

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 AUGUST 13, 2020

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 August 13, 2020, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Lewis Jean, Vice Chairman
9 Brian Howard, Director
10 Terra Knight, Attorney
11 Manuel Ball
12 Fred Reeves
13 Skyler Stewart
14 Larry Boswell
15 Jay Velotta

16 * * * * *

17 CHAIRMAN: Call the August 13, 2020 Owensboro
18 Metropolitan Planning & Zoning meeting to order. We
19 begin our meetings with a pledge and prayer.
20 Commissioner Velotta has got that honor this evening.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: I would like to ask that if you've
23 got anything to say about any issue that we're
24 discussing, please come to the podium and be sworn in
25 by counsel. Address all your questions to the chair.
Stay on topic. Be respectful.

The first order of business is the minutes of
the last meeting. The commissioners should have

Ohio Valley Reporting

(270) 683-7383

1 received a copy of the minutes to review. Are there
2 any omissions or additions?

3 (NO RESPONSE)

4 CHAIRMAN: At this time I would accept a
5 motion.

6 MR. REEVES: Motion to approve.

7 CHAIRMAN: Motion to approve by Commissioner
8 Reeves.

9 MR. VELOTTA: Second.

10 CHAIRMAN: Second by Commissioner Velotta.
11 All in favor signify by raising your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

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

21 -----

22 GENERAL BUSINESS

23 ITEM 3

24 1701 Breckenridge Street, 0.490 acre

25 Consider zoning change: From B-4 General Business to
B-5 Business/Industrial

Applicant: Gary M. Sisk

Ohio Valley Reporting

(270) 683-7383

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

3 MS. EVANS: Melissa Evans.

4 (MELISSA EVANS SWORN BY ATTORNEY.)

5 PLANNING STAFF RECOMMENDATIONS

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

8 CONDITION

9 Access to Breckenridge Street shall be limited
10 to the existing single access point only; no
11 additional access to Breckenridge Street shall be
12 permitted.

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 within a
18 Business/Industrial Plan Area, where business/
19 industrial uses are appropriate in general locations;

20 3. The subject property lies within an
21 existing area of mixed general business and light
22 industrial uses;

23 4. The Comprehensive Plan provides for the
24 continuance of mixed use areas; and

25 5. The proposed use of an office/warehouse

Ohio Valley Reporting

(270) 683-7383

1 conforms to the criteria for non-residential
2 development.

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

5 CHAIRMAN: Is there anybody here representing
6 the applicant?

7 MR. PFEIFFER: Yes. Mark Pfeiffer. I'm here
8 for Gary Sisk, the applicant, and there's some
9 representatives from Habitat for Humanity, which is
10 the purchaser of the property.

11 CHAIRMAN: Would you like to speak?

12 MR. PFEIFFER: No, I don't have anything to
13 say, but if anybody has questions, I'll try to answer
14 them.

15 CHAIRMAN: Anybody want to speak in favor of
16 this?

17 (NO RESPONSE)

18 CHAIRMAN: Any opposition?

19 (NO RESPONSE)

20 CHAIRMAN: Now I'll accept a motion.

21 MR. BALL: I make a motion to approve based on
22 the one condition and Findings of Fact 1 through 5.

23 CHAIRMAN: We have a motion to approve by
24 Commissioner Ball.

25 MR. BOSWELL: Second.

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Second by Commissioner Boswell. Is
2 there any further discussion?

3 (NO RESPONSE)

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion passes.

8 ITEM 4

9 Rear Portion of 4430 Englewood Drive, 1.155 acres
10 Consider zoning change: From A-R Rural Agriculture to
11 R-1A Single-Family Residential
12 Applicant: Thomas F. & Sarah A. Kamuf Family
13 Irrevocable Trust c/o Tonya Murphy & Kimberly Woodall,
14 Trustees

15 PLANNING STAFF RECOMMENDATIONS

16 The Planning Staff recommends approval subject
17 to the following findings of fact:

18 FINDINGS OF FACT

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

22 2. The subject property is located in an
23 Urban Residential Plan Area, where rural small lot
24 residential uses are appropriate in general locations;

25 3. The property has frontage on Englewood
Drive, a public road;

4. The subject property has an existing

Ohio Valley Reporting

(270) 683-7383

1 septic system and is large enough to ensure
2 satisfactory operation; and,

3 5. The proposed R-1A zoning is a logical
4 expansion of the existing R-1A zoning to the north.

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

7 CHAIRMAN: Is there anyone here representing
8 the applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Would you like to speak?

11 APPLICANT REP: No, sir.

12 CHAIRMAN: Is anybody here in opposition of
13 the item?

14 (NO RESPONSE)

15 CHAIRMAN: Hearing none I'll accept a motion.

16 MR. REEVES: I move to approve this
17 application based on Planning Staff Recommendation and
18 Findings of Fact 1 through 5.

19 CHAIRMAN: Do we have a second?

20 MS. STEWART: Second.

21 CHAIRMAN: Commissioner Stewart has a second.
22 Any further discussion?

23 (NO RESPONSE)

24 CHAIRMAN: All in favor signify by raising
25 your right hand.

Ohio Valley Reporting

(270) 683-7383

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: The motion passes.

3 ITEM 5

4 7011 Highway 56, 0.330 acre

Consider zoning change: From B-4 General Business to

5 R-1A Single-Family Residential

Applicant: Pinnacle Properties Partners, LLC

6

7 PLANNING STAFF RECOMMENDATIONS

8 The Planning Staff recommends approval subject

9 to the following findings of fact:

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 property is located in an

15 Urban Residential Plan Area, where rural small lot

16 residential uses are appropriate in limited locations;

17 3. The subject property has frontage on an

18 existing road, Highway 56, with no new roads proposed,

19 4. Although the property does not meet the

20 current size requirements for operation of a

21 conventional septic system, it is an existing lot of

22 record and has historically been used residentially;

23 and,

24 5. The proposed R-1A zoning is a logical

25 expansion of the existing R-1A zoning to the south,

Ohio Valley Reporting

(270) 683-7383

1 east and west.

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

4 CHAIRMAN: Is there anybody here representing
5 the applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Is there anybody that has any
8 concerns about the application?

9 (NO RESPONSE)

10 CHAIRMAN: Do any of the commissioners have
11 any concerns?

12 (NO RESPONSE)

13 CHAIRMAN: At this time I will accept a
14 motion.

15 Mr. Boswell.

16 MR. BOSWELL: Thank you, Mr. Chairman. I
17 would like to make a motion for approval based on the
18 Planning Staff Recommendations 1 through 5 and also
19 the site visit made to the site.

20 CHAIRMAN: We have a motion by Commissioner
21 Boswell. Do we have a second?

22 MR. VELOTTA: Second.

23 CHAIRMAN: Commissioner Velotta has a second.
24 Any further discussion?

25 (NO RESPONSE)

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: All in favor signify by raising
2 your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 MR. HOWARD: Just for the commission. Tonight
6 any plats that you recommend for approval, since both
7 the chairman and secretary are not here, those are
8 typically the two people that would sign, would
9 request that you include a motion or as part of your
10 motion that Vice Chairman Jean would sign in place of
11 the Chairman and then if it's your all's pleasure
12 instead of hunting down Mike tomorrow to sign them, I
13 would be more than happy to sign for him if you all
14 are fine with that. If not, we'll find him tomorrow.
15 That's up to you all.

16 MINOR SUBDIVISIONS

17 ITEM 6
18 9427, 9485 McCamish Road, 4.243 acres
Consider approval of a minor subdivision plat.
19 Applicant: Joseph V. & Geneva L. Howard

20 MR. HOWARD: This plat comes before you as an
21 exception to both the minimum road frontage
22 requirements and the three to one requirement. There
23 was a plat approved in 2006 that included this 4.2
24 acre parcel that had notation on it that says this
25 property can't be further subdivided, not meeting the

Ohio Valley Reporting

(270) 683-7383

1 subdivision requirements. They're proposing a
2 division of the property that does not meet the
3 subdivision requirements. It's basically creating two
4 50-foot flag lots. Staff would recommend the plat not
5 be approved.

6 CHAIRMAN: Is there anybody here representing
7 the applicant?

8 MR. HOWARD: The surveyor is here.

9 CHAIRMAN: Would you like to speak?

10 APPLICANT REP: No.

11 CHAIRMAN: Any commissioners have any
12 questions?

13 MR. BALL: I have one.

14 Just to be clear. This was approved, did you
15 say six years ago roughly?

16 MR. HOWARD: In 2006.

17 MR. BALL: 2006, I'm sorry.

18 MR. HOWARD: Yes. It actually came to the
19 Planning Commission June 8, 2006 because it still, it
20 met minimum road frontage requirements, but it was
21 still creating a flag-shaped lot with these two, you
22 know, fingers of frontage that came out to McCamish
23 Road.

24 MR. BALL: The applicant was notified or
25 agreed to the fact that there would be no further

1 subdivision without meeting the subdivision
2 regulations in the future?

3 MR. HOWARD: That note was on the plat and
4 they signed it. They were the property owners at that
5 time and they signed the plat.

6 MR. BALL: Thank you.

7 CHAIRMAN: Any further discussion?

8 (NO RESPONSE)

9 CHAIRMAN: At this time I will accept a
10 motion.

11 MR. REEVES: Motion this application be
12 denied.

13 CHAIRMAN: Is there a second?

14 MR. BALL: Second.

15 CHAIRMAN: Second by Mr. Ball. Any further
16 discussion?

17 (NO RESPONSE)

18 CHAIRMAN: All in favor of the motion signify
19 by raising your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carried.

22 ITEM 7
23 3875, 3889, 3911, 3928 Medley Road, 16.116 acres
24 Consider approval of a minor subdivision plat.
Applicant: Benjamin R. & Rachel N. Alvey

25 MR. HOWARD: This plat comes before you as an

Ohio Valley Reporting

(270) 683-7383

1 exception to the three to one requirement. You
2 already have a couple of lots out there that are,
3 well, one in particular. Tract 1, it exceeds the
4 three to one requirement. They're modifying the shape
5 of that lot. Tract 2 meets subdivision regulations.
6 Tract 4 meets the subdivision regulations. Tract 3 is
7 over 10 acres and zoned agriculture so it meets the
8 requirements. In essence they're altering Tract 1
9 that already doesn't meet the requirements. They're
10 not creating any more new buildable lots that are not
11 in compliance with regulations. So we would recommend
12 that you consider it for approval.

13 CHAIRMAN: Anyone here representing the
14 applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Commissioners have any questions?

17 (NO RESPONSE)

18 CHAIRMAN: At this time I'll accept a motion.
19 Commissioner Boswell.

20 MR. BOSWELL: Thank you, Mr. Chairman.

21 Just a quick point of clarification. Did I
22 hear Mr. Howard say that they're just rearranging the
23 lot sizes?

24 MR. HOWARD: Tract 1, the tract furthest west
25 is the one that is being altered. It's already out of

1 compliance. Tract 2, as you can see, there's an
2 existing parcel around it and they're expanding the
3 acre of that parcel. Tract 4 on the far southeast
4 corner meets the requirements. Like I said, Tract 3
5 is over 10 acres.

6 MR. BOSWELL: Thank you, Mr. Howard.

7 That being the case I would like to make a
8 motion to approve.

9 MR. HOWARD: And with your motion to approve
10 would you consider including --

11 MR. BOSWELL: Yes. Consider letting Vice
12 Chairman sign, as well as Mr. Howard.

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

15 MR. REEVES: Second.

16 CHAIRMAN: Second by Commissioner Reeves. Is
17 there any further discussion?

18 (NO RESPONSE)

19 CHAIRMAN: All in favor signify by raising
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 ITEM 8
24 3301, 3305 Taylor Road East, 10.787 acres
Consider approval of a minor subdivision plat.
25 Applicant: Mar-Gene, LLC; Margaret C. Cambron

Ohio Valley Reporting

(270) 683-7383

1 MR. HOWARD: This plat comes before you as an
2 exception. There's already, there's a lot on here,
3 but there's already a really odd -- well, it shows
4 upgrade on the aerial photo. The blue outline is an
5 existing parcel that clearly doesn't meet any of the
6 requirements.

7 In essence what they're doing is taking the
8 available road frontage that's there. There are two
9 parcel now. The end result is two parcels. They're
10 reconfiguring the frontage. They both have a minimum
11 of 50 feet of road frontage. The acreage that we're
12 talking about here, it's over 10 acres, the two
13 parcels we feel is reasonable. There is a notation on
14 this plat that the properties can't be further
15 subdivided not meeting the subdivision regulations,
16 which in essence for this would mean that they would
17 have to put in a public street in order to meet
18 division regulation.

19 With all of that taken into account we would
20 recommend that you consider it for approval.

21 CHAIRMAN: Anybody here representing the
22 applicant?

23 APPLICANT REP: Yes.

24 CHAIRMAN: Would you like to speak on their
25 behalf?

1 APPLICANT REP: Not unless you have questions.

2 CHAIRMAN: Any commissioners have any
3 questions?

4 (NO RESPONSE)

5 CHAIRMAN: At this time I'll accept a motion.

6 MR. VELOTTA: Motion to approve.

7 CHAIRMAN: Motion by Commissioner Velotta.

8 MS. KNIGHT: And would you also allow the
9 signatures?

10 MR. VELOTTA: And allow the Vice Chair and
11 Director to sign.

12 CHAIRMAN: Do we have a second?

13 MR. BALL: Second.

14 CHAIRMAN: Second by Mr. Ball. Any further
15 discussion?

16 (NO RESPONSE)

17 CHAIRMAN: All in favor indicate by raising
18 your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 ITEM 9
22 3166, 3180 Highway 140 East, 10.007 acres
23 Consider approval of a minor subdivision plat.
24 Applicant: Rene Z. & Jacqueline D. Mendez

25 MR. HOWARD: This plat comes before you as an
exception to the three to one requirements of the

Ohio Valley Reporting

(270) 683-7383

1 zoning ordinance. As you can see -- Melissa does the
2 next item show the --

3 As you can see, in this area there are several
4 lots that were created back in the day. They're long
5 skinny parcels. What they're requesting to do here is
6 basically sever off the home and put it on one parcel.
7 It would leave one additional buildable lot on the
8 tract. Again, kind of with the last tract. When
9 you're talking about 10 acres total, getting two
10 buildable sites out of is not unreasonable in our
11 mind. There is notation on this plat as well, again,
12 that it can't be further subdivided not meeting the
13 requirements. So essentially this would be the last
14 time this property could be split without putting a
15 public street or something like that in. With that we
16 would recommend that you consider it for approval.

17 CHAIRMAN: Is there anybody here representing
18 the applicant?

19 APPLICANT REP: Yes.

20 CHAIRMAN: Would you like to speak at this
21 time?

22 APPLICANT REP: No.

23 CHAIRMAN: Do the commissioners have any
24 questions?

25 (NO RESPONSE)

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: At this time I'll accept a motion.

2 MR. BALL: I'll make a motion to approve.

3 CHAIRMAN: Motion by Mr. Ball.

4 MR. BALL: With the caveat that Vice Chair and
5 Mr. Howard sign.

6 CHAIRMAN: We have a motion by Commissioner
7 Ball. Do we have a second?

8 MR. VELOTTA: Second.

9 CHAIRMAN: Second by Commissioner Velotta.
10 Any further questions?

11 (NO RESPONSE)

12 CHAIRMAN: At this time I'll call for a vote.
13 All in favor signify by raising your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 -----
16 NEW BUSINESS

17 ITEM 10
18 Consider approval of June 2020 financial statements

19 MR. HOWARD: I e-mailed a copy of that out to
20 everybody earlier in the week. Be glad to answer any
21 questions that you may have about it; otherwise, we
22 would need a motion to approve those, please.

23 MR. VELOTTA: Motion to approve.

24 CHAIRMAN: We have a motion by Commissioner
25 Velotta.

Ohio Valley Reporting

(270) 683-7383

1 MR. BALL: Second.

2 CHAIRMAN: Second by Commissioner Ball. Is
3 there any further discussion?

4 (NO RESPONSE)

5 CHAIRMAN: All in favor signify by raising
6 your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 ITEM 11
10 Comments by the Chair

11 CHAIRMAN: Chair has just got one comment. I
12 would like to thank Director Howard and his Staff for
13 making this an acceptable place to meet. Thank you.

14 ITEM 12
15 Comments by the Planning Commissioners

16 MR. BOSWELL: I would just like to commend the
17 Chair for doing a great job tonight.

18 CHAIRMAN: Thank you.

19 ITEM 13
20 Comments by the Director

21 MR. HOWARD: I don't have any comments this
22 evening. Thank you.

23 CHAIRMAN: One final motion.

24 MR. BALL: Motion to adjourn.

25 MS. STEWART: Second.

Ohio Valley Reporting

(270) 683-7383

00019

1 CHAIRMAN: All in favor signify by raising
2 your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: We are adjourned.

5 -----

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Ohio Valley Reporting

(270) 683-7383

1 STATE OF KENTUCKY)

) SS: REPORTER'S CERTIFICATE

2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into foregoing 19
14 typewritten pages; and that no signature was requested
15 to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 8th day of September, 2019.

18
19

LYNNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 205C
OWENSBORO, KY 42303

22
23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25

Ohio Valley Reporting

(270) 683-7383