The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, January 10, 2008, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

CHAIRMAN: I'd like to welcome everybody to our January 10th Owensboro Metropolitan Planning Commission. Will everybody please rise. Our invocation will be given by Mr. Madison Silvert.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is the election of officer for our 2008 session. I'll turn the meeting at this time over to our attorney, Mr. Madison Silvert.

MR. SILVERT: At the beginning of every year we begin with the election of officers.
The first officer for nomination is chairman of the Planning Commission. Do we have any nominations for Chairman?

MR. APPLEBY: I nominate Drew Kirkland.

MR. GILLES: Second.

MR. SILVERT: Any other nominations for chairman?

(NO RESPONSE)

MR. SILVERT: Accept a motion that nomination cease.

MR. APPLEBY: So move.

MR. SILVERT: I need a second.

MR. MILLER: Second.

MR. SILVERT: All in favor of Mr. Kirkland to remain as Chairman.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Thank you, Mr. Chairman.

Our next officer is Vice Chair. Are there any nominations for Vice Chair?

MR. KIRKLAND: I'd like to nominate Ms. Judy Dixon.

MR. APPLEBY: Second.

MR. SILVERT: Any other nominations for Vice Chair?

(NO RESPONSE)
MR. SILVERT: I'll take a motion that nomination cease.

MR. APPLEBY: So move.

MR. KIRKLAND: Second.

MR. SILVERT: All in favor of Ms. Dixon.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Thank you, Ms. Dixon.

Finally, the office of Secretary.

MR. GILLES: I make motion for Mr. Appleby.

MR. TAYLOR: Second.

MR. SILVERT: Are there any other nominations for Secretary?

(NO RESPONSE)

MR. SILVERT: I'll accept a motion that nomination cease.

MS. DIXON: So moved.

MR. KIRKLAND: Second.

MR. SILVERT: All in favor for Mr. Appleby to remain as Secretary.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: That concludes our election for this year, Mr. Chairman.

CHAIRMAN: Thank you, Mr. Silvert.

Our next order of business is to consider the minutes from the December 13, 2007 meeting. Are there
any corrections, additions?

(NO RESPONSE)

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. 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, Mr. Noffsinger.

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CELLULAR TELECOMMUNICATIONS FACILITIES PER KRS 100.987

ITEM 3

720 Cumberland Street
Consider approval of a wireless telecommunications tower.
Applicant: Partnership Investments

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: This application comes before you tonight for a cell tower location that's located on Cumberland Street and Triplett Street. The site is zoned I-1 Light Industrial.
The proposal is for a 130 foot tall cellular tower. The application also includes a provision for a temporary tower at this site that would go up for, I believe the letter stated the maximum of three months. That would provide service while the actual tower is being constructed. It will be a monopole. It will be screened and fenced as required by our ordinance. The applicant is here tonight as well to answer any questions that you may have.

CHAIRMAN: 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. 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.

Related Items:

ITEM 3A

720 Cumberland Street, 0.1653 acres
Consider approval of minor subdivision plat.
Applicant: Partnership Investments
MR. NOFFSINGER: Mr. Chairman, this plat comes before you as an exception to the subdivision regulations in that the lot that's being created for the cell tower is undersized. However, this lot is for a utility purpose and it is a leased lot and we would recommend that you grant it the exception.

CHAIRMAN: Is 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. EVANS: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Evans.

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.

MR. NOFFSINGER: I want to remind each and every one here tonight that the action that the Planning Commission takes tonight is a recommendation.
However, the recommendation will stand unless a grievance, if you will, is filed or a request is filed by anyone asking that the City Commission or the Daviess County Fiscal Court take action as well. Again, that's 21 days from the day of the action it will become final.

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ZONING CHANGES

ITEM 4

1937 Leitchfield Road, 2050 East Parrish Avenue, 3.46 acres (Postponed from 12/13/07)
Consider zoning change: From A-U Urban Agriculture and P-1 Professional/Service to P-1 Professional Service
Applicant: Dale Buskill, SMB Properties, LLC

MR. NOFFSINGER: Mr. Chairman, at that meeting in December a motion was made to postpone and give the applicants time to meet with the adjoining property owners, which would be the Edward Welsh family, as well as the Planning Staff to determine if an agreement could be reached in terms of access to the property.

I am pleased to report to you that all parties involved have reached an agreement. I do have a letter here that is written by Mr. Steve Poteat, who is representing the Edward Welsh family. I would like to read that letter into the record and also make it a
part of the record here tonight. This is to Charles J. Kamuf.

"Dear Charlie: This is to advise that my clients will agree to the location of the proposed access and ingress/egress easement for the joint use of the Buskill, Welsch and Block properties at the following location depicted on the Bryant Engineering Aerial Map as the '0 degree Skew' on the following conditions:

"1. Your client (or clients) shall be responsible for all costs associated with the construction of the access and ingress/egress easement, including but not limited to the installation of all curbing, paving and knockouts;

"2. The access easement surface be of concrete at least to the property line of Buskill;

"3. The knockout for access to the Welsh's property be as far from Highway 54 right-of-way as regulations will allow; and

"4. A plat will be prepared and filed with the OMPC and recorded in the Daviess County Court Clerk's Office dedicating the Ingress & Egress Easements in accordance with Exhibit A attached hereto, the cost of which is to be borne by Buskill."

That is signed by T. Steven Poteat.
Mr. Chairman, this letter should be made a part of the record and is evidence that the Welshes have agreed to a shared access point.

The Planning Staff has prepared for each of the Planning Commissioners here tonight a list of seven conditions that should be placed on the Block and Buskill properties, the rezoning. These conditions also include an attachment shown as Exhibit A, which depicts the design and arrangement of the shared access point to be used by the three individuals. With that it's ready for consideration.

CHAIRMAN: Do we have somebody representing each party?

MR. KAMUF: Yes.

MR. POTEAT: Yes.

CHAIRMAN: Does anybody have any questions of the parties?

(NO RESPONSE)

CHAIRMAN: If nobody has any questions, the Chair is ready for a motion.

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

CHAIRMAN: Let the record show that Mr. Rogers is disqualifying himself.

MR. APPLEBY: Mr. Noffsinger, will these seven
conditions, are they to be read into the record?

MR. NOFFSINGER: Yes, sir. Each of you have been given these as the suggested conditions and that would be up to you to read them into the record if they're part of your motion.

You do need to include the Planning Staff's Recommendation and Findings of Fact. We believe the conditions that we presented to you for inclusion as part of the approval.

MR. APPLEBY: They replace the conditions on the original application?

MR. NOFFSINGER: Yes. These would replace the original three conditions that we recommended at the last meeting.

CHAIRMAN: Mr. Appleby, are you starting your motion now?

MR. APPLEBY: I guess I can.

I make a motion for approval based on Staff Recommendations with these additional conditions:

1. Access to East Parrish Avenue for the properties located at 2050 East Parrish Avenue and 1937 Leitchfield Road shall be limited to the proposed shared ingress/egress easement only. No other access, including the approved access point as shown on the final development dated January 4, 2007 for the
property located at 2050 East Parrish Avenue, shall be permitted;

2. An ingress/egress easement shall be provided to the Edward Welsh property as shown on Exhibit A;

3. The proposed shared ingress/egress easement shall be in alignment with the existing residential drive at 2065 East Parrish Avenue;

4. Access to Leitchfield Road shall be in compliance with the standards of the Access Management Manual;

5. A minor subdivision plat shall be submitted to the OMPC office to relocate the property lines as proposed and to dedicate the shared ingress/egress easements as shown on Exhibit A;

6. All vehicular use areas shall be paved;

7. The potential for a right-turn decel and storage lane at the East Parrish Avenue access shall be evaluated at the time of site plan or final development submittal.

And with the Findings of Fact 1 through 3 as read into the record at the previous meeting.

CHAIRMAN: Should you also include and mention Exhibit A?

MR. NOFFSINGER: He has.
CHAIRMAN: We have a motion by Mr. Appleby.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE - WITH THE DISQUALIFICATION OF MR. ROGERS.)

CHAIRMAN: Motion carries unanimously.

I would like to take this time to thank Mr. Poteat, Mr. Block, Mr. Buskill, Mr. Welsh and Mr. Kamuf for all coming together, especially our Staff for working out this situation. I appreciate all of you, your time and efforts because I think what we have now is a very good plan for all you all and for the citizens of Owensboro and Daviess County and Whitesville. The Planning Commission thanks you all. You all did a great job. Thanks.

Next item, please.

ITEM 5

7200-7230 Block US 431, 53 +/- acres
Consider zoning change: From A-R Rural Agriculture and R-1A Single-Family Residential to A-R Rural Agriculture
Applicant: Mike & Larry Hayden

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:

The parent tract, which would include the entire road frontage for the 53 acre A-R zoning and the eight acre I-1 zoning, shall be limited to two access points on US 431.

FINDINGS OF FACT:

1. The subject property is located in a Rural Community Plan Area, where agricultural uses are appropriate in general locations;

2. The subject property is designated as prime agricultural farmland according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980;

3. With the prevalence of floodplain on the subject property, the agricultural use of the subject property is appropriate; and,

4. The subject property is a large tract capable of agricultural production.

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

CHAIRMAN: Do we have 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 based on Planning Staff Recommendations with the Condition and Findings of Fact 1 through 4.

CHAIRMAN: We have a 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 6

7230-7300 Block US 431, 8 acres
Consider zoning change: From A-R Rural Agriculture and R-1A Single-Family Residential to I-1 Light Industrial
Applicant: H&R Agri-Power Equipment, Mike & Larry Hayden

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. The parent tract, which would include the entire road frontage for the 53 acre A-R zoning and the eight acre I-1 zoning, shall be limited to two access points on US 431;

2. All vehicular use areas shall be paved and vehicular use area screening shall be installed; and,

3. Any outdoor storage areas shall be completely screened with a six foot high continuous fence.

FINDINGS OF FACT:

1. The subject property is located in a Rural Community Plan Area, where light industrial uses are appropriate in limited locations;

2. With frontage on US 431, the subject property is major street oriented; and,

3. Although not located on the corner of intersecting streets, there is not a concentration of residential uses in the vicinity of the subject property.

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

CHAIRMAN: Is anybody here 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. ROGERS: Motion for approval based on Planning Staff Recommendation with Conditions 1, 2 and 3 and Finding of Facts 1, 2 and 3.

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

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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MAJOR SUBDIVISIONS

ITEM 7

Graystone Estates, Section 2, Unit 3, Lots 168-172, 234-239, 248-253, 3.847 acres

Consider approval of major subdivision final plat. Surety (Performance Bond) posted: $20,368.00

Applicant: Jagoe Land Corporation

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 approved preliminary subdivision plat as well as the adopted subdivision regulations and zoning ordinance.

CHAIRMAN: Do we have anybody here 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.

CHAIRMAN: 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.

Next item, please.

MINOR SUBDIVISIONS

ITEM 8

9645 KY 144, 9230 KY 951, 5.558 acres
Consider approval of minor subdivision plat.
Applicant: Jerome Hamilton, William D. Hamilton

MR. NOFFSINGER: Mr. Chairman, this plat comes
before you as an exception to the subdivision
regulation in that it creates a tract of land that
does not meet the depth to width ratios.

However it appears in review of this plan that
you're taking land from one tract and adding it to
another. It's not you're creating an additional lot
or trying to circumvent the ordinance. It's simply a
land swap between two existing properties.

With that Staff finds the plat to be in order
and ready for your consideration.

CHAIRMAN: Is 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.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

We're ready for one final motion.
MR. APPLEBY: Move to adjourn.

MS. DIXON: Second.

CHAIRMAN: 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, LYNNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Board of
Adjustment 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 19 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
2nd day of February, 2008.

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