The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, May 10, 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
         Wally Taylor
         Keith Evans
         Martin Hayden
         Madison Silvert, Attorney

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CHAIRMAN:  I would like to welcome everybody to our May 10th meeting of the Owensboro Metropolitan Planning Commission.

Would everybody please rise. Our invocation will be given by Keith Evans.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Mr. Noffsinger, first we'll consider the minutes of our April 12th meeting. Are there any corrections, additions?

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. 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 also have a meeting of April 26th. Are there any additions or corrections?

MR. NOFFSINGER: No.

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

MR. NOFFSINGER: We have entered into a new or an alternate zoning change process by which the recommendation of the Planning Commission here tonight will stand unless within 21 days from this date an agreed person or anyone for that matter or the applicant files with the Planning Commission a notice
that they would like for the legislative body to hear this zoning change. The property is within the city limits of Owensboro so if a notice is filed, it would go to the City of Owensboro for final action.

Again, this board's action tonight will become final in 21 days provided that no one files notification that they would like for the city to hear it. We do have those forms available here tonight if anyone would like to receive one of those forms.

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ZONING CHANGE
ITEM 2
1401, 1429 Leitchfield Road, 2.464 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional/Service Applicant: Mukesh Gupta

MR. SILVERT: 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 conditions and findings of fact that support this recommendation include the following:

CONDITIONS:
1. No access shall be permitted to East Parrish Avenue;
2. Access to Leitchfield Road shall be limited to a single access point as depicted on the preliminary development plan;
3. An access easement shall be provided to 1301 Leitchfield Road for future use as ingress/egress for said property; and,
4. A final development plan shall be submitted and approved before the issuance of any building permits.

FINDINGS OF FACT:
1. The subject property is located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The development of the subject property will be non-residential in nature and consistent with development patterns in professional/service zones;
3. The proposal is a logical expansion of existing P-1 Professional/Service zoning located across East Parrish Avenue and is over one acre in size; and,
4. The proposal also meets criteria for a new location of professional/service zoning in that it is
major street oriented and over one acre in size.

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

CHAIRMAN: Is there anybody representing the applicant?

MR. BRUCE: Mike Bruce with Johnson, Depp & Quisenberry.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

Oh, I'm sorry. Do you have some comments?

MR. WESTERFIELD: I would like to speak against it, if I could.

CHAIRMAN: Yes, sir. Go ahead.

MR. SILVERT: State your name, please.

MR. WESTERFIELD: My name is Ray Westerfield.

(RAY WESTERFIELD BY ATTORNEY.)

MR. WESTERFIELD: My name is Ray Westerfield. I represent P&R Properties tonight.

We recently, about three years we bought a piece of property that's adjacent to the property that is looking to be rezoned.

We went to a verbal agreement with the city
through their community development program to build three houses on the property, and we have, with the understanding that the property all around us was residential housing.

We were contacted about a year ago about selling our property for commercial property and because we had a verbal agreement with the city we decided we weren't interested in that.

So we have some concern that now that the property that we purchased will not be a good residential area because now there's going to be commercial area right next to it. We would like to see this zoning change not take place.

MR. APPLEBY: You're aware that it's not commercial that's going in there. It's professional zone.

MR. WESTERFIELD: Yes, sir. I understand this property there's not going to be a factory built there, but I also know there's not going to be houses built there.

MR. APPLEBY: Of course, a factory would be an industrial zone. It is professional office is what the zoning is.

MR. WESTERFIELD: Yes, sir. Also understand what I read that there's a house on the property
that's going to be used for storage. I've had a little bit of contention with that. It does have office and storage. You're building a new office building you're going to use an old house for storage and an office. Kind of seems strange to me.

MR. NOFFSINGER: As a part of a professional service use as a medical office, then they could store on site their files related to their practice.

MR. JAGOE: They couldn't use the property as a residence though, right, unless they had a conditional use?

MR. NOFFSINGER: You may be able to have a residential use on the property as a caretaker, but I would have to take a look at the zoning ordinance and refresh my mind on an accessory dwelling in a professional zone.

I think Mr. Mischel is looking at that and we can get you an answer to that.

MS. WESTERFIELD: I also have a concern that this piece of property, something other than residential being across the street from us is completely surrounding by residences. So now there is a -- let me get it straight what it is. It's not commercial.

CHAIRMAN: Professional.
MR. WESTERFIELD: Professional building now moved into the middle of a residential area which means that now the next property on each side can be rezoned the same way using the same criteria that this person is trying to get this rezoned, assuming that our residential area could be eaten up by whatever professional development zoning.

MR. JAGOE: Could I ask a question? On the other side of Fuqua, I know that it doesn't join this piece of property. Is that where the gas station is?

MS. WESTERFIELD: No, sir. There is a house that sits right on the corner of Fuqua and Parrish Avenue.

MR. JAGOE: Is the side of the gas station on Fuqua?

MR. WESTERFIELD: No, sir. Fuqua Court is a separate small street. Actually there is a lot and that's one of the lots we're going to build a house on. Then there's another house. Then there's a gas station across and another street.

MR. APPLEBY: That's Wing actually. I think that's considered Wing Avenue.

CHAIRMAN: Does anybody have any more questions?
CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Mr. Chairman, I make a motion for approval based on the Staff Recommendations with Conditions 1 through 4 and Findings of Fact 1 through 4.

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

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.

Next item.

Related Item:

ITEM 2A

1401, 1429 Leitchfield Road, 2.464 acres
Consider approval of preliminary development plan.
Applicant: Mukesh Gupta

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff. The plan is found to be in order. It is ready for consideration.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

CHAIRMAN: If there are no questions, chair is
1 ready for a motion.
2      MR. APPLEBY:  Motion for approval.
3 CHAIRMAN:  Motion for approval by Mr. Appleby.
4 MR. JAGOE:  Second.
5 CHAIRMAN:  Second by Mr. Jagoe. All in favor
6 raise your right hand.
7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
8 CHAIRMAN:  Motion carries unanimously.
9 Next item, please.
10 ---------------------------------------------------------------
11 MAJOR SUBDIVISIONS
12 ITEM 3
13 Highland Pointe, 82.157 acres
14 Consider approval of amended major subdivision
15 preliminary plat.
16 Applicant: Highland Pointe Holdings, LLC
17
18      MR. NOFFSINGER:  Mr. Chairman, this plat has
19 been review by the Planning Staff and Engineering
20 Staff. It's found to be in order. It has been
21 reviewed for consistency with the Comprehensive Plan,
22 the subdivision regulations and zoning ordinance and
23 is ready for approval.
24 CHAIRMAN:  Anybody here representing the
25 applicant?
26      APPLICANT REP:  Yes.
27      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. 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.

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MINOR SUBDIVISIONS

ITEM 4

3000-3400 Blks Airport Drive, 0.563 acres
Consider approval of minor subdivision plat for David C. Adkisson Greenbelt.
Applicant: Owensboro Daviess County Industrial Foundation, Inc., Daviess County Fiscal Court, City of Owensboro, Economic Development Properties, Inc. and Owensboro-Daviess County Industrial Development Authority

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

It is a lot that comes to you as an exception to the subdivision regulations in that it does not
meet the minimum requirements to be created as a
development lot. However, as stated here, this is for
the construction of the Greenbelt Park and we would
recommend you approve it.

CHAIRMAN: Anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. JAGOE: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Jagoe.

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

3800 Blk Carter Road, 0.021 acres
Consider approval of minor subdivision plat for David
C. Adkisson Greenbelt.
Applicant: Owensboro Municipal Improvements Corp,
Owensboro-Daviess County Industry, Inc., and Economic
Development Properties, Inc.

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

It does create a lot that does not meet the requirements of the subdivision regulations; however, it's not a development lot. It is a lot for the Greenbelt and we would recommend that it be approved.

CHAIRMAN: Anybody representing the applicant?
APPLICANT REP: Yes.
CHAIRMAN: Do we 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.

ITEM 6

96, 102, 106, 112, 116 Boothfield Road, 49.65 acres (Postponed from 4/12/2007)
Consider approval of minor subdivision plat.
Applicant: Robert Wimsatt, Joel Osbourne, Chad & Stacey Ayer, Jerry Morgan

MR. NOFFSINGER: Mr. Chairman, this plat is
not in order. It has not been signed off on by the property owners. Planning Staff would recommend that this item be removed from the agenda. You should take a vote on that to remove it.

CHAIRMAN: Is there somebody here representing the applicant?

(NO RESPONSE)

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

MR. JAGOE: Mr. Chairman, I would move that we remove it from the agenda.

CHAIRMAN: Mr. Jagoe steps up and says he wants to remove it from the agenda.

MS. DIXON: Second.

CHAIRMAN: Second from Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

9841, 9851 Oost Road, 4.233 acres
Consider approval of minor subdivision plat.
Applicant: Rodney Bartlett, Chester Bartlett, Joan Bartlett

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering
Staff. It's found to be in order. However, it does create a lot that exceeds the depth to width ratio of three to one; however, it's not created any additional lots. It's just adding onto an exist tract and taking away from another. Staff would recommend that you approve the plat in that it is not an unreasonable circumvention of the subdivision regulations.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

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. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Chair is ready to entertain a motion to adjourn.

MR. EVANS: Motion to adjourn.

CHAIRMAN: Mr. Evans has a motion for
adjournment.

MR. TAYLOR: Second.

CHAIRMAN: Second by Mr. Taylor. 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 16 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 5th day of June, 2007.

LYNNETTE 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