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OWENSBORO METROPOLITAN PLANNING COMMISSION

DECEMBER 11, 2003

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, December 11, 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
- Jimmy Gilles
- Scott Jagoe
- Irvin Rogers
- Sister Vivian Bowles
- Judy Dixon
- Dr. Mark Bothwell
- Ed Baylous,
- Attorney

* * * * *

CHAIRMAN: Call the Owensboro Metropolitan Planning & Zoning to order. The pledge of allegiance will be given by Ms. Judy Dixon.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business will be to consider the minutes of the November 13, 2003 meeting. Are there any corrections or additions?

(NO RESPONSE)

CHAIRMAN: Any comments from the public?

1 (NO RESPONSE)

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

4 MR. JAGOE: Move to approve.

5 CHAIRMAN: Motion for approval by Mr.
6 Jagoe.

7 MS. DIXON: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, Mr. Noffsinger.

13 -----

14 HEARING PUBLIC

15 ITEM 2

16 Consider revised text amendments to the Owensboro
17 Metropolitan Zoning Ordinance.

18 MR. NOFFSINGER: Mr. Chairman, Becky Stone
19 has a presentation or some information she will need
20 to read into the record describing the background
21 process that's taken place as well as findings of fact
22 for adoption.

23 Then there may be some in the audience
24 here tonight wishing to speak to the Zoning Ordinance.
25 You may just see if there's anyone here tonight that's

1 here primarily for that reason.

2 (NO RESPONSE)

3 MR. NOFFSINGER: Doesn't look like there
4 are.

5 Becky is ready.

6 (MS. BECKY STONE SWORN BY ATTORNEY.)

7 MS. STONE: In December of 2002, the
8 Planning Commission appointed a committee to review
9 the Owensboro Metropolitan Zoning Ordinance and to
10 propose revisions to the ordinance that the committee
11 deemed warranted.

12 One of the many objectives of the Zoning
13 Ordinance is to promote the public health, safety and
14 general welfare of Daviess County. Another is to
15 facilitate orderly and harmonious development in the
16 visual or historic development of Daviess County. The
17 Zoning Ordinance is one of the regulatory documents
18 for implementation of the adopted Comprehensive Plan
19 for Owensboro, Whitesville and Daviess County,
20 Kentucky. The Zoning Ordinance is adopted by the OMPC
21 and local legislative bodies (Daviess County Fiscal
22 Court, Whitesville City Commission and Owensboro City
23 Commission).

24 From January through September 2003, the
25 Review Committee met at least twice a month at

1 Owensboro City Hall. The Review Committee was charged
2 with the task of conducting a thorough review and
3 update of the entire Zoning Ordinance. Each article
4 was reviewed and analyzed and proposed changes
5 resulted in an effort to clarify current regulations
6 and to revise regulations to enhance current
7 development practices and to improve enforcement.

8 Many issues were discussed. The committee
9 invited health department officials to discuss
10 environmental issues, landscape professionals
11 regarding landscaping requirements and city and county
12 engineers in response to flood ordinance issues. All
13 of the committee meetings were open to the public and
14 to the media. A number of citizens provided input on
15 several issues of interest to them.

16 The proposed revisions were a result of
17 consensus among the Review Committee. Each member
18 brought a unique perspective to the review process and
19 all involved participated, expressed opinions,
20 compromised and contributed to the proposed revisions
21 to the Owensboro Metropolitan Zoning Ordinance.

22 Findings

23 The proposed revisions to the Owensboro
24 Metropolitan Zoning Ordinance will aid in the
25 implementation of the Goals and Objectives of the

1 Comprehensive Plan. Findings in support of adoption
2 of the proposed revisions to the Owensboro
3 Metropolitan Zoning Ordinance are as follows:

4 1) Clarification of various sections of
5 the Zoning Ordinance will promote the public health,
6 safety and welfare and promote the goals of the
7 Comprehensive Plan by improving consistent enforcement
8 of the regulations;

9 2) Revisions to various sections
10 eliminating differences in regulations between the
11 City of Owensboro, the City of Whitesville, the
12 unincorporated Daviess County will enhance orderly and
13 harmonious development throughout Daviess County and
14 facilitate compliance and ease of enforcement;

15 3) Revisions to various sections to
16 assure compliance with Kentucky Revised Statutes is
17 necessary to maintain legal compliance;

18 4) Inclusion of a provision for
19 encroachment into a public utility easement under
20 specific criteria will allow for increased flexibility
21 in coordination of utilities with planned growth and
22 development in the community;

23 5) Restriction of size of accessory
24 buildings on lots less than 1/2 acre in size will
25 assist in the promotion of orderly and harmonious

1 development;

2 6) Provision to allow unenclosed covered
3 porches and chimneys to project into the building
4 setback will stimulate rehabilitation of existing
5 houses and promote preservation of existing housing
6 and neighborhoods;

7 7) Provision to allow Planning Commission
8 to hear applications for variances when submitted in
9 conjunction with a zoning map amendment is allowed by
10 Kentucky Revised Statutes and will facilitate orderly
11 development in Daviess County;

12 8) Creation of a new B-5
13 Business/Industrial zone to be allowed only within
14 Business/Industrial Plan areas will facilitate orderly
15 development and provide flexibility in areas
16 recognized by the Comprehensive Plan as mixed use
17 areas;

18 9) Addition of various uses to the Zones
19 and Uses table enhances interpretation and enforcement
20 of the Owensboro Metropolitan Zoning Ordinance;

21 10) Provision to change lot coverage
22 calculation and increase allowable lot coverage
23 promotes harmonious and orderly development,
24 simplifies interpretation, and enhances consistency of
25 enforcement;

1 11) Increase in minimum lot size when
2 served by on-site sewage disposal systems assists in
3 providing the community with adequate means of sewage
4 treatment that will protect the public health and the
5 natural environment;

6 12) Changes in the proposed parking ratios
7 for retail development and provision for off-site
8 parking will facilitate adequate, attractive and
9 accessible shopping and service facilities for all
10 segments of the community;

11 13) Provision to allow Planning Director
12 to sign final development plans that meet specific
13 criteria will facilitate orderly and harmonious
14 development in the community and streamline
15 development approvals;

16 14) Addition of landscape buffers when
17 non-residential zones adjoin existing homes on
18 agricultural lots under 10 acres will aid in
19 preserving existing houses and neighborhoods by
20 promoting buffers between adjoining land uses that are
21 incompatible with each other; and,

22 15) Revision of interior landscaping
23 requirements to alter the percentage required based on
24 the size of the parking area and to include the
25 requirement within the Urban Service Area will promote

1 attractive shopping and service facilities for all
2 segments of the community and facilitate consistency
3 of requirements in urban areas regardless of municipal
4 jurisdictions.

5 We would like to enter this Staff Report
6 as Exhibit A.

7 CHAIRMAN: Are there any comments or
8 questions from the audience?

9 (NO RESPONSE)

10 CHAIRMAN: Does anybody on the Planning
11 Commission have a question?

12 (NO RESPONSE)

13 CHAIRMAN: If not - -

14 MR. NOFFSINGER: Mr. Chairman, I would
15 like to state for the record that if the Planning
16 Commission votes to adopt these provisions to the
17 Zoning Ordinance here tonight, they would not become
18 effective until such time were voted on and approved
19 by the Owensboro City Commission, City of Whitesville
20 and the Daviess County Fiscal Court.

21 CHAIRMAN: So noted.

22 With that being stated - -

23 MR. JAGOE: I guess I have one question.

24 At the last meeting we proposed to remove some
25 language. I think maybe in Section 18. I didn't hear

1 that here so I guess that was removed.

2 MS. STONE: That language has been removed
3 and the revised draft ordinance, if you'll look on the
4 website or there's copies available tonight, does not
5 contain that language.

6 MR. JAGOE: Thanks.

7 MR. CAMBRON: Is chair ready for a motion?

8 CHAIRMAN: Yes.

9 MR. CAMBRON: Motion to approve the
10 changes in the ordinance as were stated by Ms. Stone.

11 CHAIRMAN: Motion for approval by Mr.
12 Cambron.

13 MR. JAGOE: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 -----

20 PUBLIC FACILITIES PLANS
21 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

22 ITEM 3

23 1624 Alderson Court
24 Land Acquisition
25 Consider comments regarding the purchase of 1624
Alderson Court for future use by the Daviess County
Public Library
Referred by: Daviess County Public Library

1 MR. NOFFSINGER: Mr. Chairman, the
2 applicant is represented tonight. Is here to answer
3 any questions that you might have.

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

6 (NO RESPONSE)

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

9 (NO RESPONSE)

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

13 CHAIRMAN: With that the chair is ready
14 for a motion.

15 DR. BOTHWELL: Motion to approve.

16 CHAIRMAN: Motion for approval by Dr.
17 Bothwell.

18 MR. CAMBRON: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 ITEM 4

25 2697 KY 81

1 Facilities Construction
2 Consider comments regarding the construction of a pump
3 station to be located within an easement on property
4 owned by Owensboro-Daviess County Regional Airport.
5 Referred by: Regional Water Resource Agency

6 MR. NOFFSINGER: Mr. Chairman, the
7 Planning Staff has reviewed this application. We find
8 no conflict with the Comprehensive Plan and it appears
9 to be in substantial compliance with the 201 sewer
10 facility plan and would recommend we forward a letter
11 to that affect to RWRA.

12 CHAIRMAN: Any questions or comments by
13 the audience?

14 (NO RESPONSE)

15 CHAIRMAN: Questions or comments by the
16 Planning Commission?

17 (NO RESPONSE)

18 CHAIRMAN: If not the chair is ready for a
19 motion.

20 MS. DIXON: Move to approve.

21 CHAIRMAN: Motion for approval by Ms.
22 Dixon.

23 DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

1 Next item, please.

2 ITEM 5

3 1729 McCreary Avenue, 450 Griffith Avenue
4 Land Acquisition and Building Construction
5 Consider comments regarding the purchase of 1729
6 McCreary Avenue and the construction of a new building
7 and parking area on 1729 McCreary Avenue and 450
8 Griffith Avenue.
9 Referred by: Daviess County Public Library

10 MR. NOFFSINGER: Mr. Chairman, the
11 Planning Staff has reviewed this application. We find
12 no conflict with the adopted Comprehensive Plan. The
13 applicant is represented here tonight should you have
14 any questions.

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

17 (NO RESPONSE)

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

20 (NO RESPONSE)

21 CHAIRMAN: If not the chair is ready for a
22 motion.

23 MR. CAMBRON: Motion for approval, Mr.
24 Chairman.

25 CHAIRMAN: Motion for approval by Mr.
Cambron.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All

1 in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 ITEM 6

6 4800 New Hartford Road

Building Placement

7 Consider comments regarding the placement of two
8 modular buildings containing four classrooms on the
9 campus of Owensboro Community and Technical College
10 for use by the college and Western Kentucky
University.

Referred by: Owensboro Community and Technical
College

11 MR. NOFFSINGER: Mr. Chairman, this
12 application has been reviewed by the Planning Staff.
13 We find no conflict with the Comprehensive Plan.
14 Recommend we forward a letter to that affect.

15 CHAIRMAN: Is anybody here representing
16 the applicant?

17 (NO RESPONSE)

18 CHAIRMAN: If not does anybody in the
19 audience have any questions?

20 (NO RESPONSE)

21 CHAIRMAN: If not chair is ready for a
22 motion.

23 MR. ROGERS: Motion for approval.

24 CHAIRMAN: Motion for approval by Mr.
25 Rogers.

1 MR. GILLES: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item.

7 -----

8 ZONING CHANGES - COUNTY

9 ITEM 7

10 7220 KY 81, 1.056 acres
11 Consider zoning change: From B-4 General Business to
12 R-1A Single-Family Residential
13 Applicant: William M. & Tammy M. Whittaker

14 PLANNING STAFF RECOMMENDATIONS

15 Staff recommends approval because the proposal is
16 in compliance with the community's adopted
17 Comprehensive Plan. Findings of Fact in support of
18 this recommendation follow:

19 1. The subject property is located in a Rural
20 Community Plan Area, where rural small-lot residential
21 uses are appropriate in general locations;

22 2. The subject property consists of an existing
23 lot that fronts on a public road;

24 3. The lot is large enough to assure
25 satisfactory operation of conventional septic tank
systems as regulated by state law; and,

1 4. The subject property is located in an area
2 with established R-1A zoning and rural small-lot
3 residential uses.

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

6 CHAIRMAN: Does anybody in the audience
7 have a question?

8 (NO RESPONSE)

9 CHAIRMAN: Does anybody on the commission
10 have a question?

11 (NO RESPONSE)

12 CHAIRMAN: If not the chair is ready for a
13 motion.

14 MR. CAMBRON: Motion for approval, Mr.
15 Chairman, based upon Planning Staff's Findings of Fact
16 1 through 4.

17 CHAIRMAN: Motion for approval by Mr.
18 Cambron.

19 DR. BOTHWELL: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25

1 ITEM 8

2 591 KY 140 East, 19.0 acres
3 Consider zoning change: From EX-1 Coal Mining to A-R
4 Rural Agriculture
5 Applicant: Keavin Hayden, Ellen Hayden

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the proposal is
8 in compliance with the community's adopted
9 Comprehensive Plan. Findings of fact in support of
10 this recommendation are as follow:

11 1. The subject property is located in a Rural
12 Maintenance Plan Area, where agricultural uses are
13 appropriate in general locations;

14 2. Coal mining activities have ceased on the
15 subject property; and,

16 3. The Owensboro Metropolitan Zoning Ordinance
17 requires that property revert to its original zoning
18 classification once mining activities have ceased.

19 MS. STONE: We'd like to enter this Staff
20 Report as Exhibit C.

21 CHAIRMAN: Are there any questions from
22 the audience?

23 (NO RESPONSE)

24 CHAIRMAN: Any questions from the
25 commission?

(NO RESPONSE)

1 CHAIRMAN: If not the chair is ready for a
2 motion.

3 MS. DIXON: Move for approval based upon
4 Planning Staff Recommendation and Findings of Fact 1,
5 2 and 3.

6 CHAIRMAN: Motion for approval by Ms.
7 Dixon.

8 DR. BOTHWELL: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item.

14 ITEM 9

15 9752 Oak Street, 0.11 acres
16 Consider zoning change: From A-U Urban Agriculture to
17 R-1A Single-Family Residential
Applicant: Paul Cecil Land Surveying, Gerald O'Bryan

18 PLANNING STAFF RECOMMENDATIONS

19 Staff recommends approval because the proposal is
20 in compliance with the community's Comprehensive Plan.
21 Findings of Fact in support of this recommendation
22 follow:

23 1. The property is located in an Urban
24 Residential Plan Area in the City of Whitesville,
25 where urban low-density residential uses are

1 appropriate in limited locations;

2 2. Rezoning the subject property is appropriate
3 as it is a portion of a larger lot that is partly
4 zoned R-1A currently;

5 3. Adjoining lots are zoned R-1A and are in use
6 as single-family residence; and,

7 4. The City of Whitesville current provides
8 sanitary sewer service to the subject property.

9 MS. STONE: We'd like to enter the Staff
10 Report as Exhibit D.

11 CHAIRMAN: Does anybody in the audience
12 have a question?

13 (NO RESPONSE)

14 CHAIRMAN: Does anybody on the commission
15 have a question?

16 (NO RESPONSE)

17 CHAIRMAN: If not the chair is ready for a
18 motion.

19 MR. APPLEBY: Motion for approval based on
20 Planning Staff Recommendations and Findings of Fact 1
21 through 4.

22 MR. CAMBRON: Second.

23 CHAIRMAN: Motion for approval by Mr.
24 Appleby. Second by Mr. Cambron. All in favor raise
25 your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item.

4 ITEM 10

5 7372 Stevens School Road, 107.7 acres
6 Consider zoning change: From EX-1 Coal Mining to A-R
7 Rural Agriculture
8 Applicant: A.J. Bickett

9 PLANNING STAFF RECOMMENDATIONS

10 Staff recommends approval because the proposal is
11 in compliance with the community's adopted
12 Comprehensive Plan. Findings of Fact in support of
13 this recommendation are as follow:

14 1. The subject property is located in a Rural
15 Maintenance Plan Area, where agricultural uses are
16 appropriate in general locations;

17 2. Coal mining activities have ceased on the
18 subject property; and,

19 3. The Owensboro Metropolitan Zoning Ordinance
20 requires that property revert to its original zoning
21 classification once mining activities have ceased.

22 MS. STONE: We would like this Staff
23 Report be Exhibit E.

24 CHAIRMAN: Are there any questions from
25 the audience?

(NO RESPONSE)

1 CHAIRMAN: Any questions from the
2 commission?

3 (NO RESPONSE)

4 CHAIRMAN: If not the chair is ready for a
5 motion.

6 DR. BOTHWELL: Motion to approve based on
7 Recommendations 1 through 3 from the Planning Staff.

8 CHAIRMAN: Findings of fact.

9 DR. BOTHWELL: Yes, that would be correct.

10 CHAIRMAN: Thank you, Dr. Bothwell. Do we
11 have a second?

12 MS. DIXON: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 -----

19 DEVELOPMENT PLANS

20 ITEM 11

21 2960 Fairview Drive, 9.734 acres
22 Consider approval of final development plan.
23 Applicant: BAMJAC, Inc.

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

1 ready for consideration.

2 CHAIRMAN: Any questions from the
3 audience?

4 (NO RESPONSE)

5 CHAIRMAN: Any questions from the
6 commission?

7 (NO RESPONSE)

8 CHAIRMAN: If not the chair is ready for a
9 motion.

10 MR. CAMBRON: Motion for approval, Mr.
11 Chairman.

12 CHAIRMAN: Motion for approval by Mr.
13 Cambron.

14 MR. GILLES: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 12

21 919, 925, 931, 937 Griffith Avenue, 1.149 acres
(POSTPONED)

22 Consider approval of amended final development plan.
23 Applicant: E.K. and Betty Barnard, Gertrude C. Smith,
Ann O. Bresler, Marvin P. and Deborah M. Nunley

24 MR. NOFFSINGER: Mr. Chairman, Planning

25 Staff has reviewed this application. Engineering

1 Staff has reviewed. We find that it meets the minimum
2 requirements of the Zoning Ordinance and subdivision
3 regulations and recommend it be approved.

4 CHAIRMAN: Are there any questions from
5 the audience?

6 (NO RESPONSE)

7 CHAIRMAN: Any questions from the
8 commission?

9 (NO RESPONSE)

10 CHAIRMAN: If not the chair is ready for a
11 motion.

12 MS. DIXON: Move for approval.

13 CHAIRMAN: Motion for approval by Ms.
14 Dixon.

15 SISTER VIVIAN: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 ITEM 13

22 2070 Tamarack Road, 8.62 acres (POSTPONED)
23 Consider approval of amended final development plan.
24 Applicant: Owensboro Municipal Utilities

25 MR. NOFFSINGER: Item 13 was postponed
from the last meeting. They are requesting that it be

1 postponed again. I would hope in the January meeting
2 we could take action on this plan. It's been on our
3 agenda for several months. This time they've asked
4 for postponement, but at the January meeting I would
5 hope we could consider it for approval.

6 CHAIRMAN: We're needing to vote on
7 postponement?

8 MR. NOFFSINGER: Yes, sir.

9 MR. APPLEBY: Motion to postpone.

10 CHAIRMAN: Motion for postponement by Mr.
11 Appleby.

12 MR. CAMBRON: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously for
17 postponement.

18 -----

19 MAJOR SUBDIVISIONS

20 ITEM 14

21 Fieldcrest Crossing, Unit 6, Lots 45-54, 2.944 acres
22 Consider approval of major subdivision final plat
23 for development.

Surety (Letter of Credit) posted: \$22,123.80

24 Applicant: Thompson Homes, Inc.

25 MR. NOFFSINGER: Mr. Chairman, Planning
and Engineering Staff has reviewed this application.

1 We find that it meets with the adopted regulations and
2 would recommend that it be approved.

3 CHAIRMAN: Any questions from the audience
4 or commission?

5 (NO RESPONSE)

6 CHAIRMAN: If not the chair is ready for a
7 motion.

8 MR. CAMBRON: Motion for approval, Mr.
9 Chairman.

10 CHAIRMAN: Motion for approval by Mr.
11 Cambron.

12 SISTER VIVIAN: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 ITEM 15

18 Lake Forest, Unit 19, Lots 205-218, 223-225, 5.916
19 acres

20 Consider approval of major subdivision final plat
21 for development.

22 Surety (Letter of Credit) posted: \$23,521.80

23 Applicant: Lake Forest Community, LLC

24 MR. NOFFSINGER: Mr. Chairman, Planning
25 and Engineering Staff has reviewed this application.

26 We find that it is in compliance with the adopted
27 regulations and would recommend it be approved.

1 CHAIRMAN: Are there any questions from
2 the audience or commission?

3 (NO RESPONSE)

4 CHAIRMAN: If not we're ready for a
5 motion.

6 MS. DIXON: Move for approval.

7 CHAIRMAN: Motion for approval by Ms.
8 Dixon.

9 DR. BOTHWELL: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 ITEM 16

16 Cross Creek, Unit 2, Lots 11, 12 & 59, 60, 1.554 acres
17 Consider approval of major subdivision final plat
18 for development.
19 Surety (Certified Check) posted \$672.00 and
20 Certificate of Deposit posted \$4,110.00
21 Applicant: Pedley Development, LLC

22 MR. NOFFSINGER: Mr. Chairman, Planning
23 and Engineering Staff has reviewed this application.
24 We find that it meets with the adopted regulations and
25 would recommend that you approve this item.

CHAIRMAN: Any questions from the audience
or the commission?

1 (NO RESPONSE)

2 CHAIRMAN: If not the chair is a ready for
3 a motion.

4 MS. DIXON: Move for approval.

5 CHAIRMAN: Motion for approval by Ms.
6 Dixon.

7 SISTER VIVIAN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Thank you.

13 ITEM 17

14 4000, 4010, 4020, 4030, 4040, 4050, 4060, 4070, 4080,
15 4090, 4100, 4120 Medley Road, 967 Deer Haven Drive,
2.785 acres

16 Consider approval of revised major subdivision
17 preliminary plat for development.

18 Applicant: Robert J. Wimsatt

19 MR. NOFFSINGER: Mr. Chairman, this plan
20 has been reviewed by the Engineering Staff and
21 Planning Staff. Found to meet the adopted regulations
22 and for that reason would recommend its approval.

23 CHAIRMAN: Any questions from the
24 audience?

25 (NO RESPONSE)

CHAIRMAN: Any questions from the

1 commission?

2 (NO RESPONSE)

3 CHAIRMAN: If not the chair is ready for a
4 motion.

5 MR. CAMBRON: Motion for approval, Mr.
6 Chairman.

7 CHAIRMAN: Motion for approval by Mr.
8 Cambron.

9 MR. GILLES: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 ITEM 18

15 3900-4100 Block Medley Road, 5.802 acres
16 Consider approval of major subdivision final plat
17 for development.
18 Applicant: Robert Wimsatt

19 MR. NOFFSINGER: Mr. Chairman, this
20 application has been reviewed by the Planning Staff
21 and Engineering Staff. It's found to meet all adopted
22 regulations and for that reason would recommend you
23 approve it.

24 CHAIRMAN: Any questions from the
25 audience?

(NO RESPONSE)

1 CHAIRMAN: From the commission?

2 (NO RESPONSE)

3 CHAIRMAN: Chair is ready for a motion.

4 MR. CAMBRON: Motion for approval, Mr.
5 Chairman.

6 CHAIRMAN: Motion for approval by Mr.
7 Cambron.

8 SISTER VIVIAN: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 19

15 Woodcrest, Unit 4, Lots 33-37, 40-44, 8.219 acres
16 Consider approval of major subdivision final plat
17 for development.

Surety (Certified Check) posted: \$11,922.56

17 Applicant: Wells & Wells Builders, Inc.

18 MR. NOFFSINGER: Mr. Chairman, Planning
19 and Engineering Staff has reviewed this application.
20 They find that it is in compliance with the adopted
21 regulations and for that reason would recommend you
22 approve it.

23 CHAIRMAN: Any questions from the
24 audience?

25 (NO RESPONSE)

1 CHAIRMAN: Questions from the commission?

2 (NO RESPONSE)

3 CHAIRMAN: If not the chair is ready for a
4 motion.

5 MS. DIXON: Move for approval.

6 CHAIRMAN: Motion for approval by Ms.
7 Dixon.

8 DR. BOTHWELL: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 -----

14 MINOR SUBDIVISION

15 ITEM 20

16 6057, 6071 KY 56, 7.57 acres
17 Consider approval of minor subdivision plat.
18 Applicant: Eldred and Constance Ford

19 MR. NOFFSINGER: Mr. Chairman, this
20 application has been reviewed by the Planning Staff
21 and Engineering Staff.

22 It is found that if you were to approve
23 this item it would require you make an exception to
24 the adopted subdivision regulations pertaining to the
25 depth to width ratio. However, the proposed division
is consistent with the applicant's plans from some

1 time ago to create lots along the frontage of Kentucky
2 56 and is in keeping with the character of the
3 previously approved lots within this subdivision. So
4 for those reasons the Staff would recommend that you
5 approve this plat.

6 CHAIRMAN: Any questions from the
7 audience?

8 (NO RESPONSE)

9 CHAIRMAN: Any questions from the
10 commission?

11 (NO RESPONSE)

12 CHAIRMAN: If not the chair is ready for a
13 motion.

14 MR. APPLEBY: Motion for approval.

15 CHAIRMAN: Motion for approval by Mr.
16 Appleby.

17 MR. ROGERS: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 -----

23 SURETY RELEASES

24 ITEM 21

25 H&I Development, \$3,615.00

1 Consider release of surety (Performance Bond) for
landscaping.

2 Surety posted by: Hayden Construction Co, Inc.

3 ITEM 22

4 Charles Kamuf Property Division, \$9,000.00
5 Consider release of surety (Certified Check) for fire
hydrants.

6 Surety posted by: Charles J. Kamuf

7 MR. NOFFSINGER: Mr. Chairman, Surety

8 Releases Items 21 and 22 are in order and may be

9 released in toto.

10 CHAIRMAN: Chair is ready for a motion.

11 MS. DIXON: Move for approval.

12 CHAIRMAN: Motion for approval by Ms.

13 Dixon.

14 SISTER VIVIAN: Second.

15 CHAIRMAN: Second by Sister Vivian. All

16 in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 -----

20 SURETY TRANSFERS

21 ITEM 23

22 The Brooks, Unit #1, \$200.00
23 Transfer of surety (Certified Check) for water mains
to the Daviess County Fiscal Court.

24 Surety posted by: Owensboro Master Builders, Inc.

25

1 ITEM 24

2 Heritage Park, Unit #4, \$7,750.40
3 Transfer of surety (Certificate of Deposit) for 1"
4 Bitum Concrete Surface to the City of Owensboro.
5 Surety posted by: Jagoe Homes and Construction
6 Company, Inc.

7 ITEM 25

8 Heritage Park, Unit #4, \$19,110.00
9 Transfer of surety (Certificate of Deposit) for
10 sidewalks to the City of Owensboro.
11 Surety posted by: Jagoe Homes and Construction
12 Company, Inc.

13 ITEM 26

14 Thorobred Crossing, Unit #2, \$11,780.40
15 Transfer of surety (Irrevocable Letter of Credit) for
16 public improvements to the City of Owensboro.
17 Surety posted by: Thompson Homes, Inc.

18

19 MR. NOFFSINGER: Under Surety Transfers
20 Items 23 through 26 are in order and may be
21 transferred in toto.

22 CHAIRMAN: Chair is ready for a motion.

23 MR. JAGOE: Mr. Chairman, I need to
24 disqualify myself on Items 24 and 25.

25 CHAIRMAN: Let the record state that Mr.
26 Jagoe is disqualified.

27 MR. CAMBRON: Motion for approval, Mr.
28 Chairman.

29 CHAIRMAN: Motion for approval by Mr.
30 Cambron.

31 SISTER VIVIAN: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE
4 WITH MR. JAGOE DISQUALIFYING HIMSELF ON ITEMS 24 AND
5 25.)

6 CHAIRMAN: Motion carries unanimously.

7 -----

8 NEW BUSINESS

9 ITEM 27

10 Consider the filing Deadlines and Meeting Dates
11 Schedule for the OMPC and OMBA calendar year of 2004.

12 MR. NOFFSINGER: Mr. Chairman, each member
13 has been mailed a copy of this calendar and would
14 recommend that you approve.

15 CHAIRMAN: Are there any questions or
16 suggestions by anybody on the commission?

17 (NO RESPONSE)

18 CHAIRMAN: Chair is ready for a motion.

19 DR. BOTHWELL: Motion for approval.

20 CHAIRMAN: Motion for approval by Dr.

21 Bothwell.

22 MS. DIXON: Second.

23 CHAIRMAN: Second by Judy Dixon. All in
24 favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.
2 The chair is ready for one final motion.
3 MS. DIXON: Move to adjourn.
4 CHAIRMAN: Motion for adjournment by Ms.
5 Dixon.
6 DR. BOTHWELL: Second.
7 CHAIRMAN: Second by Dr. Bothwell. All in
8 favor raise your right hand.
9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
10 CHAIRMAN: Meeting is adjourned.

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1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for
4 the State of Kentucky at Large, do hereby certify that
5 the foregoing Owensboro Metropolitan Planning & Zoning
6 meeting was held at the time and place as stated in
7 the caption to the foregoing proceedings; that each
8 person commenting on issues under discussion were duly
9 sworn before testifying; that the Board members
10 present were as stated in the caption; that said
11 proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 34 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 2nd day of January, 2004.

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25