The Owensboro Metropolitan Planning
Commission met in regular session at 6:00 p.m. on
Thursday, October 11, 2001, at City Hall, Commission
Chambers, Owensboro, Kentucky, and the proceedings
were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Jimmy Gilles
Scott Jagoe
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott,
Attorney

CHAIRMAN: I would like to call the
October 11th Planning & Zoning meeting to order. Our
invocation today will be given by Mr. Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first item of business is
to consider the minutes of the September 13th meeting.
Are there any questions, corrections or additions?

(NO RESPONSE)

CHAIRMAN: If not the Chair is ready for a
MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. DIXON: Second.

CHAIRMAN: Ms. Dixon has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger.

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PUBLIC FACILITIES PLAN
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

4250 US 60 West
Land Acquisition
Consider comments regarding the acquisition of property for the construction of a detention basin in conjunction with the Storm Water Plan for Gilles ditch watershed.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. We find that it is consistent with the Comprehensive Plan and Storm Water Master Plan and would recommend you forward a letter to that affect to the Daviess County Fiscal Court.

CHAIRMAN: Is there anybody here

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representing the applicant?

(NO RESPONSE)

CHAIRMAN: Are there any questions by any of the commissioners?

MR. CAMBRON: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

MR. JAGOE: Second

CHAIRMAN: Mr. Cambron has a motion for approval. Mr. Jagoe had a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGE - COUNTY

ITEM 3

6385 Old KY 54, 0.45 acres
Consider zoning change: From B-4 General Business to R-1A Single-Family Residential
Applicant: Percy E. LaRoche

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

MS. WATSON: Becky Watson.

(MS. BECKY WATSON SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

FINDINGS OF FACT:

1. The subject property is located in a Rural Community Plan Area, where rural small-lot residential uses are appropriate in general locations;
2. The subject property has frontage on a public road and is adequately sized to support an existing on-site sewage disposal system;
3. The subject property adjoins and is contiguous to existing R-1A Single-Family Residential zoning and uses; and
4. The current zoning is inappropriate and the proposed zoning of R-1A is more appropriate because the subject property is currently in residential use and the zoning classifications and development patterns surrounding the subject property are residential in nature.

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Are there any questions by the board?
(NO RESPONSE)

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

MR. APPLEBY: Motion for approval based on Staff Recommendation and Findings of Fact 1 through 4.

CHAIRMAN: We have a motion for approval.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLAN

ITEM 4

811 East Parrish Avenue, 32.344 acres
Consider approval of final development Plan.
Applicant: Owensboro Mercy Health System

MR. NOFFSINGER: Mr. Chairman, this is a revised plan for the hospital property. It includes revisions to the property to redo the old emergency room area into a materials handling area as well as additional parking for the hospital. The plan has been reviewed by the city engineer, by the Planning Staff. It's found to be in order and ready for your consideration.
CHAIRMAN: Is there anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anybody from the audience or the board have any questions of the applicant?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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MAJOR SUBDIVISIONS

ITEM 5

Creek Haven, Unit #2, 15.777 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $39,826.80
Applicant: Creek Haven Development, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and found to
be in order as well as the engineering staff. It is ready for your consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions of the applicant by the audience or members of the board?

(NO RESPONSE)

CHAIRMAN: If there are none, the Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

Next item, please.

ITEM 6

Dutch Banks, 19 acres
Consider revocation of major subdivision preliminary plat.
Applicant: Dutch Banks.

MR. NOFFSINGER: Mr. Chairman, this plan,
preliminary plat was approved by the Planning

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Commission on June 13th of 1985. The plat appears to conform to the current regulations in terms of street extensions and drainage. The Planning Staff would recommend that we continue to move forward and honor this approved preliminary subdivision plat and not consider revocation of such. This item is necessary in order for us to consider the next item, Item Number 7 which is a final plat related to this preliminary plat.

CHAIRMAN: Is there anybody representing the applicant here?

APPLICANT REP: Yes.

CHAIRMAN: So noted. Is there anybody that has any questions of the applicant in the audience?

(NO RESPONSE)

CHAIRMAN: Anybody on the board have any questions?

(NO RESPONSE)

MR. CAMBRON: Is Chair ready for a motion?

CHAIRMAN: If there are none, Mr. Cambron.

MR. CAMBRON: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.
CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. 

Next item, please.

ITEM 7

Dutch Banks, Unit #4, 1.877+ acres
Consider approval of major subdivision final plat.
Surety (Irrevocable Letter of Credit) posted: $76,200.00
Applicant: Dutch Banks

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff, the Engineering Staff. It's found to be in order. The reason for the additional surety as opposed to what you see on your agenda is due to an additional surety for sidewalks. With that it's ready for your consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Thank you. Is there any questions to the applicant by anybody in the audience?

(NO RESPONSE)

CHAIRMAN: The commission.

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.
MS. DIXON: Move for approval.

CHAIRMAN: Judy has a motion for approval.

Do we have a second?

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 8

Hunters Ridge, Unit #7, 5.238+ acres
Consider approval of major subdivision final plat.
Surety (Certified Check and Certificate of Deposit) posted: $9,598.60
Applicant: Hunters Ridge Development, Inc.

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

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Is there any questions of the applicant by the audience?

(NO RESPONSE)

CHAIRMAN: By any member of the commission?
CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

CHAIRMAN: Sister Vivian seconds. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MINOR SUBDIVISIONS

ITEM 9

8858 KY 144, 1.85 acres (POSTPONED)
Consider approval of minor subdivision plat.
Applicant: Francis E. & Janet Lanham, Jill Crisp

MR. NOFFSINGER: Mr. Chairman, when this plat came before the Planning Commission last month it proposed to create a lot of 50-feet of frontage on Kentucky 144. It went back a distance of about 450 some odd feet and created what was called that night an original flag lot. This lot has been revised so that it fully complies with the minimum regulations or requirements of the subdivision regulations. The lot will have approximately 113 feet of frontage on

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Kentucky 144 and it meets the depth to width ratio.

Excuse me. That's approximately 163 feet of frontage on Kentucky 144. With that it's ready for your consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Are there any questions of the applicant by anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

MR. CAMBRON: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ITEM 10

2038, 2050, 2114, 2120, 2126 Old Cabin Road, 0.813 acres

Consider approval of minor subdivision plat.
Applicant: Loyd E. Hinton, Harold L. & Margaret Hall

MR. NOFFSINGER: Mr. Chairman, this plat comes before the Planning Commission in that it seems to create a lot that does not have frontage on the public right-of-way. This lot will have access from Old Cabin Road via a 10-foot access easement across two of the properties within this subdivision.

This commission considered a plat back several months ago that took a lot that was created or situated behind lots fronting on Old Cabin Road and lots fronting on I believe it was South Griffith Avenue and it took that property or that lot and consolidated it with the rear properties of the lots along Old Cabin Road.

Well, most of the neighbors that agreed to do this division and consolidate the property in their backyards did so; however, there was a case where one or two of the neighbors decided that it was not in their best interest to acquire the land.

So in order for them to move forward with their project, it creates a lot that doesn't have frontage on the public right-of-way; however, it does
have access to a public right-of-way. The property
owners have agreed to a notation on this plat that
makes reference to this lot being a non-buildable lot.
So there could be no building development
occurring on this property. With that limitation as
well as the provisions for the access easement given
the circumstances of the property and what's happened,
the staff would recommend you approve this
provision.

CHAIRMAN: Is there anybody here
representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from the
commission of the audience?

DR. BOTHWELL: I have one question. So
what we're saying is this will never be built,
correct?

MR. NOFFSINGER: That is correct. As it
is shown here. Now, some point in the future if the
lot is consolidated in with a lot that has adequate
frontage or if it's consolidated with frontage out to
say Old Cabin Road or South Griffith Avenue, that
could change things, but as it exists with this
approval you cannot build upon that property.

CHAIRMAN: Are there any other questions?

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CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Move for approval by Ms. Dixon.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 11

4250 US 60 W, 9.354 acres
Consider approval of minor subdivision plat.
Applicant: Sara Jane McNulty, Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, this subdivision plat has been reviewed by the Planning Staff. It's found to be in order. It does exceed the three to one depth to width ratio that's required for the creation of new lots; however, this division is being proposed in conjunction with the retention or retention basin that's going to be located along the Gilles Ditch area and will be held by the Daviess County Fiscal Court. In order to move this project along, we would recommend the Planning Commission approve this plat.
CHAIRMAN: Is there somebody representing the applicant here?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody from the audience have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

SURETY RELEASES

ITEM 12

Brookhill Estates, Unit #11, $5,040.00
Consider release of surety (Certificate of Deposit) for 2" bitum conc. base.
Surety posted by: Brookhill Estates, Inc.
ITEM 13

Brookhill Estates, Unit #11, $150.00
Consider release of surety (Certified Check) for valley curb and gutter.
Surety posted by: Brookhill Estates, Inc.

ITEM 14

Brookhill Heritage, Unit #13, $3,000.00
Consider release of surety (Certificate of Deposit) for fire hydrants.
Surety posted by: JMJ Construction

ITEM 15

Brookhill Heritage, Unit #13, $4,314.00
Consider release of surety (Certificate of Deposit) for water mains.
Surety posted by: JMJ Construction

ITEM 16

Marathon Fuels, (2910 Hwy 54E), $4,934.82
Consider release of surety (Certificate of Deposit) for landscaping.
Surety posted by: Marathon Fuels

ITEM 17

Marathon Fuels, Inc., $5,655.00
Consider release of surety (Certificate of Deposit) for landscaping.
Surety posted by: Marathon Fuels, Inc.

ITEM 18

OMHS Pearl Street Parking Lot, $4,183.50
Consider release of surety (Performance Bond) for landscaping.
Surety posted by: Peters Contracting, Inc.

ITEM 19

Owensboro Junior College of Business, $3,066.00
Consider release of surety (Performance Bond) for landscaping.
Surety posted by: Daymar Properties - Owensboro, LLC

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ITEM 20

Woodrow Auto Sales, $575.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Woodrow Auto Sales

MR. NOFFSINGER: Mr. Chairman, Under

Surety Releases Items 12 through 20 these are in order and may be released in toto.

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

SURETY TRANSFERS

ITEM 21

Doe Ridge, Unit #1, Section 2, $8,627.40
Transfer of surety (Performance Bond) for streets, sidewalks, storm and sanitary sewers to the City of Owensboro.
Surety posted by: Robert J. Wimsatt

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

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CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 22

The Gardens of Heartland, $9,429.70
Transfer of surety (Certificate of Deposit) for streets to the City of Owensboro.
Surety posted by: Jagoe Homes & Construction Co., Inc.

MR. JAGOE: Mr. Chairman, I need to disqualify myself.

CHAIRMAN: So noted. Mr. Jagoe is disqualified.

Chair is ready for a motion.

MS. DIXON: Motion for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE EXCEPTION OF MR. JAGOE'S DISQUALIFICATION RESPONDED...)

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AYE.)

CHAIRMAN: Motion carries unanimously.

Chair is ready for one final motion.

DR. BOTHWELL: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Dr. Bothwell.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.
STATE OF KENTUCKY

) SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS)

I, LYNNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Planning & Zoning
meeting was held at the time and place as stated in
the caption to the foregoing proceedings; that each
person commenting on issues under discussion were duly
sworn before testifying; that the Board members
present were as stated in the caption; that said
proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 20 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this

the 17th day of October, 2001.

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

COMMISSION EXPIRES:
DECEMBER 19, 2002

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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