

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 DECEMBER 10, 2015

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 December 10, 2015, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

- 8 MEMBERS PRESENT: Fred Reeves, Chairman
- 9 Larry Boswell, Vice Chairman
- 10 Steve Frey, Secretary
- 11 Brian Howard, Director
- 12 Terra Knight, Attorney
- 13 Ward Pedley
- 14 John Kazlauskas
- 15 Lewis Jean
- 16 Beverly McEnroe
- 17 Manuel Ball
- 18 Larry Moore
- 19 Irvin Rogers

20 * * * * *

21 CHAIRMAN: Call the December 10, 2015 meeting
22 to order of the Metropolitan Planning Commission to
23 order. We start each of our meetings with a prayer
24 and pledge to the flag. Mr. Irvin Rogers will do that
25 for us this evening. If you could stand, please.

26 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

27 CHAIRMAN: Thank you.

28 Let me make a couple of statements before we
29 start our agenda.

30 First of all, if you choose to speak on any

1 issue, and anyone is invited to speak on any issue
2 they would like to, we'd ask that you please come to
3 the mike and be sworn. This is kind of like a
4 judiciary hearing. We're listening to hear what folks
5 have to say, garner facts from them. So we don't take
6 comments just out of the audience. We ask you to come
7 to the mike and direct your questions and your
8 comments to the chair and then we'll feed those out to
9 the appropriate staff member or the appropriate board
10 member.

11 Also, Board Members, remind you to get close
12 to the mike to make sure she has accurate recording of
13 the meeting.

14 Having said that, all of you received a copy
15 of the minutes in the mail. Hope you've had a chance
16 to review them. Do we have any corrections or
17 additions to the minutes?

18 (NO RESPONSE)

19 CHAIRMAN: If not, the chair will entertain a
20 motion.

21 Mr. Kazlauskas.

22 MR. KAZLAUSKAS: Move that we approve.

23 MR. MOORE: Second.

24 CHAIRMAN: Second by Mr. Moore. All in favor
25 raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: The minutes are approved.

3 We're going to change a couple of items this
4 evening to make it easier on the folks who came to the
5 meeting so you don't have to sit through a bunch of
6 other issues.

7 First thing I'm going to do is Item Number 5,
8 which had to do with the 3943 Highway 54 by Mount
9 Moriah Holdings, Mr. Howard, would you update us on
10 that one, please.

11 MR. HOWARD: Yes. We received a request in
12 the office for that item to be withdrawn. So that
13 item is no longer on the agenda and will not be heard
14 by the commission at this point. They may submit
15 something at some point in the future, but that will
16 require additional application and notice before that
17 would take place.

18 CHAIRMAN: If anybody came for that issue,
19 we'll let you have a chance to leave unless you'd like
20 to sit through the entire meeting, which you're
21 certainly welcome to do.

22 Also, Item 7 relating to a final development
23 plan; Mr. Howard, would you update us on that.

24 MR. HOWARD: Terra, I think, will do that for
25 us.

1 MS. KNIGHT: Just to bring the Commission up
2 to speed on where we are with this and how we got to
3 where we are tonight.

4 The rezoning application for this property was
5 originally heard by the Planning commission back in
6 about 2013. At that point it was an application to
7 rezone the property from Agricultural, from A-U to
8 B-4, and the Planning Commission denied that
9 application. That was appealed to Fiscal Court.
10 Fiscal Court approved the rezoning and put various
11 conditions on that, including the submission of a
12 final development plan, which is what is before the
13 commission tonight.

14 From Fiscal Court, that was appealed to
15 Circuit Court. The Circuit Court rendered its opinion
16 upholding the rezoning back in about April of this
17 year.

18 Since then there's been some activity on the
19 property and that's prompted some additional filings
20 in the litigation very recently. There's been a
21 motion basically to set aside the Court of Appeals'
22 ruling upholding the rezoning and also actually filed
23 today a motion, a Temporary Restraining Order that
24 would prevent us from hearing or ruling on a final
25 development plan until the court hears these other

1 motions.

2 Based on all of this, you know, this is
3 litigation that the Planning Commission is a named
4 party in. We have participated in this litigation.
5 We will be required to participate in it going
6 forward. We, of course, will be bound by whatever
7 decision the court renders. And those motions,
8 whatever the court decides on those motions, if we
9 were to hear the matter tonight, our action could be
10 null and void depending on the outcome of those
11 motions.

12 So, it is my recommendation that the
13 Commission postpone this item, at least until the
14 January hearing, and then we can review the status of
15 pending litigation at that time.

16 I have spoken with Judge Taylor who filed the
17 motions and with Mr. Lambert's attorney to let them
18 know that that would be my recommendation based on the
19 circumstances.

20 One concern, this is different from the item
21 that was withdrawn. Since this item is actually being
22 called tonight, there won't be any additional notice
23 requirements for the January hearing. Certified
24 mailings won't be required. It will just be postponed
25 until that hearing if the Commission so desires.

1 Then, of course, it would have to be after a proper
2 motion and pass of the motion, etcetera.

3 Again, I've spoken with the parties who have
4 filed the motion and are affected by the motion to let
5 them know that would be my recommendation. They may
6 want to speak just on that issue on my recommendation.
7 I think one supports it. One is in opposition.

8 So if the Chairman wants to make a note of
9 that, and the Commission wants to make a note of that,
10 that's fine. If the parties want to address that
11 issue, that's up to the Chairman as well.

12 CHAIRMAN: Thank you very much.

13 Based on advice of counsel, unless there's
14 objections from any of the Commissioners, the fact
15 that we are a named party in the suit and anything we
16 would hear -- I'll get to you, sir. Anything we might
17 hear this evening could be taken forward and used in
18 the litigation. It's my recommendation that we do
19 follow counsel's advice and postpone this matter until
20 January.

21 Any commissioners object to that?

22 (NO RESPONSE)

23 CHAIRMAN: If not, then I'll entertain a
24 motion to that effect.

25 MR. PEDLEY: You need a motion for both items?

1 You have a final development plan and a minor
2 subdivision plat.

3 MS. KNIGHT: Yes. The recommendation is the
4 same on both items.

5 CHAIRMAN: Yes, it's on both items, Mr.
6 Pedley.

7 MR. PEDLEY: Okay. I make a motion to
8 postpone.

9 CHAIRMAN: I have a motion by Mr. Pedley.

10 MR. BOSWELL: Second.

11 CHAIRMAN: Second by Mr. Boswell.

12 Before we vote, if anyone would like to make a
13 comment, you're certainly welcome to. I'd ask you to
14 make sure that you're only talking about this motion.
15 Not any other facts to be involved. Thank you.

16 MR. OVERSTREET: My name is Kent Overstreet.
17 I'm here on behalf of Mr. Lambert, the applicant,
18 Lamco Properties.

19 Before you all vote, I would like to point out
20 as Ms. Knight noted, this matter was before the
21 Circuit Court. It was final, the opinion was rendered
22 April 14th of 2015. It was a final matter as of May
23 15, 2015. It was final for all purposes.

24 Judge Taylor has now filed what is known as a
25 60.02 Motion naming several bases. Under 60.02, which

1 is a civil rule, it specifically provides that it does
2 not affect the finality of the previous ruling.
3 That's the last sentence of the civil rule. So it in
4 no way impacts the finality of that rule unless and
5 until the judge rules on that.

6 The Emergency Motion that was filed today, I
7 filed a response tonight to that motion. There are a
8 multitude of problems with that motion. It is styled
9 as "Emergency Motion." It's requesting injunctive or
10 a restraining order relief. It has been filed in the
11 form of a motion, injunctive or restraining order
12 relief must be filed by a Verified Complaint or it has
13 to be submitted by affidavit, or at least accompanied
14 by an affidavit. It has to be submitted in a pending
15 action. Because the action is final, it is not a
16 "live action" that this could be filed through. So
17 therefore we submit to you all that the Emergency
18 Motion is improperly filed. It can not be filed
19 through that action. It was not filed as an
20 independent action, and therefore there won't be and
21 can't be any action taken on that.

22 This is just another attempt to intimidate
23 this board. It's an attempt to further delay the
24 development of this property that's going to happen.
25 The complaints that are being lodged in those matters

1 are the result of conditions that the Taylors and
2 others wanted imposed upon the applicant and this
3 particular proceeding.

4 So with that being said, we would ask that we
5 go forward. My client has complied with every
6 requirement. They've met every provision that Fiscal
7 Court imposed. He's met the additional requirements
8 that he agreed to with Judge Taylor to increase a
9 buffer zone.

10 CHAIRMAN: I don't think that's relevant to
11 this motion.

12 MR. OVERSTREET: As far as where we're going
13 for tonight's purposes, I'm submitting to you that
14 he's entitled to his hearing on the development plan.
15 The bases that has been put forth I do not think serve
16 as the bases to stop this.

17 As Ms. Knight noted, they can stop it after
18 this fact; but you all are free to move forward with
19 the development plan. If the Judge comes back in and
20 stops it later, they stop it. If something else
21 happens and they send us back to square one, they send
22 us back to square one. If we rezone this later into
23 multi-family and there's an apartment complex, then
24 that happens; but at this point I believe he's
25 entitled to his hearing on the development plan.

1 Everything has been submitted. We have all the
2 signatures. We're ready to move forward tonight. We
3 would ask that he be allowed to do that.

4 CHAIRMAN: Thank you.

5 MS. KNIGHT: Mr. Chairman, if I may.

6 CHAIRMAN: Yes. Please, Ms. Knight.

7 MS. KNIGHT: Just to address those. I have
8 reviewed the motions that were filed and
9 Mr. Overstreet's response on behalf of Mr. Lambert. I
10 understand all those legal arguments were made in
11 those pleadings.

12 The Planning Commission will have to respond
13 to those motions in written form and address all of
14 those and put forth our position basically.

15 I don't believe that this is the time or the
16 place to have those legal arguments, and quite frankly
17 the Planning Commission isn't in a position to make
18 judgments or rulings on those legal arguments. While
19 I appreciate the situation and those facts that have
20 been presented, those arguments, that doesn't change
21 my recommendation to the commission.

22 CHAIRMAN: Thank you.

23 Does the other party wish to comment?

24 MR. TAYLOR: No.

25 CHAIRMAN: Having heard Mr. Overstreet's

1 comments, there's a motion on the floor. All in favor
2 raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: This item is postponed until the
5 January meeting.

6 We'll go now to Item Number 3, Mr. Howard.

7 -----

8 GENERAL BUSINESS

9 CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

10 ITEM 3

11 2490 Barron Drive

12 Consider approval of a wireless telecommunications
13 tower

14 Applicant: Central States Tower III, LLC and GTE
15 Wireless of the Midwest Incorporated d/b/a Verizon
16 Wireless

17 MS. KNIGHT: Would you please state your name
18 for the record?

19 MR. HILL: Mike Hill.

20 (MIKE HILL SWORN BY ATTORNEY.)

21 MR. HILL: All the materials for a complete
22 application have been submitted in accordance with the
23 Owensboro Metropolitan Zoning Ordinance, Section
24 20-4(b).

25 The proposed cellular tower meets all
applicable setbacks from leased property lines at 150
feet with a 5 foot lightning rod. The proposed tower

1 is under the 200 foot maximum allowed by ordinance.

2 The screening plan calls for an 8 foot
3 chain-linked fence around the proposed tower. Two
4 staggered rows of 6 foot tall evergreen trees spaced
5 15 feet apart is also proposed outside the chain-link
6 fence.

7 No signs are proposed with the cell tower
8 application.

9 The site can accommodate a maximum of four
10 service providers.

11 No waivers have been requested by the
12 applicant.

13 Staff recommends approval of the request with
14 the following Findings of Fact:

15 1. The application is complete with all
16 materials in accordance with the Owensboro
17 Metropolitan Zoning Ordinance;

18 2. The site is in compliance with all design
19 criteria of the Owensboro Metropolitan Zoning
20 Ordinance;

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

23 4. By providing the opportunity for four
24 total service providers on this tower, we are
25 promoting the goal of the Comprehensive Plan to

1 encourage collocation in order to minimize the number
2 of telecommunication towers.

3 Staff request that the Staff Report be entered
4 into the record as Exhibit A.

5 CHAIRMAN: Thank you, Mr. Hill.

6 Anyone here representing the applicant? Do
7 you wish to speak, sir?

8 MR. GRANT: I do. Good evening, Mr. Chairman.
9 My name is Robert Grant. I'm attorney for Verizon
10 Wireless and Central States Towers.

11 We are gratified that Staff has recommended
12 approval of this application. It comes as no surprise
13 because our team works very hard to make certain that
14 when we locate a tower, we comply with all the
15 requirements of the local zoning ordinances, as well
16 as the requirements of state law and the requirements
17 of federal law. In this instance, we've done those
18 things.

19 I am going to be mercifully brief. I see
20 you've got a room full of people. You have a long
21 agenda, so I'm going to keep my comments very short.
22 If there are any questions, I'll be happy to answer
23 them.

24 CHAIRMAN: Thank you.

25 Does anybody have any questions?

1 Mr. Kazlauskas.

2 MR. KAZLAUSKAS: Yes, sir.

3 I notice you made the statement that you have
4 met all the requirements of federal law. When I was
5 reading this today, I understand that with the 5 foot
6 lightning rod, the structure is going to be about 160
7 feet tall.

8 MR. GRANT: Yes, sir.

9 MR. KAZLAUSKAS: After looking at the plat,
10 that tower is going to be right on the downwind leg of
11 runway 2-3 at the airport. Although it's only 160
12 feet tall, what you're telling me is the FAA has
13 approved this tower?

14 MR. GRANT: Yes, sir. Both the FAA and the
15 KAZC.

16 MR. KAZLAUSKAS: That's awful close to that
17 runway. Thank you.

18 CHAIRMAN: Thank you.

19 Anyone else have a question?

20 (NO RESPONSE)

21 CHAIRMAN: Anyone here wish to speak in
22 opposition to the application?

23 (NO RESPONSE)

24 CHAIRMAN: If not, the chair will entertain a
25 motion.

1 Mr. Rogers.

2 MR. ROGERS: Mr. Chairman, I make a motion for
3 approval with the Conditions that Mr. Hill stated and
4 the Findings of Fact 1 through 4.

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

7 MR. FREY: Second.

8 CHAIRMAN: Mr. Frey seconded the motion. Any
9 questions about the motion?

10 (NO RESPONSE)

11 CHAIRMAN: If not, all in favor raise your
12 right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: The application is approved.

15 Thank you for coming this evening.

16 RELATED ITEM

17 ITEM 3A

18 2490 Barron Drive, 0.23 acres
19 Consider approval of a minor subdivision plat.
20 Applicant: LSK Properties

21 MR. HOWARD: Mr. Chairman, this plat comes
22 before you meeting the requirements as set forth. It
23 is a small lot, however. It does contain road
24 frontage on Barron Drive. This is the lot that will
25 create the lease area for the cell tower. There is a
note on the plat that says that it is a non-buildable

1 lot except for the construction of the cell tower
2 related-equipment only, which is typically what we see
3 whenever cell towers are installed. We would
4 recommend that you consider it for approval.

5 CHAIRMAN: Thank you. I'm assuming there is a
6 driveway going into this plat?

7 MR. HOWARD: There is an ingress/egress
8 easement to the north of the property that will serve
9 as access to this property.

10 CHAIRMAN: How far is that from the -- is
11 there a telephone unit there on Barron Drive down by
12 the little lake almost to the corner?

13 MR. BALL: Sanitary sewer, I think. I think
14 there's a sanitary sewer pump station.

15 CHAIRMAN: Is it far enough away from that not
16 to be an issue?

17 MR. HOWARD: Well, it's actually on the other
18 side of the road.

19 CHAIRMAN: Okay. Now I see.

20 MR. HOWARD: This will be on the west side.

21 CHAIRMAN: I understand.

22 Any commissioners have any questions on this
23 issue?

24 (NO RESPONSE)

25 CHAIRMAN: If not, the chair will entertain a

1 motion.

2 MR. BALL: Mr. Chairman, I recommend approval
3 of this item.

4 CHAIRMAN: Motion by Mr. Ball.

5 MR. JEAN: Second.

6 CHAIRMAN: Second by Mr. Jean. All in favor
7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion passes.

10 ZONING CHANGES

11 ITEM 4

12 924, 928 & 930 Sweeney Street, 0.652 acres
13 Consider zoning change: From I-1 Light Industrial to
14 R-4DT Inner City Residential
Applicant: Peter & Ann Demko

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

17 MS. EVANS: Melissa Evans.

18 (MELISSA EVANS SWORN BY ATTORNEY.)

19 PLANNING STAFF RECOMMENDATIONS

20 The Planning Staff recommends approval subject
21 to the condition and Findings of Fact that follow:

22 CONDITION

23 Install a 10-foot wide landscape easement with
24 a 6-foot tall solid wall or fence and one tree every
25 40 linear feet along all property boundaries where

1 adjoining I-1 Light Industrial zoned property.

2 FINDINGS OF FACT

3 1. Staff recommends approval because the
4 proposed R-4DT Inner City Residential zoning is more
5 appropriate than the current I-1 Light Industrial
6 zoning;

7 2. The subject property has been used as a
8 residence for more than 100 years;

9 3. The R-4DT zoning is an expansion of
10 residential use to the north and east; and,

11 4. The proposed zoning change will bring the
12 property use that has existed on the site since 1895
13 into conformance with the zoning ordinance.

14 We would like to enter the Staff Report into
15 the record as Exhibit B.

16 CHAIRMAN: Is anyone here representing the
17 applicant?

18 APPLICANT REP: Yes.

19 CHAIRMAN: Would you like to address the
20 board?

21 APPLICANT REP: No.

22 CHAIRMAN: Thank you very much.

23 Is there anyone here in opposition that would
24 like to speak to the board?

25 (NO RESPONSE)

1 CHAIRMAN: Does the board have any questions
2 on this issue?

3 (NO RESPONSE)

4 CHAIRMAN: The chair will entertain a motion.

5 MR. MOORE: Mr. Chairman, I move for approval
6 based on Staff's Findings of Fact 1 through 4 and the
7 condition also listed.

8 CHAIRMAN: I have a motion by Mr. Moore. Do I
9 have a second?

10 MS. McENROE: Second.

11 CHAIRMAN: We have a second by Ms. McEnroe.
12 Questions about the motion?

13 (NO RESPONSE)

14 CHAIRMAN: All in favor, raise your right
15 hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: The application is approved.

18 ITEM 6

19 5931 & 5955 Highway 56, 3.933 acres
20 Consider zoning change: From I-1 Light Industrial
(with conditions) to I-1 Light Industrial (amended
21 conditions)
Applicant: Christopher Phelps

22 MR. HILL: Let me give a brief little summary
23 on this one before I read the recommendation and
24 proposed findings.

25 In May of 2014, the applicant successfully

1 requested rezoning on these properties from B-4 to I-1
2 to allow a contractor shop of special trade business
3 to be located in a metal building on this site. The
4 applicant also uses the property to display and sell
5 storage buildings.

6 In the 2014 rezoning approval there were two
7 conditions attached to the case.

8 1. Install perimeter landscape screening,
9 vehicular use area landscaping and pave all vehicular
10 use areas as required by the zoning ordinance.

11 2. Access to Highway 56 shall be limited to
12 the single existing paved access point.

13 The applicant associated with this request
14 today is requesting that the wording on that Condition
15 Number 2 be amended to read "Access to Highway 56
16 shall be limited to the two existing access points as
17 shown on the Final Development Plan." Under a
18 separate application, the applicant has submitted a
19 final development plan for Staff review. That
20 requires action on the condition I just mentioned
21 before that Final Development Plan can be reviewed by
22 Staff and potentially approved.

23 At some point since the previous rezoning a
24 second entrance on the site was an old maybe abandoned
25 entrance has been gravelled. The applicant wishes to

1 utilize that entrance as well as the other existing
2 paved entrance on the site.

3 There is an existing paved driveway 640 feet
4 east of Lyddane Bridge Road that's on this site that
5 serves as access to these properties. Staff believes
6 that given the location of the property and the
7 existing access point on Highway 56 to the property,
8 that Staff would recommend that access to the
9 properties only be limited to the single access point
10 as was previously approved in the rezoning of last
11 year.

12 PLANNING STAFF RECOMMENDATIONS

13 The Planning Staff recommends approval of the
14 rezoning, subject to the Conditions and Findings of
15 Fact that follow:

16 CONDITIONS

17 1. Install perimeter landscape screening,
18 vehicular use area landscaping and pave all vehicular
19 use areas as required by the zoning ordinance; and,

20 2. Access to Highway 56 shall be limited to
21 the single existing paved access point located on the
22 eastern side of the property known as 5931 Highway 56.

23 FINDINGS OF FACT

24 1. Staff recommends approval because the
25 proposal is in compliance with the community's adopted

1 Comprehensive Plan;

2 2. The subject property is located in a Rural
3 Community Plan Area, where light industrial uses are
4 appropriate in limited locations;

5 3. The proposed use meets the criteria of the
6 Comprehensive Plan for non-residential development in
7 an industrial zone;

8 4. The subject property is major-street
9 oriented and located at the corner of intersecting
10 streets; and

11 5. With access limited to a single access
12 point on Highway 56, the proposal should not
13 overburden the capacity of roadways in the affected
14 area.

15 Staff request that the Staff Report be entered
16 into the record as Exhibit C.

17 CHAIRMAN: Anyone here representing the
18 applicant?

19 MR. BAKER: Yes.

20 CHAIRMAN: Would you like to speak?

21 MR. BAKER: Yes.

22 MS. KNIGHT: Please state your name.

23 MR. BAKER: Jason Baker.

24 (JASON BAKER SWORN BY ATTORNEY.)

25 MR. BAKER: I have two things to say. Just

1 want to make sure dimensionally you understand what he
2 is wanting and also to just provide an opinion on
3 circulation of manipulating and moving around these
4 storage buildings within the area he has to work with.

5 What we are requesting would have us, there's
6 an existing access point to a structure that was
7 next-door. That access point has remained in place
8 since he started his development work. That access
9 point is around 138 feet from Lyddane Bridge Road and
10 517 feet to the other approved access point.

11 As it stands and per the development plan that
12 we have, we're showing the storage building display
13 area, it fronts on Highway 56. The proximity of the
14 building to Highway 56 is somewhat narrow and doesn't
15 really allow for a wide lane of traffic. Maneuvering
16 these storage buildings on large trailers and trucks
17 would be very difficult to do it as -- if we don't
18 have a second access point, we will basically have one
19 way in and one way out. So that would have us backing
20 these large trailers all the way along the length of
21 the front of this property and then pulling them back
22 out, which would cause a lot of problems and make it
23 very difficult to operate.

24 Digger is here to talk on what he's doing
25 there.

1 CHAIRMAN: Would you state your name, please?

2 MR. PHELPS: Chris Phelps.

3 (CHRIS PHELPS SWORN BY ATTORNEY.)

4 MR. PHELPS: I've been in this location for
5 approximately two years now. I have had buildings
6 outside the property. We have agreed to put concrete
7 or asphalt down, to do all the landscaping, fencing,
8 whatever needed to be done. We've upgraded the
9 property tremendously. I don't know if anybody knows
10 what it looked like from day one.

11 What my plan is is I'm pulling anywhere from
12 40 to 50 foot of trailers with buildings on them.
13 I've got a roadway that we will be cutting in that
14 will be 16 foot wide. My buildings are anywhere from
15 8 by 12, all the way up to 16 by 40. I'm carrying
16 large buildings, not counting the truck that's pulling
17 these gooseneck trailers. So getting the buildings in
18 there, unloading everything, getting turned around is
19 just going to be a hassle on everything. I'm going
20 forward to do all the concrete work that needs to be
21 done. The existing drive that's there that I'm trying
22 to make a drive here now is a drive that has been
23 there since the early '50s, if not early '60s. There
24 was a house that was located on the property. It's
25 just level with the asphalt on the ground. I've

1 talked to engineers. I've had them out at my lot
2 numerous times with the state, with the road
3 department. No one has ever had a problem. It was
4 just the zoning needed to be changed for me to have
5 another entryway there that was a legal entryway. So
6 that's what I was just trying to get done here
7 tonight. Was just easier access for us to get in and
8 out of the property without having to clutter
9 everything up and back 60 feet of trailer with
10 buildings that are standing anywhere from 13 to 15
11 foot tall. They're all oversize loads. They have
12 permits and everything. That's what I'm trying to do,
13 is just get it to where I have an easy access to pull
14 in, to pull out.

15 CHAIRMAN: Thank you very much.

16 Any commissioners have any questions of the
17 applicant?

18 MR. BALL: My concern is with the safety there
19 as close as it is to Lyddane Bridge Road. What do you
20 anticipate your traffic to be there, Mr. Phelps, as
21 far coming in and out; and will it also access that
22 separate piece of property in the future for some type
23 of mini-storage or something there as well?

24 MR. PHELPS: No, sir. No mini-storage as far
25 as you're talking about, mini-storage as far as

1 renting facilities out?

2 MR. BALL: Correct. It's only the storage
3 building themselves?

4 MR. PHELPS: It's the storage buildings, play
5 sets, yard barns, whatever it might be as far as yard
6 furniture, lawn furniture. We're having a display
7 area, and to sell the retail, to have the display. I
8 must have it concreted or asphalted. So that's what
9 I'm trying to do. There will be nothing else besides
10 the storage buildings or retail out there that will be
11 for sale.

12 MR. BALL: Has your use changed or was this
13 something that was unanticipated from the original
14 conditions? Because the original conditions stated
15 that it would be landscaped and would be paved, I
16 guess, in May of 2014; and in addition to that, it
17 states that there would only be one access. That was
18 approved. I assume that you understood that at that
19 point in time. Has something changed to spark this?

20 MR. PHELPS: Yes, it has. That's because my
21 setback off of the road is going to keep me so
22 crunched up from the building and trying to set
23 buildings in there to display. It's going to be hard
24 to maneuver in there and out, you know. After setting
25 buildings up and have everything located the way it's

1 set up, it's just kind of crunched me up. I knew
2 there was already an existing drive there. So it was
3 something that I just wanted to continue to have use
4 of, to make use of that existing drive that's been
5 there for a number of years.

6 CHAIRMAN: Any other commissioners?

7 Mr. Boswell.

8 MR. BOSWELL: Mr. Phelps, I'm very familiar
9 with that area. I'm out from that general vicinity.
10 I would commend you. You have done a significant
11 amount of work out there since you guys were able to
12 open up and start your work there.

13 MR. PHELPS: Thank you.

14 MR. BOSWELL: I'll mirror a little bit of what
15 Manuel was talking about. Coming in and out of that
16 road, Lyddane Bridge Road, probably every other day, I
17 have a great concern as well about the traffic there
18 too because I do remember when there was an old house
19 there and what it looked like many years ago. There's
20 been a significant increase in the traffic over the
21 years coming down Lyddane Bridge Road off of West
22 Fifth Street, exiting on to 56 either east or west, as
23 well as later in the afternoons people coming out of
24 Owensboro heading west. It's very, very busy at that
25 intersection. When you pull up off of Lyddane Bridge

1 Road, pull out onto 56, there's a bit of a dip right
2 there by your main entrance and it's very difficult to
3 see traffic coming from the Owensboro area heading
4 west.

5 I guess my concern is with the type of traffic
6 that you may have there. My concern is cars trying to
7 pull out and then maybe someone trying to bring a
8 large truck in that exit or coming out of that roadway
9 there and meeting the traffic that's going in either
10 direction. What's your sense about how often that's
11 going to happen?

12 MR. PHELPS: The buildings we have on display,
13 all the buildings on display are for sale. They can
14 buy those buildings on display. If they choose a
15 different color, a different option of a building, we
16 build those in-house or we build those in Paducah,
17 Kentucky. Once my displays are set up, it may be once
18 every two weeks, twice every two weeks. It's not like
19 it's going to be a continuous flow of big trucks and
20 trailers with displays coming in. Once it's set up,
21 it's set up. We're not going to be rolling in and out
22 three or four times a day. There's going to be one
23 load that may have two or three buildings on it two or
24 three times a week, if that. That's in a busy season.
25 There's not going to be a whole lot of traffic.

1 Coming in or out, that access would allow us to pull
2 off of 56 into the lot, exit the existing drive that's
3 already there. Just because my -- you know, I've got
4 plenty of room to turn around in my parking lot off of
5 the existing drive to get set up to get out on the
6 road. Because when you're pulling 60 feet out onto
7 the road, that's going to be too tight to try to make
8 -- that would be an entryway for us to pull in with
9 big trucks, unload, pull out the existing drive that's
10 already there.

11 MR. BOSWELL: That sort of leads into my next
12 question then. With what's there right now, which is
13 basically gravel, you've put a significant amount of
14 gravel down I've seen. Are you going to widen that in
15 any way? Is it going to be improved in a way so that
16 those large vehicles can get in there, or do you feel
17 like it's already enough of an improvement to be able
18 to get your 60 foot trucks in there? It looks fairly
19 narrow to me.

20 MR. PHELPS: Right. It's just a narrow gravel
21 drive that's there now, but there's no culvert.
22 There's nothing there. It's just flat ground that's
23 there. It's just like the ground here. You don't
24 know where it starts, where it stops. So it's like
25 we're just trying to get a drive to pull in off of

1 there right now is what it's boiling down to.

2 Yes, it will be paved or concreted. The whole
3 lot will be. That's what we've done on the existing
4 drive now. We've got a 35 foot drive that was tore up
5 and everything. We've already poured new concrete on
6 that existing drive, 35 foot out.

7 MR. BOSWELL: Do you have any sense of the
8 time of day these trucks may be coming in?

9 MR. PHELPS: Yes, sir. Our business is open
10 anywhere from 8 to 5. There will not be any trucks
11 rolling in and out of there late at night, any earlier
12 in the morning. That's pretty much, you know -- we're
13 trying to get the customers before dark also on
14 delivering and setting buildings up.

15 MR. BOSWELL: Thank you.

16 CHAIRMAN: Any other commissioners?

17 MR. BALL: You've talked some about the truck
18 traffic itself. Will your customers have access to
19 that point? I understand that that truck traffic may
20 only be a few times a week, but will your customers
21 have access to both access points?

22 MR. PHELPS: Yes. Yes. Customers will be
23 able to drive through and see the buildings on
24 display. You know, just kind of roll through there,
25 come and go as they please. Like you said, it's 130

1 foot from the existing drive on Old Lyddane Bridge
2 Road now.

3 CHAIRMAN: If that proposed second entrance
4 down there were gated and only used for trucks, and
5 only be open for trucks and closed when the truck
6 leaves, would that help you?

7 MR. PHELPS: Yes, sir, it would. I would be
8 willing to put a gate up there, whatever style I
9 needed to and have signs.

10 CHAIRMAN: My question now would be for Staff.
11 Does that make any difference on our concern?

12 MR. HOWARD: I mean it could. You do create a
13 new access point which would allow traffic to go in
14 and out.

15 I guess my concern about a gate would be if a
16 truck arrives and Mr. Phelps isn't aware that it's
17 coming, then there might not be a place for that truck
18 to actually pull in. So in a way you'd actually
19 create more of an issue than if the curve-cut was just
20 open and allowed trucks to come in and out. You
21 certainly wouldn't want a gate there that a truck
22 couldn't get through quickly. Because there's no turn
23 lane, there's no shoulder, you'd be stuck with a truck
24 on Highway 56.

25 CHAIRMAN: Would I also be correct that if we

1 did allow this and the business changed and another
2 owner and business went in, that ingress would still
3 be there and that person might choose to take the gate
4 down?

5 MR. HOWARD: Sure. If in your all's
6 discussion and deliberation, if you feel that the
7 access point is warranted based on the description
8 that Mr. Phelps has provided tonight, you may wish to
9 craft some type of condition that if the use on the
10 property were to change, that that access would have
11 to be reviewed and could potentially go away if there
12 was a higher traffic generator that went on that site,
13 especially since it's only 130 feet, or whatever Jason
14 said, from Lyddane Bridge Road.

15 MR. PHELPS: To Mr. Howard's concern there.
16 If the gate was closed, I can grant you there's not
17 going to be a 60 foot truck and trailer and buildings
18 sitting and waiting for that gate to be open. There's
19 another drive to pull in that's been there, that's an
20 existing drive. There will not be a one-way -- the
21 trucks must come this way. Trucks must exit this way.
22 That is the access point that I want the trucks to
23 come in through. If the gate is closed, the trucks
24 will have to come in the other access point, get down
25 the road, back out, if the gate is locked.

1 MR. HOWARD: I support your position. That it
2 might actually function better without a gate, which
3 would put you through less expense and less problem.
4 My concern would be if there is a gate and trucks are
5 coming from town, they bypass your first access point
6 going to the second one where they think they should
7 enter and that's closed. Now you've got a truck with
8 a 60 foot trailer on it that then has to maneuver
9 somewhere and turn around and come back the other
10 direction and turn in your drive. So I'm trying to
11 actually help you from that perspective.

12 MR. PHELPS: Thank you.

13 CHAIRMAN: We're trying to work with you. We
14 are always guided by safety. We must be guided by
15 safety, regardless of everybody's good intent.

16 My question for you next is: Assuming we
17 don't grant you the second access point, can your
18 trucks still get in, make its deliveries, and get back
19 out on the highway though it would be difficult?

20 MR. PHELPS: It would be very difficult.

21 CHAIRMAN: But can they do it?

22 MR. PHELPS: I would say it could happen.

23 CHAIRMAN: Is that what they're doing right
24 now?

25 MR. PHELPS: Yes, sir. I'm using the gravel

1 right now.

2 CHAIRMAN: You're using the gravel right now?

3 MR. PHELPS: Yes, sir.

4 CHAIRMAN: Any other commissioners have any
5 question?

6 Yes, Mr. Ball.

7 MR. BALL: I see possibly some adjoining
8 property owners here who may want to speak to this as
9 well.

10 Is there a possibility for -- I guess this may
11 be a question for you, Brian.

12 Is there a possibility for an access point on
13 Lyddane Bridge Road?

14 MR. HOWARD: Sure.

15 MR. BALL: That could potentially function
16 similar?

17 MR. HOWARD: Yes. Lyddane Bridge Road is not
18 -- yes, he could have access on Lyddane Bridge Road.

19 CHAIRMAN: I had that same thought and same
20 question.

21 Mr. Phelps, would you answer that question for
22 us?

23 MR. PHELPS: What?

24 CHAIRMAN: Would one on Lyddane Bridge Road
25 improve your circumstances if we didn't grant the

1 second access on 56?

2 MR. PHELPS: No. There's a bad grade issue
3 there that would be real difficult to work into.

4 MR. BOSWELL: That was going to be my comment,
5 but I do have one other.

6 I think earlier Mr. Baker mentioned 138 feet.
7 Was that a measured distance from Lyddane Bridge Road
8 and where was that measurement taken from?

9 MR. BAKER: Center line to center line.

10 MR. BOSWELL: That's what I wanted to know.

11 CHAIRMAN: Thank you.

12 Any other commissioners have questions of
13 Mr. Phelps before we ask anyone in the audience if
14 they'd like to make a comment?

15 Yes, Mr. Moore.

16 MR. MOORE: You say you're already using the
17 gravel road to get to 56?

18 MR. PHELPS: Yes, sir.

19 MR. MOORE: If we say you can't, it's not
20 going to approve that, you're still going to use that?

21 MR. PHELPS: Well, it was a gravel lot that
22 was just there, you know. We do have some barricades
23 that we can put up there if need be, but it's just
24 been kind of an easy access point and it's going to be
25 paved.

1 MR. BALL: I have one more question.

2 Mike may have said this earlier. What
3 actually sparked this? Was it a Notice of Violation
4 that sparked coming back before the board?

5 MR. PHELPS: Yes.

6 MR. BALL: Thank you.

7 MR. PHELPS: A Notice of Violation, that I got
8 a violation? It would be a lot easier for me to --
9 now that I have to put the concrete or gravel in, do
10 all the landscaping, it's going to make my setback
11 from where the gravel is now. I'm going to have to
12 move my setback back off of 56. It's going to crunch
13 me up so much.

14 MR. BALL: Maybe my question is directed more
15 towards Brian.

16 Did a Notice of Violation go out due to the
17 fact that the landscaping and the paved parking was
18 not currently there?

19 MR. HOWARD: Jim is here and he can correct me
20 if I'm wrong.

21 I think we received a complaint about the
22 gravel being out there, and we went out and looked at
23 it and noticed that it was. So a Notice of Violation
24 went out about utilizing gravel instead of a paved
25 surface.

1 Is that correct, Jim?

2 MR. MISCHEL: Yes.

3 CHAIRMAN: Thank you.

4 Mr. Pedley, do you have a question?

5 MR. PEDLEY: Yes. I have a question of

6 Mr. Howard.

7 Highway Access Manual, do they state a minimum
8 spacing from Lyddane Bridge Road on that?

9 MR. HOWARD: This portion of Highway 56 is
10 outside of the urban surface area. So the access
11 spacing standard does not apply; however, Highway 56
12 within the urban service area would be 500 foot.

13 MR. PEDLEY: Also, Mr. Baker, you said the
14 spacing on the eastern access point was 500 and some
15 feet?

16 MR. BAKER: It's 138 feet from the center line
17 of Lyddane Bridge Road to the entrance in question.
18 They were 517 feet from that access point to the
19 existing approved access point.

20 MR. PEDLEY: The eastern point, could you
21 close it up closer to the -- I mean western point,
22 could you move it up closer to the eastern point and
23 make this work? Say move it 250 feet rather than 138
24 and make it work by doing that?

25 MR. BAKER: Yes, absolutely. It can be moved

1 anywhere along there. Split the difference. Make
2 them equally spaced, what would be a little over 250
3 feet actually.

4 MR. PEDLEY: So that would allow your large
5 trucks to come in and make a circle and back out going
6 in either direction?

7 MR. BAKER: Yes, sir.

8 MR. PEDLEY: Mr. Howard, do you have any
9 comments on that issue.

10 MR. HOWARD: There's all kinds of alternatives
11 potentially.

12 CHAIRMAN: Any other commissioners have any
13 questions for Mr. Phelps?

14 (NO RESPONSE)

15 CHAIRMAN: Would anyone like to speak in
16 opposition or make additional comments, any of the
17 neighbors?

18 (NO RESPONSE)

19 CHAIRMAN: Mr. Phelps, if we made a condition
20 as to what Mr. Pedley just suggested here, would you
21 be in agreement with that condition and close that one
22 that is now opened up?

23 MR. PHELPS: Yes, sir. And move it down to
24 250 feet?

25 CHAIRMAN: Yes. Have your engineers work with

1 our Staff to make sure that we have what everyone and
2 our Staff and we agree is safe.

3 MR. PHELPS: Yes, sir.

4 MR. PEDLEY: And you would widen that access
5 point large enough to accept your trucks and also you
6 would pave it?

7 MR. PHELPS: Yes, sir.

8 MR. PEDLEY: With 250 foot, would that leave
9 you enough space between that and your eastern point?

10 MR. PHELPS: Yes, it would.

11 MR. PEDLEY: Could we close it a little
12 further? Could we go 300?

13 MR. PHELPS: 250 would be nice.

14 MR. BAKER: Let me just say the way the area
15 between the building and Highway 56 is, there's an
16 area that's, really that entrance point ought to be at
17 the widest point to allow for the maximum
18 maneuverability. I would ask that we be given that
19 flexibility to determine, work with Staff on that to
20 determine the best location. I believe the 250 is
21 going to work out perfect, but, again, we'd like to be
22 able to --

23 MR. HOWARD: Where would you be if you put an
24 access point in at the property line? What's the
25 distance there?

1 MR. BAKER: At the property line of the old,
2 the track?

3 MR. HOWARD: Yes. Just to the west of your
4 building.

5 MR. BAKER: Actually I might be able to read
6 it on that drawing right there.

7 MR. HOWARD: It's not on here. 645 is the
8 total frontage. I was just curious if you knew how
9 much.

10 MR. BAKER: No, I'm not aware of how wide that
11 existing line is.

12 MR. HOWARD: The back line is 243.

13 MR. BAKER: I think I have it right here.

14 200 feet plus 30 foot to the center line of
15 Lyddane Bridge Road. So if you measure from Lyddane
16 Bridge Road, it looks like 250 would work out well.

17 MR. HOWARD: Okay.

18 MR. BALL: So would that keep it on that
19 second parcel?

20 MR. HOWARD: Either on it or at the property
21 line.

22 CHAIRMAN: Mr. Boswell.

23 MR. BOSWELL: The question I have is around
24 some of the discussion we've had about if you move it
25 250 feet, your asphalt, concrete widen, whatever. Do

1 you have any sense of the timeline on when that would
2 be done once we would get to a point where something
3 would be approved?

4 MR. PHELPS: As far as the asphalt or concrete
5 goes, my plan was to have it done April to May, no
6 later, of 2016.

7 MR. BOSWELL: Thank you.

8 MR. BAKER: As far as the approval goes, we
9 have a plan that's already in Staff's office that we
10 would need to move the location of that entrance
11 point, but it has been signed off and approved all the
12 utilities and whatnot. Just awaiting this action.

13 CHAIRMAN: Any other questions?

14 (NO RESPONSE)

15 CHAIRMAN: Mr. Pedley, do you have a motion
16 and do you need time to reach the conditions?

17 MR. PEDLEY: Whenever you're ready.

18 CHAIRMAN: I think you would -- understand
19 what you're saying.

20 I'd entertain a motion by Mr. Pedley.

21 MR. PEDLEY: I'm going to make a motion for
22 approval based on Staff's Recommendation with
23 Conditions 1 and Condition Number 2 would be changed
24 to the spacing from the Lyddane Bridge Road access to
25 250 feet instead of the existing 138. It would go to

1 250 feet, and with Findings of Fact 1 through 5.

2 CHAIRMAN: We have a motion by Mr. Pedley. Do
3 we have a second?

4 MR. KAZLAUSKAS: Second.

5 CHAIRMAN: Second by Mr. Kazlauskas.

6 MR. HOWARD: Could I ask, and Mr. Phelps, I'd
7 ask him to chime in on this if you all are amendable.

8 If that second access point goes in, would you
9 consider adding a condition that would state that if
10 there was a higher traffic generating use on what is
11 now the vacant property, that it would need to be
12 reviewed as to whether or not that's an appropriate
13 location for potentially a significant amount of
14 traffic coming in and out of there? For what he's
15 describing it does not sound like a big deal at all.
16 If you've got a lot of traffic coming in and out of
17 there, I think it should at least have the opportunity
18 to be looked at at some point in the future.

19 CHAIRMAN: Mr. Ball, would you make an
20 amendment to the motion to that effect?

21 MS. KNIGHT: If Ward would approve or accept.

22 CHAIRMAN: Ward, you want to add that third
23 condition?

24 MR. PEDLEY: That would not be a problem.

25 MR. PHELPS: No problem.

1 MR. PEDLEY: Yes, I will accept that third
2 condition.

3 CHAIRMAN: Is your second still in play?

4 MR. BOSWELL: We did discuss earlier about
5 what we may put into this if the property changed
6 hands. Do we want to entertain that as far as this
7 motion is concerned about if he sold the property and
8 it changed hands we would have to review.

9 CHAIRMAN: Mr. Pedley has added that third
10 condition.

11 Are you agreeable to those conditions,
12 Mr. Phelps?

13 MR. PHELPS: Yes, sir.

14 CHAIRMAN: Any other questions or concerns?

15 (NO RESPONSE)

16 CHAIRMAN: All in favor of the motion, raise
17 your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 Mr. Phelps, I really appreciate how you worked
21 with us. I remember when we did your first rezoning,
22 you were very conscious of your neighbors. Didn't
23 want to do anything to disrupt them. We appreciate
24 it. Hope we will be able to work through this with
25 you in a way that it will work well for your business.

1 MR. PHELPS: Thank you.

2 CHAIRMAN: Next item, Mr. Howard.

3 FINAL DEVELOPMENT PLANS

4 ITEM 8

5 6459 Luther Taylor Road, 3.000 acres
6 Consider approval of a minor subdivision plat.
7 Applicant: Alene Hawes Harris

8 MR. HOWARD: Mr. Chairman, this plat comes
9 before you as an exception to both the minimum road
10 frontage requirement and the three to one depth to
11 width ratio requirement.

12 There is an existing home on the three acre
13 parcel that they are proposing to create, so they're
14 cutting out a lot around that home. We have put a
15 note on the plat that states this property and the
16 parent parcel shall not be further subdivided to
17 create any additional irregular-shaped lots. So
18 create one around the existing home, but there won't
19 be any other lots based on that condition that could
20 take place on that property that do not meet the
21 zoning ordinance and subdivision requirements.

22 So with that, we would recommend that you
23 consider it for approval.

24 CHAIRMAN: Any commissioners have any
25 questions about this? Is the applicant present?
26 Would you like to speak?

1 MR. PFEIFFER: Mark Pfeiffer. I'm here for
2 the applicant.

3 CHAIRMAN: Mr. Pfeiffer, if you would, please.

4 MR. PFEIFFER: I would just state briefly this
5 three acre lot encompasses a home that's been there 94
6 years and in the stem of the tract covers a lane
7 that's been there a similar amount of time. This is
8 my client's childhood home. She's been refurbishing
9 that. We're certainly fine with the condition that
10 Mr. Howard mentioned of no additional subdivision and
11 no sorts of lots.

12 CHAIRMAN: Thank you, Mr. Pfeiffer.
13 Appreciate it very much.

14 Any commissioners have any questions?

15 (NO RESPONSE)

16 CHAIRMAN: If not, the chair will entertain a
17 motion.

18 Mr. Boswell.

19 MR. BOSWELL: Motion for approval.

20 CHAIRMAN: We have a motion for approval by
21 Mr. Boswell.

22 MS. McENROE: Second.

23 CHAIRMAN: Second by Ms. McEnroe. Questions
24 about the motion?

25 (NO RESPONSE)

1 CHAIRMAN: All in favor, raise your right
2 hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion passes.

5 ITEM 9

6 4131 South Hampton Road, 4.537 acres
7 Consider approval of a minor subdivision plat.
8 Applicant: Edward E. & Judith K. Bertke

9 MR. HOWARD: This plat comes before you as an
10 exception as well. This is a situation based on the
11 information that we've gathered where they're creating
12 this 4.537 acre parcel around an existing home.
13 Again, it has a limited amount of frontage and exceeds
14 the three to one requirement. It's our understanding
15 that the intent is that the remainder of that property
16 will also be purchased by the person acquiring lot 1
17 at some future time. Again, we're creating a lot
18 around an existing home. The notation is on the plat
19 about no further subdivision of either this or the
20 parent parcel as well. So we would recommend that you
21 consider it for approval.

22 CHAIRMAN: Anyone here representing the
23 applicant?

24 APPLICANT REP: I am.

25 CHAIRMAN: Do you wish to make any comments,
sir?

1 APPLICANT REP: Unless there's any questions,
2 I don't believe I need to make any comments.

3 CHAIRMAN: Any of the commissioners have any
4 questions on this?

5 (NO RESPONSE)

6 CHAIRMAN: If not, the chair will entertain a
7 motion.

8 Mr. Kazlauskas.

9 MR. KAZLAUSKAS: Move for approval.

10 CHAIRMAN: We have a motion by Mr. Kazlauskas.

11 MR. BALL: Second.

12 CHAIRMAN: Second by Mr. Ball. All in favor
13 of the motion, raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: The application is approved.

16 ITEM 10

17 2906, 2908 Highway 54, 0.447 acres
18 Consider approval of a minor subdivision plat.
19 Applicant: Highland Pointe Holdings, LLC

19 MR. HOWARD: Mr. Chairman and Commissioners,
20 this plat comes before you creating a .008 acre tract
21 that has road frontage on Highway 54. It is zoned
22 B-4, which there is actually not a minimum road
23 frontage requirement; but the owner, from my
24 understanding, is trying to maintain ownership of a
25 sign, billboard sign that would be on that property.

1 There is a note on that plat that says that it's a
2 non-buildable lot basically, other than for the sign.
3 There won't be anything else that could be constructed
4 on it.

5 So with that, we would recommend that you
6 consider it for approval.

7 CHAIRMAN: Anyone here representing the
8 applicant?

9 MR. HAYDEN: Yes.

10 CHAIRMAN: Mr. Hayden, do you wish to make any
11 comments?

12 MR. HAYDEN: I'm good.

13 CHAIRMAN: Commissioners, do you have any
14 questions?

15 (NO RESPONSE)

16 CHAIRMAN: If not, the chair will entertain a
17 motion.

18 MR. JEAN: Motion to approve.

19 CHAIRMAN: Motion to approve by Mr. Jean.

20 MR. MOORE: Second.

21 CHAIRMAN: Second by Mr. Moore. All in favor,
22 raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: That motion is approved.

25 ITEM 11

1 9501, 9511 Highway 54, 24.402 acres
Consider approval of a minor subdivision plat.
2 Applicant: Daniel W. Kinney; Reggie & Lisa Grimmett

3 MR. HOWARD: Mr. Chairman, we received a
4 letter from the applicant requesting that this item be
5 postponed. They're working on realigning the proposed
6 property division and did not have that ready in time
7 for the meeting tonight. Request that that be
8 postponed until the January 14th meeting.

9 CHAIRMAN: We'll need a motion to postpone,
10 please.

11 MR. FREY: Motion to postpone.

12 CHAIRMAN: Motion by Mr. Frey.

13 MS. McENROE: Second.

14 CHAIRMAN: Second by Ms. McEnroe. All in
15 favor, raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 That seems to be all of our business, as far
19 as rezoning and subdivision and whatnot.

20 -----

21 NEW BUSINESS

22 ITEM 12

23 Consider approval of October 2015 financial statements

24 CHAIRMAN: All of you should have received a
25 copy of the financial statement. Had a chance to

1 review them. Are there any questions or concerns
2 about the financial statements?

3 (NO RESPONSE)

4 CHAIRMAN: If not, the chair will entertain a
5 motion to approve.

6 MR. MOORE: Move to approve.

7 CHAIRMAN: Motion by Mr. Moore.

8 MR. BOSWELL: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion is approved.

13 ITEM 13

14 Consider approval of the amended Public Improvement
15 Specifications surety unit costs.

16 CHAIRMAN: Mr. Howard, you better handle that
17 because you're much more qualified than I am.

18 MR. HOWARD: A copy was mailed out to
19 everyone. We do this annually. We get a group
20 together that we call the Public Improvement
21 Specification Committee. They get together and look
22 at the surety unit costs. These are the dollar
23 amounts that are posted by developers when new
24 subdivisions are proposed.

25 They include Storm Sewer & Drainage features:

1 Pipes, headwalls, rip/rap, seeding/mulching, inlets.

2 Sanitary Sewers: Different types of pipes,
3 taps, force mains, manholes.

4 Streets and Sidewalks: Different curbs,
5 gutters. Then the concrete, bituminous surfaces,
6 things like that, sidewalks.

7 As you can see in the information that was
8 sent to you, of the variety of items, about 10 or so
9 were amended to increase the cost. Those are based
10 on, those changes were based on real dollars.

11 Mr. Pedley comes to the meeting every year
12 ready with all of his data of what it's actually
13 costing in the field to do these types of things.
14 These numbers reflect what he has seen out in the
15 field. The city and county engineers, and RWRA, the
16 sewer entity, reviewed his proposals. Based on that
17 these numbers were agreed upon as reasonable increases
18 to make sure that enough surety is in place that if
19 for whatever reason the development couldn't be
20 finished that there's money in place that the city or
21 county engineer could have access to to finish the
22 work.

23 CHAIRMAN: Mr. Pedley, would you like to make
24 any comments on it? I know you've been more than a
25 major player.

1 MR. PEDLEY: Well, not necessarily on the
2 sureties, but I would like to make a comment on the PI
3 Committee.

4 We meet every year. Sometimes we call a
5 special meeting. We have five other items on the
6 agenda. A lot of discussion. It was really a good
7 meeting. That's what the specification meeting is all
8 about. We bring all the issues to the table. We
9 present our ideas and work with the city and county
10 engineer, our design engineer and planning.
11 Mr. Howard chairs the meeting. We had a great
12 meeting. Good discussion on four or five other items.
13 Won't go into that.

14 The PI specifications is very, very important
15 to the community because that's the way we do
16 everything, as far as public improvements,
17 subdivisions or anything that we do. I've been
18 working under that for 50 some years and I know how
19 important it is. It is really an important issue with
20 Planning. It's an important issue with the city and
21 county engineers. This is adopted by the Planning
22 Commission; although, every word in there is at the
23 discretion of the city or county engineer. Even
24 though this is adopted by the Planning Commission,
25 still the city and county engineer has full control.

1 It is a very, very important meeting every year.

2 I think Brian at the last meeting invited any
3 of you to attend that. I think if you did attend, it
4 was very educational. You learn a lot about what we
5 do out here in our developments, whether we're a
6 contractor, developer, builder or anything we do,
7 we're under PI specks. Anyone that comes into this
8 community has to do their job before the Public
9 Improvement Specification and be approved by the
10 engineers.

11 It is a very important item for the Planning
12 and Zoning for this community. It is something I
13 encourage everyone to attend. I'm on the Home
14 Builders Board. We had three members from the Home
15 Builders Board. Manuel Ball was on that. Mike
16 O'Bryan is on that. George Ballard is on that.

17 I just want to bring that to you on how
18 important the PI Specification is to the community.

19 CHAIRMAN: Appreciate that, Mr. Pedley.

20 Any commissioners have any questions regarding
21 these?

22 (NO RESPONSE)

23 CHAIRMAN: I know I attended a meeting. I
24 think some of you others have from to time. It is
25 very educational.

1 Mr. Kazlauskas.

2 MR. KAZLAUSKAS: After reviewing that, and
3 this is personal note for me. The only big jump that
4 I saw was 36 to 48 pipe. Can you give us a brief
5 explanation why that jumped more than all the others?

6 MR. HOWARD: Ward, the 36 to 48 inch pipe
7 storm and drainage sewer, I know you had data on that,
8 that it was significantly higher than our old surety
9 cost. Can you provide some background?

10 MR. PEDLEY: Yes. Our suppliers on reinforced
11 concrete pipe, I use Sherman-Dixie out of Evansville.
12 The cost of concrete has gone up tremendous. It
13 jumped \$8 a yard last year. In January this coming
14 year, it jumps another \$8 a yard. That is most of the
15 cost. When you go to a 48 inch concrete storm pipe,
16 there's a lot of material in there. So the small
17 pipes, the material wasn't a big change; but when you
18 get at the 4 foot pipe, that's why it jumped and the
19 others did not jump. We tried to find an average.

20 If you look there, you look from 8 to 24.
21 That's an average. That doesn't mean that's what it
22 cost for an 8. Doesn't mean that's what it cost for
23 24. It's an average cost.

24 If you look at every item, when there's
25 concrete involved, I increased it quite a bit. Paved

1 ditches jumped up. Sidewalks jumped up. It's
2 basically because of the cost of concrete. We're
3 getting a shortage of cement. We're getting a
4 shortage of fly ash, which is what the concrete is
5 made out of.

6 Almost every change in the entire PI Specs,
7 now, the sanitary sewer jumped up, so the manholes
8 jumped up some. There again, your manhole is
9 concrete, the sanitary sewer. It's all based on cost
10 of materials. I put all of that together. It's
11 existing prices. I called all these companies. I've
12 got next year's pricing and everything. I've been
13 doing this for years on the PI Specs.

14 CHAIRMAN: Any other questions for Mr. Pedley
15 or Mr. Howard?

16 (NO RESPONSE)

17 CHAIRMAN: If not, Mr. Pedley, would you make
18 a motion since you did all the work?

19 MR. PEDLEY: I make a motion to approve the
20 sureties on the Public Improvement Specification.

21 CHAIRMAN: Motion by Mr. Pedley.

22 MR. BALL: Second.

23 CHAIRMAN: Second by Mr. Ball. All in favor,
24 raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: It is approved unanimously.

2 ITEM 14

3 Comments by the Chairman

4 CHAIRMAN: Just very briefly. I'd like to
5 make two comments.

6 First, I want to thank the Staff for a
7 spectacular year. Mr. Howard, you and all your Staff,
8 some are here this evening, others aren't. We really
9 appreciate everything you've done this year. It's
10 been a nice, smooth year. Very progressive year. If
11 you would please pass it on to all the Staff how much
12 we appreciate them. Wish you and all of them a very
13 happy holiday.

14 I would make the same comment to the Board for
15 your service this year. It's been a very productive
16 year. Appreciate your cooperation and your
17 participation very, very much.

18 ITEM 15

19 Comments by the Planning Commissioners

20 CHAIRMAN: Mr. Pedley.

21 MR. PEDLEY: Yes. This is my final meeting on
22 the Planning Commission. Last Thursday night I
23 announced I'm resigning from the Board of Adjustments.
24 I've been on the Board of Adjustments 21 years. I
25 went to see the Judge today to talk to him and told

1 him my reason for. Today is my last meeting on the
2 Planning Commission. I did not take reappointment. I
3 just want to thank everybody for all your hard work.

4 (MR. WARD PEDLEY MAKES FAREWELL COMMENTS.)

5 MR. HOWARD: I do have two other brief
6 comments. Last month after our Planning Commission
7 meeting, Mike Hill from our office posted a planning
8 workshop. It was an introductory to Planning and
9 Zoning. What do we do. There was a newspaper article
10 about it. We sent out notices to lots of people. We
11 had a pretty good turn out. We were pleased with the
12 number of people that were there.

13 It was a two hour session. We felt like it
14 went really well. Probably sometime in the spring
15 we'd like to do another. Probably the same
16 information at this point, but will have an
17 opportunity hopefully to get more people in and
18 through word of mouth have an opportunity to share
19 what we do.

20 As Mr. Pedley said, it's one of those things
21 that not everybody understands exactly what Planning
22 and Zoning is what the Building & Codes Department is
23 and what we do and why we do it. Tonight we've had
24 some examples of working through situations and issues
25 and concerns and why we do what we do. Look for that

1 in the future. We'll be doing more of those. May
2 expand our course as well and offer some other things.

3 The other thing I'll mention is I agree with
4 Mr. Pedley. I think we do have a great planning and
5 building staff. I couldn't be happier to work with
6 everybody. We've been lucky this year. We hosted the
7 statewide Planning Conference in Owensboro in the
8 spring. Tomorrow we're hosting a regional conference
9 in Owensboro for planners in the western portion of
10 the state. We have people coming from Paducah, and
11 Bowling Green, and Madisonville, and Owensboro, and a
12 lot of other smaller counties and small cities
13 in-between. We've got magistrates and mayors and
14 planning commission members. About 65 to 70 of them
15 coming to Owensboro tomorrow to learn about planning
16 and to share thoughts about planning and zoning. We
17 try and be proactive.

18 Tomorrow will be me fulfilling or part of my
19 role is the Western Kentucky representative on the
20 state planning board. We try and have these types of
21 training opportunities for planners and commissioners
22 in the western part of the state.

23 Looking forward to that. We've got a great
24 turn out. It appears, if everybody is able to make it
25 it, it will be, the numbers will be actually what we

1 had at the state conference. We had more there, but
2 that's a lot of people for a regional conference. So
3 we're very pleased. We worked with the GRADD staff,
4 to Trey Pedley over there. He's worked with their
5 local communities. So we're looking forward to a good
6 turn out tomorrow. That's the only other comment I
7 had.

8 CHAIRMAN: Without further ado, Mr. Pedley,
9 would you like to make a motion for adjournment?

10 MR. PEDLEY: Yes. My very last motion. I
11 make a motion to adjourn.

12 CHAIRMAN: Second?

13 MR. MOORE: Second.

14 CHAIRMAN: Mr. Moore has a second. All in
15 favor, raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 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 59 typewritten pages; and that no signature
 15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
 17 13th day of January, 2016.

18

19

LYNNETTE KOLLER FUCHS
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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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