The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, February 9, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

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CHAIRMAN: I would like to call the February 9, 2017 Planning Commission meeting to order. I would like to welcome everybody here. We always start our meetings with a prayer and pledge to our flag. Larry Moore will present both tonight.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: All the commissioners should have received the minutes to the last meeting. I would like to ask any of the commissioners if they have reviewed those minutes and have any corrections or
changes that they would like to discuss or present?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Make a motion that they be approved.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussions on the motion and the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor of approval raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries.

Just a little bit of housekeeping before we get started.

All of those who wish to speak on an application or anything tonight we would ask that you do so by coming to the podium, stating your name and being sworn in by our counsel. We also ask that if you have any further comment after you have spoken later, not to speak from the audience but to also come forward and approach the podium so that all of the members of the commission and the audience and our TV
audience can all hear what is being said clearly because it's very important that we hear all of these comments in order for us to make good valid decisions.

That being said we're ready for the first order of business.

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GENERAL BUSINESS

MR. HOWARD: I will note that the zoning changes heard tonight will become final in 21 days after the meeting is held unless an appeal is filed. If an appealed filed, we will forward the record of this meeting along with all the applicable material to the appropriate legislative body for them to take final action.

ZONING CHANGES

ITEM 3

7468, 7480 Iceland Road, 4.829 acres
Consider zoning change: From A-R Rural Agriculture and R-1A Single-Family Residential to R-1A Single Family Residential
Applicant: Charles E. Petri, III

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 Rural Preference Plan Area, where rural small-lot residential uses are appropriate in very limited locations;

3. The subject properties have existing homes with functioning septic systems;

4. The subject properties have frontage on a public road, Iceland Road; and,

5. At approximately 2.4 acres the expansion does not significantly increase the extent of the zone in the vicinity and should 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 A.

CHAIRMAN: Is there anyone here representing the applicant?

APPLICANT REP: I'm here.

CHAIRMAN: Would you like to say something or speak?
APPLICANT REP: Not if you don't need anything.

CHAIRMAN: Are there any commissioners who have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience that would like to speak on this application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Ball.

MR. BALL: I would like to make a motion to approve based on the Planning Staff Recommendations and Findings of Fact 1 through 5.

CHAIRMAN: A motion has been made for approval based on Findings of Fact 1 through 5. Do we have a second?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any discussion on the motion or the second?

(NO RESPONSE)

CHAIRMAN: Then the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
RELATED ITEM

ITEM 3A

7468, 7480, 7506, 7518 Iceland Road, 6.067 acres
Consider approval of a minor subdivision plat.
Applicant: Margery Petri; Karol L. Walker; Jeffrey M.
& Judy Ann Howe; Charles E. Petri, III

MR. HOWARD: Mr. Chairman and Commissioners,
this plat comes before you basically as an exception
to the two to three requirement. There are a couple
of existing lots out there with this rezoning. What
they're proposing to do is add some additional
property on the backside to those existing lots. When
that is done, those lots then exceed the three to one
requirement; meaning that the lot can only be three
times as deep as the amount of road frontage that it
has. This isn't an instance where they're trying to
maximize lots or create a bunch of flag-shaped lots or
anything like that. So we would recommend that you
consider it for approval.

CHAIRMAN: Thank you, Mr. Howard.

Anyone here like to speak on behalf of this
application?

(NO RESPONSE)

CHAIRMAN: Do the commissioners have any
questions concerning this?

(NO RESPONSE)
CHAIRMAN: Then the chair is ready for a motion.

Mr. Moore.

MR. MOORE: Move for approval.

MR. JEAN: Second.

CHAIRMAN: A motion has been made for approval by Mr. Moore and a second by Mr. Jean. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 4

3100 West Parrish Avenue, 6.078 acres
Consider zoning change: From B-1 Neighborhood Business to B-4 General Business
Applicant: 5BS, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Access to West Parrish Avenue shall be limited to a single access point approved by the KYTC; and,

2. Prior to any redevelopment of the property the applicant must obtain approval of a final development plan to demonstrate compliance with all site development requirements, including but not
limited to access, lighting, landscape screening and
buffering, parking, etc.

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 Business Plan Area, where general business uses
are appropriate in limited locations and partially
located in an Urban Residential Plan Area, where
general business uses are appropriate in very limited
location;

3. The proposal is a logical expansion of B-4
General Business zoning to the east and west;

4. At 6.078 acres the expansion does not
significantly increase the extent of the zone in the
vicinity; and,

5. The proposal should not overburden the
capacity of roadways and other necessary urban
services that are available in the affected area.
However, depending on the size of the development a
traffic impact study may be required.

MS. EVANS: We would like to enter the Staff
report into the record as Exhibit B.

CHAIRMAN: Thank you, Melissa.
Is there anyone here that would like to speak on behalf of the application?

(NO RESPONSE)

CHAIRMAN: Is anyone from the audience that would like to speak on the application?

(NO RESPONSE)

CHAIRMAN: Do any of the commissioners have any questions on the application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

MR. JEAN: Motion to approve based on the Staff Report, Findings of Fact 1 through 5 with Conditions 1 and 2.

CHAIRMAN: A motion has been made for approval based on Conditions 1 and 2 and the Findings of Fact 1 through 5. Is there a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Any discussion on the motion and the second?

(NO RESPONSE)

CHAIRMAN: There being none then the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
ITEM 5
4551 Springhill Drive, 2.73 acres
Consider zoning change: From B-4 General Business
(with conditions) to B-4 General Business (with
amended conditions)
Applicant: Vince Hayden, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Access to KY 54 shall be limited to the
single access point as shown on the Millers Mill Plaza
preliminary plat/final development plan submitted with
the rezoning application;

2. Access to Millers Mill Road shall be
limited to the single access point as shown on the
Millers Mill Plaza preliminary plat/final development
plan approved in 2007 and a single right-in only
access point to service 4551 Springhill Drive as shown
on the amended final development plan submitted with
the rezoning application, and subject to the
conditions established by the KYTC;

3. The proposed access to Millers Mill Road
must meet all conditions and requirements of the
encroachment permit issued by the KYTC;

4. Approval of an amended final development
plan prior to any occupancy of the building; and,

5. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

FINDINGS OF FACT

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

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

3. The proposal complies with the criteria for nonresidential development; and

4. Because the property is already zoned B-4 General Business it will not be a significant expansion of the existing zoning or overburden the capacity of roadways and other necessary urban services available in the affected area.

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

CHAIRMAN: Thank you, Melissa.

Is anyone here representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Does anyone in the audience --
MR. REEVES: I don't want to be a stickler, but I don't like to go to court. Mr. Ball may need to recuse himself as Jagoe Homes is one of the adjoining property owners.
MS. KNIGHT: I don't think so.
MR. REEVES: I just want to make sure.
CHAIRMAN: Thank you, Mr. Reeves.
Anyone in the audience that would like to present any questions?
Yes, ma'am, please come forward.
MS. GAINES: My name Lelia Gaines and I am a resident of the Springhill Condos.
(LELIA GAINES SWORN BY ATTORNEY.)
MS. GAINES: I just have a concern as a Springhill resident, that another exit onto Millers Mill Road will make it very difficult for us to exit from those condos onto Millers Mill Road. The exit that they're proposing looks to me like it's very close to the traffic light and very close to the exit from Franey's convenient store. We're just a little concerned about the congestion that it will cause there.
CHAIRMAN: Yes.
MR. HOWARD: What they're proposing is a
right-in only. So there won't be any exiting traffic on Millers Mill at that location. They would have to go out through the backside onto Springhill. So with that right turn movement it really should cut down on potential conflicts there.

As Melissa stated in the Staff Report, this had to be reviewed by the Kentucky Transportation Cabinet in order for it to be potentially put in because it is a state road in that vicinity. As part of their review, they were okay with it. They didn't feel that it would be enough of a burden on the roadway not to allow it. I don't want to speak for the applicant, but I think going in the applicant would like the full access or even right-in/right-out, but the State only approved the right-in just as a means to make sure that there wasn't additional conflict there.

MS. GAINES: Thank you.

CHAIRMAN: Thank you.

Is there anyone else that would like to speak on this application?

Please approach the podium.

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

MR. DAN: My name is Joe Dan.
MR. DAN: I live at 4466 Springhill Drive. Don't know exactly what the difference is. It's zoned as general business with conditions. They want to change to general business with amended conditions. Can you kind of tell me what the difference is between?

MR. HOWARD: The original rezoning allowed no access, other than Springhill Drive to Millers Mill Road. They are requesting a right-in only. A driveway that you can turn right from Miller Mills Road into the property only. And that's the only change, would be to allow that additional right-in access point.

CHAIRMAN: Does that answer your question?

MR. DAN: It does. Thank you.

CHAIRMAN: Anyone else who would like to come forward with a question?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions concerning this?

Yes, Mr. Kazlauskas.

MR. KAZLAUSKAS: Just as a point of information. Do we have any knowledge about where that driveway would be situated at? Would it be
closer to Springhill Drive or Highway 54? Do we have that information?

CHAIRMAN: Please come forward.

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

MR. WEAVER: David Weaver with Bryant Engineering.

(DAVID WEAVER SWORN BY ATTORNEY.)

MR. WEAVER: It generally lines up with the access point across the street from Franey's. We've turned in a development plan. I don't know if Staff brought a copy of that tonight or not.

MR. HOWARD: We don't have a copy here.

MR. WEAVER: Generally it lines up with Franey's and it's just a right-in.

CHAIRMAN: I'm sorry, lines up with what again?

MR. WEAVER: Lines up the access point that would go into Franey's off of Millers Mill, that general vicinity. There's three existing access points coming out. It's roughly in the middle of those three.

CHAIRMAN: Any commissioners have any further questions?

(NO RESPONSE)
CHAIRMAN: There being none then the Chair is ready for a motion.

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on Planning Staff Recommendations with Conditions 1 through 5 and Findings of Facts 1 through 4.

CHAIRMAN: A motion has been made for approval based on Conditions 1 through 5 and Findings of Facts 1 through 4. Is there a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Any discussion on the motion or the second?

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 6

10505 US Highway 431, 2.13 acres
Consider zoning change: From A-U Urban Agriculture and R-1A Single-Family Residential to A-U Urban Agriculture
Applicant: Richard W. Warner, Jr.

PLANING 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 Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations;

3. The subject property has frontage on a public road, US Highway 431; and,

4. At 2.13 acres the lot is large enough to assure satisfactory operation of a conventional septic system, a septic system exists on the property currently.

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

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?

Would you like to make any statements?

APPLICANT REP: No.

CHAIRMAN: Anyone in the audience that would like to make a statement on this application?

(NO RESPONSE)

CHAIRMAN: Any commissioner have any questions concerning this application?
(NO RESPONSE)

CHAIRMAN: Just, I guess, a point of clarification for myself, Mr. Howard.

The manufactured home is going to be a home that would be for a residence. Is that our understanding at this point?

MR. HOWARD: It is.

CHAIRMAN: Thank you.

There being no questions the Chair is ready for a motion.

Mr. Moore.

MR. MOORE: I move for approval based on Staff Recommendation and Findings of Fact 1 through 4.

CHAIRMAN: A motion has been made for approval based on Staff Recommendations 1 through 4. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussion on the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISION

ITEM 7

Central Park, 4.355 acres
Consider approval of a combined final development
plan/major subdivision preliminary plat
Applicant: Jagoe Land Corporation; Coppage Rentals,
LLC; Equity Trade & Relocation Co.

MR. BALL: I believe I need to recuse myself.

MR. HOWARD: You all have a copy of the plan
that was submitted to our office. The Planning Staff
and Engineering Staff, all the utilities were reviewed
and signed off on. We found that the plan as
presented is in compliance with the Zoning Ordinance
requirements and subdivision regulations and it is
ready for your consideration for approval.

CHAIRMAN: Is anyone here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to say anything?

APPLICANT REP: No.

CHAIRMAN: Any questions from the
commissioners concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience that would
like to speak?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready
for a motion.

Mr. Reeves.

MR. REEVES: Motion to approve.

CHAIRMAN: Motion to approve. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Motion for approval and a second. Any discussion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT - WITH MANUEL BALL BEING RECUSED - RESPONDED AYE.)

CHAIRMAN: Motion carries.

MINOR SUBDIVISION PLATS

ITEM 8

1806, 1814 Antler Avenue, 1.607 acres
Consider approval of a minor subdivision plat.
Applicant: David L. & Kimberly W. McDaniel

MR. HOWARD: This plat comes before you as an exception to the three to one requirement. There is an existing lot there of pretty descent size within that residential neighborhood. They're proposing to divide it to allow a lot for potential development of another home. It meets the minimum road frontage requirements and all other requirements of the
subdivision regulations, both lots do, except it does exceed the three to one. But since it's a regular rectangle-shaped lots and they're not flag-lots really we would recommend that you consider it for approval.

CHAIRMAN: Anyone here representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Mr. Riney, would you like to make a statement?

MR. RINEY: No, sir.

CHAIRMAN: Any questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Anyone from the audience that would like to speak on this behalf?

(NO RESPONSE)

CHAIRMAN: Then the Chair is ready for a motion.

Mr. Ball.

MR. BALL: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Ball. Is there a second?

MR. FREY: Second.

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

CHAIRMAN: Motion carries.

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NEW BUSINESS

ITEM 9

Consider approval of December 2016 financial statements

CHAIRMAN: All of the commissioners have received the financial statements. Hopefully you've had a chance to go through them. Is there any questions concerning the financial statements or any changes that we need to discuss?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

MR. KAZLAUSKAS: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Kazlauskas. Is there a second?

MS. HARDWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The financial statements have been approved.

ITEM 10
Comments by the Chairman

CHAIRMAN: Just a few comments from the Chair. I would like to commend all of our commissioners for the great job that they do. They do a great job of due diligence. Being a volunteer position it takes a lot of hard work to go through a lot of information. All the commissioners I think do an excellent job on that. So I would like to commend all the commissioners.

Also, I would like to commend the Planning Commission. I think we have not one of the best but I think the best Planning Commission in the State of Kentucky. A lot of our planning commissions probably should follow suit and mirror what we do down here. They would be a lot more successful, in my opinion. I would like to thank them for doing a great job on all the work that they do in presenting these details to us. Other than that, that's all the Chair has.

ITEM 11 Comments by the Planning Commissioners

CHAIRMAN: Any comments by the commission?

(NO RESPONSE)

ITEM 12 Comments by the Director

MR. HOWARD: I don't have anything.
CHAIRMAN: Then we're ready for the key vote, motion to adjourn.

MR. REEVES: So moved.

CHAIRMAN: Motion to adjourn by Mr. Reeves.

Do we have a second?

MS. McENROE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.
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 24 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
2nd day of March, 2017.

LYNETTE KOLLER FUCHS
NOTARY ID 524564
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2200 E. PARRISH AVE, SUITE 106E
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COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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