

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 OCTOBER 11, 2001

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4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, October 11, 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 Stewart Elliott,
20 Attorney

21 * * * * *

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

25 (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

1 motion.

2 MR. APPLEBY: Motion for approval.

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

5 MS. DIXON: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Mr. Noffsinger.

11 -----

12 PUBLIC FACILITIES PLAN
13 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

14 ITEM 2

15 4250 US 60 West
16 Land Acquisition
17 Consider comments regarding the acquisition of
18 property for the construction of a detention basin in
19 conjunction with the Storm Water Plan for Gilles ditch
20 watershed.
21 Referred by: Daviess County Fiscal Court

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

CHAIRMAN: Is there anybody here

1 representing the applicant?

2 (NO RESPONSE)

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

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

6 CHAIRMAN: Chair is ready for a motion.

7 MR. CAMBRON: Motion for approval.

8 MR. JAGOE: Second

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 ZONING CHANGE - COUNTY

17 ITEM 3

18 6385 Old KY 54, 0.45 acres
19 Consider zoning change: From B-4 General Business to
20 R-1A Single-Family Residential
Applicant: Percy E. LaRoche

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

23 MS. WATSON: Becky Watson.

24 (MS. BECKY WATSON SWORN BY ATTORNEY.)

25 PLANNING STAFF RECOMMENDATIONS

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

5 FINDINGS OF FACT:

6 1. The subject property is located in a Rural
7 Community Plan Area, where rural small-lot residential
8 uses are appropriate in general locations;

9 2. The subject property has frontage on a public
10 road and is adequately sized to support an existing
11 on-site sewage disposal system;

12 3. The subject property adjoins and is
13 contiguous to existing R-1A Single-Family Residential
14 zoning and uses; and

15 4. The current zoning is inappropriate and the
16 proposed zoning of R-1A is more appropriate because
17 the subject property is currently in residential use
18 and the zoning classifications and development
19 patterns surrounding the subject property are
20 residential in nature.

21 CHAIRMAN: Is there anybody here
22 representing the applicant?

23 (NO RESPONSE)

24 CHAIRMAN: Are there any questions by the
25 board?

1 (NO RESPONSE)

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

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

6 CHAIRMAN: We have a motion for approval.

7 MR. GILLES: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 -----

14 DEVELOPMENT PLAN

15 ITEM 4

16 811 East Parrish Avenue, 32.344 acres
17 Consider approval of final development Plan.
18 Applicant: Owensboro Mercy Health System

19 MR. NOFFSINGER: Mr. Chairman, this is a
20 revised plan for the hospital property. It includes
21 revisions to the property to redo the old emergency
22 room area into a materials handling area as well as
23 additional parking for the hospital. The plan has
24 been reviewed by the city engineer, by the Planning
25 Staff. It's found to be in order and ready for your
consideration.

1 CHAIRMAN: Is there anybody representing
2 the applicant?

3 APPLICANT REP: Yes.

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

6 (NO RESPONSE)

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

9 MR. CAMBRON: Motion for approval.

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

12 MR. HAYDEN: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item.

18 -----

19 MAJOR SUBDIVISIONS

20 ITEM 5

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

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

1 be in order as well as the engineering staff. It is
2 ready for your consideration.

3 CHAIRMAN: Is anybody here representing
4 the applicant?

5 APPLICANT REP: Yes.

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

8 (NO RESPONSE)

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

11 MR. APPLEBY: Motion for approval.

12 CHAIRMAN: Motion for approval by Mr.
13 Appleby.

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 ITEM 6

21 Dutch Banks, 19 acres
22 Consider revocation of major subdivision preliminary
23 plat.
24 Applicant: Dutch Banks.

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

1 Commission on June 13th of 1985. The plat appears to
2 conform to the current regulations in terms of street
3 extensions and drainage. The Planning Staff would
4 recommend that we continue to move forward and honor
5 this approved preliminary subdivision plat and not
6 consider revocation of such. This item is necessary
7 in order for us to consider the next item, Item Number
8 7 which is a final plat related to this preliminary
9 plat.

10 CHAIRMAN: Is there anybody representing
11 the applicant here?

12 APPLICANT REP: Yes.

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

16 (NO RESPONSE)

17 CHAIRMAN: Anybody on the board have any
18 questions?

19 (NO RESPONSE)

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

21 CHAIRMAN: If there are none, Mr. Cambron.

22 MR. CAMBRON: Make a motion for approval.

23 CHAIRMAN: Motion for approval by Mr.

24 Cambron.

25 MR. HAYDEN: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 ITEM 7

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

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

17 CHAIRMAN: Is anybody here representing
18 the applicant?

19 APPLICANT REP: Yes.

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

22 (NO RESPONSE)

23 CHAIRMAN: The commission.

24 (NO RESPONSE)

25 CHAIRMAN: Chair is ready for a motion.

1 MS. DIXON: Move for approval.

2 CHAIRMAN: Judy has a motion for approval.

3 Do we have a second?

4 MR. HAYDEN: Second.

5 CHAIRMAN: Second by Mr. Hayden. All in

6 favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item.

10 ITEM 8

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

16 MR. NOFFSINGER: Mr. Chairman, this plat

17 has been reviewed by the Engineering Staff and

18 Planning Staff. It's found to be in order and ready

19 for your consideration.

20 CHAIRMAN: Is there anybody here

21 representing the applicant?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Is there any questions of the

24 applicant by the audience?

25 (NO RESPONSE)

CHAIRMAN: By any member of the
commission?

1 (NO RESPONSE)

2 CHAIRMAN: Chair is ready for a motion.

3 MR. APPLEBY: Motion for approval.

4 CHAIRMAN: Motion for approval by Mr.

5 Appleby.

6 SISTER VIVIAN: Second.

7 CHAIRMAN: Sister Vivian seconds. 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 MINOR SUBDIVISIONS

14 ITEM 9

15 8858 KY 144, 1.85 acres (POSTPONED)
16 Consider approval of minor subdivision plat.
17 Applicant: Francis E. & Janet Lanham, Jill Crisp

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

1 Kentucky 144 and it meets the depth to width ratio.
2 Excuse me. That's approximately 163 feet of frontage
3 on Kentucky 144. With that it's ready for your
4 consideration.

5 CHAIRMAN: Is anybody here representing
6 the applicant?

7 APPLICANT: Yes.

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

10 (NO RESPONSE)

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

13 (NO RESPONSE)

14 MR. CAMBRON: Is Chair ready for a
15 motion?

16 CHAIRMAN: Chair is ready for a motion.

17 MR. CAMBRON: Motion for approval.

18 CHAIRMAN: Motion for approval by Mr.
19 Cambron.

20 MS. DIXON: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 ITEM 10
2 2038, 2050, 2114, 2120, 2126 Old Cabin Road, 0.813
3 acres
4 Consider approval of minor subdivision plat.
5 Applicant: Loyd E. Hinton, Harold L. & Margaret Hall

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

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

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

24 So in order for them to move forward with
25 their project, it creates a lot that doesn't have
26 frontage on the public right-of-way; however, it does

1 have access to a public right-of-way. The property
2 owners have agreed to a notation on this plat that
3 makes reference to this lot being a non-buildable lot.

4 So there could be no building development
5 occurring on this property. With that limitation as
6 well as the provisions for the access easement given
7 the circumstances of the property and what's happened,
8 the staff would recommend you approve this
9 provision.

10 CHAIRMAN: Is there anybody here
11 representing the applicant?

12 (NO RESPONSE)

13 CHAIRMAN: Any questions from the
14 commission of the audience?

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

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

25 CHAIRMAN: Are there any other questions?

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 DR. BOTHWELL: Second.

6 CHAIRMAN: Second by Dr. Bothwell. 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 11

12 4250 US 60 W, 9.354 acres

Consider approval of minor subdivision plat.

13 Applicant: Sara Jane McNulty, Daviess County Fiscal
14 Court

15 MR. NOFFSINGER: Mr. Chairman, this
16 subdivision plat has been reviewed by the Planning
17 Staff. It's found to be in order. It does exceed the
18 three to one depth to width ratio that's required for
19 the creation of new lots; however, this division is
20 being proposed in conjunction with the retention or
21 retention basin that's going to be located along the
22 Gilles Ditch area and will be held by the Daviess
23 County Fiscal Court. In order to move this project
24 along, we would recommend the Planning Commission
25 approve this plat.

1 CHAIRMAN: Is there somebody representing
2 the applicant here?

3 APPLICANT REP: Yes.

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

6 (NO RESPONSE)

7 CHAIRMAN: Anybody from the commission?

8 (NO RESPONSE)

9 CHAIRMAN: Chair is ready for a motion.

10 MR. CAMBRON: Motion for approval.

11 CHAIRMAN: Motion for approval by Mr.

12 Cambron.

13 MS. DIXON: Second.

14 CHAIRMAN: Second by Ms. Dixon. 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 -----

20 SURETY RELEASES

21 ITEM 12

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

1 ITEM 13

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

6 ITEM 14

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

11 ITEM 15

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

16 ITEM 16

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

21 ITEM 17

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

26 ITEM 18

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

31 ITEM 19

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

1 ITEM 20

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

6 MR. NOFFSINGER: Mr. Chairman, Under
7 Surety Releases Items 12 through 20 these are in order
8 and may be released in toto.

9 CHAIRMAN: Chair is ready for a motion.

10 MR. APPLEBY: Motion for approval.

11 CHAIRMAN: Motion for approval by Mr.
12 Appleby.

13 MR. GILLES: Second.

14 CHAIRMAN: Second by Mr. Gilles. 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 -----

20 SURETY TRANSFERS

21 ITEM 21

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

27 CHAIRMAN: Chair is ready for a motion.

28 MR. CAMBRON: Motion for approval.

1 CHAIRMAN: Motion for approval by Mr.
2 Cambron.

3 MR. HAYDEN: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 ITEM 22

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

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

17 CHAIRMAN: So noted. Mr. Jagoe is
18 disqualified.

19 Chair is ready for a motion.

20 MS. DIXON: Motion for approval.

21 CHAIRMAN: Motion for approval by Ms.
22 Dixon.

23 MR. APPLEBY: Second.

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

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

1 AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Chair is ready for one final motion.

4 DR. BOTHWELL: Motion to adjourn.

5 CHAIRMAN: Motion to adjourn by Dr.

6 Bothwell.

7 MR. HAYDEN: Second.

8 CHAIRMAN: Second by Mr. Hayden. All in

9 favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: We are adjourned.

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

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

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

COUNTY OF RESIDENCE:
24 DAVIESS COUNTY, KENTUCKY

25