The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, December 8, 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
Jimmy Gilles
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Bothwell
Madison Silvert, Attorney
Stewart Elliott, Attorney

CHAIRMAN: I would like to welcome everybody to our December 8th meeting of the Owensboro Metropolitan Planning Commission. Would you please rise while our invocation and pledge of allegiance will be given by Ms. Judy Dixon.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business will be to consider the minutes of the November 10,
2005 meeting. Are there any additions, corrections?

MR. NOFFSINGER: Yes, Mr. Chairman, I do have one. On Page 29 of the transcript, which is Page 31,398 in our books, I do have one correction. It was related to B&K Development rezoning. Condition 7 as stated in the minutes reads, "Provide a connection from Highland Point development to the Green Belt Park along the south side of the property." The correction, and as it was conveyed during the meeting by Mr. Brian Howard, should read, "Provide a connection from the Highland Point development to the property line for a Green Belt Park connection." With that there are no other changes to the minutes.

CHAIRMAN: Would that require an action by the commission?

MR. NOFFSINGER: If you have noted that correction, then you will be voting on the minutes as corrected.

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.

MR. NOFFSINGER: We have a public hearing

Item 2. This was postponed from our November meeting.

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PUBLIC HEARING

ITEM 2

Consider text amendments to the Owensboro Metropolitan Subdivision Regulations, Article 2, Article 3, Article 4 and Article 5.

MR. NOFFSINGER: Mr. Brian Howard is here to address those changes.

MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: These amendments come before you this evening. They were on the agenda last month. Due to some concerns by the surveyors and engineers, we postponed that until this month.

We held another meeting with them on November 30th to go over some possible revisions. Based upon that meeting, the consensus that was agreed upon at that time we are presenting to you the final recommendations for the text amendments. These basically pertain to the process for digital
submission, monumentation, coordinates, all
incorporating into our GIS system. Be happy to answer
any questions that you may have.

We would also like to enter the minutes
into the record as Exhibit A.

CHAIRMAN: Does 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.

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.

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ZONING CHANGES - CITY

ITEM 3

615 Crabtree Avenue, 0.290+ acres
Consider zoning change: From B-4 General Business
to B-5 Business/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 conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Access to the subject property shall be limited to a single 40 foot curb cut;

2. Pavement within the right-of-way shall be removed and restored with a grass area and appropriate vehicular use area buffering should be installed; and,

3. Vehicles accessing the site shall not back to or from the site into Crabtree Avenue.

Findings of Fact:

1. The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;

2. The subject property lies within an existing area of mixed general business and light industrial uses;

3. The Comprehensive Plan provides for the continuance of mixed use areas; and,
4. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.

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

CHAIRMAN: Is there 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 based upon Planning Staff Recommendations and it is in compliance with the adopted Comprehensive Plan, subject to Condition 1 through 3 and based upon Findings of Fact 1, 2, 3 and 4.

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.

Thank you.

ITEM 4

720 West 10th Street, 0.136 acres
Consider zoning change: From I-1 Light Industrial
to R-4DT Inner-City Residential
Applicant: Habitat for Humanity

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 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 south;

3. The historical use of the subject property is residential, and the R-4DT zoning classification is a more appropriate zone for the subject property than the existing I-1 Light Industrial zone; and,

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

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

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.

DR. BOTHWELL: Motion for approval, Mr. Chairman, based on Findings of Fact 1 through 4.

MS. DIXON: Second.

CHAIRMAN: Motion for approval by Dr. Bothwell. Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ZONING CHANGES - COUNTY

ITEM 5

122 KY 140 E., 4.664 acres
Consider zoning change: From A-U Urban Agriculture to B-4 General Business
Applicant: Donald R. Phillips, Jr.

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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 Community Plan Area, where General Business uses are appropriate in limited locations;

2. Development of the subject property will be nonresidential in character,

3. The subject property is major-street oriented meeting the criteria for a new location of general business use located within a rural community; and,

4. The subject property is located at the corner of intersecting streets meeting the criteria of a new location of general business use when located in close proximity to dwelling units.

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions

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of the applicant?

(NO RESPONSE)

MR. CAMBRON: Is chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval based upon Findings of Fact 1 through 4, Mr. Chairman, and the Condition.

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.

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MAJOR SUBDIVISIONS

ITEM 6

Cross Creek, Unit 5, Lots 38-43, 51, 68, 2.008 +/- acres Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $21,483.50 Applicant: Pedley Developers, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning and Engineering Staff. It's found to be in order. The proposed land use is consistent with the adopted Comprehensive Plan

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and the plat meets with the minimum guidelines of the subdivision regulations and zoning ordinance and is ready for your consideration.

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.

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

Harbor Trace, Section 1, Unit 2, Lots 11-20, 2.935 acres
Consider approval of major subdivision final plat. Surety (Certified Check) posted: $22,602.00
Applicant: Robert Wimsatt

MR. NOFFSINGER: Mr. Chairman, the
Planning Staff and Engineering Staff have reviewed this application. We find it to be in order. The proposed land use is consistent with the adopted Comprehensive Plan. The plat meets the minimum guidelines subdivision regulations and zoning ordinance and is ready for your consideration.

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.

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.

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NEW BUSINESS

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ITEM 8

Consider approval of 2006 Filing Dates and Deadlines

MR. NOFFSINGER: Mr. Chairman, each Planning Commissioner has been mailed a copy of the calendar for the Planning Commission as well as the Board of Adjustment. These meetings for the Board of Adjustment will take place on the first Thursday of each month and the Planning Commission would meet on the second Thursday of each month, which is traditionally when those two boards meet. It does require your consideration and approval.

CHAIRMAN: Dr. Bothwell.

DR. BOTHWELL: I have no objections, Mr. Chairman.

CHAIRMAN: Is that a motion?

DR. BOTHWELL: I make a motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

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.

The chair is ready for one more motion.

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MS. DIXON: Move to adjourn.

MR. APPLEBY: Second.

CHAIRMAN: Motion for adjournment by Ms. Dixon. Second by Mr. Appleby. 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, 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 14 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 2nd day of January, 2006.

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

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