

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 OCTOBER 6, 2016

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 October 6, 2016, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

8 MEMBERS PRESENT: Fred Reeves, Chairman  
9 Larry Boswell, Vice Chairman  
10 Steve Frey, Secretary  
11 Brian Howard, Director  
12 Terra Knight, Attorney  
13 Lewis Jean  
14 Beverly McEnroe  
15 Angela Hardaway

16 \* \* \* \* \*

17 CHAIRMAN: First thing we will do this evening  
18 is have the prayer and pledge to flag. If you will  
19 join me, please.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: Commissioners, all of you should  
22 have received a copy of the minutes in your packet.  
23 Are there any additions or corrections to the minutes?

24 (NO RESPONSE)

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

MR. FREY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Frey.

1 Do we have a second?

2 MS. HARDAWAY: Second.

3 CHAIRMAN: Ms. Hardaway has a second.

4 Questions or concerns about the motion?

5 (NO RESPONSE)

6 CHAIRMAN: All in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: One thing, let me remind all of the  
9 commissioners when you make comments, please get close  
10 to the mike so our record can get your comments and  
11 also the comments get it on the TV.

12 When you come to the podium, if you do, this  
13 evening, remind you to use the mike because we are on  
14 TV and everything is being taken by transcript word  
15 for word. So I ask you to please do that.

16 Mr. Howard, I think we have a presentation to  
17 start the evening.

18 ITEM 3

19 Presentation of Fiscal Year 1016 Audit by Jared  
20 Lindsey, CPA

21 MR. LINDSEY: Jared Lindsey, Owensboro,  
22 Kentucky.

23 Like Brian said, I'm here to present the 2016  
24 Audit package for the Planning Commission for the year  
25 ending June 30, 2016.

1           Your audit package includes three items. You  
2     have a letter to the board; the report on the audited  
3     financial statements, and also a report on the  
4     internal control over financial reporting and  
5     compliance.

6           The first item is a letter to the board. This  
7     should be stapled separately from the bound copy that  
8     you have. Basically we are required to report to you  
9     any kind of significant audit findings during the  
10    course of the audit. Those would be if the  
11    commission, if they had any changes in the accounting  
12    practices, if we had any kind of difficulty during the  
13    audit, any kind of misstatements, any kind of  
14    disagreements with management, and then any kind of  
15    other items that we would need to communicate to you.

16          The letters that you have communicates that we  
17    didn't have any significant audit findings to report.  
18    There were no changes in the accounting practices.  
19    There were no difficulties or misstatements that we  
20    identified. We did not have any disagreements with  
21    management. So that is the first item in the audit  
22    package.

23          The second item is a report on the financial  
24    statements. That is Page 8 and 9 in the bound copy of  
25    the audit. This report communicates that as a result

1 of our audit we have issued an opinion on the  
2 financial statements. We have issued an unmodified  
3 opinion, which is a clean opinion. We believe that  
4 the financial statements present fairly. The  
5 financial position and the activities of the  
6 commission as year ending June 30, 2016.

7 The third item in the audit package is the  
8 report on internal control over financial reporting  
9 and on compliance. This is in the bound copy. This  
10 is Pages 36 and 37, so it's in the very back of the  
11 bound copy.

12 We are required to report to you any kind of  
13 deficiencies or weakness in internal controls or the  
14 commission processes. We are also required to report  
15 to you any kind of noncompliance issues that we come  
16 across. This report that you have in front of you  
17 reports that we did not identify any kind of weakness  
18 in internal control or any kind of noncompliance.

19 Then before I conclude I just want to make a  
20 general comment on the financial health of the  
21 commission. If you turn to Page 12 in the bound copy  
22 of the audit, you can see that the commission has a  
23 very healthy balance sheet with assets exceeding the  
24 liability by 856,000. So that's a strong indicator of  
25 a financial healthy organization. Also, another good

1 sign of financial health that the commission has  
2 almost 10 months of expenses in cash reserve, which is  
3 outstanding. Usually the general rule of thumb is 3  
4 months or 90 days. So overall the commission appears  
5 to be in perfect financial help.

6 That pretty much summaries the audit package.  
7 We would like to thank Brian and the Staff for making  
8 the audit process as smooth as possible. We  
9 appreciate the opportunity to provide our service to  
10 you guys.

11 Does anybody have any questions of the audit  
12 package or anything for me?

13 CHAIRMAN: Any commissioners have any  
14 questions regarding the audit?

15 (NO RESPONSE)

16 CHAIRMAN: Evidently not.

17 MR. LINDSEY: Thank you.

18 CHAIRMAN: I'd just like to say, particularly  
19 for the TV audience that watches us. I think the  
20 financial stability of this organization is to be  
21 credited to Brian as our leader and to other staff.  
22 We do a lot more with less staff probably than any  
23 Planning Commission in the state. We appreciate that  
24 very much. I think it's great that the community's  
25 money is managed as well, Brian. I congratulate you

1 and the Staff, and thank you for your report.

2 Do we need to accept this by a motion or  
3 anything, Mr. Howard?

4 MR. HOWARD: No, I don't think we typically  
5 do.

6 CHAIRMAN: Then we're ready for Item 4.

7 MR. HOWARD: Next it the Zoning Changes, and  
8 I will note that the zoning changes heard tonight will  
9 become final 21 days after the meeting, unless an  
10 appeal is filed. If an appeal is filed, we will  
11 forward the record of this meeting along with all  
12 applicable materials to the appropriate legislative  
13 body for them to take final action.

14 -----

15 GENERAL BUSINESS

16 Zoning Changes

17 ITEM 4

18 3509 Fairview Drive, 3.496 acres  
19 Consider zoning change: From R-1A Single-Family  
20 Residential to R-1C Single-Family Residential  
Applicant: JED Rentals, LLC; William F. & Clara  
Lyninger

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

23 MR. HILL: Mike Hill.

24 (MIKE HILL SWORN BY ATTORNEY.)

25 PLANNING STAFF RECOMMENDATIONS

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

3     FINDINGS OF FACT:

4           1.   Staff recommends approval because the  
5     proposal is in compliance with the community's adopted  
6     Comprehensive Plan;

7           2.   The subject property is located in a  
8     Business Plan Area where urban low-density residential  
9     uses are appropriate in very limited locations;

10          3.   The proposed use as urban low-density  
11     residential conforms to the criteria for urban  
12     residential development;

13          4.   The proposal is a logical expansion of  
14     existing R-1C Single-Family Residential zoning to the  
15     north and east; and,

16          5.   Sanitary sewer service is available to the  
17     subject property through a proposed sewer expansion  
18     from nearby Stirrup Loop in The Downs subdivision  
19     across Fairview Drive.

20          Staff request that the Staff Report be entered  
21     into the record as Exhibit A.

22          CHAIRMAN:   Is there anyone here representing  
23     the applicant?

24          APPLICANT REP:   Yes.

25          CHAIRMAN:   Would you like to make any

1       comments, sir?

2               APPLICANT REP:  No.

3               CHAIRMAN:  Commissioners, any of you have any  
4       questions of the applicant?

5               (NO RESPONSE)

6               CHAIRMAN:  Anyone in the audience have any  
7       questions of the applicant or the commission regarding  
8       this application?

9               (NO RESPONSE)

10              CHAIRMAN:  If not, then the Chair will  
11       entertain a motion.

12              MR. JEAN:  Mr. Chairman, I'd like to make a  
13       motion that we approve this request based on the Staff  
14       Report and the Findings of Fact.

15              CHAIRMAN:  We have a motion by Mr. Jean.  Do  
16       we have a second?

17              MS. McENROE:  Second.

18              CHAIRMAN:  Second by Ms. McEnroe.  Questions  
19       or concerns about the motion?

20              (NO RESPONSE)

21              CHAIRMAN:  All in favor raise your right hand.

22              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23              CHAIRMAN:  The motion is approved unanimously.

24       ITEM 5

25       A Portion of 6045 Highway 54, 2.174 acres  
      Consider zoning change:  From I-1 Light Industrial to



1 P-1 Professional/Service  
Applicant: Bluegrass Truck, Trailer & Equipment, LLC;  
2 Carl Joseph & Linda T. Boarman

3 PLANNING STAFF RECOMMENDATION

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

6 CONDITION:

7 1. Approval of a minor subdivision plat  
8 dividing the P-1 zoned portion of the parcel from the  
9 remaining I-1 and B-4 zoned portions. The shared  
10 access easement shall also be shown on the minor  
11 subdivision plat.

12 2. Approval of an amended final development  
13 plan to demonstrate compliance with zoning ordinance  
14 requirements including, but not limited to, parking,  
15 landscaping, building setbacks, access management,  
16 signage and shall also include the shared access  
17 easement.

18 3. Access to the subject property from  
19 Highway 54 shall be through the existing Daviess  
20 County Lions Club Fairground access point. The  
21 applicant must demonstrate that permission has been  
22 granted by the Daviess County Lions Club to share  
23 their access to Highway 54. No additional access to  
24 Highway 54 shall be granted directly to the subject  
25 property. KYTC shall determine whether improvements

1 to the existing County Fairground entrance to Highway  
2 54 will be required and said improvements, if any,  
3 must be shown on the amended final development plan.

4 FINDINGS OF FACT:

5 1. Staff recommends approval because the  
6 proposal is in compliance with the community's adopted  
7 Comprehensive Plan;

8 2. The subject property is located in a Rural  
9 Community Plan Area where professional/service uses  
10 are appropriate in limited locations;

11 3. The proposed use as medical office  
12 conforms to the criteria for non-residential  
13 development;

14 4. The proposed P-1 Professional/Service  
15 zoning is a logical expansion of B-4 General Business  
16 zoning to the south across Highway 54;

17 5. The proposed logical expansion across an  
18 intervening street is greater than one acre in size;

19 6. At 2.174 acres, the proposal would not  
20 overburden the capacity of roadways and other  
21 necessary urban services that are available in the  
22 affected area; and

23 7. The proposal also meets the criteria for a  
24 new location of professional/service zoning because  
25 Highway 54 is classified as a principal arterial and

1       this property is considered major-street-oriented.

2               Staff request that this report be entered into  
3       the record as Exhibit B.

4               CHAIRMAN:   Anyone here representing the  
5       applicants?

6               MR. ARNOLD:   Yes.

7               CHAIRMAN:   Any comments you would like to  
8       make?

9               MR. ARNOLD:   Not at this time, sir.

10              CHAIRMAN:   You might want to come to podium.  
11       I have one question for you, if you don't mind.

12              MS. KNIGHT:   State your name for the record.

13              MR. ARNOLD:   My name is Mike Arnold.

14              (MIKE ARNOLD SWORN BY ATTORNEY.)

15              CHAIRMAN:   Have you had communications with  
16       the Daviess County Lions Club to use that road?

17              MR. ARNOLD:   I have not, but the owner has.  
18       They have stated that they would give permission and  
19       do whatever needed to be done in order to see this  
20       project go forward.

21              CHAIRMAN:   And the owner is?

22              MR. ARNOLD:   The Lions Club.

23              CHAIRMAN:   Does the Lions Club own the  
24       property?

25              MR. ARNOLD:   They do.   The property owner of

1 the property being considered here spoke to the Lions  
2 Club at their last meeting. They said that they would  
3 do what they needed to do, provide you with the  
4 permissions and so forth required to see the project  
5 go forward.

6 CHAIRMAN: Any other commissions have any  
7 questions?

8 Mr. Boswell.

9 MR. BOSWELL: As pertaining to the  
10 Commissioner's question, is that permission going to  
11 be in a written form?

12 MR. ARNOLD: Yes, sir.

13 MR. BOSWELL: Thank you.

14 CHAIRMAN: Any other questions?

15 (NO RESPONSE)

16 CHAIRMAN: Any questions from the audience?

17 (NO RESPONSE)

18 MR. ARNOLD: Sir, one thing I would add. It  
19 will also be a part of the development plan, to sign  
20 off on that.

21 CHAIRMAN: Okay. Any other questions?

22 (NO RESPONSE)

23 CHAIRMAN: If not, then the Chair will  
24 entertain a motion.

25 MR. BOSWELL: Mr. Chairman, I move for

1 approval based on the Planning Staff Recommendations  
2 with Conditions 1 through 3 and the Findings of Facts  
3 1 through 7.

4 CHAIRMAN: We have a motion by Mr. Boswell.  
5 Do we have a second?

6 MR. FREY: Second.

7 CHAIRMAN: Second by Mr. Frey. Any questions  
8 or concerns about the motion?

9 (NO RESPONSE)

10 CHAIRMAN: All in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: The application is approved  
13 unanimously.

14 Minor Subdivision Plats

15 ITEM 6

16 614 & 620 Highway 1554, 2.085 acres  
17 Consider approval of a minor subdivision plat  
18 Applicant: Ernie Sampson

19 MR. HOWARD: Planning Commissioners, this plat  
20 comes before you as an exception to the three to one  
21 requirement of the subdivision regulations. It's  
22 deeper than three times the width of the lot. They're  
23 doing this to create a boundary around some existing  
24 structures on the property, I believe. They have  
25 added a note on there that states that not only will  
the subject property, but the parent tract will not be

1 further subdivided in any way that won't meet the  
2 requirements of the subdivision regulations. So with  
3 that we would recommend that you consider it for  
4 approval.

5 CHAIRMAN: Anyone here representing the  
6 applicant?

7 APPLICANT REP: Yes.

8 CHAIRMAN: Any questions?

9 APPLICANT REP: No.

10 CHAIRMAN: Any commissioners have any  
11 questions about this application?

12 (NO RESPONSE)

13 CHAIRMAN: If not, the Chair will entertain a  
14 motion.

15 MR. FREY: Make a motion to approve.

16 CHAIRMAN: Motion by Mr. Frey.

17 MR. JEAN: Second.

18 CHAIRMAN: Second by Mr. Jean. Questions or  
19 concerns about the motion?

20 (NO RESPONSE)

21 CHAIRMAN: All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: The motion is approved unanimously.

24 ITEM 7

25 10721 & 10761 Campground Road, 7.439 acres  
Consider approval of a minor subdivision plat

1       Applicant: Ryan Coffman & Daren Kinsey

2               MR. HOWARD: This plat comes before you as  
3       well as an exception to the three to one requirement.  
4       There is an existing small parcel at the 10721 address  
5       at this point. They're dividing off about seven acres  
6       off the back portion and consolidating it with the  
7       smaller lot. When you do that, you create a lot  
8       that's out of whack, as far as the three to one  
9       requirement goes. They also added the note about the  
10      no further subdivision of the property without meeting  
11      the requirements. So we really had two lots and now  
12      we still have two lots, but one is just deeper than  
13      the requirements would allowed, which I can't sign.

14              With that note on there we would recommend  
15      that you consider it for approval.

16              CHAIRMAN: Anyone representing the applicant?

17              (NO RESPONSE)

18              CHAIRMAN: Does anybody have any questions of  
19      the Staff on this?

20              (NO RESPONSE)

21              CHAIRMAN: If not, the Chair will entertain a  
22      motion.

23              MR. JEAN: Motion to approve.

24              CHAIRMAN: Motion to approve by Mr. Jean. Do  
25      we have a second?

1 MS. McENROE: Second.

2 CHAIRMAN: Second by Ms. McEnroe. Questions  
3 or concerns about the motion?

4 (NO RESPONSE)

5 CHAIRMAN: All in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: The application is approved  
8 unanimously.

9 -----

10 NEW BUSINESS

11 ITEM 8

12 Consider approval of August 2016 financial statements

13 CHAIRMAN: All of you should have received a  
14 copy of the financial statement ending August 3, 2016.  
15 Does anybody have any questions or concerns that might  
16 be in the financial statement?

17 (NO RESPONSE)

18 CHAIRMAN: If not, the Chair will entertain a  
19 motion to approve.

20 MS. McENROE: Move that we approve.

21 CHAIRMAN: Motion by Ms. McEnroe.

22 MR. BOSWELL: Second.

23 CHAIRMAN: Second by Mr. Boswell. All in  
24 favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)



1                   CHAIRMAN: Motion is approved.

2       ITEM 9

3       Comments by the Chairman

4                   CHAIRMAN: The Chairman has no comments this

5       evening.

6       ITEM 10

7       Comments by the Planning Commissioners

8                   CHAIRMAN: Any Planning Commissioners have any

9       comments?

10                  (NO RESPONSE)

11       ITEM 11

12       Comments by the Director

13                  CHAIRMAN: Director have any comments?

14                  MR. HOWARD: No, sir.

15                  CHAIRMAN: I will entertain that very

16       important last.

17                  MS. HARDAWAY: Motion to adjourn.

18                  CHAIRMAN: Motion to adjourn by Ms. Hardaway.

19       Do we have a second?

20                  MR. FREY: Second.

21                  CHAIRMAN: Second by Mr. Frey. All in favor

22       raise your right hand.

23                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24                  CHAIRMAN: We are adjourned.

25       -----

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 Planning  
6       Commission 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 the  
14      foregoing 17 typewritten pages; and that no signature  
15      was requested to the foregoing transcript.

16              WITNESS my hand and notary seal on this the  
17      6th day of NOVEMBER, 2016.

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

23      COMMISSION EXPIRES: DECEMBER 16, 2018

24      COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25