

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 NOVEMBER 8, 2018

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

\* \* \* \* \*

15 CHAIRMAN: I would like to welcome everyone to  
16 the November 8, 2018 Planning Commission meeting. We  
17 always start our Planning Commission with a prayer and  
18 the pledge. Your chair will lead those tonight so  
19 please stand and pray with us.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: I would like to welcome everyone to  
22 the meeting tonight. We're always interested in  
23 hearing all the information presented in the  
24 application so we encourage folks to come up and  
25 speak.

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1           We do have a few meeting rules that I would  
2     like to share before we start tonight. If you do wish  
3     to speak, please approach the podium, state your name  
4     and be sworn in by our counsel. It's very important  
5     that our commission hears all of the information to  
6     help us in the decision making.

7           Please direct all your questions and answers  
8     to the chair, especially if there are multiple  
9     speakers speaking. Also, be respectful of others who  
10    may wish to speak. Please stay on topic with all of  
11    the discussions and the comments and your questions  
12    specific only to the agenda item being discussed.  
13    Also when speaking, please keep, as best as you can,  
14    from repeating the same information over and over  
15    because that really doesn't help in trying to get all  
16    of the factual information. We're always interested  
17    in what folks have to say, but new information is a  
18    tremendous benefit aside from repeating the same thing  
19    over and over. If you would help us in cooperation  
20    with that, we'd certainly appreciate it. Thank you.

21          Hopefully all the commissioners received the  
22    minutes from the last meeting, the October 4th  
23    meeting, and have had a chance to look through those.  
24    Are there any questions or comments concerning the  
25    meeting minutes?

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1 (NO RESPONSE)

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

4 Mr. Kazlauskas.

5 MR. KAZLAUSKAS: Make a motion for approval.

6 CHAIRMAN: Motion for approval by Mr.  
7 Kazlauskas.

8 MR. EDGE: Second.

9 CHAIRMAN: Second by Mr. Edge. Any comment or  
10 question concerning the motion or the second?

11 (NO RESPONSE)

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 MR. HOWARD: For the zoning changes, I will  
17 note that the zoning changes heard tonight will become  
18 final 21 days after the meeting unless an appeal is  
19 filed. If an appeal is filed, we will forward the  
20 record of the meeting along with all applicable  
21 material to the appropriate legislative body for them  
22 to take final action. The appeal forms are available  
23 on the back table, they're in our office and on our  
24 website.

25 -----

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1 GENERAL BUSINESS

2 ZONING CHANGES

3 ITEM 3

4 824 Higdon Road, 0.412 acres

Consider zoning change: From A-U Urban Agriculture to

5 R-1A Single-Family Residential

Applicant: Troy J. Faught & Sheryl Evans

6

7 MS. KNIGHT: Please state your name for the

8 record

9 MR. PEDLEY: Trey Pedley.

10 (TREY PEDLEY SWORN BY ATTORNEY.)

11 PLANNING STAFF RECOMMENDATION

12 The Planning Staff recommends approval subject

13 to the findings of fact that follow:

14 FINDINGS OF FACT

15 1. Staff recommends approval because the

16 proposal is in compliance with the community's adopted

17 Comprehensive Plan;

18 2. The subject property is located in an

19 Urban Residential Plan Area where urban low-density

20 residential uses are appropriate in general locations;

21 3. The proposal is on an existing parcel with

22 frontage directly on Higdon Road, a public street;

23 4. The proposal will allow the continued

24 residential use of an existing parcel that has been

25 adequately served by existing sanitary sewer systems.

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1                   5. The proposed R-1A Single Family  
2     Residential zoning classification is a logical  
3     expansion of R-1A zoning to the west, along Higdon  
4     Road; and

5                   6. The subject property, created before  
6     zoning regulations, does not meet the minimum lot size  
7     requirements for the current zoning and so the  
8     proposed R-1A Single Family Residential zoning  
9     classification is more appropriate.

10                  MR. PEDLEY: We would like to enter the Staff  
11     Report into the record as Exhibit A.

12                  CHAIRMAN: Thank you, Trey.

13                  Is anyone here representing the applicant?

14                  APPLICANT REP: Yes.

15                  CHAIRMAN: Would you like to speak on its  
16     behalf?

17                  APPLICANT REP: Yes.

18                  CHAIRMAN: Approach the podium, please.

19                  APPLICANT REP: I'm just here to answer  
20     questions.

21                  CHAIRMAN: Thank you.

22                  Are there any commission members that would  
23     have any questions concerning this application?

24                  (NO RESPONSE)

25                  CHAIRMAN: Is there anyone in the audience

1       that would like to speak concerning this application?

2               (NO RESPONSE)

3               CHAIRMAN:  If there are none, the chair is  
4       ready for a motion.

5               Mr. Ball.

6               MR. BALL:  I'd like to make a motion to  
7       approve based on the Planning Staff Recommendations  
8       and Findings of Fact 1 through 6.

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

12              MS. McENROE:  Second.

13              CHAIRMAN:  Second by Ms. McEnroe.  Any  
14       discussion about the motion or the second?

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:  Motion carries.

20       ITEM 4  
21       411 West Legion Blvd, 1.008 acres  
22       Consider zoning change:  From B-4 General Business and  
23       R-1B Single-Family Residential to R-1B Single-Family  
24       Residential  
25       Applicant:  Samuel J. Smiser

24       PLANNING STAFF RECOMMENDATION

25              The Planning Staff recommends approval subject

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1 to the Condition and Findings of Fact that follow:

2 CONDITION

3 1. The applicant shall provide screening  
4 along the western and northern property lines where  
5 the subject property adjoins properties zoned B-4  
6 General Business. The screening shall consist of a  
7 10' landscape easement with a 6' tall continuous  
8 element such as a fence, wall, plantings, hedge or  
9 earth mound, plus one tree per 40 linear feet.

10 FINDINGS OF FACT

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

14 2. The subject property is located in an  
15 Urban Residential Plan Area where urban low-density  
16 residential uses are appropriate in general locations;

17 3. The proposal is on an existing parcel with  
18 frontage directly on West Legion Blvd, a public  
19 street; and

20 4. The proposal will allow the continued  
21 residential use of an existing parcel that has been  
22 adequately served by existing sanitary sewer systems.

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

25 CHAIRMAN: Thank you, Trey.

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1                   Is there anyone here representing the  
2           applicant?

3                   (NO RESPONSE)

4                   CHAIRMAN: Are there any commissioners that  
5           would have a question concerning this application?

6                   (NO RESPONSE)

7                   CHAIRMAN: Anyone in the audience that would  
8           have a question or comment concerning this  
9           application?

10                  (NO RESPONSE)

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

13                  Mr. Reeves.

14                  MR. REEVES: Motion to approve this  
15       application based on Staff Recommendations and  
16       Findings of Fact 1 through 4 and Condition 1.

17                  CHAIRMAN: Motion has been made for approval  
18       based on Findings of Fact 1 through 4 with the  
19       Condition. Is there a second?

20                  MS. McENROE: Second.

21                  CHAIRMAN: Second by Ms. McEnroe. Is there  
22       any discussion about the motion or the 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 ITEM 5  
4 5030 & 5060 Newbolt Road, 23.082 acres  
5 Consider zoning change: From A-U Urban Agriculture  
6 and R-1A Single-Family Residential to A-U Urban  
Agriculture  
Applicant: David A. Buckner & David Lee Buckner

7 PLANNING STAFF RECOMMENDATION

8 The Planning Staff recommends approval subject  
9 to the findings of fact that follow:

10 FINDINGS OF FACT

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

14 2. The subject properties are located in an  
15 Urban Residential Plan Area, where rural small-lot  
16 residential uses are appropriate in general locations;

17 3. The subject properties have frontage on a  
18 public road, Newbolt Road; and,

19 4. At 20.150 acres and 2.932 acres, the lots  
20 are large enough to assure satisfactory operation of a  
21 conventional septic system; septic systems exist on  
22 the properties.

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

25 CHAIRMAN: Thank you, Trey.

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1                   Is there anyone here representing the  
2                   applicant?

3                   MR. STEVENSON: John Stevenson representing  
4                   David A. Buckner and David Lee and Summer Buckner.

5                   MS. KNIGHT: Mr. Stevenson, you're sworn as an  
6                   attorney.

7                   MR. STEVENSON: I'm only getting up at the  
8                   request of Marty Jacobs who represents the adjacent  
9                   landowner. He wanted me to put into the record, for  
10                  whatever reason, the applicants really don't plan on  
11                  changing any use of the property.

12                 If you're familiar with this property and  
13                 looked at the aerial photographs, there are two barns;  
14                 one on David Buckner and one on David Lee Buckner's  
15                 property. In 1972 Planning and Zoning, when the  
16                 Comprehensive Plan was put into effect, arbitrarily  
17                 set part of the property as residential. Well,  
18                 unfortunately, both of the barns are on the residence  
19                 that's R-1, not A-U. My clients felt, and they have  
20                 five horses, their son and grandson competes in  
21                 western arenas, rodeos. They have five horses. They  
22                 want to be able to utilize both barns. That's why  
23                 they asked to have it all.

24                 The Staff referred to David Buckner's as a  
25                 split zoning, and that's true. Actually David Lee

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1 Buckner and Summer Buckner's is somewhat a split  
2 zoning as well because they own the property  
3 immediately behind them, about 7 or 8 acres, but by a  
4 separate deed. So it doesn't refer to a split zoning,  
5 but they own the A-U property behind. So they're  
6 simply asking that all of it be A-U so they can  
7 continue to do what they've been doing. There will be  
8 no changes in the use of the property.

9 CHAIRMAN: Thank you, Mr. Stevenson.

10 Any of the commissioners have any questions  
11 concerning this application?

12 (NO RESPONSE)

13 CHAIRMAN: Is there anyone in the audience  
14 that would like to speak concerning this?

15 Please step forward.

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

18 MR. JOHNSON: Renee Lamar Johnson.

19 (RENEE LAMAR JOHNSON SWORN BY ATTORNEY.)

20 MS. JOHNSON: I have concerns about what  
21 they'll do in the future to this property because what  
22 is currently going on now and what's happened in the  
23 past.

24 First, I've been on the property at 5012  
25 Newbolt Road zoned R-1A. I've seen and smelled

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1 current activities of the Buckners also zoned R-1A.  
2 Just doesn't seem right. However, I realize that the  
3 horse and cattle barn and small arena was  
4 grandfathered in, but more livestock is there  
5 including cows are being cared for there. The arena  
6 was more than doubled in size and moved closer to the  
7 houses. New fences have been put up and six  
8 commercial lights have been installed that shine  
9 directly on their property and also lights mine.  
10 Because of the smell and lighting and privacy reasons,  
11 I would think that this would be a big setback for the  
12 resell value of those properties, of their property.  
13 I feel that there is little concern being good  
14 neighbors. They also seem to have little concern of  
15 current regulations and laws on other sides.  
16 To the front they have a fence that has  
17 footage and height issues to the road. They have  
18 removed both original fences without permission on the  
19 two sides that border me. One fence being 200 feet  
20 that now I can prove that is 100 percent on my  
21 property. They have removed a property marker that  
22 was shown on the current survey at that time. I have  
23 since had another survey done and added more property  
24 markers so the line can be proven without question.  
25 They have sprayed as much as ten feet over the

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1 property line, three feet multiple times. They have  
2 cut trees and broke down over the line. If that  
3 hasn't been enough, their dog has violently attacked  
4 on my property four times. This is why I have  
5 concerns of what they may do in the future, because of  
6 the lack of concern to me and to the other neighbors  
7 by them. Thank you.

8 CHAIRMAN: Thank you, Ms. Johnson.

9 Would anyone with the applicant like to  
10 address the concerns that she has?

11 APPLICANT REP: No.

12 CHAIRMAN: Are there any commissioners that  
13 would like to question?

14 (NO RESPONSE)

15 CHAIRMAN: Anyone else in the audience that  
16 would like to raise a comment or question concerning  
17 this?

18 (NO RESPONSE)

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

21 Mr. Rogers.

22 MR. ROGERS: I would like to make a motion for  
23 approval based on Planning Staff Recommendation and  
24 the Findings of Fact 1 through 4.

25 CHAIRMAN: Motion has been made for approval

1 by Mr. Rogers with Findings of Fact 1 through 4. Is  
2 there a second?

3 MR. BALL: Second.

4 CHAIRMAN: Second by Mr. Ball. Any discussion  
5 or comment 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 6  
12 2815 W. Parrish Avenue, 4.703 acres  
13 Consider zoning change: From B-4 General Business to  
14 I-1 Light Industrial  
15 Applicant: Amerco Real Estate Company

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

18 MS. EVANS: Melissa Evans.

19 (MELISSA EVANS SWORN BY ATTORNEY.)

20 PLANNING STAFF RECOMMENDATION

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

23 FINDINGS OF FACT

24 1. Staff recommends approval because while  
25 the proposal is not in compliance with the community's  
adopted Comprehensive Plan there have been major

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1 changes in the community with the closing of many big  
2 box type stores in the community;

3 2. Based on the proposed text amendment that  
4 would allow indoor individual storage in the current  
5 zone with a Conditional Use Permit, the Staff feels  
6 the proposed zoning of I-1 would be appropriate in  
7 this particular location;

8 3. The proposal will help promote in-fill  
9 development and the adaptive reuse of this vacant  
10 structure; and,

11 4. The proposed use will not change the  
12 character of the area since the outside of the  
13 structure will go mostly unchanged and still appear as  
14 a typical store front.

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

17 CHAIRMAN: Thank you, Melissa.

18 Is anyone here representing the applicant?

19 Yes, step forward.

20 MS. KNIGHT: Please state your name for the  
21 record.

22 MR. NESTER: Chris Nester.

23 (MR. NESTER SWORN BY ATTORNEY.)

24 MR. NESTER: I'm here tonight to just say,  
25 first of all, thank you for the consideration in

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1 allowing us to become part of the community. We're  
2 here to answer any questions you might have.

3 CHAIRMAN: Glad to have you with us.

4 MR. NESTER: Thank you.

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

7 Yes, Mr. Kazlauskas.

8 MR. KAZLAUSKAS: I have a question for the  
9 Staff.

10 This is the first time that we've had  
11 something like this come before us since I've been on  
12 the board. I'm not quite sure how this is going to  
13 effect, an indoor storage facility is going to effect  
14 hazardous materials that might be stored in such a  
15 strong building. I know there's some loose ends out  
16 there yet and this is just a zoning amendment, but at  
17 what point does the state fire regulations come into  
18 play on this and the fire marshall steps in? I know I  
19 read in here where boats, tractors, cars, you know,  
20 everything would be on the outside, but I'm also  
21 concerned about hazardous materials and I don't know  
22 who bears the responsibility for making sure that  
23 those type of materials are not stored in that  
24 building. I don't think that that falls under our  
25 umbrella of responsibility, but I want to be sure that

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1 we don't kick the can down to the Board of Adjustment  
2 and say, you guys make the decision, if there is  
3 something that we're supposed to do.

4 I think it's a great idea. I do have some  
5 safety concerns about overseeing the type of material  
6 that would go in that building, if something happened  
7 and the whole building would go. I know there's  
8 insurance. I know the property and business people  
9 have insurance and everything. That needs to be  
10 addressed somewhere, and I'm not quite sure where that  
11 comes into play. Can you answer that for me?

12 MR. HOWARD: I'll be glad to.

13 What we would look for here is they'll have to  
14 submit a development plan. You can make a condition  
15 that they submit a development plan. That would be a  
16 requirement that it be reviewed by all the public  
17 utilities and public agencies which would include  
18 review by the fire department. They'll also have to  
19 go through the building plan review and permitting  
20 process through our department as far as making sure  
21 that the structure is built to current building code.

22 As far as regulating and inspecting what might  
23 be stored inside, that's not under the purview of the  
24 Planning and Zoning office. That question has come up  
25 before. The county allows storage buildings, and

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1       they're all over the community, in a B-4 zone with a  
2       Conditional Use Permit, which is kind of what we're  
3       talking about, a text amendment to allow this type of  
4       use in a vacant box store. The Board of Adjustment  
5       meetings where we've done these before, those  
6       questions have come up and there's not a means for us  
7       to regulate that. Maybe they can speak to, insurance  
8       requirements and things like that they had to have,  
9       how they police their own tenants and that kind of  
10      thing. It's not something that our Staff would be  
11      able to go out and inspect lockers and things like  
12      that to see what's stored inside of them.

13               MR. KAZLAUSKAS: That's what I thought. Even  
14      the Board of Adjustment wouldn't come into play on  
15      this?

16               MR. HOWARD: No. There wouldn't be a reason  
17      for them to, no.

18               MR. KAZLAUSKAS: Thank you.

19               You understand where I'm coming from, sir?

20               MR. NESTER: I do. I could address that  
21      slightly, if you wish.

22               MR. KAZLAUSKAS: If you would.

23               MR. NESTER: I would.

24               We want to be a responsible partner in the  
25      community. We understand the concern. We have many,

1 many storage units across the United States. We have  
2 a storage facility here in Evansville, Indiana that  
3 supports in-door storage.

4 Every customer that we deal with we agree by  
5 contract that they will not store flammable hazardous  
6 materials, food, things that are improperly stored in  
7 a facility like that. So we're going to make sure  
8 that those things, to the best of our ability, are  
9 monitored and policed as best as we possibly could.  
10 If we were to find someone, and we have from time to  
11 time, find someone bringing something into the  
12 building that doesn't belong there, like a propane  
13 tank, they're asked to remove it.

14 MR. KAZLAUSKAS: Thank you.

15 CHAIRMAN: To tie into that, and I'm glad  
16 Mr. Kazlauskas raised that question. I think one of  
17 the concerns, I had that same concern, but what  
18 probably needs a little bit more clarification, in  
19 your Amerco Real Estate project summary, it says  
20 "Items that may not be stored include chemicals,  
21 flammables and paints."

22 The "may not" is a little bit loose, I think.  
23 I thought I heard you say "would not" or maybe a  
24 little stronger term. There's a difference between  
25 "may not," which is a little flexible, and "will not"

1 or "shall not."

2 MR. NESTER: Okay. Well, first, I'm not a  
3 lawyer. Usually, I try to be direct as I can.

4 Our agreement with the customer would be, no,  
5 you cannot store these things in the facility, because  
6 they're dangerous to other parts the community. If  
7 they put something in there and we don't see that, I  
8 guess the possibility exist that they could put those  
9 things in there. They put a lawn mower in storage and  
10 it's got a small gas tank on it. We make the  
11 agreement up front that those things are not going to  
12 be stored. If we see them storing something like  
13 that, it immediately has to be removed.

14 CHAIRMAN: So the contractual language you  
15 have between your customer for that storage,  
16 "stronger," is that statement stronger than what is in  
17 your summary?

18 MR. NESTER: Yes. I don't have the contract  
19 in front of me, but yes. Yes. I don't know the exact  
20 wording, but it is to the point of, we do not want  
21 this stored, will not be stored.

22 CHAIRMAN: Thank you.

23 MR. REEVES: I have one question on this. Can  
24 somebody store weapons in your unit?

25 MR. NESTER: They could store weapons. Now,

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1       they cannot store ammunition.

2               MR. REEVES:  They have to declare that they  
3       have stored weapons?

4               MR. NESTER:  They do not.  Except by the  
5       contract declaring that they're not going to store  
6       things that are flammable, explosives, things like  
7       that.

8               MR. REEVES:  What does it do to your contract  
9       and your opportunity for business if we made a  
10      condition, weapons may not be stored there?

11              MR. NESTER:  It could be simply added to the  
12      contract.

13              MR. REEVES:  Is it open 24-hours a day?

14              MR. NESTER:  The access is restricted.  People  
15      that are allowed to have access 24-hours a day would  
16      be pre-approved, because that's part of the service.  
17      They would have access.  The building has to be  
18      secure.  They would have to go through two levels of  
19      security to be allowed in the building.  Your wife  
20      needs a Christmas tree on Christmas Eve.  We want to  
21      make sure it's a well lit secure facility that they  
22      feel comfortable getting into and getting out of.

23              CHAIRMAN:  Any other commissioners have any  
24      questions concerning this application?

25              Yes, Mr. Kazlauskas.

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1           MR. KAZLAUSKAS: I understood what Mr. Reeves  
2 was talking about. You understand that he said that  
3 you agree with the condition that be placed in this,  
4 in the minutes that weapons would not be stored there?

5           MR. NESTER: Well, I did not understand that  
6 that way, I guess.

7           MR. KAZLAUSKAS: I want to make sure you  
8 understand that.

9           MR. NESTER: I cannot, no, I could not agree  
10 to that at this point. The weapons are not considered  
11 hazardous, flammable, anything like that. The  
12 ammunition is, but the weapons would not. People  
13 could store a hunting knife or a hunting rifle and we  
14 wouldn't find no objection to that.

15          MR. KAZLAUSKAS: I want to make sure you  
16 understood that.

17          CHAIRMAN: Yes, Mr. Ball.

18          MR. BALL: I have a question for Staff.

19                 In the event that we make a condition on this,  
20 at that point in time does that condition not need to  
21 be something that the Planning Staff can actually  
22 police and can do something about? Does that pose a  
23 problem?

24          MR. HOWARD: Yes. Any condition that you all  
25 would place would be something we would, yes, be able

1 to go out and attempt to enforce.

2 MS. KNIGHT: Weapons would probably have to be  
3 defined clearly enough that they would be able to  
4 police it, enforce it.

5 MR. REEVES: I think I can clarify my own  
6 issue.

7 If this did not have to be rezoned, and it was  
8 permissible in the zone where it was, we couldn't  
9 prevent somebody from putting weapons in there, could  
10 we?

11 MR. HOWARD: That's correct.

12 MR. REEVES: That answers my question. Trying  
13 to be careful.

14 CHAIRMAN: Good question.

15 Any other questions concerning this  
16 application from the commissioners?

17 (NO RESPONSE)

18 CHAIRMAN: Anyone in the audience have any  
19 questions or comments about this application?

20 (NO RESPONSE)

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

23 Mr. Reeves.

24 MR. REEVES: I make a motion to approve this  
25 application based on Planning Staff Recommendations

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1 with Findings of Fact 1 through 4 and one condition,  
2 that a development plan be filed with the office.

3 CHAIRMAN: A motion has been made for approval  
4 based on Findings of Fact 1 through 4 and the one  
5 condition as explained by Commissioners Reeves.

6 MR. JEAN: Second.

7 CHAIRMAN: Second by Mr. Jean. Any discussion  
8 or comments 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 I would just like to make a comment. I think  
15 Mr. Kazlauskas mentioned this earlier. I think this  
16 is a good opportunity to utilize an existing building  
17 that really didn't have any life in it at that point  
18 in time. I think this is a testament to our Planning  
19 and Zoning Department and the Staff working really  
20 diligently to help utilize something like this. This  
21 is why we have the best Planning and Zoning Department  
22 in the State of Kentucky. I think both of you all  
23 should be commended for working together to try to  
24 utilize an exist building that really had no use.

25 MR. NESTER: We appreciate it. We'll make it

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1 a proud entry from the west, as best we possibly can.

2 Thank you.

3 ITEM 7

4 2400 W. Second Street, 0.258 acres

5 Consider zoning change: From I-1 Light Industrial to  
I-2 Heavy Industrial

6 Applicant: Jeffrey Martin & Judy C. Croslin

7 MR. HOWARD: Commissioners, this item has been  
8 requested for postponement by the applicant until the  
9 meeting in December. So we would recommend that you  
10 make a motion to postpone.

11 CHAIRMAN: Thank you, Mr. Howard. We need a  
12 motion for postponement.

13 Mr. Kazlauskas.

14 MR. KAZLAUSKAS: Make a motion to postpone.

15 CHAIRMAN: Motion has been made by  
16 Mr. Kazlauskas to postpone. Do we have a second?

17 MR. MOORE: Second.

18 CHAIRMAN: Second by Mr. Moore. Any  
19 discussion or comment about the motion or the 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 MINOR SUBDIVISION PLATS

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1       ITEM 8  
2       5244 & 5264 Pleasant Valley Road, 4.826 acres  
3       Consider approval of a minor subdivision plat  
4       Applicant: William A. Little, John R. Little & Guy  
5       Hardy

6               MR. HOWARD: This plat comes before you as an  
7       exception. They are proposing two parcels. One is  
8       3.24 acres and the other is 1.602 acres.

9               At present there are two parcels on the  
10       property, I'm sorry, two residences on a single  
11       parcel. So this is a means to remedy that situation  
12       so that they'll have a separate parcel for each  
13       residence. They are acquiring some additional  
14       property from a neighbor in order to meet the minimum  
15       lot size; however, the second lot, Tract 2, only has  
16       about 50 feet of road frontage so it's creating a flag  
17       lot that exceeds the 3 to 1 requirement. We have  
18       placed a note on the plat that says there will be no  
19       further subdivision that would create additional  
20       irregular-shape lots. With that we would recommend  
21       that you consider this for approval.

22               CHAIRMAN: Thank you, Mr. Howard.

23               Anyone representing the applicant?

24               MR. KAMUF: Charlie Kamuf. We're here to  
25       answer any questions.

26               CHAIRMAN: Thank you, Counsel.

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

3           (NO RESPONSE)

4           CHAIRMAN:  Anyone else in the audience that  
5           would have a question concerning this application?

6           (NO RESPONSE)

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

9           MR. JEAN:  Motion to approve.

10          CHAIRMAN:  Motion to approve by Commissioner  
11          Jean.  Do we have a second?

12          MR. BALL:  Second.

13          CHAIRMAN:  Second by Mr. Ball.  Any discussion  
14          or comments about the motion or the second?

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:  Motion carries.

20          -----

21                               NEW BUSINESS

22          ITEM 9  
23          Consider approval of September 2018 financial  
24          statement

25          CHAIRMAN:  Commissioners, hopefully you have

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1 had a chance to look at the financial statements for  
2 September. Are there any corrections or comments or  
3 questions concerning the financial statement?

4 (NO RESPONSE)

5 CHAIRMAN: Being none the chair is ready for a  
6 motion.

7 Mr. Ball.

8 MR. BALL: Motion to approve the financial  
9 statement.

10 CHAIRMAN: Motion to approve by Mr. Ball for  
11 the financial statement.

12 MR. ROGERS: Second.

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

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: Motion carries.

20 ITEM 10

21 Comments by the Chairman

22 CHAIRMAN: I don't really have any comments  
23 tonight.

24 ITEM 11

25 Comments by the Planning Commissioners

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1                   CHAIRMAN: Any commissioners have any comments  
2                   or discussion they would like to have?

3                   (NO RESPONSE)

4                   ITEM 12  
5                   Comments by the Director

6                   CHAIRMAN: There being none comments by the  
7                   director.

8                   MR. HOWARD: One quick thing.

9                   Melissa Evans, our Associate Director of  
10                  Planning, she is the regional representative for the  
11                  Western Kentucky portion for the American Planning  
12                  Association Kentucky Chapter. She has put together a  
13                  Regional Planning Conference on Friday, November 30th  
14                  that will take place in Madisonville. It will be an  
15                  opportunity to get some continuing education hours for  
16                  Planning Commissioners, Planning Staff members, AICP  
17                  planners, certified planners, can also get credits.  
18                  Just want to announce that. If you have any questions  
19                  about that or would like to attend, please get in  
20                  touch with Melissa and let her know. That's the only  
21                  comment I have.

22                  CHAIRMAN: Thank you, Mr. Howard.

23                  What's the last date if someone wanted to go;  
24                  how quickly do you need to know?

25                  MR. HOWARD: I'm sure we could probably take

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1 date of registration if need to. We have a good size  
2 venue to accommodate sufficient people or as many  
3 people as I think we've had. The most we've ever had  
4 at one of these is in the 65 to 70 range and I think  
5 the place will hold about 100 this year. We should  
6 have plenty of room. We'll have plenty of food.  
7 Lunch will be provided. So if anybody would like to  
8 attend, please let us know.

9 CHAIRMAN: Thank you, Mr. Howard.

10 We need one more motion for adjournment.

11 MR. BALL: Motion to adjourn.

12 CHAIRMAN: Motion to adjourn by Mr. Ball. Do  
13 we have a second?

14 MR. EDGE: Second.

15 CHAIRMAN: Second by Mr. Edge. Any comment or  
16 discussion about the motion?

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: We are adjourned.

22 -----

23

24

25

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

16              WITNESS my hand and notary seal on this the  
17      2nd day of December, 2018.

18

19

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

22

23      COMMISSION EXPIRES:   DECEMBER 16, 2018

24      COUNTY OF RESIDENCE:   DAVIESS COUNTY, KENTUCKY

25

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