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OWENSBORO METROPOLITAN PLANNING COMMISSION

APRIL 14, 2022

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, April 14, 2022, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Lewis Jean, Chairman
- Fred Reeves, Vice-Chair
- Skyler Stewart, Secretary
- Brian Howard, Director
- Claud Porter, Attorney
- Jason Strode
- Jason Gasser
- Manuel Ball
- Irvin Rogers

\* \* \* \* \*

CHAIRMAN: Call the April 14, 2022 Owensboro Metropolitan Planning Commission meeting to order. The first thing we do is the prayer and the pledge. Mr. Reeves will lead us in that.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The way the system works here if you have got something to say, we would love for you to come to the podium and be sworn in by our counsel. Anybody that has got anything to say, we will want to hear it.

The first item is to consider the minutes of

1 the last meeting. I think all of the commissioners  
2 received a copy. At this time I'll accept a motion.

3 MR. BALL: Motion to approve.

4 CHAIRMAN: Commissioner Ball.

5 MR. STRODE: Second.

6 CHAIRMAN: Second by Commissioner Strode. All  
7 in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries.

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

17 -----

18 GENERAL BUSINESS

19 ZONING CHANGES

20 ITEM 3

21 408 Frederica Street, 0.495 acres  
22 Consider zoning change: From B-4 General Business to  
23 B-2 Central Business  
Applicant: Rivercity Trio I, LLC

24 MR. PORTER: State your name, please.

25 MS. EVANS: Melissa Evans.

1 (MELISSA EVANS SWORN BY ATTORNEY.)

2 PLANNING STAFF RECOMMENDATIONS

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

5 FINDINGS OF FACT:

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

9 2. The subject property is located in a  
10 Central Business Plan Area, where central business  
11 uses are appropriate in general locations;

12 3. The subject property is located within the  
13 downtown overlay districts as adopted by the City of  
14 Owensboro and the request is consistent with the  
15 concepts of the Downtown Master Plan;

16 4. The B-2 Central Business zoning  
17 classification is an expansion of existing B-2 zoning  
18 surrounding the subject property; and,

19 5. The B-2 Central Business zoning will  
20 promote the redevelopment of the downtown consistent  
21 with the Downtown Master Plan.

22 MS. EVANS: We would like to enter the Staff  
23 Report into the record as Exhibit A.

24 CHAIRMAN: Thank you, Melissa.

25 Is there anybody here that would like to speak

1 in favor of the motion?

2 MR. PORTER: State your name and connection to  
3 the application.

4 MR. RAY: My name is Ed Ray and I'm counsel to  
5 the owner of Rivercity Trio I.

6 MR. PORTER: Mr. Ray, you're sworn as an  
7 attorney.

8 MR. RAY: I don't have anything to add other  
9 than it's an exciting project. We appreciate your  
10 time considering this. We're here along with Jason  
11 Baker from Bryant Engineering to answer any questions  
12 you may have.

13 CHAIRMAN: Thank you, Mr. Ray.

14 Is there anybody else that would like to speak  
15 on this petition?

16 (NO RESPONSE)

17 CHAIRMAN: Any commissioners have anything?  
18 Any questions?

19 (NO RESPONSE)

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

21 MR. ROGERS: Mr. Chairman, I would like to  
22 make a motion for approval based on Planning Staff  
23 Recommendation and the Findings of Fact 1 through 5.

24 CHAIRMAN: Motion by Commissioner Rogers.

25 MR. STRODE: Second.

1 CHAIRMAN: Second by Commissioner Strode. Any  
2 question on the motion?

3 (NO RESPONSE)

4 CHAIRMAN: Hearing none all in favor raise  
5 your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 ITEM 4

9 4651 Free Silver Road, 11.660 acres  
10 Consider zoning change: From EX-1 Coal Mining to A-R  
11 Rural Agriculture  
12 Applicant: Kevin & Savannah Roach Brown

13 PLANNING STAFF RECOMMENDATION

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

16 FINDINGS OF FACT:

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

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

23 3. At 11.68 acres, the subject property is  
24 large enough to ensure that any proposed dwellings  
25 shall be located on their own individual lot;

4. With road frontage along Free Silver Road

1 and Pence Road, no new roads are proposed with this  
2 request;

3 5. There is no active coal mining taking  
4 place on the subject property; and,

5 6. The Owensboro Metropolitan Zoning  
6 Ordinance Article 12a.31 requires that the property  
7 shall revert to its original zoning classification  
8 after mining.

9 MS. EVANS: We would to enter the Staff Report  
10 into the record as Exhibit B.

11 CHAIRMAN: Thank you, Melissa.

12 Is there anybody here representing the  
13 applicant?

14 (NO RESPONSE)

15 CHAIRMAN: Anybody that would like to speak?

16 (NO RESPONSE)

17 CHAIRMAN: Any commissioners have anything  
18 they would like to ask?

19 (NO RESPONSE)

20 CHAIRMAN: Hearing none I will accept a  
21 motion.

22 MR. STRODE: Motion to approve based on  
23 Findings of Fact 1 through 6.

24 CHAIRMAN: Motion by Commissioner Strode.

25 MR. BALL: Second.

1 CHAIRMAN: Second by Commissioner Ball. Any  
2 questions on the motion?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion passes unanimously.

7 ITEM 5

8 4801 Goetz Drive, 2.078 acres  
9 Consider zoning change: From B-4 General Business to  
10 R-3MF Multi-Family Residential  
11 Applicant: JED Rentals, LLC; Brothers Lodge No 132  
12 IOOF

13 MR. PORTER: State your name and connection to  
14 the application.

15 MR. PEDLEY: Trey Pedley, OMPC Planning Staff.

16 (TREY PEDLEY SWORN BY ATTORNEY.)

17 PLANNING STAFF RECOMMENDATIONS

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

20 CONDITIONS:

21 1. Obtain approval of a Final Development  
22 Plan;

23 2. Direct access shall be limited to Nicholas  
24 Drive. No direct access to Southtown Blvd or Goetz  
25 Drive shall be permitted;

3. Approval of an Amended Major Subdivision  
Preliminary Plat shall be obtained prior to the

1 approval of a Final Development Plan for the subject  
2 property;

3 4. A Major Subdivision Final Plat shall be  
4 approved and recorded prior to the issuance of a  
5 certificate of occupancy for any use of the subject  
6 property. All required public improvements shall be  
7 installed or bonded prior to approval of a Final Plat.

8 FINDINGS OF FACT

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

12 2. The subject property is located in a  
13 Business Plan Area, where urban mid-density  
14 residential uses are appropriate in limited locations;

15 3. Sanitary sewer service is available to the  
16 subject property;

17 4. The proposal is a logical expansion of  
18 existing R-3MF Multi-Family Residential zoning located  
19 to the north; and,

20 5. With no direct access to Southtown Blvd or  
21 Goetz Drive, the proposal should not overburden the  
22 capacity of roadways and other necessary urban  
23 services that are available in the affected area.

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

1 CHAIRMAN: Thank you, Trey.

2 Is there anybody here representing the  
3 applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Is there anybody here to speak of  
6 the application?

7 APPLICANT REP: I'm here, but everything is  
8 good.

9 CHAIRMAN: Does anybody have any questions of  
10 the applicant?

11 (NO RESPONSE)

12 CHAIRMAN: Any board members have any  
13 questions?

14 (NO RESPONSE)

15 CHAIRMAN: Hearing none I'll accept a motion.  
16 Commissioner Bball.

17 MR. BALL: I'd like to make a motion to  
18 approve based on Planning Staff Recommendations,  
19 Conditions 1 through 4 and Findings of Fact 1 through  
20 5.

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

23 MS. STEWART: Second.

24 CHAIRMAN: Commissioner Stewart has a second.  
25 Any questions on the motion?

1 (NO RESPONSE)

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 ITEM 6

7 Portion of 5020 Jack Hinton Road, 1.431 acres  
8 Consider zoning change: From A-R Rural Agriculture to  
9 B-4 General Business  
Applicant: Charles J. Kamuf; Robert Bryant

10 PLANNING STAFF RECOMMENDATIONS

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

13 CONDITION:

14 1. Obtain Approval of a Final Development  
15 Plan.

16 FINDINGS OF FACT

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

20 2. The subject property is located in a Rural  
21 Maintenance Plan Area where general business uses are  
22 appropriate in very-limited locations;

23 3. The proposed use as commercial conforms to  
24 the criteria for nonresidential development;

25 4. The proposal is a logical expansion of

1 existing B-4 General Business zoning to the south;  
2 and,

3 5. At 1.431 acres, the proposal does not  
4 significantly increase the extent general business  
5 zoning in the vicinity and should not overburden the  
6 capacity of roadways and other necessary urban  
7 services that are available in the affected area.

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

10 CHAIRMAN: Thank you, Trey.

11 Is there anybody here representing the  
12 applicant?

13 MR. KAMUF: Charles Kamuf representing the  
14 applicant and owner. Here to answer any questions  
15 that you have.

16 MR. PORTER: You're sworn in as an attorney.

17 MR. KAMUF: The engineer is here and also the  
18 owner of the land. If you have any questions, we'll  
19 be glad to try to answer them.

20 CHAIRMAN: Thank you, Mr. Kamuf.

21 Anybody have any questions of Mr. Kamuf?

22 (NO RESPONSE)

23 CHAIRMAN: Any commissioners have any  
24 questions?

25 (NO RESPONSE)

1 CHAIRMAN: Hearing none the chair will accept  
2 a motion.

3 Commissioner Reeves.

4 MR. REEVES: Motion to approve this  
5 application based on Staff Recommendations and  
6 Findings of Fact 1 through 5 and Condition Number 1.

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

9 MR. ROGERS: Second.

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

12 (NO RESPONSE)

13 CHAIRMAN: All in favor of the motion raise  
14 your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 ITEM 7

18 407 East 3rd Street, 0.182 acres  
19 Consider zoning change: From I-1 Light Industrial to  
20 B-2 Central Business  
Applicant: Daniel Keaveney & Maria Keaveney

21 PLANNING STAFF RECOMMENDATION

22 The Planning Staff recommends approval subject  
23 to the findings of fact that follow:

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 property is located in a  
4 Central Business Plan Area, where central business  
5 uses are appropriate in general locations;

6 3. The subject property is located within the  
7 downtown overlay districts as adopted by the City of  
8 Owensboro and the request is consistent with the  
9 concepts of the Downtown Master Pan;

10 4. The B-2 Central Business zoning  
11 classification is an expansion of existing B-2 zoning  
12 to the south and east of the subject property; and,

13 5. The B-2 Central Business zoning will  
14 promote the redevelopment of the downtown consistent  
15 with the Downtown Master Plan.

16 MS. EVANS: We would like to enter the Staff  
17 Report into the record as Exhibit E.

18 CHAIRMAN: Thank you, Melissa.

19 Is there anyone here representing the  
20 applicant?

21 MRS. KEAVENEY: Marie Keaveney.

22 MR. KEAVENEY: And Daniel Keaveney.

23 (MARIE AND DANIEL KEAVENEY SWORN BY ATTORNEY.)

24 MS. KEAVENEY: We're just here to answer any  
25 questions.

1           CHAIRMAN: Thank you.

2           Does anybody have any questions of the  
3 applicant?

4           MR. WOODWARD: I don't have questions of the  
5 applicant, but I would like to speak.

6           CHAIRMAN: You may.

7           MR. WOODWARD: I'm Terry Woodward.

8           MR. PORTER: And your connection to the  
9 application?

10          MR. WOODWARD: I'm a property owner near the  
11 property.

12          (TERRY WOODWARD SWORN BY ATTORNEY.)

13          MR. WOODWARD: I don't oppose anything. I'm  
14 obviously pro business, but this is an exception in my  
15 minds.

16          Let me ask you one question. If you all  
17 rezone this property tonight from light industrial to,  
18 what, B-2, then can he automatically put a bar there?  
19 I mean is it over with tonight if it's rezoned?

20          MR. HOWARD: A dining establishment, a bar  
21 would be a permitted use in a B-2 zone. It would be  
22 required to submit a required site plan or development  
23 plan. It would require approval from the city  
24 engineer's office and utilities and whatnot, but that  
25 would be a permitted use in a B-2 zone.

1           MR. WOODWARD: Well, let me tell you why I  
2 object to it. Okay?

3           Number one, I own the property in front of it,  
4 I own the property directly behind it, I own the  
5 property west of it. Since he has no parking, I'm  
6 going to have to be a parking cop I would think going  
7 forward because there would be parking on the street.  
8 I don't have any statistics, but that's been a pretty  
9 dangerous intersection for years. There's been a lot  
10 of accidents there. If they start parking on the  
11 street, it's really going to become to me a hazard.  
12 It's going to be pretty dangerous.

13           Number 2, I don't know who is here tonight,  
14 but half a block down Crittenden Street they have AA  
15 meetings. Right across Third Street is Friends of  
16 Sinners, a rehab facility. Next to that I think St.  
17 Paul has a rehab facility. I can't think of a worse  
18 place for a bar in Owensboro than this location. Here  
19 we're trying to rehab people on a daily basis and we  
20 put a bar right in the middle of it. It just seems  
21 like it's not an appropriate place for it.

22           Number three, I've been down there a long  
23 time. I've been trying to create an art district in  
24 this area. Leanne Musick has a dance studio on Second  
25 Street right behind it. She has 400 some odd students

1 that's there three times a week. I just rented what I  
2 call the old Mischel building to Kinder Hart. She has  
3 about 60 or 80 young children that's there every  
4 night. Kentucky Wesleyan wants to move into the  
5 Wright Machine building and put in an art academy. So  
6 on a daily basis down there, there's going to be  
7 between 5 and 600 underage people in that  
8 neighborhood.

9 Like I said, I'm not against businesses, but  
10 I'm totally against a bar being on that piece of  
11 property for the reasons that I have just stated.

12 CHAIRMAN: Thank you, Mr. Woodward.

13 Would the applicant like to respond to his  
14 concerns?

15 MR. KEAVENEY: Daniel Keaveney again.

16 First off, Friends of Sinners I do believe is  
17 moving to 18th Street in the foreseeable future so  
18 they won't be anywhere near there.

19 MR. WOODWARD: They're still going to use the  
20 facility for recovery. I talked to the director.

21 MR. KEAVENEY: Just being within that district  
22 right there with the motel right across the street  
23 from it, it just makes sense for the city plan to  
24 actually expand that business down there. Have some  
25 more food and beverage options. Also, a bar facility

1 is mostly open at night where minors aren't usually  
2 awake and around.

3 MR. WOODWARD: Well --

4 MR. PORTER: You cannot make any statements  
5 unless you're at the podium and have been sworn in.  
6 Please withhold any comments until you do that.

7 I would remind each of the applicant and any  
8 other person who testifies that they should address  
9 any comments to the Board.

10 MR. WOODWARD: Well, there's also residents in  
11 that area. You know, Ms. Alvey lives right next-door  
12 to this facility. If he's going to stay open until  
13 2:00 in the morning, I don't know if she's ever going  
14 to get any sleep anymore. It's just not appropriate  
15 for that lot. That's all I'm saying. There's a lot  
16 of uses for that lot, but a bar shouldn't be one of  
17 them, in my opinion and for the reasons I've stated.

18 CHAIRMAN: Thank you, Mr. Woodward.

19 Would the applicant like to respond?

20 MRS. KEAVENEY: We're currently zoned for a  
21 multi-use that used to be an apartment building there.  
22 It's a lot that has had a history of multiple people  
23 coming and going.

24 MR. KEAVENEY: There was a four-plex on there  
25 prior to the tornado that destroyed it. There were

1 residents coming and going all the time, all day and  
2 night. So putting a business with certain hours would  
3 be a lot better, in my opinion.

4 CHAIRMAN: Anyone else that would like to  
5 respond?

6 MR. REEVES: I have a question.

7 CHAIRMAN: Mr. Reeves.

8 MR. REEVES: I have a question, sir. Would  
9 you mind to step back, please.

10 Have you already purchased the property?

11 MR. KEAVENEY: Yes.

12 MR. REEVES: Just piece of advise in the  
13 future. Never purchase a piece of property without  
14 the appropriate zoning. Put that responsibility on  
15 the person you're going to buy the property from,  
16 number one.

17 Number two, have you looked at any other  
18 potential locations in the area?

19 MR. KEAVENEY: Yes.

20 MR. REEVES: You didn't opt to use those  
21 locations because?

22 MRS. KEAVENEY: We saw that the city plan has  
23 an incorporation to two sites of us that were  
24 appropriate for what we would like to do. We went  
25 ahead and purchased the property.

1 MR. KEAVENEY: It's for the downtown project.

2 MRS. KEAVENEY: It's part of the entertainment  
3 district.

4 MR. KEAVENEY: It's just off the bridge, which  
5 would bring businesses to the other side of the bridge  
6 now. It just continues the business a little bit  
7 further.

8 MR. REEVES: Thank you very much.

9 MS. ALVEY: I'm Carol Alvey. I live at 417  
10 East Third Street which will be adjacent to this piece  
11 of property.

12 (CAROL ALVEY SWORN BY ATTORNEY.)

13 (COMMISSIONER JASON GASSER JOINING MEETING AT  
14 THIS TIME.)

15 MS. ALVEY: I've lived there since 1999. I  
16 lived there when it was a multi-family dwelling with  
17 apartments. People were not coming and going at all  
18 hours of the day and night. A lot of the people were  
19 elderly and they were families that I was friends  
20 with. There was a house in-between that building and  
21 mine that I purchased and had it torn down, which is  
22 now my side lot. My bedroom is on that side of the  
23 house.

24 He stated that it would be open late at night.  
25 Well, that makes sleep impossible for me from that

1 point on. We have churches in the neighborhood; one  
2 of which the pastor couldn't be here so I have a  
3 letter from him opposing the facility being built  
4 there.

5 I'm not for sure what two sides or three sides  
6 he was talking about that would be beneficial to him,  
7 but I'm on one side and Mr. Woodward is on two sides  
8 at least, if not the third side. We have that area  
9 all the way around him. I'm not for sure what he's  
10 talking about that would be beneficial to him there.

11 It's a small lot and I figured that it will  
12 have to be close to my property somehow. He hasn't  
13 addressed, you know, is there going to be an outside  
14 patio which puts noise outside. The article that was  
15 in the paper named it Lab with light menu. It just  
16 kind of sloughed over the fact that there would be  
17 alcoholic beverages there. It mentioned more  
18 nonalcohol. I'm from a bar background. My father  
19 owned Martin's Bar, which a lot of people are familiar  
20 with. My grandparents owned two bars here and one in  
21 Henderson. So I come from a bar background and no  
22 matter what you name it, a bar is a bar is a bar.

23 It will be a detriment to the people around  
24 them. So that's my statement for, you know, I'm not  
25 somebody that has been anti-drinking. Like I say,

1 when I was born, we lived above Martin's Bar. So I'm  
2 used to being in a bar situation. My nephew owns a  
3 bar right now in Owensboro. My niece tended a bar  
4 here and in Lexington. My second brother took over a  
5 Martin's Bar. So I'm in a bar background and know  
6 from which I speak.

7 CHAIRMAN: Thank you, Ms. Alvey.

8 MR. WOODWARD: May I ask another question?

9 CHAIRMAN: Yes, Mr. Woodward.

10 MR. PORTER: Just reminder that any person who  
11 testifies again they are under oath.

12 MR. WOODWARD: There used to be an ordinance.  
13 I don't know. There used to be an ordinance that if  
14 there was a church you couldn't put a bar, I don't  
15 know what the distance was. Is that ordinance still  
16 in effect?

17 MR. PORTER: It's not an ordinance. It's an  
18 ABC regulation and statutory regulation. So that  
19 would be up to the Alcohol Beverage Control  
20 Commission.

21 MR. WOODWARD: What's the distance; do you  
22 know?

23 MR. PORTER: I do not remember that, no. I  
24 think some of those have changed.

25 MR. WOODWARD: Well, First Baptist Church is a

1 block away.

2 MR. PORTER: Again, that would be a part of  
3 the Alcoholic Beverage Control Commission's decision  
4 to decide whether they are within an area that would  
5 prohibit an application for a license.

6 MR. WOODWARD: Okay.

7 CHAIRMAN: Commissioner Stewart.

8 MS. STEWART: Mr. and Mrs. Keaveney, I have  
9 two questions for you.

10 Is your business plan, is it strictly a bar?  
11 Is it light food? I just want to know more about the  
12 intended business.

13 MR. KEAVENEY: The intended business is  
14 probably about 50 percent alcohol. We do want to  
15 plan, you know, bartender classes. We want to plan  
16 yoga meetings. We want to have a food place, a  
17 gathering place. Not just alcohol, but more of a  
18 place to gather and enjoy each other's company. Not a  
19 party atmosphere, if you will. Sure, there might be a  
20 night or two, but in general it's going to be a nice  
21 laid back kind of situation. We're going to have a  
22 robust juice menu because I find that here in town  
23 that fresh juice is kind of hard to find. We brought  
24 some fresh lemonade just to do that. It's just a  
25 change of the food here in town. We found that that

1 property being right off the blue bridge right there  
2 and right across from the motel right there, it kind  
3 of extended right at the end of the trolley. It  
4 seemed like a good location to have all of this to  
5 happen.

6 MS. STEWART: Thank you. One more. What is  
7 your estimated capacity once you get a building?

8 MRS. KEAVENEY: We haven't decided on a design  
9 of the building yet.

10 MR. KEAVENEY: We want to make sure it's all  
11 right before we get with the architect. Once we get  
12 with the architect, we'll be working with the city  
13 planner to see what is allowed. The latest they said  
14 probably not but for patio, but we're still working on  
15 that.

16 MS. STEWART: Thank you.

17 CHAIRMAN: Ma'am.

18 MS. LANHAM: My name is Maryanne Lanham and I  
19 live at 411 East Fourth Street which is just up the  
20 alley from where they're planning on putting this.

21 (MARYANNE LANHAM SWORN BY ATTORNEY.)

22 MS. LANHAM: I live on that block. Well, when  
23 I was born I lived on that block. I moved away for a  
24 short period of time after the appropriate age. At 19  
25 I moved out of the house, but I moved back and bought

1 my family home.

2 There's been a lot of changes in that  
3 neighborhood, but it's still a residential  
4 neighborhood. There's the businesses, Dollar General,  
5 Budget Inn, and then what's over on Second Street, and  
6 Mr. Woodward's places.

7 The parking situation, there's no parking down  
8 there for them to have, for anybody to have a place  
9 like that.

10 Where I live, I live right on an alley and the  
11 alley runs from Fourth Street to Third Street. I know  
12 from experience that when accidents occur on the  
13 bridge, when agricultural equipment goes across the  
14 bridge, that traffic backs up. It's difficult  
15 sometimes to get in and out of the alley for that  
16 reason, because there's already traffic. And I agree  
17 with Mr. Woodward, if you're parking on the street  
18 there, you're creating a hazard, more of a hazard.

19 I enjoy going to a bar myself and it would be  
20 nice because it would be close and I could walk, but I  
21 think overall, that's not a good situation or a good  
22 place to put that.

23 I don't want to dis a business, but I'm not  
24 sure that the Budget Inn has the type of clientele  
25 that would attend a business like that or go into a

1 business like that. I just think it's not a good  
2 idea. And I know we're trying to build up downtown,  
3 but I think that is not the spot to put that kind of a  
4 business.

5 CHAIRMAN: Thank you, Ms. Lanham.

6 Would the applicant like to respond?

7 MR. ROGERS: Mr. Chairman, I have a question  
8 for Brian.

9 On this zoning, his parking, he would have to  
10 be parking on this premises, correct, along with  
11 on-street parking?

12 MR. HOWARD: No. The way that the Downtown  
13 Design Guideline Ordinance, Article 21 was crafted by  
14 the consultant that the city hired to do so, if you're  
15 in a B-2 zone, generally your parking requirement is  
16 zero on site. That's way the ordinance is set up.  
17 They would be able to utilize on-street parking or  
18 wherever else, but they're not required to have  
19 on-site parking. It's different in the downtown area  
20 than it is everywhere else in the entire county.

21 CHAIRMAN: Ma'am.

22 MS. WOODWARD: I'm Angie Woodward.

23 MR. PORTER. Would you state your name and  
24 your connection to the application, please.

25 MS. WOODWARD: My name is Angie Woodward and I

1 have a business on Second Street behind the parking.

2 (ANGIE WOODWARD SWORN BY ATTORNEY.)

3 MS. WOODWARD: More of a concern. I've seen  
4 my dad's business down there, you know, the majority  
5 of my life. The parking is a huge concern, I feel is  
6 a really big thing because you figure at 4:00 or so  
7 people will start parking on Third Street and on down  
8 Crittenden, and you may still have trucks and they're  
9 picking things up. You go down to the Bistro when  
10 they're delivering food service, they close one lane  
11 there on Second Street. You know, that is a food and  
12 beverage district down there. So we're used to that  
13 happening. But you have that happen on Third Street a  
14 block from the bridge and you're going to have sort  
15 of, I think, a traffic situation. There's three  
16 parking lots there, but they're not for their use so  
17 we're not sure what kind of damage can come from  
18 people leaving and utilizing that. Just the clogged  
19 area.

20 Then Leanne Musick has had her business down  
21 there. You know, there's been a lot of talk with  
22 Wesleyan to really make an arts district down there.  
23 So to have a bar it will distract from those type of  
24 businesses really. I'm not sure what the long -- you  
25 know, they mentioned this is an approval with a

1 long-term city plan. I don't know what that is, but I  
2 would have thought that the art districts would be a  
3 good city plan with the River Park Center and then to  
4 have, you know, the arts academy with Wesleyan and  
5 Leanne's presence and Kindermusik and the symphony  
6 present. I don't see how this fits in with that mold  
7 of what is going on in that area, this area of town.  
8 I'm all for new restaurants and businesses. I support  
9 all the local ones. I love them. I just don't see  
10 where this fits this area is the concern.

11 The fact that Friends of Sinners and AA are  
12 still going to utilize those buildings, which are less  
13 than a block away, how that affects what they're  
14 trying to do which is rehab people, if this sends a  
15 good message for what they're trying to do and have  
16 that nice peaceful spot downtown. Thank you.

17 CHAIRMAN: Thank you.

18 Mr. Ball.

19 MR. BALL: I've got a few questions that are  
20 probably directed at Staff.

21 The current zoning is I-1. Wouldn't this  
22 really be more of a down zoning, something that's  
23 potentially less intensive? Can you give me a  
24 ballpark or maybe a couple of items that could  
25 currently go in the existing zoning?

1           MR. HOWARD: So I would say generally in the  
2 hierarchy of zoning an I-1 Light Industrial zone would  
3 be more intense than a B-2 zone. In an industrial  
4 zone, you could have any kind of manufacturing  
5 assembling, any light industrial type use. You could  
6 have some kind of a warehouse, distribution center.  
7 You could have things like that.

8           As far as stuff that could go on, I don't  
9 know. It's a smaller parcel. I think you would be  
10 limited on how much industrial use you could actually  
11 locate there. It is zoned I-1 Light Industrial.

12           So to answer your original question, yes, I  
13 would say that in general an industrial zone is a  
14 higher intensity than a B-2 zone.

15           MR. BALL: Another item has come up is the  
16 arts district. What would be an appropriate zone for  
17 an arts district?

18           MR. HOWARD: The arts district, I think all of  
19 the uses and locations that they've talked about are  
20 located in the downtown area in these B-2 zones.

21           MR. BALL: If this parcel or parcels around it  
22 were rezoned to B-2 in the future, even though there  
23 may be immediate plans for an arts district or an arts  
24 type use, it's also highly conceivable that they could  
25 turn into a bar or a restaurant in the future?

1           MR. HOWARD: Sure. What we're looking at as  
2 staff is, is the zone appropriate. Based on the  
3 downtown master plan that was created and the design  
4 guidelines and all of that, you know, we made findings  
5 that a B-2 zone would be appropriate. Any of those  
6 properties in the vicinity that are zoned Light  
7 Industrial right now, the B-2 zoning would be just as  
8 appropriate on them as well.

9           MR. BALL: And there's no way when you're  
10 looking at an arts district, I know this has come up  
11 before as far as zoning goes, there's no way to  
12 eliminate a specific use out of the zoning either?

13          MR. HOWARD: It has always been the  
14 interpretation and our understanding as Staff and our  
15 legal counsel, and not to put Mr. Porter on the spot,  
16 he's not our typical attorney, but he's the county  
17 attorney, but you are correct. The Planning  
18 Commission cannot approve a rezoning with the  
19 prohibition of a single use. If the Board, if this  
20 commission finds that a B-2 zoning is appropriate and  
21 can making findings of fact as to why that zone is  
22 appropriate, then any use within that B-2 zone would  
23 be allowed on that property.

24          MR. BALL: But to say that this B-2 zoning is  
25 not appropriate on this parcel, but is next-door,

1 doesn't necessarily make sense either.

2 MR. HOWARD: As I said, as Staff when we  
3 reviewed it, we felt that it was appropriate. We made  
4 findings to determine that or to that effect. It is  
5 the job then of this Planning Commission to take into  
6 account the Planning Staff's recommendation that's  
7 based on comp plan and the downtown master plan in  
8 this instance, listen to all the other testimony and  
9 then make a decision as to whether or not that's  
10 appropriate. Really ultimately that's your decision.  
11 Then at the end of the day whatever your all's  
12 decision is, if that's not acceptable to either side,  
13 then it can be appealed to the City Commission and  
14 they would have the ultimate authority to make the  
15 decision on whether or not B-2 zoning is appropriate  
16 or not for this parcel.

17 MR. BALL: Thank you.

18 MS. ALVEY: Can I say one more thing?

19 MR. PORTER: Just to remind you that you're  
20 still under oath.

21 MS. ALVEY: Carol Alvey. I have one  
22 statement. Well, and it may be in the form of a  
23 question.

24 From all of that area that is showing up there  
25 on the screen, there is not a benefit to anybody in

1 that area for the bar to go in to that small area  
2 that's in the green rectangle. Nobody that lives  
3 there has made a statement that they are for it.  
4 Everyone around that area is opposed. If any of you  
5 were living where my house is right next to that green  
6 area, I don't think you would be for it either because  
7 then you would have a bar outside your bedroom window  
8 that would be in operation until 2 a.m. in the  
9 morning.

10 CHAIRMAN: Thank you, Ms. Alvey.

11 MS. WOODWARD: I have a quick question. Are  
12 you planning to have live entertainment?

13 MR. KEAVENEY: We're open to a lot of  
14 different business ideas. We own the property. We  
15 want to make the most use of this property. It's not  
16 out of the question, but it's not directly in our  
17 plans right now.

18 CHAIRMAN: Thank you.

19 MR. BALL: I have another question.

20 CHAIRMAN: Commissioner Ball.

21 MR. BALL: There's been a lot of questions  
22 about noise and live music. There are ordinances that  
23 take care of all of those type of concerns, correct?  
24 Whether it is an industrial use and then there's loud  
25 machinery that's working in there or whether it's a

1 bar use with live music outside, our local ordinances  
2 take those into account, correct?

3 MR. PORTER: They do.

4 MR. HOWARD: I would add those are ordinances  
5 beyond planning ordinances.

6 MR. PORTER: Those are your city ordinances or  
7 state statutes and fortunately or unfortunately that  
8 falls to the law enforcement to enforce and that means  
9 I get to make those decisions in front of court.  
10 Well, not decisions, but make those presentations in  
11 front of the court. I'm not the regular Planning  
12 Commission attorney. I'm the county attorney and the  
13 prosecutor.

14 MR. HOWARD: And we thank you, Mr. Porter, for  
15 filling in.

16 CHAIRMAN: Is there anybody else in the  
17 audience that has any questions or comments?

18 Ms. Musick.

19 MR. PORTER: Leanne, tell us your name and  
20 connection to the application.

21 MS. CASELDEN: My name is Leanne Caselden and  
22 I am connected to downtown.

23 (LEANNE CASELDEN SWORN BY ATTORNEY.)

24 MS. CASELDEN: I'd like to paint a picture for  
25 you guys. I've been downtown for 14 years. I've

1 obviously noticed that there is a need for expansion  
2 for our students at Musick Studios. So Kentucky  
3 Wesleyan and I are partnering to build a first of the  
4 kind of the United States a business from start to  
5 finish for young children to college graduates to a  
6 town agency to book them into a job. That information  
7 hasn't been developed as much as we want to at this  
8 moment. But what I'm trying to say is that the  
9 development that we're trying to do downtown is very,  
10 very important for our community. The growth, and not  
11 on for Owensboro, Kentucky for about business like  
12 this, but to expand not just the businesses that we  
13 have now, but the businesses that are going to be  
14 around the buildings that are there to be able to be  
15 put forth in more for the arts academy. Make sense?

16 What I'm trying to say is that the bar I think  
17 is not adequate for what we need for our businesses  
18 downtown and I'm going to tell you why.

19 There are a couple of people that straggle  
20 downtown that sometimes that we get scared of having  
21 to lock the doors. There are people walking around.  
22 I just went to the Dollar store awhile ago and just  
23 had some gentleman come to me and kind of point his  
24 little thing at me and say, "Are you going to save  
25 me?" I was like, this is downtown, this is downtown.

1 I'm coming to a city hall meeting about a bar being a  
2 bar right across the street from Musick Studio and the  
3 academy we're trying to build. So I feel like that is  
4 just something I oppose to. Being a business  
5 downtown, especially for 400 kids growing to 1200  
6 kids, partnering with a college, expanding downtown to  
7 become an arts district, I just don't approve of a  
8 bar, in my opinion.

9 CHAIRMAN: Thank you, ma'am.

10 MS. CASELDEN: Thank you.

11 CHAIRMAN: Anybody else that would like to  
12 speak?

13 (NO RESPONSE)

14 CHAIRMAN: Any questions from the  
15 Commissioners?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none at this time the chair  
18 will accept a motion.

19 Commissioner Ball.

20 MR. BALL: I would like to make a motion to  
21 approve based on Planning Staff Recommendations and  
22 Findings of Fact 1 through 5.

23 CHAIRMAN: Do we have a second?

24 MR. ROGERS: Second.

25 CHAIRMAN: Second by commissioners Rogers.

1 Are there any questions on the motion?

2 (NO RESPONSE)

3 CHAIRMAN: Hearing none all in favor signify  
4 by raising your right hand.

5 (COMMISSIONERS JASON STRODE, IRVIN ROGERS,  
6 JASON GASSER, MANUEL BALL, LEWIS JEAN AND SKYLAR  
7 STEWART RESPONDED AYE.)

8 CHAIRMAN: All opposed.

9 (COMMISSIONER FRED REEVES RESPONDED NAY.)

10 CHAIRMAN: Approved 6 to 1.

11 COMBINED FINAL DEVELOPMENT PLANS/MAJOR SUBDIVISION  
12 PRELIMINARY PLATS

13 ITEM 8

14 Heatherstone, 108.893 acres (Postponed from March 10,  
15 2022)

16 Consider approval of a combined final development  
17 plan/major subdivision preliminary plat.

18 Applicant: Deer Valley Subdivision, LLC; Sara Jane  
19 McNulty

20 MR. BALL: I need to recuse myself from this  
21 item.

22 MR. HOWARD: This item was part of a rezoning  
23 that was at the meeting last month. The rezoning was  
24 recommended for approval; however, the preliminary  
25 plat/final development plan still had a little bit of  
work to be done in regard to recommendations for  
roadway type improvements that might be needed based  
on the Traffic Impact Study. That has been reviewed

1 now by the state and the local city and county  
2 engineers. The plan has reviewed and approved by the  
3 other utilities and applicable entities and it is  
4 ready for your consideration for approval.

5 CHAIRMAN: Is there any questions for the  
6 commissioners?

7 (NO RESPONSE)

8 CHAIRMAN: Any questions from the audience?

9 (NO RESPONSE)

10 CHAIRMAN: Hearing none at this time I will  
11 accept a motion.

12 Commissioner Reeves.

13 MR. REEVES: Motion to approve this  
14 application.

15 MR. STRODE: Second.

16 CHAIRMAN: Second by Commissioner Strode. All  
17 in favor of the motion signify by raising your right  
18 hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE, WITH  
20 COMMISSIONER MANUEL BALL RECUSING HIMSELF.)

21 CHAIRMAN: Motion carries.

22 ITEM 9

23 Big Rivers-Kenergy Operations Facility, 55.278 acres  
24 Consider approval of a combined final development  
25 plan/major subdivision preliminary plat  
Applicant: Big Rivers Electric Corporation

1           MR. HOWARD: Similar to the last one. There  
2 was a rezoning last month. There were some issues  
3 that needed to be resolved with the Traffic Impact  
4 Study so this item was postponed at that meeting.  
5 It's been reviewed by everybody at this point.  
6 Everything is in order and is ready for your  
7 consideration for approval.

8           CHAIRMAN: Any questions from the audience?

9           (NO RESPONSE)

10          CHAIRMAN: Any questions from the  
11 commissioners.

12          (NO RESPONSE)

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

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

16          CHAIRMAN: Motion by commissioner Stewart.

17          MR. STRODE: Second.

18          CHAIRMAN: Second by Commissioner Strode. Any  
19 questions on the motion?

20          (NO RESPONSE)

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

23          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24          CHAIRMAN: Motion carries unanimously.

25 MAJOR SUBDIVISION PRELIMINARY PLATS

1       ITEM 10

2       Discovery Corner, 10.141 acres  
3       Consider approval of an amended major subdivision  
4       preliminary plat  
5       Applicant: Owensboro Self Storage, LLC;  
6       Frederick Family, LLC; SIEN, LLC

7               MR. HOWARD: This plat has been reviewed by  
8       the Planning Staff and Engineering Staff. It's found  
9       to be in order. It's found to be consistent with the  
10       underlying zoning and all applicable zoning  
11       requirement and it is ready for your consideration for  
12       approval.

13              CHAIRMAN: Any questions from the audience?

14              (NO RESPONSE)

15              CHAIRMAN: Any questions from the  
16       commissioners?

17              (NO RESPONSE)

18              CHAIRMAN: Hearing none at this time the chair  
19       will accept a motion.

20              MR. STRODE: Mr. Chair man, I make a motion  
21       for approval.

22              CHAIRMAN: Motion to approve by Commissioner  
23       Strode.

24              MR. BALL: Second.

25              CHAIRMAN: Second by Commissioner Ball. All  
26       in favor signify by raising your right hand.

27              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 ITEM 11

3 Gateway Commons Section 2, 203.406 acres  
4 Consider approval of an amended major subdivision  
5 preliminary plat  
6 Applicant: Gateway Land, LLC

7 MR. HOWARD: This plat has been reviewed by  
8 the Planning Staff and Engineering Staff. It's found  
9 to be in order. It's consistent with the underlying  
10 zoning ordinance, subdivision requirements, and it is  
11 ready for your consideration for approval.

12 CHAIRMAN: Any questions from the audience?

13 (NO RESPONSE)

14 CHAIRMAN: Any questions from the  
15 commissioners?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none the chair will accept  
18 a motion.

19 MR. ROGERS: Motion for approval.

20 CHAIRMAN: Motion to approve by Commissioner  
21 Rogers.

22 MR. STRODE: Second.

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

25 (NO RESPONSE)

CHAIRMAN: All in favor signify by raising

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimous low.

4 MINOR SUBDIVISION PLATS

5 ITEM 12

6 2146 & 2162 Burton Road, 8.304 acres  
7 Consider approval of a minor subdivision plat  
8 Applicant: Russell Patrick Newcom & Jerri Lynn Newcom

9 MR. HOWARD: This plat comes before you as an  
10 exception to the 3 to 1 requirement of the zoning  
11 ordinance. At present it's 8.3 acres. The proposal  
12 will yield two lots. Tract one as you can see is a  
13 more typical-shaped lot. Tract two is more  
14 flagged-shape lot; although they have a reasonable  
15 amount of frontage. With notations on the plat that  
16 the property can't be further subdivided without  
17 meeting subdivision regulation resulting in two  
18 relatively large parcels, Staff would recommend that  
19 you consider it for approval.

20 CHAIRMAN: Any comments from the audience?

21 (NO RESPONSE)

22 CHAIRMAN: Any questions from the  
23 commissioners?

24 (NO RESPONSE)

25 CHAIRMAN: Hearing none the chair will accept  
a motion.

1 MR. BALL: Motion to approve.

2 CHAIRMAN: Motion by Commissioner Ball.

3 MR. REEVES: Second.

4 CHAIRMAN: Second by Commissioner Reeves. Any  
5 questions on the motion?

6 (NO RESPONSE)

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 -----

12 NEW BUSINESS

13 ITEM 13

14 Consider approval of January 2022 financial statements

15 MR. STRODE: Make a motion for approval.

16 CHAIRMAN: We have motion to approve by  
17 Commissioner Strobe.

18 MS. STEWART: Second.

19 CHAIRMAN: Second by Commissioner Stewart.

20 Any questions on the motion?

21 (NO RESPONSE)

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1       ITEM 14

2       Comments by the Chairman

3               CHAIRMAN: Only comment I have tonight is I  
4       would like to thank everybody for your time and  
5       attention. Would like to especially thank Mr. Porter  
6       for serving as our counsel.

7               MR. PORTER: Happy to do it.

8       ITEM 15

9       Comments by the Planning Commission

10              (NO RESPONSE)

11       ITEM 16

12       Comments by the Director.

13              MR. HOWARD: No thank you.

14              CHAIRMAN: We need a motion to adjourn.

15              MR. BALL: Motion to adjourn.

16              MR. STRODE: Second.

17              CHAIRMAN: Motion by Mr. Ball and second by  
18       Mr. Strode. All in favor signify by raising your  
19       right hand.

20              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21              CHAIRMAN: We are adjourned.

22              -----

23

24

25

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 42  
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 9th day of May, 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