The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, April 13, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

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CHAIRMAN: I would like to call to order the April 13, 2017 Owensboro Metropolitan Planning Commission meeting to order. Chairman Boswell is under the weather tonight so I will be filling in on his behalf so treat me well.

As is customary, we will stand for a prayer and pledge of allegiance. That will be given by Commissioner Reeves this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: As we do at all meetings, everyone
who wants to speak tonight will be able to speak.

Please step to the podium when you're called on and be
sworn in by our attorney. Feel free to say what you
need to say.

Our first order of business tonight is to
consider the minutes of the March 9, 2017 meeting. I
believe everybody got a copy of those. Are there any
questions or changes that need to be made?

(NO RESPONSE)

CHAIRMAN: If not, I'll entertain a motion.

MR. KAZLAUSKAS: I make a motion the minutes
be approved.

CHAIRMAN: Motion by Commissioner Kazlauskas.

MR. MOORE: Second.

CHAIRMAN: Second by Mr. Moore. Any
questions?

(NO RESPONSE)

CHAIRMAN: All in favor please raise your
right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Next item.

MR. HOWARD: I will note that all zoning
changes will be become final 21 days after the meeting
unless an appeal is filed. If an appeal is filed, we
will forward the record of this meeting along with all
appropriate documentation to the appropriate legislative body for them to take final objection.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

529 Hathaway Street, 0.065 acres
Consider zoning change: From R-4DT Inner City Residential to I-1 Light Industrial
Applicant: Wimsatt Rentals of Kentucky, LLC

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

MR. HILL: Mike Hill.

(MIKE HILL 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 Central Residential Plan Area where light industrial uses are appropriate in very limited locations;

3. The proposed light industrial use conforms to the criteria for nonresidential development;
4. The proposal is an expansion of existing I-1 Light Industrial zoning to the east; and
5. At 0.065 acres, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you.

Is there anyone here from the applicant that would like to speak?

APPLICANT REP: I'm here.

CHAIRMAN: Would you like to say anything at this point?

APPLICANT REP: No, sir.

CHAIRMAN: Is there anyone in opposition to this application?

(NO RESPONSE)

CHAIRMAN: I'm ready for a motion if someone would like to make one.

MR. JEAN: Make a motion we approve this application based on the Findings of Fact 1 through 5 and the Staff Report.

CHAIRMAN: A motion has been made by Commissioner Jean.
MR. REEVES: Second.

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

(NO RESPONSE)

CHAIRMAN: We're ready for a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.

ITEM 4

5850-6000 Block Hayden Bridge Road, 144.125 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Thomas R. & Debra T. Osborne

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 Maintenance Plan Area where agricultural land uses are appropriate in general locations;

3. Agricultural topsoil will be conserved through appropriate farming practices when applicable;

4. Forested areas will be sustained through
appropriate forestry practices;

5. Mining activity has ceased on the property and it is ready to revert back to its original zoning classification; and

6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.

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

CHAIRMAN: Thank you.

Is there anyone in the audience that would like to speak on behalf of the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone that would like to speak in opposition?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. BALL: Motion to approve based on Planning Staff Recommendation and Findings of Fact 1 through 6.

CHAIRMAN: We have a motion by Mr. Ball.

MR. BOSWELL: Second.

CHAIRMAN: Second by Mr. Boswell. Questions about the motion?

(NO RESPONSE)
CHAIRMAN: The Chair is ready for a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 5

100 Block Hill Pointe Crossing, 6.803 acres
Consider zoning change: From A-U Urban Agriculture to R-1C Single-Family Residential
Applicant: Brekk Properties, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. A Major Subdivision Preliminary Plat showing an extension of Hill Pointe Crossing must be submitted prior to any further residential development of the subject property.

FINDINGS OF FACT

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

2. The subject property is located in an Urban Residential Plan Area where Urban Low-density Residential uses are appropriate in limited locations;

3. The proposal complies with the criteria for urban residential development; and
4. Sanitary sewer service is available to be extended to the subject property

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

CHAIRMAN: Thank you very much.

Is there anyone that would like to speak on behalf of the applicant.

(NO RESPONSE)

CHAIRMAN: Is there anyone who would like to speak in opposition to this proposal?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Mr. Chairman, I make motion for approval based on Planning Staff Recommendations with the one condition and Findings of Fact 1 through 4.

CHAIRMAN: We have a motion by Mr. Rogers. Is there a second?

MR. BALL: Second.

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

(NO RESPONSE)

CHAIRMAN: We'll take a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries. Thank you.
ITEM 6

5600-5900 Block, 5760 Little Hickory Road & 7800 Texas Gas Road, 283.47 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Kenneth A. & Rebecca J. Fischer; Kenneth & Rebecca Fischer, LLC

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 Maintenance Plan Area where rural farm residential land uses are appropriate in general locations;

3. The subject property consists of three tracts totaling 283.47 acres;

4. The subject property has access to Little Hickory Road and Texas Gas Road;

5. Mining activity has ceased on the property and it is ready to revert back to its original zoning classification; and

6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after
mining.

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

CHAIRMAN: Thank you, Mr. Hill.

Is there anyone in the audience that would like to speak on behalf of the applicant?

APPLICANT REP: I'm here.

CHAIRMAN: Is there anyone that would like to speak in opposition?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Make a motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 6.

CHAIRMAN: Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Are there any questions about the motion?

(NO RESPONSE)

CHAIRMAN: We are ready for a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries. Thank you.

ITEM 7
3779 Thruston Dermont Road, 10.0 acres
Consider zoning change: From R-1A Single-Family Residential to A-U Urban Agriculture
Applicant: Larry Roberts & Harry Roberts

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

1. Access shall be in compliance with the requirements of the Access Management Manual.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community’s adopted
Comprehensive Plan;
2. The subject property is located in an Urban Residential Plan Area where Urban Low-Density Residential uses are appropriate in limited locations;
3. The proposal complies with the criteria for urban residential development; and
4. Sanitary sewer service is available to the subject property.

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

CHAIRMAN: Thank you, Mr. Hill.

Anyone that would like to speak on behalf of the applicants?
MR. KAMUF: Charles Kamuf. I represent Harry and Larry Roberts. We're here to answer any questions that you have. Staff report says it should be approved.

CHAIRMAN: Thank you.

Is there anyone in the audience that would like to speak in opposition?

Step the microphone and state your name, address and be sworn in, please.

MS. McDONALD: Julia McDonald.

(JULIA MCDONALD SWORN BY ATTORNEY.)

MS. McDONALD: This is a neighborhood. It's a dead-end street. Concerned about the price of our property going down. I don't understand what they're going to do with it. It was never for sale. It just kind of popped up. I have a lot of questions.

CHAIRMAN: Thank you.

MR. REEVES: Question, please.

CHAIRMAN: Yes, Mr. Reeves.

MR. REEVES: Excuse me, ma'am. Would you come back to the microphone. I'm trying to locate where you live in relationship to the property that's being requested to be rezoned.

MS. McDONALD: Right next to it. 3775 Locust Hill Drive.
CHAIRMAN: You're Lot 3.

MR. REEVES: Couldn't read the name. Thank you.

CHAIRMAN: Is that all your questions for right now?

MS. McDONALD: I'm just beginning.

CHAIRMAN: Is there anyone else that would like to say anything right now or we can proceed with Ms. McDonald's questions.

State your name, please.

MS. KABALEN: Linda Kabalen.

(LINDA KABALEN SWORN BY ATTORNEY.)

MS. KABALEN: We've lived there for 30 years. We're under the impression that our street was landlocked. We're kind of concerned now with this hill beside us, the 10 acres, with it being urban agricultural. It could become a small business. Our streets are not really built to handle heavy equipment and that's kind of what I'm a little disturbed with. It was landlocked. We had no notice that it was sold and that particular footage was unlocked so that streets could go through.

CHAIRMAN: Mr. Kamuf, would you like to begin responding to some questions?

If both of you want to stay close.
MR. KAMUF: The only issue tonight is the rezoning. Any other use it has to be made through a conditional use. The only purpose tonight is for residential purposes. If any type of nonresidential use has to be, you have to have a conditional use along with a site plan, and they'll receive notice.

CHAIRMAN: Thank you.

Mr. Howard, do you want to help them understand that? What we're doing tonight is not --

MR. HOWARD: The rezoning tonight is for the Board to consider whether or not an urban agricultural use is appropriate. They've indicated it's for residential use. As Mr. Kamuf stated, if anything were to happen to that property, if it were to be developed in some capacity other than for residential purposes, that would require additional application, additional meetings that would have to take place. I think that would address the question that you had there.

CHAIRMAN: Thank you.

Do we have any other questions that need to be asked?

MR. REEVES: I have one, if you don't mind.

CHAIRMAN: Yes, Mr. Reeves.

MR. REEVES: Mr. Howard, I understand what
they say they are proposing there; however, are there
other things they could on that property if it's
rezoned other than residential?

MR. HOWARD: Sure. Both in a residential zone
and an agricultural zone there are a variety of
conditionally permitted uses.

MR. REEVES: Without it being conditionally
permitted?

MR. HOWARD: No, not really. An A-U zone
without any other type of approval of anything would
basically be limited to agricultural use or
single-family residential use.

MR. REEVES: So they should understand then
that if, for instance, they decide they want to come
in here and put a little strip mall or whatever, they
would have to come before the Board of Adjustment to
get a conditional use permit, before anything else
could happen. Is that a fair assumption?

MR. HOWARD: Well, actually they could not do
a strip mall. In an A-U zone, that would be a
commercial retail use and that would not be allowed.

MR. REEVES: So they would have to get a
rezoning?

MR. HOWARD: They would have to rezone to
commercial in order to do retail sales.
MR. REEVES: I just want to make sure that they understand what the process, would have to go forward, if anything other than residential were zoned.

CHAIRMAN: Thank you.

Yes, ma'am.

MS. McDONALD: Could we get that in writing?

CHAIRMAN: It's not really --

MS. McDONALD: We're residential. Why doesn't it say residential?

CHAIRMAN: They're just asking for a rezoning.

MS. McDONALD: Not to be obtuse.

CHAIRMAN: Understood.

MR. HOWARD: I don't know. I can't speak for them. If their attorney would like to address it, that's fine. There are some tax benefits and things like that, property, PVA stuff that you have in agriculturally zoned parcel that's over 10 acres. That may be why. I don't know.

MS. McDONALD: There's a lot of children.

MR. HOWARD: Sure.

MS. McDONALD: A lot of traffic. Kids ride their bikes.

MR. HOWARD: In an A-U zone, you know, the minimum lot size, if they were -- say they were to try
to development with multiple parcels they have to
to development with multiple parcels they have to
public streets in there, have road frontage, extend
public streets in there, have road frontage, extend
roads, you know, potential do sidewalks, extend sewer,
roads, you know, potential do sidewalks, extend sewer,
there would be a lot of things that would have to take
there would be a lot of things that would have to take
place before they could do any of that, which would
place before they could do any of that, which would
require further approval from this body.
require further approval from this body.

MS. McDONALD: Okay.

CHAIRMAN: In affect, the Comprehensive Plan,
CHAIRMAN: In affect, the Comprehensive Plan,
it's in writing stating what they can and can't do.
it's in writing stating what they can and can't do.

MS. McDONALD: Okay.

CHAIRMAN: Understood.

MS. McDONALD: Thank you very much.

CHAIRMAN: Is there anyone else who would like
CHAIRMAN: Is there anyone else who would like
to speak on this subject?
to speak on this subject?

(NO RESPONSE)

CHAIRMAN: Yes, sir. State your name and be
CHAIRMAN: Yes, sir. State your name and be
sworn in.
sworn in.

MR. McDONALD: Mark McDonald.

(MARK McDONALD SWORN BY ATTORNEY.)

MR. McDONALD: I think some of the concern
MR. McDONALD: I think some of the concern
that I have and a lot of it, I'm going to go ahead and
that I have and a lot of it, I'm going to go ahead and
say it's based on ignorance. I just don't understand
say it's based on ignorance. I just don't understand
the proceedings or the legalese. But I also
the proceedings or the legalese. But I also
understand that possession is nine-tenths of the law.
understand that possession is nine-tenths of the law.
Once easements are eradicated, done away with and

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we've signed dotted lines, then, in my opinion, we've opened up a door for basically -- well, many things. There's a lot of things that could happen to that property that could be a whole lot worse than putting in streets, and houses, and sidewalks, and streetlights, and sort of thing. Let's just say it like that.

So the concern is that there's not going to be any houses down there where I'm at on my end, unless somebody has got some sway with the Kentucky Utility company and they're going to forgo easement rights.

That, I think, is in a nutshell kind of where I'm at. I'm also concerned about this unlandlocked situation. Again, there is a lot of folks that use that street. I live on a dead-end street. It's fairly quiet. I like it. That's one of the reasons why I moved to this place. I've been there for 11 years. And just the thought of any number of four-wheel drive tandem axel lowboy trailers hauling in various and sundry equipment and piles of mulch and gravel and sand and whatever else is going to be done back there is just, you know, a little disconcerting. I understand this is just a rezoning thing, but after all these motions -- I don't do this for a living. So I've got to stop something else to come down here and
do this. So now I have to go through this again, again and again and as we file all these motions.

CHAIRMAN: Understood.

MS. McENROE: There's my two cents.

CHAIRMAN: Mr. Howard, can you help a little more?

MR. HOWARD: They brought up some questions that I can't answer. I don't know if they want to address those. I don't know future uses. I don't know. I don't know.

MR. KAZLAUSKAS: Mr. Chairman, perhaps we could ask Mr. Howard to enlighten the commissioners, because I think it's important, if this was changed to urban agricultural what can be done with that property.

MR. HOWARD: Right. As I said earlier, basically in an urban agricultural zone there are a variety of things in the ordinance that can be conditionally permitted; otherwise, if it's not a conditional use permit, it would be basically limited to agricultural and single-family residential uses.

MR. KAZLAUSKAS: But someone could apply for a special use permit, conditional use permit.

MR. HOWARD: Right.

MR. KAZLAUSKAS: What would that include?
MR. HOWARD: You could do a church, a day care, I mean without going through the ordinance and going through the list, but there's a variety of things that could potentially happen there.

MR. KAZLAUSKAS: Could you put a business in there?

MR. HOWARD: It depends on what type of business it is, but there are some that could be conditionally permitted, yes.

MR. McDONALD: Like maybe a nursery, is that a conditional business?

MR. HOWARD: Let me pull it up and I'll give you a representative sample of what could potentially happen.

CHAIRMAN: Thank you, Mr. Howard.

MR. REEVES: Let me just ask this gentleman a question.

When you say "nursery," you're talking about a where children are kept or are you talking about where they grow trees?

MR. McDONALD: I'm talking about where you grow tomatoes, flowers and trees.


Principally permitted: Single-family dwelling units.
You could do conditional permits, seasonal farm worker houses. You could put a manufactured home principally permitted.

Conditional permit: Child day care center, church/Sunday school/parish house, community center, library or museum, philanthropic institutions, recreational activities, are all conditionally permitted. School, college or academic use could be conditionally permitted. Photography, music studio is conditionally permitted. A hospital is conditionally permitted. Penal or correctional institution is conditionally permitted. Hair style and beauty salon is conditionally permitted. Home appliance and computer repair is conditionally permitted. Farmers market conditionally permitted. Limited retail sale of some merchandise could be conditionally permitted. Sell of feed grain and agricultural supplies could be conditionally permitted.

CHAIRMAN: Mr. Howard, that gets us to another, that would come back to us though?

MR. HOWARD: A Conditional Use Permit would go before the Board of Adjustment, but yes.

CHAIRMAN: At that point individuals could show up again.

MR. HOWARD: Yes. A Conditional Use Permit
requires another application be filed. It's a public hearing that neighbors would be notified and the meeting would be held in a public forum very similar to this.

CHAIRMAN: So tonight what we're voting on is simply a rezoning to where it can be a single-family residential or agricultural; is that correct? That's all we're talking about tonight?

MR. McDONALD: What is it zoned now?

MR. HOWARD: Right now it's R-1A Single-Family Residential.

CHAIRMAN: Yes, ma'am.

MS. McDONALD: So we're going from residential to urban agriculture back to residential. Is that what I just understood?

MR. HOWARD: No. The last question was what it's zoned now, is R-1A Single-Family Residential. The proposal is for A-U Urban Agriculture.

MS. KNIGHT: Which could be used for residential or agriculture.

CHAIRMAN: Yes, Mr. Ball.

MR. BALL: This may be a question for Staff. Just to be clear. Everybody is obviously very concerned about this zoning change, but in reality everything else that surrounds this property is
already urban agriculture, with the exception of one frontage along Thruston Dermont Road.

MR. HOWARD: Right. The properties that are on Locust Hill Drive east and west are zoned residential, but does appear the rest of the property in the vicinity to the north and then also to the west is zoned agricultural.

MR. BALL: Thank you.

CHAIRMAN: Yes, Mr. Reeves.

MR. REEVES: Could they do multi-family units on this rezoning?

MR. HOWARD: No.

CHAIRMAN: Single-family.


CHAIRMAN: Yes, sir. State your name.

MR. KABALEN: Gary Kabalen, 3770 Locust Hill Drive West.

(GARY KABALEN SWORN BY ATTORNEY.)

MR. KABALEN: Just one question. Does this rezoning allow access to our streets, the Locust Hill West and Locust Hill East?

MS. KNIGHT: From the way it looks, I mean there's access already there. They dead-end into that lot, would already have access there.

MR. HOWARD: The zoning wouldn't -- if there
was access permitted now, the zoning change wouldn't
affect that. If there's not access now, the zoning
change wouldn't affect that either. The change in the
zoning doesn't necessitate or dictate one way or the
other it would change.

MR. KABALEN: And I was under the impression,
since we've been there 30 years, that there is no
access because it's landlocked.

MR. HOWARD: It has frontage on Thruston
Dermond Road.

MR. KABALEN: Right. Would you be involved,
would the commission be involved as far as an
application to have that access available, once the
applicant had applied for that? Do you become
involved in that or is that a legal issue?

MR. HOWARD: I'm not sure I'm following you
exactly on that.

MR. KABALEN: If it's landlocked, that's the
way I understand. There's a foot between properties.
It was my understanding that that was not accessible
if the property was purchased or had been purchased or
whatever. So my question is whether or not if the
applicant applies to have that access available, do
you become involved in that as the Planning
Commission?
MR. HOWARD: Correct me if I'm wrong, Legal Counsel. The way you described it we would not. That would be more of a private issue between who has legal rights to what, but we would not be involved in that process.

MS. KNIGHT: Or the City would be the one to grant if they want to extend that road. It would not come before this commission.

CHAIRMAN: Yes, Mr. Moore.

MR. MOORE: According to this Staff with conditions, says, access shall be in compliance with the requirements of the Access Management Manual. What is that?

MR. HOWARD: Thruston Dermont Road is a major roadway. It's classified as major roadway. There's a 250 foot access spacing standard. So what we're saying is there's an existing driveway there to an existing residence that's basically in alignment with Fields Road across the street there. So any future changes to access would have to be in compliance with the Access Management Manual along Thruston Dermont Road.

MR. MOORE: So that sort of answers --

MR. HOWARD: Not really because the street
that he is talking about are local streets. The Access Management Manual is going to apply to the major road, which is Thruston Dermont Road.

MR. MOORE: Thank you.

CHAIRMAN: Yes, Commissioner Reeves.

MR. REEVES: Question for Mr. Kamuf, I think.

Mr. Kamuf, why would the applicant be seeking this zoning change from R-1A Single-Family Residential to A-U Urban Agriculture, if the proposed use is residential? The current use is residential, right?

MR. KAMUF: He'll have to answer that question. Right now it's to be used for residential purposes. He might have other activities that he wants on it. It's a 10-acre tract different than the 1-acre tract.

As far as the question that was asked awhile ago, access points in the back, we don't gain anything. We don't lose anything. Whatever the access is in the back, it's no different now than it be if it'd be rezoned. Did I answer that question? He doesn't gain any rights by our access points by having it rezoned. It has nothing to do with it. If they've got access, they had it before, or if they didn't have access, they don't have it.

CHAIRMAN: Thank you, Mr. Kamuf.
Anyone else who would like to speak on this application for or against?

MR. BOSWELL: I will do my best with the voice that I have.

The question that I have for you, Mr. Kamuf, is: If this is going to be rezoned for residential purpose, could you not right now do that same thing since it's already zoned R-1A?

MR. KAMUF: Not to the extent that he might want to. He just purchased the property. Harry told sold it to him. That's where we are.

MR. BOSWELL: If at some point they do come back for a Conditional Use Permit, if this is rezoned, then they would still have to come before the Board of Adjustment.

MR. KAMUF: Like Brian, he answered it I think several times.

One, if we do anything with the property other than single-family or if we want a conditional use to do many of those, you listed about 20, we have to come back. We have to notify the neighbors. We have to file a site plan.

Am I not right, Brian.

MR. HOWARD: Right.

CHAIRMAN: Thank you, Mr. Kamuf.
MR. REEVES: One thing because I was trying to listen to Mr. Howard awhile ago when he was reading all of those.

I thought I interpreted, there were some other uses, like maybe a church or whatever that could go in there without a Conditional Use Permit. Anything other than residential or they could -- I guess they put corn out there.

MR. HOWARD: Right.

MR. REEVES: Anything other than residential has to have a Conditional Use Permit?

MR. HOWARD: Yes. You can do extraction of Crude petroleum and natural gas as a permitted use. Processing timber for firewood is a permitted use, but otherwise, the bulk of most everything in that zone is agricultural related or single-family residential.

One change, you know, the residential and agricultural zones are rather similar than what is allowed. You could conditionally permit a church or a day care in either of those.

MR. REEVES: But they do have to be conditionally permitted?

MR. McDONALD: I'm not sure I understood right, but I'm going to say it back. I'm not trying to be confrontational here. What I thought I
understood this gentleman to say was that there would be no benefit for them to have access to the property to the back of it.

MR. KAMUF: No, I did not say that.

CHAIRMAN: Mr. Kamuf, direct it towards me.

MR. KAMUF: I apologize.

Any access points that are there now will be the same in the future. We don't gain or we don't lose any. Whatever the access is now, that will be the same access if the property is rezoned.

Terra, I think I said it right.

MS. KNIGHT: I agree.

MR. MCDONALD: How do we define access? Is that word defined in any of these planning manuals and where do you get a copy of that at?

MS. KNIGHT: The ordinance is online that you can have access to.

MR. MCDONALD: He read out of something awhile ago. What was that called?


MR. MCDONALD: And that's online you say?

CHAIRMAN: Yes. But at this point tonight all we're voting on is changing it from single-family residential to agricultural, which means they can do agricultural or single-family residential. They would
have to come back for anything else. I know you all
are looking into the future and it makes sense because
we do that also.

MS. KNIGHT: I think for the question about
the access on Locust Hill Drive, I don't think they're
saying they know for sure they have it or they don't.
You raised an issue they don't. I don't know that
anybody knows the answer to that question here
tonight.

MR. KAMUF: You won't find that in the access
manual.

MS. KNIGHT: That's correct.

CHAIRMAN: We're simply rezoning tonight.
Nothing is going on that property except single-family
or agricultural unless they come back for a
Conditional Use Permit.

Yes, Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

I think maybe I just want to be clear on this.
There wasn't any notification about the rezoning to
any of the folks for this particular rezoning, but if
there was on a Conditional Use Permit, if it was
brought before the Board of Adjustments, they would
get notification so they could come back.

MR. KAMUF: Yes. All the neighbors got
notification tonight about this rezoning. It would be
the same type of notification if it was a conditional
use.

MR. HOWARD: Yes. We sent out letters as
required by state law to the adjoining property
owners. We posted signs on the property as required
by state law. There was an ad in the newspaper that's
required by state law. So we followed all the correct
due process procedures that state law requires for
notification.

A Conditional Use Permit or a Variance, lets
say one of those were submitted in the future,
adjoining property owners would be notified and there
would be an ad in the paper and we would follow any
procedures that state law requires for that.

MR. BOSWELL: Thank you, Mr. Howard.

CHAIRMAN: Anyone else that would like to
speak please feel free.

(NO RESPONSE)

CHAIRMAN: With that the Chair is ready for a
motion.

Commissioner Reeves.

MR. REEVES: I make a motion for approval of
this zoning application based on Planning Staff
Recommendations, Findings of Fact 1 through 4 with
Condition 1.

CHAIRMAN: We have a motion by Commissioner Reeves. Do we have a second?

MS. HARDWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. Any questions about the motion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion passes. Thank you.

ITEM 8

305 & 319 East Second Street, 0.556 acres
Consider zoning change: From I-2 Heavy Industrial to B-2 Central Business
Applicant: Jordan Tong & Terry Woodward

FINDINGS OF FACT

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

CONDITIONS:

1. Access to the parking lot at 305 East 2nd Street shall be limited to the existing access on East 2nd Street and the alley in the rear. Access to 319 East 2nd Street shall be limited to the alley in the rear of the property.

2. Obtain approval of a development plan by
the Downtown Design Administrator and OMPC.

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 Central Business Plan Area where Central Business uses are appropriate in general locations;

3. The proposed use as central business conforms to the criteria for nonresidential development;

4. The proposal is a logical expansion of existing B-2 Central Business zoning to the south; and

5. At 0.556 acres, the proposal does not significantly increase the extent of central business zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you, Mr. Hill.

Is there anyone in the audience that would like to speak on behalf of the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone that would like to
speak in opposition of this application?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

Commissioner Kazlauskas.

MR. KAZLAUSKAS: Mr. Chairman, make a motion for approval based on the Planning Staff Recommendation, Conditions 1 and 2, and Findings of Fact 1 through 5.

CHAIRMAN: We have a motion from Commissioner Kazlauskas. Do we have a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Is there any discussion about the motion?

(NO RESPONSE)

CHAIRMAN: We'll take a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries. Thank you.

ITEM 9

A Portion of 4950 Highway 56, 22.14 acres
Consider zoning change: From A-R Rural Agriculture, P-1 Professional/Service & B-4 General Business to B-4 General Business
Applicant: Bellevue Baptist Church of Owensboro

PLANNING STAFF RECOMMENDATION

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

1. Access to the subject parcel shall comply with the requirements of the Access Management Manual and all proposed access locations must be approved by the Kentucky Transportation Cabinet.

2. Approval of a minor subdivision plat dividing the B-4 zoned portion of the property from the P-1 zoned portion.

3. Prior to any development of the property the applicant must obtain approval of a site plan or 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. and may be required to submit a traffic impact study depending on proposed 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 partially located in a Business Plan Area, where general business uses are appropriate in general locations and partially located in a Professional/Service Plan Area, where general business uses are appropriate in very limited locations;
3. The proposal is a logical expansion of B-4 General Business zoning to the north, east and south;
4. At 22.14 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.

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

CHAIRMAN: Thank you, Mr. Hill.

Is there anyone that would like to speak on behalf of the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone that would like to speak in opposition of this application?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

Commissioner Moore.

MR. MOORE: Thank you, Mr. Chairman.

I make a motion for approval based on Staff Recommendation with Conditions 1 through 3 and Findings of Fact 1 through 5.
CHAIRMAN: We have a motion by Mr. Moore.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes. Thank you.

ITEM 10

A Portion of 2328 Highway 81, 0.712 acres
Consider zoning change: From A-R Rural Agriculture to
I-1 Light Industrial
Applicant: Phillip Crabtree, Sr.

PLANNING STAFF RECOMMENDATION

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

CONDITIONS:

1. Approval of a minor subdivision plat that
1) Divides the newly rezoned I-1 50 foot strip from
the remaining A-R zoned portion of 2328 Highway 81; 2)
Consolidates the newly rezoned 50 foot strip with the
adjacent I-1 zoned Phill's Custom Cabinets parcel; and
3) Relocates the 50 foot of road frontage to 2328
Highway 81 from the north side of the property to
another location.

2. Access to 2328 & 2400 Highway 81 shall
continue to be limited to the existing access point
shown as a 20 foot ingress/egress easement on a minor
subdivision plat approved by OMPC on 11/20/09.

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 light industrial uses are
appropriate in limited locations;

3. The subject property will conform to the
criteria for nonresidential development;

4. The proposal is a logical expansion of the
I-1 zoning to the south; and

5. At 0.712 acres, the expansion of the
existing I-1 zoning will not significantly increase
the extent of industrial uses that are located in the
vicinity or overburden the capacity of roadways and
other necessary urban services that are available in
the affected area.

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

CHAIRMAN: Thank you, Mr. Hill.

Is there anyone would like to speak on behalf
of the applicant?
CHAIRMAN: Is there anyone that would like to speak in opposition?

CHAIRMAN: The Chair is ready for a motion.

MR. JEAN: Make a motion that we approve this zoning change based on the Staff Report with Findings of Fact 1 through 5 and Conditions 1 and 2.

CHAIRMAN: Thank you, Commissioner Jean. Do we have a second?

MR. BALL: Second.

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

CHAIRMAN: The chair is ready for a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries. Thank you.

ITEM 11

6985 Highway 144, 5.867 acres
Consider zoning change: From R-1A Single-Family Residential & A-U Urban Agriculture to R-1A Single-Family Residential
Applicant: Henry Shouse

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

3. The subject property is a single parcel fronting on a public road, Highway 144;

4. The property currently has a functioning septic system; and

5. At approximately 5.867 acres, of which a significant portion is already zoned R-1A, the expansion of the existing R-1A zoning will not significantly increase the extent of the zone in the vicinity or overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you, Mr. Hill.

Anyone like to speak on behalf of the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone who would like to
speak in opposition to the application?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion. Commissioner Rogers.

MR. ROGERS: I'd like to make a motion for approval based on Planning Staff Recommendation and Findings of Fact 1 through 5.

CHAIRMAN: Thank you, Commissioner Rogers. Do we have a second?

MS. HARDAWAY: Second.

CHAIRMAN: Second by Commissioner Hardaway.

Are there any questions about the motion?

(NO RESPONSE)

CHAIRMAN: Then we shall take a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes. Thank you.

MINOR SUBDIVISION PLATS

ITEM 12

10704 Red Hill Maxwell Road, 2.124 acres
Consider approval of a minor subdivision plat
Applicant: Randolph L. & Sharon K. Mayfield; Harry G. Storm

MR. HOWARD: This plat comes before you as an exception. It exceeds the three to one requirement of the zoning ordinance and it does not have minimum road
frontage that requirement as dictated by the subdivision regulations. The plat that has been submitted and is available for you to sign tonight has language on it that limits this property and the parent tract that this is being split from, from being further subdivided in the future and creating any additional lots that would not meet the minimum requirement of the subdivision regulations and the zoning ordinance. So since we're looking at the creation of one lot it does exceed those requirements, but we would recommend that you consider it for approval tonight.

CHAIRMAN: Do we have anybody in the audience that would like to speak on behalf of the applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any opposition that would like to speak on this?

(NO RESPONSE)

CHAIRMAN: The Chair will entertain a motion.

MR. REEVES: Motion to approve.

CHAIRMAN: Motion by Mr. Reeves.

MR. MOORE: Second.

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

(NO RESPONSE)
CHAIRMAN: We'll take a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes. Thank you.

ITEM 13

10505 & 10521 US Highway 431, 2.139 acres
Consider approval of a minor subdivision plat
Applicant: Richard W. Warner, Jr.

MR. HOWARD: This plat comes before you as an exception to three to one requirement of the subdivision regulation zoning ordinance. Basically there's a parcel that's a little over two acres right now. They are proposing to split that in half. Basically an even split down the middle, with no really future ability to split either lot because it's really at a minimum acreage that would be required for a lot in that zone. So we would recommend that you consider it for approval.

CHAIRMAN: Thank you, Mr. Howard.

Is there anyone who would like to speak on behalf of the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone would like to speak in opposition to the application?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion.
Mr. Kazlauskas.

MR. KAZLAUSKAS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Kazlauskas.

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any questions about the motion?

(NO RESPONSE)

CHAIRMAN: We'll take a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes. Thank you.

NEW BUSINESS

ITEM 14

Consider approval of February 2017 financial statements

CHAIRMAN: Everybody received a copy of the February financial statement. Are there any questions about that?

(NO RESPONSE)

CHAIRMAN: If not, I'll enter a motion.

MR. MOORE: Motion to approve.

CHAIRMAN: Motion by Mr. Moore. Is there a second?
MS. HARDAWAY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

ITEM 15

Comments by the Chairman

CHAIRMAN: There are no comments by the Chairman.

ITEM 16

Comments by the Planning Commissioners

(NO RESPONSE)

ITEM 17

Comments by the Director

MR. HOWARD: I don't have any.

CHAIRMAN: Thank you very much.

Need one more motion.

MR. BALL: Motion to adjourn.

CHAIRMAN: Motion by Mr. Ball.

MS. HARDAWAY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY )
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 45 typewritten pages; and that no signature was requested to the foregoing transcript.

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

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

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