

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 14, 2008

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 February 14, 2008, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
Judy Dixon, Vice Chairman
9 David Appleby, Secretary
Gary Noffsinger, Director
10 Madison Silvert, Attorney
Jimmy Gilles
11 Irvin Rogers
Wally Taylor
12 Keith Evans
Martin Hayden
13 Rita Moorman

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15
16 CHAIRMAN: I would like to welcome everybody
17 to our February 14th Valentine's Day meeting of the
18 Owensboro Metropolitan Planning Commission.

19 Will you please rise for our invocation and
20 our pledge.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Our first order of business is to
23 welcome and swear in our new member, Ms. Rita Moorman.

24 (MR. MADISON SILVERT SWEARS IN RITA MOORMAN.)

25 CHAIRMAN: Thank you. Welcome to the

1 Commission, Ms. Moorman.

2 MS. MOORMAN: Thank you.

3 CHAIRMAN: Our next order of business is to
4 consider the minutes of the January 10th meeting. Are
5 there any questions, additions, corrections?

6 (NO RESPONSE)

7 CHAIRMAN: If not the Chair is ready for a
8 motion.

9 MS. DIXON: Move to approve.

10 CHAIRMAN: Motion for approval by Ms. Dixon.

11 MR. EVANS: Second.

12 CHAIRMAN: Second by Mr. Evans. All in favor
13 raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, please.

17 -----

18 ZONING CHANGES

19 ITEM 2

20 800, 812, 816 East Second Street, 805, 809, 815, 823
21 829 East Third Street, 225 Pearl Street, 1.883 acres
22 Consider zoning change: From B-4 General Business,
23 I-1 Light Industrial, P-1 Professional/Service and
24 R-4DT Inner-City Residential to B-4 General Business
25 Applicant: Owensboro Grain Company, LLC

24 MR. SILVERT: State your name, please.

25 MR. HOWARD: Brian Howard.

1 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

2 MR. HOWARD: Before I enter the Staff Report
3 into the record, I'll mention that all rezonings
4 tonight will be final 21 days after the Planning
5 Commission recommendation tonight, unless a form is
6 filed with our office that would require to go before
7 a legislative body for approval. Those forms are
8 available I believe on the back table or on our
9 website.

10 PLANNING STAFF RECOMMENDATION

11 Staff recommends approval because the proposal
12 is in compliance with the community's adopted
13 Comprehensive Plan. The conditions and findings of
14 fact that support this recommendation include the
15 following:

16 CONDITIONS:

- 17 1. No access shall be permitted to East
18 Second Street;
- 19 2. All vehicular use areas shall be paved and
20 appropriate vehicular use area screening shall be
21 installed where adjacent to road right-of-way; and,
- 22 3. A 10' landscape easement with a six foot
23 element and one tree every 40 linear feet shall be
24 installed where adjoining residentially zoned
25 property.

1 FINDINGS OF FACT:

2 1. The subject property is partially located
3 in a Business/Industrial Plan Area, where general
4 business uses are appropriate in general locations and
5 partially located in a Central Residential Plan Area,
6 where general business uses are appropriate in limited
7 locations;

8 2. Approximately one-half of the subject
9 property is currently zoned B-4 General Business;

10 3. The proposal is a logical expansion of B-4
11 zoning onto land that generally abuts the same
12 streets; and,

13 4. With no access to East Second Street, the
14 expansion of the B-4 zoning should not significantly
15 increase the extent of the zone in the vicinity of the
16 expansion and should not overburden the capacity of
17 roadways and other necessary urban services that are
18 available in the affected area.

19 MR. HOWARD: We would like to enter the Staff
20 Report into the record as Exhibit A.

21 CHAIRMAN: Is there anybody representing the
22 applicant?

23 MR. SULLIVAN: Mike Sullivan.

24 CHAIRMAN: Mr. Sullivan, will you stay there
25 until we see if we've got any questions.

1 Do we have any questions of the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Does anybody on the commission have
4 any questions?

5 (NO RESPONSE)

6 CHAIRMAN: If not, Mr. Sullivan, you may sit
7 down.

8 Chair is now ready for a motion.

9 MR. GILLES: Motion to approve based on
10 Conditions 1 through 3 and Findings of Fact 1 through
11 4.

12 CHAIRMAN: We have a motion for approval by
13 Mr. Gilles.

14 MR. APPLEBY: Second.

15 CHAIRMAN: Second by Mr. Appleby. All in
16 favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 3

21 7094 U.S. Highway 231, 2.651 acres
22 Consider zoning change: From R-1A Single-Family
23 Residential to B-4 General Business
Applicant: Donna Wink Mitchell and Karen Wink Morris

24 PLANNING STAFF RECOMMENDATIONS

25 Staff recommends approval because the proposal

1 is in compliance with the community's adopted
2 Comprehensive Plan; however, the input from
3 neighboring properties should be taken into
4 consideration with the rezoning request. The
5 conditions and findings of fact that support this
6 recommendation include the following:

7 CONDITIONS:

- 8 1. Access to the subject property should be
9 consolidated into a single access;
- 10 2. All vehicular use areas shall be paved and
11 vehicular use area screening shall be installed; and,
- 12 3. A ten foot landscape buffer with a six
13 foot element and one tree every 40 linear feet shall
14 be installed along the west and east property
15 boundaries.

16 FINDINGS OF FACT:

- 17 1. The subject property is located in a Rural
18 Community Plan Area, where general business uses are
19 appropriate in limited locations;
- 20 2. There is existing B-4 General Business
21 zoning located immediately east of the subject
22 property;
- 23 3. With frontage on US 231, the subject
24 property is major street oriented; and,
- 25 4. Although not located on the corner of

1 intersecting streets, there is not an urban
2 concentration of residential uses in the vicinity.

3 MR. HOWARD: We would like to enter the Staff
4 Report into the record as Exhibit B.

5 CHAIRMAN: Is anybody here representing the
6 applicant?

7 APPLICANT REP: Yes.

8 CHAIRMAN: Do we have any questions of the
9 applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody from the commission
12 have any questions?

13 MR. EVANS: Mr. Chairman, I would like to
14 excuse myself from this vote.

15 CHAIRMAN: Let the record note Mr. Evans has
16 excused himself from the vote.

17 If there are no questions, the Chair is ready
18 for a motion.

19 MR. APPLEBY: Mr. Chairman, I make a motion
20 for approval based on the Staff Recommendation with
21 Conditions 1 through 3 and Findings of Fact 1 through
22 4.

23 CHAIRMAN: We have a motion for approval by
24 Mr. Appleby.

25 MS. HATFIELD: We're neighbors and we're here

1 to talk against.

2 CHAIRMAN: Mr. Appleby, would you mind holding
3 your --

4 MR. APPLEBY: Certainly.

5 CHAIRMAN: We would like to recognize you, but
6 I asked if anybody had any questions.

7 MS. HATFIELD: We didn't have any questions
8 for the applicant. We just have statements.

9 CHAIRMAN: Ma'am, just step to the podium if
10 you would.

11 MR. SILVERT: State your name, please.

12 MR. HENDERSON: Brian Henderson.

13 (MR. BRIAN HENDERSON SWORN BY ATTORNEY.)

14 MR. HENDERSON: Wonder if I could distribute
15 some pictures of the area of the property in question.

16 CHAIRMAN: Yes. If you would, go ahead.

17 MR. HENDERSON: Unfortunately I didn't make a
18 copy for everybody so if you can share.

19 CHAIRMAN: Go ahead and proceed with your
20 presentation.

21 MR. HENDERSON: I just have a few concerns
22 with the commercial nature of the property. As you
23 can see in the one photo, one page of photos is from
24 our background. It shows the open nature of our yard.
25 The six foot element required by the

1 commercial property would really hinder the feeling of
2 the openness out back. Our house is a real modest
3 house. There's not a whole lot of features to it.
4 The setting of it is one of the features and I think
5 that would kind of impede on the valuable feature that
6 we have.

7 The second page that you have in an aerial
8 photo centered on 7094 Highway 231. It's the property
9 that's requesting the rezoning. My property is 7074.
10 It's to the north of the property or to the left as
11 you're look at it on the page. You can see my lot
12 isn't very large compared to the other lots that does
13 border. It kind of boxes me in. If they were to put
14 fence around the property or if the use was to change,
15 I really don't have any room to get away from the use
16 of the property. The proposed usage of the property
17 is an antique store. That's about as best as I could
18 hope for that would go in there as a commercial
19 property. Unfortunately there's not much control of
20 the current owners of what it turns into after they
21 were to sell it. Future use is a concern of mine, but
22 the current proposed use isn't so much a concern, but
23 long-term future use is what I'm really concerned
24 about. That's all I have.

25 CHAIRMAN: Do we have somebody representing

1 the applicant?

2 MR. CAMBRON: Nick Cambron.

3 (MR. NICK CAMBRON SWORN BY ATTORNEY.)

4 CHAIRMAN: Mr. Cambron, there's been some
5 questions raised by a neighbor about how this property
6 is going to be used. Obviously an antique store is
7 the answer to that. Could you shed any more light to
8 the commission about how the business is going to be
9 conducted?

10 MR. CAMBRON: Ms. Mitchell and her sister are
11 going to be conducting a business there. They will be
12 selling antiques. Most of the time it will be by
13 appointments only, but they will be open on the
14 weekends. Their hours of operation will be normal
15 hours of operation for a business. I'm sure it won't
16 be open until late in the afternoon on Sundays. Then
17 I'm sure it won't be open past six.

18 Very little traffic that would be coming in
19 and out. They don't expect a ton of people in and
20 out.

21 They've taken a piece of property that was in
22 kind of a disrepair and brought it up to code. I
23 think it would be a great asset to the community, and
24 especially along 231 there. Does that answer your
25 question, Mr. Chairman?

1 CHAIRMAN: Thank you, Mr. Cambron.

2 Do you realize what we've got here and the
3 situation facing the commission is the adjoining
4 property at 7100 is already zoned commercial, is
5 general business.

6 MR. HENDERSON: I guess however they are here
7 tonight to rezone.

8 CHAIRMAN: That's their prerogative at this
9 time. When the application was made for this piece of
10 property next-door, that property was already zoned
11 commercial. B-4 general business, I'm sorry.

12 MR. HENDERSON: I just wanted to voice my
13 concern.

14 CHAIRMAN: I think Mr. Noffsinger could
15 possibly address some of your concerns about what the
16 requirements are going to be on the general business
17 for now and for the future.

18 Mr. Noffsinger.

19 MR. NOFFSINGER: B-4 general business zone is
20 a general business zone. It allows for the retail
21 sale of merchandise as well as professional offices in
22 that zone. The applicant has not submitted a
23 development plan so we do not know exactly what they
24 intend to do with the property, other than they have
25 indicated to you it will be an antique shop. They are

1 required to screen on the east and west sides with a
2 six foot high continuous element. Whether that be a
3 privacy fence or bushes. It could be that. They are
4 required to pave their parking. It would be operated
5 as if any other business in a B-4 zone. That's really
6 all I know and all that the applicant has shared with
7 us.

8 It's my understanding that once upon a time
9 there was some type of commercial use on this
10 property. It was conveyed to me it was a service
11 station.

12 The question would be the adjoining property
13 is zoned B-4 now, but there's no history of that
14 property being used for commercial purposes. It could
15 have been that there was an error at the time that the
16 county was zoned and the property, the subject
17 property that we're considering now should have been
18 commercial and the adjoining property should have been
19 something other than commercial. That goes back at
20 least prior to 1980. Our records show that that
21 adjoining property has been zoned commercial since
22 1980. With that the comprehensive plan does allow for
23 properties to be rezoned to commercial if they adjoin
24 existing commercial zoning. So that's kind of where
25 we are now.

1 MR. CAMBRON: Can I address one thing, Mr.
2 Chairman?

3 CHAIRMAN: Yes, Mr. Cambron.

4 MR. CAMBRON: I want to just reiterate too
5 that Ms. Mitchell is going to keep it in a quaint
6 cottage type atmosphere. It's not going to be neon
7 lights and so on and so forth. It's just going to
8 have a low key operation.

9 CHAIRMAN: She would be required to meet the
10 zoning requirements of general business. That would
11 be what she would need to do.

12 MR. CAMBRON: Yes.

13 CHAIRMAN: Are there any other questions from
14 any other members?

15 Yes. Step the podium.

16 MR. SILVERT: State your name, please.

17 MR. HATFIELD: My name is William Hatfield.

18 (MR. WILLIAM HATFIELD SWORN BY ATTORNEY.)

19 MR. HATFIELD: I apologize for not knowing the
20 procedure. It's the first time here for us.

21 CHAIRMAN: You're doing fine. The procedure
22 is very simple. You're doing fine.

23 MR. HATFIELD: I've got some photos.

24 CHAIRMAN: Why don't you hand them to Mr.
25 Rogers.

1 MR. HATFIELD: I just made one copy. I've got
2 on the back what the position is.

3 CHAIRMAN: That way you can continue on with
4 your presentation.

5 MR. HATFIELD: My property is adjacent to the
6 subject of the rezoning property request.

7 As I am sure everybody is aware, 231 is a
8 heavily traveled quarter connecting Ohio and Daviess
9 Counties. Statistics indicate it's a major
10 thoroughfare. It has a high accident rate. As a 15
11 year resident, I can attest to that and how much the
12 road is used and congested.

13 The subject property of this debate, as well
14 as my resident, is located between Sutherlin Lane and
15 Masonville-Habit Road.

16 I contacted Mr. Tyler Free with the Daviess
17 County Sheriff's Department yesterday to find the
18 following statistics:

19 The distance between Sutherlin Lane and
20 Masonville-Habit Road, which these properties both
21 lie, is eight-tenths of a mile. Between the dates of
22 January 1st through January of 2008 it was stated that
23 eight accidents was reported on 231 in every tenths of
24 a mile. This is one accident for one-tenth of a mile.
25 Mr. Free stated there's a number of accidents is very

1 high for the short distance or roadway involved. This
2 is no way of knowing how many accidents went
3 unreported either.

4 As a long time resident, I can attest that
5 it's not uncommon to see emergency vehicles used in
6 this stretch of road maybe two or three times daily.

7 With the college expansion already approved in
8 Owensboro, this highway will become more and more
9 heavily traveled.

10 Since this debate is not located adjacent to a
11 side street which will allow for off highway access,
12 the criteria stated by the Planning Commission and the
13 Staff Report, it will generate an increase in traffic
14 over the already heighten usage use.

15 It could greatly have an negative impact on
16 roadway congestion and increase the already high
17 accident ratio.

18 We are here to rezone our property also.
19 We're the ones that have the commercial property B-4.

20 There's several reasons which we will address
21 if needed tonight if our zoning change is approved as
22 requested. The applicant's findings was a logical
23 expansion of B-4 becomes invalid and the subject will
24 be incompatible with the current land use in this area
25 as already addressed by the Planning Commission's

1 report.

2 We do believe growth in our good community of
3 Masonville, a growth infringes upon its neighbors and
4 long time residents is not right nor good.

5 We currently enjoy our privacy and
6 unobstructed views and feel our property, persons and
7 pets are safe and secure. If the subject of this
8 debate is allowed to become zoned as a retail
9 business, all of these things will change and it will
10 decrease our quality of life as we currently know it.

11 Currently there is an antique store located on
12 231 at the corner of the previously entrance of
13 Sutherlin Lane. There was also an antique shop that
14 had been shut down prior to this where the property is
15 now for sale on 231 near State Route 764, which is
16 right up the road.

17 Also within the last two years there is a
18 resale shop that opened up at Masonville Convenient
19 Store, a high profile area. It opened and shut down
20 within months.

21 The reasons I mention these other retail
22 businesses is to show that the opening successful of
23 running an antique shop or similar retail store is
24 very low in this area.

25 Ms. Mitchell and Ms. Norris, in partnership,

1 purchased this property in April of 2007. It has been
2 their intention since the purchase to change this
3 residential property into commercial. They were also
4 aware before and after the purchase how we as
5 neighbors felt about commercial business being
6 adjacent to our homes.

7 Since their arrival in our neighborhood, we
8 have continued to demonstrate by their actions the
9 words that they do not care about their surrounding
10 neighbors or how this endeavor will affect our lives.

11 If the commission approves this rezoning, we
12 have no guarantees of what we'll have later on as a
13 neighbor. We face the possibilities of our
14 neighborhood becoming maybe a junk yard, a gas
15 station.

16 The fact is that sometimes commercial
17 property, the possibilities become endless as to what
18 can happen. It will greatly impact our lives as well
19 as decrease our property values.

20 Also for the record, although the subject
21 property was a grocery store originally, the store was
22 closed well over 25 years ago. It was converted to a
23 residence at that point in time. It has never been
24 zoned commercial nor since its conversion been used
25 for anything except a residence.

1 Approximately 15 years ago I retired from the
2 Air Force. I came back to my hometown, purchased this
3 home for my retirement and expected to live here for
4 the remainder of my life. The home purchased was a
5 residential agricultural neighborhood. My home
6 unfortunately had a B-4 commercial zoning to it. My
7 neighbors knew I would never use it for anything other
8 than my residence.

9 I am here tonight in part rezoning my property
10 to do away with commercial zoning in order to protect
11 my home as well as preserve my neighborhood.

12 Again, I truly thank you for your time. Sorry
13 I didn't know the procedure.

14 CHAIRMAN: No problem with the procedure. I
15 want to thank you for your service to our country as a
16 member of the Air Force.

17 The situation we run into, one, you mentioned
18 a gas station or a junk yard. Under general business,
19 neither one of those it could be.

20 Am I correct, Mr. Noffsinger?

21 MR. NOFFSINGER: It could be a convenient
22 store, B-4 zone, but the junk yard, a body shop, a
23 major automotive repair could not locate there without
24 special permission.

25 MR. HATFIELD: I appreciate that.

1 CHAIRMAN: Do we have one other comment?

2 MS. HATFIELD: Yes.

3 MR. SILVERT: State your name, please.

4 MS. HATFIELD: My name is Desiree Hatfield.

5 (MS. DESIREE HATFIELD SWORN BY ATTORNEY.)

6 MS. HATFIELD: I do appreciate you letting me
7 speak tonight also.

8 Not only am I a concerned homeowner, I'm a
9 certified residential appraiser licensed in Kentucky
10 and Missouri.

11 As an appraiser my assignments require
12 researching various aspects of the neighborhood when
13 appraising property. Some factors used for this
14 analysis are its location, similarity of land use,
15 zoning and long term prospects for the area which is
16 basically its current stage of the neighborhood
17 lifecycle.

18 Since the appraisal process involves many
19 types of analysis and your time is valuable, I will
20 give my opinion with a short explanation of my
21 reasoning. I will be happy to answer any questions
22 you may have about the statements I have given.

23 As an appraiser it is my opinion that rezoning
24 the property at 7094 US 231 would negatively impact
25 the property values. My opinion for this conclusion

1 is this:

2 The Masonville area is an established
3 neighborhood and the stabilization stage of the
4 neighborhood lifecycle. The neighborhood surrounding
5 the land for the most part is residential and urban
6 agricultural. Though the adjoining property is
7 partially B-4, the majority of the land is urban
8 agricultural with a small portion being residential.

9 Through observation and exterior inspection,
10 an appraiser would consider it as a residential
11 property. Not commercial. It's zoning would only be
12 evident through additional research of the Planning &
13 Zoning office.

14 There are no current signs of change in this
15 neighborhood. The market tried to still based on
16 residential area with new homes as well as
17 subdivisions being constructed on 231 and the
18 surrounding roads.

19 Since this neighborhood has direct access to
20 downtown Owensboro, is also conveniently located to
21 Frederica Street and Highway 54, which is currently in
22 a transitional stage becoming commercial. There does
23 not appear to be any indication this neighborhood will
24 be changing from residential to commercial in the
25 foreseeable future.

1 Commercial sites in residential and urban
2 agricultural neighborhoods typically have a negative
3 impact on residential properties. As an appraiser, I
4 typically make a negative adjustment for residential
5 property or its comparables if it is located next to,
6 across from or backs within the view of a commercial
7 site. This is partially based on the potential of
8 what the commercially zoned property can be used for.

9 CHAIRMAN: Excuse me. What you need to do is
10 to either ask questions, give examples in regards to
11 this particular piece of property and this particular
12 zoning.

13 MS. HATFIELD: I'm telling you it's going to
14 hurt the values of the homes.

15 CHAIRMAN: Do you have any comparative
16 situations? Do you have any facts? Do you have any
17 --

18 MS. HATFIELD: I'm giving you facts as an
19 appraiser. I didn't know I needed to bring an
20 appraisal as I've done and sat next to a --

21 CHAIRMAN: You're giving us opinions. I'm
22 telling you, what the board is faced with is we have a
23 piece of property that is contiguous to and meets all
24 the zoning requirements of a B-4.

25 MS. HATFIELD: Sir, actually it doesn't.

1 CHAIRMAN: There is exactly where you need to
2 go.

3 MS. HATFIELD: In the Staff Report itself,
4 which my husband mentioned earlier, one of the
5 criteria is the street adjoining the property.

6 Brian, the Staff Report.

7 CHAIRMAN: Are you yielding the mike? Are you
8 asking him a question or are you asking --

9 MS. HATFIELD: I'm yielding the microphone.

10 MR. HOWARD: Within a rural community, which
11 is where this property is located, there are criteria
12 in the comprehensive plan to be evaluated for
13 rezoning.

14 The two that are applicable that she is
15 speaking to, the first is a logical expansion. There
16 is existing similar zoning on adjoining property. As
17 has been mentioned at present, with the fact that they
18 are actually here tonight to propose a change, but at
19 present that B-4 zoning is in existence. However,
20 since they are here to apply for the rezoning as well,
21 we mention in our Staff Report that the other criteria
22 is for a new location. So if it were to be evaluated
23 that this is a brand new location, it should be cited
24 at the corner of intersecting streets, if it's located
25 in close proximity to existing dwellings, and should

1 be major street oriented, which on 231 this is
2 definitely a major oriented street.

3 I think that's what she's referring to. We
4 tried to incorporate both of the criterias since this
5 is somewhat of an unique situation where we have two
6 properties that are rezoning on the same meeting.

7 CHAIRMAN: Brian, let me ask you: Back to the
8 original statement. Based on your staff
9 recommendation, it does meet the criterias?

10 MR. HOWARD: We believe it does, yes.

11 CHAIRMAN: Thank you.

12 Would you like to respond to that?

13 MS. HATFIELD: First off, I don't think it
14 does, but going on to the second thing. We actually
15 -- the only reason that they got addressed first was
16 because their address is right before ours. We
17 actually filed our zoning paperwork before they did.

18 MR. APPLEBY: The actual zoning doesn't take
19 place tonight anyway. Regardless of what action takes
20 place today, your property is still zoned as it's
21 zoned for 21 days and so is theirs. That's not
22 changing immediately.

23 CHAIRMAN: What the board is faced with is we
24 do have a piece of B-4 that is applying for next to a
25 B-4 that is current. That is what we're faced with

1 right now. You may comment to that, but that's what
2 we've got.

3 MS. HATFIELD: Actually right next to the
4 building, our B-4 is on the other side of residential
5 property. Between the building, and I would need to
6 come up and show somebody, but where their residence,
7 and I'm calling it a residence because that's always
8 what it was. The land between or driveway and their
9 building is R-1A. Our business property does not
10 start, it starts on the other side of the residential
11 property and it goes back. So it actually -- I
12 measured the other day. Our residential property is
13 19 feet from their building. It extends 44 feet past
14 their structure.

15 CHAIRMAN: We've got the map right here.

16 MS. HATFIELD: And can I show you?

17 CHAIRMAN: I assume I can look at it, but yes,
18 you're welcome to show it to me. Here it is right
19 here.

20 MS. HATFIELD: This is our property. This is
21 the R-1A. Their building sits right here. Our
22 business is --

23 CHAIRMAN: I need you at the mike. Take this
24 with you. You can address that.

25 MS. HATFIELD: The part that fronts 231 and

1 comes past their building, their structure, is
2 residential. It's R-1A. That's .237 acres to be
3 exact, in that whole area.

4 CHAIRMAN: It's a cut out that is part of it,
5 but then --

6 MS. HATFIELD: That's correct because that
7 portion was actually purchased from the previous
8 owner.

9 CHAIRMAN: Does anybody else on the commission
10 have any questions of the applicant or Mr. Cambron?

11 (NO RESPONSE)

12 CHAIRMAN: Mr. Cambron, do you have a closing
13 comment?

14 MR. CAMBRON: Just a couple of things real
15 quick.

16 As far as the traffic, I don't think traffic
17 is going to be increased enough there to be concerned
18 with.

19 As far as accidents, I agree there has been
20 several accidents, but most of them happen at
21 Sutherlin Lane and in the long straight stretch down
22 through there for some reason. I have no idea, but
23 people have accidents right through the long straight
24 stretch. It's nothing that's going to be detrimental
25 in keeping people from seeing access, egress or

1 ingress to the property.

2 As far as what Ms. Mitchell has done to the
3 property, I've got pictures here. I'm not even going
4 to show them to you right now, but the pictures show
5 that she spent a ton of money there taking it from
6 what it was to what it is now. She's lived out there
7 for 40 some odd years. She's a member of the
8 community and wants to do what's right for the
9 community.

10 CHAIRMAN: So Ms. Mitchell has lived on this
11 property?

12 MR. CAMBRON: No. No, I'm sorry. She's lived
13 in the community.

14 CHAIRMAN: Community. Okay. I was going to
15 say I thought she just recently purchased it.

16 MR. CAMBRON: She did. She lives up on
17 Sutherlin Lane, sir.

18 CHAIRMAN: Thank you, Mr. Cambron.

19 Does anybody else on the commission have any
20 questions or any comments?

21 (NO RESPONSE)

22 CHAIRMAN: I think the chair is at the point
23 where we're ready for a motion.

24 MR. APPLEBY: Mr. Chairman, I made a motion
25 awhile ago based on the Staff Recommendations and the

1 conditions. As I see it, I still feel that the
2 applicant meets the criteria that we asked for in our
3 zoning ordinance comprehensive plan. Therefore, I'm
4 going to make the recommendations for approval, again,
5 based on the Staff's recommendation with the
6 Conditions 1 through 3 and the Findings of Fact 1
7 through 4.

8 CHAIRMAN: This is the point where we were
9 before we allowed other people to make some comments.
10 At that point in time we had a motion by Appleby. At
11 that time I do not think I had a second. Do we have a
12 second?

13 MR. TAYLOR: Second.

14 CHAIRMAN: Mr. Taylor makes a second. All in
15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT - WITH THE
17 DISQUALIFICATION OF KEITH EVANS - RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 4

21 7100 US Highway 231, 7.017 acres
22 Consider zoning change: From B-4 General Business,
23 R-1A Single-Family Residential, and A-U Urban
Agriculture to A-U Urban Agriculture
Applicant: William T. & Desiree C. Hatfield

24 PLANNING STAFF RECOMMENDATIONS

25 Staff recommends approval because the proposal

1 is in compliance with the community's adopted
2 Comprehensive Plan. The findings of fact that support
3 this recommendation include the following:

4 FINDINGS OF FACT

5 1. The subject property is located in a Rural
6 Community Plan Area, where agricultural uses are
7 appropriate in general locations;

8 2. The subject property has never been used
9 for commercial purpose;

10 3. The majority of the subject property is
11 currently zoned A-U Urban Agriculture;

12 4. Based on the historical and current use of
13 the property, a single agricultural zoning for the
14 subject property is more appropriate than the existing
15 split zoning; and,

16 5. The subject property is sufficient in size
17 to accommodate agricultural activity.

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

20 CHAIRMAN: Obviously the applicant is here.
21 Do you have any comments?

22 APPLICANT REP: No.

23 CHAIRMAN: Does anybody have any questions of
24 the applicant?

25 (NO RESPONSE)

1 CHAIRMAN: If not the chair is ready for a
2 motion.

3 MR. ROGERS: Motion for approval based on the
4 Planning Staff Recommendations and Findings of Fact 1
5 through 5.

6 CHAIRMAN: We have a motion for approval by
7 Mr. Rogers.

8 MR. APPLEBY: Second.

9 CHAIRMAN: Second by Mr. Appleby. All in
10 favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 -----

15 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

16 ITEM 5

17 Brookstone, 5.004 acres
18 Consider approval of major subdivision preliminary
19 plat/final development plan.
20 Applicant: Jagoe Land Development, William D & Gerry
21 Jones

22 MR. NOFFSINGER: Mr. Chairman, this plan has
23 been reviewed by the Planning Staff and Engineering
24 Staff. It's found to be in order and ready for
25 consideration.

26 CHAIRMAN: Is there anybody here representing
27 the applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Does anybody have any questions of
3 the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: If not the chair is ready for a
6 motion.

7 MR. HAYDEN: Motion for approval.

8 CHAIRMAN: Mr. Hayden made a motion for
9 approval. Do we have a second?

10 MR. EVANS: Second.

11 CHAIRMAN: We have a second by Mr. Evans. All
12 in favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, please.

16 ITEM 6

17 Waterford Village, Unit 3, Lots 1-34, 14.005 acres
18 Consider approval of major subdivision preliminary
19 plat/final development plan.
20 Applicant: Belknap Development, LLC

21 MR. NOFFSINGER: Mr. Chairman, Planning Staff
22 and Engineering Staff has reviewed this plan. It's
23 found to be in order and ready for consideration.

24 CHAIRMAN: Do we have anybody representing the
25 applicant?

26 APPLICANT REP: Yes.

1 CHAIRMAN: Do we have any questions of the
2 applicant?

3 (NO RESPONSE)

4 CHAIRMAN: If not the chair is ready for a
5 motion.

6 MR. GILLES: Motion for approval.

7 CHAIRMAN: We have a motion for approval by
8 Mr. Gilles.

9 MS. DIXON: Second.

10 CHAIRMAN: Second by Ms. Dixon. All in favor
11 raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

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15 NEW BUSINESS

16 ITEM 7

17 Consider approval of the Public Improvement
18 Specifications surety unit cost annual revision.

19 MR. NOFFSINGER: Mr. Chairman, Planning Staff
20 and the City and County Engineering Staff met with the
21 state people in the community regarding new
22 developments and also included the private engineers
23 within the community. Went through our unit cost for
24 particular infrastructure items and new developments.
25 We have recommended that in some cases that the surety

1 unit cost be increased. We recommend that you approve
2 this document and it will be good for at least a year
3 and we'll do our annual review and visit it again next
4 year.

5 CHAIRMAN: Is this the work that Mr. Appleby
6 and Mr. Pedley worked on representing us?

7 MR. NOFFSINGER: Yes, sir.

8 CHAIRMAN: Mr. Appleby, thank you. Mr.
9 Pedley, we thank his efforts.

10 If there are no further comments, the Chair is
11 ready for a motion.

12 MS. DIXON: Move to approve.

13 CHAIRMAN: Motion for approval by Ms. Dixon.

14 MR. EVANS: Second.

15 CHAIRMAN: Second by Mr. Evans. All in favor
16 raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Chair is ready for one last motion.

20 MR. EVANS: Motion to adjourn.

21 CHAIRMAN: Motion for adjournment by Mr.
22 Evans.

23 MS. DIXON: Second.

24 CHAIRMAN: Second by Ms. Dixon. All in favor
25 raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: We are adjourned.

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