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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

FEBRUARY 2, 2023

The Owensboro Metropolitan Planning Board of Adjustment met in regular session at 5:30 p.m. on Thursday, February 2, 2023, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Judy Dixon, Chairman
- Lewis Jean, Vice Chairman
- Ruth Ann Mason, Secretary
- Brian Howard, Director
- Terra Knight, Attorney
- Laurna Strehl
- Tori Thompson
- Bill Glenn

\* \* \* \* \*

CHAIRMAN: I will call the Owensboro Metropolitan Board of Adjustment February 2, 2023 meeting to order. I will ask at this time if you will stand and join me in prayer followed by the pledge to the flag.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to consider the minutes of the January 5, 2023 meeting. All members should have a copy. At this time I'll entertain a motion.

MS. THOMPSON: I make a motion to approve.

CHAIRMAN: Motion to approve by Tori.

1 MS. MASON: Second.

2 CHAIRMAN: Second by Ruth Ann. Any question  
3 on the motion?

4 (NO RESPONSE)

5 CHAIRMAN: All in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Mr. Howard.

9 -----

10 CONDITIONAL USE PERMITS

11 ITEM 2

12 6025 US Highway 231, zoned B-4 General Business  
13 Consider request for a Conditional Use Permit in order  
14 to construct an individual storage facility in a B-4  
15 General Business zoning classification.  
16 Reference: Zoning Ordinance, Article 8,  
17 Section 8.2L7/48MS.  
18 Applicant: Equity Trade & Relocation Company, Marnic,  
19 LLC; ASN Investments, LLC

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

22 MR. PEDLEY: Trey Pedley  
23 (TREY PEDLEY SWORN BY ATTORNEY.)

24 MR. PEDLEY: The subject property is a 5-acre  
25 tract of land that is located near the intersection of  
Highway 231 and Hill Bridge Road.

The property is adjoined on three sides by A-R  
Rural Agriculture zoning located across Highway 231 to

1 a vacant tract of land that is zoned B-4 General  
2 Business which is immediately adjoined by the Deer  
3 Valley Subdivision.

4 At this time the applicant proposes to  
5 construct an individual storage facility,  
6 conditionally permitted use in the B-4 zone if located  
7 within unincorporated Daviess County.

8 For this use the zoning ordinance does not  
9 provide a minimum parking requirement. For  
10 landscaping the zoning ordinance does require for a  
11 vehicular use area adjoins Highway 231, a 3-foot wide  
12 landscape easement with a 3-foot tall continuous  
13 element and 1 tree per 40-linear feet shall be  
14 required.

15 Additionally, where adjoining agricultural  
16 zoning, the development shall install and maintain an  
17 8-foot tall solid wall or fence to screen the use from  
18 the adjoining properties.

19 If approved Special Conditions include:

20 1. Obtain approval of a Final Development  
21 plan;

22 2. Direct access to US Highway 231 shall be  
23 limited to a single access point located no closer  
24 than 500-feet to the intersection of US Highway 231  
25 and Hill Bridge Road. The proposed access point shall

1 be approved by KYTC prior to the approval of a Final  
2 Development Plan; and,

3 3. Obtain all necessary building electrical  
4 and HVAC permits, inspections and certificates of  
5 occupancy and compliance.

6 We would like to enter the Staff Report into  
7 the record as Exhibit A.

8 CHAIRMAN: Thank you.

9 Is there someone here representing the  
10 applicant?

11 MR. KAMUF: Yes. Charles Kamuf here. I  
12 represent the applicants. Scott Lyons is here, one of  
13 the applicants. We're here to answer any questions.

14 CHAIRMAN: Thank you.

15 Does anyone in the audience have a question of  
16 either Mr. Kamuf or any of the representatives of this  
17 company?

18 (NO RESPONSE)

19 CHAIRMAN: Any board members?

20 (NO RESPONSE)

21 CHAIRMAN: No questions. I will entertain a  
22 motion.

23 Ruth Ann.

24 MS. MASON: I'll make a motion for approval  
25 based on the information in the report tonight and

1 that it's compatible with the land use. It's zoned  
2 B-4 General Business which is conditionally approved  
3 in that zoning. The use shall not cause any potential  
4 conflict with the surrounding area as the land  
5 adjoining it on the three sides is A-R Rural  
6 Agricultural zoning and there does not appear to be a  
7 single-family residences on any of the adjoining  
8 property.

9 CHAIRMAN: Thank you. We have a motion by Ms.  
10 Mason.

11 MS. MASON: And it meet the conditions. The  
12 zoning requirements and meet the special conditions.

13 CHAIRMAN: Thank you. We have a motion by Ms.  
14 Mason. Do I have a second?

15 MR. GLENN: Second.

16 CHAIRMAN: Second by Mr. Glenn. Any question  
17 on the motion?

18 (NO RESPONSE)

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 MR. KAMUF: Thank you.

24 ITEM 3

25 3000 Calumet Trace, zoned R-3MF Multi-Family  
Residential

1 Consider request for a Variance in order to eliminate  
2 all required spillover parking within a multi-family  
3 development.  
4 Reference: Zoning Ordinance, Article 10,  
5 Section 10.46  
6 Applicant: Gateway Land, LLC

7 MS. THOMPSON: Ms. Chairman, I need to recuse  
8 myself, please.

9 CHAIRMAN: I will note that Ms. Thompson has  
10 recused herself.

11 MR. PEDLEY: This is a recommendation for  
12 denial. As is common practice on recommendations for  
13 denial, the entire Staff Report will be read into the  
14 record.

15 A. Special Circumstances? Are there special  
16 circumstances that do not generally apply to the lands  
17 in the general vicinity, or in the same zone? No.

18 The subject property is a 6.647 acres of  
19 undeveloped land located along Calumet Trace within  
20 Gateway Commons. In December of 2022, a minor  
21 subdivision plat created the property, which was then  
22 rezoned to R-3MF Multi-Family Residential; both were  
23 accomplished specifically for the proposed  
24 multi-family residential development.

25 The applicant has prepared a conceptual plan  
which includes seven multi-family buildings, each with  
24 units. In total, this plan shows 126 two-bedroom

1 units and 42 one-bedroom units. For this use, zoning  
2 ordinance require;

3 \* 2 spaces per two-bedroom unit.

4 \* 1.5 spaces per one-bedroom unit.

5 \* 0.5 spaces per unit of less than 1,000  
6 square feet in size for spill-over parking.

7 As proposed, the development is required to  
8 install 399 parking spaces. The conceptual plan  
9 illustrates only 319 parking spaces, so the applicant  
10 has proposed to eliminate all of the required  
11 spill-over parking.

12 The ordinance states that spill-over parking  
13 is a necessity to accommodate guests, deliveries and  
14 households with more than two drivers. In addition to  
15 the need for spill-over parking to serve the  
16 development as required by ordinance, the OMPC Staff  
17 recommends denial for the following reasons:

18 \* This site is a large, wide-open, undeveloped  
19 lot without major issues (topography, floodplain,  
20 burdensome easements, etc...) that would prevent the  
21 development from complying with current regulations;

22 \* These regulations were in-place at the time  
23 of the property division and rezoning, which were done  
24 specific for this proposed development, and so the  
25 property should be able to adequately support the

1 complex while complying with the current regulations;

2 \* While several variances to reduce the  
3 required spill-over parking have been granted in the  
4 past, the proposal to eliminate all required  
5 spill-over parking appears unprecedented. Past  
6 reductions includes:

7 1. 1120 Tamarack Road requested a  
8 variance to eliminate all required spill-over parking.  
9 Following the Staff recommendation for denial, the  
10 applicant amended their proposal to request the  
11 required spill-over parking to equal 10 percent of the  
12 required parking. For example, if a development were  
13 required 200 typical parking spaces, the development  
14 shall install 20 spill-over spaces. The proposed  
15 reduction was then approved.

16 2. 3420 Professional Park Drive obtained  
17 a variance to reduce the spill-over parking from 102  
18 spaces to 27 spaces, which equaled 9.6 percent of the  
19 required parking for the development.

20 3. 3750 Ralph Avenue obtained a variance  
21 to reduce the spill-over parking from 148 spaces to 62  
22 spaces which equal 10.7 percent of the required  
23 parking for the development.

24 4. 3200 Highland Point obtained a  
25 variance to reduce spill-over parking from 120 spaces

1 to 47 spaces, which equal 11.5 percent of the required  
2 parking for the development.

3 As evidenced above, the approval of an  
4 entire elimination of required spill-over parking  
5 creates an opportunity for future developers to cite a  
6 new precedence which could alter the essential  
7 character of the general vicinity, as well as the  
8 character of all future multi-family development.

9 Although Staff does not support the  
10 request to eliminate all spill-over parking, it should  
11 be noted that Staff would support a request to reduce  
12 the spill-over parking in 10 percent of the required  
13 parking, consistent with the previously approved  
14 variances. However, the applicant has stated their  
15 intent to move forward with the request to eliminate  
16 all of the spill-over parking as proposed.

17 As a result, granting a variance to eliminate  
18 all of the required spill-over parking may adversely  
19 affect the public safety and cause a public nuisance  
20 if the site does not adequately support the proposed  
21 development; and will allow an unreasonable  
22 circumvention of the requirements of the zoning  
23 regulations because the site is newly created,  
24 undeveloped, and does not have any large obstacles  
25 that will prevent development of the property from

1 complying with the zoning regulations. Lastly,  
2 approval of the proposed variance will alter the  
3 essential character of the general vicinity and  
4 multi-family development in general by setting a  
5 precedence to allow a complete elimination of  
6 spill-over parking for future development.

7 B. Hardship? Would strict application of the  
8 regulations deprive the applicant of the reasonable  
9 use of the land, or create an unnecessary hardship on  
10 the applicant? No.

11 The subject property was recently created  
12 specifically for the proposed development and, as  
13 such, the site should be able to adequately support  
14 the development without current regulations depriving  
15 the applicant of reasonable use. If denied, the  
16 applicant could re-configure the site layout to comply  
17 with current regulations.

18 C. Applicant's Actions? Are the  
19 circumstances from which relief is sought a result of  
20 the applicant's action taken after adoption of the  
21 zoning regulation? No.

22 If Yes: Willful Actions? Did the applicant  
23 take willful actions in violation of the zoning  
24 regulation? If so, the Board shall deny the variance.

25 Findings: Granting the variance to eliminate

1 all of the required spill-over parking:

2 1. May adversely affect the public health,  
3 safety or welfare because the installation of such  
4 minimal parking creates an opportunity in which the  
5 provided parking may not be able to adequately support  
6 the development;

7 1. Will alter the essential character of the  
8 general vicinity, as well as multi-family development  
9 in general, by setting a new precedence allowing a  
10 complete elimination of spill-over parking for future  
11 developments;

12 3. May cause a hazard or a nuisance to the  
13 public because the ordinance deems spill-over parking  
14 as a necessity to accommodate guests, deliveries and  
15 households with more than two drivers; and,

16 4. Will allow an unreasonable circumvention  
17 of the requirements of the zoning regulations because  
18 the site is newly created, undeveloped, and does not  
19 have any large obstacles that will prevent development  
20 of the property from complying with the zoning  
21 regulations.

22 Staff recommending denial.

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

25 CHAIRMAN: Thank you, Mr. Pedley.

1           Is there anyone here representing the  
2 applicant?

3           VISSING: Yes. Jake Vissing with Frost Brown  
4 Todd, Louisville, Kentucky, 400 West Market Street.  
5 I'm here on behalf of Form G. Form G is under a  
6 contract to purchase the property from the applicant.

7           The way that, again.

8           MS. KNIGHT: Mr. Vissing, you're sworn as an  
9 attorney.

10          MR. VISSING: Tonight, as stated, what we're  
11 asking for is a reduction from the 399 space  
12 requirement down to 319 spaces. The way that we've  
13 gotten there is per the code. You know, the code  
14 requires for unit parking; essentially 63 spaces for  
15 the 42 one-bedroom units. It requires 252 spaces for  
16 the two-bedroom units. By contract what we're  
17 proposing is using a one-space per one-bedroom unit  
18 ratio which would be 42 spaces as opposed to the 63.  
19 We would still have the 252 spaces; a two spaces per  
20 two-bedroom unit ratio. We are asking for the  
21 overflow to be reduced from 84 to 25.

22          The overall difference in the ratio, the  
23 overall parking ratio is what your code is requiring  
24 is 2.375 spaces per unit whereas what we're proposing  
25 is 1.9 spaces per unit.

1           What we found and what our client has found  
2 through the various developments that they have  
3 throughout the country is that even a 1.9 ratio is  
4 high, excessive for what the use will be. Certainly  
5 the 2.375 ratio would be far in excess of this ratio.  
6 This is not only what they found in their ownership of  
7 development of multi-family properties throughout the  
8 country, but also the industry associations have, they  
9 supported this move towards lower ratios. We found  
10 that zoning boards and municipalities throughout the  
11 country are starting to reduce their parking ratio  
12 more in line with what is actually required.

13           The National Apartment Association, the  
14 American Planning Association, they both have  
15 literature and studies to support this conclusion for  
16 lower ratios.

17           What we're talking about here is, it's just  
18 going to support a better quality of development where  
19 you're going to have less empty open parking spaces  
20 sitting at all times and more ability to add  
21 amenities, add green space for the residents in this  
22 community for a better quality of the development, but  
23 also better quality of life for its occupants.

24           With that I will turn it over to Tim here who  
25 is with Form G and he'll speak a little more to these

1 points.

2 MS. KNIGHT: Sir, if you could state your name  
3 for the record, please.

4 MR. DOUGHERTY: Tim Dougherty.

5 (TIM DOUGHERTY SWORN BY ATTORNEY.)

6 MR. DOUGHERTY: I'm Tim Dougherty, vice  
7 president with Form G. We are a land development  
8 commercial brokerage firm. We are based out of  
9 Clarksville, Indiana. We own and operate multi-family  
10 and retail complexes in Louisville, Kentucky and  
11 Southern Indiana area.

12 Start things out we will go to Page 2 there  
13 which shows an aerial of the overall Gateway Commons  
14 Master Development. You'll see where we have our  
15 outlined area in green. That's where we have our  
16 proposed development.

17 Moving on to Page 3 here. We're summarizing a  
18 little bit of the site data there. You'll see we've  
19 got 168 units, 42 one-bedrooms, and 126 two-bedroom  
20 units proposed.

21 Moving on to Page 4 you will find the Code  
22 Required Parking Calculations. Kind of already gone  
23 through a little bit of this. To summarize down there  
24 at the bottom there you'll kind of see compared  
25 between the two. The 1.9 spaces per unit ratio there

1 we have found to be an adequate parking ratio when  
2 evaluating the location and the complete  
3 transportational picture of the entire development and  
4 community itself.

5 Moving to Page 5. You'll find here kind of a  
6 summary of the logic behind our request. Form G is  
7 requesting a variance to be granted to proceed with  
8 the reduced overflow parking requirements mentioned in  
9 today's presentation. We believe this to be a  
10 commercially reasonable request in consideration of  
11 the following:

12 A) National Apartment Association and  
13 American Planning Association research regarding  
14 parking ratio for multi-family development shifting to  
15 a lower parking ratio.

16 B) Form G's experience from management of  
17 over 600 new construction multi-family units similar  
18 in scale to the proposed developments.

19 C) Reasonable management practices employed  
20 to ensure that orderly parking rules and regulations  
21 are adhere to by residents and their visitors.

22 D) Over-parked commercial developments can  
23 become problematic for property owners, citizens and  
24 municipalities.

25 Page 6 you'll see - the next couple of slides

1 here are a few of our developments that we currently  
2 operate where we have these reference points of having  
3 an adequate parking ratio.

4           So I'll start off with Heritage Square which  
5 is in Sellersburg, Indiana. It is a 183-unit complex  
6 built in 2002. It's a little over an 8 acre site and  
7 the parking provided was 1.45 spaces per unit. The  
8 majority of our complexes we carry a similar ratio of  
9 one-bedroom to two-bedroom units to give you a  
10 reference point of what the calculations are for these  
11 other communities here.

12           The second community on this page is Gateway  
13 Crossings in Clarksville, Indiana, 155 total units  
14 built in 2021. It's a 5.4 acre site and the parking  
15 provided there was 1.3 spaces per unit.

16           Both of these units are part of mixed-use  
17 developments similar to Gateway Commons and they're  
18 located in dense commercial quarters. To date  
19 property has not experienced any issues or complaints  
20 from residents regarding not having enough adequate  
21 parking spaces for themselves or their visitors.

22           As we turn to Page 7, we'll see two additional  
23 complexes. Preston Crossings is in Louisville,  
24 Kentucky on Preston Highway. It was built in 2022 on  
25 a 2.7 acre site. The amount of parking provided there

1 is 1.1 space per 48 units, and all 48 are two-bedrooms  
2 and two-bathrooms in that complex.

3 Then the last complex we'll mention here is  
4 the Bend in Clarksville. 312 total units built this  
5 year currently under construction, and that was  
6 approved at 1.6 spaces per unit.

7 Kind of caught here on the last two slides.  
8 In the suburbs, most communities are finding that an  
9 optimum parking ratio between 1.25 to 1 and 1.5 to 1.  
10 Most urban apartment communities are likely to have  
11 parking ratios of far less than 1.1 closer to center  
12 city, and parking ratio of 1.1.

13 Again, you can see that's a few of our  
14 communities that we can speak to regarding how an  
15 operational experience of how parking count ratios and  
16 the interactions with tenants subsequently go with  
17 those. Again, no issue to date with them.

18 Page 8 you'll find a slide here from the  
19 American Planning Association. Here this kind of goes  
20 into where we're seeing a shift from city planners to  
21 prioritize people over parking.

22 The broad message is cities already have more  
23 than enough parking. To go in a little more detail  
24 here: "The Research Institute for Housing America,  
25 part of the Washington, D.C.-based Mortgage Bankers

1 Association, used satellite imagery and tax records  
2 this year to tally parking space totals in different -  
3 sized U.S. cities, and determined that outside of New  
4 York, the parking densities per acre far exceeded the  
5 population densities. Meanwhile, two different groups  
6 - TransForm, which promotes walkable communities in  
7 California, and the Chicago-based Center for  
8 Neighborhood Technology, a nonprofit sustainable  
9 development advocacy group - have both conducted  
10 middle-of-the-night surveys of parking usage at  
11 apartment projects on the West Coast and in Chicago,  
12 respectively. They consistently found that  
13 one-quarter to one-third of the spaces sat empty. The  
14 Chicago center concluded "it is critical to 'right  
15 size' parking at a level below current public  
16 standards."

17 I think to take away from this slide is that  
18 the city planners are starting to begin to re-evaluate  
19 parking ratios based on practical uses to find an  
20 equilibrium of right size parking fields for their  
21 respected developments.

22 As we turn to Page 9, you'll find some  
23 management practices that we put in place for orderly  
24 parking. So incorporated into our lease agreements  
25 are where residents will provide their vehicle

1 information. We will register those with property  
2 management and we will issue parking tags for  
3 registered vehicles.

4           During routine property walk thru, management  
5 will document vehicles seen with no parking tags;  
6 un-registered vehicles found to be regularly parking  
7 in the complex will be addressed.

8           It's not our management strategy to be  
9 intrusive with our tenants. We try to take a casual  
10 approach and have a good landlord/tenant relationship.  
11 We don't want to be the parking police, if you will,  
12 for our residents in our community, but if we use  
13 reasonable discretion to see that we have tenant  
14 visitors regularly parking in our community, we will  
15 either have them register that vehicle with us as  
16 another unit, if we can accommodate for them, or we'll  
17 address that matter with them.

18           To kind of further take on these practices are  
19 normal operations for this type of a multi-family  
20 community, and as such can be carried out by any  
21 professional management company or operator.

22           So regardless if Form G or anywhere other firm  
23 owns and operates the long-term asset itself, these  
24 operational tasks can remain in place using this  
25 commercially reasonable efforts.

1           Additionally, the rules and regulations within  
2           our lease provide the landlord latitude to amend  
3           parking as needed. So we have the option to address  
4           any issues ongoing as the complex, you know, as  
5           needed, if you will.

6           Moving to Page 10 here, a few notes on  
7           over-parked commercial developments. We're taking a  
8           critical line to commercial development. You'll find  
9           that over-parked commercial development tend to  
10          attract nuisance. Examples of this may be randomly  
11          parked substandard vehicles for an extended period of  
12          time, loitering, as well as typically the far away far  
13          less used areas of the parking field will become over  
14          time considerably less maintained. You'll see that a  
15          lot in complexes where they have different blacktop  
16          stripings.

17          Another issue with is over-parked commercial  
18          development can cause traffic flow issues within the  
19          development. Think in your head, people cutting  
20          across parking rows and speeding and also donuts.  
21          Those exist.

22          Over-parked commercial developments can result  
23          in the long-term under utilization of quality  
24          commercial land. I think this point here really  
25          speaks to the broad planning perspective.

1           It gets back to planners realizing that  
2 excessive parking ratios aren't optimal usage of  
3 development land, especially those that are within a  
4 master development similar to that of Gateway.

5           So as such they're reevaluating land usage to  
6 better serve the community. This point is directly  
7 case and point right here on this site. If you turn  
8 back to Page 2 on the aerial, I'll talk you through.

9           The lot dimensions of where our property line  
10 was drawn were intentional between the seller,  
11 Gulfstream Commercial, who most in here are familiar  
12 with. Very respectful developer. Those lot lines  
13 were organized in a manner to leave a residual tract  
14 of land that fronts to Hayden Road with enough lot  
15 depth to feasibly develop a couple of out parcel  
16 restaurant building that the community would enjoy.  
17 Because of this Hayden Road has a retail nature to it,  
18 you know, across the street is the bank and then  
19 catty-corner across from that is Tropical Smoothy  
20 building there. Preserving those out-lots to remain  
21 retail was an important component in the discussions  
22 of where to lay the property boundary line. Also we  
23 feel that maintaining the current density of the  
24 proposed development is a -- it's something that the  
25 larger Gateway Master Development Plan will share in

1 as, you know, portions are it are not allocated for  
2 multi-family. To maximum the area within the overall  
3 commercial uses designated throughout the master  
4 development plan, adding an appropriate density level  
5 that can meet the parking ratios will only benefit the  
6 master development itself because you will increase  
7 the number of residents living in the area directly  
8 within that master development plan.

9 By preserving both the density and the number  
10 of people that we are able to have live in our  
11 community while also preserving enough lot depth on  
12 the adjacent property, we are able to accomplish two  
13 things, which is bring in multi-family development  
14 that is consistent with what this scale master  
15 development plan should have with it, as well as  
16 keeping that residual land to reasonably expect to  
17 have two restaurant users or two retail tenants along  
18 Hayden Road.

19 We think that perspective should be kept in  
20 mind when making a decision.

21 I'll move on to slide 11 here. I think slide  
22 11 and 12 will also be key to consideration here on  
23 this one.

24 So on slide 11 we've got a chart here. This  
25 is information that's from the American Apartment

1 Association is where these next four slides of charts,  
2 the data came from. The source is a company called  
3 Yardi Matrix. They're a national commercial real  
4 estate research advisory firm specializing in  
5 multi-family.

6 You'll see that park ratios by decade peaked  
7 between 2000 to 2009. Since then we're seeing a  
8 downward trend in the last 15 years as a result of  
9 city planners right sizing their requirements in line  
10 with practical usage that's taking place.

11 Moving on to Page 12 you'll also see an  
12 additional chart about parking ratio average by  
13 building style. Our proposed development while we  
14 were called a hybrid of a mix between a mid-rise and a  
15 garden-style apartment, it's really hybrid in its  
16 architectural appeal and its street scape how curb  
17 appeal looks, but the engineering plan and the way the  
18 site plan is laid out is more in line with what you'd  
19 find with a garden-side development.

20 You'll see the national ratios here have  
21 garden-style multi-family apartments hovering in at  
22 about 1.5 parking ratios. Slightly more, 1.5 to 1.6  
23 or so.

24 Moving to Page 13 you'll see a parking ratio  
25 average by Metro. You'll see these parking ratio

1 averages consistent across communities from Nashville  
2 to Los Angeles to Chicago considerably lower than  
3 what's being proposed by the city. I think some  
4 similar, you know, communities such as Charlotte,  
5 Indianapolis, Raleigh, Durham all show up here and you  
6 can see their parking ratio averages are, again, at  
7 that 1.6 or so and below.

8 Page 14 has a chart based on renter vehicle  
9 access. You'll see here the green line on the chart,  
10 this is really in the millennial demographic we're  
11 going to talk about here. In the millennial  
12 demographic you'll see over the years car ownership  
13 has gone down. I think there's a couple of  
14 considerations to look at here; is working from home  
15 as well as ride sharing being popular amongst the  
16 millennial generations. So those are two factors in  
17 the society that has reduced the need for the  
18 millennials, which is the largest demographic for  
19 vehicles.

20 How does that apply here to Owensboro  
21 specifically? It's tough to directly quantify, but I  
22 will say that I think those are some considerations to  
23 ponder about what are new trends that are merging in  
24 society.

25 Moving on to Page 15 is a slide about vehicles

1 in renter-occupied households. What I thought was  
2 interesting in here is 18 percent on this chart don't  
3 have a vehicle at all.

4 I think overall the slide demonstrates that  
5 every bedroom does not necessarily have a car sitting  
6 in the parking lot represented. From our experience  
7 of operators, we look at it at about a 10 to 15  
8 percent of the number of bedrooms, the number of cars  
9 don't represent that in the actual parking lot. So we  
10 think that that is, again, similar trends are also,  
11 you know, work from home and being able to utilize  
12 ride share.

13 Page 16 will show you some other  
14 municipalities that have had some significant  
15 deviations over the last decades or so regarding the  
16 reduction in parking ratios. A couple that really  
17 stand out to me is in Arlington, Virginia where a  
18 minimum parking requirements in Metro corridors were  
19 reduced and developers were required to provide  
20 mitigations if they offered more than 1.65 spaces per  
21 unit. Basically what they're saying there, if you're  
22 not having enough green space within your development  
23 because you're paving and being done with it.

24 An appropriate size ratio is being recognized  
25 amongst planners across the country; again, from one

1 end of the country to another. From Seattle to the  
2 east coast.

3 Another one I thought was kind of crazy was in  
4 Buffalo they eliminated all parking requirements. It  
5 was basically set up so that if a development was of  
6 certain scale there were suggestions and guidelines.  
7 I looked through the research on that. That's real.  
8 It's crazy to think that, but it is.

9 I think we can move on to the next slide which  
10 is Page 17 here where the American Planning  
11 Association has an impact on housing costs where  
12 planners are shifting strategies towards parking are  
13 now supported by a growing body of evidence that  
14 parking requirements negatively impact multi-family  
15 housing, especially affordable projects.

16 So having an excessive parking requirement  
17 makes the development more expensive and those costs  
18 are reflected in rent. That's kind of detailed a  
19 little further below here as we go through this.

20 Looking at the number of parking spaces, you  
21 know, each space represents about 275 to 300-feet,  
22 including aisles. A 30-unit complex would be required  
23 by 45 parking space totally 13,000-square feet. Space  
24 for parking could be used either for more housing or  
25 green space. Parking can consume more space than the

1 development it really serves.

2 A couple of stats here on parking, you know.  
3 Essentially it adds \$6,000 per stall which, again, the  
4 increase expense will go to the bottom line of the  
5 development project which then is reflected in your  
6 rent.

7 We'll flip to Page 18 where a couple of notes  
8 on where the Owensboro Public Transportation. I think  
9 credit should be given to the fact that we are within  
10 close reasonable proximity, less than a quarter of a  
11 mile, of a bus stop. We also provide bike racks  
12 within the development to promote using bikes for  
13 health and wellness and exercise, as well as  
14 transportation method. It's immediately adjacent to  
15 public goods, services and employment; giving a mixed  
16 use proponent. Then obviously we have ride shares,  
17 Uber/Lyft, which are frequently used by residents.

18 I will end my presentation here just on a  
19 short fine note here from the National Apartment  
20 Association. They say, "Like any operations decision  
21 in the apartment industry, planning for parking's  
22 future will be asset-driven and highly dependent on  
23 the location. There is no 'one size fits all,' but  
24 organizations that consider the complete  
25 transportation picture in all of its varied and

1 emerging forms, as well as understand the value of  
2 flexibility, will have a clearer vision of one of the  
3 many disruptors in the industry."

4 I thank you for your consideration this  
5 evening, and would like to take any questions that  
6 anyone may have here.

7 CHAIRMAN: Thank you.

8 Does anyone in the audience have any questions  
9 of the applicant or comments?

10 (NO RESPONSE)

11 CHAIRMAN: Any board members?

12 Mr. Gene.

13 MR. GENE: I have a question of the applicant.

14 There's a lot of numbers to digest. Basically  
15 you're saying that two spaces for two-bedrooms and one  
16 and a half space for a single-bedroom is acceptable.

17 MR. DOUGHERTY: The ratios in the proposal for  
18 I believe it's the 319 number that we're proposing is  
19 for one-bedroom apartments. It will be essentially  
20 one space per bedroom. So one parking space for  
21 one-bedroom units. Two parking spaces for two-bedroom  
22 units, and I believe it's 25 spaces, if I recall  
23 correctly, for the overflow. So that brings us to the  
24 total number that we came to with 319.

25 CHAIRMAN: Are you finished with your

1 question, Mr. Jean?

2 MR. JEAN: I think so. Basically you're just  
3 contesting the overflow parking?

4 MR. DOUGHERTY: Yes, that's essentially the  
5 spill-over parking. In our calculations we're still  
6 offering 25 spaces of overflow parking, yes.

7 MR. JEAN: Thank you.

8 CHAIRMAN: Any other questions?

9 Mr. Glenn.

10 MR. GLENN: Yes, I do have a question.

11 You're basing your overflow parking spaces on  
12 your percentage of vehicles that you think will be  
13 needed for this apartment complex, correct?

14 MR. DOUGHERTY: The 25 spaces is -- so what we  
15 have is the overflow parking is based on our  
16 engineering plan that we have designed here, that is  
17 the additional parking above one space per bedroom.  
18 That's essentially how that is. What we could fit in  
19 there to keep green space for the tenants that we  
20 would like to have, as well as one space per bedroom  
21 we have an additional 25 units. Again, from our  
22 experience, not every bedroom is reflected with an  
23 automobile that is owned by someone occupying that  
24 bedroom. We're finding about 15 percent or so of our  
25 total units. So essentially a two-bedroom has one car

1 by 10 or 15 percent.

2 CHAIRMAN: Any other questions?

3 (NO RESPONSE)

4 CHAIRMAN: You mentioned public  
5 transportation.

6 MR. DOUGHERTY: Yes.

7 CHAIRMAN: Are you aware of the hours and days  
8 that public transportation runs in this particular  
9 area?

10 MR. DOUGHERTY: My planner that was the one  
11 that did that research was not able to make it today.  
12 I'm sure he has calculated that into --

13 CHAIRMAN: There is very limited hours that  
14 public transportation reasons out through there. I  
15 don't even know if they run on Saturday and Sunday  
16 which would certainly limit access.

17 MR. PEDLEY: I do have that information  
18 actually.

19 When I looked at it, based off what I found  
20 online, basically the Owensboro Transit, the way their  
21 routes work, they're on a loop that takes 45 minutes  
22 to complete. Makes sense that it will stop at this  
23 bus stop every 45 minutes. As far as the hours that  
24 are available, the first departure from downtown is 6  
25 a.m. on weekdays. You would think the first stop

1       there would be somewhere in that 45 minute window,  
2       between 6 and 6:45 in the morning, and the final stop  
3       would be between 6:50 and 7:35 p.m.; that's on  
4       weekdays. On Saturdays they do not depart from  
5       downtown until 7:45, and then the final stop for the  
6       final landing point back downtown is 4:15. So you  
7       would think that the final stop at this bus stop would  
8       be somewhere between 3:30 in the afternoon and 4:15 in  
9       the afternoon, and the buses do not run on Sundays.

10               CHAIRMAN: Thank you.

11               MR. DOUGHERTY: This is part of a mixed use  
12       development where a lot of trips are pedestrians as  
13       well. We would like to make that point.

14               MS. MASON: You mentioned something about  
15       green space. When I'm looking at this, I'm not seeing  
16       a lot of green space.

17               MR. DOUGHERTY: Do you know what our green  
18       space ratio is?

19               Our green space --

20               MS. MASON: I can see in there where the  
21       building, clubhouse building and patio area and I see  
22       some area there, you know, for activities, but I'm  
23       seeing mainly parking and complexes, you know. I  
24       don't know what the scale is on this. Maybe I can  
25       read it better on my copy. Just looks like there's

1 not a lot of green space.

2 MR. DOUGHERTY: I will say as far as green  
3 space, we would love to have as much green space as  
4 possible. We have a clubhouse and we have the green  
5 space that's already shown there. Frankly speaking,  
6 if we were to meet ratios that were more in line with  
7 national standards that I went through today, we would  
8 be able to remove some parking spaces and add more  
9 green space. So to some degree that supports what we  
10 are bringing up today here; which is if you have a  
11 parking ratio that's more in line with the national  
12 standard for multi-family development nationally, what  
13 we currently have we could allocate more green space  
14 to.

15 MS. MASON: I guess what I'm seeing is more  
16 apartments and less green space is the way I'm looking  
17 at it.

18 MR. DOUGHERTY: What we have on there, as far  
19 as green space, is in the realms of the back and the  
20 sides of each -- I don't have the exact calculations  
21 as far as what the percentage is of impervious area.  
22 We could certainly provide that information, if  
23 needed. Like I said, we would love to have more green  
24 space. We can put in the park islands as well as an  
25 additional way to add more green space.

1           CHAIRMAN: You have a question, Mr. Howard?

2           MR. HOWARD: Yes.

3           Looking through your information and realizing  
4 that nationally this is a trend, and as planners we  
5 understand that. I don't think we would disagree that  
6 the way the spill-over parking requirement is set up  
7 now is overkill. It's something that's been on our  
8 list to evaluate as far as looking at that. As Staff  
9 we're more in line with the 10 percent requirement of  
10 total parking as spillover, and that's fine. We don't  
11 agree on that, but that's fine. You know, you've  
12 cited some studies and information. Of course, a lot  
13 of that, you know, those last few slides you were  
14 talking about, Buffalo and Arlington, Virginia which  
15 are Metro areas with millions of people.

16           Do you know if your planner, when they were  
17 evaluating Owensboro in general, did they review the  
18 GRADD, which is the Green River Area Development  
19 District? Did they look at the Metropolitan and  
20 Transportation Plan or any of the local data for  
21 vehicle usage and that type of thing; do you know? I  
22 say that, and I'll tell you why I ask. That plan  
23 shows that in our area, specifically here, that the  
24 number of people that rely on a personal vehicle as  
25 their primary mode of transportation is 97.62 percent.

1 There's not a lot of biking and public transit usage  
2 and that type of thing here. We do have a public  
3 transit system and it serves a good purpose. I think  
4 that's what some of the concern is from the board  
5 members, is that if 97.62 percent of the people based  
6 on a local study rely on an automobile for personal  
7 transportation, that's where the concern comes in. Is  
8 there really going to be other modes utilized within  
9 this development or will people really rely on an  
10 automobile.

11 MR. DOUGHERTY: The answer to that is, you  
12 know, the stats are what they are. You know, 97  
13 percent of the people in this community utilize an  
14 automobile. Like I said, we would have to take a  
15 little deeper dive and see how that would apply,  
16 subcategorize between tenants and homeowners if we're  
17 going to apply statistics. I would imagine that that  
18 number would be lower as you look at, as far as that  
19 percentage could trickle down, you know, from 97  
20 percent to maybe 92. Like I said, you would have  
21 to -- that data would be pretty granular to try and  
22 figure out. I'm sure it's difficult. As far as you  
23 were -- one second.

24 They told me to mention we already have one  
25 per bedroom. So really I guess the issue here is the

1 spill-over parking. We are already accommodating  
2 every bedroom with a primary vehicle.

3 CHAIRMAN: But wouldn't a one-bedroom  
4 apartment very often accommodate a husband and wife  
5 who have different jobs and they each need a vehicle?

6 MR. DOUGHERTY: Yes. And like I said, with  
7 the shift in population trends you have to look at  
8 these are individuals that own or that lease a  
9 one-bedroom apartment might be more incline to share a  
10 vehicle, as well as utilize ride sharing services and  
11 public transportation. That's kind of what we have  
12 found from our operations within our communities that  
13 we currently have, which are in similar communities to  
14 Owensboro, as far as the population make ups.

15 CHAIRMAN: Lauren.

16 MS. STREHL: Can you share information about  
17 what the rent on these apartments to get an idea of  
18 what kind of income a person might have to be able to  
19 afford these apartments which is relative to their  
20 ability in afford one or two vehicles or any at all?

21 MR. DOUGHERTY: Our apartment development  
22 admission statement is to provide quality market rate  
23 apartments. So we build good looking -- we don't want  
24 to lump ourselves into luxury apartments that are  
25 outrageously priced. Our typical apartment is going

1 to lease a two-bedroom/two bathroom about 1,000  
2 square. It will have craft cabinetry, granite  
3 countertops, stainless steel appliances, modern  
4 finishes. You know, what a millennial tenant will  
5 look for. You know, as far as how that goes, you  
6 know, they're in the probably -- I don't want to  
7 speculate because we're looking at a development where  
8 --

9 MR. HOWARD: Sir, if I could interrupt you.  
10 Really just from a fair housing perspective, I think  
11 legally we prefer that you not tell us how much they  
12 rent for. It doesn't really matter how much the rent  
13 is, as far as who lives there and how they live there  
14 and that type of a thing. We certainly don't want to  
15 go through fair housing standards or requirements and  
16 how this board would make a decision. I would  
17 actually prefer that you not answer that.

18 MR. DOUGHERTY: Let me back door into a number  
19 that might help answer that question.

20 Industry standards from sound leasing  
21 practices state that the tenants rental expense should  
22 be in a ratio around 25 to 33 percent of their  
23 take-home pay, thereabout.

24 So we would be looking to target, using that  
25 ratio between a 55 to \$65,000 salary, give or take, in

1       there. That can give you an idea where you would be  
2       looking based on those ratio again.

3               From us as developers and operators, you know,  
4       we adhere to those. We do a good qualification of  
5       tenants because we don't want to get into a bad  
6       relationship where tents are over their head. We go  
7       through income verifications. Those are statistics  
8       that, you know, our existing complexes that we operate  
9       in similar communities already.

10              MS. MASON: I have another question.

11              So the ride share that you're talking about,  
12       have you done any sort of study or has there been a  
13       study done in the Owensboro area, as far as ride  
14       sharing? I'm just not sure that -- I know you're  
15       showing stuff from some of these Metropolitan areas,  
16       which I totally understand, you know, that that's  
17       where your study comes from. I just didn't know if  
18       there was any sort of study in ride sharing.

19              DR. DOUGHERTY: I tried to find research on  
20       that. You know, it's difficult. You know, Uber and  
21       ride sharing is a bit of, you know, from a  
22       municipality perspective it's sort of an ongoing, you  
23       know, thing in society that people are grappling with,  
24       you know, from all sort of avenues.

25              I wish I could find better data. I can tell

1 you from our management and leasing on site, we see  
2 people waiting for, you see Ubers waiting for people,  
3 people waiting for Ubers frequently within our  
4 communities. I mean daily.

5 MS. MASON: I was specifically thinking about  
6 the Owensboro area. I understand in the metropolitan  
7 area it's done quite a bit.

8 CHAIRMAN: Anyone else have questions or  
9 comments?

10 (NO RESPONSE)

11 CHAIRMAN: Mr. Howard?

12 MR. HOWARD: No.

13 CHAIRMAN: Anybody else have questions or  
14 comments?

15 (NO RESPONSE)

16 CHAIRMAN: Do you have anything else to add?

17 MR. DOUGHERTY: I just thank you for your  
18 consideration this evening.

19 CHAIRMAN: Thank you.

20 If we have no more conversation going on, I'll  
21 entertain a motion.

22 Mr. Gene.

23 MR. JEAN: I would like to make motion that we  
24 approve this variance with a reduction from 84 parking  
25 spaces to 9 spill-over parking spaces, and that's

1 based on the Staff Report, the site visit, and the  
2 testimony I've heard here this evening.

3 The finding of facts will be it will not  
4 adversely affect the public health, safety because the  
5 development will have enough level parking to support  
6 the development; it will not alter the essential  
7 character of the area because the reduction is  
8 consistent with other multi-family developments; it  
9 will not cause a nuisance to the public because the  
10 development will have enough spill-over parking to  
11 accommodate guests and deliveries; and it will not  
12 unreasonably circumvention of the zoning regulations  
13 because similar variances have been granted in the  
14 past.

15 MS. MASON: Will you repeat again what you  
16 said about how many spaces? I didn't catch that.

17 MR. JEAN: From 84 to 9. From 84 spill-over  
18 parking spaces to 9 spill-over parking spaces.

19 CHAIRMAN: Is that the figures?

20 MR. HOWARD: Those are his numbers.

21 CHAIRMAN: We have a motion. Do we have a  
22 second?

23 (NO RESPONSE)

24 CHAIRMAN: Hearing no second we'll have to  
25 move on to hopefully a new motion.

1 Mr. Glenn.

2 MR. GLENN: I'll make another motion. I've  
3 listened to everything here tonight. I understand  
4 what you're saying very well, but still I'm going to  
5 make a motion to deny the variance due to the Staff  
6 Report, due to the ordinances that we work by, and  
7 also that eliminating all this required spill-over  
8 parking it would be unprecedented. I would not want  
9 to try to set precedent without changing the ordinance  
10 that we're working by. It could create the  
11 opportunity for future developers to cite this new  
12 precedent, and these would alter the essential  
13 character of the vicinities as well as the future  
14 multi-family developments. That's my basic reasons  
15 for denying it, because I think unless we change our  
16 ordinance that is we can't just eliminate spill-over  
17 parking. I also would include in that motion the four  
18 findings of fact. That it could adversely affect the  
19 public health and safety because of installation such  
20 minimal parking creates an opportunity in which  
21 provide parking may not be adequate to support the  
22 development. It could alter the essential character  
23 of the general vicinity as well as multi-family  
24 development in general by setting a new precedence,  
25 which I mentioned before. Could cause a hazard or a

1 nuisance because the ordinance needs spill-over  
2 parking as a necessity to accommodate guests,  
3 deliveries and households with more than two drivers.  
4 It also will allow an unreasonable circumvention of  
5 the requirements of the zoning regulations that we  
6 have now because the site is duly created, undeveloped  
7 and doesn't have any large obstacles that would  
8 prevent the development of the property from  
9 compliance with the zoning regulations.

10 CHAIRMAN: We have a motion by Mr. Glenn. Do  
11 we have a second?

12 MS. KNIGHT: Before we go further on the  
13 motion -- I'll wait until we have a second.

14 CHAIRMAN: Do we have a second on this motion?

15 MS. MASON: I'll second it.

16 MS. KNIGHT: Before we move on with the  
17 motion, I want to check with the applicant if they  
18 want to amend those numbers at this time or take any  
19 different --

20 MR. DOUGHERTY: Say that again.

21 MS. KNIGHT: I didn't know if you guys wanted  
22 to amend your application or change those numbers or  
23 make any other suggestions at this time that the board  
24 can consider?

25 MR. DOUGHERTY: The way I would take that is

1 saying amend to the 10 percent spill-over, correct?

2 MS. KNIGHT: Yes. I didn't want this board to  
3 take a vote and deny your variance without giving you  
4 an opportunity to -- a motion to eliminate all but 9  
5 failed. A motion was made to deny. I don't want you  
6 to get a full denial and then you decide that you're  
7 okay with doing 10 percent and then have to refile a  
8 new variance and come back before the Board. If it's  
9 something you may be agreeable to, feel free to talk  
10 about it. If you come up with something different,  
11 you know, I just don't want you to spend time and  
12 money coming back since you did get a second on the  
13 one to fail and not on the one to eliminate.

14 MR. DOUGHERTY: I appreciate that. Give me a  
15 minute to discuss this.

16 MR. HOWARD: Sure.

17 MR. DOUGHERTY: To summarize here, that would  
18 mean we would have the requirement of 319 spaces and a  
19 10 percent spill-over of 32 spaces which would make  
20 351 total. With the 10 percent off the 319, correct?

21 MR. HOWARD: Yes.

22 MR. DOUGHERTY: Yes, we would be willing,  
23 after consulting here we would be willing to 10  
24 percent, yes.

25 MR. HOWARD: Since a motion was made and a

1 second, that motion would need to be voted on and  
2 denied and then a new motion to -- if it's the  
3 pleasure of the Board. Then the new motion would be  
4 to approve with findings of fact at whatever their  
5 based parking requirement is plus the ten percent.

6 MS. MASON: If I withdraw my second, could he  
7 amend it if he chose to?

8 MS. KNIGHT: Let's just do the deny and start  
9 over.

10 CHAIRMAN: We've got a motion by Mr. Glenn and  
11 a second by Ms. Mason to deny. All in favor of the  
12 motion to deny raise your right hand.

13 (BOARD MEMBERS BILL GLENN AND RUTH ANN MASON  
14 REPLIED AYE - WITH TORI THOMPSON RECUSING HERSELF.)

15 CHAIRMAN: The motion fails.

16 We need a new motion.

17 MR. GLENN: I'm willing to make a motion to  
18 vote in favor of this variance based on the  
19 information that we just received from the applicant,  
20 that they are going to be able to provide 10 percent  
21 anyway spill-over parking as everything else is  
22 written here and according to those four findings that  
23 we have already mentioned.

24 MS. KNIGHT: You may add something to speak  
25 to, I think the concerns was the local requirements,

1 precedence and allowed somewhere in the neighborhood  
2 of 10 percent.

3 MR. GLENN: Due to the fact that in the past  
4 we have allowed at least four that we know of to get a  
5 variance on the spill-over parking of approximately 10  
6 percent.

7 MS. KNIGHT: Does everybody understand?

8 MR. DOUGHERTY: Yes.

9 MR. HOWARD: So the parking requirement would  
10 be, the base parking requirement and spill-over  
11 parking would be 10 percent of the based parking  
12 requirement. Okay.

13 MR. GLENN: Yes.

14 MR. HOWARD: Which in this instance your  
15 numbers could change, but the 10 percent would still  
16 apply. The number of units could change, but 10  
17 percent would still apply. In this instance it was  
18 32, but if you go up or down based on if you require  
19 more land or whatever, you'd still have the 10 percent  
20 rule. Everybody understand?

21 MR. DOUGHERTY: Yes.

22 MR. GLENN: Yes.

23 CHAIRMAN: Do we have a second?

24 MS. MASON: Second.

25 CHAIRMAN: Any question on the motion?

1           MR. JEAN: Is the 10 percent on everything or  
2 just the spill-over?

3           MR. HOWARD: The 10 percent is based on the  
4 total required parking based on the zoning ordinance.

5           CHAIRMAN: Any other questions on the motion?

6           MR. DOUGHERTY: I do need a clarification.

7           CHAIRMAN: Sure.

8           MR. DOUGHERTY: So the 10 percent does not  
9 include, the 10 percent would be on the baseline  
10 calculation?

11          MR. HOWARD: Correct.

12          MR. DOUGHERTY: Not on the base line plus 10  
13 percent?

14          MR. HOWARD: Correct. If the zoning ordinance  
15 requires, as you laid out, two per two-bedroom unit,  
16 one and a half per one-bedroom unit based on the  
17 number, the split of your unit, you know, within the  
18 development, whatever that number is plus 10 percent,  
19 and then that's your spill-over.

20          MR. DOUGHERTY: Okay. Thank you.

21          CHAIRMAN: We have a motion and a second. Any  
22 questions?

23          (NO RESPONSE)

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE -  
2 WITH TORI THOMPSON RECUSING HERSELF.)

3 CHAIRMAN: Motion carries.

4 Next item.

5 MR. HOWARD: The next item is an  
6 Administrative Appeal at 1411 East Fourth Street. The  
7 applicant has requested that item be postponed. You  
8 will need to take action to officially postpone that  
9 until the next regularly scheduled meeting.

10 CHAIRMAN: I need a motion to postpone.

11 MS. MASON: Motion to postpone.

12 CHAIRMAN: I need a second.

13 MS. THOMPSON: Second.

14 CHAIRMAN: Any question on the motion?

15 (NO RESPONSE)

16 CHAIRMAN: All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 We need one final motion.

20 MR. GLENN: Motion to adjourn.

21 CHAIRMAN: Motion to adjourn by Mr. Glenn.

22 MS. MASON: Second.

23 CHAIRMAN: Second by Ruth Ann. All in favor  
24 of the motion raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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CHAIRMAN: We are adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and  
4 for the State of Kentucky at Large, do hereby certify  
5 that the foregoing Owensboro Metropolitan Board of  
6 Adjustment meeting was held at the time and place as  
7 stated in the caption to the foregoing proceedings;  
8 that each person commenting on issues under discussion  
9 were duly sworn before testifying; that the Board  
10 members present were as stated in the caption; that  
11 said proceedings were taken by me in stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into foregoing 47  
14 typewritten pages; and that no signature was requested  
15 to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 28th day of February, 2023.

18

19

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22

23 COMMISSION EXPIRES: DECEMBER 16, 2026

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25