The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, September 8, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
                  Gary Noffsinger
                  Dave Appleby
                  Scott Jagoe
                  Sister Vivian Bowles
                  Judy Dixon
                  Dr. Bothwell
                  Martin Hayden
                  Madison Silvert
                  Co-Counsel
                  Stewart Elliott,
                  Attorney

CHAIRMAN:  I would like to welcome everybody to the September 8, 2005 meeting of the Owensboro Metropolitan Planning Commission.

Let's rise. Our invocation will be given by Mr. Martin Hayden.

(INVASION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first item of business is going to be to consider the minutes of the August 11, 2005 meeting. Are there any additions, corrections or questions?
CHAIRMAN: If not the chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Our next item is consider Madison Silvert as the OMPC co-legal counsel. Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

DR. BOTHWELL: Motion to approve.

CHAIRMAN: Motion for approval by Dr. Bothwell.

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.
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 2

PRESENTATION OF FISCAL YEAR 2005 AUDIT
by Robert Kuphal

MR. ELLIOTT: State your name, please.

MR. KUPHAL: My name is Robert Kuphal.

(MR. ROBERT KUPHAL SWORN BY ATTORNEY.)

MR. KUPHAL: My name is Robert Kuphal.

I'm a CPA and owner of Robert F. Kuphal, CPA here in Owensboro.

I was engaged to audit the financial statements of the Owensboro Metropolitan Planning Commission for the year ended June 30, 2004 and 2005.

I conducted my audit in accordance with the US generally accepted auditing standards and the standards applicable to financial audits contained in government auditing standards issued by the comptroller general of the United States.

My audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole.

I stated in my report that in my opinion the financial statements referred to above present
fairly and all materials represents the financial position of the Owensboro Metropolitan Planning Commission as of June 30, 2005, and the results of its operations and cash flows for the year ended in accordance with US generally accepted accounting principals.

Each of you should have received a copy of the audit report. I submit it for your approval and I'll be glad to answer any questions.

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Thank you very much.

Ohio Valley Reporting
(270) 683-7383
Mr. Noffsinger.

COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

ITEM 4

The Downs, Lots 177-193, 10.412 acres
Consider approval of amended major subdivision
preliminary plat/final development plan.
Applicant: Thompson Homes, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. It's found to be in order. It's found to be consistent with the adopted Comprehensive Plan as well as meet the requirements of the zoning ordinance and subdivision regulations and is ready for consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions from the commission or 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.

MR. JAGOE: Second.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Second by Mr. Jagoe. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

Earl Hayden, 1.825 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Earl Hayden

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. We find it to be consistent with the adopted Comprehensive Plan, as well as the adopted zoning ordinance and subdivision regulations.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission have a question?

(NO RESPONSE)

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

Ohio Valley Reporting
(270) 683-7383
MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

Garden Grace, 3.00 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Wabuck Development, Garden Grace, Ltd.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find the application to be in order, to be consistent with the adopted Comprehensive Plan, the adopted zoning ordinance and subdivision regulations.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission have

Ohio Valley Reporting
(270) 683-7383
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.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

Woodlands Plaza, Section 2, 6.547 acres
Consider approval of major subdivision preliminary plat/final development plan
Applicant: Woodlands Investment, LLC

MR. NOFFSINGER: Mr. Chairman, this plat is found to be in order, found to be consistent with the adopted Comprehensive Plan, with our adopted zoning ordinance and subdivision regulations.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions
of the applicant?

(NO RESPONSE)

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

SISTER VIVIAN: Move for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

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.

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

MAJOR SUBDIVISIONS

ITEM 8

Cross Creek. Lots 26-51, 68-75, 9.931 acres
Consider approval of amended major subdivision
preliminary plat.
Applicant: Pedley Developers, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff. It's found to be in order. It's found to be consistent with the adopted Comprehensive Plan, zoning ordinance and subdivision regulations.

CHAIRMAN: Anybody here representing the Ohio Valley Reporting
(270) 683-7383
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 9

200, 210 Stewart Court, 0.633 acres
Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: $9,899.20
Applicant: Jeff Danhauer

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. The land use is consistent with the adopted Comprehensive Plan and the plat meets with the adopted zoning ordinance and subdivision regulations.

Ohio Valley Reporting (270) 683-7383
CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: 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.

ITEM 10

Tangelwood Park, Lot 11, 0.657 acres
Consider approval of amended major subdivision preliminary plat.
Applicant: Pagan Enterprises, Inc.

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. It's found to be in order.

The preliminary plat was approved by this
commission a little over two years ago. During the
review of the preliminary plat, the Planning Staff
requested a notation or a reservation of about 80 feet
of right-of-way along through this development for the
future construction of the outer boulevard.

The outer boulevard has been in the
transportation plan for somewhere between 25 and 30
years and the Planning Staff in their review was
looking to implement that transportation plan.

The Planning Commission approved the plat
with a notation recognizing that reservation strip and
realizing, based upon KRS 100, which is the planning
enabling legislation, that we could only hold the
developer to reserving this strip for a period of two
years.

Well, that two years is now up and there
has not been any move toward the acquisition of this
land area for the construction of the outer boulevard.
There's an adjoining development, Steeple Chase
Development that also has a reservation strip through
it and there's been no move toward the state or local
government attempting to acquire that property for the
outer boulevard.

The developer now wishes to amend the
plans to take that notation off regarding the

Ohio Valley Reporting
(270) 683-7383
reservation strip and to develop two lots within this 80 foot right-of-way for residential home construction. We have made state and local officials aware of what has taken place. Again, there's been no attempt to acquire the property.

With this the Planning Staff would recommend that you approve this development in lieu of the developer has fulfilled the requirement of KRS 100 and that the two year time period has lapsed and feel that we should no longer hold the developer responsible if the developer does not wish to continue that reservation.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 11

4754, 4760, 4766 Water Wheel Way, 0.657 acres
Consider approval of major subdivision final plat.
Surety previously posted.
Applicant: Melvin Pagan

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be consistent with the adopted Comprehensive Plan, zoning ordinance and subdivision regulations, and it's related to the item I just previously introduced and discussed so I will not say anything further except that the action in Item 10 should result in a favorable action by this commission on this item.

CHAIRMAN: With that in mind does the commission have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.
MR. 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.

MINOR SUBDIVISIONS

ITEM 12

2901 Bittel Road, 13.328 acres
Consider approval of minor subdivision plat.
Applicant: Board of Education of the Owensboro Independent School District

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. It's found to be in order. Consistent with the adopted Comprehensive Plan, and zoning ordinance, and subdivision regulations. It is for the dedication to the City of Owensboro for the portion of the Greenbelt Trail.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13

3031 Bittel Road, 10,000 acres
Consider approval of minor subdivision plat.
Applicant: Good Shepherd Church, Inc.

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. It's found to be in order and consistent with the adopted Comprehensive Plan. It too is for the dedication of a portion of their property for the Greenbelt Trail system and we would recommend its approval.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: No.

CHAIRMAN: Does anybody have any questions of the applicant?

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

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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

NEW BUSINESS

ITEM 14

Adopt work schedule for the 2006 Comprehensive Plan update.

MR. NOFFSINGER: Mr. Chairman, it's now time for the Planning Commission to begin the update of our Comprehensive Plan for Owensboro, Daviess County and Whitesville.

Mrs. Becky Stone is here to give a brief description of the work schedule that she has prepared for your consideration and hopefully for adoption.

It's a work schedule that will keep the Planning Commission busy. It's a work schedule that will
inform the public, include the public in terms of updating our Comprehensive Plan as well as the elected officials within our community. I can tell you I'm certainly excited about moving forward in the update to the plan, as I know the staff is as well. Becky Stone will be taking lead on the Comprehensive Plan update. So with that I'll turn it over to her and see what she has in store for us.

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: Included in your packet this month is just an exhibit that shows our proposal to work through the elements of the Comprehensive Plan for final adoption.

The areas that are shaded it gives about a two month period for us to schedule meetings with public, city and county officials, as well as various agencies throughout the community in order to update elements of the plan.

I've noted on the sheet those agencies that the Staff would likely meet with and garner that information and bring back to the Owensboro Metropolitan Planning Commission, the information, and the additions, and the revisions to the plan.
There's also noted areas for OMPC involvement. Those include public meetings with citizens as well as work sessions with elected officials.

We're planning to have about six citizen meetings at various locations in the area with the adoption of this work schedule. We'll start on scheduling those meetings and those spots. That's going to be our initial movement toward updating this plan. Then from there we'll go into various work sessions on goals and objectives and land use elements of the plan with the Planning Commission.

So if anybody has any question, it's pretty well laid out. We built in a little bit of flexibility on scheduling for a couple of months in case something doesn't work out quite right, but we want to keep on a pretty tight schedule with September being the start date and hopefully final adoption in November of 2006.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody in the audience have any questions?

(NO RESPONSE)
CHAIRMAN: Thank you, Ms. Stone.
With that the chair is ready for one final motion.
DR. BOTHWELL: Motion to adjourn.
CHAIRMAN: Motion to adjourn by Dr. Bothwell.
MR. HAYDEN: Second.
CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: We are adjourned.
-----------------------------------------
STATE OF KENTUCKY) ) 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 20 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 5th day of October, 2005

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383