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OWENSBORO METROPOLITAN PLANNING COMMISSION

OCTOBER 10, 2002

* * * * *

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

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Gary Noffsinger
- Nick Cambron
- Dave Appleby
- Jimmy Gilles
- Irvin Rogers
- Judy Dixon
- Dr. Mark Bothwell
- Martin Hayden
- Stewart Elliott,
- Attorney

* * * * *

CHAIRMAN: Let's stand for our invocation.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first item on the agenda is consider the minutes of the September 12, 2002, meeting. Are there any corrections or additions to the minutes?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

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

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, please.

9 ITEM 2

10 Presentation of Fiscal Year 2002 audit by Bob Thomas,
11 CPA.

12 MR. ELLIOTT: State your name for the
13 record, please.

14 MR. THOMAS: Bob Thomas.

15 (MR. BOB THOMAS SWORN BY ATTORNEY.)

16 MR. THOMAS: As stated I'm Bob Thomas.

17 I'm a CPA, shareholder with Hayden & Company, CPA's.
18 We were engaged to audit the general purpose financial
19 statement of the Owensboro Metropolitan Planning
20 Commission as of for the year ended June 30, 2002.

21 We conducted our audit in accordance with
22 the auditing standards generally accepted in the
23 United States of America and government audit
24 standards.

25 The objective of our audit was the

1 expression of an opinion as to whether the general
2 purpose financial statements are fairly presumed in
3 conformity with generally accepted accounting
4 principals.

5 In our opinion in our report, we stated
6 that in our opinion the general purpose of financial
7 statements present fairly in all respects the
8 financial position of Owensboro Metropolitan Planning
9 Commission and the results of its operations for the
10 year ended June 30, 2002, in accordance with generally
11 accepted accounting principals.

12 Each of you should have received a bound
13 copy of our report and financial statements and I
14 submit them for your approval.

15 Would be happy to entertain any
16 questions.

17 CHAIRMAN: Is there any questions from
18 anybody on the commission?

19 (NO RESPONSE)

20 CHAIRMAN: Does anybody in the audience
21 have any questions?

22 (NO RESPONSE)

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

25 MR. CAMBRON: Motion for approval, Mr.

1 Chairman.

2 CHAIRMAN: Motion for approval by Mr.

3 Cambron.

4 MR. HAYDEN: Second.

5 CHAIRMAN: Second by Mr. Hayden. 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

PUBLIC FACILITIES PLAN

REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

12

ITEM 3A

13

1 Carter Road, 3399 Raven Drive

14

Facilities Construction

15

Consider comments regarding the existing west side
parking lot and the construction of an additional
parking lot to the south of the concession stand at
Thompson-Berry Park.

16

Referred by: City of Owensboro

17

18

MR. NOFFSINGER: Mr. Chairman, this is a

19

plan to construct a much needed parking at the

20

Thompson-Berry Soccer Complex. Planning Staff has

21

reviewed the plans. Find no conflict with the

22

Comprehensive Plan and would recommend you forward a

23

letter of that affect to the City of Owensboro.

24

CHAIRMAN: Does anybody in the audience

25

have any questions?

1 (NO RESPONSE)

2 CHAIRMAN: Anybody on the commission?

3 (NO RESPONSE)

4 CHAIRMAN: Chair is ready for a
5 recommendation.

6 MS. DIXON: Move for approval.

7 CHAIRMAN: Motion for approval by Ms.
8 Dixon.

9 MR. APPLEBY: Second.

10 CHAIRMAN: Second by Mr. Appleby. 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 ITEM 3B

16 9800 Block of Hulsey Loop
17 Land Disposition

18 Consider comments regarding a proposal to close a
19 10-foot alley right-of-way running north from Delaware
20 Ferry Road to Hulsey Loop and a 10-foot alley
21 right-of-way running west from the east leg of Hulsey
22 Loop and terminating at the west leg of Hulsey Loop.
23 Referred by: Daviess County Fiscal Court

24 MR. NOFFSINGER: Mr. Chairman, Planning
25 Staff has reviewed this plan. We find no conflict
26 with the Comprehensive Plan and recommend that a
27 letter of that affect be forwarded to the Daviess
28 County Fiscal Court.

1 CHAIRMAN: Any questions or comments from
2 the audience?

3 (NO RESPONSE)

4 CHAIRMAN: Anyone on the commission?

5 (NO RESPONSE)

6 CHAIRMAN: If not the Chair is ready for a
7 motion.

8 MR. HAYDEN: Make a motion for approval.

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

11 DR. BOTHWELL: Second.

12 CHAIRMAN: Second by Dr. Bothwell. 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 4

18 7772 KY 815

Land Acquisition and Disposition

19 Consider comments regarding the acquisition and
20 disposition of property in order to conform with the
21 request from the Kentucky Division of Waste management
22 related to the Daviess County Contained Landfill
expansion.

Referred by: Daviess County Fiscal Court

22

23 MR. NOFFSINGER: Mr. Chairman, Planning

24 Staff has reviewed this application along with the

25 Comprehensive Plan and Solid Waste Management Plan.

1 We find no conflict and would recommend a letter of
2 that affect be forwarded to the Daviess County Fiscal
3 Court.

4 CHAIRMAN: Any comments or questions from
5 the audience?

6 (NO RESPONSE)

7 CHAIRMAN: Does anybody on the commission
8 have a question?

9 (NO RESPONSE)

10 CHAIRMAN: Chair is a ready for a motion.

11 MR. CAMBRON: Motion for approval, Mr.
12 Chairman.

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

15 MR. HAYDEN: Second.

16 CHAIRMAN: Second by Mr. Hayden. 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 ITEM 5

22 2700 Block of Sunrise Drive
23 Land Disposition

24 Consider comments regarding a proposal to close a
25 portion of right-of-way beginning at the right-of-way
of Sunrise Drive and Ridgeway Drive and following
along the rear properties fronting Sunrise Drive and
Veach Road ending in a dead end.

1 Referred by: Daviess County Fiscal Court

2 MR. NOFFSINGER: Mr. Chairman, we find no
3 conflict with the adopted Comprehensive Plan and
4 recommend a letter to that affect be forwarded to the
5 Daviess County Fiscal Court.

6 CHAIRMAN: Any comments or questions from
7 the audience?

8 (NO RESPONSE)

9 CHAIRMAN: Anybody from the commission
10 have any questions?

11 (NO RESPONSE)

12 CHAIRMAN: Chair is ready for a motion.

13 MR. ROGERS: Motion for approval.

14 CHAIRMAN: Motion for approval by Mr.
15 Rogers.

16 DR. BOTHWELL: Second.

17 CHAIRMAN: Second by Dr. Bothwell. 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 -----

23 ZONING CHANGES - CITY

24 ITEM 6

25 224 Ewing Road, 0.42 acres

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

2 Applicant: Jim Cox, J.C. Fleming

3 MR. ELLIOTT: State your name, please.

4 MS. STONE: Becky Stone.

5 (MS. STONE SWORN BY ATTORNEY.)

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the proposal is
8 in compliance with the community's adopted
9 Comprehensive Plan. These recommendations are made
10 subject to the conditions and findings of fact that
11 follow:

12 Conditions:

13 1. Driveway access shall be limited to the
14 shared access easement as shown on minor subdivision
15 plat approved 3-11-2002;

16 2. Vehicular use areas adjacent to street
17 right-of-way shall be landscaped with a minimum 3-foot
18 high continuous element and one tree per 40-feet of
19 vehicular use area boundary; and

20 3. Any outdoor storage areas shall be screened
21 with a minimum 6-foot high solid element and one tree
22 per 40-feet of storage area boundary.

23 Findings of Fact:

24 1. The subject property is located in a
25 Business/Industrial Plan Area, where light industrial

1 uses are appropriate in general locations;

2 2. Areas designated as Business/Industrial Plan
3 Areas in the Land Use Element of the Comprehensive
4 Plan allow for continued mixed uses of general
5 business and light industrial; and

6 3. Reuse of an existing sound building will
7 encourage maintenance and conservation, in accordance
8 with the goals of the Comprehensive Plan for building
9 quality.

10 MS. STONE: We would like to enter the
11 Staff Report as Exhibit A.

12 CHAIRMAN: Are there any questions or
13 comments from the audience?

14 (NO RESPONSE)

15 CHAIRMAN: Anybody from the commission
16 have any questions or comments?

17 (NO RESPONSE)

18 CHAIRMAN: Chair is ready for a
19 recommendation.

20 MS. DIXON: Move for approval subject to
21 Conditions 1 through 3 and based upon Findings of Fact
22 1 through 3.

23 CHAIRMAN: Motion for approval by Ms.
24 Dixon.

25 DR. BOTHWELL: Second.

1 CHAIRMAN: Second by Dr. Bothwell. All in
2 favor of the motion raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Thank you.

6 ITEM 7

7 1920 McFarland Avenue, 1.84+acres
8 Consider zoning change: From B-4 General Business to
9 I-2 Heavy Industrial
10 Applicant: West Side Auto Parts, Inc., Henry E.
11 Phillips, Mary E. Posey

12 PLANNING STAFF RECOMMENDATIONS

13 Staff recommends approval because the proposal is
14 in substantial compliance with the community's adopted
15 Comprehensive Plan, subject to the imposition of
16 strict conditions to mitigate possible negative impact
17 on the residential properties in the vicinity. This
18 recommendation is made subject to the conditions and
19 findings of fact that follow:

20 Conditions:

- 21 1. Driveway access shall be limited to one
22 access point onto Old Henderson Road, not to exceed
23 50-feet in width at the property line;
- 24 2. Driveway access on Old Henderson Road shall
25 be paved to a minimum distance of 50-feet inside the
property boundary;
3. The existing driveway access on McFarland

1 Avenue shall be closed, and the entire frontage on
2 McFarland shall be screened with a minimum 8-foot high
3 continuous solid element with one tree per 40-feet of
4 linear boundary to be located outside of the required
5 roadway/buffer;

6 4. The gravel in the area between the street
7 pavement on McFarland Avenue and the fence boundary
8 shall be removed and the area returned to grass;

9 5. The applicant shall apply for a conditional
10 use permit and variances from the required setback
11 buffers from the Owensboro Metropolitan Board of
12 Adjustment. Unless these items are approved, the
13 property may not be used for the proposed use;

14 6. Existing fencing around the property on the
15 east, west and south boundaries shall be replaced with
16 a minimum 8-foot high solid element and maintained;

17 7. Storage of vehicles or materials on the site
18 may not exceed the height of the fencing surrounding
19 the property;

20 8. All conditions must be met prior to the use
21 of the subject property for the storage of vehicles.

22 Findings of Fact:

23 1. The subject property is located in a
24 Business/Industrial Plan Area, where heavy industrial
25 uses are appropriate in only very-limited locations;

1 2. A required 8-foot high element, required
2 landscaping, required roadway buffer, and right-of-way
3 of McFarland Avenue will act as a buffer for the
4 residentially zoned property across McFarland Avenue,
5 if the access point onto McFarland Avenue is closed;

6 3. The applicant's proposal is a logical
7 expansion of heavy industrial uses existing in the
8 area, if conditions are imposed on the subject
9 property to reduce the incompatibility with the
10 adjoining residential properties; and,

11 4. The use of the subject property for disabled
12 and wrecked vehicle storage and dismemberment is
13 consistent with heavy industrial uses in the immediate
14 vicinity.

15 MS. STONE: We would like to enter the
16 Staff Report as Exhibit B.

17 CHAIRMAN: Are there any questions or
18 comments from the audience?

19 MR. ELLIOTT: State your name, please.

20 MR. KAMUF: Charles Kamuf.

21 (MR. KAMUF SWORN BY ATTORNEY.)

22 MR. KAMUF: Mr. Chairman, we have entered
23 into an agreement with the objectors that were here in
24 March. We agree to the eight conditions that are
25 listed on the Staff's Findings of Fact. We'll add an

1 additional one to please the neighbors.

2 Number 9, we agree to implement an annual
3 pest control plan.

4 I think Mr. Wilson is here representing
5 the objectors. I think that's our agreement.

6 MR. WILSON: Yes, it is.

7 MR. ELLIOTT: Mr. Chairman, if I might.
8 There is currently an action pending in circuit court
9 which alleged violations, violations have been brought
10 with the compliance. That action, any further action
11 has been held. If the Board were to accept the
12 recommendations for approval with the conditions, it
13 would be my recommendation that I incorporate those
14 conditions within a judgment in that case when it's
15 finalized so we'll have a circuit court judgment with
16 these conditions contained in it. You know, that is
17 if the board recommends these conditions that that be
18 incorporated in the judgment. The lawsuit will
19 continue to be active until the rezoning does in fact
20 occur, that the Conditional Use Permit does issue and
21 the variance is granted by the Board of Adjustment.

22 CHAIRMAN: Would you want to go ahead and
23 make that into Condition 9 and make sure both parties
24 are aware before we vote or consider this item?

25 MR. ELLIOTT: Do you understand what I'm

1 saying, Charlie?

2 MR. KAMUF: I understand.

3 MR. ELLIOTT: This will be incorporated
4 into the judgment when we finalize the circuit court
5 action.

6 MR. KAMUF: Let's assume that the board
7 approves it based on the eight conditions plus the
8 ninth one, and also that the Board of Adjustment
9 approves the variance, that case will be dismissed, I
10 agree to pay the court cost.

11 MR. ELLIOTT: It will be finalized with a
12 judgment to incorporate these conditions. For
13 instance, Condition Number 9 about the insect annual
14 spraying, if they were not to do that then it could go
15 directly to the circuit court on enforcement of the
16 judgment without us going through another
17 proceeding. You're agreeing to do those conditions?

18 MR. KAMUF: We agree here.

19 MR. ELLIOTT: We'll work it out and
20 incorporate it with a judgment so that any violations
21 will go directly to circuit court.

22 MR. KAMUF: I understand.

23 CHAIRMAN: Mr. Elliott, do I understand
24 you that you want to incorporate this as Item 10?

25 MR. APPLEBY: That wouldn't be

1 incorporated as part of the zoning. The board would
2 agree for you to incorporate that within the suit.

3 MR. ELLIOTT: Right.

4 MR. KAMUF: I don't think that's part of
5 the zoning. What he wants to do is incorporate that
6 into the lawsuit that's held in events until such time
7 as you all are heard on this motion tonight.

8 CHAIRMAN: So this will not be one of the
9 conditions, but you want this read into the record
10 when and if we - -

11 MR. ELLIOTT: No. You don't have to put
12 it in this record. I want them to understand I'll be
13 asking for judgment pursuant to these conditions. I
14 think Charlie has agreed to do that.

15 MR. KAMUF: I agree.

16 CHAIRMAN: Rather than just dismiss the
17 lawsuit, I think we should incorporate these
18 conditions within it. There's been a history of
19 violation on this property. I think that will help
20 resolve future problems.

21 CHAIRMAN: Thank you.

22 Mr. Kamuf, have you completed?

23 MR. KAMUF: I'm completed. I assume we
24 are completed.

25 CHAIRMAN: Mr. Wilson.

1 MR. ELLIOTT: State your name for the
2 record, please.

3 MR. WILSON: William Wilson, Jr.

4 (MR. WILSON SWORN BY ATTORNEY.)

5 MR. WILSON: Just want to confirm what Mr.
6 Kamuf told the commission. We have reached agreement
7 on the eight Staff's recommendations plus the Number 9
8 about the annual, no less than annual anyway pest,
9 rodent inspections.

10 There's one thing I would like to point
11 out to the board on these. Number 7 I believe it is
12 in the Staff Recommendation talks about the fencing on
13 the east/west and south side.

14 MR. KAMUF: Number 6.

15 MR. WILSON: Number 6. It shall be
16 maintained. There's not any wording in any of those
17 things about maintaining the fencing on the McFarland
18 Avenue side. We're most concerned about that being
19 that's the one we will be looking at. Just for
20 clarification I would like to have a word maybe all
21 fencing maintained or add north or something needs to
22 be in there. I would like to try to eliminate any
23 future discussion over that. I think it goes without
24 saying, but it's not in the recommendations that the
25 other three sides are.

1 CHAIRMAN: Mr. Wilson, let me bring Mr.
2 Kamuf back and see if we can just incorporate, is the
3 word "all" okay with you, Mr. Wilson?

4 MR. WILSON: Yes. Just as long as there's
5 something that clearly we can all not argue in the
6 future over where it's suppose to maintain three of
7 them. Didn't say anything about the fourth one.

8 MR. KAMUF: I think the way to do that
9 instead of all is go back to Number 3 and say that "we
10 will maintain also the frontage along McFarland".

11 MR. WILSON: That will be great. That
12 will be even better.

13 MR. KAMUF: You got it on the east and the
14 west and you got it in the middle. There might be
15 with the word "all" I don't know what else is down
16 here. We will screen it on the east of the property
17 line, on the west of the property line, in front of
18 McFarland and also along McFarland.

19 CHAIRMAN: Mr. Kamuf, let me bring Becky
20 back to the microphone, please.

21 Would it be okay with you to change the
22 wording there in Condition Number 3?

23 MS. STONE: Sure. Add and maintain
24 certainly.

25 CHAIRMAN: Will you see that that is

1 changed in our recommendations?

2 MS. STONE: Yes.

3 CHAIRMAN: Does anybody from the audience
4 have any comments?

5 (NO RESPONSE)

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

8 MR. CAMBRON: I think they've worked it
9 all out and I think we're ready to make a motion here.

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

12 MR. CAMBRON: Motion for approval, Mr.
13 Chairman, based upon Conditions 1 through 9 and the
14 clarification on 3 and the Findings of Fact 1 through
15 4 and with the agreement from both sides on the
16 stipulation Mr. Elliott has spoken about.

17 DR. BOTHWELL: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item.

24 ITEM 8

25 1123 Scherm Road, Portions of 1126 Spencer Drive, 2603

1 Mayfair Avenue and 1121 Scherm Road, 0.341 acres
2 Consider zoning change: From R-1B Single-Family
3 Residential and P-1 Professional/Service to P-1
4 Professional/Service.
5 Applicant: City of Owensboro, Patricia Powell Clark,
6 Gordon & Anna Greene, Ronald & Juanita Schwartz

5 PLANNING STAFF RECOMMENDATIONS

6 Staff recommends approval because the proposal is
7 in compliance with the community's adopted
8 Comprehensive Plan. This recommendation is made
9 subject to the condition and findings of fact that
10 follow:

11 Conditions:

- 12 1. The driveway access point on Scherm Road
13 closest to Mayfair Avenue shall be closed; and,
- 14 2. Vehicular use areas shall be screened from
15 the street right-of-way with a 3-foot high continuous
16 element and one tree per 40 linear feet of vehicular
17 use area boundary.

18 Findings of Fact:

- 19 1. The subject property is partially located in
20 a Professional/Service Plan Area, where
21 professional/service uses are appropriate in general
22 locations;
- 23 2. The subject property is partially located in
24 an Urban Residential Plan Area, where
25 professional/service uses are appropriate in limited

1 locations; and

2 3. The applicant's proposal is a logical
3 expansion of existing P-1 Professional/Service zone
4 that will not overburden the capacity of roadways and
5 other necessary urban services available in the
6 affected area.

7 MS. STONE: Would like to enter the Staff
8 Report as Exhibit C.

9 CHAIRMAN: Are there any questions from
10 anybody in the audience?

11 (NO RESPONSE)

12 CHAIRMAN: Does anybody on the commission
13 have any questions?

14 (NO RESPONSE)

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

17 MR. APPLEBY: Motion for approval, Mr.
18 Chairman, subject to Planning Staff Recommendations,
19 Conditions 1 and 2 and based on Findings of Fact 1
20 through 3.

21 CHAIRMAN: We have a motion for approval
22 by Mr. Appleby.

23 MR. GILLES: Second.

24 CHAIRMAN: Second by Mr. Gilles. 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 -----

5 ZONING CHANGES - COUNTY

6 ITEM 9

7 4398 KY 554, 37.01 acres
8 Consider zoning change: From EX-1 Coal Mining to A-U
9 Urban Agriculture
10 Applicant: Boyd Bartlett

11 PLANNING STAFF RECOMMENDATIONS

12 Staff recommends approval because the proposal is
13 in compliance with the community's adopted
14 Comprehensive Plan. This recommendation is made
15 subject to the findings of fact that follow:

16 Findings of Fact:

17 1. The subject property is located in a Rural
18 Community Plan Area, where agricultural uses are
19 appropriate in general locations;

20 2. The subject property contains some prime
21 farmland, as identified on the Map of Important
22 Farmlands prepared in 1976 by the U.S. Department of
23 Agriculture Soil Conservation Service;

24 3. All coal mining activities have ceased on the
25 subject property; and,

4. The subject property should revert to its

1 original zoning classification of A-U Urban
2 Agriculture, in compliance with the Owensboro
3 Metropolitan Zoning Ordinance Section 12a.31.

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

6 CHAIRMAN: Do we have any questions or
7 comments from anybody in the audience?

8 (NO RESPONSE)

9 CHAIRMAN: Does anybody from the
10 commission have any questions or comments?

11 (NO RESPONSE)

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

14 MR. HAYDEN: I make a motion to approve
15 with Staff Recommendations Findings of Fact 1 through
16 4.

17 CHAIRMAN: We have a motion for approval
18 by Mr. Hayden.

19 MR. ROGERS: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25

1 ITEM 10

2 Portion 9567 Old Hartford Road, 4.633 acres
3 Consider zoning change: From I-1 Light Industrial to
4 A-R Rural Agriculture
5 Applicant: Clarence J. Turner

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the proposal is
8 in compliance with the community's adopted
9 Comprehensive Plan. This recommendation is made
10 subject to the condition and findings of fact that
11 follow:

12 Condition:

13 1. Any and all activities not permitted in an
14 A-R Rural Agriculture zone shall cease.

15 Findings of Fact:

16 1. The subject property is located in a Rural
17 Maintenance Plan Area, where rural farm residential
18 uses are appropriate in general locations;

19 2. The subject property contains some prime
20 farmland;

21 3. The subject property is located in an area of
22 agricultural-related uses;

23 4. The subject property is a portion of a larger
24 tract that is zoned A-R Rural Agriculture and is large
25 enough to support agricultural uses; and,

5. The current zoning of the subject property is

1 not appropriate and was approved by Daviess County
2 Fiscal Court on a temporary basis, subject to the
3 subject property being zoned back to A-R Rural
4 Agriculture prior to December of 2002.

5 MS. STONE: We would like to enter the
6 Staff Report as Exhibit E.

7 CHAIRMAN: Are there any questions or
8 comments from anybody in the audience?

9 (NO RESPONSE)

10 CHAIRMAN: Does anybody on the commission
11 have any questions or comments?

12 MR. SCOTT RICHMOND: If there are any
13 questions, I'll be happy to answer them on behalf of
14 Mr. Turner.

15 CHAIRMAN: Does anybody in the audience or
16 the commission have any questions? Mr. Turner is
17 represented by Mr. Richmond.

18 (NO RESPONSE)

19 CHAIRMAN: If there are no question, the
20 Chair is ready for a motion.

21 MS. DIXON: Move for approval subject to
22 Condition 1 and based upon Findings of Fact 1 through
23 5.

24 CHAIRMAN: Motion for approval by Ms.
25 Dixon.

1 DR. BOTHWELL: Second.

2 CHAIRMAN: Second by Dr. Bothwell. All in
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 -----

8 DEVELOPMENT PLANS

9 ITEM 11

10 324 Clay Street, 315 Crittenden Street, 0.07 acres
11 Consider approval of final development plan.

11 Applicant: Victory Properties, LLC, c/o Roger Stacy

12 MR. NOFFSINGER: Mr. Chairman, this plan
13 has been reviewed by Planning Staff, Engineering
14 Staff. It is in order and ready for consideration.

15 CHAIRMAN: Are there any questions or
16 comments from the audience?

17 (NO RESPONSE)

18 CHAIRMAN: Any questions from the
19 commission?

20 (NO RESPONSE)

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

23 MR. APPLEBY: Motion for approval.

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

1 MR. CAMBRON: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 ITEM 12

8 3629 Edna Court (Frito-Lay) 2.218 acres
9 Consider approval of final development plan.
10 Applicant: MMK, Inc.

11 MR. NOFFSINGER: Mr. Chairman, this plan
12 has been reviewed by Planning Staff, Engineering
13 Staff. Found to be in order and ready for
14 consideration.

15 CHAIRMAN: Any questions from the audience
16 or commission?

17 (NO RESPONSE)

18 CHAIRMAN: Chair is ready for a motion.

19 MR. ROGERS: Motion for approval.

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

22 MR. HAYDEN: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

1 Next item, please.

2 ITEM 13

3 94 Salem Drive, 1.57 acres
4 Consider approval of final development plan.
5 Applicant: Kenneth Crandall

6 MR. NOFFSINGER: Mr. Chairman, this plan
7 has been reviewed by Planning Staff, Engineering
8 Staff. Found to be in order and ready for
9 consideration.

10 CHAIRMAN: Any comments from the audience?

11 (NO RESPONSE)

12 CHAIRMAN: Questions from the commission?

13 (NO RESPONSE)

14 CHAIRMAN: Chair is ready for a motion.

15 MR. APPLEBY: Motion for approval.

16 CHAIRMAN: Motion for approval by Mr.

17 Appleby.

18 MR. CAMBRON: Second.

19 CHAIRMAN: Second by Mr. Cambron. All in

20 favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 -----

25 MAJOR SUBDIVISIONS

1 ITEM 14

2 Heartland, Lots 241-276, 9.688 acres
3 Consider approval of major subdivision preliminary
4 plat.
5 Applicant: Jagoe Development Corp.

6 MR. NOFFSINGER: Mr. Chairman, this plan
7 has been reviewed by the Planning Staff and
8 Engineering Staff. Found to be in order and ready for
9 consideration.

10 CHAIRMAN: Any comments from the audience?

11 (NO RESPONSE)

12 CHAIRMAN: Questions from the commission?

13 (NO RESPONSE)

14 CHAIRMAN: Chair is ready for a motion.

15 MS. DIXON: Move for approval.

16 CHAIRMAN: Motion for approval by Ms.

17 Dixon.

18 DR. BOTHWELL: Second.

19 CHAIRMAN: Dr. Bothwell has a second. All
20 in favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 ITEM 15

25 Mid-America Airpark, Unit 8, Lot 10, Phase 1, 6.00
26 acres
27 Consider approval of major subdivision final plat.

1 Surety previously posted: \$178,442.60
2 Applicant: Owensboro-Daviess County Industry, Inc.,
3 Owensboro Municipal Improvements Corp.

4 MR. NOFFSINGER: Mr. Chairman, this plat
5 has been reviewed by the Planning Staff, Engineering
6 Staff. Found to be in order and ready for
7 consideration.

8 CHAIRMAN: Any comments from the audience?

9 (NO RESPONSE)

10 CHAIRMAN: Comments from the commission?

11 (NO RESPONSE)

12 CHAIRMAN: Chair is ready for a motion.

13 MR. APPLEBY: Motion for approval.

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

16 MR. ROGERS: Second.

17 CHAIRMAN: Second by Mr. Rogers. 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 MINOR SUBDIVISIONS

23 ITEM 16

24 10910 & 10926 Gore Road, 15.070 acres
25 Consider approval of minor subdivision plat.
Applicant: A.C. Haimes

1 MR. NOFFSINGER: Mr. Chairman, this plat
2 has been reviewed by the Planning Staff and
3 Engineering Staff. The property creates - - it's
4 about a 15 acre tract now. It will be subdivided to
5 create a 5 acre tract with 10 acre remainder. The 5
6 acre tract slightly exceeds the three to one depth to
7 width ratio; however, given the shape of the subject
8 property now, the Planning Staff would recommend you
9 grant an exception and approve this plat.

10 CHAIRMAN: Any questions from the
11 audience?

12 (NO RESPONSE)

13 CHAIRMAN: Comments from the commission?

14 (NO RESPONSE)

15 CHAIRMAN: Chair is ready for a motion.

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

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

20 MR. HAYDEN: Second.

21 CHAIRMAN: Second by Mr. Hayden. 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 17

2 5804 Graham Lane, 0.92 acres
3 Consider approval of minor subdivision plat.
4 Applicant: Vickie L. Dugger

5 MR. NOFFSINGER: Mr. Chairman, this plat
6 has been reviewed by the Planning Staff and
7 Engineering Staff. The plat is in order. This plat
8 will consolidate two existing tracts. One tract has a
9 frontage on public right-of-way. It's a plat that
10 with the consolidation would exceed the established
11 three to one depth to width ratio; however, given the
12 fact that the rear property does not have frontage on
13 a public right-of-way and the concern with septic
14 tanks within the area on lots that are less than one
15 acre in size that Planning Staff would recommend that
16 this consolidation be approved.

17 CHAIRMAN: Any comments from the audience?

18 (NO RESPONSE)

19 CHAIRMAN: From the commission?

20 (NO RESPONSE)

21 CHAIRMAN: Chair is ready for a motion.

22 MR. APPLEBY: Motion for approval.

23 CHAIRMAN: Motion for approval by Mr.

24 Appleby.

25 MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

5 -----

6 AGRICULTURAL DIVISION

7 ITEM 18

8 10093 Lanham Road, 29.54 acres
9 Consider approval of agricultural division.
10 Applicant: Paul Jarboe

11 MR. NOFFSINGER: Mr. Chairman, this plat
12 has been reviewed by the Planning Staff. The plat
13 property currently has a 50-foot leg going out to
14 Lanham Road that is a part of the parent tract. It's
15 about a 30 acre tract now. They're proposing to split
16 it into two large farm tracts. However, one tract
17 will have access via the leg to the remainder;
18 however, an access easement has been established and
19 it is noted that this property is not to be further
20 subdivided so as to create additional tracts without
21 meeting minimum frontage requirements and the
22 subdivision regulations.

23 With that the Staff would recommend that
24 this plat be approved.

25 CHAIRMAN: Any comments from the audience?

(NO RESPONSE)

1 CHAIRMAN: Comments from the commission?

2 (NO RESPONSE)

3 CHAIRMAN: Chair is ready for a motion.

4 MR. HAYDEN: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.

6 Hayden.

7 MR. GILLES: Second.

8 CHAIRMAN: Second by Mr. Gilles. All in

9 favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item.

13 -----

14 SURETY RELEASES

15 ITEM 19

16 Carlsbad East, Unit #1, \$17,430.00
17 Consider partial release of surety (Certificate of
18 Deposit) for streets.
19 Surety retained (Certificate of Deposit) \$11,460.00
20 Surety posted by: Carl Westerfield

21 ITEM 20

22 Dollar General (Whitesville) \$7,912.00
23 Consider release of surety (Certified Check) for
24 landscaping.
25 Surety posted by: Intersouth Construction Co., One LLC

ITEM 21

Eagles Nest at Eagle Crest Estates, \$16,699.20
Consider partial release of surety (Certificate of
Deposit) for streets.
Surety retained (Certificate of Deposit) \$8,349.60

1 Surety posted by: Hayden Park Developers

2 ITEM 22

3 Firststar Home Mortgage, \$45,000.00
4 Consider partial release of surety (Certificate of
5 Deposit) for landscaping.
6 Surety posted by: US Bank

7 ITEM 23

8 Sports Warehouse, \$3,720.00
9 Consider partial release of surety (Certificate of
10 Deposit) for landscaping.
11 Surety posted by: Sports Warehouse

12 ITEM 24

13 Star Bank and Mortgage Parking Lot (4801 Frederica
14 Street) \$5,715.00
15 Consider release of surety (Certified Check) for
16 landscaping.
17 Surety posted by: US Bank

18 ITEM 25

19 West Congregation of Jehovah's Witnesses, \$8,025.00
20 Consider release of surety (Certificate of Deposit)
21 for landscaping.
22 Surety posted by: West Congregation of Jehovah's
23 Witnesses

24 MR. NOFFSINGER: Under Surety Releases,
25 Mr. Chairman, Items 19 through 25 are in order and may
be released in toto.

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr.

Appleby.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 -----

5 SURETY TRANSFERS

6 ITEM 26

7 Creek Haven, Unit #2, \$7,691.60
8 Transfer of surety (Certificate of Deposit) for 1"
9 bitum conc. surface to the City of Owensboro.
10 Surety posted by: Creek Haven Development, Inc.

11 ITEM 27

12 Creek Haven, Unit #2, \$2,100.00
13 Transfer of surety (Certificate of Deposit) for
14 headwalls to the City of Owensboro.
15 Surety posted by: Creek Haven Development, Inc.

16 ITEM 28

17 Creek Haven, Unit #2, \$14,652.00
18 Transfer of surety (Certificate of Deposit) for
19 sidewalks to the City of Owensboro.
20 Surety posted by: Creek Haven Development, Inc.

21 ITEM 29

22 Dutch Banks, Unit #4, \$43,660.00
23 Transfer of surety (Certificate of Deposit) for
24 sanitary sewers to the City of Owensboro.
25 Surety posted by: Charles Kamuf

26 ITEM 30

27 Dutch Banks, Unit #4, \$2,880.00
28 Transfer of surety (Certificate of Deposit) for
29 sidewalks to the City of Owensboro.
30 Surety posted by: Charles Kamuf

31 ITEM 31

32 Dutch Banks, Unit #4, \$7,650.00
33 Transfer of surety (Certificate of Deposit) for storm

1 sewers and drainage to the City of Owensboro.
2 Surety posted by: Charles Kamuf

3 ITEM 32

4 Dutch Banks, Unit #4, \$13,762.20
5 Transfer of surety (Certificate of Deposit) for
6 streets to the City of Owensboro
7 Surety posted by: Charles Kamuf

8 ITEM 33

9 Fieldcrest Crossing, Unit #5, \$4,383.00
10 Transfer of surety (Irrevocable Letter of Credit) for
11 water mains and fire hydrants to the City of
12 Owensboro.
13 Surety posted by: Thompson Homes, Inc.

14 ITEM 34

15 The Gardens of Heartland, \$20,625.00
16 Transfer of surety (Certificate of Deposit) for
17 sidewalks to the City of Owensboro.
18 Surety posted by: Jagoe Homes & Construction Co, Inc.

19 ITEM 35

20 Hunters Ridge, Unit #7, \$1,866.20
21 Transfer of surety (Certificate of Deposit) for 1"
22 bitum conc. surface to the City of Owensboro.
23 Surety posted by: Creek Haven Development, Inc.

24 ITEM 36

25 Hunters Ridge, Unit #7, \$2,000.00
26 Transfer of surety (Certificate of Deposit) for
27 headwalls to the City of Owensboro.
28 Surety posted by: Creek Haven Development, Inc.

29 ITEM 37

30 Hunters Ridge, Unit #7, \$1,500.00
31 Transfer of surety (Certificate of Deposit) for
32 retention basins to the City of Owensboro.
33 Surety posted by: Creek Haven Developments, Inc.

34 MR. NOFFSINGER: Mr. Chairman, under

35 Surety Transfers Items 26 through 37 are in order and

1 may be transferred in toto.

2 CHAIRMAN: Chair is ready for a motion.

3 MS. DIXON: Move to approve.

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

6 MR. HAYDEN: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 If there is no new business, the Chair is
12 ready for one final motion.

13 DR. BOTHWELL: Motion to adjourn.

14 CHAIRMAN: Motion to adjourn by Dr.
15 Bothwell.

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: We are adjourned.

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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 foegoing
14 38 typewritten pages; and that no signature was
15 requested to the foregoing transcript.

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

18
19

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

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:
25 DAVIESS COUNTY, KENTUCKY