The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, October 14, 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
Rita Moorman

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CHAIRMAN: I would like to welcome everybody to the October 14th meeting of the Owensboro Metropolitan Planning Commission. Would you please rise while Father Larry gives our invocation and pledge of allegiance.

(INOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the September 9, 2010 meeting. Are there any additions, corrections, 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. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES

ITEM 2

215 East 18th Street, 0.57 +/- acres (Postponed at the September 9, 2010 meeting)

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

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

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

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

MS STONE: Before reading the recommendation, I would just like to remind the Board that the Planning Commission recommendation will become final in 21 days unless someone files an appeal before the legislative body to decide the zoning change.

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PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

The existing access to East 18th Street shall be closed and replaced with curb and gutter, grass strip and sidewalk. Access to J.R. Miller Boulevard shall be limited to the existing indirect access via the frontage road.

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 of the property for a heating and air wholesale supply company is nonresidential in use;

4. The proposal is a logical expansion of existing I-1 Light Industrial zoning located across J.R. Miller Boulevard to the east;

5. At approximately 0.57 acres, the expansion of I-1 Light Industrial zoning will not significantly increase the extent of industrial uses in the vicinity; and,

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6. With the closure of access to East 18th Street and indirect access only to J.R. Miller Boulevard, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. STONE: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Is there anybody representing the applicant?

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

MR. THACKER: John Thacker.

MR. SILVERT: Mr. Thacker, we recognize the oath you took as an attorney.

MR. THACKER: Thank you.

My name is John Thacker, and I do represent the applicant, Universal Service Supply.

Just to give you some background. Universal Service Supply owns and operates two John Stone Supply, Inc. stores. One is in Evansville and the other is in Terre Haute. These two businesses are owned by Larry and Debbie Vanderbilt. They're back here tonight.

They opened their first store in Evansville, I think, in 1993. Then they opened a store in Terre
Haute in 2007. Now they're looking to open a new store here in Owensboro.

CHAIRMAN: Mr. Thacker, obviously you're doing a good job in preparation of the history and things, but why don't we just see if anybody on the Commission has questions of your applicant so we can go right to the questions rather than put you in the middle. Would that be okay with you?

MR. THACKER: That would be fine.

CHAIRMAN: Does anybody on the commission or staff have any questions?

(NO RESPONSE)

CHAIRMAN: Do you have any questions or anything?

MR. THACKER: Obviously I'm prepared to make presentation, but our critical thing is that the 18 Street access really needs to stay open. That's a critical element for my clients. So if I need to address that further, I would be happy to do so.

This property was rezoned back in 1992 from I-1 to B-4 and the Staff at that time recommended that the 18th Street access be closed. The board voted to keep it open. We're going from B-4 now to I-1, which it will be wholesale. Be less ingress and egress than B-4.
CHAIRMAN: Do you happen to have some charts or something you want to use?

MR. THACKER: I do have something.

CHAIRMAN: Would you bring those forward at this time and we'll take a look at those.

MR. THACKER: I guess the first thing I'd just like to show the Commission is this a picture of their facility in Terre Haute. The property that is the subject of this rezoning application is in an area that --

MR. SILVERT: Sorry, Mr. Thacker, I don't want to interrupt you too much, but the people at home watching our large viewership cannot hear you if you don't have the microphone.

MR. THACKER: I wanted to point out that the area in which this property is located there are a lot of vacancies in these buildings in the blocks around. I've got pictures of the -- those two pictures there depict the current state of the property. It would be a tremendous benefit for our community to get that property cleaned up.

They do have a rendering of the improvements to that building. The upper part and to the left would be the frontage on 18th Street. This lower part is the side that would face out toward the old

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abandoned Lewis Street area and J.R. Miller.

Along 18th Street I want to point out, what I've outlined in black, this area, is the subject building. The street going is 18th Street and then J.R. Miller is this street right here.

These properties up and down 18th Street all have access to, virtually every one of them has access to --

CHAIRMAN: Exactly where is the exit we're going to close there, Mr. Thacker, or proposed to close?

MR. THACKER: The proposal --

CHAIRMAN: Right there?

MR. THACKER: Yes, sir.

CHAIRMAN: How much traffic do they anticipate daily?

MR. THACKER: It's strictly wholesale. There's no service. There's no retail at all. There won't be much traffic. In fact, that spot right there that I just marked is where the current front door is. That front door is going to be back here further so that the traffic as it moves in will be moving back toward the rear.

CHAIRMAN: Would you expect the majority of your customers to come in from? Off of J.R. Miller as
we had hoped?

MR. THACKER: I think most of the customers that will be coming down 18th Street will be turning into here. There are trucks and supplied that will be coming from Memphis will be coming in from J.R. Miller and they will be unloading in the rear of the property.

CHAIRMAN: But won't they be there at all times or will they be there during daylight hours?

MR. THACKER: They will be there daylight hours.

MR. APPLEBY: Where is the access off of J.R. Miller?

MR. THACKER: The access of J.R. Miller is back here. That is an unmarked street. I guess it's the only section of Lewis Street, to my knowledge, that remained, that didn't get torn out when they constructed J.R. Miller. I know the Staff refers to that as the frontage road, but there was no frontage road really designed for J.R. Miller nor was there a frontage road designed for 18th Street.

They expect to have customers, you know, maybe a 60 mile radius that might come here and if they call for directions it would be very difficult explaining to them. Their address would be on 18th Street and it
would be very difficult for them to find their way around. That's not a designated street. If somebody told somebody that our business is located on the frontage road off of J.R. Miller, even in Owensboro and we live here nobody would know where that is. There's no street on there.

Also, the other thing on J.R. Miller, the screening, the landscaping screening along J.R. Miller, you can't see the building along that street. There's no visibility. All visibility is on 18th Street.

CHAIRMAN: Excuse me. The address is on?

MR. THACKER: 18th Street. That's the way the building is constructed too. They feel like that's a critical thing for them to have that.

Somebody asked distance. That's almost 300 feet off of 18th Street. I don't think I mentioned that or not. That access point that's been cut off of J.R. Miller to get back in there is --

MR. APPLEBY: It's 300 feet from the intersection you're saying?

MR. THACKER: Yes.

The other thing, on all those blocks, the 500 feet spacing, there's not 500 feet on any of the blocks that I could find on 18th Street. As you go
out further toward -- I didn't look at them all past Breckenridge and all of that, but there's businesses all along there and they've all got just access right there at 18th Street. We're not asking for anything new. Just to remain in place what's there.

They would begin with three employees here in Owensboro. They average, benefit package would be about $40,000 and would include health care benefits. They would hope to grow from there.

You know, we're going from B-4 to I-1. Less stress on it. Less traffic. It is an established entrance. It's a tremendous improvement to the community. Added jobs. Enhance neighborhood. We haven't had any objections from any neighbors or landowners or to my knowledge from the public. I'm not aware of any objections at all.

CHAIRMAN: Does anybody else on the commission have any questions?

MR. ROGERS: How many entrances does Roberts have off 18th Street there?

MR. THACKER: I noticed several and they're very wide. I don't know how many. They've got cars parked there for their display, but I'm not sure exactly how many they have. They've got directly, of course, on 18th Street. That's the only place they
CHAIRMAN: Are there any more?

Yes, sir, Mr. Taylor.

MR. TAYLOR: I have a question. It may be directed toward the Staff. That would be why has the Staff recommended closing the exit on 18th Street?

MR. NOFFSINGER: Back in '92 when this property was proposed for rezoning, Staff recommended that this access point be closed for safety reasons, as well as for traffic movement reasons. Because of its close proximity to the signalized intersection.

Staff is recommending the same today. This property may have an 18th Street address. It could have a J.R. Miller address and there are other businesses that are functioning with J.R. Miller addresses.

The reason the screening is blocking the building is because the screening is actually in the public right-of-way. Something that's enjoyed on this property and not enjoyed by others. The screening should be pushed back onto the private property.

There was a deal arranged with the City of Owensboro where that landscaping could be placed on public right-of-way. So they're using that area along this frontage road for access for parking vehicles and for
maneuvering. But because of it's close proximity to
the intersection, Staff is recommending that the
access point be closed.

MR. THACKER: You know, as far as traffic
coming in and out, as I mentioned before, the opening
or the door to come into the business is going to be
moved back away from 18th Street. So the cars will be
driving or the trucks will be driving further back to
go in there. They won't be holding up. They won't be
stacking. Low volume of cars in and out. This isn't
like Lowe's. It's wholesale. There's no retail.

As far as cars leaving 18th Street, my clients
would not have a problem with putting a sign at that
drive that there's no left turn onto 18th Street.
That would be okay with them, if that would help
alleviate some concerns on that.

MR. APPLEBY: Will there be any parking on the
southernmost portion of the lot there for customers?
If you get what I'm driving at, where the L-shape
extends down there along 18th Street where they come
in?

MR. THACKER: Nothing that would block the
traffic flow from coming in. It's possible somebody
could park out that way, but there's enough space for
cars to go around and the trucks that would be coming

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in would be using the other end that would be
unloading there at the facility.

MR. ALLEN: When you say "trucks," are you
talking box trucks or 18-wheelers?

MR. THACKER: I guess it's a large truck that
will come in to bring in your supplies twice a week.

They've got a loading dock on the back part of
the building. Back in this area. So those trucks,

it's the same driver. So once they give that
instruction, that's how that will be handled.

MR. ROGERS: Gary, how far is that from the
intersection to that existing entrance?

MS. STONE: Fifty-five feet.

MR. THACKER: Just looking out here on these
properties, it's the same -- this building, the
building across J.R. Miller from that also has an
access on 18th Street. At least it's closer to J.R.
Miller. Of course, it's vacant right now. That's
been there and they're not looking to expand that in
any way.

CHAIRMAN: Any further questions?

MR. THACKER: As far as the trucks coming in
to unload, they only expect two trucks a week.

They're not bringing trucks in with supplies.

MR. ALLEN: And the rest of it would be box
type trucks?

MR. THACKER: Service trucks, pickups.

MS. MOORMAN: Could you just have an entrance way, one-way, and then exit off the way they come in? They only enter one way and exit the other way. Would that help?

MR. THACKER: They would like to exit to the right there on 18th Street. They don't have a problem with putting a sign "no left turn," coming out of that entrance way.

CHAIRMAN: Certain times the traffic on 18th is such that there would be no way they could turn left.

MR. THACKER: Shouldn't, yes.

FATHER LARRY: Do we have any sense if this intersection is particular dangerous? Are there a lot of accidents in this intersection?

MR. THACKER: I did check with the city police department. The accidents at that intersection have been pretty, since 2002 there's been 15 to 17 accidents a year there. I don't think there was a business at this location last year, and the same number of accidents the year before.

MR. NOFFSINGER: Our concern would be not as much the exiting traffic, because the exiting traffic
is stopped and they're going to pull out at some point. The real concern comes from folks trying to turn into the site. If they're headed southbound or westbound on 18th Street, they go through the intersection and then they stop. Put on their brakes and stop to turn right in. It's a narrow access point and it increases the chances of rear collisions because it's so close to that signalized intersection.

Our concern is more for the right turn in and left turn in than it is actual exiting traffic.

Again, it's because of its location. So close to that intersection. I think there's an elevation grade difference there and that makes it more problematic.

MR. ROGERS: Could he move his entrance on J.R. Boulevard closer back to 18th Street?

MR. NOFFSINGER: No. That's the old Lewis Street. That access point is there and it serves as access. It actually serves as an access to Lewis Street and that's that frontage road like you see. You don't see much of that here in Owensboro and Daviess County. You see more frontage road situations in Bowling Green and Warren County. That's how that road or that access point is served by its service road.

FATHER LARRY: Is 18th Street a two-way street Ohio Valley Reporting

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with a center turning lane or is it just two-ways?

MR. NOFFSINGER: It's two-way. It does have a
left turn lane. It's very short to turn left on the
J.R. Miller Boulevard in each direction. There is no
turn lane on J.R. Miller Boulevard for separate right
turn.

FATHER LARRY: So a large truck turning right
into that property would have to maybe move a little
bit into the left lane go get into that property?

MR. NOFFSINGER: From 18th Street, a truck is
probably not going to turn in unless it's a smaller
box type truck. They're going to almost have to use
J.R. Miller Boulevard or they would probably go into
the other through lane on 18th Street to make that
turn.

MR. THACKER: Most trucks I think they're
going to load and unload, if they're of any size,
they're going to use the other one. That's not going
to be an issue of getting in the opposite lane of
traffic and then pulling into there. I don't see that
happening.

CHAIRMAN: Are there any further comments or
any more questions?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission have any

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further questions?

(NO RESPONSE)

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

MR. APPLEBY: Mr. Chairman, I make a motion for approval, but I would accept the applicant's argument that that's necessary to have that access point there. I can see problems with the customers approaching the eastbound traffic on 18th Street, come back down J.R. Boulevard and turn in. I think it's going to be detriment to the business. I want to see these people come to Owensboro and be successful. I would make a motion for approval based on the Staff's recommendation without the condition, but with Findings of Fact 1 through 5.

CHAIRMAN: We have a motion for approval without using the Staff's recommendation on the closure of the 18th Street, but the support of the Findings of Fact.

MR. ROGERS: Second.

CHAIRMAN: There's a second by Mr. Rogers. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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AGRICULTURAL DIVISION

ITEM 3

5876 Roby Road, 10.011 acres

Consider review of an agricultural division.

Applicant: Daniel Turley, Marion Turley

MR. NOFFSINGER: Mr. Chairman, this application comes before you as an exception to the subdivision regulations. It's being reviewed as an agricultural division; however, it does not have frontage on the public right-of-way. It only has frontage via private lane. There is an existing home on the property and the property that's being created is over 10 acres in size. It's also noted on the plat that states there will be no further division of the property.

It's my understanding this is from financing purposes and Staff would recommend that you give it a favorable review.

CHAIRMAN: Any questions by anybody on the commission?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience have a question?

(NO RESPONSE)

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.

The Chair is ready for one more motion.

MR. ALLEN: Motion to adjourn.

CHAIRMAN: Mr. Allen has a motion to adjourn.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. 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 19 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 31st 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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