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

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

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

(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, Mr. Noffsinger.

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ZONING CHANGES

ITEM 2

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

MR. ELLIOTT: State your, name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

CONDITION

No direct access shall be permitted to West
Fifth Street. Access shall be limited to Plum Street and the alley only.

FINDINGS OF FACT

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

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

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

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

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

CHAIRMAN: Is there anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?
CHAIRMAN: If not the chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Ms. Dixon.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

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

PLANNING STAFF RECOMMENDATIONS

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

CONDITION

Submission and approval of a division and
consolidation plat by the OMPC.

FINDINGS OF FACT

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

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

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

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

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

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

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

Are they straightening up a lot there, Mr. Noffsinger, just to make it a little more
non-conforming into conforming?

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

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

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.

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MAJOR SUBDIVISIONS

ITEM 4

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

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

CHAIRMAN: Let the record show that Mr. Jagoe has disqualified himself.
MR. NOFFSINGER: Mr. Chairman, this application 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 and in compliance with the adopted regulations regarding subdivision of the property.

CHAIRMAN: Are there any questions.

(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. HAYDEN: Second.

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

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

CHAIRMAN: Motion carries unanimously.

Next item, please.

MINOR SUBDIVISIONS

ITEM 5

7600 Boteler Road, 2.050 acres
Consider approval of minor subdivision plat.
Applicant: Robert E. Turner
MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. The application comes before you tonight because it creates a lot that has approximately, it's about 50 feet wide and goes back to what we have termed flag lots in the past. If you do approve this it would be an exception to the adopted subdivision regulations.

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

CHAIRMAN: Is anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

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

MR. NOFFSINGER: This property is located at the end of Boteler Spur. It's my understanding that Boteler Spur terminates at the parent tract, which it has about 44 feet of frontage on Boteler Spur and the end of it. The tract they're creating would not have frontage on a public right of way. It would be 50 feet wide at an access easement. That's about 98.9 by
60 feet. So access to this property would be provided via an easement across the parent tract. This newly created tract would not have frontage on the public right-of-way.

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

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

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

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

However, in the past the Planning Commission has considered the location of an existing dwelling unit located on the property to perhaps be an issue that might be warranted for an exception. They have indicated that the subject property and the parent tract would not be further subdivided to create
irregular shaped lots and that there would only be one
dwelling unit constructed on the remaining tract. I'm
not sure how many acres that remaining tract is, but
it's a fairly large acreage tract.

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

CHAIRMAN: We can definitely put that in as a
requirement

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

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

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

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

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

MR. HAYDEN: I second that.

CHAIRMAN: Mr. Hayden seconds. All in favor
raise your right hand.
(BOARD MEMBERS PRESENT - SCOTT JAGOE, TIM MILLER, NICK CAMBRON, JUDY DIXON, DR. BOTHWELL AND MARTIN HAYDEN - RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBER DREW KIRKLAND RESPONDED NAY.)

CHAIRMAN: Motion carries six to one.

ITEM 6

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

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

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

CHAIRMAN: Do we have anybody representing the applicant?

(NO RESPONSE)
1         CHAIRMAN: Any questions?
2
3         MR. CAMBRON: Mr. Noffsinger, didn't we rezone
4         something last month on the opposite side of the road
5         there?
6
7         MR. NOFFSINGER: Yes, sir.
8
9         MR. CAMBRON: You refresh my memory. That was
10        just a piece of property zoned --
11
12        MR. NOFFSINGER: It was from R-1A, I believe,
13        to an agriculture designation for a landscaping
14        service business.
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16        MR. JAGOE: Chair ready for a motion.
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18        CHAIRMAN: Chair is ready for a motion, Mr. Jagoe.
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20        MR. JAGOE: Move to approve.
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22        CHAIRMAN: Motion for approval by Mr. Jagoe.
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24        DR. BOTHWELL: Second.
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26        CHAIRMAN: Second by Dr. Bothwell. All in
27        favor raise your right hand.
28
29        (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
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31        CHAIRMAN: Motion carries unanimously.
32
33        Next item.
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35        -----------------------------
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37        NEW BUSINESS
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39        ITEM 7
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41        Consider change in OMPC regular meeting time from 6:00
42        P.M. to 5:30 P.M. effective July 13, 2006.
MR. NOFFSINGER: Mr. Chairman, the Planning Commission has discussed this meeting time change for several months now. We are now bringing it to you for consideration and will require your vote for approval changing our regular meeting time from 6 p.m. to 5:30.

CHAIRMAN: Is there any discussion?

(NO RESPONSE)

DR. BOTHWELL: Is chair ready for a motion?

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

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

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 8

Consider for approval FY 2007 OMPC Budget and salary chart.

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

CHAIRMAN: Are there any questions or
CHAIRMAN: If not the chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. MILER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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

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

Please note that Staff will be moving on May 30th and 31st and limited services will be provided on that date. We certainly apologize for any inconvenience that may cause our customers, but we will continue to try as best we can to keep up with
our regular inspection schedule, to keep that service
going. But if you're coming into the office for a new
application or any of these services that we offer, we
would recommend you do so before that date of May 30th
or on or half June 1st. Certainly if an emergency
situation arises and you can catch one of the staff
between here and the Chase Bank building, we'll be
glad to assist you. We just wanted to put the public
on notice that we're not going to close the doors
entirely. We're going to try to continue to operate,
but also move during those two days. Thank you.

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

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

CHAIRMAN: Are there any other questions?

(NO RESPONSE)

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

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment 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: 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
Commission 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
31st day of May, 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