The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, May 3, 2018, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Boswell, Chairman
Larry Moore, Vice Chairman
Lewis Jean, Secretary
Brian Howard, Director
Terra Knight, Attorney
Irvin Rogers
Manuel Ball
Fred Reeves
Angela Hardaway
Mike Edge

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CHAIRMAN: I'd like to welcome everyone to the May 3, 2018 Metropolitan Planning Commission meeting. We start our meeting off with a prayer and the pledge. Terra Knight will lead both of those tonight.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to thank everyone for attending tonight. We always start our meetings with some housekeeping rules since we're a quasi legal meeting.

If you wish to speak, please approach the podium and state your name and be sworn in. It's very important that we hear all the information for making
good decisions. Direct all your questions to the
chair, especially if there are multiple speakers, and
all your answers as well. Be respectful of all others
who may be speaking, and please stay on topic with all
discussions, comments and questions, and keeping them
specific to the agenda item being discussed. We
appreciate your cooperation in all of those areas.

The commission members I think have received
the minutes of the last meeting. Hopefully everyone
has had a chance to go through those and familiarize
yourself with them.

Are there any questions or comment or changes
concerning those minutes?

(NO RESPONSE)

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

MR. JEAN: Motion to approve.

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

MR. BALL: Second.

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

(NO RESPONSE)

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

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. HOWARD: I will note that the rezonings 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 this 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 3
Portion of 537 West Byers Avenue, 0.323 acres
Consider zoning change: From R-3MF Multi-Family Residential to B-4 General Business
Applicant: April Schartung & Bradley Schartung

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

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

CONDITIONS

1. Access shall be limited to the shared access point with 533 West Byers Avenue only. No
additional access to West Byers Avenue shall be

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permitted.

2. A minor subdivision plat subdividing the subject property along the new zoning lines shall be approved.

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 general business uses are appropriate in very limited locations;

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

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

5. At 0.323 acres, the proposal does not significantly increase the extent of general business zoning in the vicinity; and,

6. With access limited to the shared access point only, 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 A.

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CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant.

MR. KAMUF: Charles Kamuf. We're here to answer any questions. I represent the applicants, April and Brad Schartung.

We also have the Related Item 3-A, which is the Variance along with the rezoning proposal along 537.

CHAIRMAN: Thank you, Counsel.

Do any of the commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions concerning this application?

(NO RESPONSE)

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

Mr. Ball.

MR. BALL: Make a motion to approve based on Planning Staff Recommendations, Conditions 1 and 2 and Findings of Fact 1 through 6.

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

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MR. MOORE: Second.

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

(NO RESPONSE)

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

(ALL BOARD MEMBER PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

RELATED ITEM
ITEM 3A
537 West Byers Avenue, zoned R-3MF Multi-Family Residential to B-4 General Business
Consider a request for a Variance in order to eliminate the perimeter screening requirement of a 6-foot tall continuous element and one tree every 40 linear feet where the subject property adjoins R-3MF Multi-Family Residential zoning classifications; to eliminate the vehicular use area screening requirement of a 3-foot-tall continuous element and one tree every 40 linear feet where the vehicular use area adjoins R-3MGF Multi-Family Residential zoning classifications; and to allow the minimum width of a two-way driveway to be reduced from 24 feet to 20 feet at the subject property.
Reference: Zoning Ordinance, Article 13 and 17, Sections 17.3114; 17.3121(a); and 13.21
Applicant: April Schartung & Bradley Schartung

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: The subject property has most recently been utilized as a multi-family residence;
however, in conjunction with the proposed rezoning, the applicant has expressed the intent to utilize the existing building for commercial offices.

The property to the immediate east is an existing multi-family rental residence that's owned by the applicant of the subject property. Historically, each property has been allowed access to the lots by use of individual driveways and shared drives located along the common property line. In order to progress toward compliance of the 500 foot spacing standard along West Byers Avenue, the single access driveway at the subject property shall be closed limiting access to the shared driveway along the common property line.

The zoning ordinance requires buffers between unlike zones; which in this case includes perimeter screening consisting of a 6-foot tall continuous element and one tree every 40 linear feet where the subject property adjoins residential zone and vehicular use area screening consisting of a 3-foot tall continuous element and one tree every 40 linear feet where the subject property adjoins residential zones. Due to the location of the shared driveway, the applicant has requested a variance to eliminate the need for both screening requirement.

Granting this variance may not cause a
nuisance to the public because although the commercial
activity will not have the necessary screening from
the adjoining residential property, placing the
screening to the east of the shared driveway would
place the continuous element on the residential
property, which may cause a larger nuisance; and it
will not alter the essential character of the general
vicinity or allow an unreasonable circumvention of
requirements of the zoning regulations because the
common property line will remain as they currently
exist; and because requiring the vehicular use area
screening to the rear of the property will be
requiring the screening of a rear yard where
residences are not directly located.

As the shared driveway continues to allow
access the employee parking at the rear of the
property, the driveway becomes narrower between the
two structures. With only 20 feet between the two,
the commercial two-way driveway cannot meet the
24-foot minimum driveway width as required for two-way
traffic. Consequently, the applicant has requested a
variance to allow the driveway width to be reduced to
20 feet.

Granting this variance will not adversely
affect the public safety nor will it cause a nuisance
the public because the parking to the rear is designated for employee parking, and so traffic will be limited; and it will not allow an unreasonable circumvention of the requirements of the zoning regulations because at 20 feet wide the driveway is in compliance with residential requirement which is the manner that the property to the east utilizes the shared drive.

Staff recommends approval with the conditions that the existing driveway at 537 West Byers Avenue shall be closed and access to the subject property shall be limited to the shared access driveway. Additionally, all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance shall be obtained.

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

CHAIRMAN: Thank you, Trey.

MR. KAMUF: Mr. Chairman, we agree to all of the conditions. We have the engineers here to answer any question that you might have.

CHAIRMAN: Thank you, Counsel.

Do any of the commissioners have a question?

Mr. Reeves.

MR. REEVES: My question, I guess, is to Mr.
Howard.

Can we act on both of these variances with one vote or two motions?

MR. HOWARD: We should make two.

MR. REEVES: That's what I thought.

CHAIRMAN: Thank you, Mr. Reeves.

Any other commissioners have any questions concerning this?

(NO RESPONSE)

CHAIRMAN: I've got one question. It's around the reasons for variance request, there's an issue or statement in there about the applicant is agreeable to a condition on the variance approval if it should be approved whereby the event 533 West Byers Avenue were to be sold the owner of 537 West Byers Avenue shall install the required 6-foot continuing element to comply with the zoning requirement.

MR. KAMUF: That's true. We agree to that.

That's not a problem.

CHAIRMAN: The other question that I had is more informational. With the statement being said about, where it says east of the shared driveway would place a continuous element on a residential property. This is on Page 1 of 2 of the 164.

MR. KAMUF: Which one are you talking about?
CHAIRMAN: Staff review under the "Considerations - Refer to applicant's reasons, attached." I was just wanting to try to find out, maybe this is a question for Mr. Howard. A little more detail about why it may cause a larger nuisance if it were installed. This would be the issue around the screening, continuous element screening. Is there a reason why that may be stated that it may be a larger nuisance?

MR. HOWARD: You're talking about --

CHAIRMAN: The very first Page 164 1/2, down toward the bottom where it talks about granting this variance may adversely affect. But then it goes on to say that "may not cause a nuisance to the public because although the commercial activity will not have the necessary screening from the adjoining residential property placing the screening to the east of the shared driveway would place the continuous element on the residential property, which may cause a larger nuisance."

I guess I was just trying to understand what that meant that it would cause potentially a larger nuisance?

MR. HOWARD: The way that this property is proposed for development the same people own both

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properties with a shared driveway in the middle. If you put a screening element on the east side of that driveway, and basically what we've done in our Staff Report is say that as this property redevelops there will be one central access point that will serve both properties due to access management requirements. If you put a 6-foot tall continuous element along the east side of that shared driveway, then it certainly would limit where access could be to the property that they own on the east that's still zoned multi-family residential.

You would have to put in, I guess, a define curb cut, take out a section of fence and put in a define curb cut. I believe it also would cause some sight distance issues with trying to pull out if you had a fence and trees on either side as you're trying out into that central aisle.

From our perspective it just didn't make sense to put that element in through there.

CHAIRMAN: Yes. That makes sense. I just wanted a little more clarification of what that was stating. Thank you, Mr. Howard.

Any commissioners have any questions concerning this?

(NO RESPONSE)

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CHAIRMAN: Anyone in the audience have a question concerning this?

(NO RESPONSE)

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

Mr. Reeves.

MR. REEVES: Mr. Chairman, I move to approve the Variance relating to the perimeter screening and vehicular use area based on the Staff Recommendations and Findings of Fact 1 through 4.

CHAIRMAN: A motion has been made for approval for the Variance based on the Findings of Fact 1 through 4.

And what was the other portion of that, Mr. Reeves?

MR. REEVES: The variance relating to the perimeter screening and vehicular use area, that particular Variance.

CHAIRMAN: Variance related to the vehicular use and the screening.

MR. REEVES: Right. And I don't think any conditions apply to that, do they, Mr. Howard?

MR. HOWARD: Not necessarily, but the driveway condition won't -- I would include on both.

MR. REEVES: Then I would include Conditions 1
and 2 as appropriate.

CHAIRMAN: So that motion would include Conditions 1 and 2.

MR. REEVES: Yes.

CHAIRMAN: Any discussion about that motion?

(NO RESPONSE)

CHAIRMAN: Is there a second?

MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. 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.

MR. KAMUF: Thank you.

MR. HOWARD: We need a motion on the second portion of the Variance on driveway reduction. We have to do them separate. We need a second motion for the driveway reduction.

CHAIRMAN: Mr. Ball.

MR. BALL: I'd like to make a motion to approve the Variance on the driveway width based on Planning Staff Recommendations 5 through 8 in the Staff Report and Conditions 1 and 2.
CHAIRMAN: A motion has been made for approval of the Variance, hopefully I heard all of that, through 8 with Conditions 1 and 2.

MR. BALL: That's correct.

CHAIRMAN: Is there a second to that?

MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. Any discussion or comment 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 4
906 West Fourth Street, 0.029 acres
Consider zoning change: From R-4DT Inner City Residential to I-1 Light Industrial
Applicant: David M. & Colleen Q. Taylor & Thomas S. Hayden, Jr. & Katherine Hayden

PLANNING STAFF RECOMMENDATION

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

CONDITION

No access shall be permitted to West 4th Street.

FINDINGS OF FACT

1. Staff recommends approval because the Ohio Valley Reporting

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The proposal is in compliance with the community’s adopted Comprehensive Plan;

2. The subject property is located in a Business/Industrial Plan Area where Light Industrial uses are appropriate in general locations;

3. The proposed use conforms to the criteria for nonresidential development; and,

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

5. At 0.029 acres the proposal is not a significant increase in I-1 zoning in the vicinity.

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

CHAIRMAN: Thank you, Melissa.

Anyone representing the applicant?

MR. FORMAN: Mr. Chairman, Jeff Forman for the applicant. We also have engineer here if anyone has any questions.

CHAIRMAN: Thank you.

Any other commissioners have any questions concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience that would have any question concerning this application?

(NO RESPONSE)

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

Mr. Moore.

MR. MOORE: Thank you, Mr. Chairman. Make a motion for approval based on Staff Recommendations with the one condition and Findings of Fact 1 through 5.

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

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussion or comments 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.

ITEM 5

10619 Highway 764, 0.260 acres
Consider zoning change: From R-1B Single-Family Residential to I-1 Light Industrial & B-4 General Business
Applicant: Paul Lehecka; Wisconsin Auto Supply, Inc.

PLANNING STAFF RECOMMENDATION

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

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CONDITION

Approval of a minor subdivision plat dividing 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 light industrial uses and general business uses are appropriate in very limited locations;

3. The proposed uses as light industrial and general business conform to the criteria for nonresidential development;

4. The proposal is a logical expansion of existing I-1 Light Industrial zoning to the north and B-2 zoning across Highway 764 to the west;

5. The proposal would not significantly increase the extent of industrial uses or business uses in the vicinity; and,

6. This proposal will 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.

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CHAIRMAN: Thank you, Melissa.

Is anyone here representing the applicant?

APPLICANT REP: Yes.

MR. ROGERS: Mr. Chairman, I need to recuse myself on this item.

CHAIRMAN: Okay.

Any discussion or question from the commissioners concerning this application?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any questions concerning this application?

(NO RESPONSE)

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

MR. BALL: Motion to approve based on Planning Staff Recommendations, Findings of Fact 1 through 6 and the one condition.

CHAIRMAN: A motion has been made by Mr. Ball for approval based on the condition and Findings of Fact 1 through 6. Is there a second to this motion?

MR. MOORE: Second.

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

(NO RESPONSE)

CHAIRMAN: There being none all those in favor

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raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH IRVIN ROGERS REUSING HIMSELF - RESPONDED AYE.)

CHAIRMAN: Motion carries.

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NEW BUSINESS

ITEM 6
Consider approval of March 2018 financial statement

CHAIRMAN: All the commissioners hopefully have received the financial statements for March and have had a chance to look through those. Is there any questions or comment or changes concerning the financial statement?

(NO RESPONSE)

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

MR. REEVES: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Reeves.

Is there a second?

MR. BALL: Second.

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

(NO RESPONSE)

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

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 7
Comments by the Chairman

CHAIRMAN: Just a few comments.

We had a number of folks from the Board of Adjustment and the Commissioners who attended the conference in New Orleans. You know, in sitting in those meetings, they're quite informative, but one of the things that I personally noted with what I saw in the sessions and presentations, that our Planning and Zoning Department is well and far ahead of a lot of Planning and Zoning Departments in this country. They have done a great job of putting together a process that people can understand, the information is there. There's plenty of opportunities for the public to comment. I just saw that they put together a great process that many larger cities probably would certainly admire. So I congratulate them on putting all of that together. Just wanted to make a couple of comments that we've got a great Planning and Zoning Department and great Staff.

That's all the comments I had.

ITEM 8
Comments by the Planning Commission

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ITEM 9
Comments by the Director

MR. HOWARD: I just make a quick comment.
We didn't ask them to come tonight. I would like to recognize John Pickrell and Sheila Moore from our office who will both be retiring at the end of this month. They've both been with our office for a long, long time. They will certainly be missed. We wish them well in retirement. We'll have a little something for them as a Staff here later on in the month as a thank you sending off party. Just wanted to also publically thank them for their job and services they provided to our organization and what they've done for our community.

CHAIRMAN: Thank you, Brian.
Also mirror those from the commission as well. You did talk to them in terms of maybe coming back and working for free at some point?

MR. HOWARD: Oh, sure. We'll take free labor at any point. Volunteer work is great.

CHAIRMAN: There being no other comments we're ready for the next motion for adjournment.

MS. HARDAY: Motion to adjourn.
CHAIRMAN: Motion to adjourn. Do we have a
second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. All those in 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 23 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, 2018.

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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