

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 10, 2010

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, June
5 10, 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 Tim Allen
- 14 Irvin Rogers
- 15 Wally Taylor
- 16 Keith Evans
- 17 Martin Hayden
- 18 Rita Moorman

19 * * * * *

20 CHAIRMAN: I would like to welcome everybody

21 to our June 10 meeting of the Owensboro Metropolitan

22 Planning Commission. Will you please rise for our

23 invocation and pledge which will given by Mr. Irvin

24 Rogers.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first item of business is to consider the May 13, 2010 minutes. Are there any additions, corrections?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission have

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1 any questions?

2 (NO RESPONSE)

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

5 MR. PEDLEY: Motion to approve.

6 CHAIRMAN: Motion for approval by Mr. Pedley.

7 MR. ALLEN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

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13 ZONING CHANGES

14 ITEM 2

15 4050 US Highway 60 East, 1.736 acres

16 Consider zoning change: From B-4 General Business to
17 I-1 Light Industrial

18 Applicant: Paulette Clayton & Paula Payne

19 MR. SILVERT: State your name, please.

20 CHAIRMAN: Excuse me just a moment.

21 Just for the record that was by Mr. Allen.

22 MR. SILVERT: State your name, please.

23 MR. HOWARD: Brian Howard.

24 (BRIAN HOWARD SWORN BY ATTORNEY.)

25 MR. HOWARD: Both of the rezonings that are
heard tonight will become final 21 days after the

1 meeting date unless an appeal is filed. Those appeal
2 forms are available on the back table and in our
3 office and on the web site. If an appeal is filed,
4 then we will forward the record of the meeting and
5 that Staff Report and that information to the
6 legislative body for their final action.

7 PLANNING STAFF RECOMMENDATIONS

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

10 CONDITIONS:

11 1. Access to the subject property shall be
12 limited to a single access point;

13 2. All vehicular use areas shall be paved;
14 and,

15 3. Any outdoor storage shall be screened with
16 a minimum six foot tall solid wall or fence around the
17 entire perimeter of the storage yard.

18 FINDINGS OF FACT:

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

22 2. The subject property is located in a
23 Business Plan Area, where light industrial uses are
24 appropriate in limited locations;

25 3. The use as a portable toilet storage

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1 business is nonresidential in nature and use;

2 4. The proposal is a logical expansion of
3 existing industrial zoning located on all sides of the
4 subject property; and,

5 5. At 1.736 acres, the proposal is not a
6 significant expansion of I-1 zoning and should not
7 overburden the capacity of roadways and other
8 necessary urban services that are available in the
9 affected area.

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

12 CHAIRMAN: Is there anybody representing the
13 applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Does anybody have any questions of
16 the applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Does the applicant have a comment
19 that you would like to make?

20 APPLICANT REP: Not at this point. I believe
21 Mr. Howard covered it sufficiently.

22 CHAIRMAN: Note for the record the applicant
23 does not have a comment at this time.

24 Are there any questions of the applicant?

25 (NO RESPONSE)

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

3 MR. APPLEBY: Motion for approval based on the
4 Staff Recommendations with the three conditions and
5 Findings of Fact 1 through 5.

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

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 Next item, please.

14 ITEM 3

15 Portion of 10539 US Highway 431, 1.305 acres
Consider zoning change: From R-1A Single-Family
16 Residential and A-U Urban Agriculture to B-4 General
Business

17 Applicant: SC Development, LLC; Robert G. & Nancy
Grimsley

18

19 PLANNING STAFF RECOMMENDATIONS

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

22 CONDITIONS:

- 23 1. All vehicular use areas shall be paved and
24 appropriate vehicular use area screening shall be
25 installed where adjacent to road right-of-way;

1 2. A site plan or final development plan
2 shall be approved by the OMPC prior to the issuance of
3 any building permits;

4 3. Install a white vinyl fence a minimum of
5 six foot in height along the entire southern and
6 northern property lines of the parent tract and along
7 the east boundary of the zoned area, unless written
8 notice is provided to the OMPC from adjoining property
9 owners that adjoining property owner requests a
10 reduction;

11 4. The dumpster is to be relocated to the
12 rear of the building;

13 5. All lighting shall be directed away from
14 the residential properties;

15 6. The freestanding sign shall be relocated
16 to the northern end of the parking lot;

17 7. Any cost incurred in relocating the gas
18 line will be borne by the applicant or developer at no
19 cost to the residential property owners; and,

20 8. Landscape buffer and trees shall be
21 installed as required by the zoning ordinance.

22 FINDINGS OF FACT:

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

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

4 3. The use as a Dollar General store is
5 nonresidential in nature and use;

6 4. The proposal is a logical expansion of
7 existing B-4 General Business zoning on the subject
8 property; and,

9 5. At 1.305 acres, the proposal is not a
10 significant expansion of B-4 zoning and should not
11 overburden the capacity of roadways and other
12 necessary urban services that are available in the
13 affected area.

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

16 CHAIRMAN: Is there anybody representing the
17 applicant?

18 MR. KAMUF: Yes, sir, Mr. Chairman. I'm here
19 along with the owner and the engineer to answer any
20 questions. I'll be glad to give you a five minute
21 talk, but I don't think it's necessary.

22 CHAIRMAN: At this point in time let us call
23 on you later.

24 Are there any questions of the applicant?

25 Yes, ma'am.

1 MR. SILVERT: Would you state your name,
2 please.

3 MS. STILWELL: My name is Cynthia Stilwell.
4 (CYNTHIA STILWELL SWORN BY ATTORNEY.)

5 MS. STILWELL: For the record, once again I am
6 opposed to rezoning of this property to a business
7 zone. Now that I've said that, realizing that it has
8 done no good and you will rezone this property anyway,
9 I'm here to make sure that all the conditions made and
10 farce of the meeting in April 2008 still apply, which
11 Mr. Howard has read so I'm assuming they will do.

12 We are in hopes that the Dollars General Store
13 Corporation operate in good faith and maintain the
14 fence for as long as they own the property, and we
15 transfer that responsibility to whomever may own the
16 property next. Hopefully the Dollar General Store
17 Corporation will take better care of the entire
18 property and will be a better neighbor than the
19 current owner has been and has done. Thank you.

20 CHAIRMAN: Yes, ma'am.

21 MR. SILVERT: State your name for the record.

22 MR. KAMUF: Charles Kamuf.

23 MR. SILVERT: You've been duly sworn.

24 CHAIRMAN: Mr. Kamuf, I believe she had some
25 concerns.

1 MR. KAMUF: We'll abide by all of the
2 conditions. I might point out that one of the
3 requirements after the rezoning with Fiscal Court said
4 that we should have the entrance approved by the
5 Department of Highways. We have that. I will present
6 that tonight. We have a bond. The property will be
7 purchased by Susan Cox Development Company for the
8 purpose of putting a Dollar General. We'll live up to
9 all the conditions that we're supposed to.

10 CHAIRMAN: Thank you, Mr. Kamuf. Do you have
11 a copy of the --

12 MR. KAMUF: Conditions.

13 CHAIRMAN: A copy of the Highway Department?

14 MR. KAMUF: I do.

15 CHAIRMAN: Would you just submit that for the
16 record.

17 While you're submitting that, ma'am, would you
18 return to the podium.

19 Did Mr. Kamuf address the needs or questions
20 that you had?

21 MS. STILWELL: Yes.

22 CHAIRMAN: He understands the nature of the
23 binding of the requirements. Obviously you're the
24 neighbor. We just want to make sure that you're
25 comfortable with his statement.

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1 MS. STILWELL: I understand that he
2 understands the conditions and they will be met.

3 CHAIRMAN: Thank you. You have no further
4 questions?

5 MS. STILWELL: No, sir.

6 CHAIRMAN: Thank you.

7 MR. KAMUF: I'll be glad to file this as part
8 of the record.

9 CHAIRMAN: Would you go ahead and do that,
10 Mr. Kamuf.

11 MR. KAMUF: Yes, sir.

12 CHAIRMAN: Mr. Kamuf, I assume that concludes
13 your presentation?

14 MR. KAMUF: Yes, sir.

15 CHAIRMAN: Thank you.

16 Are there any questions by anybody else?

17 (NO RESPONSE)

18 CHAIRMAN: Any questions from anybody on the
19 commission?

20 (NO RESPONSE)

21 CHAIRMAN: Any questions from anybody else in
22 the audience?

23 (NO RESPONSE)

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

1 MR. ROGERS: Motion for approval based on
2 Planning Staff Recommendations with the Conditions 1
3 through 8 and the Finding of Facts 1 through 5.

4 CHAIRMAN: We've got a motion for approval by
5 Mr. Rogers.

6 MR. PEDLEY: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

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13 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

14 ITEM 4

15 Emma's River Ridge, 3.30 acres

16 Consider approval of major subdivision preliminary
17 plat/final development plan.

18 Applicant: Floyd & Jan Hillis

19 MR. NOFFSINGER: Mr. Chairman, this plan has
20 been reviewed by the Planning Staff and Engineering
21 Staff. It's found to be in order. The use of the
22 property is consistent with the underlying zoning as
23 well as the adopted Comprehensive Plan and is ready
24 for your consideration at this time.

25 CHAIRMAN: Do we have anybody representing the
applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Do we have any questions of anybody
3 in the audience of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Does anybody from the commission
6 have a question?

7 MR. SILVERT: State your name.

8 MR. RINEY: Jim Riney.

9 (JIM RINEY SWORN BY ATTORNEY.)

10 MR. RINEY: Quick to the point.

11 Just for the record. Within the last few days
12 the property has been deeded and the document has been
13 changed and the owner is Emma's River Ridge, LLC just
14 so the record is correct. Mr. and Mrs. Hillis are
15 here, but the owner is that name.

16 CHAIRMAN: Mr. Noffsinger, is that a problem?

17 MR. NOFFSINGER: Not from my standpoint, no.

18 CHAIRMAN: Let the record read the changes
19 made by Mr. Riney.

20 If there are no further comments or questions,
21 the chair is ready for a motion.

22 MR. PEDLEY: Motion for approval.

23 CHAIRMAN: Motion for approval by Mr. Pedley.

24 MR. TAYLOR: Second.

25 CHAIRMAN: Second by Mr. Taylor. All in favor

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1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

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6 MAJOR SUBDIVISIONS

7 ITEM 5

8 6829, 6853 Highway 54

Consider approval of minor subdivision plat.

9 Applicant: Mark & Traci Mansfield

10 MR. NOFFSINGER: Mr. Chairman, Planning Staff
11 and Engineering Staff has reviewed this plat. The
12 plat is found to be in order. The plat comes to you
13 to recreate existing lots as they were prior to a
14 consolidation. In doing so, recreated the lots. The
15 lots will exceed the three to one depth to width ratio
16 slightly; however, it is putting the property back to
17 the way it was and Staff would recommend it's
18 approval.

19 CHAIRMAN: Is anybody here representing the
20 applicant?

21 APPLICANT REP: Yes.

22 CHAIRMAN: Does anybody have any questions of
23 the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Anybody on the commission?

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1 (NO RESPONSE)

2 CHAIRMAN: Does the applicant have any kind of
3 statement?

4 APPLICANT REP: Not unless needed.

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

7 MR. APPLEBY: Motion for approval.

8 CHAIRMAN: Motion for approval by Mr. Appleby.

9 MS. MOORMAN: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 ITEM 6

16 9050, 9096, 9108, 9116, 9122 Highway 54
Consider approval of minor subdivision plat.

17 Applicant: Darrell Ray Fuqua

18 MR. NOFFSINGER: Mr. Chairman, Planning Staff
19 and Engineering Staff has reviewed this plat. It's
20 found to be in order. The plat comes to you as an
21 exception to the subdivision regulations in that it
22 creates one development tract of land that's under ten
23 acres in size. That will exceed the depth to width
24 ratio slightly; however, the reason and justification
25 by the applicant for this request is that the land

1 falls off tremendously there at Highway 54 and the
2 actual building site on the property will be toward
3 the rear of this property. We don't think they're
4 trying to maximize the number of lots they can get, in
5 that they're only creating one development tract. So
6 due to the topography of the area and the applicant's
7 plan to develop the property we would recommend it's
8 approval.

9 CHAIRMAN: Is anybody here representing the
10 applicant?

11 APPLICANT REP: Yes.

12 CHAIRMAN: Does anybody have any questions of
13 the applicant?

14 (NO RESPONSE)

15 CHAIRMAN: Anybody from the commission have
16 any questions?

17 (NO RESPONSE)

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

20 MR. APPLEBY: Motion for approval.

21 CHAIRMAN: Motion for approval by Mr. Appleby.

22 MR. ROGERS: Second.

23 CHAIRMAN: Mr. Rogers has a second. All in
24 favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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1 CHAIRMAN: Motion carries unanimously.
2 We have one final item and that would be
3 motion for adjournment.
4 MR. EVANS: Move to adjourn.
5 CHAIRMAN: Move to adjourn by Mr. Evans.
6 MR. TAYLOR: Second.
7 CHAIRMAN: Second by Mr. Taylor. All in favor
8 raise your right hand.
9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
10 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 16 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 30th 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

COMMISSION EXPIRES: DECEMBER 19, 2010

23

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

24

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