The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, November 10, 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
Rev. Larry Hostetter
Tim Allen
Wally Taylor
John Kazlauskas
Martin Hayden

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CHAIRMAN: I'd like to welcome everybody to the Owensboro Metropolitan Planning Commission November 10th meeting. Our invocation today will be given by Mr. Brian Howard. Please stand and join us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business tonight would be to consider the minutes of the October 13, 2011 meeting. Are there any corrections, questions, any comment from the audience?

(NO RESPONSE)

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

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES

ITEM 2

2420 West Parrish Avenue, 2.059 acres
Consider zoning change: From R-1A Single-Family Residential and B-4 General Business to B-4 General Business.

Applicant: SLEC II, LLC, Troxel Investment Properties, LLC

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that all the zoning changes heard tonight will become final 21 days after the meeting unless an appeal is filed. If an appeal is filed, then we will forward the rezoning change to the appropriate legislative body for their final consideration. The appeal forms are available on the Ohio Valley Reporting (270) 683-7383
back table, in the office and on our website.

PLANNING STAFF RECOMMENDATIONS

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

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 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 proposal is a logical expansion of existing B-4 General Business zoning on the subject property and to the north, east and west; and,

4. At 2.059 acres, the proposal does not significantly increase the extent of B-4 zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services since the existing land uses in the area are not changing.

With that we would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Is there anybody here representing Ohio Valley Reporting

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the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MR. McENROE: I do.

CHAIRMAN: Excuse me, sir. Step to the mike, please.

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

MR. McENROE: Tim McEnroe.

(TIM McENROE SWORN BY ATTORNEY.)

MR. McENROE: I was just kind of curious about I used to be able to have access to come across there. I kind of back right up to that property. I was wondering if I'm going to be able to continue to come through there or not.

CHAIRMAN: Be seated and we'll bring the applicant up?

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

DR. HILAND: Chris Hiland.

(DR. CHRIS HILAND SWORN BY ATTORNEY.)

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CHAIRMAN: Dr. Hiland, did you understand his question?

DR. HILAND: I think so. About having access to the back part of your property?

MR. McENROE: Yes.

CHAIRMAN: Dr. Hiland, sort of turn to the mike.

MR. HILAND: I won't have any problem or objections with that, if that answer his question.

CHAIRMAN: Mr. McEnroe, did that answer your question?

MR. McENROE: Yes.

CHAIRMAN: Excuse me. Let me get you to step to the mike so we can record it.

CHAIRMAN: Thank you, Dr. Hiland.

MR. McENROE: I was just wondering if there was a way, not that I don't trust him or anything, we can put it in writing or whatever. Because I used to have it and then when it changed hands then they like put a lock on it and I couldn't get through. Would it be okay to do that to be sure for future reference to have it written?

MR. APPLEBY: Well, that's not going to be a condition of the zoning. That wouldn't be a condition we would attach to the rezoning I don't think.

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There's nothing under ordinance that would require
that, is there?

MR. NOFFSINGER: Mr. Chairman, that is
correct. Too, along that boundary line the applicant
will be required to install a 6-foot high screening
element, one tree per 40 feet.

I'm not sure how you utilize the subject
property today, but in the future when this property
is developed the applicant will be required to screen
it from your adjoining residential property. So I'm
not sure how that would allow access to your property
or how you've been using it.

MR. McENROE: So I guess it has nothing to do
with the other as far as that goes, right? As far as
you all having the so-say on what goes on there.

MR. NOFFSINGER: That is correct. If you
would like him to provide you with access to the
property in the future, if he puts a fence up for
screening and whatnot and has a gate there that you
can go through, that's between the two of you, but the
ordinance will require him to screen along that common
boundary line where it adjoins residential zone.
That's 6 foot high continuous element and one tree per
40 feet.

MR. McENROE: Thanks.

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CHAIRMAN: Dr. Hiland, do you have any further comments?

DR. HILAND: No, I don't.

CHAIRMAN: Thank you very much.

Are there any other questions by anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Any questions or comments from the Staff?

(NO RESPONSE)

MR. APPLEBY: Is the Chair ready for a motion?

CHAIRMAN: The Chair is ready for a motion, Mr. Appleby.

MR. APPLEBY: Motion for approval based on the Staff Recommendations with Findings of Fact 1 through 4.

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

MR. KAZLAUSKAS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries you unanimously.

On this next item, I'm going to ask Mr. Pedley that if he'll be the Chairman because I'm also a

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tenant and a neighbor. So I will not be participating in this.

ITEM 3

1480 River Road, 13.516 acres

Consider zoning change: From A-U Urban Agriculture to I-2 Heavy Industrial

Applicant: Owensboro Riverport Authority

PLANNING STAFF RECOMMENDATIONS

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

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 an Industrial Plan Area where heavy industrial uses are appropriate in limited locations;

3. The proposal is a logical expansion of existing I-2 Heavy Industrial zoning to the north and east;

4. The proposal meets the required buffers from potential incompatible uses; and,

5. At 13.516 acres, the proposal does not significantly increase the extent of I-2 zoning in the vicinity and should not overburden the capacity of roadway and other necessary urban services.

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

MR. PEDLEY: Anyone here representing the applicant?

APPLICANT REP: Yes.

MR. PEDLEY: Does anyone here have any questions on this item of the applicant?

(NO RESPONSE)

MR. PEDLEY: Any board members have any comments or questions?

(NO RESPONSE)

MR. PEDLEY: Chair is ready for a motion.

MR. APPLEBY: Motion for approval based on the Staff Recommendations with Findings of Fact 1 through 5.

MR. TAYLOR: Second.

MR. PEDLEY: We have a motion by Mr. Appleby and a second by Mr. Taylor. Any comments or questions on the motion?

(NO RESPONSE)

MR. PEDLEY: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. KIRKLAND - RESPONDED AYE.)

MR. PEDLEY: Motion carries unanimously.

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I'll turn it back over to Mr. Kirkland.

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DEVELOPMENT PLANS

ITEM 4
202 East Byers Avenue, 0.124 acres
Consider approval of final development plan.
Applicant: Red Rentals, LLC; Alan Braden

MR. NOFFSINGER: Mr. Chairman, this item has
been reviewed by the Planning Staff. It's found to be
in order. The underlying use is consistent with the
zoning.

The application comes before you in that it
includes a driveway that does not meet the minimum
width requirements of the ordinance which is 24 feet.
I believe it's about a 12 foot driveway which is a
one-way driveway, but it will have two way movement.

Now, if you recall, back a couple of months
ago the Planning Commission considered this issue when
they were evaluating the rezoning of the property to
P-1. They did decide to rezone the property knowing
that this was an issue. The applicant has been before
the Board of Adjustment and received a waiver from the
screening requirement to install a 10-foot wide buffer
area between the subject property and the adjoining
property. So with that it's in order. The widest
driveway you can get here is what's shown. So

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Planning Staff determines that it's in order and ready for your consideration.

CHAIRMAN: Thank you, Mr. Pedley, for handling those duties. I appreciate it.

Is there somebody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Mr. Appleby has a motion for approval.

MR. TAYLOR: Second.

CHAIRMAN: Mr. Taylor has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

NEW BUSINESS

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ITEM 5

Consider approval of 2012 Filing Dates and Deadlines

MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of our calendar for 2012. It's ready for your consideration and hopefully approval.

CHAIRMAN: Does anybody have any questions about the filing dates or anything in this communicated from Mr. Noffsinger?

(NO RESPONSE)

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

MR. PEDLEY: Motion for approval of the Filing Deadlines and Meeting Dates.

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

MR. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

At this time we need to go into private session to discuss personnel matters. At this point the Chair will conduct no more business and this will be the end of our general business. There will be no more decisions made, but we need to go into private

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session and the meeting will be adjourned from there.

The chair is ready to entertain a motion.

MR. PEDLEY: Mr. Chairman, I make motion to go
into closed session.

CHAIRMAN: We've got a motion for closed
session by Mr. Pedley.

MR. HAYDEN: Second.

CHAIRMAN: We've got a second by Mr. Hayden.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Thank
you.

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

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

_________________________________
LYNNETTE 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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