

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 13, 2002

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, June 13, 2002, at City Hall, Commission  
7 Chambers, Owensboro, Kentucky, and the proceedings  
8 were as follows:

9 MEMBERS PRESENT: Drew Kirkland, Chairman  
10 Gary Noffsinger  
11 Nick Cambron  
12 Dave Appleby  
13 Jimmy Gilles  
14 Scott Jagoe  
15 Irvin Rogers  
16 Judy Dixon  
17 Dr. Mark Bothwell  
18 Martin Hayden  
19 Stewart Elliott,  
20 Attorney

21 \* \* \* \* \*

22 CHAIRMAN: I'd like to call our June 13th  
23 Planning & Zoning Commission meeting to order.

24 Our invocation and pledge of allegiance  
25 will be given by Mr. Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Our first item of order will be  
23 to consider the minutes of our May 9th meeting. Are  
24 there any additions, corrections or questions  
25 regarding that meeting?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Motion for approval by Ms.  
6 Dixon.

7 MR. HAYDEN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Mr. Noffsinger.

13 -----

14 PUBLIC FACILITIES PLANS  
15 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

16 ITEM 2

17 247 Hill Bridge Road  
18 Land Acquisition  
19 Consider comments regarding the acquisition of  
20 property located at 247 Hill Bridge Road, Utica, in  
21 order to improve the intersection.  
22 Referred by: Daviess County Fiscal Court

23 MR. NOFFSINGER: Mr. Chairman, the Daviess  
24 County Fiscal Court will be acquiring this property I  
25 believe to remove a structure that is on the property  
that will improve sight distance for the motoring  
public in this area. Planning Staff has reviewed this  
application. We find no conflict with the

1 Comprehensive Plan and recommend a letter of that  
2 affect to be forwarded to the Daviess County Fiscal  
3 Court.

4 CHAIRMAN: Does anybody have any  
5 questions?

6 (NO RESPONSE)

7 CHAIRMAN: Anybody from the audience have  
8 any questions?

9 (NO RESPONSE)

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

12 MR. APPLEBY: Motion for approval.

13 CHAIRMAN: Motion for approval by Mr.  
14 Appleby.

15 MR. JAGOE: Second.

16 CHAIRMAN: Second by Mr. Jagoe. All in  
17 favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 -----

22 CELLULAR TELECOMMUNICATIONS FACILITIES  
23 PER KRS 100.987

24 ITEM 3

25 4747 Winkler Road  
Consider approval of a wireless telecommunications

1 tower.  
Applicant: Nextel WIP Lease Corp., d/b/a Nextel  
2 Partners, Kenergy Corp.

3 MR. NOFFSINGER: Mr. Chairman, back in I  
4 guess it was April the Kentucky Legislature gave the  
5 authority for the review of cellular communication  
6 towers to jurisdictions that have local planning  
7 units. We happen to be one of those so we have the  
8 opportunity, if you will, to take a look at cellular  
9 telecommunication sites. The final action to  
10 approving or disapproving these sites rest with this  
11 commission.

12 Now, at the present time this community  
13 does not have zoning regulations in place for cell  
14 towers; however, we do have an element in our  
15 Comprehensive Plan that addresses these types of  
16 towers.

17 The application that has been filed is to  
18 replace an existing Kenergy tower. I'm not sure on  
19 the height of it, but it is shorter at the present  
20 time than what's being proposed. I believe they're  
21 proposing a tower that will be 250 feet in height. It  
22 will be lighted. The applicant is here tonight to  
23 discuss that if anyone has any questions.

24 The fact is there's already an existing  
25 tower in this location and this will be simply making

1 the tower taller, but it would result in no new towers  
2 or no additional towers within the area.

3 The Owensboro Metropolitan Planning  
4 Commission has established a cell tower review  
5 committee to take a look at what we're doing in this  
6 community, what direction we should be going in in  
7 terms of reviewing cell towers and either recommending  
8 we put zoning regulations in place or not. That  
9 committee will be holding a public forum, I'm using  
10 this for advertisement, on July 8th at 6 p.m. in this  
11 building on this floor. We would certainly encourage  
12 the public to attend that forum as well as the  
13 industry. By the way there is an industry  
14 representative on that committee, but to gather input  
15 from the public, from the community to see and give  
16 that committee direction on how to proceed.

17 With that, Mr. Chairman, this application  
18 appears to be in order and Planning Staff is making a  
19 favorable recommendation in terms of we're not  
20 creating a new tower location. We're simply replacing  
21 an existing tower.

22 CHAIRMAN: Are there any questions from  
23 the audience?

24 (NO RESPONSE)

25 CHAIRMAN: Any questions from the

1 commission?

2 (NO RESPONSE)

3 CHAIRMAN: Chair is ready for a motion.

4 DR. BOTHWELL: Motion for approval.

5 CHAIRMAN: Motion for approval by Dr.

6 Bothwell.

7 MR. HAYDEN: Second.

8 MR. CHAIRMAN: Second by Mr. Hayden. All

9 in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 -----

14 ZONING CHANGES - CITY

15 ITEM 4

16 2425 Frederica Street, 1.963+ acres  
17 Consider zoning change: From B-4 General Business,  
18 R-1C Single-Family Residential to P-1  
19 Professional/Service  
20 Applicant: Independence Bank of Kentucky, Inc., J.  
Frank Hartz Testamentary Trust c/o Maxine G. & Max S.  
Hartz Trustees, Jerry D. & Carolyn De Spain, Patricia  
B. Powell Revocable Living Trust, John L. & Jane W.  
Reynolds

21 MR. ELLIOTT: State your name, please.

22 MS. WATSON: Becky Watson.

23 (MS. BECKY WATSON SWORN BY ATTORNEY.)

24 MR. JAGOE: Mr. Chairman, I need to

25 disqualify myself.

1 CHAIRMAN: So noted.

2 (MR. JAGOE LEAVES ROOM AT THIS TIME.)

3 PLANNING STAFF RECOMMENDATIONS

4 Staff recommends approval because the proposal is  
5 in compliance with the adopted Comprehensive Plan.

6 This recommendation is made subject to the conditions  
7 and findings of fact that follow:

8 Conditions:

9 1. Access shall be limited to one access point  
10 on Frederica Street, one access point on West 24th  
11 Street and one access point on West 25th Street as  
12 shown on the final development plan submitted in  
13 conjunction with this rezoning application;

14 2. Closure of the public alley right-of-way  
15 bisecting the property; and,

16 3. Consolidation of all the properties into one  
17 lot.

18 Findings of Fact:

19 1. The subject property is partially located  
20 within an Urban Residential Plan Area, where  
21 professional/service uses are appropriate in limited  
22 locations;

23 2. The subject property is partially located  
24 within a Business Plan Area, where  
25 professional/service uses are considered a subset of

1 business uses;

2 3. The Comprehensive Plan did not anticipate a  
3 request to a zoning classification (P-1) that permits  
4 uses that also are included in a more intense zoning  
5 classification (B-4);

6 4. The majority of the property is currently  
7 zoned B-4 General Business, which would permit all  
8 uses allowed in a P-1 Professional/Service zone;

9 5. The P-1 Professional/Service zone would serve  
10 as a buffer between the established residential  
11 neighborhood to the east and the general business uses  
12 to the west;

13 6. The subject property is major-street-oriented

14 7. The subject property is over one acre in  
15 size; and

16 8. A development plan has been submitted  
17 restricting access points to the subject property.

18 MS. WATSON: The staff would like to enter the  
19 Staff Report as Exhibit A into the record.

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

22 MR. ELLIOTT: State your name, please.

23 MR. THACKER: John Thacker.

24 (MR. JOHN THACKER SWORN BY ATTORNEY.)

25 MR. THACKER: My name is John Thacker. I



1 represent Independence Bank on this application. We  
2 would just concur with the Staff Report, the  
3 conditions that they have submitted together with the  
4 Staff's findings of fact and we're prepared to answer  
5 any questions anyone might have.

6 CHAIRMAN: Thank you.

7 Does anybody from the audience have any  
8 questions of the applicant?

9 (NO RESPONSE)

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

12 (NO RESPONSE)

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

15 MR. CAMBRON: Motion for approval, Mr.  
16 Chairman, based upon Conditions 1 through 3 and  
17 Findings of Fact 1 through 8.

18 CHAIRMAN: We have a motion for approval  
19 by Mr. Cambron. Do we have a second?

20 MR. APPLEBY: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item.

1 Related Item:

2 ITEM 4A

3 2425 Frederica Street, 1.963 acres

Consider approval of final development plan.

4 Applicant: Independence Bank of Kentucky, Inc., J.  
5 Frank Hartz Testamentary Trust c/o Maxine G & Max S.  
6 Hartz Trustees, Jerry D. & Carolyn De Spain, Patricia  
B. Powell Revocable Living Trust, John L. & Jane W.  
Reynolds

7 MR. NOFFSINGER: Mr. Chairman, this  
8 application has been reviewed by the Planning Staff  
9 and Engineering Staff. It's found to be in order and  
10 recommended for approval at this time.

11 CHAIRMAN: Does anybody from the audience  
12 have any question?

13 (NO RESPONSE)

14 CHAIRMAN: Anybody from the commission?

15 (NO RESPONSE)

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

18 DR. BOTHWELL: Motion for approval.

19 CHAIRMAN: Dr. Bothwell motion for  
20 approval.

21 MR. HAYDEN: Second.

22 CHAIRMAN: Second by Mr. Hayden. All in  
23 favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1 Next item, please.

2 ITEM 5

3 515 East 22nd Street, 0.49 acres  
4 Consider zoning change:From P-1 Professional/Service  
5 to R-4DT Inner-City Residential  
6 Applicant: Blessed Mother Parish, Inc., Diocese of  
7 Owensboro

8 PLANNING STAFF RECOMMENDATIONS

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

11 This recommendation is made subject to findings of  
12 fact that follow:

13 1. The subject property is located in a  
14 Professional/Service Plan Area, where urban  
15 low-density uses are appropriate in very-limited  
16 locations;

17 2. The subject property adjoins R-4DT zoning to  
18 the west, east and north;

19 3. The applicant's proposal is a logical  
20 expansion of the existing adjoining R-4DT zone and  
21 uses; and,

22 4. Sanitary sewers serve the subject property.

23 MS. WATSON: We would like the Staff  
24 Report as Exhibit B.

25 CHAIRMAN: Is there anybody here  
representing the applicant?

MR. ELLIOTT: State your name, please.

1 MR. MEYER: J.D. Meyer.

2 (MR. J.D. MEYER SWORN BY ATTORNEY.)

3 MR. MEYER: Mr. Commissioners, Ladies and  
4 Gentlemen of the Commission, my name is J.D. Meyer and  
5 I represent Blessed Mother Parish in this matter.  
6 We'd just state that we concur with the Staff  
7 recommendations and offer that as evidence and we're  
8 here to answer any questions that you all may have.

9 CHAIRMAN: Does anybody from the audience  
10 have a question of the applicant?

11 (NO RESPONSE)

12 CHAIRMAN: Does anybody from the  
13 commission have a question of the applicant?

14 (NO RESPONSE)

15 CHAIRMAN: Thank you, Mr. Meyer.

16 The chair is ready for a motion.

17 MR. HAYDEN: I make a motion for approval  
18 based upon Staff Recommendations 1 through 4.

19 CHAIRMAN: Motion for approval by Mr.  
20 Hayden.

21 MS. DIXON: Second.

22 CHAIRMAN: Second by Ms. Dixon. All in  
23 favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1 Next item, please.

2 -----

3 ZONING CHANGES - COUNTY

4 ITEM 6

5 4300 Block Eagle Crest Drive, 5.513 acres  
6 Consider zoning change: From A-U Urban Agriculture  
7 to R-1A Single-Family Residential  
8 Applicant: Hayden Park Developers, c/o Ron Jones

9 PLANNING STAFF RECOMMENDATIONS

10 Staff recommends approval because the proposal is  
11 in substantial compliance with the adopted  
12 Comprehensive Plan. This recommendation is made  
13 subject to the findings of fact that follow:

14 1. The subject property is located in an Urban  
15 Residential Plan Area, where low-density residential  
16 uses are appropriate in limited locations;

17 2. The subject property is located in an area  
18 where there is a planned expansion of sanitary sewers;

19 3. The preliminary plan submitted in conjunction  
20 with this request provides for construction of a  
21 sanitary sewer collection system to be connected to a  
22 trunk sewer when RWRA's sewer expansion is completed  
23 to Reid Road at Yellow Creek Park;

24 4. Adjacent property is zoned R-1A Single-Family  
25 Residential; and

5. The applicant's proposal is a logical

1 extension of R-1A zoning and would not overburden  
2 existing roadways or other urban services.

3 MS. WATSON: We would like to enter the  
4 Staff Report as Exhibit C.

5 CHAIRMAN: Is there anybody here  
6 representing the applicant?

7 APPLICANT: Yes.

8 CHAIRMAN: Does anybody have any questions  
9 of the applicant from the audience?

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody from the  
12 commission have any questions of the applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Chair is ready for a motion.

15 MR. ROGERS: Motion for approval based  
16 upon Planning Staff Recommendations and Findings of  
17 Fact 1 through 5.

18 MR. CAMBRON: Second.

19 MR. CHAIRMAN: Motion for approval by Mr.  
20 Rogers. Second by Mr. Cambron. All in favor raise  
21 your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item.

25

1 Related Item:

2 ITEM 6A

3 The Falcons at Eagle Crest Estates, Section 3, 5.513  
4 acres

5 Consider approval of major subdivision preliminary  
6 plat.

7 Applicant: Hayden Park Developers, c/o Ron Jones

8 MR. NOFFSINGER: Mr. Chairman, this

9 preliminary plat has been reviewed by the Engineering

10 Staff and Planning Staff. It's found to be in order

11 and recommended for approval at this time.

12 CHAIRMAN: Does anybody from the audience

13 have any questions on this part of it?

14 (NO RESPONSE)

15 CHAIRMAN: Anybody from the commission?

16 (NO RESPONSE)

17 CHAIRMAN: Chair is ready for a motion.

18 MR. JAGOE: Move to approve.

19 CHAIRMAN: Motion for approval by Mr.

20 Jagoe.

21 MR. GILLES: Second.

22 CHAIRMAN: Second by Mr. Gilles. All in

23 favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

Next item.

26

1 ITEM 7

2 8220 KY 81, 10.119 acres

3 Consider zoning change: From I-1 Light Industrial,

4 A-R Rural Agricultural to I-2 Heavy Industrial

5 Applicant: Kenneth Frazier; Winn Leasing Corp

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the proposal is

8 in compliance with the adopted Comprehensive Plan.

9 This recommendation is made subject to the conditions

10 and the findings of fact that follow:

11 Conditions:

12 1. All vehicular use areas shall be paved;

13 2. All outdoor storage areas shall be screened  
14 with an 8-foot high solid element with the storage of  
15 materials not to exceed the height of the 8-foot  
16 element; and

17 3. A final development plan shall be submitted  
18 and approved by OMPC.

19 Findings of Fact:

20 1. The subject property is located in a Rural  
21 Community Plan Area, where heavy industrial uses are  
22 appropriate in very-limited locations;

23 2. The subject property is contiguous to  
24 existing heavy industrial uses; and

25 3. The applicant's proposal is a logical  
expansion of heavy industrial use that will not



1 significantly increase the extent of industrial uses  
2 in the vicinity and will not overburden the capacity  
3 of the roadway.

4 MS. WATSON: We would like to enter the  
5 Staff Report as Exhibit D.

6 CHAIRMAN: Is anybody here representing  
7 the applicant?

8 MR. KUEGEL: Yes.

9 MR. ELLIOTT: State your name, please.

10 MR. KUEGEL: Bruce Kuegel.

11 (MR. BRUCE KUEGEL SWORN BY ATTORNEY.)

12 MR. KUEGEL: My name is Bruce Kuegel. I  
13 would ask that everyone concur with the report of the  
14 staff and I'm here to answer any questions related to  
15 the zoning change.

16 CHAIRMAN: Thank you, Mr. Kuegel.

17 Are there any questions of the applicant  
18 from the audience?

19 (NO RESPONSE)

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

22 (NO RESPONSE)

23 CHAIRMAN: Thank you.

24 If not the chair is ready for a motion.

25 MR. CAMBRON: Motion for approval, Mr.

1 Chairman, based upon Conditions 1 through 3 and  
2 Findings of Fact 1 through 3.

3 CHAIRMAN: Motion for approval by Mr.  
4 Cambron.

5 MR. APPLEBY: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 Related Item:

12 ITEM 7A

13 8220 KY 81, 10.119 acres  
14 Consider approval of preliminary development plan.  
15 Applicant: Kenneth Frazier, Winn Leasing Corp.

16 MR. NOFFSINGER: Mr. Chairman, the  
17 Planning Staff and Engineering Staff has reviewed this  
18 application. It's found to be in order and  
19 recommended for approval at this time.

20 CHAIRMAN: Anybody from the audience have  
21 any questions?

22 (NO RESPONSE)

23 CHAIRMAN: Does anybody from the  
24 commission have any questions?

25 (NO RESPONSE)

MR. HAYDEN: Make a motion for approval.

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

3 MS. DIXON: Second.

4 CHAIRMAN: Second by Ms. Dixon. All in  
5 favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item.

9 ITEM 8

10 3901 Block Old Hartford Road, 22.121+ acres  
11 Consider zoning change: From A-U Urban Agriculture  
12 to R-1C Single-Family Residential  
13 Applicant: Pedley Developers, LLC, Jerry & Betty  
14 Yeiser

15 PLANNING STAFF RECOMMENDATIONS

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

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

20 Conditions:

21 1. Access to Old Hartford Road shall be limited  
22 to one intersection access point aligned with Gunston  
23 Place. No additional driveway access will be  
24 permitted to Old Hartford Road; and

25 2. Access to East Byers Avenue will be limited  
to a single street intersection spaced a minimum of  
1000 feet from the centerline of Old Hartford Road.

1 Findings of Fact:

2 1. The subject property is located within an  
3 Urban Residential Plan Area, where urban low-density  
4 residential uses are appropriate in limited locations;

5 2. The subject property is contiguous to  
6 residentially zoned and developed property; and,

7 3. Sanitary sewers will serve the subject  
8 property.

9 MS. WATSON: The Staff Report will be  
10 entered as Exhibit E.

11 CHAIRMAN: Is there someone here  
12 representing the applicant?

13 APPLICANT: Yes.

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

16 (NO RESPONSE)

17 CHAIRMAN: Does anybody from the  
18 commission have a question of the applicant?

19 (NO RESPONSE)

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

22 MS. DIXON: Move to approve subject to  
23 Conditions 1 and 2 and based upon Findings of Fact 1  
24 through 3.

25 MR. JAGOE: Second.

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

4                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5                   CHAIRMAN: Motion carries unanimously.

6                   Next item.

7 Related Item:

8 ITEM 8A

9 Cross Creek, 22.121 acres  
10 Consider approval of major subdivision preliminary  
11 plat.  
12 Applicant: Pedley Developers, LLC, Jerry & Betty  
13 Yeiser

14                   MR. NOFFSINGER: Mr. Chairman, this plat  
15 has been reviewed by the Planning and Engineering  
16 Staff. It's found to be in order and ready for your  
17 consideration at this time.

18                   CHAIRMAN: Does anybody in the audience  
19 have any questions in regards to this?

20                   (NO RESPONSE)

21                   CHAIRMAN: Anybody from the commission?

22                   (NO RESPONSE)

23                   CHAIRMAN: Ready for a motion.

24                   MR. ROGERS: Move to approve.

25                   CHAIRMAN: Motion for approval by Mr.  
Rogers.

MR. CAMBRON: Second.

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

3                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4                   CHAIRMAN:  Motion carries unanimously.

5                   Next item.

6                   MR. NOFFSINGER:  Mr. Chairman, under  
7   Development Plans Item Number 9 I need to disqualify  
8   myself from participation.

9                   MR. CHAIRMAN:  So noted.

10                  (MR. NOFFSINGER LEAVES ROOM AT THIS TIME.)

11

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12                                   DEVELOPMENT PLANS

13   ITEM 9

14   4612, 4700, 4800, 4950 KY 56, 94.575 acres (POSTPONED)  
15   Consider approval of final development plan.

16   Applicant:  Bellevue Baptist Church

17                   MS. WATSON:  The application has been  
18   reviewed by Planning Staff and County Engineer and  
19   it's found to be in order and ready for your  
20   consideration.

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

23                   APPLICANT:  Yes.

24                   CHAIRMAN:  Does anybody in the audience  
25   have a question of the applicant?

                  (NO RESPONSE)

1                   CHAIRMAN: does anybody from the  
2 commission have a question of the applicant?

3                   (NO RESPONSE)

4                   CHAIRMAN: Chair is ready for a motion.

5                   MR. CAMBRON: Motion for approval, Mr.  
6 Chairman.

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

9                   MR. HAYDEN: Second.

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

12                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13                  CHAIRMAN: Motion carries unanimously.

14                  Next item.

15                  ITEM 10

16                  3232 Villa Point, 6.007 acres  
17                  Consider approval of final development plan.  
18                  Applicant: Wyndalls Foodland, Ibok, LLC c/o Terry  
19                  Roark

20                  MR. NOFFSINGER: Mr. Chairman, this plan  
21                  has been reviewed by the Planning Staff and  
22                  Engineering Staff. It's found to be in order and  
23                  recommended for approval at this time.

24                  CHAIRMAN: Is there anybody representing  
25                  the applicant?

26                  APPLICANT: Yes.

27                  CHAIRMAN: Does anybody in the audience

1 have a question of the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Anybody from the commission?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 DR. BOTHWELL: Motion to approve.

7 CHAIRMAN: Motion for approval by Dr.

8 Bothwell.

9 MR. CAMBRON: Second.

10 CHAIRMAN: Second by Mr. Cambron. All in

11 favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 MAJOR SUBDIVISIONS

17 ITEM 11

18 2600 Block Avenue of The Parks, 1901 Block East 26th  
Street, 123.235 acres

19 Consider approval of major subdivision final plat.

20 Applicant: National City Bank, Kentucky, Jagoe  
Development Corporation

21 MR. NOFFSINGER: Mr. Chairman, Planning

22 Staff, Engineering Staff has reviewed this

23 application. It's found to be in order. The reason

24 for the division is for transfer of property to the

25 developer. With that it's ready for your



1 consideration.

2 MR. JAGOE: Mr. Chairman, I need to  
3 disqualify myself.

4 CHAIRMAN: Mr. Jagoe, so noted.

5 Is there somebody here representing the  
6 applicant?

7 (NO RESPONSE)

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

10 MR. APPLEBY: Motion for approval.

11 MR. ROGERS: Second.

12 CHAIRMAN: Got a motion for approval and a  
13 second. All in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT WITH THE  
15 DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item.

18 ITEM 12

19 Carlsbad East, 14 acres  
20 Consider approval of major subdivision final plat  
21 Applicant: Carl Westerfield

22 MR. NOFFSINGER: Mr. Chairman, this  
23 application has been reviewed by the Planning Staff,  
24 Engineer Staff. Found to be in order and ready for  
25 your consideration at this time.

CHAIRMAN: Is there anybody here

1 representing the applicant?

2 APPLICANT: Yes.

3 CHAIRMAN: Are there any questions of the  
4 applicant in the audience?

5 (NO RESPONSE)

6 CHAIRMAN: Any questions from the  
7 commission?

8 (NO RESPONSE)

9 MR. CAMBRON: Motion for approval.

10 CHAIRMAN: Motion for approval by Mr.  
11 Cambron.

12 MS. DIXON: Second.

13 CHAIRMAN: Second by Ms. Dixon. All in  
14 favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 ITEM 13

19 Doe Ridge, Section 4, 2.139 acres  
20 Consider approval of major subdivision final plat.  
21 Applicant: Robert J. Wimsatt

22 MR. NOFFSINGER: Mr. Chairman, this  
23 application has been reviewed by the Planning Staff  
24 and Engineering Staff. Found to be in order and ready  
25 for approval at this time.

CHAIRMAN: Does anybody from the audience

1 have a question of the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Anybody from the commission?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 MS. DIXON: Move to approve.

7 CHAIRMAN: Motion for approval by

8 Ms.Dixon.

9 MR. JAGOE: Second.

10 CHAIRMAN: Second by Mr. Jagoe. All in

11 favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item.

15 ITEM 14

16 Harbor Trace, Section 1, 3.223 acres  
17 Consider approval of major subdivision final plat.  
18 Applicant: Robert J. Wimsatt

19 MR. NOFFSINGER: Mr. Chairman, this  
20 application has been reviewed by the Planning Staff  
21 and Engineering Staff. Found to be in order and ready  
22 for approval at this time.

23 CHAIRMAN: Does anybody in the audience  
24 have a question of the applicant?

25 (NO RESPONSE)

CHAIRMAN: Anybody from the commission?

1 (NO RESPONSE)

2 CHAIRMAN: Chair is ready for a motion.

3 MR. CAMBRON: Motion for approval.

4 CHAIRMAN: Motion for approval by Mr.

5 Cambron.

6 MR. HAYDEN: Second.

7 MR. CHAIRMAN: Second by Mr. Hayden. All

8 in favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item.

12 ITEM 15

13 Lake Forest, Phase I, Unit 1, Lots 1 & 2, Lots  
236-238, 3.174 acres

14 Consider approval of revised major subdivision  
preliminary plat.

15 Applicant: JMP/Lake Forest, Inc.

16 MR. NOFFSINGER: Mr. Chairman, this

17 application has been reviewed by Planning Staff and

18 Engineering Staff. Found to be in order and ready for

19 approval at this time.

20 CHAIRMAN: Does anybody have any questions

21 of the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Anybody from the commission

24 have any questions?

25 (NO RESPONSE)

1 CHAIRMAN: Chair is ready for a motion.

2 MR. HAYDEN: Make a motion for approval.

3 CHAIRMAN: Motion for approval by Mr.

4 Hayden.

5 MS. DIXON: Second.

6 CHAIRMAN: Second by Ms. Dixon. All in

7 favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11

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12 MINOR SUBDIVISIONS

13 ITEM 16

14 4500 Block Lake Forest Drive, 3100 Block Spring Ridge  
Parkway, 25.935 acres

15 Consider approval of minor subdivision plat.

16 Applicant: George Thacker, Mary Thacker Silvert,  
George Wallace Thacker Trust "B", JMP/Lake Forest,  
Inc.

17

18 MR. NOFFSINGER: Mr. Chairman, this plat

19 comes before the Planning Commission to actually

20 convey to the developer for development purposes.

21 It's been review by Planning and Engineering Staff.

22 Found to be in order and ready for approval at this

23 time.

24 CHAIRMAN: Does anybody from the audience

25 have any questions for the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Does anybody from the  
3 commission?

4 (NO RESPONSE)

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

7 MR. JAGOE: Motion for approval.

8 MR. CAMBRON: Second.

9 CHAIRMAN: Mr. Jagoe gave a motion for  
10 approval. Mr. Cambron gave a second. All in favor  
11 raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item.

15 ITEM 17

16 10387 Parks Road, 1.50 acres  
17 Consider approval of minor subdivision plat.  
18 Applicant: James E. & Edna D. Goodall

19 MR. NOFFSINGER: Mr. Chairman, this  
20 application has been reviewed by the Planning Staff  
21 and Engineer Staff.

22 This plat does not conform with the  
23 minimum requirements of the subdivision regulations in  
24 that fire protection is not being provided as  
25 required. On April 26th of this year, the Planning  
Staff approved the creation the a 1 1/2 acre lot on

1 this parent tract. This application before you is to  
2 create another tract of land that's an 1 1/2 acre off  
3 the same tract; however, they are not providing fire  
4 protection. The regulations require that any time you  
5 create more than one new tract or one additional tract  
6 within a 12 month time period, that you provide for  
7 fire protection. The property owner is not proposing  
8 to provide fire protection at this time and will ask  
9 this commission to approve the plat without fire  
10 protection due to these issues relating to not meeting  
11 the subdivision regulation. The Planning Staff do not  
12 recommend that this item be approved.

13 CHAIRMAN: Is anybody here representing  
14 the applicant?

15 MR. ELLIOTT: State your name, please.

16 MR. MARKSBERRY: Warren Marksberry.

17 (MR. MARKSBERRY SWORN BY ATTORNEY.)

18 MR. MARKSBERRY: What we have here is a  
19 situation where it's 80 plus acre family farm. The  
20 one subdivision that came before was done by the son  
21 of James E. Goodall. He also had another son, Herb  
22 Goodall, that is also wanting to split off 1 1/2  
23 acres. The question I have first I guess to you would  
24 be why has this been added as part of the provision or  
25 part of the subdivision in the first place as far as

1 fire protection?

2 MR. NOFFSINGER: You want me to answer,  
3 Mr. Chairman?

4 CHAIRMAN: Yes.

5 MR. NOFFSINGER: The subdivision  
6 regulations give you a definition of subdivision.  
7 There's a minor subdivision and a major subdivision.

8 Minor subdivision is when you create  
9 one lot within a 12 month time period or you  
10 consolidate a piece of property, maybe add to it or  
11 make it smaller.

12 A major subdivision plat is defined as a  
13 creation of two or more lots within 12 month time  
14 period. Anywhere within Daviess County county-wide if  
15 you create more than one new lot within a 12 month  
16 time period, you have to provide fire protection for  
17 not only the lot you're currently proposing, but for a  
18 lot that was created previously. That's the reason  
19 for the requirement in terms of it meets the  
20 definition of a major subdivision. It's listed on  
21 this agenda as minor subdivision plat and it was filed  
22 as a minor subdivision plat, but it should have been  
23 filed as a major subdivision plat.

24 MR. MARKSBERRY: I understand that. So  
25 the reason for the fire protection or providing that



1 is because you're considered major because of the 1  
2 1/2 acres, one that we had, and now we've got the  
3 second 1 1/2 acres on a 85 plus acre farm that's  
4 considered major subdivision; am I correct?

5 MR. NOFFSINGER: Major subdivision is  
6 defined as creation of two or more tracts. It doesn't  
7 have anything to do with the acreage. It has to do  
8 with the number of lots you're creating.

9 MR. MARKSBERRY: Maybe you can help me  
10 with this, Gary. As we stand right now, they can put  
11 the home there if they don't split off the 1 1/2 acres  
12 because I think it's a 10 acre per home rule there.

13 Does your father own 80 acres? Is there  
14 another home?

15 There's no other homes on the 80 acre  
16 tract right now. There will be his brother's home,  
17 then his home.

18 I don't believe your father is planning on  
19 putting a home there, right?

20 Correct me if I'm wrong. He can go ahead  
21 and put this home there and get a permit to place it  
22 by not subdividing off the 1 1/2 half; is this  
23 correct?

24 MR. NOFFSINGER: That is correct.

25 MR. MARKSBERRY: I understand probably why

1 you have this situation where you're trying to keep  
2 maybe farmer from selling off their land to people  
3 going in and develop in areas in multiple lots and  
4 whatnot, and I think that's what it was for. I might  
5 be wrong about that.

6 As far as the fire protection right now,  
7 he can put the home out there right now. There is no  
8 Daviess County water out there. In fact, there's no  
9 Ohio County water. In fact, if I could approach and  
10 lay out for everybody the area we're talking about  
11 this might help you understand about the rural area  
12 and everything. Could I please do that?

13 CHAIRMAN: You can give us the handouts,  
14 but for the record we need you at the podium so we can  
15 record.

16 MR. MARKSBERRY: I'm sorry.

17 CHAIRMAN: We need you at the podium. You  
18 can hand out any kind of hand out.

19 MR. MARKSBERRY: I'd like to hand you  
20 something just so you guys can have a copy of the map  
21 or whatever we're talking about because there's not  
22 many areas in Daviess County where you don't have  
23 Daviess County water.

24 CHAIRMAN: Is this any different than the  
25 map that we already have?

1                   MR. MARKSBERRY: I don't know if you have  
2                   the county map. Do you all understand where the  
3                   property is?

4                   CHAIRMAN: Yes.

5                   MR. MARKSBERRY: In this area right now,  
6                   Ohio County water does service some of the roads out  
7                   there, but to my understanding from Herb Ohio County  
8                   has in there five year plan to provide water to the  
9                   area where he's going, but at this time his brother  
10                  they must bring water from across the back neighbor to  
11                  supply water to this area.

12                  I'm trying to work with you here. I guess  
13                  the point I'm trying to make there's no way that his  
14                  brother can have fire protection now and there's way  
15                  that he can have fire protection under the rule of one  
16                  home per ten acres. So for allowing him to go ahead  
17                  and place the home, the only differences here is we're  
18                  not allowing him to subdivide the lot for at least  
19                  another 8 months to 12 months because that's the time  
20                  that will pass when his brother has since filed for  
21                  this subdivision I guess you call it. What I'm trying  
22                  to say is right now if they go ahead and have this  
23                  subdivided, they can use the equity that their father  
24                  gave them in the land to secure a lower interest rate  
25                  loan. If we don't do that, most banks will not even

1 give you a loan unless the land is provided where the  
2 home is going on.

3 In turn if we have to do that, just to  
4 kind of give you an example, I'll give you some  
5 numbers. If you need me to verify it, I can provide  
6 that.

7 At \$72,000 if we subdivided this lot off  
8 right now, assuming I get 7.25 percent rate, their  
9 payment is 435. But by not allowing them to subdivide  
10 it this year because of the 12 month rule, we would be  
11 in about about 12.25 conventional loan. They won't  
12 allow us to use the land. That increases the monthly  
13 payment to 716. I feel it's an unfair thing because  
14 of some subdivisional thing that happened months or  
15 years ago that we're penalizing families that own farm  
16 that all they're trying to do is maybe put one or two  
17 of their sons or daughters back on the family farm. I  
18 think the rules and the guidelines that you're going  
19 by, it really harms a lot of the families that made  
20 Daviess County farming what it is today.

21 Getting back to it. We do know that they  
22 can put the home in now. I know that. I hope that  
23 you understand what Gary is saying. They're not  
24 stopping us by putting the home there. They're  
25 stopping us by subdividing the 1 1/2 acre off, but

1 that penalizes them on a loan.

2 Now, next year we probably could go back  
3 to a bank and get another loan with the land, but  
4 during that time they're paying such a higher payment  
5 because as you all know interest rates are probably  
6 not going to be where they are next year that they are  
7 today.

8 The point I'm trying to make is this is  
9 undue hardship on them financially when we can go  
10 ahead and put the home there, but because going to  
11 subdivide it we can't do that unless we provide fire  
12 protection and there's not even a plan for five years  
13 for Ohio County water to bring any water to that  
14 property. So it's a losing proposition for them to  
15 even consider fire protection.

16 If you would I'd like to submit an  
17 Affidavit from J.D. Goodall. Mr. Goodall I believe is  
18 in Alabama and couldn't attend the meeting tonight.

19 We have an Affidavit statement. "I hereby  
20 certify that as legal owner of an 87 acre farm as  
21 recorded in Book 0748 Page 87-917, Daviess County  
22 Courthouse. By reason for purchasing this property  
23 was to keep it from being cut up into many  
24 subdivisions and overdevelopment as other farms around  
25 me have been. However, the only limited subdivision

1 that would take place on this farm will be 1 1/2 acre  
2 to my son, Mike Goodall, and another 1 1/2 acre to my  
3 other son, Herbert Goodall. I plan to keep the rest  
4 of the 84 acres intact and no more division or any  
5 type of development other than farming. I hereby  
6 certify this will be the only subdivision request made  
7 on this property and there will be no more request or  
8 subdivision made during my lifetime as owner of this  
9 property." I have that signed by James.

10 I guess what we're trying to say here is  
11 common sense tells us, yes, they can come back in here  
12 to get the subdivision, but common sense also says,  
13 listen, we can go ahead and put the home there now,  
14 but if James has given me a signed Affidavit saying he  
15 will have no more subdivision off of this, I think  
16 that alleviates your responsibility or your fears of  
17 providing fire protection or any other reason why you  
18 wouldn't do that.

19 They're a good family. I think if you  
20 could think about what we're saying here. We know we  
21 can put the home there. We're just trying to help  
22 them save some money financially so they can proceed  
23 with this.

24 If you have any questions about anything,  
25 I'll be glad to answer them

1                   CHAIRMAN: Let's see if we have any  
2                   questions

3                   Does anybody in the audience have any  
4                   questions?

5                   (NO RESPONSE)

6                   CHAIRMAN: Does anybody from the  
7                   commission have any questions or suggestions?

8                   MR. ROGERS: Mr. Chairman, I'd like a  
9                   motion for approval being it's a family owned farm.  
10                  It's not up for auction. I'd make a motion for  
11                  approval.

12                  CHAIRMAN: We've got a motion for approval  
13                  by Mr. Rogers.

14                  DR. BOTHWELL: I second. I believe they  
15                  can put the home now. I understand their predicament  
16                  financially. I agree.

17                  CHAIRMAN: We have a motion for approval  
18                  by Mr. Rogers. We've got a second by Dr. Bothwell.  
19                  All in favor raise your right hand.

20                  (MR. APPLEBY, MR. GILLES, MR. JAGOE, MR.  
21                  ROGERS, MR. KIRKLAND, DR. BOTHWELL AND MR. HAYDEN  
22                  RESPONDED AYE.)

23                  CHAIRMAN: All opposed.

24                  (MR. CAMBRON AND MS. DIXON RESPONDED NAY.)

25                  CHAIRMAN: We have a seven to two motion.

1 The motion carries seven to two.

2 Next item.

3 ITEM 18

4 4300, 4382 Poplar Log Bridge Road, 9344, 9380 Johnson  
5 Road, 22.55 acres

6 Consider approval of minor subdivision plat.

7 Applicant: Tony M. & Theresa G. Curtis, Christopher &  
8 Mary Schartung, Duane Taylor, Matthew & Lisa McCoy,  
9 Eric M. & Anne M. Davis

10 MR. NOFFSINGER: Mr. Chairman, this  
11 application has been reviewed by the Planning Staff  
12 and Engineer Staff. It is in order. It comes before  
13 this commission because it creates a tract that's  
14 going to be 11 acres in size that has a 75-foot leg  
15 going out to Poplar Log Bridge Road; however, the  
16 property also has adequate frontage on Johnson Road.  
17 It's a double frontage lot. It also creates a lot  
18 that slightly exceeds the depth to width ratio, but  
19 that is due to the way the property has been  
20 subdivided in the past.

21 Planning Staff is recommending that it be  
22 approved and get it on record that the 75 foot strip  
23 is not to be used in the future for future subdivision  
24 of this 11 acre tract.

25 CHAIRMAN: Is anybody here representing  
the applicant?

APPLICANT: Yes.



1                   CHAIRMAN: Does anybody from the audience  
2 have any questions of the applicant?

3                   (NO RESPONSE)

4                   CHAIRMAN: Does anybody from the  
5 commission have any questions of the applicant?

6                   (NO RESPONSE)

7                   CHAIRMAN: Chair is ready for a motion.

8                   MR. CAMBRON: Motion for approval, Mr.  
9 Chairman.

10                  CHAIRMAN: Mr. Cambron makes a motion for  
11 approval.

12                  DR. BOTHWELL: Second.

13                  CHAIRMAN: Second by Dr. Bothwell. All in  
14 favor raise your right hand.

15                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16                  CHAIRMAN: Motion carries unanimously.

17                  Next item.

18                  ITEM 19

19                  9035, 9045, 9055, 9101 Todd Bridge Road, 1.11, 1.11,  
20 1.10, 1.09 acres

21                  Consider approval of minor subdivision plat.

22                  Applicant: Sarah Wells

23                  MR. NOFFSINGER: Mr. Chairman, this plat

24                  was on the agenda last month. It was considered by

25                  this commission and was denied at that time. It

                  creates four lots that would exceed to depth to width

                  ratio. With that it's ready for your reconsideration.

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

3                   MR. CECIL: Yes.

4                   CHAIRMAN: Does anybody from the audience  
5 have a question of the applicant?

6                   (NO RESPONSE)

7                   CHAIRMAN: Would the applicant like to  
8 make a statement?

9                   MR. ELLIOTT: State your name, please.

10                  MR. CECIL: Paul Cecil.

11                  (MR. PAUL CECIL SWORN BY ATTORNEY.)

12                  MR. CECIL: The three to one ratio it's  
13 less than one-tenth out of line. We go ahead  
14 conforming lots. I think it should be approved. If  
15 we wait and just create - - it'd just work better if  
16 we go ahead and get the four lots in. I don't know  
17 what other questions you may have. You might have a  
18 plat there in front of you.

19                  CHAIRMAN: Let's see if anybody from the  
20 commission has a question of applicant.

21                  MR. APPLEBY: I was in favor of it last  
22 week, but we didn't have anybody here.

23                  Just for purposes of creating four lots is  
24 for development purposes?

25                  MR. CECIL: Right. They were nicely

1       shaped lots and it worked out well to go ahead and do  
2       it at this time and make it a nice subdivision there.  
3       I thought it looked pretty good that way. If you try  
4       to go ahead and do the three lots now or something  
5       like that, then you're going to have a little bit of a  
6       different shape lot. It's almost in conformance.

7                   MR. APPLEBY: It exceeds the ratio by how  
8       much?

9                   MR. NOFFSINGER: Ten feet.

10                  MR. APPLEBY: I make a motion for  
11       approval.

12                  CHAIRMAN: Hold on. We've got a comment  
13       by Mr. Noffsinger.

14                  MR. NOFFSINGER: Mr. Cecil, I talked with  
15       the landowner, Sarah Wells. I think at one point she  
16       mentioned that she could buy some land adjoining this  
17       and would not exceed the depth to width ratio.

18                  MR. CECIL: She wanted to try to get this  
19       approved. She was willing to do whatever it took to  
20       achieve her goal, I guess. With such a small  
21       difference it would seem that it would be - - I'm not  
22       much on words. It seems like if we go ahead and be  
23       just as well to do it this way. If she were to  
24       require more land go back out and do another survey  
25       it'd cost her more money. I didn't think that she - -

1 cause a little bit more of a cut out of the back of  
2 the property of the parent tract instead of keeping it  
3 straight across the back of the other lots.

4 CHAIRMAN: Mr. Appleby.

5 MR. APPLEBY: I think as close as it is to  
6 meeting the ratio that I can't see a point of putting  
7 people through acquiring another piece of property and  
8 going through the undue expense of resurvey. I still  
9 make a motion for approval.

10 CHAIRMAN: We have a motion for approval  
11 by Mr. Appleby.

12 MR. CAMBRON: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item.

18 Thank you, Mr. Cecil.

19 -----

20 AGRICULTURAL DIVISION

21 ITEM 20

22 4137 Poplar Log Bridge Road, 9251 Poplar Spur Road  
23 Consider approval of agricultural division.

24 Applicant: Hurbert Hust

25 MR. NOFFSINGER: Mr. Chairman, this  
application comes before the Planning Commission in

1 that it creates two agricultural tracts.

2 Ms. Watson, would you explain this,  
3 please.

4 MS. WATSON: There's about 110 acre total  
5 on this property. There's an 18-foot strip that goes  
6 to Poplar Spur Road and a small strip that - - one to  
7 Poplar Spur Road and one to Poplar Log Bridge Road.  
8 Neither of the tracts that they're proposing to create  
9 have 50 feet of frontage, but they're proposing to  
10 create two agricultural tracts. One of 20 acres and  
11 one of 90 acres and use the existing frontage on each  
12 roadway to create those tracts. That's all that they  
13 have available accessing on a public road and they  
14 would keep the acreage over ten acres.

15 MR. NOFFSINGER: Is there a notation on  
16 the plat of no other subdivision of this property  
17 unless additional frontage was supplied?

18 MS. WATSON: We will get that on the plat.  
19 I think I've got it on the big copies. They only  
20 submitted two because it's an agricultural division,  
21 but I'll check that.

22 MR. NOFFSINGER: With that Staff would  
23 recommend that it be approved.

24 MR. APPLEBY: Gary, is it not possible  
25 even for them to cut another ten acre agricultural

1 tract out of it in the future?

2 MR. NOFFSINGER: There's no additional  
3 frontage.

4 MS. WATSON: There is not any other  
5 frontage available.

6 MR. APPLEBY: That's it?

7 MR. NOFFSINGER: They would have to obtain  
8 additional frontage to create another tract.

9 Staff would recommend that it be approve  
10 since it is an agricultural division but with that  
11 notation that it not be further subdivided unless  
12 additional frontage is acquired.

13 CHAIRMAN: Is there anybody here  
14 representing the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Does anybody in the audience  
17 have a question of the applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Does anybody on the commission  
20 have a question?

21 Mr. Jagoe.

22 MR. JAGOE: Mr. Noffsinger just said  
23 unless there's other frontage is acquired. Does that  
24 not go on the plat also?

25 MR. NOFFSINGER: It should go on the plat.

1 MR. JAGOE: No further division unless  
2 there's other frontage acquired?

3 MR. NOFFSINGER: Unless they obtain  
4 additional frontage to meet the minimum requirements,  
5 subdivisions regulations or minimum of 50 feet for  
6 each agricultural tract.

7 MR. JAGOE: Okay.

8 CHAIRMAN: Ms. Watson, did you find  
9 whether that - -

10 MS. WATSON: We're not sure, but that will  
11 be a requirement if the Planning Commission decides to  
12 approve it. We'll make sure it's on there before it's  
13 signed.

14 MR. APPLEBY: I make a motion for approval  
15 with that addition.

16 MR. CAMBRON: Second.

17 CHAIRMAN: With the addition recommended  
18 by Mr. Noffsinger and Ms. Watson?

19 MR. APPLEBY: Yes.

20 CHAIRMAN: We've got a motion for approval  
21 by Mr. Appleby. We've got a second by Mr. Cambron.  
22 All in favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: This motion carries  
25 unanimously.

1 Next item, please.

2 -----

3 SURETY RELEASES

4 ITEM 21

5 Action Peset Control, \$1,102  
6 Consider release of surety (Certified Check) for  
7 landscaping  
8 Surety posted by: Action Pest Control

9 ITEM 22

10 Bertha Goetz Estate, Unit #4, \$500  
11 Consider release of surety (Certificate of Deposit)  
12 for sewer tap  
13 Surety posted by: Bertha Goetz Estate, c/o Jim Goetz

14 ITEM 23

15 Eagle Crest Estates, Unit #1, \$34,076  
16 Consider partial release of surety (Certificate of  
17 Deposit) for storm and sanitary sewers.  
18 Surety retained (Certificate of Deposit) \$5,514  
19 Surety posted by: Hayden Park Developers, c/o Ron  
20 Jones

21 ITEM 24

22 Spectrum Logistics, LLC, \$10,095  
23 Consider release of surety (Performance Bond) for  
24 landscaping  
25 Surety posted by: Hayden Construction Co., Inc.

ITEM 25

Turtle Creek, Unit #2, \$33,663.15  
Consider partial release of surety (Performance Bond)  
for streets, sidewalks and storm sewers.  
Surety retained (Performance Bond) \$37,557.20  
Surety posted by: Robert J. Wimsatt

MR. NOFFSINGER: Under Surety Releases,

Mr. Chairman, Items 21 through 25 are in order and may  
be released in toto.



1 CHAIRMAN: Chair is ready for a motion.

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr.  
4 Appleby.

5 MR. JAGOE: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10

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11

SURETY TRANSFERS

12

ITEM 26

13

Bertha Goetz Estate, Unit #4, \$5,875

14

Transfer of surety (Certificate of Deposit) for water  
mains and fire hydrants to the City of Owensboro.

15

Surety posted by: Bertha Goetz Estate, c/o Jim Goetz

16

ITEM 27

17

Brookhill Heritage, Unit #13, \$3,836

18

Transfer of surety (Certificate of Deposit) for 1"  
bitum conc. surface to the City of Owensboro

19

Surety posted by: JMJ Construction

20

ITEM 28

21

Brookhill Heritage, Unit #13, \$7,672

22

Transfer of surety (Certificate of Deposit) for 2"  
bitum conc. base to the City of Owensboro

23

Surety posted by: JMJ Construction

24

ITEM 29

25

Brookhill Heritage, Unit #13, \$8,334

26

Transfer of surety (Certificate of Deposit) for  
sidewalks to the City of Owensboro

27

Surety posted by: JMJ Construction

1       ITEM 30

2       Cinderella Drive, \$28,478.50  
3       Transfer of surety (Performance Bond) for public  
4       improvements to the Daviess County Fiscal Court  
5       Surety posted by: James Glenn Causey

6       ITEM 31

7       Lake Forest, Unit #12, \$2,923.20  
8       Transfer of surety (Certificate of Deposit) for 1"  
9       bitum conc. surface to the Daviess County Fiscal Court  
10      Surety posted by: Lake Forest Community, LLC

11      ITEM 32

12      Lake Forest, Unit #12, \$5,846.40  
13      Transfer of surety (Certificate of Deposit) for 2"  
14      bitum conc. base to the Daviess County Fiscal Court  
15      Surety posted by: Lake Forest Community, LLC

16      ITEM 33

17      Lake Forest, Unit #12, \$8,562  
18      Transfer of surety (Certificate of Deposit) for  
19      sidewalks to the Daviess County Fiscal Court  
20      Surety posted by: Lake Forest Community, LLC

21      ITEM 34

22      Lake Forest, unit #12, \$4,650  
23      Transfer of surety (Certificate of Deposit) for storm  
24      sewers and drainage to the Daviess County Fiscal Court  
25      Surety posted by: Lake Forest Community, LLC

26                   MR. NOFFSINGER: Under Surety Transfers,  
27      Mr. Chairman, Items 26 through 34 are in order and may  
28      be transferred in toto.

29                   CHAIRMAN: Chair is ready for a motion.

30                   MS. DIXON: Move to approve.

31                   CHAIRMAN: Motion for approval by Ms.

32      Dixon.

1 MR. HAYDEN: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 -----

7 NEW BUSINESS

8 ITEM 35

9 Consider approval of FY 2003 budget

10 MR. NOFFSINGER: Mr. Chairman, I mailed a  
11 copy of the budget out to each one of the  
12 commissioners back about three weeks ago. I'll be  
13 glad to answer any questions you may have.

14 CHAIRMAN: Do we have any questions from  
15 any of the commissioners?

16 (NO RESPONSE)

17 CHAIRMAN: One comment that I just want to  
18 make. I want to congratulate again Mr. Adams and Mr.  
19 Noffsinger for their certification and that they also  
20 got an increase in their salary because of this. I  
21 appreciate your hard work and your certification.

22 With that the chair is ready for a motion.

23 MR. JAGOE: Move to approve.

24 CHAIRMAN: Motion for approval by Mr.  
25 Jagoe.

1 MR. HAYDEN: Second.

2 MR. CHAIRMAN: Second by Mr. Hayden. All  
3 if favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Chair is ready for one final motion.

7 DR. BOTHWELL: Motion to adjourn.

8 CHAIRMAN: Motion to adjourn by Dr.  
9 Bothwell.

10 MS. DIXON: Second.

11 CHAIRMAN: Second by Ms. Dixon.

12 MR. NOFFSINGER: I would like to announce  
13 the upcoming cell tower forum that will be on July 8th  
14 at 6 p.m. on the fourth floor of city hall here in  
15 Owensboro. The public is invited to attend and we  
16 hope the public will turn out to give the committee  
17 cell tower some guidance and direction. Thank you.

18 CHAIRMAN: All in favor of the adjournment  
19 raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Meeting is adjourned.

22 -----

23

24

25

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 52 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 20th day of June, 2002.

18

19

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

22 COMMISSION EXPIRES:  
DECEMBER 19, 2002

23

24 COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY

25