The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, October 13, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

CHAIRMAN: I would like to welcome everybody to the October 3rd Owensboro Metropolitan Planning Commission meeting. Our invocation and pledge of allegiance will be given by Sister Vivian Bowles. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business will be to consider the minutes of the September 8, 2005 meeting. Are there any additions, corrections, questions?
CHAIRMAN: If not the chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Cambron.

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.

The next item of business is to swear in Mr. Madison Silvert, our co-counsel.

Mr. Silvert, will you raise your hand, please.

(THE SWEARING IN OF MR. MADISON SILVERT AS CO-COUNSEL.)

CHAIRMAN: Mr. Silvert, welcome you aboard. Thank you very much.

Our next order of business, Mr. Noffsinger.

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ZONING CHANGES - CITY

ITEM 2
827 Clay Street, 0.10 acres
Consider zoning change: From B-4 General Business
to R-4DT Inner-City Residential
Applicant: Simpson Investments, Inc.

MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN IN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

Condition:

Install screening in accordance with the requirements of the Zoning Ordinance between the residential and commercial zoned properties or obtain a variance from the Owensboro Metropolitan Board of Adjustments.

Findings of Fact:

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

2. The subject property is adjacent to residential uses to the north, east and west;

3. The historical use of the subject

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property is residential, and the R-4DT zoning classification is a more appropriate zone for the subject property than the existing B-4 General Business zone; and,

4. The applicant's request promotes the Comprehensive Plan's housing goals to preserve neighborhoods and housing within the inner-city.

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

CHAIRMAN: Is there 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. CAMBRON: Motion for approval, Mr. Chairman, based on Condition 1 and Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Mr. Cambron.

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 3

Portion of 615 Crabtree Avenue, 0.23 acres
Consider zoning change: From B-4 General Business
to I-1 Light Industrial
Applicant: James Phillip Edge, Sr.

PLANNING STAFF RECOMMENDATIONS

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

Conditions:

1. Landscaping and screening shall meet the zoning ordinance requirements when a building permit, change in use or other activity is initiated on site.

2. Access shall be limited to one 40 foot curb cut per lot as reflected on the minor subdivision plat submitted in conjunction with the rezoning. Access shall be reconstructed when a building permit, change in use or other activity is initiated on site.

Findings of Fact:

1. The subject property is located in a
1 Business/Industrial Plan Area where light industrial
2 uses are appropriate in general locations;
3 2. The industrial and commercial uses are
4 appropriate in a Business/Industrial Plan Area; and,
5 3. The 0.023 acre tract will be
6 consolidated with the adjoining I-1 Light Industrial
7 property but must first have the same zoning
8 classification.
9 MR. HOWARD: We would like to enter the
10 Staff Report as Exhibit B.
11 CHAIRMAN: Is anybody here representing
12 the applicant?
13 APPLICANT REP: Yes.
14 CHAIRMAN: Does anybody have any questions
15 of the applicant?
16 (NO RESPONSE)
17 CHAIRMAN: If not the chair is ready for a
18 motion.
19 MS. DIXON: Move to approve subject to
20 Conditions 1 and 2 based upon Findings of Fact 1, 2
21 and 3.
22 CHAIRMAN: Motion for approval by Ms.
23 Dixon.
24 DR. BOTHWELL: Second.
25 CHAIRMAN: Second by Dr. Bothwell. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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ZONING CHANGES - COUNTY

ITEM 4

2800, 2810 KY 54, 3200 Alvey Park Drive West, 75.617 acres
Consider zoning change: From A-U Urban Agriculture, MHP Manufactured Housing Park and I-1 Light Industrial to B-4 General Business.
Applicant: B&K Development, LLC

MR. NOFFSINGER: Mr. Chairman, Planning Staff recommended this item be postponed until such time as a preliminary development plan or other type of formal development plan be submitted for review in conjunction with the rezoning. I do believe we have a letter in the file from the applicant agreeing to a postponement. So with that we would recommend it be postponed and you take action as such.

CHAIRMAN: We'll need a motion on that.

MS. DIXON: Move to postpone.

CHAIRMAN: Motion to postponement by Ms Dixon.

MR. CAMBRON: Second.

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

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favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

Portion of 1060 KY 554, 0.444 +/- acres
Consider zoning change: From A-R Rural Agriculture
to I-1 Light Industrial
Applicant: Tomco Concrete Products, Inc., R.A.
Alexander & Sons

PLANNING STAFF RECOMMENDATIONS

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

Findings of Fact:

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

2. The proposal is a logical expansion of
an existing I-1 zoning classification immediately east
of the subject property; and,

3. The proposed rezoning will not
significantly increase the extent of the I-1 zoning
classification in the vicinity and will not overburden
roadway capacity and other urban services that are
available in the affected area.

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

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 based on
Planning Staff Recommendations and Findings of Fact 1,
2 and 3.

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.

ITEM 6

1901, 1921 Leitchfield Road, 2050 East Parrish Avenue,
2.139 acres
Consider zoning change: From A-U Urban Agriculture
to P-1 Professional/Service
Applicant: Steven M. Block

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PLANNING STAFF RECOMMENDATIONS

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

Conditions:

1. Access shall be limited to a maximum of one access point on East Parrish Avenue and one access point on Leitchfield Road to be determined by approval of a final development or site plan.

2. The need for a right-turn decel and storage lane should be evaluated if the applicant requests access to East Parrish Avenue.

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area where professional/service uses are appropriate in limited locations;

2. The subject property is a logical expansion of an existing P-1 Professional/Service zone located immediately west of the subject property; and,

3. The proposed rezoning will not significantly increase the extent of the P-1 zoning classification in the vicinity and will not overburden roadway capacity and other urban services that are

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available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit D.

CHAIRMAN: Is anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve subject to Conditions 1 and 2 and based upon Findings of Fact 1, 2 and 3.

CHAIRMAN: Motion for approval by Ms. Dixon.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

5400 Blk Willow Brook Loop, 6.490 acres
Consider zoning change: From A-R Rural Agriculture to R-1A Single-Family Residential

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Applicant: O'Bryan Development, Inc.

MR. NOFFSINGER: Mr. Chairman, the applicant's engineer, Mr. Don Bryant, has requested this application be postponed until the November meeting of the Planning Commission which will be the second Thursday in November. They wish to submit a variance request to be considered in conjunction with this rezoning and need time to do so. They would respectfully ask that this item to be postponed.

CHAIRMAN: Do we have a motion to that?

MR. APPLEBY: Motion to postpone.

CHAIRMAN: Motion for postponement by Mr. Appleby.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. NOFFSINGER: Wait a second, Mr. Chairman.

CHAIRMAN: Yes, sir, Mr. Noffsinger.

MR. DeLACEY: Our property --

CHAIRMAN: Excuse me. Let me ask one of you to step to the podium.

MR. DeLACEY: My name is John DeLacey.

(MR. JOHN DeLACEY SWORN BY ATTORNEY.)

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MR. DeLACEY: Our question is more in regards to Item Number 10. We live on the Meadow Run property and is that also on the agenda to be postponed for the November meeting?

CHAIRMAN: Mr. DeLacey, it is on the agenda. We'll bring it up. It looks like -- let's wait until we get to that property before we -- because on postponement there's not really much to discuss.

MR. DeLACEY: Sure. I understand that. The reason we ask is because O'Bryan Development is the same corporation that will be doing --

CHAIRMAN: Let me ask you if you'll sit down and let us bring that item up.

MR. DeLACEY: Yes, sir.

CHAIRMAN: Next item.

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COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 8

Dutch Banks, 2.409 acres
Consider approval of amended major subdivision preliminary plat/final development plan.
Applicant: Goetz Development

CHAIRMAN: Mr. Chairman, Planning Staff has reviewed this application. We find the application to be in order. The application is

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consistent with the adopted comprehensive plan as well
as the adopted zoning ordinance and subdivision
regulations. We would recommend a favorable action.

CHAIRMAN: Is somebody here representing
the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any question
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.

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, please.

ITEM 9

Fiddlesticks, 40.174+/- acres
Consider approval of 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 has been reviewed for consistency with the adopted comprehensive plan and is found to be in order. We have reviewed for its compliance with the adopted subdivision regulations as well as the zoning ordinance. Find it to be in compliance with both and would recommend it's approval.

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. 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, please.

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ITEM 10

Meadow Run at Whispering Meadows, Section 3, 6.490 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: O'Bryan Development, Inc.

MR. NOFFSINGER: Mr. Chairman, the applicant's engineer, Mr. Don Bryant, has requested that this item be postponed so that it may be considered in conjunction with the zoning change in Item 7 on our agenda as well as a variance that they plan to submit for consideration.

CHAIRMAN: Mr. DeLacey, since this item is for postponement and the representative for this company is not here, I would have to invite you to come back. There's no issues or answers that we could give you at this time.

MR. DeLACEY: They'll send us another letter for the date?

MR. NOFFSINGER: No, sir, there will not be any new letter sent out. That date of the meeting will be November --

CHAIRMAN: It will be the second Thursday in November.

MR. HOWARD: I believe it's November 10th.

It's the second Thursday at 6:00.

CHAIRMAN: The chair is ready for a motion.
for postponement.

    MS. DIXON: Move to postpone.

    CHAIRMAN: Motion to postponement by Ms. Dixon.

    DR. BOTHWELL: Second.

    CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

    (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

    CHAIRMAN: Motion carries unanimously.

    Next item, please.

ITEM 11

Paddock Pointe, 2.330 acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Paul J. Martin, Paddock Swim & Tennis Club, Inc.

    MR. NOFFSINGER: Mr. Chairman, the applicant's engineer, Mr. Jim Riney, has requested that this item be postponed so they can work out some issues that have been raised by the state highway department as well as the city engineer.

    CHAIRMAN: Another postponement. Chair is ready for a motion.

    MR. CAMBRON: Motion for postponement.

    CHAIRMAN: Motion to postpone by Mr. Cambron.

    MR. HAYDEN: Second.

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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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MAJOR SUBDIVISIONS

ITEM 12

Christian Church Campus of Owensboro, Inc., 3.0 acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted: $31,612.34
Applicant: Garden Grace, Ltd.

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the adopted comprehensive plan, our zoning ordinance as well as the adopted subdivision regulations.

CHAIRMAN: Anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody have any questions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Ohio Valley Reporting (270) 683-7383
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 13

Lake Forest, Phase 4, Lots 239-333, 335-347, 46.732 acres

Consider approval of revised major subdivision preliminary plat.

Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's found to be consistent with the adopted comprehensive plan as well as meeting the minimum specifications of the zoning ordinance and subdivision regulations.

I will point out that this does propose a connection to the Steeple Chase development via Derby Chase.

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: I 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.

ITEM 14

Lake Forest, Unit 23, Lots 239-240, 262-267, 3.726 acres
Consider approval of revised major subdivision final plat.
Surety (CD, Certified Check) posted: $11,936.00
Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to meet the minimum specifications of the adopted zoning ordinance and subdivision regulations as well as be consistent with the adopted comprehensive plan.

CHAIRMAN: Do we have anybody representing the applicant?

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APPLICANT REP: Yes.

CHAIRMAN: 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. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

We have an announcement to make. A scheduled citizen meeting for the Comprehensive Plan update. We're going to be at Dugan Best Recreation Center at 1003 Omega Street on Tuesday, October 25th at 6:00.

We're going to be at the Masonville Fire Department at 10344 US Highway 231 on Tuesday, November 1st at 6 p.m..

We're going to be at Kentucky Wesleyan College at the Winchester Center on 3000 Frederica, Tuesday, November 22nd at 6 p.m.

We're going to be at the Knoxville Fire Ohio Valley Reporting
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Department at 9436 Kentucky Highway 144, Wednesday, December 7th at 6 p.m.

Then we're going to be at the Wyndall Foster Center at 1500 Triplett Street on Tuesday, December 13th at 5 p.m.

There's going to be a few other meetings that are not yet scheduled, but we will be announcing those at a later date.

Mr. Noffsinger.

MR. NOFFSINGER: Yes, sir. I would state that you can find these meeting times and dates on our website at iompc.org. If you're interested in attending any of these meeting and didn't get those times or dates, you can call the office and we'd be glad to share that with you.

These meetings are very important to the update of our community's comprehensive plan. We would certainly hope that we have a large turn out to show interest in our comprehensive plan and where this community is going to grow in the next 20 years.

CHAIRMAN: If there are no final comments, the chair is ready for one final motion.

MR. APPLEBY: Move to adjourn.

CHAIRMAN: Adjournment by Mr. Appleby.

DR. BOTHWELL: Second.

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CHAIRMAN: Second by Dr. Bothwell. 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, LYNETTE 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 23 typewritten pages; and that no signature was requested to the foregoing transcript.  

WITNESS my hand and notarial seal on this the 1st day of November, 2005  

LYNETTE 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  

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