ORENSBORO METROPOLITAN PLANNING COMMISSION

JUNE 8, 2006

The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, June 8, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

CHAIRMAN: I would like to welcome everybody to the June 8, 2006, Planning Commission Meeting. Everybody stand. Our invocation will be given by Mr. Irvin Rogers.

(INVOCAION AND PLEDGE OF ALLEGIANCE)

CHAIRMAN: Our first item of business will be to approve the minutes of our May 11th meeting. Are there any additions, corrections 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.

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, Mr. Noffsinger.

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ZONING CHANGES

ITEM 2

1916 James David Court, 0.12+/- acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: L.H. Latham

MR. ELLIOTT: State your name 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:

Install a 10 foot landscape buffer with a six foot high element and one tree every 40 linear feet along the east property boundary where the lot abuts residentially zoned property.
Findings of Fact:

1. The subject property is located in a Business Plan Area where general business uses are appropriate in limited locations;

2. The proposed rezoning is a logical expansion of existing B-4 General Business zone to the north, west and south and is proportional in scope; and,

3. The zoning change should not overburden roadway capacity and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval based upon Staff Recommendations with the condition as stated and Findings of Fact 1, 2 and 3.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

ITEM 3

713, 817 J.R. Miller Boulevard, 824, 826, 828
Crittenden Street, 2.574 acres
Consider zoning change: From I-1 Light Industrial,
R-4DT Inner-City Residential, B-4 General Business to
R-4DT Inner-City Residential
Applicant: Community Development Department, City of
Owensboro

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because although a
portion of the property is in compliance with the
adopted Comprehensive Plan, the majority of the
property is in an Industrial Plan Area where urban
low-density residential uses are generally not
appropriate. However, there have been changes of an
economic and physical nature to the subject property
that were not anticipated in the Comprehensive Plan
that supports an R-4DT zoning as more appropriate than
the current mixed zoning of the subject property. The
conditions and findings of fact that support this
recommendation include the following:

Conditions:

1. No access shall be permitted to J.R.
Miller Boulevard. Access shall be limited to Crittenden Street and the east/west alley on the north side of the four residential lots only; and,

2. Install required screening along the south side of the property to include a ten foot landscape buffer with a six foot high element and one tree every 40 linear feet.

Findings of Fact:

1. The subject property is partially located in an Industrial Plan Area where urban low density residential uses are not recommended and partially located in a Central Residential Plan Area where urban low density residential uses are appropriate in general locations;

2. The portion in a Central Residential Plan Area is in compliance with the requirements of the Comprehensive Plan;

3. The Germantown Redevelopment Plan promoted changes of a social, physical and economic nature to the area that were not anticipated by the Comprehensive Plan;

4. The Germantown Redevelopment Plan encouraged the redevelopment of the subject property; and,

5. The proposal promotes goals of the
Comprehensive Plan to provide a wide variety of housing types to a wide range of people and to concentrate urban development in the Urban Service Area to help reduce urban sprawl.

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

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.

MR. CAMBRON: Motion for approval, Mr. Chairman, based upon Conditions 1 and 2 and Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Cambron.

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.

RELATED ITEMS:
ITEM 3A

Germantown Park, 2.574 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Community Development Department, City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find the application not to be in order in that there is an issue regarding sidewalks along J.R. Miller Boulevard and Crittenden Street. Once those two issues are addressed regarding the sidewalks, then the plan may be found in order and is ready for your consideration.

CHAIRMAN: Somebody here representing the applicant?

MR. VOLK: Yes.

CHAIRMAN: Does the applicant have a statement?

MR. VOLK: Yes.

MR. ELLIOTT: State your name, please.

MR. VOLK: My name is Mike Volk. I work for the Community Development Department.

(MR. VOLK SWORN BY ATTORNEY.)

MR. VOLK: First I would like to enter some exhibits, if I may.

Thank you for giving us the opportunity to speak. I would like to take a minute, if I could, and
just give you a brief history on how this park was
development and what we hope to see come from it.

I would ask that you pay close attention to
the words and not the way they're delivered from the
speaker, if you don't mind.

One of the duties of the Community Development
Department is to use federally funded grant money to
redevelop neighborhoods. Old Germantown is one of the
such areas.

In the two and a half years we've been there,
there have been 27 new homes built. We've replaced
sidewalks, retaining walls and raised homeownership
rate from 32 percent to 60 percent. With a total
investment of nearly $4.5 million. That's something
we're pretty proud of.

To assist our department the Old Germantown
Redevelopment Advisory Team was formed. This is a six
member panel made up of neighborhood residents. They
offer public opinion as to the indentation of our
plan. Their goal amongst others, as far as new
housing and infrastructure, was to have a park built
on the site that we're talking about.

CHAIRMAN: Mr. Volk, I don't mean to
interrupt, but I think there's two sidewalks and two
issues that are involved. That's really what this
commission has to address.

MR. VOLK: Correct. I was hoping to present something that might make you understand where we're coming from.

CHAIRMAN: Well, I understand you're spending the money and I understand that, but the thing, the two issues that we're interested in basically is there are existing sidewalks along J.R. Miller and Crittenden Street. Those are existing concrete standard city sidewalks. Basically you want to remove those sidewalks and put in an asphalt walking trail; is that correct?

MR. VOLK: Actually what we hope to do is remove those existing sidewalks and put in a concrete walking trail that would blend in with the two, in place of the two sidewalks that are currently there so you give a person the opportunity to come down the sidewalk, meander into the park and back out again. The surface wouldn't change. That's going to be all concrete.

CHAIRMAN: But you would be for removing the existing sidewalk. Is that - -

MR. VOLK: Yes. We want to remove the existing sidewalks and use a combination sidewalk walking trail up into the park by approximately 20, 25
feet.

CHAIRMAN: I believe that is where the Staff's problem is with the issue is, you know, removing the existing concrete sidewalk and then putting the sidewalk that would be further back into the park which the pedestrian that was going between these streets might be inconvenienced as far as their walking would be concerned and it would not be the code that we have set.

MR. VOLK: Well, what we're hoping to do is create a park that would kind of be a gateway to downtown as development in the future. We would like to make it something special to where a person can go up in the park and at least view it on their way to some place else. We don't feel that the sidewalk, proposed sidewalk would delay anybody by any length of time or anything like that. It would just give them an opportunity to, I don't know, get a breathe of fresh air.

CHAIRMAN: I like the idea of the esthetics. I think it is a good idea. You see where the Commission or the Staff position is?

MR. VOLK: I do have an example that I think precedence was set in the Heartland Subdivision where you have a major street here being Byers Avenue and 15
to 20 feet away is the Greenbelt that doubles as, 
meets the sidewalk requirements for that subdivision. 
There is a dual usage there between the walkway, 
Greenbelt and the sidewalk. We kind of look at that 
as maybe the same instance here. 

MR. NOFFSINGER: If I might say something. 
Mr. Volk, is that along Byers Avenue? 

MR. VOLK: Yes. 

CHAIRMAN: In that particular case, the 
developer actually provided right-of-way for Byers 
Avenue and built Byers Avenue. The developer was not 
responsible for installing the sidewalks on a major 
street. You look out J.R. Miller Boulevard and 
developers are not required to do that along J.R. 
Miller Boulevard. In this case the sidewalk is 
existing. You're talking about tearing it out. 
You're assuming that that park is going to be the 
destination point for everyone using the sidewalks in 
that area, and I don't think that is the case. I 
think it is a destination point and not the 
destination point. You're going to have folks 
utilizing this park and you're going to have folks 
using this walking trail. They may be walking around 
a circle for health reasons or what have you, but 
you're going to have other folks that don't want to
get in that circle. They want to be able to go to
another destination. That creates the need for the
sidewalk along the major public street. The fact that
it's already there and you're proposing to tear it out
is different from what you have at the Heartlands.
Certainly we have used the Greenbelt system as that
sidewalk system, but the developer was not going to be
required to put sidewalks in on that major
thoroughfare because they were putting in the street
and needed that street for access. That's why you
have that there.

MR. VOLK: We were hoping that the extra width
that we've added to the walking trail would alleviate
any problems there may be with somebody walking around
the track and someone who is just going from point A
to Point B. Instead of just a standard sidewalk we are
using the wider width.

CHAIRMAN: How wide is your proposed?
MR. VOLK: Ten feet.

CHAIRMAN: What's the normal?
MR. NOFFSINGER: Four foot.

CHAIRMAN: Why would you not be able to
incorporate your walking path with the existing
sidewalk that's already there?

MR. VOLK: For one, and that's a good
question. We don't feel that the sidewalks that are there are in that good of shape anyway. We had plans with this development to come in anyway and remove all the concrete apron entrances on J.R. and Crittenden and replace all the curve along those two streets, as well as replacing the sidewalks outside the scope of this project between 9th and 7th. We don't feel like the sidewalks are in that good of shape. So if we're going to take them up, then we'd kind of like to incorporate it into our design.

DR. BOTHWELL: Mr. Chairman, can I ask a question, please.

CHAIRMAN: Yes, sir.

DR. BOTHWELL: My concern is you know human nature. If they don't want to walk 75 feet in, they're going to walk straight across the grass right along the curb where the sidewalk picks up again. I guess my concern is we're now forcing these people to make a choice and maybe a bad choice to hike right along the curb in the grass. You know as well as I do they're going to wear a cow path right down through there.

I don't know if maybe Mr. Noffsinger can enlighten me. I understand that the sidewalks on Crittenden are in terrible shape and I have no problem
with taking that out at all because that's got to be replaced. It's my understanding that those sidewalks on J.R. are fairly new and are in fairly descent shape. Correct me if I'm wrong.

MR. NOFFSINGER: Well, based upon the Germantown Plan that was adopted by the city, and I've added that into the record as an exhibit. It states that a major sidewalk improvement project was completed by the city approximately five years ago and this sidewalk along J.R. Miller Boulevard and Crittenden Street did not show up on the list of needing additional work. That they were satisfactory. However, when Staff met with the Community Development Department to discuss this proposal, Staff's recommendation was that the sidewalks along J.R. Miller Boulevard be retained. However, due to the location of the sidewalk, proposed sidewalk, walking trail on Crittenden Street, that they could remove, we would recommend that they remove those sidewalks along Crittenden Street since it was not a major street. Although that could be questioned as to why Staff might make that recommendations on Crittenden Street, I would certainly want to stand by what the Staff originally recommended. If the sidewalks are in worse shape on Crittenden Street and this trail is closer to
Crittenden, then you might have a justification for a compromise there.

DR. BOTHWELL: I guess my question, since you've already met and discussed this issue is why is this such a thorn about the sidewalks?

MR. VOLK: Well, I'm not sure we knew it was a thorn until a few days ago.

DR. BOTHWELL: Fair enough.

MR. VOLK: We just have --

DR. BOTHWELL: An uncompromising issue. How about that?

MR. VOLK: We have a vision to all the people in the neighborhood that we were going to create something that although it will be people going from one point to another, we would like to be made a destination. So we want to give them something a little special. We just think it's a really neat design in the future to use. The walking trail at one time was further over on the design than it is now. We moved it over closer thinking that might help out. It's a feature that we'd really like to see.

MR. CAMBRON: What's the theme of this park?

Just open space.

MR. VOLK: It is a passive park. It will be heavily landscaped. We'll have a gazebo that can be
used for weddings or just viewing the park. There
will not be any spray park playground or anything like
that. It will allow a walking trail and landscaping.

MR. CAMBRON: Well lit?

MR. VOLK: It will be lit by the OMU furnished
acorn style street lights in a pattern that they
determined has enough coverage.

MR. CAMBRON: Safe to walk through at night?

MR. VOLK: Yes. I might add that the
landscaping in front of the track on J.R. Miller will
be such that the walker pedestrian will not be hidden
at any time. It's all low grown.

DR. BOTHWELL: I'd just like to say. I
commend what you're doing. I think it's a great
thing, but my concern again is the safety of the
pedestrians and the fact that knowing human nature
they're going to go straight more than likely.

MR. VOLK: I would like to add to that the
area that I just described on the track and the street
will be heavily landscaped and have a halt sign in the
middle of it. I understand what you're saying. I've
seen it all too many times. We're hoping with
landscaping and positioning of trees and so forth in
that space that we'll coerce people to use this. I
hate to use coerce because it's a park, but direct.
We would like to make it inviting to people to go this route instead of just a straight shot.

MR. CAMBRON: I like the idea of the look. Thinking outside the box. Doing something a little different there.

Mr. Chairman, are we ready for a motion?

CHAIRMAN: Mr. Cambron, we're ready for a motion, if nobody else has any questions.

(NO RESPONSE).

MR. CAMBRON: My motion is to allow them to do the design that they're thinking of doing. I don't know how to propose this motion. Is that all we would need to say? To allow the Community Development people to go on and do the sidewalks they're wanting to do?

MR. NOFFSINGER: I would say you just recommend the plan as is.

MR. CAMBRON: Yes, as is.

CHAIRMAN: The chair is ready for a second.

MR. MILLER: Second.

CHAIRMAN: There's a second by Mr. Miller.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - TIM MILLER, DAVE APPLEBY, NICK CAMBRON, JUDY DIXON, AND DR. BOTHWELL - ALL RESPONDED AYE.)
CHAIRMAN: All opposed.

(ALL BOARD MEMBERS - DREW KIRKLAND AND IRVIN ROGERS - RESPONDED NAY.)

CHAIRMAN: Motion carries. Five to two.

Next item.

ITEM 3B

Germantown Park, 2.574 acres
Consider approval of major subdivision final plat.
City of Owensboro project, no surety required
Applicant: Community Development Department, City of Owensboro

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. Found to be in order and ready for your consideration.

CHAIRMAN: Is there anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If there are no questions, 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, please.

ITEM 4

800 Pleasant Valley Road, 4.817 acres
Consider zoning change: From I-1 Light Industrial to B-4 General Business
Applicant: New Focus Community Church

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:

Conditions:

1. Access on Pleasant Valley Road shall be limited to the southernmost access point and narrowed to a maximum of 30 feet. The northern access near East 8th Street shall be eliminated.

2. Install required screening along the west side of the property to include a ten foot landscape buffer with a six foot high element and one tree every 40 linear feet and install required vehicular use area screening as required by ordinance.

Findings of Fact:

1. The subject property is located in an
Industrial Plan Area where general business uses are appropriate in very-limited locations;

2. The proposed rezoning is a logical expansion of a B-4 General Business zone located immediately north of the subject property;

3. The 4.817 acre tract is proportional in scope to the amount of surrounding B-4 zoning and is not a significant increase in the extent of the zone in the vicinity; and,

4. The expansion of the B-4 zone should not overburden roadway capacity or other necessary urban services that are available in the affected area,

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

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 upon Planning Staff Recommendations, Conditions 1 and 2 and Findings of Fact 1, 2, 3 and 4.

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 5

3135 Settles Road, 5.630 +/- acres
Consider zoning change: From A-U Urban Agriculture to R-1C Single-Family Residential
Applicant: Lake Forest Community, LLC, George and Glenda Thacker

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:

Access to the subject property shall be from interior subdivision streets only. No direct access to Settles Road shall be permitted.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area where urban low-density residential uses are appropriate in limited locations;

2. The subject property will be incorporated
into the developing Lake Forest Subdivision;

3. The proposal will meet the criteria for urban residential development; and,

4. Sanitary sewer service is available to the subject property.

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

CHAIRMAN: Is anybody 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.

MR. ROGERS: Motion for approval based upon Planning Staff Recommendations with Findings of Fact 1, 2, 3 and 4 and one condition.

CHAIRMAN: 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.
RELATED ITEM:

ITEM 5A

Lake Forest, Phase IV, 48.324 acres
Consider approval of amended major subdivision
preliminary plat.
Applicant: Lake Forest Community, LCC, George and
Glenda Thacker

MR. NOFFSINGER: Mr. Chairman, this plat is in
order and ready for consideration.

CHAIRMAN: Is anybody 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.

MS. DIXON: Move to approve.

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.

ITEM 6

Portion of 1686 Wrights Landing Road, 0.197 acres
Consider zoning change: From A-R Rural Agriculture to
R-1A Single-Family Residential
Applicant: Terry and Sylvia Sweatt, Brad Cornell

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:
Submission and approval of a division and consolidation plat and amended development plan by the OMPC.

Findings of Fact:

1. The subject property is located in a Rural Community Plan Area where urban low-density residential uses are appropriate in limited locations;

2. The subject property will be consolidated with an existing lot within the Summit subdivision;

3. The proposal will meet the criteria for urban residential development; and,

4. Sanitary sewer service is available to the subject property.

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

CHAIRMAN: Anybody 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.

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

MR. CAMBRON: Second.

CHAIRMAN: We have a motion for approval by Ms. Dixon. We’ve got a second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

RELATED ITEM:

ITEM 6A

Royal Summit Estates, 68.6 acres
Consider approval of amended major subdivision preliminary plat/final development plan.
Applicant: Terry Sweatt, The Summitt, LLC

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for consideration.

CHAIRMAN: Anybody representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

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.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 7

Westgate Plaza, 5.200 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Robert Wimsatt

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for consideration.

CHAIRMAN: Is anybody 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.

DR. BOTHWELL: Motion to approve.

CHAIRMAN: Motion to approve by Dr. Bothwell.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

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MAJOR SUBDIVISIONS

ITEM 8

River Crest Townhomes, 0.315 acres
Consider approval of major subdivision preliminary plat.
Applicant: Homes by Benny Clark

MR. NOFFSINGER: Mr. Chairman this plat has been reviewed by the Planning Staff. Found to be in order. Ready for consideration.

CHAIRMAN: Anybody 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.

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, please.

ITEM 9

River Crest Townhomes, 0.315 acres
Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: $13,189.00
Applicant: Homes by Benny Clark

MR. NOFFSINGER: Mr. Chairman, it's in order and ready for consideration.

CHAIRMAN: Who is representing the applicant?

APPLICANT REP: I am, Mr. Chairman.

CHAIRMAN: Do we have any questions of the applicant?

(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 10

Westgate Plaza, 5.200 acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted: $82,670.00
Applicant: Robert Wimsatt

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for consideration.

CHAIRMAN: Do we have somebody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have questions?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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.

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MINOR SUBDIVISIONS

ITEM 11

3100 Block Bittel Road, 2.362 acres
Consider approval of minor subdivision plat.
Applicant: Owensboro-Daviess County Regional Airport Board

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It's found to be in order. It is a piece of property that does not meet the minimum requirements of the subdivision regulations due to I believe lot frontage. However, it is going to be incorporated into Greenbelt Park and is ready for approval.

CHAIRMAN: Is anybody 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.
CHAIRMAN: Motion for approval 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: Motion carries unanimously.

Next item, please.

ITEM 12

7600 Boteler Road, 2.050 acres (Postponed at May 11, 2006 meeting)
Consider approval of minor subdivision plat.
Applicant: Robert E. Turner

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It is found to be a division of land that does not meet the minimum requirements of the subdivision regulation in that it is inadequate at the lot frontage. It creates what is termed to be a flag-shaped lot.

The applicant has added notations on the plat stating that with the approval of this division, future building is limited to one dwelling unit on the remaining acreage as recorded in Deed Book 261 Page 306. Also the subject property and parent tract shall not be further subdivided to create additional irregular shaped lots not meeting the requirements of
the subdivision regulations.

As I understand it, there is an existing home on this particular piece of property. With that and with those notations and the applicant having signed this plat with those restrictions we would recommend its approval.

CHAIRMAN: Is anybody here representing the applicant?

MR. TURNER: Yes.

CHAIRMAN: Do we have any questions of the applicant?

DR. BOTHWELL: I have one for Mr. Noffsinger. Are you saying that they can still cut it again one more time?

MR. NOFFSINGER: No. There would not be any further divisions on either tract.

DR. BOTHWELL: On either tract. Thank you.

CHAIRMAN: Mr. Miller.

MR. MILLER: This would stay with the property regardless of ownership?

MR. NOFFSINGER: Yes, sir.

CHAIRMAN: Do you all have a statement or anything you want to make?

MR. TURNER: I've got a question.

MR. ELLIOTT: State your name, please.
MR. TURNER: Steve Turner.

(MR. STEVE TURNER SWORN BY ATTORNEY.)

MR. TURNER: I'm going to buy the remainder of the farm. I do plan on building a house on the farm. My question is: I have four children. Later down the road, am I fixing to knock in the head of them ever being able to build there?

MR. NOFFSINGER: Yes, sir.

MR. TURNER: Is there anything that I can do?

Land is getting harder and harder to get.

MR. NOFFSINGER: What you could do is extend Boteler Spur. As I understand it, that is a public right-of-way. You would have to extend Boteler Spur as a public right-of-way through your property to serve those additional lots. What that means is extending the right-of-way as well as creating a curb and gutter asphalt street to serve those residents. You only have 44 feet of frontage on Boteler Spur. That does not allow for the property to be further subdivided over what it is today. If the Planning Commission approves this this way, they are approving it as an exception to the subdivision regulations and allowing you to make this division for one existing home on the property. Then you would be able to build one additional home on the balance of the property,
unless you extend the road as a public road, meaning public improvement standards.

MR. CAMBRON: Do you think is this someing you want to do?

MR. TURNER: Like I said my only concern is later down the road if one of my children want to stay around. I know land is getting harder and harder to find. I'm just kind of passing the generation. That was my only concern. If that's the only route I can take to do that, I guess that's what has to be done.

CHAIRMAN: But you could do it, but just with those criteria.

MR. TURNER: Right. I have to extend the right-of-way of Boteler Spur.

CHAIRMAN: You're creating more frontage.

MR. TURNER: I have another question. They have tried in the past to close that. What will happen if they ever do that?

MR. NOFFSINGER: If that is a public right-of-way, they would have to petition the Daviess County Fiscal Court, I believe that's their road, to close that roadway. At that time the court would have to address that. If they do close that section of Boteler Road, then you certainly wouldn't be able to extend it for future divisions. Of course, you
couldn't further divide it now without extending the roadway.

MR. ELLIOTT: State your name, please.

MR. BERRY: Ed Marksberry.

(MR. ED MARKSBERRY SWORN BY ATTORNEY.)

MR. MARKSBERRY: Question to him was I think he's maybe misinformed. You could put one home per ten acres. You just can't make a miner subdivision with the type of road frontage it has, if I'm correct.

MR. NOFFSINGER: You can't transfer that property.

MR. MARKSBERRY: Right. They can put a home there, one per ten acres, I believe.

MR. APPLEBY: But he's going to build on the ten acres himself.

MR. MARKSBERRY: But didn't he have 40 acres on the farm.

MR. TURNER: Almost 70 acres.

MR. MARKSBERRY: What I'm trying to explain to him, if he give the kids the land they can put the home there. They just can't subdivide it, the way I understand it. I just wanted to make sure he was clear about that.

MR. TURNER: Yes.

DR. BOTHWELL: I don't believe that's correct.
MR. APPLEBY: Agriculture tract you've still got to have 50 feet of frontage somewhere.

MR. MARKSBERRY: I think if you read back into it, Mr. Appleby, that you can have up to one home per ten acres.

Am I right, Mr. Noffsinger?

MR. NOFFSINGER: Yes.

MR. MARKSBERRY: If you've got 70 acres, let's say, you can put how many homes?

MR. CAMBRON: How much road frontage do you got?

MR. MARKSBERRY: One dwelling.

MR. NOFFSINGER: You can do seven dwelling units, but you would not be able to transfer those dwelling units out of the current landowner's name or deed and you would have trouble financing. If your pockets are deep enough to where you could go in and pay cash and build homes on that property, then you can do up to seven.

MR. MARKSBERRY: That's what I was just trying to clarify with him.

MR. TURNER: Like I said, if one of my children want to build there, I could give them the land?

MR. NOFFSINGER: No, not according to the note
that's here. You can't give them the land. It's yours.

MR. TURNER: It would be in my name, but I could let them build.

MR. NOFFSINGER: Not according to this note that's on this plat. By regulation you could and I think - -

CHAIRMAN: Let's call Ms. Stone to the stand.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: One of the reasons the Staff could recommend approval of this plat is because they have noted on the plat and signed that they would restrict further building development to one house on the remaining property. So that would allow them to divide a tract for the house existing there. Have one additional house served by this 44 foot of frontage and that restricts it from getting other building permits whether or not they can divide the property.

MR. APPLEBY: That is unless he extends the right-of-way and doesn't create irregular shaped lots?

MS. STONE: Exactly.

CHAIRMAN: The best option for you at the present time, if you want to do this in the future to ensure yourself to have that opportunity, it seems
like to me would be to extend the spur. Then that way
you'll have frontage.

Is that correct, Mr. Noffsinger?

MR. NOFFSINGER: That is one opportunity.

You're looking at a significant expense to extend that
road.

CHAIRMAN: But presently with the deed being
set up the way it's going to be set up, then he would
not be -- he could do it, you know, as far as
financing the other things.

MR. NOFFSINGER: Right.

CHAIRMAN: Because you don't have the road
frontage to support other houses.

MR. TURNER: So like I said, in the future if
I did, the only way I would be able to is to extend
the right-of-way of the road, right?

CHAIRMAN: Yes.

Are there any other questions?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr.

Bothwell.

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 13

9400-9500 Blocks, 9575 McCamish Road, 5.24 acres
Consider approval of minor subdivision plat.
Applicant: Geneva Lake and Joseph V. Howard

MR. NOFFSINGER: Mr. Chairman, this plat comes before you as an exception to the subdivision regulations in that it creates an odd-shaped lot. However, it's putting the property back the way it was a year ago. With that Staff is recommending it for approval.

CHAIRMAN: Do we have somebody representing the applicant?

MR. MARKSBERRY: Yes.

CHAIRMAN: Yes, sir.

MR. MARKSBERRY: Ed Marksberry.

What I'd like to say real quickly is Geneva Lake actually has lived on the one acre lot now for over 17 years. When they first had the opportunity to buy the land behind them, their intentions were to put a new home back there and eventually rent to a relative the existing home. When we went to get the
permit, there were two deeds to this property
unbeknownst to me nor my clients. They couldn't get
an address and that's why we're here today. They
would have never bought the property if they knew they
couldn't put another home back there. I feel like you
all are in agreement that this can be --

DR. BOTHWELL: Mr. Chairman, are we in favor
of this or is Staff recommending approval?

MR. NOFFSINGER: Yes, sir.

DR. BOTHWELL: Is the Chairman ready for a
motion?

CHAIRMAN: Are you finished?

MR. MARKSBERRY: Yes.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr.
Bothwell.

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.

NEW BUSINESS
ITEM 14

Consider collateral security agreement with J.P. Morgan Chase Bank

MR. NOFFSINGER: Mr. Chairman, Staff has gone over this with each Commissioner in terms of signing the Security Collateral Agreement to secure deposits made by the OMPC to Chase Bank. We would request that you authorize the Secretary to sign that agreement and to make the Vice Chairman, Chairman and Secretary to authorize signators on that document and checks.

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion to approve the transfer.

CHAIRMAN: Motion for approval by Mr. Cambron.

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.

The chair would like to make one comment. Our next meeting, which is I believe July 13th, we will be changing from 6:00 to 5:30. I just want to make everybody aware of that.

We want to recognize one of our Staff members for some outstanding accomplishments.

Mr. Noffsinger.
MR. NOFFSINGER: Doug Lane has just recently passed the American Institute of Certified Planners testing requirements. That makes him an AICP, which is a certified planner. So we're very proud of Doug in that regard.

Doug has also passed the necessary testing to become a level one building inspector. So we're certainly proud of that. He's moving up the ladder in terms of his credentials in the inspection program.

Secondly Kyle Trunnel who has served as a building electrical inspector for the OMPC for a number of years now has recently, well, today in fact passed the testing and certification requirements to become a plan reviewer. There are very few of those folks in the State of Kentucky. Kyle has done a great job studying. His work ethic and is coming along in the codes program. We're certainly proud of him for taking that test. It's a tough test. We have I think two other individuals on Staff that have passed that testing. Just one. One other and that's Bob Childers. Now, Becky Stone, who is our certified planner as well, was grandfathered in to the plan reviewer she said. She's the third person on Staff to be certified. We're certainly proud of the Staff's accomplishments and their desire to further their
education and better themselves as well as better the Planning Commission and the service that they do for this community.

CHAIRMAN: All right. With that the Chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment 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: 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 43 typewritten pages; and that no signature
was requested to the foregoing transcript.

    WITNESS my hand and notary seal on this the
1st day of July, 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