

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 OCTOBER 11, 2012

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

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

18 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

23 (NO RESPONSE)

24 CHAIRMAN: Comments from the Commission?

25 (NO RESPONSE)

Ohio Valley Reporting

(270) 683-7383

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

3 MR. PEDLEY: Motion for approval.

4 CHAIRMAN: Motion for approval by Mr. Pedley.

5 MR. STRODE: Second.

6 CHAIRMAN: Second by Mr. Strode. All in favor  
7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 -----

12 ZONING CHANGE

13 ITEM 2

14 3110 Fairview Drive, 4.501 acres

15 Consider zoning change: From I-1 Light Industrial to  
16 B-4 General Business

17 Applicant: Koger Properties, LLC/Mike Koger

18

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

21 MS. EVANS: Melissa Evans.

22 (MELISSA EVANS SWORN BY ATTORNEY.)

23 MS. EVANS: First of all, I would like to  
24 state that the rezonings heard here tonight will  
25 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

Ohio Valley Reporting

(270) 683-7383

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

4 PLANNING STAFF RECOMMENDATIONS

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

7 CONDITIONS:

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

12 FINDINGS OF FACT:

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

- 16 2. The subject property is located in a  
17 Business Plan Area, where general business uses are  
18 appropriate in limited locations;

- 19 3. The proposal is a logical expansion of  
20 existing B-4 General Business zoning located  
21 immediately north of the subject property; and,

- 22 4. With no new access points proposed, the  
23 expansion of the B-4 zoning should not overburden the  
24 roadways or necessary urban services in the area.

25 MS. EVANS: We would like to enter the Staff

Ohio Valley Reporting

(270) 683-7383

1 Report into the record as Exhibit A.

2 CHAIRMAN: Is there anybody representing the  
3 applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Do we have any questions?

6 (NO RESPONSE)

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

9 MR. STRODE: Motion to approve based on  
10 Conditions 1 and 2 and Staff's Findings of Fact 1  
11 through 4.

12 CHAIRMAN: Mr. Strode has a motion for  
13 approval.

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 3

21 Portion of 300 Block of Harbor Ridge Drive,  
0.097 acres

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

23 Applicant: Orville Miller; Robert Wimsatt

24 PLANNING STAFF RECOMMENDATIONS

25 The Planning Staff recommends approval subject

Ohio Valley Reporting

(270) 683-7383

1 to the conditions and findings of fact that follow:

2 CONDITIONS:

3 1. Annexation of the subject property by the  
4 City of Owensboro; and,

5 2. Approval of a minor subdivision plat  
6 consolidating the subject property with the adjacent  
7 lot in Harbor Hills Subdivision.

8 FINDINGS OF FACT:

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

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

15 3. The subject property will be consolidated  
16 with an existing, adjoining lot within the residential  
17 subdivision;

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

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

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

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Is the applicant here?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Does anybody have any questions of  
4 the applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody on the commission?

7 (NO RESPONSE)

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

10 Yes, sir.

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

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

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

24 CHAIRMAN: Is that a motion for approval, Mr.  
25 Reeves?

Ohio Valley Reporting

(270) 683-7383

1                   MR. REEVES: That's a motion for approval  
2                   based on Conditions 1 and 2 as outlined by the Planing  
3                   Staff and Findings of Fact 1 through 5.

4                   CHAIRMAN: Thank you, Mr. Reeves.

5                   MR. PEDLEY: Second.

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

8                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9                   CHAIRMAN: Motion carries unanimously.

10                  Next item, please.

11                  ITEM 4

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

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

17                  PLANNING STAFF RECOMMENDATIONS

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

20                  CONDITION:

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

24                  FINDINGS OF FACT:

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

                  Ohio Valley Reporting

                  (270) 683-7383

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

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

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

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

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

15                  CHAIRMAN: Is the property owner here?

16                  APPLICANT: Yes.

17                  CHAIRMAN: Does anybody have any questions?

18                  (NO RESPONSE)

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

21                  MR. PEDLEY: Motion for approval based on  
22                  Staff Recommendations and Findings of Fact 1 through  
23                  5.

24                  CHAIRMAN: Motion for approval by Mr. Pedley.

25                  MR. REEVES: Second.

Ohio Valley Reporting

(270) 683-7383



1 CHAIRMAN: Second by Mr. Reeves. 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 ITEM 5

7 2945 Highway 54, 12.867 acres

Consider zoning change: From P-1 Professional/Service  
8 to B-4 General Business

Applicant: Industrial Leasing of Florida, Inc.

9

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

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

16 MR. APPLEBY: Motion to postpone.

17 CHAIRMAN: Motion for postponement by Mr.  
18 Appleby.

19 MR. TAYLOR: Second.

20 CHAIRMAN: Second by Mr. Taylor. All in favor  
21 raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 ITEM 6

Ohio Valley Reporting

(270) 683-7383

1 9661 Highway 56, 10.25 acres

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

3 Applicant: West Louisville Preservation Hall, LLC

4 PLANNING STAFF RECOMMENDATIONS

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

7 CONDITIONS:

- 8 1. Approval of a Final Development Plan  
9 addressing all Zoning Ordinances requirements; and,  
10 2. Access to Highway 56 shall be limited to  
11 the existing access points only.

12 FINDINGS OF FACT:

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

16 2. The subject property is located in a Rural  
17 Community Plan Area, where general business uses are  
18 appropriate in limited locations;

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

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

25 5. The proposal will promote the preservation

Ohio Valley Reporting

(270) 683-7383

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

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

5 CHAIRMAN: Is the applicant here?

6 APPLICANT REP: Yes.

7 CHAIRMAN: Does anybody have any questions of  
8 the applicant?

9 (NO RESPONSE)

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

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

15 CHAIRMAN: Motion for approval by Mr. Appleby.

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, please.

22 -----

23 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

24 ITEM 7

25 Deer Valley, Section 2, 32.685 acres

Consider approval of combined final development

Ohio Valley Reporting

(270) 683-7383

1 plan/major subdivision preliminary plat.

Applicant: Deer Valley Subdivision, LLC

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

8 CHAIRMAN: Is anybody here for the applicant?

9 APPLICANT REP: Right here.

10 CHAIRMAN: Does anybody have any questions of  
11 the applicant?

12 (NO RESPONSE)

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

15 MR. APPLEBY: Motion for approval.

16 CHAIRMAN: Motion for approval by Mr. Appleby.

17 MR. PEDLEY: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item.

23 -----

24 MAJOR SUBDIVISIONS

25 ITEM 8

Ohio Valley Reporting

(270) 683-7383

1 Dutch Banks, 9.18 acres  
Consider approval of amended major subdivision  
2 preliminary plat.

Applicant: Goetz Development, LLC

3  
4 MR. HOWARD: Mr. Chairman, the plat has been  
5 reviewed by the Planning Staff and Engineering Staff  
6 and it's in order. It is a revision to an existing  
7 preliminary plat. It is in compliance with the  
8 requirements of the Comprehensive Plan, Subdivision  
9 Regulations and the Zoning Ordinance and is ready for  
10 your consideration.

11 CHAIRMAN: Is anybody here for the applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: Are there any questions of the  
14 applicant?

15 (NO RESPONSE)

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

18 MR. APPLEBY: Motion for approval.

19 CHAIRMAN: Motion for approval by Mr. Appleby.

20 MR. STRODE: Second.

21 CHAIRMAN: Second by Mr. Strode. All in favor  
22 raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

Ohio Valley Reporting

(270) 683-7383

1 -----

2 MINOR SUBDIVISION

3 ITEM 9

4 1603, 1605 West 5th Street, 0.305 acre

Consider approval of minor subdivision plat.

5 Applicant: Habitat for Humanity, Mikael & Carrie  
Colbert

6

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

21 CHAIRMAN: Is anybody here with the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Does anybody have any questions?

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair is ready for a

Ohio Valley Reporting

(270) 683-7383

1 motion.

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr. Appleby.

4 MR. TAYLOR: Second.

5 CHAIRMAN: Second by Mr. Taylor. All in favor

6 raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 I believe the chair is ready for one final

10 motion.

11 MR. PEDLEY: Motion to adjourn.

12 CHAIRMAN: Motion for adjournment by Mr.

13 Pedley.

14 MR. REEVES: Second.

15 CHAIRMAN: Second by Mr. Reeves. All in favor

16 raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: We are adjourned.

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 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 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      15th day of October, 2012.

18

19

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

20

21

22      COMMISSION EXPIRES:   DECEMBER 7, 2012

23      COUNTY OF RESIDENCE:   DAVIESS COUNTY, KENTUCKY

24

25

Ohio Valley Reporting

(270) 683-7383