The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, March 13, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffinger
Nick Cambron
Dave Appleby
Jimmy Gilles
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott,
Attorney

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CHAIRMAN:  I'd like to welcome everyone to the March 13th Planning & Zoning meeting.

Our invocation will be given by Dr. Mark Bothwell. Everybody please stand.

- - (INVOCATION AND PLEDGE OF ALLEGIANCE) - -

CHAIRMAN:  Our first order of business is to consider the minutes of the February 13, 2003 meeting. Are there any changes, additions, questions?

(NO RESPONSE)
CHAIRMAN: If not, the Chair is ready for a motion.

MR. JAGOE: Move for approval.

CHAIRMAN: Mr. Jagoe 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.

Next item, please.

PUBLIC FACILITIES PLANS REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

4514 Goetz Drive Building Construction
Consider comments regarding the renovation and construction of an addition to Burns Elementary School.
Referred by: Daviess County Public Schools

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find no conflict with the Comprehensive Plan. Recommend a letter to that affect be forwarded to the Daviess County Public Schools.

CHAIRMAN: Is anybody here representing the Daviess County Public Schools?

(NO RESPONSE)

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CHAIRMAN: Anybody from the audience have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

MR. CAMBRON: Second.

CHAIRMAN: Motion for approval by Ms. Dixon. 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 3

3500 Hayden Road
Building Construction
Consider comments regarding the construction of the New East Daviess County Elementary School.
Referred by: Daviess County Public Schools

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

The Planning Commission reviewed the site back some months ago and recommended that there was no conflict with the Comprehensive Plan. We have reviewed the site plan, that's what we're doing tonight. We find no conflict with the Comprehensive Plan, but would add that the Daviess County Public
Schools abide by the zoning regulations. We require all vehicular use areas to be screened from public rights-of-way. With that it's ready for consideration.

CHAIRMAN: Does anybody have any questions from the audience?

(NO RESPONSE)

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

SISTER VIVIAN: Move for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

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.

ITEM 4

4959 New Hartford Road
Building Construction
Consider comments regarding the renovation and construction of an addition to Deer Park Elementary School.
Referred by: Daviess County Public Schools

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff.

We find no conflict with the Comprehensive Plan and
recommend a letter to that affect be forwarded to the
Daviess County Public Schools.

CHAIRMAN: Any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

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.

ITEM 5

300 Worthington Road
Building Construction
Consider comments regarding the renovation and
construction of an addition to Audubon Elementary
School.
Referred by: Daviess County Public Schools

MR. NOFFSINGER: Mr. Chairman, this plan
is in agreement with the Schools Public Facility Plan
as well as the Adopted Comprehensive Plan. We find no
conflict.

CHAIRMAN: Any questions?
(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

MR. JAGOE: Second.

CHAIRMAN: Second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 6

2016 West Second Street
Land Disposition
Consider comments regarding the closing of 96 feet of a 16-foot wide public alley right-of-way running parallel to West Second Street along the rear of 2016 West Second Street.

Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, Planning Staff reviewed this application. This is an unimproved alley. Appears that the alley has been built upon or there is an encroachment by the adjoining property owner. With that we would recommend that we forward a letter of no conflict to the City of Owensboro.

CHAIRMAN: Is anybody representing the Ohio Valley Reporting
(270) 683-7383
City of Owensboro?

(NO RESPONSE)

CHAIRMAN: Are there any questions regarding?

MR. CAMBRON: Mr. Chairman, I need to abstain from this vote.

CHAIRMAN: Let the record note that Mr. Cambron will disqualify himself from this vote.

If not, the Chair is ready for a motion.

MS. DIXON: Move to approve.

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, WITH THE DISQUALIFICATION OF MR. CAMBRON.)

CHAIRMAN: Motion carries unanimously.

ITEM 7

1001 Block of West Seventh Street
Land Disposition

Consider comments regarding the closing of 191.5 feet of a 20-foot wide public alley right-of-way running parallel between West Fifth Street and West Seventh 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 and recommend a letter to that affect be forwarded to the City of Owensboro.

CHAIRMAN: Are there any questions?
(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.

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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ZONING CHANGE - CITY

ITEM 8

327 West Ninth Street, 0.137 acres
Consider zoning change: From R-4DT Inner-City Residential to B-2 General Business
Applicant:  David M. Taylor, Ronald E. Long

MR. ELLIOTT: State your name, please.

MS. STONE:  Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

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PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the request is substantially in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. No additional access point to the subject property shall be permitted onto West Ninth Street. Access to the property shall be via the existing access point on the adjoining property to the east.

2. Submission and approval of a plat consolidating the subject property with the adjoining property, which is also being purchased by the applicant, to provide safe access to the business proposed on the subject property and to allow for parking; and,

3. A six-foot high continuous element shall be installed and maintained between the subject property and the residential property to the west.

Findings of Fact:

1. The subject property is partially located in a Central Residential Plan Area, where central business uses are appropriate in very limited locations;

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2. The subject property is partially located in a Central Business Plan Area, where central business uses are appropriate in general locations;

3. The subject property adjoins central business zoning to the north, east and south; and,

4. The proposed expansion of the Central Business district is reasonable and will include the portion of the property located in the Central Residential Plan area. This will not be a significant expansion of the Central Business district or zone.

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

CHAIRMAN: Is there anybody representing the applicant?

MR. ELLIOTT: State your name.

MR. TAYLOR: David Taylor.

(MR. DAVID TAYLOR SWORN BY ATTORNEY.)

CHAIRMAN: Do you have a presentation?

MR. TAYLOR: No.

CHAIRMAN: Does anybody have any questions that they would like to ask of the applicant?

MS. DIXON: I'm assuming you're going to have the parking to the rear of that house?

MR. TAYLOR: It's going to be right to the side. There's about 12 places in there.
MS. DIXON: So that they'll be able to turn around and come out because it's not easy to back out there.

MR. TAYLOR: I haven't measured it to see if there's going to be enough room to back out, I mean to turn around or not. I'm not sure. Might be a good idea if we could.

MS. DIXON: It's hard to back out there.

MR. TAYLOR: That's a fairly busy road. That will be a consideration. We only anticipate maybe -- a law office usually only have one to two clients at a time. There's not going to be a high volume of traffic.

MS. DIXON: I just thought in terms of it being so close to that intersection and Frederica.

MR. TAYLOR: That's something we need to look into.

CHAIRMAN: Does anybody else have any other question of the applicant?

(NO RESPONSE)

MR. APPLEBY: Ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: I make a motion for approval based on Staff Recommendations with Conditions 1, 2 and 3 and Findings of Fact 1 through 4.
CHAIRMAN: We have a motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Before we bring up the next zoning change, the Staff has asked for the corporation of all applicants for zoning changing, anything that you would present for the record, i.e. any charts, graphs or other presentations that you might have, they would ask that you would have an 8 1/2 by 11 copy that we could actually use for the. Because over a span of years as we get more and more charts and more and more maps, it's become very cumbersome and very difficult for us to store. So if you would, if you do not have this chart, graph or map with your application and you're going to use it as a presentation tonight, we ask that you make a 8 1/2 by 11 copy so we can put that in the record. We hope this will not cause any inconvenience and hopefully we can get cooperation by our applicants.

Mr. Noffsinger.

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ITEM 9

3400 KY 54, 32.62 acres
Consider zoning change: From A-U Urban Agriculture to B-4 General Business
Applicant: Woodlands Plaza, LLC, Beverly C. Brabandt, Valerie Ann Lewis, Co-Trustees of Wm. E. Brabandt Reverse QTIP Trust and Co-Trustees of Wm. E. Brabandt Family Trust.

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 prior to building permit issuance;

2. Access points on KY 54 shall be limited to two access points as previously approved on a minor subdivision plat approved by the OMPC on May 12, 1997 with an access point aligned with Commonwealth Court and an access point aligned with the existing drive at Rusher Construction Company;

3. Access onto Fairview Drive shall be limited to one access point aligned with Villa Point;

4. Installation of right-turn deceleration/storage lanes and all street intersections/driveways on KY 54 and Fairview Drive;

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5. Increase pavement width north of the proposed street intersection on Fairview Drive to provide for southbound left turn deceleration/storage lane at the proposed street intersection at Villa Point; and,

6. Prior to issuance of a building permit, surety shall be posted with the OMPC for all turning deceleration/storage lanes, storm water detention, and landscape materials.

Findings of Fact:

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

2. A portion of the subject property is located in an Industrial Plan Area, where general business uses are appropriate in very-limited locations;

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

4. The applicant's proposal is a logical expansion because it would not significantly increase the extent of the B-4 General Business zoning within the area, and would not overburden roadway capacity or other necessary urban services that are available in the affected area, if previously cited improvements to traffic capacity area provided.
Staff Report as Exhibit B.

CHAIRMAN: Is anybody representing the applicant?

MR. ELLIOTT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: We have the engineers with JDQ here. We're here to answer any questions concerning the property itself.

CHAIRMAN: Mr. Kamuf, does the 8 1/2 by 11 recommendation by our staff, will that --

MR. KAMUF: That will fit, yes, sir.

CHAIRMAN: I know a lot of times you do bring in charts and graphs.

MR. KAMUF: That will work.

CHAIRMAN: Are there any questions of the applicant?

Ma'am, if you have a question, would you step to the podium.

MR. ELLIOTT: State your name, please.

MS. BROOKS: Kathy Brooks.

(MS. KATHY BROOKS SWORN BY ATTORNEY.)

MS. BROOKS: When they decide to build that up or start building that up, what are they going to do with all of the run off from that land? Our lot
backs right up to that. We already have a water problem. I'm wondering how they're going to prevent that.

CHAIRMAN: Yes, ma'am. Mr. Kamuf stated that they have engineers that are with them that will be qualified to answer that question. If you'll let them take the podium, then we'll let them address that question.

MR. ELLIOTT: State your name, please.

MR. McLIMORE: Donald McLimore.

(MR. DONALD McLIMORE SWORN BY ATTORNEY.)

MR. McLIMORE: Can we look at the plan on the back of this? It will help them understand it. You may have to turn that around for them to see that.

CHAIRMAN: Okay.

MR. McLIMORE: I think you all have a copy of this?

CHAIRMAN: Yes, we do.

MR. McLIMORE: Up here at the top, this is Highway 54 and it should be exactly the same on your alls.

CHAIRMAN: Excuse me. Mr. Noffsinger reminded me by doing that is you took the part of the presentation off TV. Would you mind bringing -- Mr. Kamuf, could you put this maybe in front of him so
when he speaks they will be able to see it and we'll be able to record that on TV also.

MR. KAMUF: Like this?

CHAIRMAN: I think that will be fine.

MR. McLIMORE: This is Highway 54 up at the top of the map up here. Over on this side is Fairview Drive, with this being kind of the southern, southwestern most corner down on Fairview Drive.

The ditch comes across Fairview Drive and up through this property. There is a floodway along that ditch right there. So what we have proposed to do is that by filling, we can't fill in any floodway without some kind of permit, which we don't have. So we have used that area as retention pond in there, basin. In doing that, all of the water that would now lay up here in a major rain and any additional run off that we're going to create has to be through these basins. So that the amount of water coming off of this property will not exceed what it is right now.

This structure right here under Fairview Drive, which takes this water coming across here, is not planned to be changed at this point. So we would hold our water that we're going to create by the paving and the run off creation on our property, as well as what was being held on that by the size of that pipe on
Fairview Drive now.

MR. APPLEBY: What's the size of the retention area there? How many acres in that actual retention basin?

MR. McLIMORE: There's a whole lot that's involved in here, David, that's about six acres, but all of that is not retention basin. I can't tell you right off the top of my head what the acreage is on the two basins theirself.

MR. APPLEBY: But it's either retention or existing floodway, so it all holds water, right?

MR. McLIMORE: Yes, sir.

CHAIRMAN: Did that answer your question?

MR. STERETT: Not really.

CHAIRMAN: Wait a minute. If you've got a question, you'll have to step to the podium.

MR. ELLIOTT: State your name, please.

MR. STERETT: William Sterett.

(MR. WILLIAM STERETT SWORN BY ATTORNEY.)

MR. STERETT: The question I have was to the Ralph Avenue side because we're built on a hill. The water, at this time right now, it really comes off there hard on all of our property. I've got a ditch that's been there since we've lived there, like a little bitty trough that goes off into that back
field. Because that back field is lower than my yard, it drains some of the water off. It don't get it all, but it takes most of it. I didn't know if they were going to raise that level of this field like they do most sites, you know, to get it up close to road level. I don't know what that was going to do with that type of drain off. It seeps out of the ground because all of those homes in that area are on septic systems. They're not on main drainage for the city. Even though there is a main line right within about 75 feet of the back of my house, you know, they wouldn't allow us to tie on to it because they had further plans in that area. That's the biggest problem with the water is the septic in that area. It's basically ground water. It runs off the back parts of all of our property right. You can go at any given point in time in that back field, unless it's just in the middle of August, and it's wet. That was my biggest concern because that field is the only thing that keeps my yard dry.

MR. CAMBRON: You live east of that property?

MR. STERETT: Yes. We live -- Ralph Avenue would be right here in this area right here. My property backs that tree line right there.
MR. CAMBRON: Mr. McLimore, is that going to effect him in that particular area?

MR. McLIMORE: The back of that ditch that he's talking about is up there and that ditch is actually shown down in the corner on the drawing you have and coming up across that property on the contours that we've shown on there.

Now, the general overall plan on this is that all of this water that's coming off of this will continue to come off. We're not trying to reverse it or block any water. Now, you won't see an exact plan of how that's going to get across here because we don't know what's going to go on this lot right here yet. There will be a plan for that lot and that water will be handled by surface, piping, drainage ditches, whatever we have to do to get this off. We do know there is water there to take care of and that will have to be addressed in a development plan for this lot once that is more tied down.

CHAIRMAN: Mr. Sterett, I know all of the neighbors area having a concern with water, but before their final plan is submitted or when their final plan is submitted, it will have to be reviewed by the city engineer. They will have to meet certain drainage retention requirements set up and reviewed by the city.
engineer. What he's telling you now is their preliminary plan, but there is a set formula which they have to meet before it will be finally approved. That will be reviewed by the city engineer who is qualified to make that judgment. Just so you all can rest assure that the drainage situation will be addressed and they are addressing it right now, but as far as I can understand why they don't know exactly what they're going to have to do yet until it's reviewed by the city engineer to tell them precisely what they need to do.

Does anybody else from the neighborhood have any questions?

MR. ELLIOTT: State your name, please.

MS. THOMPSON: Rhonda Thompson.

(MS. RHONDA THOMPSON SWORN BY ATTORNEY.)

MS. THOMPSON: Over here in the floodway on Fairview where Horse fork Creek is, how far from the creek toward 54 are you in the floodway?

MR. McLIMORE: The floodway area is defined by this line right here, all the way up through here, which follows that ditch. This is — you can see where these basins are. These zig-zagly lines in here are the basins which is the storage area and this basin as well.
MS. THOMPSON: Is that basin already there?

MR. McLIMORE: This one and this one, neither one of those is there. The only thing that is there right now is this ditch. What we're proposing to do is clean this ditch up. This surface water that's coming off this development will have to go through these basins and then will be controlled out.

MS. THOMPSON: What exactly are you all planning on putting in those lots, other than floodway?

MR. McLIMORE: As far as just development?

MS. THOMPSON: Yes.

MR. McLIMORE: I really don't have any information on what type of businesses. I think the developer is obviously courting some people to see who they can land out there. They created some lots in size with maybe some of their talking, but I don't have that information.

MS. THOMPSON: I have one other question. Where you're not in the floodway and you've got those lots, isn't there a limit as to how much fill you can bring in there for those lots; as like they said, leave them a lot lower than what they already are? Isn't there a limit with the Kentucky Division of Ohio Valley Reporting
(270) 683-7383
Water that you can bring in to put there?

MR. McLIMORE: I'm not aware of a limited number they say. Now, our plan, where we do any filling of any flood zone or anything, the plan has to be submitted to the state to get a permit and everything. Then they would review it and issue the permit based on the plan.

We don't have any extreme fills on these lots right here. Now, there's a hill back here that we're cutting down and, I think, proposing a retaining wall in here to protect that because it does bleed on this property. Slopes will be to where they're maintainable in most area.

MR. APPLEBY: Don, you can fill as much as you want, but you've got to offset that with retention is my understanding. Is that not right?

MR. McLIMORE: That's not necessarily just the height because you're going to be above that flood plain height, but when you fill, whatever area that that normal flood would cover for, just a number off the top of my head, if it 100 acre square feet, you have to duplicate that 100 acre square feet some place else, plus an amount equal to what you're going to create when you pave this. This plan has done that.

Again, too, the calculations for all of this and

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everything has been reviewed by the city engineer and
approved at this point.

MS. THOMPSON: On the 54 side where
Brabandt's house is right now, that is built up some,
that's the old house, but where the newer house is, is
there plans to bring that up to I guess a level along
with 54?

MR. McLIMORE: Again, we would be trying
to match up with Fairview Drive. Not trying to get
people to an elevation up here. Again, that would
depend on each one of these lots, for whatever, if Joe
Blow puts up a hot dog stand on this lot right here,
he has to present a development plan show how he's
going to handle what he's doing on there to the
planning zoning for them to review and everything. I
can't really tell you. This lot could be sold just
like it is and it would be up to them to do a grading
plan acceptable.

MS. THOMPSON: One other question. In the
floodway right there, you say that you can't build up
unless you have a permit, but you can build up there
if you get a permit through the state, right? Is that
correct?

MR. McLIMORE: In a floodway. There's a
lot more to it than a flood zone. Flood zone you can
generally fill in as long as you replace that.

Floodway is different.

MS. THOMPSON: Okay. Thank you.

CHAIRMAN: Are there any other questions?

MR. ELLIOTT: State your name, please.

MR. SIMS: Bill Sims.

(MR. BILL SIMS SWORN BY ATTORNEY.)

MR. SIMS: I like to find out if got any plans for now or in the future to use Ralph Avenue as a right-of-way?

MR. KAMUF: At this time there's not any plans to use Ralph Avenue as accessible.

CHAIRMAN: Thank you.

If there are no further questions from the audience, the Chair would be ready for a motion.

MR. CAMBRON: Mr. Chairman, I'd like to make a motion for approval based upon the Staff's findings and Conditions 1 through 6 and the Findings of Fact 1 through 4, Mr. Chairman.

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

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.

Related Item:

ITEM 9A

Woodlands Plaza, Lots 1-10, 32.62 acres
Consider approval of major subdivision preliminary plat.
Applicant:  Woodlands Plaza, LLC, Beverly C. Brabandt, Valerie Ann Lewis, Co-Trustees of Wm. E. Brabandt Reverse QTIP Trust & Co-Trustees of Wm. E. Brabandt Family Trust

MR. NOFFSINGER:  Mr. Chairman, this preliminary plat has been reviewed by the Planning Staff and by the City Engineering Department.  It's found to be in order.  We have discussed drainage issues here tonight on the previous item.  With that it's ready for your consideration.

CHAIRMAN:  If there are no further questions from the audience, - - yes, ma'am.

MS. THOMPSON:  I do have one.  On Fairview Drive, is there going to be a limited number of access points to this plaza or whatever it's called?  I heard her say one, but is that all the way down Fairview that there's just going to be one access point off of Fairview to that plaza?

CHAIRMAN:  Mr. Noffsinger, do you want to address that question?

MR. NOFFSINGER:  Yes, I will.
The is plans call for a single access point onto Fairview Drive. That access point will be aligned with Villa Point across from Fairview. It will have right turn decel and storage as well as storage for left turning movements into that facility. The spacing standards are such that it would not allow for another access point on to Fairview Drive unless an adjoining property was brought in to this development or there were some negotiations with the adjoining property owner to close their access point and relocate it on the subject property. The answer to your direct question now is there will be one access point to that property.

MS. THOMPSON: Thank you.

MR. CAMBRON: I have a quick question too. I can't read on this plat. What is the distance from the corner there to that entrance?

CHAIRMAN: Mr. Noffsinger, could you address that?

MR. NOFFSINGER: Mr. Cambron, could you please clarify that?

MR. CAMBRON: The distance from 54 into this entrance. I can't tell what that distance is. I'm just trying to determine.

MR. NOFFSINGER: That aligns with Villa
Point across Fairview Drive. I'm thinking it's somewhere in the neighborhood of 350 feet, somewhere in that neighborhood.

MS. STONE: It's 413 feet.

MR. CAMBRON: Thank you.

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

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Thank you very much.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

ITEM 10

5140, 5150, 5204, 5212, 5220, 5234, 5240 Frederica Street, Home Depot, 49.80 acres
Consider approval of amended combined major subdivision preliminary plat/final development plan.
Applicant: Rodd Hansen, Greenberg Farrow Architecture, Cecil Rodney Burns

MR. NOFFSINGER: Mr. Chairman, under Development Plan (sic), Item 10, I have a letter that

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is in application, withdrawing this application. Basically it ask for the withdrawal from tonight's meeting. They state, "Home Depot will develop the site per the November 14, 2002 approved development Plan." So with that we can move on to Item 11.

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DEVELOPMENT PLAN

ITEM 11

7415, 7535, 7549 Iceland Road (Terminal Road)
22.20 acres
Consider approval of amended final development plan. Applicant: Kinder Morgan Bulk Terminals, Inc.

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

CHAIRMAN: Is there anybody here representing the applicant?

Yes, ma'am.

MS. CECIL: My name is Joannie Cecil.

(MS. JOANNIE CECIL SWORN BY ATTORNEY.)

CHAIRMAN: Do you have a statement you'd like to make, Ms. Cecil?

MS. CECIL: No, I do not.

CHAIRMAN: Does anybody have any questions of the applicant?
CHAIRMAN: If there are no questions of the applicant, 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 of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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MAJOR SUBDIVISION

ITEM 12

Mid-America Airpark, 15.03 acres
Consider approval of major subdivision final plat.
Applicant: City of Owensboro, Daviess County,
Owensboro-Daviess County Industrial foundation, Inc.

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

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Are there any questions?
(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MINOR SUBDIVISION

ITEM 13
9928 US 431, 1.00 acres
Consider approval of minor subdivision plat.
Applicant: Roy D. and Gayle M. Hayden, Jeffrey Dale and Melissa Ann Hayden

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It too is found to be in order. It's before this commission tonight in that it creates a one acre tract of land that does not have frontage on public right-of-way; however, this plat also consolidates back into a farm two lots of
record which do not have frontage on public
right-of-way. Excuse me. One lot of record. The
plat appears that there are two lots there, but Ms.
Stone tells me it's one.

Anyhow, it's not making the situation any
more non-conforming. It's just transferring where
that lot is actually, physically in the field. There
is a notation that the balance of the property shall
not be further subdivided so as to create additional
regular shaped lots not meeting the requirements of a
subdivision regulations. So with that the Planning
Staff recommends that this plat be approved.

CHAIRMAN: Is there someone here
representing the applicant?

MR. ELLIOTT: State your name, please.

MR. HAYDEN: Jeffrey Hayden.

(MR. JEFFREY HAYDEN SWORN BY ATTORNEY.)

CHAIRMAN: Does anybody have any questions
of the applicant?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr.
Bothwell.
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.

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SURETY RELEASE

ITEM 14

IBOK, LLC, $4,372.00
Consider release of surety (Performance Bond) for water mains and fire hydrants.
Surety posted by:  Terry Roark, IBOK, LLC

MR. NOFFSINGER:  Mr. Chairman, this release is in order.

DR. BOTHWELL:  What about Number 15?

MR. NOFFSINGER:  It will be released and we'll do that separate.

CHAIRMAN:  If there are no further questions.

MR. CAMBRON:  Motion for approval.

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.

MR. NOFFSINGER: Mr. Chairman, the next item, Number 15, is identified as a Surety Transfer. We did make a mistake on the agenda and this should be a surety release and it was submitted in order and in a timely matter and for this agenda. So, again, it is a release.

ITEM 15

The Greens of Heartland, Unit #4, $9,898.00 Transfer of surety (Certificate of Deposit) for 2" Bit. Conc. Base to the City of Owensboro Surety posted by: Jagoe Development Corporation

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

CHAIRMAN: Mr. Jagoe is disqualified from this vote. Are there any questions?

(NO RESPONSE)

MR. CAMBRON: Motion for approval.

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, Ohio Valley Reporting (270) 683-7383)
WITH THE DISQUALIFICATION OF MR. JAGOE .)

CHAIRMAN: Motion carries unanimously.

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SURETY TRANSFERS

ITEM 16
Earl Hayden Property Division at Heritage Park, $4,470.00
Transfer of surety (Certified Check) for sanitary sewers to the City of Owensboro.
Surety posted by: Earl Hayden

ITEM 17
Thorobred Crossing, Unit #2, $5,511.25
Transfer of surety (Irrevocable Letter of Credit) for water mains and fire hydrants to the City of Owensboro.
Surety posted by: Thompson Homes, Inc.

MR. NOFFSINGER: Mr. Chairman, Surety Transfers Items 16 and 17 are in order and may be transferred in toto.

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Chair is ready for one final motion.

Ohio Valley Reporting
(270) 683-7383
MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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

WITNESS my hand and notarial seal on this the 21st day of March, 2003.