The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, October 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
                   Irvin Rogers
                   Judy Dixon
                   Dr. Mark Bothwell
                   Martin Hayden
                   Stewart Elliott, Attorney

CHAIRMAN:  Let's stand for our invocation.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first item on the agenda is consider the minutes of the September 12, 2002, meeting. Are there any corrections or additions to the minutes?

(NO RESPONSE)

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

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: Motion carries unanimously.

Next item, please.

ITEM 2

Presentation of Fiscal Year 2002 audit by Bob Thomas, CPA.

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

MR. THOMAS: Bob Thomas.

(MR. BOB THOMAS SWORN BY ATTORNEY.)

MR. THOMAS: As stated I'm Bob Thomas. I'm a CPA, shareholder with Hayden & Company, CPA's. We were engaged to audit the general purpose financial statement of the Owensboro Metropolitan Planning Commission as of for the year ended June 30, 2002. We conducted our audit in accordance with the auditing standards generally accepted in the United States of America and government audit standards.

The objective of our audit was the
expression of an opinion as to whether the general
purpose financial statements are fairly presumed in
conformity with generally accepted accounting
principals.

In our opinion in our report, we stated
that in our opinion the general purpose of financial
statements present fairly in all respects the
financial position of Owensboro Metropolitan Planning
Commission and the results of its operations for the
year ended June 30, 2002, in accordance with generally
accepted accounting principals.

Each of you should have received a bound
copy of our report and financial statements and I
submit them for your approval.

Would be happy to entertain any
questions.

CHAIRMAN: Is there any questions from
anybody on the commission?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience
have any questions?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval, Mr.

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Chairman.

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.

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PUBLIC FACILITIES PLAN
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 3A

1 Carter Road, 3399 Raven Drive
Facilities Construction
Consider comments regarding the existing west side parking lot and the construction of an additional parking lot to the south of the concession stand at Thompson-Berry Park.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, this is a plan to construct a much needed parking at the Thompson-Berry Soccer Complex. Planning Staff has reviewed the plans. Find no conflict with the Comprehensive Plan and would recommend you forward a letter of that affect to the City of Owensboro.

CHAIRMAN: Does anybody in the audience have any questions?

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(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a recommendation.

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3B

9800 Block of Hulsey Loop
Land Disposition
Consider comments regarding a proposal to close a 10-foot alley right-of-way running north from Delaware Ferry Road to Hulsey Loop and a 10-foot alley right-of-way running west from the east leg of Hulsey Loop and terminating at the west leg of Hulsey Loop. Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this plan. We find no conflict with the Comprehensive Plan and recommend that a letter of that affect be forwarded to the Daviess County Fiscal Court.

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CHAIRMAN: Any questions or comments from the audience?

(NO RESPONSE)

CHAIRMAN: Anyone on the commission?

(NO RESPONSE)

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

MR. HAYDEN: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

7772 KY 815
Land Acquisition and Disposition
Consider comments regarding the acquisition and disposition of property in order to conform with the request from the Kentucky Division of Waste management related to the Daviess County Contained Landfill expansion.

Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application along with the Comprehensive Plan and Solid Waste Management Plan.

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We find no conflict and would recommend a letter of that affect be forwarded to the Daviess County Fiscal Court.

CHAIRMAN: Any comments or questions from the audience?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

2700 Block of Sunrise Drive
Land Disposition
Consider comments regarding a proposal to close a portion of right-of-way beginning at the right-of-way of Sunrise Drive and Ridgeway Drive and following along the rear properties fronting Sunrise Drive and Veach Road ending in a dead end.

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(270) 683-7383
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, we find no conflict with the adopted Comprehensive Plan and recommend a letter to that affect be forwarded to the Daviess County Fiscal Court.

CHAIRMAN: Any comments or questions from the audience?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission have any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES - CITY

ITEM 6

224 Ewing Road, 0.42 acres
Consider zoning change: From B-4 General Business to I-1 Light Industrial
Applicant: Jim Cox, J.C. Fleming

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. These recommendations are made subject to the conditions and findings of fact that follow:

Conditions:

1. Driveway access shall be limited to the shared access easement as shown on minor subdivision plat approved 3-11-2002;

2. Vehicular use areas adjacent to street right-of-way shall be landscaped with a minimum 3-foot high continuous element and one tree per 40-feet of vehicular use area boundary; and

3. Any outdoor storage areas shall be screened with a minimum 6-foot high solid element and one tree per 40-feet of storage area boundary.

Findings of Fact:

1. The subject property is located in a Business/Industrial Plan Area, where light industrial
uses are appropriate in general locations;

2. Areas designated as Business/Industrial Plan Areas in the Land Use Element of the Comprehensive Plan allow for continued mixed uses of general business and light industrial; and

3. Reuse of an existing sound building will encourage maintenance and conservation, in accordance with the goals of the Comprehensive Plan for building quality.

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

CHAIRMAN: Are there any questions or comments from the audience?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission have any questions or comments?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a recommendation.

MS. DIXON: Move for approval subject to Conditions 1 through 3 and based upon Findings of Fact 1 through 3.

CHAIRMAN: Motion for approval by Ms. Dixon.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Thank you.

ITEM 7

1920 McFarland Avenue, 1.84+ acres
Consider zoning change: From B-4 General Business to I-2 Heavy Industrial
Applicant: West Side Auto Parts, Inc., Henry E. Phillips, Mary E. Posey

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in substantial compliance with the community's adopted Comprehensive Plan, subject to the imposition of strict conditions to mitigate possible negative impact on the residential properties in the vicinity. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Driveway access shall be limited to one access point onto Old Henderson Road, not to exceed 50-feet in width at the property line;

2. Driveway access on Old Henderson Road shall be paved to a minimum distance of 50-feet inside the property boundary;

3. The existing driveway access on McFarland
Avenue shall be closed, and the entire frontage on McFarland shall be screened with a minimum 8-foot high continuous solid element with one tree per 40-feet of linear boundary to be located outside of the required roadway/buffer;

4. The gravel in the area between the street pavement on McFarland Avenue and the fence boundary shall be removed and the area returned to grass;

5. The applicant shall apply for a conditional use permit and variances from the required setback buffers from the Owensboro Metropolitan Board of Adjustment. Unless these items are approved, the property may not be used for the proposed use;

6. Existing fencing around the property on the east, west and south boundaries shall be replaced with a minimum 8-foot high solid element and maintained;

7. Storage of vehicles or materials on the site may not exceed the height of the fencing surrounding the property;

8. All conditions must be met prior to the use of the subject property for the storage of vehicles.

Findings of Fact:

1. The subject property is located in a Business/Industrial Plan Area, where heavy industrial uses are appropriate in only very-limited locations;
2. A required 8-foot high element, required landscaping, required roadway buffer, and right-of-way of McFarland Avenue will act as a buffer for the residentially zoned property across McFarland Avenue, if the access point onto McFarland Avenue is closed;

3. The applicant's proposal is a logical expansion of heavy industrial uses existing in the area, if conditions are imposed on the subject property to reduce the incompatibility with the adjoining residential properties; and,

4. The use of the subject property for disabled and wrecked vehicle storage and dismemberment is consistent with heavy industrial uses in the immediate vicinity.

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

CHAIRMAN: Are there any questions or comments from the audience?

MR. ELLIOTT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: Mr. Chairman, we have entered into an agreement with the objectors that were here in March. We agree to the eight conditions that are listed on the Staff's Findings of Fact. We'll add an
additional one to please the neighbors.

Number 9, we agree to implement an annual pest control plan.

I think Mr. Wilson is here representing the objectors. I think that's our agreement.

MR. WILSON: Yes, it is.

MR. ELLIOTT: Mr. Chairman, if I might. There is currently an action pending in circuit court which alleged violations, violations have been brought with the compliance. That action, any further action has been held. If the Board were to accept the recommendations for approval with the conditions, it would be my recommendation that I incorporate those conditions within a judgment in that case when it's finalized so we'll have a circuit court judgment with these conditions contained in it. You know, that is if the board recommends these conditions that that be incorporated in the judgment. The lawsuit will continue to be active until the rezoning does in fact occur, that the Conditional Use Permit does issue and the variance is granted by the Board of Adjustment.

CHAIRMAN: Would you want to go ahead and make that into Condition 9 and make sure both parties are aware before we vote or consider this item?

MR. ELLIOTT: Do you understand what I'm
saying, Charlie?

MR. KAMUF: I understand.

MR. ELLIOTT: This will be incorporated into the judgment when we finalize the circuit court action.

MR. KAMUF: Let's assume that the board approves it based on the eight conditions plus the ninth one, and also that the Board of Adjustment approves the variance, that case will be dismissed, I agree to pay the court cost.

MR. ELLIOTT: It will be finalized with a judgment to incorporate these conditions. For instance, Condition Number 9 about the insect annual spraying, if they were not to do that then it could go directly to the circuit court on enforcement of the judgment without us going through another proceeding. You're agreeing to do those conditions?

MR. KAMUF: We agree here.

MR. ELLIOTT: We'll work it out and incorporate it with a judgment so that any violations will go directly to circuit court.

MR. KAMUF: I understand.

CHAIRMAN: Mr. Elliott, do I understand you that you want to incorporate this as Item 10?

MR. APPLEBY: That wouldn't be
incorporated as part of the zoning. The board would agree for you to incorporate that within the suit.

MR. ELLIOTT: Right.

MR. KAMUF: I don't think that's part of the zoning. What he wants to do is incorporate that into the lawsuit that's held in events until such time as you all are heard on this motion tonight.

CHAIRMAN: So this will not be one of the conditions, but you want this read into the record when and if we --

MR. ELLIOTT: No. You don't have to put it in this record. I want them to understand I'll be asking for judgment pursuant to these conditions. I think Charlie has agreed to do that.

MR. KAMUF: I agree.

CHAIRMAN: Rather than just dismiss the lawsuit, I think we should incorporate these conditions within it. There's been a history of violation on this property. I think that will help resolve future problems.

CHAIRMAN: Thank you.

Mr. Kamuf, have you completed?

MR. KAMUF: I'm completed. I assume we are completed.

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

MR. WILSON: William Wilson, Jr.

(MR. WILSON SWORN BY ATTORNEY.)

MR. WILSON: Just want to confirm what Mr. Kamuf told the commission. We have reached agreement on the eight Staff's recommendations plus the Number 9 about the annual, no less than annual anyway pest, rodent inspections.

There's one thing I would like to point out to the board on these. Number 7 I believe it is in the Staff Recommendation talks about the fencing on the east/west and south side.

MR. KAMUF: Number 6.

MR. WILSON: Number 6. It shall be maintained. There's not any wording in any of those things about maintaining the fencing on the McFarland Avenue side. We're most concerned about that being that's the one we will be looking at. Just for clarification I would like to have a word maybe all fencing maintained or add north or something needs to be in there. I would like to try to eliminate any future discussion over that. I think it goes without saying, but it's not in the recommendations that the other three sides are.
CHAIRMAN: Mr. Wilson, let me bring Mr. Kamuf back and see if we can just incorporate, is the word "all" okay with you, Mr. Wilson?

MR. WILSON: Yes. Just as long as there's something that clearly we can all not argue in the future over where it's suppose to maintain three of them. Didn't say anything about the fourth one.

MR. KAMUF: I think the way to do that instead of all is go back to Number 3 and say that "we will maintain also the frontage along McFarland".

MR. WILSON: That will be great. That will be even better.

MR. KAMUF: You got it on the east and the west and you got it in the middle. There might be with the word "all" I don't know what else is down here. We will screen it on the east of the property line, on the west of the property line, in front of McFarland and also along McFarland.

CHAIRMAN: Mr. Kamuf, let me bring Becky back to the microphone, please.

Would it be okay with you to change the wording there in Condition Number 3?

MS. STONE: Sure. Add and maintain certainly.

CHAIRMAN: Will you see that that is

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changed in our recommendations?

MS. STONE: Yes.

CHAIRMAN: Does anybody from the audience have any comments?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions or comments?

MR. CAMBRON: I think they've worked it all out and I think we're ready to make a motion here.

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

MR. CAMBRON: Motion for approval, Mr. Chairman, based upon Conditions 1 through 9 and the clarification on 3 and the Findings of Fact 1 through 4 and with the agreement from both sides on the stipulation Mr. Elliott has spoken about.

DR. BOTHWELL: Second.

CHAIRMAN: We've got a motion for approval by Mr. Cambron. We've got a second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 8

1123 Scherm Road, Portions of 1126 Spencer Drive, 2603

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Mayfair Avenue and 1121 Scherm Road, 0.341 acres
Consider zoning change: From R-1B Single-Family
Residential and P-1 Professional/Service to P-1
Professional/Service.
Applicant: City of Owensboro, Patricia Powell Clark,
Gordon & Anna Greene, Ronald & Juanita Schwartz

PLANNING STAFF RECOMMENDATIONS

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

Conditions:

1. The driveway access point on Scherm Road
closest to Mayfair Avenue shall be closed; and,
2. Vehicular use areas shall be screened from
the street right-of-way with 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 partially located in
a Professional/Service Plan Area, where
professional/service uses are appropriate in general
locations;
2. The subject property is partially located in
an Urban Residential Plan Area, where
professional/service uses are appropriate in limited

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3. The applicant's proposal is a logical expansion of existing P-1 Professional/Service zone that will not overburden the capacity of roadways and other necessary urban services available in the affected area.

MS. STONE: Would like to enter the Staff Report as Exhibit C.

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

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval, Mr. Chairman, subject to Planning Staff Recommendations, Conditions 1 and 2 and based on Findings of Fact 1 through 3.

CHAIRMAN: We have a motion for approval by Mr. Appleby.

MR. GILLES: Second.

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

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES - COUNTY

ITEM 9

4398 KY 554, 37.01 acres
Consider zoning change: From EX-1 Coal Mining to A-U Urban Agriculture
Applicant: Boyd Bartlett

PLANNING STAFF RECOMMENDATIONS

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

Findings of Fact:

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

2. The subject property contains some prime farmland, as identified on the Map of Important Farmlands prepared in 1976 by the U.S. Department of Agriculture Soil Conservation Service;

3. All coal mining activities have ceased on the subject property; and,

4. The subject property should revert to its

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original zoning classification of A-U Urban
Agriculture, in compliance with the Owensboro
Metropolitan Zoning Ordinance Section 12a.31.

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

CHAIRMAN: Do we have any questions or
comments from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Does anybody from the
commission have any questions or comments?

(NO RESPONSE)

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

MR. HAYDEN: I make a motion to approve
with Staff Recommendations Findings of Fact 1 through
4.

CHAIRMAN: We have a motion for approval
by Mr. Hayden.

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.
ITEM 10

Portion 9567 Old Hartford Road, 4.633 acres
Consider zoning change: From I-1 Light Industrial to
A-R Rural Agriculture
Applicant: Clarence J. Turner

PLANNING STAFF RECOMMENDATIONS

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

Condition:

1. Any and all activities not permitted in an
A-R Rural Agriculture zone shall cease.

Findings of Fact:

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 contains some prime
farmland;

3. The subject property is located in an area of
agricultural-related uses;

4. The subject property is a portion of a larger
tract that is zoned A-R Rural Agriculture and is large
enough to support agricultural uses; and,

5. The current zoning of the subject property is
not appropriate and was approved by Daviess County Fiscal Court on a temporary basis, subject to the subject property being zoned back to A-R Rural Agriculture prior to December of 2002.

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

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

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions or comments?

MR. SCOTT RICHMOND: If there are any questions, I'll be happy to answer them on behalf of Mr. Turner.

CHAIRMAN: Does anybody in the audience or the commission have any questions? Mr. Turner is represented by Mr. Richmond.

(NO RESPONSE)

CHAIRMAN: If there are no question, the Chair is ready for a motion.

MS. DIXON: Move for approval subject to Condition 1 and based upon Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Ms. Dixon.
DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLANS

ITEM 11

324 Clay Street, 315 Crittenden Street, 0.07 acres
Consider approval of final development plan.
Applicant: Victory Properties, LLC, c/o Roger Stacy

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by Planning Staff, Engineering Staff. It is in order and ready for consideration.

CHAIRMAN: Are there any questions or comments from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

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MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 12

3629 Edna Court (Frito-Lay) 2.218 acres
Consider approval of final development plan.
Applicant: MMK, Inc.

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

CHAIRMAN: Any questions from the audience or commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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.

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Next item, please.

ITEM 13

94 Salem Drive, 1.57 acres
Consider approval of final development plan.
Applicant: Kenneth Crandall

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

CHAIRMAN: Any comments from the audience?
(NO RESPONSE)

CHAIRMAN: Questions from the commission?
(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.
MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.

MR. CAMBRON: Second.
CHAIRMAN: Second by Mr. Cambron. All in
favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item, please.

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MAJOR SUBDIVISIONS

Ohio Valley Reporting
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ITEM 14

Heartland, Lots 241-276, 9.688 acres
Consider approval of major subdivision preliminary plat.
Applicant: Jagoe Development Corp.

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

CHAIRMAN: Any comments from the audience?

(NO RESPONSE)

CHAIRMAN: Questions from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

DR. BOTHWELL: Second.

CHAIRMAN: Dr. Bothwell has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 15

Mid-America Airpark, Unit 8, Lot 10, Phase 1, 6.00 acres
Consider approval of major subdivision final plat.
Surety previously posted: $178,442.60
Applicant: Owensboro-Daviess County Industry, Inc., Owensboro Municipal Improvements Corp.

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

CHAIRMAN: Any comments from the audience?
(NO RESPONSE)

CHAIRMAN: Comments from the commission?
(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion by Mr. Appleby 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.

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MINOR SUBDIVISIONS

ITEM 16

10910 & 10926 Gore Road, 15.070 acres
Consider approval of minor subdivision plat.
Applicant: A.C. Haimes

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MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. The property creates — it's about a 15 acre tract now. It will be subdivided to create a 5 acre tract with 10 acre remainder. The 5 acre tract slightly exceeds the three to one depth to width ratio; however, given the shape of the subject property now, the Planning Staff would recommend you grant an exception and approve this plat.

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Comments from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.
ITEM 17

5804 Graham Lane, 0.92 acres
Consider approval of minor subdivision plat.
Applicant: Vickie L. Dugger

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. The plat is in order. This plat will consolidate two existing tracts. One tract has a frontage on public right-of-way. It's a plat that with the consolidation would exceed the established three to one depth to width ratio; however, given the fact that the rear property does not have frontage on a public right-of-way and the concern with septic tanks within the area on lots that are less than one acre in size that Planning Staff would recommend that this consolidation be approved.

CHAIRMAN: Any comments from the audience?

(NO RESPONSE)

CHAIRMAN: From the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

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: Motion carries unanimously.

Next item.

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AGRICULTURAL DIVISION

ITEM 18

10093 Lanham Road, 29.54 acres
Consider approval of agricultural division.
Applicant: Paul Jarboe

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff. The plat
property currently has a 50-foot leg going out to
Lanham Road that is a part of the parent tract. It's
about a 30 acre tract now. They're proposing to split
it into two large farm tracts. However, one tract
will have access via the leg to the remainder;
however, an access easement has been established and
it is noted that this property is not to be further
subdivided so as to create additional tracts without
meeting minimum frontage requirements and the
subdivision regulations.

With that the Staff would recommend that
this plat be approved.

CHAIRMAN: Any comments from the audience?

(NO RESPONSE)
CHAIRMAN: Comments 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.

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SURETY RELEASES

ITEM 19

Carlsbad East, Unit #1, $17,430.00
Consider partial release of surety (Certificate of Deposit) for streets.
Surety retained (Certificate of Deposit) $11,460.00
Surety posted by: Carl Westerfield

ITEM 20

Dollar General (Whitesville) $7,912.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Intersouth Construction Co., One LLC

ITEM 21

Eagles Nest at Eagle Crest Estates, $16,699.20
Consider partial release of surety (Certificate of Deposit) for streets.
Surety retained (Certificate of Deposit) $8,349.60

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Surety posted by: Hayden Park Developers

ITEM 22
Firstar Home Mortgage, $45,000.00
Consider partial release of surety (Certificate of Deposit) for landscaping.
Surety posted by: US Bank

ITEM 23
Sports Warehouse, $3,720.00
Consider partial release of surety (Certificate of Deposit) for landscaping.
Surety posted by: Sports Warehouse

ITEM 24
Star Bank and Mortgage Parking Lot (4801 Frederica Street) $5,715.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: US Bank

ITEM 25
West Congregation of Jehovah's Witnesses, $8,025.00
Consider release of surety (Certificate of Deposit) for landscaping.
Surety posted by: West Congregation of Jehovah's Witnesses

MR. NOFFSINGER: Under Surety Releases,
Mr. Chairman, Items 19 through 25 are in order and may be released in toto.

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

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SURETY TRANSFERS

ITEM 26

Creek Haven, Unit #2, $7,691.60
Transfer of surety (Certificate of Deposit) for 1" bitum conc. surface to the City of Owensboro.
Surety posted by: Creek Haven Development, Inc.

ITEM 27

Creek Haven, Unit #2, $2,100.00
Transfer of surety (Certificate of Deposit) for headwalls to the City of Owensboro.
Surety posted by: Creek Haven Development, Inc.

ITEM 28

Creek Haven, Unit #2, $14,652.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro.
Surety posted by: Creek Haven Development, Inc.

ITEM 29

Dutch Banks, Unit #4, $43,660.00
Transfer of surety (Certificate of Deposit) for sanitary sewers to the City of Owensboro.
Surety posted by: Charles Kamuf

ITEM 30

Dutch Banks, Unit #4, $2,880.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro.
Surety posted by: Charles Kamuf

ITEM 31

Dutch Banks, Unit #4, $7,650.00
Transfer of surety (Certificate of Deposit) for storm
sewers and drainage to the City of Owensboro.
Surety posted by: Charles Kamuf

ITEM 32

Dutch Banks, Unit #4, $13,762.20
Transfer of surety (Certificate of Deposit) for streets to the City of Owensboro
Surety posted by: Charles Kamuf

ITEM 33

Fieldcrest Crossing, Unit #5, $4,383.00
Transfer of surety (Irrevocable Letter of Credit) for water mains and fire hydrants to the City of Owensboro.
Surety posted by: Thompson Homes, Inc.

ITEM 34

The Gardens of Heartland, $20,625.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro.
Surety posted by: Jagoe Homes & Construction Co, Inc.

ITEM 35

Hunters Ridge, Unit #7, $1,866.20
Transfer of surety (Certificate of Deposit) for 1" bitum conc. surface to the City of Owensboro.
Surety posted by: Creek Haven Development, Inc.

ITEM 36

Hunters Ridge, Unit #7, $2,000.00
Transfer of surety (Certificate of Deposit) for headwalls to the City of Owensboro.
Surety posted by: Creek Haven Development, Inc.

ITEM 37

Hunters Ridge, Unit #7, $1,500.00
Transfer of surety (Certificate of Deposit) for retention basins to the City of Owensboro.
Surety posted by: Creek Haven Developments, Inc.

MR. NOFFSINGER: Mr. Chairman, under Surety Transfers Items 26 through 37 are in order and Ohio Valley Reporting
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may be transferred in toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

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 RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

If there is no new business, the Chair is ready for one final motion.

DR. BOTHWELL: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Dr. Bothwell.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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Ohio Valley Reporting
(270) 683-7383
I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning & Zoning meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 38 typewritten pages; and that no signature was requested to the foregoing transcript.

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

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

COMMISSION EXPIRES:
DECEMBER 19, 2002

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
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