

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 OCTOBER 4, 2018

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 October 4 2018, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

8 MEMBERS PRESENT: Larry Boswell, Chairman  
9 Terra Knight, Attorney  
10 Melissa Evans  
11 Irvin Rogers  
12 Beverly McEnroe  
13 Manuel Ball  
14 Angela Hardaway  
15 Mike Edge

16 \* \* \* \* \*

17 CHAIRMAN: I would like to call the  
18 Metropolitan Planning Commission meeting for October  
19 4, 2018 to order.

20 We always start our meeting with a prayer and  
21 a pledge. Commissioner Manuel Ball will lead us in  
22 both tonight. Please join us.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Before we get started just a couple  
25 of housekeeping bits of information.

Since we are a quasi legal meeting, we want to  
be sure everybody is aware that if you wish to speak  
please approach the podium. Clearly state your name

Ohio Valley Reporting

(270) 683-7383

1 and be sworn in by counsel. It's very important that  
2 we hear all of the information very, very clearly.  
3 Direct all questions to the chair, especially if there  
4 are multiple speakers speaking. Be respectful of  
5 others time to be able to speak, and then please stay  
6 on the topic specific to the item on the agenda that  
7 we're addressing at that time.

8 The Commissioners hopefully have received all  
9 of the minutes to the September 13th meeting and have  
10 had a chance to look through those. Are there any  
11 questions or changes concerning those minutes?

12 (NO RESPONSE)

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

15 MS. HARDAWAY: Motion to approve.

16 CHAIRMAN: Motion to approve by Ms. Hardaway.  
17 Is there a second?

18 MS. McENROE: Second.

19 CHAIRMAN: Second by Ms. McEnroe. Any  
20 discussion about the motion or the second?

21 (NO RESPONSE)

22 CHAIRMAN: There being none all those in favor  
23 raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

Ohio Valley Reporting

(270) 683-7383

1 MS. EVANS: I will note that all zoning  
2 changes heard here tonight will become 21 days after  
3 tonight's meeting unless there is an appeal filed. If  
4 there is an appeal filed, the minutes and the  
5 appropriate information will be forwarded on to the  
6 appropriate legislative body. Those appeal forms are  
7 located on our website, in our office, and on the back  
8 table.

9 -----  
10 GENERAL BUSINESS  
11 ZONING CHANGES  
12 ITEM 3  
13 2105 Old Henderson Road, 0.412 acres  
14 Consider zoning change: From B-4 General Business to  
15 B-5 Business/Industrial  
16 Applicant: SJL Properties, LLC

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

19 MR. PEDLEY: Trey Pedley.

20 (TREY PEDLEY SWORN BY ATTORNEY.)

21 PLANNING STAFF RECOMMENDATIONS

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

24 FINDINGS OF FACT

25 1. Staff recommends approval because the  
proposal is in compliance with the community's adopted

Ohio Valley Reporting

(270) 683-7383

1 Comprehensive Plan;

2 2. The subject properties are located within  
3 a Business/Industrial Plan Area, where  
4 business/industrial uses are appropriate in general  
5 locations;

6 3. The subject properties lie within an  
7 existing area of mixed general business and light  
8 industrial uses;

9 4. The Comprehensive Plan provides for the  
10 continuance of mixed use areas; and

11 5. The proposed use of business/storage  
12 conforms to the criteria for non-residential  
13 development.

14 MR. PEDLEY: We would like to enter the Staff  
15 Report into the record as Exhibit A.

16 CHAIRMAN: Thank you, Trey.

17 Is there anyone here representing the  
18 applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Do any commissioners have any  
21 questions concerning this application?

22 (NO RESPONSE)

23 CHAIRMAN: Does anyone in the audience have a  
24 concern or question about this application?

25 (NO RESPONSE)

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: There being none the chair is ready  
2 for a motion.

3 Mr. Rogers.

4 MR. ROGERS: Mr. Chairman, I make a motion for  
5 approval based the Planning Staff Recommendations and  
6 Findings of Fact 1 through 5.

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

10 MR. EDGE: Second.

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

13 (NO RESPONSE)

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 ITEM 4  
19 610, 614 & 616 St. Ann Street, 0.262 acres within the  
Downtown Campus Overlay District  
20 Consider zoning change: From R-4DT Inner-City  
Residential and B-2 Central Business to B-2 Central  
21 Business  
Applicant: Brescia University, Inc.

22  
23 PLANNING STAFF RECOMMENDATIONS

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

Ohio Valley Reporting

(270) 683-7383

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 properties are located in a  
6 Central Residential Plan Area, where central business  
7 uses are appropriate in very limited locations and in  
8 a Professional/Service Plan area, where central  
9 business uses are generally not recommended;

10 3. The subject properties are located within  
11 the downtown overlay district as adopted by the City  
12 of Owensboro and the request is consistent with the  
13 concepts of the plan;

14 4. The use of the properties for a dormitory,  
15 although residential in nature, will provide a much  
16 needed housing within the Downtown area for the  
17 existing university establishment;

18 5. The B-2 zoning classification is an  
19 expansion of existing B-2 zoning to the south and to  
20 the west; and,

21 6. The B-2 zoning will promote the  
22 redevelopment of the downtown consistent with the  
23 downtown master plan.

24 MR. PEDLEY: We would like to enter the Staff  
25 Report into the record as Exhibit B.

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Thank you, Trey.

2 IS THERE anyone here representing the  
3 applicant?

4 (NO RESPONSE)

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

7 (NO RESPONSE)

8 CHAIRMAN: Is there anyone in the audience  
9 that may have a concern or comment about this  
10 application?

11 (NO RESPONSE)

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

14 Mr. Ball.

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

17 CHAIRMAN: A motion has been made for approval  
18 based on Findings of Fact 1 through 6. Do we have a  
19 second?

20 MS. McENROE: Second.

21 CHAIRMAN: Second by Ms. McEnroe. Any  
22 discussion about the motion or the second?

23 (NO RESPONSE)

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

Ohio Valley Reporting

(270) 683-7383

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 RELATED ITEM

4 ITEM 4A

5 610, 614 & 616 St. Ann Street, 0.262 acres within the  
Downtown Campus Overlay District

6 ZONED R-4DT Inner-City Residential and B-2 Central  
Business to B-2 Central Business

7 Consider request for a Conditional Use Permit in order  
to construct and operate a college dormitory in a B-2  
8 Central Business zoning classification.

9 Reference: Zoning Ordinance, Article 21,  
Section 21.7A7/6a

10 Applicant: Brescia University, Inc.

11 MR. PEDLEY: The subject properties combine to

12 form 0.262 acres of land that adjoin the Brescia

13 University campus. These properties are located in

14 the Downtown Overlay District within the Downtown

15 Campus District and are regulated under Article 21 of

16 the Zoning Ordinance.

17 The applicant would like to construct and

18 operate a two-story college dormitory on the subject

19 properties. College dormitories are conditionally

20 permitted in a B-2 zone with specific criteria, all of

21 which have been addressed in the application.

22 The neighboring property to the north is zoned

23 B-4 General Business and appears to be utilized as a

24 parking lot that is owned by Brescia University. To

25 the east is a group of properties zoned R-4DT

Ohio Valley Reporting

(270) 683-7383



1 Inner-City Residential that appear to be residential  
2 in nature; one of which is also owned by Brescia  
3 University. To the south is the Brescia University  
4 campus that is split-zoned R-4DT Inner-City  
5 Residential and B-2 Central Business. The properties  
6 to the west, along Frederica Street, are zoned B-2 and  
7 appear to be commercial businesses.

8 Prior to any development of the property, the  
9 applicant must be obtain approval of a Minor  
10 Subdivision Plat to consolidate the three properties.  
11 Additionally, the applicant must obtain approval of a  
12 Site Plan or Final Development Plan to demonstrate  
13 compliance of the Zoning Ordinance requirements. For  
14 conditionally permitted uses within a B-2 zoning  
15 classification that is located within the Downtown  
16 Overlay District the Zoning Ordinance does not have a  
17 minimal parking requirement; however, the Planning  
18 Commission may require off-street parking if deemed  
19 necessary.

20 For such property the Zoning Ordinance does  
21 however require that any frontage along a public  
22 street (except alleys) defined by a surface parking  
23 lot at the Build-to-Zone shall be defined by a 4-foot  
24 high street screen. The submitted site plan does not  
25 illustrate a surface parking lot at this time, and so

1 a 4-foot high street screen is not currently required  
2 on this site.

3 If approved, special conditions include:

4 1. Obtain approval of a Minor Subdivision  
5 Plat;

6 2. Obtain approval of a Site Plan or Final  
7 Development Plan; and

8 3. All necessary building, electrical and  
9 HVAC permits, inspections and certificates of  
10 occupancy and compliance shall be obtained.

11 We would like to enter the Staff Report into  
12 the record as Exhibit C.

13 CHAIRMAN: Thank you, Trey.

14 Is there anyone here representing the  
15 applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Do any of the commissioners have  
18 any questions concerning this application for the  
19 Conditional Use Permit?

20 (NO RESPONSE)

21 CHAIRMAN: Anyone in the audience that would  
22 have any questions concerning this Conditional Use  
23 Permit?

24 (NO RESPONSE)

25 CHAIRMAN: There being none I do have just a

Ohio Valley Reporting

(270) 683-7383

1 couple of quick questions myself.

2 On the particular bit of information on the  
3 zoning requirements, Ms. Evans, this is probably  
4 directed to you, if this were to be approved, would we  
5 have to have the Findings of Facts around the zoning  
6 ordinance requirements which include the special  
7 conditions?

8 MS. EVANS: Yes. The Findings of Fact need be  
9 based on the information that you've got here, and  
10 whether or not this use could integrate into that  
11 area.

12 CHAIRMAN: So someone would need to develop  
13 that Findings of Fact to include those special  
14 conditions then?

15 MS. EVANS: Yes.

16 CHAIRMAN: Thank you.

17 Then there being no questions the chair is  
18 ready for a motion.

19 Mr. Ball.

20 MR. BALL: I would like to make a motion to  
21 approve based on the information in the Staff Report  
22 and Findings of Fact:

23 1. The proposal is compatible with the area  
24 because the properties are within the Downtown Campus  
25 Overlay District, and will be an expansion of the

1 existing university campus.

2 2. The use of the properties for dormitory  
3 will provide a much needed housing within the downtown  
4 area for the existing university establishment and is  
5 consistent with goals of the Downtown Overlay  
6 Districts to provide a variety of housing types within  
7 the Downtown area.

8 3. The proposal will integrate into the  
9 neighborhood appropriately because many of the  
10 adjacent properties are owned and operated by the  
11 university.

12 How many do we actually need? I apologize, I  
13 don't do this side of things.

14 MS. KNIGHT: You're doing great. You can keep  
15 going if you have more, if you need to.

16 MR. BALL: I have a couple of more that I  
17 tried to prepare.

18 4. The proposal has been reviewed by the  
19 Downtown Design Administrator and found to be an  
20 appropriate use for the Downtown Campus Overlay  
21 District; and

22 5. The applicant has provided the necessary  
23 material indicating all criteria for the conditionally  
24 permitted group housing has been met.

25 Then also the three conditions that are listed

1 within the Staff Report.

2 CHAIRMAN: Thank you, Mr. Ball. I think you  
3 indicated five findings of fact; is that correct?

4 MR. BALL: That is correct.

5 CHAIRMAN: A motion has been made by Mr. Ball  
6 to approve based on the five Findings of Fact that he  
7 presented, as well as the three special conditions  
8 that are also in this information. Is there a second?

9 MR. EDGE: Second.

10 CHAIRMAN: Second by Mr. Edge. A motion has  
11 been made and seconded for approved based on the  
12 Findings of Fact as presented by Mr. Ball, five of  
13 those, and the special conditions. All those in favor  
14 raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 ITEM 5  
18 1120 Tamarack Road, 11.399 acres  
19 Consider zoning change: From B-4 General Business to  
20 R-3MF Multi-Family Residential  
21 Applicant: The Shoppes at 3800 Frederica, LLC

22 PLANNING STAFF RECOMMENDATIONS

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

25 CONDITIONS

1. Direct access to Tamarack Road from the  
Ohio Valley Reporting

(270) 683-7383

1 subject property shall be limited to the single access  
2 point as shown on the preliminary subdivision plat.  
3 Any additional access points to the subject property  
4 shall be provided by internal streets.

5 2. Approval of a Final Development Plan.

6 FINDINGS OF FACT

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

10 2. The subject property is located in a  
11 Professional/Service Plan Area, where urban  
12 mid-density residential uses are appropriate in  
13 limited locations;

14 3. The proposed use of the subject property  
15 as a multi-family residential development will conform  
16 to the criteria for urban residential development;

17 4. Existing sanitary sewer services are  
18 available to the subject property;

19 5. The subject property is oriented along a  
20 major street, Tamarack Road;

21 6. The proposed multi-family residential use  
22 should effectively serve as a buffer-use between the  
23 single-family residential homes to the west and south  
24 and the general business uses to the east; and

25 7. With limited access to Tamarack Road and

Ohio Valley Reporting

(270) 683-7383

1 previous approval of a Traffic Impact Study from the  
2 Kentucky Transportation Cabinet, the proposed  
3 development should not overburden the capacity of the  
4 roadways or other necessary urban services that are  
5 available within the affected area.

6 MR. PEDLEY: We would like to enter the Staff  
7 Report into the record as Exhibit D.

8 CHAIRMAN: Thank you, Trey.

9 Is there anyone here representing the  
10 applicant?

11 Yes, please.

12 MR. RAY: Mr. Chairman and Members of the  
13 Commission, my name is Ed Ray, counsel.

14 MS. KNIGHT: Mr. Ray, you're sworn as an  
15 attorney.

16 MR. RAY: Thank you.

17 Subject to any questions you may have, I'm  
18 here to answer those. We're very happy to move that  
19 particular project forward. Over the last several  
20 years, obviously it's come to disrepair and throughout  
21 the entire development plan there I think there is  
22 truly a benefit to that entire area to what's being  
23 planned and what we have in the works.

24 The only note I would make to the Staff Report  
25 is that the two buildings that at the time the report

Ohio Valley Reporting

(270) 683-7383

1       was generated have now been taken down. So subject to  
2       that change, I'm available for any questions you may  
3       have.

4               CHAIRMAN: Thank you, Mr. Ray.

5               Any of the commissioners have any questions  
6       concerning this application for Mr. Ray?

7               (NO RESPONSE)

8               CHAIRMAN: Is there anyone in the audience  
9       that would have any question concerning this  
10      application?

11              Yes, please step forward.

12              MR. DUNN: My name is Chris Dunn, 3817 South  
13      Griffith Avenue.

14              (CHRIS DUNN SWORN BY ATTORNEY.)

15              MR. DUNN: I have a couple of concerns about  
16      this particular development.

17              One is screening and the other is traffic.  
18      I'm kind of surprised, I'm probably a one-man pony  
19      show here because I would have thought there would be  
20      quite of few people be here especially when it comes  
21      concerning this traffic.

22              The main thing that I am wondering is, is your  
23      plat doesn't look nothing like the one that I was able  
24      to get. I wondered if you all have the plat.

25              If you see to the west, may name is Chris

Ohio Valley Reporting

(270) 683-7383



1       Dunn. I'm right there about three lots down. If  
2       you'll notice, these apartment buildings here, first  
3       off they're three-stories high. They're sitting right  
4       on top of my backyard. That is one thing, but one of  
5       the main things now they've put a pool in here, and  
6       before when this was zoned they had a fence and some  
7       other screening in there. Now they've taken all the  
8       screening and everything out of this. I would suggest  
9       to you that this proposal is what they're going to put  
10      in there because I basically can't see somebody  
11      spending this kind of money and not putting this  
12      particular buildings and what have you on this piece  
13      of land. Does anybody know what?

14               CHAIRMAN: Mr. Ray would have to answer that  
15      particular question, if that's in the form of a  
16      question.

17               MR. DUNN: It's in the form of a question.

18               Mr. Ray.

19               MR. RAY: Mr. Chairman, I'm not exactly sure I  
20      understand the nature of the question. Certainly what  
21      has been submitted is a conceptual plan for how an  
22      apartment complex could be laid out, which is what we  
23      provided, kind of give an idea of what this may look  
24      like. It is the intention of the owner to certainly  
25      follow all of the requirements as requested for

1 screening for the site development and to submit a  
2 Final Development Plan for approval by the commission.  
3 So at that point in time we certainly would have the  
4 final layout of any of the buildings, but we're really  
5 looking to make a good buffer, and I think that the  
6 Staff Recommendation or Findings of Fact Number 6 it  
7 was or 7, that talk about the fact that this is a  
8 truly good buffer between the residential units there  
9 and the commercial that will go along Frederica is  
10 truly a great use of that property. As it stands  
11 right now, of course, there is a lot of use that could  
12 go in there that may not be as friendly to the  
13 residential units that are right behind there, but the  
14 apartment complex as planned as the design develops  
15 we'll put that into the final development plan, but it  
16 will meet all of the requirements.

17 CHAIRMAN: Does that --

18 MR DUNN: My question would be: Would I have  
19 any type of recourse at that time to see that my  
20 property is protected, from noise or what have you, or  
21 is this my day?

22 CHAIRMAN: I'm not sure.

23 MS. EVANS: Typically Final Development Plans  
24 are approved at the Staff level; however, you as a  
25 commission are capable of putting a condition on this

1 rezoning that a final development plan would actually  
2 have to come back before you as a whole commission  
3 like you have done previously where you all would have  
4 to review it and approve it at this level and at that  
5 time he would be able to come to that meeting.

6 MR. DUNN: I would like to ask the commission  
7 if they would do that. Like I said, I can't believe  
8 I'm the only person here.

9 I have to say that I talked to a few people  
10 over here on the north side in the subdivision of  
11 Ashlawn. They had no idea any of this was going on.  
12 More than likely because I'm probably one of the few  
13 people that got any notice to come to this because I  
14 adjoin to the property. I was hoping maybe the  
15 Messenger-Inquirer would be here with a reporter that  
16 would state some of this in an article so people would  
17 know what's going on here and get more involved with  
18 this situation. I have no problem with the  
19 development. I'm in business and all my life I've  
20 done things, but a three-story building standing over  
21 a one-story house almost right on my backyard you know  
22 what that's going to be like.

23 Secondly, a pool, I've spoken with a couple of  
24 people who will live behind pools now and they  
25 informed me that is a nightmare. They have PA systems

1       going on until 9:00 at night and children. This is a  
2       192 resident units with 385 cars. Can you imagine  
3       that pool on a good hot day, 100 people, 150 people,  
4       how noisy that would be you, and it's right on my  
5       backyard.

6               We did speak with Mr. Ed Ray, but he said,  
7       well, this don't mean nothing. They might put the  
8       pool in the back or stick it over here. I've had  
9       dealings with Ed Ray through the City and it's never  
10      really gone quite that well. So I'm very concerned on  
11      what's going to be what. This looks like to me what  
12      it's going to be.

13              Again, I don't mean to get off comment here,  
14      but I'm asking that if there's some way once they have  
15      final approval we can come back and discuss it.

16              CHAIRMAN: Your main concern at this point is  
17      the noise that would come up or potentially come up?

18              MR. DUNN: Noise, lights and, you know, a  
19      buffer. We're looking for a buffer.

20              CHAIRMAN: Yes, Mr. Ball.

21              MR. BALL: I've got a quick question for Staff  
22      and I think I know the answer.

23              As far as noise goes, whether this gets  
24      rezoned tonight to R-3MF or whether it is business,  
25      the way it currently is, can the Planning Commission

Ohio Valley Reporting

(270) 683-7383

1 in any way, shape or form manage or police the noise?  
 2 Is that a Planning Commission function?

3 MS. EVANS: We can't monitor the noise  
 4 specifically. You as a commission could place  
 5 conditions as he's asking for as a buffer for fencing  
 6 or trees or that sort of thing, but not the noise  
 7 specifically.

8 MR. BALL: What about lighting? I know we've  
 9 talked about that in here before. Sometimes we make a  
 10 condition that lighting be directed away from the  
 11 residence or away from the adjoining properties.  
 12 That's the same?

13 MS. EVANS: Yes, that's something you  
 14 certainly could do.

15 MR. BALL: I'm sorry, I'm jumping back in here  
 16 again.

17 I assume that based on the fact that they're  
 18 both residential zones, there is currently not a  
 19 requirement through the ordinance for any type of  
 20 buffer, correct?

21 MS. EVANS: That is correct. There is not a  
 22 screening element required between residential uses.

23 They do show, there is a 30-foot drainage  
 24 easement that runs along there, along that back  
 25 property.

1                   MR. BALL: That would potentially create some  
2                   buffer?

3                   MS. EVANS: That will create a little bit of  
4                   separate, but there's not any fencing or screening  
5                   that's required.

6                   CHAIRMAN: But that draining is an existing  
7                   drainage that's been there for a long time.

8                   MR. DUNN: If I may on the ditch. The ditch  
9                   on their side drops down to where if they put a 6-foot  
10                  fence, we've already gone out there and done that. If  
11                  you put a 6-foot fence on the edge of the ditch on  
12                  their side, it's like from my backyard you don't even  
13                  see the fence because it's so slow on their side.  
14                  See, that's why I'm asking for like a berm to build  
15                  all of that up and then put a fence up on top of that  
16                  to buffer that.

17                  The other thing I might ask, is that I know  
18                  this is residential, but a lot of this clubhouse and  
19                  this pool and what have you, I mean that's close to  
20                  commercial as I think you can get, I mean as far as  
21                  noise and what have you. I don't know what the  
22                  regulations are on a pool, you know, for a residential  
23                  area like this, but I don't think we're talking about  
24                  a pool like in somebody's backyard that has two or  
25                  three kids back there. We're looking at a place that

Ohio Valley Reporting

(270) 683-7383

1       has close to 200 residents. I would suggest that pool  
2       would be quite the place to go during the summer  
3       during hot days. It doesn't look that residential to  
4       me.

5               CHAIRMAN: Do we have any sense of how large  
6       this pool that's being looked into? Is it a fairly  
7       small pool?

8               MR. RAY: Mr. Chairman, the final plan for  
9       laying that out is yet still to be designed. Of  
10      course, that's a very costly procedure to go through.  
11      Until it's rezoned, then we'll go through that  
12      exercise along with the feasibility of what exactly needs  
13      to go there.

14              As far as the pool, we hope it to be of the  
15      capacity of the residents there, will be able to enjoy  
16      that with their family. It's a family environment  
17      there.

18              I would note that as the zoning is today, now  
19      there are other things that could be put there. As is  
20      today a go-cart track, a pawn shop, a kennel, an  
21      outdoor amusement, schools. So there are a lot of  
22      things that could be put in there today that we  
23      believe that the residential piece of this being  
24      really good neighbors in developing that as a buffer  
25      to the commercial that comes out all the way to

Ohio Valley Reporting

(270) 683-7383

1 Frederica.

2 If I may also go back and address the noise  
3 thing for just a moment with your permission.

4 The noises, there's an ordinance for noise.  
5 It spells out the rules as they apply to residential  
6 areas. Everyone, whether they're commercial, close to  
7 residential area or residential, the city has an  
8 ordinance on how that's addressed, and what the  
9 penalties are and what the time limits are and that  
10 kind of thing. That's addressed by the City  
11 Commission in a fellow ordinance. So that would be  
12 something that the City Commission and the Police  
13 Department would enforce.

14 CHAIRMAN: Thank you, Mr. Ray.

15 I hear Mr. Dunn's concerns and I understand  
16 those concerns around what you're looking into doing.  
17 Is it fair to say that if this were rezoned you're in  
18 a position to work with him to try to mitigate some of  
19 those concerns?

20 MR. RAY: I will tell you that I've not spoken  
21 to Mr. Dunn. He mentioned he spoke with me, and I  
22 have not spoken with him.

23 I did talk to his counsel and I invited his  
24 counsel to have Mr. Dunn call us in about a month.  
25 When we get the plans developed, sit down and look at

Ohio Valley Reporting

(270) 683-7383



1       those plans and let me show you what we're planning on  
2       doing. I don't want to speak on behalf of the owners  
3       to exactly what they're going to do today or commit to  
4       what they're going to do today. Any of those adjacent  
5       property owners, including the fire station that  
6       Mr. Dunn lives directly next to is also adjacent to  
7       our property, will certainly have its own noise that  
8       is generated from that, or any the neighbors either  
9       way. They can give us a call and I will be glad to  
10      sit down with them, but we need about a month to kind  
11      of bed that through and see exactly what the best  
12      layout is, and also exactly how we're going to develop  
13      the front of the property. Right now we're spending a  
14      lot of time and energy trying to rehabilitate the old  
15      Texas Gas building. If you look at it right now, if I  
16      was someone that lived along that area, I would want a  
17      buffer to the back of what that building looks like  
18      right now. We certainly would invite Mr. Dunn and/or  
19      his counsel to give us a call in about a month and  
20      we'll sit down and show them where we're at.

21               CHAIRMAN: Thank you, Mr. Ray.

22               Mr. Dunn, is that feasible?

23               MR. DUNN: This is exactly what I was trying  
24      to say. I never said I talked to Mr. Ray. I said I  
25      had dealings with him when he was with the city. I

Ohio Valley Reporting

(270) 683-7383

1        never said I talked to him. This is what I get into  
2        with Mr. Ed Ray, he'll say one thing. That's why in  
3        25 days from now or something, it will be a whole  
4        different story if folks let this go through.

5                Just to clarify to Mr. Ray, he did not say  
6        anything about us coming in 25 days. My attorney  
7        asked him if we could possibly do that. So that's  
8        twist of words there, which is what you usually get  
9        into with this kind of situation; a twist of words.

10               I don't know how to give it to you any better  
11        than that. I would suggest to you, if you folks had  
12        the same thing going behind you, as far as commercial,  
13        there's very few. If you go out to Menard's, they  
14        thought that was going to be a problem out there.  
15        They put a nice berm and fence there. None of those  
16        neighbors, they had no problem with Menard's. I  
17        wouldn't have any problems either more than likely.  
18        But you're going to put this down below or at ground  
19        level with a pool, with you know, 100 kids on an  
20        afternoon. What are you going to do, call the cops  
21        every day? I don't think so. I don't think any of  
22        that will take place. I think what needs to take  
23        place is once they know where they're going to put  
24        this and it's going to back up to my residence, that  
25        they need to, if you look at this, as far as cost,

Ohio Valley Reporting

(270) 683-7383

1       this could not be much cost as far as this project  
2       goes. They can set this up and satisfy the people on  
3       this side and stop the noise and the lights and what  
4       have you. I just don't think that's, in my opinion,  
5       would be a problem.

6               I'd say the biggest problem you're going to  
7       run into is the traffic is going to be the number one  
8       problem at this place if nothing else, but I'm kind of  
9       sticking with what we're talking about right here.

10              CHAIRMAN: As I understand it, Ms. Evans, our  
11       ordinances do not require a berm or anything that  
12       would have to be put into this at all?

13              MS. EVANS: No. There is no screening  
14       requirement between residential uses. You all have  
15       that option as a condition to do that, but there is no  
16       Zoning Ordinance requirement for that.

17              CHAIRMAN: Thank you, Ms. Evans.

18              Yes, Mr. Ball.

19              MR. BALL: I've got another quick question.  
20       This is probably directed to Mr. Ray.

21              As far as screening, one of the concerns is, I  
22       guess the screening of the pool area itself. I don't  
23       know that is there is, as Mr. Dunn stated, I don't  
24       know if there's a way that you can screen a  
25       three-story building in this particular scenario;

1       however, being familiar with building codes, there is  
2       a building code requirement, I believe, that requires  
3       a 4-foot element around the pool itself. Are there  
4       any plans go any taller around the pool itself?

5               MR. RAY: I think what we need to do at this  
6       point in time is let the development plan evolve into.  
7       Right now I can't tell you even where on the whole  
8       facility the pool is going to be.

9               One of our marketing pieces for that whole  
10       3800 Frederica location that we put together has a  
11       completely different conceptual layout, where the pool  
12       is buffered between two buildings. So there's a  
13       three-story building between residential locations and  
14       the pool area.

15              I would be glad to, if the Chairman would  
16       allow me to approach and hand this out, you can kind  
17       of see another conceptual plan that we have.

18              CHAIRMAN: Yes, please.

19              Could Mr. Dunn also have one?

20              MR. RAY: Sure.

21              As you look at this, again, this is not a  
22       final plan. It's simply another concept of how to lay  
23       this out in the best way to conform to what works.

24              We have sent out nationwide requests for  
25       proposal for architects that specialize in

1 multi-family units. So part of their expertise brings  
2 to how to make these friendly, how you make these  
3 liveable. Any time there is one resident that's  
4 concerned about the noise, but there's also going to  
5 be two, 300 residents that will live in this complex  
6 that are just concerned about noise in their  
7 residential units. That certainly is of interest to  
8 us. Make sure that we do it in such a way that we are  
9 friendly to all the residents, including the ones that  
10 are neighbors.

11 So we can look to those architects and our  
12 feasibility analysis when we lay out the final plan.  
13 This is just another concept that shows another area  
14 that the pool could certainly be added that has quite  
15 a buffer, larger than any buffer in the community  
16 between it and the residential units to the west.

17 CHAIRMAN: It would appear here that the pool  
18 would be, the apartment building itself would be the  
19 buffer for the pool here.

20 MR. RAY: Yes, sir.

21 CHAIRMAN: Thank you.

22 Yes, Mr. Ball.

23 MR. BALL: Have there been any pool hours  
24 established?

25 MR. RAY: We haven't established any of the

1 rules and regulations as it pertains, but a lot of  
2 times in areas that these type of facilities go into  
3 it's governed by the tenants. It's governed by the  
4 clientele that come into the facility.

5 I will tell you that generally speaking the  
6 noise ordinance, for instance, goes into play whether  
7 this is a pool for the residents use there. By the  
8 way, it's not a public pool. This is a private pool  
9 exclusive to use for the residents and their guest.  
10 But we will put together a set of rules and  
11 regulations that are applicable to the facility to  
12 make sure that it's friendly to the customer of this,  
13 which is also those that live in the facility, as well  
14 as the surrounding neighbors.

15 CHAIRMAN: Thank you, Mr. Ray.

16 Mr. Dunn.

17 MR. DUNN: That is a lot of "ifs." I don't  
18 think I'm being unreasonable to ask if they do these  
19 type of things, I'm familiar with the plat down here.  
20 Matt Hayden met me out there. We talked about this.  
21 I don't think it's unreasonable for me to ask if once  
22 they finally make all these decisions that we possibly  
23 could look at it again and make sure that it's going  
24 to work for us.

25 MS. KNIGHT: Mr. Ray, is that something that

Ohio Valley Reporting

(270) 683-7383

1 the applicant would agree to do, would be submit the  
2 Final Development Plan to the Commission, notify the  
3 neighbors, just as they did for the rezoning  
4 application tonight?

5 MR. RAY: If the commission is requiring that  
6 of us, certainly we would comply.

7 CHAIRMAN: That would have to be one of the  
8 findings of facts?

9 MS. KNIGHT: It would be one of the  
10 conditions.

11 CHAIRMAN: Okay.

12 MR. RAY: Just as clarity. You know, I guess  
13 we're talking about submitting the Final Development  
14 Plat and giving notice, but certainly not looking at  
15 consent or any type of approval of those residents.  
16 Simply giving them an opportunity to be heard in front  
17 of this commission; is that correct?

18 MS. KNIGHT: Correct. Then they can be heard  
19 on any issues that might exist with the Final  
20 Development plan that Mr. Dunn is referring to.

21 CHAIRMAN: Any other comment, Mr. Dunn?

22 MR. DUNN: I'm just beating a dead horse here.

23 CHAIRMAN: Hopefully not.

24 MR. DUNN: If we can do that, that would be  
25 great, but, you know, he's already stating that more

1       than likely they wouldn't pay much attention to what  
2       we didn't like about it.

3               Anyway, I guess there's other recourses that  
4       I'm not aware of right now if we were able to give you  
5       guys to give us a type of -- what we're talking about  
6       here.

7               The only other thing I have is traffic. I  
8       don't know if this where you would talk about it or  
9       you've got it in a different area.

10              CHAIRMAN: Yes, this is a good avenue.

11              MR. DUNN: Right here?

12              CHAIRMAN: Yes.

13              MR. DUNN: Of course, I don't know the ones  
14       that you guys have. As you can see, you can see the  
15       traffic on this particular one here. You have  
16       Tamarack there. It's showing Ashlawn meeting up with  
17       the ingress/egress for this proposed apartment  
18       complex, which that first will take that. That  
19       supposedly has 385 cars give or take. So if you round  
20       it off, you've got 400 cars coming out of here in this  
21       one spot, two drive times in a day. You've got  
22       morning drive time and you've got the afternoon drive  
23       time. If anybody lives over in that area, you  
24       probably know by now that traffic backs up all the way  
25       from the bypass to Tamarack. Tamarack gets backed up.

Ohio Valley Reporting

(270) 683-7383



1 It gets backed up every which way you go in certain  
2 times of the day.

3 Now we're talking about adding 400 more cars  
4 just in the Ashlawn Drive. Then we're going to meet  
5 up here at Monticello and, of course, we don't know,  
6 but I would guess somewhere between 100 and 300 more  
7 cars. Then if you back up to South Griffith where  
8 we're at, Town and Country has 500 homes in that, but  
9 we do have two ways to get in and out.

10 If you'll notice, this apartment complex has  
11 one way to get in and out. So all 400 cars is going  
12 to hit that entrance or exit, whichever way you want  
13 to look at it. 54 out here, that's going to be no  
14 problem compared to what this is going to turn out to  
15 be. I know they said they've got traffic studies and  
16 what have you, but I'm sure they have traffic studies  
17 out on Highway 54. Anybody that's been out there,  
18 they know what kind of a zoo that is, and the TIF has  
19 not even began to build up yet. Lord knows what it's  
20 going to be like.

21 The main purpose that I bring this up is the  
22 people on the north side over here, as I said, I spoke  
23 to two or three of them at random. I don't even know  
24 who they are. They had no idea that there could be  
25 possibly another 600 to 1,000 cars added on to

Ohio Valley Reporting

(270) 683-7383

1 Tamarack between South Griffith and Frederica Street,  
2 especially two times a day on drive time. They  
3 basically said, well, you know, they really didn't  
4 believe it until I showed them the piece of paper.

5 I have a lot of concerns. Like I said, I'm  
6 the only guy here. I feel like that if this was put  
7 into the paper or Messenger-Inquire did an  
8 investigation and put it out there for the people to  
9 see this before it goes very far, you'd have a whole  
10 different reaction to this. That's my concern.

11 CHAIRMAN: Did I recall somewhere when this  
12 was announced that there was going to be another  
13 stoplight on Tamarack at some point in time?

14 MR. RAY: Mr. Chairman, if I may. A couple of  
15 items.

16 One, Mr. Dunn makes a good observation to the  
17 evaluation or the site plan, conceptual plan that's  
18 there. So we've been looking at that. There is  
19 another light actually that, if you look at what I  
20 just handed to you, that concept shows access coming  
21 out and actually directly to a brand new light that  
22 the State is putting in at the intersection in front  
23 of the Texas Gas building. So the residents would be  
24 able to actually go directly to the light and come in  
25 and out onto Frederica, as an alternative. We

Ohio Valley Reporting

(270) 683-7383

1 believe, based on the preliminary look that we've had  
2 on the development that makes sense.

3 The Staff Report requires us to keep the  
4 entrance ingress and egress on Tamarack, and we  
5 believe that is a good recommendation and it makes  
6 sense, but also we've looked at that, and I don't  
7 disagree with Mr. Dunn's assessment, we're trying to  
8 work out a way that residents from there and the  
9 commercial users of the front of the property could  
10 easily go to the brand new light that will be out in  
11 front of the current whole property, commercial  
12 property.

13 CHAIRMAN: Thank you, Mr. Ray.

14 I'm not sure if that addressed your question.

15 MR. DUNN: I just want to point out that I did  
16 bring up the fact that if somebody lived out that way  
17 or if you go out and spend some time out that way, it  
18 won't take you long to figure out that traffic backs  
19 from the bypass, where you get on the bypass on  
20 Frederica Street going south all the way up to  
21 Tamarack. A stoplight at -- I'm not sure what the  
22 name of the road is that comes across Frederica  
23 they're talking about putting a stoplight. I would  
24 think it would only congest it even worse. That's  
25 just my opinion. I think this traffic, I mean that is

1 a lot of people in an apartment complex, you know.  
 2 The traffic -- peopling are going to be flying through  
 3 these subdivisions over here trying to beat this  
 4 traffic on Tamarack. It's going to turn into a real  
 5 problem.

6 CHAIRMAN: As I understand it, the Kentucky  
 7 Department of Transportation has submitted in writing  
 8 the approval of the traffic patterns out there.

9 MS. EVANS: Yes, they did with the original  
 10 rezoning to B-4. I believe the multi-family  
 11 development was a part of that original Traffic Impact  
 12 Study to begin with.

13 CHAIRMAN: Thank you, Ms. Evans.

14 MR. DUNN: That's all I've got.

15 CHAIRMAN: Thank you.

16 Are there any other questions or concerns?

17 Yes, sir.

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

20 MR. LOHMAN: George Lohman.

21 (GEORGE LOHMAN SWORN BY ATTORNEY.)

22 MR. LOHMAN: George Lohman, 3811 South  
 23 Griffith Avenue.

24 I haven't seen the plans, but I am concerned  
 25 about a couple of things Mr. Dunn asked. One is, of

1 course, the three-story apartment in my backyard or  
2 looking down immediately on my backyard.

3 The other is a swimming pool. You know, we  
4 all know swimming pools generate a lot of noise. We  
5 happen to use our building as an office building. So  
6 during prime swimming hours, we're going to have a lot  
7 of noise at our office. I don't know if there's  
8 anything we can do to influence that. I'm not against  
9 this plan to make it into a multi-unit residential,  
10 but I would love to see a firm plan. I would like our  
11 concerns to be taken into consideration; that we don't  
12 back up to a swimming pool and that there's some kind  
13 of a screen or barrier put up to separate us from this  
14 very large apartment complex. Is there anything that  
15 we would do? Is there anything we can allow to do to  
16 have that kind of say in this?

17 CHAIRMAN: If this were brought up, there  
18 could be something placed into this to have that  
19 happen on a final development plan, yes, if the  
20 commission so desires to do that. I think that's a  
21 correct statement, isn't it, Ms. Evans?

22 MS. EVANS: Yes. You can place conditions for  
23 the screening on this rezoning that would then have to  
24 be met on the development plan.

25 CHAIRMAN: Thank you.

Ohio Valley Reporting

(270) 683-7383

1           MR. LOHMAN: That's what I ask. That's my  
2 concern.

3           CHAIRMAN: Thank you for your comments.

4           Yes, Mr. Ball.

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

6           It's been brought up a couple of times, as  
7 relating to the buffering. The three-story structure  
8 as opposed to a single-story or maybe even a two-story  
9 structure. In its current use as a business zone,  
10 what are you limited to on height or stories  
11 currently?

12          MS. EVANS: Just one second.

13          MR. BALL: Sorry.

14          MS. EVANS: In B-4 zone there is no limit on  
15 the maximum building height except if you're in a  
16 Kentucky Airport zoning restriction area.

17          MR. BALL: So potentially there could be a  
18 7-story building, multiple 7-story building along that  
19 current zoning?

20          MS. EVANS: Yes.

21          MR. BALL: Thank you.

22          CHAIRMAN: Thank you, Mr. Ball.

23          Anyone else like to speak on this application?

24          (NO RESPONSE)

25          CHAIRMAN: There being none the chair is ready

1 for a motion.

2 Mr. Ball.

3 MR. BALL: I would like to make a motion to  
4 approve based on the Planning Staff Recommendations,  
5 Findings of Fact 1 through 7 with Conditions 1 and 2,  
6 and I would like to add a third condition. That the  
7 applicant must bring the Final Development Plan back  
8 before the Commission and notify all adjoining  
9 landowners like you would in a rezoning.

10 CHAIRMAN: A motion has been made for approval  
11 based on Conditions 1 and 2, Finding of Facts 1  
12 through 7, with the added condition that they must  
13 bring Final Development Plan back before the  
14 Commission and all of the residents be notified.

15 Is that correct, Mr. Ball?

16 MR. BALL: That's correct, yes.

17 CHAIRMAN: Is there a second to that motion?

18 MS. HARDAWAY: Second.

19 CHAIRMAN: Second by Ms. Hardaway. Any  
20 discussion or comment about the discussion or the  
21 second?

22 (NO RESPONSE)

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Motion carries.

2 RELATED ITEM

3 ITEM 5A

4 1120 Tamarack Road, ZONED B-4 General Business to  
R-3MF Multi-Family Residential

5 Consider request for a Variance in order to eliminate  
6 all spillover parking required within a planned  
residential development.

7 References: Zoning Ordinance, Article 10,  
Section 10.46

8 Applicant: The Shoppes at 3800 Frederica, LLC

9 MR. PEDLEY: The subject property is 11.399

10 acre lot within the Shoppes at 3800 Frederica.

11 The applicant is going to utilize this

12 property for a multi-family living facility and

13 provide a conceptual plan for the site illustrating

14 approximately 192 residential units; however, the

15 number of units and site layout are subject to change.

16 Based on the number of depicted units and the

17 number of shown parking spaces, it assumes that all

18 192 units shown on the conceptual plan are 2-bedroom

19 units. Such an activity requires 384 parking spaces

20 for residents and additional spaces for spillover

21 parking to accommodate guests, additional drivers

22 living within the units. The spillover parking

23 requirement is based upon the square footage of the

24 unit.

25 However, the applicant requested a Variance to

Ohio Valley Reporting

(270) 683-7383



1 allow the elimination of all required spillover  
2 parking spaces. The Owensboro Metropolitan Board of  
3 Adjustment has approved the request to reduce the  
4 total number required spillover parking spaces in the  
5 past, but has never approved the request to eliminate  
6 all.

7 The OMPC Staff believes the request to  
8 eliminate all required spillover parking will allow an  
9 unreasonable circumvention of the requirements of the  
10 Zoning Ordinance and would recommend denial of this  
11 request. However, the OMPC Staff has researched  
12 Zoning Ordinance requirements of nearby communities of  
13 similar size and density and discovered that other  
14 ordinances require the total number of spillover  
15 parking spaces to reach a minimum of 10 percent of the  
16 number of total required parking spaces. For example,  
17 if this development is required to maintain 384  
18 parking spaces, this ordinance would require the  
19 development to provide an additional 38 spillover  
20 parking spaces. Based on phone conversations with the  
21 applicant's engineer, the OMPC Staff believes that the  
22 applicant is agreeable to modify their proposal to  
23 request a variance that will allow the reduction of  
24 the number of required spillover parking spaces to 10  
25 percent of the residential development's required

1        parking spaces.

2                As previously stated, this lot is within the  
3        Shoppes at 3800 Frederica, an area predominately zoned  
4        B-4 General Business. In the event that the subject  
5        property cannot support the entirety of the required  
6        parking spaces and the necessary spillover parking,  
7        the latter can be located on an adjoining property if  
8        shown on an approved Final Development Plan.

9                Granting the Variance to reduce the required  
10       amount of spillover parking to 10 percent of the  
11       required parking spaces will not adversely affect the  
12       public health, it will not cause a nuisance to the  
13       public because the complex will provide adequate  
14       spillover spaces even if some is located on an  
15       adjoining property.

16               Staff recommends approval of the request to  
17       reduce the amount of spillover parking as required  
18       within a planned residential development to 10 percent  
19       of the required parking with the conditions that  
20       approval of a Final Development Plan is obtained, as  
21       well as all necessary building, electrical and HVAC  
22       permits, inspections and certificates of occupancy and  
23       compliance.

24               We would like to enter the Staff Report into  
25       the record as Exhibit E.

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Thank you, Trey.

2 Is there anyone here representing the  
3 applicant?

4 Yes, Mr. Ray.

5 MR. RAY: Mr. Chairman, Ed Ray, representing  
6 the applicant.

7 CHAIRMAN: Do any of the commissioners have  
8 any questions concerning this application?

9 (NO RESPONSE)

10 CHAIRMAN: Is there anyone in the audience  
11 that may have any concerns or comment about this  
12 application?

13 (NO RESPONSE)

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

16 MR. BALL: I will go again.

17 Motion to approve based on the Planning Staff  
18 Recommendations, Findings of Fact 1 through 4.

19 Am I doing this wrong?

20 MS. KNIGHT: No. Are you making the motion to  
21 approve the total elimination or --

22 MR. BALL: I'll clarify that.

23 I would like to make a motion to approve the  
24 Variance for the reduction to 10 percent of the  
25 requirement.

1                   Is that correct?

2                   MS. EVANS: Right there where it says,  
3 "Granting this variance," read that.

4                   MR. BALL: We'll try again.

5                   I'd like to make a motion to approve the  
6 findings for granting this Variance to reduce the  
7 total amount of spillover parking that is required  
8 within the plan residential development to 10 percent  
9 of the required parking spaces; Findings of Fact 1  
10 through 4 and Conditions 1 and 2.

11                  CHAIRMAN: A motion has been made for approval  
12 based on the Findings of Fact 1 through 4 and the two  
13 special conditions, as well as the granting of the  
14 Variance to the 10 percent. Is there any discussion  
15 about that motion?

16                  (NO RESPONSE)

17                  CHAIRMAN: Is there a second?

18                  MS. HARDAWAY: Second.

19                  CHAIRMAN: Second by Ms. Hardaway. Any  
20 discussion about the motion or the second?

21                  (NO RESPONSE)

22                  CHAIRMAN: There being none all those in favor  
23 raise your right hand.

24                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25                  CHAIRMAN: Motion carries.

Ohio Valley Reporting

(270) 683-7383

1       ITEM 6  
2       1107 Wing Avenue, 2.89 acres  
3       Consider zoning change: From I-1 Light Industrial to  
4       I-2 Heavy Industrial  
5       Applicant: Tally Trucking, Inc. and PGB Investments,  
6       LLC  
7       PLANNING STAFF RECOMMENDATIONS

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

10       CONDITIONS

- 11               1. Approval of a site plan or final  
12       development plan.  
13               2. Approval of a Conditional Use Permit to  
14       operate a vehicle storage/impound yard.

15       FINDINGS OF FACT

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

- 19               2. The subject property is located within an  
20       Industrial Plan Area, where heavy industrial uses are  
21       appropriate in limited locations;

- 22               3. The proposed use as a towing a vehicle  
23       impound facility is non-residential in nature;

- 24               4. The closest point of the outdoor storage  
25       area on the subject property is approximately 308 feet  
26       from the nearest residential zone and greater than 100  
27       feet from any other except those containing light

Ohio Valley Reporting

(270) 683-7383

1 industrial or agricultural/forestry uses;

2 5. The proposed I-2 Heavy Industrial zoning  
3 classification is a logical expansion of the I-2  
4 zoning to the north; and

5 6. At 2.89 acres, should not significantly  
6 increase the extent of industrial uses in the  
7 vicinity, nor should it overburden the capacity of  
8 roadways and other necessary urban services that are  
9 available in the affected area.

10 MR. PEDLEY: We would like to enter the Staff  
11 Report into the record as Exhibit F.

12 CHAIRMAN: Thank you, Trey.

13 Is there anyone here representing the  
14 applicant?

15 Yes, step forward.

16 MR. SULLIVAN: I'm Mike Sullivan, attorney.

17 MS. KNIGHT: Mr. Sullivan, you're so sworn.

18 MR. SULLIVAN: Thank you, ma'am.

19 I represent the owner, PGB Investments.  
20 Representative of the owners present, also a  
21 representative of Tally Trucking is here as well. So  
22 we're here to answer any questions you may have.

23 CHAIRMAN: Thank you, Mr. Sullivan.

24 Do any of the commissioners have any questions  
25 concerning this application?

Ohio Valley Reporting

(270) 683-7383

1 (NO RESPONSE)

2 CHAIRMAN: I just have one for clarification.

3 Based on what I've read, it would appear that  
4 the I-2 would be the only way you would be able to get  
5 the Conditional Use Permit; is that correct?

6 MR. SULLIVAN: Bingo.

7 CHAIRMAN: So it's the whole basis of --

8 MR. SULLIVAN: The use of the property,  
9 partial use of the property for impounding yard is  
10 what is driving this, yes.

11 CHAIRMAN: That's what I wanted to be sure of.  
12 I thought I would check with the expert. Thank you.

13 Commissioners have any questions?

14 (NO RESPONSE)

15 CHAIRMAN: Is there anyone in the audience  
16 that would have a question or comment about the  
17 application?

18 (NO RESPONSE)

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

21 Mr. Rogers.

22 MR. ROGERS: Mr. Chairman, I make a motion for  
23 approval based on Planning Staff Recommendation with  
24 Conditions 1 and 2 and Findings of Fact 1 through 6.

25 CHAIRMAN: Thank you, Mr. Rogers.

Ohio Valley Reporting

(270) 683-7383

1           A motion has been made for approval based on  
2           Conditions 1 and 2, and Findings of Fact 1 through 6.  
3           Is a there a second to that motion?

4           MS. McENROE:   Second.

5           CHAIRMAN:   Second by Ms. McEnroe.  Is there  
6           any discussion about the motion or the second?

7           (NO RESPONSE)

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

10          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11          CHAIRMAN:   Motion carries.

12          RELATED ITEM

13          ITEM 6A

14          1107 Wing Avenue, ZONED I-1 Light Industrial to I-2  
            Heavy Industrial

15          Consider request for a Conditional Use Permit in order  
            to operate an impound yard from an I-1 Heavy  
16          industrial zoning classification

            References:  Zoning Ordinance, Article 8,  
17          Section 8.2F17

            Applicant:  Tally Trucking, Inc. and PGB Investment,  
18          LLC

19          MR. PEDLEY:  The subject property is an  
20          existing 2.89 acre lot.  The applicant would like to  
21          operate an automobile impound yard from, in addition  
22          to the existing trucking and towing operation.

23                 Impound yards are Conditionally Permitted in  
24          an I-2 zone, as long as any building or outdoor  
25          storage areas are located 300 feet from any urban

                            Ohio Valley Reporting

                            (270) 683-7383



1 residential area, and at least 100 feet from any other  
2 zone except an I-1 Light Industrial zone or an A-R  
3 Rural Agricultural zone. Additionally, all storage  
4 areas shall be screened appropriately.

5 The property to the north across the railroad  
6 track is zoned I-2 Heavy Industrial and is the former  
7 HON factory. The property to the east and to the  
8 south is zoned I-1 Light Industrial and is a storage  
9 yard for RWRA. The adjoining properties to the west  
10 are zoned I-1 Light Industrial and include the Texas  
11 Gas training center. Additionally the west, across  
12 Wing Avenue, is a residential neighborhood that is  
13 zoned R-4 Inner-City Residential.

14 While there is a residential neighborhood  
15 across the street, the subject property is a  
16 flag-shaped lot with a narrow driveway leading to the  
17 bulk of the property with which is located behind  
18 Texas Gas training center. Because of the shape of  
19 the lot and the length of the driveway, the  
20 residential zone is approximately 308 feet from the  
21 closest point of any outdoor storage areas or existing  
22 buildings on the subject property.

23 Prior to any development of the property, the  
24 applicant must obtain approval of a site plan or final  
25 development plan to demonstrate compliance with the

Ohio Valley Reporting

(270) 683-7383

1       Zoning Ordinance requirements.

2               The Zoning Ordinance states that a vehicle  
3       impound yard or vehicle salvage yard is required to  
4       maintain one parking space for every two employees on  
5       the maximum shift with a minimum of five provided  
6       parking spaces. The submitted site plan shows five  
7       regular parking spaces and an additional handicap  
8       accessible parking space.

9               Additionally, the Zoning Ordinances states  
10       that the areas of the outdoor storage yard that are  
11       utilized for the impounding of vehicles and/or the  
12       storage of salvaged vehicles shall be fully enclosed  
13       with an 8-foot tall solid wall or fence.

14       Additionally, any other areas of the subject property  
15       that are utilized for outdoor storage and/or have a  
16       gravel surface shall be fully enclosed with a minimum  
17       6-foot tall solid wall or fence.

18               If approved, Special Conditions include:

19               1. Obtain approval of a Site Plan or Final  
20       Development Plan;

21               2. All necessary building, electrical and  
22       HVAC permits, inspections and certificates of  
23       occupancy and compliance shall be obtained.

24               We would like to enter the Staff Report into  
25       the record as Exhibit G.

Ohio Valley Reporting

(270) 683-7383

1                   CHAIRMAN: Thank you, Trey.

2                   Is there anyone here representing the  
3                   applicant?

4                   MR. SULLIVAN: Yes, sir. Mike Sullivan again  
5                   representing the owner.

6                   Just a couple of things. Nothing significant  
7                   here, but I think the Staff Report mentions a trucking  
8                   business here. They're a towing business that has an  
9                   impound yard. There used to be truck business here.  
10                  It is now a towing and impound yard. That doesn't  
11                  impact anything. Just a matter of clarifying the  
12                  record.

13                  CHAIRMAN: Just a clarification.

14                  MR. SULLIVAN: The other thing, I think I'm  
15                  right. It's a question for the Staff. There's a  
16                  condition on both the rezoning and this Conditional  
17                  Use Permit that a site plan be submitted. I talked to  
18                  Mr. Pedley. What was on the screen previously was the  
19                  site plan. I'm hoping that this is adequate. I know  
20                  there's a separate process, if I pay a \$50 application  
21                  fee. I think the plan would be to submit this site  
22                  plan except we've just got change the key. I think  
23                  the key says something about the exist fence. I think  
24                  our plan now is to put a 8 1/2 foot high solid fence  
25                  just inside the existing fence so we comply with this.

Ohio Valley Reporting

(270) 683-7383

1           We'll make that change. I think the intent  
2       will be to make that change and submit this, just FYI.

3           CHAIRMAN: Thank you, Mr. Sullivan.

4           Are there any questions from the commissioners  
5       concerning this application?

6           (NO RESPONSE)

7           CHAIRMAN: Just a point of clarification I  
8       guess for myself, Ms. Evans.

9           If we were to anticipate or at some point in  
10      time look at approving this, obviously there's going  
11      to have to be some Findings of Fact developed based on  
12      the information here as presented?

13          MS. EVANS: Yes, that's correct.

14          CHAIRMAN: Thank you.

15          Is there anyone in the audience that would  
16      like to speak concerning this application?

17          (NO RESPONSE)

18          CHAIRMAN: There being none the chair is ready  
19      for a motion.

20          Mr. Ball.

21          MR. BALL: I'm going to try again. We'll see  
22      if I can do this better this time.

23          I would like to make a motion to approve this  
24      Conditional Use Permit based on the following Findings  
25      of Fact:

Ohio Valley Reporting

(270) 683-7383

1           1. The proposal is compatible with the area  
2 because of other outdoor storage yards in the general  
3 vicinity;

4           2. The proposal will integrate into the  
5 neighborhood appropriately because it's adjoined by  
6 other heavy industrial activities;

7           3. Given the configuration of the subject  
8 property, the proposal will not adversely affect the  
9 public welfare because the storage yard and the  
10 subject property will be located at least 300 feet  
11 away from the neighboring residential properties  
12 located across Wing Avenue;

13           4. The proposal will not create a public  
14 nuisance because the site will have sufficient  
15 screening with the bulk of the outdoor storage yard  
16 enclosed by the adjacent industrial activity where it  
17 is difficult to see from the public right-of-way.

18           And the two conditions listed inside the Staff  
19 Report.

20           CHAIRMAN: Thank you, Mr. Ball.

21           A motion has been made for approval based on  
22 the four Findings of Fact which hopefully our  
23 reporter, Lynnette, was able to pick up and record, as  
24 well as the two special conditions.

25           Is there any discussion about that motion?

Ohio Valley Reporting

(270) 683-7383

1 (NO RESPONSE)

2 CHAIRMAN: Is there a second?

3 MR. ROGERS: Second.

4 CHAIRMAN: Seconded by Mr. Rogers. Any  
5 discussion about the motion or the second?

6 (NO RESPONSE)

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 MINOR SUBDIVISION PLATS

12 ITEM 7

13 6500, 6512 London Pike Spur, 13.551 acres

Consider approval of a minor subdivision plat

14 Applicant: Charles E. & Sheila J. Wilson

15 MS. EVANS: Commissioners, this plat comes to

16 you as an exception to the 3 to 1 requirement and also

17 of the minimum road frontage requirement. They're

18 creating a flag-shaped lot that goes back pretty far

19 around this existing house and structures that are

20 there. They have put a note on the plat that the

21 property shall not be further subdivided without

22 meeting the requirement of the subdivision regulation.

23 We believe this plat is in order as ready for your

24 consideration.

25 CHAIRMAN: Thank you, Ms. Evans.

Ohio Valley Reporting

(270) 683-7383

1 Is anyone here representing the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Do any of the commissioners have  
4 any questions concerning this application?

5 (NO RESPONSE)

6 CHAIRMAN: Anybody in the audience that would  
7 like to speak on this application?

8 (NO RESPONSE)

9 CHAIRMAN: Then the chair is ready for a  
10 motion.

11 Mr. Rogers.

12 MR. ROGERS: Mr. Chairman, I make a motion for  
13 approval on the minor subdivision plat.

14 CHAIRMAN: A motion has been made for approval  
15 on the minor subdivision plat. Do we have a second?

16 MS. McENROE: Second.

17 CHAIRMAN: Second by Ms. McEnroe. Any  
18 discussion about the motion or the second?

19 (NO RESPONSE)

20 CHAIRMAN: All in favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion passes.

23 -----

24 NEW BUSINESS

25 ITEM 8

Ohio Valley Reporting

(270) 683-7383

1 Consider approval of August 2018 financial statements  
2 CHAIRMAN: Hopefully all of the commissioners

3 have received their financial statement information  
4 and have had a chance to look through that.

5 Are there any questions or comments concerning  
6 that financial statement information?

7 (NO RESPONSE)

8 CHAIRMAN: There being none the chair is ready  
9 for a motion.

10 Ms. Hardaway.

11 MS. HARDAWAY: Motion to approve.

12 CHAIRMAN: Motion to approve by Ms. Hardaway.  
13 Do we have a second?

14 MS. McENROE: Second.

15 CHAIRMAN: Second by Ms. McEnroe. Any  
16 discussion about the motion or the second?

17 (NO RESPONSE)

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 ITEM 9  
23 Comments by the Chairman

24 CHAIRMAN: The only comments I have is I would  
25 like to thank Lynnette for her hard work in keeping

Ohio Valley Reporting

(270) 683-7383



1 track of all of this. Does a great job.

2 Also would like to thank Ms. Evans tonight for  
3 sitting in for Brian Howard. She has done an  
4 excellent job.

5 I'd also like to thank Mr. Ball for all of the  
6 motions tonight.

7 That's the only comment the chair has.

8 ITEM 10

9 Comments by the Planning Commissioners

10 MR. BALL: I would just like to duly note that

11 we typically don't carry the load on the Conditional

12 Use Permits and the Variances so I apologize.

13 MS. KNIGHT: You did an excellent job.

14 CHAIRMAN: Any other commissioners who would

15 like to speak on the any topic?

16 (NO RESPONSE)

17 ITEM 11

18 Comments by the Director

19 CHAIRMAN: There being none are there any

20 comments by the director?

21 MS. EVANS: I'm not the director, but I do  
22 have a couple of quick comments.

23 First of all, the November 1st Owensboro Board

24 of Adjustment meeting has been moved to November 8th.

25 It will a double meeting with the Planning Commission.

Ohio Valley Reporting

(270) 683-7383

1     The Board of Adjustment meeting will start at 5 p.m.,  
2     and the Planning Commission will follow starting no  
3     earlier than 5:30. We've done that to accommodate for  
4     candidate forum that the Chamber is going to hold in  
5     the City Commission Chambers on November 1st. So the  
6     November 1st Owensboro Board of Adjustment meeting  
7     will be on November 8th at 5 p.m.

8             Also, we have scheduled our annual fall half a  
9     day Western Kentucky Regional Conference. That is on  
10    November 30th. It is in Madisonville this year. It's  
11    a half day conference. There are 4 1/2 hours of  
12    training that will be offered there. If anybody is  
13    interested in attending that, please contact the  
14    office and we can get you set up for that. That's it.

15            CHAIRMAN: I think I've attended a number of  
16    those and they're excellent conferences that I've been  
17    to.

18            Our next and most important motion.

19            Mr. Ball.

20            MR. BALL: Motion to adjourn.

21            CHAIRMAN: Motion to adjourn by Mr. Ball. Is  
22    there a second?

23            MS. MCENROE: Second.

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

Ohio Valley Reporting

(270) 683-7383

00059

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: We are adjourned.

3 -----

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Ohio Valley Reporting

(270) 683-7383

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

16              WITNESS my hand and notary seal on this the  
17      1st day of November, 2018.

18

19

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

20

21

22

23      COMMISSION EXPIRES:   DECEMBER 16, 2018

24      COUNTY OF RESIDENCE:   DAVIESS COUNTY, KENTUCKY

25

Ohio Valley Reporting

(270) 683-7383