

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 AUGUST 9, 2007

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 August 9, 2007, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

- 8 MEMBERS PRESENT: Drew Kirkland, Chairman
- 9 Gary Noffsinger, Director
- 10 Judy Dixon
- 11 Scott Jagoe
- 12 Tim Miller
- 13 Jimmy Gilles
- 14 Irvin Rogers
- 15 Keith Evans
- 16 Martin Hayden
- 17 Madison Silvert, Attorney

18 \* \* \* \* \*

19 CHAIRMAN: I would like to welcome everybody  
20 to our August 9th Planning Commission. Will everybody  
21 please rise. Our invocation will be given by Ms. Judy  
22 Dixon.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Our first order of business is to  
25 approve the minutes of our July 12th meeting.

Are there any additions, corrections?

(NO RESPONSE)

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

1 MS. DIXON: Move to approve.

2 CHAIRMAN: Motion to approve by Ms. Dixon.

3 MR. EVANS: Second.

4 CHAIRMAN: Second by Mr. Evans. All in favor  
5 raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 MR. NOFFSINGER: I need to state for the  
10 record that the zoning change process, this will be a  
11 public hearing tonight on all items identified as  
12 zoning changes. The Planning Commission, if they do  
13 find or make a recommendation tonight, that  
14 recommendations will become final in 21 days from this  
15 date, unless a person files with the Planning  
16 Commission a notice that they would like a legislative  
17 body to take final action on the rezoning. The  
18 legislative body would be the Daviess County Fiscal  
19 Court or the City of Owensboro. Again, that appeal  
20 time is 21 days from this meeting date.

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22 ZONING CHANGES

23 ITEM 2

24 7550 Terminal Road, 1.19 +/- acres  
25 Consider zoning change: From B-4 General Business to  
I-1 Light Industrial

1 Applicant: PGT Trucking, Inc.; Wally Sexton; C&S  
2 Machinery, Inc.

3 MR. SILVERT: State your name, please.

4 MR. HOWARD: Brian Howard.

5 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the proposal  
8 is in compliance with the community's adopted  
9 Comprehensive Plan. The conditions and findings of  
10 fact that support this recommendation include the  
11 following:

12 CONDITIONS:

13 1. No access shall be permitted to US 60  
14 East; and,

15 2. Appropriate screening for outdoor storage  
16 areas and vehicular use areas shall be installed in  
17 compliance with the zoning ordinance regulations.

18 FINDINGS OF FACT:

19 1. The subject property is located in a Rural  
20 Preference Plan Area where light industrial uses are  
21 appropriate in limited locations;

22 2. The proposed use of the property as a  
23 truck terminal office and maintenance facility will be  
24 nonresidential in use; and,

25 3. The proposed zoning change is a logical

1 expansion of an existing industrial zoning  
2 classification located immediately south and east of  
3 the subject property.

4 MR. HOWARD: We would like to enter the Staff  
5 Report into the record.

6 CHAIRMAN: Is there anybody here representing  
7 the applicant?

8 APPLICANT REP: Yes.

9 CHAIRMAN: Are there any questions of the  
10 applicant?

11 (NO RESPONSE)

12 CHAIRMAN: If there are no questions of the  
13 applicant, the chair is ready for a motion.

14 MR. MILLER: Mr. Chairman, motion to approve  
15 based on Planning Staff Recommendations, Conditions 1  
16 and 2 and Findings of Fact 1, 2 and 3.

17 MR. JAGOE: Second.

18 CHAIRMAN: We have motion for approval by Mr.  
19 Miller. We have a second by Mr. Jagoe. All in favor  
20 raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 ITEM 3

25 100, 102, 108 Woodford Avenue, 1501, 1508 West Second  
Street, 1.32 +/- acres

1 Consider zoning change: From B-4 General Business and  
2 R-4DT Inner-City Residential to B-4 General Business  
Applicant: FD Sturgis, LLC

3 PLANNING STAFF RECOMMENDATIONS

4 Staff recommends approval because the proposal  
5 is in compliance with the community's adopted  
6 Comprehensive Plan. However, due to the encroachment  
7 of the commercial zoning into the establish  
8 residential block front along West First Street, the  
9 Planning Commission should consider the comments and  
10 concerns of the neighborhood into consideration. The  
11 conditions and findings of fact that support this  
12 recommendation include the following:

13 CONDITIONS:

- 14 1. No access shall be permitted to West  
15 Second Street;
- 16 2. A ten foot landscape buffer with a six  
17 foot element and one tree every 40 feet shall be  
18 installed along the entire west property line where  
19 adjoining residential zoning;
- 20 3. A consolidation plat shall be submitted  
21 and approved by the OMPC prior to any construction  
22 activity on the subject property; and,
- 23 4. Due to the proximity to existing  
24 residential zones, all lighting for the subject  
25 property shall be directed away from the residential

1 property to reduce the glare and impact of the  
2 lighting on the residential uses.

3 FINDINGS OF FACT:

4 1. The subject property is partially located  
5 in a Business Plan Area where general business uses  
6 are appropriate in limited locations and partially  
7 located in a Central Residential Plan Area where  
8 general business uses are appropriate in very limited  
9 locations;

10 2. The proposed use of the subject property  
11 as a Dollar Store will be nonresidential in use;

12 3. The proposed zoning change is a logical  
13 expansion of an existing general business zoning  
14 classification on the subject property and general  
15 business zoning located immediately south, east and  
16 west of the subject property; and,

17 4. The development should not overburden the  
18 capacity of roadways and other necessary urban  
19 services that are available in the affected area.

20 MR. HOWARD: We would like to enter the Staff  
21 Report into the record.

22 CHAIRMAN: Are there any questions?

23 (NO RESPONSE)

24 CHAIRMAN: If there are no questions, chair is  
25 ready for a motion.

1 MR. ADAMS: May I make a comment?

2 CHAIRMAN: Yes.

3 MR. SILVERT: State your name, please.

4 MR. ADAMS: My name is Gary Adams. I live at  
5 1519 West First Street, directly or catty-corner  
6 across First Street from the rear of this property.

7 (MR. GARY ADAMS SWORN BY ATTORNEY.)

8 MR. ADAMS: The only thing -- I agree with the  
9 Staff Report and the conditions, but I wanted to make  
10 sure that since on that west property line, the line  
11 -- First Street has a divot or angle in it. I wanted  
12 to make sure that this condition meant that the six  
13 foot high element will continue all the way to the  
14 right-of-way of West First Street.

15 CHAIRMAN: Mr. Noffsinger.

16 MR. NOFFSINGER: Mr. Adams, the zone that it  
17 adjoins, R-4DT, would require that 6 foot element be  
18 placed there regardless of this condition. The  
19 condition just re-enforces to the applicant. Staff is  
20 aware of that and we'll make sure that we get the  
21 screening there as required by the ordinance and it be  
22 consistent with this condition.

23 MR. ADAMS: Thank you. I appreciate the  
24 Staff's concern about the ambient lighting, trying to  
25 keep that from reflecting into the residential areas.

1       Because I know a lot of these commercial developments,  
2       they'll put mercury vapor lights on the side of the  
3       building and light the whole area. As long as the  
4       lighting is directed down and contained into the  
5       parking lot, we would find that preferable. Thank you  
6       very much.

7               CHAIRMAN: Thank you Mr. Adams. Good to see  
8       you again.

9               Are there any other questions?

10              MR. SAMPLES: I have one comment.

11              MR. SILVERT: State your name, please.

12              MR. SAMPLES: Charles A. Samples.

13              (MR. CHARLES SAMPLES SWORN BY ATTORNEY.)

14              MR. SAMPLES: I just wanted to make one  
15       comment.

16              We are placing trees and the element down  
17       through the backside of the west side of that  
18       property. Me and my wife's property looks directly  
19       out from the First Street side across through that.  
20       Would it be possible to place as a condition that we  
21       get some trees down the front side of First Street to  
22       minimize the outlook there over to the property? In  
23       other words, we're going to be looking just at a  
24       building. Possibly, you know, truck traffic coming in  
25       and out with inventory and possible dumpsters and so



1 fort. If we could get trees or something not only on  
2 that backside there, but right down that side of First  
3 Street. I think that would really look good. I think  
4 it would be quite an improvement for that use of the  
5 property.

6 CHAIRMAN: Mr. Noffsinger.

7 MR. NOFFSINGER: Now, at this time we do not  
8 have a development plan or we haven't seen a site plan  
9 to know how the property will be laid out. If there  
10 is a parking area that will be adjacent to West First  
11 Street, then screening, a 3 foot high continuous  
12 element, shrub row, and one tree per 40 feet will be  
13 required. However, if that is a building wall that is  
14 adjacent to First Street and the parking is out toward  
15 Second Street, then there would not be a three foot  
16 high continuous hedge row and tree requirement. So  
17 that's something this planning commission could  
18 consider in terms of an additional condition, but if  
19 it's a parking lot, you'll get it automatically. If  
20 it's a building wall, then it will have to be a  
21 condition placed upon the rezoning.

22 MR. SAMPLES: Thank you.

23 CHAIRMAN: Are there any other comments or  
24 questions?

25 (NO RESPONSE)

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

3           MR. ROGERS:  Motion for approval based on  
4 Planning Staff Recommendations with Conditions 1  
5 through 4 and Findings of Fact 1 through 4.

6           CHAIRMAN:  Motion for approval by Mr. Rogers.

7           MR. HAYDEN:  Second by Mr. Hayden.  All in  
8 favor raise your right hand.

9           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10          CHAIRMAN:  Motion carries unanimously.

11          Next item, please.

12          MR. NOFFSINGER:  Mr. Chairman, on Items 4 and  
13 4a, I have a letter to the Owensboro Metropolitan  
14 Planning & Zoning from Lake Forest Community, LLC.  
15 It's dated August 9, 2007.  We received that at about  
16 10:08 this morning via fax.

17                 "Lake Forest Community, LLC would like to  
18 request a 30 day postponement for the zoning change  
19 and preliminary plat approval for the property at  
20 Highway 54 and Millers Road scheduled for the August  
21 9, 2007 meeting.

22                 "Thank you, Ward Pedley."

23                 The applicant by this letter is asking that  
24 this item be postponed until our meeting in September  
25 which will be the second Thursday in September.  If

1       you postpone, you will have to take a vote to consider  
2       it postponement.

3               CHAIRMAN: Any questions or comments?

4               (NO RESPONSE)

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

7               MS. DIXON: Move to postpone.

8               CHAIRMAN: Motion for postponement by Ms.  
9       Dixon.

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: Motion carries unanimously.

15              Next item, please.

16              -----

17              COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

18       ITEM 5

19       Owensboro Scholar House, 10.84 acres  
20       Consider approval of amended major subdivision  
21       preliminary plat/final development plan.  
22       Applicant: Clayton Watkins Construction

23              MR. NOFFSINGER: Mr. Chairman, this plan has  
24       been reviewed by the Planning Staff and Engineering  
25       Staff. It's found to be in order. It's found to be  
26       consistent with our Adopted Comprehensive Plan as well

1 as the Adopted Subdivision Regulations and Zoning  
2 Ordinance.

3 It is an amendment to make a private street in  
4 the development a public street; also, to recognize  
5 some additional right-of-way that was acquired by the  
6 City of Owensboro. It does alter some of the  
7 utilities to the development. Most of these  
8 amendments, not all, are considered to be minor in  
9 nature and we would recommend approval.

10 CHAIRMAN: Is anybody representing the  
11 applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Does anybody have any questions?

14 (NO RESPONSE)

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

17 MR. MILLER: Motion to approve.

18 CHAIRMAN: Motion for approval by Mr. Miller.

19 MR. GILLES: Second.

20 CHAIRMAN: Second by Mr. Gilles. All in favor  
21 raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

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MAJOR SUBDIVISIONS

ITEM 6

Dutch Banks, Unit 5, Lot 12, 0.344 +/- acres  
Consider approval of major subdivision final plat.  
Surety (Certified Check) posted: \$3,437.50  
Applicant: Goetz Development, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the preliminary plat for the property. Also the use is found to be consistent with the adopted comprehensive plan, as well as the zoning ordinance and subdivision regulations. We would recommend its approval.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. HAYDEN: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 7

5 Harbor Hills, Section 1, Unit 2, Lots 10, 17-19, 2.779  
acres

6 Consider approval of major subdivision final plat.  
Surety (Certificate of Deposit and Certified Check)  
7 posted: \$72,646.63  
Applicant: Robert Wimsatt

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9 MR. NOFFSINGER: I realize that amount is  
10 different from what each of you have on the agenda,  
11 but that amount was increased and it was increased by  
12 the posting of a certified check to cover an  
13 additional water main that the city engineer or city  
14 fire chief required, county fire chief required.

15 Both the city and county engineers have  
16 reviewed this plan. It's found to be in order, as  
17 well as the Planning Staff. It's found to be  
18 consistent with the adopted preliminary or approved  
19 preliminary plat, as well as the use in the area is  
20 consistent with the adopted comprehensive plan,  
21 subdivision regulations and zoning ordinance.

22 CHAIRMAN: Does anybody have any questions?

23 (NO RESPONSE)

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

1 MR. HAYDEN: Make a motion for approval.

2 CHAIRMAN: Motion for approval by Mr. Hayden.

3 MR. GILLES: Second.

4 CHAIRMAN: Second by Mr. Gilles. All in favor  
5 raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 ITEM 8

10 Lake Forest, Unit 27, Lots 279-289, 291-298, 7.639  
11 acres  
12 Consider approval of major subdivision final plat.  
13 Surety (Certificate of Deposit) posted \$76,970.45  
14 Applicant: Lake Forest Community, LLC

15 MR. NOFFSINGER: Mr. Chairman, this plat has  
16 been reviewed by the Planning Staff and Engineering  
17 Staff. It's found to be in order. It's found to be  
18 consistent with the adopted approved preliminary plat  
19 as well as the use in the area is consistent with the  
20 adopted comprehensive plan and the zoning ordinance  
21 and subdivision regulations.

22 CHAIRMAN: Any questions?

23 (NO RESPONSE)

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

26 MS. DIXON: Move to approve.

27 CHAIRMAN: Motion for approval by Ms. Dixon.

1 MR. MILLER: Second.

2 CHAIRMAN: Second by Mr. Miller. All in favor  
3 raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 ITEM 9

8 River Crest Townhomes, Phase 2, 0.314 acres  
9 Consider approval of major subdivision preliminary  
10 plat.

Applicant: Homes by Benny Clark

11 MR. NOFFSINGER: Mr. Chairman, this  
12 application has been reviewed by the Planning Staff  
13 and Engineering Staff. It's found to be in order.  
14 The use is found to be consistent with the adopted  
15 comprehensive plan and the plans are consistent with  
16 the adopted zoning ordinance and subdivision  
17 regulations.

18 CHAIRMAN: Are there any questions?

19 (NO RESPONSE)

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

22 MS. DIXON: Move to approve.

23 CHAIRMAN: Motion for approval by Ms. Dixon.

24 MR. EVANS: Second.

25 CHAIRMAN: Second by Mr. Evans. All in favor



1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 Related Item:

6 ITEM 9A

7 River Crest Townhomes, Phase 2, Lots 6-10, 0.314 acres  
8 Consider approval of major subdivision final plat.  
9 Surety (Certificate of Deposit) posted \$10,418.00  
Applicant: Homes by Benny Clark

10 MR. NOFFSINGER: Mr. Chairman, this  
11 application has been reviewed by the Planning Staff  
12 and Engineering Staff. It's found to be in order.  
13 The final plat is consistent with the preliminary  
14 subdivision plan that you just approved as well as  
15 these adopted comprehensive plan and subdivision  
16 regulations and zoning ordinance.

17 CHAIRMAN: Any questions?

18 (NO RESPONSE)

19 CHAIRMAN: Chair is ready for a motion.

20 MR. EVANS: Motion to approve.

21 CHAIRMAN: Motion for approval by Mr. Evans.

22 MS. DIXON: Second.

23 CHAIRMAN: Second by Ms. Dixon. All in favor  
24 raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Chair is ready for one final motion.

3 MS. DIXON: Move to adjourn.

4 CHAIRMAN: Motion for adjournment by Ms.

5 Dixon.

6 MR. EVANS: Second.

7 CHAIRMAN: Second by Mr. Evans. All in favor

8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously. We are

11 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 18 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 August, 2007.

18

19

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

22

COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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