

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 AUGUST 13, 2009

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

20 * * * * *

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

25 (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

1 ready for a 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.

10 ITEM 2

11 Review of OMPC activity for fiscal year ending June
12 30, 2009.

13 MR. NOFFSINGER: Mr. Chairman, each member has
14 been mailed a copy of some information that Planning
15 Staff has put together to describe the activities of
16 the Planning Commission over the past fiscal year. We
17 have also included in your package a comparison from
18 the previous fiscal year. So I would like to go over
19 this past fiscal year that would run from July 1 of
20 2008 to June 30 of 2009.

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

25 Coal mining applications we have a total of

1 two. Zoning text amendments, and this would be the
2 text of the Zoning Ordinance regulatory changes, we
3 had 12.

4 Minor subdivision plats we had 155. That's 59
5 in the city and 96 in the county. We didn't have any
6 major/minor subdivisions. Final subdivision plats,
7 16.

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

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

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

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

20 Conditional Use Permits that would go to the
21 Board of Adjustment for approval or consideration, 28.
22 Variance applications, 18. Administrative appeals
23 where someone might appeal the decision of the zoning
24 administrator or would ask to do something on a piece
25 of property that could only be approved by the Board

1 of Adjustment, 4.

2 And new addresses issued, and these would be
3 outside of new developments, a total of 24. Now,
4 that's an estimated number.

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

9 One of those was the preliminary development
10 plan that did not meet the requirements of the city
11 engineering office and the zoning ordinance. Two of
12 those were variance applications. Realize we did have
13 18 total variance applications. Two were denied. On
14 administrative appeals one was denied.

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

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

20 In the building department, we had a total of
21 856 building permits processed. We had 1,238
22 electrical permits processed.

23 We had plan review, this would be major plan
24 review for non-residential activity that the State of
25 Kentucky used to do back prior to, I think, 1997. You

1 used to have to go to Frankfort to get your plan
2 reviewed. We had 169 of those.

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

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

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

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

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

25 Last fiscal year we received a total of 48

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

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

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

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

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

20 We have also instituted a comment box in the
21 office so that anyone that comes into the office they
22 will be given an opportunity as they exit to do an
23 exit survey so we engage how the customer was treated
24 in the office and if their questions were answered in
25 a satisfactory manner.

1 Also just to give you an idea. For the past
2 nine working days we have kind of tallied how many
3 contacts we have in the office. We're running about,
4 in 9 days we're running about 424 phone calls, 168
5 persons in the office actually making contact, for a
6 total of 592 contacts.

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

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

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

25 To Ms. Evans, Brian Howard, Jim Mischel, Becky

1 Stone, Kyle Trunnell and Zack Williams, we appreciate
2 the contact you're making with the public. You are
3 the ones that are out there that are making the
4 contact with the public and guiding them in the right
5 direction. Based on the number of surveys that we
6 have here, obviously people are filling out the
7 surveys and we definitely appreciate the job you have.
8 I know we've talked or had a situation that we've
9 worked through. Appreciate your cooperation at all
10 times. You all do a great job and make our job much
11 much easier. Thank you all very much. The whole
12 commission and myself tremendously appreciate the job
13 you do as does the public obviously.

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

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17 ZONING CHANGES

18 ITEM 3

19 1300 Daniels Lane, 1041 Pleasant Valley Road, 147.446
20 acres (Applicant requests postponement)
21 Consider zoning change: From I-2 Heavy industrial and
22 I-1 Light Industrial to P-1 Professional/Service
23 Applicant: Owensboro Medical Health System, Inc.

24 MR. NOFFSINGER: Mr. Chairman, the applicant
25 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.

1 CHAIRMAN: Chair is ready for a motion.

2 MS. DIXON: Move to postpone.

3 CHAIRMAN: Motion for postponement by Ms.

4 Dixon.

5 MR. APPLEBY: Second.

6 CHAIRMAN: Second by Mr. Appleby. All in

7 favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 Related Item:

12 ITEM 3A

13 1300 Daniels Lane, 1041 Pleasant Valley Road, 147.446

14 acres (Applicant requests postponement)

15 Consider approval of a preliminary development plan.

16 Applicant: Owensboro Medical Health System, Inc.

17 MR. NOFFSINGER: The applicant too request a

18 postponement on this preliminary development plan.

19 CHAIRMAN: Chair is ready for a motion on this

20 item.

21 MR. APPLEBY: Move to postpone.

22 CHAIRMAN: Motion for postponement by Mr.

23 Appleby.

24 MR. MILLER: Second.

25 CHAIRMAN: Second by Mr. Miller. All in favor

raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 ITEM 4

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

10 MR. SILVERT: State your name, please.

11 MR. HOWARD: Brian Howard.

12 (BRIAN HOWARD SWORN BY ATTORNEY.)

13 PLANNING STAFF RECOMMENDATIONS

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

18 FINDINGS OF FACT:

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

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

3. The use of the property is to be

1 consistent with the goals of the adopted Downtown
2 Master Plan;

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

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

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

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

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

22 CHAIRMAN: Are there any questions?

23 (NO RESPONSE)

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

1 MR. ROGERS: Motion for approval based on
2 Planning Staff Recommendations and Findings of Fact 1
3 through 6.

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

6 MS. DIXON: Second.

7 CHAIRMAN: Second by Ms. Dixon. All in favor
8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item.

12 ITEM 5

13 3547-3909, 3741 Medley Road, 183 +/- acres
14 Consider zoning change: From EX-1 Coal Mining to A-U
15 Urban Agriculture
Applicant: James C. Ellis, III

16 PLANNING STAFF RECOMMENDATIONS

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

22 CONDITION:

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

25 FINDINGS OF FACT:

1 1. The subject property is located in a
2 Future Urban Plan Area, where agriculture/forestry
3 uses are appropriate in general locations;

4 2. The subject property is a large wooded
5 tract with agricultural and forestry potential;

6 3. All strip-mining activity ceased
7 approximately eight years ago; and,

8 4. The Owensboro Metropolitan Zoning
9 Ordinance Article 12a.31 requires that property shall
10 revert to its original zoning classification after
11 mining.

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

14 MR. SILVERT: State your name, please.

15 MR. PAYNE: My name is Bill Payne.

16 (BILL PAYNE SWORN BY ATTORNEY.)

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

22 To change it back to agricultural, which it
23 should be. I have no objection. I just couldn't
24 understand why Owensboro Medical Health System was
25 requesting a zoning change. I notice on your piece of

1 paper it says, James C. Ellis, so it must have been a
2 typo error.

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

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

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

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

11 Mr. Noffsinger.

12 MR. NOFFSINGER: Let me talk with our
13 attorney.

14 (MR. SILVERT AND MR. NOFFSINGER CONFER.)

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

17 MR. NOFFSINGER: Yes, sir, I believe that's
18 the case. That in fact letters to adjoining property
19 owners were correct; however, when it was published in
20 the local newspaper it was printed as being the
21 applicant the Owensboro Medical Health System. One of
22 two things happened. Either it was printed
23 incorrectly by the local paper or we made an error
24 when we sent the information over to be printed. I
25 would like to think that -- I wouldn't like to think,

1 but most likely we made the error in terms of
2 preparing that description to be sent. What we have
3 to do is take a look to see what we can do.

4 CHAIRMAN: Mr. Silvert.

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

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

16 MR. SILVERT: Yes, sir.

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

20 (NO RESPONSE)

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

23 MR. HAYDEN: I make a motion we approve with
24 Planning Staff Recommendations, the Condition and
25 Findings of Fact 1 through 4.

1 CHAIRMAN: We have a motion for approval by
2 Mr. Hayden.

3 MR. APPLEBY: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

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

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

14 ITEM 6

15 7452 US Highway 60 West, 0.36 +/- acres
16 Consider zoning change: From B-4 General Business to
17 R-1A Single-Family Residential
Applicant: George W. & Cynthia G. Johnson

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

22 CHAIRMAN: Are there any questions?

23 (NO RESPONSE)

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

1 MS. DIXON: Move to postpone.

2 CHAIRMAN: Motion for postponement by Ms.

3 Dixon.

4 MR. TAYLOR: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

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11 MINOR SUBDIVISIONS

12 ITEM 7

13 10799 Pup Creek Lane (Postponed at July 9, 2009
14 meeting)

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

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

1 recommend that the plat be approved.

2 CHAIRMAN: Are there any comments?

3 (NO RESPONSE)

4 CHAIRMAN: Any questions?

5 (NO RESPONSE)

6 CHAIRMAN: If not the chair is ready for a

7 motion.

8 MR. APPLEBY: Motion for approval.

9 CHAIRMAN: Motion for approval by Mr. Appleby.

10 MR. PEDLEY: Second.

11 CHAIRMAN: Second by Mr. Pedley. All in favor

12 raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Mr. Noffsinger, anything further on the

16 agenda?

17 MR. NOFFSINGER: That's it.

18 CHAIRMAN: Chair is ready for one final

19 motion.

20 MS. DIXON: Move to adjourn.

21 CHAIRMAN: Motion for adjournment by Ms.

22 Dixon.

23 MR. TAYLOR: Second.

24 CHAIRMAN: Second by Mr. Taylor. All in favor

25 raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: We are adjourned.

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16 WITNESS my hand and notary seal on this the
17 31st day of AUGUST, 2009.

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY