The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, March 13, 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
Tim Miller
Wally Taylor
Martin Hayden
Rita Moorman

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

CHAIRMAN: I would like to welcome everybody to our March 13, 2008 Owensboro Metropolitan Planning Commission meeting. Will everybody please rise. Our invocation will be given by Ms. Judy Dixon.

(INVOCAION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business will be to consider the minutes of the February 14, 2008 meeting. Are there any corrections, additions, any comments?

(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. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger.

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

CELLULAR TELECOMMUNICATIONS FACILITIES
PER KRS 100.987

ITEM 2

9661 Old Hartford Road
Consider approval of a wireless telecommunications tower.
Applicant: GTE Wireless of the Midwest, Inc.

MR. SILVERT: State your name please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I'll give you a brief overview of the cell tower application.

This tower is located on property that is zoned A-R Rural Agriculture. The lease area will be 100 by 100 with no road frontage. The lot will be non-buildable except for cell tower related activities. The tower will be 200 feet tall with a 25 foot lighting rod basically on top of it. So a total
tower height of 225 feet.

We have FAA approval saying that the tower will need to be lit. So there will be lighting on the tower. It's a lattice type structure, self-supporting, no guy wires. They've submitted a minor subdivision plat for approval tonight that's on the agenda as well.

They are requesting two waivers. One is on height. The zoning ordinance allows an extra height of 200 feet. Since the distance goes up to 225 feet, they are requesting an increase in the maximum height. Planning Staff would support that increase.

They're also requesting a waiver on a setback requirement. Since it is a lattice type tower, the setback is one-half the height of the tower due to lease size of the lot, that cannot be accomplished. Still in the general vicinity there is nothing that would interfere with the tower. It's about 150 feet away from the center of the tower to the parent tract boundary line. We would support that as well.

Would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Is there anybody representing the applicant?

MR. PIKE: Yes, Mr. Chairman. David Pike,
(MR. DAVID PIKE SWORN BY ATTORNEY.)

MR. PIKE: Despite the fact that I'm an attorney, I will try to be brief in my comments. I've been cautioned by Staff that that is an important objective.

CHAIRMAN: Why don't we even do this. Why don't we see if there are any questions. If we've got any questions, then we'll go right back to you.

MR. PIKE: That's really brief, Mr. Chairman. I'll go with that.

CHAIRMAN: I didn't want to extend it any longer than we had to.

MR. PIKE: One thing I do want to do. I do want to take just a moment and I want to thank Planning Staff, because I want to make sure I get that in. They worked with us very hard on our somewhat voluminous filings and our supplemental filings. We're grateful for their assistance.

Now, I don't have anything else to say.

CHAIRMAN: Thank you. You may be seated.

MR. PIKE: Thank you.

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

(NO RESPONSE)
CHAIRMAN: Any questions or comments from anybody on the commission?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.
MR. APPLEBY: Move to approve, Mr. Chairman.
CHAIRMAN: Motion for approval by Mr. Appleby.
MR. MILLER: Second.
CHAIRMAN: Second by Mr. Miller. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item, please.
Related Item:
ITEM 2A
9661 Old Hartford Road, 0.2296 acres
Consider approval of minor subdivision plat.
Applicant: Eddie & Valarie Kipling, GTE Wireless of the Midwest, Inc.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. The application is found to be in order.
The site comes before you because it does not have frontage on public road; however, there is a notation on the plat stating that the property will be used for cell tower construction only purposes and is
not to be used as a development lot. With that it's ready for consideration.

CHAIRMAN: Do we have anybody here representing the applicant?

MR. PIKE: Yes, and he has nothing to say.

CHAIRMAN: Thank you.

Do we have any comments from the audience or questions?

(NO RESPONSE)

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

MR. MILLER: Mr. Chairman, motion to approve.

MR. APPLEBY: Second.

CHAIRMAN: Motion from Mr. Miller. Second from Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 3

1517 East Ninth Street
Consider approval of a wireless telecommunications tower.
Applicant: New Cingular Wireless, PSC, Inc.

MR. HOWARD: Again, I'll give a brief overview of the application.

The site is zoned I-1 Light Industrial. The
lease area will be 8 by 80. It has no road frontage, but there is a notation on the plat it will be a non-buildable lot except for cell tower related activities.

It's a 130 foot tall monopole tower. It will have a 5 foot lighting rod on top with a total height of 135 feet.

No illumination is required according to FAA. The rest of the plans that they've submitted meet the minimum zoning requirements.

I'd like to enter the Staff Report into the record as Exhibit B.

CHAIRMAN: Is there anybody here representing the applicant?

MR. KRAMER: Yes.

MR. SILVERT: State your name, please.

MR. KRAMER: Good afternoon, I'm Bob Kramer and I'm representing New Cingular Wireless on this application.

(MR. BOB KRAMER SWORN BY ATTORNEY.)

MR. KRAMER: I will try to be as brief as David.

CHAIRMAN: Usually we let the attorney be sworn in and then if there are any questions we'll refer to you rather than you go through a spill and
then nobody has any questions.

MR. KRAMER: That's fine. I feel comfortable
with that.

CHAIRMAN: Thank you.

Are there any questions from the audience?

MR. JENKINS: Yes.

CHAIRMAN: Step to the mike, please.

MR. SILVERT: State your name, please.

MR. JENKINS: Brad Jenkins.

(MR. BRAD JENKINS SWORN BY ATTORNEY.)

MR. JENKINS: I would like to ask a few
questions about this tower if you don't mind.

Why was this site chosen? Why was it decided
it needs to be built in this particular place? The
reason I'm asking is because it's virtually in my
backyard. I would like to know why.

CHAIRMAN: If you'll address the questions to
the chair, then I'll bring him back up. Do you have
several questions where we can group them up and then
bring him back at one time to answer all the
questions?

MR. JENKINS: I do have two or three I would
like to ask.

CHAIRMAN: We're ready.

MR. JENKINS: I just jotted them down here
really. I wanted to know why this site was chosen.

CHAIRMAN: What's your next one?

MR. JENKINS: There are other towers in that area. Does Cingular not own any of those other towers? They're probably within, I would say probably half a mile of me I can see probably four, five or six. That was my concern. Why they needed one right there.

Also on the map that we received on the ring, it has a 500 foot ring that goes around the proposed site of the tower. What does that actually represent? What does that ring represent, 500 feet? What's it for? If you'll notice, the inside there's a little map. There is another smaller ring. What does it represent? It doesn't go into anything.

As far as the neighboring homes in the area that I live, I have spoken with several of them. No one I spoke with has agreed that this would be a good idea.

CHAIRMAN: Do you have any written statement from the neighbors?

MR. JENKINS: No. I did not know what I needed. It's just going to be the first reading tonight though, isn't it?

CHAIRMAN: This will be approved.
MR. JENKINS: You're not going to make a motion to pass it tonight, are you?

CHAIRMAN: Yes, sir, it will be.

MR. JENKINS: Then I'll go back to those previous questions to be answered.

CHAIRMAN: We'll take care of that. Do you have any other questions or anything else?

MR. JENKINS: Yes, I do have some. It probably doesn't actually pertain to the tower, but it is where the tower is going.

The landowners that own the land now, I mean I'm sure the tower area, where the tower is going to be will probably be maintained at a satisfactorily level, but the lot in which it is going in I personally and the neighbor across the street had to go through City Action to get these people to maintain their lot. We constantly in the summertime have six, seven, eight foot tall weeds in there and these people refuse to mow it. We've asked them. Yes. Yes, we'll do it.

CHAIRMAN: Why don't we just make that our fourth question. How will the lot be maintained?

MR. JENKINS: Beyond the tower. That doesn't pertain to the tower.

CHAIRMAN: All we can comment about is the
property. The other issue will be with the City, but we will ask that.

Is there another question you'd like to ask?

MR. JENKINS: If you're going to vote tonight, I won't have any other defense to give on it because I didn't bring the paperwork to verify the other homeowners in the area. There's several rental properties and I know people that if they were dissatisfied they could just move. The homeowners that live there, they're not up to just moving because of the tower. We don't want it mainly because we're concerned about what it will do to our properties and stuff. Having to walk out our back door and look at a pole sitting there.

CHAIRMAN: We will bring him to the podium and see if we get some satisfactory answers for these questions.

Yes, sir, Mr. Miller.

MR. MILLER: Mr. Jenkins, what is your address?

MR. JENKINS: 602 Stone Street. If you look on that little map, my lot is I think it's Number 73. I'm right on the corner of Stone and Payne. You can see the little circle, that's the one I was referring to awhile ago. What that actually meant.
As far as the proposed site right there, that puts it, the way I figure it up, it's going to be probably within 200 feet of my home. That's all.

Thank you.

CHAIRMAN: You want me to repeat the questions or did you pretty much --

MR. KRAMER: I think I have them. If I miss one, please inform me.

I think the first question is location. When you build a cell tower, you have to meet ordinances.

Your ordinance allows the monopole to be in "residential" all areas or zoned areas.

The reason we're in this site is the search ring, which we submitted to Planning, basically goes just north almost to Sixth Street North. The search ring actually stops going -- if you will for simplicity state, let's take the site and let that be north and south. It will make it easier for everybody from the southwest/northwest type orientation, if you would, please. Does that make sense on the maps?

What I'm saying is the west edge of the search ring is in the site that we have selected. The east side of the search ring is totally residential, and the south side of the ring stops at Ninth Street.

That is the search ring that Cingular needs this tower
to be in order to meet capacity and customer needs for
in-building service, reducing drop calls, and also
stopping busyness, busy signals. That is why this was
chosen.

Now, why did we take this particular tract of
land? Because it was zoned light industrial. It has
the least impact on the least amount of people within
the search ring. If anywhere else in that search
ring, we're really looking at residential on all four
sides instead of two sides. Does that help you on
that, sir?

CHAIRMAN: Of course, I'm very much aware of
your search ring. We as the board when you come to us
and you have given us the parameters and that is your
search ring and that's where it has to be, you know
what our position has to be also.

MR. KRAMER: Right.

CHAIRMAN: Which when he comes to us with the
search rings and within that search ring if that's
where they have to put it, then by the FCC, we either
have to use an engineer to disprove that or we have to
let him put it in that area.

The other question will be the use of how come
other towers are not used?

MR. KRAMER: There are no other towers or
structures within the search ring that will allow us to co-locate. The structures to the -- at that point would be to the west and south are so far out of the search ring it would not help us eliminate the drop calls, the busyness and allow us to get the in-home coverage that the customers are complaining about in this area.

CHAIRMAN: Then the 500 foot ring.

MR. KRAMER: The 500 foot ring is state law. Every person -- every property owner. Not person. Every property owner that has property within 500 feet of the tower must be notified by registered certified mail, return receipt requested. We require the surveyor to give us that ring so we do not have a personal interest in not omitting someone. The numbers and the ring represent those properties that are within 500 foot of this 130 foot monopole.

Look at the smaller circle in there. It's also Kentucky law and your ordinance which says you must notify everybody also within 200 feet of the access. So that is the circle of 200 feet in the access coming off Payne Drive there.

CHAIRMAN: Then the last question he has was about maintaining the premises. All I know that you can respond to is within the area that you will be
using.

MR. KRAMER: That is correct. We will be fencing our area. It will be graveled, fully graveled and it will be treated for vegetation at all times. We do not want any vegetation up around the equipment to interfere in any way. So I can tell you from the gate through the access road that we will be putting in there to the compound and within the compound as well as the landscaping will be maintained. We will stipulate that if that's a condition of approval, sir.

CHAIRMAN: Thank you.

Mr. Jenkins, did I adequately represent all of your questions?

MR. JENKINS: Yes. I'm still kind of fuzzy on what he means. I'm not up on this as far as the calls being dropped and things of this nature. I mean the FCC regulation.

CHAIRMAN: That's something that when he comes before this board to request that site in that area that he has met the FCC requirements as far as what his call area is, what his range has to be, and where the location has to be. They pretty well have it, as he stated, it's pretty well pinpointed to a pretty narrow area.

Then he went back to explain that he went into
an I-2 or an I-1, which is a light industrial area, which is where he can put his equipment without zoning changes or anything like that, which meets our requirements for where this piece of equipment must be put. Did we adequately answer?

MR. JENKINS: Yes. I don't know what else I can say because I did not bring any paperwork from the fellow landowners. I'm assuming what I thought it would be a reading tonight and then you'd vote on it the next meeting. I did not know you were going to do all of this tonight.

CHAIRMAN: Sir, it all happens tonight.

Mr. Noffsinger, you might explain the appeal process.

MR. NOFFSINGER: Your recourse would be to appeal to circuit court within 30 days of this commission's action.

MR. JENKINS: What would that incur? What would I have to do to per se halt the tower all together?

MR. NOFFSINGER: I'll let our attorney advise you.

MR. SILVERT: You would need to seek your own attorney's advice on that question. We can't advise you as to that. If you do seek recourse, you should
seek advice from your own attorney.

MR. JENKINS: There again I'm looking at, you know, I can contact my attorney, but my attorney has no say so over other land. He can only serve me in the questions that I ask him. I don't see what an attorney would accomplish if I had one to say I don’t want the tower built there.

MR. SILVERT: It would require a challenge of this action tonight in circuit court is what Mr. Noffsinger is saying. As to how you should go about doing that, the question of how needs to be answered by your own attorney.

MR. JENKINS: Thank you.

CHAIRMAN: Yes, sir.

I think you've adequately answered the questions. Appreciate it very much.

Does anybody else on the commission have a question?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience have a question?

(NO RESPONSE)

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

MR. APPLEBY: I'm going to make a motion for
Chairman, Mr. Chairman.

Chairman: Motion for approval by Mr. Appleby.

Mr. Hayden: Second.

Chairman: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Chairman: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 3A

1517 East Ninth Street, 0.147 acres
Consider approval of minor subdivision plat.
Applicant: M&H, LLC, Inc.

Mr. Noffsinger: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. The plat does come before you because it creates a lot that does not have frontage on the public roadway. However, it is a lot that is to be used and adequately noted as for cell tower purposes only and is ready for your consideration.

Chairman: Do we have somebody here representing the applicant?

Mr. Kramer: Yes. Bob Kramer.

Chairman: Thank you, sir.

Do we have any questions of the applicant?
Chairman: Does anybody on the commission have a question?

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

Mr. Appleby: Motion for approval.

Chairman: Motion for approval by Mr. Appleby.

Ms. Moorman: Second.

Chairman: Second by Ms. Moorman. All in favor raise your right hand.

(All board members present responded Aye.)

Chairman: Motion carries unanimously.

Next item, please.

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

Zoning Changes

Item 4

6100 Blk Aull Road, 60.75 acres
Consider zoning change: From A-R Rural Agriculture to EX-1 Coal Mining
Applicant: Western Kentucky Minerals, Inc.; Coomes Heirs c/o Bill Coomes

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 Maintenance Plan Area where coal mining uses are appropriate in general locations;

2. The subject property is located in a Rural Service Area outside of a Rural Community Plan Area;

3. The subject property adjoins existing areas of EX-1 Coal Mining zoning and activity;

4. The Philpot-Maceo Quadrangle Map indicates the presence of coal deposits on the site; and,

5. State and county roads proposed to be used for the transportation of coal have been approved by the appropriate officials.

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

CHAIRMAN: Do we have anybody here representing the applicant?

MR. KAMUF: Nothing to say.

CHAIRMAN: Thank you, Mr. Kamuf.

Do we have any questions from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Do we have any questions from the commission?

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

MR. HAYDEN: I'll make a motion for approval with the Staff Recommendations and Findings of Facts 1 through 5.

CHAIRMAN: Mr. Hayden has a motion for approval.

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 5

1718 Cruse Drive, 0.074 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: Randall & Maria Toth

MR. NOFFSINGER: Before we go any further, Mr. Howard, you have a statement you want to make.

MR. HOWARD: I do.

I forgot to mention that the rezonings heard tonight will become final 21 days after the meeting unless an appeal is filed with the Planning Commission office. Those forms are available on the back table, in our office or on the internet. All it takes is one
appeal in order to send the rezone to either a legislative body, which would be city commission or fiscal court.

Thank you for reminding me, Mr. Noffsinger.

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. An additional five feet of right-of-way shall be dedicated along Cruse Drive on all lots owned by the applicant. The process of the additional plat has been submitted to our office and approved that dedicates that right-of-way;

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

3. A final development plan shall be approved by the OMPC to tie the off-site parking to the subject property;

4. A 10' average width landscape easement with a six foot element and one tree every 40 linear feet shall be installed where adjoining residentially
zoned property to the north; and,

5. Submittal of a minor subdivision plat to dedicate the right-of-way and ingress/egress easement. Again, that's already been done.

FINDINGS OF FACT

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

2. The use of the property as a beauty salon will be non-residential in nature;

3. The proposal is a logical expansion of existing B-4 zoning located immediately south of the subject property; and,

4. With the additional dedication of right-of-way, the 0.074 acre 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 D.

CHAIRMAN: Do we have anybody representing the applicant?

MR. TOTH: Yes.
CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions?

(NO RESPONSE)

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

MR. MILLER: Motion to approve based on Planning Staff Recommendations and Conditions 1 through 5 and Findings of Facts 1 through 4.

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

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 5A

1718 Cruse Drive, 0.074 acres
Consider approval of final development plan.
Applicant: Randall & Maria Toth

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff
and Engineering Staff. It's found to be in order. It's found to be consistent with the adopted comprehensive plan as evidenced by the recommendation on the zoning change we just heard. With that it's ready for your approval.

CHAIRMAN: Is anybody representing the applicant?

MR. TOTH: 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. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 6

Independence Heights, 9.27 acres
Consider approval of amended major subdivision preliminary plat/final development plan.
Applicant: Clayton Watkins Construction

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the adopted zoning ordinance and subdivision regulations and its use is found to be consistent with the zone in which it's located.

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.

MS. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 6A

Independence Heights, Phase 1, Lots 1-2, 4.07 acres Consider approval of amended major subdivision final plat.

Surety (Certified Check) posted: $17,542.00

Surety previously posted: $101,974.11

Applicant: Clayton Watkins Construction
MR. NOFFSINGER: Mr. Chairman, this application too is in order.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

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

MR. HAYDEN: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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

MAJOR SUBDIVISIONS

ITEM 7

Hunters Ridge, Unit 9, Lots 52-55, 62-64, 4.078 +/- acres

Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $60,430.00

Applicant: Hunters Ridge, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering
Staff. It's found to be in order. It's found to be consistent with the adopted zoning ordinance and subdivision regulations, and its use is consistent with the zone in which it's located.

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 8

Lake Forest, Phase IV, 33.61 acres
Consider approval of amended major subdivision preliminary plat.
Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's found to be consistent with the adopted zoning ordinance and subdivision regulations and the proposed use is
consistent with the zone in which it's located.

CHAIRMAN:  Any questions?

(NO RESPONSE)

CHAIRMAN:  Chair is ready for a motion.

MR. TAYLOR:  Motion to approve.

CHAIRMAN:  Motion for approval by Mr. Taylor.

MR. HAYDEN:  Second.

CHAIRMAN:  Mr. Hayden has a second.  All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  Motion carries unanimously.

Next item, please.

ITEM 9

Lake Forest, Unit 27, Lots 285, 286, 288, 289, 1.574 acres

Consider approval of major subdivision final plat. Surety Previously Posted
Applicant:  Lake Forest Community, LLC

MR. NOFFSINGER:  Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's found to be consistent with the adopted zoning ordinance and subdivision regulations, and the proposed use is consistent with the zoning in which it is located.

CHAIRMAN:  Are there any questions?

(NO RESPONSE)

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

MR. HAYDEN: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

NEW BUSINESS

ITEM 10

Affirm the Daviess County Fiscal Court's reappointment of C.A. Pantle, Jr. to the Owensboro Metropolitan Board of Adjustment per KRS 100.2175.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

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

MS. DIXON: Move to re-affirm Mr. Pantle's re-appointment to the Board of Adjustment.

CHAIRMAN: Ms. Dixon has a motion for approval.

MR. MILLER: Second.

CHAIRMAN: We've got a second by Mr. Miller.

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.

CHAIRMAN: Motion to adjourn 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: We are adjourned.

-----------------------------------------------
STATE OF KENTUCKY )
COUNTY OF DAVIESS )

I, LYNNETTE 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 31 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 31st day of March, 2008.

LYNNETTE 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