The Owensboro Metropolitan Planning Commission

met in regular session at 5:30 p.m. on Thursday,
November 13, 2008, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Judy Dixon, Vice Chairman
David Appleby, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Tim Miller
Jimmy Gilles
Wally Taylor
Keith Evans
Martin Hayden
Rita Moorman

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CHAIRMAN:  I would like to welcome everybody
to the November 13th meeting of the Owensboro
Metropolitan Planning Commission.

Would you please rise.  Our invocation will be
given by Martin Hayden.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first action of business will
be to consider the minutes of the August 9, 2008
meeting.  Are there any corrections, 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.

MS. MOORMAN: Second.

CHAIRMAN: Second by Ms. Moorman. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please, Mr. Noffsinger.

ITEM 2

Presentation of FY '08 Audit by Gene Boaz, CPA.

MR. SILVERT: State your name, please.

MR. BOAZ: Gene Boaz.

(GENE BOAZ SWORN BY ATTORNEY.)

MR. BOAZ: Mr. Chairman, Distinguished Board Members, I performed the financial audit for the Owensboro Metropolitan Planning Commission for the comparative year ending June 30, 2007 and 2008. This audit was performed in accordance with generally accepted accounting standards promulgated by the governmental accounting standards board.

It included such tests of the records as was considered necessary in the circumstances.

In my opinion the various statements present fairly the net changes and assets and cash flows of
the Metropolitan Planning Commission for the years
designated.

If you have any questions, I'll be glad to
take them.

CHAIRMAN: After review somewhat of the audit,
it appeared there were no irregularities. That all
the handling of the funds were done in sound
accounting principles?

MR. BOAZ: Yes.

CHAIRMAN: Checks and balances were all
followed?

MR. BOAZ: That's correct. Yes, sir.

CHAIRMAN: I want to compliment the Staff and
Mr. Noffsinger on an outstanding job they've done of
the management of the public funds. You all have done
an outstanding job. The economy has been a very
difficult time. Obviously that reflects upon the
income that we get from building permits and our other
fees. I appreciate the job you all have done. The
job is well done. Thank you all very much.

Any other commissioners have any comments or
questions?

(NO RESPONSE)

CHAIRMAN: If there are none, 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. Gillis. 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

1900-2000 Blocks Southtown Boulevard, 4901 Block Todd Bridge Road, 5.560 acres

Consider zoning change: From A-U Urban Agriculture to B-1 Neighborhood Business Center

Applicant: Frederick Family, LLC c/o J.D. Meyer, Attorney

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that the rezoning heard tonight will become final 21 days after the meeting unless an appeal is filed. Then it will go before the legislative body, which would be the Daviess County Fiscal Court in this instance. The form are available in our office, on the back table and on line.
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 Southtown Boulevard shall be limited to the street intersection of Discovery Lane. No individual lot access will be permitted; and,

2. Access to Todd Bridge Road shall be limited to the proposed ingress/egress easement only as shown on the preliminary plat.

FINDINGS OF FACT:

1. The subject property is located in a Business Plan Area, where neighborhood business uses are appropriate in general locations;

2. A preliminary plat with construction drawings has been submitted in conjunction with the rezoning;

3. The proposal is a logical expansion of existing B-1 zoning across intervening streets to the north and west;

4. The subject property exceeds the minimum five acre requirement for logical expansions across an
5. The total B-1 zoning within the vicinity will remain under the maximum of 15 acres.

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

CHAIRMAN: Do we have somebody 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. EVANS: Motion for approval based on Planning Staff Recommendations, Conditions 1 and 2 and Findings of Facts 1 through 5.

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

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.

Related Items:
ITEM 3A

Discovery Corner, 5.560 acres
Consider approval of major subdivision preliminary plat.
Applicant: Frederick Family, LLC c/o J.D. Meyer, Attorney

MR. NOFFSINGER: Mr. Chairman, Planning Staff and Engineering Staff has reviewed this preliminary plat. It's found to be in order. Its use is consistent with the zoning change that you have just recommended for approval and the plan meets with the development regulations contained in the subdivision regulations and zoning ordinance.

CHAIRMAN: Once again do we have somebody representing the applicant?

MR. MEYER: Somewhat delinquent, but Thomas Myer representing the applicant on behalf of my son J.D. I'm standing in for him. I apologize for lack of coat and tie, but late notice if you catch my drift. I am representing the applicant. Here to answer any questions.

MR. SILVERT: Mr. Meyer, we recognize the oath you took as an attorney. If you do give testimony, we don't request that you take an oath any longer.

MR. MEYER: Thank you.

CHAIRMAN: Does anybody have any questions of the applicant?
CHAIRMAN: Thank you, Mr. Meyer.

If there are no questions, chair is ready for a motion.

MR. MILLER: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Miller.

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.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 4

Image Builders, 0.724 +/- acres
Consider approval of major subdivision preliminary plat/final development plan.
Applicant: Image Builders, LLC; Tena Jones

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

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.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. EVANS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 4A

Image Builders, 0.724 +/- acres
Consider approval of major subdivision final plat.
Surety Previously Posted
Applicant: Image Builders, LLC; Tena Jones

MR. NOFFSINGER: Mr. Chairman, this again is related to the previous item. I explained that it is in order and this testimony item is as well.

CHAIRMAN: 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. TAYLOR: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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MAJOR SUBDIVISIONS

ITEM 5

Lake Forest, Unit 29, Lots 331-341, 349, 13.182 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted $68,809.00
Applicant: Jagoe Homes

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. The use is consistent with the zoning as well as the adopted comprehensive plan and the plat meets with the minimum subdivision regulation and zoning ordinance requirements.

CHAIRMAN: 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. HAYDEN: Second.

CHAIRMAN: Mr. Hayden has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 6

Peck's Place, 6.661 acres
Consider approval of major subdivision preliminary plat.
Applicant: Thomas Duggins

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

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: Ms. Dixon for approval.

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.

MR. NOFFSINGER: Mr. Chairman, on Item 7 the applicant, Mr. William R. Jagoe, has requested that this plat be postponed. It looks like they would like to have this considered at our next meeting which will be the second Thursday in December. So we would vote to postpone until our next meeting in December.

CHAIRMAN: Chair would need a motion for postponement.

MR. GILLES: Motion for postponement.

CHAIRMAN: Motion by Mr. Gilles.

MR. EVANS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

Next item, please.

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NEW BUSINESS

ITEM 8

Consider approval of 2009 Filing Dates and Deadlines.

MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of this calendar for the Planning Commission as well as the Board of Adjustment. It is for their filing deadlines and meeting dates. It does require your vote and approval.

CHAIRMAN: Is there any questions?

(NO RESPONSE)

MR. MILLER: Mr. Chairman, I have a question on the dates for our time for January and April. It's got 5:30 p.m. which is standard time. Is there a chance there's a typo there?

MS. STONE: No. We're just noting that time because on those two dates we're going to have a board of adjustment meeting just prior to the Planning Commission meeting at 5:00.

MR. NOFFSINGER: There may be a delay in starting of the Planning Commission meeting for those two dates.

CHAIRMAN: Are there any other questions?
(NO RESPONSE)

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

MR. GILLES: Motion to accept the new schedule.

CHAIRMAN: Motion from Mr. Gilles to accept the schedule for 2009.

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.

Chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Notion for adjournment by Ms. Dixon.

MS. MOORMAN: Second.

CHAIRMAN: Second by Ms. Moorman. 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 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 14 typewritten pages; and that no signature was requested to the foregoing transcript.

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