

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MARCH 10, 2022

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, March
5 10, 2022, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Lewis Jean, Chairman
9 Fred Reeves, Vice-Chair
10 Skylar Stewart, Secretary
11 Brian Howard, Director
12 Terra Knight, Attorney
13 Manuel Ball
14 Jason Gasser
15 Jay Velotta
16 Jason Strode

17 * * * * *

18 CHAIRMAN: The March 10, 2022 meeting of the
19 Owensboro Metropolitan Planning Commission is called
20 to order. We open with a prayer and the pledge.
21 Tonight Commissioner Ball will lead us.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: We have several people here tonight
24 so I will give a little explanation of how this
25 meeting works.

Anybody wishing to speak may speak. Just come
to the microphone and be sworn in by our counsel.
Direct your questions to the Chair. If I can't answer
them, the director or somebody, one of the

1 commissioners or somebody will answer the question.
2 Be respectful. Again, everyone who wants to have an
3 opportunity to speak will have that opportunity.

4 First item is the minutes of the last meeting.
5 I think all the commissioners received a copy of the
6 minutes. Are there any omissions or additions?

7 (NO RESPONSE)

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

10 MR. BALL: Motion to approve.

11 CHAIRMAN: Motion by Commissioner Ball.

12 MR. VELOTTA: Second.

13 CHAIRMAN: Second by Commissioner Velotta.

14 Any 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.

20 MR. HOWARD: Under General Business are the
21 Zoning Changes. I will note that the zoning changes
22 heard tonight will become final in 21 days after the
23 meeting unless an appeal is filed. If an appeal is
24 filed, we will forward the record of this meeting
25 along with all applicable materials to the appropriate

1 legislative body for them to take final action.

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3 GENERAL BUSINESS

4 ITEM 3

5 Portion of 9613 Sauer Lane, 20.500 acres
6 Consider zoning change: From I-1 Light Industrial to
7 A-R Rural Agriculture
Applicant: Neil & Vicky Rudy

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

10 MR. PEDLEY: Trey Pedley

11 (TREY PEDLEY SWORN BY ATTORNEY.)

12 PLANNING STAFF RECOMMENDATIONS

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

15 FINDINGS OF FACT:

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

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

22 3. At 38 total acres total acres of land, the
23 proposed activity is expected to conserve the
24 agricultural topsoil through appropriate farming
25 practices; and,

1 4. The existing forested areas should be
2 sustained through appropriate forestry practices.

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

5 CHAIRMAN: Thank you, Trey.

6 Is there anybody in the audience that
7 represents the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Is there anybody in the audience
10 that would like to speak to the application?

11 (NO RESPONSE)

12 CHAIRMAN: Any commissioners have any
13 questions?

14 (NO RESPONSE)

15 CHAIRMAN: Hearing none the Chair will accept
16 a motion.

17 MR. STRODE: Mr. Chairman, I make a motion
18 that we approve this motion based on Staff
19 Recommendations and Findings of Fact 1 through 4.

20 CHAIRMAN: We have a motion by Commissioner
21 Strode. Is there a second?

22 MR. REEVES: Second.

23 CHAIRMAN: Second by Commissioner Reeves. 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 4

6 3805 West 5th Street Road, 114.238 acres
7 Consider zoning change: From A-U Urban Agriculture to
8 I-1 Light Industrial
Applicant: Big Rivers Electric Corporation

9 PLANNING STAFF RECOMMENDATIONS

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

12 CONDITIONS:

13 1. Development of the subject property and
14 any resulting lots created from the subject property
15 shall each be preliminary platted prior to approval of
16 a Final Development Plan for that lot, and shall be
17 final platted prior to the issuance of a Certificate
18 of Occupancy;

19 2. Each development shall obtain approval of
20 a Traffic Impact Study prior to the approval of a
21 Preliminary Plat. Any and all required improvements
22 established within the approved Traffic Impact Study
23 shall be installed prior to issuance of a Certificate
24 of Occupancy for that development;

25 3. As the rear portion of the subject

1 property develops, the Industrial Drive extension
2 shall be continued, stubbing at the property lines in
3 order to ensure that all resulting lots have access to
4 Industrial Drive connecting to the intersection along
5 West 2nd Street;

6 4. An access easement shall be platted in
7 order to provide future access to the adjoining farm
8 to the east, which shall only be utilized if the
9 adjoining farm is rezoned for uses other than
10 residential or agricultural activities;

11 5. Access to West 2nd Street shall be in
12 compliance with an approved Traffic Impact Study; and,

13 6. Access to West 5th Street Road shall be
14 limited to a single access point directly across from
15 the Jack C. Fisher Park entrance.

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 an
21 Urban Residential Plan Area, where light industrial
22 uses are appropriate in very-limited locations;

23 3. The proposed use, an electric corporation,
24 complies with the criteria for non-residential
25 development and the site is large enough to provide

1 adequate buffers for outdoor storage yards;

2 4. The subject property is located along West
3 2nd Street and, as such, is arterial-street-oriented;

4 5. At over 100 acres in size, the subject
5 property is large enough to be developed as a planned
6 Industrial Park;

7 6. An existing sanitary sewer system is
8 available to the subject property; and,

9 7. Compliance with an approved Traffic Impact
10 Study ensures that the proposal will not overburden
11 the capacity of roadways or other necessary urban
12 services that are available in the affected area.

13 We would like to enter the Staff Report into
14 record as Exhibit B.

15 CHAIRMAN: Thank you, Trey.

16 Is there anybody here representing the
17 applicant?

18 Mr. Riney.

19 MS. KNIGHT: Please state your name for the
20 record.

21 MR. RINEY: Jim Riney.

22 (JIM RINEY SWORN BY ATTORNEY.)

23 MR. RINEY: I will start out, Mr. Chairman, by
24 saying myself and Tom Weis are here as I guess
25 neighborhood watch for the residents on the West 5th

1 Street Road. Just to get to the point. We are not in
2 opposition to the rezoning. I would support the
3 rezoning just based on the rationale that, down on the
4 farm we say, it's the right thing to do.

5 However, the nature of the land use is a
6 little concerning. The Staff Report indicated that
7 there was going to be access or recommended access be
8 made to West 5th Street Road and there is an access
9 easement that was platted years ago that would tie in
10 to West 5th Street Road directly across from Fisher
11 Park, which makes sense. Interchange, you know, from
12 an engineering perspective or planning perspective.

13 The concern that Mr. Weis and I have is the
14 type of traffic. We would respectfully request that
15 there be a caveat or a condition placed on the
16 rezoning approval or whatever the pleasure of the
17 Board is, that the large equipment, the big trucks and
18 so forth would access this site simply from the
19 singlized intersection at West 2nd Street or US 60
20 West. We're concerned that West 5th Street Road does
21 not meet the highway standards now with shoulders and
22 side slopes. I'm not even sure the pavement width is
23 sufficient. With the traffic of the ball diamonds,
24 I've traveled that route quite often coming to town
25 for various items and functions. Those line crews and

1 line trucks that come out pulling those big poles and
2 so forth will be an added complication. If they did,
3 they need to go down to I would think Worthington Road
4 and try to go over to Highway 60 going north or
5 Highway 60 going south. It doesn't make sense from a
6 planning or engineering perspective to put the traffic
7 there when they've got that singlized intersection.

8 Now, the plan is yet to come I understand.
9 Staff recommended the plan to be approved, whatever it
10 is, development plan or whatever is appropriate. I
11 did appreciate the Staff recognized a couple
12 deficiencies or short-coming in the application under
13 the environmental section. The applicant failed to
14 indicate whether or not the land was in the wetland
15 area designation and also prime agricultural. Anybody
16 that's been by there can understand without having to
17 look at a resource, authoritative source that is
18 agricultural. Then if you go become to USDA you see
19 it's prime agricultural. Those two items
20 environmentally may have some impact on how that is
21 developed. I would think that would be part of the
22 development plan to review at the time that it comes
23 back through the regular routine and cycle. We're not
24 so concerned about that.

25 I did observe the concept plan, which is

1 strictly concept plan and not binding, had the more
2 environmentally sensitive items such as the
3 transformer pads, fueling station, fuel pumps and that
4 type of thing on the water shed of Persimmon Ditch,
5 which goes directly to the Ohio River; meaning that it
6 won't come to the south or West 5th Street Road. As
7 most of the counsel members know from previous
8 experience, rezonings most often have concerns about
9 traffic property values and drainage. I don't see
10 that those would be, the drainage would be an issue.

11 The bottom line is we would request that the
12 motion would include the caveat that the line crews
13 and line trucks would be restricted to access to the
14 singlize intersection at US 60 West, unless a
15 representative for the applicant can put that in the
16 record tonight verbally. That would be great as well.
17 I don't see anybody from Big Rivers here other than
18 their consultant.

19 Are there any questions of my rambling?

20 (NO RESPONSE)

21 CHAIRMAN: Thank you, Mr. Riney.

22 Anybody else like to speak?

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

25 MR. BAKER: Jason Baker.

1 (JASON BAKER SWORN BY ATTORNEY.)

2 MR. BAKER: The Big Rivers plan and the
3 concept plan uses around 58 acres of the site. All of
4 the area being proposed to be developed is along the
5 Second Street side of the site, the north side. The
6 plan includes extension of Industrial Drive. So the
7 access is at a singlized intersection.

8 As the Staff Report says from -- there is a
9 remainder tract to the south that Big Rivers also owns
10 as part of buying the parent tract.

11 We are actually in agreement from a traffic
12 perspective. That the traffic does not need to go out
13 to West Fifth Street Road as it is today certainly.
14 The way the site has been analyzed with the traffic
15 study that has been prepared has all the traffic
16 coming out in that direction. That's Big Rivers plan
17 as it stands.

18 So we're in agreement with that from a
19 planning perspective. Planning likes to tie West
20 Fifth Street Road. I have been in meetings with Big
21 Rivers where they have stated they don't need nor want
22 that access for the same reason that Mr. Riney is
23 pointing out.

24 There is a representative here from Big
25 Rivers. So if any questions for him, he can come up

1 and answer those. Have I answered all the questions?

2 With regard to environmental. This site,
3 there was a pre-site investigation prepared by another
4 firm for this site. We are utilizing that
5 information. We'll permit, you know, go through the
6 normal steps for permitting as the plan is processed.

7 CHAIRMAN: Any commissioners have any
8 questions of Mr. Baker?

9 (NO RESPONSE)

10 CHAIRMAN: Thank you.

11 MR. REEVES: I have one question. I do have
12 one question.

13 I'm making an assumption that you all are fine
14 with the six conditions that are on this?

15 MR. BAKER: We are fine with the conditions.
16 If a modification needs to happen to West Fifth Road
17 to Item Number 6, we'd probably be okay with that as
18 well. Yes, we are fine with the conditions.

19 MR. REEVES: Thank you.

20 CHAIRMAN: Any other commissioners have any
21 questions?

22 (NO RESPONSE)

23 CHAIRMAN: If there are no questions at this
24 time, the Chair will accept a motion.

25 Ms. Stewart.

1 MS. STEWART: I would like to make a motion
2 for approval based on Planning Staff Recommendations
3 and Conditions 1 through 6.

4 And, Ms. Knight, would this be a seventh
5 condition or an amendment to Condition 6 for the
6 access point?

7 MS. KNIGHT: Either way you'd like to do it,
8 Ms. Stewart. I think, if I'm understanding what's
9 being requested, that all heavy equipment and truck
10 traffic be directed.

11 MS. STEWART: With an additional condition
12 that all heavy equipment and truck traffic only have
13 an access point on US Highway 60.

14 MS. KNIGHT: Be directed towards that access
15 point.

16 MS. STEWART: And the Findings of Fact 1
17 through 7.

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

20 MR. BALL: Second.

21 CHAIRMAN: Second by Commissioner Ball. Any
22 questions on the motion?

23 (NO RESPONSE)

24 CHAIRMAN: Hearing none all in favor signify
25 by raising your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 MR. BALL: Mr. Chairman, I need to recuse
4 myself from this item.

5 CHAIRMAN: Mr. Ball is recusing himself.

6 ITEM 5

7 4513 US Highway 60 West and Portions of 4575 US
8 Highway 60 West and 280 Harbor Ridge Drive,
9 108.893 acres
10 Consider zoning change: From A-U Urban Agriculture to
11 R-1C Single-Family Residential
12 Applicant: Jagoe Homes, Inc.; Sara Jane McNulty

11 PLANNING STAFF RECOMMENDATIONS

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

14 CONDITIONS:

15 1. A Traffic Impact Study shall be approved
16 by the City Engineering Office, the County Engineering
17 Office, the Kentucky Transportation Cabinet, and the
18 OMPC Planning Staff prior to the approval of a Major
19 Subdivision Preliminary Plat which shall reflect all
20 necessary improvements; and,

21 2. The development shall meet all conditions
22 Established within the approved Traffic Impact
23 Study.

24 FINDINGS OF FACT

25 1. Staff recommends approval because the

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

3 2. The subject properties are located in an
4 Urban Residential Plan Area, where urban low-density
5 residential uses are appropriate in limited locations;

6 3. The proposed single-family residential
7 uses conform to the criteria for Urban Residential
8 Development;

9 4. The subject properties have access to an
10 existing sanitary sewer system;

11 5. The proposal is a logical expansion of
12 existing single-family residential uses in the
13 immediate area, specifically those adjoining to the
14 north; and,

15 6. Compliance with an approved Traffic Impact
16 Study shall ensure that the proposed development will
17 not overburden the capacity of roadways or other
18 necessary urban services that are available within the
19 affected area.

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

22 CHAIRMAN: Thank you, Trey.

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

25 MR. KAMUF: Yes. Charlie Kamuf.

1 MS. KNIGHT: You're sworn as an attorney,
2 Charlie. Thank you.

3 MR. KAMUF: On March 1st we had a neighborhood
4 zoom meeting with the neighbors and we went over
5 property values and drainage and traffic. We're here
6 to answer any questions. Got Mr. Jagoe here and also
7 Jason with Bryant Engineering and we agree with all
8 the findings and conditions of the Staff Report.

9 CHAIRMAN: Do any of the commissioners have
10 any questions for Mr. Kamuf?

11 (NO RESPONSE)

12 CHAIRMAN: Thank you.

13 Is there anybody in the audience that would
14 like to speak to the application?

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

17 MR. DANE: Rodney Dane.

18 (RODNEY DANE SWORN BY THE ATTORNEY.)

19 MR. DANE: I just want to go on record that I
20 do oppose. Have no legal basis for it. It's purely
21 personal. I live on the backside right, beside the
22 proposed back entrance to the new subdivision.

23 Just my personal reasoning is we built our
24 house there because we wanted to be in the country.
25 We have a nice view. We have wildlife in our backyard

1 now. If we wanted to live in a huge subdivision, we
2 would have built in a huge division. We were
3 promised, but promises mean very little now, that the
4 ground would never sell.

5 I agree with them, the financial value of our
6 house is probably not going to go down, but the
7 personal value of my house is totally going to go down
8 for me. Like I said, just going on the record that I
9 do oppose. Thank you.

10 CHAIRMAN: Do any of the commissioners have
11 any questions of Mr. Dane?

12 (NO RESPONSE)

13 CHAIRMAN: Would anybody else like to speak to
14 the application?

15 (NO RESPONSE)

16 CHAIRMAN: Hearing none do any of the
17 commissioners have any questions?

18 (NO RESPONSE)

19 CHAIRMAN: Hearing none the Chair will accept
20 a motion.

21 MR. VELOTTA: I will give it a shot.

22 CHAIRMAN: Commissioner Velotta.

23 MR. VELOTTA: Recommend approval based on
24 Planning Staff Recommendations, Conditions 1 and 2 and
25 Findings of Fact 1 through 6.

1 CHAIRMAN: Do we have a second?

2 MR. STRODE: Second.

3 CHAIRMAN: Second by Commissioner Strode. Any
4 questions on the motion?

5 (NO RESPONSE)

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

8 (ALL BOARD MEMBERS PRESENT, WITH MANUEL BALL
9 RECUSING HIMSELF, RESPONDED AYE.)

10 CHAIRMAN: The motion carries unanimously.

11 MR. KAMUF: Thank you, Mr. Chairman.

12 CHAIRMAN: Thank you, Mr. Kamuf.

13 RELATED ITEM

14 ITEM 5A

15 Heatherstone, 108.893 acres
16 Consider approval of a combined final development
17 plan/major subdivision preliminary plat.
Applicant: Deer Valley Subdivision, LLC;
Sara Jane McNulty

18 MR. HOWARD: Based on the conditions of the
19 rezoning, it does require a complete sign off on the
20 Traffic Impact Study by the review bodies, which is
21 not taking place at this point. So this item will
22 need to be postponed until we do have that final say
23 from the state, city and county engineering offices.

24 CHAIRMAN: Thank you, Brian.

25 MR. REEVES: Do you need a motion to postpone?

1 MR. HOWARD: Yes, please.

2 CHAIRMAN: Commissioner Reeves.

3 MR. REEVES: Based on Staff's comments that
4 they do not have sufficient information to act
5 appropriately on this, I would move that it be
6 postponed until such time as they have the appropriate
7 information and placed back on the agenda.

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

10 MS. STEWART: Second.

11 CHAIRMAN: Second by Commissioner Stewart.
12 Any question on the motion?

13 (NO RESPONSE)

14 CHAIRMAN: Hearing none all in favor signify
15 by raising your right hand.

16 (ALL BOARD MEMBERS PRESENT, WITH MANUEL BALL
17 RECUSING HIMSELF, RESPONDED AYE.)

18 CHAIRMAN: Motion the carry unanimously.

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20 NEW BUSINESS

21 ITEM 6

22 Consider approval of January 2022 financial statements

23 CHAIRMAN: I think we all received those.

24 Does anybody have any questions on the financial
25 statement?

1 (NO RESPONSE)

2 CHAIRMAN: Hearing no questions the Chair will
3 accept a motion.

4 MR. VELOTTA: Motion to approve.

5 CHAIRMAN: Motion by Commissioner Velotta. Do
6 we have a second?

7 MR. STRODE: Second.

8 CHAIRMAN: Second by Commissioner Strode. Any
9 questions on the motion?

10 (NO RESPONSE)

11 CHAIRMAN: Hearing none all in favor signify
12 by raising your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Comments by the chairman.

16 ITEM 7

17 Comments by the Chairman

18 CHAIRMAN: The Chair has no comments.

19 ITEM 8

20 Comments by the Planning Commissioners

21 (NO RESPONSE)

22 ITEM 9

23 Comments by the Director

24 MR. HOWARD: None. Thank you.

25 CHAIRMAN: At this time I will accept a motion

1 to adjourn.

2 MR. BALL: Motion to adjourn.

3 CHAIRMAN: Motion by Mr. Ball.

4 MR. STRODE: Second.

5 CHAIRMAN: Second by Commissioner Strode. All
6 in favor signify by raising your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: We are adjourned.

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1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into foregoing 21
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 22nd day of March, 2022.

18

19

20

21

22

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

25