

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 9, 2020

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 January 9, 2020, 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 Larry Boswell
14 Irvin Rogers
15 Skyler Stewart
16 Manuel Ball
17 Fred Reeves
18 Angela Hardaway
19 Jay Velotta

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21 CHAIRMAN: I would like to call the January
22 2020 Owensboro Metropolitan Planning Commission to
23 order.

24 The first business is the election of
25 officers. In doing so, I would like to turn the
microphone to our attorney, Terra Knight.

26 MS. KNIGHT: Thank you, Mr. Chair.

27 For those of you who don't know, KRS 100
28 requires that we elect officers annually; a chairman
29 and any other officers that we deem necessary. Our

1 bylaws state that we will have a chairman, a vice
2 chair and secretary/treasurer. We always hold our
3 elections pursuant to our bylaws the first meeting of
4 the year, which is tonight.

5 Typically we open the floor for nominations
6 for each office, and then we will take nominations and
7 have a vote by show of hands. So that's what we'll do
8 tonight. We do those nominations and election in the
9 order that they're listed in the bylaws, which will be
10 chairman, vice chair and secretary/treasurer.

11 So at this time I'll open the floor for
12 nominations of chairperson.

13 MR. REEVES: I nominate Larry Moore.

14 MS. KNIGHT: Is there a second to that
15 nomination?

16 MR. BOSWELL: Second.

17 MS. KNIGHT: Mr. Moore, do you accept that
18 nomination?

19 MR. MOORE: Yes, I do.

20 MS. KNIGHT: Are there any other nominations
21 for chair?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none I'll close the floor
24 and we will vote. All in favor of Mr. Moore
25 continuing to serve as chair please raise your right

1 hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 MS. KNIGHT: Congratulations, Mr. Moore.

4 MR. MOORE: Thank you.

5 MS. KNIGHT: On to vice chair. I'll open the
6 floor for nominations.

7 MR. BOSWELL: I nominate Lewis Jean for
8 co-chair.

9 MS. KNIGHT: All right. Is there a second to
10 that nomination?

11 MR. REEVES: Second.

12 MS. KNIGHT: Mr. Jean, do you accept that
13 nomination?

14 MR. JEAN: I will.

15 MS. KNIGHT: Any other nominations for vice
16 chair?

17 (NO RESPONSE)

18 MS. KNIGHT: Hearing none I will close the
19 floor and we will vote. All in favor of Mr. Jean as
20 vice chair please raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 MS. KNIGHT: Congratulations, Mr. Jean.

23 MR. JEAN: Thank you.

24 MS. KNIGHT: Now on to secretary/treasurer.
25 I'll open the floor for nominations.

1 MR. BOSWELL: I nominate Mr. Mike Edge.

2 MS. KNIGHT: Is there a second to that

3 nomination?

4 MR. JEAN: Second.

5 MS. KNIGHT: Mr. Edge, do you accept that

6 nomination?

7 MR. EDGE: I do.

8 MS. KNIGHT: Any other nominations for

9 secretary/treasurer?

10 (NO RESPONSE)

11 MS. KNIGHT: Hearing none I'll close the floor

12 and we'll take a vote. All in favor of Mr. Edge for

13 secretary/treasurer please raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 MS. KNIGHT: Back to you, Mr. Chair.

16 CHAIRMAN: Thank you.

17 Before we get started, I would like to

18 introduce, we have a new member, a commissioner,

19 Skylar Stewart. Welcome.

20 MS. STEWART: Thank you.

21 ITEM 3

22 Presentation of FY '19 Audit by Jack Summerfield, CPA

23 CHAIRMAN: We have a presentation of the

24 audit.

25 MR. Thank you, Mr. Chairman. I'm here to

1 replace Jack Summerfield. I'm Mac Neel with Alexander
2 Thompson Arnold. Mr. Summerfield had an issue he had
3 to attend to tonight.

4 I'll pull the report up. Technology is
5 wonderful.

6 You'll find in your audit report, if you'll
7 turn to Page 8 of the Independent Auditor's Report.
8 Basically all those two pages say is that everything
9 was in good order. It's what's known as a clean audit
10 opinion.

11 Your financial statements start on Page 10.
12 You ended the year with 1.6 million in cash and with
13 your other assets, a deferred outflow of resources,
14 you had a total assets of about 2 million. There's
15 also liabilities. I think we're all aware of the
16 situation with the CERS and the pension plan and all
17 of that. You have about \$1.8 million liability; for
18 that bring your net position or net worth to a deficit
19 of \$110,000. Those moneys that are open and that
20 pension liabilities, that's going to be paid over a
21 period of time. That's not something that you have to
22 come up with instantaneously.

23 Page 14 is probably the most important
24 statement in the whole audit. It shows your revenues
25 and expenditures. You can see for the fiscal year

1 ended June 30, 2019 you had total revenues of
2 1,376,000. Total expenditures of \$1,123,000. So you
3 had a change in fund balance of a positive \$253,623.
4 So you ended the year very strong.

5 There's footnotes and other reports in the
6 back. I could keep you here for an inordinate amount
7 of time and bore you to tears. We test compliance
8 with Kentucky laws and regulations and everything is
9 in good order with that. There's footnotes in here
10 that explain the numbers on the financial statements.

11 If there's any questions, I'll be glad to
12 answer them.

13 CHAIRMAN: Any other commissioners have any
14 questions?

15 (NO RESPONSE)

16 CHAIRMAN: Seeing none, thank you, sir.

17 MR. NEEL: Thank you.

18 CHAIRMAN: I also forgot to say we always
19 start our meetings, except for this one, we always
20 start our meetings with a prayer and pledge. That
21 honor this month goes to Commissioner Velotta.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: Thank you, Commissioner.

24 I also forgot to explain how we operate around
25 here.

1 If any of the items are up and you need to
2 speak to or ask question, please come to one of the
3 microphones and be sworn in by our attorney. We ask
4 that you direct your questions to the chair. I will
5 in turn try to find the answers for you and head you
6 in the right direction.

7 We ask that you stay on topic. Probably the
8 most important is to be respectful. If you follow
9 those, we'll have a nice smooth meeting.

10 Next item is the minutes from December's
11 meeting. All the commissioners should have received a
12 copy of those. Any of the commissioners have any
13 questions or concerns or changes?

14 (NO RESPONSE)

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

17 MR. VELOTTA: Motion to approve.

18 CHAIRMAN: Do we have a second?

19 MS. HARDAWAY: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 Next is general business.

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. Those appeal forms can be found in our
8 office, on our website, and I believe we have some
9 here as well.

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11 GENERAL BUSINESS

12 ZONING CHANGES

13 ITEM 5

14 3801, 3815, 3816 Legacy Run, 2.825 acres
15 Consider zoning change: From P-1 Professional/Service
16 to R-3MF Multi-Family Residential
17 Applicant: Don Young; O'Bryan Heirs & Franklin &
18 Susan Dockery

19 MS. KNIGHT: Mr. Chair, just for the record,
20 Mr. Velotta did need to recuse himself on this
21 particular item.

22 CHAIRMAN: Thank you.

23 MS. KNIGHT: Please state your name for the
24 record.

25 MS. EVANS: Melissa Evans.

 (MELISSA EVANS SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

3 FINDINGS OF FACT:

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

7 2. The subject properties are located in a
8 Professional/Service Plan Area, where urban mid
9 density residential uses are appropriate in limited
10 locations;

11 3. Sanitary sewer service is available in the
12 area; and,

13 4. The subject properties are situated at the
14 fringe of the larger development where they would
15 serve as a buffer between the commercial and
16 industrial uses to the north and west and the
17 residential uses to the south and east.

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

20 CHAIRMAN: Anyone in the audience representing
21 the application?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Any comments?

24 APPLICANT REP: No. Thank you.

25 CHAIRMAN: Any of the commission have any

1 questions concerning the application?

2 (NO RESPONSE)

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

5 Excuse me. Anyone in the audience have any
6 questions concerning this application?

7 (NO RESPONSE)

8 CHAIRMAN: Any commissioners have any
9 questions concerning this application?

10 (NO RESPONSE)

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

13 Commissioner Ball.

14 MR. BALL: I would like to make a motion for
15 approval based on the Planning Staff Recommendation
16 and Findings of Fact 1 through 4.

17 CHAIRMAN: Do we have a second?

18 MR. BOSWELL: Second.

19 CHAIRMAN: Second by Commissioner Boswell.
20 Any questions concerning the motion or the second?

21 (NO RESPONSE)

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 ITEM 6

3 8696 Sawmill Road, 3.84 acres
4 Consider zoning change: From I-2 Heavy Industrial to
5 A-R Rural Agriculture
Applicant: Ryan Carmon; Rex & Laura Carmon

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

8 MS. PEDLEY: Trey Pedley.

9 (TREY PEDLEY SWORN BY ATTORNEY.)

10 PLANNING STAFF RECOMMENDATIONS

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 Rural
18 Maintenance Plan Area, where rural large-lot
19 residential uses are appropriate in limited locations;

20 3. The subject property is a 3.84-acre tract
21 and the applicant proposes a residential use on the
22 property; and,

23 4. The subject property has road frontage on
24 Sawmill Road, a public road.

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

1 Report into the record as Exhibit B.

2 CHAIRMAN: Thank you, sir.

3 Anybody in the audience representing the
4 applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: Anyone in the audience have any
7 questions concerning the application?

8 (NO RESPONSE)

9 CHAIRMAN: Any of the commissioners have any
10 questions or concerns?

11 Commissioner Reeves.

12 MR. REEVES: I'm not sure if it's for Mr.
13 Howard.

14 Under "(d) Coal Mining Advisory," it says
15 "Prospective lot owners should be advised of the
16 potential for coal mining activity in rural area."
17 How has that changed?

18 MR. HOWARD: Through the Staff Report. They
19 did get a copy of it.

20 Basically in some portions of the county, say
21 in this instance where you're in a rural maintenance
22 plan area, since we do have coal mining, that's just
23 same language that's in the comp plan. There's
24 nothing, we don't send them anything or whatever.
25 It's just part of the Staff Report. Hey, rezoning

1 some property in the vicinity. Coal mining may or may
2 not be in your area, kind of thing.

3 MR. REEVES: 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. I'd
10 like to make a motion for approval based on Findings
11 of Fact 1 through 4.

12 CHAIRMAN: We have a motion. Do we have a
13 second?

14 MR. JEAN: Second.

15 CHAIRMAN: Second by Commissioner Jean. Any
16 question concerning the motion or the second?

17 (NO RESPONSE)

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 ITEM 7

24 5971, 5975, 5985, 5987 Highway 54, 5.05 +/- acres
25 Consider zoning change: From B-4 General Business,
R-1A Single-Family Residential & A-U Urban Agriculture
to R-1A Single-Family Residential

1 Applicant: Michael L. Ward, Executor & Kimberly L.
2 Dant; Dorothy B. Ward & Edith Hays (deceased)

3 PLANNING STAFF RECOMMENDATIONS

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

6 CONDITION:

7 Direct access to Highway 54 shall be limited
8 to the passway which serves as the existing single
9 access point for the subject properties.

10 FINDINGS OF FACT:

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

14 2. The subject properties are located in a
15 Rural Community Plan Area where Rural Small-lot
16 Residential Uses are appropriate in general locations;

17 3. Two of the subject properties have
18 existing road frontage along a public road, Highway
19 54; and although the two remaining subject properties
20 do not have road frontage along a public road, they
21 are existing lots of record with an existing access
22 point along Highway 54;

23 4. Two of the subject properties are large
24 enough in size to assure satisfactory operation of a
25 conventional septic system; and although the two

1 remaining subject properties are smaller than the
2 typical size for a septic system, they are existing
3 lots of record;

4 5. The proposed R-1A Single Family
5 Residential zoning is a logical expansion of the R-1A
6 zoning in the area, including on each of the four
7 subject properties; and

8 6. The elimination of split zoning throughout
9 the four subject properties creates the potential for
10 a future minor subdivision plat which may enhance the
11 layout of the subject properties.

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

14 CHAIRMAN: Anyone in the audience representing
15 the applicant?

16 APPLICANT REP: Yes.

17 CHAIRMAN: Would you like to make any
18 comments?

19 APPLICANT REP: No. Thank you.

20 CHAIRMAN: Anybody else in the audience
21 wishing to speak on this application?

22 (NO RESPONSE)

23 CHAIRMAN: Any of the commissioners have any
24 concerns or questions concerning this application?

25 Mr. Boswell.

1 MR. BOSWELL: Thank you, Mr. Chairman. I
2 guess this is maybe more of a clarification question
3 for Mr. Howard probably.

4 The Finding of Fact 6, I went out there and
5 looked around a little bit. I guess I'm trying to get
6 a better feel for what is meant by "the subject
7 properties create a potential for a future miner
8 subdivision plate which may enhance the layout." How
9 would that be enhanced? In what way would that be
10 enhanced?

11 MR. HOWARD: You know, they have 5 acres.
12 They have two parcels with road frontage. One with
13 access through, the passway. One is land locked. So
14 enhancing that would be getting it closer to
15 compliance with zoning and subdivision regulations by
16 say providing frontage for each parcel or things like
17 that. Maybe as Mr. Pedley stated in the findings,
18 that a couple of parcels are smaller than what would
19 typically be excepted today for septic system lot size
20 with what the health department requires. They could
21 get all four lots over the three quarters of an acre
22 minimum. You know, there might be ways to -- then we
23 believe that the intent for getting the zoning unified
24 is so that they can do some redivision and then
25 reconfiguring of property.

1 MR. BOSWELL: Give options to be able to
2 utilize the lots?

3 MR. HOWARD: Bring them more into compliance,
4 yes.

5 MR. BOSWELL: Thank you.

6 CHAIRMAN: Any other questions from the
7 commissioners?

8 (NO RESPONSE)

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

11 Commissioner Reeves.

12 MR. REEVES: Motion to approve this
13 application based on Planning Staff Recommendations
14 and Findings of Fact 1 through 6 with the one
15 condition.

16 CHAIRMAN: Thank you. Do we have a second?

17 MR. VELOTTA: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 MINOR SUBDIVISION PLATS

24 ITEM 8

25 12429 US Highway 60 E, 1.903 acres
 Consider approval of a minor subdivision plat

1 Applicant: Jennifer L. Vogel

2 MR. HOWARD: This plat comes before you as an
3 exception to the 3 to 1 requirement. As you can see,
4 both on the screen and on the plat included in your
5 packet, it does create quite an irregular-shaped lot.
6 This lot configuration provides a minimum amount of
7 road frontage required by the zoning ordinance, but it
8 goes back to encompass an existing home.

9 We do have notations on this plat that would
10 limit any future subdivision of the property to
11 meeting the requirements of the subdivision
12 regulations, meeting minimum road frontage, 3 to 1
13 requirement. So considering they're creating this
14 around an existing home and that note is on the plat,
15 we would recommend that you consider it for approval.

16 CHAIRMAN: Anyone in the audience representing
17 the application?

18 APPLICANT REP: Yes.

19 CHAIRMAN: Would you like to make any
20 comments?

21 APPLICANT REP: Only if someone has a
22 question.

23 CHAIRMAN: Thank you, sir.

24 Any commissioners have any questions?

25 (NO RESPONSE)

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

3 Mr. Jean.

4 MR. JEAN: Motion to approve.

5 CHAIRMAN: Thank you, Commissioner Jean. We
6 have a motion to approve. Do we have a second?

7 MR. REEVES: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

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14 NEW BUSINESS

15 ITEM 9

16 Consider approval of November 2019 financial statement

17 CHAIRMAN: All the commissioners should have
18 received a copy of the financial statement and have
19 had an opportunity to look them over. Anybody have
20 any questions or concerns?

21 (NO RESPONSE)

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

24 MS. HARDAWAY: Motion to approve.

25 CHAIRMAN: Motion to approve by Ms. Hardaway.

1 Do we have a second?

2 MR. BOSWELL: Second.

3 CHAIRMAN: Second by Commissioner Boswell.

4 All those in favor please indicate by raising your
5 right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: The financial statement passes.

8 ITEM 10

9 Comments by the Chairman

10 CHAIRMAN: The chairman doesn't have any
11 comments.

12 ITEM 11

13 Comments by the Planning Commissioners

14 CHAIRMAN: Any comments by any of the
15 commissioners?

16 MR. BOSWELL: The only comment is the Chair is
17 really excited about this new nomination for the next
18 year.

19 CHAIRMAN: Any other commissioners?

20 (NO RESPONSE)

21 ITEM 12

22 Comments by the Director

23 CHAIRMAN: Comments by the Director.

24 MR. HOWARD: I'm good. Thank you.

25 CHAIRMAN: We have one last motion.

1 MR. BALL: Motion to adjourn.

2 CHAIRMAN: Do we have a second?

3 MR. EDGE: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: We are adjourned.

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