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OWENSBORO METROPOLITAN PLANNING COMMISSION

OCTOBER 14, 2021

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, October 14, 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
- Skyler Stewart
- Manuel Ball
- Fred Reeves
- Jason Strode
- Irvin Rogers

* * * * *

CHAIRMAN: The October 14, 2021 meeting of the Owensboro Metropolitan Planning Commission is called to order. We open with a prayer and this evening Commissioner Reeves will lead us in prayer and pledge.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The way we do this is if anybody wants to speak just come to the podium and state your name and our counsel will swear you in.

First item is the minutes of the last meeting. Did everybody have an opportunity to read the minutes? Chair will accept a motion.

MR. BALL: Move to approve.

1 CHAIRMAN: Motion by Commissioner Ball.

2 MR. STRODE: Second.

3 CHAIRMAN: Second by Commissioner Strode. We
4 have a motion and a second. All in favor signify by
5 raising your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

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

15 -----

16 GENERAL BUSINESS

17 ZONING CHANGES

18 ITEM 3

19 1702 Moseley Street, 0.207 acres (Postponed from
20 September 9, 2021)
21 Consider zoning change: From I-1 Light Industrial to
B-5 Business/Industrial
Applicant: Mark & Anne Carlisle

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

24 MR. PEDLEY: Trey Pedley.

25 (TREY PEDLEY SWORN BY ATTORNEY.)

1 PLANNING STAFF RECOMMENDATIONS

2 The Planning Staff recommends approval subject
3 to the conditions and findings of fact that follow:

4 CONDITIONS:

5 1. Obtain approval of a Site Plan or Final
6 Development Plan; and,

7 2. The existing access point along Moseley
8 Street shall be closed.

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
14 Business/Industrial Plan Area where
15 Business/Industrial uses are appropriate in general
16 locations;

17 3. The subject property lies within an area
18 that has been identified as appropriate for mixed
19 general business and light industrial uses;

20 4. The Comprehensive Plan provides for the
21 Continuance of mixed use areas; and,

22 5. The proposed use, business, conforms to
23 the criteria for non-residential development

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

1 CHAIRMAN: Thank you, Trey.

2 Is there anybody in the audience that
3 represents the applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Would you like to speak?

6 APPLICANT REP: No.

7 CHAIRMAN: Is there anybody else in the
8 audience that would like to speak?

9 (NO RESPONSE)

10 CHAIRMAN: At this time I will except a
11 motion.

12 MR. BALL: I would like to make a motion to
13 approve based on the Planning Staff Recommendations 1
14 through 5 and Conditions 1 and 2.

15 CHAIRMAN: We have a motion by Commissioner
16 Ball. Do we have a second?

17 MR. STEWART: Second.

18 CHAIRMAN: Second by Commissioner Stewart. Is
19 there any discussion 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 4

1 2076 Endeavour Court, 4.559 acres
2 Consider zoning change: From A-R Rural Agriculture to
3 I-1 Light Industrial
4 Applicant: Owensboro Self Storage, LLC; Frederick
5 Family, LLC

6 MR. PEDLEY: This is a recommendation for
7 denial so the Staff Report will be read in its
8 entirety.

9 Proposed Zone & Land Use Plan

10 The applicant is seeking an I-1 Light
11 Industrial zone. The subject properties are located
12 in a Business Plan Area, where light industrial uses
13 are deemed appropriate in limited locations.

14 SPECIFIC LAND USE CRITERIA

15 (a) Building and lot patterns; outdoor storage
16 areas - Building and lot patterns should conform to
17 the criteria for "Nonresidential Development" (D7) and
18 outdoor storage yards with "Buffers for Outdoor
19 Storage Yards" (D1).

20 (b) Logical expansions outside of Industrial
21 Parks - Existing areas of Light Industrial use that
22 are located outside of planned Industrial Parks may be
23 expanded onto contiguous land that generally abuts the
24 same street. Such an expansion should not
25 significantly increase the extent of industrial use in
the vicinity and outside of Industrial Parks. Also,
such expansion should not overburden the capacity of

1 roadways and other necessary urban services that are
2 available in the affected area.

3 (d) New locations in Highway Business Centers
4 - New locations of Light Industrial use should be
5 established in Business plan areas only as integral
6 components of planned "Highway Business Centers" (D7).
7 Such a light industrial component should be "arterial
8 street oriented" (D2) and provide for particular
9 higher-intensity uses that may be desirable in close
10 proximity to highway businesses, such as
11 wholesale-type businesses, self-storage
12 mini-warehouses, etc. Such a light industrial
13 component should be relatively small in size compared
14 to the overall size of the business center and should
15 be developed in keeping with the design theme of the
16 larger center.

17 (f) Industrial Parks - In Industrial, Future
18 Urban, and Rural Preference plan areas, new and
19 expanded locations of Light Industrial use should be
20 developed as elements of planned "Industrial Parks"
21 (D7). These provisions also apply where existing
22 Industrial Parks are expanded into adjoining
23 non-industrial plan areas that contain undeveloped
24 land. Such Industrial Parks should be
25 "arterial-street-oriented" (D2) and planned in modules

1 of at least one hundred (100) acres in size, unless an
2 existing Industrial Park is being expanded.

3 Industrial Parks should be established only where
4 sanitary sewer systems exist or may be expanded or
5 where new systems may be properly established. Light
6 Industrial uses should be located near the fringes of
7 a park that includes Heavy Industrial uses, to serve
8 as "buffer-uses" (D1) adjoining incompatible plan
9 areas or land uses.

10 Planning Staff Review

11 GENERAL LAND USE CRITERIA

12 Environment

13 • It appears that the subject property is not
14 located in a wetlands area per the US Department of
15 Agriculture Soil Conservation Service, dated March 6,
16 1990.

17 • It appears that the subject property may be
18 designated as prime agricultural farmland per the US
19 Department of Agriculture Soil Conservation Service
20 map dated March 1980.

21 • The subject property is partially located in
22 a special flood hazard area per FIRM Map 21059C0257D.

23 • The developer is responsible for obtaining
24 permits from the Division of Water, The Army Corp of
25 Engineers, FEMA, the EPA, the OMPC.

1 Building/electrical/HVAC division or other state and
2 federal agencies as may be applicable.

3 Urban Services

4 All urban services, including sanitary sewer,
5 are available to the subject property.

6 Development Patterns

7 The subject property is a 4.559 acre tract of
8 land located at the intersection of Todd Bridge Road
9 and Endeavour Court. This property, zoned A-R Rural
10 Agriculture, has been primarily utilized as farmland
11 in conjunction with the adjoining farm to the south,
12 east and west.

13 However, as shown on an approved preliminary
14 subdivision plat and a recorded final plat, this
15 property has also been tied to the commercial lots to
16 the north, zoned B-1 Neighborhood Business Center, as
17 the subject property hosts the drainage basin(s) for
18 the commercial development. As such, any
19 modifications to the subject property which impact the
20 drainage patterns shall require an amended preliminary
21 and final plat for the area.

22 The previously approved plats also limited
23 most access to the subject property to Endeavor Court.
24 The only approved access point to Todd Bridge Road
25 consists of a maintenance easement for drainage

1 control purposes.

2 In addition to drainage control, the subject
3 property has a unique connection to the commercial
4 lots to the north. When the three adjoining lots were
5 rezoned to B-1 Neighborhood Business Center in 2008,
6 they reached the capacity for the maximum acreage of
7 B-1 zoning in the area. As such and based on the
8 criteria of the Comprehensive Plan, it was assumed
9 that commercial redevelopment of the area (including
10 that of the subject property) would be directed to
11 The B-3 Highway Business Center zone. With that in
12 mind, there were specific conditions placed on the
13 subdivision plats pertaining to the subject property.
14 Such conditions are typically tied to requirements
15 within the B-3 zoning and include the necessity for a
16 marketing study and a traffic impact study to be
17 performed prior to development of the subject
18 property.

19 Nevertheless, the B-3 zoning has yet to come
20 to fruition as anticipated and, at this time, the
21 applicant is requesting to rezone the subject property
22 from A-R Rural Agriculture to I-1 Light Industrial in
23 order to construct and operate a self-storage
24 facility. Upon research and conversations with the
25 City Engineering Office and the Kentucky

1 Transportation Cabinet, the OMPC staff believe that if
2 the property is rezoned to I-1 and if the activity on
3 the site consists solely of a self-storage facility
4 (including accessory offices), then:

5 • The OMPC could accept amended subdivision
6 Plats eliminating the requirement for a Market
7 Study; and

8 • The OMPC could accept amended subdivision
9 Plats modifying the condition to state that a traffic
10 impact study is not required for a self-storage
11 facility, as proposed; however, any other use of the
12 property may require a traffic impact study as deemed
13 necessary by the Kentucky Transportation Cabinet, the
14 City Engineering Office, and/or the OMPC Planning
15 Staff.

16 Regardless of such possible concessions, it
17 should be noted that the proposed I-1 Light Industrial
18 zoning is not in compliance with the community's
19 adopted Comprehensive Plan because:

20 • The proposal is not a logical expansion of
21 existing industrial zoning;

22 • The subject property is not located within a
23 planned "Highway Business Center" where new locations
24 of light industrial zoning are considered appropriate;
25 and,

1 • The subject property is not located within
2 an existing or proposed industrial park where new
3 locations of industrial zoning are considered
4 appropriate.

5 As a result, the OMPC staff recommends denial
6 of this request to rezone the subject property from
7 A-R Rural Agriculture to I-1 Light Industrial.
8 However, if approved, the following conditions should
9 be included:

10 1. The Major Subdivision Preliminary Plat and
11 Major Subdivision Final Plat shall each be amended to:

12 a. Address any modifications in drainage;

13 b. To eliminate the requirement for a Market
14 Study on the subject property; and,

15 c. To modify the condition pertaining to the
16 Required Traffic Impact Study to state that a Traffic
17 Impact Study is not required to operate a Self-Storage
18 Facility on the subject property; however, any other
19 use of the property may require a Traffic Impact Study
20 as deemed necessary by the Kentucky Transportation
21 Cabinet, the City Engineering Office, and/or the OMPC
22 Planning Staff.

23 2. Direct access to Todd Bridge Road shall be
24 limited to the existing maintenance easement as shown
25 on past plats. No additional access to Todd Bridge

1 Road shall be permitted; and,

2 3. Obtain approval of a Site Plan or Final
3 Development Plan.

4 If approved, prior to any activity on the
5 property, the applicant shall obtain approval of a
6 site plan or final development plan to demonstrate
7 compliance with zoning ordinance requirements
8 including, but not limited to, parking, landscaping,
9 building setbacks, access management and signage. The
10 OMPC Building, Electrical & HVAC department shall be
11 contacted before any construction activity takes place
12 on the property.

13 SPECIFIC LAND USE CRITERIA

14 Although the proposed self-storage facility is
15 non-residential in nature and the site is large enough
16 to conform to the criteria associated with Buffers for
17 Outdoor Storage Yards, the proposal is not in
18 compliance with the community's adopted Comprehensive
19 Plan because the site is not a logical expansion of
20 existing industrial zoning and is not deemed to be an
21 appropriate location for new industrial zoning as it
22 is not located within a planned Highway Business
23 Center, an existing Industrial Park, or a proposed
24 Industrial Park.

25 PLANNING STAFF RECOMMENDATIONS

1 The Planning Staff recommends denial subject
2 to the findings of fact that follow:

3 FINDINGS OF FACT:

4 1. Staff recommends denial because, although
5 the proposed self-storage facility is non-residential
6 in nature and the site is large enough to conform to
7 the criteria associated with Buffers for Outdoor
8 Storage Yards, the proposal is not in compliance with
9 the community's adopted Comprehensive Plan;

10 2. The proposed I-1 Light Industrial zoning
11 is not a logical expansion of existing industrial
12 zoning;

13 3. The subject property is not located within
14 a planned Highway Business Center where new locations
15 of light industrial zoning are deemed appropriate;
16 and,

17 4. The subject property is not located within
18 an existing or proposed Industrial Park where new
19 locations of light industrial zoning are deemed
20 appropriate.

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

23 CHAIRMAN: Thank you, Trey.

24 Is there anybody in the audience representing
25 the applicant?

1 MR. KAMUF: Yes. Charles Kamuf.

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

4 MR. KAMUF: Thank you.

5 I represent the applicant Owensboro Self
6 Storage, LLC which consist of the Robert brothers.
7 The Robert brothers have several storage facilities in
8 Hancock County and many storage facilities in Daviess
9 County. I also represent the Frederick family. The
10 Frederick Family is part of the Massey family.
11 They're the same family that if you remember 70 years
12 ago donated the property to Kentucky Wesleyan College.
13 They own a lot of property in the area. They have
14 cooperated with the city and the construction of
15 Martin Luther King Boulevard and also the widening of
16 Southtown Boulevard.

17 The subject property is located at the
18 intersection of Todd Bridge Road and Southtown
19 Boulevard.

20 I would like now, if I could, to introduce a
21 couple of exhibits.

22 The first exhibit that I show you is the
23 location at Southtown Boulevard. As you can see, in
24 the particular area that we have, across the road on
25 the, I call the east side, there's a property that is

1 zoned B-1 and that's the Franey property which has
2 been previously zoned B-1. On the north side is
3 Apollo High School. Then on the west side you see the
4 zone and that's the good property and then in the
5 front that you see the zone B-1, that's the Huck's
6 property, and then we see Endeavour Court.

7 The subject property consist of 4.5 acres on
8 Endeavour Court. Approximately only 3.3 of the 4.5
9 acres can be developed because there's a retention
10 basin on the property. The retention basin on this
11 property covers everything that was zoned even
12 including the Huck's. So we can only use part of it.
13 The subject property is presently zoned A-R and we're
14 requesting the zone change from A-R Agricultural to
15 Light Industrial.

16 Let's talk about if we can the second exhibit
17 which is the one on Article 8-12 because that's
18 important. No. Let's talk about the lot division
19 first.

20 There's a lot division that you can see.
21 There are four lots. It shows lot 4 being cut off.
22 So when they did the annexation to the city, it was
23 included, but when they did the zoning it was not
24 included. The original plan for the rezoning of the
25 property where Huck's service station is located did

1 not include lot Number 4.

2 The subject property is in the city and this
3 is really important in this case because this is one
4 of the major issues.

5 Since the property is located in the City of
6 Owensboro, the property does not meet the requirements
7 for an industrial zone classification for self-storage
8 facilities. In the city self-storage facility uses
9 are prohibited in B-1, B-2, B-3 and B-4. If the
10 property was, one, zoned B-4 and located in Daviess
11 County, the applicant could file for a conditional use
12 permit which would be allowed for the storage on the
13 location on Todd Bridge Road.

14 So the I point I made is on the Franey
15 property here or on this property, that's in the
16 county. If that property had a commercial zone of
17 B-4, we would not have to get the I-1 zoning. What we
18 would do is ask for a conditional use permit under
19 B-4.

20 The county allows for a self-storage facility
21 to be constructed in a B-4 classification. The county
22 recognizes that self-storage facilities are low impact
23 light industrial uses which are not generally
24 objectionable to a zoning property. If storage
25 facilities are maintained, they're a good buffer zone

1 between commercial property and other type of zones as
2 we see in this exhibit.

3 I'm sorry to take up your time, but I think
4 it's important to look at these.

5 CHAIRMAN: That's fine.

6 MR. KAMUF: What I'm showing, trying to show
7 by this exhibit, this is the one showing the property
8 up on Highway 60. I mentioned that a storage facility
9 is a pretty good buffer sometimes between other type
10 of property. In this particular case, about two years
11 ago a Daviess County Farm Bureau built an insurance
12 office. If you can see, it's across from Green River
13 Steel. All of the property that you see around it is
14 zoned industrial and right next to this property at
15 the bottom is existing self-storage facilities.

16 The subject property is surrounded by business
17 zones. This is the first exhibit that you can see, we
18 talked about this just a second ago. On all three
19 sides by business commercial zone. There is a
20 business zone at the Huck's at the intersection.
21 There's a business zone on Jim Goode's property to the
22 west, and there is a business zone to the east on the
23 Franey property which is in this particular area right
24 here.

25 Back on the subject property. Under the

1 Comprehensive Plan, it was anticipated that the
2 subject property would develop within a business use
3 and in fact the property to the north has been
4 developed at Huck's. The Huck's property to the north
5 fronts on Southtown Boulevard and has three lots as we
6 showed previously and has the required frontage to
7 sustain a business zone classification. Following the
8 development of the property to the north of the
9 subject property, a 4.57 acre tract was cut off where
10 the Huck's service station is located. As a result of
11 losing the frontage and visibility on Southtown
12 Boulevard, the subject property is no longer
13 marketable as commercial property.

14 I'm going to point out three changes, if I
15 can, major changes that substantially alter the basic
16 character of the neighborhood and restrict the use of
17 the property.

18 The first major change was involved within the
19 area was when the subject property was annexed to the
20 city. By Huck's annexing the subject property into
21 the city it has caused a major restriction in the
22 development of the property. When the subject
23 property was in the county, the applicant would have
24 been allowed to develop a self-storage facility under
25 a B-4 zone with a conditional use. The annexation of

1 the subject property into the city now is a major
2 detriment to the development of the property.

3 The second major change was the loss of
4 visibility to Southtown Boulevard which has caused
5 substantial problems in marketing the property. It
6 was anticipated, and the subject property would be
7 developed as a business use, and since there is a loss
8 of frontage in visibility to Southtown Boulevard it
9 has prohibited the development of the subject property
10 from any commercial use.

11 Davis Hawes a realtor with Kurtz Auction &
12 Realty is here. He's been trying to market this
13 property for five years and has little results.

14 If you look at Exhibit E, which is the
15 property I showed what it looks like. This is an
16 exhibit that I refer to now. This property, if it was
17 developed commercially, would face the rear of Huck's
18 service station. We all know that would be a major
19 issue.

20 The other one is my strip center down on
21 Parrish Avenue. We have promoted it. The strip
22 center is full except one area. And where do you
23 think that is? In the middle. Without the visibility
24 it's very, very difficult to lease property, and this
25 is one of the major issues we have there.

1 The third change that we talked about is the
2 change in the flood elevation maps. The development
3 potential for the subject property is limited because
4 if you can see on these little plat, the little plat,
5 Exhibit A, which is the first one, nearly all of this
6 property that you see to the rear, to the west, as you
7 can see it, a lot of it is in the floodplain and as a
8 result it's not going to be able to be developed.

9 The second type of finding that the applicant
10 contends that the existing zoning classification given
11 to the property is inappropriate and the proposed
12 zoning classification of I-1 is appropriate.

13 If you look at Exhibit A, as I explained to
14 you, you can see the floodplain problem. The property
15 to the south is not likely to develop in residential
16 due to the floodplain, and the property to the north
17 limits the development of the property because of the
18 limited visibility and frontage.

19 I don't think there's any neighbors. I don't
20 see anybody. I don't think there's anybody here to
21 object.

22 There is no detriment to the neighborhood.
23 The Frederick family owns nearly all the property
24 around the subject property.

25 The only one that would get hurt at this

1 situation is the Fredericks and the Roberts because
2 the only way they can develop the property is in an
3 agricultural zone.

4 I might point out, the Comprehensive Plan is a
5 guide. Here we did not anticipate that the subject
6 property would develop as self-storage and have a
7 restriction which has been imposed by the annexation.
8 By these restrictions we are required to rezone the
9 property instead from B-4 with a conditional use
10 permit to an I-1 industrial. It's a lot easier to get
11 the B-4 or the commercial than it is to stretch as we
12 have to do here to get an I-1 zoning.

13 The Comprehensive Plan should be flexible.
14 And where cases there have been restrictions in the
15 development of the property, which have caused, the
16 development here has caused substantial adverse affect
17 on the property. We're asking you to approve.

18 I generally quote this case, I started quoting
19 it when I was the attorney for the Board. It's Bryan
20 versus Salmon. It says this: "While the
21 Comprehensive Plan is extremely important and must not
22 be treated lightly, and considering applications for
23 zoning changes, it's a guide rather than a
24 straitjacket."

25 So the Staff Report indicates that there are

1 certain conditions that we should qualify. If the
2 property is rezoned, the applicant agrees to comply
3 with all of the Conditions; 1, 2, 3 as in the Staff
4 Report. I'm asking you to approve the rezoning.

5 Sometime it's difficult where there is a
6 denial. I have prepared a finding of fact for you, if
7 you all see fit to zone the property.

8 We agree to all of the conditions. Here's the
9 finding. Sometimes it's rather difficult.

10 I ask the Board to approve the rezoning by
11 making the following motion: To approve the present
12 rezoning application because there have been three
13 major changes of economic, physical and social nature
14 within the area involved which were not anticipated in
15 the Comprehensive Plan and those changes have
16 substantially altered the basic character of the area
17 involved and have restricted the use of the property.
18 These changes and restrictions are as follows:

19 1. The restriction imposed by the City of
20 Owensboro as a result of the Huck's annexing the
21 subject property into the City, which prohibits
22 self-storage facilities in a B-4 zone.

23 2. The restriction created by the development
24 of the property, which restricts the visibility of the
25 subject property along Southtown Boulevard.

1 3. The restriction imposed by the floodplain.

2 I have the Roberts boys are here to answer any
3 questions. Davies Hawes is here. I think he can
4 explain to you the issues that he's having.

5 If we don't do something with the lot, I don't
6 think that we can do anything. Over one-third of the
7 lot is used for a retention basin. So when they went
8 in the city and annexed, as a result of annex they
9 annexed this property but they didn't get this
10 property zoned.

11 I'm here to answer any question. I hope we
12 can answer anything that you all have, hopefully.

13 CHAIRMAN: Thank you, Mr. Kamuf.

14 Anybody else would like to speak on behalf of
15 the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Anybody in the audience that would
18 like to speak?

19 (NO RESPONSE)

20 CHAIRMAN: Any questions from the board
21 members?

22 (NO RESPONSE)

23 MR. HOWARD: If I could. We told him we can't
24 recommend approval because it doesn't meet the
25 criteria, but we're not going to fight it. I'm not

1 intending to fight this.

2 I do want to point out the first finding that
3 Mr. Kamuf proposed. He's talked about if it gets
4 zoned B-4. We couldn't take application to rezone
5 this property to B-4. That's why the B-1 zoning has
6 been what is taking place in the vicinity. That's why
7 on the original plat we anticipated that if a
8 commercial was done, it would be a B-3 zone, which
9 would require a market study and a traffic impact
10 study.

11 Article 15 of the Zoning Ordinance, in order
12 to expand it or create a general business zone, there
13 are three criterias that are indicated. One is that
14 the lot must be contiguous to an existing B-4 zoning
15 located on the same street, which this isn't.

16 Two, that the lot or tract must be adjacent to
17 a street of article status within the Owensboro
18 beltline, which this parcel isn't.

19 The third is that it's located within a rural
20 community or within the City of Whitesville.

21 So if it doesn't meet any of those criterias,
22 we can't -- if someone proposed a B-4 zoning
23 application for this property, we couldn't take it
24 because it'd be in violation of what the zoning
25 ordinance says.

1 The other findings of fact are fine. I don't
2 care if you all approve it. That one we can't -- I
3 just don't want you all to use that as a finding of
4 fact.

5 MR. KAMUF: I'll withdraw that. I think the
6 last two would be sufficient. To be honest with you,
7 I thought about that annexation. I knew there was a
8 big issue with it. I did the best I could with it. I
9 withdraw Number 1 of my finding of fact and ask that
10 you approve it because of Number 2, restriction which
11 is created by the development of the property which
12 restricts. I think this is by far the best argument
13 that I've got anyhow, which restricts the visibility
14 of the property along Southtown Boulevard. Three,
15 that the restriction imposed by the floodplain.

16 The visibility, I showed you that picture.
17 Nobody is going to buy this property for a commercial
18 activity. When the original plan was annexed, the
19 zoning wasn't done. I did not do this zoning.

20 CHAIRMAN: Thank you, Mr. Kamuf.

21 Any questions from the board members?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none I'll accept a motion
24 at this time.

25 MR. ROGERS: Mr. Chairman, I would like to

1 make a motion for approval with the condition a major
2 subdivision preliminary plat and a major subdivision
3 final plat shall each be amended to a) address any
4 modifications in drainage, b) to eliminate the
5 requirement for a market study on the study of the
6 property, c) to modify the condition pertaining to the
7 required traffic impact study to the state. A traffic
8 impact study is not required to operate in a
9 self-storage facility on the subject property.
10 However, any other use of the property may require
11 traffic impact study as deemed necessary by the
12 Kentucky Transportation Cabinet, City Engineer's
13 office and/or OMPC Planning Staff. Two, direct access
14 to Todd Bridge Road shall be limited to the existing
15 maintenance easement as shown on the past plats. No
16 additional access to Todd Bridge Road shall be
17 permitted; and 3) obtain approval of a site plan or
18 final development plan.

19 Findings of Fact:

- 20 1. The subject property is located in a
21 business use plan area where light industrial uses are
22 appropriate in limited locations.
- 23 2. There have been major changes in the area
24 that were not anticipated in the Comprehensive Plan.
- 25 3. Sanitary sewer systems is available to the

1 property.

2 CHAIRMAN: Thank you. We have a motion by
3 Commissioner Rogers. Do we have a second?

4 MR. STRODE: Second.

5 CHAIRMAN: Second by Commissioner Strode. Any
6 questions about the motion?

7 (NO RESPONSE)

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 ITEM 5

13 101, 115, 125, 135 & 155 Salem Drive, 4.654 acres
14 Consider zoning change: From B-4 General Business to
15 B-5 Business/Industrial
Applicant: Crandalls Bypass, LLC; Kenneth L. Crandall

16 PLANNING STAFF RECOMMENDATIONS

17 The Planning Staff recommends approval subject
18 to the conditions and findings of fact that follow:

19 CONDITIONS:

20 1. Any development located at 101, 115, 125
21 and/or 155 Salem Drive shall be subject to approval of
22 Independent or shared Final Development Plans,
23 depending on site characteristics;

24 2. Any changes to 135 Salem Drive shall
25 require an amended Site Plan, unless any activity at

1 the site begins to operate in conjunction with any
2 activity on the adjoining subject properties, in which
3 case 135 Salem Drive shall be reflected on that
4 property's Final Development Plan;

5 3. Access to all five subject properties
6 shall be limited to Salem Drive. No direct access to
7 JR Miller Boulevard shall be permitted;

8 4. The subject properties currently addressed
9 as 101, 115, 125 & 155 Salem Drive shall be limited to
10 a maximum of three total access points - each possible
11 access point shall be located along Salem Drive and
12 directly across from the existing access points at 100
13 & 130 Salem Drive;

14 5. All five subject properties, including 135
15 Salem Drive, shall be granted access to at least one
16 of the three possible access points by way of direct
17 access or by a platted ingress/egress easement;

18 6. Direct access to 135 Salem Drive shall be
19 limited to the existing single access point so long as
20 the use remains independent of the adjoining subject
21 properties. In the event that the permitted use of
22 135 Salem Drive begins to function in conjunction with
23 any of the adjoining subject properties, then direct
24 access to Salem Drive shall be closed unless it is
25 illustrated that the property can support an access

1 point that is in compliance with the Access Management
2 Manual; and,

3 7. All proposed access points and resulting
4 Ingress/egress easements shall be illustrated on an
5 approved Minor Subdivision Plat.

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 properties are located in a
11 Business/Industrial Plan Area where
12 Business/Industrial uses are appropriate in general
13 locations;

14 3. The subject properties lie within an area
15 that has been identified as appropriate for mixed
16 general business and light industrial uses;

17 4. The Comprehensive Plan provides for the
18 continuance of mixed use areas; and,

19 5. The proposed uses, professional office and
20 self-storage, conform to the criteria for
21 non-residential development.

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

24 CHAIRMAN: Thank you, Trey.

25 Is anybody here representing the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Is there anybody in the audience
3 that would like to speak to this request?

4 (NO RESPONSE)

5 CHAIRMAN: Any questions from the board
6 members?

7 (NO RESPONSE)

8 CHAIRMAN: Hearing none the Chair will accept
9 a motion.

10 Commissioner Reeves.

11 MR. REEVES: Motion to approve this
12 application based on Staff Recommendations, Findings
13 of Fact 1 through 5 with Conditions 1 through 7.

14 CHAIRMAN: We have a motion by Commissioner
15 Reeves. Is there a second?

16 MR. STEWART: Second.

17 CHAIRMAN: Second by Commissioner Stewart.
18 Any questions on the motion?

19 (NO RESPONSE)

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 ITEM 6

25 11300 US Highway 231, 12.090 acres
Consider zoning change: From EX-1 Coal Mining to A-R

1 Rural Agriculture
Applicant: Donna Lusk; Anna Faye Belcher Estate

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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 located in a Rural
11 Maintenance Plan Area, where rural large-lot
12 residential uses are appropriate in limited locations;

13 3. At 12.090 acres and approximately 600-feet
14 of road frontage, the subject property is large enough
15 to ensure that each dwelling shall be located on its
16 own individual lot with frontage along a public road,
17 US Highway 231;

18 4. No new roads are proposed with this
19 request;

20 5. Strip-mining activity on the properties
21 has ceased; and,

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

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

3 CHAIRMAN: Thank you, Trey.

4 Anyone in the audience want to speak on behalf
5 of the applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Anybody in the audience that would
8 like to speak to this request?

9 (NO RESPONSE)

10 CHAIRMAN: Any commissioners have any
11 questions?

12 (NO RESPONSE)

13 CHAIRMAN: Hearing none at this time I will
14 accept a motion.

15 Commissioner Stewart.

16 MR. STEWART: I would like to make a motion to
17 approve according to Planning Staff Recommendations
18 and Findings of Fact 1 through 6.

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

21 MR. STRODE: Second.

22 CHAIRMAN: Commissioner Strode second. Is
23 there any questions on the motion?

24 (NO RESPONSE)

25 CHAIRMAN: All in favor signify by raising

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 ITEM 7

5 Portion of 1125 Highway 279 N, 0.135 acres
6 Consider zoning change: From A-R Rural Agriculture to
7 R-1A Single-Family Residential
8 Applicant: John & Sharon Rone; Mark & Jill Rone

8 PLANNING STAFF RECOMMENDATIONS

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

11 CONDITION:

12 1. Obtain approval of a minor subdivision
13 plat consolidating the subject area into the
14 neighboring property located at 1151 Highway 279
15 North.

16 FINDINGS OF FACT:

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

20 2. The subject property is located in a Rural
21 Preference Plan Area, where rural small lot
22 residential uses are appropriate in very-limited
23 locations;

24 3. The subject property and the involved
25 adjoining property both have frontage on Highway 279

1 North, a public road, with no new roads proposed;

2 4. The subject property is large enough to
3 assure satisfactory operation of a conventional septic
4 tank system, and the adjoining property at 1151
5 Highway 279 North will be progressing towards
6 compliance as a result from this application; and,

7 5. The proposed R-1A Single Family
8 Residential zoning is a logical expansion of the
9 existing R-1A zoning to the west located at 1151
10 Highway 279 N, which the subject area shall be
11 consolidated into.

12 MR. PEDLEY: We would like to enter the Staff
13 Report into the record as Exhibit E.

14 CHAIRMAN: Thank you, Trey.

15 Is there anybody here representing the
16 applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Anybody in the audience that would
19 like to speak?

20 (NO RESPONSE)

21 CHAIRMAN: Any commissioners have any
22 questions?

23 (NO RESPONSE)

24 CHAIRMAN: Hearing none at this time I will
25 accept a motion.

1 MR. STRODE: Mr. Chairman, I'd like to move
2 for approval based on Staff Recommendation and
3 Findings of Fact 1 through 5.

4 CHAIRMAN: We have a motion by Commissioner
5 Strode. Is there a second?

6 MR. REEVES: Second.

7 CHAIRMAN: Second by Commissioner Reeves. Any
8 questions on the motion?

9 (NO RESPONSE)

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 MAJOR SUBDIVISION PRELIMINARY PLATS

15 ITEM 8

16 Fiddler's Green, 48.900 acres (Postponed from
17 September 9, 2021)
18 Consider approval of a major subdivision preliminary
19 plat
20 Applicant: Wayne & Pat Robbins, LLC

21 MR. HOWARD: This plat has been reviewed by
22 the Planning Staff and Engineering Staff and it's
23 found to be in order. It's consistent with the
24 underlying zoning classification, the zoning
25 regulations and the subdivision regulations. It is
ready for your consideration for approval.

CHAIRMAN: Any questions by the commissioners?

1 (NO RESPONSE)

2 CHAIRMAN: At this time the chair will accept
3 a motion.

4 Commissioner Reeves.

5 MR. REEVES: Motion to approve.

6 MR. BALL: Second.

7 CHAIRMAN: Second by Commissioner Ball. Any
8 question on the motion?

9 (NO RESPONSE)

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

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15 NEW BUSINESS

16 ITEM 9

17 Consider approval of August 2021 financial statements

18 MS. STEWART: I would like to make a motion to
19 approve the August 2021 financial statements.

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

22 MR. STRODE: Second.

23 CHAIRMAN: Second by Commissioner Strode. Any
24 questions on the motion?

25 (NO RESPONSE)

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 ITEM 10

6 Comments by the Chairman

7 CHAIRMAN: I have none.

8 ITEM 11

9 Comments by the Planning Commissioners

10 (NO RESPONSE)

11 ITEM 12

12 Comments by the Director

13 MR. HOWARD: I've got a couple.

14 First, I would just like to thank each of the
15 Planning Commissioners, Board of Adjustment members
16 that attended the State Planning Conference, the
17 All-State Planning Conference at Lake Barkley two or
18 three weeks ago. We had a good turn out and a good
19 attendance at the conference. The sessions were good
20 overall. So appreciate all that went to that.

21 Second, I'll announce that Daniel Crum who has
22 been with our office for the last year and half or so,
23 tonight will be his last meeting with us. He is from
24 Lexington. Took a circuitous route to get here
25 through South Carolina, but a job has opened up in

1 Lexington so he's going home. His last day is
2 tomorrow. Appreciate Daniel and the work he's
3 provided to us over the last year and a half. Wish
4 him luck in Lexington and best in his future there.

5 We've advertised. We'll start evaluating
6 applicants here in the near future to fill that role.
7 I think that's it.

8 CHAIRMAN: At this time I'll accept a motion
9 to adjourn.

10 MR. BALL: Motion to adjourn.

11 CHAIRMAN: Motion to adjourn by Commissioner
12 Ball.

13 MR. ROGERS: Second.

14 CHAIRMAN: Second by Commissioner Rogers. All
15 in favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries. 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 38
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 November, 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

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