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

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CHAIRMAN: I would like to welcome everybody to our June 10 meeting of the Owensboro Metropolitan Planning Commission. Will you please rise for our invocation and pledge which will given by Mr. Irvin Rogers.

(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
any questions?

(NO RESPONSE)

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

MR. PEDLEY: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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ZONING CHANGES

ITEM 2

4050 US Highway 60 East, 1.736 acres
Consider zoning change: From B-4 General Business to I-1 Light Industrial

Applicant: Paulette Clayton & Paula Payne

MR. SILVERT: State your name, please.

CHAIRMAN: Excuse me just a moment.

Just for the record that was by Mr. Allen.

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

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

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

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

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

2. All vehicular use areas shall be paved;

and,

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

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
   Business Plan Area, where light industrial uses are
   appropriate in limited locations;

3. The use as a portable toilet storage

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business is nonresidential in nature and use;

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

5. At 1.736 acres, the proposal is not a
significant expansion of I-1 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: Is there anybody representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of
the applicant?

(NO RESPONSE)

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

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

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

Are there any questions of the applicant?

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

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

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

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.

Next item, please.

ITEM 3

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

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

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

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

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

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

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

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

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

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

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

FINDINGS OF FACT:

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

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

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

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

5. At 1.305 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 B.

CHAIRMAN: Is there anybody representing the applicant?

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

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

Are there any questions of the applicant?

Yes, ma'am.
MR. SILVERT: Would you state your name, please.

MS. STILWELL: My name is Cynthia Stilwell.

(CYNTHIA STILWELL SWORN BY ATTORNEY.)

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

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

CHAIRMAN: Yes, ma'am.

MR. SILVERT: State your name for the record.

MR. KAMUF: Charles Kamuf.

MR. SILVERT: You've been duly sworn.

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

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

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

MR. KAMUF: Conditions.

CHAIRMAN: A copy of the Highway Department?

MR. KAMUF: I do.

CHAIRMAN: Would you just submit that for the record.

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

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

MS. STILWELL: Yes.

CHAIRMAN: He understands the nature of the binding of the requirements. Obviously you're the neighbor. We just want to make sure that you're comfortable with his statement.
MS. STILWELL: I understand that he understands the conditions and they will be met.

CHAIRMAN: Thank you. You have no further questions?

MS. STILWELL: No, sir.

CHAIRMAN: Thank you.

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

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

MR. KAMUF: Yes, sir.

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

MR. KAMUF: Yes, sir.

CHAIRMAN: Thank you.

Are there any questions by anybody else?

(NO RESPONSE)

CHAIRMAN: Any questions from anybody on the commission?

(NO RESPONSE)

CHAIRMAN: Any questions from anybody else in the audience?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MR. ROGERS: Motion for approval based on Planning Staff Recommendations with the Conditions 1 through 8 and the Finding of Facts 1 through 5.

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

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.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 4

Emma's River Ridge, 3.30 acres

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

Applicant: Floyd & Jan Hillis

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

CHAIRMAN: Do we have anybody representing the applicant?
APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have a question?

MR. SILVERT: State your name.

MR. RINEY: Jim Riney.

(JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: Quick to the point.

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

CHAIRMAN: Mr. Noffsinger, is that a problem?

MR. NOFFSINGER: Not from my standpoint, no.

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

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

MR. PEDLEY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MAJOR SUBDIVISIONS

ITEM 5

6829, 6853 Highway 54

Consider approval of minor subdivision plat.

Applicant: Mark & Traci Mansfield

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?
(NO RESPONSE)

CHAIRMAN: Does the applicant have any kind of statement?

APPLICANT REP: Not unless needed.

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

9050, 9096, 9108, 9116, 9122 Highway 54

Consider approval of minor subdivision plat.

Applicant: Darrell Ray Fuqua

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

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
We have one final item and that would be motion for adjournment.
MR. EVANS: Move to adjourn.
CHAIRMAN: Move to adjourn by Mr. Evans.
MR. TAYLOR: Second.
CHAIRMAN: Second by Mr. Taylor. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
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 16 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 30th 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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