

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MARCH 10, 2011

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

- 8 MEMBERS PRESENT: Ward Pedley, Vice Chairman
- 9 Gary Noffsinger, Director
- 10 Madison Silvert, Attorney
- 11 Rev. Larry Hostetter
- 12 Irvin Rogers
- 13 Wally Taylor
- 14 John Kazlauskas
- 15 Martin Hayden
- 16 Rita Moorman

17 * * * * *

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

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: I would like to welcome everyone.
25 Anyone wishing to speak on any item may do so. 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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1 the microphone.

2 The first item on the agenda is to consider
3 the minutes of the February 10, 2011 meeting. Are
4 there any additions or corrections?

5 (NO RESPONSE)

6 CHAIRMAN: Chair is ready for a motion.

7 MR. KAZLAUSKAS: So move.

8 MR. HAYDEN: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item on the agenda.

15 -----

16 PUBLIC HEARINGS

17 ITEM 2

18 Consider revision to the Owensboro Metropolitan Public
Improvements Specifications, Chapter 5, Exhibit Nos.
19 5-3, 5-10, 5-12, 5-13a, 5-13b, 5-14, 5-15 and Chapter
9, Exhibit No. 9-1

20

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

23 MS. STONE: Becky Stone.

24 (BECKY STONE SWORN BY ATTORNEY.)

25 MS. STONE: The revisions to these exhibits

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1 were proposed by the city engineer and the engineer
2 from RWRA. Chapter 5 revisions on these detail sheets
3 were from RWRA and Chapter 9 from the city engineer.

4 The Public Improvement Specification Committee
5 has seen and reviewed these exhibits, made their
6 comments to the local engineers and they're ready for
7 your consideration.

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

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

14 (NO RESPONSE)

15 CHAIRMAN: Any board members have any
16 questions?

17 (NO RESPONSE)

18 CHAIRMAN: Chair is ready for a motion.

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

21 CHAIRMAN: We have a motion by Mr. Rogers.

22 MR. TAYLOR: Second.

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

25 (NO RESPONSE)

1 CHAIRMAN: All in favor raise your right hand.
2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
3 CHAIRMAN: Motion carries unanimously.

4 -----
5 ZONING CHANGES

6 ITEM 3
7 3250 Alvey Park Drive East, 1.05 acres
8 Consider zoning change: From I-1 Light Industrial to
9 B-5 Business/Industrial
10 Applicant: Gregory Bates

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

13 MR. HOWARD: Brian Howard.
14 (BRIAN HOWARD SWORN BY ATTORNEY.)

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

21 PLANNING STAFF RECOMMENDATIONS

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

24 FINDINGS OF FACT:

- 25 1. The subject property is located within a
Business/Industrial Plan Area, where general business

1 and light industrial uses are appropriate in general
2 locations;

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

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

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

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

14 CHAIRMAN: Anyone here representing the
15 applicant?

16 (NO RESPONSE)

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

19 (NO RESPONSE)

20 CHAIRMAN: Any board members have any comments
21 or questions?

22 (NO RESPONSE)

23 CHAIRMAN: Chair is ready for a motion.

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

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1 through 4.

2 CHAIRMAN: We have a motion by Mr. Hayden.

3 MR. KAZLAUSKAS: Second.

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

6 (NO RESPONSE)

7 CHAIRMAN: All in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item.

11 ITEM 4

12 1328 Griffith Avenue, 3.58 acres

13 Consider zoning change: From P-1 Professional/Service
14 and R-1A Single-Family Residential to P-1
15 Professional/Service

16 Applicant: First Presbyterian Church

17 PLANNING STAFF RECOMMENDATIONS

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

20 CONDITION:

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

23 FINDINGS OF FACT:

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

27 2. The subject property is located in a

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

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

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

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

11 CHAIRMAN: Anyone here representing the
12 applicant?

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

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

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

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

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

24 Anyone here like to speak in opposition of
25 this item?

1 (NO RESPONSE)

2 CHAIRMAN: Any board members have any
3 questions?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 MR. ROGERS: Motion for approval based on
7 Planning Staff Recommendation with the Condition that
8 access to Griffith Avenue shall be limited to the
9 existing access point only and the Findings of Fact 1
10 through 4.

11 CHAIRMAN: We have a motion by Mr. Rogers.

12 MR. HAYDEN: Second.

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

15 (NO RESPONSE)

16 CHAIRMAN: All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 ITEM 5

20 350, 354 Washington Avenue, 0.32 acres

21 Consider zoning change: From R-1B Single-Family
22 Residential to B-4 General Business

23 Applicant: Harl Foreman

24

25 PLANNING STAFF RECOMMENDATIONS

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

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1 FINDINGS OF FACT:

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

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

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

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

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

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

21 CHAIRMAN: Anyone here representing the
22 applicant?

23 (NO RESPONSE)

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

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1 (NO RESPONSE)

2 CHAIRMAN: Board members have any comments or
3 questions?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 MR. KAZLAUSKAS: I'll make a motion based on
7 Planning Staff Recommendation and the Findings of Fact
8 1 through 5.

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

11 MS. MOORMAN: Second.

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

14 (NO RESPONSE)

15 CHAIRMAN: All in favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item.

19 ITEM 6

20 821, 901, 907, 915 West 4th Street, 1.415 acres

Consider zoning change: From R-4DT Inner-City

21 Residential to P-1 Professional/Service

Applicant: Fourth Street Baptist Church

22

23 PLANNING STAFF RECOMMENDATION

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

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1 CONDITION:

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

4 FINDINGS OF FACT:

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

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

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

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

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

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

24 CHAIRMAN: Anyone here representing the
25 applicant?

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1 APPLICANT REP: Yes.

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

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

6 (FRANK POSEY SWORN BY ATTORNEY.)

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

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

11 Anyone like to speak on opposition on the
12 item?

13 (NO RESPONSE)

14 CHAIRMAN: Board members have any comments or
15 questions?

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

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

21 CHAIRMAN: Should we address that, Mr.
22 Noffsinger?

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

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

4 CHAIRMAN: So there is a Certificate of
5 Approval?

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

13 CHAIRMAN: Okay. Thank you.

14 Any board members have any other questions?

15 (NO RESPONSE)

16 CHAIRMAN: Chair is ready for a motion.

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

22 CHAIRMAN: We have a motion by Father Larry.

23 MR. TAYLOR: Second.

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

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1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 ITEM 7

4 2404, 2412 East Parrish Avenue, 66.708 acres

(Postponed at February 10, 2011 meeting)

5 Consider zoning change: From R-1C Single-Family
6 Residential, R-3MF Multi-Family Residential and B-4
7 General Business with conditions to B-4 General
8 Business

9 Applicant: Heartland Crossing, LLC, Phil Riney

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

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

23 During that meeting the neighbors were given a
24 brief discussion, if you will, in terms of what
25 Menard's was planning to do and where there were some
neighborhood concerns. This gentleman attempted to
address those concerns.

1 I bring that up because there has been that
2 meeting with the developer regarding Menard's.

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

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

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

22 There's been a lot of talk in terms of, and
23 correspondence between developer, the neighborhood
24 association, the state transportation department, the
25 city engineer's office, as well as the Planning

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

8 However, at this point in time know this:
9 Tonight we consider the rezoning of this property only
10 to B-4 General Business and removal of those previous
11 conditions.

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

21 State law does not enable us to rezone
22 property based upon use. So you can only do that in
23 an urban county government. Therefore, if you
24 consider the rezoning of the property based upon a
25 specific use, it would be contrary to what we're

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1 enable to do by the statutes. At this time I think it
2 would be appropriate to ask Mr. Kevin McClearn to come
3 to the podium and speak as to what has transpired
4 since the last meeting regarding transportation and
5 where we might go from here.

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

9 MR. SILVERT: State your name, please.

10 MR. McCLEARN: Kevin McClearn.

11 (KEVIN McCLEARN SWORN BY ATTORNEY.)

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

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

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

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

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1 request.

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

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

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

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

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

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

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

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

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

16 During the last month in talking with
17 neighbors and talking with the developer and the state
18 and traffic engineers, I realize an even bigger
19 problem and perhaps we might have realized. Certainly
20 I realized last month, and I looked at several
21 options. There was one option presented last month
22 that was a version of an s-curve that might bring
23 Byers Avenue into the developer's property and tie in
24 with Highway 54 at the on-ramp/off-ramp to the bypass.
25 I think that's not an option that's certainly on the

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1 table. I think the developer's options of a
2 roundabout is an option that's on the table. I also
3 think there are other options out there that the state
4 is going to look closely at. I think it's going to
5 involve some more options. Well, I know it's going to
6 involve some more options that I believe will be
7 beneficial to the community.

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

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

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

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

8 PLANNING STAFF RECOMMENDATIONS

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

11 CONDITIONS:

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

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

22 FINDINGS OF FACT:

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

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

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

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

20 CHAIRMAN: Thank you, Mr. Noffsinger.

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

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

25 In your statement you said the consultants

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

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

10 MR. KAZLAUSKAS: You're thinking feet.

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

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

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

23 MR. McCLEARN: Yes.

24 MR. KAZLAUSKAS: Thank you, sir.

25 CHAIRMAN: Thank you, sir.

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1 I'm going to go to the developers now and see
2 if anyone has any comments or questions or anything
3 you can share with us at this time.

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

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

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

10 MR. SILVERT: You're sworn.

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

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

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

25 From the developer's standpoint, again, we

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

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

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

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

21 MR. MEYERS: Yes.

22 CHAIRMAN: Thank you, Mr. Meyer.

23 I think at this time I'll go to the opposing
24 side. I'd like to say what Mr. Noffsinger has already
25 stated. We're here for the zoning change. Not for

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1 Menard's going to locate or their development plan.
2 You will have an opportunity at a later time on the
3 development plan to be here at meetings. Also you
4 have an opportunity when the state comes back with
5 their recommendations to be at the meeting and the
6 developers will notify you of any meetings.

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

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

14 MR. HODSKINS: Ed Hodskins.

15 MR. SILVERT: You're duly sworn.

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

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

23 Number one would be a postponement. Number
24 two will be a withdraw by the applicant, or number
25 three I recommend it for denial, because it will not

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1 be in order, if this rezoning is approved with these
2 conditions.

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

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

13 CHAIRMAN: Anyone else like to speak?

14 (NO RESPONSE)

15 CHAIRMAN: Any questions or comments from the
16 commissioners?

17 (NO RESPONSE)

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

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

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

25 MR. KAZLAUSKAS: I want to be sure about these

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1 conditions.

2 The Planning Staff recommends approval subject
3 to the Conditions and Findings of Facts that follows:

4 CONDITIONS:

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

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

15 FINDINGS OF FACT:

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

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

25 3. The majority of the subject property is

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

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

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

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

20 MR. HAYDEN: Second.

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

23 (NO RESPONSE)

24 CHAIRMAN: All in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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1 CHAIRMAN: Motion carries unanimously.

2 Related Item:

3 ITEM 7A

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

5 Consider approval of preliminary development plan

6 Applicant: Heartland Crossing, LLC

7 MR. NOFFSINGER: Mr. Chairman, the Planning

8 Staff and Engineering Staff have reviewed this plan.

9 We found the plan is not in order. The plan does not

10 carry with the approved transportation plan by the

11 Kentucky Transportation Cabinet and the developer is

12 here tonight to describe the options that I would

13 recommend and that would be:

14 1. That the developer request a postponement;

15 2. The applicant withdraw the development
16 plan; or

17 3. We would recommend denial.

18 CHAIRMAN: Would the developer like to comment

19 on withdrawing this at this time?

20 MR. MEYER: Thank you, Mr. Chairman. At this

21 time we would like for that to be postponed.

22 CHAIRMAN: Thank you.

23 Do we need to vote on that?

24 MR. NOFFSINGER: Yes.

25 CHAIRMAN: We need a motion for postponement.

1 MR. KAZLAUSKAS: So moved.

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

3 MR. ROGERS: Second.

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

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

9 CHAIRMAN: Thank you, Mr. Noffsinger.

10 All in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: The item is postponed.

13 -----

14 MAJOR SUBDIVISIONS

15 ITEM 8

16 Highland Pointe, 82.157 acres

Consider approval of amended major subdivision
17 preliminary plat.

Applicant: Highland Pointe Development, LLC

18

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

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

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

7 CHAIRMAN: Is the applicant here?

8 APPLICANT REP: Yes.

9 CHAIRMAN: Do we have any comments or
10 questions?

11 (NO RESPONSE)

12 CHAIRMAN: Anyone have any comments or
13 questions from the board members?

14 (NO RESPONSE)

15 CHAIRMAN: Chair is ready for a motion.

16 MR. HAYDEN: Make a motion for approval.

17 MR. KAZLAUSKAS: Second.

18 CHAIRMAN: We have a motion for approval by
19 Mr. Hayden and a second by Mr. Kazlauskas. Any
20 comments or questions on the motion?

21 (NO RESPONSE)

22 CHAIRMAN: All in favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimous.

25 ITEM 10

1 4000, 4018 South Hampton Road, 8.216 acres
Consider approval of minor subdivision plat.

2 Applicant: John A. & Mary Alice Crowe

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

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

24 So with that we would recommend that you
25 consider for approval with the exception of the three

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1 to one in that it meets all other applicable zoning
2 ordinance and subdivision regulation requirements.

3 CHAIRMAN: Anyone here representing the
4 applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: Have any comments or questions?

7 (NO RESPONSE)

8 CHAIRMAN: Board members have any comments or
9 questions?

10 (NO RESPONSE)

11 CHAIRMAN: Chair is ready for a motion.

12 MR. ROGERS: Motion for approval.

13 MS. MOORMAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 We need one final motion.

20 MR. HAYDEN: Make a motion to adjourn.

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

23 MR. TAYLOR: Second.

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

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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 37 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 March, 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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