The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, January 11, 2001, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Mike Armstrong
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Belinda Douglas
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: I would like to welcome everybody to our January 11, 2001 meeting of the Planning & Zoning Commission.
Let us stand and our invocation will be given by Belinda Douglas.

- - (INVOCATION) - -

CHAIRMAN: Our first thing on the agenda tonight is to consider the minutes of the December 14th meeting. Does anybody have any questions, or...
corrections, or additions to the minutes?

MR. CAMBRON: Make a motion for approval.

CHAIRMAN: We've got a motion for approval by Mr. Cambron.

MS. DIXON: Second.

CHAIRMAN: We've got a second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

Next item on the agenda is the election of officers and for that I'll turn it over to the attorney, Stewart Elliott.

MR. ELLIOTT: Mr. Chairman, in accordance with our bylaws, the first meeting of the year we are to hold an election of officers. Those officers will be chairman, vice chairman and secretary.

At this time the floor is now open for nominations for the office of chairman.

MR. CAMBRON: I'd like to make a nomination of Drew Kirkland.

MR. APPLEBY: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

MR. ELLIOTT: Do we have a motion for the
nominated to cease?

MS. DIXON: So moved.

MR. ELLIOTT: I have a motion that nomination cease. Is there a second?

MR. APPLEBY: Second.

MR. ELLIOTT: All in favor of Mr. Kirkland signify by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: Mr. Kirkland, you are our chairman.

The floor is now open for nomination for the office of vice chairman.

MR. KIRKLAND: I'd like to nominate Nick Camborn as vice chairman.

MR. ELLIOTT: We have a nomination for Mr. Camborn. Do we have a second?

MR. HAYDEN: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

MR. KIRKLAND: I'd like to make a motion that the nomination cease.

MR. ELLIOTT: Do we have a second?

MS. HAYDEN: Second.

MR. ELLIOTT: All those in favor of Mr.
Nick Cambron for vice chairman signify by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: The floor is now open for the nomination for the office of secretary.

MR. APPLEBY: Move to nominate Mike Armstrong for secretary.

MR. CAMBRON: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

MR. APPLEBY: Move that the nomination cease.

MR. ELLIOTT: I have a motion that the nomination cease. Do I have a second?

MR. CAMBRON: Second.

MR. ELLIOTT: All in favor of Mr. Armstrong for secretary signify by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: Mr. Armstrong is secretary. That concludes the election, Mr. Chairman.

I turn it back over to you.

CHAIRMAN: Thank you, Mr. Elliott.

The next item on the agenda is consider Ohio Valley Reporting
(270) 683-7383
the adoption of the Comprehensive Plan updated parts
200 to 700 including Population, Economy, Employment,
Land Use, Transportation, Community Facilities and
Environment. Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, tonight we
will consider the adoption of the Comprehensive Plan,
the remaining elements of the Comprehensive Plan with
the exception of the overview section. In January of
2000, the goals and objectives for the communities
Comprehensive Plan was adopted by the legislative
bodies. That will be the City of Owensboro, City of
Whitesville, and the County of Daviess.

Since that time the Planning Staff have
been preparing updates to the remaining elements of
the Comprehensive Plan which were only adopted by this
commission. These elements pertain to the Land Use
Plan, Transportation Plan, the environment and many
other aspects that effect the development and the
growth within this community.

Tonight we have a power point presentation
fashion by Mr. Gary Adams in our office and he will go
through the history of the Comprehensive Plan for this
community as well as provide some insight as to the
2001 Plan Update and what that includes. So at this
time if the Planning Commission would step down and go
into the audience, we would like to make that
presentation.

MR. ADAMS: Thank you, Gary.

As Gary said I'm Gary Adams, Associate
Director of Planning with the Owensboro Metropolitan
Planning Commission. I'm going to read the
Comprehensive Plan Update from beginning to end.

We'll only be here for about three hours. That's my
joke to start out with.

What I want to do is just summarize the
process or some of the major issues in the 2001 Update
of the Comprehensive Plan.

This has been a two and a half year
process starting in June of 1998. There's a lot to a
Comprehensive Plan which you'll see as we go through
this presentation.

What is the Comprehensive Plan? Well,
it's a local decision making tool that the state
enables. It's the basis for this community to be able
to regulate land use through zoning and other land
management regulations. We're able by the state to be
able to regulate land use in Daviess County only
because we have the Comprehensive Plan. It's
community vision for future plan use. It recommends
patterns for future growth and land development for
all of Owensboro, Whitesville and Daviess County, and it looks ahead 20 years into the future.

It's a compendium of supporting data too. It includes trends and projections about population, our economics, our infrastructure, utilities, roads, etcetera, and the environment, floodplains, etcetera. It's a guide that has a history to it. This plan just didn't happen overnight. This is the second full update process to a plan that has been in effect for 20 years.

The first in-house Comprehensive Plan that was performed for this community by the Owensboro Metropolitan Planning Commission was in 1979. Was called Community Directions.

In 1979 some of the big elements that came about as part of that community planning process with Community Directions was the Urban Service Area Concept was adopted. That was when Daviess County first adopted the concept of Urban Service Area. That's the area, and it happens to surround Owensboro, but it goes about three miles outside the City of Owensboro also. That's the area of Daviess County that's covered by infrastructure plains that can accommodate -- that's the area of the county that has been planned for sewer expansions, for major
transportation improvements to highways, new major streets, and things of that nature, and other facilities. It is a 71 square mile area of Daviess County, about one-sixth of the land area of the county.

In that same plan the remainder of Daviess County was identified as the Rural Service Area. That's the remaining area of the county without full Urban Service Plans in which preservation of agricultural land would be the focus, but there still will be an accommodation for some rural residential growth.

Also it was recognized at that time in the Rural Service Area that there are about 240 traditional villages or crossroad communities like Sorgho, Knottsville, etcetera, including the City of Whitesville which is an incorporated place and also has the Urban Service of sewers, sanitary sewers. With those 20 communities all together, those we call rural communities. They're the areas of the rural area that are provided for additional housing and other urban uses that might be desired in rural areas. So if you go to Mosleyville, you know, there might be a little commercial use there plus you can get a hamburger, etcetera, and that is out in the Rural
Service Area, but it's in that rural community of Mosleyville.

Now we come forward about 10 years from that time into the 1991 Plan Update, and that's the plan we've been operating now since 1991. The significance of that plan was after the Planning Commission's experience for ten years under Community Directions, we learned that the specific map plan that we have and said, you know, if your color is red then your property is recommended for commercial, was not necessarily the kind of plan that we needed for Owensboro and Daviess County. Because the types of zoning approvals that the Planning Commission went through we decided that it would be better to have a general guided map that would color 12 different colors on a map and say those are plan areas; meaning that a violet area is generally an industrial type of area, and a blue area is generally a professional service type of area. Identify the general characteristic of a particular area and then define 16 different land uses from the most rural type of residential that you might have in the county all the way up to an industrial use. There are 16 different definitions for different kinds of land use and have a land use criteria listing. So what you can do is you
say, well, I want to do this use. The color on the
map is this color. What are the criterias? What is
the likelihood that the plan will endorse me doing
that on that particular piece of property? That can
be determined. It's almost like a menu.

What it does is it articulates what's
important in that question of whether or not it would
make sense for a particular piece of property to be
used for a particular use, and it can change over time
because of what's happening in the vicinity because
the criteria takes that into account.

Part of the process of establishing those
criterias is, say, well, what's important? What is
really important to make a decision of what land uses
go where?

One of the very important things is
capacity and availability of urban services because
for urban development, fairly dense urban development
you need adequate highways, streets and roads, you
need electricity, you need water supply. Those are
essential for urban development. If you want to have
denser urban development, smaller lots that you can't
really use septic tanks on, sanitary sewers are
essential.

Also when you get into more condensed
urban areas you have to deal with the issue of compatibility between urban land uses. If you have commercial, you'll see commercial is generally oriented to major streets. That's typical because businesses want to have that exposure, but the plan says if you're going to go out and create new commercial areas, then you need to establish those on those major streets rather than back in the middle of a residential subdivision where all the traffic coming to your business would have to pass through lesser intensity uses, plus it explains the concept of buffering between incompatible urban plan uses.

When you have commercial uses up next to residential, it make sense to have some kind of buffering between those and encourages the idea of stair-stepping for more intense uses to less intense uses because you minimize the buffer between them.

If you have a shopping center and then you have some offices next to that and then it goes down to say single-family residential, you don't need as much buffering between the uses because the uses themselves step down in intensity.

The '91 Plan Update also dealt with a lot of the issues that were then very prevalent with coal mining activity which was pretty active ten years ago.

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and is much less so now in Daviess County. It dealt with rural land development issues and policies. The result of that process was the Planning Commission argued that, yes, we should accommodate rural residential development, but only to the extent it doesn't significantly impinge on agricultural mineral extraction or natural resource activities and to help implement that strategy discourage excessive numbers of lots and odd-shaped lots.

I know there's been some news in the last few years about the Planning Commission adopting water supply requirements for remote parts of Daviess County to create lots and dimensional standards for lots no more than three times the depth in width. Those standards the Planning Commission has brought into affect in the last two years were in the 1991 Plan Update, recommended in that plan update.

Now we come up to today, the 2001 Plan Update. There's been a lot of citizen involvement in this process for the last two and a half years. There's been a dozen work sessions with community agencies and utilities such as Regional Water Resource Agency, with the airport board, with the school representatives, etcetera, several more. There were solicitation of input from governments in the
surrounding region and that's really statutory
requirement. We have to give McLean County, Ohio
County, etcetera, a chance to comment on our land use
activities in Daviess County.

We have had a few formal public hearing to
accept citizen input on the plan. We also have gone
out into the county and had town hall meetings in
Sorgho and Whitesville.

Gary mentioned before that the goals and
objectives of the Comprehensive Plan were adopted by
the legislative bodies in January of 2000. Well, the
draft of getting to the point of those goals and
objectives to adopt took about a year in conversations
back and forth between Planning Commission, Planning
Staff, the elected officials. The updated version was

Under the statutes the elected officials
adopt the goals and objectives, then those adopted
goals and objectives guide the preparation of the
other elements of the Comprehensive Plan which was
being adopted only by the Planning Commission based on
those goals and objectives.

So the 2001 Plan Update includes updates
on population trends and projections. We've updated
all of that information that's been happening in the

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last 10 years and what's projected to happen to the population in Daviess County in the next 20 years. What's been happening is steady growth, but it tends to be moving out into the county, dispersion from the inner part of the county in Owensboro on out into suburban areas and the urban service area and into expanding, ever expanding rural residential development and more than the plan had anticipated ten years ago.

Also we have updates to employment trends and projections. Retail and service jobs are growing. Manufacturing jobs are stable generally fluctuating between 6,000 to 7,000 in Daviess County.

We have updates to the transportation plans. The highways and major streets plans are the ones people think of a lot because "When are they going to widen my roadway?" etcetera.

We have a more updated airport master plan. We have the transit routes that currently exist. We have the bike-way plans. We have updates to a whole bunch of community facilities.

The city and county school facility plan, the parks needs analysis which is going to be utilized by the city and county master planning for the new master plan for all of city and county park systems.
We updated telecommunications policies dealing with the issue now today of wireless cell towers and we've worked to develop a tower inventory to help keep down the number of cell towers, new cell towers that are necessary. We have incorporated a new storm water master plan for the urban area. The sanitary sewer expansion plan of Regional Water Resource Agency, and the solid waste plan that's current.

We've also updated the environmental sections. The floodplain maps of '97. The new floodplain maps went into effect for Daviess County.

We've updated the historic sites listed and the status of those historic properties and water and air quality standards have been updated.

In the land use analysis, we did a lot of analysis to try to say, well, what's going on in the county, and what's been happening in the last ten years, and what might happen by 2020. In that process we've discovered that the urban service area, that one-sixth of Daviess County has enough land, vacant land in it to accommodate all urban development needs for Daviess County projected to 2020, if we desire as a community to bring that all inside the urban service area. Now, obviously that's not quite would happen entirely.
Also in the 2001 Land Use Plan updates we've incorporated the Baptist Town Redevelopment Plan which the Planning Commission actually adopted back in April of 1999, but we've incorporated it into the text of the plan.

Also this is a change that we're proposing and that's to expand new industrial park opportunities. There's some evidence in the analysis of our industrial land deeds that we may not have enough land depicted or provided for in the Land Use Plan of the Comprehensive Plan for industrial uses that we might need in 20 years. So we have suggested that we expand potential areas where those new industrial parks could be located out on some of the radial arterials leading into Owensboro, but it would require that they be 100 acres minimum, that they be connected to sanitary sewers, and that they have access to those arterial main roadways leading into town.

What are some future opportunities and issues then with this plan? One of the big things we are looking forward to is being able to refine land use in the Land Use Plan even further through the geographic information system that the city and the county and OMU and Regional Water are jointly
developing. That will allow -- and the PVA is involved. That will allow OMPC and the PVA to share more data about land use. We do it right now, but very, in a very difficult manner because we don't have linked information systems, but we're going to be able to have that down to the parcel level.

Then there's the county land use task force which is having hearings right now in conjunction with the community conversations trying to see what the community feels about significant issues of land use. We have some questions for them.

Will the land use task force find interesting prime farm land preservation protection? Will they find an acceptable level of rural services? Meaning what level of services do folks who live out in the rural parts of Daviess County really expect to have and expect to be able to pay for. Will the task force find a community consensus of how much rural development we want and can afford as a community because the development pattern of this community affects everyone in Daviess County either through their tax structure or through the utility fees they pay.

Conclusion: The 2001 Comprehensive Plan Update maintains a community vision, a vision that
we've been promoting for 20 years. The plan includes updated statistics and urban service plans. The land use plan has a capacity to accommodate projected population and urban development needs. The plan can support a range of regulatory changes with community consensus.

An electronic version of the plan is available via e-mail from our web site which is a temporary web site, but it's at iompc.org. I appreciate your attention.

CHAIRMAN: Mr. Adams, I'd like to thank you for a very well done, concise and to the point presentation of the Comprehensive Plan. You broke it down in about 15 minutes and did an excellent job. So if any our viewers or anybody in the audience that wants to get a complete update can go to the web site. Thank you very much. It was well done.

Now, Mr. Noffsinger.

MR. NOFFSINGER: I'd just like to summarize and say that the Planning Commission through their staff has worked on is a plan that just didn't happen. It was a plan that was crafted through numerous work sessions. This commission along with the elected officials and many citizens participated in work sessions that took many hours. It's a plan
that was prepared and updated based upon communication
and coordination with various agencies within this
community and with citizens of the community. It's a
plan that can guide the growth of this community for
the next 20 years. It's a plan that the Planning
Staff feels comfortable and feels good to have been
able to prepare in-house with the support of this
commission and the elected officials.

CHAIRMAN: Are we ready for the next item
on the agenda?

MR. NOFFSINGER: We need to take some kind
of action.

CHAIRMAN: Want to go ahead and approve
the --

MR. NOFFSINGER: Well, at this point we've
advertised for adoption of the Comprehensive Plan, 95
percent of the remaining elements of the Comprehensive
Plan. We still have a section of the overview section
that's yet to complete and this commission has two
choices. Number one, after we consider public comment
at this hearing, then this commission can consider to
adopt the plan as it is. We can consider taking a
look at making any revisions or considerations that
are taken into account during this public hearing, or
you may wish to postpone taking any action tonight and
take a look at soliciting more public input through
the local news media and through the airing of this
presentation that Mr. Adams made on Cable Channel 44.
That would give the citizens of the community an
opportunity to review what has been proposed and
presented to you tonight and another opportunity to be
heard.

CHAIRMAN: Let's see if there are any
comments from the audience at this present time on the
Comprehensive Plan.

Would anybody from the audience like to
address the commission, make any comments,
suggestions?

(NO RESPONSE)

CHAIRMAN: If there are no comments at
this time or suggestions from the audience, I think
the Chair would be ready for a motion at this time.

MR. ARMSTRONG: I'd like to make a motion
that we postpone taking any action for 30 days at
least awaiting further public comment.

CHAIRMAN: We have a motion from Mr.
Armstrong to postpone.

MR. HAYDEN: I'll second.

CHAIRMAN: We have a second by Mr. Hayden.

All in favor of the motion - - is there any discussion

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on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 4

Darlington Drive (Map N-25)
Land Disposition
Consider comments regarding a proposal to close a 535-foot long, 50-foot wide right-of-way and street known as Darlington Drive located between Wesleyan Drive and Scherm Road.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, this is an application to close a roadway that is used by the public and maintained by the public that serves the Kentucky Wesleyan College. The college is interested in closing this particular street in anticipation of future building construction at the site. Planning Staff has reviewed the application and finds no inconsistency with the Comprehensive Plan and recommend you forward a recommendation to the City of Owensboro in that regard.

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CHAIRMAN: Thank you, Mr. Noffsinger.

Is there any comments from the audience on this proposal?

(NO RESPONSE)

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

MR. CAMBRON: Make a motion we approve the closing of this road, of Darlington Drive, Mr. Chairman.

CHAIRMAN: Mr. Cambron has made a motion to close, for approval of the closure of Darlington Drive.

MS. DIXON: Second.

CHAIRMAN: Got a second from Ms. Dixon.

Are there any questions or comments?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The vote carried unanimously.

Next item, Mr. Noffsinger.

ITEM 5

Portion 7772 KY 815 (Map CO-13, 20) Facility Construction
Consider comments regarding the construction of a composting facility and contained landfill expansion at the West Daviess County Landfill.
Referred by: Daviess County Fiscal Court
Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It is an expansion of the West Daviess County Landfill that serves from the sanitation and the disposal needs of this community and surrounding communities. We have reviewed the proposal and find no conflict with the Comprehensive Plan.

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

(NO RESPONSE)

CHAIRMAN: If there are not, the Chair is ready for a motion.

MR. HAYDEN: Make a motion we approve.

CHAIRMAN: Got a motion for approval by Mr. Hayden.

MR. ARMSTRONG: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Next item, please.

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ZONING CHANGE - CITY

ITEM 6

Portion 931 East 18th Street, 0.55 acres (Map N-7)

Ohio Valley Reporting
(270) 683-7383
Consider zoning change: From I-1 Light Industrial to B-4 General Business.
Applicant: Specialty Landscaping & Garden Center LLC, Ann B. Stavis, Eleanor B. Sutton

MR. ELLIOTT: State your name for the record, please.

MS. WATSON: Becky Watson.

(MS. BECKY WATSON SWORN BY ATTORNEY.)

(ITEM 6 STAFF REPORT IS ATTACHED AND MADE A PART OF THE RECORD AT THIS TIME AS EXHIBIT A.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan.
This recommendation is made subject to the condition and findings of fact that follow:
Condition:
Access to East 18th Street shall be limited to a single driveway, located at the eastern boundary of the subject property.

Findings of Fact:
1. The subject property is located in a Business/Industrial Plan Area, where general business uses are appropriate in general locations;
2. The subject property is contiguous to existing B-4 General Business zones;
3. The area contains a number of mixed-uses consisting of business, industrial and residential
activities; and,

4. The adopted Comprehensive Plan allows existing areas that contain a mixture of business and light industrial uses to continue as mixed-use areas.

CHAIRMAN: Thank you.

Is there anybody representing the applicant?

MR. HARRINGTON: Yes.

MR. ELLIOTT: State your name.

MR. HARRINGTON: My name is Larry Harrington.

(MR. LARRY HARRINGTON SWORN BY ATTORNEY.)

MR. HARRINGTON: I am here on behalf of the applicant, Ron Lamotte, who is also here. We're here to answer any questions the Commission or members of the public might have.

CHAIRMAN: Does anybody in the audience have any questions of the applicant or Mr. Harrington?

(NO RESPONSE)

CHAIRMAN: Do any of the commissioners have any questions of the applicant or Mr. Harrington?

MR. CAMBRON: I have a question for Mr. Noffsinger.

Mr. Noffsinger, is there going to be adequate parking there with this area?
MR. NOFFSINGER: Yes, sir. Based upon the proposed use, we'll get into that in the next item under the Development Plan. Proposed use is a landscape nursery facility with two greenhouses and an office to be located on the property. They are providing nine parking spaces on the site to serve that use and that is adequate based upon the Zoning Ordinance.

MR. CAMBRON: Will there only be one entrance into this property?

MR. NOFFSINGER: There will be one entrance to the subject property and on the west side of the subject property I believe there's another entrance that's located on the adjoining property that may be used by this development.

MR. CAMBRON: That's all I have.

CHAIRMAN: Do any other commissioners have any questions?

(NO RESPONSE)

CHAIRMAN: If there are no more questions or suggestions, the Chair is ready for a motion.

MR. ELLIOTT: Mr. Chairman, I think prior to the motion we need to have introduced in the record the full report from the Staff as an exhibit.

CHAIRMAN: You want to call this Exhibit
MR. ELLIOTT: Yes.

CHAIRMAN: For the record let's have the Staff Report entered into the record as Exhibit A, please. Give that to the court reporter.

MR. NOFFSINGER: We have presented that to the court reporter and have identified that as Exhibit A.

MR. CAMBRON: Is Chair ready for a motion?

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

MR. CAMBRON: Motion for approval based on the Findings of Fact 1 through 4 and the Condition that accessed to East 18th Street to be limited to a single driveway located at the eastern boundary of the subject property, Mr. Chairman.

CHAIRMAN: Mr. Cambron has made a motion for approval. Is there a second?

MS. DIXON: Second.

CHAIRMAN: We've got a second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion passes unanimously. Next item, please.
ITEM 6A

931 East 18th Street, 2.45 acres (Map N-7)
Consider approval of final development plan.
Applicant: Specialty Landscaping & Garden Center LLC
(Ron Lamotte III), Ann B. Stavis, Eleanor B. Sutton

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. It is a proposal to construct two greenhouses on the property with an office. There is an existing warehouse facility located on the property which will be to the north or to the rear of this particular development. This particular piece of property was the parking area that served the old post office that was located on East 18th Street. This application is in order and ready for your consideration.

CHAIRMAN: Do we have anybody -- obviously we have Mr. Harrington representing the applicant. The applicant is here. Does anybody on the board have any questions?

MR. CAMBRON: Are they going to plant trees and shrubs there? That's all right. I'm just kidding.

CHAIRMAN: There should be adequate screening there.
If we have no other questions from the board, the Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carried unanimously.

Next item, please.

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ZONING CHANGES - COUNTY

ITEM 7

8800 Block KY 2830, 20.55 acres (Map CO-62)
Consider zoning change: from A-R Rural Agriculture to R-1A Single-Family Residential.
Applicant: Robert J. Wimsatt

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in substantial compliance with the adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

Improvement of Sacra Drive to a 34-foot wide
pavement width with curb and gutter on both sides from
the CSX Railroad crossing along the entire length of
the subject property.

Findings of Fact:

1. A portion of the subject property is located
in a Rural Preference Plan Area where rural small-lot
residential uses are appropriate in very-limited
locations;

2. A portion of the subject property is located
in a Rural Community Plan Area where rural small-lot
residential uses are appropriate in general locations;

3. A preliminary subdivision plat has been
submitted, which shows each lot fronting on a public
street to be constructed to urban specifications;

4. The District Health Department has
tentatively approved the development for septic tank
use;

5. With the proposed improvements to Sacra
Drive, the roadway capacity should not be
overburdened; and,

6. The proposal is a logical expansion of
limited scope of existing rural small-lot residential
zoning and use.

MS. WATSON: We would like to introduce
the Staff Report as Exhibit B.
ITEM 7 STAFF REPORT IS ATTACHED AND MADE A PART OF THE RECORD AT THIS TIME AS EXHIBIT B.)

CHAIRMAN: Is there someone representing the applicant here?

MR. WIMSATT: No comment.

CHAIRMAN: Does anybody from the audience have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Do any of the commissioners have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move for approval because it's in compliance with the Comprehensive Plan subject to the Condition and based upon Findings of Fact 1 through 6.

CHAIRMAN: Ms. Dixon has made a motion for approval.

MR. ROGERS: Second.

CHAIRMAN: We've got a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Ohio Valley Reporting
(270) 683-7383
Related Item:

ITEM 7A

East Meadows, 20.812 acres (Map CO-62)
Consider approval of major subdivision preliminary plat.
Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this Preliminary Subdivision Plat has been reviewed by the Planning Staff. It's found to be in order. It proposes 34 residential lots within the area of Maceo and it does include improvements to Sacra Court with curb and gutter as pavement widening as described in the previous conditions of the zoning change that you've just considered.

CHAIRMAN: The applicant is present. Are there any other questions that anybody in the audience would have of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the board have any questions of the applicant?

MR. CAMBRON: I have a question of the applicant if he could step up, please.

MR. ELLIOTT: State your name, please.

MR. WIMSATT: Bob Wimsatt.

(MR. ROBERT WIMSATT SWORN BY ATTORNEY.)

MR. CAMBRON: It was more of a formality
than I want to ask you the question. Has the drainage been taken care of on this property? I know it drains kind of low on the back there.

MR. WIMSATT: Part of the design that the engineers did does include an analysis of where the water is going to go. There are some ditches that have to be added in this Development Plan. That's all been worked out by the county engineer through the engineers that did the design work for me.

MR. CAMBRON: I don't see any retention basins in here.

MR. WIMSATT: I think the engineers could probably answer that question a little better, but as I basically understand it the ditches themselves have the capacity to serve the retention requirements.

MR. CAMBRON: Okay. Good enough. Thank you.

CHAIRMAN: Does anybody else have any question of the applicant?

(NO RESPONSE)

CHAIRMAN: If there are no more questions of the applicant, the Chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr.
Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Noffsinger.

ITEM 8

4100 Block Medley Road, 10.040 acres (Map N-81)
Applicant: Robert J. Wimsatt

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan.

This recommendation is made subject to the findings of fact that follow:

1. The subject property is located within an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;
2. Sanitary sewers are proposed to be expanded to the site;
3. The subject property immediately adjoins areas of urban low-density residential zoning; and,
4. The proposed development of the subject property should not significantly lower the

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level-of-service of Medley Road.

MS. WATSON: The Staff would like to enter
this Staff Report as Exhibit C.

(ITEM 8 STAFF REPORT IS ATTACHED AND MADE
A PART OF THE RECORD AT THIS TIME AS EXHIBIT C.)

CHAIRMAN: Is there anybody here
representing the applicant?

MR. WIMSATT: Yes.

CHAIRMAN: Does anybody from the audience
have any questions on this application?

MS. KETTERMAN: Yes.

MR. ELLIOTT: State your name, please.

MS. KETTERMAN: Freida Ketterman.

(MS. FREIDA KETTERMAN SWORN BY ATTORNEY.)

MS. KETTERMAN: I just want to ask him a
question.

Is this joining us?

MR. WIMSATT: It is.

MS. KETTERMAN: The ten acres behind us?

MR. CAMBRON: Have you seen this? Why
don't you step up here and grab this here.

MS. KETTERMAN: We have a drainage problem
out where I'm at. That's why I'm here.

(CONFERENCE AT COMMISSIONERS BENCH.)

CHAIRMAN: Excuse me. You need to go
back. You can take that with you. We need you at the microphone so we can have it on record.

MS. KETTERMAN: This is not what I'm talking about. We were worried about this in behind the trees, the woods, when I bought it.

MR. WIMSATT: Try to help her out here?

CHAIRMAN: We'll just have a joint meeting at the mike there because it's easier there. If you all can just share the mike.

(DISCUSSION BETWEEN MS. KETTERMAN AND MR. WIMSATT.)

MR. WIMSATT: I can't answer that.

MS. KETTERMAN: There's a problem out there of draining too. How are they going to do this when this drainage is not fixed?

CHAIRMAN: Wait a minute. Let me ask Mr. Wimsatt. We'll get him over here at a different mike and we'll see if you can address the Chair and the Chair can go back and get Mr. Wimsatt.

Now, would you specifically state your question for the record, please?

MS. KETTERMAN: How is he going to have the drainage fixed in this plot when it's not fixed in the plot that he just sold and the houses went in? I know my house is the one that it all flows on and it's
out there for anybody to take a look at.

CHAIRMAN: Now, this is a previous piece

of property that's already been developed?

MS. KETTERMAN: Right. It adjoins this

property that he's wanting to sell.

CHAIRMAN: Mr. Wimsatt, do you understand

her question?

MR. WIMSATT: I'm not sure that I fully

understand it.

MS. KETTERMAN: Drainage.

MR. WIMSATT: Yes. Part of the design

plans that the engineers did, of course, includes an

analysis of drainage and they have to decide how to

route water around property or whether to include the

retention basins. I don't do the engineering work.

That's done through hired engineers in conjunction

with either the city or the county engineers. In this

case, the city engineer. So the detailed calculations

as to how they decide what ditches needs to go where

and how to run the water, you know, I really don't

know that. That's worked out with the engineers and

then they said in this case with the city engineer,

but that's part of the design phase that they have to

go through on any project. All of that has been

worked out and approved by the city engineer.
CHAIRMAN: Ms. Watson, would you step to the mike and address that on our behalf, please.

MS. WATSON: The preliminary plat that was submitted for Doe Ridge Subdivision did include drainage calculations that the city engineer has approved. It was also requirements on that preliminary plat for an existing ditch to be cleaned out that carried some drainage from the previously plated subdivision.

MS. KETTERMAN: It's not done. No, it's not done.

MR. CAMBRON: Mr. Chairman, let me --

MS. KETTERMAN: None of what she said has been done. That's what I'm here for.

MR. CAMBRON: I've had a couple of calls from --

MS. KETTERMAN: I've had the city engineer out there too.

MR. CAMBRON: I've had a couple of calls from people that live out here and they've got a big drainage problem and it hasn't been addressed yet and that's one of my big concerns too. We haven't taken care of this yet. How can one approve this if we haven't taken care of the drainage problem there?

MS. KETTERMAN: Right.
MR. WIMSATT: Mr. Chairman, the engineer is here. I don't know what the drainage problem is that Mr. Cambron is referring to. I know that there was an adjoining ditch on some of the previous development that the city engineer asked to be cleaned out, but that actually is over on another side of the property that doesn't adjoin the Kettermans.

MS. KETTERMAN: Where does it flow?

CHAIRMAN: Wait just a minute. I think we're getting outside of Mr. Wimsatt's expertise.

Is the engineer here? Is your engineer here?

MR. WIMSATT: I believe he is. I believe I saw him.

MR. CHAIRMAN: Who is your engineer?

MR. WIMSATT: Don Bryant.

CHAIRMAN: Mr. Bryant, would you step forward and be sworn in, please.

MR. ELLIOTT: State your name for the record, please.

MR. BRYANT: Don Bryant.

(MR. DON BRYANT SWORN BY ATTORNEY.)

MR. BRYANT: I need to know what the problem is and where it's located.

MS. KETTERMAN: Right here. My home. The

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street right in front of my house. They scoop up dirt
every time it rains. That's how much of my yard is
washed away. I'm continuing putting dirt in right
there in the corner. It runs down from that way. It
runs down from that way. They don't have a drainage.
Deer Haven Drive they have one, two, three drainage
holes and then they don't have any more until they
pass my house. It kind of gathers right there. I
don't like that. You know, I'm having my yard sodded
in the spring, seeded, sodded, whatever. I don't want
it to run off and run in the street like it is now. I
pay too much money. I mean I'm retiring.

CHAIRMAN: Wait just a minute. Let me see
if Mr. Bryant can answer these specific questions or
whether we --

MR. BRYANT: I'm trying to find out what
the real problem is. We can't address it until we
find out. Is the problem behind the curb or is it in
the street?

MS. KETTERMAN: In the street.

MR. BRYANT: One thing that comes to mind
there the paving is not completed.

MR. WIMSATT: That's right.

MR. BRYANT: The street is not completed
and usually until such time as the pavement is
completed, there is some silt in the street because the asphalt is below the lip of the curb.

MR. WIMSATT: There is not an inlet on the corner that their home is on that side.

MS. KETTERMAN: That's right.

MR. WIMSATT: There's an inlet on the other side.

MS. KETTERMAN: Fifty feet down from us.

MR. WIMSATT: But there's not one on their corner. I don't know in the original design if it was intended for that water to cross on over once the finished blacktop got put in. You know, I don't know if Mr. Bryant can answer that for us. I think that can probably be taken care of with the finished asphalt by --

MS. KETTERMAN: Let me tell you. I've been --

CHAIRMAN: Wait a minute. Let him finish with his statement and then we will come back to you and let you have yours and then we will give Mr. Bryant hopefully a summary.

MR. WIMSATT: I don't know whether putting blacktop on will take the water across the road or not. If it doesn't, I mean we may have to look at adding an inlet on that corner. You know, I don't
particularly care what improvements we need to make
I'm willing to do, but really that's outside of the
scope of this 10 1/2 acres that we're talking about	onight. This was a previously approved project that
her lot, that the Kettermans lot is on. All of that
drainage and stuff was calculated separate from what
we're talking about tonight.

CHAIRMAN: Well, this comes under the
heading of public comment so we're going to address it
at this time. Let me ask you to be seated. We'll
give Mr. Bryant the summary, I believe.

MR. BRYANT: This water does not cross the
intersection. That street, there's a stub-out street
here that actually connects with the area that's on
the agenda at this time. The water actually comes
into this intersection, goes around the radius and
it's intended to flow to the southwest here and now
for Buck Trail, the street that's stubbed out there
does that. It just extends one lot depth. Evidently
it's a problem there in the radius where the final
asphalt has not been placed. It's not uncommon until
all the asphalt is placed that we have some low places
around inlet boxes and so forth where you have a small
amount of silt. All I can say is that, you know, once
it's completed there will not be a low spot there.
There won't be any reason for that to hold silt.
There's a possibility that the curb is settled. I
can't really say. We can say it's isolated to one
small area. If the curb is low or whatever right
there, it can be rendered very easily.

MR. CAMBRON: Would it be something you
really need to go look at?

MR. BRYANT: We'd have to check it in the
field. I can't be any more specific, but it's
certainly not anything of any consequence. It could
be taken care of.

MR. CAMBRON: Mr. Wimsatt, can you step
back up to the mike because I want to address
something else here.

I've had a couple of calls from people
that have drainage problems that back up to Medley
Road on Creekside Court. They're even closer I guess
to this property that's going to be rezoned tonight or
the plan be approved. They have problems with
drainage too there and it has nothing to do with road
or drainage box. Their whole backyard is flooded.

MR. WIMSATT: Actually, Mr. Cambron,
Creekside Court is probably the furtherest away from
this 10 1/2 acres that we're talking about tonight.
If it's where I think you're describing, the
topography of the land in that area was not changed hardly at all from the way it originally was and the way it was -- and with the new lots added to that property. One of the things that I had a dozer operator do a month or two ago was on my side of the property line adjoining those lots that back up on Creekside Court is to cut a swell so that it would take the water and keep the water on my side of the property and not go over onto the other lots. I don't know that that was even shown as a requirement in the design for that part of the subdivision, but I went ahead and cut that swell just to try to help out the neighbors. There again, that's off of this 10 1/2 acres.

MR. CAMBRON: I understand that, but you do have a drainage problem out there and the neighbors are complaining and it needs to be addressed.

MR. WIMSATT: It's certainly better to address these things outside of the meeting tonight, you know. I mean if somebody has a problem, those -- the people on Creekside haven't called me.

MR. CAMBRON: They've called somebody.

MR. WIMSATT: I'm saying they didn't call me.

MR. CAMBRON: I understand, but this is
the place to bring it up.

CHAIRMAN: Let's move forward with this.

MR. BRYANT: We still have considerable bond posted on these units. We'll look into it and render the situation. This second issue I'm not sure where it's at or what the cause is. We'll just have to look into it. Like I say there is considerable bond still posted for this entire subdivision.

CHAIRMAN: Thank you, Mr. Bryant.

MR. ARMSTRONG: You talking about the last layer of blacktop, do you know when it's scheduled?

MR. WIMSATT: Typically you do that after most of the construction is done. I would say it'd be done sometime this year. There's currently homes on probably about half of those lots, the previous lots

CHAIRMAN: Thank you.

Mr. Bryant, do you have anything else to say?

MR. BRYANT: No.

CHAIRMAN: Ms. Ketterman, what it looks like we'll do with this situation, Mr. Bryant has offered to go out there and take a look at it. Mr. Wimsatt has offered to do whatever correction needs to be done and please understand that Mr. Wimsatt, there is a covering this whole development. So it's in all
peoples best interest to clear this up and I'm sure they'll work with you to get it done because it's a future thing that they want to do.

MS. KETTERMAN: Can I say something?

CHAIRMAN: Yes, ma'am, you may.

MS. KETTERMAN: It's been a year. February will be a year that I've been out there. I have talked to him, talked to everybody, and it's done no good so I came here tonight.

MR. CAMBRON: This is the place to be.

MS. KETTERMAN: They called me a dumb blond, a dizzy lady, but I don't care. My property cost a lot of money. My home cost a lot of money. Nobody would buy it with the drainage problems if I was to sell it. I wanted it a matter of public record. In fact, I would like it in the paper.

CHAIRMAN: Well, the newspaper is here.

MS. KETTERMAN: It's just I've talked, and talked, and talked. I've been put off, put off, put off. I want something done.

CHAIRMAN: We can assure you at this time that we are now made aware of it. You have made your point and Mr. Bryant will go out and take a look at it and Mr. Wimsatt is very much aware of it and I'm sure within a reasonable period of time — there is a
ditch cleaning that also is a condition that should possibly help this area, but regardless action will be taken. Mr. Bryant will be out. I'm sure if you have any more problems, please come back and see us.

MS. KETTERMAN: Yes. It's nothing against him. It's nothing against him personally. He's a good kid. His kids play little league and everything like that. He's good. It's just that people don't listen. When you get older people don't listen and I wanted to be heard and that's all. He knows. We talk to him every time he's out there. He knows my problem.

CHAIRMAN: Yes, ma'am, and I can assure you Mr. Wimsatt has not gotten to the age where he won't listen. He's at the age where he's got a big bond and I'm sure he will listen. I'm sure that we will work with you and they'll work with you. I'm sure they'll get it taken care of and if they don't, please come back and we will follow up behind it.

MS. KETTERMAN: I will.

CHAIRMAN: Thank you.

MR. CAMBRON: Mr. Chairman, I've got a question for Mr. Noffsinger.

Could we possibly table this for 30 days until we get some of these drainage issues taken care
MR. NOFFSINGER: Yes, you could do that.

I would like to state for the record the Planning Staff did not receive any calls regarding drainage at this site; however, when the Planning Staff went out to view the property for the zoning change, we did identify certain ditches within the development that appeared to be in need of cleaning and we did talk with the city and the county engineer and they have worked with Mr. Wimsatt.

I understand that as a part of the plan that's coming up a little bit later on the agenda, that it has been agreed upon that some of those ditches will be properly cleaned. That may alleviate, hopefully alleviate some of the drainage concerns within that development. It may not take care of this lady's problem.

What I would ask is that Becky Watson with the Planning Staff communicate this issue with the city engineer and make him aware of the situation so that he can take a look at the site with Mr. Bryant and Mr. Wimsatt.

CHAIRMAN: With no further questions or comments the Chair is ready for a motion.

MR. CAMBRON: Mr. Chairman, I'd like to
make a motion to postpone this for 30 days until we
get these drainage issues taken care for some of these
people out there and possibly this will speed things
up for them.

CHAIRMAN: We have a motion for a
postponement.

MS. DIXON: Second.

CHAIRMAN: I have a second by Ms. Dixon.

All in favor raise your right hand.

(SISTER VIVIAN BOWLES, DREW KIRKLAND, NICK
CAMBRON, JUDY DIXON AND BELINDA DOUGLAS ALL RESPONDED
AYE.)

CHAIRMAN: All opposed.

(DAVE APPLEBY, MIKE ARMSTRONG, IRVIN
ROGERS AND MARTIN HAYDEN ALL RESPONDED NAY.)

CHAIRMAN: We have a 30 day postponement.

It did pass.

Next item on the agenda, please.

ITEM 9

Portion 4617 Sutherland Road, 2.30 acres (Map N-62)
Consider zoning change: From A-R Rural Agriculture to
B-4 General Business
Applicant: Steve All, Forrest Allen Delacey, Shirley
Delacey

MR. NOFFSINGER: Mr. Chairman, we received
a letter from the applicant today requesting that the
Planning Commission consider this item for

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postponement until the February meeting of this commission.

CHAIRMAN: We're voting for postponement.

MR. APPLEBY: Chair ready for a motion?

CHAIRMAN: Let's see if we've got any public comment.

Are there any neighbors here that have any questions of the applicants?

(NO RESPONSE)

CHAIRMAN: If there are no comments from the audience, the Chair is now ready for a motion.

MR. APPLEBY: Motion to postpone.

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

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

DEVELOPMENT PLANS

ITEM 10

815 Triplett Street, 5.405 acres (Map N-4)
Consider approval of final development plan.
Applicant: Wendell Foster Center

Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, this Development Plan was approved by this commission back a few years ago. It was approved for the construction of approximately five to six individual residential units to be utilized in conjunction with the activities of the Wendell Foster Center. They were going to be located along Center Street on the main campus. This proposal is to revise the Development Plan for financing purposes only so that a lot line can be established that would put these individual residences on a separate lot and that financing could be adequately achieved. Planning Staff recommend that the Development Plan be approved and it is in order.

CHAIRMAN: Is there anybody representing the applicant there?

APPLICANT: We're here.

CHAIRMAN: Is there anybody that has any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the board have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: The Chair is ready for a motion.

MR. CAMBRON: Motion for approval.
MR. HAYDEN: Second.

CHAIRMAN: We've got a motion for approval by Mr. Cambron and a second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 11

805 East Seventh Street, 2.744 acres (Map N-4) (POSTPONED)
Consider approval of final development plan.
Applicant: Wendell Foster Center

MR. NOFFSINGER: Mr. Chairman, this Development Plan was postponed from the last meeting of this commission. The plan is in order. It's been reviewed by the Planning Staff. It is a proposal to construct approximately five buildings to be used in conjunction with the Wendell Foster Center. The property will be used for conversion or removing of the residential care beds from the main campus where they are now to this new facility. It's being done for various reasons. One of which would be to make the facility more accessible due to the topography of the existing campus. The existing campus would be used for therapy and more rehabilitative services. It is in order and ready for your consideration.
CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Do we have anybody in the audience that has any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Do we have anybody on the board that has any questions of the applicant?

(NO RESPONSE)

MR. ROGERS: Is Chair ready for a motion?

CHAIRMAN: Does the applicant, I notice, do you have some charts and things?

APPLICANT: We don't have to.

CHAIRMAN: Okay. Mr. Rogers.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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.

MR. NOFFSINGER: Under Major Subdivisions Item Number 12, I will read this into the record;

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however, since the zoning change was recommended for postponement under Item Number 8, Item Number 12 and 13 need to be postponed by this commission because it's a related property.

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MAJOR SUBDIVISIONS

ITEM 12

Doe Ridge, Section 3, 15.963 acres (Map N-81)
Consider approval of major subdivision preliminary plat.
Applicant: Robert J. Wimsatt

CHAIRMAN: Do we need to vote on --

MR. NOFFSINGER: Postponement.

MR. CAMBRON: Motion for postponement, Mr. Chairman.

MS. DIXON: Second.

CHAIRMAN: Motion for postponement by Mr. Cambron and a second by Ms. Dixon. All in favor raise your right hand.

(SISTER VIVIAN BOWLES, IRVIN ROGERS, DREW KIRKLAND, NICK CAMBRON, JUDY DIXON AND BELINDA DOUGLAS ALL RESPONDED AYE.)

CHAIRMAN: All opposed.

(DAVE APPLEBY, MIKE ARMSTRONG AND MARTIN HAYDEN RESPONDED NAY.)

CHAIRMAN: This will be an automatic.

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MR. NOFFSINGER: Yes. This property is related to the property that was considered for rezoning that was postponed by this commission and because you did not move forward with the zoning change of the property, then you would not be able to move forward in approving the plans for the property.

CHAIRMAN: Regardless.

MR. APPLEBY: I'm still opposed.

CHAIRMAN: Let's go back. All in favor of the proposal for postponement raise your right hand.

(SISTER VIVIAN BOWLES, IRVIN ROGERS, DREW KIRKLAND, NICK CAMBRON, JUDY DIXON AND BELINDA DOUGLAS ALL RESPONDED AYE.)

CHAIRMAN: All opposed.

(DAVE APPLEBY, MIKE ARMSTRONG AND MARTIN HAYDEN RESPONDED NAY.)

CHAIRMAN: Six to three.

Next item.

ITEM 13

Doe Ridge, Section 3, Unit 1, 9.868 acres (Map N-81) Consider approval of major subdivision final plat. Surety (Certified Check) posted: $47,249.80 Applicant: Robert J. Wimsatt

MR. NOFFSINGER: You need to vote on a postponement of this item since it is related to Item Number 12 which has been postponed.
Chair is ready for a motion.

Ms. Dixon has a motion to postpone it.

Second by Mr. Cambron. All in favor of the postponement.

Sister Vivian Bowles, Irvin Rogers, Drew Kirkland, Nick Cambron, Judy Dixon and Belinda Douglas all responded Aye.)

All opposed.

(Dave Appleby, Mike Armstrong and Martin Hayden responded Nay.)

The motion is postponed.

Next item.

ITEM 14

Locust Grove Estates, Phase 1, 33.62 acres (Map Co-48)
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $58,405
Applicant: Eric Avery

Mr. Chairman, this application has been reviewed by the Planning Staff. It proposes for the plating of 16 lots to be used for residential development. If this commission wishes to approve this tonight, it will need to be subject to a revised preliminary subdivision plat that will address some
drainage revisions. These drainage revisions have been approved by the county engineer; however, the plat that we have before us tonight is not consistent with the preliminary plat and we would recommend that you authorize the director to sign that preliminary plat with the drainage modifications. We would hold up the releasing this plat until such time that preliminary subdivision plat has been approved.

CHAIRMAN: Is anybody representing the applicant here?

MR. AVERY: The applicant is here.

CHAIRMAN: Does anybody in the audience have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the board have questions of the applicant?

MR. CAMBRON: I don't quite understand what you said, Mr. Noffsinger.

MR. NOFFSINGER: The preliminary subdivision plat that was approved by this commission for this property addressed drainage issues related to this development. There have been some slight modifications to the proposed drainage system that are going to be different on the final plat in the way the drainage system is going to be routed or designed than
it was on the preliminary plat. So the Planning Staff
would recommend that if you recommend this or if you
approve this plat tonight that it be conditioned upon
the developer submitting a revised preliminary
subdivision plat with the drainage modifications
approved by the county engineer and authorize the
director to sign off on that.

MR. CAMBRON: Now I understand.

CHAIRMAN: Now the Chair is ready for a
motion.

MR. APPLEBY: Move to approve with the
stipulations stated by Mr. Noffsinger with the revised
plan to be signed off on by the director.

CHAIRMAN: We've got a motion for approval
by Mr. Appleby.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 15

Preakness Place At The Downs, Unit 3, 9.553 acres
(Map N-44)
Consider approval of major subdivision final plat.
Surety (Irrevocable Letter of Credit) posted:
$20,696.80
Applicant: Thompson Homes, Inc.
Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Mr. Chairman, this proposal is to plat 26 lots within the Downs Subdivision. This particular development as well has some slight modifications to the drainage system that involves a section of paved ditch that has not been constructed and the county engineer has approved an alternate drainage pattern that would eliminate a particular section of the ditch. If you wish to approve this plat tonight, Planning Staff recommend that you do so subject to a revised preliminary plat that would be in authorizing the director to sign this plat.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience have any questions or comments to the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the board have any questions or comments of the applicant?

(NO RESPONSE)

CHAIRMAN: If not Chair is ready for a motion.

MR. HAYDEN: Make a motion to approve with the recommendation by Staff.

CHAIRMAN: We've got a motion for approval
by Mr. Hayden.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 16

Yewells Heritage, 5.57, 0.743 acres (Map N-56)
Consider approval of major subdivision final plat for developer property transfer.
Applicant: Yewells Heritage Developers, Inc.

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order and it is to accommodate a property transfer between the landowner and the developer. There is a preliminary subdivision plat that has been approved by this commission for this particular piece of property.

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience have any question of the applicant?

(NO RESPONSE)

CHAIRMAN: Any board members have any
questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

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.

MINOR PLATS

ITEM 17

6533, 6543 Curdsville-Delaware Road, 1.000, 3.605 acres (Map CO-3)
Consider approval of minor subdivision plat.
Applicant: Thomas G. Payne

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It is in order. It is a proposal to create a one acre lot out of a tract of ground that's approximately four and a half acres in size. The lot that is proposed would exceed the three to one depth to width ratio by about 60 feet. The Planning Staff reviewed the
application. We had found that there's adequate
frontage along Curdsville-Delaware Road as well as
adequate width on the property to where the depth to
width ratio could be met. It is ready for your
consideration.

CHAIRMAN: Somebody here representing the
applicant?

APPLICANT: Yes.

CHAIRMAN: Do we have any questions of the
applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any comments or
questions by the board?

MR. CAMBRON: Ready for a motion, Mr.
Chairman?

CHAIRMAN: We're ready for a motion, Mr.
Cambron.

MR. CAMBRON: Motion for approval.

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

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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Next item.

ITEM 18

6008 Jack Hinton Road, 7001 KY 54, 4.187, 5.813 acres (Map CO-66)
Consider approval of minor subdivision plat.
Applicant: Eula Mae Miller

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. It is recommended for approval by the Planning Staff. It's proposal to subdivide an existing ten acre tract into two lots of about five acres each. The lots will meet the depth to width ratios as well as other site development requirements of the Zoning Ordinance and subdivision regulations; however, it comes before this commission because there's an existing 50-foot leg on the subject property which extends out to Kentucky 54 and there's also frontage on the parent tract along Jack Hinton Road. The 50-foot leg is existing and it will serve as the only access and frontage to one of the tracts. The other tract will retain the frontage along Jack Hinton Road. The Planning Staff do recommend it because the 50-foot leg exist today and actually the proposed division would create two lots that are more proportionate than the existing tract is now.

CHAIRMAN: Is there anybody representing Ohio Valley Reporting
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the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the board have any comment or question?

(NO RESPONSE)

CHAIRMAN: Chair is now ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Move for approval by Ms. Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 19

815 Triplett Street, 708, 712, 716, 728 Center Street, 5.405 acres (Map N-4)
Consider approval of minor subdivision plat.
Applicant: Wendell Foster Center

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. This item is related to Item Number 11 on the agenda. Excuse me. Item Number 10 on the agenda which creates the lot for the five or six individual residences located along Center Street

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for financing purposes. It was a division that could
not be approved by the Planning Staff due to the
arrangement of the buildings on the property; however,
there is a notation on this plat that this arrangement
is for financing purposes only and this property
cannot be conveyed separate from the main campus or
the parent tract of the Wendell Foster Center.

CHAIRMAN: Is there somebody here
representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody on the board have
any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the audience have
any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Move for approve 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.
SURETY RELEASES

ITEM 20

Brescia Student Apartments, $4,725.00
Consider release of surety (Performance Bond) for landscaping.
Surety posted by: Brescia University

CHAIRMAN: Can we do these in toto?

SISTER VIVIAN: I need to disqualify myself.

CHAIRMAN: Sister Vivian will not participate in the voting.

Can we do these in toto, Gary?

MR. NOFFSINGER: Since she's disqualifying, do them separate.

CHAIRMAN: No problem with the first security release. Anybody have any questions?

(NO RESPONSE)

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. ARMSTRONG: Second.

CHAIRMAN: Second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT WITH THE EXCEPTION OF SISTER VIVIAN RESPONDED AYE.)

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CHAIRMAN: Next item, please.

ITEM 21

Woodcrest, Unit #2, $15,616.50
Consider partial release of surety (Performance Bond) for streets and storm sewers.
Surety retained (Certificate of Deposit): $19,668.40
Surety posted by: Bruce A. Peters

MR. CAMBRON: Make a motion for approval.

CHAIRMAN: Motion for approval.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Next item.

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SURETY TRANSFERS

ITEM 22

Bon Harbor Estates, Unit #6, $9,649.20
Transfer of surety (Certificate of Deposit) for sidewalks to the city of Owensboro.
Surety posted by: Robert H. Steele

MR. APPLEBY: Mr. Chairman, I need to disqualify myself on Item 22.

CHAIRMAN: Mr. Appleby will be excused on Item Number 22.

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

CHAIRMAN: Motion for approval by Mr.

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Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE EXCEPTION OF MR. APPLEBY RESPONDED AYE.)

CHAIRMAN: Next item, please.

ITEM 23

Daniel W. Kinney Property Division, $2,500.00 Transfer of surety (Certified Check) for fire hydrants to the Daviess County Fiscal Court.
Surety posted by: Daniel W. Kinney

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

MR. ROGERS: Second.

CHAIRMAN: Move for approval by Ms. Dixon.

Got a second by Mr. Rogers. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Next item, please.
the proposed budget amendment. This budget amendment is necessary due to the transfer of community development and property maintenance out of the authority or direction of the Planning Commission and over to the City of Owensboro. I will be happy to entertain any questions that you may have.

CHAIRMAN: Do we have any questions from the audience about the budget?
(NO RESPONSE)

CHAIRMAN: Do we have any questions by any of the commissioners about the budget?
(NO RESPONSE)

CHAIRMAN: If not Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Ms. Dixon has a motion for approval.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The budget carries unanimously. Chair is ready for one last motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Ms. Dixon has a motion for
adjournment.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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

I, LYNNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Planning & Zoning
meeting was held at the time and place as stated in
the caption to the foregoing proceedings; that each
person commenting on issues under discussion were duly
sworn before testifying; that the Board members
present were as stated in the caption; that said
proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 70 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 30th day of January, 2001.

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2002

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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