy in the front yard either.

24 MR. REEVES: I appreciate Mr. Weaver being
25 willing to do that, but I really don't want us to get

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1 into the business I don't think that we are helping
2 people prepare signs prior to being submitted for some
3 kind of development plan or whatever. I think that's
4 not part of --

5 CHAIRMAN: That's not part of the rezoning.

6 MR. REEVES: Right.

7 MR. HOWARD: That's why I feel that if they
8 put together your final development plan, at that
9 point they will know what their signage looks like, it
10 comes back to this commission. That way Staff is not
11 providing the direction and it allows the neighbors an
12 opportunity to see it.

13 MR. REEVES: My comment too is if this is
14 approved, there's going to be signage. It's not in
15 the owner's best interest to have a gaudy sign, a sign
16 that's going to take away the look of the property. I
17 don't see anything in it for them to put a big
18 flashing neon sign up there. We're kind of getting
19 into weaves here if we're not real careful.

20 MR. WEAVER: Fred, to your statement. You
21 know, however you guys want to do it. If you want us
22 to notify the neighbors and have a final development
23 plan that would come before the Planning Commission,
24 we're okay with that. If you would want to place a
25 condition such that we agree to work with Planning

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1 Staff on achieving the end results that were discussed
2 here tonight, you know, it would be up to whoever
3 makes the motion, if it goes that direction, to come
4 up with the wording.

5 MR. REEVES: Mr. Weaver, would you still be
6 okay with the limitations on the 25 square foot
7 uplift?

8 MR. WEAVER: Yes. And you can call it a
9 monument sign because we're not going to have a pole
10 mounted sign.

11 MR. REEVES: Yes, I know what you're talking
12 about.

13 CHAIRMAN: Thank you, Mr. Weaver.
14 Any further questions?

15 MR. ADAMS: Yes. Mr. Weaver just stood here
16 and said that they want the same thing we want. I'm a
17 little confused because we don't want a sign on
18 Phillips Court at all. I know his business across the
19 street has a monument sign, it's pretty nice, on
20 Frederica. Now he's got a big wall down there. I
21 don't know what he's going to do about putting signage
22 up. I guess maybe once he tears out this parking lot
23 to extend the lots over, you know, I don't know. You
24 know, once again, this is a quiet residential street.
25 Old people. If he's concerned about the neighborhood,

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1 why don't he remodel it and sell it or use it for
2 rental property.

3 CHAIRMAN: We appreciate it. I think you've
4 mentioned that a number of times.

5 MR. ADAMS: Well, something needs to mention
6 it because I think you all are going to do what you
7 want to anyway.

8 CHAIRMAN: Any further questions?

9 Yes, Mr. Rogers.

10 MR. ROGERS: Mr. Chairman, of course, we get
11 back into the development plan. If they took their
12 driveway and moved it down closer to that house, then
13 the sign would be there, which that gets them further
14 into Phillips Court. If they move their access into
15 their property down closer to this line, then they're
16 not going to passing up that building, but then that
17 puts them on down into Phillips Court. That comes
18 again with the development plan.

19 CHAIRMAN: Are you talking about locating the
20 sign at one of their entrances?

21 MR. ROGERS: The second entrance, move it down
22 to the property line to 207. There you are again with
23 the development plan.

24 CHAIRMAN: Thank you, Mr. Rogers.

25 Any further questions from the commissioners

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1 or anyone in the audience?

2 (NO RESPONSE)

3 CHAIRMAN: Being none then the Chair is ready
4 for a motion.

5 Mr. Ball.

6 MR. BALL: I would like to make a motion to
7 approve based on the conditions that the two
8 properties will be consolidated and a final
9 development plan will be submitted. That there will
10 be no new access to Phillips Court, and that the
11 signage on Phillips Court is limited to a monument
12 sign no larger than 25 square feet for the face of the
13 sign with only allowing up-lighting on the sign
14 itself, and any parking lot lighting would be
15 down-lighting only, as well as Findings of Fact 1
16 through 4.

17 CHAIRMAN: A motion has been made for approval
18 based on Findings of Fact 1 through 4.

19 You may have to help me with some of these,
20 Mr. Ball, to consolidate the locations.

21 MR. HOWARD: Could I interject before we get
22 too far.

23 CHAIRMAN: Yes.

24 MR. HOWARD: I would also suggest that you
25 make a condition that the final development plan that

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1 they submit be required to come back to this
2 commission for approval and that the neighbors be
3 notified. It's up to you, but that's a recommendation
4 that I think as Staff we would make.

5 MR. BALL: In lieu of actually the Staff
6 working on the signage itself, a final development
7 plan --

8 MR. HOWARD: Yes, because the issue, again,
9 the neighbors are here tonight. They've expressed
10 concerns. We as Staff don't want to be the one that
11 says, oh, yes, this is exactly what everybody wants
12 or, no, this is atrocious. In my mind there needs to
13 be some opportunity for the people in the vicinity to
14 be heard, as far as what the signage looks like.

15 MR. BALL: I know that the applicant said he
16 was okay with that. Can we double check to make sure
17 that the applicant is okay with bringing that back to
18 the commission?

19 CHAIRMAN: Yes.

20 MR. WEAVER: Mr. Ball, your question was are
21 we okay to bring the final development plan before the
22 commission?

23 MR. BALL: That's correct.

24 MR. WEAVER: Yes, we are.

25 MR. BALL: Then I would like to add that to my

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1 motion as well; that the final development plan be
2 approved by the Planning Commission.

3 MR. HOWARD: And that the neighbors be
4 notified.

5 MR. BALL: And the neighbors be notified.

6 CHAIRMAN: That's also been added to the
7 findings of fact, with the final development plan be
8 brought back before the commission with the neighbors
9 notified, and that the light would be up-lighting on
10 the monument sign; is that correct?

11 MR. BALL: That's correct.

12 CHAIRMAN: And there's no new access on
13 Phillips Court.

14 MR. BALL: Correct.

15 CHAIRMAN: And the locations will be
16 consolidated; is that correct?

17 MR. BALL: Correct. Both properties will be
18 consolidated.

19 CHAIRMAN: Does that cover everything, Mr.
20 Ball?

21 MR. BALL: I think the only other thing I say
22 was that any parking lot lighting would be
23 downing-light only.

24 CHAIRMAN: Parking lot lighting would be
25 down-lighting.

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1 Mr. Weaver, do you understand all of those
2 conditions?

3 MR. WEAVER: Yes, I do.

4 CHAIRMAN: And you're in agreement with those
5 conditions?

6 MR. WEAVER: Yes, they're fine.

7 CHAIRMAN: A motion has been made by Mr. Ball
8 with all findings of fact, including the new
9 information that we just went over. Is there a
10 second?

11 MR. REEVES: Second.

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

14 (NO RESPONSE)

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

17 (BOARD MEMBERS IRVIN ROGERS, BEVERLY McENROE,
18 MANUEL BALL, LARRY BOSWELL, LEWIS JEAN, FRED REEVES,
19 MIKE EDGE AND JOHN KAZLAUSKAS RESPONDED AYE.)

20 CHAIRMAN: All opposed.

21 (BOARD MEMBER ANGELA HARDAWAY RESPONDED NAY.)

22 CHAIRMAN: Motion passes.

23 ITEM 6

24 6200 Sutherlin Lane, 2922 London Pike W, 26.803 acres
 Consider zoning change: From R-1A Single-Family
25 Residential & A-R Rural Agriculture to A-R Rural
 Agriculture

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1 Applicant: Brian Wink & Robert & Marion Fiorella

2 PLANNING STAFF RECOMMENDATION

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

5 CONDITION

6 Approval of subdivision plat resulting in two
7 tracts that each meets the minimum lot size
8 requirements of an A-R zone.

9 FINDINGS OF FACT

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

13 2. The subject property is located in a Rural
14 Community Plan Area, where agriculture uses are
15 appropriate in general locations;

16 3. The subject properties have frontage on
17 public roads, Sutherlin Lane and London Pike W;

18 4. This is a logical expansion of the
19 existing A-R Rural Agriculture zone on a portion of
20 the subject properties; and,

21 5. With the approval of a plat creating two
22 tracts each over 10 acres, the properties will meet
23 the minimum lot size in an A-R zone.

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

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1 CHAIRMAN: Thank you, Melissa.

2 IS anyone here representing the applicant?

3 APPLICANT REP: Yes.

4 CHAIRMAN: Would you like to say anything?

5 APPLICANT REP: I'm just here to answer
6 questions.

7 CHAIRMAN: Thank you.

8 Any commissioners have any questions
9 concerning this application?

10 (NO RESPONSE)

11 CHAIRMAN: Is there anyone in the audience
12 that may have a question concerning this application?

13 (NO RESPONSE)

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

16 Mr. Jean.

17 MR. JEAN: I'd like to make a motion that we
18 approve based on the Staff Report and the Findings of
19 Facts 1 through 5.

20 CHAIRMAN: A motion has been made for approval
21 of Findings of Fact 1 through 5.

22 MR. HOWARD: Add the condition.

23 MR. JEAN: And the one condition.

24 CHAIRMAN: Thank you, Mr. Howard.

25 A motion has been made for approval with the

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1 one condition and the Findings of Fact 1 through 5.

2 Do we have a second?

3 MR. BALL: Second.

4 CHAIRMAN: Second by Mr. Ball. Any discussion
5 about the motion or 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: Motion carries.

11 ITEM 7

12 Portion of 3136 Highway 81, 5.00 acres

Consider zoning change: From R-1A Single-Family
13 Residential & A-R Rural Agriculture to R-1A
Single-Family Residential

14 Applicant: Steve E. Steitler; Miles Farms, LLC

15 PLANNING STAFF RECOMMENDATION

16 The Planning Staff recommends approval subject
17 to the findings of fact that follow:

18 FINDINGS OF FACT

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

22 2. The subject property is located in a Rural
23 Preference Plan Area, where rural large-lot
24 residential uses are appropriate in general locations;

25 3. The resulting properties will have

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1 frontage on a public road, Highway 81; and

2 4. This is a logical expansion of the
3 existing R-1A Single-Family Residential zoning on a
4 portion of the subject property as well as to the
5 north and east.

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

8 CHAIRMAN: Thank you, Melissa.

9 Is there anyone here representing the
10 applicant?

11 MR. RINEY: Yes.

12 CHAIRMAN: Mr. Riney, would you like to speak
13 on anything about the application?

14 MR. RINEY: No, you unless you have a
15 question.

16 CHAIRMAN: Do any of the commissioners have
17 any questions concerning this application?

18 (NO RESPONSE)

19 CHAIRMAN: Anyone in the audience have a
20 question concerning this application?

21 (NO RESPONSE)

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

24 Mr. Rogers.

25 MR. ROGERS: Mr. Chairman, make a motion for

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1 approval based on the Planning Staff Recommendation
2 with Findings of Fact 1 through 4.

3 CHAIRMAN: A motion has been made for approval
4 based on Findings of Fact 1 through 4. Is there a
5 second?

6 MS. McENROE: Second.

7 CHAIRMAN: Second by Ms. McEnroe. Any
8 discussion or comment or question about the motion and
9 the second?

10 (NO RESPONSE)

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 RELATED ITEM

16 ITEM 7A

17 3130, 3250 Highway 81, 5.95 acres

Consider approval of a minor subdivision plat.

18 Applicant: Steve E. Steitler; Miles Farms, LLC

19 MR. HOWARD: This is a redivision of the
20 property that you all just heard is rezoning. This
21 comes before you because we're basically creating two
22 lots and both are what you would call kind of a
23 flag-shaped lot. You have quite a bit of, you have
24 enough frontage for both of the lots. They both
25 certainly exceed the minimum lot size requirement in

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1 the zone and we would recommend that you consider them
2 for approval.

3 CHAIRMAN: Thank you, Mr. Howard.
4 Is anyone here representing the applicant?
5 APPLICANT REP: Yes.
6 CHAIRMAN: Does any of the commissioners have
7 questions concerning this application?
8 (NO RESPONSE)
9 CHAIRMAN: Anyone in the audience have a
10 question concerning this application?
11 (NO RESPONSE)
12 CHAIRMAN: There being none the Chair is ready
13 for a motion.
14 Mr. Kazlauskas.
15 MR. KAZLAUSKAS: Make a motion for approval.
16 CHAIRMAN: Motion for approval by
17 Mr. Kazlauskas. Do we have a second?
18 MR. REEVES: Second.
19 CHAIRMAN: Second by Mr. Reeves. All those in
20 favor raise your right hand.
21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
22 CHAIRMAN: Motion carries.

23 -----

24 NEW BUSINESS

25 ITEM 8

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1 Consider approval of February 2018 financial
statements.

2

3 CHAIRMAN: Commissioners, the financial
4 statements were sent out. Hopefully all commissioners
5 have had a chance to look through these. Are there
6 any questions or comments about the financial
7 statements?

8 (NO RESPONSE)

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

11 MS. HARDAWAY: Motion to approve.

12 CHAIRMAN: Motion to approve by Ms. Hardaway.
13 Is there a second?

14 MS. MCENROE: Second.

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

17 (NO RESPONSE)

18 CHAIRMAN: All those in favor raise your right
19 hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 ITEM 9

23 Comments by the Chairman

24 CHAIRMAN: The Chairman has no comments
25 tonight.

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1 ITEM 10

2 Comments by the Planning Commissioners

3 CHAIRMAN: Is there any comments by any of the
4 Planning Commissioners?

5 Mr. Reeves.

6 MR. REEVES: As many of you know, I've been
7 working with David Johnson on a project at City Hall,
8 the OBKY project where we're looking a way we can move
9 the City forward with great expenditure of money.
10 We've had good fortune to have Melissa Evans work on
11 one of those committees, the Transportation Committee.
12 Want to thank her for her really good work. She
13 brought a lot of expertise to us and has really
14 represented the Planning Commission well.

15 Mr. Howard, thank you for allowing her to do
16 this because it did take some time away from the job.
17 It's important for the Planning Commission to be
18 represented in this process, and for Ms. Evans to get
19 a chance to continue to grow as a leader in the
20 community.

21 We appreciate what you've done, Melissa.

22 CHAIRMAN: Thank you, Commissioner Reeves.

23 Mr. Kazlauskas.

24 MR. KAZLAUSKAS: I'll talk about Melissa
25 again.

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1 I just want to congratulate her for being
2 selected to participate in this years upcoming
3 Leadership of Owensboro. It's a good program.

4 CHAIRMAN: Well deserved.

5 Any other comments by the commissioners?

6 (NO RESPONSE)

7 ITEM 11

8 Comments by the Director

9 MR. HOWARD: No, sir.

10 CHAIRMAN: I guess the most important is the
11 next motion.

12 MR. BALL: Motion to adjourn.

13 CHAIRMAN: Motion to adjourn by Mr. Ball. Is
14 there a second?

15 MR. EDGE: Second.

16 CHAIRMAN: Second by Mr. Edge. All those in
17 favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: We are adjourned.

20 -----

21

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

16 WITNESS my hand and notary seal on this the
17 30th day of April, 2018.

18
19

LYNNETTE KOLLER FUCHS
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