

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 10, 2015

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

8 MEMBERS PRESENT: Fred Reeves, Chairman
9 Larry Boswell, Vice Chairman
10 Steve Frey, Secretary
11 Brian Howard, Director
12 Terra Knight, Attorney
13 Ward Pedley
14 John Kazlauskas
15 Lewis Jean
16 Beverly McEnroe
17 Manuel Ball
18 Larry Moore
19 Irvin Rogers

20 * * * * *

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

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

26 CHAIRMAN: Remind all the commissioners and
27 anybody in the audience who speaks, try to speak into
28 your microphone so our stenographer can hear really
29 well. Sometimes we lean back and forget to do that
30 and it makes her job difficult.

1 All of you received a copy of the minutes in
2 the mail. I assume you've had time to review them.
3 Any corrections or additions to the minutes?

4 (NO RESPONSE)

5 CHAIRMAN: If not the chair will entertain a
6 motion.

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

9 CHAIRMAN: Motion by McEnroe.

10 MR. BALL: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: They are approved unanimously.

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16 GENERAL BUSINESS

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

18 ITEM 3

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

23 MR. HOWARD: Mr. Chairman and Commissioners,
24 this plat has been reviewed by the Planning Staff and
25 Engineering Staff. It's found to be in order. It's a
plat that was actually approved many years ago and

1 expired and so they've decided to move forward with
2 it. Resubmitted it as a preliminary plat. So it's
3 ready for your consideration.

4 CHAIRMAN: Anybody here representing the
5 applicant?

6 MR. RINEY: Yes.

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

9 MR. RINEY: No.

10 CHAIRMAN: Any commissioner have any
11 questions?

12 (NO RESPONSE)

13 CHAIRMAN: If not the chair will entertain a
14 motion.

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

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

19 MR. BOSWELL: Second.

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

22 (NO RESPONSE)

23 CHAIRMAN: All in favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: The motion is approved.

1 MINOR SUBDIVISION PLATS

2 ITEM 4

3 8626 & 8634 Laketown Road, 54.964 acres & 8.648 acres
4 Consider approval of a minor subdivision plat.

4 Applicant: James & Vicky Rudy

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

19 CHAIRMAN: Anyone here representing the
20 applicant?

21 (NO RESPONSE)

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

24 (NO RESPONSE)

25 CHAIRMAN: If not the chair will entertain a

1 motion.

2 MR. BALL: Motion to approve.

3 CHAIRMAN: Motion by Mr. Ball. Is there a
4 second?

5 MR. FREY: Second.

6 CHAIRMAN: Second by Mr. Frey. Questions or
7 concerns on the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The motion passes unanimously.

12 ITEM 5

13 6252 Luther Taylor Road, 5.85 acres
14 Consider approval of a minor subdivision plat.
15 Applicant: Louise Marksberry

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

19 The three to one requirement the staff
20 reported, they put the parcel further back in order to
21 take in an existing home that's on the property so it
22 can touch the lake as well. We can't recommend
23 approval of the plat with the 50 foot right-of-way
24 that they've shown out to Luther Taylor Road. The
25 agricultural remainder has about 3500 feet of road
frontage.

1 We would recommend for a plat like this that
2 it meet the minimum of 100 feet of road frontage on
3 Luther Taylor Road. That's what we would recommend.
4 I'm not going to recommend for you guys to approve as
5 is, but it's up to you all to do that. They have put
6 a note on the plat that does state that that if the
7 plat is approved that there will be no further
8 subdivisions of either this parcel or the remaining
9 agricultural property that would not meet the
10 subdivision and zoning ordinance requirements. So we
11 have for that protection if it does move forward as
12 is.

13 CHAIRMAN: Is there anyone representing the
14 applicant?

15 MS. MARKSBERRY: Yes.

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

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

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

23 MS. MARKSBERRY: Janie Marksberry.

24 (JANIE MARKSBERRY SWORN BY ATTORNEY.)

25 MS. MARKSBERRY: I didn't know I was going to

1 be speaking here.

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

21 CHAIRMAN: Thank you.

22 Commissioners, any of you have questions?

23 Mr. Boswell.

24 MR. BOSWELL: Mr. Chairman, I just want to
25 clarify the issue I heard about the 100 foot of road

1 frontage. Is that because it's a requirement within
2 our --

3 MR. HOWARD: Yes. The zoning ordinance in an
4 A-R zone the minimum road frontage, as stated, is 100
5 feet. The plat comes before you requesting two
6 exceptions. One, the three to one, which it goes back
7 deeper to get the lake and where the house site was.
8 Like I said, I don't have an issue with that at all.
9 The other was the exception on the minimum road
10 frontage, which we would recommend in a situation like
11 this, that it have 100 feet. So it does meet that
12 requirement.

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

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

22 CHAIRMAN: Mr. Rogers.

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

25 CHAIRMAN: Yes. There is a note. This was an

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

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

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

24 CHAIRMAN: Other questions?

25 Mr. Kazlauskas.

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

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

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

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

1 exception to that.

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

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

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

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

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

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

24 MS. MARKSBERRY: We totally agree with that.
25 We have no plan to develop it. We get income from the

1 farm so.

2 CHAIRMAN: Thank you. I want to clarify that
3 up to make sure the commission understood.

4 Any other questions?

5 (NO RESPONSE)

6 CHAIRMAN: Mr. Jean.

7 MR. JEAN: I make a motion we approve with the
8 two exceptions.

9 CHAIRMAN: Mr. Jean has made a motion for
10 approval. Do I have a second?

11 MR. ROGERS: I would like to second that
12 motion.

13 CHAIRMAN: Any questions or concerns about the
14 motion?

15 (NO RESPONSE)

16 CHAIRMAN: If not all in favor raise your
17 right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: The motion is approved.

20 Thank you for coming, Ms. Marksberry. We
21 appreciate it.

22 -----

23 NEW BUSINESS

24 ITEM 6

25 Consider approval of July 2015 financial statements

1 CHAIRMAN: All of you received a copy of the
2 July 2015 financial statements. I'm going to make the
3 assumption that you've had a chance to review them,
4 look at them. Does anyone have any questions or
5 concerns about anything in the financial statements?

6 (NO RESPONSE)

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

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

11 CHAIRMAN: Is there a second to that motion?

12 MR. MOORE: Second.

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

15 (NO RESPONSE)

16 CHAIRMAN: All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: The motion is approved unanimously.

19 I will say, just let you know that Mr. Boswell
20 and I were at the office yesterday and we had a chance
21 to visit with the auditors. They had some questions
22 they wanted to ask us, clarify our role in the
23 financial management. So we met with him for probably
24 10 or 15 minutes and had a good session. Look forward
25 to the audit report coming out in the foreseeable

1 future.

2 ITEM 7

3 Comments by the Chairman

4 CHAIRMAN: Chair has no comments.

5 ITEM 8

6 Comments by the Planning Commissioners

7 CHAIRMAN: Any planning commissioners have any
8 comments this evening?

9 (NO RESPONSE)

10 ITEM 9

11 Comments by the Director

12 * OMPC Fiscal Year 2015 Activity Report

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

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

19 Basically it just outlines the activities both
20 on the planning and building side that the OMPC
21 undertook in the last fiscal year 2015. So you can go
22 through. I'm not going to go through line by line and
23 talk about everything. You can certainly see that we
24 had quite a few plats and rezonings that went through
25 in the last year.

1 Then the building permit breakdown, it really
2 shows how active our building department is. We have
3 222 new single-family residential permits issued last
4 year. For a grand total of 962 building permits that
5 were issued. 1,148 electrical permits. 335 HVAC
6 permits. We did a 174 plan reviews last year, which
7 is a huge number. Some of those are real simple plan
8 reviews and others are massive plan reviews for new
9 stores like Meijer's and things like that. The
10 building office was very busy last year.

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

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

25 CHAIRMAN: Are we still going to see Dennis at

1 Home Depot on weekends?

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

12 CHAIRMAN: Anybody have any questions for
13 Mr. Howard?

14 (NO RESPONSE)

15 CHAIRMAN: This is very impressive report. I
16 think all of us have attended enough training
17 sessions, work sessions to get a grasp of just how
18 massive the amount of work this is that's done. We
19 appreciate that very much and continue to get good
20 feedback from out-of-town client on the timeliness of
21 plan reviews. That they're used to waiting weeks and
22 weeks, and usually within a few days they get back and
23 they know they need to do to move forward with their
24 project. We're very pleased with all Planning Staff
25 and appreciate this report.

1 MR. KAZLAUSKAS: I think it's important for
2 the public to know and understand that on all the work
3 that's has been accomplished has been accomplished
4 with less staff than has been in the past. They've
5 actually been doing more work than they have in the
6 past. I commend the Staff of stepping up and doing
7 that.

8 CHAIRMAN: I think very well organized and
9 very well managed. I think that's one of the good
10 things. They know when they go out for the day they
11 have a good plan. They get a done lot done because
12 they know exactly what they're going to do where and
13 when. I too appreciate them.

14 Thank you, Mr. Kazlauskas, for mentioning
15 that.

16 Anyone else have any comments for Mr. Howard?

17 MR. BOSWELL: Just a quick comment on what you
18 all have mentioned.

19 If you just take a quick look at it, this is
20 very -- that's something on the order of almost 18
21 inspections a day, which is a pretty good load for the
22 folks that were doing it. They did a fantastic job in
23 getting this done. Great job.

24 MR. HOWARD: I'll just mention. One of the
25 reasons why they do it so efficiently is all of our

1 building inspectors are crossed-trained. So one guy
2 goes to a site and although there might be three
3 permits, one for building, one for electrical and for
4 HVAC, they can do them all. Every single one of them
5 can do them all at the same time. So we don't send
6 one guy out to do building, one guy out to do
7 electrical and another one to do the HVAC. They all
8 do it all, and that's I think made our department very
9 efficient and Jim does a great job overseeing that.
10 They really do a fantastic job.

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

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

16 CHAIRMAN: Any other comments?

17 Mr. Pedley.

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

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

1 long.

2 Melissa, it's amazing what Melissa has done.

3 Then I like to welcome Mike Hill. I know he's
4 got a lot of ideas. I'm real pleased and the Home
5 Builders are very pleased with everything I hear.

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

18 MR. HOWARD: Thank you, sir.

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

25 I will entertain and get one more motion

1 unless somebody else has something they would like to
2 say.

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

5 CHAIRMAN: Yes, he did.

6 Entertain a final motion.

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

9 CHAIRMAN: Do we have a second to that motion?

10 MR. BOSWELL: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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

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1 STATE OF KENTUCKY)
)SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, JANE BELCHER, Notary Public in and for the
4 State of Kentucky at Large, do hereby certify that the
5 foregoing Owensboro Metropolitan Planning Commission
6 meeting was held at the time and place as stated in
7 the caption to the foregoing proceedings; that each
8 person commenting on issues under discussion were duly
9 sworn before testifying; that the Board members
10 present were as stated in the caption; that said
11 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 30th day of September, 2015.

18
19
20 _____
 JANE BELCHER.
 ID NO. 479570
 OHIO VALLEY REPORTING SERVICES
21 2200 E. PARRISH AVE, SUITE 106E
 OWENSBORO, KENTUCKY 42303

22
23 COMMISSION EXPIRES: DECEMBER 7, 2016

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY
25