The Owensboro Metropolitan Planning Commission

met in regular session at 5:30 p.m. on Thursday,
August 9, 2007, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger, Director
Judy Dixon
Scott Jagoe
Tim Miller
Jimmy Gilles
Irvin Rogers
Keith Evans
Martin Hayden
Madison Silvert, Attorney

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CHAIRMAN:  I would like to welcome everybody
to our August 9th Planning Commission.  Will everybody
please rise.  Our invocation will be given by Ms. Judy
Dixon.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to
approve the minutes of our July 12th meeting.

Are there any additions, corrections?

(NO RESPONSE)

CHAIRMAN:  If not, the chair is ready for a
motion.
MS. DIXON: Move to approve.

CHAIRMAN: Motion to approve 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.

Next item, please.

MR. NOFFSINGER: I need to state for the record that the zoning change process, this will be a public hearing tonight on all items identified as zoning changes. The Planning Commission, if they do find or make a recommendation tonight, that recommendations will become final in 21 days from this date, unless a person files with the Planning Commission a notice that they would like a legislative body to take final action on the rezoning. The legislative body would be the Daviess County Fiscal Court or the City of Owensboro. Again, that appeal time is 21 days from this meeting date.

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ZONING CHANGES

ITEM 2

7550 Terminal Road, 1.19 +/- acres
Consider zoning change: From B-4 General Business to I-1 Light Industrial
Applicant: PGT Trucking, Inc.; Wally Sexton; C&S Machinery, Inc.

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 US 60 East; and,
2. Appropriate screening for outdoor storage areas and vehicular use areas shall be installed in compliance with the zoning ordinance regulations.

FINDINGS OF FACT:

1. The subject property is located in a Rural Preference Plan Area where light industrial uses are appropriate in limited locations;
2. The proposed use of the property as a truck terminal office and maintenance facility will be nonresidential in use; and,
3. The proposed zoning change is a logical
expansion of an existing industrial zoning classification located immediately south and east of the subject property.

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

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions of the applicant?

(NO RESPONSE)

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

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

MR. JAGOE: Second.

CHAIRMAN: We have motion for approval by Mr. Miller. We have a second by Mr. Jagoe. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

100, 102, 108 Woodford Avenue, 1501, 1508 West Second Street, 1.32 +/- acres
Consider zoning change: From B-4 General Business and R-4DT Inner-City Residential to B-4 General Business

Applicant: FD Sturgis, LLC

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. However, due to the encroachment of the commercial zoning into the establish residential block front along West First Street, the Planning Commission should consider the comments and concerns of the neighborhood into consideration. The conditions and findings of fact that support this recommendation include the following:

CONDITIONS:

1. No access shall be permitted to West Second Street;

2. A ten foot landscape buffer with a six foot element and one tree every 40 feet shall be installed along the entire west property line where adjoining residential zoning;

3. A consolidation plat shall be submitted and approved by the OMPC prior to any construction activity on the subject property; and,

4. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential
property to reduce the glare and impact of the lighting on the residential uses.

FINDINGS OF FACT:

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

2. The proposed use of the subject property as a Dollar Store will be nonresidential in use;

3. The proposed zoning change is a logical expansion of an existing general business zoning classification on the subject property and general business zoning located immediately south, east and west of the subject property; and,

4. The development 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 into the record.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: If there are no questions, chair is ready for a motion.
MR. ADAMS: May I make a comment?

CHAIRMAN: Yes.

MR. SILVERT: State your name, please.

MR. ADAMS: My name is Gary Adams. I live at 1519 West First Street, directly or catty-corner across First Street from the rear of this property.

(MR. GARY ADAMS SWORN BY ATTORNEY.)

MR. ADAMS: The only thing -- I agree with the Staff Report and the conditions, but I wanted to make sure that since on that west property line, the line -- First Street has a divot or angle in it. I wanted to make sure that this condition meant that the six foot high element will continue all the way to the right-of-way of West First Street.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Adams, the zone that it adjoins, R-4DT, would require that 6 foot element be placed there regardless of this condition. The condition just re-enforces to the applicant. Staff is aware of that and we'll make sure that we get the screening there as required by the ordinance and it be consistent with this condition.

MR. ADAMS: Thank you. I appreciate the Staff's concern about the ambient lighting, trying to keep that from reflecting into the residential areas.
Because I know a lot of these commercial developments, they'll put mercury vapor lights on the side of the building and light the whole area. As long as the lighting is directed down and contained into the parking lot, we would find that preferable. Thank you very much.

CHAIRMAN: Thank you Mr. Adams. Good to see you again.

Are there any other questions?

MR. SAMPLES: I have one comment.

MR. SILVERT: State your name, please.

MR. SAMPLES: Charles A. Samples.

(MR. CHARLES SAMPLES SWORN BY ATTORNEY.)

MR. SAMPLES: I just wanted to make one comment.

We are placing trees and the element down through the backside of the west side of that property. Me and my wife's property looks directly out from the First Street side across through that. Would it be possible to place as a condition that we get some trees down the front side of First Street to minimize the outlook there over to the property? In other words, we're going to be looking just at a building. Possibly, you know, truck traffic coming in and out with inventory and possible dumpsters and so
fort. If we could get trees or something not only on
that backside there, but right down that side of First
Street. I think that would really look good. I think
it would be quite an improvement for that use of the
property.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Now, at this time we do not
have a development plan or we haven't seen a site plan
to know how the property will be laid out. If there
is a parking area that will be adjacent to West First
Street, then screening, a 3 foot high continuous
element, shrub row, and one tree per 40 feet will be
required. However, if that is a building wall that is
adjacent to First Street and the parking is out toward
Second Street, then there would not be a three foot
high continuous hedge row and tree requirement. So
that's something this planning commission could
consider in terms of an additional condition, but if
it's a parking lot, you'll get it automatically. If
it's a building wall, then it will have to be a
condition placed upon the rezoning.

MR. SAMPLES: Thank you.

CHAIRMAN: Are there any other comments or
questions?

(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Rogers.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

MR. NOFFSINGER: Mr. Chairman, on Items 4 and 4a, I have a letter to the Owensboro Metropolitan Planning & Zoning from Lake Forest Community, LLC. It's dated August 9, 2007. We received that at about 10:08 this morning via fax.

"Lake Forest Community, LLC would like to request a 30 day postponement for the zoning change and preliminary plat approval for the property at Highway 54 and Millers Road scheduled for the August 9, 2007 meeting.

"Thank you, Ward Pedley."

The applicant by this letter is asking that this item be postponed until our meeting in September which will be the second Thursday in September. If
you postpone, you will have to take a vote to consider it postponement.

CHAIRMAN: Any questions or comments?
(NO RESPONSE)

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

MS. DIXON: Move to postpone.

CHAIRMAN: Motion for postponement 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.

Next item, please.

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COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 5

Owensboro Scholar House, 10.84 acres
Consider approval of amended major subdivision preliminary plat/final development plan.
Applicant: Clayton Watkins Construction

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's found to be consistent with our Adopted Comprehensive Plan as well
as the Adopted Subdivision Regulations and Zoning Ordinance.

It is an amendment to make a private street in the development a public street; also, to recognize some additional right-of-way that was acquired by the City of Owensboro. It does alter some of the utilities to the development. Most of these amendments, not all, are considered to be minor in nature and we would recommend approval.

CHAIRMAN: Is anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. MILLER: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Miller.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ITEM 6

Dutch Banks, Unit 5, Lot 12, 0.344 +/- acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted: $3,437.50
Applicant: Goetz Development, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the preliminary plat for the property. Also the use is found to be consistent with the adopted comprehensive plan, as well as the zoning ordinance and subdivision regulations. We would recommend its approval.

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.

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

Harbor Hills, Section 1, Unit 2, Lots 10, 17-19, 2.779 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit and Certified Check) posted: $72,646.63
Applicant: Robert Wimsatt

MR. NOFFSINGER: I realize that amount is different from what each of you have on the agenda, but that amount was increased and it was increased by the posting of a certified check to cover an additional water main that the city engineer or city fire chief required, county fire chief required. Both the city and county engineers have reviewed this plan. It's found to be in order, as well as the Planning Staff. It's found to be consistent with the adopted preliminary or approved preliminary plat, as well as the use in the area is consistent with the adopted comprehensive plan, subdivision regulations and zoning ordinance.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MR. HAYDEN: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 8

Lake Forest, Unit 27, Lots 279-289, 291-298, 7.639 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted $76,970.45 Applicant: Lake Forest Community, LLC

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 be consistent with the adopted approved preliminary plat as well as the use in the area is consistent with the adopted comprehensive plan and the zoning ordinance and subdivision regulations.

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. 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 9

River Crest Townhomes, Phase 2, 0.314 acres Consider approval of major subdivision preliminary plat. Applicant: Homes by Benny Clark

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. The use is found to be consistent with the adopted comprehensive plan and the plans are consistent with the adopted zoning ordinance and subdivision regulations.

CHAIRMAN: Are there 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. 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, please.

Related Item:

ITEM 9A

River Crest Townhomes, Phase 2, Lots 6-10, 0.314 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted $10,418.00
Applicant: Homes by Benny Clark

MR. NOFFSINGER: Mr. Chairman, this
application has been reviewed by the Planning Staff
and Engineering Staff. It's found to be in order.
The final plat is consistent with the preliminary
subdivision plan that you just approved as well as
these adopted comprehensive plan and subdivision
regulations and zoning ordinance.

CHAIRMAN: Any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. EVANS: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Evans.

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.
Chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for 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 18 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 31st day of August, 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