The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, November 11, 2004, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Martin Hayden
Stewart Elliott,
Attorney

CHAIRMAN: I would like to welcome everybody to the November 11th Owensboro Metropolitan Planning Commission meeting. Let everybody stand and our invocation and pledge of allegiance will be given by Mr. Scott Jagoe.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first action of business is to consider the minutes of the October 14th meeting. Are there any corrections, additions?

(NO RESPONSE)
CHAIRMAN: Any comments by 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 RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

1 Carter Road
Building Construction
Consider comments regarding the construction of an equipment storage building and the addition to and remodeling of an existing concession/restroom building located at Thompson-Berry Park.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. The application is just what it says. It is an existing
city park. It's the soccer complex. We reviewed. Find no conflict with the Comprehensive Plan and would recommend you forward a letter to that affect to the City of Owensboro.

CHAIRMAN: Is anybody here representing the City of Owensboro?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

CHAIRMAN: If there are no questions, Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

9, 25 Carter Road
Building Construction, Facilities Construction
Consider comments regarding the relocation of a 12'x24' historic building to the property and consider comments regarding the construction of an access
driveway and parking lot on the property.
Referred by: Western Kentucky Botanical Garden, Inc.

MR. NOFFSINGER: Mr. Chairman, the
Planning Staff has reviewed this application. We find
no conflict with the Comprehensive Plan. Would
recommend you forward a letter to that affect to the
Western Kentucky Botanical Garden, Inc.

CHAIRMAN: Is anybody here representing
the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience
have a question?

APPLICANT REP: I'm here for the Garden.

CHAIRMAN: If you're going to make a
comment you need to step --

APPLICANT REP: No.

CHAIRMAN: Does anybody have any
questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

MR. CAMBRON: Second.

CHAIRMAN: Motion for approval by Ms.
Dixon. Second by Mr. Cambron. All in favor raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES - CITY

ITEM 4

2020 East Tenth Street
Consider zoning change: From I-2 Heavy Industrial
to R-4DT Inner-City Residential
Applicant: Quince D. Stroud

MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the
proposal is in compliance with the community's adopted
Comprehensive Plan. The findings of fact that support
this recommendation include the following:

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. An urban low-density residential use
currently exists on the subject property with access
to a public street; and,
3. Properties joining the subject property are residential and the proposed zoning of R-4DT is appropriate for the subject property.

MR. HOWARD: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have a question of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move to approve based upon Planning Staff Recommendations and Findings of Fact 1 through 3.

CHAIRMAN: Got a motion for approval by Ms. Dixon.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. 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
(270) 683-7383
ITEM 5

10301, 10401 Blks Jackson Road North
Consider zoning change: From EX-1 Coal Mining to
A-R Rural Agriculture
Applicant: Shirley Burns, Shirley D. & Sue Shelton

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in a Rural Maintenance Plan Area, where agricultural uses are appropriate in general locations;

2. The subject property is currently being used for agricultural purposes as cropland;

3. Mining activities on the subject property have ceased; and,

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

MR. HOWARD: We would like to enter the Staff Report as Exhibit B.

CHAIRMAN: Is anybody representing the

Ohio Valley Reporting
(270) 683-7383
applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have a question?

(NO RESPONSE)

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

MS. DIXON: Move to approve based upon Planning Staff Recommendation and Findings of Fact 1, 2, 3 and 4.

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.

ITEM 6

6139 Old KY 54
Consider zoning change: From R-1A Single-Family Residential to B-4 General Business
Applicant: James C. Howard

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Ohio Valley Reporting (270) 683-7383
Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

**Condition:**

Access shall be limited to Old KY 54 and KY 142 with no direct access to KY 54.

**Findings of Fact:**

1. The subject property is located in a Rural Community Plan Area, where general business uses are appropriate in limited locations;

2. The subject property is immediately adjacent to existing B-4 General Business zones to the north, east, south and west; and,

3. The applicant's proposal is a logical expansion of the existing B-4 zoning onto contiguous land abutting the same street that will not significantly increase the extent of the B-4 zone in the vicinity and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

**MR. HOWARD:** We would like to enter the Staff Report as Exhibit C.

**CHAIRMAN:** Is there anybody here representing the applicant?

(NO RESPONSE)
CHAIRMAN: Any questions?

MR. NOFFSINGER: I do have one question.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Was there an amendment to the condition on this particular item?

MR. HOWARD: The way the condition was stated it includes the amendment to the condition.

MR. NOFFSINGER: So we're clear that access would be allowed on Kentucky --

MR. HOWARD: Old KY 54 and KY 142, no direct access to KY 54.

MR. NOFFSINGER: That was due to what reason?

MR. HOWARD: We had communications with the Kentucky Transportation Cabinet. There is a significant hill on the frontage along Kentucky 142. When we first looked at the site, we assumed that they would propose access from there, but they're planning on removing the dirt that would be required to level out the site. They would like access there. The state felt that access at that location would be sufficient and would like them to limit it to only Old 54 and 142 with no direct access to 54.

MR. NOFFSINGER: Would access on KY 142 be in conflict with any locally adopted regulation?
MR. HOWARD: It would not.

MR. CAMBRON: What's the distance from 54 back on 142 where an access be allowed?

MR. HOWARD: The total frontage along that portion I think was 211 feet. I think that's right. The state said they would like it to be around 150 feet back from the intersection, if possible, looking as close back to Old 54 as possible without it actually being too close to that intersection where it might create conflicts.

MR. CAMBRON: That's my concern. That you're going to have the access too close back to the Old 54 and, if anything, maybe put it right in the middle.

MR. HOWARD: Right. That would be, I guess, up to the state if this location, since it is on state facility, wherever they feel would be the best location per the issue of the permit.

CHAIRMAN: If there are no further questions, the Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, based on Planning Staff Recommendations and Findings of Fact 1, 2 and 3, and the condition that no access shall be limited to Old 54 with no direct access to Kentucky 54 and access to Kentucky 142.
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 7

6617 Stevens School Road
Consider Zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Dennis & Donna Mills

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in a rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;

2. The subject property is a separate lot of record with frontage on a public road and no new roads or streets are proposed;

3. Mining activities on the subject

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(270) 683-7383
property have ceased; and,

4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.

MR. HOWARD: We would like to enter the Staff Report as Exhibit D.

CHAIRMAN: Is anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve based upon Planning Staff Recommendations 1 through 4.

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.

Next item, please.
MAJOR SUBDIVISIONS

ITEM 8

Stewart Court, 0.633 acres
Consider approval of major subdivision preliminary plat.
Applicant: Jeff Danhauer

MR. NOFFSINGER: Mr. Chairman, this is a preliminary subdivision plat because it extends Stewart Court somewhat and terminates it in a cul-de-sac and then it creates one additional lot over what is there now. It meets with the requirements of the subdivision regulations and zoning ordinance and is ready for consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(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.
MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 9

James C. Roby, 9.295 acres
Consider approval of major subdivision preliminary plat.
Applicant: James C. Roby

MR. NOFFSINGER: Mr. Chairman, Planning Staff and Engineering Staff have reviewed this application. We find it to be in order with the subdivision regulations and the zoning ordinance. It's ready for your consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have a question of the applicant?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr.
MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 10

Lake Forest, Phase IV, Lots 239-347, 52.122 acres
Consider approval of amended major subdivision
preliminary plat.
Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to meet the minimum requirements of the local adopted regulations and is consistent with the Adopted Comprehensive Plan.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Cambron.

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.

ITEM 11

4901, 5001 Blocks Lee Rudy Road, 21.093 acres
Consider approval of major subdivision final plat.
No surety required.
Applicant: Jagoe Land Corporation

MR. JAGOE: Mr. Chairman, I need to disqualify myself on Items 11 and 12.

CHAIRMAN: Mr. Jagoe asked to be disqualified on Items 11 and 12. Please note that in the minutes.

Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

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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. SCOTT JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously, with Mr. Jagoe being excused.

ITEM 12

2400-2500 Blks East Byers Avenue, 0.435 acres
Consider approval of major subdivision final plat.
No surety required.
Applicant: National City Bank, KY, Jagoe Land Corporation

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

MR. JAGOE: Mr. Chairman, even though I'm disqualified, this probably should be Jagoe Development, LLC as the applicant.

CHAIRMAN: Mr. Jagoe as a member of the audience.

MR. JAGOE: May have been a misprint on the agenda.
CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Jagoe Development Corporation.

CHAIRMAN: Mr. Jagoe, are you satisfied?

MR. JAGOE: If the Chair is.

CHAIRMAN: The Chair is more than satisfied.

MR. CAMBRON: Motion for approval.

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. SCOTT JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously, with Mr. Jagoe being excused.

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MINOR SUBDIVISIONS

ITEM 13

2221 US 60 East, 308 Brown Court, 1.456 acres
Consider approval of minor subdivision plat.
Applicant: William T. Westerfield

MR. NOFFSINGER: Mr. Chairman, this plat comes to the Planning Commission as an exception. I believe Ms. Stone is here to describe what is taking
place.

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: The applicant is proposing to divide an existing lot at this location. It's zoned R-1A. The lot that they're proposing to divide does not meet the requirement for the minimum area. It's about 7700 square feet with the other lot being over 10,000 square feet. Because of how the garage is positioned it's forcing that property line back a little further on the property. They could get closer than that if it weren't for that existing building there; however, they are here to present evidence that this is typical of lot pattern divisions in the neighborhood. If the Board finds that this is a typical lot division, they could approve this lot in this location with the square footage. I think Mr. Riney is here to represent the client.

MR. ELLIOTT: State your name, please.

MR. RINEY: Jim Riney.

(MR. JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: If you all give me a minute, let me pass out a handout. A picture is worth a thousand words.
What we have color-coded there is just a simple representation of lots within the Brown Court/Hubert Court area that are less than 10,000 square feet.

The basis of this is the standard neighborhood map, the map that's in the Planning Office. There are ten lots there that are shaded in yellow. Those lots represent lots that vary in an area from about 7700 square feet up to about 9900 square feet. All of them obviously less than then 10,000, which is the criteria.

The orange represents the area where the Westerfield, the lot in question is situated. It just happened to be just off the break on this particular map. At least you can get a relative perspective.

Obviously there are a substantial number of lots that are less than the 10,000 square feet historically. They were either created or developed. I don't have the history on each lot, but we do know that the pattern exist within the neighborhood. When we reviewed this with Staff, they felt like there was more than abundant number to establish that historic pattern.

With that we would ask that you consider this approval. All urban services are available to

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the two sites. We request your approval for the lot
division as proposed.

MR. JAGOE: I have a question.

CHAIRMAN: Yes, sir, Mr. Jagoe.

MR. JAGOE: Is the south line, southwest
line maybe, is that the rear line? Is there a setback
there? Would there be a rear yard setback?

MR. APPLEBY: Be the west.

MR. JAGOE: The west line.

MR. RINEY: On the west line there is a
rear yard setback. Typically we don't show those on
the plat, but normally in that zone it would be 20
feet.

MR. JAGOE: That's considered the rear
yard setback there?

MR. RINEY: Yes, sir, for the 100 foot
wide lot. The lot was to the north toward the river.
I'm just making sure I'm understanding your question.

CHAIRMAN: Mr. Cambron, do you have a
question?

MR. CAMBRON: I'm just curious. What's
the purpose of the division?

MR. RINEY: Mr. Westerfield and his wife
are elderly and have some health situations. His son,
David Westerfield, has sold his home and wants to move
and build here so he can take care of his mother and
father. Even David's wife has some health problems.
They're all getting to be -- it's a family situation,
but it creates a separate lot.

MR. CAMBRON: Are they going to put a
mobile home there or what?

MR. RINEY: No, sir. They're going to
build a home. He's been working with some home
planners.

MR. CAMBRON: Not that I care.

MR. RINEY: It will be a constructed home,
yes, sir.

MR. JAGOE: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion,
Mr. Jagoe.

MR. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr.
Jagoe.

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.

MR. NOFFSINGER: You're ready for one
final motion.

CHAIRMAN: We're ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment 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: We are adjourned.
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 24 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 23rd day of November, 2004.

LYNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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