OWENSBORO METROPOLITAN PLANNING COMMISSION

JUNE 14, 2012

THE OWENSBORO METROPOLITAN PLANNING COMMISSION

MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, JUNE
14, 2012, AT CITY HALL, COMMISSION CHAMBERS,
OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS
FOLLOWS:

MEMBERS PRESENT:  DREW KIRKLAND, CHAIRMAN
WARD PEDLEY, VICE CHAIRMAN
DAVID APPLEBY, SECRETARY
GARY NOFFSINGER, DIRECTOR
SEAN LAND, ATTORNEY
MARGARET CAMBRON
TIM ALLEN
WALLY TAYLOR
JASON STRODE
FRED REEVES

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CHAIRMAN:  PLEASE STAND WHILE WE HAVE OUR
INVOCATION AND PLEDGE OF ALLEGIANCE.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  OUR FIRST ITEM OF BUSINESS IS TO
CONSIDER THE MINUTES OF THE MAY 10, 2012 MEETING.  ARE
THERE ANY CORRECTIONS, ADDITIONS?

(NO RESPONSE)

CHAIRMAN:  IF NOT THE CHAIR IS READY FOR A
MOTION.

MR. PEDLEY:  MOTION FOR APPROVAL.

CHAIRMAN:  MOTION FOR APPROVAL BY MR. PEDLEY.
MR. ALLEN:  SECOND.

CHAIRMAN:  SECOND BY MR. ALLEN.  ALL IN FAVOR
RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  MOTION CARRIES.

NEXT ITEM.

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ZONING CHANGES

ITEM 2

4521 GOETZ DRIVE, 6.006 ACRES
CONSIDER ZONING CHANGE:  FROM B-4 GENERAL BUSINESS TO
R-3MF MULTI-FAMILY RESIDENTIAL
APPLICANT:  DR. GARY GIVENS; ALTERRA HEALTHCARE CORP

MR. LAND:  WOULD YOU STATE YOUR NAME?

MS. EVANS:  MELISSA EVANS.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS:  FIRST OF ALL, THE REZONINGS HEARD
TONIGHT WILL BECOME FINAL 21 DAYS AFTER THE MEETING
UNLESS AN APPEAL IS FILED.  IF AN APPEAL IS FILED,
THE APPLICATION WILL BE forwarded TO THE APPROPRIATE
LEGISLATIVE BODY FOR FINAL ACTION.  THE APPEAL FORMS
ARE LOCATED ON THE BACK TABLE, ON OUR WEBSITE AND IN
THE OFFICE.

PLANNING STAFF RECOMMENDATIONS

THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
TO THE CONDITION AND FINDINGS OF FACT THAT FOLLOW:
CONDITION:

ACCESS SHALL BE IN ALIGNMENT WITH THE EXISTING ACCESS FOR THE SCHOOL AS SHOWN ON THE CONCEPTUAL LAYOUT SUBMITTED.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN AN URBAN RESIDENTIAL PLAN AREA, WHERE URBAN MID-DENSITY RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. SANITARY SEWER SERVICE IS AVAILABLE FOR EXTENSION TO THE SITE; AND,

4. THE PROPOSAL IS A LOGICAL EXPANSION OF EXISTING R-3MF MULTI-FAMILY RESIDENTIAL ZONING LOCATED IMMEDIATELY SOUTH AND EAST OF THE SUBJECT PROPERTY.

5. WITH A SINGLE ACCESS TO GOETZ DRIVE IN ALIGNMENT WITH THE SCHOOL DRIVE, THE PROPOSAL SHOULD NOT OVERBURDEN THE CAPACITY OF ROADWAYS AND OTHER NECESSARY URBAN SERVICES IN THE AFFECTED AREA.

MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT A.

CHAIRMAN: DO WE HAVE ANYBODY HERE REPRESENTING THE APPLICANT?

APPLICANT REP: YES.
CHAIRMAN: DO WE HAVE ANY QUESTIONS OF THE APPLICANT?
(NO RESPONSE)
CHAIRMAN: IF THERE ARE NO QUESTIONS, THE CHAIR IS READY FOR A MOTION.
MR. APPLEBY: MOTION FOR APPROVAL BASED ON STAFF RECOMMENDATIONS WITH THE ONE CONDITION AND FINDINGS OF FACT 1 THROUGH 5.
CHAIRMAN: WE HAVE A MOTION FOR APPROVAL WITH CONDITIONS BY MR. APPLEBY.
MR. STRODE: SECOND.
CHAIRMAN: SECOND BY MR. STRODE. ALL IN FAVOR RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: MOTION CARRIES UNANIMOUSLY.
NEXT ITEM, PLEASE.

ITEM 3
10255 HIGHWAY 951, 34.106 ACRES
CONSIDER ZONING CHANGE: FROM A-R RURAL AGRICULTURE AND EX-1 COAL MINING TO A-R RURAL AGRICULTURE
APPLICANT: BRIAN KEITH PAYNE

MR. LAND: PLEASE STATE YOUR NAME.
MR. HOWARD: BRIAN HOWARD.
(BRIAN HOWARD SWORN BY ATTORNEY.)
PLANNING STAFF RECOMMENDATIONS
THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
TO THE FINDINGS OF FACT THAT FOLLOW:

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN A RURAL MAINTENANCE PLAN AREA, WHERE RURAL FARM RESIDENTIAL USES ARE APPROPRIATE IN GENERAL LOCATIONS;

3. THE SUBJECT PROPERTY IS A LARGE TRACT WITH AGRICULTURAL AND FORESTRY POTENTIAL;

4. THE SUBJECT PROPERTY HAS ACCESS TO HIGHWAY 951 VIA A PRIVATE DRIVE WITH NO NEW ROADS PROPOSED;

5. ALL STRIP-MINING ACTIVITY HAS CEASED ON THE SUBJECT PROPERTY; AND,

6. THE OWENSBORO METROPOLITAN ZONING ORDINANCE ARTICLE 12A.31 REQUIRES THAT PROPERTY SHALL REVERT TO ITS ORIGINAL ZONING CLASSIFICATION AFTER MINING.

MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT B.

CHAIRMAN: DO WE HAVE ANYBODY REPRESENTING THE APPLICANT?

(NO RESPONSE)

CHAIRMAN: DO WE HAVE ANY QUESTIONS?

(NO RESPONSE)
CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
MOTION.

MR. PEDLEY: MOTION FOR APPROVAL BASED ON
STAFF RECOMMENDATIONS WITH FINDINGS OF FACT 1 THROUGH
6.

CHAIRMAN: WE HAVE A MOTION FOR APPROVAL BY
MR. PEDLEY.

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.

MINOR SUBDIVISIONS

ITEM 4

2512 BURTON ROAD, 1.791 ACRES
CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
APPLICANT: KEVIN & SUE BITTEL KRAMPE; TONY G. BITTEL;
DONALD ANTHONY BITTEL

MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS
BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING
STAFF. IT'S FOUND TO BE IN ORDER. HOWEVER, IT DOES
COME TO YOU AS AN EXCEPTION TO THE SUBDIVISION
REGULATIONS IN THAT THE END RESULT, ONCE THE PROPERTY
TO THE REAR IS CONSOLIDATED WITH THE EXISTING TRACT,
IT WILL EXCEED THE DEPTH TO WIDTH RATIO REQUIRING THE
SUBDIVISION REGULATIONS OF THREE TO ONE.

THERE ARE OTHER LOTS IN THE AREA THAT WOULD BE
SIMILAR IN SHAPE TO THIS PROPOSED LOT. IN FACT, THE
ADJOINING PROPERTY TO THE NORTH, THE PROPERTY LINE
GOES, IT WOULD SHARE A COMMON PROPERTY PIN WITH THE
ADJOINING PROPERTY TO THE NORTH.

THIS IS PLAT THAT I CANNOT SIGN IN-HOUSE
BECAUSE IT DID EXCEED THE THREE TO ONE DEPTH TO WIDTH
RATIO; HOWEVER, THEY'RE NOT TRYING TO MAXIMUM THE
NUMBER OF LOTS HERE. THEY'RE JUST SIMPLY TRYING TO
ADD EXISTING SQUARE FOOTAGE TO AN EXISTING LOT. SO WE
WOULD RECOMMEND THAT THIS ITEM BE GIVEN A FAVORABLE
RECOMMENDATION.

CHAIRMAN: IS THERE ANYBODY HERE REPRESENTING
THE APPLICANT?

(NO RESPONSE)

CHAIRMAN: ARE THERE ANY QUESTIONS?

(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
MOTION.

MR. APPLEBY: MOTION MORE APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

MR. ALLEN: SECOND.

CHAIRMAN: SECOND BY MR. ALLEN. ALL IN FAVOR
RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 5

9060 JEWELL ROAD, 4.270 ACRES
CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.
APPLICANT: ERIC & CHRISTINA DANT

MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING STAFF. IT'S FOUND TO BE IN ORDER. IT DOES COME TO YOU AS AN EXCEPTION TO THE SUBDIVISION REGULATIONS.

BRIAN HOWARD IS HERE TONIGHT TO EXPLAIN WHAT IS BEING PROPOSED.

MR. HOWARD: IT'S A PLAT CREATING A LOT THAT VIOLATES THE THREE TO ONE RATIO REQUIREMENT. IT'S AN ODD-SHAPE LOT. BASED ON THE INFORMATION THAT WE GOT FROM THE SURVEYOR, THERE ARE SOME TOPOGRAPHY CONCERNS ON THE PROPERTY AND THE BEST PLACE TO BUILD ON THIS ENTIRE ACREAGE WOULD BE BACK ON THE REAR PORTION OF THAT 2.7 ACRES.

AS A CONCESSION TO THE CONSIDERATION FOR APPROVING THIS PLAT, THEY PUT A NOTE ON THE PLAT THAT WOULD LIMIT THE REMAINING ACREAGE ON THE PROPERTY TO ONE ADDITIONAL RESIDENCE. THEY'RE NOT TYPING TO MAXIMUM THE NUMBER OF RESIDENCES THEY CAN GET ON THE
PROPERTY. THEY'RE WILLING TO LIMIT THE ADDITIONAL ACREAGE TO ONE MORE. WITH THAT WE WOULD RECOMMEND THAT YOU CONSIDER IT FOR APPROVAL.

CHAIRMAN: IS THERE ANYBODY HERE REPRESENTING THE APPLICANT?

(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. APPLEBY: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

MR. REEVES: SECOND.

CHAIRMAN: SECOND BY MR. REEVES. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM.

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NEW BUSINESS

ITEM 6

CONSIDER APPROVAL OF THE APRIL 2012 FINANCIAL STATEMENT.

MR. NOFFSINGER: MR. CHAIRMAN, ALL MEMBERS HAVE BEEN MAILED A COPY OF THE FINANCIAL STATEMENT SIGNED BY OUR ACCOUNTANT AND THEY'RE READY FOR YOUR CONSIDERATION.
CHAIRMAN: IS THERE ANY QUESTIONS FROM THE
COMMISSION?
(NO RESPONSE)
CHAIRMAN: ANY QUESTION FROM THE AUDIENCE?
(NO RESPONSE)
CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
MOTION.
MR. PEDLEY: MOTION FOR APPROVAL.
CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.
MR. TAYLOR: SECOND.
CHAIRMAN: SECOND BY MR. TAYLOR. ALL IN FAVOR
RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: MOTION CARRIES UNANIMOUSLY.
THE CHAIR IS READY FOR ONE FINAL MOTION.
MR. APPLEBY: MOTION TO ADJOURN.
CHAIRMAN: MOTION FOR ADJOURNMENT BY MR.
APPLEBY.
MR. ALLEN: SECOND.
CHAIRMAN: SECOND BY MR. ALLEN. ALL IN FAVOR
RAISE YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: WE WERE ADJOURNED.
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STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, 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 10 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, 2011.

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LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2014

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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