The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, February 5, 2009, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  C.A. Pantle, Chairman
Ward Pedley, Vice Chairman
Ruth Ann Mason, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Judy Dixon
Marty Warren
Sean Dysinger
Clay Taylor

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CHAIRMAN:  Let's call the meeting to order. We're going to open our meeting with a prayer by Ruth Ann and then the pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: We welcome everyone. If you have anything to add on any point, please come to the podium and state your name.

The first item on the agenda is to consider the minutes of the January 8th meeting. They're on record in the office. I don't think there's any problems. Entertain a motion.

MS. DIXON:  Move to approve.
MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item.

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CONDITIONAL USE PERMITS

ITEM 2

3910 Medley Road, zoned P-1
Consider request for a Conditional Use Permit to
operate an adult daycare and training facility for a
maximum of 30 clients.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: River Valley Behavioral Health c/o Ken
Stein; Mr. & Mrs. Joe Foster

MR. SILVERT: State your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is currently zoned P-1
Professional Service. In 1999 it was rezoned from
R-1A to P-1. At that time there was one condition on
that rezoning limiting the driveway to a single drive
at Medley Road. The subject property is developed
with an existing building and existing paved parking.
The required vehicular use area landscaping is
achieved by a natural berm with an existing tree line
along the north boundary of the paved parking area. A
three (3) foot continuous element with one (1) tree every 40 feet along the west boundary of the paved parking area is required and the gravel area along the east boundary of the paved parking area is to be returned to grass in accordance with Article 13, Section 13.12 of the Zoning Ordinance; as shown on the site plan submitted with the application.

There are also two other conditional use permits that have been approved in the past for this property.

The first one was in 1974 to construct an Elks Club on the property.

The other one was in 1993 to operate a preschool/daycare for children with handicaps ages birth to four years old.

LAND USES IN SURROUNDING AREA

The property to the north, across Medley Road, is zoned A-U Urban Agriculture with two single-family residences. The property to the west is zoned R-1C Single-Family Residential with an existing neighborhood. The property to the east and south are both zoned R-1A Single-Family Residential and they are both vacant.

ZONING ORDINANCE REQUIREMENTS

1. Parking requirement - Daycare - 2, plus
one per 10 children. The applicant has stated that there will be a maximum of 30 children. So that's five parking spaces. Then plus 1 per every 400 square feet of existing office space, and there's 4,318 square feet of office space, so that's 11 parking spaces so that's a total of 16 required.

2. Landscape easement between the vehicular use area and the right-of-way consisting of a three foot continuous element with one tree every 40 feet.

SPECIAL CONDITIONS

1. Install the required landscaping along the west boundary of the paved parking area.

2. Return existing gravel parking area to grass.

MS. EVANS: Staff would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Any objections in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: The applicant here this evening? Do you have any comments at this time?

APPLICANT REP: No.

CHAIRMAN: Staff have anything else you want to add to it?

MR. NOFFSINGER: I do. I just want to make sure on the parking.
This is an adult daycare?

MS. EVANS: Yes, it is. I'm sorry, that is a mistake on there. That should be per ten adults instead of children. It is for an adult daycare.

MR. NOFFSINGER: That is the way the zoning ordinance specifies per its use?

MS. EVANS: It's for daycares. This falls under a daycare so it's per clients. That's just a mistake that I made.

MR. NOFFSINGER: Thank you.

CHAIRMAN: Staff any other comments?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Board members have any other comments or questions?

(NO RESPONSE)

CHAIRMAN: Hearing none entertain a motion to dispose of the item.

MR. PEDLEY: Mr. Chairman, I make a motion for approval based on findings that we've no opposition on this application and it is a compatible use with the neighborhood because it is similar use to the residential area. It will allow a harmonious integration into the neighborhood because it's a quiet operation. It will not adversely affect the future development of the area because it is compatible with
MR. DYSINGER: Second.

CHAIRMAN: A motion has been made and a second. Any other comments from the Staff?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Any other questions from the board?

(NO RESPONSE)

CHAIRMAN: You understand all the conditions stated?

APPLICANT REP: Yes, sir.

CHAIRMAN: Hearing none all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

We need one final motion.

MS. MASON: Move to adjourn.

MR. WARREN: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY 
)SS: REPORTER'S CERTIFICATE 
COUNTY OF DAVIESS 

I, LYNNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Board of Adjustment meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 6 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 22nd day of February, 2009.

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

COMMISSION EXPIRES: DECEMBER 19, 2010 
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY