The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, January 11, 2007, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger
Judy Dixon
Dave Appleby
Scott Jagoe
Tim Miller
Jimmy Gilles
Irvin Rogers
Keith Evans
Stewart Elliott, Attorney
Madison Silvert, Attorney

CHAIRMAN:  I would like to welcome everybody to the January 11th Planning & Zoning meeting. Will you please stand. Our invocation will be given by Mr. Gary Noffsinger.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business we will have Mr. Madison Silvert swear in a new member to the Planning Commission.

(SWEARING IN OF MR. KEITH EVANS.)

CHAIRMAN:  Our next order of business will be the election of officers. Turn the election of
officers over to our attorney, Mr. Stewart Elliott.

MR. ELLIOTT: In accordance with our bylaws, the first meeting of the year in 2007 we have the election of officers. So with that I’ll open the floor for the nomination for the office of chairman.

MR. APPLEBY: I nominate Drew Kirkland.

MR. JAGOE: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: We have a chairman. Next office will be vice chairman. The floor is now open for the nomination of vice chairman.

MR. KIRKLAND: I'd like to nominate Ms. Judy Dixon.

MR. APPLEBY: Second.

MR. ELLIOTT: We have a nomination and a second. Any other nomination?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: We have vice chairman.
Now we have the office of secretary. The floor is now open for the nomination of secretary.

MS. DIXON: I nominate Dave Appleby.

MR. KIRKLAND: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: We have a secretary. That concludes the election, Mr. Chairman.

CHAIRMAN: Our first order of business is consider the minutes of the December 14, 2006 meeting. Are there any additions, corrects?

(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, Mr. Noffsinger.
ITEM 3

Consider adoption of revised and updated elements of the Comprehensive Plan.

MR. NOFFSINGER: Mr. Chairman, Becky Stone, associated director of Planning, is here tonight to give a description of what we're here to do. This is the adoption of the Comprehensive Plan. So if you choose to adopt the Comprehensive Plan tonight, it will become final.

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: After numerous community meetings and workshops, the goals and objectives were approved by the Planning Commission in July of 2006. The legislative bodies adopted those goals and objectives in September of 2006.

So what we're here tonight to adopt are the remaining elements of the Comprehensive Plan, and that includes population, economy and employment, land use, transportation, community facilities, and environment.

The land use plan is an element of this update. This hasn't been updated since '91. We're
updating our land use plan this time based on
development pattern where roadways have occurred.
We've been through the general changes at the work
sessions. Some of the rural communities have been
extended into the urban service areas and we've made
some changes based on development patterns.

Brian Howard, I wanted to point out, did this
map on our GIS system. Of all the maps that are the
new maps in the Comprehensive Plan were prepared by
Brian on our GIS system. The last time the update we
didn't have the capacity to do that. So we've come a
long way with that particular application.

Then the other thing I wanted to point out.

Everybody has gotten a copy of this and I'm sure
you've read the entire document. This time this is
something new. We prepared a Comprehensive Plan
Summary. We've got this down to about 90 pages to
just summarize all of the technical information that's
contained in the full text document of the
Comprehensive Plan. So you're adopting both the plan
and the summary tonight, if you adopt it.

We hope that this is more user-friendly. That
people are able to find information a little bit more
quickly, and then we'd refer you back to the
Comprehensive Plan if you needed additional
information on that.

The last thing that I want to point out is the cover. Our current cover of the Comprehensive Plan is this. We're proposing a covering that shows a feature of the Community Daviess County, something more like that. So we would need your input on whether that's an acceptable cover or not.

If anybody has any questions, I'll be glad to answer them. We've been through over a year process which started community meetings in the fall of 2005. The entire plan we believe is ready for your consideration.

Are there any questions?

MR. NOFFSINGER: That's open to the public as well for discussion.

CHAIRMAN: Do we have any questions, additions?

(NO RESPONSE)

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

MR. GILLES: I'd like to make a motion that we adopt the Comprehensive Plan and the summary and also the cover page.

CHAIRMAN: We have a motion for approval of the cover page and the Comprehensive Plan by Mr.
Gilles.

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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ZONING CHANGES

ITEM 4

2402 French Street, 0.186 acres
Consider zoning change: From I-1 Light Industrial to R-4DT Inner-City Residential
Applicant: Carl W. Kimbley and James and Mary Hall

MR. KIMBLEY: And Tracy Kimbley, his wife.

MS. KIMBLEY: Yes. They forgot to put my name on it.

MR. NOFFSINGER: Okay. So noted.

MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

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 west;
3. The subject property exceeds minimum requirements for lot width and road frontage for a single-family residence in an R-4DT 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: We do have the applicant here.

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If there are no questions, the chair is ready for a motion.

MR. MILLER: Mr. Chairman, motion to approve based on Planning Staff Recommendations and Findings of Facts 1 through 4.

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

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 5

1126 Triplett Street, 0.504 acres
Consider zoning change: From I-1 Light Industrial to P-1 Professional/Service
Applicant: Triplett Street Building, Inc.

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:

Access to Triplett Street shall be limited to a single access point as far south along the property frontage as possible with an access easement provided to the property to the south.

FINDINGS OF FACT:

1. The subject property is located in a Business Plan Area, where business uses, which would
encompass professional/service uses, are appropriate in limited locations;

2. The subject property is a logical expansion of professional/service zoning to the north and east; and,

3. The proposed zoning change should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Do we have someone here representing the applicant?

MR. MEYER: Yes. Tom Meyer here on behalf of the applicant. There's nothing further to add to the Staff Report. I'm here to answer any questions.

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, the Condition and Findings of Fact 1, 2 and 3.
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 6
912 Walnut Street, 0.530 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: Audubon Area Community Service

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. Submission and approval of a consolidation plat by the OMPC;
2. Installation of the required landscape buffer along the south property line where the subject property adjoins residential zoning; and,
3. Access shall be limited to the existing access points on the Audubon Area Service office lot,
located at 900 Walnut Street. No additional access to West Ninth Street or Walnut Street shall be permitted.

FINDINGS OF FACT:

1. The subject property is located in a Central Residential Plan Area, where business uses are appropriate in limited locations;

2. The subject property is a logical expansion of general business zoning to the north and to the east; and,

3. The proposed zoning change should not significantly increase the extent of the zone in the vicinity of the expansion and 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 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. ROGERS: Motion for approval based upon
Planning Staff Recommendations, Conditions 1, 2 and 3, and Findings of Fact 1, 2 and 3.

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

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.

MAJOR SUBDIVISIONS

ITEM 7

Lake Forest, Unit 26, Lots 241-244, 253-257, 3.264 +/- acres

Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $32,011.25

Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, the Planning Staff and Engineering Staff has reviewed this application. The application is found to be in order. It has been reviewed and is consistent with the adopted Comprehensive Plan as well as the adopted Zoning Ordinance and subdivision regulations.

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)
CHAIRMAN: If nobody is here representing the applicant, are there any questions by anybody?

(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. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 8

Lakeside at the Downs, Unit 2, Lots 177-180 & 193, 3.273 acres
Consider approval of major subdivision final plat. Surety (Letter of Credit) posted: $10,555.25
Applicant: Thompson Homes, Inc.

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

Its use is consistent with the adopted Comprehensive Plan and the application is found to meet the minimum requirements of the adopted Zoning Ordinance and subdivision regulations.

CHAIRMAN: Is anybody here representing the
applicants?

(NO RESPONSE)

CHAIRMAN: 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. 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, please.

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MINOR SUBDIVISIONS

ITEM 9

10591 KY 81, 4.724 acres
Consider approval of minor subdivision plat.
Applicant: Jerry C. Baird

MR. NOFFSINGER: Mr. Chairman, this
application has been reviewed by the Planning Staff
and Engineering Staff. The application is in order.
However, it comes to this commission as an exception
to the subdivision regulations in that the proposed
lot does not have frontage on the public right of way.
The frontage to the property is from via a passway that extends out to Kentucky 81. There is however a home located on the property. The 4.7 acre division is surrounding that home. So the home can be separated from the remaining farmland, which is well over ten acres in size.

The applicant request this approval and has limited future development on the property to no additional lots to be created. So with that given the fact that there is an existing home on the property and there would be no further subdivisions, the Planning Staff would recommend that you approve this division.

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. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. GILLES: Second.

CHAIRMAN: Second by Mr. Gillis. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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NEW BUSINESS

ITEM 10

Consider approval of the Public Improvement Specifications surety unit cost annual revision.

MR. NOFFSINGER: Mr. Chairman, the Planning Commission reviews the surety cost for infrastructure in new developments within this community on a yearly basis. The proposal that's before you tonight was reviewed by various individuals within the community, including your city and county engineers, some of the private engineers within the community, as well as some developers. They have recommended certain increases in some of the infrastructure items. Each member has been mailed a copy of these increases. We would recommend its approval at this time.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

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

Mr. Jagoe, do you have a question?

MR. JAGOE: I didn't get a copy of it so I'm
not sure what I'm voting on.

MR. NOFFSINGER: I certainly apologize for that. I had thought that it was mailed out.

MR. JAGOE: I guess I would question: Am I the only one that didn't get a copy?

MR. NOFFSINGER: Mr. Chairman, given apparently the Planning Staff made a mistake in not mailing this information out, we would recommend that you postpone taking any action on this until next month.

CHAIRMAN: Do we have an official motion to that affect?

MS. DIXON: Move to postpone.

CHAIRMAN: Move to postpone by Ms. Dixon.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion to postpone carries unanimously.

Mr. Noffsinger, unless there's any other business that's not listed.

MR. NOFFSINGER: Let's adjourn.

CHAIRMAN: The chair is ready for one final motion.
MR. APPLEBY: Mr. Chairman, I think probably we ought to recognize Becky and Brian for all the work they did on our Comprehensive Plan in putting this together. I think they did a super job. They deserve credit for it.

CHAIRMAN: You all did an outstanding job, and the summary was a tremendous idea. Last night I was sitting there and I was reading the summary. The summary was good.

The chair has now recognized our Staff for their outstanding work that Becky and Brian did. The chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion to adjournment by Ms. Dixon.

MR. EVANS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. 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 19 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 31st day of January, 2007.

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
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COMMISSION EXPIRES:  DECEMBER 19, 2010
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY