The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, June 14, 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
Wally Taylor
Martin Hayden
Madison Silvert, Attorney

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CHAIRMAN: I would like to call our meeting to order. Let us stand for our invocation. It will be given by Mr. Madison Silvert.

(INOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the May 10, 2007 meeting. Are there any corrections, additions?

(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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PUBLIC HEARING

ITEM 2

Consider text amendment to Article 9 of the Owensboro Metropolitan Zoning Ordinance to include a definition for consolidated shopping center signs and proposed criteria and requirements for consolidated shopping center sign placement.

MR. SILVERT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: This text amendment came about as a result of some large commercial shopping centers that we've seen in the past couple of years. They include areas that have more than one lot with numerous tenants, but the major tenant may be back away from the main roadway. There was some concern about being able to identify that shopping center and
that major tenant.

Under the current regulations, a sign could not be placed on a lot in that development that was not the site of that business. If a large department store wanted to identify that they were part of that shopping center development on one of those out lots, the current regulations would prohibit that from happening. Within the City of Owensboro off premise signs are completely prohibited. Within the county they are restricted as to size and placement and location.

So we looked at some other ordinances in different parts of the country and in Kentucky. We came up with what we thought was a reasonable alternative that would allow these shopping centers to identify their name, so and so shopping center, and also to list the major tenants that were in that shopping center.

This text amendment is the result of that research. What it allows to happen is that a shared shopping center sign we're identifying that as a consolidated shopping center sign can be placed on any of the lots within that development under a final development plan. It permits those signs to be the same size as our independent signs are currently and
it requires those signs to be placed in an easement and have a maintenance agreement submitted before a permit is issued for that sign.

We have made findings that we think that this should be recommended for approval.

FINDINGS

1. The placement of consolidated shopping center signs in accordance with the proposed criteria will assist the public in effective location of businesses by displaying business names in an effective orderly and consolidated manner and may increase vehicular safety by requiring the motorist to read only one sign instead of numerous signs when traveling to the commercial development;

2. The placement of consolidated shopping center signs in accordance with the proposed criteria may eliminate some individual yard signs and thereby meet the purpose of the city ordinance to reduce the excessive number of signs in the City of Owensboro;

3. The placement of consolidated shopping center signs in accordance with the proposed criteria will allow commercial developments in the county proposed under final development plans to have the same size consolidated shopping center sign as allowed for a business sign and will not require a reduction
of 380 square feet or 300 square feet under the

current off-premise sign regulations; and,

4. The requirement of a final development
plan showing the sign placement and a maintenance
easement and agreement will ensure orderly placement
and upkeep of these specific signs, and will also
allow review by all public entities and agencies.

If the Planning Commission recommends approval
of this ordinance, it will, of course, go to the city
and the county for their adoption. The city would
further have to amend their separate ordinance that
prohibits off-premise signs to accept these
consolidated shopping center signs.

Does anybody have any questions?

MR. JAGOE: I have two. I guess one would be
define shopping center or is that defined in the --

MS. STONE: I don't know if there's a specific
definition of shopping centers, but it would be one or
more retail uses in --

MR. JAGOE: On one lot?

MS. STONE: There could be more than one use
on one lot. This particular text amendment is
considering a shopping center development that may
include more than one lot. That's why a shopping
center that's on one lot could have a consolidated
shopping center sign under the current regulations, but if you have a shopping center that has numerous lots, then each sign would have to be on the premises where that business is. Now, if one of those lots had five businesses, they could have a sign that had different tenants listed on that one sign, but it would have to be on the lot that those five businesses are on. It couldn't be on an out lot that's out on the major roadway. So that's the purpose of this, is to allow that identification on the arterial collector and the freeway areas to allow identification of that shopping center and identification of the businesses that are included within that shopping development.

MR. JAGOE: On a different parcel?

MS. STONE: On a different parcel.

MR. JAGOE: What would the limit be?

MS. STONE: The limit is one per street frontage on an arterial collector or freeway. The size limit is the same as for an individual yard sign, which is 672 square feet.

MR. JAGOE: You would still be able to put a sign on your parcel?

MS. STONE: Right. You would have to meet the same requirements that are in the current or ordinance on your parcel.
MR. APPLEBY: The 672 square feet, that's the total for all? It says per sign face. I assume that is for all of the tenants in the 672 feet total per side.

MS. STONE: Yes. Which is the same square footage for an individual sign. We're not proposing that that's increased, but it is more than the county ordinance would currently allow for an off premise sign. The city ordinance prohibits any off premise sign. So it gives just the ability to identify that shopping center. You may not be able to list every tenant that is within that large development, but it gives the opportunity to list major tenants or businesses that they choose to list. It provides for maintenance of that shared sign by requiring a maintenance agreement before the sign is permitted.

CHAIRMAN: Are there any questions?
(NO RESPONSE)

CHAIRMAN: Any comments from the public?
(NO RESPONSE)

CHAIRMAN: Any comments from the board?

MS. STONE: We do have a definition of shopping center if you want that read in the record.

CHAIRMAN: Go ahead, Ms. Stone.

MS. STONE: It's a retail business development
planned as a unit and characterized by groups of retail use as having common use of specifically designated off street areas for access parking and service.

CHAIRMAN: If there are no comments from the public and if the commission has no questions or comments, the chair is ready for a motion.

MR. APPLEBY: Move to approve.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. APPLEBY: Based on the Staff's Findings 1 through 4.

CHAIRMAN: Mr. Appleby has a motion for approval based on Staff's findings 1 through 4.

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.

----------------------------------------------- ZONING CHANGES

ITEM 3

1616, 1622, 1624 Lock Avenue, 0.342 acres Consider zoning change: From R-4DT Inner-City Residential to R-1T Townhouse Applicant: Homes by Benny Clark; Luversa Kamuf Estate c/o Linda Horn
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:

Widen the existing alley to the rear of the property to 18 feet in width.

FINDINGS OF FACT:

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

2. The applicant's request is consistent with the pattern of residential development in the vicinity with the majority of existing residences located on lots less than 50 feet in width with access from rear public alleyways;

3. The applicant's request is consistent with the goal of the Comprehensive Plan to provide a variety of housing types suitable to a wide range of people;
4. The applicant's request is consistent with the objective of the Comprehensive Plan to increase inner-city housing density; and,

5. 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 into the record.

CHAIRMAN: Is anybody here representing the applicant?

MR. BRYANT: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If there are no questions of the applicant, does the commission have any questions?

MR. NOFFSINGER: Mr. Chairman, I do have one thing. We need to state prior to your action the rights that anyone agreed might have in terms of your action here tonight.

MR. HOWARD: Yes. Any person or a joint property owner that has an issue with the findings that the Planning Commission makes tonight may file a request with the Planning Office which would require the rezoning to go either before the city commission
or Daviess County Fiscal Court, the appropriate legislative body. Those forms are available here on the back table and they can also be picked up in our office.

MR. NOFFSINGER: That will be only on Items 3 and 4 on the Zoning Changes. The reason for that the action of this commission will become final in 21 days unless a person files that forms. Then the zoning change would go to the legislative body. So we just want to make sure the public that's here tonight is aware of that on Items 3 and 4.

CHAIRMAN: Thank you.

Now with no questions from the commission, the chair is ready for a motion.

MS. DIXON: Move for approval based upon Findings of Fact 1 through 5 and the condition and Planning Staff Recommendations.

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 4
Portion of 6745 KY 144, 0.90 acres
Consider zoning change: From B-4 General Business to
R-1A Single-Family Residential
Applicant: Robert E. Brumbaugh

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 rural small-lot residential
   uses are appropriate in general locations;
   2. The subject property has adequate road
      frontage on KY 144 which is a state maintained
      roadway;
   3. An existing septic system serves the
      residence located on the subject property; and,
   4. The existing zoning of B-4 on the subject
      property is inappropriate and the proposed R-1A zoning
      is more appropriate for the subject property based on
      the historic use of the property and the character of
      the surrounding area.

MR. HOWARD: We would like to enter the Staff
Report into the record.

CHAIRMAN: Do we have anybody here
representing the applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 4.

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

MR. MILLER. Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item.

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MAJOR SUBDIVISIONS

ITEM 5

Paddock Pointe, Unit 1, Lots 1-11, 2.330 acres Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $13,508.00 Applicant: Diversified Properties

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 meet the minimum requirements of the zoning ordinance and subdivision regulations, as well as it's consistent with the Zoning and the Adopted Comprehensive Plan.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions of the applicant?

(NO RESPONSE)

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

MR. HAYDEN: Make motion for approval.

CHAIRMAN: 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.

ITEM 6

Summer Wind of Heartland, Phase 3, Unit 21, Lots 348-372, 4.493 acres

Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $16,823.50

Applicant: Jagoe Development, LLC

MR. NOFFSINGER: Mr. Chairman, this
application has been review by the Planning Staff and
Engineering Staff. It's found to be in order. It's
us is found to be consistent with the Adopted
Comprehensive Plan as well as the Zoning Ordinance and
subdivision regulations.

MR. JAGOE: Mr. Chairman, I need to disqualify
myself.

CHAIRMAN: Mark the record Mr. Jagoe will
disqualify himself.

Do we 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.

MR. GILLES: Second.

CHAIRMAN: Second by Jimmy Gilles. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE
DISQUALIFICATION OF SCOTT JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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MINOR SUBDIVISIONS

ITEM 7
Consider approval of minor subdivision plat.
Applicant: Kirk Bailey, et al

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It comes before you because the plat is asking that you make an exception to the subdivision regulations in terms of depth to width ratio.

Mr. Brian Howard is here tonight to explain what is taking place and what position the Planning Staff will be.

MR. HOWARD: As Mr. Noffsinger stated, this plat comes before you because it could not be signed in the office.

Basically there are two small tracts. One has frontage on Jack Hinton Road. The other one has frontage on Kentucky 54. The tract in larger agricultural. The tract on Jack Hinton they're adding a little bit to making in more regular in shape. However the tract on Kentucky 54 they're adding a lot of depth to the lot. Actually taking it all the way so it has a bit of frontage on Jack Hinton Road as well. The lot is maybe in the neighborhood of 120, 130 feet and goes back maybe 1500 feet. So it is well in excess of the three to one length to width
requirement. It is our understanding that this form or design of the subdivision is due to errors that are splitting the property. Hopefully the applicant is here and can explain that a little bit to you.

But based on the way the plat is designed and based on the exception of the three to one, Planning Staff cannot recommend approval of this subdivision plat.

CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would the applicant like to make a statement?

APPLICANT REP: No.

CHAIRMAN: Does anybody on the commission have a question?

Mr. Appleby, do you have a question?

MR. APPLEBY: No. I was trying to get my bearings here.

MR. JAGOE: There were three lots on Jack Hinton. Now there's going to be four; is that correct, the way this is drawn?

MR. HOWARD: No. There was one lot on Jack Hinton and then the rest of the road frontage on Jack Hinton was part of a larger agricultural remainder.
So they're creating tract 2, which you see, which is a 1.746 acre tract around an existing residence. Tract 1 is a ten acre agricultural tract.

So basically it's going from two small lots to three small lots with one agricultural tract.

MR. MILLER: Tract 4 wasn't existing?

MR. HOWARD: Yes. Tract 4, the property line went right next to the existing garage that you see on that lot. So they're actually consolidating a little bit to that lot making it a little bit wider and more in compliance with the subdivision regulations.

MR. APPLEBY: Have you discussed the possibility of further divisions on these lots?

MR. HOWARD: It is our understanding that possibly in the future that tract 3, which is the long skinny lot, that has frontage on both roads, that at some point in the future they may look to split that in more or less half which, again, that would be an exception to the subdivision regulations as well to excessive depth of the property.

CHAIRMAN: Are there any more questions?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.
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.

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NEW BUSINESS

ITEM 8

Consider for approval FY 2008 OMPC Budget and salary chart.

MR. NOFFSINGER: Mr. Chairman, each commission has been mailed a copy of the proposed budget for fiscal year '08 as well as the salary chart. It's now ready for your consideration.

CHAIRMAN: Does anybody have any questions about the budget? Every had a chance to review it.

(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. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The chair is now ready for one final motion.

MR. HAYDEN: Motion to adjourn.

CHAIRMAN: Motion for adjournment by Mr. Hayden.

MR. EVANS: Second.

CHAIRMAN: Second by Mr. Evans. All in favoraise 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, 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 20 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 3rd day of June, 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