The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, May 12, 2011, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Ward Pedley, Vice Chairman
David Appleby, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Tim Allen
Irvin Rogers
John Kazlauskas
Martin Hayden
Rita Moorman

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CHAIRMAN: I want to welcome everyone to our Owensboro Metropolitan Planning Commission meeting. Will you please stand while our invocation will be given by Mr. Ward Pedley.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the April 14th meeting. Are there any questions, corrections?

(NO RESPONSE)

CHAIRMAN: If not the Chair is ready for a motion.
MR. PEDLEY: Motion for approval.

CHAIRMAN: Mr. Pedley has a motion for approval.

MR. ALLEN: Second.

CHAIRMAN: I have a second down there by Mr. Allen. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger.

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ZONING CHANGES

ITEM 2

820 Pleasant Valley Road, 5.570 acres

Consider zoning change: From I-1 Light Industrial to I-2 Heavy Industrial

Applicant: TransMontaigne Operation Co. LP

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note the rezoning heard tonight will become final 21 days after the meeting unless an appeal is filed. If an appeal is filed, the rezoning will be forwarded to the appropriate legislative body for their final consideration. The appeal forms are available on the back table, on line and in our office. So within 21 days the rezoning

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could be appealed.

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Access to Pleasant Valley Road shall be limited to the existing access points with no additional access to Pleasant Valley Road permitted; and

2. Submission and approval of a Conditional Use Permit and Variance prior to the issuance of permits for building construction.

FINDINGS OF FACT:

1. Staff recommends approval because the proposed zoning is more appropriate than the existing zoning;

2. The subject property is located in an Industrial Plan Area, where heavy industrial uses are appropriate in limited locations;

3. The use of the subject property predates the adoption of the zoning ordinance;

4. Petroleum storage tanks require an I-2 Heavy Industrial zone with a Conditional Use Permit; and,

5. The site has been in operation for many years.

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years and has not overburden the capacity of roadways
and other necessary urban services available in the
affected area.

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

CHAIRMAN: Is there anybody representing the
applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

CHAIRMAN: If there are no questions, the
Chair is ready for a motion.

MR. APPLEBY: Motion for approval based on
Staff's Recommendations with Conditions 1 and 2, and
Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MAJOR SUBDIVISIONS

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ITEM 3

Heartland Crossing, 66.708 acres

Consider approval of major subdivision preliminary plat.

Applicant: Heartland Crossing, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. Its use of which is found to be consistent with the underlying zoning. It does meet with the minimum requirements of the zoning ordinance and subdivision regulations.

Mr. Howard is here tonight to give you a brief overview of where we are with this plan, perhaps a little bit of where we've been and where we are to date.

MR. HOWARD: At the time of the rezoning conditions were made that required the plan to be reviewed by the Kentucky Transportation Cabinet and city engineer in regard to the traffic issues that have been brought up.

Since the rezoning hearing, the Kentucky Transportation Department held a public hearing where they unveiled a plan that will help eliminate the traffic issues.

It involves realigning the existing ramp, moving it further away from the East Byers Ohio Valley Reporting

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intersection which will allow two traffic signals to be maintained along the roadway. It also involves, which is maybe the biggest issue, the installation of a slip ramp that will allow traffic entering the bypass to do so from the right lane instead of requiring a left turn maneuver.

Once the plan was unveiled, the developer and their engineers started working on a plan. The plan that was worked up is what's been presented and submitted tonight for your consideration and approval.

It has one main access point off of Kentucky 54 which is in alignment with the bypass ramp. It also shows one main access to East Byers Avenue. East Byers Avenue is a major collective roadway. There could be potential for another access point or two. They do show maybe a secondary access point in alignment with Friendship Drive, but at this time there's one principle access point shown to East Byers Avenue.

As far as the internal design, they have accommodated the traffic that will be generated by the site. The Kentucky Transportation Cabinet, which the representative is here, have signed off on the plan stating that the traffic study that was prepared as part of this plan has been approved. That the intent
of that plan is represented in this preliminary plat. That's my basic overview. I'll be happy to
answer any questions you might have from the planning perspective. I know the applicants are here as well.
CHAIRMAN: Thank you.
Do we have anybody representing the applicant?
MR. RINEY: Yes.
MR. SILVERT: Would you state your name, please.
MR. RINEY: Phil Riney.
(PHIL RINEY SWORN BY ATTORNEY.)
MR. RINEY: My name is Phil Riney. I'm the project manager of Heartland Crossings. I'm here to
answer any questions you might have, as well as Jason Baker with Bryant Engineering who put the plan
together.

As Brian alluded to, we've been working with
the state and the city and various agencies with
respect to the traffic issues. I think a lot of the existing conditions have been addressed through their re-evaluation and what will be done in the corridor. We as the developer have come to the table and have been willing to donate some property with respect to the slip ramp. State has agreed to do those improvements in front of the development as well as a
decel lane off of Highway 54 onto Byers Avenue as well, I believe, which is in agreement with the Heartland residential development as well. That's warranted today as the traffic is today. We're here to answer any questions that you might have with respect to what is proposed in front of you.

CHAIRMAN: Thank you.

Are there any questions?

Yes, sir.

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

MR. ONLEY: My name is Bill Onley. I reside at 2701 Highpast Pointe. My property will be adjacent to where they're making the development at.

MR. SILVERT: Let me swear you in first, sir, before you continue.

(BILL ONLEY SWORN BY ATTORNEY.)

MR. ONLEY: I just want to get a little updated on this because I guess when you all met in February Mr. Noffsinger said that not one shovel of dirt would be turned before this got approved.

In the past week, you know, I've seen a lot of dirt moving equipment come in and start clearing the land. When my property ends, you know, there's about
a 6 foot drop off where they're working on moving the dirt. That may change. At one time it was said there would be a 100 foot berm, trees and a fence put up. I'm just kind of concerned. I haven't heard any updates.

What kind of barriers are going between, you know, the residents at Heartland? Especially people like me that have the property that adjoin it. And a lumberyard such as that is going to be put in my backyard or adjacent to the backyard.

CHAIRMAN: Mr. Riney.

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

MR. BAKER: Jason Baker.

(JASON BAKER SWORN BY ATTORNEY.)

MR. BAKER: The current plan adjacent to all of the residential areas in Heartland includes a buffer. A 100 foot buffer is not 100 foot wide berm. It's merely a restricted area that will be used for professional uses.

The screening within that boundary is consistent with the zoning ordinance in that we will have a 6 foot tall continuous element all along that boundary line. That will likely be a combination of plannings, berms and possibly some fencing. The Ohio Valley Reporting

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specific locations of those are to be determined.

As part of the original rezoning, the developer agreed to work with Jagoe's plan development to come up with a plan for that. The developer agreed to do that back with the original zoning.

The intent is to address that screening with the combination of plannings, berms and fences.

CHAIRMAN: I think his immediate concern right now is the amount of dirt that's piled up behind his house and how the development move from that situation right now to the future.

MR. BAKER: I'm not exactly sure specifically where his property is at relative to the boundary, relative to the site.

MR. ONLEY: It's directly behind where the lumberyard storage building will be.

MR. APPLEBY: What street do you live on?

MR. ONLEY: 2701 Highpast Pointe.

What you're saying it will be 100 foot from the existing property line?

MR. BAKER: Yes. The treatment right in that specific area there will be a berm placed right along the boundary line. That berm will have these plannings and/or fence placed on them.

MR. ONLEY: Can I ask how high the berm will
be?

CHAIRMAN: Sir, direct the question to the chair. Then we go back because we don't want to end up going crossways.

MR. ONLEY: I understand. Sorry.

CHAIRMAN: Okay.

MR. ONLEY: I would like to know how high the berm will be.

CHAIRMAN: The height of the berm.

MR. BAKER: The height of the berm is six feet, right in that area.

CHAIRMAN: All right.

MR. ONLEY: Once again, 100 foot barrier between existing property line and the fence for the Menard's?

MR. BAKER: Yes. The Menard's fence will be no closer to the boundary than 100 feet. It's actually just more than 100 feet.

MR. APPLEBY: But that's 100 foot buffer area. That doesn't mean it's going to be just grass. That's for professional use, if I understand that.

MR. BAKER: Yes.

MR. ONLEY: Can I ask for a definition of professional use?

MR. APPLEBY: It could be, professional is
medical office. Could be --

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Professional service uses are

uses that you're not going to find retail sales.

You're not going to be manufacturing the product.

You're going to be selling. Your product for sale is

a service.

However, in this particular case, given the

fact that this is only 100 feet wide and it's very

long and narrow, I suspect it's going to be vacant,

undeveloped land. Now, I can't guarantee that, but I

don't know too many professional services that might

fit into that area. Could be a building extension,

but generally it would not allow for retail sales.

MR. ONLEY: I'm still not understanding. The

original plan showed a shaded in area that noted that.

Mr. Riney did come over one Sunday and try to explain

what was going on, but he wasn't sure exactly what it

was going to be. Thought and mentioned that. All of

it is a little bit uneasy.

CHAIRMAN: Do you all have any idea exactly

how that 100 foot buffer is going to be used now?

MR. BAKER: It's not known. The only specific

plans that we have in progress are related to the

Menard's site which will come later. Other than that,
you know, we're marketing to various retailers, but I
don't think we know any specific.

CHAIRMAN: Mr. Riney, do you know what this
100 foot buffer, what is going to take place in that
area at this present time?

MR. RINEY: No, sir, not at this time. As
Jason alluded to, we're talking to various retailers
to be in line with Menard's location. We thought --
this began with discussions with Bill Jagoe when we
acquired our piece of property. We had meetings with
him just being an adjacent neighbor. He asked that we
take it from a 10 foot, I think it required a setback
of 10. Asked us to do ten times that and go to 100
feet. So we agreed to do that. That could only be
used for professional use if we were to invade inside
the 100 feet.

So we feel like as a developer we've gone,
we're stepping out of the bounds and we want to be a
good neighbor to the residents. Originally we were
supposed to actually have access, a tie-in point on
the back side directly into the neighborhood. Along
with Planning & Zoning and the Neighborhood
Association, we have worked through that issue.
Actually ended up not having that tie-in on the back
end, to the likes of the Jagoe Development group as
well.

This buffer currently, yes, we don't know exactly what's going to be in there. It is limited to professional use. It's our intention in there to work with the homeowners as well as with the Jagoe group. That's who I have my agreement with, is the Jagoe group, the developer, what would be done within that 100 feet with respect to the buffer. We can guarantee we'll do the minimum of what is required by the ordinance. It's our intentions to go well beyond that with our agreement with the Jagoe Development group and do more than that.

CHAIRMAN: Let me ask Mr. Noffsinger, and I think we can clear this problem with a definition. When he's talking about what specific buildings could be put in there, businesses could be put in there, just give us an example of several things that could fall in that line.

MR. NOFFSINGER: An attorney's office, a medical facility, a library, a school, a day care center. No retail sales. Bed Bath & Beyond, K-Mart or Wal-Mart couldn't locate within that area.

MR. APPLEBY: Frankly just 100 feet limits it even further.

MR. NOFFSINGER: That's right. Nor could
their associated parking. You have to be very -- this buffer is an area that we have to be very careful with because it goes beyond the requirements of the zoning ordinance in terms of 100 foot buffer. So we've got to be very careful in terms of how it's treated and what goes in there.

At this point in time since this plan includes no buildings, it's very difficult to determine. However, I will remind everyone, including the developer, that before the Menard's can be constructed on this site they will have to come back before this board with a development plan. There will be another public hearing to discuss the development of that specific piece of property.

So there are unknowns related to building development on the property at this time, but what we do know would be the infrastructure network that will develop on the property. The streets, sewer lines, water lines, transportation improvements.

CHAIRMAN: Thank you.
Thank you, Mr. Riney.
Yes, sir.

MR. ONLEY: Further comment. Me buying my property from Jagoe and they lead us to believe that nothing would be developed there for quite a few
years, but so be it. I mean something is going to happen there. Just consideration, we just want to make sure the value of our property is not going to be diminished from the Menard's being developed.

CHAIRMAN: I don't think anybody could determine that or give you an answer on that. That's just something. When you look at the investments being made next-door to you, I think I read in the paper it's somewhere in excess of $40 million, I think that's quite an investment.

MR. ONLEY: I would like to comment on that. It's great it's $43 million and it's advertised as a big box, and it is big box with a lumberyard which is light industrial, which in a sense makes it out of compliance, but I'd like to further add about --

CHAIRMAN: I'm sorry, what did you say?

MR. ONLEY: It's called a big box store, but it's actually a big box with a lumberyard. A lumberyard is supposed to be zoned light industrial. It's my understanding, limited understanding, that it shouldn't be allowed, a lumberyard in that area.

CHAIRMAN: We'll have Mr. Noffsinger address that immediately.

Mr. Noffsinger.

MR. NOFFSINGER: Well, we've addressed this at Ohio Valley Reporting (270) 683-7383
previous meetings. On February 10th of 2011, I addressed the location of Menard's on this site. It was questioned at that point.

I stated at that point that the zoning ordinance was amended in August of 2010 to allow for a big box retailer, such as a Lowe's, Home Depot, Menard's, with a showroom area of I believe it's at least 75,000 square feet to be considered as a big box retailer and for that to locate in the B-4 zone. That was prior to the meeting in February of 2011. There is a definition for a big box retailer. Menard's in the zoning administrator's opinion meets that definition. So that was not challenged. It was not appealed and it was not challenged. It is my belief that that type of use is certainly a use that should be allowed in a B-4 zone such as it is in other communities.

I think there was one shown in the Evansville area that immediately backed up to an adjoining residential neighborhood. So it's not like we're doing something here that hasn't been done in other areas of the country. It certainly has. By the ordinance being amended at one time, a lumberyard, you're correct, was not allowed in a B-4 zone. If you take this strict interpretation that this is a
lumberyard, then at that time it would not have been
allowed, but the zoning ordinance was specifically
amended for big box retailers that meet that
definition of 75,000 square feet for a Lowe's, a Home
Depot, Menard's or any other type of business that
meets that definition.

CHAIRMAN: Now, you may continue.

MR. ONLEY: As a resident and property
adjoining that, I'm okay with that if the buffer they
talk about, the 100 foot and the trees and all of that
is done tastefully to isolate individual residents
from the big box.

I would like to further comment, just further
as a community, we would welcome Menard's coming in,
but it's ying and yang. Displacement. You know,
there will be an empty big box called Home Depot after
Menard's comes in. There will be another empty big
box from Kight Lumber Supply. Let's think of all the
smaller little empty boxes around the community.
Nothing is going to change. I think there's zero
growth as far as the population of Owensboro
currently. Maybe one or two percent in the county.
It's just moving the chess pieces around. It's not
adding anything except to the developers at the time.
That's just a personal comment. I thank you.
CHAIRMAN: Thank you.

I think maybe possibly we've heard the same story when Home Depot came to town. You know, we have Home Depot, Lowe's, Kight's. You know, we still have Thriftway. These places still seem to be doing very well. I make a comment to that fact. I must say on their behalf I've been in all of those stores that I have just mentioned and I've bought items in all of those stores and they're doing well. I don't feel like these other stores will be threatened. I think the marketing and they stand on their own abilities and I think they will be fine.

Yes, sir, is there any other comments?

MR. BAKER: One point of clarity.

It's our understanding, again, this agreement that was drawn up was between the developer and Jagoe's. There's a legal agreement that associate with that.

Mr. Noffsinger referenced that no drive lanes or parking could be within that 100 foot area. I'm not sure that was the intent of that legal agreement that backs up to that 100 foot buffer. The agreement that we have made with Mr. Jagoe I believe is to construct the buffer in accordance with the ordinance. He had specific fence that he wanted to --
MR. SILVERT: I do want to caution you, sir, not to be making legal arguments. Just as a caution.

MR. BAKER: Do we need to clarify that?

MR. NOFFSINGER: I'd be glad to clarify that.

I did not say it could not be used for drive lanes, parking or whatnot.

What I did say was it would be questionable as to whether or not you could use that area for parking areas associated with retail uses. So we've got to be very careful when we say that this area is to be used for only professional service uses or offices, however it's worded. That it's associated with professional service uses.

I can't answer that tonight. All I can give you is what ifs, but we do have to be very cautious because your agreement was outside this commission, but your agreement has weight on the zoning change as well as the plans that will be approved here tonight. It's also on your document. I just want to throw that out because I don't want any surprises and I know you don't either. We have to be very careful.

MR. BAKER: Yes.

MR. NOFFSINGER: Mr. Chairman, if I could. I'd just like to thank three folks for their work and dedication to this plan.

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First of all, certainly Kevin McClearn that's here tonight. He and his staff worked diligently from that first Planning Commission on to see that this plan, this development had a good outcome for not only the development, not only for the neighborhood, but for this community. I'd like to thank he and his staff for doing their job in taking a second look.

I'd also like to thank Barbara Ingram who is the president of the Homeowner's Association for the Heartlands. I know she spent a lot of time and effort in working with folks to facilitate what's going on in her neighborhood. I certainly appreciate the opportunity to have worked with her. I think because of her work I think we have a very positive outcome as well.

I would also like to thank the developers in this situation because they have been very patient. They have shown a willingness to work not only with this commission, but the neighborhood and the community. I think because of their patients I think it's going to pay off for the entire community.

I'd just like to thank, there's probably some others, but those are three that really stand out that really made this project move forward and would have a positive outcome.

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CHAIRMAN: Thank you. I agree.

Are there any other comments or questions?

Yes, sir.

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

MR. MARSHALL: My name is Rick Marshall. I'm executive vice president with Christian Care Communities.

(RICK MARSHALL SWORN BY ATTORNEY.)

MR. MARSHALL: I'm executive vice president of Christian Care Communities. We own or an owner of Garden Grace Maple Brook Village and soon to be developed President's Place. This provides housing for the elderly. We are along the Friendship Drive corridor.

First of all, we applaud the changes that have been made thus far, the traffic pattern. That's going to be very beneficial for our residents.

We have about 80 elderly residents currently living in the housing that we own and soon will have about 140 after additional housing opens up a little bit later this summer.

We just wanted to express a concern and ask for consideration in the future. There is a secondary access I believe that's coming from the development.
onto East Byers. It will come out right across from Friendship Drive. A number of our residents, our residents are about average age of 75 to 80. About 80 percent of them still drive. So we are concerned with the volume of traffic that may come out at that intersection in the future once it is developed. We're not opposed to it, but we would just like to ask for consideration for a stoplight there. That would be helpful to our residents as they enter and exit that intersection in the future.

CHAIRMAN: Thank you.

Mr. Riney, you might just shed some light on that. Do you have a plan for an access road there or not?

MR. RINEY: Well, I think as Brian alluded to, currently our access is shown as on Highway 54 and 300 feet off of that intersection and 54 and Byers, on Byers Avenue, but we will be operating under, I guess, the access point ordinance of what would be allowed on that road, which I think is every 250 feet. So we do have, I think it's shown on there a possible cut in there at Friendship Drive. It was included in the traffic study and is shown today obviously it's not warranted for a stoplight and also is not warranted for one, if we were to put an access point at that
location.

Are we in support of -- I talked with Mr. Marshall prior to the meeting. We've had some good dealings with the Christian Care Group in the prior years with respect to some adjacent property. Would I be supportive of that as a result of his clientele?

If the city felt as if that was warranted, we would not have a problem with that occurring obviously.

At this point in time I don't believe it is warranted, at least with respect to traffic flow.

Now, as I told Mr. Marshall, with the clientele that is using his services may be a little bit different. The city may want to look at that in the future, I think. We don't have an issue if that was to occur, no.

CHAIRMAN: You understand the developer really has no say, other than just input, into whether a traffic light would be put there. That would be, you know, the city would determine that.

MR. MARSHALL: Yes, sir.

CHAIRMAN: You said that your age group is 75 to 80 and the elderly, that sounds more like to me like young adults.

Mr. Pedley?

MR. MARSHALL: We certainly have a number of
very active older adults on our campus. Fortunately
with the services that we provide they can age in
place. So we're hoping that very soon they are 90 and
95 years old and hopefully still driving as well.

CHAIRMAN: I like that term, aging in place.
A lot of us are doing that now right before your eyes.

MR. MARSHALL: We appreciate your
consideration. Thank you.

CHAIRMAN: Are there any other questions or
comments?

MR. KAZLAUSKAS: Mr. Chairman.

CHAIRMAN: Yes, sir.

MR. KAZLAUSKAS: I'm wondering if we could ask
Kevin if there's any estimated time line on the work,
when the work might begin out there on 54 so everyone
would have a mind set on when construction is going to
start and how long it's going to take.

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

MR. McCLEARN: Kevin McClearn.

(MR. McCLEARN SWORN BY ATTORNEY.)

MR. McCLEARN: As far as a time line, what
we're looking at is developing the plans going forward
from a few weeks ago. So that will be continuing.

What I really believe will work out is perhaps
a year from now in the Spring of 2012 is when we will
be getting out there or our contract will be getting
out there starting on these improvements. We'll move
this as quickly as the process allows, but perhaps
interrupting factor is wintertime. We would not want
to tear things up in such a manner that they're torn
up all winter long waiting for spring. So we'll stage
it appropriately, but we'll have to go through the
various stages of development.

A reasonable guess right now would be to have
the plans ready in the winter and then work on the
correct paperwork so that the contractor has notice to
proceed early spring or late winter of 2012.

MR. KAZLAUSKAS: Thank you.

CHAIRMAN: Thank you. I will also thank you
for the speed at which you moved this program along.
It greatly helped the City of Owensboro and our
developer. We greatly appreciate your efforts.

MR. McCLEARN: Thank you for saying that. I
feel very fortunate that it worked out. The stars had
to be aligned and they were. We're pleased that we're
able to offer a project that everyone is in favor of.

I would also commend Ms. Ingram and the
neighborhood group. I also want to acknowledge Phil
Riney and the development group for their willingness
to work with us, share information and that sort of thing. Communication is the key in what we do. In this case, it has worked out so we thank you.

CHAIRMAN: Thank you very much.

With that being said, if there are no further comments.

Yes, sir.

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

MR. MILLER: My name is Steven Miller.

(STEVEN MILLER SWORN BY ATTORNEY.)

MR. MILLER: I would like a clarification concerning the location of Menard's and the lumberyard behind it.

It's my understanding that that determination hasn't been made at the present time. Mr. Riney was going to try to go back and talk with Menard's and see if he could get that location changed.

Is it correct that when that proposed development comes before the court, will the discussion, will there be a discussion determining the location of the lumberyard at that time before you all approve it?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Yes, sir.
MR. MILLER: There will be notification in the paper and everything like that so we'll know?

MR. NOFFSINGER: No, sir. There will be no notification in the paper. However, the developer is on record and required to give notice when that plan comes in as they did with this current plan. That is to notify the adjoining landowners. The similar process of the zoning change. But there will be no newspaper notification.

MR. MILLER: Thank you.

CHAIRMAN: Are there any other comments?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: We have a motion for approval by Mr. Appleby.

MS. MOORMAN: Second.

CHAIRMAN: We have a second by Ms. Moorman.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

James C. Roby, 12.35 acres

Consider approval of amended major subdivision

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preliminary plat.
Applicant: Danco Construction, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It is an amended preliminary plat. The only thing this plan does is enlarges a lot and it affects some easements for drainage. And because it pertained to drainage I could not sign the amendment in-house, but it is here and it's ready for your consideration.

CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: We've got a motion for approval by Mr. Rogers.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
Next item, please.

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NEW BUSINESS

ITEM 5

Consider approval of planning department application filing fee increases effective July 1, 2011.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed our filing fees. The last time we considered a filing fee increase was back in 2005. We're here tonight with somewhat I feel are very modest filing fees increases that are absolutely necessary in order to maintain quality planning department. The planning department is funded, as you all know, by the City of Owensboro, the City of Whitesville and Daviess County. It's also partially funded by our filing fee system, which is paid by developers, it's paid by landowners that want to create new lots. Those fees require bringing in a certain percentage of our budget in order to maintain that budget. Generally we try to keep around 18 to 20 percent of our budget funded through those fees. We've dropped down to a point where we're about 12 to 13 percent. We have studied other communities such as Bowling Green, Lexington, Louisville and compared our filing fees to theirs and we found that we are
somewhat lower. Very rarely would we be higher than any of those other communities.

So we are recommending a filing fee increase that ranges from anywhere to 7 to 11 percent. I will give you an example.

For example, if you had a piece of property that was zoned single-family residential and you were to submit a zoning change application, the base fee would be $200. We're recommending that that go to $215, which is a 7.5 percent increase.

If you were looking to subdivide your property and you're zoned agricultural to single-family residential, the filing fee currently will be $105. We're recommending an increase to $110.

So we do feel these are very modest, they're very competitive and generally under what they're charging in other communities, but we feel they're very necessary to be increased in order to maintain the program.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: Mr. Pedley, I would assume that you have consulted with the Homebuilders?

MR. PEDLEY: Yes. We had our Owensboro Homebuilders Board. I presented this to the board
Tuesday. Explained it to them basically like Mr. Noffsinger did. I had no negative comments on it. They were pleased. We find this very modest increase based on it's been six years.

MR. NOFFSINGER: Yes, sir.

MR. PEDLEY: I am a major user. I pay a lot of fees, filing fees. I'm very happy with it.

So, Mr. Chairman, if you're ready for a motion.

CHAIRMAN: Are you the one that's going to make the motion?

MR. PEDLEY: I make a motion for approval.

CHAIRMAN: Mr. Pedley makes the motion for approval. Is there a second?

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That motion carries unanimously.

Thank you. Next item.

ITEM 6

Consider approval of the FY 2012 OMPC budget and salary chart.

MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of this budget. Been made
available to answer any questions that you might have
and with that it's ready for your consideration.

CHAIRMAN: Did anybody on the commission have
any questions?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience have any
questions of our budget?

(NO RESPONSE)

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

MR. KAZLAUSKAS: So move.

CHAIRMAN: Motion for approval by Mr. Kazlauskas.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries unanimously.

The chair is ready for one final motion.

MR. PEDLEY: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Mr. Pedley.

MR. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Ohio Valley Reporting

(270) 683-7383
CHAIRMAN: The motion carries. We are adjourned.

Ohio Valley Reporting

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STATE OF KENTUCKY 

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

WITNESS my hand and notary seal on this the 30th day of May, 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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