The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, December 8, 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
Tim Allen
Irvin Rogers
Wally Taylor
John Kauzlauskas
Martin Hayden
Rita Moorman

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CHAIRMAN: I would like to welcome everybody to the December 8th meeting. Will you please rise while Martin Hayden gives our invocation and pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the November 10, 2011 meeting. Are there any corrections, questions?

(NO RESPONSE)

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

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MR. PEDLEY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. TAYLOR: Second.

CHAIRMAN: We have a second by Mr. Taylor.

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 Fiscal Year 2011 Audit by Gene Boaz, CPA

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

MR. BOAZ: Gene Boaz, CPA.

(GENE BOAZ SWORN BY ATTORNEY.)

MR. BOAZ: First of all, good evening, Ladies and Gentlemen.

I was proud to be retained to do the audit of the financial statements of the Owensboro Metropolitan Planning Commission as of and for the years ending June 30, 2010 and '11.

These statements included the organizations, statement of net assets and related statements of revenues, expenses, and changes in net assets and cash flows.

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I conducted my audit in accordance with US Generally Accepted Auditing Standards, and the standards applicable to financial audits contained in governmental auditing standards issued by the Comptroller General of the United States.

Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. In my work, I examined on a test basis evidence supporting the amounts and disclosures in the financial statements. Also made inquiries of management and assess the accounting principals used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

Accordingly, I believe that my audit provides a reasonable basis for my opinion.

In my opinion, the financial statements, which I refer to, present fairly in all material respects the net assets of the Owensboro Metropolitan Planning Commission as of June 30, 2010 and 2011, and its revenues, expenses and changes in its net assets and cash flows for the years ending in conformity with accounting principles generally accepted in the United States of America.

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As part of my audit, and in accordance with Government Auditing Standards, I was also retained to consider the OMPC's internal control over financial reporting and its compliance with certain provisions of laws, regulations, contracts, grants and other matters.

The purpose of the aforementioned were was to aid me in determining the scope of my testings relating to the financial statements that I previously mentioned and not for the purpose of rendering opinion upon the organizations control over financial reporting or its compliance with the items that I just reiterated; however, I can report that I found no exceptions that warranted a deficiency.

In closing, let me take this opportunity to thank the board and the board's personnel for all the courtesies that have been extended to me and my staff during the conduct of the audit.

I am now available to answer any questions that the members might have.

CHAIRMAN: Mr. Boaz, with your review of the Owensboro Metropolitan Planning Commission's refinesnces, did you find all check and balances in order and the standard of accounting principles that we should use?

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MR. BOAZ: Yes, I did.

CHAIRMAN: Were there any areas of check and balances or other areas that should be done differently or changed or were you well satisfied with each and every area that you audited?

MR. BOAZ: I would have to say I was well satisfied with each and every area. It's a very excellent system and was operating the way it's supposed to.

CHAIRMAN: Thank you.

Does anybody else have any other questions?

(NO RESPONSE)

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

MR. KAUZLAUSKAS: I make a motion that the audit be approved.

CHAIRMAN: We've got a motion by Mr. Kauzlauskas to approve the audit.

MR. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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ZONING CHANGES

ITEM 3

Portion of 4300 Block Highway 54, 3.81 +/- acres

Consider zoning change: From B-4 General Business and

R-1C Single-Family Residential to R-3MF Multi-Family Residential

Applicant: Lake Forest Community, LLC

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that all rezonings heard tonight will become final 21 days after the meeting unless an appeal is filed. If an appeal is filed, then we will forward the record of the meeting, the Staff Reports and other relevant information to the appropriate legislative body for their final consideration.

MR. PEDLEY: Mr. Chairman, I need to disqualify myself from these items.

CHAIRMAN: Please note for the record Mr. Pedley is disqualifying himself.

(MR. PEDLEY LEAVES ROOM AT THIS TIME.)

PLANNING STAFF RECOMMENDATIONS

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

CONDITION

Approval of the amended preliminary plat for Ohio Valley Reporting

(270) 683-7383
Lake Forest Subdivision and the preliminary plat for Millers Mill Plaza.

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 an Urban Residential Plan Area where urban mid-density residential uses are appropriate in limited locations;
3. The proposed multi-family residential use is consistent with the criteria for urban residential development;
4. Sanitary sewer service is currently available to the subject property;
5. The subject property is located near major streets with indirect access to Highway 54 via Springhill Drive, Springview Drive and Lake Forest Drive; and,
6. The proposal will serve as a buffer between Lake Forest subdivision to the south and the commercial development to the north of the subject property.

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

CHAIRMAN: Is there anybody here representing Ohio Valley Reporting

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the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant from the audience?

(NO RESPONSE)

CHAIRMAN: From the commission?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval based on the Staff's Recommendations with the single Condition and Findings of Fact 1 through 6.

CHAIRMAN: We've got 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 - WITH THE DISQUALIFICATION OF MR. PEDLEY - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Items:

ITEM 3A

Lake Forest, Phase V, 15.33 acres

Consider approval of amended major subdivision preliminary plat.

Applicant: Lake Forest Community, LLC

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CHAIRMAN: We have somebody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Are there any questions of the applicant from the audience?

(NO RESPONSE)

CHAIRMAN: From the commission?

(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 - WITH THE DISQUALIFICATION OF MR. PEDLEY - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3B

Millers Mill Plaza, 8.58 acres

Consider approval of amended major subdivision preliminary plat.

Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this plan. It's found to be in

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order. The use is consistent with the adopted
comprehensive plan and the zoning that you have just
recommended for approval. With that it's ready for
your consideration.

CHAIRMAN: Any questions from the audience?
(NO RESPONSE)
CHAIRMAN: Commission?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a
motion.

MR. HAYDEN: Make a motion for approval.
CHAIRMAN: Motion for approval by Mr. Hayden.
MS. MOORMAN: Second.
CHAIRMAN: Second by Ms. Moorman. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE
DISQUALIFICATION OF MR. PEDLEY - RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

Next item, please.
(MR. PEDLEY RETURNS TO MEETING.)

ITEM 4
Portion of 2760 Keller Road, 4.163 +/- acres
Consider zoning change: From I-1 Light Industrial to
A-R Rural Agriculture
Applicant: Miles Enterprises, LLC; Miles Farm, LLC

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

CONDITION

Approval of a division consolidation plat to consolidate the subject property with the 190 +/- acre tract to the east.

FINDINGS OF FACT

1. Staff recommends approval because the proposed zoning is more appropriate than the current zoning;

2. The subject property is located within an Industrial Plan Area, where agricultural uses are generally not recommended;

3. The subject property contains various agricultural structures that have historically been used by Miles Farms for agricultural purposes; and,

4. With the approval of a division/consolidation plat, the agricultural buildings will be located on a large agricultural tract.

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

CHAIRMAN: Let the record note that Mr. Pedley has returned to his seat as vice chair.

Are there any questions?
CHAIRMAN: Somebody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Would you like to make a statement?

APPLICANT REP: Merry Christmas.

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

MR. HAYDEN: I'll make a motion to approve with Staff Recommendations and the Condition and Findings of Fact 1 through 4.

CHAIRMAN: Mr. Hayden made a recommendation for approval.

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 5

2740 West Second Street, 3.344 +/- acres
Consider zoning change: From B-4 General Business to B-5 Business/Industrial
Applicant: Ohio Valley Ag

PLANNING STAFF RECOMMENDATION

The Planning Staff recommends approval subject to Ohio Valley Reporting
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to the condition and findings of fact that follow:

CONDITION

Consolidate access to a single access point.

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 within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;

3. The subject property lies within an existing area of mixed industrial and commercial land uses;

4. The Comprehensive Plan provides for the continuance of mixed use areas; and,

5. The proposed land use for the subject property is in compliance with the criteria for a B-5 Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.

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

CHAIRMAN: Is anybody representing the applicant?

MR. PAYNE: Yes.

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CHAIRMAN: Do you have a statement you would like to make?

MR. PAYNE: Yes.

MR. SILVERT: State your name, please.

MR. PAYNE: Richard Payne.

(RICHARD PAYNE SWORN BY ATTORNEY.)

MR. PAYNE: I would like to have your consideration that I keep both entrances to this piece of property. Point being that I own the property due east of there and it has no entrance. There is a proposed addition there right next to me on another piece of property that would keep me from using that particular driveway. Then when semis come in and out of my new piece of property that I bought, there's no place for them to turn around with existing buildings that are there to be able to turn these 53 foot semis around and go back out the same driveway whenever I'm having customers, you know, coming in and out that driveway as well.

I'm proposing that I be able to loop in one driveway and come out the other with the semis.

CHAIRMAN: You're talking to keep the two existing driveways there are?

MR. PAYNE: Yes. Keep the two existing driveways where they are.

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CHAIRMAN: Mr. Howard, did you do that case?

MR. HOWARD: Yes.

CHAIRMAN: Would you step to the microphone, please?

Mr. Howard, in noting our customer's request, I know that we're trying to condense as many entrances and exits as we can on main thoroughfares. Do you see where this could be a major problem for us in the future?

MR. HOWARD: I can see his point in regard to the size of vehicles. We are talking about 3.3 acres.

There are some buildings on site that could inhibit traffic flow. As we noted in our Staff Report, it would be our goal to consolidate access points. There's a stretch of about 550 feet and we have five exits point in that stand. For new development along this road it would be one access point basically within that distance. You know, so it would be encouraging moving forward if there was the potential to have shared driveways with adjoining properties and that type of thing.

As he stated, there is a development plan for the property to the east that has a building that would be in the way that would not allow him to have access. The drive to the west is currently curved so
they physically wouldn't have access at this point either. We would encourage the use of shared driveways so that we could eliminate conflict that comes along, a major roadway like Second Street.

CHAIRMAN: But you're stating in this particular situation this would not be feasible?

MR. HOWARD: Under the current design and layout of the lots on either side, no.

MR. KAUZLAUSKAS: Mr. Chairman, I've got some questions. Maybe you can help me.

Your property is at 2740?

MR. PAYNE: Yes. I'm purchasing two lots there. You mean my property I own now?

MR. KAUZLAUSKAS: Yes.

MR. PAYNE: Yes.

MR. KAUZLAUSKAS: What about 2730 now, where the sign is on that first driveway?

MR. PAYNE: Yes. I'm actually purchasing two lots there. That lot has an entrance on it.

MR. KAUZLAUSKAS: When I went down there to look at it, I found four access points on those two lots. There's four driveways. Am I right or wrong?

MR. PAYNE: No.

MR. HOWARD: On his property, what's being rezoned there are three separate tracts; 2730, 2740,
2800. Within that I guess approximately 415 feet of road frontage there are two access points.

2722, which is immediately to the east, has an access point. 2814, which is immediately to the west, has two access points. They're basically right on top of each other. One of them serves a church that really you can't see from the road and the other one serves the use on that property.

MR. KAUZLAUSKAS: So where the sign is located that says "Lucas Oil" and --

MR. PAYNE: Okay. That's 2610. I don't own that property. That's a rented building that I'm currently renting. The property that I own is the next piece of property which is the beige building right up the road which has no entrance. Just to the west.

MR. KAUZLAUSKAS: So what you're saying is you might lose the use of that property?

MR. PAYNE: Yes. That's in my future plans, is not to have that property. Is to build a new building on the property that I'm purchasing.

CHAIRMAN: You're just going to consolidate all of that property?

MR. PAYNE: Yes. There's two lots that I'm purchasing. I already own one lot. I'm here to
consolidate three lots so that in the future I could
build a new building on that facility.

MR. KAUZLAUSKAS: Okay.

CHAIRMAN: So you're going to spend money,
hire people and pay taxes is what you're saying?

MR. PAYNE: That's the sad thing, yes.

MR. NOFFSINGER: That's a good thing.

CHAIRMAN: That's very good. That's what
we're after.

Mr. Howard, what they're doing is if he did
nothing and didn't consolidate these properties, he
would actually have an entrance and own one of these
properties and have another entrance on this other
piece of property.

MR. HOWARD: That's correct. If there were no
changes on any other properties, the other access
points would remain as is. As you all know, when
properties come in redevelop, rezone, we try to bring
them as close in compliance as we can. In this
instance, right now it's probably not going to be a
big deal. You know, I think what we need to keep in
mind is in the future and how access might be arranged
along that roadway in the future.

CHAIRMAN: Is his proposed second -- you're
not proposing actually another entrance. He just
wants to keep what he has?

MR. HOWARD: That's correct.

CHAIRMAN: Because he's got large equipment and everything else down there.

MR. HOWARD: Right. They supplied pictures. I included a copy of those in your packet for you to look at the size of the machinery.

CHAIRMAN: I was down there. What are those? Are those sprayers?

MR. PAYNE: Yes. Sprayers, yes.

CHAIRMAN: Anybody else have any other questions?

MR. KAUZLAUSKAS: Well, the access points, I mean they're being used now?

MR. PAYNE: Right.

MR. KAUZLAUSKAS: They're being used as of today?

MR. PAYNE: Yes.

CHAIRMAN: Anybody else have any questions?

(NO RESPONSE)

MR. NOFFSINGER: Mr. Chairman, I do have one comment.

In light of the information that the applicant has presented here tonight and the standards that the Access Management Manual that Staff is trying to

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adhere to, Staff would certainly stand behind the
Access Management Manual, but we also realize the
nature of this business and they're going to have to
have access to be able to maneuver these large
vehicles and large equipment around. Certainly it's
within the rights of the Planning Commission to
consider the zoning change and drop the condition and
not deal with it today, but as the use might change in
the future, you could certainly have an opportunity to
look at access down the road. So that is your other
option. To either approve it as it is with the
condition or certainly drop the condition with the
understanding that we're not going to address it
today, but down the road with the change in use it
might be more a appropriate time to deal with it.

CHAIRMAN: I think really for his future plans
as a business, I think really he needs some sort of
crude concrete decision now from us on which way we're going
to go.

MR. APPLEBY: Is chair ready for a motion?

CHAIRMAN: I believe I am, Mr. Appleby.

MR. APPLEBY: I make a motion for approval
without the Condition, but with the Findings of Fact 1
through 5.

MR. KAUSLAUSKAS: I'll second.

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CHAIRMAN: Just a moment. To clarify the record. Without the conditions, clearly stated that would mean that he would keep --

MR. APPLEBY: He would keep the two access points he has, yes.

CHAIRMAN: Do you think, Mr. Noffsinger, for clarity that we should put that in as an additional condition or just leave it the way it is?

MR. NOFFSINGER: I don't think it's necessary. What I'm trying, I hope I'm trying to make clear is that as long as it remains this use that he's proposing with the large equipment, that the access would not change. It would stay as it is today. However, in the future should there be a change in use, there would be an opportunity to reevaluate the access, which is typical of what we do anyway. We're just going to leave it as is today with the understanding that a change in use down the road, it may be looked at again.

MR. APPLEBY: Which would be the case in any circumstance.

MR. NOFFSINGER: That is correct.

CHAIRMAN: Any kind of change.

MR. APPLEBY: Any time.

MR. ALLEN: Any time it came back before the
MR. NOFFSINGER: Or the Staff. If there's a change in use, we may look at it. They do have the right to appeal at that point in time. We would not address it so long as this use continued.

CHAIRMAN: Mr. Payne.

MR. PAYNE: Yes. That sounds good to me.

CHAIRMAN: Mr. Appleby has made a motion. We had a second. Mr. Kauzlauskas has a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

COMBINED DEVELOPMENT PLANS/MAJOR SUBDIVISIONS

ITEM 6

Deer Valley, 48.542 acres

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

Applicant: Deer Valley Subdivision, LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and by the Engineering Staff. It's found to be in order. The use is consistent with the underlying zone and it's ready for your consideration.

CHAIRMAN: Do we have somebody representing Ohio Valley Reporting

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the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions by the audience?

(NO RESPONSE)

CHAIRMAN: Commission?

(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.

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NEW BUSINESS

ITEM 7

Consider amendments to Fiscal Year 2012 budget

MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of the proposed revisions which reallocates the amount of money towards Staff positions. There are no increases for the Staff at Ohio Valley Reporting

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this time. It does reallocate the money to different
positions within the organization, as well as it does
address our public official's liability and does make
amendments to that.

CHAIRMAN: Are there any questions by any of
the commission or audience?

(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. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

We're going to recognize our retiring member,
Ms. Rita Moorman.

(PRESENTATION TO MS. MOORMAN.)

CHAIRMAN: I would like to wish everybody a
Merry Christmas and a prosperous and Happy New Year to
all of our clients and Staff.

Thank the Staff for an outstanding year.

Merry Christmas, Happy New Year.

We have one final thing we need to do.

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MR. HAYDEN: Make a motion to adjourn.

CHAIRMAN: Mr. Hayden has a motion to adjourn.

MR. TAYLOR: Second.

CHAIRMAN: Second by Mr. Taylor. 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 25 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 30th day of December, 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

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