The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, May 8, 2003, 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
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott,
Attorney

CHAIRMAN: I'd like to welcome everybody to our Planning Commission meeting. Our invocation will be given by Sister Vivian. Will everybody please rise.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business on our May 8, 2003, agenda is consider the minutes from our April 10, 2003 meeting. Are there any additions, corrections?

(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. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries unanimously.

Thank you.

Mr. Noffsinger.

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

PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

2129 Grimes Avenue
Building Construction
Consider comments regarding the construction of a 12-foot by 31-foot addition to the Daviess County Transfer Station office for use as a break room.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, this application is in order. We have reviewed it. Find no conflict with the Comprehensive Plan. It's ready for consideration.

CHAIRMAN: Is there someone here

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

(NO RESPONSE)

CHAIRMAN: Are there any questions by the audience?

(NO RESPONSE)

CHAIRMAN: By 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.

ITEM 3

7740 KY 2830
Land Acquisition
Consider comments regarding the acquisition of 76.5 acres from the Commonwealth of Kentucky (Kentucky Department of Fish and Wildlife) for the operation of a trap and skeet shotgun range.
Referred by: Daviess County Fiscal Court

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

CHAIRMAN: Is anybody here representing
the applicant?
(NO RESPONSE)
CHAIRMAN: Are there any questions of the
audience?
(NO RESPONSE)
CHAIRMAN: Question from the commission?
(NO RESPONSE)
CHAIRMAN: 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.
Next item, please.

-----------------------------
ZONING CHANGE - CITY

Ohio Valley Reporting
(270) 683-7383
ITEM 4

1034 East Byers Avenue, 5.09 acres
Consider zoning change: From A-U Urban Agriculture
and R-2MF Multi-Family Residential to R-1B
Single-Family Residential.
Applicant: Development Associates of KY, Inc. H.W.
Woodhouse, Jr.

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is
in compliance with the adopted Comprehensive Plan.
This recommendation is subject to the condition and
findings of fact as follow:
Condition:
1. Access to East Byers Avenue shall be limited
to the street intersection access point as shown on
the preliminary plat directly across from existing
Shadewood Terrace. No lots shall have direct access
to East Byers Avenue.

Findings of Fact:
1. The subject property is located within an
Urban Residential Plan Area, where urban low-density
residential uses are appropriate in limited locations;
2. Sanitary sewers are immediately available to
the site; and,

Ohio Valley Reporting
(270) 683-7383
3. The subject property immediately adjoins R-1B Single-Family Residential zoning and uses.

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

DR. BOTHWELL: Mr. Chairman, I must excuse myself from this vote.

CHAIRMAN: Dr. Bothwell excused from the vote.

MR. ELLIOTT: Disqualified.

CHAIRMAN: Disqualified, I'm sorry.

Anybody is there anybody here representing the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question of the applicant?

(NO RESPONSE)

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

MR. JAGOE: Move for approval.

CHAIRMAN: Motion for approval by Mr. Jagoe.

SISTER VIVIAN: Second.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE WITH THE DISQUALIFICATION OF DR. BOTHWELL.)

CHAIRMAN: Motion carries unanimously.

Next item.

Related Item:

ITEM 4A

Shadewood Terrace South, 5.085 acres
Consider approval of major subdivision preliminary plat.
Applicant: Development Associates of Kentucky, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for consideration.

CHAIRMAN: We have someone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Is there any question from the audience?

(NO RESPONSE)

CHAIRMAN: Any question from the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve.
CHAIRMAN: Motion for approval by Ms. Dixon.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE WITH THE DISQUALIFICATION OF DR. BOTHWELL.)

CHAIRMAN: Motion carries unanimously.

Next item.

ZONING CHANGES - COUNTY

ITEM 5

7700, 7800 Blocks of Hayden Lane, 35.70 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Robert Carter

PLANNING STAFF RECOMMENDATIONS

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

Findings in support of this recommendation include:

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 sufficient frontage to allow for farm divisions with private
drives accessing the public road without the creation
of new streets; and,

3. As the owner of the property does not intend
for the subject property to be mined, the property
should revert to its original zoning classification of
A-R Rural Agriculture.

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

CHAIRMAN: Is there anybody here
representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Is there any questions of the
applicant?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission

(NO RESPONSE)

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

MS. DIXON: Move to approved based upon
Findings of Fact 1, 2 and 3.

CHAIRMAN: Motion for approval by Ms.
Dixon.

MR. HAYDEN: Second.

Ohio Valley Reporting
(270) 683-7383
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 6

1820 KY 1207, 212.38 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agricultural 
Applicant: J.C. Ellis Estate

PLANNING STAFF RECOMMENDATIONS

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

Findings in support of this recommendation include:

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 sufficient frontage to allow for farm divisions with private drives accessing the public road without the construction of new streets;

3. The subject property contains some areas of prime farmland; and,

4. The Zoning Ordinance, Section 12a.31 requires that the site revert to its original zone after
MS. STONE: We'd like to enter the Staff Report as Exhibit C.

CHAIRMAN: Is there anyone 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?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, based upon Findings of Fact 1, 2, 3 and 4.

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.

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

DEVELOPMENT PLANS

Ohio Valley Reporting
(270) 683-7383
ITEM 7

315 Crittenden Street, 322 Clay Street, 0.10+ acres
Consider approval of final development plan.
Applicant: Victory Properties, LLC, c/o Roger Stacy, Joseph A. Hoffman

NOFFSINGER: Mr. Chairman, this plan has been reviewed. It's found to be in order.
The reason for this development plan is to reserve four parking spaces at 315 Crittenden Street that will be used by a transitional living facility located at 322 Clay Street.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have 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.

SISTER VIVIAN: Second.

Ohio Valley Reporting
(270) 683-7383
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 8

9351 Sauer Lane, 10.00+ acres
Consider approval of amended final development plan.
Applicant: Carl & Brenda Millay

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

It's for an expansion of an existing retail operation. It's ready for approval.

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: Does anybody on 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. 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 9

140 Southtown Blvd, 0.482 acres
Consider approval of amended final development plan.
Applicant: Kohola Coast, LLC, c/o Bruce Brubaker

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

It's for the addition of a building on the property to serve as a used car sales facility. With that it's ready for your consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: From the commission?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for
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.

ITEM 10

7100 US 431, 3.50 acres
Consider approval of amended final development plan.
Applicant: Ballard Development, LLP

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

CHAIRMAN: Is anybody in the audience representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(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. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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

MAJOR SUBDIVISIONS

ITEM 11

Heritage Park, Unit #16, Lot 14, 6.479 acres
Consider approval of major subdivision final plat.

Surety (Certificate of Deposit) $2,178.00
Applicant: O'Bryan Heirs, c/o William O. Wright

MR. NOFFSINGER: Mr. Chairman, this plat is found to be in order and ready for consideration.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

Ohio Valley Reporting
(270) 683-7383
(NO RESPONSE)

CHAIRMAN: Anybody from the commission have 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.

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.

ITEM 12

Lake Forest, Unit #18, Lots 202-204, 226-232, 4.269+ acres

Consider approval of major subdivision final plat. Surety (Certificate of Deposit) $21,628.20

Applicant: Lake Forest Community, LLC

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

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Does anybody have any questions of the applicant from the audience?

(NO RESPONSE)

CHAIRMAN: From the commission?

(NO RESPONSE)

CHAIRMAN: 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.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13

3201 US 60 East, 214 Vegetable Lane, 9.876 acres
Consider approval of major subdivision final plat.
Applicant: C.A. Pantle, Jr.

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

It creates a lot that does not have frontage on a public right-of-way at this time. It has access via a 50-foot access easement; however,
there is a notation on this plat that the subject
property shall not be developed and no permits issued
at any time until such time as there's a preliminary
plat that will bring the street to this property.
This is primarily for conveyance purposes only. For
one party to another.

CHAIRMAN: Is anybody here representing
the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(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.

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.

MINOR SUBDIVISION

ITEM 14

5430, 5434 Lee Rudy Rd., 2.77 acres
Consider approval of minor subdivision plat.
Applicant: Clifford Husk

MR. NOFFSINGER: Mr. Chairman, the Planning Staff we have reviewed this application. It's found to be in order.

I believe what it's actually doing there was an existing lot of record and this plat is being sent in to correct perhaps some property lines in that area. Recognize the lot perhaps was created years ago, but not of record.

If you have any questions, Ms. Stone in our office would be glad to answer those for you.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience have a question of the applicant or Ms. Stone?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?

(NO RESPONSE)

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: If not, 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
raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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

ITEM 15

Chestnut Grove Baptist Church, $1,065.00
Consider release of surety (Certified Check) for
landscaping.
Surety posted by: Chestnut Grove Baptist Church

MR. NOFFSINGER: Mr. Chairman, it is in
order and ready for release.

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.

Ohio Valley Reporting
(270) 683-7383
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 16

Salem Drive, $9,537.00
Transfer of surety (Irrevocable Letter of Credit) for sidewalks to the City of Owensboro
Surety posted by: John D. & Iona Miller Jones

ITEM 17

Sterling Park, Unit #1, $42,591.10
Transfer of surety (Certified Check) for public improvements to the Daviess County Fiscal Court
Surety posted by: Jerry Butler

MR. NOFFSINGER: Mr. Chairman, these are in order and may be transferred in toto.

CHAIRMAN: 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.)

CHAIRMAN: Motion carries unanimously.

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

NEW BUSINESS

Ohio Valley Reporting
(270) 683-7383
ITEM 18

Consider acceptance of credit card for payment of OMPC fees.

MR. NOFFSINGER: Mr. Chairman, up until this point the Planning Commission has not accepted credit cards as a form of payment for billing permit fees or other planning-related fees. We are asking that the Planning Commission consider the Staff purchasing the necessary equipment to accept credit cards and that you authorize that.

We will be charged when someone uses that credit card. As a governmental agency, we do have the ability, according to the folks I've talked to and our attorney, to pass that service fee on to the user. We're recommending that a 2.64 percent service fee be charged with the use of credit cards.

So Planning Staff recommend that we do accept credit cards as a form of payment and we do have a service charge attached to that.

CHAIRMAN: Does anybody have any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

MR. APPLEBY: Motion for approval.

Ohio Valley Reporting
(270) 683-7383
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.

ITEM 19

Consider approval of Staff and Commissioner continuing education hours for fiscal years 2002 and 2003.

MR. NOFFSINGER: During the past two years, the Planning Commissioners and Staff have been required to receive continuing education requirements. The Planning Commission, pretty much all of the commissioners have graduated from that program these past two years.

We do want you, the Planning Commission, to consider approval of all hours for fiscal years 2002 and 2003 that are on record in our office and that I have signed, as well as go back the past two years and continuing on in the future give all Commissioners, and Staff members, and Board of Adjustment members that are members of the American Planning Association one hour of credit each year for being a member of that. That would apply toward their Ohio Valley Reporting

(270) 683-7383
continuing education requirements. I've checked with the State, Kentucky Chapter of American Planning Association and that is doable.

DR. BOTHWELL: Ready for a motion?
CHAIRMAN: Yes, we're ready for a motion, Dr. Bothwell.

DR. BOTHWELL: Motion to approve.
CHAIRMAN: Motion for approval by Dr. Bothwell.

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. It looks like the Chair is now ready for one final motion.

MS. DIXON: Move to adjourn.
CHAIRMAN: Motion for adjournment 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: Meeting is adjourned.

-----------------------------------------
Ohio Valley Reporting
(270) 683-7383
STATE OF KENTUCKY)
    ) SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS)

I, LYNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Planning & Zoning
meeting was held at the time and place as stated in
the caption to the foregoing proceedings; that each
person commenting on issues under discussion were duly
sworn before testifying; that the Board members
present were as stated in the caption; that said
proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 25 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 15th day of May, 2003.

LYNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY