

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 9, 2010

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 September 9, 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 Rev. Larry Hostetter
- 14 Tim Allen
- Irvin Rogers
- Wally Taylor
- Keith Evans
- Rita Moorman

\* \* \* \* \*

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: Mr. Silvert has made me aware that  
21 there's some members of our new emerge class here.  
22 Want to welcome you all. Appreciate you coming and  
23 seeing how other aspects of the government work and  
24 appointing people by your elected officials to run  
25 different agencies.

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1                   Our first order of business is to consider the  
2 minutes of the August 12, 2010 meeting. Are there any  
3 additions, correct, questions?

4                   (NO RESPONSE)

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

7                   MR. EVANS: Motion to approve.

8                   MR. PEDLEY: Second.

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

12                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13                   CHAIRMAN: Motion carries unanimously.

14                   Next item, Mr. Noffsinger:

15                   ITEM 2

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

17

18                   MR. NOFFSINGER: Mr. Chairman, within the last  
19 week you've been mailed a copy of what I'm about to  
20 talk about so I'm going to make it very brief. It  
21 would take too long to go over every little item.

22                   Just to give the public an idea of some of the  
23 activities in the planning office for the last fiscal  
24 year ending June 30, 2010.

25                   Planning Commission considered a total of 22

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1 zoning changes. Nine of these were in the city,  
2 thirteen in the county.

3 The Planning Staff reviewed 134 minor  
4 subdivision plats. Forty of these were in the city,  
5 94 in the county.

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

9 We also estimated that we issued about 25 new  
10 addresses where people would have called in by  
11 telephone.

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

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

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

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1 inspectors.

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

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

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

24           I'll entertain any questions you might have.

25           CHAIRMAN: Mr. Noffsinger, on behalf of the

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1 Commission, I want to thank you. This is an ongoing  
 2 survey and comments is something that you set up and  
 3 you follow through yearly. I think it lets the  
 4 Commission and the public know about how the office is  
 5 doing and how the office is responding to situations  
 6 on the job. With the results of the surveys we're  
 7 very pleased. Thank you very much and thanks to the  
 8 Staff.

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

11 -----

12 ZONING CHANGES

13 ITEM 3

14 523, 529, 531, 533 Leitchfield Road, 0.769 acres  
 Consider zoning change: From B-4 General Business and  
 15 R-4DT Inner-City Residential to B-5  
 Business/Industrial

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

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

19 MR. HOWARD: Brian Howard.

20 (BRIAN HOWARD SWORN BY ATTORNEY.)

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

1 will be forwarded to the appropriate legislative body  
2 for their final action.

3 PLANNING STAFF RECOMMENDATIONS

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

6 CONDITIONS:

7 1. Access to Leitchfield Road shall be  
8 limited to the existing access drive/alley on the  
9 south side of the subject property. No additional  
10 access to Leitchfield Road shall be permitted; and,

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

16 FINDINGS OF FACT:

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

20 2. The subject property is located within a  
21 Business/Industrial Plan Area, where general business  
22 and light industrial uses are appropriate in general  
23 locations;

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

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1 zoning;

2 4. The Comprehensive Plan provides for the  
3 continuance of mixed use areas; and,

4 5. The proposed land use for the subject  
5 property is in compliance with the criteria for a  
6 Business/Industrial Plan Area and a B-5  
7 Business/Industrial zoning classification.

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

10 CHAIRMAN: Do we have someone representing the  
11 applicant?

12 MR. DAVIS: Yes.

13 CHAIRMAN: Do we have any questions of the  
14 applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Do we have any questions by the  
17 Commission?

18 (NO RESPONSE)

19 CHAIRMAN: Do you want to make a statement?

20 MR. DAVIS: Yes, sir.

21 CHAIRMAN: Please step to the mike.

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

24 MR. DAVIS: Paul Davis.

25 (PAUL DAVIS SWORN BY ATTORNEY.)

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

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

21                 CHAIRMAN: Mr. Noffsinger.

22                 MR. NOFFSINGER: It will have to be a 6 foot  
23          high solid wall fence. There is an opacity  
24          requirement of 80 percent. So a chain-link fence on  
25          its own would not meet the screening requirement. It

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1 would have to have some type of screening fabric I  
2 believe that would pretty well make it hard to see  
3 through there.

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

13 MR. DAVIS: Yes, sir.

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

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

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

25 MR. DAVIS: On this piece of property that

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1 we're rezoning?

2 CHAIRMAN: Yes.

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

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

11 MR. NOFFSINGER: It is required to be solid.

12 MR. DAVIS: The gating is also?

13 MR. NOFFSINGER: Yes, sir.

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

16 MR. NOFFSINGER: That is correct.

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

21 MR. NOFFSINGER: You'll have to plant trees  
22 that would be compatible with power lines in the area.  
23 You plant trees in an ornamental type nature. They  
24 don't grow as tall. You have to be selected. You  
25 can't just plant any tree under the power line.

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1 Again, Planning Staff will work with you on that in  
2 the office.

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

5 MR. NOFFSINGER: Yes, sir.

6 MR. DAVIS: Thank you all very much.

7 CHAIRMAN: Thank you, Mr. Davis.

8 Are there any questions of the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Commission have any questions?

11 (NO RESPONSE)

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

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

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

19 MR. ROGERS: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: The motion carries unanimously.

24 Next item, please.

25 ITEM 4

1 215 East 18th Street, 0.57 +/- acres  
 Consider zoning change: From B-4 General Business to  
 2 I-1 Light Industrial  
 Applicant: Universal Service Supply, III, Inc. ;  
 3 D'Four, LLC

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

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

11 MR. ALLEN: Motion to postpone.

12 CHAIRMAN: Mr. Allen has a motion for  
 13 postponement.

14 MR. APPLEBY: Second.

15 CHAIRMAN: Second by Mr. Appleby. All in  
 16 favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 -----

21 MINOR SUBDIVISIONS

22 ITEM 5

23 2064 Hill Bridge Road, 4.732 acres  
 Consider approval of minor subdivision plat.

24 Applicant: Robert Moorman

25 MR. NOFFSINGER: Mr. Chairman, this plat comes

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

16 CHAIRMAN: Is anybody here representing the  
17 applicant?

18 APPLICANT REP: Yes.

19 CHAIRMAN: Does anybody have any questions?

20 (NO RESPONSE)

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

23 MR. APPLEBY: Motion for approval.

24 CHAIRMAN: Motion for approval by Mr. Appleby.

25 MS. MOORMAN: Second.

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1                   CHAIRMAN:  Second by Ms. Moorman.  All in  
2                   favor raise your right hand.  
3                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
4                   CHAIRMAN:  Motion carries unanimously.  
5                   Next item would be motion for adjournment.  Do  
6                   we have one?  
7                   MR. ALLEN:  Motion to adjourn.  
8                   CHAIRMAN:  Mr. Allen has a motion for  
9                   adjournment.  
10                  MR. EVANS:  Second.  
11                  CHAIRMAN:  Second by Mr. Evans.  All in favor  
12                  raise your right hand.  
13                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
14                  CHAIRMAN:  We are adjourned.

15                   -----

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

16 WITNESS my hand and notary seal on this the  
17 5th day of October, 2008.

18  
19 \_\_\_\_\_  
20 LYNNETTE KOLLER FUCHS  
21 OHIO VALLEY REPORTING SERVICES  
22 202 WEST THIRD STREET, SUITE 12  
23 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES: DECEMBER 19, 2010

23 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

24

25

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