

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 8, 2008

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday, May  
5 8, 2008, at City Hall, Commission Chambers, Owensboro,  
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: Drew Kirkland, Chairman  
8 Judy Dixon, Vice Chairman  
9 David Appleby, Secretary  
10 Gary Noffsinger, Director  
11 Madison Silvert, Attorney  
12 Tim Miller  
13 Jimmy Gilles  
14 Wally Taylor  
15 Keith Evans  
16 Martin Hayden  
17 Rita Moorman

18 \* \* \* \* \*

19 CHAIRMAN: I would like to welcome everyone to  
20 our May 8th Owensboro Metropolitan Planning  
21 Commission.

22 Will you please rise. Our invocation and  
23 pledge of allegiance will be given by Mr. Zack  
24 Williams.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our next order of business will be  
to consider the minutes of the April 10, 2008 meeting.  
Are there any additions, corrections?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a

1 motion.

2 MS. DIXON: Move to approve.

3 CHAIRMAN: Motion for approval by Ms. Dixon.

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 Next item, please.

10 -----

11 CELLULAR TELECOMMUNICATIONS FACILITIES

12 PER KRS 100.987

13 ITEM 2

14 343 Sutton Lane  
15 Consider approval of a temporary wireless  
16 telecommunications tower.  
Applicant: William R. Mathis; New Cingular Wireless,  
16 PCS, LLC (AT&T)

17 MR. SILVERT: State your name, please.

18 MR. HOWARD: Brian Howard.

19 (BRIAN HOWARD SWORN BY ATTORNEY.)

20 MR. HOWARD: As Mr. Noffsinger stated, this  
21 proposal is for a temporary cellular on wheels tower;  
22 more commonly called COW.

23 In the Staff Report that I've included in your  
24 packet, it spells out the specifics. Basically the  
25 tower is 115 feet in height. No lighting. They are

1 requesting two waivers since it is a temporary tower.

2 The first waiver is that the zoning ordinance  
3 requires a 8 foot chain-link fence around the  
4 property. They're proposing to put up a 6 foot fence.

5 The second is that they request a waiver on  
6 the staggered pine trees around the perimeter of the  
7 property. Again, due to temporary nature of the  
8 property.

9 Staff really doesn't have any objection to  
10 either one of those waiver requirements. I know the  
11 applicant is here, as well, if you have any questions  
12 of him. Again, I'd be happy to answer any other  
13 questions.

14 CHAIRMAN: Does anybody have a question of the  
15 applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Does anybody on the commission have  
18 a question?

19 (NO RESPONSE)

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

22 MR. APPLEBY: Motion for approval, Mr.  
23 Chairman.

24 CHAIRMAN: Motion for approval by Mr. Appleby.

25 MR. HAYDEN: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 -----

7 ZONING CHANGES

8 ITEM 3

9 6192, 6200 Highway 54, 0.68 acres  
10 Consider zoning change: From B-4 General Business to  
11 I-1 Light Industrial  
12 Applicant: Tim Peay, All American Masonry, Inc.

12 PLANNING STAFF RECOMMENDATIONS

13 Staff recommends approval because the proposal  
14 is in compliance with the community's adopted  
15 Comprehensive Plan. The conditions and findings of  
16 fact that support this recommendation include the  
17 following:

18 CONDITIONS:

19 1. A final development plan shall be  
20 submitted for approval of the OMPC within 30 days of  
21 the Planning Commission hearing;

22 2. All vehicular use areas shall be paved and  
23 the screening shall include a three foot landscape  
24 easement with a continuous three foot high element  
25 with one tree every 40 linear feet;

1           3. Access to Highway 54 shall be in  
2 conformance with the adopted street access standards,  
3 restricted to no more than 40 percent of the street  
4 frontage; and,

5           4. Since the required improvements to the  
6 site were not accomplished with the prior rezoning as  
7 conditioned, surety should be posted at the time of  
8 final development plan submittal for the paving and  
9 vehicular use area screening.

10 FINDINGS OF FACT:

11           1. The subject property is located in a Rural  
12 Community Plan Area, where light industrial uses are  
13 appropriate in limited locations;

14           2. The subject property is situated in the  
15 rural community of Philpot on a major street;

16           3. The subject property is contiguous to I-1  
17 Light Industrial zones and use; and,

18           4. At 0.68 acres, I-1 Light Industrial  
19 expansion should not significantly increase the extent  
20 of industrial uses that are located in the vicinity  
21 and outside of Industrial Parks. Also, such an  
22 expansion should not overburden the capacity of  
23 roadways and other necessary urban services that are  
24 available in the affected area.

25           MR. HOWARD: We would like to enter the Staff

1 Report into the record as Exhibit B.

2 CHAIRMAN: Do we have someone representing the  
3 applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Do we have any questions of the  
6 applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody on the commission have  
9 any questions?

10 (NO RESPONSE)

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

13 MR. HAYDEN: Make a motion for approval with  
14 Staff Recommendations with Conditions 1 through 4 and  
15 Findings of Fact 1 through 4.

16 CHAIRMAN: We've got a motion for approval by  
17 Mr. Hayden.

18 MR. MILLER: Second.

19 CHAIRMAN: Second by Mr. Miller. 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 4

25 2800 US Highway 60 East, 2.954 acres  
Consider zoning change: From R-3MF Multi-Family

1 Residential and B-4 General Business to B-4 General  
Business  
2 Applicant: Wyndall's Center, Inc.

3 PLANNING STAFF RECOMMENDATIONS

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

9 CONDITIONS:

10 1. No access shall be permitted to East Sixth  
11 Street with access to the tract limited to the  
12 existing vehicular use area of the adjoining shopping  
13 center;

14 2. Submission of a final development plan  
15 prior to issuance of building permit;

16 3. All vehicular use areas shall be paved;

17 4. A 10' landscape easement with a six foot  
18 element and one tree every 40 linear feet shall be  
19 installed where adjoining residentially zoned property  
20 to the south and west; and,

21 5. Due to the proximity to existing  
22 residential zones, all lighting for the subject  
23 property shall be directed away from the residential  
24 property to reduce the glare and impact of the  
25 lighting on the residential uses.

1 FINDINGS OF FACT:

2 1. The subject property is located in an  
3 Urban Residential Plan Area, where general business  
4 uses are appropriate in very-limited locations;

5 2. A portion of the subject property is  
6 currently zoned B-4 General Business;

7 3. The proposal is a logical expansion of B-4  
8 zoning located immediately north and east of the  
9 subject property; and,

10 4. With no access to East Sixth Street, US  
11 Highway 60 East or Pleasant Valley Road, the expansion  
12 of the B-4 zoning should not significantly increase  
13 the extent of the zone in the vicinity of the  
14 expansion and should not overburden the capacity of  
15 roadways and other necessary urban services that are  
16 available in the affected area.

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

19 CHAIRMAN: Do we have anybody representing the  
20 applicant?

21 MR. KAMUF: Mr. Chairman, Charles Kamuf.

22 MR. SILVERT: Mr. Kamuf, I recognize the oath  
23 you took when you were admitted to the bar.

24 MR. KAMUF: Just a short statement.

25 I represent T.A. and Stanton Smith. They own

1 the subject property and they own Wyndall's Center.

2 Next to the property that you see in yellow is  
3 a 2.75 acre tract of ground. It adjoins Wyndall's  
4 Shopping Center. The part that you see outlined in  
5 red, that is about a 11.79 acre tract, exempting  
6 Wyndall Shopping Center.

7 The part with the hash marks, that property is  
8 presently zoned. Part of it to the north is already  
9 zoned B-4.

10 Several years ago there was a request by the  
11 Smiths to get the property zoned from commercial to  
12 multi-family. Now they have requested the property to  
13 be zoned B-4. The lot is vacant.

14 As I said, part of it is already B-4. It  
15 meets the logical expansion use of the criteria for  
16 the comprehensive plan. I have some plats to present.

17 I met with the neighbors before the meeting  
18 and I think I've tried to answer what most of their  
19 issues were. One lady was concerned about access off  
20 of Sixth Street. I told her according to the finding  
21 of fact there will be no access off of Sixth Street.  
22 We cannot tell you exactly what will be there.  
23 However, there is a requirement under one of the  
24 conditions to have a development plan. I don't want  
25 to make it complicated. I think we can answer most

1 any questions that they have. I think we probably  
2 have. If you have any more questions, Mr. Smith is  
3 here and we agree to all the conditions in the Staff  
4 Report.

5 CHAIRMAN: Thank you, Mr. Kamuf. Let's see if  
6 there are any questions.

7 Are there any questions from anybody in the  
8 audience?

9 (NO RESPONSE)

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

12 (NO RESPONSE)

13 CHAIRMAN: Thank you, Mr. Kamuf.

14 The chair is now ready for a motion.

15 MR. APPLEBY: Mr. Chairman, make a motion for  
16 approval based on the Staff Recommendations with  
17 Conditions 1 through 5 and on the Findings of Fact 1  
18 through 4.

19 CHAIRMAN: We've got a motion for approval by  
20 Mr. Appleby.

21 MR. HAYDEN: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1           Next item, please.

2           MR. NOFFSINGER: Mr. Chairman, I need to make  
3 a statement that we should have made at the beginning  
4 of the zoning changes. Before anyone leaves please,  
5 let me make this statement so that we're covered.

6           On these Items 3, 4, 5, the three zoning  
7 changes we have on the agenda, the action that the  
8 Planning Commission takes tonight will become final in  
9 21 days from this meeting, unless an agreed party  
10 request that the Daviess County Fiscal Court or the  
11 Owensboro City Commission, whichever has jurisdiction,  
12 hear that request. I just needed to make sure that we  
13 made that statement. That the recommendation becomes  
14 final in 21 days. So you have 21 days to appeal to a  
15 legislative body.

16          MS. CHRISLER: Can I say something now?

17          CHAIRMAN: Is it in regards to this case?

18          MS. CHRISLER: Yes.

19          CHAIRMAN: You can make a comment. If you're  
20 going to make a comment, you need to come to the  
21 podium there.

22          MS. CHRISLER: My name is Jane Chrisler. I'm  
23 a neighbor of the property.

24                 (JEAN CHRISLER SWORN BY ATTORNEY.)

25          MS. CHRISLER: I have one question. I

1 understood from Mr. Kamuf, and I want to be sure that  
2 I'm right, that there will be no other meeting when  
3 the times comes for whoever is going to do some  
4 building to know anything about that. That's already  
5 settled and will not be another meeting on that?

6 CHAIRMAN: I think Mr. Noffsinger can answer  
7 that.

8 MR. NOFFSINGER: At some point in time when  
9 they are ready to develop the property they will  
10 submit a development plan to the planning office.  
11 That plan will most likely be reviewed and approved  
12 in-house and there will not be another meeting for  
13 that development plan.

14 MS. CHRISLER: No public meeting?

15 MR. NOFFSINGER: That's right.

16 MS. CHRISLER: Thank you.

17 CHAIRMAN: Next item.

18 ITEM 5

19 7200 Block US Highway 431, 2.00 acres  
20 Consider zoning change: From A-R Rural Agriculture to  
21 I-1 Light Industrial  
22 Applicant: H&R Agri-Power Equipment, Mike and Larry  
23 Hayden

24 PLANNING STAFF RECOMMENDATIONS

25 Staff recommends approval because the proposal  
is in compliance with the community's adopted  
Comprehensive Plan. The conditions and findings of

1 fact that support this recommendation include the  
2 following:

3 CONDITIONS:

4 1. The parent tract, which would include the  
5 entire road frontage for the approximately 61 acre  
6 parent tract zoned to A-R and I-1 in January 2008,  
7 shall be limited to two access points on US 431, as  
8 conditioned on the prior zoning change;

9 2. Submission of a consolidation plat to  
10 consolidate the subject property to the previously  
11 created industrial lot;

12 3. All vehicular use areas shall be paved and  
13 vehicular use area screening shall be installed; and,

14 4. Any outdoor storage areas shall be  
15 completely screened with a six foot high continuous  
16 fence.

17 FINDINGS OF FACT:

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

21 2. The subject property is a logical  
22 expansion of I-1 zoning located immediately east of  
23 the subject property; and,

24 3. At 2.00 acres, I-1 Light Industrial  
25 expansion should not significantly increase the extent

1 of industrial uses that are located in the vicinity  
2 and outside of Industrial Parks. Also, such an  
3 expansion should not overburden the capacity of  
4 roadways and other necessary urban services that are  
5 available in the affected area.

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

8 CHAIRMAN: Is there anybody here representing  
9 the applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: Does anybody have any questions?

12 (NO RESPONSE)

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

15 MR. GILLES: Motion to approve based on  
16 Staff's findings and Conditions 1 through 4 and  
17 Findings of Fact 1, 2 and 3.

18 CHAIRMAN: We've got a motion for approval by  
19 Mr. Gilles.

20 MR. APPLEBY: Second.

21 CHAIRMAN: Second by Mr. Appleby. All in  
22 favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 MR. NOFFSINGER: Mr. Chairman, on Item 6 the  
2 applicant request that you take a vote to postpone  
3 action on this item.

4 CHAIRMAN: In that case all we need is a  
5 motion for postponement.

6 MS. DIXON: Move to postpone.

7 CHAIRMAN: Ms. Dixon has a motion for  
8 postponement.

9 MR. MILLER: Second.

10 CHAIRMAN: Second by Mr. Miller. All in favor  
11 raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously. The  
14 item is postponed.

15 Next item, please.

16 -----

17 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

18 ITEM 7

19 Horizon Place, 3.28 acres (Postponed at April 10, 2008  
20 meeting)

21 Consider approval of major subdivision preliminary  
22 plat/final development plan.

23 Applicant: Wabuck Development Company, Inc.; The  
24 Learning Villa, Limited

25 MR. NOFFSINGER: Mr. Chairman, Planning Staff  
and Engineering Staff has reviewed this item. It's  
found to be consistent with the adopted zoning

1 ordinance and subdivision regulations and its use is  
2 consistent with the adopted comprehensive plan.

3 CHAIRMAN: Do we have anybody representing the  
4 applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: Do we have any questions of the  
7 applicant?

8 MR. CONDON: Yes.

9 MR. SILVERT: State your name, please.

10 MR. CONDON: My name is David Condon, Director  
11 of Housing Authority of Owensboro, 2161 East 19th  
12 Street, Owensboro, Kentucky.

13 (DAVID CONDON SWORN BY ATTORNEY.)

14 MR. CONDON: Mr. Chairman, I want to thank you  
15 for the opportunity to speak. I don't have a question  
16 of the applicant. I just want to bring some issues  
17 and concerns that we have with respect to this  
18 development to the commission. With your permission  
19 it won't take very long.

20 CHAIRMAN: It is in regards to this specific  
21 issue?

22 MR. CONDON: Yes. The specific issue on  
23 Horizon Place.

24 Our concerns, we have expressed these concerns  
25 to the City Commission a couple of weeks ago when

1       there was an ordinance closing what they had reserved  
2       as a right-of-way to straighten out Leitchfield Road  
3       at the intersection of Leitchfield Road and East 18th  
4       Street. The developer was present at the time so  
5       they're aware of our concerns.

6               I felt it important to come to this body to  
7       reiterate those concerns. That you're aware of the  
8       concerns and our understanding of the situation there.

9               When this project was developed or first  
10       implemented, we had the Scholarhouse, which we are  
11       participating in, in terms of being the administrator  
12       of an assisting case to administer the program.  
13       That's been built and those buildings are up and  
14       should be ready for occupancy shortly.

15              Horizon Place is an addition of 34 units for  
16       senior persons age 55 and older. In order to be able  
17       to build that however it turns out that they had to,  
18       they didn't have enough acreage. I don't know how  
19       they were told or how they were instructed to proceed,  
20       but the way they proceeded was to ask the city to  
21       close this right-of-way. So it gave them additional  
22       setback, additional land on which to build on the  
23       setback requirements.

24              The problem we have is not with the  
25       development. The problem is with the safety issue

1 that creates because with Horizon Place and the  
2 Scholarhouse, we're looking at 186 vehicles according  
3 to the parking regulations that are anticipated to be  
4 entering that site throughout the day and various  
5 times during the day.

6 That intersection is the crossing point for  
7 approximately 100 children in our development that go  
8 to school at Estes. That's a rough count today. I  
9 can't say that's an exact count, but we think it's  
10 about 100. There are other neighborhood children that  
11 don't live with us, but cross at that point also.

12 We now have all this traffic coming in. We  
13 believe the predicate for the closing of the  
14 right-of-way was of the street, East 18th, would  
15 continue from Leitchfield all the way to down to  
16 Parrish Avenue. Well, that hasn't happened yet and  
17 there's nothing on the plats or plans that show that's  
18 going to be happening. We're hoping that it happens.  
19 I presume the developer hopes that's going to happen,  
20 but until that happens there's an issue with the  
21 development of these two sites for all the traffic  
22 entering and exiting 18th Street. So there's a safety  
23 issue that I think this body should be aware of.

24 I don't know, you know, the city recognized  
25 some years ago the safety issue on Leitchfield Road.

1 That's why we reserved the right-of-way. They were  
2 under the impression that it was going to continue on.  
3 East 18th would be extended out to Parrish. That  
4 hasn't happened. The question I guess is: What  
5 should be done from the developer's point of view?  
6 I'm not going to speak for the developer, but I  
7 understand that the question is -- this development  
8 plan with the new, reflecting the new setbacks and the  
9 abandonment of the right-of-way. I don't know whether  
10 perhaps they could get a variance from the setback. I  
11 don't know if they could relocate this main building,  
12 which is houses, and most of the units more interior  
13 to the property line to allow that safety margin to be  
14 developed in the future.

15 The point is some time ago the city determined  
16 that was a dangerous roadway, a reserved right-of-way  
17 to straighten it and make it more safe.

18 CHAIRMAN: Before we get too deep in your  
19 statements, let's address some of your questions  
20 before we get too much rhetoric in the comments that  
21 we don't get your questions answered.

22 I think for the first thing also to summarize,  
23 and Mr. Noffsinger will address, as far as the  
24 right-of-way issue and as far as the city closing or  
25 making adjustments on the right-of-way, I think Mr.

1 Noffsinger can address that.

2 MR. NOFFSINGER: I'll defer to Staff, Brian  
3 Howard.

4 CHAIRMAN: Mr. Howard.

5 MR. HOWARD: In regard to right-of-way  
6 closure, the Planning Commission was given a facility  
7 review to review as part of that closure. It was  
8 action that was undertaken by the city to close the  
9 right-of-way. Planning Commission Staff didn't  
10 encourage the applicant to close the right-of-way. It  
11 wasn't done at our request. It was done at the -- I  
12 guess the applicant initiated the process and moved  
13 through the proper channels to have that done.

14 CHAIRMAN: So the proper answer or the total  
15 answer there is actually the city took action there  
16 and it was obviously studied by the city engineer and  
17 passed by the city commission.

18 MR. HOWARD: Right. Part of that I believe,  
19 and again the applicant is here, but they dedicated a  
20 little bit of additional right-of-way beyond what was  
21 closed. I think that was for a right turn  
22 improvement; is that correct?

23 MR. DYER: Yes.

24 MR. HOWARD: That was my understanding. That  
25 they were looking at, the city engineer's office was

1 looking at putting a right turn maneuver in there that  
2 could accommodate the traffic. They are actually  
3 dedicating a little bit of right-of-way more than what  
4 was, beyond what they're getting back from the closure  
5 right-of-way.

6 CHAIRMAN: Thank you, Mr. Howard.

7 Would the applicant step forward, please.

8 MR. APPLEBY: Brian, am I understanding you  
9 that there is going to be a right turn lane into this  
10 development?

11 MR. HOWARD: That was my understanding. That  
12 was what the city engineer's office was negotiating.  
13 Brian Dyer is here. He may be able to address that  
14 more fully.

15 MR. SILVERT: State your name, please.

16 MR. DYER: My name is Brian Dyer.

17 (BRIAN DYER SWORN BY ATTORNEY.)

18 CHAIRMAN: Mr. Appleby, do you want to  
19 address?

20 MR. APPLEBY: I assume that Brian is correct,  
21 that you're putting a right turn decel lane into this  
22 property?

23 MR. DYER: We are not. The city engineer had  
24 us to make sure that all stopping site distances and  
25 all the safety precautions that the State of Kentucky

1 has are met at this intersection. Addressing more on  
2 the issue of us acquiring this right-of-way back, the  
3 idea from the city engineer and from the Planning  
4 Commission was that the initial thought was that Old  
5 Leitchfield Road would be straightened out. Since we  
6 have put in a new 18th Street, all the traffic will be  
7 going that direction. Now, we don't own the property  
8 that it continues on. We went ahead and designed the  
9 road to end up on 54. It was the desire of the  
10 engineer department and others that the main  
11 thoroughfare go on 18th Street instead of  
12 straightening out Leitchfield Road. That's the future  
13 plans and that was the reasoning for the right-of-way  
14 closing.

15 Also to address some of his concerns. This is  
16 an elderly facility that we're putting in here. I  
17 don't think the traffic volume from this elderly  
18 facility will be that large. We typically -- I don't  
19 have a set of plans with me. It's different in every  
20 city, the community it's in. What's the parking  
21 requirement?

22 Two spaces per units. That was what he was  
23 basing his numbers on. Typically we're in a one space  
24 per unit, and they don't drive a lot. So we're not  
25 adding that much traffic to this intersection, if

1       you're just counting all spaces that we're providing  
2       for the development. That's been our experience.  
3       We've done this numerous times. We went ahead and, of  
4       course, met the parking requirements for the Planning  
5       Commission on this project. We have studies that back  
6       that up.

7                 CHAIRMAN: When you said engineer, is that  
8       city or county right there?

9                 MR. DYER: It's both. We work with both  
10       engineers.

11                CHAIRMAN: So you have a review by the city  
12       engineer and the county engineer?

13                MR. DYER: And the county engineer. This was  
14       all done initially during the Scholarhouse when we  
15       were talking about all of this. Putting 18th Street  
16       in like we did was a huge expense. This was part of  
17       the plan all along, is to make this a major route  
18       through there. It's not reconfiguring Leitchfield  
19       Road.

20                CHAIRMAN: Thank you.

21                MR. DYER: Do you have any other questions?

22                CHAIRMAN: At the present time I do not. I'm  
23       going to see if he can summarize in question form his  
24       other concerns.

25                MR. CONDON: Mr. Chairman, just as you

1 interrupted me I was about finished.

2 CHAIRMAN: I felt like we were at a point  
3 where we needed to summarize your comments into  
4 questions because I knew we were going to have to  
5 either go to the Staff and the applicant.

6 MR. CONDON: I just wanted the commission to  
7 be aware of this issue, which is a safety issue. The  
8 Horizon Place is a senior project, but it's designed  
9 for persons 55 years of age and older. It's senior by  
10 AARP, but it's not senior in terms of people's  
11 lifestyles today. So I think traffic there's going to  
12 be traffic there.

13 I'm just concerned that this development, of  
14 course, two weeks ago was the first notice we had. We  
15 don't have to get notice from the regs or the  
16 statutes. I'm not an adjoining or adjacent property  
17 owner so I don't get notice of this until I read it in  
18 the paper. So we came as fast as we could to those  
19 bodies to express a concern. If there was a way for  
20 them to redesign it and maintain the potential for  
21 that road being straightened, that would be a good  
22 solution. I just wanted to bring our concerns to the  
23 commission and make you aware of it.

24 CHAIRMAN: I appreciate you coming forward.  
25 In all these incidents, you know, it's either reviewed

1 by the city or county. In their particular case, it  
2 was reviewed by the city and the county engineer.  
3 They had both.

4 MR. CONDON: Certainly. And I've spoken to  
5 Joe Shepherd. He agreed with me at the city  
6 commission that that intersection is absolutely not a  
7 satisfactory intersection as it presently stands. I'm  
8 trying to get a way to get that improved because  
9 there's going to be a lot of traffic in there and the  
10 road actually, as you know, it goes over to Estes  
11 School. So there's going to be more traffic that will  
12 exit out there. Anyone who exits there wants to go 54  
13 will travel on Leitchfield Road.

14 CHAIRMAN: Before the plan gets to us, it is  
15 reviewed by the city and the county engineer and both  
16 of them sign off on that before we get the plan.

17 MR. CONDON: I understand that. Thank you.

18 CHAIRMAN: Are there any other questions by  
19 anybody in the audience?

20 (NO RESPONSE)

21 CHAIRMAN: Anybody on the commission?

22 (NO RESPONSE)

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

25 MR. MILLER: Mr. Chairman, motion to approve.

1 CHAIRMAN: Motion for approval by Mr. Miller.

2 MR. APPLEBY: Second.

3 CHAIRMAN: Second by Mr. Appleby. All in  
4 favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 Related Items:

9 ITEM 7A

10 Owensboro Scholarhouse, 10.83 acres (Postponed at  
11 April 10, 2008 meeting)  
12 Consider approval of amended major subdivision final  
13 plat.  
14 Surety (Letter of Credit) posted: \$32,404.75  
15 Surety previously posted: \$370,747.95  
16 Applicant: Clayton Watkins Construction

17 MR. NOFFSINGER: Mr. Chairman, this  
18 application has been reviewed by the Planning Staff  
19 and Engineering Staff. It's found to be consistent  
20 with the adopted zoning ordinance and subdivision  
21 regulations and its use is found to be consistent with  
22 the adopted comprehensive plan and the zoning in which  
23 it is situated.

24 CHAIRMAN: Is anybody representing the  
25 applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the  
applicant?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Motion for approval by Ms. Dixon.

6 MR. TAYLOR: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: The motion carries unanimously.  
11 That would be our final item, Mr. Noffsinger?

12 MR. NOFFSINGER: Yes, sir.

13 CHAIRMAN: The chair is ready for one final  
14 motion.

15 MS. DIXON: Move to adjourn.

16 CHAIRMAN: Motion for adjournment by Ms.  
17 Dixon.

18 MR. HAYDEN: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously. We  
23 were adjourned.

24 -----

25

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

16 WITNESS my hand and notary seal on this the  
17 27th day of May, 2008.

18

19

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

22

COMMISSION EXPIRES: DECEMBER 19, 2010

23

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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