

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 11, 2019

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, April
5 11, 2019, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Larry Moore, Chairman
9 Lewis Jean, Vice Chairman
10 Brian Howard, Director
11 Terra Knight, Attorney
12 Irvin Rogers
13 Beverly McEnroe
14 Manuel Ball
15 Fred Reeves
16 Larry Boswell
17 Jay Velotta

18 * * * * *

19 CHAIRMAN: I would like to call the April 11,
20 2019 Owensboro Metropolitan Planning Commission
21 meeting to order. We start our meeting with a prayer
22 and a pledge. That honor this month goes to our
23 director Brian Howard.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: Thank you.

We have some guidelines that we ask that
anyone wishing to speak tonight to please follow.

If you want to speak on any of the issues
before this commission, please go to the podium and be

1 sworn in by our attorney.

2 We ask that you direct all your questions to
3 the chair; in turn, we'll try to find the answers for
4 you.

5 We ask that you stay on topic, and we ask that
6 you be respectful and polite. If you follow those,
7 we'll have a nice, smooth meeting.

8 All the commissioners should have received a
9 copy of the minutes. Anybody have any changes,
10 questions, adjustment to those?

11 (NO RESPONSE)

12 CHAIRMAN: Seeing none the Chair is ready for
13 a motion.

14 Commissioner Boswell.

15 MR. BOSWELL: I make a motion for approval of
16 the minutes.

17 CHAIRMAN: Do we have a second?

18 MS. McENROE: Second.

19 CHAIRMAN: Second by Commissioner McEnroe.
20 All in favor of the motion please raise your right
21 hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 We move into the public hearing under General
25 Business.

1 Mr. Howard, you're up.

2 -----

3 GENERAL BUSINESS

4 PUBLIC HEARING

5 ITEM 3

6 Consider adoption of proposed text amendments to
7 Article 3 of the Zoning Ordinance related to fence
8 heights.

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

10 MS. EVANS: Melissa Evans.

11 (MELISSA EVANS SWORN BY ATTORNEY.)

12 MS. EVANS: The proposed revision to Article 3
13 to increase the maximum fence height in a side street
14 yard and rear yard where corner residential lots are
15 back to back and oriented so that rear and side yards
16 abut. This increase is a frequent variance request to
17 the Board of Adjustment which is typically approved;
18 that's why we're bringing this before you all tonight
19 as an amendment to the text of the zoning ordinance.

20 FINDINGS OF FACT:

21 The Staff recommends approval of the proposal
22 text amendments to Article 3 because the proposal is
23 in compliance with the community's adopted
24 Comprehensive Plan. The findings supporting this
25 recommendation follow:

1 1. This amendment to Article 3 will help
2 allocate wisely the use of land for various activities
3 by encouraging sound land development policies; and

4 2. This amendment to Article 3 is an example
5 of creating flexible zoning regulations for existing
6 redeveloping neighborhoods.

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

9 CHAIRMAN: Thank you.

10 Anyone in the audience have any questions
11 about that amendment?

12 (NO RESPONSE)

13 CHAIRMAN: Any of the commissioners have any
14 questions about that amendment?

15 (NO RESPONSE)

16 CHAIRMAN: If not the Chair is ready for a
17 motion.

18 MR. ROGERS: Mr. Chairman, I make a motion for
19 approval based on the Planning Staff Recommendations
20 with the Findings of Fact 1 and 2.

21 CHAIRMAN: Do we have a second to that?

22 MS. McENROE: Second.

23 CHAIRMAN: Second by Mrs. McEnroe. All those
24 in favor of the motion and the second please indicate
25 by raising your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 ITEM 4

4 Consider adoption of proposed text amendments to
5 Article 8 of the Zoning Ordinance related to amended
6 and new land use listings; home occupation-accessory
7 use, home occupation-conditionally permitted use,
8 distillery/brewery, agriculture, horticulture or
9 silviculture industries, solar energy systems, indoor
10 individual storage and storage of distilled spirits.

11 MS. EVANS: The proposed text amendments
12 include:

13 1. Separating home occupations into accessory
14 and conditionally permitted uses in agriculture and
15 residential zones as defined by the proposed
16 definitions in Article 14.

17 2. Adding a note to the category of
18 distillery/brewery to clarify when a conditional use
19 permit is needed based on the classification of a
20 hazardous use.

21 3. A new classification for agriculture,
22 horticulture or silviculture industries to be
23 conditionally permitted in A-R and A-U zones and the
24 related criteria for a conditional use permit.

25 4. A new classification of Level 1, 2, and 3
Solar Energy Systems as related to the proposed
amendments to Article 20 and the related criteria for
a conditional use permit.

1 5. A new classification for indoor individual
2 storage conditionally permitted in B-3 and B-4 zones
3 and principally permitted in B-5, I-1 and I-2 zones,
4 and the related criteria for a conditional use permit.

5 6. A new classification for storage of
6 distilled spirits conditionally permitted in A-R and
7 A-U zones and the related criteria for a conditional
8 use permit.

9 FINDINGS OF FACT

10 The Staff recommends approval of the proposed
11 text amendments to Article 8 because the proposal is
12 in compliance with the community's Comprehensive Plan.
13 The findings supporting this recommendation follow:

14 1. These amendments to Article 8 will help
15 maintain Daviess County as a viable economic unit;

16 2. These amendments to Article 8 will promote
17 regional development to enhance economic benefits for
18 citizens of Daviess County;

19 3. These amendments to Article 8 will promote
20 a diversity of desirable industrial activities for a
21 broad and stable economic base;

22 4. These amendments to Article 8 will
23 accommodate all intensities of land use activity;

24 5. These amendments to Article 8 will
25 encourage development of existing brownfields for new

1 uses;

2 6. These amendments to Article 8 allow
3 agriculture and other natural resource uses wider
4 reign to apply traditional production techniques;

5 7. These amendments to Article 8 will avoid
6 the introduction of urban activities that would have a
7 detrimental effect on residential activity, but allow
8 some mixture of appropriate nonresidential uses;

9 8. These amendments to Article 8 will assure
10 that nonresidential uses in the neighborhood -
11 professional, business, industrial - have adequate
12 space for future expansion and are designed so that
13 their traffic, parking, noise, odors, etc. Do not
14 conflict with residential uses;

15 9. These amendments to Article 8 will reserve
16 the land in the Rural Service Area primarily for
17 agricultural uses, other natural resource activities,
18 and support uses that need to be near such activities;

19 10. These amendments to Article 8 will
20 encourage the application of increased buffers where
21 heavy industrial and coal mining uses may be located
22 in close proximity to existing rural residences; and,

23 11. These amendments to Article 8 will
24 encourage the use of alternative energy sources where
25 economically and environmentally feasible.

1 We would like to enter the Staff Report into
2 the record as Exhibit B.

3 CHAIRMAN: Thank you.

4 Anyone in the audience have any questions
5 concerning those amendments?

6 (NO RESPONSE)

7 CHAIRMAN: Any commissioners have any
8 questions concerning the amendment?

9 MR. REEVES: What is silviculture?

10 MR. HOWARD: Tree harvesting.

11 CHAIRMAN: Mr. Boswell, do you have one too?

12 MR. BOSWELL: Thank you, Mr. Chairman. Just
13 more of a general question.

14 Under Item 58 for that particular conditional
15 use there's an Item B that makes mention to the
16 operation must not employ more than five persons. Was
17 there any particular, what was the thought process
18 around that particular item?

19 MR. HOWARD: This is allowing, this is for
20 those in the audience and watching, this is the one
21 dealing with the limited agricultural, horticulture,
22 siviculture industries that could potentially be
23 conditionally permitted in an A-R or an A-U zone.

24 The reason being that the intent is for this
25 to be a business that would operate and utilizing, you

1 know, if you have an operation where you're harvesting
2 trees, processing those you have sawdust or whatever
3 left over. This will allow an industrial use, limited
4 industrial then to maybe utilize that sawdust and then
5 manufacture, use it for some purpose, but you're still
6 in an agricultural zone. So the intent is that it's
7 going to grow to the point that it's a huge business.
8 That's when you really need to look at industrial zone
9 at that point and not, you know, that might not be
10 conducive in an agricultural zone.

11 MR. BOSWELL: Limiting it to just five
12 persons?

13 MR. HOWARD: Right. That would be five
14 nonresident, you know, non-people that lived on the
15 farm, employees there, yes.

16 MR. BOSWELL: Thank you. Thank you.

17 CHAIRMAN: Any other questions?

18 (NO RESPONSE)

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

21 MR. JEAN: I would like to make a motion we
22 approve this amendment based on the Staff Report and
23 the 11 findings of fact.

24 CHAIRMAN: We have a motion. Do we have a
25 second?

1 MR. BALL: Second.

2 CHAIRMAN: Second by Mr. Ball. All those in
3 favor of the motion and the second please indicate by
4 raising your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 ITEM 5

8 Consider adoption of proposed text amendments to
9 Article 14 of the Zoning Ordinance related to
10 definitions of distilled spirits, home
11 occupation-accessory use, home
12 occupation-conditionally permitted use, indoor
13 individual storage and solar energy system.

14 MS. EVANS: The proposed revisions to Article
15 14 of the Owensboro Metropolitan Zoning Ordinance are
16 related to the addition or revision of the following
17 definitions:

18 Distilled spirits, home occupation-accessory
19 use, home occupation-conditionally permitted use,
20 indoor individual storage and solar energy system.

21 The proposed text amendments include:

22 1. New definition of "Distilled Spirits" as
23 referred to in the proposed Article 8 text amendments.

24 2. Revised definition of "Home Occupation" to
25 "Home Occupation-Accessory Use.

3. New definition of "Home
Occupation-Conditionally Permitted Use" that will

1 allow for limited occupations in the home with
2 specific conditions as defined through a Conditional
3 Use Permit.

4 4. New definition of "Indoor Individual
5 Storage" as referred to in the proposed Article 8 text
6 amendments.

7 5. New definition of "Solar Energy System" as
8 referred to in the proposed Article 8 text amendments.

9 FINDINGS OF FACT

10 The Staff recommends approval of the proposed
11 text amendments to Article 14 because the proposal is
12 in compliance with the community's Comprehensive Plan.
13 The findings supporting this recommendation follow:

14 1. These amendments to Article 14 will help
15 maintain Daviess County as a viable economic unit;

16 2. These amendments to Article 14 will
17 promote regional development to enhance economic
18 benefits for citizens of Daviess County;

19 3. These amendments to Article 14 will
20 endeavor to create policies for regulating land use
21 activities that are not overburdensome while still
22 protecting the public health, safety and welfare of
23 the community.

24 4. The amendments to Article 14 will
25 encourage the grouping of activities so that uses of

1 greater intensity (industrial or commercial) do not
2 harm weaker types (residential and agricultural);

3 5. The amendments to Article 14 will
4 encourage development of existing brownfields for new
5 uses;

6 6. The amendments to Article 14 will
7 encourage the use of alternative energy sources where
8 economically and environmentally feasible.

9 We would like to enter the Staff Report into
10 the record as Exhibit C.

11 CHAIRMAN: Thank you.

12 Anyone in the audience have any questions
13 about the amendment?

14 (NO RESPONSE)

15 CHAIRMAN: Any commissioners have any
16 questions?

17 (NO RESPONSE)

18 CHAIRMAN: Seeing none the Chair is ready for
19 a motion.

20 Commissioner Ball.

21 MR. BALL: Make a motion to approve based on
22 the Staff Recommendations and the Staff's Finding of
23 Fact 1 through 6.

24 CHAIRMAN: Do we have a second?

25 MR. BOSWELL: Second.

1 CHAIRMAN: Second by Mr. Boswell. We have a
2 motion and a second. All of those in favor please
3 indicate by raising your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 ITEM 6

7 Consider adoption of proposed text amendments to
8 Article 20 of the Zoning Ordinance related to small
cellular systems and towers.

9 MS. EVANS: The proposed additions to Article
10 20 establish regulations for small cellular systems
11 and towers consistent with FCC rulings and guidelines.

12 This establishes small cellular towers,
13 regulations for small cell towers in Daviess County.
14 We've been approved by AT&T specifically about
15 installing small cell towers in Daviess County. We
16 didn't have regulations to address their installation
17 other than to treat them as regular cell towers, which
18 they're not. Those are located on utility poles and
19 in close proximity to each other to provide service in
20 gap areas where there isn't enough service, and to
21 increase infrastructure to eventually lead to
22 providing better technology for the community.

23 Since we have had meetings with AT&T and have
24 been approached by them about doing this we had also
25 sent the draft of our ordinance to them for some

1 comments and feedback.

2 We received their feedback after the Staff
3 Report was prepared. They had several comments and
4 suggestions s. There were a few that we were open to
5 accepting. The few that we, there are about four
6 actually. They all pertain to instead of us saying in
7 the requirement that such a structure or collocation
8 shall be accommodated that it would be that it's
9 encouraged for collocation to happen at a minimum of
10 two. Their argument is that sometimes it's not
11 technically feasible to do some of the things that we
12 were asking.

13 The exact section of the ordinance that they
14 had comments about were 20-9(b)(3), 20-9(c)(2),
15 20-9(c)(8) and 20-9(d)(7).

16 20-9(b)(3) was that it should be encouraged
17 that new small towers are designed and constructed to
18 accommodate multiple cell providers instead of that it
19 should be required.

20 20-9(c)(2) for similar reasons. That it
21 should be "reasonable efforts shall be made for the
22 equipment to be camouflaged by Stealth Technology,"
23 because, again, their argument is that sometimes
24 that's just not feasible to do because of the
25 equipment that has to be placed.

1 20-9(c)(8) is that in placing new cell towers
2 within residential areas, reasonable efforts will be
3 made to avoid obstructing the view of buildings
4 facades and placing the towers at the corner,
5 intersection along the lot line where we had that
6 "they shall be placed to avoid obstruction." Again,
7 specifically with that one they were telling us in the
8 meeting that if they moved the towers even by a few
9 feet it could really throw off the coverage area that
10 they get out of them. So moving them to not obstruct
11 a building facade would not work necessarily in some
12 of these situations because then it would defeat the
13 whole purpose and they wouldn't be able to provide the
14 coverage that they needed to.

15 Then the last one that they recommended that
16 we are open to accepting was that reasonable efforts
17 shall be made to utilize cylindrical antennas where we
18 had that it would be required to use cylindrical
19 antennas.

20 We are open to those comments that they had,
21 and including those in our text. You all are open to
22 those, you'll just need to include that with your
23 motion.

24 FINDINGS OF FACT

25 The Staff recommends approval of the proposed

1 text amendments to Article 20 because the proposal is
2 in compliance with the community's Comprehensive Plan.
3 The findings supporting this recommendation follow:

4 1. These additions to Article 20 help
5 Maintain Daviess County as a viable economic unit;

6 2. These additions to Article 20 assist in
7 promoting access to new technologies as an aid to
8 economic development;

9 3. These additions to Article 20 assist to
10 maintain, preserve and extend the high level of
11 service to each of our public service agencies;

12 4. These additions to Article 20 provide our
13 citizens with access to efficient and affordable
14 telecommunications systems;

15 5. These additions to Article 20 accommodate
16 both wired and wireless communications;

17 6. These additions to Article 20 encourage
18 co-location of cellular and other telecommunications
19 facilities to minimize the number of
20 telecommunications towers; and,

21 7. These additions to Article 20 ensure local
22 telecommunications regulations are easily adaptable to
23 accommodate the rapidly changing technology of the
24 telecommunication industry.

25 We would like to enter the Staff Report into

1 the record as Exhibit D.

2 CHAIRMAN: Thank you.

3 Anyone in the audience have any questions
4 about the amendments?

5 (NO RESPONSE)

6 CHAIRMAN: Any of the commissioners?

7 (NO RESPONSE)

8 CHAIRMAN: Whoever makes this motion they have
9 to put in those conditions that were read?

10 MR. HOWARD: Yes. We would just request that
11 the motion be made subject to the suggested changes
12 that Mrs. Evans read into the record.

13 CHAIRMAN: Okay. So the chair is ready for a
14 motion.

15 MR. REEVES: Motion to approve based on the
16 Staff Findings of Fact 1 through 7, and also that they
17 have the discretion to amend the text regarding the
18 cell tower as was in Ms. Evan's report and at AT&T's
19 request.

20 CHAIRMAN: Thank you. We have a motion. Do
21 we have second?

22 MR. ROGERS: Second.

23 CHAIRMAN: Second by Commissioners Rogers.
24 All those in favor of the motion and the second please
25 indicate by raising your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 ITEM 7

4 Consider adoption of proposed text amendments to
5 Article 22 of the Zoning Ordinance related to the
addition of the Near Downtown Parking Overlay District

6 MS. EVANS: The proposed additions to Article
7 22 create a Near Downtown Parking Overlay District in
8 which on-street parking may be allowed by a
9 conditional use permit for the conversion of
10 single-family residential structures to multi-family
11 residential structures or construction of new
12 multi-family residential structures on vacant lots
13 within the district. The boundary of the proposed
14 Near Downtown Parking Overlay District consists of the
15 area surrounding the Downtown Overlay District
16 including adjacent public street rights-of-way, bound
17 by Orchard Street, Parrish Avenue, and Center Street.

18 This particular amendment is hopefully to
19 address concerns where you may run into, like we said,
20 converting a single-family home to a multi-family
21 home, but they're limited in doing that because
22 there's not area on the property to provide on-site
23 parking. So this would allow with a conditional use
24 permit and specific findings that the Board of
25 Adjustment may require in a traffic analysis or

1 Traffic Impact Study that would show that parking is
2 available in the vicinity; it would allow that and
3 alleviate one of those hurdles in converting the
4 single-family home to a multi-family home, and
5 hopefully provide more housing and increase housing in
6 the downtown area where it is needed to help promote
7 the Downtown Overlay District.

8 FINDINGS OF FACT

9 The Staff recommends approval of the proposed
10 text amendments to Article 22 because the proposal is
11 in compliance with the community's Comprehensive Plan.
12 The findings supporting this recommendation follow:

- 13 1. These additions to Article 22 help
14 Maintain Daviess County as a viable economic unit;
- 15 2. These additions to Article 22 assist in
16 using the fixed amount of land in Daviess County as
17 wisely and sparingly as possible;
- 18 3. These additions to Article 22 assist in
19 accommodating all intensities of land use activity;
- 20 4. These additions to Article 22 help to
21 maintain and improve the quality of existing urban
22 neighborhoods through building maintenance,
23 rehabilitation, and compatible replacement, and
24 through improvement of community facilities and
25 services;

1 5. These additions to Article 22 encourage
2 in-fill development that maximizes the efficiency of
3 existing infrastructure and is designed to be
4 compatible with adjoining land uses;

5 6. These additions to Article 22 assure that
6 a wide variety of types of housing suitable to a wide
7 range of people;

8 7. These additions to Article 22 encourage
9 single-family, duplex and apartment buildings in the
10 same neighborhood as long as the designs for the
11 different housing types blend well within the
12 neighborhood;

13 8. These additions to Article 22 assist to
14 stimulate rehabilitation of existing housing;

15 9. These additions to Article 22 assist to
16 increase the inner-city housing density;

17 10. These additions to Article 22 assist to
18 preserve existing housing and neighborhoods.

19 11. These additions to Article 22 are an
20 example of flexible zoning criteria for existing
21 redeveloping neighborhoods as encouraged by the
22 Comprehensive Plan;

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

25 CHAIRMAN: Thank you.

1 Anyone in the audience have any questions
2 about the amendment?

3 (NO RESPONSE)

4 CHAIRMAN: Any commissioners?

5 (NO RESPONSE)

6 CHAIRMAN: Seeing none I'm ready for a motion.

7 Mr. Boswell.

8 MR. BOSWELL: Thank you, Mr. Chairman. I make
9 a motion for approval based on the Staff Report and
10 Findings of Fact 1 through 11.

11 CHAIRMAN: We have a motion. Do we have a
12 second?

13 MR. JEAN: Second.

14 CHAIRMAN: Second by Commissioner Jean. All
15 those in favor of the motion and the second please
16 indicate by raising your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 ITEM 8

20 Consider adoption of revisions to Chapter 5 of the
21 Public Improvement Specifications related to updated
22 sanitary sewer exhibits

22 MR. HOWARD: There are exhibit updates that
23 are part are your packet.

24 These were reviewed by Public Improvement
25 Specification meeting at our last meeting that was

1 held at the end of last year. We get together every
2 year and go over surety updates and that type of
3 thing.

4 RWRA had a couple of items that they wanted to
5 address and the diagrams are within the documents.
6 You can see those changes here on the two or three
7 things that we have.

8 Mr. Ball is a developer and was at the meeting
9 and is part of the people that this will impact. They
10 were pretty straightforward changes; adding some more
11 rock around manholes, when manholes are being placed
12 and that type of thing is really what we're looking at
13 here.

14 It's not a big deal, but we do need an
15 approval from all to update these documents within the
16 Public Improvement Specification.

17 CHAIRMAN: Thank you.

18 Anyone in the audience have any questions?

19 (NO RESPONSE)

20 CHAIRMAN: Any commissioners have any
21 questions?

22 Mr. Ball.

23 MR. BALL: I don't have a question, but just
24 to relay everything here on the commission. I believe
25 these changes that were made here are changes that are

1 currently being required now in the field. They're
2 just making changes to the notes to reflect what
3 they're actually requiring in the field. No real
4 changes in the field.

5 CHAIRMAN: Thank you very much.

6 Any other commissioners?

7 (NO RESPONSE)

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

10 Commissioner Ball.

11 MR. BALL: I would like to make a motion to
12 approve.

13 CHAIRMAN: Do we have a second?

14 MR. JEAN: Second.

15 CHAIRMAN: Second by Commissioner Jean. All
16 those in favor of the motion and the second please
17 indicate by raising your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 MR. HOWARD: I will note that the zoning
21 changes heard tonight will become final 21 days after
22 the meeting unless an appeal is filed. If an appeal
23 is filed, we will forward the record of this meeting
24 along with all applicable materials to the appropriate
25 legislative body for them to take final cation.

1 ZONING CHANGES

2 ITEM 9

3 1121 Moseley Street, 1.46 acres

4 Consider zoning change: From B-4 General Business to
I-1 Light Industrial

5 Applicant: Hayden Development Co., LLC

6 PLANNING STAFF RECOMMENDATION

7 The Planning Staff recommends approval subject

8 to the condition and findings of fact that follow:

9 CONDITION

10 Access to East Parrish Avenue shall be limited

11 to the location of the previously closed alley as

12 shown on the minor subdivision plat approved 10/30/14.

13 No additional access points to East Parrish Avenue

14 shall be permitted.

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 in an

20 Industrial Plan Area where light industrial uses are

21 appropriate in general locations;

22 3. The proposed use as a shop for contractor

23 sales conforms to the criteria for nonresidential

24 development;

25 4. The proposal is a logical expansion of

1 existing I-1 Light Industrial zoning to the north,
2 south and east; and,

3 5. At 1.546 acres, the proposal will not
4 significantly increase the extent of I-1 zoning in the
5 vicinity and should not overburden the capacity of
6 roadways and other necessary urban services that are
7 available in the affected area.

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

10 CHAIRMAN: Thank you.

11 Anyone in the audience have any issues with
12 this zoning change?

13 (NO RESPONSE)

14 CHAIRMAN: Any commissioners have any
15 questions concerning this zoning change?

16 (NO RESPONSE)

17 CHAIRMAN: Seeing none the Chair is ready for
18 a motion.

19 Commissioner Boswell.

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

21 I make motion for approval based on the Staff
22 Report and Condition as stated in the Staff Report
23 Recommendations and the Findings of Fact 1 through 5.

24 CHAIRMAN: We have a motion. Do we have a
25 second?

1 MR. BALL: Second.

2 CHAIRMAN: Second by Commissioner Ball. All
3 those in favor of the motion and the second please
4 indicate by raising your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 ITEM 10

8 Portion of 27 Stone Creek Park, 0.214 acres
9 Consider zoning change: From R-1A Single-Family
10 Residential to A-U Urban Agriculture
Applicant: Kishor Vora

11 PLANNING STAFF RECOMMENDATION

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

14 CONDITIONS

15 The 0.214 acre portion of the subject property
16 shall be consolidated with the 171 acre farm to the
17 east.

18 FINDINGS OF FACT

19 1. Staff recommends approval because the
20 proposed A-U Urban Agriculture zoning is more
21 appropriate than the current R-1A Single Family
22 Residential zone;

23 2. The 0.214 acre portion of the subject
24 property will be consolidated with the adjoining 171
25 acre farm to the east;

1 3. The proposed zoning change and subsequent
2 consolidation will allow the property owner of the 171
3 acre farm to the east full access around the lake on
4 the farm; and,

5 4. The request is an expansion of existing
6 A-U zoning to the north, south and east.

7 We would like to enter of the Staff Report
8 into the record as Exhibit G.

9 CHAIRMAN: Thank you.

10 Anyone in the audience representing this
11 applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Anyone in the audience have any
14 questions concerning this zoning change?

15 (NO RESPONSE)

16 CHAIRMAN: Any commissioners have any
17 questions?

18 (NO RESPONSE)

19 CHAIRMAN: If not the chair is ready for a
20 motion.

21 MR. ROGERS: Mr. Chairman, I make a motion for
22 approval based on Planning Staff Recommendation with
23 the one condition and Findings of Fact 1 through 4.

24 CHAIRMAN: We have a motion. Do we have a
25 second?

1 MS. McENROE: Second.

2 CHAIRMAN: Second by Commissioner McEnroe.

3 All those in favor of the motion and second please
4 indicate by raising your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 ITEM 11

8 3636, 3656 Highway 54, 3.63 acres
9 Consider zoning change: From R-1A Single-Family
10 Residential and A-U Urban Agriculture to B-4 General
11 Business
12 Applicant: Estate of J. Ann Owen; Executrix Jennifer
13 Millay

14 PLANNING STAFF RECOMMENDATIONS

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

17 CONDITIONS

18 1. Based on a proposed use and results of a
19 potential traffic impact study, access to Highway 54
20 shall be limited to a single access in alignment with
21 the commercial drive across Highway 54 and subject to
22 review and approval by the KYTC and OMPC;

23 2. Ingress/Egress easements shall be provided
24 for the properties to the east and west of the subject
25 property for future indirect access to Highway 54; and

26 3. Submission of a final development plan to
27 establish the location of the ingress/egress easements

1 to the adjoining properties and all other site
2 development requirements required by the zoning
3 ordinance.

4 FINDINGS OF FACT:

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

8 2. The subject properties are located in a
9 Business Plan Area where general business uses are
10 appropriate in limited locations;

11 3. The proposal is a logical expansion of
12 existing B-4 General Business zoning to the north,
13 across Highway 54 and to the west; and,

14 4. At 3.63 acres, the proposal does not
15 significantly increase the extent of general business
16 zoning in the vicinity; and,

17 5. With access limited to a single access
18 point in alignment the commercial access across
19 Highway 54, based on a proposed use and review of a
20 traffic impact study if needed, the proposal should
21 not overburden the capacity of roadways and other
22 necessary urban services that are available in the
23 affected area.

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

1 CHAIRMAN: Thank you.

2 Anyone in the audience representing the

3 applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Do you wish to speak?

6 APPLICANT REP: I'm available if you have any

7 questions.

8 CHAIRMAN: Thank you very much.

9 Any commissioners have any questions

10 concerning the application?

11 (NO RESPONSE)

12 CHAIRMAN: Seeing none the chair is ready for

13 a motion.

14 Commissioner Reeves.

15 MR. REEVES: Motion to approve this

16 application based on Staff Findings of Fact 1 through

17 5 with Conditions 1 through 3.

18 CHAIRMAN: We have a motion. Do we have a

19 second?

20 MR. JEAN: Second.

21 CHAIRMAN: Second by Commissioner Jean. We

22 have a motion and a second. All in favor please

23 indicate by raising your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

1 ITEM 12

2 7171 Highway 762, 16.57 acres
3 Consider zoning change: From R-1A Single-Family
4 Residential and A-R Rural Agriculture to A-R Rural
5 Agriculture
6 Applicant: David Samuel Alsip

7 PLANNING STAFF RECOMMENDATION

8 The planning staff recommends approval subject
9 to the findings of fact that follow:

10 FINDINGS OF FACT

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

14 2. The subject property is located in a Rural
15 Maintenance Plan Area, where rural large-lot
16 residential uses are appropriate in limited locations;

17 3. Each dwelling will be located on its own
18 individual lot that fronts on a public road, Highway
19 762; and

20 4. No new roads will be created.

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

23 CHAIRMAN: Thank you.

24 Anyone in the audience representing the
25 applicant?

26 APPLICANT REP: Yes.

27 CHAIRMAN: Do you wish to speak?

1 APPLICANT REP: I'm here to answer any
2 questions.

3 CHAIRMAN: Thank you, sir.

4 Any commissioners have any questions
5 concerning the application?

6 (NO RESPONSE)

7 CHAIRMAN: If not the chair is ready for a
8 motion.

9 MR. BALL: I would like to make a motion to
10 approve based on Planning Staff Recommendation and
11 Findings of Fact 1 through 4.

12 CHAIRMAN: We have a motion for approval. Do
13 we have a second?

14 MS. McENROE: Second.

15 CHAIRMAN: Second by Commissioner McEnroe.
16 All those in favor indicate by raising your right
17 hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 RELATED ITEM

21 ITEM 12A

22 7171 & 7181 Highway 762, 16.57 acres
23 Consider approval of a minor subdivision plat.
24 Applicant: Patricia A. Alsip & David Samuel Alsip

25 MR. HOWARD: This plat comes before you as an
exception to the 3 to 1 requirements. They're

1 creating a long narrow strip that goes back to an area
2 where they would like to build a house. There is a
3 notation on the plat that limits this and the parent
4 tract to no further subdivision without meeting the
5 requirements of the subdivision regulations. So any
6 future lot that would come out of the parent tract
7 would have to meet subdivision and zoning ordinance
8 requirements on the size, shape, road frontage, all of
9 that. This parcel, the newly created 1.921 acre
10 parcel it cannot be further subdivided based on the
11 acreage.

12 So we would recommend that you consider for
13 approval with those conditions put on the plat.

14 CHAIRMAN: Thank you.

15 Again, Mr. Alsip, you're available for any
16 questions. Thank you.

17 Any commissioners have any questions
18 concerning the plat?

19 (NO RESPONSE)

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

22 Commissioner Boswell.

23 MR. BOSWELL: Thank you, Mr. Chairman. Make a
24 motion for approval.

25 CHAIRMAN: We have a motion. Do we have a

1 second?

2 MR. JEAN: Second.

3 CHAIRMAN: Second by Commissioner Jean. All
4 those in favor indicate by raising your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 MAJOR SUBDIVISION PRELIMINARY PLATS

8 ITEM 13

9 Daviess County Public Schools, 26.029 acres

10 MR. HOWARD: We received a request this
11 afternoon to have this item postponed until the next
12 regularly scheduled meeting which will be May 2nd, I
13 believe, but you will need take action to postpone it,
14 please.

15 CHAIRMAN: Need a motion.

16 MR. JEAN: Motion to postpone.

17 MS. McENROE: Second.

18 CHAIRMAN: Motion to postpone and second by
19 Commissioner McEnroe. All those in favor please
20 indicate by raising your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 MINOR SUBDIVISION PLATS

24 ITEM 14

25 3355, 3361 London Pike, 12.466 acres
Consider approval of a minor subdivision plat

1 Applicant: Michael T. & Enid E. Roach

2 MR. HOWARD: This plat comes before you as an
3 exception to the road frontage requirements. You have
4 a 10-acre parcel which meets the 50 foot frontage
5 requirement and the ag division requirements, but the
6 2.448 acre parcel doesn't have the minimum road
7 frontage as required by the zoning ordinance and
8 subdivision regulations so it comes before you as an
9 exception.

10 As with the last plat there is a notation that
11 we request in this plat that we limit no further
12 subdivision of these parcels without meeting the
13 subdivision regulations, and possibly based on the
14 limited amount of road frontage that both of these
15 parcels have. Any future subdivision would require
16 the construction of a public street of some sort to
17 provide road frontage.

18 So we would request that you consider this one
19 for approval with those notations on the plat.

20 CHAIRMAN: Thank you.

21 Anyone in the audience representing the
22 applicant?

23 APPLICANT REP: I can answer any questions you
24 have.

25 CHAIRMAN: Thank you very much.

1 Any commissioners have any questions?

2 (NO RESPONSE)

3 CHAIRMAN: If not the chairman is ready for a

4 motion.

5 MR. BALL: Motion to approve.

6 MR. REEVES: Second.

7 CHAIRMAN: Motion to approve and second by

8 Commissioner Reeves. All those in favor indicate by

9 raising your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 ITEM 15

13 6656, 6684 Highway 144, 27.105 acres
Consider approval of a minor subdivision plat

14 Applicant: Robert A. & Krystal D. Jackson; Robert T.
Elliott, Scott J. Elliott, Felicia L. Elliott

15

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

17 exception. They're taking some existing parcels and

18 refiguring lot lines which brings one of them out of

19 compliance that was in, but they're really not making

20 the situation any worse. They're not maximizing the

21 numbers of the lot. So we would request that you

22 consider it for approval.

23 CHAIRMAN: Anyone in the audience representing

24 the applicant?

25 (NO RESPONSE)

1 CHAIRMAN: Any commissioners have any
2 questions?

3 (NO RESPONSE)

4 CHAIRMAN: If not the chair is ready for
5 motion.

6 Mr. Boswell.

7 MR. BOSWELL: Thank you Mr. Chairman. Motion
8 for approval.

9 CHAIRMAN: We have a motion. Do we have a
10 second?

11 MS. McENROE: Second.

12 CHAIRMAN: Second by Commissioner McEnroe.
13 All those in favor indicate by raising your right
14 hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

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18 NEW BUSINESS

19 ITEM 16

20 Consider approval of February 2019 financial Statement

21 CHAIRMAN: I think all the commissioners have
22 received the financial statement for February. I hope
23 you've had an opportunity to take a look at it. Any
24 commissioners have any concerns, question, changes?

25 (NO RESPONSE)

1 CHAIRMAN: If not the chair is ready for a
2 motion.
3 Mr. Reeves.
4 MR. REEVES: Motion to approve.
5 CHAIRMAN: Do we have a second?
6 MS. McENROE: Second.
7 CHAIRMAN: Second by Ms. McEnroe. All those
8 in favor raise your right hand.
9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
10 CHAIRMAN: Motion carries.
11 ITEM 17
12 Comments by the Chairman.
13 CHAIRMAN: The chairman has none.
14 ITEM 18
15 Comments by the Planning Commissioners
16 CHAIRMAN: Anyone?
17 (NO RESPONSE)
18 ITEM 19
19 Comments by the Director
20 MR. HOWARD: I have no comments.
21 CHAIRMAN: We need one final motion.
22 MR. BALL: Motion to adjourn.
23 MR. VELOTTA: Second.
24 CHAIRMAN: Second by Mr. Velotta. All in
25 favor raise you right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: We are adjourned.

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