

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JUNE 12, 2003

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, June 12, 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 Scott Jagoe
- 14 Irvin Rogers
- 15 Sister Vivian Bowles
- 16 Judy Dixon
- 17 Dr. Mark Bothwell
- 18 Martin Hayden
- 19 Stewart Elliott,
- 20 Attorney

21 \* \* \* \* \*

22 CHAIRMAN: I would like to call our  
23 Planning & Zoning meeting to order for the June 12th  
24 meeting.

25 Our invocation and pledge of allegiance  
will be given by Mr. Noffsinger. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is  
to consider the minutes of the May 8, 2003 meeting.  
Are there any additions, corrections?

1 (NO RESPONSE)

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

4 MR. JAGOE: Move for approval.

5 MR. CAMBRON: Second.

6 CHAIRMAN: Motion for approval by Mr.  
7 Jagoe. Second by Mr. Cambron. All in favor raise  
8 your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Mr. Noffsinger, the first item, please.

12 -----

13 PUBLIC FACILITIES PLANS  
14 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

15 ITEM 2

16 6100 Block Nave Lane Road, (Formerly KY 6089)  
17 (Current Address 6100 Block Sutherlin Lane)  
18 Land Acquisition  
19 Consider comments regarding the acceptance of Nave  
20 Lane Road (formerly KY 6089) from the junction with  
21 Sutherlin Lane approximately 700 feet southeast of the  
22 William H. Natcher Parkway, extending southeast to a  
23 point that is 1950 feet from the beginning, a distance  
24 of 0.369 miles.  
25 Referred by: Daviess County Fiscal Court

21 MR. NOFFSINGER: Mr. Chairman, the  
22 Planning Staff has reviewed this application. We find  
23 no conflict with the Comprehensive Plan.

24 This was a former state maintained  
25 roadway. We would recommend that a letter to that

1 affect be forwarded to the Daviess County Fiscal  
2 Court.

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

5 (NO RESPONSE)

6 CHAIRMAN: Is there questions from anybody  
7 on the commission?

8 (NO RESPONSE)

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

10 CHAIRMAN: Chair is ready for a motion,  
11 Mr. Cambron.

12 MR. CAMBRON: Motion for approval.

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

15 MS. DIXON: Second.

16 CHAIRMAN: Second by Ms. Dixon. All in  
17 favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 ITEM 3

22 110 Saint Elizabeth Street  
23 Land Disposition

24 Consider comments regarding the disposition of the lot  
25 and old jail building located at 110 Saint Elizabeth  
Street.

Referred by: Daviess County Fiscal Court

1 MR. NOFFSINGER: Mr. Chairman, Ms. Becky  
2 Stone is here tonight to give a Staff Report on this  
3 disposition.

4 MR. ELLIOTT: State your name for the  
5 record, please.

6 MS. STONE: Becky Stone.

7 (MS. BECKY STONE SWORN BY ATTORNEY.)

8 MS. STONE: The Daviess County Fiscal  
9 Court has requested a public facilities review for the  
10 sale of the Old Jail and lot located at 110 St. Ann  
11 Street. The Old Jail is a historic building. In 1977  
12 the Kentucky Heritage Council found that the Old Jail  
13 meets established criteria for listing on the National  
14 Register of Historic Places. The Old Jail was  
15 constructed in 1886 and is an example of Second Empire  
16 architecture.

17 The goals of the Comprehensive Plan  
18 adopted by the Daviess County Fiscal Court include the  
19 objective to preserve historic buildings and  
20 artifacts. The General Land Use Criteria of the  
21 Comprehensive Plan state: "Historical building should  
22 be assessed for their architectural or other  
23 historical significance, and when found significant,  
24 should be maintained and reused through sensitive  
25 adaptation." The Old Jail has been identified as a

1 significant historical building and would be eligible  
2 for inclusion on the National Register of Historic  
3 Places.

4 While the disposition of the Old Jail does  
5 not necessarily mean that the building will be  
6 demolished, steps should be taken to encourage its  
7 survival. A private owner would be eligible for  
8 federal investment tax credits based on the costs for  
9 renovating a National Register eligible structure.  
10 The Daviess County Fiscal Court should include a  
11 covenant with the deed that stipulates the  
12 preservation of the historic portions of the building.

13 We would like to enter the Staff Report as  
14 Exhibit A in the record.

15 CHAIRMAN: Thank you.

16 Is there anybody here representing the  
17 county?

18 APPLICANT: Yes.

19 CHAIRMAN: Do you have a statement that  
20 you'd like to make?

21 APPLICANT: If you have any questions,  
22 I'll be willing to answer them.

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

25 (NO RESPONSE)

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

3 (NO RESPONSE)

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

6 DR. BOTHWELL: Motion for approval.

7 CHAIRMAN: Motion for approval by Dr.  
8 Bothwell.

9 MR. HAYDEN: Second.

10 CHAIRMAN: Second by Mr. Hayden. All in  
11 favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 ZONING CHANGES - CITY

17 ITEM 4

18 216 West 24th Street, Portion of 2416/2418 & 2424 St.  
19 Ann Street, 0.289 acres

20 Consider zoning change: From R-1C Single-Family  
21 Residential to P-1 Professional Service

22 Applicant: Independence Bank of Kentucky, Inc.

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

25 CHAIRMAN: Mr. Jagoe will be disqualified  
from this vote.

PLANNING STAFF RECOMMENDATIONS

1           Staff recommends approval because the request is  
2           in compliance with the adopted Comprehensive Plan,  
3           subject to the conditions and findings of fact that  
4           follow:

5           Conditions:

6           1. Approval of a final development plan that  
7           incorporates the subject property into the previously  
8           approved development plan for Independence Bank at  
9           2425 Frederica Street.

10          2. Consolidation of the subject property to  
11          property located at 2425 Frederica Street; and,

12          3. The access point approved on the previously  
13          approved development plan shall be relocated to the  
14          center of the subject property on West 24th Street as  
15          shown on the newly proposed development plan.

16          Findings of Fact:

17          1. The subject property is located in an Urban  
18          Residential Plan Area, where professional/service uses  
19          are appropriate in limited locations;

20          2. The applicant's proposal is a logical  
21          expansion of P-1 Professional/Service zoning, which  
22          would not overburden the capacity of existing roadways  
23          or other necessary urban services in the affected  
24          area; and,

25          3. The applicant's proposal respects the pattern

1 of existing development along block fronts in the  
2 affected area.

3 We would like the enter the Staff Report  
4 as Exhibit B.

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

7 APPLICANT: Yes.

8 CHAIRMAN: Does anybody in the audience  
9 have any questions of the applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody on the commission  
12 have any questions of the applicant?

13 (NO RESPONSE)

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

16 MR. CAMBRON: Motion for approval, Mr.  
17 Chairman, based on the Findings of Fact and Conditions  
18 1 through 3.

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

21 MR. ROGERS: Second.

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

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



1                   CHAIRMAN: Motion carries unanimously.

2           ITEM 5

3           819 West Parrish Avenue, 0.092 acres  
4           Consider zoning change: From R-4DT Inner-City  
5           Residential to B-4 General Business  
6           Applicant: Robert A. Williams, Deborah M. Williams

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. Dedication of an access easement on the  
14           subject property to serve 821 West Parrish Avenue if  
15           the use of that property changes;

16                   2. Submission and approval of a final  
17           development plan;

18                   3. Consolidation of lots at 813, 819 West  
19           Parrish and 1330 Elm Street; and,

20                   4. Access shall be limited to one point on West  
21           Parrish Avenue to be located the greatest distance  
22           from the intersection of West Parrish Avenue and Elm  
23           Street.

24           Findings of Fact:

25                   1. The subject property is located in a Central  
26           Residential Plan Area, where general business uses are

1 appropriate in limited locations;

2 2. The subject property adjoins B-4 General  
3 Business zoning to the east; and,

4 3. The applicant's proposal is a logical  
5 expansion of existing B-4 General Business zone in the  
6 vicinity and will not overburden the capacity of  
7 roadways or other necessary urban services in the  
8 area.

9 We would like to enter the Staff Report as  
10 Exhibit C.

11 CHAIRMAN: Is anybody here representing  
12 the applicant?

13 MR. KAMUF: Yes.

14 MR. ELLIOTT: State your name, please.

15 MR. KAMUF: Charles Kamuf.

16 (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

17 MR. KAMUF: The applicant is here, the  
18 engineer is here. We're here to answer any questions.

19 CHAIRMAN: Thank you, Mr. Kamuf.

20 Is there any questions of the applicant by  
21 anybody in the audience?

22 (NO RESPONSE)

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

25 (NO RESPONSE)

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

3 MS. DIXON: Move to approve based upon  
4 Findings of Fact 1 through 3 and subject to Conditions  
5 1 through 4.

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

8 MR. HAYDEN: Second.

9 CHAIRMAN: Second by Mr. Hayden. All in  
10 favor raise your right hand

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 -----

15 ZONING CHANGE - COUNTY

16 ITEM 6

17 10361 US 231, 27.880 acres  
18 Consider zoning change: From B-4 General Business  
19 and EX-1 Coal Mining to A-R Rural Agriculture  
20 Applicant: John D. and Debra W. Dalton

21 PLANNING STAFF RECOMMENDATIONS

22 Staff recommends approval because the request is  
23 in compliance with the adopted Comprehensive Plan.

24 Findings in support of this recommendation include:

25 Findings of Fact:

- 1. The subject property is located in a Rural

1 Maintenance Plan Area, where rural farm residential  
2 uses are appropriate in general locations;

3 2. The subject property has access to an  
4 existing public road via a private drive without the  
5 creation of new public roads;

6 3. The subject property is a large separate  
7 tract capable of supporting agricultural activities;  
8 and,

9 4. Mining activities have ceased and the  
10 property should revert to its original zoning  
11 classification of A-R in accordance with Section  
12 12a.31 of the Owensboro Metropolitan Zoning Ordinance.

13 We would like to enter the Staff Report as  
14 Exhibit D.

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

17 APPLICANT: Yes.

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

20 (NO RESPONSE)

21 CHAIRMAN: Does anybody on the commission  
22 have a question of the applicant?

23 (NO RESPONSE)

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

1 MR. HAYDEN: I make a motion for approval  
2 based on Findings of Fact 1 through 4.

3 CHAIRMAN: Motion for approval by Mr.  
4 Hayden.

5 MR. JAGOE: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

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11 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

12 ITEM 7

13 Heartland, Phase II, Lots 313-503, 45.145 acres  
14 Consider approval of combined major subdivision  
15 preliminary plat/final development plan.  
Applicant: Jagoe Development Corporation

16 MR. NOFFSINGER: Mr. Chairman, this plat  
17 has been reviewed by the Planning Staff, Engineering  
18 Staff. Found to be in order and ready for  
19 consideration.

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

22 CHAIRMAN: Mr. Jagoe will be disqualified  
23 from this vote.

24 Is anybody representing the applicant?

25 MR. JAGOE: Yes.

1 CHAIRMAN: State your name, please.

2 MR. JAGOE: William R. Jagoe, III

3 (MR. WILLIAM JAGOE SWORN BY ATTORNEY.)

4 MR. JAGOE: Along Village Run on the west  
5 side, on the west side of the street in the  
6 reconstruction meeting with Gary Noffsinger and Gary  
7 Adams, Marwan, and I'm not sure who else. Weren't you  
8 there?

9 MR. NOFFSINGER: No.

10 MR. JAGOE: Okay. Gary Adams. It was  
11 decided that a sidewalk was not necessary along that  
12 area. There would be no houses that would be facing  
13 on the street. Actually there's no houses on either  
14 side facing, but on one side it was decided that a  
15 sidewalk wouldn't be necessary.

16 MR. CAMBRON: Is that the east side or  
17 west side?

18 MR. CAMBRON: West.

19 CHAIRMAN: Mr. Noffsinger, do we need to  
20 make a correction?

21 MR. NOFFSINGER: Mr. Chairman, I was not  
22 involved in the preliminary meeting. Just spoke with  
23 Ms. Stone. She said there was some mention of it;  
24 however, I don't think they reached an agreement.

25 MS. STONE: I don't know that there was -

1 - I don't recall a formal agreement, but I remember  
2 discussion because there weren't any lots fronting on  
3 that portion of the street. There's a strip of grass.  
4 We talked about the maintenance of that area. You  
5 know, I don't recall saying he didn't have to put  
6 sidewalks there, but I understand his concern about  
7 putting sidewalks there. There's no lots fronting it;  
8 however, it could still be used for pedestrian way.

9 MR. CAMBRON: Can I ask a question, Mr.  
10 Chairman?

11 CHAIRMAN: Yes, you may.

12 MR. CAMBRON: Sidewalks seem to stop there  
13 kind of where it comes to the curve there; is that  
14 right?

15 MR. JAGOE: Right. It's stop at the end  
16 of the last lot.

17 MR. CAMBRON: Right. That's going to be a  
18 green space kind of in-between there?

19 MR. JAGOE: Right.

20 MR. CAMBRON: Who maintains that?

21 MR. JAGOE: It will be the city.

22 MR. NOFFSINGER: Generally in these cases  
23 we do take a look at whether or not sidewalks would be  
24 appropriate or not. I haven't spent any time  
25 obviously considering this matter; however, I do have

1 a concern in terms of sidewalk connectivity. If you  
2 have a sidewalk that just ends nowhere, generally that  
3 presents a problem for pedestrians as well as for  
4 handicap individuals.

5 MR. JAGOE: We would have a handicap ramp.

6 MR. NOFFSINGER: That would go out to the  
7 street?

8 MR. JAGOE: Right. Then on the other side  
9 of the street there will be another handicap ramp at  
10 that other corner there.

11 MR. NOFFSINGER: You know, the Staff would  
12 recommend that the plan be approved as submitted with  
13 sidewalks along that section, and that would be  
14 consistent with what we've considered in the past.

15 MR. CAMBRON: Can I see a better plan?  
16 This is real small.

17 CHAIRMAN: Sure.

18 Mr. Jagoe, do you understand obviously  
19 what his recommendation is to you?

20 MR. JAGOE: I understand.

21 CHAIRMAN: Recommend the plan as it is  
22 presented?

23 MR. JAGOE: Right. You know, that was  
24 understanding we had in that meeting. Gary Adams was  
25 there. He was the one that he said he didn't see any



1 reason for it.

2 You don't remember that, Becky?

3 MS. STONE: I remember discussion of them.  
4 I don't remember a decision on whether they would be  
5 required or not. You know, we had the note put on for  
6 sidewalks on both sides of the street like we do  
7 standard for these developments, but I honestly don't  
8 remember if we reached a decision on whether we're not  
9 going to be requiring them on that portion of the  
10 street.

11 DR. BOTHWELL: Mr. Jagoe, would you like  
12 to postpone until next month when you get this clear?

13 MR. JAGOE: No. But I would like to make  
14 it subject to maybe what Gary Adams talked about.

15 CHAIRMAN: Mr. Noffsinger, could we go  
16 ahead and approve the plan as submitted and then if  
17 there was an agreement between Staff and Mr. Jagoe  
18 that we could honor that at next meeting and he could  
19 ahead and proceed?

20 MR. NOFFSINGER: I'm not aware of any  
21 agreement. If there was an agreement reached, it  
22 should have been reached with Ms. Stone that actually  
23 reviews these plans. You know, I would recommend you  
24 consider the plan as submitted and go from there.

25 We had other issues I think in this

1 development in terms of the length of the streets or  
2 perhaps vehicular connectivity. There were some  
3 pedestrian sidewalks that were added to the  
4 development I know to offset that, but I think there  
5 were some allowances and some considerations given in  
6 this development. This is not one that I was made  
7 aware of, that was agreed to or actually even  
8 considered until tonight.

9 CHAIRMAN: Mr. Jagoe, - -

10 MR. CAMBRON: Mr. Chairman, I was looking.  
11 It looks like it's about 850 feet. Does that sound  
12 about right?

13 MR. NOFFSINGER: Yes.

14 MR. CAMBRON: It looks like it's just in a  
15 dense area where there's not going to be any building;  
16 is that correct?

17 MR. NOFFSINGER: Well, there's not at this  
18 time. Of course, they do not own that adjoining  
19 property.

20 MR. HAYDEN: Wouldn't that be required to  
21 put sidewalks up if they develop that other side of  
22 the street?

23 MR. APPLEBY: They've got the Green Belt  
24 on the other side.

25 MR. CAMBRON: Yes. If somebody develops

1 it, then they would have to put in the sidewalks,  
2 correct, Mr. Noffsinger?

3 MR. NOFFSINGER: If an off-site  
4 improvement were required, then that could be the  
5 case, but again it would be an off-site improvement.

6 CHAIRMAN: If the Green Belt owns this,  
7 does the Green Belt own the property?

8 MR. NOFFSINGER: No. The Green Belt is on  
9 the opposite of the development.

10 CHAIRMAN: Okay. Who owns the opposite  
11 side of the street?

12 Mr. Jagoe, do you know who owns the  
13 opposite side of the street where your sidewalk would  
14 go?

15 MR. JAGOE: General Electric. It's the  
16 back of General Electric. I'd like to at least leave  
17 it open where we could come back and prove what we've  
18 got, but leave it open. I'll be back on that walk.

19 MR. NOFFSINGER: Mr. Jagoe, you can come  
20 back at any time. You're welcome.

21 MR. CAMBRON: Mr. Chairman, I'd like to  
22 make a motion when we're done here because I look at  
23 that and it looks like it's a piece of property that  
24 is not owned by Mr. Jagoe. When you're ready I'm  
25 ready.

1                   CHAIRMAN:    Are there any more questions?

2                   MR. APPLEBY:    I have one comment.    It  
3                   seems to me, and I understand concern for pedestrian  
4                   traffic on East Byers Avenue, but you do have a  
5                   provisions to have the Green Belt.    I don't think - -  
6                   I can understand not wanting to put sidewalks in both  
7                   the front yard and the back yard on these lots.    It  
8                   seems to me the pedestrian traffic in the development  
9                   will be on the inside streets.    I've been in it.    It  
10                  makes sense not to have a walk on both the front yard  
11                  and the back yard.

12                  MR. JAGOE:    Mr. Appleby, that's not the  
13                  same place.    We're talking about on the back of  
14                  Village Run.    It's a pretty small map you're looking  
15                  at.

16                  MR. CAMBRON:   It is a small map.

17                  MR. NOFFSINGER:   It's a public street.

18                  MR. JAGOE:    You want me to point that out?

19                  MR. APPLEBY:    I see it.

20                  CHAIRMAN:    Mr. Appleby, does that change  
21                  your comment?

22                  MR. APPLEBY:    I'm trying to get the  
23                  picture.

24                  CHAIRMAN:    We have a larger map, Mr.  
25                  Appleby.

1 Does anybody else from the audience or  
2 from the commission have any further questions or  
3 comments?

4 MR. CAMBRON: Is Chair ready for a motion,  
5 Mr. Chairman?

6 CHAIRMAN: Yes, Mr. Cambron.

7 MR. CAMBRON: I'd like to make a motion we  
8 approve it without the sidewalks at this point in time  
9 and the later developer that comes in here install  
10 those at that point in time. That's my motion.

11 CHAIRMAN: Stewart, can we make a motion  
12 like that? Can we accept a motion as that?

13 MR. CAMBRON: Let me back up. I approve  
14 it without the development of sidewalks.

15 MR. ELLIOTT: Yes, you can do it that way.

16 CHAIRMAN: Mr. Noffsinger, are you  
17 comfortable with the wording?

18 MR. NOFFSINGER: I'm comfortable with the  
19 wording. I'm not in agreement.

20 CHAIRMAN: I'm not surprised of that. I  
21 don't want us to make a motion and pass something that  
22 is going to handcuff you beyond what we're trying to  
23 do. What I think Mr. Cambron is trying to do is let  
24 him have the flexibility on this sidewalk.

25 MR. CAMBRON: Let me be sure and say. I'm

1 note letting him have the flexibility. I've looked at  
2 the big picture and as I see it there really is no  
3 indication why there should be a sidewalk in that  
4 particular area at this point in time. It's a long  
5 distance. That's my motion.

6 MR. NOFFSINGER: Mr. Chairman, if I might  
7 just add that the City of Owensboro just passed an  
8 occupational tax increase. Part of that funding is to  
9 put sidewalks on streets where sidewalks do not exist  
10 or where sidewalks do not connect. This is going in  
11 the exact opposite direction of the program the City  
12 of Owensboro has just implemented for sidewalks to  
13 connect. You know, pedestrians use these sidewalks in  
14 developments. I certainly respect Mr. Jagoe's  
15 request. Certainly wish we had more time to review  
16 the proposal. Thank you.

17 DR. BOTHWELL: Mr. Noffsinger, would it be  
18 possible if we approve as it stands and making no  
19 alterations, does he still have an opportunity to come  
20 back and request this change?

21 MR. NOFFSINGER: Yes.

22 MR. CAMBRON: We have a motion on the  
23 floor right now, but we do not have a second to Mr.  
24 Cambron's motion.

25 MR. APPLEBY: I made a second.

1                   CHAIRMAN: Mr. Appleby has now seconded  
2 Mr. Cambron's motion. All in favor of the motion  
3 raise your right hand.

4                   (FOUR COMMISSION MEMBERS PRESENT - DAVE  
5 APPLEBY, MARTIN HAYDEN, NICK CAMBRON AND IRVIN ROGERS  
6 - RESPONDED AYE.)

7                   CHAIRMAN: We have four.

8                   Stewart, where do we stand on the four to  
9 four? The motion doesn't pass?

10                  MR. ELLIOTT: The motion doesn't not pass.

11                  CHAIRMAN: So we've got four to four so  
12 the motion does not pass.

13                  Now the Chair is open for - -

14                  DR. BOTHWELL: Mr. Chairman, since they  
15 can come back and rework this and since Mr. Noffsinger  
16 doesn't appear to be comfortable with the information  
17 he's getting from the Staff about whatever, I vote we  
18 approve it as is and let them come back to us and ask  
19 after they've had a chance to look at it.

20                  CHAIRMAN: That would be my motion.

21                  DR. BOTHWELL: My motion is to approve it  
22 as stands.

23                  MS. DIXON: Second.

24                  CHAIRMAN: We've got a motion by Dr.  
25 Bothwell. We've got a second by Ms. Dixon. All in

1 favor of this motion raise your right hand.

2 (FIVE COMMISSION MEMBERS PRESENT - DREW  
3 KIRKLAND, DR. MARK BOTHWELL, JUDY DIXON, IRVIN ROGERS  
4 AND MARTIN HAYDEN - RESPONDED AYE.)

5 CHAIRMAN: This motion carries five to  
6 three.

7 Next item, please.

8 -----

9 DEVELOPMENT PLANS

10 ITEM 8

11 3175 Fairview Drive, 0.610 acres  
12 Consider approval of final development plan.  
13 Applicant: Wyndall's Enterprises, IBOK, LLC

14 MR. NOFFSINGER: This application has been  
15 reviewed by the Planning Staff and Engineering  
16 Staff. It's found to be in order and ready for  
17 consideration.

18 CHAIRMAN: Is there anybody here  
19 representing the applicant?

20 APPLICANT REP: Yes.

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

23 (NO RESPONSE)

24 CHAIRMAN: Anybody on the commission have  
25 a question of the applicant?

(NO RESPONSE)



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

3 MS. DIXON: Move to approve.

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

6 MR. CAMBRON: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 ITEM 9

13 2425 Frederica Street, 2.252+ acres  
14 Consider approval of amended final development plan.  
15 Applicant: Independence Bank of KY, Inc.

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

20 CHAIRMAN: Is anybody here representing  
21 the applicant?

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

24 CHAIRMAN: Mr. Jagoe has disqualified  
25 himself.

Does anybody in the audience have a

1 question of the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Does anybody on the commission  
4 have a question of the applicant?

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 SISTER VIVIAN: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
16 WITH THE DISQUALIFICATION OF MR. JAGOE.)

17 CHAIRMAN: Motion carries unanimously.

18 ITEM 10

19 5333 Frederica Street, 10.510 acres  
20 Consider approval of amended final development plan.  
21 Applicant: Malco Theatres, Inc., RMH Enterprises,  
22 Inc.

23 MR. NOFFSINGER: Mr. Chairman, on Item  
24 Number 10, the applicant's engineer has requested  
25 postponement.

CHAIRMAN: We do need to act on that?

1 MR. NOFFSINGER: Yes, sir.

2 CHAIRMAN: Chair is ready for a motion.

3 MS. DIXON: Move to postpone.

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

6 SISTER VIVIAN: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item.

12 ITEM 11

13 3801 Legacy Run, 2.032 acres  
14 Consider approval of final development plan.  
15 Applicant: Franklin J. & Susan J. Dockery

16 MR. NOFFSINGER: Mr. Chairman, this plan  
17 has been reviewed by the Planning Staff and  
18 Engineering Staff. Found to be in order and ready for  
19 consideration.

20 CHAIRMAN: Is anybody here representing  
21 the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Does anybody in the audience  
24 have any questions?

25 (NO RESPONSE)

CHAIRMAN: Does anybody on the commission

1 have any comments or questions?

2 (NO RESPONSE)

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

5 MS. DIXON: Move to approve.

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

8 MR. HAYDEN: Second.

9 CHAIRMAN: Second by Mr. Hayden. All in  
10 favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 12

15 813, 819 West Parrish Avenue, 1330 Elm Street,  
16 0.246 acres

17 Consider approval of final development plan.

18 Applicant: Bob Williams

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

23 CHAIRMAN: Is anybody here representing  
24 the applicant?

25 APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience

1 have any questions of the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Anybody on the commission?

4 (NO RESPONSE)

5 MR. CAMBRON: Mr. Chairman, motion for  
6 approval.

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

9 MS. DIXON: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 MAJOR SUBDIVISIONS

17 ITEM 13

18 The Brooks, Unit #1, 6.909 acres  
19 Consider approval of major subdivision final plat.  
20 Surety (Certified Check and Irrevocable Letter of  
Credit) \$51,121.60  
Applicant: Owensboro Master Builders, Inc.

21 MR. NOFFSINGER: Mr. Chairman, this plat  
22 has been reviewed by the Planning Staff, Engineering  
23 Staff. Found to be in order and ready for  
24 consideration.

25 CHAIRMAN: Is anybody here representing

1 the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: If not, does anybody on the  
4 commission have any comments or questions?

5 (NO RESPONSE)

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

8 MR. ROGERS: Motion for approval.

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

11 SISTER VIVIAN: Second.

12 CHAIRMAN: Second by Sister Vivian. All  
13 in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, please.

17 ITEM 14

18 Covington Ridge, Section 2, 8.757 acres  
19 Consider approval of major subdivision final plat.  
20 Surety (Certificate of Deposit) \$32,089.14  
Applicant: Ballard Development, LLP

21 MR. NOFFSINGER: Mr. Chairman, this plat  
22 has been reviewed by the Planning Staff, Engineering  
23 Staff. Found to be in order and ready for  
24 consideration.

25 CHAIRMAN: Anybody representing the

1 applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Any questions from the  
4 audience?

5 (NO RESPONSE)

6 CHAIRMAN: Any questions from the  
7 commission?

8 (NO RESPONSE)

9 CHAIRMAN: Chair is ready for a motion.

10 MR. HAYDEN: Make a motion for approval.

11 CHAIRMAN: Motion for approval by Mr.  
12 Hayden.

13 MR. JAGOE: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 -----

20 SURETY RELEASES

21 ITEM 15

22 Cinderella Drive, \$22,230.50  
23 Consider partial release of surety (Certified Check  
and Performance Bond) for public improvements.  
24 Surety retained (Performance Bond) \$6,716.00  
Surety posted by: James Glenn Causey

25 MR. NOFFSINGER: Mr. Chairman, I apologize

1 for those amendments. The amounts were correct. It's  
2 just the form in which they were posted and to be  
3 retained in was incorrect on the agenda.

4 CHAIRMAN: Mr. Noffsinger, the record is  
5 corrected.

6 If there are no questions or comments, the  
7 Chair is ready for a motion.

8 SISTER VIVIAN: Move for approval.

9 CHAIRMAN: Motion for approval by Sister  
10 Vivian.

11 MR. APPLEBY: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, please.

17 ITEM 16

18 CRS One Source, \$38,355.00  
19 Consider release of surety (Performance Bond) for  
20 landscaping.  
21 Surety posted by: Centex Engineering & Construction

22 ITEM 17

23 Fieldcrest Crossing, Unit #5, \$39,132.20  
24 Consider partial release of surety (Irrevocable Letter  
25 of Credit) for streets, sidewalks and storm sewers.  
26 Surety retained (Irrevocable Letter of Credit)  
27 \$30,388.20  
28 Surety posted by: Thompson Homes, Inc.



1 ITEM 18

2 Midwest Insulation, \$367.00  
3 Consider release of surety (Certified Check) for  
4 landscaping.  
5 Surety posted by: Midwest Insulation

6 ITEM 19

7 Thorobred Crossing, Unit #2, \$22,505.00  
8 Consider partial release of surety (Irrevocable Letter  
9 of Credit) for public improvements.  
10 Surety retained (Irrevocable Letter of Credit)  
11 \$11,780.40  
12 Surety posted by: Thompson Homes, Inc.

13 MR. NOFFSINGER: Surety Releases Items 16  
14 through 19 are in order and may be approved in toto.

15 CHAIRMAN: Chair is ready for a motion.

16 MS. DIXON: Move to approve in toto.

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

19 SISTER VIVIAN: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 -----

26 SURETY TRANSFERS

27 ITEM 20

28 Carlsbad East, Unit #1, \$12,400.00  
29 Transfer of surety (Certificate of Deposit) for  
30 streets to the Daviess County Fiscal Court.

1 Surety posted by: Carl Westerfield

2 ITEM 21

3 Doe Ridge, Section 4, \$7,574.50  
4 Transfer of surety (Performance Bond) for streets,  
5 sidewalks and storm sewers to the City of Owensboro.  
6 Surety posted by: Robert J. Wimsatt

7  
8 ITEM 22

9 Harbor Trace, Section 1, Unit #1, \$52,145.00  
10 Transfer of surety (Performance Bond) for public  
11 improvements to the City of Owensboro.  
12 Surety posted by: Robert J. Wimsatt

13 MR. NOFFSINGER: Surety Transfers, Items  
14 20 through 22 are in order and may be considered in  
15 tot.

16 CHAIRMAN: Chair is ready for a motion.

17 DR. BOTHWELL: Motion to approve.

18 CHAIRMAN: Motion for approval by Dr.  
19 Bothwell.

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 -----

NEW BUSINESS

ITEM 23

Consider approval of FY 2004 budget

MR. NOFFSINGER: Mr. Chairman, each member

1 was mailed A copy of the budget and OMPC salary chart  
2 back in I believe April. We had a work session in  
3 May. The budget has been prepared and is ready for  
4 consideration.

5 CHAIRMAN: Are there any questions or  
6 comments from the audience?

7 (NO RESPONSE)

8 CHAIRMAN: Any question or comments from  
9 the commission?

10 (NO RESPONSE)

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

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

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

17 MR. JAGOE: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 The Chair is ready for one more motion.

23 MS. DIXON: Move to adjourn.

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

1 DR. BOTHWELL: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries. We are  
6 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 29th day of June, 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