OWENSBORO METROPOLITAN PLANNING COMMISSION

OCTOBER 11, 2012

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, October 11, 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
Madison Silvert, Attorney
Brian Howard
Wally Taylor
John Kazlauskas
Jason Strode
Fred Reeves

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CHAIRMAN: I want to welcome everyone to the October 11, 2012 meeting of the Owensboro Metropolitan Planning Commission. Mr. Jason Strode will give our invocation. Please rise.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the September 13, 2012 meeting. Are there any corrections, additions, comments?

(NO RESPONSE)

CHAIRMAN: Comments from the Commission?

(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. 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.

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ZONING CHANGE

ITEM 2

3110 Fairview Drive, 4.501 acres
Consider zoning change: From I-1 Light Industrial to B-4 General Business

Applicant: Koger Properties, LLC/Mike Koger

MR. SILVERT: Would you state your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: First of all, I would like to state that the rezonings heard here 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

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legislative body for final action. The appeal forms are located on the back table, on our website and in our office.

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the conditions and findings of fact that follow:

CONDITIONS:

1. Approval of a final development plan addressing all Zoning Ordinance requirements; and,
2. Access to Fairview Drive shall be limited to the existing access point only.

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 Business Plan Area, where general business uses are appropriate in limited locations;
3. The proposal is a logical expansion of existing B-4 General Business zoning located immediately north of the subject property; and,
4. With no new access points proposed, the expansion of the B-4 zoning should not overburden the roadways or necessary urban services in the area.

MS. EVANS: We would like to enter the Staff

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Report into the record as Exhibit A.

CHAIRMAN: Is there 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. STRODE: Motion to approve based on Conditions 1 and 2 and Staff's Findings of Fact 1 through 4.

CHAIRMAN: Mr. Strode has a motion for approval.

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 3

Portion of 300 Block of Harbor Ridge Drive, 0.097 acres

Consider zoning change: From A-U Urban Agriculture to R-1C Single-Family Residential

Applicant: Orville Miller; Robert Wimsatt

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject

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to the conditions and findings of fact that follow:

CONDITIONS:

1. Annexation of the subject property by the City of Owensboro; and,
2. Approval of a minor subdivision plat consolidating the subject property with the adjacent lot in Harbor Hills Subdivision.

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 a portion of a large remainder tract from the surrounding residential development;
3. The subject property will be consolidated with an existing, adjoining lot within the residential subdivision;
4. Sanitary sewer currently serves the existing property to which the subject property will be consolidated; and,
5. The proposed residential use of the property complies with the urban residential development criteria for building and lot patterns.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit B.

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CHAIRMAN: Is the applicant here?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission?

(NO RESPONSE)

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

Yes, sir.

MR. REEVES: Just for my information. I noticed one of the conditions here is that annexation of the property by the City of Owensboro. Is that typically what we would do? I'm assuming there's a reason for that.

MR. HOWARD: Yes. Currently the property is in the county that is being rezoned. The residential lot is within the city and we cannot do a consolidation plat across a jurisdiction line. In order for us to be able to approve the consolidation plat, they need to annex that sliver, that portion.

MR. REEVES: That's fine. Thank you. I appreciate it.

CHAIRMAN: Is that a motion for approval, Mr. Reeves?
MR. REEVES: That's a motion for approval based on Conditions 1 and 2 as outlined by the Planning Staff and Findings of Fact 1 through 5.

CHAIRMAN: Thank you, Mr. Reeves.

MR. PEDLEY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

Portion of 100 Block Hill Pointe Xing, 0.160 acres Consider zoning change: From A-U Urban Agriculture to R-1C Single-Family Residential

Applicant: Orville Miller; Fred D. Bowen; Robert Wimsatt

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the condition and findings of fact that follow:

CONDITION:

Approval of a minor subdivision plat dividing and consolidating the subject property to the existing adjacent lots within Harbor Hills Subdivision.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

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2. The subject property is a portion of a large remainder tract from the surrounding residential development;

3. The subject property will be consolidated with existing, adjoining lots, within the residential subdivision;

4. Sanitary sewer currently serves the existing properties to which the subject property will be consolidated; and,

5. The proposed residential use of the property complies with the urban residential development criteria for building and lot patterns.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit C.

CHAIRMAN: Is the property owner here?

APPLICANT: Yes.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. PEDLEY: Motion for approval based on Staff Recommendations and Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Pedley.

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, please.

ITEM 5

2945 Highway 54, 12.867 acres
Consider zoning change: From P-1 Professional/Service to B-4 General Business
Applicant: Industrial Leasing of Florida, Inc.

MR. HOWARD: Mr. Chairman, we have a written request from the applicant requesting that this item be postponed until the November meeting. Staff would support a recommendation for postponement.

CHAIRMAN: With that the chair would ask for a motion.

MR. APPLEBY: Motion to postpone.

CHAIRMAN: Motion for postponement by Mr. Appleby.

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.

Next item, please.

ITEM 6

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9661 Highway 56, 10.25 acres

Consider zoning change: From R-1A Single-Family Residential and A-U Urban Agriculture to B-4 General Business

Applicant: West Louisville Preservation Hall, LLC

PLANNING STAFF RECOMMENDATIONS

Planning Staff recommends approval subject to the conditions and findings of fact that follow:

CONDITIONS:

1. Approval of a Final Development Plan addressing all Zoning Ordinances requirements; and,

2. Access to Highway 56 shall be limited to the existing access points only.

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 Community Plan Area, where general business uses are appropriate in limited locations;

3. The subject property is major-street-oriented with frontage on Highway 56, a minor arterial roadway;

4. The subject property is located at the corner of the intersection of Highway 56 and Cecil Road; and,

5. The proposal will promote the preservation

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and maintenance of a building that has been significant to the rural community of West Louisville.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit D.

CHAIRMAN: Is the applicant here?

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. APPLEBY: Motion for approval based on the Staff Recommendations with Conditions 1 and 2 and Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

Next item, please.

COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

ITEM 7

Deer Valley, Section 2, 32.685 acres

Consider approval of combined final development

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plan/major subdivision preliminary plat.

Applicant: Deer Valley Subdivision, LLC

MR. HOWARD: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff and it's found to be in order. It's in compliance with the requirements of the Comprehensive Plan, the Subdivision Regulations and the Zoning Ordinance. It's ready for your consideration.

CHAIRMAN: Is anybody here for the applicant?

APPLICANT REP: Right here.

CHAIRMAN: Does anybody have any questions of 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. PEDLEY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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MAJOR SUBDIVISIONS

ITEM 8

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Dutch Banks, 9.18 acres

Consider approval of amended major subdivision preliminary plat.

Applicant: Goetz Development, LLC

MR. HOWARD: Mr. Chairman, the plat has been reviewed by the Planning Staff and Engineering Staff and it's in order. It is a revision to an existing preliminary plat. It is in compliance with the requirements of the Comprehensive Plan, Subdivision Regulations and the Zoning Ordinance and is ready for your consideration.

CHAIRMAN: Is anybody here for the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions of 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. 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.

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MINOR SUBDIVISION

ITEM 9

1603, 1605 West 5th Street, 0.305 acre

Consider approval of minor subdivision plat.

Applicant: Habitat for Humanity, Mikael & Carrie Colbert

MR. HOWARD: Mr. Chairman, this plat comes before you as an exception that cannot be signed by the Staff. The exception is there's an existing lot that meets the minimum road frontage for an R4-DT zone and an existing lot that does not. However, in order to clear up a property line encroachment. They're proposing to move the property line to the west which will reduce the road frontage to less than 50 feet, which will make it fall below the standard for road frontage in an R4-DT zone. However, the lot width is consistent with other lots in the area, and both lots still maintain the minimum acreage requirement in R4-DT zone. So with that we'd recommend it be considered for approval.

CHAIRMAN: Is anybody here with the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
Mr. Appleby: Motion for approval.

Chairman: Motion for approval by Mr. Appleby.

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.

I believe the chair is ready for one final motion.

Mr. Pedley: Motion to adjourn.

Chairman: Motion for adjournment by Mr. Pedley.

Mr. Reeves: Second.

Chairman: Second by Mr. Reeves. 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 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 15 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 15th day of October, 2012.

JANE BELCHER
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 7, 2012
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY

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