

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MARCH 13, 2003

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4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, March 13, 2003, at City Hall, Commission
7 Chambers, Owensboro, Kentucky, and the proceedings
8 were as follows:

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

22 * * * * *

23 CHAIRMAN: I'd like to welcome everyone to
24 the March 13th Planning & Zoning meeting.

25 Our invocation will be given by Dr. Mark
Bothwell. Everybody please stand.

26 - - (INVOCATION AND PLEDGE OF ALLEGIANCE) - -

27 CHAIRMAN: Our first order of business is
28 to consider the minutes of the February 13, 2003
29 meeting. Are there any changes, additions, questions?

30 (NO RESPONSE)

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

3 MR. JAGOE: Move for approval.

4 CHAIRMAN: Mr. Jagoe motion for approval.

5 SISTER VIVIAN: Second.

6 CHAIRMAN: Second by Sister Vivian. All
7 in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

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12 PUBLIC FACILITIES PLANS
13 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

14 ITEM 2

15 4514 Goetz Drive
16 Building Construction
17 Consider comments regarding the renovation and
18 construction of an addition to Burns Elementary
19 School.
20 Referred by: Daviess County Public Schools

21 MR. NOFFSINGER: Mr. Chairman, the
22 Planning Staff has reviewed this application. We find
23 no conflict with the Comprehensive Plan. Recommend a
24 letter to that affect be forwarded to the Daviess
25 County Public Schools.

26 CHAIRMAN: Is anybody here representing
27 the Daviess County Public Schools?

28 (NO RESPONSE)

1 CHAIRMAN: Anybody from the audience have
2 any questions?

3 (NO RESPONSE)

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

6 MS. DIXON: Move to approve.

7 MR. CAMBRON: Second.

8 CHAIRMAN: Motion for approval by Ms.
9 Dixon. Second by Mr. Cambron. All in favor raise
10 your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 3

15 3500 Hayden Road
16 Building Construction
17 Consider comments regarding the construction of the
18 New East Daviess County Elementary School.
19 Referred by: Daviess County Public Schools

20 MR. NOFFSINGER: Mr. Chairman, the
21 Planning Staff has reviewed this application.

22 The Planning Commission reviewed the site
23 back some months ago and recommended that there was no
24 conflict with the Comprehensive Plan. We have
25 reviewed the site plan, that's what we're doing
tonight. We find no conflict with the Comprehensive
Plan, but would add that the Daviess County Public

1 Schools abide by the zoning regulations. We require
2 all vehicular use areas to be screened from public
3 rights-of-way. With that it's ready for
4 consideration.

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

7 (NO RESPONSE)

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

10 SISTER VIVIAN: Move for approval.

11 CHAIRMAN: Motion for approval by Sister
12 Vivian.

13 MR. GILLES: Second.

14 CHAIRMAN: Second by Mr. Gilles. All in
15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 ITEM 4

19 4959 New Hartford Road
20 Building Construction
21 Consider comments regarding the renovation and
22 construction of an addition to Deer Park Elementary
23 School.
24 Referred by: Daviess County Public Schools

23 MR. NOFFSINGER: Mr. Chairman, this
24 application has been reviewed by the Planning Staff.
25 We find no conflict with the Comprehensive Plan and

1 recommend a letter to that affect be forwarded to the
2 Daviess County Public Schools.

3 CHAIRMAN: Any questions?

4 (NO RESPONSE)

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

7 MS. DIXON: Move to approve.

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

10 DR. BOTHWELL: Second.

11 CHAIRMAN: Second by Dr. Bothwell. All in
12 favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item.

16 ITEM 5

17 300 Worthington Road
18 Building Construction
19 Consider comments regarding the renovation and
20 construction of an addition to Audubon Elementary
21 School.
22 Referred by: Daviess County Public Schools

21 MR. NOFFSINGER: Mr. Chairman, this plan
22 is in agreement with the Schools Public Facility Plan
23 as well as the Adopted Comprehensive Plan. We find no
24 conflict.

25 CHAIRMAN: Any questions?

1 (NO RESPONSE)

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

4 MR. ROGERS: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.
6 Rogers.

7 MR. JAGOE: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item.

13 ITEM 6

14 2016 West Second Street
15 Land Disposition

16 Consider comments regarding the closing of 96 feet of
17 a 16-foot wide public alley right-of-way running
18 parallel to West Second Street along the rear of 2016
19 West Second Street.

20 Referred by: City of Owensboro

21 MR. NOFFSINGER: Mr. Chairman, Planning

22 Staff reviewed this application. This is an

23 unimproved alley. Appears that the alley has been

24 built upon or there is an encroachment by the

25 adjoining property owner. With that we would

recommend that we forward a letter of no conflict to

the City of Owensboro.

CHAIRMAN: Is anybody representing the

1 City of Owensboro?

2 (NO RESPONSE)

3 CHAIRMAN: Are there any questions
4 regarding?

5 MR. CAMBRON: Mr. Chairman, I need to
6 abstain from this vote.

7 CHAIRMAN: Let the record note that Mr.
8 Cambron will disqualify himself from this vote.

9 If not, the Chair is ready for a motion.

10 MS. DIXON: Move to approve.

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

13 SISTER VIVIAN: Second.

14 CHAIRMAN: Second by Sister Vivian. All
15 in favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE,
17 WITH THE DISQUALIFICATION OF MR. CAMBRON.)

18 CHAIRMAN: Motion carries unanimously.

19 ITEM 7

20 1001 Block of West Seventh Street
21 Land Disposition

22 Consider comments regarding the closing of 191.5 feet
23 of a 20-foot wide public alley right-of-way running
24 parallel between West Fifth Street and West Seventh
25 Street.

Referred by: City of Owensboro

24 MR. NOFFSINGER: Mr. Chairman, Planning
25 Staff has reviewed this application. We find no

1 conflict with the Adopted Comprehensive Plan and
2 recommend a letter to that affect be forwarded to the
3 City of Owensboro.

4 CHAIRMAN: Are there any questions?

5 (NO RESPONSE)

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

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

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

12 MR. HAYDEN: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 -----

18 ZONING CHANGE - CITY

19 ITEM 8

20 327 West Ninth Street, 0.137 acres
21 Consider zoning change: From R-4DT Inner-City
22 Residential to B-2 General Business
23 Applicant: David M. Taylor, Ronald E. Long

23 MR. ELLIOTT: State your name, please.

24 MS. STONE: Becky Stone.

25 (MS. BECKY STONE SWORN BY ATTORNEY.)

1 PLANNING STAFF RECOMMENDATIONS

2 Staff recommends approval because the request is
3 substantially in compliance with the adopted
4 Comprehensive Plan. This recommendation is made
5 subject to the conditions and findings of fact that
6 follow:

7 Conditions:

8 1. No additional access point to the subject
9 property shall be permitted onto West Ninth Street.
10 Access to the property shall be via the existing
11 access point on the adjoining property to the east.

12 2. Submission and approval of a plat
13 consolidating the subject property with the adjoining
14 property, which is also being purchased by the
15 applicant, to provide safe access to the business
16 proposed on the subject property and to allow for
17 parking; and,

18 3. A six-foot high continuous element shall be
19 installed and maintained between the subject property
20 and the residential property to the west.

21 Findings of Fact:

22 1. The subject property is partially located in
23 a Central Residential Plan Area, where central
24 business uses are appropriate in very limited
25 locations;

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

4 3. The subject property adjoins central business
5 zoning to the north, east and south; and,

6 4. The proposed expansion of the Central
7 Business district is reasonable and will include the
8 portion of the property located in the Central
9 Residential Plan area. This will not be a significant
10 expansion of the Central Business district or zone.

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

13 CHAIRMAN: Is there anybody representing
14 the applicant?

15 MR. ELLIOTT: State your name.

16 MR. TAYLOR: David Taylor.

17 (MR. DAVID TAYLOR SWORN BY ATTORNEY.)

18 CHAIRMAN: Do you have a presentation?

19 MR. TAYLOR: No.

20 CHAIRMAN: Does anybody have any questions
21 that they would like to ask of the applicant?

22 MS. DIXON: I'm assuming you're going to
23 have the parking to the rear of that house?

24 MR. TAYLOR: It's going to be right to the
25 side. There's about 12 places in there.

1 MS. DIXON: So that they'll be able to
2 turn around and come out because it's not easy to back
3 out there.

4 MR. TAYLOR: I haven't measured it to see
5 if there's going to be enough room to back out, I mean
6 to turn around or not. I'm not sure. Might be a good
7 idea if we could.

8 MS. DIXON: It's hard to back out there.

9 MR. TAYLOR: That's a fairly busy road.
10 That will be a consideration. We only anticipate
11 maybe - - a law office usually only have one to two
12 clients at a time. There's not going to be a high
13 volume of traffic.

14 MS. DIXON: I just thought in terms of it
15 being so close to that intersection and Frederica.

16 MR. TAYLOR: That's something we need to
17 look into.

18 CHAIRMAN: Does anybody else have any
19 other question of the applicant?

20 (NO RESPONSE)

21 MR. APPLEBY: Ready for a motion?

22 CHAIRMAN: Chair is ready for a motion.

23 MR. APPLEBY: I make a motion for approval
24 based on Staff Recommendations with Conditions 1, 2
25 and 3 and Findings of Fact 1 through 4.

1 CHAIRMAN: We have a motion for approval
2 by Mr. Appleby.

3 SISTER VIVIAN: Second.

4 CHAIRMAN: Second by Sister Vivian. All
5 in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Before we bring up the next zoning change,
9 the Staff has asked for the corporation of all
10 applicants for zoning changing, anything that you
11 would present for the record, i.e. any charts, graphs
12 or other presentations that you might have, they would
13 ask that you would have an 8 1/2 by 11 copy that we
14 could actually use for the. Because over a span of
15 years as we get more and more charts and more and more
16 maps, it's become very cumbersome and very difficult
17 for us to store. So if you would, if you do not have
18 this chart, graph or map with your application and
19 you're going to use it as a presentation tonight, we
20 ask that you make a 8 1/2 by 11 copy so we can put
21 that in the record. We hope this will not cause any
22 inconvenience and hopefully we can get cooperation by
23 our applicants.

24 Mr. Noffsinger.

25

1 ZONING CHANGE - COUNTY

2 ITEM 9

3 3400 KY 54, 32.62 acres

4 Consider zoning change: From A-U Urban Agriculture to
5 B-4 General Business

6 Applicant: Woodlands Plaza, LLC, Beverly C. Brabandt,
7 Valerie Ann Lewis, Co-Trustees of Wm. E. Brabandt
8 Reverse QTIP Trust and Co-Trustees of Wm. E. Brabandt
9 Family Trust.

10 PLANNING STAFF RECOMMENDATIONS

11 Staff recommends approval because the proposal is
12 in compliance with the adopted Comprehensive Plan.

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

15 Conditions:

16 1. Submission of a final development plan prior
17 to building permit issuance;

18 2. Access points on KY 54 shall be limited to
19 two access points as previously approved on a minor
20 subdivision plat approved by the OMPC on May 12, 1997
21 with an access point aligned with Commonwealth Court
22 and an access point aligned with the existing drive at
23 Rusher Construction Company;

24 3. Access onto Fairview Drive shall be limited
25 to one access point aligned with Villa Point;

26 4. Installation of right-turn
27 deceleration/storage lanes and all street
28 intersections/driveways on KY 54 and Fairview Drive;

1 5. Increase pavement width north of the proposed
2 street intersection on Fairview Drive to provide for
3 southbound left turn deceleration/storage lane at the
4 proposed street intersection at Villa Point; and,

5 6. Prior to issuance of a building permit,
6 surety shall be posted with the OMPC for all turning
7 deceleration/storage lanes, storm water detention, and
8 landscape materials.

9 Findings of Fact:

10 1. The subject property is mainly located in a
11 Business Plan Area, where general business uses are
12 appropriate in limited locations;

13 2. A portion of the subject property is located
14 in an Industrial Plan Area, where general business
15 uses are appropriate in very-limited locations;

16 3. The subject property is contiguous to
17 existing B-4 General Business zones and uses;

18 4. The applicant's proposal is a logical
19 expansion because it would not significantly increase
20 the extent of the B-4 General Business zoning within
21 the area, and would not overburden roadway capacity or
22 other necessary urban services that are available in
23 the affected area, if previously cited improvements to
24 traffic capacity area provided.

25 MS. STONE: We would like to enter the

1 Staff Report as Exhibit B.

2 CHAIRMAN: Is anybody representing the
3 applicant?

4 MR. ELLIOTT: State your name, please.

5 MR. KAMUF: Charles Kamuf.

6 (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

7 MR. KAMUF: We have the engineers with JDQ
8 here. We're here to answer any questions concerning
9 the property itself.

10 CHAIRMAN: Mr. Kamuf, does the 8 1/2 by 11
11 recommendation by our staff, will that - -

12 MR. KAMUF: That will fit, yes, sir.

13 CHAIRMAN: I know a lot of times you do
14 bring in charts and graphs.

15 MR. KAMUF: That will work.

16 CHAIRMAN: Are there any questions of the
17 applicant?

18 Ma'am, if you have a question, would you
19 step to the podium.

20 MR. ELLIOTT: State your name, please.

21 MS. BROOKS: Kathy Brooks.

22 (MS. KATHY BROOKS SWORN BY ATTORNEY.)

23 MS. BROOKS: When they decide to build
24 that up or start building that up, what are they going
25 to do with all of the run off from that land? Our lot

1 backs right up to that. We already have a water
2 problem. I'm wondering how they're going to prevent
3 that.

4 CHAIRMAN: Yes, ma'am. Mr. Kamuf stated
5 that they have engineers that are with them that will
6 be qualified to answer that question. If you'll let
7 them take the podium, then we'll let them address that
8 question.

9 MR. ELLIOTT: State your name, please.

10 MR. McLIMORE: Donald McLimore.

11 (MR. DONALD McLIMORE SWORN BY ATTORNEY.)

12 MR. McLIMORE: Can we look at the plan on
13 the back of this? It will help them understand it.
14 You may have to turn that around for them to see that.

15 CHAIRMAN: Okay.

16 MR. McLIMORE: I think you all have a copy
17 of this?

18 CHAIRMAN: Yes, we do.

19 MR. McLIMORE: Up here at the top, this is
20 Highway 54 and it should be exactly the same on your
21 alls.

22 CHAIRMAN: Excuse me. Mr. Noffsinger
23 reminded me by doing that is you took the part of the
24 presentation off TV. Would you mind bringing - - Mr.
25 Kamuf, could you put this maybe in front of him so

1 when he speaks they will be able to see it and we'll
2 be able to record that on TV also.

3 MR. KAMUF: Like this?

4 CHAIRMAN: I think that will be fine.

5 MR. McLIMORE: This is Highway 54 up at
6 the top of the map up here. Over on this side is
7 Fairview Drive, with this being kind of the southern,
8 southwestern most corner down on Fairview Drive.

9 The ditch comes across Fairview Drive and
10 up through this property. There is a floodway along
11 that ditch right there. So what we have proposed to
12 do is that by filling, we can't fill in any floodway
13 without some kind of permit, which we don't have. So
14 we have used that area as retention pond in there,
15 basin. In doing that, all of the water that would now
16 lay up here in a major rain and any additional run off
17 that we're going to create has to be through these
18 basins. So that the amount of water coming off of
19 this property will not exceed what it is right now.
20 This structure right here under Fairview Drive, which
21 takes this water coming across here, is not planned to
22 be changed at this point. So we would hold our water
23 that we're going to create by the paving and the run
24 off creation on our property, as well as what was
25 being held on that by the size of that pipe on

1 Fairview Drive now.

2 MR. APPLEBY: What's the size of the
3 retention area there? How many acres in that actual
4 retention basin?

5 MR. McLIMORE: There's a whole lot that's
6 involved in here, David, that's about six acres, but
7 all of that is not retention basin. I can't tell you
8 right off the top of my head what the acreage is on
9 the two basins theirselves.

10 MR. APPLEBY: But it's either retention or
11 existing floodway, so it all holds water, right?

12 MR. McLIMORE: Yes, sir.

13 CHAIRMAN: Did that answer your question?

14 MR. STERETT: Not really.

15 CHAIRMAN: Wait a minute. If you've got a
16 question, you'll have to step to the podium.

17 MR. ELLIOTT: State your name, please.

18 MR. STERETT: William Sterett.

19 (MR. WILLIAM STERETT SWORN BY ATTORNEY.)

20 MR. STERETT: The question I have was to
21 the Ralph Avenue side because we're built on a hill.
22 The water, at this time right now, it really comes off
23 there hard on all of our property. I've got a ditch
24 that's been there since we've lived there, like a
25 little bitty trough that goes off into that back

1 field. Because that back field is lower than my yard,
2 it drains some of the water off. It don't get it all,
3 but it takes most of it. I didn't know if they were
4 going to raise that level of this field like they do
5 most sites, you know, to get it up close to road
6 level. I don't know what that was going to do with
7 that type of drain off. It seeps out of the ground
8 because all of those homes in that area are on septic
9 systems. They're not on main drainage for the city.
10 Even though there is a main line right within about 75
11 feet of the back of my house, you know, they wouldn't
12 allow us to tie on to it because they had further
13 plans in that area. That's the biggest problem with
14 the water is the septic in that area. It's basically
15 ground water. It runs off the back parts of all of
16 our property right. You can go at any given point in
17 time in that back field, unless it's just in the
18 middle of August, and it's wet. That was my biggest
19 concern because that field is the only thing that
20 keeps my yard dry.

21 MR. CAMBRON: You live east of that
22 property?

23 MR. STERETT: Yes. We live - - Ralph
24 Avenue would be right here in this area right here.
25 My property backs that tree line right there.

1 MR. CAMBRON: Mr. McLimore, is that going
2 to effect him in that particular area?

3 MR. McLIMORE: The back of that ditch that
4 he's talking about is up there and that ditch is
5 actually shown down in the corner on the drawing you
6 have and coming up across that property on the
7 contours that we've shown on there.

8 Now, the general overall plan on this is
9 that all of this water that's coming off of this will
10 continue to come off. We're not trying to reverse it
11 or block any water. Now, you won't see an exact plan
12 of how that's going to get across here because we
13 don't know what's going to go on this lot right here
14 yet. There will be a plan for that lot and that water
15 will be handled by surface, piping, drainage ditches,
16 whatever we have to do to get this off. We do know
17 there is water there to take care of and that will
18 have to be addressed in a development plan for this
19 lot once that is more tied down

20 CHAIRMAN: Mr. Sterett, I know all of the
21 neighbors area having a concern with water, but before
22 their final plan is submitted or when their final plan
23 is submitted, it will have to be reviewed by the city
24 engineer. They will have to meet certain drainage
25 retention requirements set up and reviewed by the city

1 engineer. What he's telling you now is their
2 preliminary plan, but there is a set formula which
3 they have to meet before it will be finally approved.
4 That will be reviewed by the city engineer who is
5 qualified to make that judgment. Just so you all can
6 rest assure that the drainage situation will be
7 addressed and they are addressing it right now, but as
8 far as I can understand why they don't know exactly
9 what they're going to have to do yet until it's
10 reviewed by the city engineer to tell them precisely
11 what they need to do.

12 Does anybody else from the neighborhood
13 have any questions?

14 MR. ELLIOTT: State your name, please.

15 MS. THOMPSON: Rhonda Thompson.

16 (MS. RHONDA THOMPSON SWORN BY ATTORNEY.)

17 MS. THOMPSON: Over here in the floodway
18 on Fairview where Horse fork Creek is, how far from
19 the creek toward 54 are you in the floodway?

20 MR. McLIMORE: The floodway area is
21 defined by this line right here, all the way up
22 through here, which follows that ditch. This is - -
23 you can see where these basins are. These zig-zagly
24 lines in here are the basins which is the storage area
25 and this basin as well.

1 MS. THOMPSON: Is that basin already
2 there?

3 MR. McLIMORE: This one and this one,
4 neither one of those is there. The only thing that is
5 there right now is this ditch. What we're proposing
6 to do is clean this ditch up. This surface water
7 that's coming off this development will have to go
8 through these basins and then will be controlled out.

9 MS. THOMPSON: What exactly are you all
10 planning on putting in those lots, other than
11 floodway?

12 MR. McLIMORE: As far as just development?

13 MS. THOMPSON: Yes.

14 MR. McLIMORE: I really don't have any
15 information on what type of businesses. I think the
16 developer is obviously courting some people to see who
17 they can land out there. They created some lots in
18 size with maybe some of their talking, but I don't
19 have that information.

20 MS. THOMPSON: I have one other question.
21 Where you're not in the floodway and you've got those
22 lots, isn't there a limit as to how much fill you can
23 bring in there for those lots; as like they said,
24 leave them a lot lower than what they already are?
25 Isn't there a limit with the Kentucky Division of

1 Water that you can bring in to put there?

2 MR. McLIMORE: I'm not aware of a limited
3 number they say. Now, our plan, where we do any
4 filling of any flood zone or anything, the plan has to
5 be submitted to the state to get a permit and
6 everything. Then they would review it and issue the
7 permit based on the plan.

8 We don't have any extreme fills on these
9 lots right here. Now, there's a hill back here
10 that we're cutting down and, I thin, proposing a
11 retaining wall in here to protect that because it does
12 bleed on this property. Slopes will be to where
13 they're maintainable in most area.

14 MR. APPLEBY: Don, you can fill as much as
15 you want, but you've got to off set that with
16 retention is my understanding. Is that not right?

17 MR. McLIMORE: That's not necessarily just
18 the height because you're going to be above that flood
19 plain height, but when you fill, whatever area that
20 that normal flood would cover for, just a number off
21 the top of my head, if it 100 acre square feet, you
22 have to duplicate that 100 acre square feet some place
23 else, plus an amount equal to what you're going to
24 create when you pave this. This plan has done that.
25 Again, too, the calculations for all of this and

1 everything has been reviewed by the city engineer and
2 approved at this point.

3 MS. THOMPSON: On the 54 side where
4 Brabandt's house is right now, that is built up some,
5 that's the old house, but where the newer house is, is
6 there plans to bring that up to I guess a level along
7 with 54?

8 MR. McLIMORE: Again, we would be trying
9 to match up with Fairview Drive. Not trying to get
10 people to an elevation up here. Again, that would
11 depend on each one of these lots, for whatever, if Joe
12 Blow puts up a hot dog stand on this lot right here,
13 he has to present a development plan show how he's
14 going to handle what he's doing on there to the
15 planning zoning for them to review and everything. I
16 can't really tell you. This lot could be sold just
17 like it is and it would be up to them to do a grading
18 plan acceptable.

19 MS. THOMPSON: One other question. In the
20 floodway right there, you say that you can't build up
21 unless you have a permit, but you can build up there
22 if you get a permit through the state, right? Is that
23 correct?

24 MR. McLIMORE: In a floodway. There's a
25 lot more to it than a flood zone. Flood zone you can

1 generally fill in as long as you replace that.

2 Floodway is different.

3 MS. THOMPSON: Okay. Thank you.

4 CHAIRMAN: Are there any other questions?

5 MR. ELLIOTT: State your name, please.

6 MR. SIMS: Bill Sims.

7 (MR. BILL SIMS SWORN BY ATTORNEY.)

8 MR. SIMS: I like to find out if got any
9 plans for now or in the future to use Ralph Avenue as
10 a right-of-way?

11 MR. KAMUF: At this time there's not any
12 plans to use Ralph Avenue as accessible.

13 CHAIRMAN: Thank you.

14 If there are no further questions from the
15 audience, the Chair would be ready for a motion.

16 MR. CAMBRON: Mr. Chairman, I'd like to
17 make a motion for approval based upon the Staff's
18 findings and Conditions 1 through 6 and the Findings
19 of Fact 1 through 4, Mr. Chairman.

20 CHAIRMAN: We've got a motion for approval
21 by Mr. Cambron.

22 MR. APPLEBY: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 Related Item:

4 ITEM 9A

5 Woodlands Plaza, Lots 1-10, 32.62 acres

6 Consider approval of major subdivision preliminary
7 plat.

8 Applicant: Woodlands Plaza, LLC, Beverly C. Brabandt,
9 Valerie Ann Lewis, Co-Trustees of Wm. E. Brabandt
10 Reverse QTIP Trust & Co-Trustees of Wm. E. Brabandt
11 Family Trust

12 MR. NOFFSINGER: Mr. Chairman, this
13 preliminary plat has been reviewed by the Planning
14 Staff and by the City Engineering Department. It's
15 found to be in order. We have discussed drainage
16 issues here tonight on the previous item. With that
17 it's ready for your consideration.

18 CHAIRMAN: If there are no further
19 questions from the audience, - - yes, ma'am.

20 MS. THOMPSON: I do have one. On Fairview
21 Drive, is there going to be a limited number of access
22 points to this plaza or whatever it's called? I heard
23 her say one, but is that all the way down Fair view
24 that there's just going to be one access point off of
25 Fairview to that plaza?

CHAIRMAN: Mr. Noffsinger, do you want to
address that question?

MR. NOFFSINGER: Yes, I will.

1 The is plans call for a single access
2 point onto Fairview Drive. That access point will be
3 aligned with Villa Point across from Fairview. It
4 will have right turn decel and storage as well as
5 storage for left turning movements into that facility.
6 The spacing standards are such that it would not allow
7 for another access point on to Fairview Drive unless
8 an adjoining property was brought in to this
9 development or there were some negotiations with the
10 adjoining property owner to close their access point
11 and relocate it on the subject property. The answer
12 to your direct question now is there will be one
13 access point to that property.

14 MS. THOMPSON: Thank you.

15 MR. CAMBRON: I have a quick question too.
16 I can't read on this plat. What is the distance from
17 the corner there to that entrance?

18 CHAIRMAN: Mr. Noffsinger, could you
19 address that?

20 MR. NOFFSINGER: Mr. Cambron, could you
21 please clarify that?

22 MR. CAMBRON: The distance from 54 into
23 this entrance. I can't tell what that distance is.
24 I'm just trying to determine.

25 MR. NOFFSINGER: That aligns with Villa

1 Point across Fairview Drive. I'm thinking it's
2 somewhere in the neighborhood of 350 feet, somewhere
3 in that neighborhood.

4 MS. STONE: It's 413 feet.

5 MR. CAMBRON: Thank you.

6 CHAIRMAN: If there are no further
7 questions, the Chair is ready for a motion.

8 DR. BOTHWELL: Motion for approval.

9 CHAIRMAN: Motion for approval by Dr.
10 Bothwell.

11 MR. HAYDEN: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Thank you very much.

17 -----

18 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

19 ITEM 10

20 5140, 5150, 5204, 5212, 5220, 5234, 5240 Frederica
21 Street, Home Depot, 49.80 acres
22 Consider approval of amended combined major
23 subdivision preliminary plat/final development plan.
24 Applicant: Rodd Hansen, Greenberg Farrow
25 Architecture, Cecil Rodney Burns

24 MR. NOFFSINGER: Mr. Chairman, under
25 Development Plan (sic), Item 10, I have a letter that

1 is in application, withdrawing this application.
2 Basically it ask for the withdrawal from tonight's
3 meeting. They state, "Home Depot will develop the
4 site per the November 14, 2002 approved development
5 Plan." So with that we can move on to Item 11.

6

7 DEVELOPMENT PLAN

8 ITEM 11

9 7415, 7535, 7549 Iceland Road (Terminal Road)
10 22.20 acres
11 Consider approval of amended final development plan.
12 Applicant: Kinder Morgan Bulk Terminals, Inc.

11

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

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

18 Yes, ma'am.

19 MS. CECIL: My name is Joannie Cecil.

20 (MS. JOANNIE CECIL SWORN BY ATTORNEY.)

21 CHAIRMAN: Do you have a statement you'd
22 like to make, Ms. Cecil?

23 MS. CECIL: No, I do not.

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

1 (NO RESPONSE)

2 CHAIRMAN: If there are no questions of the
3 applicant, the Chair is ready for a motion.

4 MR. APPLEBY: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.
6 Appleby.

7 MR. CAMBRON: Second.

8 CHAIRMAN: Second by Mr. Cambron. All in
9 favor of the motion raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 -----

13 MAJOR SUBDIVISION

14 ITEM 12

15 Mid-America Airpark, 15.03 acres
16 Consider approval of major subdivision final plat.
17 Applicant: City of Owensboro, Daviess County,
Owensboro-Daviess County Industrial foundation, Inc.

18 MR. NOFFSINGER: Mr. Chairman, this plat
19 has been reviewed by the Planning Staff and
20 Engineering Staff. It's found to be in order and
21 ready for consideration.

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

24 (NO RESPONSE)

25 CHAIRMAN: Are there any questions?

1 (NO RESPONSE)

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

4 MR. ROGERS: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.
6 Rogers.

7 MS. DIXON: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 -----

14 MINOR SUBDIVISION

15 ITEM 13

16 9928 US 431, 1.00 acres
17 Consider approval of minor subdivision plat.
18 Applicant: Roy D. and Gayle M. Hayden, Jeffrey Dale
and Melissa Ann Hayden

19 MR. NOFFSINGER: Mr. Chairman, this plat
20 has been reviewed by the Planning Staff and
21 Engineering Staff. It too is found to be in order.

22 It's before this commission tonight in
23 that it creates a one acre tract of land that does not
24 have frontage on public right-of-way; however, this
25 plat also consolidates back into a farm two lots of

1 record which do not have frontage on public
2 right-of-way. Excuse me. One lot of record. The
3 plat appears that there are two lots there, but Ms.
4 Stone tells me it's one.

5 Anyhow, it's not making the situation any
6 more non-conforming. It's just transferring where
7 that lot is actually, physically in the field. There
8 is a notation that the balance of the property shall
9 not be further subdivided so as to create additional
10 regular shaped lots not meeting the requirements of a
11 subdivision regulations. So with that the Planning
12 Staff recommends that this plat be approved.

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

15 MR. ELLIOTT: State your name, please.

16 MR. HAYDEN: Jeffrey Hayden.

17 (MR. JEFFREY HAYDEN SWORN BY ATTORNEY.)

18 CHAIRMAN: Does anybody have any questions
19 of the applicant?

20 (NO RESPONSE)

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

23 DR. BOTHWELL: Motion for approval.

24 CHAIRMAN: Motion for approval by Dr.
25 Bothwell.

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 Thank you.

7 -----

8 SURETY RELEASE

9 ITEM 14

10 IBOK, LLC, \$4,372.00
11 Consider release of surety (Performance Bond) for
12 water mains and fire hydrants.
13 Surety posted by: Terry Roark, IBOK, LLC

14 MR. NOFFSINGER: Mr. Chairman, this
15 release is in order.

16 DR. BOTHWELL: What about Number 15?

17 MR. NOFFSINGER: It will be released and
18 we'll do that separate.

19 CHAIRMAN: If there are no further
20 questions.

21 MR. CAMBRON: Motion for approval.

22 CHAIRMAN: Motion for approval by Mr.
23 Cambron.

24 MS. DIXON: Second.

25 CHAIRMAN: Second by Ms. Dixon. All in
26 favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 MR. NOFFSINGER: Mr. Chairman, the next
5 item, Number 15, is identified as a Surety Transfer.
6 We did make a mistake on the agenda and this should be
7 a surety release and it was submitted in order and in
8 a timely matter and for this agenda. So, again, it is
9 a release.

10 ITEM 15

11 The Greens of Heartland, Unit #4, \$9,898.00
12 Transfer of surety (Certificate of Deposit) for 2"
13 Bit. Conc. Base to the City of Owensboro
14 Surety posted by: Jagoe Development Corporation

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

16 CHAIRMAN: Mr. Jagoe is disqualified from
17 this vote. Are there any questions?

18 (NO RESPONSE)

19 MR. CAMBRON: Motion for approval.

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

22 MS. DIXON: Second

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE,

1 WITH THE DISQUALIFICATION OF MR. JAGOE .)

2 CHAIRMAN: Motion carries unanimously.

3 -----

4 SURETY TRANSFERS

5 ITEM 16

6 Earl Hayden Property Division at Heritage Park,
\$4,470.00
7 Transfer of surety (Certified Check) for sanitary
sewers to the City of Owensboro
8 Surety posted by: Earl Hayden

9 ITEM 17

10 Thorobred Crossing, Unit #2, \$5,511.25
11 Transfer of surety (Irrevocable Letter of Credit) for
water mains and fire hydrants to the City of
Owensboro.
12 Surety posted by: Thompson Homes, Inc.

13 MR. NOFFSINGER: Mr. Chairman, Surety
14 Transfers Items 16 and 17 are in order and may be
15 transferred in toto.

16 CHAIRMAN: Chair is ready for a motion.

17 MR. APPLEBY: Motion for approval.

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

20 SISTER VIVIAN: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Chair is ready for one final motion.

1 MS. DIXON: Move to adjourn.

2 CHAIRMAN: Motion for adjournment by Ms.
3 Dixon.

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: Meeting is adjourned.

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

16 WITNESS my hand and notarial seal on this
17 the 21st day of March, 2003.

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25