

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 OCTOBER 14, 2010

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 October 14, 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
- Tim Allen
- Irvin Rogers
- Wally Taylor
- Rita Moorman

\* \* \* \* \*

14

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

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: Our first order of business is to  
22 consider the minutes of the September 9, 2010 meeting.  
23 Are there any additions, corrections, questions?

24 (NO RESPONSE)

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

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr. Appleby.

4 MR. ALLEN: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

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11 ZONING CHANGES

12 ITEM 2

13 215 East 18th Street, 0.57 +/- acres (Postponed at the  
14 September 9, 2010 meeting)

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

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

16

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

19 MS. STONE: Becky Stone.

20 (BECKY STONE SWORN BY ATTORNEY.)

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

1 PLANNING STAFF RECOMMENDATIONS

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

4 CONDITION:

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

10 FINDINGS OF FACT:

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

14 2. The subject property is located in a  
15 Business Plan Area, where light industrial uses are  
16 appropriate in limited locations;

17 3. The use of the property for a heating and  
18 air wholesale supply company is nonresidential in use;

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

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

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

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

8                   CHAIRMAN: Is there anybody representing the  
9 applicant?

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

12                  MR. THACKER: John Thacker.

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

15                  MR. THACKER: Thank you.

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

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

24                  They opened their first store in Evansville, I  
25 think, in 1993. Then they opened a store in Terre

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1 Haute in 2007. Now they're looking to open a new  
2 store here in Owensboro.

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

9 MR. THACKER: That would be fine.

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

12 (NO RESPONSE)

13 CHAIRMAN: Do you have any questions or  
14 anything?

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

20 This property was rezoned back in 1992 from  
21 I-1 to B-4 and the Staff at that time recommended that  
22 the 18th Street access be closed. The board voted to  
23 keep it open. We're going from B-4 now to I-1, which  
24 it will be wholesale. Be less ingress and egress than  
25 B-4.

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1           CHAIRMAN: Do you happen to have some charts  
2 or something you want to use?

3           MR. THACKER: I do have something.

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

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

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

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

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

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1 abandoned Lewis Street area and J.R. Miller.

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

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

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

12 MR. THACKER: The proposal --

13 CHAIRMAN: Right there?

14 MR. THACKER: Yes, sir.

15 CHAIRMAN: How much traffic do they anticipate  
16 daily?

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

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

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1 we had hoped?

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

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

10 MR. THACKER: They will be there daylight  
11 hours.

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

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

22 They expect to have customers, you know, maybe  
23 a 60 mile radius that might come here and if they call  
24 for directions it would be very difficult explaining  
25 to them. Their address would be on 18th Street and it

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1 would be very difficult for them to find their way  
2 around. That's not a designated street. If somebody  
3 told somebody that our business is located on the  
4 frontage road off of J.R. Miller, even in Owensboro  
5 and we live here nobody would know where that is.  
6 There's no street on there.

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

12 CHAIRMAN: Excuse me. The address is on?

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

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

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

22 MR. THACKER: Yes.

23 The other thing, on all those blocks, the 500  
24 feet spacing, there's not 500 feet on any of the  
25 blocks that I could find on 18th Street. As you go

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1 out further toward -- I didn't look at them all past  
2 Breckenridge and all of that, but there's businesses  
3 all along there and they've all got just access right  
4 there at 18th Street. We're not asking for anything  
5 new. Just to remain in place what's there.

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

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

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

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

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

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1 have one.

2 CHAIRMAN: Are there any more?

3 Yes, sir, Mr. Taylor.

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

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

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

17 The reason the screening is blocking the  
18 building is because the screening is actually in the  
19 public right-of-way. Something that's enjoyed on this  
20 property and not enjoyed by others. The screening  
21 should be pushed back onto the private property.  
22 There was a deal arranged with the City of Owensboro  
23 where that landscaping could be placed on public  
24 right-of-way. So they're using that area along this  
25 frontage road for access for parking vehicles and for

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1 maneuvering. But because of it's close proximity to  
2 the intersection, Staff is recommending that the  
3 access point be closed.

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

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

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

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

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

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

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

7 They've got a loading dock on the back part of  
8 the building. Back in this area. So those trucks,  
9 it's the same driver. So once they give that  
10 instruction, that's how that will be handled.

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

13 MS. STONE: Fifty-five feet.

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

21 CHAIRMAN: Any further questions?

22 MR. THACKER: As far as the trucks coming in  
23 to unload, they only expect two trucks a week.  
24 They're not bringing trucks in with supplies.

25 MR. ALLEN: And the rest of it would be box

1 type trucks?

2 MR. THACKER: Service trucks, pickups.

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

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

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

14 MR. THACKER: Shouldn't, yes.

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

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

24 MR. NOFFSINGER: Our concern would be not as  
25 much the exiting traffic, because the exiting traffic

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1 is stopped and they're going to pull out at some  
2 point. The real concern comes from folks trying to  
3 turn into the site. If they're headed southbound or  
4 westbound on 18th Street, they go through the  
5 intersection and then they stop. Put on their brakes  
6 and stop to turn right in. It's a narrow access point  
7 and it increases the chances of rear collisions  
8 because it's so close to that signalized intersection.

9 Our concern is more for the right turn in and  
10 left turn in than it is actual exiting traffic.  
11 Again, it's because of its location. So close to that  
12 intersection. I think there's an elevation grade  
13 difference there and that makes it more problematic.

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

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

25 FATHER LARRY: Is 18th Street a two-way street

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

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

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

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

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

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

24 (NO RESPONSE)

25 CHAIRMAN: Anybody on the commission have any

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1 further questions?

2 (NO RESPONSE)

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

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

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

20 MR. ROGERS: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

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2 AGRICULTURAL DIVISION

3 ITEM 3

4 5876 Roby Road, 10.011 acres

Consider review of an agricultural division.

5 Applicant: Daniel Turley, Marion Turley

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

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

19 CHAIRMAN: Any questions by anybody on the  
20 commission?

21 (NO RESPONSE)

22 CHAIRMAN: Anybody in the audience have a  
23 question?

24 (NO RESPONSE)

25 CHAIRMAN: If not the Chair is ready for a

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1 motion.

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr. Appleby.

4 MS. MOORMAN: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 The Chair is ready for one more motion.

10 MR. ALLEN: Motion to adjourn.

11 CHAIRMAN: Mr. Allen has a motion to adjourn.

12 MR. APPLEBY: Second.

13 CHAIRMAN: Second by Mr. Appleby. All in  
14 favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 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 19 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 31st day of OCTOBER, 2008.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER FUCHS  
OHIO VALLEY REPORTING SERVICES  
202 WEST THIRD STREET, SUITE 12  
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22 COMMISSION EXPIRES: DECEMBER 19, 2010

23 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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