

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 AUGUST 8, 2019

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 August 8, 2019, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

15 CHAIRMAN: I need to call the August meeting
16 of the Owensboro Planning Commission to order. We
17 start each meeting with a pledge and a prayer. That
18 honor this month goes to Commissioner Hardaway.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: Thank you, Commissioner.

21 Each meeting we also have some guidelines and
22 rules that we ask that anyone wishing to speak adhere
23 to. Anyone wishing to speak on any of the items that
24 come before this commission please come to one of the
25 microphones, we have two of those, state your name and

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1 be sworn in by our attorney.

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

7 All the commissioners should have received the
8 minutes from last month's meeting. Anyone have any
9 questions or concerns about those minutes?

10 (NO RESPONSE)

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

13 Commissioner Jean.

14 MR. JEAN: Motion to approve the minutes as
15 printed.

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

18 MS. McENROE: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 -----

25 GENERAL BUSINESS

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1 PUBLIC HEARING

2 ITEM 3

3 Consider adoption of proposed text amendments to
Article 11 of the Zoning Ordinance related to
4 conditionally permitted campgrounds in Planned
Manufactured Housing Parks

5

6 MS. KNIGHT: Please state your name for the
7 record.

8 MS. EVANS: Melissa Evans.

9 (MELISSA EVANS SWORN BY ATTORNEY.)

10 MS. EVANS: This proposed text amendment comes
11 to you all after we've been approached several times
12 by some owners of the Manufactured Housing Parks and
13 members of the Daviess County Fiscal Court. We've
14 taken a look at that article of the Zoning Ordinance,
15 Article 11, that relates to Planned Manufactured
16 Housing Parks.

17 What this text amendment will allow is for
18 sections of existing or, I guess, the new Planned
19 Manufactured Housing Parks that aren't being used by
20 the traditional single-wide manufactured homes that
21 typically goes into those Planned Manufactured Housing
22 Parks. This will allow those unused spaces to be
23 designated as a campground for short-term rental up to
24 six months through a Conditional Use Permit process
25 that would go before the Board of Adjustment. The

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1 site plan would have to indicate the exact area that
2 they are going to use for the campground; so that you
3 couldn't just pick this spot here and this spot over
4 here and this spot over here on this street. It would
5 have to be a designated area that would be the
6 campground area. There would be an allowance for an
7 extension of an additional six months that the owner
8 or manager of the property would have to present to us
9 that we could approve without having to going through
10 another Conditional Use Permit hearing.

11 So that would allow the Board of Adjustment
12 with all Conditional Use Permits to place any
13 conditions to make sure that the campground can
14 properly integrated into the Planned Manufactured
15 Housing Park and not disrupt the current residents
16 that are out there. But then it also opens up a place
17 for construction workers is mostly what we've heard
18 that are in town for six months working on a job that
19 need a place to stay. A lot of them apparently bring
20 campers with them when they go to other places; and
21 that's not an option here currently in our Planned
22 Manufactured Housing Parks. So this would allow for
23 that to potentially happen through that Conditional
24 Use Permit process.

25 FINDINGS OF FACT

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1 The Staff recommends approval of the proposed
2 text amendments to Article 11 because the proposal is
3 in compliance with the with the community's
4 Comprehensive Plan. The findings supporting this
5 recommendation are as follow:

6 1. The amendment to Article 11 will Endeavor
7 to create policies for regulating land use activities
8 that are not overburdensome while still protecting the
9 public health, safety and welfare of the community;

10 2. This amendment to Article 11 will help
11 allocate wisely the use of land for various activities
12 by encouraging sound land development policies;

13 3. This amendment to Article 11 will use the
14 fixed amount of land in Daviess County as wisely as
15 possible;

16 4. This amendment to Article 11 will provide
17 a wide variety of types of housing suitable to a wide
18 range of people;

19 5. This amendment to Article 11 identifies
20 the housing needs of the community; and,

21 6. This amendment to Article 11 is an example
22 of creating flexible zoning regulations for existing
23 redeveloping neighborhoods.

24 We would like to enter the Staff Report into
25 the record as Exhibit A.

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1 CHAIRMAN: Thank you.

2 Anyone in the audience have any questions or
3 comments concerning the amendment?

4 (NO RESPONSE)

5 CHAIRMAN: Any commissioners?

6 MR. EDGE: I have a quick question. So if you
7 have six months, how long does somebody have to leave
8 if they want to start the clock again? You know,
9 let's say you have a construction worker and he goes
10 off to another job and then he wants to come back to
11 the same spot, but he comes back a month later, does
12 that address that?

13 MS. EVANS: The way this is worded is that the
14 owner or manager of the complex may grant a one-time
15 extension of an additional six months and that has to
16 be presented to us in the office. Theoretically, they
17 could stay for up to a year without having to move
18 out. It is not addressed in here how long they would
19 have to move out and then be able to come back. That
20 could be established by the manager of the park or
21 that could be established through that Conditional Use
22 Permit process. At the Board of Adjustment they could
23 say, you know, we're going to say in this particular
24 manufactured housing park once the camper leaves the
25 camp site they can't come back for 90 days or they

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1 can't come back for ten days, or a week, or whatever
2 they wanted to do.

3 MR. EDGE: Thank you.

4 CHAIRMAN: Any other questions?

5 (NO RESPONSE)

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

8 Commissioner Boswell.

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

10 I would like to make a motion for approval of
11 the adoption of the proposed text amendment Article 11
12 based on the Findings of Fact 1 through 6.

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

15 MR. VELOTTA: Second.

16 CHAIRMAN: Second by Commissioner Velotta.
17 All those in favor of the motion and the second please
18 indicate by raising your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 MR. HOWARD: Under Zoning Changes I will note
22 that the Zoning Changes heard tonight will be become
23 final 21 days after the meeting unless an appeal is
24 filed. If an appeal is filed, we will forward the
25 record of this meeting along with all applicable

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1 materials to the appropriate legislative body for them
2 to take final action.

3 ZONING CHANGES

4 ITEM 4

5 3156 Commonwealth Court, 0.429 acres

Consider zoning change: From I-1 Light Industrial to
6 B-5 Business Industrial

Applicant: Wellmore Properties; KB Holdings, LLC

7

8 PLANNING STAFF RECOMMENDATION

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

11 FINDINGS OF FACT

12 1. Staff recommends approval because the
13 proposal is in compliance with the community's adopted
14 Comprehensive Plan;

15 2. The subject property is located within a
16 Business/Industrial Plan Area, where business/
17 industrial uses are appropriate in general locations;

18 3. The subject property lies within an
19 existing area of mixed general business and light
20 industrial uses;

21 4. The Comprehensive Plan provides for the
22 continuance of mixed use areas; and

23 5. The proposed use of a preparation facility
24 and vehicle maintenance facility conforms to the
25 criteria for nonresidential development.

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

3 CHAIRMAN: Anyone in the audience representing
4 the applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: You wish to make any comments?

7 APPLICANT REP: No.

8 CHAIRMAN: Just be available for questions.
9 Sir.

10 MS. KNIGHT: Please state your name for the
11 record.

12 MR. PEDLEY: I'm Ward Pedley. I live at 3149
13 Commonwealth Court.

14 The property that the zoning change is being
15 considered tonight joins my property. At one time I
16 owned that property.

17 (WARD PEDLEY SWORN BY ATTORNEY.)

18 MR. PEDLEY: I just want to say that I'm not
19 opposed to the B-5 zone. I think the B-5 zone is more
20 appropriate for that street than the I-1.

21 I have eliminated five different pieces of
22 property on that street that had an I-1 zone that went
23 to B-4. All of the frontage on that street that I own
24 and others I've changed to B-4. This is the only
25 piece of property left with street frontage that has

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1 an I-1 zone. So I do support the B-5 zone.

2 The access to this piece of property has to
3 enter through my property. I don't have a problem
4 with that. They have a recorded access. I just
5 wanted you to know that I support this.

6 There may be things in the future that I might
7 not support. I'm familiar with the zoning ordinance
8 and I know what they are. I'm not saying I support
9 anything that happens over there.

10 I would like to ask the applicant what their
11 intentions are, what their activities would be, and
12 what their operation, hourly operation would be. I do
13 support the B-5.

14 CHAIRMAN: Thank you.

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

17 MR. MORRIS: My name is Nathan Morris.

18 (NATHAN MORRIS SWORN BY ATTORNEY.)

19 MR. MORRIS: Wellmore Properties is the real
20 estate holding company for Morris Family Services.
21 It's a funeral home company owned by my family. My
22 wife and myself we have four, soon to be five, funeral
23 homes spread throughout Kentucky and Indiana. One of
24 which is in cooperation with Haley-McGinnis whom I
25 know everyone here is very familiar with. Has been

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1 established here since 1902.

2 Preparation for facility is a place in which
3 to prepare for a funeral. For longest time funerals
4 were prepared in the homes. Of course, they went to
5 an establishment. We have 24 professional vehicles;
6 limos, hearses, SUVs and vans, all which need to be
7 maintained, all which need a place of storage. That
8 is what you will see, Mr. Pedley, and family who are
9 here. No public space. There will be no patrons
10 coming to this facility. It will be acting as if a
11 private behind the scenes funeral home establishment
12 acts.

13 There will be administration duties done as
14 well at this facility. That's what preparation
15 facility is. There will be caskets held there. There
16 this future activity that is done that is on
17 funeral-related side. Not funeral home. Whether that
18 would be dressing cosmetics of loved ones as well.
19 It's a holding facility for the care of all the
20 families of which we serve.

21 CHAIRMAN: Mr. Pedley, does that answer your
22 question?

23 MR. PEDLEY: Yes, it does. Thank you.

24 CHAIRMAN: Thank you, sir.

25 Any commissioners have any questions?

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1 Mr. Reeves.

2 MR. REEVES: I assume this will not be a

3 crematory?

4 MR. MORRIS: There will not be a crematory on

5 this site at this time, no, sir; that's correct.

6 CHAIRMAN: Any other questions?

7 (NO RESPONSE)

8 CHAIRMAN: Seeing none the chair is ready for

9 a motion.

10 Commissioner Ball.

11 MR. BALL: I would like to make a motion to

12 approve based on Staff's Recommendation and Findings

13 of Fact 1 through 6.

14 CHAIRMAN: Thank you. We have a motion. Do

15 we have a second?

16 MR. JEAN: Second.

17 CHAIRMAN: We have a motion and a second. Any

18 questions concerning that?

19 MR. BALL: I apologize. I have counted wrong.

20 Can I take that back? Findings of Fact 1 through 5.

21 MR. JEAN: I will second that change.

22 CHAIRMAN: All those in favor of the motion

23 and the change please indicate by raising your right

24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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1 CHAIRMAN: Motion carries.

2 ITEM 5

3 3631 Ralph Avenue, 0.458 acres

Consider zoning change: From R-1A Single-Family

4 Residential to B-4 General Business

Applicant: Martin & Sarah Walker

5

6 MS. KNIGHT: Please state your name for the
7 record.

8 MR. PEDLEY: Trey Pedley.

9 (TREY PEDLEY SWORN BY ATTORNEY.)

10 PLANNING STAFF RECOMMENDATION

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

13 FINDINGS OF FACT

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

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

20 3. The proposal is a logical expansion of
21 existing B-4 General Business zoning to the west,
22 across Ralph Avenue, as well as to the east and the
23 north; and,

24 4. At 0.458 acres, the proposal does not
25 significantly increase the extent of the B-4 zoning in

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1 the vicinity and should not overburden the capacity of
2 roadways and other necessary urban services that are
3 available in the affected area

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

6 CHAIRMAN: Thank you. Anyone in the audience
7 representing the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Any commissioners have any
10 questions concern the application?

11 (NO RESPONSE)

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

14 Commissioner Reeves.

15 MR. REEVES: Make a motion to approve this
16 amendment based on Staff Recommendations and Findings
17 of Fact 1 through 4.

18 CHAIRMAN: We have a motion. Do we have a
19 second?

20 MS. McENROE: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

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1 ITEM 6

2 2886, 2888 Settles Road, 4.54 acres

3 Consider zoning change: From R-1A Single Family
4 Residential and A-U Urban Agriculture to R-1A Single
5 Family Residential

6 Applicant: Martin & Sarah Walker; Daviess County
7 Water District

8

9 PLANNING STAFF RECOMMENDATION

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

12 FINDINGS OF FACT

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

16 2. The subject properties are located in an
17 Urban Residential Plan Area, where single-family
18 residential uses are appropriate in limited locations;

19 3. The proposed use conforms to the criteria
20 for Urban Residential Development;

21 4. Because this residential use is serviced
22 by an existing on-site septic system, it does not meet
23 the requirement for available sanitary sewer systems;
24 however, the request is a logical expansion of the
25 R-1A Single Family Residential zone, expanding from
26 portions of the subject properties and from adjoining
27 properties to the east and the west.

28 MR. PEDLEY: We would like to enter the Staff

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1 Report into the record as Exhibit D.

2 CHAIRMAN: Thank you. Anyone in the audience
3 representing the applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Do you wish to speak?

6 APPLICANT REP: No.

7 CHAIRMAN: Any questions from the
8 commissioners?

9 Mr. Reeves.

10 MR. REEVES: Is the property going to be
11 consolidated?

12 MR. KNIGHT: Please state your name for the
13 record.

14 MR. WEAVER: David Weaver with Bryant
15 Engineering.

16 (DAVID WEAVER SWORN BY ATTORNEY.)

17 MR. WEAVER: Yes, we have consolidation plat
18 we are preparing.

19 MR. REEVES: Thank you.

20 CHAIRMAN: Any other questions?

21 (NO RESPONSE)

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

24 Mr. Boswell.

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

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1 I would like to make a motion for approval
2 based on the Planning Staff Recommendations and
3 Findings of Fact 1 through 4.

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

6 MR. EDGE: Second.

7 CHAIRMAN: Second by Commissioner Edge. All
8 in favor please indicate by raising your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 MAJOR SUBDIVISION PRELIMINARY PLATS

12 ITEM 7

13 Angus Hills Commercial Subdivision, 16.82 acres
Consider approval of an amended major subdivision
14 preliminary plat.

Applicant: Angus Hills Farms, LLC

15

16 MR. HOWARD: This plat has been reviewing by
17 the Planning Staff and Engineering Staff. It's found
18 to be in order. It is an amendment from a preliminary
19 plat that was approved a while back. It does alter
20 the location of a street in the property and therefore
21 had to come back to the full commission for approval.
22 We could not sign at the Staff level as a minor
23 amendment, but it's ready for your consideration for
24 approval.

25 CHAIRMAN: Anyone in the audience representing

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1 the subdivision primary plat?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Any commission have any questions?

4 (NO RESPONSE)

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

7 MR. JEAN: Make a motion we approve.

8 CHAIRMAN: We have a motion for approval. Do
9 we have a second?

10 MS. McENROE: Second.

11 CHAIRMAN: Second by Commissioner McEnroe.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 -----

17 GENERAL BUSINESS

18 ITEM 8

19 Consider approval of June 2019 financial statements

20 CHAIRMAN: All the commissioners should have
21 received a copy of the financial statement. Any
22 commissioners have any questions concerning the
23 financial statement?

24 (NO RESPONSE)

25 CHAIRMAN: Seeing none the Chair is ready for

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1 a motion.

2 Commissioner Ball.

3 MR. BALL: I'd like to make a motion to
4 approve the financial statement.

5 CHAIRMAN: We have a motion for approval. Do
6 we have a second?

7 MS. HARDAWAY: Second.

8 CHAIRMAN: Second by Commissioner Hardaway.
9 We have a motion and a second. All those in favor
10 please indicate by raising your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 ITEM 9

14 Comments by the Chairman

15 CHAIRMAN: Again, the Chair has no comments.

16 ITEM 10

17 Comments by the Planning Commissioners

18 (NO RESPONSE)

19 ITEM 11

20 Comments by the Director

21 MR. HOWARD: No, thank you.

22 CHAIRMAN: We have one final motion to make.
23 Commission Edge.

24 MR. EDGE: Motion to adjourn.

25 CHAIRMAN: We have a motion for adjournment.

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1 Do we have a second?

2 MR. REEVES: Second.

3 CHAIRMAN: Second by Mr. Reeves. All those in
4 favor indicate by raising your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 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 Board of
6 Adjustment 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 20 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 3rd day of September, 2019.

18
19

LYNNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE., SUITE 106-E
OWENSBORO, KENTUCKY 42303

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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