

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

OWENSBORO METROPOLITAN PLANNING COMMISSION

MAY 13, 2010

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

\* \* \* \* \*

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)

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

3 MR. EVANS: Motion to approve.

4 CHAIRMAN: Motion for approval by Mr. Evans.

5 MR. PEDLEY: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 ITEM 2

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

14 MR. NOFFSINGER: Mr. Chairman, the budget and  
15 salary chart has been mailed to each commissioner.  
16 It's ready for consideration.

17 CHAIRMAN: Are there any comments or  
18 questions?

19 (NO RESPONSE)

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

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

Ohio Valley Reporting

(270) 683-7383

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

4 We need a motion on the budget.

5 MR. EVANS: Motion for approval.

6 CHAIRMAN: Motion for approval by Mr. Evans.

7 MR. PEDLEY: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 -----

14 ZONING CHANGES

15 ITEM 3

16 805 Hathaway Street, 0.095 acres

Consider zoning change: From R-4DT Inner-City

17 Residential to B-4 General Business

Applicant: Jason P. Coward

18

19 MR. SILVERT: State your name, please.

20 MR. HOWARD: Brian Howard.

21 (BRIAN HOWARD SWORN BY ATTORNEY.)

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

Ohio Valley Reporting

(270) 683-7383

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

5 PLANNING STAFF RECOMMENDATIONS

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

8 CONDITIONS:

- 9 1. Approval of a consolidation plat; and,  
10 2. All lighting shall be directed away from  
11 the residentially zoned property.

12 FINDINGS OF FACT:

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

16 2. The subject property is located in a  
17 Central Residential Plan Area, where general business  
18 uses are appropriate in limited locations;

19 3. The use as an expansion of an existing car  
20 detail shop will be nonresidential in nature and use;

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

24 5. At 0.095 +/- acres, the proposal is not a  
25 significant expansion of B-4 zoning and should not

1       overburden the capacity of roadways and other  
2       necessary urban services that are available in the  
3       affected area.

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

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

8               APPLICANT REP: Yes.

9               CHAIRMAN: Do we have any questions of the  
10       applicant?

11               (NO RESPONSE)

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

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

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

19               MR. MARTIN: Second.

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

22               (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23               CHAIRMAN: Motion carries unanimously.

24               Next item.

25       ITEM 4

Ohio Valley Reporting

(270) 683-7383

1 8171 Jack Hinton Road, 60 +/- acres  
Consider zoning change: From EX-1 Coal Mining to A-R  
2 Rural Agriculture  
Applicant: Western Kentucky Minerals, Inc.; Dorothy  
3 Barnett

4 PLANNING STAFF RECOMMENDATIONS

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

9 FINDINGS OF FACT:

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

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

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

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

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

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

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Do we have 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: Would the applicant like to make a  
8 statement?

9 MR. RHYE: No. I was going to say my name is  
10 --

11 MR. CHAIRMAN: Just a moment.

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

13 (TIMOTHY RHYE SWORN BY ATTORNEY.)

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

16 MR. RHYE: Timothy Rhye.

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

20 CHAIRMAN: Thank you very much.

21 Does anybody in the audience have a question?

22 (NO RESPONSE)

23 CHAIRMAN: Does anybody on the commission have  
24 a question?

25 (NO RESPONSE)

Ohio Valley Reporting

(270) 683-7383

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

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

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

8 MR. APPLEBY: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 -----

15 MINOR SUBDIVISIONS

16 ITEM 5

17 6100 Highway 144

Consider approval of minor subdivision plat.

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

19

20 MR. NOFFSINGER: Mr. Chairman, this plat comes  
21 to you as an exception to the subdivision regulations  
22 in that it takes two existing tracts. One of which is  
23 under ten acres in size, and consolidates a portion of  
24 the larger tract with the existing lot that's about  
25 four acres in size. It exceeds the depth to width

1 ratio on the lot that's under ten acres.

2 Planning Staff after reviewing this plat find  
3 no reason why you should not approve the plat;  
4 although, it's one I couldn't sign because it exceeded  
5 the depth to width ratio. They're not trying to  
6 maximize the number of lots. There are already two  
7 lots there and the end result will be two lots. So we  
8 would recommend you approve this plat.

9 CHAIRMAN: Do we have anybody representing the  
10 applicant here?

11 (NO RESPONSE)

12 CHAIRMAN: Are there any questions?

13 (NO RESPONSE)

14 CHAIRMAN: Any comments?

15 (NO RESPONSE)

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

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

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

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

25 MR. APPLEBY: Yes, motion for approval.

Ohio Valley Reporting

(270) 683-7383

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

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

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

7           Is there a second?

8           MR. HAYDEN: Second.

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

11           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12           CHAIRMAN: Motion carries unanimously.

13           Do we have any new business?

14           MR. NOFFSINGER: No, sir.

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

17           (NO RESPONSE)

18           CHAIRMAN: Chair is ready for one final  
19 motion.

20           MR. TAYLOR: Motion to adjourn.

21           CHAIRMAN: Motion to adjourn by Mr. Taylor.

22           MS. MOORMAN: Second.

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

25           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Ohio Valley Reporting

(270) 683-7383

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN: We are adjourned.

-----

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 1st day of June, 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

25

Ohio Valley Reporting  
(270) 683-7383