

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 13, 2011

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 January 13, 2011, 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 Gary Noffsinger, Director
- 11 Madison Silvert, Attorney
- 12 Father Larry Hostetter
- 13 Tim Allen
- 14 Wally Taylor
- 15 John Kazlauskas
- 16 Rita Moorman
- 17 * * * * *

14 CHAIRMAN: I'd like to welcome everybody to
15 our January 13, 2011 Owensboro Metropolitan Planning
16 Commission meeting. Will you please rise. Our
17 invocation will be given by Mr. Gary Noffsinger.

18 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

19 CHAIRMAN: I believe our first order of
20 business will be the swearing in of a new member.
21 Mr. Silvert.

22 MR. SILVERT: We would like to welcome from
23 the city John Kazlauskas who is a new commissioner
24 tonight.

25 (SWEARING IN AS NEW COMMISSIONER MR. JOHN

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1 KAZLAUSKAS.)

2 CHAIRMAN: Our next order of business will be
3 the election of officers.

4 Mr. Silvert, will you handle that for the
5 commission, please.

6 MR. SILVERT: Thank you, Mr. Chair.

7 Every January we do have election of officers
8 for the Owensboro Metropolitan Planning Commission.
9 We will be electing a Chair, a Vice Chair and a
10 Secretary.

11 I will now open the floor for nominations for
12 chair.

13 MR. PEDLEY: I nominate Drew Kirkland.

14 FATHER HOSTETTER: Second.

15 MR. SILVERT: Are there any other nominations
16 for Chair?

17 (NO RESPONSE)

18 MR. PEDLEY: Make a motion that nomination
19 cease and he be elected by acclamation.

20 MR. SILVERT: Is there a second on that
21 motion?

22 FATHER HOSTETTER: Second.

23 CHAIRMAN: All in favor of Drew Kirkland
24 remaining as Chair please signify by raising your
25 hand.

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1 (BOARD MEMBERS TIM ALLEN, FATHER HOSTETTER,
2 WARD PEDLEY, WALLY TAYLOR, JOHN KAZLAUSKAS AND RITA
3 MOORMAN RESPONDED AYE.)

4 MR. SILVERT: Congratulation, Mr. Chair.
5 Now open the floor for nominations for Vice
6 Chair.

7 CHAIRMAN: I would like to nominate Mr. Ward
8 Pedley.

9 FATHER HOSTETTER: Second.

10 MR. SILVERT: Are there any other nominations?

11 (NO RESPONSE)

12 CHAIRMAN: I move that the nomination cease.

13 MS. MOORMAN: Second.

14 MR. SILVERT: All in favor of Ward Pedley
15 remaining as Vice Chair please raise your hand.

16 (BOARD MEMBERS TIM ALLEN, FATHER HOSTETTER,
17 DREW KIRKLAND, WALLY TAYLOR, JOHN KAZLAUSKAS AND RITA
18 MOORMAN RESPONDED AYE.)

19 MR. SILVERT: Congratulations, Mr. Pedley.

20 Finally the office of secretary.

21 CHAIRMAN: Nominate Mr. Dave Appleby.

22 MR. PEDLEY: Second.

23 MR. SILVERT: Are there any other nominations
24 for secretary?

25 (NO RESPONSE)

1 MR. SILVERT: All in favor of David Appleby as
2 secretary please raise your hand.

3 (BOARD MEMBERS TIM ALLEN, FATHER HOSTETTER,
4 WARD PEDLEY, DREW KIRKLAND, WALLY TAYLOR, JOHN
5 KAZLAUSKAS AND RITA MOORMAN RESPONDED AYE.)

6 MR. SILVERT: Mr. Appleby will remain
7 secretary.

8 Mr. Chairman.

9 CHAIRMAN: Thank you, Mr. Silvert.

10 Our next order of business is consider the
11 minutes of the December 9, 2010, meeting. Are there
12 any additions, corrections?

13 (NO RESPONSE)

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

16 MR. PEDLEY: Motion for approval.

17 CHAIRMAN: Motion for approval by Mr. Pedley.

18 MR. ALLEN: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Mr. Noffsinger.

24 -----

25 ZONING CHANGES

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1 ITEM 3
2 6345 Aull Road, 23.29 acres
3 Consider zoning change: From A-R Rural Agriculture to
4 EX-1 Coal Mining
5 Applicant: Western Kentucky Minerals, Inc.; Tom and
6 Rhonda Smith

7 MR. SILVERT: State your name, please.

8 MR. HOWARD: Brian Howard.

9 (BRIAN HOWARD SWORN BY ATTORNEY.)

10 MR. HOWARD: I will note that all rezonings
11 heard here tonight will become final 21 days after the
12 meeting unless an appeal is filed. The appeal forms
13 are available on the back table, in our office and
14 on-line. If an appeal is filed, then we will forward
15 the transcript from the meeting and all applicable
16 documents to the appropriate legislative body for
17 their final consideration.

18 PLANNING STAFF RECOMMENDATIONS

19 The Planning Staff recommends approval subject
20 to the findings of fact that follow:

21 FINDINGS OF FACT:

22 1. The subject property is located in a Rural
23 Maintenance Plan Area where coal mining uses are
24 appropriate in general locations;

25 2. The subject property is located in the
26 Rural Service Area outside of a Rural Community Plan
27 Area;

1 3. The subject property adjoins existing
2 areas of EX-1 Coal Mining zoning and activity;

3 4. The Philpot-Maceo Quadrangle Map indicates
4 the presence of coal deposits on the site; and,

5 5. State and county roads proposed to be used
6 for the transportation of coal have been approved by
7 the appropriate officials.

8 I would like to enter the Staff Report into
9 the record as Exhibit A.

10 CHAIRMAN: Is there anybody here representing
11 the applicant?

12 MR. HAYNES: Brian Haynes here on behalf of
13 the applicant. If you have any questions, I'm glad to
14 answer them.

15 CHAIRMAN: Hold up just a minute, Mr. Haynes.
16 Are there any questions of the applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Any questions from the Commission?

19 (NO RESPONSE)

20 CHAIRMAN: Mr. Haynes, be seated.

21 MR. HAYNES: Thank you.

22 CHAIRMAN: If there's no further questions or
23 comments from the Commission, the Chair is ready for a
24 motion.

25 MR. PEDLEY: Mr. Chairman, I make a motion for

1 approval based on Staff Recommendations with Findings
2 of Fact 1 through 5.

3 CHAIRMAN: We've got a motion for approval by
4 Mr. Pedley.

5 MR. TAYLOR: Second.

6 CHAIRMAN: We've got a second by Mr. Taylor.
7 All in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 ITEM 4

12 3167, 3175 Highway 140 East, 75.509 acres

Consider zoning change: From EX-1 Coal Mining to A-R

13 Rural Agriculture

Applicant: Timber Time, LLC

14

15 PLANNING STAFF RECOMMENDATIONS

16 The Planning Staff recommends approval subject
17 to the findings of fact that follow:

18 FINDINGS OF FACT:

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

22 2. The subject property is located in a Rural
23 Maintenance Plan Area, where rural farm residential
24 uses are appropriate in general locations;

25 3. The subject property is a large tract with

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1 agricultural and forestry potential;

2 4. The subject property has access to KY 140
3 East via a private drive with no new roads proposed;

4 5. All strip-mining activity has ceased on
5 the subject property; and,

6 6. The Owensboro Metropolitan Zoning
7 Ordinance Article 12a.31 requires that the property
8 shall revert to its original zoning classification
9 after mining.

10 We would like to enter the Staff Report into
11 the record as Exhibit B.

12 CHAIRMAN: Do we have anybody representing the
13 applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Do you need to make a statement?

16 APPLICANT REP: No.

17 CHAIRMAN: Let's see if we've got any
18 questions first.

19 Does anybody from the Commission have any
20 questions?

21 MR. TAYLOR: Mr. Chairman, I would like to
22 excuse myself from this item.

23 CHAIRMAN: Let the record show Mr. Taylor has
24 excused himself.

25 Are there any questions from the audience?

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1 (NO RESPONSE)

2 CHAIRMAN: Any questions from the Commission?

3 (NO RESPONSE)

4 CHAIRMAN: If there is no further action,
5 Chair is ready for a motion.

6 MR. ALLEN: Make a motion for approval subject
7 to the Planning Staff Recommendations and Findings of
8 Fact 1 through 6.

9 CHAIRMAN: Motion for approval by Mr. Allen.

10 MS. MOORMAN: Second.

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

13 (BOARD MEMBERS TIM ALLEN, FATHER HOSTETTER,
14 DREW KIRKLAND, WARD PEDLEY, JOHN KAZLAUSKAS AND RITA
15 MOORMAN RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 ITEM 5

19 802, 822 Ridgeway Drive; 289 Williamsburg Square,
3.982 acres

20 Consider zoning change: From B-4 General Business to
R-1C Single-Family Residential

21 Applicant: City of Owensboro

22 PLANNING STAFF RECOMMENDATIONS

23 The Planning Staff recommends approval subject
24 to the findings of fact that follow:

25 FINDINGS OF FACT:

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

4 2. The subject property is partially located
5 in a Business Plan Area, where single-family
6 residential uses are appropriate in very-limited
7 locations and partially located in an Urban
8 Residential Plan Area, where single-family residential
9 uses are appropriate in limited locations;

10 3. Sanitary sewer service is available to the
11 subject property;

12 4. The proposal is a logical expansion of
13 existing R-1C Single-Family Residential zoning located
14 north of the subject property;

15 5. The city's detention basin on the subject
16 property benefits the community by reducing flooding
17 along Harsh Ditch and is part of the storm water
18 master plan; and,

19 6. The zoning change is needed to allow the
20 consolidation of all tracts that comprise the
21 detention basin.

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

24 CHAIRMAN: Is there anybody representing the
25 applicant?

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1 APPLICANT REP: Yes.

2 MR. HAMILTON: Mark Hamilton, City of

3 Owensboro. Here to answer any question anybody might

4 have.

5 CHAIRMAN: Mr. Hamilton, let's see if we have

6 any questions. If we do, we'll swear you in.

7 Are there any questions from the audience?

8 (NO RESPONSE)

9 CHAIRMAN: Any questions from the Commission?

10 (NO RESPONSE)

11 CHAIRMAN: If not the Chair is ready for a

12 motion.

13 MR. ALLEN: Motion for approval subject to the

14 Planning Staff Recommendation and Findings of Fact 1

15 through 6.

16 CHAIRMAN: Motion for approval by Mr. Allen.

17 MR. PEDLEY: Second.

18 CHAIRMAN: Second by Mr. Pedley. All in favor

19 raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 ITEM 6

24 200 Williamsburg Square, 1.686 acres

 Consider zoning change: From B-4 General Business to

25 R-1A Single-Family Residential

 Applicant: City of Owensboro

1 PLANNING STAFF RECOMMENDATIONS

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

4 FINDINGS OF FACT:

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

8 2. The subject property is located in a
9 Business Plan Area, where single-family residential
10 uses are appropriate in very-limited locations;

11 3. Sanitary sewer service is available to the
12 subject property;

13 4. The proposal is a logical expansion of
14 existing R-1A Single-Family Residential zoning located
15 south of the subject property;

16 5. The city's detention basin on the subject
17 property benefits the community by reducing flooding
18 along Harsh Ditch and is part of the storm water
19 master plan; and,

20 6. The zoning change is needed to allow the
21 consolidation of all tracts that comprise the
22 detention basin.

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

25 CHAIRMAN: We have someone here representing

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1 the City. Are there any questions from the audience?

2 (NO RESPONSE)

3 CHAIRMAN: Any questions from the Commission?

4 (NO RESPONSE)

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

7 MS. MOORMAN: I make a motion for approval on
8 the Staff Recommendations and the Findings of Facts 1
9 through 6.

10 CHAIRMAN: Ms. Moorman has a recommendation
11 for approval.

12 MR. TAYLOR: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 -----

19 MAJOR SUBDIVISIONS

20 ITEM 7

21 Locust Grove Estates, 68.789 acres (Postponed at
22 December 9, 2010 meeting)

23 Consider approval of amended major subdivision
24 preliminary plat.

25 APPLICANT: Eric Avery

MR. NOFFSINGER: Mr. Chairman, the Planning
Commission authorized the director, which would be me,

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1 to sign the plat once all of the property owners in
2 the development signed off on the plat.

3 It was conveyed to this commission that the
4 applicant believed that they could get all the
5 signatures and that would happen prior to the meeting
6 tonight.

7 The applicant is here tonight to talk about
8 why they do not have all of the property owners
9 signing the plat. I think there's one remaining.
10 They are here. So at this point in time this plat is
11 not in order and would not be recommended for
12 approval.

13 CHAIRMAN: Obviously we have somebody
14 representing the applicant.

15 Would you like to address the Commission?

16 MR. SILVERT: State your name, please.

17 MR. REYNOLDS: David Reynolds.

18 MR. SILVERT: You're dually sworn.

19 MR. REYNOLDS: What has happened since the
20 last meeting is we contacted and met with all of the
21 owners and we were able to get all of the signatures
22 on the revised deed restrictions, as well as the plat.
23 What we have been thrown back by was an individual who
24 became cooperative and for some reason won't talk to
25 us now. I have spoken with this individual twice in

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1 the past two weeks approximately and essentially get
2 a, I can't talk to you about that today, response. I
3 can't get him to engage in any reason why he won't
4 sign it.

5 I would like to point out to the Commission
6 that this lot, this lot owner, be Lot 31 I believe
7 under the current plat, there is a plat of record of
8 this subdivision about ten years ago. This lot, as I
9 understand it subject to the engineers telling me
10 differently, this lot under the current Locust Grove
11 plat, which is designated as Lot 31, is not in any way
12 negatively affected by this current amended plat. In
13 fact, as I understand it, the lot actually is enlarged
14 slightly. So nothing of this lot owner who is under
15 an existing plat that we're asking to amend.

16 That's all I have to say on it. There is that
17 little nuance here where we have a ten year old plat.
18 This lot owner is under a plat versus just not having
19 this lot under signature. The lot itself is under
20 plat right now.

21 CHAIRMAN: Mr. Noffsinger.

22 MR. NOFFSINGER: Thank you, Mr. Chairman.

23 Mr. Reynolds, I understand that you believe
24 that this lot has not been affected in any way;
25 however, when I look at the preliminary plat, what's

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1 currently proposed, the lot is slightly smaller in
2 acreage compared to what was originally approved. It
3 was supposed to be originally 1.05 acres maybe and now
4 it's 1.044 acres. I know it's a very, very minimal
5 amount difference there, but I did notice that when I
6 reviewed the plat.

7 MR. REYNOLDS: Are you referring to the ten
8 years old plat that's in existence or the preliminary
9 approval for this current plat? I was referring to
10 the original plat going back about ten years.

11 MR. NOFFSINGER: I'll have to defer to Staff
12 on that. When we looked at it, I thought we were
13 looking at the original plat versus what the
14 preliminary plat is showing.

15 MR. REYNOLDS: If it is off a minute, I may be
16 incorrect on that. It's my understanding that I've
17 been given just very briefly that it was actually an
18 increase was the information I was given before the
19 meeting tonight, from the original plat. Not
20 referring to maybe a preliminary that might have been
21 filed with this amendment.

22 MR. NOFFSINGER: Ms. Stone is here and I think
23 she can address it.

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

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1 MS. STONE: Becky Stone.

2 (BECKY STONE SWORN BY ATTORNEY.)

3 MS. STONE: We compared the current proposed
4 preliminary plat that's before you tonight with what
5 we assume is the recorded final plat, the final plat
6 that was approved by this commission, and there was
7 that slight change. Now, at that time the Planning
8 Commission did not record those plats in the
9 courthouse, but we assume that that is the plat of
10 record in the courthouse. It would have had to been
11 signed by this commission for recording.

12 MR. NOFFSINGER: Mr. Chairman, that is
13 correct. The final plat that we have in the office
14 that we believe is the plat of record shows the lot to
15 be 1.05 acres. This plat shows the lot to be 1.044
16 acres.

17 CHAIRMAN: Mr. Reynolds, obviously you've
18 worked pretty hard to try to put all of this together.
19 We understand that.

20 MR. REYNOLDS: For a couple of years.

21 CHAIRMAN: The division surely is not over
22 this .05 to.44, is it?

23 MR. REYNOLDS: I have no way to know for sure
24 because I asked the man on the phone two separate
25 occasions, will you tell me if you have a problem.

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1 Will you tell me what the problem is. It's my
2 understanding that he just comes and goes.

3 CHAIRMAN: Would you define exactly what you
4 meant by that statement?

5 MR. REYNOLDS: Some days he's extremely
6 cooperative. Some days you couldn't get him to agree
7 that it's dark outside right now. That's been my
8 experience.

9 I met with this man I want to say
10 approximately two years ago. I met him in his living
11 room. We drank coffee for two hours. We got
12 everything in the world that we thought we would need
13 resolved, resolved. He asked us to do ten things.
14 We've done the ten things. Those are for his lot.
15 Not the subdivision. We made improvements to his lot.

16 We were very set back when the response that
17 we got is, I can't talk to you about this right now.

18 CHAIRMAN: Well, we're wanting to work this
19 out obviously from our standpoint. You realize we
20 thought we had a pretty easy working situation for all
21 parties. I sympathize obviously with you all because
22 it appeared to be something pretty easy. Now it's
23 not.

24 The Commission will have to rule on this. I'm
25 sorry we're in the situation we're in. I know

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1 obviously you are too.

2 Mr. Noffsinger.

3 MR. NOFFSINGER: Well, at this point in time
4 the plat is not in order. All property owners have
5 not signed and it will be recommended that you not
6 approve the plat and that we move forward from that
7 point down the road trying to work with the landowners
8 out there as well as the developer.

9 This is going to have to be resolved. The
10 Planning Commission cannot resolve it tonight. I
11 think your only choice is to deny this plat and then
12 we go from there.

13 CHAIRMAN: Mr. Silvert, do you have a comment?

14 MR. SILVERT: To remind the applicant that it
15 could be remitted if it were in order. This would not
16 keep you from doing that again.

17 CHAIRMAN: Mr. Reynolds, I'm sure you
18 understand our situation.

19 MR. REYNOLDS: I do. We're just in a
20 situation where unfortunately -- this individual was
21 told of the meeting tonight. Of course, not here to
22 voice his concerns to make it even more difficult to
23 understand. You know, when a man tells you that he'll
24 do if you do that, then two years later he won't tell
25 you why he won't do it, we got stuck.

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1 CHAIRMAN: We've had no complaints from that
2 party. We've had we thought -- it's a situation that
3 the Commission cannot do anything with.

4 MR. REYNOLDS: But the complaining parties are
5 satisfied. To be honest and candid, I felt when we
6 were here last month that we would have a good chance
7 of getting all the signatures. I got one that may be
8 up with thought, been a difficult one, and didn't get
9 one didn't think it would be a problem.

10 CHAIRMAN: All you can do is report to us of
11 what your personal feelings are until you've got them
12 all signed.

13 Unless there's any other comments from the
14 audience or from the commission the Chair has --

15 MR. REYNOLDS: May I have one moment?

16 CHAIRMAN: Yes, sir.

17 MR. REYNOLDS: Would it be appropriate for the
18 Commission to consider a one month postponement to
19 address this issue, the .05?

20 CHAIRMAN: Mr. Silvert.

21 MR. REYNOLDS: And I guess arguably to have
22 another shot at this individual as well while we're at
23 it. We go down two roads at one time obviously.

24 MR. SILVERT: It is this Commission's
25 prerogative to make a motion to postpone and to accept

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1 the request to do so. It's been postponed once
2 already. Frankly, the Staff has waited a couple of
3 years to get to the point where we are right now.
4 I'll just leave it at that.

5 CHAIRMAN: Mr. Noffsinger.

6 MR. NOFFSINGER: The thing is we're not just
7 going to deny this plat and that's the end of it.
8 That's not what we're recommending. We will further
9 pursue this matter and be working with the Daviess
10 County Fiscal Court and with the county attorney. We
11 need to move forward. I think it's going to take more
12 than the negotiations between the developer and the
13 landowners to make this thing happen. We want nothing
14 more than this plat to be approved tonight and it to
15 move forward. The Planning Staff is convinced that
16 the applicant has done all they can. They brought
17 this plat before us. They tried to get these
18 signatures and it's not working. I think now it's
19 time for Planning Commission to move forward with what
20 they need to do to push this plat toward approval.
21 That's what we'll be looking for.

22 CHAIRMAN: Mr. Reynolds, I'm sure that you are
23 very aware, I'm sure you've made all the property
24 owners very aware, I mean the next step would have to
25 be toward litigation.

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1 MR. REYNOLDS: I've mentioned that to this
2 individual in a phone conversation and again
3 encouraged him to allow me to come out and talk with
4 him regarding any issues or concerns he may have.
5 There is actually pending litigation with, it's an
6 estate settlement, but it's still pending. This
7 individual was not even a complaining party in the
8 litigation.

9 CHAIRMAN: It seems like a matter that could
10 have been handled behind closed doors with all the
11 people, but obviously I know you've tried to do that.
12 It's something that we don't want to pursue in that
13 manner, but it looks like we're to the point we have
14 no other choice or option at this point in time.
15 We'll see what the rest of the commission thinks.
16 You've tried. We've tried. It's something that I
17 wish we didn't have to pursue in this matter.

18 Does anybody on the Commission have any other
19 ideas or thoughts? Ward?

20 MR. PEDLEY: It's my understanding the plat is
21 not in order?

22 MR. NOFFSINGER: That is correct.

23 MR. PEDLEY: That's the only question.

24 CHAIRMAN: If there are no more comments or
25 questions, the Chair is ready for a motion.

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1 MR. PEDLEY: Mr. Chairman, I make a motion to
2 deny this application.

3 CHAIRMAN: We've got a motion for denial by
4 Mr. Pedley.

5 MR. TAYLOR: Second.

6 MR. KAZLAUSKAS: Mr. Chairman, because I
7 haven't had the opportunity to review all of this
8 information, I'm going to abstain from this vote.

9 CHAIRMAN: Okay.

10 MR. SILVERT: Mr. Chairman, would the vice
11 chairman like to state their reasons for his denial?

12 CHAIRMAN: Just a moment, Mr. Silvert.

13 Let the record show Mr. Kazlauskas is going to
14 abstain from the voting.

15 Mr. Pedley, he asked about your findings for
16 your denial.

17 MR. PEDLEY: My findings for denial has been
18 before us before. There's certain issues that haven't
19 been resolved such as signatures and also the plat is
20 not in order. That's my basis for denial.

21 CHAIRMAN: Thank you.

22 MR. REYNOLDS: May I respond briefly?

23 CHAIRMAN: Yes.

24 MR. REYNOLDS: If I'm understanding, the only
25 and sole basis for the plat not being in order is the

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1 failure to have the one signature though, correct?

2 MR. NOFFSINGER: That is correct.

3 CHAIRMAN: We've got a motion by Mr. Pedley
4 with his finding of fact. Now the Chair is ready for
5 a second.

6 MR. TAYLOR: Second.

7 CHAIRMAN: Second by Mr. Taylor. All in favor
8 of denial raise your right hand.

9 (ALL BOARD MEMBERS PRESENT - WITH JOHN
10 KAZLAUSKAS ABSTAINING FROM VOTING - RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously with Mr.
12 Kazlauskas's abstaining.

13 Next item, please.

14 -----

15 MINOR SUBDIVISIONS

16 ITEM 8

17 6080 Jack Hinton Road, 7061 Highway 54, 6.821 acres
Consider approval of minor subdivision plat.

18 Applicant: Kenneth R. & Rebecca B. Onstott; K. Chad &
Khristina Onstott

19
20 MR. NOFFSINGER: Mr. Chairman, this plat has
21 been reviewed by the Planning Staff and Engineering
22 Staff. It's found to be in order. It comes before
23 you as an exception here tonight because it has two
24 lots. It involves two existing lots that are
25 unusually shaped in that they have very little width

1 and quite a bit of length to them.

2 I could not sign the plat because it takes one
3 lot and makes it more non-conforming; in other words,
4 it decreases the actual depth to width ratio that's
5 required by the ordinance, but it actually would
6 improve one of the others. We are recommending it for
7 approval because it's just a trade off of the
8 properties and we're not creating any additional
9 tracts, but it's one that I could not sign and would
10 need your approval.

11 CHAIRMAN: Is anybody representing the
12 applicant?

13 APPLICANT REP: Yes.

14 CHAIRMAN: Are there any questions of the
15 applicant from the audience?

16 (NO RESPONSE)

17 CHAIRMAN: Any questions from the Commission?

18 (NO RESPONSE)

19 CHAIRMAN: If not the Chair would be ready for
20 a motion.

21 MR. PEDLEY: Motion for approval,
22 Mr. Chairman.

23 CHAIRMAN: Motion for approval by Mr. Pedley.

24 FATHER HOSTETTER: Second.

25 CHAIRMAN: Second by Father Larry. All in

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1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 -----

6 NEW BUSINESS

7 ITEM 9

8 Consider approval of the Public Improvement
9 Specifications surety unit cost annual revision.

10 MR. NOFFSINGER: Mr. Chairman, the Public
11 Improvement Spec Committee met I believe last week and
12 went over these numbers. Those in attendance were
13 Planning Staff as well as the City and County
14 Engineering Staff, the private engineers, some of the
15 developers. They went over each and every one of
16 these costs that the developers are required to post
17 when an infrastructure is proposed in a new
18 development. The items in red are the ones that they
19 have recommended changes to. As I understand, we had
20 complete support from the group and they are sending
21 these units costs to you as a recommendation for
22 approval and we would hope that you would approve
23 these new unit costs tonight.

24 CHAIRMAN: Is there anybody in the audience
25 that would like to make a comment?

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1 (NO RESPONSE)

2 CHAIRMAN: Anybody on the Commission?

3 (NO RESPONSE)

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

6 MR. PEDLEY: Mr. Chairman, I make a motion for
7 approval.

8 CHAIRMAN: Motion for approval about
9 Mr. Pedley.

10 MR. ALLEN: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item.

16 ITEM 10

17 Consider a motion to go into closed session to discuss
pending or potential litigation.

18

19 MR. NOFFSINGER: Mr. Chairman, we anticipate
20 that there will be no official action taken in that
21 closed session. We will not come back out here after
22 the meeting. We will adjourn in closed session.

23 MR. SILVERT: You need a motion to go into
24 closed session..

25 FATHER HOSTETTER: Move to go into closed

1 session.

2 CHAIRMAN: We have a motion by Father Larry to
3 go into closed session.

4 MR. KAZLAUSKAS: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

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

16 WITNESS my hand and notary seal on this the
17 30st day of January, 2011.

18

19

20 LYNNETTE KOLLER FUCHS
21 NOTARY ID 433397
22 OHIO VALLEY REPORTING SERVICES
23 202 WEST THIRD STREET, SUITE 12
24 OWENSBORO, KENTUCKY 42303

25 COMMISSION EXPIRES: DECEMBER 16, 2014

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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