

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JULY 10, 2003

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4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, July 10, 2003, 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 Dave Appleby
12 Jimmy Gilles
13 Irvin Rogers
14 Sister Vivian
15 Judy Dixon
16 Stewart Elliott,
17 Attorney

18 * * * * *

19 CHAIRMAN: I would like to welcome
20 everybody to our July 10th Owensboro Planning & Zoning
21 Commission meeting.

22 Let's stand. Our invocation will be given
23 by Jim Gilles.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: Our first order of business is
to approve the minutes of the June 12, 2003 meeting.
Are there any corrections, additions?

(NO RESPONSE)

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

3 MR. APPLEBY: Motion for approval.

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

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, Mr. Noffsinger.

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13 PUBLIC FACILITIES PLANS
14 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

15 ITEM 2

16 2749 Portion of 2801 Medley Road
17 Land Disposition and Land Acquisition
18 Consider comments regarding the transfer of property
19 owned by Regional Water Resource Agency to Owensboro
20 Municipal Utilities for the purpose of locating an
21 elevated water tank on the property.
22 Referred by: Owensboro Municipal Utilities, Regional
23 Water Resource Agency

24 MR. NOFFSINGER: The water tank that's
25 proposed on this site will be replacing the water tank
26 that is located on West Fourth Street. That tank is,
27 from my understanding, is in a deteriorating state.
28 All of the tanks we have within the city are
29 hydraulically connected. This tank would serve pretty

1 much any area of the City of Owensboro. However, the
2 main reason for the construction of this tank would be
3 to serve the northwest portion of the City of
4 Owensboro that's currently served by the Fourth Street
5 tank.

6 Planning Staff has reviewed this
7 application. We find that no inconsistency with the
8 Comprehensive Plan and recommend you forward a letter
9 of that affect to both agencies.

10 CHAIRMAN: Is there anybody here
11 representing OMU or RWRA?

12 (NO RESPONSE)

13 CHAIRMAN: Are there any questions from
14 anybody in the audience or on the commission?

15 (NO RESPONSE)

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

18 MS. DIXON: Move to approve.

19 CHAIRMAN: Motion for approval by Ms.
20 Dixon.

21 SISTER VIVIAN: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1 Next item.

2 -----

3 ZONING CHANGE - CITY

4 ITEM 3

5 914 Triplett Street, 0.582+ acres
6 Consider zoning change: From I-1 Light Industrial
7 to B-4 General Business
8 Applicant: Wendell Foster's Campus for Developmental
9 Disabilities, Inc., Wendell Foster Center

8 MR. ELLIOTT: State your name, please.

9 MS. STONE: Becky Stone.

10 (MS. BECKY STONE SWORN BY ATTORNEY.)

11 PLANNING STAFF RECOMMENDATIONS

12 Staff recommends approval because the proposal is
13 in compliance with the community's Comprehensive Plan.
14 This recommendation is made subject to the conditions
15 and findings of fact that follow:

16 Conditions:

17 1. Maintain existing access point as approved on
18 previous final development plan. No new access points
19 shall be permitted; and,

20 2. Maintain existing roadway buffer and
21 landscape element.

22 Findings of Fact:

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

1 2. The subject property adjoins B-4 zoning to
2 the south along Triplett Street and is located in
3 close proximity to B-4 zoning in the 600 block of East
4 Ninth Street;

5 3. The applicant's proposal is a logical
6 expansion of the existing B-4 General Business zone
7 that will not significantly increase the B-4 zone in
8 the vicinity and will not overburden roadways or other
9 necessary urban services in the affected area.

10 MS. STONE: We would like to enter the
11 Staff Report as Exhibit A.

12 CHAIRMAN: Is there anybody here
13 representing the Wendell Foster Center?

14 MR. KAMUF: Yes.

15 MR. ELLIOTT: State your name, please.

16 MR. KAMUF: Charles Kamuf.

17 (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

18 MR. KAMUF: We have the director of the
19 Wendell Foster Center and the field representative
20 here to answer any questions if you'd like.

21 CHAIRMAN: Thank you.

22 Does anybody from the audience have any
23 questions of the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Does anybody on the board have

1 any questions?

2 (NO RESPONSE)

3 CHAIRMAN: If not, the Chair is ready for
4 a recommendation.

5 SISTER VIVIAN: Motion for approval based
6 on Conditions 1 and 2 and Findings of Fact 1 through
7 3.

8 CHAIRMAN: We have a motion for approval
9 by Sister Vivian.

10 MR. ROGERS: Second.

11 CHAIRMAN: Second by Mr. Rogers. 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 -----

17 ZONING CHANGE - COUNTY

18 ITEM 4

19 1539 KY 1207, 50.5 acres
20 Consider zoning change: From EX-1 Coal Mining to
21 A-R Rural Agriculture
Applicant: Jackie Lee, Lori Bernice Humphrey

22 PLANNING STAFF RECOMMENDATIONS

23 Staff recommends approval because the request is
24 in compliance with the adopted Comprehensive Plan.
25 Findings in support of this recommendation include:

1 Findings of Fact:

2 1. The subject property is located in a Rural
3 Maintenance Plan Area, where rural farm residential
4 uses are appropriate in general locations;

5 2. The subject property has access to an
6 existing public road via a private drive without the
7 creation of new public roads;

8 3. The subject property is a large separate
9 tract capable of supporting agricultural activities;
10 and,

11 4. Mining activities have ceased and the
12 property should revert to its original zoning
13 classification of A-R in accordance with Section
14 12a.31 of the Owensboro Metropolitan Zoning Ordinance.

15 MS. STONE: We would like to enter the
16 Staff Report as Exhibit B.

17 CHAIRMAN: Is there anybody here
18 representing the applicant?

19 APPLICANT REP: Yes.

20 CHAIRMAN: Does anybody in the audience
21 have a question of the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Does anybody on the commission
24 have a question of the applicant?

25 (NO RESPONSE)

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

3 MR. ROGERS: Mr. Chairman, I make a motion
4 for approval based on the Planning Staff Findings of
5 Fact 1 through 4.

6 CHAIRMAN: We've got a motion for approval
7 by Mr. Rogers.

8 MR. GILLES: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 -----

15 DEVELOPMENT PLANS

16 ITEM 5

17 3128 Alvey Park Drive West, 3.000 acres
18 Consider approval of final development plan.
19 Applicant: Anthony Taylor Apprenticeship Committee

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

24 CHAIRMAN: Is there anybody representing
25 the applicant?

 APPLICANT REP: Yes.

1 CHAIRMAN: Does anybody in the audience
2 have a question of the applicant?

3 (NO RESPONSE)

4 CHAIRMAN: Does anybody on the commission
5 have a question of the applicant?

6 (NO RESPONSE)

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

9 MR. APPLEBY: Motion for approval.

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

12 MS. DIXON: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 ITEM 6

19 3115 Commonwealth Court, 1.640 acres
20 Consider approval of amended final development plan.
21 Applicant: Ward Pedley, et al.

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

CHAIRMAN: Do we have anybody here

1 representing the applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Does anybody in the audience
4 have a question of applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody on the commission
7 have a question of the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: If not, the Chair is ready for
10 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 7

21 5333 Frederica Street, 10.510 acres (POSTPONED)
22 Consider approval of amended final development plan.
23 Applicant: Malco Theatres, Inc., RMH Enterprises, Inc

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

1 consideration.

2 CHAIRMAN: Is anybody here representing
3 the applicant?

4 APPLICANT: Yes.

5 CHAIRMAN: Anybody in the audience have a
6 question of the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Anybody on the commission have
9 a question of the applicant?

10 (NO RESPONSE)

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

13 SISTER VIVIAN: Motion for approval.

14 CHAIRMAN: Motion for approval by Sister
15 Vivian.

16 MR. APPLEBY: Second.

17 CHAIRMAN: Second by Mr. Appleby. All in
18 favor of the raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

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22 MAJOR SUBDIVISION

23 ITEM 8

24 240-324 Cinderella Drive, 3623 US East, 1.264 acres
25 Consider approval of major subdivision preliminary
plat.

Applicant: Image Builders
Ohio Valley Reporting
(270) 683-7383

1 MR. NOFFSINGER: Mr. Chairman, this
2 applicant has been reviewed by the Planning Staff,
3 Engineering Staff. It is found to be in order and
4 ready for consideration.

5 CHAIRMAN: Is anybody here representing
6 the applicant?

7 APPLICANT: Yes.

8 CHAIRMAN: Does anybody in the audience
9 have a question of the applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody on the commission
12 have a question of the applicant?

13 (NO RESPONSE)

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

16 MS. DIXON: Move to approve.

17 CHAIRMAN: Motion for approval by Ms.
18 Dixon.

19 SISTER VIVIAN: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 -----

1 MINOR SUBDIVISION

2 ITEM 9

3 2749, 2801 Medley Road, 12.201 acres
4 Consider approval of minor subdivision plat.
5 Applicant: Regional Water Resource Agency

6 MR. NOFFSINGER: This is related to Item
7 2, under Public Facilities Review.

8 Mr. Chairman, this plat has been reviewed
9 by the Planning Staff and Engineering Staff. It's
10 found to be in order and ready for consideration.

11 CHAIRMAN: Is anybody here representing
12 the applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Are there any comments from
15 anybody on the commission?

16 (NO RESPONSE)

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

19 MR. GILLES: Motion for approval.

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

22 MR. APPLEBY: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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SURETY RELEASES

3 ITEM 10

4 Plantation Pointe, Unit #1, \$12,042.80
5 Consider release of surety (Irrevocable Letter of
6 Credit) for 2" bit. concrete base.
7 Surety posted by: Steve Baker Building, Inc.

6

ITEM 11

7

8 Plantation Pointe, Unit #1, \$5,600.00
9 Consider release of surety (Irrevocable Letter of
10 Credit) for sanitary sewers.
11 Surety posted by: Steve Baker Building, LLC

10

ITEM 12

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12 Speedway, \$1,357.00
13 Consider release of surety (Certified Check) for
14 landscaping.
15 Surety posted by: Speedway

13

ITEM 13

14

15 Waterford Place Townehomes, \$868.50
16 Consider release of surety (Performance Bond) for
17 landscaping.
18 Surety posted by: Miles Farms, Inc.

17

MR. NOFFSINGER: Mr. Chairman, Surety

18

Releases Items 10 through 13 are in order and may be

19

released in toto.

20

CHAIRMAN: They're in order?

21

MR. NOFFSINGER: Yes, sir.

22

CHAIRMAN: Chair is ready for a motion.

23

MS. DIXON: Move to approve.

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CHAIRMAN: Motion for approval by Ms.

25

Dixon.

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 carries unanimously.

6 Next item, please.

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8 SURETY TRANSFERS

9 ITEM 14

10 Cinderella Drive, \$6,716.00
11 Transfer of surety (Performance Bond) for public
12 improvements to the Daviess County Fiscal Corut
13 Surety posted by: James Glenn Causey

14 ITEM 15

15 Fieldcrest Crossing, unit #5, \$30,388.20
16 Transfer of surety (Irrevocable Letter of Credit) for
17 streets, sidewalks and storm sewers to the City of
18 Owensboro.
19 Surety posted by: Thompson Homes, Inc.

20 ITEM 16

21 Heritage Park, Unit #4, \$20,046.00
22 Transfer of surety (Certificate of Deposit) for water
23 mains and fire hydrants to the City of Owensboro.
24 Surety posted by: Jagoe Homes and Construction Co.,
25 Inc.

26 ITEM 17

27 Lake Forest, Unit #13, \$2,534.00
28 Transfer of surety (Certificate of Deposit) for 1"
29 Bit. Conc. Surface to the Daviess County Fiscal Court.
30 Surety posted by: Lake Forest Community, LLC

31 ITEM 18

32 Lake Forest, Unit #13, \$5,068.00

1 Transfer of surety (Certificate of Deposit) for 2"
2 Bit. Conc. Base to the Daviess County Fiscal Court.
3 Surety posted by: Lake Forest Community, LLC

4 ITEM 19

5 Lake Forest, Unit #13, \$4,662.00
6 Transfer of surety (Certificate of Deposit) for
7 sidewalks to the Daviess County Fiscal Court.
8 Surety posted by: Lake Forest Community, LLC

9 ITEM 20

10 Lake Forest, Unit #13, \$12,900.00
11 Transfer of surety (Certificate of Deposit) for storm
12 sewers to the Daviess County Fiscal Court.
13 Surety posted by: Lake Forest Community, LLC

14 ITEM 21

15 Lake Forest, Unit #14, \$1,890.00
16 Transfer of surety (Certificate of Deposit) for 1"
17 bit. Conc. Surface to the Daviess County Fiscal Court.
18 Surety posted by: Lake Forest Community, LLC

19 ITEM 22

20 Lake Forest, Unit #14, \$3,780.00
21 Transfer of surety (Certificate of Deposit) for 2"
22 Bit. Conc. Base to the Daviess County Fiscal Court.
23 Surety posted by: Lake Forest Community, LLC

24 ITEM 23

25 Lake Forest, Unit #14, \$3,792.00
Transfer of surety (Certificate of Deposit) for
sidewalks to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 24

Lake Forest, Unit #15, \$233.80
Transfer of surety (Certified Check) for 1" Bit. Conc.
Surface to the Daviess County Fiscal Court.
Surety posted by: JMP/Lake Forest, Inc.

ITEM 25

Lake Forest, Unit #15, \$372.40

1 Transfer of surety (Certified Check) for 2" Bit. Conc.
Base to the Daviess County Fiscal Court.
2 Surety posted by: JMP/Lake Forest, Inc.

3 ITEM 26

4 Lake Forest, Unit #15, \$465.50
Transfer of surety (Certified Check) for 6" DGA to the
5 Daviess County Fiscal Court.
Surety posted by: JMP/Lake Forest, Inc.

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7 ITEM 27

8 Lake Forest, Unit #15, \$2,220.00
Transfer of surety (Certificate of Deposit) for
sidewalks to the Daviess County Fiscal Court.
9 Surety posted by: Lake Forest Community, LLC

10 ITEM 28

11 Lake Forest, Unit #15, \$3,350.00
Transfer of surety (Certificate of Deposit) for storm
12 sewers to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

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14 ITEM 29

15 Lake Forest, Unit #15, \$375.00
Transfer of surety (Certified Check) for valley curb
and gutter to the Daviess County Fiscal Court.
16 Surety posted by: JMP/Lake Forest, Inc.

17 ITEM 30

18 Meadow Run At Whispering Meadows, \$17,070.40
Transfer of surety (Certificate of Deposit) for
19 streets and sidewalks to the Daviess County Fiscal
Court.
20 Surety posted by: O'Bryan Development Company

21 ITEM 31

22 Southgate Centre, \$110,232.00
Transfer of surety (Performance Bond) for water mains
23 and fire hydrants to the City of Owensboro.
Surety posted by: Home Depot U.S.A., Inc.

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1 ITEM 32

2 Waterford Village, Unit #2, \$10,553.00
3 Transfer of surety (Certificate of Deposit) for water
4 mains and fire hydrants to the Daviess County Fiscal
5 Court.
6 Surety posted by: Waterford Developers, Inc.

5 ITEM 33

6 Whispering Meadows, Unit #2, \$23,074.20
7 Transfer of surety (Certificate of Deposit) for
8 streets and sidewalks to the Daviess County Fiscal
9 Court.
10 Surety posted by: O'Bryan Development Company

9 MR. NOFFSINGER: Mr. Chairman, Surety
10 Transfers Items 14 through 33 are in order and may be
11 transferred in toto.

12 CHAIRMAN: If all is in order, the Chair
13 is ready for a motion.

14 MR. APPLEBY: Move to approve.

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

17 MS. DIXON: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 The Chair is ready for a final motion.

23 MS. DIXON: Move to adjourn.

24 CHAIRMAN: Motion for adjournment by Ms.
25 Dixon.

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MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

16 WITNESS my hand and notarial seal on this
17 the 4th day of August, 2003.

18

19

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
21 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25