

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 11, 2010

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 February 11, 2010, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

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16 CHAIRMAN: I would like to welcome everybody
17 to the February 11th meeting of the Owensboro
18 Metropolitan Planning Commission. Please rise. I'll
19 have our invocation and pledge of allegiance.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: Our first order of business is to
22 consider the minutes of the January 14, 2010 meeting.
23 Are there additions, corrections, questions?

24 (NO RESPONSE)

25 CHAIRMAN: If not, the Chair is ready for a

1 motion.

2 MR. PEDLEY: Motion to approve.

3 CHAIRMAN: Motion for approval by Mr. Pedley.

4 MR. EVANS: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 ITEM 2

11 2010 Census Complete Count Committee update.

12 MR. SILVERT: State your name, please.

13 MR. HOWARD: Brian Howard.

14 (BRIAN HOWARD SWORN BY ATTORNEY.)

15 MR. HOWARD: Just as a reminder the census
16 forms will be coming out in March. Census Day is
17 April 1, 2010. That's the target deadline to have
18 your forms returned to the Census Bureau.

19 Our office has also been contacted, the Census
20 Bureau is interested in acquiring some office space
21 within the community. Run basically mid March through
22 mid April where they could have a person stationed 15
23 to 20 hours a week to help people fill out their
24 forms. If anyone is interested, please contact our
25 office and we can forward that to the Census Bureau.

1 That's all for the update unless anyone has
2 any questions.

3 (NO RESPONSE)

4 CHAIRMAN: Thank you.

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6 ZONING CHANGES

7 ITEM 3

8 8206, 8212 Monarch Road; 8727, Portion of 8801 Blk,
9 Portion of 9035 Short Station Road, 160.473 acres
10 Consider zoning change: From A-R Rural Agriculture to
11 EX-1 Coal Mining

12 Applicant: Western Kentucky Minerals, Inc.; Norman
13 Fitzgerald; I.G. Mattingly, Jeff Mills; Anthony V.
14 Lanham

15 MR. HOWARD: I'll note that the rezoning heard
16 tonight will become final 21 days after the Planning
17 Commission meeting unless an appeal is filed. The
18 appeal forms are available on the back table, in our
19 office and on our website. If that is filed, then we
20 will forward the rezoning application to the
21 appropriate legislative body for the final
22 consideration of the rezoning.

23 PLANNING STAFF RECOMMENDATIONS

24 The Planning Staff recommends approval subject
25 to the findings of fact that follow:

1 FINDINGS OF FACT

2 1. Staff recommends approval because the
3 proposal is in compliance with the community's adopted
4 Comprehensive Plan.

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

8 3. The subject property is located in the
9 Rural Service Area outside of a Rural Community Plan
10 Area;

11 4. The subject property adjoins existing
12 areas of EX-1 Coal Mining zoning;

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

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

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

20 CHAIRMAN: Is there anybody representing the
21 applicant?

22 MR. SILVERT: Could you state your name,
23 please?

24 MR. HAYNES: Brian Haynes.

25 MR. SILVERT: Mr. Haynes, I recognize the oath

1 you took as an attorney.

2 MR. HAYNES: Thank you.

3 I'm Brian Haynes here on behalf of Western
4 Kentucky Minerals. I'm just here if any questions
5 come up. Tony Lanham, the owner of the company, is
6 also here for your questions.

7 CHAIRMAN: Are there any questions?

8 (NO RESPONSE)

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

11 MR. HAYDEN: Make a motion to approve with
12 Planning Staff Recommendations and Findings of Fact 1
13 through 6.

14 CHAIRMAN: Motion for approval by Mr. Hayden.

15 MR. EVANS: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

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22 MINOR SUBDIVISION

23 ITEM 4

24 9915, 9935 Highway 54

25 Consider approval of minor subdivision plat.

Ohio Valley Reporting
(270) 683-7383

1 Applicant: Joseph D. & Donna H. Howard; Joyce L.
2 Merritt & James Logsdon; City of Whitesville

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4 MR. NOFFSINGER: Mr. Chairman, this plat comes
5 before you as an exception to the subdivision

6 regulations in that the lot that's being created does
7 not have frontage on public right-of-way. However,
8 the property that's being created is a one-acre lot
9 for a home that is or has recently been constructed.
10 This home will be served by an access easement from
11 Kentucky 54.

12 Now, this lot is part of a larger farm tract.
13 There is a notation on this plat that's signed by all
14 property owners that states that there will be no
15 further subdivision of this property or any other
16 further lot creations of the remaining property unless
17 and until a street is built to meet the public
18 improvement specifications, via this access easement
19 that's created by the plat.

20 Planning Staff has reviewed this plat with the
21 applicant's engineer as well as the engineering
22 office, and we do recommend that you approve the
23 exception as stated on the plat with all notes and
24 conditions.

25 CHAIRMAN: Is there anybody representing the

1 applicant?

2 MR. RINEY: Yes.

3 MR. ROGERS: Mr. Chairman, I need to
4 disqualify myself.

5 CHAIRMAN: Let the record note that Mr. Rogers
6 is disqualifying himself.

7 Are there any questions?

8 (NO RESPONSE)

9 CHAIRMAN: If not, the Chair is ready for a
10 motion.

11 MR. PEDLEY: Motion for approval.

12 CHAIRMAN: Motion for approval by Mr. Pedley.

13 MR. APPLEBY: Second.

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

16 (ALL BOARD MEMBERS PRESENT - WITH THE
17 DISQUALIFICATION OF MR. ROGERS - RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 The Chair is ready for one final motion.

20 MR. SILVERT: Mr. Chairman, if I may.

21 Before we have that final motion, I would like
22 to recognize the Greater Owensboro Merge class is here
23 in attendance learning a little bit about our process
24 today. Just wanted to recognize them and thank them
25 for being here.

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Thank you, Mr. Silvert. Very good
2 for you to recognize the young people of Owensboro
3 that come out to view our meeting.

4 Now the Chair is ready for that final motion.

5 MR. HAYDEN: Make a motion to adjourn.

6 CHAIRMAN: Motion to adjourn by Mr. Hayden.

7 MR. ALLEN: Second.

8 CHAIRMAN: Second by Mr. Allen. All in favor
9 raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 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 8 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 12th day of February, 2010.

18

19

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

23 COMMISSION EXPIRES: DECEMBER 19, 2010

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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