The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, August 8, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Nick Cambron, Vice Chairman
Gary Noffsinger
Dave Appleby
Scott Jagoe
Irvin Rogers
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: I would like to welcome everybody to the meeting of the Owensboro Metropolitan Planning Commission. Tonight our invocation will be given by Mr. Dave Appleby.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item of business will be to consider the minutes of the July 11th meeting. Those minutes are on file and are open to the public.

MR. JAGOE: Move to approve.

DR. BOTHWELL: Second.
CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion approved.

Second item is to recognize Mrs. Becky Stone has been with the Owensboro Metropolitan Planning Commission for approximately two years. She just recently was invited to make application to American Institute of Certified Planners. We'd like to recognize her with her achievement.

Congratulations, Becky.

MS. STONE: Thank you.

CHAIRMAN: Second item, Mr. Noffsinger.

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

PUBLIC HEARING

ITEM 1B

Consider adoption of the Owensboro Metropolitan Planning Commission Public Improvement Specifications for the City of Owensboro, City of Whitesville and Daviess County.

MR. NOFFSINGER: Mr. Chairman, this is a process that has been ongoing for approximately two and a half to three years now. It was a mass update of the public improvement specifications which detail the design standards for our streets, storm sewers, sanitary sewers, as well as water mains and other
public infrastructure within the community.

These are very important to have in that it guides our developers as well as our engineers in developing and actually laying out new subdivisions within our community.

This document that's advertised for public hearing tonight. Was prepared by a group of local individuals. It was prepared pretty much entirely through volunteer work with little or no cost to the city or county government. I think there was a cost of about 4,000 to $5,000 involved and that was part of preparing drawings for the different facilities. All the text was prepared by the committee.

Before we start the public hearing I would like to recognize those that served on this committee and donated their time. First is Tom Ilander of Johnson Depp & Quisenberry. George Ballard, he was a representative of the Home Builders Association of Owensboro. He was a contractor's rep. Dean Benkye with the Regional Water Resource Agency. Don Bryant with Bryant Engineering, Inc. Gary Noffsinger with the Planning Commission. Mike O'Bryan, Home Builders Association of Owensboro. Ward Pedley with the Home Builders Association of Owensboro. Marwan Rayan, City of Owensboro Engineer. Sadan Rayan, Daviess County
Mr. Chairman, I do think that these specifications that have been prepared present a quality document which were prepared by those individuals that actually work under the guidelines. With that I'll say no more.

Many of the committee members are here tonight to answer any technical questions you might have. With that it's ready for your consideration and public hearing.

CHAIRMAN: Thank you, Mr. Noffsinger. Is there anyone here that would like to comment tonight or question about this?

(NO RESPONSE)

CHAIRMAN: Any board members have any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Mr. Chairman, I'd make a motion for approval of the adoption of the new regulations.

CHAIRMAN: Thank you, Mr. Appleby. We have a motion by Mr. Appleby.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: It's approved.

Item Number 2.

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

PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

2425 Frederica Street
Land Disposition
Consider comments regarding a proposal to close 491 feet of a 10-foot alley and to close 419 feet of a 10-foot alley running parallel and extending from West 25th Street to West 24th Street.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find no conflict with the Comprehensive Plan and recommend you forward a letter to that affect to the City of Owensboro.

CHAIRMAN: Thank you, Mr. Noffsinger.

Is there anybody here representing the city?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

MR. JAGOE: Second.
CHAIRMAN: Motion for approval by Mr. Appleby. Second by Mr. Jagoe. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.

ITEM 3

914 Hall Street
Land Acquisition
Consider comments regarding the acquisition of property located at 914 Hall Street in order to realign the intersection of Hall Street and East Ninth Street as a part of the ongoing project to improve East Ninth Street

Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find no conflict with the adopted Comprehensive Plan. We would recommend you forward a letter of that affect to the City of Owensboro.

CHAIRMAN: Thank you, Mr. Noffsinger.

Again, I ask is there anybody here from the city?

(NO RESPONSE)

CHAIRMAN: I see no one here. Anybody opposed?

(NO RESPONSE)

CHAIRMAN: The chair is ready for a motion.
MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Item passes.

Item Number 4.

ITEM 4

2818 New Hartford Road
Facilities Construction
Consider comments regarding obtaining an easement and the construction of a storm water detention basin along Harsh Ditch in accordance with the Owensboro Storm Water Master Plan.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application after having reviewed the Storm Water Plan for the City of Owensboro. We find no conflict with that plan; however, within this area we were looking at creating about eight acre feet of storm water retention. This proposal along with another proposal on this agenda will create about four to six acres feet of storm water retention. We find no conflict with that plan. This is an improvement and moving in the right direction so we recommend you forward a letter to that
affect to the City of Owensboro.

CHAIRMAN: Thank you, Mr. Noffsinger.

Anyone here representing the city again?

(NO RESPONSE)

CHAIRMAN: Any questions or in opposition?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: Make a motion to approve.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Item is approved.

Item Number 5, Mr. Noffsinger.

ITEM 5

802 Ridgeway Drive
Facilities Construction

Consider comments regarding obtaining an easement and the construction of a storm water detention basin along Harsh Ditch in accordance with the Owensboro Storm Water Master Plan.

Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, this is the item that is related to the previous item in terms of drainage. We find no conflict with the Comprehensive Plan. Recommend you forward a letter to that affect.

Ohio Valley Reporting
(270) 683-7383
to the City of Owensboro.

CHAIRMAN: Thank you, Mr. Noffsinger.

Again, I ask is anybody here for the city, and I presume there is not.

(NO RESPONSE)

CHAIRMAN: Anybody opposed or questions or comments?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

DR. BOTHWELL: Motion to approve.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That item passes.

Next, Mr. Noffsinger.

ITEM 6

100 East Second Street
Building Construction
Consider comments regarding the construction of a 1,040 square foot addition to the Daviess County Judicial Center.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed the application. We find no
conflict with the Comprehensive Plan. Recommend you forward a letter of that affect to the Daviess County Fiscal Court.

CHAIRMAN: Thank you, Mr. Noffsinger.

Is anybody here representing fiscal court?

(NO RESPONSE)

CHAIRMAN: Anybody here have any opposition or questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: Make a motion to approve.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The item is approved.

ITEM 7

2700 Block West Fifth Street Road Facilities Construction
Consider comments regarding obtaining easements for and the construction of a 4-foot wide sidewalk along the south side of West Fifth Street Road in the 2700 block.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, we have reviewed. Find no conflict. We recommend you forward
a letter to that affect to the City of Owensboro.

CHAIRMAN: Thank you, Mr. Noffsinger.

Anybody here representing the City?

(NO RESPONSE)

CHAIRMAN: Anybody here opposed or questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Item approved.

Next, Mr. Noffsinger.

ITEM 8

1501-1521 East 11th Street
Land Disposition
Consider comments regarding a proposal to close 285 feet+ of a 10-foot wide alley.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find no conflict with the adopted Comprehensive Plan and would recommend a letter of that affect be forwarded to the
City of Owensboro.

CHAIRMAN: Thank you, Mr. Noffsinger.

Again, anybody here representing the city?

(NO RESPONSE)

CHAIRMAN: Any questions or comments?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: Approval by Mr. Rogers.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All

those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Item passes.

Next, Mr. Noffsinger.

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

ZONING CHANGE - CITY

ITEM 9

Portion 1800 West Fourth Street, 1721 West Fifth Street, 0.42 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional/Service
Applicant: Audubon Area Community Services, Inc.

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MRS. STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Ohio Valley Reporting
(270) 683-7383
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. Access to the subject property shall be limited to the 25-foot wide public alley with no additional access permitted to West Fifth Street;

2. Paved off-street parking shall be provided in accordance with the Owensboro Metropolitan Zoning Ordinance; and,

3. Vehicular use areas shall be screened from adjacent residentially zoned properties with a minimum of a 3-foot high continuous element and one tree per 40 linear feet of vehicular use area boundary.

Findings of Fact:

1. The subject property is located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations;

2. The subject property adjoins an existing P-1 Professional/Service Plan Area and P-1 zone to the west;

3. The subject property is contiguous to P-1 Professional/Service zoning and use to the south across West Fifth Street; and,
4. The applicant's request is a logical expansion of existing P-1 zoning and professional/service uses in the immediate vicinity, will not significantly increase the extent of the P-1 zone in the area, and will not overburden the capacity of the roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Thank you, Mrs. Stone.

Is there anyone here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: So noted.

Anyone here that has any questions or comments or in opposition?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Mr. Chairman, I make a motion for approval based on Planning Staff Recommendations with Conditions 1 through 3 and Findings of Fact 1 through 4.

CHAIRMAN: Thank you, Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That passes.

Next item, Mr. Noffsinger.

ITEM 10

3649 Wathens Crossing, 5.819 acres
Consider zoning change: From B-3 Highway Business Center to I-1 Light Industrial
Applicant: O'Bryan Heirs, c/o William O'Bryan Wright

MR. NOFFSINGER: Mr. Chairman, Item 10 has been withdrawn by the applicant. We have a letter to that affect to withdraw it.

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

ZONING CHANGE - COUNTY

ITEM 11

Portion 7079 Masonville-Habit Road, 2.16 acres
Consider zoning change: From R-1A Single-Family Residential to A-R Rural Agriculture
Applicant: Sterling Dutton Heirs, Darrell R. Dutton, Co-Executor, Sterling Dutton, Jr., Co-Executor, Linda J. Lynch, Co-Executor

PLANNING STAFF RECOMMENDATIONS

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:

1. The subject property is located in a Rural Preference Plan Area, where Rural Farm Residential
uses are appropriate in general locations;

2. The subject property adjoins A-R Rural Agriculture zoning and uses;

3. The subject property is identified as prime farmland on the Map of Important Farmland, compiled in 1976 by the U.S. Department of Agriculture Soil Conservation; and

4. The proposed 23.88-acre tract is large enough to support agricultural activity.

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

CHAIRMAN: Thank you, Mrs. Stone.

Is there anyone here that represents the applicant?

APPLICANT: Yes.

CHAIRMAN: Anybody opposed or questions or comments by the board members?

(NO RESPONSE)

MR. APPLEBY: Chair ready for a motion?

CHAIRMAN: The chair is ready for a motion, Mr. Appleby.

MR. APPLEBY: Make a motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 4.

CHAIRMAN: Thank you, Mr. Appleby.
MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That item passes.

Next item, Mr. Noffsinger.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

ITEM 12

The Downs, 47.9 acres
Consider approval of amended combined major subdivision preliminary plat/final development plan. Applicant: Thompson Homes, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by Planning Staff. Found to be in order and ready for approval at this time.

CHAIRMAN: Thank you, Mr. Noffsinger.

Chair is ready for a motion.

MR. ROGERS: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Rogers.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That item passes.
Next, Mr. Noffsinger.

-----------------------------------------
MAJOR SUBDIVISIONS

ITEM 13

Eagles Nest At Eagle Crest Estates, Section 2,
15.165 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $67,487.20
Applicant: Hayden Park Developers, c/o Ron Jones

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. Found to be in order and ready for your consideration at this time.

CHAIRMAN: Thank you, Mr. Noffsinger.

Chair is ready for a motion.

MR. JAGOE: Move to approve.

CHAIRMAN: Move for approval by Mr. Jagoe.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That item passes.

Next item.

ITEM 14

Heritage Park, Unit 3, 8.171 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $40,663
Applicant: Jagoe Homes & Construction Co., Inc.

Ohio Valley Reporting
(270) 683-7383
MR. JAGOE: Mr. Chairman, I need to
disqualify myself for Item 14.

CHAIRMAN: Well, in that case, Mr.
Noffsinger, we will not have enough for a forum to
vote on that; is that correct?

MR. NOFFSINGER: That's correct.

CHAIRMAN: So we need to?

MR. ELLIOTT: We can't take no action on
it. It will have to be placed on the agenda for next
month.

CHAIRMAN: Next, Mr. Noffsinger.

MINOR SUBDIVISION

ITEM 15

7055, 7079 Masonville-Habit Road, 5.39 acres
Consider approval of minor subdivision plat.
Applicant: Sterling Dutton Heirs, Darrell R. Dutton,
Co-Executor, Sterling Dutton, Jr., Co-Executor, Linda
J. Lynch, Co-Executor, William J. & Lisa R. Hamilton

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff. If there are
any questions Mrs. Watson has reviewed the application
and has talked with the property owners and would be
happy to explain it to you.

CHAIRMAN: Thank you. I'll check to see
if any board members have any questions.

(NO RESPONSE)
MR. APPLEBY: Is chair ready for a motion?

CHAIRMAN: Yes.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Next item, Mr. Noffsinger.

MR. NOFFSINGER: Would like to correct the record. That should be Mrs. Stone.

-----------------------------------------
SURETY RELEASES

ITEM 16

Ridgecrest Medical Park, $17,273.00
Consider release of surety (Certificate of Deposit) for landscaping.
Surety posted by: Yellowbanks Development, LLC

ITEM 17

Woodland Ridge, $23,388.40
Consider partial release of surety (Irrevocable Letter of Credit) for streets and storm sewers.
Surety retained (Irrevocable Letter of Credit) $14,194.20
Surety posted by: Terry Dukes, c/o Audubon Loans, Inc.

MR. NOFFSINGER: Items 16 and 17, these are in order and may be released to toto.

CHAIRMAN: Thank you, Mr. Noffsinger.
MR. JAGOE: Move for approval.

CHAIRMAN: Motion for approval by Mr. Jagoe.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Next item.

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

SURETY TRANSFERS

ITEM 18

Woodland Ridge, $14,194.20
Transfer of surety (Irrevocable Letter of Credit) for streets and storms sewers to the Daviess County Fiscal Court.
Surety posted by: Terry Dukes, c/o Audubon Loans, Inc.

ITEM 19

Gary Woods Property Division, $2,500.00
Transfer of surety (Certified Check) for water mains to the Daviess County Fiscal Court
Surety posted by: Kurtz Auction & Realty

MR. NOFFSINGER: Items 18 and 19 are in order and may be transferred in toto.

MR. APPLEBY: Move for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Next item, Mr. Noffsinger.

MR. NOFFSINGER: I'm ready to adjourn.

MR. APPLEBY: Do we need to do anything about placing this on the agenda?

MR. NOFFSINGER: In terms of the Cell Tower Ordinance?

The Cell Tower Committee has conducted their review for what they feel is necessary for the community in terms of regulations of cellular antenna towers. They have completed an ordinance and that ordinance will be available for public review in the offices of the Planning Commission on the second floor of City Hall in Owensboro. You may also view these regulations in the upcoming days. Just gives us until next week. It will be available at our website at iompc.org.

The Planning Commission may want to take a vote to advertise for public hearing to consider these for adoption and to forward to the elected officials. That public hearing would take place at the September meeting of this commission if you direct staff to advertise.

MR. APPLEBY: It requires us to vote on
MR. NOFFSINGER: Yes.

MR. APPLEBY: I make a motion that we advertise the cell tower regulations for public hearing at the September meeting.

CHAIRMAN: We have a motion by Mr. Appleby.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: I do want to say thank you all for working on this.

DR. BOTHWELL: Motion to adjourn.

CHAIRMAN: Motion for adjournment by Dr. Bothwell.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is 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 23 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 22nd day of August, 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