

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 14, 2011

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, April
5 14, 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 Irvin Rogers
- 16 Martin Hayden
- 17 Wally Taylor
- 18 John Kazlauskas

19 * * * * *

20 CHAIRMAN: We would like to welcome everybody
21 to the April 14th meeting of the Owensboro
22 Metropolitan Planning Commission meeting. Would you
23 please stand while our invocation will be given by Mr.
24 John Kazlauskas.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

26 CHAIRMAN: First I would like to thank Mr.
27 Ward Pedley for taking over in my absence last month.
28 Mr. Pedley, I understand you did an
29 outstanding job. I appreciate you chairing the
30 meeting and leading our group. Thanks very much for

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1 the job you did.

2 Our first order of business is to consider our
3 minutes of our last meeting. Are there are any
4 corrections, additions?

5 (NO RESPONSE)

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

8 MR. PEDLEY: Motion for approval, Mr.
9 Chairman.

10 CHAIRMAN: Motion for approval by Mr. Pedley.
11 Is there a second?

12 MR. HAYDEN: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item.

18 -----

19 ZONING CHANGES

20 ITEM 2

21 2500 Barron Drive, 7.515 acres

22 Consider zoning change: From B-4 General Business
with conditions to B-4 General Business

Applicant: LSK Properties, LLC

23

24 MR. SILVERT: State your name, please.

25 MR. HOWARD: Brian Howard.

1 (BRIAN HOWARD SWORN BY ATTORNEY.)

2 MR. HOWARD: I will note that the rezonings
3 heard tonight will become final in 21 days after the
4 meeting unless an appeal is filed. If an appeal is
5 filed, then the zoning change will be forwarded to the
6 appropriate legislative body for their final
7 consideration. The appeal forms should be available
8 on the back table, on our web site and in the office.

9 PLANNING STAFF RECOMMENDATIONS

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

12 CONDITIONS:

- 13 1. No access shall be permitted to the
14 Wendell Ford Expressway or Carter Road; and
- 15 2. Access to Barron Drive shall be limited to
16 a potential of four access points in compliance with
17 the Access Management Manual with no access point to
18 be located within 865 feet of the centerline of the
19 Barron Drive and Carter Road intersection subject to
20 access number and locations approved by the KYTC and
21 county engineering upon review and approval of a
22 traffic impact study as required by the KYTC.

23 FINDINGS OF FACT:

- 24 1. Staff recommends approval because the
25 proposal is in compliance with the community's adopted

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1 Comprehensive Plan;

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

5 3. The entire tract is currently zoned B-4
6 General Business; and,

7 4. With a traffic impact study required by
8 the KYTC to review the access to the property and with
9 the access plan is in accordance with the Access
10 Management Manual, the proposal should not overburden
11 the capacity of roadways and other necessary urban
12 services.

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

15 CHAIRMAN: Do we have anybody here
16 representing the applicant?

17 MR. WIGGINS: Yes.

18 CHAIRMAN: Does anybody in the audience or the
19 commission have any questions of the applicant?

20 MS. FARLEY: I do.

21 CHAIRMAN: Yes, ma'am. Please come to the
22 podium, please.

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

25 MS. FARLEY: My name is Karen Martin Farley.

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1 (KAREN MARTIN FARLEY SWORN BY ATTORNEY.)

2 MS. FARLEY: My question is, I'm right across
3 the road. Actually I have Barron in front of me. I'm
4 upgrading my home. It's going to depreciate my home
5 if I was to sell it, which I am planning on. My
6 question to him is: What can I do?

7 CHAIRMAN: Let me make sure that I understand
8 the question. Your question to our applicant is you
9 are upgrading your home.

10 MS. FARLEY: Yes. It's going to depreciate my
11 home. If I sell it, you know, in the process of
12 selling it.

13 CHAIRMAN: Please be seated.

14 Now, who is representing the applicant?

15 MR. WEAVER: Mr. Wiggins is here.

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

18 MR. WIGGINS: Steve Wiggins.

19 (STEVE WIGGINS SWORN BY ATTORNEY.)

20 CHAIRMAN: Mr. Wiggins, you want to bring the
21 microphone up, please.

22 MR. WIGGINS: I'm not sure if you know where
23 the property actually is. It's not the 80 acres that
24 lies adjacent to that subdivision, but it's actually
25 to the west of Barron Road, in-between Barron and

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1 Carter. I'm not certain how I can address the matter.

2 CHAIRMAN: Let me let him speak because for
3 the record we want to record his statement and then
4 any questions you might have regarding his statement.
5 I'll bring you back if it that's okay with you.

6 Go ahead, sir.

7 MR. WIGGINS: We plan on trying to develop
8 that property, it's about 7 1/2 acres, over the next
9 few years. The point of us being here today is to
10 attempt to change the access points that we can
11 ingress and degress from that site. The zoning has
12 already been approved back in I think 2007 to
13 commercial zoning, B-4. It certainly isn't our intent
14 to devalue any of the homes. It lays away, quite away
15 from the subdivision. I'm not an expert as to whether
16 or not it will or won't devalue the property. Other
17 than that, I'm not sure how to address.

18 CHAIRMAN: Would you give her just an
19 estimate. How far is your development from her home?

20 MR. WIGGINS: Well, if you go from the closest
21 site of our property to the closest home, it would be
22 in the curve of Barron Road. Right before you ingress
23 into Carter Road. I'm guessing it's probably 50 yards
24 at that point. We plan on starting the development of
25 the property all the way to the southern end. The

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1 property is 5, 600 yards long. So the first
2 development will start there on the furthest
3 southern end. Should really have no barring or impact
4 at all on any, as I see it, any of the homes in that
5 residential area. There's quite a bit of traffic that
6 goes through Carter Road now as it is. There isn't a
7 direct access point currently from that residential
8 area on to Barron Road. They have to go back out on
9 Carter or go all the way around to the east to access
10 that subdivision area around the new lake that they've
11 developed. We're hoping to provide convenience for
12 you.

13 CHAIRMAN: Sir, I'm just trying to direct you
14 so you'll speak in the microphone.

15 MR. WIGGINS: Hopefully what we can do in that
16 community is provide convenience as opposed to
17 nuisance. We want to build a drugstore there, a home
18 health agency and hopefully a medical center. That's
19 what we're planning on doing. Hopefully that
20 addresses your question.

21 CHAIRMAN: Mr. Appleby, with your experience,
22 could you comment to this situation as far as a
23 development going in there and near a residential
24 area?

25 MR. APPLEBY: I can't speak to property values

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1 necessarily.

2 The fact of the matter is the property is
3 zoned commercial today. The property across the
4 street is zoned commercial. It's all going to develop
5 commercially and there's going to be some additional
6 residential development in there. You knows what
7 effect it has on property values. I can't see -- I
8 can't speak to that. I don't know that development
9 necessarily ever devalues property.

10 CHAIRMAN: Thank you. Thank you.

11 Yes, ma'am, if you would like to make another
12 comment or question, feel free to do so.

13 MS. FARLEY: The only thing I would like to
14 ask him, if I may, I'm right there. If you're coming
15 down Carter and you turn on Barron, I'm the first
16 house on the left. Is his development project going
17 to be across the street? Of course, you've got this
18 over here that you mentioned. You are going to
19 develop something across the street as you turn in to
20 off Carter onto Barron; is that correct?

21 MR. WIGGINS: We hope to eventually, yes.

22 MS. FARLEY: I'm the only driveway there in
23 and out of Barron. The only house if you're coming
24 off Carter.

25 MR. WIGGINS: I didn't think you could --

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1 MS. FARLEY: On Barron I'm the first house on
2 the left. I face whatever you build there. I'm
3 asking: Will that depreciate my home?

4 CHAIRMAN: Let me ask you to sit down and I'll
5 bring him back again.

6 Are you going to take that one or are you
7 going to tag it off to somebody else?

8 MR. WIGGINS: I'm not sure of the question.

9 CHAIRMAN: I think you can answer the question
10 about where your development is.

11 I hope you understand, we asked this gentleman
12 also and then Mr. Appleby who really has nothing to do
13 with this development but is a developer. It's almost
14 impossible for anybody to try to answer your
15 questions, what effect would anything have on your
16 house.

17 You know, the marketplace, changes in the
18 community, the changes in your neighborhood. You
19 know, your next-door neighbor will have effects that
20 our developer cannot control. But he can answer the
21 question about where is his development and where is
22 it in relationship to her driveway.

23 I think we'll leave that question to you. As
24 far as valuation, it would be impossible for you to
25 answer.

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1 MR. WIGGINS: In regard to our development, we
2 would like to eventually develop the property all the
3 way up to the northern boundary line, which would be
4 close to your home if it indeed lies in that curve
5 there on Barron Drive. We don't have a definite date
6 as to when or if it will ever be developed. Market
7 conditions have slowed the process of the development
8 as it is. Maybe it will pick up. Maybe it won't.

9 CHAIRMAN: Thank you.

10 Does that answer your questions to the best of
11 our ability?

12 MS. FARLEY: Yes.

13 CHAIRMAN: Are there any questions or comments
14 from the audience in regards to this development?

15 (NO RESPONSE)

16 CHAIRMAN: If not the chair is ready --
17 Yes, sir.

18 MR. WEAVER: The developer has a comment.

19 CHAIRMAN: Let me get you to the mike first.

20 MR. SILVERT: State your name, please.

21 MR. WEAVER: David Weaver.

22 (DAVE WEAVER SWORN BY ATTORNEY.)

23 MR. WEAVER: As a representative of Mr.
24 Wiggins, we've been involved with the design of the
25 project. We would like to request the wording for

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1 Condition 2 be amended to the following: Access to
2 Barron Drive shall be in compliance with the Access
3 Management Manual. The number of locations shall be
4 approved by KYTC and county engineer upon review and
5 approval of the Traffic Impact Study as required by
6 KYTC.

7 That's the revised wording we'd like to get.

8 CHAIRMAN: Mr. Noffsinger.

9 MR. NOFFSINGER: Mr. Chairman, I would defer
10 to Mr. Howard. He's reviewed the transportation study
11 that the developer prepared and he has a reason as to
12 why this condition should not be amended.

13 CHAIRMAN: Mr. Howard.

14 MR. HOWARD: The wording of the condition as
15 set forth was based upon the applicant's finding when
16 the rezoning was submitted. I included in your packet
17 the documentation from the transportation engineer. I
18 believe it outlined support for the additional access
19 to Barron Drive.

20 When the rezoning was initially done in 2007,
21 a plan was shown that had five access points through
22 the Green River Area Development District
23 Transportation Plan that use items for transportation
24 purposes for us. When he looked at that plan, he gave
25 us a recommendation that the site shall be limited to

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1 three access points. That was a condition that was
2 placed on the zoning change. So based upon the
3 information that was submitted by the applicant and
4 the wording and that type of thing, that's where the
5 condition came from. Specifically speaking to the 865
6 feet from the center line of Barron Drive for the
7 spacing, the property across the street, the 80 acre
8 property was recently rezoned and part of the
9 transportation engineer's review of that said due to
10 stacking in the vicinity that no access point shall be
11 located closer to that to the intersection.

12 So that's where the condition comes from.
13 We're not opposed to an additional access point as
14 long as they're in compliance with the Access
15 Management Manual and that they can meet those
16 staffing conditions and those types of things.

17 MR. NOFFSINGER: Mr. Chairman, an access point
18 closer to Carter Road would get into some of what this
19 lady has been talking about. It would move an access
20 point closer to her driveway. I think we have a
21 resident here that is concerned about that as well.
22 So we would recommend the condition stay as is.

23 MR. WEAVER: Can I interject?

24 CHAIRMAN: Yes, sir.

25 MR. WEAVER: The developer is required by the

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1 condition that we have on the Traffic Impact Study
2 done. What we've talked about is a possibility of
3 adding a right-in/right-out at that location. It
4 would still meet the Access Management Manual at 250
5 foot spacing. It wouldn't meet the 865 feet distance
6 from Carter Road, but it would be 865 minus the 250.
7 So we'd still be 500 and some odd feet or 600 some odd
8 feet.

9 CHAIRMAN: Mr. Howard.

10 MR. HOWARD: I guess it was a right-in and
11 right-out that would eliminate the left turn conflict,
12 as a potential conflict.

13 I guess my concern would be if there's no -- I
14 don't know what their total amount of frontage is. If
15 there's no specific limitation on access, then the
16 Traffic Impact Study could potentially come back and
17 say, well, he could have eight access points or seven
18 access points along the road frontage. You're looking
19 at a situation where the more access points you have
20 the more conflict points, the more potential for
21 safety issues and traffic entering and exiting the
22 site. So that's why we would feel that limiting the
23 site to four access points is a reasonable request.
24 Based on the history and review from the GRADD
25 transportation office and our office, and we contacted

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1 the county engineer and the state transportation about
2 this, and at this point they said they would defer
3 until Traffic Impact Study is prepared so they could
4 evaluate. It's possible they may say you can only
5 have three access points. We don't know until the
6 Traffic Impact Study is done.

7 CHAIRMAN: Please step back. I've got one for
8 you.

9 At the present time in the present proposal
10 you have four access points, correct?

11 MR. WEAVER: Presently right now we have three
12 access points.

13 CHAIRMAN: Mr. Howard, is that correct? Do
14 they have three or four?

15 MR. NOFFSINGER: I can answer that. They were
16 approved for three access points previously. Tonight
17 they're coming to you and asking for four, which we
18 have agreed to. Now you're potentially looking at
19 five or six and closer to the intersection of Carter
20 Road.

21 MR. WEAVER: Yes. Could I clarify?

22 Actually what we're really looking for is four
23 access points. The farther southern access point,
24 you've got the rezoning map in front of you, would be
25 in the general area of the triangular piece of the

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1 property, would basically lead you right into our
2 retention basin. So that access point we're not
3 planning on using.

4 Backing up there we've got two other access
5 points that are currently approved. They're spaced
6 roughly 500 feet, well, they're spaced 500 feet apart
7 and they align with what Massie-Clarke previously
8 approved. What we're looking to do is add an access
9 point between those two access points, which would be
10 in compliance with the Access Management Manual, which
11 would be the 250 foot spacing. So that's three.

12 The fourth access point we'd like to have
13 closer to Carter Road, another 250 feet. For the one
14 that's approved that that access point be
15 right-in/right-out.

16 What we're looking to do is we're going to get
17 a Traffic Impact Study and approval of KYTC and
18 approval of the county engineer. So it's not likely
19 that we're going to get any further than that as far
20 as access points. Is that clear? It's kind of hard
21 to explain something that really requires a picture, I
22 guess.

23 CHAIRMAN: Is four the number?

24 MR. WEAVER: Four is the number.

25 CHAIRMAN: You said one you're not going to

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1 actually use. Would you want to go to three?

2 MR. WEAVER: We'd like to have four. Four
3 access points that we can use. One of the access
4 points, the Access Management Manual allow and our
5 present zoning conditions will allow is not practical
6 for the development.

7 CHAIRMAN: Mr. Noffsinger, you see where I'm
8 going with this. If they would go to three, and the
9 one that they're not actually going to use, would that
10 clear up the situation of four and moving the one?

11 MR. NOFFSINGER: Yes, it would. Again, the
12 concern is moving access closer to Carter Road and
13 closer to this lady's driveway and home in that curve.
14 They're asking for right-in/right-out. Sometimes
15 those don't always function, right-in/right-out. The
16 transportation study that's been prepared I believe
17 has said that there should not be an access point
18 closer to Carter Road than the first proposed access
19 point. So what they're proposing would be contrary to
20 what the Traffic Impact Study has shown. It's been
21 our experience the closer you get these access points
22 to major streets the more problems you have. Maybe
23 not now. It may sound good right now, but ten years
24 down the road you're dealing with the Highway 54 and
25 Heartland Crossing situation.

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1 That's where we're coming from on this. We
2 believe you need to respect as much spacing and gain
3 as much spacing from Carter Road as you possibly can.
4 Especially in that curve.

5 MR. WEAVER: If I could interject.

6 What the traffic study goes on to say is
7 they're proposed to that access point that you spoke
8 of because of left turn maneuvers. Our
9 right-in/right-out condition would eliminate left turn
10 maneuvers at that location.

11 What we're asking for essentially is four
12 access points. We would like to be able to defer the
13 access points, we would like the access points to be
14 in compliance with the Access Management Manual and to
15 be approved by the KYTC and the county engineer upon
16 the completion of a Traffic Impact Study. We're not
17 looking for anything outside of the Access Management
18 Manual.

19 CHAIRMAN: Mr. Noffsinger, how does his
20 proposal line up with what's approved? He wants to
21 move an access point basically, correct, and have the
22 right-in/right-out closer to the curve than what --

23 MR. NOFFSINGER: Well, his current proposal
24 does not match with what he's asking for here tonight
25 because his current proposal has four access points

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1 and has them shown in the location where they are on
2 this map.

3 Now they're saying, well, we want to close one
4 and we want to relocate it. Our concern is that the
5 one they're wanting to close you're moving closer to a
6 major intersection. We would not recommend that even
7 if it's a right turn in and out.

8 Again, we know how those tend to function and
9 without a proper design they can be problematic.

10 MR. WEAVER: I guess what we're asking for is
11 we're asking for the ability to complete our Traffic
12 Impact Study and to refer back to KYTC and the county
13 engineer for approval. We're looking to meet the
14 requirements of the Access Management Manual. We're
15 asking for four access points is what we're asking
16 for. We're not actually asking for that.

17 I would like to get Condition Number 2 worded
18 in the findings as I stated. If you would like, I
19 could reread that again.

20 Condition Number 1, the applicant is perfectly
21 fine with that.

22 Condition Number 2, what we'd like to see that
23 say is, access to Barron Drive shall be in compliance
24 with the Access Management Manual. The number and
25 locations shall be approved by KYTC and the county

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1 engineer upon review and approval of a Traffic Impact
2 Study as required by KYTC.

3 MR. NOFFSINGER: So you're really not asking
4 for four. You're not asking for three or five.

5 MR. WEAVER: It depends on how you do the
6 condition.

7 MR. NOFFSINGER: You want as many as you can
8 get along that roadway potentially.

9 MR. WEAVER: If you want to amend that
10 condition and say a maximum of four, I believe Mr.
11 Wiggins would be fine with that because that's what
12 we're looking for.

13 MR. WIGGINS: The access point to the far
14 south of the property leads right into a retention
15 basin. It's useless. There are currently three, as I
16 understand, access points approved. We have submitted
17 a proposal for a fourth one which it lies in-between
18 the two useable access points that are in conjunction
19 with the Massie-Clarke Development. We would like, if
20 you count the one to the farthest south, the
21 non-usable access point as an access point, ultimately
22 we would like to have that one plus four more. Four
23 useable access points. I would like to have four
24 useable access points.

25 CHAIRMAN: Mr. Noffsinger --

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1 MR. WIGGINS: Does that clarify it some?

2 MR. NOFFSINGER: Does that include the right
3 in and out?

4 MR. WIGGINS: That would include the
5 right-in/right-out.

6 MR. NOFFSINGER: So three full maneuvers and
7 one right turn only?

8 MR. WIGGINS: That's correct.

9 MR. NOFFSINGER: Given what was just stated,
10 if the condition would state that they're limited to a
11 maximum of four entrances with one of those, which
12 would be the one nearest the intersection of Carter
13 Road and Barron Drive, be limited to a right turn in
14 and out and provided the Traffic Impact Study comes
15 back showing that it is favorable and it's approved by
16 KYTC and the county engineer and the OMPC, then Staff
17 would be receptive to that. We would recommend that
18 for approval.

19 CHAIRMAN: I think we better make it clear,
20 Mr. Noffsinger. I think the applicant understands
21 you've got three levels or three people that have to
22 approve this.

23 MR. APPLEBY: That's in the condition.

24 CHAIRMAN: In the conditions. So the OMPC
25 would initially have the final say over the whole plan

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1 regardless; is that correct, Mr. Noffsinger?

2 MR. NOFFSINGER: Yes, sir.

3 CHAIRMAN: Thank you.

4 MR. WEAVER: What we'd like is the condition
5 worded such a way that we don't have to go back
6 through the rezoning process. If you want to tie it
7 to a final development plan, I think that would be
8 fine.

9 CHAIRMAN: Mr. Noffsinger.

10 MR. NOFFSINGER: I think what I stated will do
11 that.

12 CHAIRMAN: Do we need OMPC rewording of the
13 second condition?

14 MR. NOFFSINGER: Mr. Howard, would be glad to
15 do that.

16 MR. HOWARD: How about access to Barron Drive
17 shall be limited to a potential of four access points
18 in compliance with the Access Management Manual.
19 Access number and locations shall be approved by the
20 Kentucky Transportation Cabinet, County Engineer and
21 OMPC upon reviewing approval of a Traffic Impact Study
22 as required by the Kentucky Transportation Cabinet.
23 Then the access point located closest to Carter Road
24 shall be limited to right-in/right-out only.

25 MR. NOFFSINGER: Provided there's an access

1 point between Carter Road and the first proposed
2 access point shown on the applicant's preliminary
3 plan, which is in line with access Number 2 to the
4 property across the street.

5 MR. APPLEBY: You're saying any access to the
6 property within 865 feet?

7 MR. NOFFSINGER: No. What we don't want to do
8 -- we want to make sure that the access point across
9 from access Number 2 is a fully functioning access
10 point. If there's one located between that access
11 point and Carter Road, we want to make sure that's
12 right-in/right-out only.

13 MR. WEAVER: For further clarification, Gary.
14 You may want to state if there's an access point
15 closer than 865 feet that it will be
16 right-in/right-out.

17 MR. NOFFSINGER: And that will be fine. I was
18 just assuming that that's where that first one is
19 located.

20 MR. WEAVER: Yes. Just to make sure that
21 everything is clear in the wording of the condition.

22 MR. NOFFSINGER: That's true.

23 CHAIRMAN: With that being said are there any
24 further questions, additions?

25 (NO RESPONSE)

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

3 MR. APPLEBY: I'll make a recommendation for
4 approval based on Staff's Recommendations, Condition 1
5 and Condition 2 as amended by the Planning Staff and
6 Findings of Fact 1 through 4. I'm not going to try to
7 reinterpret that.

8 CHAIRMAN: Thank you, Mr. Appleby.

9 MR. HAYDEN: Second.

10 CHAIRMAN: 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, please.

15 ITEM 3

16 7720 Windy Hill Road, 39.35+/- acres

Consider zoning change: From EX-1 Coal Mining to A-R
17 Rural Agriculture

Applicant: Kevin R. & Gretchen F. Payne

18

19 PLANNING STAFF RECOMMENDATIONS

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

22 FINDINGS OF FACT:

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

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1 2. The subject property is located in a Rural
2 Maintenance Plan Area, where rural farm residential
3 uses are appropriate in general locations;

4 3. The subject property is a large tract with
5 agricultural and forestry potential;

6 4. The subject property has access to Windy
7 Hill Road via a private drive with no new roads
8 proposed;

9 5. All strip-mining activity has ceased on
10 the subject property; and,

11 6. The Owensboro Metropolitan Zoning
12 Ordinance Article 12a.31 requires that property shall
13 revert to its original zoning classification after
14 mining.

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

17 CHAIRMAN: Do we have anybody here
18 representing the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Do we have any questions from the
21 audience, any questions from the Staff or commission?

22 (NO RESPONSE)

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

25 MR. HAYDEN: I make a motion to approve with

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1 the Staff Recommendations and Findings of Fact 1
2 through 6.

3 CHAIRMAN: We've got a motion for approval by
4 Mr. Hayden.

5 FATHER HOSTETTER: Second.

6 CHAIRMAN: Father Larry had the second. All
7 in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 -----

12 MAJOR SUBDIVISIONS

13 ITEM 4

14 Locust Grove Estates, 68.789 acres

15 Consider approval of amended major subdivision
16 preliminary plat.

17 Applicant: Eric Avery

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 is recommended
22 for approval.

23 CHAIRMAN: Do we have anybody representing the
24 applicant?

25 MR. REYNOLDS: Yes. David Reynolds
representing the applicant. I'm here for any
questions.

1 CHAIRMAN: Thank you.

2 Are there any questions from the audience?

3 (NO RESPONSE)

4 CHAIRMAN: Any questions from the commission?

5 (NO RESPONSE)

6 CHAIRMAN: Mr. Reynolds, thank you.

7 Appreciate you putting this together.

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

9 CHAIRMAN: Yes, sir.

10 MR. APPLEBY: Motion for approval.

11 CHAIRMAN: Motion for approval by Mr. Appleby.

12 MR. ROGERS: Second.

13 CHAIRMAN: Second by Mr. Rogers. All in favor

14 raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 MR. SILVERT: I do want to thank particularly

19 County Attorney Claud Porter for his diligence in that

20 item in particular. He really added a lot to that

21 situation. I just want to thank him.

22 -----

23 MINOR SUBDIVISION

24 ITEM 5

25 3835, 3845 Riverside Drive, 0.679 acres

Consider approval of minor subdivision plat.

1 Applicant: Paula M. Gastenveld

2 MR. NOFFSINGER: Mr. Chairman, this plan has
3 been reviewed by the Planning Staff and Engineering
4 Staff. The plat is found to be in order; however, it
5 will have to be approved by this board as an exception
6 to the subdivision regulations. Mr. Brian Howard is
7 here to describe the situation.

8 MR. HOWARD: This property had a deed
9 restriction that limited the frontage for lots within
10 the overall subdivision to 75 feet. In your packet, I
11 included an opinion from a local attorney that has
12 lifted the deed restriction that would require all
13 lots to have 75 feet of road frontage.

14 So the exception is in our planning zone the
15 plat is submitted as one lot with approximately 80
16 feet of road frontage with only 60 feet of road
17 frontage. The 60 feet is less than the minimum
18 required in our zone. However, the attorney also
19 included information with their submittal that shows
20 that there are 91 lots within the Riverside Estate
21 Subdivision. Of the 91 lots, 64 of the original
22 subdivision have lots with frontage of less than 75
23 feet. Of the 64, 56 of the lots have 60 feet of road
24 frontage.

25 With the layout and character of the

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1 neighborhood the lot with 60 feet of road frontage is
2 not out of character with the overall subdivision and
3 the lot with 80 feet of frontage is certainly in
4 character with the existing development.

5 So with that we could recommend that you all
6 consider this for approval.

7 CHAIRMAN: Is anybody here representing the
8 applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Do we have any questions from the
11 audience or the commission or the Staff?

12 (NO RESPONSE)

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

15 MR. KAZLAUSKAS: So move.

16 CHAIRMAN: We have a motion for approval by
17 Mr. Kazlauskas.

18 FATHER HOSTETTER: Second.

19 CHAIRMAN: Second by Father Hostetter. All in
20 favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 The Chair is ready for a motion for
24 adjournment.

25 MR. HAYDEN: Motion for adjournment.

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1 CHAIRMAN: Motion for adjournment by Mr.
2 Hayden.

3 MR. TAYLOR: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: We are adjourned. Thank 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 29 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of May, 2011.

18

19

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

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25

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