The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, July 13, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Boswell, Chairman
Steve Frey, Vice-Chairman
Larry Moore, Secretary
Brian Howard, Director
Terra Knight, Attorney
Irvin Rogers
Beverly McEnroe
Manuel Ball
Fred Reeves
John Kazlauskas
Lewis Jean
Angela Hardaway

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CHAIRMAN: I would like to call the July 13, 2017 Metropolitan Planning Commission meeting to order. We start our meeting with a prayer and pledge. Tonight Commissioner Kazlauskas will lead both.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Thank you, Commissioner Kazlauskas. Before we consider the minutes, I would just like to make a couple of announcements. Those that wish to speak tonight, either for an application or in opposition, we ask that you do come forward to the
podium and state your name. It's very important that
we hear all of the information with who you are, but
also with what you have to say so that we can make
good valid decisions based on the facts that we have
tonight and hopefully we hear all the information that
we need to hear to make those good decisions.

The minutes were submitted to all of the
commission members. Hopefully all the commission
members have had a chance to take a look at the
minutes of the meeting to review those. Are there any
questions or changes to the minutes to the last
meeting?

(NO RESPONSE)

CHAIRMAN: There being none the chair is ready
for a motion.

Mr. Moore.

MR. MOORE: Move for approval.

CHAIRMAN: Move for approval has been made by
Mr. Moore. Is there a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. All those
in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. HOWARD: I will note that all the zoning
changes heard tonight will become final 21 days after
the meeting unless an appeal is filed. If an appeal
is filed, we will forward the record of the meeting
along with all applicable materials to the appropriate
legislative body for them to take final action. Those
appeal forms are available on the back table here, on
our website and in our office.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

110 & 234 Carlton Drive, 7.46 acres (Postponed from
the June 8, 2017 meeting)
Consider zoning change: From B-4 General Business to
B-5 Business/Industrial
Applicant: Mary Roby SFOA Trust c/o Mary Sky Fortune

MR. HOWARD: This item was postponed at the
meeting last month. At that meeting Mike Hill read
the Staff Report into the record. We provided you all
a copy again this time in your packet as a refresher
since there has been a month since it was heard last.

There were some questions at that time and no
one was here representing the applicant to answer
those so you all postponed it. The applicant is here
tonight to answer any questions, I believe. So it's
ready for you all to move forward.

CHAIRMAN: Thank you, Mr. Howard.
Is there anyone here representing the applicant?

Please step forward.

MS. KNIGHT: State your name, please?

MS. FORTUNE: I'm Mary Sky Fortune.

(MARY SKY FORTUNE SWORN BY ATTORNEY.)

CHAIRMAN: Would you like to speak on behalf of the application?

MS. FORTUNE: I don't know if there is anyone here opposing the application this evening or not. Do you have any further questions for me this evening?

I know at this time we are wanting to rezone it to B-5 property. There is adjacent property to the Carlton property that's already been zoned B-5 and we just want the best use and flexibility of the property.

CHAIRMAN: Give the commissioners a chance to rearrange here.

MS. FORTUNE: I want to apologize for not being here last month.

CHAIRMAN: We thank you for being here to answer questions. Very important.

Do any of the commissioners have any questions for Ms. Fortune concerning this application?

(NO RESPONSE)
CHAIRMAN: Is there anyone in the audience that would have any questions concerning this application?

MR. ALLGOOD: I have a statement.

CHAIRMAN: Please step forward to the podium, if you wish to speak, and to be sworn in.

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

MR. ALLGOOD: David Allgood.

(DAVID ALLGOOD SWORN BY ATTORNEY.)

MR. ALLGOOD: There doesn't appear to be a whole lot of difference in B-4 and B-5 with the exception of a few things. One of them has already happened to me once. If this thing gets rezoned to B-5 and then there's some kind of a penal institution, or halfway house, whatever, on the other side, I'll be surrounded by that. I'd just like to know what might be there. The majority of the things would be okay, but without knowing what's going there.

MS. FORTUNE: Right now it's just going to be, the perspective buyer wants to build an office complex.

MR. ALLGOOD: Well, an office complex is one thing, but once it gets zoned B-5, if a person knew that it was an office complex, then there wouldn't be
a problem, but you don't know what it's going to be until it's going to be there. That's what happened to me the last time. It only takes a few days to get the thing rezoned. There's three, you could hit a golf ball from my property to two other ones of these family centers; the Next Level and the skating rink. One of those properties is, of course, next to me. That's the one that I'm concerned about. I don't want to be surrounded by the jail. We can advertise not in the pen, but right by it.

MS. FORTUNE: There's no plan of any future buyers being involved with the criminal justice or anything of that nature at this time. The perspective buyer at this time wants to build an office building for a business. Again, Lowe's is right behind us, B-5. Then close to the property is also B-5 and that's Carpet World. So it's all surrounding us already.

MR. ALLGOOD: Well, the majority of the things that could be put there that's B-5, there's not that much difference. But when you get from B-4 to B-5, it's conceivable that I could end up with a mess. It's not likely, but it wasn't likely the last time after I had gone out and borrowed every last penny I could. Then all of a sudden appeared about four years
later the Dismas House thing. If it was an office building, that would be okay. But just because somebody tells you that they want to build an office building. In fact, isn't an office building B-4? You all know what the codes are. Isn't an office building B-4?

MR. HOWARD: It would be permitted in a B-4.

MR. ALLGOOD: Then you don't even need to change the zone to build an office building.

MS. FORTUNE: Well, I understand, but the thing is --

CHAIRMAN: Would you all please address the chair whenever you speak.

MS. FORTUNE: I apologize.

CHAIRMAN: Rather than back and forth between the two of you all.

MS. FORTUNE: At this point I have no idea who is going to buy the remaining property. My goal is to have that entire lot and property developed. At this time the buyer has requested it to be B-5. B-5 makes sense because it allows the property to be flexible and to allow for best uses.

You know, I apologize to Mr. Allgood. I apologize if he feels like he's afraid that he doesn't want another penal institution to be on the property,
but it's private property and I can't, you know,
there's nothing in there that says it could or could
not be. It's tentative.

CHAIRMAN: But in either case, whether it's
B-4 or B-5, there's still a lot of flexibility in
either one of those, but the B-5 allows more
flexibility is what you're wanting.

MS. FORTUNE: Yes. That's what I'm requesting
at this time.

MR. HOWARD: If I could.

Under the institutional use category T-2 Penal
Correctional Institution, that is conditionally
permitted in B-5 zone. So that would not allow that
to go in by right. They would have to apply for a
Conditional Use Permit that would have to go to the
Board of Adjustment for approval. And the same thing,
if it were some type of rehabilitation facility.
That's under A-7. That is well as conditionally
permitted in a B-5 zone. That actually rehab
transitional housing is conditionally permitted in
both B-4 and B-5.

In either case, if something like that were
proposed, they would still have to go through another
step, another public hearing in order for that to
happen.
MR. ALLGOOD: I don't have my thing with me. I know you know the rules, whatever it says. The best I can remember down there on that B-4 through about Page 10 of what is and isn't, there is so few differences there. That I thought specifically one of the difference is no jail on B-4 and it says P under B-5, which I think meant permitted, and there's not anything that I can do after that.

MR. HOWARD: The P would mean that. P is presently permitted. That's use by right that could go in, but I'm looking at it right now. Under Penal and Correctional Institution, which would be a jail, it is conditionally permitted in B-5. Not permitted. So there would be another step that would have to take place.

MR. ALLGOOD: Once it gets past this step, it just gets closer and closer to being and I see the realities of it. It's happened to me. It just happened to me. I see how all of this -- it just goes slowly, you know. I've got another place on Triplet where the same thing has happened across from the tower. Where it kind of just goes to the dogs. It's a slow process. Once it gets made this B-5, which in all likelihood --
MR. ALLGOOD: In all likelihood, it would be fine, but to let it get by, just don't feel right about letting it get by. I've been there 33 years and I was there but four years until this happened to me the last time.

CHAIRMAN: I think, as you continue repeating the same thing over, we understand what you're saying. It could be a lot more flexibility, but that may never happen. They may never do more than what she's indicating.

MR. ALLGOOD: It may not. It has before and it may not this time, but it may. It has a higher probability of happening if this gets moved to B-5 from B-4. It not only affects me, but other people there.

CHAIRMAN: The question I would have with Mr. Howard's explanation: If there are other levels of review that would go on, would that satisfy you, that there are other steps that would have to be taken before anything would occur?

MR. ALLGOOD: Obviously I would rather see it not occur because then there isn't any question. Like if they want to do an office building there, it's already in a B-4 zone. I don't want to keep Sky from
selling this thing. I just don't want something
detrimental to me.

CHAIRMEN: We'll definitely take that into
consideration. Certainly will.

MR. ALLGOOD: Am I done?

I'm done, Sky.

CHAIRMEN: Are there any other questions or
comments from the audience concerning this
application.

(NO RESPONSE)

CHAIRMEN: There being none the Chair is ready
for a motion.

Mr. Ball.

MR. BALL: Motion to approve based on
Conditions 1 and 2 and Findings of Fact 1 through 5.

CHAIRMEN: A motion has been made by Mr. Ball
for approval based on Findings of Fact 1 through 5 and
Conditions 1 and 2. Is there a second?

MR. KAZLAUSKAS: Second.

CHAIRMEN: Second by Mr. Kazlauskas. All
those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMEN: Motion carries.

ITEM 4

Portion of 3149 & Portion of 3155 Commonwealth Court,
0.40 acres
Consider zoning change: From I-1 Light Industrial to B-4 General Business
Applicant: Pedley Rental Properties, LLC

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

1. Approval of a final development plan for 3149 and 3155 Commonwealth Court.

FINDINGS OF FACT:

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

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

3. The proposed use of the property as commercial/retail conforms to the criteria for nonresidential development; and,

4. At 0.40 acres the proposal does not significantly increase the extent of the B-4 zone in the vicinity and should not overburden the capacity of
roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you, Melissa.

Is there anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to say anything on behalf of the application?

APPLICANT REP: I don't have anything. Thank you.

CHAIRMAN: Anyone here have any questions concerning the application? Any of the commissioners?

(NO RESPONSE)

CHAIRMAN: Anyone else in the audience would have a question concerning the application?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Kazlauskas.

MR. KAZLAUSKAS: Motion for approval based on the Planning Staff Recommendations, Condition Number 1 and Findings of Fact 1 through 4.

CHAIRMAN: A motion has made for approval by
Mr. Kazlauskas for Findings of Fact 1 through 4 and Condition 1. Is there any discussion about the motion?

(NO RESPONSE)

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any discussion about the second or the motion?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a vote. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. BALL: I need to recuse myself from this item.

COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

ITEM 5

Central Park, 4.355 acres
Consider approval of an amended combined final development plan/major subdivision preliminary plat.
Applicant: Jagoe Land Corporation

MR. HOWARD: This plat has been reviewed by the Planning Staff and Engineering Staff and it's found to be in order. It does amend the plan that was approved a few months back altering the street and things a little bit. Really no major or significant changes, but it does require it to come back before
the Planning Commission for approval. It meets all the requirements and it's ready for your alls consideration.

CHAIRMAN: Thank you, Mr. Howard.

Is anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: You wish to make any statement concerning the application?

APPLICANT REP: Not at this time.

CHAIRMAN: Anyone else in the audience would like to ask any questions?

(NO RESPONSE)

CHAIRMAN: Any of the commissioners have any questions concerning the application?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

Mr. Rogers.

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

CHAIRMAN: Motion for approval by Mr. Rogers.

Do we have a second?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. Any discussion about the motion for approval and the second?

(NO RESPONSE)
CHAIRMAN: There being none all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE - WITH MANUEL BALL RECUSING HIMSELF.)

CHAIRMAN: Motion carries.

MINOR SUBDIVISION PLATS

ITEM 6

3779, 3785 Thruston Dermont Road, 3780 Locust Hill Drive, 9.875 acres
Consider approval of a minor subdivision plat. Applicant: Larry Roberts, II

MR. HOWARD: This plat comes before you as an exception. This is a rather large, nearly ten acre parcel that has a limited amount of road frontage on Thruston Dermont Road, and it also has two stubs; apparently Locust Hill Drive, the east and west that is stubbed into the property.

What they're proposing to do is create three lots. Two of which will have road frontage on Thruston Dermont Road, and then the last one, the larger portion, the nearly six acres, would then have access off the stub streets for that single lot. We've reviewed and looked at it. Based on the acreage, you know, they're trying to get a lot configuration that will work for them. We don't have any big concerns with it. It's ready for your alls
consideration.

CHAIRMAN: Thank you, Mr. Howard.

Anyone representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to say anything on their behalf?

APPLICANT REP: No, sir.

CHAIRMAN: Any commissioners have any questions for the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone else in the audience have a question for the applicant?

(NO RESPONSE)

CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Ball.

MR. BALL: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Ball. Do we have a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. Any discussion about the motion and the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

Ohio Valley Reporting
(270) 683-7383
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 7

7356 & 7360 Highway 815, 10.1 acres
Consider approval of a minor subdivision plat.
Applicant: Michael J. & Lori L. Lewis

MR. HOWARD: This plat comes before you as an exception to the three to one requirement. This again is a 10 acre parcel. They're proposing to split it into two tracts. One a little over seven acres and the other a little over three acres. We've added a note to this plat that it would say that the property can't be further subdivided without meeting the requirements of the subdivision regulations, which without the installation of public street would really eliminate potential for this to be further subdivided because they don't have sufficient road frontage to do so. So this is kind of a one time division and won't be anything else that can happen with it moving forward. It's ready for your alls consideration.

CHAIRMAN: Thank you, Mr. Howard.

Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: There being none do any of the commissioners have any questions concerning this application?

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: There being none the Chair is ready for a motion.

Mr. Moore.

MR. MOORE: Move to approve.

CHAIRMAN: Move to approve by Mr. Moore. Is there a second?

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. Kazlauskas. Any discussion about the motion or the second?

(NO RESPONSE)

CHAIRMAN: There being none all those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Thank you for all the hard work on the applications this evening.

NEW BUSINESS

ITEM 8

Consider approval of May 2017 financial statements

CHAIRMAN: I assume everyone has had a chance to look at those financial statements. Are there any questions concerning any of the information of the financial statements?
CHAIRMAN: There being none the Chair is ready for a motion.

Ms. Hardaway.

MS. HARDAY: Motion to approve.

CHAIRMAN: Motion to approve by Ms. Hardaway.

Do we have a second?

MR. BALL: Second.

CHAIRMAN: Second by Mr. Ball. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 9

Comments by the Chairman

CHAIRMAN: I would just like to thank all the commissioners and the planning department. I think the commissioners do a great job on all the due diligence on any of the business that we have to come before us. It really is a pleasure to work with the entire Commission and Planning & Zoning Department because I think they do a great job. Wanted to just pass along those comments there.

ITEM 10

Comments by the Planning Commissioners

(NO RESPONSE)
ITEM 11

Comments by the Director

MR. HOWARD: I'll just make a quick one.

Mike Hill in our office is ramping up the work that we'll be doing later on this year for the comprehensive plan update. We're required to get that updated every five years. He has begun the work on that and contacted agencies and doing things like that. So I just want to give everybody a heads up that there will be some meetings forthcoming and things like that. So be looking for those in the near future.

CHAIRMAN: Thank you, Mr. Howard.

We have an important next motion.

MR. BALL: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Mr. Ball. Is there a second?

MR. FREY: Second.

CHAIRMAN: Second by Mr. Frey. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Planning
Commission meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 21 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
5th day of August, 2017.

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383