

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JULY 11, 2019

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, July
5 11, 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 Brian Howard, Director
11 Terra Knight, Attorney
12 Irvin Rogers
13 Beverly McEnroe
14 Manuel Ball
15 Fred Reeves
16 Larry Boswell

17 * * * * *

18 CHAIRMAN: I would like to call the July
19 Owensboro Metropolitan Planning Commission meeting to
20 order. We usually start our meetings with a prayer
21 and pledge. That honor this month goes to our
22 board attorney, Terra Knight.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Thank you. In order to have a nice
25 smooth meeting, we have some guidelines that we ask
everyone to please follow.

If you want to speak on any of the issues that
come before this commission, come to one of the
podiums and be sworn in by our attorney.

1 We ask that you direct all of your questions
2 to the chair who in turn will try to find those
3 answers for you. We ask that you stay on topic.
4 Finally, we ask that you be respectful. Follow all of
5 those and we'll have a nice smooth meeting.

6 First item on the agenda will be the minutes
7 from last month's meeting. All the commissioners
8 should have received a copy and have had an
9 opportunity to look those over. Any changes or
10 adjustments to those?

11 (NO RESPONSE)

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

14 Commissioner Ball.

15 MR. BALL: I would like to make a motion to
16 approve the minutes.

17 CHAIRMAN: Motion to approve. Do we have a
18 second?

19 MS. McENROE: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 Mr. Howard.

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

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9 GENERAL BUSINESS

10 ZONING CHANGES

11 ITEM 3

12 722 Harvard Drive, 0.56 acres
13 Consider zoning change: From R-3MF Multi-Family
14 Residential to B-4 General Business
15 Applicant: Johnson Ventures, LLC

16 MS. KNIGHT: Mr. Pedley, you're previously
17 sworn and is still under oath.

18 PLANNING STAFF RECOMMENDATION

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 located in a
Professional/Service Plan Area where general business

1 uses are appropriate in very limited locations;

2 3. The proposed use of a dental office and
3 preschool conform to the criteria for nonresidential
4 development;

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

8 5. At 0.55 acres, the proposal does not
9 significantly increase the extent of general business
10 zoning 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 MR. PEDLEY: We would like to enter the Staff
14 Report into the record as Exhibit A.

15 CHAIRMAN: Thank you.

16 Is anyone here representing the applicant?

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

19 MR. JOHNSON: My name is Andrew Johnson, I'm
20 the attorney for the applicant who's also here, but
21 unless there's questions I don't anticipate he'll
22 testify.

23 Do you need to swear me in.

24 MS. KNIGHT: You're sworn as an attorney.

25 MR. JOHNSON: I'm also a minority stakeholder

1 in the entity as well.

2 I don't have anything to add except to state
3 that the building that we're talking about was built
4 in 1979. I know that the dental office that's been
5 there has been there for some time. I'm not going to
6 state the exact number of years because I don't
7 exactly know, but it's been there at least since I was
8 in middle school. I don't think that we're
9 fundamentally changing much of anything. I think the
10 Staff recommendations reflect that as well.

11 I do want to entertain any questions or answer
12 any questions that the commissioners may have.

13 CHAIRMAN: Thank you, sir.

14 Anyone in the audience have any questions of
15 the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Any commissioners have any
18 questions concerning the application?

19 (NO RESPONSE)

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

22 Commissioner Boswell.

23 MR. BOSWELL: Thank you, Mr. Chairman. I move
24 for approval of the application based on the Staff
25 Recommendations and the Findings of Fact 1 through 5.

1 CHAIRMAN: We have a motion. Do we have a
2 second?

3 MR. ROGERS: Second.

4 CHAIRMAN: Second by Commissioner Rogers. Any
5 questions concerning the motion or the second?

6 (NO RESPONSE)

7 CHAIRMAN: Seeing none the chair is ready for
8 a vote. All those in favor indicate by raising your
9 right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 ITEM 4

13 5400 Highway 56, 13.509 acres
14 Consider zoning change: From A-R Rural Agriculture to
15 R-1A Single-Family Residential
Applicant: O'Bryan Development, Inc.

16 PLANNING STAFF RECOMMENDATION

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

19 CONDITION

20 1. No individual lots shall have direct
21 access to Highway 56.

22 FINDINGS OF FACT

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

1 2. The subject property is located in an
2 Urban Residential Plan Area where Urban Low-density
3 Residential uses are appropriate in limited locations;

4 3. The proposed use as a residential
5 subdivision complies with the criteria for urban
6 residential development; and

7 4. Sanitary sewer service is available to be
8 extended to the subject property.

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

11 CHAIRMAN: Thank you.

12 Anyone in the audience representing the
13 applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Are there any questions or
16 comments?

17 APPLICANT REP: No.

18 CHAIRMAN: Any commissioners have any
19 questions or comments?

20 Commissioner Boswell.

21 MR. BOSWELL: Thank you, Mr. Chairman. Just
22 maybe a clarification question. I notice in the Staff
23 Report that there's a mention to develop 41
24 single-family residential lots, but in the Type 1 or
25 Type 2 findings, in the overview there's a mention of

1 plus or minus 40. Is there actually going to be 41 or
2 just 40?

3 MR. HOWARD: According to the preliminary
4 plat, final development plan that is the related item
5 that we'll here next, the site statistic indicates 41
6 lots.

7 MR. BOSWELL: Thank you, Mr. Howard.

8 CHAIRMAN: Now, any other questions?

9 (NO RESPONSE)

10 CHAIRMAN: Seeing none the chair is ready for
11 a motion.

12 Commissioner Jean.

13 MR. JEAN: Make a motion we approve based on
14 the Findings of Fact 1 through 4 and Condition Number
15 1.

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

18 MS. McENROE: Second.

19 CHAIRMAN: Second by Commissioner McEnroe.
20 All of those in favor of the motion please indicate by
21 raising your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 RELATED ITEM

25 ITEM 4A

1 Whispering Meadows, Section 5, 13.5 acres
2 Consider approval of a combined final development
3 plan/major subdivision preliminary plat.
4 Applicant: O'Bryan Development, Inc.

5 MR. HOWARD: This plat has been reviewed by
6 the Planning Staff and Engineering Staff and it's
7 found to be in order. It meets the requirements of
8 the underlying zoning classification, which was just
9 approved, and it is ready for your consideration for
10 approval.

11 CHAIRMAN: Thank you.

12 Anyone in the audience besides the two that's
13 here?

14 (NO RESPONSE)

15 CHAIRMAN: Any questions from the
16 commissioners?

17 (NO RESPONSE)

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

20 MR. REEVES: Motion to approve the
21 application.

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

24 MR. BOSWELL: Second.

25 CHAIRMAN: Second by Commissioner Boswell.
All those in favor indicate by raising your right

1 hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 MINOR SUBDIVISION PLATS

5 ITEM 5

6 9010, 9024 Short Station Road, 3.634 acres
7 Consider approval of a minor subdivision plat.
8 Applicant: Ralph & Donna Scott

9 MR. HOWARD: This plat comes before you as an
10 except to the 3 to 1 requirement. There's nearly 4
11 acres, 3 1/2 acre parcel there. They're proposing a
12 division which will take the long portion on the back
13 and to add road frontage to it to allow for a second
14 parcel that could be potentially built upon. This
15 is -- we have notations on here that the property
16 can't be further subdivided without meeting the
17 requirements based on the amount of road frontage and
18 acreage for both of these parcels. There can be no
19 further subdivision of either without a public street
20 being built and other things. So this is really the
21 maximum that could potentially happen, as far as lot
22 divisions go for this combination of parcels. So with
23 that we would recommend that you consider it for
24 approval.

25 CHAIRMAN: Anyone in the audience representing
the applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Any statement or anything?

3 APPLICANT REP: No.

4 CHAIRMAN: Any commissioners?

5 (NO RESPONSE)

6 CHAIRMAN: Chair is ready for a motion.

7 Mr. Rogers.

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

9 approval for this plat with the note attached to it.

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

11 second?

12 MR. REEVES: Second.

13 CHAIRMAN: Second by Commissioner Reeves. Any

14 questions about the motion or the second?

15 (NO RESPONSE)

16 CHAIRMAN: Seeing none the chair is ready for

17 a vote. All those in favor indicate by raising your

18 right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

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22 NEW BUSINESS

23 ITEM 6

24 Consider approval of May 2019 financial statement

25 CHAIRMAN: All the commissioners should have

1 received a copy of the May financial statements and
2 have had an opportunity to take a look at those. Any
3 commissioners have any questions or changes or
4 concerns about the financial statement?

5 (NO RESPONSE)

6 CHAIRMAN: Seeing none the chair is ready for
7 a motion.

8 Commissioner Ball.

9 MR. BALL: I make a motion to approve the
10 financial statement.

11 CHAIRMAN: We have a motion to approve. Do we
12 have a second?

13 MR. BOSWELL: Second.

14 CHAIRMAN: Second by Commissioner Boswell.
15 All those in favor of the motion and the second please
16 indicate by raising your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 ITEM 7

20 Comments by the Chairman

21 CHAIRMAN: I have none.

22 ITEM 8

23 Comments by the Planning Commission

24 (NO RESPONSE)

25 ITEM 9

1 Comments by the Director

2 MR. HOWARD: No thanks.

3 CHAIRMAN: Then we have one final motion.

4 MR. BALL: Motion to adjourn.

5 CHAIRMAN: We have a motion to adjourn. Do we
6 have a second?

7 MS. McENROE: Second.

8 CHAIRMAN: Second by Ms. McEnroe. All those
9 in favor indicate by raising your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 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 13
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 1st day of August, 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

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