The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, February 14, 2008, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman  
Judy Dixon, Vice Chairman  
David Appleby, Secretary  
Gary Noffsinger, Director  
Madison Silvert, Attorney  
Jimmy Gilles  
Irvin Rogers  
Wally Taylor  
Keith Evans  
Martin Hayden  
Rita Moorman

* * * * * * * * * * * * * * * * * *

CHAIRMAN:  I would like to welcome everybody to our February 14th Valentine's Day meeting of the Owensboro Metropolitan Planning Commission. Will you please rise for our invocation and our pledge.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to welcome and swear in our new member, Ms. Rita Moorman.

(MR. MADISON SILVERT SWEARS IN RITA MOORMAN.)

CHAIRMAN:  Thank you. Welcome to the
Commission, Ms. Moorman.

MS. MOORMAN: Thank you.

CHAIRMAN: Our next order of business is to consider the minutes of the January 10th meeting. Are there any questions, additions, corrections?

(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. EVANS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

--------------------

ZONING CHANGES

ITEM 2

800, 812, 816 East Second Street, 805, 809, 815, 823 829 East Third Street, 225 Pearl Street, 1.883 acres
Consider zoning change: From B-4 General Business, I-1 Light Industrial, P-1 Professional/Service and R-4DT Inner-City Residential to B-4 General Business Applicant: Owensboro Grain Company, LLC

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.
MR. HOWARD: Before I enter the Staff Report into the record, I'll mention that all rezonings tonight will be final 21 days after the Planning Commission recommendation tonight, unless a form is filed with our office that would require to go before a legislative body for approval. Those forms are available I believe on the back table or on our website.

PLANNING STAFF RECOMMENDATION

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 access shall be permitted to East Second Street;

2. All vehicular use areas shall be paved and appropriate vehicular use area screening shall be installed where adjacent to road right-of-way; and,

3. A 10' landscape easement with a six foot element and one tree every 40 linear feet shall be installed where adjoining residentially zoned property.
FINDINGS OF FACT:

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

2. Approximately one-half of the subject property is currently zoned B-4 General Business;

3. The proposal is a logical expansion of B-4 zoning onto land that generally abuts the same streets; and,

4. With no access to East Second Street, the expansion of the B-4 zoning should not significantly increase the extent of the zone in the vicinity of the expansion and 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 into the record as Exhibit A.

CHAIRMAN: Is there anybody representing the applicant?

MR. SULLIVAN: Mike Sullivan.

CHAIRMAN: Mr. Sullivan, will you stay there until we see if we've got any questions.
Do we have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

CHAIRMAN: If not, Mr. Sullivan, you may sit down.

Chair is now ready for a motion.

MR. GILLES: Motion to approve based on Conditions 1 through 3 and Findings of Fact 1 through 4.

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

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 3

7094 U.S. Highway 231, 2.651 acres
Consider zoning change: From R-1A Single-Family Residential to B-4 General Business
Applicant: Donna Wink Mitchell and Karen Wink Morris

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal
is in compliance with the community's adopted Comprehensive Plan; however, the input from neighboring properties should be taken into consideration with the rezoning request. The conditions and findings of fact that support this recommendation include the following:

CONDITIONS:

1. Access to the subject property should be consolidated into a single access;
2. All vehicular use areas shall be paved and vehicular use area screening shall be installed; and,
3. A ten foot landscape buffer with a six foot element and one tree every 40 linear feet shall be installed along the west and east property boundaries.

FINDINGS OF FACT:

1. The subject property is located in a Rural Community Plan Area, where general business uses are appropriate in limited locations;
2. There is existing B-4 General Business zoning located immediately east of the subject property;
3. With frontage on US 231, the subject property is major street oriented; and,
4. Although not located on the corner of
intersecting streets, there is not an urban concentration of residential uses in the vicinity.

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?

MR. EVANS: Mr. Chairman, I would like to excuse myself from this vote.

CHAIRMAN: Let the record note Mr. Evans has excused himself from the vote.

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

MR. APPLEBY: Mr. Chairman, I make a motion for approval based on the Staff Recommendation with Conditions 1 through 3 and Findings of Fact 1 through 4.

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

MS. HATFIELD: We're neighbors and we're here
to talk against.

CHAIRMAN: Mr. Appleby, would you mind holding your --

MR. APPLEBY: Certainly.

CHAIRMAN: We would like to recognize you, but I asked if anybody had any questions.

MS. HATFIELD: We didn't have any questions for the applicant. We just have statements.

CHAIRMAN: Ma'am, just step to the podium if you would.

MR. SILVERT: State your name, please.

MR. HENDERSON: Brian Henderson.

(MR. BRIAN HENDERSON SWORN BY ATTORNEY.)

MR. HENDERSON: Wonder if I could distribute some pictures of the area of the property in question.

CHAIRMAN: Yes. If you would, go ahead.

MR. HENDERSON: Unfortunately I didn't make a copy for everybody so if you can share.

CHAIRMAN: Go ahead and proceed with your presentation.

MR. HENDERSON: I just have a few concerns with the commercial nature of the property. As you can see in the one photo, one page of photos is from our background. It shows the open nature of our yard.

The six foot element required by the
commercial property would really hinder the feeling of
the openness out back. Our house is a real modest
house. There's not a whole lot of features to it.
The setting of it is one of the features and I think
that would kind of impede on the valuable feature that
we have.

The second page that you have in an aerial
photo centered on 7094 Highway 231. It's the property
that's requesting the rezoning. My property is 7074.
It's to the north of the property or to the left as
you're look at it on the page. You can see my lot
isn't very large compared to the other lots that does
border. It kind of boxes me in. If they were to put
fence around the property or if the use was to change,
I really don't have any room to get away from the use
of the property. The proposed usage of the property
is an antique store. That's about as best as I could
hope for that would go in there as a commercial
property. Unfortunately there's not much control of
the current owners of what it turns into after they
were to sell it. Future use is a concern of mine, but
the current proposed use isn't so much a concern, but
long-term future use is what I'm really concerned
about. That's all I have.

CHAIRMAN: Do we have somebody representing
the applicant?

MR. CAMBRON: Nick Cambron.

(MR. NICK CAMBRON SWORN BY ATTORNEY.)

CHAIRMAN: Mr. Cambron, there's been some questions raised by a neighbor about how this property is going to be used. Obviously an antique store is the answer to that. Could you shed any more light to the commission about how the business is going to be conducted?

MR. CAMBRON: Ms. Mitchell and her sister are going to be conducting a business there. They will be selling antiques. Most of the time it will be by appointments only, but they will be open on the weekends. Their hours of operation will be normal hours of operation for a business. I'm sure it won't be open until late in the afternoon on Sundays. Then I'm sure it won't be open past six.

Very little traffic that would be coming in and out. They don't expect a ton of people in and out.

They've taken a piece of property that was in kind of a disrepair and brought it up to code. I think it would be a great asset to the community, and especially along 231 there. Does that answer your question, Mr. Chairman?
CHAIRMAN: Thank you, Mr. Cambron.

Do you realize what we've got here and the situation facing the commission is the adjoining property at 7100 is already zoned commercial, is general business.

MR. HENDERSON: I guess however they are here tonight to rezone.

CHAIRMAN: That's their prerogative at this time. When the application was made for this piece of property next-door, that property was already zoned commercial. B-4 general business, I'm sorry.

MR. HENDERSON: I just wanted to voice my concern.

CHAIRMAN: I think Mr. Noffsinger could possibly address some of your concerns about what the requirements are going to be on the general business for now and for the future.

Mr. Noffsinger.

MR. NOFFSINGER: B-4 general business zone is a general business zone. It allows for the retail sale of merchandise as well as professional offices in that zone. The applicant has not submitted a development plan so we do not know exactly what they intend to do with the property, other than they have indicated to you it will be an antique shop. They are
required to screen on the east and west sides with a
six foot high continuous element. Whether that be a
privacy fence or bushes. It could be that. They are
required to pave their parking. It would be operated
as if any other business in a B-4 zone. That's really
all I know and all that the applicant has shared with
us.

It's my understanding that once upon a time
there was some type of commercial use on this
property. It was conveyed to me it was a service
station.

The question would be the adjoining property
is zoned B-4 now, but there's no history of that
property being used for commercial purposes. It could
have been that there was an error at the time that the
county was zoned and the property, the subject
property that we're considering now should have been
commercial and the adjoining property should have been
something other than commercial. That goes back at
least prior to 1980. Our records show that that
adjoining property has been zoned commercial since
1980. With that the comprehensive plan does allow for
properties to be rezoned to commercial if they adjoin
existing commercial zoning. So that's kind of where
we are now.
MR. CAMBRON: Can I address one thing, Mr.

Chairman?

CHAIRMAN: Yes, Mr. Cambron.

MR. CAMBRON: I want to just reiterate too

that Ms. Mitchell is going to keep it in a quaint
cottage type atmosphere. It's not going to be neon
lights and so on and so forth. It's just going to
have a low key operation.

CHAIRMAN: She would be required to meet the
zoning requirements of general business. That would
be what she would need to do.

MR. CAMBRON: Yes.

CHAIRMAN: Are there any other questions from
any other members?

Yes. Step the podium.

MR. SILVERT: State your name, please.

MR. HATFIELD: My name is William Hatfield.

(MR. WILLIAM HATFIELD SWORN BY ATTORNEY.)

MR. HATFIELD: I apologize for not knowing the
procedure. It's the first time here for us.

CHAIRMAN: You're doing fine. The procedure
is very simple. You're doing fine.

MR. HATFIELD: I've got some photos.

CHAIRMAN: Why don't you hand them to Mr.

Rogers.
MR. HATFIELD: I just made one copy. I've got on the back what the position is.

CHAIRMAN: That way you can continue on with your presentation.

MR. HATFIELD: My property is adjacent to the subject of the rezoning property request.

As I am sure everybody is aware, 231 is a heavily traveled quarter connecting Ohio and Daviess Counties. Statistics indicate it's a major thoroughfare. It has a high accident rate. As a 15 year resident, I can attest to that and how much the road is used and congested.

The subject property of this debate, as well as my resident, is located between Sutherlin Lane and Masonville-Habit Road.

I contacted Mr. Tyler Free with the Daviess County Sheriff's Department yesterday to find the following statistics:

The distance between Sutherlin Lane and Masonville-Habit Road, which these properties both lie, is eight-tenths of a mile. Between the dates of January 1st through January of 2008 it was stated that eight accidents was reported on 231 in every tenths of a mile. This is one accident for one-tenth of a mile. Mr. Free stated there's a number of accidents is very
high for the short distance or roadway involved. This
is no way of knowing how many accidents went
unreported either.

As a long time resident, I can attest that
it's not uncommon to see emergency vehicles used in
this stretch of road maybe two or three times daily.

With the college expansion already approved in
Owensboro, this highway will become more and more
heavily traveled.

Since this debate is not located adjacent to a
side street which will allow for off highway access,
the criteria stated by the Planning Commission and the
Staff Report, it will generate an increase in traffic
over the already heighten usage use.

It could greatly have an negative impact on
roadway congestion and increase the already high
accident ratio.

We are here to rezone our property also.
We're the ones that have the commercial property B-4.

There's several reasons which we will address
if needed tonight if our zoning change is approved as
requested. The applicant's findings was a logical
expansion of B-4 becomes invalid and the subject will
be incompatible with the current land use in this area
as already addressed by the Planning Commission's
We do believe growth in our good community of Masonville, a growth infringes upon its neighbors and long time residents is not right nor good.

We currently enjoy our privacy and unobstructed views and feel our property, persons and pets are safe and secure. If the subject of this debate is allowed to become zoned as a retail business, all of these things will change and it will decrease our quality of life as we currently know it.

Currently there is an antique store located on 231 at the corner of the previously entrance of Sutherlin Lane. There was also an antique shop that had been shut down prior to this where the property is now for sale on 231 near State Route 764, which is right up the road.

Also within the last two years there is a resale shop that opened up at Masonville Convenient Store, a high profile area. It opened and shut down within months.

The reasons I mention these other retail businesses is to show that the opening successful of running an antique shop or similar retail store is very low in this area.

Ms. Mitchell and Ms. Norris, in partnership,
purchased this property in April of 2007. It has been their intention since the purchase to change this residential property into commercial. They were also aware before and after the purchase how we as neighbors felt about commercial business being adjacent to our homes.

Since their arrival in our neighborhood, we have continued to demonstrate by their actions the words that they do not care about their surrounding neighbors or how this endeavor will affect our lives.

If the commission approves this rezoning, we have no guarantees of what we'll have later on as a neighbor. We face the possibilities of our neighborhood becoming maybe a junk yard, a gas station.

The fact is that sometimes commercial property, the possibilities become endless as to what can happen. It will greatly impact our lives as well as decrease our property values.

Also for the record, although the subject property was a grocery store originally, the store was closed well over 25 years ago. It was converted to a residence at that point in time. It has never been zoned commercial nor since its conversion been used for anything except a residence.
Approximately 15 years ago I retired from the Air Force. I came back to my hometown, purchased this home for my retirement and expected to live here for the remainder of my life. The home purchased was a residential agricultural neighborhood. My home unfortunately had a B-4 commercial zoning to it. My neighbors knew I would never use it for anything other than my residence.

I am here tonight in part rezoning my property to do away with commercial zoning in order to protect my home as well as preserve my neighborhood.

Again, I truly thank you for your time. Sorry I didn't know the procedure.

CHAIRMAN: No problem with the procedure. I want to thank you for your service to our country as a member of the Air Force.

The situation we run into, one, you mentioned a gas station or a junk yard. Under general business, neither one of those it could be.

Am I correct, Mr. Noffsinger?

MR. NOFFSINGER: It could be a convenient store, B-4 zone, but the junk yard, a body shop, a major automotive repair could not locate there without special permission.

MR. HATFIELD: I appreciate that.
Chairman: Do we have one other comment?

Ms. Hatfield: Yes.

Mr. Silvert: State your name, please.

Ms. Hatfield: My name is Desiree Hatfield.

(Ms. Desiree Hatfield sworn by attorney.)

Ms. Hatfield: I do appreciate you letting me speak tonight also.

Not only am I a concerned homeowner, I'm a certified residential appraiser licensed in Kentucky and Missouri.

As an appraiser my assignments require researching various aspects of the neighborhood when appraising property. Some factors used for this analysis are its location, similarity of land use, zoning and long term prospects for the area which is basically its current stage of the neighborhood lifecycle.

Since the appraisal process involves many types of analysis and your time is valuable, I will give my opinion with a short explanation of my reasoning. I will be happy to answer any questions you may have about the statements I have given.

As an appraiser it is my opinion that rezoning the property at 7094 US 231 would negatively impact the property values. My opinion for this conclusion
The Masonville area is an established neighborhood and the stabilization stage of the neighborhood lifecycle. The neighborhood surrounding the land for the most part is residential and urban agricultural. Though the adjoining property is partially B-4, the majority of the land is urban agricultural with a small portion being residential.

Through observation and exterior inspection, an appraiser would consider it as a residential property. Not commercial. It's zoning would only be evident through additional research of the Planning & Zoning office.

There are no current signs of change in this neighborhood. The market tried to still based on residential area with new homes as well as subdivisions being constructed on 231 and the surrounding roads.

Since this neighborhood has direct access to downtown Owensboro, is also conveniently located to Frederica Street and Highway 54, which is currently in a transitional stage becoming commercial. There does not appear to be any indication this neighborhood will be changing from residential to commercial in the foreseeable future.
Commercial sites in residential and urban agricultural neighborhoods typically have a negative impact on residential properties. As an appraiser, I typically make a negative adjustment for residential property or its comparables if it is located next to, across from or backs within the view of a commercial site. This is partially based on the potential of what the commercially zoned property can be used for.

CHAIRMAN: Excuse me. What you need to do is to either ask questions, give examples in regards to this particular piece of property and this particular zoning.

MS. HATFIELD: I'm telling you it's going to hurt the values of the homes.

CHAIRMAN: Do you have any comparative situations? Do you have any facts? Do you have any --

MS. HATFIELD: I'm giving you facts as an appraiser. I didn't know I needed to bring an appraisal as I've done and sat next to a --

CHAIRMAN: You're giving us opinions. I'm telling you, what the board is faced with is we have a piece of property that is contiguous to and meets all the zoning requirements of a B-4.

MS. HATFIELD: Sir, actually it doesn't.
CHAIRMAN: There is exactly where you need to go.

MS. HATFIELD: In the Staff Report itself, which my husband mentioned earlier, one of the criteria is the street adjoining the property.

Brian, the Staff Report.

CHAIRMAN: Are you yielding the mike? Are you asking him a question or are you asking --

MS. HATFIELD: I'm yielding the microphone.

MR. HOWARD: Within a rural community, which is where this property is located, there are criteria in the comprehensive plan to be evaluated for rezoning.

The two that are applicable that she is speaking to, the first is a logical expansion. There is existing similar zoning on adjoining property. As has been mentioned at present, with the fact that they are actually here tonight to propose a change, but at present that B-4 zoning is in existence. However, since they are here to apply for the rezoning as well, we mention in our Staff Report that the other criteria is for a new location. So if it were to be evaluated that this is a brand new location, it should be cited at the corner of intersecting streets, if it's located in close proximity to existing dwellings, and should
be major street oriented, which on 231 this is
definitely a major oriented street.

I think that's what she's referring to. We
tried to incorporate both of the criterias since this
is somewhat of an unique situation where we have two
properties that are rezoning on the same meeting.

CHAIRMAN: Brian, let me ask you: Back to the
original statement. Based on your staff
recommendation, it does meet the criterias?

MR. HOWARD: We believe it does, yes.

CHAIRMAN: Thank you.

Would you like to respond to that?

MS. HATFIELD: First off, I don't think it
does, but going on to the second thing. We actually
-- the only reason that they got addressed first was
because their address is right before ours. We
actually filed our zoning paperwork before they did.

MR. APPLEBY: The actual zoning doesn't take
place tonight anyway. Regardless of what action takes
place today, your property is still zoned as it's
zoned for 21 days and so is theirs. That's not
changing immediately.

CHAIRMAN: What the board is faced with is we
do have a piece of B-4 that is applying for next to a
B-4 that is current. That is what we're faced with
right now. You may comment to that, but that's what
we've got.

MS. HATFIELD: Actually right next to the
building, our B-4 is on the other side of residential
property. Between the building, and I would need to
come up and show somebody, but where their residence,
and I'm calling it a residence because that's always
what it was. The land between or driveway and their
building is R-1A. Our business property does not
start, it starts on the other side of the residential
property and it goes back. So it actually -- I
measured the other day. Our residential property is
19 feet from their building. It extends 44 feet past
their structure.

CHAIRMAN: We've got the map right here.

MS. HATFIELD: And can I show you?

CHAIRMAN: I assume I can look at it, but yes,
you're welcome to show it to me. Here it is right
here.

MS. HATFIELD: This is our property. This is
the R-1A. Their building sits right here. Our
business is --

CHAIRMAN: I need you at the mike. Take this
with you. You can address that.

MS. HATFIELD: The part that fronts 231 and
comes past their building, their structure, is residential. It's R-1A. That's .237 acres to be exact, in that whole area.

CHAIRMAN: It's a cut out that is part of it, but then --

MS. HATFIELD: That's correct because that portion was actually purchased from the previous owner.

CHAIRMAN: Does anybody else on the commission have any questions of the applicant or Mr. Cambron?

(NO RESPONSE)

CHAIRMAN: Mr. Cambron, do you have a closing comment?

MR. CAMBRON: Just a couple of things real quick.

As far as the traffic, I don't think traffic is going to be increased enough there to be concerned with.

As far as accidents, I agree there has been several accidents, but most of them happen at Sutherlin Lane and in the long straight stretch down through there for some reason. I have no idea, but people have accidents right through the long straight stretch. It's nothing that's going to be detrimental in keeping people from seeing access, egress or
ingress to the property.

As far as what Ms. Mitchell has done to the property, I've got pictures here. I'm not even going to show them to you right now, but the pictures show that she spent a ton of money there taking it from what it was to what it is now. She's lived out there for 40 some odd years. She's a member of the community and wants to do what's right for the community.

CHAIRMAN: So Ms. Mitchell has lived on this property?

MR. CAMBRON: No. No, I'm sorry. She's lived in the community.

CHAIRMAN: Community. Okay. I was going to say I thought she just recently purchased it.

MR. CAMBRON: She did. She lives up on Sutherlin Lane, sir.

CHAIRMAN: Thank you, Mr. Cambron. Does anybody else on the commission have any questions or any comments?

(NO RESPONSE)

CHAIRMAN: I think the chair is at the point where we're ready for a motion.

MR. APPLEBY: Mr. Chairman, I made a motion awhile ago based on the Staff Recommendations and the
conditions. As I see it, I still feel that the applicant meets the criteria that we asked for in our zoning ordinance comprehensive plan. Therefore, I'm going to make the recommendations for approval, again, based on the Staff's recommendation with the Conditions 1 through 3 and the Findings of Fact 1 through 4.

CHAIRMAN: This is the point where we were before we allowed other people to make some comments. At that point in time we had a motion by Appleby. At that time I do not think I had a second. Do we have a second?

MR. TAYLOR: Second.

CHAIRMAN: Mr. Taylor makes a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF KEITH EVANS - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

7100 US Highway 231, 7.017 acres
Consider zoning change: From B-4 General Business, R-1A Single-Family Residential, and A-U Urban Agriculture to A-U Urban Agriculture
Applicant: William T. & Desiree C. Hatfield

PLANNING STAFF RECOMMENDATIONS

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

FINDINGS OF FACT

1. The subject property is located in a Rural
   Community Plan Area, where agricultural uses are
   appropriate in general locations;
   2. The subject property has never been used
      for commercial purpose;
   3. The majority of the subject property is
      currently zoned A-U Urban Agriculture;
   4. Based on the historical and current use of
      the property, a single agricultural zoning for the
      subject property is more appropriate than the existing
      split zoning; and,
   5. The subject property is sufficient in size
      to accommodate agricultural activity.

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

CHAIRMAN: Obviously the applicant is here.
   Do you have any comments?

APPLICANT REP: No.

CHAIRMAN: Does anybody have any questions of
   the applicant?

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

MR. ROGERS: Motion for approval based on the Planning Staff Recommendations and Findings of Fact 1 through 5.

CHAIRMAN: We have a 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, please.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 5

Brookstone, 5.004 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Jagoe Land Development, William D & Gerry Jones

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

CHAIRMAN: Is there 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: Motion for approval.

CHAIRMAN: Mr. Hayden made a motion for approval. Do we have a second?

MR. EVANS: Second.

CHAIRMAN: We have a second by Mr. Evans. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

Waterford Village, Unit 3, Lots 1-34, 14.005 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Belknap Development, LLC

MR. NOFFSINGER: Mr. Chairman, Planning Staff and Engineering Staff has reviewed this plan. It's found to be in order and ready for consideration.

CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

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

MR. GILLES: Motion for approval.

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

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.

NEW BUSINESS

ITEM 7

Consider approval of the Public Improvement Specifications surety unit cost annual revision.

MR. NOFFSINGER: Mr. Chairman, Planning Staff and the City and County Engineering Staff met with the state people in the community regarding new developments and also included the private engineers within the community. Went through our unit cost for particular infrastructure items and new developments. We have recommended that in some cases that the surety
unit cost be increased. We recommend that you approve this document and it will be good for at least a year and we'll do our annual review and visit it again next year.

CHAIRMAN: Is this the work that Mr. Appleby and Mr. Pedley worked on representing us?

MR. NOFFSINGER: Yes, sir.

CHAIRMAN: Mr. Appleby, thank you. Mr. Pedley, we thank his efforts.

If there are no further comments, the Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. EVANS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Chair is ready for one last motion.

MR. EVANS: Motion to adjourn.

CHAIRMAN: Motion for adjournment by Mr. Evans.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.
STATE OF KENTUCKY )
 )SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Planning
Commission 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 33 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
5th day of March, 2008.

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

COMMISSION EXPIRES:  DECEMBER 19, 2010
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY