

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 NOVEMBER 9, 2017

3 The Owensboro Metropolitan Planning Commission
 4 met in regular session at 5:30 p.m. on Thursday,
 5 November 9, 2017, at City Hall, Commission Chambers,
 6 Owensboro, Kentucky, and the proceedings were as
 7 follows:

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

14 * * * * *

15 CHAIRMAN: I would like to welcome everybody
 16 to the Owensboro Metropolitan Planning Commission
 17 meeting of November 9th. We start our meetings off
 18 with a prayer and a pledge, and I have the honor of
 19 both of those tonight. Please pray with me.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: Before we get started, just a few
 22 house rules, since we are quasi legal meeting. If you
 23 wish to speak, please approach the podium and clearly
 24 state your name and be sworn in by our counsel.
 25 Please direct all of your questions and answers to the

1 Chair. We'd like to ask that you be respectful to all
2 others that may be speaking. Please stay on track and
3 on topics, specifically for the items that we have at
4 that present time. Thank you for your cooperation on
5 all of that.

6 First order of business is to consider our
7 minutes for the October 5th meeting. Hopefully all of
8 the commissioners have received the minutes and have
9 had a chance to read through those. Are there any
10 questions or comments concerning the minutes?

11 (NO RESPONSE)

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

14 MR. FREY: Motion to approve.

15 CHAIRMAN: Motion to approve by Mr. Frey.

16 MS. McENROE: Second.

17 CHAIRMAN: Second by Ms. McEnroe. All in
18 favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 The next order of business, I think, is the
22 presentation of audit by Jack Summerfield, CPA.

23 Mr. Howard, is there anything that you would
24 speak before?

25 MR. HOWARD: No.

1 CHAIRMAN: Please.

2 MR. SUMMERFIELD: I'm Jack Summerfield, with
3 Myriad CPA Group.

4 It's my understand you all have a full agenda
5 so unless you have specific questions, I'm not going
6 to go into detail in the financial statements
7 themselves, but I would like to briefly go over our
8 auditor's reports on those statements.

9 Page 7, is our Audit Report on the
10 Financials. This report states that management is
11 responsible for the financial statements. Our
12 responsibilities to perform an audit under generally
13 accepted auditing standards and government auditing
14 standards and to express an opinion on those financial
15 statements.

16 The last paragraph on the page states that our
17 opinion of the financial statements are fairly
18 presented in all material respects.

19 On Page 34 in the back of the report is our
20 report on Internal Control and Compliance. And the
21 governing auditing standards we have to report if we
22 know that during our audit any internal control
23 deficiencies or any noncompliance with laws,
24 regulations, contracts, and I'm happy to report we did
25 not note any such deficiencies or non-compliances.

1 We've also provided you a two-page letter with
2 some additional communications that were required to
3 communicate to the board. This spells out things like
4 whether we had any difficulties in performing the
5 audit, whether we had any disagreements with
6 management about any of their accounting or reporting
7 policies, whether there are uncorrected misstatements
8 in the finals. Again, I'm happy to report there are
9 none of those items.

10 If there are any questions about the
11 financials themselves, I'll be happy to answer those.

12 CHAIRMAN: Any commissioners have any
13 questions concerning the audit as presented?

14 (NO RESPONSE)

15 CHAIRMAN: The Chair is ready for a motion.

16 Mr. Reeves.

17 MR. REEVES: Motion to approve the audit
18 report.

19 CHAIRMAN: Motion has been made to approve the
20 audit report by Mr. Reeves. Is there a second?

21 MR. BALL: Second.

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

24 (NO RESPONSE)

25 CHAIRMAN: There being none all those in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 MR. HOWARD: Thank you, Mr. Summerfield. We
5 appreciate it.

6 I'll just add that they were quick and
7 efficient getting it done this year and very much
8 appreciative of the work that Myriad did on that.

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

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17 GENERAL BUSINESS

18 ZONING CHANGES

19 ITEM 4

20 3800 Frederica Street, 29.6 acres
21 Consider zoning change: From A-U Urban Agriculture &
22 P-1 Professional/Service to B-4 General Business
Applicant: Shoppes of 3800 Frederica, LLC; Owensboro
Board of Education

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

25 MS. EVANS: Melissa Evans.

1 (MELISSA EVANS SWORN BY ATTORNEY.)

2 PLANNING STAFF RECOMMENDATION

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

5 CONDITION

6 Written approval from the Kentucky
7 Transportation Cabinet and City/County Engineer
8 accepting this Traffic Impact Study prior to the
9 approval of site or development plans and fulfillment
10 of all the recommended improvements as outlined in the
11 Traffic Impact Study by the developer.

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 Professional/Service Plan Area, where general business
18 uses are appropriate in very-limited locations;

19 3. The proposed use of the subject property
20 as mixed use commercial will be non-residential in
21 nature;

22 4. At 29.6 acres, the proposal meets the
23 criteria for a logical expansion across an intervening
24 street where there is existing B-4 zoning across
25 Tamarack Road to the north as well as elsewhere along

1 the Frederica Street corridor; and,

2 5. Although this appears to be a rather large
3 area to rezone, given the predominance of B-4 general
4 business uses along the Frederica Street corridor, the
5 proposal should not overburden the capacity of
6 roadways and other necessary urban services that are
7 available, or are planned to be improved, in the
8 affected area based on the recommended improvements of
9 the Traffic Impact Study.

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

12 CHAIRMAN: Thank you, Melissa.

13 Is there anyone here representing the
14 applicant?

15 MR. HUTCHINSON: Randy Hutchinson.

16 MS. KNIGHT: Mr. Hutchinson, you're sworn as
17 an attorney. Thank you.

18 CHAIRMAN: Do any of the commissioners have
19 any questions concerning this Staff Report and the
20 Zoning application?

21 (NO RESPONSE)

22 CHAIRMAN: Is there anyone in the audience
23 that would like to speak about this zoning
24 application?

25 Please step forward.

1 MS. KNIGHT: Please state your name for the
2 record.

3 MR. GOETZ: Michael Goetz.

4 (MICHAEL GOETZ SWORN BY ATTORNEY.)

5 MR. GOETZ: I just live to the south of the
6 property being zoned. I'm just concerned about the
7 property line, the fencing and lighting and stuff like
8 that. Is light going to be shining on my house and
9 stuff like that. I just had a concern about the
10 property line.

11 CHAIRMAN: Does the applicant have anyone that
12 can speak to those concerns?

13 MR. HUTCHINSON: Yes.

14 MS. KNIGHT: Please state your name for the
15 record.

16 MR. BAKER: Jason Baker.

17 (JASON BAKER SWORN BY ATTORNEY.)

18 MR. BAKER: So the property where Mr. Goetz
19 lives is directly to the south fronting on, it's kind
20 long and narrow, fronting on Frederica Street. So the
21 boundary he is concerned with is what would be the
22 south boundary of the property.

23 We will be required to do the normal landscape
24 buffers and screening and the developer is planning to
25 follow those guidelines.

1 MR. HOWARD: If I could. The normal would be
2 a 10-foot landscape buffer with a continuous 6-foot
3 tall solid element and a tree every 40-feet is what
4 the ordinance would require.

5 MR. BAKER: Yes.

6 CHAIRMAN: Thank you, Mr. Howard.

7 MR. REEVES: Mr. Howard, would that go to the
8 sidewalk?

9 MR. HOWARD: It would go as far forward as
10 could be without, we would certainly coordinate with
11 the City Engineer's office to make sure that the fence
12 didn't go so far forward that it could potentially
13 create some kind of a site distance issue.

14 MR. REEVES: That was my concern.

15 MR. HOWARD: It would run that whole length as
16 feasibly possible without creating a sight distance
17 issue.

18 He had a question about lighting. You know,
19 often in a rezoning or something like this, if it does
20 adjoin residential, you know, there could be a
21 condition placed that would direct them to have any
22 lighting directed away from the surrounding
23 residential uses or something like that.

24 MR. BAKER: The intent is typical to use
25 down-light. There's no intent to use tall mast type

1 lighting here.

2 CHAIRMAN: And it would be directed away from
3 any residential?

4 MR. BAKER: It will be directed downward
5 towards the parking lot.

6 CHAIRMAN: I've got one maybe general
7 question.

8 Go ahead, sir.

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

11 MR. DUNN: Chris Dunn.

12 (CHRIS DUNN SWORN BY ATTORNEY.)

13 MR. DUNN: I live at 3817 South Griffith which
14 is the very back of the old Texas Gas place.

15 I've been out of town and I had my attorney
16 call a couple of people. Anyway, we couldn't find out
17 any information about the back part of the property.
18 That's why I came down here, to see what I could find
19 out what they had in mind for the back part of the
20 property, back toward the ditch and the trees and
21 everything else.

22 CHAIRMAN: Is there anyone that can address
23 that?

24 MR. BAKER: I can address that as well.

25 The way the property lays, it's intended that

1 the southwest corner of the property will have a
2 drainage feature there, a retention basin. The west
3 boundary of the property currently has a ditch. That
4 ditch is not planned to be modified. It will stay in
5 place. There is an existing service garage that was
6 there for the former Texas Gas building. That will be
7 taken out, and in its place, again, a retention basin
8 or drainage feature built there.

9 Other than the ability to build the screening
10 and the required improvements, the intent is to leave
11 the boundary line essentially unaffected. I'm not
12 sure if that answers the question.

13 Of course, we would have screening along any,
14 as Brian said, along any residential property. That
15 will be that screening requirement.

16 CHAIRMAN: Mr. Dunn.

17 MR. DUNN: Is there a distance or anything on
18 the back of the property for the screening? I know
19 there's a ditch there. It's about 10 or 15 feet so
20 will it extend beyond the ditch, the screening?

21 MR. BAKER: The requirement is a 6-foot tall
22 continuous element. In a case where you're required
23 to have a 10-foot landscape buffer, in a case where
24 the ditch takes up part of that 10-feet, Brian, what
25 do you do there? What's your thoughts there?

1 MR. HOWARD: If the ditch were, if it was
2 15-feet back, then you could put it on the backside of
3 that ditch. You could go greater than 10 feet. You
4 just can't go less than 10 feet, as far as that
5 buffer.

6 MR. BAKER: As far as the width of the
7 easement, that will be determined by the features that
8 are out there, but the actual features themselves, the
9 continuous 6-foot tall element with a tree every
10 40-feet is the requirement.

11 MR. DUNN: So you're saying it would go out
12 beyond, like 25 feet beyond the ditch?

13 MR. BAKER: We would not be required to build
14 any structures within the ditch that would restrict
15 flow. So as a practical matter the structures would
16 need to be on top of a bank. Forgive me, I don't know
17 exactly if the top bank, if the ditch is all on our
18 property from the entire distance. I'm not sure about
19 that at this point. If the property line bisected the
20 ditch or ran along the middle of the ditch, then we
21 obviously would have to be on the east side of that.

22 MR. DUNN: I can't get a picture of this.
23 Maybe you all can. There's nothing back there on that
24 property now. What I'm trying to figure out here is
25 if you just leave this open for general business you

1 could put anything back there, right?

2 MR. HOWARD: Any type of commercial retail
3 use, right.

4 MR. DUNN: So basically, I think what I'm
5 getting from this, is unless the land drops down to
6 the ditch and it's level to the ditch, then within 15
7 foot of the ditch you can start, with the setback then
8 you can put like a two-story townhouse or something
9 right there?

10 MR. HOWARD: A residential townhouse would not
11 be permitted use in a commercial zone.

12 MR. DUNN: So back there in the back there
13 would be no residential. It would all be business
14 back there?

15 MR. HOWARD: In a B-4 zone, any type of single
16 or multi-family residential is not a permitted use.

17 MR. DUNN: See, that's where I run into
18 concerns here. If you can put anything back there,
19 and I know a person probably, but could you put a gas
20 station back there?

21 MR. HOWARD: That would be a permitted use in
22 a B-4 zone.

23 MR. DUNN: I would have a problem with that.
24 You know, if somebody would go back there and start
25 putting those kind of businesses back there behind

1 those houses, I would have a real problem with that.

2 CHAIRMAN: Thank you.

3 MR. DUNN: Is there a recourse to this, as far
4 as tonight goes?

5 CHAIRMAN: Obviously, if there's a rezoning
6 that takes place, there is an appeal process.

7 MR. DUNN: It's not something that you
8 naturally do, is just rezone a piece of property and
9 to have no clue what's going to go on there; is that a
10 common thing that's done?

11 MR. HOWARD: I would say that --

12 MR. DUNN: On this size piece of property.

13 MR. HOWARD: You know, this is 29 acres. You
14 know, I wouldn't say it's uncommon. Sometimes when
15 you get much larger developments, they'll have some
16 kind of conceptual plan. I wouldn't say it's
17 uncommon. The recourse-wise, as I mentioned in my
18 opening remarks, this rezoning will be final 21 days
19 after this meeting; however, it can be appealed to the
20 city commission and they could take final action.

21 If it goes to the city commission and you
22 didn't agree with whatever their decision were, you
23 could then appeal that into circuit court.

24 MR. DUNN: Basically what you all are going to
25 hold on is to leave the whole -- it's going to be a

1 blanket and they could build any type of business as
2 far as B-4 goes back on that part of the property, as
3 well as on front of Frederica.

4 MR. HOWARD: The proposal is for the entire
5 parcel to be zoned B-4, yes.

6 MR. DUNN: If I want to go through the
7 process, do I do it within 21 days or do I wait after
8 the 21 days?

9 MS. KNIGHT: I believe there's information on
10 the back table back there that has all of that.

11 MR. HOWARD: It would have to be done within
12 the 21 days.

13 MR. DUNN: Thank you.

14 CHAIRMAN: Thank you, Mr. Dunn.

15 Is there anyone else that would like to make
16 any comment or have a question concerning this
17 application?

18 MS. KNIGHT: If you could state your name for
19 the record, please.

20 MR. DAVIS: Earl Davis, 3833 Frederica Street,
21 right on the corner.

22 (EARL DAVIS SWORN BY ATTORNEY.)

23 MR. DAVIS: I'm curious. When this was sold
24 they said it was 47 acres. Now the paper comes out
25 and says there's 45 acres. Now you're coming out with

1 a letter and you're wanting to rezone 29 acres.
2 What's going to happen to the other 15 acres? Two,
3 how many entrances are you going to have off of
4 Frederica Street? Are you going to have one at
5 Tamarack, on the north end of it?

6 CHAIRMAN: I think the applicant would be able
7 to address that question for you.

8 MR. DAVIS: We got a narrow street down in
9 front of ours, from Fairfax down to Tamarack. I'm
10 wondering if maybe you're going to have something like
11 that over there. You know, I'm glad to hear you say
12 it changed from agriculture because I don't want no
13 soy beans and corn dust. We've got enough dirt out
14 there as it is. I'm just curious about that.

15 CHAIRMAN: Can the applicant address that
16 question about the size of the acreage?

17 MR. HUTCHINSON: I'm not sure where the 47
18 acres came from. I ran the title to that property.
19 It's 29 acres. Everything that is under contract to
20 be bought is in that 29 acres. I don't know of any
21 other acreage out there. I can't respond to 47 other
22 than I run the title and it's 29 acres.

23 MR. DAVIS: The paper stated 45 acres.

24 CHAIRMAN: All we can work with is what we
25 have here on the application.

1 Does that answer your question, Mr. Davis?

2 MR. DAVIS: Yes.

3 CHAIRMAN: Thank you.

4 MR. HOWARD: He had a question on number of
5 access points too. Jason, would you or Lindsey like
6 to address that?

7 MR. BAKER: I can address the number of access
8 points. If there's some more details, she'll have to
9 answer that.

10 We're currently proposing two full access.
11 Access points along Tamarack; one right-in/right-out.
12 And along Frederica Street, a right-in/right-out, and
13 an access point that will be align with Fairfax
14 accessing to Frederica Street.

15 CHAIRMAN: Does that answer the question?

16 MR. DAVIS: Yes.

17 CHAIRMAN: Curious question that I have.

18 Having lived in that area, in Town & Country for 27
19 years, I know that Tamarack there at that caution
20 light is an extremely busy area at times. Is there
21 anything that will be done differently to that access
22 point there near the caution light on Tamarack? Is
23 there anything associated with widening or changing it
24 in any way?

25 MR. BAKER: I can answer that as well.

1 The plan as we proposed is to restripe
2 Tamarack Road. That will create a continuous left
3 turn lane in the middle with a drive lane on either
4 side. We're not proposing any curb modifications,
5 other than a construction of entrances. The existing
6 entrance, both existing entrances onto Tamarack Road
7 will be reconstructed and relocated slightly, but no
8 other wholesale changes as far as widening Tamarack
9 Road or anything like that.

10 On Frederica Street, we will have a right turn
11 decel lane that will be built on the east side of
12 Frederica Street, at the new access point or at the
13 relocated access point across from Fairfax. There
14 will also be some widening and lengthening of the left
15 turn lanes within Frederica Street to create more, a
16 little more storage there. That's pretty much the
17 extent of the off-site roadway improvements.

18 CHAIRMAN: Thank you.

19 Any other questions concerning this
20 application?

21 (NO RESPONSE)

22 CHAIRMAN: Commissioners have any other
23 questions?

24 (NO RESPONSE)

25 CHAIRMAN: There being none the Chair is ready

1 for a motion.

2 Mr. Kazlauskas.

3 MR. KAZLAUSKAS: Make a motion that the
4 application for rezoning be approved based on Planning
5 Staff Recommendation, Condition 1 and Findings of Fact
6 1 through 5.

7 CHAIRMAN: A motion has been made for approval
8 based on Condition 1 and Findings of Fact 1 through 5
9 by Mr. Kazlauskas. Is there a second?

10 MR. BALL: Second.

11 CHAIRMAN: Second by Mr. Ball. Any discussion
12 about the motion and the second?

13 (NO RESPONSE)

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

16 (BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 ITEM 5

19 2202, 2314, 2330, 2356 Old Highway 144, 13.5 +/- acres
20 Consider zoning change: From R-1A Single Family
21 Residential & A-R Rural Agriculture to A-R Rural
22 Agriculture
23 Applicant: Adrian & Annie Yeiser

24 PLANNING STAFF RECOMMENDATION

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

FINDINGS OF FACT

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

4 2. The subject property is located in a Rural
5 Preference Plan Area, where rural small-lot
6 residential uses are appropriate in very limited
7 locations;

8 3. The subject property has frontage on
9 public roads, Old Highway 144 and Jones Road;

10 4. The 9 acre expansion of the existing A-R
11 zone is not a significant increase of the zone in the
12 vicinity and it should not overburden the capacity of
13 roadways and other necessary urban services available
14 in the affected area; and,

15 5. At 1.230, 5.937, 2.741 and 3.592 acres the
16 tracts are large enough to ensure satisfactory
17 operation of a conventional septic system.

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

20 CHAIRMAN: Is there anyone here representing
21 the applicant?

22 Step forward.

23 MR. YEISER: Adrian Yeiser.

24 (ADRIAN YEISER SWORN BY ATTORNEY.)

25 MR. YEISER: I don't really have anything to

1 add. I'm here to answer any questions.

2 CHAIRMAN: Thank you. Any commissioners have
3 any questions of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Is there anyone in the audience
6 that would have a question concerning the application?

7 Yes, sir.

8 MR. THOMPSON: Wendell Thompson.

9 (WENDELL THOMPSON SWORN BY ATTORNEY.)

10 MR. THOMPSON: I've lived, the past 35 years
11 I've lived on that section of Old 144. It's been a
12 real quiet neighborhood. A lot of the neighbors are
13 here. A lot of people walk that road. It's kind of
14 isolated. The only traffic of mostly, probably 95
15 percent of the traffic is people who live back there.
16 I would hate to see it open up for any kind of
17 commercial development. I'm not sure what's planned
18 for this, but from what I can tell it does open it for
19 some type of commercial development. I would really
20 hate to see that happen. Thank you.

21 CHAIRMAN: Thank you, Mr. Thompson.

22 Is there anyone else that would like to speak
23 concerning this application?

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

1 MR. CONKLIN: My name is Keith Conklin. I
2 live on Old Highway 144 also.

3 (KEITH CONKLIN SWORN BY ATTORNEY.)

4 MR. CONKLIN: Again, I'm just against any
5 commercial development. It's a residential area.
6 It's never been commercial. There's no other
7 commercial developments in the area, immediate area.
8 The traffic would be a concern. What would happen in
9 years to come would be more of a concern on a piece of
10 property this size. So I'm against this.

11 CHAIRMAN: Thank you, Mr. Conklin.

12 Anyone else like to speak concerning this
13 application?

14 MR. HALL: Steve Hollman, 2531 Old Highway
15 144.

16 (MR. STEVE HOLLMAN SWORN BY ATTORNEY.)

17 MR. HOLLMAN: I've lived up there about the
18 same amount of time as Wendell has. What he said is
19 true. Lot of us walk that road. Not very much
20 traffic, other than what the folks that live up
21 through there; however, it is a good spot for people
22 that's going home out towards Knottsville to drop off
23 their empty cans and whatnot. We have that from time
24 to time. I guess everyone does. Anyway, I would hate
25 to see that change. We bought up there knowing that

1 it was residential and that's the way we would like to
2 keep it.

3 CHAIRMAN: Thank you, Mr. Hollman.

4 Yes, Mr. Ball.

5 MR. BALL: Could I ask a question just to
6 clarify.

7 This is not changing to a commercial zone,
8 correct.

9 MR. HOWARD: That's right. The proposal is to
10 go to an A-R which is a rural agricultural zone, which
11 would not allow your typical commercial type uses.

12 MR. BALL: Would allow for single-family
13 residential in those areas?

14 MR. HOWARD: Yes.

15 MR. BALL: Thank you.

16 MR. HOLLMAN: Can I ask a question?

17 CHAIRMAN: Sure. Step forward.

18 MR. HOLLMAN: What would it allow exactly in
19 that circumstance eventually? I know what Dr. Yeiser
20 is proposing, but what would it allow in broad
21 spectrum?

22 MR. HOWARD: It would allow in broad spectrum
23 single-family residential uses, farming activities,
24 things like that. There are a host of uses that could
25 potentially be conditionally permitted; churches, day

1 cares, and things like that. Those are conditionally
2 permitted in an R-1A zone as well, the current zone.
3 Any use of it would be a conditional use permit goes
4 to a separate board, separate hearing those would be
5 made. That's an opportunity for that board to make a
6 determination that if something is proposed, that it
7 could probably integrate into that neighborhood or
8 that area. The variety of those, you know, exist
9 certainly, but in both zones both are R-1A and A-R.

10 MR. HOLLMAN: So we can't expect a honky-tonk
11 anyway soon or anything like that?

12 MR. HOWARD: A bar or night club would not be
13 a permitted use in an A-R zone.

14 MR. HOLLMAN: Thank you.

15 CHAIRMAN: Mr. Howard, I think if all of this
16 as I'm reading it, essentially what we're doing is
17 taking a couple of zonings that are being consolidated
18 in order to arrive at one zoning for all the property,
19 a consolidation essentially?

20 MR. HOWARD: From my understand, the applicant
21 owns several parcels. There's split zoning on those
22 parcels. I believe it is their desire to consolidate
23 that into one parcel. We cannot approve a
24 consolidation plat with unlike zones. Hence the
25 application to rezone all of this at this point to an

1 A-R Rural Agricultural zone.

2 CHAIRMAN: So really all we're doing at this
3 point is just looking at the consolidation to reflect
4 or to take care of the split zoning into one zone is
5 what it amounts to?

6 MR. HOWARD: Right. On any rezoning, you all
7 make a determination whether it be proposed zone is
8 appropriate in this area. Of course, this is for an
9 A-R application. There is A-R zoning to the north,
10 south, east and west of this property; along with that
11 current zoning actually on the property, on the
12 subject parcel. That's what the purpose of the
13 rezoning is.

14 CHAIRMAN: Thank you, Mr. Howard.

15 MR. REEVES: For this gentleman's information,
16 the Board of Adjustment would hear any conditional use
17 application. Two members of this body, myself and Mr.
18 Jean, sit on that Board of Adjustment. So we would
19 have heard the comments you've made tonight, and we'll
20 rehear those comments, if the applicant decided to any
21 kind of conditional use application. Okay?

22 CHAIRMAN: Step forward.

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

25 MS. FROEHLICH: Carla Froehlich.

1 (CARLA FROEHLICH SWORN BY ATTORNEY.)

2 MS. FROEHLICH: I really just have a question.
3 How would we know about the conditional zoning
4 request?

5 MR. HOWARD: The notification process would be
6 similar as it is for a rezoning. There would be,
7 state law requires a public hearing notice be
8 published in the newspaper and then a letter would be
9 sent out to all adjoining property owners.

10 MS. FROEHLICH: Thank you.

11 CHAIRMAN: Anyone else would like to speak on
12 this application?

13 (NO RESPONSE)

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

16 Mr. Ball.

17 MR. BALL: I would like to make a motion to
18 approve based on Planning Staff Recommendation and
19 Findings of Fact 1 through 5.

20 CHAIRMAN: A motion has been made for approval
21 by Mr. Ball based on Findings of Fact 1 through 5. Is
22 there a second?

23 MR. JEAN: Second.

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

1 (NO RESPONSE)

2 CHAIRMAN: The Chair is ready for the vote.

3 All those in favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 ITEM 6

7 1721, 1731 West Parrish Avenue, 1450 Werner Avenue,
2.62 acres

8 Consider zoning change: From B-4 General Business to
R-4DT Inner City Residential to B-4 General Business

9 Applicant: JR Food Stores, Inc., Winn Leasing
10 Corporation

11 PLANNING STAFF RECOMMENDATION

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

14 CONDITIONS

15 1. Access to West Parrish Avenue shall be
16 limited to a single access as shown on a conceptual
17 plan submitted to the KYTC for approval.

18 2. Access to Werner Avenue shall be limited
19 to the two existing access points as shown on the
20 conceptual plan, not to exceed 40 percent of the total
21 road frontage on Werner Avenue.

22 3. No additional access to West Parrish
23 Avenue or Werner Avenue shall be permitted.

24 4. Any future access to Independence Avenue
25 shall comply with the access spacing standards, not to

1 exceed 40 percent of the total road frontage on
2 Independence Avenue.

3 FINDINGS OF FACT

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

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

10 3. The proposed use is nonresidential in
11 nature;

12 4. The approximately 0.36 acre expansion of
13 the existing B-4 General Business zone is not a
14 significant increase of the extent of the zone in the
15 vicinity; and,

16 5. With access limited to a single access
17 point to West Parrish Avenue, the proposal should not
18 overburden the capacity of roadways and other
19 necessary urban services that are available in the
20 affected area.

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

23 CHAIRMAN: Thank you, Melissa.

24 Is there anyone here representing the
25 applicant?

1 MR. KAMUF: Charles Kamuf.

2 MS. KNIGHT: Mr. Kamuf, you're sworn as an
3 attorney. Thank you.

4 MR. KAMUF: We agree with the Amended Staff
5 Report. The purpose of the rezoning is to put in a JR
6 Food Store, which is owned by Houchens. I have the
7 people from Houchens here tonight, and also an
8 engineering firm out of Bowling Green called Arnold.
9 We're here to answer any questions. I can present it
10 now or we probably want to wait a little bit, don't
11 you?

12 CHAIRMAN: Probably so.

13 MR. KAMUF: We're here to answer any
14 questions.

15 CHAIRMAN: Thank you, Mr. Kamuf.

16 Any commissioners have any questions
17 concerning the application?

18 MR. REEVES: Yes.

19 CHAIRMAN: Yes, Mr. Reeves.

20 MR. REEVES: I do just have some clarification
21 on Independence Avenue. I grew up in this
22 neighborhood and several other neighborhoods also.

23 As I recall, you get in, from Independence
24 Avenue you kind of go over a rounded curve. There
25 wasn't any really access point there, was there,

1 currently?

2 MR. KAMUF: The whole access point on
3 Independence, the whole area is an access point.

4 MR. REEVES: Is it a rolling curb or is it
5 flat? I'm trying to remember what it was. Charlie,
6 do you remember?

7 MR. KAMUF: You know, I drove it this morning,
8 but I can't tell you.

9 MR. REEVES: I know where it's at, what we're
10 talking about. You're saying that you or I guess
11 Staff is saying, are we concerned about defining the
12 access point or leave access at any place?

13 MR. HOWARD: I will be glad to address that.

14 As that property redevelops, basically what
15 they submitted in their file was a conceptual plan
16 showing the bulk of the property, but it left the
17 Independence side kind of grade out. They don't know
18 exactly what they're going to do there yet. But
19 anything, any redevelopment when it takes place over
20 there on the Independence Avenue side, they will have
21 to take out that wide open access point, they'll have
22 to put in defined access points that are, you know, a
23 maximum of 40 feet wide. Their total access can be 40
24 percent of the total road frontage. They'll have to
25 clean that up and bring it into current standards.

1 They'll have to put in the vehicular use area
2 screening and all of that.

3 MR. REEVES: That answers my question.

4 MR. KAMUF: That area could be an outlot. Of
5 course, the only access would be from Parrish. One
6 would be a joint access point from Parrish Avenue.
7 They might use it themselves and put in a pharmacy and
8 some of these type things. Basically it could be an
9 outlot. We agree with Brian, as far as we don't know
10 exactly where we want to put that access point on
11 Independence yet.

12 MR. REEVES: Any change would be an
13 improvement with what's currently there.

14 MR. KAMUF: Right.

15 MR. REEVES: Thank you.

16 CHAIRMAN: Any other commissioners have any
17 questions concerning this application?

18 (NO RESPONSE)

19 CHAIRMAN: Anyone in the audience wish to
20 speak on this 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 this

1 application based on Planning Staff Recommendation and
2 Finding of Fact 1 through 5 and Conditions 1 through
3 4.

4 CHAIRMAN: A motion has been made for approval
5 based on Conditions 1 through 4 and Findings of Fact 1
6 through 5. Is there a second?

7 MR. ROGERS: Second.

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

10 (NO RESPONSE)

11 CHAIRMAN: All those in favor raise your right
12 hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 ITEM 7

16 1730 Wrights Landing Road, 1 acre
17 Consider zoning change: From A-R Rural Agriculture to
18 R-1A Single-Family Residential
Applicant: Jason Lee; Summit ET Partners, LLC

19 PLANNING STAFF RECOMMENDATION

20 The Planning Staff recommends approval subject
21 to the findings of fact that follow:

22 FINDINGS OF FACT

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

1 2. The subject property is located in a Rural
2 Community Plan Area, where rural small-lot residential
3 uses are appropriate in very limited locations;

4 3. At 1 acre, the subject property is large
5 enough to ensure satisfactory operation of a
6 conventional septic tank system;

7 4. The subject properties have frontage on a
8 public road, Wrights Landing Road;

9 5. This is a logical expansion of the
10 existing R-1A zoning to the south, east and west; and,

11 6. At only 1 acre the expansion does not
12 significantly increase the extent of the zone in the
13 vicinity and should not overburden the capacity of
14 roadways and other necessary urban services that are
15 available in the affected area.

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

18 CHAIRMAN: Thank you, Melissa.

19 Anyone here representing the applicant?

20 (NO RESPONSE)

21 CHAIRMAN: Is there anyone here that would
22 like to speak concerning this application?

23 (NO RESPONSE)

24 CHAIRMAN: Any of the commissioners have any
25 questions concerning this application?

1 (NO RESPONSE)

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

4 MR. JEAN: Motion to approve based on Findings
5 of Fact 1 through 6.

6 CHAIRMAN: Motion by Mr. Jean based on
7 Findings of Fact 1 through 6. Is there a second?

8 MR. ROGERS: Second.

9 CHAIRMAN: Second by Mr. Rogers. Any
10 discussion concerning the motion or the second?

11 (NO RESPONSE)

12 CHAIRMAN: All those in favor raise your right
13 hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

17 ITEM 8

18 Park Haven 20.177 acres
19 Consider approval of a combined final development
20 plan/major subdivision preliminary plat.
Applicant: Bill Saalwaechter

21 MR. HOWARD: This application has been
22 reviewed by the Planning Staff and County Engineering
23 Staff and it's found to be in order. They made some
24 modifications to the originally approved combination
25 plan, and it meets all the requirements and it is

1 ready for your consideration for approval.

2 CHAIRMAN: Thank you, Mr. Howard.

3 Is anyone here representing the applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Any commissioners have any

6 questions concerning this application?

7 (NO RESPONSE)

8 CHAIRMAN: Chair is ready for a motion.

9 Mr. Ball.

10 MR. BALL: Motion to approve.

11 CHAIRMAN: Motion to approve by Mr. Ball.

12 MR. FREY: Second.

13 CHAIRMAN: We have a second by Mr. Frey. Any

14 discussion about the motion or the second?

15 (NO RESPONSE)

16 CHAIRMAN: There being none, all those in

17 favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 MINOR SUBDIVISION PLATS

21 ITEM 9

22 4110, 4122 Highway 142, 2.388 acres
Consider approval of a minor subdivision plat

23 Applicant: Cole H & Christine M. Rearden, James A.
Bickett

24

25 MR. HOWARD: This plat comes before you as an

1 exception to the 3 to 1 requirement and the minimum
2 road frontage requirement. As you can see on the
3 plat, there are two lots that already exceed the 3 to
4 1 requirement. Has a notch in it. It's kind of an
5 odd division. What is being proposed is basically
6 swapping of land. It creates a different property
7 line. We're not creating any new lots with this.
8 Just a reconfiguration of what's out there. So we
9 would recommend that you consider it for approval.

10 CHAIRMAN: Thank you, Mr. Howard.

11 Anyone here representing the applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Do the commissioners have any
14 questions concerning this application?

15 (NO RESPONSE)

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

18 MS. HARDAWAY: Motion to approve.

19 CHAIRMAN: Motion to approve by Ms. Hardaway.
20 Do we have a second?

21 MS. McENROE: Second.

22 CHAIRMAN: Second by Ms. McEnroe. Any
23 discussion about the motion and the second?

24 (NO RESPONSE)

25 CHAIRMAN: There being none all those in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

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5 NEW BUSINESS

6 ITEM 10

7 Consider approval of September 2017 financial
8 statements

9 CHAIRMAN: We have before us the September
10 2017 financial statements. All of the commissioners
11 hopefully received and have had a chance to go through
12 them. Any discussion concerning the financial
13 statements or questions?

14 (NO RESPONSE)

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

17 Mr. Kazlauskas.

18 MR. KAZLAUSKAS: Motion for approval.

19 CHAIRMAN: Motion for approve by

20 Mr. Kazlauskas. Do we have a second?

21 MS. McENROE: Second.

22 CHAIRMAN: Second by Ms. McEnroe: Discussion
23 about the motion or the second?

24 (NO RESPONSE)

25 CHAIRMAN: There being none all those in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 ITEM 11

5 Consider approval of 2018 Filing Dates and Deadlines

6 MR. HOWARD: You all received two versions in
7 your packet. As we've done in years past, we've
8 looked at these in November. The two versions are,
9 one is the normal straight meeting schedule; Board of
10 Adjustment the first Thursday of every month,
11 Planning Commission, the second Thursday of every
12 month.

13 The alternative, version two, if you want to
14 call it, whichever way you want to refer to it, is as
15 we've done the last two or three years, where with
16 knowledge that Spring Break and Fall Break can create
17 some quorum issues as people are out of town, there's
18 also an alternative version that accounts for those
19 days in April and October; so that we actually double
20 up the meeting on those nights so that we do not have
21 a meeting during Fall Break or Spring Break to
22 hopefully prevent any type of conflict.

23 Both options are on the table for you all to
24 considering and approve for next year, and whichever
25 is your pleasure we will send that notice out to the

1 engineers and surveyor and all of those folks, the
2 media, the paper.

3 CHAIRMAN: Thank you, Mr. Howard.

4 I think just a point of clarification; the one
5 option that has the joint meeting between work
6 sessions listed and joint meetings, the Board of
7 Adjustment, that's the one we have been utilizing this
8 year?

9 MR. HOWARD: Yes. The last two or three years
10 we have done the alternative, as we can refer to it,
11 where we do double up those meetings in April and
12 October.

13 CHAIRMAN: Thank you, Mr. Howard.

14 Do we need to have a vote on either one?

15 MS. KNIGHT: Of which one you want. For
16 somebody makes a motion to approve one or the other.

17 CHAIRMAN: We need a motion to approve which
18 one we want to utilize.

19 Mr. Rogers.

20 MR. ROGERS: Mr. Chairman, I would like to
21 make a motion to approve the alternate, the one we've
22 used for the last two years.

23 CHAIRMAN: A motion has been made to approve
24 the alternate, the one we've been utilizing the last
25 couple of years. Is there a second?

1 MS. HARDAWAY: Second.

2 CHAIRMAN: Any discussion about the motion or
3 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 12
10 Comments by the Chairman

11 CHAIRMAN: Just a few comments by the
12 Chairman.

13 I notice in going through the financial
14 statements there were a number of, on the personnel
15 side a number of them that had a zero budget. I'm
16 assuming those are slots that you've been working
17 without for awhile and may be attempting to fill at
18 some future time?

19 MR. HOWARD: Yes. We have a couple of
20 positions that we have an administrative staff
21 position that we haven't had filled for, I guess,
22 going on, it's been over three years. Yes, we just
23 didn't budget any salary. We left it in there as a
24 line item just for ease, if we do need to fill that
25 role at some point. As of now, we're operating

1 without.

2 CHAIRMAN: Thank you, Mr. Howard.

3 That just goes to prove that our current
4 director and the Planning and Zoning department are
5 doing an outstanding job on being able to do multiple
6 tasking with all the great folks they have. They're
7 doing different jobs. Been a good steward of all the
8 money that you receive in. Thank you for that.

9 MR. HOWARD: Thank you.

10 CHAIRMAN: The only other thing I wanted to
11 mention is, I think we all know that Mike Hill is
12 leaving the end of this month, sometime at the end of
13 this year. Like to thank Mike for his work and
14 efforts and the great job that he's done while he's
15 been here. You're going to be missed for sure. The
16 folks in Louisville have the gain. We have the loss.
17 Thank you very much for all your efforts and hard
18 work.

19 MR. HILL: Thank you.

20 CHAIRMAN: That's all the Chairman has.

21 ITEM 13

22 Comments by the Planning Commissioners

23 CHAIRMAN: Any comments by the commissioners?

24 (NO RESPONSE)

25 ITEM 14

1 Comments by the Director

2 MR. HOWARD: My only comment was going to be
3 to also recognize Mike for the service that he's done
4 for our office. He came on board right at three years
5 ago. Came from Louisville Metro and has done a great
6 job. He's been great to work with. He deals very
7 well with citizens and folks as they come in. He's
8 very even-tempered. He's just done a great job. His
9 family decided to move back to Louisville and we wish
10 them all the best. Thank you for the time that you
11 have been here. I've known Mike for a long time.
12 We'll still be in touch certainly, but we're going to
13 miss Mike, but good luck with your future.

14 MR. HILL: Thank you. I appreciate that.
15 I'll miss all you guys as well.

16 CHAIRMAN: Thank you, Mr. Howard.

17 There being no further business the Chair is
18 ready for the last motion.

19 MS. HARDAWAY: Motion to adjourn.

20 CHAIRMAN: Motion to adjourn by Ms. Hardaway.
21 Is there a second?

22 MS. McENROE: Second.

23 CHAIRMAN: Second by Ms. McEnroe. All those
24 in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries. 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 43 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 December, 2017.

18

19

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

22

23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25