

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 2, 2019

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, May
5 2, 2019, at City Hall, Commission Chambers, Owensboro,
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: Larry Moore, Chairman
Lewis Jean, Vice Chairman
8 Brian Howard, Director
Terra Knight, Attorney
9 Irvin Rogers
Beverly McEnroe
10 Manuel Ball
Fred Reeves
11 Angela Hardaway
Larry Boswell
12 Jay Velotta

13 * * * * *

14 CHAIRMAN: I would like to call the May 2,
15 2019 meeting of the Owensboro Planning Commission to
16 order. We usually start our meetings with a prayer
17 and a pledge. That honor this month goes to
18 Commissioner Jean.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: Thank you, Lewis.

21 I'll explain a few guidelines to everyone in
22 order to have a nice, smooth meeting. We ask these
23 guidelines to be followed.

24 First of all, if you are going to speak on any
25 issue before this Commission, please come to one of

1 the podiums, state your name and be sworn in by our
2 attorney.

3 We ask you direct all your questions to the
4 Chair. We will in turn try to find those answers for
5 you.

6 We ask you to stay on topic. Most important
7 we ask you be respectful and courteous in your
8 remarks. If we do that, we will have a nice, smooth
9 meeting.

10 First of all, I think all of the commissioners
11 have received the minutes of the last meeting. Anyone
12 have any questions, changes, concerns about those
13 minutes?

14 (NO RESPONSE)

15 CHAIRMAN: Seeing none the Chair is ready for
16 a motion.

17 Commissioner Boswell.

18 MR. BOSWELL: Make a motion for approval of
19 the minutes from the last meeting.

20 CHAIRMAN: Motion for approval. Do we have a
21 second?

22 MS. McENROE: Second.

23 CHAIRMAN: Second by Ms. McEnroe. We have a
24 motion and a second. Any questions about the motion?

25 (NO RESPONSE)

1 CHAIRMAN: Seeing none all in favor indicate
2 by raising your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 Mr. Howard.

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

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14 GENERAL BUSINESS

15 ZONING CHANGES

16 ITEM 3

17 6500 Aull Road, 60.202 acres
18 Consider zoning change: From EX-1 Coal Mining to A-R
19 Rural Agriculture
Applicant: Isaac Carmon

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

22 MR. PEDLEY: Trey Pedley.

23 (TREY PEDLEY SWORN BY ATTORNEY.)

24 PLANNING STAFF RECOMMENDATIONS

25 The Planning Staff recommends approval subject

1 to the findings of fact that follow:

2 FINDINGS OF FACT

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

6 2. The subject property is located in a Rural
7 Maintenance Plan Area, where rural large-lot
8 residential uses are appropriate in limited locations;

9 3. The subject property is a large tract at
10 60.202 acres;

11 4. The subject property has access to Aull
12 Road with no new roads proposed;

13 5. Strip-mining activity on the property has
14 ceased; and,

15 6. The Owensboro Metropolitan Zoning
16 Ordinance Article 12a.31 requires that the property
17 shall revert to its original zoning classification
18 after mining.

19 MR. PEDLEY: We would like to enter the Staff
20 Report into the record as Exhibit A.

21 CHAIRMAN: Thank you.

22 Anyone in the audience representing the
23 applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Anybody in the audience have any

1 questions concerning the application?

2 (NO RESPONSE)

3 CHAIRMAN: Any commissioners have any
4 questions?

5 Commissioner Boswell.

6 MR. BOSWELL: Thank you, Mr. Chairman. This
7 is maybe more of an educational question, and maybe
8 it's been answered before. I know we have at times a
9 number of these that come before the commission about
10 it reverting back to its original zoning
11 classification.

12 When the mining has been completed and there's
13 no mining activity, is there ever any consideration
14 about how long it's been since that mining activity
15 has occurred or is that even a consideration or a
16 question if it comes up? Maybe Mr. Howard is able to
17 answer that.

18 MR. HOWARD: The only thing we look for in the
19 application are statements that mining activity has
20 ceased and that the land has been reclaimed or has
21 been put back in appropriate fashion.

22 Say mining ended last month and there's still
23 the open pit or whatever, it's not ready to revert
24 back to its original zoning then. As long as it's
25 been finished mining for quite some time, we would

1 consider it ready to certainly go back to the original
2 zone.

3 MR. BOSWELL: No set years?

4 MR. HOWARD: No.

5 MR. BOSWELL: That answers my question.

6 Appreciate it. Thank you.

7 CHAIRMAN: Any other questions?

8 (NO RESPONSE)

9 CHAIRMAN: Seeing none the Chair is ready for
10 a motion.

11 Commissioner Jean.

12 MR. JEAN: I make a motion we approve this
13 based on the Staff Report and Findings of Fact 1
14 through 6.

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

17 MR. VELOTTA: Second.

18 CHAIRMAN: Second by Commissioner Velotta.

19 Any question about the motion or the second?

20 (NO RESPONSE)

21 CHAIRMAN: All those in favor please indicate
22 by raising your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 ITEM 4

1 6501 Aull Road, 11.859 acres
2 Consider zoning change: From EX-1 Coal Mining to A-R
3 Rural Agriculture
4 Applicant: Isaac Carmon

4 PLANNING STAFF RECOMMENDATION

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

7 FINDINGS OF FACT

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

11 2. The subject property is located in a Rural
12 Maintenance Plan Area, where rural large-lot
13 residential uses are appropriate in limited locations;

14 3. The subject property is a large tract at
15 11.859 acres;

16 4. The subject property has access to Aull
17 Road with no new roads proposed;

18 5. Strip-mining activity on the property has
19 ceased; and,

20 6. The Owensboro Metropolitan Zoning
21 Ordinance Article 12a.31 requires that the property
22 shall revert to its original zoning classification
23 after mining.

24 MR. PEDLEY: We would like to enter the Staff
25 Report into the record as Exhibit B.

1 CHAIRMAN: Thank you.

2 Anyone in the audience representing the

3 applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Anyone in the audience have any

6 questions concerning the application?

7 (NO RESPONSE)

8 CHAIRMAN: Any commissioners?

9 (NO RESPONSE)

10 CHAIRMAN: Seeing none the Chair is ready for

11 a motion.

12 Mr. Rogers.

13 MR. ROGERS: Mr. Chairman, I make a motion for

14 approval based on the Planning Staff Recommendation

15 with the Findings of Fact 1 through 6.

16 CHAIRMAN: We have a motion. Do we have a

17 second?

18 MS. McENROE: Second.

19 CHAIRMAN: Second by Ms. McEnroe. All in

20 favor of the motion and second please indicate by

21 raising your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 ITEM 5

25 2388 Old Highway 144, 8.212 acres
Consider zoning change: From R-1A Single-Family

1 Residential and A-R Rural Agriculture to R-1A
Single-Family Residential
2 Applicant: Steven M. & Elizabeth A. Burch

3 PLANNING STAFF RECOMMENDATION

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

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 3. At 8.212 acres in size, the subject
14 property is a large, well-proportioned lot with
15 frontage on a public road, Old Highway 144; and

16 4. At approximately 5 acres in size at the
17 rear of an existing lot, the expansion of the R-1A
18 zoning classification will not significantly increase
19 the extent of the zone in the vicinity and should not
20 overburden the capacity of roadways and other
21 necessary urban services that are available in the
22 affected area.

23 MR. PEDLEY: We would like to enter the Staff
24 Report into the record as Exhibit C.

25 CHAIRMAN: Thank you.

1 Anyone in the audience representing the
2 application?

3 APPLICANT REP: Yes.

4 CHAIRMAN: Any questions from the audience?

5 (NO RESPONSE)

6 CHAIRMAN: Any questions from the
7 commissioners?

8 (NO RESPONSE)

9 CHAIRMAN: Seeing none the Chair is ready for
10 a motion.

11 Mr. Reeves.

12 MR. REEVES: Motion to approve this
13 application based on Staff's Recommendations and
14 Findings of Fact 1 through 4.

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

17 MS. HARDAWAY: Second.

18 CHAIRMAN: Second by Mrs. Hardaway. Any
19 questions concerning the motion or the second?

20 (NO RESPONSE)

21 CHAIRMAN: Seeing none the chair is ready for
22 a vote. All those in favor indicate by raising your
23 right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

1 RELATED ITEM

2 ITEM 5A

3 2366, 2388 Old Highway 144, 8.212 acres
4 Consider approval of a minor subdivision plat
5 Applicant: Steven M. & Elizabeth A. Burch

6 MR. HOWARD: This plat comes before you as
7 exception to the 3 to 1 requirement. The 2.053 acre
8 parcel at 2366 Old Highway 144 exceeds the 3 to 1
9 requirement. It is an 8 acre parcel. They're doing
10 one division that would allow another lot or potential
11 residential home construction.

12 There is a notation on the plat that states
13 the properties cannot be further subdivided in
14 creating additional irregular-shaped lot. So with
15 that we would recommend you consider it for approval.

16 CHAIRMAN: Thank you.

17 Anyone in the audience representing the
18 applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Any questions concerning the
21 application?

22 (NO RESPONSE)

23 CHAIRMAN: Any questions from the
24 commissioners?

25 (NO RESPONSE)

26 CHAIRMAN: Seeing none the Chair is ready for

1 a motion.

2 Mr. Boswell.

3 MR. BOSWELL: Motion for approval.

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

6 MS. McENROE: Second.

7 CHAIRMAN: Thank you, Mrs. McEnroe. All those
8 in favor of the motion and the second please indicate
9 by raising your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 ITEM 6

13 3705 Ralph Avenue, 0.46 acres
14 Consider zoning change: From R-1A Single-Family
15 Residential to B-4 General Business
16 Applicant: Estate of J. Ann Owen;
17 Executrix, Jennifer Millay

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

20 MS. EVANS: Melissa Evans

21 (MELISSA EVANS SWORN BY ATTORNEY.)

22 PLANNING STAFF RECOMMENDATION

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

25 FINDINGS OF FACT

1. Staff recommends approval because the
proposal is in compliance with the community's adopted

1 Comprehensive Plan;

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

5 3. The proposal is a logical expansion of
6 existing B-4 General Business zoning to the west,
7 across Ralph Avenue and to the east; and,

8 4. At 0.46 acres, the proposal does not
9 significantly increase the extent of the B-4 zoning in
10 the vicinity and should not overburden the capacity of
11 roadways and other necessary urban services that are
12 available in the affected area.

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

15 CHAIRMAN: Thank you.

16 Anyone in the audience representing the
17 applicant?

18 MS. MILLAY: Yes.

19 CHAIRMAN: Do you wish to make any comments?

20 MS. MILLAY: I am here if you have any
21 questions.

22 CHAIRMAN: Thank you very much.

23 Anyone in the audience have any questions?

24 (NO RESPONSE)

25 CHAIRMAN: Any commissioners have any

1 questions?

2 (NO RESPONSE)

3 CHAIRMAN: Seeing none the Chair is ready for
4 a motion.

5 Commissioner Ball.

6 MR. BALL: I would like to make a motion to
7 approve based on Planning Staff Recommendation and
8 Findings of Fact 1 through 4.

9 CHAIRMAN: Thank you, Commissioner Ball. Do
10 we have a second?

11 MS. HARDAWAY: Second.

12 CHAIRMAN: Second by Commissioner Hardaway.
13 We have a motion and a second. All those in favor
14 please indicate by raising your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 ITEM 7

18 8727, 8781 Short Station Road, 70.87 acres
19 Consider zoning change: From EX-1 Coal Mining to A-R
20 Rural Agriculture
21 Applicant: Brandon Lanham; Estate of Gerald
22 Mattingly, Rosemary Meserve, Executor and Joseph M. &
23 Patricia J. Mattingly

24 PLANNING STAFF RECOMMENDATION

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

FINDINGS OF FACT

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

4 2. The subject properties are located in a
5 Rural Maintenance Plan Area, where rural large-lot
6 residential uses are appropriate in limited locations;

7 3. The subject properties are large tracts at
8 48.763 acres and 22.107 acres;

9 4. The subject properties have access to
10 Short Station Road with no new roads proposed;

11 5. Strip-mining activity on the properties
12 has ceased; and,

13 6. The Owensboro Metropolitan Zoning
14 Ordinance Article 12a.31 requires that the properties
15 shall revert to their original zoning classification
16 after mining.

17 MR. PEDLEY: We would like to enter the Staff
18 Report into the record as Exhibit E.

19 CHAIRMAN: Thank you.

20 Anyone in the audience representing the
21 applicant?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Do you have any comments?

24 APPLICANT REP: I'm here to answer any
25 questions.

1 CHAIRMAN: Anyone in the audience have any
2 questions?

3 (NO RESPONSE)

4 CHAIRMAN: Any commissioners have any
5 questions?

6 (NO RESPONSE)

7 CHAIRMAN: Seeing none the Chair is ready for
8 a motion.

9 Mr. Boswell.

10 MR. BOSWELL: Make a motion for approval based
11 on Planning Staff Recommendation and Findings of Fact
12 1 through 6.

13 CHAIRMAN: We have motion for approval. Do we
14 have a second?

15 MR. VELOTTA: Second.

16 CHAIRMAN: Second by Commissioner Velotta. We
17 have a motion and a second. All in favor please
18 indicate by raising your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 MAJOR SUBDIVISION PRELIMINARY PLATS

22 ITEM 8

23 Daviess County Public Schools, 26.029 acres (Postponed
24 from the April 11, 2019 meeting)
25 Consider approval of a major subdivision preliminary
plat
Applicant: SSS2, LLC; D.C.P.S.

1 MR. HOWARD: This plat has been reviewed by
2 the Planning Staff and Engineering Staff and it's
3 found to be in order. It's consistent with the
4 requirements of the underlying zoning, the subdivision
5 regulations, Zoning Ordinance and Comprehensive Plan
6 requirements, and it is ready for your consideration
7 for approval.

8 CHAIRMAN: Thank you.

9 Anyone in the audience representing the
10 applicant?

11 APPLICANT REP: Mr. Chairman, if you have any
12 questions, I'll be glad to answer them.

13 CHAIRMAN: Thank you.

14 Anyone in the audience have any questions?

15 (NO RESPONSE)

16 CHAIRMAN: Any commissioners have any
17 questions?

18 (NO RESPONSE)

19 CHAIRMAN: Seeing none the Chair is ready for
20 a motion.

21 Mr. Reeves.

22 MR. REEVES: Motion to approve.

23 CHAIRMAN: Motion for approval. Do we have a
24 second?

25 MR. JEAN: Second.

1 CHAIRMAN: Second by Commissioner Jean. All
2 those in favor of the motion and the second indicate
3 by raising your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 MINOR SUBDIVISION PLATS

7 ITEM 9

8 785 & 799 Highway 140 West, 37.013 acres
9 Consider approval of a minor subdivision plat.
Applicant: Lee Ann Edmonson

10 MR. HOWARD: This item is request we received
11 I guess today to withdraw this from the Planning
12 Commission agenda. The surveyor said that they are
13 going through the process of bringing the lot
14 divisions into compliance with all regulations; so it
15 will not require Planning Commission approval. It's
16 something I'll be able to approve at the Staff level.
17 So we're just going to withdraw it from the agenda.

18 ITEM 10

19 8654 Highway 144 & 8151 Boteler Road, 11.609 acres
20 Consider approval of a minor subdivision plat
Applicant: Walter & Mary Isbell; Eric & Shana McBride

21 MR. HOWARD: This plat comes before you as an
22 exception to the 3 to 1 requirement of an existing
23 lot. They're adding to the back of it, 8151 Boteler
24 Road. So they're adding onto the back of it, reducing
25 or bringing it out of compliance with the 3 to 1. The

1 remainder is now under 10 acres and it's kind of an
2 odd-shaped lot. We've added the typical notes on
3 there about no further subdivision without meeting the
4 requirements. So it's ready for your consideration
5 for approval.

6 CHAIRMAN: Anyone in the audience representing
7 the applicant?

8 MR. ISBELL: Yes. I'm Walter Isbell. It's
9 showing here that I have 11.609 acres, and I sold to
10 Mr. McBride an acre and six-tenths and left 10 acres.
11 I sold him an additional two acres. That leaves 7.9,
12 a little over two acres. I want to leave the
13 remainder and want to put my plot there.

14 MS. KNIGHT: Sir, if I can just swear you in
15 just real quick, if you don't mind.

16 (WALTER ISBELL SWORN BY ATTORNEY.)

17 CHAIRMAN: Does anyone in the audience have
18 any questions of Mr. Isbell?

19 (NO RESPONSE)

20 CHAIRMAN: Any commissioners?

21 (NO RESPONSE)

22 CHAIRMAN: Seeing none the Chair is ready for
23 a motion.

24 Mr. Jean.

25 MR. JEAN: I make a motion for approval.

1 CHAIRMAN: We have a motion for approval.

2 MR. VELOTTA: Second.

3 CHAIRMAN: Second by Commissioner Velotta.

4 All those in favor of the motion and second please
5 indicate by raising your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

8 CHAIRMAN: Thank you.

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10 NEW BUSINESS

11 ITEM 11

12 Consider approval of March 2019 financial statements

13 CHAIRMAN: Commissioners, everyone should have
14 received a copy of the financial statements. Anyone
15 have any questions or concerns about the statement?

16 (NO RESPONSE)

17 CHAIRMAN: Seeing none the Chair is ready for
18 a motion for approval.

19 MR. ROGERS: Motion for approval.

20 CHAIRMAN: Thank you, Commissioner Rogers. Do
21 we have a second?

22 MR. BALL: Second.

23 CHAIRMAN: Second by Commissioner Ball. All
24 those in favor indicate by raising your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 ITEM 12

3 Comments by the Chairman

4 CHAIRMAN: Actually I do.

5 I just wanted to commend Brian and Melissa for
6 the excellent job they did planning and coordinating
7 and doing everything possible to help several us who
8 attended the National Conference. It went off very
9 smooth and it's because of their hard work that it
10 did. It's hard to keep up with me and Fred, but you
11 finally did. I wanted to thank both of you for that.
12 Thank you. That's all I've got.

13 ITEM 13

14 Comments by the Planning Commissioners

15 (NO RESPONSE)

16 ITEM 14

17 Comments by the Director

18 MR. HOWARD: The only thing I'll say is last
19 months, I guess, we had quite a few text amendments
20 that you all heard. The County had second readings on
21 those tonight and they were approved, all of them.
22 The City should have second reading on those next
23 week, next Tuesday, I believe. There was a joint, I'm
24 sure you all read about it, there was a joint meeting
25 of the city and county commissions a couple of weeks

1 ago and I was there and answered questions and all of
2 that. So they're moving along well. We'll have those
3 in place county-wide basically here in the next week
4 or so.

5 CHAIRMAN: Good. Thank you.

6 One last motion. Commissioner Boswell.

7 MR. BOSWELL: Thank you, Mr. Chairman. Motion
8 to adjourn.

9 CHAIRMAN: We have a motion to adjourn. Do we
10 have a second?

11 MS. HARDAWAY: Second.

12 CHAIRMAN: Second by Ms. Hardaway. All those
13 in favor indicate by raising your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 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 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 foregoing 22
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 5th day of JUNE, 2019.

18

19

20 _____
 LYNNETTE KOLLER FUCHS
 NOTARY ID 613522
21 OHIO VALLEY REPORTING SERVICES
 2200 E. PARRISH AVE, SUITE 106E
22 OWENSBORO, KY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25