

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 AUGUST 10, 2017

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 August 10, 2017, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

20 * * * * *

21 CHAIRMAN: I'd like to call the Owensboro
22 Metropolitan Planning Commission meeting for August
23 10, 2017 meeting to order. We always start our
24 meetings with a prayer and pledge. Tonight Steve Frey
25 will lead both of those.

26 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

27 CHAIRMAN: Thank you, Commissioner Frey.

28 I would like to consider the minutes of the
29 July 13, 2017 meeting. I assume all the commissioners
30 got the minutes of the meeting, had a chance to look

1 through those. Are there any questions or changes to
2 those minutes?

3 (NO RESPONSE)

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

6 Mr. Moore.

7 MR. MOORE: Move for approval.

8 CHAIRMAN: Mr. Moore has moved for approval.
9 Is there a second?

10 MS. HARDAWAY: Second.

11 CHAIRMAN: Second by Ms. Hardaway. Any
12 discussion about the motion and the second?

13 (NO RESPONSE)

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: The minutes have been approved.

18 Before we get started with the business agenda
19 tonight, I would just like to take a few minutes to go
20 over a few ground rules.

21 If we have someone that wishes to speak on an
22 application, for the application or opposed to the
23 application, ask that you approach the podiums and
24 state your name and be sworn in. If we have any
25 questions and answers, all of those are to be directed

1 toward the chair and the chair will make sure that all
2 of the questions and answers are repeated to the
3 audience. That's so that everybody hears the
4 questions and answers clearly, since we have these
5 televised and also since the commissioners need to
6 hear all of this information accurately.

7 We're ready for first order of business.

8 MR. HOWARD: Under Zoning Changes, I will note
9 that all the zoning changes heard tonight will become
10 final 21 days after the meeting unless an appeal is
11 filed. If an appeal is filed, we will forward the
12 record of the meeting along with all applicable
13 materials to the appropriate legislative body for them
14 to take final action.

15 -----

16 GENERAL BUSINESS

17 ZONING CHANGES

18 ITEM 2

19 Portions of 3001 Highway 54, 0.571 acres
20 Consider zoning change: From P-1 Professional/Service
21 to B-4 General Business
22 Applicant: Gateway Land, LLC; Commonwealth of KY
23 Department of Human Resources

24 MS. KNIGHT: Please state your name for the
25 record.

26 MS. EVANS: Melissa Evans.

27 (MELISSA EVANS SWORN BY ATTORNEY.)

1 PLANNING STAFF RECOMMENDATIONS

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

4 CONDITIONS

5 1. Fulfillment of all the recommended
6 improvements by the developer as outlined in the 2015
7 traffic impact study.

8 2. Approval of an Amended Major Subdivision
9 Preliminary Plat that incorporates this 0.571 acre
10 property with the larger Gateway Commons development.

11 FINDINGS OF FACT

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

15 2. The subject property is located in a
16 Business Plan Area, where general business uses are
17 appropriate in limited locations;

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

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

22 5. At 0.571 acres, the proposal should not
23 overburden the capacity of roadways and other
24 necessary urban services that are available, or are
25 planned to be improved, in the affected area based on

1 the recommended improvements of the traffic impact
2 study; and

3 6. Preliminary plats and final development
4 plans will be submitted and reviewed to ensure site
5 design will comply with the Owensboro Metropolitan
6 Zoning Ordinance and Subdivision Regulations.

7 MS. EVANS: We would like to enter the Staff
8 Report into the record as Exhibit A.

9 CHAIRMAN: Thank you, Melissa.

10 Is there anyone here representing the
11 applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: Would you like to speak on his
14 behalf?

15 APPLICANT REP: No.

16 CHAIRMAN: Is there anyone here who would like
17 to speak in opposition to the application?

18 (NO RESPONSE)

19 CHAIRMAN: Do any of the commissioners have
20 any questions concerning the application?

21 (NO RESPONSE)

22 CHAIRMAN: There being none the chair is ready
23 for a motion.

24 Mr. Reeves.

25 MR. REEVES: Motion to approve the application

1 based on Staff Findings of Fact 1 through 6 and
2 Conditions 1 and 2.

3 MS. McENROE: Second.

4 CHAIRMAN: Second by Ms. McEnroe. Do we have
5 any discussion concerning the motion and the second?

6 (NO RESPONSE)

7 CHAIRMAN: There being none all those in favor
8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 ITEM 4

12 9964 Highway 144, 86.25 acres
13 Consider zoning change: From EX-1 Coal Mining to A-U
14 Urban Agriculture
Applicant: Frances Meserve

15 PLANNING STAFF RECOMMENDATION

16 The Planning Staff recommends approval subject
17 to the findings of fact that follow:

18 FINDINGS OF FACT

19 1. Staff recommends approval because the
20 proposal is in compliance with the community's adopted
21 Comprehensive Plan;

22 2. The subject property is located in a Rural
23 Maintenance Plan Area where rural farm residential
24 land uses are appropriate in general locations;

25 3. The subject property is a single tract of

1 86.25 acres;

2 4. The subject property has access to Highway
3 144;

4 5. Mining activity has ceased on the property
5 and it is ready to revert back to its original zoning
6 classification; and

7 6. The Owensboro Metropolitan Zoning
8 Ordinance Article 12a.31 requires that property shall
9 revert to its original zoning classification after
10 mining.

11 MS. EVANS: We would like to enter the Staff
12 Report into the record as Exhibit B.

13 CHAIRMAN: Thank you, Melissa.

14 Is there anyone here representing the
15 applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Is there anyone here that wishes to
18 speak in opposition to the application?

19 (NO RESPONSE)

20 CHAIRMAN: Do any of the commissioners have a
21 question concerning the application?

22 (NO RESPONSE)

23 CHAIRMAN: There being none the chair is ready
24 for a motion.

25 Mr. Jean.

1 MR. JEAN: I would like to make a motion we
2 approve this application based on the Staff Report and
3 Findings of Fact 1 through 6.

4 CHAIRMAN: Motion has been made to approve
5 based on Findings of Fact 1 through 6. Do we have a
6 second?

7 MR. BALL: Second.

8 CHAIRMAN: Second by Mr. Ball. Any discussion
9 on the motion or the second?

10 (NO RESPONSE)

11 CHAIRMAN: There being none all those in favor
12 raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 ITEM 5

16 3734, 3806 West Parrish Avenue, 4.173+/- acres
17 Consider zoning change: From A-R Rural Agriculture to
18 B-4 General Business
19 Applicant: Owensboro Recreational Real Estate, LLC;
20 Donna B. Osborne Trust & Roger K. Osborne Trust

21 PLANNING STAFF RECOMMENDATIONS

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

24 CONDITION

25 Access to West Parrish Avenue shall be limited
to the existing 40 foot ingress/egress easement only
as approved by plat in 1990.

1 FINDINGS OF FACT

2 1. Staff recommends approval because the
3 proposal is in compliance with the community's adopted
4 Comprehensive Plan;

5 2. The subject property is located in an
6 Urban Residential Plan Area where general business
7 uses are appropriate in limited locations;

8 3. The proposal is a logical expansion of
9 existing B-4 General Business zoning to the west;

10 4. At 4.173+/- acres, the proposal does not
11 significantly increase the extent of general business
12 zoning in the vicinity; and,

13 5. With access limited to the existing
14 ingress/egress easement, the proposal should not
15 overburden the capacity of roadways and other
16 necessary urban services that are available in the
17 affected area.

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

20 CHAIRMAN: Thank you, Melissa.

21 Is there anyone here representing the
22 applicant?

23 MR. RINEY: Yes.

24 CHAIRMAN: Mr. Riney, would you like to speak
25 on behalf of the application?

1 MR. RINEY: Yes.

2 MS. KNIGHT: State your name, please.

3 MR. RINEY: Jim Riney.

4 (JIM RINEY SWORN BY ATTORNEY.)

5 MR. RINEY: Mr. Chairman, I understand that
6 there's some opposition in the room tonight. I didn't
7 think that the applicant was going to be available. I
8 found out he's at some sort of event or function here
9 in Owensboro and he's going to try to get down here.
10 I would ask, respectfully ask if the commission would
11 move this item on down on the agenda to give him time
12 to arrive so he can speak with the issues that the
13 neighborhood might have, if that pleases the
14 commission, just to delay the item on the agenda for a
15 few minutes?

16 CHAIRMAN: Do we need a motion or a vote on
17 that to delay?

18 MS. KNIGHT: No. We'll just table it at this
19 time.

20 CHAIRMAN: We'll table it until later then.

21 MR. RINEY: Thank you.

22 CHAIRMAN: Thank you.

23 ITEM 6

24 Portion of 1031 Walnut Street, Whitesville, 0.497 acre
25 Consider zoning change: From R-1C Single-Family
Residential to R-3MF Muti-Family Residential
Applicant: Roger Coomes and Michael Coomes

1
2 MR. HOWARD: Before Melissa does the Staff
3 Report, this is a rezoning that is substantially
4 similar to one that came before you all a couple of
5 months ago. We recommended denial and our Staff
6 Report really hasn't changed. The acreage was undated
7 from the previous rezoning because you can't resubmit
8 a zoning change that is the exact same within six
9 months of its denied. So when it got to Whitesville,
10 it was denied. So the applicant I know is here
11 tonight, but he's changed it. Instead of reading the
12 entire Staff Report into the record like we typically
13 would for denial, since it's basically the exact same
14 as it was a couple of months ago, Melissa is just
15 going to do the Findings of Fact and then Mr. Coomes
16 is here and can address you all as well.

17 MR. ROGERS: Mr. Chairman, I need to recuse
18 myself.

19 CHAIRMAN: Okay.

20 PLANNING STAFF RECOMMENDATION

21 The Planning Staff recommends denial subject
22 to the Findings of Fact that follow:

23 FINDINGS OF FACT

24 1. Staff recommends denial because the
25 proposal is not in compliance with the community's

1 adopted Comprehensive Plan;

2 2. The subject property is located in an
3 Urban Residential Plan Area where urban mid-density
4 residential uses are appropriate in limited locations;

5 3. The proposed use as multi-family
6 residential conforms to the criteria for urban
7 residential development;

8 4. The proposal is not a logical expansion of
9 existing R-3MF Multi-Family Residential zoning in the
10 area;

11 5. The proposal is not major street oriented;
12 and

13 6. Furthermore, the proposed lot
14 configuration will not be compliant with the zoning
15 ordinance road frontage requirements.

16 MS. EVANS: We would like to enter the Staff
17 Report into the record as Exhibit D.

18 CHAIRMAN: Thank you, Melissa.

19 Mr. Coomes, would you like to speak on behalf
20 of the application?

21 MS. KNIGHT: If you could, please state your
22 name for the record.

23 MR. COOMES: Roger Coomes.

24 (ROGER COOMES SWORN BY ATTORNEY.)

25 MR. COOMES: Mr. Chairman, there's several

1 things I can say, but I really doubt if it's going to
2 make any difference. I've submitted it and if it's
3 turned down, it's turned down. I thank you for your
4 time.

5 CHAIRMAN: Any commissioners have any
6 questions for Mr. Coomes?

7 (NO RESPONSE)

8 CHAIRMAN: Mr. Coomes, if you would go back to
9 the microphone, I do have one question.

10 Essentially the application is essentially the
11 same as the last one with just a little bit of minor
12 change. Did you by chance bring anything differently
13 with you tonight that we would not be aware of?

14 MR. COOMES: You already have it. You already
15 have the change made. That's about all I can say.

16 I could point out two or three minor things,
17 but I'm not sure the big picture is going to make any
18 difference. They talk about on the south side, it's
19 all residential family, and it's not. St. Vincent de
20 Paul had a store there and they built a new one. It's
21 strictly an outlet to make money for the St. Vincent
22 de Paul Society.

23 The area we're talking about, in the same
24 block there's already two, I'm not sure how to define
25 the area other than we can all discuss areas forever,

1 an area is not strictly limited in its scope. An area
2 is really the entire property, when you talk about an
3 area. So there's already two others that are in that
4 same block. In fact, one of them the building sits
5 about 120 to 130 feet from the edge of the property.

6 Anyway, thank you for your time. If anybody
7 has any questions.

8 CHAIRMAN: Thank you.

9 Any commissioners have any questions for
10 Mr. Coomes?

11 (NO RESPONSE)

12 CHAIRMAN: Anyone in the audience have any
13 questions concerning this application?

14 (NO RESPONSE)

15 CHAIRMAN: The chair is ready for a motion.

16 Mr. Ball.

17 MR. BALL: I would like to motion for denial
18 based on Findings of Fact 1 through 6 and Planning
19 Staff Recommendation.

20 CHAIRMAN: A motion has been made for denial
21 based on Findings of Fact 1 through 6. Do we have a
22 second?

23 MR. KAZLAUSKAS: Second.

24 CHAIRMAN: Second by Mr. Kazlauskas. Any
25 discussion about the motion and the second?

1 (NO RESPONSE)

2 CHAIRMAN: There being none all those in favor
3 raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE -
5 WITH IRVIN ROGERS RECUSING HIMSELF.)

6 CHAIRMAN: Motion carries.

7 -----

8 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

9 ITEM 7

10 Deer Valley, Section 4, 43.810 acres
11 Consider approval of an amended combined final
12 development plan/major subdivision preliminary plat
Applicant: Deer Valley Subdivision, LLC

13 MR. BALL: Mr. Chairman, I need to recuse
14 myself.

15 CHAIRMAN: Yes.

16 MR. HOWARD: Mr. Chairman and Commissioners,
17 this plan has been reviewed by the Planning Staff and
18 Engineering Staff and it's found to be in order. It's
19 consistent with the requirements of the subdivision
20 regulations and the zoning ordinance. They've made
21 really what is in the grand scheme of things a minor
22 amendment to the drainage pattern within the
23 development, but that does require at this point that
24 it come back before the full commission for approval
25 of that change. So it is ready for your consideration

1 for approval.

2 CHAIRMAN: Thank you, Mr. Howard.

3 Is anyone here representing the applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Do you have any discussion or any

6 comments you would like to make?

7 APPLICANT REP: No.

8 CHAIRMAN: Thank you.

9 Any commissioners have any questions

10 concerning the application?

11 (NO RESPONSE)

12 CHAIRMAN: There being none the chair is ready

13 for a motion.

14 Mr. Kazlauskas.

15 MR. KAZLAUSKAS: Make a motion for approval.

16 CHAIRMAN: Motion has been made for approval.

17 Is there a second?

18 MS. McENROE: Second.

19 CHAIRMAN: Second by Ms. McEnroe. Any

20 discussion on the motion or the second?

21 (NO RESPONSE)

22 CHAIRMAN: There being none all those in favor

23 raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE -

25 WITH MANUEL BALL RECUSING HIMSELF.)

1 CHAIRMAN: Motion carries.

2 -----

3 MINOR SUBDIVISION PLATS

4 ITEM 8

5 5837, 5849 Highway 56, 3.5 acres
6 Consider approval of a minor subdivision plat.
7 Applicant: Ford Family Farms

8 MR. HOWARD: This plat comes before you as an
9 except to the 3 to 1 requirement of the subdivision
10 regulations and the zoning ordinance requirements.
11 Basically what they're doing is creating a lot around
12 an existing home that is on that property or on the
13 larger agricultural property. The closest road
14 frontage is the road frontage they have on Highway 56;
15 although, the farm does have some additional road
16 frontage on Ladanne Bridge Road. We've added a note
17 on here that both this plat and the agricultural
18 remainder should not be further subdivided not meeting
19 the requirements of the subdivision regulation, being
20 that they're creating around an existing home and not
21 necessarily maximizing, we would recommend that you
22 consider it for approval.

23 CHAIRMAN: Thank you, Mr. Howard.

24 Is anyone here representing the applicant?

25 APPLICANT REP: Yes.

CHAIRMAN: Would you like to speak on his

1 behalf?

2 APPLICANT REP: Not unless they have some
3 questions, no.

4 CHAIRMAN: Thank you.

5 Do any of the commissioners have any questions
6 concerning the application?

7 (NO RESPONSE)

8 CHAIRMAN: Anyone in the audience have any
9 questions concerning the application?

10 (NO RESPONSE)

11 CHAIRMAN: The chair is ready for a motion.

12 Mr. Rogers.

13 MR. ROGERS: Mr. Chairman, motion for
14 approval.

15 CHAIRMAN: A motion has been made for approval
16 by Mr. Rogers.

17 MR. FREY: Second.

18 CHAIRMAN: Second by Mr. Frey. Any discussion
19 on the motion and the second?

20 (NO RESPONSE)

21 CHAIRMAN: There being none the chair is ready
22 for a vote. All those in favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 MR. HOWARD: It looks like the applicants for

1 Item 5 are here so I'll just read that part back into
2 the record and then we can proceed.

3 ITEM 5

4 3734, 3806 West Parrish Avenue, 4.173+/- acres
5 Consider zoning change: From A-R Rural Agriculture to
6 B-4 General Business
Applicant: Owensboro Recreational Real Estate, LLC;
Donna B. Osborne Trust & Roger K. Osborne Trust

7 CHAIRMAN: I see we now have some
8 representation from the applicant. Would the
9 applicant like to speak on his behalf?

10 MR. RINEY: Mr. Chairman, would it be
11 appropriate at this point to find out what the
12 neighborhood concerns are so the commission knows that
13 and the applicant knows that rather than second-guess?

14 CHAIRMAN: Yes, that would probably be a good
15 idea.

16 Is there anyone that would like to speak in
17 opposition to this application?

18 Yes. Would you like to come forward and be
19 sworn in?

20 MS. KNIGHT: Please state your name for the
21 record.

22 MR. O'BRYAN: Mike O'Bryan.

23 (MIKE O'BRYAN SWORN BY ATTORNEY.)

24 MR. O'BRYAN: I live on the east side of this
25 property that adjoins that. I've got some pictures

1 here. I don't have a problem with the business being
2 expanded. I just have a problem with some of the
3 buffering that they've got now.

4 I've got some pictures here I would like to
5 show the commission. I tried to get up here, but they
6 said they couldn't get it up there. I would like to
7 pass these pictures along for you all to look at.

8 We live in houses that range from about
9 250,000 to a million dollars on Airport Road there,
10 and we're going to be viewing this from our back
11 doors.

12 I would like to present this to the
13 commission, if I can. I will pass this through.

14 CHAIRMAN: Yes, please.

15 MR. HOWARD: Mr. O'Bryan, since you're showing
16 digital photos, we would request that you bring a hard
17 copy down to our office that we could give to Lynnette
18 to enter into the record. I'll look through them just
19 to verify that what you do bring down to the office is
20 what you are showing tonight on your phone.

21 MR. O'BRYAN: I can e-mail them to you.

22 MR. HOWARD: That's fine. We just need to
23 have some means for Lynnette to have a copy of those
24 for the record.

25 MS. KNIGHT: I think there's five photos.

1 MR. O'BRYAN: Yes.

2 MR. FREY: What we're seeing is what is there
3 now?

4 MR. O'BRYAN: Yes. That's the screening
5 that's there now and you can see how it's affected.

6 MR. HOWARD: Would the applicant like to see
7 the pictures as well?

8 MR. RINEY: Yes.

9 MR. O'BRYAN: I'm east of the property. I'm
10 the second house off the corner there. Looks like,
11 1836 is where I live.

12 MR. HOWARD: Would you mind to show the
13 applicant your pictures as well so they know what
14 you've shown to the Planning Commission.

15 MR. O'BRYAN: Not a problem.

16 CHAIRMAN: Just for my own clarification, you
17 don't have a problem with the business expanding?

18 MR. O'BRYAN: I don't have a problem with the
19 expansion of the business because I have a business
20 myself. I looked to purchasing the same property, but
21 what I was going to do is residential there. What I
22 was going to buffer the property with, I was going to
23 put a brick wall across where the RV place is on the
24 property if I got it, but, you know, for what I wanted
25 to do with the property it wasn't feasible for me to

1 do so that's why I backed off of purchasing the
2 property.

3 CHAIRMAN: So that's really your only concern?

4 MR. O'BRYAN: Right. I don't have a problem
5 with the man expanding his business because he's done
6 a great job where he's at now. I just have a problem
7 with the screening of the RV's where you've got a
8 6-foot fence and they're 12 and 14 feet high. Then
9 you can see through the buffering that's there now.
10 I'm willing, and I've talked with my other neighbors
11 there. Don Young is here tonight. He lives on the
12 corner there of Airport Road and Mike Horn lives
13 next-door to him. Mike ask that, you know, we all get
14 together and try to get this buffering worked out.

15 None of us have a problem with expansion of
16 the business. I don't. I don't think Mike does, with
17 us all being business people. Don Young is in
18 business for himself also. I can't speak for him, but
19 we don't have a problem with expansion of the
20 business. We would just like something done with the
21 screening.

22 CHAIRMAN: Thank you, Mr. O'Bryan.

23 Mr. Young, would you like to speak with your
24 concerns or any comments?

25 MS. KNIGHT: If you could state your name for

1 the record, please.

2 MR. YOUNG: Don Young.

3 (DON YOUNG SWORN BY ATTORNEY.)

4 MR. YOUNG: I think, as far as I am concerned,
5 my house, my property does not back up to his
6 property, but the rest of the neighbors down there
7 does. I think that as long as we've got the low fence
8 across there, I think it's really going to be a
9 hindrance to us that we can see camping trailers out
10 our back doors. I think that's pretty much the key to
11 the whole thing. I think everybody up and down the
12 whole street feels that way. Being what this was 20
13 years ago going in, that's how we got the zoning done
14 at that time. I think we need to look at it now.

15 CHAIRMAN: Thank you, Mr. Young.

16 Did any commissioners have any questions for
17 either Mr. Young or Mr. O'Bryan?

18 (NO RESPONSE)

19 MR. O'BRYAN: I have one other question. I
20 know that time is crucial when you're doing, when
21 you're working in the business industry, but I would
22 ask for a postponement for 30 days to where we can get
23 the screening, you know, situation under control or
24 where we can resolve the issues. I'm asking for a 30
25 day postponement.

1 CHAIRMAN: Does the applicant, are you in
2 position to address their concerns at this meeting
3 tonight?

4 MR. NEHLS: My name is Rick Nehls. My wife is
5 actually the legal owner of the company, but she lets
6 me work there every day.

7 (RICK NEHLS SWORN BY ATTORNEY.)

8 MR. NEHLS: I am totally open to suggestions
9 for the screening. What we have today is what the
10 counsel recommended us to do when we built the
11 building six years ago. So we're just in compliance
12 with the current regulations. I mean if the neighbors
13 have a recommendation that you're okay with and we're
14 okay with, I would rather than postpone it let's get
15 it on the table and talk about it.

16 CHAIRMAN: Yes, Mr. Ball.

17 MR. BALL: I have a question for Staff.

18 Just to be clear, this is considered an
19 outdoor storage area and we're looking at a tree every
20 40 feet and a 6 foot tall element. Does it also
21 require a 10 feet easement?

22 MR. HOWARD: It's two things. It's partially
23 or it is an outdoor storage area, but also the zoning
24 ordinance along the east and south boundary would
25 require the same thing, a 6 foot tall solid wall or

1 fence within a 10 feet easement and a tree every 40
2 feet to buffer the B-4 commercial against the -- it's
3 zoned agricultural, but they're homes with residences
4 on it. You have to provide that screening either way.
5 So whether it's an outdoor storage yard or just the
6 buffer itself, 6 foot tall solid wall or fence and a
7 tree every 40 feet.

8 The zoning ordinance requires that the
9 screening provide 80 percent opacity. They have the
10 slats and the fence right now. That has always been
11 deemed to meet that 80 percent opacity requirement of
12 the zoning ordinance; although, as you can see in the
13 pictures, you can still see some of it through, but it
14 does, it's always been deemed to meet that minimum
15 requirement.

16 MR. BALL: Is there anything different from
17 this storage area or this buffering between the two
18 zonings than what we would see anyplace else?

19 MR. HOWARD: On the face of it I would say,
20 no, other than as Mr. O'Bryan stated, there is a
21 height, you know, potential here that may not be found
22 elsewhere, but you could have other instances where.
23 You know, say that Erb Equipment place, they have a
24 6-foot tall fence and they have large agricultural
25 machinery and that type of thing that could be as tall

1 as well.

2 MR. BALL: Could you have stacking as well in
3 certain situations?

4 MR. HOWARD: You can.

5 MR. BALL: That's all I have. Thank you.

6 CHAIRMAN: Any other commissioners?

7 Mr. Reeves.

8 MR. REEVES: I guess what I'm looking at,
9 these RV's are probably 16, 18 feet tall at the
10 highest points?

11 MR. NEHLS: The highest point is 13.6.

12 MR. REEVES: So are we suggesting you're
13 wanting a fence built at that height?

14 MR. O'BRYAN: I wouldn't say a fence, but some
15 type of screening. You know, like pine trees. I've
16 got pine trees planted along my subdivision out on 56.
17 With the growth of those pine trees you can't see any
18 of those fences or houses. I mean it took about 10
19 years for it to get there, but some type of screening.
20 I don't think 40 feet. I planted mine every 15 feet,
21 pine trees, and now it's a solid screen across 56 that
22 backs up to my subdivision. You can't see any of the
23 houses or fences once you get along those pine trees.

24 MR. REEVES: Would you suggest they plant pine
25 trees that were of sufficient age right now, that they

1 give you immediate relief or is long --

2 MR. O'BRYAN: I say within a three or five
3 year time frame, which pines grow pretty quick.

4 The only problem you're going to have is on
5 that east side behind us where that property line is
6 there, there's a power line that runs through there.
7 Kenergy will come down through there and they'll trim
8 though trees pretty good. Because Mr. Young has some
9 on 56 now and they've hacked them all to pieces.
10 That's what you run into when you plant trees.
11 Kenergy is not going to recommend you put trees on
12 their power line. They're not going to recommend
13 that. They don't like trees in the power lines.
14 Something needs to be worked there. Like I say, I
15 don't have a problem with him expanding his business
16 at all. I just want a little bit better buffer is all
17 I'm asking for.

18 MR. ROGERS: Mr. Chairman, that screening goes
19 to east and to the south, correct?

20 MR. HOWARD: Yes.

21 CHAIRMAN: Any other commissioners have any
22 questions concerning this?

23 MR. BALL: Just to clarify. The pictures that
24 we saw, you saw them too, they're currently in
25 compliance with both the buffering between the zoning

1 and the outdoor storage area?

2 MR. HOWARD: It would be our -- I haven't been
3 out to look recently, but we have looked in the past
4 and, yes, at that time they were in compliance.

5 CHAIRMAN: Yes, Mr. Reeves.

6 MR. REEVES: I guess this is a question for
7 Mr. Nehls.

8 Two things. Do you have any willingness to
9 put additional trees beyond what is required?

10 MR. NEHLS: I'm willing to come to an
11 agreement this evening. I really don't think there's
12 a reason to postpone the meeting.

13 My initial thoughts are is that the neighbors
14 approve the tree line that Wayne Supply put in. Would
15 they be willing to approve to put that kind of tree
16 line in that Wayne Supply put in? They did
17 alternating trees about, I believe, every 20 feet,
18 which the neighbors had no problem with that. You
19 know, would they be okay with us putting a 6-foot
20 fence up with or without screening and then doing
21 trees alternating every 20 feet as our neighbor did
22 that back up to them also?

23 MR. REEVES: My next question is: I know
24 you've got a lot of RV's out there. Do you have any
25 RV's that are not tall that could be stored in that?

1 MR. NEHLS: Absolutely not.

2 MR. REEVES: You don't have the crank ups or
3 whatever?

4 MR. NEHLS: No. In four acres, I mean I
5 couldn't commit that I would keep things under 6-foot
6 tall.

7 MR. REEVES: I understand. I was just asking.

8 MR. NEHLS: A minimum height on a camper is
9 probably 12 foot.

10 But would they agree to that side of
11 staggering of trees as Wayne Supply has?

12 MR. O'BRYAN: I'm not familiar with Wayne
13 Supply's buffering or screening because I'm on the
14 east side of you. So I don't see them. I mean I
15 would be willing to go out there and look at it.

16 CHAIRMAN: Direct it to us.

17 MR. O'BRYAN: Sorry.

18 I would be willing to go out there and look at
19 the buffering, the screening, but as of this time I
20 don't recollect what it looks like because Wayne
21 Supply is west of where he's at.

22 CHAIRMAN: I don't think any of the
23 commissioners have any idea what it would look like
24 either at this point.

25 MR. RINEY: Mr. Chairman.

1 CHAIRMAN: Yes, Mr. Riney.

2 MR. RINEY: I would offer that we had a
3 similar situation, I think it's Creek Haven out along
4 the bypass. Instead of planting a single row of
5 trees, I would be -- I did a little schematic here,
6 but I won't bore you with it right now. You plant a
7 single row of trees that's 20 foot spacing, then out
8 from those about another 10 feet you plant another row
9 of trees 20 foot spacing, but they're staggered so
10 they alternate so they fill the gaps from a visual
11 presentation, and that's been real effective. We've
12 had it on two or three subdivisions. The ones I think
13 of primarily is Ward Pedley, and we've used it on some
14 others. It's been a good screening and it's effective
15 over at the Caterpillar Equipment Supply where they've
16 got equipment that's either agricultural or
17 construction. They've got both types over there
18 that's taller than the average perimeter fence.

19 CHAIRMAN: What the applicant is proposing, he
20 would be acceptable with that?

21 MR. NEHLS: Yes, I would be acceptable to put
22 up a 6-foot fence with the screening that we have
23 today, and then do alternate trees, as Mr. Riney
24 suggested.

25 MR. O'BRYAN: That's fine with me. I known

1 what he's talking about with the buffering, with the
2 trees offsetting each other. I understand what he's
3 saying. If it's the right tree, it will probably will
4 give us adequate screening.

5 CHAIRMAN: So, Mr. O'Bryan, you would be
6 satisfied with that?

7 MR. O'BRYAN: I would be satisfied with that
8 if he agrees to put it in to the record.

9 CHAIRMAN: Mr. Young, would you agree.

10 MR. YOUNG: I think we need to make sure on
11 the record we have what's going to be done and make
12 sure it is done.

13 MR. KAZLAUSKAS: Mr. Chairman, I would like to
14 specify the type of tree also. I know you said
15 something about --

16 MR. NEHLS: What Wayne Supply put in was 3 to
17 5 foot pine trees is what they put in when they
18 started.

19 MR. O'BRYAN: When I first put mine out, mine
20 were 6 to 8 feet tall and then 10 years they were
21 about 20 feet tall and they were white pine is what
22 these were. Something in the pine that will offer low
23 buffering also.

24 CHAIRMAN: I think we're getting close.

25 MR. NEHLS: I would agree to the 6-foot white

1 pine. So a minimum 6-foot white pine.

2 MR. O'BRYAN: Six to eight feet.

3 MR. NEHLS: I mean we're here to be good
4 neighbors, but I want to do it reasonable too.

5 CHAIRMAN: You agree to put up a fencing plus
6 the alternating 6-foot white pine?

7 MR. NEHLS: Yes. And I believe, and Jim and I
8 had talked about this previously, but we have a
9 10-foot buffer requirement from our fence to the
10 residential property. So if it would be in agreement,
11 I would still like to -- I would like to use as much
12 of the property as I can. You know, do the fence 10
13 feet off and do that staggering in that 10 foot
14 easement.

15 MR. O'BRYAN: That he sounds fine. That
16 sounds like that will work, yes. Like I say, the
17 6-foot trees within five years they'll be 12 to
18 15-feet probably. That will probably take care of the
19 issue that we have now.

20 CHAIRMAN: Mr. Howard.

21 MR. HOWARD: From the Staff's perspective, so
22 I can make sure when we go out to look at it we
23 understand it correctly.

24 Mr. Riney and Mr. Nehls, I believe you
25 described each row of pines would be, the pine trees

1 and Row A would be 20 feet apart.

2 MR. NEHLS: Correct.

3 MR. HOWARD: And then the pine trees in Row B

4 would be 20 feet apart and they would be staggered.

5 MR. NEHLS: Centering off the other.

6 MR. HOWARD: Yes, 20 foot staggered, doubled

7 row.

8 MR. NEHLS: And that would be off the east

9 side and the south side.

10 MR. HOWARD: Okay. I understand.

11 CHAIRMAN: That would be plus the fence.

12 MR. NEHLS: Plus the fence with the screening

13 and the fence.

14 MR. HOWARD: And that's going to be a zoning

15 ordinance requirement regardless.

16 MR. NEHLS: Correct.

17 CHAIRMAN: Mr. Reeves.

18 MR. REEVES: Mr. Howard, is it possible you

19 would write that condition for us so we make sure we

20 get it in the record properly?

21 MR. HOWARD: Yes. I would say, based on my

22 understanding, that you would add a condition that

23 it's a double row of staggered white pines 20 foot on

24 center.

25 CHAIRMAN: Thank you, Mr. Howard.

1 MR. HOWARD: Minimum 6 feet tall, double row
2 of staggered white pines 20 foot on center along the
3 east and south boundary.

4 CHAIRMAN: Any other questions or comments
5 concerning this application?

6 (NO RESPONSE)

7 CHAIRMAN: The chair is ready for a motion.

8 Mr. Ball.

9 MR. BALL: I would like to make a motion to
10 approve based on Findings of Fact 1 through 5, the
11 existing condition, and the Planning Staff
12 Recommendations, and the applicant's alternative
13 screening; that would be two rows of staggered minimum
14 6 foot tall white pines 20 feet on center located
15 within the 10 foot landscape easement along the east
16 and south boundaries, if the applicant is agreeable to
17 that.

18 MR. NEHLS: Yes.

19 CHAIRMAN: A motion has been made for approval
20 based on the Findings of Fact 1 through 5, the
21 condition, and hopefully I've got this down too.
22 Concerning the 20 foot pine staggered, 6 foot white
23 pine staggered, including the fence and the screening
24 on the east and south side, a motion has been made.
25 Is there a second?

1 MR. JEAN: Second.

2 CHAIRMAN: Second by Mr. Jean. Any discussion
3 about the motion and the second?

4 (NO RESPONSE)

5 CHAIRMAN: All those in favor raise your right
6 hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 Thank you all.

10 MR. NEHLS: Thank you. Appreciate your time.

11 -----

12 NEW BUSINESS

13 ITEM 9

14 Consider approval of June 2017 financial statements

15 CHAIRMAN: Hopefully all the commissioners
16 received those and had an opportunity to look through
17 them. Are there any questions concerning the
18 financial statements?

19 (NO RESPONSE)

20 CHAIRMAN: There being none the chair is ready
21 for a motion.

22 Mr. Kazlauskas.

23 MR. KAZLAUSKAS: Make a motion for approval.

24 CHAIRMAN: Motion to approve. Is there a
25 second?

1 MR. FREY: Second.

2 CHAIRMAN: Second by Mr. Frey. Any discussion
3 about the motion and the second?

4 (NO RESPONSE)

5 CHAIRMAN: All those in favor raise your right
6 hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 ITEM 10

10 Comments by the Chairman

11 CHAIRMAN: Chair really doesn't have much of a
12 comment other than to, I guess, restate what we've
13 discussed several times and what was in the paper
14 today about the OMPC input meeting sought by the
15 public for five year plan update. This was a very
16 important update and we encouraged the public to
17 attend, all that can attend, to attend this meeting
18 and be part of the decision making for how we go with
19 this update. That's really about all I have from the
20 chair.

21 ITEM 11

22 Comments by the Planning Commissioners

23 CHAIRMAN: Any commissioners have any
24 comments?

25 (NO RESPONSE)

1 ITEM 12

2 Comments by the Director

3 ** OMPC Fiscal Year 2017 Activity Report

4 MR. HOWARD: The only thing that I'll have is
5 our fiscal year 2017 Year End Report, you all received
6 a copy of it in your packet, and then tomorrow we will
7 send it out to all of the local elected officials; the
8 mayor and the county judge and all of those folks.

9 This is just basically a summary of what we've
10 done in the last year between the Planning Department
11 and the Building Department. I won't go over every
12 number. Certainly if you all have any question, let
13 me know.

14 Just as an example, we processed 42 rezoning
15 applications last year. Approximately 200 subdivision
16 plats were reviewed. We had final development plans,
17 we had 55; 37 in the city, 18 in the county. Site
18 plans we had 26 in city, 11 in the county, that type
19 of thing. So this is just an overview of what all
20 we've done. Conditional Use Permits on the Board of
21 Adjustment 14 variances, we had 13, on the planning
22 side.

23 On the building side, there's a lot of numbers
24 there and this goes over to building permits we've had
25 for the various types of activities, whether it's new

1 single-family residential or additions and commercial
2 uses and that type of thing.

3 So for the year we issued 1,039 building
4 permits total, and then 1,298 electrical permits, 334
5 HVAC permits, and then 272 total plan review
6 applications, and that includes plan review or for
7 building, HVAC, electrical, that type of thing. So
8 the Building Department and Planning Department have
9 both been quite busy over the last year, and we
10 anticipate that trend to continue with new
11 developments taking place in the Gateway Commons and
12 that type of thing. We anticipate that these numbers
13 to remain consistent.

14 These numbers for 2017 were up overall
15 compared to the year prior.

16 The last one I'll share with you is the total
17 number of inspections that our inspectors completed.
18 This was with the staff of I'll say three and a half.
19 We did bring on a new inspector in April of this year.
20 He was only there for a couple of months in this
21 fiscal year. Between really three guys they completed
22 over 6500 inspections on the year. They go out and
23 all our inspectors are crossed-train, except the new
24 guy who is learning and he will be. They go out and
25 they do building, electrical and HVAC all at one time

1 at a site. That's different than -- I can't say every
2 other community, but I will say most every other
3 community, that our guys are cross-trained. So you
4 don't have one individual inspector that does one, you
5 know, building only, and another inspector that goes
6 out does electric only. So to get the inspections
7 done you have to make two or three or four trips to
8 the site. Our guys can do it really on one visit
9 because they're crossed-trained. I think that's a
10 great asset that we have.

11 Again, we've heard from the state that nobody
12 else does that, but I hate to say that we're the only
13 ones. So I'm going to say most other communities
14 don't do that. Again, I think it's a great access
15 that we do have.

16 Again, we'll distribute a copy of these to
17 everybody tomorrow.

18 Do you all have any questions about any of the
19 numbers that are present?

20 CHAIRMAN: Mr. Ball.

21 MR. BALL: I guess I've just got a comment.
22 Working in other areas, I don't know that everyone
23 fully understands and appreciates what this staff does
24 here on such a small staff. It's absolutely amazing.
25 Not only do they do it with a very small staff, as you

1 see they've got very big numbers, but the turnaround
2 is unbelievable also. Just working in other
3 communities, other communities within the State of
4 Kentucky and Indiana, you won't find anybody better
5 than what we've got right here in Owensboro.

6 CHAIRMAN: Thank you, Mr. Ball.

7 Any other commissioners have any other
8 comment?

9 (NO RESPONSE)

10 CHAIRMAN: I will mirror Mr. Ball. I think if
11 you take a look at these numbers, it shows that we
12 have a really good track record of doing a lot of good
13 hard work here. This is not an easy job and it takes
14 a lot of dedication to do the work that the Planning
15 Department, Planning and Zoning Department does.

16 One thing I would also add in my remiss on the
17 citizens input for the five year plan. That meeting
18 is scheduled at 5:30 p.m. on August 22nd in the Third
19 Floor Meeting Room of the Owensboro Downtown Chase
20 Bank, Commerce Center Building. So I want to make
21 sure that was recorded and listed as well so that the
22 public would realize that that meeting is coming up
23 before long.

24 MR. HOWARD: And the address is 200 East Third
25 Street.

1 CHAIRMAN: Thank you, Mr. Howard.

2 The next motion is the most important.

3 MS. HARDAWAY: Motion to adjourn.

4 CHAIRMAN: Ms. Hardaway has a motion to
5 adjourn.

6 MR. FREY: Second.

7 CHAIRMAN: Second by Mr. Frey. All those in
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 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 41 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 10th day of September, 2017.

18

19

20

21

22

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

23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25