

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OWENSBORO METROPOLITAN PLANNING COMMISSION
AUGUST 12, 2004

* * * * *

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

* * * * *

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.

1 SISTER VIVIAN: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item.

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

9 -----

10 PUBLIC FACILITIES PLANS
11 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

12 ITEM 2

13 1301 Blk Goetz Drive
14 Land Acquisition, Facilities Construction
15 Consider comments regarding the acquisition of
16 property and the construction of a storm water
17 detention basin and a pre-cast bridge system.
18 Referred by: City of Owensboro

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

28 So with that we'd recommend you forward a

1 favorable letter to the City of Owensboro.

2 CHAIRMAN: Is anybody representing the
3 City of Owensboro?

4 (NO RESPONSE)

5 CHAIRMAN: Does anybody in the audience
6 have any questions?

7 (NO RESPONSE)

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

10 SISTER VIVIAN: Move for approval.

11 CHAIRMAN: Motion for approval by Sister
12 Vivian.

13 MR. JAGOE: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 ITEM 3

20 6082, 6120 Old KY 54
21 Land Disposition
22 Consider comments regarding the disposition of
23 property.
24 Referred by: Daviess County Board of Education

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

1 letter to that affect to the Daviess County Board of
2 Education.

3 CHAIRMAN: Is anybody here representing
4 the board?

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody in the audience
7 have a question?

8 (NO RESPONSE)

9 CHAIRMAN: Does anybody on the commission
10 have a question?

11 (NO RESPONSE)

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

14 MR. ROGERS: Motion for approval.

15 CHAIRMAN: Motion for approval by Mr.
16 Rogers.

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 CELLULAR TELECOMMUNICATION FACILITIES
25 PER KRS 100.987

1 ITEM 4

2 8349 US 431

3 Consider approval of a wireless telecommunications
4 tower.

5 Applicant: BellSouth Mobility, LLC d/b/a Cingular
6 Wireless

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

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

12 MS. STONE: Becky Stone.

13 (MS. BECKY STONE SWORN BY ATTORNEY.)

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

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

26 The height waiver is requested from the
27 maximum 200 foot height allowed in the ordinance in

1 order to meet the service needs that the facility is
2 designed to address based on the radio frequency
3 engineer's recommendations and to reduce the need for
4 further facilities in the area. The proposed height
5 of 280 feet would necessitate the tower being
6 illuminated per FAA regulations.

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

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

20 CHAIRMAN: Thank you, Ms. Stone.

21 Is anybody representing the applicant?

22 MR. PIKE: Yes, Mr. Chairman.

23 MR. ELLIOTT: State your name, please.

24 MR. PIKE: David Pike.

25 (MR. DAVID PIKE SWORN BY ATTORNEY.)

1 MR. PIKE: As I indicated a moment ago, my
2 name is David Pike. I'm the regional counsel for
3 Cingular Wireless representing the applicants this
4 evening.

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

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

1 I will try to keep my presentation brief
2 this evening, despite the fact that I am a lawyer.
3 Since there are some issues that have been presented
4 in case by people in the community, I want to make
5 sure that we do a good job of addressing those
6 concerns, and also some of the types of concerns that
7 I suspect that this Planning Commission may have in
8 determining whether or not to give us the approval
9 that we're seeking this evening.

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

15 Fair statement?

16 MR. NOFFSINGER: Yes, sir.

17 MR. PIKE: We did that, even though it's
18 not required under the statutes, in order to
19 facilitate a full and fair public input and review of
20 this process. Because although our general assembly
21 in its wisdom indicated that these applications could
22 be viewed as secret and confidential, frankly at
23 Cingular Wireless we don't believe that that's the
24 best way to conduct the public's business, and that
25 the public has a rightful level of inquiry that we

1 want to facilitate. So we've waived that
2 confidentiality. So none of those provisions that you
3 may have studied at any number of training seminars
4 that OMPC has put on are applicable to this proceeding
5 this evening.

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

15 This specific tower will improve our
16 quality of coverage and the ability to utilize cell
17 phones in not just the southern areas of Owensboro and
18 Daviess county, but also along Highway 554, Highway
19 81, Highway 1207 and Highway 431 between Owensboro and
20 Livermore.

21 Ultimately the reason why this site must
22 be placed in this specific area is to connect up those
23 two existing cell tower sites, but right now have a
24 big dead zone between them; the one in Livermore and
25 the one that we refer to as South Owensboro today.

1 In the event of an emergency situations,
2 and this community after your previous experiences
3 with tornadoes and other catastrophic weather events,
4 know all too well it's critical that these
5 communication systems work and that they be
6 reliable. We take a lot of pride in designing,
7 engineering and constructing facilities that meet all
8 of those requirements.

9 Is that a fair statement, Ms. Lewis?

10 MS. LEWIS: Yes, it is.

11 MR. PIKE: We diligently investigated - -

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

16 I think probably to best serve our
17 audience and concerned citizens that might be here, it
18 might be a good idea if we let you sit down for a
19 moment and let them gather their thoughts and ask
20 specific questions so that you don't have everybody
21 come up and address things that may not be of concern.
22 The technical information may be more than somebody is
23 really interested in hearing, and yet there might be
24 some other specific questions you may not even cover
25 that they may want to feel very strongly about.

1 MR. PIKE: I take that as a none too
2 subtle and appropriate hint at this point - -

3 CHAIRMAN: It's time to sit down.

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

12 CHAIRMAN: The latter.

13 MR. PIKE: Very good. Thank you.

14 CHAIRMAN: Thank you.

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

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

22 (NO RESPONSE)

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

25 MR. APPLEBY: I have a question. I guess

1 since they're asking for a waiver on the height, maybe
2 it would be advisable to explain the need for the
3 additional height on this tower.

4 CHAIRMAN: Okay.

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

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

15 In this instance though, you have to
16 remember this is a line of sight technology. As a
17 result, when we model at 200 feet we do not
18 effectively connect up those two cell towers. We
19 still have gaps in coverage. That means that in order
20 to meet the other requirements of your regulations,
21 which are to minimize tower proliferation. We knew
22 this with one structure, but we've got to have it 80
23 feet taller than your regs require in order for it to
24 work. That is the minimum height at which this
25 structure will meet those service objectives and allow

1 people to use their phones in that whole area. If
2 it's any shorter, it won't work.

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

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

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

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

23 DR. BOTHWELL: Thank you.

24 CHAIRMAN: Are there any other questions
25 from the audience?

1 (NO RESPONSE)

2 CHAIRMAN: Are there any other questions
3 from the commission?

4 (NO RESPONSE)

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

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

9 CHAIRMAN: Motion for approval by Dr.
10 Bothwell.

11 MR. HAYDEN: Second.

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

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

17 CHAIRMAN: Mr. Noffsinger.

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

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

24 MR. ELLIOTT: I think so.

25 CHAIRMAN: Let me ask Dr. Bothwell to

1 restate his motion, please.

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

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

6 MR. HAYDEN: I'll still second it.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

12 -----

13 ZONING CHANGE - CITY

14 ITEM 5

15 901 Breckenridge Street
16 Consider zoning change: From B-4 General Business
17 to P-1 Professional/Service
18 Applicant: Owensboro Medical Health Systems, Inc.

19 CHAIRMAN: State your name for the record.

20 MR. HOWARD: Brian Howard.

21 (MR. HOWARD SWORN BY ATTORNEY.)

22 PLANNING STAFF RECOMMENDATIONS

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

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

1 Conditions:

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

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

6 Findings of Fact:

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

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

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

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

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

20 CHAIRMAN: Is anyone here representing the
21 applicant?

22 (NO RESPONSE)

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

25 (NO RESPONSE)

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

3 (NO RESPONSE)

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

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

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

11 SISTER VIVIAN: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, please.

17 ITEM 6

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

21 PLANNING STAFF RECOMMENDATIONS

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

1 follow:

2 Conditions:

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

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

9 Findings of Fact:

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

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

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

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

23 CHAIRMAN: Is anyone here representing the
24 applicant?

25 APPLICANT REP: Yes.

1 CHAIRMAN: Does anybody in the audience
2 have any question of the applicant?

3 (NO RESPONSE)

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

6 (NO RESPONSE)

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

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

12 CHAIRMAN: We've got a motion for approval
13 by Mr. 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 Next item, please.

20 -----

21 ZONING CHANGE - COUNTY

22 ITEM 7

23 3118 Alvey Park Drive East
24 Consider zoning change: From I-1 Light Industrial
25 to B-4 General Business
Applicant: Robert H. Steele

1 MR. APPLEBY: Mr. Chairman, I need to
2 disqualify myself on this item.

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

5 PLANNING STAFF RECOMMENDATIONS

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

11 Conditions:

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

14 Findings of Fact:

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

18 2. The subject property is immediately adjacent
19 to B-4 General Business Zone to the north and west;
20 and,

21 3. The applicant's request is a logical
22 expansion of the B-4 General Business zone on the same
23 street that will not significantly increase the extent
24 of the zone in the vicinity and will not overburden
25 the capacity of roadways and other necessary urban

1 services that are available in the affected area.

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

4 CHAIRMAN: Is there anyone here
5 representing the applicant?

6 APPLICANT REP: Yes.

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

9 (NO RESPONSE)

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

12 (NO RESPONSE)

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

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

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

20 MR. JAGOE: Second.

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

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

25 CHAIRMAN: Motion carries unanimously.

1 Next item, please.

2 ITEM 8

3 10791 Hamilton Road
4 Consider zoning change: From EX-1 Coal Mining to AR
5 Rural Agriculture
6 Applicant: Terry & Shirl Snyder

6 PLANNING STAFF RECOMMENDATIONS

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

11 Findings of Fact:

12 1. The subject property is located in a Rural
13 Maintenance Plan Area, where rural farm residential
14 uses are appropriate in general locations;

15 2. The subject property is a separate well
16 proportioned lot with frontage on a public road and no
17 new roads or streets are proposed;

18 3. Mining activities on the subject property
19 have ceased; and,

20 4. The Owensboro Metropolitan Zoning Ordinance
21 Article 12a.31 requires that property shall revert to
22 its original zoning classification after mining.

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

25 CHAIRMAN: Is there anybody representing

1 the applicant?

2 APPLICANT REP: Yes.

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

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody on the commission
7 have any questions?

8 (NO RESPONSE)

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

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

13 CHAIRMAN: Motion for approval by Mr.
14 Hayden.

15 MR. JAGOE: Second.

16 CHAIRMAN: Second by Mr. Jagoe. 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 DEVELOPMENT PLANS

23 ITEM 9

24 5240 Frederica Street, 15.72 acres (POSTPONED)
25 Consider approval of amended final development plan.
Applicant: Site, Inc., Katherine Burns (John Burns)

1 and Cecil R. Burns Estate, Mary Katherine Burns

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

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

11 MR. APPLEBY: Move for postpone.

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

14 MR. JAGOE: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: The item is postponed.

19 Next item, please.

20 MR. JAGOE: Mr. Chairman, I need to
21 disqualify myself on Item 10.

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

24 -----

25 MAJOR SUBDIVISIONS

Ohio Valley Reporting
(270) 683-7383

1 ITEM 10

2 2601 Blk East Byers Avenue, 22.156 acres (For
3 development transfer only - no surety required)
4 Consider approval of major subdivision final plat.
5 Applicant: National City Bank, Kentucky, Jagoe
6 Development, LLC

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

12 CHAIRMAN: Is there anybody here
13 representing the applicant?

14 (NO RESPONSE)

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

17 (NO RESPONSE)

18 CHAIRMAN: Anybody on the commission have
19 any questions?

20 (NO RESPONSE)

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

23 MR. APPLEBY: Motion for approval.

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

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT - WITH THE
3 DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 ITEM 11

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

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

17 CHAIRMAN: Is anybody here representing
18 the applicant?

19 APPLICANT REP: Yes.

20 CHAIRMAN: Do we have any questions of the
21 applicant?

22 (NO RESPONSE)

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

25 (NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for

1 a motion.

2 MR. HAYDEN: Motion for approval.

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

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, please.

11 ITEM 12

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

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

22 CHAIRMAN: Is anybody representing the
23 applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Does anybody in the audience
have any questions?

1 (NO RESPONSE)

2 CHAIRMAN: Anyone on the commission have
3 any questions?

4 (NO RESPONSE)

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

7 MR. ROGERS: Motion for approval.

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

10 SISTER VIVIAN: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, please.

16 ITEM 13

17 2522 (A-F), 2526 (G-P) West Fifth Street Road,
18 1.478 acres

19 Consider approval of major subdivision final plat.
20 Surety - public improvements complete, no surety
21 posted.

22 Applicant: Tom Weis

23 MR. NOFFSINGER: Mr. Chairman, this plat
24 has been reviewed by the Planning Staff and
25 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.

1 CHAIRMAN: Is anybody here representing
2 the applicant?

3 (NO RESPONSE)

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

6 (NO RESPONSE)

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

9 (NO RESPONSE)

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

12 DR. BOTHWELL: Motion for approval.

13 CHAIRMAN: Motion for approval by Dr.
14 Bothwell.

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, please.

21 -----

22 MINOR SUBDIVISIONS

23 ITEM 14

24 6042 Ditto Road, 4.57 acres
25 Consider approval of minor subdivision plat.
Applicant: William Scott

1 MR. NOFFSINGER: Mr. Chairman, Planning
2 Staff has reviewed this application as well as the
3 Engineer Staff. This plat is a rework of a plat that
4 was before this commission last month that the
5 Planning Commission denied because it created a lot
6 that would grossly exceed the depth to width ratio as
7 well as not meet minimum frontage requirements. The
8 applicant has worked with Planning Staff to come up
9 with an arrangement that would not make the situation
10 any worse. It would exceed the depth to width ratio
11 somewhat more than what it does now; however, the
12 minimum frontage requirement of the regulations as
13 being respected and the adjoining property that was
14 going to be left as remnant will be consolidated with
15 the applicant's property to the west. So with that
16 staff is recommending that you grant an exception and
17 approve this plat because of topography and septic
18 tank reasons. I believe the applicant has informed us
19 the septic field for the house is actually on the
20 adjoining property in the lot they're trying to
21 create.

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

24 CHAIRMAN: Is anybody here representing
25 the applicant?

1 APPLICANT REP: Yes.

2 CHAIRMAN: Does anybody in the audience
3 have a questions of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: Does anyone on the commission
6 have a question of the applicant?

7 (NO RESPONSE)

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

10 MR. JAGOE: Move for approval.

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

13 MR. ROGERS: Second.

14 CHAIRMAN: Second by Mr. Rogers. All in
15 favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 ITEM 15

20 6465, 6477 McPherson Road, 2.24 acres
21 Consider approval of minor subdivision plat.
22 Applicant: Sherman and Teresa Easton

23 MR. NOFFSINGER: Mr. Chairman, this plat
24 was approved by the Planning Staff in I believe '97.
25 However, the plat was not recorded in the 60 day time
allotted; therefore, it expired. The applicant now

1 wishes for the Planning Commission to re-approve this
2 plat, but because it creates lots that slightly exceed
3 the required depth to width ratio, I could not sign
4 that plat and it's before this commission tonight. We
5 would recommend that you extend the approval.

6 CHAIRMAN: Is anybody here representing
7 the applicant?

8 APPLICANT REP: Yes.

9 CHAIRMAN: Does anybody have any questions
10 of the applicant?

11 (NO RESPONSE)

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

14 (NO RESPONSE)

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

17 MR. APPLEBY: Motion for approval.

18 CHAIRMAN: Motion for approval by Mr.
19 Appleby.

20 SISTER VIVIAN: Second.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 ITEM 16

2 8349 US 431, 0.230+ acres
3 Consider approval of minor subdivision plat.
4 Applicant: Glenn Turner Burns

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

16 CHAIRMAN: Is anybody here representing
17 the applicant?

18 APPLICANT REP: Yes.

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

21 (NO RESPONSE)

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

24 (NO RESPONSE)

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

1 MR. HAYDEN: Motion to approve.

2 CHAIRMAN: Motion for approval by Mr.

3 Hayden.

4 MR. APPLEBY: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Mr. Noffsinger.

10

11

NEW BUSINESS

12

ITEM 17

13

2010 Flightline Road
Facilities Construction

14

Consider comments regarding construction of two
practice fields on airport property.

15

Referred by: Owensboro-Daviess County Airport/City of
Owensboro

16

17

MR. NOFFSINGER: Mr. Chairman, this

18

application has been reviewed by the Planning Staff.

19

It is for, as I understand it, the creation of two

20

soccer fields to assist in need for additional fields

21

in this community. The airport has reviewed the

22

proposal. They've submitted the request in

23

conjunction with the City of Owensboro. If the

24

airport is happy with it, we find no conflict with the

25

Comprehensive Plan and recommend you forward a letter

1 to that affect to them.

2 CHAIRMAN: Is anybody here representing
3 the applicant?

4 APPLICANT REP: Yes.

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

7 (NO RESPONSE)

8 CHAIRMAN: Anybody on the commission have
9 a question of the applicant?

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

12 CHAIRMAN: Sister Vivian will disqualify
13 herself.

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

16 MR. APPLEBY: Motion for approval.

17 CHAIRMAN: Motion for approval by Mr.
18 Appleby.

19 MR. JAGOE: Second.

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

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

24 CHAIRMAN: Motion carries.

25 We have any further business, Mr.

1 Noffsinger?

2 MR. NOFFSINGER: No, sir.

3 CHAIRMAN: Chair is ready for one final
4 motion.

5 DR. BOTHWELL: Motion to adjourn.

6 CHAIRMAN: Motion for adjournment by Dr.
7 Bothwell.

8 MR. HAYDEN: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: We are adjourned.

13 -----

14

15

16

17

18

19

20

21

22

23

24

25

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

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

25