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OWENSBORO METROPOLITAN PLANNING COMMISSION

JUNE 10, 2004

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, June 10, 2004, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

* * * * *

CHAIRMAN: I'd like to welcome everybody to the June 10th meeting of the Owensboro Metropolitan Planning Commission. I'd like everybody to stand and our invocation will be given by Sister Vivian Bowles.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the May 13th meeting. Are there any additions, corrections or questions?

(NO RESPONSE)

CHAIRMAN: If there are none, the chair is

1 ready for a motion.

2 MS. DIXON: Move to approve.

3 CHAIRMAN: Motion for approval by Ms.
4 Dixon.

5 DR. BOTHWELL: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, Mr. Noffsinger.

11 -----

12 PUBLIC HEARING

13 ITEM 2

14 Consider adoption of revised text amendments to the
15 Owensboro Metropolitan Subdivision Regulations for
Owensboro, Whitesville and Daviess County.

16 MR. NOFFSINGER: Mr. Chairman, these
17 revised text amendments have been advertised for
18 public hearing at this time. Becky Stone at this time
19 will read in a brief summary of the proposed changes.

20 MR. ELLIOTT: State your name, please.

21 MS. STONE: Becky Stone.

22 (MS. BECKY STONE SWORN BY ATTORNEY.)

23 MS. STONE: We reviewed these last month
24 so I will just go through and do a summary of the
25 changes that we discussed.

1 Section 1.6 is changing to be consistent
2 with KRS Section 100.2773.

3 We are altering the subregs to allow minor
4 amendments to major subdivisions. The specific
5 criteria that would be met to define minor amendment.

6 We're eliminating the sections regarding
7 percolation test results and relying on the Health
8 Department regulations governing those approvals.
9 This has not been required for some time. We're just
10 making the changes to make it consistent with the
11 policy.

12 Again, allowing changes for minor
13 amendments in the preliminary plat section.

14 Staff and other agency review, we are
15 adding language to clarify the utility review
16 occurring prior to submittal to the OMPC.

17 Section 3.311 we've added a letter of
18 credit as an acceptable sureties.

19 Timely completion of improvements has been
20 edited to clarify the public improvement surety will
21 be a two year bond. Sidewalk surety will be three
22 years. We've also edited that section to allow OMPC
23 director to administratively release or transfer
24 surety as appropriate.

25 Deleted the section on forfeiture of

1 surety because that will be governed by the
2 legislative body policy.

3 Again, under formal application and
4 submission for minor amendments to final plats.

5 Owner's certification, have added language
6 to allow for an authorized agent to sign the plat.

7 Sections 4.164 through 4.167, added
8 sections to provide for utility signatures on
9 preliminary plats.

10 Also have added sections to provide for
11 utility signatures on final plats.

12 Section 5.35, we've changed the lot depth
13 to width ratio from 2 1/2 to 1 to 3 to 1 to be
14 consistent with the Comprehensive Plan.

15 Section 5.38, we've changed lot sizes to
16 reflect 3/4 acre minimum as set in the Zoning
17 Ordinance.

18 Section 5.641, we've changed the minimum
19 lot size for septic systems from 1/2 acres to 3/4
20 acre.

21 CHAIRMAN: Are there any questions?

22 (NO RESPONSE)

23 CHAIRMAN: If there are no questions, the
24 chair will be ready for a motion.

25 MR. NOFFSINGER: Mr. Chairman, I have a

1 motion I'd like to add for the record. If Planning
2 Commission approves these changes here tonight, that
3 will be a final action and these changes will not go
4 to legislative bodies for final action that are to
5 taken here tonight.

6 CHAIRMAN: Thank you, Mr. Noffsinger.
7 Anybody else have any questions or
8 comments?

9 (NO RESPONSE)

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

12 MS. DIXON: Move to approve.

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

15 MR. HAYDEN: Second.

16 CHAIRMAN: Second by Mr. Hayden. All in
17 favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item.

21 -----

22 ZONING CHANGE - CITY

23 ITEM 3

24 Portion of 400 Salem Drive, 0.32+ acres
25 Consider zoning change: From I-1 Light Industrial
to B-5 Business/Industrial
Applicant: Back Bay, LLC
Ohio Valley Reporting
(270) 683-7383

1 PLANNING STAFF RECOMMENDATIONS

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

6 Findings of Fact:

7 1. The subject property is located within a
8 Business/Industrial Plan Area, where general business
9 uses and light industrial uses are appropriate in
10 general locations;

11 2. The subject property lies within an existing
12 area of mixed general business and light industrial
13 uses; and,

14 3. The B-5 Business/Industrial zoning
15 classification will bring the subject property in to
16 conformance with the zoning ordinance because there
17 are existing mixed business and light industrial uses
18 within the existing building located on the subject
19 property.

20 MS. STONE: We would like to enter this as
21 Exhibit A.

22 CHAIRMAN: Are there any questions?

23 (NO RESPONSE)

24 CHAIRMAN: Any questions from the
25 commission?

1 (NO RESPONSE)

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

4 DR. BOTHWELL: Motion for approval, Mr.
5 Chairman, based on Findings of Fact 1 through 3.

6 CHAIRMAN: We have a motion for approval
7 by Dr. Bothwell.

8 MR. APPLEBY: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 -----

15 ZONING CHANGE - COUNTY

16 ITEM 4

17 101 Block Booth Field Road, 27.103 acres
(POSTPONED from May Meeting)
18 Consider zoning change: From A-U Urban Agriculture
to R-1C Single-Family Residential.
19 Applicant: Robert Wimsatt

20 PLANNING STAFF RECOMMENDATIONS

21 Staff recommends approval because the proposal is
22 in compliance with the community's Comprehensive Plan.
23 This recommendation is made subject to the findings of
24 fact that follow:
25 Findings of Fact:

1 1. The subject property is located in an Urban
2 Residential Plan Area, where urban low density
3 residential uses are appropriate in limited locations;

4 2. The subject property is adjacent to existing
5 R-1C Single-Family Residential zoning and the existing
6 Harbor Trace Subdivision;

7 3. A preliminary subdivision plat has been
8 submitted for the subject property; and,

9 4. Sanitary sewer is proposed to be expanded to
10 serve the subject property.

11 MS. STONE: We would like this Staff
12 Report entered as Exhibit B.

13 CHAIRMAN: Do we have anybody here
14 representing the applicant?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Do we have any questions of
17 anybody of the applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Do we have any questions from
20 the commission of the applicant?

21 (NO RESPONSE)

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

24 DR. BOTHWELL: Motion for approval based
25 upon Findings of Fact 1 through 4.

1 CHAIRMAN: Motion for approval by Dr.
2 Bothwell.

3 MR. JAGOE: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Related Item:

9 ITEM 4A

10 Harbor Hills, Section 1, Lots 1-48, 27.103 acres
11 Consider approval of major subdivision preliminary
12 plat.
13 Applicant: Robert J. Wimsatt

14 MR. NOFFSINGER: Mr. Chairman, this
15 application has been reviewed by the Planning Staff.
16 It's found to be in order. It's found to meet the
17 Comprehensive Plan as well as to meet the minimum
18 regulations contained in the zoning ordinance and the
19 subdivision regulations.

20 CHAIRMAN: Somebody here representing the
21 applicant?

22 APPLICANT REP: Yes.

23 CHAIRMAN: Does anybody have any questions
24 of the applicant?

25 (NO RESPONSE)

CHAIRMAN: If not the chair is ready for a

1 motion.

2 SISTER VIVIAN: I move for approval.

3 CHAIRMAN: Motion for approval by Sister
4 Vivian.

5 MS. DIXON: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 -----

12 ZONING CHANGE - WHITESVILLE

13 ITEM 5

14 9907 West Street (Whitesville) 1.02 acres
15 Consider zoning change: From R-1A Single-Family
16 Residential to I-1 Light Industrial
17 Applicant: Joseph D. & Donna C. Howard

18 PROPOSED ZONE & LAND USE PLAN

19 The applicant is seeking an I-1 Light Industrial
20 zone. The subject property is located in an Urban
21 Residential Plan Area where light industrial uses are
22 appropriate in very limited locations.

23 SPECIFIC LAND USE CRITERIA

24 (a) Building and lot patterns; outdoor storage
25 areas Building and lot patterns should conform to the
26 criteria for "Nonresidential Development" (D7) and

1 outdoor storage yards with "Buffers for Outdoor
2 Storage Yards" (D1).

3 (b) Logical expansions outside of Industrial
4 Parks Existing areas of Light Industrial use that are
5 located outside of planned Industrial Parks may be
6 expanded onto contiguous land that generally abuts the
7 same street(s). Such an expansion should not
8 significantly increase the extent of industrial uses
9 that are located in the vicinity and outside of
10 Industrial Parks. Also, such an expansion should not
11 overburden the capacity of roadways and other
12 necessary urban services that are available in the
13 affected area.

14 APPLICANT'S FINDINGS

15 Type 2 Findings

16 A.

17 1. Zoning classifications is inappropriate
18 due to the recent changes in adjoiner properties.

19 2. The rezoning of 9923 West Street (Dollar
20 Store) updated drainage and widened and improved West
21 Street. Several residences have been removed leaving
22 only two homes facing West Street. West Street is a
23 dead end street and the two homes are located at the
24 end of this dead end street. Rezoning should have
25 been completed at the time of the earlier rezoning for

1 the Dollar Store.

2 B.

3 1. Increased traffic on West Street due to
4 the recent rezoning of 9923 West Street (Dollar Store,
5 zoned B-4)

6 2. Neighboring property changed landscaping
7 and updated engineering with improved drainage.

8 3. The adjoining City of Whitesville parcel
9 is a sewer lift station (#3) and is in a low lying
10 area which is prone to flooding. Therefore, 9907 West
11 Second Street is a less desirable area for a residence
12 (R-1A zoning).

13 PLANNING STAFF REVIEW

14 The subject property is located in the 9901 block
15 of West Street in the City of Whitesville. Land use
16 criteria applicable to this proposal are reviewed
17 below.

18 GENERAL LAND USE CRITERIA

19 Environment

20 No important environmental criteria apply to the
21 subject property.

22 Urban Services

23 All urban services are available to the site.

24 Development Patterns

25 The subject property is located on a dead end

1 street, West Street. The property to the north of the
2 subject property was zoned to B-4 General Business in
3 May of 2002 and a retail store (the Dollar Store) has
4 been constructed and is operating on the site. West
5 Street has been improved with a curb along the west
6 side to the entrance of the Dollar Store. No
7 improvement has occurred beyond the entrance to the
8 south. Properties to the west, east and south of the
9 subject property are zoned R-1A Single-Family
10 Residential. The subject property is vacant. No
11 light industrial zones are contiguous to the subject
12 property. The current zoning is appropriate and in
13 keeping with residential uses and zonings along West
14 Street. A zoning change to B-4 General Business for
15 the subject property could be appropriate as an
16 expansion of the existing B-4 General Business zone
17 located at the intersection of Main Street (KY 54) and
18 West Street. The change of the adjoining property to
19 B-4 General Business in 2002 does not support the
20 change in the subject property to I-1 Light
21 Industrial.

22 SPECIFIC LAND USE CRITERIA

23 The request is not a logical expansion of
24 existing I-1 Light Industrial zones and uses as there
25 is no I-1 Light Industrial zoning in the immediate

1 vicinity.

2 PLANNING STAFF RECOMMENDATIONS

3 Staff recommends denial because the proposal is
4 not in compliance with the community's Comprehensive
5 Plan. This recommendation is made subject to the
6 findings of fact that follow:

7 Findings of Fact:

8 1. The subject property is located in an Urban
9 Residential Plan Area, where light industrial uses are
10 appropriate in very-limited locations;

11 2. The subject property is not contiguous to I-1
12 Light Industrial zoning;

13 3. A zoning change to I-1 Light Industrial for
14 the subject property would not be a logical expansion
15 of existing Light Industrial uses in the area because
16 no light industrial uses are present in the vicinity;
17 and,

18 4. The current zoning of R-1A Single-Family
19 Residential is appropriate because adjoining property
20 in the vicinity is zoned R-1A Single-Family
21 Residential.

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

24 CHAIRMAN: Is there anybody here
25 representing the applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Are there any questions in the
3 audience of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Would the applicant like to
6 make a statement?

7 APPLICANT REP: No.

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

10 MS. DIXON: Move for denial because the
11 proposal is not in compliance with the Comprehensive
12 Plan and based upon Findings of Fact 1 through 4.

13 CHAIRMAN: We have a motion for denial by
14 Ms. Dixon.

15 MR. APPLEBY: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 -----

22 MAJOR SUBDIVISION

23 ITEM 6

24 Lake Forest, Phase IV, Lots 239-347, 52.122 acres
25 Consider approval of amended major subdivision
preliminary plat.

Applicant: Lake Forest Community, LLC
Ohio Valley Reporting
(270) 683-7383

1 MR. NOFFSINGER: Mr. Chairman, the
2 Planning has reviewed this application and Engineering
3 Staff. It's found to be in order. It's found to be
4 in compliance with the adopted Comprehensive Plan.
5 It's in conformance with the existing zoning on the
6 property. It also meets the minimum requirements of
7 the public improvement specification, zoning ordinance
8 and subdivision regulations.

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

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 DR. BOTHWELL: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item, please.

23 -----

24 MINOR SUBDIVISION

25 ITEM 7

1 7414 Knottsville-Mount Zion Road, 1.757+ acres
2 Consider approval of minor subdivision plat.
3 Applicant: Paul R. & Connie D. Winkler

4 MR. NOFFSINGER: Mr. Chairman, this
5 application has been reviewed by the Planning Staff
6 and Engineering Staff. It is found that the lot that
7 is proposed to be created exceeds the three to one
8 depth to width ratio. The lot does have the minimum
9 frontage that's required at the building setback line
10 of 100 feet; however, it goes back for a distance of
11 623 feet which significantly exceeds the three to one
12 depth to width ratio.

13 The Planning Staff in review and talking
14 with the surveyor had recommended that there was
15 adequate frontage on the remaining property for the
16 lot to meet the depth to width ratios by extending the
17 property line over. The applicant chose to submit the
18 plat as you see it tonight and is here to address the
19 issue.

20 CHAIRMAN: I assume the applicant is here?

21 MS. WINKLER: That would be me.

22 MR. ELLIOTT: State your name, please.

23 MS. WINKLER: Connie Winkler.

24 (MS. CONNIE WINKLER SWORN BY ATTORNEY.)

25 MS. WINKLER: I'm not exactly sure what
I'm suppose to say other than the reason why we want

1 the smaller road frontage is because we farm. It's a
2 family farm. It's been in our family since 1882. Her
3 lot that we're looking at giving her is at the very
4 edge of the farm. We have cattle that will roam in
5 front of her farm or in front of her house lot. We
6 don't want to have to move the fence line. So that
7 was the reason why we wanted to keep it as small as
8 possible over to that side.

9 CHAIRMAN: Mr. Noffsinger, the staff's
10 recommendation was to extent across there?

11 MR. NOFFSINGER: This way in front of the
12 home and then go toward the road. You would increase
13 the width of the property. By increasing the width of
14 the property you then bring into conformance the depth
15 to width ratio.

16 CHAIRMAN: Could this be moved up here?

17 MR. NOFFSINGER: Yes. The home could be
18 moved, but I think the home is already in place.

19 MS. CONNIE WINKLER: She currently has a
20 mobile home that sitting to the back. We've already
21 got the septic system and all that. At one time we
22 were going to build a house there. That was the
23 reason why we had the 15 acre plat originally set off
24 from the farm, but things changed over time. She's
25 moved there with a trailer, but what she's wanting to

1 do is build. So we need to get it into her name and
2 all if we can do that.

3 CHAIRMAN: You need to step to the podium.

4 MR. ELLIOTT: State your name, please.

5 MS. WINKLER: Ashley Winkler.

6 (MS. ASHLEY WINKLER SWORN BY ATTORNEY.)

7 MS. ASHLEY WINKLER: Another reason why we
8 really don't want to go over a lot I'm going to build
9 my house through Kentucky Housing. If you have over
10 so many acreage, they may not let me use it. If you
11 go over that many more feet plus back, it would add
12 quite a bit more.

13 MR. NOFFSINGER: It will be about 2 1/2
14 acres.

15 MS. ASHLEY WINKLER: And I'm not sure
16 exactly what Kentucky Housing's cut off is. It might
17 be 2 or 2 1/2 acres. Right now I'm barely under that.
18 So if I had to add that, I might be over and wouldn't
19 be able to use that land.

20 CHAIRMAN: Mr. Appleby, I know flag lots
21 are somewhat of your specialty. Do you have any
22 comments?

23 MR. APPLEBY: Insofar as they meet the
24 minimum road frontage, I'm incline I move we approve
25 it.

1 MR. NOFFSINGER: I do have a question of
2 the applicant.

3 Do you have any intentions on subdividing
4 any additional property?

5 MS. CONNIE WINKLER: Absolutely not.

6 CHAIRMAN: Would you be willing to put
7 that condition to this approval, that the remaining
8 frontage would not be subdivided unless this lot was
9 brought into compliance with the subdivision
10 regulations?

11 MS. CONNIE WINKLER: Am I willing to do
12 that, sure.

13 CHAIRMAN: What we're faced with, Mrs.
14 Winkler, is this is what we typically refer to as a
15 flag lot. Obviously some of our surveyors and our
16 engineers over there are familiar with that term. We
17 have tried to limit that because if you end up with
18 flag lot after flag lot you have a very, very
19 difficult landscape. That's the reason Mr. Noffsinger
20 is requesting that you get - - if something in the
21 future would take place, that we would square this lot
22 up.

23 MS. CONNIE WINKLER: I can just about sure
24 you not in my husband's lifetime.

25 CHAIRMAN: Well, if this is put in the

1 deed and part of the deal, it will not be done, if
2 they try to subdivide.

3 MS. CONNIE WINKLER: What you're saying is
4 - - just say if we wanted to give our son a lot that
5 came that way, hers would have to move over and then
6 his would have to take on over further, if that was
7 something we did. Do I understand you?

8 MR. NOFFSINGER: That is correct. You
9 would bring this lot into conformance with the depth
10 to width ratio adding another 100 feet of road
11 frontage to it. Then you would be able to create the
12 next lot.

13 MRS. CONNIE WINKLER: That's fine. I just
14 wanted to be sure I understood.

15 MR. NOFFSINGER: I would give you
16 directions, but there's not a north arrow on this plat
17 so without that north arrow I'm lost.

18 CHAIRMAN: I think Mr. Riney, Mr. Riney is
19 in attendance and he's probably just waiting to step
20 to the podium and square that up for us.

21 MS. STONE: One more possibility. If
22 she's planning on building a new home, if that home is
23 going to be forward of where the mobile home is
24 setting, there's a possibility of reducing the length
25 of that lot and leaving the manufactured home on the

1 remaining property and creating more regular lot for
2 your building lot. I didn't know where you were
3 planning to build that house. You might could get a
4 regular lot for your house. You're going to live in
5 your manufactured home while you're building it?

6 MS. ASHLEY WINKLER: No.

7 MS. STONE: You're not. You're going to
8 remove it.

9 CHAIRMAN: Well, if we're in agreement
10 with Mr. Noffsinger, Mr. Noffsinger, can you tell us
11 exactly so the applicant will know or come pretty
12 close with the aid of Mr. Riney of where this line
13 should be from.

14 MR. NOFFSINGER: As noted in the record
15 and on this plat, the remaining property could not be
16 further subdivided so as to create additional tracts
17 without adding additional width to this particular
18 1.757 acres to bring it into compliance with the
19 current depth to width ratio of three to one. That
20 would mean adding about 100 feet of road frontage to
21 the lot and bringing that straight back to meet up
22 with the existing corner of the fence.

23 CHAIRMAN: At this point somebody could
24 make a proposal and including that in your proposal.
25 The applicant is aware of it.

1 MR. APPLEBY: I make a motion for approval
2 with the terminology that Gary just used. With the
3 notation to be put on the plat that indicates the
4 condition.

5 CHAIRMAN: If subdividing was done that
6 the depth to width ratio would be brought into line;
7 is that correct, Mr. Noffsinger?

8 MR. NOFFSINGER: Yes, sir.

9 CHAIRMAN: Does the applicant understand
10 that?

11 MS. CONNIE WINKLER: Yes.

12 MR. HAYDEN: Second.

13 CHAIRMAN: Second by Mr. Hayden. All in
14 favor of the proposal raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: The proposal passes
17 unanimately.

18 Thank you. Next item.

19 ITEM 8

20 6620 Luther Taylor Road, 3.331 acres
21 Consider approval of minor subdivision plat.
22 Applicant: John W. & Kerry Jean Hall

23 MR. NOFFSINGER: Mr. Chairman, this plat
24 has been reviewed by the Planning Staff. It is an
25 existing lot of record that does not currently meet
the three to one depth to width ratio. This will

1 expand the depth of the lot; however in looking at it
2 on paper it would appear Planning Commission should
3 approve this division that it would not make the
4 existing situation any worse than what it is today.
5 Actually create a better lot in terms of front yard
6 verus rear yard, but it's a situation where the
7 director could not sign the plat because it'd further
8 increase that depth to width ratio.

9 CHAIRMAN: Somebody here representing the
10 applicant?

11 (NO RESPONSE)

12 CHAIRMAN: Does anybody on the commission
13 have any questions?

14 DR. BOTHWELL: Mr. Chairman, if I
15 understand Mr. Noffsinger. It doesn't make it any
16 better, but it doesn't make it any worse.

17 MR. NOFFSINGER: Yes, sir. Simply put.

18 CHAIRMAN: Do you have a further comment,
19 Dr. Bothwell?

20 DR. BOTHWELL: No. That answers my
21 question.

22 MR. JAGOE: Is chair ready for a motion?

23 CHAIRMAN: I think the chair is more than
24 ready for a motion.

25 MR. JAGOE: Move to approve.

1 CHAIRMAN: Motion for approval by Mr.
2 Jagoe.

3 DR. BOTHWELL: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 ITEM 9

10 116, 120 East 20th Street, 0.302 acres
11 Consider approval of minor subdivision plat.
12 Applicant: Jeremy B. Smith, Lexie Hicks

13 MR. NOFFSINGER: Mr. Chairman, the
14 Planning Staff has reviewed this application. We find
15 that the Planning Commission were to approve this plat
16 it would not make the situation any better and it
17 wouldn't make it any worse.

18 CHAIRMAN: Surely we have an applicant
19 here that would like to speak and address that matter.

20 (NO RESPONSE)

21 CHAIRMAN: Apparently we do not. Does
22 anybody on the commission have a question or need
23 clarification from Mr. Noffsinger on this?

24 MR. NOFFSINGER: This will shift an
25 existing lot line approximately three feet from an
existing home. Would not make the situation worse.

1 SISTER VIVIAN: Motion for approval.

2 CHAIRMAN: Motion for approval by Sister
3 Vivian.

4 DR. BOTHWELL: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 -----

11 SURETY TRANSFERS

12 ITEM 10

13 The Brooks, Unit #1, \$50,921.60
14 Transfer of surety (Irrevocable Letter of Credit) for
15 streets, sidewalks and storm sewers to the City of
 Owensboro.
16 Surety posted by: Owensboro Master Builders, Inc.

17 ITEM 11

18 Covington Ridge, Section 2, \$11,055.20
19 Transfer of surety (Certificate of Deposit) for street
20 and storm sewers to the Daviess County Fiscal Court.
21 Surety posted by: Ballard Development, LLF

22 MR. NOFFSINGER: Surety Transfers Item 10
23 and 11 are in order and may be transferred in toto.

24 I will add, Mr. Chairman, that in the
25 future Surety Releases and Surety Transfers will not
 be on the agenda for the Planning Commission unless
 there is a problem. That is due to the Planning

1 Commission approving the amendments to the subdivision
2 regulations which will allow the planning director to
3 approve these releases and transfers administratively.

4 CHAIRMAN: Are there any questions?

5 (NO RESPONSE)

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

8 MS. DIXON: Move to approve Items 10 and
9 11.

10 CHAIRMAN: Motion for approval by Ms.
11 Dixon.

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 Next item, please.

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19 NEW BUSINESS

20 ITEM 12

21 Consider approval of OMPC salary chart for FY 2005.

22 MR. NOFFSINGER: Mr. Chairman, Planning
23 Staff has prepared the salary chart. Mailed it to
24 each of the planning commission members. It's ready
25 for approval. Be glad to answer any questions that

1 you might have.

2 CHAIRMAN: Everybody has had a chance to
3 review that. Are there any questions, suggestions?

4 (NO RESPONSE)

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

7 MR. APPLEBY: Move for approval.

8 CHAIRMAN: Motion for approval by Mr.
9 Appleby.

10 MR. JAGOE: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item.

16 ITEM 13

17 Consider approval of FY 2005 budget.

18 MR. NOFFSINGER: Mr. Chairman, the
19 Planning Staff prepared the budget. Mailed members a
20 copy of the budget. The funding request for the OMPC
21 has been approved for the city, from the City of
22 Owensboro. As I understand it, it's near approval
23 through the Daviess County Fiscal Court. We will wait
24 approval from the City of Whitesville.

25 CHAIRMAN: Any questions?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

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

7 DR. BOTHWELL: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 ITEM 14

14 Consider approval of revised surety posting amounts.

15 MR. NOFFSINGER: Mr. Chairman, what comes
16 before you is somewhat out of the ordinary in terms of
17 we haven't done this for several years.

18 Surety amounts for public improvements and
19 infrastructure related to developments such as street
20 construction, sanitary sewers, storm water drainage,
21 sidewalks, those surety amounts are set. Then as a
22 development comes through there's a certain amount the
23 developers are required to post to guarantee those
24 improvements will be installed. We have not looked at
25 the surety amounts in quite awhile. The

1 recommendations you have before you come to you after
2 being prepared and reviewed by the City and County
3 Engineer, by the Planning Staff as well as
4 representatives from the development community and the
5 private engineering community. The bond amounts,
6 there's some give and take. I think everyone that
7 attended and participated in this feel that the bond
8 amounts you have before you are a fair representation
9 of the cost to provide the infrastructure and install
10 the infrastructure. These rates should be in affect
11 until January 1 of 2006. At that time we will bring
12 to you a revised surety posting amount. These
13 sureties will be good effective immediately and be
14 good for about a year and a half. Then at the first
15 or the second Thursday in January, or whenever the
16 Planning Commission meets in January, we will bring
17 new numbers to you for consideration and adoption.

18 Again, these numbers are used by your city
19 and county engineers to actually come up with bond
20 estimates to install infrastructure within our
21 community.

22 So with that we would recommend that they
23 be approved.

24 CHAIRMAN: Are there any questions?

25 (NO RESPONSE)

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

3 MR. APPLEBY: Motion for approval.

4 CHAIRMAN: Motion for approval by Mr.
5 Appleby.

6 MR. JAGOE: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 ITEM 15

12 Consider authorization of Director to sell Principal
13 Financial Group, Inc. stock

14 MR. NOFFSINGER: Mr. Chairman, I'd like to
15 turn this over to Stewart Elliott.

16 MR. ELLIOTT: Mr. Chairman, as a result of
17 some life insurance policy, the Planning Commission
18 has been issued some shares of stock from Principal
19 Financial Group and we are not allowed to own shares
20 of stock so they have to be sold. They need
21 authorization for the chairman or the director to sell
22 these shares of stock. So that's what needs to be
23 done. We need to get resolution or authorization by
24 the Planning Commission to sell.

25 CHAIRMAN: Should I abstain from voting

1 since I will be signing this action or not?

2 MR. ELLIOTT: Yes, probably so.

3 CHAIRMAN: Based on the recommendation of
4 counsel, I will accept the motions but I will
5 disqualify myself from voting.

6 The chair will be ready for a motion.

7 DR. BOTHWELL: Mr. Chairman, I make a
8 motion that we authorize you to sell those shares of
9 the insurance stock.

10 CHAIRMAN: We have a motion by Dr.
11 Bothwell.

12 MR. APPLEBY: Second.

13 CHAIRMAN: We have a second by Mr.
14 Appleby. All in favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT - WITH THE
16 DISQUALIFICATION OF MR. KIRKLAND - RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously. I
18 disqualified myself from voting.

19 Mr. Noffsinger, you have an announcement
20 of an award that you'd like to make the public aware
21 of.

22 MR. NOFFSINGER: Yes. Thank you, Mr.
23 Chairman.

24 Would just like to make the public aware
25 that the Owensboro Metropolitan Planning Commission

1 received an award from the Kentucky Chapter of the
2 American Planning Association. It goes to the
3 Owensboro Metropolitan Planning Commission, special
4 merit award for outstanding use of technology. This
5 was received in May of 2004.

6 This goes back to the past two or three
7 years where we've been developing the OMPC website as
8 well as upgrading our computer systems, our data base
9 and the use of these handheld PDA devices that the
10 building and electrical inspectors use when they're
11 out in the field to communicate with our data base
12 in-house as well as to communicate with the
13 contractors and the building community. So we're
14 certainly very appreciative of the Kentucky Chapter of
15 American Planning Association recognizing the
16 inference of the OMPC. I can tell you that it would
17 only have been possible with the support of this
18 commission, the City of Owensboro, the Daviess County
19 Fiscal Court and the City of Whitesville.

20 CHAIRMAN: Thank you, Mr. Noffsinger. A
21 tremendous effort on the part of our staff to
22 implement this and to put our Owensboro Metropolitan
23 Commission and the Planning Staff on the cutting edge.
24 Thank you. You all are doing a great job. The
25 public, and the citizens of Owensboro, and Daviess,

1 and Whitesville, we really appreciate what you all are
2 doing. Thank you very much.

3 The chair is ready for one final motion.

4 MS. DIXON: Move to adjourn.

5 CHAIRMAN: Motion for adjournment 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: We are 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 21st day of June, 2004

18

19

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

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2006

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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