

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 12, 2002

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, September 12, 2002, at City Hall, Commission  
7 Chambers, Owensboro, Kentucky, and the proceedings  
8 were as follows:

9 MEMBERS PRESENT: Drew Kirkland, Chairman  
Gary Adams  
10 Nick Cambron  
Dave Appleby  
11 Scott Jagoe  
Sister Vivian Bowles  
12 Judy Dixon  
Martin Hayden  
13 Stewart Elliott,  
Attorney

14 \* \* \* \* \*

15

16 CHAIRMAN: Call our September 12th  
17 Planning & Zoning meeting to order. Our invocation  
18 and pledge this evening will be given by Sister Vivian  
19 Bowles.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: Our first order of business  
22 will be to consider the minutes of the August 8th  
23 meeting. Are there any additions, corrections?

24 MR. ADAMS: No.

25 CHAIRMAN: Chair is ready for a motion.

1 MR. JAGOE: Move to approve.

2 CHAIRMAN: Motion for approval by Mr.  
3 Jagoe.

4 MR. CAMBRON: Second.

5 CHAIRMAN: Second by Mr. Cambron. All in  
6 favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Mr. Cambron, I would like to thank you for  
10 taking over last month when I was absent. You did a  
11 good job. I appreciate it very much.

12 MR. CAMBRON: Thank you.

13 CHAIRMAN: Mr. Adams.

14 ITEM 2

15 Consider acceptance of the resignation of Dawn Toomey,  
16 Planning Technician, effective October 1, 2002

17 MR. ADAMS: Dawn decided that she wanted  
18 to retire a little earlier than we had anticipated.  
19 She's been with us for 21 years. Now she's going on  
20 to other pursuits. Staff would recommend that the  
21 Commission accept the resignation.

22 CHAIRMAN: There's a recommendation. Is  
23 there a motion.

24 MR. APPLEBY: Motion for approval.

25 CHAIRMAN: There's a motion for approval.

1                   SISTER VIVIAN:   Second.

2                   CHAIRMAN:   We have a motion for approval  
3                   by Mr. Appleby.   Second by Sister Vivian.   All in  
4                   favor raise your right hand.

5                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6                   CHAIRMAN:   Motion carries unanimously.

7                   -----

8                   PUBLIC HEARING

9                   ITEM 3

10                  Consider adoption of a new Article 20 of the Owensboro  
11                  Metropolitan Zoning Ordinance Cellular Antenna Tower  
                    Regulations.

12                  MR. ADAMS:   Mr. Chairman, as you're well  
13                  aware, there's been a Cell Tower Committee and we've  
14                  had a public forum in the past and that committee has  
15                  been working over the last few months.   The team has  
16                  put together these regulations for public hearing  
17                  tonight in consideration for adoption by the Planning  
18                  Commission.

19                  CHAIRMAN:   Are there any questions?

20                  (NO RESPONSE)

21                  CHAIRMAN:   Any questions by the  
22                  commission?

23                  (NO RESPONSE)

24                  CHAIRMAN:   Any questions of Mr. Appleby,  
25                  the chairman of this committee.

1 (NO RESPONSE)

2 CHAIRMAN: The Chair is ready for a  
3 motion.

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

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

8 SISTER VIVIAN: Second.

9 CHAIRMAN: Second by Sister Vivian. All  
10 in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 MR. ADAMS: Because these are part of the  
14 zone ordinance they will go on as recommendations to  
15 the three legislative bodies in Daviess County.

16 -----

17 PUBLIC FACILITIES PLANS  
18 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

19 ITEM 4

20 3500 Hayden Road  
21 Land Acquisition  
22 Consider comments regarding the acquisition of 27  
23 acres of land for the future construction of a new  
24 elementary school.  
25 Referred by : Daviess County Board of Education

23 MR. ADAMS: Mr. Chairman, the Staff has  
24 reviewed this land acquisition. We know that there  
25 are sewers extensions are possible to the property.

1       The details will be worked out later. The long range  
2       transportation plan anticipates Hayden Road will need  
3       upgrading at some time. We'll be able to discuss that  
4       later when we actually see a proposed detailed site  
5       plan for the new school and this commission will have  
6       to review that again under the Comprehensive Plan. It  
7       is consistent with the county school's facility plan  
8       that we monitor anticipating that there would be a new  
9       school within this vicinity. This location of this  
10      piece of property is clear of any of the alternative  
11      bypass extension options that are being considered at  
12      this time. So with that the Staff would recommend  
13      that you forward a letter back to the Daviess County  
14      Board of Education finding no conflict of the  
15      Comprehensive Plan for the acquisition of this  
16      property.

17                   CHAIRMAN: Are there any questions?

18                   (NO RESPONSE)

19                   CHAIRMAN: Any comments?

20                   (NO RESPONSE)

21                   CHAIRMAN: Chair is ready for a motion.

22                   MR. HAYDEN: Make a motion for approval.

23                   CHAIRMAN: Mr. Hayden has a motion for  
24      approval.

25                   MR. JAGOE: Second.

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

3                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4                   CHAIRMAN:  Motion carries unanimously.

5                   Next item.

6     ITEM 5

7     247 Hill Bridge Road  
8     Facilities Construction  
9     Consider comments regarding the realignment of  
10    Sutherland Road at the intersection of Hill Bridge  
11    Road including the removal of two sharp curves on  
12    Sutherland Road.

13   Referred by:  Daviness County Fiscal Court

14                   MR. ADAMS:  We find no conflict with the  
15    Comprehensive Plan in this realignment.  It will  
16    reduce two semi-dangerous curves on Sutherland Road.  
17    We would recommend you return a finding back to the  
18    Daviness County Fiscal Court of no conflict with the  
19    Comprehensive Plan.

20                   CHAIRMAN:  Any questions or comments?

21                   (NO RESPONSE)

22                   CHAIRMAN:  Chair is ready for a motion.

23                   MS. DIXON:  Move to approve.

24                   CHAIRMAN:  Motion for approval by Ms.

25     Dixon.

26                   MR. HAYDEN:  Second.

27                   CHAIRMAN:  Second by Mr. Hayden.  All in  
28     favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 6

5 2620 KY 81

Building Construction

6 Consider comments regarding the construction of the  
7 proposed County Government Office and Operations  
Complex

8 Referred by: Daviess County Fiscal Court

9 MR. ADAMS: We find no conflict with the  
10 Comprehensive Plan on this item subject to the  
11 counting including landscaping and screening as  
12 required by the zoning ordinance on their site plan.

13 CHAIRMAN: Are there any questions or  
14 comments?

15 (NO RESPONSE)

16 CHAIRMAN: Chair is ready for a motion.

17 MR. CAMBRON: Motion for approval, Mr.  
18 Chairman.

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

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 7

3 9389 KY 405

Land Acquisition

4 Consider comments regarding the acquisition of 2,439  
5 square feet of property from Mr & Mrs. Richard Erich  
6 for the construction of a water tank.

Referred by: East Daviess County Water Association

7 MR. ADAMS: We find no conflict with the  
8 Comprehensive Plan. This will provide for a new water  
9 tank in the KY 405 area. Would recommend you return a  
10 letter to the East Daviess County Water Association  
11 finding no conflict with the Comprehensive Plan.

12 CHAIRMAN: Are there any questions or  
13 comments regarding this article?

14 (NO RESPONSE)

15 CHAIRMAN: If not, Chair is ready for a  
16 motion.

17 MS. DIXON: Move for approval.

18 CHAIRMAN: Motion for approval by Ms.  
19 Dixon.

20 MR. JAGOE: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.



1       ITEM 8

2       1123 Scherm Road

Land Acquisition and Disposition

3       Consider comments regarding the acquisition of  
portions of property located at 1126 Spencer Drive,  
4       2603 Mayfair Avenue and 1121 Scherm Road in order to  
consolidate these portions to 1123 Scherm Road and  
5       sell the resulting lot for use as a professional  
office.

6       Referred by: City of Owensboro.

7                   MR. ADAMS: Mr. Chairman, this is the old  
8       fire station Number 5 that's being closed by the city  
9       and relocated to the new location on South Giffith  
10      Avenue. This is in conformance with the Comprehensive  
11      Plan which anticipated the relocation of Station  
12      Number 5. This will clean up some property boundary  
13      encroachment issues and then make the property  
14      available for sale through a private entity. Find no  
15      conflict with the Comprehensive Plan and would  
16      recommend that you approve it accordingly.

17                  CHAIRMAN: Are there any questions or  
18      comments regarding this?

19                  (NO RESPONSE)

20                  CHAIRMAN: If there are none, the Chair is  
21      ready for a motion.

22                  MR. APPLEBY: Motion for approval.

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

25                  MS. DIXON: Second.

1 CHAIRMAN: Second by Ms. Dixon. 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 ITEM 9

7 700 Block East 24th Street

Land Disposition

8 Consider comments regarding a proposal to close a  
9 portion of right-of-way approximately 291.77 feet in  
length along the south margin of East 24th Street  
between Veach and New Hartford Roads.

10 Referred by: City of Owensboro

11 MR. ADAMS: Mr. Chairman, Planner Becky

12 Stone would like to read a Staff Report into the

13 record on this item.

14 MR. ELLIOTT: State your name for the

15 record, please.

16 MS. STONE: Becky Stone.

17 (MS. BECKY STONE SWORN BY ATTORNEY.)

18 MS. WATSON: The Staff would recommend

19 that the OMPC forward a letter to the City of

20 Owensboro to consider denial of the request for the

21 following reasons:

22 1) East 24th Street is a minor arterial

23 which plans to convert to one-way west. This is

24 currently a two-lane facility. Any future

25 improvements or lane additions may require the use of

1       some or all of the existing right-of-way that  
2       currently exists.

3                       2)   The Comprehensive Plan, Section 510  
4       Highway, Streets and Roads encourages reservation of  
5       right-of-way as an important way to facilitate the  
6       implementation of plan roadway improvements.  
7       Right-of-way reservation can allow projects to be  
8       implemented sooner and can significantly reduce the  
9       cost of major runaway projects.   The right-of-way at  
10      this location should be retained by the City of  
11      Owensboro for future possible improvement on this  
12      street.   If it is closed now, there is a possibility  
13      that some of it may have to be purchased in the future  
14      if plans are implemented to improve, widen or add turn  
15      lanes to the street.

16                      3)   A minor arterial street will typically  
17      require a minimum of 60 feet of right-of-way.   The  
18      existing right-of-way measured approximately 25 feet  
19      from the center line of East 24th Street on the north  
20      side of the street and approximately 35 feet at the  
21      narrowest point on the south side of the street from  
22      the center line of East 24th Street.   The existing  
23      total of approximately 60 feet of right-of-way should  
24      be maintained to accomplish the future transportation  
25      plans of the community.

1 MR. ADAMS: With that Staff is  
2 recommending that the Planning Commission forward a  
3 letter back to the City of Owensboro recommending that  
4 they deny this closure. Would recommend that we  
5 attach the Staff Report to that as an explanation. We  
6 find conflict with the Comprehensive Plan.

7 CHAIRMAN: Are there any questions or  
8 comments regarding this issue?

9 (NO RESPONSE)

10 CHAIRMAN: If there are none, Chair is  
11 ready for a motion.

12 MR. CAMBRON: Mr. Chairman, I make a  
13 motion for denial at this time..

14 CHAIRMAN: Mr. Cambron has a motion for  
15 denial.

16 MR. APPLEBY: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

22 -----

23 ZONING CHANGE - COUNTY

24 ITEM 10

25 4737 Honeysuckle Lane, 0.968 acres

1 Consider zoning change: From R-1A Single-Family  
Residential to A-U Urban Agriculture  
2 Applicant: Edward & Debbie Chmielowiec

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 findings of  
7 fact that follow:

- 8 1. The subject property is located within an  
9 Urban Residential Plan Area, where rural small-lot  
10 residential uses are appropriate in general locations;  
11 2. The subject property has adequate frontage on  
12 a public road;  
13 3. The subject property is large enough to  
14 assure satisfactory operation of a conventional septic  
15 tank system; and  
16 4. Adjoining properties to the west and south  
17 are zoned A-U Urban Agriculture.

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

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

22 APPLICANT: Yes.

23 CHAIRMAN: Does anybody have any questions  
24 of the applicant?

25 (NO RESPONSE)

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

3                   (NO RESPONSE)

4                   CHAIRMAN: If not, Chair is ready for a  
5                   motion.

6                   MR. APPLEBY: Mr. Chairman, make a motion  
7                   for approval based on Staff Recommendations 1 through  
8                   4.

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

11                  MR. HAYDEN: Second.

12                  CHAIRMAN: Second by Mr. Hayden. All in  
13                  favor raise your right hand.

14                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15                  CHAIRMAN: Motion carries unanimously.

16                  Next item.

17                  -----

18                                 DEVELOPMENT PLANS

19                   ITEM 11

20                   Golfview Subdivision, 9.903 acres  
21                   Consider approval of final development plan.  
22                   Applicant: Golfview Subdivision, Judy Worth/Home  
23                   Owners Association

23                   MR. ADAMS: Mr. Chairman, this is an older  
24                   subdivision that has private streets. The owners in  
25                   this subdivision, the Home Owners Association which

1 speaks for them, is seeking to have the streets  
2 dedicated to the public for public maintenance. The  
3 City Engineering Staff apparently endorses the  
4 acceptance of the streets because they were seeking  
5 Planning Staff's recommendation on how to perceive  
6 with authorizing this. This will amend the  
7 development plan to show that the streets now are  
8 proposed for dedication to public rather than being  
9 retained as private; otherwise, the development plan  
10 is in order and it's ready for your consideration at  
11 this time.

12 CHAIRMAN: Is there anybody representing  
13 the applicant?

14 (NO RESPONSE)

15 CHAIRMAN: Do any of the commissioners  
16 have any questions?

17 (NO RESPONSE)

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

20 MR. APPLEBY: Motion for approval.

21 CHAIRMAN: Motion for approval by Mr.  
22 Appleby.

23 MR. JAGOE: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 12

5 4931 US 60 West, 10.0 acres  
Consider approval of final development plan.  
6 Applicant: Sterett Crane & Rigging Company

7 MR. ADAMS: Mr. Chairman, this development  
8 plan is in order. If you have any questions about it  
9 specifically, I might ask Becky Stone to answer those.

10 CHAIRMAN: Are there any questions or  
11 comments?

12 (NO RESPONSE)

13 CHAIRMAN: Does anybody have any questions  
14 or comments for Mrs. Stone?

15 (NO RESPONSE)

16 CHAIRMAN: If there are no questions, the  
17 Chair is ready for a motion.

18 MR. HAYDEN: Make a motion to approve.

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

21 SISTER VIVIAN: Second.

22 CHAIRMAN: Second by Sister Vivian. All  
23 in favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.



1 Next item.

2 -----

3 MAJOR SUBDIVISIONS

4 ITEM 13

5 The Greens of Heartland, Phase 4, Lots 100-104,  
121-123, 128-146, 7.439 acres  
6 Consider approval of major subdivision final plat.  
Surety (Certificate of Deposit) posted: \$40,842.40  
7 Applicant: Jagoe Development Corp.

8 MR. JAGOE: Mr. Chairman, I need to  
9 disqualify myself.

10 CHAIRMAN: So noted. Mr. Jagoe will  
11 disqualify himself from this vote.

12 MR. ADAMS: The item in order and ready  
13 for consideration.

14 CHAIRMAN: Are there any questions or  
15 comments?

16 (NO RESPONSE)

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

18 CHAIRMAN: Chair is ready for a motion.

19 MR. CAMBRON: Motion for approval.

20 CHAIRMAN: Motion for approval by Mr.

21 Cambron.

22 MR. APPLEBY: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE)

1 WITH THE DISQUALIFICATION OF MR. JAGOE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item.

4 ITEM 14

5 Golfview, 9.903 acres  
6 Consider approval of major subdivision final plat that  
7 dedicates street rights-of-way to the public.  
Applicant: Hartz-Taylor

8 MR. ADAMS: This is the plat item that  
9 will dedicate the rights-of-way of those streets. The  
10 city commission, our understanding is the city  
11 commission will still have to take action to accept  
12 those for public maintenance. The item is in order  
13 and ready for your consideration.

14 CHAIRMAN: Are there any questions or  
15 comments?

16 (NO RESPONSE)

17 CHAIRMAN: If not, the Chair is ready for  
18 a motion.

19 SISTER VIVIAN: I move for approval.

20 CHAIRMAN: Motion for approval by Sister  
21 Vivian.

22 MR. JAGOE: Second.

23 CHAIRMAN: Second by Mr. Jagoe. All in  
24 favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 ITEM 15

4 Heritage Park, Unit 3, 8.171 acres  
5 Consider approval of major subdivision final plat.  
6 Surety (Certificate of Deposit) posted: \$24,003  
7 Applicant: Jagoe Homes & Construction Company, Inc.

8 MR. ADAMS: This item is ready for your  
9 consideration.

10 MR. JAGOE: Mr. Chairman, I need to  
11 disqualify myself from Items 15 and 16.

12 CHAIRMAN: Mr. Jagoe will be excused from  
13 Items Number 15 and Number 16. You will be  
14 disqualified.

15 Are there any questions?

16 (NO RESPONSE)

17 CHAIRMAN: Chair is ready for a motion.

18 MR. CAMBRON: Motion for approval.

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

21 MS. DIXON: Second.

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

24 (ALL MEMBERS PRESENT RESPONDED AYE WITH  
25 THE DISQUALIFICATION OF MR. JAGOE.)

CHAIRMAN: Motion carries unanimously.

1 Next item.

2 ITEM 16

3 IBOK, LLC 7.8 acres  
4 Consider approval of major subdivision final plat.  
5 Surety (Performance Bond) posted: \$4,372  
6 Applicant: IBOK, LLC, c/o Terry Roark

7 MR. ADAMS: This item is in order and  
8 ready for consideration.

9 CHAIRMAN: Mr. Jagoe is also disqualified  
10 from this.

11 Any questions or comments?

12 (NO RESPONSE)

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

15 MS. DIXON: Motion for approval.

16 CHAIRMAN: Motion for approval by Ms.  
17 Dixon.

18 MR. APPLEBY: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
22 WITH THE DISQUALIFICATION OF MR. JAGOE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 ITEM 17

Plantation Pointe, 35.31 acres

1 Consider approval of revised major subdivision  
preliminary plat.

2 Applicant: Steve Baker Building, LLC

3 MR. ADAMS: This item is in order and  
4 ready for your consideration. It's been reviewed by  
5 Planning and Engineering Staff. If you have any  
6 questions about it specifically, I refer you to Becky  
7 Stone.

8 CHAIRMAN: Are there any questions or  
9 comments regarding this?

10 (NO RESPONSE)

11 CHAIRMAN: If not, the Chair is ready for  
12 a motion.

13 MS. DIXON: Move for approval.

14 CHAIRMAN: Motion for approval by Ms.  
15 Dixon.

16 MR. HAYDEN: Second.

17 CHAIRMAN: Second by Mr. Hayden. 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 18

23 Waterford Village, 8.927 acres  
Consider approval of major subdivision final plat.  
24 Surety (Certificate of Deposit) posted: \$89,543.22  
Applicant: Waterford Developers, LLC,  
25 c/o Greg Thompson

1 MR. ADAMS: Mr. Chairman, this item is in  
2 order and ready for your consideration.

3 CHAIRMAN: Questions or comments?

4 (NO RESPONSE)

5 CHAIRMAN: The Chair is ready for a  
6 motion.

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

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

11 MR. JAGOE: Second.

12 CHAIRMAN: Second by Mr. Jagoe. All in  
13 favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, please.

17 ITEM 19

18 Woodcrest, 7.310 acres  
19 Consider approval of major subdivision final plat.  
20 Surety (Certificate of Deposit) posted: \$8,820  
Applicant: J.D. Wells Builders, Inc.

21 MR. ADAMS: This item is in order and  
22 ready for your consideration, Mr. Chairman.

23 CHAIRMAN: Any questions or comments?

24 (NO RESPONSE)

25 CHAIRMAN: Chair is ready for a motion.

1 SISTER VIVIAN: I move for approval.

2 CHAIRMAN: Motion for approval by Sister  
3 Vivian.

4 MR. JAGOE: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 -----

11 MINOR SUBDIVISIONS

12 ITEM 20

13 7967 & 7983 KY 144, 15.289+ acres  
14 Consider approval of minor subdivision plat.  
15 Applicant: Bernard Payne & Jack Wilke

16 MR. ADAMS: Mr. Chairman, there are no new  
17 building sites on this site, but it takes two  
18 agricultural tracts and adjust the property line  
19 resulting in one being a little bit smaller than what  
20 we consider an agricultural tract, but Staff doesn't  
21 have any opposition to this proposal.

22 CHAIRMAN: Are there any questions?

23 (NO RESPONSE)

24 CHAIRMAN: Chair is ready for a motion.

25 MR. CAMBRON: Motion for approval, Mr.  
Chairman.

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

3                   MR. APPLEBY: Second.

4                   CHAIRMAN: Second by Mr. Appleby. 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           ITEM 21

10           9389 & 9413 KY 405, 4.38 acres  
11           Consider approval of minor subdivision plat.  
12           Applicant: Richard & Arlene Erich

13                   MR. ADAMS: This is the division that  
14           provides for the water tank that we discussed  
15           previously which creates a 50 by 50 lot that has no  
16           frontage on public right-of-way, but for utilities the  
17           Planning Commission typically approves those  
18           exceptions to the subdivision regulations and Staff  
19           would recommend you do so tonight on this item.

20                   CHAIRMAN: Any questions?

21                   (NO RESPONSE)

22                   CHAIRMAN: Chair is ready for a motion.

23                   MR. JAGOE: Move to approve.

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

26                   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 ITEM 22

7 1700 Block of Sterling Valley Drive, 8.927 acres  
8 Consider approval of minor subdivision plat for  
9 development transfer.  
Applicant: Miles Farm, LLC, Waterford Developers, LLC

10 MR. ADAMS: Mr. Chairman, this is simply a  
11 development transfer plat that's related to an item we  
12 considered formerly on the agenda for a final plat.  
13 Would recommend your approval at this time.

14 CHAIRMAN: Are there any questions or  
15 comments?

16 (NO RESPONSE)

17 CHAIRMAN: Chair is ready for a motion.

18 MR. APPLEBY: Motion for approval.

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

21 MR. JAGOE: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1       ITEM 23

2       4830 Towne Square Court, 1.06 acres  
3       Consider approval of minor subdivision plat.  
4       Applicant: Septtimous Taylor, City of Owensboro

5                   MR. ADAMS: Mr. Chairman, this is a  
6       division that will provide additional right-of-way for  
7       the extension of Nicholas Drive over to Towne Square  
8       Court which this commission considered previously at a  
9       public facility at another meeting. We recommend your  
10      approval at this time.

11                   CHAIRMAN: Any questions or comments?

12                   (NO RESPONSE)

13                   CHAIRMAN: Chair is ready for a motion.

14                   MS. DIXON: Move to approve.

15                   CHAIRMAN: Motion for approval by Ms.

16      Dixon.

17                   SISTER VIVIAN: Second.

18                   CHAIRMAN: Second by Sister Vivian. All  
19      in favor raise your right hand.

20                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21                   CHAIRMAN: Motion carries unanimously.

22                   Next item, please.

23      ITEM 24

24      9938 US 431, 9940 US 431, 11.513+ acres  
25      Consider approval of minor subdivision plat.  
26      Applicant: Christine Morgan Estate, c/o Darrell  
27      Morgan, Herschel Morgan

1                   MR. ADAMS: Mr. Chairman, this is a  
2                   situation back on a private lane where we have two  
3                   houses. There's a will involved. This would actually  
4                   implement part of that will and create a lot around  
5                   one of the existing houses and will leave a remainder,  
6                   farm remainder with a note that there will be no  
7                   further subdivision of that without a 50 foot frontage  
8                   on public right-of-way. The Staff doesn't have any  
9                   objections to this proposal. Would you recommend you  
10                  approve it.

11                 CHAIRMAN: Are there any questions or  
12                  comments?

13                 (NO RESPONSE)

14                 CHAIRMAN: If not, Chair is ready for a  
15                  motion.

16                 MS. DIXON: Move for approval.

17                 CHAIRMAN: Ms. Dixon for approval.

18                 MR. HAYDEN: Second.

19                 CHAIRMAN: Second by Mr. Hayden. All in  
20                  favor raise your right hand.

21                 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22                 CHAIRMAN: Motion carries unanimously.

23                 Next item.

24                 SURETY RELEASES

25

## 1       ITEM 25

2       Carlsbad East, \$12,400.00  
3       Consider release of surety (Certificate of Deposit)  
4       for sanitary sewers.  
5       Surety posted by: Carl Westerfield

## 6       ITEM 26

7       Daviness County Board of Health, \$7,287.00  
8       Consider release of surety (Performance Bond) for  
9       landscaping.  
10      Surety posted by: Daviness County Board of Health

## 11      ITEM 27

12      Eagles Nest At Eagle Crest Estates, \$3,180.00  
13      Consider partial release of surety (Certificate of  
14      Deposit) for sidewalks and sanitary sewers.  
15      Surety retained (Certificate of Deposit) \$20,004.00  
16      Surety posted by: Hayden Park Developers,  
17      c/o Ron Jones

## 18      ITEM 28

19      Eagles Nest At Eagle Crest Estates, \$7,500.00  
20      Consider partial release of surety (Certificate of  
21      Deposit) for water mains and fire hydrants.  
22      Surety posted by: Hayden Park Developers,  
23      c/o Ron Jones

## 24      ITEM 29

25      Green River District Health Department Office  
26      Building, \$25,758.00  
27      Consider release of surety (Performance Bond) for  
28      landscaping.  
29      Surety posted by: Green River District Health  
30      Development

## 31      ITEM 30

32      Hall Marine, \$710.00  
33      Consider release of surety (Certificate of Deposit)  
34      for landscaping  
35      Surety posted by: Hall Marine

36

1       ITEM 31

2       Old National Southtown Banking, \$8,175.00  
3       Consider release of surety (Certified Check) for  
4       landscaping.  
5       Surety posted by: RBS Design Group

6       ITEM 32

7       Toys For Big Boys, \$150.00  
8       Consider release of surety (Certified Check) for  
9       landscaping  
10      Surety posted by: Toys For Big Boys

11      ITEM 33

12      Eddie Wiles Parking Lot, \$1,297.00  
13      Consider release of surety (Performance Bond) for  
14      landscaping.  
15      Surety posted by: Eddie Wiles

16                   MR. ADAMS: Surety Releases 25 through 33  
17      are in order can be considered in toto for release.

18                   CHAIRMAN: Chair is ready for a motion.

19                   MR. APPLEBY: Motion to approve.

20                   CHAIRMAN: Motion for approval by Mr.  
21      Appleby.

22                   SISTER VIVIAN: Second.

23                   CHAIRMAN: Second by Sister Vivian. All  
24      in favor raise your right hand.

25                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

26                   CHAIRMAN: Motion carries unanimously.

27                   -----

28                   SURETY TRANSFERS

29

1       ITEM 34

2       Doe Ridge, Unit #3, Section 3, \$9,042.00  
3       Transfer of surety (Performance Bond) for streets,  
4       sidewalks and storm sewers to the City of Owensboro.  
5       Surety posted by: Robert J. Wimsatt

6       ITEM 35

7       Eagle Crest Estates, Unit #1, \$5,514.00  
8       Transfer of surety (Certificate of Deposit) for storm  
9       and sanitary sewers to the Daviess County Fiscal Court  
10      Surety posted by: Hayden Park Developers

11      ITEM 36

12      Bertha Goetz Estate, Unit #3, \$19,082.60  
13      Transfer of surety (Irrevocable Letter of Credit) for  
14      streets and sidewalks to the City of Owensboro

15      ITEM 37

16      Turtle Creek, Unit #2, \$37,557.20  
17      Transfer of surety (Performance Bond) for streets,  
18      sidewalks and storm sewers to the City of Owensboro  
19      Surety posted by: Robert J. Wimsatt

20                   MR. ADAMS: On Surety Transfers, Items 34  
21      through 37 are in order and can be considered in toto.

22                   CHAIRMAN: Chair ready for a motion.

23                   MS. DIXON: Move to approve.

24                   CHAIRMAN: Motion for approval by Ms.

25      Dixon.

26                   MR. APPLEBY: Second.

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

29                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

30                   CHAIRMAN: Motion carries unanimously.

1 NEW BUSINESS

2 ITEM 38

3 Consider adoption of the FY 2003 Budget Amendment,  
4 effective September 13, 2002

5 MR. ADAMS: Mr. Chairman, Director Gary  
6 Noffsinger sent a letter to the Planning Commissioners  
7 recently explaining proposals on the amendment of the  
8 budget. If there are any questions I can address  
9 those; otherwise, Staff would recommend you approve  
10 that.

11 CHAIRMAN: Are there any questions  
12 regarding the budget or any comments?

13 (NO RESPONSE)

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

16 MR. APPLEBY: Motion to approve.

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

19 MR. JAGOE: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 Chair is ready for one final motion.

25 MR. APPLEBY: Motion to adjourn.

1                   CHAIRMAN: Motion to adjourn by Mr.  
2     Appleby.

3                   MR. JAGOE: Second.

4                   CHAIRMAN: Second by Mr. Jagoe. All in  
5     favor raise your right hand.

6                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7                   CHAIRMAN: Meeting is adjourned.

8                   -----

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COMMISSION EXPIRES:  
DECEMBER 19, 2002

COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY