

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 DECEMBER 11, 2008

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday,  
5 December 11, 2008, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

- 8 MEMBERS PRESENT: Drew Kirkland, Chairman
- 9 Judy Dixon, Vice Chairman
- 10 David Appleby, Secretary
- 11 Gary Noffsinger, Director
- 12 Madison Silvert, Attorney
- 13 Tim Miller
- 14 Ivin Rogers
- 15 Wally Taylor
- 16 Keith Evans
- 17 Rita Moorman

18 \* \* \* \* \*

19 CHAIRMAN: I would like to welcome everybody  
20 to our December 11th Owensboro Metropolitan Planning  
21 Commission meeting. Will you all rise while Judy  
22 Dixon gives our invocation and pledge of allegiance.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Our first order of business is to  
25 consider the minutes of the November 13, 2008 meeting.  
Are there any additions, corrections, questions?

(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. TAYLOR: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, Mr. Noffsinger.

9 -----

10 PUBLIC HEARING

11 ITEM 2

12 Consider text amendment to Article 2 of the Owensboro  
13 Metropolitan Zoning Ordinance to change the text of  
14 this article in order to adopt the Owensboro Daviess  
15 County Geographical Information System (ODCGIS) zoning  
16 layer as the official version of the Zoning Map Atlas.

15 MR. SILVERT: State your name, please.

16 MS. STONE: Becky Stone.

17 (BECKY STONE SWORN BY ATTORNEY.)

18 MS. STONE: As stated the purpose of this text  
19 amendment is to retire our old mylar zoning maps and  
20 to adopt the Owensboro Daviess County GIS layer zoning  
21 map as the official map.

22 Findings of fact to support that is:

- 23 1. The current Zoning Map Atlas, consisting
- 24 of base mylar maps has served its purpose well, but is
- 25 antiquated with the emergence of newer technology, the

1 ODCGIS system;

2 2. The ODCGIS system now includes a planning  
3 parcel layer, an address grid layer, address points  
4 and an accurate zoning layer that is ready for  
5 adoption to supersede the antiquated manual base map  
6 system;

7 3. The proposed adoption of the ODCGIS Zoning  
8 Map Atlas will increase the efficiency and accuracy of  
9 tracking and recording zoning map amendments and  
10 corresponding data; and,

11 4. The proposed adoption of the ODCGIS Zoning  
12 Map Atlas is the first step in achieving the  
13 Comprehensive Plan objective to provide opportunities  
14 for our citizens to access government and other public  
15 information and accommodates public communication.

16 We have Melissa Evans who did the work on  
17 reviewing this zoning map layer to make a short  
18 presentation to show you how the product works.

19 MR. SILVERT: State your name, please.

20 MS. EVANS: Melissa Evans.

21 (MELISSA EVANS SWORN BY ATTORNEY.)

22 MS. EVANS: First of all like Becky said,  
23 right now we currently use our mylar maps. Those  
24 mylar maps are -- we have two sets of them. There's  
25 the N maps and there's 91 N maps with three layers in

1 each map. Then there's the CO maps and there are two  
2 layers of each CO map. The N maps are the urban  
3 service --

4 MS. STONE: I'm sorry to interrupt you. If  
5 you guys want to see, she does have some visual  
6 presentation if you want to see it on your screen.

7 CHAIRMAN: Ms. Stone, we're all up-to-date  
8 with our screens. Thank you.

9 MS. EVANS: The N maps show the urban service  
10 area and the CO maps show the rural service area.

11 Currently to look up zonings on our base maps  
12 we have to use our blue book, which is our OMPC Index  
13 Street Guide. In that blue book is the street address  
14 ranges along with the N maps and the CO maps, which  
15 those address ranges can be found on.

16 We have to align those mylar maps with those  
17 cross hatches that are at the top of that bottom map.  
18 Once you align those, then you can see the different  
19 layers.

20 To get our mylar maps into our ODCGIS zoning  
21 layer they are first scanned into a computer system  
22 and then the GIS shape files are drawn over those  
23 scanned images. Those shape files are then reviewed  
24 by our OMPC staff to ensure the accuracy because when  
25 they were scanned in there was some shifting that was

1       involved with those. To make sure there were no gaps  
2       or anything like that we reviewed those images.

3               Now this is what our GIS system looks like.  
4       Our GIS system is made up of a bunch of layers. Most  
5       of us have on our projects that we look at every day  
6       the addressing, the parcel, the streets, and the  
7       zoning layer.

8               It indicates on the side there the table of  
9       contents, what each layer looks like on the map. Then  
10       there's also labels for each one that you can see on  
11       there.

12              Currently or to look up information on our GIS  
13       system is very easy. There's a set of binoculars on  
14       the side of the GIS system. You click on those and it  
15       pulls up this fine tool. You type in the address and  
16       you right click on the address and the box below and  
17       then gives you those options. You zoom to it. It  
18       zooms right to the address and there you can see the  
19       different colored blocks representing the different  
20       zonings along with those labels are on there. The  
21       yellow lines representing the parcel lines and the  
22       addresses are on there as well.

23              If you need to know more information about one  
24       of those parcels, then you can use the eye tool. It's  
25       the circle with an eye in it and select the parcel to

1 look at. That brings up this screen which is the  
2 properties of that parcel.

3 Now, on that there are a bunch of different  
4 things. Along with the address the status is what it  
5 came to the Planning Commission as. A minor  
6 subdivision, major subdivision. We have when it was  
7 approved, when it was signed, when it was recorded,  
8 and the page number are all listed on there. The  
9 owners are listed in there. There's, you know, all of  
10 that information right there for us to see at the  
11 computer screen.

12 Now, to change that to look at more  
13 information about the zoning, if you need to do that,  
14 up at the top you can change that identify. Tool  
15 scroll bar, you can pull that drop down and you would  
16 select the zone 3 to identify what that is. Then that  
17 screen comes up and that list all of the zoning  
18 information that now currently is on the base map and  
19 on the folders. You have when it went to the Planning  
20 Commission, when it had its final action at the City  
21 Commission or the Fiscal Court. Both of those dates.  
22 What it was zoned previously and what it was changed  
23 to, acreage of that zoning. You know, all of that  
24 information is there and easy for us to see.

25 Now, the next step, like Becky said, will be

1 for us to put this on our website eventually so the  
2 public has access to it to look at this stuff. That's  
3 going to take some time to get done. So in the  
4 meantime we are going to have a public workstation  
5 available in our office for people to come in and use  
6 that. There are several engineers and surveyors that  
7 have people come and look up zonings and surrounding  
8 zonings. They will have a workstation to be able to  
9 look that information up.

10 Are there any questions?

11 MR. NOFFSINGER: I do have one question. This  
12 may be for Becky.

13 Would you just describe what you're asking the  
14 Planning Commission to do here tonight and then what  
15 the next steps would be to retire these minutes.

16 MS. STONE: We're asking for an approval of  
17 the text amendment to adopt these zoning map layers.  
18 This will go with the recommendations from the  
19 Planning Commission to Fiscal Court and the City  
20 Commission. Once they have first and second readings,  
21 then we will be able to retire the mylar maps and will  
22 be able to do everything on the electronic versions.

23 MR. NOFFSINGER: That will include the City of  
24 Whitesville, correct?

25 MS. STONE: That would include the City of

1 Whitesville, yes. It goes to the City of Whitesville  
2 also.

3 CHAIRMAN: Does anybody else have any  
4 questions?

5 (NO RESPONSE)

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

8 MR. MILLER: Mr. Chairman, motion to approve  
9 based on Planning Staff Recommendations, good job on  
10 the presentation too, and on Findings of Fact 1  
11 through 4.

12 CHAIRMAN: We've got a motion for approval by  
13 Mr. Miller.

14 MR. APPLEBY: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Ms. Evans, thanks for a very concise  
20 presentation. We appreciate it very much.

21 -----

22 CELLULAR TELECOMMUNICATIONS FACILITIES  
23 PER KRS 100.987.

24 ITEM 3

25 1638 West Parrish Avenue  
Consider approval of a temporary and permanent  
wireless telecommunications tower.



1 Applicant: New Cingular Wireless PCS, LLC  
2 (AT&T Mobility)

3 MR. NOFFSINGER: Mr. Chairman, I did insert  
4 the word "and permanent," with those two words in here  
5 because it's not just a temporary tower. It would  
6 also be a permanent tower.

7 However, the applicant has made a request for  
8 this item to be postponed tonight until the January  
9 meeting of the Planning Commission. That will be the  
10 second Thursday in January. I believe that's January  
11 8th at 5:30 p.m., the same place as this meeting.

12 If you do postpone, it will take a vote,  
13 majority vote from the Planning Commission to  
14 postpone.

15 CHAIRMAN: The chair is ready for a motion.

16 MS. DIXON: Move to postpone.

17 CHAIRMAN: Motion for postponement by Ms.  
18 Dixon.

19 MS. MOORMAN: Second.

20 CHAIRMAN: Second by Ms. Moorman. All in  
21 favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously. The  
24 item is postponed.

25 ITEM 4

1 343 Sutton Lane  
2 Consider approval of a temporary wireless  
3 telecommunications tower.  
4 Applicant: New Cingular Wireless PCS, LLC (AT&T  
5 Mobility)

6 MR. SILVERT: State your name, please.

7 MR. HOWARD: Brian Howard.

8 (BRIAN HOWARD SWORN BY ATTORNEY.)

9 MR. HOWARD: This comes before you as an item  
10 that you've seen previously. It was approved back  
11 earlier this year for a temporary tower location.  
12 However, the applicant has not been able to secure the  
13 permit location for the tower. When it was approved  
14 earlier, it was for a six month period. So they're  
15 coming back tonight for another six months for the  
16 temporary location.

17 Some of the information for the tower. It's a  
18 115 foot temporary tower. It meets all the setback  
19 requirements. The height is under the 200 foot  
20 maximum allowed. There will be no lighting on the  
21 tower. They're providing a 6 foot chain-link fence  
22 for the screening. No signs are going to be posted on  
23 the property.

24 They are requesting a waiver. It's the same  
25 waiver that they requested previously. That due to  
the temporary nature of the tower they're requesting  
that the double row of stagger pines 15 foot on center

1 be waived. In their application, they state that  
2 there's natural vegetation that would provide that  
3 screening. So they're requesting that waiver for a  
4 temporary structure.

5 So with that we would like to enter this as  
6 Exhibit B with some findings that:

7 1. The applicant is complete with all  
8 materials in accordance with the Owensboro  
9 Metropolitan Zoning Ordinance;

10 2. Compliance with all design criteria of the  
11 Owensboro Metropolitan Zoning Ordinance; and,

12 3. Temporary in nature, the proposed tower  
13 will provide much needed cellular phone service while  
14 plans for a permanent tower are completed and  
15 approved.

16 We would like to enter this as Exhibit B.

17 CHAIRMAN: Are there any questions?

18 (NO RESPONSE)

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

21 MR. APPLEBY: Motion for approval based on  
22 Staffs findings 1, 2 and 3.

23 CHAIRMAN: We have a motion for approval by  
24 Mr. Appleby.

25 MR. ROGERS: Second.

1 CHAIRMAN: Second by Mr. Rogers. All in favor  
2 raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 -----

7 ZONING CHANGES

8 ITEM 5

9 6045, 6071 Highway 54, 3.41 acres  
10 Consider zoning change: From B-4 General Business and  
11 A-U Urban Agriculture to I-1 Light Industrial  
12 Applicant: Bluegrass Truck, Trailer & Equipment, LLC

13 MR. NOFFSINGER: Mr. Chairman, the applicant,  
14 Ms. Linda Boarman, has asked that this item be  
15 postponed until the January 8, 2009 meeting.

16 CHAIRMAN: There's a request for postponement.  
17 The chair is ready for a motion.

18 MR. APPLEBY: Move to postpone.

19 CHAIRMAN: Motion for postponement by Mr.  
20 Appleby.

21 MR. MILLER: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

Next item, please.

1 Related Item:

2 ITEM 5A

3 6045, 6071 Highway 54, 3.41 acres

4 Consider approval of final development plan.

5 Applicant: Bluegrass Truck, Trailer & Equipment, LLC

6 MR. NOFFSINGER: Mr. Chairman, the applicant

7 has requested for postponement until the January 8,

8 2009 meeting.

9 CHAIRMAN: Chair is ready for a motion.

10 MR. ROGERS: Motion for postponement.

11 CHAIRMAN: Motion for postponement by Mr.

12 Rogers.

13 MR. APPLEBY: Second.

14 CHAIRMAN: Second by Mr. Appleby. All in

15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 ITEM 6

20 6595 Stevens School Road, 10.015 +/- acres

21 Consider zoning change: From EX-1 Coal Mining to A-R

22 Rural Agriculture

23 Applicant: Troy Edge

24 MR. HOWARD: I'll note before I enter this

25 into the record that the rezoning will become final 21

26 days after the meeting tonight unless there is an

27 appeal filed. The appeal forms are available on the

1 back table, they're on our website and available in  
2 the office. If one of those is filed, then the  
3 rezoning application will automatically go to Daviess  
4 County Fiscal Court.

5 PLANNING STAFF RECOMMENDATIONS

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

10 FINDINGS OF FACT:

11 1. The subject property is located in a Rural  
12 Maintenance Plan Area where rural farm residential  
13 uses are appropriate in general locations;

14 2. The subject property is a large tract over  
15 10 acres in size with agricultural potential;

16 3. The subject property has access to a  
17 public street via a private drive;

18 4. All strip-mining activity has been  
19 completed and all disturbed areas have been reclaimed;  
20 and,

21 5. The Owensboro Metropolitan Zoning  
22 Ordinance Article 12a.31 requires that the property  
23 shall revert to its original zoning classification  
24 after mining.

25 MR. HOWARD: Would like to enter the Staff

1 Report into the record as Exhibit C.

2 CHAIRMAN: Is anybody here representing the  
3 applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Does anybody have any questions?

6 (NO RESPONSE)

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

9 MS. DIXON: Move for approval based upon  
10 Planning Staff Recommendations, Findings of Fact 1, 2,  
11 3, 4 and 5.

12 CHAIRMAN: Motion for approval by Ms. Dixon.

13 MR. APPLEBY: Second.

14 CHAIRMAN: Second by Mr. Appleby. All in  
15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: We have a unanimous vote.

18 Next item, please.

19 -----

20 MAJOR SUBDIVISIONS

21 ITEM 7

22 Harbor Hills, Section 1, Unit 5, Lots 31-44,  
23 4.720 acres  
24 Consider approval of major subdivision final plat.  
Surety (Certified Check) posted: \$37,300.90  
Applicant: Robert Wimsatt

25 MR. NOFFSINGER: Mr. Chairman, this plat has

1       been reviewed by the Planning Staff and Engineering  
2       Staff. It's found to be in order. The proposed use  
3       of the property is consistent with the adopted  
4       comprehensive plan and the item is recommended for  
5       approval.

6               CHAIRMAN: Is anybody representing the  
7       applicant?

8               APPLICANT REP: Yes.

9               CHAIRMAN: Does anybody have any questions?

10              (NO RESPONSE)

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

13              MR. ROGERS: Motion for approval.

14              CHAIRMAN: Motion for approval by Mr. Rogers.

15              MR. APPLEBY: Second.

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

18              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19              CHAIRMAN: Motion carries unanimously.

20              Next item, please.

21       ITEM 8

22       Highlands of Heartland, Phase 4, Unit 22, Lots  
23       538-547, 585-595, 4.947 acres  
24       Consider approval of major subdivision final plat.  
25       Surety (Certificate of Deposit) posted: \$31,806.00  
26       Applicant: Jagoe Development, LLC

27              MR. NOFFSINGER: Mr. Chairman, Planning Staff



1 and Engineering Staff have reviewed this plat and  
2 found it to be consistent with the adopted  
3 comprehensive plan, as well as the proposed use is  
4 consistent with the underlying zoning and the plat is  
5 consistent with the previously approved preliminary  
6 subdivision plat.

7 CHAIRMAN: Is anybody representing the  
8 applicant?

9 APPLICANT REP: Yes.

10 CHAIRMAN: Does anybody have any questions?

11 (NO RESPONSE)

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

14 MS. DIXON: Move to approve.

15 CHAIRMAN: Motion for approval by Ms. Dixon.

16 MR. TAYLOR: Second.

17 CHAIRMAN: Second by Mr. Taylor. All in favor  
18 raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

22 ITEM 9

23 Lakeside at the Downs, Unit 3, Lots 181-192,  
13.661 +/- acres  
24 Consider approval of major subdivision final plat.  
Surety (Letter of Credit) posted: \$25,235.20  
25 Applicant: Thompson Homes, Inc.

1           MR. NOFFSINGER: Mr. Chairman, this plat has  
2           been reviewed by the Planning Staff and Engineering  
3           Staff. It's found to be in order. The proposed use  
4           is consistent with the underlying zoning as well as  
5           the plat is consistent with the previously approved  
6           preliminary subdivision plat.

7           CHAIRMAN: Is anybody representing the  
8           applicant?

9           APPLICANT REP: Yes.

10          CHAIRMAN: Does anybody have any questions?

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. MILLER: Second.

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

19          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20          CHAIRMAN: Motion carries unanimously.

21          Next item.

22          ITEM 10

23          The Village of Heartlands, 3.442 +/- acres  
24          (Postponed at 11/13/2008 meeting)  
25          Consider approval of major subdivision final plat.  
            Surety (Certificate of Deposit) posted: \$23,114.00  
            Applicant: Jagoe Development, LLC

1           MR. NOFFSINGER: Mr. Chairman, the Planning  
2 Staff and Engineering Staff has reviewed this item.  
3 The proposal is consistent with the previously  
4 approved preliminary plat. Staff and Engineering  
5 found the proposal to be consistent with the  
6 underlying zoning regulations and it's ready for your  
7 approval.

8           CHAIRMAN: Is anybody representing the  
9 applicant?

10           APPLICANT REP: Yes.

11           CHAIRMAN: Does anybody have any questions?

12           (NO RESPONSE)

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

15           MS. DIXON: Move to approve.

16           CHAIRMAN: Motion for approval by Mr. Dixon.

17           MS. MOORMAN: Second.

18           CHAIRMAN: Second by Ms. Moorman. All in  
19 favor raise your right hand.

20           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21           CHAIRMAN: Motion carries unanimously.

22           Next item, please.

23           -----

24           MINOR SUBDIVISIONS

25           ITEM 11

1 7261, 7271 Highway 81, 1.742 +/- acres  
2 Consider approval of minor subdivision plat.  
3 Applicant: Terry Gaddis

4 MR. NOFFSINGER: Mr. Chairman, Brian Howard is  
5 here to talk about this item.

6 MR. HOWARD: This items comes before you  
7 tonight because the resulted plat exceeds the three to  
8 one ratio requirement. Basically it's a nonconforming  
9 situation where you have two residents on a single  
10 lot. The applicant proposes to split that into two so  
11 each house will have a separate lot. The lots meet  
12 the minimum acreage as far as three-quarter acre in  
13 size, but they do exceed the three to one requirement.  
14 So with this brings the nonconforming situation more  
15 into compliance. So Staff would recommend approval of  
16 the plat.

17 CHAIRMAN: Does anybody have any questions?

18 (NO RESPONSE)

19 CHAIRMAN: Anybody representing the applicant?

20 (NO RESPONSE)

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

23 MR. APPLEBY: Motion for approval.

24 CHAIRMAN: Motion for approval by Mr. Appleby.

25 MR. ROGERS: Second.

CHAIRMAN: Second by Mr. Rogers. All in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 ITEM 12

6 760 Jack Boseley Road, 1.258 acres  
7 Consider approval of minor subdivision plat.  
8 Applicant: Dennis Richard & Sarona Murphy Grant

9 MR. HOWARD: This plat comes before you as an  
10 exception in that the lot that's proposed to be  
11 created does not have any road frontage. They're  
12 proposing a 50 foot ingress/egress easement back to  
13 the lot. There is an existing home on a large farm  
14 tract that they wish to create a tract around it for  
15 mortgage purposes. So it comes to you for that  
16 reason, that it has no road frontage.

17 With the existing home on the lot Staff  
18 understands the purpose for the lot creation. It  
19 meets other requirements, minimum lot size and things  
20 like that. So with that we entertain a motion for  
21 approval.

22 CHAIRMAN: Is anybody representing the  
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Does anybody have any questions of  
the applicant?

1 (NO RESPONSE)

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

4 MR. APPLEBY: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr. Appleby.

6 MR. TAYLOR: Second.

7 CHAIRMAN: Second by Mr. Taylor. All in favor  
8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 ITEM 13

13 1134, 1142 Yelvington Knottsville Road, 0.985 acres  
14 Consider approval of minor subdivision plat.  
15 Applicant: Ricky T. Duncan, Margie S. Duncan

16 MR. NOFFSINGER: Mr. Chairman, Becky Stone has  
17 worked extensively with the applicants on this item.  
18 I can't think of anyone that can describe this  
19 situation any better than Becky.

20 MS. STONE: This plat comes to you as an  
21 exception on lot size. Both lots would meet the  
22 frontage requirements that each lot created is under  
23 the three-quarters of an acre that's now required in  
24 the ordinance.

25 However, we have found evidence that there  
26 have been two dwellings on this lot since prior to the

1 zoning ordinance adoption back in 1975. The  
2 applicants have provided affidavits of two working  
3 septic systems on each lot. There was a manufactured  
4 home on one of the lots that was just recently  
5 removed. They could put back the structure under  
6 nonconforming status, but they would like to bring it  
7 more into compliance by creating two lots.

8 So we would recommend given the history of  
9 this property and the development plans or the  
10 development lots in the area being of similar size  
11 that this exception should be granted and the division  
12 approved.

13 CHAIRMAN: Is anybody representing the  
14 applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Does anybody have any questions?

17 (NO RESPONSE)

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

20 MR. APPLEBY: Motion for approval.

21 CHAIRMAN: Motion for approval by Mr. Appleby.

22 MS. DIXON: Second.

23 CHAIRMAN: Second by Ms. Dixon. All in favor  
24 raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 The chair is ready for one final motion.

3 MS. DIXON: Move to adjourn.

4 CHAIRMAN: Motion for adjournment by Ms.  
5 Dixon.

6 MR. APPLEBY: Second.

7 CHAIRMAN: Second by Mr. Appleby. All in  
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: We would like to wish everybody a  
11 Merry Christmas and a Happy New Year.

12 We are 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 24 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 31st day of December, 2008.

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

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COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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