The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, September 13, 2007, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger, Director
Dave Appleby
Scott Jagoe
Tim Miller
Judy Dixon
Martin Hayden
Madison Silvert, Attorney

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CHAIRMAN: I would like to welcome everybody to the Owensboro Metropolitan Planning Commission September 13th meeting. Will you please rise. Our invocation will be given by Mr. Scott Jagoe.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the August 9, 2007 meeting. Are there any corrections, additions, 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. JAGOE: Second.

CHAIRMAN: 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 2

PRESENTATION OF FISCAL YEAR 2007 AUDIT by Robert Kuphal

MR. KUPHAL: My name is Robert Kuphal. I'm a CPA associate of Gene Boaz, CPA of Morgantown and Owensboro, Kentucky, who is also here tonight.

We were engaged to audit the financial statements for the Owensboro Metropolitan Planning Commission.

COURT REPORTER: Excuse me, sir. You need to be sworn in, please.

(MR. ROBERT KUPHAL SWORN BY ATTORNEY.)

MR. KUPHAL: We were engaged to audit the financial statements for the Owensboro Metropolitan Planning Commission for the years ending June 30, 2007 and 2006.

We conducted our audit in accordance with US generally accepted audit standards applicable to
financial audits contained in Government Auditing Standards issued by the comptroller general of the United States.

Our audit was conducted for the purpose of performing an opinion on the basic financial statements taken as a whole. We stated in our opinion the financial statements referred to above present fairly and all material respects the financial position of the Owensboro Metropolitan Planning Commission as of June 30, 2007, and the results of its operations and cash flows for the year ended in accordance with US generally accepted accounting principals.

Each of you should have received a copy of the audit report. We submit it for your approval. We'll be glad to answer any questions.

CHAIRMAN: Mr. Kuphal, in reviewing the Metropolitan Planning Commissions Staff and the operations, obviously you look for weaknesses and anything that needed to be documented and any possible improvements that the Staff needed to make or the Commission needed to make. In our report to you, in your report to us, you made it very clear that the situation seemed very sound, but would you reiterate on that for us for the record?
MR. KUPHAL: Yes. One of the things with some of the new audit standards, internal control has a very, very strong emphasis and where the standards have really been increased.

One of the things in the last two years that we did, we were required now, this is not an option, but we are required to hold a fraud conference where we take key members, key employees of the commission, and this year we also had one commissioner and we had a fraud conference where we would ask poignant questions and ask them, for example, can you think of any way that someone could steal from this organization. We feel that overall that there are no weaknesses, no material weaknesses, for example. So I feel that everything is fine.

There is definitely segregation and duties as far as checks being signed. One person prepares the check, another person enters the check in the computer. The executive director reviews all checks that are prepared and a commissioner signs the checks. Then the executive director also reviews the bank statement and cancelled checks. Since everything is done by check, feel they're overall is good standing.

CHAIRMAN: You stated that the receipt of the checks and the cash for building permits and other
permits had a good check and balance system?

MR. KUPHAL: Right. We tested out the system.

Without approval employees cannot override the system and generate permits without a check, without the money being received by that employee.

CHAIRMAN: Thank you.

Are there any other questions, any comments from anybody on the commission?

(NO RESPONSE)

CHAIRMAN: I would like to thank Mr. Appleby for being the representative of the board on this review. I would like to thank Mr. Noffsinger and the Staff for doing an outstanding job in making our job of this commission very easy and by your check and balance system. We appreciate it very much.

Mr. Kuphal, thank you. Appreciate your report. If there are no further questions, we'll excuse you. Thank you.

Mr. Noffsinger.

MR. NOFFSINGER: You will need to take a vote on this to approve the audit.

MR. JAGOE: Mr. Chairman, I move that we accept the financial statements and independent auditor's report dated June 30, 2007 as submitted.

CHAIRMAN: We've got a motion by Mr. Jagoe.
MR. HAYDEN: Second.

CHAIRMAN: We've got a 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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ZONING CHANGES

ITEM 3

3434 Old Hartford Road, 2.962 acres
Consider zoning change: From B-4 General Business and
I-1 Light Industrial to I-1 Light Industrial.
Applicant: Donald and Linda Roberts

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: Before I enter the Staff Report
into the record, I would like to make note that the
rezonings tonight, the Planning Commission will make a
recommendation. That recommendation will become final
in 21 days after the meeting tonight, unless the
applicant or a person files an application with our
office. It would require to go before the local
legislative body. Those forms are available on the
back table and in our office and on line.

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 Old Hartford Road shall be limited to the existing access point only.

FINDINGS OF FACT:
1. The subject property is located in a Business/Industrial Plan Area where light industrial uses are appropriate in general locations;
2. The proposed use of the property as storage buildings will be nonresidential in use; and,
3. The zoning of the entire tract to I-1 Light Industrial will eliminate split zoning on the property and is in compliance with the adopted Comprehensive Plan.

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

CHAIRMAN: Is the applicant here?

(NO RESPONSE)

CHAIRMAN: Do we have someone representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval based on Planning Staff Recommendations with the Condition and Findings of Fact 1 through 3.

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

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.

RELATED ITEM:

ITEM 3A

3434 Old Hartford Road, 2.962 acres
Consider approval of amended final development plan.
Applicant: Donald and Linda Roberts

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

CHAIRMAN: We have somebody representing the applicant. Are there any questions on this item?

(NO RESPONSE)

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

MR. MILLER: Motion to approve.

MR. JAGOE: Second.

CHAIRMAN: Motion for approval by Mr. Miller. 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 4

1805, 1807, 1809 West Parrish Avenue, 0.56 acres
Consider zoning change: From R-4DT Inner-City Residential to B-4 General Business
Applicant: West Parrish Plaza, LLC; David S. & Mary Lou Haycraft; John W. Ray

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in substantial 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 West Parrish Avenue;

2. A 10 foot landscape buffer with a six foot element and one tree every 40 linear feet shall be installed along the west property line abutting residential zoning; and,

3. 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 located in a Central Residential Plan Area where general business uses are appropriate in limited locations;

2. The proposed use of the property for commercial purposes will be nonresidential in nature;

3. Commercial zoning is located across Independence Avenue to the east;

4. Expansion of commercial zoning within the same West Parrish Avenue block front has recently occurred within this Central Residential Plan Area in conformance with the Comprehensive Plan has altered the residential character of the neighborhood;

5. With no access permitted to West Parrish
Avenue, the proposed zoning change should not
overburden roadways or other necessary urban services
that are available in the affected area; and,
6. The proposed zoning change will not
significantly increase the extent of the zone in the
vicinity.

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

CHAIRMAN: Is there anybody representing the
applicant?

MR. KAMUF: We're here if you have any
questions, Mr. Chairman.

CHAIRMAN: Thank you.

Do we have any questions of the applicant?

(NO RESPONSE)

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

MR. HAYDEN: I make a motion for approval
based on Staff Recommendations, Conditions 1 through 3
and Findings of Fact 1 through 6.

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.
ITEM 5

3857 KY 54, 3840 Wood Trace, 2.565 +/- acres
Consider zoning change: From A-U Urban Agriculture and R-1B Single-Family Residential to P-1 Professional/Service
Applicant: Christ Presbyterian Church of Owensboro, 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:
No access shall be permitted to KY 54.

FINDINGS OF FACT:
1. The subject property is located in a Professional/Service Plan Area where professional/service uses are appropriate in general locations;

2. The continued use of the subject property as a church will be nonresidential in nature; and,

3. The existing church has been in existence for more than 20 years and is in integrated part of
MR. HOWARD: We would like to enter the Staff Report into the record.

CHAIRMAN: Is there 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.

MR. APPLEBY: Motion for approval based on the Staff Recommendations with the one condition and on the Findings of Fact 1, 2 and 3.

CHAIRMAN: We have 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 6

Portion of 4228, 4410 KY 54; 4416, 4420, 4440 KY 54, 4520, 4530, 4538 4544 Millers Mill Road; Portion of 4560 Millers Mill Road, 8.8 +/- acres
(POSTPONED 8/9/2007)
Consider zoning change: From A-U Urban Agriculture, R-1A Single-Family Residential and B-4 General Business to B-4 General Business
Applicant: Millers Mill Plaza, Lake Forest Community, LLC, Pagan Enterprises, Inc.

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. Access to KY 54 shall be limited to the single access point as shown on the Millers Mill Plaza preliminary plat/final development plan submitted with the rezoning application;

2. Access to Millers Mill Road shall be limited to the single access point as shown on the Millers Mill Plaza preliminary plat/final development plan submitted with the rezoning application;

3. An eastbound right turn decel and storage lane shall be installed on KY 54 at the proposed access to the development in compliance with KYTC standards;

4. A 10 foot landscape easement with a six foot element and one tree every 40 feet shall be
installed along the south and west property lines where adjoining residential zoning;

5. Approval of a preliminary plat/final development plan prior to any construction activities;

6. Spring Hill Drive shall be stubbed to the western property line for future interconnection; and,

7. 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 located in a Business Plan Area where general business uses are appropriate in limited locations;

2. The proposed use of the property as a commercial subdivision 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 located immediately north and east of the subject property; and,

4. With the installation of an eastbound right turn lane on KY 54 at the proposed access point, 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: Is anybody representing the applicant?

MR. PEDLEY: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

Please go to the mike and be properly sworn in.

MR. SILVERT: State your name, please.

MR. ELLIOTT: Mark Elliott.

(MR. MARK ELLIOTT SWORN BY ATTORNEY.)

MR. ELLIOTT: My concern, I'm a property owner, Lot 17, which adjoins the property that's of subject here.

The retention basin that is designed and located, the tip of it comes right to my property line. I have some concerns about exactly where this basin is located. I asked on several occasions to speak with the developers and see if there's any kind of agreement or discussion that we can have to maximize the buffer between the developing that's going on in this area and my lot.
I built a house there less than two years.

When I did that, that lot was almost completely wooded. I could not see 54, hear 54 traffic. Now I can hear 54 traffic. They're proposing a road that's going probably halfway between 54. That will even worsen the situation.

I just have a number of concerns and really have not had a forum for those concerns to be addressed.

CHAIRMAN: All right. Will you be seated and we'll bring the representative or their engineer forward.

Mr. Pedley.

MR. SILVERT: State your name, please.

MR. PEDLEY: Ward Pedley.

(MR. WARD PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: We have a plat here of the area that we're proposing for a zoning change. We also have pictures here for our standard screening process which exceeds all of the zoning ordinance requirements.

We met with the homeowners in the Tanglewood area and explained to them our procedure and what we will be doing. So I will go through that with you.

This in the dark blue is the proposed area
here, and here, and here, and here. That little
section is an old passway that will be closed.

In the light blue is the existing B-4.
The pink is the two pieces of property there
that we have acquired purchase contract on.

So we will be owning everything in that area
including the pink. We already own the old passway.

This dotted line is a screening for the B-4
zone from residential zone. It requires a 6 foot
solid element plus a tree for every 40 feet.

We have met with the residents in Tanglewood.
Explained to them what we intend to do, how we intend
to screen it.

Now, this line here, that's Tanglewood. I
believe Mr. Elliott might live here. That line is
about 12 or 15 feet above their yards. We intend to
go to the top of that bank and create maybe a little
more berm and then put this type of screening. This
is what we've done in Lake Forest and all of our
subdivisions. We presented this to the homeowners of
Tanglewood about a month ago.

This is Settles Road along Lake Forest. It's
one year old. What we do, we put up a 6 foot high
fence and then we put a 6 foot pine tree every 10
feet. That area there is one year old, this area
here. That's Settles Road.

This is Old Hartford Road, Cross Creek Subdivision where we screened it. We put a 6 foot fence and we put 6 foot pine trees every 10 feet. You can see after three years those pine trees are 16, 18 feet tall. You can barely see the roof tops.

This is Lake Forest on Highway 54 and Lake Forest Drive. This is eight years old. Those trees are 30 feet high and a solid mass. You can no longer see the fence. You can no longer see the fence here and Cross Creek on Old Hartford Road.

The requirements is a 6 foot solid element and a tree every 40 feet. We far exceed that. If you look at any development we have, our screening far exceeds.

With the area that he's describing is here. That is probably I'm guessing 8 to 12 feet above his yard. When this street goes down through there, there is a bank right there. We've got to cut in about 10 or 12 feet right in that area there. So the probability after we put a 6 foot fence on top of that berm and then those pine trees, and then that street being dropped down below that, you probably won't even see the roof tops.

That's what we explained to them when we met
with them some three or four weeks ago. That's what we intend to do. We're committed to that. I want it in the record that that's what we will do.

CHAIRMAN: Mr. Pedley, I think his initial concern and question was about the retention basin and how near it was coming to his property.

MR. PEDLEY: The retention basin is on the back side. It's right here in this area right here. It's on the back side of that high berm. It will be on the opposite side of the fence and pine trees from his home. Which unless he walks to the top of that bank, he wouldn't see the retention basin, especially after we put a 6 foot fence and then the pine trees.

CHAIRMAN: And the original berm is how high above his property?

MR. PEDLEY: The existing berm is probably 12 feet above his yard. I didn't shoot an elevation. That's by eye. After we dig that retention down on the opposite side, and then there will be 12, 16 feet, and when that road goes down through there, then you have another, it cuts down deeper.

MR. APPLEBY: Is that a dry basin?

MR. PEDLEY: Yes, it's a dry basin.

MR. JAGOE: Mr. Pedley, will the trees go on the side of Tanglewood or will the trees be on your
MR. PEDLEY: We always put the trees on the outside, which would be either the roadside or the adjoining property owner's side. We don't put it on our side.

If you look at what I just presented, the trees are always on the adjoining property owner's side and the fence is on our side.

MR. JAGOE: So on this particular piece of property, you're going to put the trees --

MR. PEDLEY: On their side.

MR. JAGOE: That's what they would see first.

MR. PEDLEY: Yes. When we met with them some three weeks ago, we explained that. We had this. The trees will be on their side of the fence, adjoining property owner.

Then if you look at Old Hartford Road, my subdivision, Cross Creek, you can no longer see the fence. After three years, the pine trees are together and they get 12, 15 feet high. You can no longer see a fence there.

CHAIRMAN: Mr. Pedley, when did you say you put those on?

MR. JAGOE: Ten.

CHAIRMAN: You put then on ten foot?
MR. PEDLEY: Yes. We're only required one
every 40 feet and a six foot fence.

CHAIRMAN: I think you've adequately answered
the question that the resident had. Let me ask him if
he has any further questions, but you far exceeded the
question that he had.

MR. PEDLEY: That's all I can say about the
retention basin. We're showing you what we're doing.
We're committed to that. It's on record.

CHAIRMAN: I think you did an adequate job.

I'm going to see if the resident has any further
questions. If not, unless any other people do.

Did that adequately answer your question?

MR. SILVERT: Could you just state your name
again for the record.

MR. ELLIOTT: Mark Elliott.

I guess my desire here is he's talked about
the -- first of all he mentioned a berm and he
mentioned trees on ten foot centers. I received a
drawing possibly a week ago. It states only that
there's going to be an easement with six foot high
element and a tree every 40 feet. I did attend that
homeowners meeting. Mr. Pedley did explain and we did
see these exact same things. However, it was never
really said this is what's going to happen and this is
how we're going to do it. That is what we intend to
do. When I kind of pressed, okay, what is actually
going to be done? What is actually going to go there?
What are you actually going to do with the land?
Understandably so Mr. Pedley could not really tell me
exactly what's going to occur. There are probably
three, four, five 50-foot oak trees that are right
there on the side of my property. They are on the
property that's scheduled to be developed. I guess
what I would like to have the opportunity to do is
look for a solution where those 50, 60 foot trees
could be kept. You cannot -- they're irreplaceable.
You can put --

CHAIRMAN: If you'll stop right there, we'll
bring Mr. Pedley back. I believe he'll be able to
answer that question. Thank you.

Mr. Pedley.

MR. PEDLEY: Well, obviously any tree that we
can leave on the rear of the property, we will do.
I'm not committed to leaving any tree. I intend to
leave trees, but with the development plan and the
issue is we will sell lots. Unless that's a common
area, it can't be touched. You can't commitment to
something that you're going to sell. I'm not -- we
will probably have an area, triangle area back there
that we will try to leave some of those trees, if it
doesn't affect a commercial lot. I am committed to
what we said here. We'll try to leave some of those
large trees. In all probability we will because the
triangle back in that area, we probably won't be
including in the commercial project. That would be in
that area right there. The trees he's talking about
is in that area. It depends on how we -- since we've
acquired that land there, we'll probably square up.
Then probably that triangle will be left as
residential.

We haven't come up with an amended development
plan yet. We will know that probably in two or three
weeks. But at this point for me to commit to leaving
trees that's on our property that we're developing for
commercial, I'm not guaranteeing you. I'm saying we
probably will leave some of those oak trees, if it
won't affect what we're wanting to do. I am committed
to what I showed you here. But to say, yes, we're
going to leave those oak trees, I'm not committed to
it.

CHAIRMAN: I understand.

Do you have any further questions?

MR. ELLIOTT: Yes. Do I need to state my name
again? I don't do this for a living. I'm an
I guess what my approach is that with some redesign of this retention basin that the needs of all could be met. I think by, for example, and this is just looking at it over a few days. I don't know how possible this is, but you could potentially move the road that leads out onto Millers Mill. I'm not saying move it halfway up the property, but by shifting that possibly 20 feet, you could then redesign that basin where some of that water is taken down in that area. Again, it's not --

CHAIRMAN: Just a moment. You're getting into areas of engineering and areas that this commission is not to deal with. We take recommendations from the city and the county engineer based on the retention basins and how they're designed. We would not be able to move. I'm sure at your expense, you could meet with his engineer or I'm sure the city or the county engineer, whoever's jurisdiction this is. You could meet with them, but this commission cannot do anything as far as retention basins.

MR. ELLIOTT: That is exactly what I'm looking for. Is the opportunity to discuss options where everybody wins as opposed to, you know, I hear we intend, we will try.
CHAIRMAN: Wait just a minute. Any time we've dealt with Mr. Pedley, and what he said he's done in the past in his development, it's been done. I think if you look at his record, and I think questioning that is going a step beyond where you should be.

MR. ELLIOTT: I'm sorry, I did not want to be misunderstood in questioning Mr. Pedley.

CHAIRMAN: Well, I think you were at a point there where you shouldn't have been. Mr. Pedley stated what he was going to do. We've dealt with Mr. Pedley for quite a few years. I think if you look at his other developments, he's done what he said he was going to do. I think that's where we need to leave that.

MR. ELLIOTT: I appreciate that and I apologize if any of this was taken personal towards Mr. Pedley. I do not know Mr. Pedley. What I am looking for is the opportunity to look at alternatives. If the board is telling me that that alternative is not available, then --

CHAIRMAN: The board did not tell you that. I told you who you could meet with. You can meet with -- is this the county engineer, Mr. Pedley? You could meet with the county engineer. He's the one that okays and certifies the retention basin. The builder
and the developer is also responsible in building and putting in retention basin at the most economical situation for him. If he meets the requirements, then he's met the requirements of the city and the county engineer. That's where we stand on that. We can't take a plan and then say, you know, redesign the whole thing and come back and see us. You understand the cost that's incurred by the developer.

MR. ELLIOTT: Yes, sir. I was merely looking at one retention basin. It just seems like if --

CHAIRMAN: The one retention basin I'm sure you understand being an engineer, you know, you move this then something else has to move along the way.

MR. ELLIOTT: Yes, sir.

CHAIRMAN: So it's not quite as simple as you're stating. I'm telling you you're welcome to meet with the county engineer who certified it. Then if you want to meet with his engineer, Mr. Riney I believe is who I see sitting over there, but in no way if they meet the county standards would they be required to make any changes.

MR. ELLIOTT: Okay. That's certainly understood. I guess I was just looking for the opportunity to discuss it.

CHAIRMAN: We're giving you the opportunity,
but I'm telling you what the situation is.

MR. ELLIOTT: Okay. I guess that takes care of it. Thank you.

CHAIRMAN: Thank you.

Does anybody else have any questions?

(NO RESPONSE)

CHAIRMAN: Mr. Pedley.

MR. PEDLEY: We sent a message to the Tanglewood people last week that we're available to meet with them again and walk that site and look at what he's talking about on the trees and the retention basin and explain what we could possibly do. I've been expecting a call every day. I didn't get that call. So I'm not here willing to listen to it now.

CHAIRMAN: You're at the point where you would not want to -- you made yourself open earlier to any input they had.

MR. PEDLEY: We met with them early on, a month ago, and then we sent a message to them last week. We were open Monday, Tuesday and Wednesday to meet again and actually go out in the field and walk the site and talk about what we're doing and explain to them, after we had already presented this. I think we've given them an opportunity.

CHAIRMAN: Thank you.
Yes, sir.

MR. NOFFSINGER: Mr. Chairman, I'd just like to point some clarification.

On the final development plan, that would be the next item, the applicant has indicated that there will be a six foot high continuous element and one tree per 40 feet along the boundary Mr. Elliott is speaking of. That is a minimum requirement of the zoning ordinance. What Mr. Pedley put on record here tonight will be what he will be required to do if that development plan is approved.

So he has in fact gone above and beyond the ordinance requirements and we will hold him to that in terms of the minimum that he will have to do on that property.

Secondly, in terms of moving Spring Hill Drive, Millers Mill Road, according to the adopted transportation plan, is to be the future outer boulevard which will be a major roadway and will carry traffic from the Reid Road area all the way to the mall and Carter Road. Although that roadway hasn't fully developed, it has been on the plans for a number of years. It is a very important roadway for the future development of the Thruston area or Thruston-Dermont area and KY 54. That rural roadway
has been relocated on a couple of occasions, I think. The developers here tonight have had to work within and around that particular transportation corridor. It used to be projected to cut through Tanglewood Subdivision and then up through this property. That has been changed to where it's now going to be in alignment with Millers Mill Road.

The point I want to make there is that Spring Hill Drive needs to be as far away from that Kentucky 54 intersection as possible because you're bringing the public street onto Millers Mill Road which will handle much more traffic in the future. Even shifting that location 20 feet or however much is going to lead to some issues with storage along that future transportation corridor in the future.

Would not recommend that Spring Hill Drive be moved at any other location, other than what is shown on this plan.

MR. ELLIOTT: I'm done.

CHAIRMAN: Are there any other questions or comments?

(NO RESPONSE)

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

MR. JAGOE: I did have one question.
CHAIRMAN: Yes, sir, Mr. Jagoe.

MR. JAGOE: Would the screen be subject to zoning or just to the development plan?

MR. NOFFSINGER: It's going to be subject to the zoning because Mr. Pedley has indicated to you under oath what he will do at that location. He will be required to do what he says he's going to do or his zoning will become questionable. You can certainly re-enforce that with an amended condition to the rezoning.

CHAIRMAN: Chair is now ready for a motion.

MR. APPLEBY: I make a motion for approval based on the Staff Recommendations with Conditions 1 through 7. Should we amend condition 4?

MR. NOFFSINGER: You certainly could, yes.

MR. APPLEBY: I assume you're agreeable with that. That would now read 10 foot landscape easement with 6 foot element one tree every 10 feet shall be installed along the south and west property lines where adjoining residential zoning.

CHAIRMAN: Mr. Pedley, would you come to the podium and just confirm that for us for the record.

MR. APPLEBY: That you don't have a problem with amending the condition to require a tree every 10 feet as you've said you were going to do?
MR. PEDLEY: That's fine. I've already committed to that. It's on record. That's fine.

MR. APPLEBY: And also with the Findings of Facts 1, 2, 3 and 4.

MR. JAGOE: Second.

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

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

RELATED ITEM:

ITEM 6A

Millers Mill Plaza, 8.8 +/- acres (POSTPONED 8/9/2007) Consider approval of major subdivision preliminary plat/final development plan.

Applicant: Millers Mill Plaza, Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. Its use is found to be consistent with the adopted comprehensive plan as well as the site plan. It meets the minimum requirements of the adopted zoning ordinance and subdivision regulations.

CHAIRMAN: Do we have anybody representing the
MR. PEDLEY: Yes.

CHAIRMAN: Do we 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. 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.

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COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 7

Hidden Valley Townhomes, 10.429 acres
Consider approval of amended major subdivision
preliminary plat/final development plan.
Applicant: The Summit, LLC; et al.

MR. NOFFSINGER: Mr. Chairman, this plan is in order and ready for consideration.

CHAIRMAN: Anybody 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. HAYDEN: Move to approve.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. JAGOE: Second.

CHAIRMAN: 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 7A

Hidden Valley Townhomes, 6.429 acres
Consider approval of major subdivision final plat.
Surety (Certified Check) posted: $2,865.00
Applicant: The Summit, LLC

MR. NOFFSINGER: Mr. Chairman, this plat is in order.

CHAIRMAN: Do we have somebody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we 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. 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 8

Waterford Place at the Summit, 37.3 acres
Consider approval of amended major subdivision
preliminary plat/final development plan.
Applicant: The Summit, LLC; et al.

MR. NOFFSINGER: Mr. Chairman, the plan is in order.

CHAIRMAN: Anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we 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. JAGOE: Second.

CHAIRMAN: Second by Mr. Jagoe. All in favor raise your right hand.
ITEM 8A

Waterford Townhomes, 2.424 acres
Consider approval of major subdivision final plat.
Surety Previously Posted
Applicant: The Summit, LLC

MR. NOFFSINGER: Mr. Chairman, this plat is in order.

CHAIRMAN: Do we have somebody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we 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 8B

Waterford Village, Unit 1, 10.873 acres
Consider approval of major subdivision final plat.
Surety Previously Posted
Applicant: The Summit, LLC

MR. NOFFSINGER: Mr. Chairman, this plat is in order.

CHAIRMAN: We do have somebody representing the applicant. Do we 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.

ITEM 8C

Waterford Village, Unit 2, 8.927 acres
Consider approval of major subdivision final plat.
Surety Previously Posted
Applicant: The Summit, LLC

MR. NOFFSINGER: Mr. Chairman, this plat is in order.

CHAIRMAN: We have somebody representing the applicant. If there are no questions, chair is ready for a motion.
MR. MILLER: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Miller.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

MR. NOFFSINGER: Mr. Chairman, Items 9 and 9A I have a letter of postponement, requesting postponement by the applicant due to the plat is not in order. You will need to take a motion to postpone until our October meeting which will be the second Thursday in October.

CHAIRMAN: Chair will entertain a motion for postponement.

MR. JAGOE: Move to postpone Items 9 and 9A.

CHAIRMAN: Motion to postpone by Mr. Jagoe.

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.

MINOR SUBDIVISIONS
ITEM 10

2060 Hillbridge Road, 0.340 +/- acres
Consider approval of minor subdivision plat.
Applicant: Robert B. Moorman

MR. NOFFSINGER: Mr. Chairman, this plat comes
to you as an exception to the subdivision regulations
in that it creates a lot that does not have frontage
on public roadway and is undersized. However, it is
for the location of a water tank in the Masonville
area. The water tank will serve the Deer Valley
neighborhood as well as the Masonville community and
beyond.

Talking with the water district it's a much
needed project. A need that they have had for some
time and they're looking forward to moving forward
with this. So we would recommend that you approve.

CHAIRMAN: Anybody representing the applicant?
APPLICANT REP: Yes.
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: As of record there is somebody here
representing the applicant. Mr. Riney.
Motion for approval by Ms. Dixon. We had a
second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The chair is ready for one final motion.

MR. JAGOE: Move to adjourn.

MR. APPLEBY: Second.

CHAIRMAN: Motion for adjournment by Mr. Jagoe. Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: 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 40 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
1st day of October, 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