

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 12, 2015

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 February 12, 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 David Appleby, Secretary
11 Brian Howard, Director
12 Terra Knight, Attorney
13 Ward Pedley
14 Steve Frey
15 John Kazlauskas
16 Lewis Jean
17 Beverly McEnroe
18 Irvin Rogers
19 Larry Moore

20 * * * * *

21 CHAIRMAN: I would like to call the February
22 meeting of the Owensboro Metropolitan Planning
23 Commission meeting to order. Welcome everyone here
24 this evening. We always start our meeting with an
25 invocation and pledge to the flag and Larry Moore is
going to do that for us this evening so please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: All of you received a copy of the
24 minutes in the mail. I'd ask you if you've had a
25 chance to look at them and I would entertain a motion

1 for them to be approved, please.

2 MR. APPLEBY: Motion to approve.

3 MR. BOSWELL: Second.

4 CHAIRMAN: A motion by Mr. Appleby. A second
5 by Mr. Boswell. All in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Passes unanimously.

8 I would ask tonight anyone who comes to the
9 podium to speak, please come to the podiums to be
10 sworn in and also speak directly into the microphone.

11 Also remind the commissioners. I'm guilty of.
12 When you have a question or comment, please speak into
13 the microphone also so our reporter can get your
14 comments down accurately.

15 At this time, Mr. Howard, we're ready for Item
16 Number 2.

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18 PUBLIC HEARING

19 ITEM 2

20 Consider adoption of text amendments to Article 21 of
21 the Owensboro Metropolitan Zoning Ordinance.

22 MR. HOWARD: Mike Hill from our Staff is here
23 to enter our Staff Report into the record. Then Keith
24 Free with the City of Owensboro, and Nathan Nunley,
25 the Downtown Design Administrator, is also both here

1 to answer any questions that you all or the public may
2 have.

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

4 MR. HILL: Mike Hill.

5 (MIKE HILL SWORN BY ATTORNEY.)

6 MR. HILL: Again, this is a proposed changes
7 to Article 21, which is our Downtown Review Overlay
8 District. Just some brief history on it and how we
9 got to this point.

10 As you know, article 21 was originally adopted
11 in 2009. After it was in affect for a few years and
12 several projects came in under its review and
13 implementation, I think it became apparent to those
14 who use it frequently that there were some
15 improvements that could be made.

16 I believe a group of local government
17 representatives, some of which are here today, the
18 Community Development Department, OMPC Staff, Historic
19 Preservation Board Staff, and others, began meeting,
20 reviewing the document and trying to come up with
21 proposed changes that would make the document
22 stronger, more efficient and effective and basically
23 drive better results for the revitalization of
24 downtown.

25 Package of Text Amendments were created at the

1 end of that work and presented to Historic
2 Preservation Board in November of last year. It was
3 also discussed last month at a City Commission work
4 session.

5 The entire packet is 155 individual
6 amendments. Within your Staff Report they have been
7 summarized. All 155 aren't included. You'll see the
8 37 most significant changes as prioritized by Staff.

9 They're listed there on the first page and
10 second page of your Staff Report. I'm just going to
11 hit a few of the highlights of those as we discuss
12 this.

13 Of course, any of the changes you see you
14 might want to discuss or bring up and feel free to
15 respond. Maybe with the help of some of the folks who
16 worked on it, they're here today to assist with the
17 discussion and questioning of it as well.

18 Just a few things to mention. For example:

19 The Paseo Crossing District is being renamed
20 to Riverfront Crossing.

21 The Riverfront Edge Character District, the
22 maximum stories allowed have been increased from 6 to
23 8.

24 They are decreasing the tree and shrub
25 requirements for lots by 25 percent in order to add

1 more flexibility and increase potential number of
2 parking options in the downtown area.

3 There's several parcels that are being changed
4 from one Character District to another. There are
5 multiple reasons behind that. Some of which are to
6 conform to Brescia University Campus Master Plan, for
7 example.

8 In the Historic Core Downtown Core Riverfront
9 Edge Character District, the number of stories has
10 been increased from 1 to 2 to heighten the buildings
11 in those locations.

12 As I mentioned, there's 155. If you have any
13 questions about any of them, we can get into that in
14 the discussion.

15 FINDINGS OF FACT

16 The Staff recommends approval of the proposed
17 text amendments to Article 21 because the proposal is
18 in compliance with the community's Comprehensive Plan,
19 which includes specific studies for the revitalization
20 of Downtown Owensboro, including the "Owensboro
21 Riverfront Master Plant" of 2001 and the "Downtown
22 Owensboro Placemaking Initiative Master Plan"
23 commissioned by the Greater Owensboro Economic
24 Development Corporation and adopted as an amendment to
25 the community's Comprehensive Plan in March 2009. The

1 findings supporting this recommendation follow:

2 1. The proposed revisions to Article 21 will
3 improve the effectiveness and functionality of the
4 document, thereby enhancing the desired results in the
5 revitalization of the downtown area;

6 2. The overlay district boundary includes
7 properties within and adjacent to the B-2 Central
8 Business District that are identified by the "Downtown
9 Owensboro Placemaking Initiative Master Plan" as
10 important for development opportunities to revitalize
11 and create a sustainable downtown;

12 3. Revised Article 21 is an important land
13 use tool that will aid in the implementation of the
14 adopted "Downtown Owensboro Placemaking Initiative
15 Master Plan";

16 4. Revised Article 21 promotes development
17 and design standards in an effort to revitalize the
18 older commercial downtown area;

19 5. Revised Article 21 promotes preservation
20 of existing historic properties in the boundary area,
21 recognized as special and unique to downtown
22 Owensboro's character and heritage;

23 6. The development and design standards
24 within Revised Article 21 will stimulate and encourage
25 the development of commercial activities, housing,

1 civic activities and other economic opportunities that
2 will bring people to the downtown area;

3 7. The development and design standards
4 within Revised Article 21 will promote pedestrian
5 friendly urban development, recognizing character
6 districts as unique sections of downtown Owensboro;

7 8. The development and design standards
8 within Revised Article 21 will ensure adjacent
9 predictability thereby stimulating private development
10 interest in downtown Owensboro; and,

11 9. The development and design standards
12 within Revised Article 21 will facilitate private
13 development to occur in conjunction with the major
14 public commitment that has been recently made to the
15 revitalization of downtown Owensboro.

16 Staff request that we enter the Staff Report
17 as Exhibit A into the record.

18 CHAIRMAN: Thank you, Mr. Hill.

19 As most of you may know, I was the Downtown
20 Development Director when this document was generated
21 and it had input from both our consultants, as well as
22 great input from Staff of the OMPC. It was never
23 anticipated that this document would not be revised.
24 It was anticipated that it would be revised. I think
25 it's from having read through the document, I think

1 it's been revised very wisely, from my perspective.

2 I know Mr. Nunley and Mr. Free have both
3 worked diligently over the past several years to
4 listen to the downtown developers, as well as other
5 folks, to make sure that when we made our revisions we
6 did this in a way that it would be business friendly
7 and would promote the downtown redevelopment.

8 Mr. Free, do you or Mr. Nunley, either one,
9 have any comments you want to make or do you want to
10 see if we have any questions for you?

11 MR. FREE: Yes, I'd be happy.

12 CHAIRMAN: Okay. Thank you.

13 MS. KNIGHT: Mr. Free, if you'd state your
14 name for the record, please.

15 MR. FREE: Keith Free.

16 (KEITH FREE SWORN BY ATTORNEY.)

17 MR. FREE: Thank you, Chairman Reeves.

18 In looking at the Article 21 changes, we kind
19 of worked on these over the last probably about,
20 probably a little bit over a year we've been working
21 on these. These are a accumulation of things.

22 From the onset in 2009 when we adopted the
23 ordinance and started implementing it, we kept track
24 of some of the things that were problems. There's
25 several things and a lot of these different changes

1 were confusion things that really didn't make a lot of
2 sense or they didn't really, they weren't really
3 producing anything that was a positive type of result.
4 So that was some of the things that we did.

5 So we had a list of all of those things. Then
6 we went through the document probably five or six
7 times and kept kind of refining it and looking at
8 areas where maybe there were things that were
9 confusing or things that needed to be tweaked or
10 changed. So what you have before you tonight is what
11 all of those different things are.

12 I think in a whole what we have found, myself
13 and Mr. Nunley, is that the document has been very
14 effective. You can see the development that's
15 occurred within the downtown area over the last five
16 or six years. That's it been a very effective tool.

17 I think with these changes I think it's going
18 to be even more effective tool. I think one of the
19 things that's going to be helpful is that years from
20 now, five or six or ten years from now when maybe
21 there are others that are using the document and
22 enforcing it, things like that, that it's going to be
23 clear to understand. That's one of the things that
24 we've looked at. Looking at the document is to do
25 that.

1 Also I will note what was already stated
2 there, we went through the Historic Preservation Board
3 as well. The vice chair of the Board, Gary Adams, is
4 here this evening. We went through with them as well.
5 They had some changes that we made to the document as
6 well that we have before us tonight.

7 I'm open to anything that I could answer or
8 that Mr. Nunley could answer in regards to any of
9 these proposed changes, we would be more than happy to
10 address any of them.

11 CHAIRMAN: Mr. Adams, would you mind to step
12 up for a minute.

13 Most of you know Gary Adams who was a very
14 valued member of this Staff in past years.

15 Gary, was the Downtown Preservation Board,
16 were they pleased with the changes and the response
17 that they got with this being done?

18 MR. ADAMS: Gary Adams.

19 (GARY ADAMS SWORN BY ATTORNEY.)

20 MR. ADAMS: Yes, Mr. Chairman, the Historic
21 Preservation Board was very, very interested in all of
22 these changes. Obviously they had been kept apprised
23 of these by Staff, which Keith Free and Nathan Nunley
24 over the few years that this has actually been in
25 effect, and were very familiar, I think, with some of

1 the problems and confusion that was occurring. So
2 they went through this with a fine tooth comb after
3 the Staff Planning and Historic Preservation Staff had
4 gone through this. We had a very good conversation
5 about it and are very pleased with the results. We
6 would highly recommend that Planning Commission adopt
7 these changes.

8 CHAIRMAN: I'm very pleased you're on that
9 board now. It makes me feel good know that you're
10 there watching over things because I know you have a
11 keen eye for this and are very interested in the
12 downtown, as well as the entire community. Thank you
13 very much for your work on helping Mr. Free and Mr.
14 Nunley do this.

15 Any commissioners have any questions about
16 anything?

17 MR. KAZLAUSKAS: Yes.

18 CHAIRMAN: Mr. Kazlauskas.

19 MR. KAZLAUSKAS: Thank you, Mr. Chairman.

20 On 36, Item Number 36, maybe Keith or maybe
21 you could answer this, you or Brian.

22 It's the parcel of land there in-between Ninth
23 and the railroad, between Allen and Daviess, that has
24 been included. Are you familiar with that, Keith?

25 MR. FREE: Yes. This is the property where

1 the dry cleaners and the day care used to be.

2 MR. KAZLAUSKAS: The City owns that property
3 now, right?

4 MR. FREE: Yes. The City has ownership of it.

5 MR. KAZLAUSKAS: My question is, I'm glad to
6 see that in here, but there is a portion of land north
7 of Ninth Street to Seventh Street that isn't included.
8 Is there a reason why that's not in there?

9 MR. FREE: Tell me where that is again.

10 MR. KAZLAUSKAS: It's in-between Allen and
11 Daviess to the north of Ninth Street, to the south of
12 Seventh. So if you're standing there --

13 MR. FREE: The residential portion. It's
14 right near Brescia University?

15 MR. KAZLAUSKAS: Where the Asian grocery is
16 now. It starts right there and goes north up to
17 Seventh Street.

18 MR. FREE: Yes.

19 MR. KAZLAUSKAS: Can you tell us why that's
20 not included in this Article 21? Why is it excluded?

21 MR. FREE: I think it certainly could be an
22 expansion in the future to fill that in. One of the
23 reasons that this other area was included is because
24 it is property that the City has ownership of and
25 would like to see developed under Article 21

1 guidelines.

2 This area where the grocery store and all the
3 residential area there is already fairly developed. I
4 think eventually you could expand into that.

5 I think with this revision, mostly we were
6 focusing on making the changes that were needed in the
7 document. We just added this area mostly because the
8 City had ownership of it. I think if we were going
9 into this other area, then I think we would probably
10 have been a little bit more involved in working with
11 all those individual property owners. I think that's
12 certainly something that could be included at some
13 point in time in the future. We wanted to capture
14 this area because we do see potentially substantial
15 development occurring on it in the next five years.

16 MR. KAZLAUSKAS: I would hope that in the
17 future that we would look to include that, if not more
18 property in that area to expand it. That's just my
19 personal opinion.

20 MR. FREE: I think one of the things, there
21 might be a few areas, and that might be one of them,
22 to expand the Downtown Overlay District. I think
23 we're kind of to the point where there might be a few
24 areas added on to that, but when we're looking at
25 maybe the area all the way to English Park and other

1 areas that are kind of adjacent to this, we might want
2 to look at some other limited Overlay Zone that's
3 different and it's not necessarily within the downtown
4 where we don't just expand to keep expanding the
5 Downtown District. We might have different special
6 districts that are outside of there as well. I think
7 it's important for us to probably keep that boundary,
8 not go too big with it, you know, so that we keep it
9 where we're doing that. There probably might be other
10 Overlay Districts that we could enact that might serve
11 some of these other adjacent areas.

12 MR. KAZLAUSKAS: Thank you.

13 CHAIRMAN: Mr. Boswell.

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

15 This is a little bit directly associated with
16 what Mr. Kazlauskas was mentioning. I noticed that
17 it's been a little over five years since this was
18 implemented. I didn't see anything in the text, and
19 maybe it's just not part of what was given to us, as
20 to the frequency of review. Was there any discussion
21 about when this might be reviewed again or what the
22 commission thought would be a good time to review it?
23 One or two years, three years?

24 MR. FREE: I think one of the things that's
25 important, and something that Mr. Nunley and I have

1 talked about, as well as we've talked about with the
2 Historic Preservation Board. This is one of the
3 things that after we get this adopted hopefully, in
4 the next 6 to 12 months we find something that, gosh,
5 I wish we would have included that. We're not just
6 going to wait around and let another five years go by.
7 It might be something where 6 months from now, 9
8 months from now, 15 months from now. If we find some
9 significant things or things that just makes sense to
10 change that we kind of overlooked at this point, I
11 think we'll be coming back and working with Planning
12 Staff and go ahead and making those changes. I think
13 one of the things that we're looking at is for this to
14 kind of be a continuous document. You know, keep
15 refining it so that it's a very effective. Because I
16 think there's still opportunity within the boundaries
17 of this Downtown Overlay District that there's going
18 to be a lot of development that is still going to
19 occur in the next five to six years, I believe, within
20 that area. That's kind of our game plan in looking at
21 it. Going ahead and doing that with it. This is
22 something that in the whole process, this was
23 something we were looking at a little over a year ago,
24 but just for different reasons it took a while to get
25 to get to this point. I don't think we want to wait

1 another five years. It may be that the changes that
2 we're making we don't run into a lot more issues with
3 it as well.

4 MR. BOSWELL: Thank you. Thing are changing
5 so rapidly. That's what my hope was. It would be a
6 working document.

7 MR. FREE: Yes.

8 CHAIRMAN: I think a lot of it, to complement
9 Mr. Nunley. Mr. Nunley, as he's worked with
10 developers and been very sensitive for their concerns
11 and issues and we're very fortunate to have him do
12 this. I know he's been continuously bringing these
13 things to Mr. Free.

14 I guess they needed to kind of get a critical
15 mask, Keith, to undertake this to start with. I think
16 if you chose to bring one item back to us in the
17 future at a time, we would be very happy to look at it
18 and consider it. Seems like you've got a good
19 approach going.

20 Any other commissioners have any questions?

21 (NO RESPONSE)

22 CHAIRMAN: Anybody in the public have any
23 questions?

24 (NO RESPONSE)

25 CHAIRMAN: If not then the chair is ready to

1 entertain a motion.

2 MR. APPLEBY: Mr. Chairman, I make a motion to
3 approve the proposed changes to Article 21 based on
4 the Findings of the Staff, Findings 1 through 9.

5 CHAIRMAN: Is there a second to that motion?

6 MR. FREY: Second.

7 CHAIRMAN: A motion by Mr. Appleby. Second by
8 Mr. Frey. Any questions about the motion?

9 (NO RESPONSE)

10 CHAIRMAN: Hearing none all in favor raise
11 your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: It passes unanimously.

14 Mr. Free, Mr. Nunley and Mr. Adams, thank you,
15 for your alls work and diligence on this. This
16 community is better by what you all have done. We
17 appreciate it very, very much.

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19 NEW BUSINESS

20 ITEM 3

21 Consider approval of December 2014 Financial
22 Statements

23 CHAIRMAN: You received those in the mail.

24 Anybody have any corrections?

25 (NO RESPONSE)

1 CHAIRMAN: If not the chair will entertain a
2 motion for approval.

3 MR. KAZLAUSKAS: Motion to approve.

4 CHAIRMAN: Motion by Mr. Kazlauskas.

5 MS. McENROE: Second.

6 CHAIRMAN: Second by Ms. McEnroe. Any
7 questions?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The financial statement is
12 approved.

13 ITEM 4

14 Comments by the Chairman

15 CHAIRMAN: The chairman has no comments
16 because it's cold outside.

17 ITEM 5

18 Comments by the Planning Commissioners

19 CHAIRMAN: Any comments by any of the planning
20 commissioners?

21 (NO RESPONSE)

22 ITEM 6

23 Comments by the Director

24 CHAIRMAN: Mr. Howard.

25 MR. HOWARD: Yes. I just want to mention that

1 the Kentucky Chapter of the American Planning
2 Association typically holds two conferences each year.
3 They're often in places like in Louisville and
4 Northern Kentucky, Lexington.

5 The Spring conference in May is going to be in
6 Owensboro. So we're excited about that. So many
7 planners, commissioners, developers, engineers, all of
8 those people will be coming to Owensboro in May. The
9 conference is May 13. That's a Wednesday. We
10 typically have an open reception that night and the
11 actual sessions are on the 14th and 15th, Thursday and
12 Friday. Just want to mention that for anybody that
13 would like to attend. It's a good conference, good
14 opportunity for planners and board members to get some
15 education. It's a learning opportunity. That's the
16 only comment I have.

17 CHAIRMAN: Thank you, Mr. Howard.

18 Anything else?

19 (NO RESPONSE)

20 CHAIRMAN: If not the chair will entertain a
21 motion to adjourn.

22 MR. APPLEBY: Move to adjourn.

23 MR. BOSWELL: Second.

24 CHAIRMAN: Motion by Mr. Appleby and second by
25 Mr. Boswell. All in favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: We are adjourned. Thank you.

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