

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 13, 2017

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, April
5 13, 2017, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

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16 CHAIRMAN: I would like to call to order the
17 April 13, 2017 Owensboro Metropolitan Planning
18 Commission meeting to order. Chairman Boswell is
19 under the weather tonight so I will be filling in on
20 his behalf so treat me well.

21 As is customary, we will stand for a prayer
22 and pledge of allegiance. That will be given by
23 Commissioner Reeves this evening.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: As we do at all meetings, everyone

1 who wants to speak tonight will be able to speak.
2 Please step to the podium when you're called on and be
3 sworn in by our attorney. Feel free to say what you
4 need to say.

5 Our first order of business tonight is to
6 consider the minutes of the March 9, 2017 meeting. I
7 believe everybody got a copy of those. Are there any
8 questions or changes that need to be made?

9 (NO RESPONSE)

10 CHAIRMAN: If not, I'll entertain a motion.

11 MR. KAZLAUSKAS: I make a motion the minutes
12 be approved.

13 CHAIRMAN: Motion by Commissioner Kazlauskas.

14 MR. MOORE: Second.

15 CHAIRMAN: Second by Mr. Moore. Any
16 questions?

17 (NO RESPONSE)

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Next item.

22 MR. HOWARD: I will note that all zoning
23 changes will be become final 21 days after the meeting
24 unless an appeal is filed. If an appeal is filed, we
25 will forward the record of this meeting along with all

1 appropriate documentation to the appropriate
2 legislative body for them to take final objection.

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4 GENERAL BUSINESS

5 ZONING CHANGES

6 ITEM 3

7 529 Hathaway Street, 0.065 acres
8 Consider zoning change: From R-4DT Inner City
9 Residential to I-1 Light Industrial
Applicant: Wimsatt Rentals of Kentucky, LLC

10 MS. KNIGHT: Please state your name for the
11 record.

12 MR. HILL: Mike Hill.

13 (MIKE HILL SWORN BY ATTORNEY.)

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
22 Central Residential Plan Area where light industrial
23 uses are appropriate in very limited locations;

24 3. The proposed light industrial use conforms
25 to the criteria for nonresidential development;

1 4. The proposal is an expansion of existing
2 I-1 Light Industrial zoning to the east; and

3 5. At 0.065 acres, the proposal should not
4 overburden the capacity of roadways and other
5 necessary urban services that are available in the
6 affected area.

7 MR. HILL: Staff request that the Staff Report
8 be entered into the record as Exhibit A.

9 CHAIRMAN: Thank you.

10 Is there anyone here from the applicant that
11 would like to speak?

12 APPLICANT REP: I'm here.

13 CHAIRMAN: Would you like to say anything at
14 this point?

15 APPLICANT REP: No, sir.

16 CHAIRMAN: Is there anyone in opposition to
17 this application?

18 (NO RESPONSE)

19 CHAIRMAN: I'm ready for a motion if someone
20 would like to make one.

21 MR. JEAN: Make a motion we approve this
22 application based on the Findings of Fact 1 through 5
23 and the Staff Report.

24 CHAIRMAN: A motion has been made by
25 Commissioner Jean.

1 MR. REEVES: Second.

2 CHAIRMAN: Second by Mr. Reeves. Any
3 questions about the motion?

4 (NO RESPONSE)

5 CHAIRMAN: We're ready for a vote. All in
6 favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion passes.

9 ITEM 4

10 5850-6000 Block Hayden Bridge Road, 144.125 acres
11 Consider zoning change: From EX-1 Coal Mining to A-R
12 Rural Agriculture
Applicant: Thomas R. & Debra T. Osborne

13 PLANNING STAFF RECOMMENDATIONS

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

16 FINDINGS OF FACT

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

20 2. The subject property is located in a Rural
21 Maintenance Plan Area where agricultural land uses are
22 appropriate in general locations;

23 3. Agricultural topsoil will be conserved
24 through appropriate farming practices when applicable;

25 4. Forested areas will be sustained through

1 appropriate forestry practices;

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

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

9 MR. HILL: Staff request that the Staff Report
10 be entered into the record as Exhibit B.

11 CHAIRMAN: Thank you.

12 Is there anyone in the audience that would
13 like to speak on behalf of the applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Anyone that would like to speak in
16 opposition?

17 (NO RESPONSE)

18 CHAIRMAN: Chair is ready for a motion.

19 MR. BALL: Motion to approve based on Planning
20 Staff Recommendation and Findings of Fact 1 through 6.

21 CHAIRMAN: We have a motion by Mr. Ball.

22 MR. BOSWELL: Second.

23 CHAIRMAN: Second by Mr. Boswell. Questions
24 about the motion?

25 (NO RESPONSE)

1 CHAIRMAN: The Chair is ready for a vote. All
2 in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 ITEM 5

6 100 Block Hill Pointe Crossing, 6.803 acres
7 Consider zoning change: From A-U Urban Agriculture to
8 R-1C Single-Family Residential
Applicant: Brekk Properties, LLC

9 PLANNING STAFF RECOMMENDATIONS

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

12 CONDITIONS

13 1. A Major Subdivision Preliminary Plat
14 showing an extension of Hill Pointe Crossing must be
15 submitted prior to any further residential development
16 of the subject property.

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 an
22 Urban Residential Plan Area where Urban Low-density
23 Residential uses are appropriate in limited locations;

24 3. The proposal complies with the criteria
25 for urban residential development; and

1 4. Sanitary sewer service is available to be
2 extended to the subject property

3 MR. HILL: Staff request that the Staff Report
4 be entered into the record as Exhibit C.

5 CHAIRMAN: Thank you very much.

6 Is there anyone that would like to speak on
7 behalf of the applicant.

8 (NO RESPONSE)

9 CHAIRMAN: Is there anyone who would like to
10 speak in opposition to this proposal?

11 (NO RESPONSE)

12 CHAIRMAN: Chair is ready for a motion.

13 MR. ROGERS: Mr. Chairman, I make motion for
14 approval based on Planning Staff Recommendations with
15 the one condition and Findings of Fact 1 through 4.

16 CHAIRMAN: We have a motion by Mr. Rogers. Is
17 there a second?

18 MR. BALL: Second.

19 CHAIRMAN: Second by Mr. Ball. Any questions
20 about the motion?

21 (NO RESPONSE)

22 CHAIRMAN: We'll take a vote. All in favor
23 raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries. Thank you.

1 ITEM 6

2 5600-5900 Block, 5760 Little Hickory Road & 7800 Texas
3 Gas Road, 283.47 acres

4 Consider zoning change: From EX-1 Coal Mining to A-R
5 Rural Agriculture

6 Applicant: Kenneth A. & Rebecca J. Fischer; Kenneth &
7 Rebecca Fischer, LLC

8 PLANNING STAFF RECOMMENDATIONS

9 The Planning Staff recommends approval subject
10 to the findings of fact that follow:

11 FINDINGS OF FACT:

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

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

18 3. The subject property consists of three
19 tracts totaling 283.47 acres;

20 4. The subject property has access to Little
21 Hickory Road and Texas Gas Road;

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

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

1 mining.

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

4 CHAIRMAN: Thank you, Mr. Hill.

5 Is there anyone in the audience that would
6 like to speak on behalf of the applicant?

7 APPLICANT REP: I'm here.

8 CHAIRMAN: Is there anyone that would like to
9 speak in opposition?

10 (NO RESPONSE)

11 CHAIRMAN: The Chair is ready for a motion.

12 Mr. Kazlauskas.

13 MR. KAZLAUSKAS: Make a motion for approval
14 based on Planning Staff Recommendations and Findings
15 of Fact 1 through 6.

16 CHAIRMAN: Is there a second?

17 MS. McENROE: Second.

18 CHAIRMAN: Second by Ms. McEnroe. Are there
19 any questions about the motion?

20 (NO RESPONSE)

21 CHAIRMAN: We are ready for a vote. All in
22 favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries. Thank you.

25 ITEM 7

1 3779 Thruston Dermont Road, 10.0 acres
2 Consider zoning change: From R-1A Single-Family
3 Residential to A-U Urban Agriculture
4 Applicant: Larry Roberts & Harry Roberts

5 PLANNING STAFF RECOMMENDATIONS

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

8 CONDITION:

9 1. Access shall be in compliance with the
10 requirements of the Access Management Manual.

11 FINDINGS OF FACT:

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

15 2. The subject property is located in an
16 Urban Residential Plan Area where Urban Low-Density
17 Residential uses are appropriate in limited locations;

18 3. The proposal complies with the criteria
19 for urban residential development; and

20 4. Sanitary sewer service is available to the
21 subject property.

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

24 CHAIRMAN: Thank you, Mr. Hill.

25 Anyone that would like to speak on behalf of
the applicants?

1 MR. KAMUF: Charles Kamuf. I represent Harry
2 and Larry Roberts. We're here to answer any questions
3 that you have. Staff report says it should be
4 approved.

5 CHAIRMAN: Thank you.

6 Is there anyone in the audience that would
7 like to speak in opposition?

8 Step the microphone and state your name,
9 address and be sworn in, please.

10 MS. McDONALD: Julia McDonald.

11 (JULIA McDONALD SWORN BY ATTORNEY.)

12 MS. McDONALD: This is a neighborhood. It's a
13 dead-end street. Concerned about the price of our
14 property going down. I don't understand what they're
15 going to do with it. It was never for sale. It just
16 kind of popped up. I have a lot of questions.

17 CHAIRMAN: Thank you.

18 MR. REEVES: Question, please.

19 CHAIRMAN: Yes, Mr. Reeves.

20 MR. REEVES: Excuse me, ma'am. Would you come
21 back to the microphone. I'm trying to locate where
22 you live in relationship to the property that's being
23 requested to be rezoned.

24 MS. McDONALD: Right next to it. 3775 Locust
25 Hill Drive.

1 CHAIRMAN: You're Lot 3.

2 MR. REEVES: Couldn't read the name. Thank
3 you.

4 CHAIRMAN: Is that all your questions for
5 right now?

6 MS. McDONALD: I'm just beginning.

7 CHAIRMAN: Is there anyone else that would
8 like to say anything right now or we can proceed with
9 Ms. McDonald's questions.

10 State your name, please.

11 MS. KABALEN: Linda Kabalen.

12 (LINDA KABALEN SWORN BY ATTORNEY.)

13 MS. KABALEN: We've lived there for 30 years.
14 We're under the impression that our street was
15 landlocked. We're kind of concerned now with this
16 hill beside us, the 10 acres, with it being urban
17 agricultural. It could become a small business. Our
18 streets are not really built to handle heavy equipment
19 and that's kind of what I'm a little disturbed with.
20 It was landlocked. We had no notice that it was sold
21 and that particular footage was unlocked so that
22 streets could go through.

23 CHAIRMAN: Mr. Kamuf, would you like to begin
24 responding to some questions?

25 If both of you want to stay close.

1 MR. KAMUF: The only issue tonight is the
2 rezoning. Any other use it has to be made through a
3 conditional use. The only purpose tonight is for
4 residential purposes. If any type of nonresidential
5 use has to be, you have to have a conditional use
6 along with a site plan, and they'll receive notice.

7 CHAIRMAN: Thank you.

8 Mr. Howard, do you want to help them
9 understand that? What we're doing tonight is not --

10 MR. HOWARD: The rezoning tonight is for the
11 Board to consider whether or not an urban agricultural
12 use is appropriate. They've indicated it's for
13 residential use. As Mr. Kamuf stated, if anything
14 were to happen to that property, if it were to be
15 developed in some capacity other than for residential
16 purposes, that would require additional application,
17 additional meetings that would have to take place. I
18 think that would address the question that you had
19 there.

20 CHAIRMAN: Thank you.

21 Do we have any other questions that need to be
22 asked?

23 MR. REEVES: I have one, if you don't mind.

24 CHAIRMAN: Yes, Mr. Reeves.

25 MR. REEVES: Mr. Howard, I understand what

1 they say they are proposing there; however, are there
2 other things they could on that property if it's
3 rezoned other than residential?

4 MR. HOWARD: Sure. Both in a residential zone
5 and an agricultural zone there are a variety of
6 conditionally permitted uses.

7 MR. REEVES: Without it being conditionally
8 permitted?

9 MR. HOWARD: No, not really. An A-U zone
10 without any other type of approval of anything would
11 basically be limited to agricultural use or
12 single-family residential use.

13 MR. REEVES: So they should understand then
14 that if, for instance, they decide they want to come
15 in here and put a little strip mall or whatever, they
16 would have to come before the Board of Adjustment to
17 get a conditional use permit, before anything else
18 could happen. Is that a fair assumption?

19 MR. HOWARD: Well, actually they could not do
20 a strip mall. In an A-U zone, that would be a
21 commercial retail use and that would not be allowed.

22 MR. REEVES: So they would have to get a
23 rezoning?

24 MR. HOWARD: They would have to rezone to
25 commercial in order to do retail sales.

1 MR. REEVES: I just want to make sure that
2 they understand what the process, would have to go
3 forward, if anything other than residential were
4 zoned.

5 CHAIRMAN: Thank you.

6 Yes, ma'am.

7 MS. McDONALD: Could we get that in writing?

8 CHAIRMAN: It's not really --

9 MS. McDONALD: We're residential. Why doesn't
10 it say residential?

11 CHAIRMAN: They're just asking for a rezoning.

12 MS. McDONALD: Not to be obtuse.

13 CHAIRMAN: Understood.

14 MR. HOWARD: I don't know. I can't speak for
15 them. If their attorney would like to address it,
16 that's fine. There are some tax benefits and things
17 like that, property, PVA stuff that you have in
18 agriculturally zoned parcel that's over 10 acres.
19 That may be why. I don't know.

20 MS. McDONALD: There's a lot of children.

21 MR. HOWARD: Sure.

22 MS. McDONALD: A lot of traffic. Kids ride
23 their bikes.

24 MR. HOWARD: In an A-U zone, you know, the
25 minimum lot size, if they were -- say they were to try

1 to development with multiple parcels they have to
2 public streets in there, have road frontage, extend
3 roads, you know, potential do sidewalks, extend sewer,
4 there would be a lot of things that would have to take
5 place before they could do any of that, which would
6 require further approval from this body.

7 MS. McDONALD: Okay.

8 CHAIRMAN: In affect, the Comprehensive Plan,
9 it's in writing stating what they can and can't do.

10 MS. McDONALD: Okay.

11 CHAIRMAN: Understood.

12 MS. McDONALD: Thank you very much.

13 CHAIRMAN: Is there anyone else who would like
14 to speak on this subject?

15 (NO RESPONSE)

16 CHAIRMAN: Yes, sir. State your name and be
17 sworn in.

18 MR. McDONALD: Mark McDonald.

19 (MARK McDONALD SWORN BY ATTORNEY.)

20 MR. McDONALD: I think some of the concern
21 that I have and a lot of it, I'm going to go ahead and
22 say it's based on ignorance. I just don't understand
23 the proceedings or the legalese. But I also
24 understand that possession is nine-tenths of the law.
25 Once easements are eradicated, done away with and

1 we've signed dotted lines, then, in my opinion, we've
2 opened up a door for basically -- well, many things.
3 There's a lot of things that could happen to that
4 property that could be a whole lot worse than putting
5 in streets, and houses, and sidewalks, and
6 streetlights, and sort of thing. Let's just say it
7 like that.

8 So the concern is that there's not going to be
9 any houses down there where I'm at on my end, unless
10 somebody has got some sway with the Kentucky Utility
11 company and they're going to forgo easement rights.

12 That, I think, is in a nutshell kind of where
13 I'm at. I'm also concerned about this unlandlocked
14 situation. Again, there is a lot of folks that use
15 that street. I live on a dead-end street. It's
16 fairly quiet. I like it. That's one of the reasons
17 why I moved to this place. I've been there for 11
18 years. And just the thought of any number of
19 four-wheel drive tandem axel lowboy trailers hauling
20 in various and sundry equipment and piles of mulch and
21 gravel and sand and whatever else is going to be done
22 back there is just, you know, a little disconcerting.
23 I understand this is just a rezoning thing, but after
24 all these motions -- I don't do this for a living. So
25 I've got to stop something else to come down here and

1 do this. So now I have to go through this again,
2 again and again and as we file all these motions.

3 CHAIRMAN: Understood.

4 MS. MCENROE: There's my two cents.

5 CHAIRMAN: Mr. Howard, can you help a little
6 more?

7 MR. HOWARD: They brought up some questions
8 that I can't answer. I don't know if they want to
9 address those. I don't know future uses. I don't
10 know. I don't know.

11 MR. KAZLAUSKAS: Mr. Chairman, perhaps we
12 could ask Mr. Howard to enlighten the commissioners,
13 because I think it's important, if this was changed to
14 urban agricultural what can be done with that
15 property.

16 MR. HOWARD: Right. As I said earlier,
17 basically in an urban agricultural zone there are a
18 variety of things in the ordinance that can be
19 conditionally permitted; otherwise, if it's not a
20 conditional use permit, it would be basically limited
21 to agricultural and single-family residential uses.

22 MR. KAZLAUSKAS: But someone could apply for a
23 special use permit, conditional use permit.

24 MR. HOWARD: Right.

25 MR. KAZLAUSKAS: What would that include?

1 MR. HOWARD: You could do a church, a day
2 care, I mean without going through the ordinance and
3 going through the list, but there's a variety of
4 things that could potentially happen there.

5 MR. KAZLAUSKAS: Could you put a business in
6 there?

7 MR. HOWARD: It depends on what type of
8 business it is, but there are some that could be
9 conditionally permitted, yes.

10 MR. McDONALD: Like maybe a nursery, is that a
11 conditional business?

12 MR. HOWARD: Let me pull it up and I'll give
13 you a representative sample of what could potentially
14 happen.

15 CHAIRMAN: Thank you, Mr. Howard.

16 MR. REEVES: Let me just ask this gentleman a
17 question.

18 When you say "nursery," you're talking about a
19 where children are kept or are you talking about where
20 they grow trees?

21 MR. McDONALD: I'm talking about where you
22 grow tomatoes, flowers and trees.

23 MR. HOWARD: Based on the Zoning Ordinance.
24 Conditional permitted: Bed and breakfast.
25 Principally permitted: Single-family dwelling units.

1 You could do conditional permits, seasonal farm worker
2 houses. You could put a manufactured home principally
3 permitted.

4 Conditional permit: Child day care center,
5 church/Sunday school/parish house, community center,
6 library or museum, philanthropic institutions,
7 recreational activities, are all conditionally
8 permitted. School, college or academic use could be
9 conditionally permitted. Photography, music studio is
10 conditionally permitted. A hospital is conditionally
11 permitted. Penal or correctional institution is
12 conditionally permitted. Hair style and beauty salon
13 is conditionally permitted. Home appliance and
14 computer repair is conditionally permitted. Farmers
15 market conditionally permitted. Limited retail sale
16 of some merchandise could be conditionally permitted.
17 Sell of feed grain and agricultural supplies could be
18 conditionally permitted.

19 CHAIRMAN: Mr. Howard, that gets us to
20 another, that would come back to us though?

21 MR. HOWARD: A Conditional Use Permit would go
22 before the Board of Adjustment, but yes.

23 CHAIRMAN: At that point individuals could
24 show up again.

25 MR. HOWARD: Yes. A Conditional Use Permit

1 requires another application be filed. It's a public
2 hearing that neighbors would be notified and the
3 meeting would be held in a public forum very similar
4 to this.

5 CHAIRMAN: So tonight what we're voting on is
6 simply a rezoning to where it can be a single-family
7 residential or agricultural; is that correct? That's
8 all we're talking about tonight?

9 MR. McDONALD: What is it zoned now?

10 MR. HOWARD: Right now it's R-1A Single-Family
11 Residential.

12 CHAIRMAN: Yes, ma'am.

13 MS. McDONALD: So we're going from residential
14 to urban agriculture back to residential. Is that
15 what I just understood?

16 MR. HOWARD: No. The last question was what
17 it's zoned now, is R-1A Single-Family Residential.
18 The proposal is for A-U Urban Agriculture.

19 MS. KNIGHT: Which could be used for
20 residential or agriculture.

21 CHAIRMAN: Yes, Mr. Ball.

22 MR. BALL: This may be a question for Staff.

23 Just to be clear. Everybody is obviously very
24 concerned about this zoning change, but in reality
25 everything else that surrounds this property is

1 already urban agriculture, with the exception of one
2 frontage along Thruston Dermont Road.

3 MR. HOWARD: Right. The properties that are
4 on Locust Hill Drive east and west are zoned
5 residential, but does appear the rest of the property
6 in the vicinity to the north and then also to the west
7 is zoned agricultural.

8 MR. BALL: Thank you.

9 CHAIRMAN: Yes, Mr. Reeves.

10 MR. REEVES: Could they do multi-family units
11 on this rezoning?

12 MR. HOWARD: No.

13 CHAIRMAN: Single-family.

14 MR. REEVES: Single-family. Okay.

15 CHAIRMAN: Yes, sir. State your name.

16 MR. KABALEN: Gary Kabalen, 3770 Locust Hill
17 Drive West.

18 (GARY KABALEN SWORN BY ATTORNEY.)

19 MR. KABALEN: Just one question. Does this
20 rezoning allow access to our streets, the Locust Hill
21 West and Locust Hill East?

22 MS. KNIGHT: From the way it looks, I mean
23 there's access already there. They dead-end into that
24 lot, would already have access there.

25 MR. HOWARD: The zoning wouldn't -- if there

1 was access permitted now, the zoning change wouldn't
2 affect that. If there's not access now, the zoning
3 change wouldn't affect that either. The change in the
4 zoning doesn't necessitate or dictate one way or the
5 other it would change.

6 MR. KABALEN: And I was under the impression,
7 since we've been there 30 years, that there is no
8 access because it's landlocked.

9 MR. HOWARD: It has frontage on Thruston
10 Dermont Road.

11 MR. KABALEN: Right. Would you be involved,
12 would the commission be involved as far as an
13 application to have that access available, once the
14 applicant had applied for that? Do you become
15 involved in that or is that a legal issue?

16 MR. HOWARD: I'm not sure I'm following you
17 exactly on that.

18 MR. KABALEN: If it's landlocked, that's the
19 way I understand. There's a foot between properties.
20 It was my understanding that that was not accessible
21 if the property was purchased or had been purchased or
22 whatever. So my question is whether or not if the
23 applicant applies to have that access available, do
24 you become involved in that as the Planning
25 Commission?

1 MR. HOWARD: Correct me if I'm wrong, Legal
2 Counsel.

3 The way you described it we would not. That
4 would be more of a private issue between who has legal
5 rights to what, but we would not be involved in that
6 process.

7 MS. KNIGHT: Or the City would be the one to
8 grant if they want to extend that road. It would not
9 come before this commission.

10 CHAIRMAN: Yes, Mr. Moore.

11 MR. MOORE: According to this Staff with
12 conditions, says, access shall be in compliance with
13 the requirements of the Access Management Manual.
14 What is that?

15 MR. HOWARD: Thruston Dermont Road is a major
16 roadway. It's classified as major roadway. There's a
17 250 foot access spacing standard. So what we're
18 saying is there's an existing driveway there to an
19 existing residence that's basically in alignment with
20 Fields Road across the street there. So any future
21 changes to access would have to be in compliance with
22 the Access Management Manual along Thruston Dermont
23 Road.

24 MR. MOORE: So that sort of answers --

25 MR. HOWARD: Not really because the street

1 that he is talking about are local streets. The
2 Access Management Manual is going to apply to the
3 major road, which is Thruston Dermont Road.

4 MR. MOORE: Thank you.

5 CHAIRMAN: Yes, Commissioner Reeves.

6 MR. REEVES: Question for Mr. Kamuf, I think.

7 Mr. Kamuf, why would the applicant be seeking
8 this zoning change from R-1A Single-Family Residential
9 to A-U Urban Agriculture, if the proposed use is
10 residential? The current use is residential, right?

11 MR. KAMUF: He'll have to answer that
12 question. Right now it's to be used for residential
13 purposes. He might have other activities that he
14 wants on it. It's a 10-acre tract different than the
15 1-acre tract.

16 As far as the question that was asked awhile
17 ago, access points in the back, we don't gain
18 anything. We don't lose anything. Whatever the
19 access is in the back, it's no different now than it
20 be if it'd be rezoned. Did I answer that question?
21 He doesn't gain any rights by our access points by
22 having it rezoned. It has nothing to do with it. If
23 they've got access, they had it before, or if they
24 didn't have access, they don't have it.

25 CHAIRMAN: Thank you, Mr. Kamuf.

1 Anyone else who would like to speak on this
2 application for or against?

3 MR. BOSWELL: I will do my best with the voice
4 that I have.

5 The question that I have for you, Mr. Kamuf,
6 is: If this is going to be rezoned for residential
7 purpose, could you not right now do that same thing
8 since it's already zoned R-1A?

9 MR. KAMUF: Not to the extent that he might
10 want to. He just purchased the property. Harry told
11 sold it to him. That's where we are.

12 MR. BOSWELL: If at some point they do come
13 back for a Conditional Use Permit, if this is rezoned,
14 then they would still have to come before the
15 Board of Adjustment.

16 MR. KAMUF: Like Brian, he answered it I think
17 several times.

18 One, if we do anything with the property other
19 than single-family or if we want a conditional use to
20 do many of those, you listed about 20, we have to come
21 back. We have to notify the neighbors. We have to
22 file a site plan.

23 Am I not right, Brian.

24 MR. HOWARD: Right.

25 CHAIRMAN: Thank you, Mr. Kamuf.

1 MR. REEVES: One thing because I was trying to
2 listen to Mr. Howard awhile ago when he was reading
3 all of those.

4 I thought I interpreted, there were some other
5 uses, like maybe a church or whatever that could go in
6 there without a Conditional Use Permit. Anything
7 other than residential or they could -- I guess they
8 put corn out there.

9 MR. HOWARD: Right.

10 MR. REEVES: Anything other than residential
11 has to have a Conditional Use Permit?

12 MR. HOWARD: Yes. You can do extraction of
13 Crude petroleum and natural gas as a permitted use.
14 Processing timber for firewood is a permitted use, but
15 otherwise, the bulk of most everything in that zone is
16 agricultural related or single-family residential.

17 One change, you know, the residential and
18 agricultural zones are rather similar than what is
19 allowed. You could conditionally permit a church or a
20 day care in either of those.

21 MR. REEVES: But they do have to be
22 conditionally permitted?

23 MR. McDONALD: I'm not sure I understood
24 right, but I'm going to say it back. I'm not trying
25 to be confrontational here. What I thought I

1 understood this gentleman to say was that there would
2 be no benefit for them to have access to the property
3 to the back of it.

4 MR. KAMUF: No, I did not say that.

5 CHAIRMAN: Mr. Kamuf, direct it towards me.

6 MR. KAMUF: I apologize.

7 Any access points that are there now will be
8 the same in the future. We don't gain or we don't
9 lose any. Whatever the access is now, that will be
10 the same access if the property is rezoned.

11 Terra, I think I said it right.

12 MS. KNIGHT: I agree.

13 MR. McDONALD: How do we define access? Is
14 that word defined in any of these planning manuals and
15 where do you get a copy of that at?

16 MS. KNIGHT: The ordinance is online that you
17 can have access to.

18 MR. McDONALD: He read out of something awhile
19 ago. What was that called?

20 MR. MOORE: Access Management Manual.

21 MR. McDONALD: And that's online you say?

22 CHAIRMAN: Yes. But at this point tonight all
23 we're voting on is changing it from single-family
24 residential to agricultural, which means they can do
25 agricultural or single-family residential. They would

1 have to come back for anything else. I know you all
2 are looking into the future and it makes sense because
3 we do that also.

4 MS. KNIGHT: I think for the question about
5 the access on Locust Hill Drive, I don't think they're
6 saying they know for sure they have it or they don't.
7 You raised an issue they don't. I don't know that
8 anybody knows the answer to that question here
9 tonight.

10 MR. KAMUF: You won't find that in the access
11 manual.

12 MS. KNIGHT: That's correct.

13 CHAIRMAN: We're simply rezoning tonight.
14 Nothing is going on that property except single-family
15 or agricultural unless they come back for a
16 Conditional Use Permit.

17 Yes, Mr. Boswell.

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

19 I think maybe I just want to be clear on this.
20 There wasn't any notification about the rezoning to
21 any of the folks for this particular rezoning, but if
22 there was on a Conditional Use Permit, if it was
23 brought before the Board of Adjustments, they would
24 get notification so they could come back.

25 MR. KAMUF: Yes. All the neighbors got

1 notification tonight about this rezoning. It would be
2 the same type of notification if it was a conditional
3 use.

4 MR. HOWARD: Yes. We sent out letters as
5 required by state law to the adjoining property
6 owners. We posted signs on the property as required
7 by state law. There was an ad in the newspaper that's
8 required by state law. So we followed all the correct
9 due process procedures that state law requires for
10 notification.

11 A Conditional Use Permit or a Variance, lets
12 say one of those were submitted in the future,
13 adjoining property owners would be notified and there
14 would be an ad in the paper and we would follow any
15 procedures that state law requires for that.

16 MR. BOSWELL: Thank you, Mr. Howard.

17 CHAIRMAN: Anyone else that would like to
18 speak please feel free.

19 (NO RESPONSE)

20 CHAIRMAN: With that the Chair is ready for a
21 motion.

22 Commissioner Reeves.

23 MR. REEVES: I make a motion for approval of
24 this zoning application based on Planning Staff
25 Recommendations, Findings of Fact 1 through 4 with

1 Condition 1.

2 CHAIRMAN: We have a motion by Commissioner
3 Reeves. Do we have a second?

4 MS. HARDAWAY: Second.

5 CHAIRMAN: Second by Ms. Hardaway. Any
6 questions about the motion?

7 (NO RESPONSE)

8 CHAIRMAN: Chair is ready for a vote. All in
9 favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The motion passes. Thank you.

12 ITEM 8

13 305 & 319 East Second Street, 0.556 acres
14 Consider zoning change: From I-2 Heavy Industrial to
15 B-2 Central Business
Applicant: Jordan Tong & Terry Woodward

16 FINDINGS OF FACT

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

19 CONDITIONS:

20 1. Access to the parking lot at 305 East 2nd
21 Street shall be limited to the existing access on East
22 2nd Street and the alley in the rear. Access to 319
23 East 2nd Street shall be limited to the alley in the
24 rear of the property.

25 2. Obtain approval of a development plan by

1 the Downtown Design Administrator and OMPC.

2 FINDINGS OF FACT:

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

6 2. The subject property is located in a
7 Central Business Plan Area where Central Business uses
8 are appropriate in general locations;

9 3. The proposed use as central business
10 conforms to the criteria for nonresidential
11 development;

12 4. The proposal is a logical expansion of
13 existing B-2 Central Business zoning to the south; and

14 5. At 0.556 acres, the proposal does not
15 significantly increase the extent of central business
16 zoning in the vicinity and should not overburden the
17 capacity of roadways and other necessary urban
18 services that are available in the affected area.

19 MR. HOWARD: Staff request that the Staff
20 Report be entered into the record as Exhibit F.

21 CHAIRMAN: Thank you, Mr. Hill.

22 Is there anyone in the audience that would
23 like to speak on behalf of the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Is there anyone that would like to

1 speak in opposition of this application?

2 (NO RESPONSE)

3 CHAIRMAN: The Chair is ready for a motion.

4 Commissioner Kazlauskas.

5 MR. KAZLAUSKAS: Mr. Chairman, make a motion

6 for approval based on the Planning Staff

7 Recommendation, Conditions 1 and 2, and Findings of

8 Fact 1 through 5.

9 CHAIRMAN: We have a motion from Commissioner

10 Kazlauskas. Do we have a second?

11 MR. JEAN: Second.

12 CHAIRMAN: Second by Mr. Jean. Is there any

13 discussion about the motion?

14 (NO RESPONSE)

15 CHAIRMAN: We'll take a vote. All in favor

16 raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: The motion carries. Thank you.

19 ITEM 9

20 A Portion of 4950 Highway 56, 22.14 acres

21 Consider zoning change: From A-R Rural Agriculture,
22 P-1 Professional/Service & B-4 General Business to B-4
General Business

23 Applicant: Bellevue Baptist Church of Owensboro

24 PLANNING STAFF RECOMMENDATION

25 The Planning Staff recommends approval subject

to the conditions and findings of fact that follow:

1 CONDITIONS:

2 1. Access to the subject parcel shall comply
3 with the requirements of the Access Management Manual
4 and all proposed access locations must be approved by
5 the Kentucky Transportation Cabinet.

6 2. Approval of a minor subdivision plat
7 dividing the B-4 zoned portion of the property from
8 the P-1 zoned portion.

9 3. Prior to any development of the property
10 the applicant must obtain approval of a site plan or a
11 final development plan to demonstrate compliance with
12 all site development requirements, including but not
13 limited to access, lighting, landscape screening and
14 buffering, parking, etc. and may be required to submit
15 a traffic impact study depending on proposed uses.

16 FINDINGS OF FACT:

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

20 2. The subject property is partially located
21 in a Business Plan Area, where general business uses
22 are appropriate in general locations and partially
23 located in a Professional/Service Plan Area, where
24 general business uses are appropriate in very limited
25 locations;

1 3. The proposal is a logical expansion of B-4
2 General Business zoning to the north, east and south;

3 4. At 22.14 acres the expansion does not
4 significantly increase the extent of the zone in the
5 vicinity; and

6 5. The proposal should not overburden the
7 capacity of roadways and other necessary urban
8 services that are available in the affected area;
9 However, depending on the size of the development a
10 traffic impact study may be required.

11 MR. HILL: Staff request that the Staff Report
12 be entered into the record as Exhibit G.

13 CHAIRMAN: Thank you, Mr. Hill.

14 Is there anyone that would like to speak on
15 behalf of the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Is there anyone that would like to
18 speak in opposition of this application?

19 (NO RESPONSE)

20 CHAIRMAN: The Chair is ready for a motion.
21 Commissioner Moore.

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

23 I make a motion for approval based on Staff
24 Recommendation with Conditions 1 through 3 and
25 Findings of Fact 1 through 5.

1 CHAIRMAN: We have a motion by Mr. Moore.

2 MS. McENROE: Second.

3 CHAIRMAN: Second by Ms. McEnroe. Any
4 questions about the motion?

5 (NO RESPONSE)

6 CHAIRMAN: All in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion passes. Thank you.

9 ITEM 10

10 A Portion of 2328 Highway 81, 0.712 acres
11 Consider zoning change: From A-R Rural Agriculture to
12 I-1 Light Industrial
Applicant: Phillip Crabtree, Sr.

13 PLANNING STAFF RECOMMENDATION

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

16 CONDITIONS:

17 1. Approval of a minor subdivision plat that
18 1) Divides the newly rezoned I-1 50 foot strip from
19 the remaining A-R zoned portion of 2328 Highway 81; 2)
20 Consolidates the newly rezoned 50 foot strip with the
21 adjacent I-1 zoned Phill's Custom Cabinets parcel; and
22 3) Relocates the 50 foot of road frontage to 2328
23 Highway 81 from the north side of the property to
24 another location.

25 2. Access to 2328 & 2400 Highway 81 shall

1 continue to be limited to the existing access point
2 shown as a 20 foot ingress/egress easement on a minor
3 subdivision plat approved by OMPC on 11/20/09.

4 FINDINGS OF FACT:

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

8 2. The subject property is located in a Rural
9 Preference Plan Area, where light industrial uses are
10 appropriate in limited locations;

11 3. The subject property will conform to the
12 criteria for nonresidential development;

13 4. The proposal is a logical expansion of the
14 I-1 zoning to the south; and

15 5. At 0.712 acres, the expansion of the
16 existing I-1 zoning will not significantly increase
17 the extent of industrial uses that are located in the
18 vicinity or overburden the capacity of roadways and
19 other necessary urban services that are available in
20 the affected area.

21 MR. HILL: Staff would request that the Staff
22 Report be entered into the record as Exhibit H.

23 CHAIRMAN: Thank you, Mr. Hill.

24 Is there anyone would like to speak on behalf
25 of the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Is there anyone that would like to
3 speak in opposition?

4 (NO RESPONSE)

5 CHAIRMAN: The Chair is ready for a motion.

6 MR. JEAN: Make a motion that we approve this
7 zoning change based on the Staff Report with Findings
8 of Fact 1 through 5 and Conditions 1 and 2.

9 CHAIRMAN: Thank you, Commissioner Jean. Do
10 we have a second?

11 MR. BALL: Second.

12 CHAIRMAN: Second by Mr. Ball. Any questions
13 about the motion?

14 (NO RESPONSE)

15 CHAIRMAN: The chair is ready for a vote. All
16 in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries. Thank you.

19 ITEM 11

20 6985 Highway 144, 5.867 acres
21 Consider zoning change: From R-1A Single-Family
22 Residential & A-U Urban Agriculture to R-1A
Single-Family Residential
Applicant: Henry Shouse

23 PLANNING STAFF RECOMMENDATIONS

24 The Planning Staff recommends approval subject
25 to the findings of fact that follow:

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 a Rural
6 Community Plan Area, where rural small-lot residential
7 uses are appropriate in general locations;

8 3. The subject property is a single parcel
9 fronting on a public road, Highway 144;

10 4. The property currently has a functioning
11 septic system; and

12 5. At approximately 5.867 acres, of which a
13 significant portion is already zoned R-1A, the
14 expansion of the existing R-1A zoning will not
15 significantly increase the extent of the zone in the
16 vicinity or overburden the capacity of roadways and
17 other necessary urban services that are available in
18 the affected area.

19 MR. HILL: Staff request that the Staff Report
20 be entered into the record as Exhibit I.

21 CHAIRMAN: Thank you, Mr. Hill.

22 Anyone like to speak on behalf of the
23 applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Is there anyone who would like to

1 speak in opposition to the application?

2 (NO RESPONSE)

3 CHAIRMAN: The Chair is ready for a motion.

4 Commissioner Rogers.

5 MR. ROGERS: I'd like to make a motion for
6 approval based on Planning Staff Recommendation and
7 Findings of Fact 1 through 5.

8 CHAIRMAN: Thank you, Commissioner Rogers. Do
9 we have a second?

10 MS. HARDAWAY: Second.

11 CHAIRMAN: Second by Commissioner Hardaway.
12 Are there any questions about the motion?

13 (NO RESPONSE)

14 CHAIRMAN: Then we shall take a vote. All in
15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion passes. Thank you.

18 MINOR SUBDIVISION PLATS

19 ITEM 12

20 10704 Red Hill Maxwell Road, 2.124 acres
21 Consider approval of a minor subdivision plat
22 Applicant: Randolph L. & Sharon K. Mayfield;
Harry G. Storm

23 MR. HOWARD: This plat comes before you as an
24 exception. It exceeds the three to one requirement of
25 the zoning ordinance and it does not have minimum road

1 frontage that requirement as dictated by the
2 subdivision regulations. The plat that has been
3 submitted and is available for you to sign tonight has
4 language on it that limits this property and the
5 parent tract that this is being split from, from being
6 further subdivided in the future and creating any
7 additional lots that would not meet the minimum
8 requirement of the subdivision regulations and the
9 zoning ordinance. So since we're looking at the
10 creation of one lot it does exceed those requirements,
11 but we would recommend that you consider it for
12 approval tonight.

13 CHAIRMAN: Do we have anybody in the audience
14 that would like to speak on behalf of the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Do we have any opposition that
17 would like to speak on this?

18 (NO RESPONSE)

19 CHAIRMAN: The Chair will entertain a motion.

20 MR. REEVES: Motion to approve.

21 CHAIRMAN: Motion by Mr. Reeves.

22 MR. MOORE: Second.

23 CHAIRMAN: Second by Mr. Moore. Any questions
24 about the motion?

25 (NO RESPONSE)

1 CHAIRMAN: We'll take a vote. All in favor
2 raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion passes. Thank you.

5 ITEM 13

6 10505 & 10521 US Highway 431, 2.139 acres
7 Consider approval of a minor subdivision plat
8 Applicant: Richard W. Warner, Jr.

9 MR. HOWARD: This plat comes before you as an
10 exception to three to one requirement of the
11 subdivision regulation zoning ordinance. Basically
12 there's a parcel that's a little over two acres right
13 now. They are proposing to split that in half.
14 Basically an even split down the middle, with no
15 really future ability to split either lot because it's
16 really at a minimum acreage that would be required for
17 a lot in that zone. So we would recommend that you
18 consider it for approval.

19 CHAIRMAN: Thank you, Mr. Howard.

20 Is there anyone who would like to speak on
21 behalf of the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Anyone would like to speak in
24 opposition to the application?

25 (NO RESPONSE)

CHAIRMAN: I'll entertain a motion.

1 Mr. Kazlauskas.

2 MR. KAZLAUSKAS: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr.

4 Kazlauskas.

5 MS. McENROE: Second.

6 CHAIRMAN: Second by Ms. McEnroe. Any

7 questions about the motion?

8 (NO RESPONSE)

9 CHAIRMAN: We'll take a vote. All in favor
10 raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion passes. Thank you.

13 -----

14 NEW BUSINESS

15 ITEM 14

16 Consider approval of February 2017 financial
17 statements

18 CHAIRMAN: Everybody received a copy of the
19 February financial statement. Are there any questions
20 about that?

21 (NO RESPONSE)

22 CHAIRMAN: If not, I'll enter a motion.

23 MR. MOORE: Motion to approve.

24 CHAIRMAN: Motion by Mr. Moore. Is there a
25 second?

1 MS. HARDAWAY: Second.

2 CHAIRMAN: Second by Ms. Hardaway. All in
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 ITEM 15

6 Comments by the Chairman

7 CHAIRMAN: There are no comments by the
8 Chairman.

9 ITEM 16

10 Comments by the Planning Commissioners

11 (NO RESPONSE)

12 ITEM 17

13 Comments by the Director

14 MR. HOWARD: I don't have any.

15 CHAIRMAN: Thank you very much.

16 Need one more motion.

17 MR. BALL: Motion to adjourn.

18 CHAIRMAN: Motion by Mr. Ball.

19 MS. HARDAWAY: Second.

20 CHAIRMAN: Second by Ms. Hardaway. All in
21 favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: We are adjourned.

24 -----

25

