

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 NOVEMBER 10, 2011

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

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 Ward Pedley, Vice Chairman
10 David Appleby, Secretary
11 Gary Noffsinger, Director
12 Madison Silvert, Attorney
13 Rev. Larry Hostetter
14 Tim Allen
15 Wally Taylor
16 John Kazlauskas
17 Martin Hayden

18 * * * * *

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

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Our first order of business tonight
25 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

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1 motion.

2 MR. PEDLEY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr. Pedley.

4 MR. ALLEN: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

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11 ZONING CHANGES

12 ITEM 2

13 2420 West Parrish Avenue, 2.059 acres

14 Consider zoning change: From R-1A Single-Family
15 Residential and B-4 General Business to B-4 General
16 Business.

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

16

17 MR. SILVERT: State your name, please.

18 MR. HOWARD: Brian Howard.

19 (BRIAN HOWARD SWORN BY ATTORNEY.)

20 MR. HOWARD: I will note that all the zoning
21 changes heard tonight will become final 21 days after
22 the meeting unless an appeal is filed. If an appeal
23 is filed, then we will forward the rezoning change to
24 the appropriate legislative body for their final
25 consideration. The appeal forms are available on the

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1 back table, in the office and on our website.

2 PLANNING STAFF RECOMMENDATIONS

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

5 FINDINGS OF FACT:

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

9 2. The subject property is partially located
10 in a Business Plan Area where general business uses
11 are appropriate in limited locations and partially
12 located in an Urban Residential Plan Area where
13 general business uses are appropriate in very limited
14 locations;

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

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

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

25 CHAIRMAN: Is there anybody here representing

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1 the applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Does anybody have any questions of
4 the applicant?

5 (NO RESPONSE)

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

8 MR. McENROE: I do.

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

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

13 MR. McENROE: Tim McEnroe.

14 (TIM McENROE SWORN BY ATTORNEY.)

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

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

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

24 DR. HILAND: Chris Hiland.

25 (DR. CHRIS HILAND SWORN BY ATTORNEY.)

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

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

5 MR. McENROE: Yes.

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

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

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

12 MR. McENROE: Yes.

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

15 CHAIRMAN: Thank you, Dr. Hiland.

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

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

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

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

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

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

16 MR. NOFFSINGER: That is correct. If you
17 would like him to provide you with access to the
18 property in the future, if he puts a fence up for
19 screening and whatnot and has a gate there that you
20 can go through, that's between the two of you, but the
21 ordinance will require him to screen along that common
22 boundary line where it adjoins residential zone.
23 That's 6 foot high continuous element and one tree per
24 40 feet.

25 MR. McENROE: Thanks.

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

3 DR. HILAND: No, I don't.

4 CHAIRMAN: Thank you very much.

5 Are there any other questions by anybody in
6 the audience?

7 (NO RESPONSE)

8 CHAIRMAN: Any questions or comments from the
9 Staff?

10 (NO RESPONSE)

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

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

14 MR. APPLEBY: Motion for approval based on the
15 Staff Recommendations with Findings of Fact 1 through
16 4.

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

19 MR. KAZLAUSKAS: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries you unanimously.

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

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

3 ITEM 3

4 1480 River Road, 13.516 acres

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

 Applicant: Owensboro Riverport Authority

6

7 PLANNING STAFF RECOMMENDATIONS

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

10 FINDINGS OF FACT:

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

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

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

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

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

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

3 MR. PEDLEY: Anyone here representing the
4 applicant?

5 APPLICANT REP: Yes.

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

8 (NO RESPONSE)

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

11 (NO RESPONSE)

12 MR. PEDLEY: Chair is ready for a motion.

13 MR. APPLEBY: Motion for approval based on the
14 Staff Recommendations with Findings of Fact 1 through
15 5.

16 MR. TAYLOR: Second.

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

20 (NO RESPONSE)

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

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

25 MR. PEDLEY: Motion carries unanimously.

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

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3 DEVELOPMENT PLANS

4 ITEM 4

5 202 East Byers Avenue, 0.124 acres

Consider approval of final development plan.

6 Applicant: Red Rentals, LLC; Alan Braden

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

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

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

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

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

5 Is there somebody here representing the
6 applicant?

7 APPLICANT REP: Yes.

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

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody on the commission have
12 a question?

13 (NO RESPONSE)

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

16 MR. APPLEBY: Motion for approval.

17 CHAIRMAN: Mr. Appleby has a motion for
18 approval.

19 MR. TAYLOR: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

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25 NEW BUSINESS

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1 ITEM 5

2 Consider approval of 2012 Filing Dates and Deadlines

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

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

9 (NO RESPONSE)

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

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

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

16 MR. ALLEN: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

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

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1 session and the meeting will be adjourned from there.

2 The chair is ready to entertain a motion.

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

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

7 MR. HAYDEN: Second.

8 CHAIRMAN: We've got a second by Mr. Hayden.
9 All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously. Thank
12 you.

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1 STATE OF KENTUCKY)

)SS: REPORTER'S CERTIFICATE

2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 13 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 15th day of November, 2011.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25

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