

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 11, 2017

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday, May  
5 11, 2017, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

8 MEMBERS PRESENT: Larry Boswell, Chairman  
9 Larry Moore, Secretary  
10 Brian Howard, Director  
11 Terra Knight, Attorney  
12 Irvin Rogers  
13 Beverly McEnroe  
14 Manuel Ball  
15 John Kazlauskas  
16 Lewis Jean

13 \* \* \* \* \*

14 CHAIRMAN: I would like to call to order the  
15 May 11, 2017 Planning Commission meeting. We always  
16 start our meetings with a prayer and pledge. I think  
17 Terra Knight has the honors for that tonight.

18 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

19 CHAIRMAN: Before we get started, I would like  
20 to thank our Co-Chair Steve Frey for conducting the  
21 meeting last month while I had a terrible case of  
22 laryngitis. Steve did an outstanding job. I think  
23 he's now well-trained to take over that seat, if he so  
24 desires at some point in time.

25 I would also like to recognize County

1 Commissioner George Wathen who is in the audience  
2 tonight. Glad to have you with us. Feel free to  
3 speak at any time.

4 First order of business would be to consider  
5 our minutes from the April 13th meeting. Everyone has  
6 had a chance to go through those, review those. Do we  
7 have any discussion or comments or changes to those  
8 meeting minutes?

9 (NO RESPONSE)

10 CHAIRMAN: There being none the Chair is ready  
11 for a motion.

12 MS. McENROE: Mr. Chairman, I would like to  
13 move that we accept the minutes as printed.

14 CHAIRMAN: A motion has been made by Ms.  
15 McEnroe to approve the minutes. Do we have a second?

16 MR. MOORE: Second.

17 CHAIRMAN: Second by Commissioner Moore. All  
18 those in favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next order of business is the General Business  
22 Public Hearings. There are a good number of them  
23 tonight. So hopefully everyone will be able to follow  
24 these and get as much information as they can as  
25 they're presented so we can make good decision on

2 -----

4 PUBLIC HEARINGS

5            ITEM 3

6 Consider adoption of proposed text amendments to  
Article 3 & 5 of the Zoning Ordinance related to  
7 public utility easements and encroachment permits.

8 MS. KNIGHT: Please state your name for the  
9 record.

10 MR. HILL: Mike Hill.

11 (MIKE HILL SWORN BY ATTORNEY.)

12 MR. HILL: These particular text amendments to  
13 Article 3 and 5 of the Zoning Ordinance are related to  
14 how and when structures are allowed to be placed  
15 within public utility easement.

16           The proposed text amendments includes:

17           1. Amending Section 3-5(c)(1) to clearly  
18       state that structures are not allowed to be located in  
19       public utility easements unless specifically pursuant  
20       to Article 5.

21           2. Amending Section 3-6(e) to more  
22       specifically define the types of structures affected  
23       by the regulation and to add a reference to the  
24       applicable portion of Article 5.

25           3. Amending 3-7(f) to more broadly refer to

1 sport courts rather than just tennis courts and to add  
2 a reference to the applicable portion of Article 5.

3 4. Amending Section 3-7(g)(6) to clarify that  
4 walls and fences shall not be erected in public  
5 utility easement unless specifically permitted  
6 pursuant to Article 5.

7 5. Amending Section 5.11 to allow the Zoning  
8 Administrator to issue encroachment permits  
9 specifically related to public utility easement  
10 encroachments.

11 6. Creating a new Section 5.4 that outlines a  
12 new process for issuing encroachment permits for  
13 structures within public utility easements.

14 FINDINGS OF FACT

15 The Staff recommends approval of the proposed  
16 text amendments to Article 3 & 5 because the proposal  
17 is in compliance with the community's Comprehensive  
18 Plan. The findings supporting this recommendation  
19 follow:

20 1. These amendments to Articles 3 & 5 will  
21 help allocate wisely the use of land for various  
22 activities by encouraging sound land development  
23 policies.

24 2. These amendments to Articles 3 & 5 are an  
25 example of creating flexible zoning regulations for

1 existing redeveloping neighborhoods; and,

2 3. These amendments to Articles 3 & 5 will  
3 allow necessary access for the continued maintenance  
4 and upgrading of our existing utility supply systems.

5 Staff request that this Staff Report be  
6 entered into the record as Exhibit A.

7 CHAIRMAN: Thank you, Mr. Hill.

8 Do any of the commissioners have any questions  
9 that they would like to ask of this?

10 Commissioner Kazlauskas.

11 MR. KAZLAUSKAS: I have a couple of questions,  
12 Mr. Chairman.

13 5.4, encroachment permit, this is brand new,  
14 isn't it?

15 MR. HOWARD: Yes.

16 MR. KAZLAUSKAS: I want to complement on the  
17 city attorney for the work he has done.

18 Do we have any pending litigations ongoing at  
19 this time on the encroachment permit? I know we have  
20 in the past.

21 MS. KNIGHT: The Planning Commission does not.

22 MR. KAZLAUSKAS: But there are some cases?

23 MS. KNIGHT: The Board of Adjustment does not  
24 either. There is litigation pending that's in  
25 conjunction with what you're referencing, but it is

1 not involving this.

2 MR. KAZLAUSKAS: The Board doesn't have  
3 anything to do with that. That's probably through the  
4 City of Owensboro?

5 MS. KNIGHT: The City may be a party, but it  
6 does not involve this board.

7 MR. KAZLAUSKAS: Do we have a zoning  
8 enforcement administrator or does anybody put on that  
9 hat when they're notified of a violation?

10 MS. KNIGHT: Our current zoning administrator  
11 is Matt Warren. It was Jim Mischel.

12 MR. KAZLAUSKAS: So they take on that  
13 responsibility?

14 MS. KNIGHT: That's correct.

15 MR. KAZLAUSKAS: If I'm correct, the penalties  
16 start with our local courts and go all the way through  
17 circuit court; is that correct?

18 MS. KNIGHT: It's very similar to the building  
19 permit process. It virtually mirrors that same  
20 process. In doing it this way, we didn't want to put  
21 any additional burden on the zoning administrator, but  
22 they were already in this position anyway. When  
23 people had questions about public utility easement and  
24 things of this nature, it started in the Planning  
25 office anyway. That's usually who they would call and

1 go to. This will help them streamline that for  
2 residences of the community as well.

3 MR. KAZLAUSKAS: This addition, of course we  
4 don't know at the very beginning because this is new,  
5 but hopefully this will stand the test against any  
6 case law, correct?

7 MS. KNIGHT: The language, the process, the  
8 procedure I appreciate Pat Pace's help on this. I  
9 know he couldn't be here tonight. He really worked  
10 with us on this, the city attorney, the county  
11 attorney. There were a lot of people involved in  
12 working through this process. We believe that it  
13 addresses the court's concerns and provides the  
14 process that will meet any legal test that might be  
15 put up against it.

16 MR. KAZLAUSKAS: This is good and I want to  
17 commend everybody that worked on this because this was  
18 needed.

19 The other question I have really comes from  
20 Staff and has to do with satellite dish antennas. I  
21 could not find a description of the satellite dish  
22 antenna. Does this cover those big 6-foot dishes that  
23 we've had or the small 12-foot ones that you see  
24 scattered around Owensboro?

25 MR. HOWARD: It would in theory cover any type

1 of a satellite dish, whether it's the larger ones that  
2 are obsolete at this point, to the smaller Dish  
3 Network, DirectTV satellites that you receive on and  
4 around.

5 MR. KAZLAUSKAS: There is a portion in here  
6 that says "no portion of such antenna shall be located  
7 closer than 25 feet to adjoining lot in any  
8 residential zone."

9 Correct me if I am wrong, but aren't there  
10 several one of these that are in violation of this  
11 scattered through Owensboro?

12 MR. HOWARD: There could be.

13 MR. KAZLAUSKAS: I believe there are. I think  
14 that's something that needs to be addressed. I guess  
15 I'll get with you and we'll talk about that at a later  
16 time.

17 MR. HOWARD: Okay.

18 MR. KAZLAUSKAS: That's all. Thank you.

19 CHAIRMAN: Thank you, Commissioner Kazlauskas.

20 Any other commissioners have any questions  
21 concerning this Article 3 and 5?

22 (NO RESPONSE)

23 CHAIRMAN: I do have more of a general  
24 question.

25 In reading through this, this seems to really



1       define a much, much more specific process of control  
2       on being able to scrutinize what goes in the public  
3       utilities. It appears to me that what we have done is  
4       try to refine this associated to some of the  
5       litigation that we've had over the years to make a  
6       much better process, much quicker process. Would that  
7       be a fair statement?

8               MS. KNIGHT: I agree with that.

9               CHAIRMAN: Thank you.

10              Any questions from anyone in the audience  
11      concerning this Article 3 and 5?

12              (NO RESPONSE)

13              CHAIRMAN: There being none the Chair is ready  
14      for a motion.

15              Mr. Ball.

16              MR. BALL: I would like to make a motion to  
17      approve based on Planning Staff Recommendations and  
18      Findings of Fact 1 through 3.

19              CHAIRMAN: A motion has been made by Mr. Ball  
20      for approval based on Findings of Fact 1 through 3.  
21      Do we have a second?

22              MR. KAZLAUSKAS: Second.

23              CHAIRMAN: Second by Mr. Kazlauskas. Any  
24      discussion on the motion or the second?

25              (NO RESPONSE)

1 CHAIRMAN: There being none the Chair is ready  
2 for a vote. All those in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 ITEM 4

6 Consider adoption of proposed text amendments to  
7 Article 7 of the Zoning Ordinance related to the  
8 Owensboro Metropolitan Planning Commission's ability  
to consider Conditional Use Permit requests when  
associated with a zoning map amendment.

9 MR. HILL: As the director mentioned, this is  
10 an amendment to Article 7 of the Zoning Ordinance  
11 granting the Planning Commission authority to act on  
12 Conditional Use Permits when they are associated with  
13 rezoning application on the same property.

14 KRS has had language in the statutes for many  
15 years that allows this method, but locally here that  
16 process has now been adopted so that's what we're  
17 proposing tonight.

18 The proposed text amendment include:

19 1. A new reference within Section 7.31  
20 General Powers to KRS 100.237, which is the applicable  
21 enabling state statute. Also, a reference to  
22 conditional use permits has been added to this section  
23 alongside variances.

24 2. A new statement has been added to Section  
25 7.32 Conditional Use Permits that reads, "The

1 Owensboro Metropolitan Planning Commission may hear  
2 and finally decide applications for conditional use  
3 permits when a proposed development requires a zoning  
4 map amendment and one or more conditional use permits,  
5 in accordance with the procedures specified in Section  
6 7.31 of this Article."

7 FINDINGS OF FACT

8 The Staff recommends approval of the proposed  
9 text amendments to Article 7 because the proposal is  
10 in compliance with the community's Comprehensive Plan.  
11 The findings supporting this recommendation follow:

12 1. These amendments to Article 7 will help  
13 maintain Daviess County as a viable economic unit;

14 2. These amendments to Article 7 will help  
15 allocate wisely to the use of land for various  
16 activities by encouraging sound land development  
17 policies; and,

18 3. These amendments to Article 7 will help  
19 encourage flexible zoning criteria for existing  
20 redeveloping neighborhoods.

21 Staff request that the Staff Report be entered  
22 into the record as Exhibit B.

23 CHAIRMAN: Thank you, Mr. Hill.

24 Any commissioners have any questions  
25 concerning this Staff Report?

1 (NO RESPONSE)

2 CHAIRMAN: Does anyone from the audience have  
3 any questions concerning this Staff Report?

4 (NO RESPONSE)

5 CHAIRMAN: There being none the Chair is ready  
6 for a motion.

7 Mr. Kazlauskas.

8 MR. KAZLAUSKAS: Make a motion that the Zoning  
9 Text Amendment be approved based on the Staff Report  
10 and Findings of Fact 1 through 3.

11 CHAIRMAN: A motion has been made for approval  
12 based on the Findings of Fact 1 through 3. Do we have  
13 a second?

14 MR. ROGERS: Second.

15 CHAIRMAN: Second by Mr. Rogers. Any  
16 discussion about the motion or the second?

17 (NO RESPONSE)

18 CHAIRMAN: All those in favor raise your right  
19 hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 ITEM 5

23 Consider adoption of proposed text amendments to  
24 Article 8 of the Zoning Ordinance related to new land  
use listings: Distilleries and breweries

25 MR. HILL: This amendment to Article 8 to the

1     Schedule of Zones section of our land development  
2     ordinance. Introducing two new listings, specifically  
3     distilleries and breweries, which have previously not  
4     been in the ordinance. It's become apparent across  
5     our state, especially across the country, that  
6     distilleries/breweries, micro-distilleries,  
7     micro-breweries is becoming more common business  
8     activity and operation. We felt it was time to  
9     introduce within our Zoning Ordinance some specific  
10    language that addresses those uses.

11           The proposed text amendments include:

12           1. A new category called "Distillery/Brewery"  
13     that will be a principally permitted use in the I-1 &  
14     I-2 zones.

15           2. Revising the listings for "Motel or  
16     Hotel", "Cocktail lounges, night clubs" and  
17     "Restaurants, including drive-in, drive through  
18     windows" to also allow them as conditionally permitted  
19     uses in the I-1 & I-2 zones only when in conjunction  
20     with a distillery or brewery that has obtained or  
21     intends to obtain, a statewide or national  
22     accreditation within the distilling or brewing  
23     industries.

24           3. Revising the listing for "Retail sale of  
25     food products" and "Retail sale of merchandise" to

1     also be allowed as accessory uses in the I-1 & I-2  
2     zones only when in conjunction with a distillery or  
3     brewery that has obtained, or intends to obtain, a  
4     statewide or national accreditation within the  
5     distilling or brewing industries.

6             4. Allows "Banquet halls" as a conditionally  
7     permitted use in the I-2 zone.

8             They're already conditionally permitted in I-1  
9     zone.

10            In Number 5, we added some new definitions  
11     that we'll talk about in the next amendment in Chapter  
12     14 that covers distilleries, breweries, as well as  
13     micro-distilleries and micro-breweries.

#### 14     FINDINGS OF FACT

15            Staff recommends approval of the proposed text  
16     amendment to the Article 8 because the proposal is in  
17     compliance with the community's Comprehensive Plan.

18     The findings supporting this recommendation as follow:

19            1. These amendments to Article 8 will help  
20     maintain Daviess County as a viable economic unit;

21            2. These amendments to Article 8 will promote  
22     a diversity of desirable industrial activities for a  
23     broad and stable economic base;

24            3. These amendments to Article 8 will promote  
25     regional development to enhance economic benefits for

1 citizens of Daviess County.

2 4. These amendments to Article 8 will  
3 encourage the grouping of activities so that uses of  
4 greater intensity (industrial or commercial) do not  
5 harm weaker types (residential and agricultural); and,

6 5. These amendments to Article 8 will  
7 encourage in-fill development that maximizes the  
8 efficiency of existing infrastructure and is designed  
9 to be compatible with adjoining land uses.

10 Staff would request that the Staff Report be  
11 entered into the record as Exhibit C.

12 CHAIRMAN: Thank you, Mr. Hill.

13 Do we have any comments or questions from the  
14 commissioners?

15 (NO RESPONSE)

16 CHAIRMAN: Do we have any comments or  
17 questions from the audience either for or against?

18 (NO RESPONSE)

19 CHAIRMAN: There being none the Chair is ready  
20 for a motion.

21 Mr. Moore.

22 MR. MOORE: Thank you, Mr. Chairman.

23 I move for approval of the Zoning Text  
24 Amendments based on the Staff Recommendations and  
25 Findings of Fact 1 through 5.

1 CHAIRMAN: A motion has been made to approve  
2 based on Findings of Fact 1 through 5. Is there a  
3 second?

4 MS. McENROE: Second.

5 CHAIRMAN: Second by Ms. McEnroe. All those  
6 in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 ITEM 6

10 Consider adoption of proposed text amendments to  
11 Article 14 of the Zoning Ordinance related to  
12 definitions of agritourism, outdoor display, outdoor  
storage, distilleries, breweries, micro-distilleries  
and micro-breweries.

13 MR. HILL: We realized that there are a few  
14 definitions that we needed, some related to the  
15 amendments we just talked about.

16 The proposed text amendment include:

17 1. A revised definition of "Agri-tourism"  
18 that incorporates language from recently adopted State  
19 legislation on agri-tourism.

20 2. New definitions of "Brewery" and  
21 "Distillery," as referred to in the proposed Article 8  
22 text amendment.

23 3. New definition "Micro-Brewery/  
24 Micro-Distillery" that will allow for a limited  
25 production facility in conjunction with a restaurant,



1 bar or retail sales.

2 4. New definition of "Outdoor Display" and  
3 "Outdoor Storage" that clearly define these often used  
4 terms and will clear up any potential confusion  
5 regarding their implementation.

6 FINDINGS OF FACT

7 The Staff recommends approval of the proposed  
8 text amendments to Article 14 because the proposal is  
9 in compliance with the Community's Comprehensive Plan.  
10 The findings supporting this recommendation follow:

11 1. These amendments to Article 14 will help  
12 maintain Daviess County as a viable economic unit;

13 2. These amendments to Article 14 will  
14 promote regional development to enhance economic  
15 benefits for citizens of Daviess County.

16 3. These amendments to Article 14 will  
17 encourage the grouping of activities so that uses of  
18 greater intensity (industrial or commercial) do not  
19 harm weaker types (residential and agricultural);

20 4. These amendments to Article 14 will help  
21 encourage flexible zoning criteria for existing  
22 redeveloping neighborhoods; and,

23 5. These amendments to Article 14 will assist  
24 in reserving the land in the Rural Service Area  
25 primarily for agricultural uses, other natural

1 resource activities, and support uses that need to be  
2 near such activities.

3 Staff request that this Staff Report be  
4 entered into the records as Exhibit D.

5 CHAIRMAN: Thank you, Mr. Hill.

6 Do we have any commissioners that has any  
7 questions concerning this Staff Report?

8 (NO RESPONSE)

9 CHAIRMAN: Do we have anyone from the audience  
10 who would wish to speak for or against the Staff  
11 Report?

12 (NO RESPONSE)

13 CHAIRMAN: If not the Chair is ready for a  
14 motion.

15 Mr. Rogers.

16 MR. ROGERS: Mr. Chairman, I make a motion for  
17 approval based on the Staff Recommendations revision  
18 to Article 14 with the Findings of Fact 1 through 5.

19 CHAIRMAN: A motion been made for approval  
20 based on Findings of Fact 1 through 5. Do we have a  
21 second?

22 MR. BALL: Second.

23 CHAIRMAN: Second by Mr. Ball. Any discussion  
24 about the motion and the second?

25 (NO RESPONSE)

1           CHAIRMAN: There being none the Chair is ready  
2 for a vote. All those in favor raise your right hand.

3           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4           CHAIRMAN: The Staff Report carries.

5           MR. HOWARD: Thank you for those items. We  
6 will forward those to the appropriate legislative body  
7 for them to consider to take final action on.

8           Now, the next few text amendments are for the  
9 Public Improvement Specifications. That is a document  
10 which you as the Planning Commission have the final  
11 approval on so you'll be taking action on those  
12 tonight.

13           I'm going to give you a brief summary of why  
14 these are on the agenda.

15           Basically the Public Improvement Specification  
16 Committee met, as we do every year. We met in  
17 February and discussed what potential changes need to  
18 be made, and the result of that is what you see  
19 tonight. We get together as a group. It's a group  
20 that includes both the City and County Engineers,  
21 private engineers. Jason Baker from Bryant  
22 Engineering was there. I believe Jim Riney from HRG  
23 was there, along with representatives from the Home  
24 Builders Association, commercial developers,  
25 utilities, our staff, other public agencies. It's a

1 group that gets together to discuss the different  
2 aspects of the Public Improvement Specification.

3 We met. There was discussion, compromise,  
4 changes made. After the meeting, the changes that  
5 were agreed upon were sent back out to the entire  
6 committee. We didn't hear any comments on those as  
7 far as any additional changes that were needed. So  
8 we've advertised them and have them here on the agenda  
9 tonight. So I'll read the first one into the record.

10 ITEM 7

11 Consider adoption of revisions to Chapter 2 of the  
12 Public Improvement Specifications related to  
materials.

13 MR. HOWARD: I will note that the city  
14 engineer and the county engineer are both here tonight  
15 in case you have any questions pertaining to these. I  
16 will give a brief summary about what these changes  
17 are.

18 The main change in Chapter 2 is, including  
19 storm inlet castings that will be stamped with "Dump  
20 No Waste - Drains to Waterway." So that's the text  
21 amendment to this one. We would recommend that you  
22 consider it for approval here tonight.

23 CHAIRMAN: Thank you, Mr. Howard.

24 Any questions by the commissioners?

25 (NO RESPONSE)

1           CHAIRMAN: I do have one. You may have  
2 mentioned this earlier, Mr. Howard.

3           I attended some of these meetings. They're  
4 very interesting meetings with a lot of technical  
5 detail. The state are all involved in this so there's  
6 a lot of meetings, a lot of work that goes into these  
7 Public Improvement Specification. I think they do a  
8 great job in putting this all together.

9           Any questions from the audience concerning  
10 this?

11          Mr. Kazlauskas.

12          MR. KAZLAUSKAS: The stamp with "single fish  
13 logo," is that a national movement?

14          MS. KNIGHT: State your name for the record,  
15 please.

16          MR. CULLEN: Kevin Cullin, city engineer.

17          (KEVIN CULLIN SWORN BY ATTORNEY.)

18          MR. CULLEN: Good evening, Commissioners.

19          The logo with the fish and drains to river  
20 that is something we adopted locally. As far as our  
21 compliance with our MS-4, that's a program that, it's  
22 our permit with the State Division of Water to  
23 discharge into body of water like the Ohio River and  
24 stuff like that. It alerts somebody that that  
25 structure drains to our streams and it's not intended

1 to take waste. It's only to take storm water. That's  
2 the purpose.

3 MR. KAZLAUSKAS: Are there any more  
4 communities that you're aware of that are doing this?

5 MR. CULLEN: I believe other communities are  
6 doing it as well.

7 MR. KAZLAUSKAS: I for one think it's a good  
8 idea.

9 CHAIRMAN: Any other commissioners have any  
10 comments they would like to make or questions?

11 (NO RESPONSE)

12 CHAIRMAN: I think I've asked anyone from the  
13 audience that would like to make any comments.

14 (NO RESPONSE)

15 CHAIRMAN: There being none the Chair is ready  
16 for a motion.

17 Mr. Ball.

18 MR. BALL: Motion to approve the revisions to  
19 the Public Improvement Specs.

20 CHAIRMAN: Motion to approve the revision for  
21 Chapter 2 of the PI Specs. Is there a second?

22 MR. JEAN: Second.

23 CHAIRMAN: Second by Mr. Jean. Any  
24 discussions about the motion or the second?

25 (NO RESPONSE)

1           CHAIRMAN: There being none the Chair is ready  
2 for a vote. All those in favor raise your right hand.

3           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4           CHAIRMAN: Chapter 2 carries.

5           ITEM 8

6 Consider adoption of revisions to Chapter 3 of the  
7 Public Improvement Specifications related to streets.

8           MR. HOWARD: In summary on this, the biggest  
9 change here is that streets that are classified higher  
10 than a local, so that would be collectors and up, will  
11 be required to be designed by an engineer licensed in  
12 the State of Kentucky and designed for the AASHTO, "A  
13 Policy on Geometric Design of Highways and Streets."  
14 There are also some changes in there with those  
15 classification listings on lift thickness and things  
16 like that. Then changes to the base course for new  
17 streets and a new field density test analysis method.  
18 So those are the main changes to this section of the  
19 PI Specs.

20           We would recommend that you consider them for  
21 approval.

22           CHAIRMAN: Thank you, Mr. Howard.

23           Any questions by the commission?

24           (NO RESPONSE)

25           CHAIRMAN: Any questions from the audience?

1 (NO RESPONSE)

2 CHAIRMAN: There being none the Chair is ready  
3 for a motion.

4 Mr. Kazlauskas.

5 MR. KAZLAUSKAS: Make a motion that the  
6 changes to the Public Improvement Specifications  
7 Chapter 3 be approved.

8 CHAIRMAN: A motion has been made for the  
9 approval of the Chapter 3 Public Improvement  
10 Specification. Is there a second?

11 MS. McENROE: Second.

12 CHAIRMAN: Second by Ms. McEnroe. Any  
13 discussions about the motion or the second?

14 (NO RESPONSE)

15 CHAIRMAN: There being none all those in favor  
16 raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Chapter 3 carries.

19 ITEM 9

20 Consider adoption of revisions to Chapter 4 of the  
21 Public Improvement Specifications related to  
sidewalks.

22 MR. HOWARD: Really this section, the main  
23 change is language that's added in there to clarify  
24 what would happen at ADA ramps. So we would recommend  
25 that you consider that for approval.



1           CHAIRMAN: Thank you, Mr. Howard.  
2           Any questions from the commissioners?  
3           (NO RESPONSE)  
4           CHAIRMAN: Any questions from the audience?  
5           (NO RESPONSE)  
6           CHAIRMAN: There being none the Chair is ready  
7           for a motion.  
8           Mr. Rogers.  
9           MR. ROGERS: Mr. Chairman, I recommend  
10          approval for Public Improvement Specification to  
11          Chapter 4.  
12          CHAIRMAN: A motion has been made for approval  
13          of the Public Improvement Specification for Chapter 4.  
14          Is there a second?  
15          MS. McENROE: Second.  
16          CHAIRMAN: Second by Ms. McEnroe. Any  
17          questions or discussion about the motion and the  
18          second?  
19          (NO RESPONSE)  
20          CHAIRMAN: There being none all those in favor  
21          raise your right hand.  
22          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
23          CHAIRMAN: Chapter 4 carries.  
24          ITEM 10  
25          Consider adoption of revisions of Chapter 6 of the  
Public Improvement Specifications related to fire

1 protection requirements.

2 MR. HOWARD: The city fire chief brought this  
3 to our attention. There's a standard now that  
4 requires that fire hydrants distance in new major  
5 subdivisions be only 500 feet. The current  
6 specifications list that as 600 feet. So this is the  
7 revision just to reduce that from 600 to 500. We  
8 recommend that you ask consider it for approval.

9 CHAIRMAN: Any questions from the  
10 commissioners?

11 (NO RESPONSE)

12 CHAIRMAN: Any questions from the audience?

13 (NO RESPONSE)

14 CHAIRMAN: There being none the chair is ready  
15 for a motion.

16 Mr. Kazlauskas.

17 MR. KAZLAUSKAS: I make a motion that the  
18 changes to the Public Improvement Specification  
19 Chapter 6 be approved.

20 CHAIRMAN: A motion been made to approve  
21 Chapter 6 of the Public Improvement Specifications.  
22 Is there a second?

23 MS. MCENROE: Second.

24 CHAIRMAN: Second by Ms. McEnroe. Any  
25 discussion about the motion and the second?

1 (NO RESPONSE)

2 CHAIRMAN: There being none the Chair is ready  
3 for a vote. All those in favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Chapter 6 carries.

6 ITEM 11

7 Consider adoption of revisions to Chapter 7 of the  
8 Public Improvement Specifications related to storm  
sewers.

9 MR. HOWARD: This is only an exhibit and it  
10 adds the detail "Dump No Waste - Drains to Waterway"  
11 on the casting details.

12 We would recommend that you consider that one  
13 for approval as well.

14 CHAIRMAN: Any questions from the  
15 commissioners?

16 (NO RESPONSE)

17 CHAIRMAN: Any questions from the audience?

18 (NO RESPONSE)

19 CHAIRMAN: There being none the Chair is ready  
20 for a motion.

21 Mr. Ball.

22 MR. BALL: Motion to approve the changes to  
23 Chapter 7 of the Public Improvement Specification.

24 CHAIRMAN: Motion to approve the Chapter 7 of  
25 the Public Improvement Specifications. Is there a

1 second?

2 MR. MOORE: Second.

3 CHAIRMAN: Second by Mr. Moore. All those in  
4 favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 MR. HOWARD: Thanks everybody.

8 Next are our zoning changes. I will note that  
9 the zoning changes heard tonight will become final 21  
10 days after the meeting unless an appeal is filed. If  
11 an appeal is filed, we will forward the record of the  
12 meeting along with all necessary documentation to the  
13 appropriate legislative body for them to take final  
14 action.

15 ZONING CHANGES

16 ITEM 12

17 3355-3375 Block Hayden Road, 10.191 acres  
18 Consider zoning change: From A-U Urban Agriculture to  
19 B-4 General Business  
Applicant: Gateway Land, LLC

20 PLANNING STAFF RECOMMENDATIONS

21 The Planning Staff recommends approval subject  
22 to the conditions and findings of fact that follow:

23 CONDITIONS

24 1. Fulfillment of all the recommended  
25 improvements by the developer as outlined in the 2015

1 traffic impact study.

2 2. Approval of an Amended Major Subdivision  
3 Preliminary Plat that incorporates this 10.191 acre  
4 property with the larger Gateway Commons development.

5 FINDINGS OF FACT

6 1. Staff recommends approval because the  
7 proposal is in compliance with community's adopted  
8 Comprehensive Plan;

9 2. The subject property is located in a  
10 Business Plan Area, where general business uses are  
11 appropriate in limited locations;

12 3. The use of the subject property as general  
13 business will be non-residential in nature;

14 4. The proposal is a logical expansion of  
15 existing B-4 zoning to the north and west;

16 5. At 10.191 acres, the proposal should not  
17 overburden the capacity of roadways and other  
18 necessary urban services that are available, or are  
19 planned to be improved, in the affected area based on  
20 the recommended improvements of the traffic impact  
21 study; and

22 6. Preliminary plats and final development  
23 plans will be submitted and reviewed to ensure site  
24 design will comply with the Owensboro Metropolitan  
25 Zoning Ordinance and Subdivision Regulations.

1           MR. HILL: Staff request that the Staff Report  
2 be entered into the record as Exhibit E.

3           CHAIRMAN: Thank you, Mr. Hill.

4           Is there anybody here representing the  
5 applicant?

6           APPLICANT REP: Yes.

7           CHAIRMAN: Would you like to speak on his  
8 behalf?

9           APPLICANT REP: No.

10          CHAIRMAN: Any commissioners have any  
11 questions concerning the application?

12          (NO RESPONSE)

13          CHAIRMAN: Is there anyone in the audience  
14 that would like to speak either for or against the  
15 application?

16          (NO RESPONSE)

17          CHAIRMAN: There being none the Chair is ready  
18 for a motion.

19          Mr. Kazlauskas.

20          MR. KAZLAUSKAS: I make a motion that the  
21 zoning change be approved based on the Planning  
22 Staff's Recommendation, Conditions 1 and 2, and  
23 Findings of Fact 1 through 6.

24          CHAIRMAN: A motion has been made for approval  
25 based on Planning Staff Recommendation, Conditions 1

1 and 2 and Findings of Fact 1 through 6. Is there a  
2 second?

3 MR. BALL: Second.

4 CHAIRMAN: Second by Mr. Ball. Any discussion  
5 about the motion and the second?

6 (NO RESPONSE)

7 CHAIRMAN: There being none the Chair is ready  
8 for a vote. All those in favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 RELATED ITEM

12 ITEM 12A

13 Gateway Commons, 212.199 acres  
14 Consider approval of an amended major subdivision  
15 preliminary plat  
Applicant: Gateway Land, LLC

16 MR. HOWARD: Commissioners, this plat comes  
17 before you and actually is a fulfillment of Condition  
18 2 on the previous rezoning. This does incorporate the  
19 property into the overall Gateway development. It's  
20 been reviewed by the Planning Staff and Engineer's  
21 Staff and is found to be consistent with the  
22 requirements of the Zoning Ordinance, subdivision  
23 regulations and it is ready for your consideration for  
24 approval.

25 CHAIRMAN: Thank you, Mr. Howard.

1           Anyone here representing the applicant that  
2       would like to be speak?  
3           APPLICANT REP:   Yes.  
4           CHAIRMAN:   Any commissioners have any  
5       questions concerning this application?  
6           (NO RESPONSE)  
7           CHAIRMAN:   Anyone in the audience wish to  
8       speak for or against this application?  
9           (NO RESPONSE)  
10          CHAIRMAN:   There being none the Chair is ready  
11       for a motion.  
12          Mr. Ball.  
13          MR. BALL:   Motion to approve.  
14          CHAIRMAN:   Motion to approve.   Do we have a  
15       second?  
16          MR. MOORE:   Second.  
17          CHAIRMAN:   Second by Mr. Moore.   All those in  
18       favor raise your right hand.  
19          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
20          CHAIRMAN:   Motion carries.  
21       ITEM 13  
22       1653 East Parrish Avenue, 0.997 acres  
23       Consider zoning change:   From I-1 Light Industrial to  
24       B-5 Business/Industrial  
25       Applicant:   Susan Cox Development, LLC; 2G, LLC  
  
25       PLANNING STAFF RECOMMENDATION



1           The Planning Staff recommends approval subject  
2     to the conditions and findings of fact that follow:

3     CONDITIONS

4           1. No access to East Parrish Avenue shall be  
5     permitted. Access to the property shall only be  
6     allowed from Wing Avenue.

7           2. Approval of a site plan or final  
8     development plan.

9     FINDINGS OF FACT

10          1. Staff recommends approval because the  
11     proposal is in compliance with the community's adopted  
12     Comprehensive Plan;

13          2. The subject property is located within a  
14     Business/Industrial Plan Area, where general business  
15     and light industrial uses are appropriate in general  
16     locations;

17          3. The subject property lies within an  
18     existing area of mixed general business and light  
19     industrial uses;

20          4. The Comprehensive Plan provides for the  
21     continuance of mixed use areas; and

22          5. The proposed land use for the subject  
23     property is in compliance with the criteria for a  
24     Business/Industrial Plan Area and a B-5  
25     Business/Industrial zoning classification.

1           MR. HILL: Staff request that the Staff Report  
2 be entered into the record as Exhibit F.

3           CHAIRMAN: Thank you, Mr. Hill.

4           Is there anyone here representing the  
5 applicant?

6           MR. KAMUF: Yes, sir. Charles Kamuf.

7           We have Brandy Zackery with Arnold Engineers  
8 from over in Bowling Green, she's here, along with  
9 Commissioner Wathen to answer any questions you may  
10 have. Mr. Wathen represents the landowner.

11          CHAIRMAN: Would you like to speak on behalf  
12 of the application?

13          MR. KAMUF: Not yet.

14          CHAIRMAN: You're going to speak?

15          MR. KAMUF: I'm going to leave it like it is.  
16 We're here to answer any questions, if the Board has  
17 any questions.

18          CHAIRMAN: Commission have any questions?  
19 Anyone on the commission have any questions concerning  
20 this application?

21          (NO RESPONSE)

22          CHAIRMAN: Anyone from the audience that would  
23 like to speak on behalf or opposed to this  
24 application?

25          CHAIRMAN: There being none the Chair is ready

1 for a motion.

2 Mr. Rogers.

3 MR. ROGERS: Mr. Chairman, I make a motion for  
4 approval based on Planning Staff Recommendation with  
5 the two conditions and the Findings of Fact 1 through  
6 5.

7 CHAIRMAN: A motion has been made to approve  
8 based on Conditions 1 and 2 and Findings of Fact 1  
9 through 5. Is there a second?

10 MR. KAZLAUSKAS: Second.

11 CHAIRMAN: Second by Mr. Kazlauskas. Any  
12 discussion about the motion or the second?

13 (NO RESPONSE)

14 CHAIRMAN: Chair is ready for a vote. All  
15 those in favor raises your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 ITEM 14

19 1318 West 7th Street, 0.088 acres  
20 Consider zoning change: From I-2 Heavy Industrial to  
21 R-4DT Inner City Residential  
Applicant: Casa de Dios Corp

22 PLANNING STAFF RECOMMENDATION

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

25 CONDITIONS

1           1. A 10' landscape easement with a 6' high  
2           continuous element and a tree every 40 linear feet  
3           shall be required along the west and south property  
4           lines.

5           FINDINGS OF FACT

6           1. Staff recommends approval because the  
7           existing zoning classification given to the property  
8           is inappropriate and the proposed zoning  
9           classification is appropriate.

10          2. The property has been used residentially  
11          for many years and the proposed residential zoning  
12          classification will bring the use of the property into  
13          conformity with the zoning; and

14          3. According to PVA records, this structure  
15          was built as a residence in 1921, which pre-dates the  
16          adoption of the Comprehensive Plan and the Zoning  
17          Ordinance.

18          MR. HILL: Staff request that this Staff  
19          Report be entered into the record as Exhibit G.

20          CHAIRMAN: Thank you, Mr. Hill.

21          Anyone here representing the applicant?

22          APPLICANT REP: Yes.

23          CHAIRMAN: Do any commissioners have any  
24          questions concerning the application?

25          (NO RESPONSE)

1 CHAIRMAN: Anyone in the audience have any  
2 comment or questions opposed or for?

3 (NO RESPONSE)

4 CHAIRMAN: There being none the Chair is ready  
5 for a motion.

6 Mr. Moore.

7 MR. MOORE: Thank you, Mr. Chairman. I move  
8 for approval based on Staff's Recommendation with the  
9 one condition and Findings of Fact 1, 2 and 3.

10 CHAIRMAN: A motion has been made for approval  
11 based on Condition 1 and Findings of Fact 1 through 3.  
12 Do we have a second?

13 MR. JEAN: Second.

14 CHAIRMAN: Second by Mr. Jean. Any discussion  
15 about the motion and the second?

16 (NO RESPONSE)

17 CHAIRMAN: There being none all those in favor  
18 raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 -----

22 NEW BUSINESS

23 ITEM 15

24 Consider approval of March 2017 financial statements

25 CHAIRMAN: Hopefully all of the commissioners

1 have had a chance to look through that and sort all of  
2 that information. Is there any questions or  
3 discussions concerning the financial statements?

4 (NO RESPONSE)

5 CHAIRMAN: There being none the Chair is ready  
6 for a motion.

7 Mr. Kazlauskas.

8 MR. KAZLAUSKAS: Motion for approval.

9 CHAIRMAN: Motion for approval by Mr.  
10 Kazlauskas. Do we have a second?

11 MR. MOORE: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 ITEM 16

17 Consider approval of the amended Public Improvement  
18 Specifications surety unit costs.

19 MR. HOWARD: This item is related to those  
20 text amendments that we heard earlier. Every year  
21 when the PI Spec Committee gets together we discuss  
22 the surety posting cost. This year it was in your  
23 packet. It was stapled in the back of one of your  
24 things. This year there were only really four  
25 changes. We increased valley curb and box curb by a

1 couple of three dollars each. Then moved 18-inch  
2 gravity sewer to 24-inch gravity sewer from a set  
3 price to a case-by-case basis. So those are the only  
4 changes to it this year. We will look at these again  
5 either at the end of 2017 or the beginning of 2018.

6 We recommend that you consider these for  
7 approval tonight.

8 CHAIRMAN: Thank you, Mr. Howard.

9 Any questions from the commissioners?

10 (NO RESPONSE)

11 CHAIRMAN: Any questions from the audience?

12 (NO RESPONSE)

13 CHAIRMAN: The Chair is ready for a motion.

14 Mr. Ball.

15 MR. BALL: Motion to approve the amendments to  
16 the surety amounts.

17 CHAIRMAN: A motion has been made to approve  
18 for the Public Improvement surety amounts. Is there a  
19 second?

20 MR. JEAN: Second.

21 CHAIRMAN: Second by Mr. Jean. Any discussion  
22 about the motion or the second?

23 (NO RESPONSE)

24 CHAIRMAN: There being none all those in favor  
25 raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: The motion carries.

3 ITEM 17

4 Comments by the Chairman

5 CHAIRMAN: I have no comments.

6 ITEM 18

7 Comments by the Planning Commissioners

8 (NO RESPONSE)

9 ITEM 19

10 Comments by the Director

11 MR. HOWARD: I do, and I'll be brief.

12 I want to recognize Jim Mischel who was our  
13 associate director of building and electrical, HVAC in  
14 our department and had worked with us for 33 years.  
15 After 33 years of being in our office, helping the  
16 entire organization, Jim decided at the end of last  
17 month it was time to retire and move on. We certainly  
18 want to wish Jim the best as he moves on into  
19 retirement. Been in touch with him and he's made  
20 comments that he -- when it was coming down to it, he  
21 had a hard time deciding if he really wanted to. I  
22 think he enjoyed coming to work and enjoyed being with  
23 the Staff. He had a passion for what he did. Talking  
24 with him here in the last couple of days he's enjoying  
25 retirement. I think he's glad that he retired and



1     enjoying his time. Just want to recognize Jim for all  
2     that he did, all the help he provided to everybody on  
3     our Staff from top to bottom. He was always there as  
4     a guiding force and his institutional memory will be a  
5     loss; be a loss for the office, but we'll persevere.

6             In Jim's absence, we have moved Matt Warren,  
7     who was basically Jim's understudy for the last  
8     several years, into that role. So Matt will now be  
9     over the building, electrical, HVAC division of our  
10    department. I have great confidence in Matt in his  
11    abilities. He's a sharp guy. Has a lot of experience  
12    both in the field and working with contractors, but  
13    then with the office setting as well. So I think Matt  
14    is going to do great.

15            I also let you know that since our last  
16    meeting we also brought on Troy Mills as a new  
17    building, electrical and HVAC inspector. He comes  
18    from an electrical background. So we will have to  
19    train him on the ways of building and HVAC  
20    inspections. Since has's been on board he's caught on  
21    quickly and I think he's going to do a great job.

22            Then we've also hired Trey Pedley as a Planner  
23    1 within the office. Trey comes to us from the Green  
24    River Area Development District where he was a  
25    community development planner there. He also has

1       experience working in the planning department over in  
2       Evansville, Indiana, reviewing site plans and doing  
3       zoning compliance and things like that. He's got a  
4       degree in geography with planning experience and a  
5       planning background. So we're lucky to have him come  
6       on board with us as well.

7               Those fill in some of the gaps that we've had.  
8       I feel like this positions us to be in good shape as  
9       we move forward.

10              CHAIRMAN: Thank you, Mr. Howard.

11              I would also like to add a congratulations to  
12       Jim Mischel. I think he's helped all of the  
13       commissioners at one point in time. He's worked  
14       really hard. Going to be sorely missed. Did a great  
15       job. Very detailed oriented individual. I think all  
16       of the commission wishes him the best in his  
17       retirement. I think we did make sure that we still  
18       have his cell phone number available just in case.  
19       He's not out of the woods yet.

20              Congratulations, Jim. Enjoy retirement.

21              I think that pretty well concludes it so we  
22       need one last motion.

23              Mr. Moore.

24              MR. MOORE: Move to adjourn.

25              CHAIRMAN: Move to adjourn. Do we have a

1 second?

2 MS. McENROE: Second.

3 CHAIRMAN: Second by Ms. McEnroe. All those  
4 in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: We are adjourned.

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