The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, July 12, 2012, 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 Silver, Attorney
Margaret Cambron
Irvin Rogers
Wally Taylor
John Kazlauskas
Jason Strode
Fred Reeves

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CHAIRMAN: I would like to call the Owensboro Metropolitan Planning Commission July 12th meeting. Will you please rise while our invocation and pledge of allegiance is given by Mr. John Kazlauskas.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of our June 14, 2012 meeting. Are there any additions, corrections?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MR. PEDLEY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. STRODE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGE

ITEM 2

2500 Barron Drive, 7.515 acres

Consider zoning change: From B-4 General Business with conditions to B-4 General Business

Applicant: LSK Properties, LLC

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

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: I will note that the rezonings heard tonight will become final 21 days after the meeting unless an appeal is filed. If an appeal is filed, we will forward the record of the meeting along with the Staff Report and other documentation to the appropriate legislative body. The appeals form are available online, in our office and on the back table.

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PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. No access shall be permitted to the Wendell Ford Expressway or Carter Road; and,
   2. Access to Barron Drive shall be limited to a potential of five access points in compliance with the Access Management Manual subject to access number and locations approved by KYTC as part of the encroachment permit process.

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 limited locations;
   3. The entire tract is currently zoned B-4 General Business; and,
   4. With a traffic impact study required by the KYTC to review the access to the property and with the access plan in accordance with the Access Management Manual, the proposal should not overburden the capacity of roadway and other necessary urban infrastructure.

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services.

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

CHAIRMAN: Do we have anybody here representing the applicant?

(NO RESPONSE)

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 Recommendations with Conditions 1 and 2 and Findings of Fact 1 through 4.

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

MR. REEVES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 3

7232, 7244 Highway 56, 5.8+/- acres

Consider zoning change: From A-U Urban Agriculture and R-1A Single-Family Residential to A-U Urban Agriculture

Applicant: St. Mary Magdalene's Parish of Sorgho, Kentucky, Inc.

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MR. SILVERT: State your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

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 subject property is located in a Rural Community Plan Area where agriculture/forestry uses are appropriate in general locations and the church is conditionally permitted within an agriculture zone;

2. The A-U zone is more appropriate than the R-1A zone for the current site conditions on the property;

3. The subject property is an existing church with an existing gravel parking area and gravel parking areas are permitted in agriculture zones;

4. Rezoning the property will eliminate split zoning on the property; and,

5. Rezoning the property will bring the property into conformance with the zoning ordinance.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit B.

CHAIRMAN: Do we have anybody representing the Ohio Valley Reporting

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MR. KAMUF: Charles Kamuf here to answer any questions, Mr. Chairman.

CHAIRMAN: Thank you, Mr. Kamuf. Are there any questions?

(NO RESPONSE)

CHAIRMAN: Any 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. PEDLEY: Motion for approval based on Staff Recommendations and Findings of Fact 1 through 5.

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

MR. ROGERS: Second.

CHAIRMAN: We've got a second by Mr. Rogers. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 4

7900 Windy Hill Road, 66+/- acres
Consider zoning change: From EX-1 Coal Mining to A-R
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Rural Agriculture
Applicant: John E. & Joan Roberts

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 Rural Maintenance Plan Area, where agriculture/forestry 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 Windy Hill Road 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 property shall revert to its original zoning classification after mining.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit C.

CHAIRMAN: Do we have anybody here
representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval based on Planning Staff Recommendations with Findings of Facts 1 through 6.

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

MR. STRODE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

122 East 18th Street, 0.305 acres

Consider zoning change: From P-1 Professional/Service to B-4 General Business

Applicant: Carl T. Millay & Brenda J. Millay

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the Conditions and Findings of Fact that follow:

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CONDITIONS:

1. No access shall be permitted to East 18th Street. The existing access on East 18th Street shall be physically closed and replaced with curb/gutter, grass strip and sidewalk as typical along East 18th Street; and

2. The existing pavement within public-right-of-way and not part of the actual ingress/egress drive on Daviess Street shall be removed and replaced with grass strip and sidewalk and vehicular use area landscaping shall be installed.

FINDINGS OF FACT:

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

2. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations;

3. The site has not developed under the current P-1 Professional/Service zoning classification;

4. Changes to the parking requirements in 2010 enable the existing parking lot to the rear of the structure to meet the minimum parking requirement for retail sales; and,

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5. With the other three corners of the intersection currently zoned B-4 General Business and the closure of the access point to East 18th Street, the proposed commercial zoning for the subject property is in keeping with the area and should not overburden the capacity of roadway and other necessary urban services in the vicinity.

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

CHAIRMAN: Do we have anybody here representing the applicant?

MR. KAMUF: Mr. Chairman, I represent the Millays. We agree to the conditions in the Staff Report.

CHAIRMAN: Thank you, Mr. Kamuf. Does anybody in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

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

MR. STRODE: I'd like to make a motion for approval based on Planning Staff Recommendations 1 through 5 and Conditions 1 through 2.
CHAIRMAN: We have a motion for approval by Mr. Strode.

MR. PEDLEY: Second.

CHAIRMAN: We have a second by Mr. Pedley.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

MINOR SUBDIVISIONS

ITEM 6

6338, 6360 Sutherlin Lane, 26+/- acres

Consider approval of minor subdivision plat.

Applicant: Carroll Nave; Mary E. Nave; Steven Dale Nave

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It comes to you as an exception to the subdivision regulations and Brian Howard is here tonight to explain the exception to you.

MR. HOWARD: This acreage contains two 50-foot strips that provide access to two current parcels. At present the 50-foot strip to the north serves a small parcel and the 50-foot strip to the south serves the larger parcel.

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The proposal is to basically flip-flop the access points and the acreage. So with their proposal the northern 50-foot access would serve the larger acreage, the 20-acres, and the southernmost would serve a smaller acreage which is under 10-acres and therefore cannot be signed in-house. They're not trying to create new lots or maximize the number of lots that potential on the site. We did add a note that would state that the property cannot be further subdivided without meeting subdivision regulations.

So with that we would request that you consider for approval.

CHAIRMAN: Do we have anybody here representing the applicant?
(NO RESPONSE)
CHAIRMAN: Does anybody have any questions?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.
MR. REEVES: Second.
CHAIRMAN: Second by Mr. Reeves. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carry unanimously.
Next item.

AGRICULTURAL DIVISIONS

ITEM 7
12442, 12544, 12572 Highway 951, 125.592 acres
Consider review of agricultural division plat.
Applicant: Daniel P. & Elaine Bowlds, et al

MR. NOFFSINGER: Mr. Chairman, Brian Howard is here to explain this item to you.

MR. HOWARD: This item comes as an exception as well. Tract 4, which is approximately 27 acres, a smaller portion of that property was transferred at some time in the past without going through the planning process. At this time they're adding some additional property to the acreage that was transferred without going through the planning process.

Through the means of an easement that's been attached to the property that has frontage on Kentucky 1513, which is a family member of the property owners. So they're creating basically a 27 acre parcel that has no road frontage so it certainly could be signed in-house.

Under the guidelines of the Nash test, which went to the Supreme Court for Agriculture Divisions,
they have added a note to the plat that states that
the acreage is for agricultural purposes only and
shall not be used for development purposes. It is a
farm tract and with that we would recommend that you
consider for review as approval of an agricultural
division.

CHAIRMAN: Do we have anybody here representing
the applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. ROGERS: Second.

CHAIRMAN: Mr. Rogers has a second. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

NEW BUSINESS

ITEM 8

Consider approval of the May 2012 financial
statements.

MR. NOFFSINGER: Mr. Chairman, each member has

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been mailed a copy of the financial statements. They were prepared by our accountant, Integrity Accounting, and they're ready for your consideration.  

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

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

MR. REEVES: Motion to approve.  

CHAIRMAN: Motion to approve by Mr. Reeves.  

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: Mr. Chairman, one other item.  

I have mailed out to each member a description of the OMPC activity for fiscal year ending 6/30/12. In that I have outlined to you the activities that have occurred for the past year with the Commission and with the Planning Staff. I'm not going to go through all of these, but I do want to let the public know a little bit about the activities and the numbers of items that we have taken care of in the last year.  

Under Zoning Applications, we've had 8 rezoning applications within the City of Owensboro, 21 Ohio Valley Reporting  
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outside of the City of Owensboro. For a total of 29. One of those applications was denied. The other 28 were approved. That one that was denied was in the City of Whitesville.

We've had also Minor Subdivision that this Commission does not see. We've had a total of 104 of those.

Then Agricultural Divisions property surveys we've had 31.

In the Building Department, we've had a total of 203 new residential single-family permits issued. 128 of those were within the City of Owensboro, and 75 outside of the City of Owensboro, and outside of the City of Whitesville.

In terms of Residential Other, which would include garages, room additions and whatnot, we had 364 permits. That tells us that there is quite a bit of operations, room additions, garages going on that are of a residential nature.

On the commercial end we had a total of 30 new nonresidential permits issued. That could be anywhere from a church to an office building or a retail store. So 30 new permits issued.

So the total of all permits, which I haven't gone through all of them, but the total building

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permits issued was 981 for the last fiscal year, and
then we had 1,182 electrical permits, 323 HVAC
permits, and 182 plan review applications where we
actually reviewed the interior of nonresidential
buildings to determine whether or not the layout of
that building meets the National Electrical Code, as
well as the Kentucky Residential Code or the National
Building Code.

The number of inspection, now keep in mind we
had a total of probably somewhere in the neighborhood
of 2500 total permits. We actually made 6,202
inspections. That's utilizing three inspectors that
are full-time inspectors. So they're averaging about
2000 inspections per year.

We also with each electrical certificate as
well as building occupancy, we send out a survey and
we also have an exit survey for our customers as they
leave the office. We received 220 surveys back. I
can tell you we gave out many times more than that.
We received 220 back.

The first question was: "Were you treated in
a professional manner while in our office and/or out
in the field?" Out of those 220 surveys every one
answered "Yes."

The next question: "Were all issues explained
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in a satisfactory manner?" Out of those 220 surveys
there was only one that answered, "No." The other 219
felt that their questions were answered. They might
not have received the answer that they want or would
have liked, but at least they did have it explained to
them in a satisfactory manner.

I have also listed for you the comments that
are on each of the surveys. Not everyone sends
additional comments in with their survey, but some do.
We do have 52 comments here that I'm not going to read
those, but they are there for your review. We don't
put any names with them in terms of who made the
comment, but I think you'll see that Matt Warren and
Shelly Hayden in our office is mentioned quite a bit.
They're mentioned very favorably in terms of they've
been most helpful to our customers and they have a
positive experience when meeting with those two
individuals.

I'm very pleased we did receive more surveys
this time. I'm very pleased with the results and
hopefully will receive more in the next year.
Hopefully will continue what I feel is a positive
customer service and doing a fair job to make sure our
customers receive professional treatment as well as
the information that they seek.

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CHAIRMAN: Mr. Noffsinger, job well done.
When you see the number of people that answered the
question on were they treated in a professional
manner, and the question answered, that many
responses, 220, and one that was not, is outstanding.
We appreciate that. I know you stay on top of this.
Whoever did not receive the information, if we had
known who it was I'm sure we would have clarified any
information they needed.

MR. NOFFSINGER: Yes. I do respond or our
customer service representative, Jim Mischel, will
respond to any comments that are made on the surveys,
if we have any contact information.

CHAIRMAN: With our three guys making 2000
inspections, that puts them on track if they're making
40 inspections a week, which they cover a lot of
ground.

MR. NOFFSINGER: Yes. That's county-wide.

CHAIRMAN: There was one comment here that I
will have to ask for clarification on.
"Shelly is the bomb."

MR. SILVERT: That's a positive phrase, Mr.
Chairman.

CHAIRMAN: I was a little confused.

MR. NOFFSINGER: I'm not going to comment on
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that one.

I do not withhold any comments. So whatever comments the customer makes, I report those comments to you as they're written.

CHAIRMAN: With that the chair is ready for one final motion.

MR. PEDLEY: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Mr. Pedley.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. 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, LYNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 20 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 9th day of August, 2011.

LYNETTE 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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