

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 NOVEMBER 13, 2008

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

- 8 MEMBERS PRESENT: Drew Kirkland, Chairman
- 9 Judy Dixon, Vice Chairman
- 10 David Appleby, Secretary
- 11 Gary Noffsinger, Director
- 12 Madison Silvert, Attorney
- 13 Tim Miller
- 14 Jimmy Gilles
- 15 Wally Taylor
- 16 Keith Evans
- 17 Martin Hayden
- 18 Rita Moorman

19 * * * * *

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

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

25 (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

1 motion.

2 MS. DIXON: Move to approve.

3 CHAIRMAN: Motion for approval by Ms. Dixon.

4 MS. MOORMAN: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please, Mr. Noffsinger.

10 ITEM 2

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

12 MR. SILVERT: State your name, please.

13 MR. BOAZ: Gene Boaz.

14 (GENE BOAZ SWORN BY ATTORNEY.)

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

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

24 In my opinion the various statements present
25 fairly the net changes and assets and cash flows of

1 the Metropolitan Planning Commission for the years
2 designated.

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

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

9 MR. BOAZ: Yes.

10 CHAIRMAN: Checks and balances were all
11 followed?

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

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

21 Any other commissioners have any comments or
22 questions?

23 (NO RESPONSE)

24 CHAIRMAN: If there are none, the chair is
25 ready for a motion.

1 MR. APPLEBY: Motion for approval.

2 CHAIRMAN: Motion for approval by Mr. Appleby.

3 MR. GILLES: Second.

4 CHAIRMAN: Second by Mr. Gillis. All in favor
5 raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 -----

10 ZONING CHANGES

11 ITEM 3

12 1900-2000 Blocks Southtown Boulevard, 4901 Block Todd
13 Bridge Road, 5.560 acres
14 Consider zoning change: From A-U Urban Agriculture to
15 B-1 Neighborhood Business Center
16 Applicant: Frederick Family, LLC c/o J.D. Meyer,
17 Attorney

18 MR. SILVERT: State your name, please.

19 MR. HOWARD: Brian Howard.

20 (BRIAN HOWARD SWORN BY ATTORNEY.)

21 MR. HOWARD: I will note that the rezoning
22 heard tonight will become final 21 days after the
23 meeting unless an appeal is filed. Then it will go
24 before the legislative body, which would be the
25 Daviess County Fiscal Court in this instance. The
form are available in our office, on the back table
and on line.

1 PLANNING STAFF RECOMMENDATIONS

2 Staff recommends approval because the proposal
3 is in compliance with the community's adopted
4 Comprehensive Plan. The conditions and findings of
5 fact that support this recommendation include the
6 following:

7 CONDITIONS:

8 1. Access to Southtown Boulevard shall be
9 limited to the street intersection of Discovery Lane.
10 No individual lot access will be permitted; and,

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

14 FINDINGS OF FACT:

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

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

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

24 4. The subject property exceeds the minimum
25 five acre requirement for logical expansions across an

1 intervening street; and,

2 5. The total B-1 zoning within the vicinity
3 will remain under the maximum of 15 acres.

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

6 CHAIRMAN: Do we have somebody representing
7 the applicant?

8 APPLICANT REP: Yes.

9 CHAIRMAN: Do we have any questions of the
10 applicant?

11 (NO RESPONSE)

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

14 MR. EVANS: Motion for approval based on
15 Planning Staff Recommendations, Conditions 1 and 2 and
16 Findings of Facts 1 through 5.

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

19 MR. HAYDEN: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25 Related Items:

1 ITEM 3A

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

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

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

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

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

25 MR. MEYER: Thank you.

26 CHAIRMAN: Does anybody have any questions of
27 the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Thank you, Mr. Meyer.

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

5 MR. MILLER: Motion to approve.

6 CHAIRMAN: Motion for approval by Mr. Miller.

7 MR. EVANS: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 -----

14 COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

15 ITEM 4

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

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

25 CHAIRMAN: Anybody here representing the

1 applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Does anybody have any questions of
4 the applicant?

5 (NO RESPONSE)

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

8 MS. DIXON: Move to approve.

9 CHAIRMAN: Motion for approval by Ms. Dixon.

10 MR. EVANS: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, please.

16 Related Item:

17 ITEM 4A

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

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

24 CHAIRMAN: Any questions?

25 (NO RESPONSE).

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

3 MR. MILLER: Motion to approve.

4 CHAIRMAN: Motion for approval by Mr. Miller.

5 MR. TAYLOR: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

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11 MAJOR SUBDIVISIONS

12 ITEM 5

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

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

23 CHAIRMAN: Anybody here representing the
24 applicant?

25 APPLICANT REP: Yes.

CHAIRMAN: Anybody have any questions of the

1 applicant?

2 (NO RESPONSE)

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

5 MS. DIXON: Move to approve.

6 CHAIRMAN: Motion for approval by Ms. Dixon.

7 MR. HAYDEN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 ITEM 6

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

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

22 CHAIRMAN: Is anybody here representing the
23 applicant?

24 APPLICANT REP: Yes.

25 CHAIRMAN: Anybody have any questions of the
applicant?

1 (NO RESPONSE)

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

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Ms. Dixon for approval.

6 MR. GILLES: Second.

7 CHAIRMAN: Second by Mr. Gilles. All in favor
8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

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

18 CHAIRMAN: Chair would need a motion for
19 postponement.

20 MR. GILLES: Motion for postponement.

21 CHAIRMAN: Motion by Mr. Gilles.

22 MR. EVANS: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

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4 NEW BUSINESS

5 ITEM 8

6 Consider approval of 2009 Filing Dates and Deadlines.

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

12 CHAIRMAN: Is there any questions?

13 (NO RESPONSE)

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

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

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

25 CHAIRMAN: Are there any other questions?

1 (NO RESPONSE)

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

4 MR. GILLES: Motion to accept the new
5 schedule.

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

8 MR. MILLER: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Chair is ready for one final motion.

14 MS. DIXON: Move to adjourn.

15 CHAIRMAN: Motion for adjournment by Ms.

16 Dixon.

17 MS. MOORMAN: Second.

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: We are adjourned.

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23

24

25

1 STATE OF KENTUCKY)
)SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 14 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of December, 2008.

18
19 _____
20 LYNNETTE KOLLER FUCHS
21 OHIO VALLEY REPORTING SERVICES
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

24 COMMISSION EXPIRES: DECEMBER 19, 2010
25 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

