

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 9, 2011

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday, June  
5 9, 2011, at City Hall, Commission Chambers, Owensboro,  
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: Drew Kirkland, Chairman  
8 Ward Pedley, Vice Chairman  
9 David Appleby, Secretary  
10 Gary Noffsinger, Director  
11 Madison Silvert, Attorney  
12 John Kazlauskas  
13 Martin Hayden  
14 Rita Moorman

15 \* \* \* \* \*

16 CHAIRMAN: I would like to welcome everybody  
17 to our June 9, 2011 Owensboro Metropolitan Planning  
18 Commission. Would you please rise for our invocation  
19 and pledge of allegiance.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: Our first order of business is to  
22 consider the minutes of the May 12, 2011 meeting. Are  
23 there any additions, corrections?

24 (NO RESPONSE)

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

MR. PEDLEY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Pedley.

1 MR. KAZLAUSKAS: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, Mr. Noffsinger.

7 -----

8 ZONING CHANGES

9 ITEM 2

10 4607 Goetz Drive, 1.001 acres

Consider zoning change: From B-4 General Business to  
11 R-3MF Multi-Family Residential

Applicant: Dr. Gary Givens, Bertha Goetz Estate

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

15 MR. HOWARD: Brian Howard.

16 (BRIAN HOWARD SWORN BY ATTORNEY.)

17 MR. HOWARD: I will note that the rezonings  
18 heard tonight will become final 21 days after the  
19 meeting unless an appeal is filed. The appeal forms  
20 are available on the back table, on our web site and  
21 in the office. If an appeal is filed, then we will  
22 forward the rezoning recommendations to the  
23 appropriate legislative body.

24 PLANNING STAFF RECOMMENDATIONS

25 The Planning Staff recommends approval subject

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1 to the condition and findings of fact that follow:

2 CONDITION

3 No access shall be permitted to Goetz Drive.

4 Access shall be limited to Sydney Lane only.

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 located in a  
10 Business Plan Area, where urban mid-density  
11 residential uses are appropriate in very-limited  
12 locations;

13 3. Sanitary sewer service is available for  
14 extension to the site; and,

15 4. The proposal is a logical expansion of  
16 existing R-3MF Multi-Family Residential zoning located  
17 immediately east of the subject property.

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

20 CHAIRMAN: Is there anybody here representing  
21 the applicant?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Does anybody have any questions of  
24 the applicant?

25 (NO RESPONSE)

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1           CHAIRMAN:  If nobody has any questions, the  
2 chair is ready for a motion.

3           MR. PEDLEY:  Mr. Chairman, I make a motion for  
4 approval based on Staff Recommendations, the Condition  
5 that no access shall be permitted to Goetz Drive.  
6 Access shall be limited to Sydney Lane only, and  
7 Findings of Fact 1 through 4.

8           CHAIRMAN:  We have a motion for approval by  
9 Mr. Pedley.

10          MR. HAYDEN:  Second.

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

13          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14          CHAIRMAN:  Motion carries unanimously.

15          Next item, please.

16          ITEM 3

17          6701 Block Highway 405, 1.848 acres

          Consider zoning change:  From B-4 General Business to

18          R-1C Single-Family Residential

          Applicant:  Image Builders, LLC

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20          PLANNING STAFF RECOMMENDATIONS

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

23          CONDITION

24                 Access to Kentucky Highway 405 and Wrights

25          Landing Road shall be in compliance with the

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1 requirements of the access management manual.

2 FINDINGS OF FACT

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

6 2. The subject property is located in a  
7 Business Plan Area, where urban low-density  
8 residential uses are appropriate in very-limited  
9 locations;

10 3. Sanitary sewer service is available for  
11 extension to the site; and,

12 4. The proposal is a logical expansion of  
13 existing R-1C Single-Family Residential zoning located  
14 immediately south of the subject property.

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

17 CHAIRMAN: Is there anybody here representing  
18 the applicant?

19 MR. HAYDEN: Yes.

20 CHAIRMAN: Does anybody have any questions of  
21 the applicant?

22 MS. JOHNSON: Yes.

23 CHAIRMAN: Yes, ma'am. Ma'am, please come to  
24 the podium.

25 MR. SILVERT: Could you state your name please

1 for the record?

2 MS. JOHNSON: My name is Tamra Johnson. I  
3 live on Chandler Avenue.

4 (TAMRA JOHNSON SWORN BY ATTORNEY.)

5 MS. JOHNSON: I just have a question.

6 CHAIRMAN: Yes, ma'am.

7 MS. JOHNSON: I was just wanting to know where  
8 the access is to the properties being built. If it's  
9 off of 405 or Wrights Landing Road or Waterfield?

10 CHAIRMAN: Do you have any other questions?

11 MS. JOHNSON: Ask if I can get a copy of that.

12 CHAIRMAN: Absolutely. There will be no  
13 problem there. If you'll be seated, I'll bring him to  
14 the podium.

15 MS. JOHNSON: Thank you.

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

18 MR. HAYDEN: Randy Hayden.

19 (RANDY HAYDEN SWORN BY ATTORNEY.)

20 MR. HAYDEN: Tamra, the access points that  
21 we're proposing right now would be one off of Wrights  
22 Landing Road and then one off of Highway 405. About  
23 halfway between Chandler Avenue and Wrights Landing  
24 Road. So it's not going to impact as far as your  
25 home. It won't impact you. Our plan is that there

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1 will be plenty of screening as well in your backyard.  
2 We're taking that into consideration certainly.

3 MS. JOHNSON: Okay. I was just wondering.

4 MR. NOFFSINGER: At this time we do not have a  
5 development plan on the property so we do not have a  
6 picture that we can give you of where those access  
7 points are. He's just describing where he intends to  
8 placing those points.

9 CHAIRMAN: As soon as we do have a development  
10 plan, we will have that and you'll have access to  
11 that. I'm sorry, I misspoke. He was able to give you  
12 where it is, but we do not have that drawing. I'm  
13 sure he would be more than happy to sketch it out with  
14 what he has now.

15 For the record she only made hands gestures.

16 Are there any other questions?

17 (NO RESPONSE)

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

20 MR. APPLEBY: Motion for approval based on the  
21 Staff Recommendations with the access condition and  
22 Findings of Fact 1 through 4.

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

25 MS. MOORMAN: Second.

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1 CHAIRMAN: Second by Ms. Moorman. All in  
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 ITEM 4

7 3623 US Highway 60 East, 0.371 acres

Consider zoning change: From R-1C Single-Family

8 Residential to B-4 General Business

Applicant: On a Budget Rentals, LLC

9

10 MR. NOFFSINGER: Mr. Chairman, before Mr.  
11 Howard gets started, I would just like to see if the  
12 applicant is here tonight or represented tonight.

13 (NO RESPONSE)

14 CHAIRMAN: Is there no one representing the  
15 applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Mr. Howard, continue.

18 MR. BAKER: I'm here.

19 MR. NOFFSINGER: Is it the applicant's desire  
20 to move forward with this application tonight?

21 MR. BAKER: They are not here.

22 CHAIRMAN: Wait. Would you step to the  
23 podium, please.

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



1 MR. BAKER: Jason Baker.

2 (JASON BAKER SWORN BY ATTORNEY.)

3 MR. BAKER: They have not arrived so I can  
4 only -- I'm not sure why they have not made it here.

5 MR. NOFFSINGER: Mr. Howard is getting ready  
6 to read the entire report into the record. If there  
7 were a chance they were wanting to postpone, we could  
8 save that, but since they're not here.

9 MR. BAKER: I have not been told that they  
10 plan to postpone.

11 CHAIRMAN: Are you going to make a motion for  
12 postponement at this time?

13 MR. BAKER: No.

14 MR. NOFFSINGER: Mr. Chairman, at this time  
15 we're prepared to move forward with the case; however,  
16 it's also within your discretion to consider a  
17 postponement since the applicant is not here to answer  
18 questions and it will be delayed until the next  
19 meeting. It's strictly up to Planning Commission, but  
20 you will need to vote.

21 CHAIRMAN: Would you like to make that  
22 proposal?

23 MR. BAKER: Yes. I'm kind of in a bad  
24 position here.

25 CHAIRMAN: We're giving you the option. We're

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1 not going to go forward because if we go forward and  
2 then vote on it one way or the other then --

3 MR. BAKER: I think it ought to be postponed.

4 CHAIRMAN: You're making a motion for  
5 postponement or requesting postponement on behalf of  
6 the applicant?

7 MR. BAKER: Yes, sir.

8 CHAIRMAN: Mr. Silvert.

9 MR. SILVERT: Yes.

10 CHAIRMAN: Mr. Noffsinger.

11 MR. NOFFSINGER: Yes, sir.

12 CHAIRMAN: Then we will not proceed with Mr.  
13 Howard's reading and we will vote.

14 MR. NOFFSINGER: Yes. You will need a motion  
15 to postpone and to take a vote on postponement.

16 MR. APPLEBY: Mr. Chairman, I move to postpone  
17 the item until the next meeting.

18 MR. KAZLAUSKAS: Second.

19 CHAIRMAN: We've got a motion by Mr. Appleby  
20 to postpone this item until the next meeting. We have  
21 a second by Mr. Kazlauskas. All in favor for a  
22 postponement raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

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DEVELOPMENT PLAN

ITEM 5

3001 Heartland Crossing Boulevard, 17.742 acres

Consider approval of final development plan.

Applicant: Menards, Inc., Heartland Crossing, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff and it's found to be in order. It's use is consistent with the underlying zoning and is ready for your consideration.

CHAIRMAN: Do we have anybody here representing the applicant?

MR. BAKER: Yes.

CHAIRMAN: Is there anybody in the audience that would have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anybody on the commission that has a question of the applicant?

MR. KAZLAUSKAS: Mr. Chairman, I do.

CHAIRMAN: Mr. Kazlauskas.

MR. KAZLAUSKAS: I would like to know about the retention basin. I read on here where there was going to be a retention basin.

MR. SILVERT: Mr. Kazlauskas, could you speak up?

1           MR. KAUZLAUSKAS: I'm sorry. After reviewing  
2 this, I notice that there was going to be a retention  
3 basin. I'm not real sure where that's going to be.  
4 If there's going to be one, two, multiple retention  
5 basins. Could somebody shed some light on that for  
6 us?

7           MR. BAKER: This site is part of an overall  
8 plan which was approved in a previous meeting.  
9 There's a regional retention basin which is located  
10 just south of the Menard's development. You can see  
11 it on the very lower portion of the page. Kind of  
12 extends along the southern boundary. That retention  
13 basin is a regional basin for the entire development.  
14 There's trunk line storm sewers which channel water to  
15 that point.

16           MR. KAZLAUSKAS: I see it now. Is that going  
17 to be the only retention basin?

18           MR. BAKER: That is the only retention basin  
19 for the overall development, yes, sir. It will serve  
20 many lots in the development.

21           MR. KAZLAUSKAS: Thank you.

22           CHAIRMAN: Are there any other questions?

23           (NO RESPONSE)

24           CHAIRMAN: If not the chair would be ready for  
25 a motion.

1 MR. APPLEBY: Motion for approval, Mr.  
2 Chairman.

3 CHAIRMAN: Motion for approval by Mr. Appleby.

4 MR. HAYDEN: Second.

5 CHAIRMAN: Second by Mr. Hayden. 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 MINOR SUBDIVISIONS

12 ITEM 6

13 4700, 4710 Hunters Ridge, 4.739 acres

Consider approval of minor subdivision plat.

14 Applicant: Jason L. Bivins; Dr. Paul A. Garner

15 MR. NOFFSINGER: Mr. Chairman, this plat has  
16 been reviewed by the Planning Staff and Engineering  
17 Staff. It's found to be in order. It comes to you as  
18 an exception to the subdivision regulations in that it  
19 reduces the width, total frontage width of the lot  
20 down below 50 feet; however, along the road they're  
21 going to have the minimum of 50 feet that's required,  
22 but due to some features of the property they're going  
23 to take a little bit off a lot that has minimal  
24 frontage and put it with a larger lot. They're not  
25 creating any additional lots. We're dealing with two

1 existing lots of record. Both landowners have agreed  
2 to the exchange of property. In that it does not seek  
3 to diminish the intent of subdivision regulation, we  
4 would recommend its approval.

5 CHAIRMAN: Do we have anyone here representing  
6 the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Do we have any questions?

9 (NO RESPONSE)

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

12 MR. PEDLEY: Mr. Chairman, I need to abstain  
13 from voting on this item.

14 CHAIRMAN: Mr. Pedley will abstain from  
15 voting.

16 MR. APPLEBY: Motion for approval, Mr.  
17 Chairman.

18 CHAIRMAN: Motion for approval by Mr. Appleby.

19 MS. MOORMAN: Second.

20 CHAIRMAN: Second by Ms. Moorman. All in  
21 favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT - WITH MR. PEDLEY  
23 ABSTAINING FROM VOTING - RESPONDED AYE.)

24 CHAIRMAN: The motion carries unanimously with  
25 Mr. Pedley abstaining.

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1                   We have one final item.

2                   MR. APPLEBY: Move to adjourn.

3                   CHAIRMAN: Motion for adjournment by Mr.  
4 Appleby.

5                   MR. PEDLEY: Second.

6                   CHAIRMAN: Second by Mr. Pedley. All in favor  
7 raise your right hand.

8                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9                   CHAIRMAN: Motion carries unanimously. We are  
10 adjourned.

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

16 WITNESS my hand and notary seal on this the  
17 5th day of July, 2011.

18  
19 \_\_\_\_\_  
20 LYNNETTE KOLLER FUCHS  
21 NOTARY ID 433397  
22 OHIO VALLEY REPORTING SERVICES  
23 202 WEST THIRD STREET, SUITE 12  
24 OWENSBORO, KENTUCKY 42303

25 COMMISSION EXPIRES: DECEMBER 16, 2014

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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