The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, November 14, 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
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: I'd like to call our meeting of the Planning & Zoning Commission for the November 14th meeting to order. Our invocation and pledge will be given by Mr. Scott Jagoe.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the October 10, 2002 meeting. Are there any corrections?

MR. NOFFSINGER: Yes, sir, I do have one.
There was an item on that agenda, Eagles Nest at Eagle Crest Estates. That was listed as a partial release in the amount of $7,500. This should have been a complete release in the amount of $19,254.40 for water mains and fire hydrants. The Surety was posted by Hayden Park Developers in care of Ron Jones. The paperwork was properly filled out as has been properly processed, but it was entered onto the agenda wrong, the amounts were wrong. We just need to correct that to reflect the correct application.

CHAIRMAN: We have a correction. Do we have any additions?

(NO RESPONSE)

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

MS. DIXON: Move to approve as corrected.

CHAIRMAN: Motion for approval by Ms. Dixon plus the correction.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

First item, Mr. Noffsinger.
PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

901 Breckenridge Street, 900, 904, 906, 914 Hall St.

Land Disposition

Consider comments regarding a proposal to offer for sale surplus property remaining upon completion of the realignment of the intersection of Hall Street and Ninth Street.

Referred by: City of Owensboro

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

CHAIRMAN: Is anybody here representing the City of Owensboro?

(NO RESPONSE)

CHAIRMAN: Are there any comments from the audience?

(NO RESPONSE)

CHAIRMAN: Questions by the commission?

(NO RESPONSE)

MR. CAMBRON: Motion for approval, Mr. 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.

ITEM 3

2999, 3001 Fairview Drive
Land Acquisition
Consider comments regarding the acquisition of 61.811 acres of property for the possible construction of a retention basin.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application for public facility's review. It is a proposal to acquire a piece of property, I think you probably read about it in the paper, to construct a retention basin as well as maybe a park-type setting. This is being done to alleviate some of the flooding problems on the ditch; however, this particular location for a basin is not included in the storm water master plan.

Looking at it in talking with the city and county engineers, we feel that this would go a long way to alleviate flooding in the area. We've reviewed the comprehensive plan. We do not find any direct conflict with that and feel that this basin would have
no adverse affects on the goals of implementing our storm water master plan. So with that we would recommend a letter, favorable letter be sent to the Daviess County Fiscal Court.

CHAIRMAN: Is there anybody representing the county here?

(NO RESPONSE)

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

SISTER VIVIAN: Motion for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

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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Ohio Valley Reporting
(270) 683-7383
ZONING CHANGE - CITY

ITEM 4

612 Triplett Street, 0.119 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: Cara May, Brad Hamilton

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

Conditions:

1. Provide an average 10-foot buffer along the northern property boundary with a 6-foot high continuous element and one tree per 40 linear feet of boundary;

2. Provide paved off-street parking in accordance with requirements of the Owensboro Metropolitan Zoning Ordinance requirements;

3. No direct access shall be allowed to Triplett Street. Access shall be limited to the alley at the rear of the property.

Findings of Fact:

Ohio Valley Reporting
(270) 683-7383
1. The subject property is located in a Business
2 Plan Area, where general business uses are appropriate
3 in limited locations;
4 2. The subject property adjoins B-4 General
5 Business zoning to the south;
6 3. The subject property adjoins a general
7 business use to the north; and,
8 4. The applicant's request is a logical
9 expansion of existing B-4 General Business zoning and
10 uses that will not overburden existing roadways or
11 necessary urban services available in the affected
12 area.

MS. STONE: We would like to enter the
14 Staff Report as Exhibit A into the record.
15 CHAIRMAN: Is there anybody here
16 representing the applicant?
17 MS. MAY: Yes.
18 CHAIRMAN: You have any statements?
19 MS. MAY: No.
20 CHAIRMAN: Does anybody in the audience
21 have a question of the applicant?
22 Please step to the podium, please.
23 MR. ELLIOTT: State your name, please.
24 MS. MCKINLEY: Diane McKinley.
25 (MS. MCKINLEY SWORN BY ATTORNEY.)

Ohio Valley Reporting
(270) 683-7383
MS. MCKINLEY: I represent the property at 608 Triplett. It belonged to my mother. She also --
I would like to know how this is going to affect her property.

CHAIRMAN: Be seated and we'll bring the applicant up here.

Ma'am, would you step to the podium.

MR. ELLIOTT: State your name, please.

MS. MAY: Cara May.

(MS. MAY SWORN BY ATTORNEY.)

MS. MAY: She's at 608, is that what she said?

MS. MCKINLEY: Yes.

MS. MAY: Is that right beside it?

MS. MCKINLEY: Yes, ma'am.

MS. MAY: Not that I'm aware of affect it any way at all. We'll have a fence put up. We do stay ten feet off of her property line. We'll hug the business site of the property. We're just a collection agency. I don't know anything else she maybe needs to ask me how we affect her.

MR. CAMBRON: What's your plans for the property exactly?

MS. MAY: We're going to tear down the house and build a building.
MR. CAMBRON: For what? What are you going to be doing?

MS. MAY: Collection agency.

MR. CHAIRMAN: Ma'am, for the record, if you have another question would you go back to the podium so we can record that.

MS. McKINLEY: Yes. My mother has a business, Lillian's Beauty Salon, but she is like 88 years old. In the house, there is space for an apartment. We are in the process of fixing an apartment for her on the other side of the business. Now, probably within the next year the business will no longer be there. How is this going to affect like her taxes and just generally her living on the property?

MR. APPLEBY: You say she operates a business out of that house at 608 right now?

MS. McKINLEY: Yes, and she has for about four to five years.

MR. APPLEBY: I don't know how we can answer a question on tax-wise of the property being rezoned next door. Generally sounds like this is a business area anyway.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, I would say
in terms of the taxes on the property, it should not have an affect, a direct impact upon your mother's property if this is rezoned commercial. That's not to say that it wouldn't in terms of an assessment of that area, but it would be my belief that it's not going to change the taxes on the property.

This property is located in an area where you have industrial use across Triplett Street and then immediately south of the proposed lot I believe there is an automobile sales establishment there. So there's already a presence of non-residential uses within that area.

As a matter of fact, with this being rezoned B-4 General Business, it may very well increase the potential for your mother's property to be rezoned for a non-residential use in the future, which generally the non-residential lots will be valued a little more than the residential lots within that area. So it might open up more options to your mother in the future.

Business will have to be screened on that north common property line with your mother with a six-foot high continuous element, which I think the applicant has stated would be a fence. It would have to be some type of privacy fence, as well as their
building is going to be located to the south of the
property line. They have to maintain a ten-foot
buffer from your mother's property line. I would
anticipate that what's occurring here is occurring in
terms of consistent with the changes that are
occurring already within that area. I would
anticipate the affect to be minimal.

That's not to say, you know, that there
could be problems associated with a business located
on this particular piece of property. There could be,
but generally this is in keeping with the transition
of this area into non-residential land uses.

MS. McKINLEY: That means that I can go
forward with fixing up the property so that my mother
can live there?

MR. NOFFSINGER: It's not going to affect
your ability to continue the use of that property as
residential or to make improvements to that property
as residential.

MS. McKINLEY: Thank you, sir.

CHAIRMAN: Does that answer all of your
questions, Ms. McKinley?

MS. McKINLEY: Yes.

CHAIRMAN: There was another gentleman.

Do you have some questions, sir?
MR. LANE: Yes, sir.

MR. ELLIOTT: State your name, please.

MR. LANE: Gary Lane.

(MR. GARY LANE SWORN BY ATTORNEY.)

MR. LANE: I'm representing the property of 611 Bolivar, my wife's house and property. I just want to know is it going to affect our property any at all. We live across the alley way of the car lot.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, again, I would just echo what I said earlier in terms of the piece of property you're representing actually is oriented toward a different street. You do have an intervening alley between you. Although you are seeing an expansion of non-residential uses in that area, the uses will be oriented toward Triplett Street; however, you can anticipate perhaps some increase in traffic on the alley because the only access, vehicular access to this property is going to be off that alley. So the affects might be more use of the alley; however, as I understand the applicant's current proposed business, it would be a very low traffic generator. That's not to say it couldn't change in the future, but at this time it will be low traffic.
MR. LANE: Thank you.

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

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?

(NO RESPONSE)

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

DR. BOTHWELL: Mr. Chairman, I make a motion for approval based on Conditions 1 through 3 and Findings of Fact 1 through 4.

CHAIRMAN: We have motion for approval by Dr. Bothwell.

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.

ZONING CHANGES - COUNTY

ITEM 5

5140, 5200 - 5300 Block Frederica Street, 19.81 acres
Consider zoning change: From B-3 Highway Business Center to B-3 Highway Business Center (with changed

Ohio Valley Reporting
(270) 683-7383
Applicant: Rodney & Mary Kay Burns

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. Submission of a final development plan that shall limit access points on Frederica Street to the two, proposed project entrance driveways. The proposed out-parcels and the remaining Burns property shall have no direct access to Frederica Street or to the project entrance driveways.

2. Surety for storm water retention basins and improvements to Frederica Street shall be submitted prior to final plat approval or issuance of initial building permit, whichever comes first. Improvements will include the widening of Frederica Street to a five-lane cross section with southbound right-turn and northbound left-turn deceleration lanes at both project entrance driveways; and right turn decel storage lanes for northbound traffic shall be maintained as they exist to date;

3. Necessary public utility easement shall be
obtained for the construction of sanitary sewer and
water line improvements.

Findings of Fact:

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

2. The applicant's proposal will be initiated as
an integral unit according to a formal development
plan;

3. The applicant's proposal is
"arterial-street-oriented" and greater than 15 acres
in sizes;

4. Contiguous land uses are similar in nature to
those permitted in a Highway Business Center zone;
therefore, the proposal constitutes a logical
expansion of existing uses in the immediate vicinity;
and,

5. Proposed improvements to Frederica Street and
connection to Towne Square Mall will maintain traffic
flow at an acceptable level of service without
overburdening the capacity of the roadways in the
affected area.

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

CHAIRMAN: Is there anybody here

Ohio Valley Reporting
(270) 683-7383
representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Do you have a statement or do you want to just feel questions from the audience?

APPLICANT: If there's any questions, I will answer them.

CHAIRMAN: Are there any questions from the audience?

MR. ELLIOTT: State your name, please.

MR. WARD: David Ward.

(MR. DAVID WARD SWORN BY ATTORNEY.)

MR. WARD: I'm the general manager of Towne Square Mall. I was sent by the ownership just to see. Did you say there was a development plan that involve any cross traffic with Towne Square Mall in this?

MR. NOFFSINGER: Yes, sir.

MR. WARD: Has that been approved by anyone representing the ownership; do you know?

MR. NOFFSINGER: The ownership?

MR. WARD: Of Towne Square Mall.

MR. NOFFSINGER: To my knowledge that has not been.

MR. WARD: Is that going to be decided tonight as far as the development plan between the two
MR. NOFFSINGER: The plan that is before this commission tonight does include a connector between the two properties; however, before that connection could occur, one of two things would have to occur. The city is committed to insuring that one of these two things occur. Number one, that the mall owners and those that need to be a party to the agreement would agree to the connection. If that connection is not agreed to, the City of Owensboro will take action to condemn necessary property to make that connection occur.

MR. WARD: Okay.

Mr. Chairman, I might add that this particular item as well as the next item on the agenda is coming back before this commission to rezone to the same zone as it's currently zoned now, but there were conditions with the previous zoning changes and ordinance that the applicant could not meet because this particular plan includes a lesser amount of property. The condition that Ms. Stone added regarding the right turn lanes for northbound traffic that exist today into the Target complex, Malco complex, I have discussed that with Mr. Rodd Hansen, the applicant's representative, and he has assured me
that the Home Depot plans will maintain those right
turn lanes as they are shown or as they exist today.
Just wanted to clarify that for the record.

CHAIRMAN: Are there any other questions
from anybody in the audience?
(NO RESPONSE)

MR. CAMBRON: Is Chair ready for a motion?
CHAIRMAN: Are there any questions from
any of the commissioners?
(NO RESPONSE)

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

MR. CAMBRON: Motion for approval based
upon Conditions 1 through 3 and the changes that Mrs.
Stone made to Number 3 that she read in, and Findings
of Fact 1 through 5.

CHAIRMAN: We have a motion for approval
by Mr. Cambron. Do we have a second?

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 6

5150 Frederica Street, 13.39 acres
Consider zoning change: From B-3 Highway Business Center and I-1 Light Industrial to I-1 Light Industrial.
Applicant: Rodney & Mary Kay Burns

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. Submission of a final development plan that shall limit access points on Frederica Street to the two, proposed project entrance driveways. The proposed out-parcels and the remaining Burns property shall have no direct access to Frederica Street or to the project entrance driveways;

2. Surety for storm water retention basins and improvements to Frederica Street shall be submitted prior to final plat approval or issuance of initial building permit, whichever comes first. Improvements will include the widening of Frederica Street to a five-lane cross section with southbound right-turn and northbound left-turn deceleration lanes at both project entrance driveways; and right turn decel storage lanes for northbound traffic shall be
maintained as they exist to date;

3. Necessary public utility easements shall be obtained for the construction of sanitary sewer and water line improvements.

Findings of Fact:

1. The subject property is located within a Business Plan area, where light industrial uses are appropriate in limited locations;

2. The applicant's proposal is an integral light industrial component of a larger planned Highway Business Center;

3. The light industrial component is arterial-street-oriented and is a use desirable in close proximity to highway business uses; and

4. The applicant's proposal is to be developed in accordance with a formal development plan in keeping with the design theme of the larger highway business center; and,

5. Proposed improvements to Frederica Street and connection to Towne Square Mall will maintain traffic flow at an acceptable level of service without overburdening the capacity of the roadways in the affected area.

MS. STONE: We would like to enter the Staff Report as Exhibit C.
CHAIRMAN: Once again we have a representative for the applicant. Are there any questions from anybody from the audience on this part?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. NOFFSINGER: Mr. Chairman, before we do that, without repeating my previous remarks, they also apply to this particular zoning change. Thank you.

MR. ROGERS: Motion for approval based on the Planning Staff Recommendations and the Findings of Fact 1 through 5, Conditions 1, 2, 3 with Condition 2 being revised.

CHAIRMAN: Motion for approval.

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.

Thank you.

ITEM 7

4046, 4100 KY 554, 14.022 acres
Consider zoning change: From R-1A Single-Family Residential and EX-1 Coal Mining to A-R Rural

Ohio Valley Reporting
(270) 683-7383
Agriculture.
Applicant: Vernon Frashure

PLANNING STAFF RECOMMENDATIONS

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

1. The subject property is located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;

2. The applicant has submitted a property consolidation and division plat for approval, which proposes large, well-proportioned lots with no new streets proposed;

3. The majority of the property was zoned A-R Rural Agriculture prior to its change to EX-1 Coal Mining in 1996;

4. Section 12a.31 of the Owensboro Metropolitan Zoning Ordinance requires that the property be restored to its original zoning classification after mining activities have ceased; and

5. Mining activities have ceased on the subject property.

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

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Is there anybody here representing the applicant?
(NO RESPONSE)
CHAIRMAN: Anybody from the audience have any questions?
(NO RESPONSE)
CHAIRMAN: From the commission?
(NO RESPONSE)
CHAIRMAN: Chair is ready for a motion.
MS. DIXON: Move for approval 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.

ITEM 8
7841 KY 2830, 5.24 acres
Consider zoning change: From R-1A Rural Agriculture to I-1 Light Industrial
Applicant: Rick Gipson, Sharon Gipson, Lauren Worthington

MR. NOFFSINGER: Item Number 8, the applicant has requested postponement via a letter from a Mr. Rick Gipson, the applicant, asking it be
postponed. That would be postponed to the December
meeting of this commission, the second Thursday of
that month. This is something that the Planning
Commission would have to consider as to whether or not
they wish to postpone and there may be people in the
audience that wish to speak here tonight.

CHAIRMAN: Is there anybody here
representing the applicant?

(NO RESPONSE)

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

MS. STEVENS: Yes. It may or may not be
relevant.

CHAIRMAN: Hold your comments until you
get to the podium and we swear you in.

MR. ELLIOTT: State your name, please.

MS. STEVENS: Patricia Stevens.

(MS. PATRICIA STEVENS SWORN BY ATTORNEY.)

MS. STEVENS: It may be irrelevant at this
point if this zoning is going to be postponed. We own
1.44 acres directly adjoining the 5.24 acres I think
that Mr. Gipson is wanting to rezone from rural
agriculture to light industrial. Our property is
residential at this point. We have access, our
property has access from old 60 and new 60. At this
point the property being rezoned has no access to the
highway. We are wanting to know basically what the
property is going to be used for and how it will
affect our residential property. Our property lines
runs bilaterally with theirs. That's basically why
we're here is to find out what the property is going
to be used for and how it will affect us tax-wise,
property value. You may not be able to help us.

CHAIRMAN: Since we do not have anybody
representing the applicant here, we will turn that
question over to the staff and they'll answer it as
they can.

MS. STEVENS: It's also in a flood plain.
We want to know if there's going to be dirt added to
that 5.25 acres because that could very much affect
our residential property.

CHAIRMAN: Thank you. Ms. Stone, do you
want to represent the staff on this one?

MS. STONE: My understanding from the
application is the use would be for storage of tour
buses. It is in a flood plain. It wasn't indicated
if they were planning to fill the property or pave the
property. I mean they would have to pave it for that
use, but tour bus storage is what they're proposed use
was.
CHAIRMAN: Thank you.

MR. NOFFSINGER: Ma'am, if you'll leave your number with Mrs. Stone, she'll be glad to give you a call and discuss the application further. You can discuss the application with members of the staff, but basically our legal counsel has been instructed that you shouldn't communicate with individual commissioners; however, you do have the ability to contact the staff. Ms. Stone will be happy to answer your questions in more detail.

CHAIRMAN: Do you have any other questions?

MS. STEVENS: No, sir.

CHAIRMAN: If there are no more questions, anybody from the staff have any comments or questions?

MR. APPLEBY: Do we need to make a motion to postpone?

CHAIRMAN: We need to make a motion for postponement.

MR. APPLEBY: Motion to postpone the item.

CHAIRMAN: A motion for postponement by Mr. Appleby.

MR. CAMBRON: Second.

CHAIRMAN: Second by Mr. Cambron. All in favor of the motion to postpone.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. the Item is postponed until the next meeting.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

ITEM 9

5140, 5150, 5204, 5212, 5220, 5234, 5240 Frederica Street, Southgate Center, 49.80 acres
Consider approval of revised combined major subdivision preliminary plat/final development plan.
Applicant: Rodd Hansen, Greenberg Farrow Architecture, Rodney & Mary Kay Burns

CHAIRMAN: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. The plan is not quite in order that we would like to see it in terms of presenting it to this commission; however, there are no major outstanding questions. It's basically cosmetic in nature, the changes that need to occur. I think Ms. Watson has a couple of conditions that she needs to go over. With those conditions we would recommend that you give a conditional approval to this development plan.

MS. STONE: The conditions would be:

1) Highway construction plans for the required improvements to Frederica Street, US 431, be approved by the Kentucky Department of Transportation at the district level. The plans need to show that
there will be two three-lanes northbound, two
three-lanes southbound, a center left turn lane, right
turn lanes at both new entrance driveways, and
existing right turns at existing entrances on the east
side of Frederica as they exist today.

2) The details for the lift station pump
need to be revised per the engineering details
required by engineering, city engineering department.

CHAIRMAN: Does the representative of the
applicant have any questions and are you aware of
these conditions?

APPLICANT REP: Yes. I have a copy here.

CHAIRMAN: Okay. Does anybody from the
audience have any other questions?

(NO RESPONSE)

CHAIRMAN: From the staff?

(NO RESPONSE)

MR. CAMBRON: Ready for a motion, Mr.
Chairman?

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

MR. CAMBRON: Motion for approval on Item
Number 9, and I presume I need to mention about what
Ms. Stone mentioned there too.

MR. NOFFSINGER: Subject to satisfaction
of those conditions.

MR. CAMBRON: Subject to satisfaction of those conditions which Ms. Stone read into the record.

That's my motion.

CHAIRMAN: Mr. Cambron has a motion for approval based on the conditions of Ms. Stone.

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.

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DEVELOPMENT PLANS

ITEM 10

528, 544 Southtown Blvd, 2.119 acres
Consider approval of final development plan.
Applicant: Robert H. Steele

MR. APPLEBY: Mr. Chairman, I need to disqualify myself on this item.

CHAIRMAN: Mr. Appleby for the record is disqualifying himself.

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff, Engineering Staff. It's found to be in order and it's recommended for approval at this time.

CHAIRMAN: Any questions from anybody in

Ohio Valley Reporting
(270) 683-7383
the audience?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission have a question?

(NO RESPONSE)

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

MR. HAYDEN: Make a motion to approve.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE EXCEPTION OF MR. APPLEBY DISQUALIFYING HIMSELF RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Thank you. Next item.

ITEM 11

3515 Wathens Crossing, 1.456 acres
Consider approval of final development plan.
Applicant: Homebuilders Association

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff, Engineering Staff. Found to be in order and ready for approval at this time.
CHAIRMAN: Anybody representing the applicant here?

APPLICANT: Yes.

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

(NO RESPONSE)

CHAIRMAN: Anybody on the commission have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move for approval.

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.

ITEM 12

1700 West Fifth Street, 2.138 acres
Consider approval of final development plan.
Applicant: Audubon Area Community Services, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff, Engineering Staff. It's found to be consistent with an approved
preliminary development plan and it's ready for approval at this time.

CHAIRMAN: Is there anybody representing the applicant here?

APPLICANT: Yes.

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

(NO RESPONSE)

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

(NO RESPONSE)

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

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

CHAIRMAN: Motion for approval by Mr. Cambron.

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.

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MAJOR SUBDIVISIONS

ITEM 13

East Byers Avenue, 113.085 acres
Consider approval of major subdivision final plat.
Applicant: National City Bank, KY

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

CHAIRMAN: Mr. Jagoe is disqualified on this vote.

Is anybody representing the applicant?
(NO RESPONSE)

CHAIRMAN: Any questions from anybody in the audience?
(NO RESPONSE)

CHAIRMAN: Any questions from anybody on 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.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE Ohio Valley Reporting
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DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 14

Plantation Pointe, Unit 1, 15.079+ acres
Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: $37,584.20
Applicant: Steve Baker Building, LLC

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff, Engineering
Staff. Found to be in order and it's ready for
approval at this time.

CHAIRMAN: Is anybody here representing
the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

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

(NO RESPONSE)

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

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms.

Dixon.

SISTER VIVIAN: Second.
CHAIRMAN: Sister Vivian has a second.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 15

5140, 5150, 5204, 5212, 5220, 5234, 5240 Frederica Street, Southgate Center, 49.80 acres

Consider approval of major subdivision final plat. Surety previously posted.

Applicant: Rodney & Mary Kay Burns

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff, Engineering Staff. It's found to be in order; however, the approval needs to be subject to the approval of the preliminary plat final development plan prior to signing this plat. You can approve the final plat until the preliminary has been approved. The preliminary is approved with conditions. So the conditions have to be satisfied and then we can sign the final plat. So it's with a conditional approval.

CHAIRMAN: Anybody have any questions?

(NO RESPONSE)

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

SISTER VIVIAN: Move for approval.

CHAIRMAN: Motion for approval by Sister
Vivian.

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.

ITEM 16

Sterling Park, 4.016 acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted: $74,128.85
Applicant: Jerry & Donna Butler, John & Pam Vanover, Norma Belcher

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff, Engineering Staff. It's found to be in order and ready for approval at this time.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.
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.

ITEM 17

Timber Trails, 16.795 acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted: $44,627.00
Applicant: Timber Trails, LLC

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

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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.

Thank you.

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SURETY RELEASES

ITEM 18

Earl Hayden Property Division at Heritage Park, $13,840.00
Consider partial release of surety (Certified Check) for sanitary sewers.
Surety retained (Certified Check) $4,470.00
Surety posted by: Earl Hayden

ITEM 19

Evergreen Pole Barn, $810.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Martin Thompson, Inc.

MR. NOFFSINGER: Mr. Chairman, Surety Releases Item 18 and 19 are in order and they may be released in toto.

CHAIRMAN: Chair is ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

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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NEW BUSINESS

ITEM 20

Consider amendments to Fiscal Year 2003 budget and salary chart.

MR. NOFFSINGER: Mr. Chairman, each commission member has been given a copy of the proposed budget. This budget amendment is necessary to transfer funds that we have for two part-time clerk typist positions. Transfer those funds to a full-time clerk typist three position. What we're doing is doing away with two part-time positions and have one of those individuals that will be accepting a full-time position with us. The other individual took a job elsewhere. The budget amendment is actually a reduction in expenditures of about $2,400. Staff would recommend that you approve the amendment to the budget and the salary chart as presented.

CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?
CHAIRMAN: If not the Chair is ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

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.

Chair is ready for one final motion for adjournment.

DR. BOTHWELL: Motion to adjourn.

CHAIRMAN: Motion for adjournment 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: Motion carries unanimously. We are adjourned.

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

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

WITNESS my hand and notarial seal on this
the 18th day of November, 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

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