

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 13, 2004

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4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, May 13, 2004, at City Hall, Commission
7 Chambers, Owensboro, Kentucky, and the proceedings
8 were as follows:

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

20 * * * * *

21 CHAIRMAN: I would like to welcome
22 everybody to our May 13th meeting of the Owensboro
23 Metropolitan Planning Commission. Please stand. Our
24 invocation and pledge of allegiance will be given by
25 Mr. Gary Noffsinger.

26 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

27 CHAIRMAN: First item we will consider the
28 minutes of the April 15th meeting. Are there any
29 questions or corrections?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

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

7 MR. JAGOE: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, Mr. Noffsinger.

13 -----

14 PUBLIC FACILITIES PLANS
15 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

16 ITEM 2

17 1019 Old Hartford Road, Cemetery Street
18 Land Disposition
19 Consider comments regarding the closing of Cemetery
20 Street between Breckenridge Street and Old Hartford
21 Road.
22 Referred by: City of Owensboro

23 MR. NOFFSINGER: Mr. Chairman, the
24 Planning Staff has reviewed this application. This
25 property that's proposed for closure is in front of
the old House of Canton Restaurant at the intersection
of Old Hartford Road and Breckenridge Street. It is a
proposal to close right-of-way that was most recently

1 used as parking for that restaurant. The area that's
2 going to be closed will be traded and the land owner
3 will dedicate additional right-of-way along Old
4 Hartford Road for future roadway improvements. With
5 that Staff would recommend that we forward a letter to
6 the City of Owensboro recommending the closure;
7 however, the city should have dedicated to them the
8 right-of-way that's shown on the plat in this
9 application.

10 CHAIRMAN: Is there anybody here
11 representing the city?

12 (NO RESPONSE)

13 CHAIRMAN: Is anybody here representing
14 the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Are there any questions?

17 (NO RESPONSE)

18 CHAIRMAN: If not the chair is ready for a
19 motion.

20 MS. DIXON: Move to approve.

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

23 SISTER VIVIAN: Second.

24 CHAIRMAN: Second by Sister Vivian. All
25 in favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 3

5 385 West Veterans Boulevard
6 Building and Facility Construction
7 Consider comments regarding the construction of the
8 Riverfront West Plaza located adjacent to the
9 Executive Inn.
10 Referred by: City of Owensboro

11 MR. NOFFSINGER: Mr. Chairman, the
12 Planning Staff has reviewed this application. It is
13 for the West Plaza which is part of the riverfront
14 master plan. The Planning Staff has reviewed. We
15 find no conflict with any of the local plans; however,
16 I would remind the City of Owensboro, as well as the
17 adjoining land owner of the Executive Inn, Mr. John
18 Bays, that if the city proceeds with this construction
19 of West Plaza and if the owner of the Executive Inn,
20 Mr. Bays, proceeds with construction of the stage,
21 then that will void the development plan that has been
22 approved for the construction of the Convention
23 Center. The reason for that is that this West Plaza
24 and stage will be constructed in an area that's
25 proposed to be parking for the Convention Center. We
will draft a letter to the City of Owensboro as well
as Mr. Bays notifying them of the need to amend or

1 submit a new development plan for the Executive Inn
2 for future construction.

3 CHAIRMAN: Does anybody in the audience
4 have any questions?

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody on the commission
7 have any questions?

8 (NO RESPONSE)

9 CHAIRMAN: If not the chair is ready for a
10 motion.

11 MR. APPLEBY: Motion to approve with the
12 recommendation.

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

15 MR. HAYDEN: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 ITEM 4

22 1412 East Fourth Street
23 Land Disposition

24 Consider comments regarding the closing of a portion
25 of an alley located along the rear of 1412 East Fourth
Street.

Referred by: City of Owensboro

1 MR. NOFFSINGER: Mr. Chairman, Planning
2 Staff has reviewed this application. We find no
3 conflict with the Comprehensive Plan and recommend you
4 forward a letter to that affect to the City of
5 Owensboro.

6 CHAIRMAN: Any questions by anybody in the
7 audience?

8 (NO RESPONSE)

9 CHAIRMAN: Any questions by the
10 commission?

11 (NO RESPONSE)

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

14 MS. DIXON: Move to approve.

15 CHAIRMAN: Motion for approval by Ms.
16 Dixon.

17 DR. BOTHWELL: Second.

18 CHAIRMAN: Second by Dr. Bothwell. All in
19 favor raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 -----

24 ZONING CHANGE - CITY

25 ITEM 5

1 Portion of 2412 Old Henderson Road, 0.746 acres
2 Consider zoning change: From R-4DT Inner-City
3 Residential to B-4 General Business
4 Applicant: Harold R. & Colleen McClary

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

7 MS. STONE: Becky Stone.

8 (MS. BECKY STONE SWORN BY ATTORNEY.)

9 PLANNING STAFF RECOMMENDATIONS

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

14 Findings of Fact:

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

18 2. The subject property is a portion of 2412 Old
19 Henderson Road, which also contains existing B-4
20 General Business zoning;

21 3. The subject property is located adjacent to
22 an area of existing B-4 General Business zoning;

23 4. The applicant's proposal is a logical
24 expansion of proportional scope that will not
25 significantly increase the extent of the zone in the
vicinity of the expansion and should not overburden

1 the capacity of roadways and other necessary urban
2 services that are available in the affected area.

3 MS. STONE: We would like the Staff Report
4 entered into the record as Exhibit A.

5 CHAIRMAN: Is anybody here representing
6 the applicant?

7 MR. McCLARY: Yes. Harold R. McClary.

8 (MR. HAROLD McCLARY SWORN BY ATTORNEY.)

9 CHAIRMAN: Mr. McClary, do you have a
10 statement you'd like to make?

11 MR. McCLARY: I was told I probably need
12 to be here. I don't know.

13 CHAIRMAN: We appreciate you being here.
14 Let's see if we've got any questions or anything you
15 need to answer.

16 Does anybody from the audience have a
17 question of the applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Does anybody from the
20 commission have a question of the applicant?

21 (NO RESPONSE)

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

24 MS. DIXON: Move to approve based upon
25 Planning Staff recommendation and Findings of Fact 1

1 through 4 and it is in compliance with the community's
2 Comprehensive Plan.

3 CHAIRMAN: We've got a motion by Ms.
4 Dixon.

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.

10 Next item, please.

11 -----

12 ZONING CHANGE - COUNTY

13 ITEM 6

14 101 Block Booth Field Road, 27,103 acres
15 Consider zoning change: From A-U Urban Agriculture
16 to R-1C Single-Family Residential
Applicant: Robert Wimsatt

17 MR. NOFFSINGER: Mr. Chairman, the
18 applicant's engineer has requested this item be
19 postponed and you will need to vote on that action.

20 CHAIRMAN: Do we have a motion?

21 MR. APPLEBY: Motion to postpone.

22 CHAIRMAN: Motion for postponement by Mr.
23 Appleby.

24 MR. ROGERS: Second.

25 CHAIRMAN: Second by Mr. Rogers. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 The item is postponed.

5 Next item.

6 ITEM 7

7 2201 Block Hayden Bridge Road, 0.267 acres
8 Consider zoning change: From A-U Urban Agriculture
9 to R-1A Single-Family Residential
Applicant: Woodland Ridge Development, Inc., Bill
Timbrook, LLC

10 PLANNING STAFF RECOMMENDATIONS

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

15 Condition:

16 Submittal and approval of a consolidation plat
17 that joins the subject property to property located at
18 2245 Hayden Bridge Road.

19 Findings of Fact:

20 1. The subject property is located in the Rural
21 Community Plan Area of Sorgho, where rural small-lot
22 residential uses are appropriate in general locations;

23 2. The subject property is proposed to be
24 consolidated to property located at 2245 Hayden Bridge
25 Road, which is currently zoned R-1A Single-Family

1 Residential;

2 3. Upon consolidation, the resulting lot will
3 have adequate frontage on a public road and will have
4 adequate sewage disposal and the existing septic tank
5 system.

6 MS. STONE: We would like to enter this
7 Staff Report as Exhibit B.

8 CHAIRMAN: Is there anybody representing
9 the applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody from the audience
12 have any questions?

13 (NO RESPONSE)

14 CHAIRMAN: Anyone from the commission?

15 (NO RESPONSE)

16 CHAIRMAN: If not the chair is ready for a
17 motion.

18 MS. DIXON: Move to approve subject to
19 Planning Staff Recommendations with Condition 1 and
20 Findings of Fact 1 through 3.

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

23 SISTER VIVIAN: Second.

24 CHAIRMAN: Second by Sister Vivian. All
25 in favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 -----

5 MAJOR SUBDIVISIONS

6 ITEM 8

7 2400-2501 Blocks East Byers Avenue, 83.446 acres
8 Consider approval of major subdivision final plat
9 (for development transfer only, no surety required.)
Applicant: National City Bank, Jagoe Development, LLC

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

12 CHAIRMAN: Please note for the record Mr.
13 Jagoe is disqualifying himself.

14 MR. NOFFSINGER: Mr. Chairman, this plat
15 has been reviewed by the Planning Staff and
16 Engineering Staff. Found to be in order. It is for
17 development transfer only for future development.
18 With that it's ready for consideration.

19 CHAIRMAN: Is anybody here representing
20 the applicant?

21 (NO RESPONSE)

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

24 (NO RESPONSE)

25 CHAIRMAN: Anybody on the commission?

1 (NO RESPONSE)

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

4 MR. APPLEBY: Motion for approval.

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

7 DR. BOTHWELL: Second.

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

10 (ALL BOARD MEMBERS PRESENT - WITH THE
11 DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item.

14 ITEM 9

15 Cross Creek, Unit #3, Lots 55-58, 61-64,
16 1.847+ acres
17 Consider approval of major subdivision final plat.
18 Surety (Certificate of Deposit) posted: \$7,222.00
19 Applicant: Pedley Developers, LLC

20 MR. NOFFSINGER: Mr. Chairman, this plat
21 has been reviewed by the Planning Staff and
22 Engineering Staff. Found to be in order. Meets all
23 applicable regulations.

24 CHAIRMAN: Is anybody here representing
25 the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from the

1 audience?

2 (NO RESPONSE)

3 CHAIRMAN: Any questions from the
4 commission?

5 (NO RESPONSE)

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

8 MS. DIXON: Move to approve.

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

11 MR. HAYDEN: Second.

12 CHAIRMAN: Second by Mr. Hayden. 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 10

18 2910, 2934 KY 54, 3020 Highland Pointe Drive,
19 12.925 acres
20 Consider approval of amended major subdivision
21 preliminary plat.
22 Applicant: Marathon Fuels, Inc.

23 MR. NOFFSINGER: Mr. Chairman, this plan
24 has been reviewed by the Planning Staff and
25 Engineering Staff. It's found to meet applicable
26 local regulations and is ready for consideration.

27 CHAIRMAN: Is anybody here representing

1 the applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Does anybody in the audience
4 have a question of the applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Anybody on the commission?

7 (NO RESPONSE)

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

10 MR. ROGERS: Motion for approval.

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

13 MR. HAYDEN: Second.

14 CHAIRMAN: Second by Mr. Hayden. 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 ITEM 11

20 4500-4600 Blocks Lake Forest Drive, 3001 Block Settles
21 Road, 30.607 acres
22 Consider approval of major subdivision final plat
(for development transfer only, no surety required.)
Applicant: JMP/Lake Forest, Inc.

23 MR. NOFFSINGER: Mr. Chairman, this plat
24 has been reviewed by the Planning Staff and
25 Engineering Staff. It's found to meet all minimum

1 local regulations and is ready for consideration.

2 CHAIRMAN: Is anybody here representing
3 the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Any questions from the
6 audience?

7 (NO RESPONSE)

8 CHAIRMAN: Any questions from the
9 commission?

10 (NO RESPONSE)

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

13 MS. DIXON: Move to approve.

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

16 DR. BOTHWELL: Second.

17 CHAIRMAN: Second by Dr. Bothwell. All in
18 favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

22 ITEM 12

23 Sherwood Plaza, Unit #1, 0.755 acres
24 Consider approval of major subdivision final plat.
25 Surety (Irrevocable Letter of Credit) posted:
\$72,955.70
Applicant: Moore Properties, c/o Don P. Moore, III

1 MR. NOFFSINGER: Mr. Chairman, this plat
2 has been reviewed by the Planning Staff and
3 Engineering Staff. Found to meet all minimum and
4 multi regulations and is ready for your consideration.

5 CHAIRMAN: Is anybody here representing
6 the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody in the audience
9 have a question?

10 (NO RESPONSE)

11 CHAIRMAN: Anybody on the commission?

12 (NO RESPONSE)

13 CHAIRMAN: If not the chair is ready for a
14 motion.

15 MS. DIXON: Move to approve.

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

18 DR. BOTHWELL: Second.

19 CHAIRMAN: Second by Dr. Bothwell. All in
20 favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 -----

25 MINOR SUBDIVISIONS

1 ITEM 13

2 4625 Countryside Drive, 1.161 acres
3 Consider approval of minor subdivision plat.
4 Applicant: Thomas W. and Mildred F. Claypool

5 MR. NOFFSINGER: Mr. Chairman, Planning
6 Staff and Engineering Staff has reviewed this
7 application. It's found to be in order.

8 This plat comes before the Planning
9 Commission to be approved as a property survey. It
10 was once the location of a retention basin that served
11 the Countryside Subdivision on Kentucky 54. The
12 property is zoned R-2MF for multi-family use.

13 The retention basin was filled in back a
14 number of years ago by the Daviess County Fiscal Court
15 because it was not functioning as it was designed and
16 there was some alternative means of handling the
17 drainage through this area via a ditch located on the
18 east property line as well as along the south frontage
19 on Kentucky 54. There was some indication that this
20 property was originally plated as a retention basin.
21 There was an issue regarding deed of dedication that
22 it might restrict the use. Anyhow, there was a court
23 order filed. I believe there was no objection to the
24 court order for this to be used as multi-family use.
25 So with that the Planning Staff is recommending that
26 the Planning Commission sign off on the plat as

1 ordered by the court.

2 CHAIRMAN: Is anybody here representing
3 the applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Does anybody in the audience
6 have a question of the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody on the commission
9 have a question of the applicant?

10 (NO RESPONSE)

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

13 MS. DIXON: Move to approve.

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

16 MR. JAGOE: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next items, please.

22 ITEM 14

23 2340, 2346 Hayden Road, 2.006 acres
24 Consider approval of minor subdivision plat.
Applicant: Mike Wilkerson

25 MR. NOFFSINGER: Mr. Chairman, this plat

1 has been reviewed by the Planning Staff and
2 Engineering Staff. It's found to be in order except
3 that the two lots being proposed do not meet the depth
4 to width ratio of three to one as required by the
5 local regulations. However, back some time ago this
6 property consisted of two lots as the division is
7 proposed here, but they were consolidated into one.
8 The applicant now ask that the original lot line be
9 re-established so as to create two one acre lots. The
10 Staff is recommending that you approve the plat;
11 however, access to the property should be reserved to
12 a single access point that would be a shared driveway
13 for the two properties and that either the driveway be
14 constructed or surety posted prior to the OMPC signing
15 the plat.

16 CHAIRMAN: Is anybody representing the
17 applicant?

18 APPLICANT REP: Yes.

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

21 (NO RESPONSE)

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

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair is ready for a

1 motion.

2 DR. BOTHWELL: Motion for approval based
3 on the restriction of one access for both lots from
4 the highway.

5 CHAIRMAN: Motion for approval by Dr.
6 Bothwell.

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.

13 ITEM 15

14 6655 KY 144, 2604 Roy Clark Road, 32.16 acres
15 Consider approval of minor subdivision plat.
16 Applicant: Sarah Wells, John Emberton, Kevin and
Heather Leonard

17 MR. NOFFSINGER: Mr. Chairman, this plat
18 has been reviewed by the Planning Staff and
19 Engineering Staff. I will turn it over to Becky Stone
20 to explain exactly what's taking place here.

21 MS. STONE: Currently there's a ten acre
22 tract that sort of horseshoes around the other lot.
23 Adjoining property owners have gone together to
24 purchase that tract and they want to consolidate it to
25 their respective lots.

1 The back five acres would be consolidated
2 to adjoining agricultural property. It's well over
3 ten acres. It would be an agricultural division and
4 would not be required to meet that ratio on three to
5 one.

6 The other tract would create about a seven
7 acre tract which is still under the ten acres that's
8 required to meet that three to one ratio. The current
9 lot that it's being consolidated to was created not
10 meeting that ratio. They are adding more road
11 frontage so they're actually making that situation a
12 little bit better. So we would recommend that that be
13 approved.

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

16 MS. WELLS: Yes. Sarah Wells.

17 CHAIRMAN: Do you want to make a
18 statement?

19 MS. WELLS: I did want to make a
20 statement.

21 CHAIRMAN: You're welcome to come to the
22 podium.

23 (MS. SARAH WELLS SWORN BY ATTORNEY.)

24 MS. WELLS: Sarah Wells. I live at 6655
25 Highway 144.

1 I just wanted to add what this lady said.
2 This tract, 10 acre tract that we're trying to divide
3 and consolidate with our existing properties, Mr.
4 Emberton and I, it has been virtually inaccessible to
5 the current owners, the Leonards, because it has
6 frontage and two small almost right-of-ways that are
7 encumbered with utility poles. The Leonards have been
8 unable to maintain this 10 acres. Farming equipment
9 cannot get into it. Even a bush hog can't get into
10 it. There are weeds as high as my head so-to-speak.
11 Mr. Emberton and I have agreed, hopefully we will be
12 able to purchase this and consolidate with our
13 existing properties to eliminate what is currently a
14 very undesirable situation both visually and also
15 there's a lot of wildlife including coyotes back in
16 this area. I would hope you take that into
17 consideration too. We're trying to improve it. Thank
18 you.

19 CHAIRMAN: Are there any questions of the
20 applicant by the audience?

21 (NO RESPONSE)

22 CHAIRMAN: Any questions by the
23 Commission?

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair is ready for a

1 motion.

2 MR. APPLEBY: Move to approve.

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

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.

10 Next item.

11 ITEM 16

12 3830, 3836 Willow Way, 0.380 acres
13 Consider approval of minor subdivision plat.
14 Applicant: Wayne Carrico.

15 MR. NOFFSINGER: Mr. Chairman, Planning
16 Staff has reviewed this application. It does create a
17 situation where one lot will be made a little bit
18 larger, one lot will be made a little smaller.
19 There's an existing lot line that cuts through an
20 existing garage. If this plat is approved, it will
21 remove that non-conforming situation; however, it
22 still creates, leaves a non-conforming situation that
23 one lot is going to be smaller than it was; however
24 both lots are non-conforming and we recommend it be
25 approved.

CHAIRMAN: Anybody here representing the

1 applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Any questions from the
4 audience?

5 (NO RESPONSE)

6 CHAIRMAN: Any questions from the
7 commission?

8 (NO RESPONSE)

9 CHAIRMAN: If not the chair is ready for a
10 motion.

11 MR. JAGOE: Move to approve.

12 CHAIRMAN: Motion for approval by Mr.
13 Jagoe.

14 SISTER VIVIAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 17

21 712, 720 West Fifth Street, 0.153 acres
22 Consider approval of minor subdivision plat.
23 Applicant: H&K Property Management

24 MR. NOFFSINGER: Mr. Chairman, this plat
25 has been reviewed by the Planning Staff. The plat is
found to be in order. It reduces the non-conformity

1 of one lot, increases the non-conformity of another by
2 slightly adjusting the common boundary between the two
3 lots. We recommend it be approved.

4 MS. STONE: There's a common access
5 proposed on these lots as was required when the
6 property was rezoned so it would need to be installed
7 and surety posted before the plat is signed.

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

10 (NO RESPONSE)

11 CHAIRMAN: Any questions from the
12 commission?

13 (NO RESPONSE)

14 CHAIRMAN: The chair is ready for a
15 motion.

16 MR. ROGERS: Motion for approval.

17 CHAIRMAN: Motion for approval by Mr.
18 Rogers.

19 MR. HAYDEN: Second.

20 CHAIRMAN: Second by Mr. Hayden.

21 Do we need to add that, part of that to
22 our motion?

23 MR. NOFFSINGER: Conditions, yes.

24 MR. ROGERS: Along with the condition.

25 CHAIRMAN: Mr. Rogers, just for the record

1 would you just restate your motion, please.

2 MR. ROGERS: Motion for approval along
3 with the Planning Staff's condition.

4 CHAIRMAN: Thank you. Is that all right
5 with your second, Mr. Hayden?

6 MR. HAYDEN: Yes, second.

7 CHAIRMAN: We do have a second. 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 18

13 107, 109 East 24th Street, 0.305 acres
14 Consider approval of minor subdivision plat.
15 Applicant: Kenneth G. Millay, John L. Smith

16 MR. NOFFSINGER: Mr. Chairman, Planning
17 Staff has reviewed this application. The application
18 is found to be in order. This plat too moves the
19 common boundary line between two existing lots of
20 record. It creates a situation where the one lot will
21 be made less non-conforming and the other lot will be
22 made more non-conforming. Anyhow, existing lots of
23 record. We recommend it be approved.

24 CHAIRMAN: Any questions from anybody in
25 the audience?

(NO RESPONSE)

1 CHAIRMAN: Questions from the commission?

2 (NO RESPONSE)

3 CHAIRMAN: Chair is ready for a motion.

4 MR. JAGOE: Move to approve.

5 CHAIRMAN: Motion for approval by Mr.

6 Jagoe.

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 carried unanimously.

12 Next item, please.

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14 SURETY TRANSFERS

15 ITEM 19

16 Heritage Park Development, Unit #16, \$2,178.00
17 Transfer of surety (Certificate of Deposit) for
sidewalks to the city of Owensboro.
18 Surety posted by: O'Bryan Heirs,
c/o William O. Wright

19 ITEM 20

20 Jackie C. Maddox, ET AL Property Division, \$2,109.00
21 Transfer of surety (Certified Check) for sanitary
sewers to the City of Owensboro.
22 Surety posted by: Kurtz Auction and Realty

23 MR. NOFFSINGER: Mr. Chairman, Surety

24 Transfers Items 19 and 20 are in order and may be

25 transferred in toto.

1 CHAIRMAN: Chair is ready for a motion on
2 the Surety Transfers.

3 SISTER VIVIAN: Motion for approval.

4 CHAIRMAN: Motion for approval by Sister
5 Vivian.

6 DR. BOTHWELL: Second.

7 CHAIRMAN: Second by Dr. Bothwell. All in
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 -----

12 NEW BUSINESS

13 ITEM 21

14 Consider the retirement of Gary Adams, OMPC Associate
15 Director of Planning, effective August 1, 2004.

16 MR. NOFFSINGER: Mr. Chairman, Gary Adams
17 has been with the Planning Commission right at 30
18 years. He has served the Planning Commission well.
19 In talking with Gary, encouraged him to stay on just
20 for as long as he felt that he was being effective and
21 enjoyed what he was doing. He still is effective and
22 he is still enjoying what he's doing. Gary has been
23 with us quite a while. It's an opportunity for Gary
24 to retire and to enjoy his retirement. He assures me
25 that he will not be leaving town and at any time we

1 need we can get in touch with him.

2 Anyhow, that retirement will be effective
3 August 1, 2004. We will have a reception. We planned
4 a reception for him as well as Soni Brown on July 9th
5 from 4 to 6 at the Riverpark Center.

6 CHAIRMAN: Do we need to take a motion on
7 their retirement or just to announcement it?

8 MR. NOFFSINGER: We can just announce it.

9 ITEM 22

10 Consider the retirement of Soni Brown, OMPC Executive
11 Secretary, effective August 1, 2004.

12 MR. NOFFSINGER: Likewise, Soni has been
13 with the Planning Commission for close to 25 years.
14 She made an escape once about six, seven years ago and
15 retired and decided that she enjoyed what she was
16 doing, missed the Planning Commission and came back to
17 work for the Planning Commission. She's provided a
18 number of years of service. Her work is just
19 impeccable and she will be missed as well.

20 I might add that in search for replacement
21 for these two individuals, Planning Commission will
22 now be advertising or had been advertising for an
23 associate director of planning as well as a senior
24 planner and entry level planning position and will be
25 seeking two new people to fill two of those positions.

1 We do have one staff member that is staying on with us
2 that's very capable that will fill that third
3 position. If anyone has any planning degree, planning
4 interest, certainly hope to hear from them.

5 CHAIRMAN: I've had the pleasure of
6 working with Mr. Adams and Ms. Brown since I joined
7 the commission in April of 1997. Both of them have
8 been loyal and good employees of the Owensboro
9 Metropolitan Planning Commission. They will be solely
10 missed by all of us.

11 I'm sure Mr. Noffsinger will be in earnest
12 in searching for their replacement.

13 I thank Gary and Soni both for the years
14 of service and what they've done for the commission
15 and all of us.

16 ITEM 23

17 Consider revisions to Owensboro Metropolitan
18 Subdivision Regulations and to surety posting amounts.

19 MR. NOFFSINGER: Mr. Chairman, Planning
20 Staff, we have been working with the city and county
21 engineering staff as well as some folks within the
22 community. As result of the zoning ordinance
23 revisions recently, we felt the need to recommend
24 revisions to our subdivision regulations. Becky Stone
25 will give a brief report on what we are proposing to

1 do. We would like for the Planning Commission to
2 authorize the Staff to advertise for public hearing
3 and consideration for adoption of these amendments at
4 our June 10, 2004 meeting.

5 MS. STONE: I think you all have gotten a
6 package showing the proposed revisions to the
7 subdivision regulation. I'll just try to briefly go
8 through those revisions and hit the highlights of the
9 ones that are a significant change.

10 Section 1.6 Selling of Land Before
11 Approval is simply changing the language to be
12 consistent with KRS Section 100.2773. That language
13 changed back in 1988 and our subdivision regulations
14 had not been updated to reflect that.

15 That allows someone to agree to sell
16 property prior to the plat being completed and
17 approved by the Planning Commission. They can enter
18 into a contract to sell as long as that plat becomes
19 approved by the Planning Commission. Previously it
20 prohibited you from even entering into any kind of an
21 agreement to sell or transfer property.

22 The Minor Amendments to Major Subdivision,
23 one of the changes we're proposing to facilitate the
24 development process. We are proposing that minor
25 amendments to preliminary and final subdivision plats

1 be treated like minor amendments have been treated on
2 final development plans previously. It would give the
3 planning director the authority to sign those changes.
4 So we've established some criteria what those minor
5 amendments would consist of. They would be:

6 Should not increase the number of lots;

7 Should not change the location or cross
8 section of streets or street access on arterial or
9 collector streets;

10 Should not alter drainage ways, detention
11 basins or storm water drainage calculations.

12 That way a slight change could be made
13 without having to come back to the Planning Commission
14 and it would be facilitated in-house.

15 Then under the Preliminary Plat section we
16 just added language allowing for that provision.

17 Under Staff and Other Agency Review, we've
18 just included a process that we have followed for
19 years. Having the utility company sign the face of
20 the plat before it's submitted to us. It's not really
21 specified in the subregs so we've added language that
22 indicates that utility review has to occur before
23 submittal to the Planning Commission.

24 In Section 3.311, we've added a letter of
25 credit as an acceptable surety. We've been accepting

1 those letters of credit with Stewart Elliott's review
2 on those, but it's not specified in the subdivision
3 regulations.

4 On the Completion of Improvements, we've
5 edited this section to clarify that the public
6 improvement surety will be a two year bond to the
7 Planning Commission. Sidewalk surety will still be
8 three years as it is currently and the fire hydrant
9 and water mains will be a six month bond.

10 We've deleted the section regarding
11 forfeiture of surety. We would transfer the surety to
12 either the city or the county or the City of
13 Whitesville and they would go through whatever process
14 they go through for that forfeiture. This kind of
15 outlined what their process should be. We felt that
16 they have their own regulations. Once we transfer it
17 to them, then it should be up to them to follow
18 whatever process they are willing to following.

19 We have included language in the
20 application process to allow for minor amendments.

21 We've added a section in the Owner's
22 Certification to allow for authorized agents to sign
23 plats with the appropriate documentation recorded in
24 the Daviess County Courthouse.

25 We have also added sections to provide for

1 utilities, signatures on preliminary and on final
2 plats.

3 We've changed the lot depth indicated from
4 2 1/2 to 1 to 3 to 1. The Comprehensive Plan speaks
5 to 3 to 1 and that's what we have been using in our
6 process for review. So we wanted to make that
7 consistent with the Comprehensive Plan.

8 We have also changed the lot size to
9 reflect the three-quarter acre minimum as set in the
10 zoning ordinance and change the minimum lot size for
11 septic systems to three-quarters of an acre.

12 We have also added the section that would
13 allow the planning director to sign off on surety
14 releases or surety transfers as an administrative
15 action; provided that there aren't reason questions
16 that have arisen regarding the inspection or
17 certification on those public improvements.

18 That about covers it.

19 CHAIRMAN: Thank you, Ms. Stone, for your
20 concise overview.

21 Does anybody on the commission have any
22 questions?

23 MR. JAGOE: I just have one question with
24 the last that you talked about, Ms. Stone. Would the
25 planning director also be able to sign for a reduction

1 of a surety as well as the release if there's not any
2 questions?

3 MS. STONE: Our intent would be to handle
4 those sureties administratively whether they're being
5 reduced or transferred.

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

8 MR. NOFFSINGER: Mr. Chairman, before you
9 do that I'd just like to state that these proposed
10 revisions will be available on the OMPC's website at
11 iompc.org or you can obtain a copy by stopping by the
12 OMPC offices. We're located at 101 East Fourth Street
13 on the second floor if you would like to take a look
14 at these prior to the public hearing on June 10, 2004.

15 CHAIRMAN: Thank you, Mr. Noffsinger.

16 If there are no other comments or
17 questions, the chair is ready for a motion.

18 SISTER VIVIAN: Motion to adjourn.

19 CHAIRMAN: Wait a minute. Do we need to
20 approve this?

21 MR. NOFFSINGER: We just need
22 authorization to move forward. We're not adopting
23 them, but authorization to advertise for public
24 hearing.

25 CHAIRMAN: Let's go ahead and have a

1 motion.

2 SISTER VIVIAN: I so move.

3 CHAIRMAN: Sister Vivian motion for
4 approval to advertise for a public hearing.

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.

10 Sister Vivian, you want to go on with the

11 - -

12 SISTER VIVIAN: Motion for adjournment.

13 CHAIRMAN: We've got a motion for
14 adjournment.

15 DR. BOTHWELL: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: We are adjourned.

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