

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 10, 2020

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 September 10, 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 Skyler Stewart
12 Manuel Ball
13 Fred Reeves
14 Angela Hardaway
15 Larry Boswell
16 Jay Velotta

17 * * * * *

18 CHAIRMAN: Call the September meeting,
19 September 2020 meeting of the Owensboro Metropolitan
20 Planning and Zoning to order.

21 We begin each meeting with the pledge and
22 prayer. Commissioner Reeves will lead us this
23 evening.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: The way that we're going to work
here this evening is, first of all, I've been asked to
remind everybody to wear their mask even when they
come to the podium to speak and practice social
distancing. We should be able to do that with no

1 problem.

2 Anyone wishing to speak, come to the podium
3 and please state your name and be sworn in. Direct
4 all questions to the chair and the chair will try to
5 find an answer for you. Stay on topic, be
6 respectable. Everybody that wants to speak for or
7 against will have an opportunity to do so.

8 The minutes of the last meeting, all the
9 commissioners should have received a copy of the
10 minutes of the last meeting. Are there any omissions
11 or additions to the minutes?

12 (NO RESPONSE)

13 CHAIRMAN: Hearing none I'd like to have a
14 motion.

15 Commissioner Ball.

16 MR. BALL: Make a motion to approve the
17 minutes.

18 MR. VELOTTA: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: The motion passes.

23 Director Howard.

24 MR. HOWARD: I will note that the zoning
25 changes will become final in 21 days after the meeting

1 unless an appeal is filed. If an appeal is filed, we
2 will forward the record of this meeting along with all
3 applicable materials to the appropriate legislative
4 body for them to take final action.

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6 GENERAL BUSINESS

7 ZONING CHANGES

8 ITEM 3

9 3000, 3050 Calumet Trace, 16.365 acres
10 Consider zoning change: From B-4 General Business &
11 P-1 Professional/Service to B-4 General Business & P-1
12 Professional/Service
13 Applicant: Gateway Land, LLC

14 MS. KNIGHT: Mr. Chairman, for the record
15 Commissioner Velotta had to recuse himself from this
16 matter due to a conflict.

17 Please state your name for the record.

18 MS. EVANS: Melissa Evans.

19 (MELISSA EVANS SWORN BY ATTORNEY.)

20 PLANNING STAFF RECOMMENDATION

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

23 CONDITION

24 Access to Calumet Trace shall be in compliance
25 with the access management manual.

FINDINGS OF FACT

1. Staff recommends approval because the

1 proposal is in compliance with community's adopted
2 Comprehensive Plan;

3 2. The subject property is partially located
4 in a Business Plan Area, where general business uses
5 are appropriate in limited locations and
6 professional/service uses are appropriate in very
7 limited locations;

8 3. The subject property is partially located
9 in a Professional/Service Plan Area, where general
10 business uses are appropriate in limited locations and
11 professional/service uses are appropriate in general
12 locations;

13 4. The use of the subject property as
14 commercial and an assisted living facility will be
15 non-residential in nature;

16 5. The proposal is a logical expansion of
17 existing B-4 and P-1 zoning currently on the subject
18 property and elsewhere in the vicinity;

19 6. At 11.632 acres, the proposed B-4 site is
20 not a significant increase in B-4 zoning in the
21 vicinity and should not overburden the capacity of
22 roadways and other necessary urban services that are
23 available in the affected area; and,

24 7. As an assisted living facility, the P-1
25 portion of the site will serve as a buffer between the

1 existing residences to the east and the proposed
2 higher intensity commercial uses planned to the west.

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

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

7 MR. BAKER: Yes.

8 CHAIRMAN: Would you like to speak?

9 MR. BAKER: Yes.

10 MS. KNIGHT: State your name for the record.

11 MR. BAKER: Jason Baker.

12 (JASON BAKER SWORN BY ATTORNEY.)

13 MR. BAKER: Actually I'm here as an engineer
14 to address technical matters. However, the applicant
15 has asked for the Staff or for the commission to
16 consider elimination of one of the conditions. The
17 reason being is are currently -- Calumet Trace is not
18 currently under any access management standard as of
19 yet. It may eventually be. So agreeing to that
20 condition, not knowing if it's going to be problem in
21 the future could be an issue. They've asked me to
22 bring that up as an issue.

23 CHAIRMAN: Which condition?

24 MR. BAKER: It's the condition on access
25 control, access management. At this point tracts on

1 either side of the road, there's been no design or
2 anything of that nature to identify where access
3 points might be. There is an active conceptual
4 planning going on on the tract that is being directly
5 out in front of the basin between, kind of in the
6 upper right-hand corner of that lower item being
7 pictured on the screen right now. That particular
8 concept is in flux as well. The concept on that
9 particular lot does have two access points. It's more
10 of an issue of just not knowing what might be.
11 Normally I guess when you have access spacing
12 standards on the road, you would just have to comply
13 with that. That's normally what we do. Not knowing
14 what this is, you know, or what it could be in the
15 future is, just the unknown is what really is the
16 reason for the consideration.

17 CHAIRMAN: Thank you. Do any of the
18 commissioners have a question of Mr. Baker?

19 MR. BOSWELL: Yes, Mr. Chairman, I do.

20 I think maybe it's for Mr. Howard as well as
21 Mr. Baker. At this point what does the access
22 management manual require them to do?

23 MR. HOWARD: This is an area that, you know,
24 the street doesn't exist so it wasn't part of an
25 access management manual or anything like that. I

1 would say that as Calumet Trace and Fairview Drive
2 both were extended through the Downs Subdivision,
3 access spacing standards were applied. Since that
4 time the manual has changed and development happens
5 and so on.

6 The last update to the access management
7 manual was done prior to Hayden Road and all of that
8 being developed out there. It's just not in there.

9 Right now what access would be would be a
10 limited to a maximum of 40 percent of their frontage
11 and access points no greater than whatever the Zoning
12 Ordinance would say is the maximum. If it were to
13 become classified, in my mind, Calumet would be a
14 major collective roadway with a 250 foot access
15 spacing standard.

16 You know, we just wanted to address the
17 potential that as those properties developed,
18 development plans and things like that, through review
19 with our office and the city engineer's office, you
20 know, there's not a desire to have ten driveways
21 stacked up on the property. That access would be in
22 an orderly manner as those sites would develop.

23 MR. BOSWELL: And space accordingly. Thank
24 you, Mr. Howard.

25 Not knowing this, not knowing how that is

1 going to change over time, can that condition not be
2 revised or an addendum made or rewording made that
3 that could be left up for future consideration once
4 more information is known about that?

5 MR. HOWARD: You could craft it any way you
6 see fit really. As Mr. Baker said, once it's a
7 condition on the zoning change, it's part of the
8 zoning change. If something were to change in the
9 future, that's why we were vague. The condition is
10 open-ended. If it were to become classified or if it
11 was agreed upon, you know, it would take actually the
12 Transportation Advisory Committee through the GRADD
13 office, that group would be the one that amends the
14 access management spacing standards. If they were to
15 at some point say that this was a major collective
16 roadway with 250 access spacing standards, then that's
17 what it would be. As it sits right now, you know,
18 like I said, it would be no more than 40 percent of
19 their frontage and driveways meeting no greater than
20 the maximum width allowed by the zoning ordinance.

21 MR. BOSWELL: Would that be acceptable under
22 the condition or is that what you're taking issue
23 with?

24 MR. BAKER: I think the issue, again, the
25 unknown, and the request is that that condition just

1 be left off for now, just to avoid having to go back
2 through a rezoning for that type of an issue.

3 We're still going to be subject to design
4 standards on the site development and so forth. You
5 know, this is a fairly long stretch. So there's some
6 flexibility. We just don't want to take the
7 flexibility away from, you know -- again, I don't know
8 that it's an issue. We haven't designed any access
9 points in that stretch. I don't know that it's an
10 issue. Just trying not to make it an issue without
11 knowing.

12 MR. BOSWELL: I guess my concern is if I
13 eliminated that condition, does that create a problem
14 on you all being able to come back and define that
15 better at some point in time?

16 MR. BAKER: No. It gives us more flexibility.
17 It's a restriction. Access spacing is a restriction
18 that is placed on the site. It's just not setting
19 that restriction in stone is what we're requesting.

20 MR. BOSWELL: Thank you.

21 MR. HOWARD: Like I said, we tried to leave it
22 open-ended and didn't say access would be, you know,
23 every 250 feet. We left it open so that if it's not
24 classified at some point or there's not an agreement
25 among that group that it needs to be, then it would

1 revert to what it is right now which, again, is just
2 what the zoning ordinance says. There wouldn't be a
3 specific spacing standard. Again, that's why we try
4 to be purposefully vague or trying to work as much
5 flexibility into it as we could.

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

7 CHAIRMAN: Mr. Ball.

8 MR. BALL: This is probably a question for the
9 director too.

10 If it is classified in the future, if the
11 condition is removed, would they still be under the
12 same requirements if it was classified? Does that
13 make sense?

14 MR. HOWARD: Yes.

15 MR. BALL: If not classified, they would still
16 been under the 40 percent rule anyway?

17 MR. HOWARD: That's right. Yes.

18 MR. BALL: Thank you.

19 MR. HOWARD: At the end of the day if you
20 remove it or not it doesn't matter. This has served
21 the purpose to let them know that there is a
22 consideration on, you know, that access will need to
23 be looked at for these parcels.

24 MR. BALL: So regardless at this point in time
25 they can't have 10 access points that exceed 40

1 percent?

2 MR. HOWARD: Right.

3 MR. BALL: Even as it sits now?

4 MR. HOWARD: Correct.

5 MR. BALL: It could have 10 access points
6 potentially, based on that which is kind of what the
7 concern is.

8 MR. HOWARD: Yes. From a transportation
9 planning perspective, you wouldn't want 10 stacked up
10 access points, you know, that amount of frontage, but
11 yes.

12 MR. BALL: Is there a way to craft the finding
13 or the condition to where it doesn't have to come back
14 for a rezoning to remove the condition, but yet still
15 give you all the ability to make sure that it's not
16 something crazy.

17 MR. HOWARD: Again, that's why -- I don't
18 think the way that it's written right now that it
19 would have to. If we had said that we consider this
20 to be a major collective roadway with 250 foot access
21 spacing standard, and the condition then was access
22 shall be spaced 250 feet, then let's say whatever
23 happens and they wanted something less than that, yes,
24 the rezoning would have to be amended and that would
25 have to be changed. As it is, in my mind it says, if

1 it's classified at some point in the future you have
2 to meet that compliance. If it doesn't, you have to
3 be in compliance with the current access management
4 manual which would dictate you have to follow the
5 Zoning Ordinance 40 percent rule. Again, that's why
6 we left it as vague. That's the way we would
7 interpret it.

8 MR. BALL: Doesn't matter what this says, they
9 still have to follow that guideline?

10 MR. HOWARD: That's correct.

11 MR. BOSWELL: Whether it's stated or not they
12 still have to follow the guideline.

13 MR. HOWARD: That's right.

14 MR. BALL: Is the applicant okay with -- based
15 on that information, is the applicant okay with that
16 condition still being there?

17 MR. BAKER: Again, based on the request that I
18 was asked to convey is just to eliminate it, to avoid
19 the possibility in the future. I think Brian
20 indicated that maybe it wouldn't require -- the whole
21 purpose is to try to avoid coming back with a rezoning
22 for a minor issue.

23 MR. HOWARD: That's right.

24 MR. BAKER: Having to go through the waiting
25 period and all the things comes with that. If that

1 part is voided, I think that's okay. That was the
2 main concern.

3 MR. BALL: Thank you.

4 MR. HOWARD: I agree with what he said, yes.

5 CHAIRMAN: Does anybody in the audience have
6 any comments or concerns?

7 (NO RESPONSE)

8 CHAIRMAN: Commissioners?

9 (NO RESPONSE)

10 CHAIRMAN: At this time I'll accept a motion.
11 Commissioner Boswell.

12 MR. BOSWELL: Thank you, Mr. Chairman. I
13 would like to make a motion for approval, but I would
14 like to leave that condition in with the statement
15 that would say that it must be in compliance with the
16 access management manual at some future time or the
17 zoning laws that would be applicable at that time. Is
18 that a fair statement?

19 MR. HOWARD: It would be my recommendation
20 just to leave it as is. I think Mr. Baker and
21 Planning Staff have an understanding of what the
22 intent is of that the way that it's stated. I'm
23 afraid if we add other language, then it might muddy
24 it a little bit. Our intent is that if the tech
25 committee at some point when that access management

1 manual were to be updated, if they say, no, we don't
2 need anything there, they would not have to rezone the
3 property to amend this condition and still comply with
4 current, whatever the current regulations are.

5 MR. BOSWELL: So basically what you're saying
6 is if we leave the condition as is, if you're
7 acceptable to that, all parties would be okay with
8 that?

9 MR. HOWARD: We would be. That's our
10 understanding. That's our interpretation. That's the
11 way we would look at this. Again, that's why we tried
12 to leave it as open-ended and vague as possible while
13 still, you know, noticing or paying attention to
14 access.

15 MR. BOSWELL: If that's the case, then I amend
16 my motion for approval based on the existing condition
17 and the Findings of Fact 1 through 7.

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

20 MR. BALL: Second.

21 CHAIRMAN: Mr. Ball seconded it. Is there any
22 further discussion on the motion?

23 (NO RESPONSE)

24 CHAIRMAN: All in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT - JAY VELOTTA)

1 RECUSED HIMSELF - RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 ITEM 4

4 Portion of 6651 Summit Drive, 0.147 acres
5 Consider zoning change: From R-1A Single-Family
6 Residential to A-R Rural Agriculture
7 Applicant: TPC of Owensboro, LLC

8 PLANNING STAFF RECOMMENDATION

9 The Planning Staff recommends approval subject
10 to the condition and findings of fact:

11 CONDITION

12 Approval of a minor subdivision plat
13 consolidating this 0.147 acre portion of the subject
14 property with the 15 acre property to the west.

15 FINDINGS OF FACT

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

19 2. The subject property is located in a Rural
20 Community Plan Area, where agriculture/forestry uses
21 are appropriate in general locations;

22 3. The applicant intends to consolidate the
23 0.147 acre portion of the subject property with the 15
24 acre parcel to the west and use it agriculturally;

25 4. The proposed A-R zoning is a logical

1 expansion of the existing A-R zoning to the west.

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

4 CHAIRMAN: Thank you, Melissa.

5 Is there anybody here that would like to speak
6 on the item?

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

9 MR. RINEY: Ed Riney.

10 (ED RINEY SWORN BY ATTORNEY.)

11 MR. RINEY: I spoke to the Planning and Zoning
12 Staff a week or so ago. I was told that this request
13 is a simple change from residential to agriculture.
14 It just happens to go through to a public road in a
15 subdivision called the Summit Country Club. I guess
16 that's fine.

17 I guess my question is: The farming in
18 question sold a few years ago. Doesn't it have an
19 access, isn't it required to have an access, I believe
20 it does from have an access from Wrights Landing Road.
21 If it's used for agricultural use, why wouldn't they
22 use that road as they now use it to bale hay, bring
23 equipment in to bale hay, and other things rather than
24 coming through the entrance to the subdivision?

25 CHAIRMAN: Is there anybody here representing

1 the applicant?

2 MS. KNIGHT: Sir, if you could state your name
3 for the record.

4 MR. DELK: Terry Delk.

5 (TERRY DELK SWORN BY ATTORNEY.)

6 MR. DELK: I don't know. I'm here. I don't
7 know what I need to answer to that. Dr. Cornell would
8 like to have access from Summit Drive and we see no
9 problem with that. So we've made application to do
10 that.

11 MR. RINEY: When I spoke with the Staff, they
12 said all we can consider is that this is a request to
13 a have access to a farm. We cannot consider that one
14 or more houses are going to be built on that 15 acres.
15 I would say that, I would ask you to consider if all
16 farms adjoining subdivisions have the right to go
17 through those subdivisions, wouldn't that play havoc
18 with Lake Forest, lots of places. I mean HOA pay dues
19 to maintain that property going in and out of that
20 subdivision. So if a farm can adjoin that subdivision
21 and build one or more houses or just move farm
22 equipment in there, I understand it's a public road,
23 but it would seem that that would not be the intent of
24 the subdivision, to grant access to a farm for
25 agricultural use. Thank you.

1 MR. JACKSON: My name is Dan Jackson.

2 MS. KNIGHT: Mr. Jackson, you're sworn as an
3 attorney.

4 MR. JACKSON: I guess I'm here in a dual
5 capacity; as a perspective purchaser as part of this
6 ground once the drive is approved, and also as a legal
7 representative for both Mr. Delk and Dr. Cornell.

8 I don't know if Mr. Riney's capacity is that
9 of a developer at the Summit because he has land out
10 there or if it's as a concerned citizen. I can assure
11 you he has no land that abuts any of the ground that's
12 in question here. So I'm not real sure what his real
13 purpose of being here today is. It's my understanding
14 that there will be two homes built in the 15 acres.
15 Mr. Delk owns the land. He wants to sell access to
16 the farm. The county owns the road. The only thing
17 we were looking to do was come off of a cul-de-sac
18 that is already existing in the rural Summit Drive.
19 It would have served three lots at one point. At this
20 point it will only serve this entrance and one lot to
21 the right. We see it as actually being less
22 burdensome on the main entrance coming in where it
23 there currently could be three small homes built in
24 that cul-de-sac. We wouldn't be encroaching on any
25 other properties that belong to anybody else. It's

1 just simply a request to be allowed access in there
2 through the subdivision, which Mr. Delk wants to give
3 and we would like to have, as far as where our
4 entrance is in and out of the property. That's all
5 we're asking for.

6 CHAIRMAN: Mr. Riney.

7 MR. REEVES: Ask a quick question. Who is
8 TPC?

9 MR. DELK: The Pearl Club Golf Course.

10 MR. REEVES: Thank you.

11 MR. RINEY: I am here as a concerned citizen.
12 I'm also a member of the Estate Homeowners Association
13 and I am a developer, but it is not included in this
14 property. I've had 17 calls from people, and I have
15 their names, that have called me about this thinking
16 that I had some responsibility here. Clearly I do not
17 have any responsibility. I'm only here as a concerned
18 citizen. I'm not sure I'm against it. I really want
19 to understand why a farm that is sold a few years ago
20 doesn't have it's own entrance rather than go through
21 a subdivision. If I could get that answered, I'd
22 probably feel much better about the situation.

23 MR. JACKSON: I can address that. If the
24 property in question is divided between Mr. Cornell
25 and myself, there would be one entrance off of Wrights

1 Landing Road to get to one section of it. I can't
2 really point it out to you. If you see where Wrights
3 Landing Road is, you'll see there's a small pond and
4 there's a barn there. There is some limited type of
5 access off of Wrights Landing through a shared
6 driveway on Wrights Landing. Looking at that picture
7 it would be to the right side of the pond and the
8 barn. It would not land access to the remaining 10
9 acres to the left side of the cul-de-sac where we were
10 talking about putting the entrance in. So that in and
11 of itself is the main reason. Mr. Cornell doesn't
12 want to build the whole 16 acres. He wants part of it
13 to be deeded to me, and then he would have no access
14 to the 10 acres, 10 plus acres that he would be
15 building on if he doesn't come through the cul-de-sac
16 where we're proposing the entrance to be.

17 CHAIRMAN: Mr. Riney.

18 MR. RINEY: The plans may very well have
19 changed. If the drive is going to be between the
20 signs that were established, then there are still
21 either two or three lots that can be built on based on
22 the plats that I've seen and the conversation I had
23 with Mr. Delk a few weeks ago. Thank you.

24 MR. DELK: Okay. As far as I know, with going
25 right where we are now. The 17 people that Mr. Riney

1 has said called him, we have had some call us. Their
2 basic recommendation is that we could enter off of
3 that cul-de-sac versus off of Summit Drive. Most of
4 those people wouldn't haven't any concern any longer.
5 I don't care. If you guys wants to approve to come
6 off the cul-de-sac, I'm okay with it. Dr. Cornell is
7 okay with it. Mr. Jackson is okay with it.

8 Now, that's not what we requested, but the
9 neighborhood has said, we sure like it if you guys
10 could go off this way, we're willing to bend.

11 CHAIRMAN: Mr. Riney.

12 MR. RINEY: Most of the people that I've
13 interacted with concur with what Mr. Delk just said.
14 If it was coming off the cul-de-sac, they have less of
15 a problem with it than if it's coming into the main
16 drive, which has a fair amount of traffic in it. It's
17 roughly 200 homes in there. This would be going on
18 the main drive. If you're coming off the cul-de-sac,
19 it would tend to minimize the traffic issues. I
20 think, I certainly can't speak for 17 people, but I
21 think it would be a lot more palpable to the people
22 that spoke to me if that were the case.

23 MR. JACKSON: I'll be brief. I'm not trying
24 to belabor the point.

25 Quite frankly, I think Dr. Cornell and I would

1 both prefer to come to the left side. You can almost
2 see like a drive right now on the left side of the
3 cul-de-sac of the screen. It would be closer to where
4 the property is going to be divided for us, number
5 one, which would prevent us from having to make a lot
6 of turns to get the driveway to where it needs to be.
7 It would create -- right now it looks to me like there
8 could be three driveways in that cul-de-sac. This
9 would limit it to only two starting from this point
10 forward. And it would eliminate even a third drive
11 further down the driveway, which quite frankly is the
12 more expensive spot to have to put a drive in to begin
13 with because it's the deepest point. So it wasn't
14 really where we prefer to have it. It's kind of where
15 we were told it should, it was suggested it could be.
16 So if it could be to the left side of that cul-de-sac,
17 and that eases all of the 17 or so people that had a
18 concern about it, they weren't concerned enough to be
19 here tonight though, but they did have one
20 representative here, then we're certainly fine with
21 that and actually would prefer that.

22 CHAIRMAN: Thank you.

23 Mr. Riney.

24 MR. RINEY: With all due respect, when Staff
25 told me on two occasions, we are recommending

1 approval, there's not much that can be done about this
2 because we're not considering it a subdivision. We're
3 including an entrance to the farm, then when I
4 provided that information to the people they realized
5 there's probably not much use to be here.

6 CHAIRMAN: Is there any further discussion?

7 (NO RESPONSE)

8 CHAIRMAN: Commissioners have any questions?

9 (NO RESPONSE)

10 MR. HOWARD: I think I have a question. Just
11 following what has been discussed. The portion of the
12 property that they have submitted tonight for rezoning
13 is the one that's identified. Now the discussion is
14 that off the bubble it's north of this 70 foot portion
15 that they're rezoning that access to the parcel would
16 actually come off of that, and that everybody is
17 agreeable to that.

18 I guess in my mind there are a couple of
19 options. One, this portion be rezoned as it's stated
20 tonight, with the requirement as the conditions stated
21 that it be consolidated with the AR zone property
22 that's adjacent to it. Then I believe it would be in
23 the best interest to include ha second condition that
24 would state that access to that property to the rear
25 would go from this bubble through an ingress/egress

1 easement through the remainder of this parcel so that
2 you would have access off of the bubble with frontage
3 through the portion that's being rezoned here tonight.

4 The other option could be to withdraw this
5 rezoning and submit a new application for a 70 foot or
6 whatever wide portion coming off the bubble to the
7 rear agricultural property and that consolidation be
8 done. We can't just slide this bit that's being
9 rezoned tonight and call it a different location on
10 the property. But I think it could be accomplished by
11 keeping the portion being rezoned where it is and a
12 secondary condition an for ingress/egress easement to
13 be dedicated from that cul-de-sac bubble back to the
14 adjoining Cornell property.

15 MR. BOSWELL: Am I understanding your two
16 options; one being to defer it and let it be reviewed
17 again under a new application? Is that one option?

18 MR. HOWARD: State law says we can't just --
19 you know, if the agreement tonight is everybody is
20 okay with the access and all that coming off of the
21 cul-de-sac bubble, we can't just relocate this portion
22 and call it something else and different dimensions
23 and different size on this parcel. So in my mind, and
24 our legal counsel is here and, of course, they have
25 legal counsel as well. They could have the frontage

1 where it is, but no access through that frontage that
2 is being rezoned tonight with the agreement that there
3 be a condition that access be through a private
4 ingress/egress easement off that cul-de-sac bubble.

5 MR. DELK: Question from my side. And we're
6 okay with the easement idea.

7 But if we do that and should we decide to deed
8 them the rest of that property to where they can come
9 in and go at further date just to make this a whole
10 lot simpler later, that shouldn't be an issue,
11 correct? If we give them an easement now to get to
12 their property and then say, instead of an easement we
13 want to deed the rest of the property, you know, as we
14 said, would that be something that would take care of
15 this issue that he has?

16 MR. HOWARD: I wouldn't think that it would be
17 an issue. It would have to go through the same
18 rezoning process to consolidate.

19 MR. DELK: If you guys didn't approve of that,
20 they still would have access coming off the bubble, go
21 to their 70 foot and go over; am I correct?

22 MR. HOWARD: It wouldn't even have to come
23 down to the 70 foot. It would depends on how you all
24 worked things out. It could come off the bubble and
25 just head in a northwest fashion over into the Cornell

1 property. It wouldn't necessarily have to come all
2 the way down and go to the 70 feet. That would be a
3 design question.

4 MR. DELK: Right. I just want to make sure
5 that when we're finished with this, we can go ahead
6 and start the design, turn them back in for future
7 approval.

8 CHAIRMAN: So you're willing to withdraw it
9 and resubmit?

10 MR. DELK: No. I would like to do it, as this
11 gentleman has said, with an easement being allotted
12 and then in a future date when we actually figure out
13 which way it's going resubmit it that way.

14 MS. KNIGHT: I guess, Mr. Delk or Mr. Jackson,
15 we can put a condition on here tonight that an
16 easement, an ingress easement will be granted, but
17 there's going to have to be something else. Just us
18 saying it doesn't actually correct it.

19 MR. JACKSON: Mr. Delk owns the entity that
20 owns the ground. So he's willing to say to us, which
21 we wouldn't move forward until we had that document.
22 It would be a permanent non-exclusive easement for
23 access to that property by us or future owners of that
24 property. I think what he's saying is that we don't
25 have a need for it to stretch out as far as the width

1 of what it would be. We want to go ahead and have the
2 authority to start making preparations to get that
3 property ready, but probably would resubmit later,
4 after he gives us the easement, another rezoning to
5 rezone where the drive actually is going to go
6 through. We would have the easement if it wasn't
7 rezoned; so it wouldn't really matter. It would just
8 be a little more permanent in my position, I think,
9 that Mr. Cornell and I would rather have a deed for
10 half of that interest to get into that farm than we
11 would to have an easement. I'm fine with doing what
12 the first proposal was for tonight; just with the
13 caveat that there may come a point down the road where
14 we would want to ask to rezone where the easement is
15 to become -- to rezone that to be our entrance.

16 CHAIRMAN: Mr. Riney, does that satisfy you?

17 MR. RINEY: I think it is. I think that would
18 be a good solution as opposed to coming out on the
19 main drive. I want to emphasize here. Why 17 people
20 aren't here. We all live in this neighborhood. We're
21 all friends, and I'm one of the guys that would come
22 and voice the opinion. It's tough to do it when
23 you're doing this -- please understand that.

24 CHAIRMAN: Thank you.

25 Is there any further discussion?

1 (NO RESPONSE)

2 CHAIRMAN: Any commissioners have any
3 questions?

4 (NO RESPONSE)

5 MS. KNIGHT: I think we have to add --

6 MR. HOWARD: We're going to say no access to
7 this portion of Summit Drive. That access will be --
8 and it doesn't have to dictate exactly where that
9 ingress/egress will be. Just that it's off the bubble
10 cul-de-sac, which I think it could be addressed that
11 way. They're going to have to do a minor subdivision
12 plat anyway. The consolidation and the ingress/egress
13 easement could all be shown on one plat.

14 MS. KNIGHT: Yes, that makes sense.

15 CHAIRMAN: Any commissioners prepared to make
16 a motion?

17 MR. REEVES: I would make one, but I don't
18 know which one to make. If counsel will help me, I'll
19 be very happy to.

20 MS. KNIGHT: I will help you, Fred.

21 So what we were discussing is the motion would
22 be to approve the rezoning with the condition that no
23 access, no direct access shall be allowed to Summit
24 Drive. That access shall only be allowed from the
25 cul-de-sac located on Summit Drive by an

1 ingress/egress easement.

2 MR. HOWARD: Then the other condition that's
3 existing that a minor subdivision plat be submitted to
4 consolidate that, this 1.147 acre portion.

5 MR. KNIGHT: That condition is already on the
6 report.

7 MR. REEVES: That's what I just said. Is
8 everybody comfortable with that at this point?

9 MS. KNIGHT: And based on findings of fact.

10 MR. REEVES: Yes, Findings of Fact 1 through
11 4.

12 CHAIRMAN: Do we have a second?

13 MS. STEWART: Second.

14 CHAIRMAN: Ms. Stewart has a second. Is there
15 any questions about the motion?

16 (NO RESPONSE)

17 CHAIRMAN: If not signify by raising your
18 right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 -----

22 COMBINED FINAL DEVELOPMENT PLAN/
23 MAJOR SUBDIVISION PRELIMINARY PLATS

24 ITEM 6

25 Deer Valley, Section 5, 20.132 acres
Consider approval of a combined final development

1 plan/major subdivision preliminary plat
Applicant: Deer Valley Subdivision, LLC

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3 MR. BALL: I'd like to ask to be recused from
4 this item also.

5 CHAIRMAN: You may.

6 MR. HOWARD: This plat has been reviewed by
7 the Planning Staff and Engineering Staff. It's found
8 to be in order. It meets the requirements of the
9 subdivision regulations and zoning ordinance
10 requirements and is in compliance with the rezoning of
11 the property. We would like to recommend that you
12 consider it for approval.

13 CHAIRMAN: Is there anybody here representing
14 the applicant?

15 MR. JAGOE: Yes.

16 MS. KNIGHT: Please state your name.

17 MR. JAGOE: William R. Jagoe, IV.

18 (WILLIAM JAGOE, IV SWORN BY ATTORNEY.)

19 MR. JAGOE: Just here to ask you to approve
20 the final phase of Deer Valley. It's been a great
21 community. We had a meeting with our neighbors over
22 drain issues. Actually Manuel stepped out. Went out
23 for hamburgers in their backyard social distance. We
24 worked out some of their problems. They had a whole
25 list of things. Just ask your approval. If you have

1 any real technical question, you can ask Jason Baker.

2 Thank you.

3 CHAIRMAN: Is there any opposition?

4 (NO RESPONSE)

5 CHAIRMAN: Commissioners have any questions?

6 (NO RESPONSE)

7 CHAIRMAN: Hearing none I will entertain a

8 motion to approve.

9 MR. VELOTTA: Motion to approve.

10 CHAIRMAN: Motion by Mr. Commissioner Velotta.

11 MS. HARDAWAY: Second.

12 CHAIRMAN: Second by Commissioner Hardaway.

13 All in favor signify by raising your right hand.

14 (ALL BOARD MEMBERS PRESENT - WITH MANUAL BALL

15 RECUSING HIMSELF - RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 MR. VELOTTA: Mr. Chairman, I'm going to have

18 to recuse myself for the next two items.

19 CHAIRMAN: Mr. Velotta is recusing himself.

20 MAJOR SUBDIVISION PRELIMINARY PLATS

21 ITEM 6

22 Daviess County Public Schools, 35.090 acres
23 Consider approval of a major subdivision preliminary
24 plat

Applicant: Gateway Land, LLC

25 MR. HOWARD: This plat has been reviewed by

1 the Planning Staff and Engineering Staff and it's
2 found to be in order. It is part of a process to
3 change the property lines around to accommodate the
4 new Daviess County Middle School. It's in order and
5 ready for your consideration for approval.

6 CHAIRMAN: Is there anybody in the audience
7 that would like to speak to this?

8 (NO RESPONSE)

9 CHAIRMAN: Any commissioners have any
10 questions?

11 (NO RESPONSE)

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

13 MR. REEVES: Move to accept this application.

14 CHAIRMAN: Motion by Mr. Reeves.

15 MR. BOSWELL: Second.

16 CHAIRMAN: Second by Mr. Boswell. Any further
17 discussion of the motion?

18 (NO RESPONSE)

19 CHAIRMAN: All in favor raise your right hand.

20 (ALL BOARD MEMBERS PRESENT - WITH JAY VELOTTA

21 RECUSING HIMSELF - RESPONDED AYE.)

22 CHAIRMAN: Motion passes.

23 ITEM 7

24 Gateway Commons, Section 2, 203.403 acres
25 Consider approval of an amended major subdivision
preliminary plat
Applicant: Gateway Land, LLC

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MR. HOWARD: Again, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. Since this is taking the portion that was just consolidated and the previous plat off of the Gateway Land property, again to accommodate the location of the Daviess County Middle School, and it's ready for your consideration for approval.

CHAIRMAN: Does anybody in the audience got have comments about the application?

(NO RESPONSE)

CHAIRMAN: Any commissioners have any questions?

(NO RESPONSE)

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

MS. HARDAWAY: Motion to approve.

CHAIRMAN: Motion by Commissioner Hardaway. Is there a second?

MS. STEWART: Second.

CHAIRMAN: Ms. Stewart has a second. All in favor signify by raising their right hand.

(ALL BOARD MEMBERS PRESENT - WITH JAY VELOTTA RECUSING HIMSELF - RESPONDED AYE.)

CHAIRMAN: Motion carries.

1 MR. HOWARD: We've got three tonight. Like we
2 did last month, both the Chairman and Secretary are
3 not here. So I would make a request, if you do make a
4 motion to approve these, that it would be that Vice
5 Chairman Jean would sign the plat, and then if you
6 would allow me to sign for Mike Edge; that way we
7 don't have to try to hunt them down before we can get
8 the plat recorded.

9 MINOR SUBDIVISIONS

10 ITEM 8

11 4916, 4928 Graham Lane, 4.96 acres
12 Consider approval of a minor subdivision plat
13 Applicant: Ronald W. & Annette K. Harrison

14 MR. HOWARD: This plat comes before you as an
15 exception to the road frontage and three to one
16 requirements. It's essentially a 5 acre parcel with
17 an existing home on it. They would like to construct
18 a second home on the backside. There was not a
19 previous no further subdivision note on this property.
20 We've added it now. So essentially after this
21 division, without putting in a public street or doing
22 something like that, Staff would be against any
23 further subdivision of the property. With that, with
24 the size of the parcel we would recommend that you
25 consider it for approval.

 CHAIRMAN: Thank you.

1 Anybody in the audience have any comments
2 about the application?

3 (NO RESPONSE)

4 CHAIRMAN: Any commissioners?

5 (NO RESPONSE)

6 CHAIRMAN: I'll accept a motion to approve.

7 Commissioner Ball.

8 MR. BALL: Motion to approve with the
9 condition that the proper people sign off on the plat.

10 CHAIRMAN: Motion by Mr. Ball. Do we have a
11 second?

12 MR. VELOTTA: Second.

13 CHAIRMAN: Second by Commissioner Velotta.

14 All in favor signify by raising your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 ITEM 9

18 6659, 6715 Jack Hinton Road, 9.904 acres
19 Consider approval of a minor subdivision plat
20 Applicant: Norma B. Mills Estate;
 Larry A. & Susan M. Schrecker

21 MR. HOWARD: This plat comes before you as an
22 exception to the three to one requirement. There's an
23 existing parcel. They're adding some additional
24 property to it off of tract 2 of the adjoining
25 property. We're not creating any new lots with this

1 division. Just adding some additional acreage to an
2 existing parcel. The no further subdivision note has
3 also been included on this plat, and we would
4 recommend that you consider it for approval.

5 CHAIRMAN: Anyone in the audience have any
6 comments about the application?

7 (NO RESPONSE)

8 CHAIRMAN: Any commissioners have any
9 questions concerning the application?

10 (NO RESPONSE)

11 CHAIRMAN: Chair is ready for a motion.
12 Commissioner Velotta.

13 MR. VELOTTA: Motion to approve with the
14 condition that Mr. Howard can sign off on behalf of
15 Commissioner Edge.

16 CHAIRMAN: Do we have a second?

17 MR. BOSWELL: Second.

18 CHAIRMAN: Second by Mr. Boswell. Anybody
19 have any questions on the motion?

20 (NO RESPONSE)

21 CHAIRMAN: All in favor signify by raising
22 your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 ITEM 10

1 7790, 7808 Highway 500, 3.517 acres
2 Consider approval of a minor subdivision plat
3 Applicant: Catherine Mattingly; Ginger Mattingly

4 MR. HOWARD: This plat comes before you kind
5 of similar to the last one. There's an existing
6 parcel. They're adding some additional acreage to the
7 rear of the property, which brings it out of
8 compliance with the three to one requirements. Again,
9 we're not creating any new additional development
10 parcels. We would recommend that you consider it for
11 approval.

12 CHAIRMAN: Anyone in the audience have
13 comments about the application?

14 (NO RESPONSE)

15 CHAIRMAN: Any commissioners have any
16 questions?

17 (NO RESPONSE)

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

20 Mr. Boswell.

21 MR. BOSWELL: Thank you, Mr. Chairman. I move
22 for approval. Motion to approve with the
23 recommendation that Mr. Howard sign as well as the
24 chair, co-chair sign for the chair.

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

1 MR. REEVES: Second.

2 CHAIRMAN: Commissioner Reeves seconded. Any
3 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 passes. 101010.

9 -----

10 NEW BUSINESS

11 ITEM 10

12 Consider approval of July 2020 financial statement

13 CHAIRMAN: All the commissioners have had a
14 chance to look over the financial statement. Are
15 there any questions about the financial statement?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none I will accept a motion
18 to approve.

19 MR. REEVES: Motion to approve and file the
20 financial statement.

21 CHAIRMAN: That was Commissioner Reeves. Is
22 there a second?

23 MR. VELOTTA: Second.

24 CHAIRMAN: Second by Commissioner Velotta.
25 Any discussion?

1 (NO RESPONSE)

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion passes.

6 ITEM 11

7 Comments by the Chairman

8 CHAIRMAN: The Chairman has no comment.

9 ITEM 12

10 Comments by the Planning Commissioners

11 CHAIRMAN: Do any of the commissioners have
12 any comments?

13 (NO RESPONSE)

14 ITEM 13

15 Comments by the Director

* Presentation of the Fiscal Year 2020
16 Activity Report

17 MR. HOWARD: We have the Fiscal Year 2020
18 Activity Report. We prepare this every year and
19 present it to you all and then send a copy to all of
20 the local elected officials.

21 Just go over a couple of highlights on the
22 Activity Report.

23 What this does is basically go through each
24 planning type application or groups of applications,
25 and give an indication about how many applications we

1 see from the city and from the county or from the City
2 of Whitesville. Same thing for building permits and
3 inspections.

4 A few examples. Say for zoning change
5 applications, this last fiscal year we saw 12
6 applications within the city and 23 within the county,
7 for a total of 35 zoning rezoning applications, which
8 comes out to about three a month. With COVID that
9 number is down a little bit. We didn't see quite as
10 many. We also didn't have a meeting in April as part
11 of that.

12 Minor subdivision plats, we only had 32 in the
13 city, 105 in the county.

14 Then final development plans and site plans,
15 which are the detailed plans for businesses as they
16 open, 22 in the city, 13 in the county for final
17 develop plans. Site plan 32 in the city and only 11
18 in the county. You can go through and look at the
19 various application types.

20 Building permits, we had a total of just over
21 1,000 building permits that were issued during the
22 last fiscal year. Almost 1,450 electrical permits,
23 382 HVAC permits, and we did 153 plan reviews.

24 The last section is the total number of
25 inspections that are building, cross-trained building,

1 electrical and HVAC inspectors do. So on a daily
2 basis we at full staff we have three inspectors. They
3 go out and cover the entire county, including the City
4 of Owensboro and the City of Whitesville and do
5 building, electrical and HVAC inspections. Last year
6 we did 7,270 inspections. If you do the math, that
7 comes out to approximately 28 inspections per day that
8 our inspectors complete. So they're busy driving all
9 over the county all day every day.

10 That's the real quick overview of this report.
11 Like I said, we will forward a copy of it on to the
12 local elected officials as well. Be glad to answer
13 any questions if you have any on this Activity Report.

14 MR. BALL: I have a comment. I know I kind of
15 do this periodically, but kudos to Brian and his team
16 because this is not easy. I obviously work for a
17 builder. We work in a lot of different counties in
18 the State of Kentucky and Indiana. In my opinion,
19 there's not a better department out there. Not to
20 mention that what kind of gets lost in translation is
21 there are a lot of counties that really break their
22 inspections up. They may have an electrical
23 inspector, an HVAC inspector, and a builder inspector.
24 When you're scheduling those out, there are certain
25 jurisdictions that we work in that it may take a week

1 and a half to two weeks just to go through that
2 process; where their inspectors do electrical,
3 mechanical and building all in one inspection. So
4 it's a huge plus. I know it's very difficult to keep,
5 to maintain that staff that has that knowledge and
6 there's a lot of extra work that goes into it as far
7 as training and everything else, but to my knowledge
8 we're one of the few in the entire state that do that,
9 and we do that right here at home.

10 I'd just like to say I appreciate everything
11 you guys do.

12 MR. HOWARD: Thank you.

13 MR. REEVES: Mr. Chairman, I also have a
14 comment to make.

15 I got an extremely nice letter today from the
16 neighbor. She was applauding Melissa for how she
17 helped her with an issue. There was a building built
18 in her vicinity that she wasn't real happy with.
19 Melissa helped her understand that. She certainly
20 understood her concern, but that was not a Planning
21 Commission issue. That was an issue that she needed
22 to talk to an elected official about. She was very
23 pleased to be headed in the right concern to make her
24 concern known.

25 Melissa, thank you for doing that.

1 MR. HOWARD: If nobody else has any questions
2 or comments on that. The only other comment is that I
3 have a staff update. We are excited to announce that
4 Trey Pedley, former employee of not too long ago will
5 be coming back and working for us starting Monday.
6 We're excited to announce that. He'll be returning to
7 us in a Planning capacity.

8 CHAIRMAN: Any other business?

9 (NO RESPONSE)

10 CHAIRMAN: At this time I will accept a motion
11 to adjourn.

12 MR. BOSWELL: Motion to adjourn.

13 CHAIRMAN: Is there a second?

14 MS. HARDAWAY: Second.

15 CHAIRMAN: All in favor signify by raising
16 your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: We are adjourned.

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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 43
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 1st day of October, 2020.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25