

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 14, 2012

3 THE OWENSBORO METROPOLITAN PLANNING COMMISSION

4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, JUNE

5 14, 2012, AT CITY HALL, COMMISSION CHAMBERS,

6 OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS

7 FOLLOWS:

8 MEMBERS PRESENT: DREW KIRKLAND, CHAIRMAN  
9 WARD PEDLEY, VICE CHAIRMAN  
10 DAVID APPLEBY, SECRETARY  
11 GARY NOFFSINGER, DIRECTOR  
12 SEAN LAND, ATTORNEY  
13 MARGARET CAMBRON  
14 TIM ALLEN  
15 WALLY TAYLOR  
16 JASON STRODE  
17 FRED REEVES

18 \* \* \* \* \*

19

20 CHAIRMAN: PLEASE STAND WHILE WE HAVE OUR

21 INVOCATION AND PLEDGE OF ALLEGIANCE.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: OUR FIRST ITEM OF BUSINESS IS TO

24 CONSIDER THE MINUTES OF THE MAY 10, 2012 MEETING. ARE

25 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.

1 MR. ALLEN: SECOND.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: MOTION CARRIES.

6 NEXT ITEM.

7 -----

8 ZONING CHANGES

9 ITEM 2

10 4521 GOETZ DRIVE, 6.006 ACRES  
11 CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO  
12 R-3MF MULTI-FAMILY RESIDENTIAL  
13 APPLICANT: DR. GARY GIVENS; ALTERRA HEALTHCARE CORP

14 MR. LAND: WOULD YOU STATE YOUR NAME?

15 MS. EVANS: MELISSA EVANS.

16 (MELISSA EVANS SWORN BY ATTORNEY.)

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

24 PLANNING STAFF RECOMMENDATIONS

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

1       CONDITION:

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

5       FINDINGS OF FACT:

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

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

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

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

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

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

23              CHAIRMAN:   DO WE HAVE ANYBODY HERE  
24      REPRESENTING THE APPLICANT?

25              APPLICANT REP:   YES.

1 CHAIRMAN: DO WE HAVE ANY QUESTIONS OF THE  
2 APPLICANT?

3 (NO RESPONSE)

4 CHAIRMAN: IF THERE ARE NO QUESTIONS, THE  
5 CHAIR IS READY FOR A MOTION.

6 MR. APPLEBY: MOTION FOR APPROVAL BASED ON  
7 STAFF RECOMMENDATIONS WITH THE ONE CONDITION AND  
8 FINDINGS OF FACT 1 THROUGH 5.

9 CHAIRMAN: WE HAVE A MOTION FOR APPROVAL WITH  
10 CONDITIONS BY MR. APPLEBY.

11 MR. STRODE: SECOND.

12 CHAIRMAN: SECOND BY MR. STRODE. ALL IN FAVOR  
13 RAISE YOUR RIGHT HAND.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

16 NEXT ITEM, PLEASE.

17 ITEM 3

18 10255 HIGHWAY 951, 34.106 ACRES  
19 CONSIDER ZONING CHANGE: FROM A-R RURAL AGRICULTURE  
20 AND EX-1 COAL MINING TO A-R RURAL AGRICULTURE  
APPLICANT: BRIAN KEITH PAYNE

21 MR. LAND: PLEASE STATE YOUR NAME.

22 MR. HOWARD: BRIAN HOWARD.

23 (BRIAN HOWARD SWORN BY ATTORNEY.)

24 PLANNING STAFF RECOMMENDATIONS

25 THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT

1 TO THE FINDINGS OF FACT THAT FOLLOW:

2 FINDINGS OF FACT:

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

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

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

11 4. THE SUBJECT PROPERTY HAS ACCESS TO HIGHWAY  
12 951 VIA A PRIVATE DRIVE WITH NO NEW ROADS PROPOSED;

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

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

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

21 CHAIRMAN: DO WE HAVE ANYBODY REPRESENTING THE  
22 APPLICANT?

23 (NO RESPONSE)

24 CHAIRMAN: DO WE HAVE ANY QUESTIONS?

25 (NO RESPONSE)

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

3           MR. PEDLEY: MOTION FOR APPROVAL BASED ON  
4 STAFF RECOMMENDATIONS WITH FINDINGS OF FACT 1 THROUGH  
5 6.

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

8           MR. APPLEBY: SECOND.

9           CHAIRMAN: SECOND BY MR. APPLEBY. ALL IN  
10 FAVOR RAISE YOUR RIGHT HAND.

11           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12           CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

13           NEXT ITEM, PLEASE.

14 -----

15                           MINOR SUBDIVISIONS

16           ITEM 4

17           2512 BURTON ROAD, 1.791 ACRES  
18           CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.  
19           APPLICANT: KEVIN & SUE BITTEL KRAMPE; TONY G. BITTEL;  
20           DONALD ANTHONY BITTEL

21           MR. NOFFSINGER: MR. CHAIRMAN, THIS PLAT HAS  
22 BEEN REVIEWED BY THE PLANNING STAFF AND ENGINEERING  
23 STAFF. IT'S FOUND TO BE IN ORDER. HOWEVER, IT DOES  
24 COME TO YOU AS AN EXCEPTION TO THE SUBDIVISION  
25 REGULATIONS IN THAT THE END RESULT, ONCE THE PROPERTY  
TO THE REAR IS CONSOLIDATED WITH THE EXISTING TRACT,

1 IT WILL EXCEED THE DEPTH TO WIDTH RADIO REQUIRING THE  
2 SUBDIVISION REGULATIONS OF THREE TO ONE.

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

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

15 CHAIRMAN: IS THERE ANYBODY HERE REPRESENTING  
16 THE APPLICANT?

17 (NO RESPONSE)

18 CHAIRMAN: ARE THERE ANY QUESTIONS?

19 (NO RESPONSE)

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

22 MR. APPLEBY: MOTION MORE APPROVAL.

23 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

24 MR. ALLEN: SECOND.

25 CHAIRMAN: SECOND BY MR. ALLEN. 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 5

6 9060 JEWELL ROAD, 4.270 ACRES  
7 CONSIDER APPROVAL OF MINOR SUBDIVISION PLAT.

8 APPLICANT: ERIC & CHRISTINA DANT

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

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

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

22 AS A CONCESSION TO THE CONSIDERATION FOR  
23 APPROVING THIS PLAT, THEY PUT A NOTE ON THE PLAT THAT  
24 WOULD LIMIT THE REMAINING ACREAGE ON THE PROPERTY TO  
25 ONE ADDITIONAL RESIDENCE. THEY'RE NOT TYING TO  
MAXIMUM THE NUMBER OF RESIDENCES THEY CAN GET ON THE



1       PROPERTY.  THEY'RE WILLING TO LIMIT THE ADDITIONAL  
2       ACREAGE TO ONE MORE.  WITH THAT WE WOULD RECOMMEND  
3       THAT YOU CONSIDER IT FOR APPROVAL.

4               CHAIRMAN:  IS THERE ANYBODY HERE REPRESENTING  
5       THE APPLICANT?

6               (NO RESPONSE)

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

9               MR. APPLEBY:  MOTION FOR APPROVAL.

10              CHAIRMAN:  MOTION FOR APPROVAL BY MR. APPLEBY.

11              MR. REEVES:  SECOND.

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

14              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15              CHAIRMAN:  MOTION CARRIES UNANIMOUSLY.

16              NEXT ITEM.

17              -----

18                               NEW BUSINESS

19       ITEM 6

20       CONSIDER APPROVAL OF THE APRIL 2012 FINANCIAL  
21       STATEMENT.

22              MR. NOFFSINGER:  MR. CHAIRMAN, ALL MEMBERS  
23       HAVE BEEN MAILED A COPY OF THE FINANCIAL STATEMENT  
24       SIGNED BY OUR ACCOUNTANT AND THEY'RE READY FOR YOUR  
25       CONSIDERATION.

1 CHAIRMAN: IS THERE ANY QUESTIONS FROM THE  
2 COMMISSION?

3 (NO RESPONSE)

4 CHAIRMAN: ANY QUESTION FROM THE AUDIENCE?

5 (NO RESPONSE)

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

8 MR. PEDLEY: MOTION FOR APPROVAL.

9 CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

10 MR. TAYLOR: SECOND.

11 CHAIRMAN: SECOND BY MR. TAYLOR. ALL IN FAVOR  
12 RAISE YOUR RIGHT HAND.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

15 THE CHAIR IS READY FOR ONE FINAL MOTION.

16 MR. APPLEBY: MOTION TO ADJOURN.

17 CHAIRMAN: MOTION FOR ADJOURNMENT BY MR.  
18 APPLEBY.

19 MR. ALLEN: SECOND.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: WE WERE ADJOURNED.

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25

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