

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 10, 2007

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:30 p.m. on Thursday, May  
5 10, 2007, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

- 8 MEMBERS PRESENT: Drew Kirkland, Chairman
- 9 Gary Noffsinger
- 10 Judy Dixon
- 11 Dave Appleby
- 12 Scott Jagoe
- 13 Wally Taylor
- 14 Keith Evans
- 15 Martin Hayden
- 16 Madison Silvert, Attorney

17 \* \* \* \* \*

18 CHAIRMAN: I would like to welcome everybody  
19 to our May 10th meeting of the Owensboro Metropolitan  
20 Planning Commission.

21 Would everybody please rise. Our invocation  
22 will be given by Keith Evans.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: Mr. Noffsinger, first we'll  
25 consider the minutes of our April 12th meeting. Are  
there any corrections, additions?

MR. NOFFSINGER: No, sir.

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

1 MS. DIXON: Move to approve.

2 CHAIRMAN: Motion for approval by Ms. Dixon.

3 MR. EVANS: Second.

4 CHAIRMAN: Second by Mr. Evans. All in favor  
5 raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 We also have a meeting of April 26th. Are  
9 there any additions or corrections?

10 MR. NOFFSINGER: No.

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

13 MS. DIXON: Move to approve.

14 CHAIRMAN: Motion for approval by Ms. Dixon.

15 MR. TAYLOR: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 MR. NOFFSINGER: We have entered into a new or  
21 an alternate zoning change process by which the  
22 recommendation of the Planning Commission here tonight  
23 will stand unless within 21 days from this date an  
24 agreed person or anyone for that matter or the  
25 applicant files with the Planning Commission a notice

1 that they would like for the legislative body to hear  
 2 this zoning change. The property is within the city  
 3 limits of Owensboro so if a notice is filed, it would  
 4 go to the City of Owensboro for final action.

5 Again, this board's action tonight will become  
 6 final in 21 days provided that no one files  
 7 notification that they would like for the city to hear  
 8 it. We do have those forms available here tonight if  
 9 anyone would like to receive one of those forms.

10 -----

11 ZONING CHANGE

12 ITEM 2

13 1401, 1429 Leitchfield Road, 2.464 acres  
 14 Consider zoning change: From R-4DT Inner-City  
 Residential to P-1 Professional/Service  
 Applicant: Mukesh Gupta

15

16 MR. SILVERT: State your name, please.

17 MR. HOWARD: Brian Howard.

18 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

19 PLANNING STAFF RECOMMENDATIONS

20 Staff recommends approval because the proposal  
 21 is in compliance with the community's adopted  
 22 Comprehensive Plan. The conditions and findings of  
 23 fact that support this recommendation include the  
 24 following:

25 CONDITIONS:

1           1. No access shall be permitted to East  
2 Parrish Avenue;

3           2. Access to Leitchfield Road shall be  
4 limited to a single access point as depicted on the  
5 preliminary development plan;

6           3. An access easement shall be provided to  
7 1301 Leitchfield Road for future use as ingress/egress  
8 for said property; and,

9           4. A final development plan shall be  
10 submitted and approved before the issuance of any  
11 building permits.

12 FINDINGS OF FACT:

13           1. The subject property is located in a  
14 Central Residential Plan Area, where  
15 professional/service uses are appropriate in limited  
16 locations;

17           2. The development of the subject property  
18 will be non-residential in nature and consistent with  
19 development patterns in professional/service zones;

20           3. The proposal is a logical expansion of  
21 existing P-1 Professional/Service zoning located  
22 across East Parrish Avenue and is over one acre in  
23 size; and,

24           4. The proposal also meets criteria for a new  
25 location of professional/service zoning in that it is

1 major street oriented and over one acre in size.

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

4 CHAIRMAN: Is there anybody representing the  
5 applicant?

6 MR. BRUCE: Mike Bruce with Johnson, Depp &  
7 Quisenberry.

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

10 (NO RESPONSE)

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

13 Oh, I'm sorry. Do you have some comments?

14 MR. WESTERFIELD: I would like to speak  
15 against it, if I could.

16 CHAIRMAN: Yes, sir. Go ahead.

17 MR. SILVERT: State your name, please.

18 MR. WESTERFIELD: My name is Ray Westerfield.

19 (RAY WESTERFIELD BY ATTORNEY.)

20 MR. WESTERFIELD: My name is Ray Westerfield.

21 I represent P&R Properties tonight.

22 We recently, about three years we bought a  
23 piece of property that's adjacent to the property that  
24 is looking to be rezoned.

25 We went to a verbal agreement with the city

1 through their community development program to build  
2 three houses on the property, and we have, with the  
3 understanding that the property all around us was  
4 residential housing.

5 We were contacted about a year ago about  
6 selling our property for commercial property and  
7 because we had a verbal agreement with the city we  
8 decided we weren't interested in that.

9 So we have some concern that now that the  
10 property that we purchased will not be a good  
11 residential area because now there's going to be  
12 commercial area right next to it. We would like to  
13 see this zoning change not take place.

14 MR. APPLEBY: You're aware that it's not  
15 commercial that's going in there. It's professional  
16 zone.

17 MR. WESTERFIELD: Yes, sir. I understand this  
18 property there's not going to be a factory built  
19 there, but I also know there's not going to be houses  
20 built there.

21 MR. APPLEBY: Of course, a factory would be an  
22 industrial zone. It is professional office is what  
23 the zoning is.

24 MR. WESTERFIELD: Yes, sir. Also understand  
25 what I read that there's a house on the property

1       that's s going to be used for storage. I've had a  
2       little bit of contention with that. It does have  
3       office and storage. You're building a new office  
4       building you're going to use an old house for storage  
5       and an office. Kind of seems strange to me.

6               MR. NOFFSINGER: As a part of a professional  
7       service use as a medical office, then they could store  
8       on site their files related to their practice.

9               MR. JAGOE: They couldn't use the property as  
10      a residence though, right, unless they had a  
11      conditional use?

12              MR. NOFFSINGER: You may be able to have a  
13      residential use on the property as a caretaker, but I  
14      would have to take a look at the zoning ordinance and  
15      refresh my mind on an accessory dwelling in a  
16      professional zone.

17              I think Mr. Mischel is looking at that and we  
18      can get you an answer to that.

19              MS. WESTERFIELD: I also have a concern that  
20      this piece of property, something other than  
21      residential being across the street from us is  
22      completely surrounding by residences. So now there is  
23      a -- let me get it straight what it is. It's not  
24      commercial.

25              CHAIRMAN: Professional.

1           MR. WESTERFIELD: Professional building now  
2 moved into the middle of a residential area which  
3 means that now the next property on each side can be  
4 rezoned the same way using the same criteria that this  
5 person is trying to get this rezoned, assuming that  
6 our residential area could be eaten up by whatever  
7 professional development zoning.

8           MR. JAGOE: Could I ask a question?

9           On the other side of Fuqua, I know that it  
10 doesn't join this piece of property. Is that where  
11 the gas station is?

12          MS. WESTERFIELD: No, sir. There is a house  
13 that sits right on the corner of Fuqua and Parrish  
14 Avenue.

15          MR. JAGOE: Is the side of the gas station on  
16 Fuqua?

17          MR. WESTERFIELD: No, sir. Fuqua Court is a  
18 separate small street. Actually there is a lot and  
19 that's one of the lots we're going to build a house  
20 on. Then there's another house. Then there's a gas  
21 station across and another street.

22          MR. APPLEBY: That's Wing actually. I think  
23 that's considered Wing Avenue.

24          CHAIRMAN: Does anybody have any more  
25 questions?



1 (NO RESPONSE)

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

4 MR. APPLEBY: Mr. Chairman, I make a motion  
5 for approval based on the Staff Recommendations with  
6 Conditions 1 through 4 and Findings of Fact 1 through  
7 4.

8 CHAIRMAN: We've got a motion for approval by  
9 Mr. Appleby.

10 MR. EVANS: Second.

11 CHAIRMAN: Second by Mr. Evans. All in favor  
12 raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item.

16 Related Item:

17 ITEM 2A

18 1401, 1429 Leitchfield Road, 2.464 acres  
19 Consider approval of preliminary development plan.  
Applicant: Mukesh Gupta

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

23 CHAIRMAN: Does anybody have any questions?

24 (NO RESPONSE)

25 CHAIRMAN: If there are no questions, chair is

1 ready for a motion.

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr. Appleby.

4 MR. JAGOE: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

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11 MAJOR SUBDIVISIONS

12 ITEM 3

13 Highland Pointe, 82.157 acres  
14 Consider approval of amended major subdivision  
15 preliminary plat.  
16 Applicant: Highland Pointe Holdings, LLC

17 MR. NOFFSINGER: Mr. Chairman, this plat has  
18 been review by the Planning Staff and Engineering  
19 Staff. It's found to be in order. It has been  
20 reviewed for consistency with the Comprehensive Plan,  
21 the subdivision regulations and zoning ordinance and  
22 is ready for approval.

23 CHAIRMAN: Anybody here representing the  
24 applicant?

25 APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of

1 the applicant?

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. Dixon.

7 MR. HAYDEN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

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14 MINOR SUBDIVISIONS

15 ITEM 4

16 3000-3400 Blks Airport Drive, 0.563 acres  
17 Consider approval of minor subdivision plat for David  
18 C. Adkisson Greenbelt.  
19 Applicant: Owensboro Daviess County Industrial  
20 Foundation, Inc., Daviess County Fiscal Court, City of  
21 Owensboro, Economic Development Properties, Inc. and  
22 Owensboro-Daviess County Industrial Development  
23 Authority

21 MR. NOFFSINGER: Mr. Chairman, this plat has  
22 been review by the Planning Staff and Engineering  
23 Staff. It's found to be order.

24 It is a lot that comes to you as an exception  
25 to the subdivision regulations in that it does not

1 meet the minimum requirements to be created as a  
2 development lot. However, as stated here, this is for  
3 the construction of the Greenbelt Park and we would  
4 recommend you approve it.

5 CHAIRMAN: Anybody representing the applicant?

6 APPLICANT REP: Yes.

7 CHAIRMAN: Does anybody have any questions?

8 (NO RESPONSE)

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

11 MR. JAGOE: Motion for approval.

12 CHAIRMAN: Motion for approval by Mr. Jagoe.

13 MR. APPLEBY: Second.

14 CHAIRMAN: Second by Mr. Appleby. 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 5

20 3800 Blk Carter Road, 0.021 acres  
21 Consider approval of minor subdivision plat for David  
22 C. Adkisson Greenbelt.  
23 Applicant: Owensboro Municipal Improvements Corp,  
24 Owensboro-Daviess County Industry, Inc., and Economic  
25 Development Properties, Inc.

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

1 Staff. It's found to be in order.

2 It does create a lot that does not meet the  
3 requirements of the subdivision regulations; however,  
4 it's not a development lot. It is a lot for the  
5 Greenbelt and we would recommend that it be approved.

6 CHAIRMAN: Anybody representing the applicant?

7 APPLICANT REP: Yes.

8 CHAIRMAN: Do we have any questions of the  
9 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. Dixon.

15 MR. APPLEBY: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item.

21 ITEM 6

22 96, 102, 106, 112, 116 Boothfield Road, 49.65 acres  
(Postponed from 4/12/2007)

23 Consider approval of minor subdivision plat.

24 Applicant: Robert Wimsatt, Joel Osbourne, Chad &  
Stacey Ayer, Jerry Morgan

25 MR. NOFFSINGER: Mr. Chairman, this plat is

1 not in order. It has not been signed off on by the  
2 property owners. Planning Staff would recommend that  
3 this item be removed from the agenda. You should take  
4 a vote on that to remove it.

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

7 (NO RESPONSE)

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

10 MR. JAGOE: Mr. Chairman, I would move that we  
11 remove it from the agenda.

12 CHAIRMAN: Mr. Jagoe steps up and says he  
13 wants to remove it from the agenda.

14 MS. DIXON: Second.

15 CHAIRMAN: Second from Ms. Dixon. 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 7

21 9841, 9851 Oost Road, 4.233 acres  
22 Consider approval of minor subdivision plat.  
23 Applicant: Rodney Bartlett, Chester Bartlett, Joan  
24 Bartlett

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

1 Staff. It's found to be in order. However, it does  
2 create a lot that exceeds the depth to width ratio of  
3 three to one; however, it's not created any additional  
4 lots. It's just adding onto an exist tract and taking  
5 away from another. Staff would recommend that you  
6 approve the plat in that it is not an unreasonable  
7 circumvention of the subdivision regulations.

8 CHAIRMAN: Is anybody here representing the  
9 applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: Does anybody have any questions.

12 (NO RESPONSE)

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

15 MR. APPLEBY: Motion for approval.

16 CHAIRMAN: Motion for approval by Mr. Appleby.

17 MR. HAYDEN: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Chair is ready to entertain a motion to  
23 adjourn.

24 MR. EVANS: Motion to adjourn.

25 CHAIRMAN: Mr. Evans has a motion for

1 adjournment.

2 MR. TAYLOR: Second.

3 CHAIRMAN: Second by Mr. Taylor. All in favor  
4 raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 We are adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and  
4 for the State of Kentucky at Large, do hereby certify  
5 that the foregoing Owensboro Metropolitan Planning  
6 Commission meeting was held at the time and place as  
7 stated in the caption to the foregoing proceedings;  
8 that each person commenting on issues under discussion  
9 were duly sworn before testifying; that the Board  
10 members present were as stated in the caption; that  
11 said 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 16 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 5th day of June, 2007.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER FUCHS  
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22

COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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