The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, April 14, 2016, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

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CHAIRMAN:  I want to call the April 2016 meeting of the Owensboro Metropolitan Planning Commission to order. We start every meeting with a prayer and pledge to the flag. If you will join me please and stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  The first item of business this evening is to consider the minutes of the March 2016 meeting. Everyone has had a chance to receive these. These are paper copy or electronic copy in the mail.
I hope you have had a chance to review them. Ask if there are any corrections or addition to the minutes you received?

(NO RESPONSE)

CHAIRMAN: If not then the chair will entertain a motion.

MR. KAZLAUSKAS: Mr. Chairman, I make a motion that the minutes be approved.

CHAIRMAN: Motion by Mr. Kazlauskas.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Questions about the motion?

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

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GENERAL BUSINESS

Cellular Telecommunications Facilities per KRS 100.987

ITEM 3

3815 Highway 554
Consider approval of a wireless telecommunications tower.
Applicant: Q-Wireless, LLC & West Daviess County Water District

MS. KNIGHT: Please state your name for the
MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: Planning Staff has determined that all materials for a complete application have been submitted in accordance with Owensboro Metropolitan Zoning Ordinance Section 20-4(b).

The cellular tower meets all minimum distance requirements from residential structures. The nearest residential structure located across the street at 3814 Highway 554, is approximately 259 feet from the proposed tower according to materials submitted by the applicant. Section 20-5(b) of the zoning ordinance requires lattice towers in agricultural zoned to be located at least 250 feet from residential structures.

Setbacks: Section 20-5(c) of the Zoning Ordinance requires a setback from the property lines equal to one-half the height of the proposed tower. In this case, the proposed tower is 160 feet tall therefore the required setback from the property lines is 80 feet. The entire parcel that is zoned by the water district is, I think, three-tenths of an acre. It is only 80 feet wide so it's impossible to fit the tower on this parcel in an 80 feet setback in all directions. Regarding the three of the four sides it
does not meet that the applicant will be requesting a waiver of that setback requirement.

Height: The tower is 160 feet with an 8 foot lightning rod on top. The proposed tower is well under the 200 foot maximum allowed by the Zoning Ordinance.

Screening: Under Section 20-5(i), it requires staggered rows of 6 foot tall evergreen trees to be spaced every 15 feet within 10 foot of the property line. The applicant is requesting a waiver of this requirement, but proposes to preserve all the existing trees on the site. So there's two waivers.

Signs: There are no proposed signs on the site except for those that may be required regarding emergency, safety and warning information.

Co-Location: This site is designed to provide space for three or more service providers.

Waivers:

1. Setbacks - Again, the property is very small. The setback tower is not capable of meeting the 80 foot setback requirement from the west, south and east property lines.

2. Screening - Although, the applicant proposes to use the existing trees on the site. Some are deciduous. Some are evergreen. They're kind of
sporadically located around the perimeter of the site.

Some on the small water district parcel and some on
the adjacent parcel. They are proposing to preserve
all of those. Even with that being said, because of
some of the species used, evergreen, some of the
location of the existing trees they are requesting a
waiver of the requirement.

Staff recommends approval of request with the
following Findings of Fact:

1. The application is complete with all
materials in accordance with the Owensboro
Metropolitan Zoning Ordinance;

2. The site is in compliance with all design
criteria of the Owensboro Metropolitan Zoning
Ordinance;

3. The permanent tower will improve service
for user within the community; and,

4. By providing the opportunity for three or
more total service providers on this tower, we are
promoting the goal of the Comprehensive Plan to
encourage collocation in order to minimize the number
of telecommunication towers.

Staff would request that the Staff Report be
entered into the record as Exhibit A.

CHAIRMAN: Anyone here representing the
MR. LAMBERT: Yes.

CHAIRMAN: Sir, do you chose to make any comments or do you just like to respond to questions?

MR. LAMBERT: I'll make a brief comment.

CHAIRMAN: Step forward and be sworn, please.

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

MR. LAMBERT: Phil Lambert with Q-Wireless.

(PHIL LAMBERT SWORN BY ATTORNEY.)

MR. LAMBERT: I did bring along a copy of referrals from the, these were sent to the Zoning Planning Commission. I don't know if they made it to the right department so I brought them along.

One of them is from the West Daviess County Water District. The general manager supporting the project because they also think it will be useful for them to collocate equipment on the tower.

I also have a referral letter from Jiten Shah with GRADD. Q-Wireless works very closely with GRADD. Provide the wireless broadband services to the seven county area of GRADD, including Daviess. This tower is part of that initiative. We worked with GRADD and the counties. This is going to help us bring broadband to a larger area. So that's the primary
purpose of it. I don't know if these letters are necessary. I can hand them off, if I have to.

CHAIRMAN: Mr. Howard, do we have copies?

MR. HOWARD: We have copies in the file.

MR. LAMBERT: You may have gotten. I don't know if they made them to you or not. They were mailed directly here by --

CHAIRMAN: Why don't you provide those to our court stenographer. That way they will be a part of the record. I think that will be the proper thing to do.

MR. LAMBERT: Thank you.

CHAIRMAN: Anyone wish to speak in opposition of this application?

MR. CRABTREE: Yes. My name is Phil Crabtree.

(PHIL CRABTREE SWORN BY ATTORNEY.)

MR. CRABTREE: I own the property that surrounds the tower. I just want to be on record that my home place is there, 40 acre of farm is there. I have built a nice home there and I don't want a flashing light. I've talked to Mr. Lambert. He's confirmed that there will not be a flashing light on top of the tower. I just want that to be on record, that there will not be a flashing light on top of my house all the time.
CHAIRMAN: I understand that. Thank you for your comment.

Anyone else wishing to speak on this issue?

(NO RESPONSE)

CHAIRMAN: Any of the commissioners have any questions or concerns?

MR. BOSWELL: Yes.

CHAIRMAN: Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman. A couple of questions.

When I went out and visited the site, there's a stake there with florescent tape around it. I'm not sure. Is that the location for where the tower is going to be?

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

MR. RINEY: Jim Riney.

(JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: Yes, Mr. Boswell, that stake was a location stake. It's the approximate location of the tower as shown on the drawings. That was used where I made the measurement to check that clearance distance between there and the nearest residential unit. That's approximately within a foot or so.

MR. BOSWELL: Do we have any sense how far
away that lattice structure will be from the security fence once it's built?

MR. RINEY: The foundation was originally set up to be, if memory serves, 18 feet square. They've talked about working with geotechnical structural people to compact that slightly. So it will be a little more than 9 feet and maybe a little further, as far as proximity to the existing chain-link fence.

MR. BOSWELL: The concern that I had was if it was so close to that security pen someone could access the lattice by climbing up the fence and stepping onto the lattice tower. I didn't know how close that was going to be.

MR. RINEY: You and I are pretty tall there. We wouldn't make that even if we were younger.

MR. BOSWELL: Thank you.

CHAIRMAN: Any other commissioners have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. JEAN: Mr. Chairman, I would like to make a motion that we approve with the two waivers and to stipulate there'd be no flashing light on top.

CHAIRMAN: You want to make that as an
additional condition?

MR. JEAN: Yes, I do. That's based on the Findings.

CHAIRMAN: We need the Findings of Fact also.

MR. JEAN: Based on Findings of Fact 1 through 4.

CHAIRMAN: Do we have a second?

MS. McENROE: Second.

CHAIRMAN: Yes. Before we vote, sir, if you would to like a comment.

MR. LAMBERT: I just want to make a quick note that lights are not required on a tower under 200 feet so we have no need to put a light on that.

CHAIRMAN: And you're comfortable with the condition that there not be one on there?

MR. LAMBERT: Very comfortable, yes.

CHAIRMAN: We make that condition that's until the world explodes.

MR. LAMBERT: Yes.

CHAIRMAN: I wanted to make sure Mr. Crabtree's concern is covered because I think it's very legitimate.

Any questions or concern about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved. Thank you.

MR. HOWARD: I will note that 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 the record of the meeting to the appropriate legislative body for them to take final action. The appeal forms are available in our office, on the back table and on our website.

Zoning Changes

ITEM 4

1030 Burlew Boulevard, 3.46 acres
Consider zoning change: From B-4 General Business & A-U Urban Agriculture to B-4 General Business
Applicant: Professional Properties & Construction; Frank & Helen Wagner

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. No access to New Hartford Road shall be permitted;

2. Access to Burlew Boulevard shall be limited to the single existing access point only.

FINDINGS OF FACT

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

2. The subject property is located within a
Business/Industrial Plan Area, where general business
and light industrial uses are appropriate in general
locations;

3. The subject property lies within an
existing area of mixed general business and light
industrial uses;

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

5. The proposed land use for the subject
property is in compliance with the criteria for a
Business/Industrial Plan Area and a B-4 General
Business zoning classification.

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

CHAIRMAN: Thank you.

I forgot to remind everybody. Please make
sure you speak into the mike so we get a proper
recording. I have to remind myself of that also.

Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to make any comments
at this time, sir?
APPLICANT REP: No.
CHAIRMAN: You will be available for questions.
Anyone here in opposition of the application?
(NO RESPONSE)
CHAIRMAN: Any commissioners have any questions or concerns about the application?
(NO RESPONSE)
CHAIRMAN: If not then the chair will entertain a motion.
MR. BOSWELL: I would like to make a motion for approval based on the Planning Staff Recommendations with Conditions 1 and 2 and the Findings of Fact 1 through 5.
CHAIRMAN: We have a motion by Mr. Boswell. Do we have a second?
MR. BALL: Second.
CHAIRMAN: Second by Mr. Ball. Any questions about the motion?
(NO RESPONSE)
CHAIRMAN: All those in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The application is approved.
Thank you.
ITEM 5

2426, 2428 2430 J.R. Miller Boulevard, 0.36 +/- acres
Consider zoning change: From R-1C Single-Family Residential to B-4 General Business
Applicant: Kessinger, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Access to the property shall be limited to the existing single access point to J.R. Miller Boulevard through the frontage road and the alleys to the south and west. No additional access to J.R. Miller Boulevard shall be permitted.

2. The applicant shall provide landscape buffer screening in compliance with Article 17 of the zoning ordinance along the northern property boundary where adjacent to residential property.

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 an Urban Residential Plan Area where general business uses are appropriate in very limited locations;

3. The proposed use as general business

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1 conforms to the criteria for nonresidential
2 development;
3
4. The proposal is a logical expansion of
5 existing B-4 General Business zoning to the south;
6 and,
7
5. At 0.36 +/- acre, the proposal does not
8 significantly increase the extent of general business
9 zoning in the vicinity and should not overburden the
10 capacity of roadways and other necessary urban
11 services that are available in the affected area.
12
MR. HILL: Staff request that the Staff Report
13 be entered into the record as Exhibit C.
14
CHAIRMAN: Anyone here representing the
15 applicant?
16
MR. KESSINGER: Yes.
17
CHAIRMAN: Sir, would you like to make any
18 comments at this time?
19
MR. KESSINGER: No.
20
CHAIRMAN: Anyone here would like to speak in
21 opposition to this application?
22
If you'll take the stand please, ma'am.
23
MS. KNIGHT: Please state your name for the
24 record.
25
MS. HAAS: Rose Haas.

(ROSE HAAS SWORN BY ATTORNEY.)

Ohio Valley Reporting
(270) 683-7383
MS. HAAS: I live right behind this property on 2427 Daviess Street. I'm concerned about what kind of business this is going to be. Do we have any idea what kind of business they're going to build back there?

CHAIRMAN: We can ask the applicant if he has any plans yet. Can't require him to say so. If he would chose to answer that question, we'll bring him up. It's up to him. Do you have any other questions?

MS. HAAS: That's what I'm concerned about. So there is going to be some kind of boundary or fence to give us privacy from, you know, on the backside where the alley is?

CHAIRMAN: Mr. Howard.

MR. HOWARD: The Zoning Ordinance would require a buffer along the north property boundary where it joins residential, but with the alley being there, the alley, based on the Zoning Ordinance, can serve as a buffer between the commercial and the residential.

CHAIRMAN: There's no requirement for any fencing there.

MS. HAAS: I'm not for it honestly.

CHAIRMAN: Would you care to respond to that question?
MR. KESSINGER: Sure.

CHAIRMAN: Please come to the stand.

MS. KNIGHT: State your name for the record.

MR. KESSINGER: Gary Kessinger.

(GARY KESSINGER SWORN BY ATTORNEY.)

MR. KESSINGER: What we're planning on doing
there is eventually putting a real estate company
there. Genesis Realty of Western Kentucky, my
company. It's going to be just like Rose Realty on
Frederica. Most of you all are familiar with Rose and
Mike Garant and their property there. It's not going
to change the looks of the house. It's going to still
look like a house. It's just going to be a real
estate office ran through the house. We're not trying
to go in and change the face of the community there.
We're just wanting to start the business there.

CHAIRMAN: Ma'am, does that answer your
question?

MS. HAAS: Yes.

CHAIRMAN: Anyone else in the audience like to
comment?

Yes, if you would come to the stand, please.

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

MS. SHELLY: My name is Katie Shelly.
(KATIE SHELLY SWORN BY ATTORNEY.)

MS. SHELLY: I'm just concerned about the whole area in there. I have rental property on each side of me. Franey's grocery store is right behind me. I'm just concerned about that whole area. Are they trying to make a business out of that whole area through there? I'm just concerned about our properties.

CHAIRMAN: Ma'am, I don't think we can address anything other than this one application. I'm familiar with the property. I stop at Franey's there quite frequent. I'm familiar with the street you live on and the property there. What's down the road, I don't think this board could address. Anyone that purchases some property there are certainly free to make an application for rezoning if they chose to do so. As far as what the future holds, we wouldn't really know.

MS. SHELLY: I know this is probably not the time and place to bring this up, but Franey's grocery store, when kids come in there with loud cars and their radios are blasting, my windows literally shaking. I know this is probably not the quorum to bring this up. I'm just concerned about businesses.

CHAIRMAN: We don't mind hearing it. That
would be something that would need to be addressed by the police. Either that or call Mr. Franey who I think is probably a fine gentleman. I'm not sure he can be there 24 hours a day to make sure somebody doesn't have their woofers going real loud. I certainly understand your concern. Thank you very much.

Anyone else wish to peak to the issue?

MS. KNIGHT: Please state your name.

MS. CARTER: Alyssa Carter.

(ALYSSA CARTER SWORN BY ATTORNEY.)

MS. CARTER: I also live right there on the block. I live at 2418 Daviess Street. I'm across. I'm going to facing it. I am happy to hear that it's going to be a real estate company and not some other type of store that could bring in potentially louder customers. I also have the same concerns in that here at the last little bit we've seen a lot of shift in our neighborhood. We've got the bank behind on the back end of us that just bought a whole block. Now this side of the block it's been bought out. Then the house that neighbors me that joins my backyard has had posting on it where it was busted for meth, and it still hasn't been cleaned up.

I'm with them and I agree that I'm just
concerned with the amount of business that is coming in when the neighborhood itself is not being taken care of.

CHAIRMAN: I understand that. I would applaud you all for noticing signs that go up. Any time anybody makes an application to make a change they do come before this commission. You're always welcome to come down here. You may prevail when you come down here. We're always willing to listen to your concerns and we'll listen to you very carefully and consider any facts that you bring to us. I know about the development you're talking about. Some of these folks have been similarly impacted.

MS. CARTER: My main concern is I have a young daughter. You do get a lot of loudness from Franey's side. I'm not really sure what's going to happen with the bank on the other side. Now we have another company coming in. Like I said, we still have neighbors. There are houses in the neighborhood that are not being cleaned up that are being visited by the police often. Our properties are not being able to sell. Our property value is decreasing.

CHAIRMAN: There is two things I have to suggest to you. One is if there's deterioration on a property, that would be for Mr. Joe Sublett who is the
city property inspector. Call him. Call City Action Line, but I would encourage you, make sure you speak to Mr. Sublett. Just leave a message. Also never be reluctant to call the police department. We have a wonderful police department. I think they would be as responsive as they possibly can. Again, Mr. Franey can't be there all the time, but I think he certainly wants to run a nice operation in any neighborhood that Mr. Franey is in. Any time something comes up and you notice or change, please we invite. You come down here and let us know because your opinion is important to us. We want this to be a good community also for all the folks. Any time your neighborhood gets any kind of, receives threat, then it's our job to listen to you. I assure you we'll do that.

MS. CARTER: Thank you.

MR. KESSINGER: Can I say one more thing?

CHAIRMAN: Come to the podium, if you don't mind.

MR. KESSINGER: Any time there's a change I can understand people are apprehensive about it. I've had those houses next to Franey's heading north for several years. There's never been any problems there. They're clean. They're neat. They're taken care of. It's going to continue to be that way with the
business of Genesis Realty. You can look at any of the real estate companies in town, Steve Castlen, Tony Clark, Rose Realty, it's not to my benefit to mess up and junk up the place or cause noise. We cater to people and we want it to be nice. We want it to look good. It's going to continue to remain in good shape and we're going to take care of the community. It's not going to be at nighttime, people running in and out of there at nighttime. It's going to be something that the neighborhood is not even going to notice is there basically. Real estate company you've got cars coming occasionally there during the daytime. They will be there for just a few minutes, and then we're gone looking at houses. They don't want to see my house that's there, my business there. They want to see stuff out in the community. It's not going to impact the community at all.

CHAIRMAN: Thank you very much, Mr. Kessinger. Anyone else in the audience like to speak to the issue?

(NO RESPONSE)

CHAIRMAN: Commissioners have any questions? Mr. Kazlauskas.

MR. KAZLAUSKAS: Mr. Chairman, I would like to ask the applicant if he's going to share with us and
the people in the audience, one of the houses is going
to be made into a real estate agency, but we're being
asked to change the zoning on all three houses there.
Do you have plans for the other two that you can share
with us?

MR. KESSINGER: That's a good question,
Mr. Kazlauskas. I really don't have any plans right
now. May have something in there that would not
impact the community as far as changing the looks of
it possibly down the road. They're rented right now.
Possibly down the road a dress shop or something like
that. Nothing like Franey's, as they're saying like
Franey, you know, that's going to impact the community
like that. We're not trying to attempt to change the
buildings themselves. We want to leave the buildings
like they are. Only just make the upgrade that we
need to do.

MR. KASSINGER: Thank you.

CHAIRMAN: Anyone else have any questions on
the commission?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a
motion.

MR. FREY: Mr. Chairman, I would like to make
a motion for approval based on Planning Staff
Recommendations, Findings of Fact 1 through 5 with Conditions 1 through 2.

CHAIRMAN: We have a motion by Mr. Frey. Do we have a second to the motion?

MR. MOORE: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

Thank you neighbors for coming. We always want to hear from you and we'll listen to you very carefully.

ITEM 6

9931 & 9945 Oak Street, Whitesville, 0.75 acre Consider zoning change: From B-4 General Business to R-3MF Multi-Family Residential Applicant: Barnett Property Management, LLC

MR. HILL: It is typical for Staff to read the Staff Report in its entirety into record on cases where there's recommendation for denial.

PROPOSED ZONE & LAND USE PLAN

The applicant is seeking a R-3MF Multi-Family Residential zone. The subject property is located in a Business Plan Area where urban mid-density
residential uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(A) Building and lot patterns - Building and lot patterns should conform to the criteria for "Urban Residential Development" (D6).

(B) Existing, expanded or new sanitary sewers - Urban Mid-Density Residential uses should occur only where sanitary sewer systems exist or may be expanded, or where new systems may be properly established.

(C) Logical expansions - Existing areas of Urban Mid-Density Residential uses may be expanded onto contiguous land. An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

(D) New locations near major streets - In Urban Residential, Professional/Service, Business, and Rural Community plan areas, new locations of Urban Mid-Density Residential uses should be "major-street-oriented" (D2).

(E) New locations adjoining non-residential uses - If new location of Urban Mid-Density Residential uses are located in Professional/Service or Business plan areas, they should be cited on the fringes of such areas where they would serve as
"buffer uses" (D1).

PLANNING STAFF REVIEW

GENERAL LAND USE CRITERIA

Environment

* It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.

* The subject property is not located in a special flood hazard area per FIRM Map 21059CO340D.

* It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015.

* The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewer, are available to the site.

Development Patterns

Two B-4 zoned parcels totaling 0.75 acres within the City of Whitesville are the subject properties of this rezoning request. The applicant

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proposes to rezone both parcels to R-3MF Multi-Family Residential and intends to redevelop the property as apartments.

In 1985 Palmer Oil Company operated a gas station on the eastern portion of the subject property and successfully petitioned to have the western portion rezoned from R-1A to B-4 in order to construct a car wash. A final development plan was also approved in 1985 for the proposed car wash facility on the property. The subject properties are surrounded by single-family residential parcels zoned either R-1A or R-1B.

If the rezoning is approved, the applicant will be required to provide vehicular use area screening compliant with Article 17 of the zoning ordinance around the perimeter of any proposed parking area that faces any residential property or Oak Street right-of-way.

Prior to occupancy of the property the applicant must obtain approval of a development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

SPECIFIC LAND USE CRITERIA
The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed use as multi-family residential conforms to the criteria for urban residential development and the subject properties are in an area served by sanitary sewers. However, the proposal is not a logical expansion of existing R-3MF zoning in the area. The proposal is not major street oriented and it would not serve as a buffer between a higher intensity use and a lower intensity use.

PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Business Plan Area where urban mid-density residential uses are appropriate in limited locations;

3. The proposed use as multi-family residential conforms to the criteria for urban residential development;

4. The proposal is not a logical expansion of existing R-3MF Multi-Family Residential zoning in the area.
area;

5. The proposal is not major street oriented; and

6. The proposal would not serve as a buffer between a higher intensity use and a lower intensity use.

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

CHAIRMAN: Is anyone here representing the applicant?

MR. BARNETT: Yes.

CHAIRMAN: Do you want to make any comments at this time?

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

MR. BARNETT: Travis Barnett with Barnett Property Management.

(TRAVIS BARNETT SWORN BY ATTORNEY.)

MR. BARNETT: Currently the lots we're trying to have rezoned for commercial, there's an abandon car cash that sits there.

Over the years the property has become an eyesore for the City of Whitesville. The neighbors have even complained about a lot of suspicious activities going on there.
If we're able to get the site rezoned, our plan is to build a six unit apartment complex there next summer. The following year in 2018 we plan to another six unit complex for a total 12 units there when we're finished.

Last summer our company built Legacy Village Apartment Complex in Whitesville. It's a six unit complex. They're staying occupied and we continue to get phone calls every week from people requesting to be added to our waiting list. So the demand is definitely there. That's why we're wanting to build more.

It seems the whole community of Whitesville is excited about the possible development of the abandon site. We've received no negative feedback.

I've already had the entire Whitesville City Commission, including the mayor, sign a letter saying they approve the rezoning from general business to multi-family. I think those letters are included in your packet. I hope you guys are able to approve it.

CHAIRMAN: Thank you very much.

Is there anyone here like to speak in opposition?

MS. KNIGHT: Please state your name.

MR. VALDEZ: Jessie Valdez.
MR. VALDEZ: With this multi-family home unit, I submitted that to the commission as well. With that the rezoning of the property inside the city limits of Whitesville is strongly opposed by several reasons, included but not limited to the reduction of property value inside the city center and downtown area due to the continuous expansion of multi-family rental properties. Prior property permit has been highly skewed to low income and Section 8 rentals. The increase in crime in Whitesville associated with recent prior expansion of multi-family housing. The city does not have an independent enforcement function and is dependent on state and county resources for the prevention of investigation, prosecution of crimes, domestic matters. The balance of a single-family multi-unit and business and other property type inside the limited footprints of Whitesville needs to further review in consideration with the focus on the future requirements to support any changes and desire of all residents within the city. Just as an owner I've made a conscious effort to revise the City Center in downtown. The City of Whitesville needs the same opportunity to development a Comprehensive Plan practice for its future. I'm not for it.
CHAIRMAN: Thank you very much. Appreciate it.

I would like to ask Counsel, Mr. Howard and Counsel: Any issues that we need to be aware of or concerned with on this application?

MS. KNIGHT: Well, in general this commission can't consider Section 8 or low housing at all in making the decision. We can't consider whether these would be potentially developed and rented to minorities, low income, certain types of families. It's not part of the consideration.

CHAIRMAN: That's very helpful.

Anyone else in the audience like to speak in favor of or opposition to?

MR. BARNETT: I would like to respond, if I could.

CHAIRMAN: Please do, yes, sir. You're welcome to.

MR. BARNETT: Mr. Valdez stated that he believed the apartment complex would decrease the value of the neighborhood, but I would argue that point. I believe that a abandon car wash with suspicious activity going on would be more likely to decrease his property value than a multi-family apartment complex.
CHAIRMAN: Thank you.

Mr. Rogers, have you heard any comments or any concerns - you represent Whitesville - from the neighbors or the community?

MR. ROGERS: Mr. Chairman, I have not.

Mr. Valdez, do you live in this area here?

MR. VALDEZ: I own property in that next adjoining, across the street. I don't know how to describe it. It's in the curve there.

MR. ROGERS: It's not listed on ours.

MR. VALDEZ: It should be S&S. Next to Locust Street, the corner.

CHAIRMANS: Sand One, LLC?

MR. VALDEZ: It's S&S, but it looks like Sand, yes.

CHAIRMAN: Do you reside there?

MR. VALDEZ: Do I reside there, no, but I own property there.

CHAIRMAN: That was your question, wasn't it, Mr. Rogers?

MR. ROGERS: Yes.

MR. VALDEZ: No.

MR. ROGERS: Do you reside there or rent the place?

MR. VALDEZ: I tell you. There was an old
house there that was tore down. I tore it down because it was an eyesore.

As far as regards to the car wash, the car wash was still active and being used. It was not -- it was still being actively used at that location. As far as it being abandon, I don't know of anything of that nature because it was still being utilized.

MR. ROGERS: As far as I'm concerned, the car wash is abandon now. At one time just the middle bay is all they were using, but it appears to be abandon now.

MR. VALDEZ: We've also had problems with other units that have been built with couches being left. In fact, it was built near the park, but the couch being left outside for a month next to the dumpster and never disposed of. So this kind of activity, you know, kind of comes with multi-unit. I still don't care, ask the board to disapprove it.

CHAIRMAN: I have a question for Mr. Howard or Mr. Hill, whichever is appropriate.

Give us as specific in layman's commissioner language you can what would be the reason for recommendation for denial. I read through here. I get the gist of it, but I want to get it down for me.

MR. HOWARD: Sure. I'll be glad to do that.
Basically we have a Comprehensive Plan land use map and any time a rezoning is submitted we look at that map. It has criteria on the back. It's basically a formula. We look at a formula. We look at the criteria. Does it meet? Does it meet? Does it meet? If it does, we recommend approval. If we doesn't, we recommend denial. In this instance, we found that it did not meet those criteria because it was not a logical expansion of existing multi-family in the vicinity with there being single-family residential zone and surrounding it. So based on the formula of the Comprehensive Plan land use map, that's why we recommended denial.

CHAIRMAN: You wanted to make another comment I believe, sir?

MR. BARNETT: I will make another quick comment.

I understand his concern about the abandon couches or trash he was talking about, but I just want to make it noted that the apartment complex he's talking about, that's not our apartment complex. Ours is the Legacy Village across from the fire department. You'll never see anything like that at any of our properties. I just wanted that to be known.

CHAIRMAN: Thank you.

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Any other commissioners have any questions? Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

I was just curious, you mentioned six units at two different times. Have any consideration, since that is, I guess, an infrequently road, it used to be the main highway years ago, but any consideration as far as the increased traffic that would be associated to building these units there?

MR. BARNETT: As you said, it was the main road, Highway 54 for years, so there's no concern that it could handle a lot of traffic daily.

MR. BOSWELL: Thank you.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on the Findings of Facts there have been major changes of economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and those changes have substantially altered the basic character of the area involved.
2. The relocation of Highway 54 further away from the subject property lessen the appropriateness of the property to continue to be used commercially.

3. Multi-family residential is one type of a variety of residential land uses encouraged by the Comprehensive Plan. In order for the community to be able to offer suitable housing choices for a wide range of its residents.

CHAIRMAN: We have a motion by Mr. Rogers. Do we have a second?

MR. BOSWELL: Second.

CHAIRMAN: Second by Mr. Boswell. Any questions or concerns from any commissioners regarding the motion?

(NO RESPONSE)

CHAIRMAN: All those in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application then is passed.

ITEM 7

Portion of 3517 Pleasant Valley Road, 6.195 acres
Consider zoning change: From A-R Rural Agriculture to R-1A Single-Family Residential
Applicant: Jesse Newcomb

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject
to the condition and Findings of Fact that follow:

CONDITION

Approval of a consolidation plat to
consolidate the subject property with the Oakridge
Court properties.

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 Rural
Preference Plan Area, where single-family residential
uses are appropriate in very limited locations;

3. The subject property will be consolidated
with multiple existing lots located on a public
street, Oakridge Court, within Brookview Subdivision;

4. The proposal adds area to existing parcels
that are already large enough to assure satisfactory
operation of conventional septic tank systems;

5. The proposed zoning change is a logical
expansion of existing R-1A zoning located to the west;

6. At 6.195 acres, the proposal is not a
significant increase in R-1A zoning in the vicinity
and should not overburden the capacity of roadways and
other necessary urban services that are available in
the affected area; and

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7. The proposal does not create any new parcels; therefore there will not be any potential new property owners who need to be advised of potential coal mining activities in the rural area.

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

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone here that would like to speak in opposition of this application?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions of Staff regarding the application?

(NO RESPONSE)

CHAIRMAN: The chair will entertain a motion.

MR. BALL: I would like to make a motion to approve based on the one condition and Findings of Fact 1 through 7.

CHAIRMAN: We have a motion by Mr. Ball. Do we have a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any questions about the motion?

(NO RESPONSE)
CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

ITEM 8

620 Salem Drive, 2.015 acres
Consider zoning change: From B-4 General Business to
B-5 Business/Industrial
Applicant: Chris & Lisa Hyland

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Outdoor storage shall be screened by a
minimum six foot tall solid wall or fence.

2. Any gravel that is not located within an
outdoor storage area that is screened by a six foot
tall solid wall or fence must either be removed or
paved over with concrete or asphalt.

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 within a
Business/Industrial Plan Area, where general business
and light industrial uses are appropriate in general
locations;

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3. The subject property lies within an existing area of mixed general business and light industrial uses;

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

5. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.

MR. HILL: Staff request that the Staff Report be entered into the record as Exhibit F.

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do you wish to make any comments, sir?

APPLICANT REP: No. Thank you.

CHAIRMAN: We may have questions for you. Anybody here in opposition of the application?

(NO RESPONSE)

CHAIRMAN: Any questions by any of the commissioners regarding the application?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.
Mr. Moore.

MR. MOORE: Mr. Chairman, I'd like to make a motion for approval based on Staff's Findings of Fact 1 through 5 and Condition 1 and 2.

CHAIRMAN: We have a motion by Mr. Moore. Do we have a second?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

Thank you.

ITEM 9

301 East 16th Street, 1.050 acres
Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial
Applicant: McHayden Properties, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. No access to J.R. Miller Boulevard shall be permitted;
2. Outdoor storage areas shall be screened by a minimum 6 foot tall solid wall or fence.

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 within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;

3. The subject property lies within an existing area of mixed general business and light industrial uses;

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

5. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification,

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

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone here in opposition of the
application?
(NO RESPONSE)
CHAIRMAN: Any board members have any questions about the application?
(NO RESPONSE)
CHAIRMAN: Chair will entertain a motion.
Mr. Ball.
MR. BALL: I'd like to make a motion to approve based on Planning Staff Recommendations, Conditions 1 through 2 and Findings of Fact 1 through 5.
CHAIRMAN: We have a motion by Mr. Ball. Do we have a second?
MR. BOSWELL: Second.
CHAIRMAN: We have a second by Mr. Boswell.
Any questions about the motion?
(NO RESPONSE)
CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The application is approved.
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NEW BUSINESS
ITEM 10
Consider approval of February 2016 Financial statements.
CHAIRMAN: Ready to look at the financial report. All of you received a copy of the financial statements with your packet of materials. Do we have any questions or concerns about the financial statements?

(NO RESPONSE)

CHAIRMAN: If not then the chair will entertain a motion for approval.

MR. KAZLAUSKAS: So move to be approved.

CHAIRMAN: Motion by Mr. Kazlauskas.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The financial statements are approved.

ITEM 11

Comments by the Chairman

CHAIRMAN: I have no comments.

ITEM 12

Comments by the Planning Commissioners

CHAIRMAN: I think Mr. Kazlauskas has one and maybe some of the other commissioners do.
MR. KAZLAUSKAS: Thank you, Mr. Chairman.

At our last work session we had representatives from OMU and from the Department Division of Water, State of Kentucky Division of Water where we asked for information as to what future zoning applications and the possible passage of them. My impact, OMU's wellhead wells up in the eastern part of the county, east of Owensboro. That meeting ran for a pretty good while. Very lengthy. There was a lot of information shared. The board at that time did not come to any consensus. For those of us that were there, the Chairman appointed Mr. Manuel Ball and myself to meet with Brian Howard to see if we could come up with some type of an idea of how we would approach rezoning in the future when it could quite possibly have an impact on the artesian wells in the city and the county.

Last month Mr. Ball and myself and our director met. We labored for many minutes, Mr. Chairman, and had a healthy exchange of ideas. I think basically what we came up with and we wanted to present to you and the rest of the commissioners was that any time a zoning application became before us or in fact came to the Staff, that the Staff would make aware Owensboro Municipal Utilities, the Kentucky
Department of Water, and local and/or state EPA, that there was an application for a zoning amendment or a change that could in the future impact where the wellheads are located and the artesian wells. We felt that with the Staff making those three agencies aware, that this commission was doing its due diligence in waiting for feedback from those three agencies. We would like to bring that to the commission. I guess what we were asking was a consensus of the board that our director move forward with that idea. That covers our responsibilities as a commission when we make these three agencies aware of what's going on, and at that point we would ask feedback from them.

Mr. Ball might have some comments.

CHAIRMAN: Mr. Ball, do you have anything to add?

MR. BALL: I believe he covered it all very well. We had a good session. I think that's the way to go.

CHAIRMAN: I really appreciate you bringing this to us earlier, Mr. Kazlauskas, because our water is one of our greatest resources in our community. So I think protecting that is critical. Don't think we need to have a vote
necessarily, but would anybody object if Mr. Howard would do this routinely when those applications come in that are in that wellhead area?

(ALL BOARD MEMBERS NODDED RESPONDING YES.)

CHAIRMAN: Mr. Howard, if you wouldn't mind to make those notifications to them.

Any other commissioners have any comments?

(NO RESPONSE)

ITEM 13

Comments by the Director

MR. HOWARD: Just to piggyback on that. Assuming that you all would be in favor of that, we have e-mail addresses to each of those three agencies. I don't know if you noticed on the Staff Reports this month, but under the Environmental section we altered one of the paragraphs to include the EPA and the Division of Water and FEMA and all of those people. We're certainly prepared to move forward with that.

The only other thing I would note is, and I mentioned it last month, but the spring American Planning Association Kentucky Chapter Conference is in Bowling Green this year. That's May 18th through 20th. Again, if any of the board members would like to attend, there is a Thursday session that's geared specifically towards Planning Commission and Board of Ohio Valley Reporting
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Adjustment members that would be put on by a land use attorney within the state, and one of the Planning Directors from Northern Kentucky, which I think would be good. So if any of you all that would like to attend that, just let us know and we'll get you registered.

CHAIRMAN: I think the date on that was?

MR. HOWARD: May 18th through 20th.

CHAIRMAN: 19th is that session.

MR. HOWARD: Thursday the 19th is all day.

You will receive 7, 7 1/2 hours. I don't remember exactly what they have slated hours of House Bill 55 Continuing Education requirements, which you're required to get eight every two years. So basically this one session, that with the other training opportunities that we provide before meetings sometimes should get you clear for two years worth of continuing education hours.

CHAIRMAN: Thank you, Mr. Howard.

Ms. Hardaway, we need to get you on record.

You want to make the last motion.

MS. HARDAYAW: A motion to adjourn.

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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I, LYNNETTE 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 50 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 10th day of April, 2016.

LYNNETTE 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

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