The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, August 11, 2011, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Ward Pedley, Vice Chairman
David Appleby, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Rev. Larry Hostetter
Tim Allen
Irvin Rogers
Wally Taylor
John Kazlauskas
Martin Hayden
Rita Moorman

* * * * * * * * * * * * * * * * * *

CHAIRMAN: I would like to welcome everybody to the August 11th meeting of the Owensboro Metropolitan Planning Commission. Will you please rise for Madison Silvert will lead us in our invocation and pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the July 14, 2011 meeting. Are there any corrections, additions, any questions?

(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a
motion.
MR. PEDLEY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Pedley.
FATHER HOSTETTER: Second.
CHAIRMAN: Second by Father Larry. All in
favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item please, Mr. Noffsinger.

ITEM 2
Executive Director Report: OMPC Fiscal Year 2011
Activity Report and Survey Responses

MR. NOFFSINGER: Mr. Chairman, each member has
been mailed a packet that contains a result of a
survey we sent out for the past fiscal year. We have
been doing this for a number of years. Last year I
reported a similar information to what I will report
tonight.
Any time an electrical certificate is issued
or a building certificate of occupancy is issued, we
send out a survey that we hope our customers will send
back to us.
On those surveys we ask two questions. The
first question would be: Were you treated in a
Ohio Valley Reporting
(270) 683-7383
professional manner while in our office and/or out in
the field? Unfortunately this year we only received
13 surveys back. We send out many more than that. We
send out several hundred to 1,000 of these. I only
got 13 back, but the 13 we did receive back we
received a "yes" on all of those surveys.
The second question: Were all issues
explained in a satisfactory manner? In all 13 surveys
returned the answer was "yes."
I've also included comments on those surveys.
There's an area where a customer can give their
comments that goes to me, and then if necessary I will
react forward response or adjust as necessary.
So the commissioners do have a copy of those
comments. I do not share those publically, but it is
for their benefit as well as mine so that we can make
sure our customers are being treated in a fair and
consistent manner.
The second survey we send out is an exit
survey that the Staff hands out to each customer.
It's optional if they want to drop it in the box. I
check that box and the results I do record. I'm happy
to say we did 111 exit surveys turned in.
On the first question: Were you treated in a
professional manner while in our office and/or out in
Ohio Valley Reporting
(270) 683-7383
the field? On all 111 of those surveys, we received a "yes, they were."

Same with the second question. Were all issues explained in a satisfactory manner? In all 111 of those surveys, the answer was "yes."

They do have an opportunity to provide comments. Each commissioner has received a copy of each of the comments that were registered.

In terms of activity for our last fiscal year in Planning & Zoning change applications, we had a total of 37 applications submitted and heard by the Planning Commission. Twenty-four of these were in the City of Owensboro, 13 outside of the city limits of Owensboro. All of those applications were approved with the exception of one which was withdrawn. So we had no denials.

I'm not going to go through each and every item here. Just to give you an idea of the activity that we do have. In office we had 161 minor subdivisions approved. Out of those 161, we had one denied.

We had variance applications that go before the Board of Adjustment. We had 17 Variance applications of people wish to build closer to the property line than what the ordinance allows. They

Ohio Valley Reporting
(270) 683-7383
have the right to go to the Board of Adjustment. Out
of those 17 applications, there was only one
application denied.

In terms of the building department, I will
say before I move in the building department, our
activity in the planning department actually increased
this last fiscal year with a number of zoning changes
and other activities in the office.

In the building department, our activity was
somewhat off from the previous fiscal year. However,
it's pretty close. We issued 246 building permits for
new residential single-family units. For a
residential additions, garages, we issued 468 permits.
The total number of building permits our office issued
938. Total electrical permits 1,076. So we send out
about 2,000 surveys to our customers and unfortunately
we only had 13 returned. We certainly like to hear
from the other 1,900 plus customers.

We had 104 heating and ventilation cooling
permits, which was a new program we started January 1
of this calendar year. Total plan review applications
184.

Now, in terms of total building permits,
that's the actually number of permits we issued. We
also make inspections. This year our three

Ohio Valley Reporting
(270) 683-7383
inspectors, primarily three inspectors, made 6,249 inspections.

So our office deals with a lot of customers on a daily basis. When you have 6,249 inspection among three individuals, you know they're out there, they're getting it and obviously they're getting the job done. Every now and then we're going to run into a situation where there's an issue. We have something that doesn't work out. Some of these commissioners up here, elected officials, may hear something negative about the Planning Commission or how their issue was treated.

If you ever feel that you're treated in an unfair manner, I would certainly like to hear about it. If you're uncomfortable in talking with me, Drew Kirkland, Chairman, is also available to talk to. We do have a policy. Drew will confirm this. That if you have an issue that you want to sit down and talk with us about, we'll be more than happy. Drew will meet with you. I will meet with you. We'll ask an elected official to meet with you. We want to work through the problems and solve the problems.

I can say I'm very proud of our Staff. I think we have a very fine Staff in this community. We would like to say, yes, to everything and everyone.

Ohio Valley Reporting
(270) 683-7383
that walks through our doors. Unfortunately, based
upon the rules that are handed down to us through the
international electrical code or the building code,
which we do not write, but we have to enforce.
Sometimes we have to say no. We always look for ways
to try to work with folks to make things work out. In
some cases there's not a solution. Certainly that is
tough for the customer and it's tough for us. We do
want to try to find solutions to solve the problems.
I'm very proud of the Staff. They do a
tremendous job in my mind. They deal with a lot of
people. We do receive criticism from time to time. I
know each of these commissioners from time to time
will hear something negative. When we do, just bring
it to our attention and we'll be glad to address it.

MR. PEDLEY: Mr. Chairman, if I may, please.
CHAIRMAN: Mr. Pedley.
MR. PEDLEY: I'm the director of the Owensboro
Home Builders. We had a board meeting Tuesday. I
presented this to our board members in the same
fashion that Mr. Noffsinger did. They were very
impressed and very pleased. We did not have a
negative comment. This is a good report to get out
there. The Home Builders Board was very pleased to
hear these reports.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Thank you, Mr. Pedley. That was good that during the year also that you set up a meeting with Gary and myself and the Home Builders to hear their concerns and suggestions for any regulations and things that we could change or help and make it run smoother.

MR. PEDLEY: We're preparing another meeting in the future to meet with the Planning Staff and whoever would like to attend. It's just information for anything that we could help with or anything that you can help us with. That's the intent of our meetings.

CHAIRMAN: Thank you, Mr. Pedley.

Does anybody in the audience have any comments or any questions?

(NO RESPONSE)

CHAIRMAN: If not, thank you, Mr. Noffsinger. Give my regards to the Staff for a job well done because, as you know, I do get the comments. They have done an outstanding job and I appreciate it.

Our next item under Zoning Changes.

----------------------------------------------
ZONING CHANGES

ITEM 3
10133 Highway 54, 1.082 acres
Consider zoning change: From R-1A Single-Family
Ohio Valley Reporting
(270) 683-7383
Residential to B-4 General Business
Applicant: Susan A. Cox/SC Development, LLC; Anna Rea Greer, Mildred Greer & William P. Greer

MR. SILVERT: Would you state your name, please?

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that all the rezoning changes heard tonight will become final 21 days after the meeting unless an appeal is filed. The appeal forms are available on the back table, in our office and on the website. If an appeal is filed within that 21 day period, we will forward the record of the meeting, the Staff Report and that information to the appropriate legislative body for their final action.

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the findings of fact that follow:

FINDINGS OF FACT:
1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Business Plan Area where general business uses are appropriate in very-limited locations;
3. The proposal is a logical expansion of Ohio Valley Reporting

(270) 683-7383
existing B-4 General Business zoning to the west and south; and,
4. At 1.802 acres, the expansion of commercial zoning should not overburden the capacity of roadway 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 A.

CHAIRMAN: Do we have anybody representing the applicant?

MR. POTEAT: Yes.

MR. SILVERT: Would you state your name, please?

MR. POTEAT: Steve Poteat.

MR. SILVERT: You're sworn as an attorney.

MR. POTEAT: Mr. Chairman, Members of the Commission, if you have any questions about this, I'll be glad to try to answer them.

Would let you know that if this is approved, the development plan will be complying with the patterns that have been noted on the Staff Report.

CHAIRMAN: Thank you, Mr. Poteat. Be seated and we'll see if anybody has any questions.

Are there any questions from anybody in the audience?

Ohio Valley Reporting
(270) 683-7383
(NO RESPONSE)

CHAIRMAN: Any questions from the Staff?
Yes, sir.

MR. SILVERT: Could you state your name, please?

MR. ROBY: My name is Thomas Roby.

(THOMAS ROBY SWORN BY ATTORNEY.)

MR. ROBY: I'm a landowner. I'm in the back of the property that they're wanting to rezone. I think they're wanting to put a Dollar Store in there; is that correct?

CHAIRMAN: Just a moment.
For the record would you go to the microphone, Mr. Poteat.

MR. POTEAT: Mr. Roby, that is correct.
CHAIRMAN: Thank you, Mr. Poteat.

MR. ROBY: I'm not opposed to having it built if they will put the fence up. I think I've done talked to Herbert about that. If they'll put a privacy fence around it and have it cleaned up. The one that they've got up there at Whitesville now, I've got pictures of it.

CHAIRMAN: Would you just hand them to Ms. Moorman there and she'll see that the rest of the board gets it and you can continue with your questions.

Ohio Valley Reporting
(270) 683-7383
MR. SILVERT: Mr. Roby, is it okay if we keep these pictures and submit them in the record?

MR. ROBY: Sure.

CHAIRMAN: Thank you.

MR. ROBY: Our concern is the landowners if it looks like that, then our property value will go down if they put that up there. If they put a fence up around it and put the trees I think that they should, maybe it won't.

My next question is: If they do put a fence up, who is going to maintain it and how often will it be maintained and will they keep it up with the new look?

CHAIRMAN: Are those all of your questions, Mr. Roby?

MR. ROBY: Yes, for now.

CHAIRMAN: Would you be seated and we'll let Mr. Poteat respond.

You got all his questions in order?

MR. POTEAT: I think I do.

Mr. Roby, first of all, I will tell you that, yes, a privacy fence will be put up. I'm certain that when the development plan is submitted to the zoning board that that's going to be one of their

Ohio Valley Reporting
(270) 683-7383
requirements as well. Is that a privacy fence be put
up. We will comply with our landscaping requirements
which requires trees to be put up. I'm not exactly
sure how many or what their requirements are, but we
will certainly comply with that. I know they will
also have issues and matters relating to lighting that
I know we will comply with to keep the lighting
directly to the lot and not to the residences that are
beyond the lot.

The property will be maintained by Ms. Cox.
She will be the owner of that property. She's a
person that we represent. So the fences will be
maintained. She's done a very good job on every one
I've seen of hers.

Now, granted the other one, that's not hers.
Every project we've seen her do, she's maintained them
very well and I think this is close to her tenth
project in Daviess County.

CHAIRMAN: Mr. Poteat, would you be seated.
Mr. Noffsinger.
MR. NOFFSINGER: Yes. I do need to make a few
comments.

First of all, the Planning Commission does not
serve as the zoning enforcement officer for the City
of Whitesville. That would be Pat Burch. The reason
Ohio Valley Reporting
(270) 683-7383
I want you to understand that is because what I'm getting ready to explain to you is what the Planning Commission will not be able to assist you in. First off, a development plan is likely not going to be required. So this board or my staff will not be reviewing a development plan or a site plan. That site plan would be reviewed by Pat Burch, the City of Whitesville.

We would also not be issuing any permits for the facility because it's within the City of Whitesville and we do not have jurisdiction within the City of Whitesville to issue those permits. The only thing we have jurisdiction on would be the actual zoning of the property. Now, the zoning ordinance does require a 6 foot high continuous element and one tree per 40 foot on average to be installed along that east boundary. I believe north boundary where it adjoins residential zoning.

Now, the zoning ordinance states that that can be a 6 foot high shrub row. It could be a 6 foot high solid fence, chain-link fence with screening slabs or screening fabric. So there are options. I don't want you to leave here tonight thinking that the Planning Commission is going to require a fence to be installed.
because they do have options. Now, the Planning Commission does have the opportunity to attach conditions to this rezoning which the Planning Staff, we have not in terms of the character of the type of screening that's going to be around the facility. At this point in time there are no conditions.

Now, I think there's also a tree line to the east, along that east boundary. That's a very mature tree line. That may or may not be left standing. I don't know what the applicant's proposal is there. Just know that the ordinance requires a 6 foot high continuous element and one tree per 40 feet on average. So you could have, if you've got a 400 foot boundary line, they're going to be required to put in 10 trees. They may group those trees. They might not put them one every 40. They may group several together and then there might be gap in there.

I just want you when you leave here hopefully you'll have a better understanding of how the process works and what could be expected. 

CHAIRMAN: I believe we had some questions in the back. Go to the podium, please.

MR. SILVERT: Would you state your name, please?

Ohio Valley Reporting
(270) 683-7383
MR. BAILEY: My name is Shane Bailey.

(SHANE BAILEY SWORN BY ATTORNEY.)

MR. BAILEY: I am the property adjoining the
full length that is on that said tree line. My
concern is what point will the fence, the privacy
fence run up to. I would like to put in a stipulation
if it is to go through that those trees remain.

CHAIRMAN: Mr. Poteat.

MR. POTEAT: Mr. Chairman, I'm not sure about
the trees at this time because I don't know what
property they're on. The survey that has been done
that we're going by right now does not show exactly
where they are. I will tell that in past they've
tried to keep it. The projects they've done in
Daviess County, Henderson County, McLean County,
Hancock County, Webster County, they've tried to keep
everything that they could that did not interfere with
parking or things of that nature.

I apologize to the commission for insinuating
that this commission would. I obviously know that the
City of Whitesville, that Ms. Burch out there will be
the final one to review those.

As far as the fence, it will go as far as
we're required to go which I understand that the
zoning ordinance requires it to go the whole length
between residential and business. That's my understanding.

MR. BAILEY: Do you know how close?

CHAIRMAN: Just a moment.

I believe there's a question in the audience of how close would the fence be?

MR. POTEAT: To the property line?

MR. BAILEY: Yes. It's --

CHAIRMAN: Wait. We need you at the microphone for the record if you've another question. Wait a minute. I've got a question myself of Mr. Poteat.

Mr. Poteat, on the tree line, so it's not determined whether the trees are on your property or on your neighbor's property?

MR. POTEAT: I don't know that. I don't know how to answer that right now. I don't know the answer to that question. I guess --

CHAIRMAN: If the trees are on his property --

MR. POTEAT: If the trees are on his side, we won't touch those. They're going to be there.

Mr. Chairman, if it's hard to determine which one they're on, I would say we're probably going to leave them there. Obviously if they're on Mr. Bailey's property line, we're not touching them. We
can't touch them.

CHAIRMAN: Wait just a moment.

MR. ROGERS: Mr. Chairman, the survey states and appear to be the tree line in the center pretty much. It's within three or four foot either way according to the survey.

CHAIRMAN: Some of the trees may be on one person's property and some may be --

MR. ROGERS: It's an old property tree line.

The survey states and shows it's pretty well in line.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, the applicant will also be required by ordinance to maintain a ten foot wide buffer from the property line into their property.

Now, again, the Planning Commission does not enforce the ordinance in Whitesville so that's going to be up to Pat Burch to enforce. The ordinance also does not say that the fence, where the fence is exactly to be located. Ideally to serve as a buffer you have the property line and then you have a ten foot buffer going into the applicant's property and you put the fence on that ten foot line. Then you put the trees out between the fence and the neighbor's property. That's ideally, but that is not required by
ordinance and that's not always what happens.

CHAIRMAN: Yes, sir, do you have another comment or question?

MR. BAILEY: That has it right there.

CHAIRMAN: Thank you, Mr. Poteat. Thank you. Are there any other questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission? (NO RESPONSE)

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

MR. ROGERS: Mr. Chairman, I'd like to make a motion for approval based on the Planning Staff Recommendations with the one condition of the existing tree line on that east property line be left because they are a mature tree line and the Findings of Facts 1 through 4.

CHAIRMAN: Mr. Rogers, may I get you to pause just a moment.

Mr. Poteat, will you step back.

Mr. Poteat, you heard Mr. Rogers' motion which included a condition on the trees. Would you affirm this condition for your client?

MR. POTEAT: May I state or ask one question

Ohio Valley Reporting
(270) 683-7383
--

CHAIRMAN: Yes, sir.

MR. POTEAT: -- or do you want to go ahead with the procedure and then me ask a question?

CHAIRMAN: I would like to go ahead with the procedure, but if you have a question that we need to answer, let's follow that up.

MR. POTEAT: I do not anticipate that there will be any problems with that. The only thing that I could say is not having seen it and not knowing exactly where the pavement for parking is going to go, are there any roots that are above ground that are going to interfere with putting asphalt and/or concrete that will be required putting that down. You know, obviously we don't want something that we're going to have to be replacing every six or eight months when you see tree roots come up and uproot it.

Other than that, I will say that they will comply with any condition that the commission puts on it.

CHAIRMAN: Mr. Rogers, is that response okay with you as far as your motion?

MR. ROGERS: Yes. I believe it will work with the tree line like it is.

CHAIRMAN: Mr. Silver, does Mr. Rogers need to

Ohio Valley Reporting
(270) 683-7383
be a little bit more flexible in his motion?

MR. SILVERT: Mr. Rogers, it's his ability to make a motion that he likes. So it can be as flexible or inflexible. I don't know how to say it any other way.

CHAIRMAN: If Mr. Rogers happy with Mr. Poteat's response, then the chair will accept the motion and request a second.

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

4910 Little Hickory Road, 54.992 acres
Consider zoning change: From EX-1 Coal Mining and A-R Rural Agriculture

Applicant: Betty Ann Koller

PLANNING STAFF RECOMMENDATIONS
The Planning Staff recommends approval subject to the findings of fact that follow:

FINDINGS OF FACTS
1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

Ohio Valley Reporting
(270) 683-7383
2. The subject property is located in a Rural Maintenance Plan Area where rural farm residential uses are appropriate in general locations;
3. The subject property is a large tract with agricultural and forestry potential;
4. The subject property has access to Little Hickory Road via a private drive with no new roads proposed;
5. All strip-mining activity has ceased on the subject property; and,
6. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that the property shall revert to its original zoning classification after mining.

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

CHAIRMAN: Is there 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 based on Staff's Recommendations with Findings of Fact 1 through 6.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Motion for approval by Mr. Appleby.

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.

ITEM 5
9950 Main Street, 9930 West Street, 0.478 acres
Consider zoning change: From R-3MF Multi-Family Residential and R-1A Single-Family Residential to B-4 General Business

Applicant: Allen Wade

PLANNING STAFF RECOMMENDATIONS
The Planning Staff recommends approval subject to the findings of fact that follow:
FINDINGS OF FACT:
1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is partially located in a Business Plan Area where general business uses are appropriate in limited locations and partially located in a Professional/Service Plan Area where general business uses are appropriate in very-limited locations;
3. The proposal is a logical expansion of existing B-4 General Business zoning to the west

Ohio Valley Reporting
(270) 683-7383
across West Street;
4. Although the portion in the professional/service plan area does not meet the 1.5 acre minimum for expansion across an intervening street. It is expansion of B-4 zoning that can be supported on the other tract proposed for rezoning at 9930 West Street; and
5. At 0.478 acres the expansion of commercial zoning 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: Do we have somebody representing the applicant?
APPLICANT REP: I am, sir.
CHAIRMAN: Do we have any questions of the applicant?
(NO RESPONSE)
CHAIRMAN: Do we have any questions by the commission?
(NO RESPONSE)
CHAIRMAN: Does the applicant care to make a statement?
APPLICANT REP: No, sir.
CHAIRMAN: Let the record note that he did not.

If not the chair is ready for a motion.

FATHER HOSTETTER: Mr. Chairman, move to approve based on Planning Staff Recommendations and Findings of Fact 1 through 5.

CHAIRMAN: We've got a motion for approval by Father Larry.

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.

COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 6

The Pointe at Wrights Landing, 1.662 acres

Consider approval of combined final development plan/major subdivision preliminary plat.

Applicant: Image Builders, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. I believe that Staff is nodding to me saying, yes, it did receive final approval from RWRA today. It is ready for consideration.

I will say that the use, underlying use is Ohio Valley Reporting

(270) 683-7383
consistent with the underlying zoning and it is ready
for consideration.
CHAIRMAN: Do we have someone here
representing the applicant?
MR. HAYDEN: Yes.
CHAIRMAN: Do we have any questions from the
audience?
Yes, ma'am.
MR. SILVERT: Would you state your name,
please.
MS. JOHNSON: Tamara Johnson.
(TAMARA JOHNSON SWORN BY ATTORNEY.)
MS. JOHNSON: I understand these houses are
going to be built and that's fine. I do have one
request or two requests actually. That the board make
it mandatory that there is a barrier or privacy fence
put up before any building starts so that we can have
our privacy from the builders and have a noise barrier
and they'll keep down on the dust and the dirt. I
would also like to get a copy of the plat. That's it.
Thank you.
CHAIRMAN: Mr. Noffsinger.
MR. NOFFSINGER: The Planning Staff would be
able to provide a copy of the plat to you, if it's
approved here tonight. This right here is just a
Ohio Valley Reporting
(270) 683-7383
preliminary plat development plan. It's not a recordable document in the courthouse. It's not going to be a document that's going to show actual lines necessarily. We can provide you with a copy of that after this meeting.

The developer would have to address the issue of the fence because the zoning ordinance does not require a fence between residential properties. That's something that the developer would have to address.

MR. SILVERT: Would you state your name, please?

MR. HAYDEN: Randy Hayden.

(RANDY HAYDEN SWORN BY ATTORNEY.)

MR. HAYDEN: Regarding the fence, the concept that we have here you can see there's three sections on the plat. Our goal is to begin with the four lots that are on Wrights Landing Road. Ms. Johnson's home is in Wrights Acres which will be the last four lots that we'll build. We'll phase these four lots, three lots, and four lots. To put the fence up right now certainly is not necessary. We'll be far enough away from her.

Secondly, the cost of that fence would be more born by the homeowner that's going to have that Lot 11
I think it is. So I'm not sure -- if that's not a
requirement of zoning. I think we've met all of the
requirements for this development plan. I'm not
saying that it won't be done. It probably will be. I
think the homeowner that's going to build on that lot
will probably want it as well. We're in conformance.
I don't want to commit to it at this point, but it
likely will be.

CHAIRMAN: Thank you, Mr. Hayden.
Did that meet your questions?

MS. JOHNSON: I guess it does if there's
nothing that I can actually do and if he's met all of
his zoning things, then be it.

CHAIRMAN: As Mr. Noffsinger stated and Mr.
Hayden stated, there is no requirement for a
preconstruction fence. I'm sure Mr. Hayden will be
conscientious builder and not disturb the neighborhood
because he's got, as he's building he's got homes that
he's building behind himself too. There's nothing
this board can do to assure that a fence will be put
up in the building stage.

MR. HAYDEN: Let me say one more thing, if I
may.

CHAIRMAN: Yes.

MR. HAYDEN: Certainly I've built their homes.
The whole concept here when we changed this from a commercial zoning to where it could have been a gas station behind their homes. We're trying to do something that's harmonious that will be appealing. As you said, Mr. Kirkland, we will be conscientious of the neighbors that are there. We have to do that in every subdivision.

CHAIRMAN: Thank you, Mr. Hayden. Are there any other comments or any other questions?

FATHER HOSTETTER: I have a question. Just a point of clarification.

CHAIRMAN: Yes, sir.

FATHER HOSTETTER: What we're looking at here, based on the decision that was made at the Board of Adjustment, this is not exactly -- you said this is a preliminary. Not the final plan.

MR. NOFFSINGER: This will be the final development plan. It's just not the final plat that records the boundary lines of the properties that will be recorded in the courthouse. That will come later.

CHAIRMAN: Are there any other questions or comments?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a Ohio Valley Reporting (270) 683-7383
motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MS. MOORMAN: Second.

CHAIRMAN: Ms. Moorman has a second for us.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

----------------------------------------------

MAJOR SUBDIVISIONS

ITEM 7

Cross Creek, 4.459 acres
Consider approval of amended major subdivision
preliminary plat.
Applicant: Pedley Developers, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has
been reviewed by the Planning Staff and Engineering
Staff. It's found to be in order. The use is
consistent with the adopted Comprehensive Plan and
adopted regulations. It's ready for your
consideration.

MR. PEDLEY: Mr. Chairman, I need to
disqualify myself from this item.

CHAIRMAN: Let the record show Mr. Pedley has
disqualified himself.

Ohio Valley Reporting
(270) 683-7383
Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have any questions or the audience?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF WARD PEDLEY - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 8

James C. Roby, 15.31 acres
Consider approval of amended major subdivision preliminary plat.
Applicant: Danco Construction, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Ohio Valley Reporting
(270) 683-7383
Staff. It's found to be in order. The use is consistent with the Adopted Comprehensive Plan and underlying zoning and meets with the minimum specifications of the regulations adopted for the community.

CHAIRMEN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMEN: Do we have any questions of the applicant from the audience?

(NO RESPONSE)

CHAIRMEN: Does anybody else have a question?

(NO RESPONSE)

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

MR. HAYDEN: Make a motion to approve.

CHAIRMEN: Motion for approval by Mr. Hayden.

MR. KAZLAUSKAS: Second.

CHAIRMEN: Mr. Kazlauskas has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMEN: Motion carries unanimously.

The chair is now ready for a motion for adjournment.

MR. KAZLAUSKAS: Motion to adjourn.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Motion for adjournment by Mr. Kazlauskas.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

WITNESS my hand and notary seal on this the 31st day of AUGUST, 2011.

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2014
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383