The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, June 13, 2019, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Larry Moore, Chairman
Lewis Jean, Vice Chairman
Mike Edge, Secretary
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 to order the June meeting of THE Owensboro Metropolitan Planning Commission. We start each meeting with a prayer and pledge. That honor this month goes to Commissioner Mike Edge.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: We have a few rules and guidelines that we ask everyone to follow.

If you wish to speak on any topic that comes before this board, we ask that you come to one of the
podiums in the aisles, state your name and be sworn in
by our attorney. We ask that if you have any
questions, you direct those to the chairman and we
will in turn try to find the answers for you. We ask
that you stay on topic. Finally, the most important
is we ask that you to be respectful. If we do those,
we'll have a nice easy meeting.

First thing on the agenda would be the minutes
from the May meeting. All the commissioners should
have received one of those. Do we have any questions
or concerns about last month's meeting?

(NO RESPONSE)

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

MS. McENROE: Move that we accept the minutes
as printed.

CHAIRMAN: We have a motion from Commissioner
McEnroe. Do we have a second?

MR. BOSWELL: Second.

CHAIRMAN: Second by Commissioner Boswell.

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.

Brian.
MR. HOWARD: The next items are the Zoning Changes. 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 to the appropriate legislative bodies for them to take final action.

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GENERAL BUSINESS

ITEM 3

3053 Alvey Park Drive West, 0.63 acres
Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial
Applicant: SLC Properties, LLC

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY 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 Comprehensive Plan;

2. The subject property is located within a
Business/Industrial Plan Area, where business/
industrial uses are appropriate in general locations;
3. The subject property lies within an
existing area of mixed general business and light
industrial uses;
4. The Comprehensive Plan provides for the
continuance of mixed use areas; and
5. The proposed use of retail sales conforms
to the criteria for non-residential development.

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?

APPLICANT REP: Yes.

CHAIRMAN: You wish to make any comments?

APPLICANT REP: No.

CHAIRMAN: Any commissioners have any comments
about the application?

Commissioner Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

I guess maybe questions for Brian and the
Staff. In reviewing this, going to B-5, obviously
what that does is open up a lot of different uses from
the -- in looking at this particular rezoning for B-5
it obviously opens up a lot more uses that could be used in that particular application if this were to pass.

It indicates that we're looking at retail sales, but if this is rezoned to a B-5 and for some reason this business decides to shutdown at some point in time in the future, the B-5 opens it up to a lot of different use that may not be necessarily appropriate for that particular area because if you go out there and look around, it seems to be more professional or bank or those types of businesses. But in looking at our uses under B-5, it would look like you could have lumberyards or heavy industrial uses or salvage yards or things that may not necessarily coincide with what's going out there, as far as uses that are there now. Is there any way to protect against that at some future date?

MR. HOWARD: Well, like a salvage yard, you cannot do that in an I-1 zone. So that's off the table.

The property is already zoned I-1; it's already zoned light industrial. So basically what the B-5 is higher B-4, I-1 zone; you can do any of the uses in either of those. It's only in certain areas where we've seen a history of zoning changes going
back and forth. Somebody had light industrial use in
there, they grew, got bigger, moved on to a bigger
location. Somebody wanted to do retail sales there,
it didn't work under the I-1 zoning so they had to
rezone to B-4. They moved on. You know, that's why
this area was set up to allow for the B-5.

Basically it would allow what's allowed in the
zone right now, plus the commercial uses; the office,
the retail sale, the bank, that type of thing.

MR. BOSWELL: But if someone did want to come
out there and put in a quarry of sand and gravel,
that's part of the industrial use under B-5. I guess
I'm trying to understand would they not be able to --
they could do a lot more that might not necessarily be
consistent with what is already out there.

MR. HOWARD: Well, anything that they would do
would be allowed in the zoning that it is right now.
So it doesn't, as far as an industrial use, the type
of use that you're indicating would not be conducive
or compatible to the surrounding land uses.

A quarry, you mentioned a quarry; I mean that
could potentially be conditional permitted in a B-5,
but it's conditionally permitted in an I-1 and I-2.
That requires a public hearing before the Board of
Adjustment.
Yes, that would be potentially a higher intensity use on par with coal mining type thing.

MR. BOSWELL: But that would still have to come before the commission?

MR. HOWARD: Go before the Board of Adjustment, conditionally permitted.

When you look through the use table, anything that is permitted or essentially permitted in an I-1 zone you can do in the B-5. Actually one exception is lumber and construction material yards. That's permitted in an I-1 zone, which it is right now, but it's not in a B-5. That's actually one use that would go away as a potential future use, but it does open the door for all the commercial uses to potentially occupy that property as well.

MR. BOSWELL: That answered my question.

Thank you, Mr. Howard.

CHAIRMAN: Any other questions by the commission?

(NO RESPONSE)

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

Commissioner Ball.

MR. BALL: I'd like to make a motion to approve based on the Planning Staff Recommendation and
Findings of Fact 1 through 5.

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

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Lewis Jean. Any questions 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

219 Cedar Street, 511 West 3rd Street, 0.599 acres
Consider zoning change: From B-2 Central Business & B-4 General Business to B-2 Central Business
Applicant: Riverfront Brio, LLC

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MR. VELOTTA: Mr. Chairman, I would like to recuse myself from this item.

PLANNING STAFF RECOMMENDATION

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

FINDINGS OF FACT

Ohio Valley Reporting
(270) 683-7383
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 Business/Industrial Plan Area, where central business uses are appropriate in very limited locations;

3. The subject properties are located within the downtown overlay districts as adopted by the City of Owensboro and the request is consistent with the concepts of the plan;

4. The use of the properties for a parking garage, hotel and residential apartments will provide much needed parking and housing within the Downtown area;

5. The B-2 zoning classification is an expansion of existing B-2 zoning surrounding the subject properties; and,

6. The B-2 zoning will promote the redevelopment of the downtown consistent with the downtown master plan.

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

CHAIRMAN: Is anyone in the audience representing the applicant?

(NO RESPONSE)
CHAIRMAN: Any commissioners have any questions concerning the application?
(NO RESPONSE)
CHAIRMAN: Seeing none the chair is ready for a motion.
Excuse me. Anybody in the audience wish to speak to this?
(NO RESPONSE)
CHAIRMAN: Ready for a motion now.
Mr. Reeves.
MR. REEVES: Mr. Chairman, motion to approve this application based on Staff Recommendation and Findings of Fact 1 through 6.
CHAIRMAN: We have a motion. Do we have a second?
MR. HARDAWAY: Second.
CHAIRMAN: Second by Ms. 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 - WITH JAY VELOTTA RECUSING HIMSELF - RESPONDED AYE.)
CHAIRMAN: Motion carries.
ITEM 5

Portion of 4375 Medley Road, 2.989 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: ATMOS Energy Corp (Western Kentucky Gas Utility Corp)

PLANNING STAFF RECOMMENDATION

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

CONDITION

Approval of a minor subdivision plat consolidating the 2.989 acre portion of the subject property with 4667 Medley Road.

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 Future Urban Plan Area, where agriculture/forestry uses are appropriate in general locations;
3. The applicant proposal is to continue the existing farming use of the property;
4. This portion of subject property will be consolidated with 4667 Medley Road and have access to Medley 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.

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

CHAIRMAN: Anyone in the audience representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone wishing to speak for or against this application?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions?

(NO RESPONSE)

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

Commissioner Lewis.

MR. JEAN: I'd like to make a motion that we approve this application based on the Staff Report and Findings of Fact 1 through 6.

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

MS. KNIGHT: We need to add the condition.

MR. JEAN: No, I did not, but I would like to.
With Special Condition Number 1.

CHAIRMAN: We have a motion for that including the condition. We need a second.

MS. McENROE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 6

7031 Highway 2830, 5.83 acres
Consider zoning change: From B-4 General Business & MHP Planning Mobile Home Park to I-2 Heavy Industrial
Applicant: Byron Hubert, LLC

PLANNING STAFF RECOMMENDATION

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

CONDITION

Approval of a Site Plan or Final Development Plan.

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 Community Plan Area, where Heavy Industrial uses are appropriate in very limited locations;

Ohio Valley Reporting
(270) 683-7383
3. At 5.83 acres in size, the subject property appears to be large enough for the proposal to conform to the criterial for nonresidential development and buffers for outdoor storage yards;

4. The proposal is a logical expansion of existing I-2 Heavy Industrial zoning to the northeast;

5. The limited expansion of the I-2 zone should not significantly increase the extent of industrial uses 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 D.

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do you wish to speak or available for questions?

APPLICANT REP: Yes.

CHAIRMAN: Anybody in the audience wish to make any comments concerning this application?

(NO RESPONSE)

CHAIRMAN: Any commissioners?
CHAIRMAN: Seeing none the chair is ready for a motion.

MR. ROGERS: Mr. Chairman, I make a motion for approval based on Planning Staff Recommendations with the one condition and Findings of Fact 1 through 5.

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

MR. BOSWELL: Second.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.

Mr. Howard.

MINOR SUBDIVISION PLATS

ITEM 7

2673 Bell Road, 1.660 acres
Consider approval of a minor subdivision plat.
Applicant: Brian & Candace Burnette

MR. HOWARD: This plat comes before you as an except to the three to one requirement and minimum road frontage requirement. They're creating a parcel that is shaped like a flag. It does leave over a

Ohio Valley Reporting
(270) 683-7383
10-acre remainder. Since this is basically going to be -- and there's notes on there that it can't be further subdivided without meeting the requirements of the subdivision regulations. So this is basically the one opportunity to split something off of that parent tract without meeting the requirements. It's ready for your consideration for approval.

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to make my comments concerning this?

APPLICANT REP: No.

CHAIRMAN: Any commissioners have any questions or concerns?

(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 this minor subdivision plat.

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

MR. VELOTTA: Second.
CHAIRMAN: Second by Commissioner Velotta.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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NEW BUSINESS

ITEM 8

Consider approval of April 2019 financial statements

CHAIRMAN: All of the commissioners should have received a copy of the financial statement. Any questions or concerns?

(NO RESPONSE)

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

Commissioners Reeves.

MR. REEVES: Motion to approve the financial statement.

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

MS. McENROE: Second.

CHAIRMAN: Second by Commissioner McEnroe.

All those in favor indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
ITEM 9

Consider approval of the FY 2020 OMPC budget and salary chart

MR. HOWARD: I sent out a copy to each of you all summarizing the information for the proposed budget. We did receive the funding request from both the city and county as we had requested, and it is ready for your alls consideration for approval.

CHAIRMAN: Thank you.

Any commissioners have any questions or concerns about the budget?

(NO RESPONSE)

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

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman. Motion to approve the budget as presented.

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

MS. HARDAWAY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The budget is approved.

ITEM 10
Comment by the Chairman

CHAIRMAN: Chairman has none.

ITEM 11
Comments by the Planning Commissioners
(NO RESPONSE)

CHAIRMAN: They have none.

ITEM 12
Comments by the Director

MR. HOWARD: No.

CHAIRMAN: He has none.

We're ready for the last motion of the night.

MR. JEAN: Motion to adjourn.

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

MR. BOSWELL: Second by Mr. Boswell. 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 )
COUNTY OF DAVIESS )

I, LYNETTE 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 19 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 10th day of July, 2019.

LYNETTE 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

Ohio Valley Reporting
(270) 683-7383