The Owensboro Metropolitan Board of Adjustment met in regular session at 5:00 p.m. on Thursday, April 13, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Judy Dixon, Chairman
Robynn Clark, Vice Chairman
Ruth Ann Mason, Secretary
Brian Howard, Director
Terra Knight, Attorney
Jerry Yeiser
Fred Reeves
Lewis Jean

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

CHAIRMAN: We will call the April 13, 2017 Owensboro Metropolitan Board of Adjustment to order.

Just to make sure that everybody is in the correct location, there are two meetings tonight back-to-back. Our meeting will be followed by the Planning Commission, just so we all know where we are.

We will begin our meeting with Mr. Jean leading us in our pledge and prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on the agenda is to consider the minutes of the March 2, 2017 meeting.

All members have been mailed a copy and have
had time to check it. At this point I will entertain
a motion to dispose of this item.

MS. MASON: Move to approve.
CHAIRMAN: Move to approve by Ms. Mason.
MR. REEVES: Second.
CHAIRMAN: Second by Mr. Reeves. All in favor
of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.

Item Number 2, Mr. Howard.

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

ITEM 2

301 Breckenridge Street, 331 Leitchfield Road, Zoned I-1
Consider a request for a Conditional Use Permit in order to construct a fully enclosed grain drying operation.
Reference: Zoning Ordinance, Article 8, Section 8.2H6/33
Applicant: Owensboro Grain Co., LLC

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is zoned I-1 Light Industrial. OMPC records indicate the property at 301
Breckenridge was rezoned from B-4 General Business to I-1 Light Industrial in April of 2016.

A fully enclosed grain drying facility is conditionally permitted in an I-1 zone provided it is at least 300 feet from any residential or commercial zones. In 1996, a Variance was approved waiving this requirement. Also, in 1996 a Conditional Use Permit was approved for four grain storage bins; this project was never constructed.

The applicant proposes to construct the project now but in a different configuration than what was previously approved and with different size bins and more of them than the four that were proposed previously. Because of the multiple buildings on the property and the multiple changes with this, they're seeking a new Conditional Use Permit. The variance request that was previously approved does still stand however.

Because there are multiple buildings on the property, there will also be a requirement of an Amended Final Development Plan be approved for the property.

LAND USES IN SURROUNDING AREA

The property to the north is zoned I-2 Heavy Industrial which is the Owensboro Grain facility. The
properties to the west are zoned B-4 General Business and R-4DT Inner City Residential and are a variety of residential and commercial uses. The property to the south is zoned I-1 Light Industrial and is Clark's Distributing. The properties to the east are zoned I-1 Light Industrial and are a variety of residential and commercial uses.

ZONING ORDINANCE REQUIREMENTS

1. Parking - 1 for every 2 employees on the maximum shift plus 1 for each vehicle owned or operated by the use. The applicant has shown 5 parking spots on this site plan and on the previous site plans.

2. Landscaping - Vehicular use area screening between the parking lot and any road right-of-way.

SPECIAL CONDITIONS

Approval of an Amended Final Development Plan.

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

CHAIRMAN: Thank you.

Is there someone here representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Would you like to step forward in case someone has questions?
MS. KNIGHT: Please state your name for the record.

MR. RINEY: Jim Riney.

(JIM RINEY SWORN BY ATTORNEY.)

CHAIRMAN: Do you have anything to add to what has been read in, Mr. Riney?

MR. RINEY: No. The representative is here from Owensboro Grain. Between the team that's here, we will try to fill any questions, if any questions are asked.

CHAIRMAN: Thank you.

Is there anyone here wishing to ask questions or comment on this item?

(NO RESPONSE)

CHAIRMAN: Any board members?

(NO RESPONSE)

CHAIRMAN: Sounds like it's ready for us to dispose of the item. Do I have a motion?

MS. MASON: I make a motion that we approve this Conditional Use Permit. My finding of fact are it's consistent with the previously approved Conditional Use Permit and it's a logical expansion of the existing use of the property. And that they do the zoning ordinance requirements and the special conditions that there be approval of a Final
Development Plan.

CHAIRMAN: We have a motion to approve by Ms. Mason. Do I have a second?

MR. JEAN: Second.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Howard.

ITEM 3

5600-5900 Block, 5760 Little Hickory Road, 7800 Texas Gas Road, zoned EX-1 to A-R

Consider a request for a Conditional Use Permit in order to operate an outdoor recreational facility for guide horseback rides.

Reference: Zoning Ordinance, Article 8, Section 8.2K7/42

Applicant: Kenneth & Rebecca Fischer, LLC

ZONING HISTORY

The subject property is currently zoned EX-1 Coal Mining. The applicant has submitted an application to rezone the property to A-R Rural Agriculture, which will be heard by the Planning Commission meeting immediately following this meeting.

The applicant proposes to operate guided
horseback trail rides on their large farm. The rides will be led by first aid and CPR certified guides consisting of 6-8 guests for 1 to 2 hours by appointment only.

The subject property is currently zoned EX-1 Coal Mining where outdoor recreational uses are not allowed. The applicant has submitted a zoning map amendment application in conjunction with this application which will be heard by the Planning Commission immediately following this meeting. If the zoning map amendment application is denied, this conditional use permit shall become invalid.

LAND USES IN SURROUNDING AREA

All surrounding properties are zoned EX-1 Coal Mining and A-R Rural Agriculture and consist of agriculture and residential uses.

ZONING ORDINANCE REQUIREMENTS

1. Parking - 1 space for each employee on the maximum shift, plus 1 space for every 3 participants, plus 1 space for every 3 spectator seats. The applicant has provided 5 parking spaces, including 1 ADA space as shown on their site plan submitted.

2. Landscaping - Vehicular Use Area screening consisting of a 3 foot high continuous element with 1 tree every 40 feet of the vehicular use area between
the right-of-way and the vehicular use area. The parking lot will not be located near the right-of-way, as shown on the site plan submitted. So there is no vehicular use area screening required.

SPECIAL CONDITIONS

1. Approval of a zoning map amendment rezoning the subject properties from EX-1 Coal Mining to A-R Rural Agriculture.

2. Approval of a site plan.

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

CHAIRMAN: Do we have someone here wishing to speak on behalf of the applicant?

You want to come to the podium to be sworn in?

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

MRS. FISCHER: Rebecca Fischer.

(REBECCA FISCHER SWORN BY ATTORNEY.)

CHAIRMAN: Do you have anything to add to what has been said?

MRS. FISCHER: Not unless anyone has any questions.

CHAIRMAN: Anyone in the audience have questions or comments on this application?

(NO RESPONSE)
CHAIRMAN: Thank you.

Any staff members?

(NO RESPONSE)

CHAIRMAN: At this point I'll entertain a motion to dispose of the item.

MR. REEVES: I have one question before you do that.

You want to come back to the microphone so you can be captured. How close are the nearest residents of what you're proposing to do, approximately?

MRS. FISCHER: The nearest driveway, what, maybe half a mile down the road.

MR. REEVES: How far down the road?

MRS. FISCHER: Half a mile down the road on the opposite side of us.

MR. REEVES: What time of the day, what days of the week would you plan to do this business?

MRS. FISCHER: Wednesday through Sunday and just various times. Like we stated, call ahead, appointment only.

MR. REEVES: Would it ever be after dark?

MRS. FISCHER: No.

MR. REEVES: That's all the questions I have.

Thank you.

CHAIRMAN: Any other questions by board
MR. JEAN: I have a question.

Would the trail rides primarily be in the wooded area?

MRS. FISCHER: It's going along our crop grounds through pastures and in the woods, yes.

MR. JEAN: Thank you.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion.

MR. REEVES: I make a motion to approve this Conditional Use Permit based on the following facts: That it's on what is currently coal mining property and a lot of the surrounding property tends to be of that nature. It seems to be an appropriate use of the land. There will not be any activity on there at times of the day or week that would seem to interfere with any of the neighbors. With the conditions that approval of a zoning map amendment rezoning the subject properties from EX-1 Coal Mining to A-R Rural Agriculture and approval of a site plan.

CHAIRMAN: We have a motion by Mr. Reeves. Do I have a second?

MR. YEISER: Second.

CHAIRMAN: Second by Mr. Yeiser. Any
questions on the motion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 4

4598 Lucky Strike Loop, zoned B-4
Consider a request for a Conditional Use Permit in order to construct and operate an adult day care facility.
References: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Kenneth J. Klekamp, Inc.; Ione Jones

ZONING HISTORY

The subject property is an undeveloped 1.323 acre parcel located on the corner of Lucky Strike Loop and Salem Drive. The property is zoned B-4 General Business.

The applicant proposes to construct a 12,000 square foot building on the property to be used for retail, office and an adult day care facility. The active day center will be approximately 7,500 square feet serving up to 60 clients.

If more than 2 uses are proposed in the building, a Final Development Plan must be approved for the property.
LAND USES IN SURROUNDING AREA

The properties to the north and west are all zoned B-4 General Business and are currently undeveloped. The properties to the south and east are zoned A-R Rural Agriculture and are used for agriculture and residential purposes.

ZONING ORDINANCE REQUIREMENTS

1. Parking - Adult Day Care Center - 2 spaces plus 1 space for every 10 persons under care. The applicant indicates there may be as many as 60 persons under care at this facility, which creates a minimum parking requirement of 8 spaces. There are 34 proposed parking spaces shown on the site plan submitted including 2 ADA spaces. Plus additional parking based on the square footage of retail or commercial uses in the remainder of the proposed building.

2. Landscaping - Vehicular use area screening between the parking lot and the drive lanes and the right-of-way along Salem Drive, Lucky Strike Loop and Sutherland Road is required.

SPECIAL CONDITIONS

Approval of a final development plan.

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

Is there someone here that wishes to speak on behalf of the applicant?

MR. REYNOLDS: Brian Reynolds and I'm here with the applicant. We're ready to answer any questions you may have.

MS. KNIGHT: Mr. Reynolds is sworn as an attorney.

CHAIRMAN: Do we have anyone that has questions of the applicant or comments?

(NO RESPONSE)

CHAIRMAN: Any board members?

MR. REEVES: I'm assuming the Conditional Use Permit is only for part of the building that they propose to erect and that we don't have to be concerned about the retail office spaces, it's already approved?

MR. HOWARD: The Conditional Use Permit would be for, yes, the Adult Day Care portion. The lot is zoned B-4 so retail and office would be permitted in that zone.

MR. REEVES: So this is an exception to that?

MR. HOWARD: Right.

MR. REEVES: That answers my question.

CHAIRMAN: Any other board members?
CHAIRMAN: If not, I'll entertain a motion.

MS. MASON: I'll move for approval with the findings that it's appropriate in the location as there is general business zoning in the area and it would be kind of compatible with that, and it also would be in harmony with the area too, with the businesses that are around it. With the special condition that there be approval of a final development plan.

CHAIRMAN: We have a motion. Do I hear a second?

MS. CLARK: Second.

CHAIRMAN: Second by Ms. Clark. Any question on the motion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Any other business, Mr. Howard?

MR. HOWARD: Not that I know of.

CHAIRMAN: If not, I will entertain a motion to adjourn.

MR. JEAN: Motion to adjourn.
CHAIRMAN: Motion to adjourn by Mr. Jean. Do I have a second?

MS. MASON: Second.

CHAIRMAN: Second by Ms. Mason. All 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 Board of Adjustment 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 15 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 30th day of April, 2017.

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

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

Ohio Valley Reporting
(270) 683-7383