The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, March 10, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Bothwell
Martin Hayden
Stewart Elliott,
Attorney

CHAIRMAN:  I would like to call the Owensboro Metropolitan Planning & Zoning March 10, 2005 meeting to order.

Our invocation tonight will be given by Mr. Irvin Roger. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our next order of business is consider the minutes of the February 10, 2005 meeting. Are there any additions, corrections?

(NO RESPONSE)
CHAIRMAN: Any questions by the commission?

(NO RESPONSE)

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

MR. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

PUBLIC HEARING

ITEM 2

Consider text amendments to the Owensboro Metropolitan Zoning Ordinance Article 8 and Article 14, regarding criteria for Group Housing.

MR. NOFFSINGER: Mr. Chairman, Planning Staff has been working with direction of the Owensboro Metropolitan Board of Adjustment to come up with some guidelines and criteria that can be used to evaluate group type housing situations.

We have Becky Stone here tonight that will
provide a power-point presentation as to what has taken place, give you some history and what's being recommended.

Tonight is a public hearing. The Planning Commission will consider comments and may wish to postpone taking action on the item. They may wish to not move forward with the proposal text amendments or they can recommend adoption to the legislative bodies.

With that Becky Stone will give the presentation.

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

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

- - (POWER-POINT PRESENTATION) - -

FINDINGS OF FACT:

The Staff recommends approval of the proposed zoning text amendments because the proposal is in compliance with the community's adopted Comprehensive Plan. Findings in support of this proposal are as follows:

1. Boarding homes, lodging homes, fraternity houses, sorority houses, and dormitories currently require a conditional use permit in identified zones and are not principally permitted in
any zone;

2. Group homes including boarding homes, lodging homes, fraternities, sororities, dormitories (including rehabilitation homes and transitional homes) and seasonal farm worker housing are housing types that are essential to our community and promote the public health, safety or welfare and should be conditionally permitted in identified zones;

3. Conditional use as defined in KRS 100.111(6) recognizes that a conditionally permitted use would impair the integrity and character of the zone in which it is located unless restrictions are imposed to assure its proper integration;

4. The Owensboro Metropolitan Board of Adjustment has been challenged in their ability to set conditions on a case by case basis due to litigation involving the Fair Housing Act;

5. Criteria proposed are reasonable and will allow for the proper integration of group housing accommodations in the community; and,

6. The proposed criteria support the following goals and objectives of the community's Comprehensive Plan.

a. Protect citizens from crime;

b. Provide public transit for those
who choose to use this means of transportation or can afford no alternatives;

c. Deliver services efficiently;
d. Encourage increase in inner-city housing density;
e. Preserve historic buildings;
f. Preserve existing housing and neighborhoods;
g. Provide high quality social services as the lowest possible cost for all citizens;
h. Provide objective, current and relevant information to community decision makers about the quality and success of community services;
i. Protect citizens and property from damage and destruction by fire;
j. Enforce housing maintenance; and,
k. Provide each resident with a structurally sound, sanitary and affordable dwelling unit.

In allowing for a variety of housing types within the Owensboro Metropolitan Zoning Ordinance, hopefully every citizen of our community can obtain safe, sound and sanitary housing.

That's the end of the presentation. We'd also like to enter the Staff Report as Exhibit A into Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Thank you. It was a very nice, precise report. We appreciate you updating the board. Are there any questions or comments from anybody on the commission?
(NO RESPONSE)
CHAIRMAN: Does anybody in the audience have any questions or comments?
MS. ROBERTS: Yes.
MR. ELLIOTT: State your name, please.
MS. ROBERTS: Forest Roberts.
(MS. FOREST ROBERTS SWORN BY ATTORNEY.)
MS. ROBERTS: I'm here on behalf of the MISA. I just have a few questions because I'm not quite sure I understand all of this.
I noticed that in Section B or Housing Zoning B-2 through B-5, dormitories, fraternities and sorority houses are allowed in these areas, but seasonal farm worker housing is not. I need to know the reason for that.
CHAIRMAN: Mr. Noffsinger.
MR. NOFFSINGER: Ms. Stone can address that. What we tried to do was break that down to where seasonal farm worker housing would also be allowed in the agricultural zones in addition to some
other zones, but Ms. Stone can better address that.

MS. STONE: I think the reason for dormitories, fraternities and sororities houses being allowed in the commercial zones as well is because many times that's where universities are located. They need to often be close to those university settings.

The seasonal farm worker housing would be allowed in the agricultural zone as an additional zone to the R-3, R-4DT zone and that would be conflict with where lodging houses and boarding housing are currently allowed.

CHAIRMAN: Thank you.

MS. ROBERTS: I also noticed in 6-A of the proposed ordinance it says "The following criteria shall apply for an application for a conditional use permit for boarding house, sorority, dormitory or rehabilitation facility." Seasonal farm worker housing is not included in that. I need to know the reasoning for that.

MS. STONE: We had categorized that under dormitory initially so that should be an inclusion. Seasonal farm worker housing should be included in that topic. Thank you.

CHAIRMAN: Do we need to make a
correction, Ms. Stone?

MS. STONE: Yes.

MS. ROBERTS: Those are my questions, but I had one comment.

Even though this ordinance is not discriminatory in spaced, if in fact have a category which is singled out and every person in the community in that category of workers is from one particular nation and has one particular national origin, then this could come very close to discriminating on the base of national origin.

My point being, if all the seasonal farm workers in the area are Hispanic or are immigrants, then you are in fact discriminating against them if you treat them differently than anybody else in the ordinance. Just want to point that out.

CHAIRMAN: Ms. Stone, do you want to address that, please?

MS. STONE: Our attempt was to treat all of those group housing situations the same. We have made a separate category for seasonal farm worker housing in order to allow that category to be permitted in agricultural and not allow the student dormitories and those other types of group housing that are not conducive to that agricultural setting.
not to be permitted in that agricultural setting. The
criteria for all those will be the same. So we think
that we're consistently applying the same regulations
to all group housing situations.

CHAIRMAN: Mr. Elliott, would you comment
to the issue, please?

MR. ELLIOTT: I agree with what she said.
We talked about it. I looked at these and I would
agree with that. I think that we're okay with it.

CHAIRMAN: Do we need to formally make a
correction of the proposal?

MR. ELLIOTT: Yes, we do.

CHAIRMAN: I think maybe we should have
Ms. Stone make the correction in the record.

MR. ELLIOTT: Yes.

MS. STONE: Item 6(a) where it says, "The
following criteria shall apply for an application for
conditional use permit for a boarding house, sorority,
dormitory or rehabilitation facility were not allow as
an accessory use to a principally permitted use"
should read, "The following criteria shall apply for
an application for a conditional use permit for
boarding house, sorority house, fraternity house,
dormitory or seasonal farm worker housing when not
allowed as an accessory use to a principally permitted
use."

CHAIRMAN: Thank you, Mrs. Stone.

MR. CAMBRON: The housing that's out there now, will it be brought up to some standard of this right now?

MS. STONE: The group housing that has been conditional permitted in the past will just continue to exist. We will not go back and apply.

MR. CAMBRON: None of the stipulations?

MS. STONE: Right.

MR. CAMBRON: Thank you.

CHAIRMAN: Ms. Roberts, thanks for your addition and correction.

MS. ROBERTS: She didn't include rehabilitation facility in the correction.

MS. STONE: The reason I didn't is because rehabilitation home is under dormitory. We've added some definitions to include that under dormitory. So this was a vestige from a previous draft that we had not corrected, had not caught that language on.

CHAIRMAN: Thank you, Mrs. Stone.

Are there any other questions or comments?

MR. ELLIOTT: State your name, please.

MS. MULLIGAN: Anne Glahn Mulligan, Chair of the Old Owensboro Neighborhood Alliance.

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MS. MULLIGAN: The Old Owensboro Neighborhood Alliance geographic area includes Frederica Street east to Barton Brands, Parrish Avenue north to the Ohio River, and the J.Z. Moore Historic Neighborhood. OONA is very grateful to the Owensboro Metropolitan Board of Adjustment for the thoughtful consideration to all parties involved in the development of the revised proposed criteria.

At the March 8, 2005, OONA meeting, a motion was made and carried to support the revised criteria, with the exception of item #4, which we would like to be further clarified to read:

"The facility shall employ a 24 hour a day on-site management system, who is directly responsible for the supervision of the residents, properties, and the implementation of house rules."

Since OONA's inception over five years ago, we have constantly dealt with concerns that are addressed in the revised criteria. The types of housing addressed in the criteria are inherit to specific problems within our alliance.

In 2003 and 2004 individuals and small groups of neighbors hired attorneys to address two separate but similar issues with zoning. City

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employees and boards would spend less time dealing
with the same issues over and over if regulations were
in place to protect neighborhoods. OONA has
historically and continues to be a very diverse area.
We embrace ethnic, economic, religious and social
diversity in our alliance. We want to be good
neighbors. We feel that none of the criteria is
unreasonable or anything that is not expected of us
all. As residents, we are responsible to obey laws
and regulations for noise control, disorderly conduct,
garbage disposal, etcetera, as set forth whether in
city, county, state or federal laws regulations.

In closing, we thank you for your time and
energy spent developing these desperately needed
criteria to protect our residential and historic
neighborhoods.

This is a prime example of neighborhood
alliances and city agencies working together to create
a better Owensboro.

Respectfully Submitted by: The Old
Owensboro Neighborhood Alliance.

CHAIRMAN: Thank you, Ms. Mulligan. Let
me see if Ms. Stone can address that question or
issue.

MS. STONE: We had had this comment

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previously about the 24 hour management. We had
included a criteria for an on-site administrator as
well as a criteria for a provision that the person or
agency sponsoring the facility give us a phone number
of a contact. We feel like we've adequately covered
that.

If you ask for someone to be on site for
24 hours, number one, that's really hard to enforce,
and number two, it may not be required in all cases.
This group housing covers a broad category of housing
types from seasonal farm worker housing to lodging
houses where you just have random people renting
rooms. So there's a different level of supervision
that may be needed depending on what the facility is.
We felt it best to require an on-site administrator so
that someone is controlling the supervision of that
house, but to allow that sponsoring agency or entity
to determine what level of supervision is appropriate
for that facility.

MS. MULLIGAN: We were mostly concerned
with if there is a problem to have a number or person
we could get ahold of and that number or person
readily available.

CHAIRMAN: I think that's provided.

MS. STONE: Yes. That's one of the
criteria. To provide that to the board and that will be provided at the public hearing. We will have that on record.

MS. MULLIGAN: The reason we want the word "properties" inserted after residents and before the implementation of house rules simply is some of these groups own several properties. They are adherent to having visitors and more traffic and people coming and going. We were just concerned about the owners of the property being responsible for their properties outside of the house as well as inside.

CHAIRMAN: I think in the criteria there were rules that had to be posted and I think they have to provide a phone number of a local person that is responsible for that. I believe she stated that in the criteria.

MS. MULLIGAN: Thank you.

MS. STONE: The city also has a property maintenance code that if there was a complaint on something on the property, weeds or garbage or anything like that, there is an avenue available for that to be cited just like any other structure.

CHAIRMAN: Are there any other comments or questions?

(NO RESPONSE)
CHAIRMAN: If not, the Chair is ready for a motion.

MR. CAMBRON: Motion for approval with the amendment to the text that Ms. Stone read and the Findings of Fact 1 through 6 and that's it.

CHAIRMAN: We have a motion for approval by Mr. Cambron.

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 3

Consider text amendments to the Owensboro Metropolitan Zoning Ordinance Article 9, Sign Regulations.

MS. STONE: This is an amendment to the Sign Regulations that the City of Owensboro asked us to look at in an effort to help encourage redevelopment downtown.

It's proposed to allow banners in a B-2 Central Business district to be attached to a principal building and extend out over the sidewalk a distance of 3 feet.

There's a height requirement of being 8
feet underneath the banner. There's also a
requirement proposed that would make the legislative
body grant approval and give the Planning Commission a
letter stating that they're held harmless from any
injury that may result from that banner, which is not
likely, but that provides protection in the event that
something on that right of way would fall and the city
is assuming that responsibility.

FINDINGS:

The Staff recommends approval of this
because the proposed text amendment is in compliance
with the community's Comprehensive Plan. Findings in
support of this recommendation include:

1. The proposal supports the promotion of
adequate, attractive and accessible shopping service
facilities by allowing another method of identifying
businesses in the B-2 Central Business District;

2. The proposal will help to promote the
revitalization and strengthening of older downtown
commercial areas; and,

3. With specific conditions and
requirements imposed, the proposal does not pose a
threat to the public health, safety and welfare and
will not constitute a hazard.

We would like this Staff Report entered as
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Exhibit B in the record.

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

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

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

MS. DIXON: Move to approve based upon Planning Staff Recommendations and Findings in support 1, 2 and 3.

CHAIRMAN: Motion for approval by Ms. Dixon.

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.

PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 4

3300, 3301, 3405 Daviess Street, 3300, 3301 Allen Street, 3401 St. Ann Street, 200-300 Blocks Park Ave.
Land Acquisition
Consider request for the acquisition of property in

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order to make improvements to the Harsh Ditch drainage system.

Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, Planning

Staff has reviewed this application. We find it to be consistent with the adopted Storm Water Master Plan and would recommend that you forward a letter to that affect to the City of Owensboro.

CHAIRMAN: Is anybody here representing the city?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have a question?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.
ITEM 5

9661 KY 56, 7900-8000 Blocks Cecil Road
Facilities Construction
Consider request for the construction of an embankment fill slope on the southern limits of the West
Louisville Elementary School property
Referred by: Daviess County Public Schools

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed. We find no conflict with the adopted Comprehensive Plan.

CHAIRMAN: Is anybody here representing the Daviess County Schools?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission have any questions?

(NO RESPONSE)

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

MR. HAYDEN: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

SISTER VIVIAN: Second.

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

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ITEM 6

101 Block East Veterans Boulevard, 101-301 Blocks West
Veterans Boulevard
Facilities Construction
Consider request for the construction of an MSE wall
from the RiverPark Center patio to west of the
Executive Inn Convention Center
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this request. The request is consistent with the River Front Master Plan. Mr. Cecil of the City of Owensboro is here tonight to answer any question you might have.

CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?

(NO RESPONSE)

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

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

CHAIRMAN: Motion for approval by Mr. Cambron.
MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carried unanimously.

Next item, please.

ITEM 7

122 East 18th Street
Land Disposition
Consider request for the sale of property
Referred by: City of Owensboro

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

CHAIRMAN: Does anybody in the audience have a question?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carried unanimously.

Next item, please.

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ZONING CHANGES - COUNTY

ITEM 8

3050 Fairview Drive
Consider zoning change: From I-2 Heavy Industrial to P-1 Professional/Service
Applicant: Envision Contractors, Gulfstream Development, LLC

ME. ELLIOT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

Conditions:

1. Submittal of a final development plan prior to the issuance of any building permits.

2. Installation of a left turn lane on Fairview Drive at the entrance to the proposed
Findings of Fact:

1. The subject property is located in an Industrial Plan Area, where Professional/Service uses are appropriate in limited locations;

2. The subject property will be nonresidential development;

3. The subject property is larger than one acre, is major street oriented and will serve as a buffer as required for new locations and Professional/Service use in an Industrial Plan area; and,

4. The installation of a left turn lane on Fairview Drive, the subject property will not overburden the capacity of roadways and other necessary urban services in the affected area.

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

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: If not, the Chair is ready for
MS. DIXON: Move to approve based upon Planning Staff Recommendation and Findings of Fact 1 through 4 and subject to Conditions 1 and 2.

MR. CAMBRON: Second.

CHAIRMAN: Motion for approval by Ms. Dixon. Second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLANS

ITEM 9

420, 422 East Third Street, 0.30 acres
Consider approval of final development plan
Applicant: Owensboro Christian Church, Kenny & Susan McPherson

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. It's found to meet the minimum requirements of the subdivision regulations and the adopted zoning ordinance.

The Board of Adjustment approved this conditional use permit for two group housing facilities located on each property involved in this development plan. The parking for one of the
facilities will be on the opposite tract. It's not to be consolidated in with the other tract.

Anyhow, this type of situation is allowed in the zoning ordinance based upon the revisions that occurred some time ago this committee approved to allow some flexibility in terms of parking. The development plan ties the parking on one lot to where the other lot could not be sold without re-addressing the parking situation. So with that it's in order.

CHAIRMAN: Anybody here representing the church?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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MAJOR SUBDIVISIONS

ITEM 10

2801, 2851, 2901, 2923, 2945 Bittel Road, 13.322 acres
Consider approval of major subdivision final plat.
Applicant: Covenant Health Properties, LLC

MR. NOFFSINGER: Mr. Chairman, Planning

Staff has reviewed this application. The application
is found to be in order; however, the proposed
development, if approved as submitted, would require a
number of exceptions to be granted by the Planning
Commission. Staff is not recommending approval of
this plat and Brian Howard will give a presentation in
terms of what has taken place thus far.

MR. HOWARD: I will start by showing a
plat of the proposed development. As you can see, it
has five lots with frontage on Bittel Road for
reference purposes.

Shively Park is in this area and then God
Shepherd Church is back here. Parrish Avenue would be
up in front.

What I will be talking about this evening
is the Staff comments pertaining to the subdivision
plat filed by Covenant Health Properties for this
property.

As submitted, as Mr. Noffsinger said, the
plat is not in order and it does not meet the
regulations of the subdivision ordinance.

First I will address Thompson Drive.
Thompson Drive is a stub street that has access on
Parrish Avenue currently. According to the zoning or
the subdivision regulations, dead end streets are
similar to cul-de-sacs in that they provide access
without -- except they don't have a proper -- it's a
circular ending on a street. They're not permitted in
any subdivision.

Stub streets, which are planned for future
continuation, are not considered dead end streets and
are appropriate for developments.

Also in subdivision regulations, proposed
subdivision streets show integrate and align with
existing streets and proposed streets within the
vicinity. It's also with the comprehensive plan to
encourage the logical expansion and maintenance of the
present transportation system.

This is a copy of a plan that was
submitted in 1984. This is Thompson Drive that shows

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where a stub extension of the property. Then as you can see the right of way was proposed to extend all the way to Bittel Road and that there would be an intersection there.

Thompson Drive currently is approximately 1335 feet in length. It states in the public improvement specifications that cul-de-sacs should be limited to 1,000 feet in length. So based upon all these factors, Thompson Drive should be extended to an intersection with Bittel Road. Since Triple Crown Way is a type of subdivision that is across the street, that extension and connection with Bittel Road should be in alignment with Triple Crown Way.

The applicant is aware of the requirement to extend Thompson Drive from previous discussions with the planning department pertaining to the development of this parcel.

Access is also concern. Bittel Road is classified as a major collector roadway, which means that there is a space requirement of 250 feet for any streets or drives.

As submitted there are no provisions for access limitation shown on the plat. As we previously stated, where that access is it should be in alignment with Triple Crown Way.
Lot size and shape is also a concern with this plat. The subdivision regulations state that lots with excessive depth compared to width should be avoided. What we use is a three to one length to width ratio requirement. That basically means if the lot is 100 feet wide it should be no deeper than 300 feet. Also point for irregular shape lots should be avoid unless there are topography concerns that might prohibit that from happening.

As this plat is proposed, every lot exceeds the three to one ratio. Lots 1 and 2 are very irregular in shape. It has been brought to our attention that the Owensboro Independent School District has plans to purchase this property; however, without them being the applicant and the public facility review being done, there's no guarantee that they will purchase this property. If that's the case, then we will have created five lots that are not in conformance with any regulations that could be sold to anyone at any time. So if this proceeds forward, one lot should be submitted. As the school -- if they are on say a five year plan to purchase property, one lot each year, then they could consolidate the existing lot with the new lot and do that under a consolidation division plat.

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I'll show a copy of the plat again just to kind of show you what I'm talking about.

Lot 1 is on the right side of the screen. As you can see, it has narrow frontage and then extends out to a wide four and a half acre parcel. Lot 2 is regular in shape and Lots 3, 4 and 5 are narrow and long in length.

As I just said, Lot 1 has narrow frontage. The property is zoned A-U, which is an urban agricultural zone. In that zone the minimum road front required is 100 feet. Lot 1 currently has approximately 56 feet of road frontage.

Also along the rear of the entire property, which is currently attached to Lot 1, is a 30 foot strip which is to be dedicated for Greenbelt construction. If that is the case, then the 30 foot strip should be zoned separate parcel and be dedicated as part of this plat.

Again, the subdivision plat, it's the long narrow strip along the back of the property. That should all be consolidated into one tract and dedicated at one time with the subdivision plat.

If the school system is to purchase the property, a public facility reviewed will have to be completed. It's a requirement that any public entity,
and that can be the school system, the city or county, RWRA, and utilities, if they have plans to purchase property, sell property, build buildings, whatever it may be, they're required to come before the Planning Commission, submit their plans, and have the Planning Commission review whether or not it's in compliance with the community's Comprehensive Plan.

Before this plat should be approved, a public facility review should be completed. Because as I say previously, without that there is no guarantee the school corporation or the school would purchase this property and it wouldn't be sold to any other people at this time.

That's a basic overview of our comments. As submitted the plat is not in order and Planning Staff recommends that the plat be denied.

CHAIRMAN: Do we have anybody here representing the school system?

MR. ELLIOTT: State your name, please.

MR. WILSON: Bill Wilson here on behalf of Owensboro Board of Education.

(MR. BILL WILSON SWORN BY ATTORNEY.)

MR. WILSON: The plat that we have just been hearing about has obvious problems that we've just learned about in the last day or so. Quite
frankly Dr. Vick and I are here to apologize to the Commission, but also to talk about this Thompson Drive thing which is a serious problem.

We would gladly take a withdrawal of the proposal on the plat tonight. Quite frankly I did think it was going to have initial 4 acre lot with a balance 9 acres. It's two lot plat. Didn't even realize the Greenbelt was going to be on the back of it. Talked to Jim Riney late this afternoon. I think he's in Baltimore for some reason. He's out of town. He thought the school district was under a contract obligation to purchase all this property. That's why he divided all of these lots, so each year -- but it's not a contract to buy. They're contractually obligated to the first four-acres to purchase. After that it's a continuing automatically renewable option.

So they're going to buy it, but we can't obligate future boards. We quite frankly don't have the money to buy more than the first segment.

The odd shape of that first segment was known with the exception of that finger at the Greenbelt. We agreed with the city back when we just recently released Shively Park for a 20, 25 year term. Paid a lot of money to the city in order to build a soccer complex out there; baseball, softball, soccer.
Of course, we've taken over the Shively Park area. We will be using it this spring for baseball. We're trying very hard to put together a big enough piece of ground to make a nice soccer complex for our students.

That's the reason for the odd shape of that tract 1, in conjunction with Shiveley Park that we have. We have sufficient ground there to make an adequate soccer facility. Still utilize what's there that the city has put there over the years.

That's the only one that we're contractually obligated to purchase. It doesn't have be that exact drawing, but it's got to be four acres or more. We can reconfigure that and certainly will reconfigure it to meet whatever your requirements are as frontage on Bittel Road.

The problem we're going to have, which I didn't hear about until yesterday afternoon, is this Thompson Drive thing. We can't do the project with a street running through the middle of it obviously. We're really sorry that whoever approved put Thompson Drive the way they did and left it like that. We don't see how that can be a problem with the school district. We may just buy 13 1/2 acres of just bare ground. There's nothing in the records that I knew of. I've heard today that perhaps Jack Wells and his
people were talked to about that previously. I never
heard that until today.

We're here tonight and I would like for
Dr. Vick, Superintendent Vick to explain to you all
what we hope to do out there for the students of our
school district. Admittedly we got the cart before
the horse with this plat and all these lots that don't
need to be on there. It needs to be an addition 4, 4
1/2 acres, another lot of some 9 acres. If we take
every year -- we had a drawing attached to our letter
agreement, it was basically what you've seen in this
plat. Every year we take another 2.3 acres and
something and pay so much money. It's a continuing
option. Automatically renewable, but our board does
have the right to opt out at any time. Certainly
correct that if that plat were approved you'd have a
lot of new legal descriptions created. I acknowledge
would not be right.

If I could, I'd like for Dr. Vick to
explain to you as to what we hope to do out there and
what we hope to have it look like once it's over with.
We realize that the public facilities plan has not
been presented. It needs to be presented. What we're
trying to do is get this deal where we've got a place
for kids to play soccer in the fall. We've been under
a lot of pressure from our own constituents. We try to find a really nice place and get a deal with the city, a long-term deal which in conjunction with a few acres. We can make it happen with just four acres, but it would be nice to corporate the whole thing. I'd like for Dr. Vick to explain to you what we hope to do.

MR. ELLIOTT: State your name, please.

MR. VICK: Larry Vick.

(MR. LARRY VICK SWORN BY ATTORNEY.)

Again, as Mr. Wilson stated, we apologize that we brought to you something that was not suitable for approval.

Our board has requested that we in all diligence work toward getting a soccer complex for our students as soon as possible. That's what we're trying to do. We'll try to expedite the process.

We contracted with Mr. Riney at HRG to design this soccer field even before we had title to the land in order to possibly have that facility ready for our students for this fall.

Again, we apologize for that. I think you understand that we were trying to do something for our kids.

The Kentucky Department of Education in Ohio Valley Reporting
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coming down and reviewing this cite with us
recommended to the board that we purchase this entire
tract of land from Mr. and Mrs. Wells. They suggested
that our newest elementary school was built in '57 and
that in the future we would need to consider a space
for additional new facility at some point in time.
They suggested that this would be an idea site for a
future new elementary school for our students.

That's where we really have problems with
the road running through there because we would not
want a road intersecting this property for a school to
be located because we would -- it would be barely
large enough. You're very familiar with the shape of
Owensboro Public School District and the available
land within this district in order to have adequate
facilities, particularly athletic fields for our
students, or space to build any new buildings.
There's not another 14 acres adjoining our school
district anywhere in the city that would be
satisfactory for our future needs. So we would very
much like to acquire all of this property and reserve
what we don't use for the soccer field for a future
elementary school. For being able for the students to
utilize the soccer field and the park area for play
area for our students. So we wouldn't even have to
cross a road in order to get to this area.

Again, as Mr. Wilson explained, we will fix the realign of the property and leave it all in one parcel, but we think what we need to acquire this new land. We had agreed the easement and they want a deed to the city for the Greenbelt. So we had offered to buy that and donate that to the city as part of our agreement to develop Shiveley Park and the soccer facility for our kids. Again, the road situation would be critical that we not have to extend this road through this property because it will destroy — I'm sorry that we got the cart before the horse. Again, we were just trying to expedite things so we can get the field hopefully ready for our kids for this fall.

Thank you.

CHAIRMAN: Thank you, Dr. Vick and Mr. Wilson.

I was made aware of this situation Thursday afternoon. The commission and the board has always been very favorable toward all of our schools and our facilities and trying to expand your facilities.

Mr. Noffsinger and I talked about the possibilities of an alternative to the situation. You all realize that we're faced with the land use plan
and the stubbing of Thompson Road coming right in to this area. There's some other alternatives that we've discussed and would like to discuss with you all at a later date. Possibly postponing this for now and then having both of you meet with the Staff to try to work out a situation where all parties will be in agreement with what happens.

Obviously the project is going to require compromise on both parts, but I think there is a workable solution in this situation.

Mr. Wilson, did you formally request a postponement?

MR. WILSON: Yes, Mr. Chairman. Withdraw the application. We will resubmit.

CHAIRMAN: Would you step to the podium just to state that, Mr. Wilson.

MR. WILSON: Yes, Mr. Chairman. You can withdrawal that application for approval of that plat, subdivision plat. We will resubmit it on public facility plan.

CHAIRMAN: Would you and Dr. Vick be willing to meet and work with the Staff so that we can put together a total package for the next meeting?

MR. WILSON: Certainly. We need to meet with the Staff and probably the people we're buying Ohio Valley Reporting
(270) 683-7383
the property from. I'm sure we can work something out.

CHAIRMAN: Thank you very much.

MR. NOFFSINGER: Make sure we take the appropriate action.

Mr. Wilson, are you also representing the applicant, because the applicant is —

MR. WILSON: I'm not legally representing the applicant, but John Bickel and Jack Wells know we're here tonight and verbally told us to come speak on behalf of the school district.

MR. NOFFSINGER: If you withdrawal the application, that requires no action by this board.

MR. WILSON: I think that's what they want. I do not represent them legally.

CHAIRMAN: So we do not need to take a vote on a withdrawal.

DR. BOTHWELL: Let's postpone it instead of withdrawing it.

CHAIRMAN: Stewart, which is the easiest?

MR. ELLIOTT: Well, the applicant has asked that it be withdrawn.

MR. JAGOE: He doesn't represent them.

MR. ELLIOTT: Well, in a way he is. He says that he has their permission.
MR. WILSON: We don't have title to this real estate yet. We are obligated to purchase it.

CHAIRMAN: What we want to do is just get it done correctly even though we don't have the applicant here.

DR. BOTHWELL: Do we postpone or do we withdrawal?

MR. ELLIOTT: He says he would like to have it withdrawn and resubmitted so I think that would probably be the best.

CHAIRMAN: Do we need to vote on a withdrawal?

MR. ELLIOTT: No. He's done it on the record officially.

CHAIRMAN: Thank you, Mr. Wilson and Dr. Vick.

Next item.

ITEM 11

The Highlands of Heartland, Phase 1, Lots 508-520, 528-537, 596, 636, 7.450 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $54,796.20
Applicant: Jagoe Development, LLC

MR. JAGOE: Mr. Chairman, I need to withdraw from this.

CHAIRMAN: Have the record note that Mr. Jagoe is withdrawing from this.

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MR. NOFFSINGER: This plat is in order and meets with the minimum requirements of the adopted subdivision regulations and the zoning ordinance. With that it is ready for consideration.

SISTER VIVIAN: Move for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT – WITH THE DISQUALIFICATION OF SCOTT JAGOE – RESPONDED AYE)

CHAIRMAN: Motion carries unanimous. Mr. Jagoe not voting.

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MINOR SUBDIVISIONS

ITEM 12

11334, 11380 KY 662, 16.858 acres
Consider approval of minor subdivision plat.
Applicant: James F. Howard

MR. NOFFSINGER: Mr. Chairman, Mr. Brian Howard is here briefly to describe what's taking place here.

MR. HOWARD: This plat comes before you because a smaller lot that will be created or in addition from the larger tract will be added to a
smaller lot which is currently in compliance with the three to one length to width ratio requirement; however, the addition of another acre and a half on the back side of the property will throw it over the minimum requirement. The part that will be added to this lot is far away from road frontage and it really won't have an impact on the overall development in the area.

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ITEM 13

1622, 1624 Payne Avenue, 0.22 acres (POSTPONED)
Consider approval of minor subdivision plat.
Applicant: Jeffery L. Parrish

MR. NOFFSINGER: Mr. Chairman, this plat involves two existing lots of record. It does create a situation where we're moving the property line to get it away or out of or there's a building, two buildings sitting on top of the line or in close proximity with the property line. This will correct that situation. So we're recommending it be approved.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 14

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11601, 11611, US 431, 2.381 acres
Consider approval of minor subdivision plat.
Applicant: Federal Home Loan Mortgage Corp., Scott Richmond

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. The plat is in order. This plat does create a lot that will be undersized. It's the 0.776 acre tract that's being created. This property is in an A-R zone which requires a minimum one acre lot size. The reason for this division is to put a lot line back where it originally was.

This area of the property, this 0.776 acres was consolidated in with the adjoining larger tract. There's a mortgage on that larger tract. The mortgage company is now taking over the property. Because of the way the mortgage is written, the mortgage company cannot take over the entire property, the 1.605 acres and the 0.776 acres because they do not have a mortgage on the 0.776 acres.

So we talked with the applicant and said to rectify this situation to go in and put the property line back where it was originally located. There should be a note on the plat stating that there should be no building permits issued on that particular piece of property.

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The question of how that property will be used in the future or what happened to it or what will happen to it will be addressed for another day, but this allows the bank to go ahead and follow through with the sell of the 1.605 acre tract to get it past the mortgage.

MR. CAMBRON: Haven't we visited this before, on this particular property?

MR. NOFFSINGER: We probably did when it was consolidated in with the larger tract.

MR. HOWARD: This probably was brought before you a few months ago. The property owner who owns the .7 acre tract was not willing to sign the plat at that time since they were losing the larger portion. They have now signed.

MR. JAGOE: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion, Mr. Jagoe.

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.

ITEM 15

5103, 5109 US 60 West, 34.855 acres
Consider approval of minor subdivision plat.
Applicant: Thomas & Myra Weis

MR. NOFFSINGER: Mr. Chairman, Mr. Howard will explain this plat.

MR. HOWARD: This plat comes before you because a rather narrow, long lot is being proposed of approximately two, a little over two acres with the remaining large agricultural tract remaining. It is not in compliance with the subdivision regulations. That's why it has to be presented before this committee. There is a shared access requirement on U.S. 60 that this lot and the remaining tract sharing access. That's a basic overview of the plat. If you have any questions, I'll be happy to answer them.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

DR. BOTHWELL: Mr. Chairman, is that part of the plat that is written in, that it is a shared entrance off of 60?
MR. HOWARD: Yes.

DR. BOTHWELL: That is part of the plat then?

MR. HOWARD: Right.

MR. CAMBRON: It does allow for access back to the cemetery plot back there?

MR. HOWARD: Yes.

MR. JAGOE: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion, Mr. Jagoe.

MR. JAGOE: Move to approve.

CHAIRMAN: Motion for approval by Mr. Jagoe.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

NEW BUSINESS

ITEM 16

Consider revision to the Owensboro Metropolitan Planning Commission planning filing fees.

MR. NOFFSINGER: Mr. Chairman, each member

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has been made aware of the increase that's being
proposed to certain planning filing fees. This
increase applies only to plats that are being recorded
in the Daviess County Clerk's office. It is an
increase of $20 per plat. That increase will go
toward the recording of the plat by the Planning Staff
in the clerk's office that will cover their fee and
the Staff's time for actually going over and making
the recording. All plats once they're approved by
this commission or by the Planning Staff will be
recorded by the Planning Staff rather than being
returned unrecorded to the surveyor. They will be
recorded.

CHAIRMAN: Does anybody have any
questions?

(NO RESPONSE)

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

DR. BOTHWELL: Motion to approve.

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 RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 17

Increase petty cash from $150 to $350.

MR. NOFFSINGER: This will be the amount of money that the planning office keeps on hand. This increase is necessary due to since we're going to be recording plats we need to make sure we have enough money on hand so that once a plat is recorded we can go over to the Daviess County Clerk's office and pay to have that plat recorded.

We did talk with the clerk's office to see if they would except another manner of payment such as billing the planning office or acceptance of credit cards; however, the Daviess County Clerk was unwilling to work with us on that so we are proposing to increase the petty cash amount and will be paying cash for those plat recordings.

CHAIRMAN: Any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Cambron.
MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

We're ready for one final motion.

MS. DIXON: Move to adjourn.

DR. BOTHWELL: Second.

CHAIRMAN: Motion for approval by Ms. Dixon. Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

I, LYNNETTE 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 50 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 29th day of March, 2005

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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