

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 DECEMBER 9, 2021

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 December 9, 2021, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

- 8 MEMBERS PRESENT: Lewis Jean, Chairman
- 9 Brian Howard, Director
- 10 Terra Knight, Attorney
- 11 Mike Edge
- 12 Skyler Stewart
- 13 Manuel Ball
- 14 Jason Strode
- 15 Angela Hardaway
- 16 Irvin Rogers

17 * * * * *

18 CHAIRMAN: Call the December 9, 2021 meeting
19 of the Owensboro Metropolitan Planning & Zoning
20 Commission to order. We begin with a prayer and the
21 pledge. Tonight Commissioner Ball will lead us.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: We take just a few minutes to
24 explain how the system works. If anyone would like to
25 speak for or against an issue, just come to one of the
podiums and our counsel will swear you in. Try to
direct all your questions to the chair. Stay on topic
and be respectful.

The first item is the minutes of the last

1 meeting. I think everybody received one and has had
2 an opportunity to read it. At this time the chair
3 will accept a motion.

4 MR. STRODE: Mr. Chairman, I'd like to make a
5 motion to approve the minutes as presented.

6 CHAIRMAN: We have a motion by Commissioner
7 Strode.

8 MS. HARDAWAY: Second.

9 CHAIRMAN: Second by Commissioner Hardaway.
10 All in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Director Howard.

14 MR. HOWARD: The next item would be the
15 presentation of the fiscal year 2001 audit by Jack
16 Somerville, CPA.

17 MR. SOMERVILLE: Good evening. Thanks for
18 having me tonight.

19 I'm Jack Somerville with Alexander Thompson &
20 Arnold. We have performed your all's financial
21 statement audit for the year ending June 30, 2021.
22 It's my understanding you all have a copy of this
23 report. I'd just like to point out a few things
24 here.

25 Beginning on Page 1 of the report is the

1 Management's Discussion and Analysis. This gives a
2 general overview of the financial statements prepared
3 by management. Has the advantage of being written in
4 plain English where some parts of this report are not.
5 So I would encourage you to read through that.

6 The Independent Auditor's Report begins on
7 Page 8. I always like to point out a few things on
8 this report.

9 First of all, begins on the second paragraph
10 there, Management's Responsibility for the Financial
11 Statements. As auditor's our responsibility is to
12 express an opinion on financial statements.

13 Then down at the bottom of the page it says,
14 in our opinion, the financial statements present
15 fairly, in all materials respects, the financial
16 position of the Commission and the respective changes
17 in the financial position for the year ending June 30,
18 2021.

19 Financial statements themselves begin on Page
20 10. Pages 10 and 11 are referred to as the Government
21 Wide Financial Statements. That's a statement of
22 activities. We call them government-wide statements
23 because they basically treat the Commission as if it
24 were a business. Presents the information similar to
25 how a business would present it.

1 Starting on Page 12 is where the funds
2 financial statements are and that's where the
3 information is presented more closely to how you
4 budget. The resources you have available or use. On
5 Page 10 would include all of your assets and all of
6 your liabilities.

7 Down there at the bottom of the page you see
8 that the total in that position of the Commission at
9 year-end was a negative 77,000. I want to point out
10 that that is totally because of the net pension and
11 the net liability. Basically out of your control.
12 Those are not liabilities that have to be paid off any
13 time soon. They'll be drawn down over many years.

14 Page 11, Statement of Activities does show
15 that your net position changed by \$38,000 over the
16 course of the year.

17 Page 12, which is the Balance Sheet, does not
18 show the capital assets or the long-term liabilities.
19 You see on here you've got \$1.7 million, had \$1.7
20 million in cash as of June 30th. Your total fund
21 balance was also \$1.7 million. That was an increase
22 of \$105,000 from the prior year.

23 Go two pages over to Page 14 and that's
24 Statement of Revenues, Expenditures and Changes in
25 Fund Balance. That shows a revenue and expenditures

1 for the year and fund balance increased by \$105,000.

2 Beginning on Page 18 are the Notes to the
3 Financial Statements. They explain the significant
4 accounting policies that are used, as well as more
5 detailed information on all the different financial
6 statement items. I'm not going to go into those in
7 any detail, but if you do have any questions I'll be
8 happy to try to answer.

9 Getting back to Pages 36 and 37 shows the
10 revenue and expenditures and compares it to your
11 budget for the two divisions. Page 36 is the Planning
12 Division and Page 37 is Building & Electrical
13 Division.

14 Then lastly at the very, near the very end on
15 Page 45 is additional report that we are required to
16 do because to be honest, according to Government
17 Auditing Standards we have to report in internal
18 control and comply. Basically if we had noted the
19 deficiencies and internal control or non-compliances,
20 they would be listed in here, but since we didn't,
21 there are none listed in here.

22 A very clean report. Your financial position
23 is very, very healthy.

24 If there are any particular questions, I'll be
25 happy to try to answer them.

1 CHAIRMAN: No questions.

2 MR. SOMERVILLE: Thank you all very much. I
3 want to thank Brian and Shannon for all the help they
4 provided us.

5 MR. HOWARD: Thank you and your team for all
6 the work on the audit. It's a big undertaking, and we
7 appreciate you all doing it.

8 MR. SOMERVILLE: Thank you.

9 MR. HOWARD: Moving on under General Business
10 or Zoning Changes. The Zoning Changes heard tonight
11 will become final in 21 days after the meeting unless
12 an appeal is filed. If an appeal is filed, we will
13 forward the record of this meeting along with all
14 applicable materials to the appropriate legislative
15 body for them to take final action.

16 -----

17 GENERAL BUSINESS

18 ZONING CHANGES

19 ITEM 4

20 1301 & 1323 Daviess Street, 2.197 acres
21 Consider zoning change: From P-1 Professional
22 Service, I-1 Light Industrial, I-2 Heavy Industrial &
23 R-4DT Inner-City Residential to B-5 Business
24 Industrial
25 Applicant: City of Owensboro

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 condition and findings of fact that follow:

6 CONDITION:

7 1. Access to the subject properties shall be
8 in compliance with the Access Management Manual and
9 shall be limited to Daviess Street and East 14th
10 Street. No direct access to East Parrish Avenue or JR
11 Miller Boulevard shall be permitted.

12 FINDINGS OF FACT:

13 1. Staff recommends approval because the
14 proposal is in compliance with the community's adopted
15 Comprehensive Plan;

16 2. The subject properties are located in a
17 Business/Industrial Plan Area where
18 Business/Industrial uses are appropriate in general
19 locations;

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

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

25 5. The proposed use, Training Facility,

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

3 MR. PEDLEY: We'd like to enter the Staff
4 Report into the record as Exhibit A.

5 CHAIRMAN: Thank you, Trey.

6 Is there anybody here representing the
7 applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Is there anyone that would like to
10 speak to this issue?

11 (NO RESPONSE)

12 CHAIRMAN: Any commissioners have any
13 questions?

14 (NO RESPONSE)

15 CHAIRMAN: Hearing none at this time I will
16 accept a motion.

17 MR. ROGERS: Mr. Chairman, I would like to
18 make a motion for approval based on the Planning
19 Staff's recommendations with the one condition and the
20 Findings of Fact 1 through 5.

21 CHAIRMAN: We have a motion by Commissioner
22 Rogers.

23 MS. STEWART: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 ITEM 5

4 5709 Saint Lawrence Road, 7.160 acres
5 Consider zoning change: From EX-1 Coal Mining to A-R
6 Rural Agriculture
7 Applicant: Tasha R. Hall

8 PLANNING STAFF RECOMMENDATIONS

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

11 FINDINGS OF FACT:

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

15 2. The subject property is located in a Rural
16 Maintenance Plan Area, where rural large-lot
17 residential uses are appropriate in limited locations;

18 3. At 7.160 acres and approximately 1000-feet
19 of road frontage, the subject property is large enough
20 to ensure that any proposed dwellings shall be located
21 on their own individual lot with frontage along a
22 public road, Saint Lawrence Road;

23 4. No new roads are proposed with this
24 request;

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

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

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

7 CHAIRMAN: Thank you, Trey.

8 Is anybody here representing the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Anybody else would like to speak to
11 the issue?

12 (NO RESPONSE)

13 CHAIRMAN: Commissioners have any questions?

14 (NO RESPONSE)

15 CHAIRMAN: Hearing none I'll call for a
16 motion.

17 Commissioner Ball.

18 MR. BALL: I would like to make a motion to
19 approve based on Planning Staff's recommendation and
20 Findings of Fact 1 through 6.

21 CHAIRMAN: Motion by Commissioner Ball.

22 MR. EDGE: Second.

23 CHAIRMAN: Second by Commissioner Edge. 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 6

6 10253 Highway 54, 0.550 acres
7 Consider zoning change: From R-1A Single-Family
8 Residential to R-3MF Multi-Family Residential
9 Applicant: Russell Hansbrough

10 MR. ROGERS: Mr. Chairman, I need to recuse
11 myself from this item.

12 CHAIRMAN: Commissioner Rogers recuses
13 himself.

14 PLANNING STAFF RECOMMENDATIONS

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

17 CONDITIONS:

18 1. Direct access to Highway 54 shall be
19 limited to a single access point;

20 2. An ingress/egress easement shall be
21 established to provide access to the adjoining
22 properties to the east and west. This easement shall
23 be reserved for future utilization to be implemented
24 if the adjoining properties are ever rezoned to a
25 multi-family zoning classification;

3. All lighting and dwelling units associated

1 with this development shall be oriented away from the
2 neighboring residential properties to the east and
3 west; and,

4 4. The development shall not be constructed
5 within 5-feet of any sewer lines.

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 an
11 Urban Residential Plan Area, where urban mid-density
12 residential uses are appropriate in limited locations;

13 3. The proposed multi-family residential uses
14 conform to the criteria for urban residential
15 development;

16 4. Sanitary sewer systems are available to
17 the subject property; and,

18 5. Located along Highway 54, the development
19 will be major-street-oriented.

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

22 CHAIRMAN: Thank you, Trey.

23 Is there anybody here representing the
24 applicant?

25 Would you like to speak or just answer

1 questions?

2 MR. HANSBROUGH: We can do either other.

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

5 MR. HANSBROUGH: Russell Hansbrough.

6 (RUSSELL HANSBROUGH SWORN BY ATTORNEY.)

7 MR. HANSBROUGH: Any questions?

8 (NO RESPONSE)

9 MR. HANSBROUGH: When I first moved to
10 Whitesville, I notice that there were a lot of
11 properties that were in distress. What I do for a
12 living is I fix homes, bring them back to life. Do
13 things with them. This home in particular I stopped
14 and spoke with the mayor several times. I thought
15 this property, before I invested thousands of dollars
16 in this thing, she was having some trouble with this
17 property. People were constantly being called on to
18 cleanup, to take care of. Other people had called in
19 on them because they weren't taking care of their
20 property. They were always nasty. So I pulled the
21 trigger. I bought the property. The house is too
22 close to the road. We've talked about rezoning it to
23 multi-family.

24 The Whitesville area is in dire need of
25 multi-family homes for multiple bedrooms. There are a

1 few apartments there that my neighbor actually, Emmett
2 Barnett, they own a couple of the apartments, their
3 sons do. We wanted to do something a little
4 different. We have kids. With them apartments and my
5 workers that have stayed in them apartments. They're
6 just one and two bedrooms. You can't do anything with
7 them with families. People are still living with
8 their parents because there's nowhere to live. We had
9 thought about doing townhomes where they actually have
10 their own garages, pull in the house away from the
11 property line where they have yards, putting in a
12 playground, and having more than two bedrooms. These
13 are going to be at least three-bedroom properties.
14 Just something to bring life back to the neighborhood.
15 Get rid of the old, which is -- if you've been to that
16 place, you would want it gone. It's bad. We're
17 trying to bring something new to the neighborhood.
18 Give other people a chance to move back to where they
19 grew up at because there's no place else to live at.
20 They have to move to town or some other place. We're
21 just trying to do something better. That's all. If
22 there are any questions.

23 CHAIRMAN: Anybody in the audience have any
24 questions?

25 (NO RESPONSE)

1 CHAIRMAN: Any commissioners have any
2 questions?

3 MS. MORRIS: I do, please.

4 MS. KNIGHT: Ma'am, please state your name for
5 the record, please.

6 MS. MORRIS: Pam Morris.

7 (PAM MORRIS SWORN BY ATTORNEY.)

8 MS. MORRIS: I'm a City Commissioner of
9 Whitesville.

10 I don't see how this is going to be feasible
11 being that the sewer line runs in the middle of the
12 property. What he is planning, the sewer system is
13 not going to hold that. Our system now is over 40
14 years old. It's in dire need of repair as it is. So
15 I don't know how this is going to be or how it's going
16 to work.

17 There is several community or several members
18 in our community that if this happens they will put
19 their property up for sale and they will move. They
20 are in disagreement with this. That's all I really
21 have to say.

22 CHAIRMAN: Does anybody have any questions of
23 Ms. Morris?

24 MS. STEWART: I do, Mr. Chairman.

25 Commissioner Morris, do you think the upgrades

1 and the revamping of the sewer plant will assist with
2 the needs for the -- do you think that will help out
3 since the overflow has been an issue?

4 MS. MORRIS: We're in the process now, we have
5 a grant that we're working to get it approved so that
6 we can replace our sewer system and our pump stations
7 and stuff, but it hasn't been finalized yet.

8 MS. STEWART: Okay. But that should help,
9 right?

10 MS. MORRIS: I would say, yes, it would
11 because the system is so old right now.

12 CHAIRMAN: Commissioner Ball.

13 MR. BALL: I've got a question. This doesn't
14 come up real often so I've got a question for Staff.

15 As far as sewer capacity or sewer
16 availability, how does that play a role in the
17 rezoning of a property? Is that something we need to
18 take into account or is that something that really
19 falls on the building permit side of things, if that
20 makes sense?

21 MR. HOWARD: Yes, it does make sense. One of
22 the criteria to rezoning multi-family would be the
23 access to sanitary sewers service available. With
24 this being within the boundary of the city limits of
25 Whitesville, they manage their own sewer utility. As

1 she's talking about, there may be issues with it. I
2 don't know. Part of the review, typically once --
3 let's say the rezoning were approved, typically the
4 next step would then be submission of either a site
5 plan or a financial development plan. At that time we
6 would look to the City of Whitesville sewer utility to
7 sign off on that plan okaying the proposal. That's
8 the way any development plan in Daviess County that's
9 in an area that's on sewer would work. The sewer
10 agency, typically it's RWRA because the development
11 most of what we see is within urban service area where
12 RWRA is the sewer utility, but we've had plenty in
13 Whitesville as well. Pat Birch used to sign off on
14 them or whoever is over that sewer utility at that
15 time would review that plan and sign off provided they
16 felt comfortable in doing so.

17 MR. BALL: So there's still checks and
18 balances?

19 MR. HOWARD: There are, correct.

20 CHAIRMAN: Any other questions?

21 Come to the podium, please.

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

24 MR. HAGAN: David Hagan.

25 (DAVID HAGAN SWORN BY ATTORNEY.)

1 MR. HAGAN: I have a list of names here on
2 people that want me to represent them on trying to
3 keep this from rezoning, to keep it single-family
4 residential instead of changing it to multi-family. I
5 have a list of names here I've got I want to present
6 to the board, if that's okay. They either live there
7 or rent a house in that area.

8 CHAIRMAN: While we're looking over the names,
9 does anybody have any questions of Mr. Hagan?

10 MR. STRODE: Other than the sewer, what are
11 the main complaints or worry with this development,
12 from this group?

13 MR. HAGAN: I'm sorry, I'm really hard of
14 hearing, sorry.

15 MR. STRODE: What's the main issue that you're
16 worried about with this development?

17 MR. HAGAN: It's been a single-family
18 residence you know for 50 years. I've got a lot of
19 people that live right there that like to keep it that
20 way, you know. We just -- people like to live in
21 their own houses, you know, and have a backyard and
22 all that stuff. They don't want this people in here
23 that rent them, you know. There's not enough room
24 there anyway for a lot of that stuff anyway that he's
25 talking about, you know.

1 I've talked to a lot of these people, you
2 know, that -- I like to never got away from them. I
3 had to talk to them for quite a while because it's
4 really a touchy issue, you know, on the people that
5 live there, you know. They just don't want apartments
6 or townhouses in there, you know.

7 CHAIRMAN: Thank you.

8 Any other questions of Mr. Hagan?

9 (NO RESPONSE)

10 CHAIRMAN: Any other questions from the
11 audience?

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

14 MR. BROTHERS: Joseph Brothers.

15 (JOSEPH BROTHERS SWORN BY ATTORNEY.)

16 MR. BROTHERS: I own the house just west of
17 the property. Going back to the sewer system thing.
18 It's outdated. They just raised our rates three times
19 to help fix this stuff. With more multi-family stuff
20 going down there before the repairs are done we are
21 going to have a Cedar Hill deboggle out there. I
22 don't want my sewage coming up in my house like they
23 did out in Cedar Hills. Plus I don't want no
24 multi-family there with fire and safety. Our fire
25 department is a volunteer fire department. If you're

1 building townhouses and multi-families, the volunteer
2 fire department, a lot of them people work during the
3 day. If a fire breaks out during the day, the other
4 fire departments are 15, 20 minutes in either
5 direction to get there to help save people. Police
6 safety, if there's anything that breaks out there, you
7 know, cops are not within 15, 20 minutes. It's a
8 safety and all that issue with me too.

9 CHAIRMAN: Any questions of Mr. Brothers?

10 (NO RESPONSE)

11 CHAIRMAN: Thank you.

12 Any more questions from the commissioners?

13 (NO RESPONSE)

14 CHAIRMAN: Any more questions from the
15 audience?

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

18 MS. HAGAN: Teresa Hagan.

19 (TERESA HAGAN SWORN BY ATTORNEY.)

20 MS. HAGAN: I live next-door to the proposed
21 zoning area. I'm opposed to it for the fact, again,
22 for safety. Highway 54 is extremely busy. You've got
23 people in a short period of time. You have the fire
24 department coming out. Right at that residence there
25 is a hill and it's very blind spot. At the new zoning

1 area, when they come out of there they're even closer
2 to that hill and to the blind spot.

3 Talking about children and safety. If you're
4 going to have multi-family, there's going to be
5 children there. My concern of them getting out in the
6 highway. He says there's going to be a park area.
7 Haven't seen any blueprints or any plans exactly what
8 this is going to be. Multi-family is going to be two
9 or plus and that's my concern. We don't have any
10 children so we didn't want have to worry about that.
11 We bought this place to downsize to retire from.
12 We've lived in that area before. That's the reason we
13 came back. Nice quiet friendly community. We've had
14 people come in just recently. They're very friendly,
15 but they're single-family. We just like to keep it
16 quiet. I just don't want to hustle-bustle people in
17 and out and for the safety reasons.

18 The only other thing is, surrounding the whole
19 property 360 degrees it's all single residence. So
20 you're going to put this multi-family in the smack
21 middle of single-family. To me the main thing is
22 safety. I just don't think it will look right. I
23 just don't think -- the only thing I have to add for
24 the committee to think about is if this property was
25 yours and it needed to be rezoned with all the single

1 residence around, would you be opposed or for it?

2 Again my main thing is safety for the kids.

3 CHAIRMAN: Anybody have any questions of Ms.

4 Hagan?

5 (NO RESPONSE)

6 CHAIRMAN: Any commissioners have had any

7 question?

8 MR. STRODE: I have a question for the

9 applicant.

10 CHAIRMAN: Thank you.

11 MR. STRODE: What is the maximum amount of

12 people you think can live on this property when it's

13 fully developed?

14 MR. HANSBROUGH: Before we needed to get the

15 zoning restrictions of what we can do and what we

16 can't do. The sewer line issue I've already spoke

17 with the sewer guy people there, Frank. He's over

18 that area. Done came out with the mayor and done test

19 it. Even went over to the neighbor's house to find

20 out which direction that the sewer line is going to

21 try to figure out the footage, what we can build and

22 what we can do. I did not go and get blueprints and

23 all that stuff because that stuff cost thousands of

24 dollars. Because if this isn't going to happen,

25 there's no sense in me wasting my money.

1 We're not going to overload the property. We
2 want to put something that's going to be comfortable.
3 It is close to the fire department. So we thought
4 that was a good idea. It is close to the park. We
5 thought that was good idea. The mayor, he mentioned
6 something about trying to see if we couldn't get a
7 walkway put from the back corner across the fire
8 department's lot to the park. You know, this is not
9 something that I just kind of threw together. I've
10 definitely been doing some investigating on it, trying
11 to do everything. There will be -- I hope that
12 answers your question.

13 MR. STRODE: You don't really know how many
14 residences this would have?

15 MR. HANSBROUGH: This would have, per what I
16 have studied, there can be anywhere from 7 to 10 of
17 these apartments or townhomes on there. We don't plan
18 on putting that many on there. She's dead set on
19 definitely having a playground, a fenced in area to
20 keep it safe because it is on a major highway.

21 MR. STRODE: Thank you.

22 CHAIRMAN: Commissioner Ball.

23 MR. BALL: I've got a few questions for staff.

24 And I assume everything works exactly the same
25 in Whitesville as for what it does in Daviess County.

1 We don't see as many though.

2 As far as traffic, you know, there was mention
3 of there being a lot of traffic on Highway 54, site
4 distance type of issues. Those are issues that would
5 all be reviewed by a representative from Whitesville
6 prior to approval on the site plan; is that correct?

7 MR. HOWARD: Yes. The development plan, and
8 I'll be honest, we haven't seen a lot of plans in the
9 recent past. Whitesville used to, and maybe some
10 somebody can answer. They used to contract with HRG,
11 I think it was with HRG as their consulting engineer,
12 with Jim Riney. Of course, Jim is retired now. He
13 would review any of their plans and review for
14 drainage, you know, from an engineering perspective
15 and that type of a thing. Even though Whitesville is
16 its own entity, the process is the same county-wide.

17 MR. BALL: Somebody else to sign off?

18 MR. HOWARD: Correct. They would look at and
19 review all of those things before it would ultimately
20 get a final approval.

21 MR. BALL: Then as far as the petition, I'm
22 not saying the petition is not legitimate. It may
23 very well be. Obviously, there's multiple people here
24 in opposition. We don't see petitions very often. I
25 don't know that I've seen one since I've been here.

1 How is that weighted? Be don't know the people. We
2 don't know. They're not notarized. How does that
3 work? How should we be looking at that?

4 MR. HOWARD: I will defer to legal counsel.

5 MS. KNIGHT: I'll take this one.

6 It's just like anything else the commission
7 hears. Obviously, when witnesses come forward, we
8 swear them in so that we know that they're telling the
9 truth, nothing but the truth, etcetera. Obviously,
10 the petition is not notarized. You all are aware of
11 that. You can give it whatever weight that you think
12 is appropriate.

13 We don't have the same evidentiary rules that
14 a court would have. It's not a sworn affidavit. It's
15 not admissible. We can't consider it at all, but you
16 can take all of those things into consideration and
17 give it the appropriate weight. Obviously, we assume
18 those are valid signatures on there. You know, all of
19 those people actually truly did sign. Again, those
20 are all things for you to consider. It is a little
21 different hearing from people in person than just
22 seeing a name on a paper, but again, that's for you
23 all to decide. I didn't look at it so I don't know
24 how many signatures are on there. That's something to
25 consider; is it one or two versus two dozen. You can

1 give it whatever weight you feel is appropriate.

2 MR. BALL: Thank you.

3 CHAIRMAN: Any commissioners have any
4 questions?

5 MR. EDGE: Brian, let me ask you a question in
6 kind of the line of thought that Manual has here.
7 Where is our role in regards to, you know, if this
8 thing here it met all the requirements and there's a
9 property owner that wants to do something with this
10 property that, you know, he's acquired. He's met all
11 of the necessary criteria. Kind of set precedence if
12 we don't approve based on objections from neighbors,
13 see what I'm saying? He's met all the requirements,
14 correct, according to Staff?

15 MR. HOWARD: Yes. I'm trying to figure out
16 the best way to put it in kind of layman's terms and,
17 Terra, feel free to jump in wherever.

18 There are -- rezoning would fall into what is
19 called a discretionary review. Meaning that, yes,
20 there are criteria in the comp plan and we have as
21 Staff, based on information we had, we recommended
22 approval of it because it met criteria A, B, C,
23 whatever, that type of a thing.

24 However, this is not like a subdivision plat
25 where if it meets all the requirements of the

1 subdivision regulations and the zoning regulations,
2 that really you are bound to approve it. If you don't
3 approve it, then we could get sued on it and lose
4 which is what happened in the Snyder versus Owensboro
5 case. This is discretionary review though. What
6 Staff provided you was a recommendation for approval
7 based on findings of fact, based on knowledge and best
8 information we had at the time.

9 At this meeting tonight, you've heard
10 additional information and people have raised concerns
11 about adequacy of the sewer system, about safety,
12 about traffic and those type of things.

13 The petition was given and as Ms. Knight just
14 outlined, you provide a weight to all the information
15 that you've heard tonight and you make a decision.
16 Just because Staff recommended approval doesn't mean
17 you must go along with Staff recommendation. You may
18 still find, even based on the testimony you've heard
19 tonight, that you agree with what Staff prepared.

20 MR. EDGE: That makes sense.

21 MR. HOWARD: You can take the information and
22 facts that you've heard tonight from others and factor
23 that in. You can make a recommendation to deny based
24 on facts. Regardless of which way it goes, you must
25 make findings of fact. The findings of fact must be

1 based on one of three criteria. One, that it's in
2 compliance with the Comprehension Plan, which is what
3 we provided you. Two would be that findings that the
4 proposed zoning is not more appropriate than the
5 existing zoning. That the existing zoning is more
6 appropriate for these reasons. The third would be
7 that you could make findings on an approval or
8 disapproval that there have been major changes in the
9 area; socioeconomic or structural nature in the area
10 that would lead you to rezoning the property. So
11 you're probably going to be limited. That's probably
12 not going to factor in here, but it's going to be one
13 of the other two type of criteria, but you must make
14 findings of fact whether you approve or disapprove of
15 the zoning change.

16 At the end of the day, as I mentioned at the
17 beginning when I talk about the 21 days approval
18 thing, at the end of the day the Planning Commission
19 is a recommending body on a rezoning. We have adopted
20 I think it's KRS 100.2111; I'm going off memory.
21 We've adopted that here in Daviess County and other
22 counties have as well, which means the zoning change
23 is final 21 days after the meeting unless an appeal is
24 filed. You all make that recommendation. If an
25 appeal is filed, whether if you recommend approval,

1 the appeal could be filed by anyone that is in
2 opposition to the zoning change, or if you recommend
3 denial the applicant could file the appeal and that
4 would automatically forward to the City of Whitesville
5 and they would take final action through their city
6 commission. You all are a recommending body on the
7 zoning change, and I mentioned that earlier. We don't
8 detail it in that much, you know, at every meeting,
9 but that's what that means. You all are the
10 recommending body regardless of what you do, if
11 somebody is not happy, which very well may be the
12 case, that item can be appealed to the city for the
13 city commission to take final action. Beyond that, it
14 would get into the legal system, if it was appealed
15 from there.

16 CHAIRMAN: Any other questions?

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

19 MS. MATTINGLY: Janice Mattingly.

20 (JANICE MATTINGLY SWORN BY ATTORNEY.)

21 MS. MATTINGLY: I don't know if this pertains
22 to this. Whitesville is just a little country place.
23 Okay? What I'm afraid of is if he goes this route,
24 his rent is going to be probably twice if not more
25 than what the average person in Whitesville is willing

1 to pay. Are we going to have empty places again? We
2 have a lot of those. That's just asking for trouble.
3 I guess that's what some of us are worried about.
4 It's just not what Whitesville needs.

5 CHAIRMAN: Does anybody have any questions of
6 Ms. Mattingly?

7 (NO RESPONSE)

8 CHAIRMAN: Anyone else?

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

11 MR. MATTINGLY: Buddy Mattingly.

12 (BUDDY MATTINGLY SWORN BY ATTORNEY.)

13 MR. MATTINGLY: I just want to say that I
14 don't think we need them up there either. That's just
15 a little town and we don't need them. He's trying to
16 put seven or eight up there. There ain't enough room
17 for that. I just don't think we need it. That's all
18 I can say. I'm a City Commissioner of Whitesville and
19 I don't think we need it.

20 CHAIRMAN: Thank you.

21 Anybody else?

22 MS. KNIGHT: You've been sworn. Go ahead.

23 MS. MORRIS: They did say that Whitesville is
24 a small community. We have seven apartment complexes
25 in the city limits of Whitesville, not including

1 rental houses that are neglected. It's just too much.
2 There's just too many rentals. I don't see how this
3 is going to help our community any more than what
4 we've got.

5 CHAIRMAN: Thank you.

6 MS. HAGAN: I've just have a question of
7 what's the process. If this goes and passes for
8 zoning to multi-family, what's the next step? I don't
9 know what the next step would be. Does he have to
10 come up with a building plan and who does he meet
11 with, and will we be aware if this is happening?

12 CHAIRMAN: Director Howard.

13 MR. HOWARD: As I mentioned a while ago, you
14 all are the recommending body, the Planning Commission
15 is a recommending body. After the meeting there's a
16 21-day wait period in which the Staff waits to see if
17 an appeal is filed. If an appeal is filed during that
18 time, we would notify the City of Whitesville that an
19 appeal of the zoning change heard within their
20 jurisdiction has been filed and we would forward, once
21 the court reporter gets the transcript of the meeting
22 back to us and all of that, we would forward the
23 transcript of the meeting and the Staff Report that we
24 prepared, the maps and everything and send that up to
25 the City of Whitesville. Then it would be up to the

1 City of Whitesville to schedule that for their public
2 hearing process to take final action on the zoning
3 change.

4 The question was what would happen after that.
5 Let's say it gets approved the whole way through the
6 process. It's approved. After that then the property
7 owner would be responsible for hiring a professional
8 engineer to prepare a development plan that would show
9 the intended building locations, parking, landscaping,
10 any kind of buffers, setbacks, that type of thing. It
11 would be reviewed by the various utilities and
12 engineers and whatnot. Once all of the zoning
13 ordinance subdivision regulation requirements were met
14 at that point, then it would be ready to be approved
15 to allow the multi-family to take place. There are
16 several steps through this process and this is really
17 step one. Does that make sense?

18 MS. HAGAN: Yes, I think so.

19 CHAIRMAN: Any more questions?

20 MR. HOWARD: I'll add, and Ms. Knight reminded
21 me of this, it was part of the question and I forgot
22 to mention it.

23 Typically if the rezoning were to be approved
24 all the way through the process and then the property
25 owner is in the process of preparing plans and

1 whatnot, that falls under second type of review which
2 is a ministerial review, which is typically submitted
3 to our office and we would review it. We would
4 forward the plans with any comments to the City of
5 Whitesville for them to review it at their level.
6 Typically neighbors are not notified of that process
7 being under way; however, I will say that there have
8 been rezonings where you all have made requirements
9 that neighbors be notified when plans are submitted
10 and that kind of thing. So that's an option for you
11 all as well, depending on which way you go with it.

12 CHAIRMAN: Thank you.

13 Ms. Hansbrough.

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

16 MS. JACKSON: Sheila Jackson.

17 (SHEILA JACKSON SWORN BY ATTORNEY.)

18 MS. JACKSON: I just want to address, and I
19 apologize. I just want to address, I know there's a
20 lot of concerns and a lot of folks that think we don't
21 need this, but that's exactly what we're trying to
22 address is the need in Whitesville.

23 I was born and raised in Whitesville and
24 there's a lot of people that I've heard from in the
25 last six months that are trying to get back in

1 Whitesville and can't find a place to go. I've had
2 four phone calls looking for rental property. I'll
3 letting people know I'm looking to get into rental
4 property. I'm looking into building townhomes. I
5 have a home right now that I live in that I'm about to
6 rent. I've had four phone calls in the matter of two
7 weeks looking for homes. Yes, there's all kinds of
8 rental properties in Whitesville. Most of them are in
9 distress. Most of them I would not live in myself. I
10 wouldn't want my family living in them. These are
11 going to be nicer. These are not going to be
12 maintenance. They're not going to need all these
13 different repairs and things that people are concerned
14 with and have issues at this point. We intend to keep
15 it that way. I'm not going to have somebody living in
16 a home that I wouldn't live in myself. I actually
17 intend to probably move my grandmother in one of these
18 homes. That's how confident I am. It's not something
19 we're going to put up here to be landlords. This is
20 something to address a need that we've seen, that
21 people have come to me with concerns because they're
22 looking for homes and can't find any.

23 MS. HAGAN: I do have a question for her.

24 My question of her is the calls she's received
25 are for rental homes, but are they townhouses? I know

1 a few people that are looking for homes in Whitesville
2 and no one wants to sell these distressed homes. What
3 they want is a single-family residence is what they're
4 looking for. They lived in this area, this one couple
5 lived in this area before and they want to move back,
6 but they want to be in the city limits where things
7 are, you know, closer to the park and to the grocery
8 stores, to the churches, etcetera. The ones I know of
9 are looking for homes and not townhouses or
10 apartments, etcetera. That's the reason why I'm
11 wondering.

12 Who had called you? Were they looking for
13 houses or were they understandable that they're going
14 to be like a complex?

15 MS. JACKSON: It doesn't matter. The ones
16 that I have heard from they're not concerned whether
17 this is single-family home, you have acreage or
18 whatever the case may be. I know some that are in
19 apartments right now, but they're so concerned with
20 the condition of the apartments. They're trying to
21 get out of those apartments even. It's not just
22 single-family home or duplexes. They're wanting just
23 a home, a better home to live in. Does that answer
24 your question?

25 CHAIRMAN: Thank you.

1 Anybody else?

2 MR. MATTINGLY: I just think about the traffic
3 up through there. It's going to be terrible because
4 the school buses and then the 4:00 traffic. I can't
5 even get across to the mailbox. How is he going to do
6 that? It's going to be too much traffic on that road
7 with them houses there. Those apartments back in
8 there they just won't work. Thank you.

9 CHAIRMAN: Thank you.

10 Anybody else?

11 MS. MORRIS: With the proposed widening of
12 Highway 54, we have heard that it possibly will come
13 out through Whitesville. How is that going to affect
14 what he's going to do? Because that is very close to
15 the road. I know it's going to affect most of the
16 houses there. That was just a concern.

17 CHAIRMAN: Thank you.

18 Commissioner Stewart.

19 MS. STEWART: Mr. Howard can respond to the
20 widening of 54 and then I can ask.

21 MR. HOWARD: The houses there now are really
22 up close to the road. Any new development would be
23 required to meet current setbacks, which should be 75
24 feet from the centerline of Highway 54 running through
25 town there. There will be many home that don't meet

1 that. Clearly the ones across the street don't meet
2 that. The setback would be such that on this parcel
3 if it were to redevelop that the home or the building
4 should set far enough back that the road widening
5 wouldn't interfere with that.

6 As far as timing, I really don't know when --
7 I think that would be a ways down the road. The first
8 phase is the widen to Thruston Dermont/Millers Mill
9 area, and then there's another section beyond that. I
10 think this would be a third or fourth section of
11 widening. I don't know when that would take place,
12 but I think it would be a ways down the road. It's
13 not going to happen in the next few years I don't
14 think. I'd certainly defer to the Transportation
15 Cabinet on the timing of when that might take place.

16 CHAIRMAN: Thank you, Mr. Howard.

17 Commissioner Stewart.

18 MS. STEWART: Mr. Howard, we do have a
19 condition on the approval or denial that it is a
20 single access point on Highway 54 from the property,
21 correct?

22 MR. HOWARD: Correct.

23 MS. STEWART: Thank you.

24 CHAIRMAN: Any other questions?

25 (NO RESPONSE)

1 CHAIRMAN: Any questions by the
2 commissioners?

3 MR. BROTHERS: I've one more. Joe Brothers.
4 Going by that 75 foot setback on the road. If
5 you look at the property to the west, my house, I
6 built that in 2000, the year 2000. The front of my
7 house is 75 foot from the road right now. If he's
8 going to build, he's only going to be able to build
9 right there where that swimming pool is. Because
10 there's a sewer line from the back part of my house
11 that goes straight across to the property to the east.
12 With that 5-foot easement on the sewer line, where is
13 he going to put 7 to 10 buildings in that little bit
14 of property where that swimming pool is? That's all.

15 CHAIRMAN: Anybody else?

16 (NO RESPONSE)

17 CHAIRMAN: Any commissioners have any
18 questions?

19 (NO RESPONSE)

20 CHAIRMAN: Hearing none at this time the Chair
21 will accept a motion.

22 Commissioner Ball.

23 MR. BALL: I normally don't say much before a
24 motion.

25 I understand that there are some concerns. I

1 feel like the majority of the concerns, there are
2 checks and balances when it comes to the safety, the
3 fire, the traffic, to the sewer. I think there's even
4 checks and balances as it comes to the front setback.
5 The gentleman may not be able to get as many homes as
6 what he had originally planned. If he didn't do that
7 due diligence, then that may be unfortunate for him.
8 I do think that there's a need inside of Whitesville.
9 I think this gentleman has met the requirements and I
10 would like to make a motion to approve based on
11 Planning Staff Recommendations, Conditions 1 through
12 4. I would like to add a fifth condition that the
13 neighbors be notified prior to a final development
14 plan.

15 Is that what would be -- is it possible it
16 would be a site plan, Brian?

17 MR. HOWARD: No. With multiple units on the
18 property it would be a final development plan. You
19 can certainly make a condition that it be a final
20 development plan and that the neighbors be notified at
21 the time of submission or whatever.

22 MR. BALL: I would like to do that.

23 MS. KNIGHT: Can I clarify, Mr. Ball?

24 They're going to be notified of a final
25 development plan. It does not need to come back

1 before the commission for approval, correct.

2 MR. HOWARD: Right. That would be my
3 understanding. Whitesville over the years has chosen
4 to retain autonomy really on the ultimate approval of
5 site plans or development plans.

6 My understanding, again, we haven't had many
7 recently in the last few years, but the way that
8 process would work is it would be submitted. We would
9 review, we would provide comments, we would forward
10 that. The plan with any and all of our comments
11 addressing zoning ordinance requirements to the city
12 and they would have the ultimate approval on that. It
13 wouldn't come back to this Planning Commission for
14 final approval.

15 MR. BALL: That is correct. That's my
16 thoughts. So that they have the opportunity to at
17 least see, they may or may not agree, but they have
18 the opportunity to see that they have met the checks
19 and balances related to some of these concerns.

20 Then to finish also based on Findings of Fact
21 1 through 5.

22 MR. EDGE: I want to ask you a question. What
23 are you defining as "neighbor?"

24 MR. BALL: It would be any adjoining property,
25 because that's what would be typical, correct?

1 MR. HOWARD: So you're saying the same people
2 that were notified for the zoning change would be
3 notified for a submission of a final development plan?

4 MR. BALL: I think that would be appropriate,
5 don't you?

6 MR. HOWARD: If that's what you choose, yes.
7 That's fine. Staff can make sure that that happens.

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

10 MR. EDGE: Second.

11 CHAIRMAN: Second by Commissioner Edge. All
12 in favor signify by raising their right hand.

13 (ALL BOARD MEMBERS PRESENT - WITH IRVING
14 ROGERS RECUSING HIMSELF - RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 MR. HOWARD: The next item, Item 7, was
17 withdrawn by the applicant.

18 -----

19 NEW BUSINESS

20 ITEM 8

21 Consider approval of October 2021 financial statements

22 MR. HOWARD: Each of you should have received
23 a copy of those. Will be happy to answer any
24 questions you might have.

25 (NO RESPONSE)

1 CHAIRMAN: We're ready for a motion.

2 MS. STEWART: I'll make a motion to approve
3 the October 2021 financial statements.

4 MR. STRODE: Second.

5 CHAIRMAN: Motion by Commissioner Stewart and
6 second by Commissioner Strode. Any questions on the
7 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 ITEM 9

14 Consider approval of the Amended 2022 Filing Deadlines
& Missing Dates

15

16 MR. HOWARD: You all approved them last month,
17 but then Daviess County Schools put fall break on a
18 different week than what typically takes place. For
19 just October, we've been doubling up those meetings
20 for the last seven, eight years. This one we just
21 flip-flopped from one Thursday to the next. That's
22 the only change to the filing deadlines and it should
23 be the only one.

24 CHAIRMAN: Everybody has had an opportunity to
25 look over the filing deadlines and meeting dates. Are

1 there any questions?

2 (NO RESPONSE)

3 CHAIRMAN: At this time the Chair will accept
4 a motion.

5 MR. BALL: Motion to approve.

6 CHAIRMAN: Motion to approve by Commissioner
7 Ball.

8 MR. ROGERS: Second.

9 CHAIRMAN: Second by Commissioner Rogers. Any
10 questions on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: All in favor signify by raising
13 your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 ITEM 10

17 Comments by the Chairman.

18 CHAIRMAN: I do have a comment. I would like
19 to thank everybody for serving. I'd like to wish
20 everybody a Merry Christmas.

21 Tonight is Commissioner Edge's final night.
22 He's been an asset to this Board and a big help to me.
23 We sincerely appreciate your service.

24 MR. EDGE: Thank you. Appreciate it.

25 CHAIRMAN: In appreciation for your service we

1 have a plaque.

2 MR. EDGE: Thank you.

3 ITEM 11

4 Comments by the Planning Commission

5 (NO RESPONSE)

6 ITEM 12

7 Comments by the Director

8 MR. HOWARD: I'd just like to say, thanks,
9 Mike, for your years of service with the Planning
10 Commission. Thanks for your support over that time.
11 The backing you've provide not only to the Planning
12 Commission but our Staff as well. Best of luck with
13 all that you do in the future. It's been a pleasure
14 getting to know you and don't be a stranger.

15 CHAIRMAN: Anything else?

16 (NO RESPONSE)

17 CHAIRMAN: I'm ready for one final motion.

18 MR. BALL: I want to defer my motion to Mike.

19 MR. EDGE: I'd like to make a motion to
20 adjourn.

21 MR. STRODE: Second.

22 CHAIRMAN: Motion by Mr. Edge. Second by Mr.
23 Strode. All in favor signify by raising your right
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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CHAIRMAN: We are adjourned.

(Meeting ends at 6:30 p.m.)

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 45
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 12th day of January, 2022.

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