The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, August 8, 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
Beverly McEnroe
Manuel Ball
Fred Reeves
Angela Hardaway
Larry Boswell
Jay Velotta

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Thank you, Commissioner.

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

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be sworn in by our attorney.

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

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

(NO RESPONSE)

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

Commissioner Jean.

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

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

MS. McENROE: Second.

CHAIRMAN: Second by Commissioner McEnroe.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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GENERAL BUSINESS

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PUBLIC HEARING

ITEM 3

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

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

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

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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CHAIRMAN: Thank you.

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

(NO RESPONSE)

CHAIRMAN: Any commissioners?

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

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

MR. EDGE: Thank you.

CHAIRMAN: Any other questions?
(NO RESPONSE)

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

Commissioner Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

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

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

MR. VELOTTA: Second.

CHAIRMAN: Second by Commissioner Velotta.

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.

MR. HOWARD: Under Zoning Changes I will note
that the Zoning Changes heard tonight will be become
final 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.

ZONING CHANGES

ITEM 4

3156 Commonwealth Court, 0.429 acres
Consider zoning change: From I-1 Light Industrial to
B-5 Business Industrial
Applicant: Wellmore Properties; KB Holdings, LLC

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 a preparation facility
and vehicle maintenance facility conforms to the
criteria for nonresidential development.

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

CHAIRMAN: Anyone in the audience representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: You wish to make any comments?

APPLICANT REP: No.

CHAIRMAN: Just be available for questions. Sir.

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

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

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

(WARD PEDLEY SWORN BY ATTORNEY.)

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

I have eliminated five different pieces of property on that street that had an I-1 zone that went to B-4. All of the frontage on that street that I own and others I've changed to B-4. This is the only piece of property left with street frontage that has
an I-1 zone. So I do support the B-5 zone.

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

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

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

CHAIRMAN: Thank you.

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

MR. MORRIS: My name is Nathan Morris.

(NATHAN MORRIS SWORN BY ATTORNEY.)

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

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established here since 1902.

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

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

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

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

CHAIRMAN: Thank you, sir.

Any commissioners have any questions?
Mr. Reeves.

MR. REEVES: I assume this will not be a crematory?

MR. MORRIS: There will not be a crematory on this site at this time, no, sir; that's correct.

CHAIRMAN: Any other 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 Staff's Recommendation and Findings of Fact 1 through 6.

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

MR. JEAN: Second.

CHAIRMAN: We have a motion and a second. Any questions concerning that?

MR. BALL: I apologize. I have counted wrong. Can I take that back? Findings of Fact 1 through 5.

MR. JEAN: I will second that change.

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

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

ITEM 5

3631 Ralph Avenue, 0.458 acres
Consider zoning change: From R-1A Single-Family Residential to B-4 General Business
Applicant: Martin & Sarah Walker

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 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, as well as to the east and the north; and,

4. At 0.458 acres, the proposal does not significantly increase the extent of the B-4 zoning in Ohio Valley Reporting

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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 applicant?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions concern the application?

(NO RESPONSE)

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

Commissioner Reeves.

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

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

MS. McENROE: Second.

CHAIRMAN: Second by Commissioner McEnroe.

All those in favor indicated by raising your right hand.

(ALl BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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ITEM 6

2886, 2888 Settles Road, 4.54 acres
Consider zoning change: From R-1A Single Family Residential and A-U Urban Agriculture to R-1A Single Family Residential
Applicant: Martin & Sarah Walker; Daviess County Water District

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 an Urban Residential Plan Area, where single-family residential uses are appropriate in limited locations;

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

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

MR. PEDLEY: We would like to enter the Staff Ohio Valley Reporting

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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?

APPLICANT REP: No.

CHAIRMAN: Any questions from the commissioners?

Mr. Reeves.

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

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

MR. WEAVER: David Weaver with Bryant Engineering.

(DAVID WEAVER SWORN BY ATTORNEY.)

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

MR. REEVES: Thank you.

CHAIRMAN: Any other questions?

(NO RESPONSE)

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

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.
I would like to make a motion for approval based on the Planning Staff Recommendations and Findings of Fact 1 through 4.

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

MR. EDGE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MAJOR SUBDIVISION PRELIMINARY PLATS

ITEM 7

Angus Hills Commercial Subdivision, 16.82 acres

Consider approval of an amended major subdivision preliminary plat.

Applicant: Angus Hills Farms, LLC

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

CHAIRMAN: Anyone in the audience representing Ohio Valley Reporting

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the subdivision primary plat?

APPLICANT REP: Yes.

CHAIRMAN: Any commission have any questions?

(NO RESPONSE)

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

MR. JEAN: Make a motion we approve.

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

MS. McENROE: Second.

CHAIRMAN: Second by Commissioner 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.

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GENERAL BUSINESS

ITEM 8

Consider approval of June 2019 financial statements

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

(NO RESPONSE)

CHAIRMAN: Seeing none the Chair is ready for

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a motion.

Commissioner Ball.

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

CHAIRMAN: We have a motion for approval. 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 9

Comments by the Chairman

CHAIRMAN: Again, the Chair has no comments.

ITEM 10

Comments by the Planning Commissioners

(NO RESPONSE)

ITEM 11

Comments by the Director

MR. HOWARD: No, thank you.

CHAIRMAN: We have one final motion to make.

Commission Edge.

MR. EDGE: Motion to adjourn.

CHAIRMAN: We have a motion for adjournment.

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Do we have a second?

MR. REEVES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.
STATE OF KENTUCKY )

)SS: REPORTER'S CERTIFICATE

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

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

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

COMMISSION EXPIRES:   DECEMBER 16, 2022

COUNTY OF RESIDENCE:  DAVIESS COUNTY, KY

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