The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, September 10, 2015, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Fred Reeves, Chairman
Larry Boswell, Vice Chairman
Steve Frey, Secretary
Brian Howard, Director
Terra Knight, Attorney
Ward Pedley
John Kazlauskas
Lewis Jean
Beverly McEnroe
Manuel Ball
Larry Moore
Irvin Rogers

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CHAIRMAN: Call the September 10, 2015 meeting to order. We like to start each meeting with a prayer and pledge to flag. Beverly McEnroe will have it this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Remind all the commissioners and anybody in the audience who speaks, try to speak into your microphone so our stenographer can hear really well. Sometimes we lean back and forget to do that and it makes her job difficult.
All of you received a copy of the minutes in the mail. I assume you've had time to review them. Any corrections or additions to the minutes?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MS. McENROE: Mr. Chairman, I move that we accept the minutes.

CHAIRMAN: Motion by McEnroe.

MR. BALL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: They are approved unanimously.

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GENERAL BUSINESS

MAJOR SUBDIVISION PRELIMINARY PLATS
(Postponed from 8/13/15 meeting)

ITEM 3

Cornerstone Estates, 9.825 acres
Consider approval of a major subdivision preliminary plat.
Applicant: Bobby Woodward

MR. HOWARD: Mr. Chairman and Commissioners,
this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. It's a plat that was actually approved many years ago and
expired and so they've decided to move forward with it. Resubmitted it as a preliminary plat. So it's ready for your consideration.

CHAIRMAN: Anybody here representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Do you choose to make any comments, Mr. Riney?

MR. RINEY: No.

CHAIRMAN: Any commissioner have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion.

MR. KAZLAUSKAS: Make a motion that the application be approved.

CHAIRMAN: Motion by Mr. Kazlauskas. Do we have a second?

MR. BOSWELL: Second.

CHAIRMAN: Second by Mr. Boswell. Any questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion is approved.
MINOR SUBDIVISION PLATS

ITEM 4

8626 & 8634 Laketown Road, 54.964 acres & 8.648 acres
Consider approval of a minor subdivision plat.
Applicant: James & Vicky Rudy

MR. HOWARD: Mr. Chairman, this plat comes before you as an exception to the three to one requirements. They're creating an 8 acre parcel that has significant road frontage on Laketown Road, but it does exceed the three to one requirement. Based on our discussions with the applicant, it appears as though they intend to actually end up having over ten acres for that parcel at some point in the future, but there's some issues at this point so they're going short of that right now. The agricultural remainder has the minimum amount of road frontage and it's over ten acres and zoned agricultural. So with that we would recommend that you consider for approval with the exception of the three to one requirement.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Any of the commissioners have any questions about this plat?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a
motion.

MR. BALL:  Motion to approve.

CHAIRMAN:  Motion by Mr. Ball.  Is there a

second?

MR. FREY:  Second.

CHAIRMAN:  Second by Mr. Frey.  Questions or

concerns on the motion?

(NO RESPONSE)

CHAIRMAN:  All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  The motion passes unanimously.

ITEM 5

6252 Luther Taylor Road, 5.85 acres
Consider approval of a minor subdivision plat.
Applicant:  Louise Marksberry

MR. HOWARD:  This plat comes before you
requesting an exception on both the 3 to 1 requirement
and the minimum road frontage requirement.

The three to one requirement the staff
reported, they put the parcel further back in order to
take in an existing home that's on the property so it
can touch the lake as well.  We can't recommend
approval of the plat with the 50 foot right-of-way
that they've shown out to Luther Taylor Road.  The
agricultural remainder has about 3500 feet of road
frontage.
We would recommend for a plat like this that it meet the minimum of 100 feet of road frontage on Luther Taylor Road. That's what we would recommend. I'm not going to recommend for you guys to approve as is, but it's up to you all to do that. They have put a note on the plat that does state that if the plat is approved that there will be no further subdivisions of either this parcel or the remaining agricultural property that would not meet the subdivision and zoning ordinance requirements. So we have for that protection if it does move forward as is.

CHAIRMAN: Is there anyone representing the applicant?

MS. MARKSBERRY: Yes.

CHAIRMAN: Ma'am, would you like to speak to the commission? If you would, please come to the podium and be sworn in so you can be recorded.

MS. MARKSBERRY: I thought my surveyor would be here. I didn't know I would have to speak.

MS. KNIGHT: Would you please state your name for the record.

MS. MARKSBERRY: Janie Marksberry.

(JANIE MARKSBERRY SWORN BY ATTORNEY.)

MS. MARKSBERRY: I didn't know I was going to
be speaking here.

This is a family farm. There was a property, there's been a mobile home on this site for years. The reason we chose to possibly build a home up there in the future, my husband and I, that there's already water to that site and there's already electric to the site. As I stated before, there was a house on this site. It burned to the ground years ago. We don't want to ask for more frontage on the 50 foot because we farm this land. I mean there's 160 acres there total that's farmland and we don't want to take that away because the rest of that belongs to the family. I think the 50 foot, which is what the surveyor had come up with. It already had a house on it. Like I said, it burned years ago. My dad had been renting this out, the lot, to someone in a mobile for years and years. The reason it goes a little bit further back, is we were wanting to incumbent part of the lake. So that way if the farm was sold off later, we would still have the lake as part of our property.

CHAIRMAN: Thank you.

Commissioners, any of you have questions?

Mr. Boswell.

MR. BOSWELL: Mr. Chairman, I just want to clarify the issue I heard about the 100 foot of road...
frontage. Is that because it's a requirement within our --

MR. HOWARD: Yes. The zoning ordinance in an A-R zone the minimum road frontage, as stated, is 100 feet. The plat comes before you requesting two exceptions. One, the three to one, which it goes back deeper to get the lake and where the house site was. Like I said, I don't have an issue with that at all.

The other was the exception on the minimum road frontage, which we would recommend in a situation like this, that it have 100 feet. So it does meet that requirement.

When we look at this there's nothing out here topography-wise or whatever that it would keep that from happening, although the property is certainly farmed, I guess, and they don't want to infringe on that.

You all have the ability and authority to accept those exceptions so that's why it's brought before you all. I couldn't sign it in-house because it doesn't meet those requirement.

CHAIRMAN: Mr. Rogers.

MR. ROGERS: Brian, did you say that a note would be attached?

CHAIRMAN: Yes. There is a note. This was an
early copy. There is a note that says that the
property will, not only the 5.85 acre parcel, but the
agricultural remainder will not be further subdivided,
without meeting the requirements of the subdivision
regulation and zoning ordinance. That would cover it
in the event in the future if they wanted to come and
do more road frontage lots. They could certainly do
that, but it would prevent another lot similar to this
being created as a flag lot with minimum road frontage
that does meet the requirements in a 3 to 1 not being
met.

CHAIRMAN: Mr. Howard, would that concession
follow to the next owner?

MR. HOWARD: Yes, it would be on the recorded
plat. So no matter who owns it, and I know that
they're aware of it now, but if it sold in the future
it's on that recorded plat that there wouldn't be any
further subdivision. That's a pretty standard note.
We don't have a lot of these come before you guys.
When we do have those lots, they're an odd size and
shape. We will put that on there. That way there's
no confusion in the future, as far as what the
expectations of the commission are.

CHAIRMAN: Other questions?

Mr. Kazlauskas.
MR. KAZLAUSKAS: If we were to approve this, what would be the downside for this property? I know I'm asking you to look in the future, but what's the downside?

MR. HOWARD: For this one lot and with the note on the plat that there not be any further subdivision of the property that will be like this, it's going to be very minimal. Where it comes into play and why the requirements are in place for a minimum amount of road frontage and the 3 to 1 requirement is back years and years ago in the '80s and '90s you could do a bunch of flag lots. You could have six driveways right next to each other on 50 feet frontage that went back to larger and larger properties in the back which created issues for emergency service access and more points for cars turning in and out, that type of thing. So that's why those are in place.

If they're not met, I can't approve them in-house. I can't approve them at the staff level so they come here for exception.

This one lot, is it going to be that big of a deal? No, probably not, but we would still recommend it, if the road frontage is there to meet the minimum requirement. Again, you all can certainly make an
exception to that.

MR. KAZLAUSKAS: What you're suggesting is it would be flagged with an attachment to it?

MR. HOWARD: It will be, yes. There is a note on the plat in the other room. If it's approved like this, the note is already on there and when it's signed and recorded that note is on the plat and it will stay on the plat.

CHAIRMAN: Ms. Marksberry, are you agreeable with that note?

MS. MARKSBERRY: I don't know. What does the note say?

MR. HOWARD: In our mark up that we sent back to Joe, I don't have it in front of me, but basically it says that the 5.85 acre parcel and the parent tract cannot be further subdivided in any fashion that doesn't meet the subdivision regulations.

So you couldn't create another flag lot like this. You can create a road frontage lot that's 125 wide and 375 feet deep and it meets the three to one minimum road frontage requirements. You just wouldn't, in our mind, wouldn't be able to have any more exceptions to the subdivision regulations.

MS. MARKSBERRY: We totally agree with that.

We have no plan to develop it. We get income from the
CHAIRMAN: Thank you. I want to clarify that up to make sure the commission understood. Any other questions? 
(NO RESPONSE)
CHAIRMAN: Mr. Jean.
MR. JEAN: I make a motion we approve with the two exceptions.
CHAIRMAN: Mr. Jean has made a motion for approval. Do I have a second?
MR. ROGERS: I would like to second that motion.
CHAIRMAN: Any questions or concerns about the motion? 
(NO RESPONSE)
CHAIRMAN: If not all in favor raise your right hand. 
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The motion is approved. Thank you for coming, Ms. Marksberry. We appreciate it.
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NEW BUSINESS
ITEM 6
Consider approval of July 2015 financial statements
CHAIRMAN: All of you received a copy of the July 2015 financial statements. I'm going to make the assumption that you've had a chance to review them, look at them. Does anyone have any questions or concerns about anything in the financial statements?

(NO RESPONSE)

CHAIRMAN: If not the chair will entertain a motion to approve them.

MR. FREY: Mr. Chairman, I'd like to make a motion to approve.

CHAIRMAN: Is there a second to that motion?

MR. MOORE: Second.

CHAIRMAN: Mr. Moore second. Questions or questions about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion is approved unanimously.

I will say, just let you know that Mr. Boswell and I were at the office yesterday and we had a chance to visit with the auditors. They had some questions they wanted to ask us, clarify our role in the financial management. So we met with him for probably 10 or 15 minutes and had a good session. Look forward to the audit report coming out in the foreseeable
future.

ITEM 7

Comments by the Chairman

CHAIRMAN: Chair has no comments.

ITEM 8

Comments by the Planning Commissioners

CHAIRMAN: Any planning commissioners have any comments this evening?

(NO RESPONSE)

ITEM 9

Comments by the Director

* OMPC Fiscal Year 2015 Activity Report

CHAIRMAN: Mr. Howard, I think you have some comments.

MR. HOWARD: First is the fiscal year 2015 activity report. A copy of that was included in your packets. We will forward a copy to the elected officials for both city and county tomorrow.

Basically it just outlines the activities both on the planning and building side that the OMPC undertook in the last fiscal year 2015. So you can go through. I'm not going to go through line by line and talk about everything. You can certainly see that we had quite a few plats and rezonings that went through in the last year.
Then the building permit breakdown, it really shows how active our building department is. We have 222 new single-family residential permits issued last year. For a grand total of 962 building permits that were issued. 1,148 electrical permits. 335 HVAC permits. We did a 174 plan reviews last year, which is a huge number. Some of those are real simple plan reviews and others are massive plan reviews for new stores like Meijer's and things like that. The building office was very busy last year.

Then the last section there, building inspections, we did a total of 6,473 building inspections last year. That was up around 500 over the previous year. So we've had four inspectors over the last fiscal year that have been out there doing the 6,400 inspections, which that kind of transitions into my other thing as I mentioned.

Moving forward we're going to have three, Dennis Thermon retired from our office at the end of last month. So it was his last day. He was with us about 11 1/2 years. He's enjoying his retirement. I wanted to thank Dennis. He watches these meetings so it's a good opportunity to hear his name on television.

CHAIRMAN: Are we still going to see Dennis at

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Home Depot on weekends?

MR. HOWARD: Still see Dennis at Home Depot on weekends. Dennis was great to work with. He's a funny guy. He did really good work. He'll be missed. We still have three inspectors that are very capable of doing the job. That's what we've had historically. We brought another inspector on to kind of train him over the last couple of years in anticipation that some of our staff may be retiring at some point in the future. Dennis has done that and wish him the best. That's the only two items that I had.

CHAIRMAN: Anybody have any questions for Mr. Howard?

(NO RESPONSE)

CHAIRMAN: This is very impressive report. I think all of us have attended enough training sessions, work sessions to get a grasp of just how massive the amount of work this is that's done. We appreciate that very much and continue to get good feedback from out-of-town client on the timeliness of plan reviews. That they're used to waiting weeks and weeks, and usually within a few days they get back and they know they need to do to move forward with their project. We're very pleased with all Planning Staff and appreciate this report.
MR. KAZLAUSKAS: I think it's important for the public to know and understand that on all the work that's has been accomplished has been accomplished with less staff than has been in the past. They've actually been doing more work than they have in the past. I commend the Staff of stepping up and doing that.

CHAIRMAN: I think very well organized and very well managed. I think that's one of the good things. They know when they go out for the day they have a good plan. They get a done lot done because they know exactly what they're going to do where and when. I too appreciate them. Thank you, Mr. Kazlauskas, for mentioning that.

Anyone else have any comments for Mr. Howard?

MR. BOSWELL: Just a quick comment on what you all have mentioned. If you just take a quick look at it, this is very -- that's something on the order of almost 18 inspections a day, which is a pretty good load for the folks that were doing it. They did a fantastic job in getting this done. Great job.

MR. HOWARD: I'll just mention. One of the reasons why they do it so efficiently is all of our
building inspectors are crossed-trained. So one guy
goes to a site and although there might be three
permits, one for building, one for electrical and for
HVAC, they can do them all. Every single one of them
can do them all at the same time. So we don't send
one guy out to do building, one guy out to do
electrical and another one to do the HVAC. They all
do it all, and that's I think made our department very
efficient and Jim does a great job overseeing that.
They really do a fantastic job.

MR. BOSWELL: So, Brian, does they mean now
that you've got 3 they all will be working 12 hour
days.

MR. HOWARD: That's right. We're going to be
increasing the working load.

CHAIRMAN: Any other comments?

Mr. Pedley.

MR. PEDLEY: I'd like to congratulate Brian on
his first anniversary as Planning Director. I think
he's done a great job and congratulate him.

Brian has done a great job his first year. I
know he's got a lot of ideas for the future. We're in
good hands. It's not only Brian. I think all of his
staff, everyone in the planning office does a great
job. Jim, you can't beat him. He's been around so
long.

Melissa, it's amazing what Melissa has done. Then I like to welcome Mike Hill. I know he's got a lot of ideas. I'm real pleased and the Home Builders are very pleased with everything I hear.

Tuesday night we had a cookout, the associate members we had 280 members. We had a large ground. Matt Warren came to us, permitting and plan review process. He did a great job. We had a large crowd. Had a lot of good compliments on Matt. The contractors that I talked to and builders and everyone Matt is always very helpful. He's a plan reviewer. He's a building inspector. He knows the public improvement specifications very well. He's done a lot of that work for many years. I just want to get all this out. I think we have a great planning office. I think we have good leader.

MR. HOWARD: Thank you, sir.

CHAIRMAN: I couldn't agree more with you, Mr. Pedley. I think we've all seen that. A lot of credit to Brian and also a lot of credit to Mr. Noffsinger preceding him. He left us in good shape and Brian has picked it up and taken us many more steps down the road. We're proud of all of you.

I will entertain and get one more motion

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unless somebody else has something they would like to say.

MR. KAZLAUSKAS: Just to mention that Brian did get us, some of us to Seattle and back.

CHAIRMAN: Yes, he did.

Entertain a final motion.

MR. MOORE: I would like to make a motion to adjourn.

CHAIRMAN: Do we have a second to that motion?

MR. BOSWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The meeting is adjourned. Thank you very much.

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STATE OF KENTUCKY 
SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS 

I, JANE BELCHER, 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 30th day of September, 2015.

_________________________________________
JANE BELCHER.
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COMMISSION EXPIRES: DECEMBER 7, 2016
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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