

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 JULY 12, 2012

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday, July
5 12, 2012, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 Ward Pedley, Vice Chairman
10 David Appleby, Secretary
11 Gary Noffsinger, Director
12 Madison Silver, Attorney
13 Margaret Cambron
14 Irvin Rogers
15 Wally Taylor
16 John Kazlauskas
17 Jason Strode
18 Fred Reeves

19 * * * * *

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

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 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.

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1 MR. PEDLEY: Motion for approval.
2 CHAIRMAN: Motion for approval by Mr. Pedley.
3 MR. STRODE: Second.
4 CHAIRMAN: Second by Mr. Strobe. 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 CHANGE

11 ITEM 2
12 2500 Barron Drive, 7.515 acres
Consider zoning change: From B-4 General Business
13 with conditions to B-4 General Business
Applicant: LSK Properties, LLC

14
15 MR. SILVERT: Would you state your name,
16 please?

17 MR. HOWARD: Brian Howard.
18 (BRIAN HOWARD SWORN BY ATTORNEY.)

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

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1 PLANNING STAFF RECOMMENDATIONS

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

4 CONDITIONS:

5 1. No access shall be permitted to the
6 Wendell Ford Expressway or Carter Road; and,

7 2. Access to Barron Drive shall be limited to
8 a potential of five access points in compliance with
9 the Access Management Manual subject to access number
10 and locations approved by KYTC as part of the
11 encroachment permit process.

12 FINDINGS OF FACT:

13 1. Staff recommends approval because the
14 proposal is in compliance with the community's adopted
15 Comprehensive Plan;

16 2. The subject property is located in a
17 Business Plan Area, where general business uses are
18 appropriate in limited locations;

19 3. The entire tract is currently zoned B-4
20 General Business; and,

21 4. With a traffic impact study required by
22 the KYTC to review the access to the property and with
23 the access plan in accordance with the Access
24 Management Manual, the proposal should not overburden
25 the capacity of roadway and other necessary urban

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1 services.

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

4 CHAIRMAN: Do we have anybody here
5 representing the applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Do we have any questions?

8 (NO RESPONSE)

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

11 MR. APPLEBY: Motion for approval based on
12 Staff Recommendations with Conditions 1 and 2 and
13 Findings of Fact 1 through 4.

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

16 MR. REEVES: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

22 ITEM 3

23 7232, 7244 Highway 56, 5.8+/- acres

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

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

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1 MR. SILVERT: State your name, please.

2 MS. EVANS: Melissa Evans.

3 (MELISSA EVANS SWORN BY ATTORNEY.)

4 PLANNING STAFF RECOMMENDATIONS

5 The Planning Staff recommends approval subject
6 to the findings of fact that follow:

7 FINDINGS OF FACT:

8 1. Staff recommends approval because the
9 subject property is located in a Rural Community Plan
10 Area where agriculture/forestry uses are appropriate
11 in general locations and the church is conditionally
12 permitted within an agriculture zone;

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

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

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

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

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

25 CHAIRMAN: Do we have anybody representing the
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1 applicant?

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

4 CHAIRMAN: Thank you, Mr. Kamuf.

5 Are there any questions?

6 (NO RESPONSE)

7 CHAIRMAN: Any questions from the audience?

8 (NO RESPONSE)

9 CHAIRMAN: Any questions from the commission?

10 (NO RESPONSE)

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

13 MR. PEDLEY: Motion for approval based on
14 Staff Recommendations and Findings of Fact 1 through
15 5.

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

18 MR. ROGERS: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item.

24 ITEM 4

25 7900 Windy Hill Road, 66+/- acres

Consider zoning change: From EX-1 Coal Mining to A-R

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1 Rural Agriculture
Applicant: John E. & Joan Roberts

2

3 PLANNING STAFF RECOMMENDATIONS

4 The Planning Staff recommends approval subject
5 to the findings of fact that follow:

6 FINDINGS OF FACT:

7 1. Staff recommends approval because the
8 proposal is in compliance with the community's adopted
9 Comprehensive Plan;

10 2. The subject property is located in a Rural
11 Maintenance Plan Area, where agriculture/forestry uses
12 are appropriate in general locations;

13 3. The subject property is a large tract with
14 agricultural and forestry potential;

15 4. The subject property has access to Windy
16 Hill Road with no new roads proposed;

17 5. All strip-mining activity has ceased on
18 the subject property; and

19 6. The Owensboro Metropolitan Zoning
20 Ordinance Article 12a.31 requires that property shall
21 revert to its original zoning classification after
22 mining.

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

25 CHAIRMAN: Do we have anybody here

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1 representing the 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 a ready for a
7 motion.

8 MR. ROGERS: Motion for approval based on
9 Planning Staff Recommendations with Findings of Facts
10 1 through 6.

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

13 MR. STRODE: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 ITEM 5

20 122 East 18th Street, 0.305 acres

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

Applicant: Carl T. Millay & Brenda J. Millay

22

23 PLANNING STAFF RECOMMENDATIONS

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

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1 CONDITIONS:

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

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

12 FINDINGS OF FACT:

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

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

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

22 4. Changes to the parking requirements in
23 2010 enable the existing parking lot to the rear of
24 the structure to meet the minimum parking requirement
25 for retail sales; and,

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

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

10 CHAIRMAN: Do we have anybody here
11 representing the applicant?

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

15 CHAIRMAN: Thank you, Mr. Kamuf.

16 Does anybody in the audience have any
17 questions?

18 (NO RESPONSE)

19 CHAIRMAN: Anybody on the commission?

20 (NO RESPONSE)

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

23 MR. STRODE: I'd like to make a motion for
24 approval based on Planning Staff Recommendations 1
25 through 5 and Conditions 1 through 2.

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

3 MR. PEDLEY: Second.

4 CHAIRMAN: We have a second by Mr. Pedley.
5 All in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 -----

10 MINOR SUBDIVISIONS

11 ITEM 6

12 6338, 6360 Sutherlin Lane, 26+/- acres
Consider approval of minor subdivision plat.

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

14
15 MR. NOFFSINGER: Mr. Chairman, this plat has
16 been reviewed by the Planning Staff and Engineering
17 Staff. It's found to be in order. It comes to you as
18 an exception to the subdivision regulations and Brian
19 Howard is here tonight to explain the exception to
20 you.

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

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

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

13 CHAIRMAN: Do we have anybody here
14 representing the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Does anybody have any questions?

17 (NO RESPONSE)

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

20 MR. APPLEBY: Motion for approval.

21 CHAIRMAN: Motion for approval by Mr. Appleby.

22 MR. REEVES: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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1 CHAIRMAN: Motion carry unanimously.

2 Next item.

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4 AGRICULTURAL DIVISIONS

5 ITEM 7

6 12442, 12544, 12572 Highway 951, 125.592 acres

Consider review of agricultural division plat.

7 Applicant: Daniel P. & Elaine Bowlds, et al

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

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

18 Through the means of an easement that's been
19 attached to the property that has frontage on Kentucky
20 1513, which is a family member of the property owners.
21 So they're creating basically a 27 acre parcel that
22 has no road frontage so it certainly could be signed
23 in-house.

24 Under the guidelines of the Nash test, which
25 went to the Supreme Court for Agriculture Divisions,

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1 they have added a note to the plat that states that
2 the acreage is for agricultural purposes only and
3 shall not be used for development purposes. It is a
4 farm tract and with that we would recommend that you
5 consider for review as approval of an agricultural
6 division.

7 CHAIRMAN: Do we have anybody her representing
8 the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Do we have any questions?

11 (NO RESPONSE)

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

14 MR. APPLEBY: Motion for approval.

15 CHAIRMAN: Motion for approval by Mr. Appleby.

16 MR. ROGERS: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 -----

21 NEW BUSINESS

22 ITEM 8

23 Consider approval of the May 2012 financial
24 statements.

25 MR. NOFFSINGER: Mr. Chairman, each member has
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1 been mailed a copy of the financial statements. They
2 were prepared by our accountant, Integrity Accounting,
3 and they're ready for your consideration.

4 CHAIRMAN: Does anybody have any questions?

5 (NO RESPONSE)

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

8 MR. REEVES: Motion to approve.

9 CHAIRMAN: Motion to approve by Mr. Reeves.

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: Mr. Chairman, one other item.

16 I have mailed out to each member a description
17 of the OMPC activity for fiscal year ending 6/30/12.

18 In that I have outlined to you the activities that
19 have occurred for the past year with the Commission
20 and with the Planning Staff. I'm not going to go
21 through all of these, but I do want to let the public
22 know a little bit about the activities and the numbers
23 of items that we have taken care of in the last year.

24 Under Zoning Applications, we've had 8
25 rezoning applications within the City of Owensboro, 21

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1 outside of the City of Owensboro. For a total of 29.
2 One of those applications was denied. The other 28
3 were approved. That one that was denied was in the
4 City of Whitesville.

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

8 Then Agricultural Divisions property surveys
9 we've had 31.

10 In the Building Department, we've had a total
11 of 203 new residential single-family permits issued.
12 128 of those were within the City of Owensboro, and 75
13 outside of the City of Owensboro, and outside of the
14 City of Whitesville.

15 In terms of Residential Other, which would
16 include garages, room additions and whatnot, we had
17 364 permits. That tells us that there is quite a bit
18 of operations, room additions, garages going on that
19 are of a residential nature.

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

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

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

9 The number of inspection, now keep in mind we
10 had a total of probably somewhere in the neighborhood
11 of 2500 total permits. We actually made 6,202
12 inspections. That's utilizing three inspectors that
13 are full-time inspectors. So they're averaging about
14 2000 inspections per year.

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

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

25 The next question: "Were all issues explained

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1 in a satisfactory manner?" Out of those 220 surveys
2 there was only one that answered, "No." The other 219
3 felt that their questions were answered. They might
4 not have received the answer that they want or would
5 have liked, but at least they did have it explained to
6 them in a satisfactory manner.

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

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

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

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

14 CHAIRMAN: With our three guys making 2000
15 inspections, that puts them on track if they're making
16 40 inspections a week, which they cover a lot of
17 ground.

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

19 CHAIRMAN: There was one comment here that I
20 will have to ask for clarification on.

21 "Shelly is the bomb."

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

24 CHAIRMAN: I was a little confused.

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

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1 that one.

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

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

7 MR. PEDLEY: Motion to adjourn.

8 CHAIRMAN: Motion to adjourn by Mr. Pedley.

9 MR. APPLEBY: Second.

10 CHAIRMAN: Second by Mr. Appleby. All in
11 favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: We are adjourned.

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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 20 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 9th day of August, 2011.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25

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