

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 14, 2010

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 January 14, 2010, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 David Appleby, Secretary
10 Gary Noffsinger, Director
11 Madison Silvert, Attorney
12 Rev. Larry Hostetter
13 Tim Allen
14 Irvin Rogers
15 Wally Taylor
16 Keith Evans
17 Rita Moorman

18 * * * * *

19 CHAIRMAN: I would like to welcome everyone to
20 the January 14th meeting of the Owensboro Metropolitan
21 Planning Commission.

22 Would you please rise while Father Larry leads
23 us in our invocation and pledge of allegiance.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: Our first order of business is the
election of officers. For that I'll turn that over to
our attorney, Mr. Madison Silvert.

MR. SILVERT: Thank you, Mr. Chairman.

First, I have a couple of new members to swear

1 in and take the Kentucky Constitutional Oath of
2 office.

3 Mr. Tim Allen, Father Larry Hostetter, if you
4 all would stand and raise your right hand. You won't
5 have to repeat after me, but just say you do
6 afterwards.

7 (SWEARING IN OF TIM ALLEN AND FATHER LARRY
8 HOSTETTER.)

9 MR. SILVERT: Welcome aboard.

10 Mr. Chairman, every January we do have the
11 election of officers.

12 The first office we'll ask for nominations for
13 the office of secretary for the Planning Commission.
14 Are there any nominations for the office of secretary?

15 MR. KIRKLAND: Mr. Silvert, I would like to
16 nominate Mr. David Appleby for secretary.

17 MR. SILVERT: Is there a second?

18 MR. EVANS: Second.

19 CHAIRMAN: Second to that nomination. Are
20 there any other nominations?

21 (NO RESPONSE)

22 MR. KIRKLAND: Mr. Silvert, I move that the
23 nomination cease.

24 MR. SILVERT: Is there a second to that
25 motion?

1 MR. TAYLOR: Second.

2 MR. SILVERT: All in favor of Mr. Appleby
3 becoming secretary for this year please signify by
4 raising their hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 MR. SILVERT: Any opposed?

7 (NO RESPONSE)

8 MR. SILVERT: Congratulations, Mr. Secretary.

9 The next office is the office of vice chair.

10 Are there any nominations for vice chair?

11 MR. APPLEBY: I nominate Ward Pedley.

12 MR. SILVERT: Is there a second?

13 MR. KIRKLAND: I second.

14 MR. SILVERT: Are there any other nominations?

15 (NO RESPONSE)

16 MR. KIRKLAND: Mr. Silvert, I move that the
17 nomination cease.

18 MR. SILVERT: Is there a second?

19 MR. APPLEBY: Second.

20 MR. SILVERT: All in favor of Ward Pedley
21 becoming the vice chair.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 MR. SILVERT: All opposed.

24 (NO RESPONSE)

25 MR. SILVERT: Mr. Pedley will be the vice

1 chair.

2 Finally the Chair. Are there any nominations
3 for Chair?

4 MR. APPLEBY: I nominate Mr. Kirkland.

5 MR. TAYLOR: Second.

6 MR. SILVERT: Are there any other nominations
7 for Chair?

8 (NO RESPONSE)

9 MR. APPLEBY: Move to close the nomination.

10 MR. SILVERT: Is there a second?

11 MS. MOORMAN: Second.

12 MR. SILVERT: All in favor of Mr. Kirkland
13 being the Chair this year.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 MR. SILVERT: All opposed.

16 (NO RESPONSE)

17 MR. SILVERT: Congratulations, Mr. Chair.

18 I'll turn it back over to you.

19 CHAIRMAN: Thank you, Mr. Silvert.

20 Our next order of business is to consider the
21 minutes of the December 10, 2009 meeting. Are there
22 any corrections, additions, questions?

23 (NO RESPONSE)

24 CHAIRMAN: If not the Chair is ready for a
25 motion.

1 MR. APPLEBY: Motion for approval.

2 CHAIRMAN: Motion for approval by Mr. Appleby.

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 3

10 2010 Census Complete Count Committee update

11 MR. SILVERT: Would you state your name,
12 please?

13 MR. HOWARD: Brian Howard.

14 (BRIAN HOWARD SWORN BY ATTORNEY.)

15 MR. HOWARD: Since the update I gave last
16 month, the Planning Staff has completed a new
17 construction phase of the census by reporting all new
18 building permits that have been issued since the local
19 update of census addresses last year and the fiscal by
20 census workers. All our local information has been
21 sent and received by the Census Bureau.

22 So as a follow-up reminder, everybody here in
23 the audience tonight and watching on TV, don't forget
24 to fill out your census forms when they come in the
25 mail in April. April 10, 2010 is the official census

1 date. The information will be received and delivered
2 by December 31, 2010. Thank you.

3 CHAIRMAN: Mr. Noffsinger, we have two very
4 special retiring members of the commission that we
5 want to recognize.

6 (PRESENTATION TO TIM MILLER AND JUDY DIXON.)

7 CHAIRMAN: Mr. Noffsinger.

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9 ZONING CHANGES

10 ITEM 4

11 919 Scherm Road, 0.358+/- acres
12 Consider zoning change: From R-1B Single-Family
13 Residential to P-1 Professional/Services
14 Applicant: Kentucky Wesleyan College; Firethorn, LLC

15 MR. HOWARD: I will note that the rezoning
16 heard tonight will become final 21 days after the
17 meeting unless an appeal is filed. Those appeal forms
18 are available on the back table, in our office and on
19 the web site. If an appeal is filed, then we will
20 forward the rezoning to the appropriate legislative
21 body for their final approval.

22 PLANNING STAFF RECOMMENDATIONS

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

25 CONDITION:

Access to Scherm Road shall be limited to the

1 existing access point. No additional access to Scherm
2 Road shall be permitted.

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 P-1 zoning is proposed as an alumni
8 center for Kentucky Wesleyan College and will be
9 nonresidential in nature and use;

10 3. The proposal is a logical expansion of
11 existing B-4 zoning east of the subject property;

12 4. The increase in P-1 zoning by 0.35+/-
13 acres is not a significant increase of non-residential
14 zoning; and,

15 5. The expansion should not overburden the
16 capacity of roadways and other necessary urban
17 services that are available in the affected area.

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

20 CHAIRMAN: Do we have anybody here
21 representing the applicant?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Do we have any questions of the
24 applicant?

25 (NO RESPONSE)

1 CHAIRMAN: If not the Chair is ready for a
2 motion.

3 MR. APPLEBY: Make a motion for approval based
4 on the Staff Recommendation with the single condition
5 for access and Findings of Fact 1 through 5.

6 CHAIRMAN: We have a motion for approval by
7 Mr. Appleby.

8 MR. EVANS: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

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15 MINOR SUBDIVISIONS

16 ITEM 5

17 1655 Graves Lane
18 Consider approval of minor subdivision plat.
19 Applicant: Louella Lancaster Estate

20 MR. NOFFSINGER: Mr. Chairman, this plat comes
21 before you as an exception to the subdivision
22 regulation for Daviess County. It creates a lot that
23 meets with all minimum requirements of the subdivision
24 regulations; however, the remainder exceeds the
25 minimum depth to width ratio that is contained in the
regulations; however, the property is over ten acres

1 remaining. It's not entirely zoned agricultural,
2 which would give it an exception and it wouldn't be
3 before you, but because it's split zone it has a
4 residential zoning along the frontage of the property
5 and agricultural on the back. We had to bring it to
6 this commission for approval. However, the Planning
7 Staff would recommend that you approve this plat. It
8 also has a limitation that there would be no further
9 subdivision of the property unless it meets the
10 minimum requirements of the regulations.

11 CHAIRMAN: Is there anybody here representing
12 the applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Are there any questions?

15 (NO RESPONSE)

16 CHAIRMAN: If not the Chair is ready for a
17 motion.

18 MR. ROGERS: Motion for approval.

19 CHAIRMAN: Motion for approval by Mr. Rogers.

20 MR. APPLEBY: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

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2 NEW BUSINESS

3 ITEM 6

4 Consider approval of the Public Improvement
5 Specifications surety unit cost annual revision.

6 MR. NOFFSINGER: Mr. Chairman, the Public
7 Improvement Spec Review Committee met back early this
8 month, about a week ago in fact. We went through the
9 numbers for the per unit cost for surety. We have
10 made some minor revisions that primarily only deal
11 with the cost of manholes and the depth. The
12 committee is made up of the city and county engineer
13 as well as members of the Planning Staff. The private
14 engineer is here in the community. There are some
15 developers as well as representative of the Home
16 Builders Association. They do go over numbers. Each
17 member or each person that's there is very active in
18 going through these numbers and making suggestions.

19 It's the feeling of the committee that these
20 unit cost would adequately protective the public or
21 perspective buyers for improvements going in new
22 developments. So the Planning Staff would recommend
23 that you adopt these new per unit cost for the year.

24 CHAIRMAN: Are there any questions?

25 (NO RESPONSE)

1 CHAIRMAN: If not the Chair is ready for a
2 motion.

3 MR. APPLEBY: Motion to approve the new
4 numbers.

5 CHAIRMAN: Motion for approval by Mr. Appleby.

6 MR. EVANS: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 The Chair is ready for one final motion.

12 MR. EVANS: Move to adjourn.

13 CHAIRMAN: Motion for adjournment by Mr.
14 Evans.

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: 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 11 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 31st day of January, 2010.

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