The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, May 13, 2004, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger, Planning Director
Dave Appleby
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN:  I would like to welcome everybody to our May 13th meeting of the Owensboro Metropolitan Planning Commission. Please stand. Our invocation and pledge of allegiance will be given by Mr. Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  First item we will consider the minutes of the April 15th meeting. Are there any questions or corrections?
(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. 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, Mr. Noffsinger.

PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

1019 Old Hartford Road, Cemetery Street

Land Disposition
Consider comments regarding the closing of Cemetery Street between Breckenridge Street and Old Hartford Road.

Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. This property that's proposed for closure is in front of the old House of Canton Restaurant at the intersection of Old Hartford Road and Breckenridge Street. It is a proposal to close right-of-way that was most recently
used as parking for that restaurant. The area that's
going to be closed will be traded and the land owner
will dedicate additional right-of-way along Old
Hartford Road for future roadway improvements. With
that Staff would recommend that we forward a letter to
the City of Owensboro recommending the closure;
however, the city should have dedicated to them the
right-of-way that's shown on the plat in this
application.

CHAIRMAN: Is there anybody here
representing the city?
(NO RESPONSE)
CHAIRMAN: Is anybody here representing
the applicant?
(NO RESPONSE)
CHAIRMAN: Are there any questions?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a
motion.
MS. DIXON: Move to approve.
CHAIRMAN: Motion for approval by Ms.
Dixon.
SISTER VIVIAN: Second.
CHAIRMAN: Second by Sister Vivian. All
in favor raise your right hand.
ITEM 3

385 West Veterans Boulevard
Building and Facility Construction
Consider comments regarding the construction of the
Riverfront West Plaza located adjacent to the
Executive Inn.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the
Planning Staff has reviewed this application. It is
for the West Plaza which is part of the riverfront
master plan. The Planning Staff has reviewed. We
find no conflict with any of the local plans; however,
I would remind the City of Owensboro, as well as the
adjoining land owner of the Executive Inn, Mr. John
Bays, that if the city proceeds with this construction
of West Plaza and if the owner of the Executive Inn,
Mr. Bays, proceeds with construction of the stage,
then that will void the development plan that has been
approved for the construction of the Convention
Center. The reason for that is that this West Plaza
and stage will be constructed in an area that's
proposed to be parking for the Convention Center. We
will draft a letter to the City of Owensboro as well
as Mr. Bays notifying them of the need to amend or
submit a new development plan for the Executive Inn for future construction.

CHAIRMAN: Does anybody in 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.

MR. APPLEBY: Motion to approve with the recommendation.

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, please.

ITEM 4

1412 East Fourth Street
Land Disposition
Consider comments regarding the closing of a portion of an alley located along the rear of 1412 East Fourth Street.
Referred by: City of Owensboro
MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find no conflict with the Comprehensive Plan and recommend you forward a letter to that affect to the City of Owensboro.

CHAIRMAN: Any questions by anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Any questions by the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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.

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ZONING CHANGE - CITY

ITEM 5

Ohio Valley Reporting
(270) 683-7383
Portion of 2412 Old Henderson Road, 0.746 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: Harold R. & Colleen McClary

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

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

Findings of Fact:

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

2. The subject property is a portion of 2412 Old Henderson Road, which also contains existing B-4 General Business zoning;

3. The subject property is located adjacent to an area of existing B-4 General Business zoning;

4. The applicant's proposal is a logical expansion of proportional scope that will not significantly increase the extent of the zone in the vicinity of the expansion and should 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 into the record as Exhibit A.

CHAIRMAN: Is anybody here representing
the applicant?

MR. McClARY: Yes. Harold R. McClary.

(MR. HAROLD McCLARY SWORN BY ATTORNEY.)

CHAIRMAN: Mr. McClary, do you have a
statement you'd like to make?

MR. McClARY: I was told I probably need
to be here. I don't know.

CHAIRMAN: We appreciate you being here.
Let's see if we've got any questions or anything you
need to answer.

Does anybody from the audience have a
question of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the
commission have a question of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move to approve based upon
Planning Staff recommendation and Findings of Fact 1
through 4 and it is in compliance with the community's Comprehensive Plan.

CHAIRMAN: We've got a motion by Ms. Dixon.

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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ZONING CHANGE - COUNTY

ITEM 6

101 Block Booth Field Road, 27,103 acres
Consider zoning change: From A-U Urban Agriculture to R-1C Single-Family Residential
Applicant: Robert Wimsatt

MR. NOFFSINGER: Mr. Chairman, the applicant's engineer has requested this item be postponed and you will need to vote on that action.

CHAIRMAN: Do we have a motion?

MR. APPLEBY: Motion to postpone.

CHAIRMAN: Motion for postponement 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.

Next item, please.

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favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The item is postponed.

Next item.

ITEM 7

2201 Block Hayden Bridge Road, 0.267 acres Consider zoning change: From A-U Urban Agriculture to R-1A Single-Family Residential
Applicant: Woodland Ridge Development, Inc., Bill Timbrook, 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:

Submittal and approval of a consolidation plat that joins the subject property to property located at 2245 Hayden Bridge Road.

Findings of Fact:

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

2. The subject property is proposed to be consolidated to property located at 2245 Hayden Bridge Road, which is currently zoned R-1A Single-Family

Ohio Valley Reporting
(270) 683-7383
Residential;

3. Upon consolidation, the resulting lot will have adequate frontage on a public road and will have adequate sewage disposal and the existing septic tank system.

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

CHAIRMAN: Is there anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Anyone from the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve subject to Planning Staff Recommendations with Condition 1 and Findings of Fact 1 through 3.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

Ohio Valley Reporting
(270) 683-7383
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  Motion carries unanimously.

Next item, please.

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MAJOR SUBDIVISIONS

ITEM 8

2400-2501 Blocks East Byers Avenue, 83.446 acres
Consider approval of major subdivision final plat
(for development transfer only, no surety required.)
Applicant: National City Bank, Jagoe Development, LLC

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

CHAIRMAN: Please note for the record Mr.
Jagoe is disqualifying himself.

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff and
Engineering Staff. Found to be in order. It is for
development transfer only for future development.
With that it's ready for consideration.

CHAIRMAN: Is anybody here representing
the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience
have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?
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 - WITH THE DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 9

Cross Creek, Unit #3, Lots 55-58, 61-64, 1.847+ acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $7,222.00
Applicant: Pedley Developers, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. Found to be in order. Meets all applicable regulations.

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from the

Ohio Valley Reporting
(270) 683-7383
audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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 10

2910, 2934 KY 54, 3020 Highland Pointe Drive, 12.925 acres
Consider approval of amended major subdivision preliminary plat.
Applicant: Marathon Fuels, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to meet applicable local regulations and is ready for consideration.

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

APPLICANT REP: Yes.

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

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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 11

4500-4600 Blocks Lake Forest Drive, 3001 Block Settles Road, 30.607 acres

Consider approval of major subdivision final plat (for development transfer only, no surety required.)

Applicant: JMP/Lake Forest, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to meet all minimum

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local regulations and is 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: 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.

ITEM 12

Sherwood Plaza, Unit #1, 0.755 acres Consider approval of major subdivision final plat. Surety (Irrevocable Letter of Credit) posted: $72,955.70 Applicant: Moore Properties, c/o Don P. Moore, III
MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. Found to meet all minimum and multi regulations and is ready for your consideration.

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have a question?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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

Ohio Valley Reporting
(270) 683-7383
ITEM 13

4625 Countryside Drive, 1.161 acres
Consider approval of minor subdivision plat.
Applicant: Thomas W. and Mildred F. Claypool

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

This plat comes before the Planning Commission to be approved as a property survey. It was once the location of a retention basin that served the Countryside Subdivision on Kentucky 54. The property is zoned R-2MF for multi-family use.

The retention basin was filled in back a number of years ago by the Daviess County Fiscal Court because it was not functioning as it was designed and there was some alternative means of handling the drainage through this area via a ditch located on the east property line as well as along the south frontage on Kentucky 54. There was some indication that this property was originally plated as a retention basin.

There was an issue regarding deed of dedication that it might restrict the use. Anyhow, there was a court order filed. I believe there was no objection to the court order for this to be used as multi-family use. So with that the Planning Staff is recommending that the Planning Commission sign off on the plat as
ordered by the court.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

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

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

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 items, please.

ITEM 14

2340, 2346 Hayden Road, 2.006 acres
Consider approval of minor subdivision plat.
Applicant: Mike Wilkerson

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order except that the two lots being proposed do not meet the depth to width ratio of three to one as required by the local regulations. However, back some time ago this property consisted of two lots as the division is proposed here, but they were consolidated into one. The applicant now ask that the original lot line be re-established so as to create two one acre lots. The Staff is recommending that you approve the plat; however, access to the property should be reserved to a single access point that would be a shared driveway for the two properties and that either the driveway be constructed or surety posted prior to the OMPC signing the plat.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

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

(NO RESPONSE)

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

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval based on the restriction of one access for both lots from the highway.

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.

Next item.

ITEM 15

6655 KY 144, 2604 Roy Clark Road, 32.16 acres Consider approval of minor subdivision plat.
Applicant: Sarah Wells, John Emberton, Kevin and Heather Leonard

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. I will turn it over to Becky Stone to explain exactly what's taking place here.

MS. STONE: Currently there's a ten acre tract that sort of horseshoes around the other lot. Adjoining property owners have gone together to purchase that tract and they want to consolidate it to their respective lots.
The back five acres would be consolidated to adjoining agricultural property. It's well over ten acres. It would be an agricultural division and would not be required to meet that ratio on three to one.

The other tract would create about a seven acre tract which is still under the ten acres that's required to meet that three to one ratio. The current lot that it's being consolidated to was created not meeting that ratio. They are adding more road frontage so they're actually making that situation a little bit better. So we would recommend that that be approved.

CHAIRMAN: Is there someone here representing the applicant?

MS. WELLS: Yes. Sarah Wells.

CHAIRMAN: Do you want to make a statement?

MS. WELLS: I did want to make a statement.

CHAIRMAN: You're welcome to come to the podium.

(MS. SARAH WELLS SWORN BY ATTORNEY.)

MS. WELLS: Sarah Wells. I live at 6655 Highway 144.
I just wanted to add what this lady said.

This tract, 10 acre tract that we're trying to divide and consolidate with our existing properties, Mr. Emberton and I, it has been virtually inaccessible to the current owners, the Leonards, because it has frontage and two small almost right-of-ways that are encumbered with utility poles. The Leonards have been unable to maintain this 10 acres. Farming equipment cannot get into it. Even a bush hog can't get into it. There are weeds as high as my head so-to-speak. Mr. Emberton and I have agreed, hopefully we will be able to purchase this and consolidate with our existing properties to eliminate what is currently a very undesirable situation both visually and also there's a lot of wildlife including coyotes back in this area. I would hope you take that into consideration too. We're trying to improve it. Thank you.

CHAIRMAN: Are there any questions of the applicant by the audience?

(NO RESPONSE)

CHAIRMAN: Any questions by the Commission?

(NO RESPONSE)

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

MR. APPLEBY: Move to approve.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

ITEM 16

3830, 3836 Willow Way, 0.380 acres
Consider approval of minor subdivision plat.
Applicant: Wayne Carrico.

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. It does create a situation where one lot will be made a little bit larger, one lot will be made a little smaller. There's an existing lot line that cuts through an existing garage. If this plat is approved, it will remove that non-conforming situation; however, it still creates, leaves a non-conforming situation that one lot is going to be smaller than it was; however both lots are non-conforming and we recommend it be approved.

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

(NO RESPONSE)

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. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.

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 17

712, 720 West Fifth Street, 0.153 acres
Consider approval of minor subdivision plat.
Applicant: H&K Property Management

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. The plat is found to be in order. It reduces the non-conformity
of one lot, increases the non-conformity of another by slightly adjusting the common boundary between the two lots. We recommend it be approved.

MS. STONE: There's a common access proposed on these lots as was required when the property was rezoned so it would need to be installed and surety posted before the plat is signed.

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

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

CHAIRMAN: The chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden.

Do we need to add that, part of that to our motion?

MR. NOFFSINGER: Conditions, yes.

MR. ROGERS: Along with the condition.

CHAIRMAN: Mr. Rogers, just for the record
would you just restate your motion, please.

MR. ROGERS: Motion for approval along
with the Planning Staff's condition.

CHAIRMAN: Thank you. Is that all right
with your second, Mr. Hayden?

MR. HAYDEN: Yes, second.

CHAIRMAN: We do have a second. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 18

107, 109 East 24th Street, 0.305 acres
Consider approval of minor subdivision plat.
Applicant: Kenneth G. Millay, John L. Smith

MR. NOFFSINGER: Mr. Chairman, Planning
Staff has reviewed this application. The application
is found to be in order. This plat too moves the
common boundary line between two existing lots of
record. It creates a situation where the one lot will
be made less non-conforming and the other lot will be
made more non-conforming. Anyhow, existing lots of
record. We recommend it be approved.

CHAIRMAN: Any questions from anybody in
the audience?

(NO RESPONSE)
CHAIRMAN: Questions from the commission?

(NO RESPONSE)

CHAIRMAN: 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 carried unanimously.

Next item, please.

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SURETY TRANSFERS

ITEM 19

Heritage Park Development, Unit #16, $2,178.00 Transfer of surety (Certificate of Deposit) for sidewalks to the city of Owensboro. Surety posted by: O'Bryan Heirs, c/o William O. Wright

ITEM 20

Jackie C. Maddox, ET AL Property Division, $2,109.00 Transfer of surety (Certified Check) for sanitary sewers to the City of Owensboro. Surety posted by: Kurtz Auction and Realty

MR. NOFFSINGER: Mr. Chairman, Surety Transfers Items 19 and 20 are in order and may be transferred in toto.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Chair is ready for a motion on the Surety Transfers.

SISTER VIVIAN: Motion for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

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.

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NEW BUSINESS

ITEM 21

Consider the retirement of Gary Adams, OMPC Associate Director of Planning, effective August 1, 2004.

MR. NOFFSINGER: Mr. Chairman, Gary Adams has been with the Planning Commission right at 30 years. He has served the Planning Commission well. In talking with Gary, encouraged him to stay on just for as long as he felt that he was being effective and enjoyed what he was doing. He still is effective and he is still enjoying what he's doing. Gary has been with us quite a while. It's an opportunity for Gary to retire and to enjoy his retirement. He assures me that he will not be leaving town and at any time we
need we can get in touch with him.

Anyhow, that retirement will be effective August 1, 2004. We will have a reception. We planned a reception for him as well as Soni Brown on July 9th from 4 to 6 at the Riverpark Center.

CHAIRMAN: Do we need to take a motion on their retirement or just to announcement it?

MR. NOFFSINGER: We can just announce it.

ITEM 22

Consider the retirement of Soni Brown, OMPC Executive Secretary, effective August 1, 2004.

MR. NOFFSINGER: Likewise, Soni has been with the Planning Commission for close to 25 years. She made an escape once about six, seven years ago and retired and decided that she enjoyed what she was doing, missed the Planning Commission and came back to work for the Planning Commission. She's provided a number of years of service. Her work is just impeccable and she will be missed as well.

I might add that in search for replacement for these two individuals, Planning Commission will now be advertising or had been advertising for an associate director of planning as well as a senior planner and entry level planning position and will be seeking two new people to fill two of those positions.
We do have one staff member that is staying on with us that's very capable that will fill that third position. If anyone has any planning degree, planning interest, certainly hope to hear from them.

CHAIRMAN: I've had the pleasure of working with Mr. Adams and Ms. Brown since I joined the commission in April of 1997. Both of them have been loyal and good employees of the Owensboro Metropolitan Planning Commission. They will be solely missed by all of us.

I'm sure Mr. Noffsinger will be in earnest in searching for their replacement.

I thank Gary and Soni both for the years of service and what they've done for the commission and all of us.

ITEM 23

Consider revisions to Owensboro Metropolitan Subdivision Regulations and to surety posting amounts.

MR. NOFFSINGER: Mr. Chairman, Planning Staff, we have been working with the city and county engineering staff as well as some folks within the community. As result of the zoning ordinance revisions recently, we felt the need to recommend revisions to our subdivision regulations. Becky Stone will give a brief report on what we are proposing to
We would like for the Planning Commission to authorize the Staff to advertise for public hearing and consideration for adoption of these amendments at our June 10, 2004 meeting.

MS. STONE: I think you all have gotten a package showing the proposed revisions to the subdivision regulation. I'll just try to briefly go through those revisions and hit the highlights of the ones that are a significant change.

Section 1.6 Selling of Land Before Approval is simply changing the language to be consistent with KRS Section 100.2773. That language changed back in 1988 and our subdivision regulations had not been updated to reflect that.

That allows someone to agree to sell property prior to the plat being completed and approved by the Planning Commission. They can enter into a contract to sell as long as that plat becomes approved by the Planning Commission. Previously it prohibited you from even entering into any kind of an agreement to sell or transfer property.

The Minor Amendments to Major Subdivision, one of the changes we're proposing to facilitate the development process. We are proposing that minor amendments to preliminary and final subdivision plats
be treated like minor amendments have been treated on final development plans previously. It would give the planning director the authority to sign those changes. So we've established some criteria what those minor amendments would consist of. They would be:

Should not increase the number of lots;

Should not change the location or cross section of streets or street access on arterial or collector streets;

Should not alter drainage ways, detention basins or storm water drainage calculations.

That way a slight change could be made without having to come back to the Planning Commission and it would be facilitated in-house.

Then under the Preliminary Plat section we just added language allowing for that provision.

Under Staff and Other Agency Review, we've just included a process that we have followed for years. Having the utility company sign the face of the plat before it's submitted to us. It's not really specified in the subregs so we've added language that indicates that utility review has to occur before submittal to the Planning Commission.

In Section 3.311, we've added a letter of credit as an acceptable surety. We've been accepting
those letters of credit with Stewart Elliott's review on those, but it's not specified in the subdivision regulations.

On the Completion of Improvements, we've edited this section to clarify that the public improvement surety will be a two year bond to the Planning Commission. Sidewalk surety will still be three years as it is currently and the fire hydrant and water mains will be a six month bond.

We've deleted the section regarding forfeiture of surety. We would transfer the surety to either the city or the county or the City of Whitesville and they would go through whatever process they go through for that forfeiture. This kind of outlined what their process should be. We felt that they have their own regulations. Once we transfer it to them, then it should be up to them to follow whatever process they are willing to following.

We have included language in the application process to allow for minor amendments.

We've added a section in the Owner's Certification to allow for authorized agents to sign plats with the appropriate documentation recorded in the Daviess County Courthouse.

We have also added sections to provide for Ohio Valley Reporting
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utilities, signatures on preliminary and on final
plats.

We've changed the lot depth indicated from
2 1/2 to 1 to 3 to 1. The Comprehensive Plan speaks
to 3 to 1 and that's what we have been using in our
process for review. So we wanted to make that
consistent with the Comprehensive Plan.

We have also changed the lot size to
reflect the three-quarter acre minimum as set in the
zoning ordinance and change the minimum lot size for
septic systems to three-quarters of an acre.

We have also added the section that would
allow the planning director to sign off on surety
releases or surety transfers as an administrative
action; provided that there aren't reason questions
that have arisen regarding the inspection or
certification on those public improvements.

That about covers it.

CHAIRMAN: Thank you, Ms. Stone, for your
concise overview.

Does anybody on the commission have any
questions?

MR. JAGOE: I just have one question with
the last that you talked about, Ms. Stone. Would the
planning director also be able to sign for a reduction

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of a surety as well as the release if there's not any questions?

MS. STONE: Our intent would be to handle those sureties administratively whether they're being reduced or transferred.

CHAIRMAN: If there are no further questions, chair is ready for a motion.

MR. NOFFSINGER: Mr. Chairman, before you do that I'd just like to state that these proposed revisions will be available on the OMPC's website at iompc.org or you can obtain a copy by stopping by the OMPC offices. We're located at 101 East Fourth Street on the second floor if you would like to take a look at these prior to the public hearing on June 10, 2004.

CHAIRMAN: Thank you, Mr. Noffsinger.

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

SISTER VIVIAN: Motion to adjourn.

CHAIRMAN: Wait a minute. Do we need to approve this?

MR. NOFFSINGER: We just need authorization to move forward. We're not adopting them, but authorization to advertise for public hearing.

CHAIRMAN: Let's go ahead and have a
SISTER VIVIAN: I so move.

CHAIRMAN: Sister Vivian motion for approval to advertise for a public hearing.

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.

Sister Vivian, you want to go on with the

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SISTER VIVIAN: Motion for adjournment.

CHAIRMAN: We've got a motion for adjournment.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

I, LYNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Planning & Zoning
meeting was held at the time and place as stated in
the caption to the foregoing proceedings; that each
person commenting on issues under discussion were duly
sworn before testifying; that the Board members
present were as stated in the caption; that said
proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 37 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 1st day of June, 2004.

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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