

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 NOVEMBER 12, 2009

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

- 8 MEMBERS PRESENT: Drew Kirkland, Chairman
- 9 Judy Dixon, Vice Chairman
- 10 David Appleby, Secretary
- 11 Gary Noffsinger, Director
- 12 Madison Silvert, Attorney
- 13 Tim Miller
- 14 Ward Pedley
- 15 Irvin Rogers
- 16 Wally Taylor
- 17 Keith Evans
- 18 Martin Hayden
- 19 Rita Moorman

20 * * * * *

21 CHAIRMAN: I would like to welcome everybody
22 to the November 12 Owensboro Metropolitan Planning
23 Commission meeting. Will everybody please stand.

24 (INVOCATION NAND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: Our first order of business is to
consider the minutes of the October 8, 2009 meeting.
Are there any corrections, additions?

(NO RESPONSE)

CHAIRMAN: Any questions, comments from the
commission?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Motion for approval by Ms. Dixon.

6 MR. TAYLOR: Second.

7 CHAIRMAN: Second by Mr. Taylor. All in favor
8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 ITEM 2

13 Presentation of FY '09 Audit by Gene Boaz, CPA

14 MR. SILVERT: Would you state your name,
15 please.

16 MR. BOAZ: Gene Boaz.

17 (GENE BOAZ SWORN BY ATTORNEY.)

18 MR. BOAZ: My job was to audit the fiscal year
19 financial records of the Owensboro Metropolitan
20 Planning Commission for fiscal year ending June 30,
21 '09. In that capacity, I examined records, etcetera
22 in order to form an opinion regarding those financial
23 records. In my opinion, the statements that were
24 presented, present fairly in all respects financial
25 position. The result of operations, activities and

1 cash flows of the Owensboro Metropolitan Planning
2 Commission.

3 In addition, in a limited capacity we examined
4 the internal control system of the agency and found
5 that there were no material weaknesses or significant
6 deficiencies in that internal control system.

7 CHAIRMAN: Are there any suggestions or
8 comments or anything that we should be looking at or
9 do you find all of our controls and checks and
10 balances adequate to operate?

11 MR. BOAZ: I would say they are very adequate
12 at this point, yes.

13 CHAIRMAN: Does anybody else have any
14 questions?

15 (NO RESPONSE)

16 CHAIRMAN: Does anybody from the audience have
17 a question?

18 (NO RESPONSE)

19 CHAIRMAN: Thank you very much.

20 MR. APPLEBY: Is the chair ready for a motion?

21 CHAIRMAN: Chair is ready for a motion.

22 MR. APPLEBY: Move to accept the '09 audit.

23 CHAIRMAN: Motion for approval by Mr. Appleby.

24 MR. MILLER: Second.

25 CHAIRMAN: Second by Mr. Miller. All in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries. Thank you very
4 much for the report.

5 ITEM 3

6 Presentation by the Home Builders Association.

7 CHAIRMAN: Just a moment, Mr. Noffsinger.

8 Would you all hold just a moment, please.

9 I would like to comment and I would like to
10 congratulate Mr. Noffsinger and the whole Staff. The
11 budget, we were \$68,914 under budget in the planning
12 office this year. I think due to the economy, and I
13 know we're getting ready to have a presentation from
14 the builders, but I know our building, obviously some
15 of our building receipts were down, but I thought they
16 did an outstanding job of managing the office and
17 doing a tremendous job and hopefully they gave you all
18 good service during this time. We were very pleased
19 with the job you all did and I want to thank you very
20 much from all of the commission. Thank you all.

21 ITEM 3

22 Presentation by the Home Builders Association.

23 MR. NOFFSINGER: This was at the request of
24 the Home Builders. Mr. Richard Stallings, CEO,
25 Director of the Home Builders Association is here.

1 MR. SILVERT: Could you state your name for
2 the record, please.

3 MR. STALLINGS: Richard Stallings.

4 (RICHARD STALLINGS SWORN BY ATTORNEY.)

5 MR. STALLINGS: Again, I'm Richard Stallings,
6 executive officer of the Home Builders Association.
7 I'm joined tonight by several of our board members and
8 builders, leaders in our organization.

9 Mike O'Brian will be handing out some of our
10 comments for the commission tonight.

11 If I can preface in saying that I'm going to
12 be reading these comments and I apologize. They are
13 somewhat lengthy, but if I can get started.

14 "The Home Builders Association of Owensboro
15 recently surveyed its membership regarding the
16 performance of the leadership and staff of the
17 Owensboro Metropolitan Planning Commission. After
18 Meeting with OMPC Chair Drew Kirkland, Planning
19 Director Gary Noffsinger and Jim Mischel, The HBAO
20 Board directed the Government Affairs Committee to
21 present our findings.

22 A large percentage of the actions of the
23 planning commission, planning director and his staff
24 are controlled by the actions of the city and county
25 governments. The Planning Commission, as an

1 Agency of the city and county governments, must follow
2 the adopted Comprehensive Plan and related Zoning
3 Ordinances.

4 1. The Comprehensive Plan

5 The adopted goals and objectives of the City
6 of Owensboro, Daviess County, and the City of
7 Whitesville as stated in the Comprehensive Plan, is
8 the most important tool for guiding growth and
9 economic development of this community. All actions
10 of OMPC are per the adopted Comprehensive Plan. The
11 Plan is designed to establish the best use of our
12 land, infrastructure and the direction of growth
13 within the county.

14 2. Zoning Ordinances

15 The zoning ordinances are adopted by the
16 governments of Owensboro, Whitesville, and Daviess
17 County. Ordinances cannot be changed without the
18 approval of the respective governments. The purpose
19 of zoning ordinances is to guide the direction of our
20 residential, business, professional, industrial, and
21 farming land use zones. The ordinances are designed
22 to allow for expansion of our existing zones and
23 growth of the future zones in the best interest of our
24 community, without causing adverse influence on
25 existing neighborhoods or future growth. All

1 ordinances are designed according to Kentucky Statute
2 (KRS 100) to protect the public health, safety, and
3 welfare of all citizens. These ordinances are for the
4 good of the community and to protect the whole and not
5 for the benefit of the individual.

6 3. Public Improvement Specifications

7 The Public Improvement Specifications were
8 updated in 2002 and approved by the City and County
9 Engineers and the governments of Owensboro,
10 Whitesville, and Daviess County. The specifications
11 were adopted by the Owensboro Metropolitan Planning
12 Commission. The Public Improvement Specifications are
13 designed to guide the proper installation of our
14 sanitary sewers, storm sewers, detention basins, storm
15 water run-off, flood plain regulations, street
16 construction, sidewalk construction, and handicap
17 accessibility.

18 4. Green River Area Development District and 19 Highway Access Manual

20 GRADD and the Highway Access Manual provide
21 guidelines for the planning staff to control access
22 points for business, industrial, and subdivisions onto
23 city, county, and state streets. Ingress and egress
24 are controlled to promote the safe flow of traffic.

25 5. Kentucky Building Codes and National

1 Electrical Codes

2 Issuing building permits, inspection of all
3 construction activity, and enforcement of codes is the
4 responsibility of Jim Mischel and his staff. The
5 Kentucky Building Code, National Electrical Code, and
6 local Zoning Ordinances enforcement are required to
7 assure public safety, and consistency of inspection
8 standards is paramount.

9 6. Actions of Other Agencies

10 The Owensboro Metropolitan Planning Commission
11 Building Department is charged with enforcing the
12 building codes in the City of Owensboro and Daviess
13 County. Part of this enforcement is the plan review
14 and the issuance of building and electrical permits
15 for the legal construction of buildings within this
16 jurisdiction.

17 Because OMPC has the authority to issue
18 permits, builders and contractors (as well as the
19 general public) interact directly with OMPC throughout
20 the permit process. However, issuance of building
21 permits depends not only on OMPC review but other
22 agencies approval as well. When a permit cannot be
23 issued, it is often due to another agency requirement
24 that has not been met.

25 The OMPC has been directed by federal, state

1 and local governments to ensure other approvals are in
2 place before the building permit may be issued, but
3 does not have the authority to approve other
4 requirements that may be deemed necessary by city
5 ordinances, county ordinances, or state and federal
6 requirements.

7 The OMPC reviews the permit application for
8 conformance to the building and electrical codes and
9 the zoning ordinance, to make sure setbacks are met,
10 the use is permitted in the zone, landscaping
11 requirements are met, and any conditions of a zoning
12 change, preliminary or final plat, minor subdivision
13 or development plan have been met.

14 However, other agency approvals are required
15 before issuing a permit depending on the project and
16 project location. For example, a property located in
17 a floodplain, as determined by Federal Insurance Rate
18 Maps, must have a permit from the Kentucky Division of
19 Water prior to obtaining a local building permit. A
20 property located in a floodway, as determined by
21 Federal Insurance Rate Maps, must have a permit from
22 the Kentucky Division of Water, the U.S. Army Corps of
23 Engineer, and a no-impact statement from a design
24 engineer and a conditional use permit from the
25 Owensboro Metropolitan Board of Adjustment prior to

1 obtaining a local building permit. These are federal
2 and state regulations, as well as local regulations,
3 that must be addressed. The OMPC does not have the
4 authority to waive these regulations or to issue a
5 permit in the absence of these approvals as the
6 community participates in the National Flood Insurance
7 Program and the community has adopted a local flood
8 damage prevention ordinance within the zoning
9 ordinance that must be followed.

10 Other approvals include drainage approval by
11 the local government engineers prior to issuance of
12 the building permit. For all construction, other than
13 one and two family dwellings, the OMPC must have the
14 approval of the City Engineer for storm drainage and
15 erosion control prior to permitting a project.

16 When sewage disposal is accomplished through
17 an on-site septic system, the OMPC must have the
18 approved site evaluation before issuing the building
19 permit. This approval is obtained through the Green
20 River District Health Department.

21 Additionally, if the structure to be permitted
22 is a manufactured home, approval of a B-1 sticker from
23 the Commonwealth of Kentucky is required.

24 The OMPC office assures that all necessary
25 approvals as required by federal, state and local laws

1 are in place before issuing a building permit. When a
2 permit is delayed, it is often due to issues outside
3 of the OMPC authority not being addressed or
4 completed.

5 With consideration of these findings, the Home
6 Builders Association of Owensboro realizes the
7 Planning Commission members, and Mr. Noffsinger and
8 his planning staff, have a difficult and often
9 challenging task. The responsibility to follow the
10 Comprehensive Plan and enforce the Zoning Ordinances,
11 Building Codes, Access Manual, and all other
12 regulations outlined by the governing bodies of
13 Owensboro, Whitesville, and Daviess County requires
14 dedication of service to the community which is
15 demonstrated by the commission and the professional
16 staff.

17 The HBA of Owensboro's 340 members, as well as
18 the general public, do not want to be restricted in
19 the use of their private property. However, in most
20 cases if made aware of the purpose and need for the
21 regulations and requirements - to promote the health,
22 safety, and welfare of the citizens of the community -
23 property owners willingly accept the rules and
24 regulations. Our association finds a significant need
25 to educate the public as to the purpose and function

1 of planning and its importance to our community.
2 Decisions made today will impact our future growth and
3 the results and goals we attain.

4 It has been the experience of our members that
5 Mr. Noffsinger, Mr. Mischel and their staff have
6 always been willing to meet with Builders and
7 Developers to address problems and concerns and work
8 to find a solution, if possible. Ultimately, some
9 things are beyond their control and cannot be changed,
10 except by elected officials and their respective
11 governments.

12 Finally, it is the general consensus of this
13 association and its board that the Planning
14 Commission, Mr. Noffsinger and the Planning Staff are
15 doing a very good job of planning for the future.
16 Through their research and presentation of their
17 findings and professional interpretations to the
18 Planning Commission, the respective governments, and
19 more importantly the public, the community's best
20 interests are served.

21 It is the intent of the Home Builders
22 Association to educate our 340 members of the
23 association concerning the need and purpose of good
24 planning, building codes, electrical codes, local
25 ordinances, and subdivision regulations, for the

1 advancement of the building industry and our
2 community. We encourage effective communications and
3 positive attitudes from planning and all agencies of
4 our local government.

5 The Home Builders Association and its
6 membership are mindful of the requirements of proper
7 planning and will remain aware of any action or
8 regulatory changes which are proposed. We will
9 address any issue which affects the interests of our
10 industry that is not for the greater good of our
11 community.

12 On behalf of the Board of Directors of the
13 Home Builders Association of Owensboro, we thank you
14 for your time tonight.

15 I would like to add that we just came from the
16 Fiscal Court meeting and we gave this presentation and
17 we presented this to the City Commission last week at
18 their regularly scheduled meeting as well. Thank you.

19 CHAIRMAN: Mr. Stallings, I want to thank you
20 and all the home builders. Obviously, it was a very
21 good that Mr. Noffsinger and I had with you and the
22 Board. I appreciate you all coming forward because
23 obviously your builders and our inspectors and the
24 Planning Staff have daily contact with some or all of
25 you at any given point. It's very encouraging to me

1 as the chairman that our professional staff is being
2 reviewed by your group and has such a favorable view
3 from your all's group and that the perception amongst
4 your group is very, very strong. We appreciate that
5 because your group is probably the group we tell no
6 the most. They have all worked and strived and the
7 Staff has been out in the field with you all and I
8 know some of the shortcomings we may have had,
9 response time and inspections and things like that I
10 think we've ironed out glitches that we have. I'm
11 glad to hear that and I hope that our turn-around
12 time, inspection time, review plans and everything
13 continues to be as quick as possible and anything that
14 any of your members or anybody would ever want to
15 suggest to us, you know, I'm very open to because we
16 really try to streamline the operation. You all
17 realize to the best that we can within the regulations
18 that we must adhere to.

19 MR. STALLINGS: Absolutely, Mr. Chairman. As
20 stated in the comments, the accessibility of the Staff
21 has always been there and I think this is an ongoing
22 and evolutionary process that we hope to continue.

23 CHAIRMAN: Thank you very much. Gary and I
24 look forward to meeting with you again at any time.
25 Thank all your membership.

1 MR. STALLINGS: Thank you.

2 CHAIRMAN: Is there any questions or comments
3 from anybody in the audience or any other commission
4 member to the Home Builders?

5 (NO RESPONSE)

6 CHAIRMAN: If not, thank you all very much.

7 Mr. Noffsinger.

8 ITEM 4

9 2010 Census Complete County Committee update

10 MR. SILVERT: State your name, please.

11 MS. STONE: Becky Stone.

12 (BECKY STONE SWORN BY ATTORNEY.)

13 MS. STONE: I want just want to give you an
14 update of what's happening with the census currently.

15 The United States Census has completed their
16 field canvassing of the county and they prepared their
17 final list that they're going to use to be mailing the
18 surveys out to the individual homes.

19 Because we participated in the local update of
20 addresses, we get to review that list. If there's any
21 discrepancies, we can point those out to the Census
22 Bureau. We're in the process of doing that currently.
23 So we'll be getting that information back to them the
24 end of the month, the first of next month.

25 Just a reminder, April 10, 2010 is Census Day.

1 Remind everybody you talk to to fill out their survey
2 and send it back in because the numbers that we get,
3 of course, you heard last month the federal money that
4 we get allocated is depended on those census numbers.

5 CHAIRMAN: Thank you.

6 -----

7 CELLULAR TELECOMMUNICATIONS FACILITIES
8 PER KRS 100.987

9 ITEM 5

10 2335 West Fifth Street
11 Consider approval of a wireless telecommunications
12 tower.
13 Applicant: City Utility Commission of Owensboro;
14 AT&T

15 MR. SILVERT: Would you state your name,
16 please?

17 MR. HOWARD: Brian Howard.

18 (BRIAN HOWARD SWORN BY ATTORNEY.)

19 MR. HOWARD: This tower application is for a
20 140 foot tall monopole. It's located on the property
21 where there was a water tower that was raised several
22 months back.

23 The property is zoned I-1 Light Industrial.
24 The application that was submitted meets all of our
25 requirements. The 140 foot tall monopole structure
will be surrounded by a woven wire fence that meets
the minimum requirements as designed per the

1 co-location of a total of four users which means our
2 requirements there will not no staff. The site will
3 not be illuminated. There will be no signs other than
4 what's required. Their landscape plan is in
5 compliance with the requirements. They're not
6 proposing any type of waivers with this application.

7 FINDINGS.

8 1. The application is complete with all
9 materials in accordance with the Owensboro
10 Metropolitan Zoning Ordinance;

11 2. The site is in compliance with all design
12 criteria of the Owensboro Metropolitan Zoning
13 Ordinance; and,

14 3. The permanent tower will improve cellular
15 telephone service for users within the community; and,

16 4. By providing the opportunity for three
17 additional service providers on this tower, we are
18 promoting the goal of the Comprehensive Plan to
19 encourage collocation in order to minimize the number
20 of telecommunications towers.

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

23 CHAIRMAN: Is there anybody here representing
24 the applicant?

25 MS. JACOB: Hi, I'm Kathy Kellie Jacob with

1 AT&T.

2 (KATHY JACOB SWORN BY ATTORNEY.)

3 CHAIRMAN: You want to wait and see if we have
4 any questions and then you can answer any questions
5 from the audience?

6 MS. JACOB: Sure.

7 CHAIRMAN: Is there anybody from the audience
8 that has any question?

9 MS. DAVIS: I'm Donna Davis.

10 CHAIRMAN: Wait, Ms. Davis. Let me ask her to
11 be seated and then you step to the podium and be sworn
12 in.

13 MR. SILVERT: Could you state your name for
14 the record, please?

15 MS. DAVIS: My name is Donna Davis.

16 (DONNA DAVIS SWORN BY ATTORNEY.)

17 MS. DAVIS: My question is I am a nursing
18 facility administrator. We are within 500 feet of
19 this proposed tower. We use an RF technology code
20 alert system in our facility. Any time anybody
21 approaches one of our monitors with a cell phone it
22 disrupts the service in a minor way kind of to that
23 code alert system. We are just wanting some
24 reassurance perhaps that the tower is not, the RF
25 signal from the tower is not going to interfere with

1 our code alert and prevention system at the nursing
2 facility.

3 CHAIRMAN: Do you have any other questions?

4 MS. DAVIS: No.

5 CHAIRMAN: Would you be seated and we'll bring
6 her back to the podium.

7 MS. JACOB: Typically you will not have any of
8 the radiation, any of the frequency that low on the
9 ground. Everything is shot out. So basically the
10 frequencies will not get to the ground, as far as
11 being able to harm your monitors or anything. It's a
12 straight shot out just out to the county and city.
13 You will not have anything directly. Especially being
14 right underneath the tower as you are, you will have
15 minimal, minimal exposure.

16 CHAIRMAN: Does that adequately answer your
17 question?

18 MS. DAVIS: Yes, sir.

19 CHAIRMAN: Do we have any other questions from
20 the commission?

21 (NO RESPONSE)

22 CHAIRMAN: Any other questions from the
23 audience?

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair is ready for a

1 motion.

2 MS. DIXON: Move to approve based on the
3 Findings 1 through 4.

4 CHAIRMAN: We have a motion for approval by
5 Ms. Dixon.

6 MR. APPLEBY: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 -----

13 ZONING CHANGES

14 ITEM 6

15 2901 Veach Road, 0.193 acres (Request for Withdrawal
16 by Applicant.)
17 Consider zoning change: From B-4 General Business to
18 R-1B Single-Family Residential
19 Applicant: William & Joan Ko9lok; Kolok Wood &
20 Stone, LLC

21 MR. NOFFSINGER: Mr. Chairman, I would like to
22 read a letter into the record from the applicant and
23 this letter will also pertain to Item 6-A.

24 "Dear Mr. Noffsinger:

25 "My name is William Kolok and I own property
at 2901 Veach Road. Last week at the Planning
Commission meeting I asked for a postponement of my

1 application for rezoning. Since then we have worked
2 out a solution and therefore I am asking to have my
3 rezoning and variance petition taken off next month's
4 agenda.

5 "I would like to thank the Commission for
6 their flexible thinking and eagerness to help me solve
7 my problem. It heartening to find a group of people
8 who I can talk with and who understood my needs.
9 Please relay my thanks to the Commission.

10 "William Kolok."

11 With that, Mr. Chairman, Items 6 and 6-A have
12 been withdrawn.

13 ITEM 7

14 Portion of 2318 and 2328 Highway 81, 1.478 acres
15 Consider zoning change: From A-R Rural Agriculture to
16 I-1 Light Industrial
Applicant: Phillip C. Crabtree

17 MR. HOWARD: Before I present the Staff Report
18 I will note that all rezonings heard tonight will be
19 final 21 days after the meeting unless an appeal is
20 filed. The appeal forms are available in our office,
21 on the back table here in the chambers and on our web
22 site. If an appeal is filed, we will forward the
23 information to the appropriate legislative body for
24 their final consideration.

25 PLANNING STAFF RECOMMENDATIONS

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

3 CONDITION

4 Access to Highway 81 shall be limited to the
5 existing access point only.

6 FINDINGS OF FACT

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

10 2. The subject property is located in a Rural
11 Preference Plan Area, where light industrial uses are
12 appropriate in limited locations;

13 3. The proposed use of the property for
14 cabinet manufacturing and related uses meets the
15 requirements of the comprehensive plan in regards to
16 nonresidential development;

17 4. The proposal is a logical expansion of
18 existing I-1 zoning on the subject property; and,

19 5. The use of the existing access point to
20 serve the expanded cabinet manufacturing operation and
21 residence, the expansion of the I-1 zoning should not
22 overburden the capacity of roadways and other
23 necessary urban services that are available in the
24 affected area.

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

1 Report into the record as Exhibit B.

2 CHAIRMAN: Do we have anybody representing the
3 applicant?

4 MR. CRABTREE: Yes.

5 CHAIRMAN: Do we have any questions of the
6 applicant?

7 Yes, ma'am, please step to the podium.

8 MR. SILVERT: Would you state your name,
9 please?

10 MS. COBB: I'm Cathy Cobb.

11 (CATHY COBB SWORN BY ATTORNEY.)

12 MS. COBB: I'm here on behalf of my 79 year
13 old mother-in-law, Eva Cobb, who owns the farm next to
14 Mr. Crabtree.

15 She just had three questions she would like
16 for me to ask. She wants to be assured that her trees
17 along her driveway will not be touched. She wanted to
18 know about the drainage ditches, that they remain
19 open. She would also like to understand about the
20 retention pond in case it rains a lot, about the
21 overflow of it. She wanted me to come and ask you
22 those questions.

23 CHAIRMAN: Thank you. I think I'll bring
24 Mr. Crabtree to the podium. Mr. Crabtree.

25 MR. SILVERT: Would you state your name,

1 please.

2 MR. CRABTREE: Bill Crabtree.

3 (BILL CRABTREE SWORN BY ATTORNEY.)

4 CHAIRMAN: Mr. Crabtree, you remember her
5 questions?

6 MR. CRABTREE: Yes, sir.

7 The trees are on her property. I meant
8 they're on her property. I have nothing to do with
9 those.

10 The drainage pond will be taken care of by Don
11 Bryant. That's something that has to be done anyway.
12 What was the other?

13 CHAIRMAN: It was about the overflow of the
14 retention pond. Sort of a combination of drainage.
15 She asked, would the drainage, would the retention
16 pond overflow and what would happen if that overflows,
17 which may be a question for Mr. Bryant.

18 MR. CRABTREE: He's going to take care of the
19 drainage on it and see to it that that doesn't happen.

20 CHAIRMAN: Do you have any other comments, Mr.
21 Crabtree?

22 MR. CRABTREE: No, sir.

23 CHAIRMAN: Let me bring Mr. Bryant.

24 MR. SILVERT: State your name, please.

25 MR. BRYANT: Don Bryant.

1 (DON BRYANT SWORN BY ATTORNEY.)

2 MR. BRYANT: The drainage, actually the
3 natural drainage is from the Cobb property on to
4 Mr. Crabtree's property. We will accept that drainage
5 and actually route that through the retention pond.
6 The overflow for that pond is actually to the south on
7 the opposite side of the property. That's natural
8 drainage and we're going to maintain the natural
9 waterway. We'll take care of the drainage coming onto
10 the site and there will be no overflow. This is
11 actually on the upstream side.

12 CHAIRMAN: Mr. Bryant, is the retention basin,
13 is it a wet or a dry basin?

14 MR. BRYANT: Proposed basin is a wet basin.
15 The one that was previously approved was a dry basin,
16 but with the additional runoff with the additional
17 roof area, we're going to need more retention. The
18 property is just very very flat and a wet basin
19 actually provides better solution to that problem as
20 opposed to trying to grade a large shallow dry basin.
21 It will actually provided more capacity.

22 CHAIRMAN: Mrs. Cobb, did we satisfy your
23 questions?

24 MS. COBB: Yes, you did.

25 CHAIRMAN: Let me ask Mr. Bryant to sit down

1 and you to return to the microphone.

2 Mrs. Cobb, were your questions satisfied
3 adequately?

4 MS. COBB: Yes, they were and I appreciate you
5 answering all my questions tonight. Mom will be glad
6 to hear it.

7 CHAIRMAN: Appreciate you coming down. Thank
8 you very much.

9 Are there any other questions or comments from
10 the commission?

11 (NO RESPONSE)

12 CHAIRMAN: Anybody from the audience?

13 (NO RESPONSE)

14 MR. APPLEBY: Is chair ready for a motion?

15 CHAIRMAN: Chair is ready for a motion, Mr.
16 Appleby.

17 MR. APPLEBY: Make a motion for approval based
18 on the Staff Recommendations with the single condition
19 of access and the Findings of Fact 1 through 5.

20 CHAIRMAN: Mr. Appleby has a motion for
21 approval.

22 MR. PEDLEY: Second.

23 CHAIRMAN: Second by Mr. Pedley. All in favor
24 raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 Related Items:

4 ITEM 7a

5 2318, 2328 Highway 81, proposed I-1
6 Consider request for Variances in conjunction with an
7 application for zoning change to reduce the side yard
8 building setback line along the north boundary from 20
9 feet to 0 feet and to eliminate the required 10'
10 landscape easement, the 6' high continuous element and
11 one tree every 40' of linear boundary along the north
12 and west property lines that adjoin A-R Rural
13 Agriculture zoning.
14 Applicant: Phillip C. Crabtree

11 MR. HOWARD: The applicant has requested a
12 couple of variances. Based upon our review these are
13 our comments.

14 As part of the change to the site, they're
15 relocating a 50 foot strip that served a residence to
16 the rear of the industrial property that is currently
17 zoned agricultural.

18 Their shipping that 50 foot strip to the north
19 area of their property and that will serve as a buffer
20 between the applicant's property and the Cobb's
21 property which is located directly north. That 50
22 foot strip on the Variance plan and on the minor
23 subdivision plat has been noted to be a non-buildable
24 area.

25 The applicant also agreed at the request of

1 the Cobbs to install a 10 foot landscape buffer with a
2 double row of staggered pines within that 50 foot
3 strip as well to add additional buffer between their
4 property and the Cobb farm to the north.

5 So with that we feel that the waiver on the
6 landscape requirement is a reasonable request and we
7 also feel that the waiver on the building setback for
8 the side yard is a reasonable request since there will
9 be that 50 foot buffer that is non-buildable between
10 the property that will be industrial and any property
11 not owned by the applicant to the north.

12 So with that we present the findings that the
13 Variance:

- 14 1. Will not adversely affect the public
15 health, safety or welfare;
- 16 2. Will not alter the essential character of
17 the general vicinity;
- 18 3. Will not cause a hazard or a nuisance to
19 the public;
- 20 4. Will not allow an unreasonable
21 circumvention of the requirements of the zoning
22 regulations.

23 The conditions that we would suggest would be:

- 24 1. Approval of a minor subdivision plat.
- 25 2. Installation of a ten foot landscape

1 buffer with a double row of staggered pines on the
2 adjoining property to the north as shown on the site
3 plan.

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

6 CHAIRMAN: Does anybody have any questions
7 from the audience?

8 (NO RESPONSE)

9 CHAIRMAN: Question from the commission?

10 (NO RESPONSE)

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

13 MR. ROGERS: Motion for approval for the
14 Variance with the findings of fact 1 through 4 with
15 Conditions 1 and 2.

16 CHAIRMAN: We've got a motion for approval by
17 Mr. Rogers.

18 MR. PEDLEY: Second.

19 CHAIRMAN: Got a second by Mr. Pedley. All in
20 favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 ITEM 7b

25 2318, 2328 Highway 81

1 Consider approval of minor subdivision plat.
Applicant: Phillip C. Crabtree

2

3 MR. HOWARD: This plat comes before you, as I
4 just stated, there was a 50 foot strip that served the
5 rear property that was currently zoned agricultural.
6 That been shifted to the north it's still, it's under
7 the minimum road front requirement, but due to the
8 fact that we're just relocating the 50 foot strip we'd
9 recommend approval of the minor subdivision plat.

10 CHAIRMAN: Any questions?

11 (NO RESPONSE)

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

14 MR. HAYDEN: Make a motion to approve the
15 Staff Recommendation.

16 CHAIRMAN: We have a motion for approval by
17 Mr. Hayden.

18 MS. MOORMAN: Second.

19 CHAIRMAN: Second by Ms. Moorman. All in
20 favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 ITEM 8

25 360 Highway 140 West, 0.41 acres

1 Consider zoning change: From R-1B Single-Family
Residential to B-4 General Business
2 Applicant: Carolyn Morgan

3 PLANNING STAFF RECOMMENDATION

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

6 FINDINGS OF FACT:

- 7 1. Staff recommends approval because the
8 proposal is in compliance with the community's adopted
9 Comprehensive Plan;
- 10 2. The subject property is located in a Rural
11 Community Plan Area, where general business uses are
12 appropriate in limited locations;
- 13 3. The proposed use of the property for
14 general business use meets the requirements of the
15 comprehensive plan in regards to nonresidential
16 development;
- 17 4. The proposal is a logical expansion of
18 existing B-4 zoning located immediately east of the
19 subject property; and,
- 20 5. The historical use and character of the
21 property is more consistent with B-4 General Business
22 zoning than the current single-family residential
23 zone.

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

1 CHAIRMAN: Is anybody representing the
2 applicant?

3 APPLICANT REP: Yes.

4 CHAIRMAN: Do we have any questions of the
5 applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Does anybody from the chair have a
8 question of the applicant?

9 (NO RESPONSE)

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

12 MR. PEDLEY: Mr. Chairman, make a motion for
13 approval based on the Staff Recommendation with
14 Findings of Fact 1 through 45.

15 CHAIRMAN: We have a motion for approval by
16 Mr. Pedley.

17 MR. APPLEBY: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: The motion carries unanimously.

22 Next item, please.

23 ITEM 9

24 7396, 7400 US Highway 231, 0.905 acres
25 Consider zoning change: From B-4 General Business,
I-2 Heavy Industrial and A-U Urban Agriculture to B-4

1 General Business
Applicant: Vishva Kalra

2

3 PLANNING STAFF RECOMMENDATIONS

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

6 CONDITIONS:

7 Submission of a minor subdivision plat to
8 redivide to the property to have each principal
9 structure on a separate tract.

10 FINDINGS OF FACT:

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

14 2. The subject property is located in a Rural
15 Community Plan Area, where general business uses are
16 appropriate in limited locations;

17 3. The proposed use on the property for a gas
18 station and antique store meets the requirements of
19 the comprehensive plan in regards to nonresidential
20 development;

21 4. The proposal is a logical expansion of
22 existing B-4 zoning on the subject property and the
23 property located immediately north; and,

24 5. The proposed redivision of the two tracts
25 will eliminate zoning compliances issues of more than

1 one principal structure on one lot and a building that
2 extends across the property line.

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

5 CHAIRMAN: Is anybody here representing the
6 applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody have any questions?

9 (NO RESPONSE)

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

12 MR. TAYLOR: Mr. Chairman, I would like to
13 excuse myself from this item.

14 CHAIRMAN: Mr. Taylor will be excused.

15 Do we have any questions before we vote?

16 (NO RESPONSE)

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

19 MR. HAYDEN: I make a motion for approval with
20 Staff Recommendations with the one condition and
21 Findings of Fact 1 through 5.

22 CHAIRMAN: We have a motion for approval by
23 Mr. Hayden.

24 MS. DIXON: Second.

25 CHAIRMAN: Second by Ms. Dixon. All in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT, WITH MR. TAYLOR
3 EXCUSING HIMSELF, RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Let the record show Mr. Taylor excused
6 himself.

7 ITEM 10

8 627 Poplar Street, 0.155 acres
9 Consider zoning change: From R-1T Townhouse to R-4DT
10 Inner-City Residential
11 Applicant: Geoffrey L. Wilson

12 PLANNING STAFF RECOMMENDATIONS

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

15 FINDINGS OF FACT:

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

19 2. The subject property is located in a
20 Central Residential Plan Area, where urban low-density
21 residential uses are appropriate in general locations;

22 3. The subject property is located in a
23 residential area with all surrounding property zoned
24 R-1T Townhouse or R-4DT Inner-City Residential;

25 4. The proposed rezoning meets the criteria
for Urban Residential Development; and,

1 5. The lot size meets minimum requirements
2 for an R-4DT zone.

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

5 CHAIRMAN: Do we have anybody here
6 representing the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Are there any questions?

9 (NO RESPONSE)

10 CHAIRMAN: Chair is ready for a motion.

11 MR. APPLEBY: Motion for approval based on the
12 Staff Recommendations and Findings of Fact 1 through
13 5.

14 CHAIRMAN: Motion for approval by Mr. Appleby.

15 MR. HAYDEN: Second.

16 CHAIRMAN: Second by Mr. Hayden. All in favor
17 raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 -----

22 DEVELOPMENT PLANS

23 ITEM 11

24 512 West Seventh Street, 0.313 acres
25 Consider approval of final development plan
26 Applicant: Diocese of Owensboro

1 MR. NOFFSINGER: Mr. Chairman, this plan has
2 been reviewed by the Planning Staff and Engineering
3 Staff. It's found to be in order and is ready for
4 consideration.

5 CHAIRMAN: Do we have anybody representing the
6 applicant?

7 MR. RINEY: Yes.

8 CHAIRMAN: Do we have any questions?

9 (NO RESPONSE)

10 CHAIRMAN: Let the record show that Mr. Riney
11 was representing the applicant.

12 Are there any questions?

13 (NO RESPONSE).

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

16 MR. MILLER: Motion to approve.

17 CHAIRMAN: Motion for approval by Mr. Miller.

18 MR. ROGERS: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item.

24 -----

25 MAJOR SUBDIVISIONS

1 ITEM 12
2 Steeplechase, 37.759 acres (Postponed October 8, 2009)
3 Consider approval of amended major subdivision
4 preliminary plat.
5 Applicant: Thompson Homes, Inc.

6 MR. NOFFSINGER: Mr. Chairman, Planning Staff
7 and Engineering Staff has reviewed this application.
8 It's found to be in order and it's ready for
9 consideration.

10 MR. PEDLEY: Mr. Chairman, I need to
11 disqualify myself from this item.

12 CHAIRMAN: Let the record show that Mr. Pedley
13 disqualified himself.

14 Are there any questions?

15 (NO RESPONSE)

16 CHAIRMAN: Any questions from the audience?

17 (NO RESPONSE)

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

20 MR. APPLEBY: Motion for approval.

21 CHAIRMAN: Motion for approval by Mr. Appleby.

22 MS. DIXON: Second.

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

25 (ALL BOARD MEMBERS PRESENT, WITH THE
26 DISQUALIFICATION OF MR. PEDLEY, RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item.

3 -----

4 MINOR SUBDIVISIONS

5 ITEM 13

6 3300 Tamarack Drive
7 Consider approval of minor subdivision plat
8 Applicant: Owensboro-Daviess County Regional Airport
9 Board

9 MR. NOFFSINGER: Mr. Chairman, the Planning
10 Staff and Engineering Staff has reviewed this plan.
11 It's found to be in order. It comes to you as an
12 exception to the subdivision regulations in that it
13 creates a 20 acre lease area where the Daviess County
14 Regional Airport and the Commonwealth of Kentucky
15 Military Department Army Corporation will enter in to
16 lease agreements to possibly build and relocate the
17 National Guard Armory here in Owensboro.

18 There is an access easement provided to the
19 property off of Tamarack Road, at the end of Tamarack
20 Road. This would be in keeping with the development
21 in and around the airport. There has been much talk
22 about in the community here for some time. So with
23 that it's ready for consideration.

24 CHAIRMAN: Is anybody representing the
25 applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Do we have any questions?

3 (NO RESPONSE)

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

6 MS. DIXON: Move to approve.

7 CHAIRMAN: Motion for approval by Ms. Dixon.

8 MS. MOORMAN: Second.

9 CHAIRMAN: Second by Mrs. Moorman. All in
10 favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 -----

14 NEW BUSINESS

15 ITEM 14

16 Amendment to the Fiscal Year 2010 Owensboro
17 Metropolitan Planning Commission budget

18 MR. NOFFSINGER: Mr. Chairman, each member has
19 been mailed a copy of the proposed budget amendments
20 and it's ready for consideration.

21 CHAIRMAN: Are there any questions?

22 (NO RESPONSE)

23 CHAIRMAN: I've already told you my thoughts
24 and ideas. Good job you all did on the regular budget
25 and the amendment is very straightforward.

1 If there are no questions, the chair is ready
2 for a motion.

3 MS. DIXON: Move to approve.

4 CHAIRMAN: Motion for approval by Ms. Dixon.

5 MR. TAYLOR: Second.

6 CHAIRMAN: Second by Mr. Taylor. All in favor
7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 The chair is ready for one final motion.

11 MS. DIXON: Move to adjourn.

12 CHAIRMAN: Ms. Dixon has a motion for
13 adjournment.

14 MS. MOORMAN: Second.

15 CHAIRMAN: Ms. Moorman has a second. All in
16 favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: We are adjourned.

19 -----

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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 the
 14 foregoing 41 typewritten pages; and that no signature
 15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
 17 2nd day of December, 2009.

18
 19 _____
 20 LYNNETTE KOLLER FUCHS
 21 OHIO VALLEY REPORTING SERVICES
 22 202 WEST THIRD STREET, SUITE 12
 23 OWENSBORO, KENTUCKY 42303

24 COMMISSION EXPIRES: DECEMBER 19, 2010
 25 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY