

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 DECEMBER 10, 2009

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 December 10, 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 Keith Evans
- 16 Martin Hayden
- 17 Rita Moorman

18 * * * * *

19 CHAIRMAN: I would like to welcome everybody
20 to the December 10th meeting of the Owensboro
21 Metropolitan Planning Commission. Will you please
22 rise. Our invocation will be given by Ms. Judy Dixon.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Our first order of business will be
25 to consider the minutes of the November 12, 2009
meeting. Are there any additions, corrections?

(NO RESPONSE)

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

1 MS. DIXON: Move to approve.

2 CHAIRMAN: Motion for approval by Ms. Dixon.

3 MS. MOORMAN: Second.

4 CHAIRMAN: Second by Ms. Moorman. All in
5 favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, Mr. Noffsinger.

9 ITEM 2

10 2010 Census Complete County Committee update.

11 MR. SILVERT: State your name, please.

12 MR. HOWARD: Brian Howard.

13 (BRIAN HOWARD SWORN BY ATTORNEY.)

14 MR. HOWARD: Since the last meeting we
15 finished the appeal process for reviewing addresses
16 for the entire county. We did send some back that we
17 requested that they relook at.

18 I'll say that the forms come out in March.
19 Census Day will be April 10, 2010. Just as a reminder
20 for everybody here and at home watching fill out your
21 census form and send it back in so that we get a
22 complete count for Owensboro and Daviess County.

23 Any questions?

24 (NO RESPONSE)

25 CHAIRMAN: Thank you.

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ZONING CHANGES

ITEM 3

Portion of 3138 Fairview Drive, 0.973 acres
Consider zoning change: From R-3MF Multi-Family
Residential to B-4 General Business
Applicant: FMU, LLC; Woodlands Plaza II, LLC;
Fairview Properties, LLC

MR. HOWARD: I'll note that all rezonings
heard tonight will be final 21 days after the meeting
unless an appeal is filed. Those appeal forms are
available on the back table, on our web site and in
the office. If an appeal is filed, then the rezone
will be forwarded to the appropriate legislative body
for final action.

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Provide a public alley connection to Villa
Point to the north with a public right-of-way granted
through the Woodlands Plaza development to Villa Point
constructed per city engineering requirements;
2. Install a left-turn lane at Access 2 as
shown on the preliminary development plan;
3. Any use within the B-4 zoning that is not
a permitted use in a P-1 zone, will require the

1 installation of a left-turn lane on Fairview Drive at
2 Access 1 as identified on the preliminary development
3 plan;

4 4. Dedicate a minimum 45' half right-of-way
5 from Villa Point to the southern portion of the
6 property as shown on the preliminary development plan
7 to allow for future upgrade on Fairview Drive to a
8 five lane cross section;

9 5. Provide screening meeting the minimum
10 requirements of the zoning ordinance where the
11 proposed residentially zoned property adjoins
12 industrially zoned property to the west and
13 commercially zoned property to the north;

14 6. Provide a street stub to the property to
15 the east as shown on the preliminary development plan;

16 7. All lighting on the subject property shall
17 be directed away from the adjoining single-family
18 residential property;

19 8. Provide a pedestrian connection to the
20 Greenbelt to the south; and,

21 9. Conduct a traffic signal warrant analysis
22 at the KY 54 and Commonwealth Court intersection.

23 FINDINGS OF FACT:

24 1. Staff recommends approval because the
25 proposal is in compliance with the community's adopted

1 Comprehensive Plan;

2 2. The B-4 zoning is proposed as an office
3 park and will be nonresidential in nature and use;

4 3. The proposal is a logical expansion of
5 existing B-4 zoning on the subject property;

6 4. The increase in B-4 zoning by 0.973 acres
7 is not a significant increase in the extent of B-4
8 zoning; and,

9 5. With the conditions as approved at the
10 September 2009 Planning Commission meeting, the
11 expansion should not overburden the capacity of
12 roadways and other necessary urban services that are
13 available in the affected area.

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

16 CHAIRMAN: Are there any questions?

17 (NO RESPONSE)

18 CHAIRMAN: If there are no questions, the
19 chair is ready for a motion.

20 MR. MILLER: Mr. Chairman, motion to approve
21 based on Planning Staff Recommendations, Conditions 1
22 through 9 and Findings of Fact 1 through a 5.

23 CHAIRMAN: Motion for approval by Mr. Miller.

24 MS. DIXON: Second.

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

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Related Item:

5 ITEM 3A

6 Professional Park at Woodlands Plaza, 4.806 acres
7 Consider approval of major subdivision preliminary
8 plat/final development plan.
Applicant: FMU, LLC; Woodlands Plaza II, LLC;
Fairview Properties, LLC

9 MR. NOFFSINGER: Mr. Chairman, this plan has
10 been reviewed by THE Planning Staff and Engineering
11 Staff. It's found to be in order. The use is
12 consistent with the zoning change that you just
13 previously recommended for approval, as well as the
14 site characteristics are consisted with the adopted
15 zoning ordinance and subdivision regulations.

16 CHAIRMAN: Is there anybody representing the
17 applicant?

18 APPLICANT REP: Yes.

19 CHAIRMAN: Does anybody have any questions?

20 (NO RESPONSE)

21 CHAIRMAN: If there are no questions, the
22 chair is ready for a motion.

23 MS. DIXON: Move to approve.

24 CHAIRMAN: Motion for approval by Ms. Dixon.

25 MR. MILLER: Second.

1 CHAIRMAN: Second by Mr. Miller. All in favor
2 raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 ITEM 4

7 1911 Old Calhoun Road, 4.0+/- acres
8 Consider zoning change: From I-1 Light Industrial to
9 I-2 Heavy Industrial
10 Applicant: Miles Farm Supply, LLC

11 PLANNING STAFF RECOMMENDATIONS

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

14 FINDINGS OF FACT:

15 1. Staff recommends approval because the
16 proposed zoning is more appropriate than the current
17 zoning;

18 2. The subject property is located in an
19 Industrial Plan Area, where heavy industrial uses are
20 appropriate in limited locations;

21 3. The existing industrial use on the subject
22 property has been active for more than 20 years; and,

23 4. The applicant proposes to expand the
24 business to include additional storage tanks on the
25 property which requires an I-2 Heavy Industrial zoning
 and a conditional use permit.

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

3 CHAIRMAN: Is anybody representing the
4 applicant?

5 MR. MEYER: Tom Meyer on behalf of Miles Farms
6 Supply.

7 MR. SILVERT: Mr. Meyer, we recognize the oath
8 you took as an attorney. You don't have to be sworn
9 in.

10 CHAIRMAN: Are there any questions?

11 (NO RESPONSE)

12 CHAIRMAN: If there are no questions, chair is
13 ready for a motion.

14 MS. DIXON: Move to approve based upon
15 Planning Staff Recommendations 1 through 4 and it is
16 in compliance with the comprehensive land use.

17 CHAIRMAN: We have a motion for approval by
18 Ms. Dixon.

19 MR. HAYDEN: Second.

20 CHAIRMAN: Second by Mr. Hayden. All in favor
21 raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 ITEM 5

1 7314, 7334 US Highway 231, 1.863 acres
2 Consider zoning change: From A-U Urban Agriculture to
3 B-4 General Business
4 Applicant: Terry Ralph

4 PLANNING STAFF RECOMMENDATIONS

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

7 CONDITION:

8 Access to the subject property shall be in
9 compliance with the minor subdivision plat approved
10 May 2004.

11 FINDINGS OF FACT:

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

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

18 3. The subject property adjoins B-4 General
19 Business zoning to the south across Old Masonville
20 Road;

21 4. The subject property is major-street
22 oriented with frontage on US Highway 231; and

23 5. The subject property is located at the
24 corner of intersecting streets.

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

1 Report into the record as Exhibit C.

2 CHAIRMAN: Is anybody representing the
3 applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Does anybody have any questions?

6 (NO RESPONSE)

7 CHAIRMAN: If there are no questions, the
8 chair is ready for a motion.

9 MR. APPLEBY: Motion for approval based on
10 Staff Recommendations with one condition and on
11 Findings of Fact 1 through 5.

12 CHAIRMAN: We have a motion for approval by
13 Mr. Appleby.

14 MS. DIXON: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

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21 NEW BUSINESS

22 ITEM 6

23 Consider approval of 2010 Filing Dates and Deadlines

24 MR. NOFFSINGER: Mr. Chairman, each member has
25 been mailed a copy of this calendar. The Board of

1 Adjustment will meet on the first Thursday of each
2 month. The Planning Commission will meet on the
3 second Thursday of each month. The only exception to
4 this is that the Planning Commission will be meet on
5 the first Thursday in April. It will be on April 1st
6 and they will follow that Board of Adjustment that
7 starts at 5. The Planning Commission will start at
8 5:30. Again, that's on April 1. It does require your
9 vote of approval.

10 CHAIRMAN: If there are no questions, the
11 chair is ready for a motion.

12 MR. HAYDEN: Make a motion to approve.

13 CHAIRMAN: Mr. Hayden has a motion of approval
14 on the schedule.

15 MR. APPLEBY: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 It looks like the chair is ready for one final
21 motion.

22 MS. DIXON: Move to adjourn.

23 CHAIRMAN: Motion for adjournment by Ms.
24 Dixon.

25 MR. HAYDEN: Second.

1 CHAIRMAN: Second by Mr. Hayden. All in favor
2 raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Merry Christmas to all.
5 We are adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 12 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 30st day of DECEMBER, 2009.

18

19

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

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COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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