The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, October 11, 2007, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger, Director
Judy Dixon
Dave Appleby
Tim Miller
Irvin Rogers
Wally Taylor
Keith Evans
Madison Silvert, Attorney

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CHAIRMAN: I would like to welcome everybody to our October meeting of the Owensboro Metropolitan Planning Commission. Would you please stand while our invocation and pledge is given by Ms. Judy Dixon.

(INVOCAUTION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the September 13th meeting. Are there any questions, 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. TAYLOR: Second.

CHAIRMAN: Second by Mr. Taylor. 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 2

10416, 10420 Red Hill-Maxwell Road, 2.372 acres
Consider zoning change: From B-4 General Business and
A-R Rural Agriculture to A-R Rural Agriculture
Applicant: Billy J. Young, Donald Saunders

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 findings of fact that support
this recommendation include the following:

FINDINGS OF FACT

1. The subject property is located in a Rural
Maintenance Plan Area where Rural Large-lot
Residential uses are appropriate in limited locations;
2. The subject property is an existing, well-proportioned lot that is 2.372 acres in size;
3. The subject property has frontage on KY 140 East which is a state maintained road and Red Hill-Maxwell Road which is a county maintained road with no new roads or streets proposed or required; and,
4. The A-R zoning will eliminate split zoning on the property and it is a more appropriate zone based on uses and zoning in the immediate area.

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

CHAIRMAN: Do we have anybody representing the applicant?

(NO RESPONSE)

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 the Staff's Recommendations and Findings of Fact 1 through 4.

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 3

1760-1860 Block River Road, 70.50 acres
Consider zoning change: From I-1 Light Industrial and EX-1 Coal Mining to A-U Urban Agriculture
Applicant: Robert Wimsatt

MR. HOWARD: Before I read the Staff Report, I'll add that the Planning Commission's recommendations will become final 21 days after the meeting tonight unless an applicant or a concerned property owner or neighbor files an application with our office or the city or county choose to hear the rezoning. Any of those have to be filed in our office. The forms are available on the back table or in our office.

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposed agricultural zoning is more appropriate than a split agricultural and industrial zoning in the property.

The condition and findings of fact that support this recommendation include the following:

CONDITION
Access to the subject property shall be in alignment with Rinaldo Road. Any additional access to River Road shall meet the minimum requirements of the Access Management Manual.

FINDINGS OF FACT

1. The subject property is partially located in an Industrial Plan Area where agricultural uses are generally not recommended and partially in Future Urban Plan Area where agricultural uses are appropriate in general locations;

2. According to Owensboro Metropolitan Zoning Ordinance Section 12a.31, the site shall revert to original zoning prior to coal mining activity on the site;

3. A single agricultural zoning for the entire tract is more appropriate than a split zoning of agricultural and industrial since the majority of the subject property was zoned A-U Urban Agriculture prior to being rezoned to EX-1 Coal Mining; and,

4. At 70.5 acres, the subject property is large enough to sustain forestry activities and support agricultural activity which would encourage the conservation of agricultural soils.

MR. HOWARD: We would like to enter the Staff Report into the record as Exhibit B.
CHAIRMAN: Do we have anybody here representing the applicant?

MR. WILSON: Yes.

MR. SILVERT: State your name, please.

MR. WILSON: Bill Wilson.

(MR. BILL WILSON SWORN BY ATTORNEY.)

MR. WILSON: Mr. Chairman, we have talked with Mr. Noffsinger and Madison a time or two today. I think we've worked out something on the access. This is a situation where Mr. Wimsatt's 70 acre tract has about 900 feet and the Rinaldo, the access point that's there now, which is lined up I believe with Rinaldo Road, is an old coal haul road there. That's on one side of a big ravine. On the other side of the ravine is a field that Bob's son and daughter-in-law want to build a home on and they can't get over to that through that ravine. So we've asked for a driveway, an access easement for a driveway for their home that they're intending to build real soon.

So I think, Gary, correct me, I know you will, if I'm wrong. I think what we've agreed to do, Bob has some property immediately adjacent to this that has some, I don't know if it's even used, an access point on it that we would give up in order to get this driveway. It still means that we don't quite meet the
500, but our total footage, it gives us enough total
footage where we can get 500 feet away from that
Rinaldo Road. It's going to be about 400 and 500,
about that.

MR. NOFFSINGER: Yes, sir.

MR. WILSON: If we could have the conditions
changed just slightly. We certainly would like for
this rezoning to go through where they could have an
access and put a driveway for a home in that field.
Also the access that's there now, which does line up
with Rinaldo Road, which I know is what you all would
like done and should be done.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, if I might.
The Staff wishes to amend their condition and the
amendment shall read as follows:

Access to the subject property shall be in
alignment with Rinaldo Road. A second access point
may be located 500 feet from the center line of
Rinaldo Road. That would be going south. The
applicant physically close the access point on
adjoining property to the north owned by the applicant
at the time of construction of the second access to
the subject property.

MR. WILSON: That's exactly what we agree to.
Thank you.

CHAIRMAN: Mr. Wilson, you're in agreement with what Mr. Noffsinger said, correct?

MR. WILSON: Yes, we are. We understand later things can change and 20 years from now we may have to come back to this commission, but we are in agreement with that, yes.

CHAIRMAN: Thank you, Mr. Wilson.

Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on Planning Staff Recommendation with the revised condition and Findings of Facts 1 through 4.

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

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
Next item, please.

ITEM 4

4424 KY 54, Portion of 4228, 4410, 4428 KY 54, 2.03 +/- acres
Consider zoning change: From A-U Urban Agriculture and R-1A Single-Family Residential to B-4 General Business
Applicant: Millers Mill Plaza, Lake Forest Community, LLC

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 amended 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 amended 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 10 feet shall be installed along the south and west property lines where adjoining residential zoning;

5. Approval of the amended preliminary plat/final development plan prior to any construction activities on the subject property;

6. Springhill 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 partially located in a Business Plan Area where general business uses are appropriate in limited locations and partially located in an Urban Residential Plan Area where general business uses are appropriate in very-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 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 as Exhibit C.

CHAIRMAN: Thank you.

Do we have somebody representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience have a
question of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval based on the
Staff Recommendations with Conditions 1 through 7 and
Findings of Fact 1 through 4.

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

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.

Thank you very much. Next item, please.

Related Item

ITEM 4A

Millers Mill Plaza, 10.8a +/- acres
Consider approval of amended major subdivision preliminary plat/final development plan.
Applicant: Millers Mill Plaza, Lake Forest Community, LLC

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 the zoning ordinance and subdivision regulations, as well as its use is consistent with the adopted Comprehensive Plan.

CHAIRMAN: 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.
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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DEVELOPMENT PLANS

ITEM 5

710, 714 East Third Street, 0.347 acres
Consider approval of amended final development plan.
Applicant: Duane & Bridgett Ward, Owensboro Grain Company, LLC

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: 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. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 6

3151, 3159 KY 54, 23.47 acres (Postponed from September 13, 2007)
Consider approval of amended major subdivision preliminary plat/final development plan.
Applicant: Carlson Consulting Engineers, Inc.; Wal-Mart Stores, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the Zoning Ordinance and subdivision regulations and its use is in compliance with the adopted comprehensive plan.

CHAIRMAN: Is someone here 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 to approve.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item

ITEM 6A

3151, 3159 KY 54, 23.47 acres (Postponed from September 13, 2007)

Consider approval of major subdivision final plat.

Surety: Previously posted

Applicant: Carlson Consulting Engineers, Inc.; Wal-Mart Stores, Inc.

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the zoning ordinance and subdivision regulations.

CHAIRMAN: We have someone representing the
applicant here. 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. 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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MAJOR SUBDIVISIONS

ITEM 7

Harbor Hills, Section 1, Unit 3, Lots 11-16, 3.610 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $55,237.25
Applicant: Robert Wimsatt

MR. NOFFSINGER: Mr. Chairman, this plat has
been reviewed by the Planning Staff and Engineering Staff. This plat is found to be consistent with the
approved preliminary plat and ready for consideration.

CHAIRMAN: 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.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 8

Hunters Ridge, 16.16 acres
Consider approval of major subdivision preliminary plat.
Applicant: Hunters Ridge Development, Inc.

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

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.
CHAIRMAN: Are there 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. 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.

ITEM 9

Lake Forest, Unit 28, Lots 334, 349-356, 4.682 +/- acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit and Certified Check) posted $39,644.70
Applicant: Lake Forest Community, LLC

CHAIRMAN: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the approved preliminary subdivision plat and it's ready for consideration.

CHAIRMAN: We have someone representing the applicant here. 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. 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.

ITEM 10

Owensboro Scholarhouse, 10.83 acres
Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: $370,747.95
Applicant: The Learning Villa, Limited

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be consistent with the approved preliminary plat and approved development plan.

CHAIRMAN: Is somebody 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.

MR. EVANS: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Evans.

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.

Next item, please.

ITEM 11

Waterford Village, Unit 3, 14.005 acres
Consider approval of major subdivision final plat.
For development transfer only, no surety required
Applicant: The Summit, LLC

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

CHAIRMAN: Do we have 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
MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger, do we have any new business?

MR. NOFFSINGER: Under new business we do have one item. That would be an amendment to our lease agreement for our offices located at the Center for Commerce. These are basically housekeeping items that will detail the responsibility for certain maintenance items within the building.

For example, who is responsible for changing light bulbs, as well as utilities within that building, and extends our lease period for an additional two years.

Each member has been made aware of the lease agreement. It's been reviewed by our attorney. I would ask that the Planning Commission authorize the chairman and the director to sign the lease amendment.

CHAIRMAN: Do we have a motion?

MR. APPLEBY: Motion to approve.
CHAIRMAN: Motion for approval by Mr. Appleby.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The 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: We are adjourned.

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STATE OF KENTUCKY.)

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 22 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 25th day of October, 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