The Owensboro Metropolitan Planning Commission
met in regular session at 5:30 p.m. on Thursday, March
10, 2011, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

MEMBERS PRESENT:  Ward Pedley, Vice Chairman
                    Gary Noffsinger, Director
                    Madison Silvert, Attorney
                    Rev. Larry Hostetter
                    Irvin Rogers
                    Wally Taylor
                    John Kazlauskas
                    Martin Hayden
                    Rita Moorman

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CHAIRMAN:  Call the Owensboro Metropolitan
Planning Commission March 10th meeting to order. We
will begin our meeting with a prayer and the pledge of
allegiance to the flag. Ms. Moorman will lead us.
Stand, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  I would like to welcome everyone.
Anyone wishing to speak on any item may do. We
will ask that you come to one of the podiums, state
your name and please speak into the microphone so the
court reporter can hear. We have people at home that
likes to watch this. So everyone please speak into
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The first item on the agenda is to consider the minutes of the February 10, 2011 meeting. Are there any additions or corrections?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.
MR. KAZLAUSKAS: So move.
MR. HAYDEN: Second.

CHAIRMAN: We have a motion by Mr. John Kazlauskas and a second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item on the agenda.

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PUBLIC HEARINGS

ITEM 2
Consider revision to the Owensboro Metropolitan Public Improvements Specifications, Chapter 5, Exhibit Nos. 5-3, 5-10, 5-12, 5-13a, 5-13b, 5-14, 5-15 and Chapter 9, Exhibit No. 9-1

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

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: The revisions to these exhibits...
were proposed by the city engineer and the engineer from RWRA. Chapter 5 revisions on these detail sheets were from RWRA and Chapter 9 from the city engineer. The Public Improvement Specification Committee has seen and reviewed these exhibits, made their comments to the local engineers and they're ready for your consideration.

Mr. Schepers is here to represent the city if you have any questions on those exhibits, and Eric Glenn from RWRA is also here if you have questions on those exhibits.

CHAIRMAN: Anyone have any questions on this item for Mr. Schepers?

(NO RESPONSE)

CHAIRMAN: Any board members have any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: I make a motion to approve the revisions.

CHAIRMAN: We have a motion by Mr. Rogers.

MR. TAYLOR: Second.

CHAIRMAN: Second by Mr. Taylor. Comments or questions on the motion?

(NO RESPONSE)

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CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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ZONING CHANGES

ITEM 3

3250 Alvey Park Drive East, 1.05 acres

Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial

Applicant: Gregory Bates

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

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that any rezoning heard tonight will become final 21 days after the meeting unless an appeal is filed. If an appeal is filed, those will be forwarded to the appropriate legislative body. The appeal forms are located on the back table, in our office and on our web site.

PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT:

1. The subject property is located within a Business/Industrial Plan Area, where general business
and light industrial uses are appropriate in general locations;

2. The subject property lies within an existing area of mixed industrial and commercial land uses;

3. The Comprehensive Plan provides for the continuance of mixed use areas; and,

4. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification

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

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone here that would like to speak in opposition of this item?

(NO RESPONSE)

CHAIRMAN: Any board members have any comments or questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: I make a motion to approve with the Staff Recommendations and Findings of Fact 1

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CHAIRMAN: We have a motion by Mr. Hayden.

MR. KAZLAUSKAS: Second.

CHAIRMAN: Second by Mr. John Kazlauskas. Any comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 4

1328 Griffith Avenue, 3.58 acres
Consider zoning change: From P-1 Professional/Service and R-1A Single-Family Residential to P-1 Professional/Service
Applicant: First Presbyterian Church

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

Access to Griffith Avenue shall be limited to the existing access point only.

FINDINGS OF FACT:

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

2. The subject property is located in a

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Professional/Service Plan Area, where professional/service uses are appropriate in general locations;

3. The use as a church is consistent with the Comprehensive Plan requirements for nonresidential development; and,

4. The subject property has been used as a church since 1953 with no indication of change.

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

CHAIRMAN: Anyone here representing the applicant?

MR. BARBER: Bill Barber and Larry Yates are here on behalf of First Presbyterian Church.

MR. SILVERT: You're duly sworn as attorneys.

CHAIRMAN: Do you have anything you would like to tell the board?

MR. BARBER: No, sir. If there's any questions we'll be happy to answer them, but I believe the application is self-explanatory.

CHAIRMAN: We'll see if we have any oppositions. If we have any questions, we'll bring you back up.

Anyone here like to speak in opposition of this item?
CHAIRMAN: Any board members have any questions?

(No response)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for approval based on Planning Staff Recommendation with the condition that access to Griffith Avenue shall be limited to the existing access point only and the findings of Fact 1 through 4.

CHAIRMAN: We have a motion by Mr. Rogers.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. Comments or questions on the motion?

(No response)

CHAIRMAN: All in favor raise your right hand.

(All board members present responded AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 5

350, 354 Washington Avenue, 0.32 acres
Consider zoning change: From R-1B Single-Family Residential to B-4 General Business
Applicant: Harl Foreman

PLANNING STAFF RECOMMENDATIONS

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

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FINDINGS OF FACT:

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

2. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;

3. The use as a parking lot and related accessory uses for a restaurant is consistent with the Comprehensive Plan requirements for nonresidential development;

4. The proposal is a logical expansion of existing B-4 General Business zoning to the north, east and south and,

5. At 0.32 acres, the expansion of B-4 zoning should not overburden the capacity of roadways or other necessary urban services that are available in the affected area.

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

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone here like to speak in opposition on this item?

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CHAIRMAN: Board members have any comments or questions?

CHAIRMAN: Chair is ready for a motion.

MR. KAZLAUSKAS: I'll make a motion based on Planning Staff Recommendation and the Findings of Fact 1 through 5.

CHAIRMAN: We have a motion by Mr. John Kazlauskas.

MS. MOORMAN: Second.

CHAIRMAN: Second by Ms. Moorman. Comments or questions on the motion?

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 6

821, 901, 907, 915 West 4th Street, 1.415 acres Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional/Service

Applicant: Fourth Street Baptist Church

PLANNING STAFF RECOMMENDATION

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

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CONDITION:

Eliminate the drive closest to the church building on West Fourth Street.

FINDINGS OF FACT:

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

2. The subject property is located in a Business/Industrial Plan Area, where professional/service uses are appropriate in limited locations;

3. The use as a church is consistent with the Comprehensive Plan requirements for nonresidential development; and,

4. The proposal is a logical expansion of existing B-4 General Business zoning to the east and P-1 Professional/Service zoning to the north; and,

5. At 1.415 acres, the expansion of P-1 zoning should not overburden the capacity of roadways or other necessary urban services that are available in the affected area.

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

CHAIRMAN: Anyone here representing the applicant?

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APPLICANT REP: Yes.

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

MR. POSEY: Frank Posey, chairman of the trustee board.

(FRANK POSEY SWORN BY ATTORNEY.)

MR. POSEY: I don't have anything to say, but any remarks I'll answer.

CHAIRMAN: Thank you, sir. We'll see if we have any opposition.

Anyone like to speak on opposition on the item?

(NO RESPONSE)

CHAIRMAN: Board members have any comments or questions?

MR. KAZLAUSKAS: Maybe Mr. Posey could tell us that the church is aware that that property does lay within the new Downtown Overlay District. Certainly they're fully aware of that?

MR. POSEY: Yes, we are aware of that.

CHAIRMAN: Should we address that, Mr. Noffsinger?

MR. NOFFSINGER: Yes, sir. They are located in that overlay district and any changes would require the review of the Downtown Design Administrator,

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Nathan Nunley, and a Certificate of Appropriateness through the Planning office, as well as any building or electrical permits or site plans.

CHAIRMAN: So there is a Certificate of Approval?

MR. NOFFSINGER: Well, any changes to the site they would need to get a Certificate of Appropriateness, but they're not, we're not to that point yet. They haven't submitted any plans. They're just going through the rezoning progress and this rezoning is consistent with the Downtown Overlay District.

CHAIRMAN: Okay. Thank you.

Any board members have any other questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

FATHER HOSTETTER: Mr. Chairman, move to approve based on the Staff Recommendations with the Condition to eliminate the drive closest to the church building on West Fourth Street and the Findings of Fact 1 through 5.

CHAIRMAN: We have a motion by Father Larry.

MR. TAYLOR: Second.

CHAIRMAN: Second by Mr. Taylor. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 7

2404, 2412 East Parrish Avenue, 66.708 acres
(Postponed at February 10, 2011 meeting)
Consider zoning change: From R-1C Single-Family
Residential, R-3MF Multi-Family Residential and B-4
General Business with conditions to B-4 General
Business
Applicant: Heartland Crossing, LLC, Phil Riney

MR. NOFFSINGER: Mr. Chairman, since the last
meeting of the Planning Commission there has been some
talk and discussions throughout the community, as well
as amongst the local and state transportation
officials relating to this development.

There was a meeting of the Heartland
Neighborhood Association that occurred back early
March, about March 1st, 2nd, somewhere in there, which
I did attend. That meeting is taped and could be of
record. That meeting consisted of the representatives
of the developer, his engineering firm, as well as I
spoke at that meeting, and a gentleman from Menard's,
Mr. Tom O'Neal.

During that meeting the neighbors were given a
brief discussion, if you will, in terms of what
Menard's was planning to do and where there were some
neighborhood concerns. This gentleman attempted to
address those concerns.
I bring that up because there has been that meeting with the developer regarding Menard's.

We are not here tonight to determine whether Menard's can or cannot be located on this site. Tonight we are here to consider the zoning of this property to B-4 General Business.

Now, the majority of this property, except for two little slivers of property near the intersection of Byers and Highway 54 is currently zoned B-4 General Business, but those two slivers are zoned Single-Family Residential and Multi-Family Residential.

The rezoning tonight would consist of those two parcels plus removing conditions that were placed on the B-4 rezoning in 2007 by this commission. The conditions that were placed on the rezoning regarding transportation cannot be complied with by the developer because the state was unable to approve an access permit and the developer was asked to by the state to go back to the design and take a look to see what improvements could be made.

There's been a lot of talk in terms of, and correspondence between developer, the neighborhood association, the state transportation department, the city engineer's office, as well as the Planning Ohio Valley Reporting

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office. I can certainly say that I've been pleased to be involved in much of that conversation and can tell you that in my mind this project is moving forward in a very favorable view and I think ultimately the community is going to end up winning. The developer will win, as well as the neighborhood association, and the businesses around the Heartland.

However, at this point in time know this:

Tonight we consider the rezoning of this property only to B-4 General Business and removal of those previous conditions.

Again, we have no site plan for Menard's. Any discussion about Menard's locating or any other business locating on this property is really not germane to what you are charged to do here tonight. That will be for another night. There will be when Menard's files their plans or any other business files their plans on this property, you'll have an opportunity to review and certainly receive public input.

State law does not enable us to rezone property based upon use. So you can only do that in an urban county government. Therefore, if you consider the rezoning of the property based upon a specific use, it would be contrary to what we're...
enable to do by the statutes. At this time I think it would be appropriate to ask Mr. Kevin McClearn to come to the podium and speak as to what has transpired since the last meeting regarding transportation and where we might go from here.

CHAIRMAN: Mr. McClearn, would you like to step up and share the information with us that you have.

MR. SILVERT: State your name, please.

MR. McCLEARN: Kevin McClearn.

(KEVIN McCLEARN SWORN BY ATTORNEY.)

MR. McCLEARN: At the last meeting last month I got up here and spoke about the possibility of having a separate set of professional eyes look at the situation.

MR. NOFFSINGER: Speak a little closer to the mike. Thank you.

MR. McCLEARN: At the meeting last month I was up here and stated that I recommended that perhaps we fund the study to go in and look a little bit closer at this situation that we've got in regards to access Kentucky 54 and all the entities involved.

I stated that it would be upon the approval of my bosses in Frankfort. Since that time that approval has been granted and we have moved forward with that.
request.

Moving forward to the point of securing HMB Engineering Consulting firm out of Frankfort, Kentucky has been tasked with that duty. We're very preliminary in that study. They do not have a notice to proceed yet, but conversation has been held between them and myself and my office about the parameters of such study. What are our goals and what are we after, what are we looking for. Some of the things that I've stated to them was phrases like "think outside the box" and "everything is on the table." When I say those phrases, we're looking not only at the area that we're talking about, but we're looking at adjacent areas. We're considering what could happen and we're not afraid to throw things out that make no sense because without brainstorming you can't get to new ideas.

I'm encouraged with the qualifications of the firm that we've gotten. I'm encouraged with some of the ideas early on that have been thrown out. At this point I can't really comment on the specifics on those because some that we may be looking at early may prove through analysis to not be frugal enough or appropriate enough for whatever reason to move forward. So that's where we are in the study.

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I also talked about a public meeting to maybe answer some questions, as we look at the best transportation decisions for the area. That meeting has not been scheduled to date. I've talked to a representative from the neighborhood community, a representative. We talked about me showing up at their next meeting, which I believe is March 24th in the evening. It's around that time. I will be showing up to that to talk about it. I've also given them my e-mail address to be dispersed and those ideas that they would have or comments that they would like to make are coming to me. As I get those, I'll review them and forward them on to the consultant.

Beyond that public meeting, yes, once we get towards the end of the study we will have and make the opportunity available to anyone to come out and we'll put on a brief presentation about the results of our study.

Next question would be, what's the time frame? As I hopefully stated in last month's meeting, we want to expedite this and we also want to make the best decisions and that's what we have asked the consultant to do. I feel encouraged that they'll devote appropriate manpower to move this along. I'm hopeful to start formulating a document within the next 30

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days or so. That is about where we're at right now on that study. Any questions?

CHAIRMAN: Any board members have any questions of Mr. McClearn?

MR. NOFFSINGER: Mr. Chairman, I've worked with Mr. McClearn for a number of years. I can tell you that in my working relationship with him and his office has been very positive.

Last month when Mr. McClearn stood up and talked with much of the same group and to this commission, I realized he was very sincere in terms of we have some problems out on Highway 54. We recognize we have problems today. We recognize that although this development will likely be good for this community, it also adds traffic to that area.

During the last month in talking with neighbors and talking with the developer and the state and traffic engineers, I realize an even bigger problem and perhaps we might have realized. Certainly I realized last month, and I looked at several options. There was one option presented last month that was a version of an s-curve that might bring Byers Avenue into the developer's property and tie in with Highway 54 at the on-ramp/off-ramp to the bypass. I think that's not an option that's certainly on the
table. I think the developer's options of a roundabout is an option that's on the table. I also think there are other options out there that the state is going to look closely at. I think it's going to involve some more options. Well, I know it's going to involve some more options that I believe will be beneficial to the community.

What I do know is, as I stated last month, regardless of the action that the Planning Commission takes, the state can do what they deem is necessary on Highway 54 to protect the safety and carrying capacity of their highway. Their primary goal is Highway 60, the bypass, Highway 54. Then we go down to Byers Avenue and the internal streets. Recognizing the transportation and that work and respect in that area, I think the meeting last month brought us all to the table to realize that we do have some issues out there that perhaps an s-curve or perhaps the developer's plan is not going to fully address.

At this time I would like to amend the Staff's recommendation because I think -- well, I don't think. I believe it would be in the best interest of this community. Of the Heartland neighborhood. I think it will also be in the best interest of the developer to not attach these numerous conditions that we have on

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the zoning change. What that does is pinpoint certain transportation improvements that may or may not happen. That just about every one in the room will hope won't happen. We face probably coming back to this same hearing and talking about zoning again.

So what I would like to do is amend the Staff's Recommendations to read as follows:

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the conditions and findings of fact that follow:

CONDITIONS:

1. Submittal and approval of a preliminary subdivision plat and final development plan which shall include a Traffic Impact Study and transportation network that has been approved by the Kentucky Transportation Cabinet; and

2. With the submission of a preliminary subdivision plat the record owners of adjoining properties at that time will be notified by the developer using the notification process required for a zoning map amendment.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community adopted comprehensive plan;
2. The subject property is partially located
   in a business plan area where general business uses
   are appropriate in limited locations, and partially
   located in an urban residential plan area where
   general business uses are appropriate in very limited
   locations;

3. The majority of the subject property is
   currently zoned B-4 General Business and the proposed
   expansion in the northwest corner of the subject
   property is a logical expansion;

4. With an approved preliminary plat and
   final development plan including a KYTC Improved
   Traffic Impact Study and transportation network, the
   development should not overburden the capacity of
   roadways and other necessary urban services that are
   available in the affected area while allowing
   flexibility for future changes to Kentucky 54 corridor
   if deemed necessary by the KYTC and the City of
   Owensboro.

   CHAIRMAN: Thank you, Mr. Noffsinger.

   Thank you, Mr. McClearn. We'll see if we have
   any questions for you.

   MR. KAZLAUSKAS: Mr. Chairman, I do have one
   question of Mr. McClearn.

   In your statement you said the consultants

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were going to be thinking outside of the box. I don't want to hold your feet to the fire, but are we talking about Highway 54 for feet, inches, miles? Because as we all well know in this room, you know, a lot of traffic comes in and out of 54 and it's going to continue to do so. So when you make a statement thinking outside of the box, are you thinking miles instead of just yards?

MR. McCLEARN: No. I'm thinking feet.

MR. KAZLAUSKAS: You're thinking feet.

MR. McCLEARN: We're in the 54 area of the Ragu and East Byers area. A little bit south, a little bit north, east, west. Just that general area. What can be proposed that may make a difference that perhaps hasn't been brought to the table for consideration.

Large scale, it takes dollars, you know. When you get a very large scale we're not able to go large scale at this point. So I'm talking in the general area.

MR. KAZLAUSKAS: So the consultants are going to be talking about the general area in feet?

MR. McCLEARN: Yes.

MR. KAZLAUSKAS: Thank you, sir.

CHAIRMAN: Thank you, sir.
I'm going to go to the developers now and see if anyone has any comments or questions or anything you can share with us at this time.

Anyone from the development group or representative would like to speak?

MR. SILVERT: Could you state your name, please?

MR. MEYER: My name is J.D. Meyer. I'm the counsel for Heartland Crossings, LLC.

MR. SILVERT: You're sworn.

MR. MEYER: First, we'd like to thank Mr. McClearn and the state. I appreciate his comments here tonight.

I'd also like to thank the commission for their time and dedication, especially to the Staff, Mr. Noffsinger, and the others who participated in numerous meetings over the course of the last 30 days to really give this a lot of thought.

At this point in time we don't have much more to add. I do have a packet and information that I supplied to the court reporter. Those are simply exhibits and evidence that really supplement the information presented in the last meeting. So we'd ask those be introduced into the record.

From the developer's standpoint, again, we
appreciate all the public comments. As Mr. Noffsinger pointed out, we're here tonight to consider zoning and zoning alone of about a 1.5 acre tract that's contiguous to a 64.5 acre tract owned by Heartland Crossings that's already been rezoned to B-4 General Business.

My clients I can tell you are long time residents of the City of Owensboro and they want nothing more than for this project to succeed and for it to be done in a manner that's in the best of the general public as a whole. They're committed to working very hard and to continue to work very hard as we go through this process. I don't have anything more to add and we would be happy to answer any questions that may come up. Thank you.

CHAIRMAN: Any board members have any questions of Mr. Meyer?

MR. ROGERS: Mr. Meyer, so I take it that you all are in agreement with Mr. Noffsinger's new conditions?

MR. MEYERS: Yes.

CHAIRMAN: Thank you, Mr. Meyer.

I think at this time I'll go to the opposing side. I'd like to say what Mr. Noffsinger has already stated. We're here for the zoning change. Not for
Menard's going to locate or their development plan.
You will have an opportunity at a later time on the
development plan to be here at meetings. Also you
have an opportunity when the state comes back with
their recommendations to be at the meeting and the
developers will notify you of any meetings.

So at this time if you have comments or
questions we will hear them. We would like for you to
think about at a later date, but we certainly will
hear any questions or comments that you have. Anyone
like to speak at this time we welcome your comments.

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

MR. HODSKINS: Ed Hodskins.

MR. SILVERT: You're duly sworn.

MR. HODSKINS: I just want to make sure I understand that Item 7-A on the agenda is going to be
effectively tabled; is that correct? It will not be considered tonight?

MR. NOFFSINGER: Mr. Hodskins, when that item comes up, I will have three options or I will have
three recommendations.

Number one would be a postponement. Number
two will be a withdraw by the applicant, or number
three I recommend it for denial, because it will not
be in order, if this rezoning is approved with these
conditions.

So there will not be a plan. I will not
recommend that the plan be approved here tonight.

MR. HODSKINS: The only other thing, I want to
affirmatively state on the record that I appreciate
that Mr. McClearn hand-delivered to my client tonight
a letter which is the first communication we've really
had over the last 30 days from the state. We take
that as a good sign to finally have some
communication. We look forward to working with them
from this point forward. Thank you.

CHAIRMAN: Anyone else like to speak?
(NO RESPONSE)

CHAIRMAN: Any questions or comments from the
commissioners?
(NO RESPONSE)

CHAIRMAN: I think at this time Chair is ready
for a motion.

MR. KAZLAUSKAS: I'll make a motion that we
move forward with the Planning Staff's recommendations
with the two new conditions. Could we have --

MR. NOFFSINGER: Excuse me. I can give you
what I have.

MR. KAZLAUSKAS: I want to be sure about these
The Planning Staff recommends approval subject to the Conditions and Findings of Facts that follows:

CONDITIONS:

1. Submittal and approval of a preliminary subdivision plat and final development plan which shall include a Traffic Impact Study and transportation network that has been approved by the Kentucky Transportation Cabinet; and

2. With the submission of a preliminary subdivision plat the record owners of adjoining properties at that time will be notified by the developer using the notification process required for a zoning map amendment.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community adopted comprehensive plan;

2. The subject property is partially located in a business plan area where general business uses are appropriate in limited locations, and partially located in an urban residential plan area where general business uses are appropriate in very limited locations;

3. The majority of the subject property is
currently zoned B-4 General Business and the proposed
expansion in the northwest corner of the subject
property is a logical expansion;

4. With an approved preliminary plat and
final development plan including a KYTC Improved
Traffic Impact Study and transportation network, the
development should not overburden the capacity of
roadways and other necessary urban services that are
available in the affected area while allowing
flexibility for future changes to the Kentucky 54
corridor if deemed necessary by the KYTC and the City
of Owensboro.

I'll make that motion from what I've heard
from the representative of the state highway and the
developers. There hasn't been a whole lot of people
here that has disapproved of what Mr. Noffsinger has
suggested so I'll make a motion that we move forward
with this.

CHAIRMAN: We have a motion by Mr. Kazlauskas.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. Comments or
questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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Related Item:

ITEM 7A

Heartland Crossing, 66.708 acres (Postponed at February 10, 2011 meeting)

Consider approval of preliminary development plan

Applicant: Heartland Crossing, LLC

Mr. Noffsinger: Mr. Chairman, the Planning Staff and Engineering Staff have reviewed this plan. We found the plan is not in order. The plan does not carry with the approved transportation plan by the Kentucky Transportation Cabinet and the developer is here tonight to describe the options that I would recommend and that would be:

1. That the developer request a postponement;
2. The applicant withdraw the development plan; or
3. We would recommend denial.

Chairman: Would the developer like to comment on withdrawing this at this time?

Mr. Meyer: Thank you, Mr. Chairman. At this time we would like for that to be postponed.

Chairman: Thank you.

Do we need to vote on that?

Mr. Noffsinger: Yes.

Chairman: We need a motion for postponement.
MR. KAZLAUSKAS: So moved.

CHAIRMAN: We have a motion by Mr. Kazlauskas.

MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. Comments or questions?

MR. NOFFSINGER: That would be postponed until the April 14th meeting of the Planning Commission meeting.

CHAIRMAN: Thank you, Mr. Noffsinger.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The item is postponed.

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MAJOR SUBDIVISIONS

ITEM 8

Highland Pointe, 82.157 acres

Consider approval of amended major subdivision preliminary plat.

Applicant: Highland Pointe Development, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and ready for your consideration.

CHAIRMAN: Is anyone here representing the applicant or is anyone here have any comments or questions on this item?

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APPLICANT REP: Yes.

CHAIRMAN: Board members have any questions?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

MR. HAYDEN: I make a motion for approval.

FATHER HOSTETTER: Second.

CHAIRMAN: A motion for approval by Mr. Hayden and a second by Father Larry. Comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

MINOR SUBDIVISIONS

ITEM 9

2501 Old Hartford Road, 1497 East 26th Street, 10.377 acres

Consider approval of minor subdivision plat.

Applicant: The Carmelite Sisters

MR. HOWARD: This plat comes before you as an exception. They are creating a tract that does not have road frontage. The purpose for the tract is to allow a construction of a tower for a radio station that will be located there. It's typical with a cell tower plat or something along those lines that the Ohio Valley Reporting

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plat would come before you to create the lot with no
frontage. There is a note on the plat that would
limit use on that tract to the tower and related
equipment, it's not to be used for a buildable lot.
With that we would recommend you consider it for
approval.

CHAIRMAN: Is the applicant here?
APPLICANT REP: Yes.
CHAIRMAN: Do we have any comments or
questions?
(NO RESPONSE)
CHAIRMAN: Anyone have any comments or
questions from the board members?
(NO RESPONSE)
CHAIRMAN: Chair is ready for a motion.
MR. HAYDEN: Make a motion for approval.
MR. KAZLAUSKAS: Second.
CHAIRMAN: We have a motion for approval by
Mr. Hayden and a second by Mr. Kazlauskas. Any
comments or questions on the motion?
(NO RESPONSE)
CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimous.

ITEM 10

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4000, 4018 South Hampton Road, 8.216 acres

Consider approval of minor subdivision plat.

Applicant: John A. & Mary Alice Crowe

MR. HOWARD: This plat comes before you as an exception to the three to one requirement, meaning that the lot should be no deeper than three times its width.

As you can see on the plat, the 4018 tract does meet the minimum requirements of the three to one; however, tract two exceeds that depth to width ratio. However, both lots exceed the minimum road frontage requirement within the current zone. They both meet the minimum requirements for acreage for a septic system and there is an existing home at the very back of tract two. This is the only logical way or this is a way that the property could be split one time allowing for the potential for another home to be constructed. There is a note on the plat that states the property shall not be further subdivided not meeting the requirements of the subdivision regulations. It appears based on our record that the lot was created prior to zoning going into affect so there's not been a note of this type on the plat previously.

So with that we would recommend that you consider for approval with the exception of the three
to one in that it meets all other applicable zoning
ordinance and subdivision regulation requirements.

CHAIRMAN: Anyone here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Have any comments or questions?

(NO RESPONSE)

CHAIRMAN: Board members have any comments or
questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for approval.

MS. MOORMAN: Second.

CHAIRMAN: We have a motion for approval by
Mr. Rogers. Second by Ms. Moorman. All in favor
raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

We need one final motion.

MR. HAYDEN: Make a motion to adjourn.

CHAIRMAN: We have motion to adjourn by Mr.
Hayden.

MR. TAYLOR: Second.

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

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(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, LYNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission 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 37 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 15th day of March, 2011.

____________________________
LYNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 16, 2014

COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY

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