The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, February 12, 2009, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
                Judy Dixon, Vice Chairman
                David Appleby, Secretary
                Gary Noffsinger, Director
                Madison Silvert, Attorney
                Irvin Rogers
                Wally Taylor
                Keith Evans
                Martin Hayden

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CHAIRMAN:  Let's stand. Our invocation today will be given by Mr. Keith Evans.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everybody to the Owensboro Metropolitan Planning & Zoning meeting.

Our first item of business is to consider the January 8, 2009 minutes. Are there any corrections, additions or questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. EVANS: Second.

CHAIRMAN: Second by Mr. Evans. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger.

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PUBLIC HEARING

ITEM 2

Consider revisions to Article 1, Article 3 and Article 4 of the Owensboro Metropolitan Subdivision Regulations to allow the OMPC director the authority to sign final subdivision plats.

MR. SILVERT: State your name, please.

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: The changes to these articles reflect only a revision to allow the director, Gary Noffsinger, to sign major subdivision plats so that the Planning Commission does not have to consider those, provided they are in accordance with the previously approved preliminary plat. The reason for the revision is to facilitate development in the community.
CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES

ITEM 3

6001 Block Aull Road, 94.3 acres
Consider zoning change: From A-R Rural Agriculture to EX-1 Coal Mining
Applicant: Western Kentucky Minerals, Inc.; Charles R. Martin

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note all rezonings heard tonight will become final 21 days after the meeting unless an appeal is filed. The appeal forms are available on the back table and on our website and in
the office. If an appeal is filed, then it will be forwarded to the legislative body for two readings.

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

CONDITION:

No mining activity shall take place within the floodplain and prime farmland shall be protected from normal mining practices.

FINDINGS OF FACT:

1. The subject property is located in a Rural Maintenance Plan Area where coal mining uses are appropriate in general locations;

2. The subject property is located in the Rural Service Area outside of a Rural Community Plan Area;

3. The subject property adjoins existing areas of EX-1 Coal Mining zoning;

4. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,

5. State and county roads proposed to be used for the transportation of coal have been approved by
the appropriate officials.

MR. HOWARD: I would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. HAYDEN: Make a motion for approval with Staff Recommendations and the Condition and Findings of Fact 1 through 5.

CHAIRMAN: We've got a motion for approval by Mr. Hayden.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

6331 Aull Road, 100.94 acres
Consider zoning change: From A-R Rural Agriculture and EX-1 Coal Mining to EX-1 Coal Mining
Applicant: Western Kentucky Minerals, Inc.; Lewis Rhodes Estate c/o Mary Juanita Rhodes
PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

CONDITION:

No mining activity shall take place within the floodplain and prime farmland shall be protected from normal mining practices.

FINDINGS OF FACT:

1. The subject property is located in a Rural Maintenance Plan Area where coal mining uses are appropriate in general locations;

2. The subject property is located in the Rural Service Area outside of a Rural Community Plan Area;

3. The subject property adjoins existing areas of EX-1 Coal Mining zoning;

4. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,

5. State and county roads proposed to be used for the transportation of coal have been approved by the appropriate officials.

MR. HOWARD: I would like to enter the Staff
Report into the record as Exhibit B.

CHAIRMAN: Does anybody have any questions?

Sir, come to the podium, please.

MR. SILVERT: Could you state your name, please.

MR. TONG: My name is Jim Tong. I live on 144 across from the proposed ground.

(JIM TONG SWORN BY ATTORNEY.)

MR. TONG: I just have one simple question.

When they talk about not to be mined in prime farmland, what's the definition of prime farmland, or is it just land that's been farmed before?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Howard.

MR. HOWARD: We do have a map in the office that indicates areas that have been identified as prime agricultural farmland. It has a couple of different layers. Most prime agricultural and others agricultural of farmlands of a statewide importance.

So those are what we looked at as far as identifying where the prime agricultural farmland would be on the property.

Basically it states that that area should not be mined using typical methods, but to protect that farmland. I think there are some ways that it could
be mined, but you have to take special care to make sure that you don't harm the soil structure and things like that.

MR. APPLEBY: As I understand it, it's the difference in the way which it's reclaimed. If you're working in prime farmland, more topsoil to be put back.

MR. HOWARD: Yes.

MR. NOFFSINGER: These maps are prepared by the US Soil Conservation Service.

CHAIRMAN: Step to the podium, please.

MR. SILVERT: State your name, please.

MR. HAYNES: Brian Haynes.

MR. HOWARD: Mr. Haynes, I recognize the oath you took as an attorney.

MR. HAYNES: If anybody has any more specific questions about the prime farmland, I'll be glad to answer them.

Basically Mr. Appleby is correct. It involves the way the soil is removed, stored, protected and returned to the site, plus some additional requirements as to bidding production off that property before reclamation bonds are released.

CHAIRMAN: Thank you, Mr. Haynes.

Does anybody else have any questions?
CHAIRMAN: If not the chair is ready for a motion.

MR. ROGERS: Motion to approve based on Planning Staff Recommendations with one condition and Findings of Fact 1 through 5.

CHAIRMAN: We have a motion for approval by Mr. Rogers.

MR. HAYDEN: Second.

CHAIRMAN: We've got a second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Next item, please.

ITEM 5

Portion of 9340, 9378 Highway 144, 5.351 acres
Consider zoning change: From B-4 General Business and R-1A Single-Family Residential to A-U Urban Agriculture
Applicant: St. Williams Cemetery; Ernest T. Isbill and Diocese of Owensboro

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:
CONDITION:

Submission of a conditional use permit application.

FINDINGS OF FACT:

1. The subject property is located in a Rural Community Plan Area, where agricultural uses are appropriate in general locations;
2. The subject property has been used as a cemetery for over 100 years;
3. The applicant proposes to eliminate a property encroachment with a consolidation plat and submit a conditional use permit application for the cemetery use; and,
4. The proposed A-U zoning is the appropriate zoning classification for consideration of a conditional use permit for a cemetery.

MR. HOWARD: I would like to enter the Staff Report into the record as Exhibit C.

CHAIRMAN: Does anybody have any questions?
(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval based on the Staff Recommendations with the condition and on their Findings of Fact 1 through 4.
CHAIRMAN: We have a motion for approval by Mr. Appleby.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

10015 Main Street, 0.356 acres
Consider zoning change: From R-1B Single-Family Residential to P-1 Professional/Service Applicant: Joseph & Diane Birkhead

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

FINDINGS OF FACT:

1. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;

2. The use of the subject property as a medical office will be non-residential in nature;

3. The subject property is arterial street
oriented with road frontage on KY 54; and,

4. The use of the property as a medical office will serve as a buffer used between the higher intensity commercial uses in the vicinity and the existing residence to the north.

MR. HOWARD: I would like to enter the Staff Report into the record as Exhibit D.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve based on Planning Staff Recommendations and Findings of Fact 1, 2, 3 and 4.

CHAIRMAN: We've got a motion for approval by Ms. Dixon.

MR. ROGERS: Second.

CHAIRMAN: We've got a second by Mr. Rogers.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

MR. APPLEBY: Second.
CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

     I, LYNNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Planning
Commission meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 13 typewritten pages; and that no signature
was requested to the foregoing transcript.

     WITNESS my hand and notary seal on this the
1st day of March, 2009.

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 19, 2010

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY