The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, June 12, 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
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: I would like to call our Planning & Zoning meeting to order for the June 12th meeting.

Our invocation and pledge of allegiance will be given by Mr. Noffsinger. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the May 8, 2003 meeting. Are there any additions, corrections?
CHAIRMAN: If not, the Chair is ready for a motion.

MR. JAGOE: Move for approval.

MR. CAMBRON: Second.

CHAIRMAN: Motion for approval by Mr. Jagoe. Second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger, the first item, please.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

6100 Block Nave Lane Road, (Formerly KY 6089)
(Current Address 6100 Block Sutherlin Lane)
Land Acquisition
Consider comments regarding the acceptance of Nave Lane Road (formerly KY 6089) from the junction with Sutherlin Lane approximately 700 feet southeast of the William H. Natcher Parkway, extending southeast to a point that is 1950 feet from the beginning, a distance of 0.369 miles.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find no conflict with the Comprehensive Plan.

This was a former state maintained roadway. We would recommend that a letter to that
affect be forwarded to the Daviess County Fiscal Court.

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

(NO RESPONSE)

CHAIRMAN: Is there questions from anybody on the commission?

(NO RESPONSE)

MR. CAMBRON: Is Chair ready for a motion?

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

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.

ITEM 3

110 Saint Elizabeth Street
Land Disposition
Consider comments regarding the disposition of the lot and old jail building located at 110 Saint Elizabeth Street.
Referred by: Daviess County Fiscal Court
MR. NOFFSINGER: Mr. Chairman, Ms. Becky Stone is here tonight to give a Staff Report on this disposition.

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

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: The Daviess County Fiscal Court has requested a public facilities review for the sale of the Old Jail and lot located at 110 St. Ann Street. The Old Jail is a historic building. In 1977 the Kentucky Heritage Council found that the Old Jail meets established criteria for listing on the National Register of Historic Places. The Old Jail was constructed in 1886 and is an example of Second Empire architecture.

The goals of the Comprehensive Plan adopted by the Daviess County Fiscal Court include the objective to preserve historic buildings and artifacts. The General Land Use Criteria of the Comprehensive Plan state: "Historical building should be assessed for their architectural or other historical significance, and when found significant, should be maintained and reused through sensitive adaptation." The Old Jail has been identified as a
significant historical building and would be eligible
for inclusion on the National Register of Historic
Places.

While the disposition of the Old Jail does
not necessarily mean that the building will be
demolished, steps should be taken to encourage its
survival. A private owner would be eligible for
federal investment tax credits based on the costs for
renovating a National Register eligible structure.
The Daviess County Fiscal Court should include a
covenant with the deed that stipulates the
preservation of the historic portions of the building.

We would like to enter the Staff Report as
Exhibit A in the record.

CHAIRMAN: Thank you.

Is there anybody here representing the
county?

APPLICANT: Yes.

CHAIRMAN: Do you have a statement that
you'd like to make?

APPLICANT: If you have any questions,
I'll be willing to answer them.

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

(NO RESPONSE)
CHAIRMAN: Does anybody on the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If there are no question, 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 hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ZONING CHANGES - CITY

ITEM 4

216 West 24th Street, Portion of 2416/2418 & 2424 St. Ann Street, 0.289 acres

Consider zoning change: From R-1C Single-Family Residential to P-1 Professional Service

Applicant: Independence Bank of Kentucky, Inc.

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

CHAIRMAN: Mr. Jagoe will be disqualified from this vote.

PLANNING STAFF RECOMMENDATIONS

Ohio Valley Reporting
(270) 683-7383
Staff recommends approval because the request is in compliance with the adopted Comprehensive Plan, subject to the conditions and findings of fact that follow:

Conditions:

1. Approval of a final development plan that incorporates the subject property into the previously approved development plan for Independence Bank at 2425 Frederica Street.

2. Consolidation of the subject property to property located at 2425 Frederica Street; and,

3. The access point approved on the previously approved development plan shall be relocated to the center of the subject property on West 24th Street as shown on the newly proposed development plan.

Findings of Fact:

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

2. The applicant's proposal is a logical expansion of P-1 Professional/Service zoning, which would not overburden the capacity of existing roadways or other necessary urban services in the affected area; and,

3. The applicant's proposal respects the pattern
of existing development along block fronts in the
affected area.

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

CHAIRMAN: Is there anybody here
representing the applicant?

APPLICANT: Yes.

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

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission
have any questions of the applicant?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval, Mr.
Chairman, based on the Findings of Fact and Conditions
1 through 3.

CHAIRMAN: Motion for approval by Mr.
Cambron.

MR. ROGERS: Second.

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

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

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Motion carries unanimously.

ITEM 5

819 West Parrish Avenue, 0.092 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: Robert A. Williams, Deborah M. Williams

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. Dedication of an access easement on the subject property to serve 821 West Parrish Avenue if the use of that property changes;

2. Submission and approval of a final development plan;

3. Consolidation of lots at 813, 819 West Parrish and 1330 Elm Street; and,

4. Access shall be limited to one point on West Parrish Avenue to be located the greatest distance from the intersection of West Parrish Avenue and Elm Street.

Findings of Fact:

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

2. The subject property adjoins B-4 General Business zoning to the east; and,

3. The applicant's proposal is a logical expansion of existing B-4 General Business zone in the vicinity and will not overburden the capacity of roadways or other necessary urban services in the area.

We would like to enter the Staff Report as Exhibit C.

CHAIRMAN: Is anybody here representing the applicant?

MR. KAMUF: Yes.

MR. ELLIOTT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: The applicant is here, the engineer is here. We're here to answer any questions.

CHAIRMAN: Thank you, Mr. Kamuf.

Is there any questions of the applicant by anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Does 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 to approve based upon Findings of Fact 1 through 3 and subject to Conditions 1 through 4.

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, please.

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ZONING CHANGE - COUNTY

ITEM 6

10361 US 231, 27.880 acres
Consider zoning change: From B-4 General Business and EX-1 Coal Mining to A-R Rural Agriculture
Applicant: John D. and Debra W. Dalton

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the request 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 Ohio Valley Reporting
(270) 683-7383
Maintenance Plan Area, where rural farm residential uses are appropriate in general locations;

2. The subject property has access to an existing public road via a private drive without the creation of new public roads;

3. The subject property is a large separate tract capable of supporting agricultural activities; and,

4. Mining activities have ceased and the property should revert to its original zoning classification of A-R in accordance with Section 12a.31 of the Owensboro Metropolitan Zoning Ordinance.

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

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience have any questions 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. HAYDEN: I make a motion for approval based on Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Mr. Hayden.

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.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

ITEM 7

Heartland, Phase II, Lots 313-503, 45.145 acres
Consider approval of combined major subdivision preliminary plat/final development plan.
Applicant: Jagoe Development Corporation

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

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

CHAIRMAN: Mr. Jagoe will be disqualified from this vote.

Is anybody representing the applicant?

MR. JAGOE: Yes.
CHAIRMAN: Sate your name, please.

MR. JAGOE: William R. Jagoe, III

(MR. WILLIAM JAGOE SWORN BY ATTORNEY.)

MR. JAGOE: Along Village Run on the west side, on the west side of the street in the reconstruction meeting with Gary Noffsinger and Gary Adams, Marwan, and I'm not sure who else. Weren't you there?

MR. NOFFSINGER: No.

MR. JAGOE: Okay. Gary Adams. It was decided that a sidewalk was not necessary along that area. There would be no houses that would be facing on the street. Actually there's no houses on either side facing, but on one side it was decided that a sidewalk wouldn't be necessary.

MR. CAMBRON: Is that the east side or west side?

MR. CAMBRON: West.

CHAIRMAN: Mr. Noffsinger, do we need to make a correction?

MR. NOFFSINGER: Mr. Chairman, I was not involved in the preliminary meeting. Just spoke with Ms. Stone. She said there was some mention of it; however, I don't think they reached an agreement.

MS. STONE: I don't know that there was -
- I don't recall a formal agreement, but I remember discussion because there weren't any lots fronting on that portion of the street. There's a strip of grass. We talked about the maintenance of that area. You know, I don't recall saying he didn't have to put sidewalks there, but I understand his concern about putting sidewalks there. There's no lots fronting it; however, it could still be used for pedestrian way.

MR. CAMBRON: Can I ask a question, Mr. Chairman?

CHAIRMAN: Yes, you may.

MR. CAMBRON: Sidewalks seem to stop there kind of where it comes to the curve there; is that right?

MR. JAGOE: Right. It's stop at the end of the last lot.

MR. CAMBRON: Right. That's going to be a green space kind of in-between there?

MR. JAGOE: Right.

MR. CAMBRON: Who maintains that?

MR. JAGOE: It will be the city.

MR. NOFFSINGER: Generally in these cases we do take a look at whether or not sidewalks would be appropriate or not. I haven't spent any time obviously considering this matter; however, I do have
a concern in terms of sidewalk connectivity. If you have a sidewalk that just ends nowhere, generally that presents a problem for pedestrians as well as for handicap individuals.

MR. JAGOE: We would have a handicap ramp.

MR. NOFFSINGER: That would go out to the street?

MR. JAGOE: Right. Then on the other side of the street there will be another handicap ramp at that other corner there.

MR. NOFFSINGER: You know, the Staff would recommend that the plan be approved as submitted with sidewalks along that section, and that would be consistent with what we've considered in the past.

MR. CAMBRON: Can I see a better plan? This is real small.

CHAIRMAN: Sure.

Mr. Jagoe, do you understand obviously what his recommendation is to you?

MR. JAGOE: I understand.

CHAIRMAN: Recommend the plan as it is presented?

MR. JAGOE: Right. You know, that was understanding we had in that meeting. Gary Adams was there. He was the one that he said he didn't see any
reason for it.

You don't remember that, Becky?

MS. STONE: I remember discussion of them.

I don't remember a decision on whether they would be required or not. You know, we had the note put on for sidewalks on both sides of the street like we do standard for these developments, but I honestly don't remember if we reached a decision on whether we're not going to be requiring them on that portion of the street.

DR. BOTHWELL: Mr. Jagoe, would you like to postpone until next month when you get this clear?

MR. JAGOE: No. But I would like to make it subject to maybe what Gary Adams talked about.

CHAIRMAN: Mr. Noffsinger, could we go ahead and approve the plan as submitted and then if there was an agreement between Staff and Mr. Jagoe that we could honor that at next meeting and he could ahead and proceed?

MR. NOFFSINGER: I'm not aware of any agreement. If there was an agreement reached, it should have been reached with Ms. Stone that actually reviews these plans. You know, I would recommend you consider the plan as submitted and go from there.

We had other issues I think in this
development in terms of the length of the streets or perhaps vehicular connectivity. There were some pedestrian sidewalks that were added to the development I know to offset that, but I think there were some allowances and some considerations given in this development. This is not one that I was made aware of, that was agreed to or actually even considered until tonight.

CHAIRMAN: Mr. Jagoe, --

MR. CAMBRON: Mr. Chairman, I was looking. It looks like it's about 850 feet. Does that sound about right?

MR. NOFFSINGER: Yes.

MR. CAMBRON: It looks like it's just in a dense area where there's not going to be any building; is that correct?

MR. NOFFSINGER: Well, there's not at this time. Of course, they do not own that adjoining property.

MR. HAYDEN: Wouldn't that be required to put sidewalks up if they develop that other side of the street?

MR. APPLEBY: They've got the Green Belt on the other side.

MR. CAMBRON: Yes. If somebody develops
it, then they would have to put in the sidewalks, correct, Mr. Noffsinger?

MR. NOFFSINGER: If an off-site improvement were required, then that could be the case, but again it would be an off-site improvement.

CHAIRMAN: If the Green Belt owns this, does the Green Belt own the property?

MR. NOFFSINGER: No. The Green Belt is on the opposite of the development.

CHAIRMAN: Okay. Who owns the opposite side of the street?

Mr. Jagoe, do you know who owns the opposite side of the street where your sidewalk would go?

MR. JAGOE: General Electric. It's the back of General Electric. I'd like to at least leave it open where we could come back and prove what we've got, but leave it open. I'll be back on that walk.

MR. NOFFSINGER: Mr. Jagoe, you can come back at any time. You're welcome.

MR. CAMBRON: Mr. Chairman, I'd like to make a motion when we're done here because I look at that and it looks like it's a piece of property that is not owned by Mr. Jagoe. When you're ready I'm ready.

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CHAIRMAN: Are there any more questions?

MR. APPLEBY: I have one comment. It seems to me, and I understand concern for pedestrian traffic on East Byers Avenue, but you do have a provisions to have the Green Belt. I don't think -- I can understand not wanting to put sidewalks in both the front yard and the back yard on these lots. It seems to me the pedestrian traffic in the development will be on the inside streets. I've been in it. It makes sense not to have a walk on both the front yard and the back yard.

MR. JAGOE: Mr. Appleby, that's not the same place. We're talking about on the back of Village Run. It's a pretty small map you're looking at.

MR. CAMBRON: It is a small map.

MR. NOFFSINGER: It's a public street.

MR. JAGOE: You want me to point that out?

MR. APPLEBY: I see it.

CHAIRMAN: Mr. Appleby, does that change your comment?

MR. APPLEBY: I'm trying to get the picture.

CHAIRMAN: We have a larger map, Mr. Appleby.
Does anybody else from the audience or from the commission have any further questions or comments?

MR. CAMBRON: Is Chair ready for a motion, Mr. Chairman?

CHAIRMAN: Yes, Mr. Cambron.

MR. CAMBRON: I'd like to make a motion we approve it without the sidewalks at this point in time and the later developer that comes in here install those at that point in time. That's my motion.

CHAIRMAN: Stewart, can we make a motion like that? Can we accept a motion as that?

MR. CAMBRON: Let me back up. I approve it without the development of sidewalks.

MR. ELLIOTT: Yes, you can do it that way.

CHAIRMAN: Mr. Noffsinger, are you comfortable with the wording?

MR. NOFFSINGER: I'm comfortable with the wording. I'm not in agreement.

CHAIRMAN: I'm not surprised of that. I don't want us to make a motion and pass something that is going to handcuff you beyond what we're trying to do. What I think Mr. Cambron is trying to do is let him have the flexibility on this sidewalk.

MR. CAMBRON: Let me be sure and say. I'm
note letting him have the flexibility. I've looked at the big picture and as I see it there really is no indication why there should be a sidewalk in that particular area at this point in time. It's a long distance. That's my motion.

MR. NOFFSINGER: Mr. Chairman, if I might just add that the City of Owensboro just passed an occupational tax increase. Part of that funding is to put sidewalks on streets where sidewalks do not exist or where sidewalks do not connect. This is going in the exact opposite direction of the program the City of Owensboro has just implemented for sidewalks to connect. You know, pedestrians use these sidewalks in developments. I certainly respect Mr. Jagoe's request. Certainly wish we had more time to review the proposal. Thank you.

DR. BOTHWELL: Mr. Noffsinger, would it be possible if we approve as it stands and making no alterations, does he still have an opportunity to come back and request this change?

MR. NOFFSINGER: Yes.

MR. CAMBRON: We have a motion on the floor right now, but we do not have a second to Mr. Cambron's motion.

MR. APPLEBY: I made a second.
CHAIRMAN: Mr. Appleby has now seconded Mr. Cambron's motion. All in favor of the motion raise your right hand.

(FOUR COMMISSION MEMBERS PRESENT - DAVE APPLEBY, MARTIN HAYDEN, NICK CAMBRON AND IRVIN ROGERS - RESPONDED AYE.)

CHAIRMAN: We have four.

Stewart, where do we stand on the four to four? The motion doesn't pass?

MR. ELLIOTT: The motion doesn't not pass.

CHAIRMAN: So we've got four to four so the motion does not pass.

Now the Chair is open for --

DR. BOTHWELL: Mr. Chairman, since they can come back and rework this and since Mr. Noffsinger doesn't appear to be comfortable with the information he's getting from the Staff about whatever, I vote we approve it as is and let them come back to us and ask after they've had a chance to look at it.

CHAIRMAN: That would be my motion.

DR. BOTHWELL: My motion is to approve it as stands.

MS. DIXON: Second.

CHAIRMAN: We've got a motion by Dr. Bothwell. We've got a second by Ms. Dixon. All in
favor of this motion raise your right hand.

(FIVE COMMISSION MEMBERS PRESENT - DREW KIRKLAND, DR. MARK BOTHWELL, JUDY DIXON, IRVIN ROGERS AND MARTIN HAYDEN - RESPONDED AYE.)

CHAIRMAN: This motion carries five to three.

Next item, please.

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DEVELOPMENT PLANS

ITEM 8

3175 Fairview Drive, 0.610 acres
Consider approval of final development plan.
Applicant: Wyndall's Enterprises, IBOK, LLC

MR. NOFFSINGER: This application 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?

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)

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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.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 9

2425 Frederica Street, 2.252+ acres
Consider approval of amended final development plan.
Applicant: Independence Bank of KY, 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 anybody here representing the applicant?

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

CHAIRMAN: Mr. Jagoe has disqualified himself.

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. CAMBRON: Motion for approval, Mr. Chairman.
CHAIRMAN: Motion for approval by Mr. Cambron.
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. JAGOE.)
CHAIRMAN: Motion carries unanimously.

ITEM 10
5333 Frederica Street, 10.510 acres
Consider approval of amended final development plan.
Applicant: Malco Theatres, Inc., RMH Enterprises, Inc.

MR. NOFFSINGER: Mr. Chairman, on Item Number 10, the applicant's engineer has requested postponement.
CHAIRMAN: We do need to act on that?
MR. NOFFSINGER: Yes, sir.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to postpone.

CHAIRMAN: Motion for postponement 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.

ITEM 11

3801 Legacy Run, 2.032 acres
Consider approval of final development plan.
Applicant: Franklin J. & Susan J. Dockery

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

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have any questions?

(NO RESPONSE)

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

(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, please.

ITEM 12

813, 819 West Parrish Avenue, 1330 Elm Street,
0.246 acres
Consider approval of final development plan.
Applicant: Bob Williams

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 anybody here representing
the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

MR. CAMBRON: Mr. Chairman, 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.

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MAJOR SUBDIVISIONS

ITEM 13

The Brooks, Unit #1, 6.909 acres
Consider approval of major subdivision final plat.
Surety (Certified Check and Irrevocable Letter of Credit) $51,121.60
Applicant: Owensboro Master Builders, Inc.

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

CHAIRMAN: Is anybody here representing Ohio Valley Reporting
(270) 683-7383
the applicant?

(NO RESPONSE)

CHAIRMAN: If not, does anybody on the commission have any comments or 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.

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 14

Covington Ridge, Section 2, 8.757 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) $32,089.14
Applicant: Ballard Development, LLP

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

CHAIRMAN: Anybody representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

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, please.

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SURETY RELEASES

ITEM 15

Cinderella Drive, $22,230.50
Consider partial release of surety (Certified Check and Performance Bond) for public improvements. Surety retained (Performance Bond) $6,716.00
Surety posted by: James Glenn Causey

MR. NOFFSINGER: Mr. Chairman, I apologize

Ohio Valley Reporting
(270) 683-7383
for those amendments. The amounts were correct. It's just the form in which they were posted and to be retained in was incorrect on the agenda.

CHAIRMAN: Mr. Noffsinger, the record is corrected.

If there are no questions or comments, the Chair is ready for a motion.

SISTER VIVIAN: Move for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 16

CRS One Source, $38,355.00
Consider release of surety (Performance Bond) for landscaping.
Surety posted by: Centex Engineering & Construction

ITEM 17

Fieldcrest Crossing, Unit #5, $39,132.20
Consider partial release of surety (Irrevocable Letter of Credit) for streets, sidewalks and storm sewers.
Surety retained (Irrevocable Letter of Credit) $30,388.20
Surety posted by: Thompson Homes, Inc.
ITEM 18

Midwest Insulation, $367.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Midwest Insulation

ITEM 19

Thorobred Crossing, Unit #2, $22,505.00
Consider partial release of surety (Irrevocable Letter of Credit) for public improvements.
Surety retained (Irrevocable Letter of Credit) $11,780.40
Surety posted by: Thompson Homes, Inc.

MR. NOFFSINGER: Surety Releases Items 16 through 19 are in order and may be approved in toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve in toto.

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.

SURETY TRANSFERS

ITEM 20

Carlsbad East, Unit #1, $12,400.00
Transfer of surety (Certificate of Deposit) for streets to the Daviess County Fiscal Court.
Surety posted by: Carl Westerfield

ITEM 21

Doe Ridge, Section 4, $7,574.50
Transfer of surety (Performance Bond) for streets, sidewalks and storm sewers to the City of Owensboro.
Surety posted by: Robert J. Wimsatt

ITEM 22

Harbor Trace, Section 1, Unit #1, $52,145.00
Transfer of surety (Performance Bond) for public improvements to the City of Owensboro.
Surety posted by: Robert J. Wimsatt

MR. NOFFSINGER: Surety Transfers, Items 20 through 22 are in order and may be considered in tot.

CHAIRMAN: Chair is ready for a motion.
DR. BOTHWELL: Motion to approve.
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.

NEW BUSINESS

ITEM 23
Consider approval of FY 2004 budget

MR. NOFFSINGER: Mr. Chairman, each member
A copy of the budget and OMPC salary chart was mailed back in April. We had a work session in May. The budget has been prepared and is ready for consideration.

CHAIRMAN: Are there any questions or comments from the audience?
(NO RESPONSE)

CHAIRMAN: Any question or comments from 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.

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. The Chair is ready for one more motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

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DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries. We are adjourned.

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

WITNESS my hand and notarial seal on this the 29th day of June, 2003.

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383