

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 10, 2019

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 January 10, 2019, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

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

19 \* \* \* \* \*

20 MR. BOSWELL: I would like to welcome everyone  
21 to the January 10, 2019 Owensboro Metropolitan  
22 Planning Commission meeting. We always start our  
23 meetings with a prayer and the pledge. Our counsel,  
24 Ms. Terra knight, will conduct that for us this  
25 evening.

26 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

27 MR. BOSWELL: Thank you, Terra.

28 Our next order of business is for election of  
29 our new officers. For that I will turn this over to  
30 Terra again for that purpose.

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

2 As you all know, KRS 100 requires that we  
3 elect officers annually. Our bylaws dictate that we  
4 do that at the first meeting of the year.

5 Our officers, as you know, are chair, vice  
6 chair and secretary/treasurer. That's the way they  
7 are listed in the bylaws so we will have the elections  
8 in that order.

9 At this time I will open the floor for  
10 nomination for chair.

11 MR. REEVES: I'd like to nominate Larry Moore.

12 MS. KNIGHT: Mr. Moore, do you accept that  
13 nomination?

14 MR. MOORE: Yes, I do.

15 MS. KNIGHT: Is there a second to the  
16 nomination?

17 MR. BALL: Second.

18 MS. KNIGHT: Any other nominations for chair?

19 (NO RESPONSE)

20 MS. KNIGHT: Hearing none I will close the  
21 floor and we'll have a vote.

22 All in favor of Mr. Moore as chair, please  
23 raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 MS. KNIGHT: He is elected.

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1                   Mr. Moore, congratulations.

2                   MR. MOORE:   Thank you, I think.

3                   MS. KNIGHT:   Now I will open the floor for  
4 nomination of vice chair.

5                   MR. BOSWELL:   I'd like to nominate Mr. Lewis  
6 Jean for vice chair.

7                   MS. KNIGHT:   Mr. Jean, do you accept that  
8 nomination?

9                   MR. JEAN:    I do.

10                  MS. KNIGHT:   Is there a second to that  
11 nomination?

12                  MS. McENROE:   Second.

13                  MS. KNIGHT:   Any other nomination for vice  
14 chair?

15                  (NO RESPONSE)

16                  MS. KNIGHT:   Hearing none I will close the  
17 floor and we'll take a vote.

18                  All in favor of Mr. Jean as vice chair, please  
19 raise your right hand.

20                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21                  MS. KNIGHT:   Mr. Jean, you are elected  
22 unanimously.

23                  MR. JEAN:    Thank you.

24                  MS. KNIGHT:   One more nomination.

25                  I'll open the floor for nomination for

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1        secretary/treasurer.

2                MR. REEVES: I'd like to nominate Mike Edge.

3                MS. KNIGHT: Mr. Edge, do you accept that  
4 nomination?

5                MR. EDGES: I do.

6                MS. KNIGHT: Is there a second to the  
7 nomination?

8                MR. BOSWELL: I second it.

9                MS. KNIGHT: Any other nominations for  
10 secretary/treasurer?

11                (NO RESPONSE)

12                MS. KNIGHT: Hearing none I'll close the floor  
13 and we will vote.

14                All in favor of Mr. Edge as secretary/  
15 treasurer please raise your right hand.

16                (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17                MS. KNIGHT: Mr. Edge is elected unanimously.

18                Thank you all. Now I will turn the floor back  
19 over to Mr. Moore, our new chairman.

20                CHAIRMAN: First of all, I'd like to thank all  
21 the commissioners for your support. I would like to  
22 congratulate Commissioner Boswell on an excellent job  
23 he's performed as the chair. We appreciate that.  
24 You'll be a hard act to follow. We'll give it a shot.

25                Before we start, we have some guidelines or

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1       some rules that we would like to inform you of as to  
2       how this meeting will proceed.

3               First of all, if you want to discuss or talk  
4       or have any questions concerning any issues that come  
5       before this commission, we ask that you do a couple of  
6       things.

7               First of all, come to the microphone at the  
8       podium. We have one in each aisle. State your name  
9       and you'll be sworn in by our counsel. Then we ask  
10      that you direct all your questions to the chair. I  
11      will in turn try to find the answers for you either  
12      through myself, or the Staff, or Mr. Howard, or the  
13      attorney, and we'll get your answers for you. We ask  
14      that you stay on topic.

15              Then finally we ask that you be respectful.  
16      You may not agree with all of statements being made,  
17      but we ask that you respect those that are making  
18      them.

19              With that being said our first order of  
20      business is the minutes from the last month's meeting.  
21      All of the commissioners should have received a copy  
22      of those minutes and have had an opportunity to take a  
23      look. Any changes that need to be made?

24              (NO RESPONSE)

25              CHAIRMAN: Seeing none the chair is ready for

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1 a motion.

2 Commissioner Boswell.

3 MR. BOSWELL: Mr. Chair, make a motion that  
4 the minutes be accepted as presented.

5 CHAIRMAN: We have a motion. Do we have a  
6 second?

7 MS. McENROE: Second.

8 CHAIRMAN: Second by Commissioner McEnroe.  
9 All those in favor of the motion please indicate by  
10 raising your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 The next part of our agenda is the General  
14 Business, and I'll turn it over to Director Howard.

15 MR. HOWARD: Thank you.

16 I will note that the zoning changes heard  
17 tonight will become final in 21 days after the meeting  
18 unless an appeal is filed. If an appeal is filed, we  
19 will forward the record of this meeting along with all  
20 applicable materials to the appropriate legislative  
21 body for them to take final action.

22 -----

23 GENERAL BUSINESS

24 ZONING CHANGES  
25 ITEM 4

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1 Portion of 2851 Knott Road, 0.285 acres  
2 Consider zoning change: From R-1A Single Family  
3 Residential to A-U Urban Agriculture  
4 Applicant: Frances Benita Riney, Janet May

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

6 MR. PEDLEY: Trey Pedley.

7 (TREY PEDLEY SWORN BY ATTORNEY.)

8 PLANNING STAFF RECOMMENDATIONS

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

11 CONDITIONS

12 1. Obtain approval of a Minor Subdivision  
13 Plat.

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 a Rural  
19 Community Plan Area, where rural small-lot residential  
20 uses are appropriate in general locations;

21 3. The subject property is an existing lot of  
22 record with sufficient frontage along on a public  
23 road, Knott Road;

24 4. Each dwelling unit within the project area  
25 is located on its own individual lot; and

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1                   5. Completion of the property division and  
2                   consolidation with the neighboring property will bring  
3                   the subject property into compliance with current  
4                   subdivision regulations.

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

7                   CHAIRMAN: Anyone in the audience representing  
8                   the applicant that would like to speak?

9                   APPLICANT REP: Yes.

10                  CHAIRMAN: Do you wish to speak on its behalf?

11                  APPLICANT REP: No, sir.

12                  CHAIRMAN: Anyone else in the audience that  
13                  has any comments or concerns about this application?

14                  (NO RESPONSE)

15                  CHAIRMAN: Any commissioners have any  
16                  questions or concerns about the application?

17                  (NO RESPONSE)

18                  CHAIRMAN: Seeing none the chair is ready for  
19                  a motion.

20                  Commissioner Ball.

21                  MR. BALL: I would like to make a motion to  
22                  approve based on Condition Number 1 and Findings of  
23                  Fact 1 through 5.

24                  CHAIRMAN: We have a motion. Do we have a  
25                  second?



1 MS. HARDAWAY: Second.

2 CHAIRMAN: Second by Ms. Hardaway. Any  
3 questions about the motion or the second?

4 (NO RESPONSE)

5 CHAIRMAN: Seeing none the chair is ready for  
6 a vote. All those in favor indicate by raising your  
7 right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries.

10 ITEM 5  
11 Portion of 3515 West Parrish Avenue, 32.512 acre  
12 Consider zoning change: From I-1 Light Industrial &  
13 A-R Rural Agriculture to I-2 Heavy Industrial  
Applicant: Crown Investment Group, LLC; Massie J.E.  
Farm, LLC

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

16 MS. EVANS: Melissa Evans.

17 (MELISSA EVANS SWORN BY ATTORNEY.)

18 MS. EVANS: This Staff Report is for a  
19 recommendation for denial so it's as customary with  
20 those Staff Reports that are recommended for denial I  
21 will read the entire Staff Report into the record.

22 PROPOSED ZONE & LAND USE PLAN

23 The applicant is seeking an I-2 Heavy  
24 Industrial zone. The subject property is located in  
25 an Industrial Plan Area, where heavy industrial uses

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1 are appropriate in limited locations.

2 SPECIFIC LAND USE CRITERIA

3 (A) Building and lot patterns; outdoor storage  
4 area - Building and lot patterns should conform to the  
5 criteria to "Nonresidential Development" (D7), and  
6 outdoor storage yards, with "Buffers for Outdoor  
7 Storage Yards" (D1).

8 (B) Logical expansions outside of Industrial  
9 Parks - Existing areas of heavy Industrial use that  
10 are located outside of planned Industrial Parks may be  
11 expanded onto contiguous land that generally abuts the  
12 same street(s). Such an expansion should not  
13 significantly increase the extent of industrial uses  
14 that are located in the vicinity and outside of  
15 Industrial Parks. Also, such an expansion should not  
16 overburden the capacity of roadways and other  
17 necessary urban services that are available in the  
18 affected area.

19 (C) Industrial Parks - In Industrial, Future  
20 Urban and Rural Preference plan areas, new and  
21 expanded locations of Heavy Industrial use should be  
22 developed as elements of planned "Industrial Parks"  
23 (D7). These provisions also apply where existing  
24 Industrial Parks are expanded into adjoining  
25 non-industrial plan areas that contain undeveloped

1 land. Such Industrial Parks should be  
2 "arterial-street-oriented" (D2) and planned in modules  
3 of at least one hundred (100) acres in size, unless an  
4 existing Industrial Park is being expanded.  
5 Industrial Parks should be established or expanded  
6 only where sanitary sewer systems exist or may be  
7 expanded, or where new systems may be properly  
8 established. Heavy Industrial uses should be located  
9 away from any fringes of a park that adjoin  
10 incompatible plan areas or land uses. Such  
11 incompatible fringes are recommended locations for  
12 light industrial, highway business or other  
13 appropriate uses that would serve as "buffer-uses"  
14 (D1). Otherwise, these incompatible fringes should  
15 include adequate space for necessary buffers as cited  
16 in the criteria (a) above.

17 PLANNING STAFF REVIEW

18 GENERAL LAND USE CRITERIA

19 Environment

20 \* It appears that the subject property is not  
21 located in a wetlands area per the US Department of  
22 Agriculture Soil Conservation Service dated March 6,  
23 1990.

24 \* The subject property is partially located  
25 in a special flood hazard area per FIRM Map

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1 21059CO118D.

2 \* It appears that the subject property is  
3 designated as prime agricultural farmland per the US  
4 Department of Agriculture Soil Conservation Service  
5 map dated March 1980.

6 \* It appears that the subject property is not  
7 located within the Owensboro Wellhead Protection area  
8 per the OMU map dated 2015.

9 \* The developer is responsible for obtaining  
10 permits from the Division of Water, The Army Corp of  
11 Engineers, FEMA, the EPA, the OMPC  
12 building/electrical/HVAC division or other state and  
13 federal agencies as may be applicable.

14 URBAN SERVICES

15 All urban services including sanitary sewers,  
16 are available to the site.

17 DEVELOPMENT PATTERNS

18 The subject property is a 32.512 acre portion  
19 of an approximately 136 acre farm. Currently the 32.5  
20 acre portion of the subject property is zoned I-1  
21 Light Industrial and A-R Rural Agriculture. The  
22 applicant proposes to rezone the subject property to  
23 I-2 Heavy Industrial in order to construct warehouses  
24 for the storage of hazardous products, specifically  
25 the storage of distilled spirits. The applicant has

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1 submitted a Conditional Use Permit for the storage of  
2 a hazardous product as determined by the Kentucky  
3 Building Code, in conjunction with the zoning map  
4 amendment application.

5 The subject property is bound to the east by  
6 the Wendell Ford Expressway. The properties to the  
7 north and west are zoned I-1 Light Industrial and A-R  
8 Rural Agriculture and are crop land. The properties  
9 to the south, across West Parrish Avenue are zoned  
10 agricultural, residential and commercial, with single  
11 family residential uses and the Owensboro RV facility.

12 It appears that the subject property is  
13 designated as prime agricultural land according to the  
14 "Important Farmlands" map created by the US Department  
15 of Agriculture Soil Conservation Service dated March  
16 1980. However, the Comprehensive Plan does anticipate  
17 the conversion of some prime agricultural land for  
18 development.

19 West Parrish Avenue in this location is  
20 classified as a minor arterial roadway with a 75 foot  
21 building setback line, 50 foot roadway buffer and 500  
22 foot access spacing standard; it is a state highway as  
23 well. Access to the property shall be in compliance  
24 with the Access Management Manual and approved the  
25 Kentucky Transportation Cabinet.

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1           If the rezoning is approved, all buildings  
2           and/or outdoor storage areas, except for accessory  
3           parking, shall be located at least 300 feet from any  
4           residential zone and at least 100 feet from any other  
5           zone except for an I-1 or A-R zone. Any outdoor  
6           storage areas shall be screened with a 6 foot high  
7           solid wall or fence and all vehicular use areas shall  
8           be paved.

9           If approved, prior to occupancy of the  
10          property, the applicant must obtain approval of a  
11          final development plan to demonstrate compliance with  
12          zoning ordinance requirements including, but not  
13          limited to, parking, landscaping, building setbacks,  
14          access management and signage. All building,  
15          electrical and HVAC permits and inspections shall be  
16          obtained through the Department of Housing, Building  
17          and Construction with the State of Kentucky and the  
18          Owensboro Metropolitan Planning Commission.

19          SPECIFIC LAND USE CRITERIA

20          The applicant's proposal is not in compliance  
21          with the Comprehensive Plan. The proposed use as  
22          warehouse storage for a hazardous material does  
23          conform to the criteria for nonresidential  
24          development; however, there is no other heavy  
25          industrial zoning in the area. At 32.512 acres the

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1       subject property does not meet the minimum size of 100  
2       acres for a new location of an industrial park, large  
3       industrial reserve nor is this an expansion of an  
4       existing industrial park.

5       PLANNING STAFF RECOMMENDATIONS

6               The Planning Staff recommends denial subject  
7       to the findings of fact that follow:

8       FINDINGS OF FACT

9               1.   Staff recommends denial because the  
10       proposal is not in compliance with the community's  
11       adopted Comprehensive Plan;

12              2.   The subject property is located in an  
13       Industrial Plan Area, where heavy industrial uses are  
14       appropriate in limited locations;

15              3.   The proposed use as warehouse storage of a  
16       hazardous material would be nonresidential in nature;

17              4.   There is no other heavy industrial zoning  
18       in the area; and,

19              5.   At 32.512 acres the subject property does  
20       not meet the minimum size of 100 acres for an  
21       industrial park nor is this an expansion of an  
22       existing industrial park.

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

25              CHAIRMAN:   Anyone here representing the

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1 applicant?

2 MR. KAMUF: Charles Kamuf.

3 MS. KNIGHT: Mr. Kamuf, you're sworn as an  
4 attorney.

5 MR. KAMUF: Thank you.

6 As was stated by the Staff, the property is  
7 located at the bypass on the northwest side of West  
8 Parrish, and it's a 32 acre tract out of a larger  
9 tract. The property has been used for farmland for  
10 over 100 years. It's been the Massie Farm. The air  
11 rights over the subject property have been restricted  
12 due to flight area that we have. I think the property  
13 was zoned industrial. It's been in the industrial  
14 state since, I think approximately, 1970.

15 The applicant is Michael King. He is an  
16 Owensboro contractor who is to build the storage  
17 warehouses for O.Z. Tyler. The construction project  
18 is probably somewhere between 4 and \$5 million. It  
19 will originally at the start contain about six  
20 warehouses. Eventually it will be nine warehouses.

21 He will tell you this: That he looked all  
22 around the county. He searched at the Riverport. He  
23 searched at the Air Park, and he's looked for 32 acres  
24 so he can build these storage warehouses for O.Z.  
25 Tyler.

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1           There is a limited area in Daviess County, not  
2           for I-2 industrial in small tracts, but a limited area  
3           for Industrial 2 development for larger tracts.

4           I would like to show you, if you will, I have  
5           about three handouts for you. The first handout will  
6           be the location of the property. The second handout  
7           will be a conceptual plan. You understand that we  
8           have filed a conceptual plan which will show you  
9           exactly what will be on the property, and what will be  
10          on the property forever. Then we will also show you a  
11          rendering of what each warehouse will look like. I'll  
12          wait until David passes those out.

13          The zoning area that you see, you see the  
14          subject property and where it's located on the  
15          northwest corner of the bypass and West Parrish. All  
16          of the area that you see in yellow is industrial and  
17          I-1. What you see in the heavy yellow is the I-2.  
18          The property that you see across Parrish Avenue, part  
19          of it, as indicated by the Staff Report, is  
20          commercial, and the other one is R-1A with three  
21          residential houses. There's also a retail business  
22          across the road.

23          The airport is located on the south side of  
24          the property, as you'll see. Then as to the rear, you  
25          see the I-2 zone, and that's further down the road at

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1 the Industrial Park.

2 The purpose of the rezoning is this: O.Z.  
3 Tyler is expanding, and there is a need for off-site  
4 storage. The changes that has occurred is  
5 unprecedented in Owensboro, as I'll read a letter from  
6 Candy Brake of the EEOC and also from the other office  
7 that we have.

8 O.Z. Tyler reopened the Medley Distillery and  
9 has been distilling the O.Z. Tyler brand. Currently  
10 O.Z. Tyler has six brick houses that they are using  
11 and they have approximately 20,000 barrels there.

12 What the problem is they're trying to take all  
13 of the existing storage that they have down there and  
14 show a historic blend to it. As a result, the use  
15 that they have down there is limited for on-site.

16 So what we're requesting is off-site storage.  
17 As a result, it's important to get it close. I think  
18 there are five miles, this location would be  
19 approximately five miles from their office and it will  
20 be at an interchange.

21 Jacob Call, who is the master distiller for  
22 O.Z. Tyler, will be here. He will tell you that since  
23 they have been here they have spent about \$35 million  
24 on capital improvements. This new expansion will be  
25 about \$9 million this year. It's very important for

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1       their continued operation to have off-site storage.

2               Also, we are asking for a conditional use. In  
3       the Staff Report, they talk about a hazardous  
4       material.

5               Let me say this: In the area that we have, in  
6       an I-1 zone we can put a distillery, but because of a  
7       technicality with the state law we're required to  
8       cover it as "hazardous material." Therefore, we have  
9       to get one I-2 zoning and also a conditional use.  
10      Again, we could put a distillery over there tomorrow  
11      under the exact I-1 location. That's very unusual.

12              The Staff Report talked about the land use.  
13      It does not meet the logical expansion. You  
14      understand, there is no I-2 next to it. However,  
15      heavy industrial uses are appropriate in an I-1 area.

16              Our position is, there have been major changes  
17      of a physical, social and economic in the area which  
18      were not anticipated in the Comprehensive Plan.

19              1. In 2018, Regional Water Resource Agency  
20      constructed their largest expansion in Western Daviess  
21      County directly across the road. A \$2.5 million  
22      project which allows for all the sewage in Western  
23      Daviess County now not to flow up on Pleasant Valley  
24      Road, but to go over to the river at the Bon Harbor  
25      Hill Plant. That's number one.

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1           2. Recent changes. This year they five-laned  
2 West Parrish Avenue from the bypass all the way down  
3 to the interchange of 81 and 56. That has been a  
4 major undertaking. It's my understanding that they  
5 intend, and it's been on the plan for at least ten  
6 years, to widen West Parrish from the bypass to Carter  
7 Road.

8           3. The economic changes. The purchase of  
9 O.Z. Tyler from Medley Distillery Company  
10 unprecedented growth has been a major impact on the  
11 Owensboro-Daviess County economy. Because of this  
12 expansion, we need the off-site storage.

13           4. The tax base. The property has been on  
14 the tax rolls for farmland for the last 100 years.  
15 The proposed construction of nine storage buildings  
16 will generate a large tax base for the county. Last  
17 year alone O.Z. Tyler paid \$140,000 in taxes. Jacob  
18 Call will tell you that it will be astronomical as to  
19 exactly the tax base will be increased.

20           Let's talk about this: The construction of  
21 storage warehouses on the property is much more  
22 desirable than what you can put in an I-1 zone at the  
23 present time.

24           Let me list what you can put on the property  
25 at the present time without any conditional use and

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1 without any rezoning.

2 A lumber and construction storage yard. A  
3 bottling plant. An ice plant. A machine and metal  
4 shop. Medical waste disposal. A truck terminal. A  
5 body repair shop. Grain dryers. General  
6 manufacturing. As I stated previously, a distillery.

7 Restrictions that you have on I-2 rezoning.  
8 What your concern might be is, well, if we allow an  
9 I-2 zoning, what other uses can you use down there?

10 What we have done is that we have restricted  
11 the use by a conceptual plan. The conceptual plan  
12 that you have, you have in front of you.

13 The use that we have for the property will be  
14 restricted exactly by Exhibit A. Nothing more,  
15 nothing less can be done, as far as what we can use  
16 the property for.

17 Also, if you look, we have filed a rendering  
18 as to exactly what each building will look like, and  
19 you have that in front of you and we intend to start  
20 out with six and later on have a total of nine.  
21 That's the maximum on a 32 acre tract that we have.

22 Now, David Weaver is here from Bryant  
23 Engineering. He'll explain to you exactly everything,  
24 as far as the restrictions that you have on the  
25 property at the present time. Not only that, the

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1 property is restricted by the conditional use. So you  
2 have a plan as to what can be used for the property.

3 Furthermore, the bottom line on this case is  
4 that when you look out at this property what changes  
5 have been done. There's already one tobacco barn on  
6 the property. What you'll actually see when you look  
7 out total would maybe be nine tobacco barns. That's  
8 it. In other words, it's not anything that would be  
9 incompatible with the neighborhood, as far as what  
10 will be done.

11 The use that we have for the property is not  
12 intensive because it doesn't look like a big factory.  
13 In other words, the property will almost look empty.

14 Another action, as far as what can control the  
15 property. I mentioned to you directly to the east of  
16 the property is the new sewage system, the lift  
17 station that we had that cost approximately \$2.5  
18 million. In other words, this property here is across  
19 the bypass from the lift station. To get sewers over  
20 there would be very expensive. So that will restrict.  
21 We don't need sewers, but any restriction on this  
22 property would be the fact that the high cost of  
23 putting sewers underneath the bypass.

24 We will have Jacob Call from O.Z. Tyler, and  
25 we'll have Michael, who will be here to testify, and

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1       also a letter from Candy Brake I would like to pass  
2       out, if I could. What I will do, this is a letter  
3       from the Greater Owensboro Chamber of Commerce, Candy  
4       Castlen Brake.

5               I'll also hand out to you, I don't know  
6       whether you'll agree with it or not, but also a  
7       finding of fact. You understand where it's easy for  
8       you all a lot of times to make a motion if you feel  
9       that it's favorable, if it does meet the Comprehensive  
10      Plan. I have prepared for you a motion to approve  
11      listing the changes that have been out on the  
12      property. Social, physical, economic changes that  
13      have been on the property and that we rely on for the  
14      basis of getting the property zoned.

15             I will give you copy of that along with the  
16      letter.

17             I just thought it appropriate or maybe to  
18      assist in the findings of fact so it wouldn't be so  
19      difficult to prepare one.

20             This letter is addressed to me.

21             "Dear Mr. Kamuf, It is a pleasure to write a  
22      letter regarding one of our community's 'greatest  
23      things happening.' O.Z. Tyler's location and  
24      expansion into the Greater Owensboro community just a  
25      few years ago has already made a lasting impact.

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1           "The numbers speak for themselves. \$31  
2 million in capital improvements, \$9 million expansion,  
3 add jobs, tax revenues and have transformed the  
4 appearance of the distillery and made a lasting impact  
5 on the property improvements alone. O.Z. Tyler has  
6 done much more than what these numbers can  
7 demonstrate. O.Z. Tyler has made incredible  
8 contributions to our quality of life.

9           "Being named to the Bourbon Trail is one of  
10 the many game changers in Owensboro last year.  
11 Already, we are seeing visitors from all over the  
12 world coming to our community. This truly is only the  
13 beginning of something great.

14           "Lastly, the employees of O.Z. Tyler have been  
15 outstanding volunteers in our Chamber and the  
16 community at large. In just a short time, they have  
17 already made a lasting impact. We are proud to work  
18 with them and are extremely grateful for their  
19 transformative work that they are doing in Greater  
20 Owensboro."

21           Michael.

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

23           MR. KING: Michael King.

24           (MICHAEL KING SWORN BY ATTORNEY.)

25           MR. KING: I'm Michael King, owner of Crown

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1 Investment Group. I'm also the president of Norman  
2 King Electric, a regional electrical contractor based  
3 in Owensboro.

4 We began working with O.Z. Tyler on off-site  
5 barrel storage in September, October of last year.

6 For this type of project we are very limited  
7 on spacing requirements from the State of Kentucky on  
8 the Kentucky Building Code for barrel warehouses. For  
9 these type of buildings, the buildings can be no  
10 larger than 20,000 square feet. They have a maximum  
11 height of 27 feet, at least 200-feet building to  
12 building separation. A minimum of 200 feet from a  
13 property line or an opposite side of the road. For  
14 this spacing requirements we require, for six  
15 buildings, a minimum 24 acres. We did an extensive  
16 search throughout Daviess County for the types of  
17 property that would meet this scenario. In addition,  
18 we're trying to meet or needing to meet a distance of  
19 five mile radius from the distillery to be able to  
20 utilize their existing federal permitting for  
21 distilled spirits. In addition, it needs to be  
22 accessible by truck, and hopefully be able to provide  
23 additional visibility for O.Z. Tyler.

24 Our search did start with economic and  
25 development corporation. Went to different sites. We

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1 had extended negotiations with the Air Park Board for  
2 property in the Air Park itself. However, those  
3 negotiations were limited as the Air Park Board  
4 determined that we were not a primary job producer and  
5 the price of the land would be uneconomic due to that.

6 Looked at other properties within the county.  
7 Spoke with the Riverport Authority; in addition, spoke  
8 with the Airport Board on properties they had  
9 available. Also, were limited or did not have options  
10 that would meet the criteria we needed. Looked at  
11 several properties with the Airport Board; however,  
12 due to flight path could not put the buildings within  
13 the locations that they had available.

14 Continued to look and this is one of the few  
15 properties that we found that was economical, that met  
16 all the conditions for spacing requirements. Met the  
17 O.Z. Tyler's needs for close location, provides  
18 visibility. For our options this is one of the best  
19 options, actually the best option that we have  
20 available. Thank you.

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

22 MR. CALL: Jacob Call.

23 (JACOB HALL SWORN BY ATTORNEY.)

24 MR. CALL: I'm Jacob Call. I'm the master  
25 distiller, and the director of operations of O.Z.

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1 Tyler Distillery.

2 Charlie has already told you all some of our  
3 facts and figures, but I brought a few more notes to  
4 just kind of explain the impact that we've had on  
5 Owensboro and Daviess County since we started  
6 production in 2016.

7 We spent \$31 million in capital improvements  
8 since 2016. Revitalizing that abandoned distillery,  
9 the Medley Distillery, on 26 acres down on the west  
10 side of town.

11 We have planned another \$9 million in capital  
12 improvement for an expansion project that we're  
13 getting ready to do. Build an additional fermenter  
14 and rebuilding some of the historical warehouses on  
15 site. After this expansion, it will make us the  
16 fourth independently owned bourbon distillery in the  
17 world.

18 Since we started in 2015, we've gone from 0  
19 jobs to 90 jobs, and we've also added countless number  
20 of construction related jobs with all of our  
21 expenditures that we've done.

22 In addition to all of that, this coming year  
23 we'll purchase 875,000 bushels of corn from local  
24 Daviess County farmers. Our byproduct is something  
25 called spent filler or spent grain. Presently we give

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1       that away to local farmers to feed their cattle with.  
2       We think we're pretty good corporate citizens in that  
3       regard.

4               As Charlie mentioned, in 2018 we paid \$140,000  
5       in taxes to Daviess County. These six new barrel  
6       warehouses will hold 90,000 barrels. So just addition  
7       at this property will add an additional \$400,000 in  
8       barrel tax revenue to Daviess County every year.

9               Important to note as the age of the bourbon  
10       increases that taxable value also increases. That's a  
11       reoccurring number.

12              Probably the biggest thing that I would like  
13       for you all to understand is that after our expansion  
14       is complete by 2020, the taxable amount of barrels  
15       that we'll have will provide \$1.1 million in barrel  
16       tax annually to Daviess County. \$1.11 million every  
17       year, and that also increases as the value goes up.  
18       Thank you.

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

21              MR. WEAVER: David Weaver.

22              (DAVID WEAVER SWORN BY ATTORNEY.)

23              MR. WEAVER: I work with Bryant Engineers.  
24       I'm one of the principles. We prepared the conceptual  
25       plan for the project.

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1 I wanted to speak to the level of intensity as  
2 compared to typical developments that we work on.

3 The setbacks along the perimeter of the  
4 project are based on the Kentucky Building Codes.  
5 They're requiring us to be 200 feet away from the  
6 property line where we adjoin an adjoining neighbor or  
7 200 feet away from the opposite edge of pavement.  
8 When you take that large of a setback, you really  
9 condense how much developable area that you have for a  
10 development.

11 In addition to that, we're required to have  
12 200 feet between buildings.

13 As you can see, this is nine buildings, when  
14 this is fully development, on 32 1/2 acres. In the  
15 area between the buildings is going to be green. The  
16 pavement that we're going to be putting on the project  
17 will just be the drives to get to the buildings  
18 themselves. We do have a small parking lot that will  
19 have places for five vehicles. That's not actually a  
20 need from the developer. That is a zoning requirement  
21 that we have to meet. It's a zoning requirement that  
22 requires a minimum of five parking spots for storage.  
23 Those are purely for meeting the zoning ordinance.

24 Another thing I wanted to point out, the  
25 existing barn that's adjacent to the site that's 27

1 feet tall. That's the same height that Mr. King spoke  
2 to these warehouse are going to be. These will really  
3 have an appearance of being barns in an open field.

4 I think I may want to point out just for sake  
5 of showing. As the Staff said, there is a floodplain  
6 on the subject property. That's this little hashed  
7 area. That is a regulated floodplain and we will be  
8 working with the Division of Water on permitting as  
9 well as the Army Corps of Engineers. Of course, those  
10 front three buildings, the one closest to West  
11 Parrish, will be later down the line. The initial  
12 buildings are the ones in the rear.

13 Another item that I want to point out is the  
14 distance between the closest warehouse and the  
15 residential properties to the south. If you look at  
16 the conceptual site plan, you see the mention of plus  
17 or minus 438 feet. So this will be 438 feet away from  
18 the closest house.

19 In addition, you have to think from a visual  
20 standpoint, this property sits low as compared to 56.  
21 So it's really not going to be a visual eyesore at  
22 all. It will create an open feel or maintain the open  
23 feel. I think that's all my points. If anybody has  
24 any questions.

25 MR. BOSWELL: You mentioned 438 feet. Is that

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1 the setback from West Parrish Avenue?

2 MR. WEAVER: No. Based on the required  
 3 setback and the restrictions we've got with the creek  
 4 that runs through the property, the distance that you  
 5 end up with, it ends up building Number 7 there that  
 6 you see on the layout. Measured from that corner to  
 7 the closest house across the street is 437 feet. The  
 8 setback on Parrish is actually governed by the  
 9 opposite edge of pavement. It's kind of a weird thing  
 10 that's in the building code for this type of use, but  
 11 that setback is 200 feet from that edge of pavement,  
 12 but because of the ditch line we don't have room to  
 13 building all the way up on the front setback and we're  
 14 even further back than what's required by the building  
 15 code.

16 MR. BOSWELL: Can you fathom a guess let's  
 17 say, from what you said, how far building 7 will be  
 18 from Parrish Avenue?

19 MR. WEAVER: Building 7 from Parrish Avenue  
 20 will be --

21 MR. BOSWELL: Assuming it will be built in the  
 22 future obviously.

23 MR. WEAVER: It would be 300 feet roughly from  
 24 the edge of Parrish.

25 MR. BOSWELL: Further edge of the pavement?

1 MR. WEAVER: Yes.

2 MR. BOSWELL: Thank you.

3 MR. KAMUF: We're here to answer any other  
4 questions from either the board or the audience.

5 CHAIRMAN: Thank you, Mr. Kamuf.

6 Let me first of all ask: Do any of the  
7 commissioners have any questions of the attorney?

8 We'll start with Commissioner Ball.

9 MR. BALL: I've got quite a few questions.  
10 These are probably questions for the Staff.

11 It's been brought up on multiple occasions  
12 that this will only be bourbon storage in the future,  
13 at least storage buildings in the future. Is there  
14 any way to guarantee that through the Zoning  
15 Ordinance? Are there means to guarantee that?

16 MR. HOWARD: That'd be more of a legal  
17 question.

18 MS. KNIGHT: If I understand what you're  
19 asking, once it's zoned I-2, it can be used for any  
20 purpose within the I-2 zoning. As the Planning  
21 Commission, you can't put conditions or restrictions  
22 on the use of the zoning. They're also asking for a  
23 Conditional Use Permit, if the rezoning is approved.  
24 You can put restrictions on the Conditional Use  
25 Permit, but not the zoning itself.

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1           MR. BALL: But 5 years down the road, or 10,  
2           or 20, or 50, in the event that there's not a need for  
3           bourbon storage, could these buildings be used for  
4           something else that would be allowed in an I-2 or  
5           could they even be completely taken down and you could  
6           have a very heavy industrial use in the area?

7           MS. KNIGHT: If the use is allowed in an I-2  
8           zone, yes.

9           MR. BALL: If this were to be rezoned I-2,  
10          does it then open up other potential area therefore  
11          logical expansion of that?

12          MR. HOWARD: Yes, it would. As Mr. Kamuf was  
13          going over his information as Staff presented, one of  
14          the criteria for an I-2 zone is a logical expansion.  
15          So if it's established here on the corner, then it  
16          would create the potential that adjoining property  
17          could potentially go I-2 as well.

18          MR. BALL: Is there any way possible, because  
19          like Mr. Kamuf said, warehouses are principally  
20          permitted in an I-1. Is there any stretch of the  
21          imagination, I'm sure you as Staff have looked at  
22          this, but is there a way to conditionally permit  
23          bourbon storage in an I-1?

24          MR. HOWARD: No. Based on the definite in  
25          Article 14 of Heavy Industrial Uses it includes high

1       hazard. As they stated, based on the building code,  
2       the storage of bourbon or distilled spirits falls  
3       under high hazard use. So it has to be an I-2 zone  
4       and it has to have that Conditional Use Permit.

5               CHAIRMAN: Is that all, Commissioner Ball?

6               MR. BALL: For now. I'll probably have more.

7               CHAIRMAN: Commission Reeves.

8               MR. REEVES: One of the concerns I have here,  
9       and I share with Mr. Ball's concerns also by the way.

10              Creating an I-2 park of less than 100 acres  
11       and concern this sets precedence for possibly I-2  
12       zones throughout the county.

13              MR. HOWARD: I mean any time -- precedence can  
14       always be said whenever rezoning is approved that  
15       doesn't necessarily meet the criteria of the comp  
16       plan, but it's one of things you as the Planning  
17       Commission would look at each one on an individual  
18       basis and determine the merits.

19              While in one location an argument might be  
20       made and it's approved, you could look at a different  
21       location and it doesn't have the same characteristics,  
22       or the same qualities, or the same, you know, road  
23       transportation access and infrastructure or utility  
24       infrastructure, things like that, that could make it  
25       not. Anything can be cited as a precedence. You

1       wouldn't have to necessarily approve another one  
2       because you do one here.

3               MR. REEVES: Undoubtedly, although Mr. Kamuf  
4       is quite good at what he does, this would be a  
5       precedence he would be willing to bring up in the  
6       future I suppose.

7               MR. HOWARD: Mr. Kamuf cites precedence quite  
8       often, yes.

9               CHAIRMAN: Any other commissioners?

10              MR. BOSWELL: Thank you, Mr. Chair. I've got  
11       a number of questions as well.

12              This depiction of the warehouse mentions was  
13       made 200 feet between warehouses, 20,000 square feet.  
14       Can you give me an idea of the width and the length of  
15       these buildings? I know you said 27 feet in total  
16       height.

17              MR. WEAVER: David Weaver again.

18              The dimensions of the buildings are on the  
19       concept site plan. They're 140 by 142.7 feet.

20              If I could, while I'm here, if I could speak  
21       to a few of Mr. Ball's concerns.

22              One thing that quite often happens when a  
23       development comes in, that development improves, makes  
24       improvements to maybe the roadway and the utility  
25       infrastructure. This particular development, as we

1 spoke about earlier, is low intensity. The only  
2 utility needed for this development is electric.  
3 Sanitary sewer, which is always a big utility from a  
4 development standpoint, is not readily available to  
5 this site. To get sanitary sewer to this site you  
6 have to jack and bore underneath the bypass, which  
7 will be very expensive, and bring it across. This  
8 development will not do that.

9 So it doesn't blend very well for other  
10 developments to piggyback on this development because  
11 of the utility infrastructure there.

12 CHAIRMAN: Thank you.

13 Mr. Boswell.

14 MR. BOSWELL: Additional questions. Looking  
15 at this conception of the warehouse, it's not really a  
16 typical rickhouse or rackhouse that you would see in a  
17 lot of other facilities. I'm assuming this would have  
18 a concrete floor, will be controlled in some way,  
19 shape or form, humidity control, a controlled  
20 environment?

21 MR. KING: The building structure themselves,  
22 they are pre-engineered metal buildings. From the  
23 outside appearance looks no different from like a pole  
24 barn. They're metal skin, metal roof, concrete floor  
25 inside. They're not humidity controlled or anything

1       like that. Just natural ventilation with exhaust fans  
2       only. They're not a wood frame or any kind of wood  
3       structure like that.

4               MR. BOSWELL: Have a concrete floor obviously?

5               MR. KING: Yes, they will have a concrete  
6       floor. Single loading dock for trucks coming in and  
7       out.

8               MR. BOSWELL: If built as you indicated,  
9       backing up to what Mr. Ball said, if something happens  
10      down the road, you know, 5 years, 15 years, 20 years,  
11      they conceptually could be utilize for another storage  
12      type of facility as well?

13              MR. KING: I can't say they could be; however,  
14      for any type of -- they are very basic, very basic.  
15      Only what's required by the Kentucky Building Code,  
16      which in this instance is lighting is the only  
17      requirement we have for the Kentucky Building Code.  
18      There's not going to be a restroom facility, running  
19      water, sewer, heating, ventilation, any other items  
20      like that.

21              There would have to be some extensive  
22      modification that would have to be made to be used for  
23      another purpose.

24              MR. KAMUF: Storage warehouses if they didn't  
25      have bourbon in them, we could put those storage

1       warehouses down in an I-1 area as it exist at the  
2       present time.

3               MR. BOSWELL:   Thank you, Counselor.

4               CHAIRMAN:   Commissioner Ball.

5               MR. BALL:   I've got a question maybe for the  
6       applicant.

7               Is there a reason why these are not going to  
8       be the traditional rickhouses?

9               MR. KING:   Part of it is just cost.   Part of  
10       it is just working with O.Z. Tyler on their needs for  
11       this project.   No specific reason.   Just for this type  
12       of project, pre-engineered setup work made it a better  
13       option.

14              MR. BALL:   Thank you.

15              CHAIRMAN:   Commissioner Reeves.

16              MR. REEVES:   Couple of questions here, if I  
17       can remember what the first one was.   Maybe my first  
18       one is an observation for Staff.

19              Should this be approved, and I'm nowhere near  
20       make a decision on where I am with this.   Okay?

21              As it currently require, we would have fencing  
22       around each of these individually which would make  
23       them almost look like a patchwork out there.   Could  
24       that fencing be exempt from this, if we desire to do  
25       so?

1           MR. HOWARD: I don't think there would be a  
2           fencing requirement, unless they had outside storage  
3           or something like that.

4           MR. REEVES: I thought there was fencing  
5           around each building. I thought I read it in here  
6           somewhere that there was a 6-foot high element around  
7           each building.

8           MS. EVANS: No. The Staff Report says, any  
9           outdoor storage areas shall be screened with a 6-foot  
10          tall solid wall or fence, and vehicular use area shall  
11          be paved.

12          MR. REEVES: The other concern I have is  
13          really is safety. I guess it could be anything. I  
14          guess with this much sheet metal down there and a  
15          storm, I could see a lot of damage done to a lot of  
16          people and a lot of facilities down there if you get a  
17          tornado down there.

18          MR. KING: We're using a standing seam metal  
19          roof which is one of the best roof types you can use.  
20          It's not a screwed down roof like a standard barn is.  
21          These panels interlock or attached together. They are  
22          one of the most capable roof types you can use for  
23          standing up to storms and have very good resistance in  
24          weather conditions. In addition, these buildings are  
25          fully rated for the wind loads in this area that's

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1 required by the Kentucky Building Code.

2 MR. REEVES: Thank you.

3 CHAIRMAN: We may come back to the  
4 commissioners in a moment, but I have a nice crowd.  
5 I'm sure somebody in the audience would like to have  
6 some comments or speak to this application. If you  
7 do, please come to the microphone and ask your  
8 questions.

9 CHAIRMAN: Please state your name.

10 MR. O'BRYAN: Mike O'Bryan.

11 (MIKE O'BRYAN SWORN BY ATTORNEY.)

12 MR. O'BRYAN: I live at 1836 Airport Road.  
13 When I got this letter -- well, I didn't get the  
14 letter. My neighbor got the letter. He called me and  
15 wanted me to, he was asking me what's going on here.  
16 I said, I have no idea. I haven't heard anything  
17 about it.

18 Anyway, we had very limited to do what we  
19 could prepare for. What I did, Don and I, Don Young  
20 sitting in the audience, and I went through the  
21 neighborhood Sunday, and I have a list of everybody  
22 that lives on Airport Road and on Bittel Road. I hope  
23 several people made it tonight. I don't see that  
24 many.

25 Anyway every one of them that I went to, some

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1 people were not home. Everyone that I went to they  
2 signed this and said that they didn't want to see --  
3 everybody there that you see lives on Airport Road.  
4 Mike Horn lives next-door to me. Big contributor to  
5 Owensboro, as far as his business and everything.

6 Our major concern is heavy industrial zoning.  
7 That's my biggest concern. I can't speak for everyone  
8 else. As I explained it to them, the heavy industrial  
9 can expand once that starts.

10 They spoke of sewer, sanitary sewers.  
11 Sanitary sewers right down on Worthington Road. It  
12 can gravity flow from there to the lift station on  
13 Worthington Road because it was put in when Southern  
14 Star was built and Bellevue Baptist. So they can get  
15 sewer to this property. That can be, you know, good  
16 for anybody else that wants to come in and building  
17 heavy industrial.

18 I feel like, I know one property right offhand  
19 that I think would accommodate this nicely would be  
20 right at the end of the bypass, or not bypass, but 60.  
21 Across from the post office, across from Industrial  
22 Drive, there's 100 acres right there by the bypass  
23 that has, there's not very much residential around  
24 that area. I think that property could accommodate  
25 what they're wanting to do with this storage facility.

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1       Because we don't want to drive by there ten years from  
2       now -- I've lived there 29 years. I think one lady  
3       that lives there, she's been there 49 years. We don't  
4       want to see industrial park going down through there.  
5       I know Charlie has mentioned there can be -- I've  
6       developed out at Sorgho. I know there's -- they have  
7       a dairy right across from my subdivision out there,  
8       but that's been there 100 years also. It's a farming  
9       community. We understand that. What Charlie is  
10      saying is, yes, it can expand. They can put a  
11      distillery there. Our concern is heavy industrial.  
12      Driving down there through, you can drive down some of  
13      the heavy industrial area now on 60 already and see  
14      how it looks. We've got a lot of houses there on  
15      Airport Road that are worth a lot of money. We all  
16      pay taxes just O.Z. Tyler, and I appreciate what  
17      they've done for the community. I think they can find  
18      another area that they can put these buildings. Like  
19      I say, our concern is the heavy industrial zoning.  
20      Thank you.

21               CHAIRMAN: Thank you, Mr. O'Bryan.

22               Anyone else?

23               MS. KNIGHT: Ma'am, if you could please state  
24      your name for the record.

25               MS. HOWARD: Janet Howard.

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1 (JANET HOWARD SWORN BY ATTORNEY.)

2 MS. HOWARD: I want to say I think the  
3 commission said everything that needed to be said.  
4 They did a fine job. That is the most things that I  
5 wanted to say.

6 Another concern that I have is the Angle Share  
7 of the alcohol. If anybody is not familiar with it --  
8 I don't know if I can say this name or not. There is  
9 a mold that is formed when the percentage of alcohol  
10 evaporates from the warehouses it affects about a mile  
11 around a distillery or a warehouse. There could be  
12 filtration systems put in the warehouse, but as  
13 Mr. King stated, they don't plan that. It's just  
14 going to be by nature. So there is this evaporation.  
15 The ethanol mixes with moisture and it falls down and  
16 it makes everything black. It gets on cars, houses,  
17 trees. From an antidotal stories by Glenmore, that it  
18 is that way. Some people pay to have their houses  
19 cleaned and their cars clean. You have to keep cars  
20 in the garage. There have been lawsuits in Louisville  
21 and Frankfort, over in Indiana, and some of them have  
22 been successful getting damages for their homes and  
23 their vehicles. That is a concern of mine.

24 They don't know about the health issues. They  
25 don't think there are any, but they are not sure.

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1           The name of that is baudoinia comniacensis.

2           It's a dark mold. That is my main concern.

3           Also, I wonder, do they have to do an EPA  
4           study before the zoning or after the zoning? So  
5           that's a question I have; for air quality.

6           CHAIRMAN: Director.

7           MR. HOWARD: I would defer to the applicant.

8           MR. KAMUF: We're ready to answer the one on  
9           the mold. I think we can answer that.

10          MS. HOWARD: Melissa did mention about an EPA  
11          study that would be necessary, but I didn't understand  
12          at what point that would be necessary. Thank you.

13          MR. CALL: What she's referring to is actually  
14          a fungus. It's not a mold. It's a black fungus that  
15          naturally present in the environment, in the air.  
16          What happens is as the ethanol vapor dissipates from  
17          the air it attaches to that fungus and it will show up  
18          black. Now, there have been a lot of studies done on  
19          it. Nothing really conclusive. It has been  
20          determined to be nonharmless. Not going to hurt you  
21          at all. Generally speaking it's a few blocks from the  
22          distillery. Not a mile. Also, the prevailing wind in  
23          that area is generally from the west and the south.  
24          So it will blow away from those residential areas  
25          they're talking about.

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1           Probably a bigger concern for any darkening,  
2           in my opinion, would be from the numerous coal power  
3           plants in the area, as well as the diesel truck  
4           traffic along the new road there and also the bypass.  
5           I think you'll actually see that on a lot of the road  
6           signs in the area. It's something that the distillery  
7           world knows about. There have been some lawsuits, but  
8           to my knowledge nothing was ever finalized or made  
9           public of what happened. Nonharmless whiskey fungus.

10           CHAIRMAN: What about the EPA study; can  
11           anybody answer that?

12           MR. WEAVER: David Weaver again.

13           There's no EPA study. I think what Staff is  
14           referring to, and Melissa correct me if I'm wrong,  
15           it's a permitting that would be required with the Army  
16           Corps of Engineers, the Division of Water in  
17           relationship to the floodplain.

18           MS. EVANS: Yes. That's a standard note that  
19           we put on our Staff Reports. That if those permits  
20           are applicable to this type of project, then the  
21           applicant is required to get those as this process  
22           they're going through now doesn't take away from  
23           having to get those other permits and applications  
24           that they would need from any other entity.

25           CHAIRMAN: Thank you.

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1                   Anyone else from the audience?

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

4                   MS. RUGABY: Teresa Rugaby.

5                   (TERESA RUGABY SWORN BY ATTORNEY.)

6                   MS. RUGABY: My main concern is the flooding  
7 in the flood zone. Trying to find out resolutions of  
8 flooding around the 1215 Worthington Road area. We've  
9 had the Corp of Engineers come in. We've had other  
10 contractors come in to look at trying to fix the  
11 ravine or digging the ditches deeper. We found that  
12 even doing that, spending \$2 million it would not  
13 alleviate one foot of water out off of houses out  
14 there. They've just done a buyout around me due to  
15 the flooding.

16                   My concern is that building all these brick  
17 houses and laying concrete in this section of field,  
18 you're going to have runoff water that's going to go  
19 into Bradley Creek, which is in turn going to run into  
20 Rose Creek, which Rose Creek runs into Panther Creek,  
21 and all of these creeks wind up backing up from runoff  
22 water and backs up in my area to where I have a out  
23 knee deep water.

24                   My concern there is with all this concrete  
25 being laid, with the dry floor of these buildings that

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1       you're not going to have soil to soak up additional  
2       floodwater, and it's going to cause more backup water  
3       on me than what I currently have. Thank you.

4               CHAIRMAN: Thank you.

5               MR. WEAVER: David Weaver again with Bryant  
6       Engineering. I think I can answer that question.

7               Let me pull up the site plan again.

8               As we pointed out previously, the light blue  
9       area is regulated floodplain. In addition to  
10      addressing concerns with regulated floodplain, we have  
11      to address what the county engineer pre and post  
12      developed runoff rates from the site. We address  
13      those by providing retention calculations and  
14      retention basins. In this particular case with the  
15      floodplain, the issue is displacing volume. If you  
16      fill in the floodplain, you have to displace that  
17      volume somewhere else. So part of the requirement  
18      when we get into the front portion of this development  
19      will be mitigating any filling that we do with the  
20      floodplain by providing additional storage. All of  
21      that will be reviewed and approved by the county  
22      engineer, the Army Corps, and the Division of Water.  
23               This project won't have an impact from an  
24      increased runoff rain. It should actually decrease  
25      the runoff rate once we put in the retention facility.

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1           As compared to typical developments, as we  
2       pointed out, this is going to be a green development.  
3       It's 32 1/2 acres with nine buildings on it.

4           CHAIRMAN:   Thank you.

5           Did that answer your question?

6           MS. RUGABY:   So there will be a retention  
7       basin?

8           MR. WEAVER:   Absolutely.

9           MS. RUGABY:   Thank you.

10          CHAIRMAN:   Any other questions?

11          Commissioner Reeves.

12          MR. REEVES:   I have a question for Mr. Kamuf.

13          I want to draw your attention to Exhibit B,  
14       Mr. Kamuf.

15          If you look at the Air Park and at the bottom  
16       there, which will be the south of the Air Park, that  
17       I-1 area that is zoned 1-1, is there some reason that  
18       you didn't look at that?   Was it cost prohibited or  
19       did the Air Park not want this kind of operation in  
20       this facility?

21          MR. KAMUF:   They spent a lot of time with the  
22       Air Park.   Michael can explain.

23          MR. KING:   We spent several weeks speaking  
24       with the Air Park Board.   That was our first option,  
25       was for property within the Air Park.   Because we were



1 not considered a primary job producer our price per  
2 acre was double was the option we were given.

3 MR. REEVES: But you did explore that?

4 MR. KING: Yes. That was actually our  
5 preferred option from day one, and the option we  
6 explored from day one.

7 MR. REEVES: Thank you.

8 CHAIRMAN: Anyone else?

9 Mr. O'Bryan.

10 MR. O'BRYAN: Mike O'Bryan again.

11 What about the 100 acres, I think, that's  
12 across from Industrial Drive over there behind GRADD?  
13 There's 100 acres or better over in that area. I  
14 know, because I know one of the owners of some of that  
15 property. The hospital even looked at that property.  
16 So I know there's at least 100 acres over there to  
17 where this could fit in. You've got zoning,  
18 industrial, heavy industrial right across the road  
19 from it. I think it would be more suitable for  
20 something like this than what's going to happen on  
21 Parrish Avenue here. We're hoping maybe something a  
22 little more desirable. I know Charlie said, most  
23 anything can go there, but I'm hoping that something a  
24 little bit more desirable beside storage buildings  
25 could fit this property.

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1           MR. KAMUF: Of course, you know it's already  
2           zoned industrial. I'll go over those uses again.

3           A manufacturing plant can go down there as it  
4           exist. At the present time a general manufacturing  
5           plant can go down there tomorrow. A grain dryer. A  
6           truck terminal. The only technicality that we have  
7           here is the fact that we're storing bourbon. Those  
8           warehouses could go down there. The intensity of the  
9           use on 32 acres of nine buildings is really, really  
10          restricted.

11          The other that could go down there is a lumber  
12          and construction storage yard. A storage yard could  
13          go down there tomorrow.

14          MR. O'BRYAN: What about if those warehouses  
15          catch on fire, what kind of implosion are you looking  
16          at there? Wasn't there one up in the eastern part of  
17          the state a couple of years ago at the warehouse  
18          imploded?

19          MR. KAMUF: There'd be a lot of people down  
20          there with buckets.

21          MR. O'BRYAN: I'm just saying, you know, if  
22          that thing implodes, it's going to create some  
23          implosion across the road there.

24          MR. KING: Michael King again.

25          Part of the spacing requirements required by

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1 the building code is that it currently is to limit --  
2 they are considered a fire separation distance. That  
3 distance is determined exclusively for fire  
4 separation. Those distances were small in the past.  
5 That is part of the reason.

6 I believe the actual fire that you're thinking  
7 of, the one I'm recalling, was actually a lightning  
8 strike onto a wooden building which made the fire  
9 worse. In this case, metal building. Less  
10 susceptible to a lightening strike that would affect  
11 the product inside of it. In addition, they've done  
12 testing on the bourbon barrels themselves. That the  
13 barrel itself is extremely hard to ignite. It's  
14 usually the large vapors from the distillery. A  
15 distillery during production would be more explosive  
16 in nature than the actual distilled spirits themselves  
17 in a bourbon barrel.

18 MR. O'BRYAN: Another question I have is: If  
19 these barrels start to leak, what about our water  
20 system, getting into the ditches? Because that's  
21 happened before too. It gets into a water stream. I  
22 think there was another facility somewhere where this  
23 had happened. It got into a river or a creek or  
24 something like that.

25 MR. KING: Part of the retention basin for

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1       this project is retention for spilled alcohol, which  
2       is also required by the Kentucky Building Code.

3               MR. O'BRYAN: Like I say, my concern is not  
4       just the warehouses, but the heavy industrial zoning  
5       right there across from our community there. I know  
6       Charlie said time and time again, there can be other  
7       things there. I understand that, but I think OMPC  
8       Planning, what you all will have control what goes in  
9       there also, you know, at another time. Thank you.

10              CHAIRMAN: Thank you.

11              Yes.

12              MR. CALL: Jacob Call again.

13              Just one other thing I want to point out.  
14       We're only talking about three trucks a day on average  
15       bringing barrels in. It's not a big heavy amount of  
16       traffic that will be coming in.

17              MR. KAMUF: One other point. With the five  
18       lanes of West Parrish there's going to be a lot of  
19       traffic down there as a result. In other words, in a  
20       B-4 area there will be a lot more traffic than there  
21       will be in any industrial area because it's kind of a  
22       catalyst. Once you have five lanes, and I guess  
23       that's the reason that they expanded the lanes is  
24       because it was necessary. Directly across the road  
25       from this property is a B-4 zone. If you look at the

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1       little map that I put out, there's a B-4 zone all over  
2       the area down there, which is a lot more traffic than  
3       any type of industrial.

4               CHAIRMAN:   Thank you.

5               Mr. Ball.

6               MR. BALL:   Charlie has talked about what is  
7       allowed in an I-1.   Can we get abbreviated list of  
8       what's allowed in an I-2?

9               MR. HOWARD:   The definition for heavy industry  
10       is those industries whose manufacturing a product  
11       result in the admission of dust, smoke, noxious fumes  
12       or other glutens altering the atmosphere condition.  
13       Light, flashing, glare, odor, noise or vibration which  
14       may be heard or felt off the premises in those  
15       industries which constitute a fire or explosion  
16       hazard.

17               So our reference that earlier regarding your  
18       question as to why this has to be in an I-2 zone.

19               But that's a definition of the types of uses  
20       that can potentially be permitted in an I-2 zone.

21               MR. BALL:   Would not be allowed in an I-1?

22               MR. HOWARD:   Right.   Any industry that creates  
23       noise, vibration, maybe some type of admission.   You  
24       know, that type of thing would be permitted in an I-2  
25       zone which would not.   As Mr. Kamuf explained, the use

1 he outlined our I-1 uses.

2 MR. BALL: Thank you.

3 MR. O'BRYAN: Just for clarification, those  
4 are the differences between I-2 and I-1, correct?

5 MR. HOWARD: Yes. The main difference is the  
6 nuisance factor, I guess, if you will, that I-2 uses  
7 would tend to generate versus an I-1 which wouldn't  
8 have the noise, or glare, or vibration, or pollutant,  
9 emissions, and things like that. Odors.

10 CHAIRMAN: We have another question by  
11 Commissioner Boswell.

12 MR. BOSWELL: Counsel, I guess I'm struggling  
13 with one of the items on your motion to approve and  
14 also made in your findings. I've driven that road,  
15 West Parrish Avenue and West Fifth Street for probably  
16 off and on for 60 years and I've seen some of the  
17 changes that have happened on West Parrish. Most of  
18 those have been pretty much commercial in nature.  
19 There's not really any industrial down on West Parrish  
20 Avenue.

21 So I'm struggling, I guess, with your social  
22 economic changes. Physical changes I can understand,  
23 but I'm struggling with -- maybe setting some  
24 examples.

25 MR. KAMUF: The Massies are the same Massies

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1       that owned all the property where Kentucky Wesleyan  
2       College is.  It's all rolled back there in the  
3       background.

4               Right before I got to be the attorney for the  
5       Board in 1969 or something of that nature, Mr. Massie  
6       went down there and got all of this property.  It's  
7       zoned industrial.  It just hadn't taken place until  
8       now.  In other words, the reason -- it just wasn't  
9       maybe available.

10              Larry O'Bryan is here.  He's the trustee of  
11       the Massie Farms.

12              This is nothing new, Larry, in that area.  
13       It's just that it wasn't developed because it's been  
14       zoned, I know it was -- prior to the time that -- I  
15       was the attorney for the Board in 1969, and it was  
16       zoned prior to that time.  The reason they got it  
17       zoned at that time they were going to make an  
18       industrial area out of it.  It just hadn't gotten  
19       there.  O.Z. Tyler hadn't come to town at that time.

20              MR. BOSWELL:  Thank you.

21              Maybe this question is for Mr. Howard.

22              The balance of this property, the 104 acres,  
23       what is that zoned currently?

24              MR. HOWARD:  It's a split of -- I don't have  
25       it here.  It's looks like A-R zoning primarily is what

1 the rest of the agriculture portion is zoned.

2 MS. EVANS: Yes. It's split A-R and A-U  
3 agricultural.

4 MR. BOSWELL: Thank you.

5 CHAIRMAN: Any other questions from the  
6 commissioners?

7 (NO RESPONSE)

8 CHAIRMAN: Any other questions from the  
9 audience?

10 Please come forward.

11 MS. RUGABY: Teresa Rugaby again.

12 So I'm looking at the plans with your nine  
13 buildings or your potential expansion for another  
14 three. I'm not seeing anywhere in this plan for  
15 retention basins. Where would this retention basin be  
16 placed?

17 MR. WEAVER: David Weaver again.

18 What you're looking at is a conceptual plan.  
19 It's certainly by no means a detailed plan. The  
20 retention basin will probably be somewhere in the  
21 vicinity of Bradley Creek. It's not a detailed plan  
22 at this point. We haven't design the retention basin.

23 MS. RUGABY: My concern is if we permit this,  
24 are there going to be possibilities of future  
25 increased development down there in the future that's



1       going to allow for more concrete, more buildings, more  
2       runoff, when we've already gone through massive  
3       construction investigation on alleviating the flood  
4       down there, and I don't know if I said that right, and  
5       the Corps of Engineers and other contractors have come  
6       in here and said, that even if we do a basin, it's not  
7       going to alleviate one foot of water off the homes  
8       that are already down there.

9               So they've already got the paperwork and  
10       everything showing that even if you put this basin in,  
11       you're not going to alleviate any water. You might --  
12       I'm not understanding how you think that's going to  
13       work, especially if we allow future construction down  
14       there with just you starting it.

15              CHAIRMAN: I think we had two questions.

16              MR. HOWARD: As I stated earlier, if I-2  
17       zoning is established here it could expand. Certainly  
18       along Parrish Avenue it would meet the criteria for  
19       logical expansion. I guess in theory it could also,  
20       you know, the remainder of the parent track came  
21       through as an I-2 zone, at that point it would be over  
22       100 acres and it might even meet the criteria to  
23       rezoned the whole thing to an I-2. So, yes, it could  
24       expand in the vicinity.

25              Mr. Weaver could answer the other question.

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1           MR. WEAVER: The purpose of a retention basin  
2           for a development is to take care of the runoff from  
3           that development. It won't alleviate existing  
4           flooding or change existing drainage patterns, if that  
5           answers your question. Developers typically do not --  
6           granted there is excess in retention that's done as  
7           part of a belt and suspenders, if you will, as far as  
8           the design aspect of the project, but the development  
9           here does not, it's not a drainage project. It's a  
10          project to build warehouses and offset the affect of  
11          those warehouses.

12          MS. RUGABY: I understand that, but you're  
13          basin is eventually going to drain in somewhere. I've  
14          lived here since 2006 and I have gone from being  
15          flooded once every six years to once every three to  
16          every year. The flooding in this area is getting  
17          worse year by year. The ditches are eroding away.  
18          They're not deep. Rose Creek that runs besides me  
19          that is labeled as a creek is a ditch, if you want to  
20          call it a ditch, is my concern.

21          CHAIRMAN: Thank you.

22          Commissioner Reeves.

23          MR. REEVES: Just for layman point of view  
24          maybe. As I see it right now, from the bypass all the  
25          way down through Bellevue Baptist Church is capable of

1       being development, concrete being poured and runoff  
2       already, isn't it? This rezoning does no more harm  
3       than what's currently in existence, except this  
4       rezoning will make that one plot less intensive than  
5       it is as the current zoning, as I understand it, as  
6       far as heavy operations.

7               MR. HOWARD: What you do you mean? I just  
8       want to make sure I understand your statement there.

9               MR. REEVES: You couldn't have a metal  
10      stamping shop if it's I-2; is that correct or not?

11              MR. HOWARD: You could. The way the zoning  
12      would work, in an I-2 zone you can do everything in an  
13      I-1 zone plus additional things.

14              MR. REEVES: Two is more intense than one?

15              MR. HOWARD: Yes. I-2, outside of potentially  
16      -- coal mining is the most intensive zone that we have  
17      in Daviess County.

18              MR. REEVES: Wish I had done the number  
19      otherwise.

20              CHAIRMAN: Yes sir.

21              MR. YOUNG: My name is Don Young.

22              (DON YOUNG SWORN BY ATTORNEY.)

23              MR. YOUNG: I live at the corner of Airport  
24      Road and Parrish Avenue. I was under the impression,  
25      that he made a statement, they made a statement that

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1 the mold would get how far from that point? I live  
2 probably less than a block from where they're going to  
3 be.

4 What was the distance you said was going to  
5 cause me a problem for mold and probably for the wind,  
6 as far as the building coming apart or whatever.

7 MR. KAMUF: I don't think he said it was mold.  
8 He said it was a fungus, but he's here to testify.

9 MR. CALL: Jacob Call again.

10 Whiskey fungus is not a mold. It's not  
11 harmful.

12 The buildings do sit low, lower than where  
13 your house is. So I would, again, anticipate the wind  
14 to blow the other way. Generally speaking a few  
15 blocks.

16 MR. YOUNG: The next question I have: What  
17 did you say that the building would withstand as far  
18 as wind; how much wind will it withstand? If it's 140  
19 feet by 140 feet, that's probably a pretty good  
20 question for all of us.

21 MR. KING: These building are built to the  
22 same requirements as any building would be by Kentucky  
23 Building Code for this area. I believe the wind  
24 rating on these buildings would be a 115 mile an hour  
25 wind. So they're rated for this area to be installed

1 in an open field.

2 There's actually a slightly lower class that  
3 could be used, if it was considered more dense where  
4 you have buildings and things blocking that wind load.  
5 We did not use that. We went with the higher one to  
6 make sure that we could withstand any winds going  
7 across that field. So I believe the wind blowing rate  
8 for a Category C is 115 miles an hour.

9 MR. YOUNG: One more question. If we're there  
10 and you have no water on that property and it catches  
11 on fire, how do you plan on putting it out?

12 MR. KING: There's a fire extinguisher on the  
13 corner of that property, at the corner of the property  
14 that could be used for fire department connection.

15 MR. HOWARD: You mean fire hydrant, correct?

16 MR. KING: What did I say?

17 MR. HOWARD: Fire extinguisher.

18 MR. KING: Fire hydrant at the corner of the  
19 property.

20 CHAIRMAN: Any other questions?

21 Mr. O'Bryan.

22 MR. O'BRYAN: Thank you, Mr. Chairman.

23 Like he said, there is a fire hydrant there,  
24 but if these buildings are set 3 or 400 feet, they're  
25 going to spend hours. I would think there would have

1 to be sprinklers, have sprinkler systems in it,  
2 because they're going to spend hours dragging hoses  
3 out putting fires out. That's an issue that I have.

4 Plus another thing is, like Staff said, it  
5 doesn't meet with the Comprehensive Plan. They spent  
6 a lot of time doing this, planning. I've sat on some  
7 of these committees and stuff in doing this. I just  
8 feel, like I say, the heavy industrial in that area,  
9 this will start with heavy industrial. This is the  
10 start of future heavy industrial.

11 CHAIRMAN: Thank you.

12 Mr. Young.

13 MR. YOUNG: One more question. Next question:  
14 How about the odor from these buildings, how much odor  
15 are we going to have?

16 CHAIRMAN: Can anybody answer that?

17 MR. WEAVER: If we can do one question at a  
18 time, it will make it easier.

19 I'm going to address Mr. O'Bryan's question  
20 with regard to the fire protection.

21 The buildings themselves will only require  
22 electric, but we will have to meet the requirements of  
23 the Public Improvement Specification in regard to the  
24 fire protection and there will be fire hydrants that  
25 will have to be put on site to meet the distance,

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1       which is 600 feet from a hydrant. So that will be  
2       addressed with the fire chief.

3               CHAIRMAN: Thank you.

4               What about the odor?

5               MR. CALL: Odor is kind of one of those  
6       subjective things. I can tell you, if you pull into  
7       our entrance gate of the distillery you probably can't  
8       smell the bourbon until you get up kind of close to  
9       the warehouse. Now, our distilling process, the  
10      cooking, the mashing of the grain, you can smell that  
11      for a fair piece, but not a bourbon odor. Not very  
12      far.

13              CHAIRMAN: Thank you.

14              Does that answer your question.

15              MR. YOUNG: Yes.

16              CHAIRMAN: Any other questions from the  
17      audience?

18              (NO RESPONSE)

19              CHAIRMAN: Any questions from the  
20      commissioners?

21              (NO RESPONSE)

22              CHAIRMAN: We do have another person from the  
23      audience.

24              MS. KNIGHT: State your name, please.

25              MR. PAYNE: Charlie Payne.

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1 (CHARLIE PAYNE SWORN BY ATTORNEY.)

2 MR. PAYNE: You were talking about the fire  
3 protection, and you're talking about a hydrant. Are  
4 you talking about the fire department bringing on more  
5 water to the site to put the fire out?

6 MR. WEAVER: No, I am not. We'll have to, the  
7 Public Improvement Specifications will require that we  
8 have a fire hydrant that's within 600 foot of each  
9 building corner. So they'll have to be fire hydrants  
10 installed on site to meet the requirements of that, of  
11 the improvement specifications.

12 MR. PAYNE: The reason I'm asking is, where is  
13 the water coming from?

14 MR. WEAVER: It will be an extension off the  
15 waterline, but it will be just into that site.

16 MR. PAYNE: So it's going to actually come  
17 from the RWRA --

18 MR. WEAVER: No. RWRA is sewer.

19 MR. PAYNE: I mean water supply that runs  
20 along Parrish Avenue now?

21 MR. WEAVER: Yes.

22 MR. PAYNE: Do you know for sure, I'm looking  
23 at cost right now. I'm just wondering with that many  
24 buildings and to sprinkle that many warehouses, that  
25 is a tremendous amount of water that you have to

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1 supply.

2 MR. WEAVER: We're not sprinkling these  
3 buildings. We're not required. We have a 200 foot  
4 separation between buildings. That separation between  
5 buildings is governed by the Kentucky Building Code  
6 and that provision is put in place for that very  
7 reason. These buildings are far enough apart and the  
8 height of them such that they shouldn't catch -- if  
9 one building caught on fire, the adjacent building  
10 should not catch on fire.

11 MR. PAYNE: I understand. The only thing I'm  
12 questioning right now is for a fire protection system  
13 that large, you have to have a minimum of six inch  
14 line and a maximum of probably 12. I don't think that  
15 kind of supply is out there anywhere, but that's  
16 irregardless.

17 My other problem with it is, is I go to First  
18 Freewell Baptist Church on West Fifth Street Road. If  
19 you take the Audubon Parkway and you head east,  
20 immediately on the left you'll see ball diamonds.  
21 There's a real nice ball field there on the right.  
22 There's farmland. Everything they're talking about  
23 right now is right there.

24 Then you look a little further on, and it's  
25 just like what Mr. Boswell said awhile ago, there's

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1       been so much for so many years, and I understand that  
2       back in 1969 that Mr. Massie wanted to go ahead and  
3       take all this property and do I-1. Okay. That was  
4       then and this is now. We need to maintain the city as  
5       we have it. We made a lot of improvements, but I  
6       think right now if you go up 60 into the old  
7       industrial area of this town, and you see there along  
8       Glenmore, just try to translate that down to Parrish  
9       Avenue. If we're going to have it, it needs to be  
10      within five miles. I'm certain there's something,  
11      like this gentleman back here said a minute ago, that  
12      is within the City of Owensboro, Stanley boundaries.  
13      Anything west would be sufficient to build these  
14      warehouses. They're just warehouses. On the WK  
15      Parkway right now right before you get into Lexington  
16      on the right-hand side, there's six of these monsters  
17      going in right now. They look like huge dorms, but  
18      they're warehouses. Whiskey is booming right now.  
19      How long is it going to last? I don't really care;  
20      I'll be honest with you.

21               Right now as far as my family, and my faith,  
22      and my belief, I don't want to see these warehouses.  
23      I do not want to see these warehouse. I don't care  
24      really where you put them. Just don't put them down  
25      there.

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1 CHAIRMAN: Thank you. Anyone else?

2 MR. KAMUF: Mr. Chairman, I might say this:  
3 Not right in that immediate area, but right down at  
4 the intersection there's a 75,000 square foot tobacco  
5 warehouse that's been there since '93. It's not  
6 like -- all along that particular area it's zoned  
7 industrial, some light industrial. But I believe in  
8 that particular area to put that tobacco warehouse all  
9 was necessary was an I-1 zone.

10 CHAIRMAN: Thank you very much.

11 Additional questions?

12 MR. YOUNG: If this gets built, how much are  
13 they going to assure the value of like my house is  
14 going to maintain? So far everything is great for  
15 them. What's going to be good for us? If there's  
16 anything that I said that was a little rough, I didn't  
17 mean to, but that the only way I know to phrase it.  
18 If they're going to do everything that's going to be  
19 good for them, what about all the people that pays  
20 taxes down Airport Road, all the houses, the church  
21 people over here. What's going to happen to our  
22 valuation of our houses? How are we going to look at  
23 this? Would you want to buy a house with six liquor  
24 places across from your place?

25 CHAIRMAN: Thank you, sir.

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1                   Mr. O'Bryan, you have another one.

2                   MR. O'BRYAN: I think like Mr. Payne talked  
3                   about, the Stanley area, I mean out by Kimberly-Clark.  
4                   I think there was a contractor that looked at building  
5                   warehouses out there. There's got to be other places.

6                   Mr. Kamuf talks about Independent Warehouse.  
7                   Yes, it's been there for probably 30 years or 40  
8                   years, but it's not directly on Parrish Avenue. It  
9                   sits back probably a couple of thousand feet off the  
10                  road. You can't see it from Parrish Avenue. I think,  
11                  you know, we see the expansion of 54 now and what it's  
12                  causing traffic-wise out there is havoc. I know we  
13                  can't stop future development because we'll die. I  
14                  understand that, but the thing is I think we have to  
15                  look at beautification also. If you go into Planning  
16                  and Zoning now and look at what they've done over the  
17                  last 40, 50 years or since the '80s, is they've really  
18                  done a great job beautifying our city to where we  
19                  don't have to look at -- I'm not saying that  
20                  warehouses are -- but it's undesirable buildings that  
21                  I don't want to see. Thank you.

22                  CHAIRMAN: Thank you very much.

23                  Anyone else have any new information they  
24                  would like to bring up?

25                  (NO RESPONSE)

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1                   CHAIRMAN: Any commissioners have any more  
2 questions?

3                   (NO RESPONSE)

4                   CHAIRMAN: Seeing none the chair is ready for  
5 a motion.

6                   Commissioner Ball.

7                   MR. BALL: I don't typically say anything  
8 before a motion, but in this particular case I think  
9 it's a very difficult zoning. I think O.Z. Tyler is  
10 good for our community. I think the use of warehouses  
11 and bourbon storage are not necessarily bad for this  
12 particular location; however, I'm extremely concerned  
13 with potential future uses and expansions of an I-2  
14 zoning. Therefore, I would like to a make a motion  
15 for denial based on the Staff's Recommendation and  
16 Finding of Fact 1 through 5.

17                  CHAIRMAN: Do we have a second?

18                  MR. BOSWELL: I'll second that.

19                  CHAIRMAN: Seconded by Commissioner Boswell.  
20 Any questions concerning the motion or the second?

21                  (NO RESPONSE)

22                  CHAIRMAN: The chair is ready for a vote. All  
23 those in favor of the motion please indicate by  
24 raising your right hand.

25                  (BOARD MEMBERS IRVIN ROGERS, BEVERLY McENROE,

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1 MANUEL BALL, LARRY MOORE, LARRY BOSWELL, MIKE EDGE AND  
2 ANGELA HARDAWAY RESPONDED AYE.)

3 CHAIRMAN: All those opposed.

4 (BOARD MEMBERS LEWIS JEAN AND FRED REEVES  
5 RESPONDED NAY.)

6 CHAIRMAN: The motion passes.

7 MR. KAMUF: Thank you, gentlemen.

8 CHAIRMAN: Next is a related items. I don't  
9 think the conditional use permit, do we need to bring  
10 that up?

11 MS. KNIGHT: It will not. Since the rezoning  
12 didn't pass there's no use for the conditional use  
13 permit.

14 Mr. Kamuf, do you agree with me, that the  
15 Conditional Use Permit is no longer needed?

16 MR. KAMUF: Please?

17 MS. KNIGHT: Do you agree that the Conditional  
18 Use Permit application is no longer needed?

19 MR. KAMUF: Right.

20 CHAIRMAN: Thank you.

21 Minor Subdivision, Mr. Howard.

22 MINOR SUBDIVISION PLATS  
23 ITEM 6  
24 7656 Curdsville-Delaware Road, 2.593 acres  
25 Consider approval of a minor subdivision plat  
Applicant: Kevin Vance & Cheryl Underwood

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1           MR. HOWARD: This plat comes before you as an  
 2           exception. They're creating what we call a flag-lot.  
 3           Has limited 50 feet of road frontage on  
 4           Curdsville-Delaware Road. They are creating a parcel  
 5           around an existing home. There are notations on the  
 6           plat that it cannot be further subdivided without  
 7           meeting the subdivision regulations. Since there is  
 8           an existing home that they're creating this parcel  
 9           around, we would recommend that you consider it for  
 10          approval.

11          CHAIRMAN: We're ready for a motion.

12          Mr. Jean.

13          MR. JEAN: Make a motion to approve.

14          CHAIRMAN: Do we have a second?

15          MS. HARDAWAY: Second.

16          CHAIRMAN: Second by Ms. Hardaway. All those  
 17          in favor indicate by raising your right hand.

18          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19          CHAIRMAN: Motion passes.

20          Let me do this, because he's going to yell at  
 21          me if I don't.

22          We do have a celebrity that snuck in and  
 23          finally wants to speak a little bit, our County Judge  
 24          Executive Al Mattingly.

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

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1 I do appreciate the fact that you allow my  
2 audience to leave before I speak.

3 First of all, I came over here tonight because  
4 I knew this was selection of election time. I  
5 personally wanted to thank my good friend Larry  
6 Boswell for the time he served as chair, and my good  
7 friend Mr. Moore for being selected and elected to  
8 serve as chair, and all the other officers that are  
9 going to move up.

10 As I look across the bench, I see many of the  
11 folks that I appointed that used to be my friends, and  
12 now they don't even want to talk to me anymore because  
13 this obviously, just as evidenced by what went on, is  
14 absolutely one of the hardest jobs in this community.  
15 Each and every one of you do it well. I'm going to  
16 try to get an increase in your pay this next budget.  
17 We don't pay you. Many people out there in the  
18 audience think you make the big bucks.

19 It's a job that's necessary and someone made a  
20 statement, and I was fascinated with the discussion  
21 because I pretty much know everything about that  
22 property because, as the county judge, we have dealt  
23 with the flooding issues in the past. As someone  
24 stated, because of OMPC you have made this a much  
25 better community to live in, a more beautiful

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1 community to live in, and greatly safer community to  
2 live in. I always talk about no one wants to be told  
3 no, but it gives me tremendous confidence when I go  
4 into a building that I know I have a reasonable chance  
5 to walk out alive without it collapsing around my  
6 shoulders and because of you guys, you men and women,  
7 I know that's a reality in Daviess County that a lot  
8 of other communities don't have.

9 Thank you and I look forward to the coming  
10 year. I hope it's a good year and I hope that the  
11 first item that you heard this evening isn't a  
12 precedent as to what might be headed your way in the  
13 future. Thank you.

14 CHAIRMAN: Thank you, sir.

15 ITEM 7  
16 2530 Highway 144; 614 & 700 Glenn Court;  
2523 East 8th Street, 4.942 acres  
17 Consider approval of a minor subdivision plat  
Applicant: Gary M. Boswell; David W. Boswell; Jerry  
18 W. Arrendell

19 MR. HOWARD: This plat comes before you. All  
20 of these are existing lots that have additional  
21 property that's being added to the rear of them off of  
22 a larger track that has frontage on Highway 144 as you  
23 can see on the plat. They're not creating any new  
24 lots. Just really adding some additional property to  
25 three existing parcels. They do exceed the three to

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1       one requirement, but we would recommend that you  
2       consider this for approval.

3               CHAIRMAN: Thank you.

4               Any commissioners have any questions?

5               (NO RESPONSE)

6               CHAIRMAN: Chair is ready for a motion.

7               MR. ROGERS: Motion for approval.

8               CHAIRMAN: Thank you, sir.

9               MR. EDGE: Second.

10              CHAIRMAN: We have a motion and a second. All  
11       those in favor show by raising your right hand.

12              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13              CHAIRMAN: Motion carries.

14              -----

15                               NEW BUSINESS

16       ITEM 8  
17       Consider approval of November 2018 financial  
18       statements

19              CHAIRMAN: All of the commissioners should  
20       have received a copy of the financial statement.

21              Does anyone have any questions or concerns  
22       about that?

23              (NO RESPONSE).

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

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1 Mr. Reeves.

2 MR. REEVES: Motion to approve.

3 MR. BOSWELL: Second.

4 CHAIRMAN: Second by Mr. Boswell. All those

5 in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

8 ITEM 9

9 Comments by the Chairman

10 CHAIRMAN: At this particular time I have

11 none.

12 ITEM 10

13 Comments by the Planning Commissioners

14 CHAIRMAN: Any comments by you guys?

15 Mr. Boswell.

16 MR. BOSWELL: Thank you, Mr. Chairman.

17 I just want to congratulate you. You've done

18 an outstanding job tonight under some tough

19 circumstances.

20 ITEM 11

21 Comments by the Director

22 \* Melissa Evans - Regular, full-time appointment to

23 the position of Associate Director, Planning

24 \* Shannon Kenyon - Regular, full-time appointment

25 to the position of Secretary

26 \* Tara Conder - Regular, full-time appointment to

27 the position of Receptionist/Clerk

28 \* Michael Critser - Regular, full-time appointment

29 to the position of Inspector

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1 MR. HOWARD: I have a couple of things here.

2 If you all remember, about four years we  
3 changed our personnel policy to where new hires serve  
4 on a probation period basically for a minimum of six  
5 months. At which time if their work has been  
6 satisfactory I bring them before you all with a  
7 recommendation to accept them as regular full-time  
8 employees. We have mirrored what the City of  
9 Owensboro does for their employees.

10 We've had a couple of retirements and some  
11 transition within the office. So we have four  
12 employees tonight that I would like to bring before  
13 you to be considered for regular full-time employees.

14 The first is Melissa Evans as Associate  
15 Director of Planning.

16 Second, Shannon Kenyon as our secretary. She  
17 took Sheila Moore's spot when Sheila retired and is  
18 doing our administrative staff things along with  
19 bookkeeping and whatnot.

20 Tara Conder is our front desk receptionist.  
21 She's been training on the building side and learning  
22 that permitting process.

23 Michael Critser as an inspector. We had both  
24 John Pickrell and Allen King retire last year. We  
25 brought him on. So we do have three full-time

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1 inspectors. So our level of service has not  
2 decreased. We have all of those in place.

3 I would like to recommend all four of those as  
4 regular full-time employees and they're ready for your  
5 all's consideration.

6 CHAIRMAN: Anyone have any questions  
7 concerning those appointments?

8 (NO RESPONSE)

9 CHAIRMAN: If not chair is ready for a motion.

10 MR. ROGERS: Motion for approval.

11 MR. JEAN: Second.

12 CHAIRMAN: Second by Mr. Jean. All those in  
13 favor of the motion and the second raise your right  
14 hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 MR. HOWARD: I would like to thank  
18 Commissioner Boswell for his time as chairman.  
19 Appreciate the interaction you had me and our staff  
20 and all that you've done to support planning.

21 I appreciate each and every one of you.  
22 You've been supportive of our Staff of what planning  
23 and zoning is and what the building department's  
24 purpose is. So I really appreciate that. Thank each  
25 of you for your service.

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1           Then lastly, you'll notice we only have nine  
2           members here tonight. John Kazlauskas has been a  
3           member or was a member of our Planning Commission for  
4           eight years. His term, he was appointed by the City  
5           of Owensboro, and his term ended at the end of 2018.  
6           The city will be appointing a new person here within  
7           the next week or two.

8           I'd just like to extend gratitude to former  
9           Police Chief Kazlauskas for his time here on the  
10          Planning Commission, you know, and the work that he  
11          did and the good questions and everything that he  
12          brought to this board. He served the commission well  
13          as an eight year veteran.

14          We have some new faces now, but really would  
15          like to thank him for his time here on the Planning  
16          Commission.

17          That's the last comment that I have.

18          CHAIRMAN: Thank you.

19          Any other comments?

20          (NO RESPONSE)

21          CHAIRMAN: Then final one is a motion for  
22          adjournment.

23          MR. BALL: Motion to adjourn.

24          MR. EDGE: Second.

25          CHAIRMAN: We have a motion and a second. All

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1       those in favor raise your right hand.

2               (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3       CHAIRMAN:  We are adjourned.

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1 STATE OF KENTUCKY )

)SS: REPORTER'S CERTIFICATE

2 COUNTY OF DAVIESS )

3                   I, LYNNETTE KOLLER FUCHS, Notary Public in and  
4                   for the State of Kentucky at Large, do hereby certify  
5                   that the foregoing Owensboro Metropolitan Planning  
6                   Commission meeting was held at the time and place as  
7                   stated in the caption to the foregoing proceedings;  
8                   that each person commenting on issues under discussion  
9                   were duly sworn before testifying; that the Board  
10                  members present were as stated in the caption; that  
11                  said proceedings were taken by me in stenotype and  
12                  electronically recorded and was thereafter, by me,  
13                  accurately and correctly transcribed into the  
14                  foregoing 79 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 January, 2019.

18  
19

LYNNETTE KOLLER FUCHS  
OHIO VALLEY REPORTING SERVICES  
NOTARY ID 613522  
2200 EAST PARRISH AVE., SUITE 106-E  
OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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