

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 10, 2003

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, April 10, 2003, at City Hall, Commission  
7 Chambers, Owensboro, Kentucky, and the proceedings  
8 were as follows:

- 9 MEMBERS PRESENT: Drew Kirkland, Chairman
- 10 Gary Noffsinger
- 11 Nick Cambron
- 12 Dave Appleby
- 13 Jimmy Gilles
- 14 Sister Vivian Bowles
- 15 Judy Dixon
- 16 Dr. Mark Bothwell
- 17 Stewart Elliott,
- 18 Attorney

14 \* \* \* \* \*

16 CHAIRMAN: I would like to welcome  
17 everybody to the April 10, 2003, meeting of the  
18 Owensboro Metropolitan Planning Commission.

19 Will you please rise. Our invocation will  
20 be given by Mr. David Appleby.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Our first order of business is  
23 to consider the minutes of the March 13, 2003,  
24 meeting. Are there any corrections, additions or  
25 questions?

1 (NO RESPONSE)

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

4 MR. APPLEBY: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.  
6 Appleby.

7 DR. BOTHWELL: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The motion carries unanimously.  
12 Mr. Noffsinger.

13 -----

14 ZONING CHANGES - CITY

15 ITEM 2

16 817, 819 Clay Street, 0.12+ acres  
17 Consider zoning change: From B-4 General Business to  
18 R-4DT Inner-City Residential  
Applicant: Keith & Sue Potts

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

21 MS. STONE: Becky Stone.

22 (MS. STONE SWORN BY ATTORNEY.)

23 PLANNING STAFF RECOMMENDATIONS

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

1 Comprehensive Plan. This recommendation is made  
2 subject to the findings of fact that follow:

3 Findings of Fact:

4 1. The subject property is located in a Central  
5 Residential Plan Area, where urban low-density  
6 residential uses are appropriate in general locations;

7 2. The subject property is adjacent to R-4DT  
8 zoning to the north and to the west across Clay  
9 Street;

10 3. The subject property is adjacent to  
11 residential uses to the north, south, east and west;  
12 and,

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

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

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

21 (NO RESPONSE)

22 CHAIRMAN: Are there any questions from  
23 the audience?

24 (NO RESPONSE)

25 CHAIRMAN: Are there any questions from

1 the commission?

2 (NO RESPONSE)

3 MR. CAMBRON: Is Chair ready for a motion?

4 CHAIRMAN: Chair is ready for a motion.

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

7 CHAIRMAN: Motion for approval by Mr.  
8 Cambron.

9 MS. DIXON: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 ITEM 3

16 822 Clay Street, 0.104 acres  
17 Consider zoning change: From B-4 General Business to  
18 R-4DT Inner-City Residential  
19 Applicant: Steve Stevenson

20 PLANNING STAFF RECOMMENDATIONS

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

25 Findings of Fact:

1. The subject property is located in a Central

1 Residential Plan Area, where urban low-density  
2 residential uses are appropriate in general locations;

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

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

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

12 CHAIRMAN: Is there anybody here  
13 representing the applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Any questions from the  
16 audience?

17 (NO RESPONSE)

18 CHAIRMAN: Any questions from the  
19 commission?

20 (NO RESPONSE)

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

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

25 CHAIRMAN: Motion for approval by Sister

1 Vivan.

2 MR. GILLES: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

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

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

11 Next item.

12 ITEM 4

13 2016 West Second Street, 0.351 acres  
14 Consider zoning change: From B-4 General Business to  
15 I-1 Light Industrial  
16 Applicant: Nick & Margaret Cambron, E. Mack & Nina  
17 Cambron

18 PLANNING STAFF RECOMMENDATIONS

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

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

23 Conditions:

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

2. A roadway buffer of 40 feet from the

1 centerline of West Second Street shall be provided  
2 with no required landscaping or parking located within  
3 the buffer;

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

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

10 Findings of Fact:

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

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

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

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

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

25 CHAIRMAN: Is there anybody here

1 representing the applicant?

2 APPLICANT: Yes.

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

5 (NO RESPONSE)

6 CHAIRMAN: Any question from the  
7 commission?

8 (NO RESPONSE)

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

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

14 CHAIRMAN: Motion for approval by Dr.  
15 Bothwell.

16 MR. APPLEBY: Second.

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

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

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

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24 DEVELOPMENT PLANS

25



1 ITEM 5

2 3264 KY 54, 1.932 acres  
3 Consider approval of final development plan.  
4 Applicant: Fifth Third Bank

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

8 CHAIRMAN: Is there anybody representing  
9 the applicant?

10 APPLICANT REP: Yes.

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

13 (NO RESPONSE)

14 CHAIRMAN: Anybody from the commission?

15 (NO RESPONSE)

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

18 MS. DIXON: Move to approve.

19 CHAIRMAN: Motion for approval by Ms.  
20 Dixon.

21 MR. CAMBRON: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

Next item, please.

1 ITEM 6

2 95 Salem Drive, 2.973 acres  
3 Consider approval of final development plan.  
4 Applicant: J & A Properties

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

7 CHAIRMAN: Somebody here representing the  
8 applicant?

9 APPLICANT REP: Yes.

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

12 (NO RESPONSE)

13 CHAIRMAN: Anybody on the commission?

14 (NO RESPONSE)

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

17 MR. APPLEBY: Motion for approval.

18 CHAIRMAN: Motion for approval by Mr.  
19 Appleby.

20 SISTER VIVIAN: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

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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.

1 Next item.

2 ITEM 8

3 7663-7869 KY 56, 16.574+ acres  
4 Consider approval of major subdivision final plat.  
5 Surety (Performance Bond) \$14,000.00  
6 Applicant: Bill Timbrook

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

9 CHAIRMAN: Anybody here representing the  
10 applicant?

11 APPLICANT REP: Yes.

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

14 (NO RESPONSE)

15 CHAIRMAN: Chair is ready for a motion.

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

18 CHAIRMAN: Motion for approval by Mr.  
19 Cambron.

20 DR. BOTHWELL: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item.

1 MINOR SUBDIVISIONS

2 ITEM 9

3 9832, 9856 Kelly Cemetery Road, 4.881 acres  
4 Consider approval of minor subdivision plat.  
5 Applicant: Bert & Judith Bloomer, Brenna & Brandon  
6 Bloomer

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

17 CHAIRMAN: Is anybody here representing  
18 the applicant?

19 APPLICANT REP: Yes.

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

22 (NO RESPONSE)

23 CHAIRMAN: Dose anybody on the commission?

24 (NO RESPONSE)

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

1 MS. DIXON: Move for approval.

2 CHAIRMAN: Motion for approval by Ms.  
3 Dixon.

4 SISTER VIVIAN: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

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

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

13 ITEM 10

14 7142, 7152 KY 56, 7.643 acres  
15 Consider approval of minor subdivision plat.  
16 Applicant: Robert I. Knott, Jr., Raw Prawn  
Properties, LLC

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

25 CHAIRMAN: Is there someone here

1 representing the applicant?

2 APPLICANT: Yes.

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

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody on the commission?

7 (NO RESPONSE)

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

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

12 CHAIRMAN: Motion for approval by Mr.  
13 Cambron.

14 MS. DIXON: Second.

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

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

19 CHAIRMAN: Motion carries unanimously.

20 Next item.

21 ITEM 11

22 5360, 5388 KY 1514, 10.237 acres  
23 Consider approval of minor subdivision plat.  
24 Applicant: Laura A. Roberts

25 MR. NOFFSINGER: Mr. Chairman, this plat  
has been reviewed by the Planning Staff. It creates a

1 one acre tract that will meet the depth to width  
2 ratios; however, the remainder will be a 9.2 acre  
3 tract that will not meet the depth to width ratios.  
4 I'm not sure if the applicant is here tonight.  
5 Anyhow, this is for residential purposes and we'd be  
6 looking to the applicant to see why they're proposing  
7 this type of division.

8 CHAIRMAN: Is there somebody here  
9 representing the applicant?

10 MS. ROBERTS: I am the applicant.

11 CHAIRMAN: Would you like to make a  
12 statement?

13 MS. ROBERTS: Yes.

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

16 MR. ELLIOTT: State your name, please.

17 MS. ROBERTS: Laura Roberts.

18 (MS. LAURA ROBERTS SWORN BY ATTORNEY.)

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



1 her own.

2 MR. APPLEBY: Gary, if this tract , this  
3 9.237 acres remainder?

4 MR. NOFFSINGER: Yes.

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

9 MR. NOFFSINGER: Yes, sir. This property  
10 back years ago was mined and reclaimed or partially  
11 reclaimed. Back in '98 Mr. Billy Bowlds and another  
12 partner went in and subdivided the property, rezoned  
13 it from coal mining and zoned it agricultural. They  
14 went in and created lots or tracts off of this farm.  
15 They did it in such a way where they created some two  
16 acre tracts and met the requirements. Then because of  
17 fire protection requirements, they ended up creating  
18 ten acre tracts. The ten acre tracts you see, most of  
19 them could not be further subdivided because they end  
20 up with very narrow frontage and quite a bit of depth  
21 to them. Right now as they stand they're an  
22 agricultural tract and they're in compliance with  
23 whatever regulations there might be regarding those,  
24 but once you actually break it out into another lot,  
25 then both lots become development lots and they're

1 subject to the requirements. If you were to do that  
2 here, you have several more tracts within this area  
3 that would deserve the same consideration. I think  
4 right now this property is located in an A-R zone,  
5 which is the rural maintenance area. We've seen a  
6 tremendous amount of development in this area already.  
7 If we continue to break it down even further, that  
8 means more homes will go up in a quick period of time  
9 in that rural area.

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

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

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

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

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

3 MR. CAMBRON: Let me ask the applicant.

4 Is there fire protection out there?

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

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

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

11 MR. CAMBRON: What's your address?

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

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

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

24 CHAIRMAN: Excuse me. When you said a  
25 small home, you mean a trailer?

1                   MS. ROBERTS: It's a 14 by 54 or 50. It's  
2 a little small home.

3                   MR. CAMBRON: Manufactured home?

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

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

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

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

25                   MS. ROBERTS: That would be fine.

1 MR. APPLEBY: I don't think we can do  
2 that, can we?

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

5 MR. NOFFSINGER: Mr. Elliott.

6 MR. ELLIOTT: I don't think so.

7 MR. APPLEBY: With that condition

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

10 CHAIRMAN: Oh, it is. Mr. Noffsinger.

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

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

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

19 MS. ROBERTS: It's only 10.237 acres.

20 MR. NOFFSINGER: These are ten acre estate  
21 lots.

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

25 CHAIRMAN: Let me ask another question,

1 Mr. Noffsinger. If we did not allow her to subdivide  
2 it and make another lot, if we allowed her to place  
3 the manufactured home on this lot with stipulation of  
4 the - -

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

7 CHAIRMAN: And we couldn't enforce it?

8 MR. NOFFSINGER: Right.

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

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

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

17 CHAIRMAN: Good luck, Mr. Cambron.

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

20 MR. APPLEBY: Are you conditioning the  
21 driveway?

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

25 MS. ROBERTS: Bring her her own driveway

1 in?

2 MR. CAMBRON: No. You have a single  
3 drive. I think you have a drive in there now to your  
4 house, correct?

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

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

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

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

16 MR. NOFFSINGER: We can enforce that.

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

19 MR. APPLEBY: It's a lot forever.

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

24 MR. CAMBRON: But the fire protection is  
25 there and everybody's situation changes. I think if

1 we can accommodate her at this point, I would like to  
2 do so, but that's my motion.

3 MR. APPLEBY: I'll second it.

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

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

9 MR. CAMBRON: That is correct.

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

14 MR. NOFFSINGER: Yes, sir.

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

16 MR. NOFFSINGER: We have.

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

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

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

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



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

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

5 CHAIRMAN: I have one other question.  
6 When she is faced down the road with her mother's  
7 situation in some period in the future, what happens  
8 to this one acre lot and her lot that she has left?

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

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

14 MR. NOFFSINGER: No. I think there you  
15 get into an area that has been brought up a number of  
16 times. We've been advised by legal counsel that the  
17 enforcement of that and making that happen is  
18 difficulty at best. We would be best not to get into  
19 those situations. That would be my recommendation.  
20 If you're going to approve a lot, then approve a lot  
21 from here on out anyone that wants to live there, if  
22 you want to see it, whatever, rather than putting the  
23 burden on someone at some point in time to go back in  
24 and say, well, the family that lived there, your  
25 parent, they're not living there any more. We

1 understand you've sold this property to someone, but  
2 sorry, you're going to have to buy it back. It just  
3 becomes enforcement problem. So you either vote to  
4 approve the lot or not. If you do vote to approve it,  
5 authorize the director to sign subject to a shared  
6 driveway for both lots and the note that the 9.2 acre  
7 and the one acre shall not be further subdivided.  
8 Then you've taken care of it as best you can.

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

11 CHAIRMAN: Do you understand?

12 MS. ROBERTS: Yes, I understand.

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

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

21 MR. ELLIOTT: Yes.

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

24 CHAIRMAN: Then we had a second.

25 MR. APPLEBY: I'll second that.

1                   CHAIRMAN: We had a motion by Mr. Cambron.  
2                   Second by Mr. Appleby. Is there any further  
3                   discussion?

4                   (NO RESPONSE)

5                   CHAIRMAN: All in favor raise your right  
6                   hand.

7                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8                   CHAIRMAN: Motion carries unanimously.

9                   Next item.

10                   -----

11   SURETY TRANSFER

12                   ITEM 12

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

17                   MR. NOFFSINGER: It's ready.

18                   CHAIRMAN: Questions?

19                   (NO RESPONSE)

20                   CHAIRMAN: Chair is ready for a motion.

21                   MR. APPLEBY: Motion for approval.

22                   CHAIRMAN: Motion for approval by Mr.  
23                   Appleby.

24                   MS. DIXON: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 -----

5 NEW BUSINESS

6 ITEM 13

7 7030, 7060, 7056 US 231, 1.144+ acres and 1.949+  
8 acres

8 Consider approval of minor subdivision plat.

9 Applicant: William M. Lockett

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

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

21 MR. ELLIOTT: State your name, please.

22 MR. LUCKETT: Andy Lockett.

23 (MR. ANDY LUCKETT SWORN BY ATTORNEY.)

24 CHAIRMAN: Just go ahead, Mr. Lockett, and  
25 tell us why you want to divide this in a certain

1 manner.

2 MR. LUCKETT: I guess the reason why is we  
3 just like the spot definitely. There are some  
4 utilities that are close to that spot that we would  
5 like to utilize.

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

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

20 MR. LUCKETT: That's correct.

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

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

1 MR. NOFFSINGER: Per lot.

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

5 MR. CAMBRON: Or you can consolidate  
6 them.

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

9 MR. LUCKETT: Yes.

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

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

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

19 Would you be sharing a driveway with the  
20 existing lot? The reason I bring up driveway is  
21 because when we create these lots that are only 100  
22 feet wide and they widen out in the back, we end up  
23 with driveways every 50 feet or every 100 feet. Would  
24 you be able to share a driveway with the existing  
25 home, at least in the right-of-way. Once you got up

1 onto your property outside of the right-of-way of 231,  
2 then your driveway would branch off.

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

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

7 MR. LUCKETT: Yes.

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

10 MR. LUCKETT: Footage?

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

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

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

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

22 MR. CAMBRON: The driveway now as it sits,  
23 is it in the 1.14 acre of the entrance. I can't  
24 remember. Is it 1.14 or is it in the 1.949? Where  
25 does the driveway come in at now?

1                   MR. LUCKETT: It comes in on the smaller  
2 of the two.

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

6                   MR. LUCKETT: Yes.

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

10                  MR. LUCKETT: None whatsoever, no.

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

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

21                  MR. NOFFSINGER: I wanted to gage how much  
22 additional frontage they have. It sounds like they  
23 have a significant amount of road frontage there where  
24 some lots could be created that would meet the ratio.  
25 I would certainly hate to restrict them to that.



1                   MR. APPLEBY: These two tracts though  
2                   could never be.

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

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

13                  MR. LUCKETT: Yes, sir, I do.

14                  CHAIRMAN: Is that in agreement with you?

15                  MR. LUCKETT: It is.

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

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

23                  MR. CAMBRON: And I'll second that.

24                  CHAIRMAN: We have a motion for approval  
25                  by Dr. Bothwell with the conditions. Second by Mr.

1 Cambron. All in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

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

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

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

18 Now the chair is ready for one final  
19 motion.

20 MS. DIXON: Move to adjourn.

21 CHAIRMAN: Move to adjourn by Ms. Dixon.

22 MR. APPLEBY: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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CHAIRMAN: This meeting is adjourned.

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

3 I, LYNNETTE KOLLER, Notary Public in and for  
4 the State of Kentucky at Large, do hereby certify that  
5 the foregoing Owensboro Metropolitan Planning & Zoning  
6 meeting was held at the time and place as stated in  
7 the caption to the foregoing proceedings; that each  
8 person commenting on issues under discussion were duly  
9 sworn before testifying; that the Board members  
10 present were as stated in the caption; that said  
11 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 35 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

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

18

19

\_\_\_\_\_  
LYNNETTE KOLLER, NOTARY PUBLIC  
OHIO VALLEY REPORTING SERVICE  
202 WEST THIRD STREET, SUITE 2  
21 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:  
DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY

25