The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, November 12, 2009, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

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CHAIRMAN:  I would like to welcome everybody to the November 12 Owensboro Metropolitan Planning Commission meeting.  Will everybody please stand.

(INVOCATION NAND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to consider the minutes of the October 8, 2009 meeting. Are there any corrections, additions?

(NO RESPONSE)

CHAIRMAN:  Any questions, comments from the commission?
(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 2

Presentation of FY '09 Audit by Gene Boaz, CPA

MR. SILVERT: Would you state your name, please.

MR. BOAZ: Gene Boaz.

(GENE BOAZ SWORN BY ATTORNEY.)

MR. BOAZ: My job was to audit the fiscal year financial records of the Owensboro Metropolitan Planning Commission for fiscal year ending June 30, '09. In that capacity, I examined records, etcetera in order to form an opinion regarding those financial records. In my opinion, the statements that were presented, present fairly in all respects financial position. The result of operations, activities and
cash flows of the Owensboro Metropolitan Planning Commission.

In addition, in a limited capacity we examined the internal control system of the agency and found that there were no material weaknesses or significant deficiencies in that internal control system.

CHAIRMAN: Are there any suggestions or comments or anything that we should be looking at or do you find all of our controls and checks and balances adequate to operate?

MR. BOAZ: I would say they are very adequate at this point, yes.

CHAIRMAN: Does anybody else have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody from the audience have a question?

(NO RESPONSE)

CHAIRMAN: Thank you very much.

MR. APPLEBY: Is the chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Move to accept the '09 audit.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries. Thank you very much for the report.

ITEM 3

Presentation by the Home Builders Association.

CHAIRMAN: Just a moment, Mr. Noffsinger.

Would you all hold just a moment, please.

I would like to comment and I would like to congratulate Mr. Noffsinger and the whole Staff. The budget, we were $68,914 under budget in the planning office this year. I think due to the economy, and I know we're getting ready to have a presentation from the builders, but I know our building, obviously some of our building receipts were down, but I thought they did an outstanding job of managing the office and doing a tremendous job and hopefully they gave you all good service during this time. We were very pleased with the job you all did and I want to thank you very much from all of the commission. Thank you all.

ITEM 3

Presentation by the Home Builders Association.

MR. NOFFSINGER: This was at the request of the Home Builders. Mr. Richard Stallings, CEO, Director of the Home Builders Association is here.
MR. SILVERT: Could you state your name for the record, please.

MR. STALLINGS: Richard Stallings.

(RICHARD STALLINGS SWORN BY ATTORNEY.)

MR. STALLINGS: Again, I'm Richard Stallings, executive officer of the Home Builders Association. I'm joined tonight by several of our board members and builders, leaders in our organization.

Mike O'Brian will be handing out some of our comments for the commission tonight.

If I can preface in saying that I'm going to be reading these comments and I apologize. They are somewhat lengthy, but if I can get started.

"The Home Builders Association of Owensboro recently surveyed its membership regarding the performance of the leadership and staff of the Owensboro Metropolitan Planning Commission. After Meeting with OMPC Chair Drew Kirkland, Planning Director Gary Noffsinger and Jim Mischel, The HBAO Board directed the Government Affairs Committee to present our findings.

A large percentage of the actions of the planning commission, planning director and his staff are controlled by the actions of the city and county governments. The Planning Commission, as an
Agency of the city and county governments, must follow
the adopted Comprehensive Plan and related Zoning
Ordinances.

1. The Comprehensive Plan

The adopted goals and objectives of the City
of Owensboro, Daviess County, and the City of
Whitesville as stated in the Comprehensive Plan, is
the most important tool for guiding growth and
economic development of this community. All actions
of OMPC are per the adopted Comprehensive Plan. The
Plan is designed to establish the best use of our
land, infrastructure and the direction of growth
within the county.

2. Zoning Ordinances

The zoning ordinances are adopted by the
governments of Owensboro, Whitesville, and Daviess
County. Ordinances cannot be changed without the
approval of the respective governments. The purpose
of zoning ordinances is to guide the direction of our
residential, business, professional, industrial, and
farming land use zones. The ordinances are designed
to allow for expansion of our existing zones and
growth of the future zones in the best interest of our
community, without causing adverse influence on
existing neighborhoods or future growth. All
ordinances are designed according to Kentucky Statute (KRS 100) to protect the public health, safety, and welfare of all citizens. These ordinances are for the good of the community and to protect the whole and not for the benefit of the individual.

3. Public Improvement Specifications
The Public Improvement Specifications were updated in 2002 and approved by the City and County Engineers and the governments of Owensboro, Whitesville, and Daviess County. The specifications were adopted by the Owensboro Metropolitan Planning Commission. The Public Improvement Specifications are designed to guide the proper installation of our sanitary sewers, storm sewers, detention basins, storm water run-off, flood plain regulations, street construction, sidewalk construction, and handicap accessibility.

GRADD and the Highway Access Manual provide guidelines for the planning staff to control access points for business, industrial, and subdivisions onto city, county, and state streets. Ingress and egress are controlled to promote the safe flow of traffic.

5. Kentucky Building Codes and National
Issuing building permits, inspection of all construction activity, and enforcement of codes is the responsibility of Jim Mischel and his staff. The Kentucky Building Code, National Electrical Code, and local Zoning Ordinances enforcement are required to assure public safety, and consistency of inspection standards is paramount.

6. Actions of Other Agencies

The Owensboro Metropolitan Planning Commission Building Department is charged with enforcing the building codes in the City of Owensboro and Daviess County. Part of this enforcement is the plan review and the issuance of building and electrical permits for the legal construction of buildings within this jurisdiction.

Because OMPC has the authority to issue permits, builders and contractors (as well as the general public) interact directly with OMPC throughout the permit process. However, issuance of building permits depends not only on OMPC review but other agencies approval as well. When a permit cannot be issued, it is often due to another agency requirement that has not been met.

The OMPC has been directed by federal, state
and local governments to ensure other approvals are in place before the building permit may be issued, but does not have the authority to approve other requirements that may be deemed necessary by city ordinances, county ordinances, or state and federal requirements.

The OMPC reviews the permit application for conformance to the building and electrical codes and the zoning ordinance, to make sure setbacks are met, the use is permitted in the zone, landscaping requirements are met, and any conditions of a zoning change, preliminary or final plat, minor subdivision or development plan have been met.

However, other agency approvals are required before issuing a permit depending on the project and project location. For example, a property located in a floodplain, as determined by Federal Insurance Rate Maps, must have a permit from the Kentucky Division of Water prior to obtaining a local building permit. A property located in a floodway, as determined by Federal Insurance Rate Maps, must have a permit from the Kentucky Division of Water, the U.S. Army Corps of Engineer, and a no-impact statement from a design engineer and a conditional use permit from the Owensboro Metropolitan Board of Adjustment prior to
obtaining a local building permit. These are federal and state regulations, as well as local regulations, that must be addressed. The OMPC does not have the authority to waive these regulations or to issue a permit in the absence of these approvals as the community participates in the National Flood Insurance Program and the community has adopted a local flood damage prevention ordinance within the zoning ordinance that must be followed.

Other approvals include drainage approval by the local government engineers prior to issuance of the building permit. For all construction, other than one and two family dwellings, the OMPC must have the approval of the City Engineer for storm drainage and erosion control prior to permitting a project.

When sewage disposal is accomplished through an on-site septic system, the OMPC must have the approved site evaluation before issuing the building permit. This approval is obtained through the Green River District Health Department.

Additionally, if the structure to be permitted is a manufactured home, approval of a B-1 sticker from the Commonwealth of Kentucky is required.

The OMPC office assures that all necessary approvals as required by federal, state and local laws

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are in place before issuing a building permit. When a permit is delayed, it is often due to issues outside of the OMPC authority not being addressed or completed.

With consideration of these findings, the Home Builders Association of Owensboro realizes the Planning Commission members, and Mr. Noffsinger and his planning staff, have a difficult and often challenging task. The responsibility to follow the Comprehensive Plan and enforce the Zoning Ordinances, Building Codes, Access Manual, and all other regulations outlined by the governing bodies of Owensboro, Whitesville, and Daviess County requires dedication of service to the community which is demonstrated by the commission and the professional staff.

The HBA of Owensboro's 340 members, as well as the general public, do not want to be restricted in the use of their private property. However, in most cases if made aware of the purpose and need for the regulations and requirements - to promote the health, safety, and welfare of the citizens of the community - property owners willingly accept the rules and regulations. Our association finds a significant need to educate the public as to the purpose and function
of planning and its importance to our community.

Decisions made today will impact our future growth and the results and goals we attain.

It has been the experience of our members that Mr. Noffsinger, Mr. Mischel and their staff have always been willing to meet with Builders and Developers to address problems and concerns and work to find a solution, if possible. Ultimately, some things are beyond their control and cannot be changed, except by elected officials and their respective governments.

Finally, it is the general consensus of this association and its board that the Planning Commission, Mr. Noffsinger and the Planning Staff are doing a very good job of planning for the future. Through their research and presentation of their findings and professional interpretations to the Planning Commission, the respective governments, and more importantly the public, the community's best interests are served.

It is the intent of the Home Builders Association to educate our 340 members of the association concerning the need and purpose of good planning, building codes, electrical codes, local ordinances, and subdivision regulations, for the
advancement of the building industry and our community. We encourage effective communications and positive attitudes from planning and all agencies of our local government.

The Home Builders Association and its membership are mindful of the requirements of proper planning and will remain aware of any action or regulatory changes which are proposed. We will address any issue which affects the interests of our industry that is not for the greater good of our community.

On behalf of the Board of Directors of the Home Builders Association of Owensboro, we thank you for your time tonight.

I would like to add that we just came from the Fiscal Court meeting and we gave this presentation and we presented this to the City Commission last week at their regularly scheduled meeting as well. Thank you.

CHAIRMAN: Mr. Stallings, I want to thank you and all the home builders. Obviously, it was a very good that Mr. Noffsinger and I had with you and the Board. I appreciate you all coming forward because obviously your builders and our inspectors and the Planning Staff have daily contact with some or all of you at any given point. It's very encouraging to me
as the chairman that our professional staff is being
reviewed by your group and has such a favorable view
from your all's group and that the perception amongst
your group is very, very strong. We appreciate that
because your group is probably the group we tell no
the most. They have all worked and strived and the
Staff has been out in the field with you all and I
know some of the shortcomings we may have had,
response time and inspections and things like that I
think we've ironed out glitches that we have. I'm
glad to hear that and I hope that our turn-around
time, inspection time, review plans and everything
continues to be as quick as possible and anything that
any of your members or anybody would ever want to
suggest to us, you know, I'm very open to because we
really try to streamline the operation. You all
realize to the best that we can within the regulations
that we must adhere to.

MR. STALLINGS: Absolutely, Mr. Chairman. As
stated in the comments, the accessibility of the Staff
has always been there and I think this is an ongoing
and evolutionary process that we hope to continue.

CHAIRMAN: Thank you very much. Gary and I
look forward to meeting with you again at any time.

Thank all your membership.

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MR. STALLINGS: Thank you.

CHAIRMAN: Is there any questions or comments from anybody in the audience or any other commission member to the Home Builders?

(NO RESPONSE)

CHAIRMAN: If not, thank you all very much.

Mr. Noffsinger.

ITEM 4

2010 Census Complete County Committee update

MR. SILVERT: State your name, please.

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: I want just want to give you an update of what's happening with the census currently.

The United States Census has completed their field canvassing of the county and they prepared their final list that they're going to use to be mailing the surveys out to the individual homes.

Because we participated in the local update of addresses, we get to review that list. If there's any discrepancies, we can point those out to the Census Bureau. We're in the process of doing that currently. So we'll be getting that information back to them the end of the month, the first of next month.

Just a reminder, April 10, 2010 is Census Day.
Remind everybody you talk to to fill out their survey and send it back in because the numbers that we get, of course, you heard last month the federal money that we get allocated is depended on those census numbers.

CHAIRMAN: Thank you.

CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

ITEM 5

2335 West Fifth Street
Consider approval of a wireless telecommunications tower.
Applicant: City Utility Commission of Owensboro; AT&T

MR. SILVERT: Would you state your name, please?

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: This tower application is for a 140 foot tall monopole. It's located on the property where there was a water tower that was raised several months back.

The property is zoned I-1 Light Industrial.

The application that was submitted meets all of our requirements. The 140 foot tall monopole structure will be surrounded by a woven wire fence that meets the minimum requirements as designed per the
co-location of a total of four users which means our
requirements there will not no staff. The site will
not be illuminated. There will be no signs other than
what's required. Their landscape plan is in
compliance with the requirements. They're not
proposing any type of waivers with this application.

FINDINGS.

1. The application is complete with all
materials in accordance with the Owensboro
Metropolitan Zoning Ordinance;

2. The site is in compliance with all design
criteria of the Owensboro Metropolitan Zoning
Ordinance; and,

3. The permanent tower will improve cellular
telephone service for users within the community; and,

4. By providing the opportunity for three
additional service providers on this tower, we are
promoting the goal of the Comprehensive Plan to
encourage collocation in order to minimize the number
of telecommunications towers.

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

CHAIRMAN: Is there anybody here representing
the applicant?

MS. JACOB: Hi, I'm Kathy Kellie Jacob with
Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: You want to wait and see if we have any questions and then you can answer any questions from the audience?

MS. JACOB: Sure.

CHAIRMAN: Is there anybody from the audience that has any question?

MS. DAVIS: I'm Donna Davis.

CHAIRMAN: Wait, Ms. Davis. Let me ask her to be seated and then you step to the podium and be sworn in.

MR. SILVERT: Could you state your name for the record, please?

MS. DAVIS: My name is Donna Davis.

(DONNA DAVIS SWORN BY ATTORNEY.)

MS. DAVIS: My question is I am a nursing facility administrator. We are within 500 feet of this proposed tower. We use an RF technology code alert system in our facility. Any time anybody approaches one of our monitors with a cell phone it disrupts the service in a minor way kind of to that code alert system. We are just wanting some reassurance perhaps that the tower is not, the RF signal from the tower is not going to interfere with
our code alert and prevention system at the nursing
facility.

CHAIRMAN: Do you have any other questions?

MS. DAVIS: No.

CHAIRMAN: Would you be seated and we'll bring
her back to the podium.

MS. JACOB: Typically you will not have any of
the radiation, any of the frequency that low on the
ground. Everything is shot out. So basically the
frequencies will not get to the ground, as far as
being able to harm your monitors or anything. It's a
straight shot out just out to the county and city.
You will not have anything directly. Especially being
right underneath the tower as you are, you will have
minimal, minimal exposure.

CHAIRMAN: Does that adequately answer your
question?

MS. DAVIS: Yes, sir.

CHAIRMAN: Do we have any other questions from
the commission?

(NO RESPONSE)

CHAIRMAN: Any other questions from the
audience?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
MS. DIXON: Move to approve based on the Findings 1 through 4.

CHAIRMAN: We have a motion for approval by Ms. Dixon.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES

ITEM 6

2901 Veach Road, 0.193 acres (Request for Withdrawal by Applicant.)

Consider zoning change: From B-4 General Business to R-1B Single-Family Residential

Applicant: William & Joan Ko9lok; Kolok Wood & Stone, LLC

MR. NOFFSINGER: Mr. Chairman, I would like to read a letter into the record from the applicant and this letter will also pertain to Item 6-A.

"Dear Mr. Noffsinger:

"My name is William Kolok and I own property at 2901 Veach Road. Last week at the Planning Commission meeting I asked for a postponement of my
application for rezoning. Since then we have worked out a solution and therefore I am asking to have my rezoning and variance petition taken off next month's agenda.

"I would like to thank the Commission for their flexible thinking and eagerness to help me solve my problem. It heartening to find a group of people who I can talk with and who understood my needs. Please relay my thanks to the Commission.

"William Kolok."

With that, Mr. Chairman, Items 6 and 6-A have been withdrawn.

ITEM 7

Portion of 2318 and 2328 Highway 81, 1.478 acres Consider zoning change: From A-R Rural Agriculture to I-1 Light Industrial Applicant: Phillip C. Crabtree

MR. HOWARD: Before I present the Staff Report I will note that all rezonings heard tonight will be final 21 days after the meeting unless an appeal is filed. The appeal forms are available in our office, on the back table here in the chambers and on our web site. If an appeal is filed, we will forward the information to the appropriate legislative body for their final consideration.

PLANNING STAFF RECOMMENDATIONS
The Planning Staff recommends approval subject to the condition and findings of fact that follow:

CONDITION

Access to Highway 81 shall be limited to the existing access point only.

FINDINGS OF FACT

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Rural Preference Plan Area, where light industrial uses are appropriate in limited locations;

3. The proposed use of the property for cabinet manufacturing and related uses meets the requirements of the comprehensive plan in regards to nonresidential development;

4. The proposal is a logical expansion of existing I-1 zoning on the subject property; and,

5. The use of the existing access point to serve the expanded cabinet manufacturing operation and residence, the expansion of the I-1 zoning should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff
CHAIRMAN: Do we have anybody representing the applicant?

MR. CRABTREE: Yes.

CHAIRMAN: Do we have any questions of the applicant?

Yes, ma'am, please step to the podium.

MR. SILVERT: Would you state your name, please?

MS. COBB: I'm Cathy Cobb.

(CATHY COBB SWORN BY ATTORNEY.)

MS. COBB: I'm here on behalf of my 79 year old mother-in-law, Eva Cobb, who owns the farm next to Mr. Crabtree.

She just had three questions she would like for me to ask. She wants to be assured that her trees along her driveway will not be touched. She wanted to know about the drainage ditches, that they remain open. She would also like to understand about the retention pond in case it rains a lot, about the overflow of it. She wanted me to come and ask you those questions.

CHAIRMAN: Thank you. I think I'll bring Mr. Crabtree to the podium. Mr. Crabtree.

MR. SILVERT: Would you state your name,
MR. CRABTREE: Bill Crabtree.

(BILL CRABTREE SWORN BY ATTORNEY.)

CHAIRMAN: Mr. Crabtree, you remember her questions?

MR. CRABTREE: Yes, sir.

The trees are on her property. I meant they're on her property. I have nothing to do with those.

The drainage pond will be taken care of by Don Bryant. That's something that has to be done anyway.

What was the other?

CHAIRMAN: It was about the overflow of the retention pond. Sort of a combination of drainage.

She asked, would the drainage, would the retention pond overflow and what would happen if that overflows, which may be a question for Mr. Bryant.

MR. CRABTREE: He's going to take care of the drainage on it and see to it that that doesn't happen.

CHAIRMAN: Do you have any other comments, Mr. Crabtree?

MR. CRABTREE: No, sir.

CHAIRMAN: Let me bring Mr. Bryant.

MR. SILVERT: State your name, please.

MR. BRYANT: Don Bryant.
MR. BRYANT: The drainage, actually the natural drainage is from the Cobb property on to Mr. Crabtree's property. We will accept that drainage and actually route that through the retention pond. The overflow for that pond is actually to the south on the opposite side of the property. That's natural drainage and we're going to maintain the natural waterway. We'll take care of the drainage coming onto the site and there will be no overflow. This is actually on the upstream side.

CHAIRMAN: Mr. Bryant, is the retention basin, is it a wet or a dry basin?

MR. BRYANT: Proposed basin is a wet basin. The one that was previously approved was a dry basin, but with the additional runoff with the additional roof area, we're going to need more retention. The property is just very very flat and a wet basin actually provides better solution to that problem as opposed to trying to grade a large shallow dry basin.

CHAIRMAN: Mrs. Cobb, did we satisfy your questions?

MS. COBB: Yes, you did.

CHAIRMAN: Let me ask Mr. Bryant to sit down
and you to return to the microphone.

Mrs. Cobb, were your questions satisfied adequately?

MS. COBB: Yes, they were and I appreciate you answering all my questions tonight. Mom will be glad to hear it.

CHAIRMAN: Appreciate you coming down. Thank you very much.

Are there any other questions or comments from the commission?

(NO RESPONSE)

CHAIRMAN: Anybody from the audience?

(NO RESPONSE)

MR. APPLEBY: Is chair ready for a motion?

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

MR. APPLEBY: Make a motion for approval based on the Staff Recommendations with the single condition of access and the Findings of Fact 1 through 5.

CHAIRMAN: Mr. Appleby has a motion for approval.

MR. PEDLEY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item, please.

Related Items:
ITEM 7a
2318, 2328 Highway 81, proposed I-1
Consider request for Variances in conjunction with an
application for zoning change to reduce the side yard
building setback line along the north boundary from 20
feet to 0 feet and to eliminate the required 10'
landscape easement, the 6' high continuous element and
one tree every 40' of linear boundary along the north
and west property lines that adjoin A-R Rural
Agriculture zoning.
Applicant: Phillip C. Crabtree

MR. HOWARD: The applicant has requested a
couple of variances. Based upon our review these are
our comments.

As part of the change to the site, they're
relocating a 50 foot strip that served a residence to
the rear of the industrial property that is currently
zoned agricultural.

Their shipping that 50 foot strip to the north
area of their property and that will serve as a buffer
between the applicant's property and the Cobb's
property which is located directly north. That 50
foot strip on the Variance plan and on the minor
subdivision plat has been noted to be a non-buildable
area.

The applicant also agreed at the request of
the Cobbs to install a 10 foot landscape buffer with a
double row of staggered pines within that 50 foot
strip as well to add additional buffer between their
property and the Cobb form to the north.

So with that we feel that the waiver on the
landscape requirement is a reasonable request and we
also feel that the waiver on the building setback for
the side yard is a reasonable request since there will
be that 50 foot buffer that is non-buildable between
the property that will be industrial and any property
not owned by the applicant to the north.

So with that we present the findings that the
Variance:

1. Will not adversely affect the public
health, safety or welfare;

2. Will not alter the essential character of
the general vicinity;

3. Will not cause a hazard or a nuisance to
the public;

4. Will not allow an unreasonable
circumvention of the requirements of the zoning
regulations.

The conditions that we would suggest would be:

1. Approval of a minor subdivision plat.

2. Installation of a ten foot landscape
buffer with a double row of staggered pines on the
adjoining property to the north as shown on the site
plan.

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

CHAIRMAN: Does anybody have any questions
from the audience?

(NO RESPONSE)

CHAIRMAN: Question from the commission?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval for the
Variance with the findings of fact 1 through 4 with
Conditions 1 and 2.

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

MR. PEDLEY: Second.

CHAIRMAN: Got a second by Mr. Pedley. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7b

2318, 2328 Highway 81

Ohio Valley Reporting
(270) 683-7383
Consider approval of minor subdivision plat.
Applicant: Phillip C. Crabtree

MR. HOWARD: This plat comes before you, as I just stated, there was a 50 foot strip that served the rear property that was currently zoned agricultural. That been shifted to the north it's still, it's under the minimum road front requirement, but due to the fact that we're just relocating the 50 foot strip we'd recommend approval of the minor subdivision plat.

CHAIRMAN: Any questions?
(NO RESPONSE)

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

MR. HAYDEN: Make a motion to approve the Staff Recommendation.

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

MS. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 8

360 Highway 140 West, 0.41 acres
Consider zoning change: From R-1B Single-Family Residential to B-4 General Business
Applicant: Carolyn Morgan

PLANNING STAFF RECOMMENDATION

The Planning Staff recommends approval subject to the findings of fact that follow:

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Rural Community Plan Area, where general business uses are appropriate in limited locations;

3. The proposed use of the property for general business use meets the requirements of the comprehensive plan in regards to nonresidential development;

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

5. The historical use and character of the property is more consistent with B-4 General Business zoning than the current single-family residential zone.

MR. HOWARD: We would like to enter the Staff Report into the record as Exhibit D.
CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the chair have a question of the applicant?

(NO RESPONSE)

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

MR. PEDLEY: Mr. Chairman, make a motion for approval based on the Staff Recommendation with Findings of Fact 1 through 45.

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

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries unanimously.

Next item, please.

ITEM 9

7396, 7400 US Highway 231, 0.905 acres
Consider zoning change: From B-4 General Business, I-2 Heavy Industrial and A-U Urban Agriculture to B-4
General Business
Applicant: Vishva Kalra

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the condition and findings of fact that follow:

CONDITIONS:

Submission of a minor subdivision plat to redivide to the property to have each principal structure on a separate tract.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Rural Community Plan Area, where general business uses are appropriate in limited locations;

3. The proposed use on the property for a gas station and antique store meets the requirements of the comprehensive plan in regards to nonresidential development;

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

5. The proposed redivision of the two tracts will eliminate zoning compliances issues of more than
one principal structure on one lot and a building that
extends across the property line.

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

CHAIRMAN: Is anybody here representing the
applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. TAYLOR: Mr. Chairman, I would like to
excuse myself from this item.

CHAIRMAN: Mr. Taylor will be excused.

Do we have any questions before we vote?

(NO RESPONSE)

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

MR. HAYDEN: I make a motion for approval with
Staff Recommendations with the one condition and
Findings of Fact 1 through 5.

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

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT, WITH MR. TAYLOR
EXCUSING HIMSELF, RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Let the record show Mr. Taylor excused himself.

ITEM 10

627 Poplar Street, 0.155 acres
Consider zoning change: From R-1T Townhouse to R-4DT Inner-City Residential
Applicant: Geoffrey L. Wilson

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the findings of fact that follow:

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Central Residential Plan Area, where urban low-density residential uses are appropriate in general locations;

3. The subject property is located in a residential area with all surrounding property zoned R-1T Townhouse or R-4DT Inner-City Residential;

4. The proposed rezoning meets the criteria for Urban Residential Development; and,
5. The lot size meets minimum requirements for an R-4DT zone.

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

CHAIRMAN: Do we have anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLANS

ITEM 11

512 West Seventh Street, 0.313 acres
Consider approval of final development plan
Applicant: Diocese of Owensboro
MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and is ready for consideration.

CHAIRMAN: Do we have anybody representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

CHAIRMAN: Let the record show that Mr. Riney was representing the applicant.

Are there any questions?

(NO RESPONSE).

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

MR. MILLER: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Miller.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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MAJOR SUBDIVISIONS

Ohio Valley Reporting
(270) 683-7383
ITEM 12

Steeplechase, 37.759 acres (Postponed October 8, 2009)
Consider approval of amended major subdivision
preliminary plat.
Applicant: Thompson Homes, Inc.

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

MR. PEDLEY: Mr. Chairman, I need to
disqualify myself from this item.

CHAIRMAN: Let the record show that Mr. Pedley
disqualified himself.

Are there any questions?
(NO RESPONSE)

CHAIRMAN: Any questions from the audience?
(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT, WITH THE
DISQUALIFICATION OF MR. PEDLEY, RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

Next item.

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MINOR SUBDIVISIONS

ITEM 13

3300 Tamarack Drive
Consider approval of minor subdivision plat
Applicant: Owensboro-Daviess County Regional Airport Board

MR. NOFFSINGER: Mr. Chairman, the Planning Staff and Engineering Staff has reviewed this plan. It's found to be in order. It comes to you as an exception to the subdivision regulations in that it creates a 20 acre lease area where the Daviess County Regional Airport and the Commonwealth of Kentucky Military Department Army Corporation will enter into lease agreements to possibly build and relocate the National Guard Armory here in Owensboro.

There is an access easement provided to the property off of Tamarack Road, at the end of Tamarack Road. This would be in keeping with the development in and around the airport. There has been much talk about in the community here for some time. So with that it's ready for consideration.

CHAIRMAN: Is anybody representing the applicant?
(NO RESPONSE)

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MS. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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NEW BUSINESS

ITEM 14

Amendment to the Fiscal Year 2010 Owensboro Metropolitan Planning Commission budget

MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of the proposed budget amendments and it's ready for consideration.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: I've already told you my thoughts and ideas. Good job you all did on the regular budget and the amendment is very straightforward.

Ohio Valley Reporting
(270) 683-7383
If there are no questions, the chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Ms. Dixon has a motion for adjournment.

MS. MOORMAN: Second.

CHAIRMAN: Ms. Moorman has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

I, LYNNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 41 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 2nd day of December, 2009.

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

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

Ohio Valley Reporting
(270) 683-7383