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OWENSBORO METROPOLITAN PLANNING COMMISSION

SEPTEMBER 8, 2005

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, September 8, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Gary Noffsinger
- Dave Appleby
- Scott Jagoe
- Sister Vivian Bowles
- Judy Dixon
- Dr. Bothwell
- Martin Hayden
- Madison Silvert
- Co-Counsel
- Stewart Elliott,
- Attorney

* * * * *

CHAIRMAN: I would like to welcome everybody to the September 8, 2005 meeting of the Owensboro Metropolitan Planning Commission.

Let's rise. Our invocation will be given by Mr. Martin Hayden.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first item of business is going to be to consider the minutes of the August 11, 2005 meeting. Are there any additions, corrections or questions?

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 SISTER VIVIAN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Our next item is consider Madison Silvert
13 as the OMPC co-legal counsel. Are there any questions
14 from the audience?

15 (NO RESPONSE)

16 CHAIRMAN: Any questions from the
17 commission?

18 (NO RESPONSE)

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

21 DR. BOTHWELL: Motion to approve.

22 CHAIRMAN: Motion for approval by Dr.
23 Bothwell.

24 MS. DIXON: Second.

25 CHAIRMAN: Second by Ms. Dixon. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 ITEM 2

5 PRESENTATION OF FISCAL YEAR 2005 AUDIT
6 by Robert Kuphal

7 MR. ELLIOTT: State your name, please.

8 MR. KUPHAL: My name is Robert Kuphal.

9 (MR. ROBERT KUPHAL SWORN BY ATTORNEY.)

10 MR. KUPHAL: My name is Robert Kuphal.

11 I'm a CPA and owner of Robert F. Kuphal, CPA here in
12 Owensboro.

13 I was engaged to audit the financial
14 statements of the Owensboro Metropolitan Planning
15 Commission for the year ended June 30, 2004 and 2005.

16 I conducted my audit in accordance with
17 the US generally accepted auditing standards and the
18 standards applicable to financial audits contained in
19 government auditing standards issued by the
20 comptroller general of the United States.

21 My audit was conducted for the purpose of
22 forming an opinion on the basic financial statements
23 taken as a whole.

24 I stated in my report that in my opinion
25 the financial statements referred to above present

1 fairly and all materials represents the financial
2 position of the Owensboro Metropolitan Planning
3 Commission as of June 30, 2005, and the results of its
4 operations and cash flows for the year ended in
5 accordance with US generally accepted accounting
6 principals.

7 Each of you should have received a copy of
8 the audit report. I submit it for your approval and
9 I'll be glad to answer any questions.

10 CHAIRMAN: Does anybody on the commission
11 have any questions?

12 (NO RESPONSE)

13 CHAIRMAN: Anybody in the audience?

14 (NO RESPONSE)

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

17 MS. DIXON: Move to approve.

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

20 MR. HAYDEN: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Thank you very much.

1 Mr. Noffsinger.

2 -----

3 COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

4 ITEM 4

5 The Downs, Lots 177-193, 10.412 acres
6 Consider approval of amended major subdivision
7 preliminary plat/final development plan.
8 Applicant: Thompson Homes, Inc.

9 MR. NOFFSINGER: Mr. Chairman, this plan
10 has been reviewed by the Planning Staff. It's found
11 to be in order. It's found to be consistent with the
12 adopted Comprehensive Plan as well as meet the
13 requirements of the zoning ordinance and subdivision
14 regulations and is ready for consideration.

15 CHAIRMAN: Is anybody here representing
16 the applicant?

17 APPLICANT REP: Yes.

18 CHAIRMAN: Does anybody have any questions
19 from the commission or the audience?

20 (NO RESPONSE)

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

23 MR. APPLEBY: Motion for approval.

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

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 Next item, please.

6 ITEM 5

7 Earl Hayden, 1.825 acres
8 Consider approval of major subdivision preliminary
9 plat/final development plan.
10 Applicant: Earl Hayden

11 MR. NOFFSINGER: Mr. Chairman, Planning
12 Staff has reviewed this application. We find it to be
13 consistent with the adopted Comprehensive Plan, as
14 well as the adopted zoning ordinance and subdivision
15 regulations.

16 CHAIRMAN: Is anybody here representing
17 the applicant?

18 APPLICANT REP: Yes.

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

21 (NO RESPONSE)

22 CHAIRMAN: Anybody on the commission have
23 a question?

24 (NO RESPONSE)

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

1 MS. DIXON: Move to approve.

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

4 MR. JAGOE: Second.

5 CHAIRMAN: Second by Mr. Jagoe. 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 6

11 Garden Grace, 3.00 acres
12 Consider approval of major subdivision preliminary
13 plat/final development plan.
14 Applicant: Wabuck Development, Garden Grace, Ltd.

15 MR. NOFFSINGER: Mr. Chairman, the
16 Planning Staff has reviewed this application. We find
17 the application to be in order, to be consistent with
18 the adopted Comprehensive Plan, the adopted zoning
19 ordinance and subdivision regulations.

20 CHAIRMAN: Is anybody here representing
21 the applicant?

22 APPLICANT REP: Yes.

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

25 (NO RESPONSE)

CHAIRMAN: Anybody on the commission have

1 any questions?

2 (NO RESPONSE)

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

5 MS. DIXON: Move to approve.

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

8 SISTER VIVIAN: Second.

9 CHAIRMAN: Second by Sister Vivian. All
10 in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 7

15 Woodlands Plaza, Section 2, 6.547 acres
16 Consider approval of major subdivision preliminary
17 plat/final development plan
Applicant: Woodlands Investment, LLC

18 MR. NOFFSINGER: Mr. Chairman, this plat
19 is found to be in order, found to be consistent with
20 the adopted Comprehensive Plan, with our adopted
21 zoning ordinance and subdivision regulations.

22 CHAIRMAN: Is anybody here representing
23 the applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Does anybody have any questions

1 of the applicant?

2 (NO RESPONSE)

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

5 SISTER VIVIAN: Move for approval.

6 CHAIRMAN: Motion for approval by Sister
7 Vivian.

8 MR. APPLEBY: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

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15 MAJOR SUBDIVISIONS

16 ITEM 8

17 Cross Creek. Lots 26-51, 68-75, 9.931 acres
18 Consider approval of amended major subdivision
19 preliminary plat.
20 Applicant: Pedley Developers, LLC

21 MR. NOFFSINGER: Mr. Chairman, this plat
22 has been reviewed by the Planning Staff. It's found
23 to be in order. It's found to be consistent with the
24 adopted Comprehensive Plan, zoning ordinance and
25 subdivision regulations.

CHAIRMAN: Anybody here representing the

1 applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Does anybody have any questions
4 of the applicant?

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 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 9

18 200, 210 Stewart Court, 0.633 acres
19 Consider approval of major subdivision final plat.
20 Surety (Letter of Credit) posted: \$9,899.20
Applicant: Jeff Danhauer

21 MR. NOFFSINGER: Mr. Chairman, Planning
22 Staff has reviewed this application. The land use is
23 consistent with the adopted Comprehensive Plan and the
24 plat meets with the adopted zoning ordinance and
25 subdivision regulations.

1 CHAIRMAN: Is anybody representing the
2 applicant?

3 APPLICANT REP: Yes.

4 CHAIRMAN: Does anybody have any questions
5 of the applicant?

6 (NO RESPONSE)

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

9 MS. DIXON: Move to approve.

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

12 MR. APPLEBY: Second.

13 CHAIRMAN: Second by Mr. Appleby. 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 ITEM 10

19 Tangelwood Park, Lot 11, 0.657 acres
20 Consider approval of amended major subdivision
21 preliminary plat.
Applicant: Pagan Enterprises, Inc.

22 MR. NOFFSINGER: Mr. Chairman, Planning
23 Staff has reviewed this application. It's found to be
24 in order.

25 The preliminary plat was approved by this

1 commission a little over two years ago. During the
2 review of the preliminary plat, the Planning Staff
3 requested a notation or a reservation of about 80 feet
4 of right-of-way along through this development for the
5 future construction of the outer boulevard.

6 The outer boulevard has been in the
7 transportation plan for somewhere between 25 and 30
8 years and the Planning Staff in their review was
9 looking to implement that transportation plan.

10 The Planning Commission approved the plat
11 with a notation recognizing that reservation strip and
12 realizing, based upon KRS 100, which is the planning
13 enabling legislation, that we could only hold the
14 developer to reserving this strip for a period of two
15 years.

16 Well, that two years is now up and there
17 has not been any move toward the acquisition of this
18 land area for the construction of the outer boulevard.
19 There's an adjoining development, Steeple Chase
20 Development that also has a reservation strip through
21 it and there's been no move toward the state or local
22 government attempting to acquire that property for the
23 outer boulevard.

24 The developer now wishes to amend the
25 plans to take that notation off regarding the

1 reservation strip and to develop two lots within this
2 80 foot right-of-way for residential home
3 construction. We have made state and local officials
4 aware of what has taken place. Again, there's been no
5 attempt to acquire the property.

6 With this the Planning Staff would
7 recommend that you approve this development in lieu of
8 the developer has fulfilled the requirement of KRS 100
9 and that the two year time period has lapsed and feel
10 that we should no longer hold the developer
11 responsible if the developer does not wish to continue
12 that reservation.

13 CHAIRMAN: Is anybody here representing
14 the applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Does anybody have any questions
17 of the applicant?

18 (NO RESPONSE)

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

21 MR. APPLEBY: Motion for approval.

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

24 MR. JAGOE: Second.

25 CHAIRMAN: Second by Mr. Jagoe. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 ITEM 11

6 4754, 4760, 4766 Water Wheel Way, 0.657 acres
7 Consider approval of major subdivision final plat.
8 Surety previously posted.
9 Applicant: Melvin Pagan

10 MR. NOFFSINGER: Mr. Chairman, this
11 application has been reviewed by the Planning Staff.
12 It's found to be consistent with the adopted
13 Comprehensive Plan, zoning ordinance and subdivision
14 regulations, and it's related to the item I just
15 previously introduced and discussed so I will not say
16 anything further except that the action in Item 10
17 should result in a favorable action by this commission
18 on this item.

19 CHAIRMAN: With that in mind does the
20 commission have any questions?

21 (NO RESPONSE)

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

24 MS. DIXON: Move to approve.

25 CHAIRMAN: Motion for approval by Ms.
Dixon.

1 MR. APPLEBY: Second.

2 CHAIRMAN: Second by Mr. Appleby. 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 MINOR SUBDIVISIONS

8 ITEM 12

9 2901 Bittel Road, 13.328 acres
10 Consider approval of minor subdivision plat.
11 Applicant: Board of Education of the Owensboro
Independent School District

12 MR. NOFFSINGER: Mr. Chairman, this plan
13 has been reviewed by the Planning Staff. It's found
14 to be in order. Consistent with the adopted
15 Comprehensive Plan, and zoning ordinance, and
16 subdivision regulations. It is for the dedication to
17 the City of Owensboro for the portion of the Greenbelt
18 Trail.

19 CHAIRMAN: Is anybody representing the
20 applicant?

21 APPLICANT REP: Yes.

22 CHAIRMAN: Does anybody have any questions
23 of the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair is ready for a

1 motion.

2 MR. APPLEBY: Motion for approval.

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, please.

11 ITEM 13

12 3031 Bittel Road, 10.000 acres
13 Consider approval of minor subdivision plat.
14 Applicant: Good Shepherd Church, Inc.

15 MR. NOFFSINGER: Mr. Chairman, the
16 Planning Staff has reviewed this application. It's
17 found to be in order and consistent with the adopted
18 Comprehensive Plan. It too is for the dedication of a
19 portion of their property for the Greenbelt Trail
20 system and we would recommend its approval.

21 CHAIRMAN: Anybody here representing the
22 applicant?

23 APPLICANT REP: No.

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

(NO RESPONSE)

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

3 MS. DIXON: Move for approval.

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

6 MR. HAYDEN: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

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NEW BUSINESS

13
14 ITEM 14

15 Adopt work schedule for the 2006 Comprehensive Plan
16 update.

17 MR. NOFFSINGER: Mr. Chairman, it's now
18 time for the Planning Commission to begin the update
19 of our Comprehensive Plan for Owensboro, Daviess
20 County and Whitesville.

21 Mrs. Becky Stone is here to give a brief
22 description of the work schedule that she has prepared
23 for your consideration and hopefully for adoption.
24 It's a work schedule that will keep the Planning
25 Commission busy. It's a work schedule that will

1 inform the public, include the public in terms of
2 updating our Comprehensive Plan as well as the elected
3 officials within our community. I can tell you I'm
4 certainly excited about moving forward in the update
5 to the plan, as I know the staff is as well. Becky
6 Stone will be taking lead on the Comprehensive Plan
7 update. So with that I'll turn it over to her and see
8 what she has in store for us.

9 MR. ELLIOTT: State your name, please.

10 MS. STONE: Becky Stone.

11 (MS. BECKY STONE SWORN BY ATTORNEY.)

12 MS. STONE: Included in your packet this
13 month is just an exhibit that shows our proposal to
14 work through the elements of the Comprehensive Plan
15 for final adoption.

16 The areas that are shaded it gives about a
17 two month period for us to schedule meetings with
18 public, city and county officials, as well as various
19 agencies throughout the community in order to update
20 elements of the plan.

21 I've noted on the sheet those agencies
22 that the Staff would likely meet with and garner that
23 information and bring back to the Owensboro
24 Metropolitan Planning Commission, the information, and
25 the additions, and the revisions to the plan.

1 There's also noted areas for OMPC
2 involvement. Those include public meetings with
3 citizens as well as work sessions with elected
4 officials.

5 We're planning to have about six citizen
6 meetings at various locations in the area with the
7 adoption of this work schedule. We'll start on
8 scheduling those meetings and those spots. That's
9 going to be our initial movement toward updating this
10 plan. Then from there we'll go into various work
11 sessions on goals and objectives and land use elements
12 of the plan with the Planning Commission.

13 So if anybody has any question, it's
14 pretty well laid out. We built in a little bit of
15 flexibility on scheduling for a couple of months in
16 case something doesn't work out quite right, but we
17 want to keep on a pretty tight schedule with September
18 being the start date and hopefully final adoption in
19 November of 2006.

20 CHAIRMAN: Does anybody have any
21 questions?

22 (NO RESPONSE)

23 CHAIRMAN: Anybody in the audience have
24 any questions?

25 (NO RESPONSE)

1 CHAIRMAN: Thank you, Ms. Stone.
2 With that the chair is ready for one final
3 motion.

4 DR. BOTHWELL: Motion to adjourn.

5 CHAIRMAN: Motion to adjourn by Dr.
6 Bothwell.

7 MR. HAYDEN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: We are 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 20 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 5th day of October, 2005

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25