

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 11, 2007

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 January 11, 2007, 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 Judy Dixon
11 Dave Appleby
12 Scott Jagoe
13 Tim Miller
14 Jimmy Gilles
15 Irvin Rogers
16 Keith Evans
17 Stewart Elliott, Attorney
18 Madison Silvert, Attorney

14 * * * * *

15 CHAIRMAN: I would like to welcome everybody
16 to the January 11th Planning & Zoning meeting. Will
17 you please stand. Our invocation will be given by Mr.
18 Gary Noffsinger.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: Our first order of business we will
21 have Mr. Madison Silvert swear in a new member to the
22 Planning Commission.

23 (SWEARING IN OF MR. KEITH EVANS.)

24 CHAIRMAN: Our next order of business will be
25 the election of officers. Turn the election of

1 officers over to our attorney, Mr. Stewart Elliott.

2 MR. ELLIOTT: In accordance with our bylaws,
3 the first meeting of the year in 2007 we have the
4 election of officers. So with that I'll open the
5 floor for the nomination for the office of chairman.

6 MR. APPLEBY: I nominate Drew Kirkland.

7 MR. JAGOE: Second.

8 MR. ELLIOTT: Are there any other nominations?

9 (NO RESPONSE)

10 MR. ELLIOTT: All in favor of Mr. Kirkland for
11 chairman signify by raising your hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 MR. ELLIOTT: We have a chairman.

14 Next office will be vice chairman. The floor
15 is now open for the nomination of vice chairman.

16 MR. KIRKLAND: I'd like to nominate Ms. Judy
17 Dixon.

18 MR. APPLEBY: Second.

19 MR. ELLIOTT: We have a nomination and a
20 second. Any other nomination?

21 (NO RESPONSE)

22 MR. ELLIOTT: All in favor signify by raising
23 your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 MR. ELLIOTT: We have vice chairman.

1 Now we have the office of secretary. The
2 floor is now open for the nomination of secretary.

3 MS. DIXON: I nominate Dave Appleby.

4 MR. KIRKLAND: Second.

5 MR. ELLIOTT: Are there any other nominations?

6 (NO RESPONSE)

7 MR. ELLIOTT: All in favor of Mr. Appleby
8 signify by raising your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 MR. ELLIOTT: We have a secretary.

11 That concludes the election, Mr. Chairman.

12 CHAIRMAN: Our first order of business is
13 consider the minutes of the December 14, 2006 meeting.
14 Are there any additions, corrects?

15 (NO RESPONSE)

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

18 MS. DIXON: Move to approve.

19 CHAIRMAN: Motion for approval by Ms. Dixon.

20 MR. APPLEBY: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, Mr. Noffsinger.

1 -----

2 PUBLIC HEARING

3 ITEM 3

4 Consider adoption of revised and updated elements of
5 the Comprehensive Plan.

6 MR. NOFFSINGER: Mr. Chairman, Becky Stone,
7 associated director of Planning, is here tonight to
8 give a description of what we're here to do. This is
9 the adoption of the Comprehensive Plan. So if you
10 choose to adopt the Comprehensive Plan tonight, it
11 will become final.

12 MR. ELLIOTT: State your name, please.

13 MS. STONE: Becky Stone.

14 (MS. BECKY STONE SWORN BY ATTORNEY.)

15 MS. STONE: After numerous community meetings
16 and workshops, the goals and objectives were approved
17 by the Planning Commission in July of 2006. The
18 legislative bodies adopted those goals and objectives
19 in September of 2006.

20 So what we're here tonight to adopt are the
21 remaining elements of the Comprehensive Plan, and that
22 includes population, economy and employment, land use,
23 transportation, community facilities, and environment.

24 The land use plan is an element of this
25 update. This hasn't been updated since '91. We're

1 updating our land use plan this time based on
2 development pattern where roadways have occurred.
3 We've been through the general changes at the work
4 sessions. Some of the rural communities have been
5 extended into the urban service areas and we've made
6 some changes based on development patterns.

7 Brian Howard, I wanted to point out, did this
8 map on our GIS system. Of all the maps that are the
9 new maps in the Comprehensive Plan were prepared by
10 Brian on our GIS system. The last time the update we
11 didn't have the capacity to do that. So we've come a
12 long way with that particular application.

13 Then the other thing I wanted to point out.
14 Everybody has gotten a copy of this and I'm sure
15 you've read the entire document. This time this is
16 something new. We prepared a Comprehensive Plan
17 Summary. We've got this down to about 90 pages to
18 just summarize all of the technical information that's
19 contained in the full text document of the
20 Comprehensive Plan. So you're adopting both the plan
21 and the summary tonight, if you adopt it.

22 We hope that this is more user-friendly. That
23 people are able to find information a little bit more
24 quickly, and then we'd refer you back to the
25 Comprehensive Plan if you needed additional

1 information on that.

2 The last thing that I want to point out is the
3 cover. Our current cover of the Comprehensive Plan is
4 this. We're proposing a covering that shows a feature
5 of the Community Daviess County, something more like
6 that. So we would need your input on whether that's
7 an acceptable cover or not.

8 If anybody has any questions, I'll be glad to
9 answer them. We've been through over a year process
10 which started community meetings in the fall of 2005.
11 The entire plan we believe is ready for your
12 consideration.

13 Are there any questions?

14 MR. NOFFSINGER: That's open to the public as
15 well for discussion.

16 CHAIRMAN: Do we have any questions,
17 additions?

18 (NO RESPONSE)

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

21 MR. GILLES: I'd like to make a motion that we
22 adopt the Comprehensive Plan and the summary and also
23 the cover page.

24 CHAIRMAN: We have a motion for approval of
25 the cover page and the Comprehensive Plan by Mr.

1 Gilles.

2 MS. DIXON: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 -----

9 ZONING CHANGES

10 ITEM 4

11 2402 French Street, 0.186 acres
12 Consider zoning change: From I-1 Light Industrial to
13 R-4DT Inner-City Residential
Applicant: Carl W. Kimbley and James and Mary Hall

14 MR. KIMBLEY: And Tracy Kimbley, his wife.

15 MS. KIMBLEY: Yes. They forgot to put my name
16 on it.

17 MR. NOFFSINGER: Okay. So noted.

18 MR. ELLIOTT: State your name, please.

19 MR. HOWARD: Brian Howard.

20 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

21 PLANNING STAFF RECOMMENDATIONS

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

1 FINDINGS OF FACT:

2 1. The subject property is located in a
3 Central Residential Plan Area, where urban low-density
4 residential uses are appropriate in general locations;

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

7 3. The subject property exceeds minimum
8 requirements for lot width and road frontage for a
9 single-family residence in an R-4DT zone; and,

10 4. The applicant's request promotes the
11 Comprehensive Plan's housing goals to preserve
12 neighborhoods and housing within the inner-city.

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

15 CHAIRMAN: We do have the applicant here.

16 APPLICANT REP: Yes.

17 CHAIRMAN: Does anybody have any questions of
18 the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: If there are no questions, the
21 chair is ready for a motion.

22 MR. MILLER: Mr. Chairman, motion to approve
23 based on Planning Staff Recommendations and Findings
24 of Facts 1 through 4.

25 CHAIRMAN: We've got a motion for approval by

1 Mr. Miller.

2 MR. APPLEBY: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 ITEM 5

9 1126 Triplett Street, 0.504 acres
10 Consider zoning change: From I-1 Light Industrial to
11 P-1 Professional/Service
Applicant: Triplett Street Building, Inc.

12 PLANNING STAFF RECOMMENDATIONS

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

18 CONDITION:

19 Access to Triplett Street shall be limited to
20 a single access point as far south along the property
21 frontage as possible with an access easement provided
22 to the property to the south.

23 FINDINGS OF FACT:

24 1. The subject property is located in a
25 Business Plan Area, where business uses, which would

1 encompass professional/service uses, are appropriate
2 in limited locations;

3 2. The subject property is a logical
4 expansion of professional/service zoning to the north
5 and east; and,

6 3. The proposed zoning change should not
7 significantly increase the extent of the zone in the
8 vicinity of the expansion and should not overburden
9 the capacity of roadways and other necessary urban
10 services that are available in the affected area.

11 MR. HOWARD: We'd like to enter the Staff
12 Report as Exhibit B.

13 CHAIRMAN: Do we have someone here
14 representing the applicant?

15 MR. MEYER: Yes. Tom Meyer here on behalf of
16 the applicant. There's nothing further to add to the
17 Staff Report. I'm here to answer any questions.

18 CHAIRMAN: Does anybody have any questions of
19 the applicant?

20 (NO RESPONSE)

21 CHAIRMAN: If not the Chair is ready for a
22 motion.

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

1 CHAIRMAN: Motion for approval by Ms. Dixon.

2 MR. APPLEBY: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 ITEM 6

9 912 Walnut Street, 0.530 acres
10 Consider zoning change: From R-4DT Inner-City
11 Residential to B-4 General Business
12 Applicant: Audubon Area Community Service

12 PLANNING STAFF RECOMMENDATIONS

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

18 CONDITIONS:

19 1. Submission and approval of a consolidation
20 plat by the OMPC;

21 2. Installation of the required landscape
22 buffer along the south property line where the subject
23 property adjoins residential zoning; and,

24 3. Access shall be limited to the existing
25 access points on the Audubon Area Service office lot,

1 located at 900 Walnut Street. No additional access to
2 West Ninth Street or Walnut Street shall be permitted.

3 FINDINGS OF FACT:

4 1. The subject property is located in a
5 Central Residential Plan Area, where business uses are
6 appropriate in limited locations;

7 2. The subject property is a logical
8 expansion of general business zoning to the north and
9 to the east; and,

10 3. The proposed zoning change should not
11 significantly increase the extent of the zone in the
12 vicinity of the expansion and should not overburden
13 the capacity of roadways and other necessary urban
14 services that are available in the affected area.

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

17 CHAIRMAN: Is anybody here representing the
18 applicant?

19 APPLICANT REP: Yes.

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

22 (NO RESPONSE)

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

25 MR. ROGERS: Motion for approval based upon

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

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

5 MS. DIXON: Second.

6 CHAIRMAN: Second by Ms. Dixon. All in favor
7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 -----

12 MAJOR SUBDIVISIONS

13 ITEM 7

14 Lake Forest, Unit 26, Lots 241-244, 253-257,
3.264 +/- acres
15 Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: \$32,011.25
16 Applicant: Lake Forest Community, LLC

17 MR. NOFFSINGER: Mr. Chairman, the Planning
18 Staff and Engineering Staff has reviewed this
19 application. The application is found to be in order.
20 It has been reviewed and is consistent with the
21 adopted Comprehensive Plan as well as the adopted
22 Zoning Ordinance and subdivision regulations.

23 CHAIRMAN: Is anybody here representing the
24 applicant?

25 (NO RESPONSE)

1 CHAIRMAN: If nobody is here representing the
2 applicant, are there any questions by anybody?

3 (NO RESPONSE)

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

6 MR. APPLEBY: Motion for approval.

7 CHAIRMAN: Motion for approval by Mr. Appleby.

8 MR. GILLES: Second.

9 CHAIRMAN: Second by Mr. Gillis. All in favor
10 raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 8

15 Lakeside at the Downs, Unit 2, Lots 177-180 & 193,
3.273 acres

16 Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: \$10,555.25
17 Applicant: Thompson Homes, Inc.

18 MR. NOFFSINGER: Mr. Chairman, this
19 application has been reviewed by the Planning Staff
20 and Engineering Staff. It's found to be in order.
21 Its use is consistent with the adopted Comprehensive
22 Plan and the application is found to meet the minimum
23 requirements of the adopted Zoning Ordinance and
24 subdivision regulations.

25 CHAIRMAN: Is anybody here representing the

1 applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Any questions?

4 (NO RESPONSE)

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

7 MS. DIXON: Move to approve.

8 CHAIRMAN: Motion for approval by Ms. Dixon.

9 MR. ROGERS: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 MINOR SUBDIVISIONS

17 ITEM 9

18 10591 KY 81, 4.724 acres
19 Consider approval of minor subdivision plat.
20 Applicant: Jerry C. Baird

21 MR. NOFFSINGER: Mr. Chairman, this
22 application has been reviewed by the Planning Staff
23 and Engineering Staff. The application is in order.
24 However, it comes to this commission as an exception
25 to the subdivision regulations in that the proposed
lot does not have frontage on the public right of way.

1 The frontage to the property is from via a passway
2 that extends out to Kentucky 81. There is however a
3 home located on the property. The 4.7 acre division
4 is surrounding that home. So the home can be
5 separated from the remaining farmland, which is well
6 over ten acres in size.

7 The applicant request this approval and has
8 limited future development on the property to no
9 additional lots to be created. So with that given the
10 fact that there is an existing home on the property
11 and there would be no further subdivisions, the
12 Planning Staff would recommend that you approve this
13 division.

14 CHAIRMAN: Is anybody here representing the
15 applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Does anybody have any questions?

18 (NO RESPONSE)

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

21 MR. APPLEBY: Motion for approval.

22 CHAIRMAN: Motion for approval by Mr. Appleby.

23 MR. GILLES: Second.

24 CHAIRMAN: Second by Mr. Gillis. All in favor
25 raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item.

4 -----

5 NEW BUSINESS

6 ITEM 10

7 Consider approval of the Public Improvement
8 Specifications surety unit cost annual revision.

9 MR. NOFFSINGER: Mr. Chairman, the Planning
10 Commission reviews the surety cost for infrastructure
11 in new developments within this community on a yearly
12 basis. The proposal that's before you tonight was
13 reviewed by various individuals within the community,
14 including your city and county engineers, some of the
15 private engineers within the community, as well as
16 some developers. They have recommended certain
17 increases in some of the infrastructure items. Each
18 member has been mailed a copy of these increases. We
19 would recommend its approval at this time.

20 CHAIRMAN: Are there any questions?

21 (NO RESPONSE)

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

24 Mr. Jagoe, do you have a question?

25 MR. JAGOE: I didn't get a copy of it so I'm

1 not sure what I'm voting on.

2 MR. NOFFSINGER: I certainly apologize for
3 that. I had thought that it was mailed out.

4 MR. JAGOE: I guess I would question: Am I
5 the only one that didn't get a copy?

6 MR. NOFFSINGER: Mr. Chairman, given
7 apparently the Planning Staff made a mistake in not
8 mailing this information out, we would recommend that
9 you postpone taking any action on this until next
10 month.

11 CHAIRMAN: Do we have an official motion to
12 that affect?

13 MS. DIXON: Move to postpone.

14 CHAIRMAN: Move to postpone by Ms. Dixon.

15 MR. MILLER: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion to postpone carries
20 unanimously.

21 Mr. Noffsinger, unless there's any other
22 business that's not listed.

23 MR. NOFFSINGER: Let's adjourn.

24 CHAIRMAN: The chair is ready for one final
25 motion.

1 MR. APPLEBY: Mr. Chairman, I think probably
2 we ought to recognize Becky and Brian for all the work
3 they did on our Comprehensive Plan in putting this
4 together. I think they did a super job. They deserve
5 credit for it.

6 CHAIRMAN: You all did an outstanding job, and
7 the summary was a tremendous idea. Last night I was
8 sitting there and I was reading the summary. The
9 summary was good.

10 The chair has now recognized our Staff for
11 their outstanding work that Becky and Brian did. The
12 chair is ready for one final motion.

13 MS. DIXON: Move to adjourn.

14 CHAIRMAN: Motion to adjournment by Ms. Dixon.

15 MR. EVANS: Second.

16 CHAIRMAN: Second by Mr. Evans. All in favor
17 raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously. We are
20 adjourned.

21 -----

22

23

24

25

