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OWENSBORO METROPOLITAN PLANNING COMMISSION

NOVEMBER 14, 2002

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, November 14, 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
- Scott Jagoe
- Irvin Rogers
- Sister Vivian Bowles
- Judy Dixon
- Dr. Mark Bothwell
- Martin Hayden
- Stewart Elliott,
- Attorney

\* \* \* \* \*

CHAIRMAN: I'd like to call our meeting of the Planning & Zoning Commission for the November 14th meeting to order. Our invocation and pledge will be given by Mr. Scott Jagoe.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the October 10, 2002 meeting. Are there any corrections?

MR. NOFFSINGER: Yes, sir, I do have one.

1                   There was an item on that agenda, Eagles  
2                   Nest at Eagle Crest Estates. That was listed as a  
3                   partial release in the amount of \$7,500. This should  
4                   have been a complete release in the amount of  
5                   \$19,254.40 for water mains and fire hydrants. The  
6                   Surety was posted by Hayden Park Developers in care of  
7                   Ron Jones. The paperwork was properly filled out as  
8                   has been properly processed, but it was entered onto  
9                   the agenda wrong, the amounts were wrong. We just  
10                  need to correct that to reflect the correct  
11                  application.

12                  CHAIRMAN: We have a correction. Do we  
13                  have any additions?

14                  (NO RESPONSE)

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

17                  MS. DIXON: Move to approve as corrected.

18                  CHAIRMAN: Motion for approval by Ms.  
19                  Dixon plus the correction.

20                  MR. JAGOE: Second.

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

23                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24                  CHAIRMAN: Motion carries unanimously.

25                  First item, Mr. Noffsinger.

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PUBLIC FACILITIES PLANS  
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

3

## ITEM 2

4

901 Breckenridge Street, 900, 904, 906, 914 Hall St.  
Land Disposition

5

6

Consider comments regarding a proposal to offer for  
sale surplus property remaining upon completion of the  
realignment of the intersection of Hall Street and  
Ninth Street.

7

Referred by: City of Owensboro

8

9

MR. NOFFSINGER: Mr. Chairman, the

10

Planning Staff has reviewed this application. We find

11

no conflict with the adopted comprehensive plan and

12

recommend that a letter to that affect be forwarded to

13

the City of Owensboro.

14

CHAIRMAN: Is anybody here representing

15

the City of Owensboro?

16

(NO RESPONSE)

17

CHAIRMAN: Are there any comments from the

18

audience?

19

(NO RESPONSE)

20

CHAIRMAN: Questions by the commission?

21

(NO RESPONSE)

22

MR. CAMBRON: Motion for approval, Mr.

23

Chairman.

24

CHAIRMAN: Motion for approval by Mr.

25

Cambron.

1 MR. HAYDEN: Second.

2 CHAIRMAN: Second by Mr. Hayden. 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 3

8 2999, 3001 Fairview Drive  
9 Land Acquisition

10 Consider comments regarding the acquisition of 61.811  
11 acres of property for the possible construction of a  
12 retention basin.

13 Referred by: Daviess County Fiscal Court

14 MR. NOFFSINGER: Mr. Chairman, the  
15 Planning Staff has reviewed this application for  
16 public facility's review. It is a proposal to acquire  
17 a piece of property, I think you probably read about  
18 it in the paper, to construct a retention basin as  
19 well as maybe a park-type setting. This is being done  
20 to alleviate some of the flooding problems on the  
21 ditch; however, this particular location for a basin  
22 is not included in the storm water master plan.

23 Looking at it in talking with the city and  
24 county engineers, we feel that this would go a long  
25 way to alleviate flooding in the area. We've reviewed  
the comprehensive plan. We do not find any direct  
conflict with that and feel that this basin would have

1 no adverse affects on the goals of implementing our  
2 storm water master plan. So with that we would  
3 recommend a letter, favorable letter be sent to the  
4 Daviess County Fiscal Court.

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

7 (NO RESPONSE)

8 CHAIRMAN: Any questions from the  
9 audience?

10 (NO RESPONSE)

11 CHAIRMAN: Any questions from the  
12 commission?

13 (NO RESPONSE)

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

16 SISTER VIVIAN: Motion for approval.

17 CHAIRMAN: Motion for approval by Sister  
18 Vivian.

19 MR. HAYDEN: Second.

20 CHAIRMAN: Second by Mr. Hayden. 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 ZONING CHANGE - CITY

2 ITEM 4

3 612 Triplett Street, 0.119 acres  
4 Consider zoning change: From R-4DT Inner-City  
5 Residential to B-4 General Business  
6 Applicant: Cara May, Brad Hamilton

7 MR. ELLIOTT: State your name. please.

8 MS. STONE: Becky Stone.

9 (MS. STONE SWORN BY ATTORNEY.)

10 PLANNING STAFF RECOMMENDATIONS

11 Staff recommends approval because the proposal is  
12 in compliance with the community's Comprehensive Plan.

13 This recommendation is made subject to the conditions  
14 and findings of fact that follow:

15 Conditions:

16 1. Provide an average 10-foot buffer along the  
17 northern property boundary with a 6-foot high  
18 continuous element and one tree per 40 linear feet of  
19 boundary;

20 2. Provide paved off-street parking in  
21 accordance with requirements of the Owensboro  
22 Metropolitan Zoning Ordinance requirements;

23 3. No direct access shall be allowed to Triplett  
24 Street. Access shall be limited to the alley at the  
25 rear of the property.

Findings of Fact:

1           1. The subject property is located in a Business  
2 Plan Area, where general business uses are appropriate  
3 in limited locations;

4           2. The subject property adjoins B-4 General  
5 Business zoning to the south;

6           3. The subject property adjoins a general  
7 business use to the north; and,

8           4. The applicant's request is a logical  
9 expansion of existing B-4 General Business zoning and  
10 uses that will not overburden existing roadways or  
11 necessary urban services available in the affected  
12 area.

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

15                   CHAIRMAN: Is there anybody here  
16 representing the applicant?

17                   MS. MAY: Yes.

18                   CHAIRMAN: You have any statements?

19                   MS. MAY: No.

20                   CHAIRMAN: Does anybody in the audience  
21 have a question of the applicant?

22                   Please step to the podium, please.

23                   MR. ELLIOTT: State your name, please.

24                   MS. McKINLEY: Diane McKinley.

25                   (MS. McKINLEY SWORN BY ATTORNEY.)

1 MS. MCKINLEY: I represent the property at  
2 608 Triplett. It belonged to my mother. She also - -  
3 I would like to know how this is going to affect her  
4 property.

5 CHAIRMAN: Be seated and we'll bring the  
6 applicant up here.

7 Ma'am, would you step to the podium.

8 MR. ELLIOTT: State your name, please.

9 MS. MAY: Cara May.

10 (MS. MAY SWORN BY ATTORNEY.)

11 MS. MAY: She's at 608, is that what she  
12 said?

13 MS. MCKINLEY: Yes.

14 MS. MAY: Is that right beside it?

15 MS. MCKINLEY: Yes, ma'am.

16 MS. MAY: Not that I'm aware of affect it  
17 any way at all. We'll have a fence put up. We do  
18 stay ten feet off of her property line. We'll hug the  
19 business site of the property. We're just a  
20 collection agency. I don't know anything else she  
21 maybe needs to ask me how we affect her.

22 MR. CAMBRON: What's your plans for the  
23 property exactly?

24 MS. MAY: We're going to tear down the  
25 house and build a building.



1 MR. CAMBRON: For what? What are you  
2 going to be doing?

3 MS. MAY: Collection agency.

4 MR. CHAIRMAN: Ma'am, for the record, if  
5 you have another question would you go back to the  
6 podium so we can record that.

7 MS. MCKINLEY: Yes. My mother has a  
8 business, Lillian's Beauty Salon, but she is like 88  
9 years old. In the house, there is space for an  
10 apartment. We are in the process of fixing an  
11 apartment for her on the other side of the business.  
12 Now, probably within the next year the business will  
13 no longer be there. How is this going to affect like  
14 her taxes and just generally her living on the  
15 property?

16 MR. APPLEBY: You say she operates a  
17 business out of that house at 608 right now?

18 MS. MCKINLEY: Yes, and she has for about  
19 four to five years.

20 MR. APPLEBY: I don't know how we can  
21 answer a question on tax-wise of the property being  
22 rezoned next door. Generally sounds like this is a  
23 business area anyway.

24 CHAIRMAN: Mr. Noffsinger.

25 MR. NOFFSINGER: Mr. Chairman, I would say

1 in terms of the taxes on the property, it should not  
2 have an affect, a direct impact upon your mother's  
3 property if this is rezoned commercial. That's not to  
4 say that it wouldn't in terms of an assessment of that  
5 area, but it would be my belief that it's not going to  
6 change the taxes on the property.

7 This property is located in an area where  
8 you have industrial use across Triplett Street and  
9 then immediately south of the proposed lot I believe  
10 there is an automobile sales establishment there. So  
11 there's already a presence of non-residential uses  
12 within that area.

13 As a matter of fact, with this being  
14 rezoned B-4 General Business, it may very well  
15 increase the potential for your mother's property to  
16 be rezoned for a non-residential use in the future,  
17 which generally the non-residential lots will be  
18 valued a little more than the residential lots within  
19 that area. So it might open up more options to your  
20 mother in the future.

21 Business will have to be screened on that  
22 north common property line with your mother with a  
23 six-foot high continuous element, which I think the  
24 applicant has stated would be a fence. It would have  
25 to be some type of privacy fence, as well as their

1 building is going to be located to the south of the  
2 property line. They have to maintain a ten-foot  
3 buffer from your mother's property line. I would  
4 anticipate that what's occurring here is occurring in  
5 terms of consistent with the changes that are  
6 occurring already within that area. I would  
7 anticipate the affect to be minimal.

8 That's not to say, you know, that there  
9 could be problems associated with a business located  
10 on this particular piece of property. There could be,  
11 but generally this is in keeping with the transition  
12 of this area into non-residential land uses.

13 MS. MCKINLEY: That means that I can go  
14 forward with fixing up the property so that my mother  
15 can live there?

16 MR. NOFFSINGER: It's not going to affect  
17 your ability to continue the use of that property as  
18 residential or to make improvements to that property  
19 as residential.

20 MS. MCKINLEY: Thank you, sir.

21 CHAIRMAN: Does that answer all of your  
22 questions, Ms. McKinley?

23 MS. MCKINLEY: Yes.

24 CHAIRMAN: There was another gentleman.  
25 Do you have some questions, sir?

1 MR. LANE: Yes, sir.

2 MR. ELLIOTT: State your name, please.

3 MR. LANE: Gary Lane.

4 (MR. GARY LANE SWORN BY ATTORNEY.)

5 MR. LANE: I'm representing the property  
6 of 611 Bolivar, my wife's house and property. I just  
7 want to know is it going to affect our property any at  
8 all. We live across the alley way of the car lot.

9 CHAIRMAN: Mr. Noffsinger.

10 MR. NOFFSINGER: Mr. Chairman, again, I  
11 would just echo what I said earlier in terms of the  
12 piece of property you're representing actually is  
13 oriented toward a different street. You do have an  
14 intervening alley between you. Although you are  
15 seeing an expansion of non-residential uses in that  
16 area, the uses will be oriented toward Triplett  
17 Street; however, you can anticipate perhaps some  
18 increase in traffic on the alley because the only  
19 access, vehicular access to this property is going to  
20 be off that alley. So the affects might be more use  
21 of the alley; however, as I understand the applicant's  
22 current proposed business, it would be a very low  
23 traffic generator. That's not to say it couldn't  
24 change in the future, but at this time it will be low  
25 traffic.

1 MR. LANE: Thank you.

2 CHAIRMAN: Are there any other questions  
3 from anybody else in the audience?

4 (NO RESPONSE)

5 CHAIRMAN: Does anybody from the  
6 commission have any questions?

7 (NO RESPONSE)

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

10 DR. BOTHWELL: Mr. Chairman, I make a  
11 motion for approval based on Conditions 1 through 3  
12 and Findings of Fact 1 through 4.

13 CHAIRMAN: We have motion for approval by  
14 Dr. Bothwell.

15 MR. APPLEBY: Second.

16 CHAIRMAN: Second by Mr. Appleby. 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 ZONING CHANGES - COUNTY

23 ITEM 5

24 5140, 5200 - 5300 Block Frederica Street, 19.81 acres  
25 Consider zoning change: From B-3 Highway Business  
Center to B-3 Highway Business Center (with changed

1 conditions)  
Applicant: Rodney & Mary Kay Burns

2

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. Submission of a final development plan that  
10 shall limit access points on Frederica Street to the  
11 two, proposed project entrance driveways. The  
12 proposed out-parcels and the remaining Burns property  
13 shall have no direct access to Frederica Street or to  
14 the project entrance driveways.

15 2. Surety for storm water retention basins and  
16 improvements to Frederica Street shall be submitted  
17 prior to final plat approval or issuance of initial  
18 building permit, whichever comes first. Improvements  
19 will include the widening of Frederica Street to a  
20 five-lane cross section with southbound right-turn and  
21 northbound left-turn deceleration lanes at both  
22 project entrance driveways; and right turn decel  
23 storage lanes for northbound traffic shall be  
24 maintained as they exist to date;

25 3. Necessary public utility easement shall be

1       obtained for the construction of sanitary sewer and  
2       water line improvements.

3       Findings of Fact:

4             1. The subject property is located in a Business  
5       Plan Area, where highway business uses are appropriate  
6       in general locations;

7             2. The applicant's proposal will be initiated as  
8       an integral unit according to a formal development  
9       plan;

10            3. The applicant's proposal is  
11       "arterial-street-oriented" and greater than 15 acres  
12       in sizes;

13            4. Contiguous land uses are similar in nature to  
14       those permitted in a Highway Business Center zone;  
15       therefore, the proposal constitutes a logical  
16       expansion of existing uses in the immediate vicinity;  
17       and,

18            5. Proposed improvements to Frederica Street and  
19       connection to Towne Square Mall will maintain traffic  
20       flow at an acceptable level of service without  
21       overburdening the capacity of the roadways in the  
22       affected area.

23                    MS. STONE: We would like to enter the  
24       Staff Report as Exhibit B.

25                    CHAIRMAN: Is there anybody here

1 representing the applicant?

2 APPLICANT: Yes.

3 CHAIRMAN: Do you have a statement or do  
4 you want to just feel questions from the audience?

5 APPLICANT: If there's any questions, I  
6 will answer them.

7 CHAIRMAN: Are there any questions from  
8 the audience?

9 MR. ELLIOTT: State your name, please.

10 MR. WARD: David Ward.

11 (MR. DAVID WARD SWORN BY ATTORNEY.)

12 MR. WARD: I'm the general manager of  
13 Towne Square Mall. I was sent by the ownership just  
14 to see. Did you say there was a development plan that  
15 involve any cross traffic with Towne Square Mall in  
16 this?

17 MR. NOFFSINGER: Yes, sir.

18 MR. WARD: Has that been approved by  
19 anyone representing the ownership; do you know?

20 MR. NOFFSINGER: The ownership?

21 MR. WARD: Of Towne Square Mall.

22 MR. NOFFSINGER: To my knowledge that has  
23 not been.

24 MR. WARD: Is that going to be decided  
25 tonight as far as the development plan between the two



1 properties?

2 MR. NOFFSINGER: The plan that is before  
3 this commission tonight does include a connector  
4 between the two properties; however, before that  
5 connection could occur, one of two things would have  
6 to occur. The city is committed to insuring that one  
7 of these two things occur. Number one, that the mall  
8 owners and those that need to be a party to the  
9 agreement would agree to the connection. If that  
10 connection is not agreed to, the City of Owensboro  
11 will take action to condemn necessary property to make  
12 that connection occur.

13 MR. WARD: Okay.

14 Mr. Chairman, I might add that this  
15 particular item as well as the next item on the agenda  
16 is coming back before this commission to rezone to the  
17 same zone as it's currently zoned now, but there were  
18 conditions with the previous zoning changes and  
19 ordinance that the applicant could not meet because  
20 this particular plan includes a lesser amount of  
21 property. The condition that Ms. Stone added  
22 regarding the right turn lanes for northbound traffic  
23 that exist today into the Target complex, Malco  
24 complex, I have discussed that with Mr. Rodd Hansen,  
25 the applicant's representative, and he has assured me

1 that the Home Depo plans will maintain those right  
2 turn lanes as they are shown or as they exist today.  
3 Just wanted to clarify that for the record.

4 CHAIRMAN: Are there any other questions  
5 from anybody in the audience?

6 (NO RESPONSE)

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

8 CHAIRMAN: Are there any questions from  
9 any of the commissioners?

10 (NO RESPONSE)

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

13 MR. CAMBRON: Motion for approval based  
14 upon Conditions 1 through 3 and the changes that Mrs.  
15 Stone made to Number 3 that she read in, and Findings  
16 of Fact 1 through 5.

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

19 MS. DIXON: Second.

20 CHAIRMAN: Second by Ms. Dixon. 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 6

2 5150 Frederica Street, 13.39 acres  
3 Consider zoning change: From B-3 Highway Business  
4 Center and I-1 Light Industrial to I-1 Light  
5 Industrial.  
6 Applicant: Rodney & Mary Kay Burns

7 PLANNING STAFF RECOMMENDATIONS

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

10 This recommendation is made subject to the conditions  
11 and findings of fact that follow:

12 Conditions:

13 1. Submission of a final development plan that  
14 shall limit access points on Frederica Street to the  
15 two, proposed project entrance driveways. The  
16 proposed out-parcels and the remaining Burns property  
17 shall have no direct access to Frederica Street or to  
18 the project entrance driveways;

19 2. Surety for storm water retention basins and  
20 improvements to Frederica Street shall be submitted  
21 prior to final plat approval or issuance of initial  
22 building permit, whichever comes first. Improvements  
23 will include the widening of Frederica Street to a  
24 five-lane cross section with southbound right-turn and  
25 northbound left-turn deceleration lanes at both  
project entrance driveways; and right turn decel  
storage lanes for northbound traffic shall be

1 maintained as they exist to date;

2 3. Necessary public utility easements shall be  
3 obtained for the construction of sanitary sewer and  
4 water line improvements.

5 Findings of Fact:

6 1. The subject property is located within a  
7 Business Plan area, where light industrial uses are  
8 appropriate in limited locations;

9 2. The applicant's proposal is an integral light  
10 industrial component of a larger planned Highway  
11 Business Center;

12 3. The light industrial component is  
13 arterial-street-oriented and is a use desirable in  
14 close proximity to highway business uses; and

15 4. The applicant's proposal is to be developed  
16 in accordance with a formal development plan in  
17 keeping with the design theme of the larger highway  
18 business center; and,

19 5. Proposed improvements to Frederica Street and  
20 connection to Towne Square Mall will maintain traffic  
21 flow at an acceptable level of service without  
22 overburdening the capacity of the roadways in the  
23 affected area.

24 MS. STONE: We would like to enter the  
25 Staff Report as Exhibit C.

1                   CHAIRMAN: Once again we have a  
2 representative for the applicant. Are there any  
3 questions from anybody from the audience on this part?

4                   (NO RESPONSE)

5                   CHAIRMAN: Anybody from the commission?

6                   (NO RESPONSE)

7                   CHAIRMAN: Chair is ready for a motion.

8                   MR. NOFFSINGER: Mr. Chairman, before we  
9 do that, without repeating my previous remarks, they  
10 also apply to this particular zoning change. Thank  
11 you.

12                   MR. ROGERS: Motion for approval based on  
13 the Planning Staff Recommendations and the Findings of  
14 Fact 1 through 5, Conditions 1, 2, 3 with Condition 2  
15 being revised.

16                   CHAIRMAN: Motion for approval.

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                   Thank you.

23                   ITEM 7

24                   4046, 4100 KY 554, 14.022 acres  
25                   Consider zoning change: From R-1A Single-Family  
Residential and EX-1 Coal Mining to A-R Rural

1 Agriculture.  
Applicant: Vernon Frashure

2

3 PLANNING STAFF RECOMMENDATIONS

4 Staff recommends approval because the proposal is  
5 in compliance with the community's Comprehensive Plan.  
6 This recommendation is made subject to the findings of  
7 fact that follow:

8 1. The subject property is located in a Rural  
9 Maintenance Plan Area, where rural large-lot  
10 residential uses are appropriate in limited locations;

11 2. The applicant has submitted a property  
12 consolidation and division plat for approval, which  
13 proposes large, well-proportioned lots with no new  
14 streets proposed;

15 3. The majority of the property was zoned A-R  
16 Rural Agriculture prior to its change to EX-1 Coal  
17 Mining in 1996;

18 4. Section 12a.31 of the Owensboro Metropolitan  
19 Zoning Ordinance requires that the property be  
20 restored to its original zoning classification after  
21 mining activities have ceased; and

22 5. Mining activities have ceased on the subject  
23 property.

24 MS. STONE: We would like to enter the  
25 Staff Report as Exhibit D.

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

3                   (NO RESPONSE)

4                   CHAIRMAN: Anybody from the audience have  
5 any questions?

6                   (NO RESPONSE)

7                   CHAIRMAN: From the commission?

8                   (NO RESPONSE)

9                   CHAIRMAN: Chair is ready for a motion.

10                  MS. DIXON: Move for approval based upon  
11 Findings of Fact 1 through 5.

12                  CHAIRMAN: Motion for approval by Ms.  
13 Dixon.

14                  DR. BOTHWELL: Second.

15                  CHAIRMAN: Second by Dr. Bothwell. All in  
16 favor raise your right hand.

17                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18                  CHAIRMAN: Motion carries unanimously.

19                  ITEM 8

20                  7841 KY 2830, 5.24 acres  
21 Consider zoning change: From R-1A Rural Agriculture  
22 to I-1 Light Industrial  
Applicant: Rick Gipson, Sharon Gipson, Lauren  
Worthington

23                  MR. NOFFSINGER: Item Number 8, the  
24 applicant has requested postponement via a letter from  
25 a Mr. Rick Gipson, the applicant, asking it be

1 postponed. That would be postponed to the December  
2 meeting of this commission, the second Thursday of  
3 that month. This is something that the Planning  
4 Commission would have to consider as to whether or not  
5 they wish to postpone and there may be people in the  
6 audience that wish to speak here tonight.

7 CHAIRMAN: Is there anybody here  
8 representing the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Anybody in the audience have a  
11 question of the applicant?

12 MS. STEVENS: Yes. It may or may not be  
13 relevant.

14 CHAIRMAN: Hold your comments until you  
15 get to the podium and we swear you in.

16 MR. ELLIOTT: State your name, please.

17 MS. STEVENS: Patricia Stevens.

18 (MS. PATRICIA STEVENS SWORN BY ATTORNEY.)

19 MS. STEVENS: It may be irrelevant at this  
20 point if this zoning is going to be postponed. We own  
21 1.44 acres directly adjoining the 5.24 acres I think  
22 that Mr. Gipson is wanting to rezone from rural  
23 agriculture to light industrial. Our property is  
24 residential at this point. We have access, our  
25 property has access from old 60 and new 60. At this



1 point the property being rezoned has no access to the  
2 highway. We are wanting to know basically what the  
3 property is going to be used for and how it will  
4 affect our residential property. Our property lines  
5 runs bilaterally with theirs. That's basically why  
6 we're here is to find out what the property is going  
7 to be used for and how it will affect us tax-wise,  
8 property value. You may not be able to help us.

9 CHAIRMAN: Since we do not have anybody  
10 representing the applicant here, we will turn that  
11 question over to the staff and they'll answer it as  
12 they can.

13 MS. STEVENS: It's also in a flood plain.  
14 We want to know if there's going to be dirt added to  
15 that 5.25 acres because that could very much affect  
16 our residential property.

17 CHAIRMAN: Thank you. Ms. Stone, do you  
18 want to represent the staff on this one?

19 MS. STONE: My understanding from the  
20 application is the use would be for storage of tour  
21 buses. It is in a flood plain. It wasn't indicated  
22 if they were planning to fill the property or pave the  
23 property. I mean they would have to pave it for that  
24 use, but tour bus storage is what they're proposed use  
25 was.

1                   CHAIRMAN: Thank you.

2                   MR. NOFFSINGER: Ma'am, if you'll leave  
3 your number with Mrs. Stone, she'll be glad to give  
4 you a call and discuss the application further. You  
5 can discuss the application with members of the staff,  
6 but basically our legal counsel has been instructed  
7 that you shouldn't communicate with individual  
8 commissioners; however, you do have the ability to  
9 contact the staff. Ms. Stone will be happy to answer  
10 your questions in more detail.

11                   CHAIRMAN: Do you have any other  
12 questions?

13                   MS. STEVENS: No, sir.

14                   CHAIRMAN: If there are no more questions,  
15 anybody from the staff have any comments or questions?

16                   MR. APPLEBY: Do we need to make a motion  
17 to postpone?

18                   CHAIRMAN: We need to make a motion for  
19 postponement.

20                   MR. APPLEBY: Motion to postpone the item.

21                   CHAIRMAN: A motion for postponement by  
22 Mr. Appleby.

23                   MR. CAMBRON: Second.

24                   CHAIRMAN: Second by Mr. Cambron. All in  
25 favor of the motion to postpone.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 the Item is postponed until the next meeting.

4 -----

5 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

6 ITEM 9

7 5140, 5150, 5204, 5212, 5220, 5234, 5240 Frederica  
8 Street, Southgate Center, 49.80 acres  
9 Consider approval of revised combined major  
10 subdivision preliminary plat/final development plan.  
11 Applicant: Rodd Hansen, Greenberg Farrow  
12 Architecture, Rodney & Mary Kay Burns

10

11 CHAIRMAN: Mr. Chairman, this plan has  
12 been reviewed by the Planning Staff and Engineering  
13 Staff. The plan is not quite in order that we would  
14 like to see it in terms of presenting it to this  
15 commission; however, there are no major outstanding  
16 questions. It's basically cosmetic in nature, the  
17 changes that need to occur. I think Ms. Watson has a  
18 couple of conditions that she needs to go over. With  
19 those conditions we would recommend that you give a  
20 conditional approval to this development plan.

21 MS. STONE: The conditions would be:

22 1) Highway construction plans for the  
23 required improvements to Frederica Street, US 431, be  
24 approved by the Kentucky Department of Transportation  
25 at the district level. The plans need to show that

1       there will be two three-lanes northbound, two  
2       three-lanes southbound, a center left turn lane, right  
3       turn lanes at both new entrance driveways, and  
4       existing right turns at existing entrances on the east  
5       side of Frederica as they exist today.

6                   2) The details for the lift station pump  
7       need to be revised per the engineering details  
8       required by engineering, city engineering department.

9                   CHAIRMAN: Does the representative of the  
10      applicant have any questions and are you aware of  
11      these conditions?

12                   APPLICANT REP: Yes. I have a copy here.

13                   CHAIRMAN: Okay. Does anybody from the  
14      audience have any other questions?

15                   (NO RESPONSE)

16                   CHAIRMAN: From the staff?

17                   (NO RESPONSE)

18                   MR. CAMBRON: Ready for a motion, Mr.  
19      Chairman?

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

22                   MR. CAMBRON: Motion for approval on Item  
23      Number 9, and I presume I need to mention about what  
24      Ms. Stone mentioned there too.

25                   MR. NOFFSINGER: Subject to satisfaction

1 of those conditions.

2 MR. CAMBRON: Subject to satisfaction of  
3 those conditions which Ms. Stone read into the record.  
4 That's my motion.

5 CHAIRMAN: Mr. Cambron has a motion for  
6 approval based on the conditions of Ms. Stone.

7 MR. APPLEBY: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 -----

13 DEVELOPMENT PLANS

14 ITEM 10

15 528, 544 Southtown Blvd, 2.119 acres  
16 Consider approval of final development plan.  
17 Applicant: Robert H. Steele

18 MR. APPLEBY: Mr. Chairman, I need to  
19 disqualify myself on this item.

20 CHAIRMAN: Mr. Appleby for the record is  
21 disqualifying himself.

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

CHAIRMAN: Any questions from anybody in

1 the audience?

2 (NO RESPONSE)

3 CHAIRMAN: Anybody on the commission have  
4 a question?

5 (NO RESPONSE)

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

8 MR. HAYDEN: Make a motion to approve.

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

11 MR. CAMBRON: Second.

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

14 (ALL BOARD MEMBERS PRESENT WITH THE  
15 EXCEPTION OF MR. APPLEBY DISQUALIFYING HIMSELF  
16 RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Thank you. Next item.

19 ITEM 11

20 3515 Wathens Crossing, 1.456 acres  
21 Consider approval of final development plan.  
22 Applicant: Homebuilders Association

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

1 CHAIRMAN: Anybody representing the  
2 applicant here?

3 APPLICANT: Yes.

4 CHAIRMAN: Does anybody in the audience  
5 have any questions of the applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Anybody on the commission have  
8 any questions of the applicant?

9 (NO RESPONSE)

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

12 MS. DIXON: Move for approval.

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

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 ITEM 12

21 1700 West Fifth Street, 2.138 acres  
22 Consider approval of final development plan.  
23 Applicant: Audubon Area Community Services, Inc.

24 MR. NOFFSINGER: Mr. Chairman, this plan  
25 has been reviewed by the Planning Staff, Engineering  
Staff. It's found to be consistent with an approved

1 preliminary development plan and it's ready for  
2 approval at this time.

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

5 APPLICANT: Yes.

6 CHAIRMAN: Does anybody in the audience  
7 have any questions of the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Anybody on the commission have  
10 a question of the applicant?

11 (NO RESPONSE)

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

14 MR. CAMBRON: Motion for approval, Mr.  
15 Chairman.

16 CHAIRMAN: Motion for approval by Mr.  
17 Cambron.

18 MS. DIXON: Second.

19 CHAIRMAN: Second by Ms. Dixon. All in  
20 favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

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MAJOR SUBDIVISIONS

ITEM 13

East Byers Avenue, 113.085 acres  
Consider approval of major subdivision final plat.  
Applicant: National City Bank, KY

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

CHAIRMAN: Mr. Jagoe is disqualified on  
this vote.

Is anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from anybody in  
the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from anybody on  
the commission?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr.  
Appleby.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE

1 DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 ITEM 14

4 Plantation Pointe, Unit 1, 15.079+ acres  
5 Consider approval of major subdivision final plat.  
6 Surety (Letter of Credit) posted: \$37,584.20  
7 Applicant: Steve Baker Building, LLC

8 MR. NOFFSINGER: Mr. Chairman, this plat  
9 has been reviewed by the Planning Staff, Engineering  
10 Staff. Found to be in order and it's ready for  
11 approval at this time.

12 CHAIRMAN: Is anybody here representing  
13 the applicant?

14 APPLICANT REP: Yes.

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

17 (NO RESPONSE)

18 CHAIRMAN: Anybody on the commission have  
19 a question of the applicant?

20 (NO RESPONSE)

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

23 MS. DIXON: Move for approval.

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

SISTER VIVIAN: Second.

1 CHAIRMAN: Sister Vivian has a second.

2 All in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item.

6 ITEM 15

7 5140, 5150, 5204, 5212, 5220, 5234, 5240 Frederica  
Street, Southgate Center, 49.80 acres

8 Consider approval of major subdivision final plat.  
Surety previously posted.

9 Applicant: Rodney & Mary Kay Burns

10 MR. NOFFSINGER: Mr. Chairman, this plat  
11 has been reviewed by the Planning Staff, Engineering  
12 Staff. It's found to be in order; however, the  
13 approval needs to be subject to the approval of the  
14 preliminary plat final development plan prior to  
15 signing this plat. You can approve the final plat  
16 until the preliminary has been approved. The  
17 preliminary is approved with conditions. So the  
18 conditions have to be satisfied and then we can sign  
19 the final plat. So it's with a conditional approval.

20 CHAIRMAN: Anybody have any questions?

21 (NO RESPONSE)

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

24 SISTER VIVIAN: Move for approval.

25 CHAIRMAN: Motion for approval by Sister

1 Vivian.

2 DR. BOTHWELL: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 ITEM 16

8 Sterling Park, 4.016 acres  
9 Consider approval of major subdivision final plat.  
10 Surety (Certified Check) posted: \$74,128.85  
11 Applicant: Jerry & Donna Butler, John & Pam Vanover,  
12 Norma Belcher

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

17 CHAIRMAN: Is anybody here representing  
18 the applicant?

19 APPLICANT REP: Yes.

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

22 (NO RESPONSE)

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

25 MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms.  
Dixon.

1                   SISTER VIVIAN:  Second.

2                   CHAIRMAN:  Second by Sister Vivian.  All  
3                   in favor raise your right hand.

4                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5                   CHAIRMAN:  Motion carries unanimously.

6                   Next item, please.

7                   ITEM 17

8                   Timber Trails, 16.795 acres  
9                   Consider approval of major subdivision final plat.  
10                  Surety (Certified Check) posted: \$44,627.00  
11                  Applicant:  Timber Trails, LLC

10

11                  MR. NOFFSINGER:  Mr. Chairman, this plat  
12                  has been reviewed by the Planning Staff, Engineering  
13                  Staff.  Found to be in order and ready for approval at  
14                  this time.

15                  CHAIRMAN:  Is anybody here representing  
16                  the applicant?

17                  APPLICANT REP:  Yes.

18                  CHAIRMAN:  Does anybody have any  
19                  questions?

20                  (NO RESPONSE)

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

23                  MR. CAMBRON:  Motion for approval.

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

1 MR. HAYDEN: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Thank you.

7 -----

8 SURETY RELEASES

9 ITEM 18

10 Earl Hayden Property Division at Heritage Park,  
\$13,840.00  
11 Consider partial release of surety (Certified Check)  
for sanitary sewers.  
12 Surety retained (Certified Check) \$4,470.00  
Surety posted by: Earl Hayden

13

ITEM 19

14

Evergreen Pole Barn, \$810.00  
15 Consider release of surety (Certified Check) for  
landscaping.  
16 Surety posted by: Martin Thompson, Inc.

17

MR. NOFFSINGER: Mr. Chairman, Surety  
18 Releases Item 18 and 19 are in order and they may be  
19 released in toto.

20

CHAIRMAN: Chair is ready for a motion.

21

DR. BOTHWELL: Motion for approval.

22

CHAIRMAN: Motion for approval by Dr.

23

Bothwell.

24

MS. DIXON: Second.

25

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 NEW BUSINESS

6 ITEM 20

7 Consider amendments to Fiscal Year 2003 budget and  
8 salary chart.

9 MR. NOFFSINGER: Mr. Chairman, each  
10 commission member has been given a copy of the  
11 proposed budget. This budget amendment is necessary  
12 to transfer funds that we have for two part-time clerk  
13 typist positions. Transfer those funds to a full-time  
14 clerk typist three position. What we're doing is  
15 doing away with two part-time positions and have one  
16 of those individuals that will be accepting a  
17 full-time position with us. The other individual took  
18 a job elsewhere. The budget amendment is actually a  
19 reduction in expenditures of about \$2,400. Staff  
20 would recommend that you approve the amendment to the  
21 budget and the salary chart as presented.

22 CHAIRMAN: Does anybody from the audience  
23 have any questions?

24 (NO RESPONSE)

25 CHAIRMAN: Anybody on the commission?

1 (NO RESPONSE)

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

4 MS. DIXON: Move for approval.

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

7 SISTER VIVIAN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Chair is ready for one final motion for  
13 adjournment.

14 DR. BOTHWELL: Motion to adjourn.

15 CHAIRMAN: Motion for adjournment by Dr.  
16 Bothwell.

17 MR. HAYDEN: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously. We  
22 are adjourned.

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

16 WITNESS my hand and notarial seal on this  
 17 the 18th day of November, 2002.

18

19

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

22 COMMISSION EXPIRES:  
 DECEMBER 19, 2002

23

24 COUNTY OF RESIDENCE:  
 DAVIESS COUNTY, KENTUCKY

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