The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, January 12, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Jimmy Gilles
Irvin Rogers
Tim Miller
Judy Dixon
Martin Hayden
Madison Silvert
Attorney
Stewart Elliott,
Attorney

CHAIRMAN:  I would like to welcome everybody to our January 12, 2006, Owensboro Metropolitan Planning Commission. Our invocation this evening will be given by Mr. Madison Silvert.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to recognize Sister Vivian Bowles.

(RECOGNITION OF SISTER BOWLES.)

CHAIRMAN:  Our next order of business I'll
turn over to Madison Silvert, our co-counsel, for the
swearing in of the new member.

(SWEARING IN OF MR. TIM MILLER)

CHAIRMAN: Welcome to the board, Tim.

Glad to have you.

Madison, will you continue with the
election of the officers, please.

MR. SILVERT: Annually in January we have
election of officers.

First order of business is to elect the
chairman for the Planning Commission. Do I hear a
motion or a nomination for chairman.

MR. CAMBRON: I nominate Mr. Kirkland.

MR. APPLEBY: Second.

MR. SILVERT: Any other nomination?

(NO RESPONSE)

MR. SILVERT: Hearing none we'll take a
vote on chairman. Those who would like to elect Mr.
Kirkland as chairman please signify by saying aye.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Any opposed?

(NO RESPONSE)

MR. SILVERT: It is unanimous.

Next order of business is to elect the
vice chairman for the Planning Commission. Any
nominations?

CHAIRMAN: I'd like to nominate Mr. Cambron.

MS. DIXON: Second.

MR. SILVERT: Any further nominations?

(NO RESPONSE)

MR. SILVERT: Seeing none we'll now go into a vote. Those in favor of electing Mr. Cambron vice chairman, please signify by saying aye.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Any opposed?

(NO RESPONSE)

MR. SILVERT: It's unanimous.

Finally, the election of secretary.

Nominations for secretary?

CHAIRMAN: I'd like to nominate Mr. Appleby.

MR. CAMBRON: Second.

MR. SILVERT: Any further nominations?

(NO RESPONSE)

MR. SILVERT: Seeing none we'll move on to a voice vote. Those in favor of electing Mr. Appleby secretary please signify by saying aye.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Those opposed.
MR. SILVERT: It is unanimous.

Mr. Chairman.

CHAIRMAN: Thank you, Mr. Silvert.

Our next order of business is to consider the minutes of the December 8, 2005, meeting. Are there any additions, corrections?

(No response)

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

MS. DIXON: Move to approve.

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.

ZONING CHANGES - CITY

ITEM 4

Portion of 736 Ford Avenue, 0.045 acres
Consider zoning change: From R-1B Single-Family Residential to P-1 Professional/Service Applicant: Trinity Episcopal Church

MR. ELLIOTT: State your name for the Ohio Valley Reporting
(270) 683-7383
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. No new access to Ford Avenue shall be permitted; and,
2. Submittal of a consolidation plat to join the subject property with 720 Ford Avenue.

Findings of Fact:
1. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The proposed use will be for parking at an existing church and will be nonresidential in nature;
3. The proposal is a logical expansion of an existing P-1 Professional/Service zone located immediately east of the subject property; and,
4. The expansion of the P-1 zone should
not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Is there anybody representing the applicant?

APPLICANT REP: No.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

MR. CAMBRON: Chair ready for a motion?

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

MR. CAMBRON: Motion for approval based upon Conditions 1 and 2 and Findings of Fact 1 through 4, Mr. Chairman.

MS. DIXON: Second

CHAIRMAN: We've got a motion for approval by Mr. Cambron. Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.
Related Item:

ITEM 4A

720 Ford Avenue, 1.27 +/- acres
Consider approval of final development plan.
Applicant: Trinity Episcopal Church

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. It's found to be in order. It's found to meet minimum requirements of the adopted zoning ordinance as well as it's consistent with the adopted comprehensive Plan.

CHAIRMAN: Does anybody have any questions?

(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. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes unanimously.

Next item, please.

ITEM 5

4017 Frederica Street, 625 Time Drive, 1.625 acres
Consider zoning change: From R-3MF Multi-Family Residential to P-1 Professional/Service
Applicant: Diocese of Owensboro, Our Lady of Lourdes

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 and approval of a final development plan; and,
2. Submittal and approval of a consolidation plat.

Findings of Fact:
1. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The proposed use will be for parking at an existing church and will be nonresidential in nature;
3. The proposal is a logical expansion of an existing P-1 Professional/Service zone located immediately north of the subject property; and,
4. The expansion of the P-1 zone should

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not overburden the capacity of roadways and other
necessary urban services that are available in the
affected area.

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

CHAIRMAN: Is there anybody here
representing the applicant?

MR. BRYANT: Yes.

CHAIRMAN: Does anybody have any questions
of the applicant?

MR. HAYDEN: Do I understand that this is
a parking lot?

CHAIRMAN: Excuse me, sir. Please to come
the mike.

MR. ELLIOTT: State your name, please.

MR. HAYDEN: Steven Hayden.

(MR. STEVEN HAYDEN SWORN BY ATTORNEY.)

MR. HAYDEN: Am I to understand that this
is to be a parking lot?

CHAIRMAN: Let me bring the applicant to
the mike.

MR. ELLIOTT: State your name, please.

MR. BRYANT: Don Bryant.

(MR. DON BRYANT SWORN BY ATTORNEY.)

MR. BRYANT: Let me find my papers here.

Ohio Valley Reporting
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Let me try to answer the question.

CHAIRMAN: Mr. Bryant, his question was in regards to is it a parking lot?

MR. HAYDEN: Is there no structure?

MR. BRYANT: No structure is involved.

What this is is frontage property that was apartments that have been already demolished and it's property along Time Drive that is being incorporated into the overall site and to be part of the parking. There are no new buildings or anything proposed for this. It's just the property needs to be rezoned in order that it can all be consolidated into a single tract with light zoning. Does that answer your question?

MR. HAYDEN: Just one other question. Is there access to the parking lot off of Time Drive or is it through the church property only?

MR. BRYANT: There is access off of Time Drive.

MR. HAYDEN: There will be access off of Time Drive into the parking?

MR. BRYANT: Yes.

MR. HAYDEN: That's all. Thank you.

CHAIRMAN: Are there any more questions?

(NO RESPONSE)

CHAIRMAN: Mr. Bryant, do you have any
more statements?

MR. BRYANT: Not unless there's a question.

CHAIRMAN: Does the commission have any questions?

(NO RESPONSE)

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

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

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.

ITEM 6

802, 808, 810, 812, 814, 816 West Fourth Street, 410 Elm Street, 0.565 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: H.L. Neblett Community Center, Inc.

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the

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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. No access shall be permitted to West Fourth Street. Access shall be from Elm Street and Poplar Streets only; and,

2. Consolidation plat shall be submitted and approved to consolidate the subject property to the H.L. Neblett Center property.

Findings of Fact:

1. The subject property is located in a Business/Industrial Plan Area, where general business uses are appropriate in general locations;

2. Development of the subject property will be nonresidential in character; and,

3. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-4 General Business zoning classification.

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

CHAIRMAN: Is anybody representing the applicant?
APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move to approve based upon Conditions 1 and 2 and Findings of Fact 1, 2 and 3.

CHAIRMAN: Motion for approval by Ms. Dixon.

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.

ITEM 7

1300 East Ninth Street, 0.68 acres
Consider zoning change: From I-1 Light Industrial to B-5 Business/Industrial
Applicant: Bryant Commercial Multiple, LLC

PLANNING STAFF RECOMMENDATIONS

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

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Conditions:

1. Access along East Ninth Street shall be consolidated to a single access as far away from the intersection as possible with curb and gutter installed;

2. No backing to/from the site into the right-of-way of East Ninth Street or Jackson Street shall be permitted;

3. Required landscaping and vehicular use area buffers shall be installed in accordance with current zoning regulations; and,

4. Within 30 days of January 12, 2006, sufficient surety shall be posted to bring the site to current standards with all work being completed within 18 months of the referenced date.

Findings of Fact:

1. The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;

2. The subject property lies within an existing area of mixed residential, business and light industrial uses;

3. The Comprehensive Plan provides for

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the continuance of mixed use areas; and,

4. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: If you have any questions.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anyone from the commission have any questions?

(NO RESPONSE)

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

MR. ROGERS: Mr. Chairman, motion for approval based upon Planning Staff Recommendations with the Conditions 1, 2, 3 and 4 and Findings of Facts 1, 2, 3 and 4.

CHAIRMAN: Motion for approval by Mr. Rogers.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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DEVELOPMENT PLANS

ITEM 8

3101, 3121 West Second Street, 7.41 acres
Consider approval of final development plan
Applicant: Owensboro Humane Society

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. Found to be in order. It's found to meet with minimum requirements of the zoning ordinance and consistent with the adopted comprehensive plan.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MR. HAYDEN: I make a motion for approval.

CHAIRMAN: Motion for approval by Mr.
Hayden.

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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MAJOR SUBDIVISIONS

ITEM 9

The Brooks, Unit 4, Lots 21, 22, 37-40, 55-57, 68-71, 2.498 acres
Consider approval of major subdivision final plat.
Surety posted (Certificate of Deposit) posted: $12,173.80
Applicant: Owensboro Master Builder, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It's found to be in order. It's found to be consistent with the minimum requirements of the adopted subdivision regulations, zoning ordinance and consistent with the adopted comprehensive plan.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?
(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. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 10


MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find it to be consistent with the adopted subdivision regulations, the adopted zoning ordinance, and consistent with the adopted comprehensive plan.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions
of the applicant?

(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 carries unanimously.

Next item, please.

ITEM 11

H&I Development, 2.38 acres
Consider approval of major subdivision final plat.
Surety previously posted
Applicant; H&I Development

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. Found to be consistent with the adopted subdivision regulations, zoning ordinance and the adopted comprehensive plan.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

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CHAIRMAN: Does anybody have any questions of the applicant?
(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.
ITEM 12
Highlands of Heartland, Phase IA, Lots 521-527, 2.140 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $7,843.20
Applicant: Jagoe Development, LLC
MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed. Found this plat to be consistent with the adopted comprehensive plan, the adopted zoning regulations and subdivision regulations.
CHAIRMAN: Is anybody representing the applicant?
APPLICANT REP: Yes.
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.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13

Highlands of Heartland, Phase 1B, Lots 504-507, 637, 638, 2.376 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $11,912.40
Applicant: Jagoe Development, LLC

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this plat. We find it to be consistent with the adopted subdivision regulations, zoning ordinance and comprehensive plan.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Does anybody have any questions of the applicant?

(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. 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.

ITEM 14

Highlands of Heartland, Phase 3, Lots 618-628, 3.825 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $8,533.80
Applicant: Jagoe Development, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It's found to be consistent with the adopted subdivision regulations, zoning ordinance and comprehensive plan.

CHAIRMAN: Is anybody representing the applicant?

(NO RESPONSE)
CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. HAYDEN: Make motion to approve.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

MINOR SUBDIVISIONS

ITEM 15

7758 Joe Haynes Road, 2.285 acres
Consider approval of minor subdivision plat.
Applicant: Evelyn Hagan

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this plat. We find that it is inconsistent with the adopted subdivision regulations and are not recommending it for approval at this time.

The Planning Commission denied this plat back a few months ago in that it creates an
irregular-shaped lot which we have 50 feet of frontage on public right-of-way and it goes back a considerable distance before it widens out. It's what we have termed in the past as being a flag-shaped lot.

The applicant, as I said, was not here the night that was denied to present their case. I believe the applicants are here tonight and would like for you to consider their testimony.

I will say that there is additional frontage on this remaining tract to where additional frontage could be granted to the property and to meet the regulations. So with that the applicant is here tonight.

CHAIRMAN: Somebody representing the applicant?

MR. ELLIOTT: State your name, please.

MR. SMITH: My name is Donny Smith.

(MR. DONNY SMITH SWORN BY ATTORNEY.)

MR. SMITH: I've got about five minor points to present to the board for your consideration. The first is that this is Jerry Howard and I'm Jerry's brother-in-law. Jerry wants to build a home adjacent to four of his nine siblings. There's four of us that live in this area. Jerry's home will be built on land
that's been owned by Jerry's mother for nearly 50 years. This land was first acquired in 1956.

Jerry's lot will encompass approximately 2.5 acres. I think you guys said two and a quarter acres.

One of the adjacent siblings plans to purchase the remaining 10 acres owned by the mother and no more homes will be built on this land.

The remaining ten acres will not be sold. The current plans call for using the land to raise cattle.

Jerry wants to build his home on the site that will not be prone to flooding as well as providing the most safe for his wife and two young children. The lot that Jerry builds is further back from the road, which is this flag lot that you guys are talking about.

Just to summarize. Jerry wants to raise his family on the same land where he was raised surrounded by other family members. It's kind of a unique situation where we live. We have a joke and we call it Howardville because there's four of Jerry's relatives all around there.

It is unusual for that flag lot, but the way we can see it it's going to be a good move for
Jerry and for his family. That's all I've got to say.

CHAIRMAN: Mr. Smith, thanks for your brief and very to the point presentation. We have appreciate that.

Just a question. In other words, the flag goes between your lot or your house, which is a family member, and Hardesty, which is another family member. Then the lot, the other part of the flag over here or the part that's not in the flag, the big part of the acreage is still owned by the mother?

MR. SMITH: Correct.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, what the Staff would recommend, as I stated earlier, that the lot not be approved as it is because it is inconsistent with the subdivision regulations in two ways.

Number one, it does not contain the 100 feet of frontage that's required at the building setback line and that's what creates this flag-shaped lot.

Number two, it exceeds the depth to width ratio which has been established of 2 1/2 or 3 to 1.

For every 100 feet of road frontage, you have say you
could only go back approximately 300 feet.

What Staff would recommend is that if the Planning Commission would entertain or ask the applicant if they would be willing to increase the road frontage to this particular lot. Right now there's 260 feet of road frontage available to the proposed lot and the remainder. If they would split the frontage between this proposed lot and the remainder 130 feet for each lot and then bring the line straight back or it could even be somewhat of an angle or askew in there to more of the rear of the property so as to at least keep 100 foot width. Then you would only be looking at an exception to the depth to width ratio. They would still meet, you would meet the frontage requirement getting around the flag lot. You would be creating an irregular-shaped lot; however, it only is irregular in that it exceeds the depth to width ratio. We certainly understand that you could subdivide the property and meet the requirements of the regulations. However, that may not be the best in their minds in terms of where the best building site is on the property. In order to - - if you could build two homes on the property now the way it is and get two lots that meet the regulations, but there's a better building location. If we could
split the road frontage between the two and be in compliance there, then it's just an issue of the depth to width radio. Planning Staff has in the past approved exceptions to that depth do width radio. That would be the Staff's recommendation.

CHAIRMAN: Mr. Noffsinger, would you want him to go from what amounts to split half of the frontage, the remaining front on Joe Haynes Road and go all the way back to the line of the approximate old railroad. Go here all the way straight back or would you want him to go back and then cut over?

MR. NOFFSINGER: Ideally that would be what we would recommend. However, I would at least like to see you split the road frontage of 260 feet of 130 and 130 and then go back in a straight line that may angle more toward I guess east of the property, but not be any narrower in that flag area that's shown at 100 feet. We need to maintain at least 100 foot width in that area. So you could come back with that line at the road at 130 feet from the property line, from the east or west corner and then take that straight back or you could angle it to meet the property pin that's been established for the new lot at the rear.

I hope I've made that clear. It's easier
to show on paper than it is for me to describe it.

CHAIRMAN: Mr. Smith, should I call upon Mrs. Hagan or her son?

MR. SMITH: The son.

CHAIRMAN: Let me ask you to step to the podium.

MR. ELLIOTT: State your name, please.

MR. HOWARD: Jerry Howard.

(MR. JERRY HOWARD SWORN BY ATTORNEY.)

CHAIRMAN: Mr. Howard, did you follow Mr. Noffsinger's recommendation?

MR. HOWARD: Yes.

CHAIRMAN: Obviously it's your decision to make.

MR. HOWARD: So it's 130 feet in the front and go back to the existing pin that --

CHAIRMAN: What would be idea is to start there on Joe Haynes.

MR. HOWARD: So 130 feet of road frontage is what I have to have?

CHAIRMAN: 130 feet and then come back as Mr. Noffsinger described it so that you keep that depth to width ratio. In other words, we would still have, you would meet the requirements of the depth to width ratio.
MR. HOWARD: Thank you.

CHAIRMAN: Is that something you would accept as a condition?

MR. HOWARD: Yes.

CHAIRMAN: Mr. Noffsinger, would you want to define that?

MR. NOFFSINGER: Yes, Mr. Chairman. Given what the applicant has stated, I would recommend that you approve the division with the stipulation that each tract, the proposed tract and the remainder have 130 feet of frontage each or thereabouts. It's split. The frontage is split between the two. Then that line goes straight back to the rear property line, or you can place an angle on that proposed property line so long as you do not go below 100 feet in width on that lot. What I'm speaking there is an angle in that line where you start here at the road, but then you're going more toward your proposed rear property line, but we have to maintain at least 100 feet here.

MR. HOWARD: The remaining property is going to be added to another piece of property there. My brother to the other side is going to buy the rest of it, if that makes any difference at all.

CHAIRMAN: Well, you're making the property conducive to both parties.
I just happen to notice. It looks like – are you going to use Mr. Riney to draw this back up again?

MR. HOWARD: Yes.

CHAIRMAN: We might want to ask Mr. Riney to make him familiar with this so he'll know exactly what we're trying to get done.

MR. NOFFSINGER: Yes, we can certainly do that.

I would like to add that I recommend that you authorize that in the record to sign this plat once the plat is in order so that they do not have to come back before Planning Commission for approval and that will save them some time.

CHAIRMAN: Okay.

You're familiar with what the recommendation has been made and you are agreeable to the recommendation?

MR. HOWARD: Yes.

CHAIRMAN: Okay.

Mr. Appleby, why don't you form that up in a motion for us.

MR. APPLEBY: I would make a motion that the plat be approved with the condition that it have a minimum of 130 feet of road frontage. At no point be
narrower than 100 feet and that the director be
authorized to sign this plat once it's amended.

MR. GILLES: Second.

CHAIRMAN: We've got a motion by Mr. Appleby and a second by Mr. Gilles. All in favor
raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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NEW BUSINESS

ITEM 16

Consider changes to Form P1 - Public Improvements
Surety Unit Costs

MR. NOFFSINGER: Mr. Chairman, the
Planning Commission has been asked to consider tonight
the Public Improvements Surety Unit Costs for certain
types of infrastructure that's put in place as new
development occurs.

What we've recommended to you here tonight
has been reviewed by a committee that's made up of the
city and county engineer, and the Planning Staff,
several of the private engineers here in this
community, as well as the developers. We are
recommending that all unit costs stay the same as this
commission approved back in June of '04 with the exception of three amounts.

Manholes will increase from $1,500 to $1,800 each. Valley Curb & Gutter would increase from $6 to $6.50 linear foot. Box Curb & Gutter would increase from $7 to $7.50 a linear foot. These surety amounts would stay in place until January of '07. The committee would get back together and review those amounts. We're certainly recommending that you approved these surety amounts tonight.

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

CHAIRMAN: I would say 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 carries unanimously.

The chair is ready for one final motion.

MS. DIXON: Move to adjourn.
MR. APPLEBY: Second.

CHAIRMAN: Motion for adjournment by Ms. Dixon. Second by Mr. Appleby. 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 34 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 1st day of February, 2006.

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

Ohio Valley Reporting
(270) 683-7383