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OWENSBORO METROPOLITAN PLANNING COMMISSION

JULY 8, 2021

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, July 8, 2021, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Lewis Jean, Chairman
- Brian Howard, Director
- Terra Knight, Attorney
- Mike Edge
- Skyler Stewart
- Manuel Ball
- Fred Reeves
- Irvin Rogers
- Jerry Ray Davis
- Jason Strode
- Jay Velotta

* * * * *

CHAIRMAN: The July meeting of the Owensboro Planning Commission is called to order. We begin with a prayer and pledge. Tonight Commissioner Ball is going to lead us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to explain before we get started, anybody that wishes to speak come to the podium, say your name and our counsel will swear you in.

The first item is the minutes of the last meeting. All the commissioners should have received one. Everybody has had an opportunity to read the

1 minutes. At this time I'll accept a motion to
2 approve.

3 MR. STRODE: So move.

4 CHAIRMAN: Motion by Mr. Strode.

5 MR. EDGE: Second.

6 CHAIRMAN: Second by Commissioner Edge. All
7 in favor signify by raising your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries.

10 MR. HOWARD: Under Zoning Changes, I will note
11 that the Zoning Changes heard tonight will become
12 final in 21 days after the meeting unless an appeal is
13 filed. If an appeal is filed, we will forward the
14 record of this meeting along with all applicable
15 materials to the appropriate legislative body for them
16 to take final action.

17 -----

18 GENERAL BUSINESS

19 ZONING CHANGES

20 ITEM 3

21 4900 Free Silver Road, 116.950 acres
22 Consider zoning change: From EX-1 Coal Mining to A-R
23 Rural Agriculture
24 Applicant: Erik Benner, Mary Thelma Mattingly,
25 Kathryn Pence and Mary Pence

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

1 MR. PEDLEY: Trey Pedley.

2 (TREY PEDLEY SWORN BY ATTORNEY.)

3 PLANNING STAFF RECOMMENDATIONS

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

6 FINDINGS OF FACT:

7 1. Staff recommends approval because the
8 proposal is in compliance with the community's adopted
9 Comprehensive Plan;

10 2. The subject property is partially located
11 in a Rural Maintenance Plan Area and partially located
12 in a Rural Community Plan Area, where agriculture and
13 Forestry uses are appropriate in general locations;

14 3. At 116.95 acres, the subject property is
15 large enough to sustain existing forested areas
16 through appropriate forestry practices;

17 4. The subject property is partially
18 designated as prime agricultural farmland and, as
19 such, is capable of conserving agricultural topsoil
20 through appropriate farming practices;

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

23 6. The Owensboro Metropolitan Zoning
24 Ordinance Article 12a.31 requires that the property
25 shall revert to the original zoning classification

1 after mining has ceased

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

4 CHAIRMAN: Thank you.

5 Anyone here representing the applicant and
6 wish to speak?

7 (NO RESPONSE)

8 CHAIRMAN: Any commissioners have any
9 questions or concerns about the application?

10 (NO RESPONSE)

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

13 MR. BALL: I would like to make a motion to
14 approve based on Planning Staff Recommendations and
15 Findings of Fact 1 through 6.

16 CHAIRMAN: Motion by Commissioner Ball. Do I
17 have a second?

18 MR. VELOTTA: Second.

19 CHAIRMAN: Second by Commissioner Velotta.
20 Any questions about the motion?

21 (NO RESPONSE)

22 CHAIRMAN: Seeing none all in favor raise your
23 right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

1 ITEM 4

2 8676 Short Station Road, 3.870 acres
3 Consider zoning change: From EX-1 Coal Mining to A-R
4 Rural Agriculture
5 Applicant: Eric & Tiffany Hayden

6 PLANNING STAFF RECOMMENDATIONS

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

9 FINDINGS OF FACT:

10 1. Staff recommends approval because the
11 proposal is in compliance with the community's adopted
12 Comprehensive Plan;

13 2. The subject property is located in a Rural
14 Maintenance Plan Area, where rural farm residential
15 uses are appropriate in general locations;

16 3. At 3.870 acres, the subject property may
17 not be large enough for productive agricultural uses;
18 however, the subject property is part of a much larger
19 farm operation to the rear which is expected to be
20 rezoned back to A-R Rural Agriculture once the mining
21 on the property has ceased;

22 4. No new roads or access points are proposed
23 with this request as the subject property and the farm
24 remainder share an existing access point along a
25 public road, Short Station Road;

26 5. Strip-mining activity on the property has

1 never taken place; and,

2 6. The Owensboro Metropolitan Zoning
3 Ordinance Article 12a.31 requires that the property
4 shall revert to the original zoning classification
5 after mining has ceased.

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

8 CHAIRMAN: Is anybody here representing the
9 applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: Would you like to speak?

12 APPLICANT REP: No.

13 CHAIRMAN: Do any of the commissioners have
14 any questions?

15 (NO RESPONSE)

16 CHAIRMAN: Hearing none I will entertain a
17 motion.

18 MR. ROGERS: I would like to make a motion for
19 approval based on the Planning Staff Recommendation
20 and the Findings of Fact 1 through 6.

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

23 MR. DAVIS: Second.

24 CHAIRMAN: Commissioner Davis has the second.
25 Is there any questions about the motion?

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 carries.

6 ITEM 5

7 2024 Highway 81, 0.670 acres
8 Consider zoning change: From B-4 General Business to
9 I-1 Light Industrial
10 Applicant: Mr. Fence (Shawn King);
11 KAS Enterprises, Inc.

12 PLANNING STAFF RECOMMENDATIONS

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

15 CONDITION:

16 Direct access to Highway 81 shall be limited
17 to a single access point.

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 within a
23 Business Plan Area where Light Industrial Uses are
24 appropriate in limited locations;

25 3. While maintaining appropriate setbacks
from the adjoining residential properties, the
building and lot patterns shall conform to the

1 criteria for nonresidential development;

2 4. All outdoor storage areas shall be
3 screened appropriately, conforming to the criteria
4 associated with buffers for outdoor storage yards;

5 5. The proposed I-1 Light Industrial zoning
6 is a logical expansion of the I-1 zoning to the east,
7 Across Highway 81; and,

8 6. At 0.670 acres, the proposal shall not
9 significantly increase the extent of the industrial
10 zoning in the immediate vicinity, nor shall the
11 request overburden the capacity of roadways and other
12 necessary urban services that are available in the
13 affected area.

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

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

18 (NO RESPONSE)

19 CHAIRMAN: Anyone in the audience have any
20 comments about the application?

21 (NO RESPONSE)

22 CHAIRMAN: Any commissioners have any
23 questions about the application?

24 (NO RESPONSE)

25 CHAIRMAN: Seeing none the Chair is ready for

1 a motion.

2 MR. REEVES: Motion to approve this
3 application based on Staff Recommendation and Findings
4 of Fact 1 through 6 with Condition Number 1.

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

7 MR. VELOTTA: Second.

8 CHAIRMAN: Second by Commissioner Velotta.
9 Any question about the motion?

10 (NO RESPONSE)

11 CHAIRMAN: At this time we will vote. All in
12 favor signify by raising your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion passes.

15 MAJOR SUBDIVISION PRELIMINARY PLATS

16 ITEM 6

17 Promontory Professional Park, 2.966 acres
18 Consider approval of a major subdivision preliminary
19 plat.
Applicant: Professional Properties and Construction,
LLC

20 MR. HOWARD: This plat has been reviewed by
21 the Planning Staff and Engineering Staff. It's found
22 to be in order. It's consist with the requirements of
23 the Zoning Ordinance Subdivision Regulations and the
24 Zoning of the property and it is ready for your
25 consideration for approval.

1 CHAIRMAN: Any commissioners have any
2 questions or concern about the application?

3 (NO RESPONSE)

4 CHAIRMAN: Probably ought to see if anybody in
5 the audience represents the applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Any commissioners have any
8 questions or concerns about the application?

9 (NO RESPONSE)

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

12 MR. BALL: I'd like to make a motion to
13 approve.

14 CHAIRMAN: Motion by Commissioner Ball.

15 MR. REEVES: Second.

16 CHAIRMAN: Second by Commission Reeves. Is
17 there any questions or concerns about the motion?

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 MINOR SUBDIVISION PLATS

24 ITEM 7

25 3619 & 3623 Hayden Road, 3.827 acres
Consider approval of a minor subdivision plat.

1 Applicant: Michael & Alicia Harrington

2 MR. HOWARD: This plat has been reviewed by
3 the Planning Staff and Engineering Staff. It is not
4 in order in the fact that there's an existing parcel
5 there. They are reconfiguring it making it a little
6 deeper which kicks out of compliance with the 3 to 1
7 requirement, but in essence it's not creating any new
8 buildable lots. With that we would recommend that you
9 consider it for approval.

10 CHAIRMAN: Anybody here representing the
11 applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: Would you like to speak?

14 APPLICANT REP: No.

15 CHAIRMAN: Anybody else in the audience have
16 any concerns about the application?

17 (NO RESPONSE)

18 CHAIRMAN: Hearing none the Chair is ready for
19 a motion.

20 MR. ROGERS: I make a motion for approval.

21 CHAIRMAN: Do we have a second?

22 MR. EDGE: Second.

23 CHAIRMAN: Second by Commissioner Edge. Is
24 there any questions on the motion?

25 (NO RESPONSE)

1 CHAIRMAN: All in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 ITEM 8

5 2974 & 2984 Newbolt Road, 4.095 acres
6 Consider approval of a minor subdivision plat.
7 Applicant: Henrietta Kingkade

8 MR. HOWARD: It's been reviewed by the
9 Planning Staff and Engineering Staff. It's comes
10 before you as an exception to the 3 to 1 requirement.
11 It's a pretty decent size parcel. It's 4 acres right
12 now. They're proposing a division which would have
13 two buildable lots. We do have the access limitations
14 on there for Newbolt Road along with no further
15 subdivision. So we would recommend that you consider
16 it for approval.

17 CHAIRMAN: Is there anybody in the audience
18 representing the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Do any commissioners have any
21 questions or concerns about the application?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none I will accept a
24 motion.

25 MR. STRODE: Make a motion to approve.

CHAIRMAN: Motion by Commissioner Strode. Do

1 I have a second?

2 MR. DAVIS: Second.

3 CHAIRMAN: Second by Commissioner Davis.

4 Anybody have any questions about the motion or the
5 second?

6 (NO RESPONSE)

7 CHAIRMAN: All in favor signify by raising
8 your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

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12 NEW BUSINESS

13 ITEM 9

14 Consider approval of May 2021 financial statements

15 CHAIRMAN: Everybody has a copy of the
16 financial statement. Does anybody have any questions
17 or concerns?

18 (NO RESPONSE)

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

20 MR. VELOTTA: Motion to approve.

21 CHAIRMAN: Commissioner Velotta has a motion
22 to approve.

23 MS. STEWART: Second.

24 CHAIRMAN: Second by Commissioner Stewart. Is
25 there any questions about the motion or the second?

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 carries.

6 ITEM 10

7 Comments by the Chairman

8 CHAIRMAN: The Chair has no comments.

9 ITEM 11

10 Comments by the Planning Commissioners

11 (NO RESPONSE)

12 ITEM 12

13 Comments by the Director

14 * Trey Pedley - Regular, full-time appointment
to the position of Senior Planner

15 * Daniel Crum - Regular, full-time appointment
to the position of Planner

16 * Dustin Washer - Regular, full-time
appointment to the position of Inspector

17 * Bruce Crowe - Regular, full-time appointment
to the position of Inspector

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19 MR. HOWARD: We have four staff members that I
20 would like to bring forward tonight and recommend that
21 you all accept them as regular full-time employees.

22 Two of them are here tonight and two of them are our
23 inspectors.

24 I would like to recommend Trey Pedley as a
25 regular full-time employment to the position of Senior

1 Planner. Daniel Crum as a regular full-time
2 employment to the position of Planner. Dustin Washer
3 and Bruce Crowe as regular full-time appointments to
4 the position of inspector.

5 All four have done a great job and we are
6 looking forward to long-term enjoyment of their
7 capabilities in our office. Hopefully this time for
8 good because Trey left us once. We're very pleased
9 with them and would recommend that you all accept
10 them.

11 MR. REEVES: Just a quick question. Are these
12 inspectors certified to inspect all the areas that we
13 require; plumbing, electrical, HVAC?

14 MR. HOWARD: We don't do plumbing.

15 MR. REEVES: Okay. That's right. Does the
16 state do the plumbing?

17 MR. HOWARD: That's correct. Through the
18 Health Department.

19 They don't have all their certifications yet,
20 but they are working through them, yes.

21 MR. REEVES: Okay.

22 CHAIRMAN: Any other questions from the
23 commissioners?

24 (NO RESPONSE)

25 CHAIRMAN: Would somebody like to make a

1 motion?

2 MR. BALL: I'd like to make a motion that we
3 accept these full-time appointments.

4 CHAIRMAN: Do we have a second?

5 MR. ROGERS: Second.

6 CHAIRMAN: Second by Mr. Rogers. Any
7 questions on the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor signify by raising
10 your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 MR. HOWARD: That's the only comment I have.

14 CHAIRMAN: Next item is for adjournment.

15 MR. BALL: Motion to adjourn.

16 MR. EDGE: Second.

17 CHAIRMAN: Motion by Mr. Ball. Second by Mr.
18 Edge. All in favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 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 16
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 August, 2021.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25