

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 10, 2001

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, May 10, 2001, at City Hall, Commission  
7 Chambers, Owensboro, Kentucky, and the proceedings  
8 were as follows:

9 MEMBERS PRESENT: Drew Kirkland, Chairman  
10 Gary Noffsinger,  
11 Planning Director  
12 Dave Appleby  
13 Jimmy Gilles  
14 Scott Jagoe  
15 Sister Vivian Bowles  
16 Judy Dixon

17 \* \* \* \* \*

18 CHAIRMAN: I want to welcome everybody to  
19 tonight's meeting of the May 10th of the Owensboro  
20 Metropolitan Planning & Zoning Commission. Sister  
21 Vivian will lead us in our invocation and our prayer.

22 - - (INVOCATION AND PRAYER) - -

23 CHAIRMAN: Our first order of business  
24 tonight is to consider the minutes of the April 19th  
25 meeting.

Are there any additions or corrections or  
questions on the minutes?

(NO RESPONSE)

1 CHAIRMAN: Chair is ready for a motion.

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Mr. Appleby.

4 MR. JAGOE: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item of business, Mr. Noffsinger.

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11 DEVELOPMENT PLANS

12 ITEM 2

13 3231 Buckland Square, 14.992 acres (Map N-65)  
14 Consider approval of amended final development plan.  
15 Applicant: Southern States Cooperative, Inc.

16 MR. NOFFSINGER: Mr. Chairman, this  
17 application has been reviewed by the Planning Staff.  
18 It's found to be in order. It is a revised plan to  
19 revise the area of their warehouse facility and their  
20 showroom facility at this location. It is ready at  
21 this time for your consideration.

22 CHAIRMAN: Any questions or comments from  
23 any of the commission?

24 (NO RESPONSE)

25 CHAIRMAN: Chair is ready for a motion.

MR. GILLES: Motion to approve.

1 MR. APPLEBY: Second.

2 CHAIRMAN: Motion by Mr. Gilles for  
3 approval. Second by Mr. Appleby. All in favor raise  
4 your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 ITEM 3

9 2200 East Parrish Avenue, 20.66 acres (Map N-21)  
10 The Springs  
11 Consider approval of amended final development plan.  
12 Applicant: The Malcolm Bryant Corp.

13 MR. NOFFSINGER: Mr. Chairman, this  
14 application has been reviewed by the Planning Staff.  
15 It's found to be in order. It is an amendment of an  
16 existing development plan to revise the building area  
17 shown on the previous plan. It's ready for your  
18 consideration at this time.

19 CHAIRMAN: Any questions from the  
20 commission?

21 (NO RESPONSE)

22 CHAIRMAN: Chair is ready for a motion.

23 MS. DIXON: Move to approve.

24 MR. JAGOE: Second.

25 CHAIRMAN: We've got a motion for  
approval. We've got a second by Mr. Jagoe. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries. Ms. Dixon had  
4 the motion.

5 Next item, please.

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7 MAJOR SUBDIVISIONS

8 ITEM 4

9 Arbor Gate, Unit #1, 4.302 acres (Map N-61)  
10 Consider approval of major subdivision final plat.  
11 Surety (Certificate of Deposit) posted: \$15,879.00  
12 Applicant: Wells & Wells Builders, Inc.

13 MR. NOFFSINGER: Mr. Chairman, this plan  
14 has been reviewed by the Planning Staff. It's found  
15 to be in order and ready for your consideration.

16 CHAIRMAN: This is an order. Chair is  
17 ready for a motion.

18 MS. DIXON: Move to approve.

19 CHAIRMAN: Move to approve by Ms. Dixon.

20 SISTER VIVIAN: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion is unanimous.

25 ITEM 5

Belmont Park West of Preakness Place at the Downs,

1 Unit #2, Lots 118-133, 5.706 acres (Map N-44)  
2 Consider approval of major subdivision final plat.  
3 Surety (Irrevocable Letter of Credit) posted: \$18,474  
4 Applicant: Thompson Homes, Inc.

5

6 MR. NOFFSINGER: Mr. Chairman, this plat  
7 has been reviewed by the Planning Staff. It's found  
8 to be in order. It's ready for your consideration.

9 CHAIRMAN: Unless there's any questions  
10 Chair is ready for a motion.

11 MS. DIXON: Move to approve.

12 CHAIRMAN: Motion for approval by Ms.  
13 Dixon.

14 MR. APPLEBY: Second.

15 CHAIRMAN: Second by Mr. Appleby. 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 6

21 Doe Ridge, Unit #2, Section III, 4.467 acres  
22 (Map N-81)  
23 Consider approval of major subdivision final plat.  
24 Surety (Performance Bond) posted: \$50,386.55  
25 Applicant: Robert J. Wimsatt

26 MR. NOFFSINGER: Mr. Chairman, this plat  
27 has been reviewed by the Planning Staff. Found to be  
28 in order and ready for your consideration.

29 CHAIRMAN: If there are no questions from

1 the commission, Chair is ready for a motion.

2 SISTER VIVIAN: Move to approve.

3 CHAIRMAN: Sister Vivian moves for  
4 approval.

5 MR. APPLEBY: Second.

6 CHAIRMAN: Mr. Appleby second. 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 MR. NOFFSINGER: Mr. Chairman, I do need  
12 to change the order of the agenda. I need to move to  
13 Item Number 9. This is because Item 9 must first be  
14 considered before Item Number 7.

15 ITEM 9

16 Salem Drive Development, 25.60 acres (Map N-62)  
17 Consider approval of revised major subdivision  
18 preliminary plat.  
19 Applicant: John D. & Ione Miller Jones

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

23 CHAIRMAN: If there are no questions from  
24 the commission, the Chair is ready for a motion.

25 MS. DIXON: Move to approve.

CHAIRMAN: Ms. Dixon for approval.

1                   SISTER VIVIAN:  Second.

2                   CHAIRMAN:  Second by Sister Vivian.  All  
3                   in favor raise your right hand.

4                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5                   CHAIRMAN:  Motion is unanimous.

6                   Next item, please.

7                   ITEM 7

8                   John D. & Ione Miller Jones, Unit #1, Lots 9 & 10,  
9                   4.03 acres (Map N-62)  
10                  Consider approval of major subdivision final plat.  
11                  Surety (Irrevocable Letter of Credit) posted \$100.000  
12                  Applicant:  John D & Ione Miller Jones

13                  MR. NOFFSINGER:  Mr. Chairman, this plat  
14                  has been reviewed by the Planning Staff.  Found to be  
15                  in order and ready for your consideration.

16                  CHAIRMAN:  If there are no questions from  
17                  the commission, the Chair is ready for a motion.

18                  MR. APPLEBY:  Motion for approval.

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

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, please.

1 ITEM 8

2 Mount Moriah, Unit #1, 6.361 acres (Map N-44)  
3 Consider approval of major subdivision final plat.  
4 Surety (Irrevocable Letter of Credit) posted:  
\$44,993.10  
5 Applicant: Mount Moriah Holdings, c/o Karen King

6 MR. NOFFSINGER: Mr. Chairman, this plat  
7 has been reviewed by the Planning Staff. It's found  
8 to be in order and ready for your consideration.

9 CHAIRMAN: If there are no questions from  
10 anybody on the commission, the Chair is ready for a  
11 motion.

12 MS. DIXON: Move to approve.

13 CHAIRMAN: Move for approval by Ms. Dixon.

14 MR. JAGOE: Second.

15 CHAIRMAN: Second by Mr. Appleby (sic).

16 All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

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21 MINOR SUBDIVISIONS

22 ITEM 10

23 80, 86, 88 Booth Field Road, 4.793 acres (Map N-79)  
24 Consider approval of major/minor subdivision plat.  
25 Applicant: Helen Booth Field Heirs, c/o Clark Field

MR. NOFFSINGER: Mr. Chairman, this plat  
has been reviewed by the Planning Staff. It's found



1 to be in order. It's before this commission because  
2 it creates three irregular shaped lots.

3 These lots are located within the urban  
4 service area within the Bon Harbor Hills area. The  
5 pattern of the lots proposed on this plat are  
6 consistent with the pattern of the development within  
7 the area. As the properties were subdivided over the  
8 course of many years, it left a remainder that was  
9 irregular shaped. This property is controlled, the  
10 divisions are controlled by fixed access points that  
11 were planned some time ago. This plan to subdivide  
12 the property is in keeping with the original layout  
13 how this property was going to be developed. So with  
14 that it's ready for your consideration.

15 CHAIRMAN: Are there any questions from  
16 any member of the commission?

17 (NO RESPONSE)

18 MR. APPLEBY: Move to approve.

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

21 MS. DIXON: Second.

22 CHAIRMAN: Second by Ms. Dixon. 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 11

3 6071, 6089 KY 56, 7.55, 4.56 acres (Map Co-26)  
4 Consider approval of minor subdivision plat.  
5 Applicant: Eldred & Constance Ford

6 MR. NOFFSINGER: Mr. Chairman, this plat  
7 has been reviewed by the Planning Staff. There are  
8 some issues related to the property division that I  
9 need to go over.

10 The Planning Staff feel at this time it is  
11 not ready to be considered favorably by this  
12 commission. Plat originally was submitted to the  
13 Planning Commission for approval because it created a  
14 lot that would grossly exceed the depth to width  
15 ratio; however, there is a large amount of land, the  
16 way this property was originally divided there's a  
17 large amount of land on this property due to the power  
18 line and floodplain that is probably not going to be  
19 developed. The way this property is laid out it could  
20 be laid out in meeting the depth to width ratios, but  
21 you would end up with a much smaller tract than the  
22 way it's planned to be divided here.

23 So in looking at the depth to width ratio  
24 is certainly a concern; however, it's not the most  
25 pressing concern. This plat has been reviewed by the  
county engineer and he has noted that there are some

1 drainage concerns within this area, particularly on  
2 this property as well as adjoining properties. We do  
3 have a letter from the county engineer in the file.  
4 He is requesting that the Planning Commission consider  
5 requiring a preliminary subdivision plat be submitted  
6 for this property which takes a look at the drainage,  
7 includes drainage calculations and methods of properly  
8 draining this property to reduce the impact upon  
9 adjoining properties as well as this property. He  
10 would ask that Planning Commission take no action  
11 until such time as that plan is prepared.

12 So with that it's ready for your  
13 consideration. Be happy to answer any questions you  
14 may have.

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

17 State your name, please.

18 MR. FORD: My name is Eldred Ford. I'm  
19 known as Nick Ford. I'm the owner.

20 (MR. ELDRED FORD SWORN BY CHAIRMAN.)

21 CHAIRMAN: Go ahead.

22 MR. FORD: I did not receive any  
23 information about this drainage issue until this  
24 afternoon. I came home and found a message on my  
25 answering machine. I would like to know from the

1 county engineer what his concerns are concerning this  
2 problem. I am not aware of any drainage problems that  
3 existed on this ground. It drains and the state has  
4 installed a culvert on the lot, this lot that we  
5 propose to develop to facilitate drainage. All the  
6 other lots drain water either behind their lots or a  
7 little on this property, but not very much. I would  
8 like to know what the concerns are of the county  
9 engineer so I can address them.

10 MR. NOFFSINGER: Mr. Chairman, if I may.  
11 I do have a letter from the Daviess County Engineer  
12 that I should read into the record.

13 This says, "Dear Becky" - it's Becky  
14 Watson. She's the planner for the Planning Commission.  
15 "The absence of a drainage ditch at the north of the  
16 existing drainage pipe under Kentucky 56 may create a  
17 drainage problem for the Tracts 1 and 2 which division  
18 proposed by Mr. Eldred C. Ford. At this time I would  
19 like drainage plan be included for this minor division  
20 to ensure proper flow if future owners choose to build  
21 homes."

22 I think what he's relating to there or  
23 referring to is at one time there may have been a  
24 ditch located on this property that ran parallel with  
25 Kentucky 56. Over the years that ditch has been

1 filled in. By this action it may have caused a  
2 drainage problem or a drainage problem on the subject  
3 property as well as it may be affecting adjoining  
4 properties. I think what he would like to take a look  
5 at and the reason he needs the drainage calculations  
6 and to discuss it with an engineer is so that perhaps  
7 a ditch, a swell could be restored in that area to  
8 accommodate drainage. Now, I'm not saying that's what  
9 he's saying would be required. He doesn't know until  
10 he works with your engineer to determine what  
11 improvements, if any, are necessary, but he has been  
12 out to the site and looked at it and feels there is a  
13 concern.

14 MR. FORD: Let me address what you're  
15 saying there. This plan has natural drainage that has  
16 been in effect for the last 100 years. Natural  
17 drainage ways has been established on this property  
18 and it drains pretty well.

19 What this division does in no way affects  
20 the drainage of this property. The natural drainage  
21 is across the property about 100 or so feet back from  
22 the road frontage. There's never been a ditch there.  
23 Never been a ditch there because it is low, it is  
24 probably about six feet or so below the level of  
25 Highway 56. However, in talking to the state, this is

1 a state right-of-way. The state has precedence over  
2 this. The state has installed the culvert that is on  
3 this lot now. The state has agreed to dig at their  
4 expense a ditch along Highway 56, along the entire  
5 frontage of this lot and the remaining lot to ensure  
6 that the water coming off of 56 and from the culvert  
7 that comes under 56 from the other side, the property  
8 on the other side would be rounded through the culvert  
9 they have installed and not create a problem for  
10 anyone developing these properties.

11 Now, this discussion has already been had  
12 with the state, Department of Highways in the  
13 Madisonville office and they have agreed to do that.  
14 Not that we have a problem that will in any way effect  
15 adjoining property owners. Nothing that we're doing  
16 tonight on this plat would create a blockage that  
17 would back up water anywhere. We have already  
18 addressed that problem that you're talking about with  
19 the state. If the county engineer had talked to me  
20 earlier about it, I could have referred him to the  
21 state department that he needed to talk to because  
22 it's their road and their drainage.

23 CHAIRMAN: Mr. Ford, by chance do you  
24 happen to have a letter or anything confirming that  
25 conversation?

1 MR. FORD: No, sir, I do not.

2 CHAIRMAN: The problem we're faced with  
3 here is, one, there's not a great concern about the  
4 width to depth ratio as far as it's a little bit out  
5 of line, but that is not our great concern. The great  
6 concern is the drainage situation has been magnified  
7 by all the situations going on between the city and  
8 the county which I'm sure you're aware of.

9 We're faced with several options. One of  
10 the options is the county engineer has requested us to  
11 look into this and the possible postponement of this  
12 until the next month. What is your situation as far  
13 as how drastic would a postponement of 30 days be to  
14 you?

15 MR. FORD: I do have a contract subject to  
16 approval by the board on this lot. My owners would  
17 like to have his lot begin developing, put his road on  
18 in. He's going to build a house approximately 400  
19 feet back. The property is, actually it's up higher  
20 as it goes back. It's about 390 foot level even  
21 though the floodplain map shows that the floodplain is  
22 much higher than the floodplain on the front part of  
23 it. So I have a buyer who would like to perform on  
24 his contract and is continuing to follow the approval  
25 of this plat. To hold the process up another month is

1 not instrumental. He certainly has the option to  
2 declare the contract null and void if he's not  
3 provided with a plat approved by the board per the  
4 conditions of my contract.

5 CHAIRMAN: The options we have we could,  
6 if we pass this we could put restrictions on the - -  
7 how would we do that, Gary?

8 MR. NOFFSINGER: In terms of restriction  
9 on this plat that notify us perspective buyers, that  
10 prior to the issuance of any building permits that the  
11 drainage issue, that they must submit a drainage plan  
12 to the county engineer for his approval.

13 CHAIRMAN: Because we have this request  
14 from the county engineer that sort of puts us - -

15 MR. FORD: That's acceptable with me. If  
16 we could have the plat approved tonight so we don't  
17 have to come back in 30 days and that we need, that we  
18 will submit a plan to the county engineer; although  
19 there again I'm not sure that the county has  
20 precedence or providence in this particular drainage  
21 issue because this is a state road and state right-of-  
22 way and the state is going to be doing the work to  
23 provide this ditch and drainage.

24 CHAIRMAN: Mr. Ford, I'm sure you realize  
25 a letter from the state, and I'm sure you probably



1 didn't realize the issue or you would have had it. I  
2 think I've known you for some time. But I realize  
3 that this situation, where we stand right now if we  
4 had that then the issue would have been resolved as  
5 far as I would have been concerned. This is something  
6 we're faced with. I'm sure the county engineer would  
7 want this issue resolved quicker than 30 days. You  
8 might be able to pick up the phone, have a letter  
9 faxed to you, take it to him and be done with.

10 Mr. Noffsinger, would you see that as  
11 situation resolved on this issue?

12 MR. NOFFSINGER: Sure.

13 MR. FORD: I have no problem with a  
14 notation on the plat. That's perfectly acceptable  
15 with me because we have that already.

16 CHAIRMAN: How quickly do you think you  
17 could provide the county engineer with documentation  
18 or something concrete from the state?

19 MR. FORD: I think we could have that in a  
20 matter of a couple of days. If he requires additional  
21 information, flow charts, that can take a little  
22 longer to produce.

23 CHAIRMAN: The state has done this work,  
24 or the state is?

25 MR. FORD: The state has installed, the

1 culvert is there. The state has agreed to ditch all  
2 along there because they realize it's their  
3 responsibility to provide that drainage for water  
4 that's coming off that road and their culvert and they  
5 are going to do that work. That's what - - I don't  
6 have anything in writing on it, but that's what we  
7 have been told.

8 CHAIRMAN: I understand your situation and  
9 I understand what you're trying to do, the homeowner  
10 will try to be doing and you understand our situation  
11 with the drainage.

12 MR. FORD: Sure. I understand.

13 CHAIRMAN: Does anybody else have any  
14 questions or comment of the applicant at this time?

15 MR. NOFFSINGER: I do have one.

16 Mr. Ford, I heard you talking. You  
17 indicated that the home would be placed about 400 feet  
18 back onto the property which looking at this plat  
19 would place the home within the limits of the 100 year  
20 floodplain; whereas if it were located on the front of  
21 the property it would be outside of the floodplain.

22 I do have one concern. I feel that if  
23 this plat is approved by the commission that there  
24 should be a notation on the plat pertaining to Tract  
25 Number 1. There shall be no further irregular shaped

1 lots created on that property. Because what I can  
2 envision happening, if you're going to build a home -  
3 - one of the reasons we're looking at this and  
4 possibly making an exception to the depth to width  
5 ratio is because we were looking at the large area to  
6 the rear of this in the floodplain that we felt like  
7 probably wouldn't be developed. If that home is built  
8 in the rear, then this commission may be faced in the  
9 future of considering another tract that's created off  
10 the road with 50 foot leg going back to this new home.

11 That's certainly a situation we would want to avoid.

12 Any further divisions of this property anyway would  
13 not conform with the subdivision regulations.

14 MR. FORD: In what manner would they not  
15 conform?

16 MR. NOFFSINGER: Depth to width ratio and  
17 frontage requirements.

18 MR. FORD: What's left there is 444 feet.

19 MR. NOFFSINGER: Excuse me. I'm only  
20 speaking of Tract 1. Not the remaining tract. That  
21 note would pertain only to Tract 1.

22 MR. FORD: That's fine. Only if it  
23 pertains to Tract 1 that's fine. No problem with that  
24 at all. Perfectly agree with that. In fact, I  
25 already have restrictions. I have recorded

1 restrictions in my development agreement that make it  
2 only a single-family home. One home tract is all they  
3 can build. That's already recorded in my development  
4 agreement that was filed in 1995. Development  
5 agreement was filed on this entire property in 1995.  
6 I think you have a copy of that, Mr. Noffsinger, if  
7 I'm not mistaken.

8 MR. NOFFSINGER: Mr. Chairman, I might  
9 suggest the way this could be handled would be, the  
10 simplest way to handle it would be for the Planning  
11 Commission to authorize the Planning Director to sign  
12 this plat once the drainage issue is resolved through  
13 the state and the county engineer and that it be  
14 inclusive of a note pertaining to Tract 1 only. That  
15 there be no further divisions with irregular-shaped  
16 lots. That way we don't have to put a notation on  
17 this plat dealing with issuance of building permits.  
18 I would prefer to keep it open so that the Planning  
19 Director can sign that plat once the drainage issue  
20 has been taken care of.

21 CHAIRMAN: Mr. Appleby, I see you on the  
22 edge of your chair.

23 MR. APPLEBY: I'll make that motion. That  
24 the plat be approved, that the Planning Director have  
25 the authority to assign this plat once the drainage

1 issues have been resolved and with the condition that  
2 there be no further divisions of Tract Number 1.

3 MR. JAGOE: Second.

4 CHAIRMAN: We've got a second by Mr.  
5 Jagoe.

6 Mr. Ford, you understand?

7 MR. FORD: Yes.

8 CHAIRMAN: The Commission has a motion and  
9 a second. All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Thank you.

13 ITEM 12

14 5235 Pleasant Point Road, 5060 King Road, 1.699, 6.474  
15 acres (Map CO-66)  
16 Consider approval of minor subdivision plat.  
17 Applicant: Paul C. Quisenberry

18 MR. NOFFSINGER: Mr. Chairman, this plat  
19 has been reviewed by the Planning Staff. It's found  
20 to be in order. This property was subdivided back  
21 several years ago and it left a remaining tract of  
22 land that was about eight acres in size. At the time  
23 that lot was subdivided it created a very irregular  
24 shaped lot which almost looks, it's in the shape of an  
25 upside down L if you would. Anyhow, this proposed  
division would square up the lot lines and create a

1 very proportionate tract fronting on King Road and  
2 Pleasant Point Road. It would leave a remainder that  
3 exceeds the depth to width ratio. That area of the  
4 property already exceeds that ratio. So with that the  
5 Planning Staff would recommend that the Commission  
6 give this a favorable action.

7 CHAIRMAN: Any questions from anybody on  
8 the commission?

9 (NO RESPONSE)

10 CHAIRMAN: Chair is ready for a motion.

11 SISTER VIVIAN: I move to approve.

12 CHAIRMAN: Sister Vivian moves for  
13 approval.

14 MR. JAGOE: Second.

15 CHAIRMAN: Second by Mr. Jagoe. 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 MR. NOFFSINGER: Mr. Chairman, the surety  
21 releases are in order and can be considered in toto.

22 It's Items 13, 14, 15 and 16.

23 ITEM 13

24 Baptist Town Estates, \$10,880.00  
25 Consider partial release of surety (Irrevocable Letter  
of Credit) for streets and sanitary sewers.

1 Surety retained (Irrevocable Letter of Credit):  
\$8,840.40

2 Surety posted by: Waubuck Development Company

3 ITEM 14

4 Jr.'s Automotive Repair, Inc., \$1,350.00  
5 Consider release of surety (Certified Check) for  
landscaping.

6 Surety posted by: Jr.'s Automotive Repair, Inc.

7 ITEM 15

8 Roman Catholic Diocese of Owensboro, \$2,347.00  
9 Consider release of surety (Certified Check) for  
landscaping.

10 Surety posted by: Roman Catholic Diocese of Owensboro

11 ITEM 16

12 Robert J. Wimsatt, \$13,524.00  
13 consider partial release of surety (Certificate of  
Deposit) for streets and storm sewers.

14 Surety retained (Certificate of Deposit): \$16,499.50

15 Surety posted by: Robert J. Wimsatt

16 CHAIRMAN: Chair is ready for a motion.

17 MR. APPLEBY: Motion for approval.

18 MR. GILLES: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item.

24 MR. NOFFSINGER: Mr. Chairman, the surety  
25 transfers, Item 17, 18, 19 and 20 are in order and can  
be considered in toto.

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SURETY TRANSFERS

ITEM 17

Baptist Town Estates, \$8,840.40  
Transfer of surety (Irrevocable Letter of Credit) for  
streets and sanitary sewers to the City of Owensboro  
Surety posted by: Waubuck Development Company

ITEM 18

Covington Ridge, Unit #2, \$8,192.00  
Transfer of surety (Certificate of Deposit) for  
streets and storm sewers to the Daviess County Fiscal  
Court.  
Surety posted by: Mike Ballard

ITEM 19

Doe Ridge, Unit #2, \$11,480.80  
Transfer of surety (Certificate of Deposit) for  
streets and sidewalks to the City of Owensboro.  
Surety posted by: Robert J. Wimsatt

ITEM 20

Robert J. Wimsatt, \$16,499.50  
Transfer of surety (Certificate of Deposit) for  
streets and storm sewers to the Daviess County Fiscal  
Court.  
Surety posted by: Robert J. Wimsatt

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms.

Dixon.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.



1 Next item, please.

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3 NEW BUSINESS

4 ITEM 21

5 Public Facilities Plan: Review for consistency with  
6 Comprehensive Plan

5200 Todd Bridge Road

7 Land Acquisition: Consider comments regarding the  
8 acquisition of property for a construction of a  
9 football complex, city park and possibly a fire  
10 station.

Referred by: City of Owensboro

9

10 MR. NOFFSINGER: Mr. Chairman, Planning

11 Staff has reviewed this request. We find no conflicts

12 with the Comprehensive Plan. Would recommend you

13 forward a letter to that affect to the City

14 Commission.

15 CHAIRMAN: Comments or questions?

16 (NO RESPONSE)

17 CHAIRMAN: Chair is ready for a motion.

18 MR. APPLEBY: Motion for approval.

19 CHAIRMAN: Mr. Appleby motion for

20 approval.

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: Chair must be ready for one

1 final motion.

2 MS. DIXON: Move to adjourn.

3 MR. GILLES: Second.

4 CHAIRMAN: All in favor raise your right  
5 hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Meeting is adjourned. Thank  
8 you.

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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 26 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 17th day of May, 2001.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER, NOTARY PUBLIC  
OHIO VALLEY REPORTING SERVICE  
202 WEST THIRD STREET, SUITE 2  
21 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:  
DECEMBER 19, 2002

23

24 COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY

25