1	OWENSBORO METROPOLITAN PLANNING COMMISSION
2	OCTOBER 13, 2005
3	* * * * * * * * * * * * *
4	The Owensboro Metropolitan Planning
5	Commission met in regular session at 6:00 p.m. on
б	Thursday, October 13, 2005, at City Hall, Commission
7	Chambers, Owensboro, Kentucky, and the proceedings
8	were as follows:
9	MEMBERS PRESENT: Drew Kirkland, Chairman
10	Gary Noffsinger Nick Cambron
11	Dave Appleby Sister Vivian Bowles
12	Judy Dixon Dr. Bothwell
13	Martin Hayden Stewart Elliott,
14	Attorney Madison Silvert
15	Co-Counsel * * * * * * * * * * * * * *
16	CHAIRMAN: I would like to welcome
17	everybody to the October 3rd Owensboro Metropolitan
18	Planning Commission meeting. Our invocation and
19	pledge of allegiance will be given by Sister Vivian
20	Bowles. Please stand.
21	(INVOCATION AND PLEDGE OF ALLEGIANCE.)
22	CHAIRMAN: Our first order of business
23	will be to consider the minutes of the September 8,
24	2005 meeting. Are there any additions, corrections,
25	questions?
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1 (NO RESPONSE) 2 CHAIRMAN: If not the chair is ready for a 3 motion. MR. CAMBRON: Motion for approval, Mr. 4 5 Chairman. б CHAIRMAN: Motion for approval by Mr. 7 Cambron. 8 MR. APPLEBY: Second. 9 CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand. 10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 11 CHAIRMAN: Motion carries unanimously. 12 The next item of business is to swear in 13 14 Mr. Madison Silvert, our co-counsel. 15 Mr. Silvert, will you raise your hand, 16 please. (THE SWEARING IN OF MR. MADISON SILVERT AS 17 18 CO-COUNSEL.) 19 CHAIRMAN: Mr. Silvert, welcome you 20 aboard. Thank you very much. 21 Our next order of business, Mr. 22 Noffsinger. 23 _____ 24 ZONING CHANGES - CITY 25 ITEM 2 Ohio Valley Reporting (270) 683-7383

827 Clay Street, 0.10 acres 1 Consider zoning change: From B-4 General Business to R-4DT Inner-City Residential 2 Applicant: Simpson Investments, Inc. 3 MR. ELLIOTT: State your name, please. 4 5 MR. HOWARD: Brian Howard. б (MR. BRIAN HOWARD SWORN IN BY ATTORNEY.) 7 PLANNING STAFF RECOMMENDATIONS 8 Staff recommends approval because the 9 proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of 10 11 fact that support this recommendation include the 12 following: 13 Condition: 14 Install screening in accordance with the 15 requirements of the Zoning Ordinance between the residential and commercial zoned properties or obtain 16 a variance from the Owensboro Metropolitan Board of 17 Adjustments. 18 19 Findings of Fact: 20 1. The subject property is located in a Central Residential Plan Area, where urban low-density 21 22 residential uses are appropriate in general locations; 23 2. The subject property is adjacent to 24 residential uses to the north, east and west; 3. The historical use of the subject 25 Ohio Valley Reporting (270) 683-7383

property is residential, and the R-4DT zoning 1 2 classification is a more appropriate zone for the 3 subject property than the existing B-4 General 4 Business zone; and, 5 4. The applicant's request promotes the б Comprehensive Plan's housing goals to preserve 7 neighborhoods and housing within the inner-city. 8 MR. HOWARD: We would like to enter the 9 Staff Report as Exhibit A. 10 CHAIRMAN: Is there anybody here 11 representing the applicant? 12 (NO RESPONSE) CHAIRMAN: Does anybody have any 13 14 questions? 15 (NO RESPONSE) CHAIRMAN: If not the chair is ready for a 16 motion. 17 MR. CAMBRON: Motion for approval, Mr. 18 19 Chairman, based on Condition 1 and Findings of Fact 1 20 through 4. 21 CHAIRMAN: Motion for approval by Mr. 22 Cambron. 23 SISTER VIVIAN: Second. 24 CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand. 25 Ohio Valley Reporting (270) 683-7383

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 2 CHAIRMAN: Motion carries unanimously. 3 Next item, please. ITEM 3 4 5 Portion of 615 Crabtree Avenue, 0.23 acres Consider zoning change: From B-4 General Business б to I-1 Light Industrial Applicant: James Phillip Edge, Sr. 7 8 PLANNING STAFF RECOMMENDATIONS 9 Staff recommends approval because the proposal is in compliance with the community's adopted 10 Comprehensive Plan. The condition and findings of 11 12 fact that support this recommendation include the 13 following: 14 Conditions: 15 1. Landscaping and screening shall meet 16 the zoning ordinance requirements when a building permit, change in use or other activity is initiated 17 on site. 18 19 2. Access shall be limited to one 40 foot 20 curb cut per lot as reflected on the minor subdivision 21 plat submitted in conjunction with the rezoning. 22 Access shall be reconstructed when a building permit, 23 change in use or other activity is initiated on site. 24 Findings of Fact: 25 1. The subject property is located in a Ohio Valley Reporting (270) 683-7383

1 Business/Industrial Plan Area where light industrial 2 uses are appropriate in general locations; 3 2. The industrial and commercial uses are appropriate in a Business/Industrial Plan Area; and, 4 5 3. The 0.023 acre tract will be б consolidated with the adjoining I-1 Light Industrial 7 property but must first have the same zoning 8 classification. 9 MR. HOWARD: We would like to enter the Staff Report as Exhibit B. 10 CHAIRMAN: Is anybody here representing 11 12 the applicant? APPLICANT REP: Yes. 13 14 CHAIRMAN: Does anybody have any questions 15 of the applicant? (NO RESPONSE) 16 CHAIRMAN: If not the chair is ready for a 17 18 motion. 19 MS. DIXON: Move to approve subject to Conditions 1 and 2 based upon Findings of Fact 1, 2 20 21 and 3. 22 CHAIRMAN: Motion for approval by Ms. 23 Dixon. 24 DR. BOTHWELL: Second. 25 CHAIRMAN: Second by Dr. Bothwell. All in Ohio Valley Reporting (270) 683-7383

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1 favor raise your right hand. (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 2 3 CHAIRMAN: Motion carries unanimously. Next item. 4 5 _____ 6 ZONING CHANGES - COUNTY 7 ITEM 4 8 2800, 2810 KY 54, 3200 Alvey Park Drive West, 75.617 acres 9 Consider zoning change: From A-U Urban Agriculture, MHP Manufactured Housing Park and I-1 Light Industrial to B-4 General Business. 10 Applicant: B&K Development, LLC 11 12 MR. NOFFSINGER: Mr. Chairman, Planning Staff recommended this item be postponed until such 13 14 time as a preliminary development plan or other type 15 of formal development plan be submitted for review in conjunction with the rezoning. I do believe we have a 16 letter in the file from the applicant agreeing to a 17 postponement. So with that we would recommend it be 18 19 postponed and you take action as such. 20 CHAIRMAN: We'll need a motion on that. 21 MS. DIXON: Move to postpone. 22 CHAIRMAN: Motion to postponement by Ms 23 Dixon. 24 MR. CAMBRON: Second. 25 CHAIRMAN: Second by Mr. Cambron. All in Ohio Valley Reporting (270) 683-7383

favor raise your right hand. 1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 2 3 CHAIRMAN: Motion carries unanimously. Next item, please. 4 5 ITEM 5 б Portion of 1060 KY 554, 0.444+/-acres Consider zoning change: From A-R Rural Agriculture 7 to I-1 Light Industrial Applicant: Tomco Concrete Products, Inc., R.A. 8 Alexander & Sons 9 PLANNING STAFF RECOMMENDATIONS 10 Staff recommends approval because the 11 proposal is in compliance with the community's adopted 12 Comprehensive Plan. The findings of fact that support this recommendation include the following: 13 14 Findings of Fact: 15 1. The subject property is located in a 16 Rural Preference Plan Area where light industrial uses are appropriate in limited locations; 17 2. The proposal is a logical expansion of 18 an existing I-1 zoning classification immediately east 19 20 of the subject property; and, 21 3. The proposed rezoning will not 22 significantly increase the extent of the I-1 zoning 23 classification in the vicinity and will not overburden 24 roadway capacity and other urban services that are available in the affected area. 25

1 MR. HOWARD: We would like to enter the 2 Staff Report as Exhibit C. 3 CHAIRMAN: Is anybody here representing 4 the applicant? 5 APPLICANT REP: Yes. б CHAIRMAN: Does anybody have any questions 7 of the applicant? 8 (NO RESPONSE) 9 CHAIRMAN: If not the chair is ready for a motion. 10 MR. APPLEBY: Motion for approval based on 11 12 Planning Staff Recommendations and Findings of Fact 1, 2 and 3. 13 14 CHAIRMAN: Motion for approval by Mr. 15 Appleby. MR. HAYDEN: Second. 16 CHAIRMAN: Second by Mr. Hayden. All in 17 favor raise your right hand. 18 19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 20 CHAIRMAN: Motion carries unanimously. 21 Next item, please. 22 ITEM 6 23 1901, 1921 Leitchfield Road, 2050 East Parrish Avenue, 2.139 acres 24 Consider zoning change: From A-U Urban Agriculture to P-1 Professional/Service 25 Applicant: Steven M. Block

1 PLANNING STAFF RECOMMENDATIONS

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Staff recommends approval because the
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 3
       proposal is in compliance with the community's adopted
       Comprehensive Plan. The conditions and findings of
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 5
       fact that support this recommendation include the
 б
       following:
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       Conditions:
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                   1. Access shall be limited to a maximum
 9
       of one access point on East Parrish Avenue and one
       access point on Leitchfield Road to be determined by
10
11
       approval of a final development or site plan.
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                   2. The need for a right-turn decel and
       storage lane should be evaluated if the applicant
13
14
       requests access to East Parrish Avenue.
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       Findings of Fact:
                   1. The subject property is located in an
16
       Urban Residential Plan Area where professional/service
17
       uses are appropriate in limited locations;
18
19
                   2. The subject property is a logical
20
       expansion of an existing P-1 Professional/Service zone
21
       located immediately west of the subject property; and,
22
                   3. The proposed rezoning will not
23
       significantly increase the extent of the P-1 zoning
       classification in the vicinity and will not overburden
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       roadway capacity and other urban services that are
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1 available in the affected area. 2 MR. HOWARD: We would like to enter the 3 Staff Report as Exhibit D. 4 CHAIRMAN: Is anybody representing the 5 applicant? б (NO RESPONSE) 7 CHAIRMAN: Does anybody have any 8 questions? 9 (NO RESPONSE) 10 CHAIRMAN: If not the chair is ready for a motion. 11 12 MS. DIXON: Move to approve subject to Conditions 1 and 2 and based upon Findings of Fact 1, 13 14 2 and 3. 15 CHAIRMAN: Motion for approval by Ms. Dixon. 16 DR. BOTHWELL: Second. 17 CHAIRMAN: Second by Dr. Bothwell. All in 18 favor raise your right hand. 19 20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 21 CHAIRMAN: Motion carries unanimously. 22 Next item, please. 23 ITEM 7 24 5400 Blk Willow Brook Loop, 6.490 acres Consider zoning change: From A-R Rural Agriculture to R-1A Single-Family Residential 25

1 Applicant: O'Bryan Development, Inc.

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2	MR. NOFFSINGER: Mr. Chairman, the
3	applicant's engineer, Mr. Don Bryant, has requested
4	this application be postponed until the November
5	meeting of the Planning Commission which will be the
б	second Thursday in November. They wish to submit a
7	variance request to be considered in conjunction with
8	this rezoning and need time to do so. They would
9	respectfully ask that this item to be postponed.
10	CHAIRMAN: Do we have a motion to that?
11	MR. APPLEBY: Motion to postpone.
12	CHAIRMAN: Motion for postponement by Mr.
13	Appleby.
14	MR. CAMBRON: Second.
15	CHAIRMAN: Second by Mr. Cambron. All in
16	favor raise you right hand.
17	(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
18	MR. NOFFSINGER: Wait a second, Mr.
19	Chairman.
20	CHAIRMAN: Yes, sir, Mr. Noffsinger.
21	MR. DeLACEY: Our property
22	CHAIRMAN: Excuse me. Let me ask one of
23	you to step to the podium.
24	MR. DeLACEY: My name is John DeLacey.
25	(MR. JOHN DeLACEY SWORN BY ATTORNEY.)
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MR. DeLACEY: Our question is more in 1 regards to Item Number 10. We live on the Meadow Run 2 3 property and is that also on the agenda to be 4 postponed for the November meeting? 5 CHAIRMAN: Mr. DeLacey, it is on the б agenda. We'll bring it up. It looks like - - let's 7 wait until we get to that property before we - -8 because on postponement there's not really much to 9 discuss. 10 MR. DeLACEY: Sure. I understand that. 11 The reason we ask is because O'Bryan Development is 12 the same corporation that will be doing - -13 CHAIRMAN: Let me ask you if you'll sit 14 down and let us bring that item up. 15 MR. DeLACEY: Yes, sir. 16 CHAIRMAN: Next item. 17 _____ COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS 18 19 ITEM 8 20 Dutch Banks, 2.409 acres Consider approval of amended major subdivision preliminary plat/final development plan. 21 Applicant: Goetz Development 22 23 CHAIRMAN: Mr. Chairman, Planning Staff 24 has reviewed this application. We find the 25 application to be in order. The application is Ohio Valley Reporting (270) 683-7383

consistent with the adopted comprehensive plan as well 1 2 as the adopted zoning ordinance and subdivision 3 regulations. We would recommend a favorable action. 4 CHAIRMAN: Is somebody here representing 5 the applicant? б APPLICANT REP: Yes. 7 CHAIRMAN: Does anybody have any question 8 of the applicant? 9 (NO RESPONSE) CHAIRMAN: If not the chair is ready for a 10 11 motion. 12 MR. APPLEBY: Motion for approval. 13 CHAIRMAN: Motion for approval by Mr. 14 Appleby. 15 MS. DIXON: Second. CHAIRMAN: Second by Ms. Dixon. All in 16 favor raise your right hand. 17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 18 19 CHAIRMAN: Motion carries unanimously. 20 Next item, please. 21 ITEM 9 22 Fiddlesticks, 40.174+/- acres Consider approval of major subdivision preliminary 23 plat/final development plan. Applicant: Thompson Homes, Inc. 24 25 MR. NOFFSINGER: Mr. Chairman, this plan Ohio Valley Reporting (270) 683-7383

has been reviewed by the Planning Staff. It's found 1 2 to be in order. It has been reviewed for consistency 3 with the adopted comprehensive plan and is found to be in order. We have reviewed for its compliance with 4 5 the adopted subdivision regulations as well as the б zoning ordinance. Find it to be in compliance with 7 both and would recommend it's approval. 8 CHAIRMAN: Is anybody here representing 9 the applicant? 10 APPLICANT REP: Yes. CHAIRMAN: Does anybody have any questions 11 12 of the applicant? 13 (NO RESPONSE) 14 CHAIRMAN: If not the chair is ready for a 15 motion. MR. CAMBRON: Motion for approval, Mr. 16 17 Chairman. CHAIRMAN: Motion for approval by Mr. 18 19 Cambron. 20 MS. DIXON: Second. 21 CHAIRMAN: Second by Ms. Dixon. All in 22 favor raise your right hand. (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 23 24 CHAIRMAN: Motion carries unanimously. Next item, please. 25 Ohio Valley Reporting (270) 683-7383

1 ITEM 10

2	Meadow Run at Whispering Meadows, Section 3, 6.490 acres
3	Consider approval of major subdivision preliminary
4	plat/final development plan. Applicant: O'Bryan Development, Inc.
5	MR. NOFFSINGER: Mr. Chairman, the
6	applicant's engineer, Mr. Don Bryant, has requested
7	that this item be postponed so that it may be
8	considered in conjunction with the zoning change in
9	Item 7 on our agenda as well as a variance that they
10	plan to submit for consideration.
11	CHAIRMAN: Mr. DeLacey, since this item is
12	for postponement and the representative for this
13	company is not here, I would have to invite you to
14	come back. There's no issues or answers that we could
15	give you at this time.
16	MR. DeLACEY: They'll send us another
17	letter for the date?
18	MR. NOFFSINGER: No, sir, there will not
19	be any new letter sent out. That date of the meeting
20	will be November
21	CHAIRMAN: It will be the second Thursday
22	in November.
23	MR. HOWARD: I believe it's November 10th.
24	It's the second Thursday at 6:00.
25	CHAIRMAN: The chair is ready for a motion
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1 for postponement.

2	MS. DIXON: Move to postpone.
3	CHAIRMAN: Motion to postponement by Ms.
4	Dixon.
5	DR. BOTHWELL: Second.
6	CHAIRMAN: Second by Dr. Bothwell. All in
7	favor raise your right hand.
8	(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
9	CHAIRMAN: Motion carries unanimously.
10	Next item, please.
11	ITEM 11
12	Paddock Pointe, 2.330 acres
13	Consider approval of major subdivision preliminary plat/final development plan.
14	Applicant: Paul J. Martin, Paddock Swim & Tennis Club, Inc.
15	MR. NOFFSINGER: Mr. Chairman, the
16	applicant's engineer, Mr. Jim Riney, has requested
17	that this item be postponed so they can work out some
18	issues that have been raised by the state highway
19	department as well as the city engineer.
20	CHAIRMAN: Another postponement. Chair is
21	ready for a motion.
22	MR. CAMBRON: Motion for postponement.
23	CHAIRMAN: Motion to postpone by Mr.
24	Cambron.
25	MR. HAYDEN: Second.
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1 CHAIRMAN: Second by Mr. Hayden. All in 2 favor raise your right hand. 3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 4 CHAIRMAN: Motion carries unanimously. 5 Next item, please. 6 _____ 7 MAJOR SUBDIVISIONS 8 ITEM 12 9 Christian Church Campus of Owensboro, Inc., 3.0 acres Consider approval of major subdivision final plat. Surety (Certified Check) posted: \$31,612.34 10 Applicant: Garden Grace, Ltd. 11 12 MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and 13 14 Engineering Staff. It's found to be consistent with 15 the adopted comprehensive plan, our zoning ordinance as well as the adopted subdivision regulations. 16 CHAIRMAN: Anybody here representing the 17 applicant? 18 19 (NO RESPONSE) 20 CHAIRMAN: Anybody have any questions? 21 (NO RESPONSE) CHAIRMAN: If not the chair is ready for a 22 23 motion. 24 MS. DIXON: Move to approve. 25 CHAIRMAN: Motion for approval by Ms. Ohio Valley Reporting (270) 683-7383

1 Dixon. SISTER VIVIAN: Second. 2 3 CHAIRMAN: Second by Sister Vivian. All 4 in favor raise your right hand. 5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) б CHAIRMAN: Motion carries unanimously. 7 Next item, please. 8 ITEM 13 Lake Forest, Phase 4, Lots 239-333, 335-347, 9 46.732 acres Consider approval of revised major subdivision 10 preliminary plat. Applicant: Lake Forest Community, LLC 11 12 MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and 13 14 Engineering Staff. It's found to be in order. It's 15 found to be consistent with the adopted comprehensive plan as well as meeting the minimum specifications of 16 the zoning ordinance and subdivision regulations. 17 I will point out that this does propose a 18 19 connection to the Steeple Chase development via Derby 20 Chase. 21 CHAIRMAN: Is anybody here representing 22 the applicant? 23 APPLICANT REP: Yes. 24 CHAIRMAN: Does anybody have any questions 25 of the applicant?

1 (NO RESPONSE) CHAIRMAN: If not the chair is ready for a 2 3 motion. 4 SISTER VIVIAN: I move for approval. 5 CHAIRMAN: Motion for approval by Sister б Vivian. 7 MR. APPLEBY: Second. 8 CHAIRMAN: Second by Mr. Appleby. All in 9 favor raise your right hand. 10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 11 CHAIRMAN: Motion carries unanimously. 12 Next item, please. 13 ITEM 14 14 Lake Forest, Unit 23, Lots 239-240, 262-267, 3.726 acres 15 Consider approval of revised major subdivision final plat. 16 Surety (CD, Certified Check) posted: \$11,936.00 Applicant: Lake Forest Community, LLC 17 MR. NOFFSINGER: Mr. Chairman, this plat 18 19 has been reviewed by the Planning Staff and 20 Engineering Staff. It's found to meet the minimum 21 specifications of the adopted zoning ordinance and 22 subdivision regulations as well as be consistent with 23 the adopted comprehensive plan. 24 CHAIRMAN: Do we have anybody representing 25 the applicant?

1 APPLICANT REP: Yes. CHAIRMAN: Any questions of the applicant? 2 3 (NO RESPONSE) 4 CHAIRMAN: If not the chair is ready for a 5 motion. б MS. DIXON: Move to approve. 7 CHAIRMAN: Motion for approval by Ms. 8 Dixon. 9 MR. HAYDEN: Second. 10 CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand. 11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) 12 CHAIRMAN: Motion carries unanimously. 13 14 We have an announcement to make. A 15 scheduled citizen meeting for the Comprehensive Plan Ypdate. We're going to be at Dugan Best Recreation 16 Center at 1003 Omega Street on Tuesday, October 25th 17 at 6:00. 18 19 We're going to be at the Masonville Fire 20 Department at 10344 US Highway 231 on Tuesday, November 1st at 6 p.m.. 21 22 We're going to be at Kentucky Wesleyan 23 College at the Winchester Center on 3000 Frederica, 24 Tuesday, November 22nd at 6 p.m. 25 We're going to be at the Knoxville Fire Ohio Valley Reporting (270) 683-7383

1	Department at 9436 Kentucky Highway 144, Wednesday,
2	December 7th at 6 p.m.
3	Then we're going to be at the Wyndall
4	Foster Center at 1500 Triplett Street on Tuesday,
5	December 13th at 5 p.m.
6	There's going to be a few other meetings
7	that are not yet scheduled, but we will be announcing
8	those at a later date.
9	Mr. Noffsinger.
10	MR. NOFFSINGER: Yes, sir. I would state
11	that you can find these meeting times and dates on our
12	website at iompc.org. If you're interested in
13	attending any of these meeting and didn't get those
14	times or dates, you can call the office and we'd be
15	glad to share that with you.
16	These meetings are very important to the
17	update of our community's comprehensive plan. We
18	would certainly hope that we have a large turn out to
19	show interest in our comprehensive plan and where this
20	community is going to grow in the next 20 years.
21	CHAIRMAN: If there are no final comments,
22	the chair is ready for one final motion.
23	MR. APPLEBY: Move to adjourn.
24	CHAIRMAN: Adjournment by Mr. Appleby.
25	DR. BOTHWELL: Second.
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CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand. (ALL BOARD MEMBERS PRESENT RESPONDED AYE.) CHAIRMAN: We are adjourned. _____ Ohio Valley Reporting

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1 STATE OF KENTUCKY) SS: REPORTER'S CERTIFICATE 2 COUNTY OF DAVIESS) 3 I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that 4 5 the foregoing Owensboro Metropolitan Planning & Zoning б 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 present were as stated in the caption; that said 10 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 23 typewritten pages; and that no signature 15 was requested to the foregoing transcript. WITNESS my hand and notarial seal on this 16 the 1st day of November, 2005 17 18 19 LYNNETTE KOLLER, NOTARY PUBLIC 20 OHIO VALLEY REPORTING SERVICE 202 WEST THIRD STREET, SUITE 12 21 OWENSBORO, KENTUCKY 42303 22 COMMISSION EXPIRES: DECEMBER 19, 2006 23

- COUNTY OF RESIDENCE: 24 DAVIESS COUNTY, KENTUCKY
- 25

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