

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JANUARY 9, 2003

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4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, January 9, 2003, at City Hall, Commission
7 Chambers, Owensboro, Kentucky, and the proceedings
8 were as follows:

9 MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
10 Nick Cambron
Dave Appleby
11 Jimmy Gilles
Scott Jagoe
12 Irvin Rogers
Judy Dixon
13 Martin Hayden
Stewart Elliott,
14 Attorney

15 * * * * *

16 CHAIRMAN: Would like to call our
17 Owensboro Metropolitan Planning Commission meeting of
18 January 9th to order.

19 First we want to have our pledge of
20 allegiance and invocation which will be given by Mr.
21 Gary Noffsinger. Everybody please stand.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: Thank you, Gary.

24 Our first order of business is to consider
25 the minutes of the December 12, 2002, meeting. Are

1 there any corrections or additions to the minutes?

2 (NO RESPONSE)

3 CHAIRMAN: If there are none, the Chair is
4 ready for a motion.

5 MR. JAGOE: Move to approve.

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

8 MS. DIXON: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: The motion carries unanimously.

13 Next item of business is the election of
14 officers for the year 2003. I'll turn this part of
15 the meeting over to our attorney, Mr. Stewart Elliott.

16 Mr. Elliott, would you take charge of the
17 meeting please at this point.

18 MR. ELLIOTT: In accordance with our
19 bylaws, the first meeting in January for the coming
20 year of 2003 we have to have election of officers.

21 I'll now open the floor for the nomination
22 for the office of chairman.

23 MR. CAMBRON: I'd like to make a motion
24 for Mr. Kirkland.

25 MR. ELLIOTT: We have a motion for Mr.

1 Kirkland.

2 MR. JAGOE: Second.

3 MR. ELLIOTT: Any other nominations?

4 (NO RESPONSE)

5 MS. DIXON: Move the nomination cease.

6 MR. ELLIOTT: Motion nomination cease. Do
7 I have a second?

8 MR. HAYDEN: Second.

9 MR. ELLIOTT: All in favor of Mr. Kirkland
10 for chairman signify by raising your hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 MR. ELLIOTT: Mr. Kirkland is now
13 chairman.

14 The floor is now open for the nomination
15 for the office of vice chairman.

16 MR. KIRKLAND: I'd like to nominate Mr.
17 Cambron.

18 MR. ELLIOTT: Nomination for Mr. Cambron.
19 Do I have a second?

20 MR. HAYDEN: Second.

21 MR. ELLIOTT: Any other nominations?

22 (NO RESPONSE)

23 MS. DIXON: Move the nomination cease.

24 MR. ELLIOTT: Motion nomination cease. Do
25 I have a second?

1 MR. KIRKLAND: Second.

2 MR. ELLIOTT: All in favor of Mr. Cambron
3 for vice chairman signify by raising your hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 MR. ELLIOTT: The floor is now open for
6 the nomination for office of secretary.

7 MR. KIRKLAND: I'd like to nominate Mr.
8 Appleby.

9 MR. ELLIOTT: Mr. Appleby. Do I have a
10 second?

11 MR. CAMBRON: Second.

12 MR. ELLIOTT: Any other nominations?

13 (NO RESPONSE)

14 MR. GILLES: Make a motion nomination
15 cease.

16 MR. ELLIOTT: Motion nomination cease. Is
17 there a second?

18 MR. CAMBRON: Second.

19 MR. ELLIOTT: All in favor of Mr. Appleby
20 for secretary signify by raising your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 MR. ELLIOTT: Mr. Appleby is now the
23 secretary.

24 That concludes the election, Mr. Chairman.

25 CHAIRMAN: Thank you, Mr. Elliott.

1 The next order of business, Mr.
2 Noffsinger, our first item.

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4 PUBLIC FACILITIES PLANS
5 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

6 ITEM 2

7 1817 Leitchfield Road
8 Land Acquisition
9 Consider comments regarding the acquisition of
10 property located at 1817 Leitchfield Road.
11 Referred by: Owensboro Public Schools.

12 MR. NOFFSINGER: Mr. Chairman, this
13 property is located east of the Estes Elementary
14 School. Planning Staff has reviewed the Comprehensive
15 Plan and find no conflict with this acquisition.

16 CHAIRMAN: Is anybody here representing
17 the Owensboro Public Schools?

18 (NO RESPONSE)

19 CHAIRMAN: Any questions by anybody on the
20 commission?

21 (NO RESPONSE)

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

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

26 CHAIRMAN: Motion for approval by Mr.
27 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.

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7 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

8 ITEM 3

9 3230-3288 Buckland Square, Jamestown Apartments,
7.942 acres

10 Consider approval of combined major subdivision
preliminary plat/final development plan.

11 Applicant: Jim Hawkins

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

16 CHAIRMAN: Is there any questions from the
17 audience?

18 (NO RESPONSE)

19 CHAIRMAN: Any questions by the
20 commission?

21 (NO RESPONSE)

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

24 MR. ROGERS: Motion for approval.

25 CHAIRMAN: Motion for approval. Do we

1 have a second?

2 MR. GILLES: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

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8 DEVELOPMENT PLAN

9 ITEM 4

10 3000 Frederica Street, 59.927 acres
11 Consider approval of amended final development plan.
12 Applicant: Kentucky Wesleyan College

13 MR. NOFFSINGER: Mr. Chairman, this
14 application has been review by the Planning Staff,
15 Engineering Staff. It's found to be in order. It is
16 for the construction of a football stadium and science
17 center at the Kentucky Wesleyan Campus.

18 CHAIRMAN: Are there any questions?

19 (NO RESPONSE)

20 CHAIRMAN: Any comments by the commission?

21 (NO RESPONSE)

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

24 MS. DIXON: Move to approve.

25 CHAIRMAN: Motion for approval by Ms.
Dixon.

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.

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7 MAJOR SUBDIVISIONS

8 ITEM 5

9 3230-3288 Buckland Square, 7.942 acres
10 Consider approval of major subdivision final plat.
11 Surety (Irrevocable Letter of Credit) \$42,360.00
12 Applicant: Jim Hawkins

13 MR. NOFFSINGER: Mr. Chairman, this is the
14 final plat related to Item 3. This plan has been
15 reviewed by the Planning Staff, Engineering Staff.
16 Found to be in order and ready for consideration.

17 CHAIRMAN: Are there any questions?

18 (NO RESPONSE)

19 CHAIRMAN: Any comments from the
20 commission?

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.

MR. HAYDEN: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 ITEM 6

6 The Greens of Heartland, Phase 5, Lots 105-120,
7 4.224 acres
8 Consider approval of major subdivision final plat.
9 Surety (Certificate of Deposit) \$8,683.80
10 Applicant: Jagoe Development Corporation

11 MR. NOFFSINGER: Mr. Chairman, this plat
12 has been reviewed by the Planning Staff and
13 Engineering Staff. It's found to be in order and
14 ready for consideration.

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

17 CHAIRMAN: Mr. Jagoe will be disqualified
18 on this vote.

19 Are there any comments or questions?

20 (NO RESPONSE)

21 CHAIRMAN: Chair is ready for a motion.

22 MR. CAMBRON: Motion for approval.

23 MS. DIXON: Second.

24 CHAIRMAN: Motion for approval by Mr.
25 Cambron. Second by Ms. Dixon. All in favor raise
26 your right hand.

27 (ALL BOARD MEMBERS PRESENT WITH THE

1 DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 ITEM 7

4 The North Landings of Heartland, Phase 1, Lots
241-276, 9.688 acres
5 Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) \$57,648.60
6 Applicant: Jagoe Development Corporation

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

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

13 CHAIRMAN: Mr. Jagoe will be disqualified
14 on this vote.

15 Are there any comments or questions?

16 (NO RESPONSE)

17 CHAIRMAN: Chair is ready for a motion.

18 MS. DIXON: Move to approve.

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

21 MR. ROGERS: Second.

22 CHAIRMAN: Mr. Rogers has a second. All
23 in favor raise your right hand.

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

1 CHAIRMAN: Motion carries unanimously.

2 ITEM 8

3 3225, 3260, 3290, 3291, 3320 Warehouse Road,
23.629+ acres
4 Consider approval of major subdivision revised
preliminary plat.
5 Applicant: Commercial Warehousing, Inc.

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

10 CHAIRMAN: Any questions or comments?

11 (NO RESPONSE)

12 CHAIRMAN: Chair is ready for a motion.

13 MR. HAYDEN: Make a motion to approve.

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

16 MR. CAMBRON: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 ITEM 9

22 3225, 3260, 3290, 3291, 3320 Warehouse Road,
11.429+ acres
23 Consider approval of major subdivision final plat.
Surety (Certified Check) \$1,073.80
24 Applicant: Commercial Warehousing, Inc.

25 MR. NOFFSINGER: Mr. Chairman, this plat

1 has been reviewed by the Planning Staff, Engineering
2 Staff. The plat is not in order. It includes
3 property that will be or is proposed to be annexed in
4 the City of Owensboro; however, it's my understanding
5 that that application has not been submitted to the
6 city engineer's office. Therefore, Planning Staff
7 would recommend you postpone consideration of this
8 item until the next meeting of the Planning Commission
9 in February.

10 CHAIRMAN: Do we have a comment from the
11 audience?

12 MR. ELLIOTT: State your name, please.

13 MR. RINEY: Jim Riney.

14 (MR. JIM RINEY SWORN BY ATTORNEY.)

15 MR. RINEY: It was late this afternoon,
16 Mr. Noffsinger, but I was able to get the signature
17 from the secretary of the corporation. The annexation
18 application has been filed. I don't know that you are
19 aware of that. I don't have a copy with me, I don't
20 believe.

21 MR. NOFFSINGER: That's fine, but I would
22 not anticipate that action occurring before the next
23 Planning Commission meeting. We would not be able to
24 sign it. I still would recommend that we postpone
25 until the February meeting.

1 MR. RINEY: Well, with all do respect, if
2 the Planning Commission could approve it subject to
3 the City Commission having that first reading, then
4 you could hold, the Staff could hold the plat in
5 advance, the final plat, and when it was approved by
6 the City Commission for first reading, if that was the
7 condition and that was satisfied, then that would not
8 delay. Timing was an important issue for Commercial
9 Warehousing.

10 MR. NOFFSINGER: I understand the timing
11 was an important issue and that's why we made it an
12 issue at the preliminary meeting we had with the
13 applicant. Again, we would not be able to get a
14 signature on that plat until such time as the
15 application has received final second reading through
16 the City of Owensboro. I don't think that's going to
17 occur until probably after the next Planning
18 Commission meeting.

19 MR. RINEY: I thought we were talking
20 about the first reading, Mr. Noffsinger.

21 MR. NOFFSINGER: No, sir, I'm sorry.

22 MR. RINEY: You're talking about the final
23 plat at this point in time and that's the only issue
24 at this point?

25 MR. NOFFSINGER: Yes, sir. The

1 preliminary plat was approved, the previous item.

2 This would only be the final plat.

3 MR. RINEY: Well, if that's your
4 condition, I can't argue with that timing.

5 MR. CAMBRON: Can I ask Mr. Noffsinger a
6 question?

7 CHAIRMAN: Go ahead.

8 MR. CAMBRON: Mr. Noffsinger, if we
9 postpone this, it won't come back until next month; is
10 that right?

11 MR. NOFFSINGER: Yes, sir.

12 MR. CAMBRON: Possibility if we determine
13 we'd like to go on and vote on it tonight with the
14 stipulation, correct?

15 MR. NOFFSINGER: You can do that as well.

16 CHAIRMAN: I think Mr. Riney though is
17 aware of the situation. I think he's in agreement
18 with the postponement.

19 MR. RINEY: On behalf of the applicant, we
20 prefer to go ahead and streamline it if we could. I
21 was under the impression we were talking about one
22 reading from the City Commission. If we can get the
23 approval and still know that the plat would not be
24 signed until the second reading, if we could get that
25 authorization tonight, then that actually would be

1 fine. If that would pleasure the commission, we'd
2 like to go ahead and do that.

3 CHAIRMAN: Mr. Noffsinger.

4 MR. NOFFSINGER: Staff would recommend
5 that you postpone taking action on it because the plat
6 will not be signed until after the next meeting of the
7 Planning Commission; however, if the commission would
8 like to approve it with a condition, that annexation
9 occur, that's certainly doable. We like to have these
10 plans in order.

11 MR. APPLEBY: The second reading is not
12 going to occur before our next meeting anyway, is it?

13 MR. NOFFSINGER: It may not.

14 MR. APPLEBY: Probably won't. We will
15 have the first reading by the next meeting most
16 likely. Still will be passed with a condition at the
17 next meeting. Would that not be right? Would be not
18 be well off just to postpone it until at least that
19 reading?

20 CHAIRMAN: Are you heading toward the form
21 of a motion, Mr. Appleby?

22 MR. APPLEBY: I'm going to move to
23 postpone.

24 CHAIRMAN: We've got a motion on the floor
25 for postponement.

1 MS. DIXON: Second.

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

4 (MR. APPLEBY, MR. GILLES, MR. ROGERS, MR.
5 KIRKLAND & MS. DIXON RESPONDED AYE.)

6 CHAIRMAN: All opposed.

7 (MR. JAGOE, MR. CAMBRON & MR. HAYDEN
8 RESPONDED NAY.)

9 CHAIRMAN: The motion is postponed.

10 Next item, please.

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12 SURETY RELEASES

13 ITEM 10

14 The Greens of Heartland, Unit #4, \$11,890.00
15 Consider release of surety (Certificate of Deposit)
16 for water mains and fire hydrants.
Surety posted by: Jagoe Homes & Construction Co.,
Inc.

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

19 CHAIRMAN: Mr. Jagoe will be disqualified
20 on this voting.

21 MR. NOFFSINGER: It is in order.

22 CHAIRMAN: Are there any questions?

23 (NO RESPONSE)

24 MR. CAMBRON: Motion for approval.

25 CHAIRMAN: Motion for approval by Mr.

1 Cambron.

2 MR. HAYDEN: Second.

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

5 (ALL BOARD MEMBERS PRESENT WITH THE
6 DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 ITEM 11

9 Owensboro Manufacturing, Phase II, \$933.00
10 Consider release of surety (Certified Check) for
11 landscaping.
12 Surety posted by: Owensboro Manufacturing, LLC

13 ITEM 12

14 Sterling Park, Unit #1, \$5,000.00
15 Consider release of surety (Certified Check) for fire
16 hydrants.
17 Surety posted by: Jerry Butler

18 ITEM 13

19 Timber Trails, Unit #1, \$17,535.00
20 Consider release of surety (Certified Check) for
21 6" DGA.
22 Surety posted by: Timber Trails, LLC

23 ITEM 14

24 Timber Trails, Unit #1, \$1,000.00
25 Consider release of surety (Certified Check) for
26 spillways (emergency).
27 Surety posted by: Timber Trails, LLC

28 ITEM 15

29 Timber Trails, Unit #1, \$1,000.00
30 Consider release of surety (Certified Check) for storm
31 sewers.
32 Surety posted by: Timber Trails, LLC

1 ITEM 16

2 Timber Trails, Unit #1, \$750.00
3 Consider release of surety (Certified Check) for water
4 mains.
5 Surety posted by: Timber Trails, LLC

6 MR. NOFFSINGER: Mr. Chairman, Surety
7 Releases Items 11 through 16 are in order and may be
8 released in toto.

9 CHAIRMAN: Chair is ready for a motion.

10 MS. DIXON: Move to approve Items 11
11 through 16 in toto.

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

14 MR. HAYDEN: Second.

15 CHAIRMAN: Second by Mr. Hayden. All in
16 favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Chair is ready for one final motion.

20 MS. DIXON: Move to adjourn.

21 CHAIRMAN: Motion for adjournment by Ms.
22 Dixon.

23 MR. HAYDEN: Second.

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

26 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries. We are
2 adjourned.

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COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY