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OWENSBORO METROPOLITAN PLANNING COMMISSION

SEPTEMBER 8, 2022

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, September 8, 2022, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Lewis Jean, Chairman
- Brian Howard, Director
- Terra Knight, Attorney
- Jason Strode
- Jason Gasser
- Manuel Ball
- Irvin Rogers
- Greg Raque

* * * * *

CHAIRMAN: Call the September 8, 2022 Owensboro Metropolitan Planning Commission meeting to order. We begin our meetings with the pledge and a prayer. Tonight Commissioner Strode will lead us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The way this works if anybody in the audience would like to speak, just come to the podium and our attorney will swear you in.

The first item is to consider the minutes of the August 11th meeting. I think all the commissioners have received a copy.

MR. STRODE: Mr. Chairman, I make a motion we

1 accept the minutes.

2 CHAIRMAN: We have a motion by Commissioner
3 Strode to accept the minute. Do we have a second?

4 MR. BALL: Second.

5 CHAIRMAN: Second by Commissioner Ball. Any
6 questions on the motion?

7 (NO RESPONSE)

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The motion carries.

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

19 -----

20 GENERAL BUSINESS

21 ZONING CHANGES

22 ITEM 3

23 Portion of 5439 Jack Hinton Road, 1.000 acre
24 Consider zoning change: From R-1A Single-Family
25 Residential to A-R Rural Agriculture
Applicant: Joshua Clark; Delores Worth Life Estate

1 MS. KNIGHT: Please state your name for the
2 record.

3 MR. PEDLEY: Trey Pedley.

4 (TREY PEDLEY SWORN BY ATTORNEY.)

5 PLANNING STAFF RECOMMENDATIONS

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

8 FINDINGS OF FACT

9 1. Although the proposal is not in compliance
10 with the community's adopted Comprehensive Plan, staff
11 recommends approval because the proposed A-R Rural
12 Agriculture zoning is more appropriate than the
13 existing R-1A Single Family Residential zoning;

14 2. The subject property is located in a Rural
15 Maintenance Plan Area, where rural small-lot
16 residential uses are not generally recommended;

17 3. The subject property and the adjoining lot
18 which will be purchasing the 1-acre project area are
19 both existing lots of record with no new lots
20 proposed;

21 4. Both properties have existing road
22 frontage along a public road and, as a result, no new
23 roads are proposed with this request;

24 5. The proposal is a logical expansion of
25 existing A-R Rural Agriculture zoning to the north,

1 south, east, and west; and,

2 6. The proposal will reduce the size of the
3 spot zoned R-1A Single Family Residential zoning in
4 the immediate vicinity.

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

7 CHAIRMAN: Thank you, Trey.

8 Is there anybody in the audience representing
9 the applicant?

10 Would you like to speak to the application?

11 (NO RESPONSE)

12 CHAIRMAN: Any of the commissioners have any
13 questions?

14 (NO RESPONSE)

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

17 Commissioner Rogers.

18 MR. ROGERS: Mr. Chairman, I'd like to make a
19 motion for approval based on Planning Staff
20 Recommendations with the Findings of Fact 1 through 6.

21 MR. STRODE: Second.

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

24 (NO RESPONSE)

25 CHAIRMAN: Hearing none all in favor raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 ITEM 4

5 6841 Highway 144, 6.541 acres
6 Consider zoning change: From R-1A Single-Family
7 Residential & A-U Urban Agriculture to A-U Urban
8 Agriculture
9 Applicant: Krishta Poole & Zachariah Hendley

10 PLANNING STAFF RECOMMENDATION

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

13 FINDINGS OF FACT

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

17 2. The subject property is located in a Rural
18 Community Plan Area, where rural small-lot residential
19 uses are appropriate in general locations;

20 3. The subject property has road frontage on
21 an existing public road, Highway 144;

22 4. At 6.541 acres, the subject property is
23 large enough to assure satisfactory operation of a
24 conventional septic tank system for typical
25 single-family residential uses; and,

26 5. The proposed A-U Urban Agriculture zone is
27 a logical expansion of existing A-U zoning, and will

1 eliminate existing split-zoning on the subject
2 property.

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

5 CHAIRMAN: Thank you, Trey.

6 Is there anybody here representing the
7 applicant?

8 MR. HENDLEY: Yes.

9 CHAIRMAN: Would you like to speak?

10 MR. HENDLEY: I'm here just to answer
11 questions.

12 CHAIRMAN: Anybody in the audience that would
13 like to speak?

14 MS. GILLIANS: On behalf of the applicant?

15 CHAIRMAN: No.

16 MS. KNIGHT: Ma'am, if you could please state
17 your name for the record.

18 MS. GILLIANS: Nancy Gillians.

19 (NANCY GILLIANS SWORN BY ATTORNEY.)

20 MS. GILLIANS: I reside at 6768 Kentucky 144
21 and myself and my neighbors around me have some pretty
22 serious concerns about the rezoning of this piece of
23 property.

24 Right now this is pretty much just rural
25 residential homes that occupy the land. In fact, the

1 piece of land that is being proposed to be rezoned to
2 just agriculture at this time it has a home that was
3 just essentially sold and the property sold for
4 \$385,000.

5 Now, it's my understanding, after I got a copy
6 of the file, the application that was filed with OMPC,
7 it indicated that the individual is wanting to start a
8 campground of sorts, Airbnb campground. I did some
9 research on that. They do exist. I've never heard of
10 them. The only thing about it is that in order for
11 that to happen would there not have to be another
12 rezoning of the property done after it was zoned to
13 all agriculture?

14 MR. HOWARD: Not a rezoning. A conditional
15 use permit, which is another public hearing where
16 neighbors are notified. It would fall under a
17 conditional use permit.

18 MS. GILLIANS: So it would not be zoned to a
19 business?

20 MR. HOWARD: Correct.

21 MS. GILLIANS: That takes care of one concern.

22 The other concern is a security issue for
23 neighbors that are in that area. Now, anyone that
24 lives in Daviess County knows that we have a terrific
25 magnificent meth issue in this vicinity. Having a

1 campground where you do not have a lot of industrial
2 traffic, you don't have a lot of farming going on back
3 down there during regular seasonal things, there is
4 not really a way to police that area without having
5 some type of security system in place to ensure that
6 the neighbor's properties are not in any way
7 encroached on or destroyed by individuals that might
8 be using this perceived campground that he is talking
9 about.

10 My concern would be mostly for the liability
11 for the neighbors who would possibly suffer
12 consequences from individuals that might end up on
13 their property and be injured.

14 Can you answer me this: What is the liability
15 of the neighbors if something like that were to
16 happen? Anybody?

17 MR. HOWARD: You can ask them.

18 CHAIRMAN: Would the applicant like to try to
19 answer that?

20 MR. HENDLEY: I'm not sure --

21 MR. HOWARD: You have to come to the mike and
22 be sworn in so that we can get your testimony on
23 record, please.

24 MS. KNIGHT: Go ahead and state your name for
25 the record, please.

1 MR. HENDLEY: Zachariah Hendley.

2 (ZACHARIAH HENDLEY SWORN BY ATTORNEY.)

3 MR. HENDLEY: I think her questions are geared
4 more towards like it being like a hotel or like a
5 full-fledge business. It's more like a bed and
6 breakfast where staff will be there 24/7 and
7 constantly monitoring, like a concierge service for
8 whoever was there. It wouldn't be like a campground
9 where people are just there, you know, on their own
10 with no supervision. It would be 24/7 supervised.

11 MS. GILLIANS: May I address him directly; is
12 that okay?

13 CHAIRMAN: You should address the chair.

14 MS. GILLIANS: Okay. Address the chair.

15 My next question would be what type of camping
16 would be done on this property? Are we talking about,
17 you say an Airbnb. I was not, never even considered a
18 hotel type of situation. Are we talking about
19 campers? Are we talking about tents? Are we talking
20 about cabins? What exactly are we talking about when
21 you're talking about the development of this land?

22 MR. HENDLEY: It would actually be -- we're
23 looking to build permanent structures, but a few
24 different types. It's a rather new thing, but if
25 you've ever heard of glamping tents. It's called

1 glamorous camping. They call it glamping. Those and
2 tiny, tiny homes. I'm sure some of you have seen
3 YouTube videos on tiny homes. That's what we're
4 proposing to do. Glamorous camping, tiny homes that
5 are rented out Airbnb by the night with 24/7 concierge
6 service, owner on site all the time.

7 MS. GILLIANS: My next concern that I would
8 like to have addressed is security for the surrounding
9 properties that would be affected by some type of
10 campgrounds being started there.

11 What type of security measures would be
12 provided to the property owners to ensure that wasn't
13 any encroachment on their property for the people,
14 patrons of the campground?

15 MR. HENDLEY: First of all, clearly marked
16 boundaries, fences to clearly show the customers that
17 this is our property and this is where you can't go
18 past. Beyond that 24/7 also security.

19 MS. GILLIANS: Would that security also
20 include security cameras that be allowed to 24-hour
21 video surveillance of those areas that are least
22 likely to be served?

23 MR. HENDLEY: Yes. We've actually already got
24 some estimating for putting cameras and solar towers
25 and wifi. So everyone there would have full access to

1 emergency services, wifi, solar signal and every
2 square inch of the property constantly surveilled by
3 cameras.

4 MS. GILLIANS: My next concern would be as far
5 as the level of noise after certain hours of the
6 night. Many of our individuals still are employed.
7 Some work, go to work at 4 a.m. in the morning. Some
8 not until 8 a.m. Some work the midnight shift. What
9 type of noise ordinance exists right now that would at
10 least give some type of benefit to the property owners
11 that they would not have to suffer?

12 MR. HENDLEY: That has actually been a concern
13 of mine. I think it would be better addressed at the
14 special use permit, you know, level and specifically
15 talking to the neighbors and seeing, you know, if it's
16 going to be a problem. If it is, we can outline it in
17 the rules. Like when people come to stay, look, we're
18 going to get a noise ordinance called on you if you're
19 too rowdy past 10 p.m. or something like that.

20 MS. GILLIANS: Another issue that would be of
21 concern to the property owners that are adjacent would
22 be the risk of fire danger. What type of burning
23 would be allowed on these types of campgrounds? Would
24 there be campfires allowed? Would there be fire-kits
25 that are made available; and if so, what type?

1 MR. HENDLEY: I imagine it would be the same
2 rules, regulations, or requirements, restrictions,
3 whatever they may be. I'm not for sure exactly what
4 they are, but what the fire department or fire
5 marshals is concerned. I'm not sure, but I think they
6 have to approve by certain size. You have a burn pit,
7 have to be a certain size or flames a certain size and
8 you have to call ahead. I'm honestly not too sure
9 about that, but that would definitely be addressed.

10 MS. GILLIANS: Another concern would be a
11 sanitation issue that would be attributed to if it
12 were developed.

13 MR. HENDLEY: There would be a full septic
14 system that would need to be installed to accommodate
15 all the units. Actually, we're still looking into
16 that. I'm not sure if we need separate units,
17 separate smaller septic systems for each unit or if we
18 can do one larger unit like they do at some large
19 campgrounds where it all ties into the same system. I
20 have an engineer currently working on those issues.

21 MS. GILLIANS: My last question would be since
22 this is in the planning stage, what would be the
23 number of campsites, glamping, whatever you want to
24 call it, I'll refer to it as campsites, how many
25 campsites do you propose for this property?

1 MR. HENDLEY: Depending on the restriction of
2 size and the access road that is going to be required
3 for the fire marshal, for the fire trucks to be able
4 to come in and access each individual unit. We're
5 thinking between 6 to 12 by the size of lot, 6 to 12.

6 MS. GILLIANS: The applicant brings up an
7 interesting issue. An additional lane of sorts,
8 access lane built on the property. Where exactly
9 would that lane be located?

10 MR. HENDLEY: That lane would be located to
11 the west, to the far west side of the property between
12 the house and the property line or possibly if there's
13 not enough room there, it has to be 24-feet wide,
14 two-ways and 16-feet wide if it's a one-way. Either
15 that or it would actually branch off into the driveway
16 into the resident that's there now and loop around the
17 lake to the east as a one-way all the way and then
18 connect back on the west side.

19 MS. GILLIANS: I would like to say that I
20 don't know Mr. Handley or Ms. Poole either one. I
21 have absolutely nothing against either one of them.

22 My concern is the property and the way of life
23 that we have in the area that we live in. This is
24 something that has concerned us, as I'm sure most of
25 you all are aware. We were one of the, in fact we

1 were on the major outer loop proposal. We've had our
2 share of fights that we've endured over the last year
3 or two. I certainly don't want this to turn into some
4 type of fight. That's not my intent here, but my
5 intent is to make it clear that I do not support the
6 rezoning of this land. There's a beautiful home on
7 there. It has been sustained that way for years,
8 generations as a matter of fact. I know people say,
9 well, you just don't want change, you don't want
10 progress. No, that's not the case. We're trying to
11 preserve a way of life in an area that is very special
12 to all of us that live out there.

13 With that being said I will just close with
14 the fact that I am personally against the proposal of
15 the rezoning. Again, I have nothing against the
16 applicants. I'm sure he's a very nice gentleman as is
17 Mrs. Poole, but that's where I stand. Thank you.

18 CHAIRMAN: Thank you. Has the applicant
19 answered all your questions satisfactorily?

20 MS. GILLIANS: To the best of his ability at
21 this time.

22 CHAIRMAN: Are there any other comments?

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

25 MR. FIELD: Doug Field.

1 (DOUG FIELD SWORN BY ATTORNEY.)

2 MR. FIELD: I live right across the road from
3 the property. Just a couple of questions that if I
4 could get answered. I guess we have to go through the
5 chair and then ask.

6 What are the plans for the existing home? If
7 it's not going to be zoned for residential now, is
8 someone going to be living in that home? Is that home
9 going to be destroyed? What are the plans for the
10 existing home?

11 MR. HENDLEY: She is correct. It is a
12 beautiful home. We have no plans on tearing down the
13 home. That would be on-site, owner on-site, myself
14 and my wife and staff. That would be housing for the
15 staff that is there 24/7 monitoring the property.

16 MR. FIELD: If it's continuing to be
17 residential use, for residential use, what is the
18 reason for the zoning change?

19 CHAIRMAN: Director Howard, can you answer
20 that?

21 MR. HOWARD: There's split zoning on the
22 property. The road frontage along 144 is zoned R-1A.
23 Everything to the rear is agricultural. When
24 properties develop or they're proposed to be
25 subdivided or whatever, we try and eliminate split

1 zoning.

2 This hearing tonight is to determine whether
3 or not it is appropriate for that entire parcel to be
4 zoned A-U Urban Agriculture.

5 MR. FIELD: If it's going to have a 24/7
6 personal residence on it, does make sense even?

7 MR. HOWARD: Yes. Single-family residences
8 are permitted use in either zone. There's all kinds
9 of homes in Daviess County in A-U and A-R agricultural
10 zones.

11 MR. FIELD: Appreciate that clarification. I
12 wasn't sure the reason for the rezoning was.

13 I would just like to say we share in the
14 concerns about the change in the land use out there
15 from going to an area that is all single-homes,
16 residential homes with associated agricultural on the
17 land. That's a major change and also concerns a
18 little bit about traffic and what will happen in that
19 area in that curve if there's another access required.

20 CHAIRMAN: Thank you.

21 Anybody else would like to comment?

22 MS. KNIGHT: Mr. Chairman, does the applicant
23 want to respond?

24 Go ahead and state your name, please.

25 MR. WEAVER: David Weaver.

1 (DAVID WEAVER SWORN BY ATTORNEY.)

2 MR. WEAVER: I'm David Weaver with Bryant
3 Engineering. Have been working with the applicant.
4 If I may intercede a little bit.

5 A lot of the questions we're getting are more
6 geared towards the conditional use phase of the
7 project. The zoning change that is proposed here
8 tonight simply cleans up an existing mixed zone use on
9 the property. Doesn't really give him a permit to do
10 what he's proposing.

11 What I would suggest maybe, if the chair and
12 the Planning Staff would be acceptable to it, is it
13 possible to ask the owners that are present here, the
14 adjoining property owners that have concerns if they
15 could send an e-mail to Mr. Howard voicing their
16 concerns, and during the development of the
17 conditional use application and the site plan that's
18 required, to the best of our ability we'll try to
19 address those concerns? It's a little bit out of the
20 norm. It's not -- those are issues that get handled
21 with the conditional use permit.

22 MR. HOWARD: You know, just from a Staff's
23 perspective, you know, we review the rezoning
24 application to weigh in on, is this rezoning in
25 compliance with the comprehensive plan, and our

1 findings are that it is. Just the zoning itself. You
2 are correct in that most of the questions we've heard
3 tonight or comments are more for the conditional use
4 permit application.

5 The Staff will make -- if the property is
6 rezoned and if a conditional use permit is submitted,
7 the Staff will do another Staff Report providing facts
8 and information about that proposed use.

9 It would be my opinion that if the applicant
10 would like to obtain input from the neighbors beyond
11 what has been heard here tonight, that the applicant
12 speak with the neighbors, provide an e-mail address
13 and them receive that information. I don't think it's
14 Staff's position to be in the middle of that
15 conversation.

16 MR. WEAVER: That's fine. It seems like a
17 logical move for the rezoning to simply cleans up the
18 property at this point. I mean the issues that are
19 being brought up are things that would be part of the
20 conditional use permit. Any restrictions on his hours
21 of operation, what is quiet hour is, that sort of
22 thing would be more prevalent to the Board of
23 Adjustment I would think.

24 The owner could give his e-mail address or I
25 could give mine, however we think is good. If we want

1 to go down that route, if that's acceptable to the
2 chair.

3 CHAIRMAN: Is it acceptable to this group?

4 MS. KELLER: No. I would like to speak
5 personally instead of through an e-mail.

6 MR. WEAVER: We can continue down this path.

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

9 MS. KELLER: Billie Keller.

10 (BILLIE KELLER SWORN BY ATTORNEY.)

11 MS. KELLER: No, I do not want to give an
12 e-mail. I want it to be out in the open. They've
13 been there a month maybe and we yet to have anybody
14 come and say, knock, knock, we're going to put a
15 campground out there. The realtor didn't. The
16 previous owner didn't. So no, I don't want to e-mail.
17 I want him to come speak to us personally. I don't
18 know if the others want that, but I myself want it
19 personally.

20 We've been out there 30 years. Our driveway
21 is not 75-feet from the lake. I'm just concerned
22 about how many vehicles are going to go up and down
23 that drive and how many campsites. Where are you
24 going to put those campsites? The lake is not that
25 big. Can't get to the back half of it because the

1 culvert is washed out. Any answers?

2 CHAIRMAN: Thank you.

3 MR. KELLER: I'm Tony Keller. I'm her
4 husband.

5 (TONY KELLER SWORN BY ATTORNEY.)

6 MR. KELLER: I'm concerned about noise, you
7 know, curfew for noise. Like maybe after 10:00 I try
8 to go to sleep. Theft. I burn firewood. I don't
9 want anybody bothering my firewood; either asking to
10 pay for some or stealing. We've never had theft in 29
11 years. I'm worried about theft. The access to the
12 back, I don't see any access on the other side of that
13 lake and half the land is on the backside of the lake.
14 The lake is about 75-feet from my house and there's
15 about like the width of where you can drive a car
16 between the lake and my property line. Anybody going
17 to the back goes right by my house, 50-feet from my
18 house. I'm just worried about the unknown of who's
19 going to, you know, the type of people. Yes, you
20 police them, but you don't know. They're liable to
21 bring other people in later. There's a lot of
22 screening and everything. You know, somebody -- it's
23 a quiet residential area, and this is such a big
24 change. We've been there 30 years. I know we've been
25 spoiled. I've never had anything stolen. I don't

1 even lock the place up. No trespassing.

2 Another thing I'm worried about is pets. I do
3 not tolerate dogs. I've had neighbor's dogs chase
4 rabbits tear up my cable, dig the drain pipes from the
5 gutters, dig them up, and it's from a neighbor's dog
6 been there. I will not tolerate. So if these people
7 come on this ground and have pets and they get loose,
8 worry about that.

9 It's mainly security and privacy and noise and
10 a lot of people. It's just quiet out there. It's
11 totally residential area. I mean everybody has got
12 four or five, six acres and they've been used to that.
13 I don't know. I believe people being able to do what
14 they want to do. It's a free country, but when it
15 starts affecting adversely the people around you, you
16 know. I know they'll do their best to police it, but
17 you just can't trust people. Just people in and out,
18 you know.

19 We just have a lot of concerns about this
20 being rezoned. I've always got along with my
21 neighbors. We've been there 29 years. There's been
22 two previous owners on that piece property. Got along
23 with them. We worked with the trees because there's a
24 tree line there and some of them fall on me. Some of
25 mine fall on them. We work it out. The other side is

1 Mr. Gilmore, a farmer, we have good relations. I get
2 along with people. This has just really got me worked
3 up. This is a big change. Just to have these people
4 coming in and out right next to you. I'm telling you
5 this property where this lake is, where these people
6 have to go, access around the lake is like, it's from
7 here to the wall from my house, the corner of my
8 house. You know, I've got six and a half acres, but
9 I'm just saying my house is right there on the edge.
10 I don't know. I just -- I want people to be able to
11 do what they want to do, but this is really like
12 imposing I think. I condition talk very well. That's
13 the best I can do.

14 CHAIRMAN: Thank you.

15 MS. GILLIANS: Nancy Gillians.

16 Just a real quick question. If this were to
17 be rezoned and a conditional permit to be issued and
18 submitted to the Planning Commission, what is the
19 process of notifying the individuals, like those of us
20 that are here tonight?

21 CHAIRMAN: Mr. Howard.

22 MR. HOWARD: For a conditional use permit all
23 adjoining property owners are notified by registered
24 mail.

25 MS. GILLIANS: So it is by registered mail

1 because I was told by a gentleman at OMPC that it was
2 not registered mail.

3 MR. PEDLEY: It's not certified mail.

4 MR. HOWARD: Right, but it is registered mail,
5 I believe.

6 MR. PEDLEY: Yes.

7 MR. HOWARD: Then there would be a legal
8 notice published in the Messenger-Inquirer. A
9 conditional use permit does not require signs to be
10 posted on the property similar to what was done for
11 the rezoning.

12 MS. GILLIANS: So the same people that
13 received the notification for this hearing this even
14 will be the same period that will receive the
15 notification for that?

16 MR. HOWARD: The exact same.

17 MS. GILLIANS: I just want to make sure I have
18 a clear understanding of that. That's all I need to
19 know.

20 CHAIRMAN: Thank you.

21 MS. KELLER: Billie Keller.

22 I just want to know how long out are we
23 looking before the next hearing?

24 MR. HENDLEY: One month. We plan on
25 submitting for the special use permits before this

1 upcoming deadline.

2 CHAIRMAN: One month.

3 MS. GILLIANS: Nancy Gillians.

4 If this were to be rezoned at this point we
5 expect it to be all agricultural, and let's say that
6 we do actually when, I hate to use that word, but we
7 succeed in stopping something that we don't want to
8 have happen in our area, how many on this board is
9 tenure people on OMPC have seen all agricultural go
10 back to an A-R? Is that pretty normal? Let's say the
11 business starts up and it bellies up and then what?

12 MR. HOWARD: Could you rephrase the question
13 because I want to make sure I'm following you? I
14 don't know that I do.

15 MS. GILLIANS: Let's say that the conditional
16 use permit is granted and this happens and the
17 campground goes belly up, I'm not saying that it is.
18 I'm not wishing it on you or anything like that, but
19 let's just say that it does, that property goes up for
20 sale, is there a higher likelihood that it would be
21 zoned for all or just agricultural/residential again
22 or do you think, in your experience what have you seen
23 happen to that type of property?

24 MR. HOWARD: The property, if it's rezoned
25 tonight, the property would be zoned A-U Urban

1 Agriculture.

2 MS. GILLIANS: Right.

3 MR. HOWARD: Within that zone it allows a
4 conditional use permit for a campground to be
5 submitted. That goes to the Board of Adjustment for
6 had separate public hearing. At that meeting there
7 will be a decision made whether or not a campground is
8 okay or not. Let's say it was approved because that
9 was the premise you provided. It's approved and then
10 it goes under and no longer is in operation. Once the
11 campground has not been in operation for a year, that
12 conditional use permit expires. The underlying zoning
13 would still be A-U. It would still allow a
14 single-family residence on the property, but the
15 campground, if it were vacant or dormant for a year,
16 that conditional permit would expire. Did that
17 answer?

18 MS. GILLIANS: Yes, it did. Thank you so
19 much. I'm sorry I was so confused.

20 MR. HOWARD: No, you're fine. I just want to
21 make sure terminologies were the same.

22 So the Board of Adjustment, I think whoever
23 has talked to the folks, it is a completely separate
24 board. Lewis, the Chairman of this Planning
25 Commission, is on the Board of Adjustment as a dual

1 appointee with the county, but everybody else will be
2 different.

3 MS. GILLIANS: That would be here?

4 MR. HOWARD: Same. They meet generally the
5 first Thursday of the month at the same time, same
6 location. All that would be in the letter that would
7 go to the adjoining property owners. It's a separate
8 board. It's a seven member board with different
9 people just so you know.

10 MS. GILLIANS: Thank you.

11 CHAIRMAN: Any other questions or comments?

12 (NO RESPONSE)

13 MR. HENDLEY: I would just like to apologize
14 to my neighbors. I should have introduced ourselves
15 sooner. We just got in there and got super excited
16 about what we were doing. You know, there's a lot of
17 Airbnb's going up around town. People around town
18 have their homes with an Airbnb, a tiny house in their
19 backyard. That's in essence the same thing we're
20 looking to do, just in a bigger fashion than just a
21 single unit. You know, like a tree house, people
22 actually do that too. A little tree house in the
23 backyard and they rent it out to Airbnb. Same kind of
24 concept. We're just doing it in a little bit bigger
25 way, but I do apologize to all my neighbors. I should

1 have introduced myself sooner. I would like to have
2 some direct communication with them, exchange e-mails
3 or something to address all the concerns that any of
4 the neighbors have.

5 CHAIRMAN: Any other comments or questions?

6 (NO RESPONSE)

7 MR. GASSER: I have a question.

8 CHAIRMAN: Commissioner Gasser.

9 MR. GASSER: Are you running your business
10 through Airbnb, the actual website? When someone
11 wants to rent or go through and say they went to book
12 a weekend, are you going through Airbnb, all the rules
13 and guidelines they use, everything that goes on?

14 MR. HENDLEY: Yes. We actually plan on using
15 a company Markel, M-a-r-k-e-l. It's a company that
16 actually works with several booking companies like
17 VRBO, Airbnb, and a few other like vacation rental
18 companies. They do all the bookings for you and they
19 handle all of that. Yes, we would have to abide by
20 all the guidelines and safety and handicap accessible,
21 like fire marshal, all the permits, correct codes and
22 rules to follow 100 percent.

23 MR. GASSER: I have one more question. Are
24 you going to be the sole owner of every single
25 residence that you build? Are you going to be the

1 only owner or are you allowing people to come out
2 there and build?

3 MR. HENDLEY: No. No. We would be the owner.
4 It's strictly short-term rental style business.
5 Nobody would be there more than two or three days or
6 nights at a time.

7 CHAIRMAN: Any other comments or questions
8 from the audience?

9 (NO RESPONSE)

10 CHAIRMAN: Any comments or questions from the
11 commissioners?

12 MR. BALL: I have a question.

13 CHAIRMAN: Commissioner Ball.

14 MR. BALL: Could they still submit for a
15 conditional use permit without rezoning if all of the
16 activities was done inside of the A-U zone?

17 I don't stump you very often.

18 MR. HOWARD: So you're saying only the rear
19 portion of the property that's zoned A-U would be
20 submitted, in this hypothetical question, would be the
21 only portion?

22 MR. BALL: Yes.

23 MR. HOWARD: In theory that might be possible.
24 I guess the determination we would have to make is the
25 fact that the access to that land, the A-U portion

1 that's in the back, it would have to go through a
2 single-family residential zoning to get there, and
3 whether or not that's in keeping with what the
4 conditional use permit for a campground in an
5 agricultural zoning would entail.

6 MR. BALL: Okay. I've got one more question.
7 Thank you. That's a good answer.

8 Once the conditional use, and this is maybe an
9 answer to some of the questions here. Once the
10 conditional use permit expires, they can no longer
11 utilize it as a campground as per the conditional use
12 permit. Would they still be able to utilize those
13 structures as a residential structure in any way,
14 shape or form?

15 MR. HOWARD: So if the campground were to be
16 approved, it ceases operation, no, those individual
17 units would not be allowed to be occupied.

18 MR. BALL: They would be converted to storage
19 or removed?

20 MR. HOWARD: The zoning ordinance and the
21 underlying A-U zone allows one residence per ten
22 acres. They have, what, six and a half acres. It
23 would allow one residence without the conditional use
24 permit. The conditional use permit allows this
25 additional temporary lodging campground use. If that

1 were to go away, a conditional use permit expires,
2 those other structures would not be, based on the
3 zoning ordinance, would not be applicable.

4 MR. BALL: Kind of, his point early about
5 people doing Airbnb's in town, if you're doing an
6 Airbnb in town with a detached structure from the
7 house, it would fall under a conditional use permit as
8 well?

9 MR. HOWARD: No.

10 MR. BALL: Or it's just not allowed?

11 MR. HOWARD: It's not allowed. If there are
12 people that are renting out tree houses in
13 Owensboro-Daviess County, you're allowed one residence
14 on a parcel. So if that's happening, unless it's
15 something existing that's either zoned multi-family or
16 it predates zoning, those aren't allowed.

17 MR. BALL: Thank you.

18 CHAIRMAN: Any other questions or comments
19 from the commissioners?

20 (NO RESPONSE)

21 CHAIRMAN: I just want to state that most of
22 you all's questions and comments are going to be for
23 the conditional use permit. We're just voting on the
24 zoning change tonight.

25 At this time the chair will accept a motion.

1 Commissioner Ball.

2 MR. BALL: Based on what it is and kind of
3 like the chairman stated, this is not in reference to
4 the campground. This is based on a rezoning of the
5 portion of the property only and we're not here to
6 hear everything else in this particular case.

7 Therefore, I would like to make a motion to
8 approve based on the Planning Staff's Recommendations
9 and Findings of Fact 1 through 5.

10 CHAIRMAN: We have a motion to approve. Do we
11 have a second?

12 MR. STRODE: Second.

13 CHAIRMAN: Second by Commissioner Strode. Any
14 questions 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 ITEM 5

21 7125 Highway 762 & Portion of 7015 Highway 762,
22 3.316 acres
23 Consider zoning change: From R-1A Single-Family
24 Residential & A-R Rural Agriculture to A-R Rural
Agriculture
Applicant: Elaine M. Berry & Jeffrey L. Berry

25 PLANNING STAFF RECOMMENDATIONS

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

3 FINDINGS OF FACT

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

7 2. The subject properties are located in a
8 Rural Maintenance Plan Area, where rural large-lot
9 residential uses are appropriate in limited locations;

10 3. At 8 plus total acres and nearly 1,500
11 linear feet of road frontage, the properties are large
12 enough to ensure that any proposed dwellings shall be
13 located on their own individual lot with frontage
14 along a public road, Highway 762;

15 4. No new roads are proposed with this
16 request; and,

17 5. The proposal is a logical expansion of
18 existing A-R Rural Agriculture zoning and will
19 eliminate the existing split-zoning located on 7015
20 Highway 762.

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

23 CHAIRMAN: Thank you, Trey.

24 Is there anybody here representing the
25 applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Is there anybody here that would
3 like to speak on this application?

4 (NO RESPONSE)

5 CHAIRMAN: Any commissioners have any
6 questions?

7 (NO RESPONSE)

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

10 Mr. Rogers.

11 MR. ROGERS: Mr. Chairman, I make a motion for
12 approval based on Planning Staff Recommendation with
13 Findings of Fact 1 through 5.

14 CHAIRMAN: We have a motion by Commissioner
15 Rogers. Do we have a second?

16 MR. RAQUE: Second.

17 CHAIRMAN: Commissioner Raque has a second.
18 Any questions on the motion?

19 (NO RESPONSE)

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 COMBINED FINAL DEVELOPMENT PLAN/MAJOR SUBDIVISION
25 PRELIMINARY PLATS

1 ITEM 6

2 Big Rivers Electric Operations Facility, 49.347 acres
3 Consider approval of an amended Combined Final
4 Development Plan/Major Subdivision Preliminary Plat.
5 Applicant: Big Rivers Electric Corporation

6 MR. HOWARD: Mr. Chairman and Planning
7 Commission, this plat has been reviewed by the
8 Planning Staff and Engineering Staff. It's found to
9 be in order. All utilities have been reviewed and
10 signed off as well. They have changed the site based
11 on the previous configuration that we saw several
12 months ago, but it's still in keeping with the
13 underlying zoning and meeting all the requirements.
14 We would recommend that you would consider it for
15 approval.

16 CHAIRMAN: Any commissioners have any
17 questions?

18 (NO RESPONSE)

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

21 MR. STRODE: Mr. Chairman, I make a motion for
22 approval.

23 CHAIRMAN: Motion to approve by Commissioner
24 Strode. Is there a second?

25 MR. BALL: Second.

 CHAIRMAN: Second by Commissioner Ball. Any

1 question on the motion?

2 (NO RESPONSE)

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 MINOR SUBDIVISION PLATS

8 ITEM 7

9 5021 & 5141 Lonesome Pine Trail, 18.428 acres
10 Consider approval of a minor subdivision plat
11 Applicant: Thomas P. Miller, III & Julie A. Miller

12 MR. HOWARD: This plat comes before you as an
13 except. It is a rather large parcel, in an 18 1/2
14 acre range. The proposal is to result in two lots,
15 two parcels that are both over 8 1/2 acres in size.

16 The 5141 has a limited 50-foot of road
17 frontage out to Lonesome Trail which does not meet the
18 three to one requirement or minimum road frontage
19 requirement so they are requesting an exception to
20 that, with the notes on the plat that the property
21 cannot be further subdivided without meeting the
22 requirements of the subdivision regulations with these
23 two larger parcels. We would recommend that you
24 consider it for approval.

25 CHAIRMAN: Any questions by the commissioners?

(NO RESPONSE)

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

3 MR. BALL: Motion to approve.

4 CHAIRMAN: Motion by Commissioner Ball. Do we
5 have a second?

6 MR. RAQUE: Second.

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

9 (NO RESPONSE)

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 ITEM 8

15 6415 Pleasant Valley Road, 3.374 acres
16 Consider approval of a minor subdivision plat
17 Applicant: K. Wayne & Cathy L. Foster

18 MR. HOWARD: This plat comes before you as an
19 exception both to the minimum road frontage
20 requirements and the three to one as well. As you can
21 see on this 3.74 acre parcel, there is an existing
22 home and also an existing accessory structure. This
23 division will create a lot around the existing home
24 and the existing structure. It's coming out of an
25 agricultural parcel with sufficient road frontage on
the remainder, with the note on there that the

1 property can't be further divided without meeting the
2 subdivision regulation. We would recommend that you
3 recommend it for approval.

4 CHAIRMAN: Any commissioners have any
5 questions?

6 (NO RESPONSE)

7 CHAIRMAN: Hearing none the chair will accept
8 a motion.

9 MR. STRODE: Make a motion for approval.

10 CHAIRMAN: Motion by Commissioner Strode. Do
11 we have a second?

12 MR. ROGERS: Second.

13 CHAIRMAN: Second by Commissioner Rogers. 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.

20 ITEM 9

21 5653 Highway 56, 1.496 acres
22 Consider approval of a minor subdivision plat
23 Applicant: Donald E. & Sandra G. Nall

24 MR. HOWARD: We will continue with the theme.
25 This plat comes before you as an exception to the
minimum road frontage and three to one requirements.

1 They are creating this flag-shaped parcel around an
2 existing home, I believe. There is quite a bit of
3 frontage remaining; 1,050-feet more or less of road
4 frontage remaining for this parcel. It was more
5 irregular-shape. They're consolidating one acre that
6 was part of the front back into a farm with the
7 notation on the plat that the property can't be
8 further subdivided.

9 I guess I would ask Mr. Pedley. Is there an
10 indication on the plat that the agriculture remainder
11 cannot be further subdivided without meeting the
12 subdivision regulations as well? Are we precluding
13 them from coming back in with further flag-lots?

14 MR. PEDLEY: There's not that note on there
15 currently with there being that much road frontage.
16 It's not on there currently.

17 MR. HOWARD: I guess I would recommend to the
18 Planning Commission, and I don't know if the applicant
19 is here, but with the 1,000 of road frontage they're
20 creating this 50-foot flag-shaped lot. It would be my
21 intake, and I didn't really catch it when we looked at
22 it in the office, but thinking about it now. With
23 that much road frontage we don't want them to come
24 back in with 10 other 50-foot flag-shaped lots. I
25 would recommend that we have that note amended to say

1 that the property plat drawn including the
2 agricultural remainder cannot be further subdivided to
3 create additional irregular-shaped lots not meeting
4 the requirements of the subdivision regulations. That
5 would prevent any future flag-shaped lots. They can
6 certainly create many more regular-shaped lots, but no
7 more flag-lots. That would be my recommendation.

8 CHAIRMAN: Thank you.

9 Any questions from the commissioners?

10 (NO RESPONSE)

11 MR. HOWARD: Is the applicant here on this
12 one?

13 (NO RESPONSE)

14 MR. HOWARD: Doesn't look like it. I was
15 curious.

16 CHAIRMAN: Hearing no questions the chair will
17 accept a motion.

18 Commissioner Ball.

19 MR. BALL: I would like to make a motion,
20 first of all I'd like to make sure that we -- I would
21 like to approve this with Mr. Howard's amendment
22 recommendations.

23 MR. HOWARD: Could I add something to that for
24 you to ponder?

25 MR. BALL: Sure.

1 MR. HOWARD: Since the chairman and secretary
2 won't be able to sign the plat tonight, since the note
3 needs to be amended, would you consider once they have
4 that note that you allow me to sign it in place of
5 them so that we don't have to track people down to
6 sign it? It would be more efficient.

7 MR. BALL: Certainly. And we will have
8 Mr. Howard sign that so that it expedites the process.

9 MR. HOWARD: Thank you.

10 CHAIRMAN: Do we have a second?

11 MR. STRODE: Second.

12 CHAIRMAN: Second by Commissioner Strode. Any
13 questions on the motion?

14 (NO RESPONSE)

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 ITEM 10

20 11865, 11891, 11967 Highway 764, 15.104 acres
21 Consider approval of a minor subdivision plat
22 Applicant: Terry Rhodes Farms, LLC

23 MR. HOWARD: This plat comes before you
24 creating a rather odd-shaped-flag lot, again, around
25 some existing structures on the property. It is over
26 five acres with a note on there about no further

1 subdivision on the property, which would include these
2 three addresses that are part of the flag. We would
3 recommend that you consider it for approval.

4 CHAIRMAN: Any questions from the board?

5 (NO RESPONSE)

6 CHAIRMAN: Hearing none the chair will accept
7 a motion.

8 MR. ROGERS: Motion for approval.

9 CHAIRMAN: Motion for approval by Commissioner
10 Rogers. Do we have a second?

11 MR. BALL: Second.

12 CHAIRMAN: Second by Commissioner Ball. Any
13 questions on the motion?

14 (NO RESPONSE)

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 -----

20 NEW BUSINESS

21 ITEM 11

22 Consider approval of July 2022 financial statements

23 CHAIRMAN: Everybody has had an opportunity to
24 look over the July 2022 financial statement. Do we
25 have any questions or comments?

1 (NO RESPONSE)

2 CHAIRMAN: Hearing none the chair will
3 entertain a motion.

4 MR. STRODE: I make a motion to accept the
5 financial statement.

6 CHAIRMAN: Motion by Commissioner Strode.

7 MR. BALL: Second.

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

10 (NO RESPONSE)

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 ITEM 12

16 Comments by the Chairman

17 CHAIRMAN: The Chairman has none.

18 ITEM 13

19 Comments by the Planning Commissioners

20 (NO RESPONSE)

21 ITEM 14

22 Comments by the Director

23 * Presentation of the Fiscal Year 2022
24 Activity Report

25 MR. HOWARD: You all in your packet had an

1 Activity Report for the Fiscal Year ending June 2022.
2 You'll see the totals and then in the column to the
3 right under both the Planning Applications and the
4 Building Processes, the previous fiscal year, the
5 fiscal year totals. We just included those for
6 reference purposes, just to kind of give a
7 year-to-year comparison as to how much activity we
8 had.

9 It's kind of interesting to look at.
10 Rezoning were very similar. We had fewer minor
11 subdivision plats. We had 15 more final development
12 plans total, but 16 fewer site plans. When you look
13 year-to-year, overall the totals are pretty consistent
14 on the planning application.

15 Building permits were 1172 last year to 1143
16 this year. Electrical permits there was a difference
17 of 6, and HVAC were about 50 more. Again, we've been
18 very busy.

19 The one thing I would point to are
20 inspections. This is our -- we have three full-time
21 inspectors. They're all cross-trained on building,
22 electrical and mechanical inspections. What that does
23 is it allows our inspectors to go out to a site and
24 deal with all three disciplines that our office is in
25 charge of reviewing. It is more efficient than having

1 a dedicated electrical inspector, a dedicated building
2 inspector making multiple trips to the site. We can
3 send one person out and do that at one time.

4 So in the fiscal year '21 total number of
5 inspections, and it's broken down into different
6 categories. In the fiscal year '21 we did a total of
7 8,167. This past fiscal year we completed 9,448
8 inspections. So about 1,300 more inspections this
9 past fiscal year.

10 Again, that's three inspectors that are
11 full-time inspectors with some other folks pitching in
12 here or there when needed. That keeps them very busy.
13 Proud of what those guys do. Proud of what our entire
14 staff does. Feel good about these numbers. It shows
15 very consistent across the board really.

16 Be glad to answer any questions you all might
17 have. We will provide a copy of this to the local
18 elected officials as well tomorrow after you all have
19 had an opportunity to look at it here at the meeting
20 tonight. We provided them with a copy of it as well
21 just in case they have any questions or comments and
22 that type of thing.

23 If you have any questions, be glad to answer
24 those at this time.

25 MR. BALL: I don't have a question. I feel

1 like I do this every year we put this out because it
2 hasn't changed.

3 We are very fortunate to have the staff that
4 we have in Daviess County do what they do. As a
5 builder/developer it is unbelievable what you guys do
6 and your staff does with such a small staff. We work
7 in some other counties, but none as good as Daviess
8 County.

9 CHAIRMAN: Thank you, Commissioner Ball.

10 I too would like to thank the director and his
11 staff for doing a very good job. Thank you.

12 Any other commissioners?

13 (NO RESPONSE)

14 CHAIRMAN: We're ready for one final motion.

15 MR. BALL: Motion to adjourn.

16 CHAIRMAN: Motion to adjourn by Commissioner
17 Ball.

18 MR. RAQUE: Second.

19 CHAIRMAN: Second by Commissioner Raque. All
20 in favor signify by raising your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: This meeting is adjourned.

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 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 1st day of October, 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