The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, May 2, 2019, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Moore, Chairman
Lewis Jean, Vice Chairman
Brian Howard, Director
Terra Knight, Attorney
Irvin Rogers
Beverly McEnroe
Manuel Ball
Fred Reeves
Angela Hardaway
Larry Boswell
Jay Velotta

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CHAIRMAN: I would like to call the May 2, 2019 meeting of the Owensboro Planning Commission to order. We usually start our meetings with a prayer and a pledge. That honor this month goes to Commissioner Jean.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Thank you, Lewis.

I'll explain a few guidelines to everyone in order to have a nice, smooth meeting. We ask these guidelines to be followed.

First of all, if you are going to speak on any issue before this Commission, please come to one of
the podiums, state your name and be sworn in by our attorney.

We ask you direct all your questions to the Chair. We will in turn try to find those answers for you.

We ask you to stay on topic. Most important we ask you be respectful and courteous in your remarks. If we do that, we will have a nice, smooth meeting.

First of all, I think all of the commissioners have received the minutes of the last meeting. Anyone have any questions, changes, concerns about those minutes?

(NO RESPONSE)

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

Commissioner Boswell.

MR. BOSWELL: Make a motion for approval of the minutes from the last meeting.

CHAIRMAN: Motion for approval. Do we have a second?

MS. McENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. We have a motion and a second. Any questions about the motion?

(NO RESPONSE)
CHAIRMAN: Seeing none all in favor indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Mr. Howard.

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

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

6500 Aull Road, 60.202 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Isaac Carmon

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

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

3. The subject property is a large tract at 60.202 acres;

4. The subject property has access to Aull Road with no new roads proposed;

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

6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.

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

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience have any
questions concerning the application?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions?

Commissioner Boswell.

MR. BOSWELL: Thank you, Mr. Chairman. This is maybe more of an educational question, and maybe it's been answered before. I know we have at times a number of these that come before the commission about it reverting back to its original zoning classification.

When the mining has been completed and there's no mining activity, is there ever any consideration about how long it's been since that mining activity has occurred or is that even a consideration or a question if it comes up? Maybe Mr. Howard is able to answer that.

MR. HOWARD: The only thing we look for in the application are statements that mining activity has ceased and that the land has been reclaimed or has been put back in appropriate fashion.

Say mining ended last month and there's still the open pit or whatever, it's not ready to revert back to its original zoning then. As long as it's been finished mining for quite some time, we would
consider it ready to certainly go back to the original zone.

MR. BOSWELL: No set years?
MR. HOWARD: No.
MR. BOSWELL: That answers my question.

Appreciate it. Thank you.

CHAIRMAN: Any other questions?

(NO RESPONSE)

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

Commissioner Jean.

MR. JEAN: I make a motion we approve this based on the Staff Report and Findings of Fact 1 through 6.

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

MR. VELOTTA: Second.

CHAIRMAN: Second by Commissioner Velotta.

Any question about the motion or the second?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 4
6501 Aull Road, 11.859 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Isaac Carmon

PLANNING STAFF RECOMMENDATION

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

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

3. The subject property is a large tract at 11.859 acres;

4. The subject property has access to Aull Road with no new roads proposed;

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

6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.

MR. PEDLEY: We would like to enter the Staff Report into the record as Exhibit B.
CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: Any commissioners?

(NO RESPONSE)

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

Mr. Rogers.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on the Planning Staff Recommendation with the Findings of Fact 1 through 6.

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

MS. MCENROE: Second.

CHAIRMAN: Second by Ms. McEnroe. All in favor of the motion and second please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 5

2388 Old Highway 144, 8.212 acres
Consider zoning change: From R-1A Single-Family
Residential and A-R Rural Agriculture to R-1A
Single-Family Residential
Applicant: Steven M. & Elizabeth A. Burch

PLANNING STAFF RECOMMENDATION

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

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 in a Rural Preference Plan Area, where rural large-lot residential uses are appropriate in general locations;

3. At 8.212 acres in size, the subject property is a large, well-proportioned lot with frontage on a public road, Old Highway 144; and

4. At approximately 5 acres in size at the rear of an existing lot, the expansion of the R-1A zoning classification will not significantly increase the extent of the zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you.
Anyone in the audience representing the application?

APPLICANT REP: Yes.

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commissioners?

(NO RESPONSE)

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

Mr. Reeves.

MR. REEVES: Motion to approve this application based on Staff's Recommendations and Findings of Fact 1 through 4.

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

MS. HARDAWAY: Second.

CHAIRMAN: Second by Mrs. Hardaway. Any questions concerning the motion or the second?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
RELATED ITEM

ITEM 5A

2366, 2388 Old Highway 144, 8.212 acres
Consider approval of a minor subdivision plat
Applicant: Steven M. & Elizabeth A. Burch

MR. HOWARD: This plat comes before you as exception to the 3 to 1 requirement. The 2.053 acre parcel at 2366 Old Highway 144 exceeds the 3 to 1 requirement. It is an 8 acre parcel. They're doing one division that would allow another lot or potential residential home construction.

There is a notation on the plat that states the properties cannot be further subdivided in creating additional irregular-shaped lot. So with that we would recommend you consider it for approval.

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions concerning the application?

(NO RESPONSE)

CHAIRMAN: Any questions from the commissioners?

(NO RESPONSE)

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

Mr. Boswell.

MR. BOSWELL: Motion for approval.

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

MS. McENROE: Second.

CHAIRMAN: Thank you, Mrs. McEnroe. All those in favor of the motion and the second please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 6

3705 Ralph Avenue, 0.46 acres
Consider zoning change: From R-1A Single-Family Residential to B-4 General Business
Applicant: Estate of J. Ann Owen; Executrix, Jennifer Millay

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

MS. EVANS: Melissa Evans

(MELISSA EVANS SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATION

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

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with the community’s adopted
2. The subject property is located in a Business Plan Area where general business uses are appropriate in limited locations;

3. The proposal is a logical expansion of existing B-4 General Business zoning to the west, across Ralph Avenue and to the east; and,

4. At 0.46 acres, the proposal does not significantly increase the extent of the B-4 zoning 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 D.

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

MS. MILLAY: Yes.

CHAIRMAN: Do you wish to make any comments?

MS. MILLAY: I am here if you have any questions.

CHAIRMAN: Thank you very much.

Anyone in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any
questions?

(NO RESPONSE)

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

Commissioner Ball.

MR. BALL: I would like to make a motion to approve based on Planning Staff Recommendation and Findings of Fact 1 through 4.

CHAIRMAN: Thank you, Commissioner Ball. Do we have a second?

MS. HARDAWAY: Second.

CHAIRMAN: Second by Commissioner Hardaway.

We have a motion and a second. All those in favor please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 7

8727, 8781 Short Station Road, 70.87 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Brandon Lanham; Estate of Gerald Mattingly, Rosemary Meserve, Executor and Joseph M. & Patricia J. Mattingly

PLANNING STAFF RECOMMENDATION

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

FINDINGS OF FACT
1. Staff recommends approval because the proposal is in compliance with the community’s adopted Comprehensive Plan;

2. The subject properties are located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;

3. The subject properties are large tracts at 48.763 acres and 22.107 acres;

4. The subject properties have access to Short Station Road with no new roads proposed;

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

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

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

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do you have any comments?

APPLICANT REP: I'm here to answer any questions.
CHAIRMAN: Anyone in the audience have any questions?
(NO RESPONSE)
CHAIRMAN: Any commissioners have any questions?
(NO RESPONSE)
CHAIRMAN: Seeing none the Chair is ready for a motion.
Mr. Boswell.
MR. BOWELL: Make a motion for approval based on Planning Staff Recommendation and Findings of Fact 1 through 6.
CHAIRMAN: We have motion for approval. Do we have a second?
MR. VELOTTA: Second.
CHAIRMAN: Second by Commissioner Velotta. We have a motion and a second. All in favor please indicate by raising your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.

MAJOR SUBDIVISION PRELIMINARY PLATS
ITEM 8
Daviess County Public Schools, 26.029 acres (Postponed from the April 11, 2019 meeting)
Consider approval of a major subdivision preliminary plat
Applicant: SSS2, LLC; D.C.P.S.
MR. HOWARD: This plat has been reviewed by the Planning Staff and Engineering Staff and it's found to be in order. It's consistent with the requirements of the underlying zoning, the subdivision regulations, Zoning Ordinance and Comprehensive Plan requirements, and it is ready for your consideration for approval.

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

APPLICANT REP: Mr. Chairman, if you have any questions, I'll be glad to answer them.

CHAIRMAN: Thank you.

Anyone in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions?

(NO RESPONSE)

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

Mr. Reeves.

MR. REEVES: Motion to approve.

CHAIRMAN: Motion for approval. Do we have a second?

MR. JEAN: Second.
CHAIRMAN: Second by Commissioner Jean. All those in favor of the motion and the second indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MINOR SUBDIVISION PLATS

ITEM 9

785 & 799 Highway 140 West, 37.013 acres
Consider approval of a minor subdivision plat.
Applicant: Lee Ann Edmonson

MR. HOWARD: This item is request we received I guess today to withdraw this from the Planning Commission agenda. The surveyor said that they are going through the process of bringing the lot divisions into compliance with all regulations; so it will not require Planning Commission approval. It's something I'll be able to approve at the Staff level. So we're just going to withdraw it from the agenda.

ITEM 10

8654 Highway 144 & 8151 Boteler Road, 11.609 acres
Consider approval of a minor subdivision plat
Applicant: Walter & Mary Isbell; Eric & Shana McBride

MR. HOWARD: This plat comes before you as an exception to the 3 to 1 requirement of an existing lot. They're adding to the back of it, 8151 Boteler Road. So they're adding onto the back of it, reducing or bringing it out of compliance with the 3 to 1.
remainder is now under 10 acres and it's kind of an odd-shaped lot. We've added the typical notes on there about no further subdivision without meeting the requirements. So it's ready for your consideration for approval.

CHAIRMAN: Anyone in the audience representing the applicant?

MR. ISBELL: Yes. I'm Walter Isbell. It's showing here that I have 11.609 acres, and I sold to Mr. McBride an acre and six-tenths and left 10 acres. I sold him an additional two acres. That leaves 7.9, a little over two acres. I want to leave the remainder and want to put my plot there.

MS. KNIGHT: Sir, if I can just swear you in just real quick, if you don't mind.

(WALTER ISBELL SWORN BY ATTORNEY.)

CHAIRMAN: Does anyone in the audience have any questions of Mr. Isbell?

(NO RESPONSE)

CHAIRMAN: Any commissioners?

(NO RESPONSE)

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

Mr. Jean.

MR. JEAN: I make a motion for approval.
CHAIRMAN: We have a motion for approval.

MR. VELOTTA: Second.

CHAIRMAN: Second by Commissioner Velotta.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

CHAIRMAN: Thank you.

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NEW BUSINESS

ITEM 11

Consider approval of March 2019 financial statements

CHAIRMAN: Commissioners, everyone should have received a copy of the financial statements. Anyone have any questions or concerns about the statement?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

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

MR. BALL: Second.

CHAIRMAN: Second by Commissioner Ball. All those in favor indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.

ITEM 12
Comments by the Chairman

CHAIRMAN: Actually I do.

I just wanted to commend Brian and Melissa for the excellent job they did planning and coordinating and doing everything possible to help several us who attended the National Conference. It went off very smooth and it's because of their hard work that it did. It's hard to keep up with me and Fred, but you finally did. I wanted to thank both of you for that. Thank you. That's all I've got.

ITEM 13
Comments by the Planning Commissioners

(NO RESPONSE)

ITEM 14
Comments by the Director

MR. HOWARD: The only thing I'll say is last months, I guess, we had quite a few text amendments that you all heard. The County had second readings on those tonight and they were approved, all of them. The City should have second reading on those next week, next Tuesday, I believe. There was a joint, I'm sure you all read about it, there was a joint meeting of the city and county commissions a couple of weeks
ago and I was there and answered questions and all of that. So they're moving along well. We'll have those in place county-wide basically here in the next week or so.

CHAIRMAN: Good. Thank you.

One last motion. Commissioner Boswell.

MR. BOSWELL: Thank you, Mr. Chairman. Motion to adjourn.

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

MS. HARDAWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. All those in favor indicate by raising 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 foregoing 22
typewritten pages; and that no signature was requested
to the foregoing transcript.

WITNESS my hand and notary seal on this the
5th day of JUNE, 2019.

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

COMMISSION EXPIRES: DECEMBER 16, 2022
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY