

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 AUGUST 11, 2016

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 August 11, 2016, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

14 * * * * *

15 CHAIRMAN: I will call the August 11, 2016
16 meeting of the Owensboro Metropolitan Planning
17 Commission to order. We start every meeting with a
18 prayer and pledge to the flag. That will be led by
19 Steve Frey tonight.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: Commissioners, all of you had an
22 opportunity to review the minutes of the July meeting
23 in your packet. Are there any corrections or
24 additions to those minutes?

25 (NO RESPONSE)

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

3 MR. MOORE: Move to approve.

4 CHAIRMAN: Motion by Mr. Moore.

5 MR. KAZLAUSKAS: Second.

6 CHAIRMAN: Second by Mr. Kazlauskas.

7 Questions or concerns about the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The motion is approved.

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

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19 GENERAL BUSINESS

20 ZONING CHANGES

21 ITEM 3

22 A Portion of 4600 Block of Highway 144, 3.99 acres
23 Consider zoning change: From I-1 Light Industrial to
24 P-1 Professional/Service
Applicant: Daviess County Farm Bureau; Marian R.
Turley

25 MS. KNIGHT: Please state your name for the

1 record

2 MS. EVANS: Melissa Evans.

3 (MELISSA EVANS SWORN BY ATTORNEY.)

4 PLANNING STAFF RECOMMENDATIONS

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

7 CONDITION:

8 1. Access to the property shall be limited to
9 Reid Road in accordance with the access spacing
10 standards and approved by the KYTC. No access to
11 Highway 144 shall be permitted.

12 FINDINGS OF FACT:

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

16 2. The subject property is located in a
17 Future Urban Plan Area where professional/service uses
18 are appropriate in limited locations;

19 3. The proposed use as offices conforms to
20 the criteria for nonresidential development;

21 4. The proposal is an expansion of existing
22 B-4 General Business zoning across Reid Road to the
23 west;

24 5. At 3.99 acres, the proposal exceeds the 1
25 acre requirement for a zoning expansion across an

1 intervening street; and,

2 6. The proposed use as office should not
3 overburden the capacity of roadways and other
4 necessary urban services that are available in the
5 affected area.

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

8 CHAIRMAN: Thank you.

9 I want to remind the commissioners also to be
10 sure and speak into your mike whenever you speak this
11 evening to make sure we get it recorded.

12 Is anyone here representing the applicant?

13 MR. BERRY: Yes.

14 CHAIRMAN: Would you mind to step to the
15 podium. I want to ask you one quick question, if you
16 don't mind.

17 MS. KNIGHT: If you would please state your
18 name for the record.

19 MR. BERRY: My name is Jeff Berry, President
20 of Daviess County Farm Bureau.

21 (JEFF BERRY SWORN BY ATTORNEY.)

22 CHAIRMAN: I just have this one question: Do
23 you understand the condition with regard to access?

24 MR. BERRY: Yes.

25 CHAIRMAN: I just wanted to make sure you well

1 understood that.

2 MR. BERRY: It's access strictly on Reid Road.

3 No access on 144.

4 CHAIRMAN: Thank you very much.

5 Commissioners, any of you have any questions?

6 Mr. Kazlauskas.

7 MR. KAZLAUSKAS: After reviewing this, I saw
8 in here where it said the area would be better served
9 with sanitary sewer. How close is that sewer to that
10 property?

11 MR. HOWARD: It's relatively close. The
12 manufactured housing park that's in the vicinity,
13 their sewer we believe, if memory serves me right, is
14 on the backside of that. It would take some doing to
15 get it there, but we did talk with Deane Behnke at
16 RWRA to get some input from him as far as, you know,
17 what they would look for there. We certainly
18 encourage the applicant to talk with them to see how
19 feasible it is to get it there and serve the site.

20 MR. KAZLAUSKAS: I know the fiscal court is
21 working continuously to get everybody on the sewer
22 system, if they can.

23 I don't know if the applicant has thought
24 about that or not. Certainly would encourage him to
25 do so.

1 CHAIRMAN: I think he's going to respond,
2 Mr. Kazlauskas.

3 MR. BERRY: Again, Jeff Berry.

4 I had no idea that there was a sewer anywhere
5 close. I was under the impression we would probably
6 end up using a septic system with lateral lines. If
7 applying, if hooking up to the sewer is feasible, then
8 we would entertain that.

9 CHAIRMAN: Thank you very much.

10 Any other questions from any of the
11 commissioners?

12 Mr. Boswell.

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

14 I was just curious, if you take a look at the
15 map that we were given, it looks like about 303 feet
16 of road frontage on Reid Road. This may be a
17 premature question, but do you have any sense of where
18 your entrance and exit would be along Reid Road at
19 this point; because that property drops off fairly
20 significant as you go down into Reid Road?

21 MR. BERRY: I've been working with Mr. Riney.
22 We've talked to the state. I hope I'm not
23 overstepping my boundaries, Jim.

24 The state has granted us access, but we want
25 to go 300 foot down, as far down into our property as

1 possible and put the entryway into our property.

2 MR. BOSWELL: That's probably because there's
3 a lot of traffic. It gets built up on Reid Road at
4 certain times of the day as well. Great. That
5 answers my question. Thank you.

6 CHAIRMAN: Any other questions?

7 (NO RESPONSE)

8 CHAIRMAN: Anyone in the audience have a
9 question or like to speak in opposition of this
10 application?

11 (NO RESPONSE)

12 CHAIRMAN: Anyone else like to speak in
13 support of the application?

14 (NO RESPONSE)

15 CHAIRMAN: If not then the chair will
16 entertain a motion.

17 Mr. Rogers.

18 MR. ROGERS: Mr. Chairman, I make a motion for
19 approval based on the Planning Staff Recommendation
20 with the one condition and the Findings of Fact 1
21 through 6.

22 CHAIRMAN: We have a motion by Mr. Rogers. Do
23 I have a second?

24 MS. McENROE: Second.

25 CHAIRMAN: Second by Ms. McEnroe. Any

1 questions or concerns about the motion?

2 (NO RESPONSE)

3 CHAIRMAN: If not all in favor raise your
4 right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: This application is approved
7 unanimously. Thank you.

8 ITEM 4

9 10937 Indian Hill Road & 10700 Highway 951,
10 111.016 acres
11 Consider zoning change: From EX-1 Coal Mining & A-R
12 Rural Agriculture to A-R Rural Agriculture
13 Applicant: Michael Johnson

14 PLANNING STAFF RECOMMENDATIONS

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

17 FINDINGS OF FACT:

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

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

24 3. The subject property is a large tract at
25 111.016 acres;

4. The subject property has access to Indian
Hill Road and Highway 951;

1 5. Strip-mining activity on the property has
2 ceased; and

3 6. The Owensboro Metropolitan Zoning
4 Ordinance Article 12a.31 requires that property shall
5 revert to its original zoning classification after
6 mining.

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

9 CHAIRMAN: Is anyone here representing the
10 applicant?

11 APPLICANT REP: Yes, sir.

12 CHAIRMAN: Do you have any comments you would
13 like to make?

14 APPLICANT REP: No, sir.

15 CHAIRMAN: Anyone in the audience like to
16 speak in opposition of this application?

17 (NO RESPONSE)

18 CHAIRMAN: Any commissioners have any
19 questions?

20 (NO RESPONSE)

21 CHAIRMAN: Then the chair will entertain a
22 motion.

23 MR. JEAN: Make a motion we approve based on
24 the Staff Report and the Findings of Facts 1 through
25 6.

1 CHAIRMAN: We have a motion by Mr. Jean. Do
2 we have a second?

3 MR. FREY: Second.

4 CHAIRMAN: Second by Mr. Frey. Any questions
5 or concerns about the motion?

6 (NO RESPONSE)

7 CHAIRMAN: All in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: The application is approved.

10 Thank you.

11 ITEM 5

12 206 West 17th Street, 0.155 acre
13 Consider zoning change: From P-1 Professional/Service
14 to R-4DT Inner City Residential
15 Applicant: Corey Menzies; The Junior League of
16 Owensboro, Inc.

17 MS. KNIGHT: Please state your name for the
18 record.

19 MR. HILL: Mike Hill.

20 (MIKE HILL SWORN BY ATTORNEY.)

21 PLANNING STAFF RECOMMENDATIONS

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

24 FINDINGS OF FACT:

25 1. Staff recommends approval because the
26 proposal is in compliance with the community's adopted
27 Comprehensive Plan;

1 2. The subject property is located in a
2 Central Residential Plan Area, where single-family
3 residential uses are appropriate in general locations;

4 3. The proposed use meets the requirements
5 for urban residential development; and

6 4. Even though this property has most
7 recently been used as an office and a boarding home
8 facility, it has maintained its residential character
9 and blends in well with the adjacent residential
10 neighborhood.

11 MR. HILL: Staff would like to have the Staff
12 Report entered into the record as Exhibit C.

13 CHAIRMAN: Is anyone here representing the
14 applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Do you have any comments you would
17 like to make?

18 APPLICANT REP: No, sir.

19 CHAIRMAN: Anyone here like to speak in
20 opposition of the application?

21 (NO RESPONSE)

22 CHAIRMAN: Commissioners, do any of you have
23 any questions of the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: If not then the chair would

1 entertain a motion.

2 Mr. Kazlauskas.

3 MR. KAZLAUSKAS: Make a motion that the
4 application be approved based on Planning Staff
5 Recommendations and Findings of Fact 1 through 4.

6 CHAIRMAN: Motion by Mr. Kazlauskas. Do I
7 have a second?

8 MR. JEAN: Second.

9 CHAIRMAN: Second by Mr. Jean. We have a
10 motion and a second. Are there any questions on the
11 motion?

12 (NO RESPONSE)

13 CHAIRMAN: All in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: This application is approved
16 unanimously.

17 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISION

18 ITEM 6

19 Collyns Estates, 7.65 acres
20 Consider approval of an amended combined final
21 development plan/major subdivision preliminary plat.
Applicant: Wabuck Development Company, Inc.; FMU, LLC

22 MR. HOWARD: This plan has been reviewed by
23 the Planning Staff and Engineering Staff and it's
24 found to be in order. It's a multi-family development
25 on property that's zoned R-3MF. It's an amended plan

1 that takes the place of the development that was
2 approved a few years back that had about 150 units.
3 This is actually a reduction in the overall number of
4 units on the property. It's been reviewed by
5 everybody and it's ready for your all's consideration
6 for approval.

7 CHAIRMAN: Anyone here representing the
8 applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Do you have any comments you would
11 like to make?

12 APPLICANT REP: Not at this time.

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

15 (NO RESPONSE)

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

18 MR. BOSWELL: Mr. Chairman, I make a motion to
19 approve.

20 CHAIRMAN: I have a motion by Mr. Boswell. Do
21 we have a second?

22 MS. McENROE: Second.

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

25 (NO RESPONSE)

1 CHAIRMAN: All in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: This plat is approved.

4 MAJOR SUBDIVISION PRELIMINARY PLATS

5 ITEM 7

6 Honeysuckle Estates, 24.957 acres
7 Consider approval of an amended major subdivision
8 preliminary plat.
9 Applicant: Honeysuckle, LLC

9 MR. HOWARD: This preliminary plat comes
10 before you with the addition of a few lots to the
11 development. It's been approved by the Planning
12 Commission in the past, Lots 1 through 12 basically.
13 This is additional lots that are on the east side of
14 the Limestone Drive, which is a private road that was
15 part of this development. It's been reviewed by the
16 Planning Staff and Engineering Staff and it's in
17 order. It meets the requirements of the regulations
18 and the zoning ordinance and it's ready for your
19 consideration.

20 CHAIRMAN: Thank you.

21 Is anyone here representing the applicant?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Any comments you would like to
24 make?

25 APPLICANT REP: No.

1 CHAIRMAN: Commissioners, any of you have
2 questions about the application?

3 (NO RESPONSE)

4 CHAIRMAN: If not, then the Chair will
5 entertain a motion.

6 Mr. Moore.

7 MR. MOORE: Mr. Chairman, I make a motion for
8 approval.

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

11 MS. HARDAWAY: Second.

12 CHAIRMAN: Have a second by Ms. Hardaway. Any
13 questions or concerns about the motion?

14 (NO RESPONSE)

15 CHAIRMAN: All in favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: This application is approved.

18 FINAL DEVELOPMENT PLANS

19 ITEM 8

20 1500 Frederica Street, 0.355 acres
21 Consider approval of a final development plan.
22 Applicant: DANI Properties, LLC

23 MR. HOWARD: This plan comes before you as a
24 final development plan because they have off-site
25 parking to meet the minimum parking requirements of
the zoning ordinance.

1 So you have the two-story structure there on
2 the corner and then at 316 West 15th Street you have
3 the parking lot that's going in.

4 The Zoning Ordinance allows off-site parking
5 to meet the minimum requirements under certain
6 parameters. One of those conditions on it though is
7 it comes before the full commission.

8 The Planning Staff and Engineering Staff have
9 reviewed the plan and it's in order and it's ready for
10 your consideration.

11 CHAIRMAN: Anyone here representing the
12 applicant?

13 APPLICANT REP: Yes.

14 CHAIRMAN: Make any comments?

15 APPLICANT REP: No.

16 CHAIRMAN: Commissioners, do you have any
17 questions?

18 (NO RESPONSE)

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

21 MR. KAZLAUSKAS: Motion to approve.

22 CHAIRMAN: Motion by Mr. Kazlauskas. Do I
23 have a second?

24 MS. McENROE: Second.

25 CHAIRMAN: Second by Ms. McEnroe. Questions

1 or concerns about the motion?

2 (NO RESPONSE)

3 CHAIRMAN: All in favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: The application is approved.

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7 NEW BUSINESS

8 ITEM 9

9 Consider approval of June 2016 financial statements

10 CHAIRMAN: Everyone received the June '16
11 financial statements in the mail. Have had a chance
12 to review them I hope. Do you have any questions or
13 concerns about anything in the financial statements?

14 (NO RESPONSE)

15 CHAIRMAN: If not, then the Chair will
16 entertain a motion to approve.

17 MR. BOSWELL: Motion to approve, Mr. Chairman.

18 CHAIRMAN: Motion by Mr. Boswell. Do we have
19 a second?

20 MR. FREY: Second.

21 CHAIRMAN: Second by Mr. Frey. Questions or
22 concerns about the motion?

23 (NO RESPONSE)

24 CHAIRMAN: All in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: They are approved.

2 ITEM 10

3 Comments by the Chairman

4 CHAIRMAN: I would like to make one comment.

5 I would like to thank Mr. Mischel for his
6 comments in the paper today with regard to the use of
7 barns for events. I thought he did a great job of
8 clarifying what the process there was, what the
9 problem were, and also to understand there's not a
10 single ordinance for rules that this Planning
11 Commission has made that would inhibit the development
12 of these projects for barns. They are controlled by
13 the regulations that are generated at the federal and
14 state level. We certainly encourage everybody to
15 successfully complete any enterprise they would like
16 and our office is there to help you do that. I know
17 Mr. Mischel will help in any way. I think a
18 Commissioner was in town last week and he was going to
19 try to help facility these kind of activities.

20 I think you all just need to know that this is
21 something that our office does nothing, there's
22 nothing we can do about what is required for health
23 and safety. Mr. Mischel made that very clear in his
24 article and I appreciate that again very much to help
25 the public understand that.

1 That's the only comment I have.

2 ITEM 11

3 Comments by the Planning Commissioners

4 CHAIRMAN: Any comments by any of the Planning
5 Commissioners?

6 (NO RESPONSE)

7 ITEM 12

8 Comments by the Director

9 * OMPC Fiscal Year 2016 Activity Report

10 CHAIRMAN: Mr. Howard, it's your show.

11 MR. HOWARD: In your packet you were given a
12 copy of the Fiscal Year 2016 Activity Report. I'll go
13 over that briefly. I won't touch on every single
14 number that's on here.

15 We do this every year. It's a compilation of
16 the activities of both planning and building office
17 did over the last fiscal year.

18 As you look through there, there is
19 information on there such as the fact that we saw 39
20 rezoning applications come before the Planning
21 Commission last year. We had a little over 225 plats
22 that were approved last year. The Board of Adjustment
23 saw about 25 applications come before their body.
24 That's under the planning side.

25 Then on the Building Permit side, you know,

1 you can look down there and see there were a total of
2 984 building permits that issued; about 1,169
3 electrical permit, 339 HVAC permits. We did 171
4 different plan reviews for commercial buildings,
5 industrial buildings and things like that.

6 The last section there is under Building
7 Inspections. It list out the different types of
8 inspections that our inspectors do.

9 Now, I will note that we have three full-time
10 inspectors that go out and do this every day. We have
11 Matt Warren that will pitch in from time to time,
12 especially when one of those guys is out. He's
13 usually an office guy. Really among those three
14 gentlemen we had nearly 6,700 inspections that were
15 completed last year. That's an increase over the
16 number that we had the year before. We anticipate
17 that number to be very similar, if not increasing
18 moving forward. So those three guys stay quite busy.

19 The one thing that I think is an asset to the
20 way our office does it, the other communities may not.
21 So I will toot the horn for our office. All of our
22 inspectors are cross-trained. So one guy when he goes
23 out looks at the building, the electrical and the HVAC
24 all at one time instead of having different
25 individuals that look at each one of those things.

1 One guy goes out at one time and looks everything
2 instead of having maybe two or three different people
3 go out and look at the same thing.

4 You know, we want to provide this. We'll
5 provide a copy to the elected officials, as well just
6 to give them an update as far as what the activities
7 for the building and planning office were for the
8 fiscal year.

9 As you can see, we were quite busy. Pretty
10 much every number was an increase over the last fiscal
11 year and we're off to a good start so far this year as
12 well.

13 Be glad to answer any questions that you have
14 about the data that's provided in the table. If not,
15 we will, with your blessing, go ahead and send it out
16 to the elected officials and others for them to have a
17 copy of it as well.

18 CHAIRMAN: Mr. Howard, you might also mention
19 that our office is somewhat unique in that because we
20 have local inspectors, folks are not required to wait
21 a long time for a state inspect to get to their
22 project.

23 MR. HOWARD: Right. We have expanded
24 jurisdiction in Daviess County. Not every community
25 has that. Actually there are only a handful in the

1 State of Kentucky do, and that's because we have folks
2 like Jim Mischel and Kyle Trunnell and Matt Warren on
3 our staff. Well, Rick Thurman too. He recently
4 pasted his Level 3. We have people on our staff that
5 are at Level 3 building certified and that allows us
6 to have expanded jurisdiction. So when people bring
7 plans in, we review them here locally. We can typical
8 spit out responses within a day or a few days instead
9 of them having to go to Frankfort for every review,
10 which can be weeks or months before you hear back from
11 those. It really does speed up the process here and
12 makes our operation more efficient.

13 CHAIRMAN: I think that's very important for
14 the community to know.

15 Anything else, Mr. Howard?

16 MR. HOWARD: That's all I have.

17 CHAIRMAN: We need one final motion.

18 MR. JEAN: Motion to adjourn.

19 CHAIRMAN: Motion to adjourn by Mr. Jean.

20 MR. MOORE: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: We are adjourned.

25 -----

16 WITNESS my hand and notary seal on this the
17 30th day of August, 2016.

18

19

20

21

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
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