The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, March 8, 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
    Tim Miller
    Irvin Rogers
    Wally Taylor
    Martin Hayden
    Madison Silvert, Attorney

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CHAIRMAN:  I would like to welcome everyone to the March 8th meeting.

Would you please rise for our invocation is given by Mr. Irvin Rogers.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  First order of business I would like to turn the gavel over to Mr. Madison Silvert to swear in our new member.

(SWEARING IN OF MR. WALLY TAYLOR)

CHAIRMAN:  Mr. Taylor, we would like to welcome you to the commission.  Appreciate you agreeing to serve on the board.  Thank you very much.

MR. TAYLOR:  Thank you.
CHAIRMAN: At this time we'd like to recognize a former commissioner Mr. Nick Cambron.

Mr. Cambron, will you step forward, please.

(PRESENTATION TO MR. NICK CAMBRON.)

CHAIRMAN: At this time I would like to personally thank Ms. Judy Dixon in serving as chairman while I was out of town last month. Judy did an excellent job. I really appreciate what you did. Thanks for taking over the commission. You did a great job. Thank you.

At this time I'd like to recognize a friend of mine, a friend of the city's and a great friend of the Commission. Mr. Cap Gardner has recently passed away. Cap I've known all my life and spent the last 35 years eating lunch with him in Rotary. Many times after Rotary, Cap would come up and shake my hand and grin and tell me we were doing a great job on the Planning Commission and then laugh and said, you know, I thought it was tough when I was mayor, but it could have been worse. I could have been on the Planning Commission. Cap always was a very supportive person to the Planning Commission and was a good friend of mine. I feel like the passing of Cap the City of Owensboro loses a smile off their face. I just wanted to publicly recognize Cap and what he had done for
the city and being my friend and being a supporter of
the Planning Commission.
Our next item of business is we're going to
consider the minutes of the February 8, 2007 meeting.
Are there any comments, additions, corrections?
MR. NOFFSINGER: No, sir.
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 passes unanimously.
Mr. Noffsinger, did you have a comment that
you would like to make?
MR. NOFFSINGER: Yes, sir. I would like to
let our audience know that you can view our meetings
live on the internet from anywhere in the country,
nation for that matter. You can go to the City of
Owensboro's website at www.owensboro.org and click on
Channel 44 Streaming Line and you can watch our
meetings from anywhere live. You can also, if you
know the tape schedule, you can watch the taped
delays. That is a product that's been given to us by the City of Owensboro. We thank them for working with us, allowing those meetings to be televised via the internet.

CHAIRMAN: Mr. Noffsinger, would that possibly be anywhere in the world or just in the country?

MR. NOFFSINGER: I'd say anywhere in the world. The internet is out there for anyone's offering that has access to the internet. If you can find the City of Owensboro's website, you can get it.

CHAIRMAN: I think the office would be very interested in the furtherest away that somebody would pick us up.

Next item, Mr. Noffsinger.

ITEM 2

Consider text amendments to Article 6, Section 6.5 and 6.6 of the Owensboro Metropolitan Zoning Ordinance to allow language that will provide for the alternate regulation for zoning map amendments as described in KRS 100.2111.

MR. NOFFSINGER: Becky Stone, Associate Director for Planning is here tonight to describe this exciting process.

MR. SILVERT: State your name for the record, please.

MS. STONE: Becky Stone.

The Text Amendments that are proposed in
Article 6 would amend the Zoning Ordinance to allow for an alternate regulation for Zoning Map Amendments. This would reduce the amount of time that zoning changes -- this would reduce the amount of time to 21 days that could allow a zoning change to take place.

Currently the Planning Commission recommendation goes to the legislative body and then it's scheduled on their agenda for two readings of an ordinance. This regulation allows the Planning Commission recommendation to become final 21 days after that recommendation is made, unless the legislative body chooses to hear the zoning application.

If the legislative body chooses to hear the zoning application, then it would go forward for two readings just as it does currently.

The up side to this change is a reduction in the amount of time that someone would have to wait to get the property zoned. If development is occurring, this could reduce their amount of time for a zoning change.

In addition to the legislative body being able to request to hear the application, any agreed person could also request that the legislative body hear the
application and then it would automatically go to fiscal court, the City of Owensboro and the City of Whitesville for that hearing.

So you do have a Staff Report that explains the background of this change. The Staff would recommend approval of this revision for the alternative regulation for Zoning Map Amendment as allowed by KRS 100.2111 with the following Findings of Fact:

1. Concerns have been raised regarding the amount of time that is required for a zoning change to become effective;

2. KRS 100.2111 allows an alternative method for Zoning Map Amendment that can reduce the amount of time for a zoning change to occur to 21 days following the OMPC recommendation;

3. The legislative bodies retain the authority to decide zoning map amendments and may do so by filing to decide the application within 21 days of the OMPC recommendation; and,

4. An aggrieved person retains the right to have the legislative body decide the zoning request by requesting in writing that the legislative body hears the application within 21 days to the OMPC recommendation.
We would like to enter the Staff Report as Exhibit A. If you have any questions, I would be glad to answer them.

CHAIRMAN: Are there any questions from anybody on the commission?

(NO RESPONSE)

CHAIRMAN: Any questions from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: If there are none, the chair is ready for a motion.

MR. APPLEBY: Mr. Chairman, I'd move to approve the amendment based on the Staff Recommendations and Findings 1, 2, 3 and 4.

CHAIRMAN: We've got a 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 unanimously.

Next item, please.

ITEM 3

Consider text amendment to Article 8 of the Owensboro Metropolitan Zoning Ordinance to amend the Schedule of Zones and Uses to conditionally permit landscaping services in the B-3 Highway Business and B-4 General
MS. STONE: This Text Amendment proposes to conditionally permit landscaping services in B-3 and B-4 general business zones. Currently they're permitted in this zone only as accessory uses to a retail shop that would sell plant or nursery items. We've been asked to look at this particular type of use. You do have background in your Staff Report. We would propose that the landscaping services be permitted as a conditional use permit in the B-3 and B-4 zoning which would require the Owensboro Board of Adjustment to review those locations.

The Staff would recommend approval of this Text Amendment with the following Findings of Fact:

1. Landscaping services are currently permitted as accessory uses in the B-3 Highway Business and the B-4 General Business zone without review of the OMBA;

2. Landscaping services provide a commercial service that could be compatible in Highway Business and General Business zones if properly integrated into the district; and,

3. Conditionally permitting landscaping services in the B-3 and B-4 zones would require review
by the OMBA to assure property integration into the commercial area; and,

4. The conditional use permit process ensures that adjoining property owners are notified and have the opportunity to address the location of the landscaping service in the area.

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

Again, if you have questions I'd be happy to answer them.

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

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

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

MR. MILLER: Mr. Chairman, motion to approve based on Staff Recommendations and Findings of Fact 1, 2, 3, and 4.

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

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

2500 Barron Drive, 7.515 +/- acres
Consider zoning change: From A-U Urban Agriculture to
B-4 General Business
Applicant: WWW Properties, LLC; J.C. Ellis Estate
Trust

MR. SILVERT: State your name for the record, 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 conditions and findings of
fact that support this recommendation include the
following:

CONDITIONS:

1. No access shall be permitted to Carter
Road or the Wendell Ford Expressway;

2. Access shall be limited to Barron Drive
only and shall be limited to a total of three access
points; and,

3. Future development on the 7.515 acre tract
will require an amended development plan to address all site and development requirements, including potential roadway improvements.

FINDINGS OF FACT:

1. The subject property is located in a Business Plan Area, where general business uses are appropriate in limited locations;
2. A formal development plan has been submitted as a part of the rezoning request;
3. The subject property is over five acres in size; and,
4. With frontage on Carter Road, Barron Drive and the Wendell Ford Expressway, the site is major street oriented.

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

CHAIRMAN: Do we have any questions or comments from the commission?

(NO RESPONSE)

CHAIRMAN: Any questions or comments from the audience?

(NO RESPONSE)

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

MR. HAYDEN: I make a motion for approval on
Staff Recommendations and Conditions 1, 2 and 3 and Findings of Fact 1 through 4.

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 RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 4A

2500 Barron Drive, 7.515 +/- acres
Consider approval of final development plan.
Applicant: WWW Properties, LLC, J.C. Ellis Estate Trust

MR. NOFFSINGER: Mr. Chairman, this application 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 adopt Comprehensive Plan and is recommended by the previous rezoning. It's also been reviewed for compliance with the zoning ordinance and subdivision regulation and found to be consistent with the requirements therein.

CHAIRMAN: Is there any questions or comments from the audience?
CHAIRMAN: Does anybody on the commission have any questions?

(MR. ROGERS): Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Rogers.

(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 5

585 Fulton Drive, 3.079 acres
Consider zoning change: From B-4 General Business to B-5 Business/Industrial
Applicant: Penn Properties, LLC

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 Business/Industrial Plan Area, where business/industrial uses are appropriate in general locations;

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

3. The Comprehensive Plan provides for the continuance of mixed use area; 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 D.

CHAIRMAN: Does anybody have any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on Planning Staff Recommendation with Findings of Fact 1, 2, 3 and 4.
CHAIRMAN: We have a motion for approval by Mr. Rogers.

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

3701 Kipling Drive, 4.03 +/- acres (Postponed at February 8, 2007 meeting)
Consider zoning change: From R-1B Single-Family Residential to R-1C Single-Family Residential
Applicant: J.E.D. Rentals Family Partnership, LTD

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 J.R. Miller Boulevard shall be limited to the proposed new street intersection only.

No individual drive access will be permitted.

FINDINGS OF FACT:

1. The subject property is located in an Urban Residential Plan Area, where urban low-density
residential uses are appropriate in limited locations;

2. Sanitary sewer service is available to the subject property;

3. The proposal meets a goal of the Comprehensive Plan to establish a variety of housing types for a variety of people within a neighborhood; and,

4. The proposal supports the Comprehensive Plan's goals by encouraging the concentration of urban development within the Urban Service Area to limited urban sprawl.

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

CHAIRMAN: Does anybody from the audience have a question?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission? Does anybody on the commission? (NO RESPONSE)

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

MS. DIXON: Move to approve based upon Planning Staff Recommendation subject to the Condition and based upon Findings of Fact 1, 2, 3, and 4.

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.

Related Item:

ITEM 6A

Mallard Creek, 4.03 +/- acres (Postponed at February 8, 2007 meeting)
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: J.E.D. Rentals Family Partnership, LTD

CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody on 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. 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 7

1907 West Parrish Avenue, 0.208 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: Mike Martin, Thomas M. Shively

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. Approval of a final development plan by the OMPC;

2. Approval of a consolidation plat to consolidate 1907, 1911, 1915 West Parrish Avenue and 1912, 1916 James David Court into a single parcel;

3. Access for the consolidated lots to West Parrish Avenue shall be limited to a single access point as far east along the property frontage as possible;

4. An access easement shall be provided to the adjoining property to the east, located at 1903 West Parrish Avenue; and,

5. Install a ten foot landscape easement with
a six foot high element and one tree every 40 linear feet along the east property line where the subject property abuts residential zoning;

FINDINGS OF FACT:

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

2. Property to the immediate west of the subject property is zoned B-4 General Business; and,

3. The applicant's proposal is a logical expansion of the B-4 General Business zoning to the west, and it will not significantly increase the extent of general business uses that are located in the vicinity or overburden the capacity of the roadways or other necessary urban services in the affected area.

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

CHAIRMAN: Any questions from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: From the commission?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MR. HAYDEN: Make a motion for approval based on Staff Recommendations and Conditions 1 through 5 and Findings of Fact 1 through 3.

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 RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

DEVELOPMENT PLANS

ITEM 8

3611 Ralph Avenue, 0.847 acres
Consider approval of amended final development plan.
Applicant: Sonny's Enterprises, Inc., MPG Commercial Properties, LLC

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

MR. MILLER: Second.
CHAIRMAN: Second by Mr. Miller. 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 9

Lake Forest, Phase 4, Lots 279-298, 300-356, 360-369, 40.243 acres
Consider approval of amended major subdivision preliminary plat.
Applicant: Lake Forest Community, LLC

CHAIRMAN: Do we have any questions from the audience or the commission?

(NO RESPONSE)

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

MR. HAYDEN: Move to approve.

CHAIRMAN: We've got 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 RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.
ITEM 10

The Trails of Heartland, Phase 1, Lots 639-675, 12.112 acres
Consider approval of major subdivision final plat
Surety (Certificate of Deposit) posted: $58,304.60
Applicant: Jagoe Development, LLC

CHAIRMAN: Do we have any questions from the audience or the commission?

(NO RESPONSE)

CHAIRMAN: 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.

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NEW BUSINESS

ITEM 11

The Brooks, 28.013 acres
Consider approval of amended major subdivision preliminary plat.
Applicant: Owensboro Master Builder, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for approval.

CHAIRMAN: Any questions from the audience?

(NO RESPONSE)
CHAIRMAN: 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. APPLEBY: Second.
CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Mr. Noffsinger, does that complete our agenda?
MR. NOFFSINGER: Yes, sir.
CHAIRMAN: We're ready for one final motion.
MR. TAYLOR: Move to adjourn.
CHAIRMAN: Motion for adjournment by Mr. Taylor.
MR. APPLEBY: Second.
CHAIRMAN: Second by Mr. Appleby. 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, LYNETTE 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 23 typewritten pages; and that no signature 
was requested to the foregoing transcript. 

WITNESS my hand and notary seal on this the 
15th day of March, 2007.

LYNETTE 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