The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, October 9, 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
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott,
Attorney

CHAIRMAN:  I'd like to welcome everyone to the Owensboro Metropolitan Planning & Zoning meeting of October 9, 2003. Let's please stand for our invocation and pledge of allegiance by Sister Vivian Bowles.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  The first order of business will be to consider the minutes of the September 11, 2003, meeting. Are there any corrections, additions?

Ohio Valley Reporting
(270) 683-7383
(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, Mr. Noffsinger.

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

PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

5005 KY 54
Building Construction
Consider comments regarding the construction of a new fire station.
Referred by: Daviess County Fiscal Court

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. We find no conflict with the adopted Comprehensive Plan and would recommend we forward a letter to that affect to the Daviess County Fiscal Court.

CHAIRMAN: Are there any questions from Ohio Valley Reporting
(270) 683-7383
the audience?

(NO RESPONSE)

CHAIRMAN: Questions of 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.

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 3

6724 KY 56
Building Construction
Consider comments regarding the construction of a 30-foot by 30-foot storage building at the Sorgho Fire Station.
Referred by: Daviess County Fiscal Court

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

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

CHAIRMAN: From the commission?

(NO RESPONSE)

CHAIRMAN: 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.

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

ZONING CHANGES - CITY

ITEM 4

1801 Frederica Street, 0.22 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional Service
Applicant: JMN Ventures, LLC

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 adopted Comprehensive Plan. This recommendation is made

Ohio Valley Reporting
(270) 683-7383
subject to the conditions and findings of fact that follow:

Conditions:

1. No direct access on Frederica Street or West 18th Street. The existing direct access point on West 18th Street shall be closed. Access shall be limited to the existing alley that intersects with West 18th Street.

2. Paved off-street parking shall be provided in accordance with the requirements of the Owensboro Metropolitan Zoning Ordinance.

3. Vehicular use areas must be screened from public right-of-way and from adjacent residential properties with a minimum 3-foot high continuous element and one tree per 40-feet of boundary; and,

4. A roadway buffer of 30-feet from the street centerline on West 18th Street and 60-feet from the street centerline on Frederica Street shall be maintained.

Findings of Fact:

1. The subject property is located in a Central residential Plan Area, where professional/service uses are appropriate in limited locations;

2. The applicant's request is a logical expansion of the existing P-1 Professional/Service
zone and use to the west across Frederica Street;

3. The subject property will serve as a buffer use between the B-4 General Business zone to the north across West 18th Street and the R-4DT Inner-City Residential zone to the south; and,

4. The expansion of the P-1 Professional/Service zone will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MS. STONE: We would like the Staff Report entered as Exhibit A into the record.

CHAIRMAN: Is there anybody representing the applicant in the audience?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: Questions from the commission?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on Planning Staff's Recommendations along with Conditions 1 through 4 and Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Mr.
Rogers.

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.

ITEM 5

1201, 1203 Hathaway Street, 0.278 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional/Service
Applicant: Owensboro Mercy Health System and Owensboro Medical Plaza, LLC

PLANNING STAFF RECOMMENDATIONS

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

Conditions:

1. No direct access to East Parrish shall be permitted; and

2. A roadway buffer measuring 50-feet from the centerline of East Parrish shall be maintained. No parking or required landscaping shall be permitted within the roadway buffer.

3. Consolidation of the subject property to the Medical Center lot at 1200 Breckenridge Street or a
conditional use permit approved by the Board of Adjustment for the use of the subject property as a parking lot.

FINDINGS OF FACT:

1. The subject property is located in a Professional Service Plan Area, where professional/service uses are appropriate in general locations;

2. The applicant's request is appropriate to the anticipated development in the affected area; and,

3. The applicant's request allows for expansion of the anticipated non-residential development and services in the affected area.

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

CHAIRMAN: Is anybody representing the applicant?

MR. MEYER: Yes.

MR. ELLIOTT: State your name, please.

MR. MEYER: John David Meyer.

(MR. JOHN DAVID MEYER SWORN BY ATTORNEY.)

MR. MEYER: Mr. Chairman, Ladies and Gentlemen of the Commission, my name is J.D. Meyer. I represent Owensboro Medical Plaza, LLC. We just ask that you approve the zoning change tonight. I'm here
to answer any questions that you all may have.

CHAIRMAN: Thank you, Mr. Meyer.

Does anybody from the audience have any
questions?

Yes, sir, step to the podium, please.

MR. ELLIOTT: State your name, please.

MR. WILLIAMS: I'm W.T. Williams.

(MR. W.T. WILLIAMS SWORN BY ATTORNEY.)

MR. WILLIAMS: My objections is, the back
end of these two pieces of property here, one at 1201
and 1203 Hathaway Street, is about less than 8-foot
from my bedroom windows. According to what they tell
me up here in Planning, all they have to do is just
plant some 3-foot bushes and a couple of trees out
there. They'll have cars in and out there in that
parking lot that will be where my bedroom windows
won't have any privacy at all. So I think if you all
are going to give them this permit that you ought to
put a stipulation in there to take care of other
people's property too like putting up a privacy fence
there where the bedroom of this house.

CHAIRMAN: In the ordinance, there are
certain stipulations. The stipulations are such that
they must put up, a 3-foot screen is in the ordinance.
That is what is provided. We could ask -- with your
permission I'll call Mr. Meyer back and see if possibly they would consider another, but within the stipulations of the regulation a 3-foot median is what is required.

MR. WILLIAMS: Three foot thing wouldn't do any good at all.

CHAIRMAN: I'm not debating that fact with you. I'm just stating what the regulations state that must be done.

MR. WILLIAMS: What they have done in the future (sic) over there on the other parking lot they just put a 6-inch piece of concrete all the way around it. Cars drive right across it sometimes and right up in my yard. Now then -- I don't know what's going to happen when they put in this parking lot over here because it will be right there next to my house. These others are back from my house quite a ways here. Not quite a ways, but I'd say at least 15 or 20 foot over here on the side. They're not -- because they have to come back off of state highway out here so far with it. So it puts it in the back part of my house rather than along the side of it.

CHAIRMAN: Let me call Mr. Meyer back to the stand with your permission. Do you have any other questions?
MR. WILLIAMS: No. That's the only question I really have.

CHAIRMAN: This other gentleman, I believe you raised your hand. Do you have any comments?

MR. EDGE: Yes.

CHAIRMAN: You have to come to the podium.

MR. ELLIOTT: State your name, please.

MR. EDGE: Paul Edge.

(MR. PAUL EDGE SWORN BY ATTORNEY.)

MR. EDGE: The only thing I'm interested in is this that alley that goes between Hathaway --

CHAIRMAN: Excuse me, Mr. Edge. Would you get a little bit closer to the microphone or speak up a little bit. I'm having a little trouble hearing you.

MR. EDGE: I've got a slight cold.

That alley that goes between Hathaway and the alley behind the medical center there, I don't want it closed, in other words.

CHAIRMAN: Let's address both of your questions at once.

Does anybody else have any other questions or comments?

(NO RESPONSE)

CHAIRMAN: Mr. Noffsinger, could you
address the question about the alley, please?

MR. NOFFSINGER: Yes, sir. That would be an issue to take up with the Owensboro City Commission. The Planning Commission does not have authority regarding alley closings. They can, only in advisory capacity, once an application is submitted to the City Commission. So that's an issue to take up with the City Commission.

CHAIRMAN: Mr. Meyer, would you return to the podium, please.

We have a question in regards to a neighbor of the property, which would be contiguous property to your client's property. A 3-foot median is what is required by the ordinance. I think with his question, I think maybe his question is to the fact would you consider putting up a different median between the two pieces of property.

MR. MEYER: I would have to confer that with my client. At this time he does not have -- I do not have the authority to do that. I will consider and talk to him about that. This is the first I've heard of this matter. We could consider that; however, I would state that if the 3-foot median or the 3-foot barrier is all that is required, most access will be during business hours, during the day.
So this gentleman will not be having light shining in his bedroom or anything of that nature in the middle of the night. So I believe that's what's required of the Planning Commission and under the ordinance is simply the 3-foot barrier, but I will take the matter up with my client as is requested by the commission.

CHAIRMAN: Thank you.

Mr. Noffsinger, in regards to the property owners making a request, and I can appreciate being a property owner myself as you are, his request, but where does that put us as a Planning Commission?

MR. NOFFSINGER: You have the ability to approve the application as recommended by Staff, which would meet the minimum requirements of the zoning ordinance or you have the ability to request of the applicant that a condition be placed on the rezoning to where a 6-foot high element would be installed along that eastern property line. I would say southern property line as well. In this case it would just be the eastern property line because the southern property line has already been zoned. The applicant would need to address that and be willing to install the 6-foot high element.

Typically when a parking lot adjoins a residential property, it's a 3-foot high element.
That 3-foot high element is there to provide somewhat of a buffer and it should hide the headlights from the adjoining property. That's why it's 3-feet. That's what it's designed to do. Six-foot high element would certainly go beyond that, but would also provide somewhat of a sound buffer, if you will.

MR. ELLIOTT: Gary, they have to get a conditional use permit for parking, don't they? Isn't that one of the conditions? If they did, I'm thinking that that may be the place to address this.

MR. APPLEBY: Or consolidate it I think was the requirement.

MR. ELLIOTT: I thought it was a conditional use permit for the parking permit.

MR. NOFFSINGER: Well, if you had a free-standing parking lot that's not consolidated with the existing parking areas, then that's correct. There would be a conditional use permit, but if it's consolidated there's no conditional use permit. I don't know what their intentions are.

CHAIRMAN: That's where we stand. It meets the minimum requirement. So we have asked the hospital to consider that, but we cannot enforce that criteria on the hospital because they have met what is our minimum requirements.
MR. WILLIAMS: In other words, it would be up to them whether they want to put it in there or not? You all are going to give them the zoning thing. It will be up to them whether they want to put the fence in there or not, right?

CHAIRMAN: Well, we haven't given them anything yet. The board is yet to vote. I'm just saying the board is held by the requirements that the standards that we set that they must meet before they make their application. If they meet the minimum requirements, then we are somewhat bound by those rules and regulations to vote on it according to that. I'm just saying we're trying -- in your best interest, we understand your situation too.

MR. WILLIAMS: Well, another question I want to ask you is how much is the state requiring them to come back with that parking lot off of Parrish Avenue?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: There is a roadway buffer. I believe that is indicated in the case review. Fifty feet from the center line of Parrish Avenue. That's where the landscaping would start. So the parking area would possibly start 53-feet from the center line of Parrish Avenue.
MR. WILLIAMS: They'll have to come back 50-foot from the center line of Parrish before they can start their parking lot. Is that what you're telling me?

MR. NOFFSINGER: They're landscaping. The parking would begin 53-feet from the center line because they are required to have a 3-foot wide landscape easement.

MR. WILLIAMS: That's what I wanted to find out. Really and truly they run close to my house. They're less than 8-feet from my house, the back end of their lots, of these two lots there I gave you the address of them. They're less than 8-feet from the side of my house. That's why I was asking about getting some type of a privacy fence up there because they're just been putting up a little 6-inch concrete slab around there is all they've been putting up around their other parking lot. If that's true, the cars have been coming over these and up in my yard before. If there's people there that's got kids out there playing in the yard or something, it's very easy for somebody to come over there and run over one of them.

MR. ROGERS: Could we not add the condition in here for the 6-foot buffer?
MR. NOFFSINGER: You can do that, but you should do so — first, you should request that of the applicant and the applicant should let you know if they agree to that condition.

MR. ROGERS: He said he doesn't have the authority to tell us tonight.

MR. NOFFSINGER: Well, he needs to give us a yes or no, I think, as to whether or not they're willing to do it.

CHAIRMAN: Let me ask you if you would be seated and let me bring Mr. Meyer back for another statement.

Mr. Meyer, I think you can see where we're headed with this.

MR. MEYER: If a 6-foot buffer is what is required, —

CHAIRMAN: A 6-foot buffer is not required. A 3-foot buffer is what is required.

MR. MEYER: Right. In order to pass the motion, we can, and if it's the commission's desire, we would construct a 6-foot buffer and would be willing to do that.

CHAIRMAN: Now, it is not the commission's desire. It's a request of the applicant (sic). The commission has made no desire.
MR. MEYER: We would certainly do that if it is voted on and requested in that manner, that we would construct a 6-foot buffer of some type in that area.

CHAIRMAN: Thank you, Mr. Meyer. Would you be seated.

Mr. Rogers.

MR. ROGERS: I make a motion for approval based on Planning Staff Recommendations with Conditions 1 through 3. I'd like to add Condition 4 that a 6-foot buffer fence be put up on the east side, and Findings of Facts 1 through 3.

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.

ITEM 6

1315 Hathaway Street, 0.218 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional/Service Applicant: Owensboro Mercy Health System and Owensboro Medical Plaza, LLC

PLANNING STAFF RECOMMENDATIONS

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

Condition:

1. Consolidation of the subject property to the Medical Center lot at 1200 Breckenridge or a conditional use permit approved by the Board of Adjustment for the use of the subject property as a parking lot.

Findings of Fact:

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

2. The applicant's request is a logical expansion of the existing P-1 professional/service zone to the north, east and south; and,

3. The applicant's request will not overburden the capacity of roadways and other necessary urban services in the affected area.

MS. STONE: We'd like the Staff Report entered as Exhibit C.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody from the audience have any questions?
(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

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 favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

1321, 1327 Hathaway Street, 0.33 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional Service
Applicant: Owensboro Mercy Health System and Owensboro Medical Plaza, LLC

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the request is in compliance with the Community's Comprehensive Plan.

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

Conditions:

Ohio Valley Reporting
(270) 683-7383
1. Vehicular use areas shall be buffered from adjoining residentially zoned properties with a minimum of a 3-foot high continuous element and one tree per 40-feet of VUA boundary.

2. Consolidation of the subject property to the Medical Center lot at 1200 Breckenridge or a conditional use permit approved by the Board of Adjustment for the use of the subject property as a parking lot.

Findings of Fact:

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

2. The applicant's request is a logical expansion of the existing P-1 professional/service zone to the north; and,

3. The applicant's request will not overburden the capacity of roadways and other necessary urban services in the affected area.

MS. STONE: This is Exhibit D entered into the record.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any questions from the
audience?

Yes, sir. Step to the podium, please.

MR. ELLIOTT: Restate your name, please.

MR. EDGE: Paul Edge.

I'm still interested in that alley that's going between Hathaway and the other.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: You need to discuss that issue with the Owensboro City Commission.

MR. EDGE: Why do I do that?

MR. NOFFSINGER: They are the ones -- it's a public alley and they are the ones that consider and have final approval on alley closing. Their representative is Marwan Rayan. He's the city engineer.

MR. EDGE: They're not going to close the alley through this Planning & Zoning?

MR. NOFFSINGER: Not through this board, no, sir.

MR. EDGE: That's all I'm interested in.

CHAIRMAN: Thank you.

Are there any questions from the commission?

(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.

Next item, please.

ZONING CHANGE - COUNTY

ITEM 8

4501, 4601 Blocks Wayne Bridge Road, 4.005 acres
Consider zoning change: From A-R Rural Agriculture and R-1A Single-Family Residential to R-1A Single-Family Residential
Applicant: Richard and Tammie Thomas

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the request is in compliance with the community's adopted Comprehensive Plan. Findings of fact in support of this recommendation include:

Findings of Fact:

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

2. Separate lots can be created along the public road;

3. Lots can be created that are properly sized for conventional septic tank systems; and

4. The applicants' request is a logical expansion of existing small-lot residential zoning in the area that will not significantly increase the extent of the R-1A zone in the area and will not overburden the capacity of roadways and other necessary services available in the affected area.

MS. STONE: This is Exhibit E.

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Questions from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve based upon Planning Staff Recommendations, Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Ms.
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.

COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

ITEM 9

4612, 4700, 4800, 4950 KY 56, 87.575, 7.00 acres
Consider approval of amended major subdivision
preliminary plat/final development plan.
Applicant: Bellevue Baptist Church

MR. NOFFSINGER: Mr. Chairman, first I'd like to disclose that I am a member of the Bellevue Baptist Church and I do plan to participate in this particular item at this time.

The item has been reviewed by the Planning Staff. The item is found to be in order. Ms. Becky Stone of Planning Staff has a brief presentation she would like to make.

MS. STONE: We want to put information in the record regarding this development and the attempt to implement the transportation element of the comprehensive plan. So I have several exhibits I.
would like to enter and I'll go through those.

The Owensboro Metropolitan Subdivision

Regulations Section 5.2 holds the subdivider

responsible in connection with arterial and major

collector streets designated by the comprehensive plan

for the dedication of land strips to dedicate

appropriate full rights-of-way when alignments line

within the proposed subdivision.

This is Exhibit 1 in your packet. It's a

copy of this section of 5.1 and .21 of the Subdivision

Regulations that give the Planning Commission

authority to dedicate rights-of-way for improvements

on streets.

Kentucky 81 and Kentucky 56 are both

identified as minor arterial roadways in the Adopted

Comprehensive Plan for Owensboro, Whitesville and

Daviess County, Kentucky.

Exhibit 2 in the packet --

MR. NOFFSINGER: Excuse me. Ms. Stone,

before you go into that, would you describe what

you're trying to address the issue notations on the

plat?

MS. STONE: Okay. There has been a

notation requested and given on the plat, on the final

development plan, as well as the final plat, regarding
the dedication of right-of-way for future improvement
at the Kentucky 81/Kentucky 56 intersection.

That notation qualifies that right-of-way
dedication. We have a copy in this exhibit. I can
read that into the record at this time and then go
through the exhibits.

The note states that, "The transportation
element of the Adopted Comprehensive Plan recognizes
the realignment of the Kentucky 81 and Kentucky 56
intersection through Tract 2 in lieu of the owner of
Tract 2 improving the intersection. The owner agrees
for a period of two years from the date of the
recording of the final plat to dedicate to the public,
if requested, a right-of-way not to exceed 2.6 acres,
without monetary consideration for the realignment of
Kentucky 81. The area of consideration will be
located between Kentucky 81 and the eastern boundary
of Tract 2A and extending south to the southern
property line of Tract 2. Upon completion of an
alignment study by a public agency within the
aforesaid two year period, that identifies the need
for and the location of a right-of-way across Tract 2
and upon request by the public agency, the owner of
Tract 2 agrees to dedicate right-of-way to the public
as described herein."
The reason for this notation is it says in that note is in lieu of improvements to that intersection of Kentucky 81 and Kentucky 56, or without having to do a traffic impact study that's going to identify what those improvements might be. Kentucky 81 and Kentucky 56 are both identified as minor arterial roadways in the Adopted Comprehensive Plan.

We have as Exhibit 2 in your packet that is Section 510, Page 5111, and it's an exhibit that identifies major highways, streets and roads in Daviess County and their classifications and traffic projections.

Improvements to Kentucky 81 and Kentucky 56 are included in a long range transportation plan for Daviess County. We have three exhibits that indicate their inclusion in that long range traffic plan.

The first Exhibit 2 is Page 516 from the Comprehensive Plan. I'm sorry. It's Exhibit 3. It's Page 516. That is the Roadway Improvement Items. Exhibit 4 is Kentucky Transportation Cabinet Unscheduled State Highway Plan Needs For Owensboro Area MPO.

Exhibit 5 is the Green River Area Ohio Valley Reporting
(270) 683-7383
Development District Transportation Map.

All of these include this project in the long range transportation plan.

The project is described to widen Kentucky 81 from four lanes to intersection with Kentucky 56 and realign the intersection of Kentucky 81/Kentucky 56 and Worthington Road. This project is to relieve congestion and reconstruction of the intersection. The project is a total of 0.614 miles in length.

I have entered into as Exhibit 6 the Transportation Plan Projects where this project is described and the estimate amount for completion is included in that.

Additionally the Technical Advisory Committee of Owensboro-Daviess County Urban Transportation Study has rated this project as Number 10 on the Unscheduled Needs List.

I have for the record Exhibit 7 which is a copy of the minutes from the November 26, 2002 Technical Advisory Committee that list this project as Number 10 on the Unscheduled Needs List.

The Comprehensive Plan addresses the relationship of major roadways to land use. I'll read this into the record.

"Roadways themselves are land uses because
they occupy space on the land. The amount of space — right-of-way width — they require to function efficiently and safely is determined largely by the amount of traffic they must carry. There exists a cyclic relationship between land development and traffic generation."

1. Development generates vehicular trips.
2. Trips increase transportation needs.
3. Transportation needs cause transportation improvements.
4. Improved transportation increases land access.
5. Improved accessibility increases land values.
6. Increased land value intensifies land development.
7. Increased development generates more trips; and then the cycle begins again.

"Undersized roadways and too many access points lead to reductions in level of service and safety of roadways, and a correlated reduction in the development potential of adjoining land. Major improvements to roadways usually are not made until critically warranted. By this time, they are often very costly propositions due to necessary right-of-way
acquisition - which may require the purchase of sound
buildings - and due to utility relocation and
construction costs.

"Reservation of right-of-way is
recommended as an important way to facilitate the
implementation of planned roadway improvements."

We would like to enter this page from the
Comprehensive Plan as Exhibit 8 into the record.

The Land Use Plan Element of the
Comprehensive Plan also speaks to improvements of
roadways as a result of proposed development.

"All development sites and lots should be
accessible by vehicle, and traffic flow should be
efficient and safe. The scope of any development, and
the corresponding traffic it generates, should be
commensurate with the capacity of existing and
proposed roadways. Obviously, new roadways should be
properly designed to provide for anticipated traffic
patterns and volumes.

With Respect to Existing Roadways

"A proposed development should not be
approved if it would overburden the capacities of
existing roadways or would create congestion at
intersections, unless appropriate road improvements
are currently planned or are committed to by the
developer. As appropriate, road improvements may involve widening, straightening, reduction of vertical curves or the addition of through-traffic lanes, and deceleration or turn lanes for high-traffic driveways or street intersections.

This is Exhibit 9, Page 445 from the Land Use Element of the Comprehensive Plan.

A review of this project by Keith Harpole, the Associate Director for Transportation Planning, addresses the need for reconstruction of the Kentucky 81 and Kentucky 56 intersection as soon as possible. We have a letter from GRADD from Keith Harpole. I'll read that into the record and enter that as Exhibit 10.

It's written to Mr. Gary Noffsinger, Director of Owensboro Planning Commission.

"Dear Gary: The Green River Area Development District (GRADD) is the designated Metropolitan Planning Organization (MPO) for Owensboro-Daviess County. The MPO is responsible for the transportation planning for the urban area.

The MPO recently conducted a traffic study at the intersection of Kentucky 81 and Kentucky 56. The MPO staff conducted traffic counts during the peak hours of 6:00 to 8:00 a.m. and 3:00 to 6:00 p.m.
There were a total of 5,298 vehicles utilizing the intersection during the five hours of the count. The peak hour was between 4:00 and 5:00 p.m. when a total of 1,223 vehicles entered the intersection.

"The major direction of travel was between the Sorgho area eastbound and Owensboro westbound, with total vehicle trips of 3,204, a percentage of 60.5 of total vehicle trips. The morning peak hour, 7:00 to 8:00 a.m., produces considerable delay on the eastbound leg of the intersection. This is due to the high volume of school traffic during the peak hour.

"The MPO has this intersection on its Long Range Transportation Plan. The intersection is ranked in the Top Ten Highest Priority Projects. The area along Kentucky 56 has been growing in residential and is expected to grow in commercial and business traffic in the future. Traffic volumes along Kentucky 56 have increased 31 percent since 1986, between Kentucky 279 and Kentucky 81.

"With the added traffic volume associated with Southern Star, Bellevue Baptist Church, along with several new and expanding subdivisions along Kentucky 56, the intersection of Kentucky 81/Kentucky 56/Worthington Road needs to be reconstructed in order to handle the increased traffic in the near future.
"It is the recommendation of the MPO staff that the intersection be reconstructed as soon as possible to enhance safety and reduce vehicle delays along Kentucky 56.

"If you have further questions or comments, please do not hesitate to contact me."

That's signed by Keith Harpole.

In lieu of requiring the developer to make the improvement of this intersection on the project or to conduct traffic impact study to determine what improvement should be made, dedication of right-of-way without monetary compensation for future improvement at this intersection was requested.

A notation was developed, placed on the plat indicating that the owners of Tract 2 were agreeable to a qualified right-of-way dedication when an alignment route was known. After discussion with the Staff regarding the notation, a copy of a reworded note was faxed to the Staff by Ron Presser, an attorney representing the owner/developer, and it is this note that was placed on the preliminary subdivision plat/final development plan and the final plat.

Then that note that I read at the beginning of the presentation is Exhibit 11 in this

Ohio Valley Reporting
(270) 683-7383
presentation. Thank you.

CHAIRMAN: Thank you, Ms. Stone. Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions of the applicant?

If you don't mind, I think I'll take the questions first and then bring you to the podium. Would you step to the podium, please.

MR. ELLIOTT: State your name, please.

MR. BROWN: Aaron Brown.

(AARON BROWN SWORN BY THE ATTORNEY.)

MR. BROWN: Only question is the date on the letter from GRADD.

MR. NOFFSINGER: Today's date, I believe.

CHAIRMAN: Are there any other questions?

(NO RESPONSE)

CHAIRMAN: Are there any questions from the staff?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.
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.

ITEM 10

2522, 2526 West Fifth Street, 1.478 acres
Consider approval of amended major subdivision
preliminary plat/final development plan.
Applicant: Tom Weis

MR. NOFFSINGER: Mr. Chairman, this
application 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: Any questions from the
audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the
commission?

(NO RESPONSE)

CHAIRMAN: 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.

Next item, please.

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

DEVELOPMENT PLANS

ITEM 11

1 Executive Boulevard, 17.00 acres
Consider approval of final development plan.
Applicant: John Bays, Executive Inn Rivermont

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

The Executive Inn has prepared a development plan for the affected areas of their property and they have been put on notice that future construction, after this project, will require a development plan for all facilities they have at the site.

If this development plan is approved by the Planning Commission, there should be a condition to the approval that no construction permits be issued
until such time as all lots involved in this project
have been consolidated and an executed agreement with
the Regional Water Resource Agency has been given
prior to the issuance of the permits.

CHAIRMAN: Is there anybody here
representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there 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.

DR. BOTHWELL: Motion to approve based on
the conditions as dated by Mr. Noffsinger.

CHAIRMAN: Motion for approval by Dr.
Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
ITEM 12

2070 Tamarack Road, 8.62 acres
Consider approval of amended final development plan.
Applicant: Owensboro Municipal Utilities.

MR. NOFFSINGER: Mr. Chairman, Item 12,
Owensboro Municipal Utilities has asked for that item
to be postponed.

CHAIRMAN: Do we need to vote on that, Mr. Noffsinger?

MR. NOFFSINGER: Yes, sir.

MR. APPLEBY: Motion to postpone.

CHAIRMAN: Motion for postponement by Mr. Appleby.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The item is postponed.

Next item, please.

MAJOR SUBDIVISIONS

ITEM 13

2400-2601 Blocks East Byers Avenue (For Development Transfer), 105.945 acres
Consider approval of major subdivision final plat.
Applicant: National City Bank, Kentucky, Jagoe Development Corp.

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

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

Is there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Questions from the Commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. APPLEBY: Second.

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

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

CHAIRMAN: Motion carries unanimously.

Mr. Jagoe disqualified himself.

Next item, please.

ITEM 14

4612, 4700, 4800, 4950 KY 56, 7.00 acres
Consider approval of major subdivision final plat.
Surety (Certified Check and Performance Bond)
$327,900.00
Applicant: Bellevue Baptist Church

MR. NOFFSINGER: Mr. Chairman, the presentation that Ms. Stone made regarding Item Number
9 also pertains to this particular item. We can do it one of two ways, whatever satisfies legal counsel.

         Does she need to repeat that?

MR. ELLIOTT: No. We can incorporate it in. I think you're going to put the same notation on this plat as you did the other one.

MR. NOFFSINGER: Yes. Same notation and the same exhibits will be entered into the record for this particular item.

MR. ELLIOTT: Unless she wants to.

CHAIRMAN: I believe Ms. Stone is very content with the previous reading. The Chair is very pleased with it.

Is there anybody here representing the applicant?

MR. McLIMORE: Yes.

CHAIRMAN: Any questions?

(NO RESPONSE)

CHAIRMAN: Mr. Noffsinger wants to know, are you agreeable with what was read into the record?

MR. NOFFSINGER: Without reading it again what was read into the record.

CHAIRMAN: Would you come and just be sworn in and just state the above, please.

MR. ELLIOTT: State your name, please.
MR. McLIMORE: Donny McLimore.

(MR. DONNY McLIMORE SWORN BY ATTORNEY.)

MR. McLIMORE: I don't have any authority other than I suppose as the representative of the church prior to the meeting and since they couldn't have anybody here, they're agreeable to what's on this plat work that has been submitted.

CHAIRMAN: Thank you very much.

If there are no further questions or comments from the audience or the commission, 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, please.

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

MINOR SUBDIVISIONS

ITEM 15

4700, 4720 Bratcher Hil Road, 3.67 acres
Consider approval of minor subdivision plat.
Applicant: Joseph and Patricia Mercer

Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. Basically reconfigures two existing lots of record. It's before you because instead of having one lot that doesn't meet depth to width ratios, will end up having two lots that do not meet depth to width ratios; however, the end result is probably better than what we started with in terms of the lot layout. Staff is recommending the plat be approved.

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: Commission?

(NO RESPONSE)

MR. APPLEBY: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

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

SURETY RELEASES

ITEM 16

Jamestown Apartments, $25,820.00
Consider release of surety (Irrevocable Letter of
Credit) for sanitary sewers.
Surety posted by: Jim Hawkins

ITEM 17

Samuel P. Sauer Property Division, $2,500.00
Consider release of surety (Certified Check) for fire
hydrants.
Surety posted by: Samuel P. Sauer

MR. NOFFSINGER: Under Surety Releases

Items 16 and 17 are in order and may be released in
toto.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr.
Bothwell.

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 items, Mr. Noffsinger.

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

Ohio Valley Reporting
(270) 683-7383
SURETY TRANSFERS

ITEM 18

Steve Church and Craig Sloan Property Division, $2,500.00
Transfer of surety (Certified Check) for fire hydrants to the Daviess County Fiscal Court.
Surety posted by: Steve Church and Craig Sloan

ITEM 19

Cross Creek, Unit #1, $2,500.00
Transfer of surety (Certificate of Deposit) for water mains to the City of Owensboro.
Surety posted by: Lake Forest Community, LLC

ITEM 20

Lake Forest, Unit #16, $240.00
Transfer of surety (Certified Check) for water mains to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 21

Lake Forest, Unit #17, $1,410.00
Transfer of surety (Certificate of Deposit) for water mains and fire hydrants to the Daviess County Fiscal Court.
Surety posted by: Lake Forest Community, LLC

ITEM 22

Bill Timbrook – KY 56, $6,000.00
Transfer of surety (Performance Bond) for fire hydrants to the Daviess County Fiscal Court.
Surety posted by: Bill Timbrook

MR. NOFFSINGER: Surety Transfers Items 18 through 22 are in order and may be transferred in toto.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Ohio Valley Reporting
(270) 683-7383
Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger.

NEW BUSINESS

ITEM 23

Consider entrance of OMPC employees into the Office of Public Employee's Health Insurance Program and authorization of Planning Director to sign all contracts.

MR. NOFFSINGER: Mr. Chairman, we are currently looking at moving the Planning Commission employees into the state health insurance pool. It does require authorization and signing of a contract. We will be looking into that.

I would ask that the Planning Commission authorize me to sign any and all documents pertaining to that that would be in the best interest of the Planning Commission.

I can currently tell you what we're looking at now would be really a wash-related two rates. May very well be that the Planning Commission
is forced into the state retirement health insurance pool at some point in the future. That's not the case now, but we are looking at that and evaluating and would like to move in the best interest of the employees, as well as best interest of the Planning Commission and keeping cost under control and as low as possible.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Do we have a final motion?

DR. BOTHWELL: Motion to adjourn.

CHAIRMAN: Motion for adjournment by Dr. Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

-----------------------------------------
Ohio Valley Reporting (270) 683-7383
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 47 typewritten pages; and that no signature
was requested to the foregoing transcript.

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

LYNNETTE 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

Ohio Valley Reporting
(270) 683-7383