The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, May 11, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Boswell, Chairman
Larry Moore, Secretary
Brian Howard, Director
Terra Knight, Attorney
Irvin Rogers
Beverly McEnroe
Manuel Ball
John Kazlauskas
Lewis Jean

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CHAIRMAN: I would like to call to order the May 11, 2017 Planning Commission meeting. We always start our meetings with a prayer and pledge. I think Terra Knight has the honors for that tonight.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Before we get started, I would like to thank our Co-Chair Steve Frey for conducting the meeting last month while I had a terrible case of laryngitis. Steve did an outstanding job. I think he's now well-trained to take over that seat, if he so desires at some point in time.

I would also like to recognize County
Commissioner George Wathen who is in the audience tonight. Glad to have you with us. Feel free to speak at any time.

First order of business would be to consider our minutes from the April 13th meeting. Everyone has had a chance to go through those, review those. Do we have any discussion or comments or changes to those meeting minutes?

(NO RESPONSE)

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

MS. McENROE: Mr. Chairman, I would like to move that we accept the minutes as printed.

CHAIRMAN: A motion has been made by Ms. McEnroe to approve the minutes. Do we have a second?

MR. MOORE: Second.

CHAIRMAN: Second by Commissioner Moore. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next order of business is the General Business Public Hearings. There are a good number of them tonight. So hopefully everyone will be able to follow these and get as much information as they can as they're presented so we can make good decision on
GENERAL BUSINESS

PUBLIC HEARINGS

ITEM 3

Consider adoption of proposed text amendments to Article 3 & 5 of the Zoning Ordinance related to public utility easements and encroachment permits.

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

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: These particular text amendments to Article 3 and 5 of the Zoning Ordinance are related to how and when structures are allowed to be placed within public utility easement.

The proposed text amendments includes:

1. Amending Section 3-5(c)(1) to clearly state that structures are not allowed to be located in public utility easements unless specifically pursuant to Article 5.

2. Amending Section 3-6(e) to more specifically define the types of structures affected by the regulation and to add a reference to the applicable portion of Article 5.

3. Amending 3-7(f) to more broadly refer to
sport courts rather than just tennis courts and to add a reference to the applicable portion of Article 5.

4. Amending Section 3-7(g)(6) to clarify that walls and fences shall not be erected in public utility easement unless specifically permitted pursuant to Article 5.

5. Amending Section 5.11 to allow the Zoning Administrator to issue encroachment permits specifically related to public utility easement encroachments.

6. Creating a new Section 5.4 that outlines a new process for issuing encroachment permits for structures within public utility easements.

FINDINGS OF FACT

The Staff recommends approval of the proposed text amendments to Article 3 & 5 because the proposal is in compliance with the community's Comprehensive Plan. The findings supporting this recommendation follow:

1. These amendments to Articles 3 & 5 will help allocate wisely the use of land for various activities by encouraging sound land development policies.

2. These amendments to Articles 3 & 5 are an example of creating flexible zoning regulations for
existing redeveloping neighborhoods; and,

3. These amendments to Articles 3 & 5 will allow necessary access for the continued maintenance and upgrading of our existing utility supply systems. Staff request that this Staff Report be entered into the record as Exhibit A.

CHAIRMAN: Thank you, Mr. Hill.

Do any of the commissioners have any questions that they would like to ask of this?

Commissioner Kazlauskas.

MR. KAZLAUSKAS: I have a couple of questions, Mr. Chairman.

5.4, encroachment permit, this is brand new, isn't it?

MR. HOWARD: Yes.

MR. KAZLAUSKAS: I want to complement on the city attorney for the work he has done.

Do we have any pending litigations ongoing at this time on the encroachment permit? I know we have in the past.

MS. KNIGHT: The Planning Commission does not.

MR. KAZLAUSKAS: But there are some cases?

MS. KNIGHT: The Board of Adjustment does not either. There is litigation pending that's in conjunction with what you're referencing, but it is
not involving this.

MR. KAZLAUSKAS: The Board doesn't have anything to do with that. That's probably through the City of Owensboro?

MS. KNIGHT: The City may be a party, but it does not involve this board.

MR. KAZLAUSKAS: Do we have a zoning enforcement administrator or does anybody put on that hat when they're notified of a violation?

MS. KNIGHT: Our current zoning administrator is Matt Warren. It was Jim Mischel.

MR. KAZLAUSKAS: So they take on that responsibility?

MS. KNIGHT: That's correct.

MR. KAZLAUSKAS: If I'm correct, the penalties start with our local courts and go all the way through circuit court; is that correct?

MS. KNIGHT: It's very similar to the building permit process. It virtually mirrors that same process. In doing it this way, we didn't want to put any additional burden on the zoning administrator, but they were already in this position anyway. When people had questions about public utility easement and things of this nature, it started in the Planning office anyway. That's usually who they would call and
go to. This will help them streamline that for residences of the community as well.

MR. KAZLAUSKAS: This addition, of course we don't know at the very beginning because this is new, but hopefully this will stand the test against any case law, correct?

MS. KNIGHT: The language, the process, the procedure I appreciate Pat Pace's help on this. I know he couldn't be here tonight. He really worked with us on this, the city attorney, the county attorney. There were a lot of people involved in working through this process. We believe that it addresses the court's concerns and provides the process that will meet any legal test that might be put up against it.

MR. KAZLAUSKAS: This is good and I want to commend everybody that worked on this because this was needed.

The other question I have really comes from Staff and has to do with satellite dish antennas. I could not find a description of the satellite dish antenna. Does this cover those big 6-foot dishes that we've had or the small 12-foot ones that you see scattered around Owensboro?

MR. HOWARD: It would in theory cover any type
of a satellite dish, whether it's the larger ones that
are obsolete at this point, to the smaller Dish
Network, DirectTV satellites that you receive on and
around.

MR. KAZLAUSKAS: There is a portion in here
that says "no portion of such antenna shall be located
closer than 25 feet to adjoining lot in any
residential zone."

Correct me if I am wrong, but aren't there
several one of these that are in violation of this
scattered through Owensboro?

MR. HOWARD: There could be.

MR. KAZLAUSKAS: I believe there are. I think
that's something that needs to be addressed. I guess
I'll get with you and we'll talk about that at a later
time.

MR. HOWARD: Okay.

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

CHAIRMAN: Thank you, Commissioner Kazlauskas.

Any other commissioners have any questions
concerning this Article 3 and 5?

(NO RESPONSE)

CHAIRMAN: I do have more of a general
question.

In reading through this, this seems to really
define a much, much more specific process of control
on being able to scrutinize what goes in the public
utilities. It appears to me that what we have done is
try to refine this associated to some of the
litigation that we've had over the years to make a
much better process, much quicker process. Would that
be a fair statement?

MS. KNIGHT: I agree with that.

CHAIRMAN: Thank you.

Any questions from anyone in the audience

cconcerning this Article 3 and 5?

(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 Planning Staff Recommendations and
Findings of Fact 1 through 3.

CHAIRMAN: A motion has been made by Mr. Ball
for approval based on Findings of Fact 1 through 3.

Do we have a second?

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. 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.  

ITEM 4  

Consider adoption of proposed text amendments to Article 7 of the Zoning Ordinance related to the Owensboro Metropolitan Planning Commission's ability to consider Conditional Use Permit requests when associated with a zoning map amendment.  

MR. HILL: As the director mentioned, this is an amendment to Article 7 of the Zoning Ordinance granting the Planning Commission authority to act on Conditional Use Permits when they are associated with rezoning application on the same property.  

KRS has had language in the statutes for many years that allows this method, but locally here that process has now been adopted so that's what we're proposing tonight.  

The proposed text amendment include:  

1. A new reference within Section 7.31 General Powers to KRS 100.237, which is the applicable enabling state statute. Also, a reference to conditional use permits has been added to this section alongside variances.  

2. A new statement has been added to Section 7.32 Conditional Use Permits that reads, "The Ohio Valley Reporting  
(270) 683-7383
Owensboro Metropolitan Planning Commission may hear
and finally decide applications for conditional use
permits when a proposed development requires a zoning
map amendment and one or more conditional use permits,
in accordance with the procedures specified in Section
7.31 of this Article."

FINDINGS OF FACT

The Staff recommends approval of the proposed
text amendments to Article 7 because the proposal is
in compliance with the community's Comprehensive Plan.
The findings supporting this recommendation follow:

1. These amendments to Article 7 will help
maintain Daviess County as a viable economic unit;

2. These amendments to Article 7 will help
allocate wisely to the use of land for various
activities by encouraging sound land development
policies; and,

3. These amendments to Article 7 will help
encourage flexible zoning criteria for existing
redeveloping neighborhoods.

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

CHAIRMAN: Thank you, Mr. Hill.

Any commissioners have any questions

concerning this Staff Report?
CHAIRMAN: Does anyone from the audience have any questions concerning this Staff Report?

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

Mr. Kazlauskas.

MR. KAZLAUSKAS: Make a motion that the Zoning Text Amendment be approved based on the Staff Report and Findings of Fact 1 through 3.

CHAIRMAN: A motion has been made for approval based on the Findings of Fact 1 through 3. Do we have a second?

MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. Any discussion about the motion or the second?

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 5

Consider adoption of proposed text amendments to Article 8 of the Zoning Ordinance related to new land use listings: Distilleries and breweries

MR. HILL: This amendment to Article 8 to the
Schedule of Zones section of our land development ordinance. Introducing two new listings, specifically distilleries and breweries, which have previously not been in the ordinance. It's become apparent across our state, especially across the country, that distilleries/breweries, micro-distilleries, micro-breweries is becoming more common business activity and operation. We felt it was time to introduce within our Zoning Ordinance some specific language that addresses those uses.

The proposed text amendments include:

1. A new category called "Distillery/Brewery" that will be a principally permitted use in the I-1 & I-2 zones.

2. Revising the listings for "Motel or Hotel", "Cocktail lounges, night clubs" and "Restaurants, including drive-in, drive through windows" to also allow them as conditionally permitted uses in the I-1 & I-2 zones only when in conjunction with a distillery or brewery that has obtained or intends to obtain, a statewide or national accreditation within the distilling or brewing industries.

3. Revising the listing for "Retail sale of food products" and "Retail sale of merchandise" to
also be allowed as accessory uses in the I-1 & I-2 zones only when in conjunction with a distillery or brewery that has obtained, or intends is obtain, a statewide or national accreditation within the distilling or brewing industries.


They're already conditionally permitted in I-1 zone.

In Number 5, we added some new definitions that we'll talk about in the next amendment in Chapter 14 that covers distilleries, breweries, as well as micro-distilleries and micro-breweries.

FINDINGS OF FACT

Staff recommends approval of the proposed text amendment to the Article 8 because the proposal is in compliance with the community's Comprehensive Plan. The findings supporting this recommendation as follow:

1. These amendments to Article 8 will help maintain Daviess County as a viable economic unit;

2. These amendments to Article 8 will promote a diversity of desirable industrial activities for a broad and stable economic base;

3. These amendments to Article 8 will promote regional development to enhance economic benefits for
citizens of Daviess County.

4. These amendments to Article 8 will encourage the grouping of activities so that uses of greater intensity (industrial or commercial) do not harm weaker types (residential and agricultural); and,

5. These amendments to Article 8 will encourage in-fill development that maximizes the efficiency of existing infrastructure and is designed to be compatible with adjoining land uses.

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

CHAIRMAN: Thank you, Mr. Hill.

Do we have any comments or questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Do we have any comments or questions from the audience either for or against?

(NO RESPONSE)

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

Mr. Moore.

MR. MOORE: Thank you, Mr. Chairman.

I move for approval of the Zoning Text Amendments based on the Staff Recommendations and Findings of Fact 1 through 5.
CHAIRMAN: A motion has been made to approve based on Findings of Fact 1 through 5. Is there 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: Motion carries.

ITEM 6

Consider adoption of proposed text amendments to Article 14 of the Zoning Ordinance related to definitions of agritourism, outdoor display, outdoor storage, distilleries, breweries, micro-distilleries and micro-breweries.

MR. HILL: We realized that there are a few definitions that we needed, some related to the amendments we just talked about.

The proposed text amendment include:

1. A revised definition of "Agri-tourism" that incorporates language from recently adopted State legislation on agri-tourism.

2. New definitions of "Brewery" and "Distillery," as referred to in the proposed Article 8 text amendment.

3. New definition "Micro-Brewery/Micro-Distillery" that will allow for a limited production facility in conjunction with a restaurant,
bar or retail sales.

4. New definition of "Outdoor Display" and "Outdoor Storage" that clearly define these often used terms and will clear up any potential confusion regarding their implementation.

FINDINGS OF FACT

The Staff recommends approval of the proposed text amendments to Article 14 because the proposal is in compliance with the Community's Comprehensive Plan. The findings supporting this recommendation follow:

1. These amendments to Article 14 will help maintain Daviess County as a viable economic unit;

2. These amendments to Article 14 will promote regional development to enhance economic benefits for citizens of Daviess County.

3. These amendments to Article 14 will encourage the grouping of activities so that uses of greater intensity (industrial or commercial) do not harm weaker types (residential and agricultural);

4. These amendments to Article 14 will help encourage flexible zoning criteria for existing redeveloping neighborhoods; and,

5. These amendments to Article 14 will assist in reserving the land in the Rural Service Area primarily for agricultural uses, other natural
resource activities, and support uses that need to be near such activities.

Staff request that this Staff Report be entered into the records as Exhibit D.

CHAIRMAN: Thank you, Mr. Hill. Do we have any commissioners that has any questions concerning this Staff Report?

(NO RESPONSE)

CHAIRMAN: Do we have anyone from the audience who would wish to speak for or against the Staff Report?

(NO RESPONSE)

CHAIRMAN: If not the Chair is ready for a motion.

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on the Staff Recommendations revision to Article 14 with the Findings of Fact 1 through 5.

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

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Any discussion about the motion and 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: The Staff Report carries.

MR. HOWARD: Thank you for those items. We will forward those to the appropriate legislative body for them to consider to take final action on.

Now, the next few text amendments are for the Public Improvement Specifications. That is a document which you as the Planning Commission have the final approval on so you'll be taking action on those tonight.

I'm going to give you a brief summary of why these are on the agenda.

Basically the Public Improvement Specification Committee met, as we do every year. We met in February and discussed what potential changes need to be made, and the result of that is what you see tonight. We get together as a group. It's a group that includes both the City and County Engineers, private engineers. Jason Baker from Bryant Engineering was there. I believe Jim Riney from HRG was there, along with representatives from the Home Builders Association, commercial developers, utilities, our staff, other public agencies. It's a
group that gets together to discuss the different aspects of the Public Improvement Specification.

We met. There was discussion, compromise, changes made. After the meeting, the changes that were agreed upon were sent back out to the entire committee. We didn't hear any comments on those as far as any additional changes that were needed. So we've advertised them and have them here on the agenda tonight. So I'll read the first one into the record.

ITEM 7
Consider adoption of revisions to Chapter 2 of the Public Improvement Specifications related to materials.

MR. HOWARD: I will note that the city engineer and the county engineer are both here tonight in case you have any questions pertaining to these. I will give a brief summary about what these changes are.

The main change in Chapter 2 is, including storm inlet castings that will be stamped with "Dump No Waste - Drains to Waterway." So that's the text amendment to this one. We would recommend that you consider it for approval here tonight.

CHAIRMAN: Thank you, Mr. Howard.

Any questions by the commissioners?

(NO RESPONSE)
CHAIRMAN: I do have one. You may have mentioned this earlier, Mr. Howard. I attended some of these meetings. They're very interesting meetings with a lot of technical detail. The state are all involved in this so there's a lot of meetings, a lot of work that goes into these Public Improvement Specification. I think they do a great job in putting this all together.

Any questions from the audience concerning this?

Mr. Kazlauskas.

MR. KAZLAUSKAS: The stamp with "single fish logo," is that a national movement?

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

MR. CULLEN: Kevin Cullin, city engineer.

(KEVIN CULLIN SWORN BY ATTORNEY.)

MR. CULLEN: Good evening, Commissioners.

The logo with the fish and drains to river that is something we adopted locally. As far as our compliance with our MS-4, that's a program that, it's our permit with the State Division of Water to discharge into body of water like the Ohio River and stuff like that. It alerts somebody that that structure drains to our streams and it's not intended
to take waste. It's only to take storm water. That's
the purpose.

MR. KAZLAUSKAS: Are there any more communities that you're aware of that are doing this?

MR. CULLEN: I believe other communities are doing it as well.

MR. KAZLAUSKAS: I for one think it's a good idea.

CHAIRMAN: Any other commissioners have any comments they would like to make or questions?

(NO RESPONSE)

CHAIRMAN: I think I've asked anyone from the audience that would like to make any comments.

(NO RESPONSE)

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

Mr. Ball.

MR. BALL: Motion to approve the revisions to the Public Improvement Specs.

CHAIRMAN: Motion to approve the revision for Chapter 2 of the PI Specs. Is there a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussions about 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: Chapter 2 carries.

ITEM 8

Consider adoption of revisions to Chapter 3 of the Public Improvement Specifications related to streets.

MR. HOWARD: In summary on this, the biggest change here is that streets that are classified higher than a local, so that would be collectors and up, will be required to be designed by an engineer licensed in the State of Kentucky and designed for the AASHTO, "A Policy on Geometric Design of Highways and Streets."

There are also some changes in there with those classification listings on lift thickness and things like that. Then changes to the base course for new streets and a new field density test analysis method. So those are the main changes to this section of the PI Specs.

We would recommend that you consider them for approval.

CHAIRMAN: Thank you, Mr. Howard.

Any questions by the commission?

(NO RESPONSE)

CHAIRMAN: Any questions from the audience?
CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Make a motion that the changes to the Public Improvement Specifications Chapter 3 be approved.

CHAIRMAN: A motion has been made for the approval of the Chapter 3 Public Improvement Specification. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussions about the motion or the second?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Chapter 3 carries.

ITEM 9

Consider adoption of revisions to Chapter 4 of the Public Improvement Specifications related to sidewalks.

MR. HOWARD: Really this section, the main change is language that’s added in there to clarify what would happen at ADA ramps. So we would recommend that you consider that for approval.
CHAIRMAN: Thank you, Mr. Howard.

Any questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

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

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I recommend approval for Public Improvement Specification to Chapter 4.

CHAIRMAN: A motion has been made for approval of the Public Improvement Specification for Chapter 4. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any questions or discussion about the motion and the second?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Chapter 4 carries.

ITEM 10

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

Ohio Valley Reporting
(270) 683-7383
protection requirements.

MR. HOWARD: The city fire chief brought this to our attention. There's a standard now that requires that fire hydrants distance in new major subdivisions be only 500 feet. The current specifications list that as 600 feet. So this is the revision just to reduce that from 600 to 500. We recommend that you ask consider it for approval.

CHAIRMAN: Any questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

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

Mr. Kazlauskas.

MR. KAZLAUSKAS: I make a motion that the changes to the Public Improvement Specification Chapter 6 be approved.

CHAIRMAN: A motion been made to approve Chapter 6 of the Public Improvement Specifications. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussion about the motion and the second?
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: Chapter 6 carries.

ITEM 11

Consider adoption of revisions to Chapter 7 of the Public Improvement Specifications related to storm sewers.

MR. HOWARD: This is only an exhibit and it adds the detail "Dump No Waste - Drains to Waterway" on the casting details.

We would recommend that you consider that one for approval as well.

CHAIRMAN: Any questions from the commissioners?

(.NO RESPONSE)

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

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

Mr. Ball.

MR. BALL: Motion to approve the changes to Chapter 7 of the Public Improvement Specification.

CHAIRMAN: Motion to approve the Chapter 7 of the Public Improvement Specifications. Is there a
Second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. HOWARD: Thanks everybody.

Next are our zoning changes. 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 necessary documentation to the appropriate legislative body for them to take final action.

ZONING CHANGES

ITEM 12

3355-3375 Block Hayden Road, 10.191 acres
Consider zoning change: From A-U Urban Agriculture to B-4 General Business
Applicant: Gateway Land, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. Fulfillment of all the recommended improvements by the developer as outlined in the 2015
traffic impact study.

2. Approval of an Amended Major Subdivision Preliminary Plat that incorporates this 10.191 acre property with the larger Gateway Commons development.

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with 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 use of the subject property as general business will be non-residential in nature;

4. The proposal is a logical expansion of existing B-4 zoning to the north and west;

5. At 10.191 acres, the proposal should not overburden the capacity of roadways and other necessary urban services that are available, or are planned to be improved, in the affected area based on the recommended improvements of the traffic impact study; and

6. Preliminary plats and final development plans will be submitted and reviewed to ensure site design will comply with the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations.
MR. HILL: Staff request that the Staff Report be entered into the record as Exhibit E.

CHAIRMAN: Thank you, Mr. Hill. Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to speak on his behalf?

APPLICANT REP: No.

CHAIRMAN: Any commissioners have any questions concerning the application?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would like to speak either for or against the application?

(NO RESPONSE)

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

Mr. Kazlauskas.

MR. KAZLAUSKAS: I make a motion that the zoning change be approved based on the Planning Staff's Recommendation, Conditions 1 and 2, and Findings of Fact 1 through 6.

CHAIRMAN: A motion has been made for approval based on Planning Staff Recommendation, Conditions 1
and 2 and Findings of Fact 1 through 6. Is there a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. Any discussion about the motion and 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.

RELATED ITEM

ITEM 12A

Gateway Commons, 212.199 acres
Consider approval of an amended major subdivision preliminary plat
Applicant: Gateway Land, LLC

MR. HOWARD: Commissioners, this plat comes before you and actually is a fulfillment of Condition 2 on the previous rezoning. This does incorporate the property into the overall Gateway development. It's been reviewed by the Planning Staff and Engineer's Staff and is found to be consistent with the requirements of the Zoning Ordinance, subdivision regulations and it is ready for your consideration for approval.

CHAIRMAN: Thank you, Mr. Howard.
Anyone here representing the applicant that would like to be speak?

APPLICANT REP: Yes.

CHAIRMAN: Any commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience wish to speak for or against this application?

(NO RESPONSE)

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

Mr. Ball.

MR. BALL: Motion to approve.

CHAIRMAN: Motion to approve. Do we have a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 13

1653 East Parrish Avenue, 0.997 acres
Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial
Applicant: Susan Cox Development, LLC; 2G, LLC

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

CONDITIONS

1. No access to East Parrish Avenue shall be permitted. Access to the property shall only be allowed from Wing Avenue.
2. Approval of a site plan or final development plan.

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;
2. The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
3. The subject property lies within an existing area of mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed use areas; and
5. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.
MR. HILL: Staff request that the Staff Report be entered into the record as Exhibit F.

CHAIRMAN: Thank you, Mr. Hill.

Is there anyone here representing the applicant?

MR. KAMUF: Yes, sir. Charles Kamuf.

We have Brandy Zackery with Arnold Engineers from over in Bowling Green, she's here, along with Commissioner Wathen to answer any questions you may have. Mr. Wathen represents the landowner.

CHAIRMAN: Would you like to speak on behalf of the application?

MR. KAMUF: Not yet.

CHAIRMAN: You're going to speak?

MR. KAMUF: I'm going to leave it like it is.

We're here to answer any questions, if the Board has any questions.

CHAIRMAN: Commission have any questions?

Anyone on the commission have any questions concerning this application?

(NO RESPONSE)

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

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

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on Planning Staff Recommendation with the two conditions and the Findings of Fact 1 through 5.

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

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. Any discussion about the motion or the second?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 14

1318 West 7th Street, 0.088 acres
Consider zoning change: From I-2 Heavy Industrial to R-4DT Inner City Residential
Applicant: Casa de Dios Corp

PLANNING STAFF RECOMMENDATION

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

CONDITIONS
1. A 10' landscape easement with a 6' high continuous element and a tree every 40 linear feet shall be required along the west and south property lines.

FINDINGS OF FACT

1. Staff recommends approval because the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate.

2. The property has been used residentially for many years and the proposed residential zoning classification will bring the use of the property into conformity with the zoning; and

3. According to PVA records, this structure was built as a residence in 1921, which pre-dates the adoption of the Comprehensive Plan and the Zoning Ordinance.

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

CHAIRMAN: Thank you, Mr. Hill.

Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do any commissioners have any questions concerning the application?

(NO RESPONSE)
CHAIRMAN: Anyone in the audience have any comment or questions opposed or for?

(NO RESPONSE)

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

Mr. Moore.

MR. MOORE: Thank you, Mr. Chairman. I move for approval based on Staff's Recommendation with the one condition and Findings of Fact 1, 2 and 3.

CHAIRMAN: A motion has been made for approval based on Condition 1 and Findings of Fact 1 through 3. Do we have a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussion about the motion and the second?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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NEW BUSINESS

ITEM 15

Consider approval of March 2017 financial statements

CHAIRMAN: Hopefully all of the commissioners
have had a chance to look through that and sort all of that information. Is there any questions or discussions concerning the financial statements?

(NO RESPONSE)

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

Mr. Kazlauskas.

MR. KAZLAUSKAS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Kazlauskas. Do we have a second?

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 16

Consider approval of the amended Public Improvement Specifications surety unit costs.

MR. HOWARD: This item is related to those text amendments that we heard earlier. Every year when the PI Spec Committee gets together we discuss the surety posting cost. This year it was in your packet. It was stapled in the back of one of your things. This year there were only really four changes. We increased valley curb and box curb by a
A couple of three dollars each. Then moved 18-inch gravity sewer to 24-inch gravity sewer from a set price to a case-by-case basis. So those are the only changes to it this year. We will look at these again either at the end of 2017 or the beginning of 2018. We recommend that you consider these for approval tonight.

CHAIRMAN: Thank you, Mr. Howard. Any questions from the commissioners?

(NO RESPONSE)

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion. Mr. Ball.

MR. BALL: Motion to approve the amendments to the surety amounts.

CHAIRMAN: A motion has been made to approve for the Public Improvement surety amounts. Is there a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries.

ITEM 17

Comments by the Chairman

CHAIRMAN: I have no comments.

ITEM 18

Comments by the Planning Commissioners

(NO RESPONSE)

ITEM 19

Comments by the Director

MR. HOWARD: I do, and I'll be brief.

I want to recognize Jim Mischel who was our associate director of building and electrical, HVAC in our department and had worked with us for 33 years. After 33 years of being in our office, helping the entire organization, Jim decided at the end of last month it was time to retire and move on. We certainly want to wish Jim the best as he moves on into retirement. Been in touch with him and he's made comments that he -- when it was coming down to it, he had a hard time deciding if he really wanted to. I think he enjoyed coming to work and enjoyed being with the Staff. He had a passion for what he did. Talking with him here in the last couple of days he's enjoying retirement. I think he's glad that he retired and
enjoying his time. Just want to recognize Jim for all that he did, all the help he provided to everybody on our Staff from top to bottom. He was always there as a guiding force and his institutional memory will be a loss; be a loss for the office, but we'll persevere.

In Jim's absence, we have moved Matt Warren, who was basically Jim's understudy for the last several years, into that role. So Matt will now be over the building, electrical, HVAC division of our department. I have great confidence in Matt in his abilities. He's a sharp guy. Has a lot of experience both in the field and working with contractors, but then with the office setting as well. So I think Matt is going to do great.

I also let you know that since our last meeting we also brought on Troy Mills as a new building, electrical and HVAC inspector. He comes from an electrical background. So we will have to train him on the ways of building and HVAC inspections. Since has's been on board he's caught on quickly and I think he's going to do a great job.

Then we've also hired Trey Pedley as a Planner 1 within the office. Trey comes to us from the Green River Area Development District where he was a community development planner there. He also has
experience working in the planning department over in Evansville, Indiana, reviewing site plans and doing zoning compliance and things like that. He's got a degree in geography with planning experience and a planning background. So we're lucky to have him come on board with us as well.

Those fill in some of the gaps that we've had. I feel like this positions us to be in good shape as we move forward.

CHAIRMAN: Thank you, Mr. Howard.

I would also like to add a congratulations to Jim Mischel. I think he's helped all of the commissioners at one point in time. He's worked really hard. Going to be sorely missed. Did a great job. Very detailed oriented individual. I think all of the commission wishes him the best in his retirement. I think we did make sure that we still have his cell phone number available just in case. He's not out of the woods yet.

Congratulations, Jim. Enjoy retirement.

I think that pretty well concludes it so we need one last motion.

Mr. Moore.

MR. MOORE: Move to adjourn.

CHAIRMAN: Move to adjourn. 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.

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STATE OF KENTUCKY )
) SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Planning
Commission meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 43 typewritten pages; and that no signature
was requested to the foregoing transcript.

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

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

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

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