

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MARCH 9, 2017

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday, March  
5 9, 2017, at City Hall, Commission Chambers, Owensboro,  
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: Larry Boswell, Chairman  
8 Larry Moore, Secretary  
9 Brian Howard, Director  
10 Terra Knight, Attorney  
11 Beverly McEnroe  
12 Manuel Ball  
13 Fred Reeves  
14 John Kazlauskas  
15 Lewis Jean  
16 Angela Hardaway

17 \* \* \* \* \*

18 CHAIRMAN: I would like to call the March 9,  
19 2017 Planning Commission meeting to order. We always  
20 start our meeting with a prayer and the pledge.  
21 Ms. Angela Hardaway has that tonight, I think.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: I would like to welcome everyone  
24 tonight to our meeting.

25 Before we get started, I would like just to  
make a couple of statements. We would like to, as a  
commission, extend our condolences and sympathies to  
our Co-Chair Steve Frey and his wife Trisha. Her  
father passed away a couple of days ago and they had

1 the funeral today. So we extend our sympathies and  
2 condolences for them.

3 Also, I understand that Commissioner Ball's  
4 grandmother has passed away. Would like to extend all  
5 of our condolences and sympathies to he and his family  
6 as well.

7 Just a couple of sort of house cleaning  
8 things. Anyone who wishes to speak tonight we would  
9 ask that you come forward and speak at the podium and  
10 present us with your name and information that you  
11 wish to present to us. If there's anyone in the  
12 audience that would like to speak, we would ask them  
13 to come forward as well. We would ask also that no  
14 questions be asked from the audience. We would prefer  
15 that you come to the podium because it's very  
16 important that we hear all of the comments and any  
17 information that's presented to us so that we are able  
18 to make good factual decisions based on everything we  
19 hear.

20 The minutes I think were presented to  
21 everyone. Are there any questions or discussion  
22 concerning the minutes from the last meeting?

23 (NO RESPONSE)

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

1 MR. REEVES: Motion to approve.

2 MR. MOORE: Second.

3 CHAIRMAN: Motion to approve and a second by  
4 Mr. Moore. All those in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: The motion has been approved.

7 Mr. Howard.

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

14 -----

15 GENERAL BUSINESS

16 ZONING CHANGES

17 ITEM 3

18 2819 South Hampton Road, 48.952 acres  
19 Consider zoning change: From A-R Rural Agriculture  
20 and R-1A Single-Family Residential to A-R Rural  
Agriculture  
Applicant: Charles Dawson

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

23 MS. EVANS: Melissa Evans.

24 (MELISSA EVANS SWORN BY ATTORNEY.)

25 PLANNING STAFF RECOMMENDATIONS

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

3           CONDITION

4           Contact the County Engineer's office prior to  
5           the construction of any access points.

6           FINDINGS OF FACT

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

10          2. The subject property is located in a Rural  
11          Preference Plan Area, where rural large-lot  
12          residential uses are appropriate in general locations  
13          and rural small-lot residential uses are appropriate  
14          in very limited locations;

15          3. The subject property has frontage on a  
16          public road, South Hampton Road;

17          4. At only a 3 acre expansion of the existing  
18          A-R zone, the expansion is not a significant increase  
19          of the zone in the vicinity and it should not  
20          overburden the capacity of roadways and other  
21          necessary urban services available in the affected  
22          area; and,

23          5. At 48.952 acres the tract is large enough  
24          to ensure satisfactory operation of a conventional  
25          septic system.

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

3 CHAIRMAN: Thank you, Melissa.

4 Is there anyone here representing the  
5 applicant that wish to speak?

6 Please come forward.

7 MR. TAYLOR: Septtimous Taylor for the  
8 property owner, Charles Dawson is here.

9 MS. KNIGHT: Mr. Taylor, you're sworn as an  
10 attorney.

11 MR. TAYLOR: We are in agreement with the  
12 recommendation of the committee. We think it is the  
13 best use for this property to be rezoned to  
14 agriculture. We would ask that the recommendation be  
15 accepted.

16 CHAIRMAN: Thank you.

17 Do any commissioners have any questions for  
18 the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Is there anyone else in the  
21 audience that would like to speak on the application?

22 (NO RESPONSE)

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

25 Mr. Ball.

1           MR. BALL: Motion to approve based on Staff's  
2 Recommendation, Condition Number 1 and Findings of  
3 Fact 1 through 5.

4           CHAIRMAN: Motion by Mr. Ball.

5           MR. JEAN: Second.

6           CHAIRMAN: Second by Mr. Jean. Any discussion  
7 about the motion or the second?

8           (NO RESPONSE)

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

11           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12           CHAIRMAN: Motion carries.

13       ITEM 4

14       2430, 2434 Highway 144, 3.839 acres  
15       Consider zoning change: From B-4 General Business and  
16       R-1A Single-Family Residential to B-4 General Business  
17       Applicant: Rossboro Land Co., LLC; Brilo, LLC

18       PLANNING STAFF RECOMMENDATIONS

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

21       FINDINGS OF FACT

22           1. Staff recommends approval because the  
23 proposal is in compliance with the community's adopted  
24 Comprehensive Plan;

25           2. The subject property is partially located  
in a Business Plan Area, where general business uses

1       are appropriate in limited locations and partially  
2       located in an urban residential plan area where  
3       general business uses are appropriated in very limited  
4       locations;

5               3.   The subject properties are nonresidential  
6       in nature; and,

7               4.   At approximately a 2.17 acre expansion of  
8       the existing B-4 General Business zone the expansion  
9       is not a significant increase of the extent of the  
10      zone in the vicinity and should not overburden the  
11      capacity of roadways and other necessary urban  
12      services that are available in the affected area,  
13      given the uses have existed for some time.

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

16              CHAIRMAN:   Thank you, Melissa.

17              Is there anyone here representing the  
18      applicant?

19              MR. RINEY:   Yes.

20              CHAIRMAN:   Mr. Riney, would you like to say  
21      anything?

22              MR. RINEY:   No.

23              CHAIRMAN:   Thank you.

24              Do the commissioners have any questions for  
25      the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Anyone else in the audience that  
3 would like to speak about the application?

4 (NO RESPONSE)

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

7 Mr. Moore.

8 MR. MOORE: Thank you, Mr. Chairman.

9 I recommend approval based on Staff  
10 Recommendation and Findings of Fact 1 through 4.

11 CHAIRMAN: Do we have a second?

12 MS. HARDAWAY: Second.

13 CHAIRMAN: Second by Ms. Hardaway. Any  
14 discussion about the motion and the second?

15 (NO RESPONSE)

16 CHAIRMAN: There being none the Chair is ready  
17 for a vote. All those in favor for approval of the  
18 application raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: The motion carries.

21 MINOR SUBDIVISION PLATS

22 ITEM 5

23 3355-3375 Block Hayden Road, 10.191 acres  
24 Consider approval of a minor subdivision plat.  
Applicant: Irene Settles Estate

25 MR. HOWARD: Mr. Chairman and Commissioners,



1     this plat comes before you as an exception. They're  
2     creating a parcel by this plat that does not have road  
3     frontage, and that's why we could not sign it at Staff  
4     level.

5             It's currently zoned agricultural. I know  
6     their surveyor is here tonight, Mr. Weikel, and he may  
7     wish to address some of this or correct me if I'm  
8     wrong.

9             Basically what's happening here is this  
10    property will eventually become part of the Gateway  
11    Development that is taking place out on Highway 54 and  
12    Hayden Road. So they're doing the division so that it  
13    could in the future be consolidated with that Gateway  
14    property, but they need to go ahead and do that now.

15            There's a couple of things that will have to  
16    be done before it can be consolidated. One is it will  
17    need to be rezoned; and then, two, it will need to be  
18    annexed because this property is currently in the  
19    county and the rest is in the city. We can't approve  
20    a plat for consolidation until that takes place.

21            They have put a note on the plat with the  
22    understanding that this is a non-buildable lot and it  
23    is subject to future plats and all that stuff.

24            Since that's what's happening here it's really  
25    for a property transfer issue. We would recommend

1       that you consider it for approval since it's not for  
2       development purposes at this point until further steps  
3       are taken in the future.

4               CHAIRMAN: Thank you, Mr. Howard.

5               Is there anyone here representing the  
6       applicant?

7               MR. WEIKEL: Yes.

8               CHAIRMAN: Would you like to speak on his  
9       behalf?

10              MR. WEIKEL: Not unless you all have any  
11       questions.

12              CHAIRMAN: Thank you.

13              Do any of the commissioners have any questions  
14       associated with this plat?

15              (NO RESPONSE)

16              CHAIRMAN: Anyone in the audience?

17              (NO RESPONSE)

18              CHAIRMAN: Then the Chair is ready for a  
19       motion.

20              Mr. Kazlauskas.

21              MR. KAZLAUSKAS: Motion for approval.

22              MS. McENROE: Second.

23              CHAIRMAN: Motion for approval has been  
24       rendered, and a second by Ms. McEnroe. All those in  
25       favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

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4 NEW BUSINESS

5 ITEM 9

6 Consider approval of January 2017 financial statements

7 CHAIRMAN: Everyone was presented with the  
8 financial statements. Everyone has had a chance to go  
9 through those. Are there any questions, discussion,  
10 changes?

11 (NO RESPONSE)

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

14 MR. MOORE: Motion to approve.

15 CHAIRMAN: Motion to approve by Mr. Moore. Is  
16 there a second?

17 MR. REEVES: Second.

18 CHAIRMAN: Second by Mr. Reeves. All those in  
19 favor raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 ITEM 10

23 Comments by the Chairman

24 CHAIRMAN: The Chair has really no comments  
25 tonight.

1       ITEM 11

2       Comments by the Planning Commissioners

3               CHAIRMAN: Any of the commissioners have any  
4       comments or suggestions or anything to discuss?

5               (NO RESPONSE)

6       ITEM 12

7       Comments by the Director

8               CHAIRMAN: Any comments by the director?

9               MR. HOWARD: The only thing I'll note is that  
10       next month, due to the Spring Break issue, that we do  
11       have a double meeting with both the Board of  
12       Adjustments and Planning Commission on the same night.  
13       We'll have to do that next month. Just putting  
14       everyone on notice.

15              CHAIRMAN: Thank you, Mr. Howard.

16              I guess the most important motion is a motion  
17       for adjournment.

18              MR. BALL: Motion to adjourn.

19              CHAIRMAN: Motion to adjourn by Mr. Ball.

20              MR. JEAN: Second.

21              CHAIRMAN: Second by Mr. Jean. All those in  
22       favor of the adjournment 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 12 typewritten pages; and that no signature  
15    was requested to the foregoing transcript.

16            WITNESS my hand and notary seal on this the  
17    22nd day of March, 2017.

18

19

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

22

23    COMMISSION EXPIRES:   DECEMBER 16, 2018

24    COUNTY OF RESIDENCE:   DAVIESS COUNTY, KENTUCKY

25