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OWENSBORO METROPOLITAN PLANNING COMMISSION

JANUARY 12, 2006

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, January 12, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Gary Noffsinger
- Nick Cambron
- Dave Appleby
- Jimmy Gilles
- Irvin Rogers
- Tim Miller
- Judy Dixon
- Martin Hayden
- Madison Silvert
- Attorney
- Stewart Elliott,
- Attorney

* * * * *

CHAIRMAN: I would like to welcome everybody to our January 12, 2006, Owensboro Metropolitan Planning Commission. Our invocation this evening will be given by Mr. Madison Silvert.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to recognize Sister Vivian Bowles.

(RECOGNITION OF SISTER BOWLES.)

CHAIRMAN: Our next order of business I'll

1 turn over to Madison Silvert, our co-counsel, for the
2 swearing in of the new member.

3 (SWEARING IN OF MR. TIM MILLER)

4 CHAIRMAN: Welcome to the board, Tim.
5 Glad to have you.

6 Madison, will you continue with the
7 election of the officers, please.

8 MR. SILVERT: Annually in January we have
9 election of officers.

10 First order of business is to elect the
11 chairman for the Planning Commission. Do I hear a
12 motion or a nomination for chairman.

13 MR. CAMBRON: I nominate Mr. Kirkland.

14 MR. APPLEBY: Second.

15 MR. SILVERT: Any other nomination?

16 (NO RESPONSE)

17 MR. SILVERT: Hearing none we'll take a
18 vote on chairman. Those who would like to elect Mr.
19 Kirkland as chairman please signify by saying aye.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 MR. SILVERT: Any opposed?

22 (NO RESPONSE)

23 MR. SILVERT: It is unanimous.

24 Next order of business is to elect the
25 vice chairman for the Planning Commission. Any

1 nominations?

2 CHAIRMAN: I'd like to nominate Mr.
3 Cambron.

4 MS. DIXON: Second.

5 MR. SILVERT: Any further nominations?

6 (NO RESPONSE)

7 MR. SILVERT: Seeing none we'll now go
8 into a vote. Those in favor of electing Mr. Cambron
9 vice chairman, please signify by saying aye.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 MR. SILVERT: Any opposed?

12 (NO RESPONSE)

13 MR. SILVERT: It's unanimous.

14 Finally, the election of secretary.

15 Nominations for secretary?

16 CHAIRMAN: I'd like to nominate Mr.
17 Appleby.

18 MR. CAMBRON: Second.

19 MR. SILVERT: Any further nominations?

20 (NO RESPONSE)

21 MR. SILVERT: Seeing none we'll move on to
22 a voice vote. Those in favor of electing Mr. Appleby
23 secretary please signify by saying aye.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 MR. SILVERT: Those opposed.

1 (NO RESPONSE)

2 MR. SILVERT: It is unanimous.

3 Mr. Chairman.

4 CHAIRMAN: Thank you, Mr. Silvert.

5 Our next order of business is to consider
6 the minutes of the December 8, 2005, meeting. Are
7 there any additions, corrections?

8 (NO RESPONSE)

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

11 MS. DIXON: Move to approve.

12 MR. CAMBRON: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item.

19 -----

20 ZONING CHANGES - CITY

21 ITEM 4

22 Portion of 736 Ford Avenue, 0.045 acres
23 Consider zoning change: From R-1B Single-Family
24 Residential to P-1 Professional/Service
Applicant: Trinity Episcopal Church

25 MR. ELLIOTT: State your name for the

Ohio Valley Reporting
(270) 683-7383

1 record, please.

2 MR. HOWARD: Brian Howard.

3 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

4 PLANNING STAFF RECOMMENDATIONS

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

10 Conditions:

11 1. No new access to Ford Avenue shall be
12 permitted; and,

13 2. Submittal of a consolidation plat to
14 join the subject property with 720 Ford Avenue.

15 Findings of Fact:

16 1. The subject property is located in an
17 Urban Residential Plan Area, where professional/
18 service uses are appropriate in limited locations;

19 2. The proposed use will be for parking
20 at an existing church and will be nonresidential in
21 nature;

22 3. The proposal is a logical expansion of
23 an existing P-1 Professional/Service zone located
24 immediately east of the subject property; and,

25 4. The expansion of the P-1 zone should

1 not overburden the capacity of roadways and other
2 necessary urban services that are available in the
3 affected area.

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

6 CHAIRMAN: Is there anybody representing
7 the applicant?

8 APPLICANT REP: No.

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

11 (NO RESPONSE)

12 MR. CAMBRON: Chair ready for a motion?

13 CHAIRMAN: Chair is ready for a motion,
14 Mr. Cambron.

15 MR. CAMBRON: Motion for approval based
16 upon Conditions 1 and 2 and Findings of Fact 1 through
17 4, Mr. Chairman.

18 MS. DIXON: Second

19 CHAIRMAN: We've got a motion for approval
20 by Mr. Cambron. Second by Ms. Dixon. All in favor
21 raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25

1 Related Item:

2 ITEM 4A

3 720 Ford Avenue, 1.27+/- acres
4 Consider approval of final development plan.
5 Applicant: Trinity Episcopal Church

6 MR. NOFFSINGER: Mr. Chairman, Planning
7 Staff has reviewed this application. It's found to be
8 in order. It's found to meet minimum requirements of
9 the adopted zoning ordinance as well as it's
10 consistent with the adopted comprehensive Plan.

11 CHAIRMAN: Does anybody have any
12 questions?

13 (NO RESPONSE)

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

16 MR. ROGERS: Motion for approval.

17 CHAIRMAN: Motion for approval by Mr.
18 Rogers.

19 MR. GILLES: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion passes unanimously.

24 Next item, please.

25 ITEM 5

4017 Frederica Street, 625 Time Drive, 1.625 acres

1 Consider zoning change: From R-3MF Multi-Family
Residential to P-1 Professional/Service
2 Applicant: Diocese of Owensboro, Our Lady of Lourdes

3 PLANNING STAFF RECOMMENDATIONS

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

9 Conditions:

- 10 1. Submittal and approval of a final
11 development plan; and,
- 12 2. Submittal and approval of a
13 consolidation plat.

14 Findings of Fact:

- 15 1. The subject property is located in an
16 Urban Residential Plan Area, where
17 professional/service uses are appropriate in limited
18 locations;
- 19 2. The proposed use will be for parking
20 at an existing church and will be nonresidential in
21 nature;
- 22 3. The proposal is a logical expansion of
23 an existing P-1 Professional/Service zone located
24 immediately north of the subject property; and,
- 25 4. The expansion of the P-1 zone should

1 not overburden the capacity of roadways and other
2 necessary urban services that are available in the
3 affected area.

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

6 CHAIRMAN: Is there anybody here
7 representing the applicant?

8 MR. BRYANT: Yes.

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

11 MR. HAYDEN: Do I understand that this is
12 a parking lot?

13 CHAIRMAN: Excuse me, sir. Please to come
14 the mike.

15 MR. ELLIOTT: State your name, please.

16 MR. HAYDEN: Steven Hayden.

17 (MR. STEVEN HAYDEN SWORN BY ATTORNEY.)

18 MR. HAYDEN: Am I to understand that this
19 is to be a parking lot?

20 CHAIRMAN: Let me bring the applicant to
21 the mike.

22 MR. ELLIOTT: State your name, please.

23 MR. BRYANT: Don Bryant.

24 (MR. DON BRYANT SWORN BY ATTORNEY.)

25 MR. BRYANT: Let me find my papers here.

1 Let me try to answer the question.

2 CHAIRMAN: Mr. Bryant, his question was in
3 regards to is it a parking lot?

4 MR. HAYDEN: Is there no structure?

5 MR. BRYANT: No structure is involved.
6 What this is is frontage property that was apartments
7 that have been already demolished and it's property
8 along Time Drive that is being incorporated into the
9 overall site and to be part of the parking. There are
10 no new buildings or anything proposed for this. It's
11 just the property needs to be rezoned in order that it
12 can all be consolidated into a single tract with light
13 zoning. Does that answer your question?

14 MR. HAYDEN: Just one other question. Is
15 there access to the parking lot off of Time Drive or
16 is it through the church property only?

17 MR. BRYANT: There is access off of Time
18 Drive.

19 MR. HAYDEN: There will be access off of
20 Time Drive into the parking?

21 MR. BRYANT: Yes.

22 MR. HAYDEN: That's all. Thank you.

23 CHAIRMAN: Are there any more questions?

24 (NO RESPONSE)

25 CHAIRMAN: Mr. Bryant, do you have any

1 more statements?

2 MR. BRYANT: Not unless there's a
3 question.

4 CHAIRMAN: Does the commission have any
5 questions?

6 (NO RESPONSE)

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

9 MR. CAMBRON: Motion for approval, Mr.
10 Chairman, based on Conditions 1 and 2 and Findings of
11 Fact 1, 2, 3 and 4.

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 RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 6

21 802, 808, 810, 812, 814, 816 West Fourth Street,
22 410 Elm Street, 0.565 acres
23 Consider zoning change: From R-4DT Inner-City
24 Residential to B-4 General Business
25 Applicant: H.L. Neblett Community Center, Inc.

26 PLANNING STAFF RECOMMENDATIONS

27 Staff recommends approval because the

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

5 Conditions:

6 1. No access shall be permitted to West
7 Fourth Street. Access shall be from Elm Street and
8 Poplar Streets only; and,

9 2. Consolidation plat shall be submitted
10 and approved to consolidate the subject property to
11 the H.L. Neblett Center property.

12 Findings of Fact:

13 1. The subject property is located in a
14 Business/Industrial Plan Area, where general business
15 uses are appropriate in general locations;

16 2. Development of the subject property
17 will be nonresidential in character; and,

18 3. The proposed land use for the subject
19 property is in compliance with the criteria for a
20 Business/Industrial Plan Area and a B-4 General
21 Business zoning classification.

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

24 CHAIRMAN: Is anybody representing the
25 applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Does anybody have any questions
3 of the applicant?

4 (NO RESPONSE)

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

7 MS. DIXON: Move to approve based upon
8 Conditions 1 and 2 and Findings of Fact 1, 2 and 3.

9 CHAIRMAN: Motion for approval by Ms.
10 Dixon.

11 MR. HAYDEN: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item.

17 ITEM 7

18 1300 East Ninth Street, 0.68 acres
19 Consider zoning change: From I-1 Light Industrial
20 to B-5 Business/Industrial
21 Applicant: Bryant Commercial Multiple, LLC

22 PLANNING STAFF RECOMMENDATIONS

23 Staff recommends approval because the
24 proposal is in compliance with the community's adopted
25 Comprehensive Plan. The condition and findings of
fact that support this recommendation include the

1 following:

2 Conditions:

3 1. Access along East Ninth Street shall
4 be consolidated to a single access as far away from
5 the intersection as possible with curb and gutter
6 installed;

7 2. No backing to/from the site into the
8 right-of-way of East Ninth Street or Jackston Street
9 shall be permitted;

10 3. Required landscaping and vehicular use
11 area buffers shall be installed in accordance with
12 current zoning regulations; and,

13 4. Within 30 days of January 12, 2006,
14 sufficient surety shall be posted to bring the site to
15 current standards with all work being completed within
16 18 months of the referenced date.

17 Findings of Fact:

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

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

25 3. The Comprehensive Plan provides for

1 the continuance of mixed use areas; and,

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

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

8 CHAIRMAN: Is anybody here representing
9 the applicant?

10 APPLICANT REP: If you have any questions.

11 CHAIRMAN: Do we have any questions of the
12 applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Does anyone from the commission
15 have any questions?

16 (NO RESPONSE)

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

19 MR. ROGERS: Mr. Chairman, motion for
20 approval based upon Planning Staff Recommendations
21 with the Conditions 1, 2, 3 and 4 and Findings of
22 Facts 1, 2, 3 and 4.

23 CHAIRMAN: Motion for approval by Mr.
24 Rogers.

25 MR. APPLEBY: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item.

6 -----

7 DEVELOPMENT PLANS

8 ITEM 8

9 3101, 3121 West Second Street, 7.41 acres
10 Consider approval of final development plan
11 Applicant: Owensboro Humane Society

12 MR. NOFFSINGER: Mr. Chairman, this plan
13 has been reviewed by the Planning Staff. Found to be
14 in order. It's found to meet with minimum
15 requirements of the zoning ordinance and consistent
16 with the adopted comprehensive plan.

17 CHAIRMAN: Anybody here representing the
18 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 a
24 motion.

25 MR. HAYDEN: I make a motion for approval.

CHAIRMAN: Motion for approval by Mr.

1 Hayden.

2 MS. DIXON: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 -----

9 MAJOR SUBDIVISIONS

10 ITEM 9

11 The Brooks, Unit 4, Lots 21, 22, 37-40, 55-57, 68-71,
12 2.498 acres

13 Consider approval of major subdivision final plat.

14 Surety posted (Certificate of Deposit) posted:

15 \$12,173.80

16 Applicant: Owensboro Master Builder, Inc.

17 MR. NOFFSINGER: Mr. Chairman, this plat
18 has been reviewed by the Planning Staff. It's found
19 to be in order. It's found to be consistent with the
20 minimum requirements of the adopted subdivision
21 regulations, zoning ordinance and consistent with the
22 adopted comprehensive plan.

23 CHAIRMAN: Is anybody here representing
24 the applicant?

25 APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions
of the applicant?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

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

7 MR. APPLEBY: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item.

13 ITEM 10

14 Hayden Development Co., Inc., 14.584 acres
15 Consider approval of major subdivision preliminary
16 plat.
Applicant: Hayden Development Co., Inc.

17 MR. NOFFSINGER: Mr. Chairman, Planning
18 Staff has reviewed this application. We find it to be
19 consistent with the adopted subdivision regulations,
20 the adopted zoning ordinance, and consistent with the
21 adopted comprehensive plan.

22 CHAIRMAN: Is anybody representing the
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Does anybody have any questions

1 of the applicant?

2 (NO RESPONSE)

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

5 MR. CAMBRON: Motion for approval, Mr.
6 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 11

16 H&I Development, 2.38 acres
17 Consider approval of major subdivision final plat.
18 Surety previously posted
19 Applicant; H&I Development

20 MR. NOFFSINGER: Mr. Chairman, this plat
21 has been reviewed by the Planning Staff. Found to be
22 consistent with the adopted subdivision regulations,
23 zoning ordinance and the adopted comprehensive plan.

24 CHAIRMAN: Is anybody representing the
25 applicant?

APPLICANT REP: Yes.

1 CHAIRMAN: Does anybody have any questions
2 of the applicant?

3 (NO RESPONSE)

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

6 MS. DIXON: Move to approve.

7 CHAIRMAN: Motion for approval by Ms.
8 Dixon.

9 MR. CAMBRON: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item.

15 ITEM 12

16 Highlands of Heartland, Phase 1A, Lots 521-527,
17 2.140 acres
18 Consider approval of major subdivision final plat.
19 Surety (Certificate of Deposit) posted: \$7,843.20
20 Applicant: Jagoe Development, LLC

21 MR. NOFFSINGER: Mr. Chairman, Planning
22 Staff has reviewed. Found this plat to be consistent
23 with the adopted comprehensive plan, the adopted
24 zoning regulations and subdivision regulations.

25 CHAIRMAN: Is anybody representing the
26 applicant?

27 APPLICANT REP: Yes.

1 CHAIRMAN: Does anybody have any
2 questions?

3 (NO RESPONSE)

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

6 MS. DIXON: Move to approve.

7 CHAIRMAN: Motion for approval by Ms.
8 Dixon.

9 MR. APPLEBY: Second.

10 CHAIRMAN: Second by Mr. Appleby. 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 13

16 Highlands of Heartland, Phase 1B, Lots 504-507, 637,
17 638, 2.376 acres

18 Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: \$11,912.40
19 Applicant: Jagoe Development, LLC

20 MR. NOFFSINGER: Mr. Chairman, Planning
21 Staff has reviewed this plat. We find it to be
22 consistent with the adopted subdivision regulations,
zoning ordinance and comprehensive plan.

23 CHAIRMAN: Is anybody representing the
24 applicant?

25 APPLICANT REP: Yes.

1 CHAIRMAN: Does anybody have any questions
2 of the applicant?

3 (NO RESPONSE)

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

6 MS. DIXON: Move to approve.

7 CHAIRMAN: Motion for approval by Ms.
8 Dixon.

9 MR. HAYDEN: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item.

15 ITEM 14

16 Highlands of Heartland, Phase 3, Lots 618-628,
17 3.825 acres
18 Consider approval of major subdivision final plat.
19 Surety (Certificate of Deposit) posted: \$8,533.80
20 Applicant: Jagoe Development, LLC

21 MR. NOFFSINGER: Mr. Chairman, this plat
22 has been reviewed by the Planning Staff. It's found
23 to be consistent with the adopted subdivision
24 regulations, zoning ordinance and comprehensive plan.

25 CHAIRMAN: Is anybody representing the
applicant?

(NO RESPONSE)

1 CHAIRMAN: Does anybody have any
2 questions?

3 (NO RESPONSE)

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

6 MR. HAYDEN: Make motion to approve.

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

9 MR. GILLES: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item.

15 -----

16 MINOR SUBDIVISIONS

17 ITEM 15

18 7758 Joe Haynes Road, 2.285 acres
19 Consider approval of minor subdivision plat.
 Applicant: Evelyn Hagan

20 MR. NOFFSINGER: Mr. Chairman, Planning
21 Staff has reviewed this plat. We find that it is
22 inconsistent with the adopted subdivision regulations
23 and are not recommending it for approval at this time.

24 The Planning Commission denied this plat
25 back a few months ago in that it creates an

1 irregular-shaped lot which we have 50 feet of frontage
2 on public right-of-way and it goes back a considerable
3 distance before it widens out. It's what we have
4 termed in the past as being a flag-shaped lot.

5 The applicant, as I said, was not here the
6 night that was denied to present their case. I
7 believe the applicants are here tonight and would like
8 for you to consider their testimony.

9 I will say that there is additional
10 frontage on this remaining tract to where additional
11 frontage could be granted to the property and to meet
12 the regulations. So with that the applicant is here
13 tonight.

14 CHAIRMAN: Somebody representing the
15 applicant?

16 MR. ELLIOTT: State your name, please.

17 MR. SMITH: My name is Donny Smith.

18 (MR. DONNY SMITH SWORN BY ATTORNEY.)

19 MR. SMITH: I've got about five minor
20 points to present to the board for your consideration.

21 The first is that this is Jerry Howard and
22 I'm Jerry's brother-in-law.

23 Jerry wants to build a home adjacent to
24 four of his nine siblings. There's four of us that
25 live in this area. Jerry's home will be built on land

1 that's been owned by Jerry's mother for nearly 50
2 years. This land was first acquired in 1956.

3 Jerry's lot will encompass approximately
4 2.5 acres. I think you guys said two and a quarter
5 acres.

6 One of the adjacent siblings plans to
7 purchase the remaining 10 acres owned by the mother
8 and no more homes will be built on this land.

9 The remaining ten acres will not be sold.
10 The current plans call for using the land to raise
11 cattle.

12 Jerry wants to build his home on the site
13 that will not be prone to flooding as well as
14 providing the most safe for his wife and two young
15 children. The lot that Jerry builds is further back
16 from the road, which is this flag lot that you guys
17 are talking about.

18 Just to summarize. Jerry wants to raise
19 his family on the same land where he was raised
20 surrounded by other family members. It's kind of a
21 unique situation where we live. We have a joke and we
22 call it Howardville because there's four of Jerry's
23 relatives all around there.

24 It is unusual for that flag lot, but the
25 way we can see it it's going to be a good move for

1 Jerry and for his family. That's all I've got to
2 say.

3 CHAIRMAN: Mr. Smith, thanks for your
4 brief and very to the point presentation. We have
5 appreciate that.

6 Just a question. In other words, the flag
7 goes between your lot or your house, which is a family
8 member, and Hardesty, which is another family member.
9 Then the lot, the other part of the flag over here or
10 the part that's not in the flag, the big part of the
11 acreage is still owned by the mother?

12 MR. SMITH: Correct.

13 CHAIRMAN: Mr. Noffsinger.

14 MR. NOFFSINGER: Mr. Chairman, what the
15 Staff would recommend, as I stated earlier, that the
16 lot not be approved as it is because it is
17 inconsistent with the subdivision regulations in two
18 ways.

19 Number one, it does not contain the 100
20 feet of frontage that's required at the building
21 setback line and that's what creates this flag-shaped
22 lot.

23 Number two, it exceeds the depth to width
24 ratio which has been established of 2 1/2 or 3 to 1.
25 For every 100 feet of road frontage, you have say you

1 could only go back approximately 300 feet.

2 What Staff would recommend is that if the
3 Planning Commission would entertain or ask the
4 applicant if they would be willing to increase the
5 road frontage to this particular lot. Right now
6 there's 260 feet of road frontage available to the
7 proposed lot and the remainder. If they would split
8 the frontage between this proposed lot and the
9 remainder 130 feet for each lot and then bring the
10 line straight back or it could even be somewhat of an
11 angle or askew in there to more of the rear of the
12 property so as to at least keep 100 foot width. Then
13 you would only be looking at an exception to the depth
14 to width ratio. They would still meet, you would meet
15 the frontage requirement getting around the flag lot.
16 You would be creating an irregular-shaped lot;
17 however, it only is irregular in that it exceeds the
18 depth to width ratio. We certainly understand that
19 you could subdivide the property and meet the
20 requirements of the regulations. However, that may
21 not be the best in their minds in terms of where the
22 best building site is on the property. In order to -
23 - if you could build two homes on the property now the
24 way it is and get two lots that meet the regulations,
25 but there's a better building location. If we could

1 split the road frontage between the two and be in
2 compliance there, then it's just an issue of the depth
3 to width ratio. Planning Staff has in the past
4 approved exceptions to that depth do width ratio.
5 That would be the Staff's recommendation.

6 CHAIRMAN: Mr. Noffsinger, would you want
7 him to go from what amounts to split half of the
8 frontage, the remaining front on Joe Haynes Road and
9 go all the way back to the line of the approximate old
10 railroad. Go here all the way straight back or would
11 you want him to go back and then cut over?

12 MR. NOFFSINGER: Ideally that would be
13 what we would recommend. However, I would at least
14 like to see you split the road frontage of 260 feet of
15 130 and 130 and then go back in a straight line that
16 may angle more toward I guess east of the property,
17 but not be any narrower in that flag area that's shown
18 at 100 feet. We need to maintain at least 100 foot
19 width in that area. So you could come back with that
20 line at the road at 130 feet from the property line,
21 from the east or west corner and then take that
22 straight back or you could angle it to meet the
23 property pin that's been established for the new lot
24 at the rear.

25 I hope I've made that clear. It's easier

1 to show on paper than it is for me to describe it.

2 CHAIRMAN: Mr. Smith, should I call upon
3 Mrs. Hagan or her son?

4 MR. SMITH: The son.

5 CHAIRMAN: Let me ask you to step to the
6 podium.

7 MR. ELLIOTT: State your name, please.

8 MR. HOWARD: Jerry Howard.

9 (MR. JERRY HOWARD SWORN BY ATTORNEY.)

10 CHAIRMAN: Mr. Howard, did you follow Mr.
11 Noffsinger's recommendation?

12 MR. HOWARD: Yes.

13 CHAIRMAN: Obviously it's your decision to
14 make.

15 MR. HOWARD: So it's 130 feet in the front
16 and go back to the existing pin that - -

17 CHAIRMAN: What would be idea is to start
18 there on Joe Haynes.

19 MR. HOWARD: So 130 feet of road frontage
20 is what I have to have?

21 CHAIRMAN: 130 feet and then come back as
22 Mr. Noffsinger described it so that you keep that
23 depth to width ratio. In other words, we would still
24 have, you would meet the requirements of the depth to
25 width ratio.

1 MR. HOWARD: Thank you.

2 CHAIRMAN: Is that something you would
3 accept as a condition?

4 MR. HOWARD: Yes.

5 CHAIRMAN: Mr. Noffsinger, would you want
6 to define that?

7 MR. NOFFSINGER: Yes, Mr. Chairman. Given
8 what the applicant has stated, I would recommend that
9 you approve the division with the stipulation that
10 each tract, the proposed tract and the remainder have
11 130 feet of frontage each or thereabouts. It's split.
12 The frontage is split between the two. Then that
13 line goes straight back to the rear property line, or
14 you can place an angle on that proposed property line
15 so long as you do not go below 100 feet in width on
16 that lot. What I'm speaking there is an angle in that
17 line where you start here at the road, but then you're
18 going more toward your proposed rear property line,
19 but we have to maintain at least 100 feet here.

20 MR. HOWARD: The remaining property is
21 going to be added to another piece of property there.
22 My brother to the other side is going to buy the rest
23 of it, if that makes any difference at all.

24 CHAIRMAN: Well, you're making the
25 property conducive to both parties.

1 I just happen to notice. It looks like -
2 - are you going to use Mr. Riney to draw this back up
3 again?

4 MR. HOWARD: Yes.

5 CHAIRMAN: We might want to ask Mr. Riney
6 to make him familiar with this so he'll know exactly
7 what we're trying to get done.

8 MR. NOFFSINGER: Yes, we can certainly do
9 that.

10 I would like to add that I recommend that
11 you authorize that in the record to sign this plat
12 once the plat is in order so that they do not have to
13 come back before Planning Commission for approval and
14 that will save them some time.

15 CHAIRMAN: Okay.

16 You're familiar with what the
17 recommendation has been made and you are agreeable to
18 the recommendation?

19 MR. HOWARD: Yes.

20 CHAIRMAN: Okay.

21 Mr. Appleby, why don't you form that up in
22 a motion for us.

23 MR. APPLEBY: I would make a motion that
24 the plat be approved with the condition that it have a
25 minimum of 130 feet of road frontage. At no point be

1 narrower than 100 feet and that the director be
2 authorized to sign this plat once it's amended.

3 MR. GILLES: Second.

4 CHAIRMAN: We've got a motion by Mr.
5 Appleby and a second by Mr. Gilles. All in favor
6 raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

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NEW BUSINESS

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ITEM 16

13

Consider changes to Form P1 - Public Improvements
Surety Unit Costs

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MR. NOFFSINGER: Mr. Chairman, the

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Planning Commission has been asked to consider tonight

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the Public Improvements Surety Unit Costs for certain

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types of infrastructure that's put in place as new

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development occurs.

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What we've recommended to you here tonight

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has been reviewed by a committee that's made up of the

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city and county engineer, and the Planning Staff,

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several of the private engineers here in this

24

community, as well as the developers. We are

25

recommending that all unit costs stay the same as this

1 commission approved back in June of '04 with the
2 exception of three amounts.

3 Manholes will increase from \$1,500 to
4 \$1,800 each. Valley Curb & Gutter would increase from
5 \$6 to \$6.50 linear foot. Box Curb & Gutter would
6 increase from \$7 to \$7.50 a linear foot. These surety
7 amounts would stay in place until January of '07. The
8 committee would get back together and review those
9 amounts. We're certainly recommending that you
10 approved these surety amounts tonight.

11 CHAIRMAN: Do we have any questions?

12 (NO RESPONSE)

13 CHAIRMAN: I would say the chair is ready
14 for a motion.

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

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

19 MS. DIXON: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.
24 The chair is ready for one final motion.

25 MS. DIXON: Move to adjourn.

1 MR. APPLEBY: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: We are 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 34 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 1st day of February, 2006.

18
19 _____
20 LYNNETTE KOLLER, NOTARY PUBLIC
21 OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2006

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25