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OWENSBORO METROPOLITAN PLANNING COMMISSION

JANUARY 10, 2002

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, January 10, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Gary Noffsinger
- Nick Cambron
- Dave Appleby
- Jimmy Gilles
- Scott Jagoe
- Irvin Rogers
- Sister Vivian Bowles
- Judy Dixon
- Martin Hayden
- Roger Cooper,
- Attorney

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CHAIRMAN: I would like to call our January 10, 2002, meeting to order. Our invocation and pledge of allegiance will be given by Mr. Gary Noffsinger. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE)

CHAIRMAN: Our first item of business is to consider the minutes of the December 13, 2001, meeting. Are there any corrections, additions or questions about the minutes?

1 (NO RESPONSE)

2 CHAIRMAN: If not, I'll accept a motion  
3 for approval.

4 MR. APPLEBY: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.  
6 Appleby.

7 MS. DIXON: Second

8 CHAIRMAN: Second by Ms. Dixon. All in  
9 favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The minutes is approved.

12 Next item, Mr. Noffsinger.

13 MR. NOFFSINGER: We need to have an  
14 election of officers.

15 CHAIRMAN: We will elect our officers for  
16 the 2002 year.

17 The first office will be the office of  
18 chairman. Are there any nominations?

19 MR. CAMBRON: I make a nomination for  
20 Drew.

21 CHAIRMAN: We have a nomination for myself  
22 as chairman. Is there a second.

23 MR. APPLEBY: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Looks like I'm elected chairman  
3 again.

4 The next office will be for vice  
5 president. Is there a nomination?

6 MR. APPLEBY: I nominate Nick Cambron.

7 MR. CHAIRMAN: Mr. Appleby wants to  
8 nominate Mr. Nick Camborn. Is there a second?

9 MR. GILLES: Second.

10 CHAIRMAN: Second by Mr. Gilles. All in  
11 favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Mr. Cambron is re-elected vice  
14 chairman.

15 The next office is secretary. Floor is  
16 open for nomination for secretary.

17 MR. HAYDEN: I nominate Dave Appleby.

18 CHAIRMAN: Mr. Appleby has been nominated.

19 SISTER VIVIAN: Second.

20 CHAIRMAN: Second by Sister Vivian. All  
21 in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Mr. Appleby is re-elected  
24 secretary.

25 So we have our selection of officers for

1 the year 2002.

2 Mr. Noffsinger.

3 -----

4 PUBLIC FACILITIES PLANS  
5 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

6 ITEM 2

7 3845 South Griffith Avenue  
8 Building Construction  
9 Consider comments regarding the construction of a fire  
10 station.

11 Referred by: City of Owensboro

12 MR. NOFFSINGER: Mr. Chairman, the

13 Planning Staff has reviewed this application and we  
14 find that it is consistent with the adopted  
15 Comprehensive Plan. If you consider sending a  
16 recommendation to that effect to the City Commission,  
17 we would ask that notations be placed upon the  
18 development that a four foot sidewalk be located along  
19 South Griffith Avenue for public access as well as  
20 screening of all vehicular use areas from the public  
21 right of way as required by the zoning ordinance. Mr.  
22 Bob Whitmer, Assistant City Manager, is here tonight  
23 if you have any questions.

24 CHAIRMAN: Does anybody from the audience  
25 have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody from the  
commission have any questions?

1 (NO RESPONSE)

2 CHAIRMAN: If not, the Chair is ready for  
3 a recommendation.

4 MR. CAMBRON: Motion for approval with the  
5 stipulation added there, Mr. Chairman, about the four  
6 foot sidewalk and screening.

7 CHAIRMAN: Mr. Cambron's motion based on  
8 the stipulations as he stated. Do we have a second?

9 MR. JAGOE: Second.

10 CHAIRMAN: Second by Mr. Jagoe. All in  
11 favor raise your hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 ITEM 3

16 2000 East Parrish Avenue, 1821 Leitchfield Road  
17 Land Acquisition and Disposition  
18 Consider comments regarding the acquisition of the  
19 Greenwood Cemetery property and the disposition of a  
20 portion of the Greenwood Cemetery property.  
21 Referred by: Daviess County Fiscal Court

22 MR. NOFFSINGER: Mr. Chairman, Planning  
23 Staff has reviewed this application. We find it not  
24 to be in conflict with the Comprehensive Plan.

25 It's my understanding the property has  
been acquired by the county due to pressures for the  
county to maintain the cemetery and the county has  
acquired the property. Now they're going to sell a

1 portion of it and set up a maintenance fund out of the  
2 sell of the proceeds of the property. So with that  
3 it's ready for your consideration.

4 CHAIRMAN: Does anybody from the audience  
5 have any questions in regards to this?

6 (NO RESPONSE)

7 CHAIRMAN: Does anybody from the  
8 commission?

9 (NO RESPONSE)

10 CHAIRMAN: Chair is ready for a motion.

11 MR. HAYDEN: Motion for approval.

12 CHAIRMAN: Motion for approval by Mr.  
13 Hayden.

14 MR. GILLES: Second.

15 CHAIRMAN: Second by Mr. Gilles. 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 5200 Todd Bridge Road  
22 Facilities Construction  
23 Consider comments regarding the construction of a city  
24 park, including a football complex.  
25 Referred by: City of Owensboro

24 MR. NOFFSINGER: Mr. Chairman, the  
25 Planning Staff has reviewed this application. We did

1 find in the Comprehensive Plan under the Parks and  
2 Recreation section that we do have a deficiency in the  
3 community regarding football fields as well as the  
4 Comprehensive Plan does identify need for a new  
5 community park within or near the west end of Tamarack  
6 Road within this area. So the Planning Staff do feel  
7 that the proposal is consistent with the Comprehensive  
8 Plan and would recommend that any park improvements  
9 that Todd Bridge Road the city can consider widening  
10 and improving Todd Bridge Road from Southtown  
11 Boulevard to the entrance to the park to include  
12 sidewalk as well as curb and guttering. We've  
13 discussed that particular issue with the city staff  
14 previous meetings. Would recommend you forward a  
15 favorable letter to them with those stipulations.

16 CHAIRMAN: Are there any questions from  
17 anybody in the audience?

18 (NO RESPONSE)

19 CHAIRMAN: Any questions from the  
20 commission?

21 (NO RESPONSE)

22 CHAIRMAN: If not, the Chair is ready for  
23 a motion.

24 MS. DIXON: Move to approve.

25 MR. CAMBRON: Second.

1 CHAIRMAN: Ms. Dixon motion for approval.  
2 Mr. Cambron a second. All in favor raise your right  
3 hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 -----

8 ZONING CHANGE - CITY

9 ITEM 5

10 920 West Second Street, 0.189 acres  
11 Consider zoning change: From B-4 General Business to  
12 R-4DT Inner-City Residential  
13 Applicant: James Phillip Edge, II

14 MS. WATSON: My name is Becky Watson.

15 (MS. BECKY WATSON SWORN BY ATTORNEY.)

16 PLANNING STAFF RECOMMENDATIONS

17 Staff recommends approval because the proposal is  
18 in compliance with the adopted Comprehensive Plan.

19 This recommendation is made subject to the conditions  
20 and findings of fact that follow:

21 Conditions:

22 1. No direct access points shall be allowed onto  
23 West Second Street. Vehicular access to the subject  
24 property shall be from Sycamore Street.

25 2. The new single-family home to be built on the  
subject property shall be oriented toward Sycamore  
Street continuing and reinforcing the recent



1 development pattern in the immediate vicinity.

2 Findings of Fact:

3 1. The subject property is located within a  
4 Business Plan Area, where urban low-density  
5 residential uses are appropriate in very-limited  
6 locations;

7 2. The subject property adjoins R-4DT Inner-City  
8 Residential zoning and uses to the east and to the  
9 south, and the proposal is a logical expansion of the  
10 R-4DT zone and use in the existing area;

11 3. Existing sanitary sewer and other urban  
12 services are available to the subject property; and

13 4. The applicant's proposal conforms to the  
14 criteria for residential development by proposing  
15 housing densities that are consistent with the  
16 character of the street and urban services available  
17 in the affected area.

18 MS. WATSON: We would like to enter the  
19 Staff Report as Exhibit A.

20 CHAIRMAN: Is there anybody here  
21 representing the applicant?

22 MR. RINEY: Yes.

23 CHAIRMAN: Do you want to make some  
24 statements?

25 MR. RINEY: Whenever it's appropriate.

1                   CHAIRMAN: Well, if you've got some  
2 statements we'll go ahead.

3                   (MR. JIM RINEY SWORN BY ATTORNEY.)

4                   MR. RINEY: My name is Jim Riney. I'm  
5 representing Phillip Edge. We had prepared the  
6 rezoning application tonight. Mr. Edge could not be  
7 here but he asked that I convey some information for  
8 him.

9                   The Staff Recommendation included two  
10 conditions. The first condition dealt with no direct  
11 access to West Second Street and that had been placed  
12 on the plat that created this lot initially. Mr. Edge  
13 is agreeable to that. Has no problem with that.

14                  The second issue deals with the issue of a  
15 new home being sited and Staff has recommended that it  
16 be sited to face west on Sycamore Street. The  
17 applicant has property, has a house plan selected and  
18 has a couple or a buyer that's interested in  
19 purchasing the new home once the rezoning is approved.  
20 Their preference is to site the home to face north or  
21 to face Second Street, in that direction. Even though  
22 part of the property in that area is zoned as  
23 commercial, it has a residential character and a  
24 residential appearance to it.

25                  The access would still be off Sycamore

1 Street. As a matter of fact, it leads itself  
2 accessing off of Sycamore Street. If they front the  
3 property, front the house on the Sycamore side of the  
4 property, then they're looking at the side of an  
5 automotive, a commercial piece of property that's an  
6 automotive repair while the property is kept well and  
7 still not as attractive avista (CHECK) for the people  
8 that are going to have to live there.

9 Mr. Edge I think has had conversation with  
10 both the building department and some of the  
11 representatives from Planning Staff to convey this.  
12 We knew that the staff was looking at the character of  
13 the neighborhood, but he's looking at the presentation  
14 of the residential structure and the folks that are  
15 going to be living there and respectfully that the  
16 rezoning be approved without Condition Number 2.

17 CHAIRMAN: Mr. Riney, you're representing  
18 engineering opinion, correct?

19 MR. RINEY: That is correct, yes. We  
20 prepared the drawing and so forth. That's what we  
21 prepared is the information that deals back with the  
22 infrastructure.

23 CHAIRMAN: You're giving your engineering  
24 opinion?

25 MR. RINEY: That's correct.

1                   CHAIRMAN: Thank you. Does anybody have  
2 any questions of Mr. Riney?

3                   MR. CAMBRON: I do just real quick.

4                   There is a vacant lot that's going to be  
5 next to it and then there is a house that faces Second  
6 as we're going east; is that correct?

7                   MR. RINEY: The property that adjoins it  
8 to the east is an existing residence, Mr. Cambron.

9                   MR. CAMBRON: I didn't know if there was a  
10 lot in-between there.

11                  MR. RINEY: No, sir. No, sir. This lot  
12 comes over and touches on the lot that fronts on  
13 Second Street.

14                  MR. CAMBRON: It's a house that faces  
15 Second Street and it has access off Second Street,  
16 correct?

17                  MR. RINEY: That house does, yes, sir.

18                  CHAIRMAN: Let me ask Ms. Watson a  
19 question, please.

20                  In Mr. Riney's request from an engineering  
21 standpoint, that they face Second Street, how do you  
22 feel about that situation versus the original  
23 application from the other street?

24                  MS. WATSON: I think our Staff Report  
25 recommended approval of the rezoning because this is a

1 logical expansion of the development that has occurred  
2 along Sycamore Street. So we were looking at an  
3 orientation toward the local street as part of that  
4 overall residential development. That's why it  
5 continues to be in the Staff Report as a condition.

6 CHAIRMAN: Are there other houses along  
7 Second Street that do face Second Street?

8 MS. WATSON: Yes, there are.

9 CHAIRMAN: Would this be a problem from  
10 our standpoint, from a Planning standpoint if we had  
11 it face Second Street versus - - I mean his request  
12 facing Second Street versus the other street?

13 MS. WATSON: There are houses to the east  
14 that face Second Street that are located in a  
15 residential zone. The houses across Second Street  
16 they are residences, but it is zoned B-4. So our  
17 feeling was that might develop commercially and they  
18 would be in the future the possibility of them  
19 fronting some commercial properties in that location  
20 as well.

21 MR. ROGERS: The property that joins his  
22 property, 914, does that house face?

23 MS. WATSON: That faces Second Street and  
24 is zoned residential.

25 MR. ROGERS: And it joins his property?

1 MS. WATSON: Yes.

2 MR. CAMBRON: Mr. Chairman, the way I  
3 understand it if it's turned faced off Sycamore it's  
4 looking at a commercial piece of property too; is that  
5 correct?

6 CHAIRMAN: Right. That's what Mr. Riney  
7 pointed out.

8 MR. RINEY: I will add that the Edge  
9 family has recently participated in the past few years  
10 with the program here at City Hall that deal with new  
11 housing and some of the innovative programs to get  
12 folks in to areas, get the areas of Owensboro that  
13 haven't seen residential development or residential  
14 growth. They've been working with that program and  
15 this will be part of the same program.

16 Several of the new homes that are built on  
17 Second Street are part of that program and you can see  
18 the type and character of home that they're going to  
19 build. It's going to be, it would appear to be an  
20 asset to that particular part of the city, to that  
21 part of Second Street.

22 CHAIRMAN: I can see somewhat Ms. Watson  
23 is saying from our standpoint. That we would have,  
24 you know, we don't want to have you all facing, Mr.  
25 Edge facing Second Street and then we have commercial

1 development and then he would come down here and say,  
2 look, I don't want to look out my front door and see,  
3 you know, commercial.

4 MR. RINEY: I understand that. Mr. Edge  
5 has talked to the folks that want to buy the home,  
6 that are interested in it. They picked out the house  
7 and have picked out the siting of the home on Second  
8 Street. He talked to them. They understand that that  
9 is on Second Street and the property across the street  
10 may not maintain that same character that you see  
11 today, but I think by the fact that's in the record  
12 tonight and they are still - - they have conveyed to  
13 Mr. Edge and he's conveyed that to me that they're  
14 still interested in that siting that home on Second  
15 Second frontage. I would say strong testimony of  
16 their preference.

17 MR. JAGOE: Mr. Chairman, across the  
18 street if somebody wanted to put a business in there,  
19 what would be the process for them to do that today?

20 MR. CAMBRON: There is already a business,  
21 I think..

22 CHAIRMAN: Yes. How is it zoned, Ms.  
23 Watson?

24 MR. APPLEBY: Zoned B-4 across the road.

25 MS. WATSON: You're talking about across

1 West Second Street?

2 MR. JAGOE: Yes.

3 MS. WATSON: They would have to submit a  
4 cite plan to Jim Mischel's office at the minimum,  
5 right?

6 MR. NOFFSINGER: But is zoned B-4 General  
7 Business. If they met the site conditions, then they  
8 could open a business.

9 MR. JAGOE: The applicant here is aware  
10 that it's already B-4 across the street?

11 MR. RINEY: That's what they have conveyed  
12 to me, yes, sir. Mr. Edge is fully aware of what the  
13 zones are.

14 MR. JAGOE: And the Staff's concern was  
15 that there would be business across the street and  
16 they're going to be looking at that?

17 MS. WATSON: I think our main point in  
18 recommendation the zoning change to R4-DT was that a  
19 logical extension of the existing residential zoning  
20 along Sycamore Street in that development. Therefore,  
21 we felt the orientation would continue toward the  
22 local street or Sycamore Street. He has a business  
23 across Sycamore Street as well as a potential of  
24 business across West Second Street.

25 CHAIRMAN: Yes, sir, Mr. Noffsinger.



1                   MR. NOFFSINGER: Planning Staff, again,  
2                   what we are recommending is a recommendation that we  
3                   feel speaks to good planning. Doesn't mean it's the  
4                   way the property should develop. It's a  
5                   recommendation to consider. Second Street is an  
6                   arterial street and a high traffic street, whereas  
7                   Sycamore Street is a local street with very low  
8                   traffic.

9                   Generally in residential you would want to  
10                  orient the residential uses toward that local street.  
11                  This home is being built as a continuation of the  
12                  Sycamore Street development that's currently  
13                  developing and going through one of the city's home  
14                  buyer program. This is just a continuation of that.

15                  We've looked at the house that's being  
16                  proposed for the property and we've looked at  
17                  orienting the home towards Second Street or orienting  
18                  the home towards Sycamore Street. You can fit the  
19                  home on the property either way. If you orient the  
20                  home toward Second Street, you have a smaller backyard  
21                  and you have a rather large side yard or the front, if  
22                  you will, but you have a very small backyard where  
23                  children typically you would see them playing as well  
24                  as you limit yourself to future additions to the home.  
25                  The driveway is going to come in off Second Street to

1 the rear of the property. With a 20 foot rear yard  
2 set back and orienting the home towards Second Street,  
3 you do not have room to put in a carport, an attached  
4 carport or an attached garage. You may have room to do  
5 a detached building, but you could not have an  
6 attached vehicular structure for vehicle parking.  
7 However, if you orient the home toward Sycamoare  
8 Street, you have a much larger rear yard as well as  
9 you have the opportunity to have an attached carport  
10 or a small attached garage to the property. So we're  
11 looking at it not just from what's presently out  
12 there, but the future land uses and someone might have  
13 the idea of doing an addition later on.

14 I think if all of that is understood and  
15 recognized by all parties, I think keeping with  
16 tradition there have not been qualifications on the  
17 orientation of a home. However, the Planning Staff  
18 felt it was a good recommendation to consider, but  
19 given the facts may not be a recommendation the  
20 Planning Commission should send to the legislative  
21 body.

22 CHAIRMAN: With that being said, Mr.  
23 Riney, obviously from your engineering background  
24 you're aware of all of those situations and your  
25 client is also aware of them?

1                   MR. RINEY: Yes. Mr. Chairman, I wanted  
2                   to make sure that the records was clear on that. The  
3                   applicant is aware of the conditions and states that  
4                   this is his preference. He did indicate to me or  
5                   direct me that if he felt like that this was not going  
6                   to be acceptable to the commission that rather than  
7                   rezone it and have the orientation in a direction that  
8                   wasn't in the preference of the people that are  
9                   looking at it. That he would respectfully request  
10                  that it be withdrawn, but I'm not making that request  
11                  at this point because I don't think the Staff is  
12                  arguing that point as an absolute.

13                  CHAIRMAN: Thank you.

14                  I think at this point, unless anybody has  
15                  any further questions, I think the Chair can be ready  
16                  for a motion.

17                  MR. CAMBRON: Mr. Chairman, I make a  
18                  motion that we rezone this, and do away with Condition  
19                  2, and the Findings of Fact 1 through 4 and let this  
20                  house be orientated towards Second Street.

21                  MR. APPLEBY: Second.

22                  CHAIRMAN: We have a motion by Mr.  
23                  Cambron. We have a second by Mr. Appleby. All in  
24                  favor of the motion raise your right hand.

25                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 -----

4 ZONING CHANGES - COUNTY

5 ITEM 6

6 3131 Alvey Park Drive W, 0.573 acres  
7 Consider zoning change: From I-1 Light Industrial to  
8 B-4 General Business  
9 Applicant: Communication Workers of America Local  
3314

9 PLANNING STAFF RECOMMENDATIONS

10 Staff recommends approval because the proposal is  
11 in compliance with the adopted Comprehensive Plan.

12 Findings in support of this recommendation include:

13 1. The subject property is located within a  
14 Business Plan Area, where general business uses are  
15 appropriate in limited locations;

16 2. The subject property is contiguous to  
17 existing B-4 General Business zones and uses; and

18 3. The applicant's proposal is a logical  
19 expansion because it is contiguous to existing B-4  
20 General Bsuiness zones and uses, would not  
21 significantly increase the extent of the General  
22 Business zone within the vicinity, and would not  
23 overburden the capacity of roadways and other  
24 necessary urban services that are available in the  
25 affected area.

1 MS. WATSON: We would like to enter the  
2 Staff Report as Exhibit B.

3 CHAIRMAN: Is anybody here representing  
4 the applicant in the audience?

5 APPLICANT: Yes.

6 CHAIRMAN: Would you like to make a  
7 statement?

8 APPLICANT: No, not really.

9 CHAIRMAN: Let's see if we have any  
10 questions.

11 Does anybody from the commission have a  
12 question of the applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Does anybody from the audience  
15 have any question of the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Chair is now ready for a  
18 motion.

19 MR. APPLEBY: Mr. Chairman, I make a  
20 motion for approval based on the Staffs Recommendation  
21 and Findings of Fact 1 through 3.

22 MR. GILLES: Second.

23 CHAIRMAN: We've got a motion for approval  
24 by Mr. Appleby. Second by Mr. Gilles. All in favor  
25 raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 7

5 10651 KY 144, 15+ acres

6 Consider zoning change: From EX-1 Coal Mining to A-R

7 Rural Agriculture

8 Applicant: Dennis Buck, James D. Payne

9 PLANNING STAFF RECOMMENDATIONS

10 Staff recommends approval because the proposal is

11 in compliance with the adopted Comprehensive Plan.

12 Findings of Fact in support of this recommendation are

13 as follows:

14 1. The subject property is located in a Rural

15 Maintenance Plan Area, where rural farm residential

16 uses are appropriate in general locations;

17 2. The subject property is adjacent to A-R Rural

18 Agriculture zoning and rural residential uses;

19 3. An existing rural residence is currently,

20 located on the subject property;

21 4. There are no current coal mining activities

22 on the subject property;

23 5. The subject project has frontage on existing

24 public roads; and

25 6. The subject project consists of a large

separate tract that has potential for productive

agricultural use.

1 MS. WATSON: We'd like to enter this as  
2 Exhibit C.

3 CHAIRMAN: Is there anybody here  
4 representing the applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Any questions from anybody on  
7 the commission?

8 (NO RESPONSE)

9 MR. ROGERS: Is Chair ready for a motion?

10 CHAIRMAN: Chair is ready for a motion.

11 MR. ROGERS: Mr. chairman, I make a motion  
12 for approval based on Staff Recommendation and the  
13 Findings of Fact 1 through 6.

14 CHAIRMAN: We've got a motion for approval  
15 by Mr. Rogers.

16 MS. DIXON: Second.

17 CHAIRMAN: Second by Ms. Dixon. All in  
18 favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item, please.

22 ITEM 8

23 Portion 2714 US 60 E, 1.106 acres (POSTPONED from  
24 December 13, 2001 meeting.)  
25 Consider zoning change: From B-4 General Business and  
R-3MF Multi-Family Residential to B-4 General Business  
Applicant: Charalambos 'Harry' Pavlas, Nicholas  
Pavlas

## 1 PLANNING STAFF RECOMMENDATIONS

2 Staff recommends approval because the proposal is  
3 in compliance with the adopted Comprehensive Plan.  
4 This recommendation is made subject to the condition  
5 and findings of fact that follow:

## 6 Condition:

7 1. Access to US 60 East from 2714 US 60 E shall  
8 be limited to one access point not to exceed 50 feet  
9 in width.

## 10 Findings of Fact:

11 1. The subject property is located within a  
12 Business Plan Area, where general business uses are  
13 appropriate in general locations;

14 2. A portion of the subject property is  
15 currently zoned B-4 General Business and has been used  
16 for general business activities;

17 3. The subject property adjoins B-4 General  
18 Business zoning and uses; and

19 4. The applicant's proposal is a logical  
20 expansion of existing B-4 zoning and uses, will not  
21 significantly increase the extent of the existing B-4  
22 General Business zoning and use in the vicinity, and  
23 will not overburden the capacity of roadways or other  
24 necessary urban services in the affected area.

25 MS. WATSON: We would like to enter this



1 Staff Report as Exhibit D.

2 CHAIRMAN: Is there anybody representing  
3 the applicant here?

4 (NO RESPONSE)

5 CHAIRMAN: Are there any questions or  
6 comments by the commission?

7 (NO RESPONSE)

8 CHAIRMAN: Chair is ready for a motion.

9 MS. DIXON: Move for approval based upon  
10 Planning Staff Recommendation subject to Condition 1 and  
11 based upon Findings of Fact 1, 2, 3, 4.

12 CHAIRMAN: Motion for approval by Ms.  
13 Dixon based on the condition.

14 MR. HAYDEN: Second.

15 CHAIRMAN: Second by Mr. Hayden. 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 -----

21 DEVELOPMENT PLAN

22 ITEM 9

23 400 West 11th Street, 2.254 acres  
24 Consider approval of final development plan.  
25 Applicant: Blue Grass Real Estate, LLC

MR. NOFFSINGER: Mr. Chairman, this plan

1 has been reviewed by the Planning Staff, the  
2 Engineering Staff. It's found to be in order.

3 This is the former Baskin-Robbins property  
4 which served as a truck parking area. The only change  
5 to this development plan is that there is a small  
6 portion of the I believe to be south eastern corner of  
7 the property that's being taken and consolidated with  
8 property that fronts on Frederica Street for future  
9 commercial development, but it is in order and ready  
10 for your consideration.

11 CHAIRMAN: Is anybody here representing  
12 the applicant?

13 APPLICANT: Yes.

14 CHAIRMAN: Anybody have any questions of  
15 the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Anybody from the audience?

18 (NO RESPONSE)

19 MR. CAMBRON: Is Chair ready for a motion?

20 CHAIRMAN: Chair is ready for a motion,  
21 Mr. Cambron.

22 MR. CAMBRON: Motion for approval.

23 CHAIRMAN: Motion for approval by Mr.  
24 Cambron.

25 MR. HAYDEN: Second.

1 CHAIRMAN: Second by Mr. Hayden. All in  
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 -----

7 MAJOR SUBDIVISION

8 ITEM 10

9 The Brooks, 31.844 acres  
10 Consider approval of revised major subdivision  
11 preliminary plat.

12 Applicant: Bill Jones, Owensboro Master Builders, Inc  
13 MR. NOFFSINGER: Mr. Chairman, this plan

14 has been reviewed by the Planning Staff, by the  
15 Engineering Staff. It is found to be in order.

16 The changes to this plat come before you  
17 for consideration are drainage changes on the  
18 previously approved plat. It deals with storm water  
19 drainage. Mr. Riney, the engineer on the plan, is  
20 here tonight if you have any questions.

21 CHAIRMAN: Does anybody from the audience  
22 or commission have questions of Mr. Riney?

23 (NO RESPONSE)

24 CHAIRMAN: Chair is ready for a motion.

25 MR. HAYDEN: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr.  
Hayden.

1 MS. DIXON: Second.

2 CHAIRMAN: Second by Ms. Dixon. All in  
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 ITEM 11

8 Lake Forest, Phase II, 47.94 acres  
9 Consider approval of revised major subdivision  
10 preliminary plat.

Applicant: JMP/Lake Forest, Inc.

10 MR. NOFFSINGER: Mr. Chairman, this plan

11 has been reviewed by the Planning Staff and by the

12 Engineering Staff. It's found to be in order.

13 This plat is being considered in  
14 conjunction with Item Number 10 and is being amended  
15 only to facilitate drainage changes in the Brooks  
16 development.

17 CHAIRMAN: Is there anybody here  
18 representing the applicant?

19 APPLICANT: Yes.

20 CHAIRMAN: Does anybody from the audience  
21 or the commission have questions of the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: If not Chair is ready for a  
24 motion.

25 MR. APPLEBY: Motion for approval.

1                   CHAIRMAN: Motion for approval by Mr.  
2     Appleby.

3                   SISTER VIVIAN: Second.

4                   CHAIRMAN: Second by Sister Vivian. All  
5     in favor raise your right hand.

6                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7                   CHAIRMAN: Motion carries unanimously.

8                   Next item, please.

9                   -----

10   SURETY RELEASES

11     ITEM 13

12     By Pass Homes, \$5,000.00  
13     Consider release of surety (Certificate of Deposit)  
14     for landscaping.  
15     Surety posted by: By Pass Homes

16     ITEM 14

17     Creek Haven, Unit #2, \$15,383.20  
18     Transfer of surety (Certificate of Deposit) for 2"  
19     bit. conc. base to the City of Owensboro  
20     Surety posted by: Creek Haven Development, Inc.

21     ITEM 15

22     Enterprise Rent-A-Car, \$503.00  
23     Consider release of surety (Certified Check) for  
24     landscaping.  
25     Surety posted by: Enterprise Rent-A-Car

26     ITEM 16

27     Hunters Ridge, Unit #7, \$3,732.40  
28     Consider release of surety (Certificate of Deposit)  
29     for 2" bit. conc. base.  
30     Surety posted by: Hunters Ridge Development, Inc.

31     ITEM 17

1 S and J Kustoms, \$2,370.00  
2 Consider release of surety (Certified Check) for  
3 landscaping.  
4 Surety posted by: S & J Kustoms  
5 MR. NOFFSINGER: Mr. Chairman, under  
6 Surety Releases Item 13 through 17 each are in order  
7 and may be considered for release in toto.

8 CHAIRMAN: Chair is ready for a motion.

9 MS. DIXON: Move to approve 13 through 17  
10 in toto.

11 CHAIRMAN: Ms. Dixon has a motion for  
12 approval.

13 MR. CAMBRON: Second.

14 CHAIRMAN: Second by Mr. Cambron. All in  
15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Next item, please.

18 MR. APPLEBY: We missed Item 12.

19 CHAIRMAN: Item 13 through 17 for the  
20 record passed unanimously. We will go back and pick  
21 up Item Number 12. Mr. Noffsinger will be right on  
22 that.

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23 MINOR SUBDIVISION

24 ITEM 12

25 9198, 9210, 9314, KY 144, 1.72 acres  
Consider approval of minor subdivision plat. Applicant:  
Jamie Postlewaite, Mary & Kenneth L. Postlewaite, II,  
East Daviess County Water  
Ohio Valley Reporting  
(270) 683-7383

1 MR. NOFFSINGER: Mr. Chairman, this plat  
2 has been reviewed by the Planning Staff. The plat is  
3 in order.

4 What it does do to the development  
5 activity that has historically occurred on Kentucky  
6 144, there is some property that is being reconfigured  
7 so that an existing home place can be located on its  
8 own separate lot of 1.6 acres. That 1.6 acres is  
9 being taken off of a larger tract with the remaining  
10 acreage of 21.35 acres and that property will have  
11 frontage through land that's being acquired from the  
12 East Daviess County Water District, but the plat comes  
13 before you because the lot that is being created on  
14 the 1.6 acre tract exceeds the depth to width ratio;  
15 however, due to the existing lots being created around  
16 it and the way the property exist today, there is no  
17 other way to divide it.

18 CHAIRMAN: I someone here representing the  
19 applicant?

20 APPLICANT: Yes.

21 CHAIRMAN: Does anybody in the audience or  
22 the commission have any questions of the applicant?

23 (NO RESPONSE)

24 CHAIRMAN: If not Chair is ready for a  
25 motion.

1 MR. JAGOE: Move to approve.  
2 CHAIRMAN: Mr. Jagoe motion for approval.  
3 MR. ROGERS: Second.  
4 CHAIRMAN: Second by Mr. Rogers. All in  
5 favor raise your right hand.  
6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)  
7 CHAIRMAN: Motion carries unanimously.  
8 Next item, please.

9 -----

10 SURETY TRANSFERS

11 ITEM 18

12 Cinderella Drive, \$3,300.00  
13 Transfer of surety (Performance Bond) for fire  
14 hydrants to the Daviess County Fiscal Court.  
15 Surety posted by: James Glenn Causey

16 ITEM 19

17 The Greens of Heartland, Phase 3, \$3,068.80  
18 Transfer of surety (Certificate of Deposit) for  
19 streets to the City of Owensboro.  
20 Surety posted by: Jagoe Development Corporation

21 ITEM 20

22 The Greens of Heartland, Phase 3, \$7,950.00  
23 Transfer of surety (Certificate of Deposit) for  
24 sidewalks to the City of Owensboro.  
25 Surety posted by: Jagoe Development Corporation

ITEM 21

North Arbors of Heartland, Phase I, \$3,933.60  
Transfer of surety (Certificate of Deposit) for  
sidewalks to the City of Owensboro.  
Surety posted by: Jagoe Homes & Construction, Inc.

ITEM 22



1 The North Arbors of Heartland, Phase 2, \$5,646.00  
2 Transfer of surety (Certificate of Deposit) for  
3 sidewalks to the City of Owensboro  
4 Surety posted by: Jagoe Development Corporation

5 ITEM 23

6 The North Arbors of Heartland, Phase 2, \$2,546.60  
7 Transfer of surety (Certificate of Deposit) for  
8 streets to the City of Owensboro  
9 Surety posted by: Jagoe Development Corporation

10 ITEM 24

11 Preakness Place At The Downs, \$20,698.80  
12 Transfer of surety (Irrevocable Letter of Credit) for  
13 streets and sidewalks to the Daviess County Fiscal  
14 Court.  
15 Surety posted by: Thompson Homes, Inc.

16 MR. NOFFSINGER: Under Surety Transfers I  
17 believe we can do these in toto; however we will have  
18 a disqualification for I believe 19, 20, 21, 22 and 23  
19 by Mr. Jagoe.

20 CHAIRMAN: Is that correct, Mr. Jagoe?

21 MR. JAGOE: Yes, Mr. Chairman, I need to  
22 disqualify myself on those items.

23 CHAIRMAN: Thank you, Mr. Noffsinger.

24 MR. NOFFSINGER: With that Surety Transfers  
25 18 through 24 are in order and may be transferred in  
toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve Surety  
Transfers 18 through 24 in toto.

CHAIRMAN: Motion for approval by Ms.

1 Dixon.

2 MR. HAYDEN: Second.

3 CHAIRMAN: Second by Mr. Hayden. All in  
4 favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT WITH THE  
6 DISQUALIFICATION OF MR. JAGOE ON ITEMS 19, 20, 21, 22  
7 AND 23 RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9

10 NEW BUSINESS

11 ITEM 25

12 4804 Towne Square Court, 0.537+ acres  
13 Consider approval of minor subdivision plat.  
14 Applicant: Dr. J. Chris Hyland, Lisa P. Hyland, Dr.  
15 Eddie W. Leach, Sherrienne Leach, City of Owensboro.  
16 MR. NOFFSINGER: Mr. Chairman, this plat  
17 dedicates right of way which is land that is now a  
18 part of the Towne Square Animal Clinic and that area  
19 that's being dedicated as right of way will be used to  
20 extend Nicholas Drive which is a street that will  
21 extend to Towne Square Court to provide better means  
22 of access within that area. It will be constructed by  
23 the City of Owensboro. It's been reviewed by the  
24 Planning Staff. We find no conflict with the plan.  
25 Recommend that you approve this plat tonight.

24 CHAIRMAN: Is anybody here representing  
25 the applicant?

1 APPLICANT: Yes.

2 CHAIRMAN: Does anybody from the  
3 commission have any questions of the applicant?

4 (NO RESPONSE)

5 MR. CAMBRON: Motion for approval.

6 CHAIRMAN: Motion for approval by Mr.  
7 Cambron.

8 MR. HAYDEN: Second.

9 CHAIRMAN: Second by Mr. Hayden. All in  
10 favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 I have one item that I want to bring up.  
14 One of our members, Ms. Judy Dixon, appeared in the  
15 Region section. "Foust Elementary Teacher Helps  
16 Struggling Students".

17 Congratulations, Judy. It says, "There  
18 are kids that want to get up and go to school on  
19 Saturday and Sunday because of her", stated Ms. Linda  
20 Buck.

21 Judy, you can't say any more about  
22 somebody. Thanks. Congratulations for a job well  
23 done and your many years of service in the education  
24 system in helping our youth.

25 Now, the Chair is ready for one more

1 motion.

2 MS. DIXON: Move to adjourn.

3 CHAIRMAN: Motion for adjournment by Ms.  
4 Dixon.

5 MR. HAYDEN: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: We are adjourned.

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1 STATE OF KENTUCKY)  
 ) SS: REPORTER'S CERTIFICATE  
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for  
4 the State of Kentucky at Large, do hereby certify that  
5 the foregoing Owensboro Metropolitan Planning & Zoning  
6 meeting was held at the time and place as stated in  
7 the caption to the foregoing proceedings; that each  
8 person commenting on issues under discussion were duly  
9 sworn before testifying; that the Board members  
10 present were as stated in the caption; that said  
11 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 36 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 17th day of January, 2002.

18  
19

\_\_\_\_\_  
LYNNETTE KOLLER, NOTARY PUBLIC  
OHIO VALLEY REPORTING SERVICE  
202 WEST THIRD STREET, SUITE 2  
21 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:  
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:  
25 DAVIESS COUNTY, KENTUCKY