

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 DECEMBER 8, 2005

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4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, December 8, 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 Jimmy Gilles
14 Scott Jagoe
15 Irvin Rogers
16 Sister Vivian Bowles
17 Judy Dixon
18 Dr. Bothwell
19 Madison Silvert,
20 Attorney
21 Stewart Elliott,
22 Attorney

23 * * * * *

24 CHAIRMAN: I would like to welcome
25 everybody to our December 8th meeting of the Owensboro
Metropolitan Planning Commission. Would you please
rise while our invocation and pledge of allegiance
will be given by Ms. Judy Dixon.

26 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

27 CHAIRMAN: Our first order of business
28 will be to consider the minutes of the November 10,

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1 2005 meeting. Are there any additions, corrections?

2 MR. NOFFSINGER: Yes, Mr. Chairman, I do
3 have one. On Page 29 of the transcript, which is Page
4 31,398 in our books, I do have one correction. It was
5 related to B&K Development rezoning. Condition 7 as
6 stated in the minutes reads, "Provide a connection
7 from Highland Point development to the Green Belt Park
8 along the south side of the property." The
9 correction, and as it was conveyed during the meeting
10 by Mr. Brian Howard, should read, "Provide a
11 connection from the Highland Point development to the
12 property line for a Green Belt Park connection." With
13 that there are no other changes to the minutes.

14 CHAIRMAN: Would that require an action by
15 the commission?

16 MR. NOFFSINGER: If you have noted that
17 correction, then you will be voting on the minutes as
18 corrected.

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

21 CHAIRMAN: Motion for approval by Mr.
22 Cambron.

23 MS. DIXON: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 MR. NOFFSINGER: We have a public hearing
5 Item 2. This was postponed from our November meeting.

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7 PUBLIC HEARING

8 ITEM 2

9 Consider text amendments to the Owensboro Metropolitan
10 Subdivision Regulations, Article 2, Article 3, Article
4 and Article 5.

11 MR. NOFFSINGER: Mr. Brian Howard is here
12 to address those changes.

13 MR. ELLIOTT: State your name, please.

14 MR. HOWARD: Brian Howard.

15 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

16 MR. HOWARD: These amendments come before
17 you this evening. They were on the agenda last month.
18 Due to some concerns by the surveyors and engineers,
19 we postponed that until this month.

20 We held another meeting with them on
21 November 30th to go over some possible revisions.
22 Based upon that meeting, the consensus that was agreed
23 upon at that time we are presenting to you the final
24 recommendations for the text amendments. These
25 basically pertain to the process for digital

1 submission, monumentation, coordinates, all
2 incorporating into our GIS system. Be happy to answer
3 any questions that you may have.

4 We would also like to enter the minutes
5 into the record as Exhibit A.

6 CHAIRMAN: Does anybody have any
7 questions?

8 (NO RESPONSE)

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

11 MS. DIXON: Move to approve.

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

14 SISTER VIVIAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

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21 ZONING CHANGES - CITY

22 ITEM 3

23 615 Crabtree Avenue, 0.290+ acres
24 Consider zoning change: From B-4 General Business
25 to B-5 Business/Industrial
Applicant: James Phillip Edge, Sr.

1 PLANNING STAFF RECOMMENDATIONS

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

7 Conditions:

8 1. Access to the subject property shall
9 be limited to a single 40 foot curb cut;

10 2. Pavement within the right-of-way shall
11 be removed and restored with a grass area and
12 appropriate vehicular use area buffering should be
13 installed; and,

14 3. Vehicles accessing the site shall not
15 back to or from the site into Crabtree Avenue.

16 Findings of Fact:

17 1. The subject property is located within
18 a Business/Industrial Plan Area, where general
19 business and light industrial uses are appropriate in
20 general locations;

21 2. The subject property lies within an
22 existing area of mixed general business and light
23 industrial uses;

24 3. The Comprehensive Plan provides for
25 the continuance of mixed use areas; and,

1 4. The proposed land use for the subject
2 property is in compliance with the criteria for a
3 Business/Industrial Plan Area and a B-5
4 Business/Industrial zoning classification.

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

7 CHAIRMAN: Is there anybody representing
8 the applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Does anybody have any questions
11 of the applicant?

12 (NO RESPONSE)

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

15 MS. DIXON: Move to approve based upon
16 Planning Staff Recommendations and it is in compliance
17 with the adopted Comprehensive Plan, subject to
18 Condition 1 through 3 and based upon Findings of Fact
19 1, 2, 3 and 4.

20 CHAIRMAN: Motion for approval by Ms.
21 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.)

1 CHAIRMAN: Motion carries unanimously.

2 Thank you.

3 ITEM 4

4 720 West 10th Street, 0.136 acres
5 Consider zoning change: From I-1 Light Industrial
6 to R-4DT Inner-City Residential
Applicant: Habitat for Humanity

7 PLANNING STAFF RECOMMENDATIONS

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

12 Findings of Fact:

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

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

18 3. The historical use of the subject
19 property is residential, and the R-4DT zoning
20 classification is a more appropriate zone for the
21 subject property than the existing I-1 Light
22 Industrial zone; and,

23 4. The applicant's request promotes the
24 Comprehensive Plan's housing goals to preserve
25 neighborhoods and housing within the inner-city.

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

3 CHAIRMAN: Is anybody here representing
4 the applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody have any
7 questions?

8 (NO RESPONSE)

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

11 DR. BOTHWELL: Motion for approval, Mr.
12 Chairman, based on Findings of Fact 1 through 4.

13 MS. DIXON: Second.

14 CHAIRMAN: Motion for approval by Dr.
15 Bothwell. Second by Ms. Dixon. All in favor raise
16 your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

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21 ZONING CHANGES - COUNTY

22 ITEM 5

23 122 KY 140 E., 4.664 acres
24 Consider zoning change: From A-U Urban Agriculture
25 to B-4 General Business
Applicant: Donald R. Phillips, Jr.

1 PLANNING STAFF RECOMMENDATIONS

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

6 Findings of Fact:

7 1. The subject property is located in a
8 Rural Community Plan Area, where General Business uses
9 are appropriate in limited locations;

10 2. Development of the subject property
11 will be nonresidential in character,

12 3. The subject property is major-street
13 oriented meeting the criteria for a new location of
14 general business use located within a rural community;
15 and,

16 4. The subject property is located at the
17 corner of intersecting streets meeting the criteria of
18 a new location of general business use when located in
19 close proximity to dwelling units.

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

22 CHAIRMAN: Is anybody here representing
23 the applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Does anybody have any questions

1 of the applicant?

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, and
7 the Condition.

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

10 MS. DIXON: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item.

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17 MAJOR SUBDIVISIONS

18 ITEM 6

19 Cross Creek, Unit 5, Lots 38-43, 51, 68,
2.008+/- acres
20 Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: \$21,483.50
21 Applicant: Pedley Developers, LLC

22 MR. NOFFSINGER: Mr. Chairman, this plat
23 has been reviewed by the Planning and Engineering
24 Staff. It's found to be in order. The proposed land
25 use is consistent with the adopted Comprehensive Plan

1 and the plat meets with the minimum guidelines of the
2 subdivision regulations and zoning ordinance and is
3 ready for your consideration.

4 CHAIRMAN: Is anybody here representing
5 the applicant?

6 APPLICANT REP: Yes.

7 CHAIRMAN: Does anybody have any questions
8 of the applicant?

9 (NO RESPONSE)

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

12 MR. APPLEBY: Motion for approval.

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

15 DR. BOTHWELL: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 ITEM 7

22 Harbor Trace, Section 1, Unit 2, Lots 11-20,
23 2.935 acres
24 Consider approval of major subdivision final plat.
Surety (Certified Check) posted: \$22,602.00
Applicant: Robert Wimsatt

25 MR. NOFFSINGER: Mr. Chairman, the

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1 Planning Staff and Engineering Staff have reviewed
2 this application. We find it to be in order. The
3 proposed land use is consistent with the adopted
4 Comprehensive Plan. The plat meets the minimum
5 guidelines subdivision regulations and zoning
6 ordinance and is ready for your consideration.

7 CHAIRMAN: Is anybody here representing
8 the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Does anybody have any
11 questions?

12 (NO RESPONSE)

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

15 MS. DIXON: Move to approve.

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

18 SISTER VIVIAN: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

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25 NEW BUSINESS

1 ITEM 8

2 Consider approval of 2006 Filing Dates and Deadlines

3 MR. NOFFSINGER: Mr. Chairman, each
4 Planning Commissioner has been mailed a copy of the
5 calendar for the Planning Commission as well as the
6 Board of Adjustment. These meetings for the Board of
7 Adjustment will take place on the first Thursday of
8 each month and the Planning Commission would meet on
9 the second Thursday of each month, which is
10 traditionally when those two boards meet. It does
11 require your consideration and approval.

12 CHAIRMAN: Dr. Bothwell.

13 DR. BOTHWELL: I have no objections, Mr.
14 Chairman.

15 CHAIRMAN: Is that a motion?

16 DR. BOTHWELL: I make a motion for
17 approval.

18 CHAIRMAN: Motion for approval by Dr.
19 Bothwell.

20 MR. CAMBRON: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 The chair is ready for one more motion.

1 MS. DIXON: Move to adjourn.

2 MR. APPLEBY: Second.

3 CHAIRMAN: Motion for adjournment by Ms.
4 Dixon. Second by Mr. Appleby. All in favor raise
5 your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: We are adjourned.

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16 WITNESS my hand and notarial seal on this
17 the 2nd day of January, 2006.

19 _____
20 LYNNETTE KOLLER, NOTARY PUBLIC
21 OHIO VALLEY REPORTING SERVICE
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

COUNTY OF RESIDENCE:
24 DAVIESS COUNTY, KENTUCKY

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