

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 AUGUST 9, 2001

3 * * * * *

4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, August 9, 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 Nick Cambron
- 12 Dave Appleby
- 13 Jimmy Gilles
- 14 Scott Jagoe
- 15 Sister Vivian Bowles
- 16 Judy Dixon
- 17 Dr. Mark Bothwell
- 18 Martin Hayden
- 19 Kevin P. Laumas,
- 20 Attorney

21 * * * * *

22 CHAIRMAN: I would like to welcome
23 everybody to our August 9th Planning & Zoning meeting.
24 Our invocation tonight will be given by Mr. Nick
25 Cambron.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Thank you. Our first order of
23 business tonight will be the swearing in of our new
24 member, Dr. Mark Bothwell.

25 (DR. MARK BOTHWELL SWORN IN.)

1 CHAIRMAN: Mr. Kevin Laumas did our
2 swearing in and sitting in tonight for Stewart
3 Elliott, our regular attorney, who is out of town.

4 Our first order of business is to consider
5 the July 12, 2001, minutes. Are there any questions,
6 corrections, changes?

7 MR. NOFFSINGER: No.

8 MR. JAGOE: Move to approve.

9 CHAIRMAN: Motion for approval by Mr.
10 Jagoe.

11 MR. HAYDEN: Second.

12 CHAIRMAN: Second by Mr. Hayden. All in
13 favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, Mr. Noffsinger.

17 -----

18 PUBLIC HEARING

19 ITEM 2

20 Consider text amendments to the Sign Regulations
21 regarding billboards, affecting Article 9 of the
22 Zoning Ordinance for Daviess County and Whitesville.
(POSTPONED)

23 MR. NOFFSINGER: Mr. Chairman, this item
24 was postponed from the commission meeting in August,
25 excuse me, July, and we do have a letter in the file

1 from Judge-Executive Reid Haire asking that this item
2 be withdrawn for consideration.

3 It is anticipated that this commission
4 will consider amendments to the billboard regulations
5 at our next meeting and it will be the second Thursday
6 in September.

7 CHAIRMAN: This would not require any
8 action on our behalf?

9 MR. NOFFSINGER: That is correct.

10 CHAIRMAN: Next item then.

11 -----

12 PUBLIC FACILITIES PLANS
13 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

14 ITEM 3

15 1301 West Parrish Avenue
16 Building Construction
17 Consider comments regarding the construction of a
18 storage building by the Owensboro Western Baseball
19 League at the Moreland Park field.
20 Referred by: City of Owensboro

21 MR. NOFFSINGER: Mr. Chairman, this is for
22 the construction of a storage building at Owen Park
23 field. Planning Staff has reviewed the application.
24 We find no conflict with the Comprehensive Plan and
25 recommend you forward a letter to that affect to the
City of Owensboro.

26 CHAIRMAN: Any questions or suggestions?
Anybody representing the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Chair is ready for a motion.

3 MS. DIXON: Move for approval.

4 CHAIRMAN: Move for approval by Ms. Dixon.

5 MR. CAMBRON: Second.

6 CHAIRMAN: Second by Mr. Cambron. 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 4

12 2208, 2218 Tamarack Road
13 Land Dispositon

14 Consider comments regarding the sale of property to
the East/West congregation of Jehovah's Witnesses.

15 Referred by: City of Owensboro

16 MR. NOFFSINGER: Mr. Chairman, the
17 Planning Staff has reviewed this land disposition. We
18 find no conflict with the Comprehensive Plan.

19 This is a piece of property that's located
20 on Tamarack Road which I think was acquired by the
21 City of Owensboro back a few years ago to construct a
22 fire station on the property. The City of Owensboro
23 has abandoned that proposal on this particular piece
24 of property and they are looking to sell the property.
25 I would remind the Jehovah's Witness congregation that
should they acquire the property to make sure they

1 check the Deed of Dedication and the restrictive
2 covenants that may or may not cause a problem with
3 constructing use other than residential use of the
4 property. I do recommend you forward a letter of no
5 conflict to the City of Owensboro.

6 CHAIRMAN: Any questions? Anybody
7 representing the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: If not - - sir, do you have any
10 comments to make? If not we'll vote on the issue.
11 Would you like to make a comment?

12 MR. PORTER: Yes, I would. My name is
13 Lonnie Porter and I represent one of the trustees.

14 (MR. PORTER SWORN BY ATTORNEY.)

15 MR. PORTER: I'm one of the trustees. The
16 only correction there is it will not be sold to the
17 east and west, but to the trustees of the West
18 Owensboro Congregation of Jehovah's Witnesses. I
19 wrote that in my letter. We do have two congregations
20 that will share that building, but it will be actually
21 be sold to the west congregation.

22 MR. NOFFSINGER: Sir, the application that
23 we prepared and what's on the agenda was prepared from
24 a letter to me from Bob Whitmer that states from the
25 East/West Congregation of Jehovah's Witnesses so

1 that's why it's on the agenda as it is, but we're not
2 necessarily considering who the city would be selling
3 the property to. Only the disposition of the land to
4 someone.

5 MR. PORTER: Thank you very much.

6 CHAIRMAN: Mr. Porter, you'll need to
7 clear that up with Bobby Whitmer.

8 MR. PORTER: Yes.

9 CHAIRMAN: You're satisfied with that?

10 MR. PORTER: Yes.

11 MR. APPLEBY: Chair ready for a motion?

12 CHAIRMAN: Chair is ready for a motion,
13 Mr. Appleby.

14 MR. APPLEBY: Motion for a favorable
15 approval.

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

18 MR. JAGOE: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carried unanimously.

23 Next item, please.

24

25

1 ITEM 5
2 3860 US 60 West
3 Building Construction
4 Consider comments regarding the construction of an
5 addition at the Green River Area Development District
6 office building
7 Referred by: Green River Area Development District

8 MR. NOFFSINGER: Mr. Chairman, Planning
9 Staff has reviewed this request. We've reviewed the
10 Comprehensive Plan. We find no conflict with the
11 Comprehensive Plan and recommend you forward a letter
12 to that affect to the Green River Area Development
13 District.

14 CHAIRMAN: Any questions?

15 (NO RESPONSE)

16 MR. CAMBRON: Is Chair ready for a motion?

17 CHAIRMAN: Chair is ready for a motion,
18 Mr. Cambron.

19 MR. CAMBRON: Motion for approval.

20 CHAIRMAN: Motion for approval by Mr.
21 Cambron.

22 MS. DIXON: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

 CHAIRMAN: Motion carries unanimously.

 Next item, please.

1

2

ZONING CHANGES - COUNTY

3

ITEM 6

4

2984 Fairview Drive, 25.25+ acres

5

Consider zoning change: From I-1 Heavy industrial to
R-1C Single-Family Residential

6

Applicant: Owensboro Master Builders, Inc., Violet G.
Depp Estate c/o Robert R. Depp

7

(MS. BECKY WATSON SWORN BY ATTORNEY.)

8

MS. WATSON: My name is Becky Watson.

9

PLANNING STAFF RECOMMENDATIONS

10

Staff recommends approval because there have been

11

major changes of a physical, social or economic nature

12

that were not anticipated in the adopted Comprehensive

13

Plan and those changes have substantially altered the

14

basic character of the general vicinity. This

15

recommendation is made subject to the condition and

16

findings of fact that follow:

17

Condition:

18

In lieu of roadway improvements, the owner of the

19

subject property shall dedicate right-of-way for

20

Fairview Drive along the frontage of the parent tract

21

to provide for a total right-of-way of 50 feet from

22

the street centerline.

23

Findings of Fact:

24

1. The subject property is located in an

25

Industrial Plan Area, where low-density residential

1 uses are not recommended;

2 2. The adopted Comprehensive Plan update now
3 recognizes the extension of sanitary sewers in the
4 vicinity of the subject property;

5 3. The availability of the sanitary sewers to
6 the immediate vicinity has resulted in the creation of
7 an urban residential growth area immediately adjacent
8 to an Industrial Plan Area;

9 4. The subject property is immediately adjacent
10 to this urban growth area and R-1C Single-Family
11 Residential zoning and uses;

12 5. The proposed roadway connection to the
13 existing urban growth area provides a basis for a
14 logical expansion of the existing R-1C Single-Family
15 Residential zone, improving residential neighborhood
16 connectivity; and

17 6. Development patterns are respected by
18 proposing the eastern portion of the property adjacent
19 to the R-1C zoning to be rezoned to R-1C, while
20 retaining the I-1 Heavy Industrial zoning along the
21 property frontage in the Industrial Plan Area.

22 MS. WATSON: We'd like to enter this as
23 Exhibit A.

24 (ITEM 6 - STAFF REPORT IS ATTACHED AND
25 MADE A PART OF THE RECORD AT THIS TIME AS EXHIBIT A.)

1 CHAIRMAN: Anybody representing the
2 applicant?

3 MR. JONES: Yes.

4 CHAIRMAN: Mr. Jones, before we call you,
5 let's see if we have any questions or anything before
6 we have to swear you in.

7 Does anybody on the commission have any
8 questions of Mr. Jones?

9 (NO RESPONSE)

10 CHAIRMAN: If we have no questions from
11 the commission, does anybody from the audience have a
12 question?

13 MR. LUDWIG: Yes.

14 CHAIRMAN: Please step forward and be
15 sworn in.

16 (MR. PAUL LUDWID SWORN BY ATTORNEY.)

17 CHAIRMAN: State your name, please.

18 MR. LUDWID: Paul Ludwid.

19 MR. LUDWID: I'm a resident out there in
20 that neighborhood or in the vicinity. I was just
21 wondering, I know Mr. Jones is planning a lot of
22 expansion out in that area. Have there been traffic
23 studies done concerning what is the ultimate traffic
24 flow that will result from the multiple expansions
25 that he's planning and others are planning out there,

1 and how will that impact the neighborhood? I'm kind
2 of new to the area, but it seems like I keep hearing
3 about rain water run off. I'm assuming all of that is
4 included in the overall master plan of this and
5 wondering are there diagrams of this subdivision
6 available.

7 CHAIRMAN: Is that the extent of your
8 questions because I see he has his engineer?

9 MR. LUDWID: There looks like there's
10 multiple things on there.

11 CHAIRMAN: Mr. Jones, with your permission
12 I'll skip over you and bring your engineer forward.

13 (MR. RINEY SWORN BY ATTORNEY.)

14 CHAIRMAN: Mr. Riney, you understood his
15 questions and what his concerns were?

16 MR. RINEY: Yes. The related item on the
17 agenda, 6b, is the preliminary plat for the
18 subdivision and I believe that's been reviewed by the
19 staff and by the local engineer. That deals with the
20 street patterns that layout for sanitary sewers, storm
21 drain. As the commission is aware, developments
22 within Daviess County, Owensboro-Daviess County are
23 required to have storm water retention basins. This
24 project ended up being split has two separate basins
25 with two separate drainage areas that drift into the

1 respective separate basins. The items have been
2 looked at.

3 As far as the transportation, there was
4 not a specific transportation plan provided on this
5 project, but it is in conformance with the
6 transportation section of the zoning ordinance.

7 CHAIRMAN: Mr. Riney, isn't the run off
8 and the drainage retention plan, that's all reviewed
9 by the county engineer and specifications are set up
10 for each subdivision in regards to that; is that not
11 correct?

12 MR. RINEY: In this case it was by the
13 city engineer since it's going to be annexed. The
14 local engineer, engineering department reviews that
15 and we work with them to get the details finalized.

16 CHAIRMAN: Thank you. Do you have any
17 further?

18 MR. LUDWID: So there isn't any specific
19 transportation study being done for these subdivisions
20 according to the master plan or whatever?

21 CHAIRMAN: There is, but let me have, Mr.
22 Riney, with your permission I'll have Mr. Noffsinger
23 answer that question.

24 Mr. Noffsinger.

25 MR. NOFFSINGER: Thank you, Mr. Chairman.

1 During the study and review of the zoning
2 change, we did seek the advice and services of the
3 transportation planner of the Green River Area
4 Development District, Mr. Keith Harpo, and we asked
5 him to do an analysis of Fairview Drive to determine
6 what if any improvements would be necessary. Mr.
7 Harpo did a study on Fairview Drive to determine that
8 the current level of service would be a level of
9 service C which is an acceptable level of service.
10 You have a level of service A which is the best level
11 of service and I believe it goes down to a level of
12 service F, which is unacceptable. So the level of
13 service C as it currently function is acceptable.

14 Now, he looked into this development in
15 terms of how much additional traffic on Fairview Drive
16 would be brought on by the development and determined
17 that this development each dwelling unit within the
18 specific development that's proposed here tonight
19 would have to generate 31 trip ends per day per house.
20 Typically when we're doing a traffic model we use I
21 believe ten trip ends per house per day. So it would
22 take three times that many to anticipate or to bring
23 it down to a level of service D which would be
24 approaching the unacceptable level. So with this
25 development we're at about a third. You can have

1 two-thirds more trip ends and be fine.

2 We have also taken a look in planning in
3 terms of the street system and street network within
4 that overall area and felt that a connection to
5 Fairview Drive could facilitate traffic within the
6 Lake Forest development and take some pressure off of
7 Settles Road corridor which as we know is receiving
8 congestion as development continues. We're also
9 looking at an extension of Waterside Way through Lake
10 Forest that would eventually go on through the
11 Hennessee property and connect to 54. So, yes, there
12 have been studies within that area, and particularly
13 to this development and our transportation planners
14 tell us that we will continue to move traffic at an
15 acceptable level of service.

16 MR. LUDWID: The reason why I ask was
17 because of the new what appears to be construction
18 that's going on out there at the corner of 54 and
19 Fairview Road. It appeared that there's going to be
20 some expansion of that commercial property out there
21 and that would be bring more people onto that
22 intersection and bring people off of Fairview Road in
23 addition to the housing subdivision. I just wanted to
24 see what had been done for transportation
25 consideration to that road.

1 MR. NOFFSINGER: One thing I didn't touch
2 on and should. With that commercial development the
3 developers are making improvements in terms of turning
4 lane and roadway capacity on Kentucky 54 as well as
5 the intersection at Fairview Drive and Kentucky 54.
6 Fairview Drive is a state maintained route and it
7 would be anticipated in the future that roadway would
8 be improved and widened. I'm not sure exactly where
9 it is in terms of transportation plan, but it's
10 certainly not in the short range plan near term
11 improvement plan. However, as a part of this
12 development we have requested and the developer agreed
13 to dedicate additional right-of-way for that
14 improvement once it becomes warranted and is included
15 in the transportation plan short range.

16 MR. LUDWID: I guess part of my concern
17 was also the soccer field there and the fact that on
18 weekends there's a significant amount of traffic there
19 in conjunction with the new construction at the
20 commercial business there on the corner of Fairview
21 and 54 and having this also on there. I just want to
22 make sure there's ample consideration taken for the
23 kids safety and things. Thank you.

24 CHAIRMAN: Thank you.

25 Does anybody from the commission have any

1 questions?

2 (NO RESPONSE)

3 MR. CAMBRON: Chair ready for a motion?

4 CHAIRMAN: Mr. Cambron, we are.

5 MR. CAMBRON: Make a recommendation for

6 approval based upon on the Findings of Fact by the

7 Staff 1 through 6 and subject to the condition,

8 improvement to the roadway.

9 MR. HAYDEN: Second.

10 CHAIRMAN: We've got a motion for approval

11 by Mr. Cambron and a second by Mr. Hayden. All in

12 favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, please.

16 Related Item:

17 ITEM 6A

18 Lake Forest, Phase II, revised lots 98-101, revised
Basin "C", 3.00 acres

19 Consider approval of revised major subdivision
preliminary plat.

20 Applicant: JMP/Lake Forest, Inc.

21 MR. NOFFSINGER: Mr. Chairman, this

22 application has been reviewed by the Planning Staff.

23 It's found to be in order. This amendment is

24 necessary to reconstruct, resign a basin that was

25 proposed for the lake Forest development so that a

1 street can be constructed to be stubbed to the Depp
2 property and that street connection may so that this
3 rezoning we just considered could move forward. With
4 that it's ready for your consideration.

5 CHAIRMAN: Any questions by anybody on the
6 commission?

7 (NO RESPONSE)

8 CHAIRMAN: I know the applicant is
9 represented here. If we have no further questions
10 Chair is ready for a motion.

11 MR. LUDWID: Again, Paul Ludwid. I
12 haven't seen any of this information on the diagram or
13 plat or anything. Is that available to be viewed?

14 MR. NOFFSINGER: Yes, sir, it is. In
15 fact, I have a reduced version of the proposed
16 development that will give you an idea conceptually
17 how it's going to develop; however, - -

18 MR. LUDWID: You mentioned that something
19 about stub into the Depp property.

20 MR. NOFFSINGER: Yes, sir.

21 MR. LUDWID: I was wondering how that ties
22 into the Lake Forest development and where that
23 property is going in reference to I guess what was
24 just considered, what you said.

25 MR. NOFFSINGER: The connection to the

1 Lake Forest development?

2 MR. LUDWID: Yes, sir.

3 MR. NOFFSINGER: Yes. Those plans do show
4 that connection.

5 MR. LUDWID: Where would that come out at?

6 MR. NOFFSINGER: It will come out just
7 very near the abandoned railroad, if you're familiar
8 with the abandon railroad right-of-way.

9 MR. LUDWID: Is that off of Waterside Way?

10 MR. NOFFSINGER: Yes, sir.

11 MR. LUDWID: And Waterside Way will
12 continue to wear?

13 MR. NOFFSINGER: In the future, Waterside
14 Way would continue through the Hennessee property and
15 head toward Kentucky 54. Now, that is not being
16 proposed at this time; however, that would be the
17 future conceptual way out and what we would be looking
18 for from a design and planning concept in order to
19 have neighborhoods connect and to have our collector
20 streets flow and have proper and good access to the
21 developments. Then that street would eventually head
22 to Kentucky 54.

23 MR. LUDWID: Is the rain water basin
24 that's at the end of Waterside Way being reconstructed
25 or being proposed to change at all?

1 MR. NOFFSINGER: Yes, sir.

2 MR. LUDWID: Can I see how that's going to
3 be changed?

4 MR. JAGOE: It's not being used by this
5 development, correct?

6 MR. APPLEBY: It's being reconstructed and
7 there's also an additional basin adjacent.

8 MR. NOFFSINGER: Right. There will be
9 three basins I believe in the Brooks development
10 separate from the Lake Forest development. There is
11 now one basin located in this area, the Lake Forest
12 development, and that's the basin that - - there will
13 still be one basin, but that basin would be
14 redesigned, constructed to accommodate this
15 connection.

16 MR. LUDWID: Those available to be viewed?

17 MR. NOFFSINGER: Yes, sir. Those plans
18 are available in the planning office.

19 MR. LUDWID: So they're not here tonight
20 then?

21 MR. NOFFSINGER: Yes, sir, they are here
22 tonight. Mr. Chairman, - -

23 MR. APPLEBY: He wants to look at this one
24 he can have mine.

25 CHAIRMAN; If that concludes your

1 questioning we will proceed forward.

2 MR. LUDWID: I'm sure if it does or not to
3 tell you the truth.

4 CHAIRMAN: Could we ask you to move back
5 to the podium, please.

6 MR. LUDWID: So ultimately this new
7 reroute, removing of the retention plan gives an
8 entrance to Fairview Road onto Waterside Way then, if
9 that's what I'm looking at?

10 MR. NOFFSINGER: Yes, sir.

11 MR. LUDWID: Okay.

12 CHAIRMAN: Thank you.

13 Does anybody on the commission have any
14 questions?

15 (NO RESPONSE)

16 CHAIRMAN: The Chair is ready for a
17 motion.

18 MR. JAGOE: Move for approval.

19 MR. CAMBRON: Second.

20 CHAIRMAN: Motion for approval by Mr.
21 Jagoe. Second by Mr. Cambron. All in favor raise
22 your rights hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 ITEM 6B

2 The Brooks, 31.84 acres
3 Consider approval of major subdivision preliminary
4 plat.
5 Applicant: Bill Jones, Owensboro Master Builders,
6 Inc.

7 MR. NOFFSINGER: Mr. Chairman, this
8 application has been reviewed by the Planning Staff,
9 the Engineering Staff and is found to be in order and
10 ready for your consideration.

11 CHAIRMAN: We know the applicant is
12 represented here.

13 Does any of the commissioners have any
14 questions of the applicant?

15 (NO RESPONSE)

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

18 These plots and everything as they get
19 further along in the development they're available in
20 the office; correct, Gary?

21 MR. NOFFSINGER: Yes, sir.

22 CHAIRMAN: So any time you're welcome to
23 stop by the office and take a look at any of them.

24 MR. LUDWID: I'll try to be very brief.

25 CHAIRMAN: Okay.

MR. LUDWID: Does Item 6B tie into what is
now Lake Forest?

1 MR. NOFFSINGER: Yes, sir.

2 MR. LUDWID: Where would that tie in at?

3 MR. NOFFSINGER: That's on the plan you
4 just reviewed.

5 MR. LUDWID: Oh, I thought I was reviewing
6 Fairview Drive Item 6.

7 MR. NOFFSINGER: Well, we were just on 6A
8 and we've moved to 6B, but 6A was - - that's the Lake
9 Forest portion of the plan that provides the
10 connection to this property. Then 6B would be the
11 continuation from Lake Forest to Fairview Drive.

12 MR. LUDWID: Okay. All right. Thank you.

13 CHAIRMAN: All right. If there's no more
14 questions from the audience, the applicant or the
15 commission, the Chair is ready for a motion.

16 MR. APPLEBY: Motion for approval.

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

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.

25

1 ITEM 7

2 6200 KY 54, 0.68 acres

3 Consider zoning change: From I-1 Light Industrial to

4 B-4 General Business

5 Applicant: Donnie Howard, Francis and Vivian Roby

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the proposal is
8 in compliance with the adopted Comprehensive Plan.

9 This recommendation is made subject to the conditions
10 and findings of fact that follow:

11 Conditions:

12 1. A final development plan must be submitted
13 and approved by OMPC if multiple uses are proposed on
14 the subject property.

15 2. All vehicular use areas must be paved and
16 landscaped with a 3-foot high continuous planting,
17 hedge, fence or wall where vehicular use areas adjoin
18 street right-of-way.

19 3. Access points shall be in conformance with
20 the adopted street access standards, restricted to no
21 more than 40% of the street frontage.

22 Findings of Fact:

23 1. The subject property is located in a Rural
24 Community Plan Area, where general business uses are
25 appropriate in limited locations;

2. The subject property is situated in the rural

1 community of Philpot on a major street;

2 3. The subject property is contiguous to B-4
3 General Business zones and uses;

4 4. A portion of the property is currently being
5 used for General Business activities; and,

6 5. The applicant's proposal is a logical
7 expansion of existing B-4 General Business zoning to
8 the north across KY 54 because it would not
9 significantly increase the B-4 General Business zoning
10 in the vicinity and would not overburden the capacity
11 of roadways or other urban services available in the
12 affected area.

13 MS. WATSON: We would like to enter this
14 as Exhibit B.

15 (ITEM 7 - STAFF REPORT IS ATTACHED AND
16 MADE A PART OF THE RECORD AT THIS TIME AS EXHIBIT B.)

17 CHAIRMAN: Is somebody here representing
18 the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Does anybody on the commission
21 have any questions?

22 (NO RESPONSE)

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

25 MR. HAYDEN: Motion for approval for

1 Conditions 1 through 3 and Findings of Fact 1 through
2 5.

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

5 MR. APPLEBY: Second.

6 CHAIRMAN: Second by Mr. Appleby. 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 8

12 10124 KY 258, 12.00 acres
13 Consider zoning change: From A-U Urban Agriculture to
14 A-R Rural Agriculture
15 Applicant: Leslie L and Lauran R. Gossett

16 PLANNING STAFF RECOMMENDATIONS

17 Staff recommends approval because the current
18 zoning is inappropriate and the proposed zoning is
19 more appropriate. Findings of fact that support this
20 recommendation are as follow:

21 Findings of Fact:

22 1. The subject property is located in a Rural
23 Community Plan Area, where rural large-lot residential
24 uses are generally not recommended;

25 2. The property is contiguous to rural
agricultural land in use as crop land;

1 3. The property contains prime agricultural
2 land; and,

3 4. The current zoning is inappropriate and the
4 proposed zoning is more appropriate, because the
5 development patterns in the area contain scattered
6 rural large-lot residential uses and farmland and the
7 historical and current use in the immediate vicinity
8 is Rural Agricultural.

9 MS. WATSON: Would enter this as Exhibit
10 C.

11 (ITEM 8 - STAFF REPORT IS ATTACHED AND
12 MADE A PART OF THE RECORD AT THIS TIME AS EXHIBIT C.)

13 CHAIRMAN: Anybody here representing the
14 applicant?

15 MR. GOSSETT: Yes.

16 CHAIRMAN: Let's see if we have any
17 questions and if we do we'll call you to the podium if
18 that's okay.

19 Anybody on the commission have any
20 questions?

21 (NO RESPONSE)

22 CHAIRMAN: Do you have any comments you'd
23 like to make?

24 MR. GOSSETT: No, sir.

25 CHAIRMAN: The Chair is ready for a

1 motion.

2 MR. CAMBRON: Motion for approval based on
3 Findings of Fact 1 through 4, Mr. Chairman.

4 CHAIRMAN: Motion for approval by Mr.
5 Cambron.

6 MS. DIXON: Second.

7 CHAIRMAN: Second by Ms. Dixon. All in
8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 ITEM 9

13 4715 Sutherland Road (Portion of 4617 Sutehrland
14 Road), 1.093 acres (POSTPONED)
15 Consider zoning change: From A-R Rural Agriculture to
16 B-4 General Business
17 Applicant: Jim Hawkins, Stephen E. and Christine M.
18 Aull

19 MR. NOFFSINGER: Mr. Chairman, Item Number
20 9, 4715 Sutherland Road, was postponed from the last
21 meeting. We have a letter in the file from the
22 applicant asking that we postpone once again until the
23 September meeting. This commission will have to take
24 action on the item at their next meeting on the second
25 Thursday in September.

26 CHAIRMAN: Do we need a motion for
27 postponement?

1 MR. NOFFSINGER: Yes, sir.

2 MS. DIXON: Move to postpone.

3 CHAIRMAN: Motion for postponement by Ms.
4 Dixon.

5 MR. GILLES: Second.

6 CHAIRMAN: Second by Mr. Gilles. All in
7 favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 -----

12 MAJOR SUBDIVISION

13 ITEM 10

14 Woodland Ridge, Lots 1-30, 18.718 acres
15 Consider approval of major subdivision final plat.
16 Applicant: Terry Dukes c/o Audubon Loans, Inc.

17 MR. NOFFSINGER: Mr. Chairman, this
18 application is found to be in order by the Planning
19 Staff. It's been reviewed and approved by the
20 Engineering Staff and it's ready for your
21 consideration.

22 CHAIRMAN: Anybody here representing the
23 applicant?

24 (NO RESPONSE)

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

1 (NO RESPONSE)

2 CHAIRMAN: If there are no questions, - -

3 MS. DIXON: Move for approval.

4 CHAIRMAN: Motion for approval by Ms.

5 Dixon.

6 MR. GILLES: Second.

7 CHAIRMAN: Second by Mr. Gilles. All in

8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 -----

13 SURETY RELEASES

14 ITEM 11

15 Enterprise Rent-A-Car, \$7,479
16 Consider release of surety (Certified Check) for
17 landscaping.
18 Surety posted by: Enterprise Rent-A-Car

19 ITEM 12

20 Remington Park, \$16,060
21 Consider release of surety (Irrevocable Letter of
22 Credit) for storm sewers and drainage.
23 Surety posted by: Hayden Park Development

24 ITEM 13

25 Remington Park, \$21,373
Consider partial release of surety (Irrevocable Letter
of Credit) for streets.
Surety retained (Irrevocable Letter of Credit):\$10,928
Surety posted by: Hayden Park Development

1 ITEM 14

2 Remington Park, \$5,036
3 Consider release of surety (Irrevocable Letter of
4 Credit) for water mains and fire hydrants.
5 Surety posted by: Hayden Park Development

6 MR. NOFFSINGER: Mr. Chairman, under
7 Surety Releases Items 11 through 14 are in order and
8 may be released in toto.

9 CHAIRMAN: The Chair is ready for a
10 motion.

11 MS. DIXON: Move to approve.

12 MR. CHAIRMAN: Motion for approval for
13 Items 11 through 14.

14 MR. HAYDEN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 -----
20 SURETY TRANSFERS

21 ITEM 15

22 Belmont At The Downs, Unit #3, \$83,063
23 Transfer of surety (Irrevocable Letter of Credit) for
24 streets, sidewalks and storm sewers to the Daviess
25 County Fiscal Court.
26 Surety posted by: Thompson Homes, Inc.

1 ITEM 16

2 H&I Development, Unit #3, \$13,578.90
3 Transfer of surety (Irrevocable Letter of Credit) for
4 streets and sanitary sewers to the Daviess County
5 Fiscal Court.
6 Surety posted by: H&I Development

7 MR. NOFFSINGER: Under Surety Transfers
8 Items 15 and 16 are in order and may be approved in
9 toto.

10 CHAIRMAN: Chair is ready for a motion.

11 MS. DIXON: Move to approve.

12 MR. CAMBRON: Second.

13 CHAIRMAN: Motion for approval by Ms.
14 Dixon and second by Mr. Cambron. All in favor raise
15 your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 -----

20 NEW BUSINESS

21 ITEM 17

22 561 Worthington Road
23 Public Facilities Review
24 Land Acquisition
25 Consider comments regarding the acquisition of
property for the construction of a retention basin in
conjunction with the storm water master plan for
Gilles Ditch water shed.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, the

1 Planning Staff has reviewed the Comprehensive Plan.
2 We have reviewed the storm water master plan for
3 Owensboro and Daviess County and find no conflict with
4 this proposal with these plans. Would recommend you
5 forward a letter to that affect for the Daviess County
6 Fiscal Court.

7 CHAIRMAN: Chair is ready for a motion.

8 MR. CAMBRON: Motion for approval.

9 CHAIRMAN: Motion for approval by Mr.
10 Cambron.

11 MS. DIXON: Second.

12 CHAIRMAN: Second by Ms. Dixon. All in
13 favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item.

17 ITEM 18

18 Consider authorization of Nick Cambron as
19 Vice-Chairman to sign OMPC checks.

20 CHAIRMAN: Chair is ready for a 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 hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 We are ready for one more motion.

5 MR. BOTHWELL: Motion to adjourn.

6 MS. DIXON: Second.

7 CHAIRMAN: Second by Ms. Dixon. All in

8 favor raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Meeting is adjourned.

11 -----

12

13

14

15

16

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

16 WITNESS my hand and notarial seal on this
17 the 21st day of August, 2001.

18

19

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

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:
25 DAVIESS COUNTY, KENTUCKY