The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, August 13, 2009, 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
Ward Pedley
Irvin Rogers
Wally Taylor
Keith Evans
Martin Hayden
Rita Moorman

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CHAIRMAN:  I would like to welcome everybody to the August 13th Owensboro Metropolitan Planning Commission Meeting. Will you please rise. Our invocation will be given by Mr. Madison Silvert.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to consider the minutes of the July 9, 2009 meeting. Are there any corrections, additions?

(NO RESPONSE)

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

     MS. DIXON:  Move to approve.

     CHAIRMAN:  Motion for approval by Ms. Dixon.

     MS. MOORMAN:  Second.

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

     (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

     CHAIRMAN:  Motion carries unanimously.

     Next item, please.

ITEM 2


MR. NOFFSINGER:  Mr. Chairman, each member has been mailed a copy of some information that Planning Staff has put together to describe the activities of the Planning Commission over the past fiscal year. We have also included in your package a comparison from the previous fiscal year. So I would like to go over this past fiscal year that would run from July 1 of 2008 to June 30 of 2009.

During that time the Planning Commission processed a total of 32 zoning changes. Fifteen of these were in the city. Sixteen outside of the city limits of Owensboro, and one within Whitesville.

Coal mining applications we have a total of
two. Zoning text amendments, and this would be the text of the Zoning Ordinance regulatory changes, we had 12.

Minor subdivision plats we had 155. That's 59 in the city and 96 in the county. We didn't have any major/minor subdivisions. Final subdivision plats, 16.

Now, final subdivision plats would be plats that would be located in developments such as the Downs or the Lake Forest development and major developments with new streets.

We had seven preliminary subdivisions. We had one preliminary subdivision plat with a development plan.

Then preliminary development plans we had 8. Final development plans we had 35. Twenty-three in the city and twelve in the county.

Agricultural divisions or property surveys we processed 55. Cell tower applications five.

Conditional Use Permits that would go to the Board of Adjustment for approval or consideration, 28. Variance applications, 18. Administrative appeals where someone might appeal the decision of the zoning administrator or would ask to do something on a piece of property that could only be approved by the Board.
And new addresses issued, and these would be outside of new developments, a total of 24. Now, that's an estimated number.

Out of all of those applications that I mentioned to you that are either handled by the Staff or by this commission, we have a total of four items denied.

One of those was the preliminary development plan that did not meet the requirements of the city engineering office and the zoning ordinance. Two of those were variance applications. Realize we did have 18 total variance applications. Two were denied. On administrative appeals one was denied.

So out of all of that activity we had very few denials. Pretty much everything was recommended for approval.

Those are applications that the planning department would review and actually sign off on.

In the building department, we had a total of 856 building permits processed. We had 1,238 electrical permits processed.

We had plan review, this would be major plan review for non-residential activity that the State of Kentucky used to do back prior to, I think, 1997. You
used to have to go to Frankfort to get your plan reviewed. We had 169 of those.

Out of those permits that we processed, if you look at our building inspections, we had a total building electrical inspections of 6,793 total inspections. These inspections are performed primarily by three full-time inspectors.

If you look at the zoning enforcement violations we addressed, that's 280. That's 280 violations that actually there was some merit to and deemed to be that we needed to do further research. That there was an issue there.

That's not to take into account the number of calls that we had from complaints or concerned citizens of potential zoning violations.

If you look at the previous fiscal year, I think you'll see that the numbers are pretty comparable. I think we had about 7,200 total building and electrical inspections.

I would also like to share with you that we send out a survey with every Certificate of Occupancy and every electrical permit that goes out. We ask for feedback so we can tell how we're doing, engage our customers service.

Last fiscal year we received a total of 48
surveys back. I'm certain we might have received more because if you see the amount of activity that we have in a given year we should be receiving many more surveys back, but we had 48 surveys come back. We were running a satisfaction rate of about 99 percent.

I also have shared with you comments because there is a portion of that document that allows you to give comments in terms of the service and how you were treated. Each of you have a copy of those comments.

The previous fiscal year I think we were running 100 percent satisfaction rate and a 97 percent on another question.

To give you an idea of the questions that we ask the first question would be, "Were you treated in a professional manner while in our office and out in the field?" We received 100 percent satisfaction.

"Were all issues explained in a satisfactory manner," was the second question. That was a 98 percent satisfaction.

We have also instituted a comment box in the office so that anyone that comes into the office they will be given an opportunity as they exit to do an exit survey so we engage how the customer was treated in the office and if their questions were answered in a satisfactory manner.
Also just to give you an idea. For the past nine working days we have kind of tallied how many contacts we have in the office. We're running about, in 9 days we're running about 424 phone calls, 168 persons in the office actually making contact, for a total of 592 contacts.

Now, keep in mind that these numbers do not include our three building inspectors that are performing about 6,800 inspections per day plus telephone calls, and it does not include the support staff, which would be the scheduling of inspections, and the person on the front desk that greets people, meets people when they come in. It also does not include the contacts made by the director.

So with that I give that information to you and to the public to let you know that we do have quite a bit of activity in the office and we do want to hear from our customers. We want to make sure that each our employees is giving 100 percent and customer satisfaction.

CHAIRMAN: Mr. Noffsinger, thanks for the report. The Commission always likes to hear how we're doing with our customer base. Obviously you all are doing a great job.

To Ms. Evans, Brian Howard, Jim Mischel, Becky
Stone, Kyle Trunnell and Zack Williams, we appreciate the contact you're making with the public. You are the ones that are out there that are making the contact with the public and guiding them in the right direction. Based on the number of surveys that we have here, obviously people are filling out the surveys and we definitely appreciate the job you have. I know we've talked or had a situation that we've worked through. Appreciate your cooperation at all times. You all do a great job and make our job much much easier. Thank you all very much. The whole commission and myself tremendously appreciate the job you do as does the public obviously.

The next item we have is the zoning changes, Mr. Noffsinger.

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ZONING CHANGES
ITEM 3

1300 Daniels Lane, 1041 Pleasant Valley Road, 147.446 acres (Applicant requests postponement)
Consider zoning change: From I-2 Heavy industrial and I-1 Light Industrial to P-1 Professional/Service
Applicant: Owensboro Medical Health System, Inc.

MR. NOFFSINGER: Mr. Chairman, the applicant request a postponement for this item. I do have a letter in the record requesting postponement. You will need to take a vote on that item.
CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to postpone.

CHAIRMAN: Motion for postponement 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: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 3A

1300 Daniels Lane, 1041 Pleasant Valley Road, 147.446 acres (Applicant requests postponement)
Consider approval of a preliminary development plan.
Applicant: Owensboro Medical Health System, Inc.

MR. NOFFSINGER: The applicant too request a postponement on this preliminary development plan.

CHAIRMAN: Chair is ready for a motion on this item.

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.

Ohio Valley Reporting
(270) 683-7383
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 4

1 Executive Boulevard, 15.111 +/- acres
Consider zoning change: From B-4 General Business, B-2 Central Business and R-4DT Inner-City Residential to B-2 Central Business
Applicant: City of Owensboro, Regional Water Resource Agency

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the findings of fact that follow:

FINDINGS OF FACT:

1. The subject property is located in a Business Plan Area, where central business uses are appropriate in very-limited locations;

2. The subject property is a component of the Downtown Owensboro Place Making Initiative Master Illustrative Plan adopted by the OMPC in March 2009 and the request is consistent with the concepts of the plan;

3. The use of the property is to be
consistent with the goals of the adopted Downtown Master Plan;

4. A portion of the subject property is currently zoned B-2 and the majority of all surrounding property is currently zoned B-2;

5. The B-2 zoning classification will promote the redevelopment of the site; and,

6. The proposed rezoning is an integral part of a City of Owensboro Initiative to provide new business opportunities and jobs that will serve the area and is a necessary logical expansion of the existing B-2 zoning to accomplish the goals of the Downtown Master Plan.

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

I would also like to note that all the rezonings heard tonight will be final 21 days after the meeting unless an appeal is filed. It will then be forwarded to the appropriate legislative body. Those forms are available on the back table, in our office and on line.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MR. ROGERS: Motion for approval based on Planning Staff Recommendations and Findings of Fact 1 through 6.

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

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.

Next item.

ITEM 5

3547-3909, 3741 Medley Road, 183 +/- acres
Consider zoning change: From EX-1 Coal Mining to A-U Urban Agriculture
Applicant: James C. Ellis, III

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

CONDITION:

Access to the property shall be in compliance with the requirements of the access management manual.

FINDINGS OF FACT:
1. The subject property is located in a Future Urban Plan Area, where agriculture/forestry uses are appropriate in general locations;
2. The subject property is a large wooded tract with agricultural and forestry potential;
3. All strip-mining activity ceased approximately eight years ago; and,
4. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that 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.

MR. SILVERT: State your name, please.

MR. PAYNE: My name is Bill Payne.

(BILL PAYNE SWORN BY ATTORNEY.)

MR. PAYNE: I have no objection to this deal, but are you aware that in the newspaper it came out that Owensboro Medical Health System was requesting a zoning change. That's what made me wonder what was going on.

To change it back to agricultural, which it should be. I have no objection. I just couldn't understand why Owensboro Medical Health System was requesting a zoning change. I notice on your piece of
paper it says, James C. Ellis, so it must have been a typo error.

CHAIRMAN: Mr. Payne, we'll have you an answer momentarily.

MR. NOFFSINGER: Yes, sir, it appears that Mr. Payne is correct.

MR. PAYNE: It must have been a typographical error or something.

CHAIRMAN: Mr. Payne, you're still sharp as ever.

Mr. Noffsinger.

MR. NOFFSINGER: Let me talk with our attorney.

(MR. SILVERT AND MR. NOFFSINGER CONFER.)

CHAIRMAN: Mr. Noffsinger, were all proper documents sent to the proper addresses?

MR. NOFFSINGER: Yes, sir, I believe that's the case. That in fact letters to adjoining property owners were correct; however, when it was published in the local newspaper it was printed as being the applicant the Owensboro Medical Health System. One of two things happened. Either it was printed incorrectly by the local paper or we made an error when we sent the information over to be printed. I would like to think that -- I wouldn't like to think,
but most likely we made the error in terms of preparing that description to be sent. What we have to do is take a look to see what we can do.

CHAIRMAN: Mr. Silvert.

MR. SILVERT: I'm examining the statute right now. For a zoning change requires, it states that any published notice shall include the street address of the property in question. A geographic description is sufficient to locate and identify the property if the street address is not available and the names of two streets on the side of the property if that's not available. Does not require that the applicant's name be mentioned.

CHAIRMAN: Mr. Silvert, you're advising that we can proceed?

MR. SILVERT: Yes, sir.

CHAIRMAN: With our legal opinion the chair is wondering if there are any further questions or comments?

(NO RESPONSE)

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

MR. HAYDEN: I make a motion we approve with Planning Staff Recommendations, the Condition and Findings of Fact 1 through 4.
CHAIRMAN: We have a motion for approval by Mr. Hayden.

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.

MR. APPLEBY: Do we need to read into the record that the applicant was, for the record it was the James C. Ellis Estate?

MR. NOFFSINGER: Yes. I did that when I read it into the record. Yes, I think it is noted.

ITEM 6

7452 US Highway 60 West, 0.36 +/- acres
Consider zoning change: From B-4 General Business to R-1A Single-Family Residential
Applicant: George W. & Cynthia G. Johnson

MR. NOFFSINGER: The applicant request that this item be postponed. I have a letter to that affect in the file. It was correctly advertised. I just checked.

CHAIRMAN: Are there any questions?

(NO RESPONSE)

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

Ohio Valley Reporting
(270) 683-7383
MS. DIXON: Move to postpone.

CHAIRMAN: Motion for postponement 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, please.

MINOR SUBDIVISIONS

ITEM 7

10799 Pup Creek Lane (Postponed at July 9, 2009 meeting)

Consider approval of a minor subdivision plat. Applicant: Ronald & Mildred Roberts; GTE Wireless of the Midwest, Inc.; d/b/a Verizon Wireless

MR. HOWARD: This plat comes before you because it is creating a lot with no road frontage. It is part of a cell tower application that was presented at the Planning Commission I guess two months ago. The lot that is being created is for cell tower purposes only, and that's noted on the plat. We've also noted that the access easement getting to the lot that is being crated is not to be used for road front purposes, for the creation of additional lots and that type of thing. So with this we
recommend that the plat be approved.

CHAIRMAN: Are there any comments?

(NO RESPONSE)

CHAIRMAN: 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. PEDLEY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger, anything further on the agenda?

MR. NOFFSINGER: That's it.

CHAIRMAN: Chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment 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: 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 19 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, 2009.

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

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

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