The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, August 12, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

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CHAIRMAN: Want to welcome everyone to the August 12, 2004, Owensboro Metropolitan Planning Commission. Let's stand and I'll give our invocation and our pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is consider the minutes of the July 8, 2004, meeting. Are there any questions, corrections?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

Ohio Valley Reporting
(270) 683-7383
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.

(INTRODUCTION OF NEW STAFF MEMBERS BY MR. NOFFSINGER.)

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

1301 Blk Goetz Drive
Land Acquisition, Facilities Construction
Consider comments regarding the acquisition of property and the construction of a storm water detention basin and a pre-cast bridge system.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We've reviewed it with the Comprehensive Plan. This project will reduce the flood plain area within the Town and Country South area. Reduce it significantly. Improve the overall drainage in the area. Will seek to build a retention basin in that area and make some of that vacant land that was platted for residential development years ago. Make it more developable.

So with that we'd recommend you forward a

Ohio Valley Reporting
(270) 683-7383
favorable letter to the City of Owensboro.

CHAIRMAN: Is anybody representing the City of Owensboro?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have any questions?

(NO RESPONSE)

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

SISTER VIVIAN: Move for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

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.

ITEM 3

6082, 6120 Old KY 54

Land Disposition

Consider comments regarding the disposition of property.

Referred by: Daviess County Board of Education

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this request. We find no conflict with the Comprehensive Plan and recommend we forward a

Ohio Valley Reporting
(270) 683-7383
letter to that affect to the Daviess County Board of Education.

CHAIRMAN: Is anybody here representing the board?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have a question?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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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CELLULAR TELECOMMUNICATION FACILITIES
PER KRS 100.987

Ohio Valley Reporting
(270) 683-7383
ITEM 4

8349 US 431
Consider approval of a wireless telecommunications tower.
Applicant: BellSouth Mobility, LLC d/b/a Cingular Wireless

MR. NOFFSINGER: Mr. Chairman, I'd like to ask Ms. Stone if she would please give a brief overview of the proposal.

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

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: This cell tower application is submitted for a site that's at the northeast intersection of US 431 and East Marksberry Road that's owned by Glenn Turner Burns. The proposal is to create a 100 by 100 lease lot within that tract. They are proposing a 280 foot high illuminated guywire type tower that will accommodate a total of four antennas.

The applicants have received FAA and KAZA approval. The application meets all OMPC's zoning ordinance requirements with the exception of height and setbacks. The applicants have submitted a written request for the height and setback waiver.

The height waiver is requested from the maximum 200 foot height allowed in the ordinance in Ohio Valley Reporting (270) 683-7383
order to meet the service needs that the facility is
designed to address based on the radio frequency
ingineer's recommendations and to reduce the need for
further facilities in the area. The proposed height
of 280 feet would necessitate the tower being
illuminated per FAA regulations.

The setback waiver request is based on the
proposed lease line being located to the interior of
the parent tract with the tower location being a
greater than the 140 foot requirement to the parent
tract boundary; thereby providing the appropriate
protection to adjoining properties in terms of setback
distance.

The OMPC by ordinance has the right to
approve waivers when it finds that the requirement is
not necessary or desirable for the protection of the
surrounding property or for the public safety, health
or general welfare and that special circumstances make
the requirement unreasonable.

CHAIRMAN: Thank you, Ms. Stone.

Is anybody representing the applicant?

MR. PIKE: Yes, Mr. Chairman.

MR. ELLIOTT: State your name, please.

MR. PIKE: David Pike.

(MR. DAVID PIKE SWORN BY ATTORNEY.)
MR. PIKE: As I indicated a moment ago, my name is David Pike. I'm the regional counsel for Cingular Wireless representing the applicants this evening.

With the permission of the chair I'd like to introduce some of the other people who are here with me that would be available as technical experts to answer questions that the commission may have that I cannot effectively fill.

With me also is Bob Grant from my office. He's an attorney with Pike Legal Group. We also have Sherry Lewis who is a radio frequency design engineer for Cingular Wireless for this section of the Commonwealth of Kentucky. We also have Roy Johnson who is an electrical engineer, also project manager with Medley's Project Management for this site. We also have Kelvin Combs who is an expert witness who will be testifying briefly this evening with your permission. Kelvin is the former administrator for Kentucky Airport Zoning Commission and is a highly rated pilot and an expert in aviation safety and has had an opportunity to review some of the issues that people in this area have expressed some concerns regarding and is in a position to help we believe relay some of those concerns.

Ohio Valley Reporting (270) 683-7383
I will try to keep my presentation brief this evening, despite the fact that I am a lawyer. Since there are some issues that have been presented in case by people in the community, I want to make sure that we do a good job of addressing those concerns, and also some of the types of concerns that I suspect that this Planning Commission may have in determining whether or not to give us the approval that we're seeking this evening.

First, I think it's worth noting from the outset, and I believe Mr. Noffsinger will acknowledge, without being requested we voluntarily waived the confidentiality that's associated with this entire application and all of its exhibits.

Fair statement?

MR. NOFFSINGER: Yes, sir.

MR. PIKE: We did that, even though it's not required under the statutes, in order to facilitate a full and fair public input and review of this process. Because although our general assembly in its wisdom indicated that these applications could be viewed as secret and confidential, frankly at Cingular Wireless we don't believe that that's the best way to conduct the public's business, and that the public has a rightful level of inquiry that we
want to facilitate. So we've waived that
confidentiality. So none of those provisions that you
may have studied at any number of training seminars
that OMPC has put on are applicable to this proceeding
this evening.

This is an area that desperately needs
improved wireless communication services. Ms. Lewis
will be prepared, if necessary, to answer further
questions on this, but ultimately we've had a large
number of customer complaints. Any of you who have
attempted to use a phone in this area probably don't
need a lot expert testimony in order to convince you
of a need for improved wireless communications in the
southern section of Owensboro.

This specific tower will improve our
quality of coverage and the ability to utilize cell
phones in not just the southern areas of Owensboro and
Daviess county, but also along Highway 554, Highway
81, Highway 1207 and Highway 431 between Owensboro and
Livermore.

Ultimately the reason why this site must
be placed in this specific area is to connect up those
two existing cell tower sites, but right now have a
big dead zone between them; the one in Livermore and
the one that we refer to as South Owensboro today.
In the event of an emergency situations, and this community after your previous experiences with tornadoes and other catastrophic weather events, know all too well it's critical that these communication systems work and that they be reliable. We take a lot of pride in designing, engineering and constructing facilities that meet all of those requirements.

Is that a fair statement, Ms. Lewis?

MS. LEWIS: Yes, it is.

MR. PIKE: We diligently investigated --

CHAIRMAN: Mr. Pike, I think your opening statement has been very good. Actually your referral to other people we really probably technically need to get them sworn in if they're going to comment.

I think probably to best serve our audience and concerned citizens that might be here, it might be a good idea if we let you sit down for a moment and let them gather their thoughts and ask specific questions so that you don't have everybody come up and address things that may not be of concern. The technical information may be more than somebody is really interested in hearing, and yet there might be some other specific questions you may not even cover that they may want to feel very strongly about.
MR. PIKE: I take that as a none too subtle and appropriate hint at this point — —

CHAIRMAN: It's time to sit down.

MR. PIKE: There is one thing I would like to inquire. That is there was a specific letter received which expressed some concerns regarding a private airport in this vicinity. We do have Mr. Combs here to deal with those issues. Would it be appropriate for him to do a short presentation at this time or do you want to wait to see if those concerns are actually expressed?

CHAIRMAN: The latter.

MR. PIKE: Very good. Thank you.

CHAIRMAN: Thank you.

If anybody in the audience has any specific questions, would they please come to the mike and we will address them individually or collectively because I think Mr. Pike is well prepared to answer any questions that any of you might have.

So at this point in time are there any questions from the audience?

(NO RESPONSE)

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

MR. APPLEBY: I have a question. I guess
since they're asking for a waiver on the height, maybe it would be advisable to explain the need for the additional height on this tower.

CHAIRMAN: Okay.

MR. PIKE: There are lot of people here who think silencing me was worth the trip to Owensboro.

Ultimately the answer to that is pretty straightforward. We specifically modeled this facility at 200 feet. I think there's some good reasons for communities to express a height preference. Your community has been a leader in fairly innovated cell tower regulations for a long time.

In this instance though, you have to remember this is a line of sight technology. As a result, when we model at 200 feet we do not effectively connect up those two cell towers. We still have gaps in coverage. That means that in order to meet the other requirements of your regulations, which are to minimize tower proliferation. We knew this with one structure, but we've got to have it 80 feet taller than your regs require in order for it to work. That is the minimum height at which this structure will meet those service objectives and allow
people to use their phones in that whole area. If
it's any shorter, it won't work.

MR. APPLEBY: You have the ability to
co-location other antennas on your facility?

MR. PIKE: Absolutely. This facility is
engineered to accommodate a minimum of three
additional wireless providers. After having read your
wireless regulations, I would not have been bold
enough to come here with a facility that wouldn't do
that.

DR. BOTHWELL: Mr. Appleby, you have
largely crafted a lot of our regulations for this
community. Are you happy with the circumstances of
this tower?

MR. APPLEBY: Yes, I'm comfortable. What
I was getting at is with the additional height, you
know, that cuts down the proliferation towers which is
what one of the goals of our ordinance. The ability
for them to have other providers on the same tower
also helps in that circumstance. That's what I was
driving at, trying to make that point. I'm
comfortable with it.

DR. BOTHWELL: Thank you.

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

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

DR. BOTHWELL: Mr. Chairman, I make a motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. HAYDEN: Second.

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

MR. ELLIOTT: Mr. Chairman, isn't there a waiver that we should consider with the motion on the height?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Yes. I took it as they're approving the application and the application that's been described contains the waiver of the variance and setback as well.

CHAIRMAN: Mr. Elliott, would you feel more comfortable if Dr. Bothwell --

MR. ELLIOTT: I think so.

CHAIRMAN: Let me ask Dr. Bothwell to
restate his motion, please.

DR. BOTHWELL: Motion for approval based on the waiver as described in the application.

CHAIRMAN: Thank you. Motion for approval by Dr. Bothwell.

MR. HAYDEN: I'll still second it.

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.

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ZONING CHANGE - CITY

ITEM 5

901 Breckenridge Street
Consider zoning change: From B-4 General Business to P-1 Professional/Service
Applicant: Owensboro Medical Health Systems, Inc.

CHAIRMAN: State your name for the record.

MR. HOWARD: Brian Howard.

(MR. HOWARD SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan.

This recommendation is made subject to the conditions and findings of fact that follow:

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Conditions:

1. No access to Ninth Street except for the existing alley access shall be permitted; and,

2. No new access to Breckenridge Street shall be permitted.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where professional/service uses are considered a subset of business uses;

2. The subject property adjoins a P-1 Professional/Service zone to the south;

3. Parking for the Owensboro Medical Health System is a logical expansion of the existing P-1, Professional/Service zone and use; and,

4. It is appropriate to zone the subject property to P-1 Professional/Service prior to its consolidation to adjacent P-1 zone.

MR. HOWARD: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Is anyone here representing the applicant?

(NO RESPONSE)

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

(NO RESPONSE)
CHAIRMAN: Does anybody on the commission have a question of the applicant?

(NO RESPONSE)

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

MR. APPLEBY: Recommend approval based on Planning Staff Recommendations, Condition 1 and 2 and Findings of Fact 1 through 4.

CHAIRMAN: We've got a motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

Portion of 3306 Fenmore Street, 806 Dalton Street Consider zoning change: From R-1C Single Family Residential to P-1 Professional/Service Applicant: Precious Blood Parish of Owensboro, Ky, Inc.

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the request is in compliance with the community's adopted Comprehensive Plan. The recommendation is made subject to the conditions and findings of fact that

Ohio Valley Reporting
(270) 683-7383
follow:

Conditions:

1. Extend sidewalks from the existing terminal along Dalton Street; and,

2. The subject property shall be consolidated to the adjacent church property at 3400 Fenmore Street, or a conditional use permit shall be sought for parking.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area, where professional/service uses are appropriate in general areas;

2. The subject property is adjacent to P-1 Professional/Service zone; and,

3. The applicant's request is a logical expansion of existing P-1 Professional/Service zone in the area and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit B.

CHAIRMAN: Is anyone here representing the applicant?

APPLICANT REP: Yes.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Does anybody in the audience have any question of the applicant?

(NO RESPONSE)

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

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on the Planning Staffs Findings and Recommendation, Conditions 1 and 2 and Findings of Facts 1 through 3.

CHAIRMAN: We've got a motion for approval by Mr. Rogers.

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.

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ZONING CHANGE - COUNTY

ITEM 7

3118 Alvey Park Drive East
Consider zoning change: From I-1 Light Industrial to B-4 General Business
Applicant: Robert H. Steele

Ohio Valley Reporting
(270) 683-7383
MR. APPLEBY: Mr. Chairman, I need to disqualify myself on this item.

CHAIRMAN: Please let it be noted Mr. Appleby will be disqualified from this vote.

PLANNING STAFF RECOMMENDATIONS

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

Conditions:

1. Install curb and gutter along the property frontage on Alvey Park Drive East.

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 immediately adjacent to B-4 General Business Zone to the north and west;

and,

3. The applicant's request is a logical expansion of the B-4 General Business zone on the same street that will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and other necessary urban...
services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit C.

CHAIRMAN: Is there anyone 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.

DR. BOTHWELL: Mr. Chairman, I make a motion for approval based on Conditions 1 and Findings of Fact 1 through 3.

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

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. APPLEBY - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Ohio Valley Reporting
(270) 683-7383
ITEM 8

10791 Hamilton Road
Consider zoning change: From EX-1 Coal Mining to AR
Rural Agriculture
Applicant: Terry & Shirl Snyder

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in a Rural Maintenance Plan Area, where rural farm residential uses are appropriate in general locations;
2. The subject property is a separate well proportioned lot with frontage on a public road and no new roads or streets are proposed;
3. Mining activities on the subject property have ceased; and,
4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.

MR. HOWARD: We would like to enter the Staff Report as Exhibit D.

CHAIRMAN: Is there anybody 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: Does anybody on the commission have any questions?

(NO RESPONSE)

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

MR. HAYDEN: I make a motion for approval based on Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Mr. Hayden.

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.

DEVELOPMENT PLANS

ITEM 9

5240 Frederica Street, 15.72 acres (POSTPONED) Consider approval of amended final development plan.

Applicant: Site, Inc., Katherine Burns (John Burns)

Ohio Valley Reporting
(270) 683-7383
and Cecil R. Burns Estate, Mary Katherine Burns

MR. NOFFSINGER: Under Development Plans Item 9, Mr. Chairman, the applicant has asked that this application be postponed from tonight's meeting to September 9th. They are working on negotiations with an adjoining property owners. Those have not been finalized and therefore requesting a postponement.

CHAIRMAN: With that we'll need a motion for postponement.

MR. APPLEBY: Move for postpone.

CHAIRMAN: We've got a motion for postponement by Mr. Appleby.

MR. JAGOGE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The item is postponed. Next item, please.

MR. JAGOGE: Mr. Chairman, I need to disqualify myself on Item 10.

CHAIRMAN: Let the record note that Mr. Jagoe will be disqualified on Item 10.

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MAJOR SUBDIVISIONS

Ohio Valley Reporting
(270) 683-7383
ITEM 10

2601 Blk East Byers Avenue, 22.156 acres (For development transfer only - no surety required)
Consider approval of major subdivision final plat.
Applicant: National City Bank, Kentucky, Jagoe Development, LLC

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application as well as the Engineering Staff. It's found to be in order and meets the requirements for lot transfer and ready for your consideration.

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. 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, please.

ITEM 11

Lanewood Hills, Section 2, Lots 9-26, 22.156 acres Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $78,674.20 Applicant: David Clark

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's found to meet with the comprehensive plan as well as adopted subdivision regulations and the zoning ordinance.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for Ohio Valley Reporting (270) 683-7383
a motion.

MR. HAYDEN:  Motion for approval.

CHAIRMAN:  Motion for approval by Mr. Hayden.

DR. BOTHWELL:  Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  Motion carries unanimously.

Next item, please.

ITEM 12

Woodlands Plaza, 32.62 acres
Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted:  $880,215.70
Applicant:  Envision Contractors

MR. NOFFSINGER:  Mr. Chairman, Planning Staff and Engineering Staff has reviewed this development.  It's found to be in order.  It meets with the minimum requirements of the subdivision regulations and the zoning ordinance.  With that it's ready for your consideration.

CHAIRMAN:  Is anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN:  Does anybody in the audience have any questions?
CHAIRMAN: Anyone on the commission have any questions?

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's found to meet the minimum requirements of the adopted regulations and is ready for consideration.
CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

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

(NO RESPONSE)

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

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT Responsive AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MINOR SUBDIVISIONS

ITEM 14

6042 Ditto Road, 4.57 acres
Consider approval of minor subdivision plat.
Applicant: William Scott

Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application as well as the Engineer Staff. This plat is a rework of a plat that was before this commission last month that the Planning Commission denied because it created a lot that would grossly exceed the depth to width ratio as well as not meet minimum frontage requirements. The applicant has worked with Planning Staff to come up with an arrangement that would not make the situation any worse. It would exceed the depth to width ratio somewhat more than what it does now; however, the minimum frontage requirement of the regulations as being respected and the adjoining property that was going to be left as remnant will be consolidated with the applicant's property to the west. So with that staff is recommending that you grant an exception and approve this plat because of topography and septic tank reasons. I believe the applicant has informed us the septic field for the house is actually on the adjoining property in the lot they're trying to create.

So with that staff believes that you should approve this plat.

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 anyone on the commission have a question of the applicant?

(NO RESPONSE)

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

MR. JAGOE: Move for approval.

CHAIRMAN: Motion for approval by Mr. Jagoe.

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.

ITEM 15

6465, 6477 McPherson Road, 2.24 acres
Consider approval of minor subdivision plat.
Applicant: Sherman and Teresa Easton

MR. NOFFSINGER: Mr. Chairman, this plat was approved by the Planning Staff in I believe '97. However, the plat was not recorded in the 60 day time allotted; therefore, it expired. The applicant now
wishes for the Planning Commission to re-approve this
plat, but because it creates lots that slightly exceed
the required depth to width ratio, I could not sign
that plat and it's before this commission tonight. We
would recommend that you extend the approval.

CHAIRMAN: Is anybody here representing
the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions
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.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr.

Appleby.

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 16

8349 US 431, 0.230+ acres
Consider approval of minor subdivision plat.
Applicant: Glenn Turner Burns

MR. NOFFSINGER: Mr. Chairman, Planning Staff and Engineering Staff has reviewed this plat. The plat is found to be in order. This plat is for the creation of a lease lot for the cell tower that was considered earlier during this meeting. It's a plat that I could not sign because it creates a lot that does not meet the minimum requirements of the subdivisions regulations. But because this lot is for utilities purposes only, meaning a cellular tower, more specifically a cellular tower, Staff would recommend you approve the division.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant from the audience?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission have any question of the applicant?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.
MR. HAYDEN: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger.

NEW BUSINESS

ITEM 17

2010 Flightline Road Facilities Construction
Consider comments regarding construction of two practice fields on airport property.
Referred by: Owensboro-Daviess County Airport/City of Owensboro

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It is for, as I understand it, the creation of two soccer fields to assist in need for additional fields in this community. The airport has reviewed the proposal. They've submitted the request in conjunction with the City of Owensboro. If the airport is happy with it, we find no conflict with the Comprehensive Plan and recommend you forward a letter

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to that affect to them.

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: Anybody on the commission have a question of the applicant?

SISTER VIVIAN: No, other than I may need to disqualify myself since I'm on the airport board.

CHAIRMAN: Sister Vivian will disqualify herself.

If there are no further questions, the Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

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 - WITH THE DISQUALIFICATION OF SISTER VIVIAN - RESPONDED AYE.)

CHAIRMAN: Motion carries.

We have any further business, Mr.

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Mr. Noffsinger?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Chair is ready for one final motion.

DR. BOTHWELL: Motion to adjourn.

CHAIRMAN: Motion for adjournment by Dr. Bothwell.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY
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 36 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 2nd day of September, 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

Ohio Valley Reporting
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