

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 13, 2005

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4 The Owensboro Metropolitan Planning

5 Commission met in regular session at 6:00 p.m. on

6 Thursday, January 13, 2005, 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 Irvin Rogers
14 Sister Vivian Bowles
15 Judy Dixon
16 Martin Hayden
17 Stewart Elliott,
18 Attorney

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16 CHAIRMAN: I'd like to call to order the

17 January 13, 2005, meeting of the Owensboro

18 Metropolitan Planning Commission meeting to order.

19 Let's stand and we'll have our invocation and pledge

20 of alleviation by Mr. Gary Noffsinger.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Our first order of business is

23 consider the minutes of the December 9, 2004, meeting.

24 Are there any additions, corrections?

25 (NO RESPONSE)

Ohio Valley Reporting
(270) 683-7383

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

3 MS. DIXON: Move to approve.

4 MR. CAMBRON: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Our next item of business is our election
11 of officers. For that I'll turn it over to Mr.
12 Stewart Elliott, our attorney.

13 MR. ELLIOTT: In accordance with our
14 bylaws, the first meeting in January we have election
15 of officers. So with that the floor will now be open
16 for the nomination for the office of chairman.

17 MR. CAMBRON: I nominate Drew Kirkland.

18 MR. ELLIOTT: We have a nomination for Mr.
19 Kirkland. Do I have a second?

20 MS. DIXON: Second.

21 MR. ELLIOTT: Are there any other
22 nominations?

23 (NO RESPONSE)

24 MR. ELLIOTT: All in favor of Mr. Kirkland
25 as chairman signify by raising your hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 MR. ELLIOTT: Mr. Kirkland, you're
3 chairman.

4 Now we have the office of vice chairman.

5 CHAIRMAN: I'd like to nominate Mr. Nick
6 Cambron.

7 MR. ELLIOTT: Nomination for Mr. Cambron.
8 Is there a second?

9 MR. HAYDEN: Second.

10 CHAIRMAN: Are there any other
11 nominations?

12 (NO RESPONSE)

13 MR. ELLIOTT: All in favor of Mr. Cambron
14 for vice chairman please signify by raising your right
15 hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 MR. ELLIOTT: Mr. Cambron is vice
18 chairman.

19 Now we have the office of secretary. Open
20 the floor for nomination of secretary.

21 CHAIRMAN: I'd like to nominate Mr. Dave
22 Appleby.

23 MR. CAMBRON: Second.

24 MR. ELLIOTT: All in favor of Mr. Appleby
25 as secretary please signify by raising your hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 MR. ELLIOTT: Mr. Appleby is the
3 secretary.

4 That concludes the election, Mr. Chairman.

5 CHAIRMAN: Mr. Noffsinger.

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7 PUBLIC HEARING

8 ITEM 3

9 Consider text amendments to the Owensboro Metropolitan
10 Zoning Ordinance, addition of Article 21, Central
11 Business Overlay Districts, Revision to Article 8,
Zones and Uses Table

12 MR. NOFFSINGER: Mr. Chairman, Becky Stone
13 has a power-point presentation she would like to
14 deliver tonight. With that we will open the public
15 hearing for consideration and consideration for
16 adoption of this overlay district.

17 - - (PRESENTATION FOR ITEM 3) - -

18 FINDINGS OF FACT:

19 The staff recommends approval of the
20 Proposed Article 21, Central Business Overlay
21 Districts and the revisions to Article 8 because the
22 proposal is in compliance with the community's
23 Comprehensive Plan and other area specific studies
24 that have been conducted including the "Downtown
25 Action Plan," Downtown Design Guidelines, and the

1 "Owensboro Riverfront District Master Plan." The
2 findings supporting this recommendation follow:

3 1. The proposal is located within the B-2
4 Central Business zone, which is recognized as an
5 interim zone that should evolve into more specific
6 zones;

7 2. The proposal is an important land use
8 tool that will aid in the development of a
9 comprehensive redevelopment strategy for Downtown and
10 the Riverfront District;

11 3. The proposal will help to encourage
12 the development of commercial activities and other
13 activities that bring people to the downtown area;

14 4. The proposal will help to strengthen
15 and revitalize the older commercial downtown area;
16 and,

17 5. The proposal will promote waterfront
18 development to enhance recreation and tourism, in
19 conjunction with the major public commitment that the
20 City of Owensboro has made to develop the riverfront.

21 CHAIRMAN: I'd like to thank you for an
22 outstanding presentation. Very concise, to the point,
23 and within our usual time limit for presentations of
24 15 minutes. Thank you very much. You did a good job.

25 Are there any comments on this ordinance

1 from the audience? Are there any questions from
2 anybody in the audience on this ordinance?

3 MR. ELLIOTT: State your name, please.

4 MR. ALLEN: My name is Ed Allen.

5 (MR. ED ALLEN SWORN BY ATTORNEY.)

6 MR. ALLEN: Thank you for the opportunity
7 to make a brief statement, Mr. Chairman and Commission
8 Members.

9 I've lived in Owensboro all my life. Just
10 interested in the progress that we've made in our
11 community.

12 Over the last couple of years, my wife and
13 I have had an opportunity to travel more than we've
14 done before. In that process, we've visited many
15 small towns, I consider Owensboro a small town,
16 throughout the United States. Those that are fun to
17 visit and most interesting are those that have a vital
18 downtown area or something is going on in the downtown
19 district, in the heart of the city. May not be
20 retail, but there's something going on.

21 I'm so pleased that we've been able in our
22 community, our city staff and others have developed a
23 long range plan like this. I think the adoption of
24 the Overlay District will keep the momentum going to
25 help us continue revitalizing the downtown area as

1 well as bring in new projects downtown.

2 We've got high water now. Reminds me that
3 when the water rises all boats rise. I believe the
4 improvement of the river front as proposed and will be
5 enhanced by this overlay district will cause all
6 property owners, their property to be, the value to be
7 increased and will certainly be an asset to the entire
8 community. I urge the adoption of the Overlay
9 District.

10 CHAIRMAN: Thank you, Mr. Allen.

11 Are there any other comments, questions or
12 suggestions?

13 (NO RESPONSE)

14 MR. CAMBRON: Chair ready for a motion?

15 CHAIRMAN: Anybody on the commission have
16 any comments?

17 (NO RESPONSE)

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

20 MR. CAMBRON: Mr. Chairman, I make a
21 motion for approval with Findings of Fact 1 through 5.
22 I commend the city, the city manager and Mr. Cecil
23 there for the hard work and the Planning Staff. I
24 commend them for the good work they've done. Look
25 forward for this development downtown in a most

1 positive way.

2 CHAIRMAN: We've got a motion for approval
3 by Mr. Cambron.

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: The motion carried unanimously.

9 Next item, please.

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11 PUBLIC FACILITIES PLANS
12 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

13 ITEM 4

14 1024, 1026 West Fifth Street
15 Land Disposition
16 Consider comments regarding the sale of two parcels of
17 property.
18 Referred by: City of Owensboro

19 MR. NOFFSINGER: Mr. Chairman, the
20 Planning Staff has reviewed this application. We find
21 no conflict with the plan and recommend you forward a
22 letter to that affect to the City of Owensboro.

23 CHAIRMAN: Is anybody here representing
24 the applicant?

25 APPLICANT REP: Yes.

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

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Motion for approval by Ms.
6 Dixon.

7 MR. HAYDEN: Second.

8 CHAIRMAN: We've got a motion for
9 approval. We've got a second by Mr. Hayden. All in
10 favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 5

15 2819 South Griffith Avenue
16 Facilities Construction
17 Consider comments regarding the construction of a new
18 25' by 25' restroom facility at the Southern Little
19 League ball park.
20 Referred by: City of Owensboro

21 MR. NOFFSINGER: Mr. Chairman, the
22 Comprehensive Plan does not address this particular
23 construction; however, it does recognize the location
24 as a valuable park area, playground area, as well as
25 ball park for the southern area or southwest area of
the community. With that we recommend we send a
letter of no conflict to the City of Owensboro.

1 CHAIRMAN: Any questions from anybody in
2 the audience?

3 (NO RESPONSE)

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

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

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

10 MR. APPLEBY: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item.

16 ITEM 6

17 3300, 3310 US 60 East
18 Land Disposition
19 Consider comments regarding the closing of a 15-foot
20 wide alley beginning at Isaac Shelby Drive and running
21 adjacent to Owensboro Church of Christ property.
22 Referred by: Daviess County Fiscal Court

23 MR. NOFFSINGER: Mr. Chairman, we've
24 reviewed this application. Find no conflict with the
25 Comprehensive Plan.

26 CHAIRMAN: Is anybody here representing
27 the applicant?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Motion for approval by Ms.
6 Dixon.

7 MR. HAYDEN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item.

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14 DEVELOPMENT PLAN

15 ITEM 7

16 3101 West Second Street, 0.22 acres
17 Consider approval of amended final development plan.
18 Applicant: Carmel Simmons

19 MR. NOFFSINGER: Mr. Chairman, this
20 development plan has been reviewed by the Planning
21 Staff. It's found to be in order. It has been
22 approved once by this commission; however, it had to
23 come back to the commission because of the property
24 owner dispute. It's my understanding that the
25 applicant, as stated here tonight, does own the
property. The Planning Commission may give this

1 property a favorable approval. This will be the
2 location of the Owensboro Humane Society.

3 CHAIRMAN: Is anybody here representing
4 the applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: Does anybody have any
7 questions?

8 (NO RESPONSE)

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

11 MS. DIXON: Move to approve.

12 CHAIRMAN: Motion for approval by Ms.
13 Dixon.

14 MR. APPLEBY: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item.

20 ITEM 8

21 710, 714 East Third Street, 0.22 acres
22 Consider approval of final development plan
23 Applicant: Duane and Bridgett Ward and Owensboro
24 Grain Company, LLC

24 MR. NOFFSINGER: Mr. Chairman, this plan
25 has been reviewed by the Planning Staff and

1 Engineering Staff. It's found to be order.

2 This development plan is necessary in that
3 a day care is being proposed on the lot at 714 East
4 Third. In order to obtain or gain parking for the
5 facility, a parking lot needs to be constructed on
6 adjoining property in which the owner of the day care
7 center does not own. That's owned by Owensboro Grain.

8 This is made possible by the ordinance
9 amendments that occurred just beginning of last year,
10 I believe, which allowed owners or applicants to come
11 before this commission if they needed parking and
12 couldn't gain it on their lot to gain it on an
13 adjoining piece of property. So that's why this
14 development plan comes in is because it's to tie the
15 parking on an adjoining lot which the applicant does
16 not own to the lot where the day care center will be.

17 CHAIRMAN: Is anybody here representing
18 the applicant?

19 APPLICANT REP: Yes.

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

22 (NO RESPONSE)

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

25 MR. ROGERS: Motion for approval.

1 CHAIRMAN: Motion for approval by Mr.
2 Rogers.

3 MR. APPLEBY: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

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9 MAJOR SUBDIVISIONS

10 ITEM 9

11 The Brooks, 23.218 acres
12 Consider approval of major subdivision final plat.
13 For development transfer only, no surety required.
14 Applicant: Owensboro Master Builders, Inc.

15 MR. NOFFSINGER: Mr. Chairman, this plat
16 is ready for consideration.

17 CHAIRMAN: Anybody here representing the
18 applicant?

19 APPLICANT REP: Yes.

20 CHAIRMAN: Anybody have any questions of
21 the applicant?

22 (NO RESPONSE)

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

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

1 CHAIRMAN: Motion for approval by Mr.
2 Cambron.

3 SISTER VIVIAN: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 ITEM 10

9 The Brooks, Unit #2, Lots 23-34, 7.438 acres
10 Consider approval of major subdivision final plat.
11 Surety (Letter of Credit) posted \$76,087.20
12 Applicant: Owensboro Master Builders, Inc.

13 MR. NOFFSINGER: Mr. Chairman, this plat
14 is in order.

15 CHAIRMAN: Is anybody here representing
16 the applicant?

17 APPLICANT REP: Yes.

18 CHAIRMAN: Does anybody have any questions
19 of the applicant?

20 (NO RESPONSE)

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

23 MS. DIXON: Move for approval.

24 CHAIRMAN: Motion for approval by Ms.
25 Dixon.

26 SISTER VIVIAN: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item.

6 ITEM 11

7 Lake Forest, Unit #5, Lots 247-251, 2.091 acres
8 Consider approval of major subdivision final plat.
9 Surety (Certificate of Deposit) posted: \$27,221.10
Applicant: Lake Forest Community, LLC

10 MR. NOFFSINGER: Mr. Chairman, this plat
11 is ready for consideration.

12 CHAIRMAN: Is anybody here representing
13 the applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Does anybody have any questions
16 of the applicant?

17 (NO RESPONSE)

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

20 MS. DIXON: Move for approval.

21 MR. CAMBRON: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 ITEM 12

4 Salem Drive Development, Lot 4, 0.78 acres
5 Consider approval of major subdivision final plat.
6 Surety (Certificate of Deposit) posted: \$1,575.00
7 Applicant: John D. & Ione Miller Jones

8 MR. NOFFSINGER: Mr. Chairman, this plat is
9 ready for consideration.

10 CHAIRMAN: Is anybody here representing
11 the applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Does anybody have any
14 questions?

15 (NO RESPONSE)

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

18 MR. APPLEBY: Motion for approval.

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

21 MR. ROGERS: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carry unanimously.

ITEM 13

1 Woodland Ridge, Unit #2, Lots 31-37, 50-75, 89-103,
131-135, 15.891 acres
2 Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: \$168,184.15
3 Applicant: Woodland Ridge Development, Inc.

4 MR. NOFFSINGER: Mr. Chairman, this plat
5 is ready for consideration.

6 CHAIRMAN: Anybody here representing the
7 applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Does anybody have any
10 questions?

11 (NO RESPONSE)

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

14 MS. DIXON: Move to approve.

15 CHAIRMAN: Motion for approval by Ms.
16 Dixon.

17 MR. HAYDEN: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item.

23 ITEM 14

24 Wrights Acres, 2.329 acres
Consider approval of major subdivision final plat.
25 Surety (Certificate of Deposit) posted: \$15,978.00

1 Applicant: Wrights Acres, LLC

2 MR. NOFFSINGER: Mr. Chairman, this plat
3 is in order.

4 CHAIRMAN: Is anybody representing the
5 applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Any questions?

8 (NO RESPONSE)

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

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

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

15 SISTER VIVIAN: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Carried unanimously.

20 We're ready for one final motion.

21 MS. DIXON: Move to adjourn.

22 CHAIRMAN: Motion for adjournment by Ms.
23 Dixon.

24 MR. APPLEBY: Second.

25 CHAIRMAN: Second by Mr. Appleby. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carried unanimously. We
4 are adjourned.

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