The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, July 10, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Dave Appleby
Jimmy Gilles
Irvin Rogers
Sister Vivian
Judy Dixon
Stewart Elliott,
   Attorney

CHAIRMAN: I would like to welcome everybody to our July 10th Owensboro Planning & Zoning Commission meeting.

Let's stand. Our invocation will be given by Jim Gilles.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to approve the minutes of the June 12, 2003 meeting.
Are there any corrections, additions?

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please, Mr. Noffsinger.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

2749 Portion of 2801 Medley Road
Land Disposition and Land Acquisition
Consider comments regarding the transfer of property owned by Regional Water Resource Agency to Owensboro Municipal Utilities for the purpose of locating an elevated water tank on the property.
Referred by: Owensboro Municipal Utilities, Regional Water Resource Agency

MR. NOFFSINGER: The water tank that's proposed on this site will be replacing the water tank that is located on West Fourth Street. That tank is, from my understanding, is in a deteriorating state. All of the tanks we have within the city are hydraulically connected. This tank would serve pretty
much any area of the City of Owensboro. However, the main reason for the construction of this tank would be to serve the northwest portion of the City of Owensboro that's currently served by the Fourth Street tank.

Planning Staff has reviewed this application. We find that no inconsistency with the Comprehensive Plan and recommend you forward a letter of that affect to both agencies.

CHAIRMAN: Is there anybody here representing OMU or RWRA?

(NO RESPONSE)

CHAIRMAN: Are there any questions from anybody in the audience or on 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.

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ZONING CHANGE - CITY

ITEM 3

914 Triplett Street, 0.582+ acres
Consider zoning change: From I-1 Light Industrial
to B-4 General Business
Applicant: Wendell Foster's Campus for Developmental
Disabilities, Inc., Wendell Foster Center

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

Conditions:

1. Maintain existing access point as approved on
previous final development plan. No new access points
shall be permitted; and,

2. Maintain existing roadway buffer and

landscape element.

Findings of Fact:

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

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(270) 683-7383
2. The subject property adjoins B-4 zoning to the south along Triplett Street and is located in close proximity to B-4 zoning in the 600 block of East Ninth Street;

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

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

CHAIRMAN: Is there anybody here representing the Wendell Foster Center?

MR. KAMUF: Yes.

MR. ELLIOTT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: We have the director of the Wendell Foster Center and the field representative here to answer any questions if you'd like.

CHAIRMAN: Thank you.

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

(NO RESPONSE)

CHAIRMAN: Does anybody on the board have
any questions?

(NO RESPONSE)

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

SISTER VIVIAN: Motion for approval based
on Conditions 1 and 2 and Findings of Fact 1 through
3.

CHAIRMAN: We have a motion for approval
by Sister Vivian.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGE - COUNTY

ITEM 4

1539 KY 1207, 50.5 acres
Consider zoning change: From EX-1 Coal Mining to
A-R Rural Agriculture
Applicant: Jackie Lee, Lori Bernice Humphrey

PLANNING STAFF RECOMMENDATIONS

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

Findings in support of this recommendation include:

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(270) 683-7383
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 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.

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

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

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

MR. ROGERS: Mr. Chairman, I make a motion for approval based on the Planning Staff Findings of Fact 1 through 4.

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

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLANS

ITEM 5

3128 Alvey Park Drive West, 3.000 acres
Consider approval of final development plan.
Applicant: Anthony Taylor Apprenticeship Committee

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 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. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

3115 Commonwealth Court, 1.64 acres
Consider approval of amended final development plan.
Applicant: Ward Pedley, et al.

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: Do we have anybody here

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representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience have a question of 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.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

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

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: 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.

SISTER VIVIAN: Motion for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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MAJOR SUBDIVISION

ITEM 8

240-324 Cinderella Drive, 3623 US East, 1.264 acres Consider approval of major subdivision preliminary plat.

Applicant: Image Builders
Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, this applicant has been reviewed by the Planning Staff, Engineering Staff. It is found to be in order and ready for consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT: 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.

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.

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MINOR SUBDIVISION

ITEM 9

2749, 2801 Medley Road, 12.201 acres
Consider approval of minor subdivision plat.
Applicant: Regional Water Resource Agency

MR. NOFFSINGER: This is related to Item 2, under Public Facilities Review.

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 anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Are there any comments from anybody on the commission?

(NO RESPONSE)

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

MR. GILLES: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Gilles.

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.
SURETY RELEASES

ITEM 10

Plantation Pointe, Unit #1, $12,042.80
Consider release of surety (Irrevocable Letter of Credit) for 2” bit. concrete base.
Surety posted by: Steve Baker Building, Inc.

ITEM 11

Plantation Pointe, Unit #1, $5,600.00
Consider release of surety (Irrevocable Letter of Credit) for sanitary sewers.
Surety posted by: Steve Baker Building, LLC

ITEM 12

Speedway, $1,357.00
Consider release of surety (Certified Check) for landscaping.
Surety posted by: Speedway

ITEM 13

Waterford Place Townhomes, $868.50
Consider release of surety (Performance Bond) for landscaping.
Surety posted by: Miles Farms, Inc.

MR. NOFFSINGER: Mr. Chairman, Surety Releases Items 10 through 13 are in order and may be released in toto.

CHAIRMAN: They're in order?

MR. NOFFSINGER: Yes, sir.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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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.

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SURETY TRANSFERS

ITEM 14

Cinderella Drive, $6,716.00
Transfer of surety (Performance Bond) for public improvements to the Daviess County Fiscal Court
Surety posted by: James Glenn Causey

ITEM 15

Fieldcrest Crossing, unit #5, $30,388.20
Transfer of surety (Irrevocable Letter of Credit) for streets, sidewalks and storm sewers to the City of Owensboro.
Surety posted by: Thompson Homes, Inc.

ITEM 16

Heritage Park, Unit #4, $20,046.00
Transfer of surety (Certificate of Deposit) for water mains and fire hydrants to the City of Owensboro.
Surety posted by: Jagoe Homes and Construction Co., Inc.

ITEM 17

Lake Forest, Unit #13, $2,534.00
Transfer of surety (Certificate of Deposit) for 1" Bit. Conc. Surface to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 18

Lake Forest, Unit #13, $5,068.00

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(270) 683-7383
Transfer of surety (Certificate of Deposit) for 2" Bit. Conc. Base to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 19

Lake Forest, Unit #13, $4,662.00
Transfer of surety (Certificate of Deposit) for sidewalks to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 20

Lake Forest, Unit #13, $12,900.00
Transfer of surety (Certificate of Deposit) for storm sewers to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 21

Lake Forest, Unit #14, $1,890.00
Transfer of surety (Certificate of Deposit) for 1" bit. Conc. Surface to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 22

Lake Forest, Unit #14, $3,780.00
Transfer of surety (Certificate of Deposit) for 2" Bit. Conc. Base to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 23

Lake Forest, Unit #14, $3,792.00
Transfer of surety (Certificate of Deposit) for sidewalks to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 24

Lake Forest, Unit #15, $233.80
Transfer of surety (Certified Check) for 1" Bit. Conc. Surface to the Daviess County Fiscal Court.
Surety posted by: JMP/Lake Forest, Inc.

ITEM 25

Lake Forest, Unit #15, $372.40

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(270) 683-7383
Transfer of surety (Certified Check) for 2" Bit. Conc. Base to the Daviess County Fiscal Court.
Surety posted by: JMP/Lake Forest, Inc.

ITEM 26

Lake Forest, Unit #15, $465.50
Transfer of surety (Certified Check) for 6" DGA to the Daviess County Fiscal Court.
Surety posted by: JMP/Lake Forest, Inc.

ITEM 27

Lake Forest, Unit #15, $2,220.00
Transfer of surety (Certificate of Deposit) for sidewalks to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 28

Lake Forest, Unit #15, $3,350.00
Transfer of surety (Certificate of Deposit) for storm sewers to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 29

Lake Forest, Unit #15, $375.00
Transfer of surety (Certified Check) for valley curb and gutter to the Daviess County Fiscal Court.
Surety posted by: JMP/Lake Forest, Inc.

ITEM 30

Meadow Run At Whispering Meadows, $17,070.40
Transfer of surety (Certificate of Deposit) for streets and sidewalks to the Daviess County Fiscal Court.
Surety posted by: O'Bryan Development Company

ITEM 31

Southgate Centre, $110,232.00
Transfer of surety (Performance Bond) for water mains and fire hydrants to the City of Owensboro.

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ITEM 32

Waterford Village, Unit #2, $10,553.00
Transfer of surety (Certificate of Deposit) for water mains and fire hydrants to the Daviess County Fiscal Court.
Surety posted by: Waterford Developers, Inc.

ITEM 33

Whispering Meadows, Unit #2, $23,074.20
Transfer of surety (Certificate of Deposit) for streets and sidewalks to the Daviess County Fiscal Court.
Surety posted by: O'Bryan Development Company

MR. NOFFSINGER: Mr. Chairman, Surety Transfers Items 14 through 33 are in order and may be transferred in toto.

CHAIRMAN: If all is in order, the Chair is ready for a motion.

MR. APPLEBY: Move to approve.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The Chair is ready for a final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

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MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

WITNESS my hand and notarial seal on this  
the 4th day of August, 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  

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