

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 14, 2006

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 September 14, 2006, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 Gary Noffsinger
10 Tim Miller
11 Irvin Rogers
12 Dave Appleby
13 Nick Cambron
14 Judy Dixon
15 Dr. Mark Bothwell
16 Martin Hayden
17 Stewart Elliott, Attorney
18 Madison Silvert, Attorney

19 CHAIRMAN: Everybody please rise. Our
20 invocation will be given by Mr. Nick Cambron.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Our first order of business is to
23 consider the minutes of the August 10, 2006 meeting.
24 Are there any questions, corrections, additions?

25 MR. NOFFSINGER: No.

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

1 DR. BOTHWELL: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, Mr. Noffsinger.

7 -----

8 PUBLIC HEARING

9 ITEM 2

10 Consider text amendments to the Owensboro Metropolitan
11 Zoning Ordinance, Article 13, Article 13.8E Mercantile
12 to reduce the parking requirement for retail sales
13 establishments and home improvement centers.

14 MR. ELLIOTT: State your name, please.

15 MR. HOWARD: Brian Howard.

16 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

17 MR. HOWARD: I'll give you all a brief
18 overview of what this amendment is about.

19 We were approached to evaluate our parking
20 requirements, as Mr. Noffsinger said, for retail uses
21 and home improvement centers.

22 We contacted several communities in the area
23 to see what their parking requirements were to
24 compare. Based upon our findings, we are proposing
25 that the parking requirement be changed to allow one
parking space for every 300 square feet for buildings

1 that are over 5,000 square feet and one space per 400
2 square feet for buildings under 5,000 square feet.
3 The requirements would be the same. It would be
4 buildings over 5,000 square feet that are home
5 improvement centers would be required one space for
6 300 as well. We would recommend that you approve
7 these changes to the zoning ordinance based on the
8 following findings:

9 1. The proposed parking requirements would be
10 similar to the ratios in effect for many years before
11 the 2004 Owensboro Metropolitan Zoning Ordinance
12 update;

13 2. Communities contacted by the Planning
14 Staff with less restrictive parking requirements
15 indicated no adverse impacts have resulted due to
16 lower parking requirements;

17 3. The proposed parking requirements will
18 assist in the development of smaller commercial lots
19 throughout the community; and,

20 4. The proposed parking requirement will use
21 less of the communities valuable land resources and
22 reduce the amount of impervious land to help reduce
23 drainage and water run-off from commercial sites.

24 We would like to enter the Staff Report as
25 Exhibit A.

1 MR. NOFFSINGER: Mr. Chairman, if I may. The
2 Planning Commission tonight would consider approval of
3 these amendments. Should they approve these
4 amendments tonight then they would go to the City of
5 Owensboro, the Daviess County Fiscal Court, and the
6 City of Whitesville for final action. You are merely
7 a recommending body for the zoning ordinance and the
8 legislative bodies, which would be the city commission
9 and fiscal court would be the bodies that actually
10 adopt the amendments. Again, you are only
11 recommending that they be approved or not approved.

12 CHAIRMAN: Thank you, Mr. Noffsinger.

13 Are there any questions?

14 (NO RESPONSE)

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

17 MR. CAMBRON: Would that be a recommendation
18 motion?

19 MR. NOFFSINGER: It would be a motion for
20 approval, but you're only recommending they do not go
21 into effect until - -

22 MR. CAMBRON: My motion is for approval, but
23 only recommended, on Findings of Fact 1 through 4.

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

1 MR. APPLEBY: Second.

2 CHAIRMAN: Second by Mr. Appleby. All in
3 favor of the motion raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, please.

7 -----

8 CELLULAR TELECOMMUNICATIONS FACILITIES
9 PER KRS 100.987

10 ITEM 3

11 9511 KY 54

12 Consider approval of a wireless telecommunication
13 tower.

14 Applicant: Daniel Kinney, Reggie, Lisa and Kevin
15 Grimmatt; Gulf States Towers II, LLC

16 MR. HOWARD: The applicant is proposing to
17 construct a 195 foot tall monopole cellular tower just
18 outside the City of Whitesville. The proposed
19 location is on top of a hill. There are two existing
20 water tanks in the vicinity and Kenergy has a
21 microwave tower in the vicinity as well.

22 No lighting would be required of the tower
23 based on the height and it meets all of the applicable
24 zoning regulations.

25 I would like to note that we have been
contacted and heard concern from Kenergy in regards to
interference that may occur between the new proposed

1 tower and the existing microwave tower that they have.

2 I know the applicant is here. We received
3 written confirmation from that applicant that Altel
4 would be responsible for mitigating any type of
5 interference that would occur due to their FCC
6 licensing requirements and their investment and
7 infrastructure and willingness to make this site work.
8 Just like to bring that before you with that one
9 condition or further recommendation.

10 CHAIRMAN: Are there any questions?

11 (NO RESPONSE)

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

14 MR. ROGERS: Motion for approval.

15 CHAIRMAN: Motion for approval by Mr. Rogers.

16 MS. DIXON: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

22 -----

23 ZONING CHANGES

24 ITEM 4

25 309 East 16th Street, 0.147 acres

1 Consider zoning change: From I-1 Light Industrial to
2 B-5 Business/Industrial
3 Applicant: AMJ Properties, LLC

3 PLANNING STAFF RECOMMENDATIONS

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

8 FINDINGS OF FACT:

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

13 2. The subject property lies within an
14 existing area of mixed general business and light
15 industrial uses;

16 3. The Comprehensive Plan provides for the
17 continuance of mixed use areas; and,

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

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

24 CHAIRMAN: Are there any questions?

25 (NO RESPONSE)

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

3 MS. DIXON: Move to approved based upon
4 Planning Staff Recommendations and Findings of Fact 1
5 through 4.

6 CHAIRMAN: Motion for approval by Ms. Dixon.

7 MR. CAMBRON: Second.

8 CHAIRMAN: Second by Mr. Cambron. 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 -----

14 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

15 ITEM 5

16 Deer Valley, Section 1, Lots 1-87, 48.832 acres
17 Consider approval of major subdivision preliminary
18 plat/final development plan.
19 Applicant: Deer Valley Subdivision, LLC; Robert B
20 and Robin Moorman

21 MR. NOFFSINGER: Mr. Chairman, this
22 application has been reviewed by the Planning Staff
23 and the Engineering Staff. It's found to meet the
24 minimum requirements of the zoning ordinance and
25 subdivision regulations.

I would add that not only does it meet the
minimum requirements, in many areas this development

1 exceeds the requirements. There's been a lot of
2 concessions made on the part of the developer in this
3 case and many cases where we would not have achieved
4 some of these provisions had they not been willing to
5 do so.

6 Again, it does exceed the minimum requirements
7 of the ordinance and is ready for consideration.

8 MR. JAGOE: Mr. Chairman, I need to disqualify
9 myself.

10 CHAIRMAN: Mr. Jagoe is on the record as
11 disqualifying himself.

12 Are there any questions?

13 (NO RESPONSE)

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

16 MR. APPLEBY: Motion for approval.

17 CHAIRMAN: Motion for approval by Mr. Appleby.

18 MR. CAMBRON: Second, Mr. Chairman.

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

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

23 CHAIRMAN: Motion carries unanimously.

24 Thank you.

25 -----

1 DEVELOPMENT PLANS

2 ITEM 6

3 3175 Fairview Drive, 0.610 acres (POSTPONED FROM JULY
4 13, 2006 MEETING)
5 Consider approval of amended final development plan
6 Applicant: B.C.E. Properties, LLC

7 MR. NOFFSINGER: Mr. Chairman, this plan has
8 been reviewed by the Planning Staff and the
9 Engineering Staff. It is found to be in order. It's
10 found to meet the minimum requirements contained
11 within the zoning ordinance and subdivision
12 regulations.

13 This commission approved the development plan
14 back a few years ago. I don't have the exact date.
15 This matter was subject to litigation. In fact, it
16 went all the way to the appeals court. The appeals
17 court sent this development plan back to the Planning
18 Commission for reconsideration as well as to consider
19 a zoning change for the property because there were
20 certain conditions placed upon the zoning at that time
21 that the courts felt should be amended before this
22 Planning Commission could technically approve the
23 development plan.

24 So the applicant has gone back through the
25 zoning change process. This commission recommended it
be approved. The Daviess County Fiscal Court

1 forwarded the rezoning to the City of Owensboro since
2 the property had been annexed into the city. The City
3 of Owensboro has taken the necessary steps to
4 officially rezone the property and remove any
5 conditions that would limit the access to the
6 property.

7 Before you tonight is the same plan that you
8 considered back some time ago that was part of the
9 challenge. At that time or at the time of the zoning
10 change on July 13, 2006, the Planning Commission did
11 find that the development plan was based on, the
12 access was based on the potentially unsafe and
13 unefficient flow of traffic at the site without the
14 approval of the access point in question.

15 The willingness of the applicant to provide an
16 access easement to the property to the south for
17 future interconnection and the commitment to extend
18 the pedestrian sidewalk curb and gutter is a part of
19 the new access point.

20 These same findings came from the February 12,
21 2004 OMPC meeting where this Planning Commission
22 approved the development plan, which is in question.

23 So the Planning Staff comes before you tonight
24 recommending that the plan be approved, that it does
25 meet the minimum requirements of the zoning ordinance

1 and subdivision regulations. However, you are
2 considering an exception to the Access Management
3 Manual. You have already technically considered the
4 exception to the Access Management Manual of this
5 driveway because you recommended approval of the
6 rezoning, and the rezoning was also approved by the
7 City Commission. However, to make it legitimate, you
8 must consider this development plan and base your
9 findings based upon previous testimony and the
10 previous rezoning.

11 CHAIRMAN: Thank you.

12 Are there any questions?

13 MR. ELLIOTT: State your name, please.

14 MR. BAYLOUS: Edward A. Baylous, II.

15 (MR. EDWARD BAYLOUS, II SWORN BY ATTORNEY.)

16 MR. BAYLOUS: Mr. Chairman, Members of the
17 Planning Commission, my name is Edward Baylous. I
18 represent the Clarks.

19 The Clarks own an adjacent piece of property.
20 They have asked me to speak on their behalf objecting
21 to the approval of this final development plan.

22 They did not appear at the prior meeting
23 approving the plan because the notice requirements
24 don't require any notice as with the zoning change and
25 some of the other items that the board considers, but

1 they object.

2 The major basis of their objection is they own
3 a piece of property adjacent to this. They have had
4 access from their property on Fairview Drive or onto
5 Fairview Drive since before any development or before
6 the prior zoning change was approved that allowed the
7 development of essentially the property owned by the
8 applicant here.

9 You're approving an exception to the zoning or
10 the access manual. Their concern is that by approving
11 this their understanding is that any further
12 development of their property will require them to
13 lose their access onto Fairview Drive because of the
14 proximity with the access or in the modified
15 development.

16 Based on that, they feel that this constitutes
17 - - granting them this right essentially removed is
18 going to end up adversely impacting the right that
19 already exist to their property.

20 CHAIRMAN: At this point in time let us pursue
21 that question and I'll ask Mr. Noffsinger.

22 Mr. Noffsinger, would that be the case?

23 MR. NOFFSINGER: Well, of course, I cannot
24 speak to what the future will hold with this
25 particular piece of property that's in question with

1 the Clarks.

2 Right now it is correct to say that the
3 property does have access to Fairview Drive and that's
4 been well documented. However, the property is zoned
5 A-U Urban Agricultural and is used for residential
6 activities, according to my research, is located
7 entirely within the floodway. So before the property
8 could have a change in use, there would have to be a
9 considerable amount of work performed to remove the
10 property from the floodway and then access would be
11 addressed at that time.

12 What we're doing here in terms of a shared
13 access point, which Mr. Baylous has brought up in
14 other meetings, for example, the city commission back
15 when they had the second reading was issued a shared
16 access point. Yes, we are requiring an easement
17 through the Wyndall's Fuel Center to provide access
18 over to the Clarks' property, if at some point in time
19 the Clarks' property should redevelop to a
20 non-residential use. That's not to say that they will
21 have to use that. We are merely setting up the
22 opportunity, if you will, for that to occur. The
23 applicant is willing to provide the Clarks with an
24 access easement across their property.

25 The access point to the Clarks' property does

1 not meet the spacing standard that's contained in the
2 Access Management Manual, which I believe is a 500
3 foot spacing standard. The Clarks' access point is
4 approximately from Villa Point is approximately 431
5 feet from the center line of Villa Point to the center
6 line of their access point. Therefore, it does not
7 meet the 500 foot spacing standard.

8 Now, if we were looking at the development of
9 Clarks' property now and the development of this
10 particular property, the Wyndall's Fuel Center, we
11 would certainly be looking at shared access point to
12 those two properties today.

13 What we would look at in the future is no
14 different than what we're looking at now. Because if
15 the Clarks were to have access, we would want to make
16 sure that it would be shared with their neighbor, the
17 adjoining neighbor, which just so happens the
18 Wyndall's Fuel Center is coming in first.

19 If the Clarks were in and the Wyndall's Fuel
20 Center wasn't up for discussion, we would be asking
21 the Clarks to provide a shared access point or a
22 shared access easement over to the Wyndall's Fuel
23 Center for future development. Now, that's not saying
24 that the Planning Staff or the Planning Commission
25 will require the use of that shared access easement by

1 the Clarks should their property develop. We don't
2 know that. We don't know who will be sitting on this
3 commission. We don't know who will be on staff. So
4 it's a question we can't answer today. However, what
5 we can say is that access to the Clarks' property will
6 not change so long as there is not a change in use.
7 If there is a change in use, the same consideration
8 would be applied to that change in use in the future
9 we would apply today.

10 We're looking at an opportunity here for both
11 properties to have access and perhaps share access in
12 the future. It could be a situation where the Clarks
13 have a separate access point.

14 CHAIRMAN: So at this point in time, Wyndall's
15 Fuel Center has provided for a joined access?

16 MR. NOFFSINGER: They have provided the access
17 entirely on their property and they are granting an
18 access easement through their property for the use of
19 the Clarks in the future. That's not saying they have
20 to do that.

21 CHAIRMAN: Thank you.

22 DR. BOTHWELL: I'm looking on this map, and of
23 course we're not really able to tell the length from
24 Wyndall's Fuel Center down to Green River Drive. Does
25 that length offer them the opportunity to have another

1 access point along that space of land at a later time?

2 MR. APPLEBY: The existing access point. They
3 wouldn't get an additional. Is that what you're
4 asking?

5 DR. BOTHWELL: Well, I'm not sure what's there
6 now.

7 MR. NOFFSINGER: There's a major ditch there
8 on the other side of the Clarks' property which would
9 pretty much preclude a - -

10 DR. BOTHWELL: Unless they want to build
11 bridges.

12 MR. NOFFSINGER: Exactly. It would be rather
13 costly.

14 DR. BOTHWELL: Thank you very much.

15 MR. CAMBRON: I'm sure all the way, from there
16 all the way up to Green River Drive is still in the
17 floodway?

18 MR. NOFFSINGER: I can't answer that for
19 certain. Perhaps a portion of it is. Distance from
20 the center of that ditch, but probably not all of it.

21 CHAIRMAN: Do you have another question?

22 MR. BAYLOUS: Well, I think the other point
23 that I'd like to make in the record is when you're
24 also talking about measurement from Villa Point Drive
25 entrance onto Fairview Drive. I just want it clear in

1 the record that the Clarks' access onto Villa Point
2 Drive predates or access onto Fairview Drive also
3 predates the Villa Point Drive access. So if there's
4 a problem with the access, from the access manual,
5 then the situation is Villa Point Drive has already
6 been an exception, if I'm understanding Mr. Noffsinger
7 correctly.

8 MR. NOFFSINGER: Yes, sir. When Villa Point
9 was approved, it was approved with an exception. Had
10 they have met the spacing standards, that would have
11 pushed it further down on Fairview Drive and it would
12 have made it closer to the Clarks' access point.
13 Certainly you would have had even less than, much less
14 than 500 feet, which I think I said now you have about
15 431 feet. If they hadn't met the spacing standard for
16 that street, then the distance would have been about -
17 - well, I don't want to say about, but the distance
18 would have been much less between Villa Point and the
19 Clarks' driveway.

20 CHAIRMAN: Do we have any other questions?

21 (NO RESPONSE)

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

24 MR. CAMBRON: Mr. Chairman, I'd like to make a
25 motion for approval based upon the previous testimony

1 and the past approval of the original development plan
2 back in, and I'm going to have to use a date here.
3 It's on this one here, Mr. Noffsinger, 2003, December
4 of 2003, maybe January, February. I hate to be vague,
5 but I'm not sure exactly.

6 DR. BOTHWELL: I think he said February '04.

7 MR. NOFFSINGER: And would like to introduce
8 the transcript of that meeting into the record.

9 MR. CAMBRON: Yes, the transcript into the
10 record. Of course, that's previous testimony. That's
11 my motion, Mr. Chairman.

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

14 DR. BOTHWELL: Second.

15 CHAIRMAN: Second by Dr. Bothwell.

16 Do we have discussion?

17 MR. NOFFSINGER: One question I have. We're
18 asking to enter the transcript of the February 2004
19 transcript into the record, February 12, 2004, into
20 the record. I just have a question of legal counsel.

21 Is that acceptable and then we'd like to do
22 that without reading?

23 MR. ELLIOTT: Yes.

24 MR. CAMBRON: Do I need to restate that then
25 or are we okay with that?

1 MR. NOFFSINGER: So we are entering - -

2 MR. CAMBRON: The previous testimony of the
3 February 12, 2004 meeting into the record.

4 MR. NOFFSINGER: Into the record without
5 reading it.

6 MR. ELLIOTT: As an exhibit.

7 MR. NOFFSINGER: Yes. As an exhibit.

8 CHAIRMAN: On the floor right now we have a
9 motion for approval by Mr. Cambron. We had a second
10 by Dr. Bothwell. All in favor of the motion raise
11 your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 MAJOR SUBDIVISIONS

17 ITEM 7

18 Deer Valley, 176.01 acres
19 Consider approval of major subdivision final plat.
20 For development transfer only, no surety required
Applicant: Deer Valley Subdivision, LLC

21 MR. NOFFSINGER: Mr. Chairman, this plat has
22 been reviewed by the Planning Staff and Engineering
23 Staff. It's found to be in order.

24 I will state for the record that phase 1 will
25 be coming off of 231 and there will only be a single

1 access point to 231 and that will be the main street
2 coming in. There will not be individual driveways
3 onto 231. The developer has also dedicated additional
4 right-of-way for future development widening of 231 as
5 well as adding a right turn decel and storage lane
6 into the facility. We're certainly appreciative of
7 what they've done in that case for future roadway
8 improvements.

9 MR. JAGOE: Mr. Chairman, I need to disqualify
10 myself.

11 CHAIRMAN: Let the record show that Mr. Jagoe
12 is disqualifying himself.

13 Do we have any questions?

14 MR. CAMBRON: I have a quick question, Mr.
15 Chairman.

16 Mr. Noffsinger, will the decel lane be put in
17 here pretty quick before they start the big
18 development or is that something that comes later?
19 I'm just curious.

20 MR. NOFFSINGER: Mr. Howard, I'll ask him to
21 address that.

22 MR. HOWARD: Whenever they come in with a
23 final plat for that they would have to post surety for
24 that improvement.

25 MR. CAMBRON: I don't think that answered my

1 question. That's fine. I was just asking, will that
2 be one of the first things that happens out there,
3 they'll go on and work on that decel lane to get into
4 the development?

5 MR. HOWARD: I don't know.

6 CHAIRMAN: Ms. Stone, do you have a comment?

7 MR. ELLIOTT: State your name, please.

8 MS. STONE: Becky Stone.

9 (MS. BECKY STONE SWORN BY ATTORNEY.)

10 MS. STONE: I was just going to comment that
11 it would be up to their engineering policy what
12 improvements would be done first; however, there would
13 be surety posted for all of those improvements to
14 assure that that would be completed.

15 MR. CAMBRON: I just had some questions. I've
16 had some neighbors ask me if that would be one of the
17 very first things they'd do.

18 MS. STONE: We don't have any way of knowing
19 that, but Mr. Bryant may be able to answer that.

20 MR. ELLIOTT: State your name, please.

21 MR. BRYANT: Don Bryant.

22 (MR. DON BRYANT SWORN BY ATTORNEY.)

23 MR. BRYANT: I don't think the turn lane will
24 be the very first thing that will be installed. They
25 will be doing excavation work on the site and will be

1 creating that major basin down at the lower corner.
2 We'll start with that and then will be doing bulk
3 excavation. At the exact point in time when the turn
4 lane will be put in, I think that will be coordinated
5 with the street construction and I can't really tell
6 you when that will be finished. A lot of that work is
7 scheduled, tentatively scheduled to be done this year;
8 hopefully, you know, weather permitting. We will be
9 expecting at least a portion of that construction to
10 take place by the end of the year.

11 MR. CAMBRON: That's all I needed.

12 CHAIRMAN: Thank you.

13 Are there any other questions?

14 (NO RESPONSE)

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

17 MR. APPLEBY: Motion for approval.

18 CHAIRMAN: Motion for approval by Mr. Appleby.

19 MR. MILLER: Second.

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

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

24 CHAIRMAN: Motion carries unanimously.

25 Next item.

1 ITEM 8
2 3175 Fairview Drive, 0.610 acres (POSTPONED FROM JULY
3 13, 2006 MEETING)
4 Consider approval of major subdivision final plat.
5 Surety Previously Posted
6 Applicant: B.C.E. Properties, LLC

7 MR. NOFFSINGER: Mr. Chairman, this plat has
8 been reviewed by the Planning Staff and the
9 Engineering Staff. It's found to be in order and
10 ready for consideration.

11 CHAIRMAN: Do we have any questions?

12 (NO RESPONSE)

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

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

17 CHAIRMAN: Motion for approval by Mr. Cambron.

18 MS. DIXON: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item.

24 -----

25 MINOR SUBDIVISIONS

26 ITEM 9

27 9059, 9103 Sacra Drive, 0.960 acres

1 Consider approval of minor subdivision plat.
Applicant: George L. Wiles, Jr.; Michael L. Green

2

3 MR. NOFFSINGER: Mr. Chairman, this plat has
4 been reviewed by the Planning Staff. It comes before
5 you as a plat that I could not sign in-house because
6 it is asking for an exception to the requirements.

7 Back some time ago the two lots involved in
8 this development were separate lots and they were
9 consolidated into a single piece of property. Now
10 they're putting that division line back in place.
11 Although it doesn't meet the minimum requirements of
12 the subdivision regulations, it is putting it back the
13 way it existed prior to the consolidation. It does
14 appear to have two homes on the property so it makes
15 sense that you do that.

16 CHAIRMAN: Are there any questions?

17 (NO RESPONSE)

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

20 MR. APPLEBY: Motion for approval.

21 CHAIRMAN: Motion for approval by Mr. Appleby.

22 DR. BOTHWELL: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 ITEM 10

4 9511 KY 54, 0.23 acres
5 Consider approval of minor subdivision plat.
6 Applicant: Dave Kinney; Reggie, Lisa and Kevin
7 Grimmett

8 MR. NOFFSINGER: Mr. Chairman, this plat has
9 been reviewed by the Planning Staff. It is a lot for
10 the location of the cellular tower that we considered
11 in Item 3. Because it is an undersized lot, I cannot
12 sign that plat, but we do recommend that this
13 commission approve it for the location of that tower.

14 I would like to add that this tower will
15 provide what we hope will be much needed service
16 within the Whitesville area.

17 At one of our plan meetings that we had with
18 the City of Whitesville, one of their particular
19 concerns was cellular coverage within the Whitesville
20 area. A lot of drop calls. We feel like the location
21 of this tower this will add the ability for better
22 coverage in that Whitesville area.

23 Again, it was one of the concerns that the
24 folks in Whitesville had. We certainly hope that with
25 this we can take care of some of their coverage needs.

CHAIRMAN: Are there any questions?

1 MR. HOWARD: I would just like to add one
2 point of clarification.

3 As Mr. Noffsinger said, the plat is in order;
4 however, the engineering and surveying company that
5 did the plat is out of town. They were not able to
6 get the owner's signature on the plat before the
7 meeting this evening. They were on the original that
8 was submitted, but when we sent it back for
9 corrections, they were not able to get their
10 signatures prior to this meeting; however, it is in
11 order and we would recommend that you go on and
12 approve it based upon the owners signing the plat.

13 CHAIRMAN: Mr. Elliott, is there any problem
14 with that?

15 MR. ELLIOTT: No.

16 CHAIRMAN: With that the chair is ready for a
17 motion.

18 DR. BOTHWELL: Motion for approval based on
19 the condition stated by Mr. Howard, that the
20 signatures be obtained as a final act to move forward.

21 CHAIRMAN: Motion by Dr. Bothwell for approval
22 with conditions.

23 MR. HAYDEN: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 At this point in time I wanted to announce
4 that we will not be on TV in October. They will be
5 remodeling, extensive remodeling done to this room so
6 the commission meeting will not be televised in
7 October, but according to Mr. Noffsinger we will be
8 back on in November. So anybody that wants to comes
9 down here we will be having our regular meeting here
10 at City Hall on the fourth floor at 5:30. There will
11 be no TV.

12 If there are no further comments, the chair is
13 ready for one more motion.

14 MR. APPLEBY: Move to adjourn.

15 MS. DIXON: Second.

16 CHAIRMAN: Motion for adjournment by Mr.
17 Appleby. Second by Ms. Dixon. All in favor raise
18 your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: We are adjourned.

21 -----

22

23

24

25

1 STATE OF KENTUCKY.)
2)SS: REPORTER'S CERTIFICATE
3 COUNTY OF DAVIESS)

4 I, LYNNETTE KOLLER FUCHS, Notary Public in and
5 for the State of Kentucky at Large, do hereby certify
6 that the foregoing Owensboro Metropolitan Planning
7 Commission meeting was held at the time and place as
8 stated in the caption to the foregoing proceedings;
9 that each person commenting on issues under discussion
10 were duly sworn before testifying; that the Board
11 members present were as stated in the caption; that
12 said proceedings were taken by me in stenotype and
13 electronically recorded and was thereafter, by me,
14 accurately and correctly transcribed into the
15 foregoing 28 typewritten pages; and that no signature
16 was requested to the foregoing transcript.

17 WITNESS my hand and notary seal on this the
18 6th day of September, 2006.

19

20

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

21

22 COMMISSION EXPIRES: DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25

26