The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, January 10, 2002, 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
                   Irvin Rogers
                   Sister Vivian Bowles
                   Judy Dixon
                   Martin Hayden
                   Roger Cooper,
                   Attorney

CHAIRMAN: I would like to call our January 10, 2002, meeting to order. Our invocation and pledge of allegiance will be given by Mr. Gary Noffsinger. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE)

CHAIRMAN: Our first item of business is to consider the minutes of the December 13, 2001, meeting. Are there any corrections, additions or questions about the minutes?

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: If not, I'll accept a motion for approval.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. DIXON: Second

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes is approved.

Next item, Mr. Noffsinger.

MR. NOFFSINGER: We need to have an election of officers.

CHAIRMAN: We will elect our officers for the 2002 year.

The first office will be the office of chairman. Are there any nominations?

MR. CAMBRON: I make a nomination for Drew.

CHAIRMAN: We have a nomination for myself as chairman. Is there a second.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Looks like I'm elected chairman again.

The next office will be for vice president. Is there a nomination?

MR. APPLEBY: I nominate Nick Cambron.

MR. CHAIRMAN: Mr. Appleby wants to nominate Mr. Nick Cambron. Is there a second?

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Mr. Cambron is re-elected vice chairman.

The next office is secretary. Floor is open for nomination for secretary.

MR. HAYDEN: I nominate Dave Appleby.

CHAIRMAN: Mr. Appleby has been nominated.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Mr. Appleby is re-elected secretary.

So we have our selection of officers for Ohio Valley Reporting
(270) 683-7383
the year 2002.

Mr. Noffsinger.

-----------------------------------------

PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

3845 South Griffith Avenue
Building Construction
Consider comments regarding the construction of a fire station.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application and we find that it is consistent with the adopted Comprehensive Plan. If you consider sending a recommendation to that effect to the City Commission, we would ask that notations be placed upon the development that a four foot sidewalk be located along South Griffith Avenue for public access as well as screening of all vehicular use areas from the public right of way as required by the zoning ordinance. Mr. Bob Whitmer, Assistant City Manager, is here tonight if you have any questions.

CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?
CHAIRMAN: If not, the Chair is ready for a recommendation.

MR. CAMBRON: Motion for approval with the stipulation added there, Mr. Chairman, about the four foot sidewalk and screening.

CHAIRMAN: Mr. Cambron's motion based on the stipulations as he stated. Do we have a second?

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

2000 East Parrish Avenue, 1821 Leitchfield Road
Land Acquisition and Disposition
Consider comments regarding the acquisition of the Greenwood Cemetery property and the disposition of a portion of the Greenwood Cemetery property.
Referred by: Daviess County Fiscal Court
MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find it not to be in conflict with the Comprehensive Plan.

It's my understanding the property has been acquired by the county due to pressures for the county to maintain the cemetery and the county has acquired the property. Now they're going to sell a
portion of it and set up a maintenance fund out of the
sell of the proceeds of the property. So with that
it's ready for your consideration.

CHAIRMAN: Does anybody from the audience
have any questions in regards to this?

(NO RESPONSE)

CHAIRMAN: Does anybody from the
commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

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.

ITEM 4

5200 Todd Bridge Road
Facilities Construction
Consider comments regarding the construction of a city
drill, including a football complex.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the
Planning Staff has reviewed this application. We did

Ohio Valley Reporting
(270) 683-7383
find in the Comprehensive Plan under the Parks and Recreation section that we do have a deficiency in the community regarding football fields as well as the Comprehensive Plan does identify need for a new community park within or near the west end of Tamarack Road within this area. So the Planning Staff do feel that the proposal is consistent with the Comprehensive Plan and would recommend that any park improvements that Todd Bridge Road the city can consider widening and improving Todd Bridge Road from Southtown Boulevard to the entrance to the park to include sidewalk as well as curb and guttering. We've discussed that particular issue with the city staff previous meetings. Would recommend you forward a favorable letter to them with those stipulations.

CHAIRMAN: Are there any questions from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

MR. CAMBRON: Second.
CHAIRMAN: Ms. Dixon motion for approval.

Mr. Cambron a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

-----------------------------------------

ZONING CHANGE - CITY

ITEM 5

920 West Second Street, 0.189 acres
Consider zoning change: From B-4 General Business to R-4DT Inner-City Residential
Applicant: James Phillip Edge, II

MS. WATSON: My name is Becky Watson.

(MS. BECKY WATSON SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

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

Conditions:

1. No direct access points shall be allowed onto West Second Street. Vehicular access to the subject property shall be from Sycamore Street.

2. The new single-family home to be built on the subject property shall be oriented toward Sycamore Street continuing and reinforcing the recent
development pattern in the immediate vicinity.

Findings of Fact:

1. The subject property is located within a Business Plan Area, where urban low-density residential uses are appropriate in very-limited locations;

2. The subject property adjoins R-4DT Inner-City Residential zoning and uses to the east and to the south, and the proposal is a logical expansion of the R-4DT zone and use in the existing area;

3. Existing sanitary sewer and other urban services are available to the subject property; and

4. The applicant’s proposal conforms to the criteria for residential development by proposing housing densities that are consistent with the character of the street and urban services available in the affected area.

MS. WATSON: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Is there anybody here representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Do you want to make some statements?

MR. RINEY: Whenever it’s appropriate.
CHAIRMAN: Well, if you've got some statements we'll go ahead.

(MR. JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: My name is Jim Riney. I'm representing Phillip Edge. We had prepared the rezoning application tonight. Mr. Edge could not be here but he asked that I convey some information for him.

The Staff Recommendation included two conditions. The first condition dealt with no direct access to West Second Street and that had been placed on the plat that created this lot initially. Mr. Edge is agreeable to that. Has no problem with that.

The second issue deals with the issue of a new home being sited and Staff has recommended that it be sited to face west on Sycamore Street. The applicant has property, has a house plan selected and has a couple or a buyer that's interested in purchasing the new home once the rezoning is approved. Their preference is to site the home to face north or to face Second Street, in that direction. Even though part of the property in that area is zoned as commercial, it has a residential character and a residential appearance to it.

The access would still be off Sycamore.
Street. As a matter of fact, it leads itself accessing off of Sycamore Street. If they front the property, front the house on the Sycamore side of the property, then they're looking at the side of an automotive, a commercial piece of property that's an automotive repair while the property is kept well and still not as attractive avista (CHECK) for the people that are going to have to live there.

Mr. Edge I think has had conversation with both the building department and some of the representatives from Planning Staff to convey this. We knew that the staff was looking at the character of the neighborhood, but he's looking at the presentation of the residential structure and the folks that are going to be living there and respectfully that the rezoning be approved without Condition Number 2.

CHAIRMAN: Mr. Riney, you're representing engineering opinion, correct?

MR. RINEY: That is correct, yes. We prepared the drawing and so forth. That's what we prepared is the information that deals back with the infrastructure.

CHAIRMAN: You're giving your engineering opinion?

MR. RINEY: That's correct.
CHAIRMAN: Thank you. Does anybody have any questions of Mr. Riney?

MR. CAMBRON: I do just real quick.

There is a vacant lot that's going to be next to it and then there is a house that faces Second as we're going east; is that correct?

MR. RINEY: The property that adjoins it to the east is an existing residence, Mr. Cambron.

MR. CAMBRON: I didn't know if there was a lot in-between there.

MR. RINEY: No, sir. No, sir. This lot comes over and touches on the lot that fronts on Second Street.

MR. CAMBRON: It's a house that faces Second Street and it has access off Second Street, correct?

MR. RINEY: That house does, yes, sir.

CHAIRMAN: Let me ask Ms. Watson a question, please.

In Mr. Riney's request from an engineering standpoint, that they face Second Street, how do you feel about that situation versus the original application from the other street?

MS. WATSON: I think our Staff Report recommended approval of the rezoning because this is a
logical expansion of the development that has occurred along Sycamore Street. So we were looking at an orientation toward the local street as part of that overall residential development. That's why it continues to be in the Staff Report as a condition.

CHAIRMAN: Are there other houses along Second Street that do face Second Street?

MS. WATSON: Yes, there are.

CHAIRMAN: Would this be a problem from our standpoint, from a Planning standpoint if we had it face Second Street versus -- I mean his request facing Second Street versus the other street?

MS. WATSON: There are houses to the east that face Second Street that are located in a residential zone. The houses across Second Street they are residences, but it is zoned B-4. So our feeling was that might develop commercially and they would be in the future the possibility of them fronting some commercial properties in that location as well.

MR. ROGERS: The property that joins his property, 914, does that house face?

MS. WATSON: That faces Second Street and is zoned residential.

MR. ROGERS: And it joins his property?
MR. CAMBRON: Mr. Chairman, the way I understand it if it's turned faced off Sycamore it's looking at a commercial piece of property too; is that correct?

CHAIRMAN: Right. That's what Mr. Riney pointed out.

MR. RINEY: I will add that the Edge family has recently participated in the past few years with the program here at City Hall that deal with new housing and some of the innovative programs to get folks in to areas, get the areas of Owensboro that haven't seen residential development or residential growth. They've been working with that program and this will be part of the same program.

Several of the new homes that are built on Second Street are part of that program and you can see the type and character of home that they're going to build. It's going to be, it would appear to be an asset to that particular part of the city, to that part of Second Street.

CHAIRMAN: I can see somewhat Ms. Watson is saying from our standpoint. That we would have, you know, we don't want to have you all facing, Mr. Edge facing Second Street and then we have commercial
development and then he would come down here and say,
look, I don't want to look out my front door and see,
you know, commercial.

MR. RINEY: I understand that. Mr. Edge has talked to the folks that want to buy the home,
that are interested in it. They picked out the house
and have picked out the siting of the home on Second
Street. He talked to them. They understand that that
is on Second Street and the property across the street
may not maintain that same character that you see
today, but I think by the fact that's in the record
tonight and they are still -- they have conveyed to
Mr. Edge and he's conveyed that to me that they're
still interested in that siting that home on Second
Second frontage. I would say strong testimony of
their preference.

MR. JAGOE: Mr. Chairman, across the
street if somebody wanted to put a business in there,
what would be the process for them to do that today?

MR. CAMBRON: There is already a business,
I think..

CHAIRMAN: Yes. How is it zoned, Ms. Watson?

MR. APPLEBY: Zoned B-4 across the road.

MS. WATSON: You're talking about across
West Second Street?

MR. JAGOE: Yes.

MS. WATSON: They would have to submit a cite plan to Jim Mischel's office at the minimum, right?

MR. NOFFSINGER: But is zoned B-4 General Business. If they met the site conditions, then they could open a business.

MR. JAGOE: The applicant here is aware that it's already B-4 across the street?

MR. RINEY: That's what they have conveyed to me, yes, sir. Mr. Edge is fully aware of what the zones are.

MR. JAGOE: And the Staff's concern was that there would be business across the street and they're going to be looking at that?

MS. WATSON: I think our main point in recommendation the zoning change to R4-DT was that a logical extension of the existing residential zoning along Sycamore Street in that development. Therefore, we felt the orientation would continue toward the local street or Sycamore Street. He has a business across Sycamore Street as well as a potential of business across West Second Street.

CHAIRMAN: Yes, sir, Mr. Noffsinger.
MR. NOFFSINGER: Planning Staff, again, what we are recommending is a recommendation that we feel speaks to good planning. Doesn't mean it's the way the property should develop. It's a recommendation to consider. Second Street is an arterial street and a high traffic street, whereas Sycamore Street is a local street with very low traffic.

Generally in residential you would want to orient the residential uses toward that local street. This home is being built as a continuation of the Sycamore Street development that's currently developing and going through one of the city's home buyer program. This is just a continuation of that. We've looked at the house that's being proposed for the property and we've looked at orienting the home towards Second Street or orienting the home towards Sycamore Street. You can fit the home on the property either way. If you orient the home toward Second Street, you have a smaller backyard and you have a rather large side yard or the front, if you will, but you have a very small backyard where children typically you would see them playing as well as you limit yourself to future additions to the home. The driveway is going to come in off Second Street to
the rear of the property. With a 20 foot rear yard set back and orienting the home towards Second Street, you do not have room to put in a carport, an attached carport or an attached garage. You may have room to do a detached building, but you could not have an attached vehicular structure for vehicle parking. However, if you orient the home toward Sycamoare Street, you have a much larger rear yard as well as you have the opportunity to have an attached carport or a small attached garage to the property. So we're looking at it not just from what's presently out there, but the future land uses and someone might have the idea of doing an addition later on.

I think if all of that is understood and recognized by all parties, I think keeping with tradition there have not been qualifications on the orientation of a home. However, the Planning Staff felt it was a good recommendation to consider, but given the facts may not be a recommendation the Planning Commission should send to the legislative body.

CHAIRMAN: With that being said, Mr. Riney, obviously from your engineering background you're aware of all of those situations and your client is also aware of them?
MR. RINEY: Yes. Mr. Chairman, I wanted to make sure that the records was clear on that. The applicant is aware of the conditions and states that this is his preference. He did indicate to me or direct me that if he felt like that this was not going to be acceptable to the commission that rather than rezone it and have the orientation in a direction that wasn't in the preference of the people that are looking at it. That he would respectfully request that it be withdrawn, but I'm not making that request at this point because I don't think the Staff is arguing that point as an absolute.

CHAIRMAN: Thank you.

I think at this point, unless anybody has any further questions, I think the Chair can be ready for a motion.

MR. CAMBRON: Mr. Chairman, I make a motion that we rezone this, and do away with Condition 2, and the Findings of Fact 1 through 4 and let this house be orientated towards Second Street.

MR. APPLEBY: Second.

CHAIRMAN: We have a motion by Mr. Cambron. We have a second by Mr. Appleby. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

Next item, please.

-----------------------------------------

ZONING CHANGES - COUNTY

ITEM 6

3131 Alvey Park Drive W, 0.573 acres
Consider zoning change: From I-1 Light Industrial to B-4 General Business
Applicant: Communication Workers of America Local 3314

PLANNING STAFF RECOMMENDATIONS

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

Findings in support of this recommendation include:

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

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

3. The applicant's proposal is a logical expansion because it is contiguous to existing B-4 General Business zones and uses, would not significantly increase the extent of the General Business zone within the vicinity, and would not overburden the capacity of roadways and other necessary urban services that are available in the affected area.
MS. WATSON: We would like to enter the
Staff Report as Exhibit B.

CHAIRMAN: Is anybody here representing
the applicant in the audience?

APPLICANT: Yes.

CHAIRMAN: Would you like to make a
statement?

APPLICANT: No, not really.

CHAIRMAN: Let's see if we have any
questions.

Does anybody from the commission have a
question of the applicant?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: Chair is now ready for a
motion.

MR. APPLEBY: Mr. Chairman, I make a
motion for approval based on the Staffs Recommendation
and Findings of Fact 1 through 3.

MR. GILLES: Second.

CHAIRMAN: We've got a motion for approval
by Mr. Appleby. Second by Mr. Gilles. All in favor
raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

10651 KY 144, 15+ acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Dennis Buck, James D. Payne

PLANNING STAFF RECOMMENDATIONS

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

Findings of Fact in support of this recommendation are as follows:

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

2. The subject property is adjacent to A-R Rural Agriculture zoning and rural residential uses;

3. An existing rural residence is currently, located on the subject property;

4. There are no current coal mining activities on the subject property;

5. The subject project has frontage on existing public roads; and

6. The subject project consists of a large separate tract that has potential for productive agricultural use.

Ohio Valley Reporting
(270) 683-7383
MS. WATSON: We'd like to enter this as Exhibit C.

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from anybody on the commission?

(NO RESPONSE)

MR. ROGERS: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Mr. chairman, I make a motion for approval based on Staff Recommendation and the Findings of Fact 1 through 6.

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

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.

ITEM 8

Portion 2714 US 60 E, 1.106 acres (POSTPONED from December 13, 2001 meeting.)

Consider zoning change: From B-4 General Business and R-3MF Multi-Family Residential to B-4 General Business

Applicant: Charalambos 'Harry' Pavlas, Nicholas Pavlas

Ohio Valley Reporting
(270) 683-7383
PLANNING STAFF RECOMMENDATIONS

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

This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. Access to US 60 East from 2714 US 60 E shall be limited to one access point not to exceed 50 feet in width.

Findings of Fact:

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

2. A portion of the subject property is currently zoned B-4 General Business and has been used for general business activities;

3. The subject property adjoins B-4 General Business zoning and uses; and

4. The applicant’s proposal is a logical expansion of existing B-4 zoning and uses, will not significantly increase the extent of the existing B-4 General Business zoning and use in the vicinity, and will not overburden the capacity of roadways or other necessary urban services in the affected area.

MS. WATSON: We would like to enter this
Staff Report as Exhibit D.

CHAIRMAN: Is there anybody representing the applicant here?

(NO RESPONSE)

CHAIRMAN: Are there any questions or comments by the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval based upon Planning Staff Recommendation subject to Condition 1 and based upon Findings of Fact 1, 2, 3, 4.

CHAIRMAN: Motion for approval by Ms. Dixon based on the condition.

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.

DEVELOPMENT PLAN

ITEM 9

400 West 11th Street, 2.254 acres
Consider approval of final development plan.
Applicant: Blue Grass Real Estate, LLC

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

This is the former Baskin-Robbins property
which served as a truck parking area. The only change
to this development plan is that there is a small
portion of the I believe to be south eastern corner of
the property that's being taken and consolidated with
property that fronts on Frederica Street for future
commercial development, but it is in order and ready
for your consideration.

CHAIRMAN: Is anybody here representing
the applicant?

APPLICANT: Yes.

CHAIRMAN: Anybody have any questions of
the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the audience?

(NO RESPONSE)

MR. CAMBRON: Is Chair ready for a motion?

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

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, please.

-----------------------------------------

MAJOR SUBDIVISION

ITEM 10

The Brooks, 31.844 acres
Consider approval of revised major subdivision preliminary plat.
Applicant: Bill Jones, Owensboro Master Builders, Inc

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff, by the Engineering Staff. It is found to be in order.

The changes to this plat come before you for consideration are drainage changes on the previously approved plat. It deals with storm water drainage. Mr. Riney, the engineer on the plan, is here tonight if you have any questions.

CHAIRMAN: Does anybody from the audience or commission have questions of Mr. Riney?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

Ohio Valley Reporting
(270) 683-7383
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.

ITEM 11

Lake Forest, Phase II, 47.94 acres
Consider approval of revised major subdivision preliminary plat.
Applicant: JMP/Lake Forest, Inc.

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

This plat is being considered in conjunction with Item Number 10 and is being amended only to facilitate drainage changes in the Brooks development.

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody from the audience or the commission have questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not Chair is ready for a motion.

MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

-----------------------------------------

SURETY RELEASES

ITEM 13

By Pass Homes, $5,000.00  
Consider release of surety (Certificate of Deposit) for landscaping.  
Surety posted by: By Pass Homes

ITEM 14

Creek Haven, Unit #2, $15,383.20  
Transfer of surety (Certificate of Deposit) for 2" bit. conc. base to the City of Owensboro  
Surety posted by: Creek Haven Development, Inc.

ITEM 15

Enterprise Rent-A-Car, $503.00  
Consider release of surety (Certified Check) for landscaping.  
Surety posted by: Enterprise Rent-A-Car

ITEM 16

Hunters Ridge, Unit #7, $3,732.40  
Consider release of surety (Certificate of Deposit) for 2" bit. conc. base.  
Surety posted by: Hunters Ridge Development, Inc.

ITEM 17

Ohio Valley Reporting  
(270) 683-7383
S and J Kustoms, $2,370.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: S & J Kustoms

MR. NOFFSINGER: Mr. Chairman, under Surety Releases Item 13 through 17 each are in order and may be considered for release in toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve 13 through 17 in toto.

CHAIRMAN: Ms. Dixon has a motion for approval.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Next item, please.

MR. APPLEBY: We missed Item 12.

CHAIRMAN: Item 13 through 17 for the record passed unanimously. We will go back and pick up Item Number 12. Mr. Noffsinger will be right on that.

-----------------------------------------
MINOR SUBDIVISION

ITEM 12

9198, 9210, 9314, KY 144, 1.72 acres
Consider approval of minor subdivision plat. Applicant: Jamie Postlewaite, Mary & Kenneth L. Postlewaite, II, East Daviess County Water
Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. The plat is in order.

What it does do to the development activity that has historically occurred on Kentucky 144, there is some property that is being reconfigured so that an existing home place can be located on its own separate lot of 1.6 acres. That 1.6 acres is being taken off of a larger tract with the remaining acreage of 21.35 acres and that property will have frontage through land that's being acquired from the East Daviess County Water District, but the plat comes before you because the lot that is being created on the 1.6 acre tract exceeds the depth to width ratio; however, due to the existing lots being created around it and the way the property exist today, there is no other way to divide it.

CHAIRMAN: Is someone here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience or the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not Chair is ready for a motion.
MR. JAGOE: Move to approve.

CHAIRMAN: Mr. Jagoe motion for approval.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

-----------------------------------------

SURETY TRANSFERS

ITEM 18
Cinderella Drive, $3,300.00
Transfer of surety (Performance Bond) for fire hydrants to the Daviess County Fiscal Court. Surety posted by: James Glenn Causey

ITEM 19
The Greens of Heartland, Phase 3, $3,068.80
Transfer of surety (Certificate of Deposit) for streets to the City of Owensboro. Surety posted by: Jagoe Development Corporation

ITEM 20
The Greens of Heartland, Phase 3, $7,950.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro. Surety posted by: Jagoe Development Corporation

ITEM 21
North Arbors of Heartland, Phase I, $3,933.60
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro. Surety posted by: Jagoe Homes & Construction, Inc.

ITEM 22

Ohio Valley Reporting
(270) 683-7383
The North Arbors of Heartland, Phase 2, $5,646.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro
Surety posted by: Jagoe Development Corporation

ITEM 23

The North Arbors of Heartland, Phase 2, $2,546.60
Transfer of surety (Certificate of Deposit) for streets to the City of Owensboro
Surety posted by: Jagoe Development Corporation

ITEM 24

Preakness Place At The Downs, $20,698.80
Transfer of surety (Irrevocable Letter of Credit) for streets and sidewalks to the Daviess County Fiscal Court.
Surety posted by: Thompson Homes, Inc.

MR. NOFFSINGER: Under Surety Transfers I believe we can do these in toto; however we will have a disqualification for I believe 19, 20, 21, 22 and 23 by Mr. Jagoe.

CHAIRMAN: Is that correct, Mr. Jagoe?

MR. JAGOE: Yes, Mr. Chairman, I need to disqualify myself on those items.

CHAIRMAN: Thank you, Mr. Noffsinger.

MR. NOFFSINGER: With that Surety Transfers 18 through 24 are in order and may be transferred in toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve Surety Transfers 18 through 24 in toto.

CHAIRMAN: Motion for approval by Ms.
Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE DISQUALIFICATION OF MR. JAGOE ON ITEMS 19, 20, 21, 22 AND 23 RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

-----------------------------------------

NEW BUSINESS

ITEM 25

4804 Towne Square Court, 0.537+ acres
Consider approval of minor subdivision plat.
Applicant: Dr. J. Chris Hyland, Lisa P. Hyland, Dr. Eddie W. Leach, Sherrianne Leach, City of Owensboro.

MR. NOFFSINGER: Mr. Chairman, this plat dedicates right of way which is land that is now a part of the Towne Square Animal Clinic and that area that's being dedicated as right of way will be used to extend Nicholas Drive which is a street that will extend to Towne Square Court to provide better means of access within that area. It will be constructed by the City of Owensboro. It's been reviewed by the Planning Staff. We find no conflict with the plan. Recommend that you approve this plat tonight.

CHAIRMAN: Is anybody here representing the applicant?

Ohio Valley Reporting
(270) 683-7383
APPLICANT: Yes.

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

(NO RESPONSE)

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.

I have one item that I want to bring up. One of our members, Ms. Judy Dixon, appeared in the Region section. "Foust Elementary Teacher Helps Struggling Students".

Congratulations, Judy. It says, "There are kids that want to get up and go to school on Saturday and Sunday because of her", stated Ms. Linda Buck.

Judy, you can't say any more about somebody. Thanks. Congratulations for a job well done and your many years of service in the education system in helping our youth.

Now, the Chair is ready for one more
motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

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, LYNETTE 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 36 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 17th day of January, 2002.

LYNETTE 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

Ohio Valley Reporting
(270) 683-7383