

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 14, 2007

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday, June  
5 14, 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 Wally Taylor
- 18 Martin Hayden
- 19 Madison Silvert, Attorney

20 \* \* \* \* \*

21 CHAIRMAN: I would like to call our meeting to  
22 order. Let us stand for our invocation. It will be  
23 given by Mr. Madison Silvert.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: Our first order of business is to  
consider the minutes of the May 10, 2007 meeting. Are  
there any corrections, additions?

(NO RESPONSE)

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

1 MS. DIXON: Move to approve.

2 CHAIRMAN: Motion for approval by Ms. Dixon.

3 MR. HAYDEN: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 -----

10 PUBLIC HEARING

11

12 ITEM 2

13 Consider text amendment to Article 9 of the Owensboro  
14 Metropolitan Zoning Ordinance to include a definition  
15 for consolidated shopping center signs and proposed  
16 criteria and requirements for consolidated shopping  
17 center sign placement.

18 MR. SILVERT: State your name, please.

19 MS. STONE: Becky Stone.

20 (MS. BECKY STONE SWORN BY ATTORNEY.)

21 MS. STONE: This text amendment came about as  
22 a result of some large commercial shopping centers  
23 that we've seen in the past couple of years. They  
24 include areas that have more than one lot with  
25 numerous tenants, but the major tenent may be back  
away from the main roadway. There was some concern  
about being able to identify that shopping center and

1       that major tenent.

2               Under the current regulations, a sign could  
3       not be placed on a lot in that development that was  
4       not the site of that business.  If a large department  
5       store wanted to identify that they were part of that  
6       shopping center development on one of those out lots,  
7       the current regulations would prohibit that from  
8       happening.  Within the City of Owensboro off premise  
9       signs are completely prohibited.  Within the county  
10      they are restricted as to size and placement and  
11      location.

12             So we looked at some other ordinances in  
13      different parts of the country and in Kentucky.  We  
14      came up with what we thought was a reasonable  
15      alternative that would allow these shopping centers to  
16      identify their name, so and so shopping center, and  
17      also to list the major tenants that were in that  
18      shopping center.

19             This text amendment is the result of that  
20      research.  What it allows to happen is that a shared  
21      shopping center sign we're identifying that as a  
22      consolidated shopping center sign can be placed on any  
23      of the lots within that development under a final  
24      development plan.  It permits those signs to be the  
25      same size as our independent signs are currently and

1       it requires those signs to be placed in an easement  
2       and have a maintenance agreement submitted before a  
3       permit is issued for that sign.

4               We have made findings that we think that this  
5       should be recommended for approval.

6       FINDINGS

7               1.   The placement of consolidated shopping  
8       center signs in accordance with the proposed criteria  
9       will assist the public in effective location of  
10      businesses by displaying business names in an  
11      effective orderly and consolidated manner and may  
12      increase vehicular safety by requiring the motorist to  
13      read only one sign instead of numerous signs when  
14      traveling to the commercial development;

15              2.   The placement of consolidated shopping  
16      center signs in accordance with the proposed criteria  
17      may eliminate some individual yard signs and thereby  
18      meet the purpose of the city ordinance to reduce the  
19      excessive number of signs in the City of Owensboro;

20              3.   The placement of consolidated shopping  
21      center signs in accordance with the proposed criteria  
22      will allow commercial developments in the county  
23      proposed under final development plans to have the  
24      same size consolidated shopping center sign as allowed  
25      for a business sign and will not require a reduction

1 of 380 square feet or 300 square feet under the  
2 current off-premise sign regulations; and,

3 4. The requirement of a final development  
4 plan showing the sign placement and a maintenance  
5 easement and agreement will ensure orderly placement  
6 and upkeep of these specific signs, and will also  
7 allow review by all public entities and agencies.

8 If the Planning Commission recommends approval  
9 of this ordinance, it will, of course, go to the city  
10 and the county for their adoption. The city would  
11 further have to amend their separate ordinance that  
12 prohibits off premise signs to accept these  
13 consolidated shopping center signs.

14 Does anybody have any questions?

15 MR. JAGOE: I have two. I guess one would be  
16 define shopping center or is that defined in the --

17 MS. STONE: I don't know if there's a specific  
18 definition of shopping centers, but it would be one or  
19 more retail uses in --

20 MR. JAGOE: On one lot?

21 MS. STONE: There could be more than one use  
22 on one lot. This particular text amendment is  
23 considering a shopping center development that may  
24 include more than one lot. That's why a shopping  
25 center that's on one lot could have a consolidated

1 shopping center sign under the current regulations,  
2 but if you have a shopping center that has numerous  
3 lots, then each sign would have to be on the premises  
4 where that business is. Now, if one of those lots had  
5 five businesses, they could have a sign that had  
6 different tenants listed on that one sign, but it  
7 would have to be on the lot that those five businesses  
8 are on. It couldn't be on an out lot that's out on  
9 the major roadway. So that's the purpose of this, is  
10 to allow that identification on the arterial collector  
11 and the freeway areas to allow identification of that  
12 shopping center and identification of the businesses  
13 that are included within that shopping development.

14 MR. JAGOE: On a different parcel?

15 MS. STONE: On a different parcel.

16 MR. JAGOE: What would the limit be?

17 MS. STONE: The limit is one per street  
18 frontage on an arterial collector or freeway. The  
19 size limit is the same as for an individual yard sign,  
20 which is 672 square feet.

21 MR. JAGOE: You would still be able to put a  
22 sign on your parcel?

23 MS. STONE: Right. You would have to meet the  
24 same requirements that are in the current ordinance  
25 on your parcel.

1           MR. APPLEBY: The 672 square feet, that's the  
2 total for all? It says per sign face. I assume that  
3 is for all of the tenants in the 672 feet total per  
4 side.

5           MS. STONE: Yes. Which is the same square  
6 footage for an individual sign. We're not proposing  
7 that that's increased, but it is more than the county  
8 ordinance would currently allow for an off premise  
9 sign. The city ordinance prohibits any off premise  
10 sign. So it gives just the ability to identify that  
11 shopping center. You may not be able to list every  
12 tenant that is within that large development, but it  
13 gives the opportunity to list major tenants or  
14 businesses that they choose to list. It provides for  
15 maintenance of that shared sign by requiring a  
16 maintenance agreement before the sign is permitted.

17           CHAIRMAN: Are there any questions?

18           (NO RESPONSE)

19           CHAIRMAN: Any comments from the public?

20           (NO RESPONSE)

21           CHAIRMAN: Any comments from the board?

22           MS. STONE: We do have a definition of  
23 shopping center if you want that read in the record.

24           CHAIRMAN: Go ahead, Ms. Stone.

25           MS. STONE: It's a retail business development

1 planned as a unit and characterized by groups of  
2 retail use as having common use of specifically  
3 designated off street areas for access parking and  
4 service.

5 CHAIRMAN: If there are no comments from the  
6 public and if the commission has no questions or  
7 comments, the chair is ready for a motion.

8 MR. APPLEBY: Move to approve.

9 CHAIRMAN: Motion for approval by Mr. Appleby.

10 MR. APPLEBY: Based on the Staff's Findings 1  
11 through 4.

12 CHAIRMAN: Mr. Appleby has a motion for  
13 approval based on Staff's findings 1 through 4.

14 MR. MILLER: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item.

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21 ZONING CHANGES

22 ITEM 3

23 1616, 1622, 1624 Lock Avenue, 0.342 acres  
24 Consider zoning change: From R-4DT Inner-City  
25 Residential to R-1T Townhouse  
Applicant: Homes by Benny Clark; Luversa Kamuf Estate  
c/o Linda Horn

1 MR. SILVERT: Please state your name.

2 MR. HOWARD: Brian Howard.

3 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

4 PLANNING STAFF RECOMMENDATIONS

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

10 CONDITION:

11 Widen the existing alley to the rear of the  
12 property to 18 feet in width.

13 FINDINGS OF FACT:

14 1. The subject property is located in a  
15 Central Residential Plan Area where urban mid-density  
16 residential uses are appropriate in general locations;

17 2. The applicant's request is consistent with  
18 the pattern of residential development in the vicinity  
19 with the majority of existing residences located on  
20 lots less than 50 feet in width with access from rear  
21 public alleyways;

22 3. The applicant's request is consistent with  
23 the goal of the Comprehensive Plan to provide a  
24 variety of housing types suitable to a wide range of  
25 people;

1           4. The applicant's request is consistent with  
2 the objective of the Comprehensive Plan to increase  
3 inner-city housing density; and,

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

7           MR. HOWARD: We would like to enter the Staff  
8 Report into the record.

9           CHAIRMAN: Is anybody here representing the  
10 applicant?

11          MR. BRYANT: Yes.

12          CHAIRMAN: Does anybody have any questions of  
13 the applicant?

14          (NO RESPONSE)

15          CHAIRMAN: If there are no questions of the  
16 applicant, does the commission have any questions?

17          MR. NOFFSINGER: Mr. Chairman, I do have one  
18 thing. We need to state prior to your action the  
19 rights that anyone agreed might have in terms of your  
20 action here tonight.

21          MR. HOWARD: Yes. Any person or a joint  
22 property owner that has an issue with the findings  
23 that the Planning Commission makes tonight may file a  
24 request with the Planning Office which would require  
25 the rezoning to go either before the city commission

1 or Daviess County Fiscal Court, the appropriate  
2 legislative body. Those forms are available here on  
3 the back table and they can also be picked up in our  
4 office.

5 MR. NOFFSINGER: That will be only on Items 3  
6 and 4 on the Zoning Changes. The reason for that the  
7 action of this commission will become final in 21 days  
8 unless a person files that forms. Then the zoning  
9 change would go to the legislative body. So we just  
10 want to make sure the public that's here tonight is  
11 aware of that on Items 3 and 4.

12 CHAIRMAN: Thank you.

13 Now with no questions from the commission, the  
14 chair is ready for a motion.

15 MS. DIXON: Move for approval based upon  
16 Findings of Fact 1 through 5 and the condition and  
17 Planning Staff Recommendations.

18 CHAIRMAN: Motion for approval by Ms. Dixon.

19 MR. APPLEBY: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 ITEM 4

1 Portion of 6745 KY 144, 0.90 acres  
2 Consider zoning change: From B-4 General Business to  
3 R-1A Single-Family Residential  
4 Applicant: Robert E. Brumbaugh

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PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT:

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

2. The subject property has adequate road frontage on KY 144 which is a state maintained roadway;

3. An existing septic system serves the residence located on the subject property; and,

4. The existing zoning of B-4 on the subject property is inappropriate and the proposed R-1A zoning is more appropriate for the subject property based on the historic use of the property and the character of the surrounding area.

MR. HOWARD: We would like to enter the Staff Report into the record.

CHAIRMAN: Do we have anybody here

1 representing the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Do we have any questions?

4 (NO RESPONSE)

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

7 MR. ROGERS: Motion for approval based on  
8 Planning Staff Recommendations and Findings of Fact 1  
9 through 4.

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

12 MR. MILLER. Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 Next item.

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19 MAJOR SUBDIVISIONS

20 ITEM 5

21 Paddock Pointe, Unit 1, Lots 1-11, 2.330 acres  
22 Consider approval of major subdivision final plat.  
23 Surety (Certificate of Deposit) posted: \$13,508.00  
24 Applicant: Diversified Properties

24 MR. NOFFSINGER: Mr. Chairman, this plat has  
25 been reviewed by the Planning Staff and Engineering

1 Staff. It's found to be in order. It's found to meet  
2 the minimum requirements of the zoning ordinance and  
3 subdivision regulations, as well as it's consistent  
4 with the Zoning and the Adopted Comprehensive Plan.

5 CHAIRMAN: Is anybody here representing the  
6 applicant?

7 APPLICANT REP: Yes.

8 CHAIRMAN: Do we have any questions of the  
9 applicant?

10 (NO RESPONSE)

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

13 MR. HAYDEN: Make motion for approval.

14 CHAIRMAN: Motion for approval by Mr. Hayden.

15 MS. DIXON: Second.

16 CHAIRMAN: Second by Ms. Dixon. All in favor  
17 raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item.

21 ITEM 6

22 Summer Wind of Heartland, Phase 3, Unit 21, Lots  
348-372, 4.493 acres  
23 Consider approval of major subdivision final plat.  
Surety (Certificate of Deposit) posted: \$16,823.50  
24 Applicant: Jagoe Development, LLC

25 MR. NOFFSINGER: Mr. Chairman, this

1 application has been review by the Planning Staff and  
2 Engineering Staff. It's found to be in order. It's  
3 us is found to be consistent with the Adopted  
4 Comprehensive Plan as well as the Zoning Ordinance and  
5 subdivision regulations.

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

8 CHAIRMAN: Mark the record Mr. Jagoe will  
9 disqualify himself.

10 Do we have any questions of the applicant?

11 (NO RESPONSE)

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

14 MR. APPLEBY: Motion for approval.

15 CHAIRMAN: Motion for approval by Mr. Appleby.

16 MR. GILLES: Second.

17 CHAIRMAN: Second by Jimmy Gilles. All in  
18 favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT - WITH THE  
20 DISQUALIFICATION OF SCOTT JAGOE - RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 -----

24 MINOR SUBDIVISIONS

25 ITEM 7

1 6020, 6030, 6100 Jack Hinton Road, 7061 KY 54,  
2 20.164 acres  
3 Consider approval of minor subdivision plat.  
4 Applicant: Kirk Bailey, et al

5 MR. NOFFSINGER: Mr. Chairman, this plat has  
6 been reviewed by the Planning Staff and Engineering  
7 Staff. It comes before you because the plat is asking  
8 that you make an exception to the subdivision  
9 regulations in terms of depth to width ratio.

10 Mr. Brian Howard is here tonight to explain  
11 what is taking place and what position the Planning  
12 Staff will be.

13 MR. HOWARD: As Mr. Noffsinger stated, this  
14 plat comes before you because it could not be signed  
15 in the office.

16 Basically there are two small tracts. One has  
17 frontage on Jack Hinton Road. The other one has  
18 frontage on Kentucky 54. The tract in larger  
19 agricultural. The tract on Jack Hinton they're adding  
20 a little bit to making in more regular in shape.  
21 However the tract on Kentucky 54 they're adding a lot  
22 of depth to the lot. Actually taking it all the way  
23 so it has a bit of frontage on Jack Hinton Road as  
24 well. The lot is maybe in the neighborhood of 120,  
25 130 feet and goes back maybe 1500 feet. So it is well  
in excess of the three to one length to width

1 requirement. It is our understanding that this form  
2 or design of the subdivision is due to errors that are  
3 splitting the property. Hopefully the applicant is  
4 here and can explain that a little bit to you.

5 But based on the way the plat is designed and  
6 based on the exception of the three to one, Planning  
7 Staff cannot recommend approval of this subdivision  
8 plat.

9 CHAIRMAN: Do we have anybody representing the  
10 applicant?

11 APPLICANT REP: Yes.

12 CHAIRMAN: Would the applicant like to make a  
13 statement?

14 APPLICANT REP: No.

15 CHAIRMAN: Does anybody on the commission have  
16 a question?

17 Mr. Appleby, do you have a question?

18 MR. APPLEBY: No. I was trying to get my  
19 bearings here.

20 MR. JAGOE: There were three lots on Jack  
21 Hinton. Now there's going to be four; is that  
22 correct, the way this is drawn?

23 MR. HOWARD: No. There was one lot on Jack  
24 Hinton and then the rest of the road frontage on Jack  
25 Hinton was part of a larger agricultural remainder.

1       So they're creating tract 2, which you see, which is a  
2       1.746 acre tract around an existing residence. Tract  
3       1 is a ten acre agricultural tract.

4               So basically it's going from two small lots to  
5       three small lots with one agricultural tract.

6               MR. MILLER: Tract 4 wasn't existing?

7               MR. HOWARD: Yes. Tract 4, the property line  
8       went right next to the existing garage that you see on  
9       that lot. So they're actually consolidating a little  
10      bit to that lot making it a little bit wider and more  
11      in compliance with the subdivision regulations.

12              MR. APPLEBY: Have you discussed the  
13      possibility of further divisions on these lots?

14              MR. HOWARD: It is our understanding that  
15      possibly in the future that tract 3, which is the long  
16      skinny lot, that has frontage on both roads, that at  
17      some point in the future they may look to split that  
18      in more or less half which, again, that would be an  
19      exception to the subdivision regulations as well to  
20      excessive depth of the property.

21              CHAIRMAN: Are there any more questions?

22              (NO RESPONSE)

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

25              MR. ROGERS: Motion for approval.

1 CHAIRMAN: Motion for approval by Mr. Rogers.  
2 MR. HAYDEN: Second.  
3 CHAIRMAN: Second by Mr. Hayden. 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 NEW BUSINESS  
10 ITEM 8  
11 Consider for approval FY 2008 OMPC Budget and salary  
12 chart.  
13 MR. NOFFSINGER: Mr. Chairman, each commission  
14 has been mailed a copy of the proposed budget for  
15 fiscal year '08 as well as the salary chart. It's now  
16 ready for your consideration.  
17 CHAIRMAN: Does anybody have any questions  
18 about the budget? Every had a chance to review it.  
19 (NO RESPONSE)  
20 CHAIRMAN: If not the chair is ready for a  
21 motion.  
22 MS. DIXON: Move to approve.  
23 CHAIRMAN: Motion for approval by Ms. Dixon.  
24 MR. TAYLOR: Second.  
25 CHAIRMAN: Second by Mr. Taylor. All in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 The chair is now ready for one final motion.

5 MR. HAYDEN: Motion to adjourn.

6 CHAIRMAN: Motion for adjournment by Mr.

7 Hayden.

8 MR. EVANS: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously. We are  
13 adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and  
4 for the State of Kentucky at Large, do hereby certify  
5 that 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 20 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 3rd day of June, 2007.

18  
19 \_\_\_\_\_  
20 LYNNETTE KOLLER FUCHS  
21 OHIO VALLEY REPORTING SERVICES  
22 202 WEST THIRD STREET, SUITE 12  
23 OWENSBORO, KENTUCKY 42303

24 COMMISSION EXPIRES: DECEMBER 19, 2010  
25 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY