The Owensboro Metropolitan Planning Commission
met in regular session at 5:30 p.m. on Thursday, May
13, 2010, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

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

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CHAIRMAN: I would like to welcome everybody
to the May 13th meeting of the Owensboro Metropolitan
Planning Commission. Will you please rise for our
invocation and pledge of allegiance will be given by
Mr. Ward Pedley.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business will be
to consider the minutes of the April 1, 2010 meeting.
Are there any questions, corrections?

(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a
motion.

MR. EVANS: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Evans.

MR. PEDLEY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 2

Consider for approval the FY 2011 OMPC budget and
salary chart.

MR. NOFFSINGER: Mr. Chairman, the budget and
salary chart has been mailed to each commissioner.

It's ready for consideration.

CHAIRMAN: Are there any comments or
questions?

(NO RESPONSE)

CHAIRMAN: I would like to make a comment to
Mr. Noffsinger.

The OMPC did not ask for any increases from
the city, the county or the City of Whitesville this
year and they will run their office on the same amount
of contributions. They have not raised their fees to

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anybody. I want to compliment you and the Staff for an outstanding job in running the office well within our budget. Thank you very much.

We need a motion on the budget.

MR. EVANS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Evans.

MR. PEDLEY: Second.

CHAIRMAN: Second by Mr. Pedley. 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

805 Hathaway Street, 0.095 acres

Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business

Applicant: Jason P. Coward

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: With all rezonings that will be heard tonight they will become final 21 days after the meeting unless an appeal is filed. Those appeal forms are available in our office, on the back table and on Ohio Valley Reporting

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our web site. If an appeal is filed, then we will forward the minutes of the meeting along with all the application materials to the appropriate legislative body for their decision.

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Approval of a consolidation plat; and,
2. All lighting shall be directed away from the residually zoned property.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Central Residential Plan Area, where general business uses are appropriate in limited locations;
3. The use as an expansion of an existing car detail shop will be nonresidential in nature and use;
4. The proposal is a logical expansion of existing B-4 zoning located south of the subject property; and,
5. At 0.095 +/- acres, the proposal is not a significant expansion of B-4 zoning and should not
overburden the capacity of roadways and other
necessary urban services that are available in the
affected area.

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

CHAIRMAN: Do we have anybody representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the
applicant?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on
Planning Staff Recommendations with Conditions 1 and 2
and Findings of Fact 1 through 5.

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

MR. MARTIN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 4

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8171 Jack Hinton Road, 60 +/- acres

Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture

Applicant: Western Kentucky Minerals, Inc.; Dorothy Barnett

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

FINDINGS OF FACT:

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

2. The subject property is located in a Rural Maintenance Plan Area, where agriculture/forestry uses are appropriate in general locations;

3. The subject property is a large tract with agricultural and forestry potential;

4. All strip-mining activity has ceased on the subject property; and,

5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the subject property shall revert to its original zoning classification after mining.

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

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CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Would the applicant like to make a statement?

MR. RHYE: No. I was going to say my name is--

MR. CHAIRMAN: Just a moment.

MR. SILVERT: Let me swear you in, sir.

(TIMOTHY RHYE SWORN BY ATTORNEY.)

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

MR. RHYE: Timothy Rhye.

I'm just here as a representative for Western Kentucky Minerals to answer any questions that the board may have.

CHAIRMAN: Thank you very much.

Does anybody in the audience have a question?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

(NO RESPONSE)

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

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

CHAIRMAN: We have 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.

MINOR SUBDIVISIONS

ITEM 5

6100 Highway 144

Consider approval of minor subdivision plat.

Applicant: Thomas Michael & Marily Wilkerson; Douglas & Tammy Dodson

MR. NOFFSINGER: Mr. Chairman, this plat comes to you as an exception to the subdivision regulations in that it takes two existing tracts. One of which is under ten acres in size, and consolidates a portion of the larger tract with the existing lot that's about four acres in size. It exceeds the depth to width
ratio on the lot that's under ten acres.
Planning Staff after reviewing this plat find
no reason why you should not approve the plat;
although, it's one I couldn't sign because it exceeded
the depth to width ratio. They're not trying to
maximize the number of lots. There are already two
lots there and the end result will be two lots. So we
would recommend you approve this plat.

CHAIRMAN: Do we have anybody representing the
applicant here?

(NO RESPONSE)

CHAIRMAN: Are there any questions?
(NO RESPONSE)

CHAIRMAN: Any comments?
(NO RESPONSE)

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

MR. APPLEBY: Motion for approval, but I think
you said that was Highway 54 instead of 144.

MR. NOFFSINGER: That's what it says on the
agenda, Highway 54. It should be Highway 144. You're
correct.

MR. CHAIRMAN: Mr. Appleby, was that a motion
for approval?

MR. APPLEBY: Yes, motion for approval.

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CHAIRMAN: Was that a motion for approval with the correction of the highway?

MR. NOFFSINGER: Yes. It should be 144 as the plat shows and not what's shown on the agenda.

CHAIRMAN: Just note a correction in the record, please.

Is there a second?

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Do we have any new business?

MR. NOFFSINGER: No, sir.

CHAIRMAN: If there's no new business, any more comments or questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for one final motion.

MR. TAYLOR: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Mr. Taylor.

MS. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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

WITNESS my hand and notary seal on this the
1st day of June, 2010.

____________________________
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

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