The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, April 2, 2015, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Boswell, Chairman
Steve Frey, Secretary
Brian Howard, Director
Terra Knight, Attorney
Ward Pedley
John Kazlauskas
Lewis Jean
Beverly McEnroe
Manuel Ball
Larry Moore

* * * * * * * * * * * * * * * * * *

CHAIRMAN: I would like to call the Owensboro Metropolitan Planning Commission April 2, 2015 meeting to order. We will start our meeting with a prayer and pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to state that anyone who addresses the meeting tonight please step forward to the podiums. Speak into the speaker and give us your name and address and any information that you would like to share about what we have on the agenda tonight.

The first order of business would be to
consider the minutes of our March 12, 2015 meeting.
Has everyone read the minutes of the meeting and are there any questions?
(NO RESPONSE)
MR. KAZLAUSKAS: Make a motion that they be approved.
MR. BALL: Second.
CHAIRMAN: A motion has been made and a second. Manuel Ball seconded that one. Vote for approval of the minutes of the meeting. All those in favor of approval of the minutes of the meeting raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The motion is approved unanimously.
-----------------------------
GENERAL BUSINESS
Zoning Change
ITEM 3
516 Ewing Court, 0.14 acres (Postponed from March 12, 2015 OMPC meeting)
Consider zoning change: From R-4DT Inner City Residential to B-4 General Business
Applicant: Lifetime Companion, LLC; Haley McGinnis Funeral Home

MR. HOWARD: This item was postponed at the March 12, 2015 meeting. We have received a request from the applicant's attorney again that this item be
postponed for one more month. There is still a legal
issue that is trying to be resolved. So we would ask
that you give them the potential for one more month.
We have said at that point if there hasn't been some
type of resolution we'll have to figure out what to do
from there. We would ask that you consider for
postponement tonight.

CHAIRMAN: Do we have a motion for
postponement?

MR. MOORE: So move.

MR. JEAN: Second.

CHAIRMAN: All those in favor of postponing
this until the next meeting raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The postponement carries.

MR. HOWARD: I will note all zoning changes
heard tonight will become final 21 days after the
meeting unless an appeal is filed. If an appeal is
filed, we will forward it to the appropriate
legislative body for them to take final action. The
appeal forms are on the back table, on our website and
in our office.

ITEM 4

Portion of 5422 Highway 144, 0.72 acres
Consider zoning change: From R-1A Single-Family
Residential & A-U Urban Agriculture to B-4 General
Business
Applicant: Susan A. Cox & Joseph B. Taylor

MS. KNIGHT: State your name for the record.

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Approval of the minor subdivision plat dividing the 1.14 acre B-4 zoned parcel from the 3.6 acre R-1A/A-U zoned remaining portion of 5422 Highway 144.

2. Access to the new 1.14 acre parcel will be through the abandoned section of Old KY 144 along the western edge of the property. No direct vehicular access to Highway 144 will be allowed.

FINDINGS OF FACT:

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

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

3. The proposed retail use conforms to the criteria for nonresidential development;
4. This proposal is a logical expansion of existing B-4 zoning to the west and north; and
5. At 0.72 acre, the proposal is not a significant increase in B-4 General Business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. HILL: Staff request that the Staff Report be enter into the record as Exhibit A.

CHAIRMAN: Is there someone in the audience representing the applicant?

State your name, please.

MS. ZACKERY: Brandy Zackery with Arnold Consulting Engineering.

(BRANDY ZACKERY SWORN BY ATTORNEY.)

MS. KNIGHT: Ma'am, are you an attorney?

MS. ZACKERY: No, I am not. I'm an engineer. We prepared the document for the applicant.

Mr. Taylor is also here if you have any direct questions for him.

CHAIRMAN: Are there any questions concerning the zoning by the commissioners?

(NO RESPONSE)

CHAIRMAN: I do have a couple of questions, if you hopefully be able to answer these.
In looking at the Staff Report, I want to get sort of a sense. Do we have any idea what type of development for retail purpose that they may anticipate putting in that location?

MS. ZACKERY: Yes. Proposed Dollar General store.

CHAIRMAN: The reason that I raise that question, in looking and being somewhat familiar with that area, there appears to be a narrow entrance or access off the Old 144, and depending upon what type of retail business would go in there would generate such an amount of traffic. Would there be any consideration to make changes to that access off of 144 onto the Old 144 road? Has that been anticipated?

MS. ZACKERY: It wasn't anticipated to begin with. I will say that a few minutes ago when he was presenting this it was the first that I knew that we wouldn't have any direct access to Highway 144. I guess we just hadn't got that far into the discussion so I wasn't aware that was going to be a stipulation.

With that being our entrance that we had proposed on concept that we were going to move forward with did have an entrance onto Highway 144. So we're going to have to go back and revisit that concept to make sure we can. Like you said, the old road I'm not
for sure. We've surveyed the edge of the pavement of it and things of that nature. I'm not for sure because there will be, at least once a week there will be a tractor-trailer that delivers from Dollar General. So we'll just have to check and see how that access is going to get in and out of there. It may require something to be done to that.

CHAIRMAN: I just raised the concern because I know in heading east you arrive at that Old 144 road pretty quickly and the traffic is quite, goes quite fast out there. I wanted to sort of get a sense that something might be looked into at some point in time.

Brian, you may be able to answer this. I know that there would have to be an approval of a minor subdivision plat. Would that be a consideration if that should occur down the road?

MR. HOWARD: In regard to the access?

CHAIRMAN: Access.

MR. HOWARD: Yes. That's certainly something that we'll have to look at when the site plan and all of that is submitted.

Just to give you a little background, and Mike did the report so correct me if I'm wrong. I didn't pull all the files and look at it. The portion of property that was zoned B-4 years ago, when that was
done there was a condition about access limiting it to
this existing Old 144 only. There was a plat done I
believe as well that limited access to that. They
don't have enough road frontage to meet the access
spacing standard, 500 feet along that section. So
that's why in past there was limitations on where the
access points could be and that type of thing. So
that's why we basically carried that forward from the
history of that property. It would have to be built
to a commercial standard, a paved driveway that's wide
enough to accommodate two-way traffic and, you know,
if they have semi traffic and that type of thing.
Enough width to be able to accommodate that without
compromising the roadway of 144 or blocking traffic on
the driveway and that type of thing.

CHAIRMAN: Thank you, Brian.
Is there any commissions by the commissioners?
Commissioner Kazlauskas.

MR. KAZLAUSKAS: Mr. Howard, would it be
advantageous to change this condition at this point
before we voted on this or would it be better to
change later on down the road?

MR. HOWARD: What kind of change are you
thinking?

MR. KAZLAUSKAS: Well, you're talking about,
what you're describing at this point is that there's 
only going to be one point of entrance of access and 
exit off of 144, right?

MR. HOWARD: Yes. I mean if you wanted to 
provide some clarification. I think the condition 
states that -- if you want to provide some 
clarification that needs to be built to commercial 
standard and paved, that would certainly be fine.

MR. KAZLAUSKAS: Well, this is the first that 
the applicant has seen this condition from what she's 
telling us. Do they need more time to go back and 
look at this? I don't want them to come back and say 
that they want to do something else and we have to go 
through another hearing. What I'm looking from you is 
a direction on the easiest way to get this done for 
the applicant. That's what I'm after.

MR. HOWARD: Right. And from that 
perspective, as Staff we're always going to say that 
the access needs to be limited to one location because 
they can't meet the spacing standard. It's been 
limited to that in the past. So that's what we would 
look for. Whether they reevaluate how their site is 
going to be laid out and things like that, you know, 
we'll be glad to work with them on that, but we're 
looking for a single access point to serve that
property only.

MR. KAZLAUSKAS: That single access point is going to have to meet the standards that the Staff recommends to the applicant?

MR. HOWARD: Right. The entire property doesn't even have 500 feet of road frontage. So that's why in the past when it was limited to single location it was because the entire property doesn't have 500 feet.

The existing one that's there, they couldn't meet the 500 foot spacing standard on their own property and still put another one in. So that's why that condition has been there.

MR. KAZLAUSKAS: As long as the applicant understands that, I wouldn't have a problem with that.

MS. ZACKERY: This is actually still a section of right-of-way because we were getting conflicting documents when we were surveying on the old road. We found documents where sections of that had been closed. It appeared that the section right up at Highway 144 had not been closed, but we've not done a full ALTA survey on our property yet. That's the only thing I'm trying to verify, is that old -- because the property behind us, the plat we found for the property to the west, they actually had a recorded access
easement for their driveway which is kind of confusing as to whether that's actually still right-of-way or not.

MR. TAYLOR: I think I can clear up some of that confusion, if I may.

MS. KNIGHT: Would you state your full name for the record please, sir?

MR. TAYLOR: Joseph B. Taylor.

(JOSEPH TAYLOR SWORN BY ATTORNEY.)

MR. TAYLOR: The old road is property that's abandoned by the state. If it's ever given back to the adjoining property owners, the property owners will own to the mid line of the road. The person that lives on the hill behind the property that we're talking about rezoning has an easement up the hill and they actually own the driveway up the hill. We have a permanent easement on that driveway to access our home in the back, the home that I own. I don't live there any more. My parents did. If the property, the old road was given back to the adjoining property owners, he would own to both sections right in front of his house. We have access to the creek bottoms there that's in crop. We would file for an easement of necessity immediately upon that; however, it hasn't been given back to the adjoining property owners in
the last 50 plus years. That road went through there in '62, '63.

I'm trying to understand, I didn't hear all of Condition 1, about the easement. Are you talking about the only access to the planned Dollar General store being off of the old road. You would turn off of 144, current 144 onto the abandon property and then turn left in there or are you talking about putting an easement onto 144 for them to access their store?

MR. HOWARD: The condition would be that you turn off of 144 onto the portion of Old 144 and that's where the access would be.

MR. TAYLOR: One question I would like to ask without being argumentative. Why can they not put an easement on 144?

MR. HOWARD: That was where I was explaining the access management regulation. There's a 500 foot spacing standard along 144. So you have that existing old 144.

MR. TAYLOR: Could I ask a question here? Why was that law or that rule not imposed when Martin Hayden got the property rezoned for D&D Hardware? His easement is less than 50 feet from a driveway?

MR. HOWARD: I have no recollection or no knowledge of that property. My question would be, I
guess, how big was the property? How much road
frontage did it have? Did it have a viable
alternative access point? If it's a parcel that has
no other viable access points, you know, they have to
have access somewhere. I don't know the specific
property.

MR. TAYLOR: Can you research that from the
records? Do you all keep records back to the '90s?
MR. HOWARD: Sure.

MR. TAYLOR: I would certainly be interested
in knowing why that that access point was granted.
Because when I originally zoned this property there
was quite a hassle over it. I was given a lot of
information that I couldn't do it. That the area was
not right for development when Martin had rezoned his
property only about two years before and it had been
said it was right for development. I took some
pictures of the easement less, than 50 feet. Was told
that I couldn't put an entranceway for some buildings
that I wanted to build at the time. I would like to
see why the consistency is not there in the rulings.

MR. HOWARD: I don't have the files here. I
was just looking through the history that we have.
We've got two previous zoning changes. One from R-1A
to I-1 and then from R-1A to B-4. R-1A to I-1 was
denied. The one for B-4 was approved back in 1997.

MR. TAYLOR: It was approved by Fiscal Court where they overrode OMPC.

MR. HOWARD: Right.

CHAIRMAN: I guess my question at this point of the commission might be, is this enough missing information here that we need to revisit this at a different time, allowing them some time and Brian some time to try to get more data available? I pose that as a question to the commission.

MR. MOORE: I think that would be wise if we did that.

MS. KNIGHT: It may also be up to the applicant.

CHAIRMAN: Right. If the applicant willing to. If there's enough mission information and enough questions here that you've raised and missing information that she indicated that she wasn't aware of on 144.

MR. TAYLOR: It doesn't matter to me whether they go in off of 144 or off of current 144. That's irrelevant to me.

My question is, the reason I came up, I just wanted to question why they couldn't put an entrance off of 144 when it's been allowed right up the road
less than a mile away.

CHAIRMAN: I understand your question, but I don't know that that's relative to what we're trying to do tonight. I understand your question.

MR. TAYLOR: Okay. Maybe I misunderstand what you're trying to do then. My mistake.

CHAIRMAN: We're looking at whether we approve this Staff Report for the rezoning based on the fact that it's going to come off of Old 144 as your means of access.

MR. TAYLOR: I thought there was a question about if that access was acceptable.

CHAIRMAN: I think the question there was based on looking at, physically looking at that accessibility. That entrance at this point is a pretty narrow entrance. The question was if this were to move forward at some point in time would that access be widened or made larger for the traffic that's going to be coming in and out of there. You know, tractor-trailers, cars.

MR. TAYLOR: Would that be done by the applicant as a part of their process?

MR. HOWARD: Yes.

MR. TAYLOR: Then that question would be turned back over to Brandy.

Ohio Valley Reporting
(270) 683-7383
MS. ZACKERY: I guess my only question would be is that if we cannot get a tractor-trailer -- I mean honestly just from looking at it the lot is not very large, the parcel that we're going to rezone to actually have development on. I feel like it's going to be very difficult to be able to get a truck in and backed up to where they can get back out. I mean I think they can definitely, if they're heading east on 144, they can make that turn on Old 144 and get into our parking lot, if it's close to the new 144. My concern once they get in there, I don't think we have enough room for them to get back out and exit that same entrance.

MR. HOWARD: And there's nothing that say that you couldn't have two access points to the Old 144.

MS. ZACKERY: There's not enough room I don't think on the parcel to allow complete circular movement of the tractor-trailer, you know, in the front and out the back of Old 144. I don't think.

So my question is: If we go back and look at that and we can make it work, is there any type, if it's approved by KYTC with it being a state route, do you ever approve any kind of variance to your 500 foot access standard? I don't know how long they've been there. They may have been there way before your
access manual was in place. There is three entrances also in length of our property just across the road. That's the reason it never even crossed my mind that we may not be able to have an entrance.

MR. HOWARD: This commission has the ability to address those concerns. They could potentially alter the requirements of the access management manual and grant an additional access point to 144. I will say typically on a commercial development on a state highway, again, depending on size, and this would be through discussion of the transportation cabinet, but the transportation cabinet often will require some type of a traffic analysis to demonstrate an additional access point to the state highway won't impede traffic flow and that type of thing.

It's up to the commission. You all can certainly consider that as an alternative. You may want to reword the condition so that it could potentially allow some flexibility in that.

CHAIRMAN: Question in thinking about this. If I'm not mistaken, when you access that Old 144 there's a fairly sizeable hill on the east side of that old road.

MR. TAYLOR: That is correct.

CHAIRMAN: Quite a bit of elevation
differential.

MR. TAYLOR: Fifteen, twenty feet maybe.

CHAIRMAN: Right. Exactly. Would be a consideration -- since your property would be to the center line of the old road. Is that what I understood?

MR. TAYLOR: If it was given back to the adjoining property owners.

CHAIRMAN: If it was given back. Would there be a consideration on your part to remove the necessary dirt off of that hillside to widen that road if you had to for more accessibility?

MS. ZACKERY: Accessibility into the new development?

CHAIRMAN: Into the Old 144.

MS. ZACKERY: Like I said, I haven't started looking at grading and drainage plans yet, but definitely if there's that big of a slope there, then that's going to cause issues also because we're only allowed -- by Dollar General standards, the most we can have our entrance at is 8 percent. So that definitely would be way over 8 percent incline for traffic coming in off of the old road. So we would have to do something with the grading. We would have to knock a lot of it down if it's that much higher.
MR. KAZLAUSKAS: Mr. Boswell, I think we're at a point where this board would certainly like to work with you to zone this property to make it functional the best we can, but I think you have questions about what can be done right now. So I might make a suggestion that maybe you go back and do a little research on what is acceptable to you and the property owner, and then get with our Staff to see what the staff could work out to see if that could be placed on there. Right now it seems like we don't have all of the information that we need to move forward with this.

MS. ZACKERY: My biggest concern would just be at least knowing how much flexibility do we have on possibly getting something, a variance on the 500 feet access standard.

MR. KAZLAUSKAS: To 144?

MS. ZACKERY: Yes. I don't mind going back and working on some concepts and even giving you concepts that shows both ways trying to get a truck in and out and things of that nature, looking at the grading. Because we have already surveyed the property. So I can look at how steep the slopes would be and that kind of thing coming off of the old road.

I will say that currently our layout has one
entrance and it was off the new 144, and the truck was able to get in, turn around and back up to the loading area and get out. That was our plan. The access is the only thing I am a little bit concerned about.

CHAIRMAN: If we approve this tonight though, you would still be doing that work irregardless of whether it's approved tonight or not. You're still going to have to look that?

MS. ZACKERY: I'm still going to have to look at that. I just want to be clear on how much flexibility we have in possibly working with the Staff and KYTC, if needed, to get an entrance onto 144 if we can't get a delivery truck in and out of Old 144. That's my question.

MR. BALL: One of the opportunities in the event that we move forward tonight with the conditions on this plat, because I know time is typically of the essence, what opportunities does she have in the future to look for some type of variance on that access, on 144?

MR. HOWARD: As written, if these conditions are applied to the zoning change and it's approved and it turns out they can't and they want to make some type of alteration with access to 144, they would have to come back through and rezone the property and amend
those conditions. That's why I said you may want to consider some type of rewording of that to keep that potentially open.

To answer your question. This commission has the authority or ability to do that. Staff can't just arbitrarily go out there and from our perspective say, yes, you can you have an access to 144. It violates that access that spacing standard, but the commission has the latitude to do that. That's why this process is in place.

MS. ZACKERY: Okay. Would it be a possibility if the zoning was approved to have a condition that we bring the site plan back? That way you have an opportunity to try to see whether or not -- we can work with you beforehand before we come back to see if the access would work off of 144, the Old 144, but if it wouldn't work off the Old 144, then we would have the opportunity to come back in front of them to possibly get the entrance on 144 approved?

MR. HOWARD: That's an option as you the commission would have. If you go that route, you would need to make a condition that they submit a final development plan that would come before you as part of the approval process for that site. We would certainly get the transportation cabinet involved,
yes.

MS. ZACKERY: We would have to get an encroachment permit from them for any grading or anything. So they would have to approve that?

MS. KNIGHT: Yes, I think that would be appropriate to add to the condition too.

CHAIRMAN: I think we can make a motion to go ahead and consider approval with the condition that the final approval would have to be reviewed by the commission and the planning and zoning department?

MR. HOWARD: Yes. I think you would make a condition that a final development plan be submitted that would require Planning Commission body approval, and during that time, and you may want to tack on the transportation cabinet would be involved as well.

CHAIRMAN: Then I would make a motion for approval based on those conditions.

MS. KNIGHT: Mr. Boswell, the Chair can't make the motion.

CHAIRMAN: My apologies.

MR. FREY: Do we have anybody that needs to speak in opposition?

CHAIRMAN: Do we have any opposition to this?

(NO RESPONSE)

MR. MOORE: One question before we vote.

Ohio Valley Reporting
(270) 683-7383
The question the gentleman brought up about why on this and yes on something down the road. Is somebody going to get this gentleman an answer?

MR. HOWARD: We'll look at it. It's one of those things that if it happened in 1997, that was 17 years ago, we'll look back through the records and do our best, but none of the Planning Staff was in the office at that time. So there's not a whole lot of institutional history there, but I will be glad to look into it and see what we find.

MR. MOORE: I think that's what that gentleman wants.

MR. TAYLOR: If there's going to be some exception made, I'd like to see what exceptions were made then, and if those same exemptions would be applicable now. Obviously some exceptions were made for the D&D Hardware rezoning prior to 1997. I'd just like to see if those same exceptions could not be applicable to this property that I'm wanting to rezone.

MR. KAZLAUSKAS: Mr. Taylor, I think you mentioned that it was overturned by fiscal court?

MR. TAYLOR: The zoning was overturned, yes. The zoning was approved by fiscal court to B-4.

MR. KAZLAUSKAS: Okay.
MR. FREY: So it would have been from the Planning Commission denied?

MR. TAYLOR: That is correct. We never got to the point about the entranceway, but that was a point that I was going to bring up and then some personal changes I didn’t proceed with that plan at that time. I can get some pictures, if you would like for me to bring them, of the entranceway of the D&D Hardware store and show you the distance there. It's not even 50 feet much less 500.

MR. HOWARD: That won't be necessary. We can look at GIS and see that type of thing. I'll do some research on it and see what we find.

MR. TAYLOR: I'd appreciate it. If there's some exceptions made for that property, I would like the same consideration.

MR. FREY: But those exceptions were made by fiscal court.

MR. TAYLOR: No. D&D Hardware was right here before for Planning & Zoning.

CHAIRMAN: Any other questions from the commissioners or the audience?

(NO RESPONSE)

CHAIRMAN: Being none the chair is ready for a motion.
MR. KAZLAUSKAS: Mr. Boswell, I'll go ahead and make a motion that the application be approved with Staff Recommendations of Condition Number 1. That Condition Number 2 as it is now be omitted and a new condition be placed in the application. That the applicant get with the Staff and the Kentucky Transportation Cabinet and conduct the appropriate information to develop a plat to bring back for the Staff and before this body.

MR. HOWARD: Final development plan.

MR. KAZLAUSKAS: Final development. So we can make a decision on whether that access to 144 would be appropriate or not. Does that condition make sense to everybody?

CHAIRMAN: Is the applicant agreeable to that condition?

MS. ZACKERY: Yes.

MR. KAZLAUSKAS: And then Findings of Fact 1 through 5. I want to be sure that everybody understands that condition now.

You're satisfied with that?

MS. ZACKERY: Yes.

MR. KAZLAUSKAS: Because it can go either way based on the information that is provided to this body later on.
MS. ZACKERY: Yes. But it's not completely denied, the access to 144?

MR. KAZLAUSKAS: No.

MR. BALL: Let me make sure I still understand.

In the event the final development plan comes back and we feel like it would work on Highway 144, Old Highway 144, it's more appropriate we then would have the opportunity to go either direction; is that correct, Brian?

MR. KAZLAUSKAS: That's my intent.

CHAIRMAN: If so agreeable with the transportation department based on the data that they would find in their investigative work. That's the way I understood it?

MR. KAZLAUSKAS: Basically what I'm asking the applicant to do is work with the Staff and the Kentucky Department of Transportation to provide us with what the best option is. There could be a possibility that it's going to be impossible to put an access point on 144, but this way it gives the applicant the opportunity to explore the process, to see if it's possible or not.

That's what you're after?

MS. ZACKERY: Yes.
CHAIRMAN: Any further questions?
(NO RESPONSE)
CHAIRMAN: Motion has been made by Commissioner Kazlauskas. Is there a second?
MR. FREY: Second.
CHAIRMAN: Second by Commissioner Steve Frey.
A motion for approval please raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The motion is approved.

Minor Subdivision Plats

ITEM 5

5785 Highway 144, 7.331 acres
Consider approval of minor subdivision plat.
Applicant: Deane Acres Farms, LLC

MR. HOWARD: Mr. Chairman this plat comes before you as an exception to the requirements of the subdivision regulations and the zoning ordinance.
What basically ended up happening, there's a division of land, quite a bit of consolidation, large parcels, but you end up with a parcel in here that we have some exceptions on, on the length and width requirement. There's a 7.331 acre parcel that's right in the middle that has access to or frontage on 144. It exceeds that three to one requirement. It also doesn't have the minimum roadway frontage requirement that you would typically find in an agricultural zone.
Considering the amount of property that they're consolidating and eliminating some additional issues on the property, we recommend that you consider it for a one-time exception on this lot that doesn't meet the requirements. They have noted on the plat that that property cannot be further subdivided to create additional irregular lots that don't meet the requirements of the subdivision regulations.

CHAIRMAN: Is there anyone in the audience that would speak on behalf of this zoning?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions by the commissioners?

(NO RESPONSE)

CHAIRMAN: Being none the chair is ready for a motion.

MR. PEDLEY: Motion for approval.

MR. JEAN: Second.

CHAIRMAN: Motion for approval by Commissioner Pedley. Seconded by Mr. Lewis Jean. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion is approved unanimously.

ITEM 6

3137 & 2935 Highway 54, 191.312 acres
Consider approval of minor subdivision plat.
Applicant: Gateway Land, LLC

MR. HOWARD: This plat comes before you as an exception as well. As you can see by the acreage, it's a large amount of property that's being consolidated into one tract. It comes before you all because they are requesting to create these four parcels or four little 20 by 20 areas along the bypass frontage that are intended to be used for signage along the highway. Often times when the property is in the county and someone wants to put billboards on the property, that type of thing, they'll go ahead and pull the permits from our office, build the sign, and then when it's annexed they're there already so they get to stay.

In this instance, this is part of the TIF project and the timing with annexation that doesn't work. So what their engineer did is they came up with this plan to create those four small exceptions to allow this to carry forward as is. They put a note on the plat that says that these four 20 by 20 areas are non-buildable lots, other than for potential of putting signage on them. So they're not going to come back at some point and try to put some type of building or something else on that property. It's not large enough to support anything else.
It is a way to try to keep what their desire is moving forward while still achieving the goal and getting the property annexed and brought into the city. So it's ready for your consideration.

CHAIRMAN: Is there anyone for the applicant here to speak?

APPLICANT REP: Yes.

CHAIRMAN: Any commissioners with questions?

(NO RESPONSE)

CHAIRMAN: The chair is ready for a motion.

MR. BALL: Move to approve.

MR. KAZLAUSKAS: Second.

CHAIRMAN: Move to approve by Commissioner Ball. Second by Commission Kazlauskas. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion approved unanimously.

----------------------------------------------

NEW BUSINESS

ITEM 7

Consider approval of February 2015 financial statements

CHAIRMAN: Presuming that all the commissioners got a copy of it and have had a chance to look through it. Are there any questions or
changes?

(NO RESPONSE)

CHAIRMAN: Being none the chair is ready for a motion.

MR. FREY: Motion to approve.

CHAIRMAN: Motion to approve by Commissioner Frey. Is there a second?

MR. KAZLAUSKAS: Second.

CHAIRMAN: Commissioner Kazlauskas has given us a second. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion is approved unanimously.

ITEM 8

Comments by the Chairman

CHAIRMAN: Mr. Reeves could not be here tonight and we appreciate Mr. Boswell filling in.

Do you have any comments?

CHAIRMAN: Not at this point.

ITEM 9

Comments by the Planning Commissioners

(NO RESPONSE)

ITEM 10

Comments by the Director.

MR. HOWARD: I just have two brief things.
One is May 13th through 15th the State Planning Conference will be held in Owensboro, Kentucky at the Convention Center. So we would like to invite, you know, extend the opportunity for any of our commissioners, anyone in the community that has interest in planning and zoning issues to come and attend. It's usually attended by anywhere from 75 to 100 planners. There are a few attorneys, landscape architects, engineers that will be there. It's basically two days of sessions that deal with planning-related activities. I would like to mention that and extend the opportunity for anybody to attend that would like. If anybody would like to attend, you can get in touch with our office and we can get the registration information to you.

Second, I want to mention is that the legislative session that just ended. There was one thing that impacted us from a legislative standpoint matter. That deals with coal mining.

We had zoning regulations in place prior to 1988. Henderson County had them as well. That allowed us to have local regulations when someone proposed a coal mining rezoning. That's been in place forever.

This past legislative session, there was an
amendment to that section of KRS that eliminates the provision that allows local jurisdictions that had planning rules in place prior to 1988 to continue to enforce those rules.

So based on our understanding and talking with Terra and she's reviewed as well and her understanding, we really at this point no longer have local control over coal mining rezonings at all. They would follow the process that's worked in any other county in the state, other than Henderson and Daviess County. If someone wants to mine property. They don't have to go through Planning, us here locally, any longer. They get their permits in place through the state. It's a change. I think it's really one on the negative side because it did allow us to review those things locally and potentially -- it's not great, but it's done. In the event that there's an appeal or anything of that, the legislation will certainly keep you posted. Otherwise, we probably won't be hearing any more coal mining rezoning cases in Daviess County.

Those are the only two comments I had.

CHAIRMAN: Any comments by the commissioners?

(NO RESPONSE)

CHAIRMAN: Comments from the audience?
(NO RESPONSE)

CHAIRMAN: Hearing none. We need a motion for adjournment.

MR. KAZLAUSKAS: So move.

CHAIRMAN: Motion by Commission Kazlauskas.

Do I hear a second?

MS. McENROE: Second.

CHAIRMAN: Second by Commissioner McEnroe.

All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

----------------------------------------------------------

Ohio Valley Reporting
(270) 683-7383
STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 34 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 2ND day of MAY, 2015.

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

COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY