

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

OWENSBORO METROPOLITAN PLANNING COMMISSION

JUNE 12, 2008

The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, June 12, 2008, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Judy Dixon, Vice Chairman
- David Appleby, Secretary
- Gary Noffsinger, Director
- Madison Silvert, Attorney
- Tim Miller
- Irvin Rogers
- Wally Taylor
- Keith Evans
- Rita Moorman

\* \* \* \* \*

CHAIRMAN: Want to welcome everyone to the June 12, 2008, Owensboro Metropolitan Planning Commission meeting. Would you please rise. Our invocation will be given by Ms. Moorman.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business we're going to recognize Mr. Gary Noffsinger. This is his 20th year of service to the Owensboro Metropolitan Planning Commission.

Our next order of business is to consider the minutes of the May 8th meeting. Are there any

1 additions, corrections?

2 (NO RESPONSE)

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

5 MS. DIXON: Move to approve.

6 CHAIRMAN: Motion for approval by Ms. Dixon.

7 MR. EVANS: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 -----

14 ZONING CHANGES

15 ITEM 2

16 300 Ewing Road, 0.689 acres  
17 Consider zoning change: From B-4 General Business to  
18 B-5 Business/Industrial  
Applicant: Johnny Goodman; Kenneth L. & Sherry D.  
Crandall

19 MR. SILVERT: State your name, please.

20 MR. HOWARD: Brian Howard.

21 (BRIAN HOWARD SWORN BY ATTORNEY.)

22 MR. HOWARD: As a reminder, all the rezonings  
23 that are on the agenda tonight, the Planning  
24 Commission's recommendation will become final 21 days  
25 after the meeting, unless an appeal is filed. The

1 appeal forms are on the back table and they're  
2 available in our office or they're available on-line.

3 PLANNING STAFF RECOMMENDATIONS

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

9 CONDITIONS:

10 1. Access to Ewing Road shall be limited to a  
11 single access point; and,

12 2. The minimum dimension of the paved drive  
13 should be 50 feet from the edge of pavement on Ewing  
14 Road to the entrance gate of the storage area to  
15 prevent gravel from spilling out into the road and to  
16 prevent vehicles entering the site from blocking  
17 traffic on Ewing Road.

18 FINDINGS OF FACT:

19 1. The subject property is located within a  
20 Business/Industrial Plan Area, where general business  
21 and light industrial uses are appropriate in general  
22 locations;

23 2. The subject property lies within an  
24 existing area of mixed industrial and commercial land  
25 uses;

1           3. The Comprehensive Plan provides for the  
2           continuance of mixed use areas; and,

3           4. The proposed land use for the subject  
4           property is in compliance with the criteria for a  
5           Business/Industrial Plan Area and a B-5  
6           Business/Industrial zoning classification.

7           MR. HOWARD: I would like to enter the Staff  
8           Report into the record as Exhibit A.

9           CHAIRMAN: Is there anybody representing the  
10          applicant?

11          APPLICANT REP: Yes.

12          CHAIRMAN: Does anybody have any questions?

13          (NO RESPONSE)

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

16          MR. APPLEBY: Move to approve, Mr. Chairman,  
17          based on Staff Recommendations with Conditions 1 and 2  
18          and Findings of Fact 1 through 4.

19          CHAIRMAN: We've got a motion for approval by  
20          Mr. 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.

1                   Next item, please.

2           ITEM 3

3           1518 Hall Street, 0.15 acres  
4           Consider zoning change: From B-4 General Business to  
5           B-5 Business/Industrial  
6           Applicant: Maurice L. Drury, Jr.

7           PLANNING STAFF RECOMMENDATIONS

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

12          FINDINGS OF FACT:

13                   1. The subject property is located within a  
14          Business/Industrial Plan Area, where general business  
15          and light industrial uses are appropriate in general  
16          locations;

17                   2. The subject property lies within an  
18          existing area of mixed industrial and commercial land  
19          uses;

20                   3. The Comprehensive Plan provides for  
21          continuance of mixed use areas; and,

22                   4. The proposed land use for the subject  
23          property is in compliance with the criteria for a  
24          Business/Industrial Plan Area and a B-5  
25          Business/Industrial zoning classification.

                  MR. HOWARD: I would like to enter the Staff

1 Report into the record as Exhibit B.

2 CHAIRMAN: Do we have anybody here  
3 representing the applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Do we have any questions?

6 (NO RESPONSE)

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

9 MR. ROGERS: Motion for approval based on  
10 Planning Staff Recommendations with the Findings of  
11 Facts 1 through 4.

12 CHAIRMAN: We have a motion for approval by  
13 Mr. Rogers.

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 Next item, please.

20 ITEM 4

21 1900 Block River Road, 3500-4100 Blocks Griffith  
22 Station Road, 316.19 acres  
23 Consider zoning change: From A-R Rural Agriculture  
24 and EX-1 Coal Mining to A-R Rural Agriculture  
25 Applicant: Bon Harbor Hills II, LLC c/o Pat McNulty;  
Lisa C. Wimsatt

PLANNING STAFF RECOMMENDATIONS

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

6           CONDITIONS

7           Access to River Road shall be in compliance  
8           with the requirements of the access management manual.

9           FINDINGS OF FACT

10           1. The subject property is partially located  
11           in a Future Urban Plan Area, where  
12           agricultural/forestry uses are appropriate in general  
13           locations and partially located in an Industrial Plan  
14           Area, where agricultural/forestry uses are generally  
15           not recommended;

16           2. A small portion of the subject property is  
17           designated as prime agricultural farmland according to  
18           the "Important Farmlands" map created by the US  
19           Department of Agriculture Soil Conservation Service  
20           dated March 1980;

21           3. All strip-mining activity has been  
22           completed and all disturbed areas have been reclaimed  
23           as open grasslands and woodland; and,

24           4. The Owensboro Metropolitan Zoning  
25           Ordinance Article 12a.31 requires that property shall

1 revert to its original zoning classification after  
2 mining.

3 MR. HOWARD: I would like to enter the Staff  
4 Report into the record as Exhibit C.

5 CHAIRMAN: Do we have anybody 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 not the chair is ready for a  
12 motion.

13 MS. DIXON: Move to approve based upon  
14 Planning Staff Recommendations with the Condition and  
15 Findings of Fact 1 through 4.

16 CHAIRMAN: Motion for approval by Ms. Dixon.

17 MR. TAYLOR: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 -----

24 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

25 ITEM 5



1 Bluegrass Professional Center, 2.171 acres (Postponed  
2 May 8, 2008)  
3 Consider approval of major subdivision preliminary  
4 plat/final development plan.  
5 Applicant: Steven Block/SMB Properties, LLC

6 MR. NOFFSINGER: Mr. Chairman, this plan has  
7 been reviewed by the Planning Staff and Engineering  
8 Staff. It's found to be in order. Its use is found  
9 to be consisted with the adopted comprehensive plan  
10 and the plan is in compliance with the adopted zoning  
11 ordinance and subdivision regulations.

12 CHAIRMAN: Do we have anybody representing the  
13 applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Do we have any questions of the  
16 applicant?

17 (NO RESPONSE)

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

20 MS. DIXON: Move to approve.

21 MS. MOORMAN: Second.

22 CHAIRMAN: Motion for approval by Ms. Dixon.  
23 Second by Ms. Moorman. All in favor raise your right  
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

1 -----

2 MAJOR SUBDIVISIONS

3 ITEM 6

4 Hunters Ridge, Unit 10, Lots 56-58, 61, 74, 3.336+/-  
5 acres  
6 Consider approval of major subdivision final plat.  
7 Surety (Certificate of Deposit) posted: \$63,498.10  
8 Applicant: Hunters Ridge, LLC

9 MR. NOFFSINGER: Mr. Chairman, Planning Staff  
10 and Engineering Staff has reviewed this item. We find  
11 it to be in compliance with the adopted zoning  
12 ordinance and subdivision regulations. The proposed  
13 use is consistent with the underlying zone and the  
14 comprehensive plan.

15 CHAIRMAN: Anybody here representing the  
16 applicant?

17 APPLICANT REP: Yes.

18 CHAIRMAN: Do we have any questions?

19 (NO RESPONSE)

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

22 MR. MILLER: Move to approve.

23 CHAIRMAN: Motion for approval by Mr. Miller.

24 MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 -----

4 MINOR SUBDIVISIONS

5 ITEM 7

6 3970 Medley Road, 958 Turtle Creek Drive, 2.184 acres  
7 Consider approval of minor subdivision plat.  
8 Applicant: Joseph & Tamara Alvey; Shaun P. & Cheri L.  
9 Cecil

9 MR. NOFFSINGER: Mr. Chairman, this plat comes  
10 to you as an exception to the subdivision regulations  
11 in that one of the lots is being reduced in size and  
12 the other being increased in size. They both meet  
13 minimum square footage requirements; however, one of  
14 the lots will be extended beyond the depth to width  
15 ratio of three to one. That's provided for the  
16 subdivision regulations. However, they're doing this  
17 just to trade some property so one lot, I guess, will  
18 have a larger back yard than the other. They're not  
19 doing it to maximize the number of lots. Both lots  
20 are already existing lots of record. However, they're  
21 just changing the configuration of the two existing  
22 lots. I think with that Staff would recommend that  
23 you make an exception and approve the plat.

24 CHAIRMAN: Is anybody here representing the  
25 applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Does anybody have any questions?

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. 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.

13 Next item, please.

14 ITEM 8

15 1544, 1546 Yelvington Knottsville Road, 6.825 acres  
16 Consider approval of minor subdivision plat.

17 Applicant: Steven W. & Delores A. Brown

18 MR. NOFFSINGER: Mr. Chairman, this plat comes

19 to you as an exception to the subdivision regulation

20 in that it will convert an existing tract of land that

21 meets all the requirements of the subdivision

22 regulation and turn it into two lots that would not

23 meet the depth to width ratio of three to one.

24 However, we have noted in the area there are some

25 other lots that were created back several years ago

that do not meet the three to one depth to width ratio

1       either.  Although we're not excited about the narrow  
2       frontage and the large amount of depth that the lots  
3       will have, we do think it's one that you may consider  
4       and approve.

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:  Does the applicant want to make a  
12       statement?

13              APPLICANT REP:  No.

14              CHAIRMAN:  Chair is ready for a motion.

15              MR. APPLEBY:  Motion for approval.

16              CHAIRMAN:  Motion for approval by Mr. Appleby.

17              MR. MILLER:  Second.

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

20              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21              CHAIRMAN:  Motion carries unanimously.

22              -----

23    NEW BUSINESS

24       ITEM 9

25       Consider for approval FY 2009 OMPC budget and salary  
      chart.

1           MR. NOFFSINGER: Mr. Chairman, each Planning  
2 Commissioner has been mailed a copy of this. I'm  
3 available to answer any questions which you might  
4 have.

5           CHAIRMAN: Does anybody have any questions of  
6 the budget?

7           (NO RESPONSE)

8           CHAIRMAN: Everybody has a chance to review  
9 it. If nobody has any questions, the chair is ready  
10 for a motion.

11          MS. DIXON: Move to approve.

12          CHAIRMAN: Motion for approval by Ms. Dixon.

13          MS. MOORMAN: Second.

14          CHAIRMAN: Second by Ms. Moorman. All in  
15 favor raise your right hand.

16          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17          CHAIRMAN: Motion carries unanimously.

18          I believe the chair is final for one final  
19 motion.

20          MS. DIXON: Move to adjourn.

21          CHAIRMAN: Motion for adjournment by Ms.  
22 Dixon.

23          MR. MILLER: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: We are adjourned.

3 -----

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 Board of  
6 Adjustment 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 15 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 26th day of June, 2008.

18

19

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

22

COMMISSION EXPIRES: DECEMBER 19, 2010

23

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

24

25