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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JANUARY 5, 2017

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, January 5, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Robynn Clark, Chairman
- Ruth Ann Mason, Secretary
- Brian Howard, Director
- Terra Knight, Attorney
- Fred Reeves
- Bill Glenn
- Lewis Jean

* * * * *

CHAIRMAN: We'll call the meetings of the Owensboro Metropolitan Board of Adjustment January 5, 2017 meeting. If you guys will please stand and join me in prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on our agenda is we'll have the election of officers. I'll turn it over to Ms. Knight.

MS. KNIGHT: Thank you, Madam Chairwoman.

As you all know, the statutes require that we have annual elections for our Chairman and other officers. Our bylaws provide that we have those elections the first meeting in January of each year.

1 Our officers, of course, are Chairman, Vice Chairman
2 and Secretary/Treasurer, which are traditionally voted
3 by show of hands, which is the way we'll start
4 tonight.

5 We'll start with the nomination for Chair. I
6 will open the floor for nominations.

7 MS. MASON: I nominate Judy Dixon for
8 Chairman.

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

11 MR. REEVES: I'll second.

12 MS. KNIGHT: Ms. Dixon is not here, but we
13 know she will accept the nomination.

14 Are there any other nominations for chair?

15 (NO RESPONSE)

16 MS. KNIGHT: If not I will close the floor for
17 nominations and we will vote.

18 All those in favor of Ms. Judy Dixon as Chair
19 please raise your hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 MS. KNIGHT: She is re-elected.

22 Now we will move to Vice Chair, and I will
23 open the floor for nomination for Vice Chair.

24 MR. REEVES: I nomination Robynn Clark.

25 MS. KNIGHT: Is there a second?

1 MS. MASON: Second.

2 MS. KNIGHT: Ms. Clark, do you accept that
3 nomination?

4 MS. CLARK: Yes.

5 MS. KNIGHT: Are there any other nominations
6 for Vice Chair?

7 (NO RESPONSE)

8 MS. KNIGHT: Hearing none I will close the
9 floor and we will vote for Vice Chair.

10 All those in favor of voting for Ms. Clark
11 please raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 MS. KNIGHT: Ms. Clark, you are re-elected.
14 Congratulations.

15 Now we will elect secretary/treasurer, and I
16 will open the floor for nominations.

17 MR. REEVES: I nominate Ruth Ann Mason.

18 MS. KNIGHT: Is there a second?

19 MR. LEWIS: Second.

20 MS. KNIGHT: Ms. Mason, do you accept that
21 nomination?

22 MS. MASON: Yes.

23 MS. KNIGHT: Are there any other nominations
24 for secretary/treasurer?

25 (NO RESPONSE)

1 MS. KNIGHT: Hearing none I will close the
2 floor and we will vote.

3 All those in favor of re-electing Ms. Mason
4 please raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 MS. KNIGHT: Ms. Mason is re-elected.

7 Madam Chairperson, I'll turn it back over to
8 you.

9 CHAIRMAN: Next item on the agenda is to
10 consider the minutes for the November 3, 2016 meeting.
11 Everyone should have received a copy of those. Do we
12 have any questions?

13 (NO RESPONSE)

14 CHAIRMAN: Okay.

15 MR. GLENN: I'll make a motion to approve the
16 meetings.

17 MR. JEAN: Second.

18 CHAIRMAN: A motion has been made by Mr. Glenn
19 and a second by Mr. Jean. All those in favor raise
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

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24 CONDITIONAL USE PERMITS

25 ITEM 3

1 4023 & 4101 Carter Road, zoned B-4
2 Consider a request for a Conditional Use Permit in
3 order to operate a child day-care facility
4 Reference: Zoning Ordinance, Article 8, Section 8.2B3
5 Applicant: Randall L. Dukate; Floyd & Elaine Tapp

6 MS. KNIGHT: Please state your name for the
7 record.

8 MR. HILL: Mike Hill.

9 (MIKE HILL SWORN BY ATTORNEY.)

10 MR. HILL: This is an application for a day
11 care facility. The subject properties are in portion
12 of the Atlantis Swim Club and Health Club on Carter
13 Road. They're highlight on the screen in front of
14 you.

15 The southernmost property with the red roof
16 has previously been a health club. It's a little over
17 10,000 square feet. The property to the north of it
18 is a shared parking lot that is certainly shared
19 between the health club to the south and the swim club
20 to the north. These properties are part of the 2006
21 approved final development plan which if this
22 conditional use permit is approved that development
23 plan will be resubmitted and revised to show the new
24 uses and accurate parking and landscaping that is
25 being met.

26 The applicant proposes to convert the red roof
27 structure, the 10,000 square foot athletic building,

1 into a child day care facility. The applicant states
2 the day care could potentially hold up to 100
3 children. The parking counts have been adjusted on
4 the conceptual site plan that you have in front of you
5 will also have to be amended on the development plan,
6 as I mentioned earlier, to accommodate not only the
7 day care facility but also the swim club facility to
8 the north.

9 The concept plan the applicant has provided
10 shows 233 parking spaces, which is 12 spaces north of
11 the minimum required by the zoning ordinance for a day
12 care and outdoor recreational facility which is what
13 this swim club facility is.

14 The properties to the north and south of the
15 subject property are also zoned B-4 Commercial.
16 Properties to the west across Carter Road are
17 industrially zoned, and properties to the east along
18 the backside of the subject properties are
19 single-family residential.

20 As far as the parking requirement, for a child
21 care facility the zoning ordinance requires two
22 spaces, plus one space for every 10 children under
23 care. Then for landscaping requirements, along the
24 Carter Road right-of-way where adjacent to parking lot
25 there will be a required requirement for a 3 foot

1 continuous element, and one tree every 40 feet. Then
2 along the back side adjacent the single-family
3 residential there be a requirement for a 6 foot tall
4 continuous element plus 1 tree every 40 feet.

5 I believe since the site has been implemented
6 and developed for several years that landscaping is in
7 fact there, but when they do submit their final
8 development plan they'll have to show the compliance
9 with landscaping as well as parking.

10 The one special condition that staff request
11 be added, if the board decides to recommend approval,
12 is for the approval of an Amended Final Development
13 Plan for 3905, 4023 and 4101 Carter Road.

14 Staff request that the staff report be entered
15 into the record as Exhibit A.

16 CHAIRMAN: Is there anyone here that would
17 like to speak on behalf of the applicant?

18 MR. PFEIFER: Mark Pfeifer. I'm here with
19 Randall Dukate, the applicant. I'll answer any
20 questions you might have.

21 CHAIRMAN: Any board members have any
22 questions?

23 MR. REEVES: I have one.

24 Mr. Pfeifer, do you plan to have this facility
25 open for more than one shift? Will it serve workers

1 that are working evening shifts also?

2 MR. DUKATE: We've discussed that, but the
3 plan is just for the normal hours right now, but that
4 could be something we might want to maybe possibly do
5 in the future.

6 MR. REEVES: Thank you.

7 MR. GLENN: One question. Are you open on
8 weekends or just through the week, Monday through
9 Friday?

10 MR. DUKATE: Just Monday through Friday.

11 MR. GLENN: Okay.

12 CHAIRMAN: Any other questions?

13 (NO RESPONSE)

14 MR. REEVES: Are you ready for a motion?

15 CHAIRMAN: Ready or a motion.

16 MR. REEVES: I'll offer a motion to approve
17 this Conditional Use Permit based on these facts that
18 it's near industry across the road where there are
19 numerous folks who could probably take advantage of
20 this that have children that are working over there.
21 There is very little nearby development for this so it
22 will not alter the character or nature of the area.
23 There seems to be no safety or health conditions. And
24 with the one condition that the applicant file an
25 Amended Final Development Plan if it's approved.

1 MR. GLENN: Second.

2 CHAIRMAN: A motion to approve by Mr. Reeves
3 with a second by Mr. Glenn. All in favor please raise
4 your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 I'll entertain one more.

8 MS. MASON: Move to adjourn.

9 MR. REEVES: Second.

10 CHAIRMAN: Move to adjourn by Ms. Mason with a
11 second by Mr. Reeves. All in favor raise your right
12 hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion approved.

15 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 Board of
6 Adjustment 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 9 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 25th day of January, 2017.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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