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?
(NO RESPONSE)

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

MR. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.

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.

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HEARING PUBLIC

ITEM 2

Consider revised text amendments to the Owensboro Metropolitan Zoning Ordinance.

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

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

(NO RESPONSE)

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

Becky is ready.

(MS. BECKY STONE SWORN BY ATTORNEY.)

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

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

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

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

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

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

Findings

The proposed revisions to the Owensboro Metropolitan Zoning Ordinance will aid in the implementation of the Goals and Objectives of the Ohio Valley Reporting
(270) 683-7383
Comprehensive Plan. Findings in support of adoption of the proposed revisions to the Owensboro Metropolitan Zoning Ordinance are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15) Revision of interior landscaping requirements to alter the percentage required based on the size of the parking area and to include the requirement within the Urban Service Area will promote...
attractive shopping and service facilities for all
segments of the community and facilitate consistency
of requirements in urban areas regardless of municipal
jurisdictions.

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

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

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: If not - -

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

CHAIRMAN: So noted.

With that being stated - -

MR. JAGOE: I guess I have one question.

At the last meeting we proposed to remove some
language. I think maybe in Section 18. I didn't hear
that here so I guess that was removed.

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

MR. JAGOE: Thanks.

MR. CAMBRON: Is chair ready for a motion?

CHAIRMAN: Yes.

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

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 3

1624 Alderson Court
Land Acquisition
Consider comments regarding the purchase of 1624 Alderson Court for future use by the Daviess County Public Library

Referred by: Daviess County Public Library
MR. NOFFSINGER: Mr. Chairman, the applicant is represented tonight. Is here to answer any questions that you might have.

CHAIRMAN: Does anybody in the audience have any questions of the applicant?
(NO RESPONSE)

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

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

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

DR. BOTHWELL: Motion to approve.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.
Facilities Construction

Consider comments regarding the construction of a pump station to be located within an easement on property owned by Owensboro-Daviess County Regional Airport.

Referred by: Regional Water Resource Agency

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

CHAIRMAN: Any questions or comments by the audience?

(NO RESPONSE)

CHAIRMAN: Questions or comments by the Planning 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.

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 5

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

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

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. CAMBRON: Motion for approval, Mr.
Chairman.

CHAIRMAN: Motion for approval by Mr.
Cambron.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

4800 New Hartford Road
Building Placement
Consider comments regarding the placement of two modular buildings containing four classrooms on the campus of Owensboro Community and Technical College for use by the college and Western Kentucky University.
Referred by: Owensboro Community and Technical College

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

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: If not chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: 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.

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ZONING CHANGES - COUNTY

ITEM 7

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

PLANNING STAFF RECOMMENDATIONS

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

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

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

3. The lot is large enough to assure satisfactory operation of conventional septic tank systems as regulated by state law; and,
4. The subject property is located in an area with established R-1A zoning and rural small-lot residential uses.

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

CHAIRMAN: Does anybody in the audience have a question?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

(NO RESPONSE)

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

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

CHAIRMAN: Motion for approval by Mr. Cambron.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.
591 KY 140 East, 19.0 acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Keavin Hayden, Ellen Hayden

PLANNING STAFF RECOMMENDATIONS

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

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

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

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

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

CHAIRMAN: Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

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

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

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.

ITEM 9

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

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is
in compliance with the community's Comprehensive Plan.

Findings of Fact in support of this recommendation
follow:

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

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appropriate in limited locations;

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

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

4. The City of Whitesville currently provides sanitary sewer service to the subject property.

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

CHAIRMAN: Does anybody in the audience have a question?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

(NO RESPONSE)

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

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

MR. CAMBRON: Second.

CHAIRMAN: Motion for approval by Mr. Appleby. Second by Mr. Cambron. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 10

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

PLANNING STAFF RECOMMENDATIONS

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

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

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

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

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

CHAIRMAN: Are there any questions from
the audience?

(NO RESPONSE)

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CHAIRMAN: Any questions from the commission?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.
DR. BOTHWELL: Motion to approve based on Recommendations 1 through 3 from the Planning Staff.
CHAIRMAN: Findings of fact.
DR. BOTHWELL: Yes, that would be correct.
CHAIRMAN: Thank you, Dr. Bothwell. Do we have a second?
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
2960 Fairview Drive, 9.734 acres
Consider approval of final development plan.
Applicant: BAMJAC, Inc.

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

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ready for consideration.

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

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

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. 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.

ITEM 12

919, 925, 931, 937 Griffith Avenue, 1.149 acres

(POSTPONED)

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

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

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

CHAIRMAN: Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13

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

MR. NOFFSINGER: Item 13 was postponed from the last meeting. They are requesting that it be
postponed again. I would hope in the January meeting we could take action on this plan. It's been on our agenda for several months. This time they've asked for postponement, but at the January meeting I would hope we could consider it for approval.

CHAIRMAN: We're needing to vote on postponement?

MR. NOFFSINGER: Yes, sir.

MR. APPLEBY: Motion to postpone.

CHAIRMAN: Motion for postponement by Mr. Appleby.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously for postponement.

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MAJOR SUBDIVISIONS

ITEM 14

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

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

Applicant: Thompson Homes, Inc.

MR. NOFFSINGER: Mr. Chairman, Planning and Engineering Staff has reviewed this application.
We find that it meets with the adopted regulations and would recommend that it be approved.

CHAIRMAN: Any questions from the audience or commission?

(NO RESPONSE)

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

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

CHAIRMAN: Motion for approval by Mr. Cambron.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 15

Lake Forest, Unit 19, Lots 205-218, 223-225, 5.916 acres
Consider approval of major subdivision final plat for development.
Surety (Letter of Credit) posted: $23,521.80
Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, Planning and Engineering Staff has reviewed this application. We find that it is in compliance with the adopted regulations and would recommend it be approved.

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

(NO RESPONSE)

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

MS. DIXON: Move for approval.

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.

ITEM 16

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

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

CHAIRMAN:  Any questions from the audience or the commission?

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(NO RESPONSE)

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

MS. DIXON: Move for approval.

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.

Thank you.

ITEM 17

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

Consider approval of revised major subdivision preliminary plat for development.

Applicant: Robert J. Wimsatt

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

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the audience?
commission?

(NO RESPONSE)

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

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

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 18

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

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

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)
CHAIRMAN: From the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Cambron.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Next item, please.

ITEM 19

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

Surety (Certified Check) posted: $11,922.56

Applicant: Wells & Wells Builders, Inc.

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

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)
CHAIRMAN: Questions from the commission?

(NO RESPONSE)

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

MS. DIXON: Move for approval.

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.

MINOR SUBDIVISION

ITEM 20

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

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

It is found that if you were to approve this item it would require you make an exception to the adopted subdivision regulations pertaining to the depth to width ratio. However, the proposed division is consistent with the applicant's plans from some...
time ago to create lots along the frontage of Kentucky 56 and is in keeping with the character of the previously approved lots within this subdivision. So for those reasons the Staff would recommend that you approve this plat.

CHAIRMAN: Any questions from the audience?
(NO RESPONSE)
CHAIRMAN: Any questions from the commission?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.
MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.
MR. ROGERS: Second.
CHAIRMAN: Second by Mr. Rogers. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

SURETY RELEASES

ITEM 21
H&I Development, $3,615.00

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Consider release of surety (Performance Bond) for landscaping.
Surety posted by: Hayden Construction Co, Inc.

ITEM 22

Charles Kamuf Property Division, $9,000.00
Consider release of surety (Certified Check) for fire hydrants.
Surety posted by: Charles J. Kamuf

MR. NOFFSINGER: Mr. Chairman, Surety Releases Items 21 and 22 are in order and may be released in toto.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

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.

SURETY TRANSFERS

ITEM 23

The Brooks, Unit #1, $200.00
Transfer of surety (Certified Check) for water mains to the Daviess County Fiscal Court.
Surety posted by: Owensboro Master Builders, Inc.
ITEM 24
Heritage Park, Unit #4, $7,750.40
Transfer of surety (Certificate of Deposit) for 1" Bitum Concrete Surface to the City of Owensboro.
Surety posted by: Jagoe Homes and Construction Company, Inc.

ITEM 25
Heritage Park, Unit #4, $19,110.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro.
Surety posted by: Jagoe Homes and Construction Company, Inc.

ITEM 26
Thorobred Crossing, Unit #2, $11,780.40
Transfer of surety (Irrevocable Letter of Credit) for public improvements to the City of Owensboro.
Surety posted by: Thompson Homes, Inc.

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

CHAIRMAN: Chair is ready for a motion.
MR. JAGOE: Mr. Chairman, I need to disqualify myself on Items 24 and 25.
CHAIRMAN: Let the record state that Mr. Jagoe is disqualified.

MR. CAMBRON: Motion for approval, Mr. Chairman.
CHAIRMAN: Motion for approval by Mr. Cambron.
SISTER VIVIAN: Second.
CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

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

CHAIRMAN: Motion carries unanimously.

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NEW BUSINESS

ITEM 27

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

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

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

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

The chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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STATE OF KENTUCKY)
SS: REPORTER'S CERTIFICATE

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

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

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