The Owensboro Metropolitan Planning Commission

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

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

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CHAIRMAN: I would like to welcome everybody to the Owensboro Metropolitan Planning Commission meeting of November 9th. We start our meetings off with a prayer and a pledge, and I have the honor of both of those tonight. Please pray with me.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Before we get started, just a few house rules, since we are quasi legal meeting. If you wish to speak, please approach the podium and clearly state your name and be sworn in by our counsel. Please direct all of your questions and answers to the
Chair. We'd like to ask that you be respectful to all others that may be speaking. Please stay on track and on topics, specifically for the items that we have at that present time. Thank you for your cooperation on all of that.

First order of business is to consider our minutes for the October 5th meeting. Hopefully all of the commissioners have received the minutes and have had a chance to read through those. Are there any questions or comments concerning the minutes?

(NO RESPONSE)

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

MR. FREY: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Frey.

MS. McENROE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

The next order of business, I think, is the presentation of audit by Jack Summerfield, CPA.

Mr. Howard, is there anything that you would speak before?

MR. HOWARD: No.
CHAIRMAN: Please.

MR. SUMMERFIELD: I'm Jack Summerfield, with Myriad CPA Group.

It's my understand you all have a full agenda so unless you have specific questions, I'm not going to go into detail in the financial statements themselves, but I would like to briefly go over our auditor's reports on those statements.

Page 7, is our Audit Report on the Financials. This report states that management is responsible for the financial statements. Our responsibilities to perform an audit under generally accepted auditing standards and government auditing standards and to express an opinion on those financial statements.

The last paragraph on the page states that our opinion of the financial statements are fairly presented in all material respects.

On Page 34 in the back of the report is our report on Internal Control and Compliance. And the governing auditing standards we have to report if we know that during our audit any internal control deficiencies or any noncompliance with laws, regulations, contracts, and I'm happy to report we did not note any such deficiencies or non-compliances.
We've also provided you a two-page letter with some additional communications that were required to communicate to the board. This spells out things like whether we had any difficulties in performing the audit, whether we had any disagreements with management about any of their accounting or reporting policies, whether there are uncorrected misstatements in the finals. Again, I'm happy to report there are none of those items.

If there are any questions about the financials themselves, I'll be happy to answer those.

CHAIRMAN: Any commissioners have any questions concerning the audit as presented?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

Mr. Reeves.

MR. REEVES: Motion to approve the audit report.

CHAIRMAN: Motion has been made to approve the audit report by Mr. Reeves. 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 all those in favor
raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. HOWARD: Thank you, Mr. Summerfield. We appreciate it.

I'll just add that they were quick and efficient getting it done this year and very much appreciative of the work that Myriad did on that.

MR. HOWARD: Under General Business next items are 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 applicable materials to the appropriate legislative body for them to take final action.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 4

3800 Frederica Street, 29.6 acres
Consider zoning change: From A-U Urban Agriculture & P-1 Professional/Service to B-4 General Business
Applicant: Shoppes of 3800 Frederica, LLC; Owensboro Board of Education

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

MS. EVANS: Melissa Evans.
PLANNING STAFF RECOMMENDATION

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

CONDITION

Written approval from the Kentucky Transportation Cabinet and City/County Engineer accepting this Traffic Impact Study prior to the approval of site or development plans and fulfillment of all the recommended improvements as outlined in the Traffic Impact Study by the developer.

FINDINGS OF FACT

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

2. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations;

3. The proposed use of the subject property as mixed use commercial will be non-residential in nature;

4. At 29.6 acres, the proposal meets the criteria for a logical expansion across an intervening street where there is existing B-4 zoning across Tamarack Road to the north as well as elsewhere along
the Frederica Street corridor; and,

5. Although this appears to be a rather large area to rezone, given the predominance of B-4 general business uses along the Frederica Street corridor, 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.

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

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?

MR. HUTCHINSON: Randy Hutchinson.

MS. KNIGHT: Mr. Hutchinson, you're sworn as an attorney. Thank you.

CHAIRMAN: Do any of the commissioners have any questions concerning this Staff Report and the Zoning application?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would like to speak about this zoning application?

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

MR. GOETZ: Michael Goetz.

(MICHAEL GOETZ SWORN BY ATTORNEY.)

MR. GOETZ: I just live to the south of the property being zoned. I'm just concerned about the property line, the fencing and lighting and stuff like that. Is light going to be shining on my house and stuff like that. I just had a concern about the property line.

CHAIRMAN: Does the applicant have anyone that can speak to those concerns?

MR. HUTCHINSON: Yes.

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

MR. BAKER: Jason Baker.

(JASON BAKER SWORN BY ATTORNEY.)

MR. BAKER: So the property where Mr. Goetz lives is directly to the south fronting on, it's kind long and narrow, fronting on Frederica Street. So the boundary he is concerned with is what would be the south boundary of the property.

We will be required to do the normal landscape buffers and screening and the developer is planning to follow those guidelines.
MR. HOWARD: If I could. The normal would be a 10-foot landscape buffer with a continuous 6-foot tall solid element and a tree every 40-feet is what the ordinance would require.

MR. BAKER: Yes.

CHAIRMAN: Thank you, Mr. Howard.

MR. REEVES: Mr. Howard, would that go to the sidewalk?

MR. HOWARD: It would go as far forward as could be without, we would certainly coordinate with the City Engineer's office to make sure that the fence didn't go so far forward that it could potentially create some kind of a site distance issue.

MR. REEVES: That was my concern.

MR. HOWARD: It would run that whole length as feasibly possible without creating a sight distance issue.

He had a question about lighting. You know, often in a rezoning or something like this, if it does adjoin residential, you know, there could be a condition placed that would direct them to have any lighting directed away from the surrounding residential uses or something like that.

MR. BAKER: The intent is typical to use down-light. There's no intent to use tall mast type
lighting here.

CHAIRMAN: And it would be directed away from any residential?

MR. BAKER: It will be directed downward towards the parking lot.

CHAIRMAN: I've got one maybe general question.

Go ahead, sir.

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

MR. DUNN: Chris Dunn.

(CHRIS DUNN SWORN BY ATTORNEY.)

MR. DUNN: I live at 3817 South Griffith which is the very back of the old Texas Gas place.

I've been out of town and I had my attorney call a couple of people. Anyway, we couldn't find out any information about the back part of the property. That's why I came down here, to see what I could find out what they had in mind for the back part of the property, back toward the ditch and the trees and everything else.

CHAIRMAN: Is there anyone that can address that?

MR. BAKER: I can address that as well.

The way the property lays, it's intended that
the southwest corner of the property will have a

drainage feature there, a retention basin. The west
boundary of the property currently has a ditch. That
ditch is not planned to be modified. It will stay in
place. There is an existing service garage that was
there for the former Texas Gas building. That will be
taken out, and in its place, again, a retention basin
or drainage feature built there.

Other than the ability to build the screening
and the required improvements, the intent is to leave
the boundary line essentially unaffected. I'm not
sure if that answers the question.

Of course, we would have screening along any,
as Brian said, along any residential property. That
will be that screening requirement.

CHAIRMAN: Mr. Dunn.

MR. DUNN: Is there a distance or anything on
the back of the property for the screening? I know
there's a ditch there. It's about 10 or 15 feet so
will it extend beyond the ditch, the screening?

MR. BAKER: The requirement is a 6-foot tall
continuous element. In a case where you're required
to have a 10-foot landscape buffer, in a case where
the ditch takes up part of that 10-feet, Brian, what
do you do there? What's your thoughts there?
MR. HOWARD: If the ditch were, if it was 15-feet back, then you could put it on the backside of that ditch. You could go greater than 10 feet. You just can't go less than 10 feet, as far as that buffer.

MR. BAKER: As far as the width of the easement, that will be determined by the features that are out there, but the actual features themselves, the continuous 6-foot tall element with a tree every 40-feet is the requirement.

MR. DUNN: So you're saying it would go out beyond, like 25 feet beyond the ditch?

MR. BAKER: We would not be required to build any structures within the ditch that would restrict flow. So as a practical matter the structures would need to be on top of a bank. Forgive me, I don't know exactly if the top bank, if the ditch is all on our property from the entire distance. I'm not sure about that at this point. If the property line bisected the ditch or ran along the middle of the ditch, then we obviously would have to be on the east side of that.

MR. DUNN: I can't get a picture of this. Maybe you all can. There's nothing back there on that property now. What I'm trying to figure out here is if you just leave this open for general business you
could put anything back there, right?

MR. HOWARD: Any type of commercial retail use, right.

MR. DUNN: So basically, I think what I'm getting from this, is unless the land drops down to the ditch and it's level to the ditch, then within 15 foot of the ditch you can start, with the setback then you can put like a two-story townhouse or something right there?

MR. HOWARD: A residential townhouse would not be permitted use in a commercial zone.

MR. DUNN: So back there in the back there would be no residential. It would all be business back there?

MR. HOWARD: In a B-4 zone, any type of single or multi-family residential is not a permitted use.

MR. DUNN: See, that's where I run into concerns here. If you can put anything back there, and I know a person probably, but could you put a gas station back there?

MR. HOWARD: That would be a permitted use in a B-4 zone.

MR. DUNN: I would have a problem with that. You know, if somebody would go back there and start putting those kind of businesses back there behind
those houses, I would have a real problem with that.

CHAIRMAN: Thank you.

MR. DUNN: Is there a recourse to this, as far as tonight goes?

CHAIRMAN: Obviously, if there's a rezoning that takes place, there is an appeal process.

MR. DUNN: It's not something that you naturally do, is just rezone a piece of property and to have no clue what's going to go on there; is that a common thing that's done?

MR. HOWARD: I would say that --

MR. DUNN: On this size piece of property.

MR. HOWARD: You know, this is 29 acres. You know, I wouldn't say it's uncommon. Sometimes when you get much larger developments, they'll have some kind of conceptual plan. I wouldn't say it's uncommon. The recourse-wise, as I mentioned in my opening remarks, this rezoning will be final 21 days after this meeting; however, it can be appealed to the city commission and they could take final action.

If it goes to the city commission and you didn't agree with whatever their decision were, you could then appeal that into circuit court.

MR. DUNN: Basically what you all are going to hold on is to leave the whole -- it's going to be a
blanket and they could build any type of business as far as B-4 goes back on that part of the property, as well as on front of Frederica.

MR. HOWARD: The proposal is for the entire parcel to be zoned B-4, yes.

MR. DUNN: If I want to go through the process, do I do it within 21 days or do I wait after the 21 days?

MS. KNIGHT: I believe there's information on the back table back there that has all of that.

MR. HOWARD: It would have to be done within the 21 days.

MR. DUNN: Thank you.

CHAIRMAN: Thank you, Mr. Dunn.

Is there anyone else that would like to make any comment or have a question concerning this application?

MS. KNIGHT: If you could state your name for the record, please.

MR. DAVIS: Earl Davis, 3833 Frederica Street, right on the corner.

(EARL DAVIS SWORN BY ATTORNEY.)

MR. DAVIS: I'm curious. When this was sold they said it was 47 acres. Now the paper comes out and says there's 45 acres. Now you're coming out with
a letter and you're wanting to rezone 29 acres.
What's going to happen to the other 15 acres? Two,
how many entrances are you going to have off of
Frederica Street? Are you going to have one at
Tamarack, on the north end of it?

CHAIRMAN: I think the applicant would be able
to address that question for you.

MR. DAVIS: We got a narrow street down in
front of ours, from Fairfax down to Tamarack. I'm
wondering if maybe you're going to have something like
that over there. You know, I'm glad to hear you say
it changed from agriculture because I don't want no
soy beans and corn dust. We've got enough dirt out
there as it is. I'm just curious about that.

CHAIRMAN: Can the applicant address that
question about the size of the acreage?

MR. HUTCHINSON: I'm not sure where the 47
acres came from. I ran the title to that property.
It's 29 acres. Everything that is under contract to
be bought is in that 29 acres. I don't know of any
other acreage out there. I can't respond to 47 other
than I run the title and it's 29 acres.

MR. DAVIS: The paper stated 45 acres.

CHAIRMAN: All we can work with is what we
have here on the application.
Does that answer your question, Mr. Davis?

MR. DAVIS: Yes.

CHAIRMAN: Thank you.

MR. HOWARD: He had a question on number of access points too. Jason, would you or Lindsey like to address that?

MR. BAKER: I can address the number of access points. If there's some more details, she'll have to answer that.

We're currently proposing two full access. Access points along Tamarack; one right-in/right-out. And along Frederica Street, a right-in/right-out, and an access point that will be align with Fairfax accessing to Frederica Street.

CHAIRMAN: Does that answer the question?

MR. DAVIS: Yes.

CHAIRMAN: Curious question that I have. Having lived in that area, in Town & Country for 27 years, I know that Tamarack there at that caution light is an extremely busy area at times. Is there anything that will be done differently to that access point there near the caution light on Tamarack? Is there anything associated with widening or changing it in any way?

MR. BAKER: I can answer that as well.
The plan as we proposed is to restripe Tamarack Road. That will create a continuous left turn lane in the middle with a drive lane on either side. We're not proposing any curb modifications, other than a construction of entrances. The existing entrance, both existing entrances onto Tamarack Road will be reconstructed and relocated slightly, but no other wholesale changes as far as widening Tamarack Road or anything like that.

On Frederica Street, we will have a right turn decel lane that will be built on the east side of Frederica Street, at the new access point or at the relocated access point across from Fairfax. There will also be some widening and lengthening of the left turn lanes within Frederica Street to create more, a little more storage there. That's pretty much the extent of the off-site roadway improvements.

CHAIRMAN: Thank you.

Any other questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Commissioners have any other questions?

(NO RESPONSE)

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

Mr. Kazlauskas.

MR. KAZLAUSKAS: Make a motion that the application for rezoning be approved based on Planning Staff Recommendation, Condition 1 and Findings of Fact 1 through 5.

CHAIRMAN: A motion has been made for approval based on Condition 1 and Findings of Fact 1 through 5 by Mr. Kazlauskas. 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 all in favor raise your right hand.

(BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 5

2202, 2314, 2330, 2356 Old Highway 144, 13.5 +/- acres
Consider zoning change: From R-1A Single Family Residential & A-R Rural Agriculture to A-R Rural Agriculture
Applicant: Adrian & Annie Yeiser

PLANNING STAFF RECOMMENDATION

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

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

2. The subject property is located in a Rural Preference Plan Area, where rural small-lot residential uses are appropriate in very limited locations;

3. The subject property has frontage on public roads, Old Highway 144 and Jones Road;

4. The 9 acre expansion of the existing A-R zone is not a significant increase of the zone in the vicinity and it should not overburden the capacity of roadways and other necessary urban services available in the affected area; and,

5. At 1.230, 5.937, 2.741 and 3.592 acres the tracts are large enough to ensure satisfactory operation of a conventional septic system.

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

CHAIRMAN: Is there anyone here representing the applicant?

Step forward.

MR. YEISER: Adrian Yeiser.

(ADRIAN YEISER SWORN BY ATTORNEY.)

MR. YEISER: I don't really have anything to
add. I'm here to answer any questions.

CHAIRMAN: Thank you. Any commissioners have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that would have a question concerning the application?

Yes, sir.

MR. THOMPSON: Wendell Thompson.

(WENDELL THOMPSON SWORN BY ATTORNEY.)

MR. THOMPSON: I've lived, the past 35 years I've lived on that section of Old 144. It's been a real quiet neighborhood. A lot of the neighbors are here. A lot of people walk that road. It's kind of isolated. The only traffic of mostly, probably 95 percent of the traffic is people who live back there. I would hate to see it open up for any kind of commercial development. I'm not sure what's planned for this, but from what I can tell it does open it for some type of commercial development. I would really hate to see that happen. Thank you.

CHAIRMAN: Thank you, Mr. Thompson.

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

MS. KNIGHT: Please state your name for the record.
MR. CONKLIN: My name is Keith Conklin. I live on Old Highway 144 also.

(KEITH CONKLIN SWORN BY ATTORNEY.)

MR. CONKLIN: Again, I'm just against any commercial development. It's a residential area. It's never been commercial. There's no other commercial developments in the area, immediate area. The traffic would be a concern. What would happen in years to come would be more of a concern on a piece of property this size. So I'm against this.

CHAIRMAN: Thank you, Mr. Conklin.

Anyone else like to speak concerning this application?

MR. HALL: Steve Hollman, 2531 Old Highway 144.

(MR. STEVE HOLLMAN SWORN BY ATTORNEY.)

MR. HOLLMAN: I've lived up there about the same amount of time as Wendell has. What he said is true. Lot of us walk that road. Not very much traffic, other than what the folks that live up through there; however, it is a good spot for people that's going home out towards Knottsville to drop off their empty cans and whatnot. We have that from time to time. I guess everyone does. Anyway, I would hate to see that change. We bought up there knowing that
it was residential and that's the way we would like to keep it.

CHAIRMAN: Thank you, Mr. Hollman.

Yes, Mr. Ball.

MR. BALL: Could I ask a question just to clarify.

This is not changing to a commercial zone, correct.

MR. HOWARD: That's right. The proposal is to go to an A-R which is a rural agricultural zone, which would not allow your typical commercial type uses.

MR. BALL: Would allow for single-family residential in those areas?

MR. HOWARD: Yes.

MR. BALL: Thank you.

MR. HOLLMAN: Can I ask a question?

CHAIRMAN: Sure. Step forward.

MR. HOLLMAN: What would it allow exactly in that circumstance eventually? I know what Dr. Yeiser is proposing, but what would it allow in broad spectrum?

MR. HOWARD: It would allow in broad spectrum single-family residential uses, farming activities, things like that. There are a host of uses that could potentially be conditionally permitted; churches, day
cares, and things like that. Those are conditionally
permitted in an R-1A zone as well, the current zone.
Any use of it would be a conditional use permit goes
to a separate board, separate hearing those would be
made. That's an opportunity for that board to make a
determination that if something is proposed, that it
could probably integrate into that neighborhood or
that area. The variety of those, you know, exist
certainly, but in both zones both are R-1A and A-R.

MR. HOLLMAN: So we can't expect a honky-tonk
anyway soon or anything like that?

MR. HOWARD: A bar or night club would not be
a permitted use in an A-R zone.

MR. HOLLMAN: Thank you.

CHAIRMAN: Mr. Howard, I think if all of this
as I'm reading it, essentially what we're doing is
taking a couple of zonings that are being consolidated
in order to arrive at one zoning for all the property,
a consolidation essentially?

MR. HOWARD: From my understand, the applicant
owns several parcels. There's split zoning on those
parcels. I believe it is their desire to consolidate
that into one parcel. We cannot approve a
consolidation plat with unlike zones. Hence the
application to rezone all of this at this point to an
CHAIRMAN: So really all we're doing at this point is just looking at the consolidation to reflect or to take care of the split zoning into one zone is what it amounts to?

MR. HOWARD: Right. On any rezoning, you all make a determination whether it be proposed zone is appropriate in this area. Of course, this is for an A-R application. There is A-R zoning to the north, south, east and west of this property; along with that current zoning actually on the property, on the subject parcel. That's what the purpose of the rezoning is.

CHAIRMAN: Thank you, Mr. Howard.

MR. REEVES: For this gentleman's information, the Board of Adjustment would hear any conditional use application. Two members of this body, myself and Mr. Jean, sit on that Board of Adjustment. So we would have heard the comments you've made tonight, and we'll rehear those comments, if the applicant decided to any kind of conditional use application. Okay?

CHAIRMAN: Step forward.

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

MS. FROEHLICH: Carla Froehlich.
MS. FROEHLICH: I really just have a question. How would we know about the conditional zoning request?

MR. HOWARD: The notification process would be similar as it is for a rezoning. There would be, state law requires a public hearing notice be published in the newspaper and then a letter would be sent out to all adjoining property owners.

MS. FROEHLICH: Thank you.

CHAIRMAN: Anyone else would like to speak on this application?

(NO RESPONSE)

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

Mr. Ball.

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

CHAIRMAN: A motion has been made for approval by Mr. Ball based on Findings of Fact 1 through 5. Is there a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussion about the motion and the second?
(NO RESPONSE)

CHAIRMAN: The Chair is ready for the vote.

All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 6

1721, 1731 West Parrish Avenue, 1450 Werner Avenue, 2.62 acres
Consider zoning change: From B-4 General Business to R-4DT Inner City Residential to B-4 General Business
Applicant: JR Food Stores, Inc., Winn Leasing Corporation

PLANNING STAFF RECOMMENDATION

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

CONDITIONS

1. Access to West Parrish Avenue shall be limited to a single access as shown on a conceptual plan submitted to the KYTC for approval.

2. Access to Werner Avenue shall be limited to the two existing access points as shown on the conceptual plan, not to exceed 40 percent of the total road frontage on Werner Avenue.

3. No additional access to West Parrish Avenue or Werner Avenue shall be permitted.

4. Any future access to Independence Avenue shall comply with the access spacing standards, not to
exceed 40 percent of the total road frontage on Independence Avenue.

FINDINGS OF FACT

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

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

3. The proposed use is nonresidential in nature;

4. The approximately 0.36 acre expansion of the existing B-4 General Business zone is not a significant increase of the extent of the zone in the vicinity; and,

5. With access limited to a single access point to West Parrish Avenue, the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?
MR. KAMUF: Charles Kamuf.

MS. KNIGHT: Mr. Kamuf, you're sworn as an attorney. Thank you.

MR. KAMUF: We agree with the Amended Staff Report. The purpose of the rezoning is to put in a JR Food Store, which is owned by Houchens. I have the people from Houchens here tonight, and also an engineering firm out of Bowling Green called Arnold. We're here to answer any questions. I can present it now or we probably want to wait a little bit, don't you?

CHAIRMAN: Probably so.

MR. KAMUF: We're here to answer any questions.

CHAIRMAN: Thank you, Mr. Kamuf.

Any commissioners have any questions concerning the application?

MR. REEVES: Yes.

CHAIRMAN: Yes, Mr. Reeves.

MR. REEVES: I do just have some clarification on Independence Avenue. I grew up in this neighborhood and several other neighborhoods also.

As I recall, you get in, from Independence Avenue you kind of go over a rounded curve. There wasn't any really access point there, was there,
currently?

MR. KAMUF: The whole access point on Independence, the whole area is an access point.

MR. REEVES: Is it a rolling curb or is it flat? I'm trying to remember what it was. Charlie, do you remember?

MR. KAMUF: You know, I drove it this morning, but I can't tell you.

MR. REEVES: I know where it's at, what we're talking about. You're saying that you or I guess Staff is saying, are we concerned about defining the access point or leave access at any place?

MR. HOWARD: I will be glad to address that.

As that property redevelops, basically what they submitted in their file was a conceptual plan showing the bulk of the property, but it left the Independence side kind of grade out. They don't know exactly what they're going to do there yet. But anything, any redevelopment when it takes place over there on the Independence Avenue side, they will have to take out that wide open access point, they'll have to put in defined access points that are, you know, a maximum of 40 feet wide. Their total access can be 40 percent of the total road frontage. They'll have to clean that up and bring it into current standards.
They'll have to put in the vehicular use area screening and all of that.

MR. REEVES: That answers my question.

MR. KAMUF: That area could be an outlot. Of course, the only access would be from Parrish. One would be a joint access point from Parrish Avenue. They might use it themselves and put in a pharmacy and some of these type things. Basically it could be an outlot. We agree with Brian, as far as we don't know exactly where we want to put that access point on Independence yet.

MR. REEVES: Any change would be an improvement with what's currently there.

MR. KAMUF: Right.

MR. REEVES: Thank you.

CHAIRMAN: Any other commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience wish to speak on this application?

(NO RESPONSE)

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

Mr. Reeves.

MR. REEVES: Motion to approve this
application based on Planning Staff Recommendation and
Finding of Fact 1 through 5 and Conditions 1 through
4.

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

MR. ROGERS: Second.

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

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right
hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 7
1730 Wrights Landing Road, 1 acre
Consider zoning change: From A-R Rural Agriculture to
R-1A Single-Family Residential
Applicant: Jason Lee; Summit ET Partners, LLC

PLANNING STAFF RECOMMENDATION

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 very limited locations;

3. At 1 acre, the subject property is large enough to ensure satisfactory operation of a conventional septic tank system;

4. The subject properties have frontage on a public road, Wrights Landing Road;

5. This is a logical expansion of the existing R-1A zoning to the south, east and west; and,

6. At only 1 acre the expansion does not significantly increase the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you, Melissa.

Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone here that would like to speak concerning this application?

(NO RESPONSE)

CHAIRMAN: Any of the commissioners have any questions concerning this application?
(NO RESPONSE)

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

MR. JEAN: Motion to approve based on Findings of Fact 1 through 6.

CHAIRMAN: Motion by Mr. Jean based on Findings of Fact 1 through 6. Is there a second?

MR. ROGERS: Second.

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

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

ITEM 8

Park Haven 20.177 acres
Consider approval of a combined final development plan/major subdivision preliminary plat.
Applicant: Bill Saalwaechter

MR. HOWARD: This application has been reviewed by the Planning Staff and County Engineering Staff and it's found to be in order. They made some modifications to the originally approved combination plan, and it meets all the requirements and it is
ready for your consideration for approval.

CHAIRMAN: Thank you, Mr. Howard.

Is anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any commissioners have any

questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

Mr. Ball.

MR. BALL: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Ball.

MR. FREY: Second.

CHAIRMAN: We have a second by Mr. Frey. 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: Motion carries.

MINOR SUBDIVISION PLATS

ITEM 9

4110, 4122 Highway 142, 2.388 acres
Consider approval of a minor subdivision plat
Applicant: Cole H & Christine M. Rearden, James A.
Bickett

MR. HOWARD: This plat comes before you as an
exception to the 3 to 1 requirement and the minimum road frontage requirement. As you can see on the plat, there are two lots that already exceed the 3 to 1 requirement. Has a notch in it. It's kind of an odd division. What is being proposed is basically swapping of land. It creates a different property line. We're not creating any new lots with this. Just a reconfiguration of what's out there. So we would recommend that you consider it for approval.

CHAIRMAN: Thank you, Mr. Howard.

Anyone here representing the applicant?

(NO RESPONSE)

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

(NO RESPONSE)

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

MS. HARDAWAY: Motion to approve.

CHAIRMAN: Motion to approve by Ms. Hardaway.

Do we have a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. 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 10

Consider approval of September 2017 financial statements

CHAIRMAN: We have before us the September 2017 financial statements. All of the commissioners hopefully received and have had a chance to go through them. Any discussion concerning the financial statements or questions?

(NO RESPONSE)

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

Mr. Kazlauskas.

MR. KAZLAUSKAS: Motion for approval.

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

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe: 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: Motion carries.

ITEM 11

Consider approval of 2018 Filing Dates and Deadlines

MR. HOWARD: You all received two versions in your packet. As we've done in years past, we've looked at these in November. The two versions are, one is the normal straight meeting schedule; Board of Adjustment the first Thursday of every month, Planning Commission, the second Thursday of every month.

The alternative, version two, if you want to call it, whichever way you want to refer to it, is as we've done the last two or three years, where with knowledge that Spring Break and Fall Break can create some quorum issues as people are out of town, there's also an alternative version that accounts for those days in April and October; so that we actually double up the meeting on those nights so that we do not have a meeting during Fall Break or Spring Break to hopefully prevent any type of conflict.

Both options are on the table for you all to considering and approve for next year, and whichever is your pleasure we will send that notice out to the
engineers and surveyor and all of those folks, the
media, the paper.

CHAIRMAN: Thank you, Mr. Howard.

I think just a point of clarification; the one
option that has the joint meeting between work
sessions listed and joint meetings, the Board of
Adjustment, that's the one we have been utilizing this
year?

MR. HOWARD: Yes. The last two or three years
we have done the alternative, as we can refer to it,
where we do double up those meetings in April and
October.

CHAIRMAN: Thank you, Mr. Howard.

Do we need to have a vote on either one?

MS. KNIGHT: Of which one you want. For
somebody makes a motion to approve one or the other.

CHAIRMAN: We need a motion to approve which
one we want to utilize.

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I would like to
make a motion to approve the alternate, the one we've
used for the last two years.

CHAIRMAN: A motion has been made to approve
the alternate, the one we've been utilizing the last
couple of years. Is there a second?
MS. HARDAWAY: Second.

CHAIRMAN: Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 12

Comments by the Chairman

CHAIRMAN: Just a few comments by the Chairman.

I notice in going through the financial statements there were a number of, on the personnel side a number of them that had a zero budget. I'm assuming those are slots that you've been working without for awhile and may be attempting to fill at some future time?

MR. HOWARD: Yes. We have a couple of positions that we have an administrative staff position that we haven't had filled for, I guess, going on, it's been over three years. Yes, we just didn't budget any salary. We left it in there as a line item just for ease, if we do need to fill that role at some point. As of now, we're operating
without.

CHAIRMAN: Thank you, Mr. Howard.

That just goes to prove that our current
director and the Planning and Zoning department are
doing an outstanding job on being able to do multiple
tasking with all the great folks they have. They're
doing different jobs. Been a good steward of all the
money that you receive in. Thank you for that.

MR. HOWARD: Thank you.

CHAIRMAN: The only other thing I wanted to
mention is, I think we all know that Mike Hill is
leaving the end of this month, sometime at the end of
this year. Like to thank Mike for his work and
efforts and the great job that he's done while he's
been here. You're going to be missed for sure. The
folks in Louisville have the gain. We have the loss.
Thank you very much for all your efforts and hard
work.

MR. HILL: Thank you.

CHAIRMAN: That's all the Chairman has.

ITEM 13

Comments by the Planning Commissioners

CHAIRMAN: Any comments by the commissioners?

(NO RESPONSE)

ITEM 14
Comments by the Director

MR. HOWARD: My only comment was going to be to also recognize Mike for the service that he's done for our office. He came on board right at three years ago. Came from Louisville Metro and has done a great job. He's been great to work with. He deals very well with citizens and folks as they come in. He's very even-tempered. He's just done a great job. His family decided to move back to Louisville and we wish them all the best. Thank you for the time that you have been here. I've known Mike for a long time. We'll still be in touch certainly, but we're going to miss Mike, but good luck with your future.

MR. HILL: Thank you. I appreciate that.

I'll miss all you guys as well.

CHAIRMAN: Thank you, Mr. Howard.

There being no further business the Chair is ready for the last motion.

MS. HARDAWAY: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Ms. Hardaway. 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. 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 10th day of December, 2017.

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
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2200 E. PARRISH AVE., SUITE 106-E
OWENSBORO, KENTUCKY 42303

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

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