The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, September 9, 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
Rita Moorman

CHAIRMAN: I want to welcome everyone to the September 9, 2010, meeting of the Owensboro Metropolitan Planning Commission. Will you please rise while our invocation is given by Mr. Tim Allen.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Mr. Silvert has made me aware that there's some members of our new emerge class here. Want to welcome you all. Appreciate you coming and seeing how other aspects of the government work and appointing people by your elected officials to run different agencies.
Our first order of business is to consider the minutes of the August 12, 2010 meeting. Are there any additions, correct, questions?

(NO RESPONSE)

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

MR. EVANS: Motion to approve.

MR. PEDLEY: Second.

CHAIRMAN: Mr. Evans has a motion to approve. A second by Mr. Pedley. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger:

ITEM 2

Executive Director Report: OMPC Fiscal Year 2010 Activity Report and Survey Responses

MR. NOFFSINGER: Mr. Chairman, within the last week you've been mailed a copy of what I'm about to talk about so I'm going to make it very brief. It would take too long to go over every little item. Just to give the public an idea of some of the activities in the planning office for the last fiscal year ending June 30, 2010.

Planning Commission considered a total of 22
zoning changes. Nine of these were in the city, 

thirteen in the county.

The Planning Staff reviewed 134 minor 
subdivision plats. Forty of these were in the city, 
94 in the county.

Also the Board of Adjustment considered 31 
conditional use permits and 13 variance request 
applications.

We also estimated that we issued about 25 new 
addresses where people would have called in by 
television.

For the building department in the last fiscal 
year we issued 272 new residential single family 
permits. 175 of these were in the city. 97 were 
outside the City of Owensboro in Daviess County. We 
had 61 non-residential project permit issued. We had 
a total of 348 residential additions; garage, storage 
buildings, things like that. That's a pretty high 
number. You see more additions to existing homes. 
We're seeing that number on increase more as 
single-family residences is being constructed.

We had a total of 1,117 electrical permits and 
a total building permits 974.

Now, the inspection stat of three inspectors 
handle a total of 6,563 inspections between the three
inspectors.

So there's quite a bit of case activity that takes places on a daily basis by the Planning Staff. Very little of that activity actually comes before the Planning Commission, which this Commission primarily hears zoning changes and developments that are preliminary in nature and just getting off the ground.

Just thought it'd be useful to educate the public as well as to go over with the Planning Commission what the activity has been the last fiscal year.

Also on the evaluations, I'm not going to go into those, but I've very pleased with the evaluations that were handed back to us. We had an Exit Survey in the office. Whenever folks leave, they're given an Exit Survey and they're asked to please fill that out. We had a very good rating on those, as well as with each building certificate or building occupancy permit and electrical certificate I send out a survey. We don't get many of them back. Not as many as I would like, but for the ones we do it shows that inspection staff is doing a very good job of the inspection program.

I'll entertain any questions you might have.

CHAIRMAN: Mr. Noffsinger, on behalf of the Ohio Valley Reporting

(270) 683-7383
Commission, I want to thank you. This is an ongoing survey and comments is something that you set up and you follow through yearly. I think it lets the Commission and the public know about how the office is doing and how the office is responding to situations on the job. With the results of the surveys we're very pleased. Thank you very much and thanks to the Staff.

If there are no further comments, the chair is ready for the next item.

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ZONING CHANGES

ITEM 3

523, 529, 531, 533 Leitchfield Road, 0.769 acres
Consider zoning change: From B-4 General Business and R-4DT Inner-City Residential to B-5 Business/Industrial

Applicant: J.E.D. Rentals Family Partnership, LTD

MR. SILVERT: Would you state your name, please?

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that the rezonings heard tonight will become final 21 days after the meeting unless an appeal is filed. Those appeal forms are available on the back table, on our website and in the office. If an appeal is filed, then the rezoning

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will be forwarded to the appropriate 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 Leitchfield Road shall be limited to the existing access drive/alley on the south side of the subject property. No additional access to Leitchfield Road shall be permitted; and,

2. A six foot solid wall or fence is required around the entire perimeter of an outdoor storage yard and one tree per 40 linear feet is required along the Leitchfield Road frontage where adjoining residential zoning.

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 within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;

3. The subject property lies within an existing area of mixed industrial and commercial zoning.

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zoning;
4. The Comprehensive Plan provides for the
continuance of mixed use areas; and,
5. The proposed land use for the subject
property is in compliance with the criteria for a
Business/Industrial Plan Area and a B-5
Business/Industrial zoning classification.

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

CHAIRMAN: Do we have someone representing the
applicant?

MR. DAVIS: Yes.

CHAIRMAN: Do we have any questions of the
applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any questions by the
Commission?

(NO RESPONSE)

CHAIRMAN: Do you want to make a statement?

MR. DAVIS: Yes, sir.

CHAIRMAN: Please step to the mike.

MR. SILVERT: Would you state your name, please?

MR. DAVIS: Paul Davis.

(PAUL DAVIS SWORN BY ATTORNEY.)
MR. DAVIS: The fencing surrounding the property it says it needs be a solid wall or solid fencing surrounding the entire property. What we've got, we own all the property around it as of now. The warehouses and the fenced in area at the end of Fifth Street and Leitchfield Road. We were wanting to just fence it in because we have Night Hawk Security to keep an eye on it and we was wanting to try to keep it from being a solid wall, solid fencing. We have no problem with doing the trees. We was just wanting to for security purposes to keep it open.

The lot is only going to be used just for equipment parked up there and to kind of take some of the -- all the stuff that's off the lower lot. That's what that lot is going to be used for up there. That's what we were just trying to -- the perimeter fencing, we was wanting a clarification of does it have to be a solid complete no see through fence or can it just be a 6 foot chain-link fence with the barbwire around the top and open?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: It will have to be a 6 foot high solid wall fence. There is an opacity requirement of 80 percent. So a chain-link fence on its own would not meet the screening requirement. It
would have to have some type of screening fabric I believe that would pretty well make it hard to see through there.

The Planning Staff can further answer your questions as you go along with this project, but this is not a special condition to your zoning change. This is a condition or a requirement of the zoning ordinance that this board cannot waive. That's there simply for your education. I notice in the applicant's findings you've stated you'll have a 6 foot high continuous solid wall or fence around the perimeter.

MR. DAVIS: Yes, sir.

MR. NOFFSINGER: Anything short of what the ordinance requires would require you to make application for a variance. That would go to the Board of Adjustment for consideration.

MR. DAVIS: Well, with us paying security, if you make it a solid fence all the way around, then the security can't see in. We have no problem with the trees and stuff. That's why I was asking that question.

CHAIRMAN: Down there, Mr. Davis, do you all have any gating?

MR. DAVIS: On this piece of property that
we're rezoning?

CHAIRMAN: Yes.

MR. DAVIS: The only gating will be towards
the back by Mudd's warehouse. On the other fence
there's a gate where you go straight through into one.
It will not access Leitchfield Road. The only one
that will access Leitchfield Road is the fencing or
the gate that's at the end of Fifth Street.

CHAIRMAN: Mr. Noffsinger, on this gating,
it's not required to be solid, is it?

MR. NOFFSINGER: It is required to be solid.

MR. DAVIS: The gating is also?

MR. NOFFSINGER: Yes, sir.

MR. DAVIS: The tree buffer is only 40 foot in
the front facing Leitchfield Road, correct?

MR. NOFFSINGER: That is correct.

MR. DAVIS: When you do the trees and there's
power lines down through there, why would we plant
trees underneath the power lines that's going down
Leitchfield Road?

MR. NOFFSINGER: You'll have to plant trees
that would be compatible with power lines in the area.
You plant trees in an ornamental type nature. They
don't grow as tall. You have to be selected. You
can't just plant any tree under the power line.
Again, Planning Staff will work with you on that in the office.

MR. DAVIS: If I get with Jim Mischel, he'll be able to give me everything?

MR. NOFFSINGER: Yes, sir.

MR. DAVIS: Thank you all very much.

CHAIRMAN: Thank you, Mr. Davis.

Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Commission have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval based on the Staff's recommendations with the two conditions and Findings of Fact 1 through 5.

CHAIRMAN: We have a motion for approval 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: The motion carries unanimously.

Next item, please.

ITEM 4

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215 East 18th Street, 0.57 +/- acres

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

Applicant: Universal Service Supply, III, Inc.; D'Four, LLC

MR. NOFFSINGER: Mr. Chairman, I have a letter from the applicant's attorney requesting that this item be postponed until the October 14, 2010 meeting. That will require a vote by this commission to postpone.

CHAIRMAN: There's a letter for postponement. Do we have a motion?

MR. ALLEN: Motion to postpone.

CHAIRMAN: Mr. Allen has a motion for postponement.

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.

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MINOR SUBDIVISIONS

ITEM 5

2064 Hill Bridge Road, 4.732 acres

Consider approval of minor subdivision plat.

Applicant: Robert Moorman

MR. NOFFSINGER: Mr. Chairman, this plat comes
to you with an except to the subdivision regulations and zoning ordinance in that it creates a lot that does not have frontage on the public right-of-way. However, this property is part of a subdivision, Deer Valley, that has been preliminary and plans have been approved for that development. They are asking for this to take place so that they can acquire the property. I think there are some uses that they may put to it, but they understand that it's just -- you can't build on it. You can't get any building permits for structures on the property. I think, again, they just want to use it for a borrow pit for dirt and whatnot and they need to acquire the property. Since it can't be developed as a lot without frontage, we would recommend that it be approved.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item would be motion for adjournment. Do we have one?

MR. ALLEN: Motion to adjourn.

CHAIRMAN: Mr. Allen has a motion for adjournment.

MR. EVANS: Second.

CHAIRMAN: Second by Mr. Evans. 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 14 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
5th day of October, 2008.

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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