The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, December 11, 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
Ivin Rogers
Wally Taylor
Keith Evans
Rita Moorman

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CHAIRMAN: I would like to welcome everybody to our December 11th Owensboro Metropolitan Planning Commission meeting. Will you all rise while Judy Dixon gives our invocation and pledge of allegiance.

(INVASION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the November 13, 2008 meeting. Are there any additions, 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.

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, Mr. Noffsinger.

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PUBLIC HEARING

ITEM 2

Consider text amendment to Article 2 of the Owensboro Metropolitan Zoning Ordinance to change the text of this article in order to adopt the Owensboro Daviess County Geographical Information System (ODCGIS) zoning layer as the official version of the Zoning Map Atlas.

MR. SILVERT: State your name, please.

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: As stated the purpose of this text amendment is to retire our old mylar zoning maps and to adopt the Owensboro Daviess County GIS layer zoning map as the official map.

Findings of fact to support that is:

1. The current Zoning Map Atlas, consisting of base mylar maps has served its purpose well, but is antiquated with the emergence of newer technology, the
2. The ODCGIS system now includes a planning parcel layer, an address grid layer, address points and an accurate zoning layer that is ready for adoption to supersede the antiquated manual base map system;

3. The proposed adoption of the ODCGIS Zoning Map Atlas will increase the efficiency and accuracy of tracking and recording zoning map amendments and corresponding data; and,

4. The proposed adoption of the ODCGIS Zoning Map Atlas is the first step in achieving the Comprehensive Plan objective to provide opportunities for our citizens to access government and other public information and accommodates public communication.

We have Melissa Evans who did the work on reviewing this zoning map layer to make a short presentation to show you how the product works.

MR. SILVERT: State your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: First of all like Becky said, right now we currently use our mylar maps. Those mylar maps are -- we have two sets of them. There's the N maps and there's 91 N maps with three layers in
each map. Then there’s the CO maps and there are two
layers of each CO map. The N maps are the urban
service --

    MS. STONE: I'm sorry to interrupt you. If
you guys want to see, she does have some visual
presentation if you want to see it on your screen.

    CHAIRMAN: Ms. Stone, we're all up-to-date
with our screens. Thank you.

    MS. EVANS: The N maps show the urban service
area and the CO maps show the rural service area.

    Currently to look up zonings on our base maps
we have to use our blue book, which is our OMPC Index
Street Guide. In that blue book is the street address
ranges along with the N maps and the CO maps, which
those address ranges can be found on.

    We have to align those mylar maps with those
cross hatches that are at the top of that bottom map.
Once you align those, then you can see the different
layers.

    To get our mylar maps into our ODGIS zoning
layer they are first scanned into a computer system
and then the GIS shape files are drawn over those
scanned images. Those shape files are then reviewed
by our OMPC staff to ensure the accuracy because when
they were scanned in there was some shifting that was
involved with those. To make sure there were no gaps or anything like that we reviewed those images.

Now this is what our GIS system looks like. Our GIS system is made up of a bunch of layers. Most of us have on our projects that we look at every day the addressing, the parcel, the streets, and the zoning layer.

It indicates on the side there the table of contents, what each layer looks like on the map. Then there's also labels for each one that you can see on there.

Currently or to look up information on our GIS system is very easy. There's a set of binoculars on the side of the GIS system. You click on those and it pulls up this fine tool. You type in the address and you right click on the address and the box below and then gives you those options. You zoom to it. It zooms right to the address and there you can see the different colored blocks representing the different zonings along with those labels are on there. The yellow lines representing the parcel lines and the addresses are on there as well.

If you need to know more information about one of those parcels, then you can use the eye tool. It's the circle with an eye in it and select the parcel to
look at. That brings up this screen which is the properties of that parcel.

Now, on that there are a bunch of different things. Along with the address the status is what it came to the Planning Commission as. A minor subdivision, major subdivision. We have when it was approved, when it was signed, when it was recorded, and the page number are all listed on there. The owners are listed in there. There's, you know, all of that information right there for us to see at the computer screen.

Now, to change that to look at more information about the zoning, if you need to do that, up at the top you can change that identify. Tool scroll bar, you can pull that drop down and you would select the zone 3 to identify what that is. Then that screen comes up and that list all of the zoning information that now currently is on the base map and on the folders. You have when it went to the Planning Commission, when it had its final action at the City Commission or the Fiscal Court. Both of those dates. What it was zoned previously and what it was changed to, acreage of that zoning. You know, all of that information is there and easy for us to see.

Now, the next step, like Becky said, will be
for us to put this on our website eventually so the
public has access to it to look at this stuff. That's
going to take some time to get done. So in the
meantime we are going to have a public workstation
available in our office for people to come in and use
that. There are several engineers and surveyors that
have people come and look up zonings and surrounding
zonings. They will have a workstation to be able to
look that information up.

Are there any questions?

MR. NOFFSINGER: I do have one question. This
may be for Becky.

Would you just describe what you're asking the
Planning Commission to do here tonight and then what
the next steps would be to retire these minutes.

MS. STONE: We're asking for an approval of
the text amendment to adopt these zoning map layers.
This will go with the recommendations from the
Planning Commission to Fiscal Court and the City
Commission. Once they have first and second readings,
then we will be able to retire the mylar maps and will
be able to do everything on the electronic versions.

MR. NOFFSINGER: That will include the City of
Whitesville, correct?

MS. STONE: That would include the City of
Whitesville, yes. It goes to the City of Whitesville also.

CHAIRMAN: Does anybody else have any questions?
(NO RESPONSE)

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

MR. MILLER: Mr. Chairman, motion to approve based on Planning Staff Recommendations, good job on the presentation too, and on Findings of Fact 1 through 4.

CHAIRMAN: We've got a 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 RESPONSSED AYE.)

CHAIRMAN: Motion carries unanimously.

Ms. Evans, thanks for a very concise presentation. We appreciate it very much.

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CELLULAR TELECOMMUNICATIONS FACILITIES
PER KRS 100.987.

ITEM 3

1638 West Parrish Avenue
Consider approval of a temporary and permanent wireless telecommunications tower.
Applicant:  New Cingular Wireless PCS, LLC  
(AT&T Mobility)

MR. NOFFSINGER:  Mr. Chairman, I did insert
the word "and permanent," with those two words in here
because it's not just a temporary tower.  It would
also be a permanent tower.

However, the applicant has made a request for
this item to be postponed tonight until the January
meeting of the Planning Commission.  That will be the
second Thursday in January.  I believe that's January
8th at 5:30 p.m., the same place as this meeting.

If you do postpone, it will take a vote,
majority vote from the Planning Commission to
postpone.

CHAIRMAN:  The chair is ready for a motion.

MS. DIXON:  Move to postpone.

CHAIRMAN:  Motion for postponement 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.  The
item is postponed.

ITEM 4
Consider approval of a temporary wireless telecommunications tower.
Applicant: New Cingular Wireless PCS, LLC (AT&T Mobility)

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: This comes before you as an item that you've seen previously. It was approved back earlier this year for a temporary tower location. However, the applicant has not been able to secure the permit location for the tower. When it was approved earlier, it was for a six month period. So they're coming back tonight for another six months for the temporary location.

Some of the information for the tower. It's a 115 foot temporary tower. It meets all the setback requirements. The height is under the 200 foot maximum allowed. There will be no lighting on the tower. They're providing a 6 foot chain-link fence for the screening. No signs are going to be posted on the property.

They are requesting a waiver. It's the same waiver that they requested previously. That due to the temporary nature of the tower they're requesting that the double row of stagger pines 15 foot on center
be waived. In their application, they state that
there's natural vegetation that would provide that
screening. So they're requesting that waiver for a
temporary structure.

So with that we would like to enter this as
Exhibit B with some findings that:

1. The applicant is complete with all
materials in accordance with the Owensboro
Metropolitan Zoning Ordinance;

2. Compliance with all design criteria of the
Owensboro Metropolitan Zoning Ordinance; and,

3. Temporary in nature, the proposed tower
will provide much needed cellular phone service while
plans for a permanent tower are completed and
approved.

We would like to enter this as Exhibit B.

CHAIRMAN: Are there any questions?
(NO RESPONSE)

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

MR. APPLEBY: Motion for approval based on
Staffs findings 1, 2 and 3.

CHAIRMAN: We have a 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.

Next item, please.

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ZONING CHANGES

ITEM 5

6045, 6071 Highway 54, 3.41 acres
Consider zoning change: From B-4 General Business and A-U Urban Agriculture to I-1 Light Industrial
Applicant: Bluegrass Truck, Trailer & Equipment, LLC

MR. NOFFSINGER: Mr. Chairman, the applicant, Ms. Linda Boarman, has asked that this item be postponed until the January 8, 2009 meeting.

CHAIRMAN: There's a request for postponement. The chair is ready for a motion.

MR. APPLEBY: Move to postpone.

CHAIRMAN: Motion for postponement 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 5A

6045, 6071 Highway 54, 3.41 acres
Consider approval of final development plan.
Applicant: Bluegrass Truck, Trailer & Equipment, LLC

MR. NOFFSINGER: Mr. Chairman, the applicant has requested for postponement until the January 8, 2009 meeting.

CHAIRMAN: Chair is ready for a motion.

MR. ROGERS: Motion for postponement.

CHAIRMAN: Motion for postponement 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 6

6595 Stevens School Road, 10.015 +/- acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural Agriculture
Applicant: Troy Edge

MR. HOWARD: I'll note before I enter this into the record that the rezoning will become final 21 days after the meeting tonight unless there is an appeal filed. The appeal forms are available on the
back table, they're on our website and available in
the office. If one of those is filed, then the
re zoning application will automatically go to Daviess
County Fiscal Court.

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 farm residential
   uses are appropriate in general locations;

2. The subject property is a large tract over
   10 acres in size with agricultural potential;

3. The subject property has access to a
   public street via a private drive;

4. All strip-mining activity has been
   completed and all disturbed areas have been reclaimed;

and,

5. The Owensboro Metropolitan Zoning
   Ordinance Article 12a.31 requires that the property
   shall revert to its original zoning classification
   after mining.

MR. HOWARD: Would like to enter the Staff
Report into the record as Exhibit C.

CHAIRMAN: Is 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 for approval based upon Planning Staff Recommendations, Findings of Fact 1, 2, 3, 4 and 5.

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: We have a unanimous vote.

Next item, please.

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MAJOR SUBDIVISIONS

ITEM 7

Harbor Hills, Section 1, Unit 5, Lots 31-44, 4.720 acres

Consider approval of major subdivision final plat. Surety (Certified Check) posted: $37,300.90

Applicant: Robert Wimsatt

MR. NOFFSINGER: Mr. Chairman, this plat has
been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. The proposed use of the property is consistent with the adopted comprehensive plan and the item is recommended for approval.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions?

(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

Highlands of Heartland, Phase 4, Unit 22, Lots 538-547, 585-595, 4.947 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $31,806.00

Applicant: Jagoe Development, LLC

MR. NOFFSINGER: Mr. Chairman, Planning Staff
and Engineering Staff have reviewed this plat and
found it to be consistent with the adopted
comprehensive plan, as well as the proposed use is
consistent with the underlying zoning and the plat is
consistent with the previously approved preliminary
subdivision plat.

CHAIRMAN: Is anybody 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. 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.

ITEM 9

Lakeside at the Downs, Unit 3, Lots 181-192,
13.661 +/- acres
Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: $25,235.20
Applicant: Thompson Homes, Inc.
MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. The proposed use is consistent with the underlying zoning as well as the plat is consistent with the previously approved preliminary subdivision plat.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: 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. 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.

ITEM 10

The Village of Heartlands, 3.442 +/- acres
(Postponed at 11/13/2008 meeting)
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $23,114.00
Applicant: Jagoe Development, LLC
MR. NOFFSINGER: Mr. Chairman, the Planning Staff and Engineering Staff has reviewed this item. The proposal is consistent with the previously approved preliminary plat. Staff and Engineering found the proposal to be consistent with the underlying zoning regulations and it's ready for your approval.

CHAIRMAN: Is anybody 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 Mr. 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.

MINOR SUBDIVISIONS

ITEM 11
7261, 7271 Highway 81, 1.742 +/- acres
Consider approval of minor subdivision plat.
Applicant: Terry Gaddis

MR. NOFFSINGER: Mr. Chairman, Brian Howard is here to talk about this item.

MR. HOWARD: This items comes before you tonight because the resulted plat exceeds the three to one ratio requirement. Basically it's a nonconforming situation where you have two residents on a single lot. The applicant proposes to split that into two so each house will have a separate lot. The lots meet the minimum acreage as far as three-quarter acre in size, but they do exceed the three to one requirement. So with this brings the nonconforming situation more into compliance. So Staff would recommend approval of the plat.

CHAIRMAN: Does anybody have any questions?
(NO RESPONSE)

CHAIRMAN: Anybody representing the applicant?
(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. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 12

760 Jack Boseley Road, 1.258 acres
Consider approval of minor subdivision plat.
Applicant: Dennis Richard & Sarona Murphy Grant

MR. HOWARD: This plat comes before you as an exception in that the lot that's proposed to be created does not have any road frontage. They're proposing a 50 foot ingress/egress easement back to the lot. There is an existing home on a large farm tract that they wish to create a tract around it for mortgage purposes. So it comes to you for that reason, that it has no road frontage.

With the existing home on the lot Staff understands the purpose for the lot creation. It meets other requirements, minimum lot size and things like that. So with that we entertain a motion for approval.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?
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.

Next item, please.

ITEM 13

1134, 1142 Yelvington Knotsville Road, 0.985 acres Consider approval of minor subdivision plat.

Applicant: Ricky T. Duncan, Margie S. Duncan

MR. NOFFSINGER: Mr. Chairman, Becky Stone has worked extensively with the applicants on this item. I can't think of anyone that can describe this situation any better than Becky.

MS. STONE: This plat comes to you as an exception on lot size. Both lots would meet the frontage requirements that each lot created is under the three-quarters of an acre that's now required in the ordinance.

However, we have found evidence that there have been two dwellings on this lot since prior to the
zoning ordinance adoption back in 1975. The applicants have provided affidavits of two working septic systems on each lot. There was a manufactured home on one of the lots that was just recently removed. They could put back the structure under nonconforming status, but they would like to bring it more into compliance by creating two lots.

So we would recommend given the history of this property and the development plans or the development lots in the area being of similar size that this exception should be granted and the division approved.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: 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.

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.
The chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment 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: We would like to wish everybody a Merry Christmas and a Happy New Year.

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

WITNESS my hand and notary seal on this the
31st day of December, 2008.

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