

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JULY 8, 2004

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4 The Owensboro Metropolitan Planning
5 Commission met in regular session at 6:00 p.m. on
6 Thursday, July 8, 2003, at City Hall, Commission
7 Chambers, Owensboro, Kentucky, and the proceedings
8 were as follows:

9 MEMBERS PRESENT: Drew Kirkland, Chairman
10 Gary Noffsinger
11 Nick Cambron
12 Jimmy Gilles
13 Scott Jagoe
14 Irvin Rogers
15 Sister Vivian Bowles
16 Judy Dixon
17 Dr. Mark Bothwell
18 Stewart Elliott,
19 Attorney

20 * * * * *

21 CHAIRMAN: I would like to welcome
22 everyone to the Planning & Zoning meeting of July 8th.

23 Let's stand and our invocation will be
24 given by Irvin Rogers.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is
to consider the minutes of the June 10, 2004 meeting.
Are there any questions or additions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a

1 motion.

2 MR. CAMBRON: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr.
4 Cambron.

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, Mr. Noffsinger.

11 ITEM 2

12 Recognition of retiring staff members, Gary Adams,
13 Associate Director and Soni Brown, Executive
Secretary.

14 - - (PRESENTATION) - -

15 CHAIRMAN: Mr. Noffsinger, our next item
16 of business.

17 PUBLIC FACILITIES PLANS
18 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

19 ITEM 3

20 2 Plum Street
Land Disposition
21 Consider comments regarding the closing of
approximately 82.10 feet of a 10-foot wide alley
22 right-of-way running in a north/south direction along
the rear of 2 Plum Street.
23 Referred by: City of Owensboro

24 MR. NOFFSINGER: Mr. Chairman, Planning
25 Staff has reviewed this application. We find no

1 conflict with the adopted comprehensive plan and would
2 recommend we forward a letter to that affect to the
3 City of Owensboro.

4 CHAIRMAN: Is anybody here representing
5 the applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Does anybody have any
8 questions?

9 (NO RESPONSE)

10 CHAIRMAN: Does anybody from the
11 commission have a question?

12 (NO RESPONSE)

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

15 MR. JAGOE: Move to approve.

16 CHAIRMAN: Motion for approval by Mr.
17 Jagoe.

18 SISTER VIVIAN: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

24 ITEM 4

25 219 Saint Ann Street

1 Building Demolition
2 Consider comments regarding the demolition of the
3 structure and construction of surface parking.
4 Referred by: Daviess County Fiscal Court

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

8 This property is better known as the Holly
9 Berry or formerly Holly Berry Restaurant. It is the
10 Holly Berry building only that will be part of the
11 demolition. This item has been reviewed by Downtown
12 Owensboro, Incorporated. Is recommended that we
13 forward a letter of no conflict to the Daviess County
14 Fiscal Court.

15 CHAIRMAN: Is anybody representing the
16 applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Any questions from anybody?

19 (NO RESPONSE)

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

22 MS. DIXON: Move to approve.

23 CHAIRMAN: Motion for approval by Ms.
24 Dixon.

25 MR. CAMBRON: Second.

CHAIRMAN: Second by Mr. Cambron. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

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6 CELLULAR TELECOMMUNICATIONS FACILITIES
7 FOR KRS 100.987

8 ITEM 5

9 1409 Reid Road
10 Consider approval of a wireless telecommunications
11 tower.

12 Applicant: Bill & Kathy Reid

13 MR. NOFFSINGER: Mr. Chairman, this
14 application has been reviewed by the Planning Staff
15 and found to be in order.

16 This application is for a cellular antenna
17 tower to be constructed. It will be a mono-pole type
18 tower meaning it will be non-supported by guy wires or
19 it will not be a lattice type tower. It will be a
20 mono-pole. I believe the height on that is 160 feet
21 and it will not be illuminated. We do have a very
22 extensive application of materials that are included.
23 We have reviewed and would recommend that the item be
24 approved.

25 CHAIRMAN: Is anybody here representing
the applicant?

MR. ELLIOTT: State your name, please.

1 MR. EVANS: My name is Jason Evans.

2 (MR. JASON EVANS SWORN BY ATTORNEY.)

3 MR. EVANS: My name is Jason Evans. I
4 represent Bill and Kathy Reid as well as UbiquiTel.
5 UbiquiTel is sprint affiliated in this area. We have
6 been working for the past few years to develop our
7 network in this area. Over the past year we've
8 realized that we are a network that is lacking in
9 coverage in certain areas and have been working with
10 the Reids since last October to develop this site.
11 Just finish a few weeks ago. Met with Ms. Stone and
12 filled out the application and submitted it to the
13 counsel. We do feel that the location of the proposed
14 tower is a good spot. It works well for us as well as
15 being set back from the road and any major areas. We
16 feel that this is a good location for us as well as
17 for the neighborhood.

18 CHAIRMAN: Let's see if there are any
19 questions of anybody.

20 Does anybody in the audience have a
21 question of the applicant?

22 (NO RESPONSE)

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

25 (NO RESPONSE)

1 CHAIRMAN: If the application has no
2 further statement, the chair is ready for a motion.

3 DR. BOTHWELL: Motion for approval.

4 CHAIRMAN: Motion for approval by Dr.
5 Bothwell.

6 SISTER VIVIAN: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

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13 ZONING CHANGE - COUNTY

14 ITEM 6

15 5240 Frederica Street, 15.72 acres
16 Consider zoning change: From B-3 Highway Business
17 Center to B-3 Highway Business Center (Revised
18 Conditions)
19 Applicant: Site, Inc., Katherine Burns (John Burns)
20 and Cecil R. Burns Estate, Mary Katherine Burns,
21 Executrix

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

21 MS. STONE: Becky Stone.

22 PLANNING STAFF RECOMMENDATIONS

23 Staff recommends approval because the proposal is
24 in compliance with the community's adopted
25 Comprehensive Plan. This recommendation is made

1 subject to the conditions and findings of fact that
2 follow:

3 Conditions:

4 1. Approval of a final development plan that
5 shall limit the access to the subject property to the
6 existing south access drive on the Home Depot
7 development; and,

8 2. Surety for landscaping, storm water
9 improvements and improvements to Frederica Street
10 shall be posted prior to the issuance of initial
11 building permit. Improvements to Frederica Street
12 will include the widening of Frederica Street to a
13 five-lane section along the subject property frontage.

14 Findings of Fact:

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

18 2. The applicant has submitted a formal
19 development plan;

20 3. The applicant's proposal is a logical
21 expansion of the existing B-3 Highway Business Center
22 zone to the north;

23 4. Proposed improvements to Frederica Street
24 will maintain traffic flow at an acceptable level of
25 service without overburdening the capacity of the

1 roadways in the affected area.

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

4 CHAIRMAN: Is anybody here to represent
5 the applicant?

6 MR. ELLIOTT: State your name, please.

7 MS. HENRY: Kim Henry.

8 (MS. KIM HENRY SWORN BY ATTORNEY.)

9 MS. HENRY: I'm with Site, Incorporated,
10 the civil engineering firm representing the applicants
11 and the user of the property. I can answer any
12 questions that you might have about the rezoning.

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

15 (NO RESPONSE)

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

18 (NO RESPONSE)

19 CHAIRMAN: If you have no further
20 statement, chair is ready for a motion.

21 MR. CAMBRON: Motion for approval, Mr.
22 Chairman, based on Conditions 1 and 2 and Findings of
23 Fact 1, 2, 3, and 4.

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

1 MR. JAGOE: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 ITEM 6A - RELATED ITEM

8 5240 Frederica Street, 15.72 acres
9 Consider approval of amended final development plan.
10 Applicant: Site, Inc., Katherine Burns (John Burns)
and Cecil R. Burns Estate, Mary Katherine Burns

11 MR. NOFFSINGER: Mr. Chairman, Planning
12 Staff has reviewed this application. The application
13 is not in order. The applicant has requested via
14 e-mail that the item be postponed until the August
15 12th meeting of the Planning Commission. The
16 applicant's representative is here tonight to confirm
17 that request for postponement.

18 CHAIRMAN: Would you step to the
19 microphone and just confirm that, please.

20 MS. HENRY: Yes, sir. We would like to
21 request postponement. There were two outstanding
22 items issues on the joint easement and some issues
23 with the detention basin.

24 CHAIRMAN: Would you just state your
25 client, please.

1 MS. HENRY: Sam's.

2 CHAIRMAN: Does anybody have any question
3 of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: We'll need a motion on their
6 behalf for postponement.

7 MR. CAMBRON: Motion for postponement, Mr.
8 Chairman.

9 CHAIRMAN: Motion for postponement by Mr.
10 Cambron.

11 MS. DIXON: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion was unanimous.

16 ITEM 7

17 9517 US 231, 9554 Old Hartford Road, 22.257 acres
18 Consider zoning change: From A-R Rural Agriculture,
19 R-1A Single-Family Residential to A-R Rural
20 Agricultural
21 Applicant: Equity Trade & Relocation Company

22 PLANNING STAFF RECOMMENDATIONS

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

1. The subject property is located in a Rural

1 Maintenance Plan Area, where rural large-lot
2 residential uses are appropriate in limited locations;

3 2. The subject property contains adequate road
4 frontage to support separate, large, well-proportioned
5 lots that front on a public road;

6 3. No new streets are being proposed for the
7 creation of additional lots; and

8 4. The majority of the subject property is
9 currently zoned A-R Rural Agriculture.

10 MS. STONE: We would like to enter the
11 Staff Report as Exhibit B.

12 CHAIRMAN: Is anybody here representing
13 the applicant?

14 (NO RESPONSE)

15 CHAIRMAN: Does anybody in the audience
16 have any questions?

17 Yes, sir. Please step to the microphone.

18 MR. ELLIOT: State your name, please.

19 MR. TURNER: C.J. Turner.

20 (MR. C.J. TURNER SWORN BY ATTORNEY.)

21 MR. TURNER: I have a question. I haven't
22 seen a map of what is planned for this property, but
23 on Old Hartford there's only two inch water line. If
24 you're going to split this up in small lots, then I
25 think you need to look at that.

1 CHAIRMAN: Ms. Stone.

2 MS. STONE: I believe the proposal
3 currently is to create one lot where a manufactured
4 home sits on the property and then to create two
5 ten-acre tracts which would be agricultural tracts if
6 this zoning were approved for sale. There's a
7 property for sale sign on the property. Now, once
8 those agricultural tracts are created, they could
9 become parent tracts in 12 months after their creation
10 and then someone could divide another lot off of
11 those, but in order to divide more than one lot per
12 every 12 months, sufficient water supply would have to
13 be installed and a fire hydrant installed to serve
14 those those lots.

15 MR. TURNER: Well, take one lot and make
16 it three right off the bat. If you're going to make
17 two - -

18 MR. NOFFSINGER: Let me just state that
19 the zoning change will be going to a zone that would
20 allow lots to be created that are one acre in size.
21 The existing R-1A zoning allows lots that are
22 three-quarters of acre in size. So we're actually
23 moving to a zone that would allow for a lower density
24 than what's currently there now. The result could be
25 fewer lots through this rezoning. They're going

1 through this process because an issue that they had
2 mixed zoning on the property. To create ten-acre
3 tracts they had to have it all zoned agricultural and
4 not residential. It could happen, but they're
5 actually moving to a zone that would allow development
6 at a lower density.

7 MR. TURNER: Has a site plan been
8 submitted on what's actually planning here or does it
9 have to be rezoning before anything is done?

10 MR. NOFFSINGER: No. They could develop
11 the property under the current zoning scheme they have
12 and this commission would only possibly review a
13 subdivision plat, but that would only be if new
14 streets were involved. They could come in and
15 actually create in that R-1A portion lots of
16 three-quarters of an acre in size all the way up and
17 down that roadway right now, but you're right. They
18 would have to put in a larger water main. That
19 probably won't happen. They will most likely do it
20 over a period of several years. They could do that
21 under the current zoning or the zone they're
22 requesting either way.

23 MR. TURNER: With the current criteria
24 for length and width on a lot, that will still follow
25 even though it's in the county, won't it?

1 MR. NOFFSINGER: Yes. There are
2 requirements. In an A-R zone, you have to have at
3 least 50 feet of road frontage. Then at the building
4 setback line the lot has to widen out to at least 100
5 feet and one acre minimum lot size and then their
6 depth to width ratios that they have to meet and
7 that's a three to one ratio. So for every 100 feet of
8 road frontage they have, they go back no more than 300
9 feet. So you end up with an acre lot that's about 123
10 by 366, something like that. I'm pretty close on the
11 frontage I know. I'm not sure about the depth.

12 MR. TURNER: Thank you. That answers my
13 question.

14 CHAIRMAN: Thank you.

15 Does anybody else have any questions?

16 (NO RESPONSE)

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

19 MR. CAMBRON: Motion for approval, Mr.
20 Chairman, based upon the Staff Recommendations and
21 Findings of Fact 1 through 4.

22 CHAIRMAN: Motion for approval by Mr.
23 Cambron.

24 MS. DIXON: Second.

25 CHAIRMAN: Second by Ms. Dixon. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

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6 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISION

7 ITEM 8

8 C.A. Pantle, Jr., 9.840 acres
9 Consider approval of amended major subdivision
10 preliminary plat/final development plan.
11 Applicant: C.A. Pantle, Jr.

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MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to meet the minimum requirements of the subdivision regulations and zoning ordinance and is ready for your consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any question of the applicant?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval, Mr. Chairman.

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

3 MR. ROGERS: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

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10 MAJOR SUBDIVISIONS

11 ITEM 9

12 Cross Creek, Unit #4, Lots 55-58, 61-64,
13 2.466+ acres
14 Consider approval of major subdivision final plat.
15 Surety (Certificate of Deposit) posted: \$15,448.40
16 Applicant: Pedley Developers, LLC

17 MR. NOFFSINGER: Mr. Chairman, Planning
18 Staff has reviewed this application and Engineering
19 Staff. It's found to be in order. The plan is found
20 to meet the minimum requirements of the subdivision
21 regulations and zoning ordinance and is recommended
22 for approval.

23 CHAIRMAN: Is anybody representing the
24 applicant?

25 APPLICANT REP: Yes.

CHAIRMAN: Any questions of the applicant?

(NO RESPONSE)

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

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

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

7 MS. DIXON: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 ITEM 10

14 John D. & Ione Miller Jones, Unit #3, Lot 20,
15 1.578 acres
16 Consider approval of major subdivision final plat.
17 Surety (Certificate of Deposit) posted: \$1,980.00
18 Applicant: John D. & Ione Miller Jones

19 MR. NOFFSINGER: Mr. Chairman, this plan
20 has been reviewed by the Planning Staff and
21 Engineering Staff. It's found to be in order. It's
22 found to meet the minimum requirements of the
23 subdivision regulations and zoning ordinance.

24 CHAIRMAN: Is anybody here representing
25 the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have a question?

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 MR. CAMBRON: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 ITEM 11

13 3101 Block, 3135 Settles Road, 41.306 acres
14 Consider approval of major subdivision final plat
15 (for development transfer only, so surety required).
16 Applicant: George Wallace Thacker Trust "B", George
17 Thacker, Mary Thacker Silver, JMP Lake Forest, Inc.,
18 George and Glenda Thacker

19 MR. NOFFSINGER: Mr. Chairman, this plat
20 has been reviewed by the Planning Staff and
21 Engineering Staff. It's found to be in order. It
22 does not meet all of the requirements for a
23 subdivision plat; however, this is for land transfer
24 only. There's a preliminary plat that has been
25 approved for the property and development would be
consistent with that, but again this is for a transfer
of property from the current owner to the developer

1 and this is in keeping with other plats that have been
2 approved by this commission for development purposes.

3 CHAIRMAN: Is anybody here representing
4 the applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: Are there any questions of the
7 applicant?

8 (NO RESPONSE)

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

11 MS. DIXON: Move to approve.

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

14 SISTER VIVIAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 ITEM 12

20 Tanglewood Park, Unit 1, 8.376 acres
21 Consider approval of major subdivision final plat.
22 Surety (Certificate of Deposit) posted: \$36,814.10
23 Applicant: Pagan Enterprises, Inc.

24 MR. CHAIRMAN: Mr. Chairman, this plat has
25 been reviewed by the Planning Staff and Engineering
Staff. It's found to meet the minimum requirements of

1 the subdivision regulations and the zoning ordinance
2 and is recommended for approval.

3 CHAIRMAN: Anybody here representing the
4 applicant?

5 APPLICANT REP: Yes.

6 CHAIRMAN: Does anyone have any questions
7 of the applicant?

8 (NO RESPONSE)

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

11 MR. ROGERS: Motion to approve.

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

14 SISTER VIVIAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Mr. Noffsinger, on Item Number 13 I'm
20 going to pass the gavel to Mr. Cambron. I'll remove
21 myself from voting on this item.

22 ITEM 13

23 Woodlands Plaza, LLC, 32.62 acres
24 Consider approval of revised major subdivision
25 preliminary plat.
Applicant: Envision Contractors

1 MR. NOFFSINGER: Mr. Chairman, this plat
2 has been reviewed by the Planning Staff and
3 Engineering Staff. It's found to be in order. It's
4 found to meet the minimum requirements of the
5 subdivision regulations and zoning ordinance and is
6 ready for consideration.

7 MR. CAMBRON: Thank you, Mr. Noffsinger.
8 Is anybody here representing the
9 applicant?

10 (NO RESPONSE)

11 MR. CAMBRON: Does anybody have a question
12 of the application?

13 (NO RESPONSE)

14 MR. CAMBRON: If not the chair will
15 entertain a motion for approval.

16 SISTER VIVIAN: Motion for approval.

17 CHAIRMAN: Motion for approval by Sister
18 Vivian.

19 DR. BOTHWELL: Second.

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

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

24 MR. CAMBRON: It is unanimously approved.
25 Return the gavel to you, Mr. Kirkland.

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MINOR SUBDIVISIONS

ITEM 14

2810, 2816 Blueberry Lane, 2820, 2834, 2842 Garden Drive, 2.036 acres

Consider approval of minor subdivision plat.

Applicant: David W., Sr. & Mary Patton, Randall E. Sr. & Rebecca A. Kingkade, Bryan K. & Janice Hodges

MR. NOFFSINGER: Mr. Chairman, this plat

has been reviewed by the Planning Staff and Engineering Staff. The plat is found to meet with the minimum requirements of the subdivision regulations and zoning ordinance with the exception that it does create at least one lot that has two lots that had double frontage; meaning the lot has frontage on both ends. Ms. Stone has an explanation for that.

MS. STONE: There's a large tract that was jointly purchased by these three applicants because it was not developed as building lots due to some physical constraints on the property regarding some underground springs. So these people got together and purchase this so it could be maintained. Apparently it was pretty much of an eye sore and they've been keeping the grass cut and doing that type of maintenance on the property.

They're now wishing to divide it equally.

They all adjoin the property and in doing so they

1 created one regularly shaped lot and two that would
2 create double frontage, both on Blueberry Lane and
3 Garden Drive.

4 One of the applicants is looking at
5 possibly putting a carport on the property. In order
6 to do that, it has to be consolidated with their lot.
7 We would recommend under the circumstances that this
8 be approved for continued maintenance of this property
9 that has not been developed.

10 CHAIRMAN: Is anybody here representing
11 the applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: If there are no comments from
14 the applicant, Ms. Stone, I want to thank you for
15 working with the applicants and working this situation
16 out. Even though it's somewhat irregular, you did a
17 very nice job in doing that. We appreciate it.

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

20 MS. DIXON: Move to approve.

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

23 SISTER VIVIAN: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 ITEM 15

5 1409 Reid Road, .08266 acres
6 Consider approval of minor subdivision plat.
7 Applicant: Bill & Kathy Reid

8 MR. NOFFSINGER: Mr. Chairman, Planning
9 Staff and Engineering Staff we've reviewed this
10 application. The application is in order; however, it
11 does not meet the minimum requirements for a
12 traditional lot as defined in the zoning ordinance and
13 subdivision regulations. However, the exception here
14 is that this lot is going to be for a cell tower and
15 it does not have frontage on the public right-of-way.
16 It is undersized; however, the Planning Commission has
17 in the past approved lots that do not meet the
18 standards for traditional lots for utility purposes.
19 So we would recommend this division be approved.

20 MR. CAMBRON: Is there a permanent
21 easement back to that? I can't read this.

22 MR. NOFFSINGER: Yes, sir. Access
23 easement, yes, sir.

24 MR. CAMBRON: I'm sorry, what did you
25 say?

MR. NOFFSINGER: Yes, sir, there is a

1 permanent access easement to this lot.

2 CHAIRMAN: We have somebody representing
3 the applicant.

4 Does anybody have any questions of the
5 applicant?

6 (NO RESPONSE)

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

9 MR. JAGOE: Move to approve.

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

12 MR. CAMBRON: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item.

18 -----

19 ITEM 16

20 414 East Seventh Street, 712 Clay Street,
21 0.192+ acres
22 Consider approval of minor subdivision plat.
Applicant: John L. Smith, Ethel Daugherty

23 MR. NOFFSINGER: Mr. Chairman, the
24 Planning Commission has reviewed this application as
25 well as the Engineering Staff. The application or the

1 plat creates a lot that does not meet the minimum
2 requirements of the zoning ordinance or subdivision
3 regulations. However, it puts the properties back in
4 the configuration they were in prior to the Planning
5 Commission approving an exception at our last meeting.
6 So Staff would recommend that you approve this plat so
7 we can put the lots back to their original
8 configuration or at least the way they were last
9 month.

10 CHAIRMAN: Is anybody here representing
11 the applicant?

12 (NO RESPONSE)

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

15 MR. JAGOE: Why are we doing this
16 again?

17 MR. NOFFSINGER: The applicant is
18 requesting this because of an issue regarding the
19 title to one of the properties that was being
20 consolidated. I believe there's a lien on the
21 property and it had not been released, could not be
22 consolidated. So they just want to take it back to
23 the way it was.

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

25 CHAIRMAN: Yes, sir, we are ready for a

1 motion.

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

4 MR. CAMBRON: Second.

5 CHAIRMAN: Second by Mr. Cambron. 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 MR. NOFFSINGER: I have one new business
11 item and I'll turn it over to Stewart Elliott.

12 MR. ELLIOTT: The commissioners are aware
13 the Principal Financial Group issued shares of stock
14 through the Planning Commission. This was based upon
15 life insurance policies that were issued for
16 employees.

17 The Planning Commission voted to sell
18 those shares of stock. We could not own them. We
19 have gotten the money now. We have to disburse it.

20 What we have done is determined on the
21 issue of the date of the stock being December 2001.
22 The eligible employees, I think there were 13 of them,
23 and the money will be disbursed. It would be my
24 recommendation that you disburse the money to those
25 employees. It would be their benefit and they would

1 be entitled to it. We need to do that.

2 MR. CAMBRON: You need a motion for that?

3 MR. ELLIOTT: Yes.

4 MR. CAMBRON: I make a motion that we do
5 it based upon what Stewart has said, what Mr. Elliott
6 has told us at this point in time.

7 CHAIRMAN: Recommendation based on the
8 advice of counsel?

9 MR. CAMBRON: Yes.

10 CHAIRMAN: Mr. Cambron has made a motion
11 for approval based on counsel's recommendation. Do we
12 have a second?

13 MS. DIXON: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 The chair is now ready for one final
19 motion.

20 DR. BOTHWELL: Motion to adjourn.

21 CHAIRMAN: Motion for adjournment by Dr.
22 Bothwell.

23 MR. JAGOE: Second.

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

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

16 WITNESS my hand and notarial seal on this
17 the 15TH day of July, 2004.

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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