

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 13, 2022

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 January 13, 2022, 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 Fred Reeves  
12 Skyler Stewart  
13 Manuel Ball  
14 Irvin Rogers  
15 Jason Gasser  
16 Greg Raque

17 \* \* \* \* \*

18 CHAIRMAN: I would like to call the January  
19 13, 2022 meeting of the Owensboro Metropolitan  
20 Planning and Zoning to order. We begin these meetings  
21 with a prayer and a pledge. Would you all join with  
22 us.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: At this meeting if anybody wants to  
25 speak for or against an item, come to the podium and  
you'll be sworn in by counsel.

26 The first thing I'd like to do tonight is we  
27 have two new board members. I would like to welcome  
28 Greg Raque and Jason Gasser. Welcome to you all.

1           The first item is to consider the minutes of  
2       the December 9, 2021 meeting. Does everybody have a  
3       copy of the minutes?

4           If everybody has read them, at this time the  
5       Chair will accept a motion.

6           MR. REEVES: Motion to approve.

7           CHAIRMAN: Motion by Commissioner Reeves.

8           MR. BALL: Second.

9           CHAIRMAN: Second by Commissioner Ball. Any  
10       discussion 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          Director Howard.

17          MR. HOWARD: We'll need to do the election of  
18       officers.

19          MS. KNIGHT: I'll take it from here then.

20          As you all know or for those of you that are  
21       new to us, KRS 100, the statutory that governs what we  
22       do here, requires that we hold elections at least once  
23       a year. We typically do that at the first meeting  
24       every year. Our bylaws require that we have a chair,  
25       a vice chair and A secretary/treasurer. So those are

1 the three positions that we will have an election for  
2 tonight, and we'll do it in that order as well. I  
3 hope everybody can understand me.

4 At this time I'm going to open the floor for  
5 nominations for chair.

6 MR. ROGERS: I'd like to make a motion for  
7 Lewis Jean to be the chair.

8 MS. KNIGHT: Is there a second to that  
9 nomination?

10 MS. STEWART: Second.

11 MS. KNIGHT: Mr. Jean, do you accept that  
12 nomination?

13 MR. JEAN: I do.

14 MS. KNIGHT: Are there any other nominations  
15 for chair?

16 (NO RESPONSE)

17 MS. KNIGHT: Hearing none I'll close the floor  
18 and we will vote.

19 All in favor of retaining Mr. Jean as chair  
20 please signify by raising your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 MS. KNIGHT: Great. Congratulations, Mr. Jean  
23 for another term.

24 I'll open the floor for nominations for vice  
25 chair.

1           MR. BALL: I'd like to nominate Fred Reeves.  
2           MS. KNIGHT: Is there a second?  
3           MR. ROGERS: Second.  
4           CHAIRMAN: Mr. Reeves, do you accept that  
5 nomination?  
6           MR. REEVES: I will.  
7           MS. KNIGHT: Any other nominations for vice  
8 chair?  
9           (NO RESPONSE)  
10          MS. KNIGHT: Hearing none we'll close the  
11 floor and vote.  
12          All in favor of Mr. Reeves for vice chair  
13 please raise your right hand.  
14          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
15          MS. KNIGHT: Mr. Reeves for vice chair.  
16          Now I'll open the floor for the nomination for  
17 secretary/treasurer.  
18          MR. REEVES: I'd like to nominate Skylar  
19 Stewart.  
20          MS. KNIGHT: Is there a second to that  
21 nomination?  
22          MR. BALL: Second.  
23          MS. KNIGHT: Ms. Stewart, do you accept that  
24 nomination?  
25          MS. STEWART: Yes, ma'am.

1 MS. KNIGHT: Any other nominations for  
2 secretary/treasurer?

3 (NO RESPONSE)

4 MS. KNIGHT: Hearing none we'll close the  
5 floor and vote.

6 All those in favor of Ms. Stewart as  
7 secretary/treasurer please raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 MS. KNIGHT: All right. It is decided.

10 MR. HOWARD: Congratulations to the officers.

11 Next under General Business are Zoning  
12 Changes. I will note that the zoning changes heard  
13 tonight will become final 21 after the meeting unless  
14 an appeal is filed. If an appeal is filed, we will  
15 forward the record of this meeting along with all  
16 applicable materials to the appropriate legislative  
17 body for them to take final action.

18 -----

19 GENERAL BUSINESS

20 ZONING CHANGES

21 ITEM 4

22 4195 Pleasant Valley Road, 11.781 acres  
23 Consider zoning change: From R-1A Single-Family  
24 Residential & A-R Rural Agriculture to A-R Rural  
25 Agriculture  
Applicant: William George Wathen, Kelly Ann Wathen

MS. KNIGHT: Please state your name for the

1 record.

2 MR. PEDLEY: Trey Pedley

3 (TREY PEDLEY SWORN BY ATTORNEY.)

4 PLANNING STAFF RECOMMENDATION

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

7 FINDINGS OF FACT:

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

11 2. The subject property is located in a Rural  
12 Preference Plan Area, where rural large-lot  
13 residential uses are appropriate in general locations;

14 3. The subject property has frontage on a  
15 public road, Pleasant Valley Road;

16 4. With 11.781 acres in size and 374.20-feet  
17 of road frontage, the subject property is large enough  
18 to ensure that the existing dwelling will be remain on  
19 its own independent lot with adequate road frontage;  
20 and,

21 5. The proposed A-R Rural Agriculture zoning  
22 is a logical expansion of existing A-R zoning to the  
23 north, south, east, and west; including A-R zoning  
24 already located on the subject property

25 MR. PEDLEY: We would like to enter the Staff

1 report into the record as Exhibit A.

2 CHAIRMAN: Anybody in the audience that would  
3 like to speak for the zoning map amendment?

4 (NO RESPONSE)

5 CHAIRMAN: Anybody want to speak in opposition  
6 of it?

7 (NO RESPONSE)

8 CHAIRMAN: Any commissioners have any  
9 questions?

10 (NO RESPONSE)

11 CHAIRMAN: Hearing none the Chair will accept  
12 a motion.

13 Commissioner Ball.

14 MR. BALL: I would like to make a motion to  
15 approve based on the Planning Staff Recommendation and  
16 Findings of Fact 1 through 5.

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

19 MR. REEVES: Second.

20 CHAIRMAN: Second by Dr. Reeves. Is there any  
21 discussion on the motion?

22 (NO RESPONSE)

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 ITEM 5

3 816 Reid Road, 9.908 acres  
4 Consider zoning change: From MHP Planned Manufactured  
5 Housing Park to I-1 Light Industrial  
6 Applicant: Town and Country of Owensboro, LLC

7 PLANNING STAFF RECOMMENDATION

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

10 CONDITIONS:

11 1. Access to Reid Road shall be in compliance  
12 with the Access Management Manual;

13 2. Development of the subject property shall  
14 be required to install a 10-foot wide landscaping  
15 easement consisting of a 6-foot tall solid wall or  
16 fence and 1-tree per 40-linear-feet; and,

17 3. All lighting associated with development  
18 of the subject property shall be oriented away from  
19 the adjoining MHP Planned Manufactured Housing Park  
20 Zoning.

21 FINDINGS OF FACT:

22 1. Staff recommends approval because the  
23 proposal is in compliance with the community's adopted  
24 Comprehensive Plan;

25 2. The subject property is located in an  
Urban Residential Plan Area where light industrial



1 uses are appropriate in very limited locations;

2 3. The proposed use as light industrial  
3 conforms to the criteria for nonresidential  
4 development;

5 4. The proposal is a logical expansion of  
6 existing I-1 Light Industrial zoning to the south,  
7 east, and west;

8 5. At 9.908 acres in size, the proposal will  
9 not significantly increase the extent of the existing  
10 industrial zoning in the general vicinity; and,

11 6. Compliance with the Access Management  
12 Manual will ensure that the proposed activity does not  
13 overburden the capacity of roadways and other  
14 necessary urban services available in the affected  
15 area.

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

18 CHAIRMAN: Thank you, Trey.

19 Is there anybody in the audience that would  
20 like to speak to the zoning map amendment?

21 (NO RESPONSE)

22 CHAIRMAN: Anybody want to speak in  
23 opposition?

24 (NO RESPONSE)

25 CHAIRMAN: Any commissioners have any

1 questions?

2 (NO RESPONSE)

3 CHAIRMAN: Hearing none the Chair will accept  
4 a motion.

5 Commissioner Rogers.

6 MR. ROGERS: Mr. Chairman, I would like to  
7 make a motion for approval based on the Planning Staff  
8 Recommendation with Conditions 1, 2 and 3 and Findings  
9 of Fact 1 through 6.

10 CHAIRMAN: We have a motion. Is there a  
11 second?

12 MR. REEVES: Second.

13 CHAIRMAN: Second by Commissioner Reeves. Is  
14 there any discussion on the motion?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: The motion carries unanimously.

20 ITEM 6

21 1976 East 10th Street, 1.300 acres  
22 Consider zoning change: From I-2 Heavy Industrial to  
23 R-4DT Inner-City Residential  
Applicant: Robert Herrin, II, Brittany Craft

24 PLANNING STAFF RECOMMENDATION

25 The Planning Staff Recommends approval subject

1 to the condition and findings of fact that follow:

2 CONDITION:

3 1. In the event that the subject property is  
4 further divided to create additional lots, then the  
5 remainder of Birkhead Avenue shall be constructed in  
6 order to give all resulting lots proper road frontage.

7 FINDINGS OF FACT:

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

11 2. The subject property is located in a  
12 Central Residential Plan Area, where urban low-density  
13 residential uses are appropriate in limited locations;

14 3. The proposed residential use conforms to  
15 the criteria for urban residential development; and,

16 4. The proposed R-4DT Inner-City Residential  
17 zone is a logical expansion of existing R-4DT zoning  
18 to the north and west.

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

21 CHAIRMAN: Thank you, Trey.

22 Anybody in the audience want to speak to this  
23 zoning map amendment?

24 (NO RESPONSE)

25 CHAIRMAN: Any opposition?

1 (NO RESPONSE)

2 CHAIRMAN: Any commissioners have any  
3 questions?

4 (NO RESPONSE)

5 CHAIRMAN: Hearing none at this time I'll  
6 accept a motion.

7 Commissioner Ball.

8 MR. BALL: I would like to make a motion to  
9 approve based on Planning Staff Recommendations,  
10 Findings of Fact 1 through 4 and Condition 1.

11 CHAIRMAN: Do we have a second?

12 MR. RAQUE: Second.

13 CHAIRMAN: Second by Commissioner Raque. Any  
14 question on the motion?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 MINOR SUBDIVISION PLAT

21 ITEM 7

22 7450 & 7550 Old Highway 81, 10.973 acres  
23 Consider approval of a minor subdivision plat.  
24 Applicant: Thomas S. Lossie; Cynthia M. Lossie

25 MR. HOWARD: This plat comes before you as an  
exception. At present it qualifies as an agricultural

1 tract of over 10 acres. They're proposing a division  
2 in the front corner along Old Highway 81 that will  
3 create a 1.256 acre parcel which drops the remainder  
4 under 10 acres.

5 We do have notation on the plat that there be  
6 no further division on the property without meeting  
7 the requirements of the subdivision regulations and  
8 zoning requirements. So essentially this would be the  
9 extent of how this property could be subdivided  
10 without the construction of a street, public street or  
11 private street at some point in the future. So with  
12 that we would recommend that you consider it for  
13 approval.

14 CHAIRMAN: Thank you, Director Howard.

15 Anybody like to speak for this zoning map  
16 change?

17 (NO RESPONSE)

18 CHAIRMAN: Any opposition?

19 (NO RESPONSE)

20 CHAIRMAN: Any commissioners have any  
21 questions?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none the Chair will accept  
24 a motion.

25 MS. STEWART: I make a motion to approve.

1 CHAIRMAN: Motion by Commissioner Stewart. Is  
2 there a second?

3 MR. REEVES: Second.

4 CHAIRMAN: Second by Commissioner Reeves. We  
5 have a motion and a second. Any discussion on the  
6 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.

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13 NEW BUSINESS

14 ITEM 8

15 Consider approval of November 2021 financial  
16 statements

17 MR. HOWARD: Each of you should have been  
18 mailed a copy of those as usual. Will be glad to  
19 answer any questions if you have any. If not, it's  
20 ready for a motion.

21 CHAIRMAN: Any commissioners have any  
22 questions?

23 (NO RESPONSE)

24 CHAIRMAN: Hearing none the Chair will accept  
25 a motion.

1 Commissioner Rogers.

2 MR. ROGERS: Mr. Chairman, I make a motion to  
3 accept the financial statement as it is.

4 CHAIRMAN: Do we have a second?

5 MR. BALL: Second.

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

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 ITEM 9

14 Consider approval of the amended Public Improvement  
15 Specifications Surety Unit Costs

16 MR. HOWARD: Each of you received a copy of  
17 that just as a reminder. There is a committee, a  
18 group of folks that get together annually to review  
19 the surety unit costs. Essentially the surety unit  
20 costs is the dollar amount that is established to  
21 provide surety for new development in the event that  
22 the development weren't completed for whatever reason.  
23 The surety would be in place so that the city or  
24 county government could in theory complete the work in  
25 a satisfactory manner without any kind of financial

1 hardship.

2           So the committee that meets, our Staff sits in  
3 on it and tries to lead discussion. We have private  
4 developers. We have people from the excavation, home  
5 building, private engineers, public engineers, city  
6 and county engineer, the sewer utility serves on it as  
7 well. We have this group of folks who get together  
8 and review these numbers annually. It's done so that  
9 we make sure that we're keeping up with, especially  
10 during COVID and as prices have fluctuated, we want to  
11 make sure that whatever surety is being posted is  
12 adequate to cover these expenses.

13           Commissioner Ball actually attends those  
14 meetings on a regular basis. Any of you all are  
15 welcome to attend in the future as well, if you have  
16 interest. I know some of you have been to them in the  
17 past.

18           During the meeting we discussed all of these  
19 items and you can see what the proposed increases or  
20 changes are to each of those items. We rely really  
21 on, for storm sewer and drainage we rely on the city  
22 or county engineer to make sure that they're satisfied  
23 with what those numbers are for sanitary sewer, RWRA,  
24 that type. Street and sidewalk back to the engineers.  
25 We look, they're the experts so we look to them to



1     make sure that they're in agreement with what these  
2     numbers are and get input from the home builders and  
3     the private contractors and development engineers that  
4     oversee these types of projects.

5             This is the consensus of the group. This is  
6     what everybody agreed upon. It is ready for your  
7     all's consideration for adoption for this 2022 year.

8             CHAIRMAN: Thank you, Director Howard.

9             Does anybody have any questions on the public  
10    improvement surety unit cost?

11            (NO RESPONSE)

12            CHAIRMAN: Hearing none the chair will accept  
13    a motion.

14            Commissioner Ball.

15            MR. BALL: I'd like to make a motion to  
16    approve the new unit cost for the Public Improvement  
17    Surety.

18            CHAIRMAN: Do we have a second?

19            MR. ROGERS: Second.

20            CHAIRMAN: Second by Commissioner Rogers. Any  
21    question on the motion?

22            (NO RESPONSE)

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

25            (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1           CHAIRMAN: Motion carries unanimously.

2       ITEM 10

3       Comments by the Chairman

4           CHAIRMAN: I have none.

5       ITEM 11

6       Comments by the Planning Commissioners

7           MR. REEVES: I just don't want our new members  
8       to get to thinking that this is a normal meeting. We  
9       will have a coal mine sometime soon.

10          CHAIRMAN: Thank you.

11       ITEM 12

12       Comments by the Director

13          MR. HOWARD: Certainly we will have longer  
14       meetings, but this has been a nice pleasant short one  
15       for your first meeting.

16          Welcome to our two new members. I've been in  
17       communication with them since they were appointed by  
18       the city. Seem to have two great members so we're  
19       excited about that.

20          Jerry Ray Davis -- we knew that Mike Edge was  
21       not coming back. Jerry Ray Davis, if you remember he  
22       was fulfilling the end of a term for Larry Moore when  
23       he stepped off the board. So he was fulfilling that  
24       last year. He didn't come back. That's how we ended  
25       up with Jason Gasser, who is our most recent

1       appointee.

2               Welcome to both of you. Look forward to  
3       having you all be a part of this group moving forward.  
4       Only comment that I have.

5               CHAIRMAN: Thank you. We're ready for one  
6       final motion.

7               MR. BALL: Motion to adjourn.

8               MR. REEVES: Second.

9               CHAIRMAN: Motion by Mr. Ball. Second by Mr.  
10       Reeves. All in favor raise your right hand.

11              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12              CHAIRMAN: We are adjourned.

13              (Meeting ends at 5:50 p.m.

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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 19  
14    typewritten pages; and that no signature was requested  
15    to the foregoing transcript.

16            WITNESS my hand and notary seal on this the  
17    8th day of February, 2022.

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

23    COMMISSION EXPIRES:     DECEMBER 16, 2022

24    COUNTY OF RESIDENCE:   DAVIESS COUNTY, KY

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