The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, February 9, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Dave Appleby
Scott Jagoe
Tim Miller
Irving Rogers
Jimmy Gilles
Nick Cambron
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney
Madison Silvert, Attorney

CHAIRMAN: I would like to welcome everybody to our Owensboro Metropolitan Commission Planning meeting for March 9, 2006. Everybody stand for our invocation which will be given by Dr. Mark Bothwell.

(INOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business tonight is to consider the minutes from the February 9, 2006 meeting. Are there any corrections, additions?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a
motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. MILLER: Second.

CHAIRMAN: Second by Mr. Miller. 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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ZONING CHANGES - CITY

ITEM 2

Portion of 831 Clay Street, 0.00039 acres
Consider zoning change: From B-4 General
Business to R-4DT Inner-City Residential.
Applicant: Simpson Investments, Inc.

MR. ELLIOTT: State your name for the record,
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 condition and findings of
fact that support this recommendation include the
following:

CONDITION: Consolidation of the subject property, 17 square feet, to 827 Clay Street.

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

3. The applicant's request promotes the Comprehensive Plan's housing goals to preserve neighborhoods and housing within the inner-city; and,

4. The applicant's proposal will bring the newly constructed single-family dwelling located at 827 Clay Street into conformance with the Owensboro Metropolitan Zoning Ordinance when consolidated with the subject property.

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

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 on Planning Staff Recommendations and Findings of Fact 1 through 4 and the condition.

CHAIRMAN: 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.

ITEM 3

930 Oglesby Street, 0.266 acres
Consider zoning change: From R-4DT Inner-City Residential to B-5 Business/Industrial
Applicant: K&R Commercial Properties, LLC

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 within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
2. The subject property lies within an existing area of mixed residential, professional and light industrial uses;

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

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

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

CHAIRMAN: Do we have anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on Planning Staff Recommendations and Findings of Facts 1 through 4.

CHAIRMAN: We have a motion for approval by Mr. Rogers.

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.

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ZONING CHANGES - COUNTY

ITEM 4

4524 Honeysuckle Lane, 16.23 acres
Consider zoning change: From R-1A Single-Family Residential and A-U Urban Agriculture to A-U Urban Agriculture
Applicant: Gary M. Boswell, Margaret L. Boswell

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the historical use of the subject property has been agricultural in nature and the majority of the subject property is currently zoned A-U, with only a small portion zoned R-1A. The A-U zoning classification is a more appropriate zoning classification for the property given the historical and proposed use. The R-1A zoning classification is not an appropriate zone for agriculture use. The findings of fact that support this recommendation include the following:

FINDINGS OF FACT:

1. The subject property is located in an
Urban Residential Plan Area where agricultural uses are generally not appropriate;

2. Agricultural uses have been active on the subject property since the 1950's;

3. The road frontage along this portion of Thruston-Dermont Road was originally zoned R-1A and only a small portion of the single-family residential zoning remains on the subject property; and,

4. Based on the historical and proposed use of the subject property, an agricultural zoning is more appropriate for the entire tract than an R-1A zoning classification.

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

MR. BOARMAN: Yes.

MR. ELLIOTT: State your name, please.

MR. BOARMAN: Joe Boarman.

(MR. JOE BOARMAN SWORN BY ATTORNEY.)

MR. BOARMAN: The only thing that bothers me is what's going to happen down the road. If we let
this thing in here, what's going to happen to the rest
of the property. I live across the street. That's
the only thing that worries me.

CHAIRMAN: Mr. Boarman, let me bring somebody
to the mike.

Mr. Boswell.

MR. ELLIOTT: State your name, please.

MR. BOSWELL: Gary Boswell.

(MR. GARY BOSWELL SWORN BY ATTORNEY.)

CHAIRMAN: Mr. Boswell, his question was he's
concerned what will happen to the neighborhood down
the road. What are your long-term plans of this
project?

MR. BOSWELL: I've talked with Mr. Boarman
about this and I understand his concerns and I'm
sympathetic with his concerns.

All we're trying to do with this little sliver
of land here that's still zoned R-1A that has two
building on it, it's my intention, after this zoning
is approved, if it is approved, to apply for a
conditional use permit to allow a landscaper to lease
some of that property. That's the only plans I have
for the property. Of course, long-term I hope there
will be a subdivision of some type there, but not
probably not for several years.
CHAIRMAN: Mr. Boarman.

MR. BOARMAN: Also what about the traffic in and out of there? You know, it's a very narrow road.
There's going to be -- even though the guys, it won't be a commercial use, but the guys traveling in and out of there every day, you know.

CHAIRMAN: Mr. Boswell.

MR. BOSWELL: Do you want to talk about the conditional use permit?

CHAIRMAN: Is your question with regards to the traffic?

MR. BOARMAN: Yes.

CHAIRMAN: Mr. Boswell really doesn't have to -- well, let me ask: Mr. Noffsinger, would you address that, please.

MR. NOFFSINGER: The majority of this property is currently zoned A-U Urban Agricultural. There's just a sliver of property near Thruston-Dermont Road that is zoned R-1A Single-Family Residential.

Tonight the Planning Commission is only considering the zoning of the property. There will be, if this rezoning is approved, there will be another opportunity for questions such as this to be addressed to the board of adjustment. That is a different board from this board. That board will take
a look and review the plans of the applicant and address items such as access and how the property is going to be used. Right now the applicant could submit an application for a conditional use permit on any area of this property that's zoned A-U Urban Agricultural. However, it just so happens that the portion he'd like to use for the landscaping business is zoned R-1A.

We're trying to clean up that zoning issue so that they can come before the board of adjustment with the conditional use permit. At that time they will be required to have a site plan and we can address some of those concerns you might have.

MR. BOARMAN: That will be fine. Thank you.

CHAIRMAN: Mr. Boarman, do you have any further questions?

MR. BOARMAN: No, sir. Thanks.

CHAIRMAN: Are there any further questions from the audience?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval, Mr. Chairman, based on the Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Mr. Cambron.
MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

7061 KY 2830, 14.41 acres
Consider zoning change: From I-2 Heavy Industrial and B-4 General Business to I-2 Heavy Industrial
Applicant: River Metals Recycling, LLC

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 Community Plan Area where heavy industrial uses are appropriate in very-limited locations; and,

2. The proposal is a logical expansion of an existing I-2 Heavy industrial zone that occupies the majority of the subject property; and,

3. The expansion of the I-2 zone should not overburden 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 D.

CHAIRMAN: Is there 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.

DR. BOTHWELL: Motion for approval, Mr. Chairman, based on Staff Recommendations and Findings of Fact 1 through 3.

CHAIRMAN: Motion for approval by Dr. Bothwell.

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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MAJOR SUBDIVISIONS

ITEM 6

The Brooks, Unit 5, Lots 13-20, 41-43, 49-54, 72-77, 5.546 acres
Consider approval of major subdivision final plat.

Surety (Certificate of Deposit) posted:
$19,809

Applicant: Owensboro Master Builder, Inc.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application along with the Engineering Staff. It's found to be in order. The use is found to be consistent with the adopted Comprehensive Plan and the plans appear to be consistent with the adopted zoning ordinance and subdivision regulations.

CHAIRMAN: Do we have anybody here representing the applicant?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

ITEM 7

Earl Hayden, 1.826 acres
Consider approval of major subdivision final
plat.  
Surety (Certified Check) posted: $4,400.00  
Applicant: Earl Hayden  

MR. NOFFSINGER: Mr. Chairman, this plat has  
been reviewed by the Planning Staff and Engineering  
Staff. It too is found to be in order. It's found to  
be consistent with the adopted comprehensive plan, the  
zoning ordinance and subdivision regulations.  

CHAIRMAN: Is anybody here representing the  
applicant?  

(NO RESPONSE)  

CHAIRMAN: Does anybody have any questions  
from the audience?  

(NO RESPONSE)  

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

MR. HAYDEN: Make a motion for approval.  

CHAIRMAN: Motion for approval by Mr. Hayden.  

MR. APPLEBY: Second.  

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  

CHAIRMAN: Motion carries unanimously.  

Next item, please.  

ITEM 8  

Harbor Hills, Section 1, Unit 1, Lots 1-9,  
20-26, 12.340 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $289,394.30
Applicant: Bob Wimsatt

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

CHAIRMAN: Is anybody here representing the applicant?

MR. WILSON: Yes.

MR. ELLIOTT: State your name, please.

MR. WILSON: Bill Wilson.

(MR. BILL WILSON SWORN BY ATTORNEY.)

MR. WILSON: I'm really not here to give any testimony. Just here to answer any questions anyone might have. I've been told everything is in proper order.

CHAIRMAN: Thank you, Mr. Wilson.

Any questions from anybody in the audience?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

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.

ITEM 9

Highland Pointe, 82.133 acres
Consider approval of major subdivision
preliminary plat.
Applicant: High Point Development, LLC, B&K Development, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has
been reviewed by the Planning Staff and Engineering
Staff. It's found to be in order. Found to be
consistent with the adopted comprehensive plan, zoning
ordinance and subdivision regulations and it's ready
for your consideration.

CHAIRMAN: Is anybody here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we 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.

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.

MINOR SUBDIVISIONS

ITEM 10

1948 Browns Valley-Red Hill Road, 2.00 acres
Consider approval of minor subdivision plat.
Applicant: Michael E. & Rebecca Ebelhar,
Martin G. & Helen Ebelhar

MR. NOFFSINGER: Mr. Chairman, this plat comes before you because it creates a two acre tract out of a very large tract in the Browns Valley area. The tract that this property is coming off of only has a limited amount of road frontage. I'm sorry, I can't read the number, but it might be about 50 to 70 feet.

We're looking at probably about 40 feet of road frontage is all it has. There is an existing home on this property. The applicant is proposing to put that home on a separate two acre tract. The applicant has indicated on this plat that the
remaining acreage will only have one dwelling unit in
the future, unless there are other provisions made to
gain additional frontage to this tract.

You can get a permit to build several dwelling
units on the property as it stands. When you go to
divide it, the property frontage limits its ability to
be divided. However, we are recommending that this
two acre division be approved for an existing
structure. Then that remaining acreage be limited to
no more than one dwelling unit in the future unless
provisions are made to where those future divisions
meet with the subdivision regulations.

CHAIRMAN: With those comments are there any
other questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

MR. JAGOEO: Move for approval.

CHAIRMAN: Motion for approval by Mr. Jagoe.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item, please.

ITEM 11
6914, 6926 KY 144, 5.830 acres
Consider approval of minor subdivision plat.
Applicant: Rodney W. Turnage

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. The application is found to be in order. The application comes to you creating a one acre tract out of an approximately six acre tract. The six acre tract is somewhat unusually shaped in that it has some weird configuration to it on the east boundary of the property. The applicant would like to create this one acre tract out of a tract, out of a six acre tract. However, in doing so, they exceed the depth to width ratio. They have about 100 feet of frontage and they go back about 438 feet.

The Planning Staff is recommending that this division be approved in that the parent tract does have somewhat of an odd-shape to it. The proposed division is about the best arrangement you could make with the property. They could certainly meet the depth to width ratio on this one acre lot, but then it would leave a portion perhaps to the rear that would be somewhat unusually shaped in itself. I think the division as we see it here makes sense. I don't think
they're trying to maximize or create more lots than perhaps the subdivision regulations would intend. I think they're just trying to make the best division out of a lot that's somewhat unusually shaped as it is.

CHAIRMAN: Mr. Appleby is sort of our odd lot specialist.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

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NEW BUSINESS

ITEM 12

Consider a lease agreement with Chase Bank for OMPC office space.

MR. NOFFSINGER: Mr. Chairman, each of the Planning Commissioners has received a copy of the proposed draft lease with Chase Bank. The OMPC has been asked by the city management to find additional office space or find office space outside of city
hall. So this is an unsolicited move by the Owensboro Metropolitan Planning Commission. However, we are looking and have been expected to go into the Center for Commerce that's being created at the Chase Bank facility.

We have had our attorneys Mr. Madison Silvert as well as Stewart Elliott review this lease. Dave Appleby has been involved in representing the OMPC in these lease negotiations, as well as I've been involved. The lease has not been approved by Chase Bank. It's still in draft form. However, due to timing restrictions and the meeting dates and trying to have a move date sometime this fiscal year, we feel that it's important that we be allowed to move forward with lease negotiations or final negotiations with the chairman, Mr. Drew Kirkland, the secretary, Mr. Dave Appleby, and myself signing off on the lease once we finalize the negotiations in this lease.

So we would hope that the Planning Commission would get the draft, lease its blessings and authorize the three of us to move forward in final negotiations.

CHAIRMAN: On behalf of myself and the Planning Commission, I would like to thank Mr. Appleby for all his work representing us and negotiation of the lease and helping the structure of the lease, and
Mr. Silvert and Mr. Elliott for their work also.

Gary, thanks for your hard work in putting this together.

With that I would like to ask: Are there any questions from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from anybody on 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.

MR. GILLES: Second.

CHAIRMAN: Second by Mr. Gilles.

MR. NOFFSINGER: We need to clarify what that motion for approval is because we’re not approving this —

MR. CAMBRON: My motion will be for these three people to enter into a contract once that contract or lease comes back from Chase Bank and move to authorize for signature of that.

MR. NOFFSINGER: And to enter into the final negotiations of the lease and represent the OMPC in
moving forward with that lease. They would have the
authority to sign off on the lease once they feel
comfortable.

    CHAIRMAN: Mr. Elliott, is that correct?

    MR. ELLIOTT: That is correct.

    CHAIRMAN: So that meets your criteria. So we'll go back, a restated motion by Mr. Cambron.

    Mr. Cambron, would you sort of sum that up for us, please.

    MR. CAMBRON: Yes. Motion is for Gary and David and for the Chairman for negotiations of the lease when it comes back from Chase Bank and to authorize then for signatures on this lease.

    CHAIRMAN: A restated motion by Mr. Cambron.

    Do we have a second by Mr. Gilles?

    MR. GILLES: I second that motion.

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

    (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

    CHAIRMAN: Motion carries unanimously.

    Chair is ready for one final motion.

    DR. BOTHWELL: Motion to adjourn.

    CHAIRMAN: Motion for adjournment by Dr. Bothwell.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

I, LYNNETTE 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 30 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 3rd day of April, 2006.

______________________________
LYNNETTE KOLLER
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 19, 2006

COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY