

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MARCH 13, 2008

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, March
5 13, 2008, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

- 8 MEMBERS PRESENT: Drew Kirkland, Chairman
- 9 Judy Dixon, Vice Chairman
- 10 David Appleby, Secretary
- 11 Gary Noffsinger, Director
- 12 Madison Silvert, Attorney
- 13 Tim Miller
- 14 Wally Taylor
- 15 Martin Hayden
- 16 Rita Moorman

17 * * * * *

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

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

(NO RESPONSE)

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

1 MS. DIXON: Move to approve.

2 CHAIRMAN: Motion for approval by Ms. Dixon.

3 MR. TAYLOR: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, Mr. Noffsinger.

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10 CELLULAR TELECOMMUNICATIONS FACILITIES
11 PER KRS 100.987

12

ITEM 2

13

9661 Old Hartford Road

14 Consider approval of a wireless telecommunications
tower.

15 Applicant: GTE Wireless of the Midwest, Inc.

16 MR. SILVERT: State your name please.

17 MR. HOWARD: Brian Howard.

18 (BRIAN HOWARD SWORN BY ATTORNEY.)

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

20 This tower is located on property that is
21 zoned A-R Rural Agriculture. The lease area will be
22 100 by 100 with no road frontage. The lot will be
23 non-buildable except for cell tower related
24 activities. The tower will be 200 feet tall with a 25
25 foot lighting rod basically on top of it. So a total

1 tower height of 225 feet.

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

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

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

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

23 CHAIRMAN: Is there anybody representing the
24 applicant?

25 MR. PIKE: Yes, Mr. Chairman. David Pike,

1 Pike Legal Group.

2 (MR. DAVID PIKE SWORN BY ATTORNEY.)

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

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

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

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

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

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

21 CHAIRMAN: Thank you. You may be seated.

22 MR. PIKE: Thank you.

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

25 (NO RESPONSE)

1 CHAIRMAN: Any questions or comments from
2 anybody on the commission?

3 (NO RESPONSE)

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

6 MR. APPLEBY: Move to approve, Mr. Chairman.

7 CHAIRMAN: Motion for approval by Mr. Appleby.

8 MR. MILLER: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 Related Item:

15 ITEM 2A

16 9661 Old Hartford Road, 0.2296 acres
17 Consider approval of minor subdivision plat.
18 Applicant: Eddie & Valarie Kipling, GTE Wireless of
the Midwest, Inc.

19 MR. NOFFSINGER: Mr. Chairman, the Planning
20 Staff has reviewed this application. The application
21 is found to be in order.

22 The site comes before you because it does not
23 have frontage on public road; however, there is a
24 notation on the plat stating that the property will be
25 used for cell tower construction only purposes and is

1 not to be used as a development lot. With that it's
2 ready for consideration.

3 CHAIRMAN: Do we have anybody here
4 representing the applicant?

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

6 CHAIRMAN: Thank you.

7 Do we have any comments from the audience or
8 questions?

9 (NO RESPONSE)

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

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

13 MR. APPLEBY: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item.

19 ITEM 3

20 1517 East Ninth Street
21 Consider approval of a wireless telecommunications
22 tower.
23 Applicant: New Cingular Wireless, PSC, Inc.

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

The site is zoned I-1 Light Industrial. The

1 lease area will be 8 by 80. It has no road frontage,
2 but there is a notation on the plat it will be a
3 non-buildable lot except for cell tower related
4 activities.

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

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

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

13 CHAIRMAN: Is there anybody here representing
14 the applicant?

15 MR. KRAMER: Yes.

16 MR. SILVERT: State your name, please.

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

20 (MR. BOB KRAMER SWORN BY ATTORNEY.)

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

23 CHAIRMAN: Usually we let the attorney be
24 sworn in and then if there are any questions we'll
25 refer to you rather than you go through a spill and

1 then nobody has any questions.

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

4 CHAIRMAN: Thank you.

5 Are there any questions from the audience?

6 MR. JENKINS: Yes.

7 CHAIRMAN: Step to the mike, please.

8 MR. SILVERT: State your name, please.

9 MR. JENKINS: Brad Jenkins.

10 (MR. BRAD JENKINS SWORN BY ATTORNEY.)

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

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

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

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

24 CHAIRMAN: We're ready.

25 MR. JENKINS: I just jotted them down here

1 really. I wanted to know why this site was chosen.

2 CHAIRMAN: What's your next one?

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

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

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

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

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

25 CHAIRMAN: This will be approved.

1 MR. JENKINS: You're not going to make a
2 motion to pass it tonight, are you?

3 CHAIRMAN: Yes, sir, it will be.

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

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

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

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

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

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

25 CHAIRMAN: All we can comment about is the

1 property. The other issue will be with the City, but
2 we will ask that.

3 Is there another question you'd like to ask?

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

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

18 Yes, sir, Mr. Miller.

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

21 MR. JENKINS: 602 Stone Street. If you look
22 on that little map, my lot is I think it's Number 73.
23 I'm right on the corner of Stone and Payne. You can
24 see the little circle, that's the one I was referring
25 to awhile ago. What that actually meant.

1 As far as the proposed site right there, that
2 puts it, the way I figure it up, it's going to be
3 probably within 200 feet of my home. That's all.
4 Thank you.

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

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

9 I think the first question is location. When
10 you build a cell tower, you have to meet ordinances.
11 Your ordinance allows the monopole to be in
12 "residential" all areas or zoned areas.

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

21 What I'm saying is the west edge of the search
22 ring is in the site that we have selected. The east
23 side of the search ring is totally residential, and
24 the south side of the ring stops at Ninth Street.
25 That is the search ring that Cingular needs this tower

1 to be in order to meet capacity and customer needs for
2 in-building service, reducing drop calls, and also
3 stopping busyness, busy signals. That is why this was
4 chosen.

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

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

17 MR. KRAMER: Right.

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

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

25 MR. KRAMER: There are no other towers or

1 structures within the search ring that will allow us
2 to co-locate. The structures to the -- at that point
3 would be to the west and south are so far out of the
4 search ring it would not help us eliminate the drop
5 calls, the busyness and allow us to get the in-home
6 coverage that the customers are complaining about in
7 this area.

8 CHAIRMAN: Then the 500 foot ring.

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

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

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

1 using.

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

11 CHAIRMAN: Thank you.

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

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

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

25 Then he went back to explain that he went into

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

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

12 CHAIRMAN: Sir, it all happens tonight.

13 Mr. Noffsinger, you might explain the appeal
14 process.

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

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

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

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

1 seek advice from your own attorney.

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

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

13 MR. JENKINS: Thank you.

14 CHAIRMAN: Yes, sir.

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

17 Does anybody else on the commission have a
18 question?

19 (NO RESPONSE)

20 CHAIRMAN: Anybody in the audience have a
21 question?

22 (NO RESPONSE)

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

25 MR. APPLEBY: I'm going to make a motion for

1 approval, Mr. Chairman.

2 CHAIRMAN: Motion for approval by Mr. Appleby.

3 MR. HAYDEN: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 Related Item:

10 ITEM 3A

11 1517 East Ninth Street, 0.147 acres
12 Consider approval of minor subdivision plat.
13 Applicant: M&H, LLC, Inc.

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

22 CHAIRMAN: Do we have somebody here
23 representing the applicant?

24 MR. KRAMER: Yes. Bob Kramer.

25 CHAIRMAN: Thank you, sir.

Do we have any questions of the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Does anybody on the commission have
3 a question?

4 (NO RESPONSE)

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

7 MR. APPLEBY: Motion for approval.

8 CHAIRMAN: Motion for approval by Mr. Appleby.

9 MS. MOORMAN: Second.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 ZONING CHANGES

17 ITEM 4

18 6100 Blk Aull Road, 60.75 acres
19 Consider zoning change: From A-R Rural Agriculture to
20 EX-1 Coal Mining
Applicant: Western Kentucky Minerals, Inc.; Coomes
Heirs c/o Bill Coomes

21 PLANNING STAFF RECOMMENDATIONS

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

1 FINDINGS OF FACT:

2 1. The subject property is located in a Rural
3 Maintenance Plan Area where coal mining uses are
4 appropriate in general locations;

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

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

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

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

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

16 CHAIRMAN: Do we have anybody here
17 representing the applicant?

18 MR. KAMUF: Nothing to say.

19 CHAIRMAN: Thank you, Mr. Kamuf.

20 Do we have any questions from anybody in the
21 audience?

22 (NO RESPONSE)

23 CHAIRMAN: Do we have any questions from the
24 commission?

25 (NO RESPONSE)

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

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

6 CHAIRMAN: Mr. Hayden has a motion for
7 approval.

8 MR. APPLEBY: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 5

15 1718 Cruse Drive, 0.074 acres
16 Consider zoning change: From R-4DT Inner-City
17 Residential to B-4 General Business
18 Applicant: Randall & Maria Toth

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

21 MR. HOWARD: I do.

22 I forgot to mention that the rezonings heard
23 tonight will become final 21 days after the meeting
24 unless an appeal is filed with the Planning Commission
25 office. Those forms are available on the back table,
 in our office or on the internet. All it takes is one

1 appeal in order to send the rezone to either a
2 legislative body, which would be city commission or
3 fiscal court.

4 Thank you for reminding me, Mr. Noffsinger.

5 PLANNING STAFF RECOMMENDATIONS

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

11 CONDITIONS:

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

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

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

23 4. A 10' average width landscape easement
24 with a six foot element and one tree every 40 linear
25 feet shall be installed where adjoining residentially

1 zoned property to the north; and,

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

5 FINDINGS OF FACT

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

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

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

14 4. With the additional dedication of
15 right-of-way, the 0.074 acre expansion of the B-4
16 zoning should not significantly increase the extent of
17 the zone in the vicinity of the expansion and should
18 not overburden the capacity of roadways and other
19 necessary urban services that are available in the
20 affected area.

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

23 CHAIRMAN: Do we have anybody representing the
24 applicant?

25 MR. TOTH: Yes.

1 CHAIRMAN: Does anybody from the audience have
2 any questions?

3 (NO RESPONSE)

4 CHAIRMAN: Does anybody from the commission
5 have any questions?

6 (NO RESPONSE)

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

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

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

14 MR. TAYLOR: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 Related Item:

21 ITEM 5A

22 1718 Cruse Drive, 0.074 acres
23 Consider approval of final development plan.
24 Applicant: Randall & Maria Toth

25 MR. NOFFSINGER: Mr. Chairman, this
 application has been reviewed by the Planning Staff

1 and Engineering Staff. It's found to be in order.
2 It's found to be consistent with the adopted
3 comprehensive plan as evidenced by the recommendation
4 on the zoning change we just heard. With that it's
5 ready for your approval.

6 CHAIRMAN: Is anybody representing the
7 applicant?

8 MR. TOTH: Yes.

9 CHAIRMAN: Does anybody have any questions?

10 (NO RESPONSE)

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

13 MS. DIXON: Move to approve.

14 CHAIRMAN: Motion for approval by Ms. Dixon.

15 MR. HAYDEN: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 -----

22 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

23 ITEM 6

24 Independence Heights, 9.27 acres
25 Consider approval of amended major subdivision
preliminary plat/final development plan.

1 Applicant: Clayton Watkins Construction

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

8 CHAIRMAN: Does anybody have any questions?

9 (NO RESPONSE)

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

12 MS. DIXON: Move to approve.

13 CHAIRMAN: Motion for approval by Ms. Dixon.

14 MS. MOORMAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 Related Item:

21 ITEM 6A

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

25 Surety (Certified Check) posted: \$17,542.00

Surety previously posted: \$101,974.11

Applicant: Clayton Watkins Construction

1 MR. NOFFSINGER: Mr. Chairman, this
2 application too is in order.

3 CHAIRMAN: Do we have any questions of the
4 applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Anybody on the commission?

7 (NO RESPONSE)

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

10 MR. HAYDEN: Motion for approval.

11 CHAIRMAN: Motion for approval by Mr. Hayden.

12 MR. MILLER: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 -----

19 MAJOR SUBDIVISIONS

20 ITEM 7

21 Hunters Ridge, Unit 9, Lots 52-55, 62-64,
22 4.078 +/- acres
23 Consider approval of major subdivision final plat.
24 Surety (Certificate of Deposit) posted: \$60,430.00
25 Applicant: Hunters Ridge, LLC

24 MR. NOFFSINGER: Mr. Chairman, this plan has
25 been reviewed by the Planning Staff and Engineering

1 Staff. It's found to be in order. It's found to be
2 consistent with the adopted zoning ordinance and
3 subdivision regulations, and its use is consistent
4 with the zone in which it's located.

5 CHAIRMAN: Do we have any questions?

6 (NO RESPONSE)

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

9 MR. APPLEBY: Motion for approval.

10 CHAIRMAN: Motion for approval by Mr. Appleby.

11 MR. TAYLOR: Second.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item, please.

17 ITEM 8

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

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

1 consistent with the zone in which it's located.

2 CHAIRMAN: Any questions?

3 (NO RESPONSE)

4 CHAIRMAN: Chair is ready for a motion.

5 MR. TAYLOR: Motion to approve.

6 CHAIRMAN: Motion for approval by Mr. Taylor.

7 MR. HAYDEN: Second.

8 CHAIRMAN: Mr. Hayden has a second. All in

9 favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 ITEM 9

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

15 Consider approval of major subdivision final plat.
Surety Previously Posted

16 Applicant: Lake Forest Community, LLC

17 MR. NOFFSINGER: Mr. Chairman, this plan has

18 been reviewed by the Planning Staff and Engineering

19 Staff. It's found to be in order. It's found to be

20 consistent with the adopted zoning ordinance and

21 subdivision regulations, and the proposed use is

22 consistent with the zoning in which it is located.

23 CHAIRMAN: Are there any questions?

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair is ready for a

1 motion.

2 MR. HAYDEN: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr. Hayden.

4 MR. TAYLOR: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

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11 NEW BUSINESS

12 ITEM 10

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

15 CHAIRMAN: Are there any questions?

16 (NO RESPONSE)

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

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

21 CHAIRMAN: Ms. Dixon has a motion for
22 approval.

23 MR. MILLER: Second.

24 CHAIRMAN: We've got a second by Mr. Miller.
25 All in favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 The chair is ready for one final motion.

4 MS. DIXON: Move to adjourn.

5 CHAIRMAN: Motion to adjourn by Ms. Dixon.

6 MR. HAYDEN: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: We are adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 31 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 31st day of March, 2008.

18
19 _____
20 LYNNETTE KOLLER FUCHS
21 OHIO VALLEY REPORTING SERVICES
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

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