

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OWENSBORO METROPOLITAN PLANNING COMMISSION

OCTOBER 14, 2004

* * * * *

The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, October 14, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Gary Noffsinger
- Dave Appleby
- Jimmy Gilles
- Scott Jagoe
- Irvin Rogers
- Sister Vivian Bowles
- Judy Dixon
- Martin Hayden
- Stewart Elliott, Attorney

* * * * *

CHAIRMAN: I would like to welcome everybody to the October 14th meeting of the Owensboro Metropolitan Planning Commission.

Let us stand. Our invocation and pledge of allegiance will be given by Sister Vivian Bowles.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business will be to consider the minutes of the September 9, 2004 meeting. Are there any corrections, or additions, or questions?

1 (NO RESPONSE)

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

14 PRESENTATION OF FISCAL YEAR 2004 AUDIT
15 by Robert Kuphal.

16 MR. ELLIOTT: State your name for the
17 record, please.

18 MR. KUPHAL: My name is Robert Kuphal.

19 (MR. ROBERT KUPHAL SWORN BY ATTORNEY.)

20 MR. KUPHAL: Robert Kuphal. I'm a CPA and
21 I'm owner of Robert F. Kuphal, CPA, here in Owensboro.

22 We were engaged to audit the financial
23 statements of the Owensboro Metropolitan Planning
24 Commission as of and for the year end June 30, 2004.

25 We conducted our audit in accordance with

Ohio Valley Reporting
(270) 683-7383

1 the Auditing Standards generally accepted in the
2 United States of America and Governmental Auditing
3 Standards.

4 The objective of the audit was an
5 expression of an opinion as to whether the financial
6 statements are fairly presented and in conformity
7 which is general accepted and common principals.

8 We stated in our report that in our
9 opinion the financial statements presented fairly in
10 all materials respects the financial position of the
11 Owensboro Metropolitan Planning Commission and the
12 results of its operation and cash flows for the year
13 then ended in accordance with U.S. generally accepted
14 accounting principals.

15 A major change from last year's annual
16 report and audit was due to the implementation of
17 GASPE 34. The changes were as follows:

18 We presented comparative financial
19 statements, cash flow statements. There was
20 capitalizing of fixed assets instead of expensing in
21 departmental expenses.

22 Also appreciation was booked into
23 departmental expenses. Also there was a switch from
24 fund accounting to showing restrictive and
25 unrestrictive retained earnings in equity section of

1 the balance sheet.

2 Now, each one of you should have received
3 a copy of the audit report. I submit it for your
4 approval and I'll be glad to answer any questions.

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

7 (NO RESPONSE)

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

10 (NO RESPONSE)

11 CHAIRMAN: If there are no questions, the
12 Chair is ready for a motion.

13 MS. DIXON: Move to approve.

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

16 SISTER VIVIAN: Second.

17 CHAIRMAN: Second by Sister Vivian. All
18 in favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item, please.

22 Thank you very much.

23 -----

24 PUBLIC FACILITIES PLANS
25 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

1 ITEM 3

2 1501 West Second Street, Rear Alley
3 Land Disposition
4 Consider comments regarding the closing of
5 approximately 173 feet of a 10-foot wide alley
6 right-of-way running in an east/west direction
7 Referred by: City of Owensboro

8 MR. NOFFSINGER: Mr. Chairman, this plan
9 has been reviewed by the Planning Staff and
10 Engineering Staff. We find no conflict with the
11 adopted Comprehensive Plan and would recommend you
12 forward a letter to that affect to the City of
13 Owensboro.

14 CHAIRMAN: Are there any questions?

15 (NO RESPONSE)

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

18 MR. JAGOE: Move for approval.

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

21 MR. GILLES: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

Next item.

1 ZONING CHANGES - CITY

2 ITEM 4

3 1016 East Sixth Street, 521 Hathaway Street, Portion
4 of 525 & 529 Hathaway Street, Portion of 518, 522 &
5 526 Breckenridge Street (POSTPONED)

6 Consider zoning change: From B-4 General Business,
7 R-4DT Inner-City Residential to I-1 Light
8 Industrial

9 Applicant: James Gregory Wimsatt

10 MR. ELLIOTT: State your name for the
11 record, please.

12 MR. HOWARD: Brian Howard.

13 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

14 PLANNING STAFF RECOMMENDATIONS

15 Staff recommends approval because the
16 proposal is in compliance with the community's adopted
17 Comprehensive Plan. The findings of fact that support
18 this recommendation include the following:

19 Findings of Fact:

20 1. The subject property is located in a
21 Central Residential Plan Area, where light industrial
22 uses are appropriate in very-limited locations;

23 2. The subject property is immediately
24 adjacent to I-1 zoning to the north; and

25 3. The applicant's request is a logical
expansion of the I-1 Light Industrial zone that will
not significantly increase the extent of the zone in
the vicinity and will not overburden the capacity of

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

3 MR. HOWARD: We would like to enter the
4 Staff Report as Exhibit A.

5 CHAIRMAN: Is anybody representing the
6 applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody on the commission
9 have any questions?

10 (NO RESPONSE)

11 CHAIRMAN: Anybody in the audience have
12 any questions?

13 (NO RESPONSE)

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

16 MS. DIXON: Move for approval based upon
17 Findings of Fact 1, 2, and 3.

18 CHAIRMAN: Motion for approval by Ms.
19 Dixon

20 MR. ROGERS: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 Related Item:

2 ITEM 4A

3 506 Breckenridge Street (POSTPONED)
4 Consider approval of final development plan.
5 Applicant: James Gregory Wimsatt

6 MR. NOFFSINGER: Mr. Chairman, the
7 Planning Staff and Engineering Staff have reviewed
8 this application. It's found to be in order and it's
9 found to meet the minimum specifications of the zoning
10 ordinance. With that it's ready for your approval.

11 CHAIRMAN: Are there any questions from
12 the audience?

13 (NO RESPONSE)

14 CHAIRMAN: From the commission?

15 (NO RESPONSE)

16 CHAIRMAN: Chair is ready for a motion.

17 MR. ROGERS: Motion for approval.

18 CHAIRMAN: Motion for approval by Mr.

19 Rogers.

20 MR. JAGOE: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 ITEM 4B

2 506 Breckenridge Street, 525, 529 Hathaway Street
3 Consider approval of minor subdivision plat.

4 Applicant: James Gregory Wimsatt, Dorothy Harley

5 MR. NOFFSINGER: Mr. Chairman, Planning
6 Staff and Engineering Staff have reviewed this plat.

7 The plat is found to be in order, but it is an
8 exception to the adopted subdivision regulations in
9 that it involves a non-conforming lot or two
10 non-conforming lots. It moves the property lines in
11 such a manner that makes non-conformity on one lot a
12 little less, reduces it, but on the other one it
13 increases it. It's a plat that I could not sign, but
14 the Planning Staff is recommending that you consider
15 it favorably.

16 CHAIRMAN: Do we have anybody representing
17 the 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
26 a motion.

1 MS. DIXON: Move for approval.

2 CHAIRMAN: Motion for approval 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: Motion carries unanimously.

9 Next item, please.

10 ITEM 5

11 206 West 17th Street
12 Consider zoning change: From R-4DT Inner-City
13 Residential to P-1 Professional/Service
14 Applicant: The Junior League of Owensboro

14 PLANNING STAFF RECOMMENDATIONS

15 Staff recommends approval because the
16 proposal is in compliance with the community's adopted
17 Comprehensive Plan. The conditions and findings of
18 fact that support this recommendation include the
19 following:

20 Conditions:

21 1. Provide landscaping buffer for parking
22 area adjacent to residential zones; and,

23 2. Install sufficient parking according
24 to zoning standards.

25 Findings of Fact:

1 1. The subject property is located in a
2 Central Residential Plan Area, where
3 professional-service uses are appropriate in limited
4 locations;

5 2. The subject property adjoins existing
6 P-1 Professional/Service zoning to the west; and,

7 3. The applicant's request is a logical
8 expansion of existing professional/service use onto
9 contiguous land along the same street that will not
10 overburden the capacity of roadways and other
11 necessary urban services in the affected area.

12 MR. HOWARD: We would like to enter the
13 Staff Report as Exhibit B.

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

16 MR. ELLIOTT: State your name, please.

17 MS. TRUITT: My name is Allison Truitt.

18 (MS. ALLISON TRUITT SWORN BY ATTORNEY.)

19 MS. TRUITT: The question is that you
20 prefer that we have shrubbery, landscaping put in and
21 then parking, is that what I gathered out of the
22 report?

23 MR. HOWARD: What was your question again,
24 I'm sorry?

25 MS. TRUITT: So out of the report it was -

1 - your questioning that we need landscaping and more
2 parking?

3 MR. HOWARD: Right. You will have to
4 install landscaping and shrubbery along the property
5 that joins residential zoning and that the parking be
6 sufficient for the use. We've looked at the parking
7 based on the previous application that was done on the
8 same property in 1994, I believe. Based on the paved
9 area, I believe the parking can be obtained on site.

10 CHAIRMAN: Ms. Truitt, do you have any
11 other comments you'd like to make?

12 MS. TRUITT: No. Actually we're not real
13 sure what we're going to be doing with the facility so
14 we don't know or anticipate having a large number of
15 spaces needed at this point in time. Is there a way
16 that we could find out, know exactly how many parking
17 spaces that is needed because right now we have about
18 six to seven spaces available. How many more would be
19 needed?

20 MR. HOWARD: Based on what we've been
21 told, the required parking would be five spaces that's
22 utilized on the first floor of your building as office
23 and conference room area. Then I was told the second
24 floor at this point would be used for storage - -

25 MS. TRUITT: That's correct.

1 MR. HOWARD: - - of records and calendars
2 and whatever else. It would be five. Based on the
3 amount area you have set out, you could fit five on
4 it.

5 MS. TRUITT: Thank you.

6 CHAIRMAN: Are there any questions from
7 anyone else in the audience?

8 (NO RESPONSE)

9 CHAIRMAN: Does anybody on the commission
10 have a question?

11 (NO RESPONSE)

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

14 MS. DIXON: Move to approve subject to
15 Conditions 1 and 2 and based upon Findings of Fact 1,
16 2 and 3.

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

19 MR. JAGOE: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25

1 ZONING CHANGES - COUNTY

2 ITEM 6

3 3201 Alvey Park Drive West
4 Consider zoning change: From I-1 Light Industrial
5 to B-4 General Business
6 Applicant: Daniel Caslin

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the
8 proposal is in compliance with the community's adopted
9 Comprehensive Plan. The condition and findings of
10 fact that support this recommendation include the
11 following:

12 Condition:

13 Install curb and gutter along property
14 frontage or post surety prior to issuance of a
15 building permit.

16 Findings of Fact:

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

20 2. A number of properties have been
21 rezoned to B-4 in the affected area along the same
22 street; and,

23 3. The applicant's request is a logical
24 expansion of existing B-4 commercial zoning along
25 Alvey Park Drive that will not significantly increase

1 the extent of the zone in the vicinity and will not
2 overburden the capacity of roadways and other
3 necessary urban services available in the affected
4 area.

5 MR. HOWARD: We would like to enter the
6 Staff Report as Exhibit C.

7 CHAIRMAN: Do we have somebody
8 representing the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Do we have any questions from
11 anybody in the audience?

12 (NO RESPONSE)

13 CHAIRMAN: Have any questions from anybody
14 on the commission?

15 (NO RESPONSE)

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

18 MR. HAYDEN: I make a motion for approval
19 with Staff Recommendation and Findings of Fact 1, 2
20 and 3.

21 CHAIRMAN: Motion for approval by Mr.
22 Hayden.

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 carried unanimously.

3 Next item, please.

4 ITEM 7

5 Portion 1600 River Road
6 Consider zoning change: From I-2 Heavy Industrial
7 to I-1 Light Industrial
8 Applicant: Marnic, LLC

9 PLANNING STAFF RECOMMENDATIONS

10 Staff recommends approval because the
11 proposal is in compliance with the community's adopted
12 Comprehensive Plan. The condition and findings of
13 fact that support this recommendation include the
14 following:

15 Condition:

16 Record subdivision plat for the property
17 consolidation.

18 Findings of Fact:

19 1. The subject property is located in an
20 Industrial Plan Area, where light industrial uses are
21 appropriate in general locations;

22 2. The applicant proposes to consolidate
23 the subject property to adjacent property to the north
24 that is currently zoned I-1 Light Industrial; and,

25 3. The applicant's request is a logical
expansion of existing light industrial use onto

1 contiguous land that will not significantly increase
2 the extent of light industrial use in the vicinity and
3 will not overburden the capacity of roadways and other
4 necessary urban services that are available in the
5 affected area.

6 MR. HOWARD: We would like to enter the
7 Staff Report as Exhibit D.

8 CHAIRMAN: Do we have anybody here
9 representing the applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: Do we have any questions of the
12 applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Any questions from the audience
15 or from the commission?

16 (NO RESPONSE)

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

19 SISTER VIVIAN: Motion for approval based
20 on one condition and Findings of Fact 1 through 3.

21 CHAIRMAN: Motion for approval by Sister
22 Vivian.

23 MS. DIXON: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 8

5 Portion 1646 River Road
6 Consider zoning change: From I-1 Light Industrial
7 to I-2 Heavy Industrial
8 Applicant: Miles Construction Managers, Inc.

9 PLANNING STAFF RECOMMENDATIONS

10 Staff recommends approval because the
11 proposal is in compliance with the community's adopted
12 Comprehensive Plan. The condition and findings of
13 fact that support this recommendation include the
14 following:

15 Condition:

16 Record subdivision plat for the property
17 consolidation.

18 Findings of Fact:

19 1. The subject property is located in an
20 Industrial Plan Area, where heavy industrial uses are
21 appropriate in limited locations;

22 2. The applicant proposes to consolidate
23 the subject property to adjacent property to the south
24 that is currently zoned I-2 Heavy Industrial; and,

25 3. The applicant's request is a logical
expansion of existing heavy industrial zone and use

1 onto contiguous land that will not significantly
2 increase the extent of heavy industrial use located in
3 the vicinity and will not overburden the capacity of
4 roadways and other necessary urban services that are
5 available in the affected area.

6 MR. HOWARD: We would like to enter the
7 Staff Report as Exhibit E.

8 CHAIRMAN: Do we have anybody representing
9 the applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: Do we have any questions of the
12 applicant?

13 (NO RESPONSE)

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

16 MR. ROGERS: Motion for approval based on
17 Planning Staff Recommendations and with one Condition
18 and Findings of Facts 1 through 3.

19 CHAIRMAN: We've got a motion for approval
20 by Mr. Rogers.

21 MR. JAGOE: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1 Next item, please.

2 ITEM 9

3 9838 US 231

4 Consider zoning change: From EX-1 Coal Mining to
5 A-R Rural Agriculture

6 Applicant: Donald T. Taylor

7 PLANNING STAFF RECOMMENDATIONS

8 Staff recommends approval because the
9 proposal is in compliance with the community's adopted
10 Comprehensive Plan. The findings of fact that support
11 this recommendation include the following:

12 Findings of Fact:

13 1. The subject property is located in a
14 Rural Maintenance Plan Area, where agricultural uses
15 are appropriate in general locations;

16 2. The subject property is currently
17 being used for agricultural purposes as cropland;

18 3. Mining activities on the subject
19 property have ceased; and,

20 4. The Owensboro Metropolitan Zoning
21 Ordinance Article 12a.31 requires that property shall
22 revert to its original zoning classification after
23 mining.

24 MR. HOWARD: We would like to enter the
25 Staff Report as Exhibit F.

 CHAIRMAN: Do we have somebody here

1 representing the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Do we have any questions from
4 the audience or from the commission?

5 (NO RESPONSE)

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

8 MS. DIXON: Move for approval based upon
9 Findings of 1, 2, 3, and 4.

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

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 Next item, please.

18 -----

19 COMBINED DEVELOPMENT PLANS
20 MAJOR SUBDIVISIONS

21 ITEM 10

22 Olde Stone on Griffith Avenue, 1.806 acres
23 Consider approval of combined final development
24 plan/major subdivision preliminary plat
25 Applicant: Jagoe Homes, Inc.; Kentucky Wesleyan
College

MR. NOFFSINGER: Mr. Chairman, Planning

1 Staff and Engineering Staff has reviewed this
2 application. It's found to be in order. It's found
3 to meet the minimum requirements of the zoning
4 ordinance and subdivision regulations. It's found to
5 be consistent with the adopted Comprehensive Plan
6 which recommends a residential use for the subject
7 property.

8 The development that's proposed will
9 include seven lots with a home on each of the seven
10 lots. The gross residential area would be 3.87
11 dwelling units per acre. With that it's ready for
12 your consideration.

13 MR. JAGOE: Mr. Chairman, I need to remove
14 myself on this.

15 CHAIRMAN: The record will so record.

16 (MR. SCOTT JAGOE LEAVES ROOM AT THIS
17 TIME.)

18 CHAIRMAN: Do we have anybody here
19 representing the applicant?

20 MR. JAGOE: Yes.

21 CHAIRMAN: Do we have any questions of the
22 applicant?

23 MR. PAYNE: Yes.

24 CHAIRMAN: Step to the podium, please.

25 MR. ELLIOTT: State your name, please.

1 MR. PAYNE: Tom Payne.

2 (MR. TOM PAYNE SWORN BY ATTORNEY.)

3 MR. PAYNE: This is my wife.

4 (MRS. PAYNE SWORN BY ATTORNEY.)

5 MR. PAYNE: I just wonder if you had a
6 plat available.

7 CHAIRMAN: Mr. Payne, do you have any
8 questions?

9 MR. PAYNE: I haven't had time to really
10 formulate them. I just want to know what's going on.
11 We live across the street. I wanted to know what the
12 story is.

13 MRS. PAYNE: We're concerned about the
14 volume of housing going into the area, in that small
15 little area. We've tried in the past to find out what
16 was going on. We haven't seen any other notices in
17 the paper.

18 CHAIRMAN: We have two parties
19 representing the applicant. If you would state, if
20 you've got some other questions, if you'd state your
21 questions we'll bring the applicant to the podium and
22 then they'll answer them in that order. One is the
23 density. What's your second question?

24 MRS. PAYNE: The amount of construction
25 that will be going on at one time, if this should

1 pass, and the amount of people that will be involved
2 once it is passed, which I'm assuming it probably will
3 be. How many people will be living there; therefore,
4 how much more traffic will increase. Those are our
5 basic concerns.

6 CHAIRMAN: Let me ask you all to sit down
7 and we'll bring one of the representatives of the
8 project to the podium.

9 MR. ELLIOTT: State your name for the
10 record, please.

11 MR. JAGOE: My name is Bill Jagoe.

12 (MR. BILL JAGOE SWORN BY ATTORNEY.)

13 MR. JAGOE: To answer the first question,
14 there are seven homes here. To guess how many people
15 will live in each home I don't know. The community's
16 develop is more of an empty nester type product. The
17 homes will have three to four bedrooms. We ask the
18 plat be approved because it does meet all the
19 requirements.

20 Construction time, that would depend on
21 actually sales so I can't promise anything. Whether
22 all the homes will be built at once or will be built
23 through a period of time

24 CHAIRMAN: So, Mr. Jagoe, it is correct to
25 assume that each home will be individually sold and

1 you're not just going to build-up the whole area at
2 one time, correct?

3 MR. JAGOE: That is correct.

4 CHAIRMAN: The third question they had was
5 about the traffic situation.

6 MR. JAGOE: Well, I can't necessarily give
7 you how many traffic will come out of there. I'm not
8 sure what figures you all use for this type of
9 development, how many trips per day.

10 CHAIRMAN: Mr. Jagoe, I think we have a
11 staff member that could address that question, if you
12 would not mind yielding to him at this time.

13 MR. HOWARD: Based on the Institute of
14 Transportation Engineers Trip Generation Handbook,
15 generally a single-family residence will average
16 around ten trips per day. So for the seven lots you
17 would be looking at approximately 70 new trips per day
18 with this development, which would not be a
19 significant increase compared to the existing traffic
20 on the roadway.

21 CHAIRMAN: Thank you.

22 Would you like to return to the podium?

23 MR. PAYNE: Do we know what the existing
24 traffic is?

25 MR. HOWARD: We don't have those numbers

1 with us this evening. That's something that we could
2 probably gather, but I didn't bring that with me.

3 MR. PAYNE: You're going on a general
4 hunch that it's not a significant addition.

5 MR. HOWARD: Well, you're looking at 70
6 new trips a day on even a road that has 10,000
7 trips. Seventy in relation is - -

8 MR. PAYNE: So you're assuming around
9 10,000?

10 MR. HOWARD: I'm using 10,000 as a general
11 number.

12 MR. PAYNE: I don't know. I just
13 wondered.

14 MR. HOWARD: I'm not sure either. Seventy
15 trip a days in the overall scheme of things is not a
16 significant number. If we were looking at a 200 lot
17 subdivision that would be a lot. This is just 70.

18 MR. PAYNE: Just curious.

19 CHAIRMAN: Yes, ma'am.

20 MRS. PAYNE: Are these going to be
21 separate dwellings or are they going to be connecting
22 dwellings?

23 MR. ELLIOTT: State your name.

24 MR. KAMUF: Charles Kamuf.

25 (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

1 MR. KAMUF: They will be seven individual
2 lots with parking to the rear. There will be seven
3 parking spaces which are not adjoined to the property
4 which will be on the side. All of this will be
5 directed, as you can see, through the - - you all have
6 the plat in front of you. As you can see the parking,
7 the driveway will come in from Bittle Road. To the
8 west of the property will be seven parking places and
9 there will be four parking places behind each
10 individual lot. I have the plat. You know I'll
11 probably always have some exhibit here. I have a plat
12 showing the parking and showing the street, if you'd
13 like to see it.

14 CHAIRMAN: Thank you, Mr. Kamuf.

15 MR. KAMUF: I'll give a copy of this to
16 the court reporter.

17 As you can see, according to those pass
18 outs that you have, there will be parking to the west
19 of the property. There will be seven parking
20 spaces. You can see the driveway. There will be
21 seven parking places to the west. That will be
22 screened. The other property is not necessary under
23 the R-1A residential. There will not be any other
24 screening or landscaping required. We intend to use
25 whatever landscaping that is there at the present time

1 as far as trees. We can't guarantee you exactly how
2 many will have to be removed.

3 Does that help you just a little bit?

4 MRS. PAYNE: Do the screening again.

5 MR. KAMUF: The screening. As you can see
6 on the little plat that I've just given you, and I
7 would like to file a copy of that in the record.

8 In other words, there will be seven
9 parking places in the middle. If you see in the
10 middle of the Old Stone area, and then to the rear of
11 each parking, each individual lot we have parking for
12 four individual cars. So there will be a total
13 parking area of 35 cars in this unit development.

14 CHAIRMAN: Mr. Kamuf, I think we have one
15 more question.

16 MRS. PAYNE: It would appear that includes
17 the garages?

18 MR. KAMUF: That's correct, yes, ma'am.
19 There will be two to the garage and two to the rear
20 and then there will be seven - -

21 MRS. PAYNE: These are guest parking
22 spaces?

23 MR. KAMUF: Yes, ma'am.

24 MRS. PAYNE: So they're not outside
25 parking places. They'll put their cars in the garage.

1 Not really parking places.

2 MR. KAMUF: That's right. Two in the
3 garage, two outside, and seven unrestricted.

4 MRS. PAYNE: How large will each - - do
5 you have a plat as to how large each lot will be?

6 MR. KAMUF: If you have a copy of the plat
7 in front of you, ma'am, each lot, the lots front on
8 Griffith Avenue. There will be one 66 foot lot, 55
9 foot lot, and the rest are 55, and another 154. Along
10 the other street they're designated on that plat.

11 CHAIRMAN: Does anybody else in the
12 audience have a question?

13 (NO RESPONSE)

14 CHAIRMAN: Mr. and Mrs. Payne, are you all
15 finished with your questions?

16 MR. PAYNE: I'm sure there will be more.
17 I'm just interested, you know. Thank you very much.
18 I appreciate it.

19 CHAIRMAN: Glad to have you. That's what
20 the meeting is about.

21 Does anybody on the commission have any
22 questions?

23 (NO RESPONSE)

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

1 MR. APPLEBY: I make a motion for approval
2 as the plan is in compliance with all zoning
3 regulations.

4 MR. HAYDEN: Second.

5 CHAIRMAN: We've got a motion for approval
6 by Mr. Appleby. We've got a second by Mr. Hayden.
7 All in favor raise your right hand.

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

10 CHAIRMAN: Motion carries unanimously.

11 Next item.

12

13

MAJOR SUBDIVISIONS

14

ITEM 11

15 Hunters Ridge, 7.383 acres
16 Consider approval of major subdivision preliminary
17 plat.
Applicant: Hunters Ridge Development, Inc.

17

18

19

20

21

22

23

24

25

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff and
Engineering Staff. It's found to be in order. It's
found to meet the minimum requirements of the adopted
subdivision regulations and zoning ordinance,
consistent with the adopted Comprehensive Plan. Is
ready for consideration.

CHAIRMAN: Is anybody here representing

1 the applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Do we have any questions of the
4 applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Anybody from the commission
7 have a question of the applicant?

8 (NO RESPONSE)

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

11 MR. APPLEBY: Motion for approval.

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

14 MR. GILLES: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 12

21 Summer Wind of Heartland, 4.653 acres
22 Consider approval of major subdivision final plat.
23 Applicant: Jagoe Development, LLC
24 Surety (Certificate of Deposit) Posted: \$23,578.80

25 MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff and

1 Engineering Staff. It's found to be in order. It's
2 found to meet the minimum requirements of the adopted
3 subdivision regulations and zoning ordinance and
4 consistent with the adopted Comprehensive Plan.

5 CHAIRMAN: Do we have anybody representing
6 the applicant?

7 APPLICANT REP: Yes.

8 CHAIRMAN: Do we have any questions of the
9 applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Any questions from the
12 commission?

13 (NO RESPONSE)

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

16 MR. APPLEBY: Motion for approval.

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

19 MR. GILLES: Second.

20 CHAIRMAN: Second by Mr. Gilles. All in
21 favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 (MR. JAGOE JOINS MEETING ONCE AGAIN AT

1 THIS TIME.)

2 ITEM 13

3 Hialeah Park of Lakeside of the Downs, 17.790 acres
4 Consider approval of major subdivision final plat.

5 Applicant: Thompson Homes, Inc.

6 Surety (Letter of Credit) Posted \$93,050.68

7 MR. NOFFSINGER: Mr. Chairman, this plat
8 has been reviewed by the Planning Staff and
9 Engineering Staff. It's found to meet the minimum
10 requirements of the adopted subdivision regulations
11 and the zoning ordinance and is consistent with the
12 adopted Comprehensive Plan.

13 CHAIRMAN: Do we have anybody here
14 representing the applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Do we have any questions of the
17 applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Anybody on the commission have
20 any questions?

21 (NO RESPONSE)

22 CHAIRMAN: The Chair is ready for a
23 motion.

24 MS. DIXON: Move to approve.

25 CHAIRMAN: Motion for approval by Ms.
Dixon.

1 MR. ROGERS: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 -----

8 MINOR SUBDIVISIONS

9 ITEM 14

10 5200 - 5300 Blks Frederica Street
11 Consider approval of minor subdivision plat.
12 Applicant: Patrick L. & Lucille K. Fulkerson, Charles
13 E. & Mary C. Fulkerson

13 MR. NOFFSINGER: Mr. Chairman, this is a
14 plat to dedicate right-of-way for a portion of the
15 Martin Luther King West Loop that is currently being
16 designed and soon to be under construction by the City
17 of Owensboro and the State of Kentucky. It's a plat
18 that did not meet the minimum requirements of the
19 subdivision regulations; however, it is for
20 right-of-way and we would recommend you give it a
21 favorable approval.

22 CHAIRMAN: Anybody representing the
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Does anybody in the audience

1 have a questions 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 MS. DIXON: Move to approve.

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

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 15

18 3374 Pleasant Valley Road
19 Consider approval of minor subdivision plat.
20 Applicant: Victoria L. Mills

21 MR. NOFFSINGER: Mr. Chairman, the
22 Planning Staff and Engineering Staff has reviewed this
23 application. It comes to you as an exception to the
24 subdivision regulations in that the two properties
25 being created do not meet the three to one depth to
width ratio. One of the properties is slightly over

1 that ratio. However, the two tracts of land that are
2 being created are over 10 acres in size and would
3 generally qualify under an agricultural division;
4 however, the frontage of this property is zoned
5 residential and therefore it was a plat that I could
6 not sign because the entire partial had to be zoned
7 agricultural for the agricultural exemption, but
8 because of the nature of these tracts, the size, and
9 the characteristics Staff would recommend that you
10 give it a favorable approval.

11 CHAIRMAN: Do we have somebody
12 representing the applicant?

13 APPLICANT REP: Yes.

14 CHAIRMAN: Do we have any questions of
15 the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Does anybody on the commission
18 have any questions?

19 (NO RESPONSE)

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

22 MR. APPLEBY: Motion for approval.

23 CHAIRMAN: Motion for approval by Mr.
24 Appleby.

25 MR. JAGOE: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Is there any new business or old business?

6 (NO RESPONSE)

7 CHAIRMAN: The Chair is ready for one
8 final motion.

9 MS. DIXON: Move to adjourn.

10 CHAIRMAN: Motion for adjournment by Ms.
11 Dixon.

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: We are adjourned.

17 -----

18

19

20

21

22

23

24

25

1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for
4 the State of Kentucky at Large, do hereby certify that
5 the foregoing Owensboro Metropolitan Planning & Zoning
6 meeting was held at the time and place as stated in
7 the caption to the foregoing proceedings; that each
8 person commenting on issues under discussion were duly
9 sworn before testifying; that the Board members
10 present were as stated in the caption; that said
11 proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 37 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 1st day of November, 2004.

18
19 _____
20 LYNNETTE KOLLER, NOTARY PUBLIC
21 OHIO VALLEY REPORTING SERVICE
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2006

24 COUNTY OF RESIDENCE:
25 DAVIESS COUNTY, KENTUCKY