OWENSBORO METROPOLITAN PLANNING COMMISSION

MARCH 10, 2016

The Owensboro Metropolitan Planning Commission

met in regular session at 5:30 p.m. on Thursday, March
10, 2016, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

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

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CHAIRMAN:  I want to call the May 10, 2016
meeting of the Owensboro Metropolitan Planning
Commission to order.  I welcome all of you this
evening to come be with us. We start every meeting
with a prayer and pledge to the flag. That will be
lead by Mr. Larry Boswell.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Want to welcome all of you to our
meeting this evening. Before we get started I want to
welcome a new member to the Planning Commission.
Judge Al Mattingly has done us the honor of appointing
Angela Hardaway to the Commission.

Angela, we're very pleased to have you here.

I'm going to tell you what my wife told me. Did I not have enough enemies already, when I served on this commission. We make half the people happy and half the people mad.

MS. HARDAWAY: Thank you.

CHAIRMAN: First of all, all of you received a copy of the minutes in your packet. Are there any corrections or additions to the minutes this evening?

(NO RESPONSE)

CHAIRMAN: If not, the chair will entertain a motion to approve.

MR. MOORE: Make a motion to approve, please.

CHAIRMAN: Motion by Mr. Moore.

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

GENERAL BUSINESS

PUBLIC HEARINGS

ITEM 3

Consider adoption of proposed text amendments to Article 21 of the Zoning Ordinance related to the
process of appointing the Downtown Design Administrator.

MR. HOWARD: You all received a copy of the changes proposed in Article 21. It's one change. It basically is a change from the Downtown Design Administrator who oversees the Downtown Overlay District. That person is currently appointed by the City manager. This proposed change would transition that to it being appointed by the Planning Director.

Where that came from, we had discussions with the City probably starting a couple of months ago, two or three months ago. Ed Ray, the City Attorney, and the Assistant City Manager approached us and asked if we would be interested in potentially taking that over. It was one of the recommendations from the Mayor's Business Committee that was done a couple of years ago. That position at some point transitioned to the Planning office. We said, sure, whatever works for you guys we'll be glad to take that into account and work that into what we do.

We're excited about it. We think there's some opportunity with the Downtown Design Administrator being actually a contract position under our office that we would have not only basically the Zoning Administrator for Downtown, but also the Zoning
Administrator for the County all in one office. We think that certainly is a benefit.

We met with the Historic Preservation Board last week. Went over the process with them. Really the role of the Historic Preservation Board does not change. That Board is appointed by the City. The Board would remain the same. Their function would remain the same. The only thing that would be different really is who appoints that Downtown Design Administrator.

I see Nathan Nunley who is the current Downtown Design Administrator is here tonight. After doing this for several years now, Nathan is the first one, he's decided to retire here probably at the end of June. I think the City felt that this would be the time to make that transition as he is leaving and we bring somebody new on board.

Right now that position is a contract position. It's part-time. We would foresee that that would be the same.

Gary Adams is also here tonight. He's on the Historic Preservation Board. At the Historic Preservation Board meeting there was discussion that he would like to participate as a representative of the Historic Preservation Board. Also the fact that
he was also on the Planning Staff for 30 years. He was on there forever. Gary understands planning. He's got an architectural background. He understands urban design. I think he would be great to do that as well.

That's where we are. That's why this change has come about. That's why we propose this text amendment. It will have to be forwarded to the City for them to take final action. That's what it is.

I'll be glad to answer any questions and, gentlemen, if you all have any questions or comments or anybody else for that matter.

CHAIRMAN: This is anticipated that this would take place in time.

For those of you on the Board that doesn't understand, the role that the Historic Preservation Board serves for downtown is essentially Board of Adjustments. The Board of Adjustment does not hear those issues for the Downtown District. The Preservation Board does. We felt like that was more appropriate.

MR. HOWARD: Unless there's an additional variance, and then the Board of Adjustment does still hear it. They can allow those exceptions through the design guidelines. Just wanted to clarify.
CHAIRMAN: Gary, would you like to make any comments?

MS. KNIGHT: State your name, please.

MR. ADAMS: Gary Adams.

(GARY ADAMS SWORN BY ATTORNEY.)

MR. ADAMS: Thank you, Mr. Chairman.

The Historic Preservation Board is excited about having potentially a closer relationship with the Planning Staff regarding Downtown Design review. Nathan has been a great administrator working through the community development department office. Just for information, community development will still be serving as staff for the Historic Preservation Board on matters other than being supervisor of the Downtown Design Administrator. So everything should be copacetic and we're looking forward to this new arrangement.

CHAIRMAN: Thank you, Gary.

I must say, early on I was one of the folks that enticed Nathan in to doing this job early on. We can't even think about filling your shoes, Nathan. You've done a tremendous job the past few years and set a precedence that really made sure that what we did to the downtown was done right. The community owes you great deal of gratitude. Thank you
for your service. We appreciate it very, very much.

Any of the commissioners have any questions about this?

Mr. Kazlauskas.

MR. KAZLAUSKAS: Just a housekeeping question.

Brian, is this going to be included in our budget? Was the City paying that contract labor? Are we going to have to pick that up?

MR. HOWARD: At this point, no, we will not pick that up. We have an agreement that the City will transfer additional funds to our office to pay for this position for at least the next couple of years. Potentially moving forward that was one of the things discussed at the Historic Preservation Board meeting the other day. We anticipate that that will be funded by the City. It will be incorporated into our budget, but it will be reflected in moneys that are sent to us from the City.

MR. KAZLAUSKAS: That's good. Thank you.

CHAIRMAN: Thank you, Mr. Kazlauskas.

Any other questions?

(NO RESPONSE)

CHAIRMAN: Any members of the audience have a question or concern about this item?

(NO RESPONSE)
CHAIRMAN: If not I assume we need to make a motion to approve.

MR. HOWARD: Yes, we do.

MR. BOSWELL: Motion to approve.

CHAIRMAN: We have a motion by Mr. Boswell.

MS. McENROE: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.

ITEM 4

Consider adoption of proposed text amendments for a new Article 22 of the Zoning Ordinance related to Overlay Districts

MR. HOWARD: Mike Hill is here and will have some background information on this.

MS. KNIGHT: State your name for the record.

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: This is a new proposed Article 22 of the Zoning Ordinance. Its intent in general is to be a location to house any future contemplated Overlay Districts that the powers that be may feel are necessary.
At this point in time there's one Overlay District that's being proposed. It's titled Arena Overlay District. It is specifically targeted to address the it's Owensboro Sportscenter property and potential development and/or future redevelopment.

The proposed text is attached to your Staff Report. There's two pages of text that will be, as of now, proposed to be Article 22. It was written by OMPC Staff. Also reviewed by representatives of the City of Owensboro. It touches on issues such as permitted land uses, signage, parking, landscaping requirements. It outlines a required development plan review process. Requires master parking study that is associated with the project in the Overlay District. The Overlay District itself is defined as the entire city block including the rights-of-way bounded by Hickman Avenue, West 12th Street, Parkview Drive and West Parrish Avenue. As I mentioned, the text is included in your report.

FINDINGS OF FACT

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

1. Proposed Article 22 will encourage the
2. Proposed Article 22 will provide additional recreational, entertainment and cultural activities within the City of Owensboro and Daviess County for the use and benefit of the citizens of the City, County and region;

3. Proposed Article 22 will help maintain Daviess County as a viable economic unit;

4. Proposed Article 22 assists in using the fixed amount of land in Daviess County as wisely and sparingly as possible;

5. Proposed Article 22 supports the concentration of Daviess County's urban development inside the Urban Service Area by reducing urban sprawl;

6. Proposed Article 22 aids in the coordination of urban development by providing well thought-out plans and programs to properly maintain existing, and to guide development of new buildings, transportation, utility, supply, and waste disposal facilities;

7. Proposed Article 22 encourages new urban development near existing urban built-up areas through
public-private partnerships;

8. Proposed Article 22 helps to maintain and improve the quality of existing urban neighborhoods through building maintenance, rehabilitation, and compatible replacement, and through improvement of community facilities and services;

9. Proposed Article 22 encourages in-fill development that maximizes the efficiency of existing infrastructure and is designed to be compatible with adjoining land uses;

10. Proposed Article 22 assures that nonresidential uses in the neighborhood have adequate space for future expansion and are designed so that their traffic, parking, noise, odors, etcetera do not conflict with residential uses;

11. Proposed Article 22 is an example of flexible zoning criteria for existing redeveloping neighborhoods as encouraged by the Comprehensive Plan;

12. Proposed Article 22 is supported by the Comprehensive Plan statement regarding development strategies and promoting the development of a convention center/sports complex in the downtown area; and,

13. Proposed Article 22 is an innovative approach intended to improve an existing community
facility to benefit the citizens of the City, County and region.

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

CHAIRMAN: Thank you, Mr. Hill. I have one question.

The traffic area is included because?

MR. HILL: Traffic area meaning the rights-of-way?

CHAIRMAN: Yes, rights-of-way.

MR. HILL: We added that to the area for the potential use of on-street parking to be included in the required master parking plan.

CHAIRMAN: Thank you.

Commissioners, any of you have any questions? (NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions? (NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. BALL: Ready to make a motion, I believe.

CHAIRMAN: Mr. Ball.

MR. BALL: Make a motion to approve based on Staff’s Recommendations and Findings of Fact 1 through
CHAIRMAN: We have a motion by Mr. Ball. Do we have a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion passes. Thank you.

ITEM 5

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

MR. HOWARD: Commissioners, you all received a copy of some standard drawings that were prepared by RWRA that have been updated to reflect what is currently happening out in the field and that type of thing. These were presented to the Public Improvement Specification Committee when we last met. It was unanimous amongst that group that they be considered for approval. Once they're approved, we would incorporate those into the existing PI Spec document and these would effectively replace the existing drawings that are in the PI specs.

CHAIRMAN: This one is beyond my ability to
understand when I looked at it.

Do any of the commissioners have any questions?

Mr. Ball.

MR. BALL: Am I reading this right, Brian, that basically what we're doing here is cleaning up language in the existing ordinance to do exactly what we originally intended to do, not allow anything but a six inch --

MR. HOWARD: That's the next one.

MR. BALL: I'm a step ahead?

MR. HOWARD: RWRA drawing.

MR. BALL: Sorry. I'll ask it next.

CHAIRMAN: He withdraws that question.

Yes, Mr. Boswell.

MR. BOSWELL: More of a curious question. On the revised Item 5, I'm assuming that that's really just updating the communications network from what it originally listed on the earlier drawing that we had in our files. In the process with the wireless service, is there any issue around with that being below ground that that communication could be interrupted in some way as well with it being below ground?

MR. HOWARD: As Mr. Reeves said, that is
beyond. I mean this is what RWRA proposed and it's their standard practice. It apparently works well for them. We certainly would rely on them to prepare information. Like I said, it was presented to the PI Spec Committee. They all seem to agree that this was an appropriate means to achieve the end goal.

CHAIRMAN: Was Mr. Pedley at that meeting, I hope?

MR. HOWARD: He was.

CHAIRMAN: I feel better.

MR. HOWARD: Since you asked, I won't be able to pull everybody off the top of my head, but Ward Pedley was there. Mike O'Bryan was there. George Ballard was there. Manuel Ball was there. Jim Riney was there. Various utilities were there. I'm sure I'm probably missing some others. I'm looking at Jim Riney because he was at the meeting. RWRA, all the different various utilities were there. City and county engineer.

It's a group that they meet every year. We always talk about the surety cost adjustments for posting surety either in December or January of each year. This was discussed amongst that same group of experts and people in the field that do this type of thing.
MR. BOSWELL: With that wealth of vast knowledge I understand that this is a good decision.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have a question or concern?

(NO RESPONSE)

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

MR. KAZLAUSKAS: Move that it be approved.

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

MR. BALL: Second.

CHAIRMAN: Second from Mr. Ball. Any questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: If not all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That motion has passed.

ITEM 6

Consider adoption of revisions to Chapter 6 of the Public Improvement Specifications related to fire protection requirements.

MR. HOWARD: You all were given a copy of this as well. This was another item that was addressed at
the meeting that we had. Harvey Henderson with the
fire department, he's here tonight to answer any
questions that you all may have. I'll try to give a
brief synopsis of where this came from.

Mr. Henderson approached us sometime last
year. This has been a periodic concern that's popped
up when you have new developments, road frontage lots
being cut off along existing county roads, they can do
a major/minor subdivision. The only requirement is to
post surety for fire hydrants. We believe the intent
was when the regulation was written that if you didn't
have a 6 inch line that you had to extend the 6 inch
line and put the fire hydrant on a 6 inch line. That
is what's needed to provide adequate fire protection,
water pressure for hydrants. It seems as though
there's been a loophole discovered where instead of
extending 6 inch line and replacing line so that it's
adequate in size, the way that the regulation is
currently written, in theory you could go in and
replace a very short portion of the existing 4 inch
line with a 6 inch line and you're technically putting
your fire hydrant on a 6 inch line, but it doesn't
meet the intent of what the subdivision regulation was
in order to provide adequate fire protection, water
pressure, flows out to these fire hydrants within the
county. That's where this came from.

Again, this was presented at the committee.

At that time there was discussion on it. No one there objected to the change. Again, we feel like it's cleaning up what the original intent was.

As I said, Mr. Henderson is here. He can answer questions. Feel free to get up and correct me or provide clarification if need be.

CHAIRMAN: Mr. Henderson, do we need further clarification?

MR. HENDERSON: No, sir. He explained it very well.

CHAIRMAN: Any commissioners have any questions on this item?

Mr. Ball.

MR. BALL: I think Brian answered my first question, but I do have another question. I guess this may be for Harvey.

Is there any possibility that a 4 inch main will work in this particular scenario? We want to be careful that we don't at least ask that question as far as flow.

CHAIRMAN: Mr. Henderson, if you don't mind to address that question for us, please.

MS. KNIGHT: Sir, would you please state your
name for the record.

MR. HENDERSON: Harvey Henderson.

(HARVEY HENDERSON SWORN BY ATTORNEY.)

MR. HENDERSON: To answer your question, Manuel, as far as the way the ordinance read, you could expand, with what Brian said, you could expand from 4 inch to a 6 six inch and put that hydrant on a 6 inch. You could put a 20 foot section running parallel with a 4 inch main and actually replace that hydrant. Minimum requirements in a rural area is 250 gallons a minute. You say that's a lot of water, but it's really not a lot of water when you're in the midst of fighting a structural fire. Plus depends on what time of day it is, how much water is being used, things like that.

To answer your question about the 4 inch. Yes, it's possible. However, I think we're moving forward in Daviess County. We've got great fire trucks and we've got great fire service. But if we don't have the water to supply water to fight those structure fires, and also too you've got to figure your insurance rating and things like that.

We think that going away from that loop hole, and that's what I called it when I met with Brian talking about that. That loop hole, going away from
that, I think we can, if we allow this to keep going, you know, future projects down the road we're still going to be stuck with that 4 inch water main going there and it's not going to be adequate water supply to those subdivisions in that area. So I don't want to cause any undue hardship on any developer, as far as putting new water lines in, but then again we're still thinking about the emergency situation as far as water supply and future development.

MR. BALL: Thank you.

CHAIRMAN: Does that address your question?

MR. BALL: Yes, it does.

CHAIRMAN: Any other commissioners have any questions of Mr. Henderson?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Or do any of the commissioners have any questions on any other issue with regard to this revision?

(NO RESPONSE)

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

Mr. Jean.
MR. JEAN: I'd like to make a motion it be approved.

CHAIRMAN: We have a motion by Mr. Jean.

MS. McENROE: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Thank you, Mr. Henderson, very, very much.

MR. HOWARD: I will note that the 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 along with all the appropriate materials to the appropriate legislative body for them to take final action. The appeal forms are located on the back table here, they're in our office and on our website.

ZONING CHANGES

ITEM 7

1830 Alexander Avenue & A Portion of 1715 East 19th Street, 0.139 acres

(POSTPONED FROM FEBRUARY 11, 2016 MEETING)

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

Applicant: Bobby Roberts
PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Approval of a minor subdivision plat dividing the residential zoned portions of the subject property from the commercial zoned portions. The residential zoned areas shall be consolidated into a single parcel and the commercial zoned areas shall be consolidated into a single parcel.

2. Approval of a variance eliminating the required landscaping and buffering and approval of a variance to reduce the side yard building setback requirement from 5' to 1' from the property line.

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 partially located in a Central Residential Plan Area, where single-family residential uses are appropriate in general locations, and partially located in a Business/Industrial Plan Area, where single-family residential uses are generally not recommended;

3. The proposed use meets the requirements
for urban residential development; and,

4. The residential structure on the subject property has been used as a residence since it was constructed in 1943.

MR. HILL: Staff recommends approval. We would ask the Staff Report be entered into the record as Exhibit B.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Who dealt with the applicant?

MR. HILL: I did.

CHAIRMAN: I have a question for you, Mr. Hill.

Did the applicant understand the requirements of the conditions that were in your report?

MR. HILL: They received the report. We did not hear any negative response from them.

CHAIRMAN: Very good.

Any commissioners have any questions on this item?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions on this item?

(NO RESPONSE)
CHAIRMAN: If not the chair will entertain a motion.

MR. MOORE: Mr. Chairman, I move for approval with the Conditions 1 and 2 and Findings of Fact 1 through 4.

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

MR. BOSWELL: Second.

CHAIRMAN: Second by Mr. Boswell. Any questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: If not all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: It is approved.

RELATED ITEM

ITEM 7A

1830 Alexander Avenue & 1715 East 19th Street, B-4 and proposed R-4DT
Consider a request for a Variance to eliminate required landscaping and buffering and a Variance to reduce a side yard building setback line from 5' to 1' from the property line
Reference: Zoning Ordinance, Article 17, Section 17.3111(b)
Reference: Zoning Ordinance, Article 8, Section 8.5.16(d)
Applicant: Bobby Roberts

MR. HILL: This application obviously is related to the rezoning request we just considered.
The applicant's intent and the whole idea was to separate the residential used portions of the property from the commercially used portions.

Previously zoned B-4, there's a residence on the property that was constructed in 1943 according to PVA records. There were three commercially used structures on the property as well. Built all since 1982.

In order to achieve the results, a rezoning was required. Number two, he needed to reconfigure how the two parcels were shaped. Currently are kind of north/south oriented, two side-by-side parcels as you can see on the screen.

The proposed reconfiguration will kind of change that to an east/west orientation of the two lots.

The new rezoning line that also will be the new parcel line traversing the property along where you see the green highlighted area. It triggers some new requirements that didn't exist before when the entire property was zoned B-4.

The green area is a newly required 10 foot landscape buffer area. The applicant is requesting a variance of that area and the required plantings and screenings that would be placed in it.
The orange highlighted area is the building setback variance that now is triggered once the new property line is inserted in that location and is differing boundaries with classification on each side. So the orange you see, the first 4 feet of that building that's an existing two-story commercial building is within the 5 foot required side yard setback. That is a new setback.

The building, this is the area between, on the left in the picture you see the residential structure. Then there's a void. On the right is the commercial building that's been there since the '80s. It's a two-story solid concrete wall block building. That is the area where the required screening is requested to be removed or eliminated.

The Staff does not feel there is a hardship in this case; however, if the rezoning and the variances were not requested they still could proceed to use the residential property as they have for many, many years, but the desire by the applicant is to sever the residential structure from the commercial used portions of the property.

Staff does recommend approval of the variances mentioned. The findings of fact are as follows:

FINDINGS OF FACT

Ohio Valley Reporting
(270) 683-7383
1. Granting the variance will not adversely affect the public health, safety or welfare because the requested variances will not alter the existing pattern of development in this area that citizens have long since become accustomed to;

2. Granting the variance will not alter the essential character of the general vicinity since these properties have already been used in this manner for many years and the adjacent residents should not notice any visible changes in the activities occurring on the property;

3. Granting the variance will not cause a hazard or a nuisance to the public as there will still be adequate space for pedestrian movement around the property perimeter for access to and maintenance of the structures;

4. Granting these variances will not allow an unreasonable circumvention of the requirements of the zoning regulations and furthermore the associated rezoning request will eliminate a long established nonconforming use.

MR. HILL: Staff recommends approval. We request the Staff Report be entered into the record as Exhibit C.

CHAIRMAN: Thank you, Mr. Hill.
As many of you on the Board know, we don't very often hear a variance because these are typically heard by the Board of Adjustments, but in cases where a rezoning and a variance are connected, it's appropriate to help the developer if we do hear the variance. I will remind the board members this does require a finding of fact. You will get some help on the findings of fact on the back of the first page, if you need to make a motion.

Any questions from the board on this?

(NO RESPONSE)

CHAIRMAN: Any questions or concerns from the audience?

(NO RESPONSE)

CHAIRMAN: Then the chair will entertain a motion.

Mr. Boswell.

MR. BОСWELL: Make a motion for approval based on the variance Staff Review to inclusive of the considerations listed in the review and the Findings of Fact 1 through 4.

CHAIRMAN: We have a motion from Mr. Boswell. Do we have a second?

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. Concerns
or questions about the motion?

(No response)

Chairman: All in favor raise your right hand.

(All board members present responded AYE.)

Chairman: It does pass unanimously.

Item 8

301 Breckenridge Street, 0.22 acres
Consider zoning change: From B-4 General Business to
I-1 Light Industrial
Applicant: Owensboro Grain Company, LLC

Ms. Knight: Please state your name for the
record.

Ms. Evans: Melissa Evans.

(Melissa Evans sworn by attorney.)

Planning Staff Recommendations

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

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/Industrial Plan Area where Light Industrial
uses are appropriate in general locations;

3. The proposed use conforms to the criteria
for nonresidential development; and,
4. With a 6 foot tall solid wall or fence installed around the perimeter of any outdoor storage, the site will comply with the buffers for outdoor storage yards.

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

CHAIRMAN: Anyone here representing the applicant?

MR. MATTINGLY: Yes.

CHAIRMAN: Do you have any comments you would like to make, sir?

MR. MATTINGLY: I do not.

CHAIRMAN: Thank you very much.

Commissioners, any of you have any questions about this application?

CHAIRMAN: Yes, Mr. Boswell.

MR. BOSWELL: Just a couple of questions. Maybe you're not at liberty to even provide the information at this point.

In the report, application we have says that "The subject property is located within the 5 year estimated time travel area of the Owensboro Wellhead Protection area, and according to OMU, if the property will have or produce anything that can contaminate the soil they must have a Wellhead Protection Plan."
Do you have any sense at this point on what would go in that location if it were rezoned?

CHAIRMAN: Sir, would you mind to step to the podium, if you don't mind, so we can swear you in.

Let me just say, we would appreciate you answering questions, but you certainly are not required to answer questions if you chose not to.

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

MR. MATTINGLY: Bill Mattingly.

(BILL MATTINGLY SWORN BY ATTORNEY.)

MR. MATTINGLY: Could you repeat the question?

MR. BOSWELL: Yes. I was just curious, it says proposed use grain bins and warehouse storage. It makes mention to the possibility of producing something. Is there anything other than grain or what's going to be stored in those?

MR. MATTINGLY: Actually there will be nothing -- we're just going to use it for additional storage. There will be no processing.

MR. BOSWELL: Associated to that, will there be any type of drying capacity there for grain or anything such as fans?

MR. MATTINGLY: It's possible.

MR. BOSWELL: Would there will be any issue as
far as the amount of noise that that would produce
with the residential areas that are close by?

MR. MATTINGLY: I'm not sure how to answer
that question. Whatever goes in will be reviewed by
the Division of Air Quality. There is a certain noise
standard you have to meet.

MR. BOSWELL: Thank you.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: Thank you very much. Appreciate
those responses.

Any other questions from the audience?

Mr. Adams.

MR. ADAMS: Mr. Chairman, I was wondering if
you could ask, there is a building that used to be an
office building or has been an office building there.
Is that incorporated in this rezoning change?

CHAIRMAN: Mr. Howard.

MR. HOWARD: Are you asking if they're going
to keep the existing structure that is there or is it
coming down?

MR. ADAMS: Yes. In the application does it
identify if there are any plans for that building?

MR. HOWARD: I do not know.

CHAIRMAN: Sir, do you want to respond to
that? I hate to ask you to step up. We have
everything on record so I feel like I have to ask you.
Did you understand Mr. Adams' question?
MR. MATTINGLY: His question I believe was
what might happen to the old Owensboro Wagon Factory
building. We're not sure that the Wagon Factory
building will have to go, but that's certainly a
possibility. We've had a couple of engineers look at
it over the years and it's not in very good shape.
CHAIRMAN: Mr. Adams, does that answer your
question?
MR. ADAMS: Yes.
CHAIRMAN: Thank you, sir.
Did you want to make any other comments,
Mr. Adams?
MR. ADAMS: If I may, sir.
CHAIRMAN: Absolutely.
MR. ADAMS: I'm just wanting to have it on
record that even though that building was built about
1900, I think it's probably the last remaining
historic structure that related to Owensboro Wagon
Factory in that entire complex. I know that the
historic Preservation Board has not really taken any
look at it. It's not, as far as I know, it's not
recognized as a historic building formally for any
reason. We would certainly, I think, encourage
Owensboro Grain to preserve it if possible for the
future because of its significance historically with
Owensboro Wagon Company. Thank you.

CHAIRMAN: Thank you for your comments. We
appreciate it very much.

Anyone else have any questions or concerns
about this application?
(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a
motion.

MR. BALL: Mr. Chairman, I'd like to make a
motion.

CHAIRMAN: Mr. Ball.

MR. BALL: I'd like to make a motion to
approve based on Staff's recommendations and Findings
of Fact 1 through 4.

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

MS. McENROE: Second.

CHAIRMAN: We have a second by Ms. McEnroe.

Any questions or concerns about the application?
(NO RESPONSE)

CHAIRMAN: If not all in favor raise your
right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved. Thank you.

ITEM 9

2107 Frederica Street, 0.196 acres
Consider zoning change: From R-4DT Inner City Residential to B-4 General Business
Applicant: Crab Properties, LLC; Alice Durand Estate
c/o Mary Mattingly

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. The existing access to Frederica Street shall be closed with the curb and gutter removed and the grass strip and sidewalk restored.

2. Access to the subject property shall be limited to the alley to the rear of the 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 a Professional/Service Plan Area where General Business uses are appropriate in very limited locations;

3. The proposed use conforms to the criteria for nonresidential development;
4. This proposal is a logical expansion of B-4 zoning to the north;
5. At 0.196 acre the proposal is not a significant increase in B-4 zoning in the vicinity;
and,
6. With access limited to the alley to the rear of the property the proposal will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit E.
CHAIRMAN: Thank you very much.
Is anyone here representing the applicant?
MR. RUTMAN: Yes.
CHAIRMAN: I have one question for you, if you don't mind.
MS. KNIGHT: Please state your name for the record.
MR. RUTMAN: Ryan Rutman.
(RYAN RUTMAN SWORN BY ATTORNEY.)
CHAIRMAN: Do you understand Conditions 1 and 2 and are prepared to do those?
MR. RUTMAN: Yes, sir.
CHAIRMAN: That's my question.
Any other commissioners have any questions of
the applicant?

MR. BOSWELL: Yes.

CHAIRMAN: Mr. Boswell.

MR. BOSWELL: Also in our report, it makes mention to the applicant being required to provide the property perimeter screening along the southern property boundary where it's adjoining residential properties. Any issue with that?

MR. RUTMAN: No, sir.

MR. BOSWELL: Thank you.

CHAIRMAN: Sir, we'll recognize you in just one moment.

Anybody else have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone else like to speak?

Yes, I believe you wanted to make a comment. Come to the podium please if you do. Sorry to ask you to do that, but we have to get it recorded.

MS. KNIGHT: State your name, please.

MR. WOOLFOLK: Bill Woolfolk.

(BILL WOOLFOLK SWORN BY ATTORNEY.)

MR. WOOLFOLK: I am the owner of the original 1920, 1930 properties, Number 3, 4 and 5 in the 2100 block of Frederica Street now designated as one lot,
2119 Frederica Street. I have several questions in regards to all of this usage.

Has the sale of the property been closed? Do we know that the closing sale of this property has been realized and that at this time we are discussing what use of the Durand Estate may be allowed by this board?

CHAIRMAN: Mr. Howard, I defer to you on that.

MR. HOWARD: We're not aware of whether or not the property is closed or not.

CHAIRMAN: Sir, do you mind to respond to that.

MR. RUTMAN: The sale is closed, yes.

CHAIRMAN: Your second question was, sir?

MR. WOOLFOLK: I have several more here. Do you have a list of B-4 businesses --

CHAIRMAN: Sir, what was your second question you asked?

MR. WOOLFOLK: Has the sale of this property been closed? Do we know the closing property has been realized and at this time we are discussing what use of the Durand Estate property may be allowed by this board.

CHAIRMAN: I think, Mr. Howard, you can address that, can't you?
MR. HOWARD: I guess that parleys into I guess the third question you asked, list of uses that would be potential in that B-4 zone.

MR. WOOLFOLK: Yes. What businesses may be considered for use on the Durand Estate property? I had acquired that information at an earlier time, but in my old age and my tendency to misplace things and not find them again, I seem to have lost this information.

MR. HOWARD: In Article 8 of the Zoning Ordinance, Article 8 is the Land Use section of the Zoning Ordinance and there's a chart that has various land uses and what land uses are permitted principally, which would mean by right. Conditionally permitted, which would mean that it could potentially happen, but it goes before the Board of Adjustments to make sure that that use could properly integrate into the neighborhood. The ordinance has a list of what is permitted in a B-4 zone.

MR. WOOLFOLK: Am I too late to peruse that and ask questions about what businesses can be used on that property? I understand it's probably about 500 feet from Senior High so nothing like a liquor store or a Triple X sex shop or something like that will be able to be put in there, but I do not know. Mr.
Rutman has been talking to me. He has said that he wanted to put realty in there. I had seen that piece of paper you're talking about before and there is everything from God knows whatever to whatever. I wanted to be sure.

This is my question here: Not knowing if I may do so, I am here to question what sort of business can be allowed on the Durand Estate property both now and in the future?

CHAIRMAN: Mr. Woolfolk, let us address that one, if you don't mind.

Why don't you come up here. We'll let you borrow this mike where you can hear us better.

MR. WOOLFOLK: Can you hear me?

CHAIRMAN: Yes. You come up here where we can hear you. You come up here and use her mike and that way you can hear us better.

MR. WOOLFOLK: I've made a list of things that I thought about in regards to going to B-4. I do not know -- actually first this had been considered as B-4 what would it be? Like an accountant or a lawyer or a doctor or something like that. What would that be?

CHAIRMAN: Mr. Woolfolk, I think here is the answer to your question essentially. Anything that is allowed in B-4 under that ordinance would be allowed

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should the applicant choose to do it, to put on that property. Anything that is not allowed, he would have to come before the Owensboro Metropolitan Board of Adjustment and ask for a conditional use permit. The Board of Adjustment might or might not grant that, depending on whether or not they thought it fits the neighborhood and also at that time any neighbors would have an opportunity to oppose that being put in there.

MR. WOOLFOLK: Okay. The future uses is what I would consider. I have no quarrel with the realty.

CHAIRMAN: I understand. The future uses, this board has no authority over whatsoever. Anything that would be allowed in B-4, if this gentleman decided to sell it, if it was allowed in B-4, the next owner could put it there or they could come and apply again for a conditional use permit, but they can only put in there what is allowed. He would have no control over what a subsequent purchaser put in there unless he made that a condition of the sale. The only thing we can do is tell you if it's approved he can put any business in there that's allowed under the ordinance and would have to come for a conditional use permit if it's not allowed under the ordinance.

MR. WOOLFOLK: The major thing here is I would like to address some possible improvements I would
favor in regard to the Durand Estate property at this
time.

CHAIRMAN: Such as?

MR. WOOLFOLK: Can I do that? I don't want to
take up everybody's time.

CHAIRMAN: You're not taking up our time. We
just want to make sure that it's something we can
appropriately look at.

MR. WOOLFOLK: Basically it's about fencing
and signs.

CHAIRMAN: Mr. Howard, I think that would be
addressed under the ordinance already, isn't it,
what's required?

MR. HOWARD: Right. The ordinance will
require between the subject property and your property
a 6 foot tall solid fence.

MR. WOOLFOLK: That's required?

MR. HOWARD: That is required by the
ordinance, yes, with one tree every 40 linear feet on
average.

MR. WOOLFOLK: Is that on his side of the
property?

MR. HOWARD: It would. With that being said,
just so you know, the trees don't have to be 40 foot,
40 foot, 40 foot. They could cluster two or three in
the back and two or three in the front. If you had
200 feet there, they have to have five total trees.
They could have three in the back and two in the
front, as long as they're along that boundary and you
have a total number that would work.

That would be what the screening requirement
would be, would be that 6 foot solid element and a
tree every 40 feet.

MR. WOOLFOLK: Now, could he put a sign on
that screen? He had come to me talking about a wall.
He wanted a high wall. Okay. Is he planning on
putting up a sign on that south wall? Look, my
bedroom is on the north side of my property, which is
the south side, faces his south side where that wall
would be. Is he going to put or can he put up a sign
saying this is so and so realty company? In other
words, I do not want, I would prefer not to have
anything that is going to delineate what that property
is except maybe he could have something that shows
toward Frederica Street.

Secondly, because my bedroom is there I do not
want to have, talking about not only signs but
lighting. I don't want to have anything on that wall
where it's going to bother my sleep at night.

MR. HOWARD: As far as signs, in a commercial
zone you're allowed to have signage. Whether or not
he would place -- in theory you could have signage on
that fence.

MR. WOOLFOLK: He could have signage.

MR. HOWARD: But he's here tonight and that's
certainly something that --

CHAIRMAN: We could ask him if he plans to put
signage on that. Let me ask him.

Have you figured out whether you want to put
signage on the south side of your fence?

MR. RUTMAN: Anything I did for myself or
anyone it would be, it would fit with every other
business in the area as far as signage. Sign in the
yard and that's it. It wouldn't be anything beyond
that.

CHAIRMAN: Thank you.

MR. WOOLFOLK: That would be on the north side
of this property also. They have a sign out front.
That's basically what you're talking about?

MR. RUTMAN: Yes.

MR. HOWARD: I guess the follow up would be,
would you be willing to be commit to not have any
lighting that would be on the fencing that would be
shining to the south towards the adjoining property?

Direct any lighting away from the adjoining
residential?

MR. RUTMAN: The only thing I think of with lighting would be if we have a landscape buffer, I sell real estate, something to kind of show off the landscaping maybe. That would be about it.

CHAIRMAN: Kind of up lighting to show off.

MR. RUTMAN: Exactly. I'm just saying that would be the only thing.

CHAIRMAN: Okay.

MR. WOOLFOLK: I looked at several realty companies in the area and other businesses in the 2000 block and they had very nice looking signs, low. They all could have been lit at night. I see no reason why they wouldn't want to have a lit sign at night anyway.

Going back to what you said about 5 trees and 200 feet or something, three in the back, two in the front, vice versa. You have that whole house which is 100 feet deep. You would have no trees between it and my property; is that correct?

MR. HOWARD: They can be clustered. It would be up to the property owner to determine where they would be put.

MR. RUTMAN: I have no way to answer that question right now.

CHAIRMAN: I'm assuming, for him, he wants to
place those trees so they enhance the value of his property and make it look nice.

MR. WOOLFOLK: Yes, and I agree with that.

CHAIRMAN: Do you have any other questions, Mr. Woolfolk?

MR. WOOLFOLK: I have a bunch of them, but that's all right.

CHAIRMAN: If there's something else that you have that we need to hear, we'll certainly be happy to do that.

MR. WOOLFOLK: If anybody wanted to read what I have here, that would explain everything that I have any questions about.

CHAIRMAN: Thank you, sir.

May I say, we all fondly remember your father very, very much.

MR. WOOLFOLK: Thank you very much.

CHAIRMAN: He was a wonderful physician and a wonderful citizen of this community.

MR. WOOLFOLK: Both he and I appreciate what you just said. Thank you very much.

CHAIRMAN: Thank you.

MR. RUTMAN: I would like to say, I do sell real estate. I plan to for a long time. Yes, that property could be my office at some point. Whether
that's immediate or five years from now or ten years from now, I don't know that. I just wanted to clarify that for Mr. Woolfolk and you guys.

CHAIRMAN: Thank you.

Commissioners, do we have any other questions?

(NO RESPONSE)

CHAIRMAN: Are there any other questions?

(NO RESPONSE)

CHAIRMAN: Any other questions from anyone in the audience?

Yes, sir.

MS. KNIGHT: State your name for the record, please.

MR. PICKRELL: Scott Pickrell.

(SCOTT PICKRELL SWORN BY ATTORNEY.)

MR. PICKRELL: I don't have any notes with me so I'm going to do it right off the top of my head. I've got some comments and I'll try to make it brief. I'm fighting a head cold so I apologize for that.

This house here, I've been looking at it for a while. It's been on the market for a while, and I've been looking at it for a while to live there. I currently live in Utica. I've recently retired and looking to move back to Owensboro, to town, and I found this house. I really liked it. So I've been
kind of pursuing it, but I have looked at some other
houses as well, and I keep coming back to this
particular one.

Try to cut this thing as short as possible,
but I made an offer on the house because I wanted to
live there. I'm by myself and I just wanted to live
there. I was told at some point there was already an
offer on the house. I know maybe the committee
doesn't hear some of this is not relevant maybe, but
just trying to give you a little background of where I
am. Was told there was already a contract on it
contingent that it was rezoned. I went ahead and made
my offer. About two days later another realtor, I
know Mr. Rutman works for a realtor, another realtor
that I was working with came back said that the seller
had counter offered my offer. I made an offer. They
countered back. She said there's a time limit, you
know, and so forth. I don't understand realty deals
anyway. At the last minute I assume Mr. Rutman got a
signature that he needed so this could be, you know,
so rezoning could go forward. I was told -- well, up
to that point I was told I got it. You know, he's not
going to get it done. Time is going to run out on
him. He's not going to get it rezoned, but he got
this signature he needed at the 11th hour. Then I was
told you didn't get it. Well, I raised a big fuss
about it because I thought I was getting thrown under
the bus. I found out more information and I'm not, I
don't mean to be talking bad about Mr. Rutman because
I'm sure he's a fine gentleman, but he works for
another realtor and there was something there. There
was blood in the water there somewhere. I just feel
like there's some politics there because the seller
had countered back to me and it looks like to me under
my, you know, I don't have much knowledge in this
respect, like I said, but it looks like to me if she
countered back to me that she liked my offer, the
Durand party, the estate party countered back to me.
That once she did that, the game was over. It's my
house, but I was told that, no. At the same time I
went in the office of the realtor I was working with
and they told me that, well, Mr. Rutman has dropped
his contingency and he's going to buy the house
outright. Which maybe is what he did, but the way I
look at it if that is the case, it was originally
contingent that he got it rezoned. Then all of a
sudden he changed the rules in the middle of the game.
To me it looked like it was two realtors, there was
some politics involved here and I was in the middle of
it.
I'm going to try to pair this down as much as I can. Just so you'll know, and I don't know if this holds any bearing as far as this committee goes or not, but I thought, what can I do? I want this house, you know. I wanted it. I wanted to live there. It was just what I had in mind. I thought, let's go talk to some neighbors. I don't know if this is relevant or not. I don't know if you can take hearsay here.

CHAIRMAN: No, we can't. Let me just say this, Mr. Pickrell, and I don't want to cut you short. I understand your frustration.

This board would have no authority, and quite honestly or interest in what is taking place among realtors. If you have a concern with that, you need to address that to the Realtor Association or the State Board of Realtors. We're hearing this on the merits of the property and not with regard to any possible sales or whatever. You're welcome to speak if you want to, but I will tell you what you're saying really doesn't impact our decision whatsoever.

MR. PICKRELL: I understand. I understand.

As far as the hearsay, what the neighbors said --

CHAIRMAN: We don't want to hear the hearsay. We can't hear it.
MR. PICKRELL: At what point can I get their documentation?

CHAIRMAN: Mr. Pickrell, it wouldn't make any difference to us anyway regardless of what the neighbors say.

MR. PICKRELL: As far as what they think about it going residential?

CHAIRMAN: No, sir. They had the right to come here this evening. They were notified and they chose not to come forward. We're simply here to hear the issue for the rezoning.

MR. PICKRELL: One gentleman is here. He may have left.

CHAIRMAN: Mr. Woolfolk made his concerns known. We listened to Mr. Woolfolk. His concerns will be considered. We haven't approved this yet. Okay. We're still waiting for a vote. Any issues among realtors and possible buyers is not an issue that this board can or would get involved in. That would be inappropriate for us do that. I know it's frustrating to you, but we simply can't do that.

MR. PICKRELL: Are you allowed to give me advice on --

CHAIRMAN: No, sir.

MR. PICKRELL: -- what would be my next move
here? There is a 21 day waiting period afterwards?

CHAIRMAN: That's right.

MR. PICKRELL: And I can file a complaint?

CHAIRMAN: Understand now when you file that complaint you're going to have to have reason that relates to this rezoning for that filing and not your concern with realtors working back and forth. You certainly can file. If this board were to approve the application, you can certainly file a request it be heard by, in this case, the City Commissioners.

MR. PICKRELL: To go back on one of my original questions. You're telling me that what the neighbors' opinions don't mean anything?

CHAIRMAN: The neighbors' opinions would have counted had they chose to come to this meeting tonight of which they were notified.

MR. PICKRELL: They were notified?

CHAIRMAN: Yes.

MR. PICKRELL: All of them told me that they got a letter. They told me that they got a letter and they told me they could not be here.

CHAIRMAN: That's their issue. Not our issue.

MR. PICKRELL: Two of them were not able to make it. They told me I could talk on their behalf.

CHAIRMAN: We're not allowed to hear you talk
on their behalf because that's hearsay. You can only represent yourself. We've listened to you, but you're not a neighbor, but you certainly have a concern and we've listened to you. What I'm telling you is any issue relating to issues between realtors and you or realtors and realtors, that is not our business. We can't get involved in that. Will not get involved in that. We only look at this application on the merits as it was presented to us. If this is approved, you would have a right to file an appeal. If it were approved, the staff folks, you can see those folks and they can tell you how to go through the appeal, if this were to be approved. We haven't voted yet. Okay, Mr. Pickrell?

MR. PICKRELL: Yes.

CHAIRMAN: I appreciate your concerns, but we have to stay involved in those areas where we have authority to stay involved. Issues among realtors, we have no authority.

MR. PICKRELL: I understand that. I just wanted to fill you in on some facts.

CHAIRMAN: I appreciate that.

MR. PICKRELL: I think the facts about the neighbors, their opinions would be very vital should you take those.
CHAIRMAN: Had they shown up.

MR. PICKRELL: I understand.

CHAIRMAN: Had they shown up.

MR. PICKRELL: Thank you very much.

CHAIRMAN: Thank you, Mr. Pickrell. I appreciate you coming. I didn't want to cut you off short, but we're getting into areas where we have no authority and we can't hear those. Thank you.

Anybody else in the audience?

Yes, sir.

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

MR. CAIN: Kenneth Cain.

(KENNETH CAIN SWORN BY ATTORNEY.)

MR. CAIN: I own the property next-door to this commercial currently. It's a photography studio. My concern was parking. He was talking about the neighbors, and we had discussed it with him. The alley behind the residence right now is about 310 feet long. Currently there are 12 places that you can pull off of that and park. You can see on the screen there's another alley that t-bones into that. It's about 360 feet long and there's another 16 parking spaces that pull off of that. It is a very used alley.
The concern that I have, I don't know where the parking is going on his property first or what his requirements are to have parking. I know they've taken the driveway out. I'm assuming there would have to be parking in the back. There's a garage there now. If that has to be removed. I don't know where the parking is going. I assume it's not going out front.

The residence right behind us that he spoke about, there's six kids that she has there and they're on my property a lot of times. They're playing basketball. They're always in and out of the alley. I'm always hearing cars screeching because somebody is about to get hit. There is a garage that the last gentleman that spoke, it's actually behind his house, it's right on the corner. It's a concrete garage. There is no easement at all. It's right on the corner where the two alleys t-bone. You can see it on there. It's kind of dangerous too. My concerns were about that. Where the parking is going? How much traffic this is going to add to that alley?

The other concern I had, and you can ask him, if he doesn't plan on possibly being in there for maybe three to five years, what's going in there now?

CHAIRMAN: Let me address the second question.

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first.

If he doesn't plan to occupy it for his office, if it were approved, then he can rent it out to any business that would be available under the B-4 zoning. So it could be -- give us some examples, Mr. Howard.

MR. HOWARD: It could be any type of office use. It could be, it could be anything. It could be a restaurant. It could be various different things. The limiting factor is going to be parking. That's one of the issues that you certainly bring up.

Just to add some clarification to what you said, Mr. Reeves. He can continue to rent it out as a residence as well. If it's rezoned B-4, it would become an existing nonconforming use, which he wouldn't be allowed to get a building permit to add an addition onto the home, but he could continue to rent it out as a residence as well until such time that maybe he occupies it three or four years down the road.

In regards to your first question, parking, we note in our Staff Report that before any nonresidential occupancy takes place, a site plan or development plan, depending on what goes on that site, will be required. At that time they'll have to show
the landscaping, show the parking, show all of those things of the site development requirements. So parking, any time you see an existing residence in this type of setting, along Frederica Street, along one of these major corridors, when they redevelop commercially, parking is going to be a limiting factor. You're not going to be able to put a restaurant on that site because you wouldn't be able to meet the parking requirements. Office use is significantly less as far as the requirement goes. That's why you see a lot of these go to office or dental, you know, those type of things where it's not that high a traffic generator.

MR. CAIN: Thank you.

CHAIRMAN: Did you want to respond to parking, sir? You don't have to.

MR. RUTMAN: Just to make him feel better.

Before we even applied or even made the offer on the property to purchase it, we had met, I think it was noted in the notes, we met with Matt Warren at the property. He told us everything we would have to do to get it to where it would obtain a certificate of occupancy for office use. So we knew well before making the offer that that garage is going to have to go to create parking. So we're fully aware of that.
CHAIRMAN: Are all of your questions answered?

MR. CAIN: Yes.

CHAIRMAN: We appreciate your concerns and appreciate you answering them. Okay.

Does anyone else have any questions or concerns they would like to raise?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Make a motion that the zoning amendment be approved based on Planning Staff Recommendations and Condition 1 and 2 and Findings of Fact 1 through 6.

CHAIRMAN: We have a motion by Mr. Kazlauskas.

Do I have a second?

MR. BALL: Second.

CHAIRMAN: I have a second by Mr. Ball.

Questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

Thanks to everyone for participating.

MINOR SUBDIVISION PLATS
ITEM 10

1315 & 1329 Reid Road, 8.777 acres
Consider approval of a minor subdivision plat.
Applicant: Daniel & Marian Turley

MR. HOWARD: Mr. Chairman and Commissioners,
this plat comes before you as an exception. There's
an existing parcel on the west side that they're
actually adding some additional property to which is
wide enough to account for a potential future street
right-of-way if and when this property were to develop
in the future. It also includes the creation of a new
0.75 acre parcel which is the minimum lot size for a
new lot that is served by a septic system. That's
what they're doing. The end result is it leaves
behind an 8.77 acre remainder, which is under 10
acres, so it doesn't meet that agriculture exemption
requirement of being over ten acres. They do have
82.42 feet of frontage, but it exceeds the 3 to 1
requirement. With them creating the one new lot, but
then providing this future street right-of-way that
would allow a street to actually be constructed at
some point in the future if it were to develop, we
feel that they're not really trying to maximize the
number of lots, create undue flag lots and things like
that. So we would recommend that you consider it for
approval.
CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do you chose to make any comments?

APPLICANT REP: No.

CHAIRMAN: Any commissioners have any questions about this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience?

(NO RESPONSE)

CHAIRMAN: Chair will entertain a motion.

MR. JEAN: Motion to approve.

CHAIRMAN: Do I have a second?

MS. McENROE: Second.

CHAIRMAN: Second by Mrs. McEnroe. Questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The plat is approved.

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NEW BUSINESS

ITEM 11

Consider approval of January 2016 financial statements

CHAIRMAN: All of you received a copy of the
financial statements in your packet tonight. You've had a chance to review them and look at them. Anybody have any questions or concerns about the financial statement?

(NO RESPONSE)

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

Mr. Moore.

MR. MOORE: Mr. Chairman, I move for approval.

MR. BOSWELL: Second.

CHAIRMAN: Motion by Mr. Moore and second by Mr. Boswell. Questions or concerns?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: They are approved.

ITEM 12

Comments by the Chairman

CHAIRMAN: Good meeting this evening. I appreciate everybody's participation and questions. Thank the Staff for your usual quality job to help answer those questions and answer the ones that we can't. We appreciate that very, very much.

Once again want to welcome you to the board. You came to kind of a, usually they're not quite like
this. You got a good start. I think you'll enjoy it
and feel rewarded.

MS. HARDAWAY: I learned a lot tonight.
CHAIRMAN: Good. As do most of us.

ITEM 13
Comments by the Planning Commissioners
CHAIRMAN: Any comments by any of the
commissioners?
(NO RESPONSE)

ITEM 14
Comments by the Director
CHAIRMAN: Mr. Howard.
MR. HOWARD: I only have one comment. Every
year the Kentucky Chapter of the American Planning
Association holds a conference, a spring conference.
It was in Owensboro last year and we were able to host
it at the Convention Center and had a great success, I
believe. This year the spring conference will be May
18th through the 20th in Bowling Green, Kentucky. So
close to where we are. It could be a good opportunity
if anyone would like to attend.
On the Thursday of that conference during the
day they're going to have a day specifically geared
towards Planning Commissioners and Board of Adjustment
members. Going over things like due process and
findings of fact, and there may be a mock Planning Commission or Board of Adjustment type meeting where there will be interaction and role playing and things like that. I just want to make all of you aware of that if you would like to attend. The Thursday session includes breakfast and lunch. That would be provided as part of the registration. If you would like to attend, just let the Staff know and we'll be glad to get you signed up.

MR. BOSWELL: What were the dates again?

MR. HOWARD: It's May 18th through the 20th. The 18th is a Wednesday. That's a Wednesday, Thursday and Friday. Wednesday really is an evening kind of registration/reception time. Then the sessions actually start on Thursday and Friday.

CHAIRMAN: That'd be a great opportunity for any of you that would like to go and need some hours. You'll learn about required hours. When Mr. Howard has time to meet with you and go through that.

MR. HOWARD: That's the only thing I have.

CHAIRMAN: That being the case I'll entertain one last motion.

MR. MOORE: Move to adjourn.

CHAIRMAN: Motion by Mr. Moore.

MR. BALL: Second.
CHAIRMAN: Second by Mr. Ball. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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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 30 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.

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