CHAIRMAN: I would like to welcome everybody to the April 10, 2003, meeting of the Owensboro Metropolitan Planning Commission. Will you please rise. Our invocation will be given by Mr. David Appleby.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the March 13, 2003, meeting. Are there any corrections, additions or questions?
(NO RESPONSE)

CHAIRMAN: If none, the chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries unanimously.

Mr. Noffsinger.

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ZONING CHANGES - CITY

ITEM 2

817, 819 Clay Street, 0.12+ acres
Consider zoning change: From B-4 General Business to R-4DT Inner-City Residential
Applicant: Keith & Sue Potts

MR. ELLIOTT: State your name for the record, please.

MS. STONE: Becky Stone.

(MS. STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted
Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where urban low-density residential uses are appropriate in general locations;
2. The subject property is adjacent to R-4DT zoning to the north and to the west across Clay Street;
3. The subject property is adjacent to residential uses to the north, south, east and west; and,
4. The historical use of the subject property is residential, and the R-4DT zoning classification is a more appropriate zone for the subject property than the B-4 General Business zone.

MS. STONE: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Are there any questions from

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the commission?

(NO RESPONSE)

MR. CAMBRON: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval based upon Findings of Fact 1 through 4, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

822 Clay Street, 0.104 acres
Consider zoning change: From B-4 General Business to R-4DT Inner-City Residential
Applicant: Steve Stevenson

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

Findings of Fact:

1. The subject property is located in a Central Ohio Valley Reporting (270) 683-7383
Residential Plan Area, where urban low-density residential uses are appropriate in general locations;

2. The subject property is adjacent to residential uses to the north, south, east and west; and,

3. The historical use of the subject property is residential, and the R-4DT zoning classification is a more appropriate zone for the subject property than the B-4 General Business zone.

MS. STONE: We would like to enter the Staff Report as Exhibit B.

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

SISTER VIVIAN: Motion for approval based on Findings of Fact 1 through 3.

CHAIRMAN: Motion for approval by Sister
Vivan.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

MR. CAMBRON: Mr. Chairman, I need to disqualify myself from Item Number 4.

CHAIRMAN: Let the record note that Mr. Cambron is disqualifying himself.

Next item.

ITEM 4

2016 West Second Street, 0.351 acres
Consider zoning change: From B-4 General Business to I-1 Light Industrial
Applicant: Nick & Margaret Cambron, E. Mack & Nina Cambron

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan.

This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Access shall be limited to one access point not to exceed 40% of the lot width to a maximum of 40 feet;

2. A roadway buffer of 40 feet from the Ohio Valley Reporting
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centerline of West Second Street shall be provided
with no required landscaping or parking located within
the buffer;

3. Vehicular use areas adjacent to the street
right-of-way shall be screened with a 3-foot high
continuous element and one tree for every 40 linear
feet of boundary; and,

4. Screening of any outdoor storage areas per
Zoning Ordinance requirements.

Findings of Fact:

1. The subject property is located in a
Business/Industrial Plan Area, where light industrial
uses are appropriate in general locations;

2. The subject property is located in an
identified mixed-use area, where mixed uses of
business and light industrial are allowed to continue;

3. The subject property is contiguous to I-1
Light Industrial zoning to the south and to the north
across West Second Street; and

4. I-1 Light Industrial zoning is the
appropriate zone to continue the previous use as a
body shop on the subject property.

MS. STONE: We would like to enter the
Staff Report as Exhibit C.

CHAIRMAN: Is there anybody here
representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Are there any questions from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Any question from the commission?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval based on Conditions 1 through 4 and Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. APPLEBY: Second.

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

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

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLANS

Ohio Valley Reporting
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ITEM 5

3264 KY 54, 1.932 acres
Consider approval of final development plan.
Applicant: Fifth Third Bank

MR. NOFFSINGER: Mr. Chairman, this development plan is in order and ready for consideration.

CHAIRMAN: Is there anybody representing the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Ohio Valley Reporting
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ITEM 6

95 Salem Drive, 2.973 acres
Consider approval of final development plan.
Applicant: J & A Properties

MR. NOFFSINGER: Mr. Chairman, this plan
is in order and ready for consideration.

CHAIRMAN: Somebody here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience
have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr.
Appleby.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All
in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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Ohio Valley Reporting
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MAJOR SUBDIVISIONS

ITEM 7

Cross Creek, Unit 1, Lots 1-10, 13-24, 6.352+ acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) $53,277.00
Applicant: Pedley Developers, LLC

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for consideration.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anybody in the audience have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

CHAIRMAN: If not, we're ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
ITEM 8

7663-7869 KY 56, 16.574+ acres
Consider approval of major subdivision final plat.
Surety (Performance Bond) $14,000.00
Applicant: Bill Timbrook

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for consideration.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any questions of the applicant from the audience or the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Cambron.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

Ohio Valley Reporting
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MINOR SUBDIVISIONS

ITEM 9

9832, 9856 Kelly Cemetery Road, 4.881 acres
Consider approval of minor subdivision plat.
Applicant: Bert & Judith Bloomer, Brenna & Brandon Bloomer

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff. The plat is
found to be in order. There are existing on the
property two tracts right now of land. Once this
division is completed, there will still be two tracts
of land. Neither tract will meet the depth to width
ratio. Actually doesn't -- new land that's being
subdivided is just a reconfiguration of two existing
tracts. With that the staff recommends that this plat
be approved.

CHAIRMAN: Is anybody here representing
the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience
have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission?

(NO RESPONSE)

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

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MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

MR. GILLES: Mr. Chairman, I need to disqualify myself from Item Number 10.

CHAIRMAN: Let it be noted Mr. Gilles be disqualified from Item 10.

ITEM 10

7142, 7152 KY 56, 7.643 acres
Consider approval of minor subdivision plat.
Applicant: Robert I. Knott, Jr., Raw Prawn Properties, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. The plat creates properties that will grossly exceed the depth to width ratio as required by the subdivision regulations. However, this property will be used as a cemetery. With that the unusual use of the property is not for your typical residential purposes. We'd recommend approval.

CHAIRMAN: Is there someone here...
representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

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

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 11

5360, 5388 KY 1514, 10.237 acres
Consider approval of minor subdivision plat.
Applicant: Laura A. Roberts

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It creates a
one acre tract that will meet the depth to width ratios; however, the remainder will be a 9.2 acre tract that will not meet the depth to width ratios. I'm not sure if the applicant is here tonight. Anyhow, this is for residential purposes and we'd be looking to the applicant to see why they're proposing this type of division.

CHAIRMAN: Is there somebody here representing the applicant?

MS. ROBERTS: I am the applicant.

CHAIRMAN: Would you like to make a statement?

MS. ROBERTS: Yes.

CHAIRMAN: Step forward to the podium and we'll have Mr. Elliott swear you in.

MR. ELLIOTT: State your name, please.

MS. ROBERTS: Laura Roberts.

(MS. LAURA ROBERTS SWORN BY ATTORNEY.)

MS. ROBERTS: The tract has been divided into an acre to put my mother out there. She's handicap and in a wheelchair. It's to bring her over from Greenville, all of our family is here, where she'll be near me and also to help me, for which I've had a heart attack and now have a defibrillator. I just want both of us together. That way she's not on
her own.

MR. APPLEBY: Gary, if this tract, this

9.237 acres remainder?

MR. NOFFSINGER: Yes.

MR. APPLEBY: If it were 10 acres, it
would be considered an ag tract which would meet the
minimums anyway, wouldn't it, or would it not be
subject?

MR. NOFFSINGER: Yes, sir. This property
back years ago was mined and reclaimed or partially
reclaimed. Back in '98 Mr. Billy Bowlds and another
partner went in and subdivided the property, rezoned
it from coal mining and zoned it agricultural. They
went in and created lots or tracts off of this farm.
They did it in such a way where they created some two
acre tracts and met the requirements. Then because of
fire protection requirements, they ended up creating
ten acre tracts. The ten acre tracts you see, most of
them could not be further subdivided because they end
up with very narrow frontage and quite a bit of depth
to them. Right now as they stand they're an
agricultural tract and they're in compliance with
whatever regulations there might be regarding those,
but once you actually break it out into another lot,
then both lots become development lots and they're
subject to the requirements. If you were to do that here, you have several more tracts within this area that would deserve the same consideration. I think right now this property is located in an A-R zone, which is the rural maintenance area. We've seen a tremendous amount of development in this area already. If we continue to break it down even further, that means more homes will go up in a quick period of time in that rural area.

DR. BOTHWELL: So your recommendation is to not do this; is that correct

MR. NOFFSINGER: The Planning Staff has reviewed and we would recommend that it be approved due to the fact that in '98 this property was divided by a land developer and they took into considerations the regulations at that time, the provisions for fire protection and water protection and they created lots and then sold them off. To go in and start creating additional lots off of these tracts they created, it would have to on each tract ask for exception to the regulations.

MR. CAMBRON: Is there fire protection out there now?

MR. NOFFSINGER: On that particular property, I can't say for certain. Looking at the

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plat when it was created, fire protection was not extended to that property.

MR. CAMBRON: Let me ask the applicant. Is there fire protection out there?

MS. ROBERTS: Yes. They put a fire hydrant in right between me and the home next-door across the street.

MR. CAMBRON: To the east or to the west?

MS. ROBERTS: My home sits on the lot. There's a home that's 5410 adjacent to me.

MR. CAMBRON: What's your address?

MS. ROBERTS: 5360. There is a fire hydrant right across from her at a diagonal. I think they have put two more in, since they have raised the golf course, made it bigger.

MR. CAMBRON: Are you going to put in another entrance or are you going to share a driveway?

MS. ROBERTS: I'm going to share my driveway. Bring her in off of mine and just cut her over into where we're going to set her home. We bought her a small home. We've already had it sectioned off, had the perk test done, and called about everything else for her.

CHAIRMAN: Excuse me. When you said a small home, you mean a trailer?
MS. ROBERTS: It's a 14 by 54 or 50. It's a little small home.

MR. CAMBRON: Manufactured home?

MS. ROBERTS: We're going to put it on concrete block.

CHAIRMAN: It seems like we've had this situation before, Mr. Noffsinger. There's several avenues we can travel on this. I don't know if -- you know, in the past we've done this and had somebody with a mother and then when this situation expired that we put the lot back to itself.

MS. ROBERTS: That's what I would like to do. She goes to Louisville like every three months. They have a box in her that controls her bodily functions. Right now she's in Greenville and I don't want her that far away.

CHAIRMAN: In other words, what we've done in the past in similar situations where we've had parents and children that are wanting to care for but yet have their own home is we've let the lot or manufactured home be put in, but when the parent expires, then the lot goes back to whole and nobody else can move into that situation. The manufactured home is removed and the lot goes back to whole.

MS. ROBERTS: That would be fine.
MR. APPLEBY: I don't think we can do that, can we?

MR. CAMBRON: No. Mr. Noffsinger, can we do that?

MR. NOFFSINGER: Mr. Elliott.

MR. ELLIOTT: I don't think so.

MR. APPLEBY: With that condition, that's too far out of the ordinance really.

CHAIRMAN: Oh, it is. Mr. Noffsinger.

MS. ROBERTS: I'm going to keep the lot whole. I'm just wanting to put her there.

MR. APPLEBY: Why does the lot have to be created to put the second home there?

MR. NOFFSINGER: You're allowed to have one dwelling unit for every ten whole acres. If they had 20 acres, they could set another unit on the property.

MS. ROBERTS: It's only 10.237 acres.

MR. NOFFSINGER: These are ten acre estate lots.

MS. ROBERTS: When I purchased it in '99, it could have been subdivided if I chose to sell it that way.

CHAIRMAN: Let me ask another question,
Mr. Noffsinger. If we did not allow her to subdivide it and make another lot, if we allowed her to place the manufactured home on this lot with stipulation of the --

MR. NOFFSINGER: You do not have the ability to do that.

CHAIRMAN: And we couldn't enforce it?

MR. NOFFSINGER: Right.

CHAIRMAN: Do you have any ideas, Mr. Noffsinger?

MR. NOFFSINGER: No, sir. The application is before you. Staff's recommendation is it not be approved.

MR. CAMBRON: Mr. Chairman, I would like to make a motion if a motion can be made at this point?

CHAIRMAN: Good luck, Mr. Cambron.

MR. CAMBRON: My motion is make approval for it with this condition and that's my motion.

MR. APPLEBY: Are you conditioning the driveway?

MR. CAMBRON: Yes. Condition 1) Single entrance to the property. You come in and you T-off to the one acre lot.

MS. ROBERTS: Bring her her own driveway
MR. CAMBRON: No. You have a single drive. I think you have a drive in there now to your house, correct?

MS. ROBERTS: Yes. I was just wanting to bring her in my driveway in and then cut over to her home.

MR. CAMBRON: Right. That's the stipulation. There's no entrance on that one acre lot.

MS. ROBERTS: I wasn't going to put an entrance.

DR. BOTHWELL: Is that enforceable, that we can demand there's only one driveway on this piece of property forever, make that a condition?

MR. NOFFSINGER: We can enforce that.

CHAIRMAN: What is the long-term effect of this one acre lot?

MR. APPLEBY: It's a lot forever.

CHAIRMAN: It's a one acre lot forever. It's one additional septic tank. It's one additional dwelling unit in that area from now until something changes there.

MR. CAMBRON: But the fire protection is there and everybody's situation changes. I think if
we can accommodate her at this point, I would like to
do so, but that's my motion.

    MR. APPLEBY: I'll second it.

    CHAIRMAN: We have a motion for approval
and a second by Mr. Appleby. Do we have any other
questions?

    DR. BOTHWELL: And based on the condition
of one driveway.

    MR. CAMBRON: That is correct.

    MR. ELLIOTT: Gary, in some cases like
this lot that we're creating this 9.2, don't we put
something on the plat that there will be no further
division of that lot?

    MR. NOFFSINGER: Yes, sir.

    MR. ELLIOTT: Haven't we done that before?

    MR. NOFFSINGER: We have.

    MR. CAMBRON: Should I make that part of
my motion?

    MR. ELLIOTT: I would think so so that we
don't have any problem.

    CHAIRMAN: Nick can't put a condition in
his motion to require that this --

    MS. STONE: Won't we need to amend the
plat anyway to include the single drive access on the
plat? We'll have to get the Planning Commission to

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sign it or do you want to give Gary the authority to
sign it after the amendment is made?

MR. ELLIOTT: Gary the authority to sign
and amend it, yes.

CHAIRMAN: I have one other question.

When she is faced down the road with her mother's
situation in some period in the future, what happens
to this one acre lot and her lot that she has left?

MR. APPLEBY: She could consolidate if she
wanted or it remain a lot like that forever, but there
will only be one access to the whole property.

CHAIRMAN: Gary, we couldn't require it to
be consolidated?

MR. NOFFSINGER: No. I think there you
get into an area that has been brought up a number of
times. We've been advised by legal counsel that the
enforcement of that and making that happen is
difficulty at best. We would be best not to get into
those situations. That would be my recommendation.

If you're going to approve a lot, then approve a lot
from here on out anyone that wants to live there, if
you want to see it, whatever, rather than putting the
burden on someone at some point in time to go back in
and say, well, the family that lived there, your
parent, they're not living there any more. We
understand you've sold this property to someone, but
sorry, you're going to have to buy it back. It just
becomes enforcement problem. So you either vote to
approve the lot or not. If you do vote to approve it,
authorize the director to sign subject to a shared
driveway for both lots and the note that the 9.2 acre
and the one acre shall not be further subdivided.
Then you've taken care of it as best you can.

MR. CAMBRON: Are you ready for me to
restate my motion?

CHAIRMAN; Do you understand?

MS. ROBERTS: Yes, I understand.

CHAIRMAN: Mr. Cambron, why don't you
restate your motion.

MR. CAMBRON: My motion is for approval
based upon the stipulation that they will only have
one driveway entrance to the one acre and the 9.237
and that Mr. Noffsinger can go on and sign off on this
and that the notation be made on the plat -- is that
what you said, Stewart?

MR. ELLIOTT: Yes.

MR. CAMBRON: That this property won't be
subdivided any more.

CHAIRMAN: Then we had a second.

MR. APPLEBY: I'll second that.
CHAIRMAN: We had a motion by Mr. Cambron.
Second by Mr. Appleby. Is there any further discussion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

SURETY TRANSFER

ITEM 12

Thorobred Crossing, Unit #1, $19,980.40
Transfer of surety (Irrevocable Letter of Credit) for streets and sidewalks to the City of Owensboro.
Surety posted by: Thompson Homes, Inc.

MR. NOFFSINGER: It's ready.

CHAIRMAN: Questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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NEW BUSINESS

ITEM 13

7030, 7060, 7056 US 231, 1.144+ acres and 1.949+ acres
Consider approval of minor subdivision plat.
Applicant: William M. Luckett

MR. NOFFSINGER: Mr. Chairman, Planning Staff we've reviewed this application. It creates, what happens here it takes an existing lot and makes it a little bit larger, adding some farm acreage to the lot. Then they seek to divide that lot into two tracts. One tract, well, actually both tracts would not meet the depth to width ratio. With that we would like to hear an explanation from the applicant as to why this division is justifiable.

CHAIRMAN: Is the applicant here? Would somebody like to speak?

MR. ELLIOTT: State your name, please.

MR. LUCKETT: Andy Luckett.

(MR. ANDY LUCKETT SWORN BY ATTORNEY.)

CHAIRMAN: Just go ahead, Mr. Luckett, and tell us why you want to divide this in a certain
MR. LUCKETT: I guess the reason why is we just like the spot definitely. There are some utilities that are close to that spot that we would like to utilize.

Let me say this before we go any further. The tract as it sits right now we do, my wife and I do plan to purchase this complete tract. If this so goes and we split it, of course, we would buy the other where the existing home is right now in the near future. Not right now, of course. I can see the commission's reasoning behind the one to three regulation, but I just would appreciate the cooperation, if I could, you know, to make this other lot so that my wife and I can build a home.

CHAIRMAN: Mr. Luckett, in other words, you want to purchase this part of the property and then sometime in the future you want to purchase the rest of the property around you?

MR. LUCKETT: That's correct.

CHAIRMAN: Then make it two different lots or make it one lot?

MR. LUCKETT: Either or. Probably as you're saying a minute ago with this other lady, there is one dwelling per plat, per lot.

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MR. NOFFSINGER: Per lot.

MR. LUCKETT: I'm understanding that that would have to remain in two separate lots. I mean either or.

MR. CAMBRON: Or you can consolidate them.

MR. APPLEBY: It's your intent to build a house on this.

MR. LUCKETT: Yes.

MR. APPLEBY: So it's going to be two lots.

DR. BOTHWELL: Mr. Noffsinger, have you mentioned that this has a shared driveway or is going to have a shared drive, that's part of the condition or did I misunderstand you?

MR. NOFFSINGER: That may be a consideration. I haven't question related to the driveway.

Would you be sharing a driveway with the existing lot? The reason I bring up driveway is because when we create these lots that are only 100 feet wide and they widen out in the back, we end up with driveways every 50 feet or every 100 feet. Would you be able to share a driveway with the existing home, at least in the right-of-way. Once you got up
onto your property outside of the right-of-way of 231, then your driveway would branch off.

MR. LUCKETT: Yes, we would use the existing driveway.

MR. NOFFSINGER: To share the existing driveway that's there?

MR. LUCKETT: Yes.

MR. NOFFSINGER: Do you know how much remaining farm frontage you have on 231?

MR. LUCKETT: Footage?

MR. NOFFSINGER: About, roughly along 231 remaining to the farm.

MR. LUCKETT: It would be several hundred feet north to the next lot. I would say at least 800 to 1,000 feet

MR. NOFFSINGER: Do you have any thoughts in terms of further subdividing that farm?

MR. LUCKETT: No, sir, because I'm not the owner of that property. I can't say that, but my mother and my dad are and they have not spoken or done anything like that.

MR. CAMBRON: The driveway now as it sits, is it in the 1.14 acre of the entrance. I can't remember. Is it 1.14 or is it in the 1.949? Where does the driveway come in at now?
MR. LUCKETT: It comes in on the smaller of the two.

MR. CAMBRON: 1.144 and comes back and then turns and goes back across those two lots and makes a loop, right?

MR. LUCKETT: Yes.

MR. CAMBRON: There's no problem with your mom and dad sharing that because it's going to affect them too?

MR. LUCKEY: None whatsoever, no.

MR. NOFFSINGER: With that if the commission wishes to approve this lot division, I would recommend that you do so authorizing the director to sign the plat once the plat shows the existing access point of the proper easements or allotted on that plat for both access of both tracts. There will be a single driveway to the two tracts.

DR. BOTHWELL: Also add that no further subdevelopment of this property as we did before?

MR. NOFFSINGER: I wanted to gage how much additional frontage they have. It sounds like they have a significant amount of road frontage there where some lots could be created that would meet the ratio. I would certainly hate to restrict them to that.
MR. APPLEBY: These two tracts though could never be.

MR. NOFFSINGER: Yes. He doesn't own that property. Something could happen, but for the record I just want it to be recognized that an exception is being granted here. I would hope that future divisions of that remaining farm would be in compliance with the minimum subdivision regulations rather than restrict that property to no more divisions.

CHAIRMAN: Do you understand his proposal, Mr. Luckett?

MR. LUCKETT: Yes, sir, I do.

CHAIRMAN: Is that in agreement with you?

MR. LUCKETT: It is.

CHAIRMAN: I think with that, unless there are any further her questions, I think the Chair is ready for a motion.

DR. BOTHWELL: Mr. Chairman, I make a motion we approved based on limited access to one driveway for both lots and Mr. Noffsinger being able to sign off on them.

MR. CAMBRON: And I'll second that.

CHAIRMAN: We have a motion for approval by Dr. Bothwell with the conditions. Second by Mr.
Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

At this time we're going to retire to the chambers for a closed session discussing legal matters. We'll be back for adjournment.

- - - - (OFF THE RECORD) - - - -

CHAIRMAN: Before we ask for motion for adjournment, I'd like to thank Mr. Adams, Ms. Stone, Mr. Noffsinger and Mr. Mischel. The reason these meetings go so smooth is because of their actions handling these situations and bringing us cases that are very well designed and easy for the commission to rule upon. They take care of all the details and make our job a lot easier. Staff and Lady, I'd like to thank you for the job you all do. Thank you very much.

Now the chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Move to adjourn by Ms. Dixon.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: This meeting is adjourned.

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STATE OF KENTUCKY)   )   SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS)

I, LYNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Planning & Zoning
meeting was held at the time and place as stated in
the caption to the foregoing proceedings; that each
person commenting on issues under discussion were duly
sworn before testifying; that the Board members
present were as stated in the caption; that said
proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 35 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 25th day of April, 2003.

LYNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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