

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 11, 2006

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 6:00 p.m. on Thursday, May
5 11, 2006, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 Gary Noffsinger
10 Scott Jagoe
11 Tim Miller
12 Nick Cambron
13 Judy Dixon
14 Dr. Mark Bothwell
15 Martin Hayden
16 Stewart Elliott, Attorney
17 Madison Silvert, Attorney.

18 CHAIRMAN: I would like to welcome everybody
19 to our May 11th meeting of the Owensboro Metropolitan
20 Planning Commission. Would you please rise and our
21 invocation will be given by Dr. Bothwell.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: Our first item of business is to
24 consider the minutes of the April 13th meeting. Are
25 there any corrections, additions or questions?

(NO RESPONSE)

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

28 MS. DIXON: Move to approve.

1 CHAIRMAN: Motion for approval by Ms. Dixon.

2 MR. CAMBRON: Second.

3 CHAIRMAN: Second by Mr. Cambron. All in
4 favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, Mr. Noffsinger.

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9 ZONING CHANGES

10 ITEM 2

11 507 Plum Street, 0.935 acres
12 Consider zoning change: From R-1T Townhouse to P-1
13 Professional/Service
14 Applicant: Mt. Calvary Baptist Church

14 MR. ELLIOTT: State your, name, please.

15 MR. HOWARD: Brian Howard.

16 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

17 PLANNING STAFF RECOMMENDATIONS

18 Staff recommends approval because the proposed
19 P-1 zoning classification is a more appropriate zone
20 for the subject property than the current R-1T
21 classification. The condition and findings of fact
22 that support this recommendation include the
23 following:

24 CONDITION

25 No direct access shall be permitted to West

1 Fifth Street. Access shall be limited to Plum Street
2 and the alley only.

3 FINDINGS OF FACT

4 1. The subject property is located in a
5 Central Residential Plan Area where
6 professional/service uses are appropriate in limited
7 locations;

8 2. The church has occupied the site since
9 before current zoning regulations went into effect;

10 3. The character of the neighborhood will not
11 be adversely altered as the subject property has been
12 used as a church for many years; and,

13 4. Based on the historical and proposed use
14 of the subject property, a professional/service zoning
15 classification is more appropriate than the current
16 R-1T zoning classification.

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

19 CHAIRMAN: Is there anybody representing the
20 applicant?

21 APPLICANT REP: Yes.

22 CHAIRMAN: Does anybody have any questions of
23 the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Does anybody have any questions?

1 (NO RESPONSE).

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

4 MS. DIXON: Move to approve based upon
5 Planning Staff Recommendations and Findings of Fact 1,
6 2, 3 and 4 and the Condition.

7 CHAIRMAN: Motion for approval by Ms. Dixon.

8 DR. BOTHWELL: Second.

9 CHAIRMAN: Second by Dr. Bothwell. 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 3

15 Portion of 1101 Block KY 279 N, 0.105 acres
16 Consider zoning change: From A-R Rural Agriculture to
17 R-1A Single-Family Residential
Applicant: John and Sharon Rone, Mark and Jill Rone

18 PLANNING STAFF RECOMMENDATIONS

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

24 CONDITION

25 Submission and approval of a division and

1 consolidation plat by the OMPC.

2 FINDINGS OF FACT

3 1. The subject property is located in a Rural
4 Preference Plan Area where rural small-lot residential
5 uses are appropriate in very-limited locations;

6 2. The subject property will be consolidated
7 with the property located at 1151 KY 279 North which
8 is zoned R-1A;

9 3. Sewage disposal for the property at 1151
10 KY 279 North is currently accomplished by an on-site
11 septic system; and,

12 4. The proposal is a logical expansion of an
13 existing R-1A zone located immediately north and west
14 of the subject property.

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

17 CHAIRMAN: Is anybody representing the
18 applicant?

19 APPLICANT REP: Yes.

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

22 MR. CAMBRON: I have a question of Mr.
23 Noffsinger.

24 Are they straightening up a lot there, Mr.
25 Noffsinger, just to make it a little more

1 non-conforming into conforming?

2 MR. NOFFSINGER: Yes, sir. It has to do with
3 the location of the garage on the property, which is
4 across the property line. It will improve that
5 non-conforming situation.

6 MR. CAMBRON: Motion for approval, Mr.
7 Chairman, based on Findings of Fact 1 through 4 and
8 the condition.

9 CHAIRMAN: Motion for approval by Mr. Cambron.

10 MS. DIXON: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, please.

16 -----

17 MAJOR SUBDIVISIONS

18 ITEM 4

19 Trails Way, 54.567 acres
20 Consider approval of major subdivision final plat.
21 For development transfer only, no surety required
22 Applicant: National City Bank, Kentucky; Jagoe
23 Development, LLC

24 MR. JAGOE: Mr. Chairman, I need to disqualify
25 myself

26 CHAIRMAN: Let the record show that Mr. Jagoe
27 has disqualified himself.

1 MR. NOFFSINGER: Mr. Chairman, this
2 application has been reviewed by the Planning Staff
3 and Engineering Staff. It's found to be in order.
4 It's found to be consistent with the adopted
5 comprehensive plan and in compliance with the adopted
6 regulations regarding subdivision of the property.

7 CHAIRMAN: Are there any questions.

8 (NO RESPONSE).

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

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

13 CHAIRMAN: Motion for approval by Mr. Cambron

14 MR. HAYDEN: Second.

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

17 (ALL BOARD MEMBERS PRESENT - WITH THE
18 DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 -----

22 MINOR SUBDIVISIONS

23 ITEM 5

24 7600 Boteler Road, 2.050 acres
25 Consider approval of minor subdivision plat.
Applicant: Robert E. Turner

1 MR. NOFFSINGER: Mr. Chairman, Planning Staff
2 has reviewed this application. The application comes
3 before you tonight because it creates a lot that has
4 approximately, it's about 50 feet wide and goes back
5 to what we have termed flag lots in the past. If you
6 do approve this it would be an exception to the
7 adopted subdivision regulations.

8 The Staff is not recommending approval of this
9 lot division in that it does not meet frontage
10 requirements on the public right of way and it would
11 create an irregular shape lot.

12 CHAIRMAN: Is anybody representing the
13 applicant?

14 (NO RESPONSE)

15 CHAIRMAN: Does anybody have any questions?

16 MR. CAMBRON: Yes, Mr. Noffsinger. Again,
17 tell me exactly what they're trying to get approved
18 here. I'm not sure if I understand.

19 MR. NOFFSINGER: This property is located at
20 the end of Boteler Spur. It's my understanding that
21 Boteler Spur terminates at the parent tract, which it
22 has about 44 feet of frontage on Boteler Spur and the
23 end of it. The tract they're creating would not have
24 frontage on a public right of way. It would be 50
25 feet wide at an access easement. That's about 98.9 by

1 60 feet. So access to this property would be provided
2 via an easement across the parent tract. This newly
3 created tract would not have frontage on the public
4 right-of-way.

5 MR. CAMBRON: Is there an existing - - it says
6 here one-story brick house.

7 MR. NOFFSINGER: Yes, sir, there is an
8 existing home on the property.

9 MR. HAYDEN: If he extended that up to Boteler
10 Road, would that be 50 foot right of way? Would that
11 work?

12 MR. NOFFSINGER: Then it would leave the
13 parent tract without frontage on the public
14 right-of-way. Right now the parent tract has the
15 frontage on the public right-of-way and they're trying
16 to create the lot that would not have frontage, but
17 either way it would create an irregular shape lot and
18 the lot would not meet the minimum requirements of the
19 subdivision regulation.

20 However, in the past the Planning Commission
21 has considered the location of an existing dwelling
22 unit located on the property to perhaps be an issue
23 that might be warranted for an exception. They have
24 indicated that the subject property and the parent
25 tract would not be further subdivided to create

1 irregular shaped lots and that there would only be one
2 dwelling unit constructed on the remaining tract. I'm
3 not sure how many acres that remaining tract is, but
4 it's a fairly large acreage tract.

5 DR. BOTHWELL: Mr. Chairman, can we put that
6 in as a requirement or we just have to take their word
7 for it.

8 CHAIRMAN: We can definitely put that in as a
9 requirement

10 DR. BOTHWELL: If we do that, will the owners
11 be - - the owners are not represented so I don't know
12 if they would be accepting of that condition.

13 MR. NOFFSINGER: That language is on the plat
14 now.

15 DR. BOTHWELL: Oh, it is. I'm sorry. I
16 misunderstood you.

17 MR. CAMBRON: Mr. Chairman, I think that I'm
18 going to make a motion, whenever you're ready there,
19 to postpone this until the owners can come in and let
20 us talk to them about that.

21 CHAIRMAN: We have a motion on the floor for
22 postponement.

23 MR. HAYDEN: I second that.

24 CHAIRMAN: Mr. Hayden seconds. All in favor
25 raise your right hand.

1 (BOARD MEMBERS PRESENT - SCOTT JAGOE, TIM
2 MILLER, NICK CAMBRON, JUDY DIXON, DR. BOTHWELL AND
3 MARTIN HAYDEN - RESPONDED AYE.)

4 CHAIRMAN: All opposed.

5 (BOARD MEMBER DREW KIRKLAND RESPONDED NAY.)

6 CHAIRMAN: Motion carries six to one.

7 ITEM 6

8 3560 Thruston-Dermont Road, 4519 Honeysuckle Lane,
9 1.392 acres
10 Consider approval of minor subdivision plat.
11 Applicant: Sharon K. Baize, Halley Eugene Baize

12 MR. NOFFSINGER: Mr. Chairman, Planning Staff
13 has reviewed this application. It comes to you in
14 that we have two existing lots of record. They are
15 redividing the property so as to move the lot line
16 where an existing home would have on the same lot a
17 framed garage and a metal building in that it would
18 create or reduce the size of the adjoining lot which
19 would be vacant.

20 The Planning Staff after reviewing this
21 application and having received the Green River Health
22 Department's approval of the redivision would
23 recommend that this division be approved.

24 CHAIRMAN: Do we have anybody representing the
25 applicant?

(NO RESPONSE)

1 CHAIRMAN: Any questions?

2 MR. CAMBRON: Mr. Noffsinger, didn't we rezone
3 something last month on the opposite side of the road
4 there?

5 MR. NOFFSINGER: Yes, sir.

6 MR. CAMBRON: You refresh my memory. That was
7 just a piece of property zoned - -

8 MR. NOFFSINGER: It was from R-1A, I believe,
9 to an agriculture designation for a landscaping
10 service business.

11 MR. JAGOE: Chair ready for a motion.

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

14 MR. JAGOE: Move to approve.

15 CHAIRMAN: Motion for approval by Mr. Jagoe.

16 DR. BOTHWELL: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

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23 NEW BUSINESS

24 ITEM 7

25 Consider change in OMPC regular meeting time from 6:00
P.M. to 5:30 P.M. effective July 13, 2006.

1 MR. NOFFSINGER: Mr. Chairman, the Planning
2 Commission has discussed this meeting time change for
3 several months now. We are now bringing it to you for
4 consideration and will require your vote for approval
5 changing our regular meeting time from 6 p.m. to 5:30.

6 CHAIRMAN: Is there any discussion?

7 (NO RESPONSE)

8 DR. BOTHWELL: Is chair ready for a motion?

9 CHAIRMAN: Chair is ready for a motion, Dr.
10 Bothwell.

11 DR. BOTHWELL: Motion for approval with the
12 change in time.

13 MR. CAMBRON: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 ITEM 8

20 Consider for approval FY 2007 OMPC Budget and salary
21 chart.

22 MR. NOFFSINGER: Mr. Chairman, each member has
23 been mailed a copy of the budget and salary chart. It
24 is ready for your consideration.

25 CHAIRMAN: Are there any questions or

1 suggestions?

2 (NO RESPONSE)

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

5 MS. DIXON: Move to approve.

6 CHAIRMAN: Motion for approval by Ms. Dixon.

7 MR. MILER: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 MR. NOFFSINGER: Mr. Chairman, I have just one
13 item that we do need to make the public aware of
14 before we adjourn.

15 The offices of the Owensboro Metropolitan
16 Planning Commission are being relocated effective June
17 1 of 2006. We'll be relocating to the Chase Bank
18 building located at 200 East Third Street. The OMPC
19 provides the following services: Zoning information,
20 addressing, building permits and electrical permits.

21 Please note that Staff will be moving on May
22 30th and 31st and limited services will be provided on
23 that date. We certainly apologize for any
24 inconvenience that may cause our customers, but we
25 will continue to try as best we can to keep up with

1 our regular inspection schedule, to keep that service
2 going. But if you're coming into the office for a new
3 application or any of these services that we offer, we
4 would recommend you do so before that date of May 30th
5 or on or half June 1st. Certainly if an emergency
6 situation arises and you can catch one of the staff
7 between here and the Chase Bank building, we'll be
8 glad to assist you. We just wanted to put the public
9 on notice that we're not going to close the doors
10 entirely. We're going to try to continue to operate,
11 but also move during those two days. Thank you.

12 MR. CAMBRON: We will not be moving our
13 meeting facility, correct?

14 MR. NOFFSINGER: That is correct. We'll
15 continue to meet here in the commission chambers at
16 city hall.

17 CHAIRMAN: Are there any other questions?

18 (NO RESPONSE)

19 CHAIRMAN: If not the chair is ready for one
20 final motion.

21 MS. DIXON: Move to adjourn.

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

24 MR. MILLER: Second.

25 CHAIRMAN: Second by Mr. Miller. All in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 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
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said 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 30 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 31st day of May, 2006.

18

19

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

22

COMMISSION EXPIRES: DECEMBER 19, 2006

23

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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