

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 NOVEMBER 8, 2007

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 November 8, 2007, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

- 8 MEMBERS PRESENT: Drew Kirkland, Chairman
- 9 Gary Noffsinger
- 10 Judy Dixon
- 11 Dave Appleby
- 12 Scott Jagoe
- 13 Tim Miller
- 14 Jimmy Gilles
- 15 Irvin Rogers
- 16 Wally Taylor
- 17 Keith Evans
- 18 Martin Hayden
- 19 Madison Silvert, Attorney

20 * * * * *

21 CHAIRMAN: I would like to welcome everyone to
22 the November 8, 2007, Owensboro Metropolitan Planning
23 and Zoning Commission.

24 Would you please rise and our invocation will
25 be given by Mr. Jagoe.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to
consider the minutes of the October 11, 2007 meeting.
Are there any questions, corrections, additions?

(NO RESPONSE)

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

3 MS. DIXON: Move to approve.

4 CHAIRMAN: Motion for approval by Ms. Dixon.

5 MR. HAYDEN: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please, Mr. Noffsinger.

11 -----

12 ZONING CHANGES

13 ITEM 2

14 2401 Grimes Avenue, 2.79 +/- acres
15 Consider zoning change: From I-1 Light Industrial to
16 I-2 Heavy Industrial
Applicant: Dennis A. Knott Testamentary Trust, et al

17 MR. SILVERT: State your name, please.

18 MR. HOWARD: Brian Howard.

19 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

20 MR. HOWARD: Before I enter the Staff Report
21 into the record, I would like to note that the
22 rezonings for tonight of the meeting will become final
23 21 days after the meeting tonight unless a petition is
24 filed by an agreed person or the appropriate
25 legislative body. It would require approval from the

1 city or county.

2 First is an amended Staff Report. The Staff
3 Report is amended due to the need for truck
4 maneuvering on site. I'll read that into the record
5 at this point.

6 PLANNING STAFF RECOMMENDATIONS

7 Staff recommends approval because the proposal
8 is in compliance with the community's adopted
9 Comprehensive Plan. The conditions and findings of
10 fact that support this recommendation include the
11 following:

12 CONDITIONS:

13 1. A consolidation plat shall be submitted to
14 the OMPC to consolidate the subject property;

15 2. The existing access on the west side of
16 the property should remain as is in order to provide
17 sufficient room for truck maneuvering. The 120 foot
18 plus opening on the east side of the property should
19 be narrowed to a 50 foot maximum width as far east
20 along the property frontage as possible. Curb and
21 gutter along with a grass strip shall be restored
22 along the remainder of the frontage;

23 3. The entire storage area around the
24 wrecking yard must be screened with a 10 foot easement
25 with an eight foot continuous wall or fence with one

1 tree every 40 feet; and,

2 4. Vehicles stacked within the storage yard
3 shall not exceed the height of the fence.

4 FINDINGS OF FACT:

5 1. The subject property is located in an
6 Industrial Plan Area where heavy industrial uses are
7 appropriate in limited locations;

8 2. The Comprehensive Plan recognizes the need
9 for both light and heavy industrial uses within
10 industrial parks;

11 3. The subject property is an integral part
12 of the industrial area including and surrounding the
13 East Industrial Park;

14 4. The proposed rezoning does not expand the
15 extent of the industrial area, but merely increases
16 the potential intensity of uses of the subject
17 property;

18 5. The subject property is located away from
19 the fringes of the industrial area and does not adjoin
20 any incompatible land uses; and,

21 6. Although not adjacent, the subject
22 property is close to existing I-2 Heavy Industrial
23 zoning to the north and east.

24 MR. HOWARD: We would like to enter the Staff
25 Report into the record as Exhibit A.

1 CHAIRMAN: Is there anybody representing the
2 applicant?

3 APPLICANT REP: Yes.

4 CHAIRMAN: Does anybody have any questions of
5 the applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Does anybody on the commission have
8 any questions?

9 (NO RESPONSE)

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

12 MR. APPLEBY: Motion for approval based on
13 Staff Recommendations with Conditions 1 through 4 and
14 Findings of Fact 1 through 6.

15 CHAIRMAN: Motion for approval by Mr. Appleby.

16 MS. DIXON: Second.

17 CHAIRMAN: Second by Ms. Dixon. All in favor
18 raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item, please.

22 ITEM 3

23 1937 Leitchfield Road, 2050 East Parrish Avenue, 3.46
24 acres

24 Consider zoning change: From A-U Urban Agriculture
25 and P-1 Professional/Service to P-1
Professional/Service

1 Applicant: Dale Buskill, SMB Properties, LLC

2 MR. NOFFSINGER: Mr. Chairman, I have a letter
3 from Steven Block with SMB Properties and Dale Buskill
4 asking that you consider postponing hearing on this
5 matter until the December meeting of the Planning
6 Commission.

7 There may be some folks in the audience here
8 wishing to speak tonight. If you do decide to
9 postpone, that needs to come before a vote.

10 CHAIRMAN: There's been a request for a
11 postponement. Do we have a motion?

12 MR. MILLER: So moved.

13 CHAIRMAN: Motion by Mr. Miller.

14 MR. JAGOE: Second.

15 CHAIRMAN: Second by Mr. Jagoe. All in favor
16 of the postponement raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 4

21 1711 East Parrish Avenue, 1.51 +/- acres
22 Consider zoning change: From I-1 Light Industrial to
23 P-1 Professional/Service
Applicant: Brio, LLC, Lloyd E. Hinton

24 PLANNING STAFF RECOMMENDATIONS

25 Staff recommends approval because the proposal

1 is in compliance with the community's adopted
2 Comprehensive Plan. The condition and findings of
3 fact that support this recommendation include the
4 following:

5 CONDITION:

6 The existing access to East Parrish Avenue
7 shall be closed and access shall be limited to Wing
8 Avenue.

9 FINDINGS OF FACT:

10 1. The subject property is located in an
11 Industrial Plan Area where professional/service uses
12 are appropriate in limited locations;

13 2. The character and use of the property will
14 be nonresidential;

15 3. The proposed professional/service use will
16 serve as a buffer of the adjoining industrial uses and
17 is located on the fringes of the industrial use;

18 4. The subject property is major-street
19 oriented with frontage on East Parrish Avenue;

20 5. The property is over one acre in size;
21 and,

22 6. With no access to East Parrish Avenue, the
23 rezoning should not overburden the capacity of roadway
24 and other necessary urban services that are available
25 in the affected area.

1 MR. HOWARD: We would like to enter the Staff
2 Report into the record as Exhibit B.

3 CHAIRMAN: Is there anybody representing the
4 applicant?

5 MR. CAMBRON: Yes.

6 CHAIRMAN: Does anybody have any questions of
7 the applicant?

8 (NO RESPONSE)

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

11 Yes, sir.

12 MR. CAMBRON: I would like to say something if
13 I could, Mr. Chairman.

14 CHAIRMAN: Step forward, please.

15 MR. SILVERT: State your name, please.

16 MR. CAMBRON: Nick Cambron.

17 (MR. NICK CAMBRON SWORN BY ATTORNEY.)

18 MR. CAMBRON: Mr. Chairman, my client was
19 looking at this property to purchase, but he did not
20 realize that the entrance on Parrish Avenue would need
21 to be closed. It's really going to be detrimental to
22 his construction on this property.

23 As we look back, this entrance to this
24 property was already designed and engineered back in
25 '87 by the state. We would like to take a second look

1 at this and not be able to have to close the entrance
2 of Parrish. I would be glad to answer any questions
3 from any commissioners.

4 CHAIRMAN: Mr. Cambron, how wide is the
5 entrance there?

6 MR. CAMBRON: The entrance is 39 feet, Mr.
7 Chairman.

8 CHAIRMAN: You're requesting that instead of
9 that entrance being closed that entrance remain open?

10 MR. CAMBRON: Yes, sir. Due to what
11 Dr. Briones is going to be building there, he will
12 need two entrances to be able to leave the property as
13 soon as possible. One is going to be an OB-GYN doctor
14 so they need to be able to leave in case one entrance
15 is closed. So he'll have one already on Wing Avenue,
16 but he's like to have this one here because it's part
17 of the design. He had no idea going into this that
18 this entrance would possibly have to be closed.

19 CHAIRMAN: Thank you, Mr. Cambron. Let me
20 bring Mr. Howard back to the mike.

21 Mr. Howard, would you address Mr. Cambron's
22 concerns about the closing of that entrance on Parrish
23 Avenue?

24 MR. HOWARD: Certainly.

25 As it was mentioned in the Staff Report and as

1 our condition stated, Staff would feel that, and we do
2 this with any rezoning that comes forwards.
3 Properties currently zoned light industrial that are
4 proposing a professional/service zone, the Access
5 Management Manual would dictate that no access should
6 be approved in this location as the property
7 redevelops. That was the reason that we made the
8 condition.

9 With access on Wing Avenue, the access, since
10 the Access Management Manual would typically dictate
11 that access would be limited to the street of lower
12 classification. Parrish Avenue is a major.

13 One other concerns that we had as well is that
14 if you're familiar with the site, that it's kind of in
15 a curve and it's kind of downhill, which we had
16 questions as to whether or not that would be the
17 safest location for a drive. Mainly just due to the
18 fact that the Access Management Manual would dictate
19 that it be closed as it redevelops.

20 CHAIRMAN: Mr. Howard, would you say that the
21 Staff's position is really dictated more by the manual
22 than by the situation that this entrance there? I am
23 familiar with the property. This entrance there has
24 been there since '89 or whenever the state came in and
25 did the road, made the improvements, and put the

1 entrance in there.

2 MR. HOWARD: Right. The access Management
3 Manual, if I remember right, was adopted in 1991.
4 Yes, the recommendation was based solely upon that.
5 We didn't have a development plan or any other type of
6 plan submitted that we could base the judgment on that
7 it might be an acceptable location due to traffic flow
8 and things like that. That's why we made the
9 recommendation that we did.

10 CHAIRMAN: My question would have to be back
11 to the original statement. It's been there in that
12 curve for 18 years. I can certainly see the
13 applicant's point of view. It is there. It has been
14 there. It has operated and has functioned for quite
15 some time.

16 MR. HOWARD: Certainly. The Planning
17 Commission has every right to approve the access point
18 if you choose to go against what would be recommended
19 in the access manual. As far as its use, when I was
20 out posting the signs it's actually physically blocked
21 off at this point. So I don't know to the extent of
22 its use at present, but you do have the ability to
23 disregard that condition if you choose.

24 CHAIRMAN: Does the Staff have any real
25 extensive reason, other than the manual reasons for

1 not?

2 MR. HOWARD: No.

3 CHAIRMAN: Thank you.

4 Does anybody else have any questions? I was
5 just concerned that was there.

6 Mr. Miller.

7 MR. MILLER: If there a possibility for a
8 deceleration lane there or is the property limited
9 such that there's not room for that?

10 MR. HOWARD: I don't have the drawing.

11 MR. CAMBRON: Here.

12 MR. HOWARD: You're looking at approximately
13 200 feet from the edge of the drive to their property
14 line. Typically, and I say typically a lot would
15 depend upon speed and the engineering of it, which I
16 wouldn't want to speak necessarily. A lot of times
17 you'll see the decel lane and the neighborhood of 180
18 foot worth of full width and then a 100 foot taper or
19 180 foot taper depending upon speed. There could be
20 some potential for that, but I don't know how it might
21 be engineered into the curb and into the site. An
22 engineer would be better suited to answer that.

23 CHAIRMAN: Does anybody else have any other
24 questions of Mr. Howard?

25 MR. APPLEBY: Have you got a preliminary

1 development plan? Do you know how it's going to lay
2 on the lot?

3 MR. HOWARD: We don't have any type of plan.

4 CHAIRMAN: Does anybody else have any other
5 questions of Mr. Howard?

6 (NO RESPONSE)

7 CHAIRMAN: I want to ask one more question of
8 the person representing the applicant.

9 MR. CAMBRON: Yes.

10 CHAIRMAN: Mr. Cambron, obviously we're
11 wanting to encourage development and encourage
12 property improvement, which this would obviously be
13 for that piece of property. Would the applicant be
14 able to operate with the one entrance and exit without
15 having Parrish Avenue exit the situation for them?

16 MR. CAMBRON: Not really because the other
17 entrance and exit, however you want to call it, coming
18 off Wing Avenue is only -- just one second. It's a
19 shared entrance that's only 20 foot wide. I've got a
20 diagram if you all would like to see it. I'll be more
21 than happy to show it to you.

22 MR. NOFFSINGER: I have a question.

23 CHAIRMAN: Mr. Noffsinger.

24 MR. NOFFSINGER: Are there any other access
25 points to Parrish Avenue in this location or are they

1 limited to the intersecting side streets?

2 MR. CAMBRON: I'm sorry?

3 MR. NOFFSINGER: What's the character of the
4 access in this particular area? Is this the only
5 access point on Parrish Avenue or --

6 MR. CAMBRON: That is correct, yes.

7 MR. NOFFSINGER: -- are there some across the
8 street?

9 MR. CAMBRON: There are some across the
10 street, yes.

11 MR. APPLEBY: That Wholesale Petroleum have
12 two access points right across the street there on
13 East Parrish Avenue?

14 MR. CAMBRON: Yes. The Country Cupboard I
15 think, but it has two access points along with the
16 petroleum company there also.

17 MR. NOFFSINGER: Does that property have
18 access to I guess it's Wing Avenue as well?

19 MR. CAMBRON: Which one?

20 MR. NOFFSINGER: Petroleum..

21 MR. CAMBRON: Yes, it does.

22 MR. NOFFSINGER: To Wing and to Parrish?

23 MR. CAMBRON: Yes. Wing Avenue access that
24 they have is almost 35, maybe 40 foot wide. It's
25 pretty wide there.

1 CHAIRMAN: You've one 20-foot entrance there
2 on Wing Avenue? Is that what it was, Mr. Cambron?

3 MR. CAMBRON: Yes. It's actually a 50 foot
4 entrance, but the property line splits it and allows
5 over 20 foot on the property that we're discussing
6 tonight.

7 MR. APPLEBY: Would your access point line
8 with one of those access points across the road?

9 MR. CAMBRON: It's real close. It is real
10 close. I don't think I brought that diagram.

11 I do have the diagram here. Can I approach,
12 please?

13 CHAIRMAN: Come forward.

14 MR. NOFFSINGER: Mr. Chairman, I have one more
15 question of Mr. Cambron.

16 What about the property adjoining this to the
17 east, RWRA? Have you looked at maybe sharing an
18 access point with them if they don't have one to
19 Parrish Avenue?

20 MR. CAMBRON: Well, the issue comes in -- I
21 mean it's a possibility, but the issue is that on the
22 diagram that you probably have submitted with the
23 application you'll see that there's drainage already
24 been constructed by the state there. There's really
25 not an easy way to make that happen.

1 RWRA seem to have two entrances. One on to
2 Parrish there and one on Grimes Avenue, but it looks
3 like as the state was engineering that, I can't
4 understand why they allowed for an entrance there for
5 RWRA just right beside it because they were
6 engineering entrances on the property as it laid along
7 Grimes Avenue. There was never an entrance there.

8 I have the construction plan from '87, I think
9 it is, that shows the original entrances off of Grimes
10 Avenue.

11 CHAIRMAN: How wide is the original entrance
12 off of Parrish Avenue, Mr. Cambron?

13 MR. CAMBRON: The one we're talking about
14 tonight?

15 CHAIRMAN: Yes.

16 MR. CAMBRON: It's about 39 foot. The
17 original entrance that was on that property in '87 off
18 of Grimes was 30 feet.

19 CHAIRMAN: So you're actually losing the 39
20 plus 10 of the 30 foot?

21 MR. CAMBRON: That is correct.

22 CHAIRMAN: You'd be willing to say with the 20
23 foot on to Wing Avenue, but you're requesting that we
24 allow you to add the 39 foot onto East Parrish Avenue;
25 is that correct?

1 MR. CAMBRON: Yes. It's already been
2 engineered there. It already has the report for it.
3 Everything seems to be ready for that entrance other
4 than just going there and doing their -- providing
5 development plan within the next month or so.

6 CHAIRMAN: Mr. Noffsinger.

7 MR. NOFFSINGER: I have one final question.

8 Mr. Cambron, are you telling this commission
9 that each lot fronting Parrish Avenue currently has an
10 access point onto East Parrish Avenue that we see in
11 the exhibit drawing?

12 MR. CAMBRON: Yes. I can show you that on
13 another diagram here too if you'd like me to.

14 MR. NOFFSINGER: If this access point is to be
15 close, then this would be the only lot that is --

16 MR. CAMBRON: That is correct. The only lot.

17 CHAIRMAN: Mr. Appleby.

18 MR. APPLEBY: Chair ready for a motion?

19 CHAIRMAN: Yes, sir.

20 MR. APPLEBY: I make a motion for approval
21 based on Staff's Recommendations, but without the
22 condition in light of the fact that all existing lots
23 both across the street and adjoining this property
24 have access to East Parrish Avenue. I'd like to
25 remove that condition, but with the Findings of Fact

1 shown 1 through 6.

2 CHAIRMAN: Would you sort of clean up your
3 motion a little bit.

4 MR. APPLEBY: Make a motion for approval based
5 on Staff's Recommendation without the condition and
6 based on Findings of Fact 1 through 6. One through
7 five, I guess. We drop six. We drop Findings of Fact
8 Number 6.

9 MR. NOFFSINGER: Excuse me.

10 MR. HAYDEN: Leave the entrance like it is is
11 what you're saying?

12 MR. NOFFSINGER: You could leave six, but take
13 out "with no access to East Parrish Avenue." Just
14 Number 6 says, "The rezoning should not overburden the
15 capacity of roadways," if that's your finding.

16 MR. APPLEBY: That's what I'm finding.

17 MR. NOFFSINGER: Under his motion they would
18 be allowed to keep the access point onto East Parrish
19 Avenue.

20 CHAIRMAN: Would it be easier to say with
21 Findings of Facts 1 through 5 omitting?

22 MR. APPLEBY: One through six. Number 6 is
23 amended to read "The rezoning should not overburden
24 the capacity of roadways and other necessary urban
25 services that are available in the affected area."

1 MR. NOFFSINGER: That's correct.

2 CHAIRMAN: Everybody on the commission
3 understand Mr. Appleby's motion. The chair will
4 entertain a second.

5 MR. HAYDEN: I'll second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: The motion carries unanimously.
10 Next item, please.

11 ITEM 5

12 1501 West Second Street, 1.32 +/- acres
13 Consider zoning change: From B-4 General Business
14 with conditions to B-4 General Business
15 Applicant: FD Sturgis, LLC

16 PLANNING STAFF RECOMMENDATIONS

17 Staff recommends approval because the proposal
18 is in compliance with the community's adopted
19 Comprehensive Plan. The conditions and findings of
20 fact that support this recommendation include the
21 following:

22 CONDITIONS:

23 1. An ingress/egress easement shall be
24 provided to the adjoining property to the west to
25 provide future interconnection as shown on the
development plan submitted in conjunction with the

1 rezoning;

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

6 3. Due to the proximity to existing
7 residential zones, all lighting for the subject
8 property shall be directed away from the residential
9 property to reduce the glare and impact on the
10 lighting on the residential uses.

11 FINDINGS OF FACT:

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

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

20 3. The subject property is currently
21 completely zoned B-4 General Business; and,

22 4. The elimination of two access points along
23 the West Second Street road frontage and the
24 ingress/egress easement provided to the property to
25 the west for future interconnection will bring the

1 site significantly more in compliance with the
2 standards of the Access Management Manual.

3 MR. HOWARD: We would like to enter the Staff
4 Report into the record as Exhibit C.

5 CHAIRMAN: Is somebody here representing the
6 applicant?

7 MR. KAMUF: We're here. Also have the
8 developer here in case there's any questions.

9 CHAIRMAN: Does anybody have any questions of
10 the applicant?

11 (NO RESPONSE)

12 CHAIRMAN: Does anybody on the commission have
13 any questions of the applicant?

14 (NO RESPONSE)

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

17 MR. ROGERS: Motion for approval based on
18 Planning Staff Recommendations, Conditions 1, 2 and 3
19 and Findings of Fact 1 through 4.

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

22 MR. APPLEBY: Second.

23 CHAIRMAN: We have a second by Mr. Appleby.
24 All in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 Related Item:

4 ITEM 5A

5 1501 West Second Street, 1.32 +/- acres
6 Consider approval of final development plan.
7 Applicant: FD Sturgis, LLC

8 MR. NOFFSINGER: Mr. Chairman, this plan has
9 been reviewed by the Planning Staff and Engineering
10 Staff. It's found to be consistent with the proposed
11 land use as well as the adopted comprehensive plan,
12 subdivision regulations and zoning ordinance.

13 CHAIRMAN: Is anybody here representing the
14 applicant?

15 MR. KAMUF: Yes. If you have any questions,
16 we're here to answer them.

17 CHAIRMAN: Thank you, Mr. Kamuf.

18 I don't think we need to swear him in, Mr.
19 Silvert.

20 MR. SILVERT: No.

21 CHAIRMAN: Does anybody have any question of
22 the applicant?

23 (NO RESPONSE)

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

 MR. MILLER: Motion to approve.

1 MR. APPLEBY: Second.

2 CHAIRMAN: Motion for approval by Mr. Miller.

3 We've got a second by Mr. Appleby. All in favor raise
4 your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 ITEM 6

9 9664 KY 144, 13 +/- acres
10 Consider zoning change: From R-1A Single-Family
11 Residential to A-U Urban Agriculture
12 Applicant: Frances T. Ballard

12 PLANNING STAFF RECOMMENDATIONS

13 Staff recommends approval because the proposal
14 is in compliance with the community's adopted
15 Comprehensive Plan. The findings of fact that support
16 this recommendation include the following:

17 FINDINGS OF FACT:

18 1. The subject property is located in a Rural
19 Community Plan Area, where rural small-lot residential
20 uses and agricultural/forestry uses are appropriate in
21 general locations;

22 2. The subject property has road frontage on
23 a publicly maintained roadway; and,

24 3. At 13 +/- acres in size, the subject
25 property is large enough to accommodate an on-site

1 septic system.

2 MR. HOWARD: We would like to enter the Staff
3 Report into the record as Exhibit D.

4 CHAIRMAN: Is anybody here representing the
5 applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Does anybody have any questions?

8 (NO RESPONSE)

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

11 MR. HAYDEN: I make a motion to approve with
12 the Staff Recommendations and Findings of Fact 1
13 through 3.

14 CHAIRMAN: We've got a motion for approval by
15 Mr. Hayden.

16 MS. DIXON: Second.

17 CHAIRMAN: Second by Ms. Dixon. All in favor
18 raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item, please.

22 -----

23 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

24 ITEM 7

25 Independence Heights, 9.27 acres

1 Consider approval of major subdivision preliminary
plat/final development plan.
2 Applicant: Independence Heights, LTD; Kenneth & Kelly
Westerfield
3

4 MR. NOFFSINGER: Mr. Chairman, this plan has
5 been reviewed by the Engineering Staff and Planning
6 Staff. It's found be in order. It has been reviewed
7 for consistency with the adopted comprehensive plan as
8 well as the adopted zoning ordinance and subdivision
9 regulations.

10 CHAIRMAN: Anybody here representing the
11 applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: Does anybody have any questions of
14 the applicant?

15 (NO RESPONSE)

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

18 MS. DIXON: Move to approve.

19 MR. TAYLOR: Second.

20 CHAIRMAN: Motion for approval by Ms. Dixon.
21 Second by Mr. Taylor. All in favor raise your right
22 hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 -----

2 MAJOR SUBDIVISIONS

3 ITEM 8

4 Heartland, Phase III, 17.76 acres
5 Consider approval of amended major subdivision
6 preliminary plat.
7 Applicant: Jagoe Development, LLC

8 MR. NOFFSINGER: Mr. Chairman, this plan has
9 been reviewed by the Planning Staff and Engineering
10 Staff. It's found to be in order. It's found to meet
11 the adopted comprehensive plan as well as the zoning
12 ordinance and subdivision regulations.

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

15 CHAIRMAN: Let the record show Mr. Jagoe
16 disqualified himself.

17 Anybody here representing the applicant?
18 (NO RESPONSE)

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

21 MR. APPLEBY: Motion for approval.

22 CHAIRMAN: Motion for approval by Mr. Appleby.

23 MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT - WITH THE

1 DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 -----

4 NEW BUSINESS

5 ITEM 9

6 Consider approval of 2008 Filing Dates and Deadlines

7 MR. NOFFSINGER: Mr. Chairman, each member has
8 been mailed a copy of our 2008 calendar. You'll
9 notice that you'll have back to back meetings with the
10 Board of Adjustment on April 10th and January 8th.
11 The April meeting is due to scheduling during KEA week
12 or spring break. The January 8th is due to the new
13 years following January 1. Board of Adjustment will
14 not meet on that holiday.

15 We'll take care of the logistics a little
16 closer to time, but the rest of it is keeping with the
17 second Thursday of each month.

18 Ready for your approval.

19 CHAIRMAN: Are there any questions by any of
20 the commissioners?

21 (NO RESPONSE)

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

24 MS. DIXON: Move to approve.

25 CHAIRMAN: Motion to approve by Ms. Dixon.

1 MR. HAYDEN: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 I believe we're ready for one final motion.

7 MS. DIXON: Move to adjourn.

8 CHAIRMAN: Motion for adjournment by Ms.
9 Dixon.

10 MR. GILLES: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: We're adjourned.

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1 STATE OF KENTUCKY)
)SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 28 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 4th day of DECEMBER, 2007.

18

19

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
21 OWENSBORO, KENTUCKY 42303

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COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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