

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 13, 2019

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, June
5 13, 2019, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Larry Moore, Chairman
9 Lewis Jean, Vice Chairman
10 Mike Edge, Secretary
11 Brian Howard, Director
12 Terra Knight, Attorney
13 Irvin Rogers
14 Beverly McEnroe
15 Manuel Ball
16 Fred Reeves
17 Angela Hardaway
18 Larry Boswell
19 Jay Velotta

20 * * * * *

21 CHAIRMAN: I would like to call to order the
22 June meeting of THE Owensboro Metropolitan Planning
23 Commission. We start each meeting with a prayer and
24 pledge. That honor this month goes to Commissioner
25 Mike Edge.

26 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

27 CHAIRMAN: We have a few rules and guidelines
28 that we ask everyone to follow.

29 If you wish to speak on any topic that comes
30 before this board, we ask that you come to one of the

1 podiums in the aisles, state your name and be sworn in
2 by our attorney. We ask that if you have any
3 questions, you direct those to the chairman and we
4 will in turn try to find the answers for you. We ask
5 that you stay on topic. Finally, the most important
6 is we ask that you to be respectful. If we do those,
7 we'll have a nice easy meeting.

8 First thing on the agenda would be the minutes
9 from the May meeting. All the commissioners should
10 have received one of those. Do we have any questions
11 or concerns about last month's meeting?

12 (NO RESPONSE)

13 CHAIRMAN: Seeing none the chair is ready for
14 a motion.

15 MS. McENROE: Move that we accept the minutes
16 as printed.

17 CHAIRMAN: We have a motion from Commissioner
18 McEnroe. Do we have a second?

19 MR. BOSWELL: Second.

20 CHAIRMAN: Second by Commissioner Boswell.
21 All those in favor of the motion and the second please
22 indicate by raising your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 Brian.

1 MR. HOWARD: The next items are the Zoning
2 Changes. I will note that the zoning changes heard
3 tonight will become final in 21 days after the meeting
4 unless an appeal is filed. If an appeal is filed, we
5 will forward the record of this meeting to the
6 appropriate legislative bodies for them to take final
7 action.

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9 GENERAL BUSINESS

10 ITEM 3

11 3053 Alvey Park Drive West, 0.63 acres
12 Consider zoning change: From I-1 Light Industrial to
13 B-5 Business/Industrial
14 Applicant: SLC Properties, LLC

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

17 MR. PEDLEY: Trey Pedley.

18 (TREY PEDLEY SWORN BY ATTORNEY.)

19 PLANNING STAFF RECOMMENDATION

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

22 FINDINGS OF FACT

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

26 2. The subject property is located within a

1 Business/Industrial Plan Area, where business/
2 industrial uses are appropriate in general locations;

3 3. The subject property lies within an
4 existing area of mixed general business and light
5 industrial uses;

6 4. The Comprehensive Plan provides for the
7 continuance of mixed use areas; and

8 5. The proposed use of retail sales conforms
9 to the criteria for non-residential development.

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

12 CHAIRMAN: Thank you.

13 Anyone in the audience representing the
14 applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: You wish to make any comments?

17 APPLICANT REP: No.

18 CHAIRMAN: Any commissioners have any comments
19 about the application?

20 Commissioner Boswell.

21 MR. BOSWELL: Thank you, Mr. Chairman.

22 I guess maybe questions for Brian and the
23 Staff. In reviewing this, going to B-5, obviously
24 what that does is open up a lot of different uses from
25 the -- in looking at this particular rezoning for B-5

1 it obviously opens up a lot more uses that could be
2 utilized in that particular application if this were
3 to pass.

4 It indicates that we're looking at retail
5 sales, but if this is rezoned to a B-5 and for some
6 reason this business decides to shutdown at some point
7 in time in the future, the B-5 opens it up to a lot of
8 different use that may not be necessarily appropriate
9 for that particular area because if you go out there
10 and look around, it seems to be more professional or
11 bank or those types of businesses. But in looking at
12 our uses under B-5, it would look like you could have
13 lumberyards or heavy industrial uses or salvage yards
14 or things that may not necessarily coincide with
15 what's going out there, as far as uses that are there
16 now. Is there any way to protect against that at some
17 future date?

18 MR. HOWARD: Well, like a salvage yard, you
19 cannot do that in an I-1 zone. So that's off the
20 table.

21 The property is already zoned I-1; it's
22 already zoned light industrial. So basically what the
23 B-5 is higher B-4, I-1 zone; you can do any of the
24 uses in either of those. It's only in certain areas
25 where we've seen a history of zoning changes going

1 back and forth. Somebody had light industrial use in
2 there, they grew, got bigger, moved on to a bigger
3 location. Somebody wanted to do retail sales there,
4 it didn't work under the I-1 zoning so they had to
5 rezone to B-4. They moved on. You know, that's why
6 this area was set up to allow for the B-5.

7 Basically it would allow what's allowed in the
8 zone right now, plus the commercial uses; the office,
9 the retail sale, the bank, that type of thing.

10 MR. BOSWELL: But if someone did want to come
11 out there and put in a quarry of sand and gravel,
12 that's part of the industrial use under B-5. I guess
13 I'm trying to understand would they not be able to --
14 they could do a lot more that might not necessarily be
15 consistent with what is already out there.

16 MR. HOWARD: Well, anything that they would do
17 would be allowed in the zoning that it is right now.
18 So it doesn't, as far as an industrial use, the type
19 of use that you're indicating would not be conducive
20 or compatible to the surrounding land uses.

21 A quarry, you mentioned a quarry; I mean that
22 could potentially be conditional permitted in a B-5,
23 but it's conditionally permitted in an I-1 and I-2.
24 That requires a public hearing before the Board of
25 Adjustment.

1 Yes, that would be potentially a higher
2 intensity use on par with coal mining type thing.

3 MR. BOSWELL: But that would still have to
4 come before the commission?

5 MR. HOWARD: Go before the Board of
6 Adjustment, conditionally permitted.

7 When you look through the use table, anything
8 that is permitted or essentially permitted in an I-1
9 zone you can do in the B-5. Actually one exception is
10 lumber and construction material yards. That's
11 permitted in an I-1 zone, which it is right now, but
12 it's not in a B-5. That's actually one use that would
13 go away as a potential future use, but it does open
14 the door for all the commercial uses to potentially
15 occupy that property as well.

16 MR. BOSWELL: That answered my question.
17 Thank you, Mr. Howard.

18 CHAIRMAN: Any other questions by the
19 commission?

20 (NO RESPONSE)

21 CHAIRMAN: Seeing none the chair is ready for
22 a motion.

23 Commissioner Ball.

24 MR. BALL: I'd like to make a motion to
25 approve based on the Planning Staff Recommendation and

1 Findings of Fact 1 through 5.

2 CHAIRMAN: We have a motion for approval. Do
3 we have a second?

4 MR. JEAN: Second.

5 CHAIRMAN: Second by Mr. Lewis Jean. Any
6 questions about the motion or the second?

7 (NO RESPONSE)

8 CHAIRMAN: All those in favor please indicate
9 by raising your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 ITEM 4

13 219 Cedar Street, 511 West 3rd Street, 0.599 acres
14 Consider zoning change: From B-2 Central Business &
15 B-4 General Business to B-2 Central Business
Applicant: Riverfront Brio, LLC

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

18 MS. EVANS: Melissa Evans.

19 (MELISSA EVANS SWORN BY ATTORNEY.)

20 MR. VELOTTA: Mr. Chairman, I would like to
21 recuse myself from this item.

22 PLANNING STAFF RECOMMENDATION

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

25 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 Business/Industrial Plan Area, where central business
6 uses are appropriate in very limited locations;

7 3. The subject properties are located within
8 the downtown overlay districts as adopted by the City
9 of Owensboro and the request is consistent with the
10 concepts of the plan;

11 4. The use of the properties for a parking
12 garage, hotel and residential apartments will provide
13 much needed parking and housing within the Downtown
14 area;

15 5. The B-2 zoning classification is an
16 expansion of existing B-2 zoning surrounding the
17 subject properties; and,

18 6. The B-2 zoning will promote the
19 redevelopment of the downtown consistent with the
20 downtown master plan.

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

23 CHAIRMAN: Is anyone in the audience
24 representing the applicant?

25 (NO RESPONSE)

1 CHAIRMAN: Any commissioners have any
2 questions concerning the application?

3 (NO RESPONSE)

4 CHAIRMAN: Seeing none the chair is ready for
5 a motion.

6 Excuse me. Anybody in the audience wish to
7 speak to this?

8 (NO RESPONSE)

9 CHAIRMAN: Ready for a motion now.
10 Mr. Reeves.

11 MR. REEVES: Mr. Chairman, motion to approve
12 this application based on Staff Recommendation and
13 Findings of Fact 1 through 6.

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

16 MR. HARDAWAY: Second.

17 CHAIRMAN: Second by Ms. Hardaway. Any
18 questions concerning the motion or the second?

19 (NO RESPONSE)

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

23 (ALL BOARD MEMBERS PRESENT - WITH JAY VELOTTA
24 RECUSING HIMSELF - RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

1 ITEM 5

2 Portion of 4375 Medley Road, 2.989 acres
3 Consider zoning change: From EX-1 Coal Mining to A-R
4 Rural Agriculture
5 Applicant: ATMOS Energy Corp (Western Kentucky Gas
6 Utility Corp)

7 PLANNING STAFF RECOMMENDATION

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

10 CONDITION

11 Approval of a minor subdivision plat
12 consolidating the 2.989 acre portion of the subject
13 property with 4667 Medley Road.

14 FINDINGS OF FACT

15 1. Staff recommends approval because the
16 proposal is in compliance with the community's adopted
17 Comprehensive Plan;

18 2. The subject property is located in a
19 Future Urban Plan Area, where agriculture/forestry
20 uses are appropriate in general locations;

21 3. The applicant proposal is to continue the
22 existing farming use of the property;

23 4. This portion of subject property will be
24 consolidated with 4667 Medley Road and have access to
25 Medley Road with no new roads proposed;

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

1 6. The Owensboro Metropolitan Zoning
2 Ordinance Article 12a.31 requires that the properties
3 shall revert to their original zoning classification
4 after mining.

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

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

9 (NO RESPONSE)

10 CHAIRMAN: Anyone wishing to speak for or
11 against this application?

12 (NO RESPONSE)

13 CHAIRMAN: Any commissioners have any
14 questions?

15 (NO RESPONSE)

16 CHAIRMAN: Seeing none the chair is ready for
17 a motion.

18 Commissioner Lewis.

19 MR. JEAN: I'd like to make a motion that we
20 approve this application based on the Staff Report and
21 Findings of Fact 1 through 6.

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

24 MS. KNIGHT: We need to add the condition.

25 MR. JEAN: No, I did not, but I would like to.

1 With Special Condition Number 1.

2 CHAIRMAN: We have a motion for that including
3 the condition. We need a second.

4 MS. McENROE: Second.

5 CHAIRMAN: All those in favor please indicate
6 by raising your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 ITEM 6

10 7031 Highway 2830, 5.83 acres
11 Consider zoning change: From B-4 General Business &
12 MHP Planning Mobile Home Park to I-2 Heavy Industrial
Applicant: Byron Hubert, LLC

13 PLANNING STAFF RECOMMENDATION

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

16 CONDITION

17 Approval of a Site Plan or Final Development
18 Plan.

19 FINDINGS OF FACT

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

23 2. The subject property is located in a Rural
24 Community Plan Area, where Heavy Industrial uses are
25 appropriate in very limited locations;

1 3. At 5.83 acres in size, the subject
2 property appears to be large enough for the proposal
3 to conform to the criterial for nonresidential
4 development and buffers for outdoor storage yards;

5 4. The proposal is a logical expansion of
6 existing I-2 Heavy Industrial zoning to the northeast;

7 5. The limited expansion of the I-2 zone
8 should not significantly increase the extent of
9 industrial uses in the vicinity and should not
10 overburden the capacity of roadways and other
11 necessary urban services that are available in the
12 affected area.

13 MR. PEDLEY: 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 APPLICANT REP: Yes.

19 CHAIRMAN: Do you wish to speak or available
20 for questions?

21 APPLICANT REP: Yes.

22 CHAIRMAN: Anybody in the audience wish to
23 make any comments concerning this application?

24 (NO RESPONSE)

25 CHAIRMAN: Any commissioners?

1 (NO RESPONSE)

2 CHAIRMAN: Seeing none the chair is ready for
3 a motion.

4 MR. ROGERS: Mr. Chairman, I make a motion for
5 approval based on Planning Staff Recommendations with
6 the one condition and Findings of Fact 1 through 5.

7 CHAIRMAN: Thank you, Commissioner Rogers. Do
8 we have a second?

9 MR. BOSWELL: Second.

10 CHAIRMAN: Second by Commissioner Boswell.
11 Any questions concerning the motion or the second?

12 (NO RESPONSE)

13 CHAIRMAN: Seeing none the chair is ready for
14 a vote. All those in favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion passes.

17 Mr. Howard.

18 MINOR SUBDIVISION PLATS

19 ITEM 7

20 2673 Bell Road, 1.660 acres
21 Consider approval of a minor subdivision plat.
22 Applicant: Brian & Candace Burnette

23 MR. HOWARD: This plat comes before you as an
24 except to the three to one requirement and minimum
25 road frontage requirement. They're creating a parcel
that is shaped like a flag. It does leave over a

1 10-acre remainder. Since this is basically going to
2 be -- and there's notes on there that it can't be
3 further subdivided without meeting the requirements of
4 the subdivision regulations. So this is basically the
5 one opportunity to split something off of that parent
6 tract without meeting the requirements. It's ready
7 for your consideration for approval.

8 CHAIRMAN: Thank you.

9 Anyone in the audience representing the
10 applicant?

11 APPLICANT REP: Yes.

12 CHAIRMAN: Would you like to make my comments
13 concerning this?

14 APPLICANT REP: No.

15 CHAIRMAN: Any commissioners have any
16 questions or concerns?

17 (NO RESPONSE)

18 CHAIRMAN: Seeing none the chair is ready for
19 a motion.

20 Commissioner Ball.

21 MR. BALL: I would like to make a motion to
22 approve this minor subdivision plat.

23 CHAIRMAN: We have a motion. Do we have a
24 second?

25 MR. VELOTTA: Second.

1 CHAIRMAN: Second by Commissioner Velotta.

2 All those in favor of the motion please indicate by
3 raising your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

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7 NEW BUSINESS

8 ITEM 8

9 Consider approval of April 2019 financial statements

10 CHAIRMAN: All of the commissioners should
11 have received a copy of the financial statement. Any
12 questions or concerns?

13 (NO RESPONSE)

14 CHAIRMAN: Seeing none the chair is ready for
15 a motion.

16 Commissioners Reeves.

17 MR. REEVES: Motion to approve the financial
18 statement.

19 CHAIRMAN: Motion to approve. Do we have a
20 second?

21 MS. McENROE: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 ITEM 9

3 Consider approval of the FY 2020 OMPC budget and
4 salary chart

5 MR. HOWARD: I sent out a copy to each of you
6 all summarizing the information for the proposed
7 budget. We did receive the funding request from both
8 the city and county as we had requested, and it is
9 ready for your alls consideration for approval.

10 CHAIRMAN: Thank you.

11 Any commissioners have any questions or
12 concerns about the budget?

13 (NO RESPONSE)

14 CHAIRMAN: Seeing none the chair is ready for
15 a motion.

16 Mr. Boswell.

17 MR. BOSWELL: Thank you, Mr. Chairman. Motion
18 to approve the budget as presented.

19 CHAIRMAN: We have a motion for approval. Do
20 we have a second?

21 MS. HARDAWAY: Second.

22 CHAIRMAN: Second by Ms. Hardaway. We have a
23 motion and second. All those in favor please indicate
24 by raising your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: The budget is approved.

2 ITEM 10

3 Comment by the Chairman

4 CHAIRMAN: Chairman has none.

5 ITEM 11

6 Comments by the Planning Commissioners

7 (NO RESPONSE)

8 CHAIRMAN: They have none.

9 ITEM 12

10 Comments by the Director

11 MR. HOWARD: No.

12 CHAIRMAN: He has none.

13 We're ready for the last motion of the night.

14 MR. JEAN: Motion to adjourn.

15 CHAIRMAN: We have a motion to adjourn. Do we

16 have a second?

17 MR. BOSWELL: Second by Mr. Boswell. All

18 those in favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: We are adjourned.

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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 foregoing 19
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 10th day of July, 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